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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

EARL RAFEL GADDIS, JR.

APPELLANT

APPELLATE CASE NO. 2021-000826

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

**STATE'S EXHIBIT NOS. 10-13 (PHOTOS), STATE'S EXHIBIT NO. 63 (DVD),
STATE'S EXHIBIT NO. 64 (DVD), STATE'S EXHIBIT NO. 65 (DVD), AND STATE'S
EXHIBIT NO. 94 (DVD)**

July 19-22, 2021

BEFORE: The Honorable D. Craig Brown

10 STATE OF SOUTH CAROLINA,
11 Plaintiff,
12 vs.
13 EARL RAFEL GADDIS, JR.,
14 Defendant.

17 || APPEARANCES:

Cara Walker, Esq.
Josh Holford, Esq.
Appearing for the State.

Johnny Gardner, Esq.
Appearing for the Defendant.

Official Court Reporter
Natalie Dahl, RPR

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P.O. Box 762
Conway, SC 29526

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1 P-R-O-C-E-E-D-I-N-G-S

2 (State's Exhibits 1 through 63 marked.)

3 THE COURT: State ready to proceed?

4 MS. WALKER: Yes, Your Honor.

5 THE COURT: Defense?

6 MR. GARDNER: Yes, Your Honor.

7 THE COURT: Madam Solicitor, call the case,
8 please.

9 MS. WALKER: Yes, sir. The State calls the State
10 of South Carolina versus Earl Gaddis. He's before
11 Your Honor on multiple charges; first of which is
12 Indictment 2019-GS-26-3346 for the offense of murder;
13 Indictment 2019-GS-26-3347 for possession of a weapon
14 during the commission of a violent crime;
15 2019-GS-26-3348, possession of a stolen pistol;
16 2019-GS-26-3350, possession with intent to distribute
17 marijuana first offense; 2019-GS-26-3351 for unlawful
18 carrying of a pistol; and 2019-GS-26-3352, possession
19 of a Schedule I through V drug first offense;
20 2019-GS-26-3353, possession of a Schedule I to V first
21 offense.

22 THE COURT: All right. Ladies and gentlemen, the
23 State called the case of State of South Carolina
24 versus Earl Rafel Gaddis, Junior. Mr. Gaddis is
25 charged by several indictments with several different

JURY SELECTION

1 offenses; the first of which is murder. That
2 indictment reads as follows: That Earl Rafel Gaddis,
3 Junior, did in Horry County near Ocean Boulevard and
4 Withers Alley, on or about June 7, 2018, willfully,
5 feloniously, and intentionally kill the victim,
6 Sylvester Bellamy, with malice aforethought, either
7 expressed or implied, by means of multiple gunshot
8 wounds, and the victim did die as a proximate result
9 thereof on or about -- in Horry County, in violation
10 of Section 16-3-10 South Carolina Code of Laws; that
11 is Indictment 2019-GS-26-3346.

12 Under Indictment 2019-GS-26-3347, Mr. Gaddis is
13 charged with the offense of possession of a weapon
14 during the commission of a violent crime. That
15 indictment reads that Earl Rafel Gaddis, Junior, in
16 Horry County, on or about June 7, 2018, possess a
17 firearm, or visibly displayed what appeared to be a
18 firearm, or visibly displayed a knife during the
19 commission, or attempted commission, of a violent
20 crime in violation of Section 16-23-490 of the South
21 Carolina Code of Laws.

22 Under 2019-GS-26-3348, that indictment is for a
23 charge of possession of a stolen pistol. That
24 indictment reads that Earl Rafel Gaddis, Junior, did
25 in Horry County, on or about June 7, 2018, knowingly

JURY SELECTION

1 buy, sell, transport, pawn, receive, or possess a
2 stolen pistol, or one which the original serial number
3 has been removed or obliterated in violation of
4 Section 16-23-30(c) of the South Carolina Code of
5 Laws.

6 Under Indictment 2019-GS-26-3350, Mr. Gaddis is
7 charged with the offense of possession of marijuana
8 with the intent to distribute. That indictment reads
9 that Earl Rafel Gaddis, Junior, did in Horry County,
10 on or about June 7, 2018, possess with an intent to
11 distribute, dispense, or deliver, or did aid, abet,
12 attempt, or conspired to distribute, dispense, or
13 deliver a quantity of marijuana, a controlled
14 substance, under the provisions of Section 44-53-110
15 of the South Carolina Code of Laws. Such possession
16 not having been authorized by law, and in violation of
17 Section 44-53-370(b)(2) of the South Carolina Code of
18 Laws.

19 Under Indictment 2019-GS-26-3351, Mr. Gaddis is
20 charged with the offense of unlawful carrying of a
21 pistol. That indictment reads that Earl Rafel Gaddis,
22 Junior, on or about June 7, 2018, did carry about the
23 person a pistol, such carrying not being authorized by
24 law, in violation of Section 16-23-20 of the South
25 Carolina Code of Laws.

JURY SELECTION

1 Indictment 2019-GS-26-3352, Mr. Gaddis is charged
2 with possession of a Schedule I to V drug. That
3 indictment reads that Earl Rafel Gaddis, Junior, did
4 in Horry County, on or about the 7th day of June 2018,
5 knowingly and intentionally possess a quantity of 16
6 pills identified as oxycodone hydrochloride, a
7 Schedule II controlled substance, under provisions of
8 44-53-110 of the South Carolina Code of Laws; such
9 possession not having been authorized by law in
10 violation of Section 44-53-370(d)(2) of the South
11 Carolina Code of Laws.

12 Indictment 2019-GS-26-3353, Mr. Gaddis is charged
13 with possession of a Schedule I to V drug, and that
14 indictment reads that Earl Rafel Gaddis, Junior, did
15 in Horry County, on or about June 7, 2018, knowingly
16 and intentionally possessed a quantity of 20 pills
17 identified as alprazolam, a Schedule IV controlled
18 substance, under the provisions of Sections 44-53-110
19 of the South Carolina Code of Laws; such possession
20 not having been authorized by law and in violation of
21 section 44-53-370(d)(2) of the South Carolina Code of
22 Laws.

23 Ladies and gentlemen, what I've just read to you
24 are indictments in this case. They are not evidence
25 in this case. To each of these charges, Mr. Gaddis

JURY SELECTION

1 has pled not guilty; therefore, the State of South
2 Carolina bears the burden of proving his guilt to you
3 all beyond a reasonable doubt.

4 Now, before I determine -- or the Court
5 determines your qualifications to serve on this jury,
6 there are certain questions that I must ask of you.

7 Is there any member of the jury panel that has
8 ever been related by blood, connected by marriage, had
9 a close personal, business, or social relationship
10 with the plaintiff, Earl Rafel Gaddis, Junior, or
11 Mr. Sylvester Bellamy; if so, please stand?

12 MS. WALKER: Your Honor, could we approach one
13 second?

14 THE COURT: Yes.

15 (Whereupon, a bench conference was had out of
16 the hearing of the jury:)

17 THE COURT: The following is a list of
18 potential -- and I emphasize "potential" -- just
19 because they are on this list doesn't mean they are
20 going to be called. This potential list of witnesses
21 includes 40 names, so what I'm going to do is break
22 them down into different groups, probably groups of
23 ten, okay. Listen carefully to the potential list of
24 witnesses: Private First Class Hincy, Myrtle Beach
25 Police Department; Mr. Channanio, Myrtle Beach Police

JURY SELECTION

1 Department; Sergeant Quinn, Myrtle Beach Police
2 Department; Mr. Bellamy who used to be with Myrtle
3 Beach Police Department who is now with the Horry
4 County Coroner's Office; Scott Williamson, Myrtle
5 Beach Police Department; Justin Amos, Myrtle Beach
6 Police Department; Orien Cozene, Myrtle Beach Police
7 Department; CSI Nate Howitt, Myrtle Beach Police
8 Department; Allen Amick, Myrtle Beach Police
9 Department; Malinda Shadoan, Myrtle Beach Police
10 Department. Is there any member of the jury panel
11 related by blood, connected by marriage, has a close
12 personal or social relationship with any of those
13 potential witnesses; if so, please stand?

14 All right. The next group John Stegall, Myrtle
15 Beach Police Department; Kristi Muhlbaier, Myrtle
16 Beach Police Department; D.R. Snyder, Myrtle Beach
17 Police Department; Nicole Shelton formerly with the
18 Myrtle Beach Police Department; Shannon Toole, retired
19 from the Myrtle Beach Police Department; Private First
20 Class Welch, Myrtle Beach Police Department; S.
21 Clarkson, Myrtle Beach Police Department; Angel
22 Walker, Myrtle Beach Police Department; S.T. Crawford,
23 Myrtle Beach Police Department; A.A. Curry, Myrtle
24 Beach Police Department. Any member of the jury panel
25 related by blood, connected by marriage, have a close

JURY SELECTION

1 personal or social relationship with any of those
2 potential witnesses; if so, please stand?

3 All right. L.D. Slone, Myrtle Beach Police
4 Department; R. Arroyo, Myrtle Beach Police Department;
5 Chad Rose, Myrtle Beach Police Department; Kurt
6 Hunter, Myrtle Beach Police Department; Parker Rehm,
7 Myrtle Beach Police Department; Dr. Ellen Riemer,
8 medical University of South Carolina; Agent Brian
9 Truex, South Carolina Law Enforcement Division, also
10 known as SLED; Analyst Michele Eichenmiller with SLED;
11 Analyst Ila Simmons, SLED; Analyst Adrienne Hefney
12 with SLED. Any member of the jury panel related by
13 blood, connected by marriage, have a close business or
14 personal or social relationship with those potential
15 witnesses; if so, please stand?

16 All right. Jamie hall with SLED; Gaile Heath
17 with SLED; Julia Begeman with SLED; Douglas Robinson,
18 SLED; Doris Yarborough, formerly with SLED; Charlotte
19 Pitts, formerly with SLED; Chelsea Toler Trakas;
20 Courtney Johnson, Horry County Police Department; dean
21 Bishop, Fifteenth Circuit Drug Enforcement Unit; Brad
22 Townsend, Fifteenth Circuit Solicitor's Office
23 investigator. Is there any member of the jury panel
24 ever been related by blood, connected by marriage, had
25 a close personal or business or social relationship

JURY SELECTION

1 with any of those potential witnesses; if so, please
2 stand?

3 At this time if the attorneys for the State
4 followed by defense counsel would stand and introduce
5 themselves, please.

6 MS. WALKER: Yes, Your Honor. I'm Cara Walker
7 with Horry County Solicitor's Office. I've been here
8 about five years working with Mr. Josh Holford on his
9 team.

10 MR. HOLFORD: I'm Josh Holford, Senior Assistant
11 Solicitor for Horry County. I've been here since
12 2012.

13 MR. GARDNER: I'm Johnny Gardner. I practice law
14 here by myself here in Conway and have almost 30
15 years.

16 THE COURT: Any member of the jury panel ever
17 been related by blood, connected by marriage, have a
18 close personal or business relationship or ever been
19 represented by any of the attorneys involved in this
20 case; if so, please stand?

21 Any member of the jury panel form or expressed an
22 opinion about any issue or matter involved in this
23 case; if so, please stand?

24 Is there any member of the jury panel that is
25 aware of any bias or prejudice towards either the

JURY SELECTION

1 State or the defendant in this case; if so, please
2 stand?

3 Is there any member of the jury panel who is a
4 member of or contributor to any group which has as its
5 primary concern the promotion of law enforcement or
6 victims rights; these might include, but certainly are
7 not limited to MADD, SADD, or Citizens Against Violent
8 Crime; if so, please stand?

9 Any member of the jury panel know of any reason
10 -- any reason, whatsoever, why he or she should not
11 serve as a member of this jury with a particular
12 emphasis placed upon your ability to be fair and
13 impartial to both the State and the defense; if so,
14 please stand?

15 THE COURT: State have any additional voir dire?

16 MS. WALKER: Nothing, Your Honor.

17 THE COURT: Defense counsel.

18 MR. GARDNER: No, Your Honor.

19 THE COURT: State ready to proceed with striking
20 the jury?

21 MS. WALKER: Yes, sir.

22 THE COURT: Defense counsel?

23 MR. GARDNER: Yes.

24 THE COURT: Five and ten on the strikes. Two
25 alternates; one and two on each alternate.

JURY SELECTION

1 MR. HOLFORD: Yes, sir.

2 THE COURT: Madam clerk.

3 THE CLERK: If I call your name and juror number,
4 please stand and face the front of the courtroom.

5 Michael Maslanka, No. 195; if you will walk to
6 the front of the courtroom and bring your belongings.

7 What say the State?

8 MS. WALKER: Please present this juror.

9 THE CLERK: Defense?

10 MR. GARDNER: Please excuse this juror.

11 THE CLERK: Betty Walker, No. 336; what say the
12 State?

13 MS. WALKER: Please excuse this juror.

14 THE CLERK: You're excused from this particular
15 case. Thank you.

16 Whitney Pierce, No. 248; what say the State?

17 MS. WALKER: Please present this juror.

18 THE CLERK: Defense?

19 MR. GARDNER: Swear the juror, please.

20 THE CLERK: If you will, have a seat in the jury
21 box.

22 Eric Vereen, No. 331; what say the State?

23 MS. WALKER: Please present this juror.

24 THE CLERK: Defense?

25 MR. GARDNER: Swear the juror.

JURY SELECTION

1 THE CLERK: Please have a seat in the jury box.

2 Laura Plesnicar, No. 250; what say the State?

3 MS. WALKER: Please present this juror.

4 THE CLERK: Defense?

5 MR. GARDNER: Please excuse this juror.

6 THE CLERK: You're excused from this particular
7 case.

8 Christopher Lewis, No. 175; what say the State?

9 MS. WALKER: Please present this juror.

10 THE CLERK: Defense?

11 MR. GARDNER: Swear the juror, Your Honor.

12 THE CLERK: Please be seated in the jury box.

13 Jan Flynn, No. 99; what say the State?

14 MS. WALKER: Please present this juror.

15 THE CLERK: Defense?

16 MR. GARDNER: Please excuse this juror, Your
17 Honor.

18 THE CLERK: You're excused from this particular
19 case.

20 Keri Melson, No. 216; what say the State?

21 MS. WALKER: Please present this juror.

22 MR. GARDNER: Please excuse this juror.

23 THE CLERK: Whitney Smith, 297; what say the
24 State?

25 MS. WALKER: Please present this juror.

JURY SELECTION

1 THE CLERK: Defense?

2 MR. GARDNER: Please swear the juror.

3 THE CLERK: Patrick Bielopetrovich, No. 27, I'm
4 sorry; what say the State?

5 MS. WALKER: Please present this juror.

6 THE CLERK: Defense?

7 MR. GARDNER: Please excuse this juror.

8 THE CLERK: Reginald Graham, No. 112; what say
9 the State?

10 MS. WALKER: Please present this juror.

11 THE CLERK: Defense?

12 MR. GARDNER: Swear the juror, Your Honor.

13 THE CLERK: Please be seated in the jury box.

14 James Cole, No. 54; what say the State?

15 MS. WALKER: Please present this juror.

16 THE CLERK: Defense?

17 MR. GARDNER: Please swear the juror.

18 THE CLERK: Please be seated in the jury box.

19 Michael Baker, No. 14; what say the State?

20 MS. WALKER: Please excuse this juror.

21 THE CLERK: You have been excused from this
22 particular case.

23 Mitchell Hughes, No. 136; what say the State?

24 MS. WALKER: Please present this juror.

25 THE CLERK: Defense?

JURY SELECTION

1 MR. GARDNER: Swear the juror, Your Honor.

2 THE CLERK: Please be seated in the jury box.

3 Rachel Cox, No. 61; what say the State?

4 MS. WALKER: Please excuse this juror.

5 THE CLERK: Cleo Martin, No. 192; what say the
6 State?

7 MS. WALKER: Please present this juror.

8 THE CLERK: Defense?

9 MR. GARDNER: Please excuse this juror.

10 THE CLERK: Kurt Cline, No. 156; what say the
11 State?

12 MS. WALKER: Please present this juror.

13 THE CLERK: Defense?

14 MR. GARDNER: Please excuse this juror.

15 THE CLERK: You're excused from this particular
16 case.

17 Stephen Chanilo, No. 49; what say the State?

18 MS. WALKER: Please present this juror.

19 THE CLERK: Defense?

20 MR. GARDNER: Swear the juror.

21 THE CLERK: Wayne Simpson, No. 290; what say the
22 State?

23 MS. WALKER: Please present this juror.

24 THE CLERK: Defense?

25 MR. GARDNER: Please excuse this juror.

JURY SELECTION

1 THE CLERK: Erwin Mata, No. 197; what say the
2 State?

3 MS. WALKER: Please present this juror.

4 THE CLERK: Defense?

5 MR. GARDNER: Swear the juror, Your Honor.

6 THE CLERK: Please be seated in the jury box.

7 Polly Compston, No. 57; what say the State?

8 MS. WALKER: Please present this juror.

9 THE CLERK: Defense?

10 MR. GARDNER: Swear the juror.

11 THE CLERK: Please be seated in the jury box.

12 Brandy Richardson, No. 266; what say the State?

13 MS. WALKER: Beg the Court's indulgence.

14 (A brief pause in the proceedings.)

15 MS. WALKER: Please excuse this juror.

16 THE CLERK: You're excused from this particular
17 case.

18 Teddy Strickland, No. 310; what say the State?

19 MS. WALKER: Please present this juror.

20 THE CLERK: Defense?

21 MR. GARDNER: Swear the juror, Your Honor.

22 THE CLERK: Please be seated in the jury box.

23 Edward Flowers, No. 95; what say the State?

24 MS. WALKER: Please present this juror.

25 THE CLERK: Defense?

JURY SELECTION

1 MR. GARDNER: Swear the juror.

2 THE COURT: Two alternates.

3 THE CLERK: Dennis Lefmann, No. 173; what say the
4 State?

5 MS. WALKER: Please present this juror.

6 THE CLERK: Defense?

7 MR. GARDNER: Please excuse this juror.

8 THE CLERK: Steven Delp, No. 77; what say the
9 State?

10 MS. WALKER: Please excuse this juror.

11 THE CLERK: You are excused from this particular
12 case.

13 Amy Vellucci No. 330; what say the State?

14 MS. WALKER: Please present this juror.

15 THE CLERK: Defense?

16 MR. GARDNER: Swear the juror.

17 THE CLERK: Please be seated in the jury box.

18 Philip Roberts, No. 270; what say the State?

19 MS. WALKER: Please present this juror.

20 THE CLERK: Defense?

21 MR. GARDNER: Swear the juror.

22 THE COURT: Any matters of law we need to take up
23 from State?

24 MS. WALKER: No, Your Honor.

25 THE COURT: Defense counsel?

JURY SELECTION

1 MR. GARDNER: No, Your Honor.

2 THE COURT: Can the lawyers approach for a
3 minute, please?

4 (Whereupon, a bench conference was had.)

5 THE COURT: Ladies and gentlemen, those of you
6 seated in the jury room box, you are selected as fair
7 and impartial jurors in this case. What I'm going to
8 do is excuse you and let you go to lunch. I'll give
9 you a quite lengthy lunch today because there is
10 matters we need to take up outside of your presence.
11 What I'll do is I'll ask that you be back at
12 3 o'clock -- be back at 3:00 o'clock.

13 Before I cut you loose, I'll give you a few
14 instructions. You know very little about this case,
15 ladies and gentlemen, other than what I've told you,
16 okay. Having said that, you are not -- you are not to
17 do any independent investigation about this case. You
18 are to decide this case based solely -- solely upon
19 the evidence and testimony as presented in this
20 courtroom and nowhere else.

21 Now, as you serve as jurors on this case this
22 week, I will instruct you, ladies and gentlemen, and
23 the lawyers are well aware of this, but you are not to
24 have any discussions with anyone that may be involved
25 in this case. The best practice and policy as you

JURY SELECTION

1 serve this week is to stay to yourself or with your
2 fellow jurors, okay. Innocent conversations could be
3 misconstrued; so stay by yourself or fellow jurors.
4 If you see one of the attorneys and they don't speak
5 to you, they are not unfriendly, they are simply
6 following the Court's instructions.

7 Having said that, while you serve as jurors,
8 while you are in the jury room, you are not permitted
9 to have a cell phone or electronic communicating
10 devices in the jury room. If you need to provide a
11 number for someone to get in touch with you, the --
12 Mr. Bobby over there will give you a number that you
13 can give to your family if someone needs to get in
14 touch with you. You will be able -- you will be able
15 to be reached quicker that way than otherwise.

16 Now, as you serve this week -- or serve with me
17 in here during this trial, I want you to be
18 comfortable while you serve. Some of you may be hot
19 natured; some cold natured. I'm hot natured. I think
20 it is hot in here, so we need to see something about
21 the thermostat this afternoon. I want you to be
22 comfortable. If you are cold natured, bring a jacket.
23 If you are hot natured, I'm not going to let you take
24 off clothing but so much, but you can layer up as much
25 as you want to, okay. I sit up here elevated and, you

JURY SELECTION

1 know, heat rises. I'm seated elevated up here and
2 have an undershirt, dress shirt, tie, and this robe is
3 part of my uniform. It is like having a blanket
4 wrapped around me. I used to drink a lot of coffee,
5 but I quit drinking that to make sure it didn't keep
6 me as hot as I always am. But it doesn't matter if it
7 is hundred degrees, my wife and I go somewhere and she
8 takes a sweater with her. So please make sure you are
9 comfortable.

10 Court hours will run this week, we will typically
11 start in the morning around 9:00, 9:30, run about
12 hour-and-a-half, take a mid-morning break, run another
13 hour-and-a-half or thereabouts. Typically, break for
14 lunch is around 1 o'clock, but that is not set in
15 stone, okay. If it is 12 o'clock or 12:15 or
16 12:30 and the lawyers advise me that the next witness
17 is lengthy, we may break at that point rather than
18 that a chance and going later in the day before lunch.
19 Typically, we'll resume at 2:00, 2:15, 2:30. I
20 usually give you about an hour-and-15 to an
21 hour-and-a-half lunch break so you don't have to rush
22 in and out of here, find parking, and be stressed out
23 about that. Typically, we'll resume around 2:00 or
24 2:30, going about an hour-and-a-half, break,
25 hour-and-a-half, break for the evenings. Very

JURY SELECTION

1 rarely -- very rarely will you be here beyond 6
2 o'clock at night. Having said that, you know, if it
3 is 4 o'clock in the afternoon or 4:30, and the lawyers
4 advise that the next witness may be lengthy, I may let
5 you go home for the balance of the day at that point.
6 I'm trying to tell you this for scheduling purposes so
7 you have an idea how we will run court in here, and so
8 you can plan accordingly.

9 Anything from the State at this point before I
10 release the jury?

11 MS. WALKER: Nothing, Judge.

12 THE COURT: Defense?

13 MR. GARDNER: No, Your Honor.

14 THE COURT: I'll let you go to lunch. Mr. Bobby
15 will show you where to be back, but be here at 3
16 o'clock. I'll let you go to lunch. We in the
17 courtroom will go to lunch right now, but we'll be
18 back here probably about 1:30 to handle whatever we
19 need to handle before you all get back, okay.

20 Let me say this before I let you break. There
21 may be times, ladies and gentlemen, that you are here
22 and you are seated back in that jury room, and you may
23 be seated back there for a period of time, okay. I
24 want you all to understand and know that I realize and
25 I respect the fact that you have lives outside of this

JURY SELECTION

1 courtroom, but there may be times that you all are
2 sitting back there, but I can promise you that if you
3 are sitting back there, I'm not sitting in my office
4 drinking coffee or soft drinks and eating donuts or
5 whatever. We're out here doing work and there is
6 things that we have to do outside of your presence.
7 It is my responsibility -- and I take it serious -- to
8 make the most efficient use of your time when you are
9 here, okay. So I will do that as you serve this week;
10 but having said that, I want you to understand there
11 may be times that you are having to sit back there for
12 a period of time, but it is not a situation where we
13 are not out here working and just killing time, so to
14 speak.

15 You are free to go at this point. Please be back
16 at 3 o'clock, and we'll start the trial of this case
17 promptly as possible at that point.

18 (The jury exits at 12:15 p.m., and the
19 following is heard out of the presence of the jury.)

20 THE COURT: Ladies and gentlemen, those of you
21 seated out in the audience, you were not selected to
22 serve on this jury; however, that does not mean that
23 you are not going to be selected to serve this week.
24 I'll release you all for the balance of today. You
25 all should have a telephone number; I guess it's on

JURY SELECTION

1 one of your cards or some type of paper you have.
2 There is a telephone number on there that you need to
3 call back tonight after 6 o'clock. It will be a
4 recording that gives you instructions as far as what
5 you should do concerning tomorrow, and possibly the
6 remainder of the week. It is a recording. If you
7 forget to call it before you go to bed, and say you
8 wake up at 1 o'clock in the morning and say, Oh, my
9 God, I forgot to call that number, make sure you call
10 that number. Make sure you call that number in enough
11 time to get back here by 9:00 or 9:30 tomorrow
12 morning, if that is what the instruction is, okay.

13 But you are free to go. Thank you for being
14 here. Have a nice rest of the day.

15 (The remaining juror panel exits the courtroom.)

16 THE COURT: Anything from the State before we
17 break?

18 MS. WALKER: No, Your Honor.

19 THE COURT: Defense?

20 MR. GARDNER: I have another matter unrelated to
21 today. It is a scheduling matter about tomorrow. Do
22 you have a minute for me to ask you during the break,
23 or now?

24 THE COURT: Go ahead.

25 MR. GARDNER: I have one girl that lives here in

JURY SELECTION

1 Conway. She's on that roster for tomorrow. I don't
2 know if I can -- do I need to talk to you, since it is
3 your roster, to get her excused, or talk to Ed, or how
4 do I handle that, Marion County.

5 THE COURT: Since I'm the chief administrative
6 judge in that circuit, you're clear. How about that?

7 MR. GARDNER: Thank you, Your Honor.

8 THE COURT: If Mr. Clemment's office calls you,
9 tell him to call me; fair enough?

10 MR. GARDNER: Yes. That's very good (laughing).

11 THE COURT: Can the lawyers approach? We'll
12 break and be back about 1:30.

13 (A bench conference was had and a lunch recess
14 was then taken.)

15 (State's Exhibit 64 marked.)

16 THE COURT: State ready to proceed?

17 MS. WALKER: Yes, Your Honor.

18 THE COURT: Defense counsel?

19 MR. GARDNER: Yes, Your Honor.

20 MS. WALKER: The first matter would be Jackson v.
21 Denno hearing with Officer Shannon Toole.

22 (SHANNON TOOLE, having been duly sworn,
23 testified as follows:)

24 THE WITNESS: Shannon Toole, S-H-A-N-N-O-N,
25 T-O-O-L-E.

SHANNON TOOLE - DIRECT EXAMINATION

DIRECT-EXAMINATION

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BY MS. WALKER:

Q How are you doing today?

A Great.

Q Thank you for being here. The purpose of this hearing is a Jackson v. Denno. We'll talk about the in-car camera footage you retained. Were you working for the Myrtle Beach Police Department on June 7, 2018?

A Yes, ma'am.

Q And what were you -- what was your function at that time; what was your role?

A At that time, I was the supervisor over our traffic unit.

Q Were you working that night?

A I was.

Q And what were you doing?

A Earlier in the evening we had a traffic fatality at Port Drive and 17 Bypass. Several officers were out there working that fatal motor vehicle collision.

Q Did you have occasion to come into contact with this defendant, Earl Gaddis?

A I did.

Q Could you explain that to me.

A Well, while we were completing our investigation, we heard over the police radio that there had been a

SHANNON TOOLE - DIRECT EXAMINATION

1 shooting down at the restroom just off of Ocean
2 Boulevard. So once we completed our work down there, I
3 left 17 bypass, basically went up Robert Grissom,
4 turned right on 29 Avenue North, crossed over Oak
5 Street headed in the easterly direction. I was between
6 Oak Street and King's Highway when I saw two people
7 matching the description of the BOLO we received in
8 reference to that shooting.

9 Q So how did you receive the BOLO; how did you
10 know?

11 A It was e-mailed out throughout the department, so
12 I had photographs and everything in my car of the two
13 people wanted in reference to that.

14 Q Okay. And what further contact did you have?

15 A I saw the individuals crossing right to left
16 headed in a northerly direction on the westbound side
17 of U.S. 17 business -- actually, into the Drifters
18 Saloon parking lot; it is an old grocery store. So I
19 sat at the light, saw them, and I radioed dispatch and
20 other units and informed them what I had observed. I
21 made a left-hand turn on 17 and went north to 31st
22 Avenue North while I was waiting for backup to go and
23 apprehend the individuals.

24 Q Did you ultimately detain Mr. Gaddis?

25 A I was not there when he was placed in handcuffs,

SHANNON TOOLE - DIRECT EXAMINATION

1 no, ma'am.

2 Q Was he ultimately placed in the back of your
3 vehicle for detention?

4 A Yes, ma'am.

5 Q And is that vehicle equipped with in-car cameras?

6 A It is.

7 Q And were -- are those cameras multiple in the
8 vehicle, or explain that?

9 A Yes, ma'am. That was a brand new car I was
10 operating. It was up-fitted with an L3 camera system.
11 There is a camera that points out of the windshield; it
12 is mounted to the right of the rearview mirror. Also,
13 there is a rear-facing camera for the prisoner cell.
14 It is a single cell in the back of the car, and there
15 is another camera in that cell.

16 Q Was that camera operational that night?

17 A Yes, ma'am.

18 Q Were you able to obtain footage of Mr. Gaddis in
19 the back of your vehicle?

20 A Yes, ma'am.

21 Q And have you had an opportunity to review that
22 footage in anticipation for today?

23 A Yes, ma'am.

24 Q May I hand you what is marked as 64, State's 64?

25 A Yes, ma'am.

SHANNON TOOLE - DIRECT EXAMINATION

1 Q What does that appear to be?

2 A It is marked that it is my camera with the entire
3 video. It says "whole video." It has my signature and
4 the date I reviewed it, my initials on there.

5 Q All right.

6 A It is marked "64."

7 Q Thank you. To the best of your knowledge, is
8 that a fair and accurate representation of everything
9 that was reported that you recovered?

10 A Yes, ma'am.

11 Q And -- however, I just -- were you in the car
12 with him at the time he was in the vehicle at the
13 beginning?

14 A No, ma'am. No, ma'am, not at the beginning.

15 Q At some point, did you get into the same car?

16 A Certainly, yes, ma'am.

17 Q What was purpose of that?

18 A To transport him from the scene at 30th Avenue
19 North to the police department at 1101 North Oak
20 Street.

21 Q Was there a pretty significant amount of time --
22 approximately 30 minutes -- where Mr. Gaddis was, more
23 or less, in the car by himself?

24 A Yes, ma'am.

25 Q Was there anyone in there questioning him?

SHANNON TOOLE - DIRECT EXAMINATION

1 A No, ma'am.

2 Q And let me show you what has been --

3 (State's Exhibit 65 marked.)

4 Q Let me show you what is marked for identification
5 purposes as State's 65.

6 A Yes, ma'am.

7 Q So what is that?

8 A It says "R-I" or R -- "RI tool car camera." It
9 is the redacted version of the same video in 64 there.

10 Q Okay. All right. Did you have an opportunity to
11 review that in anticipation for today?

12 A Yes, ma'am, I did. It has my signature and date
13 on it as well.

14 Q Was anything added to that from this original
15 footage?

16 A No, ma'am.

17 Q But were things redacted from it?

18 A Yes, ma'am. MS. WALKER: We'll play for you --
19 or the Court all of State's Exhibit 64, the original.

20 THE COURT: Mr. Gardner, have you seen 65, the
21 redacted?

22 MR. GARDNER: We watched it during break, yes.

23 THE COURT: Okay.

24 MS. WALKER: When we play the DVD from the
25 player, there is a lot of skipping and slowing down;

SHANNON TOOLE - DIRECT EXAMINATION

1 so what I did was dragged and dropped all of the
2 exhibits to the desktop, and they are all the exact
3 same. So if it is okay with the Court, we'll play it
4 from the desktop.

5 THE COURT: Any objection, Mr. Gardner?

6 MR. GARDNER: No, Your Honor.

7 THE COURT: All right. Very well.

8 MS. WALKER: Thanks.

9 (State's Exhibit 64 published to the jury.)

10 Q (MS. WALKER) Mr. Toole, I see there is seven
11 more minutes, but was he out of the vehicle that
12 entire time?

13 A Yes, ma'am.

14 Q So from what you saw here, does that capture
15 everything you remember seeing with Mr. Gaddis in the
16 back of the vehicle?

17 A Yes, ma'am.

18 Q And from the time Mr. Gaddis is put in the
19 vehicle until you all arrive -- let me ask: Where are
20 you all here; where does the car come to rest?

21 A 1101 North Oak Street, Myrtle Beach Police
22 Department, our sallyport.

23 Q Between the time he gets placed in the car and
24 arrives at the sallyport, when he is heard in the back
25 of your vehicle mumbling or talking, is that in

SHANNON TOOLE - DIRECT EXAMINATION

1 response to any police questioning?

2 A No, ma'am.

3 Q And I know we hear some other voices in the
4 vehicle while he is in there alone, what is that that
5 we're hearing?

6 A The police radio in the front of the car.

7 Q All right. And, so, let's see -- another thing,
8 let's clarify. We see him wiggling around, moving
9 around, playing with his socks a lot; is that correct?

10 A Yes, ma'am.

11 Q After Mr. Gaddis exits your vehicle, did you find
12 anything of evidentiary value in the vehicle?

13 A I did.

14 Q Were you able to place that into evidence?

15 A I was.

16 Q And what was that?

17 A It was a bullet.

18 Q So, at any point in this recording, do we hear
19 any law enforcement officers making threats, coercion,
20 or forcing him to speak?

21 A No, ma'am.

22 MS. WALKER: I don't have any questions.

23 THE COURT: Mr. Gardner.

24 MR. GARDNER: Thank you, Judge.

25

JACKSON v. DENNO - SHANNON TOOLE - CROSS-EXAMINATION
CROSS-EXAMINATION

BY MR. GARDNER:

Q Couple follow-ups. When did you find the bullet?

A I recovered it in the police car the following morning.

Q Following morning. You threw me off when you said the address; it is not a different police department, it's the one on 10th Avenue and Oak Street, right?

A Correct. They started -- they incorporated the north in front of it with the growth, but you are exactly correct, 1101.

MR. GARDNER: Can you indulge you, please.

(A brief pause in the proceedings.)

MR. GARDNER: No further questions, Your Honor.

THE COURT: Any redirect?

MS. WALKER: Beg the Court's indulgence.

THE COURT: Yes, ma'am.

(A brief pause in the proceedings.)

REDIRECT EXAMINATION

BY MS. WALKER:

Q All right. I just want to clarify one quick thing. The redacted version State's 65 -- no, State's -- yeah, 65, it is in portion of what we saw there, correct, but it's just the redacted version?

JACKSON v DENNO - SHANNON TOOLE - REDIRECT/RECROSS-EXAM

1 A Yes. It's not the full length recording. It is
2 segmented down and reduced into time.

3 Q Did we, basically, cut out the dead noise?

4 A Yes, ma'am.

5 MS. WALKER: I don't have any questions.

6 RECROSS-EXAMINATION

7 BY MR. GARDNER:

8 Q The redacted version we saw earlier, six minutes,
9 is something you took from this long version that we
10 just watched today?

11 A Yes, sir.

12 Q Why was it so long anyway?

13 A Because he was being -- he had been placed in the
14 car, and there was investigative work done at the
15 scene, so we housed him in the car at the scene, and
16 then ultimately transported him to the police
17 department.

18 Q The mumbling that the Solicitor referred to
19 earlier, did you know what that was? Did you listen to
20 that or hear it?

21 A I've heard it.

22 Q Was it a prayer, or what was that; do you know?

23 A I can't give you an answer to what it is.

24 Q Has anyone talked to you about what it was, told
25 you that that was a prayer?

JACKSON v DENNO - SHANNON TOOLE - REDIRECT/RECROSS-EXAM

1 A No, sir, no one told me it was a prayer.

2 Q Did anyone tell did you it was not?

3 A No, sir. I take it as Mr. Gaddis speaking to
4 himself in the car. I don't know what the context is.
5 I don't know what his context is with the words.

6 MR. GARDNER: Thank you.

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

8 THE WITNESS: Thank you, Your Honor.

9 THE COURT: Anything by way of argument from the
10 State?

11 MS. WALKER: No, sir, Your Honor. We ask that
12 the Court find that the statement is voluntary.
13 There, clearly, is no interrogation going on. Mr.
14 Gaddis was completely free to say or not say anything
15 while he was sitting and waiting in that vehicle.

16 THE COURT: Mr. Gardner.

17 MR. GARDNER: Judge, I would like to put on the
18 record that I think the Solicitor is right about the
19 beginning of this, whatever he says at the beginning;
20 but later on, he goes into a prayer and he's praying.
21 I think that would be some type of privilege. I don't
22 know what it is, but I ask the Court to consider that
23 what he says in a prayer -- the case law may say he
24 doesn't have an expectation to privacy in a police
25 car, and maybe he doesn't know that, I don't know.

JACKSON v DENNO - SHANNON TOOLE - REDIRECT/RECROSS-EXAM

1 But he wasn't talking to anybody. He was making a
2 prayer, and we ask that that part of the video be
3 redacted; the rest of it, play it out.

4 THE COURT: Based upon my review of the video, it
5 is clear that the defendant is in custody, in
6 handcuffs, seat-belted into the police cruiser, and
7 testified to such. The Court did hear voices in the
8 background, which testimony would stand to indicate
9 that it was a police radio. There was clearly no
10 questioning of the defendant while he was in the back
11 of this police cruiser. There was no testimony or
12 evidence of any pressure, force, intimidation, threats
13 that would entice or lead the defendant to make any
14 comments or statements; therefore, the Court is
15 denying the defense's motion to suppress even what he
16 claims to be a prayer. In watching the video, maybe I
17 should get my ears checked, but I can't understand
18 anything he said throughout; other than, I did hear
19 him say -- when they pulled him out of the car to
20 search him -- I heard the word "linebacker." That is
21 about the only thing I could decipher out of all of
22 that; maybe that is because I like sports so much and
23 just tuned to that stuff. I know that is the only
24 thing I can understand what was said.

25 In light of that, I don't believe that even a

40

JACKSON v. DENNO - BRIAN TRUEX - DIRECT EXAMINATION

1 Jackson v. Denno in this case would even be necessary

2 because there was no interrogation or no questioning

3 by police of the defendant. But I certainly

4 understand and respect the State as well as defense

5 counsel's precautionary measures in going forward.

6 MS. WALKER: The second statement is a body

7 camera statement that Mr. Gaddis makes when he is

8 being arrested. It is simply a question -- the

9 officer asks: Do you have any guns? He says: In the

10 backpack. So I say that to you just to let you know

11 the content of it whether you think it is appropriate

12 to have a Jackson v. Denno hearing, but we have the

13 officer here and ready to testify for it.

14 THE COURT: Mr. Gardner.

15 MR. GARDNER: Under Jackson v. Denno, that should

16 be suppressed.

17 THE COURT: All right. I have to stand down for

18 a minute and we'll resume.

19 (A recess was taken.)

20 THE COURT: State ready to proceed?

21 MS. WALKER: Yes, we are. State calls agent

22 Brian Truex.

23 (BRIAN TRUEX, having been duly sworn,

24 testified as follows:)

25 THE WITNESS: Brian Truex, B-R-I-A-N,

CERTIFIED ORIGINAL FOR SOUTH CAROLINA INDIGENT DEFENSE
ONLY!!

JACKSON v. DENNO - BRIAN TRUEX - DIRECT EXAMINATION
1 T-R-U-E-X.

2 DIRECT-EXAMINATION

3 BY MS. WALKER:

4 Q Where do you currently work?

5 A South Carolina Law Enforcement Division, SLED.

6 Q What do you do for them?

7 A Captain over the Training Unit.

8 Q What were you doing back June of 2018; where were
9 you working?

10 A Working still for SLED; however, I was working on
11 a response team on the Boulevard assisting Myrtle Beach
12 Police Department.

13 Q What were you assisting them with?

14 A Just general calls for service, anything that
15 required a higher response than a patrol officer.

16 Q And did you have occasion to respond to one of
17 those such calls that night?

18 A Yes, ma'am.

19 Q On June 7, 2018, did you respond to such a call?

20 A Yes, ma'am.

21 Q What was it?

22 A There was a shooting incident on the Boulevard at
23 the bathrooms, in what they refer to as "cannon
24 valley."

25 Q What was your involvement? There was a shooting,

JACKSON v. DENNO - BRIAN TRUEX - DIRECT EXAMINATION

1 but how did you get involved?

2 A I heard the police call for service for the
3 shooting at that incident location. Myself and the
4 team I was with responded. When we arrived on scene,
5 we responded to the bathroom where the incident
6 occurred and made contact with the victim there.

7 Q And, at some point, were suspects identified in
8 the shooting?

9 A Yes. Suspects were identified almost immediately
10 afterwards by what Myrtle Beach calls "Realtime Crime
11 Unit," which is a camera unit in Myrtle Beach.
12 Pictures were sent out with the descriptions of the
13 suspects.

14 Q Were you assisting in helping locate those
15 suspects?

16 A Yes, ma'am.

17 Q Did you ultimately locate those suspects?

18 A Yes, ma'am.

19 Q Tell me about that. Who did you locate?

20 A I believe it was Officer Toole with Myrtle Beach
21 Police Department called a potential suspect at the
22 3000 block of North King's Highway, which was a bar at
23 the corner of 30th and King's Highway. Myself and my
24 team responded up there. I was in an unmarked black
25 truck that was not identifiable as a police vehicle.

CERTIFIED ORIGINAL FOR SOUTH CAROLINA INDIGENT DEFENSE
ONLY!!

JACKSON v. DENNO - BRIAN TRUEX - DIRECT EXAMINATION

1 We pulled into the parking lot, and I immediately
2 observed the two suspects that the picture had been
3 distributed on, by their description. So in that
4 parking lot, we observed them standing out front with
5 three other individuals. We subsequently made contact
6 with them in the parking lot.

7 Q So for the purposes of this hearing, did you
8 ultimately take into custody Earl Gaddis?

9 A Yes, ma'am.

10 Q And were you wearing a body camera that night?

11 A I was not. SLED does not issue body cameras.

12 Q Were there any officers near you that had body
13 camera footage?

14 A Officer Crawford, who was riding with me in my
15 truck, had one.

16 Q I'll show you what was marked for identification
17 purposes as State's Exhibit 63.

18 A Yes, ma'am.

19 Q Can you tell me what that is?

20 A A CD containing body camera footage from Officer
21 Crawford, which I viewed.

22 Q And you beat me to it; you viewed this?

23 A I viewed it and initialed it as such.

24 Q And everything -- even though it is not the body
25 camera you are were wearing, does it capture you and

JACKSON v. DENNO - BRIAN TRUEX - DIRECT EXAMINATION

1 your interactions with the defendant?

2 A Yes, ma'am. It captures me on camera with the
3 defendant on the ground from Officer Crawford.

4 Q To the best of your recollection, is that a fair
5 and accurate representation of everything you said and
6 did with Mr. Gaddis?

7 A It is.

8 Q All right.

9 MS. WALKER: Your Honor, permission to play this
10 for the Court at this time?

11 THE COURT: Go ahead.

12 (Published to the Court.)

13 Q (MS. WALKER) Is that the totality of your
14 contact with Mr. Gaddis?

15 A Yes.

16 Q And that is all captured here in State's Exhibit
17 63?

18 A Yes, ma'am.

19 MR. GARDNER: What exhibit, I'm sorry?

20 MS. WALKER: 63.

21 Q (MS. WALKER) So at the time you made contact
22 with Gaddis, did you have reason to believe he was
23 armed and a dangerous person?

24 A Yes, ma'am.

25 Q What was that based off of?

JACKSON v. DENNO - BRIAN TRUEX - DIRECT EXAMINATION

1 A Based on the shooting that just occurred, the
2 description, and the photos that were put out, and his
3 potential involvement with a firearm.

4 Q Were you familiar that this -- when you
5 apprehended him, it was within an hour of that
6 shooting?

7 A Yes, ma'am.

8 Q So you had reason to believe he had a potentially
9 loaded firearm on him?

10 A Yes, ma'am; that is why he was taken to the
11 ground and handcuffed on the ground.

12 Q So he was in custody when we saw him here?

13 A Correct. You actually hear my handcuffs secure
14 him at that time.

15 Q Do you recall asking him: "Do you have a gun"?

16 A Yes, ma'am.

17 Q And do you recall saying: "Where is it"?

18 A When he answered yes, I said, "Where is it."
19 That is a standard thing I would do search incident to
20 arrest. When you go to search someone, I wouldn't want
21 to certainly search them and discharge a gun on their
22 person and endanger people around him, myself, or the
23 public.

24 Q So it's also a measure to protect the public
25 around you?

JACKSON v. DENNO - BRIAN TRUEX - DIRECT EXAMINATION

1 A Yes, ma'am.

2 Q So, at any point, was Mr. Gaddis threatened or
3 coerced or forced to answer your questions?

4 A No, ma'am.

5 Q Okay.

6 MS. WALKER: No other questions. Answer anything
7 Mr. Gardner has.

8 THE COURT: Mr. Gardner.

9 MR. GARDNER: I don't think I have any questions.

10 THE COURT: Sir, you may step down.

11 Anything from the State by way of argument?

12 MS. WALKER: Yes, sir, Your Honor. I'm quoting
13 from a case, New York versus Quarels, 104 Supreme
14 Court 2626, 1984. That case says that interrogation
15 prompted by a concern for public safety, which
16 outweighs the need for rule, protecting rights against
17 self-incrimination, that the nature of the questions
18 asked by Agent Truex, which were simply: "Do you have
19 a -- do you have gun, and where is it," that while he
20 was, yes, in custody, it is something that did not
21 necessitate Miranda given the fact that Agent Truex
22 was simply asking so that he could secure the loaded
23 firearm that he suspected to be there and create a
24 safer scene for himself and the public around them
25 there at the scene.

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1 So we would find -- we would ask the Court to
2 find that this statement be admissible.

3 THE COURT: Mr. Gardner.

4 MR. GARDNER: We would put on the record that we
5 disagree with the Solicitor on this issue. We object
6 to it being admitted into evidence under Jackson v.
7 Denno. We think it was a question asked to a
8 defendant who was in custody, without given Miranda
9 rights. It was designed to elicit an answer, and they
10 got the answer they wanted, and that is what Jackson
11 V. Denno addresses; so we ask that it be suppressed.

12 THE COURT: All right. Based upon what I've
13 heard here today, and we've already said it on the
14 record as it relates to the prior video of the
15 defendant in the back seat of the police cruiser, it
16 is clear that he is in custody at the time. It is
17 also clear in reviewing this body cam video that there
18 were multiple police officers on scene that night.
19 There was testimony in the record of a shooting.
20 There was testimony -- there has been testimony of the
21 identification of the defendant by a realtime feed
22 video as the potential shooter in this case.

23 My initial inclination is to allow the video or
24 the video cam to come in; however, in fairness to you,
25 Mr. Gardner, I'll take a look at that case cited by

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1 the State, because I do realize and understand that
2 there is a public safety exception there. Based upon
3 the facts of this case and what was testified to on
4 the witness stand about what had happened with the
5 decedent being shot, identification -- alleged
6 identification at the time of this defendant as being
7 involved, but I will take a look at that case. I'm
8 telling you what my initial inclination is.

9 MR. GARDNER: Yes, sir. Thank you.

10 THE COURT: Anything else?

11 MS. WALKER: Beg your indulgence one moment,
12 please.

13 (A brief pause in the proceedings.)

14 MS. WALKER: Just to make you aware of it, Mr.
15 Gaddis does give a subsequent statement to law
16 enforcement after Miranda is given. That is -- as far
17 as I'm concerned, there is not a ton that is super
18 helpful in the State's case in that statement, short
19 of him admitting that that was his backpack taken off
20 of his person at the time of arrest. So just
21 depending on Your Honor's ruling with the present body
22 cam statement, we may ask to do another Jackson v.
23 Denno for that other statement, depending on that.

24 THE COURT: Okay. Mr. Gardner.

25 MR. GARDNER: I'm okay with taking it up as we

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1 go, Judge.

2 THE COURT: Okay. Any other issues?

3 MS. WALKER: The issue of the codefendant's
4 guilty plea.

5 THE COURT: I'll hear from you, please.

6 MS. WALKER: So his codefendant, Terence
7 Blackwell, did plead guilty back in the spring. He
8 accepted a plea offer, and it was not contingent on
9 him testifying or cooperating in any way. At this
10 point, Judge, what my fear is if there were to be a
11 situation where the defense opens the door of saying,
12 well, listen, guys, there were two people there --
13 "guys" being the jury -- hey, there were two people
14 there, one of them pled guilty, he's accepted
15 responsibility, so it is not Mr. Gaddis; then the
16 State would be put in a precarious position of needing
17 to respond to that. As I mentioned before, the
18 State's case and our theory is that the two of them --
19 Gaddis and Blackwell -- both acted in concert
20 throughout this event, both before the shooting and
21 during the shooting.

22 We have evidence that there were two separate
23 guns, two separate calibers were used in causing the
24 death of Mr. Bellamy. Projectiles and bullets from
25 two separate types of guns are used -- I'm sorry, were

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1 Found in the autopsy and were analyzed by SLED. So as
2 I'm just -- you know, not to belabor the point, but I
3 fear if that is brought up by the defense, the State
4 in responding to it would essentially be saying, yeah,
5 yeah, yeah, he did plea guilty, and so Gaddis is just
6 as guilty. That has always been our theory; which,
7 obviously, we couldn't say and wouldn't want to say.

8 The only thing that the State had planned was
9 just to acknowledge, perhaps in openings, that, yeah,
10 two people were charged with Mr. Bellamy's death, and
11 they each are going to have their day in court, this
12 is simply Mr. Gaddis' day in court.

13 THE COURT: Mr. Gardener.

14 MR. GARDNER: Judge, regardless of your ruling,
15 I'm adamantly opposed to lying to a jury. I think
16 that if that is not lying to a jury, it certainly is
17 misleading a jury. If in your opening you say, Don't
18 worry about Mr. X, he is going to have his day in
19 court; he has already had his day in court. If you
20 say we can't go into the codefendant's plea, I don't
21 want us to muddy the waters or misrepresent anything
22 to the jury.

23 Now, back to the issue at hand. I would submit
24 to the Court, and I believe the law is clear, and I
25 believe you alluded to it earlier, that we would not

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1 be able to use a codefendant's guilty plea to
2 exonerate us. We can't say he pled guilty; therefore,
3 we're not guilty. But if there is a theory and she
4 has her theory, and maybe another theory comes up, I
5 don't want to be foreclosed before we heard any
6 testimony about what we can and cannot go into with
7 regard to the codefendant. If he -- if it presents
8 itself where I would like to bring it in, I don't want
9 to foreclose it now. I do agree with the Solicitor
10 and with you that we would not be using it as he's
11 guilty; therefore, we're not guilty by itself. Did I
12 make that clear?

13 THE COURT: Yeah. I mean, I think you can tell
14 the jury that the State can choose to proceed against
15 one or more defendants at one time; in this case, they
16 chose to proceed against Mr. Gaddis.

17 MR. GARDNER: I think what we used to do in the
18 old days we had these cases where one was dismissed or
19 was found not guilty, and that caused all kinds of
20 chaos with the trials. This is kind of the same
21 thing. We don't want the jury to think -- I don't
22 want the jury to walk out of here thinking that they
23 hadn't gotten to the other guy yet, when they have. I
24 don't know if we need to address the other guy.

25 THE COURT: I think the appropriate way to say it

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1 is the State can choose to proceed how they desire,
2 and in this particular case, they choose to proceed
3 against Mr. Gaddis at this time. That is not a
4 misrepresentation.

5 MR. GARDNER: I agree with you; I don't think it
6 is.

7 THE COURT: But as far as codefendant's guilty
8 plea and looking at State v. Moore 337, S.C. 104, I do
9 not believe that his guilty plea would be admissible
10 during the trial of this case, because it is not
11 relevant to the substantive evidence as it pertains to
12 your client, Mr. Gaddis. Certainly, it could be
13 admissible for other purposes, but I haven't heard any
14 scenarios as to the admissibility of such. I'll give
15 you an example him: If Mr. -- what was the
16 codefendant's name?

17 MS. WALKER: Blackwell.

18 THE COURT: If Mr. Blackwell came in here and
19 testified against your client, then I think that opens
20 the door for you to impeach him or question him or
21 cross-examine him concerning, you know, any benefits,
22 plea agreements, et cetera, that he's receiving for
23 that purpose. I think that is a scenario where it
24 does become relevant. As far as the evidence of the
25 substantive guilt of Mr. Gaddis in this case, it is

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1 not relevant. The State bears the burden of proving
2 his guilt beyond a reasonable doubt, and it is
3 something I conveyed to the jury even before they left
4 for lunch today.

5 MR. GARDNER: I agree with you, Your Honor. I'm
6 not arguing with you. I agree with you; we can't do
7 that. We can't submit that as part of his case or
8 their case. But if something happens that I feel
9 opens that door --

10 THE COURT: Certainly. If something opens that
11 door, let's approach it out of the presence of the
12 jury and we'll handle it.

13 MR. GARDNER: Fair enough.

14 THE COURT: Anything else?

15 MS. WALKER: Beg the Court's indulgence. I don't
16 believe so, but -- no, sir.

17 THE COURT: You are going to leave it up here, or
18 move it?

19 MS. WALKER: We will move it.

20 THE COURT: Anything from you further, Mr.
21 Gardner?

22 MR. GARDNER: If we're going to do the jury --
23 coming out now for opening, can we have a bathroom
24 break?

25 THE COURT: Yes, sir, we may. Can the lawyers

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1 approach, I'm sorry?

2 (Whereupon, a bench conference was had.)

3 THE COURT: Any objection from the State or
4 defense of me striking through "94" and writing "49"?

5 MS. WALKER: No, sir.

6 MR. GARDNER: No, sir.

7 (Court's Exhibit 1 marked.)

8 THE COURT: If you will bring Juror 49, Steven
9 Chanilo, please.

10 (Whereupon, Juror No. 49 enters the courtroom.
11 The following is had out of the presence of the jury:)

12 THE COURT: Mr. Chanilo?

13 JUROR 49: Yes, sir.

14 THE COURT: It was brought to my attention you
15 raised a concern possibly with Mr. Gardner's office
16 maybe handling something -- not him individually,
17 but --

18 JUROR 49: One of his lawyers.

19 THE COURT: Do you know who it was?

20 JUROR 49: Bouchette.

21 MR. GARDNER: Probably was a civil thing?

22 THE COURT: How long ago was that?

23 JUROR 49: About four, five years ago.

24 THE COURT: Did Mr. Gardner work on it at all?

25 JUROR 49: I don't know, but I remember having to

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1 make a trip out there.

2 THE COURT: I appreciate you bringing that to our
3 attention. It is understandable. The question during
4 qualification process with whether or not Mr. Gardner
5 represented you, which he had not, at least to your
6 knowledge he had not; if you remain on this jury, the
7 question is whether or not you can be fair and
8 impartial to the State and the defense in deciding
9 this case based solely upon the evidence and testimony
10 presented in this courtroom?

11 JUROR 49: I have concerns.

12 THE COURT: I'll excuse you and let you go. We
13 will seat an alternate; that is why we have
14 alternates. Okay.

15 Anything?

16 MR. GARDNER: No.

17 MS. WALKER: No, sir.

18 (Whereupon, Juror 49 is excused from this case
19 and exits the courtroom.)

20 THE COURT: Next issue is -- do you have a cup?
21 I have released Mr. Chanilo from the trial of this
22 case. Next step in the process is to seat an
23 alternate. Pursuant to statute, the person seated is
24 not the actual first alternate and second alternate,
25 as done in civil court. I think the statute says

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1 their names are supposed to be placed into a hat and
2 drawn. I have a hat in my truck, but I don't have one
3 with me in here. I'm not so inclined to get down to
4 my truck and get a hat out of it. So what I've done
5 is I've placed both of these names on two pieces of
6 paper. I'm putting them in a cup, shaking it up --
7 any objection by the State or defense handling it in
8 this manner?

9 MS. WALKER: None.

10 MR. GARDNER: No, Your Honor.

11 THE COURT: I'll pull one out here. It is
12 Mr. Philip Roberts, who was actually the second
13 alternate, who will be seated. Juror 270.

14 (Court's Exhibit 2 and 3 marked.)

15 THE COURT: Let's take a bathroom break and then
16 we'll get the jury out here.

17 (A recess was taken.)

18 THE COURT: State ready to proceed?

19 MS. WALKER: Yes, Your Honor.

20 THE COURT: Defense counsel.

21 MR. GARDNER: Yes, Your Honor.

22 MS. WALKER: I apologize. One quick thing --
23 sorry.

24 MR. HOLFORD: Can we approach?

25 THE COURT: Yes.

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1 (Whereupon, the following was had as a bench
2 conference out of the presence of open court.)

3 MS. WALKER: Sequestering the witnesses, it just
4 wasn't brought up.

5 MR. GARDNER: That's fine with me, Judge.

6 THE COURT: You know who your witnesses are, so
7 I'll let you police that. I'm going to let them
8 select a foreperson. All right.

9 (The jury enters at 3:17 p.m., and the
10 following is heard in the presence of the jury.)

11 THE COURT: Mr. Roberts.

12 JUROR: Yes, sir.

13 THE COURT: If you would, please move over to
14 that chair beside you. You are no longer an alternate
15 in this case.

16 JUROR: Okay, Your Honor.

17 THE COURT: Things come up and happen, and that
18 is why we choose alternates. I will tell you that
19 under our law -- you may be saying, Well, Ms. Vellucci
20 was chosen first. Well, under our law, in general
21 sessions court, alternates are not seated in the order
22 they were selected. In fact, the way the statute
23 reads is that your names are placed into a hat and
24 drawn out of. We didn't have a hat, so I used the
25 trusted cup up here and did that instead. So, Mr.

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1 Roberts, you are now on this jury and no longer an
2 alternate, okay.

3 JUROR: Yes, sir.

4 THE COURT: One thing I will say, ladies and
5 gentlemen, I typically tell jurors as they come in and
6 out of the courtroom that you don't -- you do not have
7 assigned seats, so to speak. In light of everything
8 that has gone on with the pandemic, I notice there is
9 a few in the jury box wearing masks, which I want you
10 to feel comfortable, and there are several not wearing
11 them, but I want you to feel comfortable. As you come
12 in and out of the courtroom, I ask that you sit in the
13 same seat just to make -- an additional layer of
14 comfort with you all.

15 At some point, I will instruct you all or ask you
16 all to select a foreperson, and when that foreperson
17 is selected, they will sit in that seat where Mr.
18 Roberts is and will remain there throughout the trial
19 of this case.

20 Before we go any further, I'll ask the clerk if
21 she will swear you all.

22 (Whereupon, the jury was sworn.)

23 THE COURT: Ladies and gentlemen, we are about to
24 try the case of South Carolina versus Earl Rafel
25 Gaddis, Junior. Before we begin the trial of this

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1 case, I want to tell you this trial will be different
2 from what you expect. Many people do not have a
3 chance to attend actual court sessions, as you are
4 doing now, and may think from watching television or
5 movies or reading books that trials are always high
6 drama, intense action, and riveting circumstances.
7 While all of those may be true at times, this trial is
8 not for entertainment. It is a fundamental part of
9 our democracy, an effort to make sure that justice is
10 done between the parties before the Court.

11 In making sure justice is done, the process is
12 often slow, deliberate, and repetitive; the opposite
13 of what you may have seen on television, in movies, or
14 read in books. This courtroom is a place of honor
15 dedicated to the protection and preservation of
16 citizens' rights through what many have called "the
17 greatest justice system ever created."

18 The attorneys appearing before you are advocates
19 for the parties that they represent, but first and
20 foremost, they are officers of the court sworn to
21 uphold the integrity and fairness of our judicial
22 system. You should expect them to be professional,
23 competent, and ethical in the representation of their
24 client's interest.

25 What I will now say to you, ladies and gentlemen,

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1 is intended to serve as an introduction to the trial
2 of this case. These remarks are not a charge on the
3 law in this case. I will instruct you on the law
4 applicable to this case at the end of the trial before
5 you retire to consider your verdict. This is merely
6 an explanation of the procedure that we will follow in
7 the trial of this case so you can better understand
8 what may be happening.

9 Now, the defendant in this case, ladies and
10 gentlemen, is charged by several indictments filed in
11 this court with the crimes of murder, possession of a
12 weapon during the commission of a violent crime,
13 possession of a stolen pistol, possession with intent
14 to distribute marijuana, unlawful carrying of a
15 pistol, and possession of a Schedule I through V drug
16 twice; two charges on that last charge I said to you.

17 The indictments, as I told you from the outset,
18 is simply the charging document which brings these
19 charges into this court. It is not in any sense
20 evidence of any of the allegations that those
21 indictments contain. The defendant in this case,
22 ladies and gentlemen, has pled not guilty to these
23 indictments; therefore, the State of South Carolina
24 bears the burden of proving the elements of the
25 indictments beyond a reasonable doubt. It will be

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1 your duty, ladies and gentlemen, to decide whether the
2 State has met that burden.

3 Your purpose as jurors is to find and determine
4 the facts. You are the sole and exclusive judges of
5 the facts. If at any time I make any comments
6 regarding the facts, you must disregard it. You are
7 to determine the facts from the testimony you hear and
8 other evidence that may be introduced into court. It
9 is up to you to determine the inferences which you
10 feel may properly be drawn from the evidence. It is
11 especially important that you perform your duty of
12 determining the facts diligently and conscientiously,
13 because ordinarily there is no way to correct an
14 erroneous determination of the facts by a jury.

15 Now, on the other hand, and with equal emphasis,
16 the same law that makes you the judge of the facts,
17 makes me the judge of the law. The law as given by
18 the court is the only law that you may consider. You
19 must accept and follow it even though you may disagree
20 with it. I cannot -- I cannot tell you, ladies and
21 gentlemen, what the facts are in this case, and you
22 cannot disagree with me about what the law is or
23 should be. Your job is to take the law as I give it
24 to you and apply it to the facts as you find them from
25 the testimony of the witnesses and other evidence that

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1 is introduced. Now, after doing that, you will render
2 your verdict under the solemn oath that you just took
3 as jurors.

4 Until I tell you to begin your deliberations,
5 ladies and gentlemen, you must not discuss this case
6 with anyone, including your fellow jurors, friends,
7 family members, and anyone involved in this case. The
8 attorneys, as I've told you earlier, as I told you
9 from the outset, and the parties in this case have
10 been advised they are not to talk to you at all. So
11 if you see anyone involved in this case outside of
12 this courtroom and they do not speak to you, they are
13 not being unfriendly; they are simply following this
14 Court's instructions.

15 During your deliberations, you may only discuss
16 the case in the jury room with your fellow jurors,
17 because they have seen and heard the same evidence
18 that you have. You must not discuss the case with
19 anyone other than your fellow jurors until you have
20 returned a verdict and the case is at an end. I
21 remind you that you must decide the case based solely
22 on the evidence presented here in this courtroom; this
23 means that during the trial, you must not conduct any
24 independent research about the case, the facts of the
25 case, the evidence presented in the case, or the

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1 people or organizations involved in any way in the
2 case.

3 Please do not try to find out information from
4 any source outside of this courtroom. In other words,
5 you must not look at dictionaries or other reference
6 materials, search the Internet, Websites, blogs, or
7 use any other electronic tools to get information
8 about this case to help you decide the case. You may
9 not use computers, telephones, cell phones, smart
10 phones, smart watches, tablets, the Internet, or other
11 tools of technology with communication capabilities at
12 any time while you are in the courtroom or during your
13 deliberations.

14 During your breaks for meals or overnight, if
15 necessary, you may use those devices; however, you
16 must not use those devices to communicate with anyone
17 about the case until the case is over. This means you
18 must not use phone calls, e-mails, text messages,
19 instant messages, Twitter, or any blog, chat room, or
20 website including Facebook, Google Plus, MySpace,
21 Link'd, YouTube, or any social media websites to send
22 or receive information about the case; this includes
23 information about a party, a witness, an attorney, or
24 a court officer, news accounts about the case,
25 research on topics raised, any topics you may think

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1 would be helpful in deciding the case, or any
2 testimony presented by any witness.

3 During the trial, you are instructed not to read,
4 listen to, or watch any news reports about the case,
5 if there are any. This includes anything that may be
6 in the newspapers or on the Internet, radio, or
7 television. You must not, ladies and gentlemen,
8 consider anything that you may have heard or read
9 about the case outside of this courtroom, whether
10 before or during the trial. Information on
11 television, radio, the Internet, or from other sources
12 might be wrong or incomplete. In our judicial system,
13 it is important that you are not influenced by
14 anything or anyone outside of this courtroom. If you
15 become aware of another juror's violation of these
16 instructions, please inform the Court immediately.

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

22 Ladies and gentlemen, it is your solemn
23 responsibility to determine whether the State has
24 proven the defendant guilty beyond a reasonable doubt.
25 Your verdict must be based solely on the evidence as

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1 it is presented to you in this trial and on the law as
2 I instruct you during and at the close of the trial.
3 In just a moment, the Solicitor or prosecutor will
4 make what is called an "opening statement" in which
5 the Solicitor will explain to you the issues in this
6 case, or at least what the Solicitor believes the
7 issues are in this case. The attorney for the
8 defendant may also make an opening statement;
9 although, he is not required to do so. What the
10 attorneys tell you during their opening statements is
11 not evidence in this case. It is only their
12 contention as to what the issues are. The evidence in
13 this case, ladies and gentlemen, will be presented to
14 you by the testimony of sworn witnesses from the
15 witness stand and/or by exhibits that may be
16 introduced into evidence during the course of the
17 trial.

18 Ladies and gentlemen, during the trial you may
19 hear one of the attorneys say something like, Your
20 Honor, I believe we have a question of law or a matter
21 of law to discuss with you or Your Honor, may we
22 approach the bench; or sometimes I, myself, might find
23 it necessary to excuse you from the courtroom for a
24 short while so the attorneys and I can discuss a
25 matter of law. The reason for this, ladies and

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1 gentlemen, is because you are the judge of the facts
2 in this case. Sometimes when I'm discussing matters
3 of law with the attorneys, it may be necessary for me
4 to make some comment as to the facts in connection
5 with ruling whether or not a particular law applies.
6 I'm not supposed to tell you what I think the facts
7 are, so I will excuse you from the courtroom while
8 these discussions take place so that in no way will
9 you be influenced by anything I might say or do in
10 connection with the facts.

11 Now, in determining what the facts are in the
12 case, ladies and gentlemen, you must decide -- you
13 must decide whether or not the testimony of the
14 witnesses is believable. It will be my responsibility
15 to rule as a matter of law as to whether certain
16 testimony is admissible or not. Once the testimony is
17 admitted, whether or not you believe it is solely for
18 you to determine. In deciding whether to believe a
19 witness, you have the right to consider the interest
20 of any witness, the bias of any witness, the prejudice
21 of any witness, the opportunity for the witness to
22 have seen the matters and things about which the
23 witness may testify, and the way the witness acts on
24 the witness stand. You have the right to consider
25 anything that is in the record that will help you

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1 evaluate the testimony of the witnesses; that means
2 that it is your duty to pay close attention to these
3 witnesses, to observe the witnesses, to listen to the
4 witnesses, and to pay close attention to the attorneys
5 and to the Court.

6 Please don't let your thoughts wander, but give
7 strict attention to the testimony in this case so that
8 at the end of all of the testimony, after the
9 arguments of counsel and my charge on the law, you
10 will then be in a position to determine what the facts
11 are in this case and to apply the law to those facts
12 and, thus, render a verdict.

13 Now, later in this case, ladies and gentlemen, a
14 foreperson will be selected to preside over
15 deliberations in the jury room. It will be the
16 foreperson's added duty to be the jury spokesperson
17 here in court, if necessary. It will also be the
18 foreperson's duty to write the verdict. But I'll give
19 the foreperson further instructions about that at the
20 conclusion of the case.

21 In order to preserve everyone's rights, I'll give
22 the parties an opportunity to object to anything that
23 I have said.

24 Any exception or objection to anything that I
25 have said to the jury from the State?

OPENING STATEMENT - MR. HOLFORD

1 MS. WALKER: Nothing, Your Honor.

2 THE COURT: Defense counsel?

3 MR. GARDNER: No, Your Honor.

4 THE COURT: Ladies and gentlemen, we will now
5 begin the trial of this case.

6 The State is recognized for opening statement.

7 MR. HOLFORD: Thank you, Your Honor. May it
8 please the Court?

9 THE COURT: Yes, sir.

10 MR. HOLFORD: Good afternoon. I'm Josh Holford.
11 I introduced myself a little earlier, but I'm a
12 solicitor here in Horry County; that means I'm a
13 prosecutor. I represent the State of South Carolina.
14 I told you I've been here in Horry County since 2012.
15 In that time, I did a little bit of a little over a
16 year as a defense attorney, and a little over seven
17 years now as a prosecutor. Before that, I had the
18 pleasure to sit beside the judge as a law clerk; so
19 I'm familiar with the courtroom. I'm often asked, Do
20 you love your job, and I say absolutely. This is
21 absolutely the most fun part of my job, being in
22 trial, speaking to you, doing the things that I love
23 to do; but it's serious. It is difficult.

24 The judge told you, it is not like it is on TV.
25 I'm not as good looking or as well spoken as in Law

OPENING STATEMENT - MR. HOLFORD

1 and Order. Our cases are not solved as fast as in
2 CSI. It doesn't happen in an hour. You don't get DNA
3 and fingerprints and all of the sudden know exactly
4 who did it. You'll see in this case there was
5 excellent police work to solve this crime really
6 quickly.

7 The defendant here was captured about 30 minutes
8 to an hour after the shooting. So the shooting, let's
9 take you back to 2018, June. County Music Fest was in
10 town, Carolina Country Music Fest. While I was
11 attending the concert, Myrtle Beach Police Department
12 was responding to shots fired. Shots fired. Shots
13 fired downtown on Withers Avenue right near the
14 Boulevard. Of course, there is a massive police
15 presence. If you are familiar with the Country Music
16 Fest, there is police all around. We have police from
17 in town, out of town. It is overstaffed, so they
18 immediately rushed to that area.

19 What you might not know is that we have what is
20 called "Realtime Crime" in Myrtle Beach; those are all
21 the cameras you see everywhere. So someone jumps on
22 at the Myrtle Beach Police Department Realtime Crime,
23 what is going on? What is happening? They identify
24 two suspects. One is wearing red shorts, black track
25 jacket. One is wearing red shorts, white wife beater,

OPENING STATEMENT - MR. HOLFORD

1 black backpack. As they recognize these suspects
2 running from the location where they heard shots
3 fired, they are eventually able to track them. Police
4 run into them down at Drifters around 30th Avenue
5 North in Myrtle Beach, and arrest them.

6 What do they find? They find this defendant
7 along with his codefendant. What they are able to do
8 is track back and see that the two of them together,
9 Earl Gaddis and his codefendant, Terence Blackwell,
10 are together throughout the night. They are together
11 before the shooting. They go into the bathroom; this
12 bathroom together. They remain in the bathroom. The
13 victim, Sylvester Bellamy, Junior, 24 years old. He
14 was two weeks shy of his 25th birthday. He walks
15 into that bathroom. Minutes later, two people exit
16 the bathroom: The defendant and his codefendant,
17 Terence Blackwell. The third exits on a stretcher.
18 Because what happened that night was drugs, guns, and
19 disrespect. Apparently, that is all it takes to get
20 killed.

21 I talk about guns and drugs. The defendant, when
22 he was found, had a backpack. He has drugs on him.
23 One of the things we'll prove to you during the trial
24 of the case is he had marijuana, possession with
25 intent to distribute. How do we know he intended to

OPENING STATEMENT - MR. HOLFORD

1 distribute and not just personal use? Well, he had a
2 scale on him to weigh it out; cash on him, over a
3 thousand dollars; three guns on him. He has a pocket
4 full of pills, two different kinds, not prescribed to
5 him. What does that tell you? One, he is in
6 possession of Schedule I to V drugs; that is
7 hydrocodone and Xanax. Two, he has marijuana with the
8 intent to distribute; not only based on the amount,
9 but the other things that go along with it. You have
10 three guns, multiple pills, bag full of marijuana, and
11 a scale; what do you intend to do? You are intending
12 to sell drugs; that is why the State is going to argue
13 to you that that is exactly what he was doing in
14 Myrtle Beach.

15 You know, I said Carolina County Music Fest was
16 going on, but they weren't there. It had nothing to
17 do with the Country Music Fest. They weren't
18 attending it, weren't planning to. They were hanging
19 out downtown on the Boulevard pushing drugs.

20 Only three people walk into that bathroom: This
21 defendant, his codefendant, and the victim. Only two
22 walk out alive. Sylvester Bellamy, Junior, was shot
23 six times -- six -- by two guys, two different guns.
24 This defendant felt disrespected. That doesn't make
25 sense to a person like me. Disrespect doesn't mean to

OPENING STATEMENT - MR. HOLFORD

1 end a life for me. It doesn't make sense to a
2 reasonable person. I could see how someone would
3 struggle with the idea that there has to be more;
4 there's got to be more. Inside that bathroom, is that
5 all it took?

6 Now, I don't know exactly what kind of
7 disrespect. I don't know if he said something. I
8 don't know if he looked at them the wrong way. It is
9 tragic. You know, on TV there is some complicated
10 reason. There's got to be something more to it. In
11 this case, that's all it was. It was a drug dealer,
12 murdered an innocent person.

13 Six shots, that is how we know it is intentional.
14 When you hear about murder, you will hear it is an
15 intentional killing with malice aforethought. Six
16 shots is intentional. Two people shooting at one
17 individual is intentional, and it is malicious. We're
18 not talking about a lesser charge. We're talking
19 about a malicious murder.

20 Ladies and gentlemen, I don't know what was in
21 the mind of the defendant that night. I can't tell
22 you what made him snap. I can't tell you why. I know
23 the family wants to know. I know we would all love to
24 know. But what you will see based on the evidence and
25 testimony in this courtroom is you'll see video, hear

OPENING STATEMENT - MR. GARDNER

1 from the officers that responded, hear from Crime
2 Scene about what they collected. There is no video in
3 the bathroom. What you will be sure of when you
4 retire to deliberate about this case, after you heard
5 all of the evidence, is that this defendant murdered
6 Sylvester Bellamy, Junior. He also had drugs on him.
7 That's why he is charged with the rest.

8 At the end of the case, Cara Walker, who I'm
9 assisting in this case, will stand up and get to give
10 you a closing argument. She'll tell you the evidence
11 that we brought out in trial, what she felt was most
12 important, what we think shows and proves beyond a
13 reasonable doubt that this defendant murdered someone
14 over disrespect. Thank you.

15 MR. GARDNER: If Your Honor please.

16 THE COURT: Mr. Gardner.

17 MR. GARDNER: Solicitor, Madam Solicitor, ladies
18 and gentlemen of the jury. The Solicitor gave a great
19 opening statement. I followed it, but I didn't hear
20 what I think is the most supportive part of the trial;
21 maybe he said it and I didn't hear it, but you will
22 see a video. On that video, you will see Earl Gaddis
23 and Tyrone (sic) Blackwell on the Boulevard, but you
24 see Sylvester Bellamy. There is a confrontation on
25 the Boulevard. I don't know what the confrontation

OPENING STATEMENT - MR. GARDNER

1 was about, but I do know this: I know Mr. Bellamy
2 followed Earl up the Boulevard, down the alley, and
3 into the bathroom. I don't know why Mr. Bellamy,
4 after having a confrontation with two men on the
5 Boulevard, would follow them up the Boulevard, take a
6 left down the alley, go into the bathroom. I don't
7 know what happened in the bathroom. I don't know all
8 that happened in that bathroom, but I know it wasn't
9 murder; the evidence will show you that.

10 This is a packaged deal. They charged him with
11 all of the charges they wanted to charge him with and
12 bring him to one court, for one court case. I won't
13 stand up here and insult your intelligence by saying
14 he didn't have the drugs. He had the drugs. We're
15 not contesting the drugs, and things of that nature.

16 We will absolutely contest this murder case.
17 He's pled not guilty. It is not murder, and we'll get
18 into the evidence about that. Pay attention to the
19 evidence. Listen to the instructions of the judge.
20 You already heard part it. Murder is an intentional
21 killing of another human being -- intentional killing.
22 I don't know what happened and don't know all what
23 happened in the bathroom, but I know there was no
24 murder in that bathroom, and we'll get into that.

25 Listen to the evidence. When I say we'll get

OPENING STATEMENT - MR. GARDNER

1 into it, it is a perfect opportunity to remind you
2 what the Judge said earlier. We have Constitutional
3 protections, fundamental rights people have in
4 America. The first one is that they have the right to
5 remain silent. The second is the State has the burden
6 of proving the defendant guilty. The State will
7 always have burden of proof, and the burden of proof
8 is always beyond a reasonable doubt. The defense
9 doesn't have to prove anything, okay.

10 A good way of explaining all of that to someone
11 who has never been in jury duty or been in a courtroom
12 before -- I'll tell you, when I first came, I didn't
13 understand that. So I will try to explain it briefly,
14 if I can. First of all, the State has to produce
15 evidence -- competent, reliable, credible evidence
16 that would convince you beyond a reasonable doubt each
17 and every element of the crime. If they don't do
18 that, then the only verdict you can come back with is
19 not guilty.

20 The best example how that works is if the Judge
21 right now said, Go into your jury room and deliberate
22 and come back with a verdict, the only verdict you can
23 come back with right now is not guilty, because there
24 is no evidence. You heard a couple of lawyers
25 talking; that's not evidence. So that is a good way

OPENING STATEMENT - MR. GARDNER

1 to understand how the evidence works. So if the State
2 does present evidence, if you find it credible and
3 believable and it rises to the level of beyond a
4 reasonable doubt, then you can consider that for other
5 verdicts. Right now, there is only one verdict, which
6 leads me to the next part.

7 The defense doesn't have to present evidence, and
8 that is the way it is in America. The reason it is
9 that way in America is -- well, you have heard all of
10 the horror stories when other countries, and even
11 America in the beginning, they were trying to -- if
12 you can swim, you are innocent; that kind of stuff.
13 We don't do that anymore. We don't make the defendant
14 introduce any evidence. The best way to explain that
15 is talking about that and the burden of proof at the
16 same time. A lot of times -- I don't see them in
17 here, and maybe the reason is they don't apply.

18 Have you seen those scales of justice on TV and
19 in some courtrooms? And the theory of that is if you
20 put all of the evidence from one side -- and this is
21 for civil cases. You have a plaintiff and defendant.
22 You put all of the evidence on one side of the scales,
23 and all of the evidence on the other side, whichever
24 one tilts ever so slightly, that side wins. So that
25 is for a civil case.

OPENING STATEMENT - MR. GARDNER

1 Criminal is completely different. The reason it
2 is different is those scales don't apply because,
3 first of all, the defense doesn't have to put up
4 evidence; so there would be nothing there. Secondly,
5 we know beyond a reasonable doubt it is a heavy
6 burden, but we can't articulate it. There is no
7 number for it. For a civic case, most people know
8 about those: Car wrecks, breach of contracts, regular
9 divorce. In those cases, the burden of proof is
10 50.01 percent, or whatever is the heaviest in the
11 evidence. I'll talk more about that in closing.
12 Solicitor Holford said we're doing closings, and at
13 the end, I'll do that and talk about the different
14 burden of proofs and help you understand that a little
15 bit better.

16 We talked about the burden of proof on the State.
17 Defense doesn't have to prove anything. I think I've
18 done a good enough job explaining that. We trust you
19 all. We're not going to insult your intelligence.
20 When I said different crimes, we're not contesting
21 most of the crimes. The drugs, Earl was on vacation
22 and he had drugs with him. Absolutely.

23 He pled not guilty, and it is not guilty of
24 murder. We'll hear more about that. We will count on
25 your intelligence to walk through this, and when they

MOHAMED CHANNANI - DIRECT EXAMINATION

1 get back up here, the only verdict you can bring back
2 with regards to murder is not guilty of murder. I
3 don't know what it would be, but it is not guilty of
4 murder. The others, we'll take it up at the end.

5 Thank you for your attention. We selected you
6 all because we can count on you all to be attentive.
7 If I left anything out, the Judge will say it three
8 more times before the end of the week, so thank you
9 very much.

10 THE COURT: Call your first witness.

11 (MOHAMED CHANNANI, having been duly sworn,
12 testified as follows:)

13 THE WITNESS: Mohamed Channani, M-O-H-A-M-E-D,
14 C-H-A-N-N-A-N-I.

15 DIRECT-EXAMINATION

16 BY MS. WALKER:

17 Q Where do you contently work?

18 A For the Myrtle Beach Police Department.

19 Q And what is your title there with them?

20 A Patrolman first class and field training officer.
21 I'm currently assigned to the Street Crimes Unit.

22 Q And were you working for Myrtle Beach Police
23 Department back on June 7th of 2018?

24 A I was.

25 Q And what was your function with them back then?

MOHAMED CHANNANI - DIRECT EXAMINATION

1 A At the time, I was a waterfront officer assigned
2 to the -- which means the Boulevard, or an officer that
3 works the Boulevard area. That specific night, I was
4 on a bicycle.

5 Q Okay. So they give you a bicycle and you pedal
6 up and down the Boulevard helping out with things?

7 A Ultimately, yes. They give you a bicycle due
8 to -- there is a lot of people, so it is easier to get
9 around. My duties are to respond to calls when someone
10 calls and needs help; in addition to just making sure
11 everyone is safe and doing proactive policing.

12 Q Okay. All right.

13 MS. WALKER: May I approach the witness?

14 THE COURT: Yes, ma'am.

15 Q (MS. WALKER) I'll show you what was marked for
16 identification purposes, State's 1; can you tell me
17 what that is?

18 A That is a map of the waterfront area. It is the
19 east side, which is towards the beach area, and the
20 area of Plyler Park and SkyWheel and such.

21 MS. WALKER: The State would like to move State's
22 1 into evidence.

23 MR. GARDNER: No objection.

24 (State's Exhibit 1 admitted.)

25 MS. WALKER: Permission to publish to the jury?

MOHAMED CHANNANI - DIRECT EXAMINATION

1 THE COURT: Yes, ma'am.

2 Q (MS. WALKER) Can you point to the general area
3 where you were patrolling around 11:30 p.m. on June 7,
4 2018; if you can stand up?

5 A (Indicates.) So I was in this general area
6 conducting a DUI on another different type of call.

7 Q And can you tell me the closest cross streets you
8 are pointing to?

9 A Mr. Joe White Avenue and Withers Alley.

10 Q All right. And so you said that was an unrelated
11 call, DUI?

12 A Yes.

13 Q And, at some point, did you respond to an unusual
14 situation?

15 A Yes. So, ultimately, I was in the middle of
16 conducting or completing a DUI, driving under the
17 influence, in the area I just showed. At which point,
18 during the process, I heard multiple gunshots in the
19 area. I didn't respond. I was in the area when it
20 occurred. I heard multiple gunshots. At which point,
21 the individual that was involved with the unrelated
22 call remained with another officer, and myself and
23 other officers ran towards the gunshots.

24 Q Let me just stop you. One other point in time
25 with the map, could you point to me -- point for the

MOHAMED CHANNANI - DIRECT EXAMINATION

1 jury where -- what was the area that the shots came
2 from?

3 A Ultimately, I was conducting the DUI over here,
4 at which point the -- I heard shots coming from the
5 north side. So this is going to be the north side. I
6 heard shots coming from the north side, so I left from
7 that area and proceeded to run down this street over
8 here going north. At which point, I observed the
9 individuals leaving this area heading west, which is
10 away from the beach and away from the incident
11 location. At which point, I asked if they heard where
12 the shots happened, and then I was pointed more north
13 towards this area. So I continued running here --

14 Q Let me interrupt you real quick. You said
15 incident location. Did you know at the time you were
16 immediately responding that that was, in fact, the
17 incident location?

18 A No. At the time, when I left this point and
19 began running, all I knew is there was shots in this
20 area, but I did not know the specific location of the
21 shots. I just knew that this was the area. So as I
22 came across people, I was trying to identify the exact
23 location of the shots. So whoever I came across, I
24 asked, "Where were the shots." The first person I came
25 across directed me to go more north, so I proceeded

MOHAMED CHANNANI - DIRECT EXAMINATION

1 more north. Once I got to this area --

2 Q What's that area?

3 A 12th Avenue North and Withers Alley. Once
4 again, I asked where the shots were, because I saw
5 another group of people running away or leaving the
6 area where I believed the shots came from.

7 At this point, I didn't know where the incident
8 occurred. When I asked them, they pointed me towards
9 the beach. So back around the block over here, which
10 is 12th Avenue North going towards Ocean Boulevard.
11 Once again, I came across some more individuals and
12 asked where were the shots. At which point, I was
13 directed to the Bayshore parking lot; that is between,
14 like, the Myrtle Beach SkyWheel. When I asked
15 individuals there where the shots were at, someone
16 told me that they were in the bathrooms, which is 1104
17 Withers. So I, ultimately, came over here and asked
18 where the shots were, and I was directed here.
19 Ultimately, someone told me that they were in the
20 bathrooms. At which point, I communicated to the
21 other officers the shots were there and proceeded to
22 the -- bathrooms.

23 Q So would it be fair to say that you were running
24 pretty quickly?

25 A Yes.

MOHAMED CHANNANI - DIRECT EXAMINATION

1 Q And even though this looks like a quite large
2 distance, approximately how long did it take you to
3 basically circle back around to the incident location?

4 A To be honest with you, probably two minutes or
5 so. I didn't --

6 Q And so did you, ultimately, go into the bathrooms
7 here?

8 A Yeah. So once I was informed that the incident
9 occurred at the bathrooms, myself and Officer Hincy,
10 one of the officers with me at the time. As you come
11 up the alley, the first set of bathrooms you come
12 across is the female bathrooms, if you are coming from
13 the beach, Ocean Boulevard side. The next one is the
14 male bathrooms. So as I came up the first set of doors
15 I came across, it was the female bathrooms. So that
16 was the first door we're going to clear since it is the
17 first area we're going to check, since that is the
18 first thing we came across. The other officers
19 proceeded to the second door, which was the male
20 bathroom.

21 Q Sorry. So did you clear the female bathrooms?

22 A Yes.

23 Q And you cleared that. Did you then move towards
24 the male bathrooms?

25 A Once that was cleared, during the same process as

MOHAMED CHANNANI - DIRECT EXAMINATION

1 the other officers clearing the male bathrooms, I
2 learned that the victim was located in the male
3 bathroom, so that's when I went to the male bathroom,
4 men's bathroom.

5 Q So, as you said, the victim was -- he was still
6 there in the bathroom?

7 A Yes. Yes. When I got there, the victim was
8 still in the bathroom. He was laying down in the --
9 once you enter the bathroom, like the ground area right
10 there.

11 Q Did it appear as though he was responsive?

12 A No.

13 Q Were you able to observe yourself any gunshot
14 wounds or what appeared to be gunshot wounds?

15 A I don't recall, like, noticing that he was
16 injured with gunshot wounds, but I didn't fully examine
17 the victim to know exactly where everything was due to
18 the fact that other officers was there and there was
19 other stuff that needed to be done.

20 Q Sure. And did you observe any weapons there in
21 the bathroom?

22 A No, I did not.

23 Q And just to get this out of the way, what would
24 be the address associated -- most closely associated
25 with that bathroom?

MOHAMED CHANNANI - DIRECT EXAMINATION

1 A 1104 Withers Alley.

2 Q In Myrtle Beach, South Carolina?

3 A It is in Myrtle Beach, South Carolina.

4 Q Is that in Horry County?

5 A It is in Horry County.

6 MS. WALKER: Beg the Court's indulgence one
7 moment.

8 (A brief pause in the proceedings.)

9 Q (MS. WALKER) Officer Channani, did you have any
10 other involvement in this case in investigating it?

11 A As far as the investigative portion, no; however,
12 at one point in time I learned that the individuals
13 responsible for the incident proceeded west -- or away
14 from the beach, away from the bathrooms, to go towards
15 King's Highway, which is the main highway once you
16 leave the beach. I checked that area -- or the general
17 area where -- the path I thought they would take. At
18 one point in time, I went behind one of the hotels,
19 which is directly across in the general vicinity,
20 directly across from the bathrooms, I found a round of
21 ammunition on the ground with the path that people were
22 taking.

23 Q How did you find out what direction the suspects
24 would have traveled?

25 A Cameras. Public city cameras. Ultimately,

MOHAMED CHANNANI - DIRECT EXAMINATION

1 within the City of Myrtle Beach, we have cameras in
2 specific locations that are able to capture, like, live
3 feed and live footage; that way, if anything happens,
4 ranging from accidents to, in this incident, murder,
5 you'll be able to track it and get descriptions of
6 individuals and know exactly what happened.

7 But once the scene was calm from the start, once
8 I got a chance, through cameras -- we have Realtime
9 Crime, which is an individual that sits in an office,
10 of sorts, and has all cameras and TVs and monitors up,
11 and he could pull up cameras within a click of a
12 button and able to track everything. So that is how
13 we were able to see that somebody left the bathroom
14 area where the incident occurred.

15 Q Okay. Let's revisit this map, please, if you
16 would.

17 A Yes.

18 THE COURT: That is what exhibit?

19 MS. WALKER: State's Exhibit 1 again.

20 Q (MS. WALKER) Could you point and describe the
21 direction, the path, that you checked?

22 A Yeah. So this is where I checked at the time
23 that the incident occurred. This was a hotel; it was
24 the Aquarius. Actually, right in that area right
25 there, if you can see right here, that is a public

JOHN STEGALL - DIRECT EXAMINATION

1 parking where you pay to park. There is a little path
2 right there between the parking area and the hotel area
3 where I learned that the -- one of the individuals took
4 this path right here. So when I was checking that one
5 path -- and, once again, this is the bathroom right
6 here -- so when I checked that one path going away from
7 the bathroom, that is where I found the round.

8 Q Okay. Thank you.

9 A Yes, ma'am.

10 MS. WALKER: Answer any questions that Mr.
11 Gardner has.

12 MR. GARDNER: No questions, Your Honor.

13 THE COURT: You may step down.

14 May this witness be excused?

15 MR. GARDNER: No objection.

16 THE COURT: You are free to go. Have a nice day.

17 MS. WALKER: State calls John Stegall.

18 (JOHN STEGALL, JR., having been duly sworn,
19 testified as follows:)

20 THE WITNESS: John Stegall, Junior.

21 S-T-E-G-A-L-L.

22 DIRECT-EXAMINATION

23 BY MS. WALKER:

24 Q How are you today?

25 A I'm here, ma'am.

JOHN STEGALL - DIRECT EXAMINATION

1 Q Where do you work?

2 A I work for the City of Myrtle Beach Police
3 Department.

4 Q How long have you worked for them?

5 A Since November of 2017.

6 Q What do you do at Myrtle Beach Police Department?

7 A The job title is Realtime Crime Analyst.

8 Q So what does that mean to me?

9 A Probably nothing. I monitor the Milestone camera
10 system that the city has. It's A little over thousand
11 cameras. I monitor the CAD system, which is the
12 dispatch system. I can see the calls and what officers
13 are assigned to it, the time and location of the call.
14 Also, I monitor the license plate reader system, which
15 is the LAPR system. We have 39 cameras in the city
16 that reads license plates.

17 Q So this Milestone system --

18 A Yes, ma'am.

19 Q Approximately, how many cameras -- you just kind
20 of said, but, approximately, how many cameras are
21 spread throughout Myrtle Beach?

22 A A little over a thousand. Last count I heard was
23 1,019.

24 Q So these cameras, do they have various locations
25 throughout the city?

JOHN STEGALL - DIRECT EXAMINATION

1 A Yes, ma'am, throughout the city, city buildings,
2 intersections, alleyways and everything else.

3 Q Okay. And are these cameras -- how do -- not how
4 do they function, but are they motion activated?

5 A Yes, ma'am, they are motion activated.

6 Q So do they record 24 hours a day non-stop?

7 A They record when it senses motion and when they
8 are functioning properly, yes.

9 Q Is that a problem you typically have?

10 A Yes, ma'am.

11 Q And so while you are sitting in your office
12 observing camera footage, are you able to in any way
13 save footage that you deem relevant?

14 A Yes, ma'am. It is just -- I was going to say
15 like a VCR. But it's like a DVR, if you want to record
16 this program, you hit "record" or hit the time it
17 starts and stops.

18 Q Okay. And were you able to record any footage in
19 connection to this case?

20 A Yes, ma'am.

21 Q Were you also able to create a report that
22 highlights each of the camera angles you were able to
23 save?

24 A Yes, ma'am. With the times, yes, ma'am.

25 Q And so let's just -- I mean -- so when you are

JOHN STEGALL - DIRECT EXAMINATION

1 sitting in your office and you get -- you hear
2 something over the radio, something dispatch is
3 indicating there is some sort of an event that is going
4 on, what do you do?

5 A I pick the closest camera at that location and
6 start looking, or if it is not at that location, I'll
7 look at the next closest one or whatever.

8 Q Okay. All right. So on the night --
9 approximately, at 11:30 p.m. on the night of
10 June 7th, 2018, did you see something unusual or
11 suspicious?

12 A Yes, ma'am. I was monitoring the crowd in Plyler
13 Park down there at the ocean because there was a whole
14 lot of foot traffic. Around 11:29 p.m., everyone's
15 head snapped and looked to the northwest of Plyler
16 Park.

17 Q Let me pause you real quick. I would like you to
18 point this out on the map so I understand what is going
19 on. We'll start with the closer up one, State's
20 Exhibit 1, same one; can you take a peek at that? Does
21 it look familiar to you, that area?

22 A That's Plyler Park.

23 Q Turn it around. If you could, show me where
24 Plyler Park is?

25 A (Indicates.)

JOHN STEGALL - DIRECT EXAMINATION

1 Q Right there?

2 A Yes, ma'am.

3 Q Is this the area you were monitoring?

4 A I was looking this way into the park at the time
5 everyone's head snapped around and looked this way.

6 Q And then from there, what did you do?

7 A Well, I actually reached for my radio, but I
8 didn't need it; someone called "shots fired." I
9 started switching all my cameras in areas to see if I
10 saw anything unusual, cars speeding away or cars with
11 lights off, people running opposite direction where
12 they should be running, stuff like that.

13 Q Did you, ultimately, identify something unusual?

14 A After the officers found the victim and verified
15 that that is where something had happened, yes, I
16 concentrated on playing those two cameras at Joe White
17 and Withers Alley and the restroom cameras, back.

18 Q You can stand up if it is easier for you. Where
19 was the victim located once you heard that?

20 A In the bathrooms of Withers Alley, 1104 Withers
21 Alley here.

22 Q Is that where this red mark is?

23 A Yes, ma'am. I have a camera here, and I have
24 cameras here.

25 Q So are there a couple different camera angles

JOHN STEGALL - DIRECT EXAMINATION

1 that would capture the Withers Alley bathroom?

2 A Yes, ma'am. There is one actually in Withers
3 Alley, and one on the corner of the bathrooms looking
4 down.

5 Q And is there also a camera across the street by
6 the Aquarius Hotel, or near the area?

7 A There were three Aquarius hotels, but the two
8 were at 12th and Withers; I have cameras sitting
9 right there.

10 Q All right. So what do you do next?

11 A Once I did that, I reviewed the video and I saw
12 two individuals come out of the restroom. One was
13 running; one ran around the corner and walked a little
14 bit and turned and walked westbound.

15 Q So was this footage -- when you reviewed it, was
16 it something that had been recorded, but happened
17 previously?

18 A Couple minutes earlier, yeah.

19 Q With that information, were you able to develop,
20 kind of, the identities of the potential suspects?

21 A As far as I would know, yes. I radioed the
22 description of the one individual running. The other
23 one was walking. They met up and went this way. But I
24 gave a description of the clothing to the officers.
25 Then, I took four still shots from the video footage

JOHN STEGALL - DIRECT EXAMINATION

1 and sent them to my supervisor, who then sent it to all
2 of the police.

3 MS. WALKER: Beg the Court's indulgence.

4 (A brief pause in the proceedings.)

5 Q (MS. WALKER) I'll show you what was marked for
6 identification as State's Exhibit 4, 5 and 6. If you
7 can, review those, please.

8 MR. GARDNER: No objection to 4, 5 and 6.

9 THE COURT: 4, 5 and 6 admitted.

10 (State's Exhibits 4 through 6 admitted.)

11 A There was one more.

12 Q (MS. WALKER) We're just going to use these
13 three. So was the fourth one essentially the same?

14 A It was a blur of the one wearing the white tank
15 top. It was a close-up of him.

16 Q But it was a bit blurry?

17 A Yes, ma'am.

18 Q Was that because he was in motion?

19 A Yes, ma'am.

20 MS. WALKER: Permission to publish?

21 THE COURT: Yes, ma'am.

22 Q (MS. WALKER) Let's start with State's Exhibit 4.
23 On the top left of that photograph, what is the type
24 up there; what does that indicate to us?

25 A "Boulevard bathrooms" is the title of the camera

JOHN STEGALL - DIRECT EXAMINATION

1 in our system. Whoever set it up could name it
2 anything, but it shows "Boulevard bathrooms." The male
3 bathroom is on this end; females is on that end.

4 Q So to clarify, the male bathroom would be closest
5 to the jury box?

6 A Yes, ma'am. It gives the date and timestamp.

7 Q What is that timestamp?

8 A 11:27:54, June 7th.

9 Q I'll publish State's Exhibit 5; what is that?

10 A That's a fraction of a second difference between
11 the other one. That was just blurry, and I got a
12 cleaner picture. Just a hair different time.

13 Q Fair. All right. That makes sense. Lastly,
14 we're going to publish State's Exhibit 6. So I notice
15 this is a different camera name?

16 A That's the camera in Withers Alley itself, on
17 Withers Alley.

18 Q What would this timestamp be on this one?

19 A 11:29:11, June 7, 2018.

20 Q So really short -- approximately, how long is
21 that in between them going into bathroom and out?

22 A Minute, less than a minute.

23 Q We observed here -- what is the individual who is
24 wearing the red shorts and the white tank top and the
25 black book bag; what is he doing?

JOHN STEGALL - DIRECT EXAMINATION

1 A He's running. Running westbound from the
2 bathrooms across Withers Alley.

3 Q Like you said, you were able to send these out to
4 your supervisor?

5 A Yes, ma'am.

6 Q And your supervisor sent them out to --

7 A Called all police. Certainly, police have --
8 they can send it to everyone in the police department
9 at one time, and that is what she was able to do.

10 Q And what is the purpose of her doing that?

11 A Just everybody can pull up on their laptop
12 whatever the picture is, you know, this is a possible
13 suspect involved in this incident, here is the clothing
14 description, the best I could get at the time.

15 Q All right. So from there, once you were able to
16 develop these people and suspects, what were you able
17 to do next?

18 A As far as?

19 Q As far as tracking their location throughout the
20 city?

21 A I was not able to track them for quite a while.

22 Q What happened to lead you to be able to track
23 them?

24 A Sergeant -- he's retired sergeant now, but the
25 sergeant called out that he possibly has seen the two

JOHN STEGALL - DIRECT EXAMINATION

1 suspects that I sent the e-mail out of possible
2 suspects in the shooting; that was at 29th North and
3 King's Highway.

4 Q All right. One minute.

5 MS. WALKER: The State would like to show the
6 witness State's Exhibit 3 for identification.

7 MR. GARDNER: No objection, Your Honor.

8 THE COURT: So admitted.

9 (State's Exhibit 3 admitted.)

10 Q (MS. WALKER) I'll ask you to familiarize
11 yourself with that. Can you tell me what this is?

12 A Map of Myrtle Beach, part of it.

13 MS. WALKER: Permission to publish, Your Honor?

14 THE COURT: Yes, ma'am.

15 MS. WALKER: All right.

16 Q (MS. WALKER) I might have to ask you to stand
17 up. Could you point to me on this map where the
18 Withers Alley bathrooms are, approximately?

19 A Plyler Park is here.

20 Q Did you point to where that green marker is?

21 A Yes, ma'am.

22 Q And, now, could you identify the area where
23 Sergeant Toole was able to locate the suspect?

24 A He was somewhere up around here.

25 Q What are the intersections of that?

JOHN STEGALL - DIRECT EXAMINATION

1 A Here is 29th North and King's Highway. I do
2 not have any cameras on 30th, but I reviewed the
3 video at 29th and King's.

4 Q What did you see on the video at 29th North and
5 King's Highway?

6 A I saw two individuals that were wearing --
7 appeared to be wearing the same clothing I had seen
8 with the people at the bathrooms.

9 Q Do you know, approximately, what time that was?

10 A It was before 12:30. 12:28, 12:27, something
11 like that.

12 Q And is that within an hour of the shooting?

13 A Yes, ma'am.

14 Q And so once you are able to locate them on the
15 cameras at 29th and King's; what did you do next?

16 A I started backtracking. I went from cameras of
17 29, to cameras at 21st; I saw them there. Then
18 camera at 16th North and King's, and that is the last
19 view I had prior to the Withers Alley cameras.

20 Q Okay. Let's get the map again. I know.

21 A It's all right.

22 Q There you go. Could you point to me prior --
23 actually, let's back up to Withers Alley. So once you
24 were able to backtrack --

25 A I caught a brief glance from the 12th Avenue

JOHN STEGALL - DIRECT EXAMINATION

1 North and Withers Drive camera.

2 Q Could you point to that general location?

3 A That is over here. So going westbound, and I
4 could see them from the cameras here.

5 Q Okay. All right. Where is the next camera that
6 you see?

7 A That I saw them at?

8 Q Yes.

9 A 16th and King's, which is here. I saw them
10 walking northbound through the parking lots there.

11 Q Do you remember, approximately, when that was?

12 A Maybe 11:40. 11:39, 11:40.

13 Q If you were able to review your report, would
14 that refresh your recollection a little bit about the
15 specificity about the time?

16 A Yeah. I just marked the times for the video for
17 the detectives to go by. Sure, if you want me to.

18 MS. WALKER: Your Honor, permission to hand him
19 his report to refresh on the times?

20 THE COURT: Yes.

21 Q (MS. WALKER) We were talking about 16th Avenue
22 North and King's Highway?

23 A King's Highway, 11:39.

24 Q Very close. 11:39 p.m.?

25 A Yes.

JOHN STEGALL - DIRECT EXAMINATION

1 Q So after 16th Avenue, where did you track them
2 from there?

3 A They continued northbound, walked behind the
4 Shell station at 16th and King.

5 Q Can you point to that?

6 A (Indicates.) They walked behind there, walked in
7 front of there, came up to 21st, walked almost to
8 Lindsey Street behind Fuddruckers and all of that, and
9 continued all the way across the lot.

10 Q What is the lot?

11 A The Omah (phonetic) lot. And I picked them up
12 again just south of 29th. I could see here around
13 27th.

14 Q So that footage you were able to get, is it super
15 clear?

16 A No.

17 Q Were you able to identify them because you knew
18 what you were looking for?

19 A It was that, and the clothing. It was fairly
20 distinct clothing.

21 Q And was Mr. Gaddis with his -- were the two
22 people together the entire time?

23 A Yes, ma'am.

24 Q So the individual --

25 A After the initial one running, yes, ma'am.

JOHN STEGALL - DIRECT EXAMINATION

1 Q From the time they depart the Withers Alley
2 location, you only see them together?

3 A Together, yes, ma'am.

4 Q And were you able to kind of track their
5 whereabouts before the shooting incident?

6 A Yes, ma'am.

7 Q You were?

8 A I backtracked I think to about 11:14; so 15, 20
9 minutes before, yes.

10 Q So, approximately, 15 or 20 minutes before the
11 incident?

12 A I think I started recording them at 11:14.

13 Q Could you point to basically the areas you were
14 able to track them in?

15 THE COURT: That is 3 again?

16 MS. WALKER: Yes, sir, Your Honor, 3.

17 THE COURT: Thank you.

18 A I started -- for the video, I started tracking it
19 at I Love Sugar, which is down here, on the west side
20 of the Boulevard.

21 Q (MS. WALKER) Is it approximately two, three
22 blocks south of the Withers Alley bathrooms?

23 A A block -- less than a block from Ocean
24 Boulevard, south of that.

25 Q Where else were you able to track them?

JOHN STEGALL - DIRECT EXAMINATION

1 A I tracked them from there, they crossed to the
2 east side in front of Plyler Park, and then they walked
3 northbound at some point, crossed to the west side
4 again, walked all the way to 12th North and Ocean
5 Boulevard, and after a little bit, they turned around,
6 walked back towards Joe White and Ocean Boulevard, and
7 from there -- they went from there to the bathroom.

8 Q Let me show you what is marked as State's Exhibit
9 60 for identification purposes.

10 THE COURT: What is the number again?

11 MS. WALKER: 60.

12 THE COURT: 6-D?

13 MS. WALKER: 6-0.

14 THE COURT: Thank you. I hit 52 this year, I
15 need my hearing checked.

16 Q (MS. WALKER) What does that look like to you?

17 A This is a copy of my full recording, still
18 pictures, investigative notes, and a Part B recording
19 from my files.

20 Q Okay. All right. So how do you know -- were you
21 able to review that?

22 A Yes, ma'am. I reviewed it with you at the police
23 department.

24 Q How do you know that that is the one you
25 reviewed?

JOHN STEGALL - DIRECT EXAMINATION

1 A Because I initialed it, dated it, and time.

2 Q All right. So just to be clear, when you
3 recorded all of the Milestone footage, you -- did you
4 save it to a particular drive?

5 A Yes, ma'am. I saved it to -- we call it "R
6 drive." At the time, Realtime Crime has its own
7 recording drive, so we could save it there in case we
8 needed it in the future. I also saved it on two
9 separate disks for the detectives.

10 Q Okay. All right. When you reviewed it, was this
11 a full and accurate representation of what you recorded
12 and observed?

13 A Yes, ma'am.

14 Q Okay. All right. And so from that -- let me
15 show you what has been marked States 61 and 62; I'll
16 ask you to just identify what those are?

17 A Yes, ma'am. These are two disks I reviewed the
18 day before I came in here.

19 Q Are those basically recordings of specific camera
20 angles that you had saved?

21 A Yes, ma'am.

22 MS. WALKER: The State would move to place
23 State's Exhibits 61 and 62 into evidence.

24 THE COURT: Any objection?

25 MR. GARDNER: No, Your Honor.

JOHN STEGALL - DIRECT EXAMINATION

1 THE COURT: 61 and 62.

2 (State's Exhibits 61 and 62 admitted.)

3 MS. WALKER: The State would like to publish 61.

4 THE COURT: 60 is not admitted yet?

5 MS. WALKER: No, sir.

6 (State's Exhibit 61 published to the jury.)

7 Q (MS. WALKER) Was that the totality of what you
8 were able to preserve that that camera captured?

9 A With that camera, yes, ma'am.

10 Q These are -- I know we went over this, this is
11 action activating?

12 A Yes. So all the signals are through the air, so
13 if there is any interference, you may have a sloppy
14 motion.

15 MS. WALKER: The State would like to publish
16 State's Exhibit 62, Judge.

17 THE COURT: All right.

18 (State's Exhibit 62 Published to the jury.)

19 Q (MS. WALKER) What was that?

20 A That was the two gentlemen I saw leaving the
21 bathroom area.

22 Q And why are these two camera angles different?

23 A Location of the cameras. One is up on top,
24 literally on top of the male restroom looking that way,
25 and that camera is out on Withers Alley on the west

JOHN STEGALL - DIRECT EXAMINATION

1 side of the alley.

2 Q Is it across the street?

3 A Yes, ma'am.

4 Q So the first one, that camera, is located inside
5 the alleyway?

6 A Up on top, yes, ma'am. It is looking out towards
7 Ocean Boulevard.

8 Q And the individual who we saw walking into the
9 bathroom after the defendant, did you know at the time
10 who that was?

11 A No, ma'am.

12 Q Did you see him at any other time on that camera
13 angle?

14 A On that camera angle, no, ma'am.

15 Q And in your review of the footage you were able
16 to obtain, did you ever see any sort of physical fight
17 between anybody?

18 A No, ma'am. No, ma'am.

19 Q Involved in this case, I mean.

20 A No, ma'am.

21 MS. WALKER: I don't think I have any other
22 questions for you. If you could, answer anything that
23 Mr. Gardner has.

24 THE WITNESS: Yes, ma'am.

25 MR. GARDNER: I just have a couple. That was a

JOHN STEGALL - CROSS-EXAMINATION

1 lot.

2 THE WITNESS: Sorry.

3 MR. GARDNER: No. No.

4 CROSS-EXAMINATION

5 BY MR. GARDNER:

6 Q You have the video of them walking -- I don't
7 know the streets, but you have them walking a great
8 distance; do you have them continuously, or are there
9 spots where they are not on video?

10 A There is spots where they are not on video. Are
11 you talking about the entirety?

12 Q Yeah, the entirety.

13 A No, there are spots I did not see them.

14 Q Could be blocks?

15 A Yes, sir, could have been.

16 Q I want to follow up on another question. She
17 asked you if you saw what turned out to be Mr. Bellamy,
18 did you see him on that angle, which leads me to ask:
19 Was there a different angle where you saw Mr. Bellamy
20 on the video?

21 A Not on this video, but the other video, yes.
22 Yes, sir.

23 Q Are you the one that did that, or is there
24 another witness?

25 A Well, I can see them on mine. There is a Part B

JOHN STEGALL - CROSS-EXAMINATION

1 video that I did not compose, but I saw Mr. Bellamy on
2 my video as well.

3 Q Did you see him on the Boulevard approaching Mr.
4 Gaddis?

5 A The two gentlemen walking this way, and the other
6 gentleman was walking that way; so, yes.

7 Q From there, that is when Earl Gaddis, this
8 fellow, and Blackwell go up the Boulevard?

9 A Yes, sir.

10 Q Down that alley?

11 A Yes, sir.

12 Q Into the bathroom?

13 A Yes, sir.

14 Q And that is when Mr. Bellamy follows them up the
15 Boulevard?

16 A Yes, sir.

17 Q Down the alley, and into the bathroom; you have
18 that on video, or you saw that on video?

19 A I saw that -- I have them walking up towards that
20 alley, because it is right at the very edge of my view,
21 and then the other fellow follows coming down the alley
22 shortly thereafter.

23 Q Do you know why Mr. Bellamy was following Earl?

24 A No, I do not.

25 MR. GARDNER: Thank you, sir.

THE COURT AND ATTORNEYS - NO JURY PRESENT - RULING

1 THE COURT: Redirect?

2 MS. WALKER: Nothing, Your Honor.

3 THE COURT: Sir, you may step down. Thank you.

4 MS. WALKER: I believe the next witness we need a
5 ruling from the Court on a prior matter.

6 THE COURT: All right. Ladies and gentlemen, I'm
7 going to let you step to the jury room. Do not
8 discuss the case. I'll get you back out here in just
9 a moment.

10 (The jury exits at 4:31 p.m., and the
11 following is heard out of the presence of the jury.)

12 (A brief pause in the proceedings.)

13 THE COURT: I guess you are talking about the
14 body cam?

15 MS. WALKER: Yes, sir, Judge. The admissibility
16 of Officer Crawford's body cam and the statement made
17 by the defendant on it.

18 THE COURT: Anything else by way of argument?

19 MS. WALKER: Judge, just that the State believes
20 that it is an exception and it was in the interest of
21 public safety that Truex asked. He didn't ask, "Where
22 is the gun you just used to kill somebody;" it was,
23 "Do you have a gun?"

24 THE COURT: Anything else, Mr. Gardner?

25 MR. GARDNER: No, Your Honor.

THE COURT AND ATTORNEYS - NO JURY PRESENT - RULING

1 THE COURT: In looking at the New York v.
2 Quarles, which is a 1984 U.S. Supreme Court case, 467
3 U.S. 649, as well as 104 Supreme Court, 2626, based on
4 what I heard previously, the shooting occurred in this
5 case within an hour, I believe, within locating the
6 defendant. The victim already had been found in this
7 case in the bathroom to have been shot. The
8 identities of the defendants were conveyed to law
9 enforcement. The direction of the travel that was
10 conveyed to law enforcement, that they were on the
11 street. There is no question the defendant was in
12 custody at the time when such question was asked of
13 him as to whether or not he had any firearm; however,
14 there does not appear to be any coercion of this
15 defendant to respond to such question. The New York
16 v. Quarles case, it says, "Absent actual coercion by
17 police officer in acting to protect himself or public
18 by questioning the suspect before Miranda warnings
19 have been given, there is Constitutional imperative
20 requiring exclusion of evidence that results from
21 inquiry of this kind; neither do doctrinal
22 underpinnings of Miranda require that such evidence be
23 excluded, thus penalizing officers for asking the very
24 questions which are the most crucial to their efforts
25 to protect themselves and the public." Therefore, the

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THE COURT AND ATTORNEYS - NO JURY PRESENT - RULING

1 Court respectively denies the defendant's motion to
2 suppress. Your objection is so noted for the record.

3 Anything further?

4 MS. WALKER: No, Your Honor.

5 THE COURT: Stand down for a few minutes and
6 we'll resume. What is your batting order, so to
7 speak?

8 MS. WALKER: I believe that the only witness who
9 is here today and ready to go would be Agent Truex,
10 and everybody else is going to be here first thing in
11 the morning.

12 THE COURT: Very well.

13 MS. WALKER: Oh, and I'm so sorry, Shannon Toole
14 is also here. His testimony would require the playing
15 of the six-minute redacted portion of the in-car
16 camera; so that might take a little bit longer.

17 THE COURT: We'll see where we are.

18 (A recess was taken.)

19 THE COURT: State ready to proceed?

20 MS. WALKER: Yes, Your Honor.

21 THE COURT: Counsel?

22 MR. GARDNER: Yes, sir.

23 THE COURT: Bring the jury, please, sir.

24 (The jury enters at 4:43 p.m., and the
25 following is heard in the presence of the jury.)

BRIAN TRUEX - DIRECT EXAMINATION

1 THE COURT: The jurors are present. Call your
2 next witness.

3 MS. WALKER: We call Agent Brian Truex.

4 (BRIAN TRUEX, having been duly sworn,
5 testified as follows:)

6 THE WITNESS: Brian Truex, B-R-I-A-N, T-R-U-E-X.

7 DIRECT-EXAMINATION

8 BY MS. WALKER:

9 Q Where do you work?

10 A Currently employed at South Carolina Law
11 Enforcement Division, SLED.

12 Q What do you do there with them?

13 A Captain over the Training Unit.

14 Q How long have you been doing that?

15 A I've been at SLED for five years, and in the SLED
16 SWAT team for five years as well.

17 Q So what were you doing back in June of 2018?

18 A Back at that time, I was working on a response
19 team on the Boulevard in Myrtle Beach. Myrtle Beach
20 Police Department requested a SWAT team to assist on
21 the Boulevard in some of the things that occur down
22 there. So we have a three-person response team that
23 comes down on the weekends and works with them on the
24 Boulevard.

25 Q That is something that is pretty typical?

BRIAN TRUEX - DIRECT EXAMINATION

1 A Every year for the last five years.

2 Q While working on that response team on June 7,
3 2018, were you working with any other officers? Who
4 was with you?

5 A Yes. I was in a vehicle with myself, Scott
6 Crawford from Myrtle Beach Police Department, and Agent
7 Kinard from SLED.

8 Q On that evening, did you have occasion to learn
9 of a shooting that had taken place at Withers Alley?

10 A Yes, ma'am. A radio call came out of a shooting
11 in Withers Alley, what was typically referred to as
12 Can-Am alley. I worked for Myrtle Beach Police
13 Department for 15 years before SLED, and that's what
14 the common name was for it.

15 Q Okay. Good to know. Did you respond to that
16 scene?

17 A Yes, ma'am.

18 Q What did you do?

19 A When we got to the scene, I stopped, exited my
20 vehicle. They indicated that the shooting occurred in
21 a bathroom in the alley. I responded to that location.
22 I entered the men's restroom and turned the corner and
23 saw the victim on the ground.

24 Q And do you remember, approximately, what time
25 that was?

BRIAN TRUEX - DIRECT EXAMINATION

1 A I don't. If I remember, it was close to
2 midnight, but I can't tell you without looking at my
3 report.

4 Q And so when you went into the bathroom, you said
5 you saw the victim there?

6 A Yes, ma'am. I observed the victim laying on the
7 floor, small amount of blood on the floor around his
8 head. There was obvious trauma, and at that point
9 there was other officers on scene rendering aid to him,
10 so I left to respond to try to locate the suspects in
11 the shooting.

12 Q Did it appear to you that the victim was
13 responsive?

14 A No, ma'am.

15 Q Was the victim lying on his back?

16 A Yes.

17 Q So other officers were there trying to render
18 aid; what did you do next?

19 A I left the restroom, got in my vehicle. At the
20 time, I was driving a black Toyota Tundra pickup truck.
21 I was working the Fugitive Team at the time, so I had a
22 vehicle that was not typically a police vehicle. I got
23 in that vehicle and circulated the area. At the time,
24 immediately afterwards, Myrtle Beach Police Department
25 has a Realtime Crime Unit, which runs hundreds of

BRIAN TRUEX - DIRECT EXAMINATION

1 cameras throughout the city. They have very good
2 camera footage throughout the city. At some point, a
3 description was given out over the radio of the
4 potential suspects involved in the shooting, at which
5 point we began circulating trying to locate those
6 suspects.

7 Q Was it a clothing description?

8 A Yes, ma'am.

9 Q Do you remember what the description was?

10 A The description specifically of the subject I
11 took into custody was white shirt, red shorts, black
12 backpack.

13 Q So you skipped forward a little bit. So you got
14 the description of the individuals who were suspects?

15 A Correct.

16 Q At some point, did you come into contact with one
17 of those individuals?

18 A Yes, ma'am.

19 Q And explain to me that contact.

20 A So as we were circulating, there was some sort of
21 a call related to a suspicious vehicle that potentially
22 would be related. It ultimately was not in the area of
23 Bay Street in Myrtle Beach. We began heading that
24 direction to check that lead out. On the way there, it
25 turned out not to be the case for whatever they were

BRIAN TRUEX - DIRECT EXAMINATION

1 calling in for, for the suspect information.

2 At that time, while we were responding, we were
3 northbound on King's Highway in the area of 20th to
4 21st Avenue North and King's Highway. I heard Officer
5 Shannon Toole call on the radio that he potentially
6 had the suspects in front of a bar called Drifters
7 Saloon at 30th North and King's Highway.

8 Q Let me stop you real quick and show you what has
9 been marked as State's Exhibit 3. Let me show you
10 this. Does that look familiar to you? Do you know
11 kind of what is on this map?

12 A Yes, ma'am; that is a map of King's Highway in
13 Myrtle Beach.

14 Q I'll face it towards the jury. If you could,
15 point to me, generally, where you all were driving.

16 A So we were traveling northbound on King's Highway
17 from the incident location. We were circling the back
18 streets. I was somewhere in the area of 20th to 21st
19 North northbound on King's Highway heading towards Bay
20 Street, which is on the intersection of 38th and
21 Little River Road, when Officer Toole called out he
22 potentially had a suspect in front of Drifter's saloon,
23 which is on the far end of this building at
24 38th Avenue North and King's Highway.

25 Q Are you pointing to the yellow mark on the map?

BRIAN TRUEX - DIRECT EXAMINATION

1 A Yes, ma'am.

2 Q Did you response to Drifter's Saloon?

3 A Yes. We drove to that location immediately after
4 the call. At the time, in the vehicle, Realtime Crime
5 sent out a photo of the suspects that were in that area
6 that they believed to be the suspects related to the
7 crime, which was received by Officer Crawford in the
8 vehicle. He showed me the photos of what was put out
9 by Realtime Crime. So as we responded to 30th Avenue
10 North on King's Highway, I made a left-hand turn onto
11 30th Avenue North and turned into the Drifter's
12 parking lot. Like I said, I was driving a blackout
13 Toyota Tundra pickup, so it was not evident that law
14 enforcement was in the parking lot. I pulled fairly
15 close, one parking space lot over from where the
16 suspects were standing out front --

17 Q Sorry. To clarify, when you pulled into that
18 parking lot, did you make visual contact with the
19 suspect?

20 A Yes, ma'am. I observed five people standing out
21 in front of Drifters. The two suspects pictured in the
22 photos, and then another three other subjects in front
23 of the bar standing there talking to the two
24 individuals in the picture.

25 Q Okay. All right. So what did you do next?

BRIAN TRUEX - DIRECT EXAMINATION

1 A I coordinated with the people in the truck and
2 told them I was going to pull up directly putting my
3 passenger's side -- Crawford and Tiner (phonetic) were
4 on my passenger's side front and rear, so the most
5 amount of law enforcement we could have to challenge
6 them immediately. Knowing they were potentially armed
7 and just involved in a shooting, I wanted as many
8 people out of the truck in their faces as we could.

9 So I pulled up directly with my passenger doors
10 facing them. As they exited, I exited, came around
11 the front, and came directly in contact with the
12 subject that was wearing the white shirt, red shorts,
13 and black backpack.

14 Q Do you see that individual here today?

15 A Yes, ma'am; he's seated there.

16 Q Is that Mr. Gaddis?

17 A Yes, ma'am.

18 Q And you already said it, but was he wearing the
19 black backpack?

20 A Yes, ma'am.

21 Q So were you wearing a body camera that night?

22 A No, ma'am. At the time, SLED was not issued body
23 cameras.

24 Q Was someone in your party wearing a body cam?

25 A Officer Crawford with the Myrtle Beach Police

BRIAN TRUEX - DIRECT EXAMINATION

1 Department was wearing one at the time.

2 Q To your knowledge, was it activated?

3 A Yes, ma'am.

4 Q And have you had an opportunity to review that
5 footage before trial today?

6 A Yes, ma'am.

7 Q I would like to show you what is marked for
8 identification purposes as State's Exhibit 63.

9 MR. GARDNER: No objection, Your Honor.

10 THE COURT: 63 admitted.

11 (State's Exhibit 63 admitted.)

12 MS. WALKER: We move 63 into evidence.

13 THE COURT: So admitted without objection.

14 Q (MS. WALKER) So this body cam footage, you
15 reviewed it before trial today?

16 A Yes, ma'am.

17 Q And was it a fair and accurate representation of
18 everything that took place between you and Mr. Gaddis
19 that day?

20 A Yes, ma'am.

21 Q Let me go back. Not to belabor the point, but at
22 the time you apprehended him, did you believe that he
23 could have had loaded firearms on him?

24 A Yes, ma'am.

25 Q All right.

BRIAN TRUEX - DIRECT EXAMINATION

1 MS. WALKER: At this time, I would request to
2 publish to the jury.

3 THE COURT: Go ahead.

4 (State's Exhibit 63 published to the jury.)

5 Q (MS. WALKER) Agent Truex, at the very beginning
6 of your interaction with Mr. Gaddis, did you ask him
7 anything?

8 A Yes, ma'am. I asked him, "Do you have a gun on
9 you?"

10 Q And what was his response?

11 A Yes. And I said, Where is the gun, or something
12 to that effect, and he said, It's in the bag.

13 Q Okay. All right. And I also can't help but hear
14 on there you say something to the effect of I've got
15 the 1032 or 32; what does that mean?

16 A Normally, you use 10 codes. 1032 means a
17 firearm, but I abbreviated it and said "32," just a
18 quicker way of saying things without people that are
19 around knowing what you are talking about.

20 Q But you weren't referencing the type of gun?

21 A No; just that he had a gun and we have a 32.

22 Q What did you do with the backpack?

23 A So, the backpack, when I initially approached
24 him, I gave him commands to put his hands up. He did
25 not do that. As I approached him and continued, he

BRIAN TRUEX - DIRECT EXAMINATION

1 tried to take the backpack off. So as I was at
2 gunpoint with him challenging him to put his hands up,
3 he tried to slide the backpack off; when he did, he got
4 his right arm out, I holstered my gun and took him to
5 the ground, at which point the backpack came off and
6 was on the ground next to him. Where the video picks
7 up is where you see me finishing the handcuffing.

8 After he was handed off to Crawford to walk to the
9 vehicle, I took the back, secured it, and brought it to
10 the hood of the police vehicle in the parking lot.

11 Q Did you look inside of the backpack?

12 A Yes, ma'am.

13 Q And did you do something to secure those weapons?

14 A Yeah. So I was asked to check the backpack for
15 weapons and verify the contents of the backpack; at
16 which point, I put on latex gloves, opened the
17 backpack.

18 Q Okay. All right. I'll show you now what has
19 been marked for identification purposes as State's
20 Exhibit 8, 17, 18, and 19; if you would, look at those
21 please.

22 A Yes, ma'am.

23 Q What is in those pictures?

24 A These are the two firearms I observed in the
25 backpack when I opened it.

BRIAN TRUEX - DIRECT EXAMINATION

1 THE COURT: What number is that?

2 A This is No. 8.

3 Q (MS. WALKER) Without publishing them -- so I can
4 hand you them in batches.

5 MR. GARDNER: Judge, I don't have an objection.

6 MS. WALKER: Oh, okay.

7 THE COURT: I still want to know the number he's
8 referencing for the photos.

9 THE WITNESS: I understand.

10 THE COURT: Okay.

11 Q (MS. WALKER) So that's State's 8?

12 A 8 and 17 are pictures of the Glock that was in
13 the backpack.

14 Q All right. And then what about that?

15 A State's 18 and 19 are pictures of the revolver in
16 the backpack.

17 Q And these all fairly and accurately represent the
18 guns you saw that night?

19 A Yes, ma'am.

20 MS. WALKER: The State would like to move into
21 evidence State's 18, 19, 8, and 17.

22 MR. GARDNER: No objection.

23 THE COURT: Without objection, so admitted.

24 (State's Exhibits 8, 17, 18, and 19 admitted.)

25 Q (MS. WALKER) What is State's 19?

BRIAN TRUEX - DIRECT EXAMINATION

1 A That is the stamp of the serial number on the
2 revolver that was in the backpack.

3 Q And then State's 17?

4 A The serial number displayed on the exterior of
5 the Glock in the backpack.

6 Q Okay. And were you able to, like I said, secure
7 the backpack and wait until a Myrtle Beach Police
8 Department officer took it?

9 A Yes, ma'am; that is what we did. The backpack
10 was held on the hood there. I stood with it until
11 turning it over to Myrtle Beach Police Department.

12 Q Did you have any other involvement in this case?

13 A No, ma'am.

14 MS. WALKER: Beg the Court's indulgence one
15 moment.

16 THE COURT: All right.

17 (A brief pause in the proceedings.)

18 MS. WALKER: Beg the Court's indulgence one
19 more minute.

20 Q I think I have another picture for you. I would
21 like to show you what is marked for identification
22 purposes as State's 24; can you tell me what that is?

23 A Inside of the backpack that I opened.

24 Q Is that exactly how you had found it?

25 A Exactly how I saw it when I opened the backpack.

BRIAN TRUEX - DIRECT EXAMINATION

1 There was a Tupperware container on top of it that had
2 a lid on it that I had to move in order to see the
3 firearms directly below it. It was a large container
4 that obscured the whole top of it.

5 MS. WALKER: Your Honor, we move State's 24 into
6 evidence.

7 MR. GARDNER: No objection.

8 THE COURT: Without objection, so admitted.

9 (State's Exhibit 24 admitted.)

10 Q (MS. WALKER) You already did, but would you tell
11 us what this is?

12 A The backpack that Mr. Gaddis was wearing when I
13 challenged him in the parking lot, with the Tupperware
14 container on top of it removed, with the firearms
15 directly below it.

16 Q Okay. I'll show you now what is marked as
17 State's 23 for identification purposes; what is that?

18 A The backpack with the Tupperware in it, on top of
19 the firearms, where it was when I initially opened it.

20 MS. WALKER: State moves to place Item 23 into
21 evidence.

22 MR. GARDNER: No objection.

23 THE COURT: Without objection, so admitted.

24 (State's Exhibit 23 admitted.)

25 Q (MS. WALKER) Is that the Tupperware container

SHANNON TOOLE - DIRECT EXAMINATION

1 you are talking about?

2 A Yes, ma'am.

3 MS. WALKER: I do not have any other questions
4 for you. Answer anything that Mr. Gardner might have
5 for you.

6 MR. GARDNER: No questions, Your Honor.

7 MS. WALKER: I ask that he be released.

8 THE COURT: You're excused. Have a nice day.

9 MS. WALKER: We call Shannon Toole.

10 (SHANNON TOOLE, having been duly sworn,
11 testified as follows:)

12 THE WITNESS: Shannon, S-H-A-N-N-O-N, T-O-O-L-E.

13 DIRECT-EXAMINATION

14 BY MS. WALKER:

15 Q How are you doing today, Mr. Toole?

16 A Great. How are you?

17 Q Doing well. You don't have a title anymore; just
18 retired?

19 A Yes, ma'am, just retired.

20 Q Okay. So you no longer are working with the
21 Myrtle Beach Police Department?

22 A No, ma'am.

23 Q And when did you retire?

24 A July 1st, 2020; just over a year ago.

25 Q So were you working at Myrtle Beach Police

SHANNON TOOLE - DIRECT EXAMINATION

1 Department back on June 7, 2018?

2 A Yes, ma'am, I was.

3 Q And what was your role there with them?

4 A Sergeant over our traffic division of about 20
5 officers.

6 Q What did that entail?

7 A Basically, supervising officers underneath me
8 working traffic collisions, doing traffic enforcement.

9 Q Were you doing that on that night, June 7, 2018?

10 A Yes, ma'am. We were working a fatal motor
11 vehicle collision on 17 and Port Drive.

12 Q Approximately, what time was that?

13 A I don't know what time that collision came out.

14 Q Was it nighttime?

15 A Yes, ma'am.

16 Q And, at some point, did you learn there had been
17 a shooting that had taken place down on the Boulevard?

18 A Yes, ma'am. While we were working the collision,
19 we heard over the radio that there had been a shooting
20 on the Boulevard.

21 Q And what did you do in reference to that?

22 A Well, me and my guys finished our investigation
23 on scene where the fatality had occurred. Once we
24 finished our investigation, I began to drive north on
25 17 Bypass and then onto Grissom Parkway. Eventually, I

SHANNON TOOLE - DIRECT EXAMINATION

1 made a right-hand turn on 29th Avenue North.

2 Q At the time that you made that turn, did you have
3 sort of -- did you know who the suspects were in the
4 shooting?

5 A We received an e-mail on our laptops that had
6 photographs of the two individuals that were wanted in
7 connection with the shooting that occurred on Ocean
8 Boulevard, so we did have pictures of the individuals.

9 Q Okay. And so at some point did you see those
10 individuals?

11 A Yes, ma'am. As I was traveling eastbound on
12 29th Avenue North between Oak Street and King's
13 Highway, traveling towards the ocean, I saw two
14 individuals cross, walking northbound, on Highway 17.
15 They were on the west side of the road, which puts them
16 closer to me, walking from right to left across the
17 intersection into a parking lot.

18 Q I'll show you what is entered as State's Exhibit
19 3. I'll ask you if -- take a peek at that and
20 familiarize yourself with the area that that map
21 depicts.

22 A Yes, ma'am; I'm familiar with it.

23 Q Now, I'm going to ask you to please stand. That
24 route you were describing coming down Grissom to
25 29th, can you point that out?

SHANNON TOOLE - DIRECT EXAMINATION

1 A Basically, Grissom Parkway is going to run
2 parallel with Oak Street, comes by Broadway at the
3 Beach, basically from the airport heading north until
4 it intersects with 17 Bypass. So I was traveling up
5 Robert Grissom Parkway and made a right-hand turn where
6 Top Golf is now, traveling down 29th Avenue north to
7 Oak Street, Oak Street towards King's Highway here.

8 Q And is there a stoplight there?

9 A There is a stoplight here, and a stoplight here,
10 King's Highway as well as Oak Street.

11 Q Okay. All right. As you approached that
12 stoplight, did you see something that drew your
13 attention?

14 A Yes. I was about mid-block, and that is when I
15 observed two people walking north from 28th Avenue
16 North towards 30th Avenue North, but they were in the
17 intersection of 29th, if that makes sense.

18 Q At some point, did you observe them in that
19 parking lot?

20 A As I got closer to the intersection where the red
21 light was, I pulled up to the stop bar. By that point,
22 they entered into the parking lot. It is an old A&P.
23 I think it is now Drifters Saloon. So they were on my
24 left-hand side in that parking lot.

25 Q What did you do from there?

SHANNON TOOLE - DIRECT EXAMINATION

1 A Got onto the police radio, notified dispatch that
2 I had seen or had my sight on the individuals believed
3 to be involved in the shooting on Ocean Boulevard based
4 on the clothing they were wearing.

5 Q The clothing they were wearing, was it the same
6 as the photograph you had received through the BOLO in
7 the e-mail?

8 A Yes, ma'am, it was.

9 Q And so where did you drive next?

10 A Upon seeing them and waiting on officers to come
11 and assist, I made a left-hand turn to King's Highway,
12 drove past 30th Avenue North to the intersection of
13 31st, and made a left-hand turn. Actually, I parked
14 my vehicle right by this strip mall here. I think it
15 is a cell phone company at this point.

16 Q All right. So is that where you parked,
17 approximately across the street from the Drifters
18 Saloon?

19 A Yes; it would be basically one block north.

20 Q Okay. I'll take this back.

21 During that time that you maneuvered your car in
22 that parking lot, did you maintain visual contact with
23 the defendant?

24 A Once I pulled up and parked my vehicle, I
25 actually exited my car because it was concealed from

SHANNON TOOLE - DIRECT EXAMINATION

1 view. I could no longer see the individuals walking in
2 the parking lot, but I had communicated to dispatch
3 where I had last seen them. I kept moving between the
4 King's Highway side of the building and the back of the
5 building, because it is opened and it would be
6 available for people to walk north through that area.
7 So I kept moving from the front of the strip mall to
8 the back trying to regain eyesight where they were.

9 Q And let me back up. What were you driving; was
10 it a marked patrol car?

11 A 2018 Ford Explorer. It is burgundy. It is
12 unmarked, but if you have seen a Ford police car, you
13 know what it looks like.

14 Q Fair. So at some point did you regain visual
15 contact with them?

16 A No, ma'am. I heard radio transmissions about
17 what was taking place, but I didn't physically see the
18 two people walking together anymore after that.

19 Q And when you said you heard radio transmissions
20 about what was taking place, what did you believe to be
21 taking place?

22 A Once I initially got my car parked, I heard a
23 Realtime Crime personnel get on the radio and advise
24 that they had seen them in that parking lot, the
25 parking lot where Drifters Saloon is. From that point

SHANNON TOOLE - DIRECT EXAMINATION

1 forward, I didn't regain eyesight of them. I could
2 hear back-up units responding and sirens coming. In a
3 short time, within minutes, I heard loud screaming,
4 which sounded to me like law enforcement officers
5 challenging a person, giving them orders. At that
6 point, I immediately jumped back in my vehicle and
7 drove through that parking lot into Drifters Saloon; so
8 it was a couple hundred yards. I drove between parking
9 lots. As I came up, I could see there were police cars
10 in front of Drifters Saloon.

11 Q Did you, at some point, make contact with the
12 defendant, Mr. Gaddis?

13 A I did.

14 Q What was the nature of that contact?

15 A He was escorted back to my police vehicle. He
16 was searched and actually put into the back of my
17 police car.

18 Q All right. Describe to me what does the back of
19 your police car look like?

20 A In that particular vehicle, it's got a hard back
21 seat and it actually has a single cell. So, in other
22 words, you just got access to the passenger's side of
23 the vehicle. There is a clear, acrylic partition that,
24 basically, confines you to one seat. You have a cage
25 in front of you, and of course bars on the exterior of

SHANNON TOOLE - DIRECT EXAMINATION

1 the doors there. So it is a single cell in the back of
2 the police car.

3 Q All right. And you mentioned like a hard shell,
4 so the floor and seat are all one piece?

5 A Yes, ma'am. It is a molded back seat that
6 extends, basically, from your shoulders all the way
7 down to the seated portion, goes down into a pan that
8 wraps up the sides by where your feet would sit. There
9 is plexiglass behind your head, so you are confined to
10 that one seat in the car.

11 Q So Mr. Gaddis was placed in that section of your
12 vehicle?

13 A Yes, ma'am, he was.

14 Q Was he the only person in your vehicle that you
15 transported that night?

16 A Yes, ma'am.

17 Q And so the car itself, is it equipped with any
18 sort of video recording devices?

19 A It is. At the time we were actually using a
20 system manufactured by L3. It's got a front camera
21 that faces out the front windshield of the car. It is
22 mounted on the windshield near the rearview mirror. It
23 has another camera that faces the prisoner compartment,
24 so it is mounted up and in front of the prisoner in the
25 back seat of the car.

SHANNON TOOLE - DIRECT EXAMINATION

1 Q And this evening that Mr. Gaddis was in your
2 vehicle, was that camera operational?

3 A Yes, ma'am, it was.

4 Q And was it recording anything that took place
5 inside your vehicle?

6 A Yes. It was recording everything, audio and
7 video.

8 Q And were you able to preserve a copy of that
9 recording for the purposes of this investigation?

10 A I was.

11 Q And did you provide that to the investigator, and
12 we have it?

13 A I did.

14 Q Okay. I would like to show you what's marked as
15 State's Exhibit 64 for identification purposes; what
16 does that appear to be?

17 A This is a disk containing the in-car video that
18 was recorded that night.

19 Q Okay. And have you had an opportunity to review
20 that in anticipation for trial?

21 A Yes, ma'am, I have.

22 Q How do you know that that is the video that you
23 watched to prepare?

24 A My signature is on it, as well as the date that I
25 reviewed it, as well as my initials.

SHANNON TOOLE - DIRECT EXAMINATION

1 Q I'll take that back from you. So this recording,
2 64, would it be fair to say it is approximately 48
3 minutes long?

4 A Yes, ma'am; it is lengthy.

5 Q Okay. And when you reviewed it, the majority of
6 the time, is there anything being said?

7 A No, ma'am, nothing. There is some spaces in
8 there where it is just a person sitting in the car;
9 nothing is going on.

10 Q And so let me show you what is marked as State's
11 Exhibit 65 and ask you to tell us what that is, please?

12 A It is a redacted version of the same video.
13 Basically, the spots where nothing was actually taking
14 place in the back of the car had been removed.

15 Q To the best of your knowledge, was anything added
16 to that footage, that recording?

17 A No, ma'am.

18 Q Was that redacted copy still a fair and accurate
19 representation of everything that you remember seeing
20 recorded?

21 A Yes, ma'am.

22 MS. WALKER: Judge, I would like to move State's
23 Exhibit 64 and 65 into evidence.

24 MR. GARDNER: No objection.

25 THE COURT: Without objection, so admitted.

SHANNON TOOLE - DIRECT EXAMINATION

1 (State's Exhibits 64 and 65 admitted.)

2 MS. WALKER: At this time, the State asks to
3 publish State's 65 to the jury.

4 THE COURT: Okay.

5 Q (MS. WALKER) So this redacted version is still
6 what you saw that night?

7 A It is.

8 (State's Exhibit 65 published to the jury.)

9 Q (MS. WALKER) Were you in the vehicle at the time
10 all of this was transpiring?

11 A No, ma'am. I was standing to the rear of the
12 vehicle away from the vehicle.

13 Q So anything that we hear the defendant saying in
14 that vehicle is just him talking to himself?

15 A That's correct.

16 Q Did you observe any odd movements by the
17 defendant while in the back of your car?

18 A That night, no. No, I did not.

19 Q On the footage, do you see it now?

20 A Yes, ma'am, I do.

21 Q And so I'll -- after this took place, did you
22 transport Mr. Gaddis to the Myrtle Beach jail?

23 A I did.

24 Q And from there, did you have any other contact
25 with Mr. Gaddis?

SHANNON TOOLE - DIRECT EXAMINATION

1 A No, ma'am. He was -- we removed him from the
2 vehicle, and the jailer took custody of him and went
3 inside the police department.

4 Q But did you ultimately find any other items of
5 evidentiary significance in this case?

6 A I did.

7 Q And tell me about that.

8 A The following morning -- this vehicle is assigned
9 to me. I'm the only one that drives this vehicle. So
10 I went home that morning, early in the morning. I
11 returned to work the next day, and as I was driving to
12 work, I heard a noise in the back seat of the car. I
13 think my initial thoughts were that the seatbelt wasn't
14 connected or something was sliding around or rattling
15 around. So when I got to work, I opened up the back
16 door to see what was making the noise. I found a shell
17 casing, a bullet, in the back seat of my car.

18 Q Had you transported any other people other than
19 Gaddis?

20 A No, ma'am. The car was brand new. He was the
21 first person that had ridden in the back seat.

22 Q Was he also the last in time from the time you
23 transported him, to the time you found that bullet?

24 A Yes, ma'am.

25 Q I'll show you what is marked as State's Exhibit

SHANNON TOOLE - DIRECT EXAMINATION

1 15; can you tell me what that is?

2 A This is a photograph of the prisoner compartment
3 in the back of the 1052, my vehicle.

4 Q What are you trying to highlight in that
5 photograph?

6 A The bullet that is in the floor pan.

7 Q Did you take this picture?

8 A I did.

9 Q And let me now show you what is marked as State's
10 16; what is that?

11 A It's a closer-up picture of the bullet in the
12 floor panel of the car.

13 MS. WALKER: At this time, the State would move
14 Exhibits 15 and 16 into evidence.

15 MR. GARDNER: No objection.

16 THE COURT: Without objection, 15 and 16.

17 (State's Exhibits 15 and 16 admitted.)

18 MS. WALKER: Permission to publish?

19 THE COURT: Yes, ma'am.

20 Q (MS. WALKER) So that is State's 15. Can you
21 walk us through that picture? Can you see it?

22 A Yes, ma'am. Do you want me to remain seated?

23 Q Whatever you are comfortable with.

24 A It may be better if I stand up and point.

25 MS. WALKER: Your Honor, is that all right?

SHANNON TOOLE - DIRECT EXAMINATION

1 THE COURT: That's fine. If you do so, stand
2 over there where this gentleman is so your voice comes
3 back here to my court reporter, please.

4 A Yes, Your Honor.

5 THE WITNESS: Yes, Your Honor.

6 A So I've opened the passenger door of the vehicle
7 and looking in towards the driver's side. You see the
8 front partition. You can see the acrylic divider in
9 the middle, and the shell casing -- sorry, I keep
10 saying "casing," but it is an actual bullet. It is not
11 fired; it is a bullet.

12 Q (MS. WALKER) Okay. All right. So you point
13 that out, the bullet?

14 A Yes, ma'am.

15 Q Okay. All right. Now, I'll show you what is
16 State's Exhibit 16; what is that?

17 A That is just a close-up of the same bullet that
18 is in the back seat of the car.

19 Q And what color is the cap of that bullet?

20 A The cap of it is blue-ish color.

21 Q Okay. Okay. All right. No further questions on
22 those pictures.

23 So once you found that bullet, did you review the
24 camera footage at that point?

25 A Yes, ma'am. Yes, ma'am. I went back and looked

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1 at the video footage from the previous night to find
2 out where it came from.

3 Q What did you determine in watching that footage?

4 A That the defendant had removed it from his sock
5 and dropped it in the back seat of my car.

6 Q Okay. All right.

7 MS. WALKER: I don't think I have any other
8 questions for you. Answer any question that Mr.
9 Gardner has.

10 THE COURT: Mr. Gardner.

11 MR. GARDNER: No questions, Your Honor.

12 THE COURT: You may step down.

13 MS. WALKER: I ask that he be released.

14 THE COURT: Any objection?

15 MR. GARDNER: I heard he's unemployed, I don't
16 think -- (laughing), no objection.

17 THE WITNESS: (Laughing.)

18 THE COURT: Without objection, you're released.

19 We are going to stop for the day, ladies and
20 gentlemen. I'm going to ask that you be back at 9:30
21 in the morning.

22 During your overnight break, do not discuss this
23 case at all with anyone. Do not do any independent
24 investigation. You are to decide this case solely
25 upon the evidence and testimony presented in this

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1 courtroom. When you do return in the morning, before
2 you come out, if you will, select a foreperson for me.
3 I will tell you that your foreperson can't be
4 Ms. Vellucci. If you will, select a foreperson,
5 reduce that to writing, and give it to Mr. Bobby, and
6 he'll give it to me. Whoever you all select as the
7 foreperson will sit where Mr. Roberts is seated now,
8 and that will be the foreperson's seat throughout,
9 okay.

10 You all have a nice evening. I'll see you
11 tomorrow at 9:30.

12 (The jury exits at 5:34 p.m., and the
13 following is heard out of the presence of the jury.)

14 Anything else?

15 MS. WALKER: Nothing, Judge.

16 THE COURT: If you will be here at 9:15 in case
17 there is any issues. Thank you.

18 (WHEREUPON, THE PROCEEDINGS FOR JULY 19, 2021
19 CONCLUDED. THE FOLLOWING WAS HAD ON JULY 20, 2021.)

20 THE COURT: Anything from the State?

21 MR. HOLFORD: Yes, the State would move to
22 request, with the Court's permission, to re-call
23 Shannon Toole, who just left the stand. That was our
24 last witness yesterday. As the Court will remember,
25 we had the Jackson v. Denno that the Court said we

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1 probably didn't even need to have, but it was
2 difficult hearing the audio portion. That portion had
3 been redacted down to a six-minute tape, which we
4 played in court in front of the jury yesterday.

5 After hearing that actual recording, it was
6 nearly impossible to hear what the defendant was
7 saying. The person we have -- the State argues this
8 is merely a technical issue. The version we have on
9 the computer downstairs, what the defendant is saying
10 is clear, and that is evidenced by the State's opening
11 statement about disrespect. You can clearly hear the
12 defendant saying he took the life because he was
13 disrespectful. That, in front of the jury, based on
14 the audio file that we played yesterday, was nearly
15 impossible to hear. So what we did after court
16 yesterday is re-burn that audio file using a separate
17 program on the computer, and we have that to play.

18 So the State is requesting to re-call Officer
19 Shannon Toole just to play that six-minute video. We
20 believe that it would aid the jury in actually being
21 able to hear what was going on in the back of the car,
22 and that the tape that is in evidence right now is
23 extremely difficult to hear.

24 Your Honor, the Rule 611 mode of order of
25 interrogation of presentation allows re-call at the

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1 Court's discretion. South Carolina specifically did
2 not follow the federal rule as to reexamination and
3 re-call, and they allowed it to make it consistent
4 with South Carolina law. It says in the note in
5 611(c), Levy Outdoor Resorts of South Carolina 304
6 S.C. 427, '91 -- that is 1991. In State v. Strawman,
7 281 S.C. 508, a 1984 case. And Huff v. Latimer 33
8 S.C. 255, 1890 case.

9 MS. WALKER: I have copies of the rule and cases,
10 if you would like it.

11 THE COURT: Let me see the case, please, ma'am.

12 MS. WALKER: Oh, yes, sir. There is three of
13 them. These first two are the criminal ones.

14 Mr. Gardner, have you had a chance to look at
15 these.

16 MR. GARDNER: She just handed them to me, Judge.
17 I'll take a quick look at it, but we're opposed to all
18 of this. This case is three years old. To come in
19 the middle of a trial and rework something through
20 some program that I don't know anything about, never
21 heard of it --

22 THE COURT: Have you heard the new video?

23 MR. GARDNER: No. No, Your Honor. And it
24 doesn't matter what the new video says, it was
25 reworked, by their own admission, in the middle of

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1 trial, something they've had for three years, and I'm
2 opposed to it and object to it.

3 MR. HOLFORD: Your Honor, if I may respond to
4 that? The audio file was turned over. The audio file
5 is the same. It is the manner of downloading that
6 audio file, redacting it appropriate to court, which
7 we've done in preparation of the trial. That
8 downloading and conversion to the redaction is what
9 made it impossible to hear. The audio file has not
10 changed. The original audio file was presented to the
11 defense a long time ago. This is not something that
12 is new to them or new to this case. It is simply the
13 ability to hear clearer the audio that was played in
14 court yesterday.

15 THE COURT: Well, you all have handed me three
16 cases here. It is 9:29 right now. I won't let him
17 call him right now until I look at those cases, and
18 give Mr. Gardner an opportunity to look at them as
19 well. But I'll take that under advisement until I've
20 had an opportunity to look at those cases. It is
21 within my discretion under the rule, I understand
22 that.

23 MR. GARDNER: May I add one more thing, Your
24 Honor?

25 THE COURT: Yes, sir.

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1 MR. GARDNER: I would point out, if I recall
2 correctly, we had no cross-examination for this
3 witness.

4 THE COURT: You did not cross Mr. Toole at the
5 time.

6 MR. GARDNER: So if it goes to discretion, I
7 would say normally if this was allowed, which is
8 rarely allowed, I would submit, it would be because of
9 some extraordinary cross-examination or new evidence
10 that wouldn't be found otherwise. We didn't have
11 either one of those in this case; all the more reason
12 to deny this motion, Your Honor. Thank you.

13 THE COURT: Anything else at this time?

14 MR. HOLFORD: Nothing further on that.

15 THE COURT: When we take our mid-morning break,
16 I'll look at these cases and look at them then.

17 Anything else before I bring the jury back out?
18 We've been advised Juror 248, Whitney Pierce, is the
19 foreperson, and I made that a Court's exhibit.

20 (Court's Exhibit 4 marked.)

21 DEPUTY: They are all here, Judge.

22 THE COURT: Bring them in, please, sir.

23 (State's Exhibits 66 through 78 marked.)

24 (The jury enters at 9:34 a.m., and the
25 following is heard in the presence of the jury.)

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DONALD SNYDER - DIRECT EXAMINATION

1 THE COURT: All jurors are present. Good
2 morning, ladies and gentlemen. I hope you are doing
3 well. You have elected Ms. Pierce to be the forelady
4 of the jury, and she is seated in the proper seat.
5 Hope you had a good evening and ready to proceed here
6 today.

7 At this time, I'll recognize the State. Call
8 your next witness.

9 MS. WALKER: We call Officer Snyder.

10 (DONALD SNYDER, having been duly sworn,
11 testified as follows:)

12 THE WITNESS: Donald Schneider, D-O-N-A-L-D,
13 S-N-Y-D-E-R.

14 DIRECT-EXAMINATION

15 BY MS. WALKER:

16 Q Good morning. How are you?

17 A I'm good.

18 Q What is your current role at Myrtle Beach Police
19 Department?

20 A On the Street Crimes Unit.

21 Q And so what is your rank? What do I need to call
22 you?

23 A Officer is fine.

24 Q All right. So, Officer Snyder, with the Street
25 Crimes Unit, what do you do on a daily basis?

DONALD SNYDER - DIRECT EXAMINATION

1 A We are assigned to assist the Investigative Unit,
2 as well as investigate street crimes, such as
3 narcotics, prostitution, burglary, all of those, and
4 other various crimes.

5 Q And do you receive any sort of special training
6 with regards to drugs?

7 A Yes, ma'am.

8 Q Could you tell me a little bit about that?

9 A Yes, ma'am. After graduating the Academy, we
10 attended training for basic narcotics investigations,
11 parcel, freight classes.

12 Q Is part of that identifying certain types of
13 drugs?

14 A Yes, ma'am.

15 Q And how long have you been with the Myrtle Beach
16 Police Department?

17 A Just over five years.

18 Q Were you working there back in 2018?

19 A Yes, ma'am.

20 Q Specifically, June 7, 2018?

21 A Yes, ma'am.

22 Q Did you have an occasion to be involved in the
23 investigation of this case?

24 A Yes, ma'am.

25 Q So tell me a little bit about that. What was the

DONALD SNYDER - DIRECT EXAMINATION

1 nature of your involvement?

2 A Yes, ma'am. Just after midnight on the following
3 day when -- after the incident occurred, I responded
4 after two suspects were identified by an officer
5 driving by as possibly being involved. I then
6 responded to the location, which is 2905 North King's,
7 the Drifters Bar and Saloon. And then --

8 Q I'm going to stop you there. I'm being tedious
9 with this map, but I would like to ask you to look at
10 what is marked as State's 3. Can you take a peek at
11 that and familiarize yourself with it?

12 A Yes, ma'am.

13 Q Does that look familiar?

14 A Yes, ma'am.

15 Q I'll ask you whether it is more comfortable to
16 stand up, or whatever is best for you, but if you could
17 point to the area that you responded to, or the
18 location?

19 A Parking lot here at 30th Avenue North and North
20 King's Highway.

21 Q All right. And you already said that was the
22 Drifters Saloon?

23 A Yes, ma'am.

24 Q And what did you do once you got there?

25 A As I arrived on scene, I made contact with the

DONALD SNYDER - DIRECT EXAMINATION

1 officers that had the defendant here detained and
2 placed in handcuffs. I observed his property placed on
3 the ground in front of him. Once I made contact with
4 them I, asked if they needed a property bag, that's a
5 white paper bag, to place all of his property in. I
6 retrieved one from my vehicle. I then came over and
7 collected all of the property off the ground. Once he
8 was placed under arrest, I took that property,
9 following an officer who placed him in his vehicle, and
10 I secured that property within that vehicle.

11 Q So when you say the "defendant here," you mean
12 Earl Gaddis?

13 A Yes, ma'am.

14 Q And so did you observe Earl Gaddis being arrested
15 that day?

16 A Yes, ma'am.

17 Q You talked about his property; specifically, what
18 property did you secure?

19 A There was some --

20 Q I apologize. Let me rephrase. From what part of
21 his body did that property come from?

22 A From his pockets, yes, ma'am.

23 Q So did you have anything to do with collecting
24 items from the backpack?

25 A No, ma'am.

DONALD SNYDER - DIRECT EXAMINATION

1 Q So separate bits of property?

2 A Yes, ma'am.

3 Q So have you had an opportunity to review any body
4 cam footage in preparation for trial?

5 A Yes, ma'am.

6 Q And that footage that you reviewed, can you see
7 yourself on that footage?

8 A Yes, ma'am.

9 Q And -- but was it your own body cam footage?

10 A No, ma'am.

11 Q I would expect not, if I can see you. So you had
12 an opportunity to review it, and everything that you
13 seen on that body cam footage, is it all a fair and
14 accurate representation of what you remember happening
15 that night?

16 A Yes, ma'am.

17 Q So, let's see.

18 MS. WALKER: I beg the Court's indulgence. At
19 this time, Your Honor, the State would request publish
20 again State's 63, which is already in evidence; that
21 is the body camera footage of the defendant being
22 arrested.

23 MR. GARDNER: We object. This is cumulative. We
24 have seen it once. We know what it is. There is no
25 reason to replay it again and see it again and delay

DONALD SNYDER - DIRECT EXAMINATION

1 the trial.

2 THE COURT: Can the lawyers approach, please?

3 (Whereupon, a bench conference was had.)

4 THE COURT: Go ahead.

5 MR. GARDNER: We object to any additional
6 replaying of any video. We've watched it. The jury
7 paid close attention to it. We know what is on it.
8 This is to delay the trial. If it is for the purpose
9 of the drugs, we have no objection to the drugs. I
10 told the jury that in the opening statement. We have
11 no objection to the chain of custody of the drugs. We
12 are ready to move forward.

13 THE COURT: Objection noted for the record. Over
14 the objection, I'll allow you to play. Item 63 is
15 already in evidence.

16 (State's Exhibit 63 published to the jury.)

17 MS. WALKER: Is that okay, Judge, if he comes
18 down?

19 THE COURT: Yes, ma'am.

20 (State's Exhibit 63 published to the jury.)

21 Q (MS. WALKER) Who is that bending down?

22 A That is me.

23 Q So is that the white evidence bag that you placed
24 the contents of the defendant's pockets in?

25 A Yes, ma'am.

DONALD SNYDER - DIRECT EXAMINATION

1 Q I don't have any other questions with this video.
2 (State's Exhibits 79 and 80 marked.)

3 Q I'll show you what is marked for identification
4 as State's 79; what is that?

5 A The chain of custody for the BEST packet that I
6 completed.

7 Q What is a BEST packet?

8 A Holds and secures the evidence that was
9 collected, narcotics. It also has documents with the
10 chain of custody, along with the description of what
11 was collected.

12 Q And what date and time is on that form?

13 A June 8, 2018.

14 Q And do you see your signature there?

15 A Yes, ma'am.

16 Q Is that a form you complete when you submit
17 something into the evidence room at Myrtle Beach Police
18 Department?

19 A Yes.

20 Q I'll now hand you what is marked as State's
21 Exhibit 80; what is this?

22 A This is the actual -- the envelope that contains
23 the evidence within it. That is sealed off when --
24 once it is completed.

25 Q And is that the same package that you created

DONALD SNYDER - DIRECT EXAMINATION

1 containing the drugs you collected that night?

2 A Yes, ma'am.

3 Q And how do you know that?

4 A It has my signature, along with my name printed
5 on it that I put on there.

6 Q Okay. All right. And can I take that back?

7 MS. WALKER: The State would like to move State's
8 80 into evidence.

9 MR. GARDNER: No objection, Your Honor.

10 THE COURT: What was 79?

11 MS. WALKER: Just the evidence log.

12 MR. GARDNER: No objection to that coming in
13 either.

14 THE COURT: Without objection, 79 and 80
15 admitted.

16 MS. WALKER: I don't know that we necessarily
17 want to put 79 in, but, sure. That's fine. We'll put
18 79 in.

19 (State's Exhibits 79 and 80 admitted.)

20 Q (MS. WALKER) Item 79, does that contain other
21 signatures on it as well?

22 A Yes, ma'am.

23 Q Does that represent everyone that touched that
24 item of evidence?

25 A Yes, ma'am.

DONALD SNYDER - DIRECT EXAMINATION

1 Q So were you able to do, kind of, a preliminary
2 identification of these drugs that you found in this
3 case?

4 A Yes, ma'am.

5 Q And how did you do that?

6 A With the use of Drugs.com.

7 Q Is that a typical practice to use a website?

8 A Yes.

9 Q So were you the person who analyzed the drugs,
10 chemically analyzed the drugs?

11 A No, ma'am.

12 Q What did you determine that these drugs were?

13 A The yellow bars, rectangles, that were -- they
14 had an inscription of R039; they were identified by
15 Drugs.com as a Schedule IV narcotic, 2-milligram
16 alprazolam, which requires a prescription.

17 Q Okay.

18 A And then 16 green circular pills with 4811
19 inscribed on them, which were identified by Drugs.com
20 as well, as 15-milligram hydrocodone hydrochloride,
21 which requires a prescription to possess.

22 Q Did Mr. -- the defendant, did he have a
23 prescription on him for these pills?

24 A No, ma'am.

25 Q So in addition to collecting these items of

DONALD SNYDER - CROSS-EXAMINATION

1 evidence, did you transport anyone from the Drifters
2 Saloon back to the Myrtle Beach jail?

3 A Yes, ma'am; a secondary subject involved in this
4 case.

5 Q And who did you learn that to be?

6 A Terence Blackwell.

7 Q So you transported him to the Myrtle Beach jail,
8 and did you have any other involvement with him or this
9 case?

10 A Just assisted Crime Scene once he was booked in
11 with obtaining consents to search for a gunshot residue
12 kit to be conducted; after that, nothing.

13 MS. WALKER: I don't think I have any other
14 questions. Answer anything that Mr. Gardner has.

15 THE COURT: Mr. Gardner.

16 MR. GARDNER: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. GARDNER:

19 Q Officer Snyder.

20 A Yes, sir.

21 Q The Solicitor asked you if you observed Mr.
22 Gaddis being arrested, and your answer was, Yes; is
23 that right?

24 A Yes, sir.

25 Q Did you observe Terence Blackwell being arrested?

DONALD SNYDER - CROSS-EXAMINATION

1 A Not in the immediate area. He was brought over
2 once it was determined he was under arrest. I didn't
3 involve myself in that.

4 Q But the truth of the matter is he is right behind
5 you all. You can't see it in the video, but he's
6 behind you all being arrested, isn't he?

7 A I believe so.

8 Q What do you believe?

9 A I do not recall seeing him right there.

10 Q You are not telling the jury that he wasn't
11 arrested?

12 A Say again?

13 Q You are not trying to tell the jury that
14 Blackwell was not arrested? He was arrested?

15 A Yes, sir.

16 Q The same time?

17 A I believe so.

18 Q Do you need to find out? I mean, you were right
19 there, right?

20 A It was relayed to me by a detective that they
21 were placed under arrest.

22 Q We saw you on the video right there. How you can
23 tell us that you don't know that Blackwell was being
24 arrested?

25 A They were detained when I was there. Once they

DONALD SNYDER - CROSS-EXAMINATION

1 were placed under arrest, it was relayed to me, and I
2 was the only transport available on scene.

3 Q Does that mean he was being arrested at the same
4 time?

5 A Yes, sir.

6 Q That was my simple question from the beginning.

7 A Okay.

8 Q The Solicitor asked you what your other role was.
9 You said you transported a secondary subject; what do
10 you mean by "secondary"?

11 A Another individual involved.

12 Q You don't mean anything special by that, right?

13 A No, sir.

14 Q He's equally charged, equally arrested?

15 A Yes, sir.

16 Q You know that?

17 A Yes, sir.

18 Q Blackwell is arrested at the same time, arrested
19 for the same charges, right?

20 A Yes, sir.

21 MR. GARDNER: Nothing further, Your Honor.

22 THE COURT: Redirect?

23 MS. WALKER: Nothing further, Your Honor.

24 We call Dr. Ellen Riemer.

25 (DR. ELLEN RIEMER, having been duly sworn,

DR. ELLEN RIEMER - DIRECT EXAMINATION

1 testified as follows:)

2 THE WITNESS: My name is Dr. Ellen Riemer,
3 R-I-E-M-E-R.

4 DIRECT-EXAMINATION

5 BY MS. WALKER:

6 Q Back on June 9, 2018, did you conduct an autopsy
7 on Sylvester Bellamy, Junior?

8 A Yes, I did.

9 Q Let's start back. Where do you work?

10 A I work at the Medical University of South
11 Carolina in the Department of Pathology where I'm a
12 forensic pathologist. In my role, I perform autopsies
13 on individuals who died under suspicious circumstances
14 or suddenly and unexpectantly in order to determine the
15 specific cause and manner of death.

16 Q And how long have you been doing that?

17 A Actually, 20 years.

18 Q What training have you had for this?

19 A Yes. So I'm a physician and have an MD degree.
20 Following receipt of my MD, which was in 1997, I did a
21 pathology residency, general residency, at New York
22 Presbyterian Hospital in the City of New York in the
23 Columbia Presbyterian campus. Following that, I did a
24 fellowship in forensic pathology at the Office of the
25 Chief Medical Examiner in the state of Maryland. In

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1 addition to that, I did an extra fellowship training
2 year at John Hopkins Hospital in cardiovascular and
3 pulmonary pathology, which I completed in 2003. Since
4 then, I've been an attending forensic pathologist. I
5 first went to Wake Forest University Hospital in North
6 Carolina where I stayed for five-and-a-half years. For
7 the twelve-and-a-half years since then, I've been at
8 MUSC.

9 Q Okay. And have you ever testified in court
10 before?

11 A Yes; hundreds of times.

12 Q And hundreds of times here in South Carolina?

13 A Yes.

14 Q Have you ever been qualified as an expert?

15 A Yes; multiple. Every time.

16 MS. WALKER: Your Honor, at this time the State
17 would ask that Dr. Riemer be qualified as an expert in
18 forensic pathology.

19 MR. GARDNER: No objection, Your Honor.

20 THE COURT: Ladies and gentlemen, let me give you
21 this brief instruction. Normally, a person cannot
22 give opinion testimony. Normally, they must testify
23 as to what they saw, heard, or sensed by smell, or
24 something of that nature; however, there is an
25 exception when someone is qualified because of

DR. ELLEN RIEMER - DIRECT EXAMINATION

1 education or experience. They are permitted to give
2 their opinion in certain areas if the Court qualifies
3 them that way. This witness is being qualified as an
4 expert in forensic pathology to give opinion testimony
5 in that area. That does not mean that you have to
6 accept the opinion, but it is evidence for you to use
7 in any way that you see fit and give it the weight and
8 the credibility that you believe is appropriate.

9 Ms. walker, you may continue.

10 MS. WALKER: Thank you, Judge.

11 Q (MS. WALKER) All right. Let's go back to my
12 original question. I apologize, I went out of order
13 there. So did you perform an autopsy on the deceased,
14 Mr. Sylvester Bellamy, Junior?

15 A Yes, I did.

16 Q And on what date was that?

17 A It was on June 9th, 2018.

18 Q Is it typical that you would perform an autopsy
19 for someone who died in Myrtle Beach?

20 A It's fairly typical. Every county has a coroner
21 that is elected, and it is up to them who they want to
22 send the deceased body to for an autopsy; frequently,
23 Horry County sends cases to MUSC.

24 Q Okay. All right. At the time you performed the
25 autopsy, would there have been a Myrtle Beach Police

DR. ELLEN RIEMER - DIRECT EXAMINATION

1 Department officer there in the vicinity while you
2 performed it -- not in the room with you, but?

3 A He may have been. I mean, they don't
4 participate. I don't really -- I mean, I do my autopsy
5 and then, you know, any evidence that is recovered is
6 usually transferred to an officer that is present. I
7 don't recall if it was transferred in this case. I can
8 check, if you wish.

9 Q Okay. We'll get to that.

10 A Okay.

11 Q So in Mr. Bellamy's case, what happened to him?
12 What did you find out?

13 A Well, he was a healthy 24-year-old young man who
14 sustained five gunshot wounds, which resulted in his
15 death.

16 Q You note the five gunshot wounds, but wasn't
17 there then some -- a sixth shot?

18 A Yes; I was just about to get there.

19 Q Tell us about that.

20 A So in addition to the actual gunshot wounds,
21 there was a shotgun wound -- evidence of a shotgun
22 wound to Mr. Bellamy's right shoulder area and right
23 forearm. So these are a bunch of shotgun pellets that
24 actually went into his skin and stopped in, like, the
25 subcutaneous tissue, like the fat and muscle.

DR. ELLEN RIEMER - DIRECT EXAMINATION

1 Q You said that is in the right shoulder and then
2 right arm?

3 A Yes; right shoulder, right side of the chest. So
4 it covered an area -- like on my body, like this area.
5 And then there was also some on the right forearm area
6 from the same shot, which would indicate his hand may
7 have been up at the time he was shot.

8 Q As we go through each of the gunshot wounds,
9 could you identify on an anatomical male sketch each
10 place where the gunshot wounds were?

11 A Yeah. Sure. I'll take my notes up with me to
12 make sure I have it accurate.

13 Q Is this accurate?

14 A Yes. With every case we have a body diagram, and
15 it helps us mark down -- during the autopsy, I mark
16 down and take notes, so I have all of the information.
17 Then, afterward, I write up the report. So this is
18 exactly what I would be using during the autopsy to
19 mark down the gunshot wounds.

20 Q Okay.

21 MS. WALKER: Your Honor, this was State's Exhibit
22 2 for identification purposes. The State does not
23 intend to enter the blank one into evidence, but I
24 would ask that she be able to use it for demonstrative
25 purposes for the jury, and come down off the stand.

DR. ELLEN RIEMER - DIRECT EXAMINATION

1 THE COURT: Any objection?

2 MR. GARDNER: No, Your Honor.

3 THE COURT: So granted.

4 Q (MS. WALKER) It might be easier to stand.

5 THE COURT: If you will, stand on the other side,
6 please, so your voice goes towards my court reporter.

7 A I'll describe each one of the five gunshot
8 wounds, and they are not in any particular sequence. I
9 don't know which one came first, which one came later,
10 but I'm just going to start with one through five, and
11 I call it A, B, C, D, and E. So "A" was basically
12 right over here. So "A" was an entrance gunshot wound
13 on the right. I'll make a dotted line to indicate that
14 it kind of went into the chest. So it's going in, and
15 once it was inside of the chest, it went through the
16 right lung and the heart, and then stopped there.
17 Normally, I recover a bullet from inside of the body
18 when there is no exit wound, but in this case,
19 extensive resuscitation was performed on Mr. Bellamy,
20 including a large open incision here. So they used a
21 knife to try to, basically, give cardiac massage. It
22 is like the last ditch effort to save someone's life.
23 They scooped out all of the blood from the left side of
24 the chest. There was also a chest tube in the right
25 side of the chest, so all this blood was, basically,

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1 drained from his body. The bullet from that particular
2 gunshot wound probably got drained along with the
3 blood. So that was an example of where I have an
4 entrance wound, and no exit wound, and did not recover
5 the bullet from this particular gunshot wound. This
6 was a terrible, high injury. It was a non-survivable
7 injury because it injured the heart. So the heart will
8 stop from this kind of injury. So I called that "A."

9 Now, "B" is -- this was an entrance wound right
10 over there, okay (indicates). That kind of went -- it
11 was going, like, inside of the head. It went in, and
12 kind of downward, and just got -- the bullet was
13 recovered in the base of the skull. It was recovered
14 at the base of the skull. So our brain is in our
15 head, right, but it is held up by the base of the
16 skull. So we have this part of the skull, that is
17 called the cap area of the skull; that covers the
18 brain. The brain is not, like, falling into our face,
19 and that is because there is a base of the skull, like
20 a floor underneath that keeps it up.

21 Then there is a lot of blood vessels and nerves
22 that go through that to connect with the rest of the
23 body. But that bullet ended up -- so if his brain
24 would stop there, it was right at the base of the
25 skull. So that is going in a downward direction, and

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1 a little front to back. So that was "B." I'll make a
2 circle so you can see where they were.

3 Now, "C," there is a gunshot wound kind of right
4 over there; that is correct "C." Okay. And that one
5 traveled through the left arm and exited on the inside
6 of the left arm. So it's going from here and coming
7 downward, exiting on the inside. It didn't stop
8 there. It actually continued, like, into the left
9 side of the chest. That is sort of like, you know,
10 not the front or back, but on the left side. It had
11 used up a lot of energy already going through the arm;
12 and then going through the skin, it kind of just got
13 stuck right beneath the skin. So I recovered that
14 bullet. So I recovered a bullet from "B," and I
15 recovered a bullet from "C." So that one is going
16 kind of like that, through the arm, and then just into
17 the skin on the left side of the chest, and stops
18 right there.

19 Then, there was a gunshot wound to the neck, kind
20 of like the back of the neck area, okay. The entrance
21 wound was kind of just like there. This is -- I
22 called this "D." "D" (indicates). This one kind of
23 went just like that. So it kind of slid under the
24 skin, went through some soft tissue right under the
25 skin, and then exited right away. So it was kind of a

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1 short path through the body. It didn't go through any
2 vital organs, but it is another gunshot wound, and it
3 was through-and-through. Because it was
4 through-and-through, there wasn't a bullet left in his
5 body. So there may have been a bullet somewhere else
6 or at the scene, but it was not in his body, so I was
7 unable to recover it.

8 Then, there is one other gunshot wound, and that
9 I called "E." That is kind of right over there
10 (indicates). It is kind of right below where the one
11 to the left arm went, through the left arm, and then
12 right into the skin on the left side of the chest.
13 Well, there is another entrance wound just below that,
14 and that one is "E." That one is going through the
15 body. This, kind of, just on the actual side
16 (indicates). It would be kind of in the line of your
17 armpit. It is not the front or back, but we call it
18 the "lateral aspect of the torso." That one traveled
19 downward in the body and ended up right there. So a
20 bullet was recovered in the right, front of the hip.
21 So that was going from left to right and downward.

22 While that bullet traveled in the body, it went
23 through a lot of important organs. First, it started
24 with the diaphragm. So the diaphragm is this muscle,
25 a very large muscle that goes all the way across your

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1 chest, and it helps you breathe. So the diaphragm
2 moves, and that brings air into your lungs. It is a
3 major muscle used for breathing. So it went first
4 through the diaphragm. On top of the diaphragm is the
5 lungs, and below is the liver. So after it went
6 through the diaphragm, it went through the liver, and
7 then the stomach, and some small bowel, like
8 intestines. And then after some intestines, it went
9 through, like, muscle of the right abdomen. So muscle
10 on the front of the abdomen. It is like the lower
11 abdomen, and it terminated there. So there was new
12 exit. So I got a bullet from here. That is one
13 bullet. I got a bullet from here; that was from this
14 one. And then I got a bullet from here. So three
15 bullets recovered.

16 This one -- remember, this one went
17 through-and-through. You know, this is like -- there
18 is a lot of gunshot wounds to keep track of. When I
19 first looked at him, I didn't know what was happening.
20 I had to do a whole autopsy, because when I looked, I
21 didn't know what was connected to what, and what ended
22 up in the body.

23 So then this one -- I have a bullet from here,
24 from this wound that ended up here. From this wound
25 ended up here. Then, I did not get a bullet from this

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1 wound because that was through-and-through, in and
2 out. Then, this one went in, but because of all of
3 the medical intervention and trying to save his life,
4 blood is basically being sucked out to try to make
5 room for his lungs to breathe, that bullet was
6 probably lost in the operating room.

7 Q (MS. WALKER) And just for the court reporter's
8 purposes, did you indicate areas with a specific
9 symbol where you recovered the bullet?

10 A So I can make a star. I'll make a star so it is
11 easier later on when you are looking at this. So a
12 star means "bullet recovered." Bullet recovered. So
13 there is a bullet recovered that was in the base of the
14 skull, went through the brain, and just stopped in the
15 base of the skull. Because the skull offers a lot of
16 resistance; it is bone.

17 Then I've got a bullet here just underneath the
18 skin; that is a star there. Then another bullet right
19 over here. So those are the three bullets that I
20 recovered.

21 Q And can you identify now the sixth injury?

22 A Yes. Okay. So, yeah, this just means "chest
23 tube." I'll write that so you know what that is.

24 Q Is that something that came from medical
25 intervention?

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1 A Yes. When people are bleeding into their chest,
2 it prevents them from breathing. It, like, basically
3 crushes your lungs. So they try to draw out whatever
4 fluid there is. And when they start giving someone
5 air, lungs can expand. So that was a chest tube.

6 This was an open incision where they tried to --
7 they had rags impacted in the left side of the chest,
8 but that is to do cardiac massage. That is the last
9 ditch effort. That is like grabbing the heart in
10 their hands and trying to get it to start beating
11 again.

12 Then, there is another area. The additional
13 injury from the shotgun pellet wounds were pretty much
14 like around here. So I'm just going to put a bunch of
15 dots there to indicate that these were shotgun pellet
16 wounds. Then, interestingly enough -- so this is the
17 right side, okay. When I say "right side" and "left
18 side," I mean the deceased's right side and the
19 deceased's left side. So this is right, what we call
20 right, and this is left. I'm looking at him and you
21 would think it is different, but we always say the
22 "patient's right side." In this case, the decedent's
23 right side. So he had all of these pellet entrance
24 wounds in that kind of distribution. And then
25 interestingly enough, he had some over here. So there

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1 was a cluster of them down here, okay. These are
2 pellet entrances.

3 So what does that mean? It could be that there
4 was some other shotgun wound, but very frequently -- I
5 mean, if we had it on the right side of the chest and
6 upper shoulder, you know, people are not standing like
7 this. It is very dynamic. So my guess is that this
8 is from the same wound, because it makes absolute
9 sense if his hand was up like this when he was shot.

10 So this is -- you know, we can use our
11 imagination that, you know, people are not -- in these
12 body diagrams, everyone is standing like this, but
13 that is not a real picture of what happened. So, you
14 know, I would imagine that this small collection of
15 pellets is from his right hand being up here near his
16 chest and shoulder when he was shot with the
17 collection of pellet wounds.

18 Q Thank you for that.

19 MS. WALKER: At this time, the State moves to
20 place Exhibit 2 into evidence.

21 MR. GARDNER: Without objection.

22 THE COURT: So admitted, State's 2.

23 (State's Exhibit 2 admitted.)

24 Q (MS. WALKER) You mentioned you recovered three
25 bullets or projectiles?

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1 A Projectiles, yes. Yes.

2 Q Did you turn those over to law enforcement?

3 A Yes. They were transferred to Detective Arroyo
4 of the Myrtle Beach Police Department.

5 Q And are you able to know that through the
6 evidence log?

7 A Yes. There is an evidence transfer sheet, and
8 then I also noted it in my autopsy report what items
9 were transferred.

10 Q Okay. All right. If you will bear with me just
11 one minute, I'll get those items.

12 MS. WALKER: Beg the Court's indulgence for one
13 moment, please.

14 THE COURT: Yes, ma'am.

15 (A brief pause in the proceedings.)

16 (State's Exhibit 81 marked.)

17 Q (MS. WALKER) I'll show you what is marked for
18 identification as State's Exhibit 81.

19 A Yes. And I have the actual -- the original in my
20 file. It is like carbon copies. So this is a copy of
21 the evidence and personal effects transfer sheet that
22 was transferred with the list of items transferred to
23 Detective Arroyo at the conclusion of the autopsy.

24 Q Okay. And do you see on there those three
25 projectiles?

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1 A Yes. So I have a jacketed projectile from the
2 right hip; that was the right part of the lower
3 abdomen. A jacketed projectile from the left torso.
4 That is the one that went through the left arm and into
5 the skin, and just stopped right there. So I called it
6 "from left torso." Then I have the deformed jacketed
7 projectile from the base of the skull. That was the
8 one that went into the top of the forehead, and ended
9 up in the base of the skull. Those three were
10 transferred in addition to shotgun pellets from the
11 right side of the anterior chest wall.

12 Q Okay. And when you said "deformed," what sort of
13 damage is done?

14 A Anything. If it is all bent, you know. Usually,
15 there is some deformation, but sometimes -- like the
16 other two may have been in reasonable shape, so I
17 didn't call it "deformed." So that is a subjective
18 determination. But I have three projectiles recovered.

19 Q Plus some of the pellets?

20 A Plus the pellets.

21 Q Okay. All right.

22 MS. WALKER: Beg the Court's indulgence one more
23 moment.

24 MR. GARDNER: For the record, 81, I have no
25 objection to the carbon copy or to it coming into

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1 evidence.

2 THE COURT: Is the State moving 81 into evidence?

3 MS. WALKER: I will, yes, sir.

4 THE COURT: Without objection, so admitted.

5 (State's Exhibit 81 admitted.)

6 (A brief pause in the proceedings.)

7 Q (MS. WALKER) I'll hand you a couple of pictures,
8 doing it one by one. I'll ask that you make sure that
9 the jury doesn't see them. This is marked for
10 identification purposes as State's 13.

11 MR. GARDNER: I apologize for the interruption.
12 I'll have a 403 objection to these next four.

13 THE COURT: Can the lawyers approach, please?

14 (Whereupon, a bench conference was had.)

15 Q (MS. WALKER) All right. Doctor, I apologize.
16 I'll hand you a couple of them at once. State's for
17 identification purposes 10, 11, 12, and 13.

18 A You want me to describe these?

19 Q No. Can you familiarize yourself with them real
20 quick? Do you know what they are? Are those pictures
21 a fair and accurate representation of Mr. Bellamy's
22 body at the time you performed his autopsy?

23 A Yes.

24 MS. WALKER: At this time, we move to place
25 State's 10, 11, 12, and 13 into evidence.

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1 MR. GARDNER: At this time, for the record, we
2 make a 403 objection that this evidence -- prejudicial
3 value outweighs any probative value. The witness
4 already testified to what the pictures depict.

5 THE COURT: All right. Objection so noted for
6 the record, but overruled. They are admitted.

7 (State's Exhibits 10 through 13 admitted.)

8 MS. WALKER: Permission to publish?

9 THE COURT: Yes, sir.

10 Q (MS. WALKER) We'll project them one by one up
11 there. We'll get a head start. State's Exhibit 10;
12 what does that depict?

13 A So this is a photo of the entrance wound on the
14 left side of the upper forehead, so at the hairline.
15 That's the bullet that went through the top of the
16 skull into the brain and ended up in the base of the
17 skull on the left side.

18 Q Were you able to obtain a height on Mr. Bellamy
19 during your autopsy?

20 A Yes. That is always done for every person that
21 has an autopsy. Let me see. So I measured him as
22 70 inches, which is five-foot-ten.

23 Q Thank you for that. Let me show you what is
24 marked State's Exhibit 11.

25 A So this is a photograph of the left side of the

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1 chest, the side of it where we see the open incision
2 that -- are you going to do this?

3 Q We are.

4 A We can see the back of the open incision. I kind
5 of -- what happened? I kind of want to do it like
6 that. I think it is easier for the jury to picture it.
7 It is a bright picture, can we -- okay. Good.

8 So this is Mr. Bellamy's left arm, and this is
9 his back, okay. This is before the picture was taken
10 before the medical intervention was removed. So it
11 looks like there is a catheter there or a vascular
12 line. He had a whole bunch of vascular lines trying
13 to give him blood trying to save his life.

14 Beneath that, we see the entrance wound that
15 resulted in the bullet right under the skin, and that
16 actually kind of even tore the skin a little bit. So
17 it went in. Remember, it was coming from the left
18 side of the upper, left arm and went there. It went
19 into the skin and just got stuck right in there.
20 Right below that is the entrance wound that went over
21 to the right front of the right hip.

22 So, yeah, that's the only way to figure out what
23 those are from, is actually doing the autopsy and
24 seeing what they are connected to. At the autopsy, I
25 determined this one went through -- that is the one

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1 that went through the diaphragm, the liver,
2 intestines, and ended up in the right side of the
3 anterior abdominal wall, or right side of the hip.

4 Q Since we didn't adequately publish this one, go
5 back to State's 10.

6 A Yeah. So this is Mr. Bellamy's eyebrows. So
7 this is his forehead. This is the left side of his
8 hairline. We can see an entrance gunshot wound just
9 there. So that is the one that went into the skull and
10 the brain, and ended up in the base of the skull.

11 Q So the base of the skull?

12 A It was actually not very far away from the
13 forehead. We have a base, meaning it is right on top
14 of the eyes. So the base of the skull is between the
15 brain and all the stuff in our face, including the
16 eyes. So it kind of went into the -- in, but it wasn't
17 like going -- it had an up-to-down trajectory.

18 Q All right. Now, I'll show you what is marked as
19 State's Exhibit 13.

20 A Let's get that upright. Let's lighten that one
21 up. Okay. We're looking at Mr. Bellamy's back. This
22 is his left ear, the back of his head, left shoulder,
23 and this is kind of like the upper part of the back.
24 You see these two holes? This bullet entered here, and
25 exited there. So it didn't really like injure the

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1 spinal cord or anything like that. It just kind of --
2 I call it tangential gunshot wound. It is going
3 underneath the skin and going in and out. So this one
4 is kind of gliding underneath the skin. We can see it
5 is a left-to-right direction; that means his left,
6 because this is his right and left, and in a downward
7 direction, so.

8 Q Thank you. Now, what is marked as State's
9 Exhibit 12.

10 A Okay. So we see a lot of things here. This is
11 actually -- this is after he came in. He had a lot of
12 medical intervention on him. I did get pictures with
13 medical intervention, but this is a picture after it
14 has been removed, except you can see there is some
15 packing material in the left side of the chest where
16 they had this opened incision; you see it from the
17 back. So there is a big incision where they tried to
18 massage his heart to save his life. This is the right
19 nipple, and that is the gunshot -- entrance gunshot
20 wound that went into the chest, through the right lung,
21 and it was actually a hole into the heart from this
22 entrance wound. And then we have a whole bunch of
23 these pellet entrance wounds that I had described on
24 the right side of the chest and upper arm. This is
25 actually from the chest tube.

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1 That is why it is important -- you always try to
2 get the emergency room folks after they -- they are
3 unsuccessful in saving someone's life, to leave the
4 intervention in tact; because if they remove that
5 chest tube and I got this, I would wonder where that
6 hole came from. So when he first came through, I saw
7 a chest tube there, so that is not a gunshot wound.
8 He had some vascular lines, so like the bigger holes
9 are like big veins, and that is an access point to
10 give blood quickly to somebody.

11 But these are all, you know -- this is multiple
12 pellet wounds from a shotgun. Then, those pellets
13 didn't travel too far. They didn't end up in his lung
14 or pass his ribs. They ended up in the muscle and
15 fatty part of his chest underneath the skin.

16 Q Thank you for that. There are not any other
17 pictures.

18 So I have to ask you about this: You keep saying
19 "shotgun." Can you know for certain whether it was a
20 shotgun, or a shotgun type of pellet, bullet?

21 A Yes. It was from some kind of a -- they were
22 shotgun pellets. I don't know -- it is frequently from
23 a shotgun, but could have potentially been from a
24 different firearm that actually fired that shell that
25 contained all of those pellets.

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1 Q Okay. All right.

2 A So there are shotgun pellets wounds, but I don't
3 know for sure they are from a shotgun, but they are
4 definitely shotgun pellets.

5 Q Thank for you for the clarification.

6 MS. WALKER: Your Honor, I would like to move 81
7 into evidence. I know we already went over that with
8 the evidence sheet.

9 THE COURT: I think 81 was already admitted.

10 MS. WALKER: Thank you.

11 Q (MS. WALKER) Doctor, were you able to determine
12 a cause of death for Mr. Bellamy?

13 A Yes. The cause of death from Mr. Bellamy was
14 multiple gunshot wounds.

15 Q You weren't there when Mr. Bellamy got killed,
16 correct?

17 A No, I was not.

18 Q So your information is solely based on his body
19 and the condition it came to you in?

20 A Yes. As a result of my autopsy, I determined
21 that these gunshot wounds were responsible for his
22 death; that's what I can say with absolute certainty.

23 Q All right.

24 MS. WALKER: I don't have any other questions.
25 If you could answer anything that Mr. Gardner has.

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1 THE COURT: Cross-examination.

2 MR. GARDNER: Good morning. I don't have any
3 questions. Thank you.

4 THE COURT: You may step down.

5 MS. WALKER: I ask that she be released.

6 THE COURT: You are released from your subpoena.
7 Have a nice day.

8 MR. HOLFORD: State calls Richard Arroyo.

9 (RICHARD ARROYO, having been duly sworn,
10 testified as follows:)

11 THE WITNESS: Richard Arroyo, A-R-R-O-Y-O.

12 (State's Exhibit 82 marked.)

13 DIRECT-EXAMINATION

14 BY MR. HOLFORD:

15 Q Where are you employed?

16 A Myrtle Beach Police Department.

17 Q Back in 2018, were you a detective with Myrtle
18 Beach?

19 A I was.

20 Q Did you have an occasion to become involved in
21 the case against Earl Gaddis, the defendant here?

22 A Yes, sir.

23 Q What was your involvement in that case?

24 A The morning of June 6th I was advised I would
25 go to Charleston the next day in reference to an

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1 autopsy.

2 Q About how many detectives does Myrtle Beach
3 Police Department have?

4 A 12, 13, 14; it depends.

5 Q During a homicide, is it typical for one person
6 to be tasked to one thing, and another tasked for
7 others?

8 A Absolutely. All hands on deck on an homicide.

9 Q Were you the lead agent in this case?

10 A Not the lead agent, sir.

11 Q Did you actually -- you said you are tasked to go
12 on an autopsy; did you go to the autopsy?

13 A I did. On June 9th, I went to the autopsy.

14 Q Did you collect anything from that autopsy?

15 A I did, sir.

16 MR. HOLFORD: May I approach the witness?

17 THE COURT: Yes, sir.

18 Q (MR. HOLFORD) I'll hand you what is entered as
19 State's 81. It has been entered into evidence. Are
20 you familiar with State's 81, with that sheet?

21 A Yes, sir.

22 Q What is that?

23 A The sheet that I received from the doctor, or
24 assistant to the doctor.

25 Q And does this contain the evidence that was

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1 turned over to you?

2 A Yes, sir.

3 Q And your signature is on there?

4 A Yes, sir.

5 Q And what do you do with evidence once you collect
6 it from an autopsy?

7 A It remains in my custody until I can secure it
8 into Property and Evidence.

9 Q Did you do so in this case?

10 A I did, sir.

11 Q I'll hand you right now what's marked for ID;
12 this is State's 82. Can you identify what State's 82
13 is?

14 A That is the package we received from the doctor
15 from Charleston.

16 Q Does it appear to be a big, manila envelope?

17 A Yes, sir.

18 Q So there can be multiple items inside?

19 A Yes, sir.

20 Q Is it sealed in any type of way?

21 A Usually, we put evidence tape over the lid of the
22 envelope.

23 Q And I'll ask you specifically: What is the
24 evidence tape that is sealed in this envelope, at this
25 time in court?

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1 A At this time, it looks like SLED had their hands
2 in this.

3 Q So what happens after evidence goes into Myrtle
4 Beach, is sometimes it is sent to SLED?

5 A For certain testing it is. I'm not a crime scene
6 specialist or property and evidence specialist, but
7 we're taught how long to expect stuff and don't be in a
8 hurry. So we know it goes to different places, yes,
9 sir.

10 Q So their tape is still on there now?

11 A Yes, sir.

12 MR. HOLFORD: Court's indulgence.

13 Q (MR. HOLFORD) What did you collect from the
14 autopsy?

15 A I collected bullet fragments, pellets.

16 Q Is there a way at Myrtle Beach Police Department
17 to identify by a number where something comes from,
18 like when you put it in Property and Evidence?

19 MR. GARDNER: Your Honor, if this is for the
20 purpose of admitting this evidence, we have no
21 objection to chain of custody. We have no objection
22 to the evidence coming in, anything from the doctor,
23 anything about drugs. We're ready to move forward.

24 THE COURT: Mr. Holford.

25 MR. HOLFORD: All right. I'm still going to wait

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1 until I lay a proper foundation, I believe, in front
2 of the jury. I still have a duty to prove beyond a
3 reasonable doubt, but I understand there is no
4 objection, so I'll skip ahead some of the chain stuff.

5 THE COURT: Thank you, Mr. Holford and
6 Mr. Gardner.

7 Q (MR. HOLFORD) On that package then, 69, do you
8 see Item 69?

9 A I see it listed as Group 69, but I'm not sure
10 what is on this envelope.

11 Q Is that Myrtle Beach Police 69?

12 A Yes, sir.

13 Q What is that?

14 A Looks like fragments and casings.

15 Q Would it help if I handed you the property sheet
16 to know specifically which items you recovered?
17 Because there are multiple fragments in this case,
18 correct?

19 A Yes, sir.

20 Q From multiple locations?

21 A Looks like Group 69, Item 1 is a fragment.

22 Q Are you able to tell where that fragment came
23 from at the autopsy?

24 A Not from this packaging. You're talking about
25 the person, or the place?

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1 Q Correct.

2 A This came from the victim whose autopsy I was
3 attending.

4 (State's Exhibits 83 through 88 marked.)

5 Q I'll hand you State's 83; are you familiar with
6 83?

7 A Yes, sir; fired bullet.

8 Q What is this paper?

9 A That is a property sheet that shows chain of
10 custody, shows where things come from. They might
11 belong to a group. It is a property sheet. Sometimes
12 we write notes to identify multiple objects or pieces
13 of something. So that is one of the property sheets.

14 Q If I asked you to look at that, could you tell if
15 you were the seizing officer of that piece of property?

16 A I was. I am.

17 Q Would you be able to tell what the bag and item
18 number Myrtle Beach identified this piece of evidence
19 as being?

20 A "Fired bullet removed from the right hip."

21 Q What number is that, Myrtle Beach bag number?

22 A 179996 -- or am I looking --

23 Q (Indicates.)

24 A Oh, Group 69, Item 1.

25 Q Myrtle Beach assigns Item 69 to a fired bullet

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1 from the right hip, and you recovered that from the
2 doctor after the autopsy, recovered from the victim in
3 this case?

4 A Yes, sir.

5 Q How about the next item that you recovered, did
6 you recover another fired bullet?

7 A Group 70 and 72.

8 Q So I'll show you what is marked for ID as State's
9 85 relating to Group 70, and State's 88 relating to
10 group 72.

11 A Yes, sir. These are bullets recovered also by
12 myself. My name is on these property sheets.

13 Q So where did 70 come from?

14 A 70 was removed from the left torso; and 72 was
15 removed from the base of the skull.

16 Q Are these fired bullets?

17 A Yes, sir. Fragments, yes, sir.

18 Q You turned these items into evidence?

19 A Yes, sir.

20 Q Did you also recover anything else from that
21 autopsy?

22 A Yes, sir. Hair, nail clippings, some x-rays, and
23 the bags that were over his hands.

24 Q Were there any other projectiles?

25 A Some pellets.

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1 Q I'll hand you what is marked as State's 87
2 relating to bag 71; what would those be?

3 A Shotgun pellets.

4 Q So, again, those are items that you seized from
5 the autopsy, and then placed into evidence in Myrtle
6 Beach Police Department?

7 A Yes, sir.

8 Q These chain of custodies, they show you as the
9 seizing officer?

10 A Yes, sir.

11 Q Would they show you who you turned it over to?

12 A In the chain of custody on another inventory
13 sheet, yes, sir.

14 MR. HOLFORD: At this time, I have no further
15 questions.

16 THE COURT: What have you moved in?

17 MR. HOLFORD: I have not moved these in, Your
18 Honor.

19 MR. GARDNER: We have no objection moving any
20 evidence into evidence, all of it into evidence.
21 Don't see any need to create --

22 THE COURT: Can the lawyers approach, please?

23 (Whereupon, a bench conference was had.)

24 THE COURT: Any cross-examination?

25 MR. GARDNER: No, Your Honor.

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1 THE COURT: As he's stepping down, we'll take a
2 short break, allow you to continue to your jury room.
3 Do not discuss the case. We'll get you back here as
4 quickly as possible. Thank you.

5 (The jury exits at 10:47 a.m., and the
6 following is heard out of the presence of the jury.)

7 THE COURT: Anything from the State before we
8 stand down?

9 MS. WALKER: Nothing.

10 THE COURT: Defense?

11 MR. GARDNER: No, Your Honor.

12 THE COURT: Let me put on the record with regards
13 to the photographs of the decedent, I believe that
14 were introduced as 10, 11, 12, and 13, defense counsel
15 objected. I didn't say this in front of the jury, but
16 certainly I want to put on the record, as you all well
17 know, the mere fact that photographs were gruesome is
18 not a reason for non-admission. I would say that the
19 photographs in this case -- and I've seen a lot in
20 various murder cases -- were not what I deemed to be
21 gruesome photographs. Photographs that are offered
22 into evidence that simply corroborate testimony are
23 certainly admissible. The photographs -- that being
24 10, 11, 12, and 13 -- corroborated the testimony
25 certainly of Dr. Riemer in this case, and certainly

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1 provided evidence as to what happened on this
2 particular night. They showed the unaltered condition
3 of the victim after sustaining the injuries resulting
4 in his death.

5 I just wanted to add that on the record so the
6 record is clear on the Court's reasoning and ruling on
7 the admissibility of the photographs, okay.

8 (A recess was taken.)

9 THE COURT: Thank you. Be seated, please.

10 MR. GARDNER: Can we approach?

11 THE COURT: Yes.

12 (A bench conference was had and a brief recess
13 was taken.)

14 THE COURT: We had an issue earlier with regards
15 to the State and its desire to recall Officer Toole,
16 Shannon Toole, to the stand. State indicated that
17 there was an issue pertaining to the clarification or
18 clarity of the audio recording of the defendant while
19 he was placed in the back of Officer Toole's
20 automobile. State has a desire to re-call Officer
21 Toole and previously indicated to the Court that when
22 they played this audio recording on their computer,
23 that it was clear as to what the defendant said while
24 seated in the back seat of this automobile. I will
25 say that the audio that was played in court when

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1 Officer Toole was initially on the stand yesterday, I
2 couldn't understand anything that was said. I think I
3 told you all the only word I heard that I understood
4 was "linebacker."

5 Anyway, the State has asked to re-call him
6 after -- and I met with the lawyers back in chambers a
7 minute ago to further discuss this issue, and the
8 State conveyed that once it was played through this
9 television set, that that was when the issues came up
10 about not being able to understand what the defendant
11 was saying. The State handed up cases that we looked
12 at, and my law clerk found State versus White, 416
13 S.C. 135, and I gave a copy of this case to the
14 lawyers back in chambers.

15 In that particular case, during the trial, State
16 sought to admit into evidence a video of the victim's
17 forensic interview. But the parties in the trial
18 court were clearly unable to hear the audio of the
19 interview; the same type of situation we've had here
20 in this case. In the White case, however, during a
21 recess, the court reporter actually prepared a
22 transcript of the audio for the jury to use while
23 watching the video. The trial court found that the
24 forensic interview video was admissible, explained the
25 audio problems to the jurors, and allowed them to

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1 follow the transcript while watching the video. The
2 defendant, White, in that case argued that because the
3 victim's statement in the video was not clearly
4 audible, the trial court abused its discretion in
5 admitting the video and allowing the jury to use the
6 transcript. The Court of Appeals in that case did not
7 find that that was an abuse of discretion and did not
8 find it was error on the part of the trial court to
9 allow that.

10 Now, jumping back to Rule 611 as it relates to
11 re-examination and re-call of the witnesses, that's
12 certainly within the Court's purview or discretion as
13 to whether or not to allow that. After the issues
14 pertaining to the audio that has been explained to the
15 Court, which I've put on the record, the Court is
16 going to allow the re-call of Officer Shannon Toole to
17 the stand for that purpose, and that purpose only.
18 Your objection is so noted.

19 MR. GARDNER: Can I elaborate for the record, not
20 to argue with the Court?

21 THE COURT: Yes. Yes.

22 MR. GARDNER: Your Honor, I submit to the Court
23 that when we watched it yesterday, although not a
24 perfect audio, we could understand what it said. I
25 believe that --

RICHARD ARROYO - DIRECT EXAMINATION

1 THE COURT: Well, when say you watched it
2 yesterday, that wasn't in the courtroom; that was when
3 you watched it with the Solicitor outside of the
4 courtroom?

5 MR. GARDNER: Here in the courtroom before it was
6 played to the jury, the same video, same machine, same
7 everything. We could listen to it and understand it.
8 It wasn't loud, but they turned it up real loud. I
9 don't think that you cannot understand it -- not you
10 personally, the royal you (laughing).

11 THE COURT: (laughing) Well, I promise you, I
12 couldn't understand anything that was said.

13 MR. GARDNER: But I think the people up front
14 listening to it -- I certainly could, and I don't
15 think -- I think this is an unnecessary step to put
16 emphasis on it. But, two, and just as importantly,
17 Your Honor, for Rule 611, I think it is important, for
18 the record, to reiterate that we did not cross-examine
19 that witness, and so we would object to him being
20 re-called.

21 THE COURT: Objection so noted, but the Court's
22 ruling remains the same.

23 Anything before we bring the jury out?

24 MS. WALKER: Your Honor, I just want to provide
25 the opportunity if you, Your Honor, or the defendant,

RICHARD ARROYO - DIRECT EXAMINATION

1 defense, wants to listen to this audio before we bring
2 in the jury, I just wanted to provide that as an
3 opportunity.

4 MR. GARDNER: I would like to take that
5 opportunity at the appropriate time, whenever. I
6 don't --

7 THE COURT: You want to call this witness first?

8 MS. WALKER: We can do that, Judge.

9 THE COURT: If you are not going to call him
10 right now....

11 MS. WALKER: We can call him after, and they can
12 watch it at lunch.

13 THE COURT: Very well. Thank you.

14 MS. WALKER: Yes.

15 (The jury enters at 11:34 a.m., and the
16 following is heard in the presence of the jury.)

17 THE COURT: Let me say this: We don't typically
18 take that long of a break, so don't get accustomed to
19 it. It was out of the ordinary. We had things to
20 handle before I could get you back in here. I
21 apologize.

22 Call your next witness.

23 (SCOTT WILLIAMSON, having been duly sworn,
24 testified as follows:)

25 THE WITNESS: Scott Williamson,

SCOTT WILLIAMSON - DIRECT EXAMINATION

1 W-I-L-L-I-A-M-S-O-N.

2 DIRECT-EXAMINATION

3 BY MR. HOLFORD:

4 Q Where are you employed?

5 A Retired now.

6 Q Where were you employed at in 2018?

7 A Myrtle Beach Police Department.

8 Q How long were you there?

9 A 26 years.

10 Q What was your job title there?

11 A At the time of the incident, it was a crime scene
12 specialist.

13 Q How long had you worked in Crime Scene?

14 A Approximately, 12 years.

15 Q What were your main duties as a crime scene
16 officer?

17 A Handling of photography, analysis of
18 fingerprints, anything to do with it.

19 Q Did you have occasion to respond to this case
20 against the defendant, Earl Gaddis?

21 A Yes, sir.

22 Q Where did you response, initially?

23 A I responded to the bathroom located at Withers
24 Alley.

25 Q What did you find, generally, when you responded

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1 there?

2 A When we arrived there, we found that the alley
3 had been taped off with crime scene tape. Officers
4 were securing the area and not allowing people to walk.
5 We spoke with several officers on scene. They told us
6 that a person was shot inside the bathroom.

7 Q Did you observe that yourself?

8 A Did I observe the shooting?

9 Q No. I'm sorry. The person inside the bathroom.

10 A No, sir; he was not there at the time.

11 Q Where had he gone?

12 A Transported by EMS to the hospital.

13 Q Let me back up. Do you have any special training
14 or education that you went through for crime scene?

15 A Yes, sir.

16 Q Can you tell the jury a little about that?

17 A In general, we're sent to a 40-hour crime scene
18 class, which in my case was held in Myrtle Beach. Then
19 through a series of on-line training, on-the-job
20 training, and also going to local forensic schools.
21 Depending on what your specialty is going to be, the
22 police department sends you to those schools; such as,
23 fingerprints, photography, DNA, recovery, things like
24 that.

25 Q Do you take pictures, video, when you respond at

SCOTT WILLIAMSON - DIRECT EXAMINATION

1 the scene?

2 A Yes, sir, at this time we took a video.

3 MR. HOLFORD: May I approach?

4 THE COURT: Yes, sir.

5 (State's Exhibit 89 and 90 marked.)

6 Q State's 89. Can you just tell the jury,
7 generally, what that is?

8 A This is a DVD containing digital video on the
9 scene as it appears when I first arrived, before any
10 evidence was moved or searched or anything was changed.

11 MR. HOLFORD: Your Honor, we seek to introduce
12 State's 89 into evidence.

13 MR. GARDNER: No objection.

14 THE COURT: Without objection, so admitted.

15 (State's Exhibit 89 admitted.)

16 MR. HOLFORD: Permission to publish?

17 THE COURT: Yes, sir.

18 Q (MR. HOLFORD) Can you see this screen?

19 A Yes, sir.

20 Q Is this the video you took?

21 A Yes.

22 Q Right before we get started, I see two -- they
23 look purple, can you identify those?

24 A Purple nitrate gloves that is issued to the
25 officers to handle biohazard. In this case, when the

SCOTT WILLIAMSON - DIRECT EXAMINATION

1 officers arrived on the scene, they saw evidence they
2 thought was pertinent, so they placed the gloves on the
3 evidence so it would be protected and not kicked or
4 moved, and also to draw my attention to it, that those
5 are things that they found and thought important for me
6 to see when I arrived.

7 Q It was less than a two-minute video?

8 A Yes, sir.

9 Q Does that give you the idea of the layout of the
10 bathroom at that time?

11 A Yes, sir. It is the layout of the inside of the
12 bathroom and just anything we happened to see just by
13 looking.

14 Q Again, for the record, that was after the victim
15 had been transported?

16 A Yes, sir.

17 Q In addition to the video, you take pictures?

18 A Yes, sir.

19 Q Would you recognize those pictures if I showed
20 them to you?

21 A Yes, sir.

22 MR. HOLFORD: May I approach, Your Honor?

23 THE COURT: Yes, sir.

24 Q (MR. HOLFORD) These have been marked as ID
25 State's 26 -- and I put them in different order -- 28,

SCOTT WILLIAMSON - DIRECT EXAMINATION

1 29, 27, 31, 30, 33, 32, 34, 42, 35, 36, 38, 37, and
2 39. Are you able to flip through those and see if
3 those are a true and accurate reflection of the
4 pictures you took that night?

5 A Yes, sir. They are all photographs that I took
6 that night.

7 MR. HOLFORD: Your Honor, at this time State
8 would seek to introduce State's 26, 28, 29, 27, 31,
9 30, 33, 32, 34, 42, 35, 36, 38, 37, and 39 into
10 evidence.

11 THE COURT: Any objection?

12 MR. GARDNER: No, Your Honor.

13 THE COURT: So admitted.

14 (State's Exhibits 26-39 and 42 admitted.)

15 MR. HOLFORD: Permission to publish?

16 THE COURT: Yes, sir.

17 MR. HOLFORD: Let's go through these in that
18 order. Just describe to me and the jury what we're
19 seeing. This is State's 26.

20 A That is the photograph of the sign of the address
21 we are at showing that is where the event is at, and
22 where I began taking pictures.

23 Q (MR. HOLFORD) And the next one, State's 28?

24 A Overall photograph of Withers Alley facing Ocean
25 Boulevard. The ocean would be in the background, and

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1 my back would be to Withers Alley.

2 Q And so the bathroom, is it on right or left side
3 in this photograph?

4 A I'm sorry, I believe it is on the left.

5 Q Yeah. Next one, State's 29?

6 A That's the entrance to the bathroom facing a
7 different angle.

8 Q Okay. State's 27?

9 A Another overall photograph of the alleyway.

10 Q From the opposite direction?

11 A From the opposite direction, yes, sir.

12 Q State's 37?

13 A An evidence marker that we use to mark evidence
14 on the ground, and the number is No. 3, indicating a
15 shell casing I believe.

16 Q That was State's 31, not 37, sorry. Who placed
17 that marker?

18 A Either myself or Crime Scene Officer Bellamy; we
19 were working the scene together.

20 Q And the No. 4 marker?

21 A The same; one of the two of us.

22 Q Why do you do that?

23 A That indicates where the evidence is for court
24 purposes. We can refer to numbers in case there is
25 hundreds of pieces of evidence, we will understand what

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1 we are looking at. It keeps people away from it to
2 protect the evidence so it doesn't get damaged or
3 removed or destroyed.

4 Q Does Myrtle Beach evidence assign a separate bag
5 number?

6 A They do -- well, the computer program assigns the
7 number when you enter it into the computer.

8 Q Are you able to look at the property sheet and
9 know that Photo Evidence 3 would be a certain number
10 for Myrtle Beach PD?

11 A If it was typed into the comments, which that is
12 a general procedure we do.

13 (State's Exhibit 91 marked.)

14 Q This is State's 91 for ID; are you familiar with
15 91?

16 A Not by that number, no.

17 Q Are you familiar with this document that I've
18 handed you?

19 A This is a printout of a property image report,
20 yes, sir.

21 Q And does it contain anything about Marker No. 3?

22 A It does in the notes: "Photo Evidence Marker No.
23 3."

24 Q Are you the seizing officer?

25 A Yes, sir. It is entered that I'm the one that

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1 entered it. It is stamped with the date and time I
2 entered it.

3 MR. HOLFORD: At this time, we seek to introduce
4 State's 91 into evidence.

5 MR. GARDNER: No objection.

6 THE COURT: Without objection, 91 admitted.

7 (State's Exhibit 91 admitted.)

8 Q (MR. HOLFORD) Did you look on here and see what
9 bag Myrtle Beach PD assigned?

10 A Assigned to Bag 26, Item No. 1.

11 Q Just, generally, why do we go through this
12 tedious process of saying there is a casing, I'm
13 marking it No. 3, Evidence marked it No. -- what did
14 you say?

15 A Marked as Bag No. 26.

16 Q Okay.

17 A It's for chain of custody purposes. When I go to
18 a crime scene, I don't know if there are other crime
19 scenes somewhere else or other evidence being picked
20 up, so I use the numbers I have in my photographs, then
21 I refer to those in my report. Then, at a later date,
22 the information is entered into the computer in our
23 Property and Evidence program. Say someone entered 25
24 items before me, that is Items 1 through 25; and if I
25 started with this number, the computer will

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1 automatically make it 26 so you don't have duplicate
2 numbers so you understand what you are referring to on
3 the paperwork.

4 Q Okay. And then we assign our own numbers in
5 court, like State's 30?

6 A Yes, sir.

7 Q What is State's 30 a picture of?

8 A A fired shell casing.

9 Q Can you tell me what Marker No. 3, Myrtle Beach
10 Evidence 26 is referencing?

11 A According to my Horry County report, which I use
12 my photo evidence numbers, it is a 9-millimeter shell
13 casing.

14 Q State's 23, what is this a picture of?

15 A Photo Evidence marker No. 4. It is a fired
16 bullet. It is difficult to see on the screen.

17 Q State's 32?

18 A Same closeup of Item No. 4. And then the item
19 there within the forensic scale is the fired bullet
20 itself.

21 Q State's 34?

22 A 9-millimeter shell casing.

23 Q And what marker is that?

24 A Marker No. 5.

25 (State's Exhibit 92 marked.)

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1 Q I'll hand you State's 92 for ID; are you able to
2 identify what State's 92 is?

3 A Yes, sir; it is classified as a shell casing.

4 Q But the actual exhibit itself?

5 A Sorry? Oh, this is a printout from our Myrtle
6 Beach Property and Evidence.

7 Q Were you the seizing officer of that piece of
8 evidence?

9 A Yes, sir.

10 MR. HOLFORD: At this time, the State seeks to
11 introduce 92 into evidence.

12 THE COURT: Any objection?

13 MR. GARDNER: No, Your Honor.

14 THE COURT: Without objection, 92 admitted.

15 (State's Exhibit 92 admitted.)

16 Q (MR. HOLFORD) This is a Property and Evidence
17 log showing the entry of what marker item number and
18 what Myrtle Beach bag number?

19 A Photo Evidence Marker No. 5, entered by me; and
20 it is Myrtle Beach Bag No. 24, Item No. 1.

21 Q Both of these markers, 3 and 5, were collected
22 there on the scene at Withers Alley?

23 A Yes, sir.

24 Q State's 42, what is that a picture of?

25 A Closeup of the head stamp of a shell casing.

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1 Q What is relevant about this photo? What are you
2 trying to document?

3 A The brand, make, and caliber, which is indicated
4 by writing on the outside of it; and then the fact that
5 there is a strike on the primer, meaning it was fired.

6 Q Is that why you found a casing and not a full
7 round?

8 A That's correct. That round was discharged
9 through a firearm.

10 Q State's 35, what do we see?

11 A Interior picture of the wall of the bathroom --
12 we're looking for No. 6, or the defect on the wall?

13 Q The defect.

14 A The one at the top, you see a dark mark on the
15 wall, that is a bullet defect. It struck something,
16 did damage.

17 Q Since you mentioned it, 6 -- did you collect a
18 lot of things from this bathroom?

19 A Yes, sir, quite a bit.

20 Q Did you collect anything from No. 6?

21 A We took the entire trash bag out of the
22 receptacle, kept it together, and took it as one item.

23 Q So we might go over a few things, but did you do
24 a lot more in this case?

25 A Yes, sir.

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1 Q Anything relevant in that trash bag that you were
2 able to determine?

3 A No, sir. When we took it back to the lab and
4 separated all the trash and photographed it, we
5 couldn't find anything that was probative to the case
6 at that time.

7 Q State's 36?

8 A Evidence Marker No. 15, a second bullet defect in
9 the wall.

10 Q "Bullet defect," what does that mean?

11 A A bullet strikes something and does damage to
12 whatever it is it is striking, so it is a defect of the
13 construction of the wall.

14 Q State's 38?

15 A Referring to Item No. 7?

16 Q Yes.

17 A That is Evidence Marker No. 7, and it indicates
18 location of another fired bullet found laying on the
19 floor.

20 (State's Exhibit 93 marked.)

21 Q I'll hand you State's 93 for ID; what is the
22 document that I've handed you?

23 A It is a printout from the Myrtle Beach Police
24 Evidence program.

25 Q And, again, were you the seizing officer on that?

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1 A Yes, sir.

2 Q What marker number is it?

3 A Photo Evidence Marker No. 7, and then listed in
4 the computer as Bag No. 25, Item No. 1.

5 Q State's Exhibit 37 is a picture of?

6 A It is a closer picture of the photo. It is
7 Marker 7. Within the forensic scale, you can see the
8 fired bullet better from the previous picture.

9 Q State's Exhibit 39?

10 A That's an overall photograph of the -- I believe
11 of the bathroom facing from the wall. The door would
12 be on your right-hand side of the screen looking
13 towards the bathrooms, towards the stalls and the
14 urinals.

15 Q I'll hand you what is marked for ID as State's
16 82, a package containing multiple items. Are you able
17 to identify what is in that package based on Myrtle
18 Beach Police bag numbers or property numbers?

19 A Yes. The groups and the bag numbers are all
20 listed on here.

21 Q Specifically, in reference to ones we just went
22 over -- well, where does this bag appear to have been
23 sent?

24 A It was sent to SLED Forensic Services for items
25 inside, sent for analysis.

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1 Q Anything you collected from Withers Alley, was it
2 sent to SLED in this bag?

3 A The fired bullets and cartridge cases would be
4 sent for analysis, yes.

5 Q On the edge of the case, does it list Myrtle
6 Beach PD 24, 26, 25?

7 A Nos. 24 and 26.

8 Q Were sent to SLED?

9 A Yes.

10 Q Do you know if the fired bullets collected from
11 the scene were ever sent to SLED?

12 A Yes, they were.

13 Q Are you sure?

14 A I'll have to refer to my report here, but
15 generally, if the bullet is intact, we'll send it up.
16 If it is destroyed to where it can't be used, we don't.
17 It depends on the condition of the bullet. What was
18 the numbers again?

19 Q It would have been 25 and 27.

20 A They were not sent up in my initial SLED
21 submission; that's what I can tell you about it.

22 Q But the 9-millimeter casings were?

23 A Items 24 and 26, I have it listed here as
24 9-millimeter cartridge casings.

25 Q Now, I'm going to hand you a stack of

SCOTT WILLIAMSON - DIRECT EXAMINATION

1 photographs. Familiarize yourself with those
2 photographs. I've tilted them. Some are in evidence,
3 and some are not yet. What did you do after you
4 processed the scene? Were you involved in processing
5 anything else?

6 A Initially, when I arrived at the scene, we began
7 the walk-through of the videotape process, and then we
8 were asked to go to Myrtle Beach Police jail where the
9 suspect was in custody and to photograph them and do
10 any kind of processing that would be required at that
11 time. So we responded to the Myrtle Beach Police jail
12 immediately after taking the video that you just saw.

13 Q (Indicates.)

14 A Yes, sir. These are the photographs I took in
15 the crime scene laboratory.

16 Q We have State's 39 up; can you describe what
17 these items are or appear to be, the white and plastic?

18 A The white items in the plastic were packaging
19 from bandages and equipment that EMS were using while
20 they were treating the person. They usually just leave
21 that behind when they transport to save time.

22 Q In the photo you took, the victim was out of the
23 bathroom, correct?

24 A Yes.

25 Q Do you know about how many people went in there

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1 with EMS to provide services?

2 A No. I have no way of knowing that.

3 Q The shell casings -- where are the shell casings
4 located in reference to the bathroom that we've seen
5 already?

6 A Immediately outside of the door in the alleyway.

7 Q Is it possible that the shell casing had been
8 somewhere else prior to EMS entering?

9 A It is possible.

10 Q Is it possible that when EMS is treating someone
11 and wheeling them out, that shell casings could have
12 moved?

13 A Yeah. Any time -- if they are not conscious of
14 where they are walking, casings can be caught up in a
15 shoe tread or kicked. They could be moved very easily.

16 Q When you marked them, it's where you saw them,
17 correct?

18 A Yes; that's correct.

19 MR. HOLFORD: State seeks to introduce -- 23 is
20 in evidence -- so State's 53, 54, 50, 51, 52. 24 is
21 in evidence. 44, 45. I believe 8, 17, 18, 19 are in
22 evidence. Introduce State's 20, 9, 55, 56, 48, 47,
23 14, and 25 into evidence.

24 THE COURT: Any objection?

25 MR. GARDNER: No, Your Honor.

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1 THE COURT: Admitted.

2 (State's Exhibits 50-54, 44-45, 9, 14, 20, 25,
3 47-48, 55-56 admitted.)

4 MR. HOLFORD: Permission to publish?

5 THE COURT: Yes, sir.

6 Q Can you tell us what State's 23 is?

7 A That is a photograph of a backpack I received
8 from Detective Shelton on the night of the incident.

9 Q What is this here (indicates)?

10 A A Tupperware container with what we believed at
11 the time to be -- described as a leafy green substance.

12 Q Did that container come from the backpack we just
13 saw?

14 A Yes, sir.

15 Q State's 54?

16 A An electronic scale.

17 Q Is there anything on it; can you tell?

18 A There appears to be a residue, but I can't see
19 from here. We did not test it at the time, so.

20 Q You didn't test the scale?

21 A The scale, no.

22 Q State's 50?

23 A That's cash in the backpack.

24 Q 51?

25 A Same picture. Each picture is a different

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1 denomination.

2 Q State's 52?

3 A Cash retrieved from the backpack.

4 Q State's 24?

5 A A picture of me holding open the backpack of what
6 is in there before I performed a search or removed
7 items.

8 Q At this point, had you removed the container?

9 A The Tupperware container was on top blocking the
10 view. Once that was removed, I took overall
11 photographs of the contents.

12 Q State's 44?

13 A That was locked inside the backpack.

14 Q We can see that in the last picture?

15 A Yes. Yes.

16 Q State's 45?

17 A The front zipper or front compartment of the
18 fanny pack inside. Whatever the contents were, I took
19 photographs of.

20 Q What are the contents?

21 A Unfired bullets that appear to be .38 caliber or
22 .357.

23 Q Did you find different types of rounds or
24 bullets?

25 A Yes, sir. Yes, sir. There were two different

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1 kinds.

2 Q State's 8; what is this a picture of?

3 A It is a picture of a Glock 9-millimeter
4 semi-automatic located in that same backpack.

5 Q I'll hand you what is marked as State's 67; are
6 you able to identify what State's 67 is?

7 A It is that same Glock. It is a Model 17,
8 9-millimeter handgun.

9 Q Model 17, 9-millimeter. Is there a serial number
10 associated with that gun?

11 A Yes, sir.

12 Q What is that serial number?

13 A WGP187.

14 Q And State's Exhibit 17, looking at this
15 picture --

16 A That would be a photograph of that same serial
17 number.

18 Q On the Glock?

19 A On the Glock.

20 Q Did you process -- going back to State's 67, the
21 Glock itself, did you process this gun?

22 A No processing was done other than photographs and
23 then sent off to SLED to be test fired.

24 MR. HOLFORD: Your Honor, State seeks to put
25 State's 67 into evidence.

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1 MR. GARDNER: No objection.

2 (State's Exhibit 67 admitted.)

3 THE COURT: Can the lawyers approach for a
4 minute?

5 (Whereupon, a bench conference was had.)

6 THE COURT: This was State's 67?

7 MR. HOLFORD: State's 67.

8 THE COURT: Can you approach again?

9 (Whereupon, a bench conference was had.)

10 THE COURT: Bear with us just a moment, ladies
11 and gentlemen.

12 (A brief pause in the proceedings.)

13 THE COURT: Mr. Gardner is back in here. Mr.
14 Holford, you may continue.

15 Q The Glock 17, 187 serial number, did you run this
16 through any checks or systems? Did you run this gun?

17 A Yes, sir. I checked it via radio with our
18 dispatcher through NCIC, and it came back as being a
19 stolen weapon.

20 Q Explain, just generally, what is NCIC?

21 A National Crime Information Center. It is located
22 in West Virginia. It's a national computer system that
23 whenever something gets stolen and has a serial number
24 or unique description to it, we'll enter it into there.
25 We can do a check through all 50 states to see whether

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1 something is stolen out of our agency or another
2 agency.

3 Q State's 67, and what is shown in the pictures
4 that you took from the book bag of the gun in State's 8
5 and 17, you are saying that firearm was stolen?

6 A That was listed as stolen out of North Carolina,
7 yes, sir.

8 Q That's 18; what is that?

9 A Silver in color revolver.

10 Q State's 19?

11 A That is the photograph of the bottom part of the
12 gun showing the serial number.

13 Q Do you note the serial number in your case
14 report?

15 A Yes, I do, sir.

16 Q What was that serial number?

17 A J, as in John, 362594.

18 Q What caliber is that?

19 A .38 Special.

20 Q I'll hand you what is marked as State's Exhibit
21 66 for identification. Are you able to identify what
22 State's Exhibit 66 is?

23 A Yes, sir. It is a Model 37 Smith & Wesson .38
24 Special caliber revolver with the same serial numbers
25 as what's on the screen.

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1 Q So State's 67, based on the serial number, is the
2 same gun you pulled out of that backpack?

3 A Yes, sir.

4 Q Or you photographed as being in the backpack?

5 A Yes, sir.

6 MR. HOLFORD: We seek to introduce State's 66
7 into evidence.

8 MR. GARDNER: No objection.

9 (State's Exhibit 66 admitted.)

10 Q (MR. HOLFORD) Did you also run State's 66, the
11 .38 Special revolver, through NCIC?

12 A Yes. It was returned as stolen out of our
13 agency, yes, sir.

14 Q Okay. State's 20, what is that a picture of?

15 A The Smith & Wesson with the cylinder open showing
16 the head stamps of the five rounds contained inside of
17 it.

18 Q Did you put those five rounds in there?

19 A No, sir. That was as I found it when I opened
20 the gun.

21 MR. HOLFORD: Your Honor, may he come off the
22 stand?

23 A Yes.

24 Q (MR. HOLFORD) I ask you to take a look at those
25 bullets or casings as they appear in the revolver;

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1 what can you tell the jury that is special about
2 those, or what differentiates them?

3 A There is five rounds total that the revolver
4 holds. You can see this one here is intact, does not
5 have a striker, so it has not been fired. These other
6 four rounds have been fired. And then if you see the
7 color difference, this one is silver, this is brass
8 color, this is a shot shell similar to the picture we
9 showed you of the shot shells from the evidence from
10 the backpack.

11 Q So this gun is loaded with two different kinds of
12 ammunition?

13 A Yes, sir.

14 Q And of the five, how many is shot shell?

15 A One.

16 Q Out of the five, how many have been fired?

17 A Four out of the five total have been fired.

18 Q And how many unfired?

19 A One left that has not been fired.

20 Q State's 9?

21 A That is a photograph of the shells and unfired
22 bullet removed from the cylinder.

23 Q After you took the last picture, did you remove
24 them?

25 A Yes.

SCOTT WILLIAMSON - DIRECT EXAMINATION

1 Q And this shows us clearly one is fired -- one is
2 unfired, and three have been fired?

3 A That's correct.

4 Q State's 55?

5 A Lorcin .25 caliber semi-automatic handgun.

6 Q Was that also in the backpack?

7 A It was, yes, sir.

8 Q I'll hand you what is marked as State's 68; are
9 you able to identify what is in State's 68?

10 A Yes, sir. It is Lorcin .25 caliber semi-auto
11 handgun, Model C, as in Charlie, 25.

12 Q And the serial number?

13 A 241652.

14 Q Did you run that through NCIC?

15 A Yes, sir, I did.

16 Q And what was the result?

17 A Came back as not reported being stolen.

18 Q State's 56, what is that a picture of?

19 A Photograph of the serial number I just read on
20 the bottom handle of the Lorcin 25.

21 Q Is that so we know the pictures taken of the gun
22 matches the gun that is in State's 68?

23 A Yes, sir, that is the purpose of it.

24 Q State's 48, what is that a picture of?

25 A That is live ammunition, .38 Special, that was

SCOTT WILLIAMSON - DIRECT EXAMINATION

1 taken from the front compartment of the fanny pack out
2 of the backpack.

3 Q And what do you note that is unique about the
4 difference here?

5 A It contains one unfired .38 Special shot shell
6 amongst the other rounds of ammunition.

7 Q Okay. State's 47?

8 A That is additional ammunition found inside the
9 fanny pack with a different compartment.

10 Q In this one we can see in the silver, bullets;
11 you have been calling it shot shell?

12 A Yes, sir.

13 Q Why is that?

14 A The shell does not contain a single solid bullet.
15 It contains small pellets in a blue plastic casing like
16 a shotgun shell, but being made to be fired out of a
17 revolver.

18 Q The ammunition in that plastic baggy, does it
19 appear to be the same or different?

20 A It is a different caliber.

21 Q State's 14?

22 A That is a close-up picture of the three shot
23 shells unfired from the fanny pack.

24 Q State's 25?

25 A That is more items in the fanny pack, car keys,

SCOTT WILLIAMSON - DIRECT EXAMINATION

1 plastic bags, more unfired ammunition.

2 Q In your report, do you document how many
3 different rounds or live ammunition was found in that
4 backpack or fanny pack?

5 A Yes, sir.

6 Q How many .38 Special rounds did you find?

7 A There were 42 rounds of regular rounds of
8 ammunition; then four unfired .38 Special caliber shot
9 shells; and several other 9-millimeter various other
10 calibers.

11 Q Let me go back one second. Out of that revolver,
12 how many fired .38 Special rounds -- not the shot shell
13 regular -- did you find?

14 A There were three fired regular round nose bullets
15 fired out of the revolver that I found.

16 Q And how many shot shells?

17 A One shot shell.

18 Q Did you send those casings to SLED?

19 A I would have to check.

20 (A brief pause in the proceedings.)

21 A I did not send them in the initial submission.

22 Q Well, let me ask it this way. Why would you send
23 something to SLED for testing, like these 9-millimeter
24 shell casings when you find them -- why would you send
25 that to SLED and not fired shell casings from a

SCOTT WILLIAMSON - DIRECT EXAMINATION

1 revolver you have and that you processed?

2 A The SLED submission guidelines tell us what we
3 can send and what they will analyze. When it is a
4 semi-automatic gun that is fired, the slide on the gun
5 comes back, the shell casing slides back and forth
6 inside the gun and it makes unique marks on the side of
7 the shell casing; that can be sent to SLED and put in a
8 database to compare if that gun was used in any other
9 crimes. Revolvers don't usually do that. They are in
10 a cylinder and remain motionless when they fire, so
11 unless there is some circumstance that the detectives
12 want that casing to be tested for, we generally don't
13 send revolver casings out. There is not enough
14 information on the revolver casing as there is in a
15 semi-automatic caliber.

16 Q Did you receive evidence from Shannon Toole in
17 this case?

18 A I don't specifically remember from him -- Shannon
19 Toole or Detective Shelton?

20 Q Shannon Toole.

21 A I don't recall receiving anything from Detective
22 Toole.

23 Q Is it possible he would have turned it over to
24 another detective before reaching you?

25 A It's possible, yes, sir. I don't have it in any

SCOTT WILLIAMSON - DIRECT EXAMINATION

1 of my reports that I received any evidence from him.

2 Q I'll show you what is entered as State's 16.

3 State's 16, does that appear to be consistent with the
4 rounds you found in the backpack?

5 A Yes; that appears to be one.

6 Q Fired or unfired?

7 A Unfired.

8 Q Did you also process clothing in this case?

9 A Yes, sir.

10 Q I'll hand you State's 57, 58, and 59; are you
11 able to identify what those are pictures of?

12 A Yes, sir.

13 Q Are you familiar with those pictures?

14 A Yes; I took them.

15 MR. HOLFORD: Your Honor, at this time we
16 introduce 57, 58, 59.

17 THE COURT: So admitted.

18 (State's Exhibits 57-59 admitted.)

19 MR. HOLFORD: Permission to publish?

20 THE COURT: Yes, sir.

21 Q In the video we saw, there was plastic and white
22 stuff and something red there; what was that red thing?

23 A That was this red shirt that belonged to the
24 victim and left behind by EMS.

25 Q It appears to be torn or ripped; can you tell me

SCOTT WILLIAMSON - CROSS-EXAMINATION

1 about that?

2 A Yes, sir. It contains lots of bloodstains. It
3 had to be placed in an air dryer to be rendered safe to
4 handle, because it was wet with blood at the time.
5 Then there are several bullet defects in the cloth,
6 which is where the bullets passed through the cloth
7 causing the damage.

8 Q What about the top of this picture; does that
9 shirt appear to be intact as he would have bought it in
10 the store, other than the bullet defects and blood?

11 A No, sir. It has been cut. EMS generally cuts
12 clothes off of people when they treat them.

13 Q This is State's 58. What are you trying to
14 document in State's 58?

15 A A closer photograph of bullet holes or defects in
16 the cloth.

17 Q And State's 59, what is that blue thing?

18 A That appears to be a fragment of one of the shot
19 shell capsules that came from a fired shot shell. It
20 is embedded in the cloth.

21 MR. HOLFORD: No further questions, Your Honor.

22 THE COURT: Cross-examination?

23 CROSS-EXAMINATION

24 BY MR. GARDNER:

25 Q I'll try to be brief. The Glock, I think it was

SCOTT WILLIAMSON - CROSS-EXAMINATION

1 67, you said it was stolen out of North Carolina?

2 A Yes, sir.

3 Q Did you tie that to the co-defendant Blackwell?

4 A I don't have any knowledge of that.

5 Q You don't have any knowledge of that from the
6 investigation, or from personal?

7 A Either one. I'm not involved in that part of the
8 investigation. I find out it is stolen and inform the
9 detectives on the case, and then they take that and use
10 that information for the investigation.

11 Q So the Glock, to make sure -- they all look the
12 same in the boxes -- but one is a Glock and stolen out
13 of North Carolina, according to your information, but
14 you don't know if it was Blackwell's or anything about
15 that?

16 A Correct.

17 Q And the .38 is stolen from your agency; that is
18 Myrtle Beach Police Department?

19 A Yes, sir.

20 Q What do you know about that?

21 A Same thing; I ran it, it was returned to me via
22 radio it was a stolen gun, informed the detectives.

23 Q How long ago? I mean, any idea how long ago it
24 was stolen?

25 A Oh, no, sir. I don't get that information over

SCOTT WILLIAMSON - CROSS-EXAMINATION

1 the radio.

2 Q What else do we have? A .25; that is a small
3 gun?

4 A Yes, sir.

5 Q I don't want to open the boxes, but....

6 A We call them palm guns, fit in the average palm
7 of your hand.

8 Q It was not stolen?

9 A It was not reported as stolen.

10 Q Did we leave anything out, the Solicitor? Did I
11 leave anything out in any of the stuff for your
12 investigation?

13 A Not that I'm aware of.

14 Q You gave it all to them?

15 A Yes, sir.

16 MR. GARDNER: No further questions, Your Honor.

17 THE COURT: Can the lawyers approach for a
18 moment?

19 (A bench conference was had out of the presence
20 of the jury.)

21 THE COURT: Ladies and gentlemen, we're going to
22 go to lunch. I'll ask you to be back in your jury
23 room at 2 o'clock. Be back at 2 o'clock and resume
24 the trial of the case. Do not discuss the case at all
25 with anyone. Do not do any independent investigation

SHANNON TOOLE - DIRECT EXAMINATION

1 about this case. Decide this case based solely on the
2 evidence and testimony presented in the courtroom.
3 Have a nice lunch. See you back at 2 o'clock.

4 (The jury exits at 12:29 p.m., and the
5 following is heard out of the presence of the jury.)

6 THE COURT: Anything from the State?

7 MS. WALKER: Nothing.

8 THE COURT: Defense?

9 MR. GARDNER: No, Your Honor.

10 THE COURT: 2 o'clock.

11 (A lunch recess was taken.)

12 (State's Exhibits 94 through 107 marked.)

13 THE COURT: State ready?

14 MS. WALKER: Yes.

15 MR. GARDNER: Yes, sir.

16 THE COURT: Bring the jury, please.

17 (The jury enters at 2:04 p.m., and the
18 following is heard in the presence of the jury.)

19 THE COURT: Call your next witness.

20 MS. WALKER: State calls Shannon Toole.

21 (SHANNON TOOLE, having been duly sworn,
22 testified as follows:)

23 THE WITNESS: Shannon Toole, T-O-O-L-E.

24 DIRECT-EXAMINATION

25

SHANNON TOOLE - DIRECT EXAMINATION

1 BY MS. WALKER:

2 Q Good afternoon. How are you?

3 A Good afternoon.

4 Q So let's be clear. You testified yesterday,
5 correct?

6 A Yes, ma'am, that's correct.

7 Q And in part of your testimony, there was a video
8 of your in-car camera?

9 A Yes, ma'am, there was.

10 Q And as we watched that video in trial yesterday,
11 was the audio a bit difficult to hear?

12 A Yes, ma'am, it was.

13 Q Let me show you what was marked for
14 identification as State's 94; can you tell me what that
15 is?

16 A This is a version where the sound track is
17 clearer; it is louder.

18 Q Did you have an opportunity to review it before
19 right now?

20 A Yes, ma'am.

21 Q And let me take that.

22 MS. WALKER: The State moves to place State's 94
23 into evidence.

24 MR. GARDNER: I can't consent to this. We need a
25 foundation. What did he do? How did he enhance it?

SHANNON TOOLE - DIRECT EXAMINATION

1 THE COURT: Good ahead, Ms. Walker.

2 MS. WALKER: Yes, sir, Your Honor. Go ahead with
3 laying foundation?

4 THE COURT: Yes.

5 Q (MS. WALKER) So did you do anything to this to
6 enhance it, or is it -- did you do anything to enhance
7 this?

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

9 Q And when you listened to it, was the audio
10 clearer?

11 A Yes, ma'am, it's very clear now.

12 MS. WALKER: Your Honor, for further foundation,
13 we need to call an additional witness.

14 THE COURT: Can the lawyers approach?

15 (Whereupon, a bench conference was had.)

16 Q (MS. WALKER) So this video, as you have now
17 watched it, State's 94, is it as clear to you hearing
18 it as when you listened to your original in-car
19 footage as you downloaded it originally?

20 A Could you restate? I'm sorry.

21 Q That's all right. Yes, sir. This video you
22 watched, State's 94, is it as clear as your original
23 in-car footage would have been when you originally
24 watched it?

25 A Yes, ma'am. Yes, ma'am. I was able to

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SHANNON TOOLE - CROSS-EXAMINATION

1 understand and hear the audio portion.

2 Q And were you able to understand the original
3 audio portion of your original in-car footage that we
4 received?

5 A Yes, ma'am, I could understand the audio portion
6 of it.

7 Q Okay.

8 MS. WALKER: Your Honor, at this time we move to
9 place 94 into evidence.

10 MR. GARDNER: Can I follow up?

11 THE COURT: Yes.

12 CROSS-EXAMINATION

13 BY MR. GARDNER:

14 Q Did you say before you did whatever you all did,
15 you could hear it and understand it?

16 A The original video, when I originally downloaded
17 the video, I could understand the audio portion of it;
18 but yesterday on the stand it was very difficult for me
19 to hear the audio portion of it.

20 Q Just for our benefit, what changed between when
21 you could hear it and understand it, and then yesterday
22 when you played it for us in the courtroom?

23 A The only thing I could figure would be the
24 equipment involved in replaying the audio. I played it
25 on my desktop computer in my office with external

PATTY BELLAMY - DIRECT EXAMINATION

1 speakers, and I was able to understand it; but sitting
2 here yesterday, I couldn't hear all of the audio track.

3 MR. GARDNER: Thank you. I understand your
4 ruling, Your Honor. Just for the record, I oppose it.

5 THE COURT: Over defendant's objection, I'll
6 allow it.

7 MS. WALKER: Thank you. And permission to
8 publish the video?

9 THE COURT: Yes, ma'am. Admitted 94.

10 (State's Exhibit 94 admitted and published to the
11 jury.)

12 MS. WALKER: I don't have any questions for you.

13 MR. GARDNER: No questions, Your Honor.

14 THE COURT: Call your next witness.

15 MR. HOLFORD: State calls Patty Bellamy.

16 (PATTY BELLAMY, having been duly sworn,
17 testified as follows:)

18 DIRECT-EXAMINATION

19 BY MR. HOLFORD:

20 Q Where are you employed?

21 A With the Horry County Coroner's Office.

22 Q You are deputy coroner here in Horry County?

23 A That is correct.

24 Q Are you on-call right now?

25 A That is correct.

PATTY BELLAMY - DIRECT EXAMINATION

1 Q I'll try to make this brief. Back in 2018, June,
2 where were you employed?

3 A Myrtle Beach Police Department.

4 Q What was your role at Myrtle Beach Police
5 Department?

6 A Crime scene specialist.

7 Q In reference to this case against the defendant,
8 Earl Gaddis, and co-defendant, Terence Blackwell, did
9 you have involvement in this case?

10 A Yes, I did.

11 Q What was your involvement, mainly?

12 A I assisted Crime Scene Specialist Williamson.

13 Q And what function did you perform?

14 A I helped him process the scene at the time.

15 Q Did you process anything in regards to the
16 defendant?

17 A I did.

18 Q What was that?

19 A Clothing that I collected from the jail and also
20 gunshot residue test.

21 Q If I approached you with what was marked for
22 identification as State's 95, 96 and 104, and I'll hand
23 you 95; are you familiar with what is inside State's
24 95?

25 A These are three gunshot residue kits. Okay.

PATTY BELLAMY - DIRECT EXAMINATION

1 Q And I'm going to hand you what is marked as
2 State's 96 and 104; are you familiar with what 96 and
3 104 are, generally?

4 A Yes.

5 Q Are you the seizing officer on the pieces of
6 evidence listed there?

7 A That is correct.

8 MR. HOLFORD: Your Honor, State seeks to
9 introduce 96 and 104 in evidence.

10 MR. GARDNER: No objection.

11 THE COURT: Without objection, so admitted.

12 (State's Exhibit 96 and 104 admitted.)

13 Q (MR. HOLFORD) As to Exhibit 96, what piece of
14 evidence is logged in on that evidence record?

15 A This is a gunshot residue kit on Terence
16 Blackwell.

17 Q And what group or item number has Myrtle Beach PD
18 assigned to it?

19 A It is Item No. 1.

20 Q And the group number?

21 A The group number?

22 Q Or bag?

23 A Bag is 54.

24 Q So I will show you State's 95. Contained in
25 State's 95 is Item 54 in there, or Group or Bag No. 54;

PATTY BELLAMY - DIRECT EXAMINATION

1 is that what that sticker is telling us?

2 A Group 54, Item No. 1.

3 Q And then for State's 104, what item of evidence
4 does that relate to in this case?

5 A It is Item No. 1 for Bag 55, and it is a gunshot
6 residue test that was performed on Earl Gaddis.

7 Q Okay. Now, will you tell us about what a gunshot
8 residue test is; how you tested for that?

9 A It's used to detect the presence of gunshot
10 powder for someone that's been in close contact with a
11 weapon that's been fired, or has previously or
12 currently handled a weapon that has been fired.

13 Q Did you also -- did you do another gunshot
14 residue for another individual?

15 A For Blackwell I did, yes.

16 Q And other than Blackwell and Gaddis, was there
17 one other individual?

18 A No, sir.

19 Q Did you do one for the victim in this case?

20 MR. GARDNER: I object. She answered, and now
21 he's trying to change her answer.

22 THE COURT: Sustained.

23 Q (MR. HOLFORD) So you did gunshot residue on
24 Terence Blackwell and Earl Gaddis?

25 A That is correct.

PATTY BELLAMY - DIRECT EXAMINATION

1 Q What did you do after you do that gunshot residue
2 test?

3 A After I perform the test, everything gets sealed
4 up in the envelope that is provided to us from SLED.

5 Q Do you actually do the testing to see if gunshot
6 residue is present or not?

7 A No, we do not.

8 Q What do you do with it then after you seal it up?

9 A So it is logged in Property and Evidence, and it
10 is sent to SLED for testing.

11 Q A gunshot residue test, can you explain to us
12 what you do; how you test for it?

13 A So the packet comes, like I say, sealed. Once
14 the packet is opened, it has instructions. You are
15 provided a set of gloves that you put on. Also, the
16 kits come with four little plastic vials. Inside the
17 vial, the cap has a magnetic strip. You take the
18 magnetic piece and dab on the area of the hand that
19 pretty much held a trigger, or you are trying to
20 collect the gunshot residue powder from, front and
21 back. So one vile is specifically for the front, one
22 for the back of the right hand, and so then you have
23 two vials for the left, two vials for the right, and
24 then you seal those up and put them back in your
25 package.

PATTY BELLAMY - DIRECT EXAMINATION

1 Q Do you know, approximately, what time you did the
2 gunshot residue test?

3 A It was around 1 o'clock that morning.

4 Q "That morning" being?

5 A So the call originally came in on 6/7, if I
6 recall, June 7th, at around 23:30 hours, around
7 11:30 p.m. So when I responded to the jail, it was 1
8 o'clock, you know, that following morning; so only a
9 couple hours had passed.

10 Q All right. Did you process anything else in
11 regards to this case?

12 A I did.

13 Q What was that?

14 A The closing that I collected from the jail.

15 Q Okay. And the clothing you collected from the
16 jail, who did that clothing belong to?

17 A I collected clothing from Terence Blackwell and
18 Mr. Gaddis.

19 Q Do you know what type of clothing they were
20 wearing?

21 A I do not recall at this time.

22 Q If I handed you a copy of your report, would it
23 refresh your recollection?

24 A Yes.

25 Q Would you have written that specific information

PATTY BELLAMY - DIRECT EXAMINATION

1 down in a report?

2 A Yes.

3 (State's Exhibit 108 marked.)

4 Q (MR. HOLFORD) This is State's 108, just for ID.

5 Do you know what State's 108 is?

6 A This is my supplemental report that describes the
7 clothing that was collected.

8 Q And so with that report in front of you, would
9 you have made that at the same time you collected the
10 clothes, or shortly thereafter?

11 A Yes.

12 Q And since this was back in 2018, would having
13 that report assist you in being able to tell the jury
14 exactly what you collected?

15 A Yes.

16 Q What clothing was Terence Blackwell wearing that
17 night?

18 A I collected a black Nike hoody with white stripes
19 on the sleeves, red and blue pair of shorts, black
20 socks, and white Air Jordan sneakers.

21 Q And what clothes did you collect from Earl Gaddis
22 that night?

23 A White sleeveless T-shirt, burgundy shorts, black
24 Nike socks, gray with burgundy trim Nike Air sneakers,
25 black belt with gold buckle, gold cross necklace, and a

PATTY BELLAMY - DIRECT EXAMINATION

1 black and red beaded bracelet.

2 Q I'll hand you what is marked already as State's 4
3 and 6. Those pictures of -- is that the same clothing
4 you identified that those individuals are wearing?

5 A That is correct.

6 Q So when the jury looks at State's 4 and 6,
7 pictures of these individuals, which is already in
8 evidence, they can identify who was wearing which one?

9 A Correct.

10 Q Did you swab anything else in this case?

11 A Yes; the clothing.

12 Q What type of swab -- well, let me ask you this:
13 Did you get a search warrant to do that?

14 A No, I did not.

15 Q Other than the swabs of the clothing -- let's
16 start with that.

17 MR. HOLFORD: May I approach?

18 THE COURT: Yes, sir.

19 Q (MR. HOLFORD) I'll hand you State's 97 for ID;
20 are you familiar with what State's 97 is?

21 A These are DNA swabs from the left Nike shoe.

22 Q State's 77, 74, 73, are you familiar with what
23 those are?

24 A These are DNA swabs collected from the left
25 sneaker, the belt, and the white shirt.

PATTY BELLAMY - DIRECT EXAMINATION

1 Q Are those DNA swabs you did?

2 A That is correct.

3 Q And then what did you do with them afterwards?

4 A After I collected them, they were sealed in this
5 brown envelope and sent to SLED for processing.

6 Q Do you do the processing yourself for DNA?

7 A No, we do not. We swab it, and then once it is
8 sealed, it goes to Property and Evidence, and then it
9 is sent to SLED.

10 MR. HOLFORD: At this time, we seek to introduce
11 State's 97, 77, 74, and 73 in evidence.

12 THE COURT: Objection?

13 MR. GARDNER: No, Your Honor.

14 THE COURT: Without objection, so admitted.

15 (State's Exhibits 73-74, 77, 97 admitted.)

16 Q (MR. HOLFORD) Did you obtain other swabs in this
17 case -- I apologize.

18 Tell me about the left sneaker that you
19 identified, that swab that you did; how were you able
20 to identify an area where you thought DNA might be
21 responsible?

22 A I used a presumptive test. We use Bluestar. It
23 is a spray you can spray on any kind of clothing or any
24 kind of material that will illuminate the presence of
25 bloodstain pattern we cannot see with the naked eye; so

PATTY BELLAMY - CROSS-EXAMINATION

1 that substance was used on the clothing I collected.

2 Q The swab you took, which is noted as Myrtle Beach
3 40, contained in State's 77, and then the evidence log,
4 State's 97, who is that shoe belonging to?

5 A It was belonging to Gaddis.

6 Q Did you get a presumptive positive after spraying
7 the Bluestar?

8 A After spraying the Bluestar, it illuminated a
9 positive result of bloodstain; at that time is when a
10 DNA swab was tested on the area that illuminated the
11 bloodstain pattern.

12 Q And, at that point, you packaged it up and it was
13 sent for analysis?

14 A Right. Exactly.

15 MR. HOLFORD: No further questions.

16 CROSS-EXAMINATION

17 BY MR. GARDNER:

18 Q All you did -- not meaning "all" -- but what you
19 did was collected it and sent it to be tested?

20 A Correct.

21 Q You didn't do the tests?

22 A No. It is done at SLED.

23 MR. GARDNER: That is all. Thank you.

24 THE COURT: Redirect?

25 MR. HOLFORD: No, Your Honor.

ANDREW CURRY - DIRECT EXAMINATION

1 State calls Andrew Curry.

2 (ANDREW CURRY, having been duly sworn,
3 testified as follows:)

4 THE WITNESS: Master Corporal Andrew Curry,
5 C-U-R-R-Y.

6 DIRECT-EXAMINATION

7 BY MR. HOLFORD:

8 Q Master Corporal, where are you employed?

9 A Myrtle Beach Police Department.

10 Q Were you employed there back in 2018?

11 A Yes, sir.

12 Q How long have you been with Myrtle Beach Police
13 Department?

14 A Early 2011; over ten years.

15 Q And what did your job entail? What were your job
16 duties back in 2018?

17 A I was a detective in 2018.

18 Q Did you have occasion to become involved in the
19 case against Earl Gaddis, the defendant?

20 A Yes, sir.

21 Q Were you the lead detective on this case?

22 A No, sir.

23 Q Were you tasked with specific requests in this
24 case?

25 A Yes, sir.

ANDREW CURRY - DIRECT EXAMINATION

1 Q What was that?

2 A The day after I was asked to obtain search
3 warrants to get buccal swabs to collect DNA samples
4 from the suspect.

5 Q I tried to get it through the last person, but
6 you did the search warrant in this case?

7 A That's correct.

8 Q If I approach you --

9 MR. HOLFORD: May I approach?

10 THE COURT: Yes, sir.

11 Q (MR. HOLFORD) This is State's Exhibit 90 for
12 identification; are you familiar with that document?

13 A Yes, sir. It has my name on the front and should
14 have my signature right there, yes, sir.

15 Q And what is this a search warrant for?

16 A As I stated, to obtain a DNA sample from the
17 inside of the defendant's mouth.

18 Q And did you obtain that DNA sample?

19 A Yes, sir.

20 Q Did you obtain it just from Earl Gaddis?

21 A No, sir. There was two defendants that I
22 obtained separate search warrants and samples from
23 both.

24 Q I'll approach you with what is marked as State's
25 105 and State's 72; are you familiar with those

ANDREW CURRY - DIRECT EXAMINATION

1 exhibits?

2 A Yes, sir.

3 Q And how are you familiar with them?

4 A Well, it is my handwriting on the envelope and my
5 initials on the seal, and I did label it as "Gaddis
6 sample."

7 Q And in the paper document on top of that, what
8 does that refer to?

9 A It is just a property report.

10 Q Does it have you as the seizing officer?

11 A Yes, sir.

12 Q Does it relate to what is inside of State's 72?

13 A Yes, sir. It lists two buccal swabs collected
14 from the defendant, Earl Rafael Gaddis, Junior.

15 Q And attached to the back of it, does it have
16 chain of custody?

17 A Yes, sir.

18 MR. HOLFORD: Your Honor, the State seeks to
19 introduce State's 105 and 72 into evidence.

20 MR. GARDNER: No objection.

21 THE COURT: Without objection.

22 (State's Exhibits 105 and 72 admitted.)

23 Q (MR. HOLFORD) You said you did a buccal swab for
24 another individual in this case?

25 A Yes, sir.

ANDREW CURRY - DIRECT EXAMINATION

1 Q I'll approach you with what is marked as State's
2 71 and --

3 MR. HOLFORD: Court's indulgence.

4 (A brief pause in the proceedings.)

5 (State's Exhibit 109 marked.)

6 Q (MR. HOLFORD) I'll approach you with State's 109
7 and 106; are you familiar with 109?

8 A Yes, sir.

9 Q And how are you familiar with that?

10 A Again, my handwriting, my initials on the seal,
11 and I labeled that one as "Blackwell."

12 Q What about 106; how does that relate to what is
13 inside State's 109?

14 A Two buccal swabs collected from the defendant
15 Terence Blackwell.

16 Q Did you log those into evidence?

17 A Yes, sir.

18 MR. HOLFORD: Your Honor, we seek to introduce
19 State's 106 and 109.

20 MR. GARDNER: No objection.

21 THE COURT: 106 and 109 admitted without
22 objection.

23 (State's Exhibits 106 and 109 admitted.)

24 Q (MR. HOLFORD) Once you took those swabs -- tell
25 us what is a buccal swab?

ANDREW CURRY - DIRECT EXAMINATION

1 A Again, it is just two swabs we rub on the inside
2 of the mouth on both sides to collect a DNA sample in
3 the least intrusive way.

4 Q What do you do after that? Do you analyze it?

5 A No, sir.

6 Q What did you do with it in this case?

7 A I sealed them in the evidence envelopes,
8 generated property vouchers, and turned them into
9 Property and Evidence.

10 Q Was that the extent of your involvement in this
11 case?

12 A I believe I did search warrants for phones that
13 we were unable to get into at the time.

14 MR. HOLFORD: No further questions, Your Honor.

15 THE COURT: Cross-examination.

16 MR. GARDNER: No questions, Your Honor.

17 MR. HOLFORD: State calls Malinda Shadoan.

18 (MALINDA SHADOAN, having been duly sworn,
19 testified as follows:)

20 THE WITNESS: Melinda Shadoan, M-A-L-I-N-D-A,
21 S-H-A-D-O-A-N.

22 DIRECT-EXAMINATION

23 BY MR. HOLFORD:

24 Q Officer Shadoan, where are you employed?

25 A City of Myrtle Beach Police Department.

ANDREW CURRY - DIRECT EXAMINATION

1 Q How long have you been there?

2 A I just finished my thirteenth year.

3 Q What is your role there?

4 A I'm one of the Property and Evidence technicians
5 for the city.

6 Q Explain what that job entails.

7 A So, as a technician, we basically take all of the
8 evidence in from officers, investigators, and crime
9 scene, even from the general public if it is found
10 property. We house it in a secure location that only
11 very few people have access to. We house it until
12 otherwise, whether it is requested for testing or for
13 court purposes like today.

14 Q Is there a way that Myrtle Beach logs evidence to
15 track what items are submitted and what is in a bag in
16 court?

17 A Yes. It is electronic. It is called RMS,
18 Records Management System.

19 Q Did you provide paperwork in this case regarding
20 the evidence collected?

21 A I did.

22 Q What all does that show? What would we be able
23 to tell through reading a property evidence log?

24 A It is actually considered a voucher, which what I
25 get is a property sheet. It is detailed saying exactly

ANDREW CURRY - DIRECT EXAMINATION

1 what it is, where it was collected, and by whom.

2 Q Tell me a little bit about the evidence room; can
3 anyone walk in there?

4 A No. Absolutely not. We have very few people who
5 have keycard access to it.

6 Q Why is that?

7 A For security purposes. Basically, I'm one of the
8 custodians there, and I could be semi-possessive in
9 order to know that everyone in there is intact and safe
10 and secure.

11 Q Is that to make sure when we look at an evidence
12 log that something that is collected is the same thing
13 today as it was three years ago?

14 A Absolutely.

15 Q I'm going to show you a handful of these.

16 A Okay.

17 Q Let's start with State's 83, 87, 85, and 88; not
18 what is contained in there, but what are those?

19 A Property reports or what we call "property
20 sheets." After we process it into our room, you can
21 print it out, and that is in detail what it exactly is.

22 Q And the second page?

23 A The second page is the chain of custody, and it
24 is electronic.

25 Q It looks like -- I started marking them

ANDREW CURRY - DIRECT EXAMINATION

1 incorrectly, so I have 84 is attached to 83. Are you a
2 custodian of these types of records?

3 A I am.

4 Q Did you provide them in this case?

5 A I did.

6 MR. HOLFORD: Your Honor, State seeks to
7 introduce State's 83, 84, 87, 85, and 86.

8 Q To be clear, is 86 a stapled page to 85?

9 A It is.

10 MR. HOLFORD: And 88 in evidence.

11 THE COURT: What about 87?

12 MR. HOLFORD: And 87.

13 MR. GARDNER: I was following you.

14 THE COURT: 83, 84, 85, 86, 87 and 88 admitted
15 without objection.

16 (State's Exhibits 83-88 admitted.)

17 Q (MR. HOLFORD) Let's start with 83. What was in
18 evidence for what is listed on State's 83?

19 A For me, it is Group 69; the fired bullet from the
20 right hip.

21 Q And State's 87?

22 A That would be my Group No. 71; shot shell
23 pellets.

24 Q And Bag 70 -- or State's 85?

25 A That is Group 70 for me; fired bullet from the

ANDREW CURRY - DIRECT EXAMINATION

1 left torso.

2 Q State's 88?

3 A That is my Group 72; that is the fired bullet
4 from the base of the skull.

5 Q These contain the chains of custody of the people
6 who received the evidence and placed it into evidence?

7 A Yes.

8 Q And then even if it went somewhere else -- what
9 happens when something goes to SLED for testing?

10 A Again, it's recorded electronically, date and
11 time which it does go, and by whom, and then we hand
12 deliver it ourselves for security purposes.

13 Q And I'll hand you what is marked as State's 107,
14 101, 102, 103, 99, 100, 98, and 79. Those numbers are
15 all out of order. Tell me, are you familiar with what
16 those documents are?

17 A Yes; I see them every day.

18 Q Are you the custodian of those records as well?

19 A I am.

20 Q Do they relate to the case against the defendant?

21 A Yes. It's the same case number.

22 Q Did you provide them for court?

23 A I did.

24 MR. HOLFORD: State would seek to introduce
25 State's 107, 101, 102, 103, 99, 100, 98, and 79.

ANDREW CURRY - DIRECT EXAMINATION

1 THE COURT: Any objection?

2 MR. GARDNER: No, Your Honor.

3 THE COURT: Without objection, so admitted.

4 (State's Exhibits 98-103, 79 (previously
5 admitted), 107 admitted.)

6 Q What evidence does 107 relate to as a chain of
7 custody or property sheet?

8 A Group 57 is a .38 caliber CCI shot shell.

9 Q Who was the seizing officer on that?

10 A Can I refer to it?

11 Q Uh-huh.

12 A That would be Shannon Toole.

13 Q What about State's 101?

14 A Group No. 108; that is the revolver.

15 Q And State's 102?

16 A Group 104 for us; semi-automatic handgun.

17 Q Which handgun is that?

18 A The Glock 17; Group 104.

19 Q So State's 67, is that the same?

20 A It is, because it has Group 104 on my label that
21 I put on the box.

22 Q Thank you. That is how we know that what is in
23 that box is on that sheet?

24 A Yes. And it has a property record number, which
25 is a very unique number like a fingerprint. Each item

ANDREW CURRY - DIRECT EXAMINATION

1 has its own number.

2 Q State's 103?

3 A That's our Group No. 112; semi-automatic handgun
4 Lorcin.

5 Q State's 99?

6 A Group 3; marijuana.

7 Q State's 100?

8 A Group 100; green leafy substance.

9 Q State's 98?

10 A That is our Group No. 1; it is a SLED BEST packet
11 that contains the pills inside for the case.

12 Q And State's 79?

13 A Chain of custody for the SLED BEST packet, which
14 contains the pills for the case.

15 Q So for all of these items, the chains of custody
16 tells us who it changed hands from?

17 A Absolutely.

18 Q And so we can look at this physical paper and
19 know who touched it in the process?

20 A Yes, and the only ones that did.

21 MR. HOLFORD: Nothing further.

22 THE COURT: Cross-examination?

23 MR. GARDNER: No, Your Honor, none.

24 MS. WALKER: State calls Courtney Johnson.

25 (COURTNEY JOHNSON, having been duly sworn,

COURTNEY JOHNSON - DIRECT EXAMINATION

1 testified as follows:)

2 THE WITNESS: Courtney Johnson, J-O-H-N-S-O-N.

3 DIRECT-EXAMINATION

4 BY MS. WALKER:

5 Q Hey there, Ms. Johnson. So where do you work?

6 A Horry County Police Department.

7 Q What do you do with them?

8 A Forensic chemist assigned to the drug laboratory.

9 Q What do you do on a daily basis?

10 A My primary job is to analyze and identify
11 controlled substances submitted to me.

12 Q How long have you been working with the Horry
13 County Police Department?

14 A Almost eight years.

15 Q And how long have you been a drug analyst?

16 A All eight of those years.

17 Q Same amount of time?

18 A Yes, ma'am.

19 Q What kind of training do you have going towards
20 your analysis?

21 MR. GARDNER: We stipulate that she's qualified
22 to whatever the Solicitor wants her qualified as.

23 MS. WALKER: We were going to seek her to be
24 qualified as a drug forensic analyst --

25 Q Or what is the exact title?

COURTNEY JOHNSON - DIRECT EXAMINATION

1 A Forensic drug chemist.

2 MS. WALKER: Forensic drug chemist.

3 THE COURT: Defense counsel stipulates to such?

4 MR. GARDNER: Yes, Your Honor.

5 THE COURT: Ladies and gentlemen, this witness is
6 being qualified as an expert, as a forensic drug
7 chemist, okay. I previously gave you a charge that
8 relates to expert witnesses, and that same particular
9 charge applies to this witness as well. That does not
10 mean that you accept the opinion, but it is evidence
11 for you to use in any way you see fit and give it the
12 weight and credibility you deem appropriate.

13 You may continue.

14 MS. WALKER: Thank you, Your Honor.

15 Q (MS. WALKER) Ms. Johnson, in this case, did you
16 have an opportunity to analyze any drugs in connection
17 with the charges against Earl Gaddis?

18 A I did.

19 Q Let me show you State's 79; does that look
20 familiar to you?

21 A It does.

22 Q And what is that piece of paper?

23 A It is the chain of custody for the BEST kit.

24 Q What is a BEST kit?

25 A A BEST kit is a package submitted to us. They

COURTNEY JOHNSON - DIRECT EXAMINATION

1 use it for drug evidence only, but it is a program that
2 SLED created that allows for only the analysts and the
3 submitting officer to have contact with the drugs, so
4 it's more of a secured way of submitting drug evidence
5 to the lab.

6 Q This might aid you. I'll hand you what is marked
7 as State's Exhibit 80; would you describe to me what is
8 that package?

9 A Sure. So this outside package you see is called
10 a K-pack bag. This package is something I add back to
11 the case. So inside of here, where you see these
12 markings around the bag inside of the outer bag is what
13 we refer to as a "BEST packet." It is a tamper
14 resistant evidence package and bears these markings
15 around the outsides, so it is something I inspect
16 before I begin an analysis. There is a seal on the
17 top. The blue seal you see, I check to make sure there
18 is no tampering that happened to that as well.

19 Q And did you inspect this BEST kit in this case
20 for any tampering or evidence of tampering before you
21 received it?

22 A Yes, I did.

23 Q And did you notice any evidence of tampering?

24 A No, I did not.

25 Q Would you have performed the analysis on what you

COURTNEY JOHNSON - DIRECT EXAMINATION

1 suspected to be the drugs if it had been tampered with?

2 A No.

3 Q And so based off of the evidence log or -- sorry,
4 the chain of custody log, who did you receive the drugs
5 from?

6 A I got it from Brad Townsend with the Solicitor's
7 Office.

8 Q And had it previously come from Myrtle Beach
9 Police Department?

10 A Yes.

11 Q And so on the BEST kit, can you see who signed
12 for those drugs indicating who seized the drugs?

13 A It was made by Donald Snyder on June 8, 2018 with
14 the Myrtle Beach Police Department.

15 Q Okay. All right. Were you able to prepare a
16 report in this case for the items that you tested?

17 A Yes, ma'am.

18 Q And could you tell me what you found in that
19 report?

20 A Item 1.1 was a heat sealed pouch containing 20
21 rectangle tablets with the inscriptions R, score, zero,
22 score, nine; on the back side with three scores. The
23 results were alprazolam, Schedule IV. In the sample
24 tested, one tested.

25 Item 1.2: Heat sealed pouch labeled "B"

DOUGLAS ROBINSON - DIRECT EXAMINATION

1 containing 16 round green tablets with an inscription
2 of upper case "V" on one side, with 48, score, 11 on
3 the back side; oxycodone, Schedule II, found in the
4 sample tested, one tested.

5 Q So both of these drugs were tested and came back
6 positive for an amount of Schedule I through V drugs?

7 A Yes, ma'am.

8 MS. WALKER: The State would like to move 80 into
9 evidence.

10 MR. GARDNER: No objection.

11 THE COURT: Without objection, 80.

12 (State's Exhibit 80 previously admitted.)

13 MS. WALKER: I don't have any more questions.

14 MR. GARDNER: No questions, Your Honor.

15 MS. WALKER: May she be released from her
16 subpoena?

17 MR. GARDNER: No objection.

18 THE COURT: You're released from your subpoena.
19 Have a good day.

20 MR. HOLFORD: State calls Douglas Robinson.

21 (DOUGLAS ROBINSON, having been duly sworn,
22 testified as follows:)

23 THE WITNESS: Douglas Robinson, R-O-B-I-N-S-O-N.
24
25

DOUGLAS ROBINSON - DIRECT EXAMINATION

1 DIRECT-EXAMINATION

2 BY MR. HOLFORD:

3 Q Mr. Robison, where are you employed?

4 A South Carolina Law Enforcement Division, commonly
5 known as SLED.

6 Q What is your job title?

7 A Forensic chemist assigned to Drug Analyst
8 Department.

9 Q How long have you been doing that?

10 A Almost 13-and-a-half years.

11 Q Do you have special training or expertise?

12 A I received my bachelor's of science in chemistry
13 from the University of South Carolina. After
14 graduating, I spent approximately three years in the
15 environmental chemistry field performing chemical
16 analysis. Upon being hired at SLED, I received law and
17 legal training from the South Carolina Criminal Justice
18 Academy, as well as in-house training from the SLED
19 Drug Analyst Department on the analysis of controlled
20 substances. I've also attended the Drug Enforcement
21 Administrations Forensic Chemist seminar.

22 MR. HOLFORD: The State would tender --

23 Q Is it doctor or agent?

24 A Not doctor. Agent is fine.

25 MR. HOLFORD: Agent Robinson as a forensic

DOUGLAS ROBINSON - DIRECT EXAMINATION

1 chemist in drug analysis.

2 MR. GARDNER: No objection.

3 THE COURT: Ladies and gentlemen, this individual
4 is qualified as an expert in the field of forensic
5 chemist. The same charge as it relates to expert
6 witnesses applies to this individual as well.

7 Mr. Holford, continue, sir.

8 MR. HOLFORD: Thank you.

9 Q (MR. HOLFORD) Did you have a chance to analyze
10 any drugs in connection with this case?

11 A Yes, sir.

12 Q What was that?

13 A Evidence that was submitted was suspected
14 marijuana.

15 Q Suspected marijuana. If I show you what is shown
16 as State's 69, could you identify what is in State's
17 69?

18 A I would.

19 Q How would you be familiar with that?

20 A On a general level, on the bottom of this outer
21 package is my initials and date I made this heat seal
22 to reclose the bag are present.

23 Q Now, tell me this: When it arrives to you, is it
24 in that same manner, or is it packaged differently?

25 A It is in an outer container, sealed container.

DOUGLAS ROBINSON - DIRECT EXAMINATION

1 It was not received in this sealed container. The
2 outer package -- we refer to as a "K-pack" -- is the
3 package I use to reseal it when my analysis was
4 complete.

5 Q How is a bag sealed like that? Can you open and
6 close it?

7 A This particular bag is sealed from the
8 manufacturer on three sides. We use a heat sealer to
9 melt the front and back together so it cannot be -- I
10 mean it can be opened, but it would be obvious that it
11 was tampered with.

12 Q And the bag that comes to you that is sent from
13 the police department to SLED for analysis, is there
14 any tamper evidence?

15 A It would depend on the packaging, but there is
16 always some sort of tampering evidence procedure.

17 Q Would you have tested something if you received
18 it and it looked like it was tampered with?

19 A We would do the analysis and issue a report, but
20 it would be clearly marked that the integrity of the
21 seal was compromised.

22 Q In this case, did you find that the integrity of
23 the seal was compromised?

24 A It was not compromised.

25 MR. HOLFORD: The State seeks to introduce

DOUGLAS ROBINSON - DIRECT EXAMINATION

1 State's 69 in evidence.

2 MR. GARDNER: No objection.

3 THE COURT: Admitted without objection.

4 (State's Exhibit 69 admitted.)

5 Q (MR. HOLFORD) Did you prepare a report in this
6 case?

7 A I did.

8 Q What did you find it to be?

9 A May I refer to my notes?

10 Q You may --

11 MR. HOLFORD: Or, Your Honor, may he?

12 THE COURT: (Laughing and nods in the
13 affirmative.)

14 A The evidence was submitted to us as Item 1 in a
15 heat sealed pouch. The first subitem, 1.1, was
16 described as a paper bag containing four plastic
17 sandwich bags containing plant material. Results of
18 this item was marijuana C1 found in the sample tested,
19 two tested. Total net weight was 53.04 grams, 1.8723
20 ounces. Total Delta 9 tetrahydrocannabinol percent dry
21 weight greater than 1 percent. For that item, the
22 remaining two bags for that item were not confirmed,
23 but the gross remaining weight, including the
24 inner-most packaging for that was 29.40 grams.

25 Item 1.2 was a manila envelope containing plant

DOUGLAS ROBINSON - DIRECT EXAMINATION

1 material. Again, the maximum obtainable statutory
2 threshold has been met for this substance. Item was
3 not subjected to confirmatory tested. Net weight of
4 the tested substance was 8.02 grams.

5 Q (MR. HOLFORD) Let me ask you: What does that
6 mean? The THC present, what does that mean?

7 A Certainly. A few years back, the law changed to
8 introduce industrial hemp in South Carolina. That law,
9 among other things, set a limit on Delta 9, total THC,
10 to be 0.3 percent. That was the threshold where it
11 crosses from industrial hemp into marijuana.

12 For the method we used for testing this sample,
13 we set a threshold to 1 percent, which is just over
14 three times the legal limit. We don't report a
15 specific concentration for this as long as it is
16 greater than 1 percent, which in this case it was.

17 Q So this is not industrial hemp?

18 A The two bags tested are marijuana.

19 Q Tell me the weight.

20 A Of the two bags?

21 Q Of the two bags tested.

22 A 53.04 grams, 1.8723 ounces.

23 Q And why would you not test the remaining bags?

24 A So within the code of law in South Carolina,
25 there are statutory weight thresholds that define

DOUGLAS ROBINSON - DIRECT EXAMINATION

1 simple possession, possession with the intent to
2 distribute, and also trafficking. It is SLED's goal to
3 test up to the highest obtainable statutory threshold.
4 Once we have met that point, we will take weights as
5 needed for references, but we don't continue to test
6 everything. So in this particular case, we reached the
7 weight threshold for possession with the intent to
8 distribute, and we weren't going to hit the next
9 threshold of trafficking.

10 Q What is the next threshold of trafficking?

11 A Ten pounds.

12 Q So we weren't anywhere close to trafficking, but
13 you had the test over a simple possession amount?

14 A The threshold we were targeting on this was
15 28 grams, which is the crossover from simple possession
16 to possession with intent to distribute, 28 grams, or 1
17 ounce.

18 Q Then there was another manila envelope that
19 contained another substance?

20 A This was also plant material. We did an
21 indicative test on this. The indicative test we use on
22 plant material is a microscopic exam. We look for
23 three unique things. This was identified tentatively
24 as cannabis, which could comprise of industrial hemp or
25 marijuana. The deciding factor there is solely based

ILA SIMMONS - DIRECT EXAMINATION

1 on that concentration, and we didn't do the
2 confirmatory concentration test on that item.

3 Q Is that because you already reached that
4 attainable threshold you were talking about?

5 A Correct. That second item was an additional
6 8 grams, which would not make a dent in the ten pounds.

7 MR. HOLFORD: Your Honor, no further questions.

8 MR. GARDNER: No questions, Your Honor.

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

10 Call your next witness.

11 MR. HOLFORD: We call Ila Simmons.

12 (ILA SIMMONS, having been duly sworn,
13 testified as follows:)

14 THE WITNESS: My name is Ila Simmons, I-L-A,
15 S-I-M-M-O-N-S.

16 DIRECT-EXAMINATION

17 BY MR. HOLFORD:

18 Q Agent Simmons?

19 A Well, I'm retired now, so.

20 Q How long were you with SLED?

21 A 16 years.

22 Q And were you with SLED in 2018?

23 A Yes, I was.

24 Q What was your position back in 2018?

25 A Employed in the Forensics Laboratory Trace

ILA SIMMONS - DIRECT EXAMINATION

1 Evidence Department.

2 Q Tell us, what is trace evidence?

3 A Trace evidence encompasses several areas of
4 forensics. We analyze for the presence of gunshot
5 residue. We also compare fibers, paints, and glass.
6 We analyze post-blast explosives, and we analyze debris
7 from fires for ignitable liquids to see if arson is
8 suspected.

9 Q Did you analyze any evidence in relation to this
10 case with Earl Gaddis?

11 A Yes, I did.

12 Q What type of evidence was it?

13 A I analyzed gunshot residue kits.

14 Q I'll show you what has been marked as State's 95;
15 are you familiar with State's 95?

16 A Yes, sir, I am.

17 Q How are you familiar with that?

18 A This was submitted to our laboratory for
19 analysis. Every time a case is submitted to our
20 laboratory, it is given an unique identification
21 number, which is "L" for laboratory, then the year the
22 case was submitted, and then an unique number, and also
23 have item numbers for every piece of evidence
24 submitted. In this case, it does have my laboratory
25 number, and also has the three item numbers I analyzed,

ILA SIMMONS - DIRECT EXAMINATION

1 my initials, and the date I began my analysis.

2 MR. HOLFORD: At this time, I seek to introduce
3 State's 95 into evidence.

4 MR. GARDNER: No objection.

5 THE COURT: Without objection, so admitted.

6 (State's Exhibit 95 admitted.)

7 Q (MR. HOLFORD) Is this sealed still?

8 A Yes, it is.

9 Q How is it sealed?

10 A With a piece of evidence tape, which is
11 tamper-resistant tape. It is not like Scotch tape.
12 When I seal it with the evidence tape, if someone were
13 to open it, it would be obvious that someone opened it.

14 Q Can I ask you to open this now?

15 A Sure.

16 Q Now, will you pull out whatever is in there?
17 What did you just pull out?

18 A I pulled on the three gunshot residue collection
19 residue kits.

20 Q Those came out of State's 95?

21 A Yes.

22 (State's Exhibits 110-112 marked.)

23 Q (MR. HOLFORD) Now that we've made our marks on
24 them, I'll hand you back State's 110, 111, and 112,
25 which you pulled it out and are now marked. You said

ILA SIMMONS - DIRECT EXAMINATION

1 those are the gunshot residue tests you did an
2 analysis on?

3 A That's correct.

4 Q Let me go back just briefly. What training,
5 experience, education do you have in regards to
6 analyzing gunshot residue or other trace evidence?

7 A I have a bachelor's of science in chemistry.
8 After completing that, I worked for SLED where for
9 three years I worked with a SLED certified court
10 qualified trace evidence examiner. I had to take
11 written and practical examinations to be deemed
12 qualified to analyze any area of trace evidence. That
13 was completed in about three years. Each year
14 afterwards I would take an examination to be sure I was
15 still proficient in every area of trace evidence.

16 Q What would your expertise specifically be?

17 A I was an expert in trace evidence examination.

18 MR. HOLFORD: We seek to tender Ms. Simmons as an
19 expert in trace evidence analysis examination.

20 MR. GARDNER: No objection.

21 THE COURT: Same charge applies to this witness.
22 She is qualified as an expert in the area of trace
23 evidence examination.

24 MR. HOLFORD: State seeks to enter 110, 111 and
25 112 into evidence.

ILA SIMMONS - DIRECT EXAMINATION

1 THE COURT: Any objection?

2 MR. GARDNER: No objection.

3 (State's Exhibits 110-112 admitted.)

4 Q (MR. HOLFORD) I put 110 on there. Does Myrtle
5 Beach also have a number, and then SLED?

6 A Yes. Myrtle Beach has an agency case number
7 written on there, and then I handwrote and put a
8 sticker with my identification number and item number,
9 initials, and date.

10 Q Do you produce a report after you do an analysis?

11 A Yes.

12 Q Do you have that report?

13 A I do.

14 Q So we might call it 110; what would you call
15 that?

16 A State's Exhibit 110 would be my Item No. 12.

17 Q Item 12; what is that?

18 A Item 12 is a gunshot residue kit collected from
19 Earl R. Gaddis.

20 Q What was your finding after you analyzed that?

21 A I found that particles characteristic of gunshot
22 residue were found.

23 Q What about -- let me make sure. Your Item No.
24 11, which State's number is that?

25 A That is going to be State's 111.

ILA SIMMONS - DIRECT EXAMINATION

1 Q So State's 111, what is that?

2 A Gunshot residue kit collected from Terence
3 Blackwell.

4 Q What did you find in relation to that analysis?

5 A No particles characteristic of gunshot residue
6 are detected.

7 Q How could that be? Tell us what gunshot residue
8 is.

9 A Gunshot residue is a mixture of chemicals that
10 come out of the gun when it is discharged. In the old
11 west movies you'll see a plume of smoke, the gunshot
12 residue is mixed up in that. The primer residue is
13 what we are analyzing for; it comes from the primer of
14 the cartridge. It is microscopic. It can get on
15 anything in close proximity to the firearm when it is
16 discharged, including the hands of someone shooting a
17 gun, or the hands of someone who sustained a gunshot
18 wound.

19 Q That would bring me to Item 5, which would be?

20 A Is going to be the gunshot residue collection kit
21 from Sylvester Bellamy, which is your State's 111.

22 Q Did you do an analysis on a gunshot residue kit
23 for the victim, Sylvester Bellamy?

24 A Yes, I did.

25 Q What did your analysis determine?

ILA SIMMONS - CROSS-EXAMINATION

1 A Particles characteristic of gunshot primer
2 residue were found.

3 Q You just said that gunshot residue can be on
4 someone who a gun was fired towards, or who had fired
5 the gun?

6 A Yes. In fact, 90 percent of people who sustain a
7 gunshot wound from a handgun have gunshot residue on
8 their hands simply because they are in very close
9 proximity to the muzzle of the gun, and that is where
10 most of the gunshot residue exits on the firearm.

11 Q If I had fired a gun, would there be a way to
12 remove gunshot residue from my hands?

13 A Yes. It has a consistency of flour. So if
14 someone were to take a shower, wash their hands, use
15 hand sanitizer, constantly putting their hands in and
16 out of pockets, change clothes, that would all possibly
17 remove it.

18 Q If I had not fired a gun, or not been around a
19 gun, or not had one fired at me, could I have gunshot
20 residue on my hands?

21 A Only if you came in contact with something that
22 had gunshot residue on it.

23 MR. HOLFORD: Nothing further.

24 THE COURT: Cross-examination.

25 MR. GARDNER: I want to be clear.

ILA SIMMONS - CROSS-EXAMINATION

CROSS-EXAMINATION

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BY MR. GARDNER:

Q I think you did a good job, but to make sure.
Gunshot residue, you are testing for the primer
residue?

A Yes, sir, we are.

Q That comes from? What does that come from; from
what is left in the gun after the projectile leaves?

A You have a cartridge that has a primer. When the
hammer of the gun strikes the primer, it makes a small
spark igniting the gun powder, and then it pushes the
bullet out of the gun, so it is from the primer cap.

Q That is where the GSR comes from?

A That is where the gunshot residue comes from that
we are analyzing, yes, sir.

Q Would it be easier to detect GSR from a revolver
than from an automatic?

A Generally, revolvers produce more gunshot residue
simply because they have an open cylinder. A revolver
is a gun where you have a cylinder and it turns so that
each round comes in contact with the firing pin in the
chamber. A pistol would be a semi-automatic where it
would draw a round in every time into one chamber. So
it would be the type of pistols that you see with
police officers and things like that. Revolvers would

RECESS TAKEN

1 be more like what you would see in the old west movies,
2 like the six shooters that you would see.

3 Q I think you are real clear on that. Okay. And
4 even if you had GSR, it is easily removed?

5 A Yes.

6 MR. GARDNER: Thank you, ma'am.

7 THE COURT: Redirect?

8 MR. HOLFORD: No, Your Honor. May we approach?

9 THE COURT: Yes.

10 MS. WALKER: I ask that she be released from her
11 subpoena.

12 MR. GARDNER: No objection.

13 THE COURT: You're released. Have a nice day.

14 (Whereupon, a bench conference was had.)

15 THE COURT: Ladies and gentlemen, I'll ask you to
16 step to the jury room. Do not discuss the case. I'll
17 get you back here as quickly as possible.

18 (The jury exits at 3:14 p.m., and the
19 following is heard out of the presence of the jury.)

20 THE COURT: Stand down for a few minutes.

21 (A recess was taken.)

22 THE COURT: Thank you. Be seated, please.

23 Can the lawyers approach, please?

24 (Whereupon, a bench conference was had.)

25 THE COURT: Anything from the State?

RECESS TAKEN

1 MR. HOLFORD: Yes, Your Honor. Before the jury
2 comes out, according to a recent court case about DNA,
3 State v. Phillips, that case involved random match
4 probability DNA; it also involved touch DNA in which
5 the Court was pretty harsh in their examination of the
6 usefulness to the jury under a 403 analysis. This
7 case does not involve random match probability or
8 touch DNA. It does not involve non-exclusion -- not
9 non-exclusionary DNA. This is a likelihood ratio, and
10 it is taken from known standards to match the
11 likelihood ratio of blood. So we're not dealing with
12 those matters that were dealt with in that supreme
13 court case. It's a comparison. The numbers, just for
14 the Court's edification, one of them was 1 in 2
15 probability; the other one was 1 in 200 probability.
16 The result in this case is 3.3 billion times more
17 likely. So I don't believe it is necessary to do a
18 State v. Phillips hearing prior to the jury coming
19 out, but the State is willing to call that witness on
20 the stand if the defense has any objection to it.

21 THE COURT: Any objections?

22 MR. GARDNER: I don't know if this is a Jackson
23 v. Denno type of thing where if I don't object it is
24 error, or do I have to object? I think I know what
25 the bottom end result will be, and I don't want to

RECESS TAKEN

1 delay the Court. I want to be sure I'm keeping the
2 record the way it needs to be kept, if that makes
3 sense.

4 THE COURT: I mean, Mr. Holford is conveying to
5 the Court that the testimony that is going to come in
6 does not run afoul of the concerns that were raised in
7 State v. Phillips. If it does run afoul of that,
8 certainly it would be objectionable and we would have
9 to address it outside of the presence of the jury at
10 that time.

11 MR. GARDNER: May I have a moment to explain what
12 we just talked about?

13 THE COURT: Yes, sir.

14 (Mr. Gardner and the defendant confer in private,
15 and a brief pause in the proceedings takes place.)

16 MR. GARDNER: We're good. We're ready to go,
17 Your Honor.

18 THE COURT: All right. Bring the jury.

19 For scheduling purposes, if you will approach,
20 please.

21 (Whereupon, a bench conference was had.)

22 (The jury enters at 3:45 p.m., and the
23 following is had in the presence of the jury.)

24 THE COURT: Madam foreperson, ladies and
25 gentlemen, I'll recognize the State. Call your next

ADRIENNE HEFNEY - DIRECT EXAMINATION

1 witness.

2 MR. HOLFORD: The State will call Adrienne
3 Hefney.

4 (ADRIENNE HEFNEY, having been duly sworn,
5 testified as follows:)

6 THE WITNESS: Adrienne Riley Hefney,
7 H-E-F-N-E-Y.

8 DIRECT-EXAMINATION

9 BY MR. HOLFORD:

10 Q Where are you currently employed?

11 A South Carolina Law Enforcement Division, more
12 commonly known as SLED.

13 Q What are your current duties?

14 A Forensic DNA analyst, and what that entails is I
15 analyze biological evidence that was left behind at a
16 crime scene and make comparisons to known standards
17 directly taken from the persons involved in the case.

18 Q And what kind of training, experience, do you
19 have to do that type of analysis?

20 A Okay. I have a bachelor of science degree in
21 biology from the University of South Carolina. I also
22 have a master of business administration from Winthrop
23 University. I was trained on the job by court
24 qualified analysts. I also have taken postgraduate
25 courses in the field of cell molecular biology and

ADRIENNE HEFNEY - DIRECT EXAMINATION

1 population genetics. We attend at least eight hours of
2 continuing education each year to stay abreast of any
3 changes in the field of forensic DNA analysis. I'm
4 also FBI quality assurance auditor, which means I go
5 around to different labs in the nation and audit them
6 to make sure they are following quality assurance
7 standards set forth for DNA labs.

8 MR. HOLFORD: Your Honor, the State would tender
9 Agent Hefney as an expert in forensic DNA analysis.

10 MR. GARDNER: No objection.

11 THE COURT: Again, ladies and gentlemen, this
12 witness is being qualified as an expert. It's the
13 same as the previous charge to you with regard to
14 expert witnesses and is applicable here. Again, this
15 witness is being qualified as an expert in forensic
16 DNA analysis.

17 You may continue.

18 Q (BY MR. HOLFORD) Have you been qualified as an
19 expert before in South Carolina courts?

20 A Yes, sir, I have.

21 Q Did you have a chance to do any forensic DNA
22 analysis in regard to this case?

23 A Yes, sir, I did.

24 Q I'll show you first what is marked as State's 71
25 for ID. I don't believe it is in evidence yet. Are

ADRIENNE HEFNEY - DIRECT EXAMINATION

1 you familiar with State's 71?

2 A This is our Item No. 13. It is a buccal swab
3 from Bellamy, and I see my initials and date on the
4 seal.

5 Q This package, is it still sealed?

6 A It is.

7 Q Is that the way you would return it?

8 A Yes, it is.

9 Q After doing testing?

10 A Yes, that's correct.

11 MR. HOLFORD: Your Honor, State would seek to
12 introduce State's 71 in evidence.

13 THE COURT: Any objection?

14 MR. GARDNER: No, Your Honor.

15 THE COURT: Without objection, so admitted.

16 (State's Exhibit 71 admitted.)

17 Q (MR. HOLFORD) I'll hand you -- State's 109 and
18 72 are admitted into evidence, but are you familiar
19 with 72 first, and then 109?

20 A Yes. Both -- State's Exhibit 72 is Item 1, which
21 is a known standard from Gaddis; again, it has my
22 initials and the date on the seal. State's Exhibit 109
23 is SLED's Item No. 2 and is a known standard from
24 Blackwell; again, it has my initials and date on the
25 seal.

ADRIENNE HEFNEY - DIRECT EXAMINATION

1 Q What is a "known standard"?

2 A Known standards are of known origin; it means
3 either a buccal swab or blood standard taken directly
4 from persons involved in the case, such as the victim
5 or the suspect.

6 Q And explain to us, generally, what is a "buccal
7 swab"?

8 A Is that a swab from inside of your cheek.

9 Q When you swab the inside of the cheek, there is
10 DNA there?

11 A That is correct.

12 Q And, in this case, you have known standards, but
13 what other DNA evidence could there be?

14 A In this case, we have known standards, and we
15 also -- for forensic DNA analysis, as a science itself,
16 is compared to evidence standards, or evidence items,
17 which would be left behind at a crime scene.

18 Q Did you have a chance to analyze swabs that were
19 taken as evidence standards?

20 A I did.

21 Q I'll hand you what is admitted as State's 77.
22 Let's do them one at a time. State's 77 what is that?

23 A State's 77 is labeled as "swab from Gaddis' left
24 sneaker." It is our Item No. 9. Again, the initials
25 and date are on the seal.

ADRIENNE HEFNEY - DIRECT EXAMINATION

1 Q What about State's 73?

2 A State's Exhibit 73 is labeled as "Gaddis' white
3 shirt," and it is our Item No. 10. It is sealed with
4 my initials and date.

5 Q What about State's 74?

6 A State's Exhibit 74 is labeled "swabs from Gaddis'
7 belt." It is SLED Item No. 8. Again, there is my
8 initials and the date on the seal.

9 Q Just so I'm clear; the unknown origin would mean
10 that a swab was taken and they did not know, one, if it
11 contained DNA, or who it belonged to?

12 A That is correct.

13 Q And with a known origin, you know who it was
14 taken from?

15 A That is correct.

16 Q In this case, did you compare the evidentiary
17 swabs with the known swabs?

18 A I did.

19 Q And I just want to be clear, is the analysis you
20 were doing in this case, was that random match
21 probability?

22 A It was not.

23 Q Did it involve touch DNA?

24 A Some items were possibly touch, as far as
25 ownership items, like what the person was wearing; but

ADRIENNE HEFNEY - DIRECT EXAMINATION

1 there was also blood involved in the case, so we had
2 Bluestar positive.

3 Q As to the swab from the left sneaker, that is
4 SLED Item No. 9; did that involve touch DNA or not?

5 A That involved -- it would be ownership DNA,
6 because it was a sneaker, from a person wearing the
7 sneaker, as well as blood. Because there was a
8 Bluestar positive on that taken by -- it was told to me
9 it was a Bluestar positive.

10 Q What is "Bluestar positive"?

11 A Bluestar is a chemical that tests for the
12 presence of blood. In my lab, we use Phenolphthalein
13 to test; but, in the field, Bluestar positive, when you
14 have a minuscule or minor amount of blood, it can
15 detect that, where you need a little bit more for
16 Phenolphthalein to detect.

17 Q So if you were not doing random math probability,
18 the touch DNA, with regards to this blood or
19 non-exclusion, what type of analysis did you perform in
20 this case?

21 A Sure. We performed, you know, regular DNA
22 analysis. Then, for our interpretation, we used a
23 computer program known as "Starmix" or "STR mix." We
24 recently went to that, maybe, three years ago. The
25 reason for that is it was all of the last -- pretty

ADRIENNE HEFNEY - DIRECT EXAMINATION

1 much everyone in the nation is going towards that. It
2 is not as probabilistic genotyping. When we used to do
3 DNA analysis and use random match probability, we had
4 such a strict criteria. If you had a mixture, it has
5 to meet a certain criteria before you can interpret it.
6 Although, you can look at it and see the different
7 people in the mixture based on the known DNA standards
8 and the unknown, we couldn't make an interpretation
9 because it was low level or a mixture, so it wouldn't
10 rise to the occasion of doing an interpretation. So we
11 were throwing away a lot of useful data and
12 information.

13 A few years ago, all of the labs in the United
14 States went to the trend where we use probabilistic
15 genotype software, and at SLED we use "Starmix." What
16 that is -- we say -- when we have a mixture, we
17 interpret it as it has two people or three people or
18 four people, then we put the profile into the software
19 and it generates what is known as a "likelihood
20 ratio," and that is a statistic that we use now
21 instead of random match probability.

22 Likelihood ratios kind of is defined as what is
23 given your case, given the circumstances of the case
24 and given the DNA profile, the best developed, what is
25 most likely to have happened? I like to use an

ADRIENNE HEFNEY - DIRECT EXAMINATION

1 example of cookies on a counter when I describe
2 likelihood ratios. Say you have a plate of cookies on
3 the counter. You have two kids in the house. All the
4 sudden, all of the cookies have been eaten. You only
5 have a five-year-old in the house and a baby, someone
6 that is not walking yet, maybe at 11 months or so and
7 can't get up on the counter to get the cookies. So
8 when you do a likelihood ratio, you say, What is more
9 likely to have happened? Given that we had a plate of
10 cookies on the counter, they are now gone, and only
11 two kids in the house. The five-year-old will say the
12 baby did it, and the baby couldn't have done it. So
13 it is more likely that the five-year-old got up, got
14 the cookies, and ate them, versus the one that can't
15 walk eating them.

16 Q Now, in this case, with the known standards, the
17 known -- the buccal swab you received from Earl Gaddis,
18 Item 1, were you able to develop a DNA profile?

19 A I was.

20 Q Was it, in fact, Earl Gaddis' DNA?

21 A Yes. The DNA profile developed is suitable to
22 use as a known standard for Earl Gaddis.

23 Q What about your Item 2, a known standard taken
24 from Terence Blackwell?

25 A The same result for it; the DNA profile is

ADRIENNE HEFNEY - DIRECT EXAMINATION

1 suitable to use as a known standard.

2 Q And, again, Item 13, the known standard from
3 Sylvester Bellamy?

4 A Yes. This known standard, it was positive for
5 blood, so I received a blood sample from Sylvester
6 Bellamy, and the DNA is suitable for use as a known
7 standard.

8 Q In comparing the evidentiary swabs with the known
9 standards, did you do comparisons for Blackwell -- for
10 items received from Blackwell in this case?

11 A I did.

12 Q Did you return those results into a report?

13 A Yes, I did.

14 Q Did you also do the same for items swabbed
15 belonging to Gaddis?

16 A Yes, sir, I did.

17 Q We have in evidence: 74, a belt; 73, a white
18 shirt; and 77, a left sneaker; would those correlate to
19 the test that you did?

20 A Yes, sir, they did.

21 Q As to your analysis on the swab from the black
22 belt, SLED 8, and your analysis on the white shirt,
23 SLED 10, were you able to determine useful information
24 to this case that would be relative and probative?

25 A Of a probative nature, no; because it was Earl

ADRIENNE HEFNEY - DIRECT EXAMINATION

1 Gaddis' DNA on his belt, as well as his DNA on Item 10,
2 which was his white shirt.

3 We also did a comparison to the other standards
4 submitted in this case from Sylvester Bellamy and
5 Terence Blackwell. In the case of where we compared
6 -- I'll start with Item 8, which was the black belt.
7 So it was a mixture of four individuals on that belt.
8 Earl Gaddis and three other unidentified, unrelated
9 individuals, or four unidentified, unrelated
10 individuals. What we do when we are making these
11 comparisons, they are known as proposition sets. A
12 proposition set is established for each standard we're
13 making the comparison for. We break it into two
14 components. The "HP" means is just short for
15 "prosecutor hypothesis." What that means is saying
16 that Earl Gaddis and three unidentified, unrelated
17 individuals contributed to this mixture. Where "HD"
18 is the "defense hypothesis," who would likely say --
19 not in this case, but in general -- that four
20 unidentified, unrelated people contributed to this;
21 anybody but Earl Gaddis.

22 So that is just how we set up each proposition.
23 In this case, Earl Gaddis is on his black belt, and
24 then I made a comparison to Earl Gaddis, Terence
25 Blackwell, and two unidentified, unrelated

ADRIENNE HEFNEY - DIRECT EXAMINATION

1 individuals, and then Earl Gaddis and three
2 unidentified, unrelated individuals. I'll read
3 directly from my report for the likelihood amount.

4 The DNA profile is approximately 76 times more
5 likely if Earl Gaddis and three unidentified,
6 unrelated individuals contributed to the mixture, than
7 if Earl Gaddis, Terence Blackwell, and two
8 unidentified, unrelated individuals contributed to the
9 mixture.

10 So what that is saying is, essentially, it is
11 more likely that Earl and someone other than Terence
12 Blackwell and two other people contributed. It is
13 more likely Earl Gaddis and three unidentified,
14 unrelated individuals contributed.

15 The same thing was done for Earl Gaddis in
16 comparison with Sylvester Bellamy and two
17 unidentified, unrelated individuals, versus Earl
18 Gaddis and three unidentified, unrelated individuals
19 contributed to the mixture. In that case, Sylvester
20 Bellamy was excluded as contributor to the profile
21 under those propositions, and that was for the black
22 belt.

23 Q If I could stop you there. So the belt that Earl
24 Gaddis was wearing had his DNA on it?

25 A Yes.

ADRIENNE HEFNEY - DIRECT EXAMINATION

1 Q And it did not have the victim's DNA; he was
2 excluded?

3 A The victim, Sylvester Bellamy, was excluded.

4 Q Let's move to the left sneaker, Item 9; what did
5 you find the most likely proposition?

6 A I made the proposition where Earl Gaddis and two
7 unidentified, unrelated individuals contributed to the
8 mixture, versus three unidentified, unrelated
9 individuals contributed to the mixture. It is more
10 likely that -- 17 times more likely that three
11 unidentified, unrelated individuals contributed to the
12 mixture than if Earl Gaddis and two unidentified,
13 unrelated individuals contributed.

14 The next proposition set I compared Terence
15 Blackwell to the mixture from Gaddis' shirt. So in
16 that case, Blackwell and two unidentified, unrelated
17 individuals contributed to the mixture, versus three
18 unidentified, unrelated individuals contributed to the
19 mixture. And then in that case, uninformative
20 statistical result was obtained, and no conclusion can
21 be made regarding Terence Blackwell as a possible
22 contributor to the mixture.

23 Final comparison that was made to the left
24 sneaker, in Proposition Set 3, it was for Sylvester
25 Bellamy and two unidentified, unrelated individuals

ADRIENNE HEFNEY - DIRECT EXAMINATION

1 contributed to the mixture; and the HD of three
2 unidentified, unrelated individuals contributed to the
3 mixture. In that case, the DNA profile is
4 approximately 3.3 billion times more likely if
5 Sylvester Bellamy and two unidentified, unrelated
6 individuals contributed to the mixture, than if three
7 unidentified, unrelated individuals contributed to the
8 mixture.

9 Q So a swab from the bottom of Gaddis' shoe
10 contained -- well, whose DNA did it contain, or however
11 you need to say that?

12 A It is more likely 3.3 billion times more likely
13 if Sylvester Bellamy and two unidentified, unrelated
14 individuals contributed to the mixture, than if three
15 unidentified, unrelated individuals contributed to it.

16 Q That was from the blood or the Bluestar positive
17 swab from Earl Gaddis' sneaker?

18 A That is correct.

19 Q Have I asked you that appropriately; it was 3.3
20 billion times more likely that the blood was
21 Sylvester's -- and there was also -- let me back up.

22 There was a mixture of DNA; is that correct?

23 A Yes; there is mixture of three individuals on
24 this shoe. The likelihood is approximately 3.3 billion
25 times more likely if Sylvester Bellamy and two

ADRIENNE HEFNEY - DIRECT EXAMINATION

1 unidentified, unrelated individuals contributed to the
2 mixture, than if three unidentified, unrelated
3 individuals contributed to the mixture.

4 Q How can I get a mixture of three persons' DNA on
5 my shoe?

6 A You walked into someone's else DNA. Someone spat
7 on the ground and you walked through that. It could be
8 someone else wore the shoes and touched the bottom, you
9 may have gotten DNA from that. It is various ways to
10 get it.

11 Q So this result is not telling us that it is three
12 different types of blood?

13 A No. It is just telling that the mixture on the
14 bottom of the shoe is contributed by three different
15 people.

16 MR. HOLFORD: Your Honor, I have no further
17 questions.

18 THE COURT: Mr. Gardner?

19 MR. GARDNER: No questions.

20 MR. HOLFORD: I ask that she be excused from her
21 subpoena.

22 THE COURT: Any objection?

23 MR. GARDNER: No, Your Honor.

24 THE COURT: You are free to go. Have a nice day.
25 Can the lawyers approach, please?

ADRIENNE HEFNEY - DIRECT EXAMINATION

1 (Whereupon, a bench conference was had.)

2 THE COURT: Ladies and gentlemen, we're going to
3 stop for the day, let you go home for the balance of
4 the evening. I'll ask you to be back here at tomorrow
5 morning 10 o'clock. I have some matters I need to
6 tend to on an unrelated case, on a case I have up for
7 trial next week back in Florence at 9 o'clock.
8 Technology is a great thing, I guess, but it certainly
9 creates more demands upon us when we have that, so
10 I'll be conducting a hearing via the computer, video
11 conference tomorrow morning starting at 9 o'clock. So
12 cut that for an hour, give them an hour to say what
13 they need to say. So we can resume this trial at 10
14 o'clock.

15 So you all have a nice evening. Again, do not
16 discuss the case. Do not do any independent
17 investigation on your own. Decide this case based
18 solely on the evidence presented in this courtroom.
19 Have a wonderful evening, and I'll see you tomorrow at
20 10 o'clock.

21 (The jury exits at 3:59 p.m., and the
22 following is heard out of the presence of the jury.)

23 THE COURT: Anything from the State?

24 MS. WALKER: Nothing.

25 MR. GARDNER: No, Your Honor.

JULY 21, 2021

1 THE COURT: Be ready at 10 o'clock.

2 (WHEREUPON, THE PROCEEDINGS FOR JULY 20, 2021

3 CONCLUDED. THE FOLLOWING PROCEEDINGS WERE HAD ON JULY
4 21, 2021.)

5 THE COURT: State ready to proceed?

6 MS. WALKER: Yes.

7 THE COURT: Defense counsel?

8 MR. GARDNER: Yes, Your Honor.

9 THE COURT: Did you have a chance to look at the
10 jury charge?

11 MR. GARDNER: I did.

12 MS. WALKER: Yes, Your Honor.

13 THE COURT: Any objections?

14 MS. WALKER: No, sir, not that I could see.

15 MR. GARDNER: Not at this point. There may be
16 changes at the end.

17 THE COURT: We'll talk about that in a little
18 bit.

19 MR. GARDNER: Was there something about intent?
20 I read a little bit, but on stolen property possession
21 of stolen property.

22 MS. WALKER: Well, possession of the stolen
23 firearm, not necessarily property generally.

24 MR. GARDNER: Would it be a different charge?

25 MS. WALKER: The stolen pistol has language in

MICHELE EICHENMILLER - DIRECT EXAMINATION

1 that statute.

2 THE COURT: We'll look at that. Bring me the
3 jury, please, sir.

4 (The jury enters at 10:30 a.m., and the
5 following is heard in the presence of the jury.)

6 THE COURT: Good morning, madam foreperson and
7 ladies and gentlemen. I appreciate your patience and
8 being here when I asked you. I apologize we are
9 starting later than I hoped, but at this time we'll
10 continue the trial.

11 State is recognized. Call your next witness,
12 please.

13 MR. HOLFORD: State calls Michelle Eichenmiller
14 to the stand.

15 (MICHELE, EICHENMILLER, having been duly
16 sworn, testified as follows:)

17 THE WITNESS: My name is Michelle Eichenmiller,
18 M-I-C-H-E-L-E, E-I-C-H-E-N-M-I-L-L-E-R.

19 DIRECT-EXAMINATION

20 BY MR. HOLFORD:

21 Q Agent Eichenmiller, where are you employed?

22 A I work for the South Carolina Law Enforcement
23 Division, and I'm a forensic firearms examiner.

24 Q How long have you been a forensic firearm
25 examiner?

MICHELE EICHENMILLER - DIRECT EXAMINATION

1 A Five years.

2 Q Is there any special training or school or
3 education you had to do to obtain that position?

4 A To get a job at SLED, I had to get a bachelor's
5 degree, so I have a bachelor's of biology. I also have
6 a master in science and forensic science.
7 Unfortunately, there is no school you can go to. You
8 have to learn with the examiners at your agency. It is
9 an apprenticeship program that takes three, four years.
10 So I learned with the examiners there. I watched them
11 do casework. I did a lot of reading and comparisons on
12 my own. At the end of three or four years, I took a
13 test, comprehensive. Once I passed that, they let me
14 do casework on my own.

15 Q Have you been qualified as an expert in forensic
16 firearm examination?

17 A Yes.

18 Q In South Carolina?

19 A Yes.

20 Q Do you know approximately how many times?

21 A Approximately, a hundred times.

22 MR. HOLFORD: The State would tender Agent
23 Michelle Eichenmiller as an expert in forensic firearm
24 examination.

25 MR. GARDNER: No objection.

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ONLY!!

MICHELE EICHENMILLER - DIRECT EXAMINATION

1 THE COURT: Ladies and gentlemen, this individual
2 is qualified as a forensic firearm expert. Again, it
3 is -- she's allowed to give opinion testimony. It
4 does not mean that you must accept it, but it is
5 evidence for you to use in any way you see fit and
6 give it the weight and creditability that you deem
7 appropriate.

8 You may continue.

9 Q Agent Eichenmiller, will you tell us about what
10 you do. What is forensic firearms examination? I used
11 to call it ballistics, but it is firearms and
12 toolmarks?

13 A Yeah, firearms and toolmarks identification. So
14 it's the branch of forensic science that deals with
15 firearms and fire components. There is a couple other
16 exams we do like serial number restoration, also
17 toolmark comparison; but firearms are a subset of
18 tools, in general, so they are both kind of the same.
19 We examine any cartridge cases, bullets, and firearms
20 submitted from a crime.

21 Q (MR. HOLFORD) You don't actually go to the crime
22 scene itself, do you?

23 A No.

24 Q You process or analyze what is sent to you by an
25 agency?

MICHELE EICHENMILLER - DIRECT EXAMINATION

1 A Yes.

2 Q And did you have a chance to analyze or examine
3 any firearms or other ammunition related to this case
4 against Earl Gaddis?

5 A Yes.

6 Q And what items, specifically, were you sent and
7 were you examining?

8 A I have two fired cartridge cases, three fired
9 bullets, and three firearms.

10 MR. HOLFORD: Court's indulgence.

11 THE COURT: Yes, sir.

12 (A brief pause in the proceedings.)

13 Q (MR. HOLFORD) I've gone over this before, but
14 does SLED assign its own numbers to an individual
15 piece of evidence?

16 A Yes.

17 Q So you said three firearms, let's start -- which
18 firearm would you like to start with first?

19 A We can start with the Glock.

20 Q All right. So is that a Glock 9-millimeter
21 Model 17?

22 A Yes.

23 Q And is the serial number WGP187?

24 A Yes.

25 Q What SLED item number did you assign to that?

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MICHELE EICHENMILLER - DIRECT EXAMINATION

1 A Item 17.

2 MR. HOLFORD: May I approach?

3 A Yes, sir.

4 Q (MR. HOLFORD) I'm going to hand you what is --

5 MR. HOLFORD: Just for the Court's edification,
6 before I do, this box is open. There is a gun lock in
7 place. The slide is back. It has been locked. I do
8 not have the key, and there is no magazine or anything
9 in the chamber.

10 THE COURT: Very well.

11 MR. HOLFORD: And no ammunition in the box.

12 Q (MR. HOLFORD) I'll hand you what is entered as
13 State's Exhibit 67. Are you able to identify what
14 State's 67 is?

15 A A Glock Model 17, 9-millimeter Luger caliber with
16 the Serial No. WGP187.

17 Q So is that SLED Item 17?

18 A Yes. Whenever I receive evidence in a case, I'll
19 mark it with the lab number, put my initials and lab
20 number; so this firearm is marked those items.

21 Q That is a firearm you received and analyzed?

22 A Yes.

23 Q How about the silver revolver?

24 A That was SLED Item 18.

25 Q And the serial number on that one is?

MICHELE EICHENMILLER - DIRECT EXAMINATION

1 A J362594.

2 Q I'm going to hand you what is entered as State's
3 Exhibit 66. This firearm is locked with a slide. Its
4 cylinder is out. There is no ammunition present in the
5 box. Are you able to identify what State's Exhibit 66
6 is?

7 A The revolver that I examined in this case.

8 Q As SLED Item 18?

9 A Correct.

10 Q Let me ask you this: By the time it gets to the
11 lab, are you aware of where these items came from, or
12 do you get that information from Myrtle Beach Police
13 Department?

14 A Occasionally, they'll log it in with, like,
15 marker numbers or where it was located; sometimes they
16 don't. Sometimes I have no idea; sometimes I have a
17 little bit of an idea.

18 Q So State's Exhibit 66, this is the revolver that
19 you examined?

20 A Yes.

21 Q These boxes have tape all over them; is that tape
22 from you?

23 A Yes. When they submit it to the SLED lab, the
24 submitting agency puts tape on it. When I'm finished,
25 I put tape on it as well.

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MICHELE EICHENMILLER - DIRECT EXAMINATION

1 Q State's Exhibit 67, this is the Glock that you
2 examined that is SLED Item 17?

3 A Yes.

4 Q Briefly, I'm sure most of us know, but explain
5 some of the differences between a Glock like this,
6 semi-auto, and a revolver.

7 A Semi-automatic pistol will fire -- it uses a
8 magazine to load cartridges in the chamber. You pull
9 the slide back, one cartridge will go into the chamber.
10 Pull the trigger, and the slide will cycle, which means
11 it opens, the bullet comes out of the front of the
12 barrel, and the cartridge case gets out, ejected out.
13 The revolver holds the cartridges in a cylinder. The
14 cylinder rotates, and the firing pin hits the
15 cartridge, then the next one will rotate until it is
16 empty.

17 Q I just want to be sure we're using the same
18 language. So a full round, which has a casing and a
19 bullet or projectile, how would you describe that
20 entire round?

21 A That is a cartridge.

22 Q A cartridge. And then the piece that is expelled
23 after shots have been fired, the brass casing --

24 A Right, is a fired cartridge case.

25 Q And then the projectile, the part that comes out

MICHELE EICHENMILLER - DIRECT EXAMINATION

1 at the end, what do you call that?

2 A Fired bullet.

3 Q Did you examine another firearm in this case?

4 A I did.

5 Q I'll hand you what has been entered as State's
6 Exhibit No. 26. Again, this firearm is secured by a
7 lock. There are no bullets present, and the gun is
8 clear, no magazines are sitting in there.

9 Are you able to identify what State's Exhibit 68
10 is?

11 A It is a Lorcin, Model L25, a .25 auto caliber,
12 Serial No. 241852 -- I guess it is 652, sorry.

13 Q 652?

14 A Yes.

15 Q What SLED Item number is that?

16 A 19.

17 Q In addition to the three firearms that you
18 examined in this case, you said there was other
19 evidence, three bullets or projectiles, and two
20 casings; is that correct?

21 A Correct.

22 Q I'm going to hand you what is marked as State's
23 Exhibit 82; are you able to identify what State's 82
24 is?

25 A It's the envelope I received that contained

MICHELE EICHENMILLER - DIRECT EXAMINATION

1 SLED's Items 3 and 4, which is the fired cartridge
2 cases; and 14, 15, and 16, which are the fired bullets.

3 Q I'll hand you these scissors --

4 MR. HOLFORD: Your Honor, State would seek to
5 introduce State's 82 into evidence.

6 THE COURT: Any objection?

7 MR. GARDNER: No, Your Honor.

8 THE COURT: So admitted.

9 (State's Exhibit 82 admitted.)

10 Q (MR. HOLFORD) Is that sealed with SLED tape?

11 A Yes, and my initials and the date.

12 Q I'll ask you to open that here in court.

13 A (Witness complied.)

14 Q How many items did you pull out of that bag?

15 A Three bullets and two cartridge cases.

16 Q Okay.

17 (State's Exhibits 113 through 121 marked.)

18 Q That just came out of State's 82. I'll hand you
19 State's 116. Are you able to identify what is in
20 State's 116?

21 A State's 116 is a fired cartridge case,
22 9-millimeter Luger caliber; that was my Item 3.

23 Q 9-millimeter fired cartridge case, your Item 3.
24 Is there a Myrtle Beach Police Department number on
25 that?

MICHELE EICHENMILLER - DIRECT EXAMINATION

1 A It says Item 24, slash, 1.

2 Q Item 24 is your --

3 A Item 3.

4 Q 3.

5 MR. HOLFORD: State seeks to introduce 116 into
6 evidence.

7 MR. GARDNER: No objection.

8 THE COURT: So admitted.

9 (State's Exhibit 116 admitted.)

10 Q (MR. HOLFORD) You don't necessarily know the
11 marker numbers, do you?

12 A No.

13 Q But Myrtle Beach might have assigned a marker
14 number to something, and then an ID number, and then
15 you list it as your item number; is that correct?

16 A Correct.

17 Q I'm going to show you on the screen State's 34,
18 which is in evidence, it has a Marker No. 5; you didn't
19 do that number?

20 A Correct.

21 Q It is identified as Myrtle Beach PD 24; is this
22 your Item 3?

23 A I believe so. There is also a No. 5 on top of
24 the box.

25 Q Okay. So this box has No. 5 on it, Item 24

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1 9-millimeter shell casing, and then you received the
2 casing and assigned it a number?

3 A Yes.

4 Q Okay. What about State's Exhibit 117?

5 A 9-millimeter caliber cartridge case. That was my
6 Item 4. It says Item 26, slash, 1, and No. 3.

7 Q No. 3, 26, is your Item 4?

8 A Four.

9 Q Looking at State's 30, does that appear to be
10 Marker No. 3 and a spent cartridge casing?

11 A Yes.

12 MR. HOLFORD: Your Honor, State seeks to
13 introduce State's 117 into evidence.

14 MR. GARDNER: No objection.

15 THE COURT: Without objection, so admitted.

16 (State's Exhibit 117 admitted.)

17 Q And we can see on the screen the numbers
18 associated -- the Myrtle Beach numbers associated with
19 it, what it is, and the item numbers assigned to it?

20 A Yes.

21 Q I'll hand you State's 113, 114, 115 at the same
22 time, which came out of State's 82; are you familiar
23 with those exhibits?

24 A These are the projectiles I examined in the case.

25 Q Okay.

MICHELE EICHENMILLER - DIRECT EXAMINATION

1 MR. HOLFORD: Your Honor, at this time we seek to
2 introduce State's Exhibits 113, 114, and 115 in
3 evidence.

4 THE COURT: Any objection?

5 MR. GARDNER: No, Your Honor.

6 THE COURT: 113, 114, 115 so admitted.

7 (State's Exhibits 113 through 115 admitted.)

8 Q (MR. HOLFORD) Start with State's 113. Are you
9 able to tell what Myrtle Beach PD evidence number and
10 what item you assigned to that?

11 A I think their number is going to be 69, Item 1 --
12 Group 69. Then it is my SLED Item No. 14.

13 Q Do you have information that that was a fired
14 bullet from a right hip, or do you just know that that
15 was Myrtle Beach 69?

16 A Yes. On the front of the envelope, from the
17 coroner's office, they printed the victim's name and
18 where it came from.

19 Q Okay. How about the State's Exhibit 114 --
20 sorry.

21 A 114 is my SLED Item No. 16. Looks to be Myrtle
22 Beach Item No. 72, slash, 1, and it is from the base of
23 the skull.

24 Q So Myrtle Beach 72, fired bullet -- we called it
25 a fragment earlier -- base of skull is your Item 16?

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MICHELE EICHENMILLER - DIRECT EXAMINATION

1 A Yes.

2 Q And then State's 115?

3 A My SLED Item 15, and Myrtle Beach 70, slash, 1.

4 Q So Myrtle Beach 70, slash, 1 -- does it note if
5 it is from a left torso on there?

6 A Yes.

7 Q And Myrtle Beach 70, fired bullet from left
8 torso, is your item what?

9 A 15.

10 Q Is that everything you received to process in
11 this case?

12 A Yes.

13 Q What can you tell me about -- what are you
14 comparing -- what are you trying to find out?

15 A In firearms identification, we attempt to
16 determine if cartridge cases and bullets were fired by
17 a particular firearm.

18 Q So let's start with the cartridge casing then.
19 We have Item 3 and Item 4; were you able to tell if
20 they were fired by SLED Item 19, the Lorcin .25
21 caliber, Model C?

22 A I was.

23 Q And what were you able to determine?

24 A They were not fired by that. They were different
25 calibers.

MICHELE EICHENMILLER - DIRECT EXAMINATION

1 Q Not fired by Item 19. Were you able to tell if
2 SLED Item 3 and 4, or 3 or 4, if they are different,
3 were fired by SLED Item 18, the silver revolver?

4 A They were not fired by the revolver either. They
5 were different calibers.

6 Q Were you able to tell if SLED Item 3 and 4, the
7 9-millimeter shell casings, were fired by SLED Item 17?

8 A They were fired by the Glock.

9 Q Is that any Glock, or that Glock?

10 A That Glock. I found individual characteristics
11 to say they were fired by the Glock.

12 Q So State's 67 fired the casings that are State's
13 116 and 117?

14 A Yes. Yes.

15 Q What about the projectiles. Let's start with
16 Item 14, Myrtle Beach 69, fired bullet from the right
17 hip; did the Lorcin, SLED Item 19, fire that bullet?

18 A No, it did not.

19 Q Did the revolver, SLED Item 18, fire Item 14?

20 A It did not.

21 Q Did SLED Item 17, the Glock 9-millimeter, fire
22 Item 14?

23 A Item 14 didn't have enough characteristics for me
24 to determine if it was fired by that firearm. It was a
25 9-millimeter Luger caliber and had the same general

MICHELE EICHENMILLER - DIRECT EXAMINATION

1 characteristics as the Glock, but didn't have enough
2 individual characteristics to say that particular
3 Glock.

4 Q Is it possible that the Glock 9-millimeter, SLED
5 17, fired Item 14?

6 A Yes.

7 Q So it is possible. But you know the revolver and
8 the Lorcin did not fire that bullet?

9 A Correct. Correct.

10 Q What about Myrtle Beach PD 70, fired bullet from
11 the left torso, Item 15; did the Glock 9-millimeter,
12 SLED Item 17, fire that bullet?

13 A No, it did not.

14 Q Did the Lorcin, SLED 19, fire that bullet, Item
15 15 SLED?

16 A No.

17 Q What about the silver revolver, SLED Item 18?

18 A Again, there were limited marks of value on that
19 bullet, so I couldn't determine if it was that firearm
20 or a different firearm.

21 Q Now, a different firearm, you said it could not
22 have been the Lorcin or the Glock?

23 A Correct.

24 Q Meaning it could have been a different .38?

25 A Right.

MICHELE EICHENMILLER - DIRECT EXAMINATION

1 Q But is it possible that SLED Item 18 fired the
2 bullet, Item 15?

3 A Yes, it's possible.

4 Q Myrtle Beach No. 72, fired bullet from base of
5 skull, Item 16; did the Glock 9-millimeter, SLED Item
6 No. 17, fire that bullet?

7 A No.

8 Q Definitely did not?

9 A Correct.

10 Q Did the Lorcin .25 caliber, SLED Item 19, fire
11 that bullet?

12 A No, it did not.

13 Q And did the silver revolver, SLED Item 18, fire
14 that bullet?

15 A It had limited marks of value, so I couldn't tell
16 if it was that firearm.

17 Q But it could have fired --

18 A It's possible.

19 Q Now, tell us a little bit about that, the limited
20 marks of value. How are you able to tell that it was a
21 .38 revolver, you just don't know specifically if it
22 was SLED Item 18?

23 A When I receive bullets in a case, I will evaluate
24 their general characteristics. So different
25 manufacturers put different numbers of lands and

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MICHELE EICHENMILLER - DIRECT EXAMINATION

1 grooves, they can do different rifling techniques, and
2 they can use a different direction of twist, and the
3 caliber; so those are the general characteristics I
4 evaluate.

5 I looked at Items 15 and 16; they were both .38
6 Special caliber. They were both conventionally
7 rifled. They both had right-hand twists, and they had
8 five lands and grooves. This led me to compare it to
9 the only firearm I had received that had those same
10 characteristics, which was the Smith & Wesson
11 revolver.

12 Q Were any other guns collected in this case?

13 A Not that I'm aware of.

14 Q So those are the three guns collected?

15 A Yes.

16 Q I'll show you State's 42; what is that a picture
17 of?

18 A A 9-millimeter Luger caliber cartridge case. It
19 has a firing pin impression, so it's fired.

20 Q And the firing pin impression, is that this right
21 here?

22 A Yes.

23 Q And so you can tell that is a fired casing?

24 A Yes.

25 Q In State's Exhibit 20, that's been entered into

MICHELE EICHENMILLER - DIRECT EXAMINATION

1 evidence, what are you able to tell us about that
2 photograph?

3 A It appears to be a picture of a revolver with a
4 cylinder open. It has four fired cartridge cases, and
5 one unfired cartridge.

6 Q State's Exhibit 9?

7 A Appears to be a picture of four fired cartridge
8 cases, and one unfired cartridge.

9 Q Now, did Myrtle Beach Police Department send you
10 the fired cartridge cases from that revolver that we
11 just looked at?

12 A They didn't.

13 Q Why would they not do that?

14 A Typically, at SLED, we wouldn't examine fired
15 cartridge cases from a revolver if someone said they
16 took it from the revolver. There is no reason to
17 microscopically examine if they were found in the
18 revolver.

19 Q So you would not need to examine it, but Myrtle
20 Beach would have said it came from that revolver?

21 A Correct.

22 Q Tell me, now, as an expert, are you able to tell
23 anything about this type of casing or the type of
24 casing that is seen in the previous picture that might
25 make it different from a semi-auto cartridge casing?

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MICHELE EICHENMILLER - DIRECT EXAMINATION

1 A These cartridge cases have a rim around the
2 bottom, the part that is sitting flat on the table;
3 that leads me to believe they would be revolver
4 cartridges because that would help it sit in the
5 cylinder better.

6 Q And would this type of ammunition be able to be
7 fired by either -- I'll call it State's 67, the Glock
8 9-millimeter, or State's 68, the Lorcin .25 caliber?

9 A No, it would not be.

10 Q Why is that?

11 A If that is a .38 Special, which is the same
12 picture as the bottom from the revolver, it is too long
13 to fit in the Glock, and it's too big to fit in the
14 Lorcin.

15 Q State's 48, what does that appear to be a picture
16 of?

17 A Unfired cartridges.

18 Q State's 47?

19 A More unfired cartridges.

20 Q Do they appear to be the same?

21 MR. HOLFORD: May Agent Eichenmiller come off the
22 stand?

23 THE COURT: Yes.

24 A Appears to be a different caliber or different
25 size than these.

MICHELE EICHENMILLER - DIRECT EXAMINATION

1 Q (MR. HOLFORD) So the ones in the bag appear to
2 be different caliber than the ones outside of the bag?

3 A Yes.

4 Q Tell me the difference between the gold one and
5 the silver one.

6 A They both appear to be the same length, same
7 caliber possibly. The silver ones appear to be loaded
8 with not a bullet. In my experience, that would be
9 shot pellets in there.

10 Q State's 14, is that a close-up of the shot
11 pellets?

12 A Yes, sir.

13 Q Do they have a rim on the bottom?

14 A Yes.

15 Q So would those rounds be fired by the Glock or
16 the Lorcin?

17 A No.

18 Q I'll run through State's 15, to ask you about
19 State's 16, really. Does that appear to be the same as
20 the previous ones we saw?

21 A Yes.

22 Q Can you describe that cartridge?

23 A Silver case with a blue top that would have
24 pellets inside.

25 Q The fired bullets that would have come out of the

MICHELE EICHENMILLER - DIRECT EXAMINATION

1 gold casings or the top part, a normal bullet, what
2 kind of marker or impression would that make?

3 A On a regular bullet on a firearm that is rifled,
4 which all of these are, would make rifling impressions
5 and scratches that I would look at to see if it was
6 fired by that firearm.

7 Q And then what about the pellets that come out
8 either of the silver cartridge casings, would you be
9 able to identify or compare them to anything?

10 A Not generally. They are so small they don't pick
11 up really any marks from the rifling of the barrels.

12 Q Are you familiar with how it would appear if
13 someone was shot with one of those silver cartridge
14 casings with the pellets?

15 A Yes.

16 Q State's Exhibit 12, those injuries on his right
17 arm and chest, what could you tell me about those? Do
18 those appear to be consistent with anything?

19 A In my experience, they are consistent with pellet
20 injuries.

21 Q Again, those rounds you were able to identify,
22 with the pellets at the top, they had the bottom --

23 A Rim.

24 Q A rim, thank you, which couldn't have been fired
25 by SLED Item 17 or 19, but could have been fired by the

MICHELE EICHENMILLER - DIRECT EXAMINATION

1 silver revolver that they found?

2 A Correct.

3 Q And just to make sure we cover this, can you tell
4 me the difference in the rifling of a barrel for the
5 revolver and the Glock -- let me back up.

6 Any of the things that you analyzed, was the
7 Lorcin used?

8 A No.

9 Q So State's 68, in any of the things you analyzed,
10 did not match that?

11 A Correct.

12 Q Not shell casings, not bullets, nothing?

13 A Nothing.

14 Q The difference between the Glock, State's 67, and
15 the revolver, State's 66 -- what are the differences in
16 some of the characteristics in rifling you may find on
17 a bullet?

18 A The Glock is polygonal rifled. There are two
19 types of rifling: Polygonal or conventional. The
20 Glock is polygonal. It has six lands and grooves in
21 the barrel with a right-hand twist. It is a
22 9-millimeter Luger caliber.

23 The revolver, on the other hand, is .38 Special
24 caliber. It has five lands and grooves in the barrel,
25 is conventionally rifled with a right-hand twist.

MICHELE EICHENMILLER - DIRECT EXAMINATION

1 MR. HOLFORD: I have no further questions at this
2 time.

3 THE COURT: Cross-examination?

4 MR. GARDNER: No, Your Honor.

5 THE COURT: Ma'am, you're excused from your
6 subpoena, free to go. Have a nice day.

7 MS. WALKER: For the next witness, we will need
8 to have the computer set up. Is it okay if we take a
9 brief minute before he comes out?

10 THE COURT: Can you all approach a minute?

11 (Whereupon, a bench conference was had.)

12 THE COURT: I'm going to ask that you step to the
13 jury room. Do not discuss the case. I'll get you
14 back here in just a moment.

15 (The jury exits at 11:07 a.m., and the
16 following is heard out of the presence of the jury.)

17 THE COURT: Stand down for a few minutes.

18 (A recess was taken.)

19 (The jury enters at 11:19 a.m., and the
20 following is heard in the presence of the jury.)

21 THE COURT: I have all the jurors.

22 State, call your next witness.

23 MS. WALKER: We call Officer Nathan Howitt.

24 (NATHAN HOWITT, having been duly sworn,
25 testified as follows:)

NATHAN HOWITT - DIRECT EXAMINATION

1 THE WITNESS: Officer Nathan Howitt, H-O-W-I-T-T.

2 DIRECT-EXAMINATION

3 BY MS. WALKER:

4 Q Good morning. Where are you employed?

5 A Myrtle Beach Police Department.

6 Q How long have you been there?

7 A Fourteen years.

8 Q What is your role with them?

9 A I'm assigned to the Crime Scene Investigations
10 Unit.

11 Q What does that entail?

12 A We respond to incident locations where we assess
13 a scene, we document it, and collect evidence.

14 Q And what type of training do you have that aids
15 you in performing this function?

16 A Well, I've been to a bunch of training. I went
17 to Horry Georgetown Tech where I went to the CSI
18 program. Then, I transferred out to Columbia College
19 where I'm finishing my bachelor's in forensics. I've
20 been to the CSI Academy in North Carolina, and taken a
21 bunch of specialized classes in different roles.

22 Q And are any of those specialized classes
23 connected to your ability to work with video?

24 A Yes. I attended -- it's in Washington D.C. --
25 Ocean Systems. It is a forensic suite where we work

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NATHAN HOWITT - DIRECT EXAMINATION

1 with video.

2 Q Okay. And did you get any sort of certification
3 with that?

4 A It is a week long class and they certify you,
5 yes.

6 Q In your role with Myrtle Beach Police Department,
7 do you often work with Milestone footage?

8 A Yes. The City has surveillance, traffic cameras,
9 which we call the "Milestone System."

10 Q Okay. And what is your experience in working
11 with the Milestone?

12 A I typically take the Milestone video, snippets
13 from different camera angles, and I'll use the Ocean
14 Systems software to make a synopsis, short movie, if
15 you will, of the City cameras.

16 Q When you do that, are you using only the
17 Milestone footage that has been saved by investigators
18 with the case?

19 A That's correct. The Milestone video, it gets
20 saved to our network drive, and then I can access it
21 and make these videos.

22 Q Okay. And, in this case against Earl Gaddis, did
23 you review some Milestone footage in connection with
24 the investigation?

25 A Yes, ma'am.

NATHAN HOWITT - DIRECT EXAMINATION

1 Q And so was there Milestone footage both of --
2 before the incident, the shooting in Withers Alley, and
3 after?

4 A Yes, ma'am.

5 Q Okay. And did you obtain video footage from any
6 other locations to aid in your investigations?

7 A One other location is going to be the Aquarius
8 Motel; they had security video, and I obtained that.

9 Q And had you gone to the Aquarius and actually
10 downloaded the footage?

11 A I went there with Justin Rudder and we both
12 downloaded the video together.

13 Q And I'm going to show you what is marked for ID
14 State's 121. I know you had an opportunity to review
15 things before trial, but is that what you think is the
16 Aquarius video surveillance?

17 A This appears to be the video to the Aquarius,
18 yes.

19 Q And so -- okay. And so did you use that -- some
20 of the footage from that Aquarius video to help in
21 creating a stitched-together video for purposes of this
22 trial?

23 A I did.

24 Q And what other footage did you use?

25 A Just the Aquarius video and then the Milestone

NATHAN HOWITT - DIRECT EXAMINATION

1 video, which is the City surveillance system.

2 Q And when you were reviewing that footage that is
3 in your shared drive, did you also have the benefit of
4 John Stegall's report he created?

5 A Yes. The person who -- we have a Realtime Crime
6 Unit that watches the videos. He made a report. When
7 creating this project, I reviewed his report.

8 Q Did you review all of the Milestone footage that
9 he and his team would have saved?

10 A I reviewed it, yes.

11 Q So I'll hand you now -- so let me back up. So
12 did you create -- I'll call it a stitched-together
13 video for this trial?

14 A Yes. We take different segments and combine it
15 into one video. We find it is easier for people who
16 are not familiar with the incident to watch it stitched
17 together like a movie so it kind of makes sense.

18 Q And so just to give us a picture of when you are
19 watching the Milestone on a computer screen, is it a
20 bunch of different tiles from different camera angles
21 that you play kind of simultaneously?

22 A Right. The Milestone program itself, when you
23 open it up, it is a software program. You'll see
24 different computer monitors. It is different
25 intersections and different computer screens. So, yes,

NATHAN HOWITT - DIRECT EXAMINATION

1 multiple camera angles.

2 Q In order to aid with the jury's understanding
3 what we are looking at in this case, are you able to
4 extract certain camera angles and narrow in on that?

5 A That is correct. I take snippets of every camera
6 angle, the most important parts, and I combine it
7 together and make a single movie.

8 Q Okay. Let me hand you what is marked for
9 identification purposes as State's Exhibit 118; can you
10 take a look at that and tell me what it looks like?

11 A I've reviewed it, but I'm not sure which video it
12 is.

13 Q What date is that that you initialed it?

14 A July 17, 2021.

15 Q So would that be the same video that we sat down
16 and watched, and it's your stitched-together
17 compilation video?

18 A That would be correct.

19 MS. WALKER: At this time, the State moves to
20 place 118 into evidence.

21 MR. GARDNER: No objection.

22 THE COURT: Without objection, State's 118.

23 (State's Exhibit 118 admitted.)

24 Q (MS. WALKER) Before we play it to the jury, and
25 as you piece it together and select what points you

NATHAN HOWITT - DIRECT EXAMINATION

1 want to demonstrate, did you refer back, again, to
2 Mr. Stegall's report?

3 A I did. Because he originally watched it, he was
4 familiar with the incident. I kind of got brought into
5 this two years after the fact, so it helped reading his
6 report to make the video.

7 Q Okay.

8 MS. WALKER: Permission to publish to the jury at
9 this time?

10 THE COURT: Yes, ma'am.

11 MS. WALKER: At this time, I'll move to place
12 into evidence the Aquarius video, State's 121.

13 MR. GARDNER: No objection.

14 THE COURT: Without objection, 121 admitted.

15 (State's Exhibit 121 admitted.)

16 MS. WALKER: Is it okay if Officer Howitt comes
17 down off the stand to have access to the television?

18 THE COURT: Yeah, that's fine. If he would stand
19 to the opposite side so his voice reflects this way.

20 THE WITNESS: Yes, sir.

21 Q (MS. WALKER) What is this we see here?

22 A Ocean Boulevard at the scene up here. This is
23 going to be the Milestone system. Up here is the
24 location. It says Mr. Joe White and Ocean Boulevard,
25 and then there is a timestamp right here. Right here

NATHAN HOWITT - DIRECT EXAMINATION

1 is going to be Ocean Boulevard, and Mr. Joe White kind
2 of goes this way, 11th Avenue.

3 Q Do we see two individuals in the crosswalk
4 walking towards the beach, towards the ocean?

5 A Towards the ocean, yes; that is the defendant,
6 Mr. Gaddis, and Mr. Blackwell.

7 Q Okay. And why is there a white circle?

8 A I did that so it's easier to identify. We make
9 these videos for people that aren't familiar with the
10 case so they can get caught up quickly and follow
11 along. I've watched this more than a few times, so I
12 know who I'm looking at. If it is your first time, I
13 just circle it because Ocean Boulevard is busy, so you
14 know who we are following.

15 Q Okay. And so you said we see Gaddis and
16 Blackwell, the two defendants walking together at
17 approximately what time?

18 A The time is in the top, left corner. You see it
19 is 11:19 and 14 seconds.

20 Q So are they moving into a different camera angle?

21 A Right now we're on the Milestone system, but it
22 is a different camera angle. We're facing north on
23 Ocean Boulevard. Joe White is this way, but you will
24 see them down here at the bottom part of the screen.
25 Watch them walk northbound on Ocean Boulevard.

NATHAN HOWITT - DIRECT EXAMINATION

1 Q Are the defendants together?

2 A Yes, they are walking in concert together.

3 Q Are we at a different camera angle here?

4 A Yes. Now we are at 12th Avenue North and Ocean
5 Boulevard. 12th Avenue is here, and Gaddis and
6 Blackwell are, obviously, right there.

7 Q What is the time?

8 A 11:22 a.m. and 28 seconds.

9 Q So we skipped a few minutes before the frame we
10 just saw and this?

11 A We did.

12 Q During that, did you still observe the two
13 defendants together?

14 A On the Milestone video, they have been acting in
15 concert throughout.

16 Q We're at a different camera angle and different
17 intersection; where is this?

18 A Mr. Joe White and Ocean Boulevard, and they are
19 going to stand down the street corner. This is South
20 Ocean. North Ocean is behind me.

21 Q Can you point to me the defendant?

22 A Right there.

23 Q What time is this?

24 A 11:26 p.m. and 37 seconds.

25 Q So now I see two circles; why do we see two

NATHAN HOWITT - DIRECT EXAMINATION

1 circles?

2 A The reason why we see two circles is the victim,
3 Mr. Bellamy, is going to be coming into the scene now.
4 Mr. Bellamy is up here walking southbound. You will
5 see the defendant and Mr. Blackwell walking northbound,
6 so they are about to cross paths.

7 Q And let me ask you: In the footage you reviewed,
8 had you seen them cross paths at any other point in the
9 evening?

10 A No; this is the only camera angle I reviewed
11 where they actually walked past each other.

12 Q Okay. Because it is so small, can you point out
13 where the victim is, Mr. Bellamy.

14 A Right here wearing a red shirt. It is tough to
15 see, but there's camouflage pants. There is the
16 defendant and Mr. Blackwell, so the victim is right
17 there.

18 Q Does it appear that Mr. Gaddis still has that
19 backpack?

20 A Yes; right back there (indicates).

21 Q What do we see here?

22 A The victim, Mr. Bellamy, is still at the bottom
23 part. The defendant is up here. They are going to
24 start walking in the direction of Withers bathroom,
25 which is off screen, but it's right here, if you can

NATHAN HOWITT - DIRECT EXAMINATION

1 imagine it. I need something to point with, I
2 apologize. The bathroom is up here, so you'll see the
3 defendant and Mr. Blackwell walk in that direction here
4 in a second. The defendant's -- not the defendant, but
5 Mr. Bellamy, the victim, is right there (indicates).

6 Q Does it appear that he is standing on the
7 sidewalk?

8 A He's just standing there.

9 Q What is happening now?

10 A After they walk off screen, Mr. Bellamy stands
11 there for, like, a couple of seconds, and then he
12 starts walking in the same general direction towards
13 the bathroom, which is up here.

14 Q What camera angle is this?

15 A It is called the "Boulevard bathrooms," or
16 "Withers bathrooms." It is directly across the
17 SkyWheel in Myrtle Beach.

18 Q Would this camera face the direction of the
19 SkyWheel?

20 A Yes. The ocean is up in this direction.

21 Q And who do we see here?

22 A That is the defendant here, and then
23 Mr. Blackwell.

24 Q So that is Gaddis and Blackwell again together?

25 A Yes; they are still walking together.

NATHAN HOWITT - DIRECT EXAMINATION

1 Q Does it appear they walk into the bathroom?

2 A Yes; that is the direction. The door is right
3 there.

4 Q And what time is this?

5 A 11:27:57.

6 Q I paused this here. Why is it that the victim
7 seems to have suddenly appeared into the alleyway?

8 A The Milestone system is based on motion activated
9 cameras, so it doesn't record unless there is someone
10 there that triggers it to record. So, you know, the
11 camera is on, but it's not going to record anything
12 unless -- so that is why he appears out of thin air.

13 Q But what time is this?

14 A 11:28:23.

15 Q What is this new angle?

16 A This is behind the bathroom. The ocean is going
17 to be in that direction. If you are familiar with
18 Myrtle Beach, King's Highway and Business 17 is this
19 way, but the beach is that way. That is the back of
20 the bathroom.

21 Q Does that say "Withers Alley restroom"?

22 A Yes.

23 Q What time is this?

24 A 11:29:07.

25 Q Would it be fair to say it is, approximately, 37

NATHAN HOWITT - DIRECT EXAMINATION

1 seconds after the previous frame?

2 A Roughly, yes.

3 Q Who is that?

4 A Mr. Blackwell.

5 Q Who does that appear to be?

6 A The defendant, Mr. Gaddis.

7 Q So, let's see, the time here, what time is that?

8 A 11:29:11.

9 Q So within three seconds, are the two of them
10 exiting rapidly from the bathroom at Withers Alley?

11 A They are.

12 Q What is this?

13 A Myrtle Beach officers hear the gunfire. The
14 bathroom is up in this area right here. So the
15 officers that heard the gunfire are going to run
16 towards it. I can't tell on this frame, but eventually
17 you will see Mr. Blackwell start walking across the
18 street in the direction of King's Highway.

19 Q If I pause it there, can you identify the
20 defendant Blackwell?

21 A It's from a distance, but he's up here. Again,
22 he's going to be walking across the street towards the
23 Aquarius motel.

24 Q Okay. So we've got really different footage
25 here; why does this look so different?

NATHAN HOWITT - DIRECT EXAMINATION

1 A The Aquarius Motel is directly behind Withers
2 bathrooms. This video is the video I obtained from the
3 Aquarius. It is on the back side. King's Highway will
4 be going into this direction, and the bathroom and the
5 beach is this general direction.

6 Q Let me -- if you will indulge me for a moment,
7 I'll hand you the map. It is already in evidence as
8 State's Exhibit 3; could you point to where the
9 bathrooms are?

10 A It is going to be where this green dot is.

11 Q And what about the Aquarius Motel, where would
12 that be?

13 A That is going to be a parking lot. That is going
14 to be where that pink, reddish dot is going to be; that
15 is the Aquarius.

16 Q And the footage that you have obtained, the
17 surveillance footage, in what direction was it
18 pointing?

19 A This particular camera angle is pointing in this
20 general direction towards King's Highway. It is the
21 back side of the Aquarius pointing up towards King's
22 Highway.

23 Q Okay. Thank you. What's the timestamp on this?

24 A 11:29:40.

25 Q Who does that appear to be?

NATHAN HOWITT - DIRECT EXAMINATION

1 A Appears to be the defendant.

2 Q Gaddis, the defendant?

3 A Mr. Gaddis, yes.

4 Q Who did you believe that to be?

5 A I believed that to be Blackwell, but as you can
6 see, it is nighttime and at a distance.

7 Q Okay. All right. So right here -- well, at that
8 very last bit of Aquarius footage, do you see Gaddis
9 and Blackwell joining and appearing in the same
10 direction?

11 A It appeared that they were both going in the same
12 direction.

13 Q And, here, what do we have here?

14 A This is going to be up on King's Highway at 29th
15 North. Mr. Gaddis and Mr. Blackwell are walking
16 northbound on 29th North.

17 Q What is the timestamp?

18 A 12:25 a.m.

19 Q 12:25 what?

20 A A.m., sorry.

21 Q Do you see, again, Gaddis and Blackwell moving
22 together?

23 A Yes. They are still walking together in concert
24 as I've seen the entire night.

25 Q And we skipped quite a bit of time here, right?

NATHAN HOWITT - DIRECT EXAMINATION

1 A That's correct.

2 Q Did you have other camera angles where you
3 observed people who you believed to be defendants?

4 A I did. We have other cameras on King's Highway.
5 What I do is I create a brief summary of events here.
6 Instead of showing 15 minutes of them walking up King's
7 Highway together, we cut it out. But there is cameras
8 at 16th North showing them walking together in the
9 north direction. At 21st, and now we are at 29th and
10 they are still walking together north on King's
11 Highway.

12 Q Where are they now?

13 A 29th and King's Highway. It has changed hands; I
14 think it is a Rite Aid, but Drifters Saloon is over
15 here, but the corner of 29th and King's.

16 Q Are they beginning to walk through a parking lot?

17 A They are.

18 Q Again, the camera angle changed; explain it to
19 me.

20 A Our traffic cameras -- we have multiple cameras
21 per intersection. They show different angles. We use
22 it for like traffic enforcement for people that run red
23 lights. So we may have one facing this direction and
24 one facing the opposite direction. This is the same
25 intersection we just saw, which is pointed in a more, I

NATHAN HOWITT - DIRECT EXAMINATION

1 guess, westerly direction.

2 Q Do you still see the defendants?

3 A Yes; they are still walking together.

4 Q What did you learn about this vehicle?

5 A This is going to be operated by Sergeant Toole,
6 who is now retired. This is his unmarked vehicle.
7 He's turning northbound on King's Highway at this
8 point.

9 Q Can you note the time?

10 A 12:25:44.

11 Q Were you able to capture any other footage of
12 their arrest at the Drifters Saloon?

13 A No. This is kind of where it cuts off. They are
14 kind of going into the direction of Driftwoods {sic},
15 and Sergeant Toole makes contact with them.

16 MS. WALKER: Beg the Court's indulgence; one
17 moment. I apologize. I think I'm hiding a disk from
18 myself. I am.

19 Q (MS. WALKER) I'll place 118 back on the evidence
20 table so I don't lose it.

21 All right. You said there was also footage,
22 other Milestone footage from that evening?

23 A That's correct.

24 Q And what was, kind of, the nature of that
25 footage?

NATHAN HOWITT - DIRECT EXAMINATION

1 A We also tracked the victim around, you know, so
2 we could see what he was up to that night, you know;
3 find out where he came from and that nature.

4 Q And were you able to identify anything about the
5 victim's movement before the shooting?

6 A He started up around 14th Avenue North, which
7 is north of the incident location. He's with two other
8 people, I'm assuming they are friends. They started
9 walking southbound on Ocean Boulevard.

10 Q Okay. And did he and his friends walk about the
11 Boulevard for some time before he's killed?

12 A Walking south from 14th North, southbound. The
13 Boulevard bathrooms are around 11th, 12th North, so
14 a few blocks south.

15 Q I'll hand you what is marked as State's Exhibit
16 119 and 120 for identification purposes.

17 A Yes. I watched both of these videos and reviewed
18 them.

19 Q Are they both fair and accurate representations
20 of the Milestone footage that was saved tracking a
21 little bit of the victim's movements?

22 A It is a fair and accurate representation of the
23 Milestone video.

24 Q Okay.

25 MS. WALKER: Your Honor, we seek to place Items

NATHAN HOWITT - DIRECT EXAMINATION

1 119 and 120 into evidence.

2 MR. GARDNER: No objection.

3 THE COURT: 119 and 120 so admitted.

4 (State's Exhibits 119 and 120 admitted.)

5 MS. WALKER: Your Honor, permission to publish?

6 THE COURT: Yes, ma'am.

7 Q (MS. WALKER) What do we see here; can you see
8 it?

9 A I can, yes, ma'am. Mr. Bellamy, the victim, is
10 wearing a red shirt. He's kind of at the top left of
11 the video. I believe this is 14th North.

12 Q Okay. All right. And sometimes when things get
13 exported from Milestone, can it change the way -- the
14 timestamp and the camera name?

15 A Yes, the way this was exported. It just changed
16 the way it is showing, but it's still the same
17 Milestone video, but just the way it is showing.

18 Q Okay. All right. What would this camera angle
19 depict?

20 A This is Ocean Boulevard at 14th North. Mr.
21 Bellamy is walking with the two other gentlemen, and
22 they are about to turn and walking southbound on Ocean
23 Boulevard.

24 Q I'm going to show you the second clip, which
25 would be State's Exhibit 120 for the record; do you

NATHAN HOWITT - DIRECT EXAMINATION

1 know what this intersection would be?

2 A I believe this is 12th North. They are going
3 to be walking southbound from the top, or right
4 portion, of the screen.

5 Q You say "they," who is they?

6 A Mr. Bellamy and the two people he is with. I'm
7 assuming they are friends, but I don't know who they
8 are.

9 Q Okay. So is that kind of all the victim was
10 doing?

11 A He was just like a normal kid on the Boulevard,
12 just hanging out on the Boulevard, from what I can see.
13 Nothing -- just, really, looking at the young ladies
14 and hanging out with his friends. I didn't notice
15 anything else.

16 Q At some point, did you notice that the victim
17 separated from his friends?

18 A He does somewhere in the 12th Avenue area. I'm
19 not sure exactly where, but they kind of got spread
20 apart.

21 MS. WALKER: All right. I don't have any other
22 questions for you. Answer any question that Mr.
23 Gardner may have.

24 MR. GARDNER: No, Your Honor, no questions.

25 MS. WALKER: Your Honor, the State rests.

MOTIONS

1 THE COURT: Can the lawyers approach a minute,
2 please?

3 (Whereupon, a bench conference was had.)

4 THE COURT: Ladies and gentlemen, the State
5 rested its case. At this point, there is matters of
6 law I need to take up with the lawyers, and due to the
7 nature of the time that we are at now, I'll let you go
8 to lunch. I'll ask you to be back at 2 o'clock. Do
9 not discuss this case at all. You are to decide this
10 case based solely upon the evidence and witnesses
11 presented in this courtroom and nowhere else.

12 Please be back here at 2 o'clock, and we'll
13 resume at that time.

14 (The jury exits at 11:53 a.m., and the
15 following is heard out of the presence of the jury.)

16 THE COURT: Anything from defense counsel at this
17 time?

18 MR. GARDNER: No, Your Honor. I'm sorry. I
19 apologize. Your Honor, we would move at this time for
20 a directed verdict on the murder case and the
21 accompanying possession of a firearm in the commission
22 of a felony. We don't think there is sufficient
23 evidence of malice aforethought connecting this client
24 to the murder. The other charges I think should go to
25 the jury, but on the murder, we ask you to direct a

MOTIONS

1 verdict on that.

2 THE COURT: Anything from the State?

3 MS. WALKER: Yes, Your Honor. Briefly, as you
4 are aware of the standard directed verdict motion is
5 that the evidence be viewed in the light most
6 favorable to the non-moving party in this case, the
7 State. There is an abundance of both direct and
8 circumstantial evidence that Earl Gaddis did have on
9 his person at the time of arrest two loaded firearms
10 that are deemed to be the weapons used in killing
11 Sylvester Bellamy. There is zero evidence in the
12 record indicating that Mr. Bellamy was armed or
13 provoked any altercation. You know, like I said, just
14 that there is an abundance of evidence indicating that
15 Mr. Bellamy -- yeah, sorry, Blackwell, along with
16 Gaddis, did arm themselves. They were selling drugs
17 down on the Boulevard. They went into a bathroom
18 perhaps to sell drugs to Sylvester, we'll never know,
19 but we do know that Sylvester was unarmed and was shot
20 six times by two separate guns, and both of them have
21 been tied to Gaddis in this case, Judge.

22 As far as the possession of a weapon during the
23 commission of a violent crime, it is tied into my
24 prior argument that Gaddis is the person who killed
25 Sylvester. He had the weapon on him at the time of

MOTIONS

1 the commission, and that is supported by
2 circumstantial evidence that he was arrested within an
3 hour of the killing and had both of the murder weapons
4 on his person; not just in constructive possession, he
5 was in actual possession of those firearms. He had
6 gunshot residue on his hands.

7 For the intent to distribute marijuana, we had
8 the analyst take the stand and state that the
9 marijuana exceeded the threshold limit for possession
10 with intent to distribute; and that's in addition to
11 the baggies and the scales found in the backpack and
12 the large sum of small denominational money all
13 indicative of drug sales. We had officers testify to
14 those facts.

15 Possession of a stolen firearm, we had Sergeant
16 Williamson testify to the fact that he ran through
17 NCIC that the two guns found on Gaddis' person were,
18 in fact, reported stolen; one out of another
19 jurisdiction, and one out of this very jurisdiction,
20 Myrtle Beach Police Department.

21 The possession of pills, Schedule I through V,
22 two counts, first offense on both of those, we had the
23 analyst testify yesterday that those were tested and,
24 in fact, came back to be Schedule I through V drugs.

25 THE COURT: As it pertains to the directed

MOTIONS

1 verdict motion, the trial Court is concerned with the
2 existence of evidence on its weight. If there is any
3 direct or substantial circumstantial evidence
4 reasonably tending to prove the guilt of the accused,
5 or from which guilt may be fairly and logically
6 deduced, the case should be submitted to the jury. I
7 am not going to go back and rehash the testimony of
8 each of the witnesses. I think the record speaks for
9 itself as it relates to each of these charges. The
10 Court believes based upon the testimony that's been
11 elicited through the trial of this case that there is
12 sufficient direct and/or circumstantial evidence
13 reasonably tending to prove the guilt of the accused
14 as to each of these charges; that being: Murder,
15 possession of a weapon during the commission of a
16 violent crime, possession of a stolen pistol,
17 possession with intent to distribute marijuana,
18 unlawful carrying of a pistol, as well as two counts
19 of possession of Schedule I through V drug.
20 Therefore, the Defendant's motion for a directed
21 motion as to each of these charges are respectively
22 denied, but your motion and objection is so noted for
23 the record.

24 MR. GARDNER: Thank you, Your Honor.

25 THE COURT: Since the State rested its case and I

1 EARL R. GADDIS, JR. -- EXAMINATION BY THE COURT
2 heard defense counsel's motion for directed verdict, I
3 am going to advise the defendant of his rights.

4 Mr. Gaddis, if you will, please, stand and be
5 sworn.

6 (EARL R. GADDIS, having been duly sworn,
7 testified as follows:)

8 EXAMINATION

9 BY THE COURT:

10 Q You are Earl Rafel Gaddis, Junior?

11 A Correct.

12 Q At this time, I'll explain to you certain of your
13 rights. If you do not understand anything I say,
14 please let me know. If you want me to explain anything
15 in more detail, please let me know; do you understand
16 that, sir? Sir?

17 A Yes, sir.

18 Q Give me a verbal response, okay?

19 A Okay.

20 Q We've now reached the stage of the trial where
21 you may present your defense. You have the right to
22 claim the protections given to you by the Fifth
23 Amendment to the Constitution of the United States.
24 This amendment states, in part, that no person -- no
25 person shall be compelled in any criminal case to be a
witness against himself; this means that you cannot be

EARL R. GADDIS, JR. -- EXAMINATION BY THE COURT

1 required to testify in this case. You have the right
2 to testify on your own behalf; however, no one can make
3 you testify. This is a personal right, and no one can
4 waive this right except you.

5 If you decide to testify, you will be subject to
6 the same rules that govern other witnesses, and you
7 may be examined and cross-examined on any relevant
8 issue in this case. In addition, if you have any
9 convictions involving dishonesty or false statement or
10 crimes punishable by imprisonment more than a year,
11 and this Court determines that the probative value of
12 admitting this evidence outweighs its prejudicial
13 effect to you, the Solicitor will be able to introduce
14 your record to attack your credibility.

15 If you decide to testify, this decision on your
16 part must be freely, voluntarily, and intelligently
17 made with knowledge of the protections given to you by
18 the Fifth Amendment and the consequences of your
19 decision to testify.

20 If you decide to testify -- if you decide not to
21 testify, I will instruct the jurors that they cannot
22 -- they cannot give the fact that you did not testify
23 any consideration, whatsoever, and that there is to be
24 absolutely no prejudice to you because you did not
25 testify. It is left entirely up to you whether or not

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EARL R. GADDIS, JR. -- EXAMINATION BY THE COURT
1 you testify. You may talk with your attorney, your
2 family, friends, or anyone else, but the final
3 decision will be left entirely up to you.

4 Do you, sir, understand what I've explained to
5 you?

6 A Yes, Your Honor.

7 Q Do you have any questions about what I've
8 explained to you?

9 A No, sir.

10 Q Have you discussed with your attorney whether or
11 not you should testify?

12 A Can I discuss it?

13 Q Yes, sir. I'll give you the lunch break over the
14 next two hours to discuss that issue with your lawyer,
15 okay.

16 A Okay.

17 Q When we reconvene here, I'll expect an answer
18 from you at that time, okay?

19 A Yes, sir.

20 THE COURT: We'll stand down. You may be seated.
21 Anything else at this time?

22 MS. WALKER: For your edification, there is no
23 prior records we would be seeking to impeach him with.

24 MR. GARDNER: Nothing else, Your Honor.

25 THE COURT: Okay. I know that my law clerk sent

EARL R. GADDIS, JR. -- EXAMINATION BY THE COURT

1 you a proposed jury charge yesterday afternoon. Quite
2 frankly, I haven't had a chance to look at it either.
3 I ask that you be back here at 1:45 to take the time
4 to look at that jury charge, and I will as well in the
5 interim. We'll address any additions, corrections, et
6 cetera, that need to be made at that time.

7 Thank you -- one other thing. Let me say this,
8 if you don't mind. I've kind of started -- I think
9 one of my predecessors did this, and I've started
10 doing it, and I like the process a little more. Judge
11 Cottingham used to give the charge first, and then let
12 the lawyers make their arguments. Any objection from
13 the State or defense counsel?

14 MR. GARDNER: I don't remember doing that with
15 Judge Cottingham.

16 THE COURT: I know he's done it.

17 MR. GARDNER: I don't object. That is the first
18 time I've done it, but I don't object.

19 THE COURT: Well, what will happen is I'll give
20 them the charge on the law, and if you don't put up
21 any evidence, you get the last argument. If you do
22 put up anything, the State will open in full and have
23 a reply, reply only, and then I would have some final
24 remarks to the jury before giving it to them.

25 You know, when I first got on the bench, I did it

EARL R. GADDIS, JR. -- EXAMINATION BY THE COURT

1 the traditional way of letting the lawyers argue and
2 then charge, but I kind of came to the conclusion that
3 I like the lawyers -- the jury to hear from you all
4 last, so to speak, on that. I haven't had any
5 objection to it, and I've had some lawyers that I've
6 done it for the first time with those lawyers, and the
7 lawyers told me afterwards they kind of liked it that
8 way instead. So I don't think there is any hard and
9 fast rule on the order in which it is done, as long as
10 the jury gets the appropriate charge on the law of the
11 case.

12 If the defendant chooses not to testify in this
13 case, what we would do is when I bring the jury back
14 out, the defense at that point would rest. Rather
15 than run the jury back out for purposes of you
16 renewing motions and objections, I think all you would
17 need to say is the fact that you are renewing all
18 prior motions and objections. In all likelihood, the
19 Court's rulings would remain the same and we would go
20 straight into the charge, and then your arguments. I
21 just wanted to give you a heads-up on how I see it
22 going forward this afternoon.

23 MS. WALKER: No objection.

24 THE COURT: Very well.

25 (A lunch recess was taken.)

EARL R. GADDIS, JR. -- EXAMINATION BY THE COURT

1 THE COURT: State have an opportunity to look at
2 the jury charge?

3 MR. HOLFORD: Yes, Your Honor.

4 THE COURT: Any exceptions or objections?

5 MR. HOLFORD: No, Your Honor.

6 THE COURT: None.

7 MR. HOLFORD: Your Honor --

8 THE COURT: Kind of surprising (laughing).

9 MR. HOLFORD: This is such a small thing, the
10 only thing I saw is it says "firearm armed." On Page
11 21, it says, "Possession of a stolen firearm armed."

12 THE COURT: That needs to be corrected, thank
13 you.

14 MR. HOLFORD: But no objection to the substantive
15 charge.

16 THE COURT: You got that, Ross?

17 LAW CLERK: Yes, sir.

18 THE COURT: Mr. Gardner.

19 MR. GARDNER: No objection as written. They may
20 have to change after you talk to my client for a
21 minute, but nothing substantive.

22 THE COURT: We stood down after I advised the
23 defendant of his right to testify. I told him once we
24 resumed, that I would expect an answer from him.

25 Mr. Gaddis, stand, please, sir. Have you had an

1 EARL R. GADDIS, JR. -- EXAMINATION BY THE COURT
2 opportunity to talk with your lawyer concerning your
3 right to testify?

4 MR. GADDIS: Yes, sir.

5 THE COURT: Do you need me to go back over those
6 rights with you?

7 MR. GADDIS: No, sir, I understood.

8 THE COURT: And you've understood those rights?

9 MR. GADDIS: Yes, sir.

10 THE COURT: And you talked to your lawyer?

11 MR. GADDIS: Yes, sir.

12 THE COURT: Do you wish to testify in the trial
13 of this case?

14 MR. GADDIS: Yes, I do.

15 THE COURT: Very well. You may be seated, sir.
16 Anything else before I bring the jury back out?
17 They probably are not here.

18 DEPUTY: I'll find out for you right now.

19 THE COURT: Did you see the verdict form as well?

20 MS. WALKER: Yes, Your Honor.

21 MR. HOLFORD: No objection from the State.

22 DEPUTY: They are here, Your Honor.

23 THE COURT: I've been advised that all jurors are
24 here. State ready to proceed?

25 MR. HOLFORD: Yes, Your Honor.

THE COURT: Defense?

EARL R. GADDIS, JR., - DIRECT EXAMINATION

1 MR. GARDNER: Yes, sir.

2 THE COURT: Bring me the jury, please.

3 (The jury enters at 1:57 p.m., and the
4 following is heard in the presence of the jury.)

5 THE COURT: Madam forelady, ladies and gentlemen
6 of the jury, I hope you had a nice lunch and ready to
7 proceed. Before you left, the State rested its case;
8 therefore, at this time, I'll recognize defense
9 counsel, Mr. Gardner.

10 MR. GARDNER: At this time, Earl Gaddis will
11 testify.

12 THE COURT: If you will, come and be sworn,
13 please, sir.

14 (EARL R. GADDIS, JR., having been duly sworn,
15 testified as follows:)

16 THE WITNESS: Earl Gaddis, G-A-D-D-I-S.

17 DIRECT-EXAMINATION

18 BY MR. GARDNER:

19 Q Where do you live?

20 A I'm from North Carolina, Spring Lake, North
21 Carolina.

22 Q Right outside of Fort Bragg?

23 A Yes, sir; right there by Fayetteville.

24 Q Who do you live with?

25 A Mom and dad and two brothers.

EARL R. GADDIS, JR., - DIRECT EXAMINATION

1 Q Your parents, were they in the courtroom this
2 week?

3 A Yesterday.

4 Q They are not here today; do you know why?

5 A They had to work today; didn't make it.

6 Q Your mom and dad both work?

7 A Yeah. Yes, sir.

8 Q In North Carolina?

9 A Yes.

10 THE COURT: Yes or no?

11 A Yes, sir. My fault.

12 THE COURT: That's okay.

13 Q (MR. GARDNER) People aren't used to testifying,
14 so just say "yes" or "no," whatever the answers is.

15 A All right.

16 Q Where were we?

17 A My parents.

18 Q Your parents are gone up to work. You -- how do
19 you know Blackwell?

20 A Through his girl. I've known her since middle
21 school, sixth grade.

22 Q What school was that?

23 A Spring Lake Middle.

24 Q Where did you go after Spring Lake Middle?

25 A Palm Forest High.

EARL R. GADDIS, JR., - DIRECT EXAMINATION

1 Q Did you graduate?

2 A Yes, I graduated, but from Overhills my senior
3 year.

4 Q Why was that?

5 A I transferred due to football, went to another
6 school, different site.

7 Q Different shot to increase your chances for a
8 scholarship?

9 A Yeah.

10 Q Did you get one?

11 A Yes. I got an academic scholarship and a recruit
12 for football, Division Three college.

13 Q Division Three?

14 A Uh-huh.

15 THE COURT: Is that a yes?

16 A Yes, sir. My fault.

17 Q (MR. GARDNER) I'll keep -- we'll get through
18 this one way or the other. You got a scholarship to a
19 Division Three college; did you attend, or was that
20 coming up after the summer? How does that work?

21 A I attended.

22 Q You did?

23 A Yes, sir.

24 Q For football?

25 A Yes, sir.

EARL R. GADDIS, JR., - DIRECT EXAMINATION

1 Q And that is how you knew Blackwell?

2 A Yeah, through his girlfriend.

3 Q How is it that you and Blackwell -- or who all
4 came down to North Carolina for this time period here
5 three years ago?

6 A Came down to North Carolina?

7 Q Or came from North Carolina.

8 A Me, Blackwell, his girlfriend, and they brought
9 along their newborn.

10 Q All right. And whose idea was it to come down
11 here?

12 A Blackwell and his girlfriend's.

13 Q Did they ask you to come with them?

14 A Yes, sir.

15 Q Why did you decide to come?

16 A It was my friend. I wanted to come down here and
17 enjoy myself, vacation, party a little bit.

18 Q And you all came down here. Do you remember the
19 hotel you all stayed at?

20 A Riverwalk Motel, I believe.

21 Q In Myrtle Beach? Is that on the strip, or back
22 away?

23 A I think it was back away some.

24 Q Any idea what avenue it was on?

25 A No, sir.

EARL R. GADDIS, JR., - DIRECT EXAMINATION

1 Q And we saw the video of you on the Boulevard.
2 What did you all and -- you and Blackwell do on your
3 vacation? You were on the Boulevard?

4 A We walked the Boulevard, enjoyed the strip,
5 talked to a couple females, went to the beach, typical
6 stuff you do at Myrtle Beach.

7 Q Let's get right to it. I've been trying to jump
8 this trial along, so let's get to it. There is a video
9 of you and Blackwell on the Boulevard, and you are
10 going -- you and Blackwell are walking north -- if I
11 say something that you don't agree, let me know.

12 A Okay.

13 Q But it looks like Bellamy is walking south. You
14 all meet together, and what happens?

15 A He got into an argument. I noticed him looking
16 at me. He gave me like a bad look. Like, I had a bad
17 vibe. So I said, What's up? We got into an argument.
18 I don't recall every single word of the argument, but
19 he came off to me as threatening me. I'm not an
20 argumentative person; that is not me. So I dropped the
21 conversation, and I walked away from it. I let him
22 have it, so I walked away.

23 Q You walked away, which direction did you walk in?

24 A Towards the bathrooms.

25 Q Did you say anything to him about going to the

EARL R. GADDIS, JR., - DIRECT EXAMINATION

1 bathrooms?

2 A No, sir, I did not.

3 Q Tell him where you were going?

4 A No, sir.

5 Q How did it -- when you left him, how did it end,
6 in your mind, with you and Bellamy?

7 A I just left it as it was. It is what it is. I
8 just walked away.

9 Q You kept walking and, Blackwell, he didn't -- did
10 he say anything about it?

11 A No. No, he didn't.

12 Q So you went up to the bathroom. Any particular
13 reason you went in the bathroom?

14 A To use the bathroom.

15 Q I know that sounded silly after I asked it. So
16 we saw the video. You and Blackwell, looks like you
17 going in first. Did you see Blackwell behind you?

18 A No, sir.

19 Q You went into the bathroom; what happened next?

20 A I went in the bathroom, used the bathroom. While
21 I was using the bathroom, I noticed Bellamy come from
22 behind me. When he came from behind me, I turned. He
23 came towards me. He had come towards me like he was
24 trying to fight me. I turned around. I blocked, threw
25 my guard up, pushed him. Once I pushed him, I seen him

EARL R. GADDIS, JR., - DIRECT EXAMINATION

1 reach underneath his shirt. Once he reached, I
2 grabbed -- I grabbed my pistol and shot. Boom. Shot
3 him. He went up with the pistol. I shot. Boom. He
4 dropped. He went down and reached for it. I shot
5 again. After I shot, I picked the gun up and I ran out
6 of the bathroom.

7 Q Let me back you up. We saw the pictures and the
8 video of the bathroom, but we haven't been there. Tell
9 us about that bathroom. Was it close quarters, big
10 bathroom?

11 A Pretty small. It is not luxury, anything like
12 that.

13 Q Did you have a way to escape --

14 A No, sir.

15 Q -- when all of this was going on?

16 A No, sir, I was between the urinal and the stall.

17 Q Any other doors?

18 A Only one door; that is the entrance.

19 Q The entrance. So that -- is that door used for
20 entrance and exit?

21 A Yes, sir. One way in; one way out.

22 Q One way in; one way out. And you said you saw
23 him -- I don't know what you said. What did you say?

24 A I saw him reached under his shirt for a gun.

25 Q Did you think he had a gun?

EARL R. GADDIS, JR., - DIRECT EXAMINATION

1 A I seen him reach, and he pulled it out. It was
2 black.

3 Q And, in your mind, what were you thinking?

4 A I was about to say holy shit, excuse me. But
5 that is what I was thinking in my mind. What am I
6 about to do? He pulled a gun.

7 Q Were you afraid?

8 A Yes, sir.

9 Q I mean, this is a stupid question: Were you in
10 fear for your life if he had a gun at you?

11 A Yes, sir. Wouldn't you be?

12 Q Yeah. Okay. So we talked about the bathroom.
13 That is all -- we got videotape of you all going in
14 there. We talked about what happened in there. You
15 didn't have another way out?

16 A No, sir.

17 Q Was he in between you and the exit route?

18 A Yes, sir.

19 Q Entrance door, only one door?

20 A Right.

21 Q With you -- in between you with a gun; did you
22 bring on any of the fault with him?

23 A No, sir.

24 Q Did you throw the first lick?

25 A No.

EARL R. GADDIS, JR., - DIRECT EXAMINATION

1 Q When you were in the bathroom, did you say
2 anything to him?

3 A No.

4 Q Did you know he was coming in the bathroom?

5 A No, sir. I didn't know he was following me.

6 Q You are not allowed to speculate, but -- we're
7 trying to figure out why he followed you in the
8 bathroom?

9 A I don't have an answer for that. That is a
10 question for him. Don't know why.

11 Q So after the shooting stopped, what did you do
12 next?

13 A I picked the gun up and ran.

14 Q Where was Blackwell?

15 A I don't know. I didn't see him, that is why I
16 ran out. I called for him, and I heard him, and then
17 we met up.

18 Q We saw a video of what looks like Blackwell
19 walking and you running?

20 A Yes, sir.

21 Q You saw that?

22 A Yeah.

23 Q Do you have any idea what that was all about?

24 A You are talking when he ran and dropped something
25 in the middle of the street?

EARL R. GADDIS, JR., - DIRECT EXAMINATION

1 Q No. The first part of the video, it looks like
2 you all just left the bathroom?

3 A Yeah.

4 Q And Blackwell breaks off to the left, but he's
5 walking, like, towards the ocean maybe, and you come
6 running out of the alley. You run across the street.
7 I was trying to figure out why you were running and
8 Blackwell was walking?

9 A I was running. I was scared. I didn't know what
10 to do.

11 Q And, then, at some point in time, you met up, and
12 we saw that on the video; is that right?

13 A Yes, sir.

14 Q The video that we watched, I think the Solicitor
15 may have asked the police officer if I -- there was a
16 guy running across the street, and he dropped
17 something?

18 A Right.

19 Q Do you know -- you watched the video, do you know
20 who that was?

21 A Blackwell, my co-defendant.

22 Q What did he drop?

23 A His gun.

24 Q What gun was his?

25 A Glock.

EARL R. GADDIS, JR., - DIRECT EXAMINATION

1 Q Is that the Glock 9 everyone has been talking
2 about?

3 A Yeah. The one in the box up here earlier.

4 Q So how do you know he dropped it?

5 A I seen him.

6 Q So, later, what happens with it?

7 A He later on put it in my bag, put it in my bag.

8 Q Where were you when that happened?

9 A It was a little bit before we was arrested.

10 Exact time frame, I don't know. I didn't have a watch.

11 Q There is a couple of things I need to bring out
12 that we watched. This whole case is pretty much -- not
13 all of it, but some of it -- is on video. First of
14 all, in the car, you saw the video of the car, go ahead
15 and tell us about that. What is happening there?

16 A I'm praying. It is a prayer.

17 Q We've seen it, and you don't have to if you don't
18 want to, but I think the jury would like to hear what
19 was happening in your mind.

20 A I didn't know what to think, honestly. I didn't
21 know what to think, so I talked to God about it. I
22 didn't know what to think.

23 Q At some point, it looks like you say you wished
24 you would have dropped something?

25 A Yes, sir.

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EARL R. GADDIS, JR., - DIRECT EXAMINATION

1 Q What was that?

2 A The bullet in my sock.

3 Q How did the bullet get in your sock?

4 A Well, Blackwell, he gave me prior to the
5 situation happening, he gave me bullets for the gun.
6 We got into it a day before on the Boulevard with,
7 like, a group of guys, about six to eight of them. So
8 when we went back out to the beach the next day, he
9 gave me one of his guns.

10 Q Let me back you up a minute. If I understood you
11 right, you said you got into something with a group of
12 guys the day before?

13 A Yeah.

14 Q This incident?

15 A Yes, sir.

16 Q Was Bellamy a part of that group?

17 A I don't know. He may have.

18 Q Was there any altercations the day before?

19 A Which day?

20 Q I'll call it the day of the incident, the day of
21 the shooting. If I understood you right, the day
22 before the shooting, you and Blackwell got into it with
23 some people on the Boulevard?

24 A Right.

25 Q I'm asking if there was anything that happened,

EARL R. GADDIS, JR., - DIRECT EXAMINATION

1 physical altercation, when you say you got into it?

2 A Nothing physical; just verbal.

3 Q You and Blackwell went to the hotel at some
4 point?

5 A Later that night, yeah.

6 Q And based on this activity that you testified
7 about, this big group of people, that causes you
8 trouble. What happened next between you and Blackwell?

9 A That night, or later on?

10 Q That night. Did he give you anything?

11 A Well, he gave it to me the next day before we
12 went back out to the Boulevard to the beach.

13 Q You started to say earlier. There is a certain
14 way I have to ask the questions, "What, if anything,"
15 and that kind of stuff.

16 So you testified that he gave you something, so
17 what did he give you?

18 A The gun, the revolver.

19 Q So the police say that -- let's switch guns and
20 talk about the 9-millimeter.

21 A Okay.

22 Q The police say that was stolen from North
23 Carolina; do you know anything about that gun?

24 A No, sir.

25 Q Did you learn anything about that gun after this

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EARL R. GADDIS, JR., - DIRECT EXAMINATION

1 case started?

2 A During this trial, yes.

3 Q So whose gun was that?

4 A Blackwell's.

5 Q And he lives in North Carolina?

6 A Yes, sir.

7 Q And he -- did he bring that with him to South
8 Carolina?

9 A Yes, sir.

10 Q Who brought the .38?

11 A That was his gun as well.

12 Q How did you get it?

13 A He gave it to me.

14 Q Do you know why he gave it to you?

15 A For protection, because we had gotten into it.
16 He wanted me to be safe out there on the strip.

17 Q Okay. Did I leave anything out about that
18 incident? I'll move into the book bag after this.

19 A No. Go ahead.

20 Q To be sure, the jury wants to know, and the
21 Solicitor will ask, the stuff in the book bag, there is
22 drugs in that book bag?

23 A Right.

24 Q There is -- I think there is drugs in your
25 pocket. I don't know. Was there drugs in your pocket?

EARL R. GADDIS, JR., - DIRECT EXAMINATION

1 A During when? What time frame?

2 Q During the night of the shooting.

3 A Yeah. Later on that night, after the situation
4 had happened, I rolled up a bag of weed, so that is why
5 there was weed in my pocket after the situation.

6 Q I was talking about -- I have to do better. The
7 drugs, not the marijuana, the other drugs?

8 A Oh, okay.

9 Q You had those?

10 A Yes, sir.

11 Q Those were yours?

12 A Yes, sir.

13 Q You are not denying that?

14 A No.

15 Q You haven't denied that from day one, right?

16 A No.

17 Q What about the marijuana?

18 A It's mine.

19 Q They've charged you with possession with the
20 intent to distribute; were you intending to distribute
21 any of that?

22 A No, sir. I just like to smoke.

23 Q Okay. Did I leave anything out?

24 A Any other question?

25 Q I don't know. There is so much that has already

EARL R. GADDIS, JR., -- CROSS-EXAMINATION

1 been here.

2 A Right.

3 Q Is there anything else you want to tell the jury?

4 A Nothing that crosses my mind. But you heard me
5 evaluate everything. I said think about what would you
6 do if you were in my situation if someone followed you
7 after you got into an argument and followed you? What
8 would you do? That is what I want you to think about.

9 MR. GARDNER: These prosecutors are going to ask
10 you some questions. Pay attention to them and answer
11 their questions.

12 THE COURT: Mr. Holford.

13 MR. HOLFORD: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. HOLFORD:

16 Q You know, let's be clear. State's 67, this black
17 Glock; that is Terence Blackwell's?

18 A Yes, sir.

19 Q He had it that night?

20 A Yes, sir.

21 Q State's 66, silver revolver; that is what you had
22 that night?

23 A Yes, sir, after he gave it to me.

24 Q He gave it to you?

25 A Yes, sir.

EARL R. GADDIS, JR., -- CROSS-EXAMINATION

1 Q To arm yourself?

2 A To protect myself.

3 Q To protect yourself after you got into an
4 argument with boys on the Boulevard?

5 A Yeah, the day prior.

6 Q So they said things to you, and you armed
7 yourself with a gun?

8 A Yeah. I thought they were going to jump me. I
9 didn't know what their intentions were. Have you ever
10 been threatened?

11 Q So that revolver is what you armed yourself with
12 after you got in an argument with some boys on the
13 Boulevard?

14 A Yes.

15 Q That was the day before?

16 A Yes, sir.

17 Q So the next day you are telling this jury that
18 you got in an argument, said some words to the victim
19 in this case?

20 A What are you asking me?

21 Q That's what you said, right? That is what you
22 are telling them?

23 A We got into an argument on the Boulevard, yes,
24 sir.

25 Q Was he disrespectful to you at that point?

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EARL R. GADDIS, JR., -- CROSS-EXAMINATION

1 A The argument -- he came off to me with an
2 aggressive tone, threatening me; so that is a sign of
3 disrespect. If I were to come off to you, calling out
4 your name, arguing and threatening your life, you will
5 feel disrespected as well, I believe so.

6 Q We'll talk about what you did when you felt
7 disrespected; you shot that boy four times?

8 A I don't recall how many times I shot him, I
9 don't.

10 Q Did you shoot anyone else that night with a
11 revolver?

12 A No, sir.

13 Q So did you shoot him with the snake shot?

14 A If it was in there, then, yeah.

15 Q And you said you shot him -- I was trying to
16 count as you were telling your defense attorney, "boom,
17 boom," and then he's on the ground and you shot him
18 again --

19 A Bending down towards the ground to pick the gun
20 up. He wasn't laying on the ground.

21 Q And what gun did he have? He had a black gun?

22 A Yeah. Small, little gun.

23 Q Small, black gun, okay. When we hear you in the
24 car, you said, "I had to take that life," didn't you?

25 A I don't recall saying that exactly.

EARL R. GADDIS, JR., -- CROSS-EXAMINATION

1 Q Did you say, "but he was being disrespectful"?

2 A That is what the video says.

3 Q I mean, is that not you on the video?

4 A I mean, that is the video.

5 Q So the video speaks for itself. You are not
6 going to tell the jury you said something different?

7 A I mean, everybody heard it.

8 Q Did you say on that video, Man, he was pulling
9 for a gun. I saw a gun. I had to protect myself?

10 A No, I didn't.

11 Q Oh, so this is the first time we're hearing that?

12 A That's my testimony, yes, sir.

13 Q So at the end of the trial, he pulled a gun on
14 you?

15 A That is what happened before the trial, not at
16 the end of the trial.

17 Q Now, when you are in the beginning, in the car,
18 you were saying he was disrespectful; that is why you
19 killed him. You didn't say, I was afraid for my life,
20 he was pulling a gun on me.

21 A There is a lot of things I didn't say in that
22 car.

23 Q But, no question, you shot that man even when
24 he's bending down?

25 A Towards the ground to pick up a gun that he tried

EARL R. GADDIS, JR., -- CROSS-EXAMINATION

1 to shoot me with. What would you do if someone tried
2 to shoot you? You are going to let him pick up the gun
3 to shoot you with?

4 THE COURT: Hold on. He asks the questions, and
5 you answer them.

6 THE WITNESS: Okay. My apology.

7 THE COURT: That's okay.

8 Q (MR. HOLFORD) And I'll make it clear: Did he
9 ever shoot?

10 A No. He went to reach for it. I believe he was
11 about to shoot me, why else would you be reaching for a
12 gun?

13 Q With a black gun?

14 A Yes, sir.

15 Q What gun did you pick up off the ground?

16 A Small, black gun he had.

17 Q You picked up his gun?

18 A Right.

19 Q State's 68, is this what you are saying was his
20 gun?

21 A Yes, sir.

22 Q The Lorcin?

23 A Uh-huh. Yes, sir.

24 Q With this handle, white handle?

25 A Yes, sir.

EARL R. GADDIS, JR., -- CROSS-EXAMINATION

1 Q So you are trying to tell this jury someone
2 pulled a gun out on you, you shot in self-defense, and
3 then you picked his gun up?

4 A Yes, sir.

5 Q Why?

6 A I didn't want him -- he just tried to shoot me.
7 I didn't want to leave him armed so he could pick up
8 the gun and shoot me in my back.

9 Q After shot six times?

10 A I didn't shoot him six times. I didn't count.

11 Q After you shot him at least four times and he was
12 down?

13 A I don't recall shooting him four times. I know I
14 shot him.

15 Q And the co-defendant, the guy you were with,
16 Terence Blackwell, he also shot him?

17 A Right.

18 Q You know the police were responding to that
19 scene, don't you?

20 A Yes. Yes, sir.

21 Q You know at some point if you were going to try
22 to tell the jury someone was pulling a gun on you,
23 certainly they would have the gun with them?

24 A Not if I picked it up.

25 Q So that is the only way your story works. That

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EARL R. GADDIS, JR., -- CROSS-EXAMINATION

1 is why you got three guns? That is how it has to work.

2 A That's the truth. That is how the truth works.

3 Q The truth works that you don't say it on the
4 video when you are arrested?

5 A There is a lot of things I didn't say.

6 Q The truth works after the trial and the evidence
7 comes out, you have a story to tell?

8 A That's my testimony, ain't it?

9 Q The truth works that you weren't selling this
10 (indicates)?

11 A I was not selling that.

12 Q This is for personal use?

13 A I smoke a lot of weed, sir. I don't know if you
14 smoked Backwoods, but they are big cigars, so you can
15 put a lot. I like to smoke; that is what I do.

16 Q And the scale you had?

17 A The scale? I like to weigh my weed out before I
18 smoke it and make sure I'm not shorted whenever I go
19 and get my bag, when I go to smoke. Just like you
20 going to the bank pulling money out of the ATM, you are
21 going to count it, make sure everything is there that
22 you pulled out.

23 Q What about all the singles, fives, tens,
24 twenties?

25 A What about it?

EARL R. GADDIS, JR., -- CROSS-EXAMINATION

1 Q You got a scale, you got money, you got three
2 guns, and a bag full of weed; you are telling this jury
3 the truth is that was for personal use?

4 A Yes, it was.

5 Q Just like the truth is that he had a gun on him?

6 A Yes, sir.

7 Q What about these pills?

8 A What about them?

9 Q Are these for personal use?

10 A Yes, sir. I came down to the beach to party,
11 have a good time.

12 Q How many pills do you need on the weekend?

13 A How long was I down here?

14 Q I don't know.

15 A Maybe I planned to stay down here a week or so.
16 I wanted to enjoy myself. Maybe I wanted to take some
17 back home.

18 Q Maybe?

19 A I didn't make it that far.

20 Q So you have a bunch of different kinds of pills,
21 a bag full of weed, three guns, tons of ammo, a scale,
22 but it is just for personal use?

23 A Yeah. The drugs were personal use, yes, sir. I
24 like to smoke, feel good.

25 Q No question you had that silver revolver?

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EARL R. GADDIS, JR., -- CROSS-EXAMINATION

1 A Yes, sir, that I was arrested with.

2 Q No question you shot Sylvester Bellamy?

3 A Yeah, I shot him out of self-defense. He just
4 tried to shoot me.

5 Q Did he bring boys into that bathroom with him?

6 A No, sir.

7 Q He came by himself?

8 A Yes, sir, as far as I'm aware.

9 Q After he had a couple mean words on the
10 Boulevard?

11 A Yes, sir. I don't know what his state of mind
12 was. I know from the toxicology report he was drunk
13 that night, so I don't know what was going through his
14 mind, honestly. That is a question for him.

15 Q Let's talk about your state of mind. You are
16 walking around the Boulevard with a loaded gun?

17 A For protection.

18 Q A stolen gun?

19 A I didn't know it was stolen. I didn't think to
20 run NCIC on it. I'm not the police.

21 Q Two stolen guns?

22 A I mean, my co-defendant had it. Those were his
23 guns, not mine. I didn't know they were stolen.

24 Q And a third gun?

25 A What about the third one?

MOTIONS

1 Q Also with you in your backpack?

2 A Right after all of that happened.

3 Q You never said what they were, but what were the
4 disrespectful words he was saying?

5 A I don't remember exactly. He was threatening and
6 I don't want to make up nothing, but he came off to me
7 being aggressive and threatening me.

8 Q And after you were arrested and placed in that
9 vehicle, you said that's why you took that life?

10 A That's what the video says. That's part of it.
11 That's not the whole reason, but that was part of it.
12 I think pulling a gun -- I think pulling a gun on me is
13 disrespectful. I think you coming into the bathroom
14 and attacking me is disrespectful. Anything harming my
15 body, threatening to my body, is disrespectful. It is
16 not respectful.

17 Q You and your boy both armed?

18 A In that situation, yes, sir.

19 MR. HOLFORD: No further questions, Your Honor.

20 THE COURT: Redirect?

21 MR. GARDNER: No, Your Honor.

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

23 Mr. Gardner.

24 MR. GARDNER: Defense rests, Your Honor.

25 THE COURT: Can the lawyers approach a moment

JURY CHARGE

1 please?

2 (Whereupon, a bench conference was had.)

3 THE COURT: You heard the testimony and the
4 evidence you will hear, ladies and gentlemen, and so
5 I'll ask you to step back in the jury room for a short
6 while. There is additional matters of law I need to
7 take up, and I'll get you back here. Don't discuss
8 the case. I'll get you back out here shortly.

9 (Whereupon, the jury exits the courtroom at 2:42
10 p.m., and the following is had out of the presence of
11 the jury.)

12 THE COURT: Mr. Gardner.

13 MR. GARDNER: We renew our motions for directed
14 verdict; I think I'm required to do that.

15 THE COURT: Defendant has renewed his motion for
16 directed verdict. With regard to such, the Court's
17 rulings remain the same as to such motions; however,
18 it is so noted for the record.

19 All right. Based upon the testimony of the
20 defendant, there are additional charges that I think
21 need to be added, those being: Involuntary
22 manslaughter as a lesser included offense of murder;
23 as well as self-defense. Let's take a recess.

24 (A recess was taken.)

25 THE COURT: State ready to proceed?

JURY CHARGE

1 MS. WALKER: Yes, sir.

2 THE COURT: Defense?

3 MR. GARDNER: Yes, sir.

4 THE COURT: Defendant is back in the courtroom
5 now.

6 I'll put on the record that I've given the
7 lawyers time to review the proposed charges as it
8 relates to this case. Any exceptions or objections to
9 the charge from the State?

10 MS. WALKER: Nothing, Your Honor.

11 THE COURT: Defense counsel?

12 MR. GARDNER: No, Your Honor.

13 THE COURT: The order and manner which we will do
14 when the jury comes out, I'll charge them on the law.
15 Once I've completed charging them on the law, State
16 will open in full, followed by defense counsel, and
17 the State will have a reply if they so desire.

18 Bring in the jury, please -- let me say this to
19 those in the audience. During this jury charge and
20 arguments of counsel, I don't want people coming in
21 and out of the courtroom. I want the jury's focus on
22 what I'm telling them as far as what the law is and
23 the arguments of counsel. This is probably going to
24 take at least an hour-and-a-half between my charge and
25 the arguments of counsel. My charge itself is 38

JURY CHARGE

1 pages -- 37 once the spacing issues are corrected.

2 MR. HOLFORD: Your charge includes giving the
3 charge to the jury at the conclusion?

4 THE COURT: Yes, sir. When they go back to
5 deliberate, yeah.

6 MR. HOLFORD: Okay.

7 (The jury enters at 3:02 p.m, and the
8 following is heard in the presence of the jury.)

9 THE COURT: All the jurors are present.

10 Madam forelady, ladies and gentlemen of the jury,
11 I am going to give you the charge on the law in this
12 case. Once I've given you the charge, the State will
13 proceed with closing arguments, followed by defense
14 counsel, and the State, if they choose, will have an
15 opportunity for reply, and then the case will be given
16 to you all, ladies and gentlemen.

17 It is now my duty as trial judge under the
18 Constitution of this state to charge you and instruct
19 you on the law applicable to this case. It is your
20 duty as jurors to accept and apply the law as I will
21 now state it to you. Furthermore, it is your
22 exclusive duty to decide all of the issues of fact in
23 this case and to determine the effect, value, and
24 weight of the evidence. Both the State and the
25 defendant have a right to expect that you will

JURY CHARGE

1 carefully consider and evaluate the evidence and apply
2 the law of this case to it so that, at the end, both
3 the State of South Carolina and the defendant will
4 receive a fair and impartial trial.

5 I want you to understand that when I use the word
6 "defendant," I refer to Mr. Earl Rafel Gaddis, Junior.
7 Furthermore, the State of South Carolina charges the
8 defendant with the offenses known as murder,
9 possession of a weapon during the commission of a
10 violent crime, possession of a stolen pistol,
11 possession of marijuana with the intent to distribute,
12 unlawful carrying of a pistol, possession of a
13 Schedule I through V drug -- that being oxycodone
14 hydrochloride -- and possession of I through V drug,
15 alprazolam.

16 To these charges, the defendant has entered a
17 plea of not guilty. This plea of not guilty places
18 the burden of proof on the State to prove the guilty
19 of the defendant to you, the jury, beyond a reasonable
20 doubt.

21 Now, I remind you, ladies and gentlemen, that the
22 fact that the defendant was arrested, charged, and
23 indicted in this case is not evidence in this case and
24 cannot be considered by you as evidence of guilt in
25 this case; nor does it create any presumption or

JURY CHARGE

1 inference of guilt. An indictment is simply the
2 formal written instrument which contains the charge
3 made against the defendant. It is the formal document
4 by which this case is brought into this court.

5 The indictments in this case, ladies and
6 gentlemen, as I've told you, allege several different
7 offenses against the defendant. I've told you what
8 those charges are. You, ladies and gentlemen, as to
9 each indictment -- each indictment charges a separate
10 offense, okay. You, ladies and gentlemen, must decide
11 each indictment separately on the evidence and the law
12 applicable to it uninfluenced by your decision as to
13 any other indictment. The defendant may be convicted
14 or acquitted on any or all of the offenses charged.
15 You will be asked to write a separate verdict of
16 guilty or not guilty for each indictment.

17 During this trial, ladies and gentlemen, you and
18 I have had separate duties to perform. As trial
19 judge, it is my responsibility to preside over this
20 trial, and I also have the duty to rule upon the
21 admissibility of the evidence offered during the
22 process of this trial. In that regard, you are to
23 consider only the competent evidence before you, and
24 you are to disregard from your mind any testimony
25 ordered stricken from the record of this case during

JURY CHARGE

1 the progress of the trial, if there was any. You are
2 to consider only the testimony which has been
3 presented from this witness stand, together with any
4 exhibits admitted into the record of this case, and
5 any stipulations of counsel made into the record, if
6 there were any.

7 Furthermore, I have the additional duty to charge
8 you on the applicable law of this case, and in that
9 regard, I am the sole and exclusive judge of the law
10 in this case. It is your duty to accept and apply the
11 law as I state it to you. If you have any
12 preconceived ideas what the law is or ought to be, and
13 it does not agree with what I tell you the law is, you
14 are obligated under your oath to abandon these
15 preconceptions because you are sworn to accept the law
16 precisely as I state it to you.

17 Ladies and gentlemen, in this trial you -- you
18 are the sole and exclusive judge of the facts, and I
19 am the judge of the law. Do not infer that I have any
20 opinion about the facts in this case from anything I
21 have said during the course of this trial in ruling
22 upon the admissibility of evidence, or otherwise, or
23 from anything that I say during the course of this
24 charge to you. In this regard, the law simply does
25 not permit me to have an opinion about the facts.

JURY CHARGE

1 Now, as jurors it is your duty, and your duty
2 alone, to determine the effect, value, and weight of
3 the evidence presented during the course of this
4 trial. Now, in determining what the facts in this
5 case are, ladies and gentlemen, you must judge the
6 credibility, which simply means the believability of
7 the witnesses and the value of weight to be given to
8 their testimony. You alone must decide the force and
9 effect of the testimony. In making this decision,
10 there are many things you may and should take into
11 consideration; such as, the appearance and manner of
12 the witness on the stand; a characteristic often
13 referred to as "the demeanor of the witness." Was the
14 witness forthright or hesitant? Was the witness'
15 testimony consistent, or did it contain discrepancies?
16 What was the ability of the witness to know the facts
17 about what he or she testified? Did the witness have
18 a cause or reason to be biased and prejudiced in favor
19 of the testimony that he or she gave? Was the
20 testimony of the witness corroborated or made stronger
21 by other testimony and evidence, or was it made weaker
22 or impeached by other testimony and evidence?

23 As jurors, please understand that you have the
24 right to believe a small portion of a witness'
25 testimony and discard the larger portion, or

JURY CHARGE

1 vice-versa. You may believe all of a witness'
2 testimony, or none. You may believe the testimony of
3 a single witness against that of many witnesses, or
4 the other way around. In exercising your mental
5 processes and attempting to decide the verdict, the
6 law simply requires that you exercise your good
7 judgment, your commonsense, your sense of logic and
8 reason, and your experiences in life. You then apply
9 these attributes to the evidence and apply the law as
10 I state it to you and, thus, arrive at a verdict.

11 Ladies and gentlemen, it is vital to understand
12 that the defendant is presumed under the law to be
13 innocent of these charges. The defendant has no
14 obligation to prove his innocence. It is a
15 fundamental rule of our law that a defendant,
16 irrespective of the seriousness of the charges against
17 him, is always presumed innocent of the crimes for
18 which he is charged unless and until his guilt has
19 been proven by evidence that satisfies you, the jury,
20 beyond a reasonable doubt.

21 The presumption of innocence is not a mere legal
22 theory or a legal phrase. The presumption of
23 innocence is very important, and you need to
24 understand that this presumption accompanies the
25 defendant from the time of his arrest and appearance

JURY CHARGE

1 in this court, and continues with the defendant even
2 after you retire to the jury room to deliberate. In
3 other words, the defendant receives the benefit of the
4 presumption of innocence until the very end of this
5 trial when you, the jury, would deliberate upon the
6 evidence and decide whether the State has proven his
7 guilt beyond a reasonable doubt.

8 Ladies and gentlemen, what is a reasonable doubt
9 in the law? A reasonable doubt is the kind of doubt
10 that would cause a reasonable person to hesitate to
11 act. Proof beyond a reasonable doubt is proof that
12 leaves you firmly convinced of the defendant's guilt.
13 There are very few things in this world that we know
14 with absolute certainty, so even in criminal cases the
15 law does not require proof that overcomes every
16 possible doubt. However, if based on your
17 consideration of the evidence, you are firmly
18 convinced that the defendant is guilty of the crimes
19 charged, you must find him guilty. If, on the other
20 hand, you think there is a real possibility that he is
21 not guilty, you must give him the benefit of the doubt
22 and find him not guilty.

23 Jurors, please understand that reasonable doubt
24 may arise from evidence which has been presented in
25 the case, or from the lack of evidence in the case.

JURY CHARGE

1 It is your responsibility to determine whether or not
2 reasonable doubt exists as to the guilt of this
3 defendant. I charge you that the defendant is
4 entitled to every reasonable doubt arising in the
5 whole case.

6 Now, if upon any issues of fact essential to
7 conviction and a verdict of guilty, you have a
8 reasonable doubt as to how that issue should be
9 resolved, it would be your duty to resolve that
10 reasonable doubt in favor of the defendant. Thus, in
11 summary, it is important to understand that a
12 defendant is not required to prove his innocence;
13 instead, the State is required by law to prove every
14 essential element of the offense charged against the
15 defendant by evidence which satisfies you of his guilt
16 beyond a reasonable doubt. Only then can you convict
17 the defendant and find him guilty.

18 Ladies and gentlemen, there are two types of
19 evidence which are generally presented during a trial:
20 Direct evidence and circumstantial evidence. Direct
21 evidence is the testimony of a person who claims to
22 have actual knowledge of a fact, such as an
23 eyewitness. It is evidence which immediately
24 establishes the main fact to be proved.
25 Circumstantial evidence is proof of a chain of facts

JURY CHARGE

1 and circumstances indicating the existence of a fact.
2 It is evidence which immediately establishes
3 collateral facts from which the main fact may be
4 inferred. Circumstantial evidence is based on
5 inference and not on personal knowledge or
6 observation. The law makes absolutely no distinction
7 between the weight or value to be given to either
8 direct or circumstantial evidence; nor is a greater
9 degree of certainty required of circumstantial
10 evidence than of direct evidence.

11 You should weigh all of the evidence in the case.
12 If after weighing all of the evidence you are not
13 convinced of the guilt of the defendant beyond a
14 reasonable doubt, you must find the defendant not
15 guilty.

16 During the trial, ladies and gentlemen, you heard
17 the testimony of witnesses that were qualified as
18 expert witnesses. As I told you before, the Rules of
19 Evidence ordinarily do not permit witnesses to testify
20 to opinions or conclusions. An exception to this rule
21 exists for what we call an "expert witness." A
22 witness by education and experience has become an
23 expert in some art, science, profession, or calling
24 may state an opinion as to relevant and material
25 matter in which the witness claims to be an expert and

JURY CHARGE

1 may also state the reasons for the opinion. You
2 should consider any expert opinion received in
3 evidence in this case, and like any other evidence,
4 give it the weight you think it deserves. If you
5 decide that the opinion of an expert witness is not
6 based on sufficient education and experience, or if
7 you conclude that the reasons given in support of the
8 opinion are not sound, or that the opinion is
9 outweighed by other evidence, you may disregard the
10 opinion entirely.

11 An expert witness' testimony is to be given no
12 greater weight than that of other witnesses simply
13 because the witness is an expert. Further, you are
14 not required to accept an experts' opinion even though
15 it is not contradicted.

16 In order to establish criminal liability,
17 criminal intent is required; for example, the mental
18 state required to be proven by the State for a
19 particular crime might be purpose, intent, knowledge,
20 recklessness, or criminal negligence. Criminal intent
21 must be proven by the State beyond a reasonable doubt.
22 Criminal intent is always a matter that must be
23 determined by the jury from the circumstances
24 surrounding the situation.

25 Ladies and gentlemen, there is no way to prove

JURY CHARGE

1 intent to a mathematical certainty. There is no way
2 that medical science can dissect a person's brain and
3 determine what the person had in mind. So the law
4 says that criminal intent may be inferred from the
5 circumstances shown to have existed. This is how you
6 make a determination of whether or not the element
7 requiring intent was present. It is not necessary to
8 establish intent by direct and positive evidence, but
9 intent may be established by inference in the same way
10 as any other fact by taking into consideration the
11 acts of the parties and all the facts and
12 circumstances of the case.

13 Criminal intent is a mental state, a conscious
14 wrongdoing. It is up to you, ladies and gentlemen, to
15 determine what the defendant intended to do based on
16 the circumstances shown to have existed. Criminal
17 intent can arise from action or a failure to act. It
18 may arise from negligence, recklessness, or an
19 indifference to duty or to consequences that is
20 considered by the law to be the equivalent of criminal
21 intent.

22 Now, if a crime, ladies and gentlemen, is
23 committed by two or more people acting together in
24 committing a crime, the act of one is the act of all.
25 A person who joins with another to commit an unlawful

JURY CHARGE

1 act is criminally responsible for everything done by
2 the other person, which happens as a probable or
3 natural consequence of the acts done in carrying out
4 the common plan and purpose; for example, two people
5 can be guilty of killing another person when only one
6 of the two had a gun, there was only one bullet, and
7 only one of the two fired the shot to cause the death.
8 If two or more people are together, acting together,
9 assisting each other in committing the offense, the
10 act of one is the act of all; or as it is sometimes
11 said, "The hand of one is the hand of all."

12 Prior knowledge that a crime is going to be
13 committed is not sufficient to make a person guilty of
14 that crime. Mere knowledge that another person is
15 going to commit a crime, even if the defendant is
16 present when the crime is committed, is not sufficient
17 to convict the person as a principal. Guilt as a
18 principal is shown by actual or constructive presence
19 at the scene as a result of prior arrangement.

20 Therefore, a finding of a prior arranged plan or
21 common scheme is necessary for a finding of guilt as a
22 principal. The State must prove beyond a reasonable
23 doubt by competent evidence the theory of "the hand of
24 one is the hand of all." A principal in a crime is
25 one who either actually commits the crime, or who is

JURY CHARGE

1 present aiding, abetting, or assisting in committing
2 the crime. When a person does an act in the presence
3 of, and with the assistance of another, the act is
4 done by both. Where two or more acting with a common
5 plan or intent is present at the commission of a
6 crime, it does not matter who actually commits the
7 crime, all are guilty; the hand of one is the hand of
8 all.

9 "Present at the commission of a crime" means to
10 be sufficiently near, to aid, abet, and assist in the
11 commission of the crime; however, mere presence at the
12 scene of a crime is not sufficient to convict one as a
13 principal on the theory of aiding and abetting.

14 Intent is also a necessary element; for there
15 must have been a common design or intent to commit the
16 crime, and the crime must have been committed pursuant
17 thereto with the person aiding and abetting by some
18 overt act.

19 "Intent" means intending the result which
20 actually occurs, not accidentally or involuntary.
21 Intent may be shown by acts and conduct of the
22 defendant and other circumstances from which you may
23 naturally and reasonably infer intent. The State must
24 prove these elements beyond a reasonable doubt.

25 Ladies and gentlemen, you have heard testimony

JURY CHARGE

1 that there were two defendants arrested as a result of
2 the incident on June 7, 2018. I will tell you that
3 the State can decide how it wishes to prosecute a
4 case. They can try one defendant at a time, or try
5 multiple defendants at a time. As a result of the
6 incident that occurred the night of June 7, 2018, the
7 defendant, Earl Rafel Gaddis, Junior, is the only
8 person on trial at this time; therefore, you should
9 consider the law and evidence concerning this
10 defendant. In other words, you must take and consider
11 the evidence as to this defendant, and my instructions
12 to you on the law, and thus arrive at a verdict.

13 The defendant in this case, ladies and gentlemen,
14 is charged with murder. The State must prove beyond a
15 reasonable doubt that the defendant killed another
16 person with malice aforethought. Malice is hatred,
17 ill-will, or hostility towards another person. It is
18 the intentional doing of a wrongful act without just
19 cause or excuse and with an intent to inflict an
20 injury, or under circumstances that the law will infer
21 an evil intent.

22 Malice of aforethought does not require that
23 malice exists for any particular time before the act
24 is committed, but malice must exist in the mind of the
25 defendant just before and at the time of the act is

JURY CHARGE

1 committed; therefore, there must be a combination of
2 the previous evil intent and the act.

3 Malice aforethought may be expressed or inferred.
4 These terms "expressed" and "inferred" do not mean
5 different kinds of malice, but merely the manner in
6 which malice may be shown to exist; that is either by
7 direct evidence or by inference from the facts and
8 circumstances which are proved. Expressed malice is
9 shown when a person speaks words which expresses
10 hatred or ill-will for another, or when the person
11 prepared beforehand to do the act which was later
12 accomplished; for example, lying in wait for a person
13 or any other acts of preparation going to show that
14 the deed was within the defendant's mind would be
15 expressed malice. Malice may be inferred from conduct
16 showing a total disregard for human life. If facts
17 are proved beyond a reasonable doubt sufficient to
18 raise an inference of malice to your satisfaction,
19 this inference would simply be an evidentiary fact to
20 be considered by you, along with the other evidence in
21 the case, and you may give it the weight you decide it
22 should receive.

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

JURY CHARGE

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

10 Sudden heat of passion may, for a time, affect a
11 person's self-control and temporarily disturb a
12 person's reason. Sudden heat of passion must be the
13 type that would make an ordinary person unable to
14 coolly reflect on his actions and would produce an
15 uncontrollable impulse to do violence. Sufficient
16 legal provocation must be the type that would make a
17 person of ordinary reason and caution become enraged
18 and lose control temporarily. The provocation needed
19 for voluntary manslaughter must come from some act of
20 or related to the victim. Words alone, however vulgar
21 or insulting, are not enough to be legal provocation.

22 Where death is caused by the use of a deadly
23 weapon, the words must be accompanied by some overt
24 threatening act which could have produced the heat of
25 passion. The exercise of a legal right, no matter how

JURY CHARGE

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

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

13 Now, the defendant, ladies and gentlemen, has
14 raised the defense of self-defense. Self-defense is a
15 complete defense, and if it is established, you must
16 find the defendant not guilty. The State has the
17 burden of disproving self-defense by proof beyond a
18 reasonable doubt. If you have a reasonable doubt of
19 the defendant's guilt after considering all of the
20 evidence, including the evidence of self-defense, then
21 you must find the defendant not guilty. On the other
22 hand, if you have no reasonable doubt of the
23 defendant's guilt after considering all of the
24 evidence, including the evidence of self-defense, then
25 you must find the defendant guilty. The following,

JURY CHARGE

1 ladies and gentlemen, are elements required to
2 establish self-defense.

3 First, the defendant must be without fault in
4 bringing on the difficulty. If the defendant's
5 conduct was the type which was reasonably calculated
6 to and did provoke a deadly assault, the defendant
7 would be at fault in bringing on the difficulty and
8 would not be entitled to an acquittal based on
9 self-defense.

10 The second element of self-defense is that the
11 defendant was actually in imminent danger of death or
12 serious bodily injury, or that the defendant actually
13 believed he was in imminent danger of death or serious
14 bodily injury. If the defendant was actually in
15 imminent danger, it must be shown that the
16 circumstances would have warranted a person of
17 ordinary firmness and courage to strike the fatal blow
18 to prevent death or serious bodily injury. If the
19 defendant believed he was in imminent danger of death
20 or serious bodily injury, it must be shown that a
21 reasonably prudent person of ordinary firmness and
22 courage would have had the same belief.

23 In deciding whether the defendant actually was or
24 believed he was in imminent danger of death or serious
25 bodily injury, you should consider all of the facts

JURY CHARGE

1 and circumstances surrounding the crime, including the
2 physical condition and characteristics of the
3 defendant and the victim. The defendant does not have
4 to show that he was actually in danger. It is enough
5 that the defendant believed he was in imminent danger,
6 and a reasonably prudent person of ordinary firmness
7 and courage would have had the same belief.

8 The defendant has the right to act on appearances
9 even though the defendant's beliefs may have been
10 mistaken. It is for you to decide whether the
11 defendant's fear of immediate danger of death or
12 serious bodily injury was reasonable and would have
13 been felt by an ordinary person in the same situation.
14 Words, ladies and gentlemen, accompanied by hostile
15 acts may, depending on the circumstances, establish
16 self-defense. The intoxication of the victim may be
17 considered in deciding whether the defendant's fear of
18 death or bodily arm harm was reasonable. The final
19 element of self-defense is that the defendant had no
20 other -- no other probable way to avoid the danger of
21 death or serious bodily injury than to act as the
22 defendant did in this particular instance.

23 Ladies and gentlemen, the defendant is also
24 charged with possession of a weapon during the
25 commission of a violent crime. The State must prove

JURY CHARGE

1 beyond a reasonable doubt that the defendant was in
2 possession of a firearm during the commission of a
3 violent crime. A firearm means any machine gun,
4 automatic rifle, revolver, pistol, or any weapon which
5 will, is designed to, or may be readily converted to
6 expel a projectile. In order to find the defendant
7 guilty of possession of a weapon during the commission
8 of a violent crime, you must first find the defendant
9 guilty of either committing a violent crime, or
10 attempting to commit a violent crime. Murder is a
11 violent crime.

12 The State must prove beyond a reasonable doubt
13 that the weapon further advanced or helped in the
14 commission of the crime. The defendant is also
15 charged with possession of a stolen pistol. The State
16 must prove beyond a reasonable doubt that the
17 defendant was in possession of a stolen firearm.
18 Possession may be actual or constructive. Actual
19 construction occurs when the actual firearm is found
20 in the actual physical custody of the person charged
21 with possession. Constructive possession is when a
22 person has dominion or control, or the right to
23 exercise dominion or control over either the firearm
24 or the premises upon which the firearm is located.

25 Bear with me just a minute, ladies and gentlemen.

JURY CHARGE

(A brief pause in the proceedings.)

THE COURT: I'll charge you on the law as it relates to the possession of a controlled substance. This general charge will directly apply to each of the three final charges in this case. Please continue to pay attention as I will directly reference this general control substance charge throughout the rest of this jury charge. Possession means more than simply having an object in one's possession. There must be knowing possession. The State must prove possession of the controlled substance by the defendant, and the further fact that the defendant knew he had the controlled substance in his possession.

There are two types of possession recognized in the law; again, actual possession and constructive possession. Actual possession occurs when the controlled substance is found to be in the actual physical custody of the person charged with possession. Constructive possession is when a person has dominion or control or the right to exercise dominion or control over the object or the premises upon which the object is located. Possession may be inferred from the circumstances and may be imputed to anyone who has the power and intent to control the

JURY CHARGE

1 disposition and use of the object. The mere presence
2 of a defendant where controlled substance is found, or
3 the mere association by a defendant with people who
4 possess the controlled substance, is insufficient
5 proof that the defendant himself possessed the
6 controlled substance. Possession requires more than
7 mere presence. Evidence that an individual is present
8 at the time a controlled substance is found or located
9 is not in and of itself sufficient proof that the
10 individual had actual or constructive possession of
11 the controlled substance.

12 Proof of constructive possession by the defendant
13 requires that the State show beyond a reasonable doubt
14 that the defendant had dominion and control over the
15 controlled substance, or had the right to exercise
16 dominion and control over the controlled substance.

17 If you find from the evidence or the lack of
18 evidence that the defendant was merely present at the
19 scene where the controlled substance was found, or
20 merely associated with persons who possessed the
21 controlled substance, and do not find beyond a
22 reasonable doubt that the defendant had dominion or
23 control or the right to exercise dominion and control
24 over the controlled substance, then the defendant
25 would be not guilty. Two or more persons may have

JURY CHARGE

1 joint possession of a controlled substance.

2 The defendant, ladies and gentlemen, is charged
3 with possession of a Schedule I through V drug;
4 specifically, oxycodone hydrochloride. As I've
5 charged you previously, possession may be actual or
6 constructive. The State must prove the defendant knew
7 he was in possession of the oxycodone hydrochloride.

8 Possession of Schedule I through V drug, being
9 alprazolam. The defendant is charged with possession
10 of a Schedule I through V drug; specifically,
11 alprazolam. As I have charged you previously,
12 possession may be actual or constructive. The State
13 must prove the defendant knew he was in possession of
14 the alprazolam.

15 The defendant is also charged with possession
16 with intent to distribute marijuana. The State must
17 prove beyond a reasonable doubt that the defendant
18 possessed marijuana with the intent to distribute it.
19 As I've charged you previously, possession may be
20 actual or constructive. The State must prove the
21 defendant knew he was in possession of marijuana. In
22 addition to proving possession, the State must also
23 prove beyond a reasonable doubt that the defendant
24 intended to distribute the marijuana. Distribute
25 means to deliver other than by administering or

JURY CHARGE

1 dispensing a drug. Intent may be shown by acts and
2 conduct of the defendant and other circumstances from
3 which you may naturally and reasonably infer intent.

4 In determining whether the defendant had the
5 intent to distribute the marijuana, you may consider
6 the circumstances surrounding the defendant's alleged
7 possession. You may consider the amount of the
8 substance alleged to have been possessed; the manner
9 in which it was allegedly possessed; the place where
10 it was allegedly possessed, and other factors which
11 you consider to be important. You must find that the
12 defendant did not intend to have the marijuana solely
13 for his own use.

14 Possession, ladies and gentlemen, of more than
15 28 grams, or 1 ounce of marijuana, creates an
16 inference that the defendant possessed the marijuana
17 with the intent to distribute it. This inference does
18 not relieve the State from proving beyond a reasonable
19 doubt that the defendant had the intent to distribute.
20 It is simply an evidentiary fact to be taken into
21 consideration by you, along with the other evidence in
22 the case, and to be given the weight you decide it
23 should have.

24 Ladies and gentlemen, you are getting ready to
25 now hear closing arguments of counsel in this case.

CLOSING STATEMENT - MS. WALKER

1 The State will go first, as I've told you, followed by
2 the defense. The State will have an opportunity for a
3 reply, if they choose. I would like to remind you,
4 ladies and gentlemen, that closing arguments are not
5 evidence. It is not evidence in this case.

6 After closing arguments, I will give you a few
7 more instructions before sending you back to the jury
8 room for you all to begin your deliberations.

9 So at this time, State is recognized for closing
10 arguments.

11 MS. WALKER: Thank you, Your Honor. May it
12 please the Court.

13 THE COURT: Yes.

14 MS. WALKER: So within approximately an hour of
15 Earl Gaddis gunning down Sylvester Bellamy in a
16 bathroom -- we've all heard it this week, the Withers
17 Alley bathroom -- within an hour, approximately, he's
18 arrested. He's placed into the back of a police car.
19 You all know. There is video back there. There is
20 the in-car video just capturing Gaddis alone with his
21 thoughts and having a conversation whether it is with
22 him or his maker, whoever he believes is there to talk
23 to him, talk him through what has just happened. I
24 would submit the perfect circumstance, you don't think
25 anyone is listening. You are just trying to have a

CLOSING STATEMENT - MS. WALKER

1 conversation with the thing you think is going to help
2 you out. Why would you lie in that moment? No, you
3 are going to pour your heart out just like he did, and
4 you are going to tell the truth. You are going to
5 say, in effect, what he said on this video that you
6 will have back in the jury room with you. You can
7 take as much time you need or want to review it again.
8 You are going to say what Gaddis said, What have I
9 done? I shouldn't have done this. I got caught. I
10 should have thrown that backpack so I wouldn't have
11 gotten caught; that is what we start with. I'm in
12 trouble now, I have to answer for this because I
13 didn't throw away the evidence.

14 Then, we move further in the video and we hear, I
15 shouldn't have done this. I should have handled this
16 a different way, but he disrespected me. If there is
17 another way -- if there is a gun that was pulled on
18 him, yeah, what other way would there have been but to
19 respond in self-defense? That is not what happened in
20 this case. That is why Gaddis is in the back of the
21 car saying, Maybe I should have handled it a different
22 way. That gun was Sylvester's; I took it with me for
23 safekeeping.

24 If your contention is now that there is
25 self-defense, leave the gun there. He just admitted

CLOSING STATEMENT - MS. WALKER

1 on the stand that he knew law enforcement was going to
2 respond to the scene. He knew law enforcement was
3 coming, but he fled because he knew he was guilty of
4 killing Sylvester, exactly as he said in his own words
5 in the back of the car, "I was disrespected."

6 He told us on the stand today that he has a bit
7 of a short fuse for being disrespected. He admitted
8 when going on the Boulevard again with his
9 co-defendant, Terence Blackwell, that they got into
10 some sort of verbal altercation. I don't know; I
11 wasn't there. I have no evidence to support it, but
12 he admitted to you that he had a verbal altercation
13 with this other group of people; not a group of people
14 including the victim. He does admit to you, you know
15 what, that verbal altercation, that disrespect I
16 experienced before was enough for me to embold myself
17 and come back to the Boulevard the next day, but with
18 different circumstances, with loaded guns to handle
19 whatever sort of disrespect they felt they came upon.
20 Unfortunately for Sylvester Bellamy, it was
21 disrespectful.

22 So what I contend, and what the evidence actually
23 does show, is that as Gaddis and Blackwell crossed
24 paths with Sylvester on the Boulevard, they are out
25 there peddling drugs, selling drugs; that is why we

CLOSING STATEMENT - MS. WALKER

1 have the large amount of marijuana, the multiple
2 pills. We've got the scales inside of Gaddis' pockets
3 when he is arrested. We have the baggies where he was
4 packaging the supply so he can pass it off to people
5 on the Boulevard. So I contend and submit to you that
6 Bellamy probably went into the bathroom to buy
7 marijuana or some of these pills, because it is not
8 logical that Sylvester went into that bathroom alone
9 to pick a fight with these two random guys he just had
10 seen on the Boulevard.

11 As we saw with Officer Howitt this afternoon with
12 the video, he was able to secure the victim and his
13 friends walking along the Boulevard before he was
14 killed. It is obvious Sylvester was not out there
15 alone. He had friends with him, a couple different
16 friends with him. A reasonable person cannot believe
17 that Sylvester would have gone into a bathroom with
18 two unknown people to pick a fight alone if he could
19 have had his friends for backup. To me, that flies in
20 the face of reason and doesn't make sense.

21 Further, Officer Williamson and Agent Truex of
22 SLED testified that this was the condition of the
23 backpack when they found it, when they unzipped it to
24 secure the firearms. In Agent Truex' report, because
25 he had a cursory glance into the backpack, he didn't

CLOSING STATEMENT - MS. WALKER

1 even see the Lorcin. It was at the bottom of the
2 backpack. I submit to you that the two firearms that
3 were present in that bathroom outside of the backpack,
4 the two firearms that we know were used to murder
5 Sylvester Bellamy, those were placed probably hastily
6 at the top of the backpack at some point between the
7 walk from Withers Alley to Drifters. If a third gun
8 was present while the shooting was going on, why would
9 it not too just be shoved down there? It is just not
10 reasonable.

11 It is more reasonable that these folks who are
12 carrying stolen, loaded firearms up and down the
13 Boulevard to protect themselves from disrespect, that
14 they also had other guns; one of them just did not
15 come into play in this case.

16 So we talked about malice aforethought as the
17 judge instructed you; that is the murder. Murder is
18 the intentional killing of another human being with
19 malice aforethought without any justification. So for
20 purposes of my argument right now, I'm discounting
21 this argument of self-defense. I'm just discounting
22 it because I believe that the evidence supports that
23 there was not a third gun present on Sylvester
24 Bellamy. So for the purposes of this, I'll move
25 forward with my argument that this is murder; that is

CLOSING STATEMENT - MS. WALKER

1 exactly what it is. It is malice aforethought. We
2 can't say, well, because somebody had a gun, they had
3 malice. But what I do submit to you guys is that --
4 is that shooting an unarmed man six times is malice.
5 You don't mean to just thwart someone and stop them
6 from coming towards you when you shoot them six times;
7 you intend to kill the man and leave him dead. That
8 is what the intent is when you shoot a man six times.

9 Now, today, through the defendant's own
10 testimony, as this man is falling to his knees, shoots
11 him again one more in the head. That's malice. It's
12 malice. You know, I don't know we need to spend too
13 much time on this, especially after the defendant's
14 testimony. You know, we have here, based off of Agent
15 Eichenmiller's testimony about her firearms analysis,
16 where the bullets possibly could have come from. To
17 summarize, it is two separate guns used. It is also
18 obvious that -- back to my previous statement -- the
19 Lorcin .25 was never used. None of the projectiles
20 collected, nothing links back to this Lorcin. The
21 9-millimeter Glock, it's possible that the bullet from
22 the right hip collected from Sylvester's right hip, it
23 is possible coming from the Glock; however, it is
24 excluded coming from the revolver. It is also
25 excluded coming from the Lorcin.

CLOSING STATEMENT - MS. WALKER

1 Now, the fired fragment from the left torso of
2 Mr. Bellamy. It is excluded as having come from the
3 9. It is also excluded as having come from the
4 Lorcin; however, it is possible that it came from the
5 Smith & Wesson, the revolver. As you will remember
6 what Eichenmiller explained, due to specific kind of
7 markings and tracing marks that go on the projectile
8 and on the inside barrel of the gun, there is
9 different ways that people much smart than me with the
10 science can determine that these certain marks and
11 grooves come on a revolver, they can't exist on a
12 Glock, and vice-versa. So that is how she made those
13 determinations.

14 So the fired bullet fragment from the base of
15 Sylvester's skull, the one that was shot from a
16 downward or at a downward angle. Dr. Riemer testified
17 that Sylvester was five foot ten. That's pretty
18 consistent with him having fallen or being on his knee
19 or being in a downward position at the time he is shot
20 in his skull. It's possible that it was from the
21 revolver; again, not the Lorcin.

22 Then the 9-millimeter shell casing came back to
23 the 9-millimeter Glock; not to the revolver, not to
24 the Lorcin. Another shell casing came back to the
25 Glock; not the revolver, and not the Lorcin. As you

CLOSING STATEMENT - MS. WALKER

1 will recall, she explained when a 9-millimeter
2 semi-automatic bullet fired, the casing is ejected
3 out, and that is why those are left at the scene.

4 Then, we have four bullets fired from the .38,
5 that those casings are still left in the gun, in the
6 barrel. Those, you know, weren't tested at SLED, but
7 identified as three -- three brass casings, and one of
8 the silver shot shells, or snake shot, whatever you
9 are more familiar with hearing. It, in fact, is the
10 bullet that would have done that damage to Sylvester's
11 right shoulder, the speckling, and also what would
12 have done the damage to his arm here as he braces for
13 impact (indicates).

14 This picture here, you see one, two, three, four
15 fired shots. The first one is a silver one. Then the
16 snake shots, and then these two. So already having
17 been shot once or shot at once, he's bracing for
18 impact; hence, why I would submit he then gets shot
19 also with the snake shot on his forearm, as well as
20 his shoulder.

21 At first, coming into the trial, a lot of what we
22 planned to present is conjecture. Maybe Blackwell had
23 the Glock. Maybe Gaddis had the revolver. It is the
24 State's theory that Gaddis had the revolver, and he
25 definitely helped us on that today. He admitted, yes,

CLOSING STATEMENT - MS. WALKER

1 I shot the man. You can believe what he is saying as
2 truth, but I would ask you to, again, go back and
3 watch that video and think to yourself, What is more
4 reasonable? Would it make sense in the immediate
5 moment you are saying, That man came up to me? Oh, my
6 gosh, I didn't expect that to happen. Or, I got
7 disrespected, I shouldn't have responded that way?

8 So for a reasonable person, it is really almost
9 unfathomable to imagine that disrespect would get
10 someone killed; but in the mind of Earl Gaddis, it is
11 enough. It was enough for him to arm himself and come
12 prepared to the Boulevard, to handle whatever came his
13 way. Sylvester Bellamy's life was worth way more than
14 this.

15 I do have to say as far as the possession with
16 the intent to distribute charge, the analyst took the
17 stand and said the threshold weight had been met with
18 what was tested over the 50 -- 28 ounces, I apologize.
19 In addition to that, the other things that you can
20 consider, and you'll have all of this back in the jury
21 room with you, you'll have the pictures of the
22 baggies, the picture of the scale.

23 As was brought out on direct examination, the
24 officer did note that there was, you know, green-like
25 residue on the scale. The amount of money,

CLOSING STATEMENT - MS. WALKER

1 approximately \$1,200, was in small bills; that is all
2 indicative of drug selling. Also, watching back --
3 going back and watching the Milestone videos, you see
4 Earl Gaddis and Terence Blackwell together walking up
5 and down the Boulevard, talking to people as they pass
6 by at street corners, exactly as they did with
7 Sylvester Bellamy. When Gaddis says they were here to
8 just have a good time, it is a pretty different good
9 time that you see them having than, you know, the
10 families walking by and looking into store fronts, in
11 the case of other people, checking out girls, whatever
12 is going on on the Boulevard. It is a pretty
13 different scene.

14 I submit to you that even if you want to -- even
15 if you believe that Sylvester had gone into the
16 bathroom in some way and provoked Gaddis, it was
17 through nothing but words, because I still contend
18 there was no weapon. Sylvester Bellamy did not have a
19 weapon. It is completely unreasonable to believe that
20 you would shoot someone and leave them for dead and
21 not just leave the weapon there. Why would you take
22 the weapon that could be the defense to what has
23 happened? It is completely unreasonable. If you
24 believe that Sylvester Bellamy somehow ran his mouth
25 or showed some sort of disrespect, it is important to

CLOSING STATEMENT - MS. WALKER

1 remember that words are not enough. Mere words are
2 not enough to justify getting shot six times. It is
3 simply not.

4 I appreciate you all taking the time and being so
5 thoughtful and so attentive throughout this whole
6 week. I implore each of you as you go to the jury
7 room to review the video, review the Milestone
8 footage, review all of the evidence and do it with
9 reasonableness and understanding that it simply makes
10 no sense that someone who has multiple friends with
11 him would go into a bathroom and would ambush or
12 attack two people he had never met. It is a lot more
13 reasonable if he had gone in for this (indicates), but
14 as he passes Gaddis and Blackwell on the sidewalk --
15 and you can watch it, it's on the Milestone -- there
16 is no obvious altercation. Everybody looks pretty
17 calm. It looks like he is setting up a situation
18 where he can buy weed. What I can tell you is that is
19 not justification to get you killed.

20 I submit to you that after your deliberation that
21 the only verdict you will be able to find in this case
22 is that Earl Gaddis is guilty of murdering Sylvester
23 Bellamy. Thank you.

24 MR. GARDNER: If I could set up my tripod?

25 (A pause in the proceeding.)

CLOSING STATEMENT - MR. GARDNER

1 MR. GARDNER: Thank you. Madam forelady, members
2 of the jury, I have never been more excited to give a
3 closing summation than today. I told you at the
4 beginning of the case that I didn't know why Mr.
5 Bellamy went up to the Boulevard, down the alley, and
6 into the restroom; that would be a big part of this
7 case. I'm disappointed that the Solicitor waited
8 until the end to play that for you. They should have
9 played that at the beginning to tell you what this
10 whole case is about. Like my dad used to say, If you
11 don't have any meat and potatoes, you eat a lot of
12 vegetables and salad. We've had two-and-a-half days
13 of salad, lettuce.

14 This is a murder trial here. We need a five-star
15 restaurant business here. We need steak and potatoes;
16 that was that video. They waited and waited to play
17 it because they thought they could flip the script on
18 you by putting up a whole bunch of evidence and try to
19 -- Solicitor begging for you to be reasonable. The
20 Solicitor doesn't need to beg you for anything. This
21 is a murder trial. What they need to do is prove
22 beyond a reasonable doubt what they've alleged, and
23 they certainly have not done that now; haven't done it
24 all week. A bunch of salad; no steak, no potatoes, no
25 meat.

CLOSING STATEMENT - MR. GARDNER

1 I've been over here writing stuff down for
2 however how long we've been here -- what is that -- 25
3 pages of notes. What I planned to do is -- I kept
4 flipping this and write, Witness one said so-and-so.
5 Witness two said so-and-so. Point out this. Point
6 out that. Two things: One, this trial is unique to
7 me because all 16 witnesses, and all 25 pages of
8 notes, point in one direction, one clear path: That
9 Mr. Gaddis is not guilty because of self-defense.
10 Every witness, every testimony we've heard, it would
11 not be changed if it was a different defendant,
12 anything different about it.

13 If somebody shoots someone in self-defense, you
14 will expect a police officer to say that the person
15 had a bullet in them. If they say, I shot them with
16 this pistol, you'll expect one to say that pistol was
17 used or that pistol was consistent with the type of
18 pistol that was used. I've tried all week long to
19 push the evidence in as quickly as possible to get to
20 you as quickly as possible to deliberate. There is no
21 need to say, We think that this pistol might be the
22 one that did it, it is consistent with it. This
23 bullet might be consistent. All you have to do is
24 look at the video. If someone could tell me why Mr.
25 Bellamy went down that alley, I would have a better

CLOSING STATEMENT - MR. GARDNER

1 understanding of the case. He's not afraid of
2 nothing. He had his confrontation on the Boulevard,
3 followed those two men into the bathroom; not afraid
4 of anything. That video tells us the whole story
5 there. These gunshots are consistent with what
6 happened. You heard the testimony right there from
7 Earl Gaddis.

8 The judge charged you all with self-defense, and
9 self-defense is a complete defense to murder. You may
10 not like Earl Gaddis, and that is okay. He had drugs
11 with him, and that is not good. He was on the
12 Boulevard. I was born and raised here, the Boulevard
13 is not the way it used to be, okay. But that is not
14 murder. I told you at the beginning of the case that
15 we were not contesting the drugs, okay. I told you
16 that what happened in the bathroom was not murder; it
17 is self-defense. I can't tell you that at the time --
18 I didn't know what the judge would charge. The judge
19 charges manslaughter; it is not manslaughter. The
20 judge told you what the law is and you can consider
21 that. We'll respect whatever verdict you come with,
22 but the State has to prove beyond a reasonable doubt
23 if they want to get a verdict for murder, they have --
24 same for manslaughter. You heard what the judge said
25 about self-defense.

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CLOSING STATEMENT - MR. GARDNER

1 I told you at the beginning of the case I won't
2 waste your time talking about defending or contesting
3 the drugs, and we haven't. Most of these witnesses --
4 all the witnesses that had anything to do with drugs,
5 I said we are willing to admit to having the drugs in
6 evidence and stipulate it is drugs. We're not
7 contesting that. We're not contesting the bullets,
8 guns, anything. Why did we spend three days talking
9 about it? We spent three days talking about it to
10 confuse you all. So you all would think, My God,
11 there is all this stuff going on, there must be murder
12 there somewhere. I've looked and looked.

13 I also told you I would -- I would not insult
14 your intelligence. I would count on your intelligence
15 to look through this stuff and not be fooled.
16 Certainly, do not succumb to the Solicitor's pleas for
17 reasonableness; not in a murder trial. That is not
18 the standard. The standard is beyond a reasonable
19 doubt. It is almost like "pretty please." You know,
20 we don't do that in a murder trial.

21 Let me talk about a couple of things about
22 self-defense. I don't have a marker, but I have a
23 pen. The judge said "without fault"; we have that
24 here. Where do we have that? Whatever fault out on
25 the Boulevard that happened, words, whatever it was --

CLOSING STATEMENT - MR. GARDNER

1 look at the video. If you can tell what it is, that
2 is fine. Whatever it was, Gaddis broke away from it.
3 He went to the bathroom, and he didn't ask Mr. Bellamy
4 to go with him. Gaddis was without fault. Mr.
5 Bellamy brought the fault. He followed them on his
6 own, Mr. Bellamy. There is uncontested testimony from
7 Mr. Gaddis.

8 The judge also said, In actual imminent danger,
9 or believed he was in imminent danger of losing his
10 life. If Bellamy had a gun, that is actual imminent
11 danger. If the Solicitor says she didn't think he had
12 a gun, but Mr. Gaddis said he saw him with a gun,
13 either way, that is self-defense. So if the Solicitor
14 is asking you to be reasonable and say it is not --
15 wasn't a gun, could have been a gun, that is part of
16 self-defense.

17 That is why they have this next step: If based
18 upon his belief of imminent danger, a reasonable
19 prudent person of ordinary firmness and courage would
20 have entertained the belief that it was actually in
21 imminent danger.

22 What did Earl say? If he came out to you with a
23 gun, what would you have done? You are allowed to do
24 that. In America, we are getting rid of all kinds of
25 things now. The self-defense defense is a complete

CLOSING STATEMENT - MR. GARDNER

1 defense, and it is as American as apple pie.

2 Hopefully, we never get rid of that, because it is a
3 defense. Let's not get rid of it today.

4 No other probable means of avoiding the danger.
5 I don't know if you can tell from the video and the
6 pictures about the bathroom, but that is close
7 quarters. That is not a big area. There is only one
8 entrance, same used for the exit. If you are in a
9 urinal or against the wall, you don't have any --
10 there is no way to get around him. So there was no
11 means of escape. So one, two, three, four; that is
12 complete defense. There is only one verdict you can
13 come back with, and that is not guilty.

14 The State has the burden of disproving that
15 beyond a reasonable doubt. They have not done that.
16 They have not, and they will not do that --

17 Your Honor, I'm sorry I need a marker. Thank
18 you.

19 That is to the murder and voluntary manslaughter.
20 The gun charge, remember I told you there would be gun
21 stuff we would have to talk about because there is
22 special stuff about that? The gun charge that goes
23 with this, and it requires -- you just don't have a
24 gun. When you do this, a judge will say what it
25 requires. But if you don't have murder or violent

CLOSING STATEMENT - MR. GARDNER

1 crime, you don't have that charge (indicates).

2 I'll make it easy on the drugs. You heard me in
3 the opening statement and the testimony. One way to
4 judge a case is to look at what the lawyers say at the
5 beginning of the case and look at what they say at the
6 end; is it the same? Is it consistent with what you
7 saw? I submit that what I said in the beginning is
8 the same thing I said, and it is consistent throughout
9 the trial. Not guilty. Self-defense.

10 What does proof beyond a reasonable doubt mean?
11 The judge explained it to you. I like to use -- the
12 best way for lawyers to explain things is explain what
13 it is not. We have different burdens of proof. I
14 told you at the beginning what a civil case entails.
15 We don't use those scales of justice in the criminal
16 case, because it doesn't really apply. I also told
17 you I would go to a little more at closing. It helps
18 me to understand it, and if it helps you all, I'll
19 take a couple minutes to do it.

20 The first one is a scintilla; one of my favorite
21 words. It is one of my favorite modern-day United
22 States Supreme Court juris words. They use that word
23 a lot. "Scintilla" means really nothing. Scintilla
24 evidence is microscopic. It means nothing. So that
25 shows you one level of proof.

CLOSING STATEMENT - MR. GARDNER

1 The next level is reasonable suspicion. That is
2 a police officer pulls you over for speeding or
3 something and he asks you, Where are you going? What
4 are you doing? If he has reasonable suspicion that
5 you committed a crime, it is very low. It's lower
6 than a probable cause, okay; which is the next thing,
7 probable cause. I think everyone heard that on TV
8 shows and stuff. It is a very low burden of proof.
9 It is probably the easiest way.

10 Proof beyond a reasonable doubt. If your
11 neighbor is messing with your yard, you can go down to
12 your local magistrate and get a warrant based on the
13 probable cause for that; that is what that means.

14 The next one is preponderance of the evidence.
15 That is the greater weight of the evidence. That took
16 me forever. It is a simple numerical equation: 50.01
17 or greater. That is where the scales go. That is
18 your civil case. That is your normal divorce case,
19 breach of contract, something along those lines.

20 Next, we have clear and convincing. Clear and
21 convincing is the burden of proof that DSS has to show
22 when they take your kids from you forever. That is a
23 high burden.

24 The next one is reasonable doubt, but it is not a
25 reasonable doubt; what is it? It is beyond a

CLOSING STATEMENT - MR. GARDNER

1 reasonable doubt. So if you want a conviction for
2 somebody, you need to prove beyond a reasonable doubt.
3 That is a very big doubt. So one thing -- we don't
4 have that here, okay.

5 I do want to explain a couple of things. This
6 happened to me. I actually saw someone on television
7 walk out of a jury trial and say, We think the guy was
8 not guilty, but he never proved it. That is wrong on
9 so many levels. I started using that in my closings,
10 because I want to bring home the fact that just
11 because -- it may be confusing, but I'm trying to
12 unconfuse it. Just because the defense presents any
13 kind of evidence or testimony does not mean that we
14 have to assume the burden of proof. The burden of
15 proof is always on the State. They have to prove each
16 and every element, whatever they are.

17 So the elements of drugs, for example, is
18 possession of the drugs. The judge mentioned if it is
19 actual or constructive, but you don't have to worry
20 about that. But those are the elements. Yes, they
21 did. No problem. I mean, it is a problem, but it's
22 the truth, okay.

23 So self-defense, they haven't laid a hand on
24 that. So the only verdict for that is not guilty. So
25 when you hear people say "he may be," "I think he,"

CLOSING STATEMENT - MR. GARDNER

1 those are words for reasonable doubt. When you get in
2 your jury room and deliberate, that is one thing the
3 Solicitor and I agree on. Look at all of the stuff
4 and do what you feel. This is a verdict that speaks
5 the truth no matter what it is. Even if you say I
6 don't have enough to find him guilty, and then the
7 only verdict is not guilty. That is a true verdict,
8 whichever it is. I believe that self-defense is the
9 way to go on this case.

10 The remaining charges, the drugs, I believe there
11 were three drug charges, and we're not contesting
12 those. Those have been proven. He admitted to that.
13 The gun charges, I believe the judge read about a
14 stolen gun charge. One was Blackwell's gun; one was
15 Gaddis' gun that he got from Blackwell. He testified
16 that he didn't know they were stolen. The judge told
17 you what the knowledge -- I think it is a knowledge
18 requirement for that. Do you have to know? Should
19 you know? Would you have known? I'll leave that up
20 to you all.

21 I told you there was special things on the
22 pistol, and one of them we talked about. These two,
23 if you think he knew or should have known, that he
24 knew they were stolen.

25 The drugs, they are not contesting those.

CLOSING STATEMENT REPLY - MS. WALKER

1 I'm going to sit down. If I left anything out,
2 if you have questions about anything I have said or
3 done -- the Solicitor might get up again. This is
4 self-defense. The gun charge goes with that; those
5 are not guilty. Thank you for listening to what we've
6 done, and don't let the burden get flipped. The
7 burden is always with them. Thank you.

8 THE COURT: Ms. Walker.

9 MS. WALKER: Briefly, Your Honor.

10 I apologize if I misspoke. I would like to be
11 clear. Both the direct and circumstantial evidence in
12 this case supports the fact that Sylvester Bellamy was
13 not armed. I don't want to be ambiguous about that.
14 The State completely discounts the self-defense claim
15 in this case. Based off of what Mr. Gardner said, it
16 seemed like that needed to be cleared.

17 A couple brief points. Mr. Gardner brought up
18 the point that we spent two-and-a-half days talking
19 about chain witnesses and drugs and guns and
20 everything, and that is because the State -- exactly
21 like he said -- we have the burden of proof. I have
22 to stand up here, as the judge told you in the
23 beginning, I have a duty to this Court, first and
24 foremost, and to you, the jurors, to prove beyond a
25 reasonable doubt each portion of the offense. Even

CLOSING STATEMENT REPLY - MS. WALKER

1 though I know it is tedious, we don't get to cut
2 corners and not show you certain things. We have a
3 duty to do that. That is part of us meeting our
4 burden of beyond a reasonable doubt.

5 Very briefly on self-defense. I know Mr. Gardner
6 already wrote up there certain parts of it.
7 Self-defense, the person claiming it, Gaddis, has to
8 be at no fault in bringing on the difficulty. He's
9 already told you he was armed, both him and his
10 compadre, Blackwell, who he was with. They were both
11 armed. They armed themselves and prepared to deal
12 with whatever came.

13 Gaddis on the stand admits that as Sylvester came
14 into the bathroom, he pushed him first. Gaddis pushed
15 him first; that is bringing on the difficulty. Again,
16 you have to be -- or perceive that you are in actual
17 danger. As I said, first, words alone are not enough.
18 If the victim is unarmed, as he was in this case, even
19 if he said something offensive, that in and of itself
20 does not justify being shot six times. There also has
21 to be a reasonable fear of death or imminent danger.
22 That is why I use this word "reasonable." It is a
23 standard in the legal world, a reasonable person would
24 believe. It is kind of our every day person, what you
25 would believe. So a reasonable person has to be in

JURY CHARGE

1 fear of imminent harm or death. So Gaddis, along with
2 Blackwell, are together in that bathroom and Gaddis
3 knew that Blackwell also had a loaded gun. Gaddis
4 knew he had a loaded gun. So is it reasonable to be
5 in fear for your life if you know that both you and
6 the friend you are with have loaded firearms on you?

7 Again, folks, thank you for your time. The State
8 has met its burden to you beyond a reasonable doubt.
9 Gaddis is guilty of killing Sylvester Bellamy, and
10 he's guilty of murder.

11 MR. GARDNER: I'll move that out of the way.

12 THE COURT: Please. Thank you.

13 Ladies and gentlemen, I told you I would have a
14 few more closing remarks for you, and I want you to
15 understand, ladies and gentlemen, you are not
16 partisans or advocates for the State of South Carolina
17 or the defendant. It is your duty by your joint
18 deliberations to determine the facts in this case,
19 giving to the defendant the benefit of every
20 reasonable doubt on each and every issue. Then, to
21 the facts which you determine to be true, you should
22 take and apply the law, which has been given to you by
23 this Court, and thus arrive at a verdict in this case.
24 When you have accomplished these responsibilities, you
25 will have satisfied your oath as jurors, and you will

JURY CHARGE

1 have discharged your duty to this Court.

2 Once you retire to the jury room, the bailiff
3 will give you, madam forelady, the verdict form.

4 When you, the jury, arrive at a verdict as to the
5 offenses charged in the case, the forelady will select
6 the verdict as to that offense on the verdict form.
7 If the State failed to prove the guilt of the
8 defendant beyond a reasonable doubt, your verdict will
9 be not guilty. Likewise, if the State has proven the
10 guilt of the defendant beyond a reasonable doubt, your
11 verdict will be guilty.

12 Once a decision has been made, the forelady will
13 check whichever choice is the verdict of the jury as
14 to the offense charged. The verdict, ladies and
15 gentlemen, that you render in this case must be the
16 verdict of each and every juror. It must be your
17 unanimous verdict. All 12 jurors must agree to the
18 verdict which you authorize the forelady to write for
19 the jury.

20 I further want you to understand that the order
21 in which the choices appeared on the verdict form are
22 not suggestive of any verdict on the part of this
23 Court. The verdict in this case is to be determined
24 by you, the jury; not the Court.

25 Furthermore, ladies and gentlemen, please

JURY CHARGE

1 understand that even though I will give the verdict
2 form to the forelady, it is not her verdict alone. It
3 is the verdict of all 12 of you. I emphasize again
4 that it must be unanimous.

5 I'm also going to give you all a copy of these
6 instructions in written form. During your
7 deliberations, you may refer to the instructions to
8 guide your decision-making. You must consider the
9 instructions as a whole, and not follow some and
10 ignore others.

11 Please, madam forelady, return this copy of the
12 instructions to the Court when the verdict is
13 rendered.

14 What I'll do now is ask you all to retire to the
15 jury room, but do not begin your deliberations until
16 you are instructed to do so. The law requires that I
17 consult with the attorneys to make sure that I have
18 not left anything out of the instructions. After I
19 have spoken with the attorneys, the bailiff will bring
20 in a copy of these instructions, the items of
21 evidence, and the verdict form. You will then be
22 instructed to begin your deliberations.

23 Should you have any questions, madam forelady, it
24 will be your responsibility to reduce such questions
25 to writing, knock on the door, let the bailiff know

JURY CHARGE

1 you have a question, and he will give that question or
2 questions to me. After consulting with the attorneys,
3 I will answer how the Court deems appropriate, okay.

4 Once you have reached an unanimous verdict and
5 filled out the verdict form, knock on the door, let my
6 bailiff know you have reached an unanimous verdict,
7 and we'll get you back in the courtroom as promptly as
8 possible.

9 Before I let you retire to the jury room, does
10 everyone on the jury feel okay?

11 Okay. I'll ask that you step to the jury room,
12 but do not -- do not begin your deliberations until
13 you are instructed to do so, okay.

14 (The jury exits at 4:30 p.m., and the
15 following is heard out of the presence of the jury.)

16 THE COURT: If the lawyers would come up --
17 before we do that, any exceptions or objections from
18 the State?

19 MS. WALKER: No, Your Honor.

20 MR. GARDNER: No, Your Honor.

21 THE COURT: If you would, come and make sure that
22 the items of evidence are in place.

23 (A recess was taken while the attorneys and court
24 reporter verify the exhibits for the jury's
25 consideration.)

JURY QUESTION

1 THE COURT: Any objection to me releasing the
2 alternate in the back hall?

3 MR. GARDNER: No, sir. They said they feel good.

4 MS. WALKER: No, sir.

5 MR. HOLFORD: Judge, what we do -- and it is up
6 to the Court, but all the DVDs, we have a jury laptop
7 that has nothing on it, no connection to the Internet,
8 no files; or, the Court can say they need to come out
9 here and watch them, but we can send a clean, clear
10 laptop back that has nothing on it for them to watch.

11 MR. GARDNER: I don't care.

12 THE COURT: Doesn't matter to me. I remember you
13 all have done that before.

14 MS. WALKER: I think if we could ask them to keep
15 in mind if they wanted to hear something louder, they
16 would need to come out here, because we didn't have a
17 TV to take back there.

18 THE COURT: Okay. We will be at ease.

19 (The jury begins deliberations at 4:40 p.m. The
20 following was had at 5:54 p.m.)

21 THE COURT: Back on the record of State versus
22 Gaddis. The jury sent out a question asking for
23 speakers back in the jury room for the computer. I
24 had my bailiff, Mr. Bobby, convey if they wanted to --
25 first of all, I advised the lawyers and showed them

JURY QUESTION

1 the note -- and note for the record that all of the
2 attorneys are back in the courtroom along with the
3 defendant in here as well. I certainly shared the
4 note with the attorneys, told Mr. Bobby, the bailiff,
5 without objection, to advise the jury -- advise the
6 jury to give to him the videos that they wanted to
7 watch and bring them back into the courtroom and view
8 those videos, so that is what we're going to do.

9 Anything we left out or any additions from the
10 State?

11 MR. HOLFORD: Your Honor. Bobby did bring out
12 State's Exhibit 94 as testified to by Toole labeled on
13 the disk "Tool Sound Edit." I have that on the
14 computer and ready to go.

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

17 MS. WALKER: No, Your Honor.

18 MR. GARDNER: No, Your Honor.

19 (The jury enters at 5:55 p.m., and the
20 following is heard in the presence of the jury.)

21 THE COURT: Ladies and gentlemen, we received
22 your question or your note asking that we bring
23 speakers back in here. We believed it was more
24 appropriate for you all -- to let you hear this audio
25 tape -- or video, which includes audio, which is

JURY QUESTION

1 State's Exhibit No. 94. State advised me they have
2 this up and ready to play this video and audio for you
3 all.

4 If the State will proceed.

5 (State's Exhibit 94 published to the jury.)

6 THE COURT: You all have heard State's Exhibit
7 No. 94. I ask that you return to your jury room and
8 continue your deliberations.

9 (The jury exits at 6:03 p.m. to continue
10 deliberations.)

11 THE COURT: This doesn't say they can't reach a
12 verdict. I'll send them home and tell them to come
13 back in the morning.

14 MR. GARDNER: Yes, sir. Are you going to bring
15 them out here to do that?

16 THE COURT: Yeah. Get the defendant, please.

17 (A pause in the proceedings and the defendant
18 enters the courtroom.)

19 THE COURT: Bring them in.

20 (The jury enters at 7:00 p.m., and the
21 following is heard in the presence of the jury.)

22 THE COURT: Madam forelady, I received your note.
23 I'll send you home for the balance of the day. I'll
24 ask you not to discuss the case with anyone. Be back
25 here tomorrow morning at 9:30. When you return in the

JULY 22, 2021

1 morning, do not discuss the case or continue
2 deliberations until you are instructed to do so by the
3 Court. I don't want a few of you showing up and start
4 talking about the case. All 12 of you need to be
5 there before you start talking about the case, so do
6 not begin your deliberations until you are instructed
7 to do so. Have a nice evening. Thank you.

8 (The jury exits at 7:01 p.m., and the
9 following is heard out of the presence of the jury.)

10 THE COURT: Anything from the State at this time?

11 MS. WALKER: Nothing, judge.

12 MR. GARDNER: No, Your Honor.

13 THE COURT: See you tomorrow morning.

14 (WHEREUPON, THE PROCEEDINGS FOR JULY 21, 2021
15 CONCLUDED AT 7:01 P.M. THE FOLLOWING WAS HAD ON JULY
16 22, 2021.)

17 THE COURT: Mr. Gaddis is here with his lawyer.
18 I've been advised all 12 jurors are here. The lawyers
19 at side-bar advised me -- Mr. Gardner, as well as the
20 State -- indicated that they do not have any objection
21 to me conveying to the bailiff to tell the jury to
22 continue their deliberations at this point without
23 bringing them into the courtroom; is that correct?

24 MR. GARDNER: Yes, Your Honor.

25 MS. WALKER: Yes, Your Honor.

VERDICT

1 THE COURT: Anything else I've left out?

2 MR. GARDNER: Not from the defense.

3 THE COURT: Very well. With regard to this case,
4 we'll stand at ease while the jury continues to
5 deliberate.

6 (Whereupon, the jury continues to deliberate.)

7 THE COURT: It's my understanding there is a
8 verdict in State versus Gaddis.

9 Bring him back out here.

10 (Whereupon, the defendant enters the courtroom.)

11 THE COURT: Anything from the State?

12 MS. WALKER: Nothing, Judge.

13 MR. GARDNER: No, Your Honor.

14 THE COURT: I remind everyone in the courtroom
15 that whatever the verdict is, keep your emotions in
16 check; failure to do so could result in you being held
17 in contempt of court with the possible punishment of a
18 fine and/or incarceration. If you do not believe you
19 can keep your emotions in check, now is the time to
20 leave the courtroom.

21 Bring me the jury, please, sir.

22 (The jury enters at 10:20 a.m., and the
23 following is heard in the presence of the jury.)

24 THE COURT: Madam forelady, ladies and gentlemen,
25 have you reached a verdict?

VERDICT

1 FORELADY: Yes, Your Honor, we have.

2 THE COURT: Madam clerk, will you receive the
3 verdict, please?

4 The verdict appears to be in order.

5 Madam Clerk, if you will, publish the verdict.

6 THE CLERK: Indictment Nos. 2019-GS-26-3346,
7 3347, 2019-GS-26-1347, 2019-GS-26-3348,
8 2019-GS-26-3350, 2019-GS-26-3351, 2010-GS-26-3352,
9 2019-GS-26-3353, the State of South Carolina versus
10 Earl Rafel Gaddis, Junior.

11 As to the charge of murder: We, the jury,
12 unanimously find beyond a reasonable doubt the
13 defendant Earl Rafel Gaddis, Junior, guilty.

14 As to the charge of possession of a weapon during
15 the commission of a violent crime: We, the jury,
16 unanimously find the defendant Earl Rafel Gaddis,
17 Junior, guilty.

18 As to the charge of possession of a stolen
19 pistol: We, the jury, unanimously find beyond a
20 reasonable doubt the defendant Earl Rafel Gaddis,
21 Junior, guilty.

22 As to the charge of possession of marijuana with
23 intent to distribute: We, the jury, unanimously find
24 beyond a reasonable doubt defendant Earl Rafel Gaddis,
25 Junior, guilty.

VERDICT

1 As to the charge of unlawful carrying of a
2 pistol: We, the jury, unanimously find beyond a
3 reasonable doubt that the defendant Earl Rafel Gaddis,
4 Junior, guilty.

5 As to the charge of possession of a Schedule I
6 through V drug, oxycodone hydrochloride: We, the
7 jury, unanimously find beyond a reasonable doubt the
8 defendant Earl Rafel Gaddis, Junior, guilty.

9 As to the charge of possession of a Schedule I to
10 V drug, alprazolam: We, the jury, unanimously find
11 beyond a reasonable doubt defendant Earl Rafel Gaddis,
12 Junior, guilty.

13 Signed by forelady, Whitney Pierce.

14 Dated: July 22, 2021.

15 Ladies and gentlemen of the jury, if this is your
16 verdict, so signify by raising your right hand.

17 Thank you.

18 THE COURT: Let the record reflect that all 12
19 jurors raised their right hands in response to the
20 clerk's inquiry as to whether this was their verdict
21 as to each of the charges.

22 Anything from defense counsel?

23 MR. GARDNER: No, Your Honor. We have motions,
24 if we can make them now. A motion for judgment
25 notwithstanding of the verdict, and a new trial.

VERDICT

1 THE COURT: With all due respect, the Court
2 respectively is denying defendant's motions as to each
3 of the charges. The Court believes there was
4 sufficient evidence, direct and substantial
5 circumstantial evidence, to warrant the verdict as to
6 each of these charges for which the verdict has been
7 rendered; therefore, the Court respectively denies
8 those motions, however they are so noted for the
9 record.

10 MR. GARDNER: Thank you, Judge.

11 THE COURT: Ladies and gentlemen, I want to thank
12 you for your service. Thank you for your
13 attentiveness throughout the trial of the case. You
14 have performed your duty as jurors in rendering a
15 verdict as to each of the charges. I told you all
16 throughout the trial of this case not to talk about
17 it. When I release you here today, ladies and
18 gentlemen, you can talk about it as much as you want
19 to, or as little as you want to. But no one -- I
20 repeat no one -- can make you talk about the case if
21 you don't want to talk about it, okay. If anyone
22 tries to talk to you about this case and you tell them
23 that you don't want to talk about it, and they do not
24 leave you alone, let the clerk's office know here, and
25 I can promise you that it will be taken care of.

VERDICT

1 Having performed your duty as jurors, the next
2 phase or step we will move into is sentencing; that is
3 what will take place next. You all are free to stay
4 here for sentencing, or you are free to leave; that is
5 up to you.

6 Let me ask the State: Does the State have
7 sentencing sheets?

8 MS. WALKER: I need to print them.

9 MR. HOLFORD: I'll print them now, Your Honor.

10 THE COURT: Counsel can be seated for a moment.

11 (A brief pause in the proceedings.)

12 THE COURT: Ladies and gentlemen of the jury, as
13 I told you, you have performed your duty. What we're
14 going to do next is go into sentencing. If you wish
15 to leave, now is your time to leave. If you wish to
16 stay for sentencing, as I said, you are welcome to
17 stay for sentencing as well.

18 Madam forelady, are the jury charges still back
19 there?

20 JUROR: Yes, sir.

21 THE COURT: Could counsel approach?

22 (Whereupon, a bench conference was had and a
23 recess was taken.)

24 THE COURT: I'll hear from the State with regards
25 to sentencing.

VERDICT

1 MS. WALKER: Yes, sir, Your Honor. Obviously,
2 Your Honor has had the benefit of sitting through this
3 trial and all of the evidence. It is still the
4 State's contention, and as the verdict indicates and
5 supports, that this was nothing but a cold-blooded,
6 intentional killing of an unarmed man. He was 24
7 years old. He was down on the Boulevard hanging out
8 with his friends. You know, this is the -- the
9 victim's family doesn't want to speak, but I'll say on
10 their behalf that the victim had just moved home. He
11 had been living in Texas. He moved home that morning,
12 basically 4:00 a.m. He got home with his grandma.
13 They had driven back to South Carolina from Texas. He
14 had gone out to celebrate being home with two of his
15 good friends.

16 Judge, I understand maybe the State failed to
17 draw out this point as clearly as we should have, but
18 one of the items of evidence that supports the fact
19 that all three of those guns in that backpack belonged
20 to Gaddis and his codefendant, Blackwell -- who
21 obviously was not on trial this week, we've resolved
22 his charges -- but there were 11 rounds of .25 caliber
23 ammunition in that backpack. The Lorcin is a .25
24 caliber weapon. There was ammunition in that backpack
25 for all three of the weapons that were in the

VERDICT

1 backpack. Obviously, that is no coincidence.

2 Your Honor, I would ask that Mr. Gaddis receives
3 the highest sentence possible. With regards to -- not
4 with regards to sentencing, but with regards to time
5 served, he was only incarcerated here in Horry County
6 from June the 7th of 2018 to September 28, 2018. He
7 was then released back to North Carolina on GPS
8 monitoring. He remained on GPS monitoring in, I
9 believe, at his parents' home in North Carolina until
10 December 3, 2018 when he was arrested for another
11 murder up in North Carolina.

12 Your Honor, obviously that does not pertain to
13 our sentencing, only with regards to time served. He
14 has been incarcerated up in North Carolina since that
15 time; however, it is obviously my position that he
16 deserves no credit for that time served.

17 THE COURT: So tell me what he did in Horry
18 County.

19 MS. WALKER: 114 days, Your Honor. Judge, we did
20 extradite him back from North Carolina. There is an
21 agreement in place with the governor's office there
22 that if Your Honor sentences him today, which
23 obviously we're here to do, he'll serve this sentence
24 here in South Carolina before returning to North
25 Carolina, if they still want to prosecute that charge

VERDICT

1 there.

2 THE COURT: Anything further from the State?

3 MS. WALKER: Nothing, Judge.

4 THE COURT: Mr. Gardner, I'll hear from you.

5 MR. GARDNER: Thank you, Your Honor. I agree
6 with the Solicitor, you have heard the case, and I
7 don't want to belabor the fact, and I would remind the
8 Court, that he is just 21 years old. He has no
9 criminal record, whatsoever. He was a high school
10 graduate, attending college on an academic
11 scholarship. He was living with his mother and father
12 who was here in the courtroom, but could not take the
13 whole week off and had to go back to work yesterday.
14 He understands, and I understand, and we all
15 understand that the minimum is 30 plus five, and we
16 would ask that you give him the minimum sentence in
17 this case based on the age, based on no priors, and
18 based on what the codefendant got. In the old days,
19 we used to say, Feed them out of the same spoon. I
20 understand the codefendant got a deal and only 18
21 years on this case. We ask you to take all of that
22 into consideration: The age, no prior record, and the
23 fact that -- everything considered, we ask for the
24 minimum sentence, Your Honor. That is a lifetime for
25 a 20 year old.

VERDICT

1 THE COURT: Thank you.

2 MR. GARDNER: Yes, sir.

3 THE COURT: Mr. Gardner, does your client wish to
4 say anything? I don't want him to say anything that
5 would affect his appellant rights.

6 MR. GADDIS: I want to say something to the jury.
7 When you --

8 THE COURT: Speak to me. Don't address the jury.
9 They have spoken.

10 MR. GADDIS: All I want to say is that I'm an
11 innocent man. When they go home tonight, I want you
12 to know they just murdered me and I'm innocent. It
13 was self-defense, not murder. The State did not prove
14 beyond a reasonable doubt that I murdered anybody. So
15 you all watch that tape, you seen this dude follow me
16 down the street, down the Boulevard, down the avenue
17 to the bathroom. So when someone pulls a pistol on
18 you, how are you going to respond? You are all saying
19 I'm guilty of murder, so when someone pulls a pistol
20 on you, I want you to lay down and die and not defend
21 yourself. That is what I have to say, because I'm an
22 innocent man. I didn't murder nobody. This is wrong.
23 30 something years?

24 THE COURT: All right, Mr. Gaddis. Thank you.
25 Anything further from the State?

SENTENCE

1 MS. WALKER: Nothing.

2 THE COURT: Defense?

3 MR. GARDNER: No, Your Honor.

4 THE COURT: Indictment 2019-GS-26-3353,
5 possession of a control substance, Schedule I to V,
6 maximum is six months. The defendant is hereby
7 committed to the State Department of Corrections for a
8 period of six months; credit for 114 days.

9 On 3352, the other offense for possession of a
10 controlled substance, Schedule I through V, maximum is
11 six months. The defendant is committed to the State
12 Department of Corrections for six months; credit for
13 114 days.

14 2019-GS-26-3351, unlawful carrying of a pistol,
15 maximum is one year. Defendant is hereby committed to
16 the State Department of Corrections for a period of
17 one year; credit for 114 days.

18 2019-GS-19-1150, possession with intent to
19 distribute marijuana; maximum sentence is five years.
20 Defendant is hereby committed to the State Department
21 of Corrections for five years; credit for 114 days.

22 2019-GS-19-3348, possession of a stolen pistol;
23 maximum sentence is five years. The defendant is
24 committed to the State Department of Corrections for a
25 period of five years; credit for 114 days.

SENTENCE

1 2019-GS-26-3346 charge of murder; maximum
2 sentence on that particular charge is life. Sentence
3 of the Court that defendant be committed to the State
4 Department of Corrections for the balance of his
5 natural life; credit for 114 days.

6 2019-GS-19-3347, which is the possession of a
7 weapon during the commission of a violent crime. No
8 sentence is being imposed. Maximum sentence is five
9 years; however, no sentence is being imposed upon that
10 charge pursuant to Section 16-23-490(a) of South
11 Carolina Code of Laws, which prohibits a sentence of
12 any additional sentence on that particular charge in
13 light of the life sentence imposed for the murder.

14 Thank you.

15 I will advise you, Mr. Gaddis, you have ten days
16 to appeal.

17 Thank you. That concludes this matter.

18 MR. GADDIS: Your Honor, may I --

19 THE COURT: No, sir.

20 MR. GADDIS: Thank you all. You just murdered
21 me. I'm innocent.

22 THE COURT: Ladies and gentlemen, I want to thank
23 you for your service. I'll allow you to leave at this
24 time. You are done for the week. I appreciate your
25 attentiveness throughout the trial of this case. You

SENTENCE

1 are free to go. Hope you have a better -- nice rest
2 of the week. Thank you.

3 (Court's Exhibits 5-7 marked.)

4 (WHEREUPON, THE TRIAL OF STATE v. EARL RAFEL
5 GADDIS, JUNIOR, CONCLUDED.)

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CERTIFIED ORIGINAL FOR SOUTH CAROLINA INDIGENT DEFENSE
ONLY!!

CERTIFICATE OF REPORTER

State of South Carolina)
County of Horry)

I, Natalie Dahl, Official Court Reporter for the
State of South Carolina, do hereby certify that the
foregoing is a true, accurate and complete Transcript
of Record of the proceedings had and evidence
introduced in the trial of the captioned case,
relative to appeal, in the Court of General Sessions
for Horry County, South Carolina, on the 19th through
22nd days of July, 2021.

I do further certify that I am neither of kin,
counsel, nor interest to any party hereto.

October 8, 2021

Natalie Dahl, RPR
Court Reporter

CERTIFIED ORIGINAL FOR SOUTH CAROLINA INDIGENT DEFENSE
ONLY!!

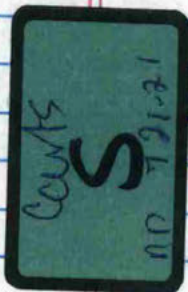


Your Honor,

We are unable to come
to a conclusion at
this time.

~~Whitney~~

Can we have
speakers for the
computer?



~~Whitney~~

WITNESSES

Nicole M Shelton Myrtle Beach Police Department

Key *Ales*

The State of South Carolina

County of Horry

Cara J. Walker

18H03463

COURT OF GENERAL SESSIONS

July, 2019 TERM

ARREST WARRANT NUMBER

2018A2620601795

CDR: 0116 16-03-0010, 0020

DOA: 6/8/2018

THE STATE

vs.

Earl Rafel Gaddis Jr

W/M

Spring Lake, NC 28390

DOB: [REDACTED]

SSN: [REDACTED]

ACTION OF GRAND JURY

JUL 24 2019

TRUE BILL

Foreperson of Grand Jury

Date:

ATTORNEY: L. Morgan Martin

VERDICT

Indictment for

MURDER

Jimmy A. Richardson, II, Solicitor

Foreperson of Petit Jury

Date:

2019 JUL 29 PM 1:34
RENEE K. ELYS
CLERK OF COURT
HORRY COUNTY, SC
DATE RECEIVED FROM
GRAND JURY

ORIGINAL

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT

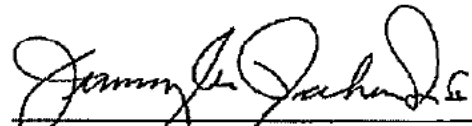
At a Court of General Sessions, convened on July 24, 2019, the Grand Jurors of Horry County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Earl Rafael Gaddis Jr did in Horry County near Ocean Boulevard and Wither's Alley, on or about June 7, 2018, willfully, feloniously, and intentionally kill the victim, Sylvester Bellamy, with malice aforethought, either express or implied, by means of multiple gunshot wounds, and the victim did die as a proximate result thereof on or about in Horry County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

436
STATE OF SOUTH CAROLINA
COUNTY OF HORRY

STATE

VS.

Earl Rafel Gaddis Jr

AKA:

Race: WHITE Sex: M Age: 21

DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Spring Lake, NC 28390

DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS2603346

A/W#: 2018A2620601795

Date of Offense: 6/7/2018

S.C. Code § : 16-03-0010, 0020

CDR Code #: 0116

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Murder (30 years - LIFE)

in violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. [REDACTED] (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

100254

Walker, Cara J.

SC Bar#

Defendant

GARDNER, JOHNNY
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center
for a determinate term of Life days/months/years/Time Served ☐ Youthful Offender Act not to exceed 30 years
and/or to pay a fine of \$ [REDACTED] provided that upon the service of [REDACTED] days/months/years/Time Served and or, payment
of \$ [REDACTED] ; plus costs and assessments as applicable*; the balance is suspended with probation for [REDACTED]
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: All sentences of 7-22-21

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
114 days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65
(Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

DCB
P. 10/12

STATE VS Earl Rafel Gaddis Jr INDICTMENT/CASE#: 2019GS2603346

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.☐ Other: _____☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5 %)

§14-1-211(A)(1) (Conv. Surcharge)

§14-1-211(A)(2) (DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114(BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL

Clerk of Court/ Deputy Clerk:

Court Reporter:

Presiding Judge:

Judge Code:

Sentence Date:

PEB
 P. 20/2

FILED
 Horry County
 2021 JUL 22 P 1:13
 REBECCAH ELVIS
 CLERK OF COURT
 Horry County, SC

WITNESSES

Nicole M Shelton Myrtle Beach Police Department

[Signature]

ARREST WARRANT NUMBER

2018A2620601796

CDR: 0549 16-23-0490

DOA: 6/8/2018

ACTION OF GRAND JURY

JUL 24 2019

TRUE BILL

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2019GS2603347

The State of South Carolina

County of Horry

Cara J. Walker

18H03463

COURT OF GENERAL SESSIONS

July, 2019 TERM

THE STATE

vs.

Earl Rafel Gaddis Jr
W/ M

Spring Lake, NC 28390

DOB:

SSN:

ATTORNEY: L. Morgan Martin

Indictment for

POSSESSION OF A WEAPON DURING THE
COMMISSION
OF A VIOLENT CRIME

Jimmy A. Richardson, II, Solicitor

RENEE N. ELYS
CLERK OF COURT
HORRY COUNTY, SC
2019 JUL 29 PM 1:34
DATE RECEIVED FROM
GRAND JURY

FILED

ORIGINAL

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT

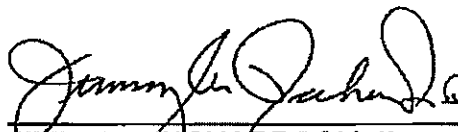
At a Court of General Sessions, convened on July 24, 2019, the Grand Jurors of Horry County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME

CDR: 0549 16-23-0490

That Earl Rafel Gaddis Jr did in Horry County, on or about June 7, 2018, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

440

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

STATE

VS.

Earl Rafel Gaddis Jr

AKA:

Race: WHITE Sex: M Age: 21DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Spring Lake, NC 28390DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS2603347A/W#: 2018A2620601796Date of Offense: 6/7/2018S.C. Code § : 16-23-0490CDR Code #: 0549

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death (5 years)in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

100254

Walker, Cara J.

SC Bar#

Defendant

Gardner, Johnny
Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections ☐ County Detention Centerfor a determinate term of _____ days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years/Time Served and or payment of \$ _____ ; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. _____ days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-20 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

Peb
p. 10/2

☐ PTUP after _____ months/years
And Other Terms Listed Below:

☐ Substance Abuse Counseling	☐ Completion of GED	☐ Random Drug/Alcohol testing
☐ Attend Voc. Rehab. or Job Corp	☐ No Contact with	☐ Domestic Violence Intervention Program
☐ Mental Health Counseling	☐ May serve W/E beginning :	

- ☐
- Sex Offender Registry pursuant to S.C. Code § 23-3-430
- ☐
- Public Service Employment 0 days/hours

- ☐
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

☒ Other: Not sentenced on this indictment pursuant to 16-23-490(A).

- ☐
- RESTITUTION:**
- ☐
- Deferred**
- ☐
- Def. Waives Hearing**
- ☐
- Ordered**

Total: \$ **plus 20% fee: \$**

Payment Term _____ ☐ Set by SCDPPPS

Recipient:

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ Beginning

§14-1-206 (Assessments 107.5 %)

§14-1-211(A)(1) (Conv. Surcharge)

§14-1-211(A)(2) (DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforce, Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114(BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

- ☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.
- ☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

FILED
Horry County
JUL 22 P 1:13
RENEE M. ELVIS
CLERK OF COURT
Horry County, SC

~~2019-05-26-3348~~

Clerk of Court/ Deputy Clerk:

Court Reporter:

Presiding Judge:

Judge Code:

Sentence Date:

DCB
P. 252

DOCKET #

W. 11515

Nicole M. Shelton Myrtle Beach F Department

Jany Aley

The State of South Carolina

County of Horry

Cara J. Walker

18H03463

COURT OF GENERAL SESSIONS

July, 2019 TERM

ARREST WARRANT NUMBER

2018A2620601797

CDR: 2364 16-23-0030, 0050(A)(1)

DOA: 6/8/2018

ACTION OF GRAND JURY

JUL 24 2019

TRUE BILL

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

THE STATE

VS.

Earl Rafel Gaddis Jr

W/ M

Spring Lake, NC 28390

DOB:

SSN:

ATTORNEY: L. Morgan Martin

Indictment for

POSSESSION OF A STOLEN PISTOL

Jimmy A. Richardson, II, Solicitor

DATE RECEIVED FROM
GRAND JURYRENEE M. ELYS
CLERK OF COURT
HORRY COUNTY, SC
2019 JUL 29 PM 1:34

FILED

ORIGINAL

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on July 24, 2019, the Grand Jurors of Horry County present upon their oath:

POSSESSION OF A STOLEN PISTOL

CDR: 2364 16-23-0030(C),0050(A)(1)

That Earl Rafel Gaddis Jr did in Horry County on or about June 7, 2018, knowingly buy, sell, transport, pawn, receive or possess a stolen pistol, or one from which the original serial number has been removed or obliterated, in violation of Section 16-23-0030(C), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 JIMMY A. RICHARDSON, II
 FIFTEENTH CIRCUIT SOLICITOR

444

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

STATE

VS.

Earl Rafael Gaddis Jr

AKA:

Race: WHITE Sex: M Age: 21DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Spring Lake, NC 28390DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS2603348A/W#: 2018A2620601797Date of Offense: 6/7/2018S.C. Code § : 16-23-0030, 0050(A)(1)CDR Code #: 2364

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Weapons / Possession of stolen pistol (0-5 years and/or \$0-\$2000)in violation of § 16-23-0030, 0050(A)(1) of the S.C. Code of Laws, bearing CDR Code # 2364
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

100254

Walker, Cara J.

SC Bar#

Defendant

Gardner, Johnny
Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
 for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed 5 years
 and/or to pay a fine of \$ provided that upon the service of days/months/years/Time Served and/or payment
 of \$; plus costs and assessments as applicable*; the balance is suspended with probation for
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: All sentences of 7.22-21
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDPS 114 days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

 DCB
 P. 1/12

STATE VS Earl Rafael Gaddis Jr INDICTMENT/CASE#: 2019GS2603348

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning : _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5 %)

§14-1-211(A)(1) (Conv. Surcharge)

§14-1-211(A)(2) (DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114(BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

FILE
HORRY COUNTY
2021 JUL 22 P 1:13
RENEE H. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

\$100	\$
\$100	\$
\$12	\$
\$25	\$
\$25	\$
\$150	\$
\$41	\$
\$50	\$
\$40/ea	\$
TBD	\$
\$500	\$
TBD	\$
TOTAL	\$

2019-05-26 2340
7/17

Clerk of Court/ Deputy Clerk:

Renee Elvis

Court Reporter:

Natalie Sahl

Presiding Judge:

Judge Code:

Sentence Date:

P. [Signature]
2160
7-22-21

DCB
P. 292

WITNESS

Shelton Myrtle Beach Police Department

of 0109

ARREST WARRANT NUMBER

2018A2620601798

CDR: 0186 44-53-0370(b)(2)

DOA: 6/8/2018

ACTION OF GRAND JURY

JUL 24 2019

TRUE BILL

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

2019GS260335

The State of South Carolina

County of Horry

Cara J. Walker

18H03463

COURT OF GENERAL SESSIONS

July, 2019 TERM

THE STATE

vs.

Earl Rafel Gaddis Jr

W/ M

Spring Lake, NC 28390

DOB:

SSN:

ATTORNEY: L. Morgan Martin

Indictment for

**POSSESSION OF MARIJUANA WITH INTENT TO
DISTRIBUTE**

Jimmy A. Richardson, II, Solicitor

2019 JUL 29 PM 1:34
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC
DATE RECEIVED FROM
GRAND JURY

FILED

ORIGINAL

STATE OF SOUTH CAROLINA,)
COUNTY OF HORRY)

INDICTMENT

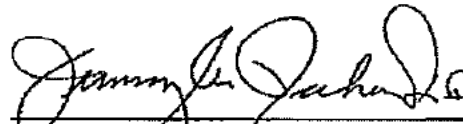
At a Court of General Sessions, convened on July 24, 2019, the Grand Jurors of Horry County present upon their oath:

POSSESSION OF MARIJUANA WITH INTENT TO DISTRIBUTE

CDR: 0186 44-53-0370(b)(2)

That Earl Rafel Gaddis Jr did in Horry County, on or about June 7, 2018, possess with intent to distribute, dispense or deliver, or did aid, abet, attempt or conspire to distribute, dispense or deliver, a quantity of Marijuana, a controlled substance under provisions of Section 44-53-110, et. seq., S. C. Code of Laws, 1976, as amended, such possession not having been authorized by law, and in violation of Section 44-53-0370(b)(2), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

448

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

STATE

VS.

Earl Rafel Gaddis Jr

AKA:

Race: WHITE Sex: M Age: 21DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Spring Lake, NC 28390DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS2603350A/W#: 2018A2620601798Date of Offense: 6/7/2018S.C. Code § : 44-53-0370(b)(2)CDR Code #: 0186

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Drugs / Possession with Intent to Distribute Marijuana(8-5 yrs 2 mo on \$0-\$5,000)in violation of § 44-53-0370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0186☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-1
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

100254

Walker, Cara J.

SC Bar#

Defendant

Gardner, Johnny
Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years/Time Served and or payment of \$ _____ ; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: All sentences 7-7-22-21☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied to _____ days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25- (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

DCB
P.172

STATE VS Earl Rafael Gaddis Jr INDICTMENT/CASE#: 2019GS2603350

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5 %)

§14-1-211(A)(1) (Conv. Surcharge)

§14-1-211(A)(2) (DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-285 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114(BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

FILED
Horry County
JUL 22 P 1:13
RENEE N. ELYS
CLERK OF COURT
HORRY COUNTY, SC

\$100	\$
\$100	\$
\$12	\$
\$25	\$
\$25	\$
\$150	\$
\$41	\$
\$50	\$
\$40/ea	\$
TBD	\$
\$500	\$
TBD	\$
TOTAL	\$

219-95-26-6140

Clerk of Court/ Deputy Clerk:

Renee Elvis

Court Reporter:

Natalie Dahl

Presiding Judge:

Judge Code:

Sentence Date:

P. Long
2/60
7-22-21

Pcb
p. 2-12

Nicole M Shelton Myrtle Beach Police Department

Kerry Allen

The State of South Carolina
County of Horry

Cara J. Walker

18H03463

COURT OF GENERAL SESSIONS

July, 2019 TERM

ARREST WARRANT NUMBER

2018A2620601799

CDR: 0044 16-23-0020, 0050(A)(2)

DOA: 6/8/2018

ACTION OF GRAND JURY

JUL 24 2019

TRUE BILL

Foreperson of Grand Jury
 Date:

VERDICT

Foreperson of Petit Jury
 Date:

THE STATE

vs.

Earl Rafael Gaddis Jr
 W/ M

Spring Lake, NC 28390

DOB:

SSN:

ATTORNEY: L. Morgan Martin

Indictment for

UNLAWFUL CARRYING OF PISTOL

Jimmy A. Richardson, II, Solicitor

RENEE N. ELYS
 CLERK OF COURT
 HORRY COUNTY, SC
 DATE RECEIVED FROM
 GRAND JURY

2019 JUL 29 PM 1:34

FILED

ORIGINAL

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)

INDICTMENT

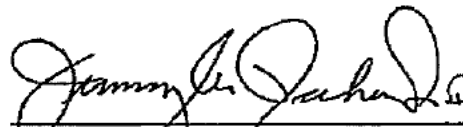
At a Court of General Sessions, convened on July 24, 2019, the Grand Jurors of Horry County present upon their oath:

UNLAWFUL CARRYING OF PISTOL

CDR: 0044 16-23-0020,0050(A)(2)

That Earl Rafel Gaddis Jr did in Horry County on or about June 7, 2018, carry about the person a pistol, such carrying not being authorized by law, in violation of Section 16-23-0020, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JIMMY A. RICHARDSON, II
 FIFTEENTH CIRCUIT SOLICITOR

452

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

STATE

VS.

Earl Rafel Gaddis Jr

AKA:

Race: WHITE Sex: M Age: 21DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Spring Lake, NC 28390DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS2603351A/W#: 2018A2620601799Date of Offense: 6/7/2018S.C. Code § : 16-23-0020, 0050(A)(2)CDR Code #: 0044

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Weapons / Unlawful carrying of pistol (0-1 year and/or \$0-\$1,000)In violation of § 16-23-0020, 0050(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0044
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
 ATTEST:

100254

Walker, Cara J.

SC Bar#

Defendant

Gardner, Johnny
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 1 days/months/years Time Served ☐ Youthful Offender Act not to exceed 1 years and/or to pay a fine of \$ provided that upon the service of days/months/years/Time Served and on payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: All sentences of 7-22-21☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOP. 114 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

DCB
P. 10/2
 2019 JUL 22 PM 11:13
 Horry County
 CLERK OF COURT
 FILED
 SCB65097
 SC Bar#

STATE VS Earl Rafel Gaddis Jr INDICTMENT/CASE#: 2019GS2603351

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5 %)

§14-1-211(A)(1) (Conv. Surcharge)

§14-1-211(A)(2) (DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114(BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

FILED
Horry County
2021 JUL 22 P 1:13
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

\$100

\$100

\$12

\$25

\$25

\$150

\$41

\$50

\$40/ea

TBD

\$500

TBD

TOTAL

Clerk of Court/ Deputy Clerk:

Court Reporter:

Presiding Judge:

Judge Code:

Sentence Date:

Renee Elvis
Natalie Dahl

P. [Signature]
2160
7-22-21

DCB
P. 2072

SES

Nicole M Shelton Myri Beach Police Department

Kerry Ales

ARREST WARRANT NUMBER

2018A2620601813

CDR: 0179 44-53-0370(d)(2)

DOA: 6/9/2018

ACTION OF GRAND JURY

JUL 24 2019

TRUE BILL

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO

The State of South Carolina

County of Horry

Cara J. Walker

18H03463

COURT OF GENERAL SESSIONS

July, 2019 TERM

THE STATE

VS.

Earl Rafael Gaddis Jr

W/ M

Spring Lake, NC 28390

DOB:

SSN:

ATTORNEY: L. Morgan Martin

Indictment for

POSSESSION OF SCHEDULE I - V DRUG

Jimmy A. Richardson, II, Solicitor

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC
DATE RECEIVED FROM
GRAND JURY

2019 JUL 29 PM 1:34

FILED

ORIGINAL

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT

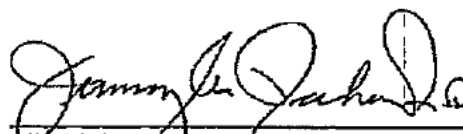
At a Court of General Sessions, convened on July 24, 2019, the Grand Jurors of Horry County present upon their oath:

POSSESSION OF SCHEDULE I - V DRUG

CDR: 0179 44-53-0370(d)(2)

That Earl Rafel Gaddis Jr did in Horry County on or about 7th day of June, 2018, knowingly and intentionally possess a quantity of sixteen pills identified as Oxycodone Hydrochloride, a Schedule II controlled substance under provisions of Section 44-53-0110, S.C. Code of Laws, 1976, as amended, such possession not having been authorized by law, in violation of Section 44-53-0370(d)(2), S.C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

456

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

STATE

VS.

Earl Rafael Gaddis Jr

AKA:

Race: WHITE Sex: M Age: 21DOB: [REDACTED] SS: [REDACTED]

Address:

City, State, Zip: Spring Lake, NC 28390DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS2603352A/W#: 2018A2620601813Date of Offense: 6/7/2018S.C. Code § : 44-53-0370(d)(2)CDR Code #: 0179

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Drugs / Possession of other controlled substance in Schedule I to V - 1st offense (6-6 months only on 90-110)in violation of § 44-53-0370(d)(2) of the S.C. Code of Laws, bearing CDR Code # 0179☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. [REDACTED] (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

100254

Walker, Cara J.

SC Bar#

Defendant

Gardner, Johnny
Attorney for DefendantWHEREFORE, the Defendant is committed to the ☒ State Department of Corrections County Detention Center,for a determinate term of 6 days/months/years/Time Served ☐ Youthful Offender Act not to exceed 1 yearand/or to pay a fine of \$ provided that upon the service of days/months/years/Time Served and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: All sentences of 7-22-21☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOP 104 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-21 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

DCB
p.172

STATE VS Earl Rafel Gaddis Jr INDICTMENT/CASE#: 2019GS2603352

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning : _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.☐ Other: _____☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine: _____

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5 %)

§14-1-211(A)(1) (Conv. Surcharge)

§14-1-211(A)(2) (DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114(BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL

Clerk of Court/ Deputy Clerk:

Court Reporter:

Presiding Judge:

Judge Code:

Sentence Date:

FILED
HORRY COUNTY
2021 JUL 22 P 1:13
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

\$100
\$100
\$12
\$25
\$25
\$150
\$41
\$50
\$40/ea
TBD
\$500
TBD
TOTAL

DCB
P. 2022

WITNESSES

Nicole A. Myrtle Beach Police Department

Ken Gre

ARREST WARRANT NUMBER

2018A2620601814

CDR: 0179 44-53-0370(d)(2)

DOA: 6/9/2018

ACTION OF GRAND JURY

JUL 24 2019

TRUE BILL

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOC

19GS260321

The State South Carolina

County of Horry

Cara J. Walker

18H03463

COURT OF GENERAL SESSIONS

July, 2019 TERM

THE STATE

vs.

Earl Rafael Gaddis Jr

W/ M

Spring Lake, NC 28390

DOB:

SSN:

ATTORNEY: L. Morgan Martin

Indictment for

POSSESSION OF SCHEDULE I - V DRUG

Jimmy A. Richardson, II, Solicitor

DATE RECEIVED FROM
GRAND JURY

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

2019 JUL 29 PM 1:34

FILED

ORIGINAL

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

INDICTMENT

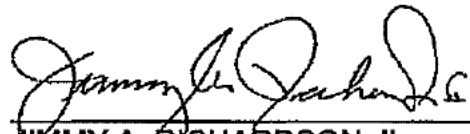
At a Court of General Sessions, convened on July 24, 2019, the Grand Jurors of Horry County present upon their oath:

POSSESSION OF SCHEDULE I - V DRUG

CDR: 0179 44-53-0370(d)(2)

That Earl Rafel Gaddis Jr did in Horry County on or about 7th day of June, 2018, knowingly and intentionally possess a quantity of twenty pills identified as Alprazolam, a Schedule IV controlled substance under provisions of Section 44-53-0110, S.C. Code of Laws, 1976, as amended, such possession not having been authorized by law, in violation of Section 44-53-0370(d)(2), S.C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

STATE

VS.

Earl Rafel Gaddis Jr

AKA:

Race: WHITE Sex: M Age: 21DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Spring Lake, NC 28390DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS2603353A/W#: 2018A2620601814Date of Offense: 6/7/2018S.C. Code § : 44-53-0370(d)(2)CDR Code #: 0179

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Drugs / Possession of other controlled substance in Schedule I to V - 1st offense (0-6 months and/or \$0-\$1000)in violation of § 44-53-0370(d)(2) of the S.C. Code of Laws, bearing CDR Code # 0179☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

100254

Walker, Cara J.

SC Bar#

Defendant

Gardner, Johnny
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections County Detention Center,
 for a determinate term of 6 days/0 months/0 years/Time Served ☐ Youthful Offender Act not to exceed 0 years
 and/or to pay a fine of \$ 0 provided that upon the service of 0 days/months/years/Time Served and 0
 of \$ 0; plus costs and assessments as applicable*; the balance is suspended with probation for 0
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: All sentences of 7.22.21☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDP
119 day/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

DCB
P. 1/17/22

STATE VS Earl Rafael Gaddis Jr INDICTMENT/CASE#: 2019GS2603353**SPECIAL CONDITIONS:**☐ PTUP after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning : _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ day
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

\$14-1-206 (Assessments 107.5 %)

\$14-1-211(A)(1) (Conv. Surcharge)

\$14-1-211(A)(2) (DUI Surcharge)

\$56-5-2995 (DUI Assessment)

\$56-1-286 (DUI Breath Test)

\$14-1-212 (Law Enforce. Funding)

\$14-1-213 (Drug Court Surcharge)

\$34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

\$50-21-114(BUI Breath Test Fee)

\$56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

FILED
HORRY COUNTY
2021 JUL 22 P 1:13
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

\$100	\$
\$100	\$
\$12	\$
\$25	\$
\$25	\$
\$150	\$
\$41	\$
\$50	\$
\$40/ea	\$
TBD	\$
\$500	\$
TBD	\$
TOTAL	\$

2019-08-26-2311
217

Clerk of Court/ Deputy Clerk:

Renee Elvis

Court Reporter:

Natalie Dahl

Presiding Judge:

Judge Code:

Sentence Date:

P. [Signature]
216
7.22.21

DCB
1.2012

CERTIFICATE OF COUNSEL FOR APPELLANT

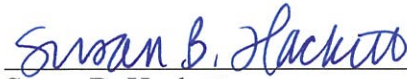
Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED

Mar 28 2022

SC Court of Appeals



Susan B. Hackett

Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 28th day of March, 2022.