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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
General Sessions Court

The Honorable Robert J. Bonds, Circuit Court Judge

Appellate Case No: 2023-00288

The State,.....Respondent

v.

Justin Brodie Granet.....Appellant

RECORD ON APPEAL
VOLUME II

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CROSS-EXAMINATION

BY MR. LEE:

Q. Good morning, Mr. Disbrow.

A. Good morning.

Q. You stated earlier that you no longer work for the Sheriff's Office?

A. Yes, sir.

Q. When did you leave?

A. I left -- honestly, the date I don't recall, but it was 2019. I believe it was towards the end of April.

Q. Okay, all right, but at the time that this arrest was made in this case you were the lead investigator, right?

A. Yes, sir.

Q. All right. And was that just because you happened to be on-call that night and got the call, or is that how you got the case?

A. Yes, sir.

Q. Okay, and as the lead investigator, you're kind of the one in charge, as far as reading everybody's reports, lab finding? That's what a lead investigator does, right?

A. Yes, sir.

Q. Okay. And you did all that --

1 A. Yes.

2 Q. -- from the time you were there?

3 A. From the time I was there, yes, sir.

4 Q. Okay. So any statements, any lab
5 results, any supplemental reports, witness
6 statements, etcetera, that would all end up
7 going through you, right?

8 A. Yes. During -- definitely during the
9 time I was there.

10 Q. Okay.

11 A. Of course, if anything came after that,
12 I would have no knowledge.

13 Q. Sure.

14 So you can only testify as to what happened
15 while you were there?

16 A. Right, yes, sir.

17 Q. Now, would you agree that a lot of
18 times cases are ongoing investigations?

19 It's just you don't just close the books
20 the dates of it happening, and then you're done
21 until court; is that correct?

22 A. That's correct.

23 Q. Okay. So an investigation is always a
24 fluid situation, things come up that demand any
25 further investigation, or looking into, or as

1 work, right?

2 A. Yes, sir, I agree with that.

3 Q. And it's important as an investigator,
4 particularly the lead investigator, to follow-up
5 on things that happened after the arrest even,
6 could be days, weeks, months down the road,
7 right?

8 A. Correct.

9 Q. Okay. Because new evidence comes to
10 light, people provide evidence to you, you find
11 other evidence, things happen later on, right?

12 A. Yes, sir.

13 Q. Okay. And it's important to know the
14 lead investigator, or any investigator to kind
15 of go with the flow, as they say, and be able to
16 incorporate all that into the big investigation
17 and the big picture, right?

18 A. I agree.

19 Q. Okay. Now, when you have a -- have you
20 worked other cases which involved someone being
21 injured at a residence?

22 A. Yes, sir.

23 Q. Okay. And have you had shootings at
24 residences before?

25 A. I have, yes, sir.

1 Q. Okay. Have you had fights at
2 residences before?

3 A. Yes, sir.

4 Q. And is it safe to say that many times
5 when you have an altercation or a fight at a
6 residence, that when you first get there it'd be
7 kind of a crazy state?

8 A. Definitely.

9 Q. Because sometimes people are injured
10 and need medical attention, for example, right?

11 A. Yes, sir.

12 Q. Okay. And sometimes it's kind of hard
13 to figure out exactly what happened, and who's
14 the defendant and who's the victim, right?

15 A. Sometimes, yes, sir.

16 Q. And you'd agree that in your experience
17 that sometimes one day a victim, next day a
18 defendant; you know what I'm saying, right?

19 A. Yes, exactly that.

20 Q. Okay. And you know based on your
21 experience, that you go to a scene and someone's
22 injured or even dead, it doesn't necessarily
23 mean that a crime was committed, right? Do you
24 agree with that?

25 A. Yes, very loosely. I mean --

1 Q. Okay.

2 A. -- typically, we get called out for
3 criminal matters, but --

4 Q. Okay, but I'm --

5 A. -- accidents --

6 Q. -- talking about ultimately, you know.

7 A. Ultimately, I keep an open mind.

8 Q. Sure, okay.

9 K And the reason that's important in a case
10 like this is, because even if people are injured
11 or shot or dead, it doesn't always mean that it
12 was -- a crime was committed in doing so; would
13 you agree with that?

14 It can be self-defense, it could be a
15 variety of things, right?

16 A. Yes, sir.

17 Q. Okay. So by looking at the scene and
18 looking at the blood and that sort of thing, you
19 can't tell right then in fairness what happened,
20 can you?

21 A. Not looking just based on --

22 Q. Right, right.

23 A. -- that.

24 Q. And you're aware of the stand-your-
25 ground, castle doctrine, self-defense, defense

1 of habitation law in South Carolina, right?

2 A. I'm aware of it. I'm not an expert in
3 the nuances of it. Yes, I'm aware of it.

4 Q. But probably from an investigation
5 standpoint you've dealt with that before, and in
6 court dealt with it before, correct?

7 A. Honestly, recalling my mind, I'm not
8 sure if I dealt with that specifically --

9 Q. Okay.

10 A. -- and I don't recall the court, but I
11 could fathom I might have dealt with one or two
12 cases that were up to that.

13 Q. Okay. And when you have a scene like
14 this, as you go to, is it important to
15 investigate how it all went down, right? I mean
16 who did what when?

17 A. Yes, sir.

18 Q. And sometimes, again, that is evident
19 by the physical evidence, all these things that
20 we talked about, sometimes you can't -- that's
21 not evident by the evidence, right?

22 A. Sometimes, you're right, it definitely
23 helps to piece it together.

24 Q. Sure. And also part of investigating
25 is when you talk to people, you've got to figure

1 out how much or how little of what they tell you
2 is true, right?

3 A. Yes.

4 Q. Yeah, okay.

5 A. Of course.

6 Q. And you would agree that if people who
7 potentially have evidence lie to you, or won't
8 tell you things, it just makes your job harder,
9 doesn't it?

10 A. Yes, sir.

11 Q. In an ideal world you'd love to have
12 everybody tell everything they know, or remember
13 everything and tell the truth, and put it out
14 there for you, right?

15 A. Of course.

16 Q. But in reality, that probably doesn't
17 happen much, does it?

18 A. It doesn't happen as often as I would
19 hope for.

20 Q. Yeah, as you'd like to, right?

21 A. Yes.

22 Q. And you would agree that as an
23 investigator -- well, let me back up, how long
24 have you been an investigator with law
25 enforcement prior to March 11th of 2019?

1 A. Probably close to six plus years.

2 Q. Okay.

3 A. Almost seven years probably.

4 Q. But during that time you also were an
5 investigator like in this case, right?

6 A. I'm sorry, before that?

7 Q. You had been an investigator prior to
8 this incident?

9 A. Yeah, consistently for about six,
10 almost seven years.

11 Q. Okay. And you would agree that a job
12 of an investigator is to not take one side, but
13 to fairly investigate any crime, right?

14 A. I agree.

15 Q. Because you've got to be fair to the
16 victim, fair to the State, fair to anybody who
17 ultimately gets charged.

18 I mean your job is to not -- is to just
19 look at everything and look at it in an unbiased
20 way, and try to figure it out, right?

21 A. Yes, sir.

22 Q. And, certainly, if you have a situation
23 where there are witnesses, people that were
24 there, it would be important and essential to
25 keep all the witnesses that were present at the

1 scene, right?

2 A. Yes, it would.

3 Q. And in this case, you-all did that?

4 A. Yes, sir.

5 Q. Everybody gave a statement?

6 A. Everybody gave a statement.

7 Q. Corey Eckles gave a statement, Lauren
8 Eckles gave a statement, Chris Bliss gave a
9 statement to law enforcement?

10 A. Correct.

11 Q. And actually, I think there are three
12 even just random talked with law enforcement,
13 right?

14 A. Correct, to law enforcement.

15 Q. And did you or do you know, we may have
16 already heard it, that he was cooperating and
17 talking to police right there as soon as he was
18 -- came out of the house, right?

19 A. I do recall something about it, yes,
20 sir.

21 Q. All right, and Officer Parnell I think
22 is the first one that had contact with him, as
23 far as speaking, right?

24 A. I mean to review the full report.

25 Q. Okay.

1 A. I will agree.

2 Q. Well, do you remember that Mr. Granet
3 was even talking to Parnell before he was even
4 mirandized?

5 A. I do recall in the report that he spoke
6 to Officer Parnell --

7 Q. All right.

8 A. -- but I don't recall the circumstances
9 behind --

10 Q. Okay.

11 A. -- it.

12 Q. And, obviously, anybody who was a
13 suspect and they're read Miranda rights, that
14 tells you they don't have to talk, right?

15 A. It does, correct?

16 Q. And so Mr. Granet was under no
17 obligation to speak with law enforcement,
18 correct?

19 A. I don't recall how it went; the
20 circumstance was with Sergeant Parnell.

21 Q. Okay. But you would agree that if
22 someone is reading Miranda rights, that's
23 telling them, you don't have to talk to us if
24 you don't want.

25 A. There's definitely rights afforded

1 there.

2 Q. Right, okay. And would you agree that
3 Mr. Granet throughout based on what you believe,
4 was cooperative with law enforcement throughout?

5 A. I will say that I didn't have any one-
6 on-one interaction with Mr. Granet --

7 Q. Okay.

8 A. -- but from the reports that I'm aware
9 of, he seemed to be cooperative.

10 Q. Okay. And, in fact, after he was
11 arrested a couple days later, as part of your
12 continuing investigation, you actually brought
13 another charge, a possession of a weapon against
14 him; did you not?

15 A. I did.

16 Q. Okay. And he actually voluntarily came
17 in and turned himself in, to be charged with
18 that crime, correct?

19 A. Yes, sir.

20 Q. Now, again, is it a good option to talk
21 to the people, the investigators that are there,
22 that saw, smelled, heard everything, but
23 sometimes there's outside witnesses, or people
24 that weren't there that may be important to a
25 case; would you agree with that?

1 A. I agree.

2 Q. Okay. Sometimes you have to dig a
3 little bit, sometimes they come to you, but
4 sometimes you have to look for them, or get
5 information that leads you to other people,
6 other evidence, that sort of thing, right?

7 A. Yes, sir.

8 Q. Okay. And in this case, do you
9 remember that the -- did you get to talk to a
10 lot of people about the affair between Sally
11 Granet and Corey Eckles.

12 A. I talked to several people.
13 Collectively, we did speak to other individuals,
14 right.

15 Q. And collectively, would you agree that
16 the investigation revealed multiple people, who
17 had claimed to know that there was an affair;
18 would you agree with that?

19 A. Yes. From my recollection, there was
20 at least a couple people outside of those four
21 that had knowledge.

22 Q. Okay, and said that there was an affair
23 between Corey Eckles and Sally Granet?

24 A. Yes, I believe that's correct.

25 Q. Okay. And one thing that came up

1 during the investigation as well, is that Mr.
2 Eckles claimed that he was just trying to help
3 out his friend, and that Sally had had a
4 encounter with a guy named Zane Croft; does that
5 ring a bell with you?

6 A. Yes, sir.

7 Q. *.

8 A. Yes, sir.

9 Q. And Zane Croft was the roommate of
10 Corey, correct?

11 A. Yes.

12 Q. All right, and the information or the
13 story goes is, that Sally Granet went up to
14 Tennessee to see the Eckles, and that she had
15 sex with Zane Croft at Corey Eckles' house; is
16 that right?

17 A. Yes, from the Eckles that's what we
18 were told.

19 Q. I'm sorry?

20 A. From the Eckles' statements that what
21 they said.

22 Q. Right, okay. What, if anything, did
23 you do as lead investigator, or anybody else do,
24 to see if that was true?

25 A. I mean I don't recall ever speaking to

1 Zane, and, frankly, I don't recall getting a
2 phone number. I don't recall asking for the
3 phone number. It could have been provided to
4 me, or someone might have showed it to me maybe,
5 but I can say clearly I did not speak with Zane.

6 Q. Okay. Do you know, as lead
7 investigator, do you know if any of the other
8 officers who were reporting to you ever reached
9 out to Zane Croft to speak with him?

10 A. I don't know if that's the case.

11 Q. But you can't testify today that the
12 investigation talked to Zane Croft?

13 A. I don't think I did --

14 Q. Okay.

15 A. -- that's through the review of the
16 report, I don't recall anyone mentioning
17 speaking with Zane Croft.

18 Q. And is it safe to say that you got
19 contact information for Corey and Lauren Eckles,
20 as far as where they lived, how to get in touch
21 with them?

22 A. I'm sure it's in the report, yes, sir.

23 Q. Okay. And Corey said that Zane was a
24 roommate and was living with him, so you at
25 least knew at that point where Zane lived,

1 right, if he was telling the truth?

2 A. If -- yes, I don't recall if Zane was
3 currently living there, while during the
4 investigation. I don't know if he had
5 previously moved. I recall him saying he was
6 currently moving -- or was moving.

7 Q. Did anybody ask Corey Eckles for Zane
8 Croft's phone number?

9 A. That I'm not sure of.

10 Q. Did he volunteer to give it to you, as
11 part of the investigation, since that was an
12 essential part of his story?

13 A. I don't recall whether he voluntarily
14 gave it or not.

15 Q. In the almost four years since this
16 happened, do you know if Zane Croft has ever
17 been notified by the Beaufort County Sheriff's
18 Office, or anybody else?

19 A. I don't know about anybody else.

20 Q. Okay. You admit that that could be
21 pertinent or important information in what Zane
22 Croft has to say?

23 A. I believe -- I'll agree with that,
24 yeah. If he can confirm if there's an affair,
25 that would give weight to some of it.

1 Q. Okay.

2 A. Sure.

3 Q. And it's my understanding that you now
4 work as a house inspector, right?

5 A. Yeah, a home inspector.

6 Q. So you kind of go back checking after
7 people, and see what people have done, right?

8 A. I mean that's very broad to say, but
9 yeah.

10 Q. Just kind of what I'm going now, right,
11 sir?

12 A. Yes, sir.

13 Q. Okay, so you understand, all right.
14 Now, there was something that came up, were you
15 in court this week?

16 A. Yes, sir, I was.

17 Q. All right, there was something that
18 came up yesterday during Lauren Eckles'
19 testimony about Corey Eckles, where she says
20 that she had just remembered that on the way
21 down to Beaufort that they had spoken with Chris
22 Bliss; did you hear that?

23 A. I did, yes, sir.

24 Q. Was that the first time you ever heard
25 that?

1 A. I believe it was, yes, sir.

2 Q. Okay. So you're not aware of any of
3 that information ever being provided to the
4 Beaufort County Sheriff's Office, or you, or
5 anybody else prior to yesterday?

6 A. That's correct. I don't recall them
7 mentioning that.

8 Q. Okay.

9 A. No.

10 Q. Now, considering that Chris Bliss was
11 one of the four people that was in the house,
12 would you consider, and then the two other ones,
13 the other two, would you consider that an
14 important piece of information, or at least
15 something that you would like to know or
16 investigate?

17 A. I mean it would definitely help to show
18 that he was pretending to be there.

19 Q. Yeah, or it could show a lot of things
20 that, you know, that he knew they were coming
21 down here, for example.

22 The other thing that came out yesterday was
23 a statement that Chris Bliss shared with them,
24 that he had allegedly been groped by Sally on a
25 boat, or on a sandbar. Was that the first time

1 you ever heard that?

2 A. Yes, sir.

3 Q. Okay. Would that piece of information,
4 if it was given to you, be a part of your
5 investigation?

6 A. Yes, I would agree with that.

7 Q. Okay, because those two things really
8 may get to the heart of exactly what went down,
9 and what the relationship was between the
10 parties involved, right?

11 A. It'd give more information than
12 anything, and it's all of these individuals for
13 sure.

14 Q. Right. So it would have been nice to
15 know that, wouldn't it have?

16 A. Well --

17 Q. More information --

18 A. I would have included that in the
19 report.

20 Q. Sure. And that's the kind of stuff,
21 Mr. Disbrow, that if looked at some more, that's
22 the kind of stuff that you really need that to
23 feel like you have a complete picture; would you
24 agree with that?

25 A. Yes.

1 Q. I mean the more information you get the
2 better, right?

3 A. I agree, the more information the
4 better.

5 Q. Okay, and when witnesses lie to you or
6 leave stuff out, it makes your job harder,
7 doesn't it?

8 A. Of course.

9 Q. Right.

10 A. Right.

11 Q. Now, at any point in the investigation
12 -- Chris Bliss provided you his phone number,
13 right, or provided law enforcement his phone
14 number, right?

15 A. I'd have to read the report. I would
16 assume that it was provided or at least
17 obtained.

18 Q. Okay. And that would be standard
19 procedure to obtain --

20 A. Standard procedure.

21 Q. -- a defendants or other witnesses
22 phone number, right?

23 A. Correct.

24 Q. In case you need to follow-up with them
25 later on?

1 A. Yes, sir.

2 Q. Okay, so can we assume that somewhere
3 in the file is Chris Bliss' phone number?

4 A. Yes, sir, we can assume that.

5 Q. Can we assume that Corey Eckles' phone
6 number is somewhere in the file?

7 A. Lauren Eckles?

8 Q. Yes, sir.

9 A. Justin Granet?

10 Q. Yes, sir. Now, do you know if there
11 was ever any type of search warrant for the
12 phone records of Chris Bliss?

13 A. No, I don't think there was.

14 Q. And you don't have any today then to
15 provide?

16 A. No, sir.

17 Q. Okay. Do you know if there was ever a
18 search warrant -- and you can get phone records
19 by sending a search warrant to Verizon, or
20 whoever the provider is, right?

21 A. Yes, typically, it's asking for it.
22 Well, of course, you obtain the search warrant
23 for it, before then, otherwise it makes it
24 harder in the process.

25 Q. Well, you obtained search warrants for

1 other things in this case, didn't you?

2 A. Yes -- I mean yes.

3 Q. And to get a search warrant you just
4 have to show -- it's a one-sided process, you go
5 talk to a Magistrate, and if they decide there's
6 probable cause, which is, you know, more likely
7 than not, they'll sign a search warrant, right?

8 A. Yes, sir.

9 Q. Okay. Have you had trouble getting
10 search warrants before in Beaufort County?

11 A. Typically, no, but --

12 Q. Have you ever been denied a search
13 warrant for a phone record of a defendant, or a
14 victim, or a witness?

15 A. I'm searching my brain now. I don't
16 recall getting denied for specific records of
17 that sort.

18 Q. But if you don't ask, you wouldn't
19 know?

20 A. Of course, yeah, I know, I --

21 Q. Did you ever obtain a search warrant,
22 or obtained records from Corey Eckles' phone,
23 and the calls and text and stuff that were made
24 for him?

25 A. I do not.

1 Q. Okay. Lauren Eckles?

2 A. No. No, sir.

3 Q. Okay. Justin Granet?

4 A. No, sir.

5 Q. Okay, now, if you had a search warrant
6 and got the phone records for Corey Eckles,
7 Chris Bliss, Lauren Eckles, you would have been
8 able to see that there was a phone call, if
9 there was one, sometime in the late afternoon of
10 March 11th, 2019, correct?

11 A. Yes, sir.

12 Q. Okay. And that would -- and if there
13 was a conversation between Chris Bliss and Corey
14 or Lauren on the way down, would that be
15 something, if you found out about it, would you
16 ask them about it?

17 A. Yeah, I would ask them if I knew about
18 it.

19 Q. Okay, yeah.

20 A. Right.

21 Q. Because, again, there's usually more
22 evidence, which would help you in doing a full
23 and fair investigation, right?

24 A. Yeah, it would provide additional
25 information, yeah.

1 Q. Yeah.

2 A. It would.

3 Q. Now, the two guns that were introduced
4 earlier, the Smith & Wesson 380 and the .45, did
5 you collected those as evidence?

6 A. Yes, sir.

7 Q. Okay. And did each one have a serial
8 number on it?

9 A. Yes, they did.

10 Q. And does each gun that's manufactured
11 have a unique identifier or serial number?

12 A. It should, yes.

13 Q. All right, did these two?

14 A. They've got fancier numbers.

15 Q. And there's a database and stuff for
16 law enforcement to determine the status, for
17 lack of a better word, of the firearm?

18 A. I'm not aware of a database.

19 Q. So you're saying that you can get the
20 serial number of the gun, and figure out whose
21 it is, or where you bought it?

22 A. No. So I contacted the ATF in the
23 past, and they specifically said no database
24 like that exists. You need to go back to the
25 seller, whoever that may be, and they should

1 hold the records for a period of time.

2 Q. Okay. Did you run -- is there any way
3 to run the numbers say to see if it's stolen?

4 A. Yes, we do that.

5 Q. Because if it is stolen, that is
6 important?

7 A. Yes, sir.

8 Q. Okay. Did you do that?

9 A. I don't recall if we did or not.

10 Q. Okay.

11 A. Which, again, would be standard
12 procedure, but I don't have any notes in my
13 report meaning that specifically.

14 Q. Okay. And the -- were you the one that
15 collected the items that ultimately were sent to
16 the DNA lab?

17 A. I collected a majority of the items
18 that made their way there. A mouth swab or two
19 from other individuals that I did not collect.

20 Q. Okay. All right, and speaking of mouth
21 swabs, Justin Granet gave a DNA mouth swab,
22 right?

23 A. I believe so, and in the report I did
24 not collect that.

25 Q. Okay, but you're aware that there was

1 one out there. The DNA was compared to several
2 items that were collected, right?

3 A. Then I would agree with this.

4 Q. Okay. And anyone -- you can't force --
5 you can't tie somebody up, and force somebody to
6 give you a buccal swab, mouth swab, can you?

7 A. Not typically.

8 Q. Okay.

9 A. No. Unless a Judge orders it.

10 Q. Okay. But you can't physically make
11 them do it without --

12 A. Yes, sir.

13 Q. Unless, of course, he agrees, right?

14 A. Correct.

15 Q. Just like you can't force anybody to
16 talk to you?

17 A. Correct.

18 Q. They have a right.

19 A. Okay.

20 Q. So eventually you end up having DNA
21 swabs samples from Corey Eckles, Lauren Eckles
22 Chris Bliss and Justin Granet, right?

23 A. It sounds right, correct.

24 Q. And I think we called it a DNA report a
25 minute ago, but I think Officer Parnell actually

1 provided one too for elimination purposes; are
2 you aware of that?

3 A. I'm not aware of that, no.

4 Q. Have you reviewed the DNA forensic
5 examination report?

6 A. I don't think I have in this case.

7 Q. Okay.

8 A. I don't recall viewing it.

9 Q. Who decided what items would be sent to
10 the DNA lab for analysis?

11 A. The lead investigator would.

12 Q. Okay.

13 A. And then --

14 Q. Would Investigator Snider have taken
15 over as lead investigator?

16 A. Honestly, I don't know who would have
17 taken over the case. I do recall seeing my name
18 on the submittal form for DNA.

19 Q. Uh-huh.

20 A. And every item I submitted was sent in,
21 and some may go back to the DNA lab at the
22 Sheriff's Office. How they choose what to be
23 tested, that I can't testify to.

24 Q. Okay. So if I asked you which items
25 were tested or not tested, you'd say I don't

1 know, you'd have to look at the DNA report?

2 A. I would have to review the report, and
3 see --

4 Q. Okay.

5 A. -- if it came out during my time at the
6 Sheriff's Office and see if there's any reading
7 of importance.

8 Q. And you-all, fortunately, now have a
9 DNA lab right at the Sheriff's Office, right?

10 A. Yes, sir.

11 Q. I know SLED takes forever, is that
12 right?

13 A. Yes, sir.

14 Q. All right. One of the items that's
15 mentioned in your report is, it was on page 30,
16 is that a camouflage backpack, and I think the
17 camouflage backpack was actually where the
18 shells and stuff, and cartridges and magazines
19 were found. Does that ring a bell with you? It
20 starts on page 30 of your report.

21 A. I don't have page 30 up here.

22 Q. Is it on one of the fabric chairs.

23 A. So that'd be on the living room area.

24 Q. Okay. Do you remember seeing that
25 camouflage backpack?

1 A. Of course, yes.

2 Q. Okay.

3 A. There was one.

4 Q. Was it seized as evidence?

5 A. I don't know.

6 Q. It's not in anything that's been
7 introduced today, right?

8 A. No, I don't see it in evidence.

9 Q. Okay.

10 And so it says on one chair was a
11 camouflage backpack. Near the backpack was a
12 small black zipped up bag.

13 Do you remember the small black zipped up
14 bag?

15 A. I don't recall in my mind, but if it's
16 in the report, I know I did it at the time for
17 sure.

18 Q. Okay. Because it appears that the
19 small black zip-up bag was what had the .40
20 cartridges, the magazine, another zip-up bag
21 which contained both cartridges.

22 Where's that black zip-up bag; do you know?

23 A. I do not know.

24 Q. Okay. Do you know if it was even taken
25 as evidence?

1 A. It doesn't appear that I logged it in
2 as evidence.

3 Q. Okay. Do you have any information
4 today that anybody else logged in that bag?

5 A. I don't have any information that's --

6 Q. Sure, okay.

7 A. -- associated with this case. I don't
8 see it.

9 Q. Do you remember what type of material
10 or fabric or vinyl that that black was?

11 A. No, sir.

12 Q. That's fine, okay. And if it wasn't
13 collected for evidence, obviously, it couldn't
14 have been submitted to the DNA lab, correct?

15 A. That is correct.

16 Q. Okay. And do you think that it may be
17 important to know whose DNA that might have been
18 on either that camouflage bag, or the bag where
19 the bullets and cartridges and magazines were
20 at?

21 A. I agree.

22 Q. Okay. Timing-wise, are you aware that
23 on the night that this happened that Justin
24 Granet gave the first statement to law
25 enforcement, Detective Fraser and Detective

1 Snider; do you realize that?

2 A. Yes, sir.

3 Q. Okay. And then immediately followed up
4 in the same place was the statement by Chris
5 Bliss.

6 A. Yes, sir.

7 Q. At what point in time was it
8 determined, and by whom was it determined, that
9 Justin Granet was gonna be placed under arrest?

10 A. It was either that night, or maybe
11 shortly thereafter, in the next rollover, the
12 morning.

13 Q. When Just Granet finished giving his
14 statement at the Northern Division's Office, was
15 he under arrest at that point?

16 A. You know, I don't think he was.

17 Q. All right. Well, did he leave?

18 A. No, he was detained at that point for
19 sure.

20 Q. Detained? Well, the Northern Division
21 is right across the street from the jail.

22 Where did he go after he left the Northern
23 Division's interview office?

24 A. I don't recall. I was not part of that
25 interaction with Mr. Granet.

1 Q. Was he ever allowed to go home, or go
2 anywhere else between his interview and going to
3 jail?

4 A. I don't think so.

5 Q. All right. Were the other statements
6 that the other people there gave used as a basis
7 for the arrest decision of Justin Granet?

8 A. Can you clarify the other people, and
9 so I know what I'm saying?

10 Q. Corey Eckles.

11 A. Yes, Corey Eckles.

12 Q. I guess you talked to Lauren Eckles?

13 A. Yes, sir.

14 Q. Justin Granet and Chriss Bliss?

15 A. Yes, that night.

16 Q. Were the other two statements Lauren
17 and Chris used as a basis to arrest Justin
18 Granet?

19 A. I think it was the collaboration of all
20 the testimony.

21 Q. And --

22 A. Yes, sir.

23 Q. Was there any follow-up -- when Mr.
24 Granet had spoken and voluntarily signed two
25 Miranda forms, giving DNA, was there any intent

1 by any one of the law enforcement people to talk
2 to him again?

3 A. I don't think -- I know I never reached
4 out to him. I don't recall of any other
5 officers --

6 Q. Okay.

7 A. -- subsequently speaking to them after
8 that.

9 Q. And he had already turned himself in
10 for the second time, when he got charged with
11 the gun charge, right?

12 A. Yes, sir.

13 Q. Okay. Because he went to jail, then he
14 got out, and then it was a new charge and turned
15 himself in. Obviously, when he turned himself
16 in, you have to report to the Law Enforcement
17 Center that a police officer's there, that sort
18 of thing; are you aware of that?

19 A. Yes, sir.

20 Q. Okay. And at that point did anybody
21 follow-up with him, or say anything else, and
22 talked about, or "We got this information, and
23 it might be important, we want to talk to you
24 about the case?"

25 A. No, I do not recall neither officer

1 speaking to him thereafter.

2 Q. But, again, sometimes other evidence
3 comes to light that they require some type of
4 follow-up investigation, would you agree with
5 that?

6 A. Yes.

7 Q. Okay. And what came to light after
8 Justin spoke, that nobody heard, or that hadn't
9 been done yet, was an interview with the co-
10 defendant, which probably four times suggested
11 he was acting in self-defense, right?

12 A. I wasn't -- I was not part of the
13 interview with Mr. Bliss.

14 Q. Have you reviewed it?

15 A. I have, but it's been quite some time.

16 Q. Okay. Do you remember --

17 MR. LEE: I beg the Court's indulgence.

18 THE COURT: Uh-huh.

19 BY MR. LEE:

20 Q. Do you remember Mr. Bliss said, "Corey
21 went fucking nuts," in his report?

22 A. If I can see a portion of the report, I
23 can confirm that I've read that. I don't recall
24 the exact wording.

25 Q. All right.

1 A. This is stretching my mind, but I do
2 remember. Prior to this trial today I did
3 review the entire report, but I didn't focus on
4 all that --

5 Q. So --

6 A. -- at the time.

7 Q. And do you remember Corey saying at
8 least three times -- I mean Chris Bliss saying
9 at least three times, "Justin was acting in
10 self-defense?"

11 A. I don't recall that.

12 Q. Okay. Is that important -- is that
13 issue important in this case, it's just self-
14 defense, who started it?

15 A. I think self-defense is important in
16 any case.

17 Q. Yeah.

18 A. Yeah.

19 Q. Okay.

20 MR. LEE: I apologize, Your Honor.

21 BY MR. LEE:

22 Q. Did you review this at any point?

23 A. For this trial.

24 Q. Okay. And have you reviewed the video
25 of Chris Bliss?

1 A. I do not remember that video.

2 MS. KIDD: Your Honor, I'm going to object
3 to this.

4 THE COURT: All right, counsel approach.
5 (Bench conference).

6 THE COURT: Ladies and gentlemen, there's a
7 matter of law I'm gonna take up outside of your
8 presence, so I'd ask that you go back to the
9 jury room, and please don't talk about the case.
10 Thank you.

11 (Jury exits the courtroom.)

12 BAILIFF: The jury's cleared, Your Honor.

13 THE COURT: All right, thank you. So I'm
14 gonna have to be honest, there was a moment in
15 time that it took Mr. Lee to go find what he
16 needed. And in that moment in time I think that
17 my mind doesn't fully recall the question, and
18 so let's go back.

19 What was your -- what's your question to
20 this witness, Mr. Lee, or what were you --

21 MR. LEE: Well --

22 THE COURT: You were asking him whether he
23 was aware that Mr. Bliss made a statement that
24 this was self-defense.

25 MR. LEE: Yes, sir.

1 THE COURT: And he said he didn't know, or
2 he couldn't remember, and you were trying to get
3 the statement or the report?

4 MR. LEE: Yeah, when he said that he
5 couldn't review a report, to see whether or not
6 the -- considered -- had that part of this
7 investigation.

8 Judge, I'm not attempting to use it for
9 substantive evidence, I'm attempting to use it
10 to call into question the investigation and the
11 arrest decision, and whether or not everything
12 that could have and should have been analyzed by
13 the lab.

14 As the lead investigator who said he's
15 responsible for all this stuff, he reads all
16 this stuff, and then he continues his
17 investigation, it's an ongoing thing that is
18 important to consider all information.

19 It's considered -- it's important to
20 consider things that happened later on. He said
21 he did not follow-up post Chris Bliss statement
22 with Justin, even though they had contact with
23 him, and so that's where I'm going with that.

24 MS. KIDD: I think it's important to
25 remember that this witness was not in the

1 interview room.

2 All he did was bring new evidence, so it
3 would not be appropriate what he remembers
4 happening during that interview. It appears to
5 me what the defense is trying to do is to enter
6 in the co-defendant's statement through this
7 witness.

8 Those statements made by the co-defendant
9 are hearsay. If we were trying these defendants
10 together, they would be statements by the party
11 opponent, but this is not part of the case.
12 Those statements are not exception to hearsay.
13 They were not made at the time of the incident.
14 These are statements made after-the-fact to law
15 enforcement for which this witness was not even
16 present.

17 MR. LEE: The other thing is, there was the
18 decision to sever this trial and to not even
19 list him as a witness. And the investigation
20 needs that information to get -- for him to have
21 due process, to be able to discuss, again --

22 THE COURT: Well, the burden's not on them
23 to list somebody as a witness.

24 MR. LEE: I understand that.

25 THE COURT: Anybody can list anybody as a

1 witness, you can.

2 MR. LEE: I didn't.

3 THE COURT: All right.

4 MR. LEE: But, again, I think that it goes
5 to the rest of the investigation, which clearly
6 he's admitted, to his credit, there were some
7 things that weren't done.

8 THE COURT: Well, didn't he say he didn't
9 review Chris Bliss' statement?

10 MR. LEE: Yes, sir.

11 THE COURT: Good enough, I'm going to
12 sustain the objection. I mean I'm not gonna --
13 I mean all -- you can -- you're not offering it
14 for the substance --

15 MR. LEE: Yeah.

16 THE COURT: -- well, then tell them, "Hey,
17 Bliss made a statement, and you didn't review
18 it."

19 MR. LEE: Right.

20 THE COURT: "Why didn't you review it? You
21 know, that was shotty police work."

22 MR. LEE: He said he reviewed it.

23 THE COURT: Whatever, I'm not saying it
24 was. I'm just saying however you want to do
25 that, you can do that. Because, otherwise, it

1 seems to me like you're really wanting to get
2 that statement in, that's what you really want.
3 Because you could question about shoddy police
4 work without ever mentioning that, right?

5 MR. LEE: Yeah, but it goes to the heart of
6 the -- the crux of the matter. I believe what
7 he said -- I believe he said he read the report
8 in summary of the actual statement, but he
9 didn't view the video tape; is that right?

10 BY WITNESS:

11 A. I did review the report shortly before
12 trial. I say shortly before, you know, in the
13 weeks upcoming.

14 I did recall reading the interview with Mr.
15 Bliss. I did not watch the interview video.
16 That -- the interview is on Officer Snider. The
17 finer details of what's in there. I would need
18 to review the report to see that.

19 MR. LEE: And essentially what he said at
20 the -- on the recorded statement.

21 THE COURT: All right.

22 MR. LEE: And he said he's the lead
23 investigator but did not actually review the
24 video.

25 THE COURT: Solicitor?

1 MS. KIDD: I mean he's saying those are
2 what he reviewed, but it's clearly for
3 substantive reasons, because he's even said
4 himself that this is an issue that goes to the
5 heart of the issue.

6 I don't think it's appropriate, it's
7 hearsay. I think it is appropriate to ask if it
8 was considered in making the charge, but not
9 appropriate to get into details.

10 THE COURT: I'm going to sustain the
11 objection. We'll take a break.

12 (Recess)

13 PROCEEDINGS CONTINUED

14 ***

15 THE COURT: All right. All right, I'm
16 going to sustain the Solicitor's objection on
17 the grounds that she gave. I think your record
18 is sufficiently protected, Mr. Lee, and I
19 certainly understand your argument, but I
20 respectfully disagree, sir.

21 MR. LEE: Yes, sir.

22 THE COURT: So I'm gonna sustain -- when
23 the jury comes back in, I'm gonna tell them I
24 sustained the objection.

25 Anything else, Solicitor?

1 MS. KIDD: Nothing further from the State.

2 MR. LEE: No, sir.

3 THE COURT: All right, let's get them in
4 here, please.

5 BAILIFF: Your Honor, the jury's entering
6 the courtroom.

7 THE COURT: Thank you.

8 (Jury enters the courtroom.)

9 BAILIFF: The jury's seated, sir.

10 THE COURT: All right, I'm going to sustain
11 the State's objection, and instruct the jury to
12 disregard the last question, and so we're ready
13 to proceed.

14 MR. LEE: Thank you, Judge.

15 THE COURT: Yes, sir

16 BY MR. LEE:

17 Q. Just going back real quick to phones
18 and phone records in regards to the case, isn't
19 it true that one of the items that you found at
20 the scene that night on a plastic bin near the
21 table was a Samsung Galaxy S8 cell phone
22 property -- well, let me ask you, do you
23 remember finding a Samsung Galaxy SHR phone?

24 A. Yes.

25 Q. Okay. And it's even listed as property

1 1.3 and 5.03. Does that mean you took it into
2 evidence?

3 A. Yes, sir.

4 Q. Do you know where it is today?

5 A. I believe that was the phone that
6 belonged to Corey Eckles --

7 Q. Right.

8 A. -- and was returned to him.

9 Q. Okay. You returned it to him?

10 A. Yes, I believe that's the phone.

11 Q. Okay. And are you referring to your
12 report when you talked about remembering that?

13 A. Can I just review it real quick.

14 Q. What I wanted to ask you was, also
15 behind the phone case was a Tennessee
16 identification care of Corey Eckles.

17 A. Okay.

18 Q. I'm handing you your report.

19 A. Yeah.

20 Q. And on the bottom of page 29, the top
21 of 30, does that help refresh your recollection,
22 as to whether or not a phone was seized into
23 evidence?

24 A. Yes, it was.

25 Q. Okay. And also on the back of that

1 phone was a Tennessee identification card with
2 the name Corey Eckles' name on it?

3 A. Correct.

4 Q. Okay. And that was taken into
5 evidence?

6 A. Yes, sir.

7 Q. Okay. What was important with that
8 phone?

9 A. I know there was several -- I believe
10 there were text messages and messages. These
11 are communications. We did take full
12 photographs of those.

13 Q. Okay.

14 A. We did return those items to Mr. Eckles
15 before his departure at Beaufort.

16 Q. But you didn't do what we call a phone
17 dump, where you get the information on the
18 phone, did you?

19 A. I did not.

20 Q. Okay. And based on your experience,
21 have you ever been involved in a case where
22 you've done a phone dump on someone's telephone?

23 A. I have, yes, sir.

24 Q. Okay. And a phone dump is taking the
25 cell phone and getting all the information off

1 of it, right?

2 A. Correct.

3 Q. And you'd agree that whether a person
4 is a suspect, a witness, whatever, a lot of
5 times the information that you can get from a
6 phone dump is -- could be very helpful to a
7 case?

8 A. Depending on the case you've got.

9 Q. Could be?

10 A. Could be.

11 Q. Okay. But you don't know what you
12 don't know, right?

13 A. Yes.

14 Q. Okay.

15 A. We had made stabs at probable cause.

16 Q. Okay. Would there be any harm in at
17 least trying to get a search warrant to look
18 through his phone?

19 A. I don't know what information would
20 have been seen on that phone that would fulfill
21 that requirement, or the crime committed that it
22 could prove.

23 Q. Would it show whether or not he
24 actually talked on that phone on the way down
25 from Tennessee?

1 A. Probably, but once again, the crime
2 committed therein.

3 Q. But there was no attempt to get any
4 type of real phone logs from Verizon or a
5 provider, correct?

6 A. Correct.

7 Q. In fact, really the only phone
8 information that we have in this case is stuff
9 that was provided to you by -- or whoever, by
10 Lauren Eckles, right?

11 A. I believe she's the only one, correct.

12 Q. Okay, so you-all were relying on what
13 Lauren Eckles gave to you as evidence to
14 investigate, right?

15 A. When it comes to the phone, I believe
16 she's the only one who provided that, that's
17 correct.

18 Q. Okay. And you have no way of knowing
19 whether she provided all the information that
20 could have been important, do you?

21 A. Clarify that, please?

22 Q. She provided what she wanted to
23 provide, right?

24 A. Well, of course, yes.

25 Q. Okay. So is Lauren Eckles a part of

1 this investigation? Of course not, right?

2 A. Well, she's a witness for sure.

3 Q. But she's not -- as law enforcement, I
4 mean a part of the investigation?

5 A. I'd say, yes, sir.

6 Q. Okay, all right. So you don't know if
7 there was additional stuff Lauren Eckles chose
8 not to provide to you, to assist in this case,
9 do you?

10 A. I have no idea what else could be
11 there --

12 Q. Yeah.

13 A. -- correct.

14 Q. And would you agree that Lauren Eckles
15 certainly has a vested interest in this case,
16 in support of her husband?

17 A. I don't know how to answer that,
18 honestly. She had a vested interest -- she was
19 what we would consider a victim of this case.
20 And she -- I'm sure she has feelings for her
21 husband, sure, I can agree with that.

22 Q. So all of these items of evidence that
23 have been put in over the last couple days,
24 what, if anything, do those physical items of
25 evidence tell us about how this started?

1 A. I don't think we're really sure how it
2 started, right?

3 Q. But everybody would agree that
4 something did happen. I mean, we've got a guy
5 with a cut on his head, is bleeding. We had --
6 Justin Granet had some minor injuries; did he
7 not?

8 A. I read that he had an injury possibly
9 to his hand.

10 Q. Okay.

11 A. Left hand --

12 Q. All right, did you --

13 A. -- if I'm right.

14 Q. Did you read that he had got bitten on
15 his hand? Was there any evidence of pictures
16 showing he'd been bitten on his hand?

17 A. I do recall him mentioning being
18 bitten. I don't recall seeing an exhibit of it
19 though.

20 Q. Okay, so you don't think you-all took
21 any pictures of his hand with the impression it
22 appeared that --

23 A. My recollection from four years ago is,
24 I did not take any pictures of him, and I don't
25 believe the other officer did.

1 Q. Okay.

2 A. And I was not privy to all the
3 photographs prior to this trial today.

4 Q. Okay. Did you have a chance to look at
5 his hands?

6 A. Not physically.

7 Q. You did not?

8 A. And I don't recall seeing an image of
9 his hands.

10 Q. Okay. But there appeared to be no
11 images taken by law enforcement of his hands?

12 A. Once again, I did not take any photos.
13 I don't recall if anyone took a photo, that
14 would be somebody else's testimony, if they did.

15 Q. Okay. Well, they took plenty of
16 pictures of Corey Eckles, didn't they?

17 A. I took a few myself.

18 Q. And you-all took hundreds of pictures
19 of the scene, and everybody out there, pictures
20 of Lauren and pictures of Corey.

21 Corey wrapped -- his head wrapped up, when
22 he gave his statement, pictures of tables and
23 chairs, and everything, tape and rope and stuff,
24 really a several hundred pictures of the scene.

25 A. Probably, that's --

1 Q. All right.

2 A. -- our standard.

3 Q. Okay, and you're saying there's not one
4 picture that you know of that shows pictures of
5 Justin Granet's injuries to his hand?

6 A. I don't recall seeing any of his
7 injuries.

8 Q. Do you know that Justin Granet, that
9 same night, was taken to the hospital?

10 A. I do recall someone from law
11 enforcement possibly took him to the hospital.

12 Q. And are you aware that he was treated
13 at the hospital and then sent back to jail?

14 A. It sounds correct.

15 Q. Okay. And are you aware that he was
16 provided medication at the hospital for his
17 injuries?

18 A. I'm not aware of that.

19 Q. Okay. So you're also not aware that he
20 didn't get that medication while he was in jail?

21 A. I have no idea what happened at the
22 hospital and jail.

23 Q. And you're not aware that he had to go
24 back to the hospital, to re-treat an infection
25 in his hand?

1 A. I'm not aware of that, no.

2 Q. Okay. Would that be something that
3 might be helpful in looking at the totality of
4 everything?

5 A. Yeah, if I would have known that, I
6 would have included that information in the
7 report.

8 Q. Sure, okay. Are you aware of the DNA
9 results in this case?

10 A. Like I mentioned earlier, I don't
11 recall seeing a DNA report at the DNA Division.

12 Q. Right.

13 A. Which I recall now.

14 Q. Have you reviewed any DNA results in
15 preparation for coming to court today as the
16 lead investigator?

17 A. I have not.

18 Q. Okay. Based on what you recall and the
19 information that was provided to you, do you see
20 -- can you explain to me how Lauren Eckles' DNA
21 would be on the handles of both of those guns
22 that you talked about, and on the receiver of
23 one of the guns?

24 A. I am not a DNA expert --

25 Q. Right.

1 A. -- or considered one. I can only guess
2 about how they could have got there.

3 Q. Do you want to guess?

4 A. Yeah, through touch -- what we call
5 touch DNA.

6 Q. Okay.

7 A. Transferring DNA cells from one
8 location to another easily through touch.

9 Q. But touch DNA requires something to be
10 touched, right?

11 A. Yes.

12 Q. Because DNA doesn't just float around.

13 A. It can.

14 Q. Well --

15 A. Yeah, and --

16 Q. Well, If blood gets --

17 MS. KIDD: Your Honor, I'm going to object,
18 he just stated --

19 MR. LEE: Okay.

20 MS. KIDD: -- he's not an expert.

21 MR. LEE: I'll withdraw.

22 THE COURT: Mr. Lee, what do you say about
23 her objection?

24 MR. LEE: I'll withdraw the question.

25 THE COURT: All right. He said he was

1 guessing, I sustain the objection.

2 BY MR. LEE:

3 Q. So it's safe to say, again, let me
4 rephrase, that there are certain things that
5 weren't provided to you, now looking back would
6 have been helpful to you in the case; would that
7 be fair to say?

8 A. It's safe to say all information was
9 not provided that could have been provided that
10 would be helpful to me.

11 Q. In this case or any case?

12 A. In any case, all information makes a
13 case more complete.

14 Q. Okay, sure. Because that's the goal.
15 I mean nobody's perfect, but the ultimate goal
16 is to try to give both sides a fair shake and do
17 as complete an investigation as possible?

18 A. I agree.

19 Q. Fair to the State, fair to the defense?

20 A. Fair to everybody.

21 Q. And is it also fair to say that there
22 appears to be evidence relevant to the case,
23 that upon looking back was withheld from you for
24 whatever reason, by Corey Eckles and Lauren
25 Eckles?

1 A. What evidence are you referring to?

2 Q. Well, when you were in court today and
3 we talked about some phone call that Corey had
4 with Chris Bliss on the way down here, right?

5 A. Sure, but evidence of the incident, the
6 crime, I don't see how that's relevant to what
7 happened at the home.

8 Q. You don't think that them talking to
9 Chris Bliss on the way down here is relevant to
10 this case?

11 A. No, it may provide some information
12 about the totality of everything, but I don't
13 see how that changes the fact of what happened.

14 Q. Would it change the fact that they
15 testified that he wasn't supposed to be there,
16 they didn't know he was gonna be there, they
17 were surprised for him to be there?

18 A. No -- yes, it would give a little bit
19 of weight to that statement for sure.

20 Q. So that might -- you might be able to
21 investigate the veracity of a statement that,
22 hey, what's Chris doing here, if they had spoken
23 to him a few hours on the phone, right? A few
24 hours earlier.

25 A. Yeah.

1 Q. It wouldn't hurt, would it?

2 A. It wouldn't hurt to ask --

3 Q. Okay.

4 A. -- that question for sure --

5 Q. Okay.

6 A. -- and why they were surprised if
7 they'd just spoken to him.

8 Q. Right. And it wouldn't hurt to ask
9 them what did you-all talk about, right?

10 A. Sure, a simple question I would have
11 asked.

12 Q. But if they wait almost four years, and
13 the first time they tell that in court, you
14 being the investigator didn't have a chance to
15 investigate that or look into it and get phone
16 records and anything like that, right?

17 A. Yeah.

18 Q. All right.

19 A. Yes.

20 Q. Now that Samsung Galaxy SH cell phone,
21 was that the only phone contributed to Corey
22 that you're aware of?

23 A. Yeah, that I was aware of?

24 Q. Yeah.

25 A. Yes, sir.

1 Q. Did it appear to be a legitimate phone
2 that was, you know, used Verizon, and had a
3 service plan or contract or whatever with it?

4 A. I can't answer that question honestly.
5 I don't know.

6 Q. Okay.

7 A. I'm not trying to be difficult, I don't
8 know --

9 Q. I know. Did you hear Eckles testify
10 yesterday that he didn't know if it was that
11 phone, Lauren's phone, or his burner phone that
12 he spoke to Chris Bliss on?

13 A. Correct, I have heard that.

14 Q. You've heard the term burner phone
15 before?

16 A. Yes, sir.

17 Q. Okay. Did you conduct the search of
18 the Eckles' vehicle that was parked behind the
19 house, behind Justin's house?

20 A. I know we collectively did. I don't
21 know that myself or Investigator Snider we -- as
22 we as law enforcement, didn't search that
23 vehicle.

24 Q. Okay. If another phone or a burner
25 phone attached to Corey Eckles was found, would

1 that be something that likely would be taken as
2 evidence?

3 A. From the car?

4 Q. Yeah.

5 A. Most likely not.

6 Q. Likely not, okay. But if you knew that
7 that phone had possibly been used for a
8 conversation earlier, and you knew that phone
9 had been used for a conversation earlier with a
10 person who was at the scene, a witness, a person
11 who ends up being charged, that kind of puts
12 more significance to that burner phone that may
13 have been in the car; do you agree with that?

14 A. I agree that if that phone was used to
15 communicate with somebody we may want to look
16 into it to see if there's a log, or something in
17 there.

18 Q. Okay.

19 A. But once again, I don't know if there
20 was a phone located in that car.

21 Q. Okay, well --

22 A. Not sure.

23 Q. But do you know if the car was searched
24 early enough to where if a burner phone was in
25 there, would have been found?

1 Do you know the extent of the search, I
2 guess?

3 A. Like I said, I'm not sure if it was me
4 and Investigator Snider, but I'm sure we would
5 have searched that car for any -- what we'd
6 consider at that time pertinent evidence.

7 Q. Right.

8 A. If the phone was found because it's
9 such a large item, I'm sure we would have come
10 across it, unless it was located hidden
11 somewhere, because we're not taking panels off
12 the car.

13 Q. Right.

14 A. We're searching just open areas.

15 Q. Okay. Well, and one of the issues too
16 is when you -- don't you kind of err on the side
17 of caution, as far as what evidence you collect?
18 Because you don't know at the time always, if it
19 is pertinent or relevant, right?

20 A. Yes, we should err on the side of
21 caution, yeah, sure.

22 Q. I mean you don't want to, you know, rip
23 up, you know, the cabinets out of his house on a
24 case like this, but, certainly, the way people
25 use phones, aren't phones an important part of

1 evidence that are usually actively seized as
2 part of an investigation?

3 A. Depending on the investigation and the
4 way that would come, we would make a
5 determination. But we waived the fact that that
6 phone is very personal. It could have people's
7 livelihoods on it, and to take that away for who
8 knows how long, would be very detrimental to
9 that individual.

10 Q. Sure. But it does have important
11 information sometimes that has to be -- it's
12 important for the State or importance for the
13 defense, right?

14 A. I agree, yeah.

15 Q. And I know that you don't have any
16 control over the time, but that's certainly
17 something to think about.

18 Had you ever heard the term burner phone
19 before?

20 A. Yes, sir.

21 Q. Is there any reason -- do you have a
22 burn phone?

23 A. I do not.

24 Q. Okay. Have you ever?

25 A. No, I don't.

1 Q. Is there any reason any of us would
2 need a burner phone?

3 A. I think the burner phone's a very
4 general term. I don't know all the reasons for
5 it. Typically, it's a phone that's lost or
6 destroyed, it doesn't have a lot of connection
7 to that individual. But, yes, I've also heard
8 it in the sense that you're alluding to, as a
9 criminal nature.

10 Q. Or somebody just doesn't want it out
11 there, or didn't want it on their phone bill
12 that they had texted or called somebody,
13 whatever, right?

14 A. Sure. There's a very general reason
15 that I understand what a burner phone is to
16 mean.

17 Q. Okay. And is it safe to say that that
18 was the first time you've heard of a burner
19 phone yesterday, when he testified to that?

20 A. In this trial, yes.

21 Q. Yeah.

22 MR. LEE: That's all the questions I have,
23 Your Honor.

24 THE COURT: Okay, any redirect, Solicitor?

25 MS. KIDD: None from the State.

1 THE COURT: Thank you so much, sir.

2 WITNESS: Thank you, sir.

3 THE COURT: Appreciate it.

4 All right, Solicitor, you can call your
5 next witness.

6 MS. KIDD: The State calls Josh Smith to
7 the stand.

8 * * *

9 JOSH SMITH

10 * * *

11 being first duly sworn, testified as
12 follows:

13 THE COURT: Good morning.

14 WITNESS: Good morning, Your Honor.

15 MS. KIDD: I beg the Court's indulgence.

16 THE COURT: Yes, ma'am.

17 ***

18 DIRECT EXAMINATION

19 BY MS. KIDD:

20 Q. Good morning, Mr. Smith.

21 A. Good morning.

22 Q. Can you please tell the jury a little
23 bit about yourself? Where do you live?

24 A. I live in Nashville, Tennessee.

25 Q. And do you know the Defendant in this

1 case, Justin Granet?

2 A. Not personally --

3 Q. All right.

4 A. -- but --

5 Q. Do you know the victim in this case?

6 A. Yeah, I do.

7 Q. I want to go ahead and just ask you a
8 couple questions.

9 Have you had some run-ins with law
10 enforcement in the past?

11 A. I have.

12 Q. And have you pled guilty or been
13 convicted of a couple of drug dealing charges --

14 A. Yes, ma'am.

15 Q. -- weapons charges?

16 A. Yes, ma'am.

17 Q. All right. So you mentioned that you
18 know Corey.

19 Do you know of Justin Granet?

20 A. I do. I'm -- I've been friends with
21 Corey Eckles for a very long time, and we're
22 friends on a media platform Snapchat. And
23 sometimes on Snapchat it will recommend people
24 you may know, friends of friends, so on and so
25 forth. And through conversations with Corey, he

1 informed me of Mr. Garnet's profession in
2 building custom homes and stuff like that, and
3 I'm in that same line of work in Nashville.

4 I've been doing it for an extended amount
5 of time. And over the course of my friendship
6 through Snapchat with Mr. Garnet, I had multiple
7 conversations with him about his builds, and,
8 you know, I would say somewhat built a
9 friendship through a social media platform of
10 Snapchat, just talking about construction-
11 related conversation pretty much.

12 Q. So it's safe to say that the profile
13 that you are communicating with, you feel
14 confident that you are communicating with the
15 Defendant, Justin Granet?

16 A. Yes.

17 Q. And that's based on --

18 A. Photos.

19 Q. -- images.

20 A. Well, yeah.

21 I mean, you take selfies, you know, and you
22 take pictures of your family put them on there,
23 so on and so forth, so, yes.

24 Q. But you didn't think this was a bot
25 account?

1 A. Not at all.

2 Q. Okay. Did you ever correspond with
3 Justin Granet about an incident, in relation to
4 Corey and Lauren Eckles?

5 A. I did.

6 Q. Okay, and, in fact, in October 2019?

7 A. I don't recall the date exactly, it's
8 been a long time, but, yes, I would say.

9 Q. So after you had that conversation, did
10 you make any kind of record of that?

11 A. I did.

12 Q. And how did you do that?

13 A. So if you take a screenshot on
14 Snapchat, it sends a notification to whoever
15 you're talking to, and lets them know that
16 you're documenting it.

17 So whenever the information started coming
18 through in that conversation on Snapchat, I have
19 an iPad, and I started just taking pictures of
20 the conversation with my iPad. That way it
21 wouldn't send a record back that that's what I
22 was doing.

23 Q. And why did you feel it was necessary
24 to take pictures of the conversation?

25 A. Because at that time I had already -- I

1 was under the understanding that there had
2 already been an altercation between the two, and
3 the information that he was putting out there I
4 felt like it was important that that be
5 documented.

6 Q. Okay, and did you pass that
7 documentation along to anybody?

8 A. I did. I sent that documentation to
9 Corey Eckles, just, you know, trying to help him
10 out. I know that he was getting ready to start
11 a family and so on, and, you know, he's like a
12 brother to me.

13 I've known him for a long time. He's
14 helped me out sometimes when I needed help, and
15 I was just trying to return a favor.

16 Q. So I'm now gonna show you what's been
17 pre-marked as State's Exhibits 59, 60, 61, 62,
18 63, 64, 65 and 66.

19 MR. LEE: 66?

20 MS. KIDD: 59 through 66.

21 MR. LEE: Thank you.

22 BY MS. KIDD:

23 Q. I'm gonna show them to you.

24 A. Okay.

25 Q. And I want to know if you recognize

1 them, and, if so, what are they?

2 A. Yeah, I recognize this conversation.

3 Q. So are those conversations you had with
4 Mr. Granet?

5 A. They are.

6 Q. The screenshot, or the photographs that
7 you took off your phone?

8 A. Yes, ma'am, they are.

9 Q. And do they fairly and accurately
10 depict what you saw on that day?

11 A. Yes, ma'am.

12 MS. KIDD: At this time, the State seeks to
13 enter in State's Exhibit 50 -- excuse me, let's
14 keep them in order, 59, 60, 61, 62, 63, 64, 65
15 and 66 into evidence, and publish to the jury.

16 MR. LEE: No objection, Your Honor.

17 THE COURT: All right, admitted without
18 objection.

19 (State's Exhibits 59 - 66 admitted into
20 evidence.)

21 BY MS. KIDD:

22 Q. So what I'm now going to do, I'm gonna
23 put these on this projector here.

24 A. Okay.

25 Q. We're seeing this?

1 A. Yes, ma'am.

2 Q. I would like for you to read what they
3 say --

4 A. Okay.

5 Q. -- to the jury, and then they can
6 follow along.

7 A. The exact language that's on there?

8 Q. Exactly as it is on there, indicating
9 who was stating what Justin --

10 A. Okay.

11 Q. -- calls me.

12 A. Oh.

13 MS. KIDD: This is State's Exhibit 59, and
14 if you can zoom it in a little and dim the
15 lights. Here we go.

16 BY MS. KIDD:

17 Q. You can begin reading at the top.

18 A. Okay, so the top is a conversation from
19 me just telling him, "That I'm sorry to hear
20 about what's going on with this Baker girl at
21 the time, and that she was in my prayers.
22 Justin, my daughter loved elephants, so I'm
23 thinking about frontal of a large elephant head
24 holding a wooden plaque in its trunk with her
25 name carved in it, and a pink ribbon hanging off

1 a big back piece."

2 "Yeah, I saw that online, lol, I do like
3 it."

4 Q. All right.

5 A. And I think he was referring to, and
6 that I had just sent him a picture through
7 Snapchat of what it was.

8 Me, "Dude, I think that design sounds
9 fucking awesome." Justin, "Thanks, bro, I'll
10 send you a picture once I get it drawn out."

11 Me, "Yeah, definitely do that, man, you're
12 gonna have our boy laid out in ink."

13 So I was referring to Corey.

14 And Justin said, "Absolutely not. I almost
15 beat Corey to death for fucking my wife. I know
16 he posted pictures online of him in the
17 hospital, but he also posted it with a bullshit
18 story, so people would feel sorry for him."

19 Q. Okay, this gets cut off a little, but
20 I'm gonna move onto State's Exhibit Number 60, I
21 think it captures that same portion. You do not
22 have to re-read any portion that you've already
23 read --

24 A. Okay.

25 Q. -- but --

1 A. Myself, I said, "Oh, shit, wow, really?
2 I didn't know that. I can't believe he would
3 pull some shit like that, so that's what
4 happened to him -- that's what happened to make
5 him make a lie up since now."

6 Justin, "That guy is a true piece of shit.
7 I'm facing time right now because of it."

8 Q. I'm now showing you State's Exhibit 61.
9 Again, you do not have to re-read any portions
10 that have already been read.

11 A. Myself, "If you ask me, he got what he
12 deserved. Let somebody fuck my old lady, and
13 I'm fixing to fucking lose my shit. I think
14 your actions were justified, fuck with my old
15 lady."

16 Justin, "I hope I never cross paths with
17 him again, because I probably would kill him. I
18 knocked out all of his teeth, all of his front
19 teeth, he has dentures now."

20 Q. Okay. Now I'll show you State's
21 Exhibit 62, and, again, you do not have to read
22 any portion that you already have read.

23 A. Myself, "Well, for the rest of his life
24 he's going to remember crossing you."

25 Q. All right. Did you read the portion --

1 A. Oh, I'm sorry, sorry.

2 Q. Yeah, let's go back.

3 A. Justin, "I hope I never cross paths
4 with him again, because I probably would kill
5 him. I knocked out all of his front teeth. He
6 has dentures now. Not only did he force himself
7 on my wife, but then he proceeded to blackmail
8 her for money to not tell me what happened."

9 Myself, "Well, for the rest of his life
10 he's going to remember crossing you."

11 Q. All right. Now State's Exhibit 63.
12 All right, if you can --

13 A. So - Justin, "I hope so. I hope he
14 sees my face every time he looks in the mirror."

15 Me, "What the fuck, man, is he junked out
16 on some shit? I can't believe it, man. I would
17 have done the same thing, if not worse, I'd
18 probably be in prison."

19 "Well right now I'm facing prison for what
20 I did to him. They charged me with kidnapping,
21 first degree assault with intent to kill, and
22 use of a weapon during a violent crime, because
23 of my martial art background, and being a fourth
24 degree Black Belt, they used my hands as the
25 weapons."

1 Q. Okay. I'm now showing you State's
2 Exhibit 64. All right, there's a little bit of
3 glare, but I think that --

4 A. No worries.

5 Q. -- continues.

6 A. That's a blue line.

7 So, Justin, "Not only did he force himself
8 on my wife, but then he proceeded to blackmail
9 her for money."

10 Me, "Well, for the rest of your life --
11 rest of his life he's gonna remember crossing
12 you." Justin, "I hope so. I hope he sees my
13 face every time he looks in the mirror."

14 Me, "What the fuck, man, is he junked out
15 on some shit? I can't believe it, man. I would
16 have done the same thing, if not worse. I would
17 probably be in prison."

18 Justin, "Right now I'm facing prison for
19 what I did to him. They charged me with
20 kidnapping, first degree assault with intent to
21 kill, and use of a weapon during a violent
22 crime, because of my martial arts background,
23 and being fourth degree Black Belt. They used
24 my hands as the weapon. As it stands right now
25 though, the prosecutor might drop all charges,

1 but it's in limbo right now."

2 Q. I apologize, a lot of that was
3 duplicate.

4 A. It's okay.

5 Q. All right, State's Exhibit 65, the next
6 portion.

7 A. Me, "Wow, so this happened at your
8 house?"

9 Me, "So did you catch him in the act of
10 forcing himself on your wife?"

11 Q. State's Exhibit 66?

12 A. So it looks like the top line is just a
13 repeat --

14 Q. Uh-huh.

15 A. -- from the last one, "So did you catch
16 him in the act of forcing himself on your wife?"
17 Justin, "Because it took place at my house is
18 why they might drop it, due to the fact that I
19 was defending myself. You know, he tried to
20 tell me that my wife had an affair with someone
21 else, so I would leave her and stay friends with
22 him. Pretty fucking sick."

23 Me, "I got you. Well, I believe that -- I
24 believe that as it should be dropped. It would
25 be different if you pursued him outside of your

1 residence, but with it taking place at your
2 home, with the right attorney, everything should
3 be dismissed, maybe some probation."

4 Q. All right, thank you. So these are
5 your text messages?

6 A. Yes.

7 Q. Okay. Were you present that evening?

8 A. I was present at my house.

9 Q. Oh, I'm sorry, were you present at the
10 scene on March 11th of 2019 at 18 Chaplin Road
11 in St. Helena Island?

12 A. No, I was in Nashville, Tennessee at
13 that point.

14 Q. So your comments were not based on
15 anything that you saw that night?

16 A. No, ma'am.

17 Q. Your comments were made solely on what
18 the Defendant is telling you?

19 A. Correct.

20 Q. All right.

21 MS. KIDD: The Court's indulgence.

22 BY MS. KIDD:

23 Q. Thank you so much. Please answer any
24 questions the defense may have.

25 A. Okay.

CROSS-EXAMINATION

BY MR. LEE:

Q. Good morning.

A. Good morning.

Q. So you said your best buds with Corey?

A. Yes, sir, I've known him for a long time.

Q. A long time? You don't really know Justin?

A. No, sir, I don't.

Q. So is it safe to say your loyalty is to Corey rather than Justin right now?

A. I wouldn't necessarily say there's loyalties on either side, but, yes, I mean I -- I have known Corey, and I have no attachments or friendship with Justin Brodie Granet, other than Snapchat.

Q. And if he slept with your wife, you'd kill him -- Corey?

A. If Corey slept with my wife?

Q. Yes, sir.

A. Well, I'm not married, but, yes, I -- I -- I feel like I would be pretty angry if that happened.

1 Q. What if he "fucked your old lady?"

2 A. Sir?

3 Q. You said, "I guess he got what he
4 deserved, let somebody fuck with my old lady,
5 and I'm fixing to lose my shit.

6 I think your actions were justified, fuck
7 with my old lady."

8 A. Yeah.

9 Q. So if Corey had fucked with your old
10 lady, what would you do to them?

11 A. I don't know. I haven't been put in
12 that position, sir. I don't know how I would
13 react --

14 Q. Yeah.

15 A. -- but, you know, I can understand
16 anger definitely being justified, you know.
17 Marriage is supposed to be a sacred bond between
18 two people, and when one person breaks that, you
19 know --

20 Q. I hear you.

21 A. -- not only is that adultery of Mr.
22 Granet, you know, but there's funny stuff like
23 that. I mean all things considered, you know,
24 there's a lot that goes on when something like
25 that happens.

1 Q. Okay. Did you question whether or not
2 Corey was junked out some shit?

3 Is that one of your comments?

4 A. Yeah, it was, just because I, you know,
5 I know Corey, I know his demeanor.

6 He's a businessman, and I just -- I -- I
7 wouldn't see him necessarily stepping back, you
8 know, moving backwards in life, to have an
9 affair with what is supposed to be his friend's
10 wife.

11 Q. He's a businessman, he's --

12 A. He is a businessman.

13 Q. He's pretty young. He's pretty
14 calculated in his moves, isn't he; is it safe to
15 say you think of Corey Eckles?

16 A. Well, yeah, I mean you've got to be to
17 be in a profession, you know, own multiple
18 businesses and doing what he does breeding dogs
19 and so on.

20 Q. Having nine kids with nine baby mamas?

21 A. I don't know all those facts like that.

22 Q. Corey's a smart guy though, isn't he?

23 A. Oh, yeah, I would say so.

24 Q. Corey knows how to get what he wants,
25 doesn't he?

1 A. Yeah, I mean I guess so.

2 Q. So you've known him for how long?

3 A. I've known Corey, I would say, since
4 2012, '13, somewhere around there.

5 Q. Have you ever been to his house?

6 A. Yes.

7 Q. Have you ever seen the book, The Art of
8 Seduction, in his house?

9 A. No.

10 Q. Have you ever heard him talk about it
11 when you guys just go out?

12 A. No.

13 Q. You never heard that?

14 A. No, sir.

15 Q. And you say that you've -- do you have
16 any law enforcement training?

17 A. No, I don't.

18 Q. Okay. And you're good friends with
19 Corey, and this was October of 2019, according
20 when this Snapchat happened?

21 A. Yeah, I believe it was after that date
22 I believe.

23 Q. But you're aware that the incident for
24 the reason we're here happened in March of 2019,
25 right?

1 A. Yeah.

2 Q. So that's like seven months, right?

3 A. Correct.

4 Q. And in those seven months, you didn't
5 know about it?

6 A. No. Honestly, I didn't know anything
7 about it. I didn't know anything about it until
8 Corey moved back to Tennessee, because at that
9 time he was down here from my understanding,
10 off-and-on working at a tattoo shop here in
11 South Carolina.

12 Q. Okay. You really didn't -- and Corey
13 didn't tell you that he was going to Beaufort
14 and got involved in an incident here?

15 A. No.

16 Q. He didn't?

17 A. No.

18 Q. Okay. You say on one of them, so
19 that's what happened that makes a lot of sense
20 now.

21 A. What's that?

22 Q. On one of them it says --

23 A. What are -- what are the messages
24 leading up to those messages? Because I mean
25 we're talking about four years in timeline on

1 messages. I mean, are these --

2 Q. Whenever --

3 A. What's that?

4 Q. Yeah.

5 A. The ones we just went over? I was just
6 asking what was the message before the one that
7 you're referring to?

8 Q. The one where he said he almost beat
9 Corey.

10 A. Yeah.

11 Q. Okay.

12 A. The one he said he almost beat Corey to
13 death.

14 Q. And then you say, "Oh, shit, wow,
15 really? I didn't know that. I can't believe
16 he'd pull some shit like that.

17 So what's -- so if that's what happened to
18 him, it makes a lot of sense now."

19 A. Yeah.

20 Q. What makes a lot of sense?

21 A. Just that, you know, he got mad and
22 beat Corey up, because he supposedly had an
23 affair with his wife.

24 Q. Okay, and that's what Corey told you?

25 A. He told me -- Corey told me that he was

1 assaulted. He told me that he was grabbed from
2 behind, put in a chokehold, while somebody else
3 hit him in the face with a butt of a gun.

4 Q. So you knew that when you started this
5 communication with Justin Granet?

6 A. I did.

7 Q. Okay.

8 A. But I'm not the one that started the
9 conversation about it. I didn't pursue him to
10 start that conversation.

11 Q. But you decided also you needed a
12 picture of the confrontation.

13 A. Wouldn't you, if that was your best
14 friend that just got assaulted and killed, and
15 his wife was held at gunpoint?

16 THE COURT: All right, hold on a second.
17 Sir --

18 BY WITNESS:

19 A. I mean --

20 THE COURT: No, no, no.

21 BY WITNESS:

22 A. I'm just saying --

23 THE COURT: Sir, hold on a second. Your
24 job is not to ask questions.

25 WITNESS: Yes, sir.

1 THE COURT: Your job is to answer questions
2 assuming you understand the question.

3 If you don't understand the question, you
4 can ask him to rephrase, okay?

5 WITNESS: Okay.

6 THE COURT: Thank you. Please proceed.

7 BY MR. LEE:

8 Q. Yet even with the story that Corey
9 apparently told you, his version of it, your
10 response after Justin said, "I hope he sees my
11 face every time he looks in the mirror," your
12 response, in knowing what you know --

13 A. Uh-huh.

14 Q. -- and then this say, "What the fuck,
15 man, is he junked out on some shit. I can't
16 believe it, man. I would have done the same
17 thing, if not worse, and I would probably be in
18 prison."

19 A. Yeah.

20 Q. Okay. All right, now, let's go back to
21 -- yet you just felt compelled to send these to
22 Corey?

23 A. I did feel compelled to send this to
24 Corey.

25 Q. Okay.

1 A. And a lot of my responses to Mr. Garnet
2 were, if he's got diarrhea of the mouth, and
3 wants to put all this information out there on a
4 social media platform --

5 Q. Uh-huh.

6 A. -- I'm gonna see how much he's gonna
7 put out there.

8 Q. Okay. So you were trying to draw stuff
9 out?

10 A. Yeah.

11 Q. Okay, because Corey's your friend.

12 A. No, not necessarily that. More so --
13 more or less because I wanted to hear the --
14 there's two sides to every story.

15 Q. Right.

16 A. And there's the truth and there's a lie
17 and so --

18 Q. Yeah.

19 A. -- you know, so I wanted to hear his
20 side, you know? I mean, yeah, Corey's my
21 friend --

22 Q. Okay.

23 A. -- but I'd like -- like I said non-
24 bias, I wanted to hear both sides. I know he's
25 got a family, a business, career, I know Corey's

1 got a family, a business and career, you know,
2 and I wanted to hear both sides of the story.

3 Q. And you did, right?

4 A. I did.

5 Q. Okay. And your response was you would
6 have done the same thing, and that is based
7 upon, or at least in part, that he said he was
8 defending himself, right?

9 A. Yes.

10 Q. That's his side. That's what he told
11 you, right?

12 A. Yes.

13 Q. So you got both sides of the story, and
14 you said, "I would have beat him up too, I might
15 be in prison," right?

16 A. Yeah.

17 Q. Okay. All right, next one. All right,
18 now, let's go back before that. You said you
19 didn't do a lot of communicating with Justin
20 Granet, like you-all were -- did -- were you on
21 some kind of like Snapchat story or something?

22 A. A Snapchat friend.

23 Q. Okay.

24 A. I mean we're friends on Snapchat.

25 Q. And what that platform is, Josh, is

1 occasionally people will have -- and I don't
2 deal with social media, but they have like a
3 group of friends or followers, or whatever, and
4 some people put a story out there, right?

5 A. They can.

6 Q. Okay. And that story -- well, and
7 Justin did that, put out a story, which is what
8 you were referring to in the very first
9 sentence, that's how this whole thing kind of
10 started, right?

11 A. With his daughter?

12 Q. The communication. Yeah.

13 A. The communication over his daughter.

14 Q. Yeah, okay.

15 A. Correct.

16 Q. Because you say, "Dude, I'm so sorry to
17 hear this. I will have your baby girl in my
18 prayers."

19 A. Correct.

20 Q. And that was the first back and forth
21 between you and him, right?

22 A. Yes.

23 Q. Okay. And what that was responding to
24 was a Snapchat story that Justin had put on the
25 Snapchat platform?

1 A. Correct.

2 Q. Okay. And what it was, was a story
3 about his 21-year-old daughter, who had just got
4 diagnosed with serious breast cancer, right?

5 A. Uh-huh.

6 Q. Okay. And you had --

7 A. You know, I don't recall exactly 100
8 percent what it was, you know, but -- yeah.

9 Q. Okay. And you read that, and you were
10 reaching out to Justin saying, "Man, sorry to
11 hear about your baby girl."

12 A. Yeah, exactly.

13 Q. Okay. And then he was talking about
14 some tattoo he was thinking about getting her,
15 kind of as a -- I don't know what word to use,
16 to make him feel better, or to commemorate
17 something, right?

18 A. Yeah.

19 Q. And you said that design sounds f'ing
20 awesome, right?

21 A. Yeah.

22 Q. Uh-huh.

23 A. And that's how it started, okay? And
24 he says, "Thanks, bro, I'll send you a picture
25 once I get it drawn out." And then you go

1 straight to, "Yeah, definitely do that, man.
2 You're gonna have our boy laid out in ink," --

3 A. Yeah.

4 Q. -- and --

5 A. The same tattoo artist that both me and
6 him have worked by, you know. He's already got
7 tattoo work from Corey on his body. I have
8 tattoo work all over my body from Corey.

9 Q. So -- but when you're saying our boy,
10 that's meaning --

11 A. Yeah.

12 Q. -- Corey?

13 A. I was referring to Corey.

14 Q. Yeah, yeah.

15 A. Yes.

16 Q. Okay, okay. So you were the first one
17 that brought up Corey?

18 A. Yeah. Well, he was referring to tattoo
19 work. I assumed --

20 Q. Okay.

21 A. -- that that's his artist, you know? I
22 mean prior to all altercations between the two
23 of them, Corey is a tattoo artist.

24 Corey is my tattoo artist.

25 Q. Right.

1 A. So, yes, our boy. The only person that
2 we got a tattoo from.

3 Q. But up to that point, there had been no
4 conversation about you-all's boy, Corey,
5 correct?

6 A. Yeah, I mean I don't know --

7 Q. Okay.

8 A. -- previous days leading up to that, I
9 have no idea.

10 Q. Well, did you talk to Justin the
11 previous days when he did this?

12 A. I have no idea. I can tell you I just
13 screenshotted those conversations, and it was
14 four years ago, but we did talk on a regular
15 basis about construction.

16 Q. I see.

17 A. Yeah. I mean it was nothing for him to
18 post four or five photos and videos of homes
19 that he was building, because he takes pride,
20 and he's proud of the work that he does.

21 Q. Sure.

22 A. And he's --

23 Q. Have you seen some of his work?

24 A. Only via Snapchat photos and stuff like
25 that, and just general conversation about

1 construction, and --

2 Q. Uh-huh.

3 A. -- stuff like that that we've had on
4 that platform.

5 Q. So you-all are generally in the same
6 line of work?

7 A. Yes.

8 Q. How long have you been in the
9 building --

10 A. 16 years.

11 Q. Okay. At your house where you live, do
12 you have any of your tools of the trade at your
13 house?

14 A. I do.

15 Q. Things you use on a regular basis?

16 A. I do.

17 Q. Okay. So you may have a hammer, you
18 may have a screwdriver, you may have those type
19 of things would be common for you? Really
20 because you use them, it makes sense you've got
21 those in the house, right?

22 A. Yes, sir.

23 Q. Okay. Duct tape at your house?

24 A. Yes, sir.

25 Q. Zip-ties?

1 A. Yes, sir.

2 Q. So it's not a common -- and a lot of
3 times we call it a drawer that you think, people
4 have junk drawers and stuff, that they keep
5 stuff in; is that pretty common for someone in
6 the construction industry?

7 A. I think it's pretty common in anybody's
8 house, where they have a junk drawer in the
9 kitchen, you know, or something like that.

10 Q. You never know when you're gonna use
11 duct tape, or fishing line, right?

12 A. Life uses, you know.

13 Q. Bungie cords, stuff like that?

14 A. Yeah. I mean, you've got to be
15 prepared for home maintenance at your own
16 personal home, you know?

17 Q. Right, yeah. So you're trying to get
18 out their sides of the story?

19 A. I was.

20 Q. And you already heard Corey's side of
21 the story?

22 A. Prior to my conversation with Mr.
23 Granet?

24 Q. Yeah.

25 A. Yes, I had.

1 Q. Okay. And then you heard Mr. Granet's
2 side of the story?

3	A. I did.

4 Q. Okay. And you heard him say he was
5 defending himself?

6	A. I did.

7 Q. Okay. And your opinion, for what it's
8 worth, is that? Okay.

9 A. Yeah, I mean that's --

10 Q. Thank you, Mr. Smith.

11	A. Sure.

12 THE COURT: Hold on one second. Anything
13 else?

14 MS. KIDD: Just very brief.

15 THE COURT: Sure. Hold on, sir.

16 * * *

17

18 REDIRECT EXAMINATION

19 BY MS. KIDD:

20 Q. Were you at 18 Chaplin Drive in St.
21 Helena Island on March 11th --

22	A. No.

23	Q. -- 2019?

24 A. I was not.

25 MS. KIDD: Thank you, Your Honor, I have no

1 further questions.

2 THE COURT: Thank you, sir.

3 WITNESS: thank you.

4 THE COURT: Have a good day.

5 WITNESS: You too.

6 THE COURT: Call your next witness,
7 Solicitor.

8 MS. KIDD: Beg the Court's indulgence.

9 THE COURT: Yes, ma'am. Counsel approach.
10 (Bench conference.)

11 THE COURT: All right, ladies and
12 gentlemen, what we're gonna do now, since it's
13 12 o'clock, and I'm informed that the next
14 witness, potentially, could take some time, I'm
15 gonna go ahead and let's go to lunch.

16 I'm gonna ask that you be back at 1:30 in
17 your jury room. Don't talk about the case, no
18 research, no looking at anything, and we'll see
19 you back at 1:30. Thank you very much.

20 (Jury exits the courtroom.)

21 THE COURT: All right, anything further
22 from the State before we break for lunch?

23 MS. KIDD: Nothing further at this time.

24 THE COURT: All right, Mr. Lee, anything
25 further?

1 MR. LEE: No, sir.

2 THE COURT: All right, we'll see everybody
3 back here a few minutes before 1:30, okay?

4 MR. LEE: Yes, sir, thank you.

5 (Luncheon recess)

6 ***

7 PROCEEDINGS CONTINUED

8 BAILIFF: Your Honor, the jury's entering
9 the courtroom.

10 (Jury enters the courtroom.)

11 THE COURT: Thank you, sir.

12 BAILIFF: The jury's seated, Your Honor.

13 THE COURT: All right, thank you.

14 Ladies and gentlemen, I hope you had a good
15 lunch, and so I think we are ready to continue
16 with the State's case.

17 Solicitor, you can call your next witness,
18 please.

19 MS. KIDD: The State calls Timothy French.

20 THE COURT: All right.

21 * * *

22 TIMOTHY FRENCH

23 * * *

24 being first duly sworn, testified as
25 follows:

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DIRECT EXAMINATION

BY MS. KIDD:

Q. Could you please start by telling the jury where you're employed?

A. I'm employed as a DNA Analyst for the Beaufort County Sheriff's Office, Forensic lab.

Q. How long have you worked there?

A. 15 years.

Q. Did you work anywhere prior to the Beaufort County Sheriff's Office?

A. I did. Prior to working here, I've worked at the Charlotte-Mecklenburg Police Crime Lab in Charlotte, North Carolina for ten years. And then before that in the Syracuse Police Laboratory in New York for nine years.

Q. And so in your post, what kind of duties do you perform?

A. I do screen biological samples. I do more stains, such as blood, semen, saliva, and I also do DNA testing of those things, and other samples that are turned in for testing.

Q. So could you please elaborate on your educational background?

A. Yeah. I have a Bachelor of Science Degree from the State University of New York,

1 where I majored in biology, minored in math and
2 computer science -- I'm sorry, math and
3 chemistry. And then after working in the
4 forensic field, I had attended coursework via
5 the FBI Academy, in forensic science, the blood
6 stain analysis system at the University of
7 California, San Francisco. And advanced DNA
8 training at Marshall University in West
9 Virginia.

10 COURT REPORTER: I'm sorry, Marshall
11 University where?

12 BY WITNESS:

13 A. In West Virginia.

14 Q. Do you have any other education?

15 A. Aside from those courses, we're
16 required to attend continuing education, such as
17 conferences and stuff every year. So each year
18 I have to do that and keep up with current
19 publications.

20 Q. And have you testified as an expert in
21 court before?

22 A. Yes, I have.

23 Q. And how many times?

24 A. In DNA, 24.

25 Q. Is DNA the only field that you've ever

1 testified as an expert in?

2 A. No.

3 Q. What others?

4 A. Would have been interpretation, trace
5 evidence, such as hair, glass, fibers.

6 Q. But as a DNA expert, you say you've
7 testified, roughly, 24 times --

8 A. Yes.

9 Q. -- is that correct? All right.

10 MS. KIDD: At this time the State seeks to
11 have Timothy French qualified as an expert in
12 fields of serology and DNA analysis.

13 MR. LEE: We agree, no objection.

14 THE COURT: All right, ladies and
15 gentlemen, normally, a person cannot give
16 opinion testimony. Normally, when a person
17 testifies, they're gonna testify about what they
18 saw, what they heard, sensed by smell, something
19 along those lines; however, there's an exception
20 when someone's qualified because of education or
21 experience, they're permitted to give their
22 opinion testimony in the areas, if the Court
23 qualifies them in that area.

24 And so, ladies and gentlemen, I will find
25 that Mr. French is deemed an expert in serology

1 and DNA analysis, and as a result, he may give
2 opinion testimony in that area. However, I want
3 you to know that does not mean that you must
4 accept his opinion, but it's evidence for you to
5 consider and use in any way you see fit.

6 Thank you. Please proceed.

7 BY MS. KIDD:

8 Q. Can you please explain to the jury what
9 is DNA?

10 A. DNA is a hereditary molecule. It's
11 found in every cell of your body and all
12 biological cells. It is what makes you human,
13 and also what makes you unique.

14 Q. And so is there any dispute in the
15 scientific community regarding principles you've
16 just described?

17 A. No, there's not.

18 Q. So in your role at the Beaufort County
19 Sheriff's Office, how do you go about testing
20 DNA?

21 A. Well, specifically, for testing for
22 DNA, I'm usually looking at a stain that's given
23 to me, or that I locate on the item; or in some
24 cases it's a swab from a surface that was
25 collected from someone else. In either case

1 what I do, I take that swab or stain, digest the
2 cells. I extract the DNA from that.

3 The next step would be to quantify the DNA,
4 to see if I have enough DNA to do anything with.
5 If there is enough there, then what I do is
6 amplify the DNA, and then analyze the DNA to get
7 a full, clear profile, or a mixture of profiles.

8 Q. Is there a particular software that you
9 use?

10 A. With the mixtures we use a software
11 that's called TrueAllele, and it's, in short, a
12 mixture into possible matches.

13 Q. And what is a buccal swab?

14 A. A buccal swab is a swab of someone's
15 cheek cells, obtained from the cheek on the
16 inside of your mouth. That is what we use for a
17 standard of that principle, because we get their
18 -- that person's DNA profile, so I can compare
19 that to the suspected match.

20 Q. And so you're talking about mixtures.
21 Can you explain what you mean by that?

22 A. A mixture is DNA from more than one
23 person in a biological standpoint. So it could
24 be a mixture of skin cells, a mixture of blood
25 from two people, or a mixture of skin, hair,

1 blood.

2 Q. And so in those mixtures are there
3 known contributors, unknown contributors, and,
4 if so, what do you mean by that?

5 A. There really aren't any known. When
6 you have a mixture of more than one person,
7 well, first off, if you have just a single
8 profile, it's pretty easy to compare to a person
9 to say it's this match or is not.

10 If there's a mixture, then we have to use a
11 software to sort out who could be in there. And
12 depending on where that sample came from, we may
13 tell the software that some of it is, assuming
14 either, for example, if someone were to punch me
15 and grab my shirt, and I was looking for their
16 DNA on my shirt, my DNA's also gonna be there,
17 but that doesn't really matter, because it's my
18 shirt, so I would tell the software it is --
19 assuming my DNA's there, who else do you see?

20 Q. So is it fair to say that for items
21 that are -- where it's not probative, you know
22 that that DNA's gonna be found there, you don't
23 test for that DNA, or do you test for that DNA?

24 A. It's not that we don't test for it, we
25 just tell the software that we're assuming that

1 person is there, and we base that on where it
2 comes from, and also what we see in the initial
3 screening. And so if the person doesn't show up
4 there, and we get an exclusionary result for
5 that person, we can't assume that they're there,
6 to say it was included.

7 Q. You're kind of checking that off, one
8 less thing to worry about?

9 A. Right.

10 Q. Okay. So is it possible that you could
11 have someone present in a mixture, but their
12 sample was just too weak to tell? You're
13 talking about the sizing and the sampling you
14 gain and the weaknesses. Do you know what
15 happens if the sample is too weak?

16 A. Well, if there's not enough DNA in the
17 sample, we wouldn't have anything to amplify.
18 We wouldn't get a result, so, therefore, we just
19 don't proceed with the identification of it. In
20 mixtures you have -- you don't always have the
21 same amount of DNA from everyone in that
22 mixture, so it's possible that you can have one
23 person that says contributed 99 percent of the
24 DNA in the mixture.

25 The person who contributes one percent you

1 may not see, or you may only see small pieces of
2 it, and when that happens you usually don't get
3 a really good sample to compare to the person.

4 Q. Okay, so would it be possible that an
5 unknown contributor could be present in a
6 mixture, but their profile is just too weak for
7 you to say there's a match?

8 A. Yeah, it could be too weak, or it could
9 be masked by a lot of DNA from someone.

10 Q. Okay, so let's talk about masking. In
11 particular, I'm really curious about touch DNA
12 on a stain. Can you kind of just describe the
13 person's there, and how they show up?

14 A. Stains such as like blood and semen and
15 saliva, those have a lot of DNA in them. Touch
16 cells are -- or touch samples would be like, if
17 I touch this and somebody swabbed it afterwards,
18 there's a lot less DNA there. So something that
19 is -- say I touched this, and then someone
20 leaves a drop of blood on top of my DNA, I'm
21 gonna see a lot of DNA from the blood, and not
22 so much from my DNA.

23 Q. And would it be fair to say that the
24 blood overwhelms touch DNA?

25 A. Yes.

1 Q. Okay. What about someone being a
2 shedder versus someone being a non-shedder?
3 What does that mean?

4 A. That refers to how much DNA you find
5 from that person. If you touch a surface, you
6 deal with how much their skin cells sluff off.
7 It's the same way that some people lose a lot of
8 hair off their head, and other people don't lose
9 a lot of hair off their head, it's the same
10 thing with your skin cells.

11 Q. Okay. Is it possible that person A
12 could be shedder, and they're just shedding DNA
13 left and right, and person B not a shedder, and
14 they're contributing less DNA to whatever
15 mixture comes in?

16 A. That's true. That's correct.

17 Q. Okay. So what about DNA transfer.

18 Is it possible for DNA to transfer from one
19 item to another?

20 A. Well, there's a transfer of DNA when
21 you touch something. You transfer your DNA onto
22 an item. That can also be transferred from that
23 item to somewhere else through that secondary
24 transfer that also occurs.

25 Q. So if I touch her, and I touch this

1 desk, is it possible that her DNA is now on this
2 desk?

3 A. Yes.

4 Q. Okay. Thank you for giving us some
5 understanding. I'm now going to show you the
6 items that I believe you tested in this case.
7 You know, it may actually be easier for you to
8 come down, since I have them all laid out.

9 A. All right.

10 Q. And quickly have you determine whether
11 these are the items that you tested, and if you
12 recognize those.

13 And we have here State's Exhibit 23. I
14 believe this was previously entered into
15 evidence, under stipulation by the defense. Do
16 you recognize this?

17 A. I do.

18 Q. Okay, and what is it?

19 A. This is our swab of keys. It says,
20 "Lauren's keys."

21 Q. Okay. What about State Exhibit 8,
22 which is in evidence per the defense's
23 stipulation?

24 A. 8 is a collection of swabs. Four swabs
25 in there, two from Corey's pistol, and two from

1 a Smith & Wesson pistol.

2 Q. Okay, so there's actually four items in
3 this bag?

4 A. For swabs, yes.

5 Q. Okay. What about State's Exhibit 19
6 that is in evidence; do you recognize that?

7 A. Yes, this is a black flashlight.

8 Q. Okay. State's Exhibit 3, can you
9 identify that?

10 A. 3 is some tape that was removed from
11 the victim.

12 Q. State's Exhibit 3, I believe, is also
13 in evidence. Now State's Exhibit 2, which is in
14 evidence, what is this item?

15 A. 2 is a piece of rope that was cut from
16 the victim's hands.

17 Q. What about State's Exhibit 24 in
18 evidence?

19 A. 24 is the buccal standard from Lauren
20 Eckles.

21 Q. And State's Exhibit 4 in evidence?

22 A. 4 is the buccal standard from Corey
23 Eckles.

24 Q. State's Exhibit 25 in evidence?

25 A. 25 is the buccal standard from Justin

1 Granet.

2 Q. And State's 26 in evidence?

3 A. 26 is a buccal swab from John
4 Christopher Bliss.

5 Q. And at this time, out of an abundance
6 of caution and for housekeeping purposes, I'd
7 like to move again to have all of these items
8 entered into evidence, with the understanding of
9 the defense.

10 MR. LEE: No objection.

11 THE COURT: All right, that's fine.

12 BY MS. KIDD:

13 Q. Than you so much, you can return to
14 your seat again, because I am now going to ask
15 you about all of the items that you received and
16 that you conducted any testing on. Do you have
17 a part of your report to refer to?

18 A. I do.

19 Q. Okay. We're going to go, I'll try to
20 stay as organized as possible, and start with
21 what I believe was your item one. I believe
22 that was State's Exhibit 23, and your item one,
23 swabs from Lauren's keys, which I believe was
24 State's -- yeah, State's Exhibit 23.

25 Can you please tell the jury what you saw

1 though your testing work?

2 A. Based on this screen, like I said
3 before, I would have looked for my own DNA on my
4 own shirt. It's not a probative thing to do, so
5 in this case it was the key from Lauren. There
6 was a good match for it in the initial screen,
7 so I assumed her DNA was going to be there.

8 I assumed the DNA there would be a mixture.
9 And after assuming hers, there was a match
10 through one of our Deputies, Rhett Parnell, and
11 that matches 2.7 million times more likely than
12 a coincidental match to an unrelated individual.
13 Following that, and putting it back into the
14 software saying I'm assuming that Lauren Eckles
15 and Rhett Parnell are there, who else do you
16 see?

17 After doing that, a match from John
18 Christopher Bliss is 61 million times more
19 likely than a coincidental match to an unrelated
20 individual.

21 Q. That's a big number. For context, how
22 do people interpret that?

23 A. A billion.

24 Q. Okay. And what was the number you read
25 again?

1 A. 61 million.

2 Q. Okay. You mentioned Rhett Parnell in
3 there? Why are you looking for his DNA?

4 A. I wasn't looking for it, it was just a
5 match that came up.

6 Q. Okay.

7 A. We had some of the officers' DNA in the
8 software from running for other cases. When we
9 process this, it actually looks at it's a
10 mixture to everything else.

11 Q. Okay.

12 A. So it says, hey, there's a possible
13 match here, and I look at it, and I see that
14 looks like a good match, and --

15 Q. So it's --

16 A. -- this one is --

17 Q. -- possible that if Rhett Parnell was
18 involved in this case, that he may have come in
19 contact with this item, and that may be why his
20 DNA is there?

21 A. Yes.

22 Q. All right. Can you please now read off
23 your results for your item number two? I
24 believe that was -- it's State's Exhibit 8, but
25 I believe that 8 contains your items 2 through

1 5.

2 A. That's true.

3 Q. So let's start with number two.

4 A. So on number two by running the mixture
5 through the software, assuming three unknown
6 contributors, a match to Corey Eckles is three
7 quadrillion times more likely than a
8 coincidental match to an unrelated individual.
9 A match to John Christopher Bliss, excuse me, is
10 174 trillion times more likely than a
11 coincidental match to an unrelated individual.
12 And a match to Lauren Eckles is 5.95 million
13 times more likely than a coincidental match to
14 an unrelated individual.

15 Q. All right, those are a lot of numbers.
16 So just to clarify, when you ran your DNA
17 testing on item number two, which was the swab
18 of the Smith & Wesson the 380 and trigger --

19 A. Uh-huh.

20 Q. -- you were able to determine that the
21 mixture matched Corey Eckles and matched to John
22 Christopher Bliss, and matched to Lauren Eckles;
23 is that correct?

24 A. That's correct.

25 Q. Okay. What about item number three,

1 the swab?

2 A. On that mixture, and I was assuming
3 there was three unknown contributors in there.
4 And I based it on my experience looking at the
5 profile of how many people were in there.

6 You can -- you know the probability, then
7 you should look for it. So on this one, a match
8 to Corey Eckles is one in five trillion times
9 more likely than a coincidental match to an
10 unrelated individual, and a match to John
11 Christopher Bliss is 25 quadrillion times more
12 likely than a coincidental match to an unrelated
13 individual.

14 Q. So just to clarify, on that item there
15 was DNA that matched Corey Eckles and matched to
16 John Christopher Bliss?

17 A. That's true.

18 Q. Okay. On item number four, that is the
19 swab of the Taurus handle. What were your
20 results?

21 A. Again, I was looking at a mixture of --
22 I assumed that there were three contributors. A
23 match to Corey Eckles is 44 quintillion times
24 more likely than a coincidental match to an
25 unrelated individual.

1 A match to Lauren Eckles is 449 billion
2 times more likely than a coincidental match to
3 an unrelated individual. And a match to John
4 Christopher Bliss is 2.45 billion times more
5 likely than a coincidental match to an unrelated
6 individual.

7 Q. So a match to Corey, and a match to
8 Lauren, and a match to John Christopher Bliss?

9 A. That's correct.

10 Q. Item number 5, the swab of the Taurus
11 receiver. What were your results on that item?

12 A. Again, on that one I was assuming it
13 was three people in this mixture. A match to
14 Corey Eckles is two octillion times more likely
15 than a coincidental match to an unrelated
16 individual.

17 And a match to John Christopher Bliss is 22
18 quadrillion times more likely than a
19 coincidental match to an unrelated individual.

20 Q. It matched to Corey, and it matched to
21 John Christopher Bliss?

22 A. That's correct.

23 Q. All right. Say for item number 6 I
24 believe you took several swabs from State's
25 Exhibit 19, which was matching the black

1 flashlight, you took several swabs from that.
2 So working on swab-by-swab.

3 So your item number 6.1, that is a swab of
4 suspected blood from the front lens in the
5 flashlight. Can you please tell the jury your
6 results?

7 A. Well, initially, there was a reddish-
8 brown stain on the front of the flashlight, so I
9 tested it. It's called a presumptive test for
10 blood, that involves taking a swab of the stain,
11 and putting a chemical on it, and if it turns
12 color, then it's a positive test, that means
13 blood is detected.

14 And what I do is I take a stain from that
15 point and process it for DNA. So I had a
16 positive result on the front-end of the
17 flashlight.

18 So 6.1 is a swab of the suspected blood
19 stain from the flashlight. When I did a DNA
20 analysis on it, I had .1 contributor, and a
21 match to Corey Eckles is two octillion times
22 more likely than a coincidental match to an
23 unrelated individual.

24 Q. So it matched to Corey Eckles?

25 A. That's correct.

1 Q. Item 6.2 is an additional swab of the
2 back half of the body of the flashlight. What
3 were your results on that item?

4 A. There I'm looking for someone who may
5 have been holding the flashlight. I did not see
6 any stains that looked like blood. When it's
7 black it's not impossible that there might have
8 been blood stain here, but I didn't see. So on
9 the DNA analysis I was looking at two unknown
10 contributors, it was a mixture. And a match to
11 Corey Eckles is two octillion times more likely
12 than a coincidental match to an unrelated
13 individual.

14 Q. Matched Corey Eckles?

15 A. Yes.

16 Q. Moving onto your items 7.1, which I do
17 believe is State's Exhibit 3. I believe you
18 took some swabs of the tape removed from Lauren
19 Eckles, the back of the duct tape. And what
20 were your results for item 7.1?

21 A. Again, I saw presence of blood here. I
22 tested it for a presumptive test for blood, I
23 didn't get a positive result. And through DNA
24 analysis, I had -- because it came off of the
25 victim's head, good results there with possible

1 matches to Corey and Lauren Eckles.

2 And then assuming them as known
3 contributors, I didn't get any other
4 inclusionary results.

5 Q. Okay. So you're not saying it matched,
6 but you're saying that you assumed them, them
7 being Corey and Lauren Eckles, as the main
8 contributors?

9 A. Yeah, I don't see a match, because it's
10 non-probative, it came off of them. If I say
11 match, I have to do that statistical boundary
12 for that match to see how strong it is. And
13 since this is non-probative, we don't do the
14 statistics, so I just say that I assume that
15 they are.

16 Q. Okay. So for items 8.1, I believe that
17 that is State's Exhibit Number 2, you took some
18 swabs from a rope cut from Lauren Eckles' hands.
19 What were the results of item 8.1 on those
20 swabs?

21 A. On 8.1, again, I did a presumptive test
22 for the presence of blood, it was positive. And
23 then floppy ends of the rope, I'm looking for
24 DNA on the rope.

25 And I looked at this mixture, assuming that

1 Corey Eckles is a contributor, because there was
2 a potential match for him. And after assuming
3 him as a known contributor, a match to John
4 Christopher Bliss was 4.07 trillion times more
5 likely than a coincidental match to an unrelated
6 individual.

7 Q. Did I understand you did a test to
8 determine that blood was present, and you
9 determined that was positive?

10 A. Yes.

11 Q. And then I assume that Corey Eckles was
12 a contributor?

13 A. Yes.

14 Q. You're not running numbers on him --

15 A. Correct.

16 Q. -- but you did match a DNA file on John
17 Christopher Bliss?

18 A. Yes.

19 MS. KIDD: Court's indulgence.

20 THE COURT: Uh-huh.

21 BY MS. KIDD:

22 Q. I believe that those are all the items.
23 I just want to get a little clarity. You talked
24 about matches.

25 Is it possible that they were contributors

1 with DNA to any of these measures more present,
2 or did you just want to determine a match? I
3 can rephrase that.

4 A. Yeah, I'm not --

5 Q. So is it possible that there were
6 additional DNA protocols in these pictures than
7 you were able to identify?

8 A. Oh, yes.

9 Q. All right.

10 MS. KIDD: Court's indulgence?

11 BY MS. KIDD:

12 Q. So just let me clarify a few things
13 about your report. You're referring to an item
14 3, or 2 and 3, and 4 and 5, receiver.

15 What part of the gun are you referring to?
16 What part is the receiver?

17 A. That's what it's described as to me. I
18 think that means the barrel.

19 Q. Okay. And are you the one who decided
20 which part of the gun to swab?

21 A. No, I'm just handed the swab --

22 Q. You're not doing the swabs?

23 A No.

24 Q. Other people are doing the swabs.

25 Okay. In your experience are the swabs based on

1 what would be the most likely part of the item
2 touched; does that make sense?

3 A. When -- on the instances where I have
4 been swabbing, I do the handle and slide.

5 Q. Okay. And is that because they're
6 frequently touched for --

7 A. And they're large surfaces. You don't
8 get good results when you swab the trigger by
9 itself, because there's just not enough DNA.

10 Q. Okay. And then one last thing I just
11 want to make sure I understand.

12 With touch DNA and transfer DNA, is there a
13 possibility that that DNA can be wiped off and
14 cleaned?

15 A. Any time there's a surface that's
16 touched or comes in contact with something, you
17 can always clean it off, yes.

18 Q. No further questions, please answer --

19 | A. Yeah.

20 Q. -- any questions the defense may have.

21 * * *

22 CROSS-EXAMINATION

23 BY MR. LEE:

24 Q. Good afternoon.

25 A. Good afternoon.

1 Q. I think you and me both are losing the
2 hair.

3 A. Yes.

4 Q. Right. All right, Mr. French, I don't
5 want to get into the weeds in all of this. I
6 want to make sure I understand. There were, as
7 part of your investigation, you were given five,
8 what are called known samples blood spots,
9 right?

10 A. I believe it's just four.

11 Q. Well, didn't you get Rhett Parnell's?

12 A. Oh, yeah, I wouldn't -- I didn't get
13 that in this case, it was from --

14 Q. Oh, okay.

15 A. I never had that.

16 Q. Well, we know there's four --

17 A. Yeah.

18 Q. -- right?

19 A. Yes, sir.

20 Q. And these known standards you need
21 that, because you want to know that DNA goes
22 with that person, right?

23 A. That's the gold standard.

24 Q. Golden standard, okay. And each of
25 these buccal swabs were taken from someone, put

1 in an envelope, taped I see, got to you, right?

2 A. That's right.

3 Q. Because you need to know what Corey
4 Eckles' DNA is, right?

5 A. That's right.

6 Q. And Justin Granet and Chris Bliss and
7 Lauren Eckles in this case, right?

8 A. That's correct.

9 Q. Okay. So you know those four -- you
10 know what their DNA was on --

11 A. Right.

12 Q. -- right? It would make sense, and
13 then you compare what you know to what's in
14 question, right?

15 A. Right.

16 Q. So there's no question that the four
17 samples are from the four individuals who are
18 being -- whose samples were swabbed, no
19 question?

20 A. Correct.

21 Q. All right, so let's talk a little bit
22 more of this. A swab of the keys was Rhett
23 Parnell and Lauren Eckles. That makes sense,
24 because it was her keys, and she -- and he
25 collected them as evidence, right, and Chris

1 Bliss?

2 A. That's right.

3 Q. All right, let's talk about these guns.
4 Item number two is entered as a 380. And it
5 said that a swab was taken, and how was the swab
6 taken off of the handgun? How do they gather
7 the sample swab out in the field?

8 A. You wipe the swab, it's like a Q-tip.

9 Q. Uh-huh.

10 A. You wet it with a stir in water, and
11 you swab whatever surface you're trying to
12 collect it from.

13 Q. Okay. And then what that that does is, it
14 lifts it off, and then they put that big Q-tip
15 whatever it is into it, and send it to you?

16 A. That's correct.

17 Q. So the handle of the 380 was a match to
18 Corey Eckles, correct?

19 A. Yes, sir.

20 Q. A match to Chris Bliss, correct?

21 A. Yes.

22 Q. And a match to Lauren Eckles?

23 A. Yes.

24 Q. So that's what the Solicitor was
25 telling you, those were the matches that were

1 right? In other words, those matched up, and
2 the numbers are astronomical for the purposes of
3 being here, right?

4 A. Some are.

5 Q. Okay. But perhaps it's just as
6 important for some people is not what was there,
7 but what wasn't there, right?

8 A. Yes.

9 Q. So your opinion is that those three
10 were on the hand of this 380 -- on the handle of
11 the 380, right?

12 A. Handle and trigger.

13 Q. Yeah, the handle sized trigger, okay,
14 so those three, but that isn't what your report
15 ends, does it?

16 A. No.

17 Q. Okay. And then she didn't have you
18 read from your report the next sentence, did
19 she?

20 A. No.

21 Q. Actually, the 380, okay? Read the next
22 sentence for us, as to the DNA test that was
23 done on the handle of the 380, after the three
24 matches, before she skipped to item, three, read
25 the rest of what's on item two of your opinion

1 in your report.

2 A. Justin Granet and Rhett Parnell were
3 excluded in --

4 Q. Excluded?

5 A. Correct.

6 Q. So you did a presumptive.

7 A. Correct.

8 Q. Okay. So it not only show you whose
9 on, it shows whose not on there?

10 A. Correct.

11 Q. In this case it was Justin Granet and
12 then the officer, right?

13 A. Yes, sir.

14 Q. Okay. All right, let's go to the 380
15 receiver, and it's your understanding that that
16 is kind of a slide back like that, so if you're
17 using that gun, you're gonna have some
18 substantial -- if you're in substantial contact
19 with that gun, correct?

20 A. I would think so, yes.

21 Q. Okay, all right. And the results again
22 match to Corey, this is the receiver, the 380, a
23 match to Chris Bliss, and then that's where she
24 stopped, but if you go down, it also says what
25 as to Lauren Eckles?

1 A. Lauren Eckles, comparisons to her were
2 inconclusive. And what that means is, can't
3 really -- there's not evidence for supporting
4 inclusion on that sample.

5 Q. You can't come to court and say yeah.

6 A. Yeah, there's not enough information.

7 Q. Okay. The other sentence that wasn't
8 dealt with on your direct is the very next
9 sentence after that.

10 Again, this is the 380 receiver. What is
11 your next finding after the inconclusive as to
12 Lauren?

13 A. Justin Granet and Rhett Parnell were
14 excluded as contributors.

15 Q. Excluded?

16 A. Yes, sir.

17 Q. All right. And would you agree,
18 forensically, sometimes exclusion is just as
19 important, if not more important, than
20 inclusion?

21 A. Yes.

22 Q. And I mean this is done in fairness,
23 right? I mean you want to get a full view of
24 everything, right?

25 A. Yes, sir.

1 Q. To see who's on there, see who's not,
2 right?

3 A. Uh-huh.

4 Q. Okay. And then let's go down to the
5 swab of the pores handle. You've got testimony
6 it matched Corey 44 quintillion, which is,
7 apparently, ten to the 18th power.

8 A. Yes, sir.

9 Q. That's lots of zeroes. And a match to
10 Lauren, and a match to Chris Bliss. Talk about
11 who was excluded from having DNA on the swab of
12 the Taurus handle?

13 A. Again, Justin Granet and Rhett Parnell
14 were excluded.

15 Q. Excluded?

16 A. Yes, sir.

17 Q. And you get Rhett Parnell, who was the
18 police officer who was involved from the
19 Sheriff's Office, right?

20 A. Yes, sir.

21 Q. Okay, all right. Then we go down to
22 the swab of the Taurus, again, it's the same
23 gun, it's a .45.

24 Again, we've heard a match to Corey, a
25 match to John Christopher Bliss, and then what's

1 after that, as to on the swab of the Taurus, who
2 was excluded?

3 A. Lauren Eckles, Justin Granet and Rhett
4 Parnell were excluded.

5 Q. Okay. All right, and then let's go
6 down to the swabs, suspected blood on
7 flashlight, it came back to Corey, right?

8 A. Yes.

9 Q. Okay. Was Justin Granet excluded from
10 item 6.1 on the swab of suspected blood from the
11 lens of the flashlight?

12 A. Yes. Lauren Eckles, John Christopher
13 Bliss, Justin Granet and Rhett Parnell were all
14 excluded.

15 Q. And then they went and got the back
16 half of the body of the flashlight. I assume
17 the handle part of the --

18 A. Yes.

19 Q. -- backend? Okay. And did you ever
20 see the flashlight?

21 A. I swabbed the flashlight.

22 Q. You did?

23 A. Yes.

24 Q. Okay. Did you swab it pretty good?

25 A. Yes.

1 Q. But did you swab like those -- did you
2 swab both sides of it up and down and all
3 around?

4 A. Uh-huh.

5 Q. Okay. So you're not just going and
6 just hitting one little spot, you're trying
7 to --

8 A. Right.

9 Q. -- find something, right?

10 A. Find out who was holding the
11 flashlight.

12 Q. Okay. Is it safe to say that you felt
13 like you adequately swabbed the flashlight, in
14 an attempt to find somebody on the handle,
15 right?

16 A. That's correct.

17 Q. Okay. All right, so the back half body
18 of the flashlight, Corey Eckles, two octillion
19 times, a coincidental match. Justin Granet
20 excluded?

21 A. On that I resubmitted it to the
22 software, because there was a mixture.

23 Q. Uh-huh.

24 A. And I said assuming Corey Eckles is
25 there.

1 Q. Uh-huh.

2 A. And after assuming that I had Lauren
3 Eckles, John Christopher Bliss, Justin Granet
4 and Rhett Parnell were all excluded.

5 Q. So far in every single one of your
6 findings Justin Granet has been excluded,
7 scientifically, through your opinion as an
8 expert witness, he's been excluded from the gun
9 handle, the first gun handle, the first gun
10 receiver, the second gun handle, the second gun
11 receiver, the flashlight; is that correct?

12 A. Yes, sir.

13 Q. All right. Let's go down to the swab
14 of tape backing it says from the vic. I'm not
15 sure who they're talking about being a victim.
16 It appears to be Lauren Eckles; is that right?

17 A. That I didn't write down what the --

18 Q. Okay, all right. But at any rate, you
19 assumed that both Corey and Lauren's DNA would
20 be on there, right?

21 A. Based on the results of what I saw
22 initially, yes.

23 Q. Okay. Is Justin Granet excluded from
24 that now?

25 A. After assuming that Lauren and Corey

1 Eckles is known contributors, John Christopher
2 Bliss, Justin Granet and Rhett Parnell are all
3 excluded.

4 Q. Okay. All right, 8.1, swab of ends of
5 rope. Now, I know -- did your paper say from
6 the victim?

7 A. Yes, sir.

8 Q. Do you know which -- who they're
9 referring to there?

10 A. No.

11 Q. Okay. Do you understand, or do you
12 know that Lauren Eckles is the only one who had
13 been tied up?

14 A. I don't know that.

15 Q. And that was a match to John
16 Christopher Bliss, right?

17 A. I assume that Corey Eckles was there,
18 and then there was a match to John Christopher
19 Bliss.

20 Q. All right. Let me ask you this, if I
21 had a gun, for example, and I touched it and you
22 touched it and the Court Reporter all touched
23 it, there's gonna be what you call a mixture of
24 DNA there, correct?

25 A. I would expect to find that.

1 Q. Okay. Now, if I was like -- I mean if
2 I wanted to get my DNA off the DNA mixture on
3 the gun, could I go in and just wipe my DNA off?

4 A. And leave other DNA behind?

5 Q. Yeah.

6 A. No.

7 Q. Okay. I mean most of the time you
8 can't see it, you can't look at it with the
9 naked eye and see that that's your DNA or
10 somebody else's, right?

11 A. Correct.

12 Q. Okay. You can't wipe your DNA off and
13 leave others?

14 A. No, sir.

15 Q. Correct?

16 A. Right.

17 Q. DNAs can't be separated --

18 A. Right.

19 Q. -- right?

20 A. Yes.

21 Q. And also you weren't at the scene,
22 right?

23 A. I was not.

24 Q. Okay. All you can do is testify
25 scientifically, as to what you're findings are

1 regarding DNA, that was tested by you, correct?

2 A. Yes, sir.

3 Q. Okay, and then it's up to other people
4 to determine what's the importance of the
5 presence, and sometimes even absence of DNA,
6 right?

7 A. That's correct.

8 Q. Okay.

9 MR. LEE: That's all I have, Your Honor.

10 THE COURT: All right, Solicitor, anything
11 further for Mr. French?

12 MS. KIDD: Nothing further from the State.

13 THE COURT: Thank you, sir, have a great
14 day. Solicitor, you can call your next witness.

15 MS. KIDD: The State calls Daniel Duhamel.

16 THE COURT: Okay.

17 * * *

18 DANIEL DUHAMEL

19 * * *

20 being first duly sworn, testified as
21 follows:

22 DIRECT EXAMINATION

23 BY MS. KIDD:

24 Q. Can you please tell the jury where you
25 were working on March 11th of 2019?

1 A. Yes, I was an Investigator at the
2 Northern Investigations Division, employed at
3 the Beaufort County Sheriff's Office.

4 Q. Now, do you still work for the Beaufort
5 County Sheriff's Office?

6 A. I do not.

7 Q. Okay, where do you work?

8 A. I work in Rockland, Maine, I'm a Police
9 Sergeant there.

10 Q. Okay. But at the time that you were
11 working at the Beaufort County Sheriff's Office
12 back in 2019, what was your role there?

13 A. I was an Investigator working any kind
14 of cases from outside patrol, people who called
15 up all the time to assist others.

16 Q. So as it relates to this case, what was
17 your role? What happened?

18 A. I was called in, it was just with the
19 interviews of all suspects in this case.

20 Q. Okay, so did you interview this
21 Defendant, Justin Granet?

22 A. I did.

23 Q. And was that on March 11th of 2019?

24 A. It was.

25 Q. And where did that interview take

1 place?

2 A. That took place at the Northern
3 Investigations Office.

4 Q. Did you also interview John Christopher
5 Bliss?

6 A. That's correct.

7 Q. Who did you interview first?

8 A. Justin Granet.

9 Q. Is there a particular reason why you
10 interviewed him first?

11 A. I think that was just the first one
12 that was brought in.

13 Q. All right. When you met with him, did
14 you advise him of his Miranda rights?

15 A. Yes, he was read his rights.

16 Q. Okay, and how did -- how was he advised
17 of his rights?

18 A. He was read off the -- I believe then
19 Master Sergeant Fraser read his rights out for
20 him.

21 Q. And so when this advice was given, was
22 that audio or video recorded?

23 A. It was both audio and video recorded.

24 Q. Okay. Was the entire interview
25 recorded?

1 A. Yes, it was.

2 Q. And so do you remember speaking with
3 him, did he seem to have any injuries, or any
4 kind of defect, things that were bothering him?

5 A. He did. He complained of an injury to
6 his left hand. We looked at it, and it looked
7 like it was puffing up. He also had what looked
8 like a little bruise by one of his cheeks when
9 we were talking to him.

10 Q. All right. Did you ask him about that
11 in any way?

12 A. I did.

13 Q. Okay. Did you ultimately end up
14 getting him some medical treatment?

15 A. Yes, he was seen by EMS there later at
16 the jail.

17 Q. Did you photograph --

18 A. I believe that Sergeant Fraser
19 photographed injuries to him.

20 Q. Okay, but were you in the room when
21 that happened?

22 A. I can't remember if I was in the room
23 at that time or not, but I know that it was
24 done.

25 Q. But you got a good look at him --

1 A. Yes, I did.

2 Q. I'm gonna show you what's been pre-
3 marked as State's Exhibit 52, 53 and 54; do you
4 recognize those?

5 A. Yes, I do.

6 Q. Okay, and what do those pictures show?

7 A. These are pictures of Mr. Granet on
8 March 11th, 2019. A picture, this one here, 52,
9 is a picture of hands. That's fine.

10 Q. And --

11 A. And the other one is a picture of
12 hands, and the other one is a picture of his
13 face.

14 Q. Okay. You got a good look at his
15 hands, his clothes --

16 A. Yes, I did.

17 Q. Okay. And these pictures fairly and
18 accurately depict everything you saw?

19 A. They do.

20 MS. KIDD: At this time, the State seeks to
21 enter in Exhibits 52, 53, and 54, 55.

22 MR. LEE: No objection.

23 THE COURT: All right, and --

24 MS. KIDD: And publish --

25 THE COURT: Sure you can publish, yes,

1 ma'am.

2 (State's Exhibits 52 - 55 were admitted
3 into evidence.)

4 BY MS. KIDD:

5 Q. All right, so I showed you 52.

6 A. Uh-huh.

7 Q. What did you say that this depicts?

8 A. That's just red hands.

9 Q. How do they appear to you?

10 A. They're soiled. They appear to have --
11 what appear to be dried blood on his hands.

12 Q. Okay. And so you took a look at
13 State's 53?

14 A. Yes.

15 Q. Starting right here.

16 A. Yes, that's the clothing.

17 Q. All right. And how do those look?

18 A. Those look soiled as well.

19 Q. Okay. And then State's Exhibit 54?

20 A. Yeah, that's the upper shot, it shows
21 his face and the tee-shirt he was wearing.

22 Q. It's hard to tell, but how do those
23 look to you?

24 A. They could possibly have suspected
25 blood on them.

1 Q. It was a black shirt?

2 A. A black shirt.

3 Q. Okay. So who else is in the room when
4 you were meeting with Mr. Granet?

5 A. I believe that would be Master Sergeant
6 Fraser.

7 Q. Okay. So when you-all meet with him,
8 did he seem like he was willing to talk with
9 you?

10 A. He was. He was very emotional and he
11 was very -- he wanted to talk about it.

12 Q. About what time did he get in that
13 night?

14 A. It was about ten minutes to 11:00 that
15 night.

16 Q. And about how long were you-all in the
17 room together?

18 A. I think it was probably 45, 50
19 minutes --

20 Q. Okay.

21 A. -- somewhere around there.

22 Q. Have you had the chance to -- I'm gonna
23 show you what's now been pre-marked as State's
24 Exhibit 69; do you recognize that?

25 A. I do.

1 Q. Okay, and what is it?

2 A. That's the redacted copy of a video
3 which has my initials and today's date on it.

4 Q. Okay, so it has your initials.

5 Does that mean you've had a chance to
6 review this --

7 A. Yes.

8 Q. -- before your testimony today?

9 A. I have.

10 Q. And does this fairly and accurately
11 depict the events that happened that evening
12 when you were interviewing?

13 A. Yes, it does.

14 MS. KIDD: Okay, at this time the State
15 seeks to enter in State's Exhibit 69 into
16 evidence, and publish to the jury.

17 MR. LEE: No objection.

18 THE COURT: All right, admitted without
19 objection.

20 (State's Exhibit 69 was admitted into
21 evidence.)

22 (Video being played for the jury.)

23 THE COURT: Can you turn it up a little
24 bit?

25 BY MS. KIDD:

1 Q. So when we were watching that video, it
2 appeared that you-all took a DNA sample of the
3 gun that belonged to the Defendant?

4 A. That's right.

5 Q. And were you the one that did that?

6 A. Yeah, I did.

7 Q. And it looks like you-all were kinda
8 stripped searched?

9 A. Yes.

10 Q. I'm showing you what's been pre-marked
11 as State's Exhibit 71. All right, do you
12 recognize this exhibit?

13 A. Yes, I do, this is when we read to --
14 Master Sergeant Fraser read to Justin and it was
15 signed by Fraser and myself.

16 Q. Okay.

17 MS. KIDD: So at this time the State seeks
18 to enter in State's Exhibit 71.

19 MR. LEE: No objection.

20 THE COURT: All right, admitted without
21 objection.

22 (State's Exhibit 71 was admitted into
23 evidence.)

24 BY MS. KIDD:

25 Q. And so on this document I don't see

1 where Justin Granet signed this.

2 A. He initialed.

3 Q. Okay, but did he verbally indicate that
4 he was consenting?

5 A. He did.

6 Q. All right. And so do you know if he
7 got medical treatment?

8 A. He did. He went to the hospital --

9 Q. Okay.

10 A. -- got checked out there.

11 Q. All right. And so do you recognize the
12 man in that video stated that he didn't want
13 Corey Eckles to get away with this?

14 A. Yes.

15 Q. Is he here in the courtroom today?

16 A. He is. He's sitting right to the left
17 to his attorney in the dark blue suit.

18 Q. All right, thank you. Please answer
19 any questions the defense may have.

20 A. I will.

21 MR. LEE: Judge, would you consider taking
22 a quick stretch break, so I can get organized to
23 do this?

24 THE COURT: I'm gonna have the jury step
25 back, we'll have you come back, we'll take about

1 15 minutes, thank you. Thank you. Don't talk
2 about the case.

3 (Jury exits the courtroom)

4 BAILIFF: The jury's clear, Your Honor.

5 THE COURT: All right, we'll break for
6 about 15 minutes, okay?

7 MR. LEE: Thank you, Your Honor.

8 MS. KIDD: Thank you, Your Honor.

9 (Recess.)

10 ***

11 PROCEEDINGS CONTINUED

12 THE COURT: Is the State ready to get the
13 jury back in?

14 MS. KIDD: Yes, the State's ready, Your
15 Honor.

16 MR. LEE: Yes, sir.

17 THE COURT: All right, bring the jury back
18 in.

19 (Jury enters the courtroom.)

20 BAILIFF: The jury's seated, sir.

21 THE COURT: All right, thank you very much.
22 Ladies and gentlemen, welcome back.

23 I believe Mr. Lee you're ready to proceed
24 with your cross-examination --

25 MR. LEE: Yes, sir.

1 THE COURT: -- Officer Duhamel.

2 MR. LEE: Thank you.

3 THE COURT: Yes, sir.

4 ***

5 CROSS-EXAMINATION

6 BY MR. LEE:

7 Q. You've been back in Beaufort just a few
8 months?

9 A. Yes.

10 Q. In the report it says, "Immediately
11 after agreeing to speak with us Justin Granet
12 uttered, 'I never wanted any of this to happen;"
13 is that right?

14 A. That's right.

15 Q. That's what he said to you before
16 Miranda?

17 A. Yes.

18 Q. That was the first thing he said,
19 right?

20 A. Okay.

21 Q. Okay. I want to ask you that, do you
22 agree with that?

23 A. Yes.

24 Q. Do you have the report in front of you?

25 A. I do.

1 Q. Page 52 halfway down.

2 A. Okay.

3 Q. The first thing it says. Now, did you
4 -- well, let me ask you this, Disbrow was lead
5 investigator, and then he left.

6 Did you become the lead investigator at
7 that point?

8 A. No, I did not.

9 Q. You didn't? Did Fraser?

10 A. I'm not sure who was assigned to that.

11 Q. You don't know?

12 A. I don't know.

13 Q. When did you leave?

14 A. I left in December of 2020.

15 Q. So 19 months after this or so?

16 A. Somewhere around there.

17 Q. So you don't know who eventually was
18 the lead investigator?

19 A. No, I do not.

20 Q. But it's not you?

21 A. No, didn't happen.

22 Q. All right. Are you aware of the two
23 previous statements that Mr. Granet gave and
24 Rhett Parnell regarding this?

25 A. I'm aware that he made some type of

1 statement, but I don't know what he said.

2 Q. And in those statements the same type
3 thing, "So sorry this happened. I want my
4 family back," that was the general tone; would
5 you agree with that? You have no idea?

6 A. I have no idea.

7 Q. Okay. Now, I think you testified on
8 direct that -- the Solicitor asked you about
9 both interviews, you said he got there first, as
10 opposed to Chris Bliss, right?

11 A. Yeah, that's my understanding, that's
12 right.

13 Q. So there wasn't any special order, or
14 anything like that to try to get them to come
15 talk to you?

16 A. That's right. Not that I know.

17 Q. Okay, and isn't it -- looking back on
18 this case and other cases, sometimes it's
19 important what order interviews go; do you agree
20 with that?

21 A. Sometimes, yeah, they can.

22 Q. Okay. And the main reason is, because
23 the more information you have from previous
24 interviews, the more you can use it, if it
25 applies to the person you're talking to; does

1 that makes sense?

2 A. Sometimes, yes.

3 Q. Okay. And, in fact, you and Fraser
4 interviewed Chris Bliss right after this, right?

5 A. It was shortly after this.

6 Q. How long shortly after?

7 A. Shortly after, probably ten, 15
8 minutes.

9 Q. Okay, and you-all made a copy, just
10 like you made a copy of the Chris Bliss
11 interview, gave it to the Solicitor, the same-
12 type deal, right?

13 A. Correct.

14 Q. Okay. And you-all use certain things
15 that Justin said to question Chris Bliss, right?

16 A. There were some things mentioned, yes.

17 Q. Okay. So kind of an advantage to get
18 what Justin said before you're talking to Chris,
19 because you knew more, right?

20 A. We had Justin's side, and we had to get
21 Chris' side.

22 Q. Okay. And so all the better to know
23 more than know less?

24 A. Better to know more.

25 Q. Okay. All right, have you been here

1 all week?

2 A. No, I just got here Monday. I went to
3 court --

4 Q. Well, since Monday, this weekend?

5 A. I've been here yesterday and today.

6 Q. Okay, all right.

7 And have you spoken with Corey or Lauren
8 Eckles at any time, as part of this case?

9 A. No.

10 Q. Do you know who they are?

11 A. I do know who they are.

12 Q. Okay. Where are they sitting?

13 A. They're not here, they were here
14 yesterday.

15 Q. They were here yesterday. So I think
16 it's safe to say to repeat what was said, that
17 Justin was very emotional, and wanted to talk to
18 you-all?

19 A. Yes.

20 Q. Okay. And then he had no problem
21 signing a Miranda form, saying that he's willing
22 to talk to you, right? Well, he didn't sign it,
23 he agreed, right.

24 A. Yeah, he agreed, he said he'd sign
25 anything.

1 Q. Okay. And were you aware that he'd
2 already been basically mirandized, and did talk,
3 and --

4 A. I was aware of that happening.

5 Q. All right, so as an investigator, would
6 you ever have a suspect be eager talk, or talk
7 to you?

8 A. I'd rather have them talk with me.

9 Q. Okay. And he certainly didn't have to,
10 and if he didn't you couldn't do much about it;
11 you couldn't make him talk?

12 A. No.

13 Q. Okay. He also fully agreed to the
14 buccal swab, right?

15 A. That's correct.

16 Q. There was no strong-arming or
17 threatening, or anything like that to get him to
18 do it?

19 A. No, there was no.

20 Q. He said, "I'll do whatever I need to
21 do?"

22 A. Yes.

23 Q. All right, now, did the name Zane ever
24 come up in the interview; do you remember?

25 A. I don't know if the actual name came

1 up, I think he was just talking about -- he
2 mentioned this guy that his wife had slept
3 with --

4 Q. Okay.

5 A. -- allegedly.

6 Q. That Corey had said --

7 A. That Corey told him, yes.

8 Q. Okay. Did you pass this interview onto
9 Disbrow, who was lead investigator at the time?

10 A. I don't know if it was passed directly
11 to him, but he would have had access to that.

12 Q. Okay, sure, okay. And at the time that
13 you spoke with Justin, obviously, you hadn't
14 even gotten the buccal swabs -- that there's no
15 way you could have known what DNA results were,
16 could you?

17 A. No, I couldn't.

18 Q. If you would have known the DNA results
19 before you talked to him, would that have been
20 helpful?

21 A. Sure, I mean the more information is
22 always helpful in my eyes.

23 Q. And had you had those DNA results,
24 where he is excluded from being on either one of
25 the guns or either one of the places, he's

1 excluded from any DNA on the flashlight, would
2 that have helped you in talking to him?

3 A. Well, he was very candid about what his
4 involvement was.

5 Q. Okay, and when you first talked to him,
6 he gave kind of a very condensed version of what
7 happened, when you said, "Hey, Justin, what went
8 on tonight?" He gave a very condensed version
9 from beginning to end; did he not?

10 A. He did.

11 Q. Okay. And then you-all kind of follow-
12 up, as you're supposed to do, and you got some
13 questions -- Fraser asked some questions; but he
14 gave a very condensed version, right?

15 A. Yes.

16 Q. And in that first version he didn't
17 even mention Chris Bliss or Lauren Eckles at
18 all, did he?

19 A. I don't think he did.

20 Q. Okay. So then it kind of got a little
21 bit -- some more questions, and that sort of
22 thing, and he answered some more questions.
23 Would you agree that -- at the beginning of the
24 interview that besides not even mentioning Chris
25 Bliss' name, would agree that he seemed to be

1 defensive, or taking up for anything that Chris
2 Bliss might have done?

3 Would you agree with that?

4 A. You'll have to rephrase your question
5 for me.

6 Q. Yeah, I need to ask that better, all
7 right. At first he didn't say anything about
8 Chris Bliss hitting anybody, did he?

9 A. I don't think so, no.

10 Q. And at first Justin said that Justin
11 tied the victim up, right?

12 A. Tied Corey, yeah.

13 Q. That he tied Corey. And he also said
14 that he tied up Lauren -- you asked him if he
15 tired up Lauren, right?

16 A. I believe we did, yes.

17 Q. Okay. And after -- and he originally
18 said that he didn't, and then he'd back off of
19 that, right?

20 A. Yeah. Well, what he said was basically
21 -- that he basically started talking about how
22 he couldn't believe he got his best friend since
23 the third grade involved in this.

24 Q. Uh-huh.

25 A. And he said, "I want to tell you that I

1 tied her up, I did."

2 Q. So in sort of evolution, he's kind of
3 like not trying to take all the blame for Chris,
4 right? He goes, "I'd like to tell you that I
5 did it, but not sure." It's like he really
6 didn't want to say it, right?

7 A. Yes.

8 Q. And was your impression because he felt
9 guilty maybe, or troubled by the fact that Chris
10 Bliss was getting charged too?

11 A. I --

12 Q. Was he even there?

13 A. I can't answer that question.

14 Q. Okay. At first he's like man-upped
15 saying, "I'm so sorry," and he essentially says
16 this is all him, right?

17 A. Yeah, he takes full responsibility.

18 Q. Okay. And he mitigates what Chris
19 Bliss' role in anything, right?

20 A. At first, yeah, but then he eventually
21 calmed down.

22 Q. But eventually, later, he does say that
23 Chris is the one that had the rope, right?

24 A. He said Chris was the one that tied
25 Lauren up, yes.

1 Q. Okay. That's totally consistent with
2 the DNA results of the cut rope which has Chris
3 Bliss on it, right?

4 A. It is consistent, yes.

5 Q. In looking back.

6 A. Yes.

7 Q. And Justin denied any use by him of any
8 guns, right?

9 A. Yeah, he said he did not use a gun, he
10 used his hands, his fists and a flashlight.

11 Q. Okay. But then he changed the
12 flashlight, he said Chris Bliss used the
13 flashlight, right?

14 A. No, he still -- Justin admitted hitting
15 Corey with the flashlight at the time there.

16 Q. Did he change it to Chris used the
17 flashlight; or you don't know when?

18 A. I can't say for 100 percent sure what
19 he meant, but he admitted that both had used the
20 flashlight on Corey's head.

21 Q. Okay. All right. And because he --
22 eventually it comes out that Corey got on top of
23 Justin, and that's when Chris hit him with a
24 flashlight, right?

25 A. Justin did mention that one part, yes.

1 Q. Okay. And I think he might have said
2 he got to hit him a couple times with the
3 flashlight.

4 A. He thought he might have got hit by
5 Chris.

6 Q. Okay. And you don't know which piece
7 or the parts of -- it looks like in the
8 statement sometimes some of it's true, sometimes
9 it's not true, sometimes it's left out; would
10 you agree with that?

11 A. That's --

12 Q. There's no perfect statement.

13 A. Well, that's routine like procedure for
14 someone.

15 Q. Okay. All right, now looking back, how
16 would your questioning or approach to Justin
17 Granet -- what would have been different had you
18 interviewed Chris Bliss first?

19 A. That's speculation, I have no idea.

20 Q. Okay. Well, you know what Chris said,
21 right?

22 A. I do know what Chris said, right.

23 Q. Did you ever specifically have -- I'll
24 re-ask the question. You asked a lot of
25 questions about a lot of details, I mean it was,

1 what, 40 minutes or so?

2 A. 45, 50 minutes.

3 Q. Did you ever go back at any time and
4 say, "Justin, you went through that very quickly
5 at first, let's go back and kind of rewind?"
6 Did you ever specifically ask him the specifics,
7 because in the beginning he summarizes and he's
8 taking the blame, right?

9 A. Uh-huh.

10 Q. Okay. Did you ever go back to that,
11 the very beginning, to talk about, "Tell us who
12 started it, who threw a punch, who bowed up to
13 somebody, who acted out first for all this stuff
14 to start, and then we know it got out of
15 control."

16 Did you ever specifically go ask him and
17 say, "Look, this is really important in a case
18 like this. Can you tell us, remember now, can
19 you tell us what happened first?"

20 A. Well, Justin actually said it was
21 everyone. He said that he grabbed Corey first
22 and took him down to the ground.

23 Q. That's what he said -- sorry. That's
24 what he said at the very beginning of the
25 summary, right?

1 A. Uh-huh.

2 COURT REPORTER: Yes?

3 THE COURT: Officer you have to say --

4 BY MR. SMITH:

5 Q. Yes.

6 THE COURT: -- yes, or however you want to
7 answer the question, not uh-huh.

8 MR. LEE: Thank you, Your Honor.

9 THE COURT: Yes, sir.

10 BY MR. LEE:

11 Q. And he also said initially that he tied
12 Lauren up, right?

13 A. Who Justin?

14 Q. Yeah.

15 A. He made some type of statement, but he
16 had changed that later, and said it was Chris.

17 Q. Okay. Did you ever give him the chance
18 to elaborate or think about the initial
19 aggressor part of it?

20 A. We never said that part of it. We let
21 him talk, you saw the interview, we let him
22 talk. He did most of the talking for our
23 interview.

24 Q. But you asked him several questions
25 following up. You want to know about the -- a

1 lot of things that were tangential to the actual
2 -- what happened in the house, right? How long
3 have you known Corey --

4 A. Yes.

5 Q. Right, okay, but is it safe to say that
6 you tried to focus on important parts, rather
7 than collateral matters that may not really
8 matter to any of your questions?

9 A. I try to give the whole picture when I
10 talk to somebody.

11 Q. Okay. Have you worked any -- I say
12 work, other assault and battery, attempted
13 murder, murder cases, where this is someone --

14 A. I've worked many, yeah, over the years.

15 Q. Okay. And you would agree that one, of
16 the most important issues is if there's any type
17 of fight, an assault, shooting, knifing,
18 whatever the case may be between two people,
19 it's certainly one of the most important things
20 to consider, right?

21 A. It can be, yes.

22 Q. Because that can be the difference
23 between a crime and an excused injury, or an
24 excused death, what we call self-defense when
25 the events were happening; do you agree with

1 that?

2 A. It's always important to get the facts
3 as best we can.

4 Q. Right, okay. Did you ever try to
5 follow-up with -- or anybody try to follow-up
6 with Justin Granet?

7 A. After he was placed under arrest and
8 had a bond hearing, we were no longer able to
9 talk to him.

10 Q. You were?

11 A. He was already Mirandized at that
12 point.

13 Q. Well, he had been mirandized twice and
14 eager to talk to you before.

15 Is there anything to say that he wouldn't
16 want to talk to you again?

17 A. I was not -- it was not my case.

18 Q. Right.

19 A. I didn't see him after that.

20 Q. Are you aware that about a week after
21 that this happened, that they went and got a
22 warrant for the weapon's charge, and he turned
23 himself in and he was talking to the police at
24 that point?

25 A. I am aware of that.

1 Q. Okay. Did anybody say, "Hey, did
2 anyone follow-up Granet? We've got a few
3 questions that we found out in the last week,
4 and we've got some things that came up during
5 the interview with Bliss, maybe he'll want to
6 talk to us, or really ask him to talk to us?"

7 A. Once again, it was after he was under
8 arrest and had an attorney.

9 Q. Okay, did you reach out to his
10 attorney?

11 A. Not in that case, I did not.

12 Q. Okay. Do you know if anybody did?

13 A. I have no idea.

14 Q. Okay. And it's an important issue,
15 once again -- so essentially law enforcement did
16 miss an opportunity to follow-up with Justin, or
17 he wouldn't have had to say anything, but it was
18 even asked, if he would come in to follow-up
19 with some information that Chris Bliss had
20 provided in a voluntary statement to you?

21 A. Sir, I can't answer that.

22 Q. Okay. Is there anything -- any reason
23 why you wouldn't have at least asked, if you're
24 an investigator?

25 A. Well, once again, once he has assigned

1 counsel to him, we can't talk to him until we
2 have the approval from the lawyer.

3 Q. Do you know when he got counsel?

4 A. I do not.

5 Q. So you don't know if it was -- okay.

6 Did you observe -- did you see the two marks on
7 the top of Justin's hand?

8 A. All I saw was his swollen-up hand.

9 Q. Okay. Did you see anything that
10 appeared to be having been bitten down on his
11 hands?

12 A. I did not. I don't recall that.

13 Q. Okay, but you saw it?

14 A. I saw --

15 Q. And you didn't say anything?

16 A. I saw that he had swelling on his
17 hands. He referred to it as a possible
18 fracture.

19 Q. Okay, but he went to the hospital after
20 the interview, right?

21 A. He did.

22 Q. Okay. And did you follow-up, or do you
23 know what the diagnosis was, or what treatment
24 he received?

25 A. I did not, there was -- it was not part

1 of my case.

2 Q. Okay, all right. Do you know who Sally
3 Granet is?

4 A. I never met her.

5 Q. You never met her?

6 A. I know who she is, but I never met her.

7 Q. Okay, thank you, okay. All righty, is
8 it fair to say that Justin was worried about his
9 family?

10 A. It's safe to say, yes.

11 Q. All right. All right.

12 MR. LEE: That's all I have, Judge, thank
13 you.

14 THE COURT: All right, thank you.

15 MR. LEE: Now I am off your back.

16 WITNESS: Well, thank you.

17 THE COURT: Solicitor, any redirect?

18 MS. KIDD: No redirect from the State.

19 THE COURT: All right, thank you.

20 WITNESS: Thank you, Your Honor.

21 THE COURT: Yes, sir. All right,
22 Solicitor, you can call your next witness.

23 MS. KIDD: Thank you. The State now calls
24 Dr. Luke Baxley.

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LUKE BAXLEY, M.D.

* * *

THE COURT: All right, sir.

DIRECT EXAMINATION

BY MS. KIDD:

Q. Hi, Dr. Baxley.

A. Hi.

Q. Where do you work?

A. At the Beaufort Memorial Hospital.

Q. Okay. What is your role there?

A. An emergency medicine physician.

Q. And what kind of duties does that entail?

A. Well, we see -- really we see anybody of any age at any time for any reason.

Q. And what's your work schedule like?

A. It's kind of mixed. We do days, nights, mid-shifts, weekends, holidays. It's always open, and we kinda spread it out evenly in the group.

Q. When was your last shift?

A. Last night.

Q. All right.

A. Sorry, excuse me.

Q. So you may be a little tired, but we're

1 gonna get through this.

2 Can you please go through your educational
3 background?

4 A. Sure. So I went to the Citadel,
5 graduated in 2003, and then attended the
6 University of South Carolina, and then residency
7 at -- in Baton Rouge at LSU.

8 Q. So when did you begin working at
9 Beaufort Memorial -- your residency?

10 A. I did residency at LSU in Baton Rouge.

11 Q. Okay. So when you completed your
12 education, when did you begin working at
13 Beaufort Memorial?

14 A. 2011.

15 Q. Is that consistent up until the present
16 day?

17 A. Uh-huh. Yes, I'm sorry.

18 Q. So then you haven't had any specialty
19 training to get you to this point in your
20 career?

21 MR. LEE: Your Honor, I know Dr. Baxley,
22 I'm happy to stipulate whatever qualifications
23 she wants, and that he's an expert in whatever
24 field she wants to put him in.

25 BY MS. KIDD:

1 Q. All right, you gave us some of your
2 educational background, you are a doctor.

3 MS. KIDD: At this time, the State will
4 seek to have Dr. Luke Baxley qualified as an
5 expert in the field of emergency medicine.

6 THE COURT: All right, I understand there's
7 no objection, correct, Mr. Lee?

8 MR. LEE: That's correct, Your Honor.

9 THE COURT: All right, so ladies and
10 gentlemen, I'm gonna recognize the Doctor as an
11 expert in the field of emergency medicine. As a
12 result, he can give opinion testimony as we
13 talked about earlier, okay? Go right ahead,
14 Doctor -- go ahead, Solicitor, I'm sorry.

15 MS. KIDD: Thank you.

16 BY MS. KIDD:

17 Q. So I want you to kind of walk me
18 through -- educate the jury a little bit about
19 the process, and what happens when a patient
20 comes through those doors into the emergency
21 room with injuries. What are the first steps
22 that you take?

23 A. So we're talking trauma?

24 Q. Yes.

25 A. So trauma's kind of a cookbook

1 algorithm approach to taking care of trauma
2 patients, and it's through the -- again, kind of
3 like an algorithm that the American College of
4 Surgeons give us, and it's fairly step-by-step.

5 And it starts with the initial assessment,
6 what we call a primary survey; where we look for
7 reversible and life-threatening injuries that
8 could take someone's life, you know, in this.
9 And so that's a quick airway, breathing,
10 circulation, head-to-toe assessment to see if we
11 can see anything that can kill someone
12 immediately, or if we think that it's
13 correctable immediately.

14 And, again, we go into the secondary
15 survey, which is a more thorough head-to-toe,
16 identifying injuries, or identify areas of
17 concerns, and then we formulate a diagnostic
18 approach to that, which means we decide what
19 tests are ordered, and what imaging studies to
20 order, you know, to map, to make sure, the CT
21 scans, stuff like that. And then,
22 simultaneously, when nurses are establishing IV
23 access and doing that, everything kind of goes
24 by this algorithm.

25 Q. So it sounds like there's a lot going

1 on at once?

2 A. A lot going on.

3 Q. Okay. So did you treat a patient by
4 the name of Corey Eckles back in March of 2018?

5 A. I did.

6 Q. Okay. So when he came through your
7 doors and you-all do that first initial
8 assessment, to see if there's any of the
9 injuries that you described to me?

10 A. Well, we -- so, no, immediately
11 correctable life-threatening. If during the
12 secondary survey you find clues that there may
13 be life-threatening injuries that aren't
14 clinically apparent, but I can't identify
15 without the use of a CT scan, or something like
16 that.

17 And so there were several indicators.
18 There may be some life-threatening injuries.

19 Q. And what sort of clues did you find
20 here?

21 A. Just a pretty good bit of head trauma.

22 Q. Were there any kind of clues?

23 A. There were.

24 Q. Okay. And so based off of this
25 secondary assessment that you're doing,

1 collecting these clues, then just tell me what
2 tests are run. What tests did you, ultimately,
3 run in this situation?

4 A. So, basically, I would be doing trauma
5 patients, but in particular for him, the
6 difference is the imaging studies. So we took a
7 CT scan of his head, his neck area and the
8 cervical spine, along with a few other things
9 that correspond with those.

10 Q. So if you're performing something
11 called a CT scan, can you explain in a little
12 more detail what exactly a CT scan is and what
13 it does?

14 A. Sure. So a CT scan is like a slice-by-
15 slice picture exactly what's going on with
16 whatever body part you're trying to image. So
17 when we're running a CT scan, it doesn't just
18 give me one picture, it gives me a slice-by-
19 slice visual representation of really what's
20 going on in the inside, because that's really
21 what we care about.

22 Q. I'm going to show you what's been pre-
23 marked as State's Exhibit 57. Are you able to
24 identify these pictures?

25 A. I see them.

1 Q. All right.

2 A. It looks like a trauma patient. I
3 can't identify it by just looking. It looks
4 familiar, but I wouldn't be able to tell you
5 conclusively.

6 Q. That is okay, I appreciate your honesty
7 and --

8 A. Well, I mean --

9 Q. -- all right. So when Corey Eckles
10 comes through your door and you're running these
11 tests and you're wanting more information and
12 you get the results of the scan back, were you
13 able to make any diagnoses?

14 A. Yes.

15 Q. Yeah.

16 A. So he has an intracranial hemorrhage,
17 which is bleeding -- so when he comes in, the
18 first thing that's apparent is he's covered in
19 blood, and the concern is, is there bleeding
20 internally? And inside the skull is an enclosed
21 space, and if there's any, you know, there's no
22 room for stuff to belong there.

23 So if there's bleeding inside, then that's
24 a concern. And we did find evidence of brain
25 bleed, which is a bleed on the inside.

1 Q. I'm going to show you what's been pre-
2 marked as State's Exhibit 68, is this an item
3 that we can use to demonstrate to the jury?

4 A. Yes.

5 Q. All right, well, would you mind
6 stepping down --

7 A. Sure.

8 Q. And using this demonstrative skull and
9 this marker, and as you're going through,
10 making, you know, your findings, could you
11 please indicate on the skull with that marker
12 where these injuries are located to educate the
13 jury.

14 So let's go back, you said that the first
15 observation you were able to make was blood?

16 A. He had a bunch of scalp lacerations --

17 Q. Okay.

18 A. -- and facial lacerations.

19 Q. All right, and can you point to where
20 those lacerations were?

21 A. By memory?

22 Q. Would you like to refer back to your
23 report?

24 A. Can I have it here in case I can't
25 remember that?

1 Q. Yes, absolutely, you can.

2 A. Yeah, I've just got to do a lap around.

3 Q. Yeah.

4 A. I'm sorry. Sorry, give me one second.

5 So -- sorry, bear with me here.

6 He had four distinct scalp lacerations, all
7 of which were full thickness. And that is, my
8 understanding, is with full thickness you can
9 see the meningeal underneath, which is the shiny
10 covering basically to the skull. There's one on
11 the right eyebrow, one kind of starting from the
12 scalp and extending onto the forehead

13 Q. Okay.

14 A. And then he also had a fracture through
15 his macula science, which that's the only
16 contacts there. Macula science is, and excuse
17 me if you know this, but it's a hollow cavity
18 here and here, that is covered by bone on all
19 sides, and so it kind of does this. That's kind
20 of what macula science is. He had a fracture
21 through the inferior plate and around back by
22 the jawline back there, so if it was -- let's
23 see, if it was a box like this, he had a
24 fracture on the front and the back like that.

25 The fracture extended up through the

1 lateral wall of the orbit. And an orbit is kind
2 of a cone-shaped cavity that's filled with fat
3 in the eyeball. So if you look at it from the
4 side, it's kind of a cavity itself. His
5 fracture went up through the lateral orbital
6 wall and through the floor, and that's it.

7 Q. So just to recap, you found skull
8 fractures. And so in finding those skull
9 fractures, were you able to treat him at
10 Beaufort Memorial for this?

11 A. Yes, I was.

12 Q. Okay.

13 A. Through the Trauma Care Center, or a
14 higher level of care.

15 Q. Okay. Did you make any kind of
16 referrals?

17 A. Yeah, I called a trauma surgeon at
18 MUSC --

19 Q. Okay.

20 A. -- and discussed the case.

21 Q. Okay.

22 A. He said to send him up there.

23 Q. So when you're seeing these skull
24 fractures, does that tell you anything about the
25 injuries the victim sustained, or what level of

1 force that may have been used?

2 A. It does. It -- I did notice that this
3 was a significant kind of force.

4 Q. Okay.

5 Were you able to treat him for those?

6 A. No. So he needed to see a neurosurgeon
7 for his -- for the bleeding in the brain, and
8 not to immediately have surgery, but really to
9 undergo close observation, because like I said,
10 it was an enclosed space, so there's nothing
11 that's going to stop it, so I don't want it to
12 continue and become a problem.

13 If it continues and becomes a problem, it
14 pushes -- it exerts pressure on the brain. And
15 then the neurosurgeon has to take a portion of
16 his skull off to find out what's bleeding to
17 stop the bleeding and put the skull cap back on.
18 Obviously, we can't do that Beaufort Memorial,
19 and I don't want to wait -- we don't want to
20 wait, watching him at a hospital that can't do
21 that, because he didn't go somewhere that can do
22 that, if he needs it in the near future.

23 Q. So it sounds like you referred him to a
24 neurosurgeon and --

25 A. A facial plastic surgeon.

1 Q. -- a facial plastic surgeon.

2 A. And an oral maxillofacial surgeon.

3 Q. Okay.

4 A. Who is a surgeon of just the face.

5 Q. Okay. Did you notice any injuries to
6 his teeth?

7 A. Yeah, he had -- I think it was his left
8 central incisor was partially loosened, so it
9 was loose but not out.

10 Q. So the brain bleed, that's what you're
11 referring to as the subdural hematoma?

12 A. Yes.

13 Q. The brain is bleeding. Is that
14 dangerous?

15 A. It's very dangerous, yeah. That is one
16 of the reasons that he went across the road to
17 MUSC.

18 Q. So during the course I know a lot's
19 going on very quickly, but were you able to
20 determine kind of the general history of what
21 happened to Mr. Eckles?

22 A. The history is important to us, to the
23 point of describing the mechanism, what was used
24 and the force behind it, a lot of the details of
25 getting into that. So the questions we ask are,

1 what happened, what did they hit you with, what
2 do you remember?

3 Q. Yes.

4 A. Just reading the note, and I don't
5 recall this, but the note says that he was tied
6 up in a chair beaten with a Maglite.

7 Q. Okay. Okay. Were there any injuries
8 that you were able to diagnose from that, and
9 would those be consistent with being hit by a
10 Maglite?

11 A. Very much so.

12 Q. All right. And so do you remember
13 about how long he was at Beaufort Memorial
14 before he's transported?

15 A. He got there around 11:00ish, and left
16 at 1:00 in the morning, somewhere around there.
17 I could look. He wants to --

18 Q. That's all right, that's all right.

19 A. I think he was there a little over two
20 hours.

21 Q. Okay. And then he was immediately
22 transferred to MUSC?

23 A. Correct.

24 Q. And so is it your opinion that --
25 whether or not any of these injuries were life-

1 threatening?

2 A. Oh, yeah, yes. Yes, they do have, yes,
3 they are considered life-threatening.

4 Q. Which ones?

5 A. All of -- all of them, honestly. And
6 each one of these lacerations, just the fact
7 that it was enough force to split the skin,
8 tells me that it was done with a blunt -- a hard
9 blunt object swung pretty hard. And, luckily,
10 he was hit in the areas that are really pretty
11 tough.

12
13 So here the frontal -- the frontal side has two
14 plates and it's reinforced, reinforced. It's
15 got -- the occipital bone is pretty thick.
16 Occipital bone is one of the thickest in the
17 body.

18 So I mean that is right -- that's here, and
19 he was hit here, here, here. Now, these not so
20 much, but this was a significant blow. I mean
21 I, honestly, in synopsis I think this is a
22 lethal mechanism, which, fortunately, didn't
23 result in any lethal injuries.

24 Q. So it's fair to say he lived?

25 A. He lived. And that's -- yeah.

1 Q. Yeah.

2 A. He lived.

3 MS. KIDD: The Court's indulgence.

4 THE COURT: Uh-huh. Doctor, come back
5 around, sir.

6 BY MS. KIDD:

7 Q. Please answer any questions the defense
8 may have.

9 A. Sure.

10 THE COUR Mr. Lee.

11 ***

12 CROSS-EXAMINATION

13 BY MR. LEE:

14 Q. Good afternoon, Dr. Baxley.

15 A. Good afternoon.

16 Q. What was the blood alcohol reading and
17 the tox screen for Corey Eckles; do you know?

18 A. I don't, and I'd have to -- I left --

19 MS. KIDD: It's right there.

20 BY WITNESS:

21 A. -- the paperwork -- thank you. It
22 looks like the alcohol level was less than .05,
23 which is, essentially, negative. And what was
24 the other one? I'm sorry.

25 Q. Any presence of drugs?

1 A. I don't see a tox screen here.

2 Q. All right. Do you know what time that
3 was taken?

4 A. Usually, directly at the door. The lab
5 resulted it at 11:52.

6 Q. Okay. I heard your testimony, there's
7 no way for you or anybody else to know who
8 inflicted this injury on him. Okay, would any
9 of the injuries be consistent with somebody
10 falling down and hitting like a corner of like
11 molding on the floor, or anything like that,
12 that sticks out that's pointed?

13 A. Would any of those injuries be consistent
14 with somebody hitting their head like on the
15 corner by a door, or a corner of a -- in a
16 hallway?

17 A. We give it a one --

18 Q. One? Okay.

19 A. And they're usually vertical, not
20 horizontal.

21 Q. Yeah.

22 A. Because they don't fall down and hit
23 their head like this, it all comes down as such,
24 but I mean, yes, in theory, but one .

25 Q. Okay. And are you able to tell how

1 many times he was hit?

2 A. I would stay at least four, if not six.

3 Q. Okay, but, again, you have no way of
4 knowing how it happened --

5 A. Correct.

6 Q. -- and who's on the other end of it?

7 A. No.

8 Q. And you have no way of knowing the
9 circumstances surrounding the issue that you
10 get?

11 A. The only thing I know is what EMS told
12 me.

13 Q. Right, okay. All right, and you don't
14 know whether that, whatever it is, was done out
15 of anger, fear, self-defense, revenge? You have
16 no way of knowing that?

17 A. I have no way of knowing that.

18 Q. Okay. All right, thank you, Doctor.

19 THE COURT: Anything else, Solicitor?

20 MS. KIDD: No, sir.

21 Thank you for your testimony.

22 THE COURT: Thank you so much, sir. All
23 right, Solicitor, you can call your next
24 witness.

25 MS. KIDD: Your Honor, at this time the

1 State rests.

2 ***

3 STATE RESTS

4 THE COURT: All right, ladies and
5 gentlemen, the State has rested their case. I'm
6 gonna ask that you go back to your jury room.
7 There's matters of law we're gonna need to take
8 up. Please don't discuss the case. Thank you.

9 (Jury exits the courtroom.)

10 BAILIFF: The jury's clear, Your Honor.

11 THE COURT: All right. I think the State
12 rested their case, and so I'm happy to hear any
13 motions that the defense --

14 MR. LEE: Thank you, Judge.

15 THE COURT: -- may want to raise at this
16 time.

17 MR. LEE: Yes, sir.

18 Your Honor, the first thing I would do is
19 remove any and all motions that I made during
20 the State's case. There were certain things
21 that were kept out, such as the ability for me
22 to get out the fact that the two NCIC rap sheets
23 that were provided to me listed Corey Eckles as
24 armed and dangerous under the -- on the NCIC
25 sheets.

1 Again, my argument, I won't rehash, knowing
2 that it was because it related to a specific
3 portion of the defense of self-defense, that it
4 was relevant. Specifically, the question that
5 always comes up with a self-defense case is,
6 whether someone was reasonable apprehensive of
7 imminent bodily harm, or actually was, in fact,
8 in danger.

9 So I would renew that motion when it was
10 kept out. I think that it is relevant,
11 certainly admissible. I also think that it
12 could be used to impeach the investigation, as a
13 whole. Again, I cite Howell v. Whitley
14 (phonetic) when I'm making these arguments. I
15 think that those two in and of themselves are
16 substantial. I think the combined effect of
17 both of those were substantial, so in that
18 regard, I would renew that motion.

19 THE COURT: All right, in regard to that
20 motion, sir, I'm just going to renew my rulings,
21 as it relates that I adopted. For the most part
22 the Solicitor argued I think that it was
23 hearsay. There's also some problems with the
24 fact that I think that armed and dangerous was
25 not an object, but more of the subject in

1 addition, and we didn't know who was making
2 that, but for those same reasons I find what I
3 expounded on earlier, and will respectfully
4 deny that motion. Go right ahead.

5 MR. LEE: Your Honor, I would further renew
6 all of the motions, again, I'm trying to
7 remember all of them. I know that one of them
8 probably of great significance is that the fact
9 that Chris Bliss, co-defendant, was interviewed
10 immediately after my client, and it appears no
11 fewer than four times he told the investigators
12 that one thing Corey Eckles was one of them.

13 I think four times he said that Justin was
14 acting in self-defense. And the Solicitor
15 objected to that, and you sustained her
16 objection. I was, again, offering it as
17 substantive evidence. I was using it, again, in
18 an attempt to try to impeach the investigation,
19 and really impeach the case that they've put up
20 so far, as far as the lack of evidence, the lack
21 of witnesses, etcetera.

22 So I would, again, renew that motion to --
23 and I think that it's amplified by the fact that
24 Investigator Duhamel reluctantly, but I think
25 did agree that knowing more is better, and had

1 they done the other interview first, they would
2 have liked to -- they perhaps would have used
3 information gleaned from Chris Bliss, and they
4 did not follow up with Mr. Granet.

5 And I believe that that is an important
6 part, to show the investigation really didn't go
7 anywhere, even though they had specific
8 information from a codefendant that it was self-
9 defense. They had statements from two now
10 victims, who I will submit to you are not very
11 trustworthy, and so I think that that is
12 relevant, and it does go to the heart of our
13 defense, as far as impeaching the investigation,
14 as well as some evidence of self-defense.

15 THE COURT: All right, well, I'm going to
16 respectfully deny your motion.

17 MR. LEE: Yes, sir.

18 THE COURT: And would move for the same
19 reasons that I set forth earlier. I think quite
20 frankly the -- I think you have plenty of ways
21 to criticize the investigation.

22 In fact, I think you did, sir, and so --

23 MR. LEE: Okay.

24 THE COURT: -- I respectfully deny that
25 motion.

1 MR. LEE: And those are the two main ones
2 that come to mind, Your Honor.

3 THE COURT: Yes, sir.

4 MR. LEE: And I further make, as required,
5 a motion for a directed verdict under Rule 19 on
6 all of the charges that, as you know, the
7 standard is that the evidence in the light most
8 favorable to the nonmoving party, and if there
9 is any direct evidence or substantial
10 circumstantial evidence, then the case is
11 required to go to a jury.

12 We would make a directed verdict motion on
13 each one of the charges, the two kidnappings,
14 the assault and battery first, and the
15 possession of a weapon during the commission of
16 a violent crime. And, specifically, on the
17 weapons charge, it requires, if a person is in
18 possession of a firearm, or visibly displays
19 what appears to be a firearm, or visibly
20 displays a knife in the commission of a violent
21 crime, that's what it requires.

22 And I don't think that there is direct
23 evidence -- reliable direct evidence, or any
24 circumstantial evidence that Mr. Granet used or
25 displayed a firearm in this case.

1 And as for the other ones, again, failure
2 from the State to, you know, it's not
3 substantial circumstantial evidence or any
4 direct evidence to support those remaining
5 charges.

6 THE COURT: All right, Solicitor, let me
7 hear from you.

8 MS. KIDD: All right, thank you, Your
9 Honor. Yes, if there is any evidence in the
10 light most favorable to the State is the
11 appropriate standard, and if there's any
12 evidence that these crimes existed makes the
13 charges appropriate for the jury; but I would
14 argue there is ample evidence for these charges
15 to go forward to a jury.

16 There was testimony from both of the
17 victims, Corey Eckles and Lauren Eckles, that
18 Corey was put into a sleeper hold, taken to the
19 ground, bound, beaten with multiple weapons,
20 including a firearm.

21 Both witnesses gave testimony to that
22 effect. They both gave testimony that Lauren
23 was bound, Lauren was confined, duct tape, rope
24 was used.

25 She also gave testimony that she was held

1 at gunpoint, and that she saw both Defendant,
2 Justin Granet and codefendant, Chris Bliss, to
3 be in possession of firearms. And also the
4 Defendant also made a statement to law
5 enforcement that Chris Bliss was in possession
6 of a firearm, and that he did display it to the
7 victim.

8 And in our overall theory, that is enough
9 to thereby also mean that Justin Granet was in
10 possession of a firearm that evening.

11 So given all of the testimony, I believe
12 there's ample evidence that this matter should
13 go to the jury.

14 THE COURT: All right.

15 Mr. Lee, with all due respect I will deny
16 your motion, because I think I'm looking at the
17 existence of the evidence, and I think there is
18 some evidence that would allow each of these
19 charges to go to the jury.

20 I understand your position that some of it
21 may not be reliable, but, again, I think that's
22 not the issue at this point. The reliability of
23 it is it existed, so with all due respect, sir,
24 I will deny your motion.

25 MR. LEE: Understood.

1 THE COURT: All right, do you want me to go
2 over your client's rights, as it relates to
3 testifying now, or do you want me to wait until
4 the morning, sir?

5 MR. LEE: I would greatly appreciate it in
6 the morning. We have some talking to do and --

7 THE COURT: Well, and I understand that,
8 and that's why I'm giving you that.

9 MR. LEE: Yes, sir.

10 THE COURT: I think that's a big decision,
11 and not one that perhaps needs to be made
12 immediately.

13 MR. LEE: Thank you.

14 THE COURT: And -- yes, sir. So what I
15 will do is this, I would like for us to be here
16 tomorrow morning -- well, how about the jury
17 come in at 10:00? Because we don't have to have
18 a charge conference.

19 Well, I don't know that. I don't know if
20 you're gonna put on a case or not, we'll see,
21 but I'm gonna have the jury come in at 10:00
22 instead of 9:30. I would like to have us here
23 at probably 9:15. And at that point, that will
24 give us an opportunity to -- for me to advise
25 your client on the record, as it relates to his

1 right to testify, or to not testify, whatever he
2 wants to do.

3 You-all may then may or may not put up a
4 case, but also we can go ahead and probably have
5 our charge conference, whether you decide to
6 move forward or not move forward, we'll still go
7 ahead and probably have our charge conference.

8 So what I want to do is, I want to -- I
9 don't want the jury to have to wait around, so
10 that's why we'll have them come in at 10:00,
11 because it seems to me, at least with me, and
12 maybe it's just me, but with me a charge
13 conference and putting things together always
14 takes a little longer than I thought it was
15 going to.

16 So I would ask that you get your charges,
17 proposed charges to Carlos, and we'll look at
18 those tonight, or early tomorrow morning I'll
19 look at those. Well, I won't look at them, but
20 Carlos will, so, sorry, Carlos, but that's what
21 we're gonna do.

22 So let me just ask, is that satisfactory to
23 the State?

24 MS. KIDD: That is satisfactory.

25 THE COURT: Do you have a problem with

1 that? No. Okay.

2 Mr. Lee, is that satisfactory?

3 MR. LEE: Perfectly fine, Your Honor, thank
4 you.

5 THE COURT: I mean when I ask you-all that,
6 if there's a problem, I want to know, because --
7 all right, so that's what we'll do.

8 Do you want to bring the jury back in here?
9 I'm gonna discharge them for the day, then tell
10 them to come in tomorrow morning at 10 o'clock,
11 and we'll advise them, again, be sure not to
12 read, or conduct any research on this matter, so
13 let's get the jury back in here.

14 (Jury enters the courtroom.)

15 BAILIFF: The jury's seated, Judge.

16 THE COURT: All right, ladies and
17 gentlemen, given the time of day, it's gonna be
18 an appropriate time for us to break. I'm gonna
19 ask you to come back tomorrow morning at 10
20 o'clock.

21 There's several things that we'll be
22 working on first thing in the morning, and so I
23 don't want to keep you back in that room like I
24 did the other day for 40 minutes, or however
25 long it was.

1 So if you'd be here at 10 o'clock, we'll be
2 able to continue with the trial at 10 o'clock.

3 So please don't talk about the case amongst
4 yourselves or with anybody else. Please, if you
5 see anything, news articles, Facebook, research,
6 remember, everything comes from the witness
7 stand the exhibits, that's where you gather the
8 facts and apply the law as I will give you.

9 Thank you for your attention in this
10 matter. I know the State appreciates it; I know
11 the defense appreciates it.

12 See you tomorrow morning at 10 o'clock.

13 (Jury exits the courtroom.)

14 THE COURT: All right, anything further --

15 BAILIFF: The jury's clear, Your Honor.

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

18 MS. KIDD: Nothing from the State.

19 THE COURT: Mr. Lee?

20 MR. LEE: No, sir.

21 THE COURT: Okay, great. What time did I
22 say? 9:15.

23 MS. KIDD: 9:15.

24 THE COURT: Ok. Great.

25 See you in the morning.

1 MR. LEE: Thank you, Your Honor.

2 (At 5:18 p.m. the trial was continued until
3 the following day without interruption.)

4 ***

5 END OF VOLUME III

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE GENERAL SESSIONS COURT
FOR THE 14th JUDICIAL CIRCUIT
2022-GS-07-01822, -478,
-479, -561, -562

State of South Carolina,

Plaintiff,

vs.

Justin Brodie Granet,

TRANSCRIPT OF JURY TRIAL
VOLUME IV
PAGES 658 - 1,009

Defendant.

February 16, 2023
Beaufort, South Carolina

B E F O R E:

The Honorable Robert J. Bonds, Judge Presiding

Kymberlee M. Williams, CSR/RPR
Official Circuit Court Reporter III
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PROCEEDINGS CONTINUED

THURSDAY, FEBRUARY 16, 2023

BEAUFORT, SOUTH CAROLINA

(The following proceedings were held in open court. All parties were present.)

THE COURT: So Mr. Lee, I believe now would be an appropriate time to place your client under oath and allow me to instruct him as to his rights concerning his right to testify or not testify.

MR. LEE: Yes, Your Honor.

BY THE COURT:

Q. All right, sir, can you state your name for me?

A. Justin Brodie Granet.

Q. All right, Mr. Granet. Mr. Granet, at this time I'm going to explain to you your rights. If you do not understand anything I say, please let me know. If you want me to explain anything in more detail, again, please let me know.

Do you understand me, Mr. Granet?

A. Yes, sir, thank you.

1 Q. We've now reached the stage of the
2 trial where you may present your defense, Mr.
3 Granet. You have the right to claim the
4 protections given to you, Mr. Granet, by the
5 Fifth Amendment to the Constitution of the
6 United States.

7 This amendment, sir, states in part, "No
8 person shall be compelled in any criminal case
9 to be a witness against themselves." This
10 means, Mr. Granet, that you cannot be required
11 to testify in this case. You have the right to
12 testify on your own behalf, however, no one can
13 make you testify, Mr. Granet. This is a
14 personal right, and no one can waive this right,
15 except you.

16 Do you understand, Mr. Granet?

17 A. Yes, Your Honor.

18 Q. All right, Mr. Granet, if you decide to
19 testify, sir, I want you to know that you will
20 be subject to the same rules that govern other
21 witnesses, Mr. Granet, and you may be examined
22 and cross-examined, sir, on any relevant issue
23 in the case.

24 In addition, Mr. Granet, if you have any
25 convictions involving dishonesty or false

1 statements, sir, or for crimes punishable by
2 imprisonment for more than one year, and this
3 Court determines that the probative value of
4 admitting this evidence outweighs its
5 prejudicial effect to you, Mr. Granet, the
6 Solicitor will be able to introduce your record
7 to attack your credibility.

8 Do you understand that Mr. Granet?

9 A. Yes, Your Honor.

10 Q. Thank you. All right, Mr. Granet, if
11 you decide to testify, sir, the decision on your
12 part must be freely, voluntarily, and
13 intelligently made, with knowledge of the
14 protections given to you, sir, by the Fifth
15 Amendment and the consequences of your decision
16 to testify.

17 Do you understand that, sir?

18 A. Yes, Your Honor.

19 Q. Mr. Granet, if you decide not to
20 testify, I will instruct the jurors that they
21 cannot give the fact that you did not testify
22 any consideration whatsoever, and that there is
23 to be absolutely no prejudice to you because you
24 did not testify.

25 Mr. Granet, it is left entirely up to you

1 whether or not you testify, sir. You may talk
2 with your attorney, your family, friends, or
3 anyone else, but the final decision, Mr. Granet,
4 will be left entirely up to you.

5 Do you understand that sir?

6 A. Yes, Your Honor.

7 Q. Mr. Granet, do you understand what I've
8 explained to you, sir?

9 A. I do, Your Honor.

10 Q. Do you have any questions about what
11 I've explained to you, Mr. Granet?

12 A. No, sir.

13 Q. Mr. Granet, have you discussed with
14 your lawyer whether you should or should not
15 testify?

16 A. Yes, Your Honor.

17 Q. Okay. Mr. Granet, do you need any
18 additional time with your lawyer at this point?
19 Do you need to speak with your lawyer? I'm
20 asking do you need any additional time to speak
21 with your lawyer, because what I'm gonna ask you
22 next is, do you wish to testify, or do you wish
23 not to testify?

24 Do you need any additional time to speak to
25 Mr. Lee, sir?

1 A. No, Your Honor.

2 Q. All right. So, Mr. Granet, sir, let me
3 ask you, do you wish to testify?

4 A. Yes, Your Honor.

5 Q. All right, thank you very much, you can
6 be seated.

7 A. Thank you, sir.

8 THE COURT: Have we had an opportunity to
9 look at -- do you need some more time with your
10 client, sir?

11 MR. LEE: No, sir, 100 percent we're ready.

12 THE COURT: Oh, okay, no problem.

13 What about jury charges and verdict forms -
14 - or verdict form?

15 MR. LEE: Your Honor, I emailed over this
16 morning to Carlos and a copy to Ms. Kidd, a --
17 my proposed jury charges. And I will say that I
18 used a substantial portion of what you typically
19 use, that I had from a couple of old cases, as
20 far as the general -- general charges.

21 THE COURT: All right.

22 MR. LEE: But I'd be glad to pass this up.
23 It's a hard copy, it was emailed this morning.
24 Ms. Kidd has a copy, Carlos has a copy, but I'd
25 be glad to pass up a hard copy.

1 THE COURT: All right.

2 Solicitor, do you have anything?

3 MS. KIDD: Your Honor, the only additional
4 charge that we would be requesting outside of
5 the norm would be the hand, one hand of all.

6 THE COURT: All right. Well, let me do
7 this, let me take a few minutes and review the
8 hard copy of Mr. Lee's.

9 Have you had a chance to look at that,
10 Solicitor?

11 MS. KIDD: I have not.

12 THE COURT: Well, let's take --

13 MS. KIDD: Actually --

14 THE COURT: I'm gonna stand down for a few
15 moments. Let me get a chance to look at this,
16 and then we'll come back in, and -- or I may
17 have you-all come back, and we'll talk
18 informally, and come back on the record --

19 MR. LEE: Sure.

20 THE COURT: -- as it relates to our charge
21 conference.

22 MR. LEE: Yes, sir.

23 THE COURT: All right?

24 MR. LEE: Yes, sir.

25 THE COURT: Okay, so we'll be at ease for a

1 few moments.

2 (Recess.)

3 THE COURT: Anything further from the
4 defense?

5 MR. LEE: No, sir.

6 THE COURT: All right, let's get the jury
7 in here.

8 BAILIFF: Your Honor, the jury's entering
9 the courtroom.

10 THE COURT: Thank you.

11 (Jury enters the courtroom.)

12 BAILIFF: The jury's seated, sir.

13 THE COURT: All right. Madam Foreperson
14 and ladies and gentlemen, good morning. At this
15 time I believe the defense is ready to move
16 forward.

17 MR. LEE: We are, Your Honor.

18 THE COURT: Okay, Mr. Lee, I'm happy to
19 hear from you, sir.

20 MR. LEE: Your Honor, may it please the
21 Court? The defense will call Justin Granet to
22 the stand.

23 THE COURT: All right, come on around, sir.

24 * * *

25 JUSTIN BRODIE GRANET

* * *

being first duly sworn, testified as follows:

THE COURT: Your witness, sir.

MR. LEE: Thank you.

DIRECT EXAMINATION

BY MR. LEE:

Q. Hey, good morning, Justin.

A. Good morning.

Q. You're here today -- it's my understanding that you do want to tell this jury what happened, right?

A. Yes, sir.

Q. And you understand and the Judge explained to you that you don't have to testify, do you?

A. No, sir, I understand that.

Q. And you understand fully that, if you decided not to testify, that you could sit over there, and the Judge would instruct the jury that they can't hold that against you at all?

A. I understand that.

Q. You understand that, okay, it's called our Fifth Amendment right to remain silent,

1 okay?

2 A. Yes, sir.

3 Q. And you understand all that stuff, but
4 you still want to testify and put yourself out
5 there, right?

6 A. I do, I feel there's a lot of stuff
7 that needs to be clarified that wasn't and --

8 Q. Okay.

9 A. -- and --

10 Q. Okay.

11 A. -- the truth needs to be told.

12 Q. Okay, all right. So, Justin, let's
13 start just kind of with you.

14 How old are you?

15 A. 45.

16 Q. 45, okay. And where do you live?

17 A. In St. Helena.

18 Q. Okay, at Chaplin Drive?

19 A. Yes, sir.

20 Q. The same place where --

21 A. 18 Chaplin Drive.

22 Q. Okay, same place where all this
23 happened?

24 A. Yes, sir.

25 Q. Okay. And then who lives with you out

1 at Chaplin Drive?

2 A. My wife, Sally, and my youngest
3 daughter, Adison.

4 Q. Okay.

5 A. My stepson, Clayton, and Andy, who we
6 are attempting to adopt.

7 Q. Okay, all right, let's stop right
8 there. You said your wife Sally?

9 A. Uh-huh.

10 Q. She lives with you right now?

11 A. Yes, sir.

12 Q. Okay, is she here with you today?

13 A. Yes, sir.

14 Q. Where is she at? Okay, and she's been
15 here all week?

16 A. Yes, sir.

17 Q. Okay. And now who are the other people
18 who are sitting over there with her?

19 A. He cousin, Chad, her mom next to her,
20 his wife, Christine, a really good friend,
21 Melody Bigs.

22 Q. Uh-huh.

23 A. And then behind them is my dad and my
24 mom, Buzz and Diane.

25 Q. Okay, all right, good. All right, so

1 you live out there, Sally lives out there, and
2 then you said Adison?

3 A. Uh-huh.

4 Q. And Adison is your daughter?

5 A. My youngest daughter.

6 Q. Okay, and your daughter with Sally?

7 A. Yes, sir.

8 Q. Okay, and how old is she?

9 A. She is 13.

10 Q. 13? Okay. And then you said something
11 about a stepson?

12 A. Yes, sir.

13 Q. How old is he?

14 A. 16.

15 Q. Okay, and he lives out there too?

16 A. Yes, sir.

17 Q. And then you said you something about
18 you have somebody else staying with you?

19 A. Yes, sir.

20 Q. Who's that?

21 A. Andy Hall, he is a 15-year-old troubled
22 teen that we took in in October of last year in
23 December. We were granted temporary
24 guardianship and are in the process of moving
25 forward for custody.

1 Q. Okay. And how did you come to come
2 across Andy Hall?

3 A. He was a really good friend of my son,
4 Clayton. He'd been going through quite a bit.
5 His father, who is actually a Sheriff's
6 Department Officer, Grant Hall, passed away
7 three years ago from cancer.

8 Q. Okay.

9 A. And he kind of fell off emotionally,
10 and started having a lot of struggles, and
11 needed some help.

12 Q. Okay, and he's friends with Clayton?

13 A. Yes, sir.

14 Q. That's how you all knew him?

15 A. Yes, sir.

16 Q. Okay, and how's Andy doing now? You
17 said he's been at you-all's house since
18 December?

19 A. Uh-huh. October.

20 Q. October of 2022?

21 A. Yes, sir.

22 Q. Okay, and he was placed there.

23 Was it like foster parents, is that kind of
24 what was done?

25 A. Yeah. We were -- his --

1 Q. I mean he's just not like crashing at
2 your house, I mean it's --

3 A. No, sir, no, sir.

4 Q. Okay, all right.

5 A. You know, he asked us to help get him
6 out of a bad situation.

7 Q. Okay.

8 A. And we try to help people, and so I,
9 you know, even with everything going on, I --

10 Q. Okay.

11 A. -- I -- that's what I'm about.

12 Q. I know it's difficult talking about
13 this.

14 All right, did you have to go to court or
15 anything to formalize it, or get a --

16 A. Yes, sir.

17 Q. Okay.

18 A. Yeah.

19 Q. So a Court or a Judge approved that?

20 A. Yes, sir.

21 Q. Okay, all right. And did you go to
22 court with him that day?

23 A. Yes, sir.

24 Q. Was it a happy day in court?

25 A. It was a nerve-wracking day.

1 Q. Okay.

2 A. Because he was originally there to face
3 incorrigibility charge and a runaway charge.

4 Q. Okay.

5 A. And so we were nervous for him.

6 Q. Sure.

7 A. Because he had already -- had been sent
8 away to DJJ before, and we're just trying to
9 help him get his life together, and --

10 Q. Okay.

11 A. -- become a kid again.

12 Q. Okay. And we'll get to it in a minute.
13 Do you -- can you relate to Andy personally?

14 A. Very much so. I --

15 Q. We'll talk about that in a minute. But
16 everybody's doing well?

17 Everybody's doing good?

18 A. Yeah.

19 Q. Okay.

20 A. Yeah, everybody's doing great.

21 Q. All right, and then you have an older
22 daughter as well, right?

23 A. Yes, sir.

24 Q. What's her name?

25 A. Kylie Star Granet.

1 Q. Okay, and where does Kylie live?

2 A. She's lives in Kentucky just outside
3 Louisville. She's up there being treated at
4 James Brown Cancer Center.

5 Q. Okay. And when we talked with Josh
6 Smith yesterday, the guy that came up here from
7 Nashville to talk about some texts or Snapchats
8 with you, it started out by -- we talked about
9 -- he said, "So sorry to hear about your baby
10 girl," you know, whatever, is that who he was
11 talking about?

12 A. Yeah.

13 Q. And let me stop you there.

14 And that was October of 2019, right?

15 A. Correct.

16 Q. Okay, so it's like seven months after
17 the thing at your house, right?

18 A. Yes, sir.

19 Q. Okay. So is that about the time that
20 Kylie got diagnosed?

21 A. September.

22 Q. September? Okay. So how did Josh
23 Smith know about Kylie?

24 A. So -- well, in September she was
25 diagnosed. They said, "She's stage one,

1 possibly stage two."

2 A week went by, they did more tests. They
3 said, "She's definitely stage two, possibly
4 stage three."

5 The following week more tests, they said,
6 "No, she's definitely stage three, possibly
7 stage four."

8 Finally, after running multiple tests they
9 came back to us and told us that she was stage
10 four terminal.

11 Q. And 21 with breast cancer?

12 A. Right.

13 Q. And --

14 MS. KIDD: Your Honor, I'm gonna object.

15 THE COURT: What's your objection?

16 MS. KIDD: My objection is relevance.

17 THE COURT: All right.

18 Mr. Lee?

19 MR. LEE: They put in Josh Smith, and I
20 think it goes to how all that stuff started.

21 THE COURT: I'll sustain the objection.

22 MR. LEE: Okay.

23 THE COURT: All right, I think the jury has
24 a sufficient --

25 MR. LEE: Okay.

1 THE COURT: -- picture as it relates to this
2 matter, okay?

3 MR. LEE: Gotcha.

4 BY MR. LEE:

5 Q. All right, Justin, so let's talk a
6 little bit more about you.

7 Where did you grow up?

8 A. I grew up here in Beaufort.

9 Q. Okay, and how was it growing up in
10 Beaufort?

11 A. I definitely had some rough times. You
12 know, I -- unfortunately, I was molested by my
13 real father, abused by my stepfather, it was
14 tough.

15 Q. Did you always live with your parents?

16 A. I lived with my mom and my stepfather.

17 Q. And that's your stepfather out there?

18 A. Not the stepfather --

19 Q. The same one that --

20 A. -- that abused me, no, sir.

21 Q. Okay, all right.

22 A. She left him.

23 Q. And how long did you live at home?

24 A. Until the age of 16.

25 Q. Okay, what happened at 16?

1 A. My stepfather had attacked me, and it
2 was the first time that I actually fought back
3 against him.

4 Q. Uh-huh.

5 A. My mom got scared, she called the
6 police. They came, we talked about everything.
7 They asked me if I had a place to go, I told
8 them I did. I packed my stuff, they helped me
9 get in my truck, and I moved in with some
10 friends.

11 Q. So at 16 you packed up and moved out?

12 A. Yes, sir.

13 Q. Okay. Did you ever go back?

14 A. There was a period here or there where
15 I went back to stay with my mom for like a month
16 or so, but it was years later.

17 Q. All right. Well, what did you do at 16
18 leaving home? Did you go to work? Did you stay
19 in school? What did you do?

20 A. I was in school full time, and I was
21 working full-time as well.

22 Q. All right. And what -- when did you
23 and Sally get married? Maybe a year?

24 A. 2009.

25 Q. Okay, all right. And you're still

1 married right now?

2 A. Yes, sir.

3 Q. What do you do for a living, Justin?

4 A. I am project superintendent for Phifer
5 Contracting. Me and Matt started the company
6 together. And in 2010 we started working
7 together, 2012 we actually started the company.

8 Q. And how's it going with work?

9 A. Amazing. I love what I do. I do
10 design work and construction builds --

11 Q. Okay.

12 A. -- as well.

13 Q. Were you working at Phifer Contracting
14 on March 11th of 2019?

15 A. Yes, sir.

16 Q. Okay. All right, while we're here,
17 let's go to that day. Well, let's back up a
18 little bit.

19 The week before that, did anything unusual
20 or memorable happen with regard to Corey Eckles?

21 A. He contacted me and sent me some
22 screenshot text messages between him and Sally,
23 telling me that my wife had had an affair with a
24 young man that was living at his house.

25 Q. And would that be about March 6th, or

1 five days before the incident --

2 A. Approximately.

3 Q. -- is that correct?

4 A. Yes, sir.

5 Q. All right, so Corey, you're talking
6 about Corey Eckles?

7 A. Yes, sir.

8 Q. Let's talk about him for a minute. How
9 long have you known him?

10 A. I have known him for approximately six
11 years I would say. I believe it was 2013 that
12 we met.

13 Q. Okay, and how did you meet him?

14 A. Through some friends, and my wife had
15 gone to the new tattoo studio that had opened to
16 check it out, and a couple of our friends were
17 up there. And one of them in particular, I
18 guess, already knew Corey and introduced us.

19 Q. And at that time Corey was working
20 there?

21 A. Yes, sir.

22 Q. Okay, so it started then, and then
23 after you got to meet him did you start hanging
24 out with him and become friends with him?

25 A. Yes, sir.

1 Q. Okay. Did you and Sally both hang out
2 with him?

3 A. Yes, sir.

4 Q. Did you ever hang out with him by
5 yourself?

6 A. Yes, sir.

7 Q. Did Sally ever hang out with him by
8 herself?

9 A. Yes, sir.

10 Q. All right, so you met him, and so you
11 spent time with him over the years up until this
12 happened.

13 How do you -- Corey testified that -- when
14 I held up a book called the Art of Seduction, he
15 recognized that and said he had read it, and he
16 knew the author, and he read all this guy's
17 books.

18 Have you ever heard of that book before?

19 A. Well, not until I met him, but he had a
20 copy of it in his tattoo shop and at his house.
21 He told me that he had found that book when he
22 was in prison, and that it was kind of like a
23 guideline, and that he treated it like his
24 Bible.

25 Q. And did you -- have you ever read it?

1 A. No, sir.

2 Q. But you're familiar with some of the
3 things in it?

4 A. It wasn't until all the events happened
5 and afterwards that someone brought it to my
6 attention what some of the excerpts said and
7 things started to kind of make sense.

8 Q. And what's your understanding, kind of
9 the basis of the book, and what it's about?

10 A. It's pretty much a guideline on how to
11 choose your victims, and how to manipulate them.

12 MS. KIDD: Objection. He just said he
13 hasn't read it, so where is this going?

14 MR. LEE: This is his understanding of what
15 it says, and what Corey has relayed to him.

16 THE DCOURT: I'm going to sustain the
17 objection.

18 MR. LEE: Okay.

19 BY MR. LEE:

20 Q. Okay, let's move on.

21 Have you ever -- again, knowing Corey, have
22 you ever known him to be dangerous or
23 aggressive?

24 A. I mean I knew that he had told me
25 stories of him being a part of different biker

1 gangs, and some of the violent things that they
2 did as a whole.

3 He was a gun enthusiast. He showed me many
4 guns that he had.

5 Q. Did you ever see him with a gun?

6 A. A few times.

7 Q. Okay. Was it common for him to carry a
8 gun?

9 A. Yes, sir.

10 Q. Okay. And would he carry it on his
11 hip? Would it be concealed? Would it be in his
12 truck? Where did he use it at?

13 A. I've seen him have it in his vehicle,
14 and I've seen him have it tucked in the back of
15 his pants.

16 Q. Okay. Are you familiar with the
17 tattoos that Corey has on his body?

18 A. A few of them, yes, sir.

19 Q. It appears from one of the pictures
20 that the Solicitor put in that there's at least
21 one that was just -- it looks kind of like a
22 blackout; are you familiar with that?

23 A. Yes, sir. He has a few blackout
24 tattoos that were parts of the biker gangs that
25 he was a part of and --

1 Q. You've got to black them out if you
2 aren't --

3 A. If you aren't affiliated or --

4 Q. Yeah.

5 A. -- they kick you out for any reason.

6 Q. All right. On March 11th, 2019, did
7 you trust Corey?

8 A. I mean I had known that -- what he had
9 done, but I still didn't have like any kind of
10 -- I didn't think that he would do anything to
11 me, but even though he had.

12 Q. So after March 11th did your opinion of
13 that change?

14 A. 100 percent.

15 Q. All right. All right, so let's go to
16 -- and just a little bit about Lauren.

17 How long have you known Lauren Eckles?

18 A. I believe maybe two years at the most,
19 maybe even less. When I first met Corey, he was
20 with Kristi Kidsman (phonetic), who was the
21 other owner of the tattoo shop, and for a few
22 years he came to visit with multiple different
23 women, so like I --

24 Q. All right. Now, Kristi Kidsman, is she
25 the one in Ohio that they had the tattoo parlor

1 up there?

2 A. Yes, sir.

3 Q. Corey and her had the tattoo parlor,
4 right?

5 A. Correct.

6 Q. All right. So I'm jumping around a
7 little bit, but leading up to the week of March
8 the 11th, you said Corey sent some copies of
9 some text messages between him and Sally?

10 A. Correct.

11 Q. Had Corey ever hung out with Sally
12 without you there before?

13 A. Oh, quite a few times. He would call
14 up and be like, "Hey, I need you to come give me
15 a ride and run some errands," and she would go
16 pick him up, and --

17 Q. She'd go up to Tennessee?

18 A. Well, she had before, yes.

19 Q. And how far was it from your house to
20 his house?

21 A. Approximately nine hours.

22 Q. And at that time Sally would go up
23 there without you?

24 A. Uh-huh.

25 Q. Okay.

1 COURT REPORTER: Is that "yes"?.
2

3 BY WITNESS:
4

5 A. Yes.
6

7 Q. Yeah, okay.
8

9 A. Sorry.
10

11 Q. Do you know how many of those times she
12 went up there that Lauren was not there?
13

14 A. I know a few. I don't know exactly how
15 many times, but --
16

17 Q. Okay.
18

19 A. -- yes, there were a few times.
20

21 Q. Okay. And at that time did you think
22 that was odd or unusual?
23

24 A. Not really. I mean, I trusted my wife
25 wholeheartedly.
26

27 Q. Yeah.
28

29 A. And Corey had always said that he was
30 like a brother to me, and that Sally was like a
31 sister, so I was naive.
32

33 Q. Do you know if he's ever introduced
34 Sally as his sister to anybody?
35

36 A. Multiple times, even in front of me to
37 people, yeah.
38

39 Q. So at the time you weren't suspicious,
40 or didn't think it was this same guy?
41

1 A. Not at all.

2 Q. And looking back, do you?

3 A. Yes, sir.

4 Q. All right, so March 6th he sends some
5 texts between him and Sally, and what main thing
6 was he telling you or claiming at that time?

7 A. That he was trying to look out for my
8 wellbeing, and that he just couldn't believe
9 that Sally had betrayed me that way, and that he
10 wanted to be there for me --

11 Q. Betrayed you --

12 A. -- as a brother.

13 Q. I'm sorry, betrayed you with who?

14 A. With --

15 Q. Sally had betrayed you with what guy?

16 A. The fella Zane Croft.

17 Q. Okay. So Corey was telling you, "Hey,
18 heads up, Sally is hooking up with Zane Croft?"

19 A. Uh-huh.

20 Q. Did you have a conversation with Sally
21 about that?

22 A. I did.

23 Q. Okay, and when was that?

24 A. That was that Tuesday, maybe like the
25 8th or --

1 Q. Okay.

2 A. -- something.

3 Q. So still the week before, all right.

4 And what did you learn from Sally after you
5 informed her that Corey said she had slept with
6 Zane Croft at his house?

7 A. Well -- so she had come forward to me
8 and told me that she did not sleep with Zane,
9 and that she didn't know why Corey was trying to
10 say that, and that she had actually had sex with
11 Corey.

12 Q. All right, and then did you send any
13 messages to Corey saying that you were suicidal,
14 or, you know, at your wits-end, or anything like
15 that?

16 A. I don't recall ever sending a message
17 that said I was suicidal.

18 I do remember telling him that I was going
19 through some depression, which is totally
20 understandable --

21 Q. Okay.

22 A. -- when you realize that people that
23 you trusted had done things that weren't right.

24 Q. And prior to that, you had trusted both
25 of them, right?

1 A. Yes, sir.

2 Q. All right. Now, at some point did you
3 pick up the phone and call Corey like, "Hey,
4 man, I really need you down here.

5 I need a shoulder to cry on. I need you to
6 come here and help me out."

7 Did you ever do that?

8 A. No.

9 Q. Okay.

10 A. I didn't tell him that I needed him to
11 come down. He actually contacted me and said
12 that he wanted to come down and be here for me.

13 Q. Right.

14 A. I --

15 Q. Well, let me stop you for one second.

16 Now, these messages between -- that Corey
17 forwarded to you between him and Sally, are you
18 aware he also forwarded some of those messages
19 to Chris Bliss?

20 A. I was not aware of it until it was
21 mentioned in court.

22 Q. Okay, so you didn't know that until it
23 came out? Okay. Can you think of any reason to
24 bring Chris Bliss into this in court?

25 A. I still don't understand --

1 Q. Okay.

2 A. -- why.

3 Q. Okay. But it appears that Chris Bliss
4 had been told these things about Corey's version
5 prior to the 11th, right?

6 A. Yes, sir.

7 Q. Okay. All right, so sorry to
8 interrupt, but we were talking about Corey said,
9 "Hey, I want to come down and see you?"

10 A. Uh-huh.

11 Q. What did you say?

12 A. I told him, "Okay, I'd love to see you
13 guys." I told him that, "I'd love to sit down
14 and talk."

15 Q. Okay.

16 A. And I didn't --

17 Q. Would love to sit down and talk, and I
18 mean what did you mean by that? In order to
19 straighten things out, or to see whether he was
20 telling you the truth, or figure out what was
21 going on with Sally, or what were you aiming to
22 do with him?

23 A. Well, I wanted to talk so that I could
24 clarify exactly what was going on and hear it
25 from all parties. And I also, after talking

1 with Sally about it, realized that Lauren had no
2 idea that Corey and Sally had been together.

3 Q. Okay. In some ways would you say you
4 were giving him the benefit of the doubt, or at
5 least give Corey the opportunity to man-to-man,
6 face-to-face talk?

7 A. Yes, sir.

8 Q. Okay. You couldn't just talk to him
9 over the phone?

10 A. I didn't feel like he would be upfront
11 and honest, being able to not be face-to-face.

12 Q. Is it safe to say that at that time you
13 obviously had some decisions to make and some
14 things to figure out?

15 A. Yes, sir.

16 Q. And by talking with him and Sally, you
17 were trying to figure out the best way to do
18 this? All right, so at that point would you
19 describe yourself as used? Were you confused at
20 the time?

21 A. I was very confused as to, you know,
22 how I didn't see signs of things. I was
23 confused as to why he was telling Sally that he
24 wanted to still be my friend, even though, you
25 know, he was trying to ruin our lives together.

1 I was --

2 Q. I understand.

3 A. -- definitely confused. I just wanted
4 clarification.

5 Q. And I wanted to ask you something
6 earlier about Corey. You saw Corey come in -- I
7 guess he was here Tuesday?

8 A. Yes, sir.

9 Q. And you saw him get up on the stand?

10 A. Yes, sir.

11 Q. Okay. Compared to -- his size today
12 compared to March 11th, 2019, would you compare
13 how he was now versus how he was then?

14 A. He's definitely lost a lot of weight.
15 I mean Corey, at that time, was -- he's like
16 6'3", he was about 250, 260.

17 Q. Okay. And how tall are you?

18 A. I'm 5'10", 170.

19 Q. Okay. So between -- do you know what
20 day it was when Corey said he wanted to come
21 down to help you out? Do you remember? Was it
22 a couple days before he actually came, or --

23 A. Yeah, it was a couple of days. I don't
24 recall the exact date. I want to say maybe two
25 days before he called me and said, "Hey, man,

1 I'm gonna rent an Airbnb out at Fripp, and you
2 can come down so that we can party."

3 Q. Now, I guess there was a week in there
4 between when it happened and when they came down
5 on Monday.

6 Did you do anything -- well, did you do
7 anything to try to gather more information, or
8 figure out exactly what the heck was going on?

9 A. I did. I contacted Zane Croft. In
10 fact, I had gone over to a friend's of mine,
11 Christine Greenbriar's house (phonetic), and was
12 -- we called him on speaker phone, so that she
13 would be able to hear what he was saying.

14 Q. Hang on a second.

15 MS. KIDD: Objection.

16 MR. LEE: It's hearsay.

17 MS. KIDD: It sounds like we're about to
18 get into some hearsay.

19 THE COURT: I'll sustain the objection.

20 MR. LEE: Understood.

21 BY MR. LEE:

22 Q. You can't really say what other people
23 have said about other people, but did you take
24 any steps to try to clarify your understanding
25 of the situation?

1 A. I did.

2 Q. Okay. Did you do pretty much
3 everything you could think of to figure
4 something out?

5 A. Yes, sir.

6 Q. Okay, all right. So then Monday rolls
7 around, the day before he's coming down, did you
8 talk to Chris Bliss that day?

9 A. I did.

10 Q. Okay. And Chris Bliss is a good friend
11 of yours?

12 A. He is. He had been one of my best
13 friends since elementary school, but he was also
14 a good friend of Corey's.

15 Q. Okay. And, apparently, he had been
16 communicating with Corey unknown to your
17 knowledge too, right?

18 A. Correct.

19 Q. And so what's going through your head
20 Monday, knowing that Corey is coming down to
21 help you out and party with you, and stuff like
22 that?

23 What's going through your head?

24 A. I mean I was nervous, because I didn't
25 know what he was gonna say. I didn't know if he

1 was actually gonna say anything.

2 I just -- I had hoped that, you know, he
3 came clean, and we were able to just dissolve
4 our friendship and --

5 Q. Okay.

6 A. -- go about our way.

7 Q. But did you reach out to Chris Bliss
8 that day knowing Corey was coming down?

9 A. I did.

10 Q. Okay. And what was the reason for
11 calling Chris Bliss?

12 A. Well, I called Chris and I said that
13 Corey was coming and that I was gonna ask him
14 about everything that had happened between him
15 and my wife. And I said, that I don't want
16 anything to happen, and I feel like since you're
17 a friend of both of ours, it will be good to
18 have somebody there --

19 Q. Uh-huh.

20 A. -- that can almost be like a mediator."

21 Q. Okay. And at that point you'd said
22 that you knew that Corey had done some bad
23 things and was dangerous and was a big dude.

24 I mean at that point, were you concerned
25 about any possible physical altercation that may

1 happen?

2 A. I was.

3 Q. Okay. Were you looking to start
4 something with him?

5 A. Absolutely not.

6 Q. All right, so Chris Bliss agreed to
7 come over?

8 A. Yes, sir.

9 Q. Okay, and the extent of you-all's
10 conversation was what -- you and Chris Bliss?

11 A. Was that -- in fact, I didn't even tell
12 Chris that I was going to ask him at any point.
13 Like I had no idea, you know, when Corey and
14 Lauren first got to the house, I gave them both
15 a hug. I -- we --

16 Q. Well, let's stop for just a second.
17 I'm talking about Chris Bliss.

18 What discussions, if any, did you have with
19 Chris Bliss? You said that you didn't really
20 talk to him much about it.

21 Did you tell him to bring any weapons with
22 him?

23 A. Of course not.

24 Q. Okay. Did you tell him to bring any
25 duct tape or zip-ties with him?

1 A. No, sir.

2 Q. Okay. Did you tell him that, "I'm
3 gonna beat Corey's you know what, if it gets
4 bad, and I'll jump him."

5 A. Absolutely not. I told him that all I
6 wanted to do was get clarification and talk.

7 Q. Okay. All right, so let's fast forward
8 to Monday, the 11th.

9 At what point that day did you actually
10 have first contact with Chris Bliss?

11 A. Uh, I believe it was maybe around 3:00
12 or so during the day, and I had told him that I
13 had gotten the message that Corey was actually
14 on the road heading down.

15 Q. Okay, all right, and is that when you
16 asked him if he could come by?

17 A. I did.

18 Q. Okay, and when did you first see Chris
19 Bliss that day?

20 A. About 4:30 that day, he pulled up on my
21 job site, and I told him that I still had some
22 things to do for work, and he said that he was
23 done for the day, said that he was gonna just
24 hang out.

25 Q. Okay. Did either of you-all start

1 drinking or do any shots, drinking beers or
2 anything like that?

3 A. No, sir.

4 Q. Okay. So let's keep going forward.
5 You had some more things to do. You talked to
6 him at the job site. Let's keep going with that
7 day.

8 A. He followed me back to the house to
9 drop off his van. He got in the --

10 Q. That's his work van?

11 A. Yes, sir.

12 Q. And what is -- and what at the time was
13 Chris doing as a job?

14 A. He's a HVAC tech.

15 Q. And HVAC is --

16 A. Is --

17 Q. -- heating, ventilation, and air
18 conditioning?

19 A. Yes, sir.

20 Q. All right. And so his work truck was
21 there, all right.

22 A. Yes, sir.

23 Q. So you dropped off his truck and then
24 you got - you-all got back in your truck?

25 A. Yes, sir.

1 Q. And what'd you do?

2 A. We went to Grayco Hardware. I had to
3 pick up various supplies for a few different
4 jobs. We dropped off some supplies at certain
5 jobs, and I kept the other supplies in my truck
6 for the next day.

7 Q. During that trip with him in the truck
8 at Grayco, did you-all have any conversations
9 about, "Let's tie him up, and let's beat him up,
10 and let's you know, let's tie Lauren up, and
11 let's point guns at them," and stuff like that?

12 A. No, sir.

13 Q. Okay. All right. So you leave Grayco,
14 and when did you and Chris get back to your
15 house?

16 A. I believe it was about 6:30ish.

17 Q. Okay. All right, when Chris came into
18 the house, was he carrying any type of bag, or
19 anything like that?

20 A. Yeah, but he always kinda carried
21 around a little backpack.

22 Q. Was it like a camouflage backpack?

23 A. Yes, sir.

24 Q. And so he brought that in the house?

25 A. Yes, sir.

1 Q. Did you see -- when he brought it, did
2 you see what was in there?

3 A. No, sir.

4 Q. Okay. All right, did he leave it at
5 the house?

6 A. Yes, sir.

7 Q. All right, so you and Chris are hanging
8 out at the house. Are you-all drinking at that
9 point?

10 A. No, sir.

11 Q. Okay. And at what point do Corey and
12 Lauren arrive?

13 A. I believe it was around 7:30, or --

14 Q. Okay.

15 A. -- something when they pulled in. Me
16 and Chris were sitting at the bar in my kitchen.
17 They walked up, knocked on the door, I opened it
18 and they came in.

19 Q. Okay, and how did everybody greet each
20 other?

21 A. I -- like I said, I gave them a hug. I
22 asked them how their trip was, made small talk,
23 just asked them how they had been doing.

24 Q. Okay, and did Corey act like anything
25 was wrong?

1 A. No, sir.

2 Q. All right. So let's walk through when
3 they got there.

4 Did anybody have anything to drink at that
5 point?

6 A. Not at that point.

7 Q. Okay, well a little bit later on had
8 anybody been drinking?

9 A. Yes, sir. It was -- we sat there and
10 talked for a few minutes. I ended up going to
11 the restroom and then grabbed my iPad so that I
12 could show Corey and Lauren an art piece that I
13 had been working on.

14 Q. For a tattoo?

15 A. Yes, sir.

16 Q. All right, and I don't want to be -- to
17 embarrass you or anything, but how long were you
18 in the bathroom?

19 A. I don't know, seven to ten minutes
20 maybe.

21 Q. And in that time, were Corey and Lauren
22 and Chris together?

23 A. Yea, they were all in the kitchen.

24 Q. Okay. Do you know what they were
25 talking about? Could you hear them, or anything

1 like that?

2 A. No, sir.

3 Q. Okay. All right, so --

4 A. I turned the fan on because I was --

5 Q. Okay, all right, that's good. I think
6 we got seven to ten minutes then.

7 All right, so you -- and so after that you
8 went and got your iPad?

9 A. Yes, sir.

10 Q. Okay, and you-all all were like huddled
11 around looking at it?

12 A. Yes, sir.

13 Q. Is that something that tattoo people
14 like to do is look at artwork and stuff, and say
15 "That would be a cool tattoo that --"

16 A. 100 percent.

17 Q. Okay.

18 A. And, in fact, Corey had downloaded the
19 program that I would need to draw stuff for
20 tattoos, so --

21 Q. Okay, all right. At any point did you-
22 all look at Lauren's phone?

23 A. Yes.

24 Q. Do you remember that specifically?

25 A. 100 percent.

1 Q. What makes you remember looking at
2 Lauren's cell phone?

3 A. She -- while we were looking at the
4 iPad, she was like, "Oh, we just got back from a
5 tattoo convention, and we've got some really
6 good pictures --

7 Q. Uh-huh.

8 A. -- of some different pieces that were
9 being done there."

10 Q. Okay. And was Chris Bliss there when
11 she was showing these pictures?

12 A. Yes, sir.

13 Q. You-all were all huddled around?

14 A. Yes, sir.

15 Q. Okay.

16 A. In fact, at first me and her were side-
17 by-side, and she was flipping through them with
18 me, and it wasn't until a little bit after that,
19 that she was showing Chris on the phone as well.

20 Q. So she didn't have her phone hidden in
21 her back pocket, or in her jacket that nobody
22 saw the whole time did she?

23 A. No, sir.

24 Q. Now, we've talked about -- at that
25 point had anybody had anything to drink?

1 A. No. While we were looking at the
2 pictures on her phone, Corey asked if he could
3 have a drink.

4 Q. Okay.

5 A. And I said, "Of course you can," and I
6 pointed at the cabinet, and I said, "Get
7 whatever you want."

8 Q. Okay. Did he in fact do that?

9 A. He pulled out a bottle of Crown that I
10 had and --

11 Q. When you say Crown, do you mean Crown
12 Royal?

13 A. Crown Royal.

14 Q. All right.

15 A. Yes, sir.

16 Q. How much of it did he drink?

17 A. I didn't totally pay attention. I mean
18 he was drinking it straight out of the bottle.
19 He never, like, grabbed a glass or anything.
20 He'd just --

21 Q. Okay.

22 A. -- take a swig, set it down, talk.

23 Q. Didn't mix it with ginger ale, or
24 anything like that?

25 A. No.

1 Q. Okay, straight up, all right. All
2 right, so after all that stuff's been done,
3 still no talk about Zane Croft, or Sally, or
4 any --

5 A. No, sir.

6 Q. -- shenanigans going on?

7 A. No, sir.

8 Q. Okay. All right, and then at some
9 point -- is it going through your mind though?

10 A. I mean yeah, 100 percent.

11 Q. Okay.

12 A. I --

13 Q. But you hadn't done any -- you haven't
14 approached the subject at all at that point?

15 A. No, sir.

16 Q. And neither has Corey?

17 A. No, sir.

18 Q. Okay. All right so, at some point did
19 the four of you decide to go somewhere else?

20 A. We talked about going ahead and going
21 over to the Fripp house that they had rented,
22 and were gonna go out to dinner and stuff --

23 Q. Uh-huh.

24 A. -- after they had dropped off their
25 bags.

1 Q. Okay, 'cause they're staying at Fripp.
2 And St. Helena is close to Fripp, it's not too
3 far away, right?

4 A. Yes, sir.

5 Q. All right. At that point had you said
6 anything to Corey about the reason he was there,
7 according to him?

8 A. No, sir.

9 Q. Okay. Had he said anything to you?

10 A. No, sir.

11 Q. Okay. On the way out the door, or on
12 the way towards the door, was anything said by
13 either one of you about the affair?

14 A. Yes. So at that moment Lauren was
15 still showing Chris a couple of pictures on her
16 phone in the kitchen, and me and Corey had gone
17 through the little archway towards the back
18 door.

19 Q. Well, let me stop you a second.

20 So at this point were Corey and Lauren
21 always together? Did you have any alone time
22 with Corey before this?

23 A. No, sir.

24 Q. Is Lauren -- does Lauren kind of hover
25 over Corey a good bit? Pretty safe to say stays

1 pretty close?

2 A. Yes, sir.

3 Q. I mean just so I understand it he never
4 goes out of her sight.

5 A. Right, exactly.

6 Q. So there's a little bit of separation.
7 You are a little bit separated from Chris and
8 Lauren, as you and Corey are approaching the
9 door, right?

10 A. Yes, sir.

11 Q. Okay. At that point, being separated,
12 did you say anything to him?

13 A. I did.

14 Q. Okay, and can you tell us what you said
15 to him?

16 A. I told him, "That Sally had told me
17 everything."

18 Q. And did you yell that out? Did you say
19 it in a normal voice? Did you whisper it? Did
20 you lean up in his ear? What exactly -- the
21 manner did you say, "Sally told me everything."?

22 A. I put my hand on his shoulder and I
23 said, "Sally told me everything, man."

24 Q. In that voice right there?

25 A. Yes, dir.

1 Q. Okay. Did -- Lauren or Chris, would
2 they have been able to hear you say that, based
3 on where they were?

4 A. I was trying to not.

5 Q. Okay. All right, so you leaned over
6 and whispered that to him. What was his
7 reaction to that?

8 A. He turned around and grabbed my shirt.

9 Q. Yeah.

10 A. And had a look in his eye that I don't
11 know.

12 Q. What do you mean you don't know? I
13 mean was he --

14 A. I -- I've never -- I had never
15 witnessed him look at me that way. It just took
16 me by surprise.

17 Q. Was it concerning?

18 A. Yes.

19 Q. Was it scary?

20 A. Yes.

21 Q. Did it make you believe that you were
22 threatened to get injured possibly?

23 A. I did when he raised his other hand and
24 tried to swing.

25 Q. Okay, all right. And what triggered

1 that? All you said to him was, "Sally told me
2 everything".

3 A. That's it.

4 Q. Okay, all right. Did he actually
5 successfully punch you?

6 A. No, sir. As he swung, I actually
7 ducked under his swing and jumped on his back
8 and --

9 Q. Okay.

10 A. -- put him in a choke hold.

11 Q. Okay, all right. Now, let's talk about
12 that a little bit.

13 You didn't swing at him? You didn't karate
14 chop him, or do anything like that did you?

15 A. No, sir.

16 Q. Okay. You put him in a choke hold.
17 Any reason that was what you did?

18 A. I was just thinking to protect myself
19 at that point.

20 Q. Were you concerned about your safety?

21 A. I was.

22 Q. And, again, he weighed like 250 at this
23 point?

24 A. Yes, sir.

25 Q. Okay. And you knew that he had violent

1 tendencies?

2 A. Yes, sir.

3 Q. You knew that he had been drinking?

4 A. Yes, sir.

5 Q. You knew that. Did you know that --
6 well, I guess did you think Corey -- do you
7 think Corey had anything to lose by -- by that
8 coming out?

9 A. I mean I felt like Lauren had no idea
10 what had happened, and, you know, the accounts
11 that my wife and him were together were during
12 them being together, and just after him being
13 there --

14 Q. Did Corey --

15 A. -- so yes.

16 Q. I'm sorry, did Corey appear surprised
17 when you said that?

18 A. Very much so.

19 Q. Did he appear angry?

20 A. Very much so.

21 Q. Did he appear ready -- did he appear
22 ready to get it on, as they say?

23 A. Yes, sir.

24 Q. Okay, all right. So let's talk a
25 little bit about -- you said you put him in a

1 choke hold and went to the ground, all right.
2 There was some mention I think in one of the
3 tapes at the very end, where Detective Fraser
4 says something about, "You're an MMA fighter?"

5 A. Yes, sir.

6 Q. Okay. So let's talk about that a
7 minute.

8 First of all, have you had any martial arts
9 training in your life?

10 A. Yes, sir.

11 Q. How much?

12 A. Quite a bit.

13 Q. Okay.

14 A. I have studied various styles of
15 martial arts. I have multiple belts. I am a
16 second-degree black belt in Zanchin Do, in which
17 I was a sensei and taught classes on JiuJitsu
18 and --

19 Q. All right, and this, martial arts, and
20 this isn't just about chopping boards in half
21 and --

22 A. No, sir.

23 Q. -- beating up people in dark alleys and
24 stuff, is it?

25 A. No, sir.

1 Q. Okay. What -- is one of the principles
2 of martial arts and the different disciplines,
3 to try to avoid fighting?

4 A. It's the art of self-defense.

5 Q. The art of self-defense.

6 A. Yes, sir.

7 Q. Okay. So you're well-versed in the art
8 of self-defense?

9 A. Yes, sir.

10 Q. And that's kind of one of the basic
11 principles of martial arts is, getting to the
12 point where you don't have to use force, and
13 still be able to protect yourself, right?

14 A. Correct.

15 Q. Okay. And that choke hold take down on
16 Corey, was that a martial arts technique?

17 A. Yes, sir.

18 Q. Okay. All right, so let's talk about
19 that. I mean you still know how to fight, I
20 mean, if you need to, right?

21 A. Yes, sir.

22 Q. Okay. All right, and this MMA stuff,
23 when is the last time that you did any type of -
24 - and MMA is Mixed Martial Arts right?

25 A. Yes, sir.

1 Q. And it's become popular stuff. When's
2 the last time you were ever in some type of
3 martial arts sanctioned event.

4 A. My last professional fight was
5 approximately 13 years ago or so.

6 Q. Okay, all right. So I mean you've been
7 building houses, not --

8 A. Oh, yeah.

9 Q. Okay, all right.

10 A. I mean I was building houses and doing
11 martial arts for --

12 Q. Okay, but you weren't on like the pro
13 tour and doing it every day, and stuff like
14 that?

15 A. No, sir. No, sir.

16 Q. Okay. All right, and when is the last
17 time that you actively taught, or took martial
18 arts classes?

19 A. About that same amount of time. I have
20 gone in like one time, maybe eight years ago. I
21 had a friend come visit, who is actually one of
22 my martial arts students, and he wanted me to go
23 train, but I had gotten a double hernia, and had
24 to have surgery and mesh put in --

25 Q. Uh-huh.

1 A. -- where I had blown out my stomach
2 muscles.

3 Q. Training?

4 A. Training.

5 Q. Okay. All right.

6 And that also sounds like it was about the
7 time that Adison was born?

8 A. Yes, sir.

9 Q. And around the time you got married, so
10 life kind of got in the way?

11 A. Yes, sir.

12 Q. Okay. All right, so you take him down.
13 At that point, do you know where Lauren and
14 Chris Bliss are?

15 A. As we hit the ground --

16 Q. Uh-huh.

17 A. -- I heard Chris say, "Oh, shit we
18 better give them some room."

19 Q. Okay.

20 A. And I don't know -- I didn't know at
21 that point where they went.

22 Q. Okay. What was your mind on at that
23 time?

24 A. I had -- I was holding him, but I
25 wasn't actually choking him.

1 Q. Uh-huh.

2 A. And I was telling him, "Why are you
3 trying to attack me? I do not want to fight. I
4 just want to talk."

5 Q. Okay, and what did you want to talk
6 about?

7 A. Everything that had transpired between
8 him and my wife.

9 Q. Okay. And what, if anything, was his
10 response to, "I don't want to fight, I want to
11 talk"?

12 A. He just kept continuing to try to hit
13 me even while I was behind him.

14 Q. Okay. All right. How long did that go
15 on?

16 A. The more he struggled and tried to
17 fight me, the tighter I started to squeeze,
18 hoping to just stop him.

19 Q. And walk away?

20 A. And -- yeah.

21 Q. At any point, did you reach and grab a
22 flashlight and start banging him on the head
23 with a flashlight?

24 A. No, sir.

25 Q. Okay. Now, as the fight progressed,

1 did you continue to have him in this hold, or at
2 some point did something change?

3 A. So I was holding him in it, and I
4 repeatedly asked him to stop trying to attack
5 me.

6 He started to kind of not fight as much, so
7 I loosened up, and I was like, "All right, I'm
8 gonna let go of you. We're gonna stand up.
9 This is - we're not fighting, I just want to
10 talk."

11 Q. Okay.

12 A. I let go of him, and instead of him
13 getting up, he actually turned over and got on
14 top of me and started choking me with both
15 hands.

16 Q. And, at this point, he weighs about 80
17 pounds more than you?

18 A. Yes, sir.

19 Q. All right. Now, again, what are Chris
20 and Lauren doing at this point? Are they
21 involved in the fight? Are they helping? Are
22 they anything?

23 A. Spectating.

24 Q. Do you know what they were doing?

25 A. No.

1 Q. Okay.

2 A. I kind of was --

3 Q. Had your hands full?

4 A. Yeah.

5 Q. All right. So then it kind of -- you
6 ease up, and all of a sudden he turns the tables
7 on you, right?

8 A. Yes, sir.

9 Q. Okay, and you said he had his hands
10 around your neck?

11 A. Yes, sir.

12 Q. Okay. Was he hitting you with a
13 flashlight, or anything like that?

14 A. No, sir.

15 Q. Okay, all right.

16 A. He was just strangling me.

17 Q. Okay, all right. And prior to this,
18 when he turned the tables, prior to this, had
19 you seen a gun anywhere?

20 A. No, sir.

21 Q. Did you have a gun?

22 A. No, sir.

23 Q. Did Chris Bliss have a gun?

24 A. Not that I know of.

25 Q. Okay. Did you hear Chris Bliss put

1 Lauren at gunpoint, or anything like that?

2 A. No, sir.

3 Q. Okay. They were staying out of it?

4 A. Yes, sir.

5 Q. Okay. All right, so how long was his
6 chokehold on your neck that was put on top of
7 you? And would we just say it's like this? So
8 he's --

9 A. Yeah.

10 Q. -- on the ground like that?

11 A. His knees were over my body.

12 Q. Okay.

13 A. He had both hands around my throat.

14 Q. Uh-huh.

15 A. He was looking at me with like a look
16 of death. I --

17 Q. What's going through your mind at that
18 time?

19 A. This is the end. I don't know. I was,
20 I didn't understand why it was happening.

21 Q. Uh-huh.

22 A. I started to feel weak and --

23 Q. Were you screaming for help from Chris,
24 for anybody to help you, or anything?

25 A. I did. At that point, when I started

1 to feel as though I was about to go out, I
2 asked, "Please somebody help stop him from
3 choking me."

4 Q. Okay. And the only two other people
5 there were Lauren and Chris, other than you
6 both, correct?

7 A. Yes, sir.

8 Q. Okay. Did anyone come to your help,
9 your aid, your help?

10 A. Chris did.

11 Q. Okay. And what, if anything, did Chris
12 do to try to help you?

13 A. I heard Chris telling him to let go of
14 me multiple times --

15 Q. Uh-huh.

16 A. -- and telling him that if he didn't
17 let go, he was going to be forced to hit him.
18 He did not let go. Chris punched him, I don't
19 know, a few times. He wasn't letting go.

20 Q. Uh-huh.

21 A. Chris then put his arms under Corey's
22 arms, and tried to lift him off of me.

23 Q. Uh-huh.

24 A. Corey's grip was so tight that every
25 time Chris pulled him up, he lifted my head and

1 then slammed it back into the ground.

2 Q. Okay. All right. And -- so it wasn't
3 really working, I mean you were still
4 getting --

5 A. No, sir.

6 Q. All right. Did Chris have to do
7 anything else in order to help you?

8 A. I saw him reach over and grab
9 something, and at the time I didn't know what it
10 was. He hit him, I don't even know, probably
11 four, maybe five times.

12 Q. When you say he hit him, Chris hit
13 Corey?

14 A. Chris hit Corey, and then --

15 Q. Did you get hit at all by Chris
16 accidentally, or otherwise; do you know?

17 A. I don't know.

18 Q. Okay, all right. And looking back now,
19 do you know what item that was that Chris picked
20 up and was hitting Corey with?

21 A. So after Corey finally loosened his
22 grip, I was able to slip out, and actually
23 wrapped around Corey --

24 Q. Uh-huh.

25 A. -- holding him. His back was to my

1 chest, and there was a black flashlight that I
2 recognized as my flashlight that sits by the
3 backdoor laying on the floor beside us.

4 Q. Because you-all kinda live in the
5 country a little bit. Is that by the door for
6 going out at night taking the dogs out?

7 A. We live out in the woods --

8 Q. All right.

9 A. -- and, unfortunately, my son is scared
10 of the dark, so we keep a flashlight by the back
11 door for him.

12 Q. Okay. And do you know -- did you know
13 at the time where Corey hit Chris with that
14 flashlight, to get him to loosen up his grip and
15 get off of you?

16 A. I did not.

17 Q. You don't know what part of his body?

18 A. I mean I -- he was like swinging like
19 this, so I know that he had hit him in the head,
20 but I didn't know where in the head --

21 Q. All right.

22 A. -- that he hit him. I didn't even know
23 how many times he connected or didn't, I --

24 Q. Did Corey stop, or ease up, or back
25 off, and say "Hey we're done, I've had enough,

1 we shouldn't," did he say anything like that
2 after Chris hit him?

3 A. No.

4 Q. Okay. Did he continue to fight?

5 A. He did continue to try to fight.

6 Q. Did his fighting seem to increase in
7 intensity, or decrease in intensity?

8 A. It seemed to increase in intensity.

9 Q. Okay, and -- okay, so what when he
10 started fighting again, you say that you got him
11 in a reverse --

12 A. Like a bear hug.

13 Q. -- I call it a bear hug, I don't know
14 what you call it.

15 A. Yes, sir.

16 Q. Okay. And what was the purpose of
17 that?

18 A. I was trying to restrain him. I kept
19 repeatedly telling him to, "Please stop trying
20 to attack --

21 Q. Okay.

22 A. -- please stop," and he wouldn't. I --
23 and I told Chris, "I think that we're gonna have
24 to restrain him somehow --

25 Q. Okay.

1 A. -- to get him to stop fighting.

2 Q. Okay, and was it -- did in fact -- was
3 in fact that done? The restraint?

4 A. Yes.

5 Q. Okay.

6 A. I was holding him, like I said, his
7 back was to my chest, so I couldn't totally see
8 what was going on. I didn't know how he was
9 restrained. Chris told me, "It's okay to let
10 him go now." I let him go.

11 Q. Do you know what Chris did to restrain
12 him? Zip-ties, tape; do you know?

13 A. I believe zip-ties.

14 Q. Okay, and so where did these zip-ties
15 come from?

16 A. Well, I mean I have all kinds of stuff
17 at my house. We have a junk drawer right next
18 to the back door that's --

19 Q. Okay.

20 A. -- got all kinds of stuff in it. I
21 assumed that they came out of there.

22 Q. Okay. What was --

23 A. And Chris had lived with us, so he knew
24 my house.

25 Q. He lived in that house with you-all?

1 A. Yes, sir.

2 Q. So he knew where the junk drawer was?

3 A. Oh, yeah.

4 Q. Okay.

5 A. Yeah.

6 Q. All right, so did the zip-ties work on
7 his legs or his wrists?

8 A. No, apparently not. I let go of him,
9 I stood up, I turned around. Lauren was on the
10 sofa on her knees with her arms on the backrest
11 of the sofa like this --

12 Q. Uh-huh.

13 A. -- saying, "What in the hell is going
14 on?"

15 Q. Uh-huh.

16 A. And I said, "I don't know. Why in the
17 hell is Corey attacking me?"

18 Q. Uh-huh. Okay.

19 A. And she said that she had no idea.

20 Q. Okay. So your attention went to
21 Lauren. Did something cause your attention to
22 go back to Corey?

23 A. All of a sudden we hear roar, and I
24 turn around and he's standing there with his
25 arms up, legs open, like he had busted out of

1 whatever type of restraint was on him.

2 Q. Okay. All right. Did he stop fighting
3 at that point?

4 A. No, he actually looked at Lauren and
5 said, "Fuck you, you stupid bitch."

6 Q. He said that to Lauren?

7 A. That's what he said to Lauren.

8 Q. Do you know why he said that?

9 A. No idea.

10 Q. Okay.

11 A. I was confused. I was in shock.

12 Q. All right, well, did any more fighting
13 take place?

14 A. At that point, as soon as he said that
15 he turned around and ran straight into my back
16 door.

17 Q. Okay.

18 A. The door, the glass, shattered on the
19 back door.

20 Q. Okay.

21 A. It didn't fall out --

22 Q. Uh-huh.

23 A. -- or anything, but when he hit, he
24 bounced, and when he turned around there was
25 blood coming all down his face.

1 Q. Okay. All right.

2 A. Which I later saw that his forehead had
3 broken one of the PVC mullions, and had sliced
4 him open.

5 Q. Okay. Consistent with one of the
6 injuries that the doctor had testified about.

7 A. Yes, sir.

8 Q. All right. All right, so did it stop
9 at that point? Is everybody done at that point?

10 A. No, sir.

11 Q. Okay.

12 A. He charged at me.

13 Q. Yeah. Still kind of in the hallway
14 area?

15 A. At this point, we were still in the
16 dining room area, but had kind of -- it was more
17 of like a wrestling match, where I was trying to
18 just grab him and hold him.

19 Q. Uh-huh.

20 A. We came -- so directly in front of the
21 dining room is the hallway --

22 Q. Uh-huh.

23 A. -- grabbed ahold of him and we slammed
24 into the wall opposite the laundry room door.

25 Q. Okay.

1 A. He pushed off the wall and slammed me
2 into the laundry room door.

3 Q. Okay.

4 A. It's a -- the door shattered. You
5 know, it was one of those cheap hollow core
6 doors --

7 Q. Right.

8 A. -- so it just -- it busted all to hell.
9 We --

10 Q. Are you still trying to break loose?
11 Was he still trying to do injury to you?

12 A. Uh-huh.

13 Q. Did you still feel threatened?

14 A. 100 percent.

15 Q. Worried about your safety, you know
16 what I mean?

17 A. 100 percent.

18 Q. Okay. All right, and then just --
19 let's keep going. What -- did anybody get
20 loose? Anybody change anything up? Chris Bliss
21 start striking blows? Tell us more what
22 happened.

23 A. No.

24 Q. Still more of a wrestling match?

25 A. In fact, he -- I believe it was either

1 Chris, or Chris and Lauren said, "There's blue
2 lights coming down the driveway."

3 Q. Uh-huh.

4 A. And Corey broke free of -- I was kind
5 of holding the back of his head, and his arm,
6 which is kind of a wrestling control move --

7 Q. Uh-huh.

8 A. -- that -- that's standard, you know,
9 in self-defense.

10 Q. Uh-huh.

11 A. And he broke free of that and turned
12 towards my kids' rooms. I dove and snatched his
13 leg, and --

14 Q. Do you know why you did that? I mean
15 you said he was going towards your kids' room,
16 were you --

17 A. I had no idea, and, you know, at the
18 time that it happened, I wasn't even thinking
19 that my kids weren't there, I was thinking, oh,
20 my God, he's going to my kids' room, not -- I
21 just --

22 Q. Okay. All right, so you snatched his
23 leg you said?

24 A. I did.

25 Q. And what did that cause to happen?

1 A. He came down, his face hit the
2 baseboard. The outside corner where my hall
3 turns to a bathroom.

4 Q. Uh-huh.

5 A. I remember he --

6 Q. So this baseboard, you're talking about
7 something down low that kind of sticks out like
8 that?

9 A. Yes, sir.

10 Q. Okay, all right. And when he fell into
11 that, did he fall straight down like that, or
12 did he fall at an angle? How did he fall into
13 that?

14 A. I really don't know because I grabbed
15 his leg --

16 Q. Uh-huh.

17 A. -- and I hit the ground --

18 Q. Uh-huh.

19 A. -- and he hit the ground, so --

20 Q. Okay.

21 A. -- I have no idea. Now, I didn't catch
22 both of his legs to where he wouldn't --

23 Q. Uh-huh.

24 A. I have no idea.

25 Q. Now, at that point did he seem to --

1 after that injury, did he seem to be a lot more
2 injured, and seem to be calming down, or not
3 really wanting to fight anymore?

4 A. It actually scared the death out of me,
5 because when I looked up, I saw that blood was
6 splattered all over the wall. I actually went
7 over there, grabbed him from underneath his
8 arms, and flipped him over to see if there was
9 something that I could do to help him.

10 Q. Because at that point, did you know the
11 fight was over?

12 A. I felt like it was.

13 Q. Okay.

14 A. He definitely seemed very hurt.

15 Q. Okay, and when did -- the lights of the
16 police car, when did that light appear? Right
17 before that happened, or right after that
18 happened?

19 A. Before that happened.

20 Q. Okay, all right. And there was some
21 discussion about there was police out there
22 coming, or something like that, or blue lights,
23 or whatever it was. Did Chris do anything with
24 Lauren at that time?

25 A. I was in the hallway kneeling down next

1 to Corey --

2 Q. Uh-huh.

3 A. -- and I told Chris, "Why don't you and
4 Lauren come in the hall --

5 Q. Uh-huh.

6 A. -- we'll all be quiet, and when the
7 police leave everybody can just get the hell out
8 of my house."

9 Q. Now, at that point, Justin -- and
10 you're aware that Chris ultimately tied Lauren's
11 hands with rope, and put duct tape around her
12 face?

13 A. When they came around the corner --

14 Q. Uh-huh.

15 A. -- and she knelt down right beside me,
16 I looked at her and said, "Oh my God."

17 Q. Okay. And when you said "Oh my God,"
18 was that some type of realization on your part
19 about what had happened?

20 A. I didn't understand what was really
21 going on and was very scared at how the
22 situation looked.

23 Q. For you?

24 A. Of course.

25 Q. Okay. Because you had some minor

1 injuries, but here is this guy with a busted
2 head and bleeding everywhere, and stuff like
3 that right?

4 A. Right.

5 Q. Okay. All right. And then the police
6 come. The police, initially, knocked on the
7 door.

8 You-all were in the hallway, and Chris had
9 put tape around Lauren's mouth and tied her
10 hands?

11 A. Yes.

12 Q. Okay. Did you tell him to do that?

13 A. No, I just told him to bring Lauren
14 into the --

15 Q. Okay.

16 A. -- hall. No.

17 Q. Were you surprised that he did that?

18 A. Yes. I didn't really know what to
19 think, I was scared to death.

20 Q. Okay. Sure. All right, and so Corey's
21 -- did you have his head kind of on your lap, or
22 holding his head up, or what are you doing at
23 that point in the hallway?

24 A. I'm knelt down beside him. I had
25 touched his face. I was trying to help him.

1 Q. Okay.

2 A. He said that he was having some trouble
3 breathing.

4 Q. Okay.

5 A. At one point, I asked him if he needed
6 me to kind of put him on his side, or anything,
7 but he --

8 Q. Okay, and is Lauren sitting in the
9 hallway too?

10 A. Yes, sir.

11 Q. Okay. Did she have any tape on her
12 mouth, or anything?

13 A. Yes.

14 Q. Did you put that tape on there?

15 A. No, sir.

16 Q. Okay. Did you do anything with the
17 tape that was on her mouth?

18 A. I did, she was -- kind of seemed like
19 having trouble breathing. I actually stuck my
20 finger and pulled the tape down, so that she
21 could actually talk --

22 Q. Okay.

23 A. -- and breathe.

24 Q. Okay. So all -- at this point, all
25 four of you-all are sitting in the hall, the

1 police are outside, the doors locked, they're
2 knocking on the door. What's going through your
3 mind, as far as how this looks for you?

4 A. I -- the only thing I could think about
5 was the fact that Corey looks like he's just
6 been severely beaten --

7 Q. Right.

8 A. -- and has broken restraints on him,
9 and now his wife is knelt down next to me with
10 restraints on, and I'm like -- none of this was
11 ever supposed to happen. All I wanted to do was
12 get clarification and talk to the guy.

13 Q. Right.

14 A. I didn't understand why --

15 Q. Was your plan to beat him up, and
16 continue to beat him up until he talked to your
17 satisfaction?

18 A. No.

19 Q. Okay. Now, the cops are out there.
20 How did the cop -- how do you -- what's your
21 first contact with the police?

22 A. My first contact with the police --

23 Q. That night you see them, yeah.

24 A. -- was the officer said that they were
25 going to bust open the door --

1 Q. -- and as soon as they said that I
2 actually got up, and when they kicked the door,
3 I was already walking towards the front door at
4 that time.

5 Q. Okay. And you went out there with your
6 hands up, and complied with their orders?

7 A. Yes, sir.

8 Q. Okay. All right. Now, let's -- I
9 understand, let's talk about a couple things,
10 Justin. After you went outside, Officer Parnell
11 got you, put you in hand cuffs, and you
12 immediately went to his car, right?

13 A. Uh-huh.

14 Q. All right, you need to say yes or no.

15 A. Yes, sir.

16 Q. Do you remember being in his car?

17 A. Yes, sir.

18 Q. Okay. How would you describe what your
19 emotions were, at that point?

20 A. Scared, confused.

21 Q. Had any realization --

22 A. Mostly scared and confused.

23 Q. All right. Had any realization hit
24 you, at that point, as far as Corey?

25 A. Well, right before I got up from

1 kneeling next to Corey, the last thing that
2 Corey said to me was --

3 Q. Like when you got up to go to the
4 police?

5 A. To the police.

6 Q. Okay, you walked by Corey.

7 A. The last thing he --

8 Q. He's conscience, but not doing well,
9 but he can talk with you?

10 A. Yes.

11 Q. Okay. What's --

12 A. Yeah, he could talk.

13 Q. What's the last thing you heard from
14 Corey Eckles on the way out the door?

15 A. He said, "I got you".

16 Q. I got you. Okay.

17 A. I didn't know -- I didn't really
18 understand what he meant by that at the time.

19 Q. Do you know what it means -- did you
20 kind of figure out what it means now?

21 A. Yes, sir.

22 Q. Is it consistent with his way of doing
23 things?

24 A. Yes, sir.

25 Q. Okay.

1 A. He is --

2 Q. So that's the last thing you heard.
3 You're in Parnell's car, you start talking right
4 away, right?

5 A. I did.

6 Q. And he's like, "Whoa, I've got to read
7 your Miranda," right?

8 A. Yes, sir.

9 Q. Okay. And then I believe the first
10 thing you said to him was, "I can't believe I
11 let him win." Was that comprehending Corey
12 saying, "I got you."

13 A. Yeah.

14 Q. When you were talking about Corey?

15 A. Yeah.

16 Q. I mean you weren't talking about, "I
17 can't believe I let him win the fight," because,
18 obviously, he didn't win the fight, right?

19 A. Right, no.

20 Q. So at that point you knew, you had been
21 a victim, and you started talking, and the first
22 thing you said was, "I can't believe I let him
23 win." Is it safe to say you were upset?

24 A. Very much so.

25 Q. Crying?

1 A. Yes, Sir.

2 Q. Okay. They ask you a few questions at
3 that point?

4 A. Yes, sir.

5 Q. And then at some point they put you in
6 Officer Ireland's car to ride to the
7 investigation room, right?

8 A. Yes, sir.

9 Q. And they video recorded that, as well?

10 A. Yes, sir.

11 Q. Okay.

12 A. Which I didn't know -- there was a
13 period of time that I was in the car --

14 Q. Uh-huh.

15 A. -- by myself.

16 Q. Right.

17 A. I had no idea that anything was being
18 recorded.

19 Q. Right.

20 A. I had later saw the video, and I was
21 crying, asking myself how this happened? I
22 didn't understand.

23 Q. Did you say anything about your family?

24 A. All I wanted was my family.

25 Q. And that's what you're saying in the

1 car by yourself, still upset, still
2 comprehending things, and you don't even know
3 anybody is listening, much less tape-recording
4 right?

5 A. Yes, sir.

6 Q. Okay. All right. So that's twice that
7 you had been on audio, on video, talking about
8 what happened, right?

9 A. Yes, sir.

10 Q. Okay. Then they took you -- Ireland
11 took you from there to the investigative office
12 across from the LAC; is that right?

13 A. Yes, sir.

14 Q. And you met with Detective Fraser and
15 Duhamel, right?

16 A. Yes, Sir.

17 Q. And that's the video they did show.
18 They didn't --

19 A. Yes, sir.

20 Q. -- show the two others, they showed the
21 one from there, right?

22 A. Correct.

23 Q. Okay. At that point, are you still
24 upset?

25 A. Oh, 100 percent --

1 Q. Okay. Are you still wondering what
2 happened?

3 A. Yes, sir.

4 Q. Do you still, are you still feeling
5 betrayed?

6 A. Yes, sir.

7 Q. Okay. Are you still feeling, what kind
8 of situation has this turned into, anything like
9 that?

10 A. Yeah.

11 Q. Okay.

12 A. I totally did not understand how things
13 had even gotten to where they were --

14 Q. Okay.

15 A. -- and --

16 Q. Did you regret that they had gotten to
17 that point?

18 A. Of course.

19 Q. Were you sorry about it?

20 A. Of course.

21 Q. Just for you, or for everybody
22 involved?

23 A. For everybody.

24 Q. Okay.

25 A. I mean I don't even have any hatred for

1 Corey and Lauren, even after everything that's
2 happened. I --

3 Q. Okay.

4 A. -- wish them the best in life.

5 Q. Now, when you went to the interview,
6 they read you your Miranda rights, right? The
7 second time.

8 A. They did.

9 Q. And they said, "Look, you don't have to
10 talk. You can clam up and not say anything,"
11 right?

12 A. Yes, sir.

13 Q. But you wanted to talk, didn't you?

14 A. I did.

15 Q. You thought that was the straight-up
16 thing to do, the stand-up thing to do?

17 A. Yeah, and I also felt compelled to, you
18 know, I had another friend there that was now
19 involved in something that they never should
20 have been involved in, and --

21 Q. You still feel loyalty to Chris Bliss,
22 at this point --

23 A. Of course.

24 Q. -- because you're the one who said to
25 come by and mediate, right?

1 A. Of course.

2 Q. Okay. And do you still feel loyalty
3 towards him?

4 A. Yeah.

5 Q. Okay. So when you get in there, they
6 then say, "You know, tell us what happened," and
7 you gave them a very quick summary of what
8 happened, right?

9 A. I did, I let them know all kinds of
10 stuff.

11 Q. Certainly not the details of what we
12 just -- I'm sorry. Certainly not the details of
13 what we just went over, right?

14 A. Exactly.

15 Q. Okay. Did they ask you to go detail-
16 by-detail, frame-by-frame of what happened at
17 any point?

18 A. No, sir.

19 Q. Okay. So your story pretty much was,
20 they came over everything was fine. Walking out
21 the door, took Corey down, and then it just went
22 on from there, right?

23 A. Yeah.

24 Q. Okay.

25 A. And that everything happened so fast --

1 Q. Okay.

2 A. -- that --

3 Q. All right, and did they ever circle
4 back around, and say, "Hey, Justin, you know,
5 it's real important to know who the first
6 aggressor was, and who took the first swing, who
7 grabbed who first."

8 Did they ever tell you that, and say, "It's
9 real important what you think, and concentrate
10 and tell us exactly what happened." Did they
11 ever follow-up. or ask you that question?

12 A. No, sir.

13 Q. Okay. All right, and there was also a
14 question on there that Duhamel asked you about
15 -- something about, "Was the duct tape and rope
16 laid out ahead of time." or something like that,
17 okay?

18 A. Right.

19 Q. And your answer was what?

20 A. I had said, "Unfortunately, I did have
21 those things."

22 Q. Okay

23 A. But I didn't mean that I had prepared
24 those things.

25 Q. Right.

1 A. I just meant that I had those things,
2 they were at my house.

3 Q. And they had been at your house for a
4 long, long time?

5 A. Yes.

6 Q. So you didn't have two guns, duct tape,
7 different size zip-ties, all lined up, a
8 flashlight ready to go, did you?

9 A. Not at all.

10 Q. Okay.

11 A. I'm not even a gun person.

12 Q. Okay. So when you took that question
13 as, he may have said, "Did you have it all laid
14 out," you meant -- your understanding was, were
15 the things already there?

16 A. Correct.

17 Q. Okay. Were they there in preparation
18 for a tie-up beatdown, what they want to call a
19 kidnapping?

20 A. Absolutely not.

21 Q. Okay, all right. All right, so we
22 talked about the statement. The three
23 statements on video and audio that you gave, the
24 last one is the one that they showed that you
25 saw.

1 Let's fast-forward a little bit.

2 At any point, did you go to the hospital that
3 night?

4 A. I did.

5 Q. Okay, and were you checked out by EMS a
6 little bit too?

7 A. I was. I was checked out by EMS at my
8 house, before being taken to the investigation
9 office.

10 Q. Okay.

11 A. And then after talking with the
12 officers, I was taken to Beaufort Memorial.

13 Q. Okay, and do you remember who you saw?

14 A. I don't remember what doctor --

15 Q. Okay, and --

16 A. -- I saw.

17 Q. -- what treatment, if any, did you
18 receive at Beaufort Memorial Hospital that
19 night?

20 A. I had a bite mark on the top of my
21 hand. There were two teeth that had broken
22 skin. One was over this bone here, that was
23 actually fractured --

24 Q. Uh-huh.

25 A. -- and my -- I don't have a knuckle

1 there anymore, it was set back, because the
2 bones had collapsed in.

3 Q. As a result of this?

4 A. Uh-huh.

5 Q. Okay, but you were diagnosed with a
6 bite mark?

7 A. Yes, sir.

8 Q. Who bit you?

9 A. Corey.

10 Q. That night?

11 A. Yes, sir.

12 Q. Did it hurt?

13 A. Yeah, it did hurt. So when he ran into
14 the door and bounced off, and then charged me --

15 Q. Uh-huh.

16 A. -- we wrestled. I ended up on top. I
17 had my elbows in his shoulders right here, and I
18 was like this, and I was saying, "Please, just
19 stop trying to fight. I do not want to fight
20 you. All I want to do is talk."

21 Q. Right.

22 A. And he leaned up and latched onto my
23 hand.

24 Q. Okay, all right. Did you receive any
25 type of medicine, or anything for the bite mark?

1 A. They told them that I needed to be on
2 antibiotics immediately. They did give me a
3 shot, and the Doctor, I remember him telling the
4 officer that "These are meds that he is gonna
5 need," and the officer said, "He'll be taken
6 care of in the infirmary at the jail."

7 Q. Okay. Did you have any kind of cast,
8 or anything put on your hand at that time?

9 A. They had put a splint.

10 Q. Okay. Like wrapped it with --

11 A. Yeah.

12 Q. All right. When you went to the jail,
13 did they, in fact, provide you with the
14 antibiotic and medicine you're supposed to take
15 for the bite?

16 A. They did not.

17 Q. Okay. And at any point did that become
18 -- did that wound become a problem?

19 A. Yes, my wife had bonded me out a day --
20 the next -- I think towards the end of the next
21 day, and when I came out, I was in excruciating
22 pain, and I told her that she needed to take me
23 back to the hospital.

24 Q. All right, and did that happen?

25 A. I was taken back.

1 Q. Do you know what the diagnosis was at
2 that point?

3 A. They said that because I hadn't taken
4 any antibiotics that infection had started to
5 set in.

6 Q. Was it painful?

7 A. Very.

8 Q. Okay. Did it clear up after a while?

9 A. It did.

10 Q. When you said, "I let him win," who is
11 him?

12 A. Corey.

13 Q. Okay, and at what point did you realize
14 that he thought he had won, and that he had.

15 A. When he told me, "I got you."

16 Q. That's the last thing that you heard
17 Corey Eckles ever say until he came in court the
18 other day, right?

19 A. Yes, sir.

20 Q. Okay, and have you thought about that a
21 lot?

22 A. For almost four years.

23 Q. Do you think about this a lot?

24 A. I think about all of this.

25 Q. Do you have any reminders of Corey that

1 you can't get rid of?

2 A. I have quite a few.

3 Q. Okay.

4 A. He has done, you know, a few different
5 tattoo pieces on me that I look at every
6 morning.

7 Q. I was gonna ask you when you get out of
8 the shower every day with your shirt off, what
9 do you see in the mirror?

10 A. I see Corey's artwork on me. I'm
11 reminded every day of him.

12 Q. In a good way, or a bad way, or a way
13 that --

14 A. There is nothing good about my memories
15 of what happened.

16 Q. Do you regret that -- what happened to
17 everybody.

18 A. A 100 percent.

19 Q. Okay.

20 A. If I could rewind time and make that
21 not happen, I would 100 percent do that.

22 Q. And if Chris Bliss had not hit him on
23 the head with a flashlight, when he had you
24 choked, where do you think you'd be right now?

25 A. I'd be dead. I think if Chris hadn't

1 have been there that I wouldn't be alive today.

2 Q. Or possibly a victim sitting in the
3 victim's seat, where Corey did for one day,
4 right?

5 A. Possibly.

6 Q. Okay. All right.

7 MR. LEE: That's all I have, Your Honor.

8 THE COURT: All right, we're going to take
9 a break.

10 Ladies and gentlemen, I'll have you go back
11 to the jury room, please do not discuss the
12 case, okay? Thank you.

13 (Jury exits the courtroom.)

14 BAILIFF: The jury's clear, Your Honor.

15 THE COURT: All right, Mr. Granet, we're
16 going to take a break. You can stand down from
17 the witness chair, however, you have not --

18 Sir, hold on, look at me.

19 You can stand down; meaning, you can do whatever
20 you need to do, but you cannot speak with anyone
21 concerning this matter or concerning this
22 testimony. That includes your lawyer, sir.

23 MR. LEE: Just stay up there.

24 THE COURT: No, he needs to use the
25 restroom.

1 MR GRANET: I have to use the restroom.

2 MR. LEE: Okay.

3 THE COURT: So, all right, anything before
4 we take a break from the State?

5 MS. KIDD: Yes, Your Honor. I would like
6 to take up the matter now that this door has
7 been opened, and his character has been brought
8 into question.

9 He did make several comments about the fact
10 that he did open the door. He was talking about
11 how the victim was violent, and how he was in
12 fear, and was introducing good character witness
13 about how his foster dad was adopting troubled
14 youth.

15 So the State would now like to see to
16 impeach him of his prior record to prove his bad
17 character, his propensity to violence. I have a
18 copy of his rap sheet here.

19 THE COURT: Uh-huh.

20 MS. KIDD: In addition, he put in several
21 statements saying that because he was an MMA
22 fighter, all the actions that he were doing, all
23 of the violent things that he was doing was for
24 the purposes of self-defense, although he has
25 several convictions on his record for assault

1 and battery, and for criminal domestic violence.

2 As well as, you know, we agreed not to
3 get into it unless the door was opened, and a
4 resisting arrest charge demonstrates violence.

5 It's to rebut his claims of fear, to rebut
6 his claims that he's got good character, and
7 that the victim's character is bad.

8 MR. LEE: I don't think there is any issues
9 with him talking about somebody else's
10 character. I mean he's talking about somebody
11 else's character. I don't think he has open --
12 the self-defense thing is, when that's opening
13 the door is when you say "I'm a peaceful person.
14 I'm a pacifist. I wouldn't kill a fly."

15 Explaining what happened during a fight
16 that he didn't start is not opening the door to
17 any type of character. I mean, how do you
18 explain his family life? I mean, just because
19 he explained his family life, and says he has a
20 foster kid and stuff like that, that's not
21 putting a relevant trade of character as to the
22 issue here, which is self-defense.

23 That's what they want to try to say is that
24 we somehow say, hey this guy wouldn't harm a
25 fly, peaceful guy, we never said that. He said

1 he tries to help everybody, and certainly went
2 on and on and on about the -- I mean, you went
3 on so long about that, I think I have.

4 No, it was the wife, not the daughter that
5 was sick. I mean but surely, he tries to help
6 everybody. I think that's pretty close to the
7 line.

8 MR. LEE: But --

9 THE COURT: I mean he sat right there and,
10 you know, tries to help everyone, is a good guy,
11 never hurt a fly. It all came in, it all came
12 in in his video. In his video is where he said
13 he was a great guy. Hold on. The video is
14 where he said he helped everybody.

15 Never did -- I mean, that -- but also today
16 he certainly said that didn't he?

17 MR. LEE: I mean if they already put that
18 in there, if you're making an argument. If they
19 already put his character in there about
20 publishing a video, they didn't try to redact
21 that, and for me to arguably say the same thing
22 that's already been put into evidence.

23 I'm not opening a door. They opened the
24 door themselves. They can't open a door and
25 walk through it. If you want to go that far and

1 say that's character evidence, well --

2 THE COURT: I hadn't thought about that,
3 but you're right. I mean that's where it came
4 in initially, however --

5 MR. LEE: Give us a chance to explain.

6 THE COURT: Yeah, but what was explained
7 was, he's a great guy.

8 MR. LEE: She put it in. She put that
9 evidence in if that's the character we're going
10 to look at. She put in that evidence.

11 THE COURT: What about that, Solicitor?
12 You put the character into evidence by playing
13 the video.

14 MS. KIDD: We had an extensive pretrial
15 hearing on that video.

16 THE COURT: Yeah.

17 MS. KIDD: Each time the defense made
18 certain objections to several pieces within
19 that, we painstakingly redacted it to take out
20 anything they were at issue with.

21 We took out some things we were in issue
22 with, and, you know, we had that discussion.
23 That was in pretrial.

24 MR. LEE: I'm not going to object to good
25 character evidence of my client coming in on

1 video. That's not something I need to object
2 to. Hey, you may want to read the rules,
3 because you may, you know. I'm not going to
4 object to things that are favorable to me coming
5 in on video.

6 We certainly have evidence that he has been
7 in other fights where it was not self-defense.
8 I think that is a fair question to ask, and
9 depending on his answer, whether we can impeach
10 him with his prior record.

11 MR. LEE: She is going to come in here and
12 prove some other case that he was charged with
13 some type of assault or something like that and
14 say it wasn't a self-defense case.

15 There are too many questions about it.
16 They are so remote in time. There is no
17 evidence they wanted to use anything for
18 impeachment older than ten years.

19 MS. KIDD: And it's not just the good
20 character evidence. He is sitting here saying
21 that he is in fear. That is the first time that
22 he has ever stated that he is in fear. That is
23 not in any statement that the State has provided
24 to law enforcement.

25 This is the first time we are hearing he

1 was in fear. This is the first time we are
2 hearing about Chris Bliss being there as a
3 mediator. That is in direct conflict with the
4 statement that he gave to law enforcement.

5 THE COURT: I am going to deny your motion.
6 I am not letting any of that in. What I am
7 going to say is there is a lot of cross-
8 examination potential as it relates to Mr. Bliss
9 and his mediation skills -- plenty of room
10 there.

11 Let's take a break for a minute.

12 (Recess.)

13 MS. KIDD: Your Honor, if we are back for
14 State v. Granet, I would like to ask a
15 clarifying question. You've ruled that we can't
16 introduce his bad-character evidence as it
17 relates to his prior record. Are we permitted
18 to use that for impeachment evidence because
19 there is evidence that he says he learned MMA
20 kind of as a sensei, and the number one pillar
21 is self-defense, which they are required to do.

22 MR. LEE: I think they are just grasping at
23 straws, Judge. I don't see the connection at
24 all. I am not exactly sure what they are trying
25 to do. Get into more than ten-year-old

1 convictions and say, since you pled guilty or
2 were found guilty, that means that you didn't
3 use self-defense on that particular time?

4 I don't really get their argument, but I
5 think it is improper for a variety of reasons.

6 MS. KIDD: It wouldn't be for propensity.
7 It would be to impeach him. He has stated that
8 he was the victim in this fight. I think it's
9 important to clarify to the jury whether he
10 always feels like he is a victim in fights.

11 Or if there have been situations in which
12 he was the aggressor. He has painted this
13 picture of himself as this family man, helping
14 out the troubled teen. He had a hard come-up,
15 but he straightened out his life. He is an
16 overall peaceful person.

17 In this situation, he was the victim. He
18 is just a guy who has been cheated on by his
19 wife, and now his best friend is attacking him.
20 Our victims are, you know, these terrible
21 people.

22 I think it's a fair question to ask. Have
23 you ever been in fights? Were you the victim of
24 all of those?

25 Then depending what his answer was, we

1 should be able to impeach him. That goes to his
2 credibility.

3 MR. LEE: It's exactly for propensity,
4 which is what -- they can't get it in unless
5 they get it in under Lyle, number one.

6 Just because his testimony wasn't what they
7 thought it was going to be or what they wanted
8 it to be or they don't agree with it doesn't all
9 of a sudden open the door for them to start
10 bringing up old convictions that --

11 THE COURT: When are the convictions?

12 MS. KIDD: They are outside of ten years,
13 but it would just be for impeachment. If he
14 said, yeah, I have been in fights. No, I wasn't
15 the victim in every single one of them.

16 Then we can't do anything.

17 THE COURT: What about that? He says he
18 was not the victim. He said he has been an
19 aggressor in a fight before. Then they can't do
20 anything.

21 MS. KIDD: It stops there. We can't get
22 into this -- we couldn't get into the specifics
23 of any of these fights anyway. It's just to
24 rebut the claim that he is this peaceful guy who
25 was just trying to talk to his friend about this

1 terrible life situation he found himself in.

2 THE COURT: Just to get clarity.

3 MS. KIDD: Just to get clarity -- work his
4 credibility. It goes to his credibility. He is
5 sitting up there saying he is the victim and he
6 is peaceful.

7 He is choking him out but trying to just
8 stop the whole fight.

9 MR. LEE: He said he is using self-defense.
10 She can argue that to the jury all she wants.
11 She doesn't like what he has to say, so she
12 wants to try to use an inadmissible way to cut
13 into it because they don't like what he is
14 saying.

15 So that is not a reason to do it. The
16 rules say how you impeach people.

17 THE COURT: What is the rule? He's 608,
18 609 -- I don't know what rule she is relying
19 upon.

20 THE COURT: I'm asking you, sir.

21 MR. LEE: 678(a), Opinion and reputation
22 evidence with character.

23 The credibility of the witness may be attacked
24 or support credibility, may be attacked
25 supported by evidence in the form of opinion or

1 reputation, but subject to these limitations.
2 One, the evidence may refer only to character
3 for truthfulness or untruthfulness, two,
4 evidence of truthful character is admissible
5 only after the character of a witness has been
6 attacked by opinion or reputation, evidence of
7 relevance.

8 So that talks about credibility. If they
9 want to put a witness up there and try to say
10 that he has a reputation for being untruthful,
11 that is one way that you do it. That is the way
12 you teach them or attack their credibility.

13 In 609, convictions of crimes, it has to be
14 within 10 years.

15 THE COURT: All right, Solicitor, I'm not
16 going to let you get into that.

17 MS. KIDD: To ask if he has ever been in a
18 fight?

19 THE COURT: You can ask that. You can ask
20 him if he has ever been in a fight. You can ask
21 him if he has ever been the aggressor of a
22 fight.

23 MS. KIDD: Okay. And then take his answer
24 as it is?

25 THE COURT: If he is under oath and telling

1 the truth, yes, ma'am.

2 All right. Let's get the jury in.

3 (Jury enters courtroom.)

4 THE BAILIFF: The jury is seated, sir.

5 THE COURT: All right, ladies and
6 gentlemen. We are now ready for the State's
7 cross-examination of Mr. Granet.

8 So, solicitor, go right ahead.

9 MS. KIDD: Thank you.

10 * * *

11 CROSS-EXAMINATION

12 BY MS. KIDD:

13 Q Good afternoon, Mr. Granet.

14 So on March 11, 2019, Corey Eckles and Lauren Eckles
15 came to your home.

16 A Correct.

17 Q You invited him to your home.

18 A Essentially, they called and told me that
19 they wanted to come down and visit, and I
20 agreed.

21 Q And you never said, don't come.

22 A No, ma'am.

23 Q You never told them that Chris was going to
24 be there.

25 A No, ma'am.

1 Q But you asked her to be there; is that
2 right?

3 A Yes, ma'am.

4 Q You invited her to your house?

5 A Yes, ma'am.

6 Q In your home you had duct tape and zip ties
7 that were all ready; is that right?

8 A Yes, ma'am.

9 Q You didn't go to Grayco earlier to get
10 those. They were already in your home.

11 A Yes, ma'am.

12 Q Okay So you mentioned that you wanted
13 Corey Eckles to confess to what he did. You
14 wanted to confront him that day.

15 A I wanted to clear up what he was saying and
16 what my wife was saying and figure out what
17 exactly was the truth.

18 Q So you were planning to bring up this kind
19 of stressful topic in your home that day?

20 A Yes, ma'am.

21 Q But you didn't give them a heads-up. You
22 didn't tell him that you knew anything prior to
23 that, is that right?

24 A No, ma'am.

25 Q You spoke with him multiple times before he

1 came to your house after you wanted information,
2 correct?

3 A Yes, ma'am.

4 Q So you had multiple opportunities to
5 confront him?

6 A Over the phone, yes.

7 Q Okay. You wanted to confront him about
8 this in your home.

9 A I just wanted to be face-to-face, because
10 people have a tendency -- it would be easier to
11 lie to somebody over the phone than when
12 somebody is actually asking with you open
13 sentiment.

14 Q They were coming down for the weekend. You
15 all are planning to have fun, you are planning
16 to go out to dinner. You didn't wait until
17 dinner to confront him, did you?

18 A No, ma'am --

19 Q You didn't wait until you were out fishing
20 with him on Fripp Island to confront him?

21 A No, ma'am.

22 Q You confronted him in your home?

23 A Yes, ma'am.

24 Q Lauren was there?

25 A Yes, ma'am.

1 Q You wanted him to confess to what he did in
2 front of his wife, correct?

3 A I did. I was pretty sure that Lauren was
4 unaware of anything. I felt that her not
5 knowing was kind of unfair to their
6 relationship, and that she should know.

7 Q So you and Corey and Lauren are at your
8 house for about half an hour?

9 A The better part of a half-hour. It's not
10 up to an hour.

11 Q While you were hanging out, were there any
12 negative words exchanged?

13 A No, ma'am.

14 Q Was there any aggression on Corey's part?

15 A No, ma'am.

16 Q Was there any aggression on your part?

17 A No, ma'am.

18 Q So you are just hanging out?

19 A Uh-huh.

20 Q Catching up.

21 So you were there for about 45 minutes to
22 an hour. As you are leaving, as Corey is
23 leaving to go to your next destination, you
24 choose that time to confront him?

25 A Yes. His wife and Chris happened to be in

1 the kitchen. I just wanted to give him the
2 opportunity to know that I did know Sally had
3 told me the truth; let him know that Sally had
4 told me everything. Yes.

5 Q But you are about to leave?

6 You are going to go to dinner, correct?

7 A We were about to head to Fripp Island for
8 them to drop off their things and whatnot.

9 Q So you are walking out the door of your
10 home, and you chose that moment to confront him?

11 A Yes, ma'am.

12 Q You whispered it?

13 A I wouldn't say that I whispered, but I said
14 it very lightly as to not --

15 Q What is it exactly that you had told him?

16 A That Sally had told me everything that
17 happened.

18 Q Sally told you everything that happened.

19 How long were you and Sally and Corey and
20 Lauren friends?

21 A Me and Sally and Corey were friends for
22 quite a bit longer than Lauren. She kind of
23 came into the picture later. I would say that
24 we had been friends for about six years.

25 Q That is a long time to be friends,

1 relatively.

2 THE COURT: Sir, you need to answer out
3 loud. I think you were nodding your head. When
4 you answer the questions, you need to answer,
5 yes, no, or however you want to answer it, but
6 with a verbal response, okay?

7 THE WITNESS: Corey. I apologize.

8 THE COURT: No problem. Go ahead,
9 Solicitor.

10 BY MS. KIDD:

11 Q So there is a lot that could have
12 potentially gone on between you and Sally or
13 Justin and Sally or Lauren and Sally.

14 Any number of things that could have gone
15 on in your six years of friendship that you
16 could have been referring to in that statement,
17 right?

18 A Correct.

19 Q You didn't make any specific allegations as
20 to Corey?

21 A I did not.

22 Q So Corey conceivably could have been very
23 confused?

24 MR. LEE: Objection, calls for speculation.

25 MS. KIDD: I will rephrase the question.

1 THE COURT: All right.

2 BY MS. KIDD:

3 Q You don't know what Corey thought you were
4 referring to?

5 A I absolutely do not --

6 Q -- was going on? You don't know what was going
7 on when he said that?

8 A No, ma'am.

9 Q If you wanted to confront him about an affair,
10 why not lay it out in no uncertain terms? Why
11 use the cryptic language?

12 A I wasn't using cryptic language. I told him
13 that Sally had told me everything. He had sent
14 me multiple screen shots of things, of Sally and
15 him talking, saying that he wanted her to tell
16 me about Zane.
17 I didn't understand why he grabbed me. I did
18 not say, Sally told me that you-all screwed. I
19 didn't say those things.

20 Q But you and Corey had been having
21 discussions for about a week now about this
22 supposed affair between Sally and Zane, is that
23 right?

24 A He had sent me those screen shots. He had
25 called me about it. Then he never after that

1 talked to me about that. Anytime that we spoke,
2 he was just calling to check on you, how are you
3 doing? Nothing in reference to the affair.

4 Q He knows about this affair, so it's
5 possible when you say Sally told me everything,
6 you could have been referring to Sally telling
7 you everything about Zane. She finally came
8 clean.

9 A You are correct.

10 Q So you stated that when you are going
11 towards the back door and you make this
12 statement, you put your hand on his shoulder; is
13 that correct?

14 A Yes, ma'am.

15 Q So you are the first person who touched him
16 first.

17 A I put my hand on his shoulder and said that
18 Sally had told me everything. Then I removed my
19 hand from his shoulder.

20 Q In your statement to law enforcement, I
21 believe you were in the room when we were
22 watching it.

23 A I was.

24 Q You never mentioned anything about Corey
25 trying to punch you; is that correct?

1 A That is correct.

2 Q In fact, you said that the first sign of
3 physical anything was when you put Corey in a
4 sleeper hold and took him to that ground.

5 That is what you told the police.

6 A Yes, ma'am.

7 Q So the first time that we are hearing that
8 Corey actually tried to throw a punch is today.

9 A I don't believe so.

10 Q Your statement here today is that
11 everything that did was a reaction to Corey
12 trying to punch you.

13 A It was.

14 Q But that is the first time you have ever
15 told law enforcement that?

16 A I thought that I had said something to
17 them. In watching the video, I realized that I
18 had not.

19 Q This case has been going on for four years.
20 Surely, you could have gotten with your attorney
21 and gone back and watched your statement.

22 MR. LEE: I would object to any
23 conversations he had with his attorney.

24 THE COURT: I'll sustain that objection,
25 Solicitor. Don't get into what he talked or met

1 with his attorney about.

2 BY MS. KIDD:

3 Q You have never given any additional details
4 outside of the statement we watched, correct?

5 A I have had to explain myself to people over
6 the course of the past few years. So, no, that
7 is not the first time that it has been
8 mentioned.

9 Q Did you go to law enforcement and give a
10 supplemental statement to clarify anything?

11 A No, ma'am.

12 Q About your testimony today, your decision
13 to put Corey in a sleeper hold was based on your
14 belief that you were in danger, correct?

15 A Absolutely.

16 Q That is based on the fact that he swung at
17 you, but he didn't actually hit you. Right?

18 A No, ma'am.

19 Q That is because of your martial art skills?

20 A What?

21 Q Being able to duck and avoid -- would you
22 contribute that to your training?

23 A Yes.

24 Q So you mentioned that Corey is, was, about
25 6, 3 inches, 200-plus pounds?

1 A Yes.

2 Q You are about 5 foot, 10 inches, 170
3 pounds?

4 A Yes, ma'am.

5 Q Chris Bliss, is he about 5'11, 260 pounds?

6 A I believe he is more like 5, 9. He is
7 probably 200-something pounds.

8 Q He is bigger than you?

9 A Yeah. Bigger around, but not as tall.

10 Q You have martial arts training, and you had
11 a friend there who is bigger than you. You are
12 still in fear of Corey Eckles?

13 A Originally, I asked Chris to be there more
14 as a mediator and not as the person that saved
15 me from dying that day.

16 Q Okay. This entire time you are trying to
17 restrain him, to prevent him from hurting you,
18 from punching you. So far you are doing a
19 pretty good job. You are not getting punched,
20 anything like that?

21 A I mean, I did get hit a few times by him in
22 the struggle. I was constantly telling him that
23 I did not want to fight. I only wanted to talk.
24 Please stop attacking me.

25 Yes, I used various holds to try to keep him

1 from attacking me.

2 Q You said at one point you let him go and he
3 tried to run through your door?

4 A When he tried to run through the door was
5 after he had busted out of restraints and was
6 acting crazy.

7 Q So at this point, you have successfully
8 restrained him, so you thought?

9 A I thought.

10 Q He was able to bust out of them. What he
11 did in that moment was stand up and run towards
12 the door.

13 A The first thing he did was look at Lauren
14 and say, "Fuck you, you stupid bitch."

15 I have no idea where that came from, why it
16 came out, nothing.

17 He turned and ran into the door.

18 Q You didn't tell Chris to bring any weapons,
19 correct?

20 A Of course not.

21 Q You told law enforcement that you knew
22 Chris had a gun.

23 A I told law enforcement that Chris and Corey
24 were both known to carry guns. I did not know
25 whether he had one, but they were both known

1 carry.

2 Q But you don't know if Corey had worn a gun
3 that night?

4 A I do not know.

5 Q But you do know that Chris Bliss had a gun.

6 A I didn't know until we were in the hall and
7 I was about to walk out. Chris said, Dude, What
8 the fuck do I do? I have two guns in my pocket
9 right now."

10 Corey and Lauren were right there when he
11 said that.

12 Q So at that point you become aware that
13 there were two guns in the house?

14 A I did become aware of it.

15 Q They are both in Chris' pocket?

16 A Correct.

17 Q Not in Corey's pocket or Lauren's pocket.

18 A Correct.

19 Q You also told law enforcement that Lauren
20 was aware that Chris had a gun -- that it seemed
21 that she was aware that Chris had a gun.

22 A I believe that Corey and Lauren were both
23 aware that he had a weapon, because they were
24 both present when he said that he had one. Like
25 I said, that was at the end of everything.

1 There was never a weapon presented during the
2 struggle.

3 Q Because you told law enforcement when they
4 were questioning you about this gun that Chris
5 had -- they are kind of speculating that it may
6 have had something to do with the reason she is
7 so submissive to him.

8 He said, No I don't believe he ever pointed
9 it, they asked, but did she ever know he had a
10 gun?

11 You said, I do believe he had a gun. Is that
12 correct?

13 A Yeah. But like I just said, I knew that
14 she knew in the hallway that he had a weapon.

15 I don't know what transpired with Chris and Lauren.

16 There were quite a few times during that that I
17 was in a struggle. I had no idea what was being
18 done outside of my vision of --

19 Q So when you were first talking to law
20 enforcement, you did agree that Chris had a gun.
21 Then Deputy Fraser leaves. He comes back and he
22 says, We found two guns.

23 Now you are saying that there were two
24 guns. Did Chris tell you he had two guns or one
25 gun, which is it?

1 A Chris told me in the hallway, I have two
2 guns in my pocket. I didn't know --

3 Q You told law enforcement that he only had
4 one.

5 A I told law enforcement that there was a
6 gun. I didn't tell them one, two, ten, twenty.
7 I didn't tell them any of it.

8 Q After you came back from the bathroom.
9 what was the mood like in the room? Had it
10 changed at all?

11 A It didn't seem to have changed. I came
12 back into the room carrying my iPad. I was very
13 excited to show them the artwork that I had been
14 working on.

15 Q So you said that this entire time in the
16 back of your head, you are thinking about Corey
17 and Sally, correct?

18 A Sure.

19 Q You were having to restrain yourself and
20 put on a happy face while Corey is in your home?

21 A I wouldn't say restrain myself, but, yeah.
22 I was definitely apprehensive to talk to him. I
23 wanted to just act as though nothing was wrong.
24 I mean --

25 Q You just didn't want to let on that you

1 knew anything about Corey; correct?

2 A Not at that time. No, I did not.

3 Q So you were angry?

4 A I was confused. I felt betrayed. I don't
5 know about anger. I was -- I felt more
6 betrayed.

7 Q So you said that he turned around and
8 grabbed your shirt. Did he rip your shirt or
9 anything like that?

10 A No. I don't believe so.

11 Q You said that that look made you scared?

12 A Yes, ma'am.

13 Q That look made you think he was going to
14 kill you?

15 A The fact that the look in his eyes and then
16 him taking a swing at me scared me.

17 I was not anticipating any kind of action
18 like that.

19 Q He just snapped. You-all had been hanging
20 out for 45 minutes to an hour, then at this
21 moment as you are leaving he snapped?

22 A Yes, ma'am.

23 Q Because you whispered one thing to him?

24 A Yes.

25 Q Surely he knows that you have MMA training,

1 correct?

2 A Yes, ma'am.

3 Q He knows about all your qualifications?

4 A Yes, ma'am. He also knows that I do not
5 fight or train anymore and that I had multiple
6 injuries.

7 Q You are saying that you don't want to use
8 force if you don't have to, but if you needed to
9 fight back, could you, from your training?

10 A Yes, ma'am?

11 Q Your injuries didn't prevent you from
12 fighting back?

13 A No, ma'am.

14 Q Maybe just not as good as you used to fight
15 back in the day.

16 A Exactly. I am not a spring chicken
17 anymore.

18 Q Understood. You said that Lauren was on
19 the couch like this the whole time?

20 A Yes, ma'am.

21 Q Just watching you beat up her husband?

22 A She was repeatedly asking, what is going
23 on? Why is this happening? Why are you-all
24 fighting? I kept saying, I don't understand why
25 he is attacking me. All I wanted to do was

1 talk.

2 Q So she is spectating?

3 A She even told him to stop fighting me at
4 one point.

5 Q So you are saying that he is fighting you,
6 he is choking you, is that correct?

7 A At one point he was on top of me choking
8 me.

9 Q Did you feel like you can't breathe?

10 A Yes.

11 Q That is strangulation. That is serious,
12 right?

13 A Yes.

14 Q You also mentioned that at some point -- I
15 am trying to visualize it -- he has got his
16 hands around your neck. Chris is trying to pull
17 him off. As that is going on, your head is
18 getting banged up from the door?

19 A It did.

20 Q So we have potential head injuries,
21 strangulation, perhaps some issues related to
22 that. You also got bit.

23 A Yes, ma'am.

24 Q When you were talking to the police, you
25 mentioned you thought you had a boxer's

1 fracture.

2 Were you ever diagnosed with a boxer's
3 fracture?

4 A No, ma'am.

5 Q But it felt like your hand was very swollen
6 from --

7 A It was very swollen. It felt like
8 something was broken in there. It was an
9 assumption of mine that --

10 Q Your hand hurt, and then you had been
11 getting your head banged on the floor and
12 strangled.

13 A Yes, ma'am.

14 Q When you were talking to the police, did
15 you ever mention the fact that you had gotten
16 strangled?

17 A I thought I had. In looking at the
18 yesterday video, I don't recall.

19 Q I don't recall that either. What about
20 getting your head banged on the ground?
21 Did you ever mention that to them?

22 A No. If you recall the video, I also said
23 that I did things that I didn't because I felt a
24 responsibility for having a friend involved in
25 something.

1 Q So you didn't tell the police about your
2 injuries to protect Chris?

3 A I told them about my hand hurting, and, I
4 mean, my head was fine. He had bounced on the
5 floor a couple of times, but it didn't -- I
6 didn't feel any contusion or anything like that.
7 I wasn't bleeding from my head, so I did not
8 mention it.

9 Q We heard testimony this week from Dr. Luke
10 Baxley. He talked about how serious head
11 injuries can be. They can be lethal. That can
12 be serious. You never thought to mention it or
13 have it checked out? You had EMS looking at
14 you.

15 They transport you to the hospital to get a
16 thorough evaluation, and that is not something
17 that you felt like you needed to bring up?

18 A You know, there was so much going on. I
19 was confused. I was hurt. I was emotional. I
20 was crying. I was more confused than anything.

21 Q You went back to the hospital a few days
22 later for your infection, right?

23 A I did.

24 Q Did you mention the strangulation or a
25 possible head injury at that time?

1 A I didn't have any type of knots or anything
2 on my head. I didn't feel that it was something
3 significant that needed to be addressed.

4 Q So you mentioned that all these tools that
5 I have entered into evidence, the zip ties, the
6 flashlight, the rope, the duct tape -- those are
7 all items that were already in your home?

8 A Well, when you-all brought that duct tape
9 out, that is not duct tape from my house.

10 Q Is it Chris Bliss'?

11 A I can only assume.

12 Q But everything else: the flashlight, the
13 zip ties, the rope. That was yours?

14 A I assume so, yes. I do have all of those
15 kinds of things in my house, yes.

16 Q So you mentioned that Corey gave you a look
17 of death. Isn't that correct?

18 A Yes, ma'am.

19 Q Isn't that kind of how Lauren described the
20 look that you gave her?

21 A She said that my eyes were black, in her
22 testimony. I don't really know what that that
23 means.

24 Q Okay.

25 Chris came your aid and was telling Corey

1 to let go of you, correct?

2 A Correct.

3 Q He kept saying, giving him the opportunity
4 to let go of you, let go of you, or I will have
5 to get physical, correct?

6 A He did.

7 Q So it was Chris who hit him with the
8 flashlight?

9 A Yes, ma'am.

10 If he hadn't, I don't think Corey would
11 have let go.

12 Q Chris didn't bring that flashlight, did he?

13 A No, ma'am. It sits on the dresser by our
14 back door.

15 Q What do you use it for?

16 A What do we use the flashlight for?

17 Q Yeah. Big old Mag flashlight.

18 A We live out in the woods. It's pretty
19 dark. Anytime we ask the kids to go take the
20 garbage out or to go around and grab something
21 out of the vehicle, then they get the
22 flashlight.

23 Q So everybody in your house uses that?

24 A Yes, ma'am.

25 Q Even you?

1 A Yes, at times, yes.

2 Q You said that as you were restraining him
3 and Chris is beating him, he increased his
4 intensity after he had been hit in the head with
5 a flashlight?

6 A Yes.

7 The fact that after he was restrained --
8 and he popped up busting out of restraints, the
9 fact that he ran directly into my door and then
10 charged me, yes, he was progressively more
11 aggressive.

12 Q After he had been hit in the head?

13 A Yes, ma'am.

14 Q Four to six times?

15 A I don't know how many times.

16 Q But this happened after he had been hit
17 with the flashlight?

18 A Ma'am?

19 Q Flashlight. After he had been hit with the
20 flashlight, at this point?

21 A Yes, ma'am.

22 Q Was he bleeding at this point?

23 A Until he bounced off the door and turned
24 back toward me, I hadn't seen any blood, but,
25 yes, there was blood dripping down his face

1 then.

2 Q So he busted out of his zip ties. I am
3 guessing those were the zip ties that we saw on
4 the dining room floor that we saw.

5 So you-all restrained him again. And then
6 you used duct tape; is that correct -- to
7 restrain him?

8 A Restrain him again?

9 Q Yeah. Did you ever use duct tape to tie
10 him up?

11 A I didn't use anything to tie him up.

12 Q Around his legs, Chris never tied up his
13 legs with duct tape?

14 A I don't know what restraints were used. I
15 was literally under Corey holding him when he
16 was restrained.

17 Q Okay?

18 A When I got up, I turned to Lauren. So I
19 didn't investigate his restraints. I didn't
20 check to make sure it was safe to get up. Chris
21 said he was restrained. I got up.

22 Q All right. So you said that once he ran
23 into the floor, then he runs back and hits his -
24 - walk me through that.

25 A I ran into the door, yes, ma'am.

1 Q Runs into the door and then what happens?

2 A He charged back at me.

3 Q You say at that point, he falls and hits
4 his head?

5 A No. When he bounced off the door and
6 charged back at me, we wrestled around. I ended
7 up on top of him at that point, and that was
8 when I had my elbows on his shoulders, right
9 here, and was asking him to please stop
10 fighting.

11 Q But you mentioned that he hit his head on
12 some kind of wall or where the PVC pipes split.
13 What are we talking about?

14 A When he ran into the door, it has PVC
15 mullions. It's like a grid on the window. One
16 of those was broken by his head. Apparently, it
17 caused one of the gashes that the doctor showed
18 on the model.

19 Q So you-all are wrestling in the hallway --
20 is that where you are?

21 A After he had bitten me and stuff, we did
22 continue to struggle and wrestle and ended up
23 into the hallway.

24 Q So you said after he bit you. When did he
25 bite you?

1 A While I was holding him down after he had
2 run into the door.

3 Q Okay.

4 So then Chris and Lauren said blue lights
5 are coming down the driveway, and you were
6 holding him in a chokehold at this point?

7 A No, ma'am. At that point we were wrestling
8 in the hallway.

9 Q Then he broke free?

10 A Yes. We bounced against one wall and then
11 he pushed off against the wall and slammed me
12 into the laundry room door, which shattered the
13 door. Then he broke free of the hold that I had
14 him in.

15 Q Is this when he hit the side of the wall --
16 the baseboard?

17 A Yes. When he broke free, he turn towards
18 my kids' rooms, and I jumped and grabbed his leg
19 and he fell, I fell.

20 Q So he is running away from you, and you
21 grabbed him?

22 A Yes, ma'am. I grabbed his leg.

23 Q At that point you are saying that you are
24 starting to get scared for him because his
25 injuries are so bad. This is the point where

1 you start to get worried, right?

2 A I did. I picked up him up under his arms
3 and turned him over so that I could see what was
4 going on because blood splattered all over the
5 wall. It scared the living daylights out of me.

6 Q Things are starting to look scary for him?

7 A I would say so, yes.

8 Q Was he still fighting back at that point?

9 A After him hitting his head, no.

10 Q So the lights are coming down the drive.
11 You all are in the hallway. At that point you
12 think it's a good idea to just have Lauren and
13 Chris join you in the hallway, is that correct?

14 A That's correct. I asked Chris and Lauren
15 to come into the hall. I said, everything is
16 going to be okay. After the police leave, you
17 can leave my house. I don't understand what is
18 happening, but I never wanted this.

19 Q At this point, you are the victim?

20 A Yes, ma'am.

21 Q And you were graciously allowing them to
22 hide this whole incident from the police so that
23 they don't get in trouble?

24 A Nod.

25 THE COURT: Okay. Is that a yes?

1 THE WITNESS: Yes.

2 BY MS. KIDD:

3 Q So Corey was in pretty bad shape, right?

4 A He is.

5 Q And the police there?

6 A They are?

7 Q They are first responders, and they can get
8 him some EMS help.

9 A I didn't realize that that could possibly
10 happen. I also was aware of how the situation
11 looked.

12 Q So showing you State's Exhibit 55.

13 Is this what Corey looked like when you-all were
14 sitting in the hallway?

15 A Yes and no. The blood that is under him
16 accumulated while --

17 Q But it's his blood?

18 A Yes, ma'am.

19 Q Is this vomit here?

20 A I have no idea.

21 MR. LEE: I will object. You previously
22 kept out the vomit on the picture.

23 MS. KIDD: It's there the picture?

24 THE COURT: It's in the picture? Then I
25 will overrule your objection.

1 THE WITNESS: He had not vomited while we
2 were in the hall.

3 Q But this is Corey in your home after the
4 incident?

5 A Yes.

6 Q And you thought that you could provide him
7 with the medical attention that he needed?

8 A No. I did not. I told Lauren that I would
9 even help her put him in the car to go to the
10 hospital after the police had left.

11 Q Okay. That was nice: Okay.

12 You had injuries at this point too, right?

13 A Yes. I did.

14 Q You had a bite mark on your hand, correct?

15 A Yes, ma'am.

16 Q You went straight to Beaufort County
17 Sheriff's Office that evening after the
18 incident, right?

19 A I did.

20 Q I am now showing you what has been marked
21 and entered as State's Exhibits 52, 53, 54.
22 Are those pictures of you?

23 A Yes, they were. The bite was on the other
24 side of my hand.

25 Q Got. Got.

1 A So it wasn't in that photograph.

2 Q Hard to see. Yeah.

3 Okay. So you are really scared for Corey
4 at this point?

5 A I was scared for everybody at that point.

6 Q So Chris just decides to duct tape Lauren?

7 A When they came into the hall, she knelt
8 down beside me. I looked at her, and I was
9 like, Oh my God. I looked at Chris, and I said,
10 what in the hell?

11 He said, I don't fucking know, man. I am
12 fucking scared. I don't know.

13 Q What about her wrists? Were they tied up?

14 A Her hands were behind her back. I could
15 not see how she was restrained. I never even
16 looked at how she was restrained.

17 Q Had she ever -- during the course of this
18 entire incident, did you feel like there was any
19 reason for her to be restrained by Chris?

20 A Not really.

21 Q Okay. Perfect.

22 A I mean, she even said that she would say
23 something else if we --

24 Q So you find yourself in a hallway huddled
25 with Corey and Lauren and Chris hiding from the

1 police.

2 A Yes, ma'am scared to death.

3 Q You are scared? You are the victim in the
4 case?

5 A I was scared for everybody.

6 Q Okay. If you were in fear for your life,
7 why weren't you ecstatic to see that the police
8 were there?

9 A Because of the way that the situation
10 looked.

11 Q Okay. So when you finally do talk to the
12 police, you gave them your statement,
13 correct?

14 A Yes, ma'am.

15 Q You had time to kinda calm down in the car
16 ride there. Some time passes, and you get to
17 the Sheriff's Office and you are talking to
18 Fraser and Duhamel; correct?

19 A Correct. I wouldn't say that I really
20 calmed down. I was very much emotional.

21 Q You had left the scene?

22 A Yes, ma'am.

23 Q You are safe at that point.

24 A Possibly. Yes.

25 Q Corey is not there to intimidate you, is

1 he?

2 A No, ma'am.

3 Q You were free to tell your side of the
4 story?

5 You are there for 45 minutes to an hour in
6 a room with two cops. And the situation looks
7 bad, yeah. But you know that all of those
8 things that you are telling us here today about
9 self-defense, you never mentioned that to Fraser
10 and Duhamel, did you?

11 A I also told them that I did things that I
12 didn't because I was trying to protect a friend
13 that I felt compelled --

14 Q But you were also very honest about what
15 Chris did.

16 A What do you mean?

17 Q Well, they asked you, did you tie up Lauren
18 or did Chris tie up Lauren?

19 I believe you said, Yeah. I wish I could
20 say I did it, because I should be in trouble.

21 A That was more towards the end of the
22 interview when I finally started to kind of open
23 up.

24 Q You didn't want to get Chris in trouble?

25 A I did not. He is a childhood friend. I

1 didn't understand why the things had happened.
2 I didn't know why he decided to tie her up and
3 wrap duct tape around her head.

4 Q You didn't want to get him in trouble, but
5 he did some bad things.

6 A Yes, ma'am. Things that made it look even
7 worse than what it was.

8 Q Wouldn't this have been the time to clarify
9 what happened?

10 A It should have been. I was very emotional
11 and confused.

12 Q So you waited four years to clarify what
13 happened.

14 A I have clarified what happened to multiple
15 people over the course of the years.

16 Q Yeah. It sounds like you were discussing
17 this with your mutual friends.

18 Josh Smith, who came in from Tennessee
19 yesterday.

20 A We are photo friends. Yes.

21 Q You had never met him before, correct?

22 A I had never met him. We had passed work
23 pictures and tattoo pictures and stuff like
24 that, but, no, we had never met, hung out, I
25 didn't -- I couldn't tell you his middle name.

1 I only know his first and last.

2 I don't know how many kids he has. I don't
3 know anything in particular about him.

4 Q Okay. So he is not really your friend, but
5 you feel the need to tell him, I almost beat
6 Corey to death for fucking my wife.

7 Are you clarifying your story there?

8 A That was later in our conversation, because
9 earlier in the conversation, I told him that
10 Corey had attacked me and I was defending
11 myself.

12 Q Back when you-all were talking about
13 elephant tattoos?

14 A That is when he was asking me about my
15 daughter with Stage IV cancer.

16 Q You also told him, I hope I never cross
17 paths with him again, because I would probably
18 kill him.

19 I knocked out all of his front teeth. He
20 has dentures now.

21 A I was told that by one of our other mutual
22 friends. Corey had sent a picture and put it on
23 Facebook -- a picture of him in the hospital,
24 and they had written a bogus story about two
25 guys trying to attack him and rob him and that

1 they tried to get the better of him, but he got
2 the best of them and actually started a "Go Fund
3 Me" for himself.

4 Q But you did say, I hope I never cross paths
5 with him again because I would probably kill
6 him; right?

7 A If that is written, then, yes, those words
8 may have come out of my mouth.
9 Does everybody say things that they are going to
10 act on, or do people say things all the time
11 that --

12 Q Looks like you also say that you believe
13 that because of your martial arts background and
14 being a fourth-degree black belt law enforcement
15 qualified your hand as a weapon, is that
16 correct?

17 A I knew that I had never touched any weapon
18 or used any weapon, and I thought that that was
19 why I was being charged with use of a weapon
20 during a violent crime. That was an assumption
21 that I made. I was wrong.

22 Q You are not really friends with Josh Smith.
23 You just wanted to make sure that he knew your
24 side of the story?

25 A He contacted me. I didn't reach out to

1 him. He is the one that kept the conversation
2 like he was -- I didn't realize it at the time,
3 but obviously he was trying to fish for
4 something for his real friend, Corey.
5 Okay?

6 Q I want to go back to your injury for a
7 little bit. When you were talking to law
8 enforcement, you told them that you assumed you
9 had a boxer's fracture.

10 A I did.

11 Q You were not diagnosed with one, but you
12 assumed you had one?

13 A I assumed I did because my hand felt like
14 it was broken and swelling.

15 Q In all of your training, have you ever been
16 taught how to restrain someone with zip ties?

17 A Absolutely not, but I never restrained
18 anyone with zip ties either.

19 Q You told law enforcement that did you this
20 to protect your family, is that correct?

21 A That I did what to protect my family?

22 Q You were worried about your family?

23 A Yeah. I was worried about my family. I
24 love my wife and my children. I wanted us to
25 continue having a loving relationship.

1 So of course, anytime if there is something
2 that causes grief or instability in a home,
3 yeah, I was concerned.

4 Q So your concern and your grief and
5 instability, did the fact that you learn about
6 this affair make you afraid of Corey -- the
7 affair -- did that make you afraid of him? Were
8 you scared of him?

9 A Knowing about the affair didn't make me
10 scared of him, no.

11 Q It just made you upset?

12 A I was confused. I wanted clarity. I feel
13 like my words and my -- were totally
14 misconstrueded(sic).

15 I obviously was emotional and wasn't
16 thinking about how if I say that I wanted him to
17 confess, that someone was going to take that as,
18 you are going force a confession. That wasn't
19 it at all.

20 I wanted to know the truth. I wasn't looking to
21 force anything.

22 Q So you said multiple times after the
23 incident when you are in the car and you are
24 talking to the officers, "I let Corey win,"
25 correct?

1 A Yes, ma'am.

2 Q You let Corey win?

3 A Before I walked out, the last thing Corey
4 said to me was, "I got you."

5 Q This man (showing photo) said, "I got you"?

6 A Yeah. He wasn't in that state when -- I
7 don't know how long after I walked out of the
8 house that that picture was taken.

9 He had not vomited, and he was still talking.

10 MS. KIDD: Court's indulgence.

11 THE COURT: Yes, ma'am.

12 BY MS. KIDD:

13 Q Except today your testimony four years
14 later is that you were scared. You were the
15 victim; and that you were acting in self-
16 defense.

17 A I was. I was attacked in my home.

18 Q You never told law enforcement that before,
19 did you?

20 A No, ma'am.

21 MS. KIDD: Thank you. No further
22 questions.

23 THE COURT: Redirect.

24 ***

25

1 REDIRECT EXAMINATION

2 BY MR. LEE:

3 Q You are still in contact with Chris Bliss?

4 A Yes, sir.

5 Q Do you see him every day?

6 A Just about.

7 Q Where does he live?

8 A In a camper on our property.

9 Q So he hasn't left Beaufort?

10 A No, sir.

11 Q He isn't hiding anywhere?

12 A No, sir, he is definitely not hiding.

13 Q No reason why they wouldn't know where he
14 was, right?

15 N No

16 Q When Corey grabbed you and went after you,
17 was he still -- at that point was he still
18 wanting to fight and be invited to be welcome in
19 your house?

20 A Once he started to become the aggressor,
21 No.

22 Q Trespasser, right?

23 A Yes, sir.

24 Q The Solicitor read some of these things
25 back from Josh Smith. One thing she didn't

1 read, when you said you hadn't said anything to
2 anybody or today -- we will talk about that in a
3 minute -- haven't heard anything.

4 She left out the part where you saw because it
5 took place at my house is why they might drop
6 it, due to the fact that I was defending myself.
7 That is in there too, isn't it?

8 A Yes.

9 Q But she didn't bother to ask you about that
10 while she was questioning you, did she?

11 A No. Sir. No, sir.

12 Q So you had told people.

13 A I had.

14 Q When she says, this is the first time we
15 have heard about this before, who is she sitting
16 at the table with?

17 A Her investigator and her assistant.

18 Q Is that Jen Snider from the Sheriff's
19 Office Investigator?

20 A Uh-huh.

21 Q Is she the lead investigator on your case?

22 A I don't know who was the lead investigator
23 on the case. I did speak with her at one point.

24 Q So when she says, This is the first that we
25 have heard anything about self-defense, right?

1 A Uh--huh.

2 THE COURT: Hold on. Sir, you have got to
3 answer out loud, okay?

4 THE WITNESS: Yes.

5 BY MR. LEE:

6 Q Talking about them setting at the table
7 where everybody in the room or everybody in
8 Beaufort County or -- who is we?

9 A The three ladies sitting at the table.

10 Q So have any of the three ladies at the
11 table ever heard any suggestion or evidence of
12 self-defense that you know of?

13 A No, sir.

14 Q Do you know anything in the investigation
15 that suggested that?

16 A I have no idea.

17 The police never followed up with me on
18 anything.

19 Q Did they follow up with you after the Chris
20 bliss interview?

21 A No, sir.

22 Q Did they tell you what was in that
23 interview?

24 A No, sir.

25 Q Now, you said there was a seven-to-10-

1 minute period where Lauren, Corey, and Chris
2 were there the kitchen without you, right?

3 A Yes, sir.

4 Q You also heard -- do you know what they
5 were doing in there?

6 A I have no idea.

7 Q Do you know if they were passing around the
8 guns in there?

9 A I would be speculating. I have no idea. I
10 do know that both Chris and Corey were both gun
11 enthusiasts. They both had collections of guns.

12 Q Can you think of any reason why Lauren's
13 fingerprints or DNA would be on the butt of both
14 guns and on the receiver of one of the guns as
15 well -- both guns?

16 A No I was actually completely confused as to
17 why that would have been.

18 Q You were actually asked when the police
19 kicked down the door -- didn't one of the first
20 things you were asked -- why didn't you come to
21 the door? Do you remember that?

22 A Yes.

23 Q What did you tell them?

24 A That I was scared.

25 Q So you told them that right then, right?

1 A Yes.

2 Q Then you were talking all about it today.
3 This thing with Josh Smith said something about
4 dentures. Did you know that or you heard that,
5 or what?

6 A I had heard from a friend Jason Waywardson
7 (phonetic) who was still in contact with Corey
8 after everything happened. He said that he had
9 all his teeth knocked out.

10 Q Did you hear the doctor testify yesterday
11 that he had one loose tooth?

12 A I did.

13 Q Was that just some bravado, just being what
14 you heard?

15 A Yes. I had no idea. In the interrogation
16 by the police, they told me that brain matter
17 was found on my carpet, which, obviously, it was
18 not.

19 Q So your testimony -- pretty much to sum it
20 up -- you were defending yourself from imminent
21 attack on your own premises, at your own house?

22 A Yes, sir.

23 MR. LEE: No further questions.

24 THE COURT: Anything else, Solicitor?

25 MS. KIDD: Nothing further from the

1 State.

2 THE COURT: Thank you. You can step
3 down.

4 (Witness exits witness stand.)

5 THE COURT: You may call your next
6 witness.

7 MR. LEE: Your Honor, at this point the
8 defense rests.

9 ***

10 DEFENSE RESTS

11 ***

12 THE COURT: All right. Ladies and
13 gentlemen, the defense has rested its case, and
14 as a result at this point you have heard all the
15 evidence in the case.

16 MS. KIDDE: Your Honor, can we approach?

17 THE COURT: Yeah.

18 (Bench conference.)

19 THE COURT: Ladies and gentlemen, thank
20 you. Ladies and gentlemen, I apologize. I was
21 a bit premature. I failed to ask the State if
22 they had any rebuttal testimony. The State will
23 have some rebuttal testimony.

24 To that extent, what I will do is have you
25 go to lunch. If you would please be back here

1 at 2:30, and we will continue with what rebuttal
2 testimony the State may present.

3 Again, what I am going to tell you to do is
4 not talk about the case. I look forward to
5 seeing you back at 2:30. Believe me at some
6 point I will tell you that you can talk about
7 the case.

8 Do not research anything, see anything.
9 See you back here at 2:30.

10 (Jury exits courtroom.)

11 THE COURT: Anything further from the State
12 before we break for lunch?

13 MS. KIDD: Nothing further from the State,
14 although we do intend to put up our witness.

15 THE COURT: Yes, ma'am. I understand that.
16 Mr. Lee, anything further?

17 MR. LEE: Yes, sir. I, of course, will
18 renew my directed verdict made at the close of
19 the State's case; renew all previous objections
20 that were made, including the exclusions of the
21 armed and dangerous language on the two NCIC
22 reports. I think it's appropriate from the
23 circumstances to -- as an element of our
24 defense. I also think it would be appropriate
25 to impeach the investigation with under Kyle v.

1 Whitley.

2 I would also renew my motion -- I had
3 attempted at times to get in that Chris Bliss
4 made a statement after Mr. Granet. In that
5 statement he said, "Corey went fucking nuts,"
6 and he probably said three or four times that
7 Chris Bliss said Justin was defending himself or
8 words to that effect.

9 That is contained in Duhamel's supplement
10 of the interview. Stuff came up about they
11 didn't follow up with Justin, even though they
12 had that information. I think it's very
13 relevant to show to impeach the investigation.
14 I also would take the position at this point,
15 Your Honor, that the Solicitor in her cross-
16 examination of my client opened the door for
17 that.

18 Her question was, "So this is the first
19 time we've heard anything about this self-
20 defense." And she is sitting there at a table
21 with another lawyer as well as the investigator.
22 She didn't say this is the first time you've
23 said it.

24 This is the first time we've heard about
25 this. She said many times, oh, it's been four

1 years. Investigation has heard about self-
2 defense, not just from him but from Chris Bliss.
3 And I think she knocked that door wide open,
4 because she didn't phrase it right and she is
5 saying we.

6 If it was we, at a minimum it's her, Ms.
7 Kidd, and Investigator Snider.
8 So she is conveying to the jury, this is the
9 first we've heard of any type of self-defense.
10 All of a sudden you come in here four years
11 later and talking self-defense.

12 So I think that changes the dynamics of
13 that motion. She knew I had been trying to get
14 it in. It has been denied. She is also
15 following very closely to improperly about his
16 right to remain silent. He was Mirandized. He
17 talked. He can invoke that right at any time.
18 Her suggesting that in four years you haven't
19 talked anymore -- I am going to ask that she be
20 excluded from arguing that in her closing
21 argument. That is definitely improper
22 because --

23 THE COURT: There was another
24 contemporaneous objection as it relates to that
25 matter, wasn't there? Did you object to that,

1 sir?

2 MR. LEE: I don't think there was.

3 THE COURT: Then that's -- go ahead. I
4 will let you make your argument.

5 MR. LEE: Getting back to the Chris Bliss
6 statement, words matter. What she says, this is
7 the first that we've heard of anything about
8 self-defense. That simply isn't true.

9 It's not the first time they've heard of
10 self-defense. They've heard about it. They
11 chose not to even try to talk to him. They
12 didn't do anything about it, other than sit on
13 this guy on his statement.

14 And then seven months later when they get a
15 copy of the SnapChat from Josh Smith that was
16 provided to them by Corey Eckles, it again says,
17 I was defending myself. They haven't done
18 anything.

19 We got Chris Bliss saying it's self-
20 defense.

21 We got Justin saying it right here. That's
22 all that we know of.

23 Now for them to say, oh, it's been four
24 years, and you've never said anything, that's
25 problematic because it suggests that they had no

1 evidence of that when in fact they did, and had
2 she not said anything -- and she put it out
3 there, this is the first we've heard of this. I
4 think this really opens the door to show law
5 enforcement had, right or wrong, whatever,
6 whatever, they had it.

7 What did they do with it? They are cross-
8 examining my client in disbelief saying that
9 this is unbelievable. This is the first time we
10 have heard it.

11 So I would renew that motion, and, again,
12 the significance of it is, obviously self-
13 defense is a key, if not the key defense goes to
14 the heart of our defense. I started arguing --
15 as soon as talked to the jury, I talked about
16 self-defense. I talked about it throughout. It
17 strikes right at the heart of our defense.

18 They have completely opened that door. I
19 think that we should be allowed, some way or
20 another, to be able to show that they have
21 evidence of that, they have testimony of that,
22 they have chosen to, I guess ignore it. It is
23 part of, again, the investigation, things that
24 were done, but also the things that were not
25 done.

1 So those motions and also the directed
2 verdict motion for the reasons set forth after
3 the State's case.

4 THE COURT: All right.

5 MR. LEE: I also would suggest, Your Honor,
6 I am not sure that rebuttal testimony is
7 appropriate. They had every opportunity to call
8 those witnesses.

9 The fact that I asked a question to my
10 client about -- we had a pretrial hearing about
11 the admissibility of those statements inside the
12 car. That has already been out there.

13 I think rebuttal is more properly admitted
14 to rebut something that has come up. That you
15 couldn't have dealt with at the onset. The
16 problem -- the deal is now and they are holding
17 back. They can't just hold something back and
18 wait for us to put up our defense and then say,
19 we want to rebut.

20 They are not rebutting. They are just
21 putting something in that we've talked about.
22 It's not new evidence. It's not anything
23 unknown to them. I don't think allowing
24 rebuttal witnesses to come in at this point is
25 appropriate.

1 THE COURT: Solicitor.

2 MS. KIDD: All right.

3 First, I would like to address the issue
4 about Chris Bliss' statement. Chris Bliss'
5 statement is not appropriate to come in at this
6 trial under the hearsay rules. The only way we
7 can get into that testimony is to put Chris
8 Bliss on the stand. Chris Bliss is currently
9 also charged in this matter.

10 He has a Fifth Amendment right not to speak
11 to us. Unless the defense is able to convince
12 him to get up here and put that statement in,
13 it's just not proper.

14 Additionally, when we made our initial
15 objection to the statements about Chris Bliss
16 telling law enforcement four times that this was
17 self-defense, he already got that out.

18 We objected to his follow-up about it. So
19 the jury has heard that information.

20 Additionally, I would like to state that in
21 Chris Bliss' statement, he did not provide any
22 details or factual basis to suggest that this
23 was self-defense. Throwing out buzz words does
24 not mean that it is self-defense.

25 The state would have needed definitive

1 evidence in the form of testimony or any other
2 type of evidence for this to be self-defense in
3 our minds in any way.

4 This is the first time that I am hearing
5 any direct details to suggest that this is self-
6 defense. You can't just throw it out there and
7 take it at your word that it was self-defense
8 and not providing more.

9 MR. LEE: On that brief point, can I read
10 what this statement says?

11 THE COURT: No.

12 MR. LEE: As part of the record?

13 THE COURT: No. Not now. I have listened
14 to you for 10 or 12 minutes. I am going to give
15 her all the time she wants, then I will give you
16 all the time you need to respond.

17 Okay, Mr. Lee?

18 MR. LEE: Yes, sir.

19 MS. KIDDE: And it's not just the good
20 character evidence. He is sitting here saying
21 that he is in fear. That is the first time that
22 he has ever stated that he is in fear. That is
23 not in any statement that the State has provided
24 to law enforcement.

25 This is the first time we are hearing he

1 was in fear. This is the first time we are
2 hearing about Chris Bliss being there as a
3 mediator. That is in direct conflict with the
4 statement that he gave to law enforcement.

5 THE COURT: I am going to deny your motion.
6 I am not letting any of that in. What I am
7 going to say is there is a lot of cross-
8 examination as it relates to Mr. Bliss and his
9 mediation skills -- plenty of room there.

10 Let's take a break for a minute.

11 (Recess.)

12 ***

13 PROCEEDINGS CONTINUED

14 THE COURT: Solicitor.

15 MS. KIDD: And then as far as rebuttal
16 witnesses, we did not plan to put that in,
17 because we thought it was cumulative. We
18 thought we did not need the jury to sit through
19 three different statements, when he said all of
20 those things in the third one, and that was more
21 clear and concise. However, the defense has
22 insinuated that the State is somehow hiding
23 something by not playing those, and in that
24 respect we absolutely are entitled to rebut by
25 showing the video to dispel any claim that the

1 State is hiding evidence from the jury, and that
2 there was any kind of self-defense statements
3 made to law enforcement in the car, at the
4 scene. If they're trying to insinuate that
5 there was something being said to law
6 enforcement, and now law enforcement is now
7 hiding, then we absolutely have, you know, I
8 believe, the right to put forth all the evidence
9 and let the jury decide for themselves.

10 THE COURT: All right, anything else,
11 Solicitor?

12 MS. KIDD: No, nothing further.

13 THE COURT: Mr. Lee, I'm happy to hear from
14 you, sir.

15 MR. LEE: Judge, relating back to the Chris
16 Bliss statement, and I think she said he used
17 buzz words, to quote from the Duhamel report on
18 page 57, "Bliss," and I'm quoting, "Bliss
19 replied, quote, "Corey fucking went nuts," end
20 quote. And then he said -- then it says, quote,
21 "Bliss then stated that Corey had grabbed Justin
22 first, and that Justin then later had Corey in a
23 chokehold," end quote. "Bliss," again, quote,
24 "Alleged that Corey had grabbed Justin first."
25 That's a quote, and then he goes onto say again,

1 "Bliss then stated that Justin then spun Corey
2 around, and put him into a headlock. Bliss then
3 stated, "Justin was defending himself."

4 All of those are his statements, those
5 aren't buzz words, those are facts that goes to
6 direct proof that needs -- that you need for a
7 self-defense charge. And they have danced
8 around it, and they don't like me questioning
9 their investigation to the extent they're gonna
10 put up a rebuttal case, but, again, her
11 statement to my question -- her question to my
12 client says, "And so this is the first time we
13 have heard a," and he talks about four years
14 going by and stuff like that. If she said --
15 it's still objectionable, but it'd be better to
16 say, "You haven't said anything since your last
17 statement and it's been four years." I still
18 think that's objectionable under the fact he'd
19 been previously mirandized, and still speaking
20 with them. I think it's a comment on his
21 silence, which is improper, but, you know, they
22 can dance all around it, hide the ball and have
23 witnesses that aren't here, and they aren't
24 gonna call them and stuff like that, but they
25 can't be surprised that I said something about

1 those.

2 I mean we spent two hours going through the
3 Jackson v. Denno, so I think that she's -- I
4 mean they've been very, very close. And the
5 fact that she said, "Well, the jury heard it
6 anyway," can I argue? No, because her objection
7 was sustained, correct?

8 MS. KIDD: I'm sorry, can you repeat that?

9 THE COURT: He said three times that he --
10 it was self-defense.

11 MR. LEE: One time you said it was three
12 times self-defense.

13 THE COURT: And then --

14 MR. LEE: The follow-up question is what
15 she objected to.

16 THE COURT: So I guess what I'm asking is,
17 are you saying that the objection was to the
18 follow-up question, and not to the initial
19 question, which was, basically, allowing him now
20 to be able to argue that it was three times, or
21 whatever, the three times that he said it was
22 self-defense, and that he basically freaked out.
23 I mean --

24 MR. LEE: Yeah.

25 THE COURT: -- is that what you're saying?

1 MS. KIDD: We objected to all of it, but it
2 certainly all came out, you know. It was going
3 on for a while before I made my objection.

4 THE COURT: Well, so what are you saying?
5 I mean I don't -- I'm not -- if it came out --
6 well, I'll tell you what we're gonna do, we're
7 gonna have to find it.

8 MS. KIDD: Uh-huh.

9 THE COURT: Because I don't -- I mean I --
10 unless the Solicitor's not gonna object to him
11 arguing that issue, or I don't know what
12 position you're taking, Solicitor, because when
13 you said that it kind of took me aback.

14 MS. KIDD: I objected to it, and I believe
15 that you did strike it from the record.

16 MR. LEE: No, I'm sure you didn't strike it
17 from the record.

18 MS. KIDD: Or --

19 THE COURT: I told them to disregard --

20 MR. LEE: The last question.

21 THE COURT: -- the last question.

22 MR. KIDD: Right, right, sorry.

23 THE COURT: And --

24 MR. LEE: I asked a couple questions that
25 got answered before she stood up and objected.

1 THE COURT: Does that sound right,
2 Solicitor?

3 MS. KIDD: I objected to him asking those
4 questions, on the basis they were improper
5 hearsay, and you did sustain the objection, yes,
6 that's my understanding.

7 THE COURT: Well, listen, we're gonna have
8 to play it again, because we've got a --

9 MS. KIDD: Okay.

10 THE COURT: -- disagreement on what
11 happened.

12 MR. LEE: It wasn't a spontaneous
13 objection; it was too late.

14 THE COURT: What's good for the goose is
15 good for the gander on that.

16 MR. LEE: Yes, sir.

17 THE COURT: All right, I'm gonna ask
18 Kymberlee to find that. I want to find out
19 what's going on, and we'll be back in here about
20 2:30.

21 MS. KIDD: Can I just make one point?

22 THE COURT: Sure.

23 MS. KIDD: So when I was saying, "This is
24 the first time we are hearing about it," I do
25 believe that there were multiple times when I

1 went back and clarified, "This is, you know, you
2 making statements, you made a statement to law
3 enforcement, now you're here today." We'll have
4 to go back and look at it, but that's another
5 portion that I'm curious to see what actually
6 came out of my mouth.

7 MR. LEE: Here's a different question, are
8 you gonna let her rebuttal the case, or are you
9 going to --

10 THE COURT: Yes.

11 MR. LEE: Okay.

12 THE COURT: I'm letting them put up a
13 rebuttal case.

14 MR. LEE: Okay.

15 THE COURT: I'm gonna deny all your other
16 motions that were set forth earlier. I'm gonna
17 -- basically, my rulings would be the same as my
18 rationale that I adopted in the Solicitor's
19 argument, and what I voiced on the record, so
20 all your other motions, sir, the only thing that
21 I'm holding in abeyance right now is this issue
22 concerning -- I'm completely -- I'm confused at
23 this point, as to what -- is it the Solicitor's
24 position that there was an objection and it was
25 sustained, as it relates to what the statements

1 were concerning he said it was self-defense, or
2 said three times it was self-defense, and said
3 he was, I don't know, scared, or whatever --
4 what was it?

5 MR. LEE: He said, "And Corey went nuts."

6 THE COURT: "And Corey went nuts," are you
7 saying that you objected, and I sustained that
8 objection, Solicitor? That's what I'm asking.

9 MS. KIDD: Did you sustain the objection?
10 Yes. I'm sorry, I --

11 THE COURT: Okay.

12 MS. KIDD: You can ask --

13 THE COURT: All right, during the trial --

14 MS. KIDD: Uh-huh.

15 THE COURT: -- he asked a question --

16 MS. KIDD: Uh-huh.

17 THE COURT: -- and that question was, did --

18 MR. LEE: Chris Bliss.

19 THE COURT: What was your question?

20 MR. LEE: Did Chris Bliss tell you that
21 Corey, quote, "went fucking nuts," or words to
22 that effect.

23 THE COURT: All right. And at some point,
24 you objected?

25 MS. KIDD: He was digging for a transcript

1 or something, and I --

2 THE COURT: All right.

3 MS. KIDD: -- made the decision that I
4 thought he was about to get into any admissible
5 hearsay --

6 THE COURT: All right, we're --

7 MS. KIDD: -- and I objected --

8 THE COURT: -- gonna have to --

9 MS. KIDD: -- vehemently, I believe that's
10 what happened.

11 THE COURT: We're gonna have to pull it --

12 MS. KIDD: Okay.

13 THE COURT: -- because nobody knows.

14 MS. KIDD: That's fine.

15 THE COURT: All right, I'll see you-all at
16 2:30.

17 (Lunch recess.)

18 ***

19 CHARGE CONFERENCE

20 MS. KIDD: I'll hand Your Honor and your
21 law clerk a copy of the case.

22 THE COURT: Thank you.

23 MS. KIDD: Specifically in State v.
24 Bradley, I would direct Your Honor's attention
25 to page six, and this case --

1 THE COURT: Hold on a second.

2 MS. KIDD: Yes, sir.

3 THE COURT: Yes, ma'am?

4 MS. KIDD: This case kind of developed
5 defensive habitation, not as a castle doctrine
6 immunity, which is where we are a little
7 confused, but as a separate defense, and divided
8 it into four scenarios, essentially.

9 And I believe the defense's argument would
10 be that it fell under the first category, when
11 the occupant is the slayer, and stands upon the
12 right to protect his habitation apart from the
13 plea of self-defense.

14 THE COURT: Okay.

15 MS. KIDD: And that is in the first column
16 towards the bottom.

17 THE COURT: Yes, ma'am.

18 MS. KIDD: And then it goes onto say, "A
19 man who attempts to force himself into another's
20 dwelling, or who became in the dwelling by
21 invitation or license, refuses to leave, when
22 the owner makes the demand is a trespasser, and
23 the law permits the owner to use as much force.

24 There is no evidence in this case that
25 either victim was asked to leave, or told to

1 leave, or tried to be ejected. In fact, the
2 evidence is the other way, where they were
3 walking out of the house and Defendant kind of
4 pulled him back in. That he tried to run out
5 the door, was pulled back in. And then he tried
6 to run away, he was pulled back. The victims in
7 this case wanted to leave, and --

8 THE COURT: All right.

9 MS. KIDD: -- were not able to.

10 THE COURT: Well, let me just ask you --

11 MS. KIDD: Yes, sir.

12 THE COURT: -- right now --

13 MS. KIDD: Yes, sir.

14 THE COURT: This is what I recollect.

15 MS. KIDD: Okay.

16 THE COURT: On redirect he got up, and out
17 of nowhere said he was a trespasser, wasn't he,
18 or words -- Mr. Lee asked words to that effect
19 in a question.

20 MR. LEE: Yes, sir.

21 THE COURT: And I believe that his client
22 said he was, and I think that testimony came in.
23 Now, I don't recall whether there was testimony
24 concerning, "Get out, I want you to leave," --

25 MS. KIDD: Yes, sir.

1 THE COURT: -- Solicitor, so --

2 MS. KIDD: That is --

3 THE COURT: Do you recollect testimony that
4 was, basically, a demand to leave? I don't
5 reflect -- I don't recall testimony where he
6 demanded to leave; is that what -- because he
7 did say --

8 MS. KIDD: Yes, sir.

9 THE COURT: -- the witness did say that the
10 gentleman, he considered him a trespasser.

11 MS. KIDD: Yes, sir, he did call him a
12 trespasser, but there was no testimony that said
13 he ever asked or told him to leave.

14 THE COURT: Let me stop you right there.
15 What about that? I don't recall hearing that,
16 sir.

17 MR. LEE: Our position is going to be that
18 he changed from an invitee to a trespasser as
19 soon as he violently attacked him.

20 THE COURT: All right.

21 MR. LEE: So -- and second of all, I'm not
22 going on number one, I'm going on number two.

23 THE COURT: All right, we'll get -- I'll
24 hear from you in a minute.

25 MR. LEE: All right.

1 THE COURT: Go ahead.

2 MS. KIDD: To round up the point saying
3 that he went from an invitee to a trespasser.
4 If you go to the next column, the second
5 paragraph down, and the second sentence, "Such a
6 person," talking about an invitee, "cannot
7 lawfully be ejected by the use of violence until
8 he has been requested to depart, and if he
9 refuses to heed the request, that hands must be
10 laid on gently, and thereafter only so much
11 force be used as necessary to accomplish the
12 ejectionment."

13 THE COURT: All right, well, he says he's
14 not going on one, he's going on two, but I would
15 agree with you on one, Solicitor, I never heard
16 any testimony about a demand that he leave.

17 MS. KIDD: Yes, sir.

18 MR. LEE: Okay, that just isn't the
19 scenario in this case. We're not saying that he
20 is strictly protecting his home. We're not
21 saying that somebody came in his door, and he
22 said, "You need to leave my house." We're not
23 saying that. The second -- they talk about four
24 scenarios, we're not talking about scenario
25 number one, that says, "When the occupant --

1 THE COURT: All right.

2 MR. LEE: -- is the slayer and stands upon
3 the right to protect his habitation apart from
4 the plea of self-defense." We are relying on
5 number two.

6 THE COURT: Okay. Hold on one second,
7 Solicitor.

8 MS. KIDD: Uh-huh.

9 THE COURT: While he's telling me what he's
10 doing and what he's relied upon --

11 MS. KIDD: Uh-huh.

12 THE COURT: -- let me go ahead and hear
13 from him --

14 MS. KIDD: Yes, sir.

15 THE COURT: -- and I'll come back to you,
16 okay?

17 MS. KIDD: Yes, sir.

18 MR. LEE: So, Judge, and this fits --

19 THE COURT: All right.

20 MR. LEE: -- hand in glove with clearly
21 what the testimony is.

22 THE COURT: No, but this says, "When the
23 occupant --

24 MR. LEE: Yes, sir.

25 THE COURT: -- is also the slayer --

1 MR. LEE: Yes.

2 THE COURT: -- and stands upon his right of
3 self-defense --

4 MR. LEE: Yeah.

5 THE COURT: -- claiming not the right to
6 protect his habitation, but immunity from the
7 law of retreat, which is ordinarily an essential
8 element of the plea."

9 MR. LEE: Exactly.

10 THE COURT: Well, Mr. Lee, I mean that's
11 the castle doctrine, isn't it?

12 MR. LEE: No.

13 THE COURT: I mean that --

14 MR. LEE: -- which is the very first one
15 that describes that. It is point onto this
16 case.

17 THE COURT: All right, hold on. All right.

18 MR. LEE: And so what that's saying is, our
19 basis is not defensive habitation in and of
20 itself, it is self-defense coupled with
21 defensive habitation, which then takes away the
22 duty to retreat, and also says that he can use
23 such force as necessary to eject the assailant,
24 whom he may kill is the extreme measure to
25 appear unavoidable.

1 So a nonpeaceful, ultimately, trespasser,
2 if you say he turned from an invitee to a
3 trespasser, and the nonpeaceful person in your
4 house, you can get him out no questions asked,
5 all right? So it's self-defense and defensive
6 habitation, and the defensive habitation takes
7 away that duty to retreat.

8 And then it goes onto further talk about
9 that no -- not only do you not have to retreat,
10 you can use up to deadly force, if this is the
11 scenario, number two, which is exactly what we
12 have.

13 THE COURT: But what law takes it from him
14 being magically an invitee to magically becoming
15 a trespasser?

16 MR. LEE: If one is violently attacked in
17 his home, that's what changes the
18 characterization of, you can't condone someone
19 violently attacking you in your home, and their
20 status changes, without you have to say --

21 THE COURT: Who says their status changes?
22 What do you mean?

23 You're saying that they become a
24 trespasser?

25 MR. LEE: Yes, sir. Because they certainly

1 don't have permission to go in there and
2 violently attack someone. They have a limited
3 right, invitee, to be there and to be there
4 peacefully, and to behave themselves.

5 THE COURT: And to defend themselves if
6 brutally attacked, obviously.

7 MR. LEE: You want to talk about the
8 invitee?

9 THE COURT: Sure.

10 MR. LEE: Yeah, yeah. If they're there
11 lawfully? Yeah.

12 THE COURT: All right, Solicitor?

13 MS. KIDD: I'm also going to hand up to
14 Your Honor State v. Rye, and I thought I had a
15 better copy printed, and I can't find it, but I
16 did email it to the defense. Do you have it?
17 And I will direct Your Honor's attention to page
18 four on State v. Rye.

19 THE COURT: Yes, ma'am.

20 MS. KIDD: "For the defensive habitation to
21 apply, a defendant need only establish that a
22 trespass has occurred, and it shows that means
23 of ejectment were reasonable under the
24 circumstances." A few lines down, "Instead the
25 defensive habitation provides that where one

1 attempts to force himself into another's
2 dwelling, the law permits an owner to, with
3 reasonable force, to expel the trespasser."

4 The defense of habitation is to allow a
5 homeowner to protect themselves from people
6 trying to force entry, or from people who come
7 in looking for a fight. I believe in this --
8 oh, in my next case, and I'll get to that.

9 THE COURT: It's all right.

10 MS. KIDD: It's not for people to use as
11 cover to lure people to their home and violently
12 attack them. You don't get to invite people,
13 start a fight and then say, "I was defending
14 myself." That is not at all what the defensive
15 habitation is for. And to Mr. Lee's point that
16 they became a trespasser in a split second, the
17 evidence and the testimony shows that they were
18 on their way out. Nobody was trying to force
19 themselves into the Defendant's home, or into
20 his home to start a fight. They were there to
21 have a fun weekend, and the Defendant started
22 the attack, and the victims then defended
23 themselves. And just because it happened in the
24 Defendant's home does not make the defensive
25 habitation applicable. Self-defense, I agree

1 there's been testimony for self-defense, and
2 that should be charged. Defensive habitation
3 not -- there has not been.

4 THE COURT: Mr. Lee?

5 MR. LEE: Yes, the problem with that
6 argument is, she's saying that the Defendant
7 started everything. There's testimony that he
8 started it, there's testimony, if you believe
9 from Corey Eckles, that it didn't start that
10 way, so clearly there's evidence that he was the
11 -- my client was not the primary aggressor. Her
12 whole premise is based upon their belief that
13 Justin Granet was the primary aggressor. And so
14 if you look at State v. Sullivan, which is
15 another case that she sent, the defendant in a
16 murder prosecution was entitled to instruction
17 on defensive habitation, where evidence showed
18 that the defendant was threatened by a victim,
19 after a defendant invited him into his home.
20 There was no evidence the Defendant was
21 responsible for victim's aggressive conduct.

22 The defendant were treated, even though he
23 was under no need to do so, and the jury could
24 have found that a reasonable person in the
25 Defendant's position would have believed he was

1 in imminent danger of suffering serious bodily
2 injury at the hands of the victim. This is --
3 and it's saying that -- and it goes -- number
4 one, which is an obvious one, whether there's
5 evidence in the record to support a defense, it
6 is reversible error to refuse or request a
7 charge to the jury as to that defense. This is
8 not somebody trying to break into somebody's
9 house.

10 That is not this case, it never has been,
11 and a -- if he was relying on the fact that
12 strictly, hey, I was -- in the middle of the
13 night some guy came through my door, absolutely,
14 he would be defending -- he would be relying on
15 the defense of habitation. This is not a true
16 and only defense of habitation. It is a hybrid
17 where both applies, self-defense and defensive
18 habitation, and they're separate, they're
19 analogous to each other, but they're separate.
20 They need to be charged separately, because
21 defensive habitation goes to the retreat
22 element, and also adds a little bit more to it.
23 Not only do we not have to retreat, but if it's
24 your home, you have some more substantial
25 rights. And it is absolute error not to charge

1 both of them.

2 If they believe what they say they believe,
3 it shouldn't matter what the defense says. If
4 they think that Corey Eckles was just innocently
5 jumped on, and there is no self-defense, they
6 may say no defensive habitation. So I don't
7 know why they're scared of the charge. I think
8 it fits perfectly. I think there's clear
9 evidence that it is appropriate.

10 I think the case law is 100 percent behind
11 that. It fits hand in glove with the scenario
12 number two, State v. Bradley. This is not
13 somebody coming in the middle of the night and
14 breaking in your house and says you can use
15 deadly force, that just simply is not the case.

16 THE COURT: All right. Solicitor?

17 MS. KIDD: I believe -- well, first of all,
18 the State is not scared of a charge. We're
19 trying to prevent --

20 THE COURT: I understand that completely.

21 MS. KIDD: -- the jury from being confused.

22 THE COURT: I understand that completely.

23 MS. KIDD: Secondly, and I will pass up to
24 Your Honor the copy of State v. Sullivan.

25 Secondly, the defense is conflating the two

1 scenarios, one and two. He's saying that they
2 were a trespasser, but there's no evidence that
3 they were ejected, and then saying, well, he was
4 actually the primary aggressor violently
5 attacking him in the home, which is the
6 situation in which State v. Sullivan talks about
7 it.

8 And in that case the facts are very
9 different, and it says the victim was angry
10 after he was invited in. There wasn't any
11 testimony that the victims were angry when they
12 were in. In fact, the Defendant said everything
13 was fine, they were hugging, they were drinking,
14 they were about to go out to dinner, but for the
15 Defendant's actions and pulling them back into
16 his home, and kidnapping them, they wouldn't
17 have been in the house at all.

18 THE COURT: So let me ask you this, Mr.
19 Lee, what -- on page four of this State v. Rye
20 case, in the second paragraph, it says, "The
21 Court has outlined four scenarios involving the
22 law of habitation."

23 MR. LEE: Yeah, that's Bradley, yes.

24 THE COURT: Bradley, yes, yes.

25 MR. LEE: Yes, sir.

1 THE COURT: Which one applies here, one,
2 two, three or four, sir? That's what I want to
3 know.

4 MR. LEE: Two.

5 THE COURT: All right.

6 MR. LEE: Inflict no aid in Bradley is --

7 THE COURT: Hold on. All right, so you're
8 saying that it's two?

9 MR. LEE: Yes, sir.

10 THE COURT: Okay. All right, hold on one
11 second.

12 MR. LEE: They're saying it's one.

13 THE COURT: All right.

14 MS. KIDD: I can't figure out which one it
15 is, because I don't think either apply.

16 THE COURT: All right, yes, ma'am. All
17 right.

18 MR. LEE: And I think --

19 THE COURT: Mr. Lee --

20 MR. LEE: Okay.

21 THE COURT: -- I'm reading. All right.

22 All right, I've looked at the cases, and --

23 State v. Bradley, State v. Rye, and Bradley, as

24 I'm looking at Rye, references Bradley. I think

25 that they're all still good law. It does

1 indicate that there's four scenarios. I think
2 that the second scenario that Mr. Lee is making
3 reference to may be applicable here under these
4 facts, and so out of an abundance of caution,
5 I'm going to go ahead and allow the charge.

6 Now, Mr. Lee, as it relates to the charge,
7 you've provided me some new information on the
8 charge this morning, didn't you?

9 MR. LEE: Your Honor, I provided a -- I
10 just -- the suggestion that you just kind of do
11 a little brief into the defense of -- I'm sorry,
12 that was defense of necessity that I sent you.

13 THE COURT: Of necessity?

14 MR. LEE: Yes, sir.

15 THE COURT: Okay, all right, so I am,
16 Solicitor, I'll note your objection for the
17 record. I'm going to charge that.

18 MS. KIDD: The defense of necessity?

19 THE COURT: No, no, I'm sorry. I'm going
20 to charge them --

21 MS. KIDD: The habitation?

22 THE COURT: -- the habitation, yes, ma'am.

23 MS. KIDD: Okay.

24 THE COURT: I'm sorry, I'm -- the
25 necessity, I think that was another charge that

1 we took -- did I take that under consideration
2 or advisement?

3 MR. LEE: Yes, sir, we were talking about
4 it this morning, that I needed to find out what
5 the standard was.

6 THE COURT: Yeah.

7 MR. LEE: And it's the preponderance of the
8 evidence standard for the defendant to prove.

9 THE COURT: Where do you get that from?

10 MR. LEE: The --

11 THE COURT: I mean did you say --

12 Did you see the intro language, Solicitor,
13 that he wanted to put down, concerning the
14 defense of necessity?

15 MS. KIDD: The defense of necessity.

16 THE COURT: He's got some new language here
17 I think maybe.

18 MS. KIDD: And as a side I did research for
19 defensive habitation State v. Sullivan, talks
20 about the defense of necessity and when --

21 THE COURT: Yes, ma'am.

22 MS. KIDD: -- it should be charged, and
23 that's on page three.

24 THE COURT: Okay, and that's in Sullivan?

25 MS. KIDD: Yes, sir.

1 THE COURT: Thank you.

2 MS. KIDD: What's different?

3 MR. LEE: I'm sorry?

4 MS. KIDD: What's different?

5 MR. LEE: Nothing's different.

6 MS. KIDD: Oh.

7 MR. LEE: That's just like --

8 THE COURT: Oh, I thought you added some
9 introductory language to the defense of
10 necessity --

11 MR. LEE: No.

12 THE COURT: -- that we didn't have
13 yesterday.

14 MR. LEE: No, sir, I just tried to --
15 because I think that the way the charge is, it
16 just goes straight to the defense of necessity,
17 and I'm just saying the Defendant has raised the
18 defense of necessity as a defense is a complete
19 defense, and if you find that the Defendant has
20 established elements of the defensive, as I
21 said, by preponderance or greater weight of the
22 evidence, you must find the Defendant not
23 guilty.

24 So it's just an intro into saying this is
25 what necessity is talking about.

1 THE COURT: Solicitor, it's your contention
2 that necessity is not appropriate here?

3 MS. KIDD: Yes, sir.

4 THE COURT: And so let me hear from you on
5 that, please.

6 MS. KIDD: State v. Sullivan says, in order
7 for it to be charged, there must be three prongs
8 met. That there is a present of imminent
9 emergency arising without fault on the
10 Defendant's part.

11 THE COURT: Yes, ma'am.

12 MS. KIDD: I don't believe there was
13 evidence to support that, even from the
14 Defendant's own testimony, he started the
15 conversation.

16 The emergency did rise to well-grounded
17 apprehension, death or serious bodily injury. I
18 don't think it was ever testified to that the
19 victims -- he ever hurt the Defendant without,
20 you know, a bite while he's being choked out.
21 And there's no other reasonable alternative to
22 avoid the threat of harm, except to commit the
23 criminal act.

24 Everybody was on their way out just prior
25 to this criminal act by the Defendant.

1 MR. LEE: Judge, again, going through it,
2 it's whether there's any evidence in the record
3 to support the claim. And it says the defense
4 of necessity should be charged, when the
5 evidence shows, one, there was a present and
6 imminent emergency arising without fault on the
7 Defendant's part. The testimony was that he
8 whispered in his ear, "I know everything."

9 THE COURT: I heard the testimony. What I
10 would say is this, Solicitor, if he hadn't
11 testified, I think the defense of necessity is
12 out.

13 MR. LEE: Right.

14 THE COURT: I don't think the State puts a
15 lot of credence in the Defendant's testimony,
16 okay? I think that's probably a fair statement,
17 but I think that a jury could.

18 MS. KIDD: Okay.

19 THE COURT: And so I think that the
20 existence of --

21 MS. KIDD: Right.

22 THE COURT: -- his testimony yesterday
23 would -- a jury could believe him, and then go
24 from there. I think a jury could find that he
25 was in a emergency, that what was going on gives

1 rise to a well-grounded apprehension of death,
2 or serious bodily injury. He talked how he was
3 scared for his life. How he had hands around
4 his neck and was getting choked out.

5 And, you know, again, I'm not passing any
6 judgment on credibility of the facts, that's not
7 my job, my job is to look at the existence, and
8 I think there's existence there. And then,
9 finally, Solicitor, there's no other reasonable
10 alternative to avoid the threat of harm, and
11 what I would say is, I respectfully would have
12 to disagree with you there, because I mean the
13 facts just aren't -- and I'm not --

14 MS. KIDD: Uh-huh.

15 THE COURT: -- trying to shorten your
16 argument, but it's now 30 -- we've got --

17 MS. KIDD: Yes, sir.

18 THE COURT: -- a few more minutes, but,
19 clearly, there was testimony -- if he had not
20 taken the stand, I don't think there would be
21 testimony for the defense of necessity, so I'm
22 going to allow that.

23 MS. KIDD: Yes, sir.

24 THE COURT: All right, I'm not gonna charge
25 the introductory language, I'm gonna move

1 straight into page 37 of defense of necessity.

2 MR. LEE: Okay.

3 THE COURT: All right. So what other
4 matters do we have to take up concerning jury
5 charges?

6 MR. LEE: I think that was the last matter
7 before closings.

8 THE COURT: All right, let me make sure I'm
9 looking at the right thing.

10 MS. KIDD: For defensive habitation, are we
11 including the trespasser language, that Mr. Lee
12 argued that it was under the second prong and
13 not the first?

14 THE COURT: Hold on one second.

15 MS. KIDD: It's 36 the --

16 THE COURT: All right, hold on, so self-
17 defense is in 33, 34, 35. All right, 36,
18 defensive habitation. Yes, ma'am, what's your
19 question?

20 MS. KIDD: If we were charging that second
21 paragraph, related to when one becomes a
22 trespasser since we just argued and Mr. Lee said
23 he was going under the second prong, because
24 there has not been evidence of the demand that
25 the victims leave. Thereby transforming an

1 invitee into a trespasser. He did call them a
2 trespasser, but there was no testimony that they
3 were told to leave, asked to leave.

4 THE COURT: Hold on one second.

5 MS. KIDD: Yes, sir.

6 THE COURT: So you're saying, Solicitor,
7 are you saying that the second paragraph on page
8 36 is not applicable?

9 MS. KIDD: Yes, sir.

10 THE COURT: Mr. Lee?

11 MR. LEE: Your Honor, I've got such a mess
12 here.

13 THE COURT: Take your time, sir.

14 MR. LEE: It's straight out of State v.
15 Bryant, 391SC225, and it's word-for-word out of
16 Bryant.

17 THE COURT: All right.

18 MR. LEE: "When one becomes a trespasser,"
19 and I think there was testimony that he, you
20 know, essentially, withdrew -- apparently,
21 withdrew his consent to have a peaceful person
22 there, when they turn violent.

23 THE COURT: All right, I'm going to charge
24 that, Solicitor, and I note your objection for
25 the record, as it relates to defensive

1 habitation in general. Then we've got 37, I
2 note the State's objection, there was a concern
3 about that, concluding language. So is there
4 anything else about the jury charges?

5 MS. KIDD: Yes, sir, nothing further.

6 THE COURT: All right, thanks.

7 MR. LEE: Judge, there's one thing that's
8 not there, but at the bottom of page 31 --

9 THE COURT: Hold on. Yes, sir.

10 MR. LEE: It says, "That the defendant has
11 also raised the defense," it says, "a defense of
12 habitation." And I was under the impression we
13 were just gonna move that to the end of self-
14 defense, and that was the one --

15 THE COURT: We were gonna --

16 MR. LEE: Yes.

17 THE COURT: -- do that. I think we're
18 gonna take out -- we're gonna put that at the
19 end of --

20 MR. LEE: Self-defense.

21 THE COURT: Right, on page 35?

22 MR. LEE: Yes, sir.

23 THE COURT: Right, so we're gonna put that
24 at the bottom of 35. All right, so I'm gonna
25 put -- I'm scratching out on the bottom of 31,

1 the Defendant has also raised a defense of
2 habitation. I'm moving that to the bottom of
3 page 35.

4 And so what that will do is, that will
5 parlay right into the defense of habitation,
6 okay? Is that correct, Mr. Lee?

7 MR. LEE: That's correct.

8 THE COURT: I think that's what we did
9 decide, or what I discussed yesterday. Anything
10 else concerning the jury charges, gentlemen and
11 ladies, the State?

12 MS. KIDD: Nothing from the State.

13 THE COURT: The defense?

14 MR. LEE: The only objection with the jury
15 charges was that not including the lesser-
16 included offenses, and you've already ruled on
17 that.

18 THE COURT: Yes, sir.

19 MR. LEE: On assault and battery.

20 THE COURT: And the verdict form, what he's
21 done is, he's printed out -- I don't know if
22 you-all have seen it, assault and battery in the
23 first degree. Come take a look at the verdict
24 form. This is the verdict form. Do you have
25 that where it says in the first degree?

1 MR. LEE: Yes, sir.

2 THE COURT: Is that satisfactory to the
3 State, as it relates to in the first degree?

4 MS. KIDD: Yes, Your Honor.

5 THE COURT: And I understand -- when I say
6 is it satisfactory, sir, I'm only asking as it
7 relates to spelling -- writing out in the first
8 degree. I understand your objection to the
9 verdict form not including the lesser included
10 offenses.

11 MR. LEE: Yes, sir.

12 THE COURT: All right.

13 MR. LEE: Great.

14 THE COURT: So do we need to take five
15 minutes before we bring the jury in?

16 MS. KIDD: That might be helpful.

17 THE COURT: I love being helpful, okay?
18 All right, thank you, we'll be at ease for about
19 five minutes.

20 BAILIFF: We're getting ready to do closing
21 arguments, and when that starts, no one can
22 either enter or leave the courtroom during
23 closing arguments in charge, so if you want to
24 leave, now's the time to leave.

25 (Recess.)

1 THE COURT: Let me ask you this, is there
2 anything from the State before we bring the jury
3 in?

4 MS. KIDD: Just out of curiosity, are we
5 closing and then charging, or are we charging
6 and then closing.

7 THE COURT: Typically, what I do is this,
8 if you-all want me to read the charge and the
9 concluding language, I'm happy to read the
10 charge, and then allow you to close. I only do
11 that if both sides agree.

12 If both sides do not agree, then I default
13 what I call old-school, which means you close
14 and then I charge.

15 MS. KIDD: The State would prefer to close
16 first.

17 THE COURT: All right, well, in that case
18 we'll --

19 MR. LEE: Okay.

20 THE COURT: -- close first --

21 MS. KIDD: Okay.

22 THE COURT: -- that's no problem. Let me
23 ask you this, do you want the jury charges to go
24 back to the jury? If both parties agree, I will
25 send them back; if they do not agree, I default

1 old-school, which is do not send them back.

2 MS. KIDD: I would ask that they not be
3 sent back --

4 THE COURT: All right.

5 MS. KIDD: -- if they have questions --

6 THE COURT: That's good enough.

7 MS. KIDD: -- we'll address them.

8 THE COURT: That's good enough, no problem.
9 All right, anything else before we bring the
10 jury in from the defense.

11 MR. LEE: I'm sorry, I have so many copies
12 of this charge.

13 THE COURT: Well, do you want to look at
14 the one I've got in front of me, which is the
15 one I was planning on reading? Do you want to
16 look at that?

17 MR. LEE: I'm looking for the kidnapping.

18 THE COURT: Okay.

19 MR. LEE: Yes, sir, I see it now.

20 THE COURT: I've included the longer one.

21 MR. LEE: Just last thing.

22 THE COURT: Yeah.

23 MR. LEE: I said earlier the only thing I
24 objected to was the lack of lesser included
25 defense. I would remind, Judge, I objected to

1 the specific language defining all those
2 kidnapping charges.

3 THE COURT: Yes, sir.

4 MR. LEE: Well --

5 THE COURT: No, sir, and you put that on
6 the record yesterday, and you're still good.

7 MR. LEE: All right.

8 THE COURT: But I absolutely understand
9 you --

10 MR. LEE: Yes, sir.

11 THE COURT: -- wanting to do that. All
12 right, let's go ahead and get the jury, please.

13 BAILIFF: Last warning, if you need to
14 leave, we're gonna lock the doors.

15 BAILIFF: Your Honor, the jury's entering
16 the courtroom.

17 THE COURT: Yes, sir. Thank you, Mr.
18 Bailiff.

19 (Jury entering the courtroom.)

20 BAILIFF: The jury is seated, sir.

21 THE COURT: All right. Ladies and
22 gentlemen, good morning. Thank you for being
23 here. Ladies and gentlemen, the parties have
24 presented their evidence in this case, and it's
25 now time for the attorneys to make their closing

1 arguments. The arguments of the attorneys are
2 not evidence in this case. Their statements and
3 arguments are meant to help you understand the
4 evidence and apply the law to the evidence. You
5 should disregard any remarks, statements or
6 argument, ladies and gentlemen, which is not
7 supported by the evidence presented during the
8 trial, or the law that I will explain to you
9 after these arguments.

10 Thank you very much. Solicitor?

11 MS. KIDD: Thank you, Your Honor. May it
12 please the Court?

13 THE COURT: Yes, ma'am.

14 ***

15 CLOSING ARGUMENT BY MS. KIDD

16 (Audio being played for the jury.)

17 THE COURT: Hold on, one second, I think
18 he's got him some internal.

19 (Audio being played for the jury.)

20 MS. KIDD: You just heard the entirety of
21 the open lined 911 call made from Lauren Eckles
22 phone on March 11th, 2019. 911 had to end that
23 call. It would have gone even longer.

24 That is a long time for an open lined 911
25 call, and that is a long time to be trapped in

1 someone else's home, unable to leave and
2 watching your husband being beat within an inch
3 of his life. In Justin Granet's world there was
4 winning and there was losing. When he found out
5 that his wife had an affair with his friend,
6 Corey Eckles, he felt like he was losing.
7 Winning and losing, he cannot lose, he must win.
8 So this becomes a competition, except he's the
9 only one who knows this competition is going on.

10 In his mind, he needed to win no matter
11 what, win at all costs, and in order to do that,
12 he lured Corey Eckles, and his wife, Lauren
13 Eckles into his home under false pretenses and
14 brought along backup. This is not a case of
15 self-defense. This is a case of a defendant
16 believing he was justified to do what he did,
17 because his feelings got hurt, because his pride
18 was hurt, because he felt like he was losing.
19 And it wasn't enough just to confront Corey, and
20 it wasn't enough just to beat up Corey, he had
21 to do it in front of Corey's wife.

22 Put that cherry on the top. This was not a
23 case of self-defense. He got on the stand
24 yesterday and claimed it was, but that is in
25 direct contradiction with all of the other

1 evidence that you've heard this week, including
2 the statement that he made the night of. And it
3 was quite a lengthy statement, and he did give a
4 lot of details, and all of the details he gave
5 that night indicate that he attacked Corey
6 Eckles for the purpose of making him pay for
7 sleeping with his wife, end of story.

8 Except for that's not the end of the story,
9 because he also said Lauren Eckles needed to
10 hear this. Lauren had to be there, and in order
11 to accomplish this, he had to keep Lauren at
12 bay. He had to make sure that Lauren couldn't
13 jump in, and that's where Chris Bliss came in.
14 This was a plan, a carefully calculated plan
15 made by Justin Granet, with the help of his
16 sidekick, Chris Bliss.

17 Justin Granet is not a victim. Corey
18 Eckles is a victim. Laura Eckles is a victim,
19 not this guy. Now, you are going to be charged
20 on the law, and when we first got here the Judge
21 advised you that Mr. Granet is charged with two
22 counts of kidnapping, assault and battery in the
23 first degree, and possession of a weapon during
24 the commission of a violent crime. And he's
25 gonna charge you, specifically, on what elements

1 must be met by the State, but I want to go ahead
2 and highlight those for you now, so that you can
3 be listening as we go through everything, we've
4 heard this week.

5 Checking those boxes and understanding that
6 everything you've heard absolutely puts beyond a
7 reasonable doubt that the Defendant is guilty of
8 all of those charges. The Defendant is guilty
9 of kidnapping, when he unlawfully seizes,
10 confines, decoys, kidnaps, abducts, or carries
11 away another person by any means whatsoever
12 without the authority of the law.

13 So if there is an unlawful act that falls
14 under any of those words, some of which you may
15 know the definition, but some of which you may
16 not. The Judge is going to charge you on that,
17 he's gonna give you the tools you need to be
18 able to determine that everything that happened
19 here, all of the evidence indicates that a
20 kidnapping occurred. Kidnapping both Corey
21 Eckles and Lauren Eckles.

22 The Defendant is guilty of assault and
23 battery of the first degree, if he injures or
24 offers to enter a person, and, one, that assault
25 happens during the commission of a kidnapping or

1 theft, or if the act is accomplished by means
2 likely to produce great bodily injury, and
3 you're going to be charged on that. You're
4 going to have all the tools you need. And the
5 last charge, a person may be in possession -- a
6 person may not be in possession of a firearm or
7 display a firearm during the commission of a
8 violent crime.

9 The Judge is going to tell you, kidnapping
10 is statutorily defined as a violent crime, and
11 it's important that you know there does not need
12 to be any kind of pointing of that gun. If a
13 gun is displayed, if the victim knows that that
14 gun is there, that is enough. I want you to
15 keep all of that law in the back of your head,
16 as we go through what we know. And what do we
17 know? We know that Justin Granet invited Corey
18 and Lauren Eckles to his home. He welcomed them
19 in, hugged them upon their arrival. In fact, he
20 said, "I did whatever I had to do, I said
21 whatever I had to say to ensure that they came
22 down there, because I wanted to see them face-
23 to-face."

24 He spoke to Corey Eckles on the phone
25 multiple times with his knowledge of the

1 supposed affair between his friend and his wife.
2 He never once confronted him about it. In fact,
3 he actively lied, in order to lure the victim to
4 his home. We also know that neither Corey or
5 Lauren had any idea that Justin believed that
6 there was an affair going on between Corey and
7 Sally.

8 Now, the defense is making a huge deal over
9 whether or not there was an affair, and I submit
10 to you, it does not matter. It does not matter,
11 it is not illegal to have an affair. It does
12 not matter who did or who did not do anything
13 inappropriate. What matters is Justin believed
14 it, and Corey did not know that Justin believed
15 it. Corey walked into that home with no inkling
16 that Justin Granet had any ill-will towards him.
17 If he had any inkling of that, do you think he
18 would have driven from Tennessee down to St.
19 Helena Island, and would have voluntarily gone
20 to his home and had drinks with him, and make
21 himself vulnerable to this man? No. We also
22 know that Justin Granet asked Chris Bliss to be
23 present that evening.

24 Chris did not just happen to show up that
25 night. "Oh, hey, what's going on? Can I join

1 the party?" No, he specifically asked Chris to
2 be there as backup. He claims he was there as a
3 mediator, and that's a really interesting term
4 for someone who is your hired gun. Speaking of
5 guns, we know that there were two guns found in
6 that house.

7 Two guns, two defendants. We also know a
8 whole lot of ammunition was found in that house.
9 Some of it was found in the Defendant's bedroom.
10 We also know that Justin Granet grabbed Corey as
11 they were all leaving out the door, leaving the
12 home, and that's when he chose to confront him
13 by his testimony yesterday.

14 But we know that as they were leaving,
15 based on all of the testimony from both of the
16 victims and the statements that the Defendant
17 made to law enforcement back in 2019, that he
18 grabbed Corey on the way out, put him in a
19 sleeper hold, and took him to the ground.
20 That's what Justin told law enforcement back in
21 2019, that's what Corey told you this week,
22 that's what Lauren told you this week. We also
23 know that the Defendant attempted to restrain
24 Corey with zip-ties, but he was unable to do so,
25 because Corey kept breaking free.

1 And there are a lot zip-ties, ladies and
2 gentlemen, and you're gonna get to take all of
3 this evidence back there with you. Zip-ties.
4 Zip ties. Zip-ties. An empty bag of zip-ties.
5 And we also know that when Corey broke out of
6 those zip-ties he went onto the next best thing,
7 duct tape, heavy duty duct tape covered in
8 blood. Because by the time they're pulling
9 this duct tape out, Corey is already extremely
10 injured, he's bleeding, he's not a threat.

11 And we also know that Lauren Eckles got
12 tied up. These are the ropes that law
13 enforcement cut from Lauren's hands after she
14 was rescued covered in her husband's blood.
15 Defendant claims that Chris just panicked and
16 tied her up. "I don't know, man. I don't know,
17 I panicked." Well, if Lauren was really just an
18 innocent bystander, why are we putting duct tape
19 over her mouth?

20 Tying rope so tight that when it's removed,
21 she's got redness all over her wrists. That
22 indicates that they were really trying to
23 prevent her from moving, and from speaking, and
24 to what end? I submit to you, it was to prevent
25 her from jumping in and defending her husband,

1 from jumping up and running to law enforcement
2 when they finally arrived.

3 We also know that the French doors were
4 broken. That was one of the clues, that
5 signaled to law enforcement that there was some
6 kind of exigent emergency situation going on
7 inside. The Defendant claims that Corey got up
8 in a rage, and tries to run through a door. To
9 my logic that tells me two things, one, it tells
10 me that Corey was trying to leave the house, and
11 he was so desperate that he was willing to run
12 through a glass door; or it tells me he must
13 really be crazy to run through a door and injure
14 himself, when his whole goal seems to be
15 injuring the Defendant.

16 It doesn't make a whole lot of sense to me,
17 but what does make sense to me is that during
18 the struggle, while Corey was trying to free
19 himself from the Defendant's grips, they fell
20 into the door, in a mutual struggle, not while
21 Corey was trying to fight the Defendant, but
22 while Corey was trying to escape the Defendant.
23 That's the important thing here, ladies and
24 gentlemen.

25 The Defendant keeps throwing out this term

1 castle. "I am allowed to protect myself in my
2 home," and that's true, you are allowed to
3 protect yourself in your own home against
4 someone who is trespassing, and who's there
5 unlawfully, and if they turn and attack you, but
6 what it does not give you is blanket immunity to
7 perform criminal acts in your home. Although he
8 seemed to be under the impression that it did
9 give him that power, which seems to be why he
10 chose this as his venue.

11 We also know that two guns were located in
12 the home. A Taurus, Smith & Wesson, two guns,
13 two defendants. Didn't just find guns, we have
14 these magazines loaded.

15 We have box after box of ammunition found
16 in the Defendant's bedroom. Remember this is
17 the Defendant's house, not Chris' house. These
18 bullets match these guns. We know that Lauren
19 watched on the couch as her husband was beaten.
20 The Defendant would have you believe that she
21 was just hanging out spectating, she was there
22 because she wanted to be there, but does that
23 make sense? No, that doesn't make sense. Her
24 husband was getting beaten, and you heard her
25 screaming, "Stop, stop," begging them not to hit

1 him, not to kill him.

2 You saw her phone in the cushions of that
3 couch that she hid. She hid in a desperate
4 attempt to hopefully get help. But do you think
5 she really just sat there on the couch, just
6 hanging out, listening to what they said? No,
7 she sat there on the couch, because she knew
8 these were in the house. She saw them. She
9 told you she saw them.

10 The Defendant in his statement to law
11 enforcement said he knew there was a gun in the
12 house, and he knew that Lauren knew there was a
13 gun in the house. Yeah, he started to clam up a
14 little bit when law enforcement asked him about
15 guns, because he knew that that was serious. He
16 couldn't talk himself out of that one, so he
17 denied, denied, denied, blamed it on Chris but,
18 man, two guns, two defendants, ammunition. We
19 do know that his DNA was not found on the guns,
20 okay, sure, I can't explain that. Maybe he
21 didn't touch them, maybe he didn't touch them,
22 but do you know what he did touch?

23 This flashlight he kept by the backdoor,
24 that he used almost every day. He lives out in
25 the country, if I've got to run to my car, let

1 me grab my flashlight. Timothy French told you
2 that he swabbed all over this flashlight, and he
3 ran the results and Justin Granet's DNA wasn't
4 on it, that's weird.

5 DNA is great, DNA can tell us a lot, but
6 DNA doesn't tell us everything. And you heard
7 Tim French talk about shedding versus non-
8 shedding, and different sizes of, you know,
9 profiles and the mixtures and, you know, I don't
10 know this stuff, but he gave you alternate
11 reasons, as to why DNA would not be present on
12 the item. I can't explain why his DNA's not on
13 the gun, but I also cannot explain why it's not
14 on his flashlight that he used almost daily.

15 We also know that there is plenty of duct
16 tape and rope found on the scene. Now, he says
17 it wasn't his duct tape, and I guess that makes
18 sense. Chris Bliss did work in HVAC after all,
19 but it was in the house, someone brought it,
20 it's covered in blood.

21 Yes, it was already in his house, but he
22 knew it was in his house, why go buy more? And
23 that duct tape. This is the duct tape that was
24 used on Lauren. We know that Corey Eckles was
25 brutally beaten, that is not in dispute. We

1 know that he has multiple head injuries,
2 lacerations, brain bleeding, skull fractures.
3 You heard the Doctor talk about all of his
4 injuries.

5 He used the skull right here, he walked you
6 through it, so that you could understand not
7 only what all of these parts are, but how
8 dangerous it can be when these parts are
9 injured. He also testified that in order to
10 sustain these injuries, there needed to be
11 significant blunt force trauma, consistent with
12 being hit in the head with a flashlight. The
13 defense tried to box Dr. Baxley into some other
14 hypotheticals, when a bump on the head, you
15 know, on the side here, and, okay, maybe that
16 would cause one or two, but would it cause
17 three, four, six life-threatening, potentially,
18 life-ending injuries?

19 Do you think that he would run around the
20 house, bumping into objects, throwing himself
21 into doors, injuring himself on purpose? And
22 after that first blow, do you think he could
23 continue to injure himself, four, six times
24 more?

25 No, it doesn't make sense. It doesn't make

1 sense that somebody would do this to themselves.
2 What makes sense is, that Corey Eckles was
3 assaulted by Justin Granet and Chris Bliss, that
4 is what makes sense. And we know that from the
5 medical testimony and the diagnosis, we know
6 this. We also know about seven months later
7 after-the-fact, Corey's having a conversation
8 with a person that he's actually never met --
9 or, I'm sorry, Justin is having a conversation
10 with a person that he's never actually met, so-
11 called friends, so, you know, I like to expose
12 important life secrets to, you know, strangers.
13 Let's see what he said. "Absolutely not. I
14 almost beat Corey to death for fucking my wife."

15 That is intent. That tells you that he did
16 not beat Corey to death to protect himself, he
17 beat Corey to death for fucking his wife. That
18 is the reason that he did all this, not because
19 Corey may or may not have thrown a punch at him,
20 and did Corey throw a punch at him? Only four
21 people were in that house. So there was no
22 testimony given, other than the testimony from
23 the Defendant about this supposed swing.

24 And I'm gonna get into what is required to
25 be able to assert a self-defense claim in just a

1 minute, and I'm gonna walk you through that, and
2 all the reasons that it's not. In these
3 Snapchats he does tell Josh Smith, "You know, I
4 was acting in self-defense, I was in my home."
5 So what? You can't just call something self-
6 defense without backing it up. Saying something
7 doesn't make it true.

8 He's trying to shape the narrative, because
9 he knows at this point he's caught. He knows
10 he's given a statement to law enforcement, he
11 knows that the victims have given statements to
12 law enforcement, so he's trying to reframe the
13 narrative, but he's not even changing his story,
14 he's justifying his story.

15 "I hope I never cross paths with him again,
16 because I would probably kill him. I knocked
17 out all his front teeth, he has dentures now."
18 It sounds like intent to me. To somebody you
19 barely know sending text messages like these,
20 bragging about what you did, bragging about how,
21 "My fists are deadly weapons?" I know a gun's a
22 deadly weapon.

23 Can he be charged with a deadly weapon
24 because of his fists? That's him bragging. We
25 know all of these things, so what's the issue?

1 What is the issue here? Is this self-defense?
2 Did Corey deserve this? Was Justin blinded by
3 emotion? None of those things are excuses.
4 It's not illegal to have an affair.

5 It's wrong, it's upsetting, it is
6 absolutely justifiable for him to be angry, but
7 he couldn't even admit to that on the stand
8 yesterday. When I was asking him, "You were
9 angry? You're angry?" He told me he was
10 confused, confused.

11 If he had called Corey angry and confronted
12 him, that would have been an appropriate
13 response. If he and Corey had gone out to
14 dinner at a mutual site, where they knew it
15 couldn't get out of hand, and have a
16 conversation man-to-man, at the restaurant that
17 night, out on a boat on Fripp Island fishing,
18 which was the plan, that would have been an
19 appropriate response; but to lure someone into
20 your home, when they have no idea what they're
21 getting into, and then as they are leaving,
22 totally vulnerable, attack?

23 How's that self-defense? How's that
24 justifiable? So you are going to be charged on
25 the law of self-defense, because the Defendant

1 did give you some testimony yesterday that Corey
2 threw the first punch in his home. And the
3 defense is going to charge you that there are
4 four prongs that must be met for a self-defense
5 claim to stand, four. Any one of those fails,
6 the defense fails.

7 However, because the Defendant was in his
8 home, he did not have a duty to retreat, so he
9 gets one, he gets one prong around that, he
10 didn't have the duty to retreat, great, but I
11 would like to remind you that he chose the
12 venue. He lured the victims into his home
13 knowing that that would provide him a level of
14 safety, a level of privacy, and in his mind,
15 blanket immunity, which we know is just not the
16 way the law works.

17 So, first, a defendant must be without
18 thought in bringing on the difficulty. We heard
19 on the call -- or on the video the Defendant's
20 statement to law enforcement that night, "I mean
21 I didn't want it to go as far as it had gone. I
22 honestly thought I was gonna grab him and pin
23 him down, tell him what I knew, and he was just
24 gonna confess." Maybe he didn't want it to get
25 this out-of-hand, but he definitely wanted it to

1 get physical.

2 He was planning to pin him down, grab him
3 and force him to confess. And what happened is,
4 Corey didn't have the ability to defend himself,
5 and if he had defended himself, that would have
6 been justifiable. Corey was allowed to fight
7 back when he was attacked, it doesn't matter
8 whose house he's in, but you heard him tell you
9 he never even had the chance to fight back.
10 Because this MMA fighter, sensei, black belt put
11 him in a chokehold, put him to the ground. Then
12 he had his even larger friend, armed with a gun,
13 come along and help subdue him, and help attack
14 him. He brought the difficulty. He claims
15 yesterday on the stand yesterday, for the first
16 time, that Corey swung first and he ducked, and
17 somehow he was lucky and didn't get punched, and
18 saw this death glare in his eye. Well, I
19 thought that was a really interesting way to
20 describe it. It was kind of familiar to me,
21 because it kind of sounded the way that Lauren
22 described the look in the Defendant's eyes when
23 she saw him, a look of death, going black.
24 Second, the defendant must have actually
25 believed that he was in imminent danger of

1 losing his life, or sustaining serious bodily
2 injury, and that he was actually in imminent
3 danger.

4 There are no facts in this record to
5 substantiate a claim that he believe he was in
6 danger, or that he was actually in danger. I
7 mean he's the one who's armed, or his friend's
8 armed, someone's armed, there's a gun in his
9 house and he knows that. He's got backup. He
10 preplanned, knowing that he had tools in his
11 home to help him, if things got out of hand.
12 Even if he didn't want it to get out of hand, he
13 was prepared. And he had martial arts training.
14 A blackbelt, a sensei, a former cage fighter?
15 That's impressive.

16 You didn't hear Corey testify having any of
17 those skills. Corey and Lauren on the other
18 hand, blindsided. They did not know what they
19 were walking into that evening, and they were
20 immediately taken out, to the point where if
21 they fight -- they had no way to fight back in
22 any meaningful way. Lauren had a gun pointed at
23 her, and then, luckily, she gets 15 seconds, 15
24 seconds say, give or take, dialed 911. Thank
25 God she had the opportunity. He didn't feel

1 threatened, he didn't feel threatened.

2 Nothing in his statement to law enforcement
3 that night indicated that he felt threatened.
4 He regretted it, because now he's in handcuffs.
5 He regretted it because he got caught. He's
6 bragging about it some months later, and this is
7 a stranger, who else is he bragging to?

8 Third, if the defendant believes that he
9 was in danger, a reasonably prudent man of
10 ordinary firmness and courage would have
11 contained the same belief. So just because he
12 believed he was in danger, if he did, in fact,
13 believe he was in danger, it has to be
14 reasonable. And for all the reasons that I just
15 highlighted, having guns in the house, it's his
16 house, home turf. He's got a backup, he's got
17 his friend, he's got weapons, he's got tools,
18 he's got training. How could he possibly have
19 thought that a swing -- when he -- he admitted
20 he had the training.

21 He was good, he could take care of himself.
22 How did he believe he was in eminent danger?
23 Everything that he told us on the stand would
24 indicate that he did not fear this big bumbling
25 guy.

1 That last prong, you can't have no other
2 problem to avoid eminent danger. I told you he
3 -- it's his house, so it's house, he didn't have
4 to leave, but I do want to remind you that it
5 only took place in his house, because he chose
6 his house for the venue for this to happen. The
7 defense in their opening kept referring back to
8 placing -- or rather being a square peg into a
9 round hole or something, and that the State's
10 trying to beat square pegs into round holes,
11 but, no, square pegs are just fine, and the pegs
12 that don't fit are the ones that the defense is
13 waving over here and over here that don't even
14 belong to the puzzle.

15 They're created to distract, they're
16 created to turn you against the victims, because
17 they have a checkered past that somehow, because
18 they have this checkered past he was justified.
19 He had the moral high ground, but he had the
20 ability to make decisions about what happened to
21 them. This was Justin Granet's attempt to pound
22 his chest, to show Corey that he was the
23 champion, he was a sensei, and he was having to
24 bring Chris Bliss along with him, so it's about
25 Chris and Justin.

1 I mean this is Justin's trial, to be clear,
2 Chris Bliss will have his day, but there's a lot
3 of testimony that Chris Bliss did a lot of this.
4 You know the majority of tying up Lauren, that's
5 Chris, not Justin. Except that it is Justin
6 because Justin's the one calling the shots.

7 Chris is a tool. Chris was there at the
8 pleasure of Justin Granet. Chris was brought in
9 for the purpose of carrying out the tasks that
10 Justin wasn't going to be able to carry out, but
11 that were necessary steps to ensure that he won.
12 He wanted Lauren in there, because he wanted
13 Lauren to see her husband get assaulted and
14 admit to an affair, and to make that happen, he
15 needed backup, otherwise, his plan would have
16 failed. You're also going to be charged on the
17 law, a hand of one, hand of all. And you may
18 have heard of that before, but, essentially,
19 when two defendants are acting in concert
20 together to achieve a certain plan or goal that
21 is criminal, any act done by one defendant in
22 the furtherance of that crime is then adopted by
23 the other defendant acting in furtherance of
24 that crime.

25 So anything that Chris Bliss did that

1 night, Justin Granet did that night plain and
2 simple. They were acting in concert. Even if
3 you believe that Justin didn't actually have a
4 gun, which we have plenty of testimony to back
5 that up, but let's say Chris is the only one who
6 has a gun in your mind, that's the only thing
7 you're convinced of, that is enough, that is
8 enough. Hand of one, hand of all, Justin is
9 Chris, Chris is Justin. Now, the State must
10 prove this case beyond a reasonable doubt, and
11 that's a very high burden.

12 That's a high burden, but it can also be a
13 little bit confusion about that. The Judge is
14 going to charge you on what that means, but I
15 want to give you one explanation than they have.
16 We talked a lot this week about games, about
17 winning and losing, games. And the game that I
18 like to play is a puzzle. You take your puzzle
19 pieces, you put them altogether. It might take
20 a few hours, it might take a few days, but at
21 the end you realize, oh, a few pieces must have
22 fallen under the furniture, or maybe my cat
23 grabbed one, man, I can't finish the puzzle, I'm
24 missing a few pieces.

25 You're gonna be missing a few pieces,

1 because the only people who were there Justin,
2 Corey, Chris and Lauren. We were not there. By
3 definition, that means we're gonna be missing
4 some information. Can I submit to you, when you
5 put that puzzle together, even if you're missing
6 a few pieces, you can still see the picture.
7 Even the missing pieces that you may feel in
8 this case, if you can still see the picture,
9 then you will be left firmly convinced that this
10 crime occurred, and that is beyond reasonable
11 doubt, so there's no doubt here.

12 We know that this Defendant, with the help
13 of his sidekick, Chris Bliss, lured them into
14 his home, attacked Corey Eckles, bound him with
15 zip-ties, and when that didn't work, beat him
16 into submission, in addition, tying him up with
17 duct tape. Holding his wife at gunpoint, so
18 that she couldn't jump in, and then bind her up
19 with duct tape.

20 See all that beautiful blonde hair? Bind
21 her up with rope. And then moving her at
22 gunpoint to come hide in a hallway, while her
23 husband bled all over her, threatening her not
24 to say anything, so that the police would go
25 away. Defendant said that he didn't answer the

1 door because he was scared, he thought it looked
2 bad. If he was worried about Corey, he was so
3 worried about what Corey had done to himself,
4 yeah. You'd be worried too, pretty significant
5 injuries.

6 When the police arrived, that meant EMS
7 could arrive. If he was worried about Corey, if
8 he was scared of Corey, that would have been the
9 time to open the door, but instead he hid like a
10 coward. Now, there is no doubt here. There is
11 no doubt that the Defendant kidnapped Corey
12 Eckles, kidnapped Lauren Eckles, assaulted to
13 the first-degree Corey Eckles, and that he did
14 all of this by possessing a handgun. There is
15 no doubt, and because there is no doubt, I'm
16 gonna ask that you find the Defendant guilty on
17 all charges. Thank you.

18 THE COURT: All right.

19 MR. LEE: Could we take a quick stretch?

20 THE COURT: Yeah, why don't we do this.
21 Everybody stretch for a minute, stand up. If
22 you-all want to stand up in the gallery, we'll
23 stretch for a minute, and allow the Solicitor to
24 pick up whatever evidence may be in front of
25 you.

1 (Recess.)

2 THE COURT: All right, that's good,
3 Solicitor, that's off the ground, because some
4 of them were on the ground, thank you. All
5 right, Mr. Lee?

6 MR. LEE: Thank you, Your Honor, may it
7 please the Court?

8 THE COURT: Yes, sir.

9 ***

10 CLOSING ARGUMENT BY MR. LEE

11 MR. LEE: Ms. Kidd, Ms. Molina,
12 Investigator Snider. This is a big deal, it's
13 serious. Monday was a big day, Tuesday,
14 Wednesday, Thursday were some of the biggest
15 days of Justin Granet's and his family in front
16 of them. And I say one of the biggest days was
17 clearly today, is the biggest day of Justin
18 Granet's life, and all the people that appeared
19 all week, his wife, his mother, his two
20 children, his foster child, his in-laws, his
21 mom, it's the biggest day of their lives.

22 Why? Because the future, his future and
23 their future, literally, lie squarely in your
24 hands. The very glue, the heart, the soul of
25 that family has been sitting beside me all week,

1 and they've been here through thick and thin.
2 They've been here to hear all kinds of
3 testimony, embarrassing testimony. These
4 people's lives have been put before you, their
5 embarrassment, their dirty laundry, things that
6 people don't like to talk about, but we have to
7 and we did it.

8 We didn't hide anything. So today we're
9 gonna do, what they're gonna do, the hardest
10 thing they've ever had to do, and they will put
11 Justin in your hands and trust you with their
12 soul, with their heart, with the glue that keeps
13 that family together.

14 And we trust you, and we know that you're
15 gonna do the right thing, and send him back to
16 his family, the people that love him, and care
17 about him and support him, and they're here.
18 And when I finish talking today, she's gonna get
19 to talk one more time, I'm gonna ask you to do
20 the right thing, do the just thing, do what we
21 all know needs to be done, send him home and
22 return not guilty verdicts, and there's a
23 million reasons why.

24 A lot of them you actually heard from the
25 prosecutor is the law. So when I came up here

1 Tuesday, I said, "You know, the law can be kind
2 of complicated and the Judge is gonna read you
3 probably a 20, 30-minute charge on the law." I
4 said, "The law can be complicated, but it kind
5 of comes down to a few basic principles, and
6 then the law, you know, wasn't created in a
7 vacuum.

8 The law recognizes some basic human truths,
9 some things that we hold in our heart, and just
10 things that just make sense." All right, and
11 the first one, which undermines life, the law
12 and everything else is fairness. Because when
13 it all comes down to the nitty-gritty, it's all
14 about fairness.

15 And when you get to court and the State is
16 attempting to take something away from you, your
17 life, your family, your liberty, your freedom,
18 your good name, your reputation, money,
19 property, whatever it is, the main requirement
20 is it's got to be fair, and we call that due
21 process, all right? And I'll -- in a minute
22 I'll talk about how it kind of goes through the
23 steps through a trial.

24 From when somebody is first, you know, a
25 supposed crime scene all the way through today,

1 and what we've done this week, all right? And
2 the second thing I talked about is before, in
3 this case, a jury can take away somebody's
4 reputation and good name, freedom, liberty and
5 take you away from your family, you've got to be
6 darn sure that you're doing the right thing,
7 because there's no do overs. There's no
8 Mulligans, if you play golf,

9 There's no oopsies, because it's -- the
10 jury, you're the finders of facts. To find
11 somebody guilty, tell court and say, well, the
12 jury got it wrong, that's why today is the
13 biggest day. And so the Solicitor even
14 mentioned in a little bit, what do we require of
15 the State of South Carolina, whether it's law
16 enforcement, whether it's prosecutors, whatever
17 it is, what do we require before the State can
18 take things away from people? So label them a
19 kidnapper, an assault and batterer, in
20 possession of a weapon, whatever the charges
21 are, what needs to be there before you do that?

22 Well, proof beyond a reasonable doubt, and
23 that is a standard that is up here. The Judge
24 will tell you proof beyond a reasonable doubt is
25 a very high standard, we'll talk about it in a

1 minute, but it makes sense. You say, well,
2 that's a pretty high standard. You're telling
3 me that I cannot have any reasonable doubt about
4 the Defendant's guilt?

5 I can't hesitate to act, or I have to act.
6 If I hesitate to act, then it's reasonable
7 doubt, reasonable doubt, not guilty. And you're
8 telling me I've got to be firmly convinced of
9 the Defendant's guilt? Taking everything that
10 I've got to be firmly convinced, yeah, that
11 sounds like it's important, and it needs to be,
12 and thank God it is.

13 And as an aside, the Solicitor told you in
14 her closing argument that all the pieces of the
15 puzzle aren't there, but she doesn't -- it
16 doesn't matter. She just admitted reasonable
17 doubt, because all the pieces of the puzzle are
18 there, and we'll talk about why they aren't
19 there, but, clearly, there's reasonable doubt as
20 to every single thing that Justin is charged
21 with.

22 I've been doing this almost 30 years, and I
23 do everything I can not to refer to those, but
24 I'm gonna have to. If you-all indulge me,
25 because there is so much stuff that I want to

1 tell you. I know you probably know it, but I'm
2 gonna tell you, and I'm probably gonna have to
3 refer to my notes to do that, if you-all indulge
4 me on that.

5 All right, Thursday what we talked about is
6 a man's home is his castle. And you don't have
7 to live in a castle with a moat and, you know,
8 knights guarding the door, you can live in a
9 small house out on St. Helena Island in the
10 woods, when it rains the truck gets muddy.
11 That's Justin's castle, and he's got just as
12 much right to defend himself in that house as
13 anywhere in the world, that is his castle.

14 No, it's not literally a castle, but it's
15 his, and he's there, and he gets attacked in his
16 home. And the reason that's important is
17 because self-defense usually requires, say, hey,
18 we understand people might get in fights, but,
19 you know, if you can get away, you let them get
20 away; but it says, you know what, if you're in
21 your house, you don't have to retreat, you can
22 stand your ground.

23 And so the defense of habitation recognizes
24 that and self-defense, and you-all hear when the
25 Judge reads the law, you can defend yourself,

1 you can certainly defend yourself in your home,
2 and, if needed, if it -- if you didn't bring it
3 on, if you didn't strike that first blow, you
4 can kill somebody. He didn't kill anybody, but
5 he could have, and it would be just as excused
6 as this. He didn't want to kill anybody, he was
7 trying to get it under control -- I mean Corey
8 under control when he came at him.

9 Well, we'll have plenty of time to talk
10 about Corey. All right, so those were the self-
11 defense, okay? Now, another thing that should
12 be any surprise to any of us, as I said, judge
13 people by their words and actions. We all kind
14 of got a feel for people. I mean you do every
15 day at work, at home, school, whatever the case
16 may be. You judge people by their words and
17 their actions. And if you've known somebody a
18 long time, it's a little bit easier to do that,
19 but if you just meet somebody and you hear him
20 on the witness stand, it's a little bit harder
21 to do that, but we all have our tools for doing
22 that, we get it.

23 Judge a person by their words and their
24 actions, and we call that credibility. And the
25 Judge is gonna charge you on credibility of a

1 witness, believability called veracity, and
2 we'll get into that, and I think you probably
3 know where we're going with that. All right,
4 another thing, facts don't lie, and there's a
5 lot of inconvenient truths for the Solicitor in
6 this case.

7 People lie, kids lie, grownups lie, but
8 facts don't lie. DNA don't lie, and we'll talk
9 about the DNA in a minute, and the reasons the
10 Solicitor gave it for something that doesn't
11 lie, she's saying it's lying.

12 And the last thing I'll talk about -- or
13 the last thing I'll add is, character matters.
14 When it all comes down to it, character matters,
15 and I'm gonna talk to you a little bit about
16 Justin versus Corey, and you-all see the
17 differences, and you-all see clearly why it's an
18 appropriate thing to talk about.

19 All right, so let's talk about fairness.
20 We need to talk about it from the second Justin
21 walked out of the house, being cooperative,
22 until right now. So let's start back on 18
23 Chaplin Drive on March 11th, 2019. Justin told
24 you what happened.

25 It's certainly consistent with how he

1 acted, because -- what was the last thing that
2 Justin heard before he walked out and that
3 police officer put him in handcuffs? What's the
4 last thing, the last three words that he heard
5 before he went out to that car? "I got you."
6 Corey Eckles says, "I got you."

7 At that point, if he hadn't already figured
8 it out, Justin Granet knew that Corey Eckles had
9 done exactly what Corey Eckles is good at,
10 exactly what he's famous for, exactly the things
11 that he learned in that book, the art of
12 seduction. I didn't have him finish the
13 sentence when I asked him about that.

14 You might say, why are you bringing some
15 book in here? "Have you read this book?"
16 "Yeah, Robert Greene, read all his books."
17 Justin said he had one in the tattoo parlor and
18 at his house to go by. He spent a lot of time
19 in prison reading it, memorizing it, perfecting
20 it. I mean it fits perfectly with this,
21 perfectly.

22 So let's talk about things that didn't --
23 may have been obviously not. So Justin gets
24 out, what's the first thing he wants to do?
25 Cooperate. He starts talking to that police

1 officer, and starts talking about this crazy
2 sounding time thing about, life could be a
3 nightmare.

4 And I'm sure the police are confused, but
5 it's real life, so things happen. So he starts
6 talking about that, and what did Parnell say?
7 "Whoa, whoa, stop, stop, stop, I want to read
8 you your Miranda rights, so that you know you
9 don't have to talk to me."

10 So he reads him Miranda right, "Do you
11 still want to talk to me?" "Yeah." And so he
12 comes out with this edge of time, you've got to
13 admit it seemed a little bit -- a weird sounding
14 story. So your wife's being blackmailed and
15 having an affair with this guy.

16 Or actually the story at that point was
17 something about -- well, it develops later on.
18 The Corey story is something about some guy
19 named Zane Croft, and we'll get into that later.
20 So Justin tells him, and he wants -- he tells
21 him -- he starts talking, doesn't have to talk,
22 he doesn't have to talk any. And he starts
23 telling the story -- and the cop says, "Hold on
24 a minute," he talks to him. Justin's upset, he
25 realized he's just been had. He just heard, "I

1 got you."

2 And he knows how bad it looks, it's coming
3 together, and it does look bad, if you just take
4 a polaroid of that, some guy in there beat up in
5 your house, the girl has some taper on her, it
6 doesn't look good. And if you listen, and then
7 he gets put in Ireland's car, and what's the,
8 you know, he didn't know he was being recorded.
9 And, you know, people when they don't think
10 other people are listening, say things you can
11 trust emotions and words, when -- and we say to
12 ourselves, when we don't think people are
13 listening or recording, he didn't know that, and
14 he was very, very upset.

15 "How did I let him win?" This is Corey,
16 and he's crying. He doesn't know anybody's
17 listening. There's nobody to talk to in there,
18 that is from the heart. He knew he'd just
19 gotten scammed, he knew it. And then if you
20 listen real quick on that Ireland tape, I
21 believe when he's getting ready to leave, one of
22 the police officers, and they didn't clear this
23 up at all, one of the police officers on that
24 video says, "I don't think his story is
25 necessarily true."

1 I don't know if they're talking about
2 Justin -- or I assume they're talking about
3 Justin. "I don't think his story is necessarily
4 true." Well, it sounds weird at that point,
5 you've got to admit that, it sounds weird. But
6 the point of it is, at that point they may have
7 talked to Lauren I guess out there, they hadn't
8 talked to Chris Bliss, they hadn't talked to
9 Corey, they haven't gathered evidence, they
10 haven't followed up anything.

11 They made their decision real quickly, at
12 least one of them, did, and that's not
13 necessarily true, because it sounds weird, but
14 we found out it was, it was this weird stuff
15 about this supposed affair, and all that kind of
16 stuff. And, again, I say a supposed affair,
17 because in her closing the Solicitor said that
18 they were having an affair, they weren't having
19 an affair, and then she said a supposed affair,
20 one of those pieces of the puzzle that she can't
21 -- she won't give you or can give it. So let's
22 talk about the -- how the investigation went on
23 from there.

24 Well, to their credit they go out there,
25 there's a bunch of cops. First thing they do,

1 look at the scene, what evidence is out there
2 that ultimately a jury may want eventually want
3 to hear, so they're getting, excuse me, duct
4 tape, they're getting clothesline, and they're
5 getting all the stuff that they found out there
6 that she's waving in front of you, saying, this
7 is all the stuff we found at the scene.

8 Well, good, I'm glad you got that, and it
9 certainly is a small piece of the entire puzzle.
10 And that stuff's relevant and it's important.
11 And they've done a pretty good job, I think,
12 looking back of doing that. They took a bunch
13 of pictures.

14 What they didn't take was a camouflage bag,
15 which, apparently, had some of these magazines
16 and stuff in them that Corey brought there.
17 That would have been -- I mean Chris Bliss
18 brought there, that would have been interesting
19 to look at, who knows, but they didn't get it.
20 They also didn't really search Corey's car, they
21 kind of looked through it, but, you know, he
22 said he had a burner phone, they didn't really
23 do that, so -- and that's fine.

24 So then Justin goes -- is upset, crying,
25 goes to the investigative room with Fraser and

1 Duhamel. Again, they read him his rights. Does
2 he clam up? Does he -- no, "I'll be glad to
3 talk to you."

4 And they say, "All right, Justin, what
5 happened?" And he gives that very quick
6 explanation of what happened, which, again, is
7 referencing this story about Corey coming down
8 to comfort him, because Corey claims that Sally
9 had slept with a guy named Zane Croft, up there,
10 and that he's telling Sally, "You need to tell
11 Justin, or I'm gonna tell him," et cetera, and
12 then he tells Justin at some point.

13 It is what it is, and what did he do right
14 after that? Just walks out, and then we heard
15 from the officer yesterday, Chris Bliss is
16 waiting to go and give his interview, because
17 he's been arrested. So they probably literally
18 walked right by each other, and in the time it
19 takes Ireland to drive from the corner of Duke
20 and to the hospital, which is maybe two miles,
21 by the time they're -- they've made a decision
22 at that point, Justin's getting arrested,
23 because he said that's when he got arrested.
24 Not a whole lot's happened.

25 Chris Bliss sure hasn't spoken. They sure

1 haven't compared Justin's statement to Chris
2 Bliss', or supplemented it, or gotten something
3 good out of that. Chris Bliss isn't here,
4 another missing piece of the puzzle. They
5 absolutely could get him here. Hey, Justin's
6 begging, "Get Chris in here, have him testify,"
7 And so anyway, particularly, when you have a
8 little chaotic scene like this, what do they do?

9 Well, what you do is because there's so
10 many moving parts, so many, officers, all that
11 kind of stuff, it has to somehow be centralized
12 and organized and assessed, that things are
13 gonna be delicate, so what do they do on this
14 day? They just brought a lead investigator, and
15 that's the kind of person that's just kind of in
16 charge, the buck stops here. And we heard that
17 Brandon Disbrow was originally the lead
18 investigator on this case, he left like a month
19 later, stopped working on the case, etcetera,
20 because there's things that need to be done
21 after the night of -- that something happened
22 with the charges.

23 Because things need to be looked at, they
24 need to be compared, they need to be followed
25 up, they need to reach out to people, and that's

1 what the lead investigator does, or at least
2 assign somebody to do it. So throughout this
3 case I will ask you a question, after April 30th
4 when Disbrow left, you tell me if you've heard
5 any evidence about who the lead investigator is
6 in this case? Everybody asked it, "I don't
7 know, not me." The lead investigator does
8 everything once -- the lead investigator kind of
9 makes everything fair during the investigation
10 portion of it.

11 They seek out witnesses, they follow-up
12 with people, they do phone -- they order -- they
13 get the search warrants for phone dumps. I
14 asked Disbrow, I said, "Did you get Corey's
15 phone?" No, I mean I would have had to get a
16 search warrant, you know, and people have
17 personal stuff on their phones and stuff like
18 that. Well, what he didn't tell you was you
19 don't need a search warrant, if somebody
20 willingly hands it over to you. People can
21 consent to give you a phone or phone records.
22 There's no phone records, there's nothing, no
23 evidence about any of these phone calls that
24 we've heard about.

25 And between Corey and Justin, and Corey and

1 Chris Bliss, and everything else, there's
2 nothing like that. Now, another thing that is
3 important in any case is, once you kind of get
4 the initial information, and you realize that
5 there's a lot of he said, she said, what do you
6 do then, as the investigator, to make things
7 fair, keep them fair, fair to him, fair to
8 everybody. Well, there's people involved in
9 this, and people lie and people cheat and steal
10 and everything else. I need to kind of figure
11 out who he might be talking to.

12 I need to get into their character, the
13 believability of these people we're dealing
14 with. And what did they do at all to determine
15 the character of Corey Eckles and Lauren Eckles,
16 the victims? Well, I didn't hear anything, but
17 if they did, do you know what they would have
18 found out? What you heard on that stand, when
19 they came down here to testify. Lauren's 14
20 convictions, all of them involving fraud or
21 dishonesty, and aggravated burglary, forgery,
22 check fraud, credit card fraud, theft.

23 They didn't do that. And then Corey, I
24 mean I can't even begin, that's why I brought
25 this, I can't even begin to remember all the

1 things that he said that were completely untrue.
2 Even to you-all, even under oath right there,
3 completely untrue, he is not believable at all.
4 Now, and partly in investigative defense, you
5 need cooperation from people before you can get
6 information. You need them to tell you the
7 truth, to follow-up, to tell you things that
8 they might know about, so you can develop this.
9 And if there's no cooperation from your victims,
10 or anybody else, you can't figure things out.

11 And what could the victims, the Eckles, do
12 to cooperate or assist the investigation in this
13 case? Well, some seven months later Corey or
14 Lauren sent a copy of a Snapchat thing, which in
15 Snapchat it goes away as soon as you look at
16 them, this guy named Josh Smith, real good
17 friends with Corey, treats him, you know, like a
18 brother, lives up in Nashville, Tennessee. He
19 came down to read off his Snapchat that he had
20 with Justin, which started, by the way, Justin
21 didn't reach out to a stranger, as the Solicitor
22 would suggest.

23 Justin posted a story about his then 21-
24 year-old daughter who'd just been diagnosed with
25 terminal breast cancer, puts the story out

1 there, and this Josh Smith, he knew him, not
2 well, "I'm so sorry to hear about your baby
3 girl." And he starts talking about her tattoo,
4 and he says, "Hey, why don't you get our boy to
5 lay down the ink?" Did Corey put him up to
6 that? I don't know, but Josh Smith sure was
7 really quick to conveniently have another iPad
8 there, so he could take a picture of these chats
9 they were gonna have.

10 Why didn't he just do a screenshot?
11 Because if you screenshot, the person knows
12 you're doing a screenshot. So Josh Smith is
13 trying to bait. Yeah, he says, you know, he's
14 not lying, he's telling the truth, Corey got
15 hurt, he was f'ing my wife. And then this Josh
16 Smith who knows both of them, and has heard both
17 sides of the story, and he was acting in self-
18 defense, he goes, "I'm with you, I would have
19 done the same thing." And he knows both sides
20 of the story, he's good friends with Corey.

21 So I'm not sure why that was even brought
22 into evidence. I'm glad it was, because it
23 helped us, and it helps you understand it. So
24 they brought Josh Smith all the way from
25 Nashville, Tennessee, they brought Corey and

1 Lauren from Tennessee, and they were here
2 Tuesday, one of them testified. And then what?
3 I've been looking for them all week, all week.
4 Is this not important to them?

5 They've been here all week, had to testify.
6 Then they brought Dan Duhamel down from Maine.
7 Literally, the prosecutor's office pays for
8 these people, pays for the lodging, gas,
9 whatever. So they bring Dan Duhamel down from
10 Maine, who doesn't work anymore, to just say he
11 was a witness at the scene.

12 They bring Josh Smith down from Nashville
13 for some reason, to talk about the Snapchat,
14 they bring Lauren and Corey down, and they're
15 gonna say, well, you know, we did the best we
16 can, we know there's some missing pieces. But
17 they bring down -- they don't call Sally Granet,
18 who's sitting right over there, they don't call
19 her as a witness. They don't call Jeremiah
20 Fraser, who's the other one who wasn't there.
21 They don't call Chris Bliss, who's living on
22 Justin's property.

23 They don't call those missing pieces, the
24 missing piece of the puzzle, the reasonable
25 doubt, and why don't they? Because they don't

1 want you to hear it. They're hiding it from
2 you, they don't want you to hear that. And so,
3 yeah, you know, you've missed a bunch of pieces
4 of the puzzle, but if you take them and you put
5 them in your pocket, and say, "I lost these
6 pieces of the puzzle, but you can still see the
7 picture," that doesn't cut it. That flat out
8 doesn't cut it.

9 Now, let's get back to the lead
10 investigator, whoever it might be, I never heard
11 who it is. Not only do they get it early and
12 assimilate and just kind of put everything
13 together, put the puzzle together for you, they
14 come with Corey. And they say to the jury,
15 here's the puzzle, here's the complete puzzle.
16 I've gotten all these pieces together, I'm gonna
17 help you understand. I didn't do it all myself,
18 but I brought it together, I brought it
19 together. And they, you know, they can ask him
20 whatever questions they want. They can try to
21 fill things in or explain things. Who's the
22 lead investigator? I'm not sure.

23 I know that Investigator Snider, on the far
24 right, has been sitting there all week and
25 hasn't said a word, hasn't been called as a

1 witness. That should really really bother you.
2 Again, I don't know, I can only assume. So do
3 the process, let's get lead investigator. If
4 there's any questions, the lead investigator is
5 kind of the head honcho, the buck stops here.

6 The Solicitor hasn't provided you that,
7 hasn't provided that person on the stand to
8 testify in her duty to present proof beyond a
9 reasonable doubt, she hasn't done that. Because
10 her duty is to produce all the pieces of the
11 puzzle, she hasn't done that, and we don't know
12 why. Well, what she has done, and then, again,
13 about your lead investigator, I can only
14 speculate, I don't know, but it doesn't seem
15 that law enforcement is too fired up about this
16 case, not too fired up about Justin Granet on
17 trial. That right there is a problem, that is
18 reasonable doubt. Lauren and Corey sure as heck
19 aren't worried about this, they're gone, they're
20 out of here.

21 So the victims don't care, law enforcement,
22 apparently, doesn't care, in my opinion, so that
23 goes to that prosecutor's office. I think they
24 care, they brought the case, they put him on
25 trial for some very, very serious charges. They

1 put his family back there listening to stuff
2 about affairs and cheating and abuse in the
3 family, I mean that's tough stuff.

4 And I think the prosecutor does care,
5 simply because when something doesn't go her way
6 in this case, or something can't be explained,
7 she either ignores it, like the DNA stuff. She
8 went through all those things and had that DNA
9 guy say, "Hey, well, the butt of the gun, now it
10 matched Corey and it matched Lauren and it
11 matched Chris Bliss, you know, 84 quadrillion
12 billion to one," or whatever it was.

13 She went through every single one of those,
14 match, match, match, match, match, flashlight,
15 match with Corey. And then she said a number of
16 questions, and I told you sometimes what you
17 don't see and don't hear is more important than
18 what you see or what you hear, and so what did I
19 have to do afterwards?

20 Mr. French, I want you to keep thinking, we
21 need to keep reading a little bit on those
22 things. Yeah, it says there's a match on the
23 butt of the .38 to Corey, Lauren and Chris, and
24 she said she doesn't even know. She may be
25 questioning the DNA. But whose isn't on there?

1 Justin Granet. Even though Corey came up with a
2 new story about he is on the ground, and he is
3 getting a gun jammed in his mouth, but there's
4 none of Justin Granet's DNA on either one of the
5 guns. And you would not have heard that, if we
6 hadn't brought that up.

7 They want you to ignore that. So the first
8 thing, they get you to ignore things, but they
9 don't give you the whole story. We've got to
10 tell you the whole story. Well, okay, there's
11 some things. They're gonna minimize it. Well,
12 you know, I can't tell you why after savagely
13 beating Corey with a flashlight, Corey got hurt,
14 that there's no DNA on the entire flashlight.
15 The guy swabbed the whole thing. It doesn't
16 matter, no big deal. She ignores it, she
17 excuses it, she minimizes it.

18 How about this one, in closing, Corey and
19 Lauren have a checkered past. A checkered past,
20 they've been in prison. Lauren was running from
21 the law for three years. Corey's using a name
22 that isn't even his in a tattoo parlor, Corey
23 McKenzie, remember that? Corey's in prison
24 reading the Art of Seduction, they all -- they
25 both have all kinds of convictions, and they

1 have a checkered past. It's checkered, but, you
2 know, believe what they're saying here today,
3 even though they brought stuff up that had never
4 been brought up before. Maybe they forgot.

5 Oh and then Corey looked at some pictures a
6 couple days ago, and it kind of made things
7 start coming back that he had never told law
8 enforcement before. I said, "How did you all
9 those pictures? Did you meet with the
10 prosecutor?" He goes, "No, they came from my
11 lawyer in my lawsuit." This civil lawsuit,
12 Corey's trying to sue, I guess, Justin. How'd
13 that work out Corey? If you had won that
14 lawsuit, I bet we would have heard about it,
15 don't know.

16 So ignore things, excuse things, minimize
17 things, leave things out. And then when all
18 else fails, just like Lauren and Corey did, the
19 prosecution starts giving their personal opinion
20 about things. I think it doesn't, you know, I
21 think that probably it doesn't matter if they
22 believe it, it matters what the facts are.
23 Because you can't change the facts.

24 Everybody's got an opinion, plenty of
25 opinions, but their opinions are not evidence,

1 and their opinions are not binding on you, her
2 opinions are not found or somehow magical, well,
3 I can't really prove it with anything, so I'm
4 going to just stay with my opinions, minimize
5 things. If you remember, after the State rested
6 their case and presented the evidence that they
7 put in, they rested their case. And then we put
8 Justin up, he really didn't have to, he
9 absolutely doesn't have to talk at all.

10 Because Justin had never been specifically
11 asked to take me from moment one all the way
12 through, tell me how it started. I don't want
13 to hear about Zane Croft. And by the way,
14 speaking of the investigation, Zane Croft's an
15 important name, a unique name, a guy that would
16 be easy to find, particularly, if he's Corey's
17 roommate. Maybe he moved, maybe he's still got
18 his cell phone number.

19 Not a single person talked to Zane Croft.
20 The person that Sally is alleged to have an
21 affair right under Corey's nose, because he felt
22 responsible for it, and that, you know, if he
23 didn't -- even with his checkered past, he still
24 wants to let his buddy know about this affair,
25 and he wants Sally to tell him, so that he

1 doesn't have to. That is not -- and four years
2 to do it, Zane Croft, nobody talked to Zane
3 Croft, let's figure out what might or might not
4 have happened.

5 Maybe the Solicitor will have more puzzle
6 pieces. Maybe she won't have to give you her
7 opinion about affairs, supposed affair, blah,
8 blah, blah. Not a single person came in here
9 and said anything about Zane Croft. Nobody
10 investigated, nobody talked to him. That's the
11 kind of stuff that you need, that you deserve,
12 that you've got to have before you get to
13 reasonable doubt.

14 It's the corner piece, and you kind of know
15 what that tree looks like, but there's a
16 squirrel in that piece. For example, I don't
17 know, but there's just tons and tons and tons of
18 pieces. And you-all remember a lot more than I
19 will. Let's talk about proof beyond a
20 reasonable doubt. We talked about it a little
21 bit, how high the standard is, and that the
22 consequences are so good, it's got to be that
23 high. There's plenty of reasons for you to
24 hesitate to act, there's plenty of reasons for
25 you not to be firmly convinced, but I think the

1 way to -- back up, the reason that it's like
2 that for the State, you've got to give it to us
3 and give us everything, every piece of the
4 puzzle, because before we do anything bad to
5 somebody, you've got to prove it to everybody's
6 satisfaction, beyond a reasonable doubt.

7 And the reason it's like that is simple,
8 it's very hard to prove that, and to suggest
9 that a defendant must prove his innocence, isn't
10 fair, never could be. Suppose that it's illegal
11 to travel to San Francisco, California, I mean
12 I'm making that up, and you've been charged with
13 you illegally went to San Francisco, California.
14 Now, you could prove that you were there, the
15 State could prove that you were there. They
16 could take a picture of you at the Golden Gate
17 Bridge, they could get a credit card receipt
18 from the San Francisco McDonald's that has your
19 name on it, and you'd be convinced that that
20 person had been to San Francisco, but what could
21 you do? What could you ever do that you've
22 never been to San Francisco? Nothing, because
23 you can't prove a negative.

24 The State has to prove everything, and
25 that's why it's set up like that. And so really

1 I mean anything that we've presented, cross-
2 examined witnesses, we didn't have to do any of
3 it. And we certainly don't have to, excuse me,
4 prove, the proof part is on the State, we're
5 just giving you all the facts, the ones you need
6 to know, the ones that they can't ignore, the
7 ones they shouldn't ignore. And I think that
8 the whole question on reasonable doubt, in this
9 whole case we've heard all kinds of little off-
10 shoots of stuff, isn't it true that this entire
11 case has one central figure in it?

12 And everything comes back to Corey Eckles,
13 and Lauren Eckles to an extent, but everything
14 comes back to those two. And so an easy way to
15 decide there's plenty of reasonable doubt is to
16 say Corey Eckles is the key. Corey Eckles must
17 be believed. And we heard -- we'll talk a
18 little bit more about all the stuff he said. I
19 mean different name, burner phone, running from
20 the law, all kinds of convictions, remembering
21 stuff at the last minute, everything. Coming
22 in, go, leaving, won't even stick around. Ask
23 yourself this, we know the credibility of the
24 witness, and whether you would hesitate to act
25 and believing -- necessarily believing Corey

1 Eckles and Lauren Eckles.

2 I will submit to you do this, those two
3 knock on your door tomorrow, knowing what you
4 know about them, say, hey, remember they're from
5 the trial? I've got this great investment
6 opportunity, if you give me some money, you-all
7 get this great amount of return, whatever it
8 might be, what do you think? You wouldn't give
9 them one red cent. Why? Because you're
10 hesitating to act, because you don't believe
11 them, because there's reasonable doubt, okay?
12 Well, how about this, hey, I need a babysitter
13 for my kid.

14 Hey, well, there were these two -- this
15 young couple from Tennessee that was here this
16 week, I think they do a little babysitting. The
17 same thing, you're hesitating to act when making
18 one of life's important decisions, such as this
19 case. How about if your car broke down when you
20 were leaving last night, and they come running
21 up, and say, "Hey, we'll be glad to give you a
22 ride." Would you hesitate to act to get in that
23 car with them, of course you would. And if you
24 hesitate to act on those things, you certainly
25 have to hesitate to act to buy their story, to

1 believe them, and to come back with a verdict of
2 guilty.

3 Or maybe you want to set your friend up on
4 a blind date, hey, this guy named Corey is kind
5 of into tattoos and stuff, met him at the
6 courthouse, you gonna sent your friend up on a
7 blind date? Of course not, you hesitate to act,
8 nobody would do that. All right, so let's talk
9 about -- and one other thing about Corey, Corey
10 got on the stand and the first thing I said was,
11 "Do you agree with everything Lauren just said?"
12 "Yup."

13 Come on, Lauren talked about the, you know,
14 we found out they were all looking at the phone
15 and an iPad together and stuff like that, and
16 everybody's looking at the phone, and then later
17 on she said, "Well, Chris Bliss held me at
18 gunpoint, said give me your phone and I told him
19 it wasn't -- it was in the car, and here's my
20 keys, if you want proof," or whatever. I said,
21 "Well, wait a minute, you had already -- he had
22 already looked at your phone earlier," and so
23 what'd she do?

24 She's doing the same thing we're hearing
25 over here; she starts making an excuse, "Oh,

1 well, he was so hyped up on adrenaline that he
2 forgot that I had my phone." She talked about
3 it being under her long coat and stuff like
4 that. That's just one of many, many examples.
5 If you get caught, start minimizing, ignoring,
6 explaining, giving a personal opinion about
7 something. That's not proof, that's certainly
8 not proof beyond a reasonable doubt at all.

9 So let's talk real quick about self-
10 defense, defensive habitation. And,
11 essentially, the easiest way to say it is, a
12 man's home is his castle. You can defend
13 yourself, but you can't bring about the
14 difficulty. You can't start it and say, "Oh,
15 you know," you can't go punch somebody, they
16 punch you back, and then you beat them up and
17 say, "Well, it was self-defense."

18 The only reliable testimony, the only thing
19 that makes sense is what you heard from Justin.
20 When Corey was there, I don't know why he was
21 there, only Corey will know that. It was one of
22 his scams, and we know it's one of his scams,
23 because when it was all over, "I got you."
24 Justin clearly testified he said, "Sally told me
25 everything," and he said it, and Chris Bliss and

1 Lauren were close by, and he said that something
2 snapped.

3 And the only thing you might be able to
4 believe from Lauren Eckles' testimony is,
5 somebody snapped. She was suggesting it was
6 Justin, Corey snapped. When he heard that, he
7 turned around and went after Justin, but
8 Justin's in his house. He didn't strike the
9 first blow. He said he was scared of being
10 hurt.

11 We know he weighed 250 back then, Corey
12 did, and it was on at that point. But he's in
13 his house, he's reacting to being grabbed and
14 pushed, that's when he puts him in the
15 chokehold. Their response is, "Well, he hadn't
16 said anything like for four years." Did you ask
17 him? He'd been more than happy to talk to you-
18 all anytime you want to. Nope, you-all made
19 your decision to arrest, and then, oh, we're not
20 gonna look at that, because that might mess up
21 our little theory, and that's where the square
22 peg in the round hole.

23 Law enforcement made mistakes.
24 Inconvenient truths, facts get in the way, yeah,
25 if nothing else, let's see who to believe on

1 everything. Because if it's self-defense, it's
2 defensive habitation, there's also going to be
3 something called defense of necessity. Simply
4 saying it was a bad situation, couldn't do
5 anything else but to get in a fight, bear
6 hugging, whatever the case may be.

7 And then you also heard, not only that, is
8 during the fight, during the wrestling match,
9 whatever you want to call it, initially, Corey
10 then got the upper hand, and has got Justin like
11 that around the neck. But for Chris Bliss
12 coming in and hitting Corey with that
13 flashlight, or whatever, we wouldn't be here.
14 Justin literally wouldn't be here. We certainly
15 wouldn't be here in court being charged with
16 assault and battery first and kidnapping. So
17 let's decide Corey or Justin, from what you've
18 heard. And what I'm going to do, because I know
19 that he's not here anymore, but when I point
20 that way it's gonna be Corey, if I point that
21 way, it's gonna be to Justin, okay?

22 A family man, con man. Trusted friend,
23 friend who can't be trusted. Love his kids,
24 they're back there, doesn't even know all his
25 kids. How many kids do you have? How many kids

1 do you have, they asked him that. Several.
2 Then I ask, "How many kids do you have?"
3 "Several." Then I say, "How many you got?"
4 "Nine." I said, "Are you sure about that? How
5 many moms?" "Nine." Maybe he had to get back
6 to Tennessee to, you know, spend Valentine's Day
7 with his nine kids. I doubt it.

8 I seriously doubt it. Steady, shady. One
9 of the other things that Corey said was that he
10 and Sally were just friends, liked to hang out.
11 Do you know anyone, in your experience, do you
12 know anybody in their 30s and 40s, who's married
13 or with significant others, and the male and the
14 female hang out literally nine hours away.
15 Corey said they just wanted -- they were just
16 hanging out. He did not have an affair. The
17 Solicitor told you there was an affair. The
18 Solicitor doesn't even believe Corey Eckles.
19 And when he said -- when Sally goes up to hang
20 out, who do you think's watching the kids?
21 Meanwhile Corey's hanging out with Sally.
22 Believable, not believable.

23 Loves his family and his family loves him,
24 loves himself. Naive, manipulative. Blinded by
25 love, blinded by self-interest. Now, again, I'm

1 not trying to come across as being heartless, or
2 anything like that, but this is a big deal, and
3 I don't think I've said anything unfair about
4 Corey or Lauren or anybody else; and if I have,
5 if you think I've gone too far, please don't
6 hold it against Justin. He doesn't deserve it,
7 it's not fair. He's worried about his future,
8 he's worried about his family's future, and we
9 need your help.

10 So if I've said anything or done anything
11 or want to hold me to it, or something like
12 that, please don't hold it against Justin,
13 that's on me, but you know what? We're in
14 court, we've got to keep it real.

15 In everyday conversation you don't hear
16 somebody speak into a microphone using the F
17 word, talking about this kind of stuff, but you
18 do hear, because this is life, and this is real,
19 and this is important, and it's the most
20 important day in Justin Granet and his family's
21 life.

22 So I told you at the beginning we're
23 getting ready to turn him over to you-all,
24 Justin and his family, and the Judge -- she'll
25 talk to you again, but whatever I said about the

1 prosecutor and law enforcement that you think
2 too much, that's on me, but I'm doing the best I
3 can. I'm gonna ask you-all after Solicitor Kidd
4 speaks again, after the Judge reads you the law,
5 it's called a charge, he's gonna send you back
6 to your room with what's called a verdict form.
7 It looks like this. And the Forelady is gonna
8 take this and you-all are gonna talk about this.
9 And hopefully you-all talk about all the
10 reasonable doubt, about doing the right thing.
11 And the first question is, "We, the jury, in the
12 above-captioned case on the charge of assault
13 and battery first degree of Corey Eckles, find
14 the Defendant either not guilty or guilty."

15 Obviously, you should check not guilty.
16 Enough reason for that. Reasonable doubt, tons
17 of it, if you find reasonable doubt, it's done.
18 If you find self-defense, coupled with the
19 defense of habitation, not guilty.

20 If you find that the defense of necessity
21 applies, then it's not guilty, okay? Then you
22 go down to the second one which is the
23 kidnapping of Lauren Eckles, not guilty or
24 guilty. Reasonable doubt, not guilty. And the
25 other thing to talk about that too is self-

1 defense and defensive habitation come into the
2 Lauren kidnapping charge too. Because those two
3 charges, and it makes sense is, if you're
4 defending yourself against Lauren Eckles'
5 husband, self-defense in your own home.

6 And part of what you have to do, even if
7 you killed a guy, but you don't, part of what
8 you have to do under the circumstances, is try
9 to restrain someone, and he's fighting and doing
10 -- and kicking and screaming like that, if part
11 of what you have to do is restrain and get the
12 situation under control, that's part of the
13 self-defense, and you're entitled to do that.

14 The other important part of that is were
15 there any testimony about Justin Granet doing
16 anything to Lauren Eckles? And I don't want to
17 get into whether Chris Bliss was riding Justin's
18 coattails, as far as coattails, as far as that,
19 but the only testimony you heard was Chris
20 Bliss. How much you believe?

21 I don't know, she did have duct tape around
22 her face. I do know that Justin's prints
23 weren't on anything -- anywhere on that duct
24 tape, and that would be pretty good for a DNA
25 match. That would be a pretty thing. I mean

1 you've got sticky slick tape on one side, that'd
2 be a good place to find some DNA, wouldn't it?
3 He didn't do none of that though. Well, maybe
4 he pointed a gun at him.

5 No, sorry, not only is Justin's DNA not on
6 those guns, but Lauren's is, so nothing --
7 Justin did nothing to restrain or -- they're
8 gonna get into the minutia of the language I
9 think, and say, "Well, you know, she couldn't
10 really leave," so that is part of what happened,
11 and the reason it happened is because Corey
12 Eckles and Justin was not responsible legally
13 for everything else that happened, whether it's
14 a kidnapping of Lauren, or if it's a kidnapping
15 of Corey Eckles, who will not remain under
16 control, who will not stop, had just gotten on
17 top of Justin, strangling him. So there's lots
18 of reasons.

19 All of those defenses apply, and you only
20 need one, no reasonable doubt, self-defense,
21 defensive habitation, defense of necessity for
22 all of them. And then if you find him not
23 guilty, not guilty, not guilty, you don't even
24 go to four, because fourth is possession of a
25 weapon. You've got to show that somebody

1 possessed a weapon, which he didn't, because of
2 the inconvenient facts of DNA.

3 So you don't even get to that one, because
4 there's no kidnapping, you've find him not
5 guilty. So like I said in the beginning, it's a
6 big day, this is serious. The State is missing
7 all kinds of pieces of the puzzle. They've
8 attempted to convince you that you don't really
9 need that, because you can see the picture,
10 which is the picture they painted, which is
11 based upon conjecture, personal opinion, leaving
12 things out, guessing, could have, should have,
13 would have.

14 Well, guess what? None of those words are
15 consistent with reasonable doubt at all, none of
16 them. And, listen, there's no doubt, because
17 she showed it to you herself, there's no doubt
18 that Corey Eckles suffered a head injury.
19 Nobody is disputing that at all. Nobody's glad
20 about that, nobody I don't think doesn't feel no
21 sympathy for him, we all do.

22 He got injured. The key though is to not
23 let that sympathy blind you. And I'm getting
24 ready to turn to Justin and his family over to
25 you, and ask you to do the right thing, just

1 what we talked about in closing, and I would
2 remind you, because it is the last day, Martin
3 Luther King one time said, "Time is always right
4 to do what is right."

5 Now the time is to do what is right and to
6 send Justin home to his family. Thank you.

7 THE COURT: All right, thank you.

8 Ladies and gentlemen, the Solicitor has an
9 opportunity to provide a brief rebuttal, and,
10 thereafter, I will provide to you my charges.
11 We've been here about two hours, so I'm gonna
12 send you back to your jury room, we're gonna
13 take a mid-morning break, and I'd ask that you
14 do not talk about the case. We'll get you back
15 in here in a few moments, okay? So we'll
16 probably take about ten or 15 minutes. Thank
17 you very much. Please don't talk about the
18 case.

19 (Jury exits the courtroom.)

20 THE COURT: All right, anything from the
21 State before we break?

22 MS. KIDD: Nothing from the State, Your
23 Honor.

24 MR. LEE: No, sir.

25 THE COURT: Mr. Lee?

1 MR. LEE: No, sir.

2 THE COURT: All right, then we'll be back
3 at noon. Thank you.

4 (Recess.)

5 BAILIFF: Your Honor, the jury's entering
6 the courtroom.

7 (Jury entering the courtroom.)

8 THE COURT: All right, thank you. All
9 right.

10 BAILIFF: The jury's seated, sir.

11 THE COURT: All right, folks, I want to let
12 you know that the Solicitor is about ready to
13 make a few more remarks to you, and then I'm
14 gonna read you the charge under the law.

15 The good news is, I talked to the Clerk of
16 Court, she is providing lunch today. We've got
17 the surf and turf coming, I've got plenty of
18 medium, rare, well done -- no, I'm joking. I
19 saw some of you. No, I'm not sure what it will
20 be, but that's gonna be coming so that,
21 basically, you-all won't have to leave and you-
22 all can have a working lunch, or however you-all
23 want to do that, but that lunch is gonna be
24 provided back there probably about the time that
25 we finish here, or shortly thereafter.

So I thank you for your attention to this matter, and to direct that to the Solicitor. Solicitor, you can proceed.

* * *

FINAL CLOSING ARGUMENT BY MS. KIDD

MS. KIDD: Thank you, Your Honor. This is a big deal, this is serious. It's a big day for the Defendant, but March 11th, 2019 was a big day for these victims, because it's the day that Corey Eckles almost lost his life, and Lauren Eckles almost lost her husband.

No, they're not here, they went home. They went home to Tennessee. They left their one-year-old child at home in Tennessee, they left their jobs, they left their lives. They came down here and testified and told you what happened. They are victims. They have been traumatized. Justin Granet has put them through enough. They don't need to sit here for another week of their lives and have that taken from them. The defense is kind of twisting my words there a bit about the puzzle.

You do not have all pieces of the puzzle,
because you were not there, not because we
haven't provided them to you, because we can't

1 provide them to you, because I was also not
2 there. To have all of the pieces of the puzzle,
3 and for there to be a requirement that there be
4 all pieces of the puzzle, that would be
5 considered beyond all doubt, and that is very
6 specifically not the standard. The standard is
7 beyond a reasonable doubt, which means firmly
8 convinced, which means that you can look at that
9 puzzle, and you can see that picture, and it
10 matches up pretty closely to what's on the box.

11 That night it was very chaotic. The pieces
12 that he's claiming were missing aren't even
13 pieces that belong to this puzzle. They belong
14 to another puzzle that's not finished yet. The
15 affair between Zane and Sally, Corey, Sally, it
16 is not law enforcement's job to investigate
17 someone's marriage. It's their job to
18 investigate whether or not a crime occurred, and
19 that is what law enforcement did in this case.

20 So there is no reasonable doubt, and the
21 standard that the defense is painting is too
22 high, and possibly lying, and the standard that
23 we can never reach, and that we never have to
24 reach. He also mentioned that you are allowed
25 to judge people by their words and their

1 actions.

2 You're allowed to consider bias,
3 credibility. Lauren and Corey owned up to their
4 past, but their stories are not stories, they're
5 accounts of what happened, not only lined up
6 with all of the other evidence, lined up with
7 Justin Granet's initial statement, they just
8 make sense. The Defendant's story doesn't make
9 sense. He's trying to take the evidence that we
10 have and make it fit for him.

11 And speaking of bias, incentive to lie, the
12 only person who testified this week, who has any
13 incentive to lie, is Justin Granet. And you can
14 see that DNA doesn't lie, no, it doesn't. DNA
15 is scientific, in fact, you're right, but we
16 heard testimony from Tim French that there are
17 alternate explanations why DNA might not be
18 found, and you can consider this. You've also
19 heard testimony yesterday, not in the initial
20 statement, but the last thing that Justin Granet
21 heard when he was walking by Corey Eckles is, "I
22 got you. I got you." Do you think that this
23 man is thinking about having won in that moment?
24 Do you think this man was even able to say, "I
25 got you," because when law enforcement got

1 there, he was gasping, aspirating blood, puking,
2 begging for water, barely croaked out who had
3 done this to him.

4 The defense is also claiming that this is
5 what Corey wanted, this is part of his plan, to
6 get Justin. He wanted to be beaten within an
7 inch of his life, or he wanted to beat himself
8 up within an inch of his life, whatever the
9 story is now? That does not make sense. How
10 does that make sense? How is this winning?
11 There are no winners in this case because this
12 was not a game, this was a premediated attack,
13 fueled by the desire to win at all costs. This
14 was not self-defense, this was the plan, and it
15 wasn't Corey's plan.

16 Corey walked into that having no idea what
17 to expect, this was Justin's plan, this was the
18 Defendant's plan. The defense also makes a big
19 to about the fact that April 30th, there was no
20 lead investigator assigned to this case, but
21 let's remember this happened on March 11th. So
22 from March 11th until April 30th, there was a
23 lead investigator.

24 Let's also remember at this point charges
25 have already been brought. It's time to start

1 prosecuting with the lead investigator. It's a
2 group effort, with the lead investigator
3 assigned, but if some information had come in,
4 that would have been taken down, that would have
5 been important, that would have made its way to
6 the prosecutor.

7 And all of these extra pieces of evidence
8 that, apparently, law enforcement didn't go get,
9 or doesn't have, or is hiding from you, or
10 downplaying, those are details that have nothing
11 to do with this crime. Those are unnecessary
12 dramatics. This is a dramatic case, there's a
13 lot going on here. It's easily -- you're easily
14 able to get distracted, and that's what the
15 defense wants. That's what the defense wants.
16 He wants to bring in all the silicious details
17 about affairs, and prior shadiness. That has
18 nothing to do with whether a kidnapping or an
19 assault occurred that evening, that's just
20 noise, and that is not the piece of puzzle that
21 you need, in order to make your determination.

22 He also makes references to certain
23 witnesses that you haven't heard from, namely,
24 the co-defendant Chris Bliss. The defense has
25 made a -- he continues to talk about the fact

1 that his client has the right to remain silent,
2 and does not have to speak, did not have to
3 testify. Chris Bliss has that same right. And
4 what's Sally Granet gonna say? It's her
5 husband, she's here to support him. And you
6 don't need to hear her testimony anyway, because
7 she wasn't there.

8 Only four people were there in that home,
9 and you heard three of them. Two of the their
10 stories make sense. Lauren's story makes sense,
11 Corey's story made sense. The only story that
12 did not make sense was the story the Defendant
13 gave you yesterday, the story he gave the night
14 of the incident, that made a lot more sense.

15 He also talks about Josh Smith, admitting
16 that he would have done the same thing. Okay,
17 but Josh Smith also acknowledges that, "I still
18 can't believe it, I would have done the same
19 thing, if not worse, I would probably be in
20 prison." Josh Smith indicates that even if he
21 had done it, he is aware that what he would have
22 done -- what Justin Granet did. All the
23 Defendant has tried to do, since law enforcement
24 busted through his door, was justify his
25 actions.

1 He begins justifying them, by talking about
2 how shady and how awful and how hurt he is, and
3 how bad people -- these victims are. You don't
4 have to let them in your house, you don't have
5 to let them in your car, you don't have to be
6 friends with them, but whatever you may think
7 about them, they did not deserve this. He does
8 not have the moral high ground, such that he
9 gets to make decisions about what is right and
10 wrong. There is law enforcement today, no, I
11 didn't put up every single officer that worked
12 this case, that would have been cumulative,
13 unnecessary, and a waste of your time.

14 But you got the entire picture through the
15 witnesses that I presented. You heard
16 everything you need to hear, to have all the
17 tools, all the information, to find this
18 Defendant guilty beyond a reasonable doubt. And
19 as far as law enforcement not being here, law
20 enforcement what are they going to do? Sit in
21 here and not be out in the community, protecting
22 us all? They have jobs, everyone has jobs.
23 They can't put their life on hold for this case.

24 And as far as Corey perhaps not remembering
25 things at certain points, Corey has brain

1 damage. Corey almost died. Corey had skull
2 fractures and brain bleeding. He testified that
3 he has memory issues, of course he does. The
4 Defendant says that Corey is the key to this,
5 and Corey is part of this. Corey is a victim,
6 Corey is there.

7 No, the key to this case is Lauren. Lauren
8 had a front row seat to everything that
9 happened. Lauren is the one who called 911.
10 Lauren is the one who watched as her husband was
11 assaulted. Lauren was put in a chair, bound and
12 tied, and then had to hide in a hallway at
13 gunpoint, unable to do anything, to help or help
14 her almost unconscious severely injured husband.
15 A lot of comparison was made between Justin and
16 Corey. Justin is this great guy and Corey is
17 this scumbag. And believe that, I'm not asking
18 you to believe otherwise, but I am asking you to
19 find that his actions are not justified just
20 because Corey's a little rough around the edges.
21 That's not how our justice system works.

22 We don't apply the rules to lady justice.
23 There are no winners here. This is not a game.
24 This is a crime, and the Defendant, Justin
25 Granet, is guilty of kidnapping Corel Eckles,

1 kidnapping Lauren Eckles, assaulting Corey
2 Eckles, and did it while possessing a firearm.
3 And after considering everything, and when you
4 go back to that jury room, and after you get the
5 Judge's charge on the law, I'll remind you this
6 is not self-defense.

7 We went through this already. If one prong
8 fails, the defense fails. A defendant must not
9 be -- or must be without fault in bringing on
10 the difficulty. You heard from Justin Granet
11 himself on the interview tape, he grabbed Corey,
12 and choke hold him to the ground. Corey did not
13 throw the first punch.

14 He says he did not. None of the
15 evidentiary testimony suggests that. The
16 Defendant must have believed he was in danger.
17 He was armed, he had backup, he preplanned this,
18 he had martial arts training, and no reasonable
19 person in that situation would have feared for
20 their life, and, yes, it's his home, it's his
21 castle, but that does not mean that does not
22 allow you to attack someone in a vulnerable
23 state. This was a crime, and I ask that you
24 find this Defendant guilty on all charges, thank
25 you.

1 THE COURT: All right, thank you,
2 Solicitor.

3 ***

4 JURY CHARGE

5 All right, ladies and gentlemen, it's not
6 my duty as trial judge under the constitution of
7 this state to charge you and instruct you on
8 the applicable law. It's your duties, as
9 jurors, to accept and apply the law as I now
10 state it to you; and furthermore, it's your
11 exclusive duty to decide all issues of fact,
12 which we talked about, and to determine the
13 effect, value, and weight of the evidence.

14 Both the State and the Defendant have a
15 right to expect you-all carefully consider and
16 evaluate the evidence, and apply the law of this
17 case to it, so in the end both the State of
18 South Carolina and the Defendant will receive a
19 fair and impartial trial. I want you to
20 understand that when I refer and use the word
21 defendant, I'm referring to Mr. Justin Garner --
22 Granet.

23 Furthermore, it's important to understand
24 that the State, ladies and gentlemen, of South
25 Carolina charge this Defendant with the offense

1 known as kidnapping, two counts of kidnapping,
2 ladies and gentlemen, assault and battery first
3 degree, and possession of a weapon during the
4 commission of a violent crime.

5 For these charges, the Defendant has
6 entered a plea of not guilty. This plea of not
7 guilty places the burden of proof on the State
8 to prove guilt of the Defendant beyond a reason
9 doubt. Now, folks, I want to remind you, we
10 talked about this earlier in the week, the fact
11 the Defendant was arrested, charged, indicted in
12 this case is not evidence, and cannot be
13 considered by you as evidence of guilt in this
14 case, nor does it create any presumption or
15 inference of guilt.

16 The indictment is simply the formal written
17 instrument, which contains the charge made
18 against the Defendant. It's the formal document
19 by which this case is brought into court. Now,
20 the indictments in this case allege several
21 different offenses of the Defendant -- against
22 the Defendant, and the charges are kidnapping,
23 two counts of kidnapping, ladies and gentlemen,
24 assault and battery first degree, possession of
25 a weapon during a violent crime.

1 Now, I want you to know, folks, that each
2 indictment charges a separate and distinct
3 offense. You must decide each indictment
4 separately on the evidence and law applicable to
5 it uninfluenced by your decisions on other
6 indictments. You will be asked to write a
7 separate verdict of guilty or not guilty for
8 each indictment on a verdict form, which I will
9 explain in the charge, and I'll go over that
10 with you-all, and I'll step down and go over the
11 verdict form with you.

12 Now, during the trial, ladies and
13 gentlemen, you and I have had separate to
14 perform. As trial judge, it's my responsibility
15 to preside over the trial, and I also have the
16 duty to rule upon the admissibility of the
17 evidence offered during the course of the
18 process. In that regard, you are to consider
19 only the competent evidence before you. You are
20 to disregard from your mind any testimony
21 ordered stricken from the record, and you are to
22 consider only the testimony which has been
23 presented from the witness stand, together with
24 any exhibits which were admitted into the record
25 of this case, and any stipulations that counsel

1 made into the record of this case.

2 Furthermore, ladies and gentlemen, I have
3 the additional duty to charge you on the
4 applicable law of the case, and in that regard,
5 I'm the sole judge of the law of this case.
6 It's your duty to accept the law as I state it
7 to you. If you have any preconceived ideas, as
8 to what the law is, or what the law ought to be,
9 and it doesn't agree with what I tell you the
10 law is, you're obligated under the oath that you
11 took earlier this week, to abandon these
12 preconceptions, because you are sworn to accept
13 the law precisely as I state it to you.

14 Ladies and gentlemen, in this trial you're
15 the sole and exclusive judge of the facts. I'm
16 the judge of the law. And I want to make sure
17 you understand, ladies and gentlemen, do not
18 infer that I have any opinion about the facts in
19 this case, from anything that I may have said or
20 done during the course of the trial, in ruling
21 upon the admissibility of evidence, or
22 otherwise, or from anything that I may say to
23 you in this charge. In this regard the law
24 simply permit me to have an opinion about the
25 facts.

1 As jurors, it's your duty alone to
2 determine the effect, the value, the weight and
3 the evidence presented during the course of this
4 trial. In determining what facts in this case
5 are, you just judge the credibility, which
6 simply means the believability of the witnesses,
7 and the value or weight to be given their
8 testimony. You alone must decide the force and
9 effect of the testimony.

10 In making the decision there are many
11 things that you should take into consideration,
12 such as the appearance and manner of the witness
13 on the witness stand, the characteristic often
14 referred to as the demeanor of the witness. Was
15 the witness forthright or hesitant? Was the
16 witness' testimony consistent, or did it contain
17 a discrepancy? What was the ability of the
18 witness to know the facts about which he or she
19 testified to? Did the witness have cause or
20 reason to be bias and prejudiced, in favor of
21 the testimony he or she gave? And was the
22 testimony of the witness corroborated, or made
23 stronger by other testimony or evidence, or was
24 it made weaker or impeached by other such
25 evidence and testimony?

1 As jurors, please understand that you have
2 the right to believe a small portion of a
3 witness' testimony and disregard some large
4 portion or vice versa. You may believe all of a
5 witness' testimony or none.

6 You may believe the testimony of a single
7 witness against that of many witnesses, or the
8 other way around. In exercising your mental
9 processes in attempting to decide the verdict,
10 the law simply requires that you exercise your
11 good judgment, your common sense, your sense of
12 logic and reason, and your experiences in life.
13 You then apply these attributes to the evidence
14 and apply the law as I state it to you, thus
15 arrive at a verdict.

16 Now, ladies and gentlemen, as we talked
17 about earlier the rules of evidence ordinarily
18 do not permit a witness to testify to opinions
19 or conclusions. An exception to this rule
20 exists for witnesses we call expert witnesses.
21 A witness, ladies and gentlemen, who by
22 education and experience has become an expert in
23 some art, science or profession or calling, may
24 state an opinion as to relevant and material
25 matter, in which the witness claims to be an

1 expert, and may also state the reasons for the
2 opinion. You should consider expert opinion
3 received in this case like any other evidence.

4 Give it the weight you think it deserves.
5 If you decide that the opinion of an expert is
6 not based on sufficient education or experience,
7 or if you conclude that the reasons given in
8 support of the opinion are not sound, or that
9 the opinion is outweighed by other evidence you
10 may disregard it completely.

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

17 Now, folks, I want you to know this, it's
18 vital to understand that the Defendant is
19 presumed, under the law, to be innocent of these
20 charges. The Defendant has no obligation to
21 prove his innocence. It is a fundamental rule
22 of law that a defendant, irrespective of the
23 seriousness of the charges against him is always
24 presumed innocent of the crimes for which he is
25 charged, unless and until his guilt has been

1 proven by evidence that satisfies you, the jury,
2 beyond a reasonable doubt.

3 The presumption of innocence, ladies and
4 gentlemen, is not a mere legal theory or phrase.
5 The presumption of innocence is very important,
6 and you need to understand this presumption
7 accompanies the Defendant from the time of his
8 arrest, ladies and gentlemen, and appearance in
9 this court, and continues with the Defendant
10 even after you go back and retire to the jury
11 room to deliberate.

12 In other words, the Defendant receives the
13 benefit of the presumption of innocence until
14 the very end of the trial, when you, the jury,
15 will deliberate upon the evidence, and decide
16 whether the State has proven his guilt beyond a
17 reasonable doubt. Ladies and gentlemen, what's
18 a reasonable doubt? A reasonable doubt is the
19 kind -- excuse me, what is a reasonable doubt of
20 the law? A reasonable doubt is the kind of
21 doubt that would cause a reasonable person to
22 hesitate to act.

23 Proof beyond a reasonable doubt is proof
24 that leaves you firmly convinced of the
25 Defendant's guilt. There are very few things in

1 this world that we know with absolute certainty.
2 So even in criminal cases, the law does not
3 require proof that overcomes every possible
4 doubt. However, if, based on your consideration
5 of the evidence, you're firmly convinced that
6 the Defendant is guilty of the crimes charged,
7 you must find him guilty.

8 If, on the other hand, you think there is a
9 real possibility that he's not guilty, you must
10 give him the benefit of the doubt and find him
11 not guilty. Jurors, please understand that
12 reasonable doubt may arise from evidence, which
13 has been presented in the case, or from lack of
14 evidence in the case. It's your responsibility,
15 ladies and gentlemen, to determine whether or
16 not reasonable doubt exists, as to the guilt of
17 this Defendant.

18 Ladies and gentlemen, I charge you that the
19 Defendant is entitled to every reasonable doubt
20 arising in the whole case. If, upon any issues
21 of fact essential to a conviction and a verdict
22 of guilty, you have a reasonable doubt as to how
23 that issue should be resolved, it would be your
24 duty, ladies and gentlemen, to resolve that
25 reasonable doubt in favor of the Defendant.

1 Thus, in summary, it's important to understand
2 that a defendant is not required to prove his
3 innocence, instead the State is required by law
4 to prove every essential element of the offense
5 charged against the Defendant by evidence, which
6 satisfies you, ladies and gentlemen, of his
7 guilt beyond a reasonable doubt.

8 Only then can you convict the Defendant of
9 the crime guilty.

10 And I want you to know that there are two
11 types of evidence that are generally presented
12 during a trial, direct and circumstantial.
13 Direct evidence proves the existence of a fact,
14 and does not require deduction. Circumstantial
15 evidence is proof of a chain of facts and
16 circumstances, indicating the existence of a
17 fact. Crimes may be proven by circumstantial
18 evidence. The law makes no distinction between
19 the weight or the value to be given either
20 direct or circumstantial evidence. However, to
21 the extent the State relies on circumstantial
22 evidence, the circumstances must be consistent
23 with each other, and when taken together, point
24 conclusively to the guilt of the accused beyond
25 a reasonable doubt.

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

8 Now, ladies and gentlemen, I want you to
9 know that in order to establish criminal
10 liability, criminal intent is required. For
11 example, the mental state required to be proven
12 by the State for a particular crime might be
13 purpose, intent, knowledge, recklessness or
14 criminal negligence.

15 Criminal intent must be proven by the State
16 beyond a reasonable doubt. Criminal intent is
17 always a matter that must be determined by the
18 jury from the circumstances surrounding the
19 situation. There is no way to prove intent to a
20 mathematical certainty. There's no way medical
21 science can dissect a person's brain, and
22 determine what the person had in mind. So the
23 law says that criminal intent may be shown from
24 the circumstances shown to have existed. This
25 is how you make a determination of whether or

1 not the element requiring intent was present.
2 It's not necessary, ladies and gentlemen, to
3 establish intent by direct and positive
4 evidence, but intent may be established in the
5 same way as any other fact, by taking into
6 consideration the acts of the parties and all
7 the facts and circumstances of the case.
8 Criminal intent is a mental state, a conscious
9 wrongdoing.

10 It's up to you, ladies and gentlemen, to
11 determine what the Defendant intended to do,
12 based on the circumstances shown to exist.
13 Criminal intent can arise from actions or in
14 failure to act. It may arise from negligence,
15 recklessness or an indifference to duty, or to
16 consequences that is considered by law to be the
17 equivalent of criminal intent.

18 Now I want you to know an issue in the case
19 is identification of the Defendant, as a person
20 who committed the crime charged. The State has
21 the burden of proving the identity beyond a
22 reasonable doubt. You must be satisfied beyond
23 a reasonable doubt of the accuracy of the
24 identification of the Defendant, before you may
25 convict the Defendant.

1 Identification testimony is an expression
2 of belief or impression of a witness. You must
3 determine the accuracy of the identification of
4 the Defendant. You must consider the
5 believability of each identification witness in
6 the same way as any other witness. You may
7 consider whether the witness had an adequate
8 opportunity to observe the offender at the time
9 of the offense. This will be affected by things
10 like how long or short a time was available, how
11 far or close the witness was, the lighting
12 conditions, whether the witness had the chance
13 to see or know the person in the past.

14 Once again I instruct you, the burden on
15 the State extends to every element charged, and
16 this specifically includes the burden of proving
17 beyond a reasonable doubt the identify of the
18 Defendant, as the person who committed the
19 crime. If after examining the testimony you
20 have a reasonable doubt as to the accuracy of
21 the identification, you must find the Defendant
22 not guilty.

23 Now, ladies and gentlemen, the Defendant is
24 charged with assault and battery in the first
25 degree. A person commits the offense of assault

1 and battery in the first degree, if the person
2 unlawfully injures another person, and the act
3 occurred during the commission of a robbery,
4 burglary, kidnapping or theft. A person may
5 also commit the offense of assault and battery
6 in the first degree, if the person unlawfully
7 offers, or attempts to injure another person
8 with a present ability to do so, and act either
9 -- and the act is either accomplished by means
10 likely to produce death or great bodily injury,
11 or occurred during the commission of a robbery,
12 burglary, kidnapping or theft.

13 Great bodily injury means bodily injury,
14 which causes a substantial risk of death, or
15 which causes serious, permanent disfigurement,
16 or protractive loss, or impairment of the
17 function of a body member or organ.

18 The Defendant is charged with kidnapping,
19 ladies and gentlemen. The State must prove
20 beyond a reasonable doubt that the Defendant
21 knowingly and unlawfully seized, confined,
22 inveigled, kidnapped, abducted or carried away
23 another person without authority of law. To do
24 a thing unlawfully is to do it willfully,
25 against the law. Knowingly means with

1 knowledge, consciously, not accidentally.

2 Seized means to take hold of suddenly or
3 forcibly. Confined means to limit, restrict or
4 enclose within bounds, prison, or shut or keep
5 in. Inveigle means to lure, entice or lead
6 astray by false representations, promises or
7 other deceitful means.

8 Decoy means to lure by, or ask if by decoy.
9 A decoy is something to entice a person into a
10 trap. Kidnap is to remove a person against his
11 will by unlawful force or fraud. Abduct means
12 to carry off secretly or by force for an illegal
13 purpose.

14 Carry away means to remove. The State does
15 not have to prove that the Defendant did all of
16 these things, instead if you find beyond a
17 reasonable doubt that the Defendant did any of
18 these things, you may find the Defendant guilty
19 of kidnapping. Something done without authority
20 of law is something which the law does not
21 sanction, permit, allow, condone or provide
22 justification for it.

23 The kidnapping does not have to be for any
24 personal or monetary gain, or any illegal
25 purpose, but may be for any reason whatsoever.

1 Finally, ladies and gentlemen, the
2 Defendant is charged with possession of a weapon
3 during the commission of or attempt to commit a
4 violent crime. The State must prove beyond a
5 reasonable doubt the Defendant was in possession
6 of a firearm or that he displayed what appeared
7 to be a firearm during the commission of a
8 violent crime.

9 A firearm means a machine gun, automatic
10 rifle, revolver, pistol or any weapon which is
11 designed to or maybe readily converted to expel
12 a projectile. In order to find the Defendant
13 guilty of possession of a weapon during the
14 commission of a violent crime, you must first
15 find the Defendant guilty of kidnapping.

16 I further charge you, ladies and gentlemen,
17 that kidnapping is considered a violent crime.
18 The State must prove beyond a reasonable doubt
19 that the weapon further advanced or helped in
20 the commission of the crime.

21 Now, folks, I want you to know that if a
22 crime is committed by two or more people who are
23 acting together in committing a crime, the act
24 of one is the act of all.

25 A person who joins with another to commit

1 an unlawful act is criminally responsible for
2 everything done by the other person, which
3 happens as a probable or natural consequence of
4 the acts done in carrying out the common plan
5 and purpose. If two or more people are
6 together, acting together, assisting each other
7 in committing the offense, the act of one is the
8 act of all, or as it is sometimes said the hand
9 of one is the hand of all. Prior knowledge that
10 a crime is going to be committed without more,
11 is not sufficient to make a person guilty of
12 that crime.

13 Mere knowledge that another person is going
14 to commit a crime, even if the defendant is
15 present when the crime is committed, is not
16 sufficient to convict the Defendant as a
17 principle. Guilt as a principle is shown by
18 actual or constructive presence at the scene as
19 a result of prior arrangement. Therefore, the
20 finding of a prior arranged plan or common
21 scheme is necessary for a finding of guilt as a
22 principle.

23 The State must prove beyond a reasonable
24 doubt, by competent evidence, the theory of the
25 hand of one is the hand of all. A principle in

1 a crime is one who either actually commits the
2 crime, or is present or aiding, imbedding or
3 assisting in the committing of a crime. When
4 the person doesn't act in the presence of and
5 with the assistance of another, the act is done
6 by both.

7 Where two or more acting with a common plan
8 or intent are present at the commission of a
9 crime, it does not matter who actually commits
10 the crime, all are guilty, if the hand of one is
11 the hand of all. Present at the commission of a
12 crime means to be sufficiently near to aid and
13 embed and assist in the commission of the crime.
14 However, mere presence at the scene of a crime
15 is not sufficient to convict one as a principle
16 on the theory of aiding and embedding. Intent
17 is also a necessary element, for there -- excuse
18 me, intent is also a necessary element for there
19 must have been a common design or intent to
20 commit the crime, and the crime must have been
21 committed pursuant thereto with the person
22 aiding and embedding by some overt act. An
23 intent means intending the result which actually
24 occurs, not accidentally or involuntarily.
25 Intent may be shown by acts and conduct of the

1 Defendant and other circumstances, which you may
2 naturally and reasonably, ladies and gentlemen,
3 infer intent.

4 The State must prove these elements beyond
5 a reasonable doubt.

6 The Defendant has raised the defense of
7 self-defense to the assault and battery first
8 degree and connecting charges. Thus, you must
9 find the Defendant is not guilty of assault and
10 battery first degree and kidnapping, unless the
11 State proves beyond a reasonable doubt that any
12 of the following four elements of self-defense
13 did not exist in the case. The four elements
14 are, first, the Defendant must be without fault
15 in bring on the difficulty.

16 Second, the Defendant must have actually
17 believed that he was in imminent danger of
18 losing his life, or sustaining serious bodily
19 injury, or he actually was in such imminent
20 danger. Third, if his defense is based upon his
21 belief of imminent danger, a reasonably prudent
22 man of ordinary fitness and courage would have
23 entertained the same belief.

24 If the Defendant was actually in imminent
25 danger, the circumstances were such that would

1 warrant a man of ordinary prudence and firmness
2 and courage to use force, in order to save
3 himself from serious bodily harm, or losing his
4 own life.

5 And, finally, the Defendant had no other
6 probable means of avoiding the danger and losing
7 his life, or sustained serious bodily injury,
8 other than an act he did in that particular
9 circumstance.

10 A defendant is presumed to be innocent
11 until proven guilty beyond a reasonable doubt,
12 ladies and gentlemen. If you have any
13 reasonable doubt, as to whether the State has
14 shown the Defendant did not act properly in
15 self-defense, then you must find that the
16 Defendant did not act properly in self-defense,
17 and you must find the Defendant not guilty. If
18 the other requirements for the right to use
19 force in self-defense were satisfied, a
20 Defendant need not retreat, in order to avoid
21 the need for force, if it is not possible, or
22 did not reasonably appear possible.

23 To retreat without danger of being killed
24 or suffering or sustaining serious bodily
25 injury. A person has no duty to retreat in his

1 own home, ladies and gentlemen, if the party he
2 is defending himself against is a trespasser at
3 the time force is used. If a Defendant is in
4 imminent danger, or if the Defendant's belief
5 that he is imminent danger of death, or
6 receiving bodily harm is reasonable, the
7 Defendant need not wait until the actual attack
8 or the injury until force is used by the
9 assailant, before exercising the right to use
10 force in self-defense.

11 In other words, the Defendant need not wait
12 until the assailant gets the drop on, in order
13 to be entitled to use force in self-defense.
14 Additionally, once the right to use force and
15 self-defense arises, a defendant is not required
16 to wait until his adversary is on equal terms,
17 or until he has used force in order to act. In
18 determining whether Defendant acted properly in
19 self-defense, it's sufficient that he believed
20 he was in imminent danger. A defendant need not
21 actually be in such danger, because people are
22 entitled to act on appearances.

23 A defendant acts properly using force for
24 self-defense, if, under the circumstances, as
25 they appear to him, he believed that he was in

1 such danger, and a reasonably prudent person of
2 ordinary firmness and courage would in the
3 situation, and with the Defendant's
4 characteristics would have entertained the same
5 beliefs.

6 In the consideration of whether self-
7 defense is applicable to this case, you should
8 try as near as you can to put yourself in the
9 Defendant's situation at the time these matters
10 arose. You should consider the circumstances by
11 which he was surrounded and take into
12 consideration the person with whom he was
13 dealing with, and all of the facts which
14 surrounded him, as you obtained the same from
15 the testimony, and as near as you can, view the
16 situation from the Defendant's standpoint.
17 Unless the State shows that a person of
18 ordinary, reasonable, coolness and prudence
19 would not have acted as the Defendant did under
20 the circumstances that surrounded him at the
21 time the force was used, then you should find
22 the Defendant not guilty.

23 In determining whether the Defendant has a
24 right to use force, ladies and gentlemen, and
25 self-defense, the reputation of an assailant as

1 a violent person may be relevant to whether
2 there was a need for force. To whether the
3 Defendant had reason to believe there was a need
4 for force, and to whether the deadly force was
5 reasonably necessary.

6 It may also be relevant to whether the
7 Defendant could construe the assailant's actions
8 more harshly and could act more quickly. Now,
9 folks, one of the elements of self-defense is
10 that the Defendant must have actually believed
11 he was in imminent danger of losing his life, or
12 sustaining serious bodily injury, or he actually
13 was in such imminent danger.

14 In determining whether the Defendant had a
15 reasonably of such imminent danger, or whether
16 the Defendant actually was in imminent danger,
17 you may consider prior instances of violence or
18 unprovoked aggression by the assailant involved.
19 In interpreting whether the Defendant has the
20 right to use force in self-defense, the
21 assailant's appearance of impairment of such
22 alcohol or drugs may be relevant to whether
23 there was a need for force, to whether the
24 Defendant had a reason to believe that there
25 was a need for force, and to whether force was

1 reasonably necessary.

2 When a person is justified in using force,
3 he is justified in continuing to use force until
4 it is apparent that the danger to his life has
5 ceased.

6 Now, folks, the Defendant has also raised a
7 defense of habitation. Ladies and gentlemen, if
8 one is violently attacked in his home, or any
9 member of his family without retreating, he may
10 not only instantly use such force as may be
11 necessary to protect himself or his family from
12 the loss of life or serious bodily injury, or
13 against the perpetration of a felony, but he
14 may, in addition thereto, combined with such
15 force as is necessary to eject the assailant,
16 whom he may kill, if this extreme measure
17 appears unavoidable.

18 When one becomes a trespasser, the law
19 permits the owner of the home to deploy such
20 force, even to the taking the life of the
21 trespasser, as may be reasonable necessary to
22 accomplish the expulsion. Defendant's alleged
23 criminal intent may be justified and/or excused,
24 if he is acting out of necessity. The defense
25 of necessity exists if the following are

1 present.

2 First, there was -- there is a present and
3 immediate emergency arising, without the fault
4 on the Defendant's part. The emergency gives
5 rise to a well-grounded apprehension of death or
6 serious bodily injury if the criminal act is not
7 done.

8 And, third, there is no other reasonable
9 alternative to avoid the threat of harm, except
10 to commit the criminal act.

11 Now, ladies and gentlemen, I want you to
12 clearly understand that you are not partisans or
13 advocates for the State of South Carolina or for
14 the Defendant. It's your job, folks, it's your
15 duty, by your joint deliberations, to determine
16 the facts in the case, giving the Defendant the
17 benefit of every reasonable doubt on each and
18 every issue. Then to the facts which you
19 determine to be true, you should take and apply
20 the law that I just gave you, and thus arrive at
21 a verdict in this case. Thus, when you have
22 accomplished these responsibilities, folks, you
23 will have satisfied your oath as jurors, and you
24 will have discharged your duty to this Court.

25 Now, folks, once you retire to the jury

1 room, the Bailiff will give the verdict form to
2 the Foreperson. And when you, the jury, arrive
3 at your verdict as to the offenses charged in
4 this case, the Foreperson will select the
5 verdict, as to that offense, and I'm going to
6 show you that in just a minute, okay?

7 If the State fails to prove guilt of the
8 Defendant beyond a reasonable doubt, your
9 verdict's going to be not guilty. Likewise, if
10 the State's proven the guilt of the Defendant
11 beyond a reasonable doubt, your verdict will be
12 guilty. Once a decision has been made, the
13 Foreperson will check whichever choice is the
14 verdict of the jury, as to the offenses charged.
15 The verdict that you render in this case must be
16 the verdict of each and every juror.

17 It must be your unanimous verdict, ladies
18 and gentlemen. All 12 jurors must agree on the
19 verdict, which you authorize the Foreperson to
20 write for the jury. Now, ladies and gentlemen,
21 I want you to further understand that the order
22 in which I put choices on the verdict form or
23 appear on the verdict form, are not suggestive
24 of any verdict on the part of this Court.

25 The verdict in this case is to be

1 determined by you, the jury, not the Court.
2 Furthermore, ladies and gentlemen, please
3 understand that even though I will give the
4 verdict form to the Foreperson, it's not the
5 Foreperson's verdict alone, it's the verdict of
6 all 12 of you, ladies and gentlemen. And I
7 emphasize again that it must be unanimous. Now,
8 folks, you must consider the instructions I gave
9 you as a whole, and not follow some and ignore
10 others.

11 Now, I'm going to ask you to retire to the
12 jury room in just a moment, but I don't want you
13 to begin your deliberations until you are told
14 to do so. The law requires that I now consult
15 with the attorneys, to make sure I haven't left
16 anything out of these instructions. After I've
17 checked with them, the Bailiff will bring the
18 verdict form, and instruct you to begin your
19 deliberations. Also, should you have any
20 questions during the deliberations, you must put
21 them in writing, and send them to me by the
22 Bailiff.

23 The Court Bailiff's gonna be right outside
24 your jury door, okay? Your deliberation --
25 while you're deliberating, if you have a

1 questions, please do not ever -- if you do have
2 a question, I don't want you to go and write the
3 breakdown. So for instance, you know, if you're
4 back there deliberating, and three people are
5 this, and three people -- whatever it is, I
6 don't ever want to know.

7 I don't ever want you to put down what your
8 breakdown is on the form that you send out, just
9 write the question, but don't ever tell me. I
10 don't want to know what your breakdown is, okay,
11 if you have a question. All right, once you've
12 reached your verdict, you just knock on the
13 door, let the Bailiff know that you've reached a
14 verdict, and we'll have you come back into the
15 courtroom as soon as possible.

16 All right, so let me step down for one
17 moment. All right, folks, Madam Foreperson,
18 this is the jury verdict form. And so right
19 here where we're gonna start, "We, the jury, in
20 the above-captioned case on the charge of
21 assault and battery in the first degree, find
22 the Defendant," and basically what you're gonna
23 do is, you're either gonna find him not guilty
24 or guilty, okay?

25 Number two, "We, the jury, in the above-

1 captioned case on the charge of kidnapping of
2 Lauren Eckles," right here, find the Defendant -
3 - Foreperson shall check right here, not guilty,
4 guilty. "We, the jury, in the above-captioned
5 case on the charge of kidnapping Corey Eckles,
6 find the Defendant," Foreperson again shall
7 check one, guilty or not guilty. This is you-
8 all's unanimous verdict, it's just the
9 Foreperson's gonna be the one checking it.

10 Then on the second page what I have at the
11 top here in bold, "In the event you answer not
12 guilty to questions two and three, you can stop
13 your deliberations." "In the event you answer
14 guilty to question two or three, either one,
15 please continue to question four." And then
16 question four is, "We, the jury, in the above-
17 captioned case on the charge of possession of a
18 weapon during a violent crime guilty or not
19 guilty," okay?

20 So you only go here in the event that you
21 answer guilty to question two or question three,
22 all right? So this is the form that I'm going
23 to have the Bailiff bring to you in just a
24 moment. I'm going to ask that you retire to the
25 jury room. I'm going to ask that you still not

1 talk about the case, okay?

2 And let me check with the lawyers, to make
3 sure that I didn't leave anything out, or if
4 there's anything to you incorrectly, and then
5 they will bring the verdict form -- the Bailiff
6 will bring the verdict form, and the Bailiff
7 will also bring back many of the exhibits. If
8 there's anything you need, you just write and
9 let us know. Lunch -- do we know if lunch is
10 here?

11 BAILIFF: It's here, sir.

12 THE COURT: It's here. Lunch is here,
13 okay? And so what I do is, at this point, I'm
14 gonna ask you to go back to the jury room. You
15 might want to wait one minute before you dig
16 into lunch, because it's possible I'm gonna have
17 to bring you back out here.

18 So let me consult with the attorneys, and
19 if I don't have to bring you back out, the
20 Bailiff's going to bring you the form, and he
21 will tell you that you can commence your
22 deliberation.

23 Now, I'm gonna send you back right now, and
24 don't start any of your deliberation, Okay?
25 Thank you.

1 (Jury exits the courtroom.)

2 BAILIFF: The jury's cleared and the doors
3 are closed, Your Honor.

4 THE COURT: All right, any exceptions or
5 additions to the charges that I presented to the
6 jury?

7 MS. KIDD: No, Your Honor.

8 THE COURT: All right. And of course
9 you're still preserving your rights, as it
10 relates to the concerns that you raised earlier
11 about the charges.

12 What about it, Mr. Lee, as to what I --

13 MR. LEE: Just to repeat --

14 THE COURT: -- read them.

15 MR. LEE: Just to repeat, the lesser-
16 included defense objection on assault and
17 battery, and then the definition on page 23,
18 starting with C, is the definitions for
19 kidnapping, it starts with C, means to hold,
20 take hold, all the way through --

21 THE COURT: Yes, sir.

22 MR. LEE: -- page -- yes, sir.

23 THE COURT: Yes, sir, I note your
24 objection. If you don't have any objection as
25 to how I read it or what I read to them,

1 correct?

2 MR. LEE: Yes.

3 THE COURT: All right. Now, there is a
4 mistake on the jury verdict form, that's been
5 brought to my attention. Apparently, the date
6 is dated 2/16, it should be 2/17. I will take
7 that up with my Law Clerk later. I feel a
8 demerit coming on, so I'm going to have him
9 change that.

10 And can you change that and print that out?
11 And then what I'm going to do is, I'm going to
12 put the verdict form in front of -- have the
13 Clerk of Court put the verdict form right up
14 front. I want you folks to look at the verdict
15 form, agree with the change, confirm that the
16 change was made. Then I would like to talk
17 about the evidence.

18 Are you gonna send it and submit the
19 evidence, and send it back to the jurors?

20 MS. KIDD: Yes, Your Honor, we'll get --

21 THE COURT: Do you normally send the guns
22 back, or how do you do that?

23 MS. KIDD: I mean they have the safety on
24 them. Maybe it might be better to leave them
25 with the Bailiff, if they would like to see

1 them --

2 THE COURT: I think I would prefer to --

3 MS. KIDD: -- or if they'd like to see
4 them --

5 THE COURT: -- leave the guns with the
6 Bailiff.

7 MS. KIDD: Okay.

8 THE COURT: And the Bailiff can instruct
9 them that the gun's presently in his custody.
10 If they need to look at or examine the guns,
11 just let the Bailiff know. Is that
12 satisfactory, Mr. Lee?

13 MR. LEE: Yes, sir, particularly, since
14 there's ammunition going back there.

15 THE COURT: All right.

16 MR. LEE: Yes, sir.

17 THE COURT: Yeah. Now, I'm going to bring
18 the two alternates out at this point, and I
19 think -- actually, I think there's some proposed
20 laws to changing, because I think I'm under an
21 obligation to discharge the two alternates at
22 this point, in accordance with existing state
23 law.

24 MR. LEE: I'm not aware of that, but I'm
25 okay with them being excused.

1 THE COURT: All right.

2 MR. LEE: It's Friday afternoon.

3 MS. KIDD: I believe that they can be
4 excused.

5 THE COURT: All right, so I'm gonna go
6 ahead and excuse the two alternates. And so if
7 you will -- he's making the change, and if you-
8 all will gather up and agree as to what needs to
9 go back, my lawyers, I want to make sure we have
10 on the record that everybody's agreeing to what
11 goes back to the jury, please.

12 (Interruption in proceedings.)

13 THE COURT: All right, we need order,
14 please. All right, folks, thank you.

15 Thank you for your service this week. I
16 mean I hope it's been interesting. As you can
17 see we are dealing with very serious matters.
18 Unfortunately, the law only allows 12 folks to
19 go back and deliberate, and so as a result, I
20 can't allow you-all to. So what I'm going to do
21 at this point, I'm gonna excuse you, meaning
22 that you're free to go I would also tell you
23 that you can get them so lunch, can't you?

24 BALIFF: Oh, yeah, sure.

25 THE COURT: So they will provide you lunch.

1 Whatever you want to do, if you want to come
2 back in that's fine; whatever you-all want to
3 do, but I thank you so much for your services,
4 okay?

5 THE ALTERNATE JURORS: Thank you.

6 THE COURT: Hold on, let's come to order.

7 MS. KIDD: Sorry,

8 THE COURT: I'm sorry?

9 MS. KIDD: We were just discussing that
10 perhaps all physical evidence should be treated
11 the same way as the firearm, because we don't
12 want it to get tampered with, because there
13 is --

14 THE COURT: Oh he doesn't care.

15 MS. KIDD: Okay.

16 THE COURT: So what you want to do is, you
17 want to have the -- as it relates to any
18 physical evidence, you want to tell the jury
19 that the Bailiff has possession of it, and in
20 the event that there's any physical evidence
21 that they want to look at --

22 MS. KIDD: Uh-huh.

23 THE COURT: -- that they specify what it
24 is, he can bring that to them?

25 MS. KIDD: Yes.

1 THE COURT: Is that satisfactory, Mr. Lee?

2 MR. LEE: Yes, sir.

3 THE COURT: Okay, so then that's what the
4 Bailiff will instruct the jury when he goes back
5 with the other evidence and with the verdict
6 form, okay?

7 BAILIFF: A point of clarification, Your
8 Honor.

9 THE COURT: Yes, sir.

10 BAILIFF: Do your instructions include the
11 photographs?

12 MS. KIDD: No, we aren't sending the photos
13 back. That's fine, we just don't want this to
14 get --

15 THE COURT: Yes.

16 BAILIFF: Let's get the stuff that's going
17 in first, and then the rest --

18 THE COURT: We talked about the zip-ties,
19 tape --

20 BAILIFF: -- so they can get started.

21 MS. KIDD: Disks and photographs --

22 BAILIFF: Yeah.

23 MS. KIDD: -- will be sent back.

24 (OFF RECORD)

25 THE COURT: Mr. Lee, you agree that they

1 don't have to come back out, so I can tell them
2 they can start eating their lunch?

3 MR. LEE: Agreed.

4 THE COURT: All right, State? Solicitor,
5 we agree that they don't have to come back out,
6 so we can tell them to go ahead and eat lunch.

7 MS. KIDD: Perfect.

8 THE COURT: Go ahead and make sure they're
9 eating lunch. I told them not to eat lunch,
10 because I might have to bring them out.

11 BAILIFF: Yeah.

12 THE COURT: I don't have to bring them out,
13 let them eat lunch.

14 BAILIFF: Okay, that's good.

15 THE COURT: Yes, sir, but don't start
16 deliberating the case yet.

17 BAILIFF: We understand.

18 (Recess.)

19 COURT REPORTER: With the exhibits we're
20 good.

21 THE COURT: Okay, so exhibits are they
22 ready to go back? Have the exhibits gone back?

23 MR. LEE: Nothing's gone back yet.

24 MS. KIDD They are eating.

25 THE COURT: Oh okay, well, I guess what I

1 want to know is, are the exhibits that are going
2 back, do we have them? Where are they?

3 MS. KIDD: Yes.

4 THE COURT: Okay, can we -- all right, so
5 we've got an agreement on what's going back, Mr.
6 Lee?

7 MR. LEE: Yes, sir.

8 THE COURT: And we've got an agreement on
9 the verdict form?

10 MR. LEE: Yes, sir.

11 MS. KIDD: Yes.

12 THE COURT: Then fine, we can take that
13 back, and then there'd be no reason that we
14 can't tell them to begin their deliberations,
15 correct?

16 MS. KIDD: Correct.

17 MR. LEE: right.

18 THE COURT: All right, you know what to do.

19 BAILIFF: Yes, sir.

20 THE COURT: All right, we're gonna be at
21 ease for a few minutes.

22 (Court stood in recess while the jury
23 continued its deliberations.)

24

25

1 THE COURT: All right. In the State v.
2 Granet matter, I've got some questions. Mr. Lee
3 and Ms. Kidd and Ms. Molina?

4 (Reviewing juror note.)

5 THE COURT: All right, we're gonna be at
6 ease for a few minutes.

7 (Recess.)

8 BAILIFF: All rise.

9 THE COURT: All right, thank you, be
10 seated.

11 All right, I've been handed two notes from
12 the jury. The first note is, "May we see
13 floorplan to the house," dated 2/17/23, and
14 signed by Foreperson of the jury. Here is the
15 note, and I will make that a Court's exhibit, if
16 you-all want to come look at this note you can,
17 but that's the question.

18 What says the State?

19 MS. KIDD: I think that it's appropriate
20 for them to come back and look at that. I don't
21 think we need to send it back to them in
22 response to that.

23 MR. LEE: Once it's introduced into
24 evidence, they can look at it as demonstrative
25 for the purposes of the trial.

1 THE COURT: I think I agree with Mr. Lee.
2 It was not evidence, and I think at this point
3 the only thing that is appropriate for them to
4 consider is evidence.

5 So I would submit that the response to that
6 is, "No." I didn't know -- you look like you
7 had something on your mind, no?

8 MS. KIDD: No. I think that usually our
9 response is, "You have all the evidence in this
10 case."

11 THE COURT: Sure, okay, all right. So how
12 about I just put, "You have all the evidence
13 that you need to consider?"

14 What you want, Mr. Lee? I'm listening.

15 MR. LEE: I'm just a little worried about
16 the scene. It could suggest that they don't
17 need to worry about the floor plan of the house,
18 so I think you should say, "You have been
19 provided all of the evidence that was introduced
20 at trial."

21 THE COURT: right. "You have been provided
22 all of the evidence at trial." How about, "You
23 have been provided all of the evidence," well I
24 said, "all the evidence to consider," but you're
25 saying you don't like that? What --

1 MS. KIDD: You have been given all evidence
2 that was admitted at trial.

3 MR. LEE: That's good.

4 THE COURT: All right. "You have been
5 given all the evidence that has been admitted at
6 trial."

7 MS. KIDD: Thank you, Your Honor.

8 MR. LEE: Yes, sir.

9 THE COURT: All right, how about do this,
10 how about make a copy of this for me, and I'll
11 just have the original stay here, and send the
12 copy back, where I wrote that at the bottom of
13 the question.

14 Is that satisfactory to the State?

15 MS. KIDD: Yes, Your Honor.

16 THE COURT: To the defense?

17 MR. LEE: Yes, Your Honor.

18 THE COURT: All right, let's go ahead and
19 do that. All right.

20 The second note, the jury may have done
21 exactly what I told them not to do, as it
22 relates to a breakdown. I'm not sure that it's
23 a breakdown, but there are two questions, and
24 the questions are quite simple questions, and I
25 think these are questions that we can certainly

1 accommodate them on. One, definition of assault
2 and battery of the first degree. Clearly, we
3 can bring the jury back in, and I can recharge
4 them as to the definition of assault and battery
5 in first degree. Any concerns regarding that,
6 Solicitor?

7 MS. KIDD: No, I believe that's what we
8 agreed upon previously --

9 THE COURT: Yeah.

10 MS. KIDD: -- yes.

11 THE COURT: All right. The second question
12 says, "And definition to kidnapping charges."
13 And, of course, I think that we can re-read the
14 kidnapping charge to them.

15 Any objection to that, Solicitor?

16 MS. KIDD: No objection, Your Honor.

17 THE COURT: Mr. Lee?

18 MR. LEE: No, sir.

19 THE COURT: And that would seem
20 appropriate.

21 Now, what I will tell you is, that -- I'm
22 not positive that's what this is, but I'm pretty
23 sure, and I don't know that that is for either
24 the State or the defense's consideration at this
25 point. I don't think it's appropriate for the

1 State to have that information. I don't think
2 it's appropriate for the defense to have that
3 information. I don't know -- when I bring them
4 out, I will instruct them, again, to make sure
5 they do not put down any type of breakdown, as
6 it relates to whether people think -- so whether
7 it's people who are leaning one way or the other
8 right now, I don't want to know any of that.

9 I only want to know questions, but I don't
10 think it's appropriate -- and, again, I --
11 clearly, the questions they are asking are
12 below. If you-all want to come up, I'll fold
13 this over, and you-all can look at it. You
14 cannot -- I mean I'll show that you there are
15 the questions.

16 I just folded back the very top of the
17 note. Those are the two questions, but the top
18 of the note could be read to infer that they're
19 providing me with information that I told them
20 not to.

21 So what's the State's position?

22 MS. KIDD: I'm certainly not asking to see
23 that information.

24 MR. LEE: I'm okay with that Judge, I don't
25 think I can show the prejudice of you not

1 showing it to anyone. I never have come up to
2 this.

3 THE COURT: I haven't either.

4 MR. LEE: Yeah.

5 THE COURT: Okay? And that's why I walked
6 in the back, because I wanted to think for a
7 second.

8 MR. LEE: right.

9 THE COURT: I've never seen it come up.
10 I've never heard of it coming up. I thought I
11 made that abundantly clear to them, but what I'm
12 going to do is, I'm gonna hold onto this
13 document. I mean any objection to the document
14 being made a Court's -- in its entirety being
15 made a Court's exhibit?

16 I think that it should be made a Court's
17 exhibit in its entirety, but I will hold onto
18 this document, and not make it a Court's exhibit
19 until the conclusion of this case.

20 Is that satisfactory to the State?

21 MS. KIDD: Yes, that's satisfactory.

22 THE COURT: Mr. Lee?

23 MR. LEE: Yes, sir.

24 THE COURT: All right, so we're gonna hold
25 onto this document.

1 Here is the first question that we're gonna
2 make a Court's exhibit, and we're gonna take
3 that. I've got the copy that -- actually, I
4 don't even have to send this back to them. I'm
5 gonna bring them out, and I'll read them the
6 response to the first question.

7 And then I also will go and read the second
8 question, the third question, as it relates to
9 the charges, and then I will, again, make sure
10 they understand not to give us any information
11 concerning any type of breakdown, okay?

12 MR. LEE: Yes, sir.

13 THE COURT: All right, let's bring the jury
14 in here.

15 BAILIFF: Yes, Your Honor.

16 (Jury enters the courtroom.)

17 BAILIFF: The jury is seated, sir.

18 THE COURT: Thank you very much. All
19 right, Madam Foreperson and ladies and gentlemen
20 of the jury, I received two notes. One note,
21 which I believe was the first note said, "May we
22 see the floorplan of the house," that was one of
23 the notes.

24 And my response, I was gonna send this back
25 to you, but I'll just read the response. And my

1 response to that question would be, "That you
2 have been given all of the evidence that has
3 been admitted at this trial."

4 So you've been given all the evidence
5 that's been admitted, or everything that's been
6 admitted into evidence at this trial, okay?

7 Now, as it relates to what appears to be a
8 second sheet of paper that you sent to me, one
9 of the questions I believe is, I think it
10 indicates that you'd like to have the definition
11 of assault and battery first degree. You'd like
12 to hear me give you that again; is that the
13 question, Madam Forelady?

14 FOREPERSON: Yes.

15 THE COURT: Okay. And a second question
16 is, the definition to kidnapping charges. Was
17 that the question, Madam Foreperson?

18 FOREPERSON: Yes.

19 THE COURT: All right. What I can do as it
20 relates to those two matters is, I will read to
21 you my two charges, the charge on assault and
22 battery, first degree, and the charge on
23 kidnapping, okay? Give me one second.

24 All right, ladies and gentlemen, the
25 Defendant is charged with assault and battery in

1 the first degree. A person commits the offense
2 of assault and battery in the first degree, if
3 the person unlawfully injures another person,
4 and the act occurred during the commission of a
5 robbery, burglary, kidnapping or theft. A
6 person may also commit the offense of assault
7 and battery in the first degree, if the person
8 unlawfully authors or attempts to injure another
9 person with a present ability to do so, and the
10 act either is accomplished by means likely to
11 produce death or great bodily injury, or
12 occurred during the commission of a robbery,
13 burglary, kidnapping or theft.

14 Great bodily injury means bodily injury
15 which causes a substantial risk of death, or
16 which causes serious permanent disfigurement, or
17 protracted loss or impairment of the function of
18 a bodily member or organ. That is my charge on
19 assault and battery first degree.

20 Now, ladies and gentlemen, the Defendant is
21 charged with kidnapping. The State must prove
22 beyond a reasonable doubt that the Defendant
23 knowingly and unlawfully seized, confined,
24 inveigled, decoyed, kidnapped, abducted or
25 carried away another person without authority of

1 law. To do a thing unlawfully is to do it
2 willfully against the law. Knowingly means with
3 knowledge, consciously, not accidentally. Seize
4 means to take hold of, or forcibly confine means
5 to limit, restrict or enclose within bounds,
6 imprison or shut or keep in.

7 Inveigle means to lure, entice, or lead
8 astray by false representations, promises, other
9 deceitful means.

10 Decoy means to lure by, or as if by decoy.
11 A decoy is something to entice a person into a
12 trap.

13 Kidnap is to remove a person against his
14 will by unlawful force or by fraud. Abduct
15 means to carry off secretly, or by force for an
16 illegal purpose.

17 Carried away means to remove. The State
18 does not have to prove that the Defendant did
19 all of these things. Instead, if you find
20 beyond a reasonable doubt, that the Defendant
21 did any of these things, you may find the
22 Defendant guilty of kidnapping. Something done
23 without authority of law is something which the
24 law does not sanction, permit, allow, condone or
25 provide justification for.

1 The kidnapping does not have to be for any
2 personal or monetary gain, or for any other
3 illegal purpose, but may be for any reason
4 whatsoever.

5 All right, ladies and gentlemen, Madam
6 Foreperson, that -- those are the definitions of
7 kidnapping and of assault and battery first
8 degree.

9 Now, let me say one other thing, please,
10 ladies and gentlemen, at the very top of the
11 second note there's some language that I do not
12 believe should be there. I do not -- and I may
13 be misinterpreting what's there, I don't want to
14 get into it. What I'm saying is this, I do not
15 want -- ever want anything indicating what any
16 type of breakdown may be, as it relates to where
17 people are, or what your divisions may be, if
18 any. The only thing I want on the note is the
19 question itself.

20 For instance, definition of assault and
21 battery first degree, or kidnapping, or whatever
22 your question is, but there were some notes at
23 the very top that are attached hereto, that are
24 somewhat -- could be construed to be some type
25 of breakdown. Please don't give us any type of

1 breakdown, okay? Thank you very much.

2 You-all can return to the jury room and
3 continue deliberations. Thank you. Or hold on
4 one second, tell them before they begin
5 deliberations don't start deliberations until I
6 tell them to do so, okay?

7 Don't start your deliberations until I tell
8 you too, okay? Don't start your deliberations
9 until I tell you to. What I want to do is, I
10 want to make sure there's no objection to what I
11 told you, and so if there isn't, I'll have the
12 Bailiff tell you to resume your deliberations,
13 okay? Thank you so much.

14 BAILIFF: The jury's clear, Your Honor.

15 THE COURT: Any objections to what I told
16 the jury from the State?

17 MS. KIDD: No objections.

18 THE COURT: Any objection?

19 MR. LEE: No, sir.

20 THE COURT: All right, you can tell them to
21 go ahead, and they can proceed with their
22 deliberations.

23 BAILIFF: Yes, Your Honor.

24 THE COURT: And as I discussed, I'm going
25 to hold this until the end of the trial. All

