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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SHANE ROBERT CLAMP,

APPELLANT

APPELLATE CASE NO. 2022-001115

RECORD ON APPEAL

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INDEX

INDEX i

TRIAL TRANSCRIPT DATED AUGUST 1, 2022 1

DEFENSE MOTION TO EXCLUDE ANY REFERENCE TO RED, YELLOW, OR GREEN 38

DEFENSE MOTION TO EXCLUDE TEXT MESSAGES TO VICTIM 46

COURT'S RULING TO ALLOW TEXT MESSAGES TO VICTIM 47

TESTIMONY

TERELL HUFFAKER (*IN-CAMERA*)
Direct Examination by Mr. Long 48

STATE'S MOTION FOR DEFENDANT BE REMANDED TO LEXINGTON COUNTY SHERIFF'S DEPARTMENT DETENTION CENTER 54

COURT'S RULING TO TAKE DEFENDANT INTO CUSTODY 57

COURT'S RULING TO STIPULATE COLOR CODED TEXT SYSTEM 57

OPENING STATEMENT BY MR. LONG 68

OPENING STATEMENT BY MR. SNELL 72

TESTIMONY

DENISE ANN SNELLING
Direct Examination by Ms. Taylor 79

JEREMY STILES
Direct Examination by Mr. Long 81
Cross-Examination by Mr. Snell 87
Redirect Examination by Mr. Long 90
Re-cross Examination by Mr. Snell 90

DR. MATISON BOYER
Direct Examination by Ms. Taylor 92

DEFENSE OBJECTION TO EXPERT TESTIMONY OUTSIDE OF SCOPE OF PRACTICE 99

COURT'S RULING TO ALLOW EXPERT TESTIMONY OUTSIDE SCOPE OF PRACTICE 100

TESTIMONY

DR. MATISON BOYER
Continued Direct Examination 100
Cross-Examination by Mr. Snell 103
Redirect Examination by Ms. Taylor 108

TRIAL TRANSCRIPT DATED AUGUST 2, 2022 112

TESTIMONY

HOPE FRICK
Direct Examination by Mr. Long 118
Cross-Examination by Mr. Snell 121

COMPLAINANT
Direct Examination by Ms. Taylor 122

DEFENSE OBJECTION TO ADMISSION OF TEXT MESSAGES 146

COURT'S RULING TO ALLOW TEXT MESSAGES 147

TESTIMONY

COMPLAINANT
Continued Direct Examination by Ms. Taylor 147
Cross-Examination by Mr. Snell 155
Redirect Examination by Ms. Taylor 170

BRANDON MILLS
Direct Examination by Mr. Long 173
Cross-Examination by Mr. Snell 183
Redirect Examination by Mr. Long 192

THE STATE RESTS 194

DEFENSE MOTION FOR DIRECTED VERDICT 195

COURT'S RULING TO DENY MOTION FOR DIRECTED VERDICT 196

COLLOQUY REGARDING JURY CHARGE 200

THE DEFENSE RESTS 207

CLOSING ARGUMENT BY MS. TAYLOR 207

CLOSING ARGUMENT BY MR. SNELL 219

VERDICT 257

SENTENCING 288

DEFENSE MOTION FOR NEW TRIAL 290
COURT'S RULING TO DENY DEFENSE MOTION FOR NEW TRIAL 290

INDICTMENT 292

SENTENCE SHEET 294

STATE'S EXHIBIT #11 296

STATE'S EXHIBIT #12 297

STATE'S EXHIBIT #13 298

STATE'S EXHIBIT #14 299

CERTIFICATE OF COUNSEL 300

State of South Carolina

In the Court of General Sessions

County of Lexington

State of South Carolina,	)	
	)	
	)	2022-GS-32-00862
	)	
-vs-	)	August 1, 2022
	)	
Shane Robert Clamp,	)	
	)	
Defendant.	)	
	)	Transcript of Record
_____	)	

B E F O R E:

The Honorable Debra R. McCaslin, Judge;
and a jury.

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

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Player Long, Esquire
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James Snell, Jr., Esquire
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Bethanie K. Creppon
Circuit Court Reporter

INDEX

Witness	Page
Jury Qualification	3
Motions in Limine	35
Jackson v. Denno Hearing	48
Opening Statement by the State	68
Opening Statement by the Defense	72
Terrell Huffaker	
Direct by Mr. Long	48
Denise Ann Snelling	79
Direct by Ms. Taylor	
Jeremy Stiles	
Direct by Mr. Long	81
Cross by Mr. Snell	87
Redirect by Mr. Long	90
Recross by Mr. Snell	90
Dr. Matison Boyer	
Direct by Ms. Taylor	92
Cross by Mr. Snell	103
Redirect by Ms. Taylor	108

EXHIBITS

State's:

Exhibit No.	Description	Marked	Received
None offered.			

Defendant's:

Exhibit No.	Description	Marked	Received
None offered.			

THE COURT: All right. Ladies and gentlemen, at this time, we're going to begin the trial of the State of South Carolina versus Shane Clamp.

I'm going to turn to the State.

Please call your case.

MS. TAYLOR: Thank you, Your Honor. May it please the Court, the State calls Shane Robert Clamp, Indictment No. 2022-GS-32-00862, indictment for domestic violence of a high and aggravated nature.

THE COURT: Mr. Snell, how does your client plead?

MR. SNELL: Your Honor, he pleads not guilty.

THE COURT: Thank you.

All right. Ladies and gentlemen, before we select the jury, there are several questions which I will ask you. If you need to answer, please stand. Do not blurt out an answer. I will be asking you the questions. Again, do not blurt out an answer. I will ask you the questions.

At this time I'm going to let the attorneys for the State introduce themselves and anyone else assisting in the prosecution of this case.

MS. TAYLOR: Your Honor, may it please the Court?

4

THE COURT: Yes, ma'am.

MS. TAYLOR: Good morning. I'm Whitney Taylor. I am an assistant solicitor in Lexington for the Eleventh Judicial Circuit, primarily here in Lexington.

MR. LONG: My name is Player Long. I'm also an assistant solicitor here in the Eleventh Circuit, primarily in Lexington County.

MS. TAYLOR: And with us at our table is Officer Brandon Mills with the Lexington County Sheriff's Department, Deputy Solicitor Suzanne Mayes, with the Lexington County Solicitor's Office, my paralegal, Taylor Gillette with the solicitor's office, as well as our investigator, Jill Smith.

THE COURT: Thank you. Now let me ask Mr. Snell, can you introduce yourself and anyone else assisting you with the case, and please introduce your client.

MR. SNELL: Thank you, Your Honor.

My name is Jim Snell. I'm a lawyer with a primary office here in Lexington. I am representing Mr. Shane Clamp. And seated next to Mr. Clamp is Caitlyn Lovette, a paralegal in my office, and the gentleman behind them is our investigator. His name is Brandon Slice. Thank you.

THE COURT: Thank you, Mr. Snell.

All right. Let me ask the jury panel: Has any member of the jury panel ever been represented by any of the attorneys involved in this case or their law firm? If so, please stand.

Is there any member of the jury panel related by blood or marriage, know personally, or have any religious, political, social, or business association with any of the attorneys in this case or anyone in their law firms? If so, please stand.

Yes, sir. Your juror number?

POTENTIAL JUROR: Juror No. 14.

THE COURT: Mr. Beckett. Can you tell me who you know? I just want the name.

POTENTIAL JUROR: Mr. Snell.

THE COURT: Have you been represented by Mr. Snell?

POTENTIAL JUROR: No, I have not.

THE COURT: Okay. Let me ask you, Mr. Beckett, if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Then I'm going to keep you.

And your juror number?

6

POTENTIAL JUROR: 137.

THE COURT: Mr. Marshal.

Can you tell me who it is that you know?

POTENTIAL JUROR: Maybe I need more clarification. You said personnel in a law firm. There's a person who works for the county that I have an acquaintance with.

THE COURT: Let me ask you to come up at the end and talk to me; okay?

POTENTIAL JUROR: Okay.

THE COURT: Is there any member of the jury panel related by blood or marriage or have a close personal, professional, or social relationship to a Shane Robert Clamp? If so, please stand.

Is there any member of the jury panel who knows Shane Robert Clamp?

Your juror number?

POTENTIAL JUROR: 77.

THE COURT: Juror No. 77. Mr. Grubbs.

How do you know Mr. Clamp? Are y'all friends? You have a relationship with him?

POTENTIAL JUROR: Friends, casual.

THE COURT: Casual friends.

POTENTIAL JUROR: Uh-huh.

THE COURT: Let me ask you, Mr. Grubbs, if you

7

were selected as a juror in this case and you know Mr. Clamp, does that in any way influence you, and could you be fair and impartial to both the State and the defense in this case?

POTENTIAL JUROR: Yes.

THE COURT: I'll keep you.

Is any member of the jury panel related by blood or marriage or a personal friend of the -- of a [redacted] B.S. [redacted]? [redacted], [redacted] B.S. [redacted]?

All right. I'm going to call out a witness list. Please listen carefully because I'm going to ask you at the end if you know any of these people.

A Nikki Rogers with the Lexington County Communications; Angie Gunter with Lexington County Communications; a Brandon Mills with the Lexington County Sheriff's Department; a Terrell Huffaker, H-u-f-f-a-k-e-r, from the Lexington County Sheriff's Department; a James Pratt with the Lexington County Sheriff's Department; a Denise Snelling; a [redacted] B. S. [redacted]; Jeremy Stiles with the Lexington Medical Center; and a Matison Boyer from Lexington Orthopedics.

Is any member of the jury panel related by blood or marriage, know personally, or have any

8

religious, political, social, or business association with any of the witnesses in this case that I just called? If so, please stand.

Yes, ma'am, your juror number?

POTENTIAL JUROR: 88.

THE COURT: Ms. Heicklen.

Can you tell me the name of who you know?

POTENTIAL JUROR: Jeremy Stiles.

THE COURT: If you were selected as a juror in this case, knowing that Mr. Stiles is going to be a witness, can you still be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes.

THE COURT: Thank you.

THE CLERK: And that was Ms. Havens, Your Honor, not Heicklen. No. 88.

THE COURT: 88, I'm sorry.

MS. TAYLOR: Your Honor, there is an additional witness on the amended State's list. It's the custodian of records for the Lexington County Clerk's Office.

THE COURT: Do we have a name?

MS. TAYLOR: Whoever is available.

THE COURT: All right. I saw it on here. I didn't see a name, so I just went right over it.

9

Also, the State plans to call the custodian of records. We don't know who that is. But if you're familiar or know anyone at the Lexington County Sheriff's Department that works in the records department, please stand.

THE CLERK: It's the Clerk of Court's office, Your Honor.

MS. TAYLOR: More than likely Ms. Frick, Your Honor.

THE COURT: All right, Ms. Frick. Will you stand. This is Hope Frick. She's also the custodian of records at the clerk's office.

Anybody know Ms. Frick? Please stand.

All right. I think I've covered all possibilities.

MS. TAYLOR: Thank you, Your Honor.

THE COURT: Does any member of the jury panel know of anyone who works with the Eleventh Circuit Solicitor's Office or any agency in Lexington County? If so, please stand.

Yes, sir. Your juror number?

POTENTIAL JUROR: 47.

THE COURT: Juror No. 47. Mr. Coyle.

Can you tell me, who do you know?

POTENTIAL JUROR: You said any law enforcement

in Lexington County?

THE COURT: Right. And I see that you're a retired cop, so that's a gamut of people, I would assume.

POTENTIAL JUROR: Yeah.

THE COURT: Let me ask you this way: I know you're a retired cop. You probably know most of Lexington County, or some of them, anyway. If you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Probably not. I --

THE COURT: That's all I need to hear. I'm going to excuse you. A "probably not" will not do for me. So you're excused from the trial of this case. Thank you.

Yes, sir. Your juror number?

POTENTIAL JUROR: 14, Your Honor.

THE COURT: No. 14, Mr. Beckett.

Can you tell me who you know?

POTENTIAL JUROR: Various law enforcement folks, including chiefs of police in Irmo and West Columbia.

THE COURT: All right. If you were selected as a juror in this case, could you be fair and

impartial to both the State and the defense?

POTENTIAL JUROR: Yes, Your Honor.

THE COURT: Thank you. I'm keeping you.

Anybody else?

Your juror number?

POTENTIAL JUROR: 69.

THE COURT: Juror No. 69. That's Ms. Frye.

Can you tell me who you know?

POTENTIAL JUROR: I'm related to Jay Coon.

THE COURT: Okay. Well, let me ask you, Ms. Frye, if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes.

THE COURT: Thank you.

Anybody else?

Is any member of the jury panel, a member of your family or close friend ever been a civilian or military law enforcement officer? If so, please stand.

Your juror number?

POTENTIAL JUROR: 138.

THE COURT: That's Mr. Martin.

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Is it a friend or family member?

POTENTIAL JUROR: Myself.

THE COURT: Yourself. And can you tell me if you were a civilian or military?

POTENTIAL JUROR: Military. Air Force Office of Special Investigations as a special agent, military operations.

THE COURT: Let me ask you this: If you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

Your juror number?

POTENTIAL JUROR: 212.

THE COURT: That's Ms. Wack.

Ms. Wack, is it a family member that has been in the civilian or military or is it you?

POTENTIAL JUROR: My uncle, grandpa, and cousin.

THE COURT: Can you tell me, were they civilian or military?

POTENTIAL JUROR: Military. And my uncle was a law enforcement cop.

THE COURT: All right. Then let me ask you, if you were selected as a juror in this case, could you be fair and impartial to both the State and the

defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

Yes, ma'am. Your juror number?

POTENTIAL JUROR: 143.

THE COURT: Ms. McHenry.

Can you tell me, is it you or a family member, and was it civilian or military?

POTENTIAL JUROR: Both parents, civilian. They were in the FBI.

THE COURT: All right. Let me ask you, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, sir.

THE COURT: Your juror number?

POTENTIAL JUROR: 14.

THE COURT: Juror No. 14. Mr. Beckett.

Y'all give me a little while and I'll know you by name before it's over with.

Mr. Beckett, can you tell me, is it you, a member of your family, or a close friend that's civilian or military?

POTENTIAL JUROR: Two stepfathers, both deceased. One was military police in World War II, and one was civilian.

14

THE COURT: And if you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes.

THE COURT: Yes, ma'am.

POTENTIAL JUROR: 197.

THE COURT: That's Ms. Staley.

Ms. Staley, who in your family or is it you?

POTENTIAL JUROR: My father.

THE COURT: Was it civilian or military?

POTENTIAL JUROR: Military.

THE COURT: If you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Thank you.

All right. All right. Is there any member of the jury panel or their family member in the process of considering applying for employment with any law enforcement agency or prosecutor's office? If so, please stand.

Yes, sir. Your juror number?

POTENTIAL JUROR: 120.

THE COURT: Mr. Lang?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Mr. Lang, where are you applying or a family member applying?

POTENTIAL JUROR: Does this count for someone who is currently, for the prosecution?

THE COURT: It's right now. Is anybody in the process of applying for employment with any law enforcement agency or the prosecutor's office, meaning the solicitor's office, in this case?

POTENTIAL JUROR: No, ma'am. Sorry about that.

THE COURT: That's all right.

All right. The next three questions are very personal. I'm going to ask all three, and if you need to answer, I'm going to come down and let you come up and talk to me. So listen to all three questions.

Has any juror, a close family member, a relative, or friend, ever been a victim of a serious crime? If you've been a victim of a serious crime.

The second question: Do any members of the jury panel have personal or family experience with domestic violence? This can include being a victim or being accused of committing domestic violence or being in the same household with these circumstances.

And has any member of the jury panel ever been

arrested or convicted of domestic violence or a similar charge? If you would please stand, I'll come down and speak with you.

MS. TAYLOR: Can we also bring 137 down?

THE COURT: Yes. Can I get Juror 137? I'll go ahead and do you, too.

(The following was held at sidebar.)

THE COURT: You're Juror 137?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: I had that have any religious, political, social, or business relationship with any of the attorneys.

POTENTIAL JUROR: It was knowledge of the investigator with the solicitor's office, Ms. Jill Smith.

THE COURT: You know her?

POTENTIAL JUROR: I just know her because she's the daughter of the gentleman that lives across the street from me. I met her once.

THE COURT: Well, then, let me ask you this: If you were selected as a juror, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes.

THE COURT: Thank you.

THE BAILIFF: 133, Your Honor.

THE COURT: 133.

Okay. Let's see. Ms. Lowe.

POTENTIAL JUROR: Yes.

THE COURT: The question is: Have you ever been a victim, have you experienced any kind of domestic abuse, or have you ever been arrested or convicted of domestic abuse or a similar charge?

POTENTIAL JUROR: Yes on 1 and 2.

THE COURT: Okay. Is it you?

POTENTIAL JUROR: Uh-huh.

THE COURT: Can you tell me about it, just briefly?

POTENTIAL JUROR: You know, I didn't think this was going to come up. I was sexually molested when I was 15, and my first husband was verbally abusive.

THE COURT: That's good. That's all you need to tell me.

If you were selected as a juror in this case, could you be fair and impartial to both the State and the defense?

That look is a no. I'm excusing you.

POTENTIAL JUROR: I'm so sorry.

THE COURT: No, no. Don't do that. You're fine. Thank you for coming. We'll get you next time.

18

THE BAILIFF: Juror 140, Your Honor.

THE COURT: All right. Ms. McCaw.

Have you ever been a victim?

POTENTIAL JUROR: Yes.

THE COURT: Is that you?

POTENTIAL JUROR: Yes.

THE COURT: Can you just, briefly -- I don't want detailed facts. Just tell me the situation.

POTENTIAL JUROR: I was on vacation in Horry County and got in an argument with my child's father. He threw me into a bed --

THE COURT: All right. So he abused you.

So let me ask you this: If you were selected as a juror in this case, could you be fair and impartial?

POTENTIAL JUROR: No.

THE COURT: You're gone. Thank you.

THE BAILIFF: 197, Your Honor.

THE COURT: Ms. Staley, were you a victim or do you know of someone or convicted?

POTENTIAL JUROR: It's both. For me, personally, when I was in high school, me and my boyfriend did fight. Then also I have an aunt and uncle who I was very close with, I spent a lot of time with, that had a lot of domestic violence that

I witnessed.

THE COURT: So let me ask you this: If you were selected as a juror in this case, could you be fair and impartial?

POTENTIAL JUROR: I feel like I could be fair.

THE COURT: I'm going to tell you, "I feel" ain't going to do it for me. I don't feel it when someone says that. I'm sorry.

POTENTIAL JUROR: You don't? Okay.

THE COURT: Yeah. I mean, I need to know you can be fair and impartial to both sides, so I'm going to excuse you.

POTENTIAL JUROR: All right.

THE BAILIFF: Juror 192, Your Honor.

THE COURT: Mr. Smitt.

POTENTIAL JUROR: Yes, ma'am. My wife and stepson were abused by her ex-husband.

THE COURT: Let me ask you: If you were selected as a juror in this case, could you be fair and impartial?

POTENTIAL JUROR: No.

THE COURT: I didn't think so. All right. Thank you. I'm going to excuse you.

THE BAILIFF: Juror No. 75, Your Honor.

THE COURT: Either you were a victim or have

been convicted, or you know somebody or witnessed domestic violence. Can you briefly, briefly tell me your situation?

POTENTIAL JUROR: I was the victim with my ex-husband. He --

THE COURT: That's good. Let me ask you this: If you were chosen as a juror, could you be fair and impartial to both sides?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: I'm keeping you. Thank you.

THE BAILIFF: Juror 169, Your Honor.

THE COURT: Ms. Poston.

All right. It's either you know of someone or you've been a victim or you've witnessed it or have been convicted.

POTENTIAL JUROR: Yes.

THE COURT: Which one?

POTENTIAL JUROR: To all.

THE COURT: Give me a really brief scenario. Were you the victim of domestic abuse?

POTENTIAL JUROR: No.

THE COURT: Okay. Tell me your story real quick.

POTENTIAL JUROR: I grew up in it and was arrested later.

21

THE COURT: All right. Well, let me ask you this: If you were chosen as a juror, could you be fair and impartial to both sides, the State and the defense?

POTENTIAL JUROR: Not for this one, Your Honor. I don't think so.

THE COURT: Thank you for coming.

THE BAILIFF: Juror No. 5, Your Honor.

THE COURT: Okay. Mr. Aden. You were either the victim or close family member or --

POTENTIAL JUROR: My daughter is currently going through a domestic abuse case.

THE COURT: If you were chosen as a juror in this case, could you be fair and impartial?

POTENTIAL JUROR: No.

THE COURT: We're going to excuse you. Thank you for coming.

THE BAILIFF: Juror No. 86, Your Honor.

THE COURT: Ms. Harris, were you a victim or witnessed it, or have you ever been convicted of any kind of domestic violence or know of someone?

POTENTIAL JUROR: My sister is a victim of domestic violence. And then unrelated to that case, my brother-in-law has an open case against him for CDV, but it's in Richland County.

22

THE COURT: If you were selected as a juror, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Uh-huh.

THE COURT: I'm keeping you.

THE BAILIFF: Juror No. 89, Your Honor.

THE COURT: Mr. Heicklen.

POTENTIAL JUROR: I was convicted in North Carolina --

THE REPORTER: I can't hear what he's saying.

THE COURT: He was convicted in North Carolina of domestic abuse.

POTENTIAL JUROR: And I kind of doubt -- so I don't know if I can be impartial.

THE COURT: That's good enough for me. I'm going to excuse you.

THE BAILIFF: Juror No. 168, Your Honor.

POTENTIAL JUROR: They said if it was a concern, to come up.

My husband was violently raped as a child.

THE COURT: Let me ask you this, though: If you were chosen as a juror in this case, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Completely honestly, it would

depend on the severity of the domestic violence.

THE COURT: I'm going to let you go.

Anybody else?

(End of sidebar.)

THE COURT: Next question: Does anyone in the jury panel volunteer for a domestic violence or abuse shelter or resource such as like Sister Care? If so, please stand.

No response.

Has any member of the jury panel, for any reason at all, given a statement to, been questioned by, or made a report to the police or anyone about an incident involving domestic violence or abuse? If so, please stand.

I think these are going to be the same jurors that I had. I'm going to let y'all come down and speak to me.

(The following was held at sidebar.)

THE COURT: Ms. Harris.

POTENTIAL JUROR: Yes.

THE COURT: The same situation?

POTENTIAL JUROR: Yeah. Yeah.

THE COURT: So I'll ask you again: If you were selected as a juror, could you still be fair and impartial to both the State and the defense?

24

POTENTIAL JUROR: Yes.

THE COURT: Thank you.

THE BAILIFF: 75, Your Honor.

THE COURT: Ms. Gray.

Okay. You've given a statement or reported?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Okay. Can you briefly tell me what that situation was? Did you give a statement or did you report it?

POTENTIAL JUROR: Gave a statement.

THE COURT: Was it for a family member?

POTENTIAL JUROR: For myself.

THE COURT: All right. Well, let me ask you this: If you were selected as a juror, could you be fair and impartial to both the State and the defense?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: All right. Thank you.

Anybody else?

(End of sidebar.)

THE COURT: All right. Is there any member of the jury panel who thinks they might have heard anything about this case? If so, please stand.

Anything on the news, social media, Facebook? They do all sorts of stuff. I don't do any of that

25

social communication. But if you've heard about this case, please stand.

All right. This case involves allegations of domestic violence. Does anyone feel so strongly about those types of allegations that they would be unable to be fair and impartial to both the State and the defense? If so, please stand.

All right. You've heard that the defendant is accused of the crime of domestic violence of a high and aggravated nature. Does anyone suspect the defendant is guilty of these crimes just because he's accused of it? If so, please stand.

No response.

Does any member of the jury panel have any religious or moral beliefs which prevent them from passing judgment on another person specifically accused of domestic violence? If so, please stand.

Does any member of the jury panel know of any reason whatsoever why he or she should not serve as a juror in this case with particular emphasis being placed on your ability to be fair and impartial to both the State and the defense? If so, please stand.

No response.

Let me see the lawyers just for one second.

26

(Sidebar conference.)

THE COURT: Let me ask the State: Do you have any additional questions you'd like to have asked?

MS. TAYLOR: Nothing further from the State.

THE COURT: How about the defense? Do you have any questions you'd like to have asked?

MR. SNELL: Nothing further, Your Honor.

THE COURT: Okay.

All right. Ladies and gentlemen, we're going to strike the jury.

The strikes are five and five. I have enough for two alternates.

Now, let me talk to everybody out in the gallery. I don't want anyone getting upset if they don't get picked. It has happened. You know, these lawyers strike. I don't know what their reason is. They've got all this stuff in front of them. I just don't want anybody getting upset. I promise, we'll get you back in the jury pool, and you can come and try again.

It will take just a minute because they do this by computer. So we could be at ease. If anyone needs to step out, they can, but it shouldn't take but just a minute.

(Pause in proceedings.)

27

THE CLERK: As I call your name, come forward and stand like I showed you earlier.

No. 88, Thalia Havens.

What say you for the State?

MS. TAYLOR: Please present the juror.

THE CLERK: What say you for the defense?

MR. SNELL: Please excuse this juror.

THE CLERK: Return to your seat.

137, William Marshal.

What say you for the State?

MS. TAYLOR: Please present the juror.

THE CLERK: What say you for the defense?

MR. SNELL: Excuse this juror.

THE CLERK: Return to your seat, sir.

167, David Pillow.

What say you for the State?

MS. TAYLOR: Please present the juror.

THE CLERK: What say you for the defense?

MR. SNELL: Please swear the juror.

THE CLERK: Have a seat in the jury box, sir.

No. 67, Andrew Foard, F-o-a-r-d.

What say you for the State?

MS. TAYLOR: Present the juror.

THE CLERK: What say you for the defense?

MR. SNELL: Please seat the juror.

28

THE CLERK: 77, Justin Grubbs.
What say you for the State?
MS. TAYLOR: Please excuse the juror.
THE CLERK: Return to your seat, please, sir.
117, Lonnie Koon.
What say you for the State?
MS. TAYLOR: Please excuse the juror.
THE CLERK: Return to your seat, please, sir.
153, Ronnie Murphy.
What say you for the State?
MS. TAYLOR: Beg the Court's indulgence.
Please present the juror.
THE CLERK: What say you for the defense?
MR. SNELL: Please swear the juror.
THE CLERK: Have a seat in the jury box, sir.
No. 19, Rebekah Bouknight.
What say you for the State?
MS. TAYLOR: Please present the juror.
THE CLERK: What say you for the defense?
MR. SNELL: Please swear the juror.
THE CLERK: Have a seat in the jury box, ma'am.
No. 199, Justin Steele.
What say you for the State?
MS. TAYLOR: Please present the juror.
THE CLERK: What say you for the defense?

29

MR. SNELL: Please swear the juror.
THE CLERK: Have a seat in the jury box, sir.
Juror 32, Yolanda Butler.
What say you for the State?
MS. TAYLOR: Please present the juror.
THE CLERK: What say you for the defense?
MR. SNELL: Please swear the juror.
THE CLERK: Have a seat in the jury box, ma'am.
No. 172, Aylin Ibarra.
What say you for the State?
MS. TAYLOR: Please present the juror.
THE CLERK: What say you for the defense?
MR. SNELL: Please swear the juror.
THE CLERK: Have a seat in the jury box, ma'am.
212, Alexis Wack.
What say you for the State?
MS. TAYLOR: Please present the juror.
THE CLERK: What say you for the defense?
MR. SNELL: Please excuse this juror.
THE CLERK: Return to your seat, please, ma'am.
41 Randy Cockrell.
What say you for the State?
MS. TAYLOR: Please present the juror.
THE CLERK: What say you for the defense?
MR. SNELL: Please excuse the juror.

30

THE CLERK: Return to your seat, please, sir.
84, Davan Hardin.
What say you for the State?
MS. TAYLOR: Please present the juror.
THE CLERK: What say you for the defense?
MR. SNELL: Please swear the juror.
THE CLERK: Have a seat in the jury box, please, sir.
No. 2, Kendra Abraham.
What say you for the State?
MS. TAYLOR: Please present the juror.
THE CLERK: What say you for the defense?
MR. SNELL: Please swear the juror.
THE CLERK: Have a seat in the jury box, ma'am.
No. 58, Jeanne Edwards.
What say you for the State?
MS. TAYLOR: Please present the juror.
THE CLERK: What say you for the defense?
MR. SNELL: Please swear the juror.
THE CLERK: Have a seat in the jury box.
132, Christine Lowder.
What say you for the State?
MS. TAYLOR: Please present the juror.
THE CLERK: What say you for the defense?
MR. SNELL: Please swear the juror.

THE CLERK: Have a seat in the jury box.
No. 56, Kandi Diggle.
What say you for the State?
MS. TAYLOR: Please present the juror.
THE CLERK: What say you for the defense?
MR. SNELL: Please swear the juror.
THE CLERK: Have a seat in the jury box, ma'am.
Alternates, Your Honor?
THE COURT: Yes. Let's go two, just in case.
THE CLERK: No. 31, Jose Bustos.
What say you for the State?
MS. TAYLOR: Please present the juror.
THE CLERK: What say you for the defense?
MR. SNELL: Please seat the juror.
THE CLERK: Have a seat in the jury box, sir.
That's Alternate 1.
No. 138, Bruce Martin.
What say you for the State?
MS. TAYLOR: Please present the juror.
THE CLERK: What say you for the defense?
MR. SNELL: Please seat the juror.
THE CLERK: Have a seat in the jury box, sir.
That's Alternate No. 2, Your Honor.
THE COURT: Let me see the lawyers for just a second.

32

(Sidebar conference.)

THE COURT: All right. You're my jury. Welcome. And I'll address y'all in just a minute.

But everybody else, the other jury panel, first, let me thank you for coming. I know it's inconvenient and everybody would love to be somewhere else other than sitting in a courtroom. But I just want to thank you for coming.

We've got the greatest judicial system in the world, and it doesn't work without you. You're the spoke in the wheels that makes it go. So thank you.

Also you will get -- and don't get excited -- you will get a very, very small, small -- I cannot emphasize -- small check for showing today.

Also, if anyone needs any excuses for work, if you will go down to the first floor, the clerk's office will be more than happy to provide that for you. Again, thank you for coming. I'm going to excuse you. This is going to be the only jury that we're doing this week, so you won't have to call in or come back. So you can be excused.

Don't everybody run for the door at one time. Be careful leaving out. Thank you again for coming.

All right. Let me see the lawyers again just for one second for scheduling.

33

(Sidebar conference.)

THE COURT: All right. Again, welcome. Let me give you a few housekeeping rules.

You're going to get a juror badge. I think you've already got them. Wear them proudly. We need to know who you are when walking around the courthouse.

I will tell you, if you see any of the lawyers in this case, they're under my orders not to speak to you. Please don't think they're rude because they're not. I've known these lawyers just about as long as they've been practicing law. I think I'm older than they are. They're very nice. They're very capable. They're very professional. They're certainly not rude. They just can't speak to you until this case is over with.

I do not allow cell phones in the courtroom, so you will see that the bailiff will pick up your cell phones. I anticipate this being a short trial. You may use your phones at break. If you want to -- the bailiff will also give you a phone number if there's an emergency and someone needs to get in touch with you that you can give to them, and we will notify you immediately.

You can't talk about this case at all. You

34

can't pick up your phone and call your spouse, your children, or anybody else and say, "Hey, you're not going to believe this, but I just got picked for a jury." Can't do it. Do not do it. You're not allowed to. In fact, you're not even to discuss this case when all of y'all are in the jury room at all.

Mr. Pillow, will you do me the favor or the honor of being my foreman?

Thank you.

So there's no discussion whatsoever about this case, even in the jury room amongst yourselves.

I'm trying to think of what else. I'm missing something.

You cannot use your cell phones when you even go home at night, watch TV, or anything about this case. If it's on the news, you can't watch the news. You can't read about it. You can't get on any computer, cell phone, anything that has communication capabilities to look up anything about this case, the lawyers, anybody at all. That is a no.

And I can tell you, believe it or not, if you do, we always find out about it. I don't know how that happens, but we do. It's just amazing to me.

35

So please don't look up anything, any words you hear in here, none of that. Names, nothing. You're not allowed to do that either.

I'm going to get the bailiff to take you back to the jury room so you'll know where to report.

What we're going to do, I have some matters to take up with the lawyers. I'm going to let you go to lunch, but we'll start this case today at 1:00. So I'll let you go to lunch, and then you need to be back in the jury room at a quarter till, and we'll get started.

I promise you that I'll give you breaks. I'm also the judge, but I'll try to keep you apprised of everything that we're doing as far as scheduling so you can schedule accordingly.

Again, I appreciate you giving the time to be our jury today. I'm honored to have you.

So with that said, I'll let you take them back, show them where they're going to be.

The bailiff will give you some further instructions that I don't know nothing about. He'll show you how to get up and down the elevators and everything else.

(The jury exits the courtroom at 11:29 a.m.)

THE COURT: All right. Ms. Young, I've got a

36

motion in limine. Are any of these things that y'all can agree on?

MS. TAYLOR: I have not heard from Mr. Snell since my motion was filed in regards to the motion in limine, but it would be just a general request that we do not go into bad or negative character evidence as to the victim. It would be -- this is the State's argument, that it would be irrelevant to what happened on the date of the incident as well as any of the other elements that we do have the burden of proving, Your Honor. That would be more appropriate for any mitigation that he has, if we get to sentencing.

THE COURT: Mr. Snell?

MR. SNELL: I don't know what they'd be referring to specifically.

THE COURT: I'm not real sure that I know what we're referring to, but she's saying bad character evidence, if you intend to introduce any character evidence, it might be something we have to take up as it comes up.

MS. TAYLOR: That's fine, Your Honor.

THE COURT: At this time, you --

MR. SNELL: I don't know of anything specific --

37

THE COURT: That you intend to introduce?

If you do, give me a heads-up, and I'll hear it. If we need to have an in-camera hearing, we will. We'll just deal with it.

MR. SNELL: Just to make sure I'm clear, as I understand it, we have these situations because these are people that lived together for about ten years. They certainly know an awful lot about each other. And there's probably, just like in any situation like that, even without domestic violence, either side could probably say a bunch of bad things about the other for three years; right?

So I was -- I don't think I'll go into anything as far as negative that doesn't involve this situation, and I'd ask for the same in return from the State.

MS. TAYLOR: Agreed, Your Honor.

THE COURT: All right. Ms. Young, if there's anything that needs to be brought up, bring it to my attention, and like I said, we'll hear it.

Any other motions for the State?

MS. TAYLOR: Your Honor, from our perspective, all we have is a short Jackson v. Denno hearing, but I believe Mr. Snell has a couple motions as well to take up at the appropriate time.

38

THE COURT: All right. Let me go to Mr. Snell's. I see two motions in limine, and then we'll do the Jackson vs. Denno.

Mr. Snell, I'll be glad -- I got the first one, to exclude any reference to red, yellow, or green, which is an emergency notification system.

I'm glad to hear from you.

MR. SNELL: Your Honor, so the allegation in this case came from a situation on the morning of January 17th, 2022. Shane Clamp and B.S. live together. B.S. was formerly married to one of Shane's friends, and they're now divorced, but apparently B.S. has rekindled the relationship or friendship with her ex-mother-in-law. Her name is Denise Snelling.

On the morning of January 17th, my understanding is B.S. sent a text message to Denise with the code word "red." That, based on what Denise tells the 911 operator as well as other information I've found, I think that's a preexisting system that B.S. and Denise had where B.S. could notify Denise of difficulties or problems or requests for assistance.

B.S. texted the red to Denise, and then Denise -- that's all she needs to call 911 and say,

39

"[redacted] is being violently assaulted by Shane." I would just move for any exclusion of red, yellow, or green in any prior discussions [redacted] had with anybody else about any prior incidents or the need to have such a system.

I certainly would understand that [redacted] may communicate to Denise, and Denise may be the 911 caller, but as far as there being any kind of a preplan or preanything, I would --

THE COURT: I got y'all.

Let me hear from you, Ms. Taylor.

MR. LONG: Your Honor, we -- so the only testimony we plan to elicit is that the text message red was sent, Your Honor, just the message red. Obviously, the entire system, we don't plan to get into that, what yellow and green meant. We just want that red meant ongoing emergency, and that meant to call 911.

Your Honor, we'd be happy to limit the scope of the testimony to only that red meant emergency. It's not hearsay, Your Honor. The victim sent that message while the situation was ongoing, so it would be an excited utterance, Your Honor, and, obviously, we'd have to lay a foundation for the text message, Your Honor. But we only want the message only

40

saying red, not what the entire code system meant.

And, of course, Your Honor, we're not going into any prior allegations or abuse or allegations of domestic violence inside the house other than what was going on, on January 17th, 2022.

MR. SNELL: Again, I understand the reference to the code system is on the 911 call. It's also on the body cam and the police interview where they talk to B.S. at the house.

One thing I know -- I don't know if they're going to call Denise Snelling to the stand or present that, but all she did was get the code word red. She then communicated to 911 and then had the sheriff's department responding to a domestic. When the sheriff's department responds, they're not responding to a red; they're responding to a domestic.

So I think that any introduction to that preexisting system is more prejudicial than probative and gets into prior bad acts or character evidence, I think all the things that would distract from deciding this case on the merits up and down of what happened on January 17th.

MR. LONG: Again, Your Honor, it would strictly be only that red meant emergency. There will be no

41

testimony about that red meant a domestic violence situation was going on.

THE COURT: What about it being on the tape? Did y'all redact all that, then?

MR. LONG: We did redact -- well, we don't plan to introduce the 911 tape. The only testimony Ms. Snelling will give is that she received the text message red, and that meant to call 911. That's exactly what she did.

Your Honor, we think it's very probative. The text message itself we think is very probative because it tells what was going through the victim's mind at that time, at the time she sent the message, Your Honor. That's why we think the text message is so important.

We understand we cannot get into the system. We just want the text message that says red.

THE COURT: Okay. They don't plan on getting into the system. They're not going to play the 911 tape.

MR. SNELL: Your Honor, obviously, the sheriff's department responded for some reason. Why are they responding? So, you know, we're going to get into they weren't responding to a red; they were responding to a domestic. Again, simply by virtue

of having that system in place --

THE COURT: But it was a text by somebody else. It wasn't --

MR. SNELL: The texts were from B.S. to Denise.

THE COURT: So she just called 911. Are y'all getting into what B.S. told the police on the phone about the 911?

MR. LONG: So, Your Honor, what happened was Brittany sent that text message. Denise Snelling called 911. The police showed up. B.S. never talked to 911. She only talked to the police once they showed up at the house that morning.

And she did go into the system on body cam. That's being redacted, Your Honor. We'd also be happy to limit Deputy Mills's testimony, that they responded to an ongoing emergency, not that they responded to a domestic.

THE COURT: So you're not going to get into what she told the police on the 911 call?

MR. LONG: No, Your Honor. Denise Snelling does go into prior bad acts, a lot, in the 911 call. We are not getting into that, Your Honor.

MR. SNELL: Again, my objection, again, is based on the fact that, just by virtue of having a

43

color-coded system with a friend about when law enforcement intervention is necessary, that fact by itself is so prejudicial, it shouldn't be allowed.

Certainly, [redacted] or the -- I think -- if they want to have [redacted], or if they want to say that [redacted] reached -- you know, notified or she needed assistance or some other way other than getting into this color-coded system.

Nothing further.

MR. LONG: Again, Your Honor, the testimony would strictly be limited to only that red meant emergency. We would not get into, "Oh, well, yellow" -- in this case, Your Honor, yellow meant that things were on edge, to be on the lookout. We don't plan to get into that, Your Honor. Green meant things were good. We don't plan to get into that, Your Honor.

The text message strictly says red. And there's also another message right after it that says "TY." The victim will tell you that means thank you.

But those are the only two messages. We are not getting into the color system at all, Your Honor. We understand the evidence is prejudicial to the defendant. All evidence we put up is going to

44

be prejudicial. The key is whether the probative value is substantially outweighed by the danger of undue prejudice. Here, Your Honor, it's not.

It is very probative because it's telling you what is going through the victim's mind at the time she sent that message. "It's an emergency. I need help." It's very probative to what we're doing throughout this trial, Your Honor.

THE COURT: All right. I'll have an answer for y'all.

Y'all want to go forward with -- any other motions from the defense?

MR. SNELL: Your Honor, we filed a second motion. Do you have a copy, Your Honor?

THE COURT: I do.

MR. SNELL: And just -- and, Your Honor, simply, this regards -- the chronology is this: The defendant has been charged with domestic violence of a high and aggravated nature. He'd been given a plea offer to plead to domestic violence first degree. It was straight-up.

We were told that they wanted -- he was going to have to come in and on the record say whether or not he was going to plead or not.

THE COURT: Or reject it on the record.

45

MR. SNELL: Or reject it. But I think that we found, if we were able to notify the prosecutor's office in advance, that that hearing wouldn't be required. So we notified the prosecutor's office on July 19th that Mr. Clamp was not going to be accepting that offer.

I think, Judge, about four hours later, thereabouts -- so we get the communication back, okay. All offers revoked. You're on the trial roster. And then about four hours later on the same day, we get a text message which, I think, could be construed either as -- either a full confession or partial confession. But, basically, it's a text message, my understanding, from Shane to B.S. where Shane says -- and I can hand up a copy, Your Honor, if that's helpful.

THE COURT: Sure. I'd like to see a copy.

MR. SNELL: And this is just going to be the -- if I may. Actually, let me give you this one and I believe one more.

And, Your Honor, there was a second text message. I think it was received July 20th -- excuse me -- basically a day or two days later.

So, Your Honor, our position would be that it's kind of unfair on the defense that, within hours of

46

turning down a plea offer terminating plea negotiations, however the State got it, they send over, "Here's the statement where your client admits to hitting her." I just -- to me, it's just unfair.

I understand that the State says they got it the same day maybe or just hours before. But then to have that and say, "Negotiation is terminated. You're on the roster. And, by the way, here's your client's confession," it puts the defense in a bad position. It's just unfair. We don't think they should be allowed to use it based on the circumstances.

THE COURT: I understand, but unfair is not in the rules of evidence book.

Let me hear from you, Ms. Taylor.

MR. LONG: Your Honor, just by way of background, there was an offer made. It was a DV first. The defendant declined that offer, Your Honor.

So just the timeline. 11:15 on Monday, July 18th, the defendant rejected the offer in writing. 11:18, we sent out trial notice. 11:20, the trial notice was sent. We set up a meeting with the victim. That was at 1:18 p.m. on Monday the 18th.

At 4:17 p.m. on July 18th, that's when the

47

victim turned over that first set of -- text message, Your Honor. Ms. Taylor sent it to our paralegal at 4:32. At 4:48 they were sent from our office to the defense counsel, Your Honor.

We met with the victim on Tuesday, July 19th. During that meeting, Your Honor, some more messages were discovered. She was not able to provide those to us at the time of that meeting; however, she did, at 9:01 on Wednesday, July 20th, sent those text messages to us. At 11:52 that same day, July 20th, the solicitor's office sent the second set of screen shots from our office to the defense counsel.

Your Honor, the discovery rules, they are an ongoing process, Your Honor. We sent discovery out as soon as we received it. We can get new discovery during trial, Your Honor. We'd have to turn it over. We obliged by the rules, Your Honor. Matter of fact, the same day that we received them, we sent them out.

THE COURT: Thank you, Mr. Player.

I understand, Mr. Snell, but discovery is ongoing. I understand it looks like bad timing, but, I mean, it is what it is. We don't put a limit or a cutoff date on discovery. So these are fair game as long as they can lay a foundation for them.

48

MS. TAYLOR: Thank you, Your Honor.

THE COURT: Okay. Let's go on with the Jackson vs. Denno.

MS. TAYLOR: Your Honor, just beg the Court's indulgence for one moment. We're going to get our witness over here.

THE COURT: Sure.

(Pause in proceedings.)

THE COURT: Call your first witness.

MR. LONG: Your Honor, the State calls Terrell Huffaker to the stand.

TERELL HUFFAKER

being first duly sworn, testified as follows:

THE WITNESS: Yes.

THE CLERK: Have a seat, sir. Once you're seated please, state your full name, spelling your last on the record.

THE WITNESS: First name is Terrell. Last name is Huffaker.

DIRECT EXAMINATION

BY MR. LONG:

Q. Deputy Huffaker, who is your current employer, and what is your current position?

A. Lexington County Sheriff's Department.

Q. And what is your current position?

49

A. Patrol deputy.
Q. What are some of your job duties as a patrol deputy?
A. Answer calls for service, deter crime.
Q. Were you working January 17th, 2022?
A. Yes.
Q. Do you remember responding to a domestic incident at [redacted] Oak Pointe Drive in Lexington County?
A. Yes.
Q. What area of Lexington County was that?
A. Lexington.
Q. Were you the only officer that was dispatched?
A. No.
Q. Who else was there?
A. It was myself and both my supervisors.
Q. What did you do when you arrived on scene?
A. When I got on scene, I knocked on the door, listened, and then both parties answered the door, both the defendant and the victim. And I said to the defendant to step outside.
Q. Did you talk -- who all did you talk to while you were on scene?
A. The defendant.
Q. And how did the defendant identify himself when

50

he came out the house?
A. He didn't.
Q. Did he initiate the conversation with you?
A. No -- or he initiated conversation with me, yes.
Q. At any point during the interview did the defendant appear to be under the influence of drugs or alcohol or anything?
A. No.
Q. Did he appear to have any physical or mental disability that would affect your line of questioning?
A. No.
Q. Did the defendant ever ask to take a break while you were talking with him?
A. No.
Q. Did you Mirandize the defendant?
A. I did not.
Q. Who did -- was he Mirandized?
A. Yes, sir.
Q. Who did that?
A. Deputy Mills.
Q. Before Mills Mirandized him, did the defendant make any statements?
A. No.

51

Q. After Mills -- or after he was Mirandized, did the defendant make any statements?
A. No.
Q. Did the defendant ever ask to go to the bathroom or anything?
A. No.
Q. Did you offer him anything to make him more comfortable?
A. I offered him some shoes. It was cold outside.
Q. Did he say -- so he didn't say anything at all the whole time y'all were with him?
A. So when we were -- I was with him outside. He didn't really say much to me. He pretty much interviewed me. I asked him multiple times if he wanted a pair of shoes, it was cold outside, and all he stated was defamation.
Q. Did he make any spontaneous statements?
A. Yes.
Q. Do you recall what those were? Do you recall what they were about?
A. He was upset about going to work, like he had to come home from work and nothing being cleaned and things like that.
Q. And did you make an arrest in this case?
A. I didn't make the arrest.

52

Q. Well -- so -- so all right. Somebody out there on scene made the arrest?
A. Yes.
Q. Is the person they arrested in the courtroom today?
A. Yes, they are.
Q. Can you identify him by an article of clothing?
A. Yes.
Q. What's he wearing?
A. The person who made the arrest?
Q. No. The person that was arrested on scene, is he in the courtroom today?
A. Yes.
Q. Can you point him out by an article of clothing?
A. Yes, the navy blue tie.
MR. LONG: Let the record reflect Deputy Huffaker has correctly identified the defendant.
THE COURT: The record so notes.
MR. LONG: I have nothing further at this time.
THE COURT: Anything, Mr. Snell?
MR. SNELL: No, Your Honor. Nothing further.
THE COURT: Anything else by the State?
MR. LONG: That's it, Your Honor. I'm sorry.
THE COURT: Okay.

53

All right. I want to make sure I got all that right. He didn't give a statement. He didn't Mirandize him.

Am I doing a Jackson v. Denno?

MR. LONG: Yes, Your Honor. Deputy Huffaker, he was not the one who personally Mirandized him. It was Deputy Mills. Deputy Huffaker was sitting right there. The defendant didn't really make any statements -- no statements to any lines of questioning. It was mostly just like spontaneous outbursts, Your Honor.

THE COURT: Anything that you're trying to put in?

MR. LONG: At the moment, Your Honor, we don't have any plans to use the statement. It would just depend of what came up during trial.

THE COURT: Okay. Well, I don't think I have anything to rule on.

MR. LONG: They're just spontaneous -- what little statements that were made, Your Honor, we'd just argue that they were spontaneous and freely and voluntarily given, Your Honor.

THE COURT: All right. I'll wait and hear from you when I hear it.

MR. LONG: Thank you, Your Honor.

54

THE COURT: Make an objection. Let me know, Mr. Snell.

MR. SNELL: Thank you, Your Honor.

THE COURT: All right. Is there anything else?

MS. TAYLOR: Nothing further from the State.

THE COURT: Anything else from the defense?

I'll have an answer on the red for you.

MR. SNELL: Thank you. Nothing else at this time.

THE COURT: Then we are at recess. We'll start back at 1:00 promptly.

What are we doing with the defendant?

MS. TAYLOR: At this time, since the State has called this case to trial, we intend to get through three material witnesses this afternoon as well as opening statements.

We would make the motion that the defendant be remanded into custody by the Lexington County Sheriff's Department at the detention center.

At this time, Your Honor, as you're aware, especially with violent and serious cases such as this, defendants in this position pose the greatest flight risk at this moment, especially at the conclusion today, three -- the majority of the witnesses from the State would be called.

55

Also, the State would argue this is in the best interest for the safety of all parties and witnesses and the defendant himself, Your Honor. There have been a couple of acquaintances of the victims that have been contacting her out of nowhere as of last week. I'm not sure what that's about. It would be the State's concern that any potential intimidation of witnesses, the safety of witnesses, the safety of the defendant himself, as well as to minimize any kind of flight risk, that the defendant be remanded into custody at this time, Your Honor.

THE COURT: This carries zero to 20?

MS. TAYLOR: Yes, Your Honor, and it's a violent and serious offense.

THE COURT: I'll hear from you, Mr. Snell.

MR. SNELL: First of all, it's not necessary in this situation. He's out on a PR bond. He's come to every court hearing. He's conducting himself appropriately. He's voluntarily participating in the Domestic Abuse Center. He's doing everything he can. There's been no instances of him trying to reach out to Ms. B.S. . There's a family court order in place. He's in full compliance.

This is a situation, Your Honor, where, on January 17th, the police responded. He was

56

arrested. Ms. B.S. had him back in the house a few days later until March without any further incidents. Then she separated. He went through the appropriate process.

Once we found out he had a bond issue and couldn't go back to the house, he went through the appropriate process to get a court order allowing that. He's been living with -- right before the trial and during this time, he's staying with his mother and stepfather who are here in the courtroom. He's got a support system. Judge, this is a situation he knows he'll make it a thousand times worse if he doesn't come back, and I fully trust him to be back.

One other thing. As far as contact, I don't know of any situation or issue of him contacting any potential witness. He did recently get a text message from B.S.'s sister, kind of encouraging him not to pursue a family court case, but nothing further.

MS. TAYLOR: Your Honor, I want to make one more note for the record. We've had one prior court hearing in this case. It was to amend the bond to allow him to live at the incident location. And that did not only come to the court's attention

57

until after he was living at the incident location for weeks in violation of his bond.

And at the conclusion of that hearing, he had an outburst in this courthouse. You could hear him through the elevator doors -- there were multiple witnesses -- as well as the outbursts he had on scene, that gives the State concern for the safety of the witnesses.

THE COURT: Well, I'm just going to tell y'all, regardless, Mr. Snell, when somebody has a strike, it's a most serious and serious, I take them into custody. He's looking at zero to 20. This is a short trial. The State is putting up most of their case today, so I'm going to take him into custody.

Thank you. We'll start at 1:00.

(Lunch recess from 11:58 a.m. to 1:00 p.m.)

* * * * *

THE COURT: All right. On the motion about the text with red, I looked at it. Y'all can't stipulate that the girlfriend called? I just think it's kind of confusing when we start getting into colors about red and what the jury is going to think.

I just -- you're walking on the line of prejudicial. And I think it's confusing too to the

58

jury. But knowing that there's a system in place, using the word "red," I mean, it could mean all sorts of stuff. But I was just going to ask the lawyers, what's wrong with saying the neighbor called? Why do we have to introduce the word "red"?

I'll be glad to hear from you. I mean, what's the point about red and she called the police?

MR. LONG: Red, Your Honor, just indicates -- again, Your Honor, it goes to the victim's state of mind during the incident. It shows that she was thinking that, obviously, an emergency was ongoing, and that's what it meant, Your Honor. Red meant emergency.

THE COURT: Can y'all not stipulate to it, that the neighbor called the police?

MR. SNELL: I'm saying it was Denise Snelling, the ex-mother-in-law, but we actually can stipulate that she's the one that calls the police.

THE COURT: I just don't want to go into anything about red, yellow, green and some system that they may have worked out because I think that's prejudicial to the defendant.

MR. LONG: All right. Thank you, Your Honor.

THE COURT: Thank you.

All right. With that said, may I bring the

59

jury in?

MR. SNELL: Your Honor, if I may, just kind of a point of order.

Mr. Clamp is now in custody. The sheriff's department -- I think he wasn't allowed to take his medication which he takes normally this time of day. His mom has got his medication. We'd like to ask that he take it so he can continue --

THE COURT: Sure. I mean, is it going to affect him in any way to know what's going on here during his trial?

MR. SNELL: No. It doesn't impact at all. As a matter of fact, he's better with it. So there's a dose he would take now and also an evening dose he would take. I know once he gets to the jail, it may be impossible to regulate, so we may ask that he be allowed to take, I think, his evening dose right when we finish today, and then again he'll need to take some more medication again in the morning.

THE COURT: Okay. Mr. Clamp, let me ask you. This medication, does it in any way affect your ability to understand what's going on in this courtroom today?

THE DEFENDANT: No, Your Honor.

THE COURT: Okay. Any objection by the State?

60

MS. TAYLOR: No objection.

THE COURT: And the Court has no objection. He's testified that doesn't affect him.

All right. Can I bring the jury in? Anything else from the State?

MS. TAYLOR: Nothing further.

THE COURT: Anything else from the defense?

MR. SNELL: Nothing further.

THE COURT: Let's bring them.

(The jury enters the courtroom at 1:12 p.m.)

THE COURT: All right. Mr. Foreman, is the jury ready?

THE FOREPERSON: We're ready.

THE COURT: Okay.

All right. If I could just have your attention. Before we begin the actual trial of this case, I thought it might be helpful if I explain to you, basically, how a trial proceeds.

First, the State will make an opening statement. An opening statement is not evidence. It is simply an outline to help you understand what that party expects the evidence will show. The defendant may, if he wishes, present an opening statement, but he does not have to for reasons I will explain.

61

Following the opening statements, you will hear testimony and evidence in the case. This will consist of testimony from State's witnesses as well as any physical exhibits which will be introduced into evidence.

The attorneys will again have an opportunity to make what is called a closing statement or summarize the case from their respective points of view. Again, these arguments are not evidence.

Following the closing statements by the attorneys, I will instruct you on the law of South Carolina as it pertains to the issues that have arisen in the case. When I have completed my instructions to you, you will then be permitted to begin your deliberations in order to reach a verdict.

I did it again. Remind me to swear the jury as soon as I finish this.

THE CLERK: I know.

THE COURT: Ladies and gentlemen, you are now the jury in this case, and I want to take a few minutes to tell you something about your duty as jurors and to give you some instructions. At the end of the trial, I will give you more detailed instructions, and those instructions will control

62

your deliberations.

It will be your duty to decide from the evidence what the facts are. You and you alone are the judges of the facts. You will hear the evidence, decide what the facts are, and then apply those facts to the law which I will give to you. That is how you will reach your verdict.

In doing so, you must follow the law, whether you agree with it or not. The evidence will consist of testimony of witnesses, documents, and other things received into evidence as exhibits and any facts on which the lawyers agree or which I may instruct you to accept. You should not take anything I may say or do during the trial as indicating what I think of the evidence or what your verdict should be.

This is a criminal case brought by the State of South Carolina that charges the defendant with domestic violence of a high and aggravated nature. The charge against the defendant is contained in the indictment. The indictment is not evidence of anything. It is simply the description of the charge made by the State against the defendant.

The defendant has pled not guilty to the charge and is presumed innocent unless and until proven

63

guilty beyond a reasonable doubt. Proven beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt.

A defendant has a right not to testify and never has to prove his innocence or present any evidence. The burden is always upon the State of South Carolina.

The following things are not evidence and you must not consider them as evidence in deciding the facts of this case: Statements and arguments of the attorneys, questions and objections made by the attorneys, and testimony that I instruct you to disregard.

Evidence may be direct or circumstantial. Direct evidence is testimony by a witness about what that witness personally saw, heard, or did. Circumstantial evidence is indirect evidence. That is proof of one or more facts from which one can find another fact. You are to consider both direct and circumstantial evidence. The law permits you to give equal weight to both, but it is for you to decide how much weight to give any evidence.

There are rules of evidence which control what can be received into evidence. When a lawyer asks a question or offers an exhibit into evidence, and the

64

lawyer on the other side thinks that it's not permitted by the rules of evidence, that lawyer may object. If I overrule the objection, the question may be answered or the exhibit may be received. If I sustain the objection, the question cannot be answered or the exhibit cannot be received.

Whenever I sustain an objection to a question or deny a motion to admit into evidence, you must ignore the question or the existence of the exhibits, and you must not guess what the answer would have been or what the exhibit would have shown.

Sometimes it may be necessary for me to request that you leave the courtroom while I discuss with the attorneys legal questions that come up during the trial. If that occurs, you should not speculate about our discussions or the reason that you were asked to leave the room. This is simply a procedure that the law requires when certain legal issues arise.

There also may be occasions when I ask the lawyers to approach the bench so I can discuss a legal issue with them in private. I will do this as often as possible so you will not be required to leave the courtroom more than is absolutely

65

necessary.

Again, if I ask the attorneys to step up to the bench or I ask you to leave the courtroom, please don't think that anybody is trying to hide anything from you or to keep any evidence from you. This is simply a procedure used by all lawyers and by all courts to determine and decide legal questions.

In deciding the facts of this case, you may have to decide which witnesses to believe and which witnesses not to believe. You may believe everything a witness says or only part of it or none of it.

In deciding what to believe, you may consider a number of factors including the following: The witness's ability to see, hear, or know the things testified to; the quality of the witness's memory; the witness's manner while testifying; whether the witness has an interest in the outcome of the case or any motive, bias, or prejudice; whether the witness was contradicted by anything the witness said or wrote before the trial or by other evidence; how reasonable was the witness's testimony when considered in the light of other evidence which you believe.

Until I advise you to begin your deliberations,

66

you must not discuss this case with anyone, including your fellow jurors, friends, family members, or anyone involved in this case. This includes discussions face-to-face, telephone, email, text, blogs, Twitter, Facebook, LinkedIn, Google, or any other method of communication.

You may not use a computer, a cell phone, or other electronic device with communication capabilities at any time in the courtroom or during deliberations.

You -- as I told you earlier, you may use these during your break. However, you may not at any time use these devices to get or send information about the case. This includes information about the party, a witness, an attorney, or court officer, news accounts about the case, research on any topics raised, or any topics you think would be helpful in deciding the case or any testimony presented by any witness.

During this trial do not read, listen to, or watch any news reports about the case. This includes anything that may be in the newspaper or on the internet, radio, or television. You must not consider anything you may have read or heard about the case outside of this courtroom, whether before

67

or during the trial.

After the case is submitted to you, you must discuss it only in the jury room with your fellow jurors. The attorneys and parties -- and I've told you earlier -- have been advised not to talk to you at all. So if you see someone involved in the case, they don't speak, don't say hello, they're not being unfriendly. They're just following my orders.

It's important that you keep an open mind and not decide any issue in this case until all of the evidence has been presented, the parties have made their closing arguments, and I have instructed you on the law in this case.

It is your sole responsibility to determine the guilt or innocence of the defendant, and your verdict must be based solely on the evidence as it is presented to you in this trial and on the law as I instruct you during and at the close of the trial.

Mr. Foreman, it is also your added duty to preside in the jury room and be the jury's spokesperson here in court. It will also be your duty to write the verdict, but I will give you further instructions about that at the conclusion of the case.

In order to preserve everyone's rights, I will

68

give the parties an opportunity to object to anything I've said.

Any exceptions to anything I've said by the State?

MS. TAYLOR: Nothing from the State.

THE COURT: By the defendant?

MR. SNELL: No.

THE COURT: We will now begin the trial of this case after we swear you in.

(Jury sworn.)

THE COURT: All right.

Is the State ready to proceed?

MR. LONG: Yes, Your Honor.

May it please the Court?

THE COURT: Yes, sir.

MR. LONG: "Go to sleep. Go to sleep." Those are the words that the defendant, Shane Robert Clamp, told the mother of his two children as he strangled her in the kitchen of their house, all while their four- and five-year-old boys sat in the living room about 15 feet away. That's why we're here today. We're here solely because of the defendant's actions on January 17th, 2022, around 9:00 a.m.

Now, the defendant is charged with domestic

69

violence of a high and aggravated nature. As the Judge just said, she'll instruct you on the law. She's the only one who can tell you what the law is. I want to give you a brief breakdown of what we have to prove.

We have to prove that the defendant caused physical harm to a household member under circumstances manifesting an extreme indifference to human life, and it would cause a reasonable person to fear imminent great bodily harm or death.

Now, the burden is on us, the State, to prove our case. We have to prove our case beyond a reasonable doubt. I'm sure we've all heard the term "beyond a reasonable doubt," but what exactly does it mean? Let's start with what it doesn't mean.

It doesn't mean proof beyond all doubt or proof beyond a shadow of a doubt. Our courts in South Carolina have defined proof beyond a reasonable doubt as proof that leaves you firmly convinced of the defendant's guilt.

I'll be frank with you. This is a high bar, but this is a courtroom where justice is served, and that bar ought to be high. We welcome that burden.

How are we going to prove our case? Well, we're going to call witnesses to testify and

70

introduce some evidence. The first person you'll hear from is Ms. Denise Snelling. Denise is a family friend of the victim, B.S. [redacted]. We expect Ms. Snelling will come up, and she will tell you she's the one that called 911.

You'll also hear from Jeremy Stiles, who is a nurse at the urgent care that's run by Lexington Medical Center. We expect he'll tell you how he saw B.S. [redacted] the next day, the day after the incident, more than 24 hours after the incident. What he noticed, the bruises he noticed around the victim's neck.

You'll also hear from Dr. Matison Boyer, who is an orthopedic surgeon. He'll tell you how he also examined B.S. [redacted] after the incident. He'll tell you the extent of the injuries he observed.

You'll also hear from Deputy Brandon Mills, who was one of the responding officers that day. He'll tell you his observations at the scene, his interactions with the defendant and the victim.

And you'll also hear from the victim, B.S. [redacted] herself. She's going to tell you in her own words what happened around 9:00 a.m. on Monday, January 17, 2022. We expect B.S. [redacted] will get up here, and she'll tell you she thought she was going

71

to die as the defendant's arm was wrapped around her neck.

Not only is she going to tell you about it, you're going to get to hear it for yourself. You're going to get to hear the sheer power being placed around her throat by the defendant as she desperately tries to scream out for help.

Now, Judge McCaslin has explained the roles in this case. She's the judge of the law. She's the only person who can tell you what the law is. But you have a role to play as well. You are the judges of the facts. You will take the evidence and testimony that comes from this witness stand, and you will apply it to the law that she gives you.

Now, there's two forms of evidence. Direct evidence is evidence that you can see, you can feel. And there's circumstantial evidence, which is evidence that you can infer based on a series of facts.

So, for example, let's say we walk outside. There's snow on the ground; icicles hanging from the power lines. Granted, I realize it's about 150 degrees outside. This is just an example.

If we walk out there and we see the snow on the ground and the icicles hanging from the power lines,

72

we didn't see it snow, but we can infer it snowed.

You were not asked to leave your brains at home. You're asked to use them. Use your own common sense, your own personal life experiences and apply it to the facts and evidence in this case.

How are you going to do that? Well, just as you're judging my believability and my credibility right now, you're going to do the same thing to every piece of evidence in this case.

And at the conclusion of this trial, once you have all the evidence in front of you and once Judge McCaslin gives you the law, when you apply the evidence to that law, you'll see that we have met our burden, and you'll have no choice but to find the defendant, Shane Robert Clamp, guilty of domestic violence of a high and aggravated nature.

THE COURT: Thank you.

Mr. Snell, if you want to.

MR. SNELL: Thank you very much, Your Honor.

Good afternoon. My name is Jim Snell, and I have the pleasure of representing Mr. Shane Clamp seated here. And, again, on the other side of Mr. Clamp is Caitlyn Lovette, a paralegal in my office, and we're very glad to have her here.

You're going to hear from a lot of witnesses

73

today and tomorrow by the prosecution, by the Government. The only witness that knows what happened on the morning of January 17th they're going to call is B.S. [redacted].

The evidence in this case is not going to rise to the level where the State can prove beyond a reasonable doubt that Mr. Clamp committed domestic violence of a high and aggravated nature.

There are four levels of criminal domestic violence in South Carolina. There's what's called a low, and then two intermediate levels, and then high and aggravated. It's the most serious substantial domestic violence charge under state law. And I agree with everything the prosecutor said about the very high burden they have.

Now, what you're going to hear is that Shane Clamp and B.S. [redacted] they were a couple for approximately ten years. They lived in a house owned by Shane's mother and stepfather in the Oak Pointe neighborhood in Lexington County.

On the morning of January 17th, the police were called, the Lexington County Sheriff's Department, and B.S. [redacted] met with them at the house and told them exactly what her story was at that time.

She told them that he had hit her, that he had

74

taken his arm, I believe his left arm, wrapped it around her throat, and she also reported that her foot hurt.

Now, she denied passing out. She said she never went unconscious. And that seems like a small detail, but part of the high burden the State has got to meet is meeting the legal definition of domestic violence of a high and aggravated nature, which includes applying pressure to the throat or neck, obstructing the nose or mouth of a household member and thereby causing stupor or loss of consciousness for any period of time. And B.S. said that didn't happen.

B.S.'s foot hurt. She told them. But she was very clear: I don't know how it happened. It happened during whatever was occurring, but I don't know exactly what the mechanism was. That's significant because B.S. was later diagnosed with a type of foot fracture that can be caused either from trauma or from overextension or twisting. It's called a dancer's fracture, the most common type of foot fracture. But you can get it from all kinds of other situations. It's not something that you can get from having somebody -- necessarily from somebody stomping on your foot or

75

intentionally hurt you.

Finally, she says that he hit her. You're going to see -- it's my understanding the State is going to show you video of B.S. . You may see some pictures. They're going to show you exactly what she looked like. There's no black eyes, no bruising. She's going to have some red splotches on her that she confirms to them are not related at all to this incident, and she also discusses with the officer how, with her complexion, she turns red and flush. I don't know what the term is, but she has some natural redness. She thinks it's normal. She tells the deputy that.

Finally, you've heard about the recording. Now, the whole story with the recording I think is going to come out is that B.S. turned her phone on, I think the video recorder, because she was having an argument with Shane. And that phone was on for about three and a half minutes before you actually hear her and Shane interact again.

You hear something about coffee, and then you hear some noises that I believe she said is the choking incident or whatever that is. And then it kind of de-escalates. And you may hear some more casual conversation or continuing some argument but

76

nothing at that level.

My understanding is that audio recording was made by B.S. but never -- she didn't tell the police she made it. When they respond to the house, she never says, "Oh, I've got this recording." In fact, that recording wasn't turned over to the State, even though this happened January 17th, and it was right on her phone, she didn't turn it over until May.

You may also see some text messages. I don't know what the State is going to try to introduce or not, but there may be some text messages they try to introduce between B.S. and Shane Clamp. If they do, you're not going to get the entire story. You're not going to get everything that these people exchanged between themselves about the relationship or the circumstances of the breakup or what did or didn't happen.

What we do know is, after this happened, Shane was arrested and charged, and then B.S. allowed him to move back in. And he was there until March, and then B.S. left with her children. There's now a family court case between them involving custody and visitation. I think the next hearing in that is set for September 1st.

77

So it's important. This case is a criminal case. The Government has brought a charge of criminal domestic violence of a high and aggravated nature. That's what the State's got to prove. This is not family court. We're not here to decide all the issues between Shane and B.S. or who's been good, who's been bad, or what the other relationship is. It's simply: Can the State meet the burden of proof for that specific charge, that's the case the State's elected to bring.

Talk to you a little bit about what that burden is. It's proof beyond a reasonable doubt. The Judge will instruct you at the end of the trial exactly what that means. But the Judge may define it to you as something along the lines of it's proof that would cause a reasonable person to hesitate to act.

For example, if someone -- and sometimes this courtroom is used in civil cases. And those are trials where people sue each other over money. In order for somebody to win money in that type of case, or the lawsuit, the person or plaintiff bringing the case must prove it by a preponderance of the evidence. That means more likely than not.

So, for example, if you sue somebody for a

78

million dollars, sue them for every penny they have and win, the Court requires you to prove that case by a preponderance. That's simply more likely than not. That is a much lower standard than applies here.

Another example. If someone is accused of being a neglectful or unfit parent and the Government or Department of Social Services is going to come and remove their children and terminate their parental rights and say you're not going to legally be their parents, you're not going to be allowed to see them again, the legal standard the Government has to have in that kind of case is called by clear and convincing evidence. That's a lower standard than applies here.

This is not a situation where the defense, me or Mr. Clamp, have to prove anything. We certainly don't have to prove he's innocent. I certainly don't have to prove that nothing happened; don't have to prove there wasn't an argument; don't have to prove that, for whatever reason, she called the police; or even don't have to prove that no physical contact even happened.

This case is about whether or not the State can meet their burden of proof that domestic violence of

79

a high and aggravated nature which would be under circumstances manifesting extreme indifference to the value of human life that would cause a person to fear imminent great bodily harm or death occurred.

I'll tell you, at the end of the case, the State is not going to even meet that burden. In following the law and the instructions the Judge will give you, the only verdict would be not guilty. Thank you all very much.

THE COURT: Thank you, Mr. Snell.

The State can call their first witness.

MS. TAYLOR: Thank you, Your Honor. May it please the Court?

The State calls Denise Snelling.

DENISE ANN SNELLING

being first duly sworn, testified as follows:

THE WITNESS: Yes, ma'am.

THE CLERK: Have a seat and state your full name and spell your last, please.

THE WITNESS: My name is Denise Ann Snelling, S-n-e-l-l-i-n-g.

DIRECT EXAMINATION

BY MS. TAYLOR:

Q. Good afternoon, Ms. Snelling.

Where are you from?

80

A. Originally or now?
Q. Originally. I apologize.
A. Chicago, Illinois.
Q. Okay. Where do you currently live?
A. Since 1999, here in Lexington, South Carolina.
Q. All right. Moving forward, do you remember calling 911 on January 17th of 2022?
A. Yes, ma'am.
Q. Why did you call 911?
A. I had a text.
Q. Okay. Who was that text from?
A. B.S. . B.S. .
Q. How do you know her?
A. B.S. is my former daughter-in-law.
Q. And where, at the time, January 17th, where did B.S. live?
A. Oak Pointe Drive.
Q. Is that in Lexington County?
A. Yes, ma'am.
Q. And what time of the day did you receive that text from B.S. approximately?
A. Around 9:15.
Q. Okay. And on January 17th; correct?
A. Yes.
Q. What did you do when you saw that text?

81

A. I called 911.
Q. Did you call 911 immediately?
A. Yes, ma'am.
MS. TAYLOR: No further questions.
THE COURT: Any cross, Mr. Snell?
MR. SNELL: No questions.
THE COURT: Can I excuse Ms. Snelling?
MS. TAYLOR: Yes, Your Honor.
THE COURT: You're excused. Thank you.
You can call your next witness.
MR. LONG: The State calls Jeremy Stiles.

JEREMY STILES

being first duly sworn, testified as follows:
THE WITNESS: I do.
THE CLERK: Have a seat. Once you're seated, state your full name, spelling your last, please.
THE WITNESS: Hi. My name is Jeremy Stiles, S-t-i-l-e-s.

DIRECT EXAMINATION

BY MR. LONG:
Q. Jeremy, where are you from?
A. I'm originally from the southern part of Illinois, but I currently live in Lexington, South Carolina.
Q. When did you move to Lexington?

82

A. About eight years ago.
Q. What did you move to Lexington for?
A. My wife and I were both recruited by Lexington Medical Center to work as nurses.
Q. So you're a nurse?
A. I'm a nurse practitioner now.
Q. Where did you go to school?
A. I went to undergraduate at Wright State University, and I went to graduate school at Heidelberg University in Ohio and Walden University for my nurse practitioner degree.
Q. So what did you study? What was your focus?
A. I have undergraduate degrees in psychology and nursing and master's degrees in clinical counseling and nursing.
Q. Jeremy, where do you currently work?
A. I work as a nurse practitioner at Lexington Medical Center's urgent care in Lexington.
Q. What are some of your responsibilities?
A. I see patients ranging from life to death for acute and chronic health issues.
Q. How long have you been working for Lexington Medical Center?
A. I've worked for Lexington Medical Center for about eight years. I worked in the urgent care

83

division as a nurse practitioner for two years. And before that, I worked a year in the ER as a nurse practitioner.

Q. So how long would you say you've been working in the health care field total?

A. 23 years.

Q. Were you working at the urgent care on January 18th, 2022?

A. Yes, sir.

Q. What were some of your job duties at that time?

A. I saw patients as they came in ranging from treatment of the flu, COVID, broken bones, heart attacks.

Q. On January 18th, did you see a patient by the name of B.S. [redacted]?

A. I did.

Q. Do you recall what she was there for?

A. She was there for various musculoskeletal injuries.

Q. What were her acute complaints?

A. She had some pain in her right foot, pain in her right rib, and she had some injuries to her neck.

Q. Did you take her vitals at the time of the examination?

84

A. The nurses took them before she came back to me.

Q. Did you notice anything when you looked at those vitals?

A. I believe that her blood pressure was slightly elevated and that her heart rate was elevated.

Q. What do you recall about B.S. 's demeanor throughout your interactions with her?

A. She was pretty tearful and anxious during the time frame.

Q. So what did you learn from your examining B.S. ?

A. She had a lot of bruising to her foot, mostly towards the toes. She had a lot of tenderness along the ribcage. She also had a lot of small bruising around her neck.

Q. Did you ever find out the extent of her foot injury?

A. Yes. She had a fracture to her fifth metatarsal, kind of in the middle of it.

Q. What did you do with that information?

A. I put her in a cast shoe, referred her to Lexington Orthopedics.

Q. I want to talk to you about these bruises around B.S. 's neck. Have you dealt with victims

85

who have been strangled throughout your time as a nurse?

A. Oh, absolutely.

Q. Was the bruising around B.S.'s neck consistent with your experience as a nurse?

A. Yeah. I mean, the bruising around her neck was consistent with force being applied.

Q. What are -- and how often -- what would be a time line for bruises to show? Do they show up instantly?

A. No. Bruises take one to two days to a week to show up.

Q. What are some common symptoms of strangulation?

A. Well, I mean, the patient could lose consciousness. They could decease. They could be very hypoxic and confused. They could have trouble swallowing.

Q. Is memory loss a common symptom of strangulation?

A. The hypoxia generated by strangulation could certainly cause some mild state of delirium.

Q. Jeremy, in your experience, can patients recall traumatic events better over time than they can right after the event happening?

A. I would say each patient's experience is

86

relative to that patient and the circumstances that occurred during it. I certainly think that a person, although a traumatic event, tends to recall things a little bit better as time goes on usually.

Q. And, Jeremy, in your experience, was your examination with B.S. consistent with someone who had been strangled?

A. I would say yes.

MR. LONG: Beg the Court's indulgence.

THE COURT: Take your time.

Q. BY MR. LONG: Jeremy, what is hypoxia?

A. It's a state where you lose a little bit of oxygen as time goes on, such as a person who has pneumonia can't breathe as well so the body becomes a little deoxygenated. With hypoxia, it can lead to confusion and lead to less oxygen kind of flowing throughout the body.

Q. And you said she fractured her fifth metatarsal. What is a metatarsal, first?

A. It's the longer bone in your foot.

Q. If you had to tell a layman -- if you had to tell me, the fifth metatarsal, what would that be?

A. It would be the bone that your pinky toe is attached to.

Q. All right. And you ordered the x-ray on

87

B.S. 's foot?

A. I did.

MR. LONG: Beg the Court's indulgence.

THE COURT: Take your time.

Q. BY MR. LONG: Did you order any follow-up treatment for B.S. ?

A. I referred her to Lexington Orthopedics.

Q. Who was the doctor you referred her to?

A. It's a general referral to their office for a doctor who has openings at the next available time.

MR. LONG: Thank you.

Your Honor, no further questions at this time.

THE COURT: Thank you.

Any cross, Mr. Snell?

MR. SNELL: Yes, Your Honor. Thank you.

CROSS-EXAMINATION

BY MR. SNELL:

Q. Sir, again, you only saw Ms. B.S. only one time; correct?

A. Yes, sir.

Q. And that was on January 18th?

A. Yes, sir.

Q. That was somewhere around 2:30, 3:00 p.m.?

A. It was at 1549, so about 3:45.

Q. I see you have a file with you. Is that

88

B.S.'s chart?

A. Yes, sir. It's my notes from the visit.

Q. When she presented, I noticed in the chart the chief complaint was the foot pain.

A. Yes. The chief complaint was an alleged physical assault, and the nurses noted that she had injury to her right foot.

Q. I noticed that, just looking at the chart, what you charted was that she had dime-sized bruises on her anterior neck?

A. Yes, sir.

Q. That means the front part of her neck?

A. Yes, sir.

Q. When you say dime-sized, is that a medical term, or are you referring to the common coin?

A. No. Dime-sized is the common coin. It's just an easy way to write so it's understood.

Q. Okay. She also -- I think you note in the chart that she had some edema on the foot?

A. Yes, sir.

Q. That's like some pitting or where the skin might look rough or kind of uneven?

A. It's just swelling to her foot. Certainly a lot of swelling would cause some pitting.

Q. And that edema can be caused by -- I know

89

certain medical conditions or loss of kidney function, or there can be multiple causes?

A. Yes, absolutely, sir.

Q. I looked all through the chart. I didn't see anywhere charted where you referenced any complaints about memory loss or where she said she couldn't --

A. You're correct, sir.

Q. So that wasn't any -- I'm assuming if that had come up in your examination or been a complaint, you would have certainly charted it?

A. Absolutely, sir.

Q. I want to understand correctly. The type of fracture she had, as far as foot fractures go, that's about the most common or the most common type of foot fracture, isn't it?

A. My experience seems to be I see more patients with that than anything.

Q. And I guess that's because there's a ligament on that bone that can, if there's overextension or twisting, could break that bone?

A. Yes.

Q. You've heard the term before "dancer fracture"?

A. I have heard of that term before, yes, sir.

Q. I guess because dancers get it?

A. Dancers are prone to injuries like that.

90

MR. SNELL: All right. No other questions. Thank you so much.

THE COURT: Any redirect?

MS. TAYLOR: Beg the Court's indulgence.

REDIRECT EXAMINATION

BY MR. LONG:

Q. During your conversations with B.S., did she ever mention anything about being a dancer?

A. No, sir.

Q. And were her injuries consistent with force being applied to the throat -- to the neck area?

A. Her injuries were consistent with force being applied.

MR. LONG: No further questions.

RECROSS-EXAMINATION

BY MR. SNELL:

Q. So bruising could be consistent with force being applied; correct?

A. Yes, sir.

Q. I mean, any bruise?

A. Yes, sir.

Q. Anywhere on the body?

A. Yes, sir.

Q. And specifically on this fracture, what we call a dancer fracture, nobody told you she was a dancer

91

or did ballet or anything; correct?

A. No, sir. It didn't come up.

Q. But this type of fracture can occur, you agree with me, by twisting or any kind of overextension?

A. Yes. That's typically how most fractures occur.

Q. So while some could be caused by trauma, say somebody getting stepped on or hit or having a foot run over, it could also simply be caused by an accident?

A. Any kind of force to anything could cause a fracture, sir.

MR. SNELL: Thank you very much.

No further questions.

THE COURT: May I excuse Mr. Stiles?

MS. TAYLOR: Yes, Your Honor.

THE COURT: You're excused, Mr. Stiles. Thank you for coming.

Call your next witness.

MS. TAYLOR: Thank you, Your Honor.

The State calls Dr. Matison Boyer.

DR. MATISON BOYER

being first duly sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Have a seat, please, sir. Once

92

you're seated, Doctor, state your full name, spelling your last on the record.

THE WITNESS: Matison Leo Boyer, B-o-y-e-r.

DIRECT EXAMINATION

BY MS. TAYLOR:

Q. Good afternoon, Dr. Boyer.

Just by way of background, where are you from?

A. I grew up in Chicago, Illinois.

Q. And where did you go to high school?

A. I went to Geneva Community High School.

Q. After that, did you go to college?

A. I went to college at Northern Illinois University.

Q. What was your major there?

A. Medical technology.

Q. And between undergrad and any postgraduate, what did you do between that time?

A. I went to medical school at the Chicago Medical School in Chicago, and then I did a five-year residency in orthopedics at the Mayo Clinic in Rochester, Minnesota. And then I did a one-year fellowship in foot and ankle surgery at the Mayo Clinic in Jacksonville, Florida.

Q. Did you have any specialty during your residency in the Mayo Clinic?

93

A. Orthopedics.
Q. And that would include orthopedic surgery as well?
A. That's correct.
Q. And how long was your fellowship in ankle and foot?
A. One year.
Q. And after your fellowship, what did you do?
A. I initially worked at Charleston Orthopedics until 2006, and then I've been here in Lexington ever since.
Q. When did you begin working at Charleston Orthopedics?
A. 2002.
Q. So after you left Charleston Orthopedics, where did you go next?
A. Lexington Medical Center.
Q. Is that where you currently work?
A. Correct.
Q. So you've been there since 2006?
A. That's correct.
Q. Why did you decide to come to Lexington Medical Center?
A. I was recruited by the Lexington Department of Orthopedics. They needed someone specializing in

94

foot and ankle.
Q. Do you continue to predominantly specialize in foot and ankle at this time?
A. That's correct.
Q. What are some of the common procedures that you have as well as common issues you see with patients from day to day?
A. We see anything from arthritic conditions to fractures to infections. Basically anything of the musculoskeletal system.
Q. What is -- just for me and the jury, what is the musculoskeletal system?
A. Muscles, joints, bones, tendons, ligaments, cartilage.
Q. Moving to January 17th of 2022, do you remember treating a [redacted] B.S. at Lexington Orthopedics?
A. I do.
Q. What was the first day that you treated her or met with her?
A. Looking at my notes, I believe it was January 21st, 2022.
Q. And was she a referral for your office, or did she make an appointment on her own? How did that come about?

95

A. I believe she was a referral from the urgent care or emergency room.
Q. Did you treat her at all before this date?
A. Not that I'm aware of.
Q. So you've reviewed your records prior to testifying today?
A. That's correct.
Q. Would that also include the records from urgent care that was the referral source?
A. Correct.
Q. Do you normally review all the records before meeting with the patient just to get --
A. We try to. That's correct.
Q. What would the purpose of that be?
A. Just to familiarize with things that had been treated up to that point for the particular condition of the patient.
Q. And you'd follow that by your personal assessment of the patient; correct?
A. Correct.
Q. And in this case, those urgent care records were from Nurse Practitioner Jeremy Stiles?
A. That's correct.
Q. Now, when you first met with Ms. B.S., what were her primary complaints?

96

A. Primary complaint from that visit was right foot pain.

Q. And did you have any kinds of tests or other types of records that you reviewed in addition to Mr. Stiles's notes and the nurses' notes and things of that nature?

A. I would have had the x-rays taken at the urgent care.

Q. And through your experience and training, you commonly read x-rays; correct?

A. That's correct.

Q. And through your assessment of Ms. B.S. as well as the review of that x-ray, what was your determination through your training and experience?

A. Three-views x-rays reviewed by myself showed a fifth metatarsal fracture, dancer, nondisplaced. That was my original finding.

Q. Breaking that down into layman's terms, what does that mean?

A. The fifth metatarsal is the long bone in the foot that goes along with the small toe on the right side. A dancer fracture, traditionally the fracture that starts about halfway down the metatarsal. And displaced or nondisplaced is somewhat of a subjective term, but it just gives an indication

97

that the fracture is well-aligned or not well-aligned.

Q. And in Ms. B.S. 's case, was it aligned or not?

A. I described it as nondisplaced, so it was relatively well-aligned.

Q. Through your personal assessment when Ms. B.S. came into the office that first appointment, what were your observations through your review of her systems?

A. She was having pain at the site of the fracture on the foot. She was in a splint. She came in on crutches. And that was the main gist of it.

Q. So is it safe to say she was having difficulty walking?

A. That's correct.

Q. Now, you called and through prior testimony, this type of fracture is commonly known as a dancer's fracture?

A. That's correct.

Q. Are there multiple causes for such a fracture?

A. That's correct.

Q. Would one of those causes be some type of blunt force trauma?

A. That's correct.

98

Q. Are these fractures sometimes or commonly seen through alleged assaults?
A. That's correct.
Q. Through your observations of Ms. -- and discussions with Ms. B.S., did she allege any kind of activity -- dance, sports, exercise, anything like that -- that she attributed to the cause of this fracture?
A. Not that I recall, no.
Q. Did you order any additional tests?
A. At that time, I don't think so.
Q. So you had everything that you needed to make -- to form a treatment plan?
A. That's correct.
Q. After assessing her, examining the x-rays that were already done in urgent care -- and you said that the prior diagnosis was correct with the fracture of the fifth metatarsal -- what did you do next?
A. She was placed into a cam walking boot. We instructed her to keep it elevated, continue to use crutches if she needed to, ice and elevation, and maybe offered her pain medication.
Q. What is a cam boot?
A. A cam boot is a -- it's a walking boot, but it

99

has a rounded bottom which facilitates the patient being able to put some weight on the foot so they can walk a little bit and allows the fracture to heal.

Q. Now, going back again to when you reviewed the nurse practitioner notes from urgent care, they have some bearing on your diagnosis as well; correct?

A. That's correct.

Q. And you did see in the notes that there was an alleged assault; correct?

A. That's correct.

Q. And that part of that assessment prior to you reviewing the notes was dime-sized bruises on her neck; correct?

A. That's correct.

Q. Through your experience, training, and medical school and beyond, are those types of injuries consistent with strangulation?

MR. SNELL: Object.

THE COURT: Basis of your objection?

MR. SNELL: Just outside the scope of the doctor's testimony, what he's testified to in his examination and the scope and involvement.

MS. TAYLOR: Your Honor, his review of the nurse practitioner notes from urgent care he's

100

already testified was a part of his review prior to assessing Ms. B.S. . He does have the requisite knowledge from medical school and his training and experience since then, including his residency, his fellowship, and his prior experience at Charleston Orthopedics and at Lexington Orthopedics currently, and he is well within his training and experience to testify to the sorts of injuries which is part in this case and ongoing series of events during the alleged assault.

THE COURT: I'll allow it.

MS. TAYLOR: I'll just reask the question.

Q. Dr. Boyer, you testified that the urgent care notes were reviewed prior to you assessing Ms. B.S. . In addition to the fracture, there were notes reviewed and records reviewed that noted dime-sized bruising to Ms. B.S. 's neck; correct?

A. Correct.

Q. Are those types of injuries, through your training and experience and education, consistent with alleged strangulation?

A. Yeah. I'm not an expert on strangulation, but based on previous testimony and review of the notes, that seems appropriate.

Q. And after you assessed Ms. B.S. on January

101

21st and came up with this treatment plan, did you continue to see her for follow-up treatment?

A. That's correct.

Q. And on what dates did you see Ms. B.S. ?

A. I saw her in follow-up on February 25th. Just going through my notes. March 28th. That may be the last note that I have.

Q. So you saw her more than once after the 21st?

A. That's correct.

Q. What types of treatment -- when you recommend follow-up treatment, what does that entail when they come back?

A. I usually would see the patient back, see how they're doing with their injuries. We would obtain new x-rays to evaluate the healing of the fracture and then basically anything they'd need in regards to recovery at that point.

Q. When she did come back to you for that follow-up treatment on those dates, what did you observe with Ms. B.S. ?

A. She had a couple of things come up in her recovery time. One was that she had really quite a bit of swelling. We were concerned that she had maybe developed a blood clot in her leg, so we obtained an ultrasound for a possible blood clot.

102

One of the other issues she had, she has having quite a bit of nerve-type pain. So we talked about possible sources of the nerve pain.

Q. Would a possible blood clot be a serious condition?

A. Yes.

Q. Is it potentially 1ife-threatening?

A. Potentially.

Q. What are the ramifications of any possible nerve damage?

A. Some people experience chronic pain based on some injuries. There are certain nerve conditions that are treated by a neurologist. There are other pain management doctors that sometimes are a result of traumatic injuries.

Q. You said possible result of traumatic injuries?

A. That's correct.

Q. Whatever came of that further evaluation and tests?

A. Those may get better with time. I haven't seen her in quite a bit. As far as I know, she's doing okay, but I can't say for sure.

MS. TAYLOR: No further questions at this time, Your Honor.

THE COURT: Mr. Snell?

103

MR. SNELL: Thank you very much.

CROSS-EXAMINATION

BY MR. SNELL:

Q. Good afternoon, sir.

So make sure I understand the time line. You first saw B.S. on January 21st of 2022?

A. That's correct.

Q. And you saw her two more times after?

A. That's correct.

Q. February 25th and then March 28th, okay.

As far as in-between January 21st and February 25th, were there any other records or anything else you were able to review describing her condition or what did or didn't happen to her during that time period?

A. I'm not aware of any.

Q. How about between February 25th and March 28th?

A. I'm not aware. There may be nurse communications or phone calls, but I don't recall anything.

Q. I understand that -- did B.S. report to you she had been assaulted, or is that something you gathered from the chart?

A. I don't recall the specifics. I know it was in the chart. I was aware of it, but I don't remember

104

how I became aware of it.
Q. So as far as any additional details about an assault, you never knew or don't remember?
A. That's correct.
Q. And that would include exactly how the foot was injured, exactly what the specific mechanism was?
A. That's correct.
Q. You don't know?
A. That's correct.
Q. All right. So -- and to make sure I understand, there's several potential causes for a break of this type, and it certainly could be caused by trauma; is that correct?
A. That's correct.
Q. It can also be caused by some type of twisting or overextension?
A. Correct.
Q. I understand it's a pretty common sports injury?
A. That's correct.
Q. So there are -- you certainly have seen this type of break before from other situations that aren't, you know, an acute trauma?
A. Correct.
Q. Now, one of the effects of having a break,

105

including this specific type of break, is that can itself cause bruising; is that correct?

A. Correct.

Q. So the fact that there's bruising related to or in conjunction with a broken foot, that doesn't necessarily indicate that the break was caused by trauma?

A. Correct.

Q. It could be simply twisted and still have bruising?

A. Correct.

Q. I saw -- I think I noted where you had charted or it was in the chart that she had some osteopenia? I hope I'm pronouncing that correctly.

A. That's correct.

Q. Can you tell us what that is?

A. Osteopenia is by definition a thinner bone as would be expected. Osteoporosis has a slightly different definition. On x-rays you can really only say the bone is normal or slightly less than normal based on the opposite foot for a comparison. So the term "osteopenia" is usually an x-ray term noting that there may be some changes in the bones just based on x-ray.

Q. Was that the only type of imaging you were able

106

to review were x-rays?
A. She had an ultrasound, I think, for the blood clot, but x-ray was the mode we use in the office, that's correct.
Q. And, again, going back to the blood clot, would the cause for blood clot be like -- would that correlate with a break by being just limited mobility or whether or not somebody chose to exert themselves or walk during the recovery period?
A. Yes. There's lots of different causes for a blood clot. It could be related to age, activity level, injury, a number of things.
Q. Just with regard to the osteopenia, that's a loss of, what, bone mass?
A. That's correct.
Q. Tell me, is that difficult to see on an x-ray?
A. It can be unless it's pretty dramatic.
Q. So if I understand correctly, you have 30 to 50 percent bone loss before it's visible on x-ray?
A. I don't know what the exact number is, but I think it would be significant.
Q. So in order for you to make the determination that she had osteopenia from looking at the x-ray, it has to be pretty dramatic bone loss?
A. That's correct.

107

Q. And that would make her more susceptible to a fracture in that area?

A. I think my reference on the osteopenia may be in relationship to the nerve injury. The nerve injury, one of the peculiar things about the nerve injury is some people do experience osteopenia or bone loss just from the nerve injury. That would be after the injury.

Q. Of course, bone loss wouldn't occur just in the weeks following the incident?

A. Some people do develop some osteopenia just from being in a cam boot. Just from being off of it. It's somewhat of a nonspecific finding.

Q. But that's typically something you'd see after a longer period of inactivity or immobility than just within weeks?

A. Correct.

Q. I also understand, in looking at the chart, it looks like she disclosed she was a pack-a-day smoker?

A. That's correct.

Q. And that can affect, I think, her body's ability to heal and respond to a fracture?

A. That is correct.

Q. And it can delay treatment?

108

A. That's correct.
Q. It can cause blood clots, or smoking can increase the chance of somebody having clotting?
A. Correct.
Q. Generally not good?
A. Correct.
Q. Okay. And thank you.
MR. SNELL: No further questions.
THE COURT: Any redirect?
MS. TAYLOR: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MS. TAYLOR:
Q. Dr. Boyer, your primary concern when you have a patient, do you speculate as to how injuries occur?
A. We usually make note of that.
Q. Based off what the patient has reported to you?
A. Correct.
Q. Other than the alleged assault that you have noted in the file, did she allege any type of activity, sport, anything that you could attribute to this injury?
A. No.
MS. TAYLOR: No further questions, Your Honor.
THE COURT: Thank you.
Mr. Snell?

109

MR. SNELL: No further questions.

THE COURT: All right. Can I excuse the doctor?

MS. TAYLOR: Yes, Your Honor.

THE COURT: Doctor, thank you.

You want to call your next witness?

MS. TAYLOR: I was going to ask if we could approach briefly for a scheduling matter.

(Sidebar conference.)

THE COURT: All right. Mr. Foreman, ladies and gentlemen of the jury, there's some matters I need to take up with the lawyers. That is what -- we're done for the day. I'm going to ask that you come back in the morning at 9:00. If you could be in the jury room at a quarter to 9:00 because we'll start promptly at 9:00.

I'll remind you, and every time you leave this room I'm going to remind you, you cannot talk about this case. Don't go do research on anything that you've heard. Don't look up anything. You're not allowed to talk about this case with anyone; okay?

And then they tell me they think we might have two witnesses tomorrow. We'll see. It might be more. I'll speak with the lawyers, but I'll keep you updated; okay?

110

With that said, I'm going to excuse you. I hope you have a good afternoon, and I'll see you in the morning.

(The jury exits the courtroom at 2:20 p.m.)

THE COURT: All right. We're going to email jury charges to everybody. Please, for your homework tonight, look over them because if we have just two witnesses tomorrow, you know, it looks like we might be charging tomorrow. So I'd like to be prepared and ready to go. So we will get those emailed, and I'll look at the Workman case.

And I guess I'll have to listen to the rest of the testimony to see which direction we're headed. So that's what we'll do.

Anything from the State?

MS. TAYLOR: Nothing right now, Your Honor.

THE COURT: Anything from the defense?

MR. SNELL: Nothing. No, Your Honor.

THE COURT: All right. Court is adjourned. We'll start at 9:00 in the morning. Thank you.

(Proceedings adjourned at 2:21 p.m.)

111

C E R T I F I C A T E

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

I, the undersigned, Bethanie K. Creppon, Circuit Court Reporter for the Second Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the trial of the captioned cause, relative to appeal in the Criminal Court for Lexington County, South Carolina, on the 1st of August, 2022.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

December 14, 2022

s/Bethanie K. Creppon

Bethanie K. Creppon
Circuit Court Reporter

State of South Carolina County of Lexington State of South Carolina, Plaintiff, vs. Shane Robert Clamp, Defendant.	In the Court Of General Sessions Indictment No.: 2022-GS-32-00862 Transcript of Proceedings

August 2nd, 2022

Lexington, South Carolina

BEFORE:

The Honorable Debra McCaslin, Judge, and a jury.

APPEARANCES:

Whitney Taylor, Assistant State Solicitor
Player Long, Assistant State Solicitor
Attorneys for the State/Plaintiff

James Snell, Junior, Esquire
Attorney for the Defendant

ALSO PRESENT:

Shane Robert Clamp

INDEX

WITNESS	PAGE
JOYCE HOPE FRICK	
Direct Examination by Mr. Long	7
Cross Examination by Mr. Snell	10
[redacted] B.S.	
Direct Examination by Ms. Taylor	11
Cross Examination by Mr. Snell	44
Redirect Examination by Ms. Taylor	59
BRANDON MILLS	
Direct Examination by Mr. Long	62
Cross Examination by Mr. Snell	72
Redirect Examination by Mr. Long	81
STATE/PLAINTIFF RESTS	83
SHANE ROBERT CLAMP	
Examination by The Court	86
DEFENDANT RESTS	96
CLOSING ARGUMENT	
By Ms. Taylor	96
By Mr. Snell	108
CHARGE OF THE COURT	122
VERDICT OF THE JURY	146
SENTENCE OF THE COURT	177
Certificate of Reporter	180

EXHIBITS

COURT'S

NO.	DESCRIPTION	ID	EVDS.
1	Jury Note		145

STATE/PLAINTIFF'S

NO.	DESCRIPTION	ID	EVDS.
1	Photo		16
2	"		18
3	NOT USED		
4	Photo		25
5	CD		20
6	Photo		27
7	"		27
8	"		27
9	"		27
10	"		34
11	Text Messages		36
12	" "		36
13	" "		39
14	" "		39
15	Photo		71
16	Body Cam Footage		68

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BAILIFF: Court is now in session. The Honorable Judge Debra McCaslin presiding.

THE COURT: Please be seated. Good morning. Is the State ready?

MS. TAYLOR: The State's ready.

THE COURT: Anything from the defense?

MR. SNELL: We're ready.

THE COURT: Let me ask the lawyers while I've got the jury out, did y'all look over the jury charges?

MS. TAYLOR: Yes, Your Honor. We have one small edit. Let me get to the page.

THE COURT: I saw where you're asking for the lesser included, but I'll wait for the testimony.

MR. SNELL: I know - I think we were - I was looking -- Two things. I think the State, my understanding just based on the opening and talking to them, I think they're electing to proceed under section two of the DVHAN statute.

MS. TAYLOR: That's correct. So section one states that the defendant committed the offense under circumstances manifesting extreme indifference to the value of human life and great bodily injury resulted, however, section two states that it doesn't require that great bodily injury actually result, but says that the

defendant committed it under circumstances manifesting extreme indifference to the value of human life home and then reasonably caused the person to fear imminent great bodily injury or death.

THE COURT: So do you want me to take out section one?

MS. TAYLOR: That's correct because we are stipulating that great bodily injury did not result.

THE COURT: Okay. We're gonna do that right now. She's pulled it up. And you agree with that, Mr. Snell?

MR. SNELL: Yes, Your Honor.

THE COURT: All right. Section one is gonna be gone and we'll proceed on section two. Any other thing that you see right now?

MR. SNELL: Judge, I saw the expert witness charge was in.

LAW CLERK: It's in red just in case somebody --

THE COURT: It's in red so that we can take it out. I just didn't know what, you know, I try to expect stuff and I put it in red so I can delete it real quick.

MR. SNELL: Thank you.

THE COURT: So we'll take --

MS. TAYLOR: I'm sorry. The State is not opposed the lesser included being charged. I'll leave that in Your Honor's discretion.

THE COURT: All right. So on the lesser included, and we went and we read Workman. So you want the charge -- And you worked on that yesterday, didn't you?

LAW CLERK: I did.

THE COURT: So it's the language of the CDV one and CDV two.

MR. SNELL: I think there's some, I think it's undisputed that there were children present --

THE COURT: In the house.

MR. SNELL: -- and that makes it so you can't go to a DV third.

THE COURT: Right.

MR. SNELL: So it's got to be a DV second as the minimum.

THE COURT: Okay. All right. Well, in anticipation of that, we have already typed that up. We will add that in on the next break and give you a copy to let y'all look at, okay?

MS. TAYLOR: Thank you.

THE COURT: All right. Then I'm gonna bring the jury in.

(Whereupon, the jury entered the courtroom at 9:10 a.m.)

THE COURT: All right. Mister Foreman, is the jury ready?

FOREMAN: We are.

THE COURT: All right. Let me ask the jury, has anybody heard, read, talked to anybody about this case before we proceed?

(Jury responded no.)

THE COURT: Thank you. All right. Call your next witness.

MR. LONG: Your Honor, the State calls Hope Frick to the stand.

THE COURT: Oh, let me swear her in. This will be a first. I can't wait while I have her under oath.

MS. FRICK: I plead the Fifth.

THE COURT: I'm keeping you under oath all day. Do you promise to tell the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: I do.

THE COURT: Please state your name and spell your last name for the record.

THE WITNESS: Thank you, ma'am. It's Joyce Hope Frick, F-r-i-c-k.

DIRECT EXAMINATION

BY MR. LONG:

Q. Ms. Frick, were do you currently work?

A. Clerk of Court's Office for Lexington County.

Q. What is your job title?

A. I'm Deputy Clerk of Court.

Q. How long have you been with the Clerk of Court's Office?

A. I have been with Lexington County now 39 years and three months.

Q. What are some of your duties and responsibilities?

A. I am responsible for any and all criminal records coming into the Clerk's Office, making sure they're properly processed upon receipt and closure, expungements, processing, any paperwork that's filed in a case that it's properly taken care of when it comes in goes in the proper files, and court assignments for myself and for my staff. I have five under me.

Q. Okay. So, Hope, so your job duties would include being a custodian of records?

A. Almost definitely. I'm in charge of all criminal records.

Q. So being custodian of records, does that also include maintaining records of bond paperwork in the normal course of business?

A. Yes.

Q. And what information is usually contained in a bond paperwork?

A. The bond paperwork has the defendant's name, the charge, the warrant number or ticket number, it has the

defendant's information as far as driver's license, Social Security, their signature, phone number, home address, and it's signed by the Judge stating how much the bond was set and what type of bond.

Q. Hope, did the defendant, Shane Clamp, did he get bond paperwork?

A. Yes. He did.

Q. And do you have that in front of you?

A. I do. I have the original bond.

Q. And what's the name listed on that?

A. Shane Robert Clamp.

Q. And what's the date of birth?

A. The -- I apologize. The date of birth isn't. It's the Social Security, driver's license number, not the date of birth.

Q. Okay. And is there a phone number on that bond paperwork?

A. Yes. There is.

Q. What is that phone number?

A. [redacted].

Q. And did Mr. Clamp sign that paperwork?

A. No. For the signature it says unable, medical.

Q. Did the Judge sign that paperwork?

A. Magistrate Judge Brian Buck signed it on January 18th of 2022.

MR. LONG: No further questions.

THE COURT: Mr. Snell.

CROSS EXAMINATION

BY MR. SNELL:

Q. Ma'am, I know you've been in the courtroom with us the whole trial; is that right?

A. Yes, sir.

Q. Now, this question, being with the Clerk of Court's Office, that makes you, I guess, a neutral disinterested party?

A. Yes.

Q. Is that correct?

A. Yes, sir.

Q. And the fact that the prosecution called you as a witness, does that mean or indicate that you or the Clerk's Office has taken any kind of side in this case?

A. No, sir. It's just we're the keeper of the records.

Q. Okay. And basically the bond form you're referring to, that was executed shortly after Mr. Clamp was charged?

A. Yes, sir.

Q. And it also indicates that a bond was set?

A. Yes, sir.

Q. He got what they call a personal recognizant bond?

A. Yes, sir.

Q. That means he didn't have to pay any money to get out of jail?

A. No, sir.

MR. SNELL: Okay. Thank you. No further questions.

THE COURT: Any redirect?

MR. LONG: No redirect, Your Honor.

THE COURT: May I excuse Ms. Frick?

MR. LONG: She may be excused, Your Honor. Thank you.

THE WITNESS: Do I get to go home?

THE COURT: You don't get to leave yet. Call your next witness.

MS. TAYLOR: Thank you, Your Honor. The State calls [redacted].

Thereupon,

[redacted]

after having been first duly sworn, testified as follows,

THE CLERK: Please have a seat. Once you're seated, state your full name spelling your last please.

THE WITNESS: My name is [redacted], [redacted].

DIRECT EXAMINATION

BY MS. TAYLOR:

Q. Good morning, Ms. [redacted].

A. Good morning.

Q. Can I call you B.S.? Is that okay?
A. Yes, ma'am.
Q. All right. So how old are you, B.S.?
A. 35.
Q. And where are you form?
A. Lexington, South Carolina.
Q. Where did you go to school?
A. Lexington High School.
Q. After you graduated Lexington High School, what did you do?
A. Uhm, I went to, I started nursing school at Midlands Tech and working.
Q. What do you currently do for a living?
A. I stayed at home with my boys.
Q. How many boys do you have?
A. Two.
Q. What are their ages?
A. Four and five. My oldest actually just turned six and the youngest turns five in a couple weeks.
Q. What are their names?
A. S.C. and F.C.
Q. How do you know the defendant in this case Shane Robert Clamp?
A. We were in a relationship.
Q. Is he in the courtroom today?

A. He is.

Q. Can you point him out for the record by identifying his clothing and where he's sitting?

A. Uhm, white shirt at the table right there.

Q. How long were you in a relationship with Shane Clamp?

A. Over 10 years.

Q. And looking back to January 17th of 2022 this year, just walk me through what you were doing that morning from the time that you woke up on that one day.

A. So we woke up that morning, uhm, me and the boys got up and started regular morning stuff, go to the bathroom, brush your teeth, get a drink, start coffee, so just the regular morning thing to get their breakfast and drinks.

Q. What were the boys doing?

A. I set them up at the activity table, just a little, small Mickey Mouse table and so I give them an activity while I'm making their stuff.

Q. Where was their table located?

A. Uhm, right inside, like, uhm, straight from the kitchen, uhm, in the archway that connects to the kitchen.

Q. So it is close to the kitchen?

A. It is.

Q. What was Shane doing at this time?

A. Uhm, he woke up. He was stirring about, uhm, so

when he got up, he was in a foul mood.

Q. And so were you going through what you consider to be your regular morning routine with the boys?

A. Yes. Mm-hmm.

Q. You said he was in a foul mood. Can you elaborate on his demeanor from the time he woke up?

A. When I say foul mood, it wasn't, uhm, like somebody in a bad mood. His mood was, uhm, disgruntled, angry, uhm, picking a fight.

Q. How did you respond to this kind of attitude?

A. Uhm, I just kept doing what I was doing. I didn't, I didn't, uhm, interact with him. I tried to ignore him.

Q. So given his attitude on the morning of January 17th, how were you feeling?

A. Scared. Nervous.

Q. What did you do next?

A. Uhm, I just kept doing, you know, making my coffee and the boys' breakfast and food.

Q. Okay. After you continued to make breakfast and the coffee brewing, what happened next?

A. Uhm, I was standing at the kitchen sink which faces outside a window and Shane came in out of the back porch and that's when he put his arm around my neck and strangled me.

Q. I want to back up just a little bit and we'll elaborate a little more on that. You said that the kids were

not far away from where you were in the kitchen?

A. Correct.

Q. They were in the living room?

A. Yeah. Right at the archway.

Q. Would you recognize a photo of the kitchen and living room if I showed it to you?

A. Yes, ma'am.

MS. TAYLOR: Your Honor, may I approach the witness?

THE COURT: You may.

BY MS. TAYLOR:

Q. Ms. B.S., I'm showing you what's been previously marked for identification purposes as State's Exhibit 1. Do you recognize this?

A. Yes, ma'am.

Q. What is this?

A. That's my boys sitting at their activity table.

Q. Has it been altered or changed or edited in any way?

A. No, ma'am.

Q. Is it a fair and accurate depiction of where they were sitting what they were doing on January 17th that morning?

A. Absolutely.

MS. TAYLOR: Your Honor, at this time we move to admit State's Exhibit 1 into evidence.

THE COURT: Any objection?

MR. SNELL: No objection.

THE COURT: It's admitted.

MS. TAYLOR: Permission to publish, Your Honor?

THE COURT: Please.

BY MS. TAYLOR:

Q. Does this photo show where your children were sitting at this time during the morning?

A. Yes, ma'am.

Q. Now, you said that you were at the kitchen sink and the kids were in the living room. What did Shane do next --

A. Uhm --

Q. -- after he came back inside?

A. He came back inside from the back patio through the sliding glass door and when he walked in the kitchen, he, right as he came in the door, he said, stupid bitch.

Q. Were there any recordings made of this encounter?

A. Yes, ma'am.

Q. How was the recording made?

A. I hit the record on the video on my phone and stuck it in my pocket.

Q. Why did you feel the need to hit record?

A. Because he was out of control.

Q. So then you were at the sink, he comes back inside and then what?

A. So, uhm, something just told me to hit record and I put the phone on record on the inside of my pocket and I'm standing at the kitchen sink, uhm, facing out the window and that's when Shane came inside and, uhm, he said a couple things and he grabbed me from behind with his arm.

Q. Can you show me on yourself how he grabbed you?

A. So like this (indicating) and then he pushed my head forward into it.

Q. At this point is the phone still recording to your knowledge?

A. Yes, ma'am.

Q. How tightly did he have his arm around your neck?

A. Very, very tight. I thought that, uhm, my boys were gonna see their mom dead.

Q. How did you feel?

A. I couldn't breathe. I got out a little bit, but it was like that was all the energy that I got that out.

Q. And were your boys to the best of your knowledge still in the living room at the activity table?

A. Yes, ma'am.

Q. How long did it feel like he was strangling you to the best of your knowledge?

A. Everything happened really quick but...

Q. Take your time.

A. He squeezed my neck so hard I had this feeling like

my insides had just opened up and I thought I was gonna pass out or it just felt like that, you know. I couldn't breathe and it was so hard that that's when I was so scared that I thought I was gonna die in front of the boys.

Q. You said you were standing at the kitchen sink while he was strangling you?

A. Yes, ma'am.

Q. I'm showing you what's been marked for identification as State's Exhibit 2. Do you recognize this?

A. Yes, ma'am.

Q. What is that?

A. Our kitchen or his kitchen.

Q. Is it a fair and accurate depiction of the kitchen as it was on the morning of January 17th?

A. Yes, ma'am.

Q. Has it been changed or altered in any way?

A. No, ma'am.

MS. TAYLOR: Your Honor, at this time the State moves to admit State's Exhibit 2 into evidence.

THE COURT: Any objection?

MR. SNELL: No objection.

THE COURT: It's admitted.

MS. TAYLOR: Permission to publish, Your Honor?

THE COURT: Yes, ma'am.

BY MS. TAYLOR:

Q. B.S., did the defendant seem aware or know at all to the best of your knowledge that you were recording this incident?

A. No, ma'am. By that time I didn't, I mean, I forgot before. I didn't think about it but for like a minute and then I had forgotten that I even had my phone on record.

Q. Was the phone still in your pocket?

A. It was. It was on the inside pocket.

Q. B.S., I'm showing you what's been marked for identification as State's Exhibit 5. Do you recognize this?

A. Yes, ma'am.

Q. What is that?

A. That's a CD with the recording on it. I've listened to it and initialed it.

Q. You've listened to it in its entirety?

A. I did.

Q. And is it a fair and accurate depiction of the audio that you recorded on the morning of January 17th?

A. Yes, ma'am.

Q. Hasn't it been edited or altered in any way?

A. No.

MS. TAYLOR: Your honor, at this time the State moves to admit State's Exhibit 5 into evidence.

THE COURT: Any objection?

MR. SNELL: No objection.

THE COURT: It's admitted.

MS. TAYLOR: Permission to publish, Your Honor.

THE COURT: Yes, ma'am.

MS. TAYLOR: This is a little bit of a lengthy video and audio. We will be playing it in its entirety. I just wanted to make you aware.

THE COURT: Okay.

MS. TAYLOR: I'm having trouble with the sound.

THE COURT: That's okay. Usually they take and put that microphone and curve it down to that speaker just to let you know.

MS. TAYLOR: I'm not sure if it's working or not. Your Honor, we have our IT on the way. I apologize. I'm not as well versed on this system as I should be.

THE COURT: Your IT guy is though.

MS. TAYLOR: He is. He'll probably do it in one second.

(Playing State's Exhibit #5.)

MS. TAYLOR: Your Honor, Mr. Snell asked me to start it from the beginning.

BY MS. TAYLOR:

Q. B.S., before I hit play, what is this at the very beginning of this video?

A. The kitchen sink where I was standing.

(Playing State's Exhibit #5.)

BY MS. TAYLOR:

Q. Okay. B.S., during these first couple minutes, what is going on?

A. So I'm making them drinks. I think right now where we're at is when I put F.C.'s ice in his cup and he has powder that he takes for his tummy and so I'm just making drinks and food for them.

Q. Where is the defendant during these first couple minutes?

A. Uhm, at this point where we're at right now he had walked outside through the sliding glass door.

(Playing State's #5.)

BY MS. TAYLOR:

Q. What was that sound right there?

A. Uhm, Shane opening the sliding glass door to come back inside and then he says, stupid bitch.

Q. Whose voice is that on this recording?

A. That's Shane. He says, so is this how we're gonna F word play. And, uhm, you hear my son in the background going, ooh, because he could tell that his daddy was upset.

Q. Okay.

(Playing State's #5.)

BY MS. TAYLOR:

Q. What did he say right there?

A. Go to sleep.

Q. B.S., what's going on during this portion of the video?

A. So, uhm, the next thing that I remembered was getting to my son F.C.. Uhm, he's the one that you can hear at that moment and he's very, very upset so I kind of just, I don't want to let him know that, you know, I'm upset or hurt or anything because I'm trying to calm him and so he's not scared, so I get F.C. and I pick him up and we sit in the rocking chair and I start holding F.C. and rocking him.

Q. What room was this in?

A. Living room.

Q. So the first thought that came to your mind when you came to --

A. Was to get to my boys.

Q. And the female's voice in this video?

A. That's me.

Q. Okay. And when he was strangling you, you said that you tried to say something. What did you try to say?

A. Help.

(Playing State's #5.)

BY MS. TAYLOR:

Q. B.S., that noise in the video, what is that?

A. That's me rocking F.C., our youngest son.

Q. Okay. And where is the defendant during all of this at this point?

A. Uhm, he's just kind of walking back and forth, uhm, through the kitchen or in the kitchen.

Q. What was his demeanor at this point?

A. Same. Same kind of taunting, you know, poking, aggressive.

Q. What, if anything, did he do next when he was in the kitchen?

A. He destroyed the kitchen.

Q. What do you mean by destroyed?

A. Uh, he just slung a bunch of stuff, cleared the counter which included our sugar, the sugar jar.

(Playing State's #5.)

BY MS. TAYLOR:

Q. That laugh right there, was that a genuine laugh or more of a sarcastic laugh or how would you describe it?

A. Yeah. That was more of a like, okay, all right, because it was such a ridiculous statement so...

(Playing State's #5.)

BY MS. TAYLOR:

Q. B.S. by this point or any point were you able to call for help?

A. Uhm, yes. Once I got F.C. in the chair, I sent a very short text to a friend and quickly put my phone back.

Q. Who was that friend?

A. Denise Snelling.

Q. Did you feel like you could call 911 yourself?
A. No.
Q. Why was that?
A. That would have only upset him more to see me with my phone and that would have made him very, very upset.
Q. What was his demeanor at this point still?
A. Same. Just irate, uhm, looking for anything to fight about, taunting, angry.
(Playing State's #5.)
BY MS. TAYLOR:
Q. What was that loud noise right there?
A. Shane destroying the kitchen.
Q. Was that F.C. crying?
A. Yes, ma'am.
Q. Did F.C. want the defendant to hold him?
A. No. And I definitely wouldn't let him approach that either. It just made him more upset.
Q. So you were able to end the recording?
A. Well, I didn't take it out of my pocket and end it. It just maybe it bumped or something. That's when Shane came back up after he tried to take F.C. and then that's when he, you hear that first pop and that's when I got hit in the back of the head and the side of the head.
Q. When you were hit in the back and the side of your head, were you still holding F.C. in your arms?

A. Yes, ma'am, like cradling.

Q. Just to back up a little bit to get a visual, you said that he ransacked the kitchen?

A. Yes, ma'am.

Q. Would you recognize a picture of that if I were to show it to you?

A. Absolutely.

Q. I'm showing you what's been marked for identification as State's Exhibit 4. Do you recognize this?

A. I do.

Q. What is this?

A. A destroyed kitchen.

Q. And it's a fair and accurate depiction of the kitchen after he ransacked it on that morning of January 17th?

A. Yes, ma'am.

Q. Has it been edited or altered or changed in any way?

A. No, ma'am.

MS. TAYLOR: Your Honor, at this time the State moves to admit State's Exhibit 4 into evidence.

THE COURT: Any objection?

MR. SNELL: No objection.

THE COURT: It's admitted.

MS. TAYLOR: Permission to publish?

THE COURT: Yes, ma'am.

BY MS. TAYLOR:

Q. So this is the kitchen after it's ransacked by the defendant?

A. Yes, ma'am.

Q. So at any point in time did you notice any injuries?

A. No. Everything happened really quick but, of course, being strangled around your neck, uhm, and I didn't realize that I was limping, uhm, not until the officer looked at my foot and he was checking out my bead and he said, What happened to your foot? And that was the first time I knew my foot was swollen, but everything happened so quick I didn't even realize it.

Q. Did you later realize that you had any redness or anything to your neck?

A. Yes, ma'am.

Q. Okay. And you said that your foot was injured?

A. Yes, ma'am.

Q. Did you receive any treatment for your foot?

A. I did.

Q. What was the diagnosis in regards to your foot?

A. A broken bone.

Q. Before we get into your treatment, would you recognize photos of the redness on your neck if I showed them

to you this morning?

A. Yes, ma'am.

Q. And would you recognize a photo of your foot as it was on the morning of January 17th?

A. Yes, ma'am.

Q. I'm showing you what's been marked for identification as State's 6, 7, 8, and 9. Can you look through these and tell me if you recognize those. Flip through them all and tell me if you recognize the four of those.

A. Yes.

Q. What are these photos?

A. Pictures of my neck, chest, my foot.

Q. Okay. Do they fairly and accurately depict the injuries that you sustained on the morning of January 17th after you were strangled?

A. Yes, ma'am.

Q. Have they been changed, edited, or altered in any way?

A. No, ma'am. Those were taken by the police.

MS. TAYLOR: Your Honor, at this time the State moves to admit State's 6, 7, 8, and 9 into evidence.

THE COURT: Any objection?

MR. SNELL: No objection.

THE COURT: They're admitted.

MS. TAYLOR: Permission to publish, Your Honor.

THE COURT: Yes, ma'am.

BY MS. TAYLOR:

Q. So, B.S., tell me, there might be a laser pointer up there, or at least just point out and describe to the jury what we're looking at in this photo?

A. Uhm, so, I think that one is just to show my neck, uhm, the redness in my chest and neck.

Q. I'm giving you a laser pointer so if you want to show - it might be easier on the screen up here. So what are we looking at? What are you pointing out right now?

A. My neck.

Q. What, if anything, is significant about your neck in this photo?

A. It's red and agitated.

Q. What is this right here?

A. Sweat.

Q. Okay. Looking at State's Exhibit 7, I'll show you what we're looking at, or describe what we're looking at in this exhibit?

A. My neck. The redness in my neck.

Q. Okay. Looking at State's Exhibit 8, what about that one?

A. Same redness in my neck, chest, marks from being strangled.

Q. And State's Exhibit 9?

A. That's a rough one. That's my foot, my right foot and I broke the bone right here, the side of my foot.

Q. Did you experience any swelling?

A. I did.

Q. And pain? Did you experience any pain?

A. I did.

Q. How bad was the pain that you experienced?

A. Uhm, well, at first I couldn't, I didn't know. Everything happened so quickly I didn't know and it took a while to really feel those injuries but, you know, I was limping and, uhm, my foot hurt so I went and got it x-rayed and that's when I found out it was broken.

Q. Did you tell the officer you do have somewhat of a red complexion?

A. I did.

Q. But is this your normal complexion that you see on a day-to-day basis?

A. Right. So I have, uhm, like red toned skin and, you know, when you're upset, my skin will turn red, yes, but my neck had redness and swelling from the strangulation.

Q. Were those red marks there before the defendant strangled you?

A. No, ma'am.

Q. Did your foot look like that before the defendant

strangled you?

A. No, ma'am.

Q. Now, did you request an ambulance on that day when you met with Officer Mills?

A. I did not. He offered and I did not.

Q. Why is that?

A. Because my boys had been through so much that morning and I was just happy to, uhm, be there with them, comfort them, just be calm and some peace and so that would mean calling someone, telling someone what happened in order to have somebody watch them for me for me to go to the hospital or taking them with me to the hospital where they get to relive it again so I decided to stay.

Q. Did you ever receive medical treatment?

A. I did.

Q. What treatment did you - where did you go? What treatment did you receive?

A. The next day on the 18th I went to bond court that morning and then I went to Urgent Care and at Urgent Care they looked over me and then did x-rays of my foot.

Q. Was that Lexington Medical Center Urgent Care?

A. Yes, ma'am.

Q. You saw the nurse practitioner?

A. I did.

Q. What treatment, if any, did that consist of on that

day in Urgent Care?

A. He said that my bone was broken and he put a boot on my foot just to kind of stabilize it until I could go to the orthopedic doctor.

Q. Did he also examine your neck?

A. He did.

Q. What, if anything, did he observe about your neck or did you observe that morning?

A. Uhm, it had started bruising by the next day and, uhm, he talked to me about the significance of strangulation with blood clot.

Q. Now, did you receive any follow up treatment for your injuries after you went to Urgent Care on the 18th?

A. Yes, ma'am. So I made an appointment with the ortho and I got in to see Dr. Boyer so I had many visits with Dr. Boyer since then and then physical therapy and my physical therapy, uhm, has been twice a week this entire time until two weeks ago I started one day a week.

Q. So do you continue to receive treatment for your foot?

A. I do. I'm about to have MRI's done for nerve damage or to check the soft tissue to see what's going on.

Q. Going back just a little bit, I wanted to ask you about the video. Did you try to turn the video over, or the audio over right away?

A. Uhm, so I didn't remember that I had even put the phone -- I mean, by the time all of that started, I wasn't thinking about a video. Uhm, so it was later that I realized, uhm, I had a video and I didn't want to watch it, uhm, so I went back and I looked through to see what I had from that day remembering that I had put my phone on record and, uhm, so, yeah, I tried to, I submitted a link, there was a link submitted to me, I'm sorry, by an officer to upload that video to.

Q. And when you realized that the Solicitor's Office did not have the video for whatever technical difficulties may have arisen, did you turn that video over right away?

A. Immediately. Yes. As soon as the victim advocate called me we got that taken care of.

Q. Now, since the defendant's arrest, were there times that you communicated with the defendant?

A. Yes, ma'am.

Q. In what manner did you communicate with the defendant?

A. Uhm, well at first he --

Q. Was it text, phone?

A. Yes.

Q. Social media?

A. Through text.

Q. Okay. Through text. And how do you have him saved

in your phone?

A. Under Shane Clamp and a picture of him and the boys.

Q. And what number do you have for Shane Clamp in your cell phone?

A. [redacted].

Q. Is this the number that you have always had for Shane Clamp?

A. Yes, ma'am.

Q. Is this the number that you have always communicated with Shane Clamp?

A. Yes, ma'am.

Q. Did you and the defendant exchange text messages on January 19th of 2022?

A. Yes, ma'am.

Q. And that was with the [redacted] number?

A. Yes, ma'am.

Q. What was the general nature of those text messages on January 19th? I apologize. Let me back up just a little bit. Would you recognize a photo of the contact screen that you have for Shane Clamp in your cell phone and would you recognize it if I showed it to you?

A. Yes, ma'am.

Q. I'm gonna show you what's been previously marked for identification as State's Exhibit 10. Do you recognize

this?

A. Yes, ma'am.

Q. What is this?

A. A picture of Shane and the boys, his contact screen shot from my phone.

Q. Is this a fair and accurate depiction of your contact screen in your phone for Shane Clamp?

A. Yes, ma'am.

Q. Has it been altered, edited or changed in any way?

A. It has not.

MS. TAYLOR: Your Honor, at this time the State moves to admit State's Exhibit 10 into evidence.

THE COURT: Any objection?

MR. SNELL: No objection.

THE COURT: So admitted.

MS. TAYLOR: Permission to publish, Your Honor.

THE COURT: Yes, ma'am.

BY MS. TAYLOR:

Q. I'll show you with the laser pointer. What are we looking at here, B.S.?

A. So that's a screen shot of the contact and where Shane Clamp attached a picture of him with the boys under contact and right here is his phone number [redacted].

Q. You said that you did communicate with him on January 19th of 2022?

A. Yes, ma'am.

Q. Was that two days after his arrest?

A. Yes, ma'am.

Q. What was the general nature of those text messages?

A. Shane text me that he was sorry for what he did.

Q. Would you recognize these text if I showed them to you this morning?

A. Yes, ma'am.

Q. B.S., I'm showing you what's been marked for identification as State's 11 and 12. Do you recognize these two?

A. Yes, ma'am.

Q. In general what are they?

A. Some text messages where Shane said that he was sorry for what he did.

MR. SNELL: Objection in regard to the pretrial motion objection to the text.

THE COURT: Well, I understand that, but I've already ruled, but I'll note your objection for the record. Go ahead.

BY MS. TAYLOR:

Q. And have they been - is it a fair and accurate depiction of the text that you exchanged with the defendant on January 19th of 2022?

A. Yes, ma'am.

Q. Have they been altered, edited, or changed in any way?

A. No, ma'am.

MS. TAYLOR: Your Honor, at this time the State moves to admit State's 11 and 12 into evidence.

THE COURT: Subject to the defense's objection that we had a pretrial conference on I'm allowing it. Go ahead and submit it and you can publish.

MS. TAYLOR: Thank you, Your Honor.

BY MS. TAYLOR:

Q. All right. B.S., with your laser pointer can you - who sent the text in blue, the blue bubble?

A. That's my text.

Q. And who sent the text in the gray bubble?

A. That one is Shane.

Q. And this is who you were communicating with on January 19th?

A. Yes, ma'am.

Q. Who is that?

A. Shane Clamp.

Q. That's how you have him saved in your cell phone?

A. Yes, ma'am.

Q. This was what date and time?

A. January 19th, 6:03 p.m.

Q. And will you read the text that the defendant sent to you into the record.

A. I can't read --

Q. I know it's hard.

THE COURT: Cut the lights down. Maybe it will take the glare off.

BY MS. TAYLOR:

Q. Is that a little bit better?

A. Yes, ma'am. It says, I'm sorry. As it replays in my head it was an awful act. I'm sorry.

Q. Is that better?

A. Yes. It was an awful act. I'm sorry. And in front of my kids. I'm so sorry, B.S.

Q. And what did you say in response? I know the bottom is cut off a little bit.

A. I tried to walk away from you, but you continued and I can't get past that. What's worse is the words I've heard for so long and so many times. I don't want you to be miserable or held back.

Q. Okay. And State's Exhibit 12, we'll pull it down so maybe that glare will make it a little bit easier to read. This is with whom?

A. Shane.

Q. Okay. These gray bubbles are from who?

A. That's from Shane.

Q. Will you read those into the record for me.

A. B.S., come on now. I'm ashamed because I beat the mother of my children's ass in front of my children. B.S., I don't want to fight. I don't want any troubles. I just want my life back.

Q. What did you say in response right there?

A. I'm done being second at best.

Q. Okay. Now, did you also communicate with the defendant on March 1st of 2022?

A. Yes, ma'am.

Q. And what was the general nature of that conversation?

A. Uhm --

Q. Just in general what was that about?

A. Uhm, him saying that he was sorry and wanted to come back home.

Q. Did he make any admissions or anything like that in those texts?

A. Yes. He admitted what he had done.

Q. And did you communicate with him at that same number that you previously testified to?

A. Yes, ma'am.

Q. B.S., I'm showing you what's been marked for identification as State's Exhibit 13 and 14. Do you recognize these two?

A. Yes, ma'am.
Q. And in general what are they?
A. Uhm --
Q. Without getting into the substance of it, what are these?
A. Okay. Those are text messages between me and him.
Q. Okay. And do they fairly and accurately depict the text that you exchanged on March 1st?
A. Yes, ma'am.
Q. Have they been altered or changed in any way?
A. No.

MS. TAYLOR: Your Honor, at this time the State moves to admit exhibits 13 and 14.

THE COURT: Any objection?

MR. SNELL: Same objection, Your Honor.

THE COURT: All right. Then they're admitted and your objection is noted from the prior pretrial conference that we had. You can publish.

BY MS. TAYLOR:

Q. All right. B.S., looking at State's Exhibit 13, will you, again, who sent the text in blue?
A. That's mine.
Q. Who sent the text in the gray bubble?
A. Shane.
Q. Will you read that into the record for me.

A. Shane says, Who do I need to call?

Q. What did you respond?

A. Let me find the paperwork. I'm sure there's a number to the specific department. I'm not sure who I need to talk to either, but I'll call. I'll call and ask, or ask what, ask what to expect for that day. They told me in the beginning it was an initial appearance so I think it's brief.

Q. And per the terms of the defendant's bond were you allowed electronic contact with the defendant?

A. Yes.

Q. Is that - why is that?

A. Uhm, for exchange of our children.

Q. Okay. And the second text from March 1st, the text string, I know there is a glare in here.

THE COURT: Let me stop you just for a second. Let me see the lawyers for a minute.

(Side bar off the record.)

THE COURT: Mister Foreman, I'll give you all about a 10 minute break. I need to take something up with the lawyers. Stretch your legs. Remember, no talking about this case even amongst yourselves.

(Whereupon, the jury entered the jury room at 10:15 a.m.)

THE COURT: All right. I'm gonna, there's no

sequester motion. I'm just gonna let her sit right here on the stand. I just want to make sure that I've got the record clear because when I heard the defense's motion in limine, it was for text messages and I was handed three text messages and those were given to me by the defense. This was the January, let me see, January 19th one that starts with, B.S., come on now. Another January 19th, I am sorry, that it starts. Another one, I don't have a date on it, it just says, I don't know. Do I need a lawyer, is how it starts. Those are the three texts that the Court was handed and the basis of the motion in limine was the defendant claimed it was unfair, it was late disclosure. This Court ruled we don't have any evidence rule saying it's unfair. Both sides, both the defense and the State have an ongoing obligation and a duty to disclose discovery in a timely fashion. The State let the Court know that they handed it over immediately when they received these texts so I allowed the text messages in. I think a proper foundation has been laid. Now the defense is objecting to a text that it's the first time the Court has ever seen it. On the same basis I am assuming on his motion in limine from the pretrial is what he's telling me, is this a late disclosure also?

MR. SNELL: Yes, Your Honor.

THE COURT: Okay. All right. Then the same ruling for this fourth. Now, before I bring the jury back in, are there any other text messages that I need to rule on?

MS. TAYLOR: These are the only two. The one that he did not hand up was just simply --

THE COURT: That's the one that says, Who do I need to call?

MS. TAYLOR: That's correct. All it does is give context for the one you have already ruled on where it begins, I don't know. Do I need a lawyer?

THE COURT: Okay. I just wanted to make sure that I ruled on everything. I didn't want to note an objection for the record and the Court's never laid eyes on it.

MS. TAYLOR: I apologize, Your Honor.

THE COURT: Okay. So then let's bring the jury back in. Okay. Are we ready to bring the jury back in?

MS. TAYLOR: We're ready.

THE COURT: Okay. Let's bring them in. let me ask you, while on break did you speak to anyone?

THE WITNESS: No, ma'am.

THE COURT: I'm gonna remind you that you'e still under oath.

THE WITNESS: Okay.

THE COURT: Okay. Thank you.

(Whereupon, the jury entered the courtroom at 10:40

a.m.)

THE COURT: Mister Foreman, ladies and gentlemen of the jury, ready?

FOREMAN: We are.

THE COURT: We'll pick up where we left off. The witness is still under oath.

BY MS. TAYLOR:

Q. Okay. B.S. continuing to discuss the text that were exchanged on March 1st, I'm showing you what's already been admitted as State's Exhibit 14. Again, the blue text are from who?

A. That would be from me and the gray is from Shane.

Q. Okay. Will you please read this text stream into the record.

A. Yes, ma'am. I don't know. Do I need a lawyer? I need a lawyer against Lexington County. My response is, It sounds like I'm the one that needs a lawyer or needs one.

Q. Why did you say that?

A. Uhm, Shane was getting really worked up about the first appearance and him, his mother and stepfather were in a text thread together and it just got intense.

Q. Continue with after you said that, starting here. Can you read that?

A. GTFOH.

Q. What does that mean?

A. Get the F out of here.

Q. Okay. Continue.

A. I went to jail, woman. I hit you. I'm the one who needs a lawyer.

Q. Okay. All right. So that was on March 1st. Going back to something I meant to ask you earlier. When he strangled you, other than the boys, was there anybody else home?

A. No, ma'am. My dog.

Q. And as of now can you tell us whether or not you live apart from him?

A. We do. We live apart. Me and the boys are with my parents.

MS. TAYLOR: No further questions at this time, Your Honor.

THE COURT: All right. Mr. Snell, cross.

MR. SNELL: Thank you very much.

CROSS EXAMINATION

BY MR. SNELL:

Q. Ms. [redacted], first, how did you and Shane meet?

A. We met when I was in high school through a friend.

Q. And y'all have known each other close to 20 years?

A. We have on and off.

Q. And at one point you were married previously; is that correct?

A. That's correct.
Q. And that was to Nate?
A. Yes.
Q. And that's Denise Snelling's son?
A. Yes, sir.
Q. And Nate and Shane were friends?
A. They were.
Q. You testified that you had attended nursing school; is that right?
A. I did.
Q. Tell us about that. What years did you go?
A. I attended nursing school out of, straight out of high school and then moved to Kentucky.
Q. Did you go to nursing school in Kentucky?
A. I didn't.
Q. You did it all in South Carolina?
A. Correct.
Q. Did you finish?
A. No.
Q. During the time period of this case, I guess January of this year, were you working outside the home?
A. No.
Q. You're a full-time stay at home mother?
A. That's correct.
Q. When was the last time you did work outside the

home?

A. Before my son S.C. was born.

Q. When was he born?

A. 2016.

Q. Now, one question, I think you acknowledged talking to the police about you have kind of a red complexion or you get flushed?

A. That's correct.

Q. Is that a fair way to say it. On the morning of January 17th were you wearing any makeup? It was awful early in the morning. About nine in the morning.

A. I don't think so. Yeah. We had just woke up.

Q. Are you wearing makeup now?

A. I am.

Q. And that's just the regular kind of makeup covering on your face just like a normal --

A. Just any other day.

Q. -- any other day. All right. With regard to these text messages, I know we have seen several, are these messages that you turned over to the prosecutor's office?

A. The ones that she asked me about?

Q. Yes, ma'am.

A. That's correct.

Q. And you turned those over to the prosecutor's office about two weeks ago?

A. Whenever it came up.
Q. And that would have been about two weeks ago?
A. I don't know the date.
Q. You disagree it was two weeks ago?
A. I just don't know the exact date but, yeah, I mean, two weeks ago approximately could be it.
Q. Approximate is fine. All right. So, there were three, it sounded to me like three main parts of the incident, physical incident that you testified to between you and Shane and that was the choking or strangling, the getting hit on the side of your head or on your head, and injured your foot; is that correct?
A. No.
Q. Okay. What's not correct?
A. So the strangulation and the throwing which is when I broke my foot took place, and then the hitting took place while I was holding my son F.C. so that would be two parts.
Q. Okay. You testified you were thrown?
A. Well, I was unconscious at that point, but Shane did tell me that I was thrown.
Q. Okay. That's not something you previously testified to with the prosecutor.
A. She asked me exactly what happened so I stated what I knew a hundred percent.

Q. All right. Well, my next question, you were interviewed by the Sheriff's Department on the morning of the 17th; is that correct?

A. That's correct.

Q. And you had, I guess they had responded to the call that was made on your behalf; is that right?

A. Yes, sir.

Q. Now, we heard, I think the video or the audio recording, video and audio recording is about 11 minutes long; is that correct?

A. Yes, sir.

Q. Did you text your friend like during while that video was being recorded?

A. Yes.

Q. Okay. So while the video was recorded, that's when you sent the text and then the Sheriff's Department came?

A. That's correct.

Q. And you had an opportunity, I think the deputies were in the house for at least 30 minutes or more?

A. That's seems right.

Q. Was Deputy Mills, was he one of the officers that were there?

A. He was.

Q. And you spoke to him?

A. Have I or I spoke to him on that day?

Q. Yes.
A. Yes, sir.
Q. All right. And I understand if you could just again describe exactly how you say you were choked or strangled?
A. So I'm standing at the kitchen sink, Shane comes up behind me and he strangled me with his arm.
Q. Just like that?
A. That's correct.
Q. Okay. Now, do you recall the Sheriff's Department asking you if you were passed out or went unconscious?
A. I do recall that.
Q. And do you recall telling them you did not go unconscious?
A. I did.
Q. Okay. I want to show you what's been marked as State's Exhibit 7 and I think you previously testified that that was some of the redness or showed on your neck?
A. Yes, sir.
Q. Do you recall when the police were interviewing you, they asked about that --
A. I do.
Q. -- kind of lesion or something?
A. I do.
Q. And you told them that was not related to this?
A. I told them that that was not anything that happened

during that incident.

Q. So again, not related to this incident?

A. Correct.

Q. And that necklace that you are wearing, is that something that you had on during the incident?

A. As far as I know.

Q. You went to put jewelry on between calling the police and --

A. I'm just answering for what I know for sure.

Q. Okay. All right. Now, you had testified I think on the audio recording that Mr. Clamp or Shane told you to go to sleep?

A. Yes, sir.

Q. Is that something you remember him saying?

A. Absolutely.

Q. And so you distinctly remember, I guess, the choking episode and what happened before, during, and after?

A. No. Not exactly.

Q. But you do remember what was said to you during the choking?

A. Yes. I should have said I remember him speaking to me while he was strangling me. Yes.

Q. And one thing, I know that when you were interviewed by, when you were talking to the police, they asked you about your foot being injured. Do you remember that?

A. Yes, sir.
Q. And do you recall telling them that you didn't know how that happened?
A. Yes, sir. That's what I told them.
Q. I'm just asking. I'm pointing out here kind of looks like some bumping or pitting?
A. Yes, sir.
Q. Are you aware that that's called edema?
A. Yes, sir. There's some swelling.
Q. And there's some swelling, but specifically the pitting, you are aware that's a condition not caused by an acute injury, but that's another type of medical condition?
A. Those are marks on my feet from my Bombas socks.
Q. I'm sorry?
A. A brand of socks.
Q. Socks?
A. It leaves like a, like a, you know, just kind of a pattern from the fabric so...
Q. Okay. Now, one of the other things, I understand you said Shane had hit you around the head?
A. Yes, sir.
Q. Where exactly did he hit you?
A. The back of the head at first and then the side of the head.
Q. Was he standing up when he hit you?

A. Yes, sir.
Q. Were you sitting down?
A. I was.
Q. How hard did he hit you hard? How hard?
A. Hard enough to mess my hair up. Shane's a big guy. If he were to push his fist at my face as hard as he could, I probably wouldn't be sitting here to tell you about that. It was rough, but it wasn't as hard as he could punch me. No.
Q. But it messed your hair up?
A. Yeah. Knocked my head around, messed my hair up.
Q. Now, you had, I think we heard the audio recording and that's an audio recording that you made on your phone; is that correct?
A. That's correct.
Q. And so that's, and again, I heard the recording. Looks like it ran for about three and a half minutes before there was any other audio?
A. Yes, sir.
Q. And what were you doing during those three and a half minutes?
A. Starting coffee, making drinks, food, normal routine.
Q. Okay. What kind of drinks were you making?
A. Boys' drinks.
Q. Did you make yourself a drink?

A. Water.
Q. Do you on occasion use kratom?
A. I do.
Q. And had you - you were actually mixing yourself a kratom drink that morning?
A. Yeah. Shaking up greens maybe, tossing in the water, and my son's powder that goes in his drink. Yeah.
Q. Okay. Now, kratom is a drug, correct?
A. No, sir. That's incorrect.
Q. Now, kratom, I know people take it for a variety of reasons, correct?
A. Yeah. You can take it for different reasons.
Q. I know that's something that they sell I know in the same stores that sell like CBD oil?
A. Upend stores. Yes.
Q. And I know if you take, some people take, in certain dosages to certain people kratom is intoxicating?
A. No, sir. That's incorrect.
Q. So you don't understand that people can become intoxicated off of kratom?
A. No, sir. They cannot.
Q. So it's not a psychedelic?
A. No, sir.
Q. You're not familiar with people getting DUI cases after using kratom?

A. No, sir.
Q. So as far as you know kratom doesn't have any intoxicating effect whatsoever?
A. That's correct.
Q. All right. So when Shane came in that morning, he saw you mixing a kratom drink?
A. Okay. You're telling me.
Q. I'm asking you.
A. No. You're telling me.
Q. All right. Now, that audio recording, I know it's about 11 minutes long, a little over, correct?
A. That's correct.
Q. Now, when you were interviewed by the Sheriff's Department the morning of the 17th, do you recall that?
A. I do.
Q. Do you agree with me you never told them about the audio recording?
A. That's correct. I didn't.
Q. Okay. And they didn't have a chance to listen to it that morning?
A. They didn't know about it, neither did I.
Q. And that wasn't provided or turned over until May of this year?
A. That's incorrect.
Q. When did you provide or turn it over?

A. The Solicitor's Office got it then. I turned it over months before then.

Q. Who did you turn it over to?

A. Uhm, I sent a link by an officer and I uploaded it to the secure link.

Q. What officer?

A. Uhm, I think it was Officer Mills that sent it to me.

Q. So Officer Mills sent you a link and you provided it to Officer Mills through the link?

A. Well, it goes straight to like Lexington, it said Lexington County evidence like secure link.

Q. When was that link done?

A. I'm not sure what the date was.

Q. But before May?

A. Yes, sir.

Q. And after January or after January 17th?

A. Correct.

Q. Now, the text messages that we've seen and the prosecutor showed and talked about, I think you testified those are messages between you and Shane, correct?

A. Yes, sir.

Q. Were there any other messages that you provided the prosecutor that weren't shown?

A. I have no idea what all they were shown, but we have

more text if that's what you're getting at.

Q. Okay. And I know y'all -- I just want to make sure I understand. After January 17th, Shane left the house, correct?

A. Correct. He was arrested --

Q. And you stayed in the house. Yes, ma'am. And you stayed in the house with the children?

A. That is correct.

Q. Now, I know within a few days later Shane moved back in the house?

A. No, sir. Incorrect.

Q. When did he move back in?

A. He came to visit the boys and refused to leave.

Q. And when he came back in to visit the boys and refused to leave, approximately when was that?

A. Maybe two weeks after.

Q. And how long did he stay there refusing to leave?

A. How long did he stay there? He was supposed to stay for the weekend. When Monday came, he was going back to his mother's address which is the address he gave the Court.

Q. So he was supposed to come for a weekend?

A. To visit the boys. Yes.

Q. And that was gonna be in the house with you and the boys and Shane together?

A. Correct.

Q. Okay. And then after the weekend he didn't leave?
A. Correct.
Q. How long did you and the boys and Shane continue to stay in the house together?
A. Well, Shane continued to stay at the house and me and the boys were not made to leave. The officer said that me and the boys didn't have to leave.
Q. That's right. And y'all four lived together until about approximately March 1st?
A. Correct.
Q. And I guess was there any type of relationship, I guess, between you and Shane between January 17th and that --
MS. TAYLOR: Objection. Relevance. This does not have anything to do with what happened during this incident on January 17th.
(Side bar off the record.)
THE COURT: Continue on, Mr. Snell.
MR. SNELL: Thank you very much.
BY MR. SNELL:
Q. All right. Ms. B.S., for the period of time, just to make sure I understand, so for a period of time there were several weeks between January 17th and March 1st that you and Shane lived back together?
A. That he lived at the house. Correct.
Q. He lived at the house and he was living at the house

with you and the two children?

A. That's correct.

Q. And you actually shared a bedroom during that time?

A. We did.

Q. Now, since March 1st y'all have been completely separated?

A. Correct.

Q. As far as broke up, separate? The relationship is completely over?

A. Correct.

Q. Do y'all have a family court case together?

A. We do.

Q. Are the issues of custody and visitation contested?

A. Well, in a custody hearing those are matters that you do discuss.

Q. So what your choice, or what you want to see as far as custody or visitation, whatever those details are is different than what Shane wants?

A. Correct.

Q. Is that your understanding?

A. Correct.

Q. Okay. And there's actually a hearing coming up on September 1st?

MS. TAYLOR: Objection. Relevance.

THE COURT: I'm gonna allow it. Go ahead.

BY MR. SNELL:

Q. And there's a hearing coming up on September 1st?

A. That's correct.

Q. And that's in this courthouse to the best of your knowledge?

A. Lexington County. Yeah.

Q. Family Court. When was the last time he saw his children?

A. Uhm, that would be March 1st or the morning of March 2nd and he had a visit with F.C. kind of through a supervised visitation. It didn't go very well.

MR. SNELL: Nothing further. Thank you.

THE COURT: Thank you, Mr. Snell. Redirect.

MS. TAYLOR: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MS. TAYLOR:

Q. B.S., going back to when you said that normally you do sometimes have a red complexion?

A. Yes, ma'am.

Q. And but the marks that you previously testified to that were on your neck, did they appear after the strangulation?

A. Yes, ma'am. That's from the strangulation. Yeah.

Q. So is that part of any of your normal red complexion?

A. No. I mean, I get red flushed, you know, nervous, that kind of thing, but what we were showing is from being strangled.

Q. So when you were rocking F.C. in the chair after this occurred, but before he hit you in the head, when you pulled out your phone real quick to text your friend Denise, was that the same phone that was recording or a different phone?

A. A different phone.

Q. Now, the injuries that you said that were on your face or this chin area --

A. Mm-hmm.

Q. -- they were not --

A. It wasn't from that day.

Q. It was not from that day?

A. It wasn't pertaining to that incident.

Q. But is it your testimony that the redness, the red marks on your neck are from the strangulation at the hands of Shane Clamp?

A. Yes, ma'am. When the officer asked me that, that's what I meant, that the redness was from the strangulation, but the complexion difference, what was going on with my face had nothing to do with my neck.

Q. Why did you have two different cell phones?

A. Uhm, the old cell phone my kids sometimes played on it, but it was when Apple, the new Apple phone came out or the newer version so I kept the old one and, uhm, it had some apps on it that the boys played, uhm, and it had our security camera on it, things like that.

Q. Which phone did you use to text and which one was recording?

A. The one I referred to as my pink phone so it would have been on WiFi.

Q. Prior to this incident, did you engage in any kind of activity, physical activity that would have caused the injury to your foot?

A. No, ma'am.

Q. Did you have any treatment whatsoever to your foot prior to this incident?

A. No, ma'am.

Q. Any injury to your foot prior to this incident?

A. No, ma'am.

Q. So is it your testimony that you did at least attempt to turn over the audio recording shortly after the defendant's arrest?

A. Yes, ma'am. That's correct.

Q. But when you realized that the Solicitor's Office for whatever reason did not have it, did you turn it over

immediately?

A. Yes, ma'am. That's correct. Whenever I talked to the victim advocate, she let me know and so I came and brought that video.

Q. On the 17th of January when the defendant was strangling you, how did you feel?

A. Like I was gonna die.

MS. TAYLOR: No further questions, Your Honor.

THE COURT: Mr. Snell.

MR. SNELL: No questions.

THE COURT: May I excuse Ms. B.S. ?

MS. TAYLOR: Yes, ma'am.

THE COURT: Step down. Call your next witness.

MR. LONG: The State call Brandon Mills.

Thereupon,

BRANDON MILLS

after having been first duly sworn, testified as follows,

THE CLERK: Please have a seat. Once you're seated, state your full name spelling your last please.

THE WITNESS: Brandon Mills, M-i-l-l-s.

DIRECT EXAMINATION

BY MR. LONG:

Q. Deputy Mills, tell us a little bit about yourself, where you grew up, where are you from, where did you go to high school.

A. I'm originally from Sevierville, Tennessee. Moved to Batesburg, South Carolina in 2009 and attended high school there in Batesburg/Leesville.

Q. So you've been in Lexington since 2009?

A. That's correct, sir.

Q. Did you go to college or anything?

A. I did not. I attended EMT school instead.

Q. Were you an EMT?

A. I was for a couple years, yes, sir, an active EMT. I'm still an EMT just on a volunteer basis.

Q. What's your current job?

A. I'm a master deputy which is a patrol supervisor with the Lexington County Sheriff's Department.

Q. What are some of your job duties as a master deputy for the Lexington County Sheriff's Department?

A. Same as a patrol deputy, respond to calls for service, general patrol functions. I also have the added responsibility of managing a shift and overseeing scenes and managing the guys that work under me.

Q. How long have you been working with the Lexington County Sheriff's Office?

A. I've been with the Sheriff's Office almost two years.

Q. So you were working on January 17th, 2022?

A. That's correct.

Q. Did you get dispatched to an incident on January 17th, 2022?

A. I did.

Q. What type of incident was that?

A. Originally it came out as an assault.

Q. Where was the incident location?

A. [redacted] Oak Point Drive which is in the Lexington area of Lexington County.

Q. What area of Lexington County is that?

A. Lexington.

Q. So you said originally it was, you said originally it was an assault?

A. That's correct.

Q. So I guess the situation changed upon arrival?

A. It was. That's correct.

Q. So what did you do when you arrived on scene?

A. When I first arrived on scene, I was met by another deputy and Mr. Clamp and the deputy was advising Mr. Clamp that he was being placed in investigative detention. I assisted with that.

Q. So when you got on the scene, the only two people you saw were another deputy and Mr. Clamp?

A. At first.

Q. Where was Mrs. [redacted] B.S. and the kids?

A. Inside the house.

Q. Excuse me. Where was B.S. and the kids?
A. Inside the house.
Q. Why were they separates? Why were the parties separated?
A. It's common practice when we respond to incidents that we determine to be domestic related to separate the two parties, that way there's no mix up with any of the stories and kind of separates the parties so if there's any fear or anything like that.
Q. Deputy Mills, in your current position do you respond to any domestic calls?
A. More than I like to.
Q. A fair amount you would say?
A. Yes. Numerous.
Q. So what is your department's standard procedure for when you come into a situation such as this?
A. To begin with we typically try to park at least a house away, approach the scene without being known to try to gather any information or evidence, and then we make contact with the two individuals. As soon as we make contact, obviously we separate them.
Q. When you separate the two, what are you trying to do then?
A. Interview both and try to figure out what happened.

Q. So, Deputy Mills, who did you speak to while you were on scene?

A. I spoke with Ms. B.S. .

Q. How would you describe, what were your observations of Ms. B.S. ?

A. When I first arrived, I made contact with her. She was very visibly upset and frightened.

Q. Did you notice any injuries?

A. Right off the bat I recognized the redness to her neck.

Q. Did B.S. and the defendant, did they live together?

A. They did.

Q. Did they have any children in common?

A. They did.

Q. So you checked B.S. for injuries?

A. I did.

Q. Did you check the defendant for any injuries?

A. Yes.

Q. Did you observe any injuries?

A. On the defendant I did. He had some redness and some scratches on his knuckles on his hands.

Q. Did the defendant say anything to you while you were checking him for injuries?

A. He said, I don't got nothing, bro.

Q. Deputy Mills, does Lexington County Sheriff's Office, do they issue body warn cameras to their deputies?

A. They do.

Q. Were you wearing a body worn camera on January 17th, 2022?

A. I was.

Q. Have you reviewed that footage?

A. I have.

Q. Is it a fair and accurate depiction of the scene as you remember it on January 17th, 2022?

A. It is.

Q. Deputy Mills, I'm handing you what's been premarked as State's Exhibit 16 for identification only. Do you recognize that?

A. I do.

Q. How do you recognize it?

A. It is the disk containing my body camera footage.

Q. How do you know that's the disk containing your body worn camera footage?

A. I initialed it after I reviewed it.

Q. And is that footage in the same -- Is that a fair and accurate depiction of the scene on January 17th, 2022?

A. It is.

MR. LONG: Your Honor, at this time the State would like to move what's been pre-marked as State's Exhibit 16

for ID into evidence.

THE COURT: Any objection?

MR. SNELL: Judge, may we approach?

THE COURT: You may.

(Side bar off the record.)

THE COURT: All right. There's no objection. You can proceed please.

MR. LONG: Permission to publish, Your Honor.

THE COURT: You may. That is without objection, right?

MR. SNELL: Without objection.

THE COURT: You said that's number 16?

MR. LONG: That's what we had it for ID purposes only, Your Honor.

THE COURT: So we're moving it in as exhibit number 16, right?

MR. LONG: Yes, Your Honor.

THE COURT: That's all I wanted to know. It's in evidence. Go ahead and publish it.

(Playing State's Exhibit #16.)

BY MR. LONG:

Q. Deputy Mills, real quick, I saw you follow the victim into the kitchen area. Did you notice anything by her walking in?

A. She was limping at the time.

Q. Deputy Mills, we heard you talking about the redness around the victim's neck and then she said something about she has a red skin complexion?

A. That's correct. But when I looked at her neck, you could see the red complexion, but on her neck itself it was obvious there was agitation or an injury there.

Q. Deputy Mills, where were the two boys at this time?

A. They were in the living room, or what I would call the living room area sitting at a table.

Q. Were they there the whole time?

A. They were.

Q. So you were speaking with the victim the whole time in the kitchen?

A. That is correct.

Q. Where was the defendant?

A. He was outside.

Q. During any point of your conversation, did you ever have to walk from, did you ever have to leave talking with the victim to go outside?

A. A couple times. Yes. The defendant started yelling profanities outside so I had to go check on my guys and make sure they were okay with him.

Q. And you were in the kitchen and heard this?

A. I was.

Q. Did you happen to notice the boys when you walked outside?

A. I did. It kind of sticks with me. One of the boys, every time he started yelling and cussing, he covered his ears.

Q. We also saw the dog, B.S. s dog on the video. Did the dog ever warm up to you?

A. Towards the end he did a little bit. She was kind of clutching him the whole time or her. I'm not sure what it was.

Q. Did you notice anything about the kitchen?

A. Yeah. It was in complete disarray, stuff on the floor, sugar spread everywhere. I tried to make note of that with the body camera a couple times.

Q. Deputy Mills, I'm showing you what's been premarked as State's Exhibit 15 for ID purposes only. Do you recognize that?

A. I do.

Q. And how do you recognize that?

A. It's a picture of Ms. B.S.

Q. From when?

A. The morning that happened.

Q. Is that a fair and accurate depiction of Ms. B.S. at the scene on January 17th, 2022?

A. It is.

MR. LONG: Your Honor, at this time the State would like to admit State's, what's been pre-marked as State's Exhibit 15 for ID into evidence.

THE COURT: Any objection?

MR. SNELL: No objection.

THE COURT: It's admitted.

MR. LONG: Permission to publish, Your Honor.

THE COURT: You may.

BY MR. LONG:

Q. So, Deputy Mills, what's in that picture? Who is in that picture?

A. That's Ms. B.S.

Q. That's the kitchen floor in the background?

A. It is.

Q. Deputy Mills, what's a primary aggressor?

A. A primary aggressor is who we determine to be the aggressor in a domestic incident.

Q. Did you determine who the primary aggressor was in this case?

A. I did.

Q. How did you do that?

A. With the victim's statement and the injuries to corroborate that story.

Q. Did you make an arrest in this case?

A. I did.

Q. Is the person you arrested in the courtroom today?
A. He is.
Q. Can you point to him by an article of clothing?
A. He's wearing a white shirt and a blue tie.
MR. LONG: Let the record reflect that Deputy Mills has correctly identified the defendant.
THE COURT: The record so reflects.
MR. LONG: No further questions at this time.
THE COURT: Go ahead, Mr. Snell.
MR. SNELL: Thank you very much.

CROSS EXAMINATION

BY MR. SNELL:

Q. So, Deputy Mills, I guess, was your involvement in this situation limited to you responding on January 17th?
A. Yes.
Q. Okay. To the best of your knowledge, was there any follow up investigation by the Sheriff's Department?
A. To the best of my knowledge, no, because we made an arrest on scene. I know there was some calls for service dealing with them at a later time, but I wasn't the one that responded.
MR. SNELL: Your Honor, if we may approach briefly.
THE COURT: You may.
(Side bar off the record.)

THE COURT: All right. Mister Foreman, ladies and gentlemen of the jury, this is by way of stipulation with the lawyers. You heard the officer say that they came back out at a later time. They did. They came back out at a later time. It was by court order so that Ms. B.S. could retrieve her belongings. I don't want you to think it was anything else. The lawyers have agreed on that and that's what happened so you are to treat that as a true fact. Okay. Go ahead, Mr. Snell.

BY MR. SNELL:

Q. All right. Deputy, first, what time did you arrive at the residence?

A. I don't have the exact time here, but it was shortly after Deputy Updike.

Q. 9:15? 9:20? After nine a.m., does that sound correct?

A. That's probably correct.

Q. What time was the call cleared?

A. I also don't have the exact time here on the incident report.

Q. Does 10:00 a.m. sound about correct?

A. That's probably close.

Q. The first thing is, were you aware that Ms. B.S. had been taking or using kratom that morning?

A. No. She didn't seem to be intoxicated or anything

when I was with her.

Q. But as far as, did you know that she had been using it that morning?

A. No. I don't ask victims that.

Q. And are you aware kratom can be an intoxicant?

A. I'm not aware of anything about kratom.

Q. I'm just making sure. No familiarity at all with kratom?

A. No familiarity at all.

Q. All right. Now, as far as, I mean, obviously you weren't there in the morning when whatever incident happened between Ms. B.S. and Mr. Clamp, correct?

A. What was your question? I'm sorry.

Q. You were not there during the incident between Ms. [redacted] and Mr. [redacted] - between Ms. B.S. and Mr. Clamp, correct?

A. I was not there.

Q. So as far as exactly what did or didn't happen, you don't have any personal first-hand knowledge?

A. That's correct.

Q. And so what you know is limited to what you were told by the parties and what you observed when you arrived?

A. That's correct.

Q. Were you told that there was any type of audio recording or video recording made by Ms. B.S.?

A. On scene, no.
Q. Did you find that out later?
A. I did.
Q. How did you find that out?
A. I believe there was another deputy who talked to her at bond court.
Q. Was there any type, did you ever get a copy of that video?
A. I did. I don't remember if it was me or the other deputy that provided her the link to the acts on citizen, but I do remember that conversation, yes. One of us sent her the link to have it sent to us.
Q. And, of course, if the Sheriff's Department would have received it, that would have been turned over to the Solicitor's Office?
A. It would have. Sometimes if things get uploaded at a later date, it can, sometimes it can get lost in communication depending on when we do the case file.
Q. But as far as on the morning of the 17th prior to Mr. Clamp being arrested, you did not know that video or audio existed?
A. I did not.
Q. I understand Ms. B.S. was upset and stressed when you were talking to her?
A. She was very frightened. Yes.

Q. But she was able to understand your questions?
A. She was.
Q. And she was able to answer all your questions?
A. She was to the best of her ability.
Q. Did, I guess what she reported to you as being how she was strangled, was that the exact same that she testified to?
A. Yes.
Q. With the entire arm?
A. Yes.
Q. And I notice she was wearing a necklace. Do you recall that?
A. By the pictures. Yes.
Q. Did you observe where the necklace is broken or damaged?
A. I did not.
Q. Did you observe anywhere on the skin where it looked like the necklace had dug into the skin or been forced into the skin?
A. I did not. The necklace did appear long.
Q. As far as seeing anywhere on the neck where it would have been dug in?
A. I did not.
Q. Like where it would have left a line or imprint or anything of that sort?

A. I seen an injury to her neck, but as far as if the necklace caused it, I'm note sure.

Q. I noticed and, of course, all the important details of what you saw or observed were put in the incident report, correct?

A. To the best of my ability that morning.

Q. And you also filled out, there's a special form for responding to domestic violence incidents that you also completed?

A. Yes.

Q. And that's also been filled out to the best of your ability?

A. At the time, yes. When we type incident reports, we try to recollect to the best of our ability what the defendant told us. Excuse me. What the victim told us.

Q. Okay. And she didn't have, none of her clothes, her clothing wasn't torn or damaged?

A. On that picture there, the neck of her shirt is obviously stretched out.

Q. Is that as far as her clothes being torn or damaged, is that the only thing you noticed?

A. That was obvious, yes.

Q. Have you ever seen that shirt any other time?

A. I have not.

Q. As far as whether or not it's stretched out

otherwise you don't know?

A. It just appears stretched to me.

Q. Now, Ms. B.S. I think told you that she never passed out or lost consciousness, correct?

A. At the time, yes.

Q. And she also told you that she did not know how her foot got injured?

A. At the time, yes.

Q. So she never reported that it was stomped on, stepped on, or anything intentional happened to her foot?

A. At the time, yes.

Q. Did she tell you that she was hit on the side of the head?

A. She did.

Q. Did you see any kind of injuries or indication that it happened?

A. On one of the pictures her ear was very red.

Q. Other than the red ear?

A. She has dark hair. It's kind of hard to see injuries.

Q. Did she mention anything happened to her chest?

A. Not to me. No.

Q. Did she express that she was surprised that Shane, that Mr. Clamp had choked her?

A. I don't recall that.

Q. Do you recall if she said she was expecting it or you just don't recall either way?

A. I don't recall that.

Q. Any type of, again, any other type of, that you observed, any type of blood, any type of cuts, anything like that?

A. Just the ones that were noted on Mr. Clamp.

Q. On his hands?

A. Right.

Q. And, of course, again, there's no evidence that was from this incident?

A. They appeared fresh.

Q. Are you aware that he's an electrician?

A. I don't know his employment.

Q. One thing I didn't see in the report was any notice or indication of petechiae?

A. To be honest I didn't look.

Q. Okay. Now, petechiae, I guess you can see that in people's eyes?

A. I'm familiar.

Q. That's where capillaries break?

A. To the best of my knowledge, yes. I am not a specialist.

Q. But you're an EMT?

A. Yes.

Q. And you've responded to domestic calls?
A. I'm not a doctor.
Q. But you didn't notice any petechiae on Ms. B.S. ?
A. I didn't, but I also didn't look for it. Sometimes with petechiae you have to actually look under the eyes. I did not do that.
Q. Well, sometimes it's visible?
A. Most cases I have saw it's always been under the eyelid.
Q. So you have seen it before?
A. I have.
Q. And you do know it's something that can be caused by any kind of strangling or choking incident?
A. Yes.
Q. And just to make it clear, when you completed the domestic violence incident form, you have a section to mark off suspect injuries?
A. There is, but it doesn't look like it's been completed by the victim or the suspect.
Q. So as far as the official form that would have been submitted concluding the investigation doesn't notate any injuries on either party?
A. Right. It's also notated in the narrative.
Q. Correct. Just to make sure I'm clear, the white substance on the floor in the pictures, is that sugar?

A. That's what I believe it was. For sure I don't know.

Q. And I notice there are different objects kind of all in the kitchen area?

A. There was on the floor, yes. A complete disarray on the floor.

Q. You had to be careful where you stepped?

A. I did.

MR. SNELL: All right. Thank you. No further questions.

THE COURT: Any redirect?

MR. LONG: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. LONG:

Q. Deputy Mills, in your training and experience as a law enforcement officer, are you aware that it's common that signs of strangulation do not immediately present themselves?

A. I do as do most injuries.

Q. So they can sometimes show up over time?

A. That's correct.

Q. And the victim told you on scene that she did not pass out?

A. She did.

Q. Is it common that victims of strangulation don't

recall passing out immediately after passing out?

A. That is correct. She seemed very frightened, at some points confused.

Q. You said it before just, B.S. , was she excited the whole time? Was she in a state of excitement the whole time you were talking with her?

A. She appeared to be afraid the whole time and very nervous.

Q. In your experience do victims always recall every detail of an incident right after it happened?

A. I wish.

Q. So do they tell you more over time?

A. That's correct.

Q. I want to talk about this link for evidence, this recording. Somebody from the Sheriff's Office gave a link to B.S. for B.S. to upload the audio?

A. That is correct.

Q. Is that a link y'all commonly use at the Sheriff's Office?

A. It is. For any types of evidence that victims have, we send the link to them so they can upload pictures, videos, whatever they see fit.

Q. Does it constantly work correctly? Does it always work correctly?

A. No, sir. There's a process. Once somebody sends

and they upload stuff to that link, somebody has to triage that and then put it in the appropriate case file, so this file in general I believe it might have just got missed or didn't get put in the correct place at first. Sometimes if you don't triage it immediately, it will just hang out in an uploaded box and won't ever actually get attached to the case file.

Q. Just to be clear, this link, she would upload this audio to like basically a cloud system?

A. Yes. Generally it either gets sent via text or email and it gets sent directly to our database.

Q. So it's not directly to you, the officer?

A. Whoever sends the link, generally it goes to them, but anybody that's a supervisor can access it.

MR. LONG: No further questions.

MR. SNELL: No further questions.

THE COURT: All right. May I excuse Deputy Mills?

MR. LONG: Yes, Your Honor.

THE COURT: Or Master Sergeant.

THE WITNESS: Master Deputy, but deputy is fine.

THE COURT: Master Deputy. I'm sorry. You're excused.

THE WITNESS: Thank you, Your Honor. It's a pleasure.

MS. TAYLOR: Your Honor, the State rests.

THE COURT: The State rests. Okay. Mister Foreman, the State has rested. Let me take up a few matters with the lawyers. This is gonna be my game plan. I ordered y'all lunch. If you will give me about 15 minutes, I will have you back in and we'll see where we're gonna go from there, okay? Lunch will be here at 1:00. That's when we plan on taking a lunch break. Remember, no talking about this case just yet. Thank you

(Whereupon, the jury entered the jury room 11:50 a.m.)

THE COURT: All right. The State has rested. Anything further from the State?

MS. TAYLOR: Nothing further at this time.

THE COURT: Anything from the defense?

MR. SNELL: Your Honor, at this time we make a motion for directed verdict. We make the motion taking all of the evidence in a light most favorable presented from the State, that the State's unable to meet the burden of having any evidence or any elements of domestic violence first degree or domestic violence high and aggravated or any of the lesser includeds.

THE COURT: Glad to hear from you, Ms. Taylor.

MS. TAYLOR: Thank you, Your Honor. Viewing the evidence in a light most favorable to the State, we believe that did meet our burden establishing the

elements of domestic violence of a high and aggravated nature. The victim, B.S. [redacted], on the stand testified that she was in fear for her life, thought she was going to die. There were also photos of her injuries submitted to this Court as well as testimony from Dr. Boyer and nurse practitioner Jeremy Styles that testified that her injuries were consistent with that of strangulation, so taking that in totality and in a light most favorable to the State we submit that we have met our burden to meet the element of domestic violence high and aggravated and that it should go to the jury.

THE COURT: Okay. The Court agrees. I believe the State's met their burden to establish the elements through the testimony of the victim, the nurse practitioner, and the doctor in this case. We'll leave it to a jury. Also, Mr. Snell, I'll renew all your objections for the record. Anything else from the defense?

MR. SNELL: Not at this time, Your Honor. If we are gonna take a break, I'll talk to Mr. Clamp about whether or not he's gonna choose to testify or not testify.

THE COURT: I'm fixing to read that to him now. I'll give you the opportunity to speak with him after I do. Mr. Clamp, if I could get you to stand please and let me get the clerk to put you under oath.

Thereupon,

SHANE ROBERT CLAMP

after having been first duly sworn, testified as follows,

EXAMINATION

THE COURT: All right. Mr. Clamp, at this time I'm going to explain to you certain of your rights. If you do not understand anything I say, please let me know. If you want me to explain anything in more detail, please let me know. Do you understand?

SHANE CLAMP: Yes, Your Honor.

THE COURT: We have now reached the stage of the trial where you may present your defense. You have the right to claim the protections given to you by the Fifth Amendment to the Constitution of the United States. This amendment states in part, no person shall be compelled in any criminal case to be a witness against himself. This means you cannot be required to testify in this case.

You have the right to testify on your own behalf, however, no one can make you testify. This is a personal right and no one can waive this right except you. If you decide to testify, you will be subject to the same rules that govern other witnesses and you may be examined and cross examined on any relative issues in this case.

In addition, if you have any convictions involving dishonesty or false statement or for crimes punishable by

imprisonment for more than one year and this Court determines that the probative value of admitting this evidence outweighs the prejudicial effect to you, the Solicitor will be able to introduce your record to attack your credibility. Let me stop and ask the State, does he have a record?

MS. TAYLOR: No, Your Honor.

THE COURT: Okay. Then you understand, Mr. Clamp, you don't have a record so there's not anything about a false or dishonest, anything on your record that they could cross you on. Do you understand?

SHANE CLAMP: Yes, Your Honor.

THE COURT: If you decide to testify, this decision on your part must be freely, voluntarily, and intelligently made with knowledge of the protections given to you by the Fifth Amendment and the consequences of your decision to testify. If you decide not to testify, I will instruct the jurors that they cannot give the fact that you did not testify any consideration whatsoever and that there is to be absolutely no prejudice to you because you did not testify. It is left entirely up to you whether or not you wish to testify.

You may talk to your attorney, your family, and your friends, and anyone else, but the final decision is up to you. Do you understand what I've explained to you?

SHANE CLAMP: Yes, Your Honor.

THE COURT: Do you have any questions about what I have explained to you?

SHANE CLAMP: No, Your Honor.

THE COURT: I'm gonna give you some time because I know Mr. Snell said he wanted to talk to you about your decision whether to testify or not. I just wanted to make sure that I read this to you so you can make an intelligent decision. It's a very important decision --

SHANE CLAMP: Yes, Your Honor.

THE COURT: -- and one not to be taken lightly. So at this time I'm gonna give you about 15 minutes to talk to your lawyer. I assume that's your family behind you?

SHANE CLAMP: Yes, Your Honor.

THE COURT: You can speak with them as to whether you would like to testify or not and when I come back, I'll ask you, okay?

SHANE CLAMP: Yes, ma'am.

THE COURT: Anything from the State?

MS. TAYLOR: Nothing further.

THE COURT: Anything else from the defense?

MR. SNELL: Nothing further.

THE COURT: I would like to go ahead, I have emailed, Abigail emailed y'all jury instructions to y'all. I have ordered lunch. I would like to go on to

closings and charge the jury, but we're gonna take a 15 minute break, okay?

(Short break.)

THE COURT: All right. We're on the record. I've showed y'all the verdict form. Any objection from the State to the verdict form?

MS. TAYLOR: No objection.

THE COURT: How about from the defense?

MR. SNELL: No, Your Honor.

THE COURT: All right. Then everybody has a hard copy of the jury instructions and also for the record let me just put the exhibit list on the record. I've got exhibits 1 and 2. 3 was no exhibit. I've got 4, 5, 6 through 16. All were admitted. The only objections that I had were on the exhibits were exhibit number 11, 12, 13, and 14 which were the text messages and the Court admitted them. Let's go over the jury instructions. I can tell you page 2, 3, 4, 5, all these are my regular charges. 7, 8, page 9, 10, 11, 12, and 13. Let me ask the defendant. Mr. Clamp, have you decided whether you're going to testify or not in this trial?

SHANE CLAMP: Your Honor, I am not going to testify.

THE COURT: Okay. Thank you.

SHANE CLAMP: Yes, ma'am.

THE COURT: And you have been able to talk to Mr. Snell about that and your family members?

SHANE CLAMP: Yes, ma'am.

THE COURT: Okay. Thank you. Then I'm leaving on page 13 the defendant's right to remain silent in the charge. 14 is the criminal intent. It's a general criminal intent. That is my normal. Let's talk about on 15, domestic violence of a high and aggravated nature. I tried to fashion this after the Workman decision that came down I believe in June on domestic violence. It defines great bodily injury. Then we move on to the first degree domestic violence.

MS. TAYLOR: Your Honor, in the presence of a minor, I may be mistaken, is included in the DVHAN statute?

LAW CLERK: Yes. It says that it was.

MS. TAYLOR: Because if it's a second, there's a base element of offering or attempting to cause harm to a household member under circumstances reasonably creating fear of imminent danger. In the presence of a child just makes it a second degree.

LAW CLERK: It says, this says, the statements also prove one of the following. The first one that we took out, the defendant committed the offense under circumstances manifesting extreme indifference, the value of human life. It goes through circumstances graphic,

stops, and then it goes to knowingly and intentionally impeding, causing stupor, and then the next one says, committing the offense in the presence of a minor. The next one, committing the offense against a person whom he knew or should have known to be present. Agents of the State must also prove one of following. It doesn't say anything about, that part doesn't come until the next page. After the definition of great bodily injury, it talks about violating a protection order and maybe that grounds for first degree in the protection order. It doesn't say anything about --

THE COURT: Find the statute itself. Ms. Taylor, we're gonna pull up the statute.

MS. TAYLOR: Okay. That's fine.

THE COURT: All right. Whitney, I have got a person who violates this section is guilty of DVHAN when one of the following occurs and then I've got one, two, and three.

MS. TAYLOR: That's correct, Your Honor. I think just the part of it being in the presence of a minor is not part of the DVHAN statute. It would be under element of the offense.

THE COURT: Then we go to B on the same section. B is zero to 20, and then C --

MS. TAYLOR: My understanding is that in the

presence of a minor would just be an elevating factor from third to second, or second to first.

LAW CLERK: The statute has it under the portion of what would manifest an extreme indifference that we took out. That's not how it's worded in the charge though, but under the statute it also has the knowingly, intentionally impeded, but it's saying it also has that as part of the extreme indifference. You would think that that would come out too if we're not doing extreme indifference.

MS. TAYLOR: Well, we are doing extreme indifference that would reasonably cause a person to fear great bodily injury or death so those circumstances that it lists in the statute that --

THE COURT: Using a deadly weapon.

MS. TAYLOR: Right.

THE COURT: Knowingly, intentionally impeding normal breathing, committing the events in the presence of a minor. It lists all this stuff.

MS. TAYLOR: Yeah.

LAW CLERK: Is it out of order? Do you want it to go --

MS. TAYLOR: No. I think it's just the wording. Maybe instead of the State must also prove one of the following, the statute just reads circumstances

manifesting extreme indifference to the value of human life include but are not limited to --

THE COURT: To the following. And you want that listed?

MS. TAYLOR: Obviously deadly weapon is not applicable. So impeding the air flow, in the presence of a minor. Number 4 doesn't apply.

LAW CLERK: So take out the State must also prove one of the following and instead you want it to say circumstances manifesting extreme indifference to the value of human life include but they're not limited to the following?

MS. TAYLOR: Yes. Or you can just take out my suggestion about only apply which really the only ones that apply are number 2, number 3.

LAW CLERK: The only ones I didn't put in are deadly weapon, thought to be pregnant or known to be pregnant, commission of robbery, burglary, kidnapping, blocking access to a telephone, or report of a criminal offense, or a request for an ambulance. I have presence of a minor, intentionally impeding breathing and committing the offense with or without any accompanying battery under circumstance manifesting extreme indifference. That's why I was asking if you wanted that underneath that instead now, circumstances.

MS. TAYLOR. Yes. The circumstances include but are not limited to.

LAW CLERK: Put that under the portion that says circumstances manifesting extreme indifference to the value of human life instead of where it is now?

MS. TAYLOR: Or you could just -- My suggestion would be where it says the State must also prove one of the following, instead of that language, just circumstances include, the circumstances manifesting extreme indifference to the value of human life include.

THE COURT: And then list them.

MS. TAYLOR: And then list the same ones you have in there.

THE COURT: Do you understand what we're doing, Mr. Snell? We're reading the statute. I have the statute up here. Do you have a copy of it?

MR. SNELL: I'm looking and just to make sure, I'm trying my best to follow. I know that -- What I understand from, we had the prior discussion earlier this morning, I think the State has elected to proceed only under against 16-25-65 subsection (A)(2) and then as part of, and I think they stipulated there was no great bodily injury.

MS. TAYLOR: That's correct.

THE COURT: We're stipulating there's no great bodily injury.

MS. TAYLOR: But there would still be a need to have that definition in there because the subsection that we're going under, number 2 --

THE COURT: Would reasonably cause a person. It's in there.

MS. TAYLOR: Correct.

THE COURT: I'm following you.

MR. SNELL: And so the State would be proceeding under (A)(2), and that as part of that charge we go down to (D), subsection (D) and then I think the relevant portion of the charge would be subsections 2 and 3.

MS. TAYLOR: Yeah. We agree.

THE COURT: Can we see the lawyers up here for a second. We're trying to type it and make it fit. I have the double screen up here if y'all will come around.

(Side bar discussion off the record.)

(Short break.)

THE COURT: All right. Let's bring the injury in.

(Whereupon, the jury entered the courtroom at 12:50 p.m.)

THE COURT: Mister Foreman, ready?

FOREMAN: Yes.

THE COURT: Let me turn to the defense.

MR. SNELL: Your Honor, the defense rests.

THE COURT: Okay. All right. Well, then, let me turn to the State. You ready for closing arguments?

MS. TAYLOR: Thank you, Your Honor. May it please the Court.

THE COURT: Yes, ma'am.

MS. TAYLOR: Go to sleep. Go to sleep. Those were the words that that man, those vile words that that man told to the mother of his children. The mother of those innocent little boys, four and five years old, just sitting in the next room maybe 15 or so feet away. You heard it for yourself. You heard on that audio recording that man become enraged over his coffee not being ready. You heard him snap. You heard it with your own ears. Something as trivial as his morning coffee on a Monday morning in January. He just went off and before you knew it you hear B.S. gasping for air. You hear her trying to gather the last bit of strength that she has and the little bit of air that she can muster to utter the word help, even though she knew that no one was around to hear her, no one was there to see what was happening, no one was there to save her, and no one was there to intervene. All she could do was take that little bit of strength that she had left to fight to survive and she told you she was convinced that she was

going to die because that man had his arm wrapped tightly around her neck.

This man had no regard for her safety that night. He had no regard for her life. I'm sorry. On the morning of January 17th. On that morning Shane Clamp had had enough. You heard him say it on that recording yourself. He made it crystal clear that he was so fucking done with her shit. And the defense expects you to believe that she didn't pass out. No. You want to know how we know that B.S. passed on the morning of January 17th? The defendant's own words. Go to sleep. Those chilling words embodied the mindset that Shane Clamp had that morning. He didn't care about B.S.'s well-being. He didn't care about her life. He wanted, in his words, his God damn coffee and when he didn't get it, he snapped. He even said again in his words, so this is how we're gonna fucking play it.

And from that moment when he told her to go to sleep, not once, but twice, what do we hear from B.S.? A struggle. A struggle that continues for 22 seconds. 22 seconds he's got that arm wrapped around her neck. He tells her twice to go to sleep as he has her in that choke hold and it's not until four minutes and eight seconds that you finally hear B.S. gasp for air and come to. And where is Shane Clamp? Where is the

defendant? As soon as he says go to sleep at four minutes and one second and B.S. went unconscious and fell to the floor, what did he do? Is he this wonderful doting dad that went to check on his little kids in the next room? No. Did he even bother to ask B.S. if she was okay? No. Did he even bother to pick her body up off the floor? Absolutely not.

What did he do? You heard it. That sliding glass patio door opens again. We submit to you he goes outside. So he strangled his significant other for 22 seconds, the mother of his kids, let's her drop to the floor like a rag doll and walks away. He walks away even as four year old little F.C. becomes distraught and begins crying. Luna, the little dog that's barking, does that phase him either? No.

What's remarkable is that the defendant did not stop there. B.S. told you that when she came to, her first thought was to immediately go to those little kids. Her motherly instinct clicked and she went to that living room to check on them, to console them, to get F.C. in her arms and to rock him while he was crying. What is the defendant doing at this point? Going on a rampage in that kitchen, ransacking it, throwing items all over the floor in a fit of anger.

B.S. told you that at this point this was her

one slim opportunity to try to get help. She knew that this was still an ongoing emergency. He was still in a fit of anger and she has no time to call 911 herself. She didn't know if he would come back into that room. All she could do while she had F.C. in her arms rocking him in that living room was to pull out her phone, send a quick text to her friend Denise and stuff it back into her pocket and just pray that law enforcement came. She didn't have time and she was scared. She was scared of what he would do if he came in and saw her calling 911. The unknown was far to risky.

So, as she's sitting in that living room in that chair rocking and consoling her youngest, she told you that the defendant sees her, comes into the living room and apparently now is the time to act like a doting father, asks for F.C. . When F.C. refuses to go to him, that apparently sets him off as well. Again, you heard it. He snaps again, hits her on the back of her head, hits her on the side of her head while she's still holding F.C. in her arms.

Master Deputy Mills took the stand and he told you that he immediately noticed that B.S. was limping. She testified how she hurt her foot in the midst of the struggle and he also immediately noticed how upset and distraught and tearful she was and anxious as she tried

to tell him what had occurred, just literally minutes away. You saw it for yourself in that body camera footage. She was just reeling from what had just happened to her after being strangled for 22 seconds and the ongoing fit of anger that continued after that.

You witnessed her speak to Master Deputy Mills while she was still under that stress of that rampage that had just happened. Those emotions I submit to you were real, they were raw. She's not waiting. Master Deputy Mills again, he arrived minutes after this occurred specifically noticed that the red marks on her neck were consistent with allegations of strangulation; that they were more than just a red complexion, a redness of the skin. Something had happened. And the defense wants you to believe that B.S. is simply not credible because her memory was not crystal clear, sharp, and that she couldn't remember every single detail after she had just been strangled. Literally after just being strangled for 22 seconds, her foot being broken, or she later found out was broken, and being hit in the head afterwards. They expect you to believe that someone who had just moments before who was fighting for air, mustering the last bit of strength that she had to mutter the word help. And she told you that she thought that her kids would find her dead. They expect you to believe that someone that

had just endured that kind of trauma would remember every single detail. And I submit to you to use your common sense that I know each and every one of you have and realize that that story does not make sense and it is not reasonable.

In fact, nurse practitioner Jeremy Styles took the stand and testified about how over 24 hours later when he treated her at Lexington Urgent Care, he immediately noticed the dime size bruises to her neck, and he testified how those bruises on her neck were consistent with strangulation and how it is also common that symptoms of strangulation do not manifest themselves until one, two, or possibly even days later. He said that those marks on her neck, those bruises on her neck were consistent with allegations of strangulation. He's a medical professional and he has seen this countless times in his training and experience as a nurse practitioner.

He testified how there was obvious swelling and bruising to B.S.'s foot and how he ordered that x-ray and that a radiologist interpreted it to be broken. He testified how he referred her to follow up orthopedic care at Lexington Orthopedics. And Dr. Boyer who ended up being her orthopedic doctor, testified that he's treated B.S. numerous times since January and that

even on the first day she came in with difficultly walking, there was pain, there was welling. He had to put her in the cam walking boot, a short term of pain medications and he continued to see her and actually was still concerned in follow up appointments that the swelling wasn't improving. It could be possible signs of a blood clot or nerve damage and he testified that these conditions are potentially serious life-threatening. All that occurred in the course of this man's action.

B.S. testified that she had not been treated for any kind of injury to her foot prior to January 17th, 2022. She testified that she has not engaged in any kind of physical activity or twisted it or over-extended it that caused any such injury. This injury did not occur I submit to you until that man strangled B.S. and she has continued as she testified to to receive physical therapy as well.

Now, the defense wants you to believe that her fractured foot, you know, we could sit here and think of a thousand different ways that someone could injure their foot, but please do not let it distract you from the fact that these injuries did not exist prior to January 17th. She immediately reported this injury to Master Deputy Mills on scene and her treatment for that injury began the following day.

So, Judge McCaslin will soon instruct you on the law in this case, but I want to dive into it a little bit right here. Now, as you know, Shane Clamp has been charged with domestic violence of a high and aggravated nature and it is the State that is charged with the responsibility of proving the elements of domestic violence of a high and aggravated nature by what he call beyond a reasonable doubt.

Now, what are the elements of domestic violence of a high and aggravated nature? It is unlawful to cause physical harm or injury to a person, or a household member, or offer or attempt to injure a person or household member with the apparent present ability to do so under circumstances causing - reasonably creating fear of imminent peril and under circumstances manifesting an extreme indifference to the value of human life and without an accompanying battery causes a person to reasonably fear great bodily injury or death. I know that's a lot of legalese. It's a little bit confusing, so I'll break it down for you a little bit.

The first thing that the State has to prove is that Shane Clamp and B.S. [redacted] are household members. Now, what is a household member? It's very simple. It is any two people that are married, used to be married, lived together, used to live together, have children in

common. You heard uncontested testimony today that [redacted] and Shane Clamp lived together for the greater part of 10 years and had children in common, so that makes them household members under the statute and under the law of South Carolina.

As to the other elements, ladies and gentlemen, again, you heard it for yourself. You heard Shane Clamp snap. You heard him come into that kitchen that morning looking for a fight. He even said, again, his words, this is how we're going to F'ing play. Then you heard him strangle her while he tells her twice, not once, but twice, to go to sleep. Ladies and gentlemen, that is certainly an attempt to injure [redacted]. He certainly had the apparent present ability with his own arm to injure [redacted]. You heard it for yourself. You saw the red marks on her neck consistent with strangulation.

Ladies and Gentlemen, I submit to you that Shane Clamp's actions on the morning of January 17th without a doubt exhibited, manifested an extreme indifference to the value of human life. I submit to you that any person who strangles another person for 22 seconds has no regard for that person, has no regard for that person's life. Shane Clamp made his goal for the morning of January 17th of 2022 crystal clear. And what was that? That was to

silence [redacted]; that was to take away her voice and he did that literally. And he wanted to make it known what the consequences are when he doesn't get what he wants when he wants it. And he made that clear by his own words, go to sleep. And he meant it so genuinely that he said it twice. I submit to you that there's no other way to interpret his actions and his words by agreeing that it exhibited and manifested an extreme indifference to the value of [redacted]'s life on that morning.

We also have the burden of proving beyond a reasonable doubt that Shane Clamp strangling [redacted] which would cause a reasonable person to fear great bodily injury or death. You saw her take that stand and you heard her tell you multiple times that she thought she was not going to live to see January 18th. She thought that her boys would find her dead on that kitchen floor. She felt like there was a hole and her insides were about to fall out. She thought she was going to die.

I submit to you that any reasonable person who is being strangled for 22 seconds by someone twice their size while they're telling you to go to sleep would cause any person to fear for their life, would cause any person to fear for great bodily injury. That just makes sense. What else is there to feel when you can barely muster

enough strength to mutter the word help.

So, what is great bodily injury? This just means that this is an injury that causes a substantial risk of death or serious permanent disfigurement, a protracted loss of impairment of the function of a bodily member or organ, and I submit to you, ladies and gentlemen, that any reasonable person fearing what [redacted] B.S. endured on that morning would absolutely feel that they were about to die, if they were not about to die, that any of those events could happen.

And I would have to prove these elements of this offense to you by the standard of what we call beyond a reasonable doubt. Now, what does beyond a reasonable doubt mean? I know you may have heard it on TV before, but I'll break it down a little bit right here. One way to think of this burden is that at the end of today's trial if you were left firmly convinced of the defendant's guilt, you must find him guilty. There are very few things in life that we know with absolute certainty and in criminal cases such as this it's none other. We don't know everything with absolute certainty and the law does not require the State to overcome every single possible doubt or beyond a shadow of a doubt. It just means that the State is required to leave you firmly convinced of the defendant's guilt.

And as we mentioned in opening, this is a high burden, but it is a burden that we have embraced and we have welcomed and I submit to you that we have easily met for the charge of domestic violence of a high and aggravated nature.

Ladies and gentlemen, what B.S. endured on the morning of January 17th, 2022 is just something that no person should ever, ever have to endure. This man is the father of B.S. 's children and at the time he was her boyfriend, someone that is supposed to love and protect the ones they are with. I submit to you that we have proven today that he did anything but that on the morning of January 17th. He had no regard for B.S. that morning. Please do not lose sight of what started this that morning. There's a significant issue, I submit to you, there's a significant issue that any human being that would respond in the way that this man did over his morning coffee not being ready. His response was to strangle her for 22 seconds and assault her afterward. She had a red sore neck to prove it. She had injuries later diagnosed to prove it. And not only that, but during the struggle her foot was broken as well. Bottom line is that B.S. did not think that she was going to live to see January 18th, but she did and she's here to tell you her story. When you go back into that

jury room, I want you to remember this.

(Playing video.)

MS. TAYLOR: And that is why we implore you to do what the law and justice requires and find the defendant Shane Clamp guilty of domestic violence of a high and aggravated nature.

THE COURT: Thank you, Ms. Taylor. Mr. Snell.

MR. SNELL: There are two things that we know for sure about domestic violence, it happens and people lie about it. They'll exaggerate, they will embellish, they will change the story, they will load it up, they will try to make it seem bigger than it was if they think they can get any advantage of it that, if they think it makes them look better, if they think it makes them sound better, whatever the reasons are. People take situations that are smaller and they make them bigger.

You had an opportunity to see and hear from B.S. [redacted] when she took the witness stand. One of your jobs as jurors, one of the things the Judge will instruct you on is your job is to gauge her credibility. Was she telling the truth? Was she trying to tell you the entire story? Was she trying to tell you exactly what happened? You get a chance to see her and hear how her story changed had becomes bigger and how she was leaving out details or minimizing what she thought didn't make her

look good. Those are all reasons why she's not credible. It simply means that everything she said may not be true and she may have exaggerated, blown it up, changed the story to help herself, make herself look good, whatever her reason is.

Keep in mind there is a contested custody case in the background of this. So in just a few weeks these people are scheduled to be back in this building in family court before a Judge to hear and decide issues involving custody and visitation of the children. Y'all have collective life experiences. You may have known people involved in contested family court cases or custody and how people will say and act and do whatever they have to do to try to maximum their chance of success in those actions.

What I gathered from the State's case was there are three, in my mind at least, three main types of, call it components to this assault, okay? Let's start with the strangulation. You heard the audio recording. One of the important legal issues in deciding this case is whether or not she actually lost consciousness. The State has got to meet the burden of proof beyond a reasonable doubt that she lost consciousness. You're gonna hear the Judge give you the jury instructions and how that's a part of what domestic violence high and

aggravated nature is.

Again, yesterday I told you there are four levels of domestic violence, okay? There's a low level that goes in magistrate court, and then there's a second degree and a first degree and high and aggravated that go in this court. You're actually going to hear more about those different versions when the Judge gives you the law and when you're able to decide this case, because yesterday this case started out only as a domestic violence high and aggravated, but at the conclusion of the trial and after consideration of everything, y'all are now gonna get to consider what are called lesser included offenses which means maybe he's not guilty of domestic violence high and aggravated, maybe the State can't meet that burden of proof, but here are some lower things, lesser offenses.

But specifically with domestic violence high and aggravated nature one of the elements you will read in the instructions is about the loss of consciousness. The State would have to prove that beyond a reasonable doubt. Ms. B.S. told the officer she didn't lose consciousness. The officer agreed to that. She agreed to that. That's what all the evidence is. She didn't. We further know she didn't because there's an audio recording and at no point do you hear her fall or

collapse or do anything else like somebody who losses consciousness would do. So she never told the police she did. In fact, she told them she didn't. It didn't happen.

When she went the next day to the Urgent Care and she saw nurse practitioner Styles, and that was the second witness you heard from yesterday, so the first was Denise Snelling, the ex mother-in-law, and then Mr. Styles, again, the nurse practitioner, he testified that the only bruising he identified and was charted in the record were dime sized marks on her neck. Now, that's significant also because how she testified this choking happened was with his arm, okay? That's not gonna leave dime sized bruising.

Now, Mr. Styles did testify that bruising like that could be indicative of strangulation, that's if you take your hands and you put them over someone's throat the fingertips would leave dime sized marks. That's not what happened here. There's no evidence that that's what happened to her, the fingertips like that on her. It's the whole arm, and that's significant because it shows that those dime sized bruisings that Mr. Styles said he saw weren't related to this incident.

Now, one of the things you saw in the pictures, and I think you'll have these pictures back in deliberations,

Ms. B.S. had some kind of real bright like a splotch, like a lesion, I don't know what the term would be, looks like a bug bite or something on her skin that got red like it had been picked on, and she had another one that looked like the same on the other side of her face, you may look at those and they may look similar, other situations where people pick at their skin, again, a real bright almost like a wound on her face that she said was not related to this incident, picking like that will also cause, you know, you could find could cause dime sized bruising, okay?

She did have the other component of this was the broken foot. There's no questions her foot was broken. And this is her right foot and this is on the very right side of the right foot kind of close to where the pinky toe is, but that area and there's a ligament connecting, you know, connected to that part of the bone and, of course, the doctor testified that that could be caused by twisting, kind of over exertion of that foot. It's not something that necessarily indicates some type of trauma or blow. That's important.

Here's the only thing the Judge is gonna give you instructions on. Domestic violence is a specific intent crime. You're going to get some instructions from the Judge on intent, okay? You can't accidentally commit

domestic violence. This is not like speeding where you didn't know how fast you were going, the policeman clocked you at 70 in a 55 so you get a ticket. You have to mean to do it. That foot was broken on that very right side in a way that can be consistent with twisting, slipping, any other type of accidents. I think it's reasonable to believe as large a man as Mr. Clamp is, if he had stomped her foot, mashed her foot, kicked her foot, hit her foot, done anything intentional, you would certainly have seen a different type of injury and, in fact, you would have had her go through something she would have remembered because she told the officer on scene she didn't now how it happened.

There is sugar all over the floor. There are objects everywhere on that floor. There's a lot of things that could happen, and I know there was probably a flurry of activity where she could twist, slip, turn, do something to injure her foot. The State's got the burden of proof that this was an intentional injury. The State has to prove beyond a reasonable doubt that Shane Clamp did it and did it intentionally. She said she didn't know how it happened. The medical doctor testified there could be other causes. It could be accidental. There's plenty of other circumstances where this could have happened accidentally even during that time frame. I'm

not trying to pull anything over your eyes or talk fast. The State's got to prove beyond a reasonable doubt that it's intentional. And again, she said she didn't know how it happened. If she doesn't know how it happened and she was the only one there who went through it and lived it and has testified that you have heard from, there is no way for the State to meet their burden of proof.

Again, it's not the type of injury that would come only from getting trauma. We saw a picture of her foot. You don't see anywhere where it looked like anybody stepped on the whole thing. In fact, if somebody had stepped on her whole foot, somebody especially the size of Mr. Clamp on purpose or stomped on it, a lot more of it would have been injured than what it was. It's that small bone on the very edge of the foot.

Finally, she testified about being hit, okay? She said she got hit in the back of the head or side of the head. I think she acknowledged that if Mr. Clamp had really hit her, she would have been in a lot more hurt than she was. My understanding was she said she got hit, but it messed her hair up and made her ear red. That's really not a hit. And it's certainty not anything that would rise to the level of domestic violence of a high and aggravated nature.

You're gonna hear from the Judge that that basically

involves, requires the State to prove circumstance manifesting extreme indifference to the value of human life and would reasonably cause a person to fear imminent great bodily injury or death. One thing that I know the State agrees on is that there was no great bodily injury in this case. It didn't happen. That's something the prosecutor and I have agreed on.

Now, one of the things B.S. failed to testify to is she said that when this audio recording was made, you hear three and a half minutes of silence, so she turns the phone on on record and then she waits, okay? That's somebody intentionally setting out to create a record for whatever the reason, whatever the purpose, but then she said during that time she was making her children a drink, she was being a good mother. Of course, I asked her on cross about her using kratom. Again, that's something I think being sold in the health stores and head shops. She didn't want to share that detail. She didn't want anybody to know and that's what Mr. Clamp saw when he came back in the room was her making that drug and you hear the banging. That's not her making a drink for children. That's her preparing that drink, the kratom.

Y'all saw the video of B.S. when the police arrived, or Ms. B.S. when the police arrived. She was

oriented, she was able to listen to the questions and answer the questions, never complained about I have memory loss. She was perfectly oriented and perfectly able to talk. She made that recording essentially, had it running for several minutes and then stopped the recording. She told you, I didn't know I stopped it. I don't know how it stopped. But then she never told the police about it. She never mentioned it. It just appeared. The question is why? That's not something you forget. You don't think, well, I'm about to have this big fight with my husband. He's gonna treat me awful. I'm gonna record him, get assaulted, then the police are there 15 minutes later, you're not gonna forget. It's the first thing you pull out and you say here it is. Here's what he did. The question is why?

Now, we've heard that after this happened Mr. Clamp was arrested, right? Then within a few days later she, however she put it, he was supposed to come for a weekend, but he stayed. He moves back in. They're sharing a bedroom. Then on March 1st she left with the children and he hasn't seen them since. And it wasn't until May, I think we had some issue of whether or not she tried to turn the video over to the Sheriff's Department, my understanding is they don't have a record of it ever being received. Certainly the prosecutor's

office had no record of it ever being received until May. That's when she provided it. It's like she's gonna hold it in her hip pocket, have her man move back in, play house again, share the bedroom with him, then he's gonna move out and then she's gonna say, oh, here it is.

That's kind of the story here, and then you have a contested custody case. Is that somebody who really thought they were gonna die? Is that somebody that really thought that they were gonna suffer from a great bodily injury? Once again, no great bodily injury occurred. I'll tell you the answer is no. That's not how somebody acts, it's not what somebody does. That's not how those type of situations go at all. I'm not telling you nothing happened. The State's brought an incredibly serious charge. Of all levels of domestic violence high and aggravated is the worst of the worst, and they've got to prove it beyond a reasonable doubt. They didn't do it. They cannot do it.

So what happens? Well, that's where the lesser included defenses come in. What a lesser included offense is, it's kind of almost like you're building a wall, right? If you're building a wall out of bricks and you have enough bricks to build it all the way to the very top, right, and prove that case beyond a reasonable doubt, not just talk about the wall, draw you a picture

of the wall, but actually build it, right? That's high and aggravated, okay? What if you don't have enough bricks? That's where you get a lesser included, right? It's the same maybe the foundation, like, for example, for domestic violence second degree, first degree, which you're gonna hear about, it's household members. It's the same requirement for domestic violence high and aggravated and that means people who currently or formerly cohabitated, have children together or were currently or formerly married. Again, these people were never married, but certainly the evidence is they lived together and they have children together, right? Same household member relationship exists in all three of these levels.

So domestic violence first degree. You're also gonna hear in the instructions from the Judge about whether or not a great bodily injury occurred. Again, it did not. Everybody agrees with that. That it did not occur. And finally we have domestic violence second degree, okay? You're gonna get to hear that from the Judge. That's gonna be one of the choices you have to make when you deliberate or decide this case.

Domestic violence second degree is a serious domestic violence charge. It's a very serious offense, okay? It's not something that would normally go to -

does not go to traffic court or magistrate court. It's a case prosecuted in this court, General Sessions, with a 12 person jury like you in this very room. Domestic violence second degree requires, again, the State has to prove beyond a reasonable doubt that some sort of physical assault occurred and children were present, okay? That's a domestic violence second degree. And the Judge is gonna give you the option of finding Mr. Clamp guilty of domestic violence second degree, okay? And again, we've heard the audio recordings. We've heard the testimony. There were children in the house, I think in the adjoining room. I don't think there's any evidence disputing or contesting that so because of that you're gonna be given the option of second degree, right? So the State can't prove first degree, then you can consider second degree, okay? Again, a serious charge.

So one thing again just to consider is this story changed from what she told the police when they initially responded to what you heard from the witness stand when she talked about being thrown, right? All of this. It's just gotten bigger, okay? Just consider that in deciding her credibility. I think the end results of her testimony considering how she answered all the questions both from the State and from me indicate that she was trying to hide, a little dodgy, kind of a little bit of

an attitude, kind of played smart, not being credible, not telling the truth.

The Judge is gonna instruct you on reasonable doubt. It's the type of, basically it's got to be the type of, the State's got to prove it in a way that leaves you firmly convinced, okay? The first question you're gonna get on the jury verdict form is gonna be did the State prove Mr. Clamp guilty of domestic violence of a high and aggravated nature. I think it's guilty or not guilty or however it's listed. We tell you that he did not do it. Follow the instructions of the Judge and apply the evidence you have actually got in this case; that they did not meet that burden of proof and that is a not guilty, okay?

The second question is gonna be a first degree. You're gonna hear, again, review the same evidence you've heard, think about the, specifically think about what the Judge gives you the law on intent, and this being an intentional crime. Think about whether or not, about how she testified she never lost consciousness and again, there was no great bodily injury. Did not happen. The State is not gonna meet their burden of proof on a first degree.

Second degree. If you find that something happened, there was a physical altercation and there were minors

present, that's domestic violence second degree. I'm not gonna -- Of course, I'm a lawyer. I'm not a Public Defender, even though I'm paid money, I absolutely have to ask for my client to be found not guilty, okay? Please do. Please find him not guilty of everything, okay? But I'm also not going to try to mislead you. There's evidence that there was some sort of physical altercation and there are minors, okay? If you are satisfied that the physical altercation that occurred, it would be criminal acts sufficient to trigger domestic violence second degree based on the instructions the Judge gives you, you have that option, okay? If, however, you find that still after evaluating credibility, after evaluating the story, evaluating her not telling the police about this recording, trying to sit on it, moving back in and then leave, basically if you find the whole thing she's not proven any unlawful criminal offense happened, you find him not guilty, okay?

Basically those are your four choices. We ask you certainly to find him not guilty of domestic violence high and aggravated, not guilty of domestic violence first degree, please don't find him of domestic violence second degree, and then finally we would ask you to not find him guilty of everything. Thank you all very much.

THE COURT: Thank you, Mr. Snell. Let me see the

lawyers just briefly before I charge the jury.

(Side bar off the record.)

THE COURT: Ladies and gentlemen of the jury, I'm gonna charge you. We do have some sandwiches back there for you. Let me do this and I'm gonna let you go eat lunch, okay?

I will now charge you on the law applicable to this case. You must consider the charge as a whole and not focus on some portions to the exclusion of others.

The indictment charges the defendant with domestic violence of a high and aggravated nature. I remind you the fact that the defendant was arrested, charged, and indicted in this case is not evidence in this case and cannot be considered by you as evidence of guilt in this case, nor does it create any presumption or inference of guilt. This document is simply the formal written instrument which contains the charge made against the defendant. This is a formal document by which this case is brought into this court.

The defendant has pled not guilty to this indictment and that plea puts the burden on the State to prove him guilty. A person charged with committing a criminal offense in South Carolina is never required to prove himself innocent. I charge you that it is an important rule of law that a defendant in a criminal trial no

matter what the seriousness of the charge may be will always be presumed to be innocent of the crime for which the indictment was issued unless guilt has been proven by evidence satisfying you of that guilt beyond a reasonable doubt. This presumption of innocence does not end when you begin your deliberations, but it accompanies the defendant throughout the trial unless you reach a verdict of guilt based on the evidence satisfying you of that guilt beyond a reasonable doubt.

The presumption of innocence is like a robe of righteousness placed about the shoulders of the defendant which remains with the defendant unless it has been stripped from him by evidence satisfying you of his guilt beyond a reasonable doubt.

The presumption of innocence is not a mere legal theory. It is not just a legal phrase. It is a substantial right to which every defendant is entitled to unless you, the jury, are satisfied from the evidence of the defendant's guilt beyond a reasonable doubt.

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

cases, and this is a criminal case, the State's proof must be more powerful than that. It must be beyond a reasonable doubt.

Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. There are very few things in this world that we can know with absolute certainty, and in criminal cases the law does not require proof that overcomes every possible doubt. If, based on your consideration of the evidence, you are firmly convinced that the defendant is guilty of the crime charged, you must find him guilty. If on the other hand, you think there is a real possibility that the defendant is not guilty, you must give the defendant the benefit of the doubt and find him not guilty.

I remind you that during this trial you and I have certain duties to perform. As the trial Judge, it is my responsibility to preside over the trial of this case, and I also have the duty to rule on the admissibility of evidence offered during this trial. You are to consider only the competent evidence before you. You are to consider only the testimony which has been presented from this witness stand, and any exhibits which have been made a part off the record in this case, and any stipulations of counsel.

In this case there's two stipulations. I told you

earlier there was testimony about a police officer or another call out to this home. Both sides stipulated, yes, there was another call made and it was so Ms. Steele could pick up her belongings; that you are to treat as a true fact. I will tell you also that both sides have stipulated that great bodily injury did not occur, however, it is up to the jury to decide if it is reasonable under the circumstances that great bodily injury could have occurred, great bodily injury or death could have occurred. That is for the jury to decide.

I have the additional duty to charge you the law applicable to this case. As the presiding Judge, I am the sole Judge of the law of this case, and it is your duty as jurors to accept and apply the law as I now state it to you. If you already have an idea about what the law is or what the law ought to be and it does not agree with what I now tell you the law is, you must abandon this idea because you are sworn to accept the law and apply the law exactly as I state it to you.

In every case tried in this court before a jury, the jury becomes the sole and exclusive Judge of the facts in a case. A trial Judge cannot state, comment on, or make any statement to a trial jury about the facts in a case. Since you, the jury, are the sole Judge of the facts, you are not to infer from what I have said during the

progress of this trial in ruling upon the admissibility of evidence, or otherwise, or anything that I say now during the course of this instruction to you, that I have any opinion about this case. The law does not allow me to have an opinion about any facts in this case. This is a matter solely for you, the jury, to determine. As jurors, it is your duty to determine the effect, the value and the weight of the evidence presented during this trial.

I'm going to remind you the following things are not evidence and you must not consider them as evidence in deciding the facts of this case. Statements and arguments of the attorneys; opening and closings; and questions and objections of the attorneys. None of those things are evidence.

Now, there are two types of evidence which are generally presented during a trial, direct evidence and circumstantial evidence. Direct evidence directly proves the existence of a fact and does not require deduction. Circumstantial evidence is part of a chain of facts and circumstances indicating the existence of a fact.

Crimes may be proven by circumstantial evidence. The law makes no distinction between the weight or value to be given to either direct or circumstantial evidence, however, to the extent the State relies on circumstantial

evidence, the circumstances must be consistent with each other, and when taken together, point conclusively to the guilt of the accused beyond a reasonable doubt. If these circumstances merely portray the defendant's behavior as suspicious, the proof has failed.

The State has the burden of proving the defendant guilty beyond a reasonable doubt. This burden rests with the State regardless of whether the State relies on direct evidence, circumstantial evidence, or some combination of the two.

You must also determine the credibility of witnesses who have testified in this case and the evidence presented. Credibility simply means believability. It becomes your duty as jurors to analyze and evaluate the witnesses and the evidence and determine the credibility of the witnesses and the evidence.

In determining the credibility of witnesses who have testified in this case, you may believe one witness over several witnesses or several witnesses over one witness. You may believe a part of the testimony of a witness and reject the remaining part of the testimony of that same witness. You may believe the testimony of a witness in its entirety or reject the testimony of a witness in its entirety. You may consider whether any witness has exhibited to you any interest, bias, prejudice, or other

motive in this case. You may also consider the appearance and manner of a witness while on the witness stand.

I remind you that the fact that the defendant elected not to testify is not a factor to be considered by you in any way in your deliberations and in your consideration on the question of whether the defendant is guilty or not guilty. It must not be considered in any manner whatsoever against him. An accused has the Constitutional right to remain silent, and the assertion of that right cannot be considered by you in your deliberations. Under your oath, you are to reach no inference and draw no conclusion whatsoever from the fact that the defendant elected not to testify. His decision not to testify should not even be discussed in the jury room. It is not to enter your minds in making your decisions. The State has the entire burden of proof and the accused has no burden to prove anything at all.

Criminal intent is a state of mind which operates jointly with an act or omission in the commission of a crime. Criminal intent is a mental state of conscious wrongdoing. Criminal intent includes those consequences which represent the very purpose for which an act is done, or are known to be substantially certain to the result regardless of one's desire. Intent may be shown

by acts and conduct of the defendant and other circumstances from which you may naturally and reasonably infer intent. Criminal intent must be proven by the State beyond a reasonable doubt.

The defendant is charged with domestic violence of a high and aggravated nature. The State must prove beyond a reasonable doubt that the defendant caused physical harm or injury to a member of the defendant's own household or that the defendant offered or attempted to cause physical harm or injury to a member of the defendant's own household with the apparent present ability to cause harm or injury under circumstances reasonably creating a fear of imminent danger.

A household member is a spouse, a former spouse, a person with whom the defendant has a child in common, or a person of the opposite sex with whom the defendant is living or has lived with in the past.

Domestic violence of a high and aggravated nature occurs when circumstances manifesting extreme indifference to the value of human life are present. A person commits the offense of domestic violence of a high and aggravated nature with or without an accompanying battery and under circumstances manifesting extreme indifference to the value of human life and would reasonably cause a person to fear imminent great bodily

injury or death.

Great bodily injury means bodily injuries which cause a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of a bodily member or organ.

This includes but is not limited to the following: The defendant knowingly and intentionally impeded the normal breathing or circulation of the blood of a household member by applying pressure to the throat or neck or by obstructing the nose or mouth of a household member and thereby causing stupor or loss of consciousness for any period of time; or the defendant committed the offense in the presence of a minor.

If you do not find that the State has proven beyond a reasonable doubt that the defendant is guilty of domestic violence of a high and aggravated nature, you may consider if the State has proven beyond a reasonable doubt the lesser included charge of first degree domestic violence.

The defendant is charged -- Excuse me. The State must prove beyond a reasonable doubt that the defendant caused physical harm or injury to a member of the defendant's own household or that the defendant offered or attempted to cause physical harm or injury to a member of the defendant's own household with the apparent

present ability to cause harm or injury under circumstances reasonably creating a fear of imminent danger.

Again, a household member is a spouse, a former spouse, a person with whom the defendant has a child in common, or a person of the opposite sex with whom the defendant is living or has lived with in the past.

The State must also prove one of the following: Great bodily injury to the defendant's own household member results or the act is accomplished by means likely to result in great bodily injury to the defendant's own household member. Again, great bodily injury means bodily injury which causes a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of a bodily member or organ.

In the process of committing domestic violence in the second degree one of the following also results: The offense is committed in the presence of or while being perceived by a minor; or, the offense is committed by impeding the victim's breathing or air flow.

If you do not find that the State has proven beyond a reasonable doubt that the defendant is guilty of domestic violence of a high and aggravated nature or first degree domestic violence, you may consider if the

State has proven beyond a reasonable doubt the lesser included charge of second degree domestic violence.

The defendant is charged with second degree domestic violence and the State must prove beyond a reasonable doubt that the defendant caused physical harm or injury to a member of the defendant's own household or that the defendant offered or attempted to cause physical harm or injury to a member of his own household with the apparent present ability to cause harm or injury under circumstances reasonably creating a fear of imminent danger.

A household member, again, is a spouse, a former spouse, a person with whom the defendant has a child in common, or a person of the opposite sex with whom the defendant is living or has lived with in the past.

The State must also prove one of the following: Moderate bodily injury to the defendant's own household member results or the act is accomplished by means likely to result in moderate bodily injury to the defendant's own household member.

Moderate bodily injury means physical injury that involves prolonged loss of consciousness or that causes temporary or moderate disfigurement or temporary loss of the function of a bodily member or organ or injury that requires medical treatment when the treatment requires

the use of regional or general anesthesia or injury that results in a fracture or dislocation. Moderate bodily injury does not include one-time treatment and subsequent observation of scratches, cuts, abrasions, bruises, burns, splinters, or any other minor injuries that do not ordinarily require extensive medical care.

Or in the process of committing a domestic violence in the third degree one of the following also results: When the offense is committed in the presence of or while being perceived by a minor or the offense is committed by impeding the victim's breathing or air flow.

A verdict in this case cannot be based upon sympathy, passion, prejudice or emotion, or some other consideration not found in the evidence.

Let me say something about your deliberations. Deliberation is defined as a "careful consideration weighing up with a view to decision."

The genius of our jury system is that it allows 12 good men and women, from 12 different backgrounds, life experiences, and perspectives to consider the evidence, talk about it, and ultimately reach a verdict.

We call them deliberations for a reason. You are to consider the evidence in this case carefully and deliberately, and discuss it in a calm, thorough, and courteous manner.

Listen to the views of all your fellow jurors; consider other people's points and points of view, and talk through and discuss the evidence. And remember, if doing something deliberately, you are not in a big hurry, and you should not be in a hurry here. This case is very important to both sides, and this is their only day in court.

When you retire to the jury room, you should discuss the case with your fellow jurors to reach an agreement if you can do so. Your verdict must be unanimous.

Each of you must decide the case for yourself, but you should do so only after you have impartially considered all of the evidence, discussed it fully with the other jurors, and listened to their views.

Do not be afraid to change your opinion if the discussions persuade you that you should. But do not come to a decision simply because the other jurors think it is right.

It is important that you attempt to reach a unanimous verdict but, of course, only if each of you can do so after having made your own decision. Do not change an honest belief about the weight and effect of the evidence simply to reach a verdict. In other words, do not change your opinion solely for the sake of reaching a unanimous verdict.

There are two possible verdicts for the charge which you may find in this case. There is absolutely no significance whatsoever in the order which I state these possible verdicts; it is simply that one must be stated first.

Again, I will tell you your verdict must be a unanimous one. Mister Foreman, when the jury agrees on a verdict, you will check the box next to the verdict on the verdict form and sign your name as the foreperson. Then inform the bailiff that you have reached a verdict. At that time, we will receive back into the courtroom.

If any member of the jury has any issue or question about the law to bring to the Court's attention, please do so by way of writing a note. You will have a pad and pencil.

Let me remind you that you have been chosen as fair and impartial individuals. In other words, you have no friends to reward, and you have no enemies to punish. Your job is to render a verdict based solely on the evidence presented and the law as I have instructed you.

I'm gonna ask that you return to your jury room. Mister Foreman, you are not to begin deliberations yet until either the clerk or the bailiff let's you know. There are some discussions I'm going to have to have with the lawyers. I will tell you we'll have to gather up all

of the evidence and we will bring it back to you. There's also a CD. I will need to make sure that you have the computer and a way to play it.

I am also sending back a copy of the jury instructions. I normally do not do that in a case, but in this case both sides have agreed to let you have a copy, so I've made each one of you a copy. That's 12 copies. You are to treat these jury instructions as a whole. Do not decide the case based on just part of the law, but the law as a whole. Do not focus on some portions of it to the exclusion of others. But I wanted to make sure that each one of you had your own individual copy so I don't have to worry about one person passing it around.

With that said, I'm gonna let you go enjoy your lunch. Let us gather the evidence. Do not start deliberations yet. I know I have two alternates. I'm gonna let them have lunch until I get this together. You cannot be part of the deliberations. My alternates hate it. Y'all have been great, but you can't be part of it and the bailiff will let you know when we bring the evidence back y'all will have to leave, okay? Thank you so much.

(Whereupon, the jury entered the jury room at 2:10 p.m.)

THE COURT: I was going to ask, anything about the jury charge from the State and the defense, but come on up and let's talk about it, if I need to bring them back in.

MS. TAYLOR: I didn't catch it earlier, but just on the first and second degrees, it says he's charged with that. You caught it on the first one.

THE COURT: I did.

LAW CLERK: Yeah. I just copied it from the file. If y'all don't like that language, I think we put it in there and then like I'm charging you with, because I got it straight from Arianna, but if y'all don't like it, I can get Arianna to reprint it.

THE COURT: I took it right out of the first one. I was like wait a minute.

MS. TAYLOR: I don't know if that was confusing or not.

THE COURT: I'm gonna tell you this: What I'm going to do is I'm going to have her take that out.

MS. TAYLOR: Just on the first and the second. I think it should be clear what he's charged with. I just didn't want there to be any confusion.

THE COURT: So I've got it on pages 17, and page 19, right?

MS. TAYLOR: 17 and 19.

LAW CLERK: Yeah. I checked it.

THE COURT: Those two. Don't let her print that.

LAW CLERK: I'm not.

THE COURT: Do you want me to bring the jury back in and tell them that? I can explain it to them.

MS. TAYLOR: To be safe.

THE COURT: Would you feel better?

MS. TAYLOR: I think I would feel better.

THE COURT: Can you bring the jury back in right quick. I'm just gonna explain to them, Whitney, the lesser included charges. He's not charged with that. He's charged with ABHAN, but they've got the option if they need to. Long morning.

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

THE COURT: Okay. Be seated. I just wanted to make sure that I clarify something, and one of the lawyers brought it to my attention. The defendant is charged with criminal domestic violence of a high and aggravated nature, and then there are lesser included charges. The ones that I read to you, the first degree domestic violence. There's also a lesser included charge of second degree domestic violence. He's not charged with those two charges. He's charged with criminal domestic violence of a high and aggravated nature. However, you,

the jury, can make your own decision if he's guilty of a lesser included charge. So I just wanted to make sure that you knew that he was only charged with one charge. Any objection from the State to my clarification?

MS. TAYLOR: No objection.

THE COURT: Anything from the defense?

MR. SNELL: No, Your Honor.

THE COURT: All right. Go back to your jury room. Enjoy your lunch.

(Whereupon, the jury entered the jury room at 2:16 p.m.)

THE COURT: I'm going to fix those on the jury instructions for you. All right. Anything from the State?

MS. TAYLOR: No, Your Honor.

THE COURT: Anything from the defense?

MR. SNELL: Nothing further.

THE COURT: Okay. We are in recess. Let's gather up and make sure we have all of the exhibits. There's 16 of them. Whitney, that computer, the black one we send back?

MS. TAYLOR: This is the court computer.

THE COURT: Okay.

(Jury deliberations began at 2:10 p.m.)

THE COURT: Okay. I've got a note from the jury

right quick. All right. This is the jury's note. In the charge of domestic violence of a high and aggravated nature, do we have to decide if the State proved a reasonable doubt that the defendant did, in fact, render the victim to, looks like to cause stupor or loss of consciousness for any period of time. Now, this is the one that I told them that we stipulated as far as there was no great bodily injury, but it was up to the jury to decide if a reasonable person could have believed there was great bodily injury.

MS. TAYLOR: I believe that was in the section that that's an example of a circumstance that would be considered manifesting extreme indifference to the value of human life, but it's not that we have to prove that. It's just one example not limited to those two examples. It could be the totality of the circumstances as well causing a reasonable person to fear great bodily injury or death.

THE COURT: Yeah. These are included, but not limited to the following. So I think I'm just gonna bring them. Mr. Snell, you got any comment? I'm thinking about bringing them back in and reading them that one line, or I can read them the whole charge again. But it states great bodily injury, that's probably what I'm gonna read, means, great bodily injury means bodily

injury which causes a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of a bodily member or organ. These include but are not limited to the following. And that's for great bodily injury. And then it goes on to say loss of consciousness for any period of time or thereby causing stupor. Those are just a bunch of examples. So I'm thinking I'm gonna read the great bodily injury to them again with the emphasis being these may include. Anybody got any thoughts?

MR. LONG: Your Honor, I think what the jury is trying to ask is whether we have to prove that the victim lost consciousness or went into a stupor to be able to prove DVHAN. I think the better instruction would be just to reread the DVHAN statute, that the circumstances either caused the victim to lose consciousness or the circumstances were enough to where a reasonable person would fear great bodily injury or death.

THE COURT: I'm just gonna read the CDVHAN statute to them.

MS. TAYLOR: I think they're just getting hung up on those examples, but those are not the only ways to prove domestic violence high and aggravated.

THE COURT: I think they're hung up on the examples too. Let me hear from you, Mr. Snell.

MR. SNELL: Judge, is it -- Your Honor, I guess, Your Honor, if you're gonna reread them the statute on DV high and aggravated, you know, there's also language about the loss of consciousness I think in the DV first degree and there's language about lack of, I think, breath in the DV second degree.

MS. TAYLOR: I don't believe they had any questions about the language in those two statutes.

THE COURT: No. They didn't. They specifically stated criminal domestic violence of a high and aggravated nature.

MS. TAYLOR: It's worded differently.

THE COURT: And I don't see anything in the first degree statute that says losing consciousness. I'm trying to tell you, all I see on this is CDVHAN. I don't see it. It's not in the other two charges anyway.

MS. TAYLOR: If we could just read the part to them again under the circumstances reasonably creating fear of imminent peril or great bodily injury or death, I think that would clear it up. I think that's just an example that they're thinking that's the only way that we can prove that, to prove high and aggravated.

THE COURT: So you want me to read the whole statute?

MS. TAYLOR: I don't -- I guess I just reiterate

that those are just examples of ways that can make it high and aggravated, but it's not limited to that and it's not a requirement that we prove.

THE COURT: Well, I'm just telling you that's what the charge says specifically. I'm just throwing emphasis on it, I guess. That okay with you, Mr. Snell?

MR. SNELL: You're going to read, are you rereading the same charge that they already have got the hard copy of?

THE COURT: They even have a hard copy of it.

MR. SNELL: So you're just gonna read what they have the hard copy of.

THE COURT: I can bring them back out, tell them they've got a hard copy, or I can read the CDVHAN statute to them myself. That's about all I can do. Any objection?

MS. TAYLOR: I have no objection to reading it again. I just think that we can just clarify that those examples are just examples. They're not required to prove high and aggravated.

MR. SNELL: I would say anything beyond the statute could be improper.

THE COURT: Yeah. I think anything beyond the statute is improper.

MS. TAYLOR: I'm not arguing that. It says included

but not limited to. That's exactly what the statute says.

THE COURT: And it says it right there in front of them.

MS. TAYLOR: Yes.

THE COURT: You know. All right. Let's bring them in. I'm just gonna tell them they can read it, they need to read it word-for-word or I'll read it for them.

(Whereupon, the jury entered the courtroom at 4:10 p.m.)

THE COURT: All right. Mister Foreman, ladies and gentlemen, I've got your note. All I can do is read you the domestic violence of a high and aggravated nature statute. I have provided each one of y'all a copy of it, but I'll be happy to read it again. Sometimes listening from somebody else might help you, but I'll be more than happy to read the statute to you again if you would like me to. You want to discuss it, Mister Foreman, with the jurors and let me know?

MISTER FOREMAN: We don't need it read again.

THE COURT: Okay. Then I'm gonna send you back to your jury room and let you get back to work.

(Whereupon, the jury entered the jury room at 4:11 p.m.)

THE COURT: I'm gonna make this Court's Exhibit

number 1.

(Whereupon, Court's Exhibit #1 marked for identification.)

(Jury deliberations recess.)

THE COURT: We have a verdict. I need my lawyers. We have a verdict. Can I bring the jury in?

MS. TAYLOR: Yes, Your Honor.

MR. SNELL: Yes, Your Honor.

THE COURT: All right. Let me tell everybody in the gallery, no matter what the verdict is, I don't want to hear anything, not a peep. If I do, I'll have you escorted outside.

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

THE COURT: Mister Foreman, has the jury come to a verdict?

FOREMAN: Yes. We have, Your Honor.

THE COURT: And is it unanimous?

FOREMAN: It is, Your Honor.

THE COURT: If you would hand it to the bailiff please.

FOREMAN: (Proffering.)

THE COURT: Mr. Clamp, please stand. The clerk is gonna read you the verdict.

THE CLERK: Okay. Indictment number 2022-GS-32 --

All three?

THE COURT: Yes.

THE CLERK: Okay. -- 00862, the State versus Shane Robert Clamp, as to the charge of domestic violence high and aggravated nature, we, the jury, unanimously find the defendant not guilty. As to the charge of domestic violence first degree, we, the jury, unanimously find the defendant guilty. As to the charge of domestic violence in the second degree, we, the jury, unanimously find the defendant not guilty, and it is so signed by the foreperson August 2nd, 2022. Mister Foreman, ladies and gentlemen, if this is your verdicts, please indicate so by raising your right hand. All hands raised, Your Honor.

THE COURT: Thank you. Would anyone like the jury polled? The State?

MS. TAYLOR: No, Your Honor.

MR. SNELL: Please, Your Honor.

THE COURT: Poll the jury, madam clerk.

THE CLERK: As to just the charge of domestic violence first degree with it being the guilty one?

THE COURT: Yes. Any objection to that?

MR. SNELL: Just that one charge, yes, Your Honor.

THE COURT: Thank you, Mr. Snell.

THE CLERK: As I call your juror number, if you'll

hold up your hand where I can recognize you. I will ask you as to the verdict of domestic violence first degree is this your verdict and is it still your verdict and then give me your response please. Number 167, as to the verdict on domestic violence first degree, was this your verdict and is it still your verdict?

DAVID E. PILLOW: Yes and yes.

THE CLERK: Thank you, sir. Number 67, as to the verdict of guilty of criminal domestic violence first degree, is this your verdict and is it still your verdict?

ANDREW L. FOARD: Yes and yes.

THE CLERK: Thank you. Number 153, as to the verdict of guilty of domestic violence in the first degree, was this your verdict and is it still your verdict.

RONNIE L. MURPHY: Yes and yes.

THE CLERK: Thank you. Number 19, as to the verdict of guilty of domestic violence in the first degree, was this your verdict and is it still your verdict?

REBEKAH M. BOUKNIGHT: Yes and yes.

THE CLERK: Number 199, as to the verdict of guilty of domestic violence in the first degree, was this your verdict and is it still your verdict?

JUSTIN P. STEELE: Yes and yes.

THE CLERK: Thank you. Number 32, as to the verdict of guilty of domestic violence in the first degree, was this your verdict and is it still your verdict?

YOLANDA Y. BUTLER: Yes and yes.

THE CLERK: Thank you, ma'am. Number 172, as to the verdict of guilty of domestic violence in the first degree, was this your verdict and is it still your verdict?

AYLIN RAMIREZ-IBARRA: Yes and yes.

THE CLERK: Thank you. Number 84, as to the verdict of guilty of domestic violence in the first degree, was this your verdict and is it still your verdict?

DAVAN F. HARDIN: Yes and yes.

THE CLERK: Thank you. Number 2, as to the verdict of guilty of domestic violence in the first degree, was this your verdict and is it still your verdict?

KENDRA B. ABRAHAM: Yes and yes.

THE CLERK: Thank you. Number 58, as to the verdict of guilty of domestic violence first degree, was this your verdict and is it still your verdict?

JEANNE C. EDWARDS: Yes and he yes.

THE CLERK: Thank you. Number 132, as to the verdict of guilty of domestic violence first degree, was this your verdict and is it still your verdict?

CHRISTINE O. LOWDER: Yes and yes.

THE CLERK: Thank you. Number 56, as to the verdict of domestic violence in the first degree, was this your verdict and is it still your verdict?

KANDI M. DIGGLE: Yes and yes.

THE CLERK: Thank you, ma'am. All jurors polled, Your Honor.

THE COURT: Thank you. Anything else from the State?

MS. TAYLOR: Nothing further, Your Honor. If I can have five to ten minutes just to go get my materials together before we do sentencing.

THE COURT: Absolutely. Anything from the defense?

MR. SNELL: Not at this time, Your Honor.

THE COURT: All right. Mister Foreman, ladies and gentlemen of the jury, y'all have done a great job. Thank you so much. I'm gonna let you go back to your jury room and I'll come back and excuse you in just one minute, okay? Thank you. Mister Foreman, can I get you just for a second.

THE CLERK: He has to write guilty domestic violence first degree. I'll take him back there.

THE COURT: If you'll take him. Okay.

(Whereupon, the jury entered the jury room at 4:50 p.m.)

THE COURT: All right. We're gonna be in recess for

10 minutes and then will go forward with sentencing, okay? Thank you.

MS. TAYLOR: Thank you.

(Short break.)

THE COURT: Please be seated. All right. Do I have everybody? All right. Ms. Taylor, let's proceed with sentencing. I'll be glad to hear from you.

MS. TAYLOR: Thank you, Your Honor. May it please the Court.

THE COURT: Yes, ma'am.

MS. TAYLOR: Your Honor, this is not too old of a case. As you know, this happened in January, but this has been honestly in her words a hell that B.S. [redacted] has been living for the last 10 years and she will address the Court today to elaborate more than I am able to on that. As you are aware, Your Honor, the defendant does not have any prior record, but as something that is common with domestic violence cases, this is just the first time that this abuse has been reported, so to the outside world and everybody that has lived beyond those four walls of that house at [redacted] Oak Point Drive, I'm sure that Shane Clamp did present himself to be a model citizen and a wonderful boyfriend, but what went on behind those closed doors is an entirely different story.

There was ongoing abuse in this household for the

last 10 or so years for the majority of the time that B.S. and Shane were together. She is honestly a rare example of a domestic violence victim who I will now say is a survivor. She is one of the rare people that we see that actually make it out. She felt on that day of January 17th, you heard the facts, Your Honor, you heard that harrowing audio recording that she made, she felt like she wasn't going to live to see January 18th. She felt like she was going to die and her kids were right there. Their kids were right there just a mere feet away and they have been affected by this as well, Your Honor.

I do basically like 99 percent domestic violence cases. I see far too often victims that are scared to report, scared to cooperate, and often go back to their abuser, but B.S. was a rare example and has been a pleasure to work with because I think that she, as I said, is an example of one of the few that have made it out, the few that have survived. She is the embodiment of domestic violence cases. She is a stay at home mom. The defendant was the bread winner, and like I said, after over 10 years, she finally mustered the courage to get out.

This was the defendant's trial, Your Honor, but B.S. was on trial too. There was a lot brought up in this case about a custody battle. That is customary.

They have two children together, but I want to make the record clear that there was no vindictiveness on the part of [redacted] B.S. to retaliate or get back at Shane Clamp for the abuse that she has endured. It's just part of what has come along with him being charged with domestic violence and she's, that is her right to do in family court. These facts were brought up in court without any kind of opportunity on her part to rebut or explain them, so I just wanted to make the record clear that there was no vindictiveness on her part as far as that is concerned.

There was also an insinuation that she was on some kind of drug, kratom that no one knows about, no one could testify that they are familiar with. That is also irrelevant and was not in play at the time of the incident.

Your Honor, the effect on her kids that she will elaborate on that is just as serious as the effect that this had on [redacted] B.S. herself. Even in the body cam that we watched and we didn't enter a picture of it, when the defendant had an episode outside, was yelling profanity, Officer Mills went to check on Deputy Hufaker, you can see [redacted] F.C. holding his ears like this (indicating.) This was far too often of an occurrence, and you hear him crying and distraught in the audio after the

strangulation occurred. She may not have been able to remember every single detail, but that was because she was strangled. She did lose consciousness, and somebody that has memory loss is not going to know that they have memory loss, and that was one of the points that I was trying to make during this trial.

Those chilling words, go the sleep, go to sleep, will honestly haunt me for a long time. This is a case that I'm never going to forget and embody the mind set that Shane Clamp had that day. He didn't care about [redacted]'s well-being, he didn't care about her life, he had no regard for her safety that day. He didn't even bother to ask if she was okay. He just walked away after her body hit the floor.

There's a struggle for 22 seconds, and 22 seconds may not sound like a very long time in the grand scheme of things, but when someone is being strangled and can barely muster the air and the courage and the strength just to mutter the word help, those 22 seconds must have felt like an eternity for [redacted]. It's after 22 seconds that you finally hear her gasp and cough as she's coming to.

As I said, this has had a lasting effect on the children as well. I believe that they are also in therapy. [redacted] will elaborate, but there's also been

some behavior problems from at least one of the children, the cause of this repeated cycle of abuse that they have been around. She finally was able to get the courage to get out of this relationship after she realized that this was not an environment for her and her kids. There may have been a period of time where they may have considered getting back together. He was living in the house, but it wasn't very long, Your Honor, and she realized, she told me that for so long, for 10 years she felt like it was necessary to do anything that she could to keep a father in the boys' lives. She finally realized that that is not the solution when that person is an abuser and a danger to her safety and those children's safety.

I just want to also reiterate that nurse practitioner Styles and Dr. Boyer, especially nurse practitioner Styles testified that the marks on her neck were consistent with force being applied, were consistent with strangulation. She manifested injuries in just 24 hours from the incident.

And, Your Honor, truth comes out behind closed doors. As I said before, what he, Shane Clamp made himself appear to be to the outside world is irrelevant to what was going on behind those walls and that is the epitome of domestic violence cases that we see every day. So I implore you to please, I realize he does not have a

record, but the sentence that you hand down today, Your Honor, will send a message to other victims of domestic violence that are in the midst of an abusive relationship and are too scared to get out.

As I said before, B.S. is a rare example of a victim of domestic abuse that actually got out, actually survived and this almost never happens. They either go back to their partner and continue getting abused or they end up dead. B.S. is the embodiment of a domestic abuse survivor and the sentence you hand down today will send a message to other victims of domestic abuse to know whether or not it's even worth it to get out of that domestic relationship. So for those reasons the State is asking for the maximum sentence of 10 years.

B.S. will be addressing the Court and asking for the same. We are asking that you send a message to Shane Clamp and other abusers that there are consequences in Lexington County for domestic violence. I believe Officer Mills on behalf of the Sheriff's Department would like to address the Court at the appropriate time as well as B.S. and her sister Laci.

THE COURT: Okay. I would love to hear from the Master Sergeant.

DEPUTY MILLS: Master Deputy.

THE COURT: Master Deputy. I just keep calling you

Master Sergeant. I don't know why.

DEPUTY MILLS: I don't get paid quite that much.

Your Honor, I've responded to numerous domestic violence incidents unfortunately throughout my career and the sheer violence from this one, just that audio recording alone is gut wrenching and disgusting. Mr. Clamp showed no regard for his children that, you know, he claims to love, no regard for Ms. [redacted] who he claimed to love. You know, while we were dealing with him and the other deputy with him outside, he was more worried about his neighbors seeing him in handcuffs than worried about the woman and his kids, the woman he just strangled in front of his kids.

Your Honor, this is the first time she's reported it, but to me what sticks out to me the most is the action of the children when he was showing his butt outside, they have grown accustomed to that type of behavior. They stayed at the table the whole time. They covered their ears. To me that just shows that they have almost grown used to it. No child should ever have to go through that. And from the Sheriff's Department as well we're just with the attorneys here. We're requesting the maximum jail time because this is a violent charge. With the facts laid out here today it's obvious that she barely made it out alive. The sheer bravery that she

showed to come out and report to us to me speaks volumes. Like I said, for us domestic violence is a big problem here and I think that the sentence that you impose today sends a big message for anybody else that wants to get out as well. Thank you.

THE COURT: Thank you. Let me hear from Ms. [redacted].

[redacted]: My name is [redacted]. Your Honor, I want to talk to you about the stoplight system, the code that I had only just because it worked and I wanted to let you know from my side why and maybe if that ever comes about again, that maybe you will understand why I use that system. In the middle of a situation like this, a very, very violent situation, if you go to grab your phone or you look like you're on the phone, that's a good way to get yourself killed before a police officer can get there, no matter if you call 911 or not.

My stoplight system was red, yellow, green. Green meant everything was okay. Yellow meant rough waters, caution, be on alert, and red meant call for help 911. That's the only reason that I was ever able to, I mean, it takes a lot for even that to be able to lineup, you know, because usually you are face to face or, you know, you're being strangled, you can't touch your phone. It just so happens that there was break in this situation

where I was able and had the courage to send that text message.

Like Whitney mentioned, this was not a first time at all. As a matter of fact, I think that DVHAN charge was 20 years and in my mind I looked at it as if he got a year for each time that he strangled me, he would get the max. This is something my boys have seen a lot. You don't do this in front of children. I don't care. Hate me, but driving down the road and doing this with our kids in the back many times. Doing it in front of my boys many times.

I want to talk to you also a little bit about why I was in the home and why was Shane was allowed in the home. His lawyer made it out to be something that it totally wasn't and manipulated that situation completely. You see, I lived in a home with my two boys where I stayed and took care of the boys. Shane never had to take them to a doctor's appointments, never had to wipe a butt, actually parent at all essentially or there would be rage. He would complain, freak out, right? I did all of this little business that he didn't want to have to do or didn't think that he should have to do. So for him to harp on me not working for 10 years, it's pretty convenient now after no child care or health care or any of that had to be paid.

This wasn't just a situation of domestic violence either. There was a whole lot more going on in our home and I had to deal with quite a few different things, but those things are very evil and there's something that really, really, really needs to be taking place in order for that to be worked out. I know my boys are gonna ask me, one day they're gonna ask for their dad and I'm okay with that. But I hope that he takes this time to really, really dig deep and figure out what it is because it's not clutter on the counter. It is not the stupid little petty things that -- I hope that he really takes the time to work on it because the boys will ask for him and I would like it to be a healthy relationship. I'm sorry.

THE COURT: You take your time.

B.S. [redacted]: Me and the boys are in a lot of therapy and I want them to get as much therapy as they need. They go to trauma therapy. We go to family counseling and individual therapy so we're working on ourselves. I don't want this cycle to repeat. That's what Shane is coming from is a cycle and he got stuck in that cycle anyway even though his mother took him out of it, because he got sent to his dad's house where he watched his father beat the cramp out of his second wife. This was not easy doing this. I have to explain that to my boys one day and I know that, but I hope that maybe

some good will come from it and I hope that my boys will be able to have a healthy relationship one day. I am asking for the maximum as well.

THE COURT: Thank you, Ms. [redacted] Thank you.

[redacted]: Thank you.

THE COURT: Anything else, Ms. Taylor?

MS. TAYLOR: Yes, Your Honor. [redacted]'s sister would also like to address the Court.

THE COURT: Okay. I noticed that you been here the entire trial. I would love to hear from you. Can you tell me your name?

LACI STEELE: Yes, Your Honor. My name is Laci Steele, L-a-c-i, Steele, S-t-e-e-l-e.

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

LACI STEELE: Your Honor, my sister has always been one of the most beautiful people that I've ever known my entire life. She's just barely two years older than me. Not unlike my two nephews, we were really close as children and when we became adults, it was only more so. My sister was a force to be reckoned with and she was so spirited and she was so beautiful and the longer time went on in this relationship I watched that slowly die.

My sister, in fact, almost died giving birth to her youngest son, the one crying on that video. It wasn't enough that she almost died bringing him into the world.

It's that his father tried to take her out of it. We loved Shane. He was like a brother and I trusted him with my sister and listening to that video was a knife in the heart. It was the ultimate betrayal. We trusted him with our deepest family secrets. The abuse my sister had faced as a child and he made her relive so much of it. I still have conflicting feelings because he was family to us. But I cannot help but ask for the 10 years. Shane may not have a record, but this is not the first occurrence, not even with my own sister. And it only takes one murder for a murderer to become a murderer, Your Honor, and it shouldn't be any different with CDV just because my sister is here breathing today.

With his temper, if he doesn't have time to work it out and see the error of his ways, my sister could very well end up in the obituary and so could my nephews. You don't know until you're in that moment. You don't know until you see that the man isn't so much a man as he is a monster. And for his attorney to represent my sister so that he could have any kind of advantage or sympathy is reprehensible. Some day Shane and his attorney will have to answer to God for what they did and I pray to God that they have mercy on them both, but I pray it's not this day.

He deserves every minute of 10 years. Those boys

deserve to feel safe, they deserve to know peace and so does my sister. And I want to clarify something that his attorney said. He made it out as though my sister made that video as a vendetta to get custody of their children. She was able to make that recording because it happened so often that she could feel it and she knew the only way she could escape was to have evidence because CDV is not taken seriously in our state and the fact is his family has resources and she had been threatened prior too that if she left, they would take the children.

You need to understand that Shane was the one who pursued the custody order, not my sister. He was punishing her for leaving just as he punished her every time he hit her and every time he made the boys watch. I still love him and I'm so mad for even loving him, but I'm madder still that he could break their trust and their spirit. Thank you, Your Honor.

THE COURT: Thank you, Ms. Steele. Thank you for being here. Ms. Taylor, anyone else?

MS. TAYLOR: That's all from the State, Your Honor.

THE COURT: Mr. Snell.

MR. SNELL: Your Honor, thank you very much. Your Honor, we previously sent, I think I asked Your Honor before, we sent the character letters, support letters by

email to your office.

THE COURT: I have them.

MR. SNELL: So, Your Honor, I don't want to certainly rehash all of them, but just I think what those illustrate is this was certainly -- First of all, Mr. Clamp again has no prior record. Since this incident happened in January he's done everything he can do to try to put himself in a better place. I know there's a brief statement or email from B.S. at the Domestic Abuse Center which is actually very positive.

THE COURT: I have that, June 28th.

MR. SNELL: He voluntarily enrolled which is, not everybody charged with domestic violence does and even people that hire lawyers and their lawyers tell them to do it, not all of them do. He followed up with his doctor. Had some medication adjusted. He's also been in individual therapy. He's got a lot of family support, a lot of people that care for him. He's a master electrician. He has, he's self-employed now, has a good income, he tells me about $75,000.00 a year, and he's been the sole source of the financial support for the family including the children.

I believe his mother had just a few additional remarks she would like to make if you will hear from her.

THE COURT: I would love to hear from her.

SHEILA DAS: You have my letter, Your Honor?

THE COURT: I do. Is it Ms. Das?

SHEILA DAS: Das.

THE COURT: Das. Sheila.

SHEILA DAS: Yes, ma'am.

THE COURT: And I read your letter. That's spelled just for the court reporter D-a-s. Go ahead. I would love to hear from you. I know you too have been sitting here through this trial.

SHEILA DAS: A lot has been said about me and my family. The prosecutor did make the statement that there was only the two of them that knew what was going on in between those walls. B.S. also made the statement, Ms. B.S., that the house, my problem with the house with everything all over the counters, I want to explain to you that nobody knows really, well, no, everybody knows what happened from the time they met until January the 17th. The disarray that was noted in the kitchen is disarray throughout the house. It is an unbelievable mess. We have taken out bags and bags and bags of junk.

Shane would work two jobs, come home, nothing will have been done. He would handle the children and do the best he can in helping out B.S.. Much has been said about our family also over social media. It has been horrible. It has been lies. It has been slander, and I

don't know what else to say about it. Uhm, you talk about survivor --

THE COURT: Talk to me.

SHEILA DAS: I am a survivor of domestic violence and I left when Shane was one year old. I told my ex-husband you have one year to straighten out and if you can't do that, I'm gone. Shane turned one on May 23rd and I left on June 9th and never looked back. The assistance that people have now-a-days was not the assistance that was afforded to me back in 1986. There is much going on in this state to not only help the victims, but help the abusers. I'm not saying that my son wasn't wrong, but I'm also not saying that this was one sided, that he was the only monster in this. I'm not saying that. And I think you know that.

He has gotten a lot letters of reference. He's important to a lot of people. Your decision here will trickle down into family court with or without Shane. He is an absolute wonderful father when it's just them two. Our house was finished. Our house isn't finished in Gilbert. We built that house to be closer to the grandkids and to Shane and B.S. . We sold our house in northeast Columbia and we have been living for three weeks with Shane in the Oak Point house.

I tried one night to sleep in F.C. 's bed and was

unable to do so, so I've spent the last three weeks on the couch because I can't do it. I'm begging you for mercy. We're not bent, but we are - we are bent, but we're not broken. Neither side of this family is broken. We have not heard from, I have not heard from my grandsons that I would keep almost every single weekend because she chooses to use them as a weapon and it is something that I'm going to have to live with. He's a good father. He's a good provider. This is his first offense.

He tried to leave her one time. He told me this and as they are relaying information about what they were told, I would tell you, he said he packed his stuff up that morning and put it in his truck and she stood out on the front porch and said, say goodbye to your daddy. You're never gonna see him again. Now I get it. I do. She has went through a lot. She's no angel. She's not. And I feel sorry for everyone involved. I feel sorry for you to have to make this decision. I will feel sorry. I'm sorry to her.

I just told somebody awhile ago I wanted to go up there and hug her. I have tried to help her so many times to become organized and become a better parent and get that house cleaned up. I don't know what else to say. He was trying to get up to go to work. He had had

covid all weekend. He had had a fever. He didn't get up to beat B.S. . He was trying to go to work. But three days in the bed and all of his dirty clothes, work clothes are in a pile, three days in the bed and he got a pizza, running a fever three days in the bed, he got up to go to work. She was ready. She was ready because she knew on Sunday that he was not in a good mood.

Here is my deal with my grandchildren. I would have ran, I would have jumped in my car and ran so fast. There were opportunities to run. She could have run to our house and I would have given her refuge with those grandsons. We have done everything for those grandsons. We've paid their bills. We've brought them food, and when this happened, who was the first one that ran to her side? It was me. It was me.

I knew what happened and I came and I took the boys and I brought her groceries and I took care of everything that she couldn't take care of. I did that and I did that for the last 10 years. There's going to be ramifications for me standing up here and speaking in front of you, ramifications that as a grandparent that I don't have any rights to those boys or to see them, but I can tell you I'll never stop trying no matter what. Until I take my last breath I will make sure that those boys are taken care of with or without Shane.

I'm so glad to hear that they're in therapy. We were so worried about that. We're all in therapy. I started therapy last year because of these two, because of them. Shane is taking responsibility. He's no angel and what he did was so totally wrong and, yes, breaking the cycle for those boys would be what we should all be striving to do.

I'm begging for mercy. This is his first offense. His life is better without her. His life would be great with the boys and she knows it; that he would get through this, but if you send him away, the longer he is away from those boys, the more they're gonna forget about him and us for that matter.

I mean, what are they asking about us? You know, for grandma to have them every single weekend and then all of a sudden she doesn't, not because of her fault, nothing that she did. I'm just begging for mercy. I'm a survivor. My life is good. I got over it. My husband is great and my son can be so awesome without her. In human resources we've got a saying that you never know somebody until you marry them or hire them. He chose wrong and he's gonna pay for it the rest of his life and he knows that. I'm done. Thank you for hearing me.

THE COURT: Absolutely. Thank you.

VINJI DAS: So my name is Vinji (phonetic) Das. I'm

married to Sheila. I have known shane since he was 15 years old so I just want to say something super brief.

THE COURT: Absolutely.

VINJI DAS: I haven't prepared any statements or turned anything in. All I want to say is since I've known Shane since he was 15 years old he has always believed in hard work and I have seen it and as everyone has pointed out, were there things that happened on the day that has brought us her today? Yes. But my main thing is I have sat here and listened, not said a word, but the amount of fibbing and lies that have been told by B.S., by her sister sitting on that stand, I have to let you know we were always available to her. We asked her, we said even when this incident occurred, do you want to come stay with us? What do you want? She never took us up on it. At any time during this whole situation she could have asked for our help.

You know what? All I'm saying is Shane is now really trying hard. Did he make some bad decisions? He absolutely did. He's trying to be a better person. He's getting therapy. He's working hard. Even the day before his trial, what did he do? He went and made sure all his electrical jobs were completed. He did not want to leave any of them undone in case something, you know, unforeseen happened. So at this point all I'm asking for

is mercy, leniency because this is his first offense. He's never had anything like this before and he's really trying to be a better person, a better father and that's all I have to say. Thank you.

THE COURT: Thank you.

MR. SNELL: Your Honor, in lieu of Mr. Clamp making -- I think we worked on a statement that he asked me to read on his behalf.

THE COURT: I would like to hear from Mr. Clamp.

MR. SNELL: Yes, Your Honor.

SHANE CLAMP: Okay. Yes, your Honor.

THE COURT: You don't have to talk to me if you don't want to, but I would like to hear from you.

SHANE CLAMP: Your Honor, my name is Shane Clamp. I'm a hard worker. I have been doing electrical work since I was 16, dropped out of high school for good behavior because I knew from a young age that school and stuff of that nature was not for me. I was always meant to be blue collar. My grandfather, all the Clamps on my side of the family are either framer, plumber, electrician, HVAC, that's what we do. We build stuff. We make stuff.

I didn't know -- I don't even know how to tell you this, Your Honor. I know that I miss my boys incredibly bad. It's been six months since I've seen S.C. and May

5th was the first time I saw F.C. . I saw him for 45 minutes at a playground behind at this Gibson Park. I held F.C. for 45 minutes. He was sick. So we played for 15 minutes. That's the only time I've got to see F.C. . I have been going to classes everyday. Everyday no matter what it is I try to make somebody's life better.

Just a minute ago there was a guy in there, he's getting seven years. My mom and them brought me deli. I gave him my food because, you know what, he might not get the deli or, you know, he's gonna be eating prison food for the next seven years.

I miss my boys. I am sorry for all of this. I'm sorry to her. I'm sorry to her family. I loved her family. I gave up my family for hers. Every year I was Santa Clause. If my mom called me to ask me to cut her grass, I would tell her she's crazy. But if Ann Steele called me to ask me to cut her grass, I'd say I'll be there in five minutes. This is hurting me as well. I loved her whole family.

Your Honor, I'm just asking, I'm trying to do everything I can to be better. Everything. I'm going to classes. So far since all this happened I've read four books. I'm not a church going person, but I started reading the Bible months ago, but Sunday I made my first

visit to church before here, and then I went and made sure all my job sites were tightened up. But I'm just asking for mercy. I promise you I will be -- My name is gift of God, and that's what I want to start being. I have nothing else to say.

THE COURT: Thank you, Mr. Clamp.

MR. SNELL: Your Honor, thank you so much for your attention and reading everything and just ask for all the leniency possible on Mr. Clamp's behalf. Thank you.

THE COURT: Thank you, Mr. Snell.

MS. TAYLOR: Your Honor, may I have just a couple brief comments?

THE COURT: Sure.

MS. TAYLOR: I just wanted to make the comment that Mr. Clamp did not own up and take responsibility for this. It's not until now that he has expressed any remorse. He pled not guilty yesterday morning. These excuses thrown out here about a messy house, him having covid, his work clothes not being clean, those are disgusting excuses for somebody to strangle somebody for 22 seconds and continue to assault them afterwards. This may be the first time that he is charged, but this is not the first offense. So all that taken into account, Your Honor, I would like to reiterate my position on behalf of the State, the Sheriff's Department, and B.S. and her

sister and ask for the maximum of 10 years.

THE COURT: Thank you.

MR. SNELL: Judge, very briefly just to let you know, this is the first time the police have ever responded to any argument or dispute between these people so it's not a situation --

THE COURT: Was there ever any other calls, Mr. Snell?

MR. SNELL: No. This is the only one.

MS. TAYLOR: Your Honor, I want to clarify, when I say it's not the first offense, I meant this is the first time it's been reported and he's been charged, but this has been going on for long before that.

MR. SNELL: But this is the first police call this incident.

MS. TAYLOR: That's correct.

THE COURT: The first police call to the house?

MS. TAYLOR: That's correct.

MR. SNELL: And I just wanted to make that point clear quickly. Number 2, again he accepted responsibility and it's a situation where prior to trial and after all of the discovery was produced, we did have an offer on the table to plead guilty to a lesser included offense, which is what the jury came to, to a lesser included. We had offered one. We were trying to

own responsibility. They wouldn't accept it and, Judge, one thing I'll tell you, he didn't testify, you know, it's one of the few times -- He didn't try come into court and lie and deny it, but we wanted to defend him and do the best we can for him, but nothing further.

THE COURT: All right. I've listened to the testimony. I think the jury got it right. I think they did a fantastic job. I think they paid attention. You know, criminal domestic violence, I can't tell you how many cases that I've done that involve criminal domestic violence that ended in death. There's been several of them. And, you know, the losers in this courtroom today is not even here, it's those boys. Those young children and they're not here.

Shane, Mr. Clamp, I learned a long time ago from my grandmother you don't put your hands on anybody. For some reason that was instilled in us as children. I wish more parents would do it today. Might save me from having to listen to these cases. But I looked at it and I listened to the tape. It was a bad tape. Covid is no excuse in my book. A messy house is no excuse in my book. I have also taken into account, Mr. Clamp, that you have no prior record. You're 37. You have a trade. And let me tell you, this is a violent and serious. Is this a strike? It's not a most serious, but it's a

violent and a serious.

MS. TAYLOR: I'm not exactly sure, Your Honor, but I think that there's an automatic firearm prohibition that comes along with it as well.

THE COURT: For three years or five? Is it the regular criminal domestic violence firearm?

MS. TAYLOR: I believe it may be --

MR. SNELL: It's more than three years. It's definitely more than three.

THE COURT: Do you have an order you need to sign?

MS. TAYLOR: It's automatic with a conviction DV first or higher, Your Honor. The only orders we have is for second or third degree.

THE COURT: Are you asking for a protection, no contact order?

MS. TAYLOR: Yes, Your Honor. The victim would like a no contact order upon release subject to any family court orders. And this is a violent and serious offense.

THE COURT: Can I see the lawyers for just one second.

(Side bar off the record.)

THE COURT: All right. Ms. Taylor, it's 10 years without a firearm. Mr. Clamp, it's automatic, but I'm also putting it on your sentencing sheet along with no contact with the victim, Ms. B.S., upon your release.

Mr. Snell, any time in jail that I can give him credit for?

MR. SNELL: I believe that would be three days including, I was going to say today, yesterday and one day when he was originally arrested.

THE COURT: Okay. Ms. B.S., thank you for having the courage to come forward. I wish more women in your situation would. Again, I'll tell you, you're lucky you're here. I've had many a cases where they're not so my hat's off to you. Please don't be a victim. Be a survivor and know this, I will hold him accountable. With that being said, I'll tell you, Mr. Clamp, stand up for me.

SHANE CLAMP: (Complies.)

THE COURT: I want you to understand, Ms. B.S., in this sentencing it's probably more important for me that I know the State has their eyes on him. You have two young boys and with that being said I also can't overlook what he did and he is going to jail, I promise you that, but my sentence is probably a little bit harder than me just giving him a straight 10 years and he would be out in no time and nobody to watch out over him. I hope you understand what I'm trying to tell you. So the thing is I would like to get him some help also in the next breath and have something that I know you're going to be okay

and your boys are going to be okay.

Mr. Clamp, with that said, and I will tell you that I am the Judge that will put you in jail in a heartbeat and never bat an eye and this is not an easy sentence, but I'm telling you that because if you ever come back in front of me --

SHANE CLAMP: Yes, Your Honor.

THE COURT: -- I'm gonna put you in for the full 10 years, and you're not gonna like what I'm doing today. I can promise you that.

All right. The sentence of the Court is that you be committed to the State Department of Corrections for 10 years, provided upon the service of five years. I'm placing you on probation for two years. That means, Ms. B.S., I've got at least seven years of the State watching him. We couldn't watch him that long under a 10 year sentence. I'm just telling you we couldn't. When he comes out on probation, because I think that's gonna be an important time so I want to make sure that he has no contact with you. There's a firearm prohibition. He is to abide by all family court orders.

I'm also ordering mental health counseling for him. I am also ordering the domestic abuse counseling for him while he's on probation. I also have random drug and alcohol testing. I don't think you need voc rehab

because it sounds to me like you have a very good trade. But upon your release there is to be absolutely no contact and when I say no contact, I mean third party, I mean text messages, all of the social media that's out there that you can do, there is to be none of that with Ms. B.S. .

If there's any visitation order with his children, he'll abide by the family court orders, Ms. B.S. . I hope that helps. I hope you know that I've held him accountable. At least I can watch him when he does get out and I wish the best to you and your boys.

Mr. Clamp, I too wish you the best. I hope you take advantage of everything that I've given you as far as probation and classes because, you know, the State of South Carolina has some really good courses. While I have chosen not to max you out with a 10 year sentence, five years is also a long time, but I'm telling you, I took into account you had a job, you supported your family, you have no prior criminal history. I think I would rather just keep my eyes on you and make sure you get the help that you need so this is not repeated.

All right. Court is adjourned. Good luck to you. Let me thank the jury. Please let the jury out first before anyone leaves this courtroom. Thank you again.

MR. SNELL: Your Honor, before we recess or

terminate, I would like to make a motion --

THE COURT: Sure.

MR. SNELL: -- for the record and renew my prior pretrial motions and make a motion for a new trial based on the prior pretrial motions and prior arguments submitted during the course of the trial.

THE COURT: Okay. Well, I'm gonna tell you, I'm gonna renew all your motions that you made during trial. They're denied. If you want any post trial motions, you need to make them immediately to me. As far as a motion for a new trial, what are your bases?

MR. SNELL: The - the prior, again I'll make this for the purpose of the record for the --

THE COURT: For the closing of the case?

MR. SNELL: Yes, Your Honor.

THE COURT: Okay. All renewed and all denied.

MR. SNELL: Thank you, Your Honor.

THE COURT: Okay.

WHEREUPON, THE TRIAL WAS CONCLUDED.

CERTIFICATE OF REPORTER

(STATE OF SOUTH CAROLINA)

(COUNTY OF LEXINGTON)

I, THE UNDERSIGNED, Steven E. LeBlanc, Sr., R.P.R., and Official Circuit Court Reporter for the Eleventh Judicial Circuit in and for the State of South Carolina, do hereby certify that I reported the proceedings in the before captioned case in the Court of General Sessions in and for the State of South Carolina on the 2nd day of August, 2022.

I FURTHER CERTIFY that the forgoing 179 pages constitute a true and accurate excerpt record of said proceedings.

I FURTHER CERTIFY that I am neither related, counsel to, nor of interest to any party hereto.

IN WITNESS WHEREOF, I have hereunto set my hand at Lexington County, this 18th day of August, 2022.

By:s/Steven E. LeBlanc

Steven E. LeBlanc, Sr., R.P.R.
Eleventh Circuit Court Reporter
State of South Carolina.

292

WITNESSES

Lexington County Sheriffs Department

Brandon L Mills

Law Enforcement Case #: 22001040

WYT

ARREST WARRANT NUMBER

2022A3210200185

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: 4.4.22.

VERDICT

Guilty of Domestic Violence 1st degree

8/2/2022

Foreperson of Petit Jury
Date:

DOCKET NO. 2022GS3200862

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

APRIL TERM 2022

THE STATE

vs.

Shane Robert Clamp

CDR #: 3814

Indictment for

Domestic Violence of a High and Aggravated Nature

§ 16-25-0065(A)

S.R. Hubbard III, SOLICITOR

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	Domestic Violence of a High and Aggravated
COUNTY OF LEXINGTON	)	Nature
	)	
		§ 16-25-0065(A)

At a Court of General Sessions, convened on April 2022, the Grand Jurors of Lexington County present upon their oath:

That **Shane Robert Clamp** did in Lexington County, South Carolina on or about **January 17, 2022**, unlawfully cause physical harm or injury to a household member, namely B.S. or offered or attempted to cause physical harm or injury to a household member with apparent present ability, under circumstances reasonably creating fear of imminent peril and committed the offense, with or without an accompanying battery, and under circumstances manifesting extreme indifference to the value of human life, and would reasonably cause a person to fear imminent great bodily injury or death in violation of Section 16-25-65 of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

ASSISTANT SOLICITOR

SCANNED 04/05/2022

0 - 10 yrs.

STATE OF SOUTH CAROLINA)
COUNTY OF Lexington)
STATE)
VS.)
Shane Robert Clamp)
AKA:)
Race: White Sex: M Age: 37)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City, State, Zip: [redacted])
DL#* [redacted] SID#)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2022 - GS - 32 - 00862

A/W#: 2022A3210200185
Date of Offense: 1/17/2022
S.C. Code §: 16-25-0065(A)
CDR Code #: 3814

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SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Domestic / Domestic Violence, 1st degree

In violation of § 16-25-0020(B) of the S.C. Code of Laws, bearing CDR Code # 3811

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Whitney Taylor 103933
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ **State Department of Correction** ☐ **County Detention Center,**

for a determinate term of 10 days/months/years/Time Served ☐ **Youthful Offender Act** not to exceed ___ years

and/or to pay a fine of $____; provided that upon the service of 5 days/months/years/Time Served and or payment

of $____; plus costs and assessments as applicable*; the balance is suspended with **probation** for 2 years

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run
☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☑ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.
3 days/months
☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Shane Robert Clamp INDICTMENT/CASE#: 2022 - GS - 32 - 00862

SPECIAL CONDITIONS:

☐ **PTUP** after _____ months/years

And Other Terms Listed Below:

☑ Substance Abuse Counseling ☐ Completion of GED ☑ Random Drug/Alcohol Testing

☐ Attend Voc. Rehab. Or Job Corp ☑ No Contact with Victim ☐ Domestic Violence Intervention Program

☑ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

☐ Other: NO CONTACT W/VICTIM Ms. [redacted] B.S upon Release. Firearm prohibition for 10 years / Abide family ct orders, Domestic Abuse Counselly

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total $_____ plus 20% fee: _____ $_____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:		$
Fine may be pd. in equal consecutive weekly/monthly pmts. of $ _____ Beginning _____		
§14-1-206 (Assessments 107.5%)		$
§14-1-211 (A)(1)(Conv. Surcharge)	$100	$100
§14-1-211 (A)(2)(DUI Surcharge)	$100	$
§56-5-2995 (DUI Assessment)	$12	$
§56-1-286 (DUI Breath Test)	$25	$
§14-1-212 (Law Enforce. Funding)	$26	$25
§14-1-213 (Drug Court Surcharge)	$150	$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	$41	$
§50-21-114 (BUI Breath Test Fee)	$50	$
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (If paid in Installments)	TBD	$
☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees	$500	$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	$
	TOTAL	$125

Clerk of Court/Deputy Clerk: Lisa Gomes
Court Reporter: S LeBlanc

Presiding Judge: Debra McFadden
Judge Code: 2709
Sentence Date: 8/2/2022

4:37

SC

Shane >

Wed, Jan 19, 6:03 PM

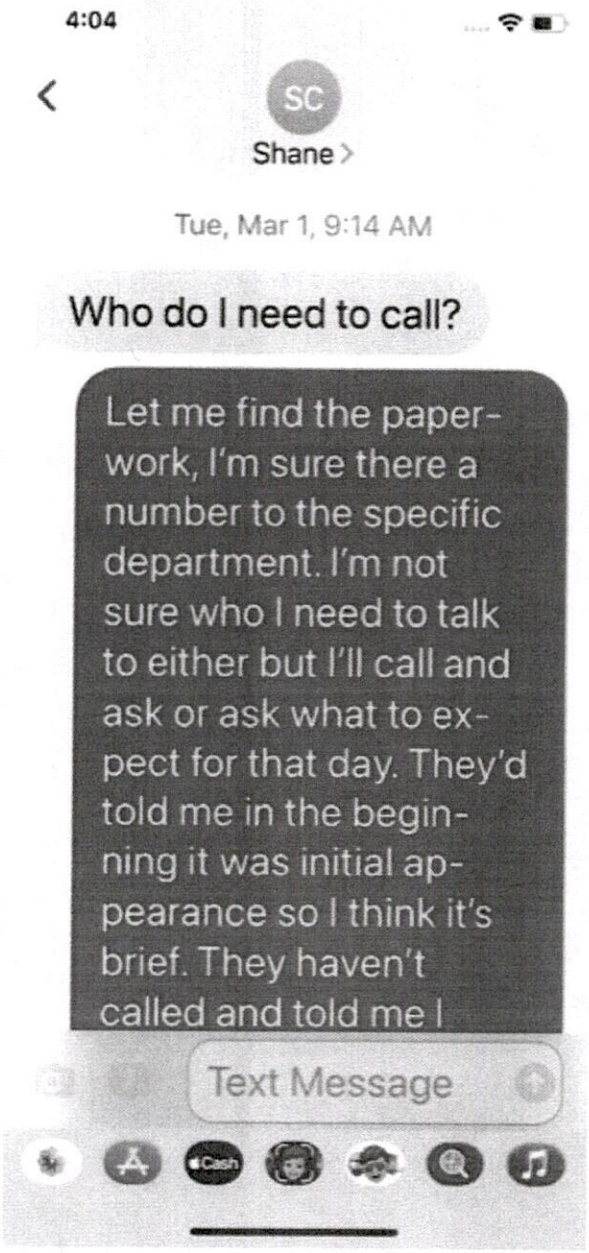
I am sorry. As it replays in my head it was an awful act. I'm sorry. And in front of my kids. I'm so sorry Brittany.

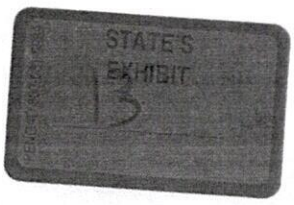
I tried to walk away from you but you continued and I can't get past that. What's worse is the words I've heard for song long and so many times. I don't want you to be miserable or held back. And I

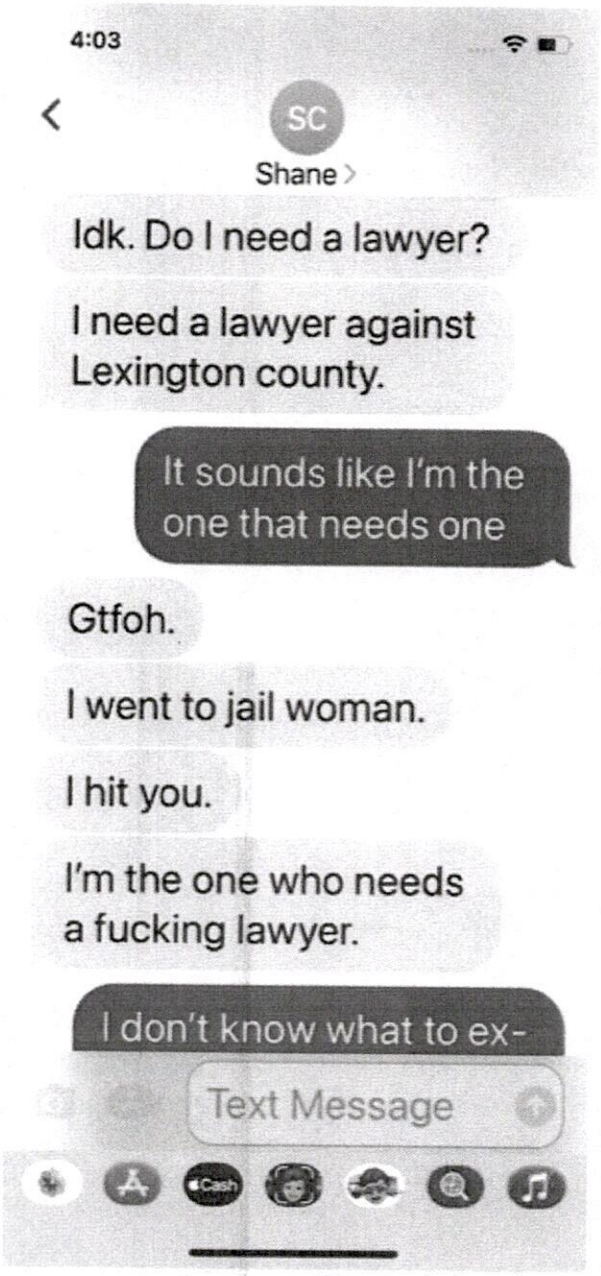
Text Message

Cash


4:42
SC
Shane
Brittany. Come on now.
I'm ashamed because I beat the mother of my childrens ass.
In front of my children.
Brittany I don't want to fight. I don't want any troubles. I just want my life back.
I'm done being second at best.
To what? Second to
Text Message
Cash
STATE'S EXHIBIT
12


4:04
SC
Shane >
Tue, Mar 1, 9:14 AM
Who do I need to call?
Let me find the paper-work, I'm sure there a number to the specific department. I'm not sure who I need to talk to either but I'll call and ask or ask what to ex-pect for that day. They'd told me in the begin-ning it was initial ap-pearance so I think it's brief. They haven't called and told me I
Text Message
Cash


STATE'S
EXHIBIT
13


4:03
SC
Shane
Idk. Do I need a lawyer?
I need a lawyer against Lexington county.
It sounds like I'm the one that needs one
Gtfoh.
I went to jail woman.
I hit you.
I'm the one who needs a fucking lawyer.
I don't know what to ex-
Text Message


STATE'S
EXHIBIT
4

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED
Jul 05 2023
SC Court of Appeals

David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 5th day of July, 2023.

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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SHANE ROBERT CLAMP,

APPELLANT

APPELLATE CASE NO. 2022-001115

CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above-referenced case has been served upon William M. Blitch, Jr., Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 5th day of July, 2023.

David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

From: Pollard, Shelby
To: wblitch@scag.gov; Caroline Collins
Cc: Alexander, David; Reynolds, Kersey
Subject: 2022-001115 The State v. Shane Robert Clamp Anders Brief of Appellant
Date: Wednesday, July 5, 2023 11:23:00 AM
Attachments: Ltr to AG Anders Brief 07.05.23.pdf
2022-001115 The State v. Shane Robert Clamp Anders Brief of Appellant.pdf
2022-001115 The State v. Shane Robert Clamp Record on Appeal.pdf

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Good Morning,

Please find attached for service in the above-referenced case the Anders Brief of Appellant and Record on Appeal which will be filed today, July 5, 2023, with the Court of Appeals via email filing.

Thank you,
Shelby

Shelby Pollard
Administrative Assistant
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Appellate Division
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(803) 734-1330 – Telephone
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