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**Oct 24 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Richland County

Honorable Walton J. McLeod, IV, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

AMBER MANNING,

APPELLANT

APPELLATE CASE NO. 2023-001710

---

RECORD ON APPEAL

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SARAH E. SHIPE  
Appellate Defender

ALAN WILSON  
Attorney General

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

BRIAN H GIBBS  
Assistant Attorney General  
P.O. Box 11549  
Columbia, SC 29201-1549  
(803) 734-3727

ATTORNEY FOR APPELLANT

BYRON E. GIPSON  
Solicitor, Fifth Judicial Circuit  
1701 Main Street  
Columbia, SC 29201  
(803) 576-1800

ATTORNEYS FOR RESPONDENT

**INDEX**

INDEX.....	I
TRIAL TRANSCRIPT DATED OCTOBER 23-26, 2023.....	1
DEFENSE MOTION TO EXCLUDE CHARACTER EVIDENCE REGARDING DEFENDANT PURSUANT TO RULE 404(B), SCRE .....	40
RESPONSE BY MR. MEADORS .....	41
COURT DEFERS RULING ON MOTION TO EXCLUDE CHARACTER EVIDENCE.....	41
<b>TESTIMONY</b>	
ALLISON FITZGERALD ( <i>IN-CAMERA</i> ) Direct Examination by Mr. Meadors .....	43
DEFENSE MOTION TO EXCLUDE PORTIONS OF DEFENDANT STATEMENT PURSUANT TO <u>STATE V. BREWER</u> .....	60
RESPONSE BY MR. MEADORS .....	62
COURT DEFERS RULING ON MOTION TO EXCLUDE PORTIONS OF DEFENDANT STATEMENT .....	63
<b>TESTIMONY</b>	
ALLISON FITZGERALD ( <i>IN-CAMERA</i> ) Continued Direct Examination by Mr. Meadors.....	64
Cross-Examination by Ms. Eigenbrot.....	69
Redirect Examination by Mr. Meadors.....	75
RAVEN BREWER ( <i>IN-CAMERA</i> ) Direct Examination by Mr. Anders.....	81
Cross-Examination by Ms. Eigenbrot.....	83
Redirect Examination by Mr. Anders .....	85
DEFENSE MOTION TO EXCLUDE CUSTODIAL DEFENDANT STATEMENTS PURSUANT TO <u>MIRANDA V. ARIZONA</u> .....	86
RESPONSE OBJECTING BY MR. ANDERS .....	89
COURT DENIES DEFENSE MOTION TO EXCLUDE DEFENDANT STATEMENTS .....	90
OPENING STATEMENT BY MR. MEADORS .....	101



OPENING STATEMENT BY MS. ADLER.....	111
-------------------------------------	-----

## TESTIMONY

### RAVEN BREWER

Direct Examination by Mr. Meadors .....	114
Cross-Examination by Ms. Eigenbrot.....	119

### KEVIN SCHMIDT

Direct Examination by Mr. Anders.....	123
Cross-Examination by Ms. Eigenbrot.....	127
Redirect Examination by Mr. Anders .....	131

### RACHEL MANNING

Direct Examination by Mr. Meadors .....	133
Cross-Examination by Ms. Eigenbrot.....	148
Cross-Examination <i>in-camera</i> by Ms. Eigenbrot .....	163
Continued Cross-Examination by Ms. Eigenbrot .....	174
Redirect Examination by Mr. Meadors.....	177

DEFENSE OBJECTION TO STATE'S EXHIBIT 22 .....	178
---	-----

COURT DEFERS RULING ON ADMISSIBILITY OF STATE'S EXHIBIT 22 .....	179
--	-----

ARGUMENTS AND STIPULATIONS REGARDING REDACTION OF CUSTODIAL DEFENDANT STATEMENTS.....	181
--	-----

DEFENSE OBJECTION TO STATE'S EXHIBITS 27-31 (AUTOPSY PHOTOS) PURSUANT TO RULE 403, SCRE.....	192
---	-----

RESPONSE BY MR. MEADORS .....	193
-------------------------------	-----

STATE WITHDRAWS STATE'S EXHIBITS 27 AND 30 .....	194
--	-----

COURT'S RULING EXCLUDING STATE'S EXHIBIT 28 AND ADMITTING STATE'S EXHIBITS 29 AND 31 OVER DEFENSE OBJECTION .....	194
--	-----

## TESTIMONY

### DARREN MONROE

Direct Examination by Mr. Meadors .....	199
Cross-Examination by Ms. Eigenbrot.....	218
Redirect Examination by Mr. Meadors.....	224

### ALLISON FITZGERALD

Direct Examination by Mr. Meadors .....	225
---	-----



COURT’S RULING FINDING PORTIONS OF DEFENDANT STATEMENT ADMISSIBLE PURSUANT TO <u>JACKSON V. DENNO</u> .....	241
COURT RENEWS RULING FINDING CUSTODIAL DEFENDANT STATEMENTS ADMISSIBLE.....	243
DEFENSE MOTION TO EXCLUDE DEFENDANT STATEMENTS REGARDING DOMESTIC VIOLENCE .....	250
RESPONSE BY MS. MILES .....	250
COURT’S RULING FINDING STATEMENTS REGARDING DOMESTIC VIOLENCE ADMISSIBLE.....	250
<b>TESTIMONY</b>	
ALLISON FITZGERALD	
Continued Direct Examination by Mr. Meadors.....	255
Cross-Examination by Ms. Adler .....	269
Redirect Examination by Mr. Meadors.....	281
Recross-Examination by Ms. Adler.....	286
TYSON HASS	
Direct Examination by Ms. Miles.....	293
Cross-Examination by Ms. Eigenbrot.....	307
STATE RESTS .....	308
DEFENSE MOTION FOR A DIRECTED VERDICT PURSUANT TO <u>STATE V. SHROCK</u> AND RENEWAL OF ALL PRIOR MOTIONS AND OBJECTIONS.....	309
RESPONSE BY MR. MEADORS .....	310
ARGUMENT IN REPLY BY MS. ADLER .....	311
COURT’S RULING DENYING MOTION FOR DIRECTED VERDICT .....	311
FIFTH AMENDMENT COLLOQUY WITH DEFENDANT .....	312
DEFENSE RESTS.....	317
CHARGE CONFERENCE.....	317
CLOSING ARGUMENT BY MR. MEADORS .....	329
CLOSING ARGUMENT BY MS. EIGENBROT.....	355



CHARGE ON THE LAW .....363

VERDICT .....388

DEFENSE RENEWAL OF ALL PRIOR MOTIONS AND OBJECTIONS.....393

SENTENCING .....415

INDICTMENTS .....417

SENTENCE SHEET.....421

CERTIFICATE OF COUNSEL .....423

**[THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT: STATE’S  
EXHIBITS NOS. 28-31 (AUTOPSY PHOTOGRAPHS)]**



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
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25

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND ) COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA, ) TRANSCRIPT  
PLAINTIFF, ) OF  
vs. ) RECORD  
AMBER MANNING, ) 2022-GS-40-2261  
DEFENDANT. ) 2022-GS-40-2262

October 23<sup>rd</sup> - 26<sup>th</sup>, 2023

B E F O R E:

THE HONORABLE WALTON J. MCLEOD, IV, Judge; and a jury.

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

JOHN MEADORS, BETHANY B. MILES and JASON SCOTT ANDERS  
ASSISTANT ATTORNEY GENERALS  
Attorneys for the State

MEGAN A. EIGENBROT and LINDSAY ADLER  
ASSISTANT PUBLIC DEFENDERS  
Attorneys for the Defendant

Transcribed by Pamela E. Green, from  
DCRP, Digital Courtroom Recorder Project

2

1

I N D E X

2

WITNESSES

PAGE

3

4

Jury Selection

11

5

6

Motions

37

7

ALLISON FITZGERALD

8

Direct examination by Mr. Meadors

43

9

Cross-examination by Ms. Eigenbrot

69

10

Redirect examination by Mr. Meadors

75

11

RAVEN BREWER

12

Direct examination by Mr. Anders

81

13

Cross-examination by Ms. Eigenbrot

83

14

Redirect examination by Mr. Anders

85

15

16

Opening by the Court

94

17

Opening by Mr. Meadors

101

18

Opening by Ms. Adler

111

19

20

RAVEN BREWER

21

Direct examination by Mr. Anders

113

22

Cross-examination by Ms. Eigenbrot

119

23

24

25

<u>1</u>	<u>WITNESSES</u>	<u>PAGE</u>
2		
3	KEVIN SCHMIDT	
4	Direct examination by Mr. Anders	123
5	Cross-examination by Ms. Eigenbrot	127
6	Redirect examination by Mr. Anders	131
7	RACHEL MANNING	
8	Direct examination by Mr. Meadors	133
9	Cross-examination by Ms. Eigenbrot	148
10	Redirect examination by Mr. Meadors	176
11	DARREN MONROE	
12	Direct examination by Mr. Meadors	199
13	Cross-examination by Ms. Eigenbrot	218
14	Redirect examination by Mr. Meadors	224
15	ALLISON FITZGERALD	
16	Direct examination by Mr. Meadors	225
17	Cross-examination by Ms. Adler	269
18	Redirect examination by Mr. Meadors	281
19	Recross examination by Ms. Adler	286
20	TYSON HASS	
21	Direct examination by Ms. Miles	293
22	Cross-examination by Ms. Eigenbrot	307
23		
24		
25		

4

1	<u>WITNESSES</u>	<u>PAGE</u>
2		
3	Motions	309
4	Closing by Mr. Meadors	328
5	Closing by Ms. Eigenbrot	355
6	Charge by the Court	363
7	Questions from the Jury	383
8	Verdict	387
9	Motions	393
10	Sentencing	397
11	Certificate	416

12

13

14

15

16

17

18

19

20

21

22

23

24

25

E X H I B I T S

1  
2  
3  
4  
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6  
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12  
13  
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15  
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21  
22  
23  
24  
25

<u>NOS.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
	<u>State's Exhibits</u>		
S-1	First Interview of Amber Manning	47	
S-2	City of Columbia Advice of Rights Form	50	235
S-3	Second Interview of Amber Manning	59	
S-4	City of Columbia Advice of Rights Form	65	262
S-5	Officer Brewer's Body-worn Camera Video	77	116
S-6	9-1-1 call		112
S-7	Photograph from the scene		125
S-8	Photograph from the scene		125
S-9	Photograph from the scene		125
S-10	Photograph from the scene		125
S-11	Photograph from the scene		125
S-12	Photograph from the scene		125
S-13	Photograph from the scene		125
S-14	Photograph from the scene		125
S-15	Photograph from the scene		125
S-16	Photograph from the scene		125

<u>1</u>	<u>NOS.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
2				
3	S-17	Photograph from the scene		125
4	S-18	Photograph from the scene		125
5	S-19	Photograph from the scene		125
6	S-20	Photograph from the scene		125
7	S-21	Photograph from the scene		125
8	S-22	Statement of Rachel Manning	177	
9				
10	S-23	Photograph of a Knife		213
11	S-24	Photograph of a Knife		213
12	S-25	Photograph of a Knife		213
13	S-26	Photograph of a Knife		213
14	S-27			
15	S-28	Photograph from Autopsy		
16	S-29	Photograph from Autopsy		211
17	S-30	Photograph from Autopsy		211
18	S-31	Photograph from Autopsy		211
19	S-32	Statement of Amber Manning		238
20	S-33	Photograph		265
21	S-34	Photograph		265
22	S-35	Photograph of Amber Manning on the night of the incident		265
23				
24	S-36	Photograph of Amber Manning on the night of the incident		265
25				

	<u>NOS.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
1				
2				
3	S-37	Photograph		265
4	S-38	Photograph		265
5	S-39	Photograph		265
6	S-40	Photograph		265
7	S-41	Photograph		265
8	S-42	Photograph		265
9	S-43	Photograph		265
10	S-44	Photograph		265
11	S-45	Photograph		265
12	S-46	Second Statement of Amber Manning		263
13				
14	S-47	knife		301
15	S-48	knife		303
16	S-49	knife		304
17	S-50	Clothing of Amber Manning		305
18	S-51	Clothing of Amber Manning		305

19  
20  
21  
22  
23  
24  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
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11  
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13  
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16  
17  
18  
19  
20  
21  
22  
23  
24  
25

<u>NOS.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
	<u>Defendant's Exhibits</u>		
D-1	Report from Investigator Schmidt	128	
D-2	Statement of Rachel Manning		

<u>1</u>	<u>NOS.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
<u>2</u>		<u>Court's Exhibits</u>		
<u>3</u>				
<u>4</u>	C-1	Foreperson (According to Exhibit Sheet)		
<u>5</u>				
<u>6</u>	C-2	Statement of Rachel Manning		161
<u>7</u>				
<u>8</u>	C-3	State's Exhibit No. 1		325
<u>9</u>	C-4	State's Exhibit No. 3		326
<u>10</u>	C-5	State's Exhibit No. 22		326
<u>11</u>	C-6	State's Exhibit No. 27		326
<u>12</u>	C-7	State's Exhibit No. 28		326
<u>13</u>	C-8	State's Exhibit No. 30		327
<u>14</u>	C-9	Defendant's Exhibit No. 1		327
<u>15</u>	C-10	Defendant's Exhibit No. 2		327
<u>16</u>	C-11			
<u>17</u>	C-12	Jury Charge (According to Exhibit Sheet)		
<u>18</u>				
<u>19</u>	C-13	Court Verdict (According to Exhibit Sheet)		
<u>20</u>				
<u>21</u>	C-14	Note from Jury		387
<u>22</u>	C-15	Note from Jury		387
<u>23</u>	C-16	Note from Jury		387
<u>24</u>	C-17	Note from Jury		387
<u>25</u>				

## P R O C E E D I N G S

1

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3 MR. MEADORS: Judge, I don't believe so. I did --  
4 y'all have the original indictments?

5 We are going forward on murder and possession of a  
6 weapon.

7 THE COURT: Okay.

8 MR. MEADORS: 2000 and -- 2022-GS-40-22---

9 THE COURT: All right. This is---

10 MR. MEADORS: ---61---

11 THE COURT: This is not---

12 MR. MEADORS: ---and 62.

13 THE COURT: Hold on.

14 Possession of a violent crime.

15 All right. I got that one.

16 where am I -- okay. When I -- Mr. Meadors, after -- I,  
17 I typically just summarize the indictment when I publish it  
18 to the jury. I'm sure that's okay I would hope.

19 All right. We're ready for the panel whenever they get  
20 here.

21 (Pause.)

22 THE COURT: Is that everybody?

23 THE CLERK: No, Your Honor.

24 THE COURT: Huh?

25 THE CLERK: We're missing three still.

1 THE COURT: Oh, okay. Okay. Okay.

2 (Pause.)

3 THE CLERK: The last juror's coming up right now.

4 THE COURT: Do what?

5 The last one?

6 THE CLERK: Yes, sir.

7 THE COURT: Okay. All right.

8 All right. All right. Good morning, ladies and  
9 gentlemen. Welcome back.

10 Ladies and gentlemen, we're ready to begin the process  
11 of selecting our jury for our trial for the week.

12 Is the State ready to call the case?

13 MR. MEADORS: Yes, sir.

14 May it please the Court?

15 THE COURT: You may proceed.

16 MR. MEADORS: Your Honor, at this time the State of  
17 South Carolina does call State of South Carolina, County of  
18 Richland, the State versus Amber Manning. Richland County  
19 True Billed Indictment 2022-GS-40-02262, an indictment for  
20 murder.

21 2022-GS-40-002261, an indictment for possession of a  
22 weapon during the commission of a violent crime.

23 THE COURT: All right. All right. Ladies and  
24 gentlemen, the State has called the case of the State versus  
25 Amber Manning.

1           The first indictment provides that Amber Manning did,  
2 in, in Richland County, on or about October 1<sup>st</sup>, 2019,  
3 kill the victim, Jamaine McFadden, with malice aforethought  
4 by means of stabbing him with a knife in violation of South  
5 Carolina law. The second indictment is for the charge of  
6 possession of a weapon during the commission of a violent  
7 crimes that says that, on or about October 1<sup>st</sup>, 2019, the  
8 defendant, Amber Manning, did possess and display a knife in  
9 commission of a violent crime. Also in violation of South  
10 Carolina law.

11           Now, the indictments charge the defendant with murder  
12 and possession of a weapon during the commission of a  
13 violent crime.

14           I remind you that the fact that the defendant was  
15 arrested, charged, and indicted in this case is not evidence  
16 in this case and can not be considered by you as evidence of  
17 guilt in this case nor does it create any presumption or  
18 inference of guilt. This document is simply the formal  
19 written instrument which contains the charges made against  
20 the defendant. It's the formal document by which this case  
21 is brought into this courtroom. The defendant has pled not  
22 guilty to these indictments and that plea puts the burden on  
23 the State to prove the defendant guilty.

24           A person charged with committing a criminal offense in  
25 South Carolina is never required to prove himself or herself

1 innocent. No matter what the seriousness of the charge may  
2 be, the defendant will always be presumed to be innocent of  
3 the crime for which the indictment was issued unless guilt  
4 has been proven by evidence satisfying you of that guilt  
5 beyond a reasonable doubt.

6 Now, I have a list of questions I'm gonna ask you as  
7 part of this jury selection process. But, before I get into  
8 those questions, I'd like to allow the attorneys to stand up  
9 and represent their, or excuse me, introduce themselves and  
10 their team to you at this time.

11 Mr. Meadors.

12 MR. MEADORS: May it please the Court?

13 THE COURT: Yes, sir.

14 MR. MEADORS: Good morning, ladies and gentlemen. My  
15 name's John Meadors. I'm with the South Carolina Attorney  
16 General's Office.

17 Assisting this week is Jessie Anders, Allison  
18 Fitzgerald with the South Carolina Law Enforcement Division,  
19 and also Ms. Bethany Miles who will be back in the morning  
20 and also with the Attorney General's Office.

21 Thank you, sir.

22 THE COURT: Certainly.

23 Yes, ma'am.

24 MS. EIGENBROT: Thank you, Your Honor.

25 May it please the Court.

1           Good afternoon, everybody. I'm Megan Eigenbrot. I  
2 work in the Richland County Public Defender's Office. I'm  
3 accompanied by my co-counsel, Ms. Lindsey Adler, along with  
4 my law clerk, Ms. Sydney Clark. And, of course, I have my  
5 client here, Miss Amber Manning.

6           THE COURT: All right. Now, ladies and gentlemen, I  
7 got a list of questions I'm gonna ask you. There are no  
8 wrong responses to these questions. Just, if they apply to  
9 you in any way, please stand up and I'll allow you to tell  
10 me how the question applies to you.

11           Okay. First, is there anyone related by blood or  
12 marriage or have a close personal, social, or business  
13 relationship with either the defendant, Miss Amber Manning,  
14 or the victim in this case, excuse me, Mr. Jamaine McFadden,  
15 if so, please stand.

16           (WHEREUPON, one juror responds at this time.)

17           THE COURT: Yes.

18           THE JUROR: Yes, sir.

19           THE COURT: If you could just tell me your juror  
20 number?

21           THE JUROR: Juror Number 21.

22           THE COURT: Okay. And Juror Number 21, do you have  
23 a -- do you know the, the, the defendant or --?

24           THE JUROR: Defendant.

25           THE COURT: Okay. And what is your relationship to the

1 victim or, excuse me---

2 THE JUROR: We are---

3 THE COURT: ---the defendant?

4 THE JUROR: We are cousins.

5 THE COURT: Y'all are cousins?

6 Okay.

7 THE JUROR: Yes.

8 THE COURT: All right. Now this is South Carolina but  
9 what kind of cousins are you?

10 THE JUROR: Well, my uncle and -- we have the same  
11 uncle.

12 THE COURT: So y'all are---

13 THE JUROR: So it's---

14 THE COURT: ---first?

15 THE JUROR: Like---

16 THE COURT: First cousins.

17 THE JUROR: Cousins, yes.

18 THE COURT: And you're juror number what?

19 THE JUROR: 21.

20 THE COURT: Juror Number 21. First cousins. Thank  
21 you. You can be seated.

22 Anyone else?

23 (WHEREUPON, there was no response.)

24 THE COURT: All right. The following is a list of  
25 potential witnesses. Bear with me one moment.

1 (Pause.)

2 THE COURT: All right. All right. Ladies and  
3 gentlemen, the following is a list of possible witnesses in  
4 this case. Please pay attention closely.

5 Special Agent Allison Fitzgerald of the South Carolina  
6 Law Enforcement Division or SLED.

7 Investigator Kevin Schmidt of the Columbia Police  
8 Department.

9 Investigator Amy Mostella of Columbia Police  
10 Department.

11 Brandon Dudley.

12 Investigator Tyson Hass of SLED.

13 Officer Jessica Noland of C -- Columbia Police  
14 Department.

15 Officer M -- what does that, that M stand for?

16 UNIDENTIFIED SPEAKER: Mack.

17 THE COURT: Mack?

18 UNIDENTIFIED SPEAKER: Uh-huh.

19 THE COURT: Officer Mack Morrison of Columbia Police  
20 Department.

21 Amber Hines.

22 Lieutenant Brad Markowitz of, of Columbia Police  
23 Department.

24 Investigator James Fisher and Investigator Raven Brewer  
25 both of the Columbia Police Department.

1 Vera Manning.

2 Steven Johnson.

3 Rachel Manning.

4 Kathy Stalk.

5 Zachary Jackson of Columbia Police Department.

6 Tara Watson.

7 Amy Moak of Richland County Emergency Services  
8 Division.

9 MR. MEADORS: Yes, sir.

10 THE COURT: EMS?

11 MR. MEADORS: That's it, yes, sir.

12 THE COURT: Mary Jumper also of Richland County EMS.  
13 Christina Cochran.

14 Investigator Matt Ellis of South Carolina Attorney  
15 General's Office.

16 Hannah Jefferson.

17 Officer Tariyta (phonetic) Gerald, Columbia Police  
18 Department.

19 Officer Richborg of Columbia Police Department.

20 Doctor Alejandra Luis.

21 Doctor Samantha Cox.

22 Tina Frey I believe of Richland County 9-1-1.

23 Lieutenant Robert Waters.

24 Lee Conley.

25 Kelly Bugdon.

1 Loyalty Manning.

2 Now, ladies and gentlemen---

3 MR. MEADORS: Your Honor, if I may?

4 I apologize. I believe there's a Doctor Darren Monroe,  
5 the pathologist, that was inadvertently left off that list.  
6 I apologize. Darren Monroe.

7 THE COURT: One additional witness. Doctor Darren  
8 Monroe, medical doctor.

9 Now, is anyone been related by blood or marriage or  
10 have some friendship, business relationship, social  
11 relationship with any of the people I've just listed who  
12 could be potential witnesses in this case, if so, please  
13 stand.

14 (WHEREUPON, one juror responds at this time.)

15 THE COURT: Yes, sir, your juror number?

16 THE JUROR: 249.

17 THE COURT: Okay. Who do you know?

18 THE JUROR: Doctor Cox. I work with her at the  
19 hospital.

20 THE COURT: Okay. You work at the hospital?

21 THE JUROR: Yes, sir, Prisma Health.

22 THE COURT: Okay. The fact that you know Doctor Cox at  
23 work, could that affect your ability to be fair and  
24 impartial hearing the evidence in this case?

25 THE JUROR: No, I don't believe so.

1 THE COURT: Okay. What's your occupation again?

2 THE JUROR: Registered nurse.

3 THE COURT: Okay. So that's -- all right. Thank you,  
4 sir.

5 THE JUROR: All right.

6 THE COURT: Anyone else?

7 (WHEREUPON, there was no response.)

8 THE COURT: All right. Is there any member of this  
9 jury panel or any member of the potential juror's family  
10 that is or has been in the past employed by any local state  
11 or federal law enforcement agency including, but not limited  
12 to, the City of Columbia Police Department, the Richland  
13 County Sheriff's Department, or the State Law Enforcement  
14 Division or SLED, or the Federal Bureau of Investigation or  
15 FBI, if so, please stand.

16 (WHEREUPON, one juror responds at this time.)

17 THE COURT: Just hold on one sec and your juror number  
18 is?

19 THE JUROR: 50.

20 THE COURT: 50.

21 And what -- who do you --?

22 THE JUROR: My brother-in-law is Greg Carter. He's at  
23 Lexington County. He use to work for Richland County  
24 Sheriff's or Police Department I believe.

25 THE COURT: So your brother-in-law works for the

1 Lexington County Sheriff's Department?

2 THE JUROR: He is a sergeant I think with Lexington  
3 County Police Department.

4 THE COURT: Oh.

5 THE JUROR: He use to work with Columbia Police  
6 Department.

7 THE COURT: Okay. Town police department?

8 (WHEREUPON, there was no audible response.)

9 THE COURT: Okay. So your brother-in-law works with---

10 THE JUROR: I don't know.

11 THE COURT: Okay. Your brother has a badge in  
12 Lexington County?

13 THE JUROR: Correct.

14 THE COURT: Okay. We've established that.

15 So, the fact that you do have -- your in-law does that,  
16 would that affect your ability to be fair and impartial in  
17 hearing the evidence---

18 THE JUROR: I don't think so.

19 THE COURT: ---in this case?

20 Okay.

21 THE JUROR: I think it is Town of Lexington. I think  
22 you're correct.

23 THE COURT: Well, somewhere in Lexington.

24 THE JUROR: Somewhere in Lexington it was.

25 THE COURT: Okay. Thank you.

1           Anyone else?

2           (WHEREUPON, there was no response.)

3           THE COURT: All right. Is there any member of this  
4 jury panel or a member of a potential juror's family member  
5 that is a member of, contributor to, or employed of any  
6 group which has as its primary concern the promotion of law  
7 enforcement such as, but not limited to, DARE, CAVE, CADRE,  
8 MADD, or SADD, and I would also add if anyone -- the same  
9 question but anyone who has some connection to a, a, a, a  
10 legal service group like the Innocence Project or the  
11 American Civil Liberties Union or ACLU?

12           Anyone have any sort of connection or relationship with  
13 any of those organizations, if so, please stand.

14           (WHEREUPON, there was no response.)

15           THE COURT: Is there any member of this jury panel or  
16 member of a potential juror's family that's a member of,  
17 contributor to, or employee of any group which has as its  
18 primary concern victim support or victim advocacy such as,  
19 but not limited to, Sister Care, if so, please stand.

20           (WHEREUPON, there was no response.)

21           THE COURT: Okay. Is there any member of this jury  
22 panel related by blood or marriage to or a friend or  
23 acquaintance of a member of any law enforcement agency, if  
24 so, please stand.

25           We got you already.

1           Anyone else?

2           (WHEREUPON, there was no response.)

3           THE COURT: Is there any member of this jury panel  
4 related by blood or marriage or friend or acquaintance to  
5 anyone employed with the South Carolina Attorney General's  
6 Office, the Fifth Circuit Solicitor's Office, or any  
7 prosecuting attorney's office?

8           (WHEREUPON, there was no response.)

9           THE COURT: Okay. Anyone related by blood or marriage  
10 to or have a friend or social acquaintance otherwise a --  
11 who's employed with the Richland County Public Defender's  
12 Office, if so, please stand.

13           (WHEREUPON, there was no response.)

14           THE COURT: And, and just to be clear, has anyone --  
15 you've heard the attorneys represent -- introduce themselves  
16 earlier.

17           Has anyone ever been represented by any attorneys  
18 involved in this case?

19           (WHEREUPON, there was no response.)

20           THE COURT: Has any member of this jury panel read or  
21 heard anything about this case, about the indictments I  
22 published to you earlier, in the news or some other media  
23 source?

24           Anything whatsoever?

25           (WHEREUPON, there was no response.)

1 THE COURT: Okay. Is any member of this jury panel  
2 heard any one of your fellow panel members right now talk  
3 about this case in any way since you got into this courtroom  
4 or in this courthouse?

5 (WHEREUPON, there was no response.)

6 THE COURT: Is any member of the panel or any member of  
7 a potential juror's family or close personal friend ever  
8 been a victim of a crime of violence or been accused of  
9 committing a crime of violence, if so, please stand.

10 (WHEREUPON, there was no response.)

11 THE COURT: Okay. Is there anything in the nature of  
12 the allegations in this case which would cause any member of  
13 the jury panel any problem in sitting as a impartial and  
14 fair juror, if so, please stand.

15 (WHEREUPON, there was no response.)

16 THE COURT: Is any member of this jury panel aware of  
17 any bias or prejudice toward either the State or the  
18 defendant in this case?

19 (WHEREUPON, there was no response.)

20 THE COURT: Does any member of this jury know of any --  
21 jury panel know of any reason whatsoever why he or she  
22 should not serve as a juror in this case with particular  
23 emphasis being placed on your ability to be fair and  
24 impartial to both the State and the defendant, if so, please  
25 stand.

1 (WHEREUPON, there was no response.)

2 THE COURT: Counsel, any issues with the questions?

3 MR. MEADORS: Nothing from the State. Thank you.

4 MS. EIGENBROT: Not from defense.

5 THE COURT: Okay. Strikes are five and ten and two  
6 alternates to be safe.

7 MR. MEADORS: Yes, sir, that'd be fine with the State.  
8 Thank you.

9 THE COURT: Anything else y'all need to talk to me  
10 before we start selection?

11 Just making sure.

12 MS. EIGENBROT: No, Your Honor.

13 THE COURT: Okay.

14 MR. MEADORS: No, sir. Thank you.

15 THE COURT: All right. Madam Clerk.

16 THE CLERK: Ladies and gentlemen of the jury panel---

17 THE COURT: Oh, actually. I'm sorry. I need to tell  
18 y'all something.

19 THE CLERK: Okay.

20 THE COURT: I'm sorry.

21 (WHEREUPON, a bench conference was held out of the  
22 hearing of the jury at this time.)

23 THE COURT: All right. So, before we proceed further,  
24 just -- if you have your phone on you, turn it off just for  
25 a little bit. Let's get through jury selection. I know we

1 all have phones and it happens. So --.

2 But if you've got it -- the phone with you, please turn  
3 it off at this time and we'll get this jury selected and you  
4 can turn it on after that.

5 Thank you.

6 THE CLERK: Ladies and gentlemen of the jury, when I  
7 call your number, please come to the center of the courtroom  
8 just up here and face the attorneys and bring all your  
9 personal belongings with you.

10 Number 319.

11 What says the State?

12 MR. MEADORS: Please present the juror.

13 THE CLERK: What says the defense?

14 MS. EIGENBROT: Please seat this juror.

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

16 Number 24.

17 MR. MEADORS: Is that 24?

18 I'm sorry.

19 THE CLERK: Yes, 24.

20 What says the State?

21 MR. MEADORS: Please present the juror.

22 THE CLERK: What says the defense?

23 MS. EIGENBROT: Please excuse this juror.

24 THE CLERK: Please have a seat in the back of the  
25 courtroom.

1 Number 194.

2 what says the State?

3 MR. MEADORS: Please excuse the juror.

4 THE CLERK: Please have a seat at the back of the  
5 courtroom.

6 Number 62.

7 what says the State?

8 MR. MEADORS: Please present the juror.

9 THE CLERK: what says the defense?

10 MS. EIGENBROT: Please seat this juror.

11 THE CLERK: Please have a seat on the jury box.

12 Number 285.

13 what says the State?

14 MR. MEADORS: Please present the juror.

15 THE CLERK: what says the defense?

16 MS. EIGENBROT: Please seat this juror.

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

18 Number 223.

19 what says the State?

20 MR. MEADORS: Please present the juror.

21 THE CLERK: what says the defense?

22 MS. EIGENBROT: Please seat this juror.

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

24 Number 356.

25 what says the State?

1 MR. MEADORS: Please present the juror.

2 THE CLERK: What says the defense?

3 MS. EIGENBROT: Please excuse this juror.

4 THE CLERK: Please have a seat in the back of the  
5 courtroom.

6 Number 322.

7 What says the State?

8 MR. MEADORS: Please present the juror.

9 THE CLERK: What says the defense?

10 MS. EIGENBROT: Please seat this juror.

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

12 Number 34.

13 What says the State?

14 MR. MEADORS: Please present the juror.

15 THE CLERK: What says the defense?

16 MS. EIGENBROT: Please seat this juror.

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

18 Number 224.

19 MR. MEADORS: I'm sorry.

20 What was that number?

21 THE CLERK: 224.

22 What says the State?

23 MR. MEADORS: Please present the juror.

24 THE CLERK: What says the defense?

25 MS. EIGENBROT: Please seat this juror.

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

2 Number 3.

3 what says the State?

4 MR. MEADORS: Please present the juror.

5 THE CLERK: what says the defense?

6 MS. EIGENBROT: Please excuse this juror.

7 THE CLERK: Please have a seat in the back of the  
8 courtroom.

9 Number 126.

10 what says the State?

11 MR. MEADORS: Please present the juror.

12 THE CLERK: what says the defense?

13 MS. EIGENBROT: Please seat this juror.

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

15 Number 315.

16 what says the State?

17 MR. MEADORS: Please present the juror.

18 THE CLERK: what says the defense?

19 MS. EIGENBROT: Please seat this juror.

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

21 Number 360.

22 what says the State?

23 MR. MEADORS: Please present the juror.

24 THE CLERK: what says the defense?

25 MS. EIGENBROT: Please excuse the juror.

1 THE CLERK: Please have a seat in the back of the  
2 courtroom.

3 Number 112.

4 what says the State?

5 MR. MEADORS: Please present the juror.

6 THE CLERK: what says the defense?

7 MS. EIGENBROT: Please seat this juror.

8 THE COURT: Please have a seat in the jury box.

9 Number 70.

10 what says the State?

11 MR. MEADORS: Please present the juror.

12 THE CLERK: what says the defense?

13 MS. EIGENBROT: Please excuse this juror.

14 THE CLERK: Please have a seat in the back of the  
15 courtroom.

16 Number 19.

17 what says the State?

18 MR. MEADORS: Please present the juror.

19 THE CLERK: what says the defense?

20 MS. EIGENBROT: Please seat this juror.

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

22 Number 63.

23 what says the State?

24 MR. MEADORS: Please present the juror.

25 THE CLERK: what says the defense?

1 MS. EIGENBROT: Please seat this juror.

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

3 THE COURT: All right. First alternate.

4 THE CLERK: Number 255.

5 MR. MEADORS: What's the number?

6 I apologize.

7 THE CLERK: 255.

8 What says the State?

9 MR. MEADORS: Please present the juror.

10 THE CLERK: What says the defense?

11 MS. EIGENBROT: Please seat this juror.

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

13 Number 20.

14 What says the State?

15 MR. MEADORS: Please present the juror.

16 THE CLERK: What says the defense?

17 MS. EIGENBROT: Please excuse this juror.

18 THE CLERK: Please have a seat in the back of the  
19 courtroom.

20 Number 184.

21 What says the State?

22 MR. MEADORS: Please present the juror.

23 THE CLERK: What says the defense?

24 MS. EIGENBROT: Please excuse this juror.

25 THE CLERK: Please have a seat in the back of the

1 courtroom.

2 Number 22.

3 Defense has two strikes and the State has zero.

4 THE COURT: No, they haven't used their --.

5 THE CLERK: What says the State?

6 MR. MEADORS: Please present the juror.

7 THE COURT: Never mind. Go on.

8 THE CLERK: What says---

9 MS. EIGENBROT: Please seat this juror.

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

11 All right. Any issues with jury selection, counsel?

12 MR. MEADORS: Your Honor, can -- can I, can I give me a  
13 second just to look real quick?

14 THE COURT: Oh sure.

15 (Pause.)

16 MR. MEADORS: Nothing from the State. Thank you.

17 MS. EIGENBROT: Nothing from the defense, Your Honor.

18 THE COURT: All right. Ladies and gentlemen, I think  
19 you were told thank you when you got here this morning. So  
20 I'm gonna tell you thank you again.

21 You've been chosen as a juror for our -- as the jury  
22 for our trial this week. The first thing I'm gonna have you  
23 do actually is go back to the jury room and y'all can  
24 refresh yourselves.

25 But what I would like you to do is just choose a

1 foreperson to serve as a jury foreman or forelady for the  
2 trial. While you're back there, we don't need you to  
3 discuss the case. We don't need you to discuss any of the  
4 people involved with the case. Just as soon as you choose a  
5 foreman or forelady, we'll get you back out here and I'll  
6 give you further instruction for the day.

7 Okay. But if y'all can head back to the jury room and  
8 give us a note of who the foreperson is and we'll get you  
9 moving.

10 Thanks.

11 (WHEREUPON, the following takes place outside the  
12 presence of the jury.)

13 THE COURT: All right. So, we'll just stand easy for a  
14 minute. Let's let them -- I would think they'd be pretty  
15 quick about choosing a foreperson. I'll bring them back in  
16 and just give them a little bit of basic ground rules for  
17 tonight and we'll get them out here for the day.

18 What do we anticipate as far as how much pretrial we  
19 talking about?

20 I mean if it's an hour, we can go ahead and start now  
21 and be done or we can break for lunch too. I'll, I'll do  
22 whatever the lawyers need --

23 MR. MEADORS: I think we'll have---

24 THE COURT: -- or the court reporter for that matter.

25 MR. MEADORS: We'll be happy either way. We -- one,

1 one -- I'm on my -- not that I have any expertise but one of  
2 them certainly is not technology.

3 There's a video of the defendant's statement, two basic  
4 statements of -- we're gon' go through Jackson v. Denno.  
5 Obviously I don't know if they'll have an objection or not.  
6 But we need to do that.

7 I would like to show Your Honor the portions just of  
8 the -- when she's being read her rights. So, we'll just  
9 need a minute to set that up.

10 THE COURT: Okay. Well, let me just ask y'all.

11 I mean y'all, y'all want to just come back at 1:30 and  
12 that way y'all get a chance to breathe?

13 MS. EIGENBROT: I think that would work, Your Honor.

14 THE COURT: All right.

15 MR. MEADORS: Thank you.

16 THE COURT: 1:30 good?

17 MR. MEADORS: Yes, sir. Thank you.

18 THE COURT: All right. Ish.

19 All right. Well, we'll give them three or four minutes  
20 to see if they can choose somebody. But anyway, we're  
21 off-the-record at this point.

22 (WHEREUPON, a short recess was taken at this time.)

23 (WHEREUPON, the following takes place within the  
24 presence of the jury panel.)

25 THE CLERK: The jurors are seated, Your Honor.

1 THE COURT: Thank you.

2 Juror Number 19, is that you in the front?

3 THE JUROR: Yes, sir.

4 THE COURT: Thank you for agreeing to serve as the  
5 forelady. Appreciate it.

6 All right. Ladies and gentlemen, I -- I've got some  
7 matters to take up with the attorneys this afternoon. What  
8 I'm gon' ask is that y'all just come back tomorrow morning  
9 at 9:00AM. I'd like to start opening statements at -- by  
10 9:15 assuming we're all here.

11 If there's some reason I will -- I don't know where  
12 everybody's driving from. I know traffic can be an issue  
13 sometimes. Just make sure you've got the Clerk of Court's  
14 number and let us know, if, if you're in malfunction  
15 junction and there's a wreck, we need to know. Hopefully  
16 everybody will get here by 9:00.

17 You haven't heard anything other than the basic  
18 information about publishing an indictment. Please don't do  
19 any independent research of this case or the parties  
20 involved or any of the attorneys involved. Everything you  
21 need to know in this trial will come from that witness stand  
22 starting tomorrow.

23 Okay. So, please don't do any sort of independent  
24 research on your own. When you're in the jury room, please  
25 don't discuss the case amongst yourselves. Please don't

1 discuss the case with the bailiffs.

2 Just -- you can talk about the weather. Y'all can talk  
3 about your families. You can talk about how the Gamecocks  
4 will turn it around this year and probably go seven and five  
5 and win and beat Clemson at the end of the year. I expect  
6 that's a good topic of discussion for y'all tomorrow.

7 But everything you need to learn about the case you'll  
8 learn in the courtroom. So, just make sure you don't  
9 discuss it with anyone, your family members, friends,  
10 whatsoever. Just keep that to yourself at all times. I  
11 think that's all.

12 All right. Well, we'll see you tomorrow morning at  
13 9:00AM.

14 Madam Forelady, y'all have a nice evening and good  
15 afternoon and come on in, come on in tomorrow morning. And  
16 if you have any questions, otherwise the bailiffs can  
17 certainly get questions to you.

18 Okay. Y'all have a nice day. Thank you.

19 (WHEREUPON, the following takes place outside the  
20 presence of the jury.)

21 THE COURT: All right. Well, we'll just a -- where --  
22 is their jury room right behind us?

23 Okay. We'll just be in recess for the next hour and 10  
24 minutes and get started at 1:30.

25 Okay?

1 MR. MEADORS: And, Your Honor, I had -- I told Ms.  
2 Eigenbrot---

3 MS. EIGENBROT: Brot.

4 THE COURT: Brot.

5 MR. MEADORS: Brot -- I do that -- I'm sorry. I  
6 apologize.

7 If not now, later, and I've done it my whole 35 year  
8 career and I'm just giving her, at, at some point today,  
9 since the case is called, I was gonna respectfully ask that  
10 Ms. Manning be taken into custody. Obviously Your Honor's  
11 decision. I've always done that. So, I'm just doing that  
12 cause I always --

13 THE COURT: That's fine.

14 MR. MEADORS: -- say I do it.

15 THE COURT: She's been out on bond for four years?

16 MS. EIGENBROT: Your Honor, she's been on bond for four  
17 years. There's been no arrests. I've always been able to  
18 find her. I've been to her house. I know where she's at.  
19 She's accompanied today by one of her cousins. She's got  
20 family kids here. I don't think that's necessary---

21 THE COURT: Okay.

22 MS. EIGENBROT: ---in this situation.

23 THE COURT: Ms. Manning, just understand if I -- I'm,  
24 I'm not gonna remand her to the county jail. But please be  
25 advised if, for some reason, you don't show up, we will go

1 in your absence.

2 Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: All right.

5 MR. MEADORS: Thank you, Your Honor.

6 THE COURT: Anything else?

7 MR. MEADORS: No, sir.

8 THE COURT: All right. We'll see y'all---

9 MR. MEADORS: Did you say---

10 THE COURT: ---after lunch.

11 MR. MEADORS: Did you say is -- 1:30?

12 THE COURT: Yes, sir.

13 MR. MEADORS: All right. Thank you.

14 THE COURT: All right. Thank y'all.

15 (WHEREUPON, Court was in recess for the lunch break.)

16 THE COURT: All right. Okay. Good afternoon. I see a  
17 piece of technology over here. It says it's 48 percent  
18 complete I think, whatever it's doing. So, we'll see if it  
19 works---

20 UNIDENTIFIED SPEAKER: (Indiscernible), Your Honor.

21 THE COURT: ---this afternoon.

22 MR. MEADORS: Judge, may it please the Court?

23 THE COURT: Yes, sir.

24 MR. MEADORS: I think we're about as close as we can  
25 get with the technology. I think, for time purposes,

1 there's a person -- a witness in camera will be Allison  
2 Fitzgerald now with SLED. Was with Columbia Police  
3 Department.

4 We have a statement that she took from Amber Manning on  
5 October 1<sup>st</sup>. They'll be another statement on  
6 October 3<sup>rd</sup> of 2019. I was just gon' briefly -- one of  
7 them's three hours and one of them's two hours. We  
8 certainly are not gon' do that today. We just want to show  
9 Your Honor the portion of the advice of rights on each one  
10 of them.

11 THE COURT: Are we gonna show the whole thing to the  
12 jury tomorrow --

13 MR. MEADORS: I---

14 THE COURT: -- or can y'all truncate it somewhat?

15 MR. MEADORS: We'll try to -- a lot of it she's  
16 waiting, yeah. So a lot of it's just --.

17 MS. EIGENBROT: Well, Your Honor, I -- depending on  
18 your ruling about the voluntariness of what -- the  
19 statements come in at all, I do have some prepared redaction  
20 requests and some objections why I want those part --  
21 portions of the interview redacted. There are large  
22 portions where she's just sitting in the room.

23 THE COURT: Okay.

24 MS. EIGENBROT: But they're other parts that I would---

25 THE COURT: Okay.

1 MS. EIGENBROT: ---request redactions.

2 MR. MEADORS: And we'll certainly work on that outside  
3 of the court hours and try to make that -- and, and, Your  
4 Honor, quite frankly, we may offer one. We may offer both.  
5 We may not offer the second one and I -- and I've informed  
6 counsel of that too that -- but I think, at this point, are  
7 we --.

8 MS. EIGENBROT: Yeah.

9 MR. MEADORS: And, Judge I, I -- I've got two disks.  
10 We've now downloaded them. If the Court would let us, I, I,  
11 I need to take them back with me to make a copy tonight --

12 THE COURT: Uh-huh. (Affirmative).

13 MR. MEADORS: -- to bring back so we can have a --

14 THE COURT: Exhibit?

15 MR. MEADORS: -- exhibit and then have the other one.  
16 If, if a -- but counsel's got them and I don't think that's  
17 a problem. We've now downloaded them and this is gonna be  
18 in the courtroom. But --.

19 THE COURT: Okay. All right. Well---

20 MR. MEADORS: So, Your Honor---

21 THE COURT: You want to call any -- Ms. Eigenbrot,  
22 anything you want to talk about before we take on our first  
23 witness?

24 MS. EIGENBROT: Your Honor, just briefly. We just had  
25 a few things I wanted to bring to the Court's attention.

1 I know that these prosecutors are just kind of brought  
2 in on this case. Of course, I would just ask that any point  
3 in time they speak to witnesses and there's different  
4 information provided that they provide that to us through  
5 Riddle and keep us updated on any additional discovery that  
6 may come forth. I don't think there's any discovery issues  
7 at this point. But just for, you know, precautionary  
8 purposes, let's see I -- they still have the continued  
9 obligation to provide information that's -- to the defense.

10 Your Honor, there's one other thing I want to bring up  
11 and I know Your Honor probably can not make a ruling right  
12 now. But there is some 404(b) type of behavior and issues  
13 that I think or I just want to address briefly right now.

14 Miss Manning was living next to a woman by the name of  
15 Christina Cochran. She's on the witness list for the State.  
16 They had some issues between the two of them. Miss Cochran  
17 does not have very kind things to say about Miss Manning.

18 She recently provided us and the State some recordings  
19 from back in 2000 and, we assume, '19, there weren't dates  
20 on the videos, I guess recording Miss Manning and/or other  
21 people in her household yelling or screaming at people and  
22 I, I believe there's some issue about those -- their  
23 admissibility. And I would just ask that the State not  
24 bring those up or bring Miss Cochran into the situation in  
25 opening or before any doors are opened for those situations.

1 MR. MEADORS: May it please the Court.

2 Yes, sir, I think this last -- we got in on this  
3 wednesday night. So, it was either last Thursday or Friday  
4 Miss Cothran called somebody in our office and said that she  
5 had just met with someone in their office and given them  
6 some recordings. So, we came out there. They gave us the  
7 recording. Once I got them, I called Megan and said we have  
8 these. I think you've already got them.

9 So I haven't listened to them. I've -- last night -- I  
10 listened to part of one and part of them you hear her saying  
11 I'm gon' stab or something like that and the inference is  
12 that she's talking to the victim in this case several months  
13 prior according to this recording.

14 Obviously I wouldn't try to do anything on that until  
15 you made a ruling.

16 THE COURT: And I --

17 MR. MEADORS: I wouldn't even bring it up or anything.

18 THE COURT: -- can't make a ruling until I've heard it.

19 MR. MEADORS: Right. So --.

20 THE COURT: So, the question is when are we gonna hear  
21 it?

22 I don't -- I mean I don't want to be in a position  
23 where I'm just having to take a break with the jury when I  
24 hear it for the first time. I mean if it's something I can  
25 listen to in advance or if we want to --.

1 MS. EIGENBROT: I can forward, Your Honor---

2 MR. MEADORS: Sure. Yeah, that'd be great.

3 MS. EIGENBROT: ---the short clips. I think they're,  
4 they're -- I think the longest one is maybe four minutes.

5 THE COURT: Oh, okay. We're gonna---

6 MR. MEADORS: And I think you actually have one more  
7 than I do.

8 MS. EIGENBROT: I think so.

9 MR. MEADORS: So I don't -- but, but that, that -- it  
10 would be great if you -- that would save time. We'd love  
11 for you to hear it.

12 THE COURT: Okay. Maybe we take that up after the  
13 Denno hearing.

14 Any other matters from the defense standpoint?

15 MS. EIGENBROT: Not at this moment, Your Honor.

16 THE COURT: All right. Well, the State can call their  
17 first witness.

18 MR. MEADORS: Thank you, Your Honor.

19 We would call Agent Allison Fitzgerald.

20 THE CLERK: Raise your right-hand and place your  
21 left-hand on the Bible.

22 ALLISON FITZGERALD, being first  
23 duly sworn, testified as follows:

24 THE CLERK: Thank you.

25 Please have a seat and state your full name for the

Allison Fitzgerald - Direct examination  
By Mr. Meadors

1 record.

2 THE WITNESS: Allison Fitzgerald.

3 DIRECT EXAMINATION

4 BY MR. MEADORS:

5 Q. You're now employed with the South Carolina Law  
6 Enforcement Division?

7 A. Yes.

8 Q. For how long?

9 A. Almost two years in January.

10 Q. Okay. What do you do there?

11 A. I am a special agent assigned to general  
12 investigations.

13 Q. And, prior to that, did you work at Columbia Police  
14 Department?

15 A. Yes, I did.

16 Q. And how long were you there?

17 A. Nine years.

18 Q. And just briefly tell the judge about your background  
19 as far as law enforcement.

20 A. Yes.

21 Q. What'd you do at the police department?

22 A. So I started in law enforcement in 2012. Did three  
23 years on the road in metro region and then I went to  
24 investigations where we did -- we had a year of like  
25 generalized investigations. Like anything in a certain

Allison Fitzgerald - Direct examination  
By Mr. Meadors

1 region of, of Columbia. And then it -- the next year it  
2 switched back to specialized. At that time I did a little  
3 bit of property and then went to special victims for the  
4 last three ish years.

5 Q. The case -- and prior to that, were you in law  
6 enforcement?

7 A. No.

8 Q. Okay. where'd you graduate?

9 A. Graduated from University of (indiscernible) in  
10 Connecticut.

11 Q. And then you came down south?

12 A. Correct.

13 Q. And was this your first job in law enforcement at a  
14 police department?

15 A. Yes, it was.

16 Q. On June, excuse me, October 1<sup>st</sup> of 2019, your role  
17 was what at the police department?

18 A. I was the investigator assigned to the case.

19 Q. And this -- you understand, these purposes, we're just  
20 dealing with Miranda and the opportunity you had to speak  
21 with Miss Amber Manning --

22 A. Yes.

23 Q. -- on June, excuse me, October 1<sup>st</sup>---

24 A. Yes.

25 Q. ---and October 3<sup>rd</sup> of 2019?

1 A. Yes.

2 Q. Okay. Tell the judge how that came about.

3 How did you get in contact with the defendant, Amber  
4 Manning, on October 1<sup>st</sup> of 2019?

5 A. Okay. So, we were -- I was on call, which means that  
6 anything that comes out during the hours that we're on call  
7 at 3:30 to midnight typically I think, at that time, it  
8 comes out when you respond out to the scene. It was  
9 initially stated to be domestic related. There was sac --  
10 some confusion based on the 9-1-1 calls because only EMS was  
11 called out at first and then there were other 9-1-1 calls  
12 that made it sound like a do -- domestic violence situation  
13 where somebody had been stabbed involving a male party being  
14 stabbed by potentially a female party unknown who it was  
15 until officers arrived on scene.

16 Q. And for these purposes and hearsay's admissible now,  
17 just so -- Your Honor's edification to save time---

18 A. Okay.

19 Q. ---was the first phone from Amber Manning to 9-1-1?

20 A. Yes, that's my understanding.

21 Q. And, at that point, was only the ambulance called?

22 A. Correct.

23 Q. And, after that, there was a 9-1-1 phonecall from Miss  
24 Christina Cochran, right?

25 A. That's my understanding.

Allison Fitzgerald - Direct examination  
By Mr. Meadors

1 Q. And she's the one that said Amber Manning stabbed --

2 A. She's the one that---

3 Q. ---Jamaine McFadden?

4 A. ---extra information that there was a stabbing with a  
5 female party on a male party.

6 Q. As a result of that, you responded to where?

7 A. We responded out to Tremont Avenue.

8 Q. Okay. In the city and in the county?

9 A. In the city and county -- City of Columbia, County of  
10 Richland.

11 Q. And you actually went out there?

12 A. I did.

13 Q. Did you see Miss Manning then?

14 A. Yes, Officer Brewer had her detained in her patrol car  
15 at that time.

16 Q. Did you speak with Miss -- the defendant, Amber  
17 Manning, then?

18 A. I don't believe I directly spoke with her. I only got  
19 what happened on scene.

20 Q. When is the next time or when did you have a chance to  
21 speak with the defendant, Amber Manning?

22 A. She was transported to our City of Columbia  
23 headquarters at 1 Justice Square in Columbia and she's  
24 placed in one interview room as soon as she was able, able  
25 to be taken from the scene. And then, at that time, I

1 responded as soon as I could once we maintained the scene  
2 and gotten things figured out a little bit.

3 MR. MEADORS: And, Your Honor, for the record I've --  
4 either Court's 1 or if I -- State's 1 for ID at this point  
5 would be the first interview.

6 THE COURT: All right. Very well.

7 MR. MEADORS: And I'm just gon' leave this.

8 (WHEREUPON, the first interview of Amber Manning was  
9 marked as State's Exhibit No. 1 for identification purposes  
10 only at this time.)

11 MR. MEADORS: And, Your Honor, with the help of  
12 somebody --.

13 How close do you want us --?

14 THE COURT: That's fine by me. That's close enough.

15 MR. MEADORS: Is that good?

16 THE COURT: That's a big ol' screen.

17 MR. MEADORS: All right.

18 Before, before we play this, where did you talk to  
19 Amber Manning?

20 where were you?

21 A. This one of three interview rooms we have at City of  
22 Columbia Police Department.

23 Q. And, and we're seeing it but describe it for the judge?

24 A. Yeah. So, it -- it's one of the smaller ones. It has  
25 that table that's off on the far back right corner with the

1 one chair for the person that we're gonna be interviewing.  
2 Our chair is on the other side of the table in-between us  
3 and the door. And then the door is usually unlocked when  
4 we're inside of it, inside the door.

5 And there is a -- like a recording button on the  
6 outside that's pressed as soon as the person walks -- as  
7 soon as an officer brings somebody to put them in the room,  
8 it -- automatically they press the button and have it start  
9 recording regardless of whether we -- they're to be  
10 interviewed.

11 Q. And all the rooms are audio and video recorded?

12 A. Yes.

13 Q. Okay. Before we play the video, did you have an  
14 occasion to read the defendant her rights?

15 A. I did.

16 Q. And did you have a Miranda form that you used?

17 A. I did.

18 Q. And before we get to that, describe to the judge, you  
19 know, your interactions with her.

20 Did she appear to understand your words when you asked  
21 her questions?

22 A. Yes, I believe we actually had like a brief  
23 conversation about general things when I first walk into the  
24 room. I actually met her the week before based on another  
25 thing that I was out on the same road for. So we made, we

1 made some small talk about that (indiscernible) and she was  
2 coherent and speaking clearly, not slurring her speech at  
3 the time, and it had been some hours since the actual  
4 incident.

5 So, she was clear and coherent from my, my basis.

6 Q. So, she could recall meeting you prior to this incident  
7 a week or so?

8 A. Right.

9 Q. And it -- did she even remember the person's name  
10 potentially?

11 A. She did.

12 Q. Was it Kathy?

13 A. Yes.

14 Q. So y'all talked about that?

15 A. Correct.

16 Q. Did you have any trouble understanding her words?

17 A. I did not.

18 Q. Were her answers subject matter appropriate?

19 A. Yes.

20 Q. Were they timely?

21 Did -- was she responding to you in a timely manner?

22 A. Yes.

23 Q. So does that appear to you, based on the time you were  
24 with her, that she understood what you were asking her?

25 A. Yes.

Allison Fitzgerald - Direct examination  
By Mr. Meadors

1 MR. MEADORS: Now, beg the Court's indulgence. We do  
2 have this marked State's 2 for identification please.

3 (WHEREUPON, the City of Columbia advice of rights form  
4 was marked as State's Exhibit No. 2 for identification  
5 purposes only at this time.)

6 Q. I'm gonna show you what's marked Plaintiff's but  
7 State's 2.

8 Do you recognize that?

9 A. Yes.

10 Q. And tell the judge about that please.

11 A. That's a City of Columbia advice of rights form that we  
12 used generically for any tort -- type of incident that  
13 requires, you know, when a subject is detained and whatever  
14 you're questioning them about anything that could be crime  
15 related.

16 Q. And read it for the judge as you did to the defendant?

17 A. So, I usually will place the date and time up front and  
18 then I read -- I say before we ask you any questions, I go  
19 ahead and just read the, the form verbatim so that they are  
20 understanding and so that I'm saying it out loud, and, if  
21 they have any questions, they can ask me.

22 So before we ask you any questions, you must  
23 understand, understand your rights. You have the right to  
24 remain silent. Anything you say can be used against you in  
25 Court. You have the right to talk to a lawyer for advice

1 before we ask you any questions and to have him with you  
2 during questioning.

3 If you can not afford a lawyer, one will be appointed  
4 for you before any questioning if you wish. If you decide  
5 to answer questions now without a lawyer present, you still  
6 have the right to stop answering at anytime. You also have  
7 the right to stop answering at any time until you talk to a  
8 lawyer and then there's a waiver of rights portion at the  
9 very bottom that sometimes I have them read out loud. But  
10 some -- often I will just read it out loud and ask them to  
11 acknowledge verbally.

12 I have read this statement of my rights and I  
13 understand what my rights are. I am willing to make a  
14 statement and answer questions. I do not want a lawyer at  
15 this time. I understand and know what I'm doing. No  
16 promises or threats have been made to me and no pressure or  
17 coercion of any kind's been used against me. And then I  
18 usually ask if they understand what coercion means and just  
19 kind of reiterate that that just means we're not sitting  
20 here at -- making them speak with us. If they would like to  
21 speak with us, I would like to hear her side.

22 Q. Y'all even had a little back and forth about an  
23 attorney and some other things---

24 A. We did.

25 Q. ---didn't you?

1 A. Yeah. And that's, that's pretty normal if somebody's  
2 like do I need one or -- and I said well, if you -- if -- I  
3 obviously can not give you advice in that, in that way and  
4 then it's up to you. But I'd love to hear your side of the  
5 story if you're willing to speak with me.

6 Q. So you didn't tell her she ought to get a lawyer or she  
7 shouldn't get a lawyer?

8 A. Correct.

9 Q. Told her it was up to her?

10 A. Right.

11 Q. And did you hold out of -- any hope or threat or  
12 promise of reward in exchange for a statement?

13 A. No.

14 Q. Okay. Were you mean to her?

15 A. No.

16 Q. And did she sign indicating that she -- you -- she had  
17 read your rights and, underneath the waiver of rights, did  
18 she sign?

19 A. Yeah, she kept saying she wanted to speak with me.

20 Q. Said she wanted to speak?

21 A. (WHEREUPON, there was no audible response.)

22 Q. All right. And I, and I know there's been some  
23 drinking going on. We're gon' hear about it the -- earlier.

24 But when you were doing this, did she appear to be  
25 under the influence at this point?

1 A. Not at the time, no. Not at that time to me. She was  
2 not slurring her speech. She was not -- she was keeping up  
3 with the conversation and I, I didn't smell anything like  
4 (indiscernible) on her.

5 Q. You had no problem talking with her?

6 A. Correct.

7 Q. At anytime during the giving of these rights or the  
8 reading of the waiver of rights or anytime during this three  
9 hour statement right here did she ever tell you Allison, I  
10 don't want to talk to you?

11 A. No.

12 Q. She ever say give me a lawyer?

13 A. No.

14 Q. If she had, what would you have done?

15 A. We would of stopped.

16 Twenty -- I think at 8:29 is the---

17 Q. Right. I'm just---

18 A. Press the play button.

19 (WHEREUPON, a portion of the audio was played at this  
20 time.)

21 Q. That's when y'all were talking about the interaction  
22 you had previously?

23 A. (WHEREUPON, there was no audible response.)

24 Q. So, she remembered you?

25 A. Right.

Allison Fitzgerald - Direct examination  
By Mr. Meadors

1 THE COURT: Mr. Meadors, can you pause it?

2 (WHEREUPON, Mr. Meadors complies.)

3 THE COURT: All right. The court reporter can't hear  
4 the video and get questions.

5 MR. MEADORS: Sorry. Sorry.

6 THE COURT: So, if you want to ask the questions real  
7 quick, go ahead and do that.

8 MR. MEADORS: That's fine. Sorry about that.

9 THE COURT: Oh, no worries. I just don't want anything  
10 to get missed on the record.

11 So, any other question or are we gonna play it for a  
12 minute?

13 MR. MEADORS: If I do another I'll stop it.

14 THE COURT: Very well.

15 MR. MEADORS: Okay.

16 (WHEREUPON, another portion of the video was played at  
17 this time.)

18 MR. MEADORS: And I didn't realize she was trying to  
19 take down what this -- cause this is gonna be in evidence.  
20 But okay. I'm sorry.

21 THE COURT: She's not taking it down. But I mean --  
22 but there was loud and you were asking questions.

23 (WHEREUPON, another portion of the video was played at  
24 this time.)

25 Q. And, again, that -- is that the lady that y'all are --

1 referenced when you met her a week ago?

2 A. Kathy Stalk, yes.

3 Q. So y'all are talking about that?

4 A. Right.

5 (WHEREUPON, another portion of the video was played at  
6 this time.)

7 Q. Did she say yes when you said do you understand all  
8 that?

9 A. She did.

10 Q. And now she's fixing to ask you a question about the  
11 lawyer part?

12 A. Correct.

13 (WHEREUPON, another portion of the video was played at  
14 this time.)

15 Q. So, did you explain to her, even when she started  
16 talking, now she could stop at anytime?

17 A. Correct.

18 Q. If she wanted a lawyer later she could get it?

19 A. Yes, sir.

20 Q. Do you feel, based on your experience and training, in  
21 that video we're all looking at right now that this was a  
22 freely and voluntarily given statement?

23 A. That was my understanding.

24 (WHEREUPON, another portion of the video was played at  
25 this time.)

1 Q. And did you go on for roughly two and a half more  
2 hours, give and take, in taking the statement from Amber  
3 Manning?

4 A. Yes, there were pauses -- some pauses in-between where  
5 she's just sitting there alone (indiscernible).

6 Q. And is it fair to say, for these purposes, did you come  
7 back at some point in here and confront her with some  
8 inconsistencies that you had gathered from some other  
9 witnesses?

10 A. Yes.

11 Q. And did you con -- once you confronted her with that,  
12 did -- just so the judge can get a little background, did  
13 she go from -- did her first part of her statement say I  
14 don't even know what happened to McFadden?

15 A. Correct.

16 Q. After you confronted her with some other statements,  
17 did she change that story?

18 A. Yes.

19 Q. Okay. To what generally?

20 A. To basically that there was some sort of argument.  
21 There was some sort of struggle over a knife.

22 Q. So from not knowing what happened and all till then  
23 there was a struggle with a knife?

24 A. Correct.

25 Q. Is that a very rudimentary summary of this?

1 A. Yes.

2 Q. Okay. Did you go back and talk to Amber Manning after  
3 that?

4 A. Yes, we did.

5 Q. Okay. When was that?

6 A. It was two days later after Jamaine had passed.

7 Q. Okay. So, when you took this statement from her,  
8 Jamaine was still alive?

9 A. My understanding, yeah. He was into a lot of surgeries  
10 and I believe he was unstable. We weren't sure how he was  
11 gon' -- how he was doing at this time.

12 Q. That's Jamaine McFadden for the record, the victim in  
13 this case?

14 A. Correct.

15 Q. So, between this interview on October 1<sup>st</sup> of 2019 and  
16 when you went back to see Amber Manning on October 3<sup>rd</sup> of  
17 2019, did Jamaine McFadden die?

18 A. Yes.

19 Q. After that, what did you do?

20 A. After that, I spoke with the solicitor. We ended  
21 pressing charges -- changing the charge to murder.

22 Q. Okay. What had the charges been previously?

23 A. It had been DVHAN at that time, domestic violence high  
24 and aggravated.

25 Q. And once Mr. McFadden moved on, the charges were

1 upgraded to murder?

2 A. Correct.

3 Q. Did you have an occasion then to go talk to Amber  
4 Manning again?

5 A. Yes.

6 Q. Okay. And where did that take place?

7 A. We ended up, myself and another co-worker, transported  
8 her. I believe we used a body cam on the whole  
9 transportation in an unmarked car back to our office, which  
10 was 715 Bluff Road at the time, for special victims and she  
11 was placed in a different interview room. And that was when  
12 we did the second, second interview with her.

13 Q. And can -- were you part of the drive back over?

14 A. Yes, I believe so.

15 Q. Was that audioed?

16 A. I believe it was both directions, yes.

17 MR. MEADORS: I have not listened to that for the  
18 record. I did not know that was out there. So, if there's  
19 something else---

20 A. I'm not quite sure. I -- that was our -- usually  
21 our---

22 MR. MEADORS: Okay. If there's something else out on  
23 that audio---

24 A. We did not talk about the case though.

25 MR. MEADORS: ---from the trip to there, I don't know

1 about it.

2 I'll get familiar with it tonight. And if there's  
3 something else that we'll offer, I will certainly call you  
4 tonight. I have not heard that.

5 MS. EIGENBROT: I don't believe I have it.

6 UNIDENTIFIED SPEAKER: There's nothing. There's  
7 nothing.

8 MR. MEADORS: There's nothing.

9 THE WITNESS: In -- yeah.

10 Okay. Sorry. That -- it would -- our policies -- our  
11 procedures changed at one point. So I was not sure if that  
12 was --

13 MR. MEADORS: Okay. I just wanted the record to be  
14 clear. I'm not---

15 THE WITNESS: Yeah. Thank you.

16 MR. MEADORS: ---not aware of that.

17 Your Honor, we'd now offer State's 3 for identification  
18 which will be the second Amber Manning statement on  
19 October 3<sup>rd</sup> of 2019.

20 THE COURT: And the date on this one was --?

21 MR. MEADORS: October---

22 THE WITNESS: The 1<sup>st</sup>.

23 MR. MEADORS: October 1<sup>st</sup> of 2019.

24 (WHEREUPON, the second statement of Amber Manning was  
25 marked as State's Exhibit No. 3 for identification purposes

Allison Fitzgerald - Direct examination  
By Mr. Meadors

1 only at this time.)

2 MR. MEADORS: And Your Honor didn't want to hear the  
3 rest of this statement, did you?

4 THE COURT: You know, before -- Ms. Eigenbrot, as far  
5 as the rest of this statement, is there something  
6 specifically you want me to review?

7 I mean I don't want to watch a two hour statement if  
8 there's no -- if I don't have to.

9 But in your review of the case, is there some  
10 particular part that you think runs a foul of case law?

11 MS. EIGENBROT: Your Honor, there's several parts of  
12 the interview where Agent Fitzgerald reenters the room and  
13 kind of like they said about confronts about inconsistencies  
14 in issues with the statement and makes comments I think on  
15 the facts and issues about the case. Kind of personalized  
16 opinions about what the evidence is currently showing. And,  
17 under State v. Brewer, our Courts have found that --.

18 THE COURT: Brewer's a state case?

19 MS. EIGENBROT: Yes, Your Honor, and I have a copy of  
20 it for Your Honor along with the State.

21 But, essentially, when law enforcement are using their  
22 interview tactics and questioning witnesses and things like  
23 that, the Courts have found that those are objectionable  
24 statements provided and would be hearsay and other issues  
25 during an interview and can -- and, and shall be redacted

1 before the interview is played to the jury and I have --.

2 THE COURT: Can you give me an example of --?

3 MS. EIGENBROT: So, for instance, there is a portion of  
4 the interview where Agent Fitzgerald comes in and  
5 essentially says I know you stabbed him. I know this wasn't  
6 an accident. I know that this is a particular type of cut  
7 and starts discussing the factual allegations made by other  
8 witnesses.

9 At that time there was no doctor speaking at that  
10 point. I think they maybe received some information. But,  
11 in my opinion, that would be hearsay information she was  
12 then relaying to my client in an attempt to get her to  
13 confess to the crime. And, under State v. Brewer, those  
14 would be inappropriate comments played to the jury.

15 They're other portions of the interview where Amber  
16 discusses issues with her kids being taken and DSS  
17 involvement, issues with this neighbor, and I would, of  
18 course, object under relevance along with 404 -- 403, it  
19 being prejudicial and---

20 THE COURT: well, well, the kids being taken seems  
21 outside the box.

22 But what about trouble with the neighbor?

23 MS. EIGENBROT: So, Miss Cochran, the individual that  
24 made the second 9-1-1 phonecall, there had been lots of  
25 allegations of Miss Manning and her arguing, yelling, and

Allison Fitzgerald - Direct examination  
By Mr. Meadors

1 screaming. Essentially law enforcement was well aware of  
2 Miss Manning's house and the issues that went along there.

3 A lot of people that lived there at the time had very  
4 serious drinking issues---

5 THE COURT: Uh-huh. (Affirmative).

6 MS. EIGENBROT: ---and would cause a lot of disruptions  
7 throughout the night.

8 At some point Miss Cochran and her I believe had a  
9 physical altercation of some sort. Miss Cochran I think  
10 called police on her on several occasions and Miss Manning  
11 walked -- during this interview, is, I think, referencing  
12 one of these situations where her and -- they got into an  
13 altercation where Miss Cochran spit on her, assaulted her.  
14 But Miss Cochran also got a restraining order and Amber's  
15 relaying all of that to Special Agent Fitzgerald.

16 THE COURT: Okay.

17 MR. MEADORS: Judge, I think a lot of this if you would  
18 then -- if she can provide me those, we might be able to  
19 solve some of these together. I -- clearly the DSS we  
20 don't---

21 THE COURT: Okay.

22 MR. MEADORS: ---have any objection to and that sort of  
23 thing.

24 THE COURT: Yeah. Yeah.

25 well, you mentioned the Brewer case. I -- I'm -- I

1 don't have a---

2 MS. EIGENBROT: I could have a copy of it here.

3 THE COURT: Well, actually it's not even that. I feel  
4 like there's another case -- I don't know if it's  
5 Washington.

6 MR. MEADORS: Judge, I just---

7 THE COURT: State v. Washington?

8 MR. MEADORS: There's a case out of Beaufort and then  
9 there's a -- and I'm, I'm sorry. I don't have that with me.  
10 I didn't --.

11 THE COURT: Well, I mean, on one hand, law enforcement  
12 can interview somebody. That -- there -- it's a point where  
13 they just -- I think they -- this is general words. I'm not  
14 talking about that cause I haven't seen the interview. But  
15 if they just keep on one point, keep berating on one point,  
16 you could get into an issue there. But it's tough -- you  
17 know, I'll have to hear it.

18 MS. EIGENBROT: And---

19 THE COURT: And, again, maybe that's something  
20 Mr. Meadors needs to---

21 MR. MEADORS: I think we could resolve 90 percent of  
22 it.

23 MS. EIGENBROT: And, Your Honor, I did, again, prepare  
24 a, a redaction request list of specific times---

25 THE COURT: Okay.

Allison Fitzgerald - Direct examination  
By Mr. Meadors

1 MS. EIGENBROT: ---and my objections for the Court if  
2 need to review those particular portions of the interview so  
3 you don't have to watch the entire three and a half hours of  
4 it.

5 MR. MEADORS: Can I have a copy of that too?

6 It might help---

7 MS. EIGENBROT: Yes.

8 MR. MEADORS: That would help.

9 THE COURT: Okay.

10 MS. EIGENBROT: And I, I did it for the second  
11 interview as well, Your Honor.

12 THE COURT: Okay. Well, I tell you what?

13 why don't we get through the next two ex -- interview  
14 or are there two more?

15 One more or two more interviews we got to get through?

16 MR. MEADORS: This, this will just take a second.

17 THE COURT: Okay. All right then.

18 MR. MEADORS: And then we have the, the body cam one,  
19 which is very short.

20 THE COURT: Okay.

21 MR. MEADORS: Body-worn camera by another officer.

22 CONTINUED DIRECT EXAMINATION

23 BY MR. MEADORS:

24 Q. All right. I think we're at October 3<sup>rd</sup> of 2019 and  
25 you said you talked with Miss Manning again?

1 A. Yes.

2 Q. In that same, same little office?

3 A. No, it's a separate office.

4 Q. And where were you?

5 A. So, first one was at C.P. headquarters. This one is  
6 715 Bluff Road. It's actually a little search of the jail  
7 anyways. So, we transported her to our office, which is  
8 only a few miles from the jail.

9 Q. So we're not at Alvin S. Glenn Detention Center?

10 A. Correct.

11 Q. This is another substation of the police department?

12 A. Correct.

13 Q. And how did Miss Manning get from Alvin S. Glenn to  
14 this substation?

15 A. We transported her in an unmarked Impala with two oh --  
16 two of us and she was cuffed and I don't think she was -- I  
17 don't think she was shackled on. Just cuffed.

18 Q. And at this point was your plan to tell her the charges  
19 had been upgraded from CDVHAN to murder?

20 A. Yes. And to just let her know that he had passed.

21 (WHEREUPON, the Columbia Police Department advice of  
22 rights form was marked as State's Exhibit No. 4 for  
23 identification purposes only at this time.)

24 Q. And I'm gonna show you what's State's 4 for  
25 identification.

1 Do you recognize that?

2 A. Yes.

3 Q. What time do you have on the top when you read it?

4 A. 4:08. 16:08.

5 Q. All right. (Indiscernible).

6 (WHEREUPON, a portion of the audio was played at this  
7 time.)

8 Q. When you got through reading those rights to her, did  
9 you hear her say or indicate yeah, I understand or yes or  
10 right or some word?

11 A. Yes.

12 Q. Did that indicate to you that she understood her rights  
13 on October 30<sup>th</sup>, 2019?

14 A. Yes.

15 Q. Did she say she did?

16 A. Yeah.

17 Q. Was her body language telling you she did?

18 A. Right.

19 Q. And did she appear to be under the influence of alcohol  
20 or drugs, she being Amber Manning, on October 3<sup>rd</sup> of 2019?

21 A. No.

22 Q. I know we're not gonna watch it all now.

23 But during the when -- reading of these rights and  
24 waiver of rights and the subsequent interview, did she  
25 appear to understand your questions?

1 A. She did.

2 Q. Were her answers timely?

3 A. Yes.

4 Q. Were they subject matter appropriate?

5 A. Yes.

6 Q. Okay. When she talked back to you and said Allison,  
7 this and that, did you understand her words?

8 A. Yes.

9 Q. And, in your opinion, the statement on October 3<sup>rd</sup> of  
10 2019, was it freely and voluntarily given based on your  
11 experience in law enforcement, real living, and plus the  
12 actual interview here?

13 A. Yes.

14 Q. And I forgot to ask you on the first one if this -- so  
15 if she had wanted to use the bathroom, would you have let  
16 her?

17 A. She did. We actually asked before she went in there.

18 Q. And so you did ask her?

19 A. Yes.

20 Q. Now, I notice that, not to advertise for anybody, but  
21 it looks like a Coca-Cola in there.

22 Did, did she ask for a beverage or refreshment and you  
23 gave it to her?

24 A. We did.

25 Q. I think one time she wanted to smoke and you did not

1 let them smoke, correct?

2 A. Right.

3 Q. And is that policy?

4 A. That's just policy and procedure.

5 Q. But did you hold out any hope of reward, promise in

6 exchange for the statement she gave you on October 3<sup>rd</sup>,

7 2019?

8 A. No.

9 Q. You didn't promise her anything?

10 A. No.

11 Q. Did you force her to do it?

12 A. No.

13 Q. And during this entire interview, did she ever say at

14 that time Officer Fitzgerald, I don't want to talk to you?

15 A. No.

16 Q. I want a lawyer?

17 A. (WHEREUPON, there was no audible response.)

18 Q. If she had, tell the judge what you would of done.

19 A. We would of stopped.

20 MR. MEADORS: Beg the Court's indulgence.

21 (Pause.)

22 Q. Okay. And, and I, I didn't ask you.

23 But is the individual that gave you the first statement

24 on June, June 1<sup>st</sup> and this statement on January 3<sup>rd</sup>, is

25 she in the courtroom?

1 A. Yes, it's Amber.

2 Q. And y'all, quite frankly, I -- I'm, I'm not -- I looked  
3 at it very recently.

4 But, but y'all got along in this, didn't you, and I  
5 don't mean like you're---

6 A. We had good rapport.

7 Q. Thank you. That's what I was looking at.

8 Y'all had a good rapport --

9 A. Yes.

10 Q. -- back and forth?

11 She was not upset with you?

12 A. (WHEREUPON, there was no audible response.)

13 Q. Is it fair to say you were understanding with her,  
14 weren't you?

15 A. (Indiscernible).

16 MR. MEADORS: Okay. Judge, I think that's all on these  
17 two.

18 THE COURT: All right. Cross-examination.

19 MS. EIGENBROT: Thank you, Your Honor.

20 May it please the Court?

21 THE COURT: Yes, ma'am.

22 CROSS-EXAMINATION

23 BY MS. EIGENBROT:

24 Q. Now, Agent Fitzgerald, before you arrived on scene,  
25 there were several other officers from C.P.D. there---

Allison Fitzgerald - Cross-examination  
By Ms. Eigenbrot

1 A. Correct.

2 Q. ---correct?

3 And one of those officers was Officer Brewer?

4 A. Yes.

5 Q. In fact, I think she was the first one to be there on  
6 scene.

7 Is that right?

8 A. Yes.

9 Q. And, when you arrived, you met with Officer Brewer and  
10 I think maybe Officer Noland.

11 Is that---

12 A. Yes.

13 Q. Does that sound right?

14 A. Yeah.

15 Q. And Officer Brewer was familiar with Miss Manning at  
16 that time?

17 A. Yes, that's her patrol area.

18 Q. And Officer Brewer kind of gave you an update on what  
19 she had heard from Miss Manning and what had been said so  
20 far as the scene.

21 Is that right?

22 A. Yes.

23 Q. And Officer Brewer had mentioned that she smelled like  
24 alcohol?

25 A. I believe so. I don't recall the exact words.

1 Q. Now, you -- as a lead in this case --

2 A. Uh-huh. (Affirmative).

3 Q. -- you would of reviewed some of the body-worn camera.

4 Is that right?

5 A. Yes, eventually so.

6 Q. And that would of included Officer Brewer's camera?

7 A. Yes.

8 Q. And when Officer Brewer arrived on scene, Amber was

9 actually in the ambulance to go to the hospital with

10 Jamaine?

11 A. Yes.

12 Q. And Officer Brewer actually kind of had to run and pull

13 her out of the ambulance.

14 Is that right?

15 A. Yes.

16 Q. And Amber did, I think, walk out of the ambulance.

17 Is that right?

18 A. I believe so, yeah.

19 Q. But then Officer Brewer was with her from that moment

20 forward?

21 A. Right.

22 Q. And she asked her what happened?

23 A. Correct.

24 Q. And, at that point, after she gave her rendition of

25 information, Officer Brewer detained her?

1 A. Correct.

2 Q. And by detaining her, she put her in the handcuffs.

3 Is that right?

4 A. (WHEREUPON, there was no audible response.)

5 Q. And then put her in the back of her cop car?

6 A. Yes.

7 Q. And that's where Amber stayed until she was transported  
8 to headquarters?

9 A. Yes.

10 Q. And I think she was probably on scene for about an hour  
11 after you guys arrived.

12 Does that sound about right?

13 A. Probably and it just had gotten mostly figure out --  
14 like then the -- then most updated information had then come  
15 out right before I got there on scene. So, yes, and I think  
16 it took a little -- took us a little bit to figure out all  
17 the parties involved.

18 Q. And while you were there, you did, in fact, go  
19 interview I believe her aunt, Rachel Manning?

20 A. Yes, we did initial interviews.

21 Q. And I think some of the other investigators may of  
22 spoken to the other household members?

23 A. Yes.

24 Q. So, at that point, you were aware that Amber was a  
25 suspect for you?

1 A. At that time, yes. Based on the, the most updated  
2 information.

3 Q. And I guess Officer Brewer pulled her out of the  
4 ambulance based on that second 9-1-1 call?

5 A. Based on the allegation that there could be a female  
6 and male party, yes.

7 Q. And again, Officer Brewer, at the time was familiar  
8 with both her and Jamaine?

9 A. I believe so. But I'm not sure of how thoroughly.

10 Q. All right. And, of course, everyone else at the scene  
11 was also intoxicated?

12 A. A lot of them were. I can't say that everybody was.  
13 But, yeah, I believe a lot were.

14 Q. And then Amber was transported, of course, to 1  
15 Justice---

16 A. Yes.

17 Q. ---Square?

18 A. Yes. Yep.

19 Q. Okay. And she was placed in the interview room with  
20 you --

21 A. Yes.

22 Q. -- or in the interview room?

23 And I think at first you maybe were inter -- still  
24 interviewing people at the scene.

25 Is that right?

1 A. We were, yeah. It took us a bit to get back there to  
2 headquarters.

3 Q. And, when you arrived, she'd been sitting in the room  
4 for maybe 20, close to 30 minutes?

5 A. I believe so.

6 Q. And she definitely had some questions when you first  
7 got to (indiscernible)?

8 A. Right.

9 Q. And during that initial part in your reading her her  
10 Miranda rights, she does, in fact, ask you, as you heard on  
11 the video, will I be under arrest if I ask for a lawyer?

12 A. Right.

13 Q. And I think she asked you again one more time, right?

14 A. Some variation of it maybe.

15 Q. And then she asked you again if you -- if she needed a  
16 lawyer, right?

17 A. Right.

18 Q. And you -- I mean you've -- were at the scene but then  
19 came straight to headquarters to talk to her?

20 A. Yes.

21 Q. And I think you broke, at some point during her  
22 interview, to go speak again with Rachel Manning?

23 A. Yeah. There were -- so multiple parties were brought  
24 to headquarters and they -- we have three separate interview  
25 rooms. So they were, they were placed in each separate

1 interview room. So I bounced around to the different ones  
2 to get more information on what we could.

3 Q. And in your review of that body-worn camera, Officer  
4 Brewer did not read her Miranda rights?

5 A. I don't believe she did.

6 Q. And I think in, at some point to Sergeant Markowitz who  
7 was also on scene.

8 Is that right?

9 A. Yes.

10 Q. And he also asked her what happened?

11 A. In the heat of the moment, yeah, I believe they did.

12 Q. And he did not also read her Miranda rights at the  
13 scene?

14 A. Correct.

15 Q. But I -- thank you.

16 I do not have any more questions.

17 THE COURT: Redirect.

18 REDIRECT EXAMINATION

19 BY MR. MEADORS:

20 Q. What do you mean the heat of the moment?

21 A. I mean that to get the basic facts of what had  
22 happened, which is what we typically do on any scene when  
23 they ask what happened, the generic, generic open ended  
24 question.

25 Q. Come up there and you say what happened?

Allison Fitzgerald - Redirect examination  
By Mr. Meadors

1 A. Right.

2 Q. And I, and I think, or you know much better than I do,  
3 did Amber Manning ever request for a lawyer or not to talk  
4 to anybody at the scene?

5 A. No, not as far as I know.

6 Q. Thank you.

7 That's all.

8 THE COURT: Any recross?

9 MS. EIGENBROT: No, Your Honor.

10 THE COURT: All right. You may step down.

11 MR. MEADORS: Your Honor, the next matter is, is  
12 dealing with the body-worn camera of Raven Brewer who's the  
13 first officer on the scene. It don't take -- won't take but  
14 a second to play that.

15 It's my understanding she was working late. We were  
16 gonna meet with her late this afternoon. I think if we  
17 could just go ahead and play it, it kind of speaks for  
18 itself, and we'll have her available in the morning if Your  
19 Honor wants to --.

20 THE COURT: And we can just assume for the moment that  
21 Agent Brewer has -- will just be here to---

22 MR. MEADORS: Yeah.

23 THE COURT: ---meet with you later but we can watch the  
24 video now?

25 MR. MEADORS: It's very short. But we're offering it.

1 THE COURT: That's fine. For the purpose of a pretrial  
2 hearing.

3 MR. MEADORS: I'm trying to keep this record clean.  
4 The---

5 (WHEREUPON, a portion of the audio was played at this  
6 time.)

7 MR. MEADORS: I'm trying to keep the record clean. The  
8 CD with Officer Brewer's body-worn camera will be State's  
9 Identification No. 5.

10 THE COURT: Okay. Very well.

11 (WHEREUPON, the body-worn camera video from Officer  
12 Brewer was marked as State's Exhibit No. 5 for  
13 identification purpose only at this time.)

14 MR. MEADORS: Your Honor's edification, this is Tremont  
15 Street --

16 THE COURT: Okay.

17 MR. MEADORS: -- where the --.

18 THE COURT: I was, I was honestly about to ask the  
19 question but where are we.

20 (WHEREUPON, State's Exhibit No. 5 was played for the  
21 Court at this time.)

22 MR. MEADORS: I think she says I understand. I'm, I'm  
23 just being detained. Not arrested. My cocounsel informs me  
24 that's where we're gon' -- all we're attempting to offer at  
25 that point.

1 THE COURT: What's that?

2 MR. MEADORS: My cocounsel informs me that's all we're  
3 attempting to offer.

4 THE COURT: All right. Okay.

5 MR. MEADORS: So --.

6 THE COURT: Just basically what she said to the---

7 MR. ANDERS: Right up to the point---

8 THE COURT: ---responding officer?

9 MR. ANDERS: ---where she's cuffed, Your Honor.

10 THE COURT: Okay.

11 MR. MEADORS: Is that right?

12 MR. ANDERS: That's correct.

13 MR. MEADORS: And she'll be here---

14 THE COURT: Any issue with that?

15 MR. MEADORS: ---prepared to testify to that in camera,  
16 just that interaction, if, if you --.

17 MS. EIGENBROT: Your Honor, I, I have some questions  
18 for Officer Brewer that I---

19 THE COURT: Oh, okay. Okay.

20 MS. EIGENBROT: ---may give---

21 THE COURT: Fair enough.

22 MS. EIGENBROT: ---me an argument --

23 THE COURT: Fair enough. Fair enough.

24 MS. EIGENBROT: -- that I would like to---

25 THE COURT: Thank you for your record.

1 MR. MEADORS: I was just trying to save time today in  
2 case---

3 THE COURT: No, you're, you're right. Ms. Eigenbrot's  
4 right. She needs to talk with the witness and then we'll  
5 discuss her issues.

6 Okay. Well, let me just talk with y'all real quick.  
7 We'll just talk off-the-record. Y'all come on back here.

8 MR. MEADORS: Yes, sir.

9 (WHEREUPON, a short recess was taken at this time.)

10 THE COURT: Okay. So, we've -- we're sort of at a  
11 point where we need to pause our Denno hearing. The State  
12 needs to meet with the law enforcement witness who wasn't  
13 present. But we've seen the body camera. I know that both  
14 parties have some proposed redactions they're gonna go over  
15 as far as the, the long two and a half, three hour  
16 interviews. I suspect they will make good progress with  
17 that.

18 But I will tell y'all that, you know, I did tell the  
19 jury to come in at 9:00 and, you know, while no one expects  
20 us necessarily to start right on the dot at 9:15, I, I don't  
21 want to be inefficient with their time or so -- y'all know  
22 how to contact Margo, myself, and, if there's some issues  
23 that you can kind of give me a heads-up that I will need to  
24 weigh first thing in the morning, try to shoot me some sort  
25 of update later this afternoon, earlier this evening,

1 whenever, and I'll try to be prepared so we can be as -- to  
2 the point as possible tomorrow morning.

3 I think that was surmise -- summarizes our discussion.

4 Anything else for the record today before we re --  
5 recess?

6 MR. MEADORS: I don't think so. Thank you very much,  
7 judge. We'll be ready.

8 THE COURT: Defense.

9 MS. EIGENBROT: Nothing from the defense, Your Honor.

10 THE COURT: All right. Well then we'll -- we will  
11 recess, recess officially until tomorrow morning, and if  
12 y'all need me here a little bit earlier, if like we -- you  
13 want to start anything before 9:00, let me know.

14 MR. MEADORS: I don't think we'll be---

15 THE COURT: Mr. Meadors is---

16 MR. MEADORS: I just had another thing at 8:30 I've got  
17 to do real quick.

18 THE COURT: Okay. That's fine.

19 Any other, any other scheduling issues, just let me  
20 know then.

21 I'll see y'all in the morning.

22 MR. MEADORS: Thank you, sir.

23 MS. EIGENBROT: Thank you, judge.

24

25 (WHEREUPON, Court was in recess for the evening.)

1 Tuesday, October 24<sup>th</sup>, 2023

2

3 THE COURT: All right. Good morning, everyone.

4 MR. MEADORS: Morning.

5 THE COURT: The jury's here and ready to go.

6 We've got one carryover -- well, a couple. But we  
7 don't -- one specific carryover matter from pretrial  
8 yesterday and I believe the officer for the body cam is  
9 present.

10 If the State's ready to just call her, now will be the  
11 time.

12 MR. ANDERS: We're ready, Your Honor.

13 THE COURT: Proceed.

14 MR. ANDERS: Your Honor, the State calls Investigator  
15 Raven Brewer.

16 THE CLERK: Please raise your right-hand and place your  
17 left-hand on the Bible.

18 RAVEN BREWER, being first duly  
19 sworn, testified as follows:

20 THE CLERK: Thank you. Please have a seat on the  
21 witness stand and state your full name for the record.

22 THE WITNESS: My name is Investigator Raven Brewer.

23 DIRECT EXAMINATION

24 BY MR. ANDERS:

25 Q. Investigator Brewer, this is gonna be an abridged

Raven Brewer - Direct examination  
By Mr. Anders

1 version.

2 But you are in law enforcement?

3 A. Yes, sir.

4 Q. And you were in law enforcement in 2019?

5 A. Yes, sir.

6 Q. And who were you employed by in 2019?

7 A. I was employed by the City of Columbia Police  
8 Department.

9 Q. And did you have an occasion to be called to ■■■  
10 Tremont Avenue---

11 A. Yeah.

12 Q. ---on October 1<sup>st</sup>, 2019?

13 A. Yes, sir.

14 Q. And at that point were you wearing a body camera?

15 A. Yes, sir.

16 Q. Have you reviewed the footage of that body camera?

17 A. Yes, sir.

18 Q. Is that a fair and accurate depiction of what you  
19 observed that day?

20 A. Yes, sir.

21 MR. ANDERS: Your, Your Honor's already seen the, the  
22 video. So, we're not gonna play that again.

23 But did you, when you encountered the defendant, did  
24 you understand her?

25 A. Yes, sir.

Raven Brewer - Direct examination  
By Mr. Anders

1 Q. Was she able to understand you?

2 A. I believe so, yes, sir.

3 Q. Did you notice any cuts, marks on her hands, arms?

4 A. Not any cuts, sir.

5 Q. Were her clothes torn?

6 A. No, sir.

7 MR. ANDERS: Your Honor, that's all I have at this  
8 time.

9 THE COURT: All right. Cross-examination.

10 MS. EIGENBROT: Thank you, Your Honor.

11 May it please the Court?

12 THE COURT: Ma'am -- yes, ma'am.

13 CROSS-EXAMINATION

14 BY MS. EIGENBROT:

15 Q. Investigator Brewer, when you arrived on scene,  
16 Miss Manning was already in the ambulance.

17 Is that correct?

18 A. Yes, ma'am.

19 Q. And you actually kind of had to chase the ambulance  
20 down to, to grab her out of there?

21 A. Yes, ma'am.

22 Q. And you told her to get out of the ambulance?

23 A. Yes, ma'am.

24 Q. And I, I think you went around to the other side to  
25 speak to the driver.

1 Is that right?

2 A. Yes.

3 Q. And then immediately made contact with Miss Manning?

4 A. Yes, ma'am.

5 Q. And at that time you were aware of an -- second 9-1-1  
6 phonecall?

7 A. Yes, ma'am.

8 Q. And that phonecall suggested that Miss Manning was a  
9 suspect in this situation?

10 A. Yes.

11 Q. And you had prior contact with Miss Manning?

12 A. Yes, ma'am.

13 Q. And that prior contact included issues with Jamaïne?

14 A. Yes.

15 Q. So you were aware there was a prior history?

16 A. Yes, ma'am.

17 Q. And so when you originally -- when you approached her,  
18 you knew that you were going to detain her based on the  
19 information you had received?

20 A. Yes, ma'am.

21 Q. And I notice she's not in cuffs immediately. But you  
22 were not gonna let her go off into the house.

23 Is that right?

24 A. Yes, ma'am.

25 Q. You were not gonna let her walk down the street?

1 A. No, ma'am.

2 Q. You were going to detain her the entire time?

3 A. Yes.

4 Q. And, in fact, you did detain her right after you spoke  
5 to her?

6 A. Yes.

7 Q. Thank you.

8 I have no further questions, Your Honor.

9 THE COURT: Redirect.

10 MR. ANDERS: Just briefly.

11 REDIRECT EXAMINATION

12 BY MR. ANDERS:

13 Q. When you got to the scene, you asked her what happened,  
14 correct?

15 A. Yes.

16 Q. She told you?

17 A. Yes.

18 Q. Several minutes later she was detained?

19 A. Yes.

20 MR. ANDERS: No further questions, Your Honor.

21 THE COURT: Any recross?

22 MS. EIGENBROT: No, Your Honor.

23 THE COURT: All right. The witness may step down.

24 Thank you.

25 THE WITNESS: Thank you.

1 THE COURT: All right. Ms. Eigenbrot.

2 MS. EIGENBROT: Your Honor, if I may?

3 THE COURT: Sure.

4 MS. EIGENBROT: I do have a few arguments to make, to  
5 make about these statements.

6 You know, obviously, for the record, we all know that,  
7 you know, the purpose of Miranda is to apprise Miss Manning  
8 of her constitutional privileges not to incriminate herself  
9 while she's in custody. I think sometimes we forget that  
10 incriminating statements can also be situations where an  
11 individual is not being forthcoming with law enforcement.  
12 They're providing details and information that later could  
13 be used against them if they were to testify and things of  
14 that nature and I think that is ultimately what happened  
15 here.

16 Now, obviously Your Honor's probably going to have some  
17 concerns about whether she was in custody or not. I believe  
18 she was.

19 Miss Manning was ordered out of the ambulance. She was  
20 in a -- an emotional situation. Her significant other is  
21 hurt, and injured, is in the ambulance. She's on the way to  
22 the hospital when the ambulance is chased down by Officer  
23 Brewer and she's ordered out of the ambulance and shortly --  
24 not even shortly thereafter -- you saw the video yesterday.

25 Officer Brewer immediately approaches her and then asks

1 that first question.

2 There's no Miranda given. There's no information  
3 provided beyond that. Officer Brewer was aware that Amber  
4 was gonna be a suspect at that point in time. She had  
5 familiarity with Amber and Mr. McFadden's situations.

6 And so I think the -- for the purpose of asking that  
7 question, she was attempting to elicit incriminating  
8 information thus making this an -- also an interrogation.

9 So, I do believe Miranda would of been appropriate in  
10 this situation and should of been required thus making any  
11 statements Miss Manning made at that time or thereafter --  
12 they should be excluded and that would then include and  
13 carry over into the interview with Investigator Fitzgerald  
14 under Seibert and Navy (phonetic).

15 She's questioned a few times at the scene while Amber's  
16 still in the cop car and detained for the -- since Officer  
17 Brewer arrived on scene and Investigator Fitzgerald does  
18 arrive. She's visible to Miss Manning. She's aware that  
19 she's involved in the investigation. Miss Manning can see  
20 the officers talking to people and then Ms. Fitz --  
21 Investigator Fitzgerald meets with her, doesn't read  
22 Miranda, but, at that time, Miss Manning's already given  
23 statements, already tried to explain herself, and thus would  
24 feel compelled at that point to continue talking, continue  
25 making statements.

1           So, for those reasons, Your Honor, I -- and under --  
2 I'm sorry. And under the Seibert factors, Your Honor, those  
3 would be the completeness and detailed questions in the  
4 first and the second round of questioning.

5           Again, they did ask for multiple times on scene what  
6 happened. Officer Brewer did follow-up some questions while  
7 she's detained in handcuffs and then, again, the same  
8 questions are asked when she arrives at headquarters.

9           It's a very short period of time. She's on scene  
10 detained in the cop car and then transported directly to  
11 headquarters.

12           Same personnel. Officer Brewer's the one that  
13 transported Miss Manning to the scene or to headquarters and  
14 I, as I said, Investigator Fitzgerald, who's on the scene,  
15 is the one that then questions her and, again, I think it's  
16 kind of a flow from the initial questioning into  
17 headquarters and it's the same, same kind of questions,  
18 asking the same information, elicit -- eliciting the same  
19 information from each other.

20           So, Your Honor, for those reasons, I believe that both  
21 the statement in the body-worn camera and then the statement  
22 at headquarters should be excluded from this trial.

23           I think that's it, Your Honor.

24           THE COURT: All right. Response from the State.

25           MR. ANDERS: Your Honor, we would disagree that she's

1 in detention or custody at the time. She's asked what  
2 happened. She gives a statement. We're not offering  
3 anything past when she was detained and I think, in State v.  
4 Doby, even though she's the primary suspect, does not equal  
5 in custody for Miranda purposes.

6 THE COURT: Right. And I, and I think---

7 MR. ANDERS: And she is Mir---

8 THE COURT: ---we all agree---

9 MR. ANDERS: I'm sorry. She is Mirandized at  
10 headquarters. So, anything between those times we're not  
11 offering it.

12 THE COURT: All right. And to Ms. Eigenbrot's point  
13 though, I mean we all agree that there's some point where  
14 Miranda attaches. But -- and I think, in this specific  
15 situation, to find that Miranda applied upon first arrival  
16 to put law enforcement in a position where anytime they show  
17 up anywhere there must be a massive Mirandizing of anyone  
18 there to talk to, which I don't think that's the intent  
19 there.

20 But -- and I think, by truncating a video to the -- up  
21 to the point where she is detained, I think, I think the  
22 video, as is, is not inappropriate use. I think it's --  
23 does not run a foul of Miranda. I don't think Miranda  
24 actually had gone into place yet based upon the officer's  
25 what happened question.

1           Now, I did see it yesterday. But is there any -- Ms.  
2 Eigenbrot, is there anything else that, that was  
3 specifically asked that you felt run a -- ran a foul of the  
4 rules here?

5           MS. EIGENBROT: I'm sorry?

6           THE COURT: To me, it was a very short, short  
7 conversation between the officer and the defendant.

8           MS. EIGENBROT: No simply, Your Honor, again --

9           THE COURT: Okay.

10          MS. EIGENBROT: -- I feel like Miranda should attach  
11 just cause she was in -- trying an elicit---

12          THE COURT: Okay.

13          MS. EIGENBROT: -- trying to elicit incriminating  
14 information from Miss Manning---

15          THE COURT: All right.

16          MS. EIGENBROT: ---at that time.

17          THE COURT: The Court will deny the motion to suppress  
18 that body cam footage subject to the, the redactions or  
19 cutting of video as previously discussed by the attorneys---

20          MR. ANDERS: Yes.

21          THE COURT: ---and with me.

22          MR. ANDERS: Yes, Your Honor.

23          THE COURT: However, I, I still think we're gonna have  
24 to talk some more about the subsequent statements at the, at  
25 the headquarters subject to our conversations this morning.

1 MR. MEADORS: Yes. You---

2 THE COURT: Okay.

3 MR. MEADORS: Yes, sir.

4 THE COURT: But at this point y'all are able to proceed  
5 with opening statements?

6 MR. MEADORS: Yes, sir.

7 MS. EIGENBROT: Your Honor, just briefly, and I, I hate  
8 to be this person. But I would object to the victim's  
9 family sitting directly behind the State's table.

10 Generally the victim's families are kind of up here in  
11 the corner still visible to the jury.

12 THE COURT: Okay.

13 MS. EIGENBROT: I think, out of fairness, you know,  
14 Miss Manning is accompanied by some of her family. If  
15 they're gonna be allowed to sit there, I think some of her  
16 family should be allowed to sit behind us.

17 THE COURT: Okay. All right. I, I -- admittedly, I'm  
18 not familiar with victim's sitting beyond the bar as I'll  
19 call it. But I, I, I think there's no -- there's no --  
20 nothing wrong with them sitting in the front row directly  
21 behind the State. I---

22 MR. MEADORS: I just, I just like to touch them. But I  
23 didn't -- I understand.

24 THE COURT: well, I mean they -- I'll grant that  
25 request. I mean---

1 MR. MEADORS: The chairs were just a little more  
2 comfortable for her. That's one reason. So --.

3 THE COURT: Well, well, actually they're spaced -- but  
4 there's chairs I think at the, the end of the bench and  
5 you're just right behind the bar.

6 Am I not mis -- wrong about that or --

7 UNIDENTIFIED SPEAKER: There's---

8 THE COURT: Isn't there space for the chairs right  
9 there at the end?

10 UNIDENTIFIED SPEAKER: Yes, Your Honor.

11 THE COURT: Okay.

12 MR. MEADORS: Thank you very much. Thank you.

13 THE COURT: Okay. It doesn't matter to me.

14 MR. ANDERS: Your Honor, is that sitting okay or would  
15 you like it off?

16 THE COURT: It doesn't bother me if the jury can't see  
17 it.

18 MR. ANDERS: I don't think they can see it.

19 THE COURT: I mean there's nothing -- there's no  
20 information on it that I, that I can tell.

21 Counsel, just before we get started, I mean we got to  
22 bring them in, swear them. I'll do an opening charge. But  
23 your opening statements obviously aren't evidence. But,  
24 obviously, I know we still have some things to do on Denno,  
25 hold over from yesterday, and I think counsel agrees that we

1 won't go into those con -- contested issues in opening  
2 statements.

3 Does that make sense to everyone?

4 MR. MEADORS: Yes, sir, I think just a general  
5 statement that a statement was made later to law enforcement  
6 would be fine, wouldn't it, as far as --?

7 THE COURT: Yeah, statements were made. I, I just  
8 don't want to -- specifically, I just don't want you to go  
9 into the matters that she's not had a chance to make a  
10 full---

11 MR. MEADORS: Without question---

12 THE COURT: ---record on.

13 MR. MEADORS: ---yes, sir. Thank you.

14 THE COURT: Okay. All right. Anything else before we  
15 bring them in and swear them?

16 MR. MEADORS: Nothing from the State.

17 MS. EIGENBROT: Nothing from the defendant, Your Honor.

18 THE COURT: All right. All right. Let's bring them  
19 in.

20 Madam Clerk, are you ready to swear them?

21 THE CLERK: Yes, sir.

22 (WHEREUPON, the following takes place within the  
23 presence of the jury.)

24 THE BAILIFF: Your Honor, the jury's present.

25 THE COURT: All right. Very well.

1           Madam Forelady, ladies and gentlemen of the jury,  
2 welcome back.

3           First of all, thank y'all for being here on time this  
4 morning. I got started a little bit later than I intended  
5 but that's on me. So, I appreciate your patience.

6           Be -- we're about to begin the trial of the case of the  
7 State versus Amber Manning. I have some opening  
8 instructions for you.

9           But, before I begin, I'm gonna ask the Clerk of Court  
10 to now swear you in.

11           THE CLERK: Yes, sir.

12           (WHEREUPON, the jury panel was placed under oath at  
13 this time.)

14           THE CLERK: Thank you. Please have a seat.

15           THE COURT: Okay. Ladies, ladies and gentlemen, before  
16 we begin the actual trial of the case, I thought it might be  
17 helpful if I explain to you basically how a trial proceeds.

18           First, the State will make an opening statement. An  
19 opening statement is not evidence. It's simply an outline  
20 to help you understand what that party expects the evidence  
21 will show. The defendant may, if she wishes, present an  
22 opening statement but does not have to for reasons I'll  
23 explain later.

24           Following the opening statements, you will hear  
25 testimony and evidence in this case. It will consist of

1 testimony from the State's witnesses as well as any physical  
2 exhibits which will be introduced into evidence.

3       Following the completion of the testimony, the  
4 attorneys will again have an opportunity to make what are  
5 called a closing, closing statement or summation to you.  
6 This is an opportunity for the attorneys to summarize the  
7 case from their respective points of view.

8       Now, these arguments at the end also are not evidence.  
9 Following closing arguments by the attorneys, I'll instruct  
10 you on the law of South Carolina as it pertains to the  
11 issues that have arisen in this case. When I have completed  
12 my instructions to you, you'll then be permitted to begin  
13 your deliberations in order to reach a verdict.

14       Now, you are the jury in this case and I want to tell  
15 you a little bit about your duty as jurors. At the end of  
16 the trial I'll give you more detailed instructions. Those  
17 instructions will control your deliberations. It will be  
18 your duty to decide, from the evidence, what the facts are.

19       You and you alone are the judges of the facts. You  
20 will hear the evidence, decide what the facts are, and then  
21 apply those facts to the law which I will give to you. That  
22 is how you will reach a verdict. In doing so, you must  
23 follow the law whether you agree with it or not.

24       The evidence will consist of the testimony of  
25 witnesses, documents, and other things received into

1 evidence as exhibits and any facts in which the lawyers  
2 agree or which I may instruct you to accept. You should not  
3 take anything I may say or do during the trial as indicating  
4 what I think of the evidence or what your verdict should be.

5 This is a criminal case brought by the State of South  
6 Carolina. The State charges the defendant with murder and  
7 possession of a weapon during the commission of a violent  
8 crime.

9 The charges against the defendant are contained in the  
10 indictments. The indictments are not evidence of anything.  
11 It's simply the description of the charges made by the State  
12 against the defendant. The defendant has pled not guilty to  
13 the charges and is presumed innocent unless and until proven  
14 guilty beyond a reasonable doubt.

15 Proof beyond a reasonable doubt is proof that leaves  
16 you firmly convinced of the defendant's guilt. A defendant  
17 has the right not to testify and never has to prove  
18 innocence or present any evidence. The burden of proof is  
19 always upon the State of South Carolina.

20 The following things are not evidence and you must not  
21 consider them as evidence in deciding the facts of this  
22 case:

23 One, statements and arguments of the attorneys, two,  
24 questions and objections of the attorneys, and, three, any  
25 testimony that I instruct you to disregard.

1 Evidence may be direct or circumstantial. Direct  
2 evidence is testimony by a witness about what that witness  
3 personally saw, heard, or did. Circumstantial evidence is  
4 indirect evidence. That is it is proof of one or more facts  
5 from which one can find another fact.

6 You are to consider both direct and circumstantial  
7 evidence. The law permits you to give equal weight to both.  
8 But it is for you to decide how much weight to give any  
9 evidence.

10 There are rules of evidence which control what can be  
11 received into evidence. When a lawyer asks a question or  
12 offers an exhibit into evidence, and a lawyer on the other  
13 side thinks that it is not permitted by the rules of  
14 evidence, that lawyer may object. If I overrule the  
15 objection, the question may be answered or the exhibit may  
16 be received. If I sustain the objection, the question can  
17 not be answered or the exhibit can not be received.

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

23 Sometimes it may be necessary for me to request that  
24 you leave the courtroom while I discuss issues with the  
25 attorneys -- will discuss the attorney's legal questions

1 that come up during a trial. If this occurs, you should not  
2 speculate about our discussion or the reason that you are  
3 asked to leave the room. This is simply a procedure that  
4 the law requires when certain legal issues arise.

5 There also may be occasions where I ask the attorneys  
6 to approach the bench so that I can discuss a legal issue  
7 with them in private. I will do this as often as possible  
8 so that you will not be required to leave the courtroom more  
9 than is absolutely necessary.

10 Again, if I ask the attorneys to step up to the bench  
11 or if I ask you to leave the courtroom, please don't think  
12 that anyone is trying to hide anything from you or keep  
13 anything from you. This is simply a procedure used by all  
14 lawyers and by all Courts to determine and decide legal  
15 questions.

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

20 In deciding what to believe, you may consider a number  
21 of factors including the following:

22 The witnesses ability to see, hear, or know the things  
23 testified to, the quality of the witnesses memory, the  
24 witnesses manner while testifying, whether the witness has  
25 an interest in the outcome of the case or any motive, bias,

1 or prejudice, whether the witness was contradicted by  
2 anything the witness said or wrote before the trial or by  
3 other evidence, or how reasonable the witnesses testimony --  
4 was the witnesses testimony when considering in light of  
5 other evidence you believe.

6 Now, until I advise you to begin your deliberations,  
7 you must not discuss this case with anyone including your  
8 fellow jurors, friends, family members, or anyone involved  
9 in the case. This includes discussions face-to-face or by  
10 text message or social media or any way of communication  
11 whatsoever. It's also important that, as I discuss to  
12 you -- with you yesterday, all the evidence you need to  
13 perform your duty as jurors will come from the witness stand  
14 in this courtroom. There's no need for anyone to do any  
15 sort of independent research through Internet or through any  
16 sort of media source. No research into the parties  
17 involved, any of the witnesses who testified in the case.

18 Everything you need to know will come from this  
19 courtroom and that -- so, you know, while -- you, excuse me,  
20 can't discuss it with your family or friends or even  
21 courthouse staff or the bailiffs, for example. They're here  
22 to help in any way they can to get from Point A to Point B.  
23 But they're not here to discuss this case with you in any  
24 way, shape, or form.

25 You -- during the trial, if you happen to see any news

1 or media about this case, please don't read it. If you  
2 happen to see it, just let me know the next morning.

3 After the case is submitted to you, you must discuss it  
4 only in the jury room with your fellow jurors. The  
5 attorneys and parties have been advised that they're not to  
6 talk to you at all. So, if you happen to see anyone  
7 involved in this case in the hallway and they don't speak  
8 with you, they're not being rude. They're just following my  
9 instructions.

10 It's important that you keep an open mind and not  
11 decide any issue in this case until all of the evidence has  
12 been presented, the parties have made their closing  
13 arguments, and I've instructed you on the law pertaining to  
14 this case. It's your solemn duty to determine the guilt or  
15 innocence of the defendant and your verdict must be based  
16 solely on the evidence as it is presented to you in this  
17 trial and on the law as I instruct you at the close of the  
18 case.

19 In fact, I don't see anyone with any sort of notepads  
20 or anything. But if you happen to have something to write  
21 with, please don't take any notes right now. I want your  
22 attention to be solely focused on the testimony you hear  
23 from the witness stand, which will be right in front of you.  
24 So, if you happen to have a notepad, please put it down  
25 and -- okay. I want you to give your complete and undivided

1 attention to the attorneys at this time as they make their  
2 opening statements.

3 Now, we will take a break at some point this morning.  
4 We'll take a lunch break. We'll take a midafternoon break  
5 and I basically laid out the general timetables for you  
6 yesterday. But if something comes up while we're in a  
7 witness, you know, while a witness on the stand, if you  
8 have -- simply need a break, raise your hand and let us know  
9 and we'll, we'll take care of it.

10 Okay. But please give your complete attention to the  
11 attorneys at this time.

12 The State may proceed.

13 MR. MEADORS: May it please the Court?

14 THE COURT: Yes, sir.

15 MR. MEADORS: Ms. Miles, Mr. Anders, Ms. Eigenbrot, Ms.  
16 Adler.

17 He must have hit something, my boyfriend. He must have  
18 hit something. He fell and hit his leg. I'm not even sure  
19 what happened. He fell and hit his leg. I'm not even sure  
20 what happened.

21 Those are the words Amber Manning told the 9-1-1  
22 operator minutes after she stabbed Jamaine McFadden, her  
23 boyfriend, and that stab wound ultimately led to his death.

24 I don't know what happened. He fell and hit his leg.

25 Madam Forelady, ladies and gentlemen, good morning.

1           Okay. Thank you-all for being here and I mean that.  
2 Thank you. Thank you for answering the survey and coming  
3 in. Being a juror is not an easy (indiscernible) for this  
4 system could not exist without all of you. So, thank you  
5 for being here. Thank you for your attention that I know  
6 you're gonna give all of us. Thank you.

7           We're here today representing the people of the State  
8 of South Carolina, the people of Richland County against  
9 Miss Amber Manning, who has fine counsel that's representing  
10 her. We're also representing Jamaine McFadden, his mother,  
11 Mrs. Swaggert, his sister-in-law, Angie, brother, Al, and  
12 Steven A -- Steven, also his brother who are here in this  
13 courtroom.

14           Now, this case is not gon' last long. It may finish  
15 tomorrow. But that does not take away from the importance  
16 of this case.

17           They're no TVs. They're no cameras. But I want to  
18 tell you something. This case is as important as any case  
19 that will be tried in this state and in this country. It's  
20 important to Amber Manning. It's important to Jacob (sic)  
21 McFadden (indiscernible). So, thank you for you being here.

22           We've all got roles. We've all got roles. The State  
23 has a role. Defense counsel has a role. His Honor's role,  
24 he's a judge of the law. He is the law. He decides the law  
25 that governs us. He's gonna give you, as he stated, the law

1 in his charge that will govern y'all and you will have to  
2 take his law and apply it to the facts and decide what  
3 happened here and whether the State has met its burden.

4 well, I've often described it like a, a, a, a  
5 basketball game. Believe it's nothing like a game. I don't  
6 mean to insinuate that. But for this illustration, it's  
7 like a basketball team. We're here week in and week out.

8 I love this right here. This is my home. No where  
9 around here and around the state. I love being here and  
10 they do too and we're part of it. The judge is too.

11 But it's like a Michael Jordan, LeBron James, an MVP  
12 comes in week in and week out, listens to the case, listens  
13 to the judge's law. But the star player, the judge of the  
14 facts, decides what the outcome is and that's the beauty of  
15 our system. People from this community come in, have  
16 promised to -- taken an oath. I promise I'll do what's  
17 right. I'll promise I'll see the State meet its burden and  
18 you'll decide what the truth is and that's a beautiful, pure  
19 system.

20 So thank you. But it's not a game. It is very  
21 important. But you are the judge of the facts.

22 Now, they're different types of evidence you're gon'  
23 hear. There's direct evidence. That's evidence a person  
24 sees with one of their senses. They see it. They feel it.  
25 They smell it. They hear it and they come in here and take

1 the stand and tell y'all this is what I saw, what I felt,  
2 what I smelled, and touched.

3 There's circumstantial evidence. That's evidence of a  
4 fact, which taken with other facts, leads to a fact in  
5 question. The old example is I go to bed. You don't see  
6 snow on the ground. You get up the next morning. There's  
7 snow. You know it snowed. You didn't see but there's  
8 evidence of that and that's taking fact beforehand. There's  
9 nothing on the ground. You're back the next morning. You  
10 know it showed even if you didn't see it.

11 They'll be certain examples during this trial of  
12 circumstantial evidence, which some of us -- somebody would  
13 point out in their closings. There's also video evidence  
14 you're gonna hear. You're gonna hear the 9-1-1 right off  
15 the bat and then you're gon' hear some other videos,  
16 statement by the defendant.

17 So, you're gonna be able to watch this TV right here.  
18 You're gon' see a shot video of this scene, ■ Tremont  
19 Avenue, when Officer Brewer, the first witness who's gon'  
20 testify -- is Officer Brewer here?

21 Stand up please, Officer Brewer.

22 (WHEREUPON, Officer Brewer complies.)

23 THE COURT: She's gon' be the first witness testifying  
24 in just a minute. The first responder at ■ Tremont. So  
25 you're gon' get to watch her come to Tremont and watch what

1 she did when she got there.

2 Another different type of evidence, video evidence.  
3 You may see some pictures. You'll definitely see some  
4 pictures and other document -- documentation.

5 But what is true in this case and true in every case  
6 I've ever tried in my 35 years of doing this, and every case  
7 comes down to this we respectfully submit, you're 14 now,  
8 but 12 when you go back there, determine what the  
9 credibility and believability of the witnesses are in this  
10 case. Every case comes down to that. Every case. And  
11 you'll do that by evaluating the demeanor of the witnesses  
12 on the stand, demeanor of witnesses you see in the video.

13 watch their back -- body language. Listen to them.  
14 You will de -- make the determination of what the truth is  
15 by listening to them, and watching them, and watching their  
16 actions, and you'll decide. And you will determine this is  
17 what the truth is. These are the facts you'll then apply to  
18 the law the judge gives you at the end and you'll come back  
19 with a verdict and you'll decide has the State met its  
20 burden of proof beyond a reasonable doubt and let's talk  
21 about that. The judge mentioned it.

22 The burden on the case -- on the State in this case is  
23 the same as every case that's being tried at this time.  
24 Y'all know it. I wish we could say it together. It's  
25 beyond a reasonable doubt. It's not beyond all doubt. If

1 that were the burden, we wouldn't need this courthouse. You  
2 can never prove anything beyond all doubt and the law does  
3 not require that.

4 The law requires proof beyond a reasonable doubt,  
5 beyond a doubt that would make a reasonable people, jurors,  
6 hesitate to act.

7 I often say it's like common sense. You know it when  
8 you see it. But that's up to y'all. The law now is you got  
9 to find -- always has been the State has to prove, beyond a  
10 reasonable doubt, and y'all have to find that.

11 what's she charged with?

12 The judge just told you. She's got two indictments.  
13 One of them's murder and the other one's possession of a  
14 weapon during the commission of a violent crime.

15 what's murder?

16 we all know what murder is. But I, I can go over this  
17 or I'd get fired. Murder is the intentional, y'all, y'all  
18 remember that word, the intentional -- this case comes down  
19 to intent. That comes down to just one person we submit.  
20 The intentional killing of another living, breathing human  
21 being with malice aforethought.

22 Now what's malice?

23 It's an awful word. It's a, it's a, it's a beautiful  
24 word in the legal -- but it, it, it, it implies something  
25 awful. Malice is a meanness. It's an evilness. It's a

1 wickedness one person shows to a -- malice, you, you can  
2 almost feel it when you say it.

3 We must prove the defendant guilty beyond a reasonable  
4 doubt. We must prove that with -- she intentionally, with  
5 malice, an evilness, a wickedness, intentionally,  
6 aforethought.

7 What's a forethought?

8 We don't have premeditation in this state. You don't  
9 have to plan something in the morning. You know I'm gon' go  
10 kill someone this afternoon.

11 Malice aforethought, do you know how long it takes to  
12 have in existence in somebody's mind?

13 Just like that. The instance you're doing the act,  
14 that's enough. You can plan it. That'd be a way of showing  
15 malice. Don't -- you don't have to. Malice aforethought  
16 has -- exists at the time you pull a trigger, exists the  
17 time you strike them with a knife, or the time you stab with  
18 a knife. You're angry, you stab, that's malice  
19 aforethought. That's all it's got to exist.

20 It's up to y'all whether that's there. It's up to you  
21 14. Ultimately 12. It's up to y'all, malice aforethought.

22 And then we have to prove that the injury was the  
23 proximate cause of Jamaïne McFadden's death.

24 Well, how do we do that?

25 There's gon' be a pathologist who's gon' come in this

1 afternoon I think, maybe in the morning, but I think this  
2 afternoon, who looked at the -- detective -- Jamaine, excuse  
3 me, Jamaine McFadden's body, looked inside and will tell you  
4 he believes the proximate cause of death was a stab wound to  
5 his leg. But we have to prove that.

6 we have to prove it happened in Richland County, that  
7 Amber Manning intentionally, with malice aforethought,  
8 killed the defendant (sic) and that he died -- stabbed the  
9 defendant and that he proximately -- died approximately --  
10 as a proximate cause of that stab. I'm sorry.

11 So how do you prove intent?

12 You know, the doctor's gon' say he actually opened up  
13 Jamaine McFadden's body to see what the cause of death was.  
14 But you can't open up a mind and, and, and, and see and go  
15 back and look at somebody's intent.

16 So how do you do it?

17 well, you look at their actions. You look at -- you  
18 listen to witnesses. You look and see what they told you,  
19 what they didn't told you, whether they told a lie, and  
20 that's how you prove intent.

21 So what happened?

22 we gon' take you back to October 1<sup>st</sup> of 2019. I say  
23 we. All these folks over here. It's around roughly four  
24 o'clock in the afternoon on October 1<sup>st</sup>, 2019. We're  
25 going to ■ Tremont Avenue here in Richland County, City of

1 Columbia.

2 Amber Manning, Jamaine McFadden, Rachel Manning, her  
3 aunt, her mother, Vera Manning, some other neighbors were  
4 around the house, around the neighborhood. I think it's  
5 fair the evidence will show everybody's drinking.  
6 Everybody's consuming alcohol and we believe the evidence  
7 will show that Amber Manning was angry at Jamaine McFadden.  
8 She stabbed him. She stabbed him as he was leaving the  
9 house. She stabbed him in the leg.

10 That's gon' be up to y'all whether we prove that beyond  
11 a reasonable doubt. But I'm telling you that's what we  
12 believe the evidence's gon' show and he started to leave and  
13 it hit an artery. I could pronounce. But I have -- I'm  
14 gon' let the doctor pronounce it. But it hit an artery he  
15 started bleeding. He started bleeding bad.

16 Amber, others throughout the house, she calls 9-1-1 and  
17 says he must of hit something. I don't know what happened  
18 to him.

19 EMS arrives. Officer Brewer arrives and starts  
20 investigating the case. And, again, she's gon' tell you  
21 what she saw, what she heard at the scene, what Amber told  
22 her initially when she got there.

23 Ultimately -- Jamaine didn't die that day on  
24 October 1<sup>st</sup>. They tried to fix his leg. You gon' hear  
25 about that in the autopsy. They actually tried to go

1 through the other side to try to fix it, to try to save him.  
2 He died the next day. And, on October 3<sup>rd</sup>, the defendant  
3 was served with a murder warrant with the murder of Jamaine  
4 McFadden.

5 You gon' hear from Allison Fitzgerald, now with SLED.  
6 At the time was the lead investigator in this case from the  
7 Columbia Police Department who took -- met Amber down in one  
8 of their facilities. They'll be a picture of it and you'll  
9 see her read her her rights and take a statement from Amber  
10 on October 1<sup>st</sup> and October 3<sup>rd</sup>. You'll be able to watch  
11 this. You'll be able to evaluate it.

12 That's the case. It's not gon' be long but it's an --  
13 important. It's important to the system. It's important to  
14 Miss Williams. It's important to Amber.

15 All that we can ask of you, as the judge did, is to  
16 please listen. Listen to everybody. Use your common sense.  
17 And, when we finished, one of us will be up here arguing  
18 this is the facts. Here's what we think it did.

19 Defense will be arguing and then y'all will decide what  
20 the verdict is and verdict means to speak the truth. And  
21 we're gonna be asking you to respectfully con -- to consider  
22 that on October 1<sup>st</sup> of 2018, Ms. McFadden (sic) was angry.  
23 She stabbed him. Didn't want to admit it. But the  
24 decision's gon' be up to y'all and we're gon' ask that you  
25 find her guilty.

1 Thank you very much.

2 MS. ADLER: This case is about abuse, alcohol, and an  
3 accident. What happened in that house that day was a tragic  
4 accident that unfolded due to alcohol and a menacing  
5 presence of a knife.

6 The day started with a fire. Amber's household woke up  
7 to find out that their neighbor, Katherine Stalk, Kat's  
8 house was on fire. Jamaine took the day off work. Kat  
9 spent most of her day down at Amber's house drinking.

10 They all were drinking, and, at some point in the  
11 afternoon, Amber is in the kitchen with Kat. They're taking  
12 shots and Amber's making a snack and Jamaine comes in and  
13 picks a fight. Jamaine is drunk and Jamaine likes to pick  
14 fights with Amber when he's drunk.

15 One minute everything's fine and seemingly, in the  
16 blink of an eye, Amber and Jamaine are fighting over a  
17 knife. They are both fighting over a knife and, in the  
18 struggle, Jamaine gets nicked below his right knee. We're  
19 talking about less than an inch long cut. Amber immediately  
20 calls her mom in to help and Amber calls EMS.

21 Amber wasn't trying to hurt Jamaine. Amber wasn't  
22 trying to cut Jamaine. Amber definitely was not trying to  
23 kill Jamaine. Amber loved Jamaine.

24 In no way are we seeking to minimize the tragic loss of  
25 Jamaine's life. But the loss of life and a troubled

1 relationship does not equal murder.

2 This was a terrible accident. Not some premeditated  
3 act.

4 what happened that day was due to abuse, alcohol, and  
5 an accident. Amber's fate now rests in your hands and we  
6 know that, at the end of this case, you will find a verdict  
7 that's in line with justice, a verdict of not guilty.

8 THE COURT: All right. The State may call their first  
9 witness.

10 MR. MEADORS: Your Honor, as there's been a stipulation  
11 between the parties that the 9-1-1 operator does not need to  
12 be called, then the first thing we'd offer to the jury is  
13 the 9-1-1 recording with the Court's permission.

14 THE COURT: All right. Very well.  
15 Without objection?

16 MS. EIGENBROT: I have no objection, Your Honor.

17 THE COURT: All right. So you're just gonna play it at  
18 this time?

19 MR. MEADORS: Yes, sir, next -- and, for the record, it  
20 is State's 6, Your Honor.

21 THE COURT: All right. State's Exhibit 6 is admitted  
22 into evidence without objection.

23 (WHEREUPON, State's Exhibit No. 6 was received into  
24 evidence at this time.)

25 (WHEREUPON, a portion OF State's Exhibit No. 6 was

1 played for the jury at this time.)

2 THE COURT: Y'all want to start it over?

3 MR. MEADORS: Yes.

4 THE COURT: That's fine.

5 (WHEREUPON, another portion of State's Exhibit No. 6  
6 was played for the jury at this time.)

7 MR. MEADORS: Your Honor, (indiscernible) we want --.

8 (WHEREUPON, State's Exhibit No. 6 was played for the  
9 jury at this time.)

10 MR. MEADORS: And, Your Honor, for the record, that was  
11 State's No. 6. Thank you.

12 That's all we have.

13 THE COURT: All right. So, State's Exhibit 6 has been  
14 published to the jury.

15 You can call your next witness.

16 MR. ANDERS: Thank you, Your Honor.

17 The State calls Investigator Raven Brewer.

18 THE CLERK: Please raise your right-hand and place your  
19 left-hand on the Bible.

20 RAVEN BREWER, being first duly  
21 sworn, testified as follows:

22 THE CLERK: Thank you. Please have a seat on the  
23 witness stand and state your full name for the record.

24 THE WITNESS: My name is Investigator Raven Brewer.

25 DIRECT EXAMINATION

1 BY MR. MEADORS:

2 Q. Investigator Brewer, could you tell the jury a little  
3 bit, a little bit about yourself, where you grew --?

4 A. So I am, am originally from Mississippi. I grew up in  
5 Columbus. My mom was in the military, the Army, which  
6 brought us here to South Carolina.

7 I graduated from Crestwood High School in Sumter, South  
8 Carolina and I graduated from the University of South  
9 Carolina here in Columbia. I interned with the Columbia  
10 Police Department, and immediately after interning there, I  
11 did join the Columbia Police Department and I have been here  
12 since 2015.

13 Q. All right. So you joined the C.P.D. in 2015?

14 A. Yes.

15 Q. In 2019, you were working for the Columbia Police  
16 Department?

17 A. Yes, sir.

18 Q. And can you tell the jury in what capacity you were  
19 working that day?

20 A. Yes, sir. So, in 2019, I was an officer on the  
21 streets. I was in the north region. So that's the north  
22 region side of town from Fairfield to North Main to Farrow  
23 to Prescott area. So this address was in -- within my  
24 patrol area at the time.

25 Q. All right. And on October 1<sup>st</sup>, 2019, were you

1 supplied a body camera?

2 A. Yes, sir.

3 Q. Can you tell the jury what a body camera is, how it  
4 works, and where it's positioned?

5 A. Yes, sir. So back in 2019 we had the Coban body  
6 cameras. So there are normally positioned in your chest.  
7 Mine sits about here because I'm shorter. They do not --  
8 back then they did not automatically start as the ones we --  
9 now. So, upon responding to a scene, we're suppose to press  
10 the camera button for it to start playing. Once we arrive  
11 to a scene, and before getting out of our vehicles, we're  
12 suppose to activate our body camera.

13 Q. Okay. And you activated it that day when you got out  
14 of your vehicle, vehicle?

15 A. I did.

16 Q. All right. Have you reviewed the body camera footage  
17 of that, of that day?

18 A. Yes, sir.

19 Q. Is it a fair and accurate depiction of what you  
20 observed --

21 A. Yes, sir.

22 Q. -- at ■ Tremont Avenue?

23 A. Yes, sir.

24 Q. I'm not sure if this has been entered yet or not --  
25 premarked. This is the body camera footage.

1 All right. At this point we would offer State's No. 5  
2 into evidence, evidence, Your Honor.

3 THE COURT: Subject to objection?

4 MS. EIGENBROT: Yes, sir.

5 THE COURT: All right. State's Exhibit 5 is admitted  
6 subject to objection.

7 MR. ANDERS: Thank you, Your Honor.

8 (WHEREUPON, State's Exhibit No. 5 was received into  
9 evidence at this time.)

10 MR. ANDERS: Permission to publish?

11 THE COURT: Very well.

12 (WHEREUPON, a portion of State's Exhibit No. 5 was  
13 played for the jury at this time.)

14 MS. EIGENBROT: Just a brief matter of law, Your Honor.

15 THE COURT: Okay. Come approach me first.

16 MS. EIGENBROT: All right.

17 (WHEREUPON, a bench conference was held out of the  
18 hearing of the jury at this time.)

19 (WHEREUPON, another portion of State's Exhibit No. 5  
20 was played for the jury at this time.)

21 THE COURT: Don't play it just yet.

22 Mr. Meadors, you can approach as well.

23 (WHEREUPON, a bench conference was held out of the  
24 hearing of the jury at this time.)

25 MR. ANDERS: Is this position okay for everybody?

1 (WHEREUPON, there was no audible response.)

2 (WHEREUPON, another portion of State's Exhibit No. 5  
3 was played for the jury at this time.)

4 THE COURT: All right. Objection there. There's an  
5 objection.

6 (WHEREUPON, State's Exhibit No. 5 was stopped being  
7 played at this time.)

8 THE COURT: Okay. How, how, how much further is that?

9 MR. ANDERS: Ten seconds.

10 THE COURT: Okay. All right. Just proceed.

11 (WHEREUPON, the remaining portion of State's Exhibit  
12 No. 5 was played for the jury at this time.)

13 THE COURT: All right.

14 Q. So, Investigator Brewer, what did she tell you that  
15 day?

16 A. Okay. So, upon speaking to Miss Manning, she said  
17 something to like the effect of they were having their  
18 neighbor, Miss Katherine, Miss Kathy, whose house had burned  
19 down, they were moving things back and forth and she thought  
20 that he might have cut himself on the leg from moving the  
21 stuff from the house to the back -- to their house cause her  
22 house had burned down. She say he had been bleeding since  
23 earlier in the day and acting crazy.

24 She said she could never do something like that and she  
25 was -- she didn't like say what specifically happened to him

1 but that he had cut and he had been (indiscernible) earlier.

2 Q. All right. And when you encountered the defendant that  
3 day, was she able to understand you?

4 A. Yes, sir.

5 Q. Was she coherent?

6 A. Yes, sir.

7 Q. Did you understand her?

8 A. I did.

9 Q. Did you observe any cuts, marks, on her hands, legs---

10 A. I did not, sir.

11 Q. ---anywhere?

12 A. I did not, sir.

13 Q. And her dress, was her -- were her clothes torn?

14 was she disheveled?

15 A. Her clothes were not torn, no, sir.

16 Q. Thank you, Investigator Brewer. Just answer any  
17 questions the defense may have for you.

18 I'm sorry.

19 Investigator Brewer, is the -- Amber Manning in the  
20 courtroom today?

21 A. Yes, sir, this is Miss Manning sitting at defense  
22 table.

23 Q. Thank you.

24 THE COURT: All right. Cross-examination.

25 MS. EIGENBROT: Thank you, Your Honor.

1 Please the Court.

2 CROSS-EXAMINATION

3 BY MS. EIGENBROT:

4 Q. Officer Brewer, when you arrived on scene, Miss Manning  
5 was in the ambulance, right?

6 A. Yes.

7 Q. Presumably to head to the hospital with Mr. McFadden?

8 A. Yes, ma'am.

9 Q. And I think you mentioned, based on her statements,  
10 they'd been helping Miss Kathy Stalk.

11 Is that right?

12 A. Yes, ma'am.

13 Q. And that's somebody that you're familiar with from also  
14 living in that neighborhood, right?

15 A. Yes, ma'am.

16 Q. And you were aware that her house had been burned down  
17 early that morning?

18 A. Yes.

19 Q. And you could smell alcohol on, on Amber, couldn't you?

20 A. Yes.

21 Q. Beg the Court's indulgence.

22 (Pause.)

23 MS. EIGENBROT: I've no further questions, Your Honor.

24 THE COURT: Any redirect?

25 MR. ANDERS: Nothing further, Your Honor.

1 THE COURT: All right. The witness may step down.

2 Thank you.

3 THE WITNESS: Thank you.

4 (WHEREUPON, a bench conferenced was held out of the  
5 hearing of the jury at this time.)

6 THE COURT: All right. Ladies and, ladies and  
7 gentlemen, let's just take a little short -- a short break  
8 here. Head on back to the jury room and refresh yourselves.  
9 Please don't discuss the case in any way, shape, or form.  
10 But I -- we'll see you shortly.

11 Thank you.

12 (WHEREUPON, the following takes place outside the  
13 presence of the jury.)

14 THE COURT: Okay. What's next?

15 MR. MEADORS: Your Honor, we, we have Investigator  
16 Smith I think who's suppose to be here. We've just got to  
17 find him. There's some pictures. Then I---

18 THE COURT: Okay.

19 MR. MEADORS: ---have another witness that I'm hoping  
20 is here. I'm gon' go find out upstairs --

21 THE COURT: All right.

22 MR. MEADORS: -- and then we'll be prepared to go.

23 THE COURT: All right. We, we took a short -- well, we  
24 had a bench conference during that and the -- Ms. Eigenbrot,  
25 if you would just point out what the purpose of that was.

1 MS. EIGENBROT: Yes, Your Honor.

2 I objected and this was my fault. I failed to  
3 recognize and remember that, during that short clip, Officer  
4 Brewer is discussing with the firefighters the second 9-1-1  
5 call that has not been admitted I, at this time, consider  
6 hearsay. I believe she actually talks about it again with  
7 Amber during that conversation, which is her -- what the  
8 second objection was for.

9 So, at this time, Your Honor, I recognize the jury's  
10 probably heard a little bit of that. But -- and the clip is  
11 admitted. If there's any type of maybe---

12 THE COURT: We---

13 MS. EIGENBROT: ---way to cut that clip down without  
14 sending that back to the jury at a later time.

15 THE COURT: well, that's something we can look into  
16 before we submit all the evidence to the jury at the close  
17 of all the arguments. But, you know, what I do know is that  
18 counsel conferred. The Court tried to accommodate the  
19 lawyers in any way we could and we tried to limit that in --  
20 while it happened in progress and the State truncated the  
21 video a little bit more just to make sure there was no  
22 inadvertent mention of a, a, a secondary 9-1-1 call.

23 So, I think we did all we could do under the  
24 circumstance. But, obviously, prior to the jury getting the  
25 case, that is something we can look at --

1 MS. EIGENBROT: Thank you, Your Honor.

2 THE COURT: -- as far as truncating that video a little  
3 bit more.

4 Okay?

5 MR. MEADORS: Yes, sir.

6 MR. ANDERS: Yes, Your Honor.

7 THE COURT: All right. Let's be in recess. I'll just  
8 say 15 minutes.

9 MR. MEADORS: Thank you.

10 THE COURT: Okay. And then y'all kind of give me an  
11 update in 15 minutes please.

12 MR. MEADORS: Thank you.

13 (WHEREUPON, a short recess was taken at this time.)

14 THE COURT: All right. State ready to proceed with  
15 their next witness?

16 MR. ANDERS: Yes, Your Honor.

17 THE COURT: Is defense ready to proceed?

18 MS. EIGENBROT: Yes, Your Honor.

19 THE COURT: All right. Let's bring the jury back.  
20 It's literally hot.

21 THE OFFICER: Yes, sir.

22 THE COURT: Bring the jury back in please. I thought I  
23 lost my bailiff there please.

24 (WHEREUPON, the following takes place within the  
25 presence of the jury.)

1 THE BAILIFF: The jury's all present, Your Honor.

2 THE COURT: All right. Madam Forelady, welcome back.  
3 we'll pick up where we left off with the next witness in its  
4 case in chief.

5 MR. ANDERS: Thank you, Your Honor.

6 The State calls Investigator Kevin Schmidt.

7 THE CLERK: Please raise your right-hand and place your  
8 left-hand on the Bible.

9 KEVIN SCHMIDT, being first duly  
10 sworn, testified as follows:

11 THE CLERK: Thank you. Please have a witness stand --  
12 please have a seat on the witness stand and spell your last  
13 name for the record.

14 THE WITNESS: My last name is Schmidt. S-C-H-M-I-D-T.

15 DIRECT EXAMINATION

16 BY MR. ANDERS:

17 Q. Investigator Schmidt, can you tell the jury a little  
18 bit about yourself, where you grew up, where you went to  
19 school, and all of your law enforcement background?

20 A. I was born in Jacksonville, Florida if we're gonna get  
21 to the nitty gritty. Came up here when I was eight years  
22 when my dad got a job at the fire department. Went to White  
23 Knoll High School over in Lexington. Got hired on with the  
24 police department in 2009. 2017 I was transferred over to  
25 the crime scene investigations unit and that's where I've

1 been since.

2 Q. All right. And just for short, we call it CSI,  
3 correct?

4 A. Correct.

5 Q. And what are your duties as a CSI investigator?

6 A. My duties include documenting scenes. My expertise is  
7 based around bloodstain pattern analysis, shooting  
8 reconstruction. So I go out to scenes, document it, and try  
9 to interpret any bloodstains, collect any physical evidence  
10 that needs to be collected.

11 Q. And did you document the scene located at [REDACTED] Tremont  
12 Avenue on October 1<sup>st</sup> of 2019?

13 A. Correct.

14 MR. ANDERS: Your Honor, permission to approach---

15 THE COURT: All right.

16 MR. ANDERS: ---the witness?

17 Investigator Schmidt, I'm gonna hand you what's been  
18 premarked State's Exhibits 1 through 23.

19 Can you look at those?

20 A. All right.

21 Q. And what are those photographs of?

22 A. The incident location.

23 Q. And you took those photographs?

24 A. Correct.

25 Q. And are they a fair and accurate depiction of what you

1 observed at the scene that day?

2 A. Correct.

3 MR. ANDERS: Your Honor, at this time we would ask that  
4 Exhibits 1 to 23 come into evidence.

5 THE COURT: Without objection as to the pictures?

6 MS. EIGENBROT: No objection, Your Honor.

7 THE COURT: All right. State's Exhibits 1 through  
8 20---

9 MR. ANDERS: Your Honor, I'm sorry.

10 THE COURT: ---1 through 23 are admitted into evidence.  
11 Sorry.

12 THE DIGITAL REPORTER: It's 7 through 21.

13 MR. MEADORS: Seven through 21. I'm sorry. I thought  
14 that was one, Your Honor.

15 THE COURT: Oh. Seven through 21?

16 MR. ANDERS: Seven through 21.

17 THE COURT: I stand corrected.

18 Exhibits, Exhibits 7 through 21 are admitted without  
19 objection. Thank you.

20 MR. ANDERS: Thank you, Your Honor.

21 (WHEREUPON, State's Exhibit Nos. 7 through 21 were  
22 received into evidence at this time.)

23 MR. ANDERS: Your Honor, permission to publish---

24 THE COURT: Yes, sir.

25 MR. ANDERS: ---and pass around --.

1 (Pause.)

2 MR. ANDERS: Your Honor, permission to approach?

3 THE COURT: Very well.

4 Q. Investigator Schmidt, the jury has seen these but I  
5 just want to go over a few. This is Plaintiff's 7.

6 Can you tell the jury what that is?

7 A. This is going to be the front entrance of the incident  
8 location.

9 Q. All right. And that's located in Richland County?

10 A. Correct.

11 Q. I'm gonna go show you State's 9.

12 Can you tell the jury where that was taken?

13 A. This is going to be as soon as you walk into the front  
14 entrance and you look towards the right.

15 Q. Now, do you recall where the majority of blood was  
16 found?

17 A. Yes.

18 Q. And where was that?

19 A. It's going to be in the kitchen area.

20 Q. So, most of the photographs that the jury has seen with  
21 the blood was in the kitchen, correct?

22 A. Correct.

23 Q. All right. Can you describe the house for the jury?

24 Do you recall if it was as -- a large house, small  
25 house?

1 A. I think it was a three bedroom house. So, about  
2 average size house give or take.

3 Q. Do you know the approximate square footage?

4 A. Oh, if I guess, maybe 1,200 square feet give or take.  
5 I --.

6 Q. And I'm gonna show you No. 9 again and that's a picture  
7 of what?

8 A. It's going to be the living room area and then to the  
9 opening is the kitchen area.

10 Q. And so, from the living room area from your photograph,  
11 you can see into the kitchen?

12 A. Correct.

13 Q. And it's right off the kitchen?

14 A. Correct.

15 MR. ANDERS: Beg the Court's indulgence.

16 (Pause.)

17 MR. ANDERS: No further questions, Your Honor.

18 THE COURT: Cross-examination.

19 MS. EIGENBROT: Thank you, Your Honor.

20 May it please the Court.

21 CROSS-EXAMINATION

22 BY MS. EIGENBROT:

23 Q. Now, Investigator Schmidt, when -- you arrived on scene  
24 a little bit after the initial call.

25 Is that correct?

1 A. Correct.

2 Q. When we -- probably closer to five o'clock?

3 A. I can't recall exactly.

4 Q. Do you have a report in this case?

5 A. Excuse me?

6 Q. Do you have a report in this case?

7 A. Correct.

8 Q. Would seeing that, a copy of that report, remind you---

9 A. Yes.

10 Q. ---or refresh your recollection?

11 (WHEREUPON, the report of Investigator Schmidt was  
12 marked as Defendant's Exhibit No. 1 for identification  
13 purposes only at this time.)

14 Q. Investigator Schmidt, I'm gonna show you what was  
15 marked for -- as Defense Exhibit 1.

16 A. Okay.

17 Q. And do you recognize that?

18 A. This is a copy of my report.

19 Q. And you just take a -- glance at that request for me?

20 A. Okay.

21 Q. And you arrived about 5:20 that day?

22 A. Correct.

23 Q. Now, I want to go back to State's Exhibit 7.

24 Again, that was the entrance of the home, right?

25 A. Correct.

1 Q. Now, in this photograph there's an individual.

2 A. Sure.

3 Q. Is that right?

4 A. Correct.

5 Q. And you've been to several crime scenes previously,  
6 right?

7 A. Correct.

8 Q. Typically you're not taking crime scene photos with  
9 somebody in the photo, right?

10 A. If they're in the crime scene, then there's a  
11 possibility they could be in the photo.

12 Q. And she was in the crime scene but she was too  
13 intoxicated to be moved.

14 Is that correct?

15 A. I do not recall.

16 Q. All right. Now, part of your processing of the home  
17 would generally include searching for weapons.

18 Is that correct?

19 A. Correct.

20 Q. If an alleged weapon is used?

21 A. Correct.

22 Q. And, in this situation, you did not actually locate any  
23 weapons in the house?

24 A. Correct.

25 Q. So you searched the entire house.

1 No knives?

2 A. I believe I searched with the search warrant and  
3 assisted. I did not collect any pieces of evidence.

4 Q. And then just to go back to the kitchen briefly, when  
5 you photographed the kitchen, there appeared to be some  
6 clothing, and this is State's Exhibit 16, clothing in the  
7 kitchen.

8 Is that right?

9 A. Correct.

10 Q. And this clothing was not collected as part is -- as  
11 part of evidence?

12 A. Correct.

13 Q. So mostly this or this particular scene just are  
14 photographs?

15 A. Correct.

16 MS. EIGENBROT: Beg the Court's indulgence.

17 (Pause.)

18 Q. Those clothes were identified as Mr. Jamaine McFadden's  
19 clothes, correct?

20 A. I can't recall. I assumed they were because of the  
21 location.

22 Q. And that kitchen was a fairly small area.

23 Is that right?

24 A. Correct.

25 MS. EIGENBROT: No further questions, Your Honor.

1 THE COURT: Redirect.

2 MR. ANDERS: Briefly, Your Honor.

3 REDIRECT EXAMINATION

4 BY MR. ANDERS:

5 Q. Investigator Schmidt, when you arrived, the body that  
6 was in the kitchen was gone?

7 A. Correct.

8 Q. And did it appear that the clothes were cut that were  
9 laying in the kitchen?

10 A. Correct. There had been several people that had gone  
11 in, in and out.

12 MR. ANDERS: No further questions, Your Honor.

13 THE COURT: Any recross?

14 MS. EIGENBROT: No, Your Honor.

15 THE COURT: All right. The witness is excused.

16 MR. MEADORS: May it please the Court?

17 THE COURT: Yes, sir.

18 MR. MEADORS: At this time the State of South Carolina  
19 calls Rachel Manning.

20 Your Honor, she is upstairs and I've texted as soon as  
21 we got through. Your Honor, they're on their way right now.

22 THE COURT: Okay.

23 MR. MEADORS: They'll be here momentarily.

24 THE COURT: Okay.

25 MR. MEADORS: They'll, they'll be here in just a

1 second. She's --

2 THE COURT: Okay.

3 MR. MEADORS: They'll be---

4 THE COURT: Just a second.

5 All right. So, we'll sit tight a minute is what you're  
6 telling me.

7 Okay.

8 (Pause.)

9 THE COURT: Ms. Eigenbrot, and, Mr. Meadors, if y'all  
10 just briefly approach.

11 (WHEREUPON, a bench conference was held out of the  
12 hearing of the jury at this time.)

13 MR. MEADORS: Your Honor, she's in a wheelchair and I,  
14 I -- and we may need to arrange for the microphone to be, to  
15 be brought down.

16 THE COURT: I think the microphone can go on the  
17 exhibit table. Just move it from the witness stand and  
18 down. She can come up here.

19 THE CLERK: Raise your right-hand and place your  
20 left-hand on the Bible.

21 RACHEL MANNING, being first duly  
22 sworn, testified as follows:

23 THE CLERK: Thank you. Please state your name for the  
24 record.

25 (WHEREUPON, there was no audible response.)

1 THE COURT: Madam Forelady, people on the back row of  
2 the jury, can you hear the witness?

3 (WHEREUPON, there was no audible response.)

4 THE COURT: Okay. Mr. Meadors, you'll have to speak  
5 up.

6 THE WITNESS: Rachel Rossing (phonetic) Manning.

7 DIRECT EXAMINATION

8 BY MR. MEADORS:

9 Q. Good morning, Ms. Manning.

10 A. Good morning.

11 Q. And, if you will, just talk into that when you can so  
12 these ladies and gentlemen can hear you please, ma'am.

13 A. Okay.

14 Q. Will you please tell these folks where you're from,  
15 Miss Manning?

16 A. Winnsboro, South Carolina.

17 Q. Winnsboro?

18 A. Yes.

19 Q. You born and raised in Winnsboro?

20 A. Yes.

21 Q. And I'm not gon' ask you your age.

22 But when did you graduate from high school?

23 A. 1979.

24 Q. Okay. I did too.

25 What'd you do after high school?

1 A. CNA for 42 years.

2 Q. Say that again.

3 A. A CNA for 42 years.

4 Q. And, and did you work for certain families, your own  
5 family?

6 Tell these folks---

7 A. Yes.

8 Q. ---who you're CNA'ing for?

9 A. I just -- I took care of my mama and daddy till they  
10 died and I took care of my oldest brother and my sister and  
11 I got another brother now in the hospital.

12 Q. You got another brother now with what?

13 A. In the hospital.

14 Q. Now?

15 A. Yeah.

16 Q. Okay. Other than your family, Ms. Manning, did you  
17 care for other families?

18 A. Yeah, I worked in Midland Center.

19 Q. Say that again. I'm sorry.

20 A. I worked in Midland Center, Rice Home, and, all  
21 together, it was about four different nursing homes I worked  
22 in.

23 Q. How long did you do that?

24 You may of said it earlier.

25 A. Forty-two years.

1 Q. Okay. So when did you quit CNA'ing?

2 A. When I had a stroke about eight months ago.

3 Q. All right. And is that why you're in a wheelchair?

4 A. Yes.

5 Q. I don't want to get in your business too much.

6 But you're -- as a result of that stroke, can you walk?

7 A. Yeah, I can go to the bathroom and walk but not long.

8 Just walking around.

9 Q. Okay. Say the last part again.

10 A. I can't walk with that -- for a long time.

11 Q. And how about your eyes?

12 Have you had some issues with your eyes lately?

13 A. Yeah, I got cataracts on my left eye.

14 Q. Okay.

15 A. I'm suppose to get all of them cut off tomorrow.

16 Q. Say that last part again.

17 A. I suppose to get them cut off tomorrow.

18 Q. Can you see me?

19 A. Yeah, I can see you --

20 Q. Okay.

21 A. -- out of my right eye.

22 Q. Out of your right eye?

23 A. Yeah.

24 Q. Can you see the ladies and gentlemen of the jury?

25 A. Yeah. But I can't make it out (indiscernible).

1 Q. You can see they're people up there?

2 A. Yeah.

3 Q. Ms. Manning, what's -- when's the first time I talked  
4 to you?

5 A. Today -- yesterday on the phone.

6 Q. And when's the first time I met you in person?

7 A. Today.

8 Q. A little while ago?

9 A. Yeah, a little while ago.

10 MR. MEADORS: And, Matt, will you stand up?

11 (WHEREUPON, the individual complies.)

12 Q. Do, do, do you recognize this fellow here?

13 A. No, I ain't (discernible).

14 Q. Well, can you come down here?

15 (WHEREUPON, the party applies.)

16 MR. MEADORS: Your Honor, can he approach the witness?

17 THE COURT: Certainly.

18 A. I can't tell.

19 Q. Did somebody come get you this morning --

20 A. Yeah.

21 Q. -- from Winnsboro?

22 A. Yes.

23 Q. Who was that?

24 A. It wasn't him, was it?

25 Q. Okay. Did somebody from the Attorney General's Office

1 come drive you today?

2 A. Yes.

3 Q. Okay. And when you saw him, when did you see him  
4 first?

5 A. Yesterday.

6 Q. Okay. Did you think he was somebody else when you saw  
7 him?

8 A. No, he told me who he was.

9 Q. Okay. So, he identified himself?

10 A. Yes.

11 Q. Okay. And I guess the point for these purposes, is  
12 that how you got to Court today?

13 A. Yes.

14 Q. Okay. And are you under subpoena?

15 A. (WHEREUPON, there was no audible response.)

16 Q. Did, did he give you a piece of paper?

17 A. Yes.

18 Q. And is that why you're here?

19 A. Yes.

20 Q. Okay. Now, Ms. Manning, back in 2019 during October,  
21 were you living in Columbia for a while?

22 A. Yes.

23 Q. Okay. Where were you living?

24 A. I was living with Amber Manning and Vera Manning.

25 Q. I'm sorry.

1 Say it again.

2 A. Amber Manning and Vera Manning.

3 Q. Amber and Vera Manning?

4 A. Yeah.

5 Q. Okay. And do you know where the house was?

6 A. Yeah, it's been down Fairfield off of -- I mean I know  
7 it's in Columbia I know.

8 Q. Okay. How, how long were you staying there?

9 A. About three months.

10 Q. Okay. Why were you staying there?

11 A. Cause she -- Vera had called me and told me to come  
12 stay with her and Amber and help her with Amber kids.

13 Q. To help with the kids?

14 A. Yes.

15 Q. So, again, how long were you at this residence?

16 A. About three months.

17 Q. And, and when did you leave?

18 A. I -- since the incident happened. My niece came and  
19 got me.

20 Q. And where did you go after you left?

21 A. Back to Winnsboro.

22 Q. Okay. And where, and where -- where were you living --  
23 you got -- were you living with family there?

24 A. Yeah, my niece.

25 Q. Now, back in October of 2019, you, you -- well, do you

1 know Jamaine McFadden?

2 A. Yes, that was Amber friend -- boyfriend.

3 Q. Say it one more time.

4 It's Amber's what?

5 A. Amber's boyfriend.

6 Q. And where was he staying during that time?

7 A. Some time with Amber.

8 Q. Okay. At, at the same place?

9 A. Yes.

10 Q. Okay. And was he there all day long?

11 A. No, he had to work.

12 Q. Okay. Do you know where he worked?

13 A. It was somewhere that they cook food and stuff.

14 Q. Say it again.

15 A. It was a -- like a food place.

16 Q. Okay. But did you get to know him?

17 You knew who he was?

18 A. Yeah.

19 Q. Now, back in October of 2019, do you remember when he  
20 got hurt?

21 A. Yes.

22 Q. I want you to tell the ladies and gentlemen of the jury  
23 what you remember about that?

24 were you there at the house that day?

25 A. Yes.

1 Q. What were you doing?

2 A. Fixing the children something to eat when they came  
3 home from school.

4 Q. Fixing the children something to eat?

5 A. Yeah, some pizza.

6 Q. All right. Pizza.

7 What kind of pizza were you fixing them?

8 A. I think they had a meat (indiscernible) that came  
9 through the -- for the baby.

10 Q. So were you -- was this homemade pizza or were -- or  
11 was it something you got from the freezer?

12 A. We got at the store.

13 Q. At the store?

14 A. Yeah.

15 Q. All right. So you were making pizza for the children?

16 A. (WHEREUPON, there was no audible response.)

17 Q. How many children were there?

18 A. Three I think. Three.

19 Q. And do you remember what, if anything, happened around  
20 the time you were making children the pizza?

21 A. Oh, two of the little children came, came in and asked  
22 was the pizza ready and I told her yes.

23 Q. Now you got to say that again. I'm sorry.

24 A. Two of them came in, asked was the pizza ready. I told  
25 them yeah. I said cut a slice of some. And, by that time,

1 Amber boyfriend was in the house. He came in the kitchen  
2 and Amber came in the door and I don't know what she was  
3 fussing -- they was fussing about cause she got the knife  
4 and another lady was sitting there at the table in the  
5 kitchen and she passed out.

6 And was I trying to hi -- look at her and try to wake  
7 her up and then af -- the children, they ran out. They say  
8 he was bleeding and I ran. I seen all that blood and I got  
9 card -- called the mama telling her to come in there and  
10 help Amber, that Amber cut this boy. But she never did  
11 move.

12 well, her friend came in there and cut he a towel, and  
13 next thing I know, the ambulance came and the police kind of  
14 ran and got Amber out the -- really -- didn't really do  
15 anything at the first and suppose to be able to get out and  
16 get in the car with him.

17 Q. why did she---

18 A. And that's---

19 Q. why'd she cut him?

20 A. I don't know. They was fussing at something exact --  
21 see I don't know. I don't know.

22 Q. And did you see her get the knife, Amber?

23 A. Yes, she grabbed the knife, that same knife I had  
24 cut -- it's really off the stove.

25 Q. And then what'd she do with it?

1 A. She -- well, had to cut him with it because he was  
2 blood -- his blood was everywhere in the floor.

3 Q. And you saw her get the knife?

4 A. Yeah, she got -- cut (indiscernible).

5 Q. And then Ja -- did you see Jamaine McFadden get cut?

6 A. Yeah, and seen when he hit the floor too and all that  
7 blood.

8 Q. Was Jamaine McFadden saying anything?

9 A. He was telling Amber to stop, don't do it. But she --  
10 I don't know. She did it anyway.

11 Q. Stop, don't do it?

12 A. Uh-huh. (Affirmative).

13 Q. She did it anyway?

14 A. Yeah.

15 Q. Ms. Manning, what'd you do after that?

16 A. I had work barefooted and they told me I couldn't go on  
17 in the house or anything at all. Grot (phonetic), that's  
18 the neighbor, and I went to the neighbor house and we was  
19 there. So -- and came back down and they asked me could I  
20 come down to the (indiscernible) station with them for a  
21 statement about what happened. And that's when they had --  
22 she took me down there and I told her what I had seen.

23 Q. And, and, and was that lady that you said you took this  
24 statement that same -- well, was that -- that's that same  
25 day, right?

1 A. Yes, the same day.

2 Q. Okay. Do you remember her?

3 UNIDENTIFIED PERSON: It's been a long time but I---

4 MR. MEADORS: But -- don't, don't say anything.

5 Do you remember her?

6 A. We seen (indiscernible).

7 Q. Did you give a statement that same day?

8 A. Yeah.

9 Q. To a police woman?

10 A. Yeah.

11 Q. And did you tell her what you had observed that same  
12 day?

13 A. Yeah. After -- the same day.

14 Q. You, you mentioned somebody a minute ago that they  
15 were -- there was another woman there that was drunk?

16 A. Yeah.

17 Q. Do you know her name?

18 A. I don't know her till neighbor. She stayed down the  
19 street from Boo.

20 Q. All right. She stayed down the street from who?

21 A. From Vera and them.

22 Q. Okay. So you said Boo.

23 who is Boo?

24 A. That Amber, Amber mama. That's her nickname.

25 Q. So Ms. Vera Manning goes by Boo?

1 A. Uh-huh. (Affirmative).

2 Q. This lady you're talking about stayed down the  
3 street---

4 A. Yeah.

5 Q. ---from Boo?

6 A. Her house caught on fire too that day.

7 Q. Say it again.

8 A. That day the house caught on fire. So she moved from  
9 down there. I don't know where she went.

10 Q. That day it caught on fire?

11 A. No. Like a couple days afterward.

12 Q. Now, what's your relation -- and, and, and -- what's  
13 your relation to, to Boo, to Vera?

14 A. Oh, I -- Vera her, her cousin. She (indiscernible).  
15 We're basically cousins.

16 Q. Okay. And your relationship to Miss Amber Manning  
17 would be what, Ms. Rachel?

18 A. Well, she called me Aunt Rachel.

19 Q. Pardon me?

20 A. Aunt Rachel.

21 Q. Okay. And you never had any bad blood with her, have  
22 you?

23 A. No. (Indiscernible).

24 Q. Were you taking care of her children?

25 A. Yeah.

1 Q. Have you talked to Miss Amber Manning or Boo or any of  
2 them since this incident?

3 A. No. Not since I left Columbia from there.

4 Q. Say that part.

5 A. Not since I left for Columbia back to Winnsboro.

6 Q. And since talking to the, the officer and giving them a  
7 statement and until yesterday when Mr. Ellis or me today,  
8 had you talked to anybody about this?

9 A. No.

10 MR. MEADORS: Can we approach?

11 (WHEREUPON, a bench conference was held out of the  
12 hearing of the jury at this time.)

13 MR. MEADORS: Beg the Court's indulgence, Your Honor.

14 (Pause.)

15 THE COURT: Mr. -- like an update.

16 (WHEREUPON, a bench conference was held out of the  
17 hearing of the jury at this time.)

18 THE COURT: All right.

19 Q. Is that Amber Manning?

20 Is that Amber?

21 A. I (indiscernible). I don't know if it's her.

22 Q. You're not sure if that's her?

23 A. No.

24 MS. EIGENBROT: Your Honor, she said no, I don't think  
25 so.

1 THE COURT: Okay. I want her to say it on the  
2 microphone unless --.

3 MR. MEADORS: Could, could we have her stand up one  
4 more time, Your Honor?

5 THE COURT: Sure.

6 MR. MEADORS: She was covering her left eye.

7 THE COURT: One more time.

8 (WHEREUPON, there were an inaudible statement made at  
9 this time.)

10 MR. MEADORS: She says it's dark looking. She needs to  
11 get in some light.

12 (WHEREUPON, there was another inaudible statement made  
13 at this time.)

14 MR. MEADORS: She said I think it looked like Amber.

15 THE COURT: Okay. Well, with -- even with that said,  
16 Mr. Meadors, I'd like that done over by the witness  
17 microphone as well.

18 MR. MEADORS: All right.

19 Now will you repeat what you just said?

20 A. Well, I think that's Amber. It look like Amber.

21 MR. MEADORS: Beg the Court's indulgence.

22 A. I think that look---

23 Q. Okay.

24 A. ---like Amber.

25 Q. Okay. Yes, ma'am, I, I was telling the judge---

1 A. All right.

2 Q. ---be the Court -- you need to -- wait.

3 MR. MEADORS: Thank you, judge. I'm almost --.

4 what happened to the knives?

5 A. I don't know. I think the police got them.

6 Q. You don't know what happened to them?

7 A. Hu huh. (Negative).

8 Q. Did you see any other weapons there beside the knives  
9 (sic)?

10 A. No.

11 Q. No?

12 A. Hu huh. (Negative).

13 Q. And you don't know where the knives (sic) went after  
14 what you've testified she stabbed Jamaïne?

15 You don't know where they went?

16 A. No. Boo say she didn't put them up. So the police got  
17 them (indiscernible) they stabbed.

18 Q. Who said they put them up?

19 A. Vera.

20 Q. Vera said she put them up?

21 A. Yeah.

22 Q. But then you said the police got them the next day?

23 A. Yeah.

24 Q. Ms. Manning, that's all I have. Thank you. Got to  
25 answer some questions now from defense counsel.

1 A. All right.

2 Q. Thank you.

3 THE COURT: Ms. Eigenbrot, you can approach the  
4 witness.

5 MS. EIGENBROT: Thank you, Your Honor.

6 May it please the Court?

7 THE COURT: Yes, ma'am, cross-examination.

8 CROSS-EXAMINATION

9 BY MR. EIGENBROT:

10 Q. Hi, Ms. Rachel.

11 May I call you Ms. Rachel?

12 A. Yes.

13 Q. I'm sorry. But I want to ask you some questions about  
14 what you said today.

15 Okay?

16 A. All right.

17 Q. And then maybe some follow-up questions about what you  
18 said back then.

19 Okay. So, I think today, if I get this right, you  
20 were, you were at the house, right?

21 A. Yes.

22 Q. And you were in the kitchen?

23 A. Yeah.

24 Q. And you said you were cooking pizza?

25 A. Yeah, pizza.

1 THE COURT: Ms. Eigenbrot, hold on one second.

2 Can everybody hear on the jury?

3 (WHEREUPON, there was no audible response.)

4 THE COURT: Okay. Thank you.

5 Q. Now, you were also cooking chicken back then, weren't  
6 you?

7 A. Huh?

8 Q. You were also cooking chicken back then, weren't you?

9 A. No, pizza.

10 Q. Just pizza?

11 A. Yeah.

12 Q. Okay. Who was cooking chicken then?

13 A. I don't know. I ain't seen no chicken that day.

14 Q. You didn't see any chicken that day?

15 A. No.

16 Q. And then you mentioned that Amber has three children---

17 A. Yeah.

18 Q. ---right?

19 And so they were home and that's why you were making  
20 that pizza?

21 A. Yes. When, when they get out of school, they want  
22 something to eat.

23 Q. They want something to eat when they get out of school?

24 A. Yeah.

25 Q. Now, you mentioned the other lady, Ms. -- I don't

1 remember -- think you knew her name.

2 Is that right?

3 A. (WHEREUPON, there was no audible response.)

4 Q. But she was the neighbor?

5 A. Yeah.

6 Q. She was in the kitchen too?

7 A. Yes, she's in the kitchen.

8 Q. Sitting at the table?

9 A. (WHEREUPON, there was no audible response.)

10 Q. And was -- which chair was she sitting at?

11 A. She was close by that door to go to the living room.

12 Q. Close by the door to go to the living room?

13 A. Yeah.

14 Q. If I show you a picture, would you be able to show  
15 us---

16 A. Yes.

17 Q. ---where she was?

18 Sorry, Ms. Rachel. I got to find the picture that  
19 shows the area.

20 All right. So this is State's Exhibit No. 13.

21 okay?

22 A. Okay.

23 Q. Can you show me and then I -- we'll show the jury  
24 together?

25 A. It be's sitting right -- right here on this side right

1 here.

2 Q. Okay. Can you hold that up and show the jury where  
3 you're pointing?

4 A. (WHEREUPON, there was no audible response.)

5 Q. And, Ms. Rachel---

6 A. That's it right there.

7 Q. Okay. And is that the refrigerator?

8 A. (WHEREUPON, there was no audible response.)

9 Q. Miss Manning, did you say you don't know?

10 A. (Indiscernible.) I don't know. I thought it was a  
11 little back that way.

12 Q. You thought she was back that way?

13 A. (WHEREUPON, there was no audible response.)

14 Q. Okay. You mean that that's the refrigerator?

15 A. I said back this way on this wall right here --

16 Q. Okay.

17 A. -- (indiscernible).

18 Q. Okay. And you said she passed out?

19 A. Yeah, she passed out. I tried to wake her up.

20 Q. And you tried to wake her up?

21 A. (WHEREUPON, there was no audible response.)

22 Q. Now, Ms. Rachel, we heard earlier, when you were  
23 talking to Mr. Meadors --

24 A. Yes.

25 Q. -- that you went and talked to the investigators

1 after---

2 A. Yeah.

3 Q. ---right?

4 And do you remember they took you to an interview room?

5 A. Yes, (indiscernible) took me there.

6 Q. And they had you actually write out a statement.

7 Isn't that right?

8 A. Yes.

9 Q. And would you recognize that statement if I showed it  
10 to you?

11 A. Probably.

12 Q. Probably.

13 (WHEREUPON, the statement of Rachel Manning was marked  
14 as Defendant's Exhibit No. 2 for identification purposes  
15 only at this time.)

16 Q. All right. Ms. Rachel, I'm gonna show you what's been  
17 marked as Defense Exhibit No. 2.

18 A. I can't see it.

19 Q. You can't see it at all?

20 A. Hu huh. (Negative).

21 I see the writing but I can't read it.

22 Q. You can't read it?

23 A. (WHEREUPON, there was no audible response.)

24 Q. Okay. well, let me ask you this.

25 up here, can you read that name?

- 1 A. Right there, no. I think it---
- 2 Q. Can't read it?
- 3 A. Nah.
- 4 Q. Okay. But you remember speaking to the investigator up  
5 there---
- 6 A. Right.
- 7 Q. ---at headquarters, right?
- 8 A. Uh-huh. (Affirmative).
- 9 Q. Okay. And you said you tried to wake her up?
- 10 A. Yeah.
- 11 Q. And then that's when you see the blood?
- 12 A. Yeah, that's when I see it.
- 13 Q. And then, after that, you said the ambulance got  
14 called, right?
- 15 A. Yeah, they had, they had done got called.
- 16 Q. But you don't know who called the ambulance?
- 17 A. I don't know if Vera called or not.
- 18 Q. Okay. And you went outside?
- 19 A. Yeah.
- 20 Q. You went to the neighbor's house?
- 21 A. I went out there before -- yeah, came out -- I came and  
22 asked could I use the bathroom. They told me no. So I was  
23 (indiscernible).
- 24 Q. So, back then when you talked to the investigators, you  
25 actually told them that Amber stabbed Jamaine twice, right?

1 A. I don't know how many times she got him. The whole  
2 time (indiscernible) blood (indiscernible).

3 Q. Everywhere?

4 A. I think he -- where he got cut at.

5 Q. Okay. And you can't say where he got cut at?

6 A. No, all I could see was blood.

7 Q. Just seen the blood.

8 Okay. Beg the Court's indulgence.

9 (Pause.)

10 MS. EIGENBROT: Your Honor, we have a brief matter of  
11 law.

12 THE COURT: Okay. Ladies and gentlemen, let's take a,  
13 a break and head on back to the jury room. Refresh  
14 yourselves. Do not discuss the case and we'll get you back  
15 in here momentarily.

16 (WHEREUPON, the following takes place outside the  
17 presence of the jury.)

18 THE COURT: Before we make -- well, go ahead.

19 MS. EIGENBROT: Your Honor, I -- there's a few things  
20 in Ms. Manning's initial statement that are a little  
21 different than what she's saying today. Obviously  
22 impeaching her with a written statement is gonna be  
23 difficult as she can not read it.

24 So, I would then ask this Court do I need to be allowed  
25 to read it to her to re -- refresh her recollection?

1 I still don't know what I can do as far as impeachment  
2 if she denies that she said those things. But her -- it is  
3 audio and video recorded. But it's very difficult to  
4 understand the---

5 THE COURT: All right. Yeah.

6 MS. EIGENBROT: ---during the course of that interview.

7 THE COURT: It's -- okay. So basically the situation  
8 is it's -- ordinarily you wouldn't put in this extrinsic  
9 evidence when you're talking with the witness. But we have  
10 this situation now where the witness simply can't -- I, I  
11 think, because of degraded vision, would that be accurate,  
12 that she can't read her statement she previously gave to law  
13 enforcement?

14 MS. EIGENBROT: Yes.

15 THE COURT: Mr. Meadors, you ever encounter that?

16 MR. MEADORS: No, I haven't actually. So -- but I, I  
17 do -- I guess my first thing is if she's gon' publish it,  
18 she needs to offer it as an exhibit we, we would submit.

19 THE COURT: Well -- okay. Well, pick---

20 MR. MEADORS: Just, just for one thing.

21 THE COURT: Right.

22 MR. MEADORS: And then, and then, second of all, we've  
23 gone through -- I'd like to go through it without the jury  
24 hear what -- your understanding is this first time cause I'm  
25 not sure I understand all the first parts. I'd like for us

1 to do it without the jury if you --

2 MS. EIGENBROT: And---

3 MR. MEADORS: -- if you, if you've transcribed it I

4 mean cause I---

5 THE COURT: You could proffer---

6 MR. MEADORS: ---just would like to go over it.

7 THE COURT: ---exactly what you want to do.

8 MS. EIGENBROT: And, yes, Your Honor. I, I have -- and  
9 my intention was to have the -- read it to her to refresh  
10 her recollection to a degree---

11 MR. MEADORS: And---

12 MS. EIGENBROT: ---and then kind of go through it.

13 MR. MEADORS: I'd like for her to read it now to us  
14 cause I, I can't, I can't understand all the first part.

15 THE COURT: well, I was frankly gonna have y'all just  
16 confer for a minute and see if maybe -- I mean why don't  
17 y'all approach?

18 I want to tell y'all something.

19 I know the jury's not here -- but --.

20 (WHEREUPON, a bench conference was held at this time.)

21 THE COURT: why don't y'all take five minutes to talk  
22 about it?

23 MR. MEADORS: Thank you.

24 THE COURT: I'm gonna step out for a minute.

25 Folks, we're just gonna take a short recess. Be back

1 momentarily.

2 Oh, one other thing. Before everybody leaves, now,  
3 listen, we got witnesses testifying here. As with any  
4 trial, particularly a murder case like this, people in the  
5 gallery, you're probably gon' hear things that you don't  
6 agree with and that comes with the territory of being in the  
7 courtroom. It's important for everybody to remember that  
8 they can't be any outbursts or audible noises from, you  
9 know, the gallery or the, the courtroom involved during  
10 witness testimony.

11 The reality is that the jury will pick up on that and  
12 the jury has to remain focused on the witness, not people  
13 who are actually watching the Court case.

14 Okay. It's a -- I just want to make sure that's clear.  
15 All right. Thank you.

16 (WHEREUPON, a short recess was taken at this time.)

17 MS. EIGENBROT: Yes, my --.

18 THE COURT: Okay. Now --.

19 MS. EIGENBROT: Read it out loud?

20 THE COURT: Well, just tell me what y'all are --

21 MR. MEADORS: Yes.

22 THE COURT: -- progress we're making.

23 MS. EIGENBROT: Gotcha.

24 We do agree that -- I think we've with -- come to an  
25 agreement on what was written in the written statement.

1 THE COURT: And by that, you can actually read what it  
2 says?

3 MR. MEADORS: Except one word we're not sure of and I  
4 think she's gon' say we're not sure of that word. The rest  
5 of it, yes, sir.

6 THE COURT: Okay.

7 MR. MEADORS: Judge, there's also a statement on  
8 October 3<sup>rd</sup>, two days later, which you are not offering?

9 MS. EIGENBROT: No.

10 MR. MEADORS: I don't know how I'm gonna request to  
11 deal with that quite frankly. I'm just gon' see how this  
12 goes and, of course, there's an audio of this statement here  
13 but she's being audioed --

14 MS. EIGENBROT: There's audio of that.

15 MR. MEADORS: Audio and video of, of, of her writing  
16 this statement --

17 THE COURT: Okay. Just --.

18 MR. MEADORS: -- that she's gon' go over with her now.

19 THE COURT: So, we're gonna try to play the video of  
20 her giving the statement---

21 MR. MEADORS: I don't---

22 THE COURT: ---or audio?

23 MR. MEADORS: I don't know. I don't know what I'm gon'  
24 ask you to do after she does this. I honestly don't know.

25 THE COURT: Okay. Well, just for starters, we've

1 identified, in the statement she's talking about before, two  
2 sentences that you want to delve into.

3 Is that right?

4 MS. EIGENBROT: There's a few sentences.

5 THE COURT: Okay. A few sentences.

6 well, y'all agree, with the exception of one word, what  
7 those sentences say?

8 MR. MEADORS: Without question, yes, sir.

9 THE COURT: And the situation before us is that the  
10 witness simply -- her vision doesn't afford her the ability  
11 to read it, right?

12 MS. EIGENBROT: And I don't think she's been able to  
13 even identify it as her statement.

14 THE COURT: Do we have a magnifying glass?  
15 would that help?

16 MR. MEADORS: Judge, I, I don't know if that's a -- I'm  
17 okay with what she's proposing now.

18 THE COURT: Oh, okay.

19 MR. MEADORS: I'm fine with it.

20 THE COURT: well then---

21 MR. MEADORS: I'm fine with it.

22 THE COURT: All right.

23 MR. MEADORS: The only other question was I think she  
24 needs to offer it as an exhibit.

25 THE COURT: what's your thought on that?

1 MR. MEADORS: But I'll leave that up to the Court.

2 THE COURT: I --.

3 MS. EIGENBROT: Your Honor, I --.

4 THE COURT: It wouldn't be offered under normal cross.

5 MS. EIGENBROT: No, it's --.

6 THE COURT: So --.

7 MS. EIGENBROT: I mean I'm---

8 MR. MEADORS: I understand.

9 MS. EIGENBROT: I'm offering it as impeachment for what  
10 she originally told them.

11 THE COURT: Okay.

12 MS. EIGENBROT: It's different than she -- what she  
13 told them. It would also make sense with, you know, the  
14 forensics back then.

15 THE COURT: All right. Well, my, my inclination for  
16 now is it, it shouldn't have to become---

17 MR. MEADORS: Yes, sir.

18 THE COURT: ---defense exhibit for evidence. We're  
19 just making the best of this situation and through -- I mean  
20 --.

21 MR. MEADORS: If she can just identify---

22 THE COURT: No one's fault that the, that --

23 MR. MEADORS: If she could identify it as Defense 1 I,  
24 I mean for, for ID. That's all I'd ask.

25 THE COURT: Be Defense 2---

1 MR. MEADORS: Two.

2 THE COURT: ---just for---

3 MR. MEADORS: All right.

4 THE COURT: ---Court Exhibit ID purposes. Excuse cause  
5 me. For ID purposes. So I think that's the best we can do.

6 (WHEREUPON, the statement of Rachel Manning was marked  
7 as Court's Exhibit No. 1 for identification purposes only at  
8 this time.)

9 THE COURT: Now, just to get ahead to avoid future  
10 breaks, where do we -- have y'all talked about -- I know  
11 you're -- I'm not asking you to show your cards.

12 But are we gon' be right back here in five minutes with  
13 another statement?

14 MS. EIGENBROT: No, Your Honor.

15 THE COURT: Okay.

16 MS. EIGENBROT: She's -- I know she's provided the  
17 testimony that I've asked consistent from what she said back  
18 then.

19 THE COURT: Okay. Fair enough. Sorry to keep asking.  
20 I'm just---

21 MS. EIGENBROT: No, no, I---

22 THE COURT: ---trying to avoid unnecessary breaks.

23 MS. EIGENBROT: I understand.

24 MR. MEADORS: And I apologize. I was conferring  
25 with -- what, what did you say?

1 I'm sorry.

2 THE COURT: Well, we, we can't say it again,

3 Mr. Meadors.

4 MR. MEADORS: I'm sorry, judge.

5 THE COURT: I mean you listen.

6 MR. MEADORS: I apologize---

7 THE COURT: It's over.

8 MR. MEADORS: ---to the Court.

9 THE COURT: No, I, I just asked up front. I was like  
10 are we gonna be back in this same position five minutes if  
11 another statement comes up. You mentioned there was one two  
12 days later.

13 So I, I kind of gathered from counsel that she didn't  
14 anticipate that. So, I -- she's free to handle her  
15 cross-examination how she sees fit. But it sounds like,  
16 once you get through this, we either pivot to something  
17 different or, or at least through this legal issue.

18 MR. MEADORS: And I hate for the record to reflect  
19 this, I'm not quite sure what I'm gonna do when she gets  
20 through. I mean as far as in -- the way it comes out, I  
21 won't know -- I'm not, I'm not saying I'd offer -- try to  
22 get in that October 3<sup>rd</sup> or not. I don't think I would.  
23 She's saying she's not.

24 THE COURT: Okay.

25 MR. MEADORS: And then---

1 THE COURT: Well, we'll just---

2 MR. MEADORS: Then the question about the audio, I --  
3 that's going through my mind right now.

4 THE COURT: All right. We'll cross that bridge when we  
5 get to it. Let's just try to get over this bridge first.

6 MR. MEADORS: Thank you.

7 MS. EIGENBROT: And so, Your Honor, am I to read the  
8 statement to Ms. Rachel?

9 THE COURT: Well, if y'all've agreed on it.

10 MR. MEADORS: That's, that's fine with the State.  
11 We're fine with that. That's fine. So --.

12 THE COURT: Do you want to do that now --

13 MS. EIGENBROT: Yes.

14 THE COURT: -- outside the presence --?

15 MS. EIGENBROT: Yes.

16 THE COURT: Okay.

17 MS. EIGENBROT: Thank you.

18 THE COURT: All right.

19 CONTINUED CROSS-EXAMINATION

20 BY MS. EIGENBROT:

21 Q. Ms. Rachel, I'm sorry to keep you waiting. I was gonna  
22 read this to you what we have as your written statement --

23 A. Uh huh. (Affirmative).

24 Q. -- from back on October 1<sup>st</sup> when this all happened.

25 Okay. So, it says, on October 1<sup>st</sup>, I, Rachel

1 Manning, was at my niece house doing lunch for the kids.  
2 Amber and her boyfriend got into a fight. I don't know what  
3 it was about.

4 Amber pushed me and hit, I think I have this word  
5 different.

6 (WHEREUPON, there was an inaudible statement made at  
7 this time.)

8 Q. Yeah, hit her neighbor and I was trying to fix the kids  
9 their food. I look back and I see blood on the floor.

10 Amber had got a knife and cut him on the leg. I call  
11 Amber Boo -- Amber mom Boo to come and get Amber. Boo did  
12 not move.

13 I looked back. Amber had cut him again. Blood was all  
14 over the kitchen floor. I went out the door. I asked the  
15 neighbor to call the police. But I think it was Amber who  
16 called 9-1-1.

17 Okay. And then the investigator asked you what did the  
18 knife look like and you said black handle, 10-inch blade,  
19 about 3-inches wide.

20 And they asked you did you see Amber stab Jamaine with  
21 the knife. You said yes.

22 what did Jamaine say when this happened?

23 Stop, Amber, stop Amber 10 times.

24 Does that sound about right to you?

25 A. Yes.

1 Q. All right.

2 A. I said that. I said that.

3 THE COURT: She said that it sounded about right or --  
4 well, she agreed with the, the question you asked her.

5 Now we're in sort of a proffer stage.

6 MR. MEADORS: Judge, there, there -- there's a recorded  
7 statement on the same day, which I think I asked her about,  
8 that is on a body camera. In reply to that, I would offer  
9 that, that -- and that's where she says kind of what she  
10 testified to.

11 THE COURT: It seems to -- the (indiscernible)  
12 statement or the next statement?

13 MR. MEADORS: Prior statement --

14 THE COURT: All right.

15 MR. MEADORS: -- on the scene when she talked on a body  
16 camera with Fitzgerald.

17 THE COURT: Oh, okay.

18 MR. MEADORS: So there's that statement and then the  
19 statement at the -- wherever this was one is---

20 MS. EIGENBROT: We're just---

21 MR. MEADORS: ---on the 2<sup>nd</sup> and then another statement  
22 on the 3<sup>rd</sup>. So, it's 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup>.

23 THE COURT: And tell me again what was on the body cam.

24 MR. MEADORS: The body cam, judge, it's Gerald's body  
25 camera, which is not in evidence, but it's one of the

1 officers on the scene talks to her. So, I just---

2 MS. EIGENBROT: Your Honor---

3 THE COURT: ---if we go into this, I want to go back  
4 and say okay, you---

5 INVESTIGATOR FITZGERALD: It's me interviewing---

6 THE COURT: Her?

7 INVESTIGATOR FITZGERALD ---on his body cam---

8 MR. MEADORS: Right.

9 INVESTIGATOR FITZGERALD: ---which is (indiscernible).

10 THE COURT: Okay.

11 MR. MEADORS: And obviously, beforehand, I didn't know  
12 this would come up or certainly could of offered that at, at  
13 that point.

14 THE COURT: Right.

15 MR. MEADORS: Then I would just ask that we able to do  
16 that in response to this.

17 THE COURT: So, basically, after counsel does this and  
18 completes cross, you're, you're basically saying, on  
19 redirect, you could play a portion of the body cam where the  
20 witness has frankly discussing matters that were brought up  
21 on cross-examination?

22 MR. MEADORS: Yes, sir.

23 THE COURT: Okay. Are you aware of the statement on  
24 body cam?

25 MS. EIGENBROT: Your Honor, I actually have a different

1 recollection of what that statement is on body-worn camera.  
2 It's actually more consistent what she said in this written  
3 statement in my --

4 THE COURT: Okay.

5 MS. EIGENBROT: -- from my recollection.

6 THE COURT: I tell you what.

7 when was the last time you saw the body cam?

8 MS. EIGENBROT: I've watched it within the past couple  
9 of days.

10 THE COURT: Okay. Well, I'm just saying I don't want  
11 to play the body cam and have some matter of law pop up that  
12 we aren't anticipating. I obviously haven't seen it. But  
13 I'm asking the lawyers to -- do they need to look at it  
14 again---

15 MR. MEADORS: Yes, sir.

16 THE COURT: ---now before we get to redirect?

17 MR. MEADORS: Yes, sir.

18 THE COURT: All right. Y'all look at it and make sure  
19 there's nothing else that's offensive to the rules before we  
20 play it for the Court or the jury.

21 (Pause.)

22 THE COURT: Is our witness doing okay down there?

23 MR. MEADORS: Are you okay?

24 THE WITNESS: Yeah.

25 MR. MEADORS: You sure?

1 THE WITNESS: Yeah.

2 (Pause.)

3 MR. MEADORS: You need water?

4 THE WITNESS: Yes, sir.

5 (Pause.)

6 MS. EIGENBROT: After conferring with cocounsel a  
7 little bit, I think what we're gonna do is actually move on  
8 with Ms. Rachel and ask just some additional questions not  
9 related to her statements.

10 MR. MEADORS: Your Honor, still, de -- depending on  
11 what you did, I'm still gon' go into that. So I think we  
12 need to look at it or I'm gon' try to.

13 THE COURT: Okay.

14 MR. MEADORS: So I think we need to look at it.

15 THE COURT: At least look at it now. That way we're  
16 here.

17 Are y'all leaving the courtroom to do it?

18 MR. MEADORS: Well, they can't get this to work.

19 (WHEREUPON, an indiscernible statement was made by an  
20 unidentified individual at this time.)

21 THE COURT: All right.

22 MR. MEADORS: Well, I guess we can put it on the table.  
23 Yeah, just put them on the table.

24 UNIDENTIFIED SPEAKER: Okay.

25 THE COURT: Yeah, just --.

1 UNIDENTIFIED SPEAKER: Okay.

2 MR. MEADORS: That's my bad.

3 THE COURT: We're here. We're here.

4 MR. MEADORS: My bad.

5 (WHEREUPON, an audio of Ms. Manning's statement was  
6 played at this time.)

7 THE COURT: All right. So, a lot of that's tough to  
8 hear. Like difficult for me to process it.

9 So, where are we now?

10 You don't want to use --?

11 MS. EIGENBROT: Your Honor, I---

12 THE COURT: ---the witness statement?

13 MS. EIGENBROT: I can move past it. We can, we can  
14 discuss some -- a few other things and I mean I can be done  
15 as far as cross-examination goes. I don't know how that  
16 becomes admissible at this point.

17 Like I said, I think that is more in line with what I  
18 am -- was attempting to impeach her on. I'm gonna move past  
19 that. I'm not gonna go through inconsistencies.

20 THE COURT: Uh-huh. (Affirmative).

21 MS. EIGENBROT: So we'll just have some additional  
22 questions. But that only -- I think would only -- I think  
23 it's hearsay cause it's said outside the presence of the  
24 courtroom, one. Two, I think it would just bolster and then  
25 kind of impeach and I don't know why -- I don't really see

1 any --.

2 THE COURT: well, the only, the only thing I really  
3 heard was we've, we've confirmed the chicken. But I mean  
4 other than that, I -- she -- I believe she testified, or  
5 excuse me, she told -- she said in front of the body cam  
6 that she witnessed the act.

7 I guess we'll just let you get through cross here, and,  
8 Mr. Meadors, I mean if you want to move in the video, we'll  
9 get -- well, I guess, I guess we need to talk a little bit  
10 more about that depending upon how the rest of cross goes.

11 MR. MEADORS: I'm speculating. I understand she's not  
12 gon' go under any more inconsistencies. But she already has  
13 gone over some in this statement. So I -- my intent's to go  
14 down the statement and ask -- which she was fixing to  
15 introduce a minute ago or, or read to them. There were some  
16 inconsistencies which I think I can go back on this  
17 statement under completeness.

18 THE COURT: well, the -- well, well, the jury hasn't  
19 heard any of that. I mean --.

20 MR. MEADORS: No, no. But I'm saying what she has  
21 already crossed her in front of the jury. So I think it's  
22 --.

23 THE COURT: well, she asked her about chicken. I'm  
24 sorry, sorry to make it -- but what other attempted points  
25 were made from the statement?

1 MS. EIGENBROT: I did -- I mean I -- judge, I asked the  
2 question if she remembered saying that she tried to stab him  
3 twice or had stabbed him twice. That's a -- I didn't think  
4 it's inconsistent -- it's inconsistent part of her statement  
5 along with what was said --

6 THE COURT: What---

7 MS. EIGENBROT: -- back then.

8 THE COURT: Whereas the State said it happened when  
9 she---

10 MS. EIGENBROT: Well, because I don't know that they---

11 THE COURT: ---was on---

12 MS. EIGENBROT: ---talked to her about it. They didn't  
13 ask her about it. She's now testifying just the one time.  
14 But I don't know how that would be helpful in rehabilitating  
15 what I asked at this point --

16 THE COURT: Okay.

17 MS. EIGENBROT: -- at the -- I mean she's not -- she's  
18 actually not acknowledged remembering saying that and that's  
19 where I asked to look at her statement and then we kind of  
20 stopped there.

21 MR. MEADORS: I was trying to save the Court's time  
22 going into anticipating what I might do. That's how we  
23 started on this I think.

24 THE COURT: Yeah.

25 MR. MEADORS: Okay.

1 THE COURT: No. Everybody's got good motives here.

2 MR. MEADORS: Yeah. But no, no, I'm just---

3 THE COURT: But it's gotten a little confusion  
4 particularly in light of if we're gonna pause on publishing  
5 something we wouldn't ordinarily publish. But we were -- we  
6 had -- the, the purpose was to give the defense an  
7 opportunity to do a meaningful cross-examination if the  
8 witness couldn't read her previously provided statement to  
9 law enforcement. So that was the goal and we may of opened  
10 up some other options for you. I, I don't know yet.

11 So I just -- let's just get through cross. But to the  
12 extent that if we are only repeating what she previously  
13 testified to on direct, I don't think the video will be  
14 appropriate. So, I mean I'm gonna -- let's just cross that  
15 bridge on redirect.

16 okay?

17 Are we ready to get the jury back in here?

18 MR. MEADORS: I do need to use the bathroom. But I  
19 guess I can wait.

20 THE COURT: No, no, no. We want you to do that now.  
21 We don't want you to break later. You can just go in the  
22 back if you need to.

23 (WHEREUPON, a short recess was taken at this time.)

24 MR. MEADORS: He's calling us up.

25 (WHEREUPON, a bench conference was held at this time.)

1 MR. MEADORS: Okay. And these are the written  
2 statements. She cut them -- said she cut him twice.

3 THE COURT: Ma'am?

4 MR. MEADORS: I said it is in here that she said she  
5 cut him twice in the written statement.

6 THE COURT: Okay. Which corroborates the---

7 MR. MEADORS: The---

8 THE COURT: ---body cam?

9 MR. MEADORS: Correct. And which I, I think I'd be  
10 allowed to impeach that on her question previously.

11 THE COURT: Where she said she didn't remember?

12 MR. MEADORS: Well, I thought she said -- her question  
13 was did you -- at least try, yes, sir.

14 THE COURT: Okay. Let's just get through cross and --.

15 MR. MEADORS: I'm not---

16 THE COURT: We'll, we'll -- we've -- we'll go from  
17 there.

18 All right. Let's -- y'all ready to bring the jury back  
19 in?

20 MS. EIGENBROT: Yes, Your Honor.

21 THE COURT: All right. Let's bring them in please  
22 before they try to escape.

23 Y'all have one more?

24 MR. ANDERS: Your Honor, I was gonna ask that we let  
25 Investigator Brewer go from her subpoena.

1 THE COURT: Yes.

2 (WHEREUPON, the following takes place within the  
3 presence of the jury.)

4 THE BAILIFF: The jury's present, Your Honor.

5 THE COURT: All right. Very well.

6 Ladies and gentlemen, we're gonna pick up where we left  
7 off during cross-examination of this witness.

8 Ms. Eigenbrot.

9 MS. EIGENBROT: Thank you, Your Honor.

10 May it please the Court?

11 THE COURT: Yes, ma'am.

12 CONTINUED CROSS-EXAMINATION

13 BY MS. EIGENBROT:

14 Q. All right. Ms. Rachel, just a few more questions.  
15 Okay?

16 A. All right.

17 Q. Now, I know we talked a little bit about some health  
18 issues you've got going on right now, right?

19 A. (WHEREUPON, there was no audible response.)

20 Q. Yeah?

21 A. Yeah.

22 Q. Okay. And you had a stroke?

23 A. Yeah.

24 Q. And you mentioned coming to stay with Vera and Amber  
25 back then?

1 A. Yeah.

2 Q. Right?

3 A. Yeah.

4 Q. And that was actually in part because you were having  
5 some health issues back then too, weren't you?

6 A. Not really. Not like this.

7 Q. Not like this?

8 A. No.

9 Q. But you have some issues with your heart back then,  
10 right?

11 A. No, just high blood.

12 Q. Just high blood pressure?

13 A. (WHEREUPON, there was no audible response.)

14 Q. Okay. Now, Ms. Rachel, there's a, a -- one thing we  
15 hadn't talked about.

16 Everyone in the house was drinking alcohol though,  
17 right?

18 A. Yeah.

19 Q. And that, that alcohol was gin, wasn't it?

20 A. Yeah.

21 Q. And when I say everyone, that included Amber, right?

22 A. Yes.

23 Q. Included Jamaïne?

24 A. Yeah and me.

25 Q. And you too?

1 A. Yeah, (indiscernible).

2 Q. And Vera?

3 A. And Vera's friend.

4 Q. Okay. You said Vera's friend?

5 A. Yeah.

6 Q. Is that -- when you go -- when -- did he go by New York  
7 back then?

8 A. Yeah.

9 Q. Okay. And what about the neighbor, was she also  
10 drinking?

11 A. Yeah.

12 Q. And how long had you guys been drinking?

13 A. It wasn't long.

14 Q. Okay. Not long?

15 A. Nah.

16 Q. Would you say maybe an hour before the kids got home?

17 A. Yeah, something like that.

18 Q. Something like that?

19 A. (WHEREUPON, there was no audible response.)

20 Q. Okay. All right. Thank you, Ms. Rachel.

21 THE COURT: All right.

22 MS. EIGENBROT: No---

23 THE COURT: Redirect.

24 REDIRECT EXAMINATION

25 BY MR. MEADORS:

1 Q. Now, Ms. Rachel, back when you were -- this happened,  
2 your health was a lot better?

3 A. Yeah.

4 Q. Okay. Could you see good?

5 A. Yeah.

6 Q. Hear good?

7 A. Yeah, walk.

8 Q. walk?

9 A. Yes.

10 MR. MEADORS: Your Honor, if I could just have this  
11 marked for identification at this point?

12 (WHEREUPON, the statement by Rachel Manning was marked  
13 as State's Exhibit No. 22 for identification purposes only  
14 at this time.)

15 Q. Ms. Megan asked you about giving a statement earlier.  
16 You remember?

17 A. Uh-huh. (Affirmative).

18 Q. Did you give a statement on this -- right after this  
19 happened on the side of the road right there at the house  
20 when the police came?

21 A. Yeah.

22 Q. You talked to them right then?

23 A. Yeah, I talked to them right then. I wrote down that  
24 statement.

25 Q. So, did you orally tell them what happened right

1 after -- right at the scene?

2 A. Yeah, I didn't have (indiscernible) at (indiscernible).

3 Q. And then did you give a written statement later?

4 A. Yeah.

5 Q. Okay. And is that what happened that day at the scene  
6 what you told them?

7 A. Yeah.

8 Q. And how many times did you say you saw Amber stab  
9 Jamaine, Jamaine McFadden?

10 A. Two times. I think, I think it was two.

11 Q. Okay. And you put that in your statement, didn't you?

12 A. Yeah.

13 MR. MEADORS: Your Honor, we'd offer this statement,  
14 22.

15 THE COURT: I'm sorry?

16 MR. MEADORS: We'd offer the statement.

17 THE COURT: Without objection?

18 MS. EIGENBROT: No, judge, I would have an objection.

19 THE COURT: Okay. Typically -- well, I'll hear from  
20 the defense first.

21 Oh, I'm sorry. Yeah, I mean -- no, I meant like if, if  
22 you want to tell me your basis for your objection --

23 MS. EIGENBROT: Oh, judge, of course.

24 THE COURT: -- now.

25 MS. EIGENBROT: Well --.

1 THE COURT: Well, you know what?

2 I'm sorry. You should -- I don't -- want to be  
3 careful. We got the jury in here. Sorry.

4 (WHEREUPON, a bench conference was held out of the  
5 hearing of the jury at this time.)

6 THE COURT: The State has made a -- has moved to offer  
7 State's Exhibit what?

8 MR. MEADORS: Twenty-two.

9 THE COURT: All right. The Court will hold the  
10 decision on that in abeyance pending further discussion.

11 MR. MEADORS: Beg the Court's indulgence.

12 THE COURT: All right.

13 (Pause.)

14 Q. You ready to go back to Winnsboro?

15 A. Yeah.

16 Q. Thank you. That's all we have.

17 THE COURT: Any recross?

18 MS. EIGENBROT: No, Your Honor.

19 THE COURT: All right. The witness is ex -- is  
20 excused. Thank you.

21 Thank you, ma'am.

22 THE WITNESS: You welcome.

23 MR. MEADORS: Your Honor, could we respectfully ask  
24 that Ms. Manning be relieved of her subpoena?

25 THE COURT: She is excused.

1 MR. MEADORS: Thank you.

2 THE COURT: Mr. Meadors.

3 MR. MEADORS: Yes, sir.

4 All right. Y'all come on up real quick. Just a brief  
5 talk about scheduling.

6 (WHEREUPON, a bench conference was held out of the  
7 hearing of the jury at this time.)

8 THE COURT: All right. Ladies and gentlemen, we'll go  
9 ahead and break for lunch at this time. I'll give you an  
10 hour and 15 minutes. I just would like you back at -- I'm,  
11 I'm gonna say at 1:35 in your jury room and we'll kick off  
12 the afternoon at that point.

13 Again, reminder while you're out, please don't discuss  
14 the case with anyone. Please don't do any independent  
15 research about the case. But we'll see you in 75 minutes.

16 Have a nice lunch.

17 (WHEREUPON, the following takes place outside the  
18 presence of the jury.)

19 THE COURT: Okay. All right. As far as our remaining  
20 Denno issues, are y'all ready to talk about those now or do  
21 y'all need a minute to tee up anything for me to listen to?

22 MR. MEADORS: Yes, sir, I think we are now if you want  
23 to.

24 THE COURT: Okay. So y'all agreed to some things I  
25 believe.

1 Can you just tell me what those agreements were?

2 You may -- if you did it already, I apologize.

3 MS. EIGENBROT: So, Your Honor, and I have, I have a --  
4 like have like a redacted list for you. I don't know what  
5 I've done with it.

6 So, Your Honor, my initial request was the first about  
7 27 minutes of it -- of the video. It is my client sitting  
8 in the room. I can provide a copy to Your Honor. Actually  
9 this makes it easier.

10 Your Honor, may I approach?

11 THE COURT: Yes, ma'am.

12 MS. EIGENBROT: And I believe that is a portion that  
13 Mr. Meadors and I agree upon.

14 Now, the next portion will be 56:38 to 56:53. I went  
15 back and actually did my best to transcribe. But  
16 Investigator Fitzgerald walks in and basically says an  
17 arterial bleed is not an accidental cut. That's a pretty  
18 deep cut and then there's a -- I believe Amber may respond  
19 briefly or kind of does like a this. And she says you know  
20 that doesn't make sense, right.

21 I kind of think that's one of the -- a comment on the  
22 ultimate issues and an opinion offered by Investigator  
23 Fitzgerald in that statement that she is not qualified to  
24 offer.

25 She's not a doctor. She not a pathologist. I

1 recognize that that is obviously part of her case. But I  
2 think coming in there and kind of making that comment and  
3 that kind of goes to the issue, like I said, in -- ultimate  
4 issue here is whether or not Amber accidentally did this or  
5 she intentionally did it.

6 THE COURT: Okay.

7 MS. EIGENBROT: The next portion---

8 MR. MEADORS: Judge, do you want me to respond as we go  
9 by or --?

10 THE COURT: Yeah. Sure. So you can just respond---

11 MS. EIGENBROT: Okay.

12 THE COURT: ---to that one briefly.

13 MR. MEADORS: Judge, I think that is -- I don't know  
14 how else you can explain the statement and how it turned.  
15 I, I did really go back and I read it a while back,  
16 Washington. They're berating in that case and going on and  
17 on. I don't think this is the same thing. We're explaining  
18 how we got from hey, this doesn't make sense and she --  
19 she's obviously already talked to Ms. Rachel too. She knew  
20 that too.

21 There's no question about it during the interim she --  
22 but that explains how the turn goes. I don't know how law  
23 enforcement -- they, they got to be able to communicate. If  
24 they have a suspect they know thinks somebody was stabbed,  
25 they got to be able to get them to start talking about it

1 and I just think it's different from Washington.

2 THE COURT: Okay. I think your, your basis of arguing  
3 about the legal conclusion is the use of the word accident?

4 MS. EIGENBROT: Part of it, yes, sir. Yes. And I --  
5 you know, and, Your Honor, to just briefly touch on the  
6 cases, when I read those cases, I recognize that the  
7 exchange between the investigator and the suspect at the  
8 time is a little bit different than what this was here.

9 But, in my reading of those cases, it's essentially the  
10 Court cautioning individuals about allowing investigators to  
11 essentially provide additional testimony and their opinions  
12 on cases or bolstering other witnesses they've spoken to by  
13 confronting suspects with those things I -- in an interview  
14 and being heard on a video recording.

15 THE COURT: Okay.

16 MS. EIGENBROT: And so, in my interpretation of those  
17 cases is that the Court should do their best to minimize any  
18 of that as it, again, kind of bolsters other potential  
19 witnesses and essentially is the investigator basically  
20 offering her opinion of not believing Amber and that's not  
21 something she would test -- necessarily testify to or being  
22 able to offer an opinion on.

23 THE COURT: Okay. Bear with me.

24 (Pause.)

25 THE COURT: I may just want to look at that myself

1 during the break.

2 what's the next thing?

3 The defendant sitting in the room, are y'all  
4 stipulating to that --

5 MS. EIGENBROT: Yes.

6 THE COURT: -- removing that?

7 MS. EIGENBROT: That, that one were -- we agree upon.  
8 I believe the next one is a minute or hour 1:36:48 to  
9 1:37:38.

10 MR. MEADORS: And, Your Honor, I think, to save time,  
11 Your Honor ought to listen to that if you don't mind,  
12 1:36:48 down to 147. It's about nine minutes and I just  
13 think that'd be easier if you're looking at those and my  
14 argument would be the same.

15 THE COURT: Okay. So 1:36 through 1:48 --

16 MR. MEADORS: Yes.

17 THE COURT: -- or basically 1:49, that whole thing?

18 MR. MEADORS: Yes, sir.

19 THE COURT: Okay. All right.

20 MR. MEADORS: Your Honor, the next 1:47:36, I don't  
21 have a problem. But I, I know this sounds crazy. But there  
22 was something at 1:48 right -- I, I -- I'm okay with  
23 starting at 1:48 and not 1:47:36 cause there's something in  
24 there that I thought was relevant and --

25 THE COURT: All right.

1 MR. MEADORS: -- I, I did mention that to --.

2 THE COURT: Using Ms. Eigenbrot's sheet of paper, what  
3 are you okay with that?

4 MR. MEADORS: Starting that at -- deleting 21 seconds I  
5 guess. It's, it's the -- when the actual conversation about  
6 the neighbors. Although she did ask some questions about  
7 the neigh -- but anyway.

8 MS. EIGENBROT: Your Honor, it's -- he's referring to  
9 what I have marked out as 1:47:36 to 1:48:21.

10 THE COURT: Okay.

11 MS. EIGENBROT: He's indicating that he would like the  
12 last 21 seconds back basically going to he would redact  
13 1:47:36 to 1:48:00.

14 MR. MEADORS: No, no, that's what I want in.

15 MS. EIGENBROT: Oh.

16 MR. MEADORS: No, I'm saying redact 1:48 to 1:48:21. I  
17 want the 1:47:36 to 1:48.

18 MS. EIGENBROT: Well, if I recall correctly, that is  
19 Amber saying something along the lines of, well, D.V., I  
20 already have a D.V. It's with the neighbor next door and  
21 then kind of goes into --.

22 MR. MEADORS: I think this is right before that. We're  
23 on the same thing. I'm not trying to -- so, so if you'd  
24 just look at that judge, it's something (indiscernible).

25 THE COURT: Okay. All right. Well, I'm down at

1 1:49:55 on your sheet.

2 MS. EIGENBROT: Okay.

3 THE COURT: Defendant is photographed. Clothes are  
4 removed. Warrants are served with your client. Waits for  
5 transport.

6 MS. EIGENBROT: I think we've kind of agreed that that  
7 could be redacted.

8 MR. MEADORS: As long as she's okay with the pictures  
9 coming in that they took, which I think she is --

10 MS. EIGENBROT: I don't have objections.

11 MR. MEADORS: -- that is fine.

12 THE COURT: Agreed by stipulation.

13 Mr. Meadors, do you have this same sheet that Ms.  
14 Eigenbrot gave you?

15 MR. MEADORS: I think so, yes, sir.

16 THE COURT: Okay. All right. All right. And the  
17 second, second page of that, headquarters -- second  
18 statement at headquarters.

19 All right. So we're -- first seven minutes.

20 Okay. So, I guess your objection would be what?

21 MS. EIGENBROT: Investigator Fitzgerald essentially  
22 confronting Amber about her being unforthcoming the first  
23 time they spoke mostly and I think she be -- I believe she  
24 actually goes into why they brought her back down there,  
25 that Jamaine had, in fact, passed.

1 kind of gives some additional information about his  
2 passing and then she makes a comment that says I know last  
3 time we didn't start off on a, a strong note. Essentially  
4 just commenting on the forthcomingness of her original  
5 statement, which I think can be clear in arguments if her  
6 statement is entered and played without her having  
7 additional comments on it in the second statement.

8 THE COURT: Anything from the State?

9 Any, any response?

10 MR. MEADORS: Judge, I'm thinking about this. I may  
11 not offer the second statement and I don't think she can  
12 unless she puts her on the stand. So that may resolve all  
13 of that quite frankly cause if, if we do all this, it's  
14 really cutting it down to when she calls him -- she's  
15 basically dirtying up the victim in the second statement  
16 saying he's on cane -- cocaine. He beat her all the time.  
17 She wants to keep out the CDV's referenced by her and the  
18 neighbor. But she's putting in CDV's how he beat me all the  
19 time, which I don't think's fair.

20 THE COURT: Well, your -- so you're essentially saying  
21 you can approach that if that door gets opened down the  
22 line?

23 MR. MEADORS: Well, I'm saying if I don't -- I, I may  
24 not offer it just list -- looking through all these quite  
25 frankly and --.

1 THE COURT: Well, I need to know cause I, I, I, I can't  
2 may not make a decision.

3 MS. EIGENBROT: And---

4 THE COURT: I have to make a decision.

5 MS. EIGENBROT: And, judge, I, I requested these  
6 redactions under the assumption that they were entered into  
7 evidence. Obviously they're not entered into evidence, I'm  
8 not necessarily as worried about them.

9 THE COURT: Okay. Well, what are your intentions,  
10 Mr. Meadors?

11 MR. MEADORS: She did just a little bit ago on the  
12 statement too offering it -- through it with me --.

13 THE COURT: Well, I'll tell you what.

14 MR. MEADORS: Not funny. I'm sorry.

15 THE COURT: All right. Let me finish reading through  
16 it.

17 MR. MEADORS: And, judge, I just want to be sure that,  
18 if we didn't offer it, then she wouldn't be allowed to go  
19 into it I wouldn't think through the investigator, the  
20 second statement.

21 MS. EIGENBROT: I think I'm allowed to ask that a  
22 second statement was given.

23 MR. MEADORS: Sure. I know. I agree with that.

24 THE COURT: Okay.

25 MR. MEADORS: Cause by the time we---

1 THE COURT: well, look at it this way.

2 If, if -- at this point, if, if you decide to go into  
3 the second statement, we're gon' have to have another in  
4 camera hearing. So, hopefully that won't be necessary. But  
5 it sounds to me that, at the moment, you're not feeling that  
6 you're gonna put in the second statement taken at  
7 headquarters and I can just review about 10 minutes of video  
8 on the first statement during the lunch hour and come up  
9 with some findings.

10 MR. MEADORS: And, judge, we'll be back in here early  
11 to -- (indiscernible) early. Just a little bit.

12 THE COURT: why don't y'all plan on coming back at --?

13 MS. EIGENBROT: Your Honor, I have one more brief  
14 matter.

15 In speaking about redactions with Mr. Meadors, he  
16 indicated they don't have the technology to officially  
17 redact the statement and would have to --

18 THE COURT: Oh.

19 MS. EIGENBROT: -- pause and fast forward the  
20 statement, which I obviously would have some objection to  
21 just out of concern about --.

22 THE COURT: A mistake.

23 MS. EIGENBROT: And then them obviously -- and then the  
24 jury obviously seeing that we're cutting parts, parts of the  
25 statement out. I don't --.

1 THE COURT: Y'all can't --?

2 MR. MEADORS: We can. I just -- under your time table.

3 Again, we just got involved. That's no excuse but --

4 THE COURT: I know.

5 MR. MEADORS: -- and for our part. But, yeah. No, I  
6 think we can.

7 THE COURT: well, number one, the second statement's  
8 not an issue now. Hopefully it won't be in the future. But  
9 I tell you what?

10 why -- we have the statement as it is now. Let me talk  
11 with y'all real quick.

12 MR. MEADORS: Justin, we, we can get IT here. This is  
13 still technically a Fifth Circuit case. So, I think we can  
14 get Justin --

15 THE COURT: Okay.

16 MR. MEADORS: -- IT here to help.

17 THE COURT: Let's take a short break. we'll all talk.

18 UNIDENTIFIED SPEAKER: Your Honor, Ms. (indiscernible)  
19 needs to go out and --.

20 (WHEREUPON, Court was in recess for the lunch break.)

21 THE COURT: All right.

22 MR. MEADORS: Thank you, Your Honor.

23 THE COURT: We ready to call our next witness?

24 MR. MEADORS: Your Honor, we are, and, and, before he  
25 comes out here too, we had briefly---

1 THE COURT: Oh, yes.

2 MR. MEADORS: -- briefly talked to him and, and I know  
3 we talked when Your Honor approached and just talked about  
4 the pictures. Two of the pictures of State's 30 and 31, I  
5 can show everybody in here, but I know she's making notes  
6 what they were.

7 THE COURT: Yes.

8 MR. MEADORS: Doctor -- I did ask him outside and he  
9 said that this would help him explain the depth of the  
10 injury to that artery and that's what those -- I told him I  
11 would, would ask him that that was not the size of the  
12 original injury obviously. But he said that would assist  
13 him in giving his opinion as to how deep the puncture  
14 would -- is or was if that makes sense.

15 THE COURT: Are they both the same value to the  
16 (indiscernible)?

17 MR. MEADORS: Beg the Court's indulgence.

18 (Pause.)

19 MR. MEADORS: We could narrow it down to State's 31 --

20 THE COURT: All right.

21 MR. MEADORS: -- if Your Honor will consider it.

22 THE COURT: Just one moment.

23 (Pause.)

24 THE COURT: All right. Just for the record, Ms.  
25 Eigenbrot, would you like to voice your objections to it?

1 MS. EIGENBROT: Yes, Your Honor. I, I would object to  
2 obviously I believe it was State's 31.

3 Is that the one you just presented?

4 THE COURT: You --.

5 MS. EIGENBROT: And I would object to the other photos.  
6 I don't know what their exhibit numbers are.

7 After, after my conversation with Doctor Monroe  
8 yesterday, I think he made a good point to me about how  
9 misrepresentative the cut in Mr. McFadden's leg is during  
10 autopsy. That was not the original size of the wound.

11 THE COURT: Yeah.

12 MS. EIGENBROT: It's substantially bigger. In fact, I  
13 believe he said in -- sometimes in surgery they actually  
14 don't even go in through the original wound. But, for some  
15 reason, on this one they had to. But it has increased the  
16 size of it and I think it's a substantial misrepresentation  
17 of what the wound looked like thus violating Rule 404 --  
18 403.

19 And so that's why I would have objections to it looks  
20 like State's 27, 28, and 29. And then, of course, the wide  
21 open very gory picture of his wound like even excised and  
22 completely opened up. Obviously would have some concerns  
23 about prejudice as well --

24 THE COURT: Okay.

25 MS. EIGENBROT: -- and inflaming the jury's passions.

1 THE COURT: Mr. Meadors.

2 MR. MEADORS: Your Honor, after looking at 27, 28, and  
3 29, I think Your Honor said that you thought these might be  
4 okay. I don't want to speak for you. But when we all three  
5 talked, so I can---

6 THE COURT: Well, I can---

7 MR. MEADORS: ---drop one or two of those down.

8 THE COURT: Fair enough.

9 MR. MEADORS: Yeah.

10 THE COURT: What we did -- what we talked about in our  
11 recess was that I too had the concern that well, that's not  
12 the size of the wound. But I also, if Mr. Meadors went and  
13 pointed out in direct, which I suspect he will, but you can  
14 certainly point it out on cross, that that's not in any way  
15 a representation of the wound itself. This is a  
16 postsurgical photograph.

17 wouldn't that be accurate?

18 MS. EIGENBROT: Your Honor, I do believe I'd be able to  
19 cross-examine Doctor Monroe in that. However, it, you know,  
20 is, is -- it's hard to get that image out of your head when  
21 you're talking about a stab wound and what is currently been  
22 described as a, you know, violent stabbing. And it's, it's  
23 substantially bigger when -- than what was originally  
24 described and we, unfortunately, don't have any photos of  
25 the original wound.

1 So I stand by my motion that this---

2 THE COURT: Understood.

3 MS. EIGENBROT: ---is prejudicial.

4 THE COURT: Understood.

5 MR. MEADORS: Your Honor, I've talked to the doctor and  
6 he said he thought 28 and 29 and I'd withdraw 27 and 30.

7 THE COURT: Let me see 28 and 29 please.

8 (Pause.)

9 THE COURT: All right. All right. All right. What I  
10 think I'm gonna do for now is I -- the State, I think,  
11 withdrew putting in several of them and offered 28 and 29  
12 and 31. I'm gonna find that 28 is out. I, I -- based on  
13 the appearance, I, I do think it could be a little bit  
14 despite what the doctor may testify to.

15 Twenty-nine is black and white. It's more of a, a  
16 side-view of the wound itself. And based on talking with  
17 the attorneys, I believe the testimony will certainly fill  
18 in the gap of what this picture is and what, more  
19 importantly, what it is not, which would be the actual wound  
20 caused by the alleged, the all -- the alleged stabbing.  
21 And, you know, upon further preview, you know, the, the  
22 close-up, if -- this isn't an overhead shot.

23 This is -- this doesn't strike me as a picture that's  
24 gory of a deceased person that shocks the consciousness.  
25 This is an anterior shot almost as if you were watching a,

1 you know, a surgical procedure. And so, if -- that's just  
2 my opinion from where I sit.

3 Ms. Eigenbrot, obviously, appearing on where the  
4 testimony takes us, you may need to object or may wish to  
5 object at some point and we'll cross that bridge when we get  
6 to it. But I will -- my intent is to admit Exhibit --  
7 State's Exhibit 29 and 31 over defendant's objection, and,  
8 the rest, the doctor can fill in with his sworn testimony.

9 MR. MEADORS: Thank you, Your Honor, and also we  
10 don't -- hopefully may not have to break.

11 Do we need to put anything else on the record about the  
12 statements or do you want us to go straight into that  
13 witness after this?

14 THE COURT: I think we can go straight into it.

15 MR. MEADORS: Okay.

16 (Pause.)

17 MR. MEADORS: I just want to make sure we'll all---

18 MS. MILES: We did get the, the redaction, Your Honor,  
19 and I wasn't sure if, during the break, we just need to  
20 watch the little parts real quick and make sure it's done  
21 correctly or maybe we will -- you know.

22 THE COURT: Okay. Ms. Miles, I would ask you that you  
23 take your computer and go watch it during the doctor's  
24 testimony.

25 MS. MILES: I, I did. I just wanted to make sure that

1 everybody's --.

2 THE COURT: All right. Well, that --.

3 MS. MILES: Okay.

4 THE COURT: If -- it's your belief that it's fixed in  
5 accordance with what we discussed?

6 MS. MILES: Yeah, we went through it and, and watched  
7 it like that. I just, you know, just wanted to make sure---

8 THE COURT: Okay.

9 MS. MILES ---that I wasn't the only one that said yes,  
10 this is good.

11 THE COURT: I understand where you're coming from. But  
12 if you're telling me that we removed the specific things we  
13 talked about --.

14 MS. MILES: Yes.

15 THE COURT: We didn't make an actual record of that.

16 MS. MILES: No, we didn't.

17 MR. MEADORS: That's what I didn't know if you wanted  
18 to go---

19 THE COURT: All right.

20 MR. MEADORS: ---ahead and do that now.

21 THE COURT: All right. Do it right now.

22 All right. Well, we just need to do it cause we talked  
23 about it.

24 So, Ms. Miles, you've got sort of a broad picture right  
25 now. Tell us exactly what we, we did.

1 MS. MILES: Yes, sir, Your Honor.

2 The defense had made a motion to redact several  
3 portions of the video, Your Honor, and counsel re -- we  
4 reviewed all of that.

5 A good portion of it was redacted. The first portion  
6 that was redacted was the zero seconds to 27 minutes and two  
7 seconds. That was just where the defendant was arriving in  
8 the room with the investigator.

9 Another portion that was redacted out was the 55:40 to  
10 56:00. The next portion that was removed was the 56:38  
11 through 56:53. That's where it was determined where the  
12 investigator was talking about define accident.

13 There's another portion that was redacted out,  
14 57:32 through 1 minute 36 or one hour, 36 minutes, and 40  
15 seconds. That was just where the defendant was sitting in  
16 the room.

17 After Your Honor reviewed everything for the next four,  
18 the ones that started with one hour and 36 minutes, one hour  
19 and 37 minutes, the two 1 hour 38 minutes, it was ruled that  
20 those four would stay in.

21 The one hour 46 minutes through 38 seconds, the next  
22 one, that was redacted out about the kids and DSS.

23 The one hour and 47 minutes and 36 seconds about the  
24 altercation with the neighbor was redacted out. The portion  
25 about the investigator asking for -- or she ask -- asking

1 the investigator about bond was redacted out at one hour and  
2 48 minutes.

3 One hour and 49 asking about going to jail and then  
4 1:49 through the end where she's photographed, clothes  
5 removed, and, of course, all of that, all of that was  
6 redacted out as well.

7 THE COURT: All right.

8 (Pause.)

9 MS. MILES: So that is---

10 MR. MEADORS: That's the first statement, Your Honor.

11 MS. MILES: Yes, that is only involved in the first  
12 statement.

13 THE COURT: All right. Let's get started.

14 Ready -- State ready to proceed?

15 MR. MEADORS: Yes, sir.

16 THE COURT: Defense ready to proceed?

17 MS. EIGENBROT: Yes, Your Honor.

18 THE COURT: All right. Let's get in the jury. Wake  
19 them up in there.

20 (WHEREUPON, the following takes place within the  
21 presence of the jury.)

22 THE BAILIFF: The jury's all present.

23 THE COURT: All right. Madam Forelady, ladies and  
24 gentlemen of the jury, welcome back. We're con --  
25 continuing with the next witness in the State's case in

1 chief.

2 MR. MEADORS: Your Honor, at this time the State of  
3 South Carolina would call Doctor Darren Monroe.

4 THE CLERK: Please raise your right-hand and place your  
5 left-hand on the Bible.

6 DARREN MONROE, being first duly sworn,  
7 testified as follows:

8 THE CLERK: Thank you. Please have a seat in the  
9 witness stand and state and spell your full name for the  
10 record.

11 THE WITNESS: Darren Monroe. D-A-R-R-E-N.  
12 M-O-N-R-O-E.

13 DIRECT EXAMINATION

14 BY MR. MEADORS:

15 Q. Good afternoon, Doctor Monroe.

16 Doctor Monroe, will you tell the ladies and gentlemen  
17 of this jury about Doctor Darren Monroe, where you're from,  
18 your background, your training and, in particular, your  
19 training in the field of expertise I've asked you to testify  
20 about today please, sir?

21 A. Sure. So, I am Doctor Darren Monroe. I'm originally  
22 from Kentucky. I trained in medicine. So I went to med  
23 school and residency in pathology at the medical school in  
24 Kentucky and then did a fellowship in forensic pathology at  
25 MUSC down in Charleston. And then I got my first job here

1 in Columbia and I've been here since 2014 at the same job.

2 Q. And, and what do you do?

3 A. So, my subspecialty in medicine is forensic pathology  
4 and what that is is a medical doctor who uses their  
5 knowledge and expertise of medicine and science to perform  
6 autopsies. Specifically, in this case, forensic autopsies  
7 for the county to determine the cause and manner of death in  
8 cases that have -- that are of interest to the public.

9 Q. What's the -- what's pathology?

10 A. Pathology is the branch of medicine that deals with  
11 diagnosing disease. A lot of what pathologists do is what's  
12 called surgical pathology and that's basically looking at  
13 biopsies and such under the microscope to get the actual  
14 diagnosis of what disease is going on. It's a very broad  
15 field in autopsy and forensic pathology is just a part of  
16 that.

17 Q. Forensic pathology specifically is a part of that.

18 But what's the addition that for -- forensic pathology  
19 does?

20 A. So, in forensic pathology, when you do a fellowship in  
21 forensic pathology, that's just an extra year of training  
22 and that focuses solely on forensics, which is, again, just  
23 doing autopsies to determine the cause and manner of death.

24 Q. So, regular medical school, med school, residency, and  
25 then this additional training, forensic pathology, correct?

1 A. Undergraduate and graduate school --

2 Q. All right.

3 A. -- and that's (indiscernible).

4 Q. And---

5 A. It's a long time.

6 Q. Are you board certified in forensic pathology?

7 A. I'm board certified in anatomic pathology, clinical  
8 pathology, and forensic pathology.

9 Q. How long have you been so certified?

10 A. What---

11 Q. How long?

12 A. How long?

13 Q. (WHEREUPON, there was no audible response.)

14 A. Originally, anatomic pathology and clinical pathology  
15 and since 2013. Forensic pathology since 2014.

16 Q. And have you testified in courts of record of, of this  
17 state and perhaps other states and been offered and accepted  
18 as an expert in the field of forensic pathology?

19 A. Yes, I have.

20 Q. Approximately how many times, doctor, have you  
21 testified and qualified as an expert?

22 A. Probably about 25 to 30.

23 MR. MEADORS: Your Honor, at this time we would offer  
24 Doctor Darren Monroe as an expert in the field of forensic  
25 pathology.

1 THE COURT: Any voir dire?

2 MS. EIGENBROT: No, Your Honor. No objection.

3 THE COURT: All right. Ladies and gentlemen, a person  
4 testifying can not give opinion testimony but testify as to  
5 what they personally saw, heard, sensed by smell or  
6 something of that nature. However, there's an exception  
7 when someone is qualified because of knowledge, education,  
8 and experience when they are permitted to give their opinion  
9 in certain areas that the Court qualifies them in that way.

10 In forensic pathology?

11 MR. MEADORS: Forensic pathology.

12 THE COURT: This witness will be qualified in the area  
13 of forensic pathology and give opinion testimony in that  
14 area. That does not mean you must accept the opinion. But  
15 it's evidence for you to use in any way you see fit.

16 MR. MEADORS: Thank you, Your Honor.

17 what -- but in an ideal world, where would you like to  
18 see the body of somebody you were doing an autopsy on?

19 A. We do the autopsies in Prisma Richland Hospital in  
20 downtown on Harden Street.

21 Q. I mean ideally, as a pathologist, would you love to be  
22 on the scene and see the body of the deceased if you could,  
23 correct?

24 A. That would be nice.

25 Q. That's not reality?

1 A. No.

2 Q. And so how does the body, in this case the body of Mr.  
3 McFadden, get to you?

4 A. So, when a person dies suddenly, unexpectedly, anything  
5 that's like on a homicide or a suicide or if you ever  
6 (indiscernible) to a car wreck, among other things, the  
7 county coroner will be notified and the Coroner's Office  
8 will send one of their deputies to investigate the scene.  
9 They do their scene investigation and then they determine  
10 whether or not an autopsy needs to be done. And then if  
11 they determine one does need to be done, they will contact  
12 the pathologist and let them know and then we set up a time  
13 to do it.

14 Q. So, at the request of the coroner, did you perform an  
15 autopsy on the one Jamaïne McFadden?

16 A. Yes, I did.

17 Q. If you said it a minute ago, and I'm just tired, where,  
18 where did you look at Mr. McFadden's body?

19 A. In the autopsy room in Prisma Richland Hospital.

20 Q. And we call that the morgue?

21 A. It's technically not the morgue but --.

22 Q. I apologize.

23 A. That's okay. Right next to it.

24 Q. Okay. Tell the ladies and gentlemen, when you got a, a  
25 gentleman, and specifically in this case, when a body comes

1 to you to be examined, what do you do first?

2 A. The first part of an autopsy is identifying the patient  
3 correctly. And, after that, we do an external examination  
4 and that's where we document -- we look over everything on  
5 the outside of the body, document things like height,  
6 weight, hair color, those sorts of things, and then we look  
7 for any injuries, anything out of the ordinary, and document  
8 those.

9 Q. And did you -- when, when you -- obviously a person's  
10 dead weight, I don't mean that bad, but how, how, how do you  
11 weigh them?

12 A. There is a, a very big scale on the floor. And so the  
13 body's actually on a stretcher and we can, you know, roll  
14 the whole thing onto this big scale and subtract the weight  
15 of the stretcher.

16 Q. And can you tell the folks the, the weight and height  
17 of Mr. McFadden?

18 A. Yes, his -- so he was about 175 pounds and 70 inches  
19 tall.

20 Q. How tall is that?

21 A. That would be 5'10".

22 Q. And did you identify this body as Mr. McFadden's body,  
23 Jamaine McFadden?

24 A. Yes, it was.

25 Q. External, what do you do?

1           You take pictures?

2   A.    We do.

3   Q.    And what were your observations for examining the  
4   external body, the outside, if you will, of Mr. McFadden?

5   A.    The most relevant finding, you know, on this external  
6   examination was the evidence that he had had some medical  
7   procedures done on his right leg.  And so, at the very  
8   beginning, he had a bunch of surgical dressings on the right  
9   leg.  Removing those revealed two incisions from the surgery  
10  that he had had.

11  Q.    And how did you know that he had been in surgery prior  
12  to getting the --?

13  A.    So, one of the other things that I do before an autopsy  
14  begins, if it's available, is to go over the medical  
15  records.  In this case, all of his records were available to  
16  me from the submission to the hospital.  And so I was able  
17  to review exactly what happened in the hospital.

18  Q.    So, you would of viewed his -- what happened to him,  
19  his body in the hospital, prior to he died -- prior to his  
20  death?

21  A.    Yes.

22  Q.    And, and that's important for you to do that, correct?

23  A.    Yes.

24  Q.    And does a part of that include, if you had the  
25  opportunity, the EMS records?

1 A. Yes, it does.

2 Q. Were, were attempts made to save Mr. McFadden's life at  
3 the hospital prior, prior to getting to you obviously?

4 A. Yes, there were.

5 Q. And, and can you tell, looking at the injury -- well,  
6 let's -- let me finish the external.

7 Were there anything else on the external body of Mr.  
8 McFadden that you noted are, are in your report?

9 A. The real nature of the findings were the, the surgical  
10 findings on the right leg.

11 Q. And, and, doctor, you do a report, right?

12 A. Yes.

13 Q. And you did -- we provide it to the defense and that --  
14 you've got it with you and that -- is that taken at or near  
15 the time that you conduct this examination?

16 A. Yes, the report is made generally the same date as the  
17 autopsy. I record my findings right after and then go back  
18 to the office and put it into a, a nice report.

19 Q. And, and just maybe common sense, is it -- do you like  
20 doing it the same -- I mean do you get it done when it  
21 happened, when it's fresh in your mind?

22 A. Yes.

23 Q. Now, doctor, let's go to the, the -- specifically the  
24 wound. I want to go in some detail with it.

25 Can you describe the wound to the body of Mr. McFadden

1 on his leg?

2 A. Yes. So, after we -- like I said, there were bandages  
3 from surgery around his right leg. So we removed those and  
4 what that revealed was two incisions on his lower right leg  
5 and those I know, from medical record and reading these --  
6 the operative notes, those were made in two different  
7 surgeries in an attempt to save his life.

8 So, he had two incisions, one on either side of his  
9 right lower leg.

10 Q. And that was an attempt when other doctors were  
11 attempting to save Mr. McFadden's life?

12 A. Yes.

13 Q. And what we want to ask you about today is the initial  
14 wound based on your review of Mr. McFadden's body and the  
15 medical records that you got from the hospital, the initial  
16 wound he received on October 1<sup>st</sup>, 1<sup>st</sup> of 2019.

17 Can you tell us about that wound?

18 First of all, I -- do you mind showing your leg?

19 Can you show us where it is?

20 A. One was right here and one was right here.

21 Q. And the one that was right here, and I don't mean to  
22 touch you but I just did, that, that was done by doctors at  
23 the hospital, correct?

24 A. Yes.

25 Q. Okay. So that was not the original wound on the

1 inside?

2 A. No.

3 Q. Okay. Was that made to help try to save him?

4 A. Yes.

5 Q. So, the original wound on Mr. McFadden, based on your  
6 review of the records, is where?

7 A. The original wound, based on the record review, was  
8 about right here.

9 Q. Okay. And, and based on your record review, can you  
10 tell us how, how -- what was the size of the original injury  
11 on the leg of Mr. McFadden?

12 A. According to the medical notes from both surgery and  
13 emergency department, the original wound was approximately  
14 2-centimeters long.

15 Q. Now, doctor, you've now got Mr. McFadden laying in  
16 front of you. You weighed him. You measured his height.  
17 You've observed his -- exterior of his body.

18 You respect the family, you then start looking inside,  
19 right?

20 A. Yes.

21 Q. And you collect fluids from inside?

22 A. Depending on the case, yes.

23 Q. And specifically staying on the leg, and after  
24 reviewing the records, what were you able to determine about  
25 the initial injury on Mr. McFadden?

1 A. The initial injury, per the operative note, they  
2 discovered was an artery was transected. One of the main  
3 arteries in your lower leg was transected and that was what  
4 caused him to bleed profusely.

5 Q. Now, I don't mean -- you, you got a lot more school  
6 than I do.

7 what's transected mean?

8 A. Cut across.

9 Q. Okay. So his artery was cut---

10 A. Cut in half.

11 Q. Okay. Cut in half?

12 A. Yes.

13 Q. And that's what transected mean?

14 A. Yes.

15 Q. Okay. And were you able to observe that, the injury to  
16 the artery, artery?

17 A. Yes, I was able to observe both the graft that they had  
18 done to try to repair it and where the injury was.

19 Q. And, and, and the injury specifically was the  
20 transect -- transection of what?

21 A. It's specifically called the anterior tibial artery and  
22 that is just, again, the large artery that goes through that  
23 outer side of the lower leg.

24 Q. Once that's transected, based on your training and  
25 experience, and, and -- what's gone happen once that's

1 transected?

2 A. Once an artery of that size is cut open, it is going to  
3 bleed profusely and only putting a large amount of pressure  
4 on the area is going to stop it, have any chance of stopping  
5 it from bleeding profusely.

6 Q. And, again, I know what -- profusely means a lot?

7 A. A lot.

8 Q. I'm gonna show you what's been entered as State's 15.  
9 would that be consistent with an injury to artery  
10 that's been bleeding profusely?

11 A. Yes, it would.

12 Q. Do you take pictures of the injury that you're gon'  
13 come in here and do like you're doing right now and testify  
14 about?

15 A. We take pictures during the autopsy of -- we take a  
16 general set of pictures on all the cases and then anything  
17 specific to the case such as, in this case, the, the lower  
18 leg. We take more pictures of that too.

19 Q. I'm gonna hand you what's been marked State's 29 and 31  
20 and, doctor, just before you say the -- do, do you recognize  
21 these?

22 Do they relate to your testimony and, and was this part  
23 of your examination?

24 A. Yes.

25 MR. MEADORS: Your Honor, at this time State's 29 and

1 31 will be offered.

2 THE COURT: Subject to objection, State's Exhibits 29  
3 and 31 are admitted.

4 (WHEREUPON, State's Exhibit Nos. 29 and 31 were  
5 received into evidence at this time.)

6 Q. I'm gon' start with State's 29.

7 Is this a black and white photo of the right leg of Mr.  
8 McFadden?

9 A. Yes, it is.

10 Q. Okay. Trying not to show the audience, again, was the  
11 initial injury this large?

12 A. No, it was not.

13 Q. And that's based on your review of the records?

14 A. Correct.

15 Q. Okay. But is this where the initial injury was on that  
16 part of the leg?

17 A. Yes, it is.

18 Q. And do you kind of dive in there to go look and see the  
19 artery when you -- is that what you want to do to come in  
20 and tell us what the cause of death was?

21 A. Yes, and, of course, this, this autopsy I had to  
22 explore inside the surgical area to see exactly what I could  
23 see if anything else.

24 Q. And is State's 31 a close-up picture of the inside of  
25 Mr. McFadden's leg when he received the initial injury?

1 A. Yes, it is.

2 Q. What's State 31 -- what can you tell us, based on your  
3 examination and your experience, about State's 31?

4 why is that relevant to your testimony, doctor?

5 A. So this is a photograph of, again, the inside of his  
6 right lower leg and specifically what it's showing is injury  
7 to the artery in question that was cut and also was kind of  
8 how deep that artery normally is.

9 Q. All right. And can I, without -- can you, can you show  
10 us what, what artery is it you're talking about?

11 A. Right here is showing the artery that's been opened, so  
12 cut, and this is the direction that it's going in.

13 Q. Show that again.

14 what direction?

15 A. So this is -- his foot would be down here sticking up  
16 and head down that way. And so this is just the artery  
17 running down his leg.

18 Q. The artery run out.

19 And I think you said something a minute ago that  
20 this -- does this show how deep the injury was?

21 A. It gives a good idea of how deep the artery lies.

22 Q. How deep does the artery lie, lie?

23 Can you testify to that?

24 A. I can't give an exact depth. But it's a good inch,  
25 inch and a half or more deep.

1 Q. Deep?

2 A. Yes.

3 MR. MEADORS: Okay. Okay. Your Honor, State's 23, and  
4 24, 25, and 26 without objection.

5 THE COURT: All right. Fair enough. I think that's --  
6 without objection?

7 MS. EIGENBROT: Without objection.

8 THE COURT: All right. State's Exhibits 23, and 24,  
9 and 25, and 26 are admitted into evidence.

10 MR. MEADORS: I did check with her first, judge.

11 THE COURT: Yes, I know.

12 MR. MEADORS: She had no objections.

13 THE COURT: Okay.

14 (WHEREUPON, State's Exhibit Nos. 23 through 26 were  
15 received into evidence at this time.)

16 Q. Doctor, I want to show you what's been offered and  
17 entered as State's 23, State's 24, State's 25, and State's  
18 26 just as all -- the picture of the same three knives. I  
19 don't know how to ask this except how to ask it.

20 Could any -- which one of those knives could of caused  
21 the injury that you observed on Mr. McFadden's leg?

22 A. Any of these three knives could of caused the injury.

23 Q. Now, you've never seen those knives, had you?

24 A. No.

25 Q. You've never been to the scene on Tremont Street, have

1 you, doctor?

2 A. No, I haven't.

3 MR. MEADORS: Beg the Court's indulgence.

4 (Pause.)

5 THE COURT: Hit, hit the mute button please. Thank  
6 you.

7 (Pause.)

8 Q. Doctor, if you're able, can you tell us what type of  
9 force would be able to take to create that injury?

10 A. I can't give an exact amount of force necessary to  
11 cause this injury. It would depend on many different  
12 things.

13 Q. Such as?

14 A. Such as the sharpness of the instrument that did it,  
15 the, the weight and size of the blade, you know, the size of  
16 the body, you know, that it has to go through to happen to  
17 what part of the body that it has to go through. It's  
18 very -- it depends on many different things. So, I can't  
19 give an exact number.

20 Q. Would it be consistent with just a knife falling, that  
21 injury?

22 A. This injury, if the person was standing when it  
23 occurred, that would be very unlikely to happen just given  
24 the angles involved.

25 Q. If the person was sitting?

1 A. If the person was sitting, you know, is their leg  
2 propped up or is it down on the floor with the foot on the  
3 floor, that would -- if the foot's on the floor, that'd be  
4 the same as what I just said, very unlikely given the angle.  
5 If the leg was flat with the foot up, that's a possibility.

6 Q. Is it consistent with a thrusting motion?

7 A. It is consistent with a thrust -- thrusting motion.

8 Q. And, doctor -- and, doctor -- doctor, I don't want to  
9 say doc. I'm sorry.

10 Doctor, I asked you earlier about the fluids.

11 Did, did you collect blood or other fluids from Mr.  
12 McFadden and, and send them on for a toxicology result?

13 A. Yes, we did.

14 Q. And is that something -- that's, that's part of what  
15 you do, isn't it, doctor?

16 A. Yes, in almost every case, yes.

17 Q. And the toxicology results in this case on Mr. McFadden  
18 were what?

19 A. The -- in this case, what we call hospital admissions  
20 blood was collected. So, that's some of the blood that they  
21 collected originally when they first got to the hospital  
22 such as from the emergency department.

23 Q. You talking about when he first went in there on  
24 October 1<sup>st</sup>?

25 A. When he first came into the hospital, yes.

1 Q. Go ahead.

2 A. That blood -- the only finding in that blood from a  
3 routine toxicology screen was an ethanol level of 0.261  
4 grams per deciliter. Ethanol is just drinking alcohol.

5 Q. And everything else in his system was negative for any  
6 other, correct?

7 A. Nothing else was noted.

8 Q. This sounds crazy but the picture of the leg I showed  
9 you is, is Mr. McFadden, right, for the record?

10 That is the body of Mr. McFadden that you --?

11 A. Yes.

12 Q. And that is State's 29.

13 Doctor, do you have an opinion, to a reasonable degree  
14 of medical certainty, as to the cause of death of  
15 Mr. Jamaïne McFadden, McFadden?

16 A. The cause of death of Mr. McFadden was a stab wound of  
17 the right leg.

18 Q. And, and, and, and, doctor, I -- you -- I wanted to --  
19 I just forgot this.

20 But you, you said you reviewed the EMS records also?

21 A. Yes.

22 Q. Do they reflect, the EMS records, does EMS usually take  
23 somebody from the scene to the hospital, right?

24 A. Yes.

25 Q. Do they reflect whether or not the victim was

1 responsive or motor skills or --?

2 A. Yes, they do make a note of, of his general condition.

3 Q. And what is that?

4 A. So, he had -- he was not doing very good at the time  
5 EMS arrived. He had spontaneous eye movements but was not  
6 responding in any other way to verbal commands or even pain.  
7 They will sometimes pinch or cause pain on your chest to  
8 see -- to assess if you can move your muscles at all. And,  
9 in this case, he was not moving any of his muscles. He was  
10 not responding to any verbal commands. His eyes were open  
11 and moving.

12 Q. What was the last part, his eyes were open but what?

13 A. His eyes were open and moving.

14 Q. And there's a score they gauge that on, isn't it, EMS?  
15 what do they call it?

16 A. Yes, it's called the Glasgow Coma Scale and it goes  
17 from three to 15 and his score, in their evaluation,  
18 evaluation was six, which is a very low score.

19 Q. And his verbal was one?

20 A. His verbal was one. That's the lowest.

21 Q. And his motor response or skills, what was that?

22 A. Motor response was also one. That's the lowest  
23 indicating no movement of muscles.

24 Q. So the other, from one to one is two, the other four  
25 were his eyes?

1 A. The eyes were spontaneously open and moving. So that  
2 was a four.

3 MR. MEADORS: Beg the Court's indulgence.

4 (Pause.)

5 Q. That's all.

6 Thank you, judge.

7 THE COURT: Cross-examination.

8 MS. EIGENBROT: Thank you, Your Honor.

9 May it please the Court?

10 THE COURT: Yes, ma'am.

11 CROSS-EXAMINATION

12 BY MR. EIGENBROT:

13 Q. Doctor Monroe, as a pathologist, you can not provide  
14 testimony or information about what exactly happens.

15 Is that correct?

16 A. No.

17 Q. And I want to kind of go over a few things that the  
18 State has already gone over with you.

19 Now, you did an external examination on Mr. McFadden's  
20 body?

21 A. Yes.

22 Q. And, in your review of that, the external -- in the  
23 external review, the only two wounds that you located on his  
24 body were the two surgical sites on his leg, right leg?

25 A. Yes.

1 Q. There were no other injuries to his person?

2 A. No.

3 Q. And I think you mentioned that Mr. McFadden was  
4 70 inches tall.

5 Is that correct?

6 A. Yes.

7 Q. All right. In, in some of the other measurements you  
8 take I guess are usually related to where the wounds are on  
9 the body.

10 Is that right?

11 A. Yes.

12 Q. So you'll measure either from the head or from the  
13 feet.

14 Is that correct?

15 A. Depending on where the wound is, yes.

16 Q. So, in this case, because the wound was in the lower  
17 part of the body, you measured from the feet to the wound.

18 Is that right?

19 A. Yes.

20 Q. And I think your findings was that the wound started  
21 about 15-inches from the heel of his right foot?

22 A. Yes.

23 Q. Now, when you made that measurement, that's of the  
24 current wound size.

25 Is that right?

1 A. That is kind of approximation taking into account the  
2 fact that, in surgery, they extended the wound both up and  
3 down. So that's kind of the middle and the best  
4 approximation of where that -- the initial stab wound was.

5 Q. Now, Doctor Monroe, I have a ruler here.

6 Can you mark on here for me where 15-inches would be?

7 A. Sure.

8 Q. Thank you.

9 All right. So, if -- you marked 15-inches.

10 So that's approximately how high the wound was from Mr.  
11 McFadden's heel?

12 A. That's from his bare heel, yes.

13 Q. So down there?

14 A. Yes.

15 Q. And now the original wound, I think as you testified  
16 to, was 2-centimeters long?

17 A. That's per the medical notes, yes. That was their  
18 approximation.

19 Q. Significantly smaller than the wound we've seen in the  
20 photograph right here?

21 A. Yes.

22 Q. And I think you actually measured that at I think  
23 6-inches?

24 A. The, the one on his right lateral leg where the stab  
25 wound was was four and a half inches.

1 Q. Four and a half.

2 But, again, not two centimeters?

3 A. No.

4 Q. Now, as part of the autopsy, you also did an internal  
5 examination of Mr. McFadden.

6 Is that right?

7 A. Yes.

8 Q. And that includes just basically all of his internal  
9 organs?

10 A. That includes an examination of all the internal organs  
11 actually right -- yes.

12 Q. And one of the things that you noted about Mr. McFadden  
13 is that he had an enlarged heart.

14 Is that right?

15 A. Yes.

16 Q. And that -- but he also had an enlarged liver?

17 A. Yes.

18 Q. Also had a thing called fibrotis -- tic?

19 Fibrotic. It's fibrotic. Sorry. That's the word.

20 A. Yes, the, the liver was fibrotic and fatty.

21 Q. And both of those conditions can be caused by heavy  
22 alcohol use?

23 A. Correct. Both of those can be.

24 Q. They're other causes, of course, but that's one of the  
25 causes?

1 A. Yes.

2 Q. Now, as a part of this examination, you were able to  
3 view some of the photographs at the house.

4 Is that right?

5 A. I have not seen any actually from the scene except for  
6 what he presented earlier.

7 Q. Just showed you.

8 Now, when an artery is transected like that, that  
9 amount of blood is not surprising.

10 Is that right?

11 A. No.

12 Q. And, in fact, when an artery is cut, an individual can  
13 lose that blood pretty rapidly?

14 A. That's correct. An artery of this size, he can lose  
15 blood very quickly.

16 Q. And without medical intervention, pretty immediately  
17 they could -- are an at risk of bleeding out?

18 A. Yes, they are.

19 Q. Now, people can survive losing what ap -- appeared to  
20 be -- question -- let me back un.

21 EMS, did they put in their report about what the  
22 estimated blood loss was at that time?

23 A. There was no estimation of quantity by EMS. They just  
24 stated that he was lying in a pool of blood and the pants  
25 and socks and shoes were saturated with blood.

1 Q. All right. But with medical intervention, there are  
2 times when those -- that blood loss -- somebody could still  
3 survive that blood loss.

4 Is that right?

5 A. Potentially. Sure. Yes.

6 Q. Beg the Court's indulgence.

7 (Pause.)

8 Q. And it's your understanding from the EMS report that a  
9 tourniquet was, in fact, applied to Mr. McFadden's leg?

10 A. Yes, they did apply a tourniquet.

11 Q. So he did not bleed out there completely at the scene?

12 A. Not completely, no.

13 Q. And I'm actually gonna have you mark my ruler one more  
14 time.

15 Can you show us exactly where the 2-centimeters would,  
16 would be on this ruler?

17 A. (WHEREUPON, there was no audible response.)

18 Q. Thank you, doctor.

19 All right. So we've got it marked right here.

20 And then, doctor, I just want to briefly touch on depth  
21 of the wound. I think you kind of covered it in your  
22 testimony.

23 But you can not specifically say how deep the wound  
24 was?

25 You can approximate.

1 Is that right?

2 A. No, I can only give an approximation.

3 Q. And that is because some of us are -- you know, we have  
4 different size body parts.

5 Is that right?

6 A. Correct.

7 Q. All right. Thank you. I don't think I have any  
8 further questions.

9 THE COURT: Redirect.

10 REDIRECT EXAMINATION

11 BY MR. MEADORS:

12 Q. Did the EMS report that the defendant said she didn't  
13 know how it happened?

14 A. The EMS report just states that there is a penetrating  
15 wound --

16 Q. Penetrating --?

17 A. -- to the right leg.

18 Q. And, doctor, she asked you about some other things  
19 with, with Mr. McFadden.

20 Did he die because of the stab wound he got to his leg?

21 A. Yes, he did.

22 Q. Was that the cause of his death?

23 A. Yes, it was.

24 Q. Thank you.

25 That's all.

1 THE COURT: Recross.

2 MS. EIGENBROT: No, Your Honor.

3 THE COURT: All right. The witness is excused. Thank  
4 you.

5 MR. MEADORS: Your Honor, we ask that he'd be relieved.

6 THE COURT: Without objection.

7 He's excused.

8 MR. MEADORS: Excused.

9 Okay. Thank you.

10 THE COURT: All right. Next witness.

11 MR. MEADORS: The State would call -- the State of  
12 South Carolina would call Allison Fitzgerald.

13 THE COURT: Very well.

14 THE CLERK: Please raise your right-hand and place your  
15 left-hand on the Bible.

16 ALLISON FITZGERALD, being first duly  
17 sworn, testified as follows:

18 THE CLERK: Thank you. Please have a seat on the  
19 witness stand and state your full name on the record.

20 THE COURT: If we could keep the chatter down in the  
21 courtroom please.

22 THE WITNESS: Allison Fitzgerald.

23 DIRECT EXAMINATION

24 BY MR. MEADORS:

25 Q. Good afternoon.

1 A. Afternoon.

2 Q. Will you please tell the ladies and gentlemen of this  
3 jury about you, where you're from?

4 Tell them where you were born, where you're from, and  
5 your background and training and specifically your training  
6 in law enforcement please.

7 A. I actually was born in Charlotte, North Carolina.  
8 Moved up to Pennsylvania partway through my schooling.  
9 Graduated from Pennsylvania Lewisburg High School in  
10 Lewisburg, Pennsylvania and then went to school at  
11 University of New Haven in Connecticut. Got a bachelor's in  
12 criminal justice.

13 And then came down south where I got my first job as a  
14 law enforcement officer with the Columbia Police Department  
15 which is where I was at the time of that incident. I was,  
16 at the time of the incident, I was an investigator. But  
17 prior to that I had been on the road for three years in  
18 metro region, which is like downtown Columbia.

19 Q. Slow, slow down.

20 A. Sorry. I talk fast. In downtown Columbia and out Two  
21 Notch Road. That's the metro region.

22 So I did that for three years and then I went to  
23 investigations where we did one year of everything in one  
24 region, any kind of case that would come out, from larcenies  
25 to murders. And then they went back to specialized units

1 after that. So then I did a little bit of property crimes  
2 and then I went to special, special victims unit like  
3 domestic violence, anything with children, missing children,  
4 missing people at that time for the last four years.

5 Q. So you were in special victims unit --

6 A. Yes.

7 Q. -- when this happened?

8 A. Yes.

9 Q. When did you leave the Columbia Police Department?

10 A. And then left the Columbia, Columbia Police Department  
11 in the beginning of 2022 and I'll be coming up on two years  
12 at South Carolina Law Enforcement Division as a special  
13 agent in general investigations.

14 Q. And, and, and you, you left just to progress your  
15 career?

16 A. Stay in my career.

17 Q. Nothing bad, your leaving?

18 A. Right. Exactly.

19 Q. And what do you do at SLED?

20 A. At SLED I do a general investigations. We do anything  
21 that's conflicted out by smaller agencies or also with  
22 anything involving officers or family members of officers or  
23 anybody who's in the field surrounding (indiscernible).

24 Q. Other potential investigations, you been doing that  
25 also?

1 A. Yes.

2 Q. At SLED?

3 A. (WHEREUPON, there was no audible response.)

4 Q. So let's go back to October 1<sup>st</sup>.

5 Can I call you agent for these purposes?

6 A. That's fine, yes.

7 Q. Of 2019 -- and your rank, if you will, and title is  
8 what?

9 I'm sorry. On October 1<sup>st</sup>.

10 A. At that time I was an investigator with the Columbia  
11 Police Department in the special victims unit.

12 Q. And you had an occasion to respond to ■ Tremont  
13 Avenue?

14 A. Yes, it initially came out as a domestic violence  
15 related---

16 Q. Now -- and not -- don't get mad at me.

17 A. No, you're fine.

18 Q. But just slow down just a tad for the---

19 A. I know.

20 Q. ---court reporter.

21 A. Sorry.

22 Q. I'm sorry. And for --.

23 A. Is it what -- I initially responded because it was a  
24 domestic, domestic violence related call and that was my  
25 unit.

1 Q. When you got there, did you observe -- was Mr. McFadden  
2 already gone?

3 A. He had already been taken to the hospital, yes.

4 Q. Okay. So, did you see him in the house?

5 A. No.

6 Q. And when you were on the scene of -- had EMS already  
7 gone?

8 A. Yes.

9 Q. Okay. Were there other officers at the scene?

10 A. Yes.

11 Q. Now, we -- I think we've heard from Officer Brewer  
12 earlier.

13 was she there when you got there?

14 A. Yes, she was.

15 Q. And when you first got on the scene at ■■■ -- ■■■  
16 Tremont, what time was it?

17 A. It was about -- I received the call to come out to  
18 respond at about 4:35. So, it was soon thereafter.

19 Q. Okay. And did you see Amber Manning when you first got  
20 at Tremont?

21 A. Yes.

22 Q. Okay. Did you, did you have an occasion to talk to her  
23 then?

24 A. I don't recall actually speaking to her on scene.

25 Q. Did you speak with her later that day?

1 A. Yes, I did.

2 Q. Tell these folks about that.

3 where was that?

4 A. Okay. So after the scene was kind of settled after we  
5 kind of got the lay of the land and how many people we  
6 needed to interview, figured out what we needed to do on  
7 scene, crime scene related and all that, we started getting  
8 people sent to headquarters where we got interviews done.

9 So, Miss Manning was transported to headquarters after  
10 she had been detained and placed into an interview room with  
11 the, the video camera on as soon as she walked in the room  
12 and then waited until I was able to get up there and start  
13 doing interviews.

14 Q. Okay. Take a breath.

15 where is the headquarters where this interview room  
16 was?

17 A. Yeah. So headquarters for C.P.D. is 1 Justice Square.  
18 It's right downtown Columbia.

19 Q. And can you describe this room to these ladies and  
20 gentlemen?

21 A. The room that Amber was in was actually one of our --  
22 we have three interview rooms. This was the smaller of  
23 them. It was kind of the one that we often did suspect  
24 interviews in.

25 It has a table off on the right corner with the, the

1 individual that we're gonna have an interview with on the  
2 left side with our chair placed between the -- on the other  
3 end, on the shorter end of the table, rectangular table,  
4 between us -- the subject and the door.

5 And as soon as -- again, it was re -- recorded audio  
6 and video. As soon as the person's put into the room, we  
7 turn on the audio, audio and video and then, as soon as  
8 they're taken out, then the audio and video is turned off.

9 Q. So everything that transpires in that room with you and  
10 the individual you're talking to is audio and oh -- and/or  
11 video recorded?

12 A. Correct.

13 Q. Is there a certain thing you do when you start to talk  
14 to somebody that might be a suspect?

15 A. Yes.

16 Q. And what is that?

17 A. Reading Miranda to them.

18 Q. Okay. And I'm gon' show you what's marked State's 2  
19 and ask please, ma'am, do you recognize State 2 and does it  
20 relate to your testimony?

21 A. Yes.

22 Q. Okay.

23 A. It's the City of Columbia advice of rights form.

24 Q. Okay. You can keep it.

25 Did you have an occasion to or did you read the --

1 what's known as Miranda rights and a waiver of rights to  
2 Miss Manning?

3 A. Yes.

4 Q. Okay. And it's on audio and video --

5 A. Yes.

6 Q. -- or video. Excuse me.

7 But before we get to that, tell the ladies and  
8 gentlemen of the jury how, how did you do it.

9 A. So, I usually do mine pretty much the same. It helps  
10 to do it in a routine. So, I'll just ad -- advise them that  
11 I'm gonna be reading them their rights just because they're  
12 being detained and we're gonna be asking questions about  
13 something that could be criminal.

14 So, while I'll put the place at the top, the date, the  
15 time that they're all requested and then I go into reading  
16 the rights asking kind of for their acknowledgment along the  
17 way if they do not have -- will get some sort of  
18 acknowledgment.

19 So, what I read is before we ask you any questions, you  
20 must understand your rights. You have the right to remain  
21 silent. Anything you say can be used against you in court.  
22 You have the right to talk to a lawyer for advice before we  
23 ask you any questions and to have him with you during  
24 questioning. If you can afford a lawyer, one will be  
25 appointed for you before any questioning if you wish. And

1 if you decide to answer questions now without a lawyer  
2 present, you'll still have the right to stop answering at  
3 anytime. You also have the right to stop answering at  
4 anytime until you talk to a lawyer.

5 And then I kind of get an acknowledgment of if they  
6 understood that part. Then I read the, the waiver of rights  
7 portion, which says I have read this statement of my rights  
8 and I understand what my rights are. I'm willing to make a  
9 statement and answer questions. I do not want a lawyer at  
10 this time. I understand and know what I am doing and no  
11 promises or threats have been made to me and no pressure or  
12 coercion of any kind has been used against me.

13 Just because coercion's one of those words, sometimes  
14 you forget what it means, I ask them if they understand it.  
15 I say it just means I'm not sitting here forcing you to  
16 speak with me. If you would like to tell me your side, I'd  
17 love to hear it. And then they sign here and I sign here  
18 and put the time.

19 Q. And I'm not being mean, ma'am, but you---

20 A. Yeah.

21 Q. ---you do talk kind of fast.

22 A. I do talk fast.

23 Q. And, and I just mean that even on the audio or video---

24 A. Yeah.

25 Q. ---when you're reading these rights. That's just who

1 you are --

2 A. It is.

3 Q. -- and I don't mean that bad.

4 A. Yes.

5 Q. When you were reading these rights to her, did you, did  
6 you appear to understand -- excuse me. Strike that please.

7 Did, did Miss Manning appear to understand your  
8 questions?

9 A. Yes.

10 Q. Could you understand her answers?

11 A. Yes.

12 Q. Were her answers timely?

13 A. Yes.

14 Q. Were they subject matter appropriate?

15 A. They were.

16 Q. And actually did y'all have a conversation, we're gonna  
17 see it in a minute, about her lawyer and talking and that  
18 kind of thing?

19 A. Yes, we did.

20 Q. And, and you talked to her about that?

21 A. Right.

22 Q. And did she agree that -- she -- do you believe she  
23 understood her rights, wanted to talk to you, and waived  
24 those rights?

25 A. Yes. I even asked her multiple times just to make sure

1 we're on the same page.

2 Q. Okay. And you signed here?

3 A. Uh-huh. (Affirmative).

4 Q. And this is on what date?

5 A. It was October 1<sup>st</sup>, 2019.

6 Q. Okay. And what time?

7 A. It's 6:28PM.

8 Q. Okay. It says 18:28.

9 That's 6:28?

10 A. Yes.

11 Q. And down here at the bottom under waiver of rights,  
12 what time is that?

13 A. 6:30.

14 Q. And whose, whose signature here on, on State's 2 is  
15 that?

16 A. Amber Manning.

17 Q. Okay. And she voluntarily signed?

18 A. Correct.

19 MR. MEADORS: Your Honor, State's 2 we now offer in the  
20 record.

21 MS. EIGENBROT: No objection.

22 THE COURT: All right. State's Exhibit 2's admitted  
23 into evidence without objection.

24 (WHEREUPON, State's Exhibit No. 2 was received into  
25 evidence at this time.)

1 Q. Let me ask you a few more questions before we get to  
2 the tape.

3 You said you could understand her answers?

4 A. Yes.

5 Q. Did she appear to be under the influence of alcohol,  
6 drugs, or any other intoxicant when you were talking to her?

7 A. Not at the time I was talking to her. I knew that  
8 earlier in the day there had been alcohol involved. But I  
9 didn't notice any slurring of speech and she was  
10 understanding what I was saying.

11 Q. All right. Did you threaten her or hold out any hope  
12 of reward to Amber Manning in exchange for getting a  
13 statement?

14 A. No.

15 Q. Okay. During the process of reading the rights, the  
16 waiver of rights, and the period of time you were there with  
17 her on October 1<sup>st</sup> of 2019, did she ever say to you  
18 Fitzgerald, I don't want to talk to you?

19 A. No.

20 Q. Okay. Did she ever say give me a lawyer?

21 A. No.

22 Q. If she had done that, what would you have done?

23 A. We would of stopped.

24 Q. Okay. So, would you describe this entire encounter  
25 with her on October 1<sup>st</sup> as voluntary?

1 A. I would, yes.

2 Q. What about if she needed to use the bathroom?

3 A. Usually we'll offer it at different times. Usually  
4 when they get -- arrive on to headquarters before we even  
5 place in the room, we'll offer the bathroom and then,  
6 throughout, we'll give them little breaks and -- or if they  
7 ask.

8 Q. Drinking?

9 I mean how about re -- nourishment, refreshments?

10 A. Yeah. Yeah. Yes.

11 Q. Did you---

12 A. If they ask.

13 Q. Smoking?

14 A. No, not (indiscernible).

15 Q. And actually she asked to smoke, didn't she?

16 A. On, on one occasion I believe.

17 Q. And you told her -- I mean that's not --?

18 A. It's just not our policy.

19 Q. Okay.

20 MR. MEADORS: Your Honor?

21 (WHEREUPON, a bench conference was held out of the  
22 hearing of the jury at this time.)

23 Q. Agent Fitzgerald, you've, you've been in the courtroom  
24 with us yesterday and today and---

25 A. Yes.

1 Q. ---and also previously.

2 Have you reviewed the video recording of the  
3 October 1<sup>st</sup>, 2019, statement of Miss Manning?

4 A. I have.

5 Q. Does this State's 32 accurately reflect your  
6 conversations on October 1<sup>st</sup> of 2019?

7 A. Yes.

8 MR. MEADORS: Your Honor, as previously worked on by  
9 all the parties, we're offering State's 32.

10 THE COURT: Subject to previous---

11 MS. EIGENBROT: I need to---

12 THE COURT: ---objections?

13 MS. EIGENBROT: ---preserve for the record --

14 THE COURT: All right.

15 MS. EIGENBROT: -- previous objections.

16 THE COURT: So noted. Subject to objection. Thank  
17 you.

18 And that was State Exhibit what?

19 MR. MEADORS: Thirty-two.

20 THE COURT: State Exhibit 32's admitted into evidence  
21 subject to objection.

22 (WHEREUPON, State's Exhibit No. 32 was received into  
23 evidence at this time.)

24 MR. MEADORS: I can not do it but I'd ask somebody to  
25 publish it with the Court's permission.

1 (WHEREUPON, a portion of State's Exhibit No. 32 was  
2 played for the jury at this time.)

3 MR. MEADORS: Do you want to start it back over?

4 (WHEREUPON, a portion of State's Exhibit No. 32 was  
5 played for the jury at this time.)

6 Q. Now, was that a colloquy or a back and forth y'all had  
7 about whether she understood it, and if she didn't want to  
8 talk, she could start, and if she wanted to stop, she could  
9 tell you?

10 A. Yes.

11 Q. And based on your experience and that video, did she  
12 understand that?

13 A. At the -- that was my understanding, yeah.

14 Q. And she decided she wanted to talk to you?

15 A. Yes.

16 Q. And is this her signing right here?

17 A. That is.

18 (WHEREUPON, another portion of State's Exhibit No. 32  
19 was played for the jury at this time.)

20 Q. Did you leave her for a while --

21 A. I did.

22 Q. -- and go out and talk to some other folks?

23 A. Yes. In the other interview rooms were two people.

24 Q. Say that last thing.

25 A. In the other interview rooms were other parties --

1 Q. Okay.

2 A. -- in a room.

3 (WHEREUPON, the remaining portion of State's Exhibit  
4 No. 32 was played for the jury at this time.)

5 Q. When you took a break and came back and asked her about  
6 some things that didn't add up in your mind, did she change  
7 her story?

8 A. Yes.

9 MR. MEADORS: Your Honor, at this time what -- we'd  
10 respectfully ask for a quick break.

11 THE COURT: Okay. Ladies and gentlemen, let's take a,  
12 a very short break. Go on back to the jury room, and as  
13 soon as everyone's ready to come back, please let the  
14 bailiff know. Please don't discuss the case.

15 Thank you.

16 (WHEREUPON, the following takes place outside the  
17 presence of the jury.)

18 THE COURT: All right. So we can take a short recess.  
19 Anything else of note for the moment?

20 MR. MEADORS: Can we come up here for -- with both  
21 counsel?

22 (WHEREUPON, a bench conference was held at this time.)

23 THE COURT: Okay. Let's take a few -- five minutes for  
24 us as well.

25 MS. MILES: Yes.

1 (WHEREUPON, a short recess was taken at this time.)

2 THE COURT: All right. Just, you know, we, we -- the  
3 record will reflect that I, I had the lawyers worked through  
4 lunch. We worked on these video statements and, and the  
5 jury may not feel like we're being efficient. But I know  
6 we're doing everything we can to try to make this evidence  
7 as appropriate as possible under the rules of evidence.

8 So, anyways, we, we put on the record what redactions  
9 were made to the statement. But it occurred to me, when we  
10 had the officer here in testimony, that I'd actually -- we  
11 never had the final rulings for the purpose of Jackson v.  
12 Denno. So, I just wanted to make sure we get that.

13 I think you put all your objections on the record  
14 earlier, Ms. Eigenbrot, if I'm not mistaken?

15 Is that true?

16 MS. EIGENBROT: I believe so, Your Honor.

17 THE COURT: Okay.

18 MS. EIGENBROT: Well---

19 THE COURT: Well---

20 MS. EIGENBROT: ---I---

21 THE COURT: I know I admitted the -- in the first  
22 statement, over objection of defense counsel, approximately  
23 two minutes of what you -- your objection was that the  
24 investigator was -- you assert it was commenting on the  
25 facts. I, I determined it was a conversation be -- that,

1 that was not a foul of the rules. I mean I, I thought law  
2 enforcement has to be able to say that doesn't add up or  
3 something like that. I didn't think it ran a foul of State  
4 v. Washington where a witness or a, a defendant was berated  
5 or I just didn't think it crossed the line.

6 The, the record will speak for itself, and should there  
7 be an appellate procedure, then y'all have to make what they  
8 make of it.

9 But, overall, regarding the first statement which we've  
10 already played, I find, as a matter of law, that it was a  
11 free and voluntary statement. I, I didn't find anything to  
12 run a foul of Jackson v. Denno parameters.

13 So, she was certainly apprised of her Miranda rights  
14 and I thought the investigator was clear, both in the video  
15 and certainly in her testimony today, that, you know,  
16 should -- had she asserted her right to have an attorney  
17 present, it would of been honored and there are  
18 circumstances -- I know they offered her things to drink.  
19 I -- you know -- so I understand -- didn't think it was  
20 anything to, to not the coercion to remove the, the free  
21 enterprise of someone to be able to give a, a statement.

22 So, that's my ruling. We'll figure out how we address  
23 that now with the new case law with the jury charges. But  
24 we'll talk about that later.

25 MS. EIGENBROT: Thank you.

1 MR. MEADORS: And, judge, I do think that initially,  
2 with the roadside of Brewer, she is objecting to that and  
3 then was saying the others should of -- shouldn't come in  
4 because of that. But I think Your Honor ruled that it was  
5 obviously fine and then I do know she put that on the  
6 record---

7 THE COURT: I---

8 MR. MEADORS: ---earlier and I---

9 THE COURT: I do think I ruled---

10 MR. MEADORS: ---just wanted to---

11 THE COURT: ---on the body cam already if I'm not  
12 mistaken.

13 MR. MEADORS: Yes, sir.

14 THE COURT: But if that was just a conversation---

15 MR. MEADORS: It's a---

16 THE COURT: ---with us, I certainly find that the  
17 portion of the body cam at the scene that was placed into  
18 evidence was free and voluntary and to -- did not, even  
19 though Miranda was not given, I didn't -- it was still a  
20 voluntary statement and it wasn't a, a -- to hold otherwise  
21 will be to, I think, to make law enforcement Mirandize  
22 anyone if they talk to them under any circumstances.

23 So, I feel like we discussed more than that. But, at  
24 the moment, I can't remember and I think we discussed that  
25 on the record earlier.

1 MR. MEADORS: Yes, sir. Yeah, I think so, Your Honor.  
2 And, and, Your Honor, in addition to that, the second  
3 statement, Miranda, we gon' get into tomorrow. We did in  
4 camera.

5 THE COURT: Right.

6 MR. MEADORS: But we'll cover that tomorrow morning.

7 THE COURT: And we had -- and that -- the, the tech  
8 expert will be working on those redactions this evening and  
9 I would appreciate a courtesy email later tonight just  
10 letting me know that it's done.

11 MS. MILES: Yes, sir, Your Honor. And, and just for  
12 the record purposes, the redacted CD, the defense was able  
13 to review that before we published it to the jury during  
14 the -- Doctor Monroe's testimony. So, I just wanted to put  
15 on the record that both sides were able to review it before  
16 it was published.

17 MS. EIGENBROT: That is correct, Your Honor. I went  
18 downstairs and made sure that time stamps lined up. So, I  
19 was happy with it, the first redactions.

20 THE COURT: Okay. So, the final thing is I spoke with  
21 counsel at the bench just after we took the break and we're,  
22 we're in a position now, if we get through this witness  
23 entirely, we'll probably be here till 6:30 I suspect, which  
24 I don't want to do if I don't have to today. And instead of  
25 just ending with direct at 5:30 or 5:45, and having cross

1 start in the morning, I think what we'll do is recess now.  
2 That way the State can get into the second recorded  
3 statement tomorrow and I think it will be a little more  
4 seamless from a cross standpoint.

5 That way the jury's just not starting with an, an  
6 entire new attorney and an entire new line of questioning.  
7 That's just the way we'll do it.

8 So, when they come back in, we'll let them go for the  
9 day. I'll ask them to be here certainly by 9:00 -- 8:30?

10 Are you---

11 MR. MEADORS: No, 9:30. I'm sorry.

12 THE COURT: Oh.

13 MR. MEADORS: Excuse me. I didn't---

14 THE COURT: 8:30, that's very ambitious---

15 MR. MEADORS: No, sir.

16 THE COURT: ---Mr. Meadors. I applaud you.

17 MS. EIGENBROT: Objection.

18 THE COURT: You -- you're asking to start at 9:30?

19 MR. MEADORS: I am.

20 THE COURT: Okay. Well, that means I want the lawyers  
21 here at 9:15.

22 MR. MEADORS: Thank you.

23 THE COURT: All right. And I'll ask---

24 MR. MEADORS: Just---

25 THE COURT: ---the jury to be here no later than 9:15.

1 MR. MEADORS: Can I ask Your Honor's pleasure tomorrow?  
2 We will be resting tomorrow I would think before lunch  
3 without question. Maybe earlier than that.

4 THE COURT: Okay.

5 MR. MEADORS: Could -- I, I don't want to be held to  
6 that but I think so.

7 would your plan be to go ahead and finish this tomorrow  
8 if we can?

9 THE COURT: I think it depends on -- we got some things  
10 to talk about with the defense obviously. But, you know,  
11 one on hand, of course, we want to get this done  
12 efficiently. But also I, I personally don't like to charge  
13 juries after three o'clock.

14 MR. MEADORS: That's what I need -- that's all I wanted  
15 to know.

16 THE COURT: Yeah, I'm fine -- we'll see what -- well,  
17 I'll say this. If the defense doesn't put up a case, I'd  
18 say we finish tomorrow.

19 MR. MEADORS: Okay.

20 THE COURT: All right. And depending on how long the  
21 State goes, that may change. So -- but looking over it, I  
22 think if, if, if they put up a case some more and they're  
23 done in the afternoon, we probably just spend the rest of  
24 the day talking about jury charges or we just open -- we do  
25 closing arguments first thing Thursday morning and finish it

1 up.

2 MR. MEADORS: Thank you very much.

3 THE COURT: Okay. Anything else for, for the record  
4 before we bring in the jury and let them go for the day?

5 MR. MEADORS: Nothing from the State.

6 MS. EIGENBROT: Nothing from the defense, Your Honor.

7 THE COURT: All right. Let's bring them in.

8 (WHEREUPON, the following takes place within the  
9 presence of the jury.)

10 THE COURT: All right. Ladies and gentlemen, welcome  
11 back. You know, it's 4:35. We're, we're at a point now  
12 where I'm, I'm just gonna recess us for the day and we'll  
13 start first thing in the morning.

14 I'd like for you to be in the jury room no later than  
15 9:15 tomorrow. We intend to pick up with this witness at  
16 9:30 and just go from there. Otherwise, we might -- I know  
17 I've made you wait around for a little bit today and just  
18 for -- just so you know, I'll -- you may not feel like it  
19 when you're in the jury room. But I'm, I'm doing everything  
20 I, I can to try to make the trial as efficient as possible.  
21 And if you have any frustration over some of the delays  
22 sometimes, you can direct them solely at me. I'm your guy.

23 All right. So -- but I'll see you in morning, 9:30,  
24 or, excuse me, 9:15 in the jury room.

25 Please don't discuss the case with no one. Please

1 don't do any independent research of the case. Otherwise,  
2 have a nice evening. See you tomorrow.

3 (WHEREUPON, the following takes place outside the  
4 presence of the jury.)

5 THE COURT: All right. Counsel, anything else for the  
6 record today?

7 MR. MEADORS: No, sir. Thank you very much, judge.

8 THE COURT: All right.

9 MR. MEADORS: We appreciate your patience.

10 THE COURT: Ms. Eigenbrot.

11 MS. EIGENBROT: No, Your Honor.

12 THE COURT: All right. Have a nice evening. We're in  
13 recess.

14 MS. MILES: Thank you, judge.

15 MR. MEADORS: Your Honor, I -- and, and we know she's  
16 under oath and nobody will talk to her about her testimony.

17 THE COURT: Yeah, obviously, you know, we'll pick up  
18 where we left off for the morning and please don't discuss  
19 your testimony.

20 THE WITNESS: Yes, sir.

21

22 (WHEREUPON, Court was in recess for the evening.)

23

24

25



1 MS. EIGENBROT: Your Honor, just respectfully, I think  
2 in the initial interview that was played yesterday, I think  
3 some of the DV stuff was stated in that interview kind of  
4 opening the door a little bit.

5 THE COURT: well---

6 MS. EIGENBROT: I think this---

7 THE COURT: ---I, I, I do recall something. I know  
8 it's -- it was a two hour interview and --.

9 MS. MILES: And we have specifically taken out some of  
10 the portions. I know the portions of Investigator  
11 Fitzgerald was saying, you know, that -- previous domestic  
12 violence incident. I know that we specifically did redact  
13 that portion---

14 THE COURT: The use of---

15 MS. MILES: ---all of yesterday and I think the  
16 waiver -- they're talking (indiscernible) was only at the  
17 house and domestic violence was kind of mentioned in  
18 passing.

19 THE COURT: That's right. It, it was sort of -- there  
20 are multiple people in there. But we've certainly redacted  
21 the portion about the defendant stating that she personally  
22 had domestic violence charges and to the extent that the,  
23 the defense is, you know, pointing out that they assert that  
24 opening the door, well, it might crack the door a little  
25 bit. But I don't want to slam it open at this point by

1 leaving more in there.

2 So, I just don't want to bring any more attention to  
3 it. So, I'll overrule that objection and ask, and ask that  
4 it -- the redacted portion that you just discussed was  
5 played for the jury.

6 Okay. And, further, that those statements were free  
7 and voluntary, that the defendant was properly read her  
8 Miranda rights and there didn't appear to be any, any  
9 coercion or something to override defendant's free will in  
10 giving that statement to law enforcement.

11 So, I find, as a matter of law, it was a voluntary  
12 statement---

13 MS. MILES: Okay. And, Your Honor---

14 THE COURT: ---for purposes of the jury.

15 MS. MILES: ---do you want me to put on the record the  
16 different times that were redacted as we did with the first  
17 one?

18 THE COURT: To be safe, yeah. Yeah, go ahead and just  
19 do that.

20 MS. MILES: Okay. We -- defense counsel had asked  
21 that---

22 THE COURT: Talk a little bit slower though just so --

23 MS. MILES: Okay. Sorry.

24 THE COURT: -- in, in the microphone.

25 MS. MILES: I've been hanging out with Investigator

1 Fitzgerald. So --.

2 Okay. Thank you, Your Honor.

3 Zero to six minutes and 47 seconds was redacted at  
4 request of defense counsel.

5 Nine minutes and 26 seconds to 10:01, that was over --  
6 overruled by the judge. Defense counsel had asked for that  
7 to be removed. That stayed in.

8 Defense counsel had asked for 39:35 through 40:04 to be  
9 redacted. That was redacted.

10 Defense asked for 40:22 through 55 minutes about the  
11 conversation with the neighbor and then when the  
12 investigator leaves the room. That was redacted.

13 And then 56 minutes with 19 seconds to one hour and 32  
14 minutes. That was the investigator explaining that  
15 (indiscernible) charge and the process and all of that.  
16 That was redacted out.

17 The State had made additional requests for 23:25  
18 through 25 minutes and that involved the charge of domestic  
19 violence to be redacted. That was redacted out.

20 26:12 through 27:03, which also discussed the prior  
21 domestic violence incidents, that was redacted.

22 And then 35:40 through 36 that says -- contained drug  
23 use. That was redacted and that was all redactions that are  
24 on the disk that we explained.

25 THE COURT: All right. Well, it will, it will be

1 admitted subject to objection.

2 MS. MILES: Thank you, Your Honor.

3 THE COURT: All right. Are we ready to proceed with  
4 Investigator Fitzgerald's direct?

5 MR. MEADORS: Yes, sir.

6 THE COURT: Okay. Defense ready?

7 MS. EIGENBROT: Oh, I'm sorry. Yes, Your Honor.

8 THE COURT: All right.

9 MR. MEADORS: Can we make sure this is up before they  
10 come in?

11 THE COURT: By all means.

12 And, Mr. Meadors, obviously about -- we don't want to  
13 rehash everything. But I'll certainly give you a little bit  
14 of latitude. As you'll recall yesterday, we discussed blank  
15 --

16 MR. MEADORS: Yes, sir. Thank you.

17 THE COURT: -- just to get the jury back where you were  
18 yesterday.

19 MR. MEADORS: Is the judge okay with -- if I sat here,  
20 like I did, so I can see it yesterday?

21 THE COURT: That's fine, and, counsel---

22 MS. ADLER: I believe if I stand---

23 THE COURT: Y'all can sit wherever you want---

24 MS. ADLER: Thank you, Your Honor.

25 THE COURT: As long as it's not a distraction.

1 (Pause.)

2 THE COURT: In fact, I guess, once she sets up the  
3 television, Investigator Fitzgerald can get back on the  
4 stand too.

5 MR. MEADORS: Can, can, can, can we sample the, the  
6 volume before they come out real quick?

7 THE COURT: Sure.

8 (Pause.)

9 MR. MEADORS: Thank you, judge.

10 THE COURT: We all set?

11 MR. MEADORS: Yes, sir.

12 THE COURT: All right. Defense is ready?

13 MS. ADLER: Yes, Your Honor.

14 THE COURT: All right. Ms. -- and obviously, Special  
15 Agent Fitzgerald, you're still under oath from yesterday.

16 THE WITNESS: Yes, sir.

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

18 (WHEREUPON, the following takes place within the  
19 presence of the jury.)

20 THE BAILIFF: The jury's seated, Your Honor.

21 THE COURT: All right. Madam Forelady, ladies and  
22 gentlemen of the jury, welcome back. Hope y'all had a nice  
23 evening. We'll just pick up where we left off during the  
24 direct examination of this witness yesterday.

25 MR. MEADORS: May it please---

Allison Fitzgerald - Direct examination  
By Mr. Meadors

1 THE COURT: Mr. Meadors.

2 MR. MEADORS: ---the Court?

3 THE COURT: Yes, sir.

4 ALLISON FITZGERALD, having been  
5 previously sworn, testified as follows:

6 CONTINUED DIRECT EXAMINATION

7 BY MR. MEADORS:

8 Q. Good morning, Agent Fitzgerald.

9 A. Good morning.

10 MR. MEADORS: Good morning, ladies and gentlemen.

11 (WHEREUPON, the jurors say good morning.)

12 Q. Just to focus, bring us back, I'm not gonna go back  
13 in -- the first statement that we watched yesterday was on  
14 October 1<sup>st</sup> of---

15 A. Correct.

16 Q. ---2019?

17 A. Yes.

18 Q. Okay. And did we finish watching that?

19 A. We did.

20 Q. And at some point in that interview did Miss Manning  
21 change her story from what she'd initially told you and  
22 others at the scene?

23 A. Yes.

24 Q. And who had you talked to, without going into what they  
25 said, you took a break in-between this interview on October

1 1<sup>st</sup>, who had, who had you gone and talked to---

2 A. Before I---

3 Q. ---before you---

4 A. ---came back on October 1<sup>st</sup>?

5 Q. Yes.

6 A. It was Rachel Manning who was in the separate interview  
7 room.

8 Q. And after you came back and talked to Miss Manning, is,  
9 is that when she changed her story?

10 A. Yes.

11 Q. Now, what happened between October 1<sup>st</sup> and October  
12 3<sup>rd</sup> of 2019 and specifically what happened to Mr.  
13 McFadden?

14 A. Yeah, on October 2<sup>nd</sup> I believe it was, Mr. McFadden  
15 passed away due to his injuries, the totality of his  
16 injuries.

17 Q. So he died?

18 A. Yes.

19 Q. As a result of that, were the charges upgraded on  
20 Miss Manning?

21 A. They were.

22 Q. And, procedurally, did you or somebody else go to tell  
23 her Mr. McFadden was dead and to present new charges?

24 A. Yes.

25 Q. And what day was that?

1 A. That was October 3<sup>rd</sup>, 2019.

2 Q. And, and where did you go?

3 A. We picked her up from Alvin S. Glenn Detention Center  
4 and, without speaking about the case at that time, we --  
5 myself and Investigator Hass at the time, a co-worker of  
6 mine, we drove her back to our office, which is actually  
7 closer to headquarters. It was 715 Bluff Road at the time  
8 just across from the State Fairgrounds. And we put her in  
9 our interview room at Bluff Road, which is this room -- this  
10 other interview room.

11 Q. All right. And, and that is not the same interview  
12 room where you were on the 1<sup>st</sup>?

13 A. Correct.

14 Q. What time was this approximately?

15 A. It was about 4:00PM by the time we got her back to our  
16 office.

17 MR. MEADORS: Beg the Court's indulgence.

18 (Pause.)

19 Q. We had marked for identification yesterday I think  
20 advice of rights you gave Miss Manning on October 3<sup>rd</sup>.

21 Is that correct?

22 A. Yes.

23 Q. Okay. I don't know where it is right now but we gon'  
24 find it.

25 Beg the Court's indulgence.

1 (Pause.)

2 MR. MEADORS: I got it. I'm sorry. My bad. I  
3 apologize. Thank you.

4 Now, let's tell the jury.

5 Did you do the same thing as you did on  
6 October 4<sup>th</sup> -- October 1<sup>st</sup>, 2019, Agent Fitzgerald,  
7 regarding the Miranda rights --

8 A. Yes.

9 Q. -- of, of Miss Manning?

10 Tell them again what you did.

11 A. Yeah. So, it being a different day, Miranda kind of  
12 starts over basically. So the fact that we're bringing her  
13 back to speak about the incident, she's still detained.  
14 She's actually under arrest already based on the new  
15 charges. I just did the same form again. It's the same  
16 C.P.D. advice of rights form.

17 Q. And, and if you will slow down?

18 I apologize --

19 A. Again, yes.

20 Q. -- so the court reporter can -- and just to get -- kind  
21 of read it like you did---

22 A. Okay.

23 Q. ---please.

24 A. So at the top I usually put the pool. I put the place,  
25 the date, and the time, and then I, again, read the full

1 form, which is before we ask you any questions you must  
2 understand your rights.

3       You have the right to remain silent. Anything you say  
4 can be used against you in Court. You have the right to  
5 talk to a lawyer for advice before we ask you any questions  
6 and to have him with you during questioning. If you can not  
7 afford a lawyer, one will be appointed for you before any  
8 questioning if you wish. And if you decide to answer  
9 questions now without a lawyer present, you still have the  
10 right to stop answering at any time. You also have the  
11 right to stop answering at anytime until you talk to a  
12 lawyer.

13       And then I also made the -- I get their acknowledgment  
14 and then read the waiver of rights, which says I have read  
15 the statement of my rights and I understand what my rights  
16 are. I'm willing to make a statement and answer questions.  
17 I do not want a lawyer at this time.

18       I understand and know what I am doing. No promises or  
19 threats have been made to me and no pressure or coercion of  
20 any kind has been used against me, and, at that point, I  
21 have her sign and then myself and the, the time after we're  
22 done.

23 Q. And what time was that?

24 A. 4:10. We served it at 4:08.

25 Q. So, 4:08 you read her rights and 4:10 did you sign

1 what's marked State's 4 for ID at this point?

2 A. Yes.

3 Q. And did Miss Manning sign?

4 A. Yes.

5 Q. And, in your opinion, did she understand the rights  
6 when you read them to her on October 3<sup>rd</sup> of 2019?

7 A. Yes.

8 Q. You said she indicated to you she did?

9 A. Yes.

10 Q. How, how did she do that and we're gon' see it in a  
11 minute?

12 A. I believe she nodded and, and made -- muttered under  
13 her breath. I don't recall if you can hear it fully. But I  
14 knew that she was agreeing, like acknowledging that she  
15 understood.

16 Q. And when you read her waiver of rights, did -- she  
17 signed it?

18 A. Yes.

19 Q. At anytime during the waiver of these, excuse me, the  
20 reading of these rights or the waiver of the rights or at  
21 any time during this interview we're gon' see, did  
22 Miss Manning say I don't want to talk to you, officer?

23 A. No.

24 Q. Did she ever ask for a lawyer?

25 A. No.

1 Q. If she had, what would you have done?

2 A. We would of stopped.

3 Q. Okay. Could you understand her answers?

4 A. Yes.

5 Q. Were they timely?

6 A. Yes.

7 Q. Timely in, in response -- in, in reference to your  
8 questions?

9 A. Yes.

10 Q. Were they subject matter appropriate?

11 A. Yes, they were.

12 Q. Now, I notice there it looks like a Coca-Cola up here?

13 A. Yes.

14 Q. And so did you -- y'all provide her something to drink?

15 A. Yes. So prior to her even sitting down, I believe we  
16 offered the restroom and, and a snack and drink knowing  
17 that, you know, she's just come from traveling down from the  
18 jail. So --.

19 Q. And you -- if you, if you said it just now, I missed  
20 it.

21 You, you offered bathroom---

22 A. Yes.

23 Q. ---privileges?

24 She could use the bathroom that day?

25 A. Yes.

1 Q. All right. And that would of gone along with food, if  
2 she wanted something to eat, you would of made sure she got  
3 it?

4 A. Correct.

5 Q. In your opinion, based on your experience and training  
6 and being with Miss Manning on October 3<sup>rd</sup> of 2019, was  
7 this statement freely and voluntary --

8 A. Yes.

9 Q. -- freely and voluntarily given?

10 A. Yes.

11 Q. Okay. Did she appear to be under the influence of  
12 alcohol, drugs on October 3<sup>rd</sup>, 2019?

13 A. No.

14 MR. MEADORS: Okay. Your Honor, at this time we would  
15 offer State's 4.

16 THE COURT: Without objection?

17 MS. EIGENBROT: No objection.

18 THE COURT: All right. State's Exhibit 4 is admitted  
19 into evidence.

20 (WHEREUPON, State's Exhibit No. 4 was received into  
21 evidence at this time.)

22 Q. And then this is so obvious it's ridiculous but I can  
23 say it.

24 Y'all videoed and audioed it?

25 A. Yes.

1 MR. MEADORS: Okay. Your Honor, we're now offering  
2 State's 46, the -- based on the conversations we've had with  
3 defense counsel and Your Honor's reviewed.

4 THE COURT: State's Exhibit 46 is admitted into  
5 evidence subject to objection.

6 MS. EIGENBROT: Thank you, Your Honor.

7 MR. MEADORS: Thank you very much.

8 (WHEREUPON, State's Exhibit No. 46 was received into  
9 evidence at this time.)

10 MR. MEADORS: With the Court's permission, we'd like to  
11 continue playing 46, thank you, or start playing 46. I  
12 apologize.

13 THE COURT: Very well.

14 MR. MEADORS: I don't know if it's in.

15 (WHEREUPON, a portion of State's Exhibit No. 46 was  
16 played for the jury at this time.)

17 THE COURT: It will work. It will work. It will work.

18 (WHEREUPON, State's Exhibit No. 46 was played for the  
19 jury at this time.)

20 Q. You were just showing the defendant pictures of three  
21 knives. This is State's 26.

22 Is that what you just showed her?

23 A. Yes.

24 Q. Did -- and I couldn't see from over there.

25 which, which one is she saying she --?

1 A. She said it was this one. It's one with the slightly  
2 serrated edge.

3 Q. This one?

4 A. This long one---

5 Q. The bottom?

6 A. ---on the bottom, yeah.

7 Q. Before I get away from this, let me -- she was served  
8 with the murder warrant that day?

9 A. She was.

10 Q. And is that Amber Manning who you took the statement  
11 from on October 1<sup>st</sup> and October 3<sup>rd</sup> (indiscernible)?

12 A. Yes, it is.

13 Q. Now, there was a -- an agreement between the parties to  
14 break there at the end.

15 were pictures taken of her?

16 A. Yes.

17 Q. Okay. And is that standard procedure?

18 A. On the first day, yes.

19 Q. Is that the first day?

20 Yeah.

21 A. It was.

22 Q. I'm sorry. Yeah.

23 I'm gonna show you what's marked State's -- that's  
24 October 1<sup>st</sup>, 2019 --

25 A. Yes.

1 Q. -- for the record?

2 Okay. State's 33, State's 34, 35, 36, 37, 38, 39, 40,  
3 41, 42, 43, and 44, 45.

4 A. Yes.

5 Q. Thirty -- thirty through 45.

6 Do you recognize these?

7 A. Yes.

8 Q. Okay. Do they relate to exactly what I'm asking you  
9 about?

10 A. Yes.

11 Q. Okay. And they -- are they pictures of the hands of---

12 A. Clothing.

13 Q. ---clothing and picture of Amber Manning?

14 A. Yes.

15 MR. MEADORS: Your Honor, State's 33 through 45.

16 THE COURT: Without objection?

17 MS. EIGENBROT: No objection.

18 THE COURT: All right. State's Exhibits 33 through 45  
19 admitted into evidence without objection.

20 (WHEREUPON, State's Exhibit Nos. 33 through 45 were  
21 received into evidence at this time.)

22 Q. And, and why do y'all -- I say y'all.

23 why do you -- why does law enforcement take pictures of  
24 suspects or potential suspect or anybody at the time?

25 A. Because things can change so quickly. Just to see if

1 there's any markings on someone's hands or feet or clothing  
2 are tattered in some way. Just to be able to identify it  
3 later what they actually looked like.

4 Q. And that -- now I'm showing the jury now 35. I just  
5 showed them 34 and -- 33 and 34. This is 35.

6 Is that a picture of Miss---

7 A. Yes.

8 Q. ---Amber Manning?

9 And then did she appear to have any type of defensive  
10 type wounds on her?

11 A. No to my viewing, no.

12 Q. Were her clothes torn or ripped?

13 A. No.

14 Q. And is that one reason also that law enforcement takes  
15 pictures of individuals---

16 A. Yes.

17 Q. ---that -- and not -- State's 36, State's 37.

18 Okay. And what -- State's 38, is that just a picture  
19 of Miss --?

20 A. That's Miss Manning's face up close.

21 Q. Okay. Did you see---

22 A. No injuries on her.

23 Q. ---marks or anything on her face?

24 A. No.

25 Q. Okay. And 39, what's that a picture of?

1 A. Her feet. There were drops of blood that were visible  
2 on her feet.

3 Q. And did y'all do a close-up -- I say y'all.

4 Did the, the law enforcement do a close-up of the feet  
5 in -- showing the drop -- drops of blood?

6 A. Yes.

7 Q. That was 40. Here's 41, 42.

8 A. Yeah.

9 Q. Is that also the -- 41 and 42 the feet of Amber  
10 Manning?

11 A. Yes.

12 Q. And then also some -- I think -- did you take Pictures  
13 43 I guess of the palms?

14 A. Close-up of her hands from the outside.

15 Q. Okay. And that's 43 I'm showing.  
16 Forty-four.

17 A. Yes.

18 Q. And 45.

19 A. Yes.

20 Q. Correct?

21 And did it appear to you that she had any type of  
22 wounds on her?

23 A. There were no new wounds on her, no.

24 Q. Do you have her heighth and weight with her?  
25 Do you have the warrant or the --?

1 A. I don't have it on me.

2 MR. MEADORS: Beg the Court's indulgence.

3 (Pause.)

4 Q. And you, you -- your name's the affiant on this  
5 warrant, isn't it?

6 A. Yes, it is.

7 Q. And I don't know where you gathered -- well, these are  
8 an indication of the height and weight of the defendant,  
9 Amber, respectfully --

10 A. Yes.

11 Q. -- Amber Manning?

12 A. At the time of this incident it was around 5'9", 200  
13 pounds.

14 Q. And where do you get that information from?

15 A. If it's already in the system, it kind of pops up on  
16 the magistrate judge's end. It will -- all their basic  
17 information will pop up. Otherwise it's usually from DMV  
18 photo -- DMV, like their driver's license, the information  
19 they've given on, on there.

20 Q. They -- like we go get our driver's license, you tell  
21 them how tall and how much weigh?

22 A. Correct.

23 MR. MEADORS: Your Honor, one second. Beg the Court's  
24 indulgence one second.

25 (Pause.)

1 MR. MEADORS: Thank you, Your Honor. Just one second.

2 Oh, I'm so sorry.

3 Is, is that Tyson Hass in the back of the courtroom?

4 A. Yes, it is.

5 Q. Did he end up collecting the knives?

6 A. Yes, he did.

7 Q. That's all at this time. Thank you.

8 THE COURT: Cross-examination.

9 MS. ADLER: Thank you, Your Honor.

10 May it please the Court.

11 THE COURT: Yes, ma'am.

12 CROSS-EXAMINATION

13 BY MS. ADLER:

14 Q. I'll pull this out quite --.

15 All right. Agent Fitzgerald -- all right. So you  
16 arrived on scene roughly 30, 40 minutes after police first  
17 arrived?

18 A. Yes, I believe so.

19 Q. Okay. And Amber was already in the police car?

20 A. She was.

21 Q. And you didn't speak with her on --

22 A. No.

23 Q. -- on scene?

24 A. Not to my recollection, no.

25 Q. Okay. And, you know, even though you arrived 30 to 40

1 minutes after the police had already been there, the scene  
2 was still a little bit chaotic?

3 A. Yes.

4 Q. And you had talked to other officers on scene and you  
5 knew that there was a lot of drinking going on?

6 A. Yes.

7 Q. And you spoke with Amber's mom, Vera Manning?

8 A. Uh-huh. (Affirmative).

9 Q. And you spoke with Amber's mom's boyfriend, Steve  
10 Johnson?

11 A. Yes.

12 Q. And they -- Steve Johnson's nickname is New York?

13 A. Yes.

14 Q. Okay. And you attempted to speak with Kathy Stalk?

15 A. Correct.

16 Q. At -- but she appeared very intoxicated?

17 A. Yes.

18 Q. And didn't want to speak with you?

19 A. Correct.

20 Q. You also spoke with Rachel Manning?

21 A. Yes.

22 Q. And then you spoke with Rachel Manning again at police  
23 headquarters?

24 A. Yes.

25 Q. And you know that Amber's four kids were also at the

1 house?

2 A. Yes.

3 Q. But other than those, those people that I just asked  
4 you about, did you speak with anybody else?

5 A. Um.

6 Q. I guess I'm -- like lay -- did you speak with any other  
7 lay witnesses, non family members?

8 A. I believe we did a canvas of the area. There was one  
9 neighbor that may of had some information.

10 Q. But nobody that was, was on scene when you arrived?

11 A. No.

12 Q. And nobody else that had, had seen -- had -- or had  
13 been in the house?

14 A. Correct.

15 Q. Okay. And you knew Amber from before October 1<sup>st</sup>,  
16 2019?

17 A. I did not. Oh, I had briefly interacted with her in  
18 reference to a separate---

19 Q. Okay.

20 A. ---investigation involving Kathy.

21 Q. That's right.

22 So, she was the---

23 A. Yeah, yeah. I didn't know her know her. But, yes, I  
24 knew of her.

25 Q. Okay. As a witness in other, other stuff?

1 A. Yes.

2 Q. Okay. And I mean we all heard Amber's 9-1-1 call where  
3 she said that she didn't know how Jamaine McFadden got  
4 injured?

5 A. Correct.

6 Q. And, in fact, that's what she told you when you first  
7 talked to her?

8 A. That was.

9 Q. And you went through it with Mr. Meadors but she  
10 seemed -- Amber seemed coherent, right?

11 A. Yes.

12 Q. She understood you that day?

13 A. After the -- at the timeframe that I spoke with her,  
14 yeah, she seemed to have been coherent.

15 Q. Okay. And we also kind of saw what Amber looked like  
16 in the video?

17 A. Yes.

18 Q. Her hair wasn't done. She didn't seem to have any  
19 shoes on.

20 A. Correct.

21 Q. She told you that she had been drinking?

22 A. Yes.

23 Q. In fact, everybody on scene had told you that they had  
24 all been drinking?

25 A. Yes.

1 Q. Okay. Okay. And -- oh, you're gonna have to forgive  
2 me.

3 How long have you been a police officer?

4 A. Eleven years now. At that time --

5 Q. Okay. So --.

6 A. -- seven ish.

7 Q. No problem.

8 So you've been a police officer for 11 years?

9 A. Yes.

10 Q. And presumably talked to hundreds of witnesses?

11 A. Yes.

12 Q. And hundreds of suspects?

13 A. Yes.

14 Q. And so you were use to people lying to you?

15 A. Correct.

16 Q. And it's under -- understandable that people lie for  
17 very -- for different reasons?

18 A. Yes.

19 Q. And so, at some point, you leave Amber in the  
20 interrogation room?

21 A. Yes.

22 Q. That's when you go and speak with Rachel Manning --

23 A. Yes.

24 Q. -- and then you come back and you tell Amber pretty  
25 much that you know she's lying?

1 A. Right.

2 Q. That it doesn't seem plausible that she couldn't know  
3 what happened?

4 A. Right.

5 Q. And that's when she finally told you the truth?

6 MR. MEADORS: Objection to the truth.

7 Q. Okay. That -- that's when she finally told you --

8 A. A different version.

9 Q. -- a different version?

10 A. Yes.

11 Q. Okay. And she told you that everybody had been  
12 drinking?

13 A. Yes.

14 Q. She told you that Jamaïne had hurt her in the past?

15 A. That they've had altercations in the past.

16 Q. Okay. So, she told you that her and Jamaïne had all --  
17 had had altercations in the past?

18 A. Yes.

19 Q. And that they had been arguing that day?

20 A. Yes.

21 Q. And she told you that he had the knife?

22 A. Excuse -- we just watched that. I just want to make  
23 sure I --.

24 (Pause.)

25 MR. MEADORS: Your Honor, could I ask what, what

1 interview she's referencing there, the first or the second  
2 one?

3 THE COURT: Counsel.

4 MS. ADLER: Oh, I apologize. The, the first---

5 THE WITNESS: The first?

6 MS. ADLER: ---interview.

7 THE WITNESS: Okay.

8 THE COURT: Very well. Thank you.

9 A. Yes, she did mention that he had, at some point, tried  
10 to cut (indiscernible) --

11 Q. Okay.

12 A. -- in another statement.

13 Q. And in that first interview she told you that she did  
14 not feel safe?

15 A. I don't remember those specific words exactly.

16 MS. ADLER: Beg, beg the Court's indulgence.

17 (Pause.)

18 Q. But Amber's first statement at police headquarters, the  
19 whole interview is, is in, in evidence?

20 A. Yes, it is.

21 Q. Okay. And she told you that they'd begun wrestling  
22 with the knife?

23 A. Yes.

24 Q. In fact, I think you wrote some quotes in your report.  
25 You said Amber said tussling and turning and it hit his

1 leg?

2 A. Yes.

3 Q. And she said that her initial reaction was oh, shit,  
4 pardon my language, but, you know, what the fuck was -- what  
5 the fuck is happening?

6 A. Yes. Oh, sorry. I was still looking at it.

7 Q. Sorry.

8 A. Yes.

9 Q. Okay. And she tells you that, that she grabs stuff too  
10 --

11 A. Yes.

12 Q. -- and that Jamaine would of known that?

13 A. Right.

14 Q. And I -- and you did ask Amber why she didn't tell you  
15 all of this up front?

16 A. Right.

17 Q. why she lied initially?

18 A. Yes.

19 Q. And she told you why?

20 A. At that point she said she was scared of telling the  
21 truth, yes.

22 Q. That's right. She said that she was scared and she  
23 thought that Jamaine was gonna be okay?

24 I mean---

25 A. Initially, yeah, he did -- that was her initial

1 reaction.

2 Q. Right. I think she said something -- Amber asked you,  
3 to some effect, what -- if you had spoken with Jamaine and  
4 what had Jamaine said about it?

5 A. Yes.

6 Q. And that -- she, she said Jamaine would be able to tell  
7 you what happened?

8 A. Right.

9 Q. Thinking that he was -- he would of told---

10 MR. MEADORS: Objection what she was thinking.

11 THE COURT: Rephrase the question or you may rephrase  
12 the question. Excuse me.

13 MS. ADLER: Yes, Your Honor.

14 At that point Jamaine was still alive?

15 A. That was my understanding---

16 Q. It, it was---

17 A. ---while I was in the interview room, yes.

18 Q. Okay. And that was Amber's understanding?

19 A. Yes.

20 Q. And what she told you in the interview room on  
21 October 1<sup>st</sup> was the same thing she told you on  
22 October 3<sup>rd</sup>?

23 A. To an extent with some extra details, yes.

24 Q. All right. The second video was a lot longer than the  
25 first video.

1 A. Right.

2 Q. And Amber's demeanor was different from the interview  
3 on the 1<sup>st</sup> to the interview on the 3<sup>rd</sup>?

4 A. I wouldn't say that. I would say, I would say it was  
5 pretty similar but yes.

6 Q. Okay. But that's -- she didn't -- you were the one who  
7 told her that Jamaïne had passed?

8 A. Correct.

9 Q. And Amber told you that she thought the knife was in  
10 the kitchen?

11 A. Yes.

12 Q. And you and Mr. Meadors I know just talked about this.  
13 But there wasn't actually a knife found that day.

14 A. There were no knives found in the house that day.

15 Q. On October 1<sup>st</sup>.

16 Okay. And, in fact, I think some of the other officers  
17 went and looked at Kat's house, the house that burned down,  
18 right, for any knives?

19 A. Yes.

20 Q. But they did not find any knives --

21 A. Right.

22 Q. -- at Kat's house?

23 And so they went back to Amber's house?

24 A. Correct.

25 Q. And that is when they found the, the three---

1 A. Three knives, yes.

2 Q. And those are the three knives that you showed Amber in  
3 that second interview?

4 A. Yes.

5 Q. And I just want to be clear that Amber was in custody  
6 the whole time you were looking for the knives?

7 A. Yes. Yes, she was.

8 Q. Okay.

9 A. That was on the 2<sup>nd</sup> that we -- that was done.

10 Q. Okay. Cause you arrive on scene and she's -- Amber's  
11 in the police cars?

12 A. No, it was on the 3<sup>rd</sup>. I'm sorry. I apologize. It  
13 was the morning of the 3<sup>rd</sup>. I'm sorry.

14 Q. No, no, I, I -- but to be --

15 A. Yeah.

16 Q. -- correct. Fine.

17 So, you arrive on scene. Amber's in the police car.  
18 On the 1<sup>st</sup> no knives were found?

19 A. Right.

20 Q. Okay. On the 2<sup>nd</sup> no knives are found.

21 On the third morning, knives are found?

22 A. Right.

23 Q. And Amber's in custody?

24 A. Correct.

25 Q. Okay. And I know that there are a lot of moving pieces

1 during an investigation.

2 I know you can not be everywhere at once, right?

3 A. (WHEREUPON, there was no audible response.)

4 Q. But ultimately everybody reported to you?

5 A. Correct.

6 Q. Cause you were the lead investigator?

7 A. Yes.

8 Q. And so you saw all the other officer's notes?

9 A. Yes.

10 Q. And you saw the autopsy report?

11 A. Yes.

12 Q. And I just want to be very clear that Jamaine McFadden  
13 had one cut?

14 A. Yes, that's all we were told.

15 Q. The, the one cut below his right knee?

16 A. I believe so, yes.

17 Q. Okay. No other signs of, of injuries to your  
18 knowledge?

19 A. Not to my knowledge, no.

20 Q. And no other cuts to your knowledge?

21 A. No.

22 Q. Okay. Just that one?

23 A. Yes.

24 MS. ADLER: Okay. Beg the Court's indulgence.

25 (Pause.)

1 MS. ADLER: Thank you, agent. No more questions.

2 THE COURT: Redirect.

3 MR. MEADORS: All right.

4 REDIRECT EXAMINATION

5 BY MR. MEADORS:

6 Q. Did Amber Manning -- I'm not leading you. I'm asking  
7 you.

8 Did Amber Manning tell you, on October 1<sup>st</sup> of 2019,  
9 that he hit his leg on something?

10 A. Yes.

11 Q. Did she tell you what he hit his leg on?

12 A. No.

13 Q. He started bleeding?

14 A. Correct.

15 Q. He did hit his leg on something?

16 A. Yes.

17 Q. I didn't even go in the house at one point.

18 Did she tell you that?

19 A. I don't recall that one offhand.

20 Q. Did she say he started bleeding in the house?

21 A. Yes.

22 Q. Next thing we know -- I didn't know he was bleeding.

23 MS. ADLER: Objection. Leading.

24 Q. Did he say that?

25 THE COURT: All right. You can rephrase the question,

1 Mr. --

2 Q. Did he say---

3 THE COURT: -- Meadors.

4 Q. ---next thing we know I didn't know -- I didn't know he  
5 was bleeding?

6 A. Yes.

7 Q. First time you're talking to her?

8 A. Yes.

9 Q. You understood her?

10 MS. ADLER: Objection.

11 Q. It was nothing.

12 It was nothing.

13 THE COURT: Overruled.

14 Q. It was nothing.

15 Did he say that?

16 Did she say that?

17 A. I believe so.

18 Q. The shit just happened. why are we here.

19 Did she say that?

20 A. Yes.

21 Q. Do you remember her -- asking her what would he have  
22 hit his vein on?

23 A. Yes.

24 Q. Did she say I don't know?

25 A. Yes.

1 Q. Now, she -- you asked her some -- did you ask her some  
2 phone numbers in that first interview and was she able to  
3 relate phone numbers back to you in the first part of the  
4 October 1<sup>st</sup>, 2019, interview?

5 A. I believe so. I don't remember whose it was though.

6 Q. Okay. Do you remember talking to her and hear her  
7 reciting phone numbers --

8 A. Yes.

9 Q. -- back to you?

10 A. Yes.

11 Q. What did that tell you about her state of mind?

12 A. Her memory's there.

13 Q. When you asked her what happened, did she tell you, to  
14 be honest with you, I don't know?

15 A. Yes.

16 Q. Did she tell you I don't think anybody wants to do  
17 anything against her?

18 A. Yes, I believe so.

19 Q. Did she say I don't know what he cut his leg on, he  
20 just started bleeding?

21 A. Yes.

22 Q. Did she say he ran down there and tried to get his  
23 phone?

24 A. At some point, yes.

25 Q. And did she say nobody saw any blood?

1 A. Yes, at one point I think that, that was as well.

2 Q. Did she ever say she was scared when she was telling  
3 you the first part?

4 A. Not on the first time, no.

5 Q. Did she tell you it's like nothing really happened at  
6 all?

7 A. I believe that was one of the first reactions, yeah.

8 Q. Did she tell you I don't want to lie?

9 A. Yes.

10 Q. And, after that, did she say I did not hurt him?

11 A. Yes.

12 Q. I did not cut him?

13 A. Yes.

14 Q. I never -- did he say -- did she say I never seen him  
15 get cut?

16 A. Yes.

17 Q. Did she say he came into the house and said I hurt my  
18 leg?

19 A. Yes.

20 Q. Did she say again I did not hurt him?

21 THE COURT: well---

22 MS. ADLER: Your, Your Honor, objection. I mean he, he  
23 is leading.

24 MR. MEADORS: well, she did or did she say. I'm --.

25 THE COURT: I think it's also -- y'all approach real

1 quick. I'll tell you what my reasoning is.

2 (WHEREUPON, a bench conference was held out of the  
3 hearing of the jury at this time.)

4 THE COURT: Objection's noted and overruled.

5 Q. Did she say my Aunt Rachel helps me out?

6 A. Yes.

7 Q. Did she say I did not touch him?

8 A. Yes.

9 Q. Did she say who was in the kitchen when this happened?

10 A. Yes.

11 Q. Did she say it was me, Rachel, and Katherine?

12 A. On the first interview, yes, and Jamaine.

13 Q. I think you were asked, in, in about did -- about  
14 something he said that -- and did she, at one point, say did  
15 he say I did it?

16 A. I believe she said that in the first interview.

17 Q. Okay. And what -- and I, I think the question, I'm not  
18 sure, did you swing a knife and, I think, did you say after  
19 that or did she -- did he say I did it. That may of been  
20 the context. I was trying to follow-up with what she asked  
21 you about.

22 A. All right.

23 Q. I have no clue.

24 Did she say that?

25 A. Yes.

1 Q. And excuse my language but did she -- did she say I  
2 done fucked up this round?

3 A. I think that was in the first interview, yes.

4 Q. After you talked to Ms. Rachel, did she change her  
5 story?

6 A. Yes.

7 Q. And I think she asked you about if you're, you're in  
8 charge, you're the investigator. You've seen all the  
9 records.

10 Have you seen the EMS records?

11 A. Yes.

12 Q. Okay. All right. That's okay. Thank you.

13 THE COURT: All right.

14 MR. MEADORS: That's all.

15 THE COURT: Re -- recross.

16 MS. ADLER: Just have like two, two brief questions.

17 THE COURT: Sure. Take your time.

18 RECCROSS EXAMINATION

19 BY MS. ADLER:

20 Q. Did, did -- when Amber's in the investigation room on  
21 October 1<sup>st</sup>, 2019, and you left to speak with Rachel  
22 Manning, right?

23 A. Yes.

24 Q. Did Amber leave to go speak with Rachel Manning?

25 A. No, she was sitting there in the room.

1 Q. Did Amber Manning speak with anyone --

2 A. No, nobody else.

3 Q. -- in the investigator's room?

4 Okay. And just to clarify, I know Amber said many --  
5 Amber said many things on October 1<sup>st</sup>.

6 But you, you did not believe that Amber didn't know  
7 what had happened?

8 A. Correct. I believe she knew more.

9 Q. Right.

10 And you, you came in and told Amber that she knew more?

11 A. Yes.

12 Q. And, and, at that point, Amber told you something  
13 different than she didn't know what happened?

14 A. Correct.

15 Q. Okay. Thank you. No further questions.

16 THE COURT: All right. The witness may step down.

17 MR. MEADORS: Can we take a short break?

18 THE COURT: All right. Ladies and gentlemen, we been  
19 going about an hour and a half. Let's take a short recess,  
20 refresh yourselves, get you back here in a few minutes. But  
21 please don't discuss the case while you're in the jury room  
22 or with anyone involved with the case.

23 Thank you.

24 (WHEREUPON, the following takes place outside the  
25 presence of the jury.)

1 THE COURT: All right. Anything else before we recess?

2 MR. MEADORS: No, sir.

3 THE COURT: All right.

4 MR. MEADORS: Thank you.

5 THE COURT: Just take a few minutes.

6 MR. MEADORS: We got a -- Your Honor, how long did you  
7 say?

8 I'm sorry.

9 THE COURT: I said let's just try for 10 minutes.

10 MR. MEADORS: Okay. Thank you.

11 (WHEREUPON, a short recess was taken at this time.)

12 MR. MEADORS: May it please, Your Honor?

13 THE COURT: Sir?

14 MR. MEADORS: Just for the record, judge, I don't, I  
15 don't -- we're reviewing items that have gone in and ones  
16 that have been excluded. The, the full DVDs were State's 1  
17 and 3 and I think those are for ID only.

18 THE COURT: Well, they can be Court Exhibits if you  
19 want to (indiscernible) appellate record.

20 MR. MEADORS: That's -- I was just trying to -- either,  
21 either -- but we did admit I think the redacted versions of  
22 October 1<sup>st</sup> and October 3<sup>rd</sup>, which they've already been  
23 admitted on the record. I just want to make those other two  
24 were just -- for ID only just so it would be on the record  
25 if, if need be.

1           And then I, I don't know whether Your Honor ruled on  
2 State's 22. You may already have. That was a statement of  
3 Rachel Manning I think.

4           THE COURT: So, the written statement.

5           You wanted to admit that?

6           MR. MEADORS: Well---

7           THE COURT: Well, y'all are both sort of in a---

8           MR. MEADORS: I thought it was going in---

9           THE COURT: ---bind.

10          MR. MEADORS: ---and some of it -- I did at the moment  
11 when I looked at it. I, I did. I thought it, I thought it,  
12 under the circumstances then, but -- so I'll wait and hear  
13 their argument.

14          MS. EIGENBROT: Your Honor, I don't really see any  
15 reason that it would need to be admitted. I, I think it  
16 was -- I was attempting in some type of impeachment. We  
17 agreed on the record, or not on the record, but completely  
18 after that, that we were in a unique situation. We were  
19 left---

20          THE COURT: But then you didn't use it.

21          MS. EIGENBROT: Correct. I ultimately, you know,  
22 passed it. I think Mr. Meadors may have followed up with a  
23 few questions about the original statement and then it  
24 was -- and I think she, at that time, she did agree that she  
25 thought may -- it may of been two stabs and I think that was

1 that.

2 So, I don't really see how that would come in at this  
3 time.

4 THE COURT: Okay. And I know -- it seems like a week  
5 ago but it was just yesterday. But I think what -- the way  
6 it all played out in the end, it didn't, based on what we  
7 heard, what was actually put on the record and evidence in  
8 front of the jury, that we don't need to---

9 MR. MEADORS: She, she---

10 THE COURT: ---admit the written statement. We heard  
11 the body cam statement from her. We heard direct evidence  
12 testimony from her.

13 MR. MEADORS: The body cam -- statement didn't go into  
14 evidence. So, the body cam did not go before the jury. I  
15 think it was after we were reviewing that in camera that  
16 I---

17 THE COURT: Oh, we didn't play that?

18 MS. EIGENBROT: You---

19 MR. MEADORS: They changed their mind about---

20 MS. EIGENBROT: No, Your Honor.

21 MR. MEADORS: ---putting the statement in evidence.

22 MS. EIGENBROT: I, I---

23 THE COURT: Well then you -- okay.

24 MS. EIGENBROT: Yes.

25 THE COURT: All right. So, really what we're left with

1 is what she testified to?

2 MS. EIGENBROT: Yes.

3 THE COURT: Okay. And she never read her statement  
4 because she couldn't --

5 MS. EIGENBROT: She could not see it.

6 THE COURT: -- see the statement.

7 MS. EIGENBROT: Correct. I also don't know that she  
8 could of read her own handwriting.

9 THE COURT: Under the circumstances, I -- if y'all need  
10 me to, I'll, I'll -- should of looked into yesterday some  
11 more. But I'll look into it during the break. But my  
12 initial ruling is I'm gonna leave it out. I think, under  
13 that circumstance, it's kind of fair to both of you.  
14 It's -- it doesn't help or hurt either one of you. So,  
15 we'll just leave it out cause that's the way it customarily  
16 would be done.

17 MS. EIGENBROT: Thank you, Your Honor.

18 MR. MEADORS: It's clearly an unusual situation we were  
19 in.

20 THE COURT: It certainly was. It certainly was.  
21 All right. State got another witness?

22 MR. MEADORS: Yes, sir.

23 THE COURT: Okay. Oh, y'all ready to proceed?

24 MR. MEADORS: Yes, sir.

25 THE COURT: Is defense ready to proceed?

1 MS. EIGENBROT: Yes, Your Honor.

2 THE COURT: All right. Let's --.

3 MR. MEADORS: Well, judge, we can -- just give us one  
4 second to mark --.

5 (Pause.)

6 MS. MILES: Okay. Your Honor, everything's marked and  
7 it's been resolved.

8 MR. MEADORS: Thank you, judge.

9 THE COURT: Are we ready to proceed?

10 MR. MEADORS: Yes, sir.

11 THE COURT: All right. Defense ready?

12 MS. EIGENBROT: Yes, Your Honor.

13 THE COURT: All right. Let's bring in the jury please.

14 (WHEREUPON, the following takes place within the  
15 presence of the jury.)

16 THE BAILIFF: The jury's seated, Your Honor.

17 THE COURT: All right. Ladies and gentlemen, we'll  
18 pick up where we left off with the next witness in the  
19 State's case in chief.

20 MS. MILES: Thank you, Your Honor.

21 May it please the Court.

22 The State would call Special Agent Tyson Hass.

23 THE COURT: All right.

24 THE CLERK: Please raise your right-hand and place your  
25 left-hand on the Bible.

1 TYSON HASS, being first duly  
2 sworn, testified as follows:

3 THE CLERK: Thank you. Please have a witness stand --  
4 please have a seat on the witness stand. State your full  
5 name for the record.

6 THE WITNESS: My name is Tyson Hass and it's H-A-S-S  
7 and the first name is T-Y-S-O-N.

8 DIRECT EXAMINATION

9 BY MS. MILES:

10 Q. Thank you, Agent Hass. Sorry I called you Agent Hass  
11 and I've known you for (indiscernible).

12 A. Okay.

13 Q. Agent Hass, can you please tell us where you're  
14 currently employed?

15 A. The South Carolina Law Enforcement Division also known  
16 as SLED.

17 Q. Okay. How long have you been there?

18 A. About a year and a half now.

19 Q. And please tell us a little bit about your law  
20 enforcement background in general.

21 A. So, I began my law enforcement career at the Columbia  
22 Police Department in 2010 and I worked on patrol at that  
23 point. I worked my way up to become promoted to the rank of  
24 investigator.

25 I was assigned to the special victims unit in 2019,

1 which would be the time of this case. Went on to get  
2 promoted to sergeant and was placed over the special victims  
3 unit as the supervising officer. And then I ended up taking  
4 an opportunity to work at the South Carolina Law Enforcement  
5 Division last year or, yeah, last year and I'm in the  
6 special victims unit there as well.

7 Q. Okay. And so you mentioned that you were an  
8 investigator in the special victims unit at the time of this  
9 incident in 2019?

10 A. Yeah, that's correct.

11 Q. Okay. And did you have an opportunity to be involved  
12 in this case in some manner?

13 A. I did.

14 Q. Okay. When did you become first involved?

15 A. On October 2<sup>nd</sup>, which would of been the morning after  
16 the incident on, on the morning of --.

17 Q. Okay. And how did you become involved?

18 A. At that time my sergeant informed me of the, of the  
19 incident that had happened the night before. Kind of  
20 briefed me on the incident, that, that it occurred, and  
21 requested that I obtain a search warrant for a residence  
22 neighboring the incident -- the, the crime scene in attempt  
23 to locate an edged instrument or any sort of sharp object.

24 Q. Okay. And so you were going not to the incident  
25 location but a neighboring location?

1 A. That's correct.

2 Q. Okay. Do you know what the incident location was  
3 originally?

4 A. The, the scene location or the one that I did the  
5 search warrant on?

6 Q. The scene location.

7 A. The scene location was ■ Tremont Avenue in Columbia.  
8 County of Richland.

9 Q. Okay. And what location were you going to?

10 A. The search warrant that I was drafting was for I  
11 believe it's 805 Tremont.

12 Q. Okay. And what was the purpose of going to that  
13 location for a search warrant?

14 A. My understanding was that the suspect in, in the case  
15 from the night before that I was briefed on had indicated  
16 that she and the victim had been in and out of that  
17 location. It had sustained a recent fire structure at that  
18 location.

19 And so they were in the process of helping a neighbor I  
20 guess move her belongings out of there. That neighbor's  
21 name was Kathy Stalk. And so she had indicated that they  
22 had been going over there, were getting items out of the  
23 house, and, at some point, he indicated -- the victim  
24 indicated that he had struck his leg on something.

25 Q. Okay. So, that search warrant was based on a statement

1 given by the defendant, Amber Manning?

2 A. That's correct.

3 Q. Okay. And you said you were searching that house for  
4 any sharp objects that could of (indiscernible) anything?

5 A. That's correct.

6 Q. Okay. what did you find at that location, if anything?

7 A. No items were collected or, or located that were, you  
8 know, seem to be that could of caused an injury such as that  
9 was sustained by the victim. However, photographs were  
10 taken of the inside and exterior of the residence.

11 Q. Okay. what location did you go to next after that?

12 A. My next involvement would of been the free -- the  
13 following day, which would of been October 3<sup>rd</sup>, and I --  
14 myself and Investigator Dudley traveled to ■ Tremont  
15 Avenue.

16 Q. Okay. And that was the incident location?

17 A. That was the crime scene location, yes, ma'am.

18 Q. Okay. what evidence, if any, was located at -- on that  
19 day, October 3<sup>rd</sup>?

20 A. And while we were there, Investigator Dudley and I were  
21 there. we had initially made contact with Rachel Manning  
22 and a Vera Manning wells -- Mills I believe was her last  
23 name and my -- per my briefing, I had learned that there was  
24 a search warrant that had been executed at that residence  
25 the night of the alleged incident and that no knives were

1 located.

2 So, I'd asked Miss Manning, Rachel Manning, and Ms.  
3 Vera Mills if they knew anything about any knives being  
4 involved, if, if they knew what could of came of them. And,  
5 at that point, there was three knives that were provided to  
6 me or, or pointed out to me in that residence.

7 Q. Okay. Where were those last -- knives located?

8 A. There were two knives that were in the kitchen. One is  
9 what I kind of describe as like a butcher knife, like a  
10 chef's knife. It's kind of a thicker, wider blade. That,  
11 along with a smaller steak knife, were located in like a --  
12 like call the utensil holder. It's kind of like a cup that  
13 they were sitting in and that was on the kitchen counter of  
14 that residence.

15 Ms. Mills also stated that she also had a knife that  
16 she kept in her pocketbook and that she called it her  
17 pocketbook. It was -- essentially it looked like to me like  
18 a, a -- one of those reusable grocery sacks that was orange  
19 in color and she kind of had it tucked behind the couch and  
20 she said she had a knife in there as well and retrieved that  
21 one, which was a -- kind of a longer, more narrow knife that  
22 I kind of described like a carving or utility knife, yeah.

23 Q. Okay. So, two were in the utensil holder in the  
24 kitchen counter?

25 A. Two were, yes, ma'am.

1 Q. Okay. And you said the third was in a bag that was  
2 within Vera Manning's possession?

3 A. Yeah, it was in a -- what she called her pocketbook  
4 kind of like tucked behind the couch almost.

5 Q. Okay. Why was it in her purse?

6 A. I asked her why---

7 MS. EIGENBROT: Object. Hearsay, Your Honor.

8 THE COURT: All right. Rephrase the question please.

9 MS. MILES: Well, Your Honor, we are not offering it  
10 for the truth of the matter asserted. We're offering for  
11 the reason that it was in her, in her purse. Not for what  
12 the answer is.

13 THE COURT: Oh, okay.

14 (WHEREUPON, a bench conference was held out of the  
15 hearing of the jury at this time.)

16 THE COURT: All right. The objection is sustained.

17 Q. Agent Hass, without going into what someone, what  
18 someone told you, why was it in her purse if you know?

19 MS. EIGENBROT: Your Honor, I --

20 THE COURT: It's still---

21 MS. EIGENBROT: It's based on hear -- it's still based  
22 on hearsay.

23 THE COURT: It's still sustained.

24 Q. Okay. Did you seize those items at that time?

25 A. Yes, I -- at that point I asked Ms. Vera Mills if we

1 could seize those items or collect those items and, at that  
2 point, she did a consent search form for the knives in the  
3 home.

4 Q. Okay. And where were they placed at that time?

5 A. I collected each one of them individually and bagged  
6 them separately. They were then taken to 715 Bluff Road in  
7 Columbia, which is the location of the evidence room at the  
8 Columbia Police Department and they were tagged in as  
9 evidence.

10 Q. Okay. And have they been retrieved from 715 Bluff Road  
11 now?

12 A. They have.

13 Q. Okay. And do you have them currently in your  
14 possession?

15 A. Yeah, I brought them this morning.

16 MS. MILES: Okay. Your Honor, may I approach?

17 THE COURT: Yes, ma'am.

18 Q. I'm gonna show you what has been entered into evidence  
19 as State's 26.

20 Do you recognize that?

21 Sorry.

22 A. Yes, ma'am, those appear to be the three knives that I  
23 collected that day.

24 Q. Okay. I'm gonna show you 23, 24, and 25.

25 Do you recognize those?

1 A. Yes, ma'am, that's individual pictures of the three  
2 knives that were located. So, before they were -- when I  
3 transported them to 715 Bluff Road, they were photographed  
4 by our crime scene unit and tagged in.

5 Q. Okay. Do you recall which of the two were found in the  
6 utility -- the utensil thing and which was found in the  
7 purse?

8 A. I do. If I can look at them, I can kind of show you---

9 Q. All right. Sure.

10 A. ---if that's easier.

11 Okay. So, Exhibit 23, that's the, the one that I kind  
12 of refer to as the butcher knife or the chef's knife with  
13 the thicker blade that you can see, that was in the utility  
14 holder on the counter in the kitchen. And then the  
15 photographic (sic) labeled Exhibit 25 is the smaller steak  
16 knife is what I call it. That was also located in that  
17 utility holder on the kitchen counter of the residence at  
18 ■ Tremont.

19 And then, finally, State's Exhibit 24 is that longer,  
20 thinner knife that I referred to as like a carving or a  
21 utility knife. That is the knife that Ms. Mills, Vera  
22 Mills, had indicated that she had in her pocketbook, which  
23 was that orange like reusable grocery bag that was kind of  
24 hidden in there and placed in -- behind the couch in the  
25 residence.

1 Q. Okay. Thank you.

2 Okay. You mentioned that you brought this here today.

3 I'm gonna show you what has been marked as State's Exhibit

4 47. Oh, yes, 47.

5 Can you see if you recognize that please?

6 A. I do.

7 Q. Okay. And how do you recognize that?

8 A. This appears to be what -- the knife that I referred to  
9 as the butcher knife with that thicker wider blade.

10 Q. Okay. And is it in the same condition or pretty much  
11 the same condition as when you saw it last?

12 A. It appears to be, yes, ma'am.

13 MS. MILES: Okay. Your Honor, the State would ask to  
14 move State's Exhibit 47 into evidence.

15 THE COURT: Without objection?

16 MS. EIGENBROT: No objection.

17 THE COURT: All right. State's Exhibit 47 admitted  
18 into evidence.

19 (WHEREUPON, State's Exhibit No. 47 was received into  
20 evidence at this time.)

21 Q. And you stated that this is the -- which one, I'm  
22 sorry, the butcher knife?

23 A. That's the butcher knife that was collected from the  
24 utility holder in the kitchen counter --

25 Q. Okay.

1 A. -- at ■ Tremont.

2 Q. Okay. So that was just kind of in that box.

3 (WHEREUPON, an indiscernible statement was made at this  
4 time.)

5 Q. Okay. That's State's Exhibit 23?

6 A. That's correct.

7 Q. Okay. All right. I'm going to hand you what's been  
8 marked as State's Exhibit 48.

9 Do you recognize that?

10 A. I do.

11 Q. Okay. And how do you recognize that?

12 A. This appears to be the longer what I call carving or  
13 utility knife that was located in Ms. Mills pocketbook in  
14 that orange reusable grocery sack that was tucked behind the  
15 couch.

16 Q. Okay. And is it basically the same condition as the  
17 last time you saw it?

18 A. Yes, ma'am, it appears to be.

19 MS. MILES: Okay. Your Honor, the State would ask to  
20 move State's Exhibit 48 into evidence.

21 MS. EIGENBROT: No objection. No objection, Your  
22 Honor.

23 THE COURT: State's Exhibit 48 is admitted without  
24 objection. Thank you.

25 MS. MILES: Thank you, Your Honor.

1 (WHEREUPON, State's Exhibit No. 48 was received into  
2 evidence at this time.)

3 Q. Okay. You said that was the long carving knife.

4 Is that the same one as State's 24?

5 A. Yes, ma'am, that's correct.

6 Q. Okay. And that's the one that was in the bag, not the  
7 utility holder?

8 A. That's correct.

9 Q. Okay. Thank you.

10 Okay. I'm gonna show you what's been marked as State's  
11 Exhibit 49.

12 Can you tell me if you recognize that or not?

13 A. Yes, ma'am, I do.

14 Q. Okay. And how do you recognize that?

15 A. This is the smaller what I call steak knife that was  
16 located in that utensil holder in the kitchen of, of ■■■  
17 Tremont Avenue along with the butcher knife in that same  
18 spot.

19 Q. Okay. And was that basically in the same condition as  
20 last time you saw it?

21 A. Yes, ma'am, it appear to be.

22 MS. MILES: Your Honor, the State would ask to move  
23 Exhibit 49 into evidence.

24 MS. EIGENBROT: No objection.

25 THE COURT: All right. State's Exhibit 49 is admitted

1 into evidence.

2 MS. MILES: Thank you, Your Honor.

3 (WHEREUPON, State's Exhibit No. 49 was received into  
4 evidence at this time.)

5 Q. Okay. And you said that was the second knife that was  
6 found in the utility holder, the steak knife?

7 A. Yes. Correct.

8 Q. Is that the same as Exhibit 25?

9 A. Yes, it appears to be.

10 Q. Okay. Do you bring any other evidence with you here  
11 today?

12 A. Yes, ma'am.

13 Q. Okay. And what was that?

14 A. It was a -- clothing that was suppose to be worn by  
15 Amber Manning.

16 Q. Okay. I'm gonna show you what has been entered as  
17 State's Exhibit 35 and State's Exhibit 36.

18 Can you please tell me if you recognize that outfit?

19 A. Yeah, it appears to be a photograph of Amber Manning  
20 from the night of the incident.

21 Q. Okay. And does that correlate to the evidence you  
22 brought here?

23 A. It does.

24 Q. Okay. And how is that?

25 A. Appears to be the same clothing that she's wearing in

1 that photograph.

2 Q. Okay. I'll have you open it.

3 Okay. will you please review 50 and 51?

4 A. All right. So this is State Exhibit 50.

5 You want me to take it up?

6 Q. Yeah.

7 And does that appear to be the same top that Miss

8 Manning was wearing in State's Exhibit 35?

9 A. It does.

10 Q. Okay. will you please open the second package?

11 I believe it's State's Exhibit 51.

12 A. (WHEREUPON, the witness complies.)

13 Q. Do you recognize this item?

14 A. All right. That -- I do.

15 Q. Okay. And how do you recognize it?

16 A. That appears to be the same clothing that was worn in

17 that photograph.

18 MS. MILES: Okay. Your Honor, the State would ask to  
19 move in 50 and 51 into evidence.

20 MS. EIGENBROT: I have no objection.

21 THE COURT: All right. State's Exhibit 50 and 51 are  
22 admitted into evidence.

23 MS. MILES: Thank you.

24 (WHEREUPON, State's Exhibit Nos. 50 and 51 were  
25 received into evidence at this time.)

1 MS. MILES: Beg the Court's indulgence.

2 THE COURT: All right.

3 (Pause.)

4 Q. Who pointed out the knives to you in the home?

5 A. I believe it was Ms. Rachel was the one that initially,  
6 initially talked about the butcher knife and then Ms. Vera  
7 is the one that said that -- she, she said there was only  
8 three knives in the house and that's when she identified  
9 that she kept one in her pocketbook.

10 Q. Okay. And did either of them or any of the  
11 investigation that you have reviewed point out any knife in  
12 particular?

13 A. Yeah.

14 Q. Okay. What about that?

15 A. I think Ms. Rachel indicated that the butcher knife was  
16 the one that she believed she saw Amber holding after she  
17 saw Mr. McFadden bleeding.

18 Q. Okay. And no -- these knives were not on the scene  
19 initially?

20 A. That's my understanding. I wasn't there. But that was  
21 what was I briefed on. No, no knives had been located on  
22 scene the night of.

23 Q. So, that's the first time that any knives had been  
24 found in that location?

25 A. Yes, ma'am, that's correct.

1 MS. MILES: All right. Beg the Court's indulgence.

2 (Pause.)

3 Q. I believe that's all the questions from the State.

4 Please answer any questions the defense may have.

5 A. Yes, ma'am.

6 THE COURT: Cross-examination.

7 MS. EIGENBROT: Thank you, Your Honor.

8 May it please the Court?

9 THE COURT: Yes, ma'am.

10 CROSS-EXAMINATION

11 BY MS. EIGENBROT:

12 Q. Special Agent, when you went back to ■ Tremont on  
13 October 3<sup>rd</sup>, Ms. Rachel Manning was at the house, right?

14 A. That's correct.

15 Q. Ms. Vera Manning-Mills was there?

16 A. That's correct.

17 Q. And I believe maybe Kat -- Katherine Stalk was also  
18 present?

19 A. My initial -- initially when we went there we did not  
20 see her there. But we went back later that day and she was  
21 present. Correct.

22 Q. And then also a gentleman by the name of New York or  
23 Steven Johnson?

24 A. That's correct.

25 Q. But Amber was not present in the home?

1 A. That's correct.

2 MS. EIGENBROT: All right. I don't have any further  
3 questions.

4 THE COURT: Any redirect?

5 MS. MILES: None from the State, Your Honor.

6 THE COURT: All right. The witness---

7 MS. MILES: Thank you.

8 THE COURT: ---may step down.

9 THE WITNESS: Thank you, Your Honor.

10 MS. MILES: May the agent be excused, Your Honor?

11 THE COURT: Without objection?

12 MS. EIGENBROT: I have no objection.

13 THE COURT: All right.

14 MS. MILES: Thank you.

15 THE COURT: The witness is excused.

16 MR. MEADORS: Beg the Court's indulgence.

17 THE COURT: All right.

18 (Pause.)

19 MR. MEADORS: Your Honor, the State of South Carolina  
20 rests.

21 THE COURT: Very well.

22 Ladies and gentlemen, the State has rested their case.  
23 I've got some matters to take up with the attorneys at this  
24 time. If you'd head on back to the jury room. Please don't  
25 discuss this case or anyone involved with the case and I'll

1 be back with you shortly.

2 (WHEREUPON, the following takes place outside the  
3 presence of the jury.)

4 THE COURT: Okay. Any motions?

5 MS. ADLER: Yes, Your Honor. The defense has a motion  
6 for a directed verdict.

7 THE COURT: Very well.

8 MS. ADLER: Your Honor, even taking the evidence in the  
9 light most favorable to the State, the defense would argue  
10 that the State has failed to produce evidence beyond a  
11 reasonable doubt sufficient to convince a reasonable juror  
12 that Amber Manning is guilty of murder. I think  
13 specifically the State has failed to prove the element of  
14 malice aforethought.

15 In the case of State v. Schrock, which is a 1983 case,  
16 the Court held that the trial judge should grant a directed  
17 verdict where the evidence presented raises mere suspicion  
18 that the accused is guilty. The defense also produced --  
19 well -- okay. So that's --.

20 THE COURT: You're, you're right. Go ahead and --.

21 MS. ADLER: Well -- thanks, Your Honor.

22 The defense also renews all motions and objections made  
23 prior to trial and throughout the trial.

24 THE COURT: All right. The record reflects all your  
25 previous pretrial motions and objections are renewed and

1 preserved.

2 MS. ADLER: Thank you, Your Honor.

3 THE COURT: Any response from the State on directed  
4 verdict?

5 MR. MEADORS: May it please, Your Honor?

6 THE COURT: Yes, sir.

7 MR. MEADORS: As Your Honor knows, we're guided by Rule  
8 19 of the South Carolina Rules of Criminal Procedure, which,  
9 at this point, we respectfully believe Your Honor will  
10 evaluate where there's any evidence that can go toward the,  
11 the charge -- any -- specifically failure of competent -- if  
12 there's any -- if there's a failure of competent evidence  
13 tending to prove the charge. The judge must consider only  
14 the existence or nonexistence of the evidence and not its  
15 weight.

16 Judge, we've got an eye witness who said that she saw  
17 the victim, excuse me, the defendant stab the victim. We  
18 have a knife which has been identified as the one that that  
19 witness thinks was used, a butcher knife. Obviously we can  
20 infer malice.

21 So, at this point, we do believe that there's evidence  
22 that this was a malice, a malicious killing. We'd ask to go  
23 forward.

24 Thank you.

25 THE COURT: All right. Any reply?

1 MS. ADLER: Your Honor, I think Ms. Rachel Manning said  
2 that she didn't actually see what happened. But did, did  
3 say that Miss Manning must have, have stabbed him.

4 So, I agree that we have a knife and I agree that, you  
5 know, Mr. Jamaine has really kind of tragically passed away.  
6 But I, I don't know that that reaches to malice.

7 THE COURT: Okay. Well, I -- as everyone knows at this  
8 stage, the Trial Court is concerned with the existence of  
9 evidence and not its weight. And where there's direct and  
10 circumstantial evidence reasonably tending to prove the  
11 guilt of the accused or from which a guilt may be fairly and  
12 logically deduced, the case should typically be submitted to  
13 the jury.

14 Based on the evidence we've heard here, I certainly --  
15 and to directly on your point of malice, I, I think the  
16 circumstances and evidence presented present a -- something  
17 for the jury to weigh as far as whether the element of  
18 malice has been proved. I certainly think the amount of  
19 evidence and proof I've heard is enough to submit it to the  
20 jury and respectfully deny your motion for directed verdict.

21 It's 11:35. We've reached the point now where we need  
22 to look at the defendant's case and, counsel, I thought I'd  
23 go ahead and do her Fifth Amendment colloquy at this time  
24 and that way y'all can discuss it further if you'd like to.

25 All right. So, Miss Manning, if you wouldn't mind

1 standing up please?

2 (WHEREUPON, the defendant complies.)

3 THE COURT: Madam Clerk, if you would place  
4 Miss Manning under oath.

5 THE CLERK: Yes, sir.

6 Raise your right-hand.

7 (WHEREUPON, the defendant was placed under oath at this  
8 time.)

9 THE CLERK: Thank you.

10 THE COURT: All right. Miss Manning, we've now reached  
11 the stage of the trial where you may present your own  
12 defense and I just want to talk to you about some of your  
13 rights. Specifically your rights under the Fifth Amendment.

14 You have the right to claim the protections given to  
15 you by the Fifth Amendment of the Constitution of the United  
16 States. This amendment states, in part, that no person may  
17 be compelled in any criminal case to be a witness against  
18 himself or herself.

19 This means you can not be required to testify in this  
20 case. You have the right to testify on your own behalf.  
21 However, no one can make you testify. This is a personal  
22 right and no one can waive this right except you.

23 You understand that?

24 (WHEREUPON, there was no audible response.)

25 THE COURT: And I need you to speak up a little bit.

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay. If you decide to testify, you will  
3 be subject to the same rules that govern other witnesses and  
4 you may be examined and cross-examined on any relevant issue  
5 in this case.

6 In addition, if you have any convictions involving  
7 dis -- involving dishonesty or false statement or for crimes  
8 punishable by imprisonment for more than one year, and this  
9 Court determines that the probative value of admitting this  
10 evidence outweighs its prejudicial effect to you, the  
11 solicitor will be able to introduce your record to attack  
12 your credibility.

13 You understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: If you decide to testify, this decision  
16 must be freely, voluntarily, and intelligent --  
17 intelligently made with knowledge of the protections given  
18 to you by the Fifth Amendment and the consequences of your  
19 decision to testify.

20 If you decide not to testify, I will instruct the  
21 jurors that they can not give the fact that you did not  
22 testify any consideration whatsoever and there's to be  
23 absolutely no prejudice to you because you did not testify.  
24 It is left entirely up to you whether you -- whether or not  
25 you testify.

1           You may talk with your attorney, your family, friends,  
2 or anyone else. But the decision -- the final decision will  
3 be left entirely up to you.

4           Now, do you understand everything I've explained to  
5 you?

6           THE DEFENDANT: Yes, sir.

7           THE COURT: Do you have any questions of me about what  
8 I've explained to you?

9           THE DEFENDANT: Just wanted to talk to my attorney.

10          THE COURT: In fact, that's perfectly fine. You may --  
11 we'll just take a recess here. Let's just say 10 minutes---

12          MR. MEADORS: Thank you, sir.

13          THE COURT: ---and we'll come back and readdress this  
14 after that.

15          Okay?

16          THE DEFENDANT: Okay. Thank you.

17          THE COURT: Thank you.

18          (WHEREUPON, a short recess was taken at this time.)

19          THE COURT: Okay. Defense counsel, y'all've had a  
20 chance to talk to your client.

21          Any update on those discussions?

22          MS. EIGENBROT: Your Honor, at this time I believe the  
23 State -- the defense is gonna rest.

24          THE COURT: Okay. And to be very clear, she will not  
25 be testifying and y'all are resting your case?

1 MS. EIGENBROT: That's correct.

2 THE COURT: Okay. With that said, the record -- you  
3 want to renew all your previous arguments?

4 MS. EIGENBROT: Absolutely, Your Honor, and I just ask  
5 you to reconsider the evidence of malice in this situation.  
6 I think, even with the evidence presented, arguably there's  
7 a lot going on that day, and even taking Ms. Rachel's  
8 statement and testimony in, I don't know that there's enough  
9 evidence to actually show that she stabbed him, which is  
10 kind of how I'd consider the malice element of somebody  
11 intentionally taking a knife and stabbing somebody.

12 So, I just ask you to reconsider that and, of course,  
13 renew all my previous objections regarding the statements,  
14 the contents of the statements that were, in fact,  
15 introduced to the jury and any objection -- and my  
16 objection -- objections to the photographs and autopsy.

17 THE COURT: So, so noted.

18 Mr. Meadors, any comment on the malice issue?

19 MR. MEADORS: Oh, nothing in addition. We, we, we  
20 believe she said she saw him stab him and we believe there's  
21 an inference of malice and, again, Rule 19, any evidence at  
22 this point.

23 Thank you.

24 THE COURT: All right. All right. My, my previous  
25 ruling will stand. We'll bring the jury in and you can just

1 rest on the record and I'll let them go to lunch and I'm  
2 gonna have them come back at 1:30 and the goal of  
3 starting -- oh, before we do that.

4 Now, I don't -- you marked one exhibit. I don't  
5 believe you put anything in evidence, did you?

6 MS. EIGENBROT: No, Your Honor. I haven't admitted  
7 anything.

8 THE COURT: All right. So, defense hasn't put in any  
9 exhibits in evidence. So, I believe they have the right to  
10 have the last words and the statement of, excuse me, the  
11 State will open and close in full. Defendants will then  
12 make their closing arguments and then that will be it.

13 Okay?

14 MR. MEADORS: Yes, sir.

15 THE COURT: All right. Let's bring them in please.

16 MR. MEADORS: Is she gon' rest on the record?

17 THE COURT: Yeah, that's why I'm bringing them in and  
18 I'll just say you now have the opportunity to hear from  
19 defense and then --.

20 (WHEREUPON, the following takes place within the  
21 presence of the jury.)

22 THE BAILIFF: The jury's seated, Your Honor.

23 THE COURT: Very well.

24 Madam Forelady, ladies and gentlemen of the jury,  
25 welcome back. We have left. The State had just rested

1 their case and we'll now have the opportunity to hear from  
2 the defense.

3 MS. EIGENBROT: Your Honor, the defense would rest as  
4 well.

5 THE COURT: All right. Very well.

6 Ladies and gentlemen, the defense has rested. It's  
7 noon or a little bit after. I'm gonna go ahead and let you  
8 go for lunch now. I'm gonna ask you to be ready to go in  
9 your jury room at 1:30, okay, and we'll commence with  
10 closing arguments shortly thereafter.

11 while you're out, please don't discuss the case with  
12 anyone or do any sort of independent research about all --  
13 or the parties or anyone involved in this case. We'll see  
14 you back here in, in about an hour and 25 minutes.

15 Thank you.

16 (WHEREUPON, the following takes place outside the  
17 presence of the jury.)

18 THE COURT: All right. Thank you.

19 All right. Briefly, we, we had a huddle in the hallway  
20 just talking about jury charges. But just if I can  
21 initially talk about our discussions.

22 Basic charge murder, voluntary manslaughter,  
23 involuntary manslaughter, voluntary intoxication, accident.

24 Now, the only thing that's a little bit different than  
25 we've done just prior to last month is typically, in the

1 past, the, the statement of the defendant charge was a  
2 little bit more thorough. The recent case, whose name  
3 escapes me, basically made whether the statement was  
4 voluntary a question of law. I've essentially truncated  
5 the, the, the statement charge down to a statement or  
6 statements have been played or published that were made by  
7 the defendant and that I find that they were free and  
8 voluntary. It's for you to give whatever weight you deem's  
9 appropriate and that's --.

10 MR. MEADORS: And I was wondering that cause this may  
11 be the first time since that case or second since -- and I  
12 was wondering whether I could comment you made that---

13 THE COURT: It was State verse (sic) Miller. That's  
14 right.

15 MR. MEADORS: You made that finding, whether that was  
16 appropriate to say that, or just let it go with your charge.  
17 So that---

18 THE COURT: well, I just---

19 MR. MEADORS: If that's what you're gon' be saying, I,  
20 I may just say there's not an issue and I don't think there  
21 really is an issue on voluntariness---

22 THE COURT: well, do y'all---

23 MR. MEADORS: ---in this case.

24 THE COURT: If you think it makes sense just not to  
25 bring it up all, that's fine. I, I---

1 MR. MEADORS: No, sir, I'm not -- I think, I think  
2 that's following the law. This will be the first time we've  
3 done that and that's---

4 THE COURT: Yeah. And I don't -- I don't want to give  
5 --.

6 MR. MEADORS: I think that's the perfect way you said  
7 it.

8 THE COURT: Yeah.

9 MR. MEADORS: You give it the weight what you want to.

10 THE COURT: I mean I -- it's a legal finding that it's  
11 free and voluntary. It's not for them to decide that. But  
12 they can give it whatever the weight they deserve.

13 I know---

14 MR. MEADORS: I have no objection.

15 THE COURT: Ms. Eigenbrot, any, any other charges?  
16 I don't think --.

17 MS. EIGENBROT: No, Your Honor. I, I guess I just  
18 would check -- place a brief objection to voluntary on the  
19 record.

20 THE COURT: Okay.

21 MS. EIGENBROT: I agree, agree with Your Honor, based  
22 on our conversations in the back hallway, that there was  
23 definitely some testimony about an argument. But, as we  
24 know, voluntary is beyond just arguing. It is a heat of  
25 passion. It is --

1 THE COURT: Uh-huh. (Affirmative).

2 MS. EIGENBROT: -- so intense that you can not help  
3 kind of control your actions.

4 I've heard arguing and I've heard intoxicated. I just  
5 don't know that it quite rises to that level of heat of  
6 passion based on the testimony we currently have. So, I  
7 would just briefly address that.

8 THE COURT: Okay. Mr. Meadors, anything in response to  
9 her?

10 MR. MEADORS: Judge, I, I think there's -- several  
11 references came in to arguments, to fights around this time  
12 period. He left. He came back. I just think it's woven  
13 into this case if, if Your Honor's gon' -- I think all three  
14 are appropriate. I think there's evidence of heat of  
15 passion all the way around.

16 Fights, fights over the knife, arguing. I think it all  
17 --.

18 THE COURT: I'm just reading through the language here.  
19 (Pause.)

20 THE COURT: You know, if we were not charging  
21 involuntary, I'd be even -- I'd have a little more concern  
22 about it because, I mean generally speaking, voluntary could  
23 be a compromise verdict on behalf of the jury, which  
24 sometimes lawyers want to -- but in this instance, they  
25 would have two and I believe is there -- is there any

1 competent evidence to support the charge, you typically  
2 should charge it when it's asked for.

3       So I, I -- I'll note your objection. I'm gonna keep  
4 reading the language. But I think it's -- and y'all haven't  
5 asserted self-defense though, correct?

6       well, no. well, I -- not to -- no, I don't think --.

7       MS. EIGENBROT: I think the only mention was in her  
8 recorded statement where she mentioned being scared when he  
9 had the knife. Arguably, if there's evidence on the record,  
10 it's her home and the duty to retreat.

11       THE COURT: well, it's their home and though was --  
12 didn't he stay there or -- well, we're going off recorded  
13 statements---

14       MS. EIGENBROT: Yes, sir.

15       THE COURT: ---too.

16       MS. EIGENBROT: Yes, sir, Your Honor.

17       THE COURT: So --.

18       MS. EIGENBROT: I mean arguably I guess the State could  
19 contend --.

20       THE COURT: All right.

21       MS. EIGENBROT: Her, her statement on the record in the  
22 video would suggest that she was without fault in bringing  
23 on that difficulty.

24       THE COURT: Sorry I dumped that on y'all there.

25       MS. EIGENBROT: It's okay.

1 THE COURT: I was just reading through --.

2 MS. EIGENBROT: So, I think if we're going on the  
3 standard of any evidence, I think there is some evidence on  
4 the record that one could argue self-defense.

5 THE COURT: Well, the -- I'll say this. The defense  
6 was never raised.

7 MS. EIGENBROT: No, Your Honor.

8 MR. MEADORS: Judge, I don't think there's --.

9 THE COURT: Yeah. Well, I --.

10 MR. MEADORS: Sorry.

11 THE COURT: Again, that's why I apologized to Ms.  
12 Eigenbrot cause I kind of dumped that legal doctrine on her.  
13 But the reality is it has not been raised at this point, and  
14 unless it has been really raised, I don't think I should  
15 just dump it into the charge.

16 All right. We'll get this drafted.

17 Yes, sir.

18 MR. MEADORS: The circum -- you're doing the basic,  
19 circumstantial evidence---

20 THE COURT: Sure.

21 MR. MEADORS: ---direct evidence.

22 THE COURT: Sure.

23 MR. MEADORS: Yeah, I just hadn't seen your---

24 THE COURT: Yeah.

25 MR. MEADORS: I know you were. I'm sorry.

1 THE COURT: I mean -- so basically, just for the record  
2 here, duties of judge and jury, you know, what is evidence,  
3 what is not evidence, direct and circumstantial evidence,  
4 credibility of witnesses, expert witness testimony,  
5 presumption of innocence, reasonable doubt.

6 I don't think I need to charge multiple indictments  
7 because possession -- yeah, because you can't have one  
8 without the other.

9 Decision not to testify is in the charge, intent, the  
10 statement of the defendant, a summary, of course the charge  
11 of murder which, of course, covers malice aforethought,  
12 express and inferred, voluntary manslaughter, possession of  
13 a weapon during a violent crime with the addition needed for  
14 accident, voluntary intoxication, involuntary manslaughter,  
15 and I also always charge a sympathy charge, and duty to  
16 deliberate.

17 And as I told the lawyers, I, I give a copy of the, the  
18 full written charge to the juror (sic) just to guide them as  
19 far as what, what I told them, what I literally read to  
20 them.

21 Okay. So we'll get that started. I know I told the  
22 jury to be here at, at 1:30 and I know y'all go to do some  
23 prep work at this time. We talked about 1:45 in the hall.  
24 1:45 is -- I want y'all talking at 1:45.

25 Okay?

1 MR. MEADORS: Judge, the multiple indictments you said  
2 you didn't need it. I -- just so I'm clear --

3 THE COURT: Well---

4 MR. MEADORS: -- you're talking about the possession  
5 and the other --?

6 THE COURT: You know, they're---

7 MR. MEADORS: Okay.

8 THE COURT: You can find them guilty one without the  
9 other is what's typically used. But that's -- you can't  
10 find him guilty of possession of a weapon during a violent  
11 crime if you don't find him guilty of the violent crime.

12 MR. MEADORS: Yes, sir.

13 THE COURT: So that's why we might---

14 MR. MEADORS: I've actually heard it.

15 THE COURT: ---remove that language. That's confusing.

16 MR. MEADORS: Thank you.

17 THE COURT: All right. Y'all gon' be sitting  
18 essentially close by. As soon as we finish these changes,  
19 changes, we'll give you the written copy.

20 MR. MEADORS: We'll sit---

21 THE COURT: If there's any other---

22 MR. MEADORS: ---right here, judge.

23 THE COURT: All right. Anything else before we  
24 recess---

25 MR. MEADORS: No, sir.

1 THE COURT: ---for lunch?

2 MR. MEADORS: Thank you very much.

3 MS. EIGENBROT: No, Your Honor.

4 THE COURT: All right. Thank you.

5 (WHEREUPON, Court was in recess for the lunch break.)

6 THE COURT: -- the jury instructions and finalize the  
7 verdict form. I've showed this to the lawyers. We just  
8 talked with the court reporter as well and they're several  
9 exhibits that were marked for identification purposes and  
10 referenced at some point during the trial and, out of an  
11 abundance of caution, I'm just gonna make those Court  
12 Exhibits should they ever be needed to be reviewed.

13 The court reporter will just tell us what those numbers  
14 are in no particular order.

15 THE DIGITAL REPORTER: One and we're gonna make that  
16 Court Exhibit No. 3.

17 THE COURT: Okay.

18 THE DIGITAL REPORTER: It was State's 1 --

19 THE COURT: Very well.

20 THE DIGITAL REPORTER: -- will be Court Exhibit No. 3.

21 (WHEREUPON, State's Exhibit No. 1 was now marked as  
22 Court's Exhibit No. 3 for identification purposes only at  
23 this time.)

24 THE DIGITAL REPORTER: State's 3 will be Court Exhibit  
25 No. 4, which is also the DVD.

1 (WHEREUPON, State's Exhibit No. 3 was now marked as  
2 Court's Exhibit No. 4 for identification purposes only at  
3 this time.)

4 MR. ANDERS: May I approach, Your Honor?

5 THE COURT: Certainly.

6 MR. ANDERS: This, this was the CD you switched out.  
7 That's the original of it.

8 THE COURT: Well, put it with the evidence and let  
9 her --.

10 MR. ANDERS: I'm sorry.

11 THE DIGITAL REPORTER: And State's 22 will be Court's  
12 5.

13 (WHEREUPON, State's Exhibit No. 22 was now marked as  
14 Court's Exhibit No. 5 for identification purposes only at  
15 this time.)

16 THE COURT: That was a statement, right?

17 Court's 5. Got it.

18 THE DIGITAL REPORTER: State's 27 will be Court's 6.

19 (WHEREUPON, State's Exhibit No. 27 was now marked as  
20 Court's Exhibit No. 6 for identification purposes only at  
21 this time.)

22 THE DIGITAL REPORTER: State's 28 will be Court's 7.

23 (WHEREUPON, State's Exhibit No. 28 was now marked as  
24 Court's Exhibit No. 7 for identification purposes only at  
25 this time.)

1 THE DIGITAL REPORTER: State 30 will be Court's 8.

2 (WHEREUPON, State's Exhibit No. 30 was now marked as  
3 Court's Exhibit No. 8 for identification purposes only at  
4 this time.)

5 THE DIGITAL REPORTER: Defendant's 1 will be Court's 9  
6 and Defendant's 2 will be Court's 10 and those are all.

7 (WHEREUPON, Defendant's Exhibit No. 1 was now marked as  
8 Court's Exhibit No. 9 and Defendant's Exhibit No. 2 was now  
9 marked as Court's Exhibit No. 10. Both were for  
10 identification purposes only at this time.)

11 THE COURT: All right. Thank you for pointing that  
12 out.

13 Okay. Is the State ready to proceed with closing  
14 arguments?

15 MR. MEADORS: I'm, I'm going, going to. Just brought  
16 up right now just to save --.

17 THE COURT: All right. We'll keep our fingers crossed  
18 with technology.

19 Is defense otherwise ready?

20 MS. EIGENBROT: Yes, Your Honor.

21 (Pause.)

22 THE COURT: All right. I think we're ready to proceed?

23 Let's bring the jury in, and just as I reminder, I  
24 said -- I think I said on the record earlier, the State will  
25 open and close in full. The defense will close and I'll

1 charge. That's my understanding of how it's suppose to be.

2 MR. MEADORS: Oh, yes, sir. No, I was just---

3 THE COURT: Okay.

4 MR. MEADORS: ---making facial motions. Grimaces.

5 THE COURT: Okay.

6 (WHEREUPON, the following takes place within the  
7 presence of the jury.)

8 THE BAILIFF: The jury's seated, Your Honor.

9 THE COURT: Very well.

10 Madam Forelady, ladies and gentlemen of the jury,  
11 welcome back. Hope y'all had a nice lunch.

12 The parties have presented their evidence in this case.  
13 It is now time for the attorneys to make their closing  
14 arguments. The arguments of the attorneys are not evidence  
15 in this case. Their statements and arguments are meant to  
16 help you understand the evidence and apply the law to the  
17 evidence.

18 You should disregard any remarks, statements, argument  
19 which is not supported by the evidence presented during the  
20 trial or the law that I'll explain to you after the  
21 arguments. But, at this time, please give your complete and  
22 undivided attention to the attorneys as they make their  
23 closing arguments.

24 MR. MEADORS: May it please the Court?

25 THE COURT: Yes, sir.

1 MR. MEADORS: Madam Forelady, ladies and gentlemen,  
2 good afternoon. Good afternoon.

3 I, first and foremost, want to thank you for being  
4 here. I told you it was not gon' be a long trial. But that  
5 does not take away from the importance to Amber Manning and  
6 to Jamaine McFadden and his family. So thank you and thank  
7 you for you listening and thank you for putting up with  
8 delays here and there. We all do the best we can do. Thank  
9 you.

10 Credibility, believability, it's what every case boils  
11 down to. Every case. And we submit to you that you will  
12 use that determination of who you found credible, who you  
13 found believable, who you found incredible and unbelievable  
14 when you reach your verdict, decision.

15 It started right off the bat when EMS was called.

16 (WHEREUPON, the 9-1-1 call was played for the jury at  
17 this time.)

18 MR. MEADORS: I don't even know what happened. I don't  
19 even know what happened.

20 Credibility and believability right at the scene. And  
21 what you've got to decide to reach this verdict,  
22 respectfully, is what was the intent of Amber Manning. What  
23 was in her mind will be key to what you just come back with  
24 your verdict cause y'all gon' decide it in just a little  
25 bit. The beauty of this system, based on what you've heard,

1 the witness stand, from up here.

2 what was in her mind?

3 How do you do that?

4 How do you judge if somebody's telling the truth,  
5 whether they're credible or believable?

6 Have they told the truth?

7 Have they misrepresented?

8 She says right off the bat I don't know what happened.

9 we'd just come back from the store. That's what's in her  
10 mind moments after she stabbed Jamaine McFadden and I submit  
11 to you that's important cause that's live, real time, on the  
12 scene. Thank God for cameras when they started putting them  
13 around, the BWK -- the, the body-worn cameras. You get to  
14 see real time, fresh in her mind.

15 You know what's fresh in her mind?

16 Oh, goodness, this ain't looking good and then she  
17 tells somebody yeah, he, he asked me to go ride with him.  
18 No, ma'am. No, sir. You look at that Glasgow score I  
19 believe on the EMS record. His motor skills, one. Verbal  
20 skills, one. His eyes were four. He couldn't talk. That  
21 was a lie, getting in the front.

22 I submit to you that's trying to cover up to go. You  
23 know, if Rachel wasn't in here, we wouldn't know about any  
24 of this and I'm gonna get to Rachel later. You wouldn't  
25 know about any of this cause it would of never happened.

1 I don't know what happened. This -- it was over at  
2 that other house. He cut his leg on --.

3 what's in her mind?

4 In her mind is covering herself, Amber Manning. That's  
5 what's in her mind.

6 Did she know what she had done was wrong?

7 Did she intend to do it?

8 And that's what y'all've got to decide and you've got  
9 to decide based on her words, her body actions. We're gon'  
10 play for you in a minute she actually says it happened at  
11 the other house and I wasn't even in there. She does a lie  
12 on a lie.

13 No, it actually happened across the street. He cut his  
14 leg over there. I wasn't even there when it happened.

15 You see the thought process it takes for that?

16 It happened over there. I'm gonna distance myself. I  
17 was over here.

18 So credible that you heard pass -- Hass back there.  
19 They went and did a search warrant and looked at the other  
20 house to see if there was something that Jamaine could of  
21 hid that punctured his leg on. That's how believable she  
22 was then. We know now that's not the truth either.

23 But that's what y'all have to decide, what you go  
24 through.

25 Was this an intentional act?

1           Of course it was we submit the evidence shows. That's  
2 one thing you gon' have when you go back there and I  
3 respectfully ask that you get rid of this right now. The  
4 judge is gon' charge you on the defense of accident.

5           Armed -- defense of accident, harm to another including  
6 death, is excusable on the ground of accident if the harm  
7 was caused by an unintentional and lawful act of a defendant  
8 exercise -- exercising due care. For the defense of  
9 accident to apply, you must find the act of the defendant  
10 that caused the harm was accidental, and not intentional,  
11 the act was lawful, and the act was not careless, negligent,  
12 or reckless.

13           Respectfully, I hope you get rid of the accident  
14 defense right off the bat. She tries to cover it. We  
15 submit to you this isn't the defense of accident. She knew  
16 that. She didn't say right there look, it just happened  
17 (indiscernible) didn't even happen. But that will be up to  
18 y'all and that would be the not guilty in this case, the  
19 defense of accident.

20           That's up to y'all in view of this system and we submit  
21 that goes against every bit of evidence that was presented  
22 to y'all. Well, that was presented to y'all by Amber  
23 Manning right off the bat. This isn't no accident.

24           You're gonna have some other choices I'll get to in a  
25 little bit. But, first and foremost, did she intend to do

1 this and was she trying to cover it up. What was in her  
2 mind.

3 I wasn't quite sure how I was gonna go through this,  
4 but while we're on it, since we started, in the first  
5 interview at 7:18, and I'm not gonna go over all these.

6 (WHEREUPON, a portion of the statement of the defendant  
7 was played for the jury at this time.)

8 MR. MEADORS: Gon' blame it on him to start with and  
9 then she's gon' blame it on his drinking of alcohol.

10 (WHEREUPON, another portion of the statement of the  
11 defendant was played for the jury at this time.)

12 MR. MEADORS: You see what she just did. He (sic) hit  
13 her leg on something and then she's adding all right,  
14 Jamaine, you'll be all right. She's adding a conversation  
15 she had with Jamaine after he hurt his leg she says. But we  
16 know that's not true and that's the credibility and  
17 believability you've got to decide on.

18 He couldn't even talk according to doctor's efforts.  
19 One on verbal. But she's got him talking and, and now  
20 caring for him.

21 Okay. You hit your leg. That's a lie.

22 (WHEREUPON, another portion of the statement of the  
23 defendant was played for the jury at this time.)

24 MR. MEADORS: Go to the next one. (Indiscernible).

25 Okay.

1 (WHEREUPON, another portion of the statement of the  
2 defendant was played for the jury at this time.)

3 MR. MEADORS: I didn't know he was bleeding. I didn't  
4 know he was pleading. It was nothing. You heard the doctor  
5 describe the blood that come out from that puncture, that  
6 transection.

7 Go ahead.

8 Did you do this?

9 Did you do it?

10 (WHEREUPON, another portion of the statement of the  
11 defendant was played for the jury at this time.)

12 MR. MEADORS: This, this shit didn't happen. I'm sorry  
13 to cuss. But this shit didn't happen. You ain't did it.  
14 This shit didn't happen. I didn't have anything to do with  
15 this. Credibility, believability and it's---

16 (WHEREUPON, the statement of the defendant was began to  
17 be played again at this time.)

18 MR. MEADORS: Wait. Stop it.

19 Is she in her right mind?

20 There's some testimony about drinking and they said she  
21 was scared earlier.

22 well, how do you judge that if somebody's thinking,  
23 thinking through?

24 Listen to how she's describing these (indiscernible).

25 MR. MEADORS: It's somewhere in here -- y'all have this

1 tape if you want to listen to it. I'm, I'm -- I don't mean  
2 to cuss but somewhere in here she said the shit just  
3 happened. Why are we here.

4 The next reference.

5 (WHEREUPON, another portion of the statement of the  
6 defendant was played for the jury at this time.)

7 MR. MEADORS: Please think about that. She said he  
8 told me he hit his leg on something. She's saying what he  
9 told her.

10 why would you do that?

11 Cause you know you done something wrong. I didn't do  
12 it. He told me he hit it on something. Blaming. Now  
13 blaming, blaming him for his own injury.

14 why do folks blame others?

15 why do you not own up?

16 Cause you know you done something wrong and that --  
17 that's true in every case, y'all, ladies and gentlemen.  
18 That's true in every case. The actions of the suspect in  
19 this, Miss Manning, determine what's going on through her  
20 mind. You can't (indiscernible) and look at it.

21 So the judge will charge you, it's under the  
22 circumstances of the case and the surrounding facts and  
23 everything that comes out, that's what you have to decide  
24 the intent on and she is covering her intent. She don't  
25 want y'all to see her intent. She is getting as far away as

1 she can. She's putting it happened in another house.  
2 That's what you have to decide what's credible, what's  
3 believable.

4 (WHEREUPON, another portion of the statement of the  
5 defendant was played for the jury at this time.)

6 MR. MEADORS: Did you hear that?

7 I don't -- I never heard that before quite frankly.  
8 She's blaming the blood that she got there in the house we  
9 submit when she stabbed him she's now blaming the ambulance.  
10 I got that from the ambulance. She's distancing herself  
11 from that. That's where that blood came from.

12 (WHEREUPON, another portion of the statement of the  
13 defendant was played for the jury at this time.)

14 MR. MEADORS: Keep going.

15 (WHEREUPON, another portion of the statement of the  
16 defendant was played for the jury at this time.)

17 MR. MEADORS: Now we're blaming Jacob -- Jamaïne again  
18 getting mad when her ex-boyfriend came over.

19 (WHEREUPON, another portion of the statement of the  
20 defendant was played for the jury at this time.)

21 MR. MEADORS: Me, Rachel, and Kathy.

22 (WHEREUPON, another portion of the statement of the  
23 defendant was played for the jury at this time.)

24 MR. MEADORS: And, and, and, and I don't mean to  
25 overdue the point. Don't get mad at me. But she's

1 continuing this lie.

2 He came in. We did what he had to do and went on. So  
3 she's, she's blocking out the whole event and what she did  
4 so it won't be seen by y'all.

5 Huh?

6 She started right at the top. So, when we got to this  
7 moment, this moment -- and she didn't know Rachel was coming  
8 in here. She didn't know Rachel was gonna give her a  
9 statement about that. But she's trying to block this from  
10 everybody.

11 (WHEREUPON, another portion of the statement of the  
12 defendant was played for the jury at this time.)

13 MR. MEADORS: She's justifying it and she's laughing  
14 about it.

15 Did Katherine cut him?

16 No and she thinks that's funny. And I'm not being  
17 mean. But that's what's going through her mind. She knows  
18 she cut him. She's not telling them that. She doesn't know  
19 who's gon -- that Rachel's gonna give a statement the same  
20 day and she's laughing.

21 When she said did Kat cut him, she starts laughing and  
22 she knows she cut him.

23 Go ahead. I apologize. Go ahead.

24 (WHEREUPON, another portion of the statement of the  
25 defendant was played for the jury at this time.)

1 MR. MEADORS: Did she just -- she just -- she just said  
2 did he say I did it?

3 Now, folks, she knows he can't talk. She knows she  
4 stabbed him and she's now saying did he say I -- she, she  
5 knows he can't talk.

6 (WHEREUPON, another portion of the statement of the  
7 defendant was played for the jury at this time.)

8 MR. MEADORS: Stop it. Thank you.

9 So, ladies and gentlemen, I don't know what happened.  
10 It happened at the other house. He just started bleeding.

11 Well, what happens next and what does law enforcement  
12 do and what did Investigator Fitzgerald do?

13 She talks to other people at the scene at the same  
14 location and who does she talk to?

15 She talks to Kathy. She talks to Rachel, Rachel  
16 Manning and what does good law enforcement do?

17 They go back. They talk to Miss Manning and say hey,  
18 this isn't adding up. That's what law enforcement's suppose  
19 to do and, and you know the other thing, the voluntariness  
20 His Honor I think will charge you, he's -- the Court has  
21 found that these statements are freely and voluntarily  
22 given.

23 Fitzgerald's not threatening her. I submit to you  
24 she's kind of feeding her information, Miss Manning, what  
25 she wants her to hear right now. It's, it's not

1 threatening. It's not coercive. Everything's on tape. She  
2 wants this story out here until she realizes it's not flying  
3 because she's talked to some other folks.

4 So, she comes back in and tells her -- go ahead and  
5 play it please.

6 (WHEREUPON, another portion of the statement of the  
7 defendant was played for the jury at this time.)

8 MR. MEADORS: See what's her name. The only people you  
9 can talk with on the scene are Kat and my Aunt Rachel.

10 (WHEREUPON, another portion of the statement of the  
11 defendant was played for the jury at this time.)

12 MR. MEADORS: And she goes from saying, you know, we're  
13 really getting along that day till now when she's starting  
14 to change her story we been arguing for two days. She's  
15 starting to change her story and starting to shift the blame  
16 on Jamaïne McFadden. Watch how it shifts.

17 Go ahead.

18 (WHEREUPON, another portion of the statement of the  
19 defendant was played for the jury at this time.)

20 MR. MEADORS: Stop that.

21 I done fucked up. I'm sorry. But that, that, that  
22 made the true intent coming out there. I f'ed up this  
23 round.

24 Now that's the real Amber Manning coming out there. I  
25 f'ed up.

1 Go ahead.

2 wait.

3 what happened?

4 why did that story change?

5 why did that story change from I don't know what  
6 happened?

7 I'm next door. He just started bleeding. Officers go  
8 and then checks.

9 See, why did it change?

10 when you walk into this courthouse there's a sign that  
11 says justice will be (indiscernible) and it's a -- they  
12 usually call the jury Lady Justice and you are.

13 But Lady Justice in this case came wheeling down this  
14 courtroom with (indiscernible) and Lady Justice that you see  
15 is holding a scale and she's blind. She's got a blindfold  
16 cause she's not suppose to have biases one way or the other.  
17 Listen to the evidence. You can see it if the State's met  
18 it's burden.

19 But Lady Justice came rolling down this by Matt Ellis  
20 and Matt Ellis, right there, that's why I've been doing this  
21 for 35 years. People like him.

22 I looked at this case recent -- recently. I said  
23 Mr. Ellis, we got to get Rachel Manning in here. We got to  
24 find her and Matt Ellis found her in winnsboro.

25 1979 graduate. CNA for 42 years. Takes care of

1 family. Took care of other family members. Now she's  
2 taking care of herself. She's a giver, a nurse, takes care  
3 of people. She was with Amber's family taking care of her  
4 kids. That's Rachel Manning.

5 I try to find a hero in cases. She's a hero.

6 You know what else she is?

7 She's her aunt. No bad blood, was over there helping  
8 her, and low and behold, the same day on the scene and then  
9 later on during this interview, they asked her what  
10 happened. She said Amber just came in. I don't know what  
11 was going on with her. She grabbed the knife and she  
12 said -- now that's pure evidence right there. That was said  
13 from August -- October 1<sup>st</sup>, 2019, soon on the scene, and  
14 on the statement, and four years later and let me tell you  
15 something. Four years after -- defendant's been waiting on  
16 a trial. The victims and their family have been waiting on  
17 a trial too. This is everybody's day in Court.  
18 Everybody's.

19 But Rachel comes in, has not changed her story one bit  
20 in four years and she wheeled up right here and said yeah,  
21 she came in. I don't know what was going on with her. She  
22 grabbed a knife and she stabbed him. She thinks she stabbed  
23 him twice. She says he's bleeding (indiscernible). It's on  
24 the side of the leg.

25 But she saw him stab him and she said that from day one

1 and does that go against everything she said up until the  
2 point when she's confronted with the fact she talked to  
3 Rachel?

4 well, that, that, that says something, doesn't it?

5 It's in a -- when her, when her voice lowers, when the  
6 other person hears it. Rachel. She knew and she knew  
7 Rachel knew. I don't know if she knew Rachel was gon' tell.  
8 But the CNA of 42 years came and told the truth who was  
9 taking care of those kids with Jacob -- with Jamaine. I'm  
10 sorry. I (indiscernible) with Jamaine McFadden.

11 It's not a death penalty case. So we're not allowed to  
12 bring in victim testimony. You can't do that in Court. But  
13 you heard some good things about him. He's working. He's  
14 taking care of the kids. He likes to drink. Not gon' fault  
15 anybody for that. But he's over there working.

16 She's over there and she reaps with credibility. And  
17 when she came in here, we submit to you that took it out of  
18 an accident. We submit to you that takes it out of  
19 involuntary manslaughter, which y'all will be able to  
20 consider, and I'll go over that in a minute, and that puts  
21 it in the realm of voluntary. The State submits it puts it  
22 in a murder. That will be up to y'all.

23 But Rachel Manning takes this case we submit and takes  
24 the evidence that she murdered him, and, if she didn't, it's  
25 definitely an intentional act and y'all are gon' have to

1 decide between murder and voluntary manslaughter, which is  
2 what the State submits this is about. That's up to y'all.

3 The judge is gon' charge you on that. This ain't no  
4 accident. You don't lie and lie about what you did if it's  
5 an accident. You don't do that.

6 So, we submit the evidence screams out at you. Please  
7 don't find that. That's up to y'all.

8 So, what happened after this?

9 She goes, after she's confronted, and she starts  
10 changing her story. Starts changing it. Well, we  
11 (indiscernible).

12 well, why not say that (indiscernible) backed up?

13 If it really was an accident, why not say that?

14 well, we were fighting and then you can watch the rest  
15 of this and you got the other tape. At one point she says  
16 well, I grabbed it. She said well, did -- would you grabbed  
17 it so evident with your hand on the blade?

18 well, I was grabbing it and he's trying to peel my  
19 hands off. She can't tell the story. It's inconsistent  
20 because it's not true just like what she's told. But she's  
21 trying to now take it for I don't even know what happened.  
22 I didn't know what his injuries were.

23 well, we were fighting over it but it doesn't make  
24 sense. It's not credible. You'll have these back there.  
25 Go watch every minute of it. It doesn't make sense. But

1 she's got it. They're fighting and then he just stabs and  
2 moments later said come out. We had an accident. Y'all  
3 help us. No.

4 She distanced herself until Rachel, Lady Justice, walks  
5 in here. That's really the case. I mean that's it. Family  
6 member, aunt, comes in. Yeah, she stabbed him. She said  
7 she didn't do it.

8 Now what are y'all gon' do with it?

9 It's really that simple. Sometimes I lose sight of the  
10 forest for the trees. But that's up to y'all. It's up to  
11 y'all and that's the beauty of our system.

12 Jamaine McFadden shouldn't of died that day. He didn't  
13 deserve to die that day. They have volatile relationship.  
14 I been married 35 years. Dated six. It's not rosy every  
15 day. But I guarantee you he didn't deserve to die and she  
16 says they had fights in there and you'll hear later about  
17 the knives.

18 You remember it. You heard later about the knives.  
19 They had put the knives (sic) away. They had the -- put the  
20 knives (sic) away so Amber wouldn't play.

21 It's up to y'all. Credibility, believability, and,  
22 and, and that second statement we didn't have to put in but  
23 we did. We're not hiding anything from y'all. That second  
24 statement a few days later, which we submit is self-serving,  
25 she still says some things inconsistent in there from this

1 first statement cause it's not the truth. But she's now  
2 trying to dirty up, dirty him up some more.

3 Yeah, he was bad. He was bad. We fought. We were  
4 arguing this night.

5 well, what that rally practically does, we submit, is  
6 whether this is a murder or a manslaughter. That's what we  
7 submit the evidence shows.

8 were they fighting?

9 were they arguing?

10 She's got her ex coming over there. He's been  
11 taking -- getting stuff for the kids. Coming back. Her ex  
12 is over there.

13 Did he get upset?

14 Did they have words?

15 was he leaving?

16 She's on his back.

17 She get ticked off he left and she stabbed him?

18 That's up to y'all. That's a reasonable inference but  
19 she didn't admit it. She didn't admit it.

20 We got to prove the cause of death to y'all.

21 Now, the key in this case about cause of death --  
22 you're, you're also gon' be charged -- and I hate to read  
23 stuff. I just hate it. But I'm gon' do this to make sure I  
24 don't (indiscernible).

25 You saw the doctor come in here. Kind of a straight

1 fellow. Doesn't -- Doctor Monroe -- I mean I liked him.  
2 Don't mean that bad. Just kind of no nonsense. Describing  
3 the injury.

4 Now, it was a -- two centimeters. Not big. Not long.

5 You remember what Amber said?

6 She said well, I saw the tip of the knife had blood on  
7 it.

8 You remember when that came out on the interview?

9 Think about that when you go back and says I don't know  
10 what happened. He was bleeding next door.

11 I said doctor -- and it's got this picture up here and  
12 I'm not -- the reason this came in to show he had to look at  
13 the body and determine the cause of death.

14 I said well, doctor, how deep did that go?

15 She drew this right here. Go back there and get a  
16 ruler and go down half an inch, an inch, inch and a quarter,  
17 inch and a half. That's in there.

18 Is that consistent with a thrusting motion?

19 Yes, sir.

20 Yes, ma'am, it is.

21 It's not just a nick, not just a fall. You got to  
22 stick that in there and that stick in there is intent. It's  
23 not an accident. It's not involuntary.

24 It's intent and, and, and, and what did Rachel say?

25 what did she say that Jamaine said?

1 Stop it, Amber. Stop it.

2 wasn't any questions about that on cross. Stop it.

3 Not an accident as she's pushing it in there.

4 Is that intent?

5 Did she know what she's doing?

6 Did she then try to cover it up and that's why the  
7 picture of the leg is sitting there to show you that artery.  
8 Killing of another is cessation, cessation of all  
9 respiratory, respiratory and circular functions. She killed  
10 him. Ended his life sticking a knife in there.

11 Malice can be express. It can be inferred from the use  
12 of a deadly weapon and we submit to you it's the butcher  
13 knife that did it. I don't know if it matters. But when  
14 she finally, in the second interview, says well, it's this  
15 long knife. Oh, Rachel pointed out to the investigator,  
16 Tyson, that was that butcher knife that was on the thing.  
17 It's pointed it in. She's lying about the knife.

18 well, that'd be consistent with everything else, the  
19 lie she's told. Rachel says that's the knife. It's right  
20 up there that the investigator got from the counter. But  
21 that's why the picture's back there to show you a severed  
22 artery, and the blood coming out, how deep it was.

23 That's not an accident or stab wound. It's not an  
24 intentional. It's intentional.

25 Credibility, believability, every case boils down to

1 it. Every case boils down to it, and if you can't -- if  
2 y'all get mad at me, I'm sorry. But I'll, I'll not be too  
3 much longer. But if you can't believe somebody consciously  
4 tell a lie, she's not scared. She's not under the  
5 influence. She's conversing. She's remembering things.  
6 She's there live in real time covering herself.

7 And if you can't believe that, you can't believe that,  
8 you can't believe that, why should you believe when the  
9 ultimate issue is well, okay, we did get in a fight. We did  
10 do this. No, ma'am. No, ma'am. We, we can't believe what  
11 you say. So we gon' go on how deep the penetration is.  
12 We're gon' -- we don't believe Rachel, your aunt, who said  
13 you stabbed him and it comes down to that.

14 Ladies and gentlemen, the judge is gon' charge you that  
15 he is the law. Knows the law as well as any judge in this  
16 state. I want the record to reflect that. He's gon' charge  
17 you, first of all, beyond a reasonable doubt. I'm not gon'  
18 go over all of them. Beyond a reasonable doubt, beyond a  
19 doubt that makes reasonable folks hesitate to act.

20 You've taken an oath to well and truly try and true  
21 deliverance makes. That means you promise to render a  
22 verdict based on the evidence that you find credible and  
23 based on the law the judge gives you.

24 Beyond a reasonable doubt doesn't mean all doubt. If  
25 you're firmly convinced that the State has met its burden on

1 whatever offense you believe, if you believe he's -- we've  
2 proved him guilty, then you must find her guilty -- I said  
3 him -- I mean her -- of whatever offense you desire. If  
4 you're, after reviewing all the evidence, are firmly  
5 convinced or have a for real doubt that she's not guilty,  
6 you must find her not guilty. That is up to you based on  
7 how you evaluate the evidence, the credibility, and  
8 believability.

9 We can't prove beyond all doubt. I (indiscernible)  
10 wanted to say this but I'm gonna say it. It's good and bad  
11 we got cameras in this world now. I love it that officers  
12 have cameras. Loved it. Loved it when they first came out.  
13 If I get stopped, I want to have a camera. I want to  
14 interact if anybody does. Got a lot of good officers out  
15 there. You got some that makes mistakes. Makes everybody  
16 look bad.

17 But I like it having the cameras. So you have  
18 interactions on the street, which we have. You got  
19 interactions when they're giving the statements. You can  
20 see was it coerced. But you not gon' have cameras  
21 everywhere in the world. You're not gon' have cameras in  
22 your kitchen and everything and I don't want that. I don't  
23 think anybody does.

24 So -- and we don't have to have that I guess is my  
25 point. There's no way to have a camera in the kitchen to

1 show this is Amber. That would be beyond all doubt. The  
2 law doesn't even require that.

3 So, what do you do?

4 You rely on credibility of witnesses and you rely on  
5 eye witnesses and their credibility, and what it boils down  
6 to, quite frankly, the Amber versus Rachel as to what  
7 happened, what's believable beyond a reasonable doubt.

8 Murder, I'm gon' go through the offenses very quickly.  
9 Murder is the unlawful killing of another individual with  
10 malice aforethought. Does not have to be premeditated.  
11 Does not have to exist more than a second. The one and a  
12 half inch, that meanness, you infer the use of that deadly  
13 weapon when it's going in, you can infer malice. It will --  
14 you can do that.

15 Malice aforethought only has to exist at that  
16 (indiscernible). That's up to you if we prove malice.

17 unlawful killing with malice aforethought, may die as a  
18 proximate result there. There's no question. The -- Doctor  
19 Monroe said she (sic) died with that stab wound.

20 She's tried to hide malice. She tried to hide her  
21 intent. It's an intentional killing.

22 The next option you'll have is voluntary manslaughter.  
23 The difference between murder and voluntary manslaughter is  
24 malice. You don't have to have malice in voluntary  
25 manslaughter. There is no malice. It's a killing during

1 the -- when someone is under a sudden heat of passion. It  
2 will cause an ordinary person, a reasonable person, just to,  
3 to lose all control of themselves.

4 The classic example, which I hope never happens to any  
5 of us, is you walk in your bedroom. You see your spouse  
6 with someone else. In that, it's -- the law says an  
7 ordinary person would be enraged, and if there's sufficient  
8 legal provocation, which the law -- it says that would be at  
9 that point someone can lash out. Doesn't excuse it. But if  
10 you're enraged, sudden heat of passion, you strike out,  
11 that's a voluntary manslaughter.

12 You've got a reason to do it. Not a legal reason. I  
13 mean not legal. You don't get away with it. Not an  
14 accident. Sudden heat of passion, sufficient legal  
15 provocation.

16 The provocation can't be just words. F you, F you,  
17 screw you, whatever, I'm sorry. Word with an, an -- overt  
18 acts would qualify under the circumstances. If you're  
19 fighting over words, fighting back and forth, it could  
20 qualify, voluntary manslaughter, that's up to you. It's a  
21 killing with the heat of passion, sufficient legal  
22 provocation, and the killing's got to be done before the  
23 sufficient legal provocation cools.

24 So, if you went in, the example I had earlier, saw your  
25 spouse in bed, mad, but you leave and you come back two days

1 later and you blow them away, it's over. That provocation  
2 is gone. Then that would go back to murder.

3 We think the evidence submits this is a murder. She  
4 tried to cover it up. Penetration's there. As soon as  
5 she's confronted with the witness who's there, and she knows  
6 they're testifying, she starts to change. It's gon' be up  
7 to y'all.

8 The other, and the final thing the judge is gon' charge  
9 you is involuntary manslaughter. If you find the State  
10 hasn't proved murder, you'll then go down to consider  
11 voluntary manslaughter. We submit this is a murder. It's  
12 up to you. You'll then be able to consider voluntary  
13 manslaughter.

14 We submit to you that if it isn't a murder, the  
15 evidence clearly shows it's a voluntary manslaughter.  
16 That's up to you. You'll then be able to consider  
17 involuntary manslaughter. It's defined as the unlawful  
18 killing of another without malice. It's the unintentional  
19 killing of another without malice while engaged in an  
20 unlawful activity that's not a felony and does not naturally  
21 tend to cause death or great bodily injury or the  
22 unintentional killing of another without malice while  
23 engaged in a lawful activity with reckless disregard for the  
24 safety of others.

25 Unintentional means the defendant did not intend for

1 anyone to be killed or seriously injured. If you stab  
2 somebody with a butcher knife, and then deny it, and they're  
3 pouring out blood, and you're angry, we submit this doesn't  
4 survive involuntary manslaughter. That's gon' be up to  
5 y'all.

6 It's the unintentional killing of another without  
7 malice, express or implied, and that's why we believe the  
8 evidence shows it is murder cause there's malice here,  
9 y'all. That's up to y'all. But it's a killing without  
10 malice, that's what voluntary is, by some act or omission  
11 constituting criminal neglect -- negligence. It's up to  
12 you. You gon' have this back there. The judge is gon'  
13 charge you and give it to you.

14 Criminal negligence is defined as the reckless  
15 disregard of the safety of others. A person charged with  
16 the crime of involuntary manslaughter may be convicted upon  
17 a showing of a criminal negligence. A reckless disregard  
18 for the safety of others signifies an indifference to the  
19 consequences of one act -- one's acts. It means something  
20 more than mere negligence or carelessness, which indicates  
21 inadvertence.

22 That is the failure to exercise due care sometimes  
23 called ordinary care being such care as a person of ordinary  
24 reason and prudence would exercise in the same circumstance.  
25 The conscience failure to exercise due care or ordinary

1 care.

2 willfulness is the facts or quality of acting purposely  
3 or by (indiscernible).

4 Recklessness, this is why I don't think this applies  
5 but that's up to y'all, exists where one is aware that  
6 ordinary care or prudence requires him or her to use certain  
7 precautions for the safety of others, with unconcern or in  
8 deference, fails to use the -- indifference. I'm sorry. Or  
9 who or where, during the course of the conduct or acts of  
10 negligence, with unconcerned or indifference follows such  
11 course and does such act that signifies an indifference to  
12 the consequences of one's acts. Reckless disregard of the  
13 safeties of others.

14 I submit to you that's what they're -- she lied. She  
15 lied. She lied. Not an accident. Not unintentional. Not  
16 unintentional. I completely distance myself and this hit me  
17 last night at 4:22 in the morning and I briefly said it  
18 earlier.

19 But if Rachel, when she said here earlier did he take  
20 (indiscernible), did Mr. McFadden tell you that?

21 If Rachel Manning had not given a statement, we  
22 wouldn't be here today. They wouldn't know what happened to  
23 their -- they -- they'd still be looking at that house on  
24 Tremont Street for a little sar -- (indiscernible).

25 You think she was gon' tell if Rachel hadn't told?

1           You think she would of changed her story if Rachel  
2 hadn't given that statement?

3           That's when it changed and that's why you can't believe  
4 what she says and that's why you got to believe Rachel.  
5 This is a murder, at least a voluntary. We think it's a  
6 murder. That's up to y'all. It's (indiscernible).

7           Ladies and gentlemen, I apologize for talking so long.  
8 I can't help it.

9           You got to care. Matt Ellis cares. Investigators  
10 care. Rachel Manning cares. You got to care about the  
11 facts.

12           This is Jacob -- Jamaine McFadden's day in Court. I  
13 done fucked up this way. Yes, ma'am. Yes, sir. You did.

14           We respectfully, respectfully ask you to consider  
15 finding Amber Manning guilty of murdering Jamaine McFadden  
16 on October 1<sup>st</sup>, 2019.

17           Thank you.

18           MS. EIGENBROT: Thank you, Your Honor.

19           May it please the Court?

20           THE COURT: Yes, ma'am.

21           MS. EIGENBROT: Now, there's no doubt that Jamaine  
22 McFadden's death was a tragedy. A tragedy but an accidental  
23 tragedy. A tragic accident.

24           Now, the State has harped and harped and harped on the  
25 fact that Amber lied. Yes, she did.

1 She had literally just gotten into an altercation with  
2 her significant other. He is pouring out blood. She's had  
3 to call EMS. She's scared. She acknowledged she lied to  
4 law enforcement and then told really what happened. And it  
5 didn't take much for her to then tell them what actually  
6 happened.

7 The State wants to put it on Rachel. She, she knew  
8 that Rachel had talked to them. There's absolutely no  
9 evidence that -- that's been presented that Amber had any  
10 knowledge that Rachel gave any statements. None.

11 She was transported to that interview room and that's  
12 where she sat I think for a couple of hours. She didn't  
13 know Rachel was at headquarters. The -- Investigator  
14 Fitzgerald didn't tell her she was at headquarters.

15 She said she talked to some people. She didn't know  
16 Rachel had talked to them. And when I say it didn't take  
17 much, it literally took Investigator Fitzgerald coming in  
18 there one time and saying we know this is not what happened  
19 and then she started telling her about the altercation. One  
20 time. One confrontation from law enforcement and then she  
21 told what happened.

22 Now, we heard from Rachel -- both Rachel and Amber  
23 through her interviews and while Rachel, Aunt Rachel, is  
24 obviously a very adorable, sweet old -- that came in here in  
25 her (indiscernible) wheelchair, I wouldn't say her testimony

1 is necessarily more credible than Amber's at this point.

2 I think what she demonstrated and from what she  
3 testified to actually demonstrates that she had a little bit  
4 of blocked memory and she's not completely succinct with  
5 what she initially told law enforcement in the beginning.  
6 She didn't even remember what she was even cooking that day  
7 and she didn't even tell or testify about the second stab  
8 wound she believed to have happened until they asked her  
9 about it.

10 She went over there and looked right in her niece's  
11 face and could barely recognize her and I'm not saying she  
12 wasn't trying her best. She wasn't trying to lie or be  
13 deceitful necessarily. But she's had a stroke. She's had  
14 some health issues and it's been four years and that  
15 statement -- the first changed up a little bit right before  
16 she came into this courtroom after she had spoken to the  
17 Attorney General's Office.

18 If we want to talk about credibility, they're issues  
19 with Ms. Rachel's statement as well and what she testified  
20 to here today. And, if you listen very closely, I -- the  
21 testimony was actually that she went to go check on Kat, who  
22 fell in the floor, and then she saw the blood. But Amber  
23 must have did it. She's not disputing -- she never said  
24 anything about fighting and dispute there was a fight. No  
25 one asked her that question. So really her testimony then

1 doesn't actually dispute what Amber said and what Amber says  
2 twice in these statements.

3 Now, this initial statement by Amber where she is being  
4 untruthful at first, keep in mind that she was -- hadn't  
5 heard anything and we think that's been pretty consistent  
6 (indiscernible) this entire trial as with every, everybody  
7 else. Sure. She's answering questions. It doesn't take  
8 away from the fact that she was intoxicated this evening.  
9 And, at the time, goes on -- you start sobering up. And,  
10 again, that's when she started telling what really happened.

11 We've been through Amber's statements quite a bit  
12 today. I don't want to continue going over and over and  
13 over again because basically what Amber is saying is an  
14 accident.

15 Jamaine had the knife. She got scared. She tries to  
16 take it from him. They're tussling over the knife and it  
17 cuts him. They want to make a big deal about force and the  
18 depth of the wound.

19 Well, you're tussling over a knife with somebody who's  
20 your size or a even a little bit, bit taller?

21 That's where that force comes from.

22 Now, there's differences in the two statements. Sure.  
23 But I want you to keep in mind she's coming off this tragic  
24 incident, this terrifying incident. She's been drinking and  
25 then been sitting in this interrogation room for a couple of

1 hours.

2 The second statement, you watched her (indiscernible)  
3 changed. I know the investigator said really it didn't.  
4 But you guys can watch the video of the differences and you  
5 can see how she's interacting a little bit differently, how  
6 much more coherent she is, and more logical she is. That's  
7 because that's what happened. It was, in fact, an accident.

8 Now, the State came before you earlier and said they  
9 welcomed their burden. Their burden is beyond a reasonable  
10 doubt. It's the highest burden we have in our legal system  
11 and they welcome it all the time. But they don't really  
12 have a choice. They have to welcome it. They have to show  
13 you beyond a reasonable doubt that Amber intended to stab  
14 him.

15 Hold them to that burden. If there is any question in  
16 your mind that Amber intended to do this, you must find her  
17 not guilty and I'm telling you she didn't intend to do this.  
18 She says it right here in this interview -- in the second  
19 interview and I think, most importantly, what you talk about  
20 is the science of Doctor Monroe's testimony.

21 I had him mark a few things on this ruler during the  
22 testimony for a reason and that's because 2-centimeters.  
23 That is the size of the wound on Mr. McFadden's leg,  
24 2-centimeters, and I can give the State the depth, an inch.  
25 I'll even give them an inch and a half.

1           That, folks, is not intent. That is not malice. That  
2 is not heat of passion. That is not somebody taking a knife  
3 and thrusting it at their, their loved one. That is an  
4 accident.

5           I also had him mark the height, 15-inches, and I know  
6 some of you were kind of looking during his testimony. But  
7 what I'm talking about, he marked this 15-inch mark and that  
8 was the measurement from Jamaine's right heel up to  
9 approximately where the wound would of started. If I put my  
10 hand at the top -- even above the 15-inches, I have to bend  
11 over to get anywhere near that height and I'm sure you guys  
12 saw me standing next to my client at some point during this  
13 trial. She's significantly taller than I am. In fact, I  
14 believe the statement got out she is 5'10".

15           Can you imagine a 5'10" woman finding some way to  
16 purposely and intentionally stab somebody at this height?

17           That shallow of a wound?

18           No.

19           This was not an intentional act. This was an accident  
20 period.

21           So, if you're gon' believe anything, believe the  
22 science. Believe the doctor. That doesn't make any sense.  
23 That wound is not in a location that suggests somebody  
24 intentionally stabbed somebody -- well, even with a heat of  
25 passion.

1           Again, this is a tragedy. Jamaine McFadden passing  
2 away is tragic. But any -- it is a tragic accident. It's  
3 not murder. It's not voluntary manslaughter. It's not  
4 involuntary manslaughter. It is an accident and I ask that  
5 you take your time in deliberating.

6           I want you to watch these interviews. I think a few  
7 things have been kind of misquoted especially the parts  
8 where it's only Amber saying things. I think the quote was  
9 I fucked up this round. Listen to the video. It is we  
10 fucked up. We.

11           The State wants to leave Jamaine out of it but she  
12 always says we to part any arguments. It talks about hiding  
13 the knives. She said from both of us. Not just her. From  
14 both of us.

15           And y'all, if you listen to it, a lot of her details in  
16 her statements are corroborated by other evidence. Her  
17 friend's house did, in fact, burn down. They did, in fact,  
18 go down there. They did collect some food items. They were  
19 in the kitchen cooking it.

20           Now, Amber identifies this knife in her video as the  
21 one that was used in this incident by Jamaine.

22           Again, this is a fairly big knife. That's a shell of  
23 wound comparison.

24           Because I'm not gon' speak too much longer, I just,  
25 again, watch the videos. Listen to her statements. Compare

1 them too. That's the most important part of the case.

2 I appreciate your time and, again, I believe the most  
3 just verdict in this situation is, again, not guilty  
4 (indiscernible) unanimous.

5 Thank you.

6 THE COURT: All right. Ladies and gentlemen, before I  
7 charge you on the law of the case, it will take a couple --  
8 20 to 25 minutes.

9 Does anyone need a break right this minute?

10 (WHEREUPON, jurors respond.)

11 THE COURT: You -- okay. Well, we're gon' take five  
12 minutes. We'll take five minutes. Please don't discuss the  
13 case around your jury room. We'll get you back in here.  
14 I'll charge you on the law of the case.

15 Thank you.

16 Please don't discuss the case.

17 (WHEREUPON, the following takes place outside the  
18 presence of the jury.)

19 THE COURT: All right. As soon as they're ready to  
20 come back in we'll get started. I'm gon' step off for one  
21 minute.

22 (WHEREUPON, a short recess was taken at this time.)

23 THE COURT: All right. The jury's ready to come back.  
24 The State ready for me to proceed?

25 MR. MEADORS: Yes, sir. Thank you.

1 THE COURT: Is defense ready?

2 MS. ADLER: Yes, sir.

3 THE COURT: Let's bring them in please.

4 (WHEREUPON, the following takes place within the  
5 presence of the jury.)

6 THE BAILIFF: The jury is seated, Your Honor.

7 THE COURT: All right. Thank you.

8 Madam Foreman, ladies and gentlemen of the jury,  
9 welcome back.

10 Members of the jury, it is now my duty, as the trial  
11 judge, to instruct you on the law applicable to this case.  
12 But in that regard, it's your duty, as jurors, to accept and  
13 apply the law as I now state it to you.

14 Furthermore, it is your exclusive duty to decide all  
15 the issues of fact in this case and to determine the effect,  
16 value, weight, and truth of the evidence. All the parties  
17 have the right to expect you will carefully consider and  
18 evaluate the evidence and apply the law of this case to it  
19 so that, in the end, all parties will receive a fair and  
20 impartial trial.

21 Now, during this trial, you and I have separate duties  
22 to perform. As the trial judge, it is my responsibility to  
23 preside over this trial and rule upon the admissibility of  
24 the evidence offered during the trial. You, as members of  
25 this jury, are to consider only the evidence before you.

1           If you have any preconceived ideas as to what the law  
2 is or what the law -- or what you think the law ought to be,  
3 and it does not agree with what I now tell you the law is,  
4 you are obligated, under your oath, to abandon those  
5 preconceptions because you are sworn to accept the law as I  
6 now state it to you.

7           In this trial, you are the sole and exclusive judges of  
8 the facts. Do not infer that I have any opinion about the  
9 facts in this case from anything I have said or done during  
10 the course of this trial. The law simply does not permit me  
11 to have an opinion about the facts. As jurors, it is your  
12 duty and your duty alone to determine the effect, value,  
13 weight, and truth of the evidence presented during this  
14 trial.

15           The evidence from which you are to decide the facts of  
16 this case are, one, sworn testimony of witnesses both on  
17 direct and cross-examination, two, the exhibits which have  
18 been admitted into evidence, and, three, any facts from --  
19 to which all the attorneys have agreed and stipulated.

20           Evidence may be direct or circumstantial. Direct  
21 evidence is testimony by a witness about what that witness  
22 personally saw, heard, or did. Circumstantial evidence, on  
23 the other hand, is indirect evidence. Stated differently,  
24 it is proof of one or more facts from which one can find  
25 another fact. You may consider both direct and

1 circumstantial evidence equally and crimes may be proven by  
2 circumstantial evidence.

3       The law makes no distinction between the weight or  
4 value to be given to either direct or circumstantial  
5 evidence. However, to the extent that the State relies on  
6 circumstantial evidence, all of the circumstances must be  
7 consistent with each other, and when taken together, point  
8 conclusively to the guilt of the accused beyond a reasonable  
9 doubt. If the circumstances merely portray the defendant's  
10 behavior as suspicious, the proof has failed.

11       The State has the burden of proving the defendant  
12 guilty beyond a reasonable doubt. This burden rests with  
13 the State regardless of whether the State relies on direct  
14 evidence, circumstantial evidence, or some combination  
15 thereof.

16       I remind you that the following things are not evidence  
17 and you must not consider them as evidence in deciding the  
18 facts of this case:

19       One, statements and arguments of the attorneys, two,  
20 questions and objections of the attorneys, and, three, any  
21 testimony that I instruct you to disregard.

22       While argument of counsel is a beneficial part of every  
23 trial, you should remember that statements made by counsel  
24 are not evidence. In reple -- in presenting arguments,  
25 counsel often refers to evidence. However, you should base

1 your verdict on the evidence as you remember it. Therefore,  
2 if they're any conflicts between the recollection of counsel  
3 about the evidence and your own recollection, you should  
4 rely upon your own understanding of the evidence.

5 I remind you, the fact the defendant was arrested,  
6 charged, and indicted in this case is not evidence and can  
7 not be considered by you as evidence of guilt in this case  
8 nor does it create any presumption or inference of guilt.

9 Furthermore, it is your job, as jurors, to determine  
10 the credibility or believability of the witnesses who've  
11 testified in this case. You must evaluate the evidence and  
12 determine which evidence convinces you of its truth.

13 In determining the believability of witnesses, you --  
14 who have testified in this case, you may believe one witness  
15 over many or many over one. You may believe a part of the  
16 testimony of a witness and reject the remaining part. You  
17 may believe the testimony of a witness in its entirety or  
18 reject it in full. You may consider whether the witness has  
19 an interest in the result of the trial, whether the witness  
20 is prejudiced toward either party, the opportunity for the  
21 witness to have seen the matters and things about which the  
22 witness may testify, and the way the witness acts on the  
23 witness stand.

24 Now, the rules of evidence ordinarily do not permit  
25 witnesses to testify to opinions or conclusions. An

1 exception to this rule exists for witnesses we call expert  
2 witnesses. A witness, who by education and experience, has  
3 become an expert in some art, science, profession, or  
4 calling may state an opinion as to relevant and -- as to a  
5 relevant and material matter in which the witness claims to  
6 be an expert and may also state the reasons for the opinion.  
7 You should consider any expert opinion received into  
8 evidence in this case like any other evidence. Give it the  
9 weight you think it deserves.

10 If you decide that the opinion of an expert witness is  
11 not based on sufficient education and experience or if you  
12 conclude that the reasons given in support of the opinion  
13 are not sound or that the opinion is outweighed by other  
14 evidence, you may disregard the opinion entirely. An expert  
15 witnesses testimony is to be given no greater weight than  
16 that of other witnesses simply because the witness is an  
17 expert. Further, you are not required to accept an expert's  
18 opinion even though it is not contradicted.

19 The defendant has pled not guilty to these indictments  
20 and that plea puts the burden on the State to prove the  
21 defendant guilty. A person charged with committing a  
22 criminal offense in South Carolina is never required to  
23 prove his or her innocence. I charge you that it is an  
24 important rule of the law that the defendant, in a criminal  
25 trial, no matter what the seriousness of the charge may be,

1 will always be presumed to be innocent of the crime for  
2 which the indictment was issued unless guilt has been proven  
3 by evidence satisfying you of that guilt beyond a reasonable  
4 doubt.

5       The presumption of innocence does not end when you  
6 begin your deliberations. But it accompanies the defendant  
7 throughout the trial unless you reach a verdict of guilt  
8 based on evidence satisfying you of that guilt beyond a  
9 reasonable doubt. The presumption of innocence is like a  
10 robe of righteousness placed about the shoulders of a  
11 defendant which remains with the defendant unless it has  
12 been stripped from the defendant by the -- by evidence  
13 satisfying you of the defendant's guilt beyond a reasonable  
14 doubt.

15       The presumption of innocence is not mere legal theory.  
16 It's not just a legal phrase. It is a substantial right to  
17 which every defendant is entitled unless you, the jury, are  
18 satisfied from the evidence of the defendant's guilt beyond  
19 a reasonable doubt.

20       Now, the State has the burden of proving the defendant  
21 guilty beyond a reasonable doubt. Some of you may have  
22 served as jurors in civil cases where you were told that it  
23 is only necessary to prove that a fact is more likely true  
24 than not true such as by the greater weight or preponderance  
25 of the evidence.

1           In criminal cases, the State's proof must be more  
2 powerful than that. It must be beyond a reasonable doubt as  
3 to each element of each offense charged.

4           what is a reasonable doubt in the law?

5           A reasonable doubt is the kind of doubt that would  
6 cause a reasonable person to hesitate to act. Proof beyond  
7 a reasonable doubt is proof that leaves you firmly convinced  
8 of the defendant's guilt.

9           There are very few things in this world that we know  
10 with absolute certainty and, in criminal cases, the law does  
11 not require proof that overcomes every possible doubt. If,  
12 based on your consideration of the evidence, you are firmly  
13 convinced that the defendant is guilty of the crime charged,  
14 you must find the defendant guilty. If, on the other hand,  
15 you think there's a real possibility that the defendant is  
16 not guilty, you must give the defendant the benefit of the  
17 doubt and find her not guilty.

18           Mere suspicion, however strong, is not enough to  
19 sustain a conviction. Suspicion implies a belief or opinion  
20 as to guilt based upon facts or circumstances which do not  
21 amount to proof.

22           I remind you that the fact that a defendant elected not  
23 to testify is not a factor to be considered by you in any  
24 way in your deliberations and in your consideration on the  
25 question of whether the defendant is guilty or not guilty.

1 It must not be considered in any manner whatsoever against  
2 her. An accused has the right -- the constitutional right  
3 to remain silent, and the assertion of that right can not be  
4 considered by you in your deliberations.

5 Under your oath, you are to reach no inference or draw  
6 no conclusion whatsoever from the fact the defendant elected  
7 not to testify. Her decision not to testify should not even  
8 be discussed in the jury room.

9 In order to establish criminal liability, criminal  
10 intent is required. The dictionary defines intent as the  
11 state of a person's mind that directs his actions toward a  
12 specific object. Criminal intent must be proven by the  
13 State beyond a reasonable doubt. Criminal intent is always  
14 a matter that must be determined by the jury from the  
15 circumstances surrounding the situation.

16 There is no way to prove intent to a mathematical  
17 certainty. There is no medical science that can dissect a  
18 person's brain and determine what the person had in mind.  
19 So, the law says that criminal intent may be inferred from  
20 the circumstances shown to have existed. This is how you  
21 make a determination of whether or not the element requiring  
22 intent was present.

23 Criminal intent is a mental state, a conscious  
24 wrongdoing. It is up to you to determine what the defendant  
25 intended to do based on the circumstances shown to have

1 existed.

2 I remind you that a person who voluntarily becomes  
3 intoxicated is just as responsible for the acts committed  
4 while intoxicated as when the person is not intoxicated.

5 Statements alleged to have been made by the defendant  
6 have been admitted into evidence in this case. The Court  
7 has determined that the statements are voluntary and  
8 admissible. You must decide what weight, if any, should be  
9 given to the alleged statements. You may give the  
10 statements any further consideration that you deem proper.

11 Now, let me explain a little bit about the law as it  
12 applies to the charges against the defendant.

13 The defendant is charged with murder. The State must  
14 prove, beyond a reasonable doubt, the defendant killed  
15 another person with malice aforethought.

16 Malice is hatred, ill will, or hostility towards  
17 another person. It is the intentional doing of a wrongful  
18 act without just cause or excuse and with an intent to  
19 inflict an injury or under the circumstances that the law  
20 will infer an evil intent.

21 Malice aforethought does not require that the malice  
22 exist for a particular time before the act is committed.  
23 But malice must exist in the mind of the defendant just  
24 before and at the time the act is committed. Therefore,  
25 there must be a combination of the previous evil intent and

1 the act.

2 Malice aforethought may be expressed or inferred. The  
3 terms express and inferred do not mean different kinds of  
4 malice but merely the manner in which malice may be shown to  
5 exist. That is either by direct evidence or by inference  
6 from the facts and circumstances which are proved.

7 Express malice is shown when a person speaks words  
8 which express hatred or ill will for another but when the  
9 person prepared beforehand to do the act which was later  
10 accomplished. Malice may be inferred from the conduct  
11 showing a total disregard for human life. If facts are  
12 proved beyond a reasonable doubt sufficient to raise an  
13 inference of malice to your satisfaction, the inference  
14 would simply be an evidentiary fact to be considered by you  
15 along with the other evidence in the case and you may give  
16 it the weight and -- you decide it should receive.

17 If you find that the State has failed to prove, beyond  
18 a reasonable doubt, that the defendant committed murder, you  
19 may consider whether the State has proved, beyond a  
20 reasonable doubt, that the defendant committed the lesser  
21 included offense of voluntary manslaughter. To prove  
22 voluntary manslaughter, the State must prove, beyond a  
23 reasonable doubt, that the defendant took the life of  
24 another in a sudden heat of passion based upon sufficient  
25 legal provocation. Both heat of passion and sufficient

1 legal provocation must be present at the time of the killing  
2 to constitute voluntary manslaughter.

3 Sudden heat of passion may, for a time, affect a  
4 person's self-control and temporarily disturb a person's  
5 reason. The sudden heat of passion must be the type that  
6 would make an ordinary person unable to coolly reflect on  
7 his actions and would produce an uncontrollable impulse to  
8 do violence. Sufficient legal pro -- provocation must be  
9 the type that would make a person of ordinary reason and  
10 caution become enraged and lose control temporarily. The  
11 provocation needed for voluntary manslaughter must come from  
12 some act of or related to the victim.

13 words alone, however vulgar, or insulting are not  
14 enough to be legal provocation. Where death is caused by  
15 the use of a deadly weapon, the words must be accompanied by  
16 some overt act, threatening act, which could have produced  
17 the heat of passion.

18 The exercise of a legal right, no matter how offensive  
19 it is to another, is never sufficient legal provocation from  
20 voluntary manslaughter. If the heat of passion had cooled  
21 or if there was enough time between the provocation, if any,  
22 and the killing -- and the killing for the passion of a  
23 reasonable person to cool, the killing would not be  
24 voluntary manslaughter.

25 In deciding whether a reasonable person would have had

1 enough time to cool off, you should consider all the  
2 circumstances surrounding the killing. You may consider the  
3 nature of the provocation, if any, the defendant's mental  
4 and physical state, and the circumstances and relationships  
5 between the parties.

6 If you find that the State has failed to prove, beyond  
7 a reasonable doubt, that the defendant committed murder or  
8 voluntary manslaughter, you may consider whether the State  
9 has proved, beyond a reasonable doubt, that the defendant  
10 committed the lesser included offense of involuntary  
11 manslaughter. Included within the offense of murder is a  
12 lesser offense of involuntary manslaughter.

13 Manslaughter -- involuntary manslaughter is defined as  
14 the unlawful killing of another person without malice,  
15 express or implied. Involuntary manslaughter is the  
16 unintentional killing of another without malice while  
17 engaged in unlawful activity that is not a felony and does  
18 not naturally tend to cause death or great bodily harm or,  
19 two, the intentional killing of another without malice while  
20 engaged in a lawful activity with reckless disregard for the  
21 safety of others.

22 Unintentional means the defendant did not intend for  
23 anyone to be killed or seriously injured. The law defines  
24 involuntary manslaughter as the unintentional killing of  
25 another without malice, express or implied, by some act or

1 omission constituting criminal negligence.

2       with regard to the crime of involuntary manslaughter,  
3 criminal negligence is defined as the reckless disregard of  
4 the safety of others. A person charged with the crime of  
5 involuntary manslaughter may be convicted only upon a  
6 showing of criminal negligence.

7       A reckless disregard for the safety of others signifies  
8 an indifference to the consequences of one's act. It means  
9 something more than mere negligence or carelessness, which  
10 indicates inadvertence. That is failure to exercise due  
11 care, sometimes called ordinary care, meaning such care as a  
12 person of ordinary reason and prudence would, would exercise  
13 in the same circumstances.

14       Recklessness, willfulness, and wantonness, which convey  
15 the same general idea, mean a conscience failure to exercise  
16 due care or ordinary care.

17       willfulness is the fact or the quality of acting  
18 purposefully or by design. Recklessness exists where one  
19 who is aware that ordinary danger or prudence requires him  
20 or her to use certain precautions for the safety of others,  
21 with unconcern or indifference, fails to use them or who,  
22 aware in a -- the course of conduct or act is negligent with  
23 unconcern or indifference follows such course or does such  
24 act. That signifies an indifference to the consequences of  
25 one's act.

1 Criminal negligence is defined with the -- within the  
2 law as the reckless disregard of the safety of others. Mere  
3 negligence will not suffice to support a conviction of  
4 involuntary manslaughter. The burden is upon the State to  
5 prove heedlessness or willful -- willfulness. Recklessness  
6 implies the doing of a negligent act knowingly.

7 When a person acts negligently, and realizes that he or  
8 she is acting negligently, the law says that he or she is  
9 reckless, heedless, or willful, and wanton.

10 Involuntary manslaughter involves the -- an  
11 unintentional killing that is accomplished by means of some  
12 intentional act. The State must prove, beyond a reasonable  
13 doubt, that the defendant's act was a proximate cause of  
14 death. Criminal negligence of the defendant must be the  
15 proximate cause of the death.

16 What constitutes criminal negligence depends on the  
17 facts and circumstances of each case. Proximate cause is  
18 the direct cause. It is the efficient cause. It is the  
19 cause that without which the death of the victim would not  
20 have resulted.

21 There must be a chain of causation at the time of the  
22 injury inflicted by the defendant until the time of the  
23 victim's death. Proximate cause does not necessarily mean  
24 that it occurred immediately or prior to death. There may  
25 be more than one proximate cause. The acts of two or more

1 persons may combine together to be a proximate cause of the  
2 death of the person.

3       The defendant's acts may be regarded as a proximate  
4 cause if it is a contributing cause of the death of the  
5 victim. The fact that other causes also contribute to the  
6 death of a victim does not relieve the defendant from  
7 responsibility. The defendant's act need not be the sole  
8 cause of the death but must be a proximate, con -- proximate  
9 cause contributing to the death of the victim.

10       The defendant is charged with possession of a weapon  
11 during the commission or attempt to commit a violent crime.  
12 The State must prove, beyond a reasonable doubt, the  
13 defendant was in possession of a knife or visibly displayed  
14 what appeared to be a knife during the commission of a  
15 violent crime.

16       Knife means an instrument or tool with a sharp cutting  
17 blade, whether or not fastened to a handle, which can be  
18 used to inflict a cut, slash, or wound.

19       In order to find the defendant guilty of possession of  
20 a weapon during the commission of a violent crime, you must  
21 first find the defendant guilty of either committing a  
22 violent crime or attempting to commit -- or attempting the  
23 commission of a violent crime. Murder and in -- excuse me.  
24 Murder and voluntary manslaughter are both classified as a  
25 violent crime.

1           The State must prove, beyond a reasonable doubt, that  
2 the weapon further, further advanced or helped in the  
3 commission of the -- in the commission of the crime.

4           The defendant has raised the defense of accident. Harm  
5 to another, including death, is excusable on the ground of  
6 accident if the harm was caused by the unintentional and  
7 lawful act of the defendant exercising due care. For the  
8 defense of accident to apply, you must find, one, the act of  
9 the defendant that caused the harm was accidental and not  
10 intentionally, two, the act was lawful and, three, the act  
11 was not careless, negligent, or reckless.

12           If you find the defendant -- the defense of accident  
13 applies, you must find the defendant not guilty. However,  
14 if the State has proven, beyond a reasonable doubt, that any  
15 of the three elements of the defense of accident do not  
16 apply, then the defendant is not entitled to the defense. A  
17 defendant engaged in unlawful conduct, including the  
18 unlawful possession of the weapon, is entitled to the  
19 claim -- to claim the defense of accident, excuse me, is  
20 entitled to claim the defense of accident unless the State  
21 has proven, beyond a reasonable doubt, that the unlawful  
22 conduct was not merely incidental to but was the direct and  
23 foreseeable cause of the victim's harm.

24           Okay. Now, a verdict in this case can not be based  
25 upon sympathy, passion, prejudice, or emotion, or some other

1 consideration not found in the evidence. I charge you that,  
2 as jurors, you must decide the issues involved in this  
3 proceeding based solely upon the evidence which you hear  
4 during the course of the trial. Your verdict must be  
5 without bias and without prejudice to any party. You can  
6 not allow yourselves to be governed by sympathy, by  
7 prejudice, by passion, by public opinion, or some other  
8 consideration not found in the evidence.

9 Now, let me say something about your deliberations.  
10 Deliberation is defined as careful consideration weighing  
11 up with a view to decision. The genius of our jury system  
12 that allows 12 good men and women, from 12 different  
13 backgrounds, life experiences, and perspectives, to consider  
14 the evidence, talk about it, and ultimately reach a verdict.

15 We call them deliberations for a reason. You're to  
16 consider the evidence in this case carefully and  
17 deliberately and discuss it in calm, thorough, and courteous  
18 manner. Listen to the views of all your fellow jurors.  
19 Consider other people's points of view and talk through and  
20 discuss the evidence. And, remember, if you're doing  
21 something deliberately, you're not in a big hurry and you  
22 should not be in a big hurry here. This case is very  
23 important to all the parties and this trial is their only  
24 day in Court.

25 When you retire to the jury room, you should discuss

1 the case with your fellow jurors to reach an agreement if  
2 you can do so. Your verdict must be unanimous. Each of you  
3 must decide the case for yourself. But you should do so  
4 only after you have impartially considered all the evidence,  
5 discussed it fully with the other jurors, and listened to  
6 the views of your fellow jurors.

7 Do not be afraid to change your opinion if the  
8 discussion persuades you that you should. But do not come  
9 to a decision simply because other jurors think it is right.

10 It is important that you attempt to reach a unanimous  
11 verdict. But, of course, only if each of you can do so  
12 after having made your own decision. Do not change an  
13 honest belief about the weight and effect of the evidence  
14 simply to reach a verdict. In other words, do not change  
15 your opinion solely for the sake of reaching a unanimous  
16 verdict.

17 Now, I will give you a copy of these struct --  
18 instructions in written form. During your deliberations,  
19 you may refer to these instructions to guide your decision  
20 making. You must consider the instructions as a whole. Do  
21 not follow some and ignore others. Please return the  
22 instructions to the Court at the time your verdict is  
23 rendered.

24 There are two possible verdicts you -- you may find in  
25 this case, guilty or not guilty. There is no significance

1 whatsoever in the order which I state the possible verdicts.  
2 It's simply that one must be stated first.

3 Ladies and gentlemen, your verdict must be a unanimous  
4 one.

5 Madam Forelady, when the jury agrees on the verdict,  
6 you will write the verdict on the verdict form we will send  
7 back to you. Then knock on the jury room door and inform  
8 the bailiff that you have reached a verdict. At that time  
9 we will receive you back into the courtroom.

10 I ask that you now return to the jury room. But do not  
11 begin your deliberations yet. I have some matters I need to  
12 take up with the attorneys. So, please return to the jury  
13 room. But do not discuss the case at this time.

14 Thank you.

15 (WHEREUPON, the following takes place outside the  
16 presence of the jury.)

17 THE COURT: Okay. I got to make one pen and ink change  
18 to the writing. Just to add a word that I added in on the  
19 fly.

20 Any issues with the charge?

21 MR. MEADORS: No, sir.

22 MS. MILES: None from the State, Your Honor.

23 THE COURT: All right.

24 MS. EIGENBROT: None from the defense, Your Honor.

25 THE COURT: Okay. I'm gon' make a quick change to

1 this. I would like the attorneys to make sure the evidence  
2 is in its order -- is in order.

3 Let me just also say it's been a pleasure working with  
4 you. You know, trying cases, murder cases, these are tough  
5 cases. We know that there are -- these affect everyone's  
6 lives. But when you try a case with attorneys who are civil  
7 to one another and work well together, it makes things go  
8 much better.

9 So, you have my thanks for that. I, I want to commend  
10 both the attorneys for vigorously representing their  
11 respective clients.

12 MR. MEADORS: Thank you, Your Honor.

13 MS. EIGENBROT: Thank you, Your Honor.

14 THE COURT: All right.

15 (Pause.)

16 THE COURT: Okay. I -- I'm sorry. I forgot. I got to  
17 get the alternates.

18 Bring the alternates in here right now. They don't  
19 have anything yet. So --.

20 (WHEREUPON, the alternates come into the courtroom at  
21 this time.)

22 THE COURT: Okay. Juror Number 255?

23 THE JUROR: Yes, sir.

24 THE COURT: And Juror Number 22?

25 THE JUROR: Yes.

1 THE COURT: All right. First of all, thank you for  
2 being here the last -- this is day three. We're about to  
3 give the case to the jury. We haven't lost anybody yet.  
4 But what I'd like to do is just keep you around just for 30  
5 minutes or so. Once they're -- to make sure nothing crazy  
6 happens but before I let you go.

7 I'm just gonna have y'all hang out in this other jury  
8 room down the hall. Just don't discuss the case. But if  
9 you need anything from us, let us know. But I'll -- I'm  
10 basically letting you go in 30 minutes.

11 Okay. But thank you for your service this week.

12 THE JUROR: Yes, sir.

13 (WHEREUPON, the jury began deliberating at 3:49PM and  
14 sent out a question at 4:16PM.)

15 THE COURT: All right.

16 Everybody okay?

17 (WHEREUPON, there was no audible response.)

18 THE COURT: All right.

19 MR. MEADORS: Good or bad news?

20 THE COURT: So we got a question here. The question  
21 is -- was can we get Rachel's statement on the first  
22 (indiscernible).

23 MR. MEADORS: I told you that's what it was. I just  
24 told them that's what it was.

25 THE COURT: Okay. And I read statement as the written

1 statement, yes. So, I (indiscernible) respond  
2 (indiscernible).

3 MR. MEADORS: Could she do it a little more like all  
4 the present -- all the evidence---

5 THE COURT: At the current---

6 MR. MEADORS: ---has been presented.

7 THE COURT: At the time, I'm unable to adequately  
8 address --.

9 Okay. But---

10 MR. MEADORS: The State---

11 MS. MILES: Can you tell them the State says yes but  
12 then---

13 THE COURT: Typically what I say is you have to --.

14 (Pause.)

15 THE COURT: I will just tell them that you have all the  
16 evidence you need.

17 MR. MEADORS: Or all the evidence that -- right.

18 Right. No.

19 THE COURT: I'll write it out.

20 MS. MILES: That you---

21 MR. MEADORS: Yes, sir. Thank you.

22 THE COURT: So --.

23 MR. MEADORS: And I -- judge, I wasn't trying to be  
24 funny when I said that.

25 THE COURT: No, I know. It's not a bad -- it's not a

1 bad point.

2 (Pause.)

3 THE COURT: Mr. Anders, could I have a sheet of yellow  
4 paper?

5 UNIDENTIFIED SPEAKER: Yes, sir.

6 THE COURT: All right. So my typical practice is I get  
7 a question in writing.

8 MR. MEADORS: Uh-huh. (Affirmative).

9 THE COURT: I write a response and I give it back to  
10 them. I don't bring them back and forth and talk to them.

11 (Pause.)

12 THE COURT: Mr. Meadors, you have all the evidence --  
13 no, you have all the evidence that has been admitted in this  
14 case.

15 Is that accurate?

16 MR. MEADORS: Yes, that's, that's, that's, that's  
17 pretty clear. That's true.

18 (WHEREUPON, a bench conference was held at this time.)

19 THE COURT: All right. Do y'all mind this -- y'all two  
20 walk with me. I'm just gon' read it to them in the doorway  
21 and come back. Be right back.

22 (WHEREUPON, the jury began deliberations again at  
23 4:21PM and returned with a question at 4:36PM.)

24 (WHEREUPON, a bench conference was held at this time.)

25 (WHEREUPON, the jury began deliberations again and

1 returned with another question at 5:07PM.)

2 (WHEREUPON, the alternate juror was brought into the  
3 courtroom at this time.)

4 THE COURT: So first things first, when we gave the  
5 jury the case I kept the alternates around for a little bit.  
6 I let one of them go. (Indiscernible). Our remaining  
7 alternate's still here. They've had the case for an hour  
8 and a half. I'm so glad to say we no longer need you to be  
9 an alternate. So, you're certainly allowed to be in here  
10 now. If not, I would have to get you in another room.

11 THE JUROR: Thank you.

12 THE COURT: You're, you're not an alternate anymore.

13 The question from the jury was "can we get the  
14 definition of due care and examples." I'm gonna draft a  
15 response that just says no. You have a copy of the law as I  
16 charged it. You must rely on the law as charged to you.

17 (Pause.)

18 THE COURT: All right. Just for the record, my  
19 response is no. You may consult your copy of the jury  
20 instruction, which, which states the law from the court in  
21 this case.

22 MR. MEADORS: Thank you.

23 THE COURT: Bethany, I'll nominate you and, Lindsay,  
24 y'all can come this --.

25 (WHEREUPON, the jury began deliberations again and

1 returned with a verdict at 5:24PM.)

2 (WHEREUPON, four notes from the jury were marked as  
3 Court's Exhibit Nos. 14 through 17 for identification  
4 purposes only at this time.)

5 THE COURT: All right. I'm informed that we have a  
6 verdict.

7 Before we bring the jury, this is a reminder. None of  
8 us know what this decision. But regardless of what the  
9 decision is, I want to make sure that everyone in the  
10 courtroom understands they got to maintain your emotions  
11 and, if you feel like you can't refrain from any sort of  
12 outburst, you need to excuse yourself from the courtroom  
13 now.

14 Anything from the State before we bring in the jury?

15 MR. ANDERS: Nothing from the State, Your Honor.

16 THE COURT: Anything from the defense before we bring  
17 the jury in?

18 MS. ADLER: Nothing, Your Honor.

19 THE COURT: All right. Let's bring them in.

20 (WHEREUPON, the following takes place within the  
21 presence of the jury.)

22 THE BAILIFF: The jury is seated, Your Honor.

23 THE COURT: All right. Madam Forelady, it's my  
24 understanding you have a verdict.

25 Is that correct?

1 THE FORELADY: Yes, sir.

2 THE COURT: Is your verdict unanimous?

3 THE FORELADY: Yes, sir.

4 THE COURT: Please hand it to the bailiff.

5 (WHEREUPON, the forelady complies.)

6 THE COURT: All right. Madam Clerk, you may publish

7 the verdict.

8 THE CLERK: Yes, Your Honor.

9 State of South Carolina, County of Richland, Indictment  
10 Numbers 2022-GS-40-02261 and 02262, the State verse (sic)  
11 Amber Manning.

12 We, the jury, as to Indictment 2022-GS-40-02262 for the  
13 charge of murder, unanimously find, beyond a reasonable  
14 doubt, defendant, Amber Manning, not guilty.

15 If not guilty, please proceed to question two.

16 We, the jury, as to the lesser included offense of  
17 voluntary manslaughter, unanimously find, beyond a  
18 reasonable doubt, defendant, Amber Manning, not guilty.

19 If not guilty, please proceed to question three.

20 We, the jury, as to the lesser included offense of  
21 involuntary manslaughter, unanimously find, beyond a  
22 reasonable doubt, defendant, Amber Manning, guilty.

23 If you have answered question three, do not proceed to  
24 question four. Signed Number 19 as forelady on  
25 October 25<sup>th</sup>, 2023.

1 Madam Forelady, were these your verdicts and the  
2 verdicts of the entire jury?

3 THE FORELADY: Yes.

4 THE COURT: Thank you.

5 Any requests from the State?

6 MR. MEADORS: No, sir.

7 THE COURT: All right. Any request from the defense?

8 MS. EIGENBROT: Ask to poll the jury, Your Honor.

9 THE COURT: Very well.

10 THE CLERK: Ladies and gentlemen of the jury, I'm gonna  
11 ask you two questions relating to your verdicts. As I call  
12 your number, please answer yes or no to both questions.

13 Number 19, were these your verdicts?

14 THE JUROR: Yes.

15 THE CLERK: Are these still your verdicts?

16 THE JUROR: Yes.

17 THE CLERK: Number 319, were these your verdicts?

18 THE JUROR: Yes.

19 THE CLERK: Are they still your verdicts?

20 THE JUROR: Yes.

21 THE CLERK: Number 62, were these your verdicts?

22 THE JUROR: Yes.

23 THE CLERK: Are they still your verdicts?

24 THE JUROR: Yes.

25 THE CLERK: Number 285, were these your verdicts?

1 THE JUROR: Yes.

2 THE CLERK: Are they still your verdicts?

3 THE JUROR: Yes.

4 THE CLERK: Number 223, were these your verdicts?

5 THE JUROR: Yes.

6 THE CLERK: Are they still your verdicts?

7 THE JUROR: Yes.

8 THE CLERK: Number 322, were these your verdicts?

9 THE JUROR: Yes.

10 THE CLERK: Are they still your verdicts?

11 THE JUROR: Yes.

12 THE CLERK: Number 34, were these your verdicts?

13 THE JUROR: Yes.

14 THE CLERK: Are they still your verdicts?

15 THE JUROR: Yes.

16 THE CLERK: Number 224, were these your verdicts?

17 THE JUROR: Yes.

18 THE CLERK: Are they still your verdicts?

19 THE JUROR: Yes.

20 THE CLERK: Number 126, were these your verdicts?

21 THE JUROR: Yes.

22 THE CLERK: Are they still your verdicts?

23 THE JUROR: Yes.

24 THE CLERK: Number 315, were these your verdicts?

25 THE JUROR: Yes.

1 THE CLERK: Are they still your verdicts?

2 THE JUROR: Yes.

3 THE CLERK: Number 112, were these your verdicts?

4 THE JUROR: Yes.

5 THE CLERK: Are these still your verdicts?

6 THE JUROR: Yes.

7 THE CLERK: Number 63, were these your verdicts?

8 THE JUROR: Yes.

9 THE CLERK: Are they still your verdicts?

10 THE JUROR: Yes.

11 THE CLERK: The jury's been polled, Your Honor.

12 THE COURT: Very well.

13 Any other requests from the defense?

14 MS. EIGENBROT: No, Your Honor. Thank you.

15 THE COURT: All right. Ladies and gentlemen, when you  
16 come in for jury duty on a Monday morning, you never really  
17 know what you're gonna get. Y'all were chosen to be on this  
18 jury.

19 We want to thank you for your service over the last  
20 three days on behalf of all of us in this courtroom. I hope  
21 your experience on jury duty was as good as a jury duty  
22 experience can be. But what you've done this week is public  
23 service. Simple as that.

24 I mean we can't adjust -- the system simply, simply  
25 won't function unless we have people like you who come

1 forward, hear these cases, and make these decisions.

2 So, I want to thank you for your time this week. Thank  
3 you for your service and your attention as jurors. You are  
4 free to go at this time. You're free to stay if you, if  
5 you'd like. But you're certainly free to get your stuff and  
6 depart.

7 Madam Clerk, is there anything they need?

8 THE CLERK: We'll get them work excuses, Your Honor.

9 THE COURT: Okay. All right. So, thank you all.  
10 You're free to go.

11 (WHEREUPON, the following takes place outside the  
12 presence of the jury.)

13 THE COURT: All right. How much time we need to pivot  
14 to sentencing?

15 MS. EIGENBROT: She is calling right now to see if we  
16 can get Ms. Terry or somebody since we're not at home---

17 MS. MILES: Yes, we have to---

18 MR. MEADORS: ---just to do the sheet.

19 MS. MILES: ---get two sentencing sheets.

20 THE COURT: Oh.

21 MR. MEADORS: If we need to --.

22 THE COURT: Well, we can take a short break. But I  
23 mean we're obviously gonna proceed forward---

24 MR. MEADORS: Yes.

25 THE COURT: ---today.

1 MR. MEADORS: Yes, sir, we, we just didn't---

2 THE COURT: All right.

3 MR. MEADORS: Give us a minute to get the -- to---

4 THE COURT: Okay. All right.

5 MR. MEADORS: ---the sheet printed. That's all.

6 THE COURT: Okay. So, it's on a computer.

7 Is that right?

8 MS. MILES: Unless we have one hanging around here.

9 THE COURT: Well --.

10 MR. MEADORS: Just give us one second.

11 THE COURT: All right. Yes, sir.

12 MR. MEADORS: Thank you.

13 THE COURT: Before we fully pivot, any motions from the  
14 defense?

15 MS. EIGENBROT: Your Honor, we would renew all of our  
16 previous motions and objections during the course of this  
17 trial. Again, I think specifically to some of the photos  
18 being entered, parts of her statement coming in. Of course,  
19 we objected to the voluntariness of those statements as  
20 well. Just those specific --.

21 THE COURT: All right. The record will reflect that  
22 your previous objections are renewed and your pretrial  
23 motions -- objections are renewed.

24 Any other motions you want to make at this time?

25 MS. EIGENBROT: Your Honor, I have a colleague texting

1 and asking -- advise -- advising for me to ask for  
2 sentencing to be tomorrow in order to pre -- possibly  
3 present some battered spouse information to Your Honor under  
4 16-25-90. I'm not quite familiar with it but --.

5 THE COURT: Okay.

6 MS. EIGENBROT: -- he's somebody --.

7 THE COURT: Well, let me talk to y'all about that.

8 You work on the sheet. I'll talk with Mr. Meadors and  
9 counsel -- other counsel -- remaining counsel.

10 (WHEREUPON, a bench conference was held at this time.)

11 MR. MEADORS: Judge, can I have one second?

12 THE COURT: Sure.

13 (Pause.)

14 MR. MEADORS: Thank you.

15 THE COURT: All right. I've consulted with the lawyers  
16 and with the Sheriff's Department.

17 You know, we, we did get this trial done essentially in  
18 two days. It's nearly six o'clock and I know there's some  
19 questions about certain mitigation defenses they want to put  
20 up and, frankly, sentencing presentation and people y'all  
21 might want to have present.

22 So, under the circumstances, we won't force sentencing  
23 hearing tonight. We'll just plan to come back tomorrow. I  
24 told the lawyers we want to start at, you know, by  
25 2:30 tomorrow. I should be here around 2:00.

1 we'll hear the State's sentencing presentation. we'll  
2 hear mitigation from the defense and we'll just take it from  
3 there.

4 Any -- and defense mentioned battered spouse. Frankly,  
5 this will give us -- everyone a chance to research what or  
6 what is not appropriate cause we don't want to make any  
7 decision if it's not appropriate based on this conviction  
8 that may or may not be. So, we need to just confirm that.

9 Any questions on that, Ms. Eigenbrot?

10 MS. EIGENBROT: No, Your Honor.

11 THE COURT: Mr. Meadors.

12 MR. MEADORS: And, Your Honor, we'll make sure that  
13 he's on the transport list for -- she is for tomorrow with  
14 somebody in the morning just to --.

15 THE COURT: All right.

16 MR. MEADORS: Yes, sir.

17 THE COURT: All right. All right. In light of the  
18 conviction, I am gonna remand her to the county jail for the  
19 night and we'll have her transported over here tomorrow  
20 morning.

21 Anything else before we recess for the day?

22 MR. MEADORS: Nothing from the State. Thank you,  
23 judge.

24 MS. EIGENBROT: Nothing from the defense, Your Honor.

25 THE COURT: All right. We'll recess till tomorrow.

1

Thank you.

2

MR. MEADORS: Thank you.

3

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(WHEREUPON, Court was in recess for the evening.)

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1 Thursday, October 26<sup>th</sup>, 2023

2  
3 THE COURT: All right. We recessed yesterday after the  
4 verdict when the defendant was found guilty of involuntary  
5 manslaughter by the jury. We've come now for sentencing  
6 hearing.

7 I think we'll hear from the State at this time.

8 MR. MEADORS: All right. You want us to sit here?

9 Okay.

10 THE COURT: What's that -- you can go wherever you  
11 want.

12 MR. MEADORS: You said come -- I'm sorry.

13 May it please the Court?

14 THE COURT: All right.

15 MR. MEADORS: First, Your Honor, for the record, I want  
16 to thank Ms. Tammy Ritchie, victim advocate who's been with  
17 the family and us, Ms. Miles, Mr. Anders, Matt Ellis, who I  
18 think just walked out, will be back here, the Attorney  
19 General's Office, the investigator, Allison Fitzgerald, and  
20 all the other officers who helped put this together.

21 Judge, I know -- that's Al, one of the brothers.

22 Al, stand up.

23 (WHEREUPON, the party complies.)

24 MR. MEADORS: Ms. Swaggert.

25 Ms. Angie in the, in the back. Stand up -- Justin's

1 here. (Indiscernible).

2 Steven English and his wife DeJaris.

3 All been here the whole trial. I know Your Honor's  
4 seen them, seen them. They love and miss Mr. McFadden,  
5 their brother. I think Mr. English would like to speak for  
6 the family whenever Your Honor allows that.

7 THE COURT: Okay. All right. When -- whenever you  
8 want to turn it over to him, that's fine by me, Mr. Meadors.

9 MR. MEADORS: Go ahead.

10 THE COURT: Mr. English?

11 MR. ENGLISH: Yes, sir.

12 THE COURT: Good afternoon.

13 MR. ENGLISH: Good afternoon.

14 THE COURT: Is that mic working?

15 MR. ENGLISH: My first name is Steven English. Last  
16 name is English.

17 THE COURT: Yes, sir.

18 MR. ENGLISH: I want to thank everybody for putting  
19 this case together and giving my brother justice. He's not  
20 here today to speak for himself.

21 We really gonna miss Jamaine McFadden as we did for the  
22 last four years. That phonecall I got at seven o'clock that  
23 night waking me up telling me my brother's gone and I didn't  
24 believe it.

25 It's a tragic situation. Alcohol involved and I think

1 this should be a learning situation where we got to be  
2 responsible with each other on the parts and I hate to put  
3 my mom through this again because every decision was made by  
4 me on from the hospital to burying my brother.

5 That's something my mom shouldn't go through. We  
6 should be burying my mom. Not she burying her child.

7 If Your Honor -- as this Court, she been out for four  
8 years while my brother been in the ground for four years.  
9 If you can please make sure she get the max sentence you can  
10 give her today, I appreciate it. That's all I got to say.

11 Thanks.

12 THE COURT: Thank you, sir.

13 UNIDENTIFIED SPEAKER: We have one more.

14 MS. ENGLISH: My name is Dejarish English. I'm Jamaire  
15 McFadden's sister-in-law.

16 It is a very tragic situation that has occurred and I  
17 feel like that anyone that is responsible should have to be  
18 held accountable for taking a life of someone when God  
19 didn't take it cause it wasn't his time. And to see the  
20 hurt on his mother's face and her being unable to do the  
21 things she needed to bury her child because it was so tragic  
22 for her. And watching her these four years live without her  
23 child for every holiday that comes up or any birthday or  
24 anything of that nature where she just can't pick up the  
25 phone and call her son for whatever she may need as a

1 mother, it's heartbreaking.

2 And I do understand that mistakes do happen. But what  
3 I will say is accountability -- accountability is key. And,  
4 Your Honor, I ask that you please provide the max sentence  
5 to provide justice to Jamaine McFadden and his family.

6 Thank you.

7 MR. MEADORS: Kimberly, I just want to stand up.

8 She just -- this is the sister of Mr. McFadden. She  
9 just came in on the -- I want to acknowledge her for the  
10 record.

11 Ms. Kimberly Singleton I believe, correct?

12 MS. SINGLETON: Yes, sir.

13 THE COURT: Yes, ma'am. Thank you.

14 Thank you, sir.

15 MR. MEADORS: Your Honor, the brother of Steven was  
16 telling me yesterday after the incident he actually went by  
17 Tremont and talked to somebody there, and perhaps Ms. Rachel  
18 Manning, who told him that she had stabbed him. He said he  
19 went by there and just needed to know what happened. I  
20 didn't know that till yesterday. But be that as it may.

21 Judge, there's some other -- I don't know exactly what  
22 they're gon' say in mitigation respectfully but --.

23 THE COURT: What's her prior record, if any?

24 MR. MEADORS: Don't---

25 MS. EIGENBROT: Your Honor, she has a public

1 intoxication.

2 THE COURT: Okay.

3 MR. MEADORS: I think there was a---

4 MS. EIGENBROT: There might be one other drinking  
5 ticket.

6 MR. MEADORS: ---a criminal mischief, which I think may  
7 be consistent with a PDC. Some other reports where law  
8 enforcement went out there that I won't bring up now. But  
9 if something comes up, I think it will be appropriate.

10 Also, there was another audio, which Your Honor heard,  
11 a neighbor took, which we were gon' try to offer if she took  
12 the stand if, if, if, if it -- Your Honor said it was  
13 admissible with her threatening. We believe the witness  
14 would of said Mr. McFadden and they were arguing and hear  
15 her, hear her say I'm gon' stab him. You hear her basically  
16 saying those words and we had a witness prepared for that to  
17 come in---

18 THE COURT: And you're referring---

19 MR. MEADORS: ---in reply?

20 THE COURT: You're referring to the audio recording---

21 MR. MEADORS: Yes, sir.

22 THE COURT: ---that was five months before the incident  
23 in question?

24 MR. MEADORS: And that's just to show if, if that had  
25 come up and if she testified. Of course, we weren't gonna

1 try to get it in before that. We know Your Honor reviewed  
2 that.

3 Judge, the jury's spoken. Again, I want to thank Mr.  
4 Ellis. He's in here now. At this point, that's all we  
5 have.

6 Thank you.

7 THE COURT: Okay. Ms. Eigenbrot.

8 MS. EIGENBROT: Thank you, Your Honor.

9 May it please the Court.

10 Your Honor, Amber is 33 years old. She was 29 at the  
11 time of this incident. And, Your Honor, I, I can't agree  
12 more with the family. This is a tragic accident and I  
13 think, from the very beginning when I received the discovery  
14 in this case, spoke to Amber on several occasions, that was  
15 the conclusion I had come to.

16 I believe I went back and looked at my emails I think.  
17 Since about February of 2021, I was asking for an offer of  
18 involuntary manslaughter. That's what this case screamed to  
19 me. The jury, thankfully, agreed with us and, therefore,  
20 found this was an intentional killing.

21 Your Honor, I don't think it's a secret, based on  
22 what's been presented during this week, that Amber had a  
23 volatile relationship with Mr. McFadden. I think alcohol  
24 had a lot to do with that on both sides of things.

25 I think the evidence would show Mr. McFadden was a

1 heavy drinker at the time. And, Your Honor, I don't want to  
2 get up here and, and bash him. In fact, had the situation  
3 been reversed, I would of been talking about his alcohol  
4 abuse and how he would probably need help as opposed to  
5 prison time and just like I'm gonna do for Amber because I  
6 do think they both played a part in this.

7 I think there were times in that household where they  
8 had asked him to leave. She had asked him to leave but then  
9 would take him back.

10 I do think she was, to a degree, abused. I do think  
11 there were physical altercations in that house. There are  
12 some family members that were living in the house during  
13 periods of some of these episodes and incidents. I'm not  
14 saying it was completely one-sided either.

15 But I think a lot of the part that Amber played in that  
16 house has to do with her history. She has been in several  
17 abusive relationships. The father of her two youngest  
18 children, the man she was actually dating right before she  
19 met Mr. McFadden, had been significantly abusive. In fact,  
20 at one point she tried to rekindle that relationship and he  
21 actually has pending domestic charges against her at this  
22 very time.

23 I think Amber began to develop a defense mechanism to  
24 what she's dealing with and that became the drinking and it  
25 became being very loud and vocal. And I believe that

1 recording that we've kind of discussed was one of those  
2 situations. The initial recording starts with you're not  
3 putting your hands on me anymore and then led to the part  
4 about stabbing.

5 THE COURT: To be clear, the threat of stabbing?

6 MS. EIGENBROT: Yes, Your Honor.

7 THE COURT: Okay.

8 MS. EIGENBROT: But up to that point there had been no  
9 evidence of her actually having a weapon during any of those  
10 prior instances. I think she acknowledged that she maybe  
11 threw stuff. But she has spent the past four years being a  
12 different human being.

13 She spent the past four years on bond without getting  
14 into anymore trouble. She has spent the past four years  
15 working on her relationship with her children. She did lose  
16 custody of her children because of this incident as I think  
17 you -- I'm not sure Your Honor was aware of that. But she  
18 did.

19 She worked very hard to get them back. She does have  
20 custody of all four of them. Two of them, Your Honor, are  
21 in the courtroom today, her two oldest, Armond and Walsey  
22 (phonetic). They were pretty insistent on being here and  
23 support their mother.

24 Your Honor, prior to this trial, Amber actually lost  
25 her Aunt Janice who was, I think, kind of her anchor. She's

1 the one that took the children in when she was arrested.  
2 She's the one that took Amber in when she was -- she posted  
3 bond. And yet, Your Honor, she still came here facing the  
4 murder charges.

5 I mean I think her -- the funeral is the Friday before  
6 the week before trial. And as you can see, Your Honor, she  
7 does have significant family support in the courtroom.  
8 She's got aunts and uncles. Her mother's best friends are  
9 in the back.

10 Her mother, unfortunately, can not be here. She's been  
11 hospitalized most of this week. She also has her  
12 significant other, Mr. Lee, here in the courtroom as well.  
13 And they've all been behind her this entire time.

14 I would like Your Honor to hear from a few of these  
15 people and I just ask that they do one at a time and just  
16 kind of come to this microphone and state your full name.

17 MR. MANNING: Oh, I'm James Manning, her -- defendant's  
18 uncle.

19 THE COURT: Good afternoon.

20 MR. MANNING: Yes, sir, Your Honor.

21 First of all, I want to say that my heart goes out to  
22 the McFadden family. Like I say, this was a tragedy  
23 incident. It was unfortunate.

24 I mean when I, I -- after -- I'm not here to say that  
25 Amber is an angel. But I'm here to say that Angie -- Amber

1 is a mother of four and she love her kids.

2 And I could imagine her being in that predicament on  
3 that day the incident happened and when, you know, she found  
4 herself with a knife in her hand and not intending to, to  
5 kill anyone. It was just unfortunate.

6 She wasn't stabbing up here. Just unfortunate. I  
7 don't know if she was stabbing to get somebody off of her or  
8 what. But she was stabbing and, unfortunately, him, him in  
9 the leg and, unfortunately, he passed.

10 But like -- just the lawyers said a few weeks ago that  
11 we lost -- I lost my sister two weeks ago in a tragic car  
12 accident and, and she was helping Amber and my brother,  
13 Eric, and I, we been kind of like trying to work try to get  
14 things in line going forward with Amber and her kids. And I  
15 just ask your mercy upon her that you may give her house  
16 arrest or some way she be home to tend to her kids going  
17 forward.

18 Thank you.

19 THE COURT: Thank you.

20 MR. MANNING: Oh, yes. My name is Eric Manning, uncle,  
21 to Amber.

22 Just want to echo my brother's sentiments. My heart  
23 goes out to your family. We suffered a loss two weeks ago  
24 as mentioned, our sister, unexpectedly.

25 But Amber is a sweat person through it all. She came

1 up in a good family. Raised by my parents, her grandmother  
2 and grandfather, and mom. Solid base, you know, and don't  
3 have that kind of hate in her heart to kill somebody  
4 intentionally.

5 And I just ask the judge to give her a house arrest to  
6 raise her four beautiful kids. You know, like my brother  
7 and I, we helping as much as we can. But a mom is a mom,  
8 you know. I fortunate to have my mom for 50 years, you  
9 know. So, just please for the kids, judge.

10 Thank you, sir.

11 THE COURT: Thank you, sir.

12 MS. JONES: Good afternoon. My name's Audrey Jones, a  
13 friend of the family. Close friend of her mother.

14 I've known Amber since she's been a little girl and I  
15 want to say that she is a sweet person with a good heart.  
16 And it's tragic and unfortunate what has happened and my key  
17 condolences to the family for your lost (sic).

18 But it's even more tragic if you take her away from her  
19 kids. And I ask and pray that the Court will have mercy and  
20 leniency towards her. And that's all I have to say on it.

21 THE COURT: Thank you.

22 MS. JONES: Thank you.

23 MS. EIGENBROT: One more person, Your Honor.

24 MISS MANNING: Hello. My name is Velva (phonetic)  
25 Crosby. I'm Amber's daughter but I'm sorry.

1 THE COURT: Take your time.

2 MS. CROSBY: Sorry to the family. I like, I like  
3 Jamaine. Where -- he get me a job when I came here.  
4 (Indiscernible) it could be here (indiscernible). I  
5 (indiscernible) Jamaines.

6 If y'all to happened all the time, we wouldn't have  
7 nothing at the house if something happened. That was, that  
8 was (indiscernible) help (indiscernible). Next day, day it  
9 happened he suppose to be at work. He called out cause he  
10 didn't want Amber having it for. I said what -- they come  
11 ask me. I said well (indiscernible) live there more than --  
12 everything going (indiscernible) too.

13 So, anywhere, he didn't come to work and all this  
14 happened. Next day I go in and I see -- I heard what  
15 happened to Jamaine and I liked Jamaine when he was sober.  
16 I could deal with him. I could talk to him. Me and him  
17 used to take our lunch break together and just conversate  
18 (indiscernible).

19 If you love her so much, she love you, move out.  
20 Something going on, you can just leave. Go back home to  
21 your mom please. But it didn't happen. He said he was gon'  
22 do it. But it didn't happen. I'm sorry. I'm sorry.

23 I only need the Court to have mercy on her. Please for  
24 her kids. I'm finished.

25 MS. EIGENBROT: And, Your Honor, Ms. Crosby lived in

1 the house at -- during the period where Mr. McFadden was  
2 living with Amber. They also worked together for a period  
3 of time and that's what she was talking about.

4 She saw what was going on between the two of them. She  
5 had asked the both of them to separate, stay away from each  
6 other on multiple occasions before something like this  
7 unfortunately happened.

8 Your Honor, I have thoroughly enjoyed representing  
9 Amber. She's been very easy to work with and deal with.  
10 She's never given me any difficult times. I've not had to  
11 worry about her being rearrested and she's abided by all the  
12 rules and conditions that I had set out for her.

13 And that's why, Your Honor, I do believe that she would  
14 be a good candidate for home detention. I think because she  
15 is the mother of four children, I -- this is a nonviolent  
16 offense. Home confinement would be appropriate. Sometimes  
17 I actually think home confinement's even more difficult than  
18 actually being in a prison cell cause you're watching your  
19 life go by you right around you and you can't go do things.

20 But, Your Honor, I would, of course, ask for exceptions  
21 to allow her to attend children's school functions and with  
22 their medical appointments. And then, Your Honor, I -- most  
23 importantly what I would ask is that you consider adding a  
24 condition that she attend Sister Care and deal with the  
25 counseling sessions there so we don't continue a cycle of

1 abuse, that she continues to make better decisions when it  
2 comes to men and decisions for herself and her family.

3 So, that's what I would ask you to consider.

4 Thank you.

5 THE COURT: Okay.

6 MS. EIGENBROT: And, Your Honor, at this time she has  
7 18 days of credit.

8 THE COURT: Does your client wish to say anything?

9 MS. EIGENBROT: I think she's a little nervous.

10 THE COURT: That's fine. She doesn't -- she does not  
11 have to.

12 MS. EIGENBROT: Yes, sir.

13 THE COURT: Anything else from the State?

14 MR. MEADORS: Yes, sir.

15 Respectfully, death's a horrible thing and I'm sorry  
16 for everybody's loss. I, I lost my brother two months ago.  
17 He got, got shocked to death in the lack. It was tragic. I  
18 think about it everyday.

19 But, respectfully, I, I, I just must respond. I  
20 think -- I know Ms. Megan said that she felt that she was in  
21 an abusive relationship and no one has prosecuted and cares  
22 more about battered wives, women, spouses for this man or  
23 woman than, than we are and we have a unit that specializes  
24 in that. I've tried many.

25 Most respectfully, in this case, I think the person

1 that was at the center of the disputes that came to Tremont,  
2 there was a call in June, 2019 before this where she put a  
3 cigarette out on her mother's chest. Investigator Ellis and  
4 Mr. Anders found that. And then there was one in July of  
5 2019 where she hit her neighbor in the face. I think that's  
6 what on the reporting, that Court hearing was coming up,  
7 which led up to this incident in October of 2019.

8 So, I was -- it's a cycle where most respectfully I  
9 think, most respectfully, the batterer in this case was  
10 Miss Manning was in the middle of all -- middle of all the  
11 disputes in the neighborhood.

12 Judge, they had to hide the weapons, which I forgot to  
13 argue, but it was an indication of this, this wasn't an  
14 accident and we believe the jury found that right just cause  
15 they were afraid she would do if she was in proximity of the  
16 weapons.

17 And, judge, most respectfully, I know Megan said she  
18 hadn't been in trouble since then. But law enforcement  
19 responded to her residence in December of 2021 and her  
20 mother stated that she had attacked her, and pushed her, and  
21 bit her on her arm and they did find that she was  
22 intoxicated.

23 So, I don't know. I, I don't think home detention is  
24 appropriate in this case most respectfully, and, and, judge,  
25 of all the calls that went out to Tremont -- and, and this

1 kind of hit me this week and I didn't realize it. We just  
2 got in this week.

3 They were a bunch of calls that went out to Tremont for  
4 various, various reasons. A lot of it related to this.  
5 Jamaine McFadden was not arrested one time for criminal  
6 domestic violence, which tells me that whoever responded and  
7 that couldn't tell what was going on, they're certain --  
8 certainly wasn't that he was the primary aggressor. But  
9 that there were no arrests for criminal domestic violence  
10 whatsoever.

11 Your Honor, thank you for hearing us and, and we most  
12 respectfully do not believe home detention's appropriate in  
13 this case.

14 THE COURT: All right. Yes, ma'am.

15 MS. EIGENBROT: Your Honor, I'm---

16 THE COURT: Give you last word.

17 MS. EIGENBROT: I'm aware of those calls. There were  
18 52 calls I think in the year leading up. I have gone  
19 through each and every one of them. The majority of the  
20 time the caller is Amber and I -- that is true. Mr.  
21 McFadden was not arrested. But neither was Amber.

22 THE COURT: All right.

23 MS. EIGENBROT: And I -- again, I hate this was a, a  
24 two party situation and to two people that should not have  
25 been together, that both participate in the unruly issues in

1 that house.

2 And so I just ask Your Honor to keep that in  
3 consideration when I request the home detention.

4 THE COURT: Okay. All right. I'm gonna take a short  
5 recess. Approximately five minutes I think and I'll be back  
6 with you momentarily.

7 MR. MEADORS: Yes, sir.

8 (WHEREUPON, a short recess was taken at this time.)

9 THE COURT: Okay. Again, before I start out, I  
10 mentioned this at the end of the day yesterday. But I, I do  
11 want to commend the attorneys from both sides. Both the  
12 parties here for being excellent advocates for their  
13 respective clients.

14 So, you know, we've said it a few times. But obviously  
15 it's a tragic case. You know, if -- the, the jury found  
16 guilt on involuntary manslaughter. Their biggest word that  
17 probably gets mentioned throughout that charge on the law is  
18 the word reckless. And, and I mean I, I think that  
19 certainly hits the, the nail on the head here, guys.

20 This was probably reckless conduct on the part of  
21 multiple parties over a period of time. But the ultimate  
22 result was, you know, Ms. McFadden's -- Mr. McFadden's death  
23 unfortunately.

24 You know, when we -- when I try to come up with a, a  
25 sentence, I try to think of some what's necessary or what's

1 most appropriate under the circumstances I heard in the  
2 trial. The word that I typically think about is a word that  
3 Ms. English pointed out, accountability.

4 How do you, how do you find an appropriate level of  
5 accountability here and it's frankly not an easy thing to  
6 determine.

7 To the family that spoke, I appreciate you being here.  
8 I think everyone in this room is sorry that you're here  
9 under these circumstances. We realize that there is no  
10 sentence that's gonna fill the hole that you have. I hope  
11 that, at the end of today, you'll at least have some sense  
12 of closure where you can move forward with tomorrow. But I,  
13 I recognize there's nothing that any Court can do to make  
14 the pain go away.

15 To Miss Manning's family, and, you know, I'm sorry  
16 you're here today too and I know everyone is. Nobody wants  
17 their family members to be sitting behind them in a  
18 courtroom like this in this type of situation.

19 One thing that's clear, Miss Manning, is you have a  
20 family that cares about you and they gon' be here for you  
21 regardless of what the sentence is and I -- you'll continue  
22 to have to lean into them in the future. But they will lean  
23 back into you from what I can see anyway.

24 And, Ms. Eigenbrot, you told me she had 18 days credit,  
25 correct?

1 MS. EIGENBROT: That's correct, Your Honor.

2 THE COURT: All right. I saw the trial. I saw the  
3 evidence. I've heard from all the victims. I, you know, I,  
4 I, I don't think home incarceration is appropriate in this  
5 instance. I don't think the maximum sentence is necessarily  
6 appropriate either. I'll try to find something that I  
7 think's appropriate here and that's what I've tried to do.

8 So, on the charge of involuntary manslaughter, you,  
9 Miss Manning, you be committed to the Department of  
10 Corrections for a period four years. Eighteen days for  
11 credit.

12 That is all.

13 The Court's adjourned.

14 MR. MEADORS: Thank you.

15

16 \* \* \*END OF REQUESTED TRANSCRIPT OF RECORD\* \* \*

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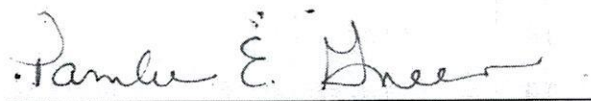
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C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General sessions for Richland County, South Carolina, on the 23<sup>th</sup> through 26<sup>th</sup> days of October, 2023.

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

February 4<sup>th</sup>, 2024



PAMELA E. GREEN, Court Reporter

**WITNESSES**

**(S) Allison C Fitzgerald**  
**- Columbia Police Department**

**DOCKET NO. 2022GS4002262**

**The State of South Carolina**

**County of**

**Richland**

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

**COURT OF GENERAL SESSIONS**

**MARCH TERM 2022**

**300**

**ARREST WARRANT NUMBER**

**2019A4021603209**

Defendant

Witness:

C.C.C. PLS. AND G.S.

**THE STATE**  
**vs.**

**Amber Manning**

**ACTION OF GRAND JURY**  
**TRUE BILL**

Foreperson of Grand Jury  
Date: OCT 12 2022



**VERDICT**

**Indictment for**  
**MURDER / MURDER**

SC Code: 16-03-0010  
CDR Code: 0116

Foreperson of Petit Jury  
Date:

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )

**INDICTMENT**

At a Court of General Sessions, convened on March 15, 2022, the  
 Grand Jurors of Richland County present upon their oath:

**MURDER**

That Amber Manning did in Richland County, on or about October 1,  
 2019, kill the victim, Jamaine McFadden, with malice aforethought, either  
 express or implied, by means of stabbing him with a knife, and the victim did  
 die as a proximate result thereof. All in violation of Section 16-03-0010, S.  
C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute  
 in such case made and provided.




---

BYRON E. GIPSON, SOLICITOR

**WITNESSES**

(S) Allison C Fitzgerald  
- Columbia Police Department

**DOCKET NO. 2022GS4002261**

**The State of South Carolina**

County of

**Richland**

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

**COURT OF GENERAL SESSIONS**

**MARCH TERM 2022**

**300**

I hereby appear in my own proper person and plead guilty to the within indictment or to

**ARREST WARRANT NUMBER**

**2019A4021603200**

Defendant

**THE STATE  
vs.**

Witness:

**Amber Manning**

C.C.C. PLS. AND G.S.

**ACTION OF GRAND JURY**

**TRUE BILL**

Foreperson of Grand Jury

Date: OCT 12 2022

*Christina Jelbert*

**VERDICT**

**Indictment for  
WEAPONS / POSS. WEAPON DURING  
VIOLENT CRIME, IF NOT ALSO  
SENTENCED TO LIFE WITHOUT PAROLE  
OR DEATH**

SC Code: 16-23-0490  
CDR Code: 0549

Foreperson of Petit Jury

Date:



STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF Richland )  
 )  
 STATE )  
 )  
 VS. )  
 )  
Amber Manning )  
 AKA: )  
 Race: B Sex: F Age: 33 )  
 DOB: 2/21/1990 SS#: )  
 Address: 789 Tremont Ave )  
 City, State, Zip: Columbia, SC 29203 )  
 DL#\*                      SID#                      )

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2022-GS-40-02262

AW#: 2019A4021603209  
 Date of Offense: 10/1/2019  
 S.C. Code §: 16-3-10  
 CDR Code #: 0116

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the above indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Involuntary Manslaughter

In violation of § 16-3-60 of the S.C. Code of Laws, bearing CDR Code # 0218

NON-VIOLENT     VIOLENT     SERIOUS     MOST SERIOUS     Mandatory GPS     § 17-25-45

(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

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:  
Bethany Miller 78212 Amber Manning                      10/1/19  
 Assistant Attorney General    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 4 days/months/years/Time Served     Youthful Offender Act not to exceed                      years

and/or to pay a fine of \$                    ; provided that upon the service of                      days/months/years/Time Served and or payment of \$                    ; plus costs and assessments as applicable\*; the balance is suspended with probation for                     

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run  CONCURRENT or  CONSECUTIVE to sentence on:                     

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC. 18 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. Amber Manning INDICTMENT/CASE#: 2022 -GS- 40 - 02261

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: WHILE ATU IS NOT POSSIBLE IN THIS TIME FRAME  
ALCOHOL COUNSELING WITH MENTAL HEALTH COUNSELING IS ORDERED

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	\$ <u>100</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ <u>25</u>
§14-1-212 (Law Enforce. Funding)	\$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	\$ <u>3.75</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____
<b>TOTAL</b>		\$ <u>128.75</u>

Clerk of Court/Deputy Clerk:  
Court Reporter:

Jeannette W. McBrider  
DURD

Presiding Judge:  
Judge Code:  
Sentence Date:

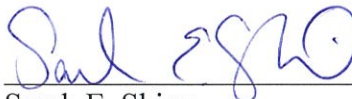
Walter McRae  
2765  
10-26-2023

**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."

**RECEIVED**  
**Oct 24 2024**  
**SC Court of Appeals**

Respectfully Submitted,



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Sarah E. Shipe  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 24th day of October, 2024.

**RECEIVED**

**Oct 24 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Richland County

Honorable Walton J. McLeod, IV, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

AMBER MANNING,

APPELLANT

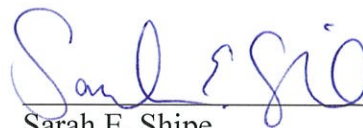
APPELLATE CASE NO. 2023-001710

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CERTIFICATE OF SERVICE

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Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Brian H Gibbs, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 24th day of October, 2024.



Sarah E. Shipe  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT