

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Georgetown County
Honorable Benjamin H. Culbertson, Circuit Court Judge
Appellate Case No. 2012-213222

STATE OF SOUTH CAROLINA,

Respondent,

v.

JODY LYNN WARD,

Appellant

SUPPLEMENTAL RECORD ON APPEAL

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SEP 23 2013

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CERTIFICATE OF COUNSEL	

STATE OF SOUTH CAROLINA)
)
COUNTY OF GEORGETOWN)

IN THE COURT OF GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT
CASE NUMBERS: 2003-GS-22-1030
2003-GS-22-1031

FILED
GEORGETOWN COUNTY, S.C.

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ALMA Y. WHITE
CLERK OF COURT

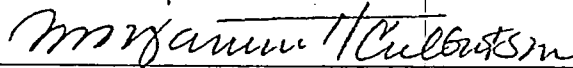
State of South Carolina)
)
 vs.)
)
Jody Lynn Ward,)
)
 Defendant.)
)
_____)

ORDER DENYING
MOTION FOR RECONSIDERATION

The defendant's Motion for Reconsideration dated August 8, 2012 is DENIED.

This motion was decided without oral arguments.

AND IT IS SO ORDERED.



Benjamin H. Culbertson
Administrative Judge
Court of General Sessions, 15th Judicial Circuit

August 20, 2012
Georgetown, SC

Voir Dire

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1 (No response.)

2 THE COURT: All right, very well, if we could then
3 hear from the Defendant.

4 MR. LOCKLAIR: In addition to those witnesses, these
5 are the other potential witnesses: Michael Abner; John
6 Evans; Susan Evans; Don Girst [spelled phonetically]; Tony
7 Harper; Julius Inman; Kenny Johnson; Mark Johnson; Neil
8 Johnson; Willie Lambert; Dr. Hal Morgan; Investigator Don
9 Myers; Jerry Oldham; Chris Parsons; Mike Rodan; Carol Ward;
10 Lynn Ward; and Rondie Ward.

11 THE COURT: Is there any member of the jury panel who
12 is related by blood or marriage or business or personal
13 acquaintance with any of these potential witnesses; if so,
14 please stand.

15 (No response.)

16 THE COURT: Is there any member of the jury panel who
17 is aware or conscious of any bias or prejudice for or
18 against the State or for or against the Defendant? If so,
19 please stand.

20 (No response.)

21 THE COURT: Is there any member of the jury panel who
22 for any reason whatsoever feels that they could not be fair
23 and impartial to both the Defendant and the State? If so,
24 please stand.

25 (No response.)

Lynn Denise Cox - Direct by Mr. Hembree

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1 A: It wasn't very long.

2 Q: Now, did you hear again by telephone from Defendant
3 Jody Ward that day?

4 A: A little while later, I'm not sure of the time.

5 Q: About what time of day would you say this third
6 telephone call comes in?

7 A: Maybe somewhere around lunchtime or maybe a little
8 after, I mean, but he called me back and said that Wilfred
9 had went over there, took the money, and at this phone call
10 he told me that it was \$1050 and he was supposed to be
11 getting a pound of weed and when he got over there the way
12 I took it that Wilfred give the guy that was supposed to
13 give him the weed the money and he neither got the weed or
14 the money back and he was upset and he said that they had
15 cheated him out of the money.

16 Q: Did he indicate to you in this conversation any action
17 he might take as a result of this cheating?

18 A: He said that he was either going to get his money
19 back, the weed or something was going to happen.

20 Q: He didn't go into any detail about what was going to
21 happen?

22 A: In that conversation I'm not sure, but later or it
23 might have been that one, I'm not sure, but he told me that
24 he would kill him if he didn't give him his money back.

25 Q: Did he indicate who he would kill if he didn't get his

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1 money back?

2 A: Wilfred.

3 Q: Tone of voice in this third?

4 A: He was mad.

5 Q: During this third conversation did he ever mention
6 Elton Rutledge?

7 A: No, I never knew there was another person in there
8 with him or with them until later on.

9 Q: When you refer to weed, I think we all probably know
10 what you're talking about, but what are you, what are you
11 talking about there?

12 A: You mean?

13 Q: What is weed?

14 A: You talking about Jody and Wilfred or ---

15 Q: Yeah.

16 A: He just, I mean.

17 Q: What is it, I mean, what is it? Just, that's my
18 question. What -- when you say weed what are you, what are
19 you talking about? Is there another name for it?

20 A: You're trying to say they, I mean?

21 Q: No, ma'am. Listen to my question. When you say, you
22 keep referring to, you referred to in the previous
23 testimony that they went to buy a pound of weed.

24 A: Uh-huh (affirmative response), well, I was talking
25 about Jody and Wilfred.

Lynn Denise Cox - Direct by Mr. Hembree

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1 Q: I understand and you used the term weed, W-E-E-D;
2 right?

3 A: Uh-huh (affirmative response).

4 Q: Now, what I'm asking you is what's another name for
5 weed?

6 A: Weed?

7 Q: Yeah.

8 A: Marijuana, pot.

9 Q: Marijuana, exactly.

10 A: I'm sorry.

11 Q: I know that's such a basic question.

12 A: I though you were saying we.

13 Q: I'm sorry.

14 A: Sorry.

15 Q: My, my, that's my problem. The acoustics in this
16 courtroom are a challenge sometimes. Thank you.

17 Now, we get on to the next phone call. Let me ask
18 you, this third phone call that he was angry, that you said
19 he was angry ---

20 A: Yeah, he was upset.

21 Q: --- he tells you about the 1050 and the pound and that
22 if he didn't get his money or his dope he's going to kill
23 Wilfred. How long was that conversation?

24 A: I never, I don't think we ever stayed on the phone
25 maybe a few minutes or so. I mean, it wasn't very long at

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399 191

1 the time when he called.

2 Q: When was the next time or did you hear from him
3 another time by telephone?

4 A: The next phone call I got I believe was he called and
5 said that he was going into Wal-Mart with Wilfred and he
6 was going in there to purchase bullets, and I mean, I was
7 -- I mean it just shocked me because I didn't believe that.
8 I thought he was just trying to, you know, scare him or
9 something, you know, to try to get his money back, and I
10 said, "You're in Wal-Mart with him buying bullets," and he
11 said yes, and I said, "And he's with you, in there with
12 you," and he says yes, and I said, "Well, you don't need to
13 do nothing, you know, stupid, I mean," and he, I mean, we
14 wasn't on the phone, you know, long at all and he hung up.

15 Q: All right, did he respond when you said, "You don't
16 need to do anything stupid?" Did he say anything back to
17 you?

18 A: He just said that he was going to get his money or
19 weed back or, you know, he was going to take care of him.

20 Q: All right, he was going to take care of him. Now, do
21 you recall about what time of the day that was?

22 A: I don't remember what time.

23 Q: Was it after dark or was it in the, in the daytime?

24 A: I think that was during the daytime.

25 Q: Now, you received a fifth phone telephone call?

Lynn Denise Cox - Direct by Mr. Hembree

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1 A: The next phone call I got he said that he was at his
2 wife's house, him and his wife's house and that he was
3 showing Wilfred his bulldogs.

4 Q: What time of day, about what time of the day was that?

5 A: I want to say that was, I know it was after lunch, I
6 mean, I don't know. I don't remember no times.

7 Q: And he said that he was over there showing bulldogs?

8 A: Yes.

9 Q: And, okay, a short conversation?

10 A: Yeah, I mean, I could tell he was outside on his cell
11 phone, but I mean, I didn't hear any, you know, nobody
12 else's voice, but he just said they were -- he was over
13 there showing him his bulldogs.

14 Q: And finally, you received a final telephone call from
15 the Defendant on August the 3rd, 2002. Tell us about that
16 last phone call.

17 A: It was, I would say close midnight. He called and I
18 was sleeping and he called and said that he wanted me to
19 come pick him up from the end of his road on Sirfield
20 Street and he said he'd meet me on the highway. So ---

21 Q: About what time of day was that?

22 A: That was at midnight and I went and picked him up and
23 he came back to my house and I was, you know, I went back
24 in there and was getting back into bed and ---

25 Q: Was there any conversation in the car on the way home?

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1 A: The only thing I remember him saying really on the way
2 home was like that him and Beverly had had a fuss or got in
3 a fuss or an argument or something and he wanted me to come
4 pick him up, and once we got in my house he started telling
5 me about what had happened.

6 Q: Did he ever tell you anything about them stealing his
7 truck, his car?

8 A: Not then.

9 Q: Tell this jury, you got back to your house, you said
10 he told you what happened. Denise, I want you and just
11 take your time, it's important, tell this jury what
12 Defendant Jody Ward told you about what happened that night
13 or when he talked to you at your home that night around
14 midnight?

15 A: He just said that he got rid of them and I found out
16 there was a second boy with him and that he said that he
17 shot both of them, that at that time that he said that they
18 were down a dirt road and they got out the vehicle. He
19 shot Wilfred. I, from what I understood, they were kind of
20 next the front of the truck. He shot him first, and then
21 the other boy got scared and jumped, went to jump in the
22 back of the -- back door of the Suzuki, and he shot him,
23 and he told me that he had buried them and that he had sunk
24 the Suzuki in the Dawhoo Lake.

25 Q: Did he tell you what gun he used?

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1 A: I don't know if it was in that conversation that he
2 told me what gun he used, but he did originally tell me, I
3 know it was the -- I want to say it was the TEC-9 that he
4 had, and ---

5 Q: Could that have been in another conversation, a
6 subsequent conversation that you had with him?

7 A: I don't know if it was that night he said he used that
8 gun or another. I'm not sure, but I remember him telling
9 me that he had the TEC-9 and he threw it in Greens Creek
10 but later on he told me he went back and gotten it.

11 Q: So, he said he used the TEC-9 and got rid of it in
12 Greens Creek; is that what you said?

13 A: Yes, sir.

14 Q: And then he said but he went back and told you later
15 on that he got it out of Greens Creek?

16 A: Yes, sir.

17 Q: Now, let's talk about this TEC-9. Are you -- have you
18 seen this gun in the possession of Defendant, Jody Ward,
19 before?

20 A: Yes, sir.

21 Q: On how many occasions?

22 A: Maybe between five and ten times, maybe.

23 Q: And in relation to the day of the shooting, August
24 the 3rd, 2002, I want you to kind of roll the calendar
25 back and tell me about how long before that day did you

Lynn Denise Cox - Direct by Mr. Hembree

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1 first see this gun in the possession of Defendant, Jody
2 Ward?

3 A: Before August the 3rd how long he had it before?

4 Q: Uh-huh (affirmative response), yes, ma'am.

5 A: Maybe between a month or two.

6 Q: Okay, a period of time?

7 A: Yeah.

8 Q: Are you familiar with what kind of bullets this gun
9 shot?

10 A: I don't really know that -- I mean, much about guns, I
11 mean.

12 Q: Were you ever present or in the presence of Jody Ward
13 when this gun was fired?

14 A: We were together one night on the crossroads at Gapway
15 and Indian Hut and we went out there and he shot up the
16 stop sign, I mean, you know, I reckon he was trying it
17 out.

18 Q: Now, tell me -- just tell me a little about that.
19 What time of day was that?

20 A: It was at night time because it was dark because we
21 were in his truck and he was shining the headlights on the
22 stop sign.

23 Q: His truck being that ---

24 A: The red and Ford -- the red Ford black ---

25 Q: The red and black Ford pickup.

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Lynn Denise Cox - Direct by Mr. Hembree

1 A: Yeah.

2 Q: And about, the approximate date, if you can say,
3 before the -- in relation to when the ---

4 A: It wasn't long after he had gotten the gun because he
5 was wanting to try it out.

6 Q: And were you with him when he got the gun?

7 A: When he got the gun?

8 Q: Yes, ma'am.

9 A: Uh-huh (affirmative response).

10 Q: Who did he get the gun from?

11 A: A friend of his, Jody Owens.

12 Q: Jody Owens. You were present when that transaction
13 took place?

14 A: I wasn't there when he actually got it from him, but I
15 was in the vehicle when he came back with it.

16 Q: Okay, so, he goes and meets with Jody Owens without a
17 gun and he comes back and he has the gun. Did he show it
18 to you?

19 A: Uh-huh (affirmative response).

20 Q: Describe this gun for us. What does it look like?

21 A: It's a black gun, maybe this long (indicating) and it
22 has a long clip on it.

23 Q: You've got to hold your hands up. You're kind of
24 demonstrating with your hands.

25 A: It's maybe this long or so. I'm not ---

Lynn Denise Cox - Direct by Mr. Hembree

405 197

1 Q: Would you say that's ---

2 A: Approximately.

3 Q: --- maybe a foot or a little more than a foot
4 long?

5 A: Maybe about this long and it has a clip on it.

6 Q: Let me show you State's Exhibit Number Five for
7 identification purposes and ask you to take a look at
8 that.

9 A: It looked like this one. I mean, I don't know. I
10 mean, it looks like that.

11 Q: That looks exactly like that make of gun?

12 A: Yeah.

13 Q: You can't say with any confidence that that's the
14 gun?

15 A: I couldn't say this was -- no, I couldn't say this is
16 it, but it looks like it.

17 Q: Thank you.

18 MR. HEMBREE: Your Honor, we'd like to offer this as
19 State's Exhibit Number Five at this time.

20 THE COURT: Bear with us just one moment, please.

21 (Whereupon, a Bench conference was held in the
22 presence, but out of the hearing, of the jury.)

23 BY MR. HEMBREE:

24 Q: Ms. Cox, I'm going to withdraw this exhibit and not
25 offer it, not offer it at this time.

Lynn Denise Cox - Direct by Mr. Hembree

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1 that label that says Jody Ward residence.

2 (Complies with request.)

3 Q: Thank you. Now, tell me about -- do you know -- do
4 you know any locations where Jody Ward had lived in the
5 past?

6 A: He used to live on [REDACTED] Loop.

7 Q: Used to live on [REDACTED] Loop. How long did he
8 live there? Do you know? Do you recall?

9 A: I'm not sure.

10 Q: All right, did you know where his house was there?
11 Had you been to his home?

12 A: He had showed me, I mean, after we started dating but,
13 I mean, I didn't know before that.

14 Q: I got you. Now, I'd like you to take this sticker
15 that says [REDACTED], former home of Jody Ward, and
16 mark that or place that on the map in the appropriate
17 location,

18 A: Should be right in there.

19 Q: Right in there, okay. Now, you've also testified that
20 on one occasion you were with Defendant Jody Ward and you
21 fired or he fired, I'm sorry, he fired the TEC-9 nine
22 millimeter or TEC-9 handgun you described to us.

23 A: Should've been -- we were coming from Georgetown.

24 Q: Okay.

25 A: So, it was at this stop sign.

Lynn Denise Cox - Direct by Mr. Hembree

409 201

1 Q: Okay, at the stop sign that was located right there?

2 A: Uh-huh (affirmative response), at the crossroads.

3 Q: I'll show you State's Exhibit Number Six for
4 identification and ask if you can identify that stop sign.
5 I don't want to show it to the jury yet. I just want to
6 show it to you.

7 A: I, yeah, I don't -- I mean, I don't know particular
8 which one it was but ---

9 Q: Okay, well, then I'm, I'm not going to offer that into
10 evidence, but there was a stop sign that you ---

11 A: Uh-huh (affirmative response).

12 Q: --- that he pulled up on?

13 A: It was right here.

14 Q: How far away was he when he engaged in this target
15 practice? How far away from the stop sign was he?

16 A: Maybe from here to the door over there.

17 Q: So, would you say that's maybe 25 feet?

18 A: Approximately, yeah.

19 Q: Okay, pretty close?

20 A: Yeah.

21 Q: How many shots did he fire at the stop sign?

22 A: A lot.

23 Q: Okay, 10, 20?

24 A: Probably more, yeah.

25 Q: More like 20?

Lynn Denise Cox - Direct by Mr. Hembree

410 202

1 A: Uh-huh (affirmative response).

2 Q: Did he have to reload the weapon, too?

3 A: I don't know, I don't know, I just, I mean, I know he

4 ---

5 MS. KNEECE: Your Honor, may I object to the relevancy
6 of this?

7 THE COURT: All right, let me have you come over here
8 and we'll discuss that. You can stand right there. He'll
9 be right back.

10 (Whereupon, a Bench conference was held in the
11 presence, but out of the hearing, of the jury.)

12 BY MR. HEMBREE:

13 Q: Okay, taking you to, again, now that we have the map
14 out, taking you to the night, August the 3rd, about
15 midnight, tell me your travel, your path of travel, after
16 you got the call from Defendant Jody Ward, he said, "Come
17 get me. I'll be on the end of my street" -- had you done
18 that before?

19 A: Yeah.

20 Q: Okay, so, that wasn't such a shock to you?

21 A: No.

22 Q: Okay.

23 A: I left my house and came to crossroads.

24 Q: All right, you came down, you went this way. I guess
25 that's east on Gapway.

Lynn Denise Cox - Direct by Mr. Hembree

411 203

1 A: Down Indian -- on Indian Hut.

2 Q: South on Indian Hut.

3 A: Came out on highway -- well Georgetown Highway 521.

4 Q: All right, turn left there?

5 A: And came down to Sirfield and he was standing at the
6 highway.

7 Q: Okay, standing at -- really on -- at Georgetown --
8 what's called Georgetown Highway or Highmarket Street?

9 A: Yeah.

10 Q: And then you took the same path carrying him home?

11 A: Yes.

12 Q: How long a drive is that, I mean, how many miles?

13 A: Eight, 10, I don't know.

14 Q: Is it a quick trip?

15 A: Yeah, it's not very far, I mean.

16 Q: Okay, you don't know how many miles?

17 A: No, I don't know how many miles.

18 Q: All right, please, if you will, take the stand.

19 (Complies with request.)

20 Q: Now, Ms. Cox, you, you testified that he, the
21 Defendant Jody Ward made this statement to you the night of
22 the murder, told you about how it happened, told you what
23 he did with the bodies, told you what he did with the car.
24 Later at some point or that night or some point later he
25 told you what he did with the gun.

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1 A: Yes.

2 Q: That he threw it in the creek, then he went back and
3 got it out of the creek.

4 A: And got it.

5 Q: Did he ever tell you, did he ever tell you that
6 anybody else was involved in this murder?

7 A: Never.

8 Q: Hint about it, suggest anyone else?

9 A: Never.

10 Q: When the police first or Sheriff's Office first began
11 investigating this case did they come and talk to you early
12 in the investigation?

13 A: They came and talked to me. I don't remember the date
14 or anything but they came to my house and questioned me and
15 asked me if I knew anything about it and I told them no.

16 Q: And you told them you don't know anything about it?

17 A: Yes.

18 Q: Why did you tell them that?

19 A: Because he had threatened me. He had just left there
20 earlier that day and he told me he would kill me and my
21 kids if I said anything.

22 Q: Now, Ms. Cox, when was the first time the Defendant
23 Jody Ward made any threats to you about you talking about
24 this case?

25 A: The day that he told me about it, the night. He told

Lynn Denise Cox - Direct by Mr. Hembree

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1 me that if I said anything that he knew where it would come
2 from, he'd make sure that I went down with him and he'd
3 also kill me and my children.

4 Q: That was the night that he told you ---

5 A: Yes.

6 Q: --- about the whole affair. What did you say to him?

7 A: I didn't know what to say.

8 Q: What was your state of mind when, when he -- after he
9 told you about the murders and then offered these threats?

10 A: I was in shock. I was blowed away. I just -- I
11 couldn't believe that he had done something like that.

12 Q: Did you believe that he might hurt you?

13 A: I was scared to death, somebody that I thought I knew
14 and had lived with and he tells me that he killed two
15 people and he would kill me and my kids.

16 Q: Did you think he would?

17 A: At that point, yeah.

18 Q: When you were living there at that point in time on
19 Gapway ---

20 A: Yes.

21 Q: --- was anybody else living there with you other than
22 your children?

23 A: Not at that time.

24 Q: You were by yourself?

25 A: Yes.

Lynn Denise Cox - Direct by Mr. Hembree

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1 Q: Three boys, little boys?
2 THE COURT: You need to say yes or no.
3 A: Yes.
4 THE COURT: All right.
5 Q: Now, you just testified that the day the police, the
6 first time the police came to talk with you about this that
7 the Defendant had just left your home?
8 A: Earlier, maybe about a few hours.
9 Q: Were you still dating him at this time in any way?
10 A: No, he had just, I believe that was the same day he
11 had came and got me to drive him to see his brother in
12 prison.
13 Q: Okay.
14 A: And it was a few hours after that when they came by to
15 question me.
16 Q: On that day you said he made yet another threat to
17 you?
18 A: Just, I mean, just about every time I seen him he'd
19 say, "You remember what I said? You know what's going to
20 happen if you say anything."
21 Q: How many times, if you can say, did Defendant Jody
22 Ward offer some sort of threat after the time, after he
23 told you about what happened but before he was arrested?
24 A: Numerous times, just about every time I seen him. He,
25 I mean, he'd just pop by sometime in the middle of the

Lynn Denise Cox - Direct by Mr. Hembree

415 207

1 night. He'd just ride by, he'd stop. Sometimes he
2 wouldn't stop. He'd just ride by, I mean, and before he
3 left he'd say, "You remember what I said?" He said, "I'll
4 kill you and your kids," he said, "because I don't care."

5 Q: Did you take him seriously on these other occasions?

6 A: Very.

7 Q: But the first time the police talked to you you said,
8 "I don't know anything?"

9 A: Right.

10 Q: Did they talk to you again?

11 A: Yes.

12 Q: What do you tell them the second time?

13 A: I didn't know anything.

14 Q: Okay, you just kind of, "Don't know anything about
15 that, leave me alone." Now, at some point did you agree to
16 wear a wire?

17 A: Yes.

18 Q: Tell us about that.

19 A: I had told them that I would wear a wire, and after I
20 thought about it I got scared and I went and told him that
21 they asked me to wear a wire. So, I mean, he kind of knew
22 that I was going to.

23 Q: And what was his response to all that?

24 A: He thought it was funny.

25 Q: He thought it was funny?

Lynn Denise Cox - Direct by Mr. Hembree

416 208

1 A: Yes.

2 Q: Okay, why did he -- did he say why he thought it was
3 funny?

4 A: He just knew what they were trying to do.

5 Q: And what was the plan? What were they trying to do?
6 What did he say?

7 A: They were trying to see if he would say anything about
8 what had happened about the murders.

9 Q: Try to get him to talk to you about it?

10 A: Yes.

11 Q: But you tipped off the -- you tipped him off?

12 A: Yes.

13 Q: Now, at some point -- well, in September, September
14 27th ---

15 A: Yes.

16 Q: --- 2002, the police want to talk to you again?

17 A: Yes.

18 Q: How did -- how was that contact initiated, who started
19 that?

20 A: Well, they -- I believe they came to the house and
21 asked me, they said they had to ask me a few more
22 questions, and I went down there and met them, and I told
23 them everything I knew ---

24 Q: At this ---

25 A: --- but that's -- at that point in time he was locked

Lynn Denise Cox - Direct by Mr. Hembree

417 209

1 up.

2 Q: Okay, at that point in time on September the 27th ---

3 A: They had arrested him.

4 Q: --- they had arrested the Defendant, Jody Lynn Ward?

5 A: Yes.

6 Q: For what, for these murders?

7 A: Yes.

8 Q: Were you aware at that point that the bodies had been
9 located?

10 A: I don't believe I knew at that point that -- I'm not
11 sure. I don't remember.

12 Q: When was the last time you had contact with Defendant
13 Jody Ward before his arrest?

14 A: I think it might have been a few days before he got
15 arrested he came by my house.

16 Q: All right, who all was there?

17 A: Well, it was maybe a few times, maybe within a week.
18 One night he had called my sister-in-law's house. Me and
19 my current boyfriend were in the river, and he had called
20 over there several times she said, and when we got back she
21 had told us to come over there and get something to eat
22 because it was late. We were all sitting at the table and
23 Jody had called, said he wanted to talk to me.

24 Q: Was his, was his tone urgent?

25 A: Yeah, he acted like he really needed to talk to me.

Lynn Denise Cox - Direct by Mr. Hembree

1 house one morning. We were fixing to get the kids ready
2 for school. We had just gotten back from the river that
3 night. She was going to take them to school for me. So, I
4 went over there to take her the clothes. I didn't lock my
5 back door. We live side by side. I walked over there in
6 my pajamas, came back, he was standing inside my house. He
7 came in there and told me he was going to kill my
8 boyfriend, told me that if he couldn't have me nobody was
9 going to have me. He wanted me to kick my boyfriend out,
10 get -- let him move back in. I told him no.

11 Q: Did he, did he say anything -- did he offer any other
12 threats regarding your knowledge of this case in that
13 conversation?

14 A: He, before he left, yes.

15 Q: But he did leave?

16 A: Yes, finally.

17 Q: How, how -- in relation to when he was arrested, about
18 how long before his arrest did that meeting occur?

19 A: It wasn't maybe a few days, a week, not, I mean, not
20 long at all.

21 Q: The -- you -- you indicated that you told the whole
22 story, told, talked to law enforcement on September 27th
23 and gave a statement?

24 A: Yes.

25 Q: They videotaped that statement; is that correct?

Lynn Denise Cox - Cross by Ms. Kneece

425

217

1 Q: Do you remember the first time you were interviewed in
2 regards to this case?

3 A: Yes.

4 Q: And what date was that?

5 A: I don't remember a date.

6 Q: Would August 10th sound about right?

7 A: I'm not sure of the date.

8 Q: And how about the time they came to your house? I
9 mean, this is pretty significant. They come to your house
10 to talk to you on August 10th?

11 A: The first time that I talked to them, yes, they came
12 to my house.

13 Q: And what did you tell law enforcement the first time
14 you talked to them?

15 A: That I didn't know what they were talking about.

16 Q: And you told them -- at that time you only told them
17 about a trip that you had just taken to Ridgeland.

18 A: Yes.

19 Q: With Jody?

20 A: Yes.

21 Q: The first time you met with law enforcement did you
22 tell them that Jody had threatened to kill you or your
23 family?

24 A: Not at that time.

25 Q: And how long does it take to get to Ridgeland?

431

223

Lynn Denise Cox - Cross by Ms. Kneece

1 times and ---

2 Q: Did you tell them on this day that Jody had threatened
3 to kill you and your family?

4 A: I told them everything the day that they taped the
5 statement because he was arrested at that time and I knew
6 it.

7 Q: And when was -- do you remember -- you met with them
8 the next day on the 20th to wear a wire. That's the day
9 you wore the wire; correct?

10 A: Okay, well.

11 Q: So, you're meeting back and forth with law
12 enforcement. You're getting to know these people. You've
13 now been with them four times at least, and did you tell
14 them at this point that Jody had threatened you and
15 threatened to kill your children on August 3rd?

16 A: At the time I wore the wire I agreed to wear it but
17 after I thought about it I got scared because I was scared
18 if he found out or noticed something on me that I didn't
19 know what was going to happen.

20 Q: But you wore the wire, you met with him?

21 A: Yes, yes, I did.

22 Q: And you got word to Jody that you were going to wear a
23 wire; correct?

24 A: Yes, because I got scared.

25 Q: So, he knew at this point that you had been involved

432

Lynn Denise Cox - Cross by Ms. Kneece

224

1 in law enforcement; did he not?

2 A: Well, I told him they had asked -- he had asked me to
3 wear a wire.

4 Q: Did you tell law enforcement at this point, "Now Jody
5 knows I'm involved with you all. I'm scared to death.
6 He's threatened to kill me and my family?" Did you tell
7 them that?

8 A: No, because I had told him about the wire.

9 Q: But you also told him you were involved in law
10 enforcement at this point.

11 A: Well, he knew they had talked to me.

12 Q: And you weren't scared then that he would know that
13 you're talking to them and you're going to say something?

14 A: Well, I told him about the wire. So, I kind of felt
15 like he wasn't going to do anything at that point.

16 Q: Tell me how this wire incident came about. Law
17 enforcement came to you and suggested you wear a wire.

18 A: No, they just asked me if I would agree to wear it and
19 I told them yeah, but the more I thought about it the
20 scarer [sic] I got.

21 Q: And they talked to you about what questions to ask
22 him and what information they wanted to get from the tape;
23 correct?

24 A: They just told me to talk to him and see if he would
25 mention anything about it.

460

252

Kevin Cooper - Direct by Mr. Hembree

- 1 A: He just said somebody took his money or got his money.
- 2 Q: Uh-huh (affirmative response), anything else?
- 3 A: He said he was mad, that somebody got his money and
- 4 we, we talked and that's when he asked me to buy some
- 5 bullets for him.
- 6 Q: Asked you to buy some bullets?
- 7 A: Yes, sir.
- 8 Q: What kind of bullets?
- 9 A: Nine, nine millimeter.
- 10 Q: And did he tell you where to go buy these bullets?
- 11 A: He asked me to run to Wal-Mart and get them.
- 12 Q: Wal-Mart?
- 13 A: Yes, sir.
- 14 Q: Did he give you any money?
- 15 A: Well, he handed me a ten and a five, but I didn't take
- 16 it.
- 17 Q: A ten and a five dollar bill?
- 18 A: Yes, sir.
- 19 Q: But you didn't take it?
- 20 A: No, sir.
- 21 Q: Did he indicate to you who had taken his money?
- 22 A: No, sir, he didn't say who.
- 23 Q: Did he indicate to you how much money was taken?
- 24 A: No, sir.
- 25 Q: After you gave him the money or you refused to take

461

253

Kevin Cooper - Direct by Mr. Hembree

1 the money from him what happened?

2 A: Well, he put the money back in his pocket and we was
3 all outside and we talked and that's -- we just sat around,
4 which I didn't stay long, maybe ten minutes and I left to
5 go back to work.

6 Q: Did you all smoke anything together?

7 A: Yes, sir.

8 Q: What was that all about?

9 A: We just smoked a joint.

10 Q: Now, and then you left?

11 A: Yes, sir, went back to work.

12 Q: When was the next time that you had occasion to be in
13 the company of Jody Ward?

14 A: I'm not sure of the exact date. I mean, it was
15 sometime in August. Jody Owens called me and said he had
16 to go pick up some crab pots and he didn't have no license.
17 He asked if I'd drive him. I said yeah. So, I took my
18 truck and went and got his daddy's trailer and we went to
19 Chavis Landing, I think it was, and we was loading the crab
20 pots up and Jody Ward was there.

21 Q: Did you overhear a conversation between Jody Ward and
22 Jody Owens?

23 A: Yes, sir.

24 Q: Would you please tell this jury the content of that
25 conversation?

Roderick Greene - Direct by Mr. Hembree

582 373

1 BY MR. HEMBREE:

2 Q: I take you to now State's Exhibit Number 23 for
3 identification. Describe that for us, please.

4 A: This is a picture of the front passenger seat. We
5 were looking for a bullet and we peeled the fabric back and
6 found a projectile.

7 Q: A projectile, what is that?

8 A: This is the, the portion of the bullet that it's --
9 that comes out of the casing when you fire a gun.

10 MR. HEMBREE: Your Honor, we'd move State's 23 into
11 evidence at this time.

12 MR. LOCKLAIR: Previous objection, Your Honor.

13 THE COURT: It's again over objection.

14 (Whereupon, State's Exhibit Number 23 [Photograph of
15 Suzuki Samurai] introduced into evidence and appropriately
16 marked.)

17 BY MR. HEMBREE:

18 Q: State's 24 for identification purposes. Can you
19 describe that to us?

20 A: Yes, this is a picture of the back seat of the car.
21 There was a car seat in the back seat and it was, it was
22 still locked in.

23 Q: Okay, what kind of a car seat is that?

24 A: A child, a child seat.

25 Q: Like a baby child seat?

Roderick Greene - Direct by Mr. Hembree

583 374

1 A: Yes.

2 Q: And you indicated it was still locked in when you
3 found it?

4 A: Yes.

5 Q: What's the condition of that, of that seat?

6 A: It's, it's extremely muddy and wet, bogged down with
7 water.

8 Q: Got you.

9 MR. HEMBREE: Your Honor, we would move State's 24 into
10 evidence at this time.

11 MR. LOCKLAIR: Your Honor, we would object under
12 relevancy.

13 THE COURT: It's been noted once again. I'm going to
14 have to see you over here. That was something that we had
15 dealt with.

16 (Whereupon, a Bench conference was held in the
17 presence, but out of the hearing, of the jury.)

18 BY MR. HEMBREE:

19 Q: Finally, let me show you State's 25 for identification
20 purpose, and if you would describe the scene there for us.

21 A: This is another picture of the back seat showing the
22 child seat and next to it what appeared to us to be some
23 type of stain.

24 Q: All right.

25 MR. HEMBREE: Your Honor, we would move this into

Roderick Greene - Direct by Mr. Hembree

594 385

1 THE COURT: All right, without objection.

2 (Whereupon, State's Exhibit Number 26 [Projectile]
3 introduced into evidence and appropriately marked.)

4 BY MR. HEMBREE:

5 Q: And finally taking you to State's 25 in evidence
6 describe this scene to us, please.

7 A: This is a photograph of the rear seat. This is taken
8 from the passenger side, and this is the child seat that
9 was still locked into place, and this is the stain that we
10 did the presumptive test on to test for blood.

11 Q: Now, tell us -- you've indicated that you did a
12 phenolphthalein test.

13 A: Yes.

14 Q: And it's a presumptive test for blood but you can't
15 say whether it's human blood or animal blood or what it is,
16 just that it's blood.

17 A: Right, we -- out in the field we test for blood. If
18 it comes up positive for blood we collect it, take it back
19 to the lab so a DNA analyst can then analyze it.

20 Q: And is that what you did in this case?

21 A: Yes.

22 Q: What areas in this vehicle did you take samples from
23 to turn over to the lab?

24 A: We -- we took the -- we took samples from the rear
25 seat and we also tested the child's seat, which also came

Roderick Greene - Direct by Mr. Hembree

595

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1 up positive. So, we then took the cover from the seat and
2 the cushion beneath off of the child's seat.

3 Q: And took that into custody and turned it into the SLED
4 lab?

5 A: Yes.

6 Q: Okay, Steve Lambert with SLED?

7 A: Yes. The case would have been logged in and
8 eventually up to Lambert.

9 Q: Please take the stand. Thank you, Agent.

10 Any other items of evidentiary significance that you
11 can recall that you recovered from the vehicle?

12 A: I could take a look at my notes and see exactly what
13 we ---

14 Q: Be happy for you to do that if that would be helpful.

15 A: No, that's everything we collected besides the film.

16 Q: Film being the photographs that you -- that we've seen
17 already?

18 A: Correct.

19 Q: Got it. Once you concluded your analysis of this or
20 your collection of these -- this evidence at the crime
21 scene that conclude your involvement in this case?

22 A: Yes.

23 Q: Very good. Please answer any questions Defense
24 counsel might have for you.

25 THE COURT: Yes, sir.

Tracy Collins - Direct by Mr. Bryan

602 393

1 A: Sir?

2 Q: You met him through your boyfriend about five years
3 ago?

4 A: Yes, sir; yes, sir.

5 Q: How often did you see Jody Ward?

6 A: Just about every day or every other day.

7 Q: Okay, did you also know Wilfred Brown?

8 A: Yes, sir.

9 Q: Was he a friend of yours?

10 A: Yes, sir.

11 Q: And Elton Rutledge, Jr., did you know him?

12 A: Not as good as Will. I knew him from school.

13 Q: Okay, did you ever have occasion to fire a weapon
14 with Jody Ward?

15 A: Yes, sir.

16 Q: All right, can you tell the jury the circumstances
17 around that? How did you ---

18 A: We was ---

19 Q: --- how did you get together with Jody Ward on that
20 occasion?

21 A: We was at Denise's house and me, him, Denise and Billy
22 ---

23 Q: And when, when was this?

24 A: About probably June of 2002.

25 Q: Okay.

Tracy Collins - Direct by Mr. Bryan

603 394

1 A: And we went up there and Jody came in there and he
2 said he had a gun he wanted us to go shoot. It was a nine
3 millimeter and we went to the crossroads and we all shot it
4 at the stop sign.

5 Q: How did you know it was a nine millimeter?

6 A: He said he had a nine millimeter and wanted to know

7 ---

8 Q: He, he being who?

9 A: Jody Ward.

10 Q: Okay, and who brought the gun?

11 A: Jody.

12 Q: And whose gun was it?

13 A: Jody's.

14 Q: All right, and what -- can you describe the gun for
15 the jury?

16 A: It was about that long (indicating). It had a clip on
17 it and the barrel had like holes around it. I mean ---

18 Q: Okay, was it a ---

19 A: --- it had a big clip on it.

20 Q: How big was the clip?

21 A: Like a banana clip, you know.

22 Q: Okay, was it an automatic weapon or a ---

23 A: Yes, sir.

24 Q: Okay, was it a normal -- was it like a normal pistol?

25 A: No, sir, it didn't have like a revolver. It was just

604

Tracy Collins - Cross by Mr. Locklair

395

1 like pow, pow, pow, pow.

2 Q: And how did you hold it?

3 A: Like this (indicating).

4 Q: Okay, I don't have any other questions. Please answer
5 any questions the Defense has.

6 THE COURT: Cross.

7 CROSS EXAMINATION

8 BY MR. LOCKLAIR:

9 Q: You used to hang out with Wilfred Brown a lot; didn't
10 you?

11 A: Yes, sir.

12 Q: In fact, you used to give him rides around a lot;
13 didn't you?

14 A: Yes, sir.

15 Q: So, you were involved in a lot of his business;
16 weren't you?

17 A: I mean, me and him and Daniel, I mean, there was all
18 kind of us that rode around with Will.

19 Q: How often would you see Wilfred with a gun?

20 A: I never seen Will with a gun.

21 Q: How often were you involved in drug transactions with
22 him?

23 A: I never dealt with him directly with drug
24 transactions. It was always through somebody else.

25 Q: How many times would that be?

Louis Bazen - Direct by Mr. Bryan

609

400

1 of the house that you were at?

2 A: [REDACTED] Street.

3 Q: And that's where Beverly and Jody and you were living
4 at the time?

5 A: Yes, sir.

6 Q: Okay, all right, so, you got in the Plymouth Breeze at
7 Jody's direction and you started to travel. Did you know
8 where you were going?

9 A: No, sir.

10 Q: All right, where did you go?

11 A: He had asked me to take him down to Junior Chavis's
12 house and which is on the same street, Sirfield Street,
13 yeah.

14 Q: All right, did you do that?

15 A: Yes, sir.

16 Q: Okay, and what did you do if anything at Junior
17 Chavis's house?

18 A: I just drove there... I was in the car.

19 Q: All right, what did Jody do?

20 A: Jody got out and went and talked to Mr. Junior Chavis
21 and got a brown burlap bag from him.

22 Q: Okay, then what'd you do?

23 A: Jody got back in the car and we left from Junior's and
24 went back down to [REDACTED] Road up to my other sister's
25 house, which is Buffy Bazen, Buffy Parsons and which now,

Louis Bazen - Direct by Mr. Bryan

610 401

- 1 and ---
- 2 Q: Where, what street does she live on?
- 3 A: She lives on [REDACTED].
- 4 Q: Okay, what did you do there?
- 5 A: Jody got out and I'm pretty sure he had asked my
- 6 sister to borrow a shovel from him, from her, and then
- 7 after that we left from there.
- 8 Q: Let me stop you there. You say you're pretty sure he
- 9 asked you -- asked her to borrow a shovel. Did he get a
- 10 shovel?
- 11 A: Yes, sir.
- 12 Q: Did you see him get a shovel?
- 13 A: Yes, sir.
- 14 Q: What did he do with it?
- 15 A: He put it in the trunk.
- 16 Q: Okay, what did he do after he put the shovel in the
- 17 trunk?
- 18 A: He got back in the car and we left from Sirfield
- 19 Street.
- 20 Q: Where'd you go next?
- 21 A: We went down Highmarket Street going next Andrews.
- 22 Q: Did you know where you were supposed to go?
- 23 A: No.
- 24 Q: How did you decide where you were going?
- 25 A: Jody just tell me where to go to.

611

Louis Bazen - Direct by Mr. Bryan

402

1 Q: All right, so, he was just pointing you and telling
2 you where he wanted you to turn basically?

3 A: Basically.

4 Q: All right, so, after you got the shovel from your
5 sister's house or Jody got the shovel, put it in trunk, got
6 in the car where did you go after that or where did he tell
7 you to go?

8 A: We left out and went down Highmarket Street going next
9 Andrews and we bared off on Kent Road and went down Kent
10 Road a good ways and turned onto the Gapway Road, Gapway
11 dirt road.

12 Q: Okay, what happened on Gapway Road?

13 A: Well, we went down Gapway Road to the Crossroads and
14 he told me to keep on going. So, I kept on going straight
15 on Gapway dirt road.

16 Q: Let me stop you at the Crossroads. That was the
17 crossroads of Gapway and what?

18 A: Indian Hut.

19 Q: Okay, you went, you went across Indian Hut?

20 A: Yes, sir.

21 Q: Okay, then what?

22 A: Probably went 150 yards and Jody told me to stop and
23 which I did and he told me to pop the trunk and he had
24 gotten out and he got a burlap bag out and a shovel and he
25 told me to go down the road and come back in about 15

Louis Bazen - Direct by Mr. Bryan

403

1 minutes.

2 Q: Let me show you what's -- let me show you what's been
3 marked State's 27 for identification purposes. Do you
4 recognize where that is?

5 A: Yes, sir.

6 Q: All right, what is that a picture of?

7 A: That's a picture of Hunting Club Road.

8 Q: All right, and when you say a Hunting Club Road what
9 -- is there any particular significance of this Hunt Club
10 Road? You ever been there with Jody Ward?

11 A: That's where he had told me to stop at after I cross
12 the Crossroads.

13 Q: Okay, so, you said about 150 yards or so past the
14 Crossroads he asked you to stop, and is that where the Hunt
15 Club Road he asked you to stop on?

16 A: Yes, sir.

17 Q: Okay, I'm going to show you -- all right, and this is
18 State's 28. What is that a picture of?

19 A: That's a picture of the same road.

20 Q: All right, is it basically a little closer?

21 A: Yeah, it's just a closer picture.

22 Q: All right, and then State's 29, what is that a
23 picture of?

24 A: That would be a picture of the same road but on the
25 inside of the road.

Louis Bazen - Direct by Mr. Bryan

613 404

1 Q: All right, is there a gate on the picture?

2 A: Yes, sir.

3 Q: All right, and this is from the other side of the gate
4 looking back?

5 A: Yeah.

6 Q: Okay, all right, what happened when you stopped on
7 that Hunt Club Road? He asked you to stop. What happened
8 next?

9 A: He asked me to stop and he told me to pop the trunk
10 and which I did and he had gotten out and got a burlap bag
11 and a shovel and he come to the door and he told me to go
12 down the road and come back in 15 minutes.

13 Q: All right, did you do that?

14 A: Yes, sir.

15 Q: All right, where did you go?

16 A: I went farther on down the road maybe a half a mile or
17 so.

18 Q: I'm sorry.

19 A: I went farther on down the road, maybe a half a mile
20 or so and turned around and came back.

21 Q: Okay, when you turned around, came back where did you,
22 where did you go to then?

23 A: I stopped in front of that Hunting Club Road.

24 Q: Why'd you do that?

25 A: No particular reason, that's pretty well, you know, I

Louis Bazen - Direct by Mr. Bryan

614

405

1 dropped him off there.

2 Q: Did Jody ask you to circle around and come back after
3 a little while and stop there?

4 MR. LOCKLAIR: Objection to leading.

5 THE COURT: Sustained.

6 Q: All right, when you -- how long were you gone driving
7 around before you came back?

8 A: Round about 13 to 15 minutes.

9 Q: All right, and why were you driving around in the
10 general area of this Hunt Club Road?

11 A: For no particular reason, just.

12 Q: Was it your idea?

13 A: No.

14 Q: Whose idea was it?

15 A: I guess pretty well, you know, Jody's.

16 Q: Okay, so, when you came back, you stopped the car,
17 what happened next?

18 A: I stopped the car and I glanced down the road and I
19 didn't see nobody. So, I just sat there for a minute, and
20 I glanced down the road again, and I seen Jody and he had
21 something brown in his hand, and I figured, you know, it
22 was a deer because, you know, it's just big, it looked
23 like, you know, he might have been dragging it or
24 something. I don't know, and ---

25 Q: Did you see an actual object or what were you looking

Louis Bazen - Direct by Mr. Bryan

615

406

1 at?

2 A: Just a burlap bag.

3 Q: Okay, so, it was a bag full of something; is that
4 right?

5 A: I guess.

6 Q: Or was something in it?

7 A: I thought it was a deer from the distance but.

8 Q: All right, let me show you State's 29 again. Is this
9 the road that you saw Jody Ward walking down?

10 A: Yeah.

11 Q: With the burlap sack?

12 A: Uh-huh (affirmative response).

13 MR. BRYAN: At this time, Your Honor, I would ask to
14 move State's 27, 28 and 29 into evidence.

15 MR. LOCKLAIR: No objection, Your Honor.

16 THE COURT: Without objection.

17 (Whereupon, State's Exhibit Number 27 [Photograph of
18 Hunt Club Road]; State's Exhibit Number 28 [Photograph of
19 Hunt Club Road] and State's Exhibit Number 29 [Photograph
20 of Hunt Club Road] introduced into evidence and
21 appropriately marked.)

22 BY MR. BRYAN:

23 Q: All right, as Mr. Ward got closer what happened next?

24 A: As he got closer he told me -- he hollered at me
25 because I was on the Gapway Road and he had said back up to

Louis Bazen - Direct by Mr. Bryan

616 407

1 the gate right here; and so, I did, and I realized, you
2 know, he had had a burlap bag and he told me to pop the
3 trunk and I was still in the car and I popped the trunk and
4 I just sat right there.

5 Q: All right, you said there was a gate. Was the gate
6 opened or closed?

7 A: The gate was closed.

8 Q: And this is State's 28, again, which is in evidence.
9 Is that a picture of the gate you're talking about?

10 A: Yes, sir.

11 Q: And was -- is it open or closed in the picture?

12 A: It's open.

13 Q: All right, and at that time it was closed; is that
14 right?

15 A: Yes, sir.

16 Q: Okay, and where did you stop in relation to this?

17 A: Right in front of the gate right here.

18 Q: Okay, and Jody went on the other side of the gate?

19 A: Yes, sir.

20 Q: Okay.

21 MR. BRYAN: Permission to publish State's 28, Your
22 Honor?

23 THE COURT: Yes, sir.

24 BY MR. BRYAN:

25 Q: All right, so, Jody, Jody then asked you to pop the

Louis Bazen - Direct by Mr. Bryan

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1 trunk, he put the bag with the contents and the shovel in
2 the trunk; is that right?

3 A: Yes, sir.

4 Q: All right, what happened next?

5 A: He come around and got into the car, and he says,
6 "Man, I stink," and I didn't pay no attention, you know.
7 My nose is always bad. It's always like that, and I kind
8 of realized, you know, his hands was dirty or whatever,
9 whatnot, but -- and we left from there and went back out to
10 the Gapway Road and then went to the Crossroads or right
11 there on Indian Hut and started going back next to the
12 Highmarket next Georgetown.

13 Q: All right, why'd you go there?

14 A: He asked me to.

15 Q: Okay, where'd you go next?

16 A: I started going next Highmarket down Indian Hut Road
17 and I was speeding. I didn't think nothing about it, and
18 he says, "Man, slow down," and which I did.

19 Q: What was his demeanor like when he said, "You're
20 speeding?" What was he acting like?

21 A: He just said, "Man, slow down."

22 Q: And you did?

23 A: Yeah.

24 Q: Okay, all right, what happened next?

25 A: We went on down that road, and we got to the Walker

618

Louis Bazen - Direct by Mr. Bryan

409

1 Farm Road and he told me to pull in there. So, I did.

2 Q: Let me stop you right there. How many times have you
3 -- was it common for you to drive Jody Ward around?

4 A: Yes, sir.

5 Q: All right, how many times you reckon you've driven him
6 around?

7 A: Probably every bit of a dozen times.

8 Q: Did he ever ask you -- did you ever speed on any other
9 occasion?

10 A: I'm always speeding every now and then, got a heavy
11 foot, man.

12 Q: Did he ever ask you to stop speeding previous to this?
13 Was there ever a time he said, "Man, stop speeding?"

14 A: No, sir.

15 Q: All right, all right, you now -- you -- you all had
16 progressed to Walker Farm Road; is that right?

17 A: Yes, sir.

18 Q: All right, let me show you what's has been marked as
19 State's 30. Can you identify that road?

20 A: Yeah, that's the Walker Farm Road.

21 Q: All right, and is this the same road that Jody asked
22 you to drive down?

23 A: Yes, sir.

24 Q: All right, what did you do at Walker Farm Road?

25 A: I went down to Walker Farm Road probably a hundred,

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Louis Bazen - Direct by Mr. Bryan

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1 150 yards, and Jody asked me to stop. So, I did and he got
2 out and he told me to again pop the trunk, and I did and he
3 got a burlap bag out and a shovel, and he had spoke to me.
4 I was still in the car. He says, "Go down there and turn
5 around and come back." So, I went down the road a little
6 piece, maybe a quarter of a mile or so and turned around
7 and come back.

8 Q: What did he do before you -- before you drove away did
9 he get anything out of the car?

10 A: Yeah, he got a burlap bag out and a shovel.

11 Q: Okay, and then he asked you to drive away and you did
12 that. You drove away?

13 A: Yes, sir.

14 Q: And you drove around for a little while at his
15 direction.

16 A: I went on further down that road and just turned
17 around and come back.

18 Q: All right, and did you come back to the same spot that
19 you had dropped him off at?

20 A: Yes, sir.

21 Q: All right, and what happened when you got back? Was
22 Jody there?

23 A: Yes.

24 Q: All right, did he have anything with him?

25 A: He had a shovel.

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Louis Bazen - Direct by Mr. Bryan

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1 Q: Did he have the bag anymore?

2 A: No, sir.

3 Q: This picture, State's 30, when you were there with
4 Jody Ward, obviously, these vehicles were not there; were
5 they?

6 A: No, sir.

7 Q: Okay, other than that does this fairly and accurately
8 represent the road that you're referring to?

9 A: Yes, sir.

10 MR. BRYAN: All right, Your Honor, I'd ask that
11 State's 30 be admitted into evidence.

12 THE COURT: Any objection?

13 MR. LOCKLAIR: No objection, Your Honor.

14 THE COURT: All right, without objection.

15 (Whereupon, State's Exhibit Number 30 [Photograph]
16 introduced into evidence and appropriately marked.)

17 BY MR. BRYAN:

18 Q: So, Jody came back. What did he do with the shovel?

19 A: He had spoke to me and I was in the car and he says
20 pop the trunk.

21 Q: Did you do that?

22 A: Yeah.

23 Q: What did he do?

24 A: He put the shovel into the trunk.

25 Q: Okay, and then what happened?

Louis Bazen - Direct by Mr. Bryan

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1 A: He got in and we left and went further on down the
2 Indian Hut Road out to the main highway, which is
3 Georgetown Highway and beared back to the right and went
4 down to, down the road and turned left again onto Kent Road
5 and went down there a little ways to his mother's house.

6 Q: Okay, what happened at his mother's house?

7 A: He got out and washed off his arms and I think he went
8 inside, may have changed his shirt, I don't know.

9 Q: When you say he washed off his arms, did he wash --
10 where did he wash his arms off?

11 A: Outside.

12 Q: Did he wash his whole arm or both his arms or how much
13 of his arms did he wash off?

14 A: Both his arms probably up to his elbows.

15 Q: Okay, all right, what happened after you left? Did he
16 get back in the car?

17 A: Yes, sir.

18 Q: All right, then where'd you go?

19 A: Back to my sister's house.

20 Q: Okay, did Jody Ward ever make any statements to you
21 after that?

22 A: Maybe a couple of days later he had mentioned -- we
23 was -- I'm suggesting that we was probably going out to my
24 mother's and we was on the Indian Hut Road and he said that
25 them boys was in that block right there but I didn't want

Louis Bazen - Direct by Mr. Bryan

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1 to, I didn't want to hear it. I didn't, you know, I didn't
2 want to think that, you know, to my knowledge because I
3 didn't want to, you know.

4 Q: Did he say there was anything else in that block
5 beside the boys? Did he say anything else about what was
6 out there?

7 A: He said that there was just buzzards just everywhere
8 and it was -- he said that he had shot that sign up right
9 there at the Crossroads.

10 Q: All right, did he ever say anything about getting rid
11 of some boys?

12 MR. LOCKLAIR: Objection, leading.

13 THE COURT: Sustained.

14 Q: What other statements did ---

15 MR. BRYAN: Sorry, Your Honor.

16 BY MR. BRYAN:

17 Q: What other statements did he make?

18 A: He, he said that he had gotten rid of them boys.

19 Q: When did he say that?

20 A: I really, I really can't recall that.

21 Q: Was it before or after? Do you know if, just if you
22 know, was it before or after you had driven him around?

23 A: It was after.

24 Q: A long time after or a few days after, a week, a
25 month, can you say?

Louis Bazen - Direct by Mr. Bryan

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1 A: I'm guessing around a week.

2 Q: All right, let me get you to come down off the witness
3 stand real quick, stand right over here next to me. I'm
4 going to get you to refer to this exhibit, which is State's
5 Two, and if you can stand kind of -- I'll tell you what,
6 I'll hold this and you get where the jury can hear you and
7 she can hear you and show me where you were living at that
8 time.

9 A: Right here.

10 Q: All right, and you went from there, show the jury on
11 the map where ---

12 THE COURT: He's -- now, the witness is really going
13 to have to speak up. He's very soft spoken.

14 Q: Yeah, you're going to have to speak so she can hear
15 you. Where were you living?

16 A: I was living right here on [REDACTED] Street.

17 Q: And that's already been marked as Jody Ward's house;
18 right?

19 A: Yes, sir.

20 Q: Okay, and where, at his direction, just show the jury
21 on the map where you went next.

22 A: We left from [REDACTED] Street, went down this road to
23 Chavis's Landing, back up to my sister's house, which is
24 not on there as you can see, and we left from there, come
25 back up to Highmarket Street.

Louis Bazen - Direct by Mr. Bryan

624 415

1 Q: Let me stop you right there. Your sister and Chavis
2 Landing where you got the shovel or where Defendant got the
3 shovel and the burlap sack are both on [REDACTED], all three
4 on [REDACTED] right there; is that correct?

5 A: Yes, sir.

6 Q: Okay, then you came back up here and what'd you do?

7 A: I came back to Highmarket Street and went down this
8 road, as shown, right on down to -- past Indian Hut Road
9 right on down to Kent Road, which would be right here and
10 come down this road right here and went right on and it
11 comes around to a circle that comes back from this to
12 Gapway Road right here.

13 Q: So, you took a right onto Gapway Road?

14 A: Yes, sir.

15 Q: All right, and then where'd you go?

16 A: I come down this Gapway Road right here to the
17 Crossroads, which is Indian Hut right here.

18 Q: So, this is the Crossroads that you were talking about
19 with the stop sign and where you went across?

20 A: Yes, sir.

21 Q: All right, and where'd you go next?

22 A: Come down this road a little ways and stopped and then
23 I left and come down here, came back ---

24 Q: This is the first, okay, this was the first place
25 where Jody asked you to stop and where the gate was; is

Louis Bazen - Direct by Mr. Bryan

625 416

1 that right?

2 A: Yes, sir.

3 Q: And he came back with a burlap sack ---

4 A: Yeah.

5 Q: --- full of what you thought at first was a deer.

6 I'm going to ask you to mark on the map, take this little
7 label and stick it on the map where you say he asked you to
8 stop the first time.

9 A: (Complies with request.)

10 Q: All right, and then you went where?

11 A: I left from there and went down here and came back
12 maybe 10, 15 minutes later, come back down here and stopped
13 for, I don't know, five minutes or so, left from there and
14 come back down to Indian Hut Road and then come out to, to
15 Highmarket Street.

16 Q: Okay.

17 A: I made a stop right here on that Walker Farm Road.

18 Q: Why'd you stop, why'd you stop here off of Indian Hut?

19 A: Jody had asked me to stop on the Walker Farm Road.

20 Q: And this is the place where he then took the bag and
21 asked you to drive around some more and come back and came
22 back without the bag; right?

23 A: Yes, sir.

24 Q: That's what I'm going to ask you to mark as crime
25 scene two, just put that on the map where you remember that

Louis Bazen - Direct by Mr. Bryan

626 417

1 being.

2 A: (Complies with request.)

3 Q: And I also have a label for Walker Farm Hunting Club.

4 Do you know where that is?

5 A: Yes, sir.

6 Q: Can you put this on the map where that is?

7 A: (Complies with request.)

8 Q: So, that's basically the same little road where he
9 asked you to stop; is that right?

10 A: Yes, sir.

11 Q: ~~Okay, all right, have a seat back on the jury stand or~~
12 the witness stand.

13 A: (Complies with request.)

14 Q: All right, now, after that did you ever get in contact
15 with Lieutenant Hampton at the Sheriff's Department or did
16 he contact you?

17 A: Yes, sir.

18 Q: Did you ever take him out to Walker Farm Road to show
19 him where you had taken Jody Ward the second, the second
20 time he asked you to stop?

21 A: I didn't actually take Mr. Todd out there. I give him
22 pretty well idea of the place.

23 Q: All right, and you didn't go with Investigator Hampton
24 out there? You didn't go with any law enforcement out
25 there? You just told them where it was.

Louis Bazen - Direct by Mr. Bryan

627 418

1 A: Yes, sir.

2 Q: Okay, did the Sheriff's Department or any law
3 enforcement agency contact you in reference to this case or
4 did you contact them?

5 A: I contacted them.

6 Q: All right, so, you came forward; is that right, and
7 why did you do that?

8 A: A conscience can't stand but so much, man.

9 Q: What were you; what kind of problems were you having?

10 A: You just can't, you can't -- it just ain't right, man,
11 you know there's ---

12 Q: When you say it just isn't right what are you talking
13 about?

14 A: What I, what I thought that may have happened, you
15 know, what I thought that may have went on.

16 Q: And what did you think had happened?

17 MR. LOCKLAIR: Objection, lack of personal knowledge.

18 MR. BRYAN: I'm asking him why he came forward, Your
19 Honor.

20 THE COURT: I'm going to let him answer why he came
21 forward.

22 A: I thought that ---

23 THE COURT: If you'd ask, re-ask the question, "Why
24 did you come forward?"

25 BY MR. BRYAN:

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Louis Bazen - Cross by Mr. Locklair

419

1 Q: Why, why is it exactly that you came forward?

2 A: Just, just my conscience was bothering me.

3 Q: I don't have any other questions. Please answer any
4 questions Defense has.

5 THE COURT: Cross.

6 MR. LOCKLAIR: May it please the Court, Your Honor?

7 THE COURT: Yes, sir.

8 CROSS EXAMINATION

9 BY MR. LOCKLAIR:

10 Q: Mr. Bazen, you were convicted in 2000 of breaking into
11 a motor vehicle; correct?

12 A: Yes, sir.

13 Q: You stated earlier that Jody made several statements
14 to you about locations in the woods and shooting up a road
15 sign?

16 A: Yes, sir.

17 Q: Did he make any other statements to you?

18 A: No, sir.

19 Q: He didn't tell you them boys had shot at him and put
20 four or five holes in the Suzuki?

21 A: Not to my recollection.

22 Q: Do you recall giving a statement to Investigator Gary
23 Todd on September 14th of 2002 with Investigator Hampton
24 present?

25 A: Can you repeat the question?

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Louis Bazen - Cross by Mr. Locklair

420

1 Q: Do you recall giving a taped statement to
2 Investigators Todd and Hampton on September 14th of 2002?
3 A: Yes, sir.
4 Q: And you don't recall at that point telling them that
5 them boys had shot at him and put four or five holes in the
6 Suzuki?
7 A: I may have. I'm not sure.
8 Q: Okay, but you're real clear on all these other
9 details; right?
10 A: Yes, sir.
11 Q: You drink a lot; don't you?
12 A: Every now and then.
13 Q: Smoke marijuana?
14 A: No.
15 Q: You don't smoke marijuana?
16 A: No, sir.
17 Q: Never?
18 A: I have.
19 Q: When was the last time you smoked marijuana?
20 A: Probably a year ago.
21 Q: Okay, were you a regular user of marijuana back then?
22 A: Back then, yeah.
23 Q: Okay, but you cleaned up now?
24 A: Yeah.
25 Q: Okay, how many times have you prepared your testimony

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Louis Bazen - Cross by Mr. Locklair

421

1 for this case?

2 A: Probably four to five times.

3 Q: Okay, and you've met with the Solicitor and law
4 enforcement a lot; haven't you?

5 A: Yes, sir.

6 Q: And in fact, you gave an affidavit about meeting with
7 them back on -- in July of 2003; correct? You made the --
8 you remember meeting with them in July of 2003?

9 A: I ain't sure. I've been there so many times.

10 Q: Okay, well, do you remember meeting with Gary Todd and
11 Greg Hembree at the Solicitor's Office and them telling you
12 that you knew more than what you've said in your statement?

13 A: Yes, sir.

14 Q: You recall that?

15 A: Yes, sir.

16 Q: How long did they interrogate you for on that day?

17 A: Probably, probably 35 to 40 minutes.

18 Q: Okay, you hadn't previously told anybody that it was
19 four hours?

20 A: No, but I have heard talk about, you know, that it was
21 four hours, but ---

22 Q: Okay, and isn't it true that you previously stated
23 that Mr. Hembree said that if you helped him he would help
24 you with a DUI; correct?

25 A: He had spoken up and said something about, "Don't you

Rhett Holden - Direct by Mr. Hembree

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1 versus Jody Ward?

2 A: Yes, sir, I did.

3 Q: Would you please tell this jury how you first got
4 involved in this investigation?

5 A: On the day that they had received some information
6 about a possible location of the bodies I was at the
7 Sheriff's Office that day and they were getting some
8 deputies together to go to that area and spoke with
9 Lieutenant Hampton and I went with them to assist them that
10 day.

11 Q: Now, how would you characterize this effort? What was
12 the -- what was -- what were you all going to do?

13 A: They were -- they had some information about a -- in
14 the location, in that certain area we were just going in
15 that area to go in the woods and look and see if we could
16 find anything.

17 Q: Now, do you recall what date this was?

18 A: I think it was September 12th.

19 Q: And about what time did you get started on your
20 search?

21 A: It was -- I think it was after lunch sometime that
22 day.

23 Q: Did -- what area were you requested to search?

24 A: It was over off of Indian Hut Road in Georgetown
25 County.

Rhett Holden - Direct by Mr. Hembree

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1 Q: Okay, area known as Walker Hunt Club Road?

2 A: Yes, sir.

3 Q: I want to show you this photograph, State's Exhibit
4 Three for identification purposes, and ask if you can
5 identify from this aerial photograph any relevant
6 locations?

7 A: Yes, sir, Indian Hut Road and ---

8 Q: Let me get you to speak into that microphone.

9 A: Okay.

10 Q: Nice and loud.

11 A: ~~Indian Hut Road and where Deer Springs Loop is off of~~
12 ~~that road in that area and the next, it was a dirt road.~~
13 It was the next road up past the Deer Springs Loop area is
14 where, where we were.

15 Q: And that's noted here as Walker Farm Hunting Club?

16 A: Yes, sir.

17 Q: Now, can you indicate on this aerial photograph the
18 approximate area where the human remains were recovered?

19 A: It was, it was on the road here after, after the big
20 loop curve and in that area right here.

21 Q: Okay.

22 MR. HEMBREE: Your Honor, we'd like to go ahead and
23 move this photograph into evidence at this time.

24 THE COURT: Any objection?

25 MS. KNEECE: No objection.

Rhett Holden - Direct by Mr. Hembree

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1 THE COURT: All right, that's State's Three in
2 evidence without objection.

3 (Whereupon, State's Exhibit Number Three [Aerial
4 Photograph] introduced into evidence and appropriately
5 marked.)

6 BY MR. HEMBREE:

7 Q: We'll bring you down and show the jury that in just a
8 minute.

9 A: Okay.

10 Q: Approximately what time did you say that you arrived
11 at the -- in the area of Walker Hunt Club Road?

12 A: It was sometime after lunch that day.

13 Q: Who else was searching with you?

14 A: There were several deputies from the Sheriff's Office.
15 There was -- Lieutenant Hampton was there. There was,
16 there was a lot of people there.

17 Q: And what was the general terrain that you were
18 searching? Could you describe what the lay of the land
19 was?

20 A: It was pine trees, a lot of pine straw, there was some
21 low areas that were swampy and boggy. It was real wet in
22 those low areas and it was real thick.

23 Q: What was the procedure that you used, what was the
24 procedure you used to conduct your search?

25 A: We pretty much fanned out just in straight lines, and

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Rhett Holden - Direct by Mr. Hembree

1 just walked -- we walked through the woods and looked
2 around.

3 Q: Now, this is on the 12th of September I think you
4 said?

5 A: Yes, sir, I believe so.

6 Q: Did you find anything on the 12th of September?

7 A: No, sir.

8 Q: What was the plan?

9 A: Just to keep searching at that time with the
10 information they had. We kept looking and then they were,
11 they were going to -- they called for a, a cadaver dog that
12 would possibly assist in that search.

13 Q: Now, you say a cadaver dog. What's a cadaver dog?

14 A: It's a dog that is trained to search out for bodies.

15 Q: All right, and where was the cadaver dog coming from?
16 Who -- you all don't have a cadaver dog at Georgetown?

17 A: No, sir, they called Horry County. There was one in
18 Horry County.

19 Q: Now, when did you re-initiate the search?

20 A: Pretty much the whole afternoon, that afternoon, and
21 we started again the next morning. It got dark that
22 afternoon and we started again the next morning.

23 Q: That would have been the 13th of September?

24 A: Yes, sir, that morning.

25 Q: Tell us about the search on the 13th of September:

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Rhett Holden - Direct by Mr. Hembree

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1 A: We met that morning at the same location. Shortly
2 after we met and got there, myself and the gentleman that
3 had brought the dog we went into the woods. I was there
4 just -- I carried a radio so I could have some contact with
5 Lieutenant Hampton and the other deputies that were outside
6 on the road. We had been in the woods maybe 15 or 20
7 minutes and the dog, the dog handler stated that the dog
8 had alerted in a certain area.

9 Q: What does the term alert mean?

10 A: That the dog had let his handler know that he had
11 found something.

12 Q: Got you. What did you do?

13 A: We secured that area where the dog had alerted for his
14 handler. We secured that area and it was turned over to
15 the Sheriff's Department who secured the area till the SLED
16 crime scene guys came in and processed the crime scene.

17 Q: Let me show you a few photographs and ask if you can
18 identify these. This one is already in evidence, State's
19 30 in evidence. Can you identify that photograph for us

20 ---

21 A: Yes, sir.

22 Q: --- Agent Holden? Describe that for us.

23 A: This is where the vehicles, the vehicles were parked
24 on the dirt road ---

25 Q: Let me get you to speak loud into the microphone.

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Rhett Holden - Direct by Mr. Hembree

439

1 A: Okay, where the vehicles were parked on the dirt road
2 beside the location where we went in the woods at.

3 Q: Now, let me show you State's 31 for identification
4 purposes and ask if you can describe that photograph for
5 us.

6 A: Looks like a shot from the road in, going into the
7 trail that we actually walked into straight off the road
8 going into where the crime scene was.

9 Q: Okay, where the bodies were recovered down -- you go
10 to that trail to get to where the bodies were?

11 A: Yes, sir.

12 Q: Let me show you State's 32 for identification purposes
13 and ask if you can describe that for us.

14 A: It's a, it's a low lying area with some water in it,
15 it's kind of swampy and where the, the top of the burlap
16 type bag was that we, when we located the, the bag in the
17 woods right there.

18 Q: Is this the area where the dog alerted?

19 A: Yes, sir.

20 Q: And that shows the general conditions of the area?

21 A: Yes, sir, it was kind of boggy and swampy right there.

22 Q: And finally, State's 33 for identification purposes.

23 A: This is the, the area that the dog alerted on. When I
24 looked at it it's the way it appeared at that time.

25 MR. HEMBREE: Your Honor, we would -- let me show

Rhett Holden - Direct by Mr. Hembree

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1 these to Defense counsel. We would move State's 31, 32 and
2 33 into evidence at this time.

3 MS. KNEECE: May we approach, Your Honor?

4 THE COURT: Yes, you may.

5 (Whereupon, a Bench conference was held in the
6 presence, but out of the hearing, of the jury.)

7 THE COURT: Okay, 31 and 32 are in evidence without
8 objection. Thirty-three is in evidence over objection.

9 (Whereupon, State's Exhibit Number 31 [Photograph];
10 State's Exhibit Number 32 [Photograph] and State's Exhibit
11 Number 33 [Photograph] introduced into evidence and
12 appropriately marked.)

13 Q: If you'll step down, Agent Holden, I want to ask you
14 to step in front of this jury.

15 THE COURT: And you are really going to need to speak
16 up when you are down there. You don't have the benefit of
17 a microphone.

18 A: Okay.

19 Q: So, I'm going to have you stand here and face this
20 direction so the court reporter can get everything that you
21 need to say or that you are saying, and I've got a pointer
22 here that might be helpful. If you need that you're
23 welcome to it.

24 Now, first I'm taking you to State's Exhibit Number
25 Three in evidence that you described as an aerial

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Rhett Holden - Direct by Mr. Hembree

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1 photograph of the Walker Farm Hunting Club Road. If you'll
2 just show the jury the area here?

3 A: This is Indian Hut Road off of 521 and this is a dirt
4 road right here on Walker Farm and this is the dirt road
5 that goes all the way through here, and this is the area
6 that we're talking about and the Deer Springs Loop is
7 another road. It's a little subdivision off of Indian Hut
8 Road.

9 Q: Is this fairly -- is this close to this?

10 A: Yes, sir.

11 Q: Taking you to State's 30, describe that -- show the
12 jury.

13 A: Again, this is the dirt road that was off of Indian
14 Hut Road here, and this is a shot down the road where the
15 vehicle is parked in the road and on the left-hand side
16 here is the area that we went into in the woods on that
17 day.

18 Q: On State's 31 if you'll show the jury this or describe
19 this photograph to the jury.

20 A: This is a shot of the -- from the dirt road looking
21 into the woods, the path that we walked into on that day.

22 Q: Is this taken from the road?

23 A: Yes, sir, it's taken from the road into the -- shot
24 into the woods.

25 Q: Take you to State's 32 now, have you describe that

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Rhett Holden - Direct by Mr. Hembree

1 scene to the jury.

2 A: Yes, sir, this is part of the area that was kind of
3 boggy and swampy, right in that -- in the, in the woods
4 right here, and this is the area where the brown burlap
5 type bag was that the dog went to that morning.

6 Q: Now, what direction -- are we looking back toward the
7 road from this vantage point?

8 A: I believe so. I'm not, I'm not sure, but that was in
9 that area right there.

10 Q: And then finally State's 33 if you'd describe that to
11 us.

12 A: This is the immediate area, the brown burlap, burlap
13 type bag that was -- the dog went to that area that morning
14 and that is shown in that picture right here.

15 Q: Thank you, Agent Holden. You can take your seat.

16 A: (Complies with request.)

17 Q: Agent Holden, did you, did you search any other areas

18 ---

19 A: Yes, sir, we went ---

20 Q: --- during the course of this two day search for
21 bodies?

22 A: Yes, sir.

23 Q: Where, where else did you search?

24 A: It's right down the road from it at Indian Hut and
25 Gapway. There's another road right down there and we went

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Rhett Holden - Direct by Mr. Hembree

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1 down there and looked at that location.

2 Q: And let me show you State's 27, 28 and 29 and ask you
3 if you can -- if you can -- if you recognize what those
4 photographs depict?

5 A: Yes, sir, this is a dirt road that's off of Gapway
6 Road and it's a road that goes down into a little shed. It
7 was like a hunting camp or something like that.

8 Q: Now, is that shed pictured in Number 28 there?

9 A: Yes, sir, this is a shot down the road. It's like a
10 little shed out in the woods here.

11 Q: Okay, and then 29?

12 A: That's a shot looking back out towards the road away
13 from the shed.

14 Q: Okay, looking back down toward Indian Hut?

15 A: Toward, towards Gapway Road.

16 Q: Gapway Road, I'm sorry, Gapway Road?

17 A: Yes, sir.

18 Q: Did you do some searching in this area?

19 A: Yes, sir, we did.

20 Q: What were you looking for?

21 A: The -- there was a possibility that they had some
22 information that there may have been some evidence here and
23 they were looking but we didn't find anything.

24 Q: Didn't find anything?

25 A: No, sir.

Rhett Holden - Direct by Mr. Hembree

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1 Q: Okay, tell me the location where you found, the dog
2 alerted on the burlap bag, Walker Hunt Club Road or off of
3 Walker Hunt Club Road?

4 A: Yes, sir.

5 Q: What county is that in?

6 A: That's in Georgetown County.

7 Q: Please answer any questions Defense counsel might have
8 for you.

9 THE COURT: Cross.

10 MS. KNEECE: No, ma'am.

11 THE COURT: All right, you may step down, sir.

12 You want this witness released?

13 MR. HEMBREE: We would ask that Agent Holden be
14 released.

15 THE COURT: Any objection?

16 MS. KNEECE: No objection.

17 THE COURT: You're free to leave, sir.

18 Call your next witness please.

19 MR. HEMBREE: Thank you, Your Honor.

20 The State calls Agent Jeff Crooks to the witness
21 stand.

22 AT THIS TIME JEFFREY ALLEN CROOKS WAS CALLED TO THE STAND,
23 DULY SWORN BY THE CLERK AND TESTIFIED AS FOLLOWS:

24 THE CLERK: Please be seated. State your full name
25 for the record.

Kimberly Collins - Direct by Mr. Hembree

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1 Q: All right, and when did you conduct or what, what were
2 you asked to do in this case?

3 A: We were notified by the coroner that they had found
4 some remains, some bones. So, first of all, he wanted to
5 know if they were human remains and then he wanted to know
6 if we could identify the individual and also try to
7 determine the cause and manner of death; and so, the bones
8 were transported to the Medical University.

9 Q: Did you conduct an autopsy on these bones?

10 A: Yes, we did. There was not much tissue left. So, we
11 did conduct an examination, a postmortem examination of the
12 bones.

13 Q: And on what date did you conduct this autopsy?

14 A: September 14th, 2002, and we started the examination
15 at nine o'clock in the morning.

16 Q: If you will describe to the jury the extent of your
17 examination of these remains.

18 A: The remains were received in a bag and within the bag
19 there was also some clothing and there were white Adidas
20 sneakers, a sock and multiple bones with these clothes.
21 Also, there was a pair of plaid boxer shorts, and ---

22 Q: Let me stop, let me stop you right there, Dr. Collins.

23 A: Yes.

24 Q: And I want to show you what's been marked for
25 identification as State's 39. These are in a biohazard

Kimberly Collins - Direct by Mr. Hembree

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1 bag. So, you'll need to use some gloves there.

2 A: Yes, this one's broken, get one more. Okay.

3 Q: Dr. Collins, I would ask you to examine the contents
4 of this biohazard bag, and tell me if you recognize any of
5 the contents?

6 A: Within the bag are the two Adidas white sneakers that
7 I mentioned and the plaid boxer shorts, and there's some
8 fabric. I'm assuming it's probably the socks, yes, it's a
9 pair of socks.

10 MR. HEMBREE: Your Honor, we would move these items
11 into evidence at this time as State's 39.

12 MS. KNEECE: Without objection.

13 THE COURT: In evidence without objection.

14 (Whereupon, State's Exhibit Number 39 [Shoes, Socks
15 and Boxer Shorts] introduced into evidence and
16 appropriately marked.)

17 BY MR. HEMBREE:

18 Q: What did you do with these items after you recovered
19 them?

20 A: We photographed them, logged them in and then we
21 transferred them to law enforcement to an Agent Gary Todd
22 of the Georgetown County Sheriff's Office.

23 Q: Please continue with your testimony. What else did
24 you -- you indicated that you were going through these bags
25 and you found the clothing. What else did you find?

Kimberly Collins - Direct by Mr. Hembree

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1 A: Well, before we started really examining the bones, as
2 I mentioned earlier, to determine whether they're human or
3 not we didn't want to move the contents too much before we
4 x-rayed the contents, and we do this on all of our cases of
5 any skeletonized remains or even a decomposed individual.
6 So, we did x-ray the entire contents and we did find that
7 there was a radiopaque, or it showed up white on the x-ray,
8 projectile within part of these remains. So, we did that
9 first and then we took out each individual bone, determined
10 what bone it was, left or right, such as left or right arm,
11 and then we examined the skull and the different parts of
12 the bones, skeleton, excuse me, to determine also male
13 versus female, black versus white.

14 Q: Can you within a reasonable degree of medical
15 certainty offer an opinion as to how many individuals or
16 how many people's bones were in these bags?

17 A: At least two different people because we have two
18 mandibles, which is your jaw bone, the lower jaw bone, also
19 we have two right collar bones and the other bones are not
20 duplicated. Would you like for me to go over the bones
21 that were present?

22 Q: Certainly, if you would, Doctor.

23 A: There was a skull that was intact, two mandibles as I
24 mentioned, one went with the skull and one was -- did not
25 match up with the skull. We had a right shoulder blade.

Kimberly Collins - Direct by Mr. Hembree

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1 We had two vertebrae, the bones in the neck that came from
2 the neck region, bones in the backbone from the neck
3 region, one backbone that come from the chest area, and
4 three larger backbones that came from the lower back
5 region. We had one sternum, which is your breast bone
6 here. We had 12 intact ribs, one part of a rib. I
7 mentioned the two right collar bones. We had two upper
8 arms. So, we had a left and a right upper arm. We had two
9 sets of the arm bones in the forearm. You have two bones
10 in each forearm. So, we had those two sets. We had some
11 hand bones and some foot bones. We had a right femur,
12 which is your thigh. We had a right tibia, which is your
13 shin bone. We had a right fibula, which is also a bone in
14 your lower leg, and then there were two unidentified
15 rubbery fragments, which were most likely just with the
16 debris that was gathered when they brought the bones to us.
17 Q: Did you have, in these bones, did you have a complete
18 skeleton of either person?
19 A: No, we do not.
20 Q: Did you determine within a reasonable degree of
21 medical certainty that these were, in fact, human remains?
22 A: Most definitely, most definitely.
23 Q: Now, what else did you find of evidentiary
24 significance regarding the skull?
25 A: The skull, it was intact; however, there was a defect

Kimberly Collins - Direct by Mr. Hembree

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1 on the left side toward the back of the skull, and it was a
2 gunshot wound defect, and within the skull was the piece of
3 bullet that I mentioned that we saw on the x-ray; and so,
4 the skull had the hole from the bullet wound, as well as
5 some fractures around it.

6 Q: Let me show you State's 38 for identification purposes
7 and ask if you can identify that. If you'll open that up.

8 A: It has on the outside "FA". That stands for forensic
9 autopsy, 02 for 2002, and 481, that is the case number that
10 I'm reading off here from the skeletonized remains, and it
11 is a metal fragment consistent with what we found at
12 autopsy. It's grey and also copper-colored, and we turned
13 this over also to the Sheriff's Office.

14 Q: Thank you.

15 MR. HEMBREE: Your Honor, we'd move this bullet
16 fragment into evidence at this time as State's 38.

17 MS. KNEECE: Without objection.

18 THE COURT: Without objection.

19 (Whereupon, State's Exhibit Number 38 [Bullet
20 Fragment] introduced into evidence and appropriately
21 marked.)

22 BY MR. HEMBREE:

23 Q: And Dr. Collins, tell me again, or I don't know if you
24 described it already, where was the entrance wound on the
25 skull?

Kimberly Collins - Direct by Mr. Hembree

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1 A: The entrance wound was on the left side of the head
2 behind the ear and toward the back.

3 Q: Now, was there an exit wound?

4 A: No, there was not. That is -- and we've got the
5 bullet fragment that was within the skull.

6 Q: Do you have an opinion within a reasonable degree of
7 medical certainty on the cause of death of this person
8 whose skull is represented here?

9 A: The individual who belonged to this skull their cause
10 of death or his cause of death was a gunshot wound to the
11 head.

12 Q: Now, tell us about the -- your efforts to determine
13 who these bones belonged to.

14 A: Certain bones in the body you can look at to determine
15 the sex of an individual and to determine the race. The
16 most common and the best bones are the head bones, the
17 skull bones and the pelvic bones, but we -- our hip bones.
18 We didn't have any hip bones and we used the skull and we
19 could tell just by looking at the skull that it was a man
20 and we could also tell certain racial characteristics that
21 it was a black man. Looking at the mandible that did not
22 belong to the skull I could tell that it was a man, but I
23 could not take it any further than that. I could tell it
24 was an adult man but I was unable to do race just on the
25 mandible itself, the jaw bone itself.

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Kimberly Collins - Direct by Mr. Hembree

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1 Q: What additional efforts did you undertake to determine
2 the identity of the individuals?

3 A: Once we told the investigators that we had an adult
4 black male they provided x-rays that we could compare our
5 skull and our jaw with these x-rays, and that is a type of
6 scientific identification, and it's comparing premortem
7 radiographs, especially dental x-rays, the ones you take in
8 your dentist office and postmortem radiographs. So, we
9 obtain the premortem radiographs that he had -- that he
10 would have had at the dental office. We got some dental
11 records, and then we x-rayed our remains. Again, we x-
12 rayed the skull and the mandible in the exact position as
13 the dental x-rays are and what you're matching up are
14 configurations of the teeth, and you're matching up
15 fillings that are in our teeth because everyone has a
16 different kind of arrangement and different kind of
17 geography of the fillings in the teeth. So, we were able
18 to match this up and identified the intact skull with its
19 matching mandible as Wilfred Brown.

20 Q: Were you able to identify the -- you didn't have
21 another skull; is that correct?

22 A: That's correct. We only had part of another jaw bone.
23 There was nothing characteristic about that partial
24 mandible to aid us in identification; and so, we
25 transferred it to law enforcement in the hopes that they

Kimberly Collins - Direct by Mr. Hembree

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1 could do DNA extraction for identification.

2 Q: And -- but you were not able to determine the identity
3 from your investigation of the second body ---

4 A: That's correct. We ---

5 Q: --- the second mandible?

6 A: We just have this individual listed as unknown male.

7 Q: Were you able, within a reasonable degree of medical
8 certainty, to determine the cause of death of the second
9 male?

10 A: No, not just looking at that one jaw, no.

11 Q: You can certainly offer the opinion that he was
12 deceased.

13 A: He's definitely deceased. He was with the homicide
14 victim and my conclusion would be that he was also a victim
15 of homicide. I cannot tell you the exact cause of his
16 death, though, just looking at what little we have of the
17 skeletal remains on this individual.

18 Q: All within a reasonable degree of medical certainty?

19 A: That's correct, yes.

20 Q: Thank you, Dr. Collins. If you would answer any
21 questions Defense counsel might have for you.

22 MS. KNEECE: No questions, Your Honor.

23 THE COURT: You may step down, ma'am. You want this
24 witness released?

25 MR. HEMBREE: We would ask that Dr. Collins be

Steve Lambert - Direct by Mr. Hembree

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1 excused.

2 THE COURT: All right, and you are free to leave.

3 Call your next witness.

4 MR. HEMBREE: Thank you, Your Honor, the State calls
5 Agent Steve Lambert to the witness stand.

6 AT THIS TIME STEVE LAMBERT WAS CALLED TO THE STAND, DULY
7 SWORN BY THE CLERK AND TESTIFIED AS FOLLOWS:

8 THE CLERK: Please be seated. Please state your full
9 name for the record.

10 MR. LAMBERT: Steve Lambert, L-A-M-B-E-R-T.

11 DIRECT EXAMINATION

12 BY MR. HEMBREE:

13 Q: Good morning, Agent Lambert.

14 A: Good morning.

15 Q: Who do you work with?

16 A: The South Carolina Law Enforcement Division also known
17 as SLED.

18 Q: In what capacity?

19 A: I'm assigned to the DNA laboratory where I perform DNA
20 and forensic serology analysis.

21 Q: And if you would give the jury the benefit of your
22 experience and training in DNA and serology.

23 A: Okay, I've got a degree in chemistry in 1983. I've
24 got a doctorate in biochemistry from the University of
25 South Carolina in 1990. At that point I went to work at

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Melissa Elliott - Direct by Mr. Hembree

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1 A: Yes, sir.

2 Q: Where do you live, what county do you live in, ma'am?

3 A: Georgetown.

4 Q: And where do you work?

5 A: Healthcare Business Resources in Pawleys Island.

6 Q: And what sort of job do you have?

7 A: I code medical charts for the hospital.

8 Q: I know it's -- this -- the acoustics in this courtroom
9 are very bad, and I know you have a kind of a soft voice.
10 Let me ask you to speak into that microphone as best you
11 can.

12 A: Okay.

13 Q: Mrs. Elliott, are you familiar with an individual by
14 the name of Brian Elliott?

15 A: Yes, sir, that's my husband.

16 Q: How long have you all been married?

17 A: Six years coming up April but we've been together for
18 ever since I been 15.

19 Q: Now, do you know an individual by the name of Jody
20 Ward?

21 A: Yes, sir.

22 Q: Is he in this courtroom today?

23 A: Yes, sir.

24 Q: Seated at the Defense table?

25 A: Yes, sir.

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Melissa Elliott - Direct by Mr. Hembree

1 Q: How long have you known Mr. Ward?

2 A: Years, not personally, but I've known, you know,
3 because I've lived in Georgetown so and he's worked with
4 Brian.

5 Q: Okay, tell us about that. In what, in what way? You
6 said he worked with Brian. What sort of work do they do
7 together?

8 A: Commercial fishing, crabbing, going out and checking
9 crab pots.

10 Q: Were they partners in a crabbing operation at one
11 point?

12 A: Yes, sir.

13 Q: Do you recall about what time, what time frame this
14 would fall in?

15 A: Probably because Brian had lost his license for a
16 year.

17 Q: His crabbing license?

18 A: Yeah, and I think it started like in that June when he
19 got them back until sometime in August of that year.

20 Q: 2002?

21 A: Uh-huh (affirmative response).

22 Q: The year that Wilfred and Elton -- Wilfred Brown,
23 Elton Rutledge were killed.

24 A: Yes, and I think they might have crabbed before
25 together before that maybe a year ago but I'm, I'm not sure

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Melissa Elliott - Direct by Mr. Hembree

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1 about the time.

2 Q: Got you. So, they may have crabbed at one point, then
3 Brian Elliott lost his license to do crabbing and then he
4 got it back in June of 2002?

5 A: Uh-huh (affirmative response).

6 Q: And worked with ---

7 A: Because he had lost them for a year.

8 Q: --- worked with Mr. Ward there for a -- at least a
9 couple of months, something like that.

10 A: Yes, sir.

11 Q: Now, I want to take you back to August of 2002.

12 A: Okay.

13 Q: Specifically the time frame of Friday the 2nd,
14 Saturday the 3rd, Sunday the 4th, Monday the 5th.

15 A: Yes, sir.

16 Q: Do you recall that time period?

17 A: Yes, sir.

18 Q: Now, tell us about, if you know, the whereabouts of
19 Brian Elliott on Friday, August the 2nd.

20 A: He come in Friday morning before I left to go to work.
21 I was getting ready to go to work. He had been out all
22 night.

23 Q: What was his condition when he returned home?

24 A: He had been doing drugs and probably drinking and all
25 and he come in and got something to eat and then went and

Melissa Elliott - Direct by Mr. Hembree

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1 laid down on the couch like he always does, and when he
2 goes out and stays out like that for a long time his body
3 has to recuperate and he was home the whole weekend until
4 that Monday morning when he went back crabbing.

5 Q: Was he, was he -- he had a hangover? I mean, a ---

6 A: Yes, sir.

7 Q: --- a bad one.

8 A: Yeah.

9 Q: How long does -- have you seen him in this condition
10 before?

11 A: Oh, yeah, several times.

12 Q: And you said that when he gets like that he has to
13 take a -- several days to recover?

14 A: Yeah, I tell him he hibernates in the house because, I
15 don't know, he feels bad the next day and he just lays
16 around because he's spent his money and don't have nowhere
17 to go. So, he stays locked up in the house.

18 Q: Now, did Mr. Elliott have a vehicle at this point in
19 time?

20 A: Not one of his own. If he was driving a vehicle it was
21 his father's.

22 Q: He'd borrow his dad's car sometime?

23 A: Uh-huh (affirmative response).

24 Q: Where does his dad live?

25 A: Right next door.

Melissa Elliott - Direct by Mr. Hembree

747 538

1 Q: And, okay, what time did you leave that Friday morning
2 to go to work?

3 A: Probably between seven, eight o'clock. It just
4 depends. If I bring home work over the weekend and I've
5 got a lot of overtime I'll go in, be to work about 7:30 or
6 eight.

7 Q: You left for work. Now, was anybody else at home with
8 Mr. Elliott that Friday?

9 A: No, nothing but our black lab.

10 Q: So, you can't testify from your own knowledge where --
11 what his whereabouts were on that Friday.

12 A: Not during the day. When I got home he was still at
13 home.

14 Q: All right, where was he located when you -- well, what
15 time did you return home?

16 A: I leave work about 3:30. So, I get home about four.

17 Q: And when you got home that Friday afternoon where did
18 you find Mr. Elliott?

19 A: On the couch.

20 Q: What was his condition?

21 A: Just he was probably sleep, and I don't remember but
22 usually that's what he'll do, sleep, get up and eat, go
23 back to sleep, watch TV because he'll stay in the house
24 when he goes on those little binges, as I call them, and
25 then he'll hibernate.

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Melissa Elliott - Direct by Mr. Hembree

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1 Q: Let me take you to -- did you all go anywhere that
2 night, that Friday night that you recall?

3 A: No, sir.

4 Q: Now, I'll take you to Saturday, the 3rd of August.
5 Did you work that day?

6 A: No, sir.

7 Q: Did you go anywhere that day?

8 A: If I did it was only to run uptown if we got something
9 to eat from uptown because I don't remember if I cooked or
10 if I went and bought something. I'm not sure.

11 Q: How long from home would you have been gone if you had
12 left home that day?

13 A: To town?

14 Q: Uh-huh (affirmative response).

15 A: Not, not long, maybe ten minutes because we live right
16 outside the city limits.

17 Q: And otherwise you stayed at home all day?

18 A: Yes, sir.

19 Q: Where was Mr. Elliott while you were at home during
20 the day?

21 A: On the couch watching TV or either sleeping, and
22 usually sometimes I'd go in my bedroom and watch TV because
23 a lot of stuff, he watches westerns and all that I don't
24 watch. So, I go watch what I want to on my TV in the
25 bedroom.

Melissa Elliott - Direct by Mr. Hembree

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1 Q: So, he's not sitting in your presence the entire day?

2 A: No, he's in the house, but I mean, I would know if he
3 left.

4 Q: Did he ever leave?

5 A: No.

6 Q: Did anybody ever come to visit him that Saturday?

7 A: No, not that I ---

8 Q: Did anybody ever call him that day that you recall?

9 A: I don't recall.

10 Q: Did you all go anywhere that night?

11 A: No.

12 Q: Do you all go out a lot?

13 A: No.

14 Q: Now, taking you to Sunday, the following Sunday did
15 you all go to church that day?

16 A: No, sir.

17 Q: What did you all do?

18 A: Nothing. I usually sleep late when I'm off. I like
19 to sleep on my days off. So, I probably slept in late, and
20 usually his dad cooks Sunday dinner and he'll call us to go
21 over there, fix a plate or whatever, and I did go fix a
22 plate that afternoon and brought it back to the house, and
23 when I was coming back across the yard a vehicle was in the
24 yard and Jody was in the house talking with Brian.

25 Q: Do you remember about what time of the day that was on

Charge

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1 Self defense is a complete defense, and if it is
2 established you must find the Defendant is not guilty. The
3 State has the burden of disproving self defense by proof
4 beyond a reasonable doubt. If you have a reasonable doubt
5 of the Defendant's guilt after considering all of the
6 evidence, including the evidence of self defense, then you
7 must find the Defendant not guilty. On the other hand if
8 you have no reasonable doubt of the Defendant's guilt after
9 considering all of the evidence, including the evidence of
10 self defense, then you must find the Defendant guilty.

11 The following elements are required to establish self
12 defense. First, the Defendant must be without fault in
13 bringing on the difficulty. If the Defendant's conduct was
14 the type which was reasonably calculated to and did provoke
15 a deadly assault the Defendant would be at fault in
16 bringing on the difficulty and would not be entitled to an
17 acquittal based on self defense.

18 The second element of self defense is that the
19 Defendant was actually in imminent danger of death or
20 serious bodily injury or that the Defendant actually
21 believed he was in imminent danger of death or serious
22 bodily injury. If the Defendant was actually in imminent
23 danger it must be shown that the circumstances would have
24 warranted a person of ordinary firmness and courage to
25 strike the fatal blow to prevent death or serious bodily

Charge

623

1 injury. If the Defendant believed he was in imminent
2 danger of death or serious bodily injury it must be shown
3 that a reasonably prudent person of ordinary firmness and
4 courage would have had that same belief. In deciding
5 whether the Defendant actually was or believed that he was
6 in imminent danger of death or serious bodily injury you
7 should consider all the facts and circumstances surrounding
8 the crime, including the physical condition and
9 characteristics of the Defendant and the victim.

10 The Defendant does not have to show that he was
11 actually in danger. It is enough if the Defendant believed
12 he was in imminent danger and a reasonably prudent person
13 of ordinary firmness and courage would have that same
14 belief. The Defendant has the right to act on appearances
15 even though the Defendant's beliefs may have been mistaken.
16 It is for you to decide whether the Defendant's fear of
17 immediate danger, of death or serious bodily injury was
18 reasonable and would have been felt by an ordinary person
19 in the same situation.

20 Evidence of prior difficulties between the Defendant
21 and the victim may be considered in deciding whether a
22 threat existed, whether the Defendant had a reason to
23 believe the threat existed and how serious that threat was.
24 The relative sizes and ages and weights of the Defendant
25 and the victim may be considered in deciding the apparent

Charge

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1 or actual need for force in self defense and the amount of
2 force needed.

3 The reputation of the victim as a violent person may
4 be considered in deciding whether there was a need for
5 force, whether the Defendant had reason to believe there
6 was a need for force and whether deadly force was
7 reasonably necessary. Prior instances of violence by the
8 victim may be considered in deciding whether the Defendant
9 actually believed he was in imminent danger of health or
10 serious bodily injury or was actually in imminent danger.
11 The intoxication of the victim may be considered in
12 deciding whether the Defendant's fear of death or bodily
13 harm was reasonable.

14 The final element of self defense is that the
15 Defendant had no other probable way to avoid the danger of
16 death or serious bodily injury than to act as the Defendant
17 did in this particular instance. The Defendant had no duty
18 to retreat if by doing so the danger of being killed or
19 suffering serious bodily injury would increase. A person
20 cannot be required to make an exact calculation as to the
21 degree or amount of force which may be needed to avoid
22 death or serious bodily harm. Therefore, in self defense
23 the Defendant has the right to use the force needed to
24 avoid death or serious bodily harm. The force used in self
25 defense does not have to be limited to the degree or amount

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Charge

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1 of force used by the victim. The Defendant has the right
2 to use so much force as appeared to be necessary for
3 complete self protection and which a person of ordinary
4 reason and firmness would have believed to be needed to
5 prevent death or serious bodily harm.

6 If the Defendant is justified in defending himself or
7 others in firing that first shot then the Defendant is also
8 justified in continuing to shoot until it is apparent that
9 the danger of death or serious bodily injury has completely
10 ended.

11 Now, evidence offered by accused as to the commission
12 of a crime by another person must be limited to such facts
13 as are inconsistent with his own guilt and to such facts as
14 raise a reasonable inference or presumption as to his own
15 innocence. There must be such a connection with the crime
16 and such a chain of facts or circumstances as tends to
17 clearly point to the other person as the guilty party.

18 Now, there are two possible verdicts which you may
19 find in this case as to each of the charges in the case.
20 There is no significance whatsoever in the order in which I
21 state these possible verdicts. It's simply that one must
22 be stated first and I'll step down in just a moment and
23 introduce you to these verdict forms. I'll be focusing
24 primarily on you as the foreman of the jury as you will be
25 the one who will be responsible for filling out these forms

375 S.C. 302, 315, 652 S.E.2d 409, 415 (2007). Therefore, the Applicant has not proven that his attorneys' failure to object to any of these comments caused prejudice to him. Furthermore, this Court does not find that there is a reasonable probability that, absent any errors of his attorneys, the jury would have had a reasonable doubt respecting guilt. The overwhelming evidence in this case pointed to the Applicant's own personal guilt of the crime of murder, regardless of the self-serving statement he gave to police five months after his arrest.² Any errors by the attorneys, even considered cumulatively, were harmless and therefore did not prejudice the Applicant. See Rice, supra.

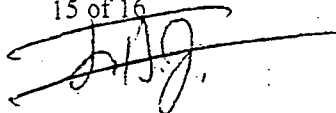
Therefore, this Court finds that no probative evidence was presented supporting a reasonable probability that the outcome of trial would have been different had Mr. Ward's attorneys done anything differently. Accordingly, this Court finds that the Applicant has not proven his claim of ineffective assistance of counsel in this case, because he has failed to prove the second prong of the Strickland test.

CONCLUSION

For all of the reasons discussed above, this Court finds and concludes that Mr. Ward's Post-Conviction Relief Application must be denied and dismissed with prejudice for failure to meet his burden of proof under Strickland v. Washington, 466 U.S. 668 (1984), Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985), Wolfe v. State, 326 S.C. 158, 485 S.E.2d 367 (1997), and Dawkins v. State 346 S.C. 151, 551 S.E.2d 260 (2001).

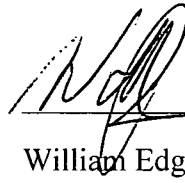
Counsel's attention is directed to Marlar v. State, 375 S.C. 407, 653 S.E.2d 266 (2007), and Rule

² The evidence of overwhelming guilt of murder includes, but is not limited to, the following: the Applicant's confessions to Denise Cox that he planned to kill the victims - then, later, that he did in fact kill them (Ms. Cox gave this statement to police shortly after the defendant's arrest); statements from various witnesses who heard the Applicant "brag" that he got rid of the boys who took his money; evidence that the Applicant asked Kevin Cooper to purchase bullets for him in advance; evidence that the gun the Applicant had been seen with on numerous occasions was consistent with the gun that shot the victims; the pathologist testimony indicating that one of the victims was shot in the back of the head; evidence that the Applicant was the only person who moved the victims' remains; evidence of the baby-seat still strapped in the backseat of the Suzuki; and evidence that Brian Elliott was at home on the day of the incident. Internal inconsistencies in the Applicant's own statement, in addition to its conflicts with the other evidence in the case, also tended to point towards his guilt.



CERTIFICATE OF COUNSEL

Counsel for Respondent certifies that this Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Supplemental Record on Appeal complies to the best of my ability, with the August 13, 2007, Order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."



William Edgar Salter, III

Senior Assistant Attorney General

September 23, 2013