

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Dorchester County

**S.C. SUPREME COURT**

Honorable Paul M. Burch, Circuit Court Judge

\_\_\_\_\_  
EDWARD BONILLA,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2024-000765

\_\_\_\_\_  
**APPENDIX**  
\_\_\_\_\_

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:**

**FROM THE TRIAL DATED AUGUST 8, 2016 – AUGUST 11, 2016:**  
**STATE’S EXHIBITS #68-77 (PHOTOGRAPHS), STATE’S EXHIBITS**  
**#87-89 (PHOTOGRAPHS), AND STATE’S EXHIBIT #103 (PHOTOGRAPH).**

1           THE COURT: Also, you have the constitutional right  
2 under the United States Constitution and the South Carolina  
3 State Constitution, you have a right to remain silent. What  
4 that means is that if anybody is charged on a criminal case,  
5 they cannot be compelled or made to testify in the case.  
6 They can exercise that right to remain silent. If you do  
7 that then I would tell the jury, I will instruct the jury  
8 when I charge them or when I give them what the law is and  
9 things of that nature, one of my instructions would be this:  
10 That you have exercised your constitutional right to remain  
11 silent. And I would tell the jury by exercising that right,  
12 they cannot discuss that fact in the jury room when they  
13 deliberate your guilt or innocence. They cannot infer  
14 anything from it. In other words, they can't infer your  
15 guilt because you didn't testify. I would tell them you  
16 have the absolute right not to testify; you have the  
17 absolute right to remain silent. And I would instruct the  
18 foreperson that if anybody even mentioned it, it would be  
19 her duty to stop it immediately. They can't consider it;  
20 can't talk about it; and it can't be used against you in any  
21 manner whatsoever. So if you exercise that right to remain  
22 silent, that is what I will tell the jury, that you have the  
23 absolute right to remain silent and they can't consider it,  
24 can't talk about it, can't infer anything from it. So, do  
25 you understand your right to remain silent?

1 THE DEFENDANT: Yes, Your Honor; I do.

2 THE COURT: Do you wish for me to explain it any  
3 further and do you need any time to talk with your two  
4 lawyers about your right remain silent?

5 THE DEFENDANT: No, sir. There's nothing they can . .  
6 .

7 THE COURT: And obviously you have the right to talk to  
8 your lawyers; your family, if you like. I think your mom's  
9 been here. But obviously in the end, this is going to be  
10 your choice. And if you take the stand, obviously, there  
11 would be some questions asked about the facts that have been  
12 developed so far. Do you understand all that?

13 THE DEFENDANT: I do, Your Honor.

14 THE COURT: Understanding all of that, I will need to  
15 know whether not you wish to take the stand.

16 THE DEFENDANT: I'm going to take the stand, Your  
17 Honor.

18 THE COURT: All right, sir. Now, when we come back in  
19 just a few minutes, when we finish up the last testimony, we  
20 won't take a long time to go back over this again unless you  
21 have any questions. At that time, I'll be more than happy  
22 to try to answer them.

23 THE DEFENDANT: Thank you, Your Honor.

24 THE COURT: Or if you want to change your mind, all you  
25 have to do is let me know. Is that fair?



1 THE DEFENDANT: Yes, sir. Thank you, Your Honor.

2 THE COURT: You understood everything I said?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Anything else I need to ask him, Mr.

5 Hilton?

6 MR. HILTON: I don't believe so.

7 THE COURT: Think that covered it?

8 MR. HILTON: I think so.

9 THE COURT: Anything else by the State before we start  
10 back?

11 AST. SOL. SORENSON: No, sir.

12 THE COURT: Mr. Hilton?

13 MR. HILTON: I do think I need to preserve this motion  
14 for the media and I think to do that I may need to call  
15 Mr. Bonilla to testify. I don't want to waist a lot of time  
16 with this. But I think the only way to offer any proof that  
17 he would be prejudiced by cameras in a courtroom is for him  
18 to say it.

19 THE COURT: You can ask him right now.

20 MR. HILTON: Thank you.

21 EXAMINATION

22 BY MR. HILTON:

23 Q. Mr. Bonilla, you've met Ms. Kimmons and I over at the  
24 jail a couple of times?

25 A. Yes, sir.

1 Q. All right. And in that closed environment, is it a  
2 little easier to tell us your story?

3 A. It is. But is still uncomfortable?

4 THE COURT: I can't hear you. You've got to speak up.

5 THE DEFENDANT: It is, but it's still uncomfortable,  
6 Your Honor.

7 THE COURT: Uncomfortable; why?

8 THE DEFENDANT: High anxiety. I mean, right now, my  
9 anxiety level right now is completely to its limit. I mean,  
10 I feel nauseous a little bit right now.

11 Q. And you believe the cameras ---

12 THE COURT: Well, right now we don't have cameras in  
13 here.

14 THE DEFENDANT: I know.

15 Q. Do you believe the cameras in the courtroom will make  
16 it difficult for you to testify.

17 A. I do, Your Honor.

18 Q. Do you think by removing the cameras it would be an  
19 easier process for you?

20 A. It would be a little bit easier.

21 THE COURT: A little bit?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: How much easier? Can you tell me?

24 THE DEFENDANT: It would bring my anxiety and my  
25 willingness to come forth to speak a lot easier, Your Honor.

1 THE COURT: Okay.

2 MR. HILTON: I've got no further questions.

3 THE COURT: Anything you want to ask?

4 AST. SOL. SORENSON: No, sir.

5 THE COURT: All right. We'll stand at ease. We'll  
6 start back at two o'clock.

7 AST. SOL. SORENSON: Thank you.

8 (The proceedings in the trial of this matter recessed  
9 at 1:49 p.m. and resumed at 2:02 p.m.)

10 THE COURT: State ready to proceed?

11 AST. SOL. SORENSON: Yes, sir.

12 THE COURT: Defense ready to proceed?

13 MR. HILTON: We're ready, Your Honor.

14 (The witness, Mr. Anthony Martin, resumes the witness  
15 stand.)

16 (The jury enters the courtroom at 2:03 p.m.)

17 THE COURT: All right. Let me tell you where we are, I  
18 think. When we finish this witness, I believe that will  
19 conclude the State's case and they'll rest. If they have  
20 any more witnesses, they'll be short. And then I'll need  
21 about five or ten minutes with the lawyers. And then we'll  
22 come back and take the testimony from the defense. And  
23 depending on what time we conclude that is I will confirm  
24 with y'all to see how far you want to go today, or if you  
25 want to come back tomorrow. That's just sort of where we

1 are. I'll get your input on that. Fair enough?

2 (Jurors affirm.)

3 MR. HILTON: Thank you.

4 CROSS EXAMINATION

5 BY MR. HILTON:

6 Q. Detective Martin, good evening.

7 A. Good evening, sir.

8 Q. You are the lead investigator in this case. Is that  
9 correct?

10 A. Yes, sir.

11 Q. All right. As the lead investigator, what exactly does  
12 that mean?

13 A. You're the one deciding the case file.

14 Q. You kind of head everything up, correct?

15 A. Yes.

16 Q. Any information that comes in, other detectives will  
17 pass that on to you, correct?

18 A. Typically, we get phone messages and we work together,  
19 yes.

20 Q. All right. And it doesn't mean that you do everything  
21 in the case, correct?

22 A. Apparently. Crime scene did a great deal.

23 Q. Right. Other detectives do things as well, but you  
24 kind of are the one who is at the top of that triangle, if  
25 you will. Or you head everything up; head up the

1 investigation.

2 A. Yes, sir.

3 Q. All right. And did you receive any other information  
4 in this case about Ashley being on Meet Me app or something  
5 like that on Monday?

6 A. Actually, I did not.

7 Q. Who received that information?

8 A. That went to the desk sergeant.

9 Q. Is that Steve Marelli (ph)?

10 A. That's correct, sir.

11 Q. All right. And is it Corporal Marelli?

12 A. He's sergeant.

13 Q. Sergeant Marelli. All right. And that made it to your  
14 investigator notes, correct?

15 A. No, sir.

16 Q. It made it to your handwritten investigative notes, did  
17 it?

18 A. I don't believe so. I know that I had information that  
19 she had been on sites. But I don't know that came from him  
20 or not.

21 Q. Do you have a copy of your handwritten investigative  
22 notes?

23 A. No, sir. I gave those to you, sir.

24 Q. You gave a copy to me, correct?

25 A. That's correct.

1 Q. If I show you your handwritten notes, would you  
2 recognize them?

3 A. I certainly would.

4 Q. Are those your handwritten notes?

5 A. They are.

6 Q. And at the bottom of that first page, what does that  
7 say?

8 A. See the new narrative; possible victim was on Meet Me  
9 on Monday.

10 Q. All right. Now, Monday would have been what date? We  
11 know April 3rd was Friday, correct? Correct?

12 A. Yes.

13 Q. All right. April 4th would've been Saturday?

14 A. Yes.

15 Q. April 5th would have been Sunday?

16 A. Yes.

17 Q. So April 6th would have been Monday?

18 A. That's correct.

19 Q. All right. And so Monday would've been April 6th, well  
20 after the time frame that Mr. Bonilla had anything to do  
21 with Ms. Pegram, correct?

22 A. That's correct.

23 Q. And as the lead investigator, did you or are you aware  
24 of anybody following up on the information provided that?

25 A. I didn't make contact with them. But I actually got

1 the Sheriff's permission to join the dating site Meet Me.

2 And I logged in with an account to search to see if I could  
3 see any activity there.

4 Q. Did you find anything?

5 A. I didn't find anything, sir.

6 Q. Did you even find her profile?

7 A. I did not.

8 Q. You know she was on Meet Me, right?

9 A. Yes, sir.

10 Q. But you couldn't even find her profile?

11 A. I could not.

12 Q. And you were actually provided with several names,  
13 correct? Jimmy Meed (ph) and Tiffany Jenks (ph)?

14 A. That was in the narrative, correct.

15 Q. All right. No effort to follow up with any of them?

16 A. No contact with them.

17 Q. And in this case, you testified for Mr. Sorenson that  
18 you met with Mr. Bonilla. I think Detective Harris spoke to  
19 Mr. Bonilla on the telephone. And in those conversations  
20 with Detective Harris and with you, he gave you a lot of  
21 information, didn't he?

22 A. Location as where -- when they met, when he picked them  
23 up, where they went.

24 Q. And what he was driving?

25 A. Correct.

1 Q. Dates?

2 A. Correct.

3 Q. Information about how he met the victim?

4 A. Correct.

5 Q. And a lot of that information led to y'all resolving  
6 this case; to making an arrest against Mr. Bonilla, didn't  
7 it?

8 A. The information he provided, I was able to follow up on  
9 and confirm some of it. Some of it was not accurate.

10 Q. And let's talk about that. He gave you some incorrect  
11 information, and we know that's the case, correct?

12 A. Yes, sir.

13 Q. All right. But a lot of the information he gave you  
14 was actually accurate information?

15 A. That's correct.

16 Q. All right. And in fact, ultimately, he told y'all  
17 where the body was through is attorney, Mr. Leiendecker. Is  
18 that correct?

19 A. That's correct.

20 Q. And in fact, y'all went out and you didn't find her the  
21 first day. But that second day going back out with the  
22 dogs, y'all found her in the vicinity where he indicated she  
23 would be?

24 A. That is correct.

25 Q. You testified for Mr. Sorenson a few minutes ago -- and



1 I want you to go over this again because I didn't fully  
2 understand what you were talking about. But you testified  
3 that you drove maybe from the Huxley address somewhere.  
4 Tell us about that again.

5 A. I wanted to know how long it would take to hit all the  
6 points that was in his previous statement, his first  
7 statement to me.

8 Q. Okay. All right. Those points would be what?

9 A. That he started out -- I started at the Sunoco; that's  
10 where I started at. I didn't go to Huxley. I started at  
11 Sunoco. And I was there just before midnight. I left  
12 Sunoco; I drove past the Sheriff's -- actually, I turned  
13 around in the Sheriff's Office, 212 Deming Way, which is  
14 actually past Maple Drive where he said he dropped her off  
15 in his first statement. And then I turned back -- I got  
16 back on the road, went up, turned left on 17, got on 26.

17 Q. Hold on now. From Maple to 17, which is Main Street in  
18 Summerville, correct?

19 A. I went past Maple. I went from 212 Deming Way with the  
20 Sheriff's Office.

21 Q. All right.

22 A. To 17, turned left on 17, and got on 26.

23 Q. When you say 17, you mean 17-A that goes through  
24 Summerville; Main Street in Summerville?

25 A. Correct, sir.

1 Q. So you turned left and then went to I-26?

2 A. That is correct.

3 Q. And then where did you go?

4 A. I followed 26 down to Ashley Phosphate exit. I got off  
5 on Ashley Phosphate, turned left; followed Ashley Phosphate  
6 down to the intersection of Rivers Avenue where the license  
7 plate reader has his vehicle that next morning. I turned  
8 right on Rivers Avenue and I turned around at the first  
9 median cut-through on Rivers. And that conclude it.

10 Q. And so what were you trying to figure out?

11 A. How long it would take. I wanted to know the time.

12 Q. How long did it take you?

13 A. It took me thirty-two minutes.

14 MR. HILTON: Just one moment, Your Honor.

15 (Brief pause.)

16 Q. This license plate reader that you testified to that  
17 captured the vehicle at 1:21:53 a.m., that refers to the  
18 Sonata, correct?

19 A. That's correct, sir.

20 MR. HILTON: No further questions.

21 THE COURT: Redirect?

22 AST. SOL. SORENSON: Nothing, Your Honor.

23 THE COURT: All right. You may step down. Next  
24 witness?

25 AST. SOL. SORENSON: At this time, the State would

1 rest, Your Honor.

2 THE COURT: Madam Forelady, ladies and gentlemen, true  
3 to his word, that's the last witness for the State. Give me  
4 about five minutes with the lawyers, five or ten minutes,  
5 and we'll come back and take testimony from the defense  
6 side. And that will conclude all the testimony. We'll see  
7 where we are. And I'll will talk with you about what you  
8 want to do. When I say what you want to do, as to how far  
9 you want to go this afternoon, come back tomorrow; whatever  
10 your pleasure maybe. So go back to your jury room; leave  
11 your notes and don't discuss the case. Don't start  
12 deliberating. Thank you.

13 (The jury exits the courtroom at 2:13 p.m..)

14 THE COURT: Any motions by the State?

15 AST. SOL. SORENSON: Not by the State.

16 THE COURT: By the defendant?

17 MR. HILTON: We would make a motion for directed  
18 verdict in this case, Your Honor. I don't think there is  
19 any question that there's been evidence presented of  
20 jurisdiction and identity. However, the State in their  
21 indictment particularly alleged that the victim in this  
22 case, Ms. Pegram, died from blunt force trauma. And I don't  
23 think that there's been evidence presented that that's how  
24 she died. The pathologist testified that she died from  
25 homicidal violence, and the pathologist testified that there

1 may have been some blunt force trauma. And in fact, he  
2 testified on cross examination that it was likely that blunt  
3 force trauma was not the cause of her death.

4 The State, Bailey versus State, a case that you're  
5 familiar with, Your Honor. I assume you're familiar with  
6 it. It was a case the Supreme Court actually heard of  
7 yours. And there was some language in that case that I  
8 think is pertinent here. In that case, they adopted a Texas  
9 Court of Appeals opinion and they specifically said, "By  
10 including a more specific description, the State undertook  
11 the burden of proving specific allegations to obtain a  
12 conviction." And we would submit to the Court that ---

13 THE COURT: Well, hand me that case.

14 AST. SOL. TEMPLETON: Do you have a cite, Russell?

15 MR. HILTON: Yeah, I do have the cite. It's  
16 392-SC-442-2011. We would submit to Your Honor that the  
17 State did not have to put in there that she died by means of  
18 blunt force trauma. They could've just left that blank and  
19 they would had a sufficient indictment. But they  
20 specifically chose to put that in there. I don't think  
21 there was sufficient testimony by the pathologist, or  
22 anybody, to establish that that was the cause of death.  
23 Based on that, Your Honor, we would ask the Court for a  
24 directed verdict of not guilty in the favor of Mr. Bonilla.

25 THE COURT: Mr. Sorenson?

1           AST. SOL. SORENSON: May I have one second? I'm  
2 pulling up that -- I haven't had the benefit of looking at  
3 that case yet, Your Honor. I guess in the meantime, I can  
4 address a little bit of that. I think just from the  
5 testimony that the Court was heard, Dr. Batallis, Your Honor  
6 -- well, first of all, I think -- I guess I need to wait and  
7 see what Bailey ultimately says. But ultimately, you know,  
8 the elements to prove for murder are that you kill with  
9 malice aforethought.

10           But I think the testimony that you heard Dr. Batalis is  
11 that, if you recall back to this morning, the injuries that  
12 he noted were injuries to her skull consistent with blunt  
13 force trauma. That was to her forehead, side of her head,  
14 the back of her head. There was additionally on the  
15 external examination to the right side -- I'm sorry, to the  
16 left side of her head, the defect consistent with blunt  
17 force trauma. And then injury to her thyroid cartilage  
18 which would be consistent with either strangulation or blunt  
19 force trauma. He ultimately, I mean, had to rule, and you  
20 heard the way described it, as homicidal violence just based  
21 on the decomposition. But, basically, all of the injuries  
22 that she suffered were all consistent with blunt force  
23 trauma. Additionally, you had testimony from this morning  
24 from the blood spatter expert that there's evidence of  
25 multiple blows that would be consistent, yet again, with

1 blows inside that van leaving that blood spatter on the  
2 wall.

3 THE COURT: And on the ceiling.

4 AST. SOL. SORENSON: And the ceiling of the van. All  
5 of that, Your Honor, I think makes that a jury question. I  
6 don't think -- and if I could just have one second to look  
7 at Bailey's to see if there's anything we need to address in  
8 there.

9 THE COURT: The case he was citing was a PCR case.

10 AST. SOL. SORENSON: It would be our position that that  
11 is -- it talks about this, and I haven't had the benefit of  
12 reading the entire case, but that -- has to be a material  
13 element of the defense. And I don't think -- I don't think  
14 that is a material element of proving a defendant guilty of  
15 murder; how they were killed. Just the mere fact that they  
16 were killed in his hands with malice aforethought,  
17 obviously, would make it a murder.

18 THE COURT: I will respectfully deny the motion. I  
19 find that there is evidence that, if believed by the jury,  
20 circumstantially show that she did die of blunt force. And  
21 therefore, I'm not concerned with the weight of the evidence  
22 at this stage of the game. I'm concerned with the existence  
23 of the evidence and it presents a jury question. Anything  
24 else by the defendant?

25 MR. HILTON: Nothing at this time, Your Honor.

1 THE COURT: All right. Sir, I will ask you again,  
2 Mr. Bonilla, we had the discussion earlier about your  
3 decision to testify. Is it the same as you indicated  
4 earlier? You do wish to testify.

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: I'm getting ready to call the jury back  
7 out. And I don't know how many witnesses you'll have, but  
8 obviously he'll be called to testify this afternoon, I would  
9 think.

10 MR. HILTON: Just as a matter procedure, he would not  
11 be the first witness. There is another witness ahead of  
12 him. And then to go into Mr. Bonilla's testimony, he does  
13 have on the leg braces, or whatever, from the jail. And so  
14 his walking to the witness stand would be encumbered. We  
15 just ask that he'd be able to take the witness stand outside  
16 of the jury's presence. Thank you.

17 THE COURT: All right. For the media, please, I have  
18 welcomed you -- what's today? Thursday? Wednesday? I've  
19 welcomed you yesterday and today. Y'all have been  
20 wonderful. There was a motion made, that's why I excluded  
21 you earlier, and I wanted to consider it outside of your  
22 presence. But a motion was made to have the TV cameras  
23 turned off during the testimony of the defendant. Rule 605  
24 of the South Carolina Rules of Appellate, dealing with  
25 appellate court rules, dealing with media coverage under

1 section F, one subsection three, "The presiding judge may  
2 refuse, limit, or terminate media coverage of an entire case  
3 or portions thereof, or testimony of a particular witness as  
4 may be required in the interest of justice." And argument  
5 was made to me, which out of an abundance of caution, deemed  
6 that I have to impose that restriction on media coverage  
7 during the testimony of the defendant. I'll obviously allow  
8 the media to stay in the courtroom. You can do any  
9 reporting you want to on it. All I ask is that when he  
10 testifies, that you turn the TV cameras off. Please don't  
11 violate that order.

12 Because he has on some protective leggings, or for lack  
13 of a better term, I will send the jury out to let him come  
14 up and take the witness stand before they come back in. I  
15 will allow you take a TV shot of him coming up, sitting on  
16 the witness stand. But once he starts testifying, the  
17 camera portions have to turn off until he finishes  
18 testifying. So you'll be able to get a shot of him on the  
19 witness stand, but not record his testimony. Obviously, you  
20 can record his testimony and if you want to take a still  
21 back there, you can do that. So please comply with that  
22 rule. Any questions by the media?

23 (No response.)

24 THE COURT: Thank you.

25 THE DEFENDANT: Thank you, Your Honor.



1 THE COURT: Does that satisfy you?

2 MR. HILTON: Yes, Your Honor. I appreciate it.

3 THE COURT: Are you ready for your first witness?

4 MR. HILTON: We are, yes. Well, I say we are. The  
5 State was running rap sheet or something.

6 (The jury enters the courtroom at 2:24 p.m.)

7 THE COURT: You may call your first witness.

8 AST. SOL. SORENSON: Defense would call Anthony  
9 Navarro.

10 ANTHONY NAVARRO, after being duly sworn, testified as  
11 follows:

12 THE COURT: What's his name?

13 MR. HILTON: Anthony Navarro. May we approach, Your  
14 Honor?

15 THE COURT: Yeah.

16 (A bench conference is held off the record and out of  
17 the hearing of the jury panel.)

18 THE COURT: Madame Forelady, ladies and gentlemen of  
19 the jury panel, you will recall on Monday -- when did we  
20 draw the jury? Monday. I gave you a name of witnesses who  
21 would be potential witnesses in the trial of the case,  
22 anybody was related by blood or marriage, et cetera, et  
23 cetera. Remember that?

24 (Jurors affirm.)

25 THE COURT: The lawyers have to give me a list of

1 witnesses. Mr. Navarro's name was not on this list. They  
2 had on the list Andrea, A-n-d-r-e-a, Maldonado,  
3 M-a-l-d-o-n-a-d-o. I guess that was supposed to be -- how  
4 do you pronounce your name?

5 THE WITNESS: Navarro.

6 THE COURT: Navarro. So my question is: Is any member  
7 of the jury panel related by blood or marriage, or do you  
8 now or have you ever in the past had a close personal or  
9 social relationship with the witness Mr. Navarro?

10 (No response from the jury panel.)

11 THE COURT: Any additional questions by the State?

12 AST. SOL. SORENSON: No, sir.

13 THE COURT: By the defense?

14 MR. HILTON: No, your Honor.

15 THE COURT: And nobody did that intentionally. Just  
16 every now and then they make a typo. I couldn't quite get  
17 Navarro out of Maldonado so I had to ask that question.

18 MR. HILTON: Thank you, Your Honor.

19 THE COURT: Thank you.

20 DIRECT EXAMINATION

21 BY MR. HILTON:

22 Q. Anthony, how old are you?

23 A. Thirty-five.

24 Q. Where you live?

25 A. I live in Hanahan, South Carolina.

- 1 Q. How long have you lived there?
- 2 A. Since November, last year.
- 3 Q. Where did you live prior to that?
- 4 A. Goose Creek, South Carolina.
- 5 Q. And do you know the address, specifically?
- 6 A. [REDACTED] Street.
- 7 Q. All right. Who lived there with you at the time?
- 8 A. It was Lyndsay and I.
- 9 Q. Lyndsay who?
- 10 A. Diaz.
- 11 Q. What relationship to you was Lindsay Diaz?
- 12 A. She was my girlfriend.
- 13 Q. All right. And she lived there with you, you said?
- 14 A. Yes, sir.
- 15 Q. Okay. And did you live there back on April 3rd of
- 16 2015?
- 17 A. Yes, sir.
- 18 Q. Okay. And do you know Mr. Edward Bonilla in this case?
- 19 A. Absolutely. That's my brother.
- 20 Q. He's your brother?
- 21 A. Yes, sir.
- 22 Q. And so you've known him all his is life, correct?
- 23 A. Yes; since he was born.
- 24 Q. Are you older than him or is he older?
- 25 A. I am; yes, sir. I'm older.

1 Q. Your the oldest?

2 A. Yes, sir; the oldest.

3 Q. Okay. And let me turn your attention back to April  
4 3rd, 2015. Did y'all have a little gathering at your house  
5 that night?

6 A. Yeah. It was just a gathering. It was Friday; we all  
7 got paid. Me and my brothers were in the construction  
8 field. And just hanging out on Friday night.

9 Q. And you say the construction field. Specifically,  
10 where do you work?

11 A. I work for RW Cauble and Company.

12 Q. What do they do? Or what does ---

13 A. I'm a hardwood flooring specialist.

14 Q. Okay. And how long have you worked for him?

15 A. Fifteen plus years.

16 Q. How about Edward? Does he work for them as well?

17 A. Yes, sir. He worked for us before and then he left for  
18 a short while to work at our Dad's shop. And he left there  
19 for reasons and then he came back to work with us.

20 Q. All right. And did he specifically work with you?

21 A. Yeah, a lot of the times. Edward is pretty quick on  
22 learning, so it didn't take long for him sort of develop the  
23 skill and go out on his own.

24 Q. And for Mr. Cauble, what is your position there?

25 A. He likes to call me his right-hand man. I've been with

1 him the longest. He depends on me a lot as far as measuring  
2 jobs; anything from measuring jobs to picking up material to  
3 you name it. I'm all areas. I cover his company for him.

4 Q. All right. And do you kind of, like, would you do  
5 things such as assigning work schedules and delegating kind  
6 of who to go where?

7 A. Yeah, sometimes. Usually -- Rob is a salesman of the  
8 company. He sells work a lot of times, and I do the work.  
9 So I know who is best fit for different places. I wouldn't  
10 say I necessarily make the schedule because it's booked  
11 weeks in advance. So it would sort of be like on a  
12 day-to-day basis, hey, we got this, that and that. And,  
13 really, a lot of the times when we start a new job, that's  
14 kind of our job for the week. So nothing really changes  
15 except for Monday. You know, we kind -- you have to work  
16 hard, places you've got to go.

17 Q. I gotcha. And on Friday April 3rd, 2015, did y'all  
18 work that day?

19 A. Yes, sir.

20 Q. And did anybody work with you?

21 A. That day, I can hardly remember that day. But Edward  
22 was with me. I can't remember where we worked. But I do  
23 remember that he worked with me, yeah.

24 Q. All right. And did you bring him back to Mr. Cauble's  
25 place after work was over?

1 A. Yeah. It was Friday, so we get our paychecks.

2 Q. Was he assigned to go anywhere else on Saturday?

3 A. Yes. We had work Saturday.

4 Q. And where was Edward assigned to go?

5 A. I believe Mount Pleasant at the Turner residence.

6 Q. All right. How about you? Where were you assigned to  
7 go?

8 A. I was supposed to go to Jacksonboro, South Carolina.

9 It's probably an hour drive from Charleston. And I had to  
10 be there at 8:00 a.m. in the morning.

11 Q. I gotcha. And I think you just testified a few minutes  
12 ago, y'all do flooring work, right?

13 A. That's right.

14 Q. And so to do that type of work, I mean, do you have to  
15 have any special equipment?

16 A. Absolutely. It's expensive to acquire all that  
17 equipment. It takes like \$10,000 to have your van with just  
18 sanding equipment.

19 Q. And you say a van. Is it not something you can throw  
20 in the back of your car and go?

21 A. It's hard. The machine itself is 200 pounds and big  
22 and awkward. So we can't really stick it in the trunk of a  
23 car.

24 Q. Does Mr. Cauble and the company you work for, do they  
25 have multiple vans?

1 A. We do. I'd say we have -- now, we each have a van. We  
2 have three crews -- four crews. I'm half of a crew. I'm  
3 really by myself now. But we have four crews; we have four  
4 vans and a spare; and hook trailers.

5 Q. And specifically back in April of 2015, did y'all have  
6 multiple vans at that time?

7 A. Yes, sir; we did.

8 Q. As the foreperson, if you will, you said Mr. Cauble's  
9 right-hand, did you know that Edward was taking the van for  
10 the Saturday job?

11 A. Yeah, absolutely. It would -- it was imperative  
12 because I had to be at Jacksonboro at 8:00 a.m. in the  
13 morning. So I was going to go straight from my house in the  
14 morning; go straight out there. It was a high-end client;  
15 cannot be late. I had to be there on time. So in order for  
16 that to work, I didn't have time to get Edward going on a  
17 job. He knew what he had to do. I believe he had already  
18 worked on that job for a few days. He was helping me on  
19 that Friday is kind of what I'm remembering. And so he was  
20 gonna go back on his thing and I was gonna go do my thing.

21 Q. So Saturday, y'all were going separate ways?

22 A. Yes, sir.

23 Q. Okay. All right. Now, let's go back to your address.  
24 You said that was?

25 A. [REDACTED].

1 Q. [REDACTED]?

2 A. Yes, sir.

3 Q. And that's in Goose Creek. Is that correct?

4 A. Yeah; Crowfield Plantation subdivision.

5 Q. Do you call that Friday afternoon, after y'all got off  
6 of work, got your paychecks, did you have a little gathering  
7 over at your house that night?

8 A. We did. We were just gonna, you know hang out. We  
9 were gonna first go out to eat. And it was already getting  
10 kind of late, so we decided to order some Chinese and I was  
11 gonna go pick it up and bring it back home.

12 Q. Is that what happened?

13 A. Yes, sir.

14 Q. All right. Did you invite anybody over?

15 A. Yeah. Really just my brothers. Just sort of family  
16 kind of gathering, you know. Just chill out and eat some  
17 dinner. It's a Friday night.

18 Q. All right. And when you say your brother, who do you  
19 mean?

20 A. Edward. And I have two other half-brothers, Daniel and  
21 David.

22 Q. Did they come as well?

23 A. Yeah.

24 Q. And Edward came?

25 A. Yeah.



1 Q. All right. Did Edward bring anybody with him?

2 A. Yeah. We arrived a little bit later. I'd say, I don't  
3 recall exactly, but maybe nine o'clock or so. And then  
4 Ashley . . .

5 Q. You say Ashley, did you actually meet her that night?

6 A. I did. Yeah, it was my house. So I wanted to know  
7 who's coming, who's going, so.

8 Q. All right. And did you have an occasion during the  
9 course of that gathering, that dinner, whatever you want to  
10 call it, to observe her?

11 A. Absolutely. My house is -- we were mainly in the  
12 garage. And there's a door going from the garage to  
13 outside. And we had a fire pit and nobody was really  
14 around. From time to time, we'd go to the fire pit. But  
15 mainly, we were inside the house playing ping-pong and  
16 listening to music. So we were all sort -- I had a two-car  
17 garage. But half of it is a bunch of tools and stuff. So  
18 everybody sort in this one half of the garage, with a  
19 ping-pong table in the middle, so we were all pretty snug in  
20 there. So yeah -- everybody in there.

21 Q. Did you ever observe Ashley drinking anything that  
22 night?

23 A. Yeah. We were all drinking.

24 Q. All right. And how did she appear to you?

25 A. At first, she was a little destructive. We were all

1 pretty laid-back and calm. And I don't know, but she seemed  
2 to have maybe had a few drinks already. So she was a little  
3 bit of a handful.

4 Q. Can you go into some detail about what you mean by  
5 handful?

6 A. Yeah. Just, you know, louder, you know. And a little  
7 obnoxious, comments, you know. She didn't really know  
8 anybody there and I felt like she was kind of, I don't know,  
9 being kind of rude in a way. Just in how she doesn't know  
10 anybody but she had a lot of just negative, sort of, vibe in  
11 comments.

12 Q. How did that sit with you as the homeowner?

13 A. I just laughed at it because she doesn't know me.

14 THE COURT: Laughed at what?

15 THE WITNESS: Because she doesn't know me, you know --  
16 I mean, I'm not the intoxicated one being silly; she is.

17 Q. Okay. So you say she was intoxicated and being silly?

18 A. Yeah, absolutely.

19 Q. All right. And when they left, what happened?

20 A. It was -- it carried on, you know, probably until 11:30  
21 maybe twelve o'clock at night. And, like I said, I had to  
22 be up bright and early on the job at eight. So I kind of,  
23 you know, called it a wrap and it's time for everybody to go  
24 home. And Edward and Ashley were probably the last ones to  
25 leave. My brothers got it; it's time to go. They had work

1 the next morning. They didn't put up a fight. But, you  
2 know, for whatever reason, Ashley wasn't ready to go. And I  
3 was like, no, it's time to go. And I mentioned it several  
4 times. And Edward was like, please, let's just go; let's  
5 just go. And Edward, you know, just get her outside, man;  
6 I'm sorry, you know. And I said, man, it's all good. I  
7 mean, you got your hands full. You know, just get home  
8 safe, you know . . .

9 Q. When you say that she didn't want to go, did she seem  
10 scared or anything?

11 A. No. She just wanted to drink I believe. Party, I  
12 think is what she wanted to do.

13 Q. All right. You got any criminal record or anything?

14 A. Traffic stuff, and I had like a simple possession  
15 charge when I was like in high school. That was over 20  
16 years ago.

17 Q. All right. And so you've smoked some pot in the past,  
18 correct?

19 A. Yeah.

20 Q. All right. And what about Edward? Is that something  
21 he does as well?

22 A. Yeah; we all do. You know, we all smoke pot. I think  
23 I kind of, you know, we're all just sort of chilled back. I  
24 don't know, I don't want to say we were just like stoned out  
25 of our mind or anything. But, you know, we took in some

1 marijuana.

2 Q. I gotcha.

3 MR. HILTON: Just a moment, Judge. (Brief pause.)

4 Please answer any questions Mr. Sorenson has.

5 THE COURT: Any questions?

6 AST. SOL. SORENSON: Just a few, Your Honor.

7 CROSS EXAMINATION

8 BY AST. SOL. SORENSON:

9 Q. Good afternoon, Mr. Navarro.

10 A. Hey.

11 Q. I have a few questions for you.

12 A. Yes, sir.

13 Q. Your cell phone number back in April of last year -- it  
14 may still be the same now. I don't know. But back in April  
15 of last year, was it 843-870-2749?

16 A. That's right. I still have that phone.

17 Q. And in fact the night of this -- the night of this  
18 cookout or bonfire or kind of get together at your house, I  
19 mean, you had conversed with your brother, the defendant, on  
20 the phone prior to him coming over. Is that right?

21 A. Yeah. Yeah, you know, we just -- to invite him and . .  
22 .

23 Q. Actually texted him and told him that you had some  
24 marijuana there, right? That you had gotten some marijuana.

25 A. I could have.

1 Q. It's blue dream? Is that right?

2 A. Could be.

3 Q. Let me ask you: Back in April of 2015, did you brother  
4 have a girlfriend?

5 A. Yeah.

6 Q. Okay. What was her name?

7 A. Kind of. Off and on, Jasmine.

8 Q. Okay. But they were living together, weren't they?

9 A. Yeah. But I believe she would kind of come and go.

10 Q. He was still texting and conversing with her all  
11 throughout this time period. Is that correct?

12 A. I would assume so. I can't speak for him.

13 Q. You worked with him almost every day, right?

14 A. Yeah, for the most as part. But, you know, we're at  
15 work.

16 Q. He didn't come with Jasmine that night to your house,  
17 though. Is that right?

18 A. No.

19 Q. Okay.

20 A. No -- could have been wherever. So I don't know.

21 Q. And he continued to see Jasmine after this. Is that  
22 correct?

23 A. Yeah. Yeah, that's true.

24 Q. Even after he was arrested. Is that correct?

25 A. Yeah.

1 Q. They still together now?

2 A. I don't know. I haven't seen Jasmine, so.

3 Q. And back in April of last year, you testified that now  
4 at you work you have four vans and a spare. Is that  
5 correct?

6 A. Yeah. Maybe five and a spare, something. I don't  
7 know.

8 Q. Well, you work there everyday, right?

9 A. Yeah. But we have like some vans aren't operable.  
10 They're just sort of in the back. So as far as working vans  
11 that we can put on the road, is different. I mean, right  
12 now we have three vans for sale. So, I mean, we can't use  
13 them, but they're there.

14 Q. All right. And back in April of last year, you had  
15 three vans at that time. Is that correct? And a spare?  
16 Three vans that were on the road?

17 A. It was four.

18 Q. And a spare.

19 A. It was four. We had three Chevys -- or a Chevy, a GMC,  
20 another Chevy, a Ford. And then Rob had just acquired a  
21 classic van too. So it was five and a spare.

22 Q. Okay. All right. And the van -- and the jury seen the  
23 video when y'all get back to work that Friday afternoon.  
24 The two of y'all are together when you get back and go  
25 inside and pick up your paycheck. Is that right?

1 A. Okay. I assume so.

2 Q. Sound right?

3 A. Sounds like it would be right. We went in the office.  
4 I'm the only one with a key. So, yeah, I would've had to  
5 open that door.

6 Q. And you were driving the Chevy van. Is that correct?

7 A. No. My van is a GMC.

8 Q. GMC. Well, let me show you. Let me show you State's  
9 ---

10 AST. SOL. SORENSON: May I approach the witness, Your  
11 Honor.

12 THE COURT: You may.

13 Q. State's Exhibit No. 18. Is that the van you were  
14 driving? Or is that a different van?

15 A. No. That's not my van.

16 Q. Okay. I guess that would have been -- that's one of  
17 the other vans out there, though. Is that correct?

18 A. Yeah.

19 Q. Would that have been a van that your brother would have  
20 been driving a couple weeks later possibly?

21 A. Yeah. You know, to be honest with you, I don't even  
22 remember what van I drove that day. I do know around that  
23 time, my van needed some work. So the day, I mean ---

24 Q. Gotcha. And the spare van, though, was the Ford van.  
25 Is that correct?

1 A. That's right.

2 Q. Okay. And that van would've been parked, at least at  
3 the time, y'all were parking it kind of in ---

4 A. In the parking lot.

5 Q. The vacant bank parking lot next door?

6 A. Yeah. Sometimes, yeah.

7 Q. Okay. And that's the van that your brother takes home  
8 that Friday evening when y'all leave work. Is that correct?

9 A. Apparently, yeah.

10 Q. Okay. In the back of that van -- what is kept in the  
11 back of that Ford van?

12 A. A lot of stuff. Like I said, we need a lot of  
13 equipment to do -- sand floors. You got a handful of  
14 machines, probably four machines. And Rob likes to keep up  
15 us equipped with materials as well just because you would  
16 never know, he can call you and say, hey, we've got to go do  
17 a service call or something. So we have numerous stains,  
18 sand papers, finishes, oil based -- I mean, it's incredible  
19 really, everything we need.

20 Q. I'm showing you State's Exhibits 29 and 30. Would that  
21 be basically kind of what the inside of one of those vans  
22 might look like?

23 A. Yeah. That doesn't have shelving in it. So it's  
24 pretty messy, but yeah.

25 Q. Some of the vans are equipped with shelving so they're



1 a little neater than this?

2 A. Yeah.

3 Q. Do you have any reason to dispute that that's the  
4 inside of the Ford van?

5 A. I can barely see. I don't have my glasses. I'm sorry.  
6 (Witness reviews photographs.) Yep, looks like it.

7 Q. That would've been the van your brother took home that  
8 Friday afternoon to the best your knowledge?

9 A. Yeah. I mean, it's hard to tell from looking at the  
10 inside of the van. Because neither of those vans have  
11 shelving in them. Those are two new, sort of, newest spare  
12 vans that we have any equipment shelving.

13 Q. It's your testimony that you brother came over to your  
14 house sometime after nine o'clock that evening. Is that  
15 correct?

16 A. Uh-huh.

17 Q. And had this young lady. You never met her before,  
18 right?

19 A. No; never ever. And, you know, apparently after all of  
20 this, you would you have some mutual friends. Charleston is  
21 pretty small. So kind of surprised that I did not.

22 Q. And showing you State's Exhibit No. 2, is that what the  
23 young lady looked like?

24 A. Yeah.

25 Q. How did they get to your house that night?

1 A. They drove my mom's car.

2 Q. And what kind of car did your mom have?

3 A. It was a Hyundai Sonata, I believe.

4 Q. I'm showing you State's Exhibit No. 20. Does that  
5 appear to be your mom's Sonata?

6 A. Yeah.

7 Q. And did your brother drive that car frequently?

8 A. Yeah, he did. He sold his car. And so he used my  
9 mom's car a lot. And I would pick him up for work sometimes  
10 and drop him off.

11 Q. All right. It's your testimony -- I may have missed  
12 this one when I was writing -- but about what time did they  
13 leave that night?

14 A. Around 11:30, 12 maybe. That's what time I usually  
15 sort of shut things down.

16 Q. All right. And you said you were pretty sure they were  
17 the last people to leave. Is that correct?

18 A. Yeah.

19 Q. All right. And they left together in the Sonata?

20 A. Yeah. I didn't see them get in the car, but that's  
21 what I would assume. We were in the garage and I sort of  
22 walked them, you know, out. And my garage door opener was  
23 broke at the time. So I do manually sort of pull the string  
24 down and lock it, and went inside, went upstairs and went to  
25 bed.

1 Q. And at that point in time -- your understanding, you're  
2 going to bed because you got to get up and be in Jonesboro  
3 by 8:00 a.m. the next morning, right?

4 A. Yeah, Jacksonboro.

5 Q. Jacksonboro. I'm sorry. Jacksonboro the next morning.  
6 And your brother is got to be at work the next morning also,  
7 right?

8 A. Uh-huh.

9 Q. When did he have to be at work that Saturday morning?

10 A. We usually -- depends if we're going to meet at the  
11 shop in the morning, it's eight o'clock. But A lot of times  
12 on Saturdays, we're a little bit looser, you know. We're  
13 working on a Saturday so we can kind of go grab breakfast  
14 and go straight to the job. It sort of depends on what we  
15 got going on.

16 Q. Okay. And of course you're -- are you aware that your  
17 brother didn't work that Saturday?

18 A. Yeah. I found out on Monday.

19 Q. Okay. So you didn't find out on Saturday?

20 A. No. I guess he texted Rob he was sick. I had my own  
21 thing going on. So Rob handled that.

22 Q. So did you see your brother at all on Saturday?

23 A. No.

24 Q. Talk to your brother at all on Saturday?

25 A. Huh-uh.

1 Q. Okay. How about on Sunday?

2 A. No. I don't believe so.

3 Q. See your brother on Sunday? Talk to your brother on  
4 Sunday?

5 A. No, sir.

6 Q. Okay. How about on Monday?

7 A. No. He was sick.

8 Q. Called in sick again on Monday, right?

9 A. Yeah. He had a stomach problem, IBS. So, I mean, he  
10 would miss a couple days here and there. You know, a lot of  
11 times, hardwood floors is hard work. You're loading heavy  
12 equipment all day; you're breathing in fumes. So a lot of  
13 the guys, the don't like to actually take days off. That  
14 way we sort get off of work is by calling in sick. Because  
15 our boss sort of rules with an iron fist. But I just  
16 thought maybe he needed a break, you know. We all had been  
17 working into the hours. And he wasn't feeling well, so let  
18 the man rest.

19 Q. Okay. So to the best of your knowledge, he was sick on  
20 Saturday, I assume sick on Sunday, and sick on Monday?

21 A. Uh-huh.

22 Q. Okay. So you didn't talk to him during that time  
23 period; ask him how he was doing?

24 A. I think I may have texted him, hey, man, you off the  
25 hood or maybe ask him a question about the job. I can't

1 recall exactly. It was quite a while ago as far as, you  
2 know, little stuff like that.

3 Q. Right.

4 AST. SOL. SORENSON: Beg the Court's indulgence.

5 Q. You remember him contacting you on that Monday? Monday  
6 afternoon, so it would be the 6th. The 3rd, 4th, 5th, so  
7 the 6th, early part of that afternoon?

8 A. No.

9 Q. Okay.

10 A. No. I mean, could have been without workers or  
11 something. I don't know.

12 Q. Okay. Did he say anything to you about the fact that  
13 the Dorchester County Sheriff's Office had just contacted  
14 him about this young lady that was still missing?

15 A. I can't recall.

16 Q. You can't recall? That wouldn't have been something  
17 that would've stuck out in your mind if your brother told  
18 you that the Sheriff's Office was questioning him about a  
19 missing girl?

20 A. No. No. I mean, no. I mean, questioning -- to me, it  
21 didn't really seem like a big deal at that point. I mean,  
22 just some people at my house.

23 Q. Not a big deal a 28-year-old woman who was last seen  
24 with your brother ---

25 A. Well, obviously, everything is sort of played out

1 differently. But this was on, you know, days after just a  
2 gathering at my house that I met for a few hours.

3 Q. Gotcha.

4 A. So, I think you're kind of going the wrong way with  
5 that.

6 Q. I'm going the wrong way with that? Okay. And the last  
7 you saw her then to the best of your knowledge, she would've  
8 been getting into this Hyundai Sonata. Is that correct?

9 A. Yeah. I assume so.

10 Q. Of course, the Ford work van wasn't at your house that  
11 night. Is that correct?

12 A. No.

13 Q. Okay. Do you know where it was that night?

14 A. I assume at the shop. Or it could've been at Edward's  
15 house.

16 Q. The jury seen a video where Edward drove it away from  
17 the shop that Friday night. So where would he have taken  
18 it? Back to his apartment.

19 A. Yeah, obviously.

20 Q. Who was he living with back then?

21 A. My mom.

22 Q. Was Jasmine living there too?

23 A. I think so; off and on.

24 Q. Do you know when that van got back to your work?

25 A. No, I don't. I imagine he just kept it or -- I don't

1 know.

2 Q. You don't know? Bear with me one second, here.

3 AST. SOL. SORENSON: My I approach the witness, Your  
4 Honor?

5 THE COURT: You may.

6 Q. Showing you State's Exhibit No. 105. Do you recognize  
7 number that vehicle?

8 A. Huh-uh; no, sir.

9 Q. Did you see your mom driving a silver Chevy Cruz any  
10 time on Saturday, April the 4th?

11 A. No. I didn't see my mom. I was at work all day.

12 Q. Did you see her at all that Saturday night?

13 A. No. I don't typically just go hang out at my mom's  
14 house unless it's, you know, something going on.

15 Q. Let me ask you: Did you go in -- and the Sheriff's  
16 Office comes and gets this Ford van from your work?

17 A. Okay.

18 Q. On April the 15th?

19 A. All right.

20 Q. It's the van they still have. So you haven't seen it  
21 probably since then, right?

22 A. Right. Okay.

23 Q. Did you go in that van at all between the night of the  
24 cookout, bonfire, at your house and when the Sheriff's  
25 Office took it?

1 A. Absolutely not. There's no way, I don't think. Edward  
2 only worked with us for a day. And then the Sheriff's  
3 Office comes get it. So I don't recall me ever having to go  
4 in there.

5 Q. But you didn't go in there?

6 A. No, sir.

7 Q. Okay.

8 AST. SOL. SORENSON: Beg the Court's indulgence.

9 (Brief pause.) That's all have, Your Honor.

10 THE COURT: Redirect?

11 REDIRECT EXAMINATION

12 BY MR. HILTON:

13 Q. When Edward texted you about the Dorchester County  
14 Sheriff's Office looking for him or whatever, at the time,  
15 did you even know what was going on?

16 A. No. I -- they were looking for him either. I mean,  
17 it's very easy ---

18 Q. Or willing to talk to him. Whatever the text said.

19 A. Yeah. He's pretty easy to find -- I don't really  
20 remember that text to be honest with you. If he texted me  
21 back, I don't remember it. I can't really remember what we  
22 talked about.

23 Q. And you mentioned that Jasmine would come and go. What  
24 do you mean by that?

25 A. Well ---



1 Q. And Jasmine being who?

2 A. --- she lived with Edward, but she also lived with her  
3 parents in Mount Pleasant. So I do know -- I mean, Edward  
4 was dating her, but she worked in Mount Pleasant. So I  
5 think he would take her to work sometimes, and sometimes she  
6 would stay home have versus having to drive all the way to  
7 North Charleston. So, I mean, that was the kind of the  
8 situation. I don't know exactly what day she was there,  
9 what day she was gone.

10 Q. Was this kind of an on and off relationship between the  
11 two them?

12 A. I would think so. I don't know to be honest with you.

13 Q. And Jasmine, we're talking about Edwards' girlfriend,  
14 right?

15 A. Yeah.

16 MR. HILTON: No further questions.

17 THE COURT: All right. You may step down. And you're  
18 excuse to go.

19 MR. HILTON: At this time, can we take a little break?

20 THE COURT: I've got to take a five minute break and  
21 come back. I think we've got one witness left. Don't  
22 discuss the case and don't deliberate.

23 (The jury exits the courtroom at 2:56 p.m.)

24 THE COURT: Everybody okay? Anybody need a bathroom  
25 break?

4 (The defendant, Edward Bonilla, takes the witness  
5 stand.)

8 (Brief pause.)

10 THE COURT: Madame Clerk, please swear the witness.

13 MR. HILTON: May it please the Court, Your Honor?

15 DIRECT EXAMINATION

17 Q. Edward, how old are you?

19 Q. And where did you grow up?

21 Q. Born here in ---

23 Q. Okay. And moved from California to South Carolina?

25 Q. How old were at the time?

1 A. Had to have been eight years old.

2 Q. Okay. And what have you done in the past for  
3 employment?

4 A. My first when I was 16, a friend of mine, his neighbor  
5 gave me a job doing arborist work. That's cutting down  
6 trees. You know, since I was about 16, I've been employed.  
7 I've had several jobs. You know, just here and there;  
8 worked at Burger King before. I've worked at the flea  
9 market. Just my main job, that was the arborist. I've  
10 worked for RW Cauble. I used to work for our stepfather. I  
11 was his general manager at his auto shop. I've worked for  
12 Carolina Specialty Products where I would install fiberglass  
13 and then I got promoted to do a fire bricks, building  
14 fireplaces, that sort of stuff.

15 Q. I gotcha. And the most recent job, was that with RW  
16 Cauble?

17 A. Yes, sir; it was.

18 Q. And that's Rob Cauble is the one who owns that place?

19 A. Yes, sir.

20 Q. Okay. And does your brother work there?

21 A. Yes, sir; he does.

22 Q. Did you work with him?

23 A. In the beginning, yes, I did. I worked with him mostly  
24 and then Rob basically started sending me out on my own to  
25 where I worked pretty much on my own for a while.

1 Q. All right. And did you have a vehicle back around  
2 April, early April, 2015?

3 A. No, sir.

4 Q. Okay. Whose car would you drive on occasion?

5 A. I drove my mother's. But mostly the work van was my  
6 main mode of transportation.

7 Q. All right. And did you normally go anywhere too much  
8 other than work?

9 A. Normally, on my weekends, I would go do my grocery  
10 shopping for my lunch. I would go to the flea market  
11 because I was -- before I was arrested, I was pretty much a  
12 vegetarian. Just ate, you know, just everything that's  
13 fresh fruits, fresh vegetables, stuff like that. So I'd go  
14 to the flea market to get produce. I go shopping a lot. I  
15 go to the Polo outlet every weekend to buy a new outfit.  
16 That was about it.

17 Q. I gotcha. And so when you weren't driving the work  
18 van, you'd be driving your mother's car?

19 A. Yes, sir.

20 Q. And that was the green Hyundai Sonata that is pictured  
21 in State's Exhibit 20?

22 A. Yes, sir; it is.

23 Q. Obviously, you at least now know who Ashley Pegram is,  
24 correct?

25 A. Yes, sir; I do.

1 Q. All right. How did you first meet, not necessarily in  
2 person, but how did you first meet Ashley Pegram?

3 A. She texted me on a website, Meetme.com.

4 Q. What is Meetme.com?

5 A. From what I gather when I was using it, it was a social  
6 site where you would log on. And then there would be just  
7 random pictures of people in your local area. And there  
8 would be a little green dot underneath that would signify if  
9 they were online or not online. And, you know, you just  
10 texted whoever or whoever text you and you just go back and  
11 forth, and you know.

12 Q. Was this an app on your telephone?

13 A. Yes, sir; it was.

14 Q. Okay. And that would be a cellular telephone, right?

15 A. Yes, sir.

16 Q. And you say she contacted you first?

17 A. I could've contacted her; she could have contacted me.  
18 You know, it was a while ago and just don't really pay  
19 attention to that. Because you're texting and going back  
20 and forth with so many people that you just don't -- I don't  
21 recall who contacted who first.

22 Q. I gotcha. And do you remember how long you all had had  
23 any message app conversations prior to the time you actually  
24 met her?

25 A. It started before May -- or before April. So it had to

1 be around March or so.

2 Q. So, I mean, would you say maybe a month or so? A  
3 couple of weeks? Or what?

4 A. Maybe a month.

5 Q. Okay. And had you ever -- up until April 3, 2015, had  
6 you ever met her in person?

7 A. No, sir; I have not.

8 Q. Other than the conversations via the messaging app, did  
9 you ever have any other conversations with her?

10 A. No, sir.

11 Q. Do you recall on April 3, 2015, do you remember  
12 contacting her?

13 A. I'm not 100 percent sure if she contacted me first or I  
14 contacted her.

15 Q. All right. But there were some contract between the  
16 two of you?

17 A. Yes, sir; there was.

18 Q. And what resulted of that conversation?

19 A. An arranged meeting to pick her up at her house around  
20 nine o'clock or so.

21 Q. All right. And in fact, is that what you did?

22 A. Yes, sir; it is.

23 Q. Okay. And do you remember where she lived at the time?

24 A. And I know now it was Steele Drive.

25 Q. And you say you know now. I mean, you knew at the

1 time, correct?

2 A. I did. But, you know, when you use your GPS you just  
3 put a thing in there and you just follow the line.

4 Q. And your phone, what has been marked as State's Exhibit  
5 92, that was your telephone at the time?

6 A. That is my phone.

7 Q. And is that how you put it in the GPS?

8 A. Yes, sir; it is.

9 Q. So when you say you know now, what do you mean by that?

10 A. Just, you know, due to the testimony, through my motion  
11 discovery, I know exactly the address now . . .

12 Q. You mean you know her address off the top of your head?  
13 Is that what ---

14 A. Yes, sir.

15 Q. Okay. Okay. And so you said you arranged to pick up  
16 Ashley at around, I think, the nine something time frame?

17 A. I believe we started texting around 8:00, 8:30 or so.  
18 And it was, you know, rapid succession. You're just texting  
19 and saying, hey, you know, I'm on my way. I'm doing this  
20 or, you know, where are you at, type of stuff. I just ended  
21 up approximately around 8:30 or so. And I'm not 100 percent  
22 sure on time. I wasn't looking at the time too much.

23 Q. I gotcha. And did you end up picking her up?

24 A. Yes, sir.

25 Q. Did you end up picking up something for her on the way

1 there?

2 A. She asked me to pick her up some Bud Light.

3 Q. Did you do that?

4 A. Yes, sir.

5 Q. Okay. And so do you recall getting to her house?

6 A. I remember, like I said, I used my GPS. So I was just  
7 paying attention really to the guide. And so, yeah, I do  
8 recall getting there.

9 Q. And that was around the nine o'clock time frame?

10 A. 9, 9:30-ish.

11 Q. All right. And where were y'all planning to go that  
12 night?

13 A. You know, told her that there was a bonfire at my  
14 brother's house. Basically, she agreed to go there. She  
15 seemed a little timid about a lot of people being there, you  
16 know, after I picked her up. You know, she just didn't seem  
17 like she liked big crowds or something. So she kept on  
18 asking me who all was going to be there. You know, at first  
19 I told her it was just my brother and his wife.

20 Q. And in fact, she asked you that before you even picked  
21 her up, correct?

22 A. Yes, sir.

23 Q. Was that on the messaging app as well?

24 A. Yes, sir; it was.

25 Q. When you picked her up, where did y'all go from there?



1 A. Straight to my brother's house on Huxley or Hexley.

2 Q. That's the Huxley address that he just testified where  
3 he was living?

4 A. Yes, sir; in Crowfield Plantation.

5 Q. Okay. And who in all was at that little bonfire?

6 A. When I arrived, it was my brother, his girlfriend at  
7 the time, Lindsay Diaz, my two twin brothers. They're not  
8 my twins but they're twins, David and Daniel; their  
9 significant others Andrea and Lulu. A fellow we call Calvin  
10 or his name is Calvin. He's, you know, he's just part of  
11 the crew I guess. And another gentleman named Ray, I  
12 believe. I never met him before. He just came down from  
13 New York. So that was the gist of who was there.

14 Q. And on the way to that party at Huxley, were y'all  
15 drinking at all at the time?

16 A. I don't drink. I've been sober for about five years  
17 now. Ashley was drinking, but I was not.

18 Q. Do you remember what she was drinking?

19 A. The Bud Light that I picked up; the 12 pack.

20 Q. Okay. Do you remember how many she had on the way to  
21 that party?

22 A. I wasn't paying attention too much. You know, you're  
23 driving, having small talk. I'd say probably about three or  
24 four. You know, that's just an approximation. I'm not  
25 100 percent sure.

1 Q. When you picked her up, did you notice if she had been  
2 drinking at that point?

3 A. No, not at all.

4 Q. You didn't notice or she hadn't been drinking?

5 A. I didn't notice. If she was, I don't know.

6 Q. So she appeared pretty normal at that time?

7 A. Yes, sir.

8 Q. All right. And so you get to the party at about what  
9 time would you say?

10 A. Depending on when I picked her up, which I'm not  
11 100 percent sure, it's either 9 or 9:30. Had to have shown  
12 up at my brother's house -- you know, if I picked her up at  
13 nine, probably got to his house at 9:30. If it was 9:30  
14 when I picked her up, it would've been about ten o'clock  
15 when I got to house. I'm not a hundred percent sure on the  
16 times. I wasn't, you know, watching the clock or so.

17 Q. All right. So let's pause right there for a second and  
18 let's rewind just a little bit to that -- to a little bit  
19 earlier that afternoon. The brother that you're talking  
20 about, that's Anthony Navarro?

21 A. That is my brother; yes, sir.

22 Q. And is he the one that works at Cauble Flooring with  
23 you?

24 A. Yes, sir; he is.

25 Q. And did you work with him on that day?

1 A. I did.

2 Q. All right. And was there any discussion during that  
3 day between the two of you regarding this bonfire?

4 A. Yes, sir. I believe he did mentioned it to me. Like I  
5 said, we're working so, you know, it's a lot of equipment.  
6 Usually, he'll go out and get lunch, so there's not too much  
7 conversation because I always bring my lunch. Like I said,  
8 I'm on a specific diet so I always bring what I eat. And so  
9 he probably went off to go get lunch. We work around a lot  
10 of equipment. But I'm pretty sure he did mention it to me.

11 Q. Okay. And were y'all riding together that day?

12 A. Yes, sir.

13 Q. Do you remember what you were riding in?

14 A. His GMC van, the one that he usually drives.

15 Q. And when y'all got off of work, where did you go?

16 A. We went back to our shop at 4221 Rivers Avenue.

17 Q. Is that Mr. Cauble's address? Work address.

18 A. It is. It is Mr. Cauble's address.

19 Q. And from there, how did you get home?

20 A. I took the Ford van that was parked in the parking lot  
21 at the old bank.

22 Q. Were you scheduled for work the next day?

23 A. I was, sir.

24 Q. Where were you going?

25 A. At that time, I did not know.

1 Q. When would you have gotten the assignment?

2 A. As soon as I got there in the morning, around eight  
3 o'clock.

4 Q. Would they have texted that to you or called you and  
5 said you're going here? Or how does that work?

6 A. Every morning, we have a little meeting with Rob, the  
7 whole crew. Everybody finds out what they're doing. You  
8 know, unless we already know from the day before, you know,  
9 hey, this is where you're going to go, then everybody just  
10 meets there in the morning. Rob likes to put his eyes on  
11 everybody just to see, you know, where we're at, what we're  
12 doing pretty much.

13 Q. I gotcha. Was it uncommon for you to take the van  
14 home?

15 A. No, sir.

16 Q. Was it common?

17 A. Yes, sir.

18 Q. All right. Let's go back to the party now on Huxley  
19 Street. You listed out a number of people that were there.  
20 What was going on at the party?

21 A. You know, everybody is just hanging out, chatting,  
22 talking about this, that or the other. I'd say, you know,  
23 there were people playing ping-pong. My brothers David and  
24 Daniel, their two girlfriends were talking to each other.  
25 By older brother was kind of floating around; Lindsay is

1 kind of floating around; just, you know, doing their thing  
2 because it's their home. So they're, you know, just making  
3 sure everybody is comfortable, telling them what they've got  
4 to do, you know. You know, that's kind of what I remember.

5 Q. What was Ashley doing at the time?

6 A. She was kind of staying put by the ping-pong table.  
7 You know, I was try to invite her -- and introduced her to  
8 everybody. Like, you know, hey, this is Ashley; this is my  
9 brother; this is, you know, just going back and forth with  
10 the people. You know, introducing her to everyone.

11 Q. Did she ever end up playing ping pong or anything like  
12 that?

13 A. She did try. Yes, sir.

14 Q. At any point in time, did she get out of hand?

15 A. There was a few times. I mean, just the comments and  
16 kind of the aggressiveness with her. You know, her  
17 responses to what people were saying. Like I remember when  
18 me and my brother David, he asked me, he's like so --  
19 because Easter was coming up. He was asking me what are you  
20 doing for Easter. I guess she took it as he was talking to  
21 her and she was like, you don't know me, why you asking me  
22 that, pretty much, you know. I thought that was kind of  
23 just -- you know, what's going on, like -- I just found it  
24 very confusing and just didn't understand, you know, that  
25 type of behavior. You know, just me and him were talking.

1 So I just didn't understand why she would blurt out that.

2 It was kind of rude.

3 Q. And how long did y'all stay at the party?

4 A. A few hours. Probably like around 12-ish maybe; a  
5 little before. You know, I can't say we precisely left at  
6 twelve o'clock.

7 Q. I gotcha. And when you left, did she leave with you?

8 A. Yes, sir.

9 Q. Where did y'all go after you left your house?

10 A. We drove -- you said?

11 Q. I said your house. When you left the Huxley address,  
12 where did y'all go after that?

13 A. We drove back to -- well, I made the decision to drive  
14 back to my house. Because I had marijuana on me and I did  
15 not want to drive around with it. So I figured the best  
16 place to take it was back to my house and just leave it  
17 there.

18 Q. All right. Who did you get that from?

19 A. A random person that we know. I don't really want to --  
20 you know, we ---

21 Q. I understand. Did you get that at the party? I mean,  
22 is that where you picked it up?

23 A. Yes, sir.

24 Q. Did Ashley know about that?

25 A. I did mention it in our text previously. I asked her

1 if she smoked. She -- not 100 percent sure. I do remember  
2 them showing the text yesterday or the day before. But I  
3 don't remember exactly what her response was.

4 Q. Forget the response. Do you remember in the trip? I  
5 mean, did she smoke any marijuana or did you smoke any?

6 A. On the way to the house, yes. To my residence in  
7 Hanahan, yes. On my brother's, no; because I didn't have  
8 any on me at the time.

9 Q. How long did you stay at your house there in Hanahan?

10 A. It was only a couple of minutes because all I did was  
11 just walk inside and walk back out. You know, drop it off .  
12 . .

13 Q. Did she get out or anything?

14 A. When I came out of the front door, she was standing by  
15 the front door trying to get in. I locked the door behind  
16 me.

17 Q. For what purpose?

18 A. I have no idea.

19 Q. Did y'all get back in the car?

20 A. Yes, sir.

21 Q. At some point in time, did you leave the Maybelline  
22 apartment complex?

23 A. Yes, sir.

24 Q. And what's the name of that apartment complex?

25 A. Lakewood Lodge, I believe. I could be wrong.

1 Q. After you left your apartment complex, did the two of  
2 you get in the car together at that point?

3 A. Yes, sir.

4 Q. Where did y'all go from there?

5 A. Ashley had to use the restroom so before taking her  
6 towards her house or taking her home, we stopped at the  
7 Sunoco gas station.

8 Q. And is that the Sunoco gas station that you saw in the  
9 video?

10 A. Yes, sir; it was.

11 Q. Do you remember how long she stayed in there?

12 A. The approximate time, no. But it was -- I'd have to  
13 say at least ten minutes or so. It was quite a while.  
14 That's all I know of that; it was just quite a while.

15 Q. And at some point in time during that video, you  
16 actually stepped out of your car. What was that about?

17 A. In one of the frames you could see a white Xterra pull  
18 up and I noticed somebody I grew up with. A gentleman named  
19 Trey. And I was just going to say hi to him, but then I  
20 just kind of relucted and just got back in the car.

21 Q. Did you know him well?

22 A. Oh, yeah. Growing up, we used to hang out a lot. You  
23 know, he would come over to the house. My mom knew who he  
24 was. He probably doesn't remember now, but he was a friend  
25 of mine in my teens.



1 Q. And when Ashley came out of the Sunoco, she got back in  
2 the car with you, correct?

3 A. Yes, sir. She walked out of the gas station as like  
4 trying to find the car. I don't know if she didn't remember  
5 where the car was. I had to kind of waive at her, you know.  
6 And then she got back in the car.

7 Q. All right. And from there, where did y'all go?

8 A. To try to take her home off of Steele Drive.

9 Q. And we know from the video that was around, about 12:12  
10 or so, correct?

11 A. That was the precise time on the video; yes, sir.

12 Q. When you left the Sunoco, what path did you take back  
13 to Summerville?

14 A. Straight on I-26; got off at, I guess it would be Main  
15 Street right there by the Walmart. I believe it's Main  
16 Street. And then from Main Street there was a little cut  
17 road that takes you from Main Street to 78. It's kind of  
18 like a 90 degree road. So we took that. And just headed  
19 down 78 going towards Austin Middle School.

20 Q. And do you remember exactly how to get to her house?

21 A. No, sir.

22 Q. And had you ever been there before?

23 A. No, sir.

24 Q. Had you ever been in that subdivision before?

25 A. No, sir.

1 Q. What was the conversation between the two of you at the  
2 time?

3 A. It was more just, kind of, wild allegation she was  
4 making. She kept on telling me that I stole her mom's phone.  
5 She would yell at me for a lighter because she still had my  
6 bowl. I guess she still had it in her hand when I went  
7 inside to ---

8 Q. What do you mean by bowl?

9 A. My marijuana pipe.

10 Q. Okay.

11 A. She still had that. So she asking me for a lighter the  
12 whole time. And I told her I don't have a lighter because  
13 it's my mom's car. I didn't want to smoke in my mom's car.  
14 You know, it's not my vehicle. So, you know, she's just,  
15 you know, yelling at that. Just, you know, little things  
16 here and there. And, you know, the whole time, I'm trying  
17 to diffuse this situation by just, you know, saying a joke  
18 or just, you know, kind of laughing it off with her, you  
19 know. But it was just kind of back and forth with her. You  
20 know, all of a sudden, she's calling, then she's talking to  
21 herself, then she's yelling at me about her mom's phone;  
22 then she's yelling at me about not having a lighter. And it  
23 just, you know, it just continues.

24 Q. Did you ask her how you get to her house?

25 A. I did.

1 Q. And did she ever tell you?

2 A. She took me to a bunch of different roads. When you're  
3 going down 78, there's a, right across the street from  
4 Austin Middle School, there's a carwash and a little -- I  
5 don't know if it's a convenient store or not. And, you  
6 know, she would tell me to go down that road. I went down  
7 that road about half way, and then she's telling me I'm  
8 going the wrong way, I have to turn around. So I turned  
9 back around, head back to 78, then she tells me to go  
10 another direction. I'm going in that direction. She's  
11 telling me it's the wrong way again. So this continues for  
12 maybe 30 minutes or so; 30, 45 minutes. Like I said, I'm  
13 not paying attention too much to the clock. You know, it's  
14 just a bizarre situation. So my mind is just kind of like,  
15 you know, what's going on here.

16 Q. And at that point in time, I mean, did you just want to  
17 take her home?

18 A. Yes, sir.

19 Q. Why didn't you just pull up your phone and find her  
20 address and go back to it?

21 A. That's a good question. I don't really have an answer  
22 for that. I mean, I'm just distracted by, you know, this  
23 situation already. I'm wondering, you know, kind of what  
24 did I put myself into at this point. Like, I'm trying to --  
25 I thought it was gonna be like a normal date with somebody

1 like I've gone on, I don't want to say hundreds of times,  
2 but at least 10, 15 times. It's not the first time I've  
3 ever met somebody on social media. I mean, I've met plenty  
4 of people. I've met people on Craigslist. I've met people  
5 on Meet Me. I've met people on -- there's another website  
6 called Plenty Of Fish; I met people on there. You know, you  
7 just -- it's just though it was gonna be a typical, normal  
8 date. It was just, you know, not that. So my mindset is  
9 kind of just wondering what's going on here. I mean, yes, I  
10 should have used my GPS. But at that time, my mind just  
11 wasn't thinking about it right then and there.

12 Q. And where did y'all end up? You know, where did she  
13 take you?

14 A. I believe it was Winter Road. Once me and you went  
15 over the map, retraced steps and stuff like that, yes, I  
16 realized that was the name of the road. At the time, I did  
17 know the road.

18 Q. Okay. Do you remember what was there?

19 A. It was at a blinking light. Once you get past Austin  
20 Middle School, there's a blinking light there. We took a  
21 right there, and right on the corner was an auto shop. I do  
22 remember that. I believe the building was blue. It was  
23 night, so it could have been green, you know. And then we  
24 just drove down that road. She said she had to use the  
25 restroom again. So we drove down one road; she didn't want

1 to go there because it was kind of, you know, there were  
2 houses there and stuff like that. So we pulled back around,  
3 drove back down, I guess it would be Winter Road again,  
4 going away from Highway 78. And we ended up on a -- there  
5 was a road to the right and then there was, I guess it was a  
6 private driveway on the -- on the left was road. I'm not  
7 sure where it went. At then on the right was a private  
8 driveway. The only reason I know that is because I remember  
9 seeing the private sign there. And that's where I let her  
10 out to use the restroom.

11 Q. All right. And did she get out of the car?

12 A. She did, sir.

13 Q. Tell us, Edward, in your words, what happened when she  
14 got out of the car.

15 A. When she got out of the vehicle, you know, obviously,  
16 shut the door behind her. I'm not 100 percent sure which  
17 direction she went in because it was dark. She was wearing  
18 black. You know, at that time, I'm thinking in my mind  
19 still, you know, what have I got myself into. This is, you  
20 know, bizarre. So in my mind, I made up my mind that I was  
21 ready to leave. So I speculated she was probably by her  
22 house. So I go to back up. And when I backed up, I felt a  
23 bump when I backed up. And when I got out, because when I'm  
24 backing out, I'm using the mirrors because it is a dirt road  
25 and there are trees on each side. So kept looking at to see

1 -- make sure that I'm not going to hit a tree or anything.  
2 But I felt a bump; and I get back out of the car. And the  
3 bump was actually me hitting Ashley with the car.

4 You know, I'm asking her, you know, holy crap, what  
5 just happened. You know, that wasn't my exact words;  
6 probably a little bit more, you know, colorful. But I was  
7 -- she ends up getting back up. She's irate, yelling at me,  
8 swatting at me, calling me -- I don't really know exactly  
9 the word she was using, it was more just yelling and it was  
10 very audible. So she's swinging at me. I'm sort of trying  
11 to get away from her.

12 If this is the vehicle, this is the rear-end, that's  
13 where I backed into her. And I'm walking towards the driver  
14 side -- or the passenger side. This would be the passenger  
15 side. She's basically still yelling at me, following me.  
16 She's hitting the car. And I got behind her somehow. And I  
17 tried to restrain her by holding her this way. At that  
18 time, it was with both hands, you know, just calm down  
19 please, clam down. You know, I'm not really sure -- I mean,  
20 after that it was just a little -- just everything was  
21 happening so fast at that moment. You know, I just -- I've  
22 never been around somebody that was acting like that, you  
23 know. At that time, she's -- I'm restraining her. She's  
24 trying to headbutt me from behind with the back of her head.  
25 So I'm moving. I place my hand right there or here or

1 somewhere to stop her head. And, you know, I'm holding her  
2 and she's still fighting me and fighting me. She eventually  
3 stops, you know. And that's when I loosened by grip.  
4 Because, you know, she's calming down so I let go of her.  
5 That's when she falls to the ground. You know, in my mind  
6 I'm like, oh my God, what just happened. You know, I'm  
7 thinking maybe she just passed out or something. I don't  
8 know at this point. But, you know, I don't know at this  
9 point what happened to her. So, you know, I'm kind of in a  
10 state of shock. I don't know what's going on.

11 I go in the car because my phone is in the center  
12 console. The rear center console, there's a cup holder  
13 there; my phone is in there. And I'm thinking, you know, I  
14 need to -- I'm thinking I need to call the ambulance. That  
15 is something that entered my mind. But for some reason I  
16 didn't. I went out there and I checked her again and the  
17 only thing I could -- I figured out, I mean, she was dead at  
18 that time. You know, she died right there in my arms while  
19 I was holding her, restraining her. And after that, it was  
20 just, you know -- I fully don't understand and it's kind of  
21 very perplexing to understand what my mentality was after  
22 the fact is. My reason became very unreasonable is the way  
23 I acted afterwards. I -- I'm freaked out. I just witnessed  
24 this woman die my arms. You know, it's my fault. I'm  
25 distraught. I don't know what to do. I know I should have

1 called the ambulance. I should've called the cops. Now I  
2 know that for sure. But at the time, I put Ashley in the  
3 trunk of my mother's Hyundai Sonata.

4 Q. Stop right there for a minute, okay. You said that you  
5 were restraining her. What were you restraining her from?

6 A. From hitting me, kicking the car. It was from those  
7 actions.

8 Q. And ultimately you talked with Detective Martin about  
9 her kicking the car, correct?

10 A. Yes, sir.

11 Q. And is that the area that she showed him that he  
12 ultimately took a picture of shown in State's Exhibit 103?

13 A. Yes, sir.

14 Q. During this event, prior to this event, at any point in  
15 time that night, did you have any intention whatsoever to  
16 kill Ashley Pegram?

17 A. No. I never intended to harm her at all. Like I said,  
18 it started off as any date. It was normal. You know, I  
19 mean chat -- you know, if I intended to harm somebody, I  
20 wouldn't told them where I lived in Hanahan. I wouldn't  
21 have given background information about me going to Fort  
22 Dorchester. I mean, it's just normal conversation that you  
23 have with somebody, you know, small talk. Or even my  
24 telephone number either, you know. I mean, it wasn't -- and  
25 no time -- and when I was restraining her, at not time did I



1 ever commit to wanting to take the life of another human  
2 being. I mean, you know, that never entered my mind at all.  
3 My whole thought process of restraining her at the time is a  
4 little clouded because I don't want to say it was straight  
5 agitation or frustration. But, I mean, all these little  
6 irritants, you know, it influenced my reaction to hold her  
7 back. It wasn't purposeful to harm someone. I mean, it  
8 just wasn't in my mind to harm anyone.

9 Q. So you testified that she had expired at that point,  
10 correct? And that was pretty clear to you?

11 A. That was; yes, sir.

12 Q. Okay. And then I stopped you when you said -- what  
13 were you going to say? What did you do from that point  
14 next?

15 A. When I realized that she had expired and I knew it was  
16 my fault, I placed Ashley into the trunk and I drove back to  
17 North Charleston where I lived. I took I-26 to get back to  
18 North Charleston, and I got off at Ashley Phosphate. And  
19 every time I go home there's a railroad on Ashley Phosphate  
20 that you can take right next to the Kangaroo gas station, a  
21 little cut through that will take you to Rivers Avenue. So  
22 that's always the way I go. So I went that way and ---

23 Q. All right. Let's stop right there a second. During  
24 that time, around the trunk time, any of that, did you  
25 notice that she was bleeding a all?

1 A. On the right there, I noticed there was blood on my  
2 shirt. It was either on the left or the right; it was  
3 probably about this long. I noticed it and I'm immediately  
4 just took my shirt off and threw it out the window on I-26.  
5 So the whole time, you know, I'm on 26, I'm riding  
6 shirtless. And, you know, that was the one thing that I did  
7 notice and it, I mean, just disgusted to me. You know, I  
8 have this human blood on me and obviously it was due to  
9 something, you know. I had to speculate backing up to her  
10 with the car, backing into her with the car.

11 Q. All right. So you said you drove down I-26 and you got  
12 off on Ashley Phosphate Road. And that's where we stopped.  
13 So, from there, go ahead.

14 A. Immediately I go towards, I believe it's Hudson Nissan.  
15 It's on Rivers Avenue, right at the end of that road. And  
16 for some reason, it's not clear to me why I turned around  
17 there. If you go -- if you turn all the way back around, it  
18 takes you straight to a frontage road that is in front of  
19 I-26. I pulled all the way down that road. And it kind of  
20 goes into a dirt area. At that time, I turned the car  
21 around. And I took Ashley's body out of the trunk and I  
22 placed it by the side of the road, and I drive back home. I  
23 Once I get home, I kind of just lay there for -- I don't  
24 even know how much time. I cannot honestly say. My mind is  
25 just going. I'm just shocked. I don't understand what just

1 happened. I don't understand why my actions are causing  
2 me -- you know, what's influencing me to just think that I  
3 have to do what I'm doing, you know. But anyway, I lay  
4 there and then I get in the van because the van actually had  
5 more gas in it. So I just got in the van and I just drove  
6 around.

7 Q. Was the van parked at your house?

8 A. Yes, sir; it was.

9 Q. Okay. And so is it the Sonata that you drove back to  
10 your house?

11 A. Yes, sir.

12 Q. And that's the green Sonata that I showed you the  
13 picture of just a minute ago, that's in State's Exhibit 20?

14 A. Yes, sir. That's my mother's car.

15 Q. Okay. Now the van and Sonata are at the house. And  
16 you're there as well, correct?

17 A. Yes, sir; I am.

18 Q. All right. And then you said you got up and drove the  
19 van around. And carry on; go ahead.

20 A. At that point, I don't know where my mindset is. I  
21 just get in the van and I just drive around. I don't know  
22 how long I drove; I just drove, drove and drove. I mean, I  
23 went down Rivers Avenue towards Montague. I went back up  
24 Rivers towards Ashley Phosphate. I got on Ashley Phosphate.  
25 I drove to -- Ashley Phosphate, there's another little

1 industrial park that I turned to. It was behind the bowling  
2 alley, Brunswick Bowling Alley on Rivers Avenue. I drove  
3 around there for a little bit, and then I just drove back  
4 up. And then that's when I went back to where Ashley's  
5 body. I don't know why. I just needed to just go back  
6 there. And when I went back there ---

7 Q. All right. Let's stop right there for a second. So  
8 the videos of, the Trident Tech videos, of you coming and  
9 going, what are you doing during that time frame?

10 A. Just driving. I don't know. I don't have any plan in  
11 my mind. I don't just -- I literally just -- I couldn't  
12 just lay there. I was getting sick. I was throwing up. I  
13 couldn't do anything. I mean, I tried to smoke pot while I  
14 was sitting at the house. I couldn't even do that. It was  
15 just -- I couldn't do it. I just wasn't functioning right.  
16 It was -- I don't even know how to clarify my mindset that  
17 morning. It was just -- I don't know.

18 Q. So I stopped you when you said at some point you went  
19 back to the frontage road area, correct?

20 A. Yes, sir.

21 Q. And that's where Ashley's body was?

22 A. Yes, sir; it was.

23 Q. What happened there?

24 A. I park; go in. And I turned the van back around. At  
25 that point, for some reason, I put Ashley back in the van.

1 And the only I can speculate that she was bleeding was on  
2 her head. And I took -- I always have cleaning supplies  
3 with me when I'm there at work to wash my hands. I'm kind  
4 of anal about my teeth. So I always mouthwash after I eat.  
5 So I have a bag with basically toiletries in there. That  
6 was the bag I used.

7 THE COURT: Say what? I didn't hear you.

8 THE WITNESS: It was a bag; a bag that I had toiletries  
9 in.

10 A. And I took the bag and I put it over Ashley's head.  
11 And I had -- the van, I had electrical tape in the van  
12 because with our machines, depending on which machine I'm  
13 using that day, you have different plugs that you have to  
14 rewire to it. And if I don't have wire caps or I have to  
15 use the black tape to secure them because you don't want  
16 live wires each other with electricity going through.

17 Q. Are these 220 machines instead of 110?

18 A. They are to 220 machines.

19 Q. Okay.

20 A. They're high voltage.

21 Q. That's how you wire them up?

22 A. Yes, sir.

23 Q. All right. Go ahead.

24 A. So I get the bag and I tape it around her head. And I  
25 place Ashley in the van behind the driver side, behind the

1 driver side seat. There I have all my supplies kind of just  
2 piled up there. And I have a lot of blood. And I guess the  
3 bags, my vacuum bags, just all the little stuff that I need  
4 for my day-to-day work, as I was ---

5 Q. Let me show you what's in evidence as State's Exhibit  
6 29. And is that the back of your work van?

7 A. That is, sir.

8 Q. And that stuff in there, was stuff that you used for  
9 work?

10 A. Yes, sir. If you look to -- that's one of them.  
11 That's one of the power cords that I would have to rewire  
12 depending on the machine I was using.

13 Q. All right. When you put Ashley in the van, was there  
14 anything in the van that you set her on or anything of that  
15 nature?

16 A. It was just a lot of that, I guess, a lot of that  
17 equipment and stuff like that was there.

18 Q. Okay.

19 A. You know, like I said, I don't know why this is  
20 happening. You know, it's just, I'm not in my clear mind.

21 Q. How long does it take you at the frontage road area?

22 A. It took me probably ten to 15 minutes because, you  
23 know, I'm pulling her. I'm pulling Ms. Pegram by her, you  
24 know, her arms and pulling her by her shirt. That ends up  
25 ripping. I'm pulling her because I'm trying to pull her

1 into the van. Because I try to pick her up but I just -- I  
2 don't have the strength at that time; just kind of  
3 exhausting for that time. So I try to pick her up and her  
4 shirt tears. You know, that's how I got her in there.

5 Q. After you get her back into the van, where do you go  
6 from that point?

7 A. At this time, I started driving. I get on I-26 and I  
8 just started driving back towards Summerville. I ended up  
9 going past Summerville.

10 Q. All right. Let's pause right there a second, okay. At  
11 some point in time around 3:29 in the morning, did you ever  
12 send a message to her via the Kiks app?

13 A. I did.

14 Q. We know what the content of the message is. What was  
15 the point of it?

16 A. I don't know. I mean, the only thing I can say is I  
17 was trying to cover my tracks, you know. I mean, I have no  
18 logical answer except for that one.

19 Q. You didn't drop her off at a gas station, obviously,  
20 right?

21 A. No, sir; I did not.

22 Q. And was that around the same time that you messaged Mr.  
23 Cauble?

24 A. No. I texted Mr. Cauble. I'm not sure on the exact  
25 time . . .

1 Q. But you sent him a message saying you weren't coming  
2 into work the next day, correct?

3 A. No, sir. I did not. I mean, yes, sir. I did send a  
4 text; and no, I was not going to be able to come into work  
5 the next day.

6 Q. And why was that?

7 A. Like I said, I was sick; throwing up all night. I just  
8 couldn't.

9 Q. What made you sick? I mean, did you have a stomach bug  
10 or was it this incident?

11 A. It was the incident. I just witnessed someone, a  
12 person, another human being, die in my arms. And I mean,  
13 it's obviously my fault. But, I mean, it was intentional.  
14 It just -- I mean, I never had somebody die in my arms. I  
15 mean, my mindset is just -- it's gone at that moment.

16 Q. All right. So I stopped you just a minute ago when you  
17 said that you had gotten on the interstate and you had  
18 headed up. And I think I stopped you at around Summerville.  
19 Tell us what you did from there.

20 A. Well, I just kept on driving.

21 Q. Do you have any idea what time this is?

22 A. No, sir.

23 Q. And was it daylight yet?

24 A. I do know that the sun was starting to come up; yes,  
25 sir.



1 Q. Okay. You kept driving.

2 A. I get off. I know now that I got off at the  
3 Harleyville exit.

4 Q. When you say you know now, what do you mean by that?

5 A. At the time, I wasn't very sure where I was or where I  
6 had gone. When I disclosed the location where Ashley was  
7 located, her remains, I had use, my attorney at the time, I  
8 had to use his iPad to retrace my steps so I could give him  
9 an exact location of where were they would be able to locate  
10 her. So at the time, I wasn't really a hundred percent  
11 sure. I just had to use Google maps and stuff like that.  
12 All I could do was tell them I got off at a -- it looked  
13 like some sort of factory. I wasn't sure what it was. And  
14 by telling Mr. Leiendecker that, he was able to kind of get  
15 in the general direction of where I was at. And then I used  
16 his iPad to kind of retrace my steps and go back to that  
17 place.

18 Q. All right. So kind of jumping ahead in time to where  
19 you disclosed the location of it. Take the jury back to  
20 that location. When you got off the interstate, what  
21 happened?

22 A. I drove around the Harleyville area. I know now that  
23 it's the Harleyville area. I drove around there for a  
24 little bit. And then I ended on Brown Town Road. I know  
25 the name of it now because of Google maps. So I ended up

1 there and I drive all the way to the back of it and it ended  
2 up being a little neighborhood. I'm not sure how big, so I  
3 just turned straight around. And I go down the road little  
4 bit, and I get out of the van, and I take Ashley's body out  
5 of the van. And I leave her there on the side of the road.  
6 There's another factory or business or something that's on  
7 that road, and I parked the van inside the gate area because  
8 the gate is open. I take a board that I have out of the  
9 van. And I go and I use the board to dig a hole with. I  
10 started off using the edge and then I just started scraping  
11 the dirt out of there. That's where I buried Ashley at.

12 Q. And how did you get her from kind the side of the road  
13 area or just off the road, how did you get her to the  
14 gravesite?

15 A. I dragged her by her arms and hands.

16 Q. And do you remember anything happening while you were  
17 dragging that distance?

18 A. At the time, no, I did not. I know that she did lose  
19 her pants at the time. They got snagged just on something  
20 or they fell off. I'm not 100 percent sure.

21 Q. Did she have on pants when you put her body on the side  
22 of the road, initially?

23 A. Yes, sir.

24 Q. And when she got to the gravesite, where were her  
25 pants?

1 A. Somewhere in the woods where I was pulling her through.

2 Q. And you said you pulled her by her hands and her feet.

3 Can you describe that for us? What do you mean by that?

4 A. Just pulling her. I can't really -- like I said, at  
5 that time, I'm just kind of exhausted and drained. And I  
6 just, you know, already. I'm just pulling and pulling and,  
7 you know, dragging her. And I got to a point and I couldn't  
8 really go any more. So I just start, you know, I just start  
9 digging the hole. And that's, you know, that's what  
10 happened in the woods.

11 Q. And what point in time did the electrical get around  
12 her wrist, if it did?

13 A. It had to have been when I taped the bag around her  
14 head. I mean, like I said, I'm not thinking in the right  
15 mind. So I have no idea why I would've done that; not at  
16 all.

17 Q. And when you say when you taped the bag around her  
18 head, it wouldn't have been the exact same moment, would it?

19 A. Possibly.

20 Q. I mean, you couldn't tape her neck and wrist at the  
21 same time, correct?

22 A. I could've; yes, sir.

23 Q. Okay.

24 THE COURT: You said you could have?

25 THE WITNESS: Yes, sir.

1 Q. Just so we understand, Mr. Bonilla, I mean, did you  
2 tape her hand and neck together?

3 A. I don't know. To say yes or no would be a lie. So I'm  
4 not 100 percent sure.

5 Q. After you dug the grave, I think that's where we kind  
6 of stopped, what happened from that point?

7 A. I placed Ashley in there and I just started covering  
8 her with dirt. And by this time, the sun was already up.  
9 So I, the board that I have I -- I don't know what I did  
10 with it. I don't know if I threw it in the woods or if I  
11 took it with me. I'm not 100 percent sure on that. But I  
12 walk out of the woods; I go back to the van and I go back  
13 home.

14 Q. That bag that you said you taped around her head, that  
15 wasn't on her body when they found her. What happened to  
16 that?

17 A. I don't know. Before I took her out of the van, I took  
18 it off and I remember throwing it somewhere in the van. I  
19 just remember throwing it and taking it off and throwing it.  
20 And I think I ended up throwing it away later when I, you  
21 know, later on.

22 Q. And we'll get to that point.

23 A. Yes, sir.

24 Q. All right. At this point, you cover up the grave,  
25 correct?

1 A. Yes, sir.

2 Q. You said you threw the board in the woods or you're not  
3 sure what you did with it.

4 A. Yes, sir.

5 Q. And then where do you go? What you do?

6 A. I drive back to the Summerville area and I go back to  
7 the dirt road where Ashley expired. And I just look around  
8 there. I find one of her shoes, or one of her sandals. I  
9 picked that up and I take it with me. And then I drive back  
10 down 78.

11 Q. Pause right there a second now. Do you know -- any  
12 idea what time this is?

13 A. No, sir.

14 Q. Was it daylight yet?

15 A. Yes, sir.

16 Q. All right. At what point in time during this travel  
17 that you described do you think it became daylight?

18 A. When I was in the woods.

19 Q. Okay. So during the time of the burial, essentially?

20 A. Yes, sir; it was.

21 Q. And then you said you went back to the road. Take us  
22 back there again.

23 A. To what road, sir? The road where Ashley expired?

24 Q. Yes.

25 A. I just go back there. And I find her sandal; I pick it

1 up and I take it with me. I go back down the road.

2 Q. Pause a second. Why did you go back to that area?

3 A. I have no idea. I just -- I just sat in water. I  
4 don't really have any idea why. I just, like I said, maybe  
5 it was -- I don't know.

6 Q. Did you know that you had left a sandal out there or  
7 not?

8 A. No, sir.

9 Q. Okay. So after leaving that area, where did you go?

10 A. I mean, I drove back down 78 and I head towards Ladson  
11 area. And then I end up going to -- there's a gas station  
12 three on the corner of Ladson and 78. I'm not sure if it's  
13 a Citgo or -- I'm no sure what gas station it is, but they  
14 have a carwash there. And I pull around back and get  
15 Ashley's sandal and -- put it in the bag and I throw it away  
16 in the dumpster behind there. And then I -- I'm not sure if  
17 I drove down Rivers or if I got back on I-26, but I went  
18 back home.

19 Q. So you go down 78, you get to -- is it the intersection  
20 of 78 -- where was the gas station again?

21 A. The intersection of 78 and Ladson.

22 Q. Okay. And what in all do you throw away at that  
23 dumpster?

24 A. It was the bag and the -- Ashley's sandal.

25 Q. And do you have any idea what time it is at this point?

1 A. No, sir; I don't. I just know that it's daylight.  
2 Like I said, I wasn't paying attention to the clock. I  
3 believe the van clock is not even right . . .

4 Q. From that area, where do you go from there?

5 A. Oh, go back to my mother's residence in Hanahan.

6 Q. All this time in the narrative you gave us as far as  
7 taking the body up to Harleyville and coming back and the  
8 dumpster and stuff, were you driving the van that's in  
9 State's Exhibit 11?

10 A. Yes, sir.

11 Q. And that's the van that I showed you a few minutes ago  
12 in State's Exhibit 30? That's the back of it, the interior.

13 A. Yes, sir; it is.

14 Q. And when you get back home, and home you're meaning the  
15 Hanahan area, Maybelline Drive area, right?

16 A. Yes, sir.

17 Q. How long do you stay there?

18 A. I would say probably around 9-ish, nine o'clock or so.  
19 My girlfriend at the time, Jasmine, calls me or I called  
20 her. I'm not 100 percent sure who made contact. She said  
21 that she was going to lay down for a little bit. So she  
22 ends up laying down. I call her mother because Jasmine has  
23 been going through some issues so -- and me and her mom used  
24 to talk, you know, all the time just, you know, about  
25 day-to-day stuff. So we were just talking about, you know,

1 Jasmine kind of getting her life together, this, that and  
2 the other, working hard; that type of stuff. And I guess  
3 around ten o'clock, I'm not 100 percent sure, I end up  
4 driving to Mount Pleasant to the ---

5 Q. Ten o'clock a.m. or p.m.?

6 A. It would be a.m. I end up driving to the Brickyard  
7 Plantation in Mount Pleasant off of Highway 17 where  
8 Jasmine's parents live to pick her up. And after that, we  
9 just drive back to my moms house.

10 Q. How are you feeling during that day?

11 A. Just nauseous; not able to eat. I wasn't able to eat  
12 until probably Tuesday afternoon. You know, maybe fruit or  
13 an apple or something in between, but not real -- food. I  
14 mean, I was just extremely nauseous. Every time I'd eat and  
15 drink water, I threw it back up.

16 Q. And was Jasmine kind of living there at the time at the  
17 Maybelline address as well?

18 A. Yes, sir; she was.

19 Q. Now, you say this was your girlfriend, but you went out  
20 with Ashley Pegram. I mean, what -- tell us about that.

21 A. Me and Jasmine kind of had an open relationship in a  
22 way. You know, she, you know, went out somewhere and, you  
23 know, I would go out somewhere. And she's known about me  
24 seeing other women. I mean, she's found photos, you know,  
25 in my phone and stuff like that. But, I mean, it's never an



1 issue between me and her she because, I mean, she does her  
2 thing sometimes and I go do my thing sometimes.

3 Q. So when you say girlfriend, y'all weren't necessarily  
4 exclusive, correct?

5 A. She was still my girlfriend. She's still my  
6 girlfriend. You know, I care about her; cared about her at  
7 the time and still do. But, you know -- I don't know; I  
8 guess an understanding between us.

9 Q. I gotcha. At some point in time do you take the van  
10 back to Mr. Cauble's place?

11 A. Yes, sir; I do.

12 Q. When was that?

13 A. It would be at night, probably around 10:30. I don't  
14 remember the exact time. You know, I saw it in here but I  
15 wasn't . . .

16 Q. And that was depicted in State's Exhibit 105?

17 A. Yes, sir. That's the van right there. Or that's the  
18 van right there where I parked it.

19 Q. Just had just pulled up there?

20 A. Yes, sir.

21 Q. Okay. And what car is this?

22 A. That is a Chevy Cruz.

23 Q. Whose car was that?

24 A. That's a rental car that my mom rented.

25 Q. Was it common for her to rent cars?

1 A. Yes.

2 Q. Why?

3 A. Her vehicle at the time, or her vehicle that she had  
4 had 350,000 something miles on it. So whenever she had a  
5 lot of errands to run through weekend, she would rent a car  
6 from Enterprise. Because, I believe, something planned or  
7 something she has is very in expensive to do so for her . .  
8 .

9 Q. Did she know the person at Enterprise?

10 A. I'm not aware of their relationship.

11 Q. Okay. And the car that you're referring to that had  
12 the miles on it, that was the one that you drove?

13 A. Yes, sir.

14 Q. The Hyundai Sonata?

15 A. That would be. Probably 300,000 miles on it.

16 Q. That's State's Exhibit . . . All right. Edward, at  
17 some point in time, the police start looking for you,  
18 correct?

19 A. Yes, sir.

20 Q. How did you find out about that?

21 A. Through Ashley's sister Brandy. She texted me in the  
22 morning. But I didn't receive the text messages until later  
23 because I was actually sleeping. You know, it was probably  
24 Sunday. I had been up all Friday night, most of Saturday.  
25 Just I was finally able to get some sort of sleep and then I

1 just ended sleeping until probably ten or nine in the  
2 morning. And then I checked my phone and it was -- she  
3 never identified herself as Brandy. But she just said this  
4 is Ashley's sister, you know, and she sent the text  
5 messages, you know, where's my sister. Those messages like  
6 that.

7 Q. And did you talk to her on the phone at some point?

8 A. I did. I did return her phone call because they called  
9 me a few times. You know, at first I didn't know their  
10 numbers. You know, it was a couple of numbers that they  
11 called me from. I would have to speculate at that time with  
12 them calling me, after I found out, you know, the numbers  
13 that they were calling me from.

14 Q. And when you talk to Ms. Chance, did you ultimately  
15 tell her your name?

16 A. I did.

17 Q. And what other information did you provide?

18 A. I'm not 100 percent sure on our whole conversation. I  
19 just, you know, told her my name. She told me that the  
20 police were involved. I believe she gave me a number for  
21 the police officer or he called me or something like that.  
22 Those few days are, you know, they're just kind of I want to  
23 say blurry, but they are just a little foggy, hazy. My mind  
24 wasn't right. I wasn't eating. And I just wasn't right in  
25 the head at that time.

1 Q. And when you say the officer called you, is that  
2 Detective Harris?

3 A. It was Detective Harris; yes, sir.

4 Q. And you ended up talking to him on the phone, correct?

5 A. Yes, sir; I did.

6 Q. And did you provide him with a statement?

7 A. I did; yes, sir.

8 MR. HILTON: Just one moment, Your Honor.

9 Q. Do you remember telling him that picked up Ashley in  
10 the information that was testified to?

11 A. Yes. Everything I told him was factual up until the  
12 point where I told him, you know, I let Ashley out of the  
13 car and I left. But everything else was factual.

14 Q. And ultimately, you ended up talking to Detective  
15 Martin, correct?

16 A. I did; yes, sir.

17 Q. And you had several conversations with him. Where you  
18 gave the statement, that would've been before you talked to  
19 him at Mr. Cauble's place, correct?

20 A. Yes, sir; it was.

21 Q. All right. When you talked to Detective Martin and  
22 gave the written statement, did you provide him with some  
23 information?

24 A. I did; yes, sir.

25 Q. All right. And what was that information that you

1 provided to him? Was it similar to what you provided to  
2 Detective Harris?

3 A. It was. Except for the, you know, the unemployment  
4 part of it and just, you know, his questions if I -- and  
5 stuff like that, you know.

6 Q. Why did you lie to him about -- let's start with the  
7 unemployment portion of it.

8 A. There's really no answer. I mean, I knew that -- I  
9 knew that they would find something in the van, you know.  
10 And at that point, I was just scared. You know, I knew  
11 something was wrong. I did something wrong. There's no  
12 real logic for why I did it, you know. It was just a lie.

13 Q. You admit that you lied to Detective Martin?

14 A. Yes, sir; I do.

15 Q. And then you met up with him again at Mr. Cauble's  
16 place when he found out that you worked there.

17 A. Yes, sir.

18 Q. And what were you going there for that day?

19 A. I realized once I got to the house that I forgot my  
20 phone in the GMC van. So I was going back to get my phone.

21 Q. Did you do know he was going to be there?

22 A. No, sir.

23 Q. Did you even know that Mr. Cauble was going to be  
24 there?

25 A. Yes. Because I contacted him ahead of time and he told

1 me he was still at the shop.

2 Q. Okay. So he had already made it back to the shop at  
3 the point you contacted him?

4 A. I mean, from my knowledge, I thought he was still  
5 there. But from his testimony, he said he was on Cosgrove  
6 exit or wherever and turned back around to the shop.

7 Q. All right. And when you left your phone in the car,  
8 was that from April 4th or was -- when did you leave your  
9 phone -- I say the car -- the van? The work van.

10 A. That was that day of work because I drove that van to  
11 work. And normally when I go to work, I work by myself.  
12 And so, I just forgot my phone in there.

13 Q. Okay. And Detective Martin asked you how long you had  
14 worked for Mr. Cauble and you lied to him there too, right?

15 A. I did lie to him; yes, sir.

16 Q. Why?

17 A. Again, there's no logic behind it. Just I knew Rob was  
18 going to tell him the truth, but I still ended up lying.

19 Q. Now around -- just one moment. On May 8th, by May 8th,  
20 you had already been arrested at the time, correct?

21 A. Yes, sir.

22 Q. And in fact, you were charged with the obstruction and  
23 the murder, correct?

24 A. Yeah, by May 8th -- I believe by May 8th I was charged  
25 with murder; yes, sir.

Direct Examination of Edward Bonilla by Mr. Hilton

1 Q. All right. And that was the day that you ended up  
2 disclosing the location of the body through Mr. Leiendecker,  
3 correct?

4 A. Yes, sir; it is.

5 Q. Edward, at any point in time, did you have any  
6 intention to harm Ms. Ashley Pegram that night?

7 A. No, sir. It never entered my mind to harm someone.  
8 Her death was an accident. It was an accident that was  
9 influenced by the way that she was acting.

10 Q. And hindsight is 20/20?

11 A. Yes, sir.

12 MR. HILTON: Edward, please answer any questions that  
13 Mr. Sorenson may have for you.

14 THE WITNESS: Yes, sir.

15 THE COURT: Y'all okay? Anyone need a bathroom break?  
16 We're going to probably go another -- a little while.

17 MR. HILTON: I will say, I would like to take one.  
18 Just a bathroom break; five minutes.

19 THE COURT: All right. Let's take a five. Everyone  
20 else remain seated. Don't discuss the case and don't  
21 deliberate.

22 (The jury exits the courtroom at 4:16 a.m.)

23 THE COURT: All right. We'll take a five-minute quick  
24 bathroom break.

25 (A brief recess was taken at 4:16 p.m. The proceedings

1 resumed at 4:24 p.m.)

2 THE COURT: Anything for the record be we start back?

3 State? Defense?

4 AST. SOL. SORENSON: No, sir.

5 MR. HILTON: Nothing, Your Honor.

6 (The jury enters the courtroom at 4:24 p.m..)

7 AST. SOL. SORENSON: Thank you. May it please the  
8 Court, Your Honor?

9 THE COURT: Yes, sir.

10 CROSS EXAMINATION

11 BY AST. SOL. SORENSON:

12 Q. Mr. Bonilla, just so we're clear, kind of the gist I  
13 got out of your testimony you pretty much came out and said  
14 this at the very end, this young lady, State's 2 and 3,  
15 that's the lady that with you that night. Is that correct?

16 A. Yes, sir.

17 Q. Is your testimony basically her death, it's her fault.  
18 Is that correct? Does that kind of sum up your testimony?

19 A. I wouldn't say it was entirely her fault; no, sir.

20 Q. She wasn't being combative with you? Wasn't yelling at  
21 you? Wasn't trying to hit you? Wasn't trying to kick you  
22 car? Based on your testimony, she would still be alive. Is  
23 that correct?

24 A. Yes, sir.

25 Q. Let's talk a little bit about this story you just told



1 the jury here this afternoon if we could. First thing I  
2 want to talk about is I want to talk a little bit about your  
3 girlfriend back then, Jasmine. What's Jasmine's last name?

4 A. Wicevic (ph).

5 Q. And how long had the two of y'all been together?

6 A. Since the previous November.

7 Q. And y'all pretty much talked every day on the phone:  
8 text messages, phone calls. Is that correct?

9 A. Yes, sir.

10 Q. All right. Was she living with you back in April of  
11 2015?

12 A. Yes, sir.

13 Q. Okay. And that was over at that apartment in Hanahan  
14 behind Trident Tech?

15 A. Yes, sir; off of Maybelline.

16 Q. Okay. Who lived there the? You, your mother, and her?

17 A. Yes, sir.

18 Q. The three of y'all?

19 A. Yes, sir.

20 Q. Okay. And did Jasmine have a vehicle?

21 A. No, sir.

22 Q. Now the night of April the 3rd, where was she?

23 A. She said she was with her friend, Doug.

24 THE COURT: Her friend who?

25 THE WITNESS: Doug.

1 Q. D-o-u-g, Doug?

2 A. I believe so.

3 Q. Okay. Let me ask you this: During that time, Jasmine  
4 was having some back and shoulder issues, right?

5 A. She said she did; yes, sir.

6 Q. Well, I mean, you lived with her.

7 A. Yeah.

8 Q. Is that correct?

9 A. Yeah.

10 Q. Okay. Was she on medication for her back and shoulder  
11 issues?

12 A. If she was, I did not know.

13 Q. Don't know whether she was on a muscle relaxer or  
14 anything like that for that back and shoulder issues?

15 A. No, sir. She never took any in front of me.

16 Q. But you were aware of her back and shoulder issues  
17 because she texted you about it. Is that correct?

18 A. Yes, sir.

19 Q. When you had this jury that the two of you, even though  
20 while you were boyfriend/girlfriend, you had an  
21 relationship. Is that correct?

22 A. Yes, sir.

23 Q. Okay. In fact, you in looking through those text  
24 messages and the phone records we have, you were contacting  
25 a lot of women back then. Is that correct?

1 A. Yes, sir.

2 Q. Various online sites?

3 A. Yes, sir.

4 Q. Okay. A lot of women who were basically charging for  
5 their company with you. Is that correct?

6 A. Some of them. Whenever you -- sometimes when you text  
7 somebody or send them a message, they'll send back an offer  
8 for money; yes, sir.

9 Q. Okay. All right. And it's your testimony that you had  
10 first started corresponding with Ashley on an app sometime  
11 several weeks up to a month before this night. Is that  
12 correct?

13 A. Yes, sir.

14 Q. All right. But the night of April the 3rd, that was  
15 the first night you actually saw her, though. Is that  
16 correct?

17 A. Yes, sir; it was.

18 Q. And you end up going to pick her up around nine o'clock  
19 that night. Is that correct? Somewhere in that vicinity.

20 A. Yes, sir; correct.

21 Q. And it's your mom's Hyundai Sonata. Is that correct?

22 A. Yes, sir.

23 Q. All right. And was your home at that point in time?

24 A. Yes, sir.

25 Q. Okay. And your work van, because you had driven that

1 Ford work van, so that work van then is at the apartment on  
2 Maybelline. Is that correct?

3 A. Yes, sir; it is.

4 Q. Okay. And Jasmine as far as you know is off with some  
5 friend Doug?

6 A. With Doug; yes, sir. That's what she told me the next  
7 day.

8 Q. Okay. And it was y'all's understanding at that point  
9 in time that that night you were going to go out and then  
10 you had to get up and go to work the next morning. Is that  
11 correct?

12 A. I was supposed to go; yes, sir.

13 Q. And what time would you have gotten up to go to work  
14 Saturday morning?

15 A. Well, since I had to be there at eight, and it's  
16 Saturday, there's no traffic, so I would've got up around  
17 seven and left around maybe 7:45.

18 Q. Okay. And you would've driven obviously your work van  
19 at that point in time. Is that correct?

20 A. I would have; yes, sir.

21 Q. Okay. And it's your testimony that your mom ended up  
22 renting this Chevy Cruz that Saturday morning. Is that  
23 correct?

24 A. I'm not sure if it was the morning or not, but she did  
25 have that Cruz.

1 Q. Okay. Let me ask you this while I'm thinking about  
2 this: In State's Exhibit 105, who's driving that when you  
3 get picked up dropping the van off?

4 A. That would've been my mother.

5 Q. All right. I'm going to get back to that in a few  
6 minutes.

7 A. All right.

8 Q. And the van, and Mr. Hilton had asked you, that Ford  
9 van, you said it was not uncommon for you to take that home.  
10 Is that correct?

11 A. No, sir; it was not.

12 Q. Okay. But the fact of the matter is that after this  
13 incident happened on the early morning hours of April 4th,  
14 2015, you brought the van back to work that night, that  
15 Saturday night, even though you didn't work. Is that  
16 correct?

17 A. Yes, sir.

18 Q. The fact of the matter is you never took that van home  
19 again after that, did you?

20 A. No, sir. Because the Monday he came back with that GMC  
21 van that's in the other pictures. He had that out getting  
22 lettered. And when he came back, I switched over to that  
23 van.

24 Q. Okay. That fact of the matter is you never took any  
25 vans home from work after April the 4 of 2015. Is that

1 correct?

2 A. No. I believe I drove the Chevy home.

3 Q. Of course, part of that back then is you didn't want  
4 law enforcement to find out where you were working. Is that  
5 correct?

6 A. Yes, sir; it was.

7 Q. All right. Let's talk about -- so you get over to your  
8 brother's house. And I got a little confused here because  
9 there is text messages from your brother where he's telling  
10 you that he's got marijuana for you.

11 A. Yes, sir.

12 Q. Is that correct? Okay. Now you said you didn't some  
13 any marijuana at your brother's house, though. Is that  
14 correct?

15 A. No. I don't believe I did say that.

16 Q. Okay. I may have misunderstood that, but I ---

17 A. I did say that I did not smoke any on the way there. I  
18 do remember saying that.

19 Q. Okay. So you smoked marijuana at your brother's house?

20 A. Yes, sir.

21 Q. Okay. And then your testimony is that you left your  
22 brother's house around midnight or thereabouts or a little  
23 before, and went back to your house, your apartment.

24 A. Yes, sir.

25 Q. To get rid of the marijuana.

1 A. Yes, sir.

2 Q. Is that correct?

3 A. Yes, sir.

4 Q. Before driving Ms. Pegram back to her home?

5 A. Yes, sir.

6 Q. All right. And how far is it from your brother's house  
7 to your apartment?

8 A. I don't know the exact mileage, but probably about a  
9 20-minute drive.

10 Q. Okay. So you're willing to go drive 20 minutes to get  
11 rid of the marijuana bit not to go take her home first?

12 A. Yes, sir.

13 Q. Okay. And that was the only reason you were, basically  
14 -- your testimony is you went back by your house is to get  
15 rid of that marijuana at that point in time, right?

16 A. Yes, sir; it was.

17 Q. Okay. And Ms. Pegram at that point in time, when you  
18 left your brother's house, how was she acting?

19 A. At first, not too bad. I mean, she wasn't going into  
20 her little rants then about the phone or the lighter or  
21 anything like that; no, sir.

22 Q. So at that point in time -- and she's been drinking.  
23 Is that correct?

24 A. Yes, sir.

25 Q. And it's your testimony that she had three to four

1 beers from the time you picked her up until you got to your  
2 brother's house?

3 A. Yes, sir.

4 Q. And then how much did she have at your brother's house?

5 A. I wasn't paying attention. We put it in the fridge and  
6 just told her to go, at her own will, to go pick it up or  
7 grab another one.

8 Q. And did she have a beer with her when y'all left?

9 A. She did. That was the only way I could actually get  
10 her to get into the car by allowing her to take the beer  
11 with her.

12 Q. And yet again, and I may have misunderstood this  
13 earlier, but I thought I heard you say that you had went  
14 back to your apartment and then smoked some marijuana with  
15 her on the way back to your apartment.

16 A. We did.

17 Q. Okay. And then later on you testified that she was  
18 asking for a lighter and you said you didn't want to smoke  
19 in your mom's car.

20 A. Yes, sir.

21 Q. Okay. Well, when you were driving from your brother's  
22 to your apartment and you were smoking, whose car were you  
23 in?

24 A. My mother's.

25 Q. Okay. So it was okay then to smoke in your mom's car



1 but not 30 minutes later?

2 A. No, sir.

3 Q. That's the part where I thought I misunderstood that.

4 But, obviously, I didn't. All right. And you got this  
5 marijuana at your brother's from who?

6 A. It was a random person.

7 THE COURT: A random person?

8 THE WITNESS: Well, it's somebody that we know.

9 THE COURT: Don't you have a name?

10 THE WITNESS: I mean, do I really have to disclose  
11 their name?

12 THE COURT: You don't have to.

13 THE WITNESS: I'm asking you, sir, do I have to?

14 THE COURT: That's up to you.

15 THE WITNESS: I choose not to disclose their name, sir.

16 Q. Okay. So you got marijuana from a random person?

17 A. No. It was somebody I knew.

18 THE COURT: What was the answer?

19 THE WITNESS: No. It was someone I knew.

20 THE COURT: But you don't want to tell us who it is?

21 THE WITNESS: Yes, sir.

22 AST. SOL. SORENSON: I'm going to ask the Court to  
23 instruct him to answer that question, Your Honor.

24 A. Well, I mean, that person's name, he goes by Trend.

25 THE COURT: That's why I didn't instruct him so --

1 what's her name?

2 THE WITNESS: His name is Trend.

3 THE COURT: Trend?

4 THE WITNESS: Yeah, like trendy.

5 Q. Trendy. Okay.

6 A. Yes, sir. I mean, that's the name he goes by. I don't  
7 know his real name.

8 Q. Okay. All right. That's fine. I'll move on. And it's  
9 your testimony then -- so y'all stop by -- you go by your  
10 apartment. And then from there, you leave, and, I guess,  
11 get back on the interstate at Ashley Phosphate Road on I-26?

12 A. Yes, sir.

13 Q. And head down and Ms. Pegram has to use the restroom.  
14 Is that correct?

15 A. Yes, sir.

16 Q. And then y'all stop and there's a Sunoco at the College  
17 Park exit.

18 A. Yes, sir.

19 Q. And that's, what, an exit or so down from Ashley  
20 Phosphate?

21 A. Yes, sir; it is.

22 Q. And the jury seen the video. And that is you driving  
23 the vehicle, right? That Sonata that pulls in.

24 A. That is me; yes, sir.

25 Q. Nobody else in that vehicle with you?

1 A. No. It's just me and Ashley.

2 Q. All right. And at that point in time, has she gotten  
3 out of control with you in the car when she goes into the  
4 Sunoco?

5 A. Just the weird stuff she's saying.

6 Q. Is she yelling at you?

7 A. Not at that point; no, sir.

8 Q. And it's your testimony that -- and the jury got to see  
9 the -- I mean, she's in there for quite some time. Is that  
10 correct?

11 A. Yes, sir.

12 Q. And she comes back out, gets back in the vehicle, and  
13 you drive off at that point in time. Is that correct?

14 A. Yes, sir.

15 Q. All right. And you've seen the video. It said about  
16 12:12 in the morning.

17 A. That's the approximate time on there.

18 Q. Any reason to dispute that was the time that you were  
19 in the vicinity of that Sunoco?

20 A. At the time, I did not know the time. But since it's  
21 on the computer stamp then obviously that was the time.

22 Q. Okay. And at the point in time, your testimony then  
23 that you drive, come back in to the Summerville exit, so I  
24 guess exit 199, and drive in to and cut over to Highway 78.  
25 Is that correct?

1 A. Yes, sir.

2 Q. Is that way you came when you came to pick her up  
3 initially?

4 A. It is. Because she didn't give me the actual address  
5 until I hit Highway 78.

6 Q. And you had put her address in your GPS. Is that  
7 correct?

8 A. Yes, sir. It's in the GPS. You guys took a picture of  
9 it.

10 Q. Still in there now, right? And you were the one that  
11 put it in there. That's how you got to her house the first  
12 time. Is that correct?

13 A. Yes, sir.

14 Q. So there was nothing that prevented you from looking  
15 back in your phone when you were trying to find her house  
16 again. It is that correct?

17 A. Like I said last time, you know, with the events that  
18 were happening, my mind just wasn't thinking clearly about  
19 that part of it.

20 Q. Okay. And when you were communicating with her in  
21 State's Exhibit No. 4 -- you've had a chance to review  
22 these, right? With your lawyer.

23 A. I've seen them when they were on the . . .

24 Q. Seen them in court also here?

25 A. Yes, sir.

1 Q. And that is, that E-Money Bon, that's you, right?

2 A. Yes, sir.

3 Q. That's your ID. And that's on the Kik app. Is that  
4 correct?

5 A. Yes, sir. That is the Kik app.

6 Q. Okay. And just so I understand this and the jury  
7 understands it, that app on your phone allows you to message  
8 with people assuming they have a Kik ID also. Is that  
9 correct?

10 A. Yeah. With that one, you can't just -- it's not like  
11 Meet where you randomly have pictures that you can pick  
12 from. You actually need to know the person's name to  
13 contact them.

14 Q. Okay. And obviously some point in time she had given  
15 you her name during your initial conversations?

16 A. Yes, sir. She gave it to me over Meet.com.

17 Q. Okay. And the thing about the Kik app is that once  
18 your -- I mean, if you're active on it going back and forth  
19 with somebody, once you close that app up, it doesn't save  
20 any of those messages. Is that correct? They're not saved  
21 on your phone.

22 A. I believe it does save them.

23 Q. You think that it does?

24 A. It believe so. I believe you have to physically erase  
25 them.

1 Q. Okay. It's your testimony -- All right. Let's kind of  
2 back up now. So you're leaving, you're pulling out of  
3 Sunoco. And I think it's your testimony that she is, that  
4 Ashley, is just saying some weird things at that point in  
5 time?

6 A. Yes, sir.

7 Q. Like what?

8 A. Like she's asking for her mom's phone that I do not  
9 have. She's yelling at me for taking it. She's accusing me  
10 of stealing it is really what she was doing. The thing  
11 about the lighter, she's, you know, give me a lighter,  
12 you're not a man, give me a lighter, blah, blah, blah. That  
13 type of stuff.

14 Q. Okay. In your testimony, the reason you wouldn't give  
15 her a lighter at that point in time is now you don't want to  
16 smoke in your mom's car?

17 A. Yes, sir.

18 Q. And this is happening when you're going down the  
19 interstate or once you get into Summerville or . . .

20 A. This is down the interstate and getting towards  
21 Summerville.

22 Q. Okay. Did she ever put her hands on you during all  
23 this or is she just kind of yelling at you?

24 A. Kind of yelling. She never put her hands on me in the  
25 car; no, sir.

1 Q. Okay. And so y'all pull in. And I think you said that  
2 you drive around, you ask her where she lives. Is she not  
3 able to tell you or . . .

4 A. I mean, she's telling me supposedly where she lives.  
5 And then I'm having -- I'm finding out later after I go down  
6 the road that it's not the place to go. She's telling me  
7 I'm going the wrong way.

8 Q. It's your testimony that you drove around for 30 or 40  
9 minutes with that going on?

10 A. That's, you know, just a guesstimation. I'm not  
11 100 percent sure on the time.

12 Q. Okay. And then ultimately you end up over on Winter  
13 Road or Winter Drive, and that's near a mobile home park.  
14 Is that correct?

15 A. We had passed the mobile home park already. It's --  
16 the mobile home park is located.

17 Q. Okay. And that's where she indicates to you that she  
18 needs to use the restroom again?

19 A. That is.

20 Q. And during this 30 to 40 minutes, I mean, you at no  
21 point in time thought, you know, heck, she gave me her  
22 address, I've gotten to this place once before. Never  
23 occurs to you?

24 A. It just never entered my mind, sir.

25 Q. All right. And it's your testimony that when you pull

1 up, she's get out of your car to us the restroom, right?

2 A. Yes, sir.

3 Q. And you're thinking to yourself, I mean, what did I put  
4 myself or what did I get myself into. That's what your  
5 testimony was at that point in time.

6 A. Yes, sir.

7 Q. And you make a decision at that point in time to leave  
8 her. Is that correct?

9 A. Yes, sir.

10 Q. And it's your testimony -- so she had shut the door.  
11 And do you know where she went?

12 A. No. It was dark. She was wearing black. I wasn't  
13 watching her get out of the car.

14 Q. And that's how she was dressed, correct? I mean it's a  
15 long-sleeved, kind of, black shirt and jeans on with  
16 flip-flops.

17 A. Yes, sir.

18 Q. So you put the vehicle -- now, explain to me exactly --  
19 now, where is it that you're pulled? I mean, you were  
20 saying something about, you know, there being a private  
21 drive sign or something?

22 A. Yes.

23 Q. Where are you? Are you on the side of the road? In  
24 the driveway? In a road?

25 A. It had to have been a private driveway. It was kind of



1 like a dirt road or so.

2 Q. Okay. So you pull into a dirt road. And you, at this  
3 point in time, you don't know where you were, right?

4 A. Not exactly; no, sir. I know that if, you know, I pull  
5 out the road and take a right when I get out, because I'm  
6 reversing, or take a left, it would take me back to 78.

7 Q. All right. So she gets out. So you are pulled into  
8 this private drive?

9 A. Yes, sir.

10 Q. And she gets out, obviously, the passenger side of the  
11 vehicle?

12 A. Yes, sir.

13 Q. Closes the door. And at that point in time, is your  
14 testimony that you back up?

15 A. It is.

16 Q. Okay. How far do you back up?

17 A. It had to be 10 feet or so.

18 Q. Close as we are right now?

19 A. Yes. I mean, I don't -- it's dark. Probably about  
20 10 feet or so.

21 Q. Okay. Do you gun the engine when you back up?

22 A. No. Like normally, like you back out of a driveway.  
23 Just, you know, put it in reverse, let the car go, you know.

24 Q. Your testimony is at that point in time, you felt a  
25 bump?

1 A. I did feel a bump; yes, sir.

2 Q. Okay. And you get out and realize at that point in  
3 time, your testimony was, that you hit Ashley with the car.

4 A. Yes. Because when I got out she was kind of laying on  
5 the ground when I got out there.

6 Q. And it's your testimony that you hit her basically  
7 right in the center of the back of a car?

8 A. I don't know exactly where I hit her was back of the  
9 car; no, sir. I didn't say anything.

10 Q. Okay. I thought you had pointed that out to  
11 Mr. Hilton. You just hit her with the back of the car,  
12 though?

13 A. Yes, sir.

14 Q. And she is on the ground at that point in time?

15 A. She is. When I go around to the back of the car to see  
16 what it was or who, you know, I didn't know at the time that  
17 I hit her when I bumped. You know what I mean? Because  
18 like I said, it was dirt road, you know. I'm using the  
19 mirrors to back up because you got woods here and woods  
20 here, you know. I didn't want to run into the woods.

21 Q. And the bump, I mean, was it like you just knocked into  
22 something or that you ran over something?

23 A. I didn't feel, you know -- because when you bump into  
24 something, you generally bump something. When you run over  
25 something you can feel the car.

1 Q. So this is just a bump?

2 A. (Nonverbal response.)

3 Q. Okay. When you get out and she is on the ground behind  
4 the car when you get out?

5 A. Yes, sir.

6 Q. And at that point in time, your testimony is that she  
7 gets up; she's angry, yelling, swatting at you, kicking the  
8 car.

9 A. Yes, sir.

10 Q. And that's all at the back of the car?

11 A. It starts off at the back of the car; yes, sir.

12 Q. And then you end up coming up behind her and putting --  
13 attempting to restrain her?

14 A. Yes, sir. She's at the passenger side of the car. I  
15 tried to walk away.

16 THE COURT: This is what?

17 THE WITNESS: This is at the passenger side of the car.  
18 I tried to walk away.

19 Q. So she is around the passenger side of the vehicle and  
20 you're pursuing her at this point time or how ---

21 A. She's pursuing me like I said last time. But this was  
22 at the back of the vehicle. I go back there and I realize  
23 that she's back there. And she gets up, starts swatting at  
24 me, cussing at me. So I try to get away. I wouldn't say  
25 I'm running, you know. I'm just walking away. And she

1 pursues me to the passenger side.

2 Q. Okay. And you end up grabbing her. And I couldn't see  
3 some of this the way Mr. Hilton was standing, but you grab  
4 her from behind to restrain her?

5 A. Kind of like a bear hug; yes, sir.

6 Q. Bear hug from on behind. And you were doing something  
7 with your hand that you said you did with her and I couldn't  
8 see what that was.

9 A. To be honest, it's kind of foggy on what I did with my  
10 hands. I don't know if I went over her mouth or if I did,  
11 you know, like that or anything like that.

12 THE COURT: You're gesturing. Did like what? Tell me  
13 what you were doing.

14 A. You know, my hand over the mouth or kind of, I guess  
15 you could say a choke hold.

16 Q. So you don't know what you did. One or the other?

17 A. Yes, sir.

18 Q. Was she screaming at that point in time?

19 A. Not really, no. Not at all. She's yelling.

20 Q. She's yelling. And that was part of -- when she gets  
21 up off of the ground, she's yelling at you at that point in  
22 time. Is that correct?

23 A. She's yelling at me the whole time.

24 Q. Nobody ever comes out of any houses around there?

25 A. No. Whenever me and Mr. Hilton looked at through

1 Google maps, it seems like the driveway goes pretty far  
2 until you actually reach a private residence.

3 Q. Is your testimony that she ends up eventually just  
4 stops moving. Is that right? And she's trying to headbutt  
5 you during some of this also?

6 A. Yes, sir.

7 Q. Okay. And did she end up headbutting you at all?

8 A. No. I'm moving my head away from her -- to do that.

9 Q. Okay. So the back of her head never strikes your nose,  
10 your eye, your chin, your forehead, or anything like that?

11 A. If it did, I didn't feel it.

12 Q. You didn't suffer any injury as a result of this, did  
13 you?

14 A. No, sir.

15 Q. At that point in time, I believe the way your said it,  
16 she basically goes limp and falls to the ground. Is that  
17 correct?

18 A. When she stops, you know, fighting me or whatever,  
19 that's when I let go and that's when she fall to the ground.

20 Q. And it's your testimony that she died in your arms  
21 while you were restraining her. Is that correct?

22 A. That's the only way I can put it, sir. Because I' not,  
23 you know . . .

24 Q. And you don't -- at that point in time, obviously, you  
25 don't call 911?

1 A. No.

2 Q. Don't call for any assistance whatsoever. Is that  
3 correct?

4 A. No, sir. I know that was the wrong decision.

5 Q. And you end up putting her at that point in time in the  
6 truck of that Sonata. Is that correct?

7 A. I kind of sat in the car for a little bit.

8 Q. And tell me when -- you had said something about you  
9 notice her head was bleeding.

10 A. Uh-huh.

11 Q. When did you notice her head was bleeding?

12 A. I wasn't 100 percent sure if it was her head. But the  
13 way that she was -- I guess the way she fell down, there was  
14 a streak going down her shirt of blood. And noticed the  
15 blood when I was on I-26 driving back toward Rivers Avenue.

16 Q. So when you put her in the trunk of your mom's car, you  
17 did not notice any blood on her at that point in time?

18 A. No, sir.

19 Q. Okay. You noticed blood on your shirt that's not your  
20 blood. Is that correct?

21 A. Yes, sir.

22 Q. Okay. When you're driving down I-26? Is that  
23 accurate?

24 A. Yes, sir.

25 Q. Now, did you wrap her in anything when you put her in

1 the trunk of your mom's car?

2 A. No, sir; not at all.

3 Q. And you did not notice any injuries to her other than  
4 the fact that she's lifeless. I mean, no physical injuries  
5 that you noticed. Is that correct?

6 A. I did not notice any. It's dark. I couldn't see.

7 Q. And it's your testimony from what I've heard through  
8 all of this, that you deny ever striking her. Is that  
9 correct?

10 A. Yes, sir.

11 Q. You never punched her?

12 A. No, sir.

13 Q. Never hit her with any items?

14 A. No, sir; not at all.

15 Q. Never hit her, take her head and hit it on any items?

16 A. No, sir.

17 Q. Okay. And you also deny that she ever, in her attempts  
18 to headbutt you, ever struck you that you recall. Is that  
19 correct?

20 A. Not that I recall.

21 Q. It's your testimony at that point in time you left with  
22 her in the trunk of the car and started heading back towards  
23 your apartment. Is that correct? In North charleston.

24 A. Yes, sir; it is.

25 Q. That's when you see the blood and you throw the shirt

1 out of the window.

2 A. Yes, sir.

3 Q. And at that point in time, you end up on a frontage  
4 road somewhere off of the interstate?

5 A. During my travels, I did end up on, I believe now that  
6 it was Rad (ph) Road.

7 Q. Okay. All right. And that's where you get out and you  
8 take Ms. Pegram out of your mom's trunk of your car.

9 A. Yes, sir.

10 Q. Is that correct? And you check her at that point in  
11 time to see if she had any injuries on her?

12 A. No, sir. I did not check her.

13 Q. Did you see whether she was bleeding anywhere at that  
14 point in time that you noticed?

15 A. I did not notice.

16 Q. And did you notice any blood on your mom's trunk?

17 A. No. It was dark.

18 Q. And you got her into the trunk by yourself? Got her  
19 out of the trunk by yourself?

20 A. Yes, sir.

21 Q. And she is clothed at that point in time?

22 A. She is; yes, sir.

23 Q. Clothed just like she is in State's Exhibit No. 3. Is  
24 that correct?

25 A. Yes, sir.



1 Q. And you end up leaving her, I mean, right on the side  
2 of the road?

3 A. Yes, sir.

4 Q. Okay. And then you end up -- did you go back to your  
5 house, your apartment, at that point in time?

6 A. I did.

7 Q. Okay. How long did you stay at your apartment?

8 A. I don't know the approximate time, sir.

9 Q. Okay. Let me ask you this: You end up sending a  
10 message to her phone at 3:29 in the morning, "Hello, you  
11 still awake? Just making sure you made it home. Sorry I  
12 left at the gas station but you were too drunk to handle."  
13 You remember sending that, right?

14 A. I do, sir.

15 Q. Okay. Where were you when you sent that message?

16 A. I'm not 100 percent sure.

17 Q. Of course, during the process of all of this, I mean,  
18 did you realize at some point in time that you couldn't find  
19 her cell phone?

20 A. I mean, she never had one with her from what I could  
21 tell.

22 Q. I thought you said she was asking you about taking her  
23 mom's cell phone.

24 A. Yeah, she did.

25 Q. You never saw her with a cell phone?

1 A. No, sir.

2 Q. Okay. Let me ask you this: After you killed her, did  
3 you look to make sure that her cell phone wasn't around  
4 somewhere?

5 A. After she expired, no, I did not look for her phone.

6 Q. And at some point in time -- so that was at 3:50 --  
7 3:29 in the morning you send that message there. And I  
8 believe your testimony that was -- basically, you're  
9 covering your tracks at that point in time, right?

10 A. Yes, sir.

11 Q. So that's -- I mean, you're already thinking that  
12 through at 3:29 in the morning?

13 A. I mean, just at that moment; yes, sir.

14 THE COURT: Speak up for me, please.

15 A. I said at that moment; yes, sir.

16 Q. Okay. And then you sen a text to your boss also. I  
17 mean, not too long after that, around four, four something  
18 in the morning?

19 A. I think it was six or so.

20 Q. 4:53 in the morning, your text to Rob Cauble, "Hey,  
21 it's Edward. I'm not going to make it to work today. I'm  
22 not feeling well at all. I've been up most of the night  
23 throwing up." It's 4:53 in the morning. Is that correct?

24 A. If that's what is says, that's what it says.

25 Q. Where were you when you sent that text to the boss?

1 A. Not 100 percent sure, sir. I probably was driving  
2 around.

3 Q. Okay.

4 THE COURT: Please speak up.

5 A. I said I was probably driving around.

6 Q. And you're driving around and ultimately you end up  
7 going to pick up her body. Is that correct?

8 A. Yes, sir.

9 Q. Okay. And you take -- you said you just start driving.  
10 And ultimately end up down in ---

11 A. It's Harleyville.

12 Q. Down in Harleyville; yes, sir. Were you familiar with  
13 that area beforehand?

14 A. No, sir.

15 Q. Ever been down there that you're aware of beforehand?

16 A. No.

17 Q. And you recall seeing your van, that work van, on that  
18 Trident video at 6:12 in the morning going, basically, away  
19 from your apartment towards Rivers Avenue. Is that correct?

20 A. I did see the video; yes, sir.

21 Q. Okay. And at that point in time, where you going to  
22 pick her up or had you already done that?

23 A. Well, I mean, probably on the way to go pick her up.

24 Q. And then you heard the testimony that ultimately your  
25 phone is down in the Harleyville area from about 6:42 in the

1 morning to about 7:12 in the morning. You heard that  
2 testimony?

3 A. I did.

4 Q. Is that accurate to the best of your knowledge?

5 A. If that's where they pinged it at, that's where they  
6 pinged it at.

7 Q. Okay. All right. Let me ask you now, so up until --  
8 so it's 6:12 in the morning. So you were going to pick her  
9 up. Had you talked with anybody that night about what had  
10 happened or about anything at all that night?

11 A. No.

12 Q. Okay. When you went back to apartment, was your mother  
13 there?

14 A. Yes.

15 Q. Did you wake her up and talk to her at all about what  
16 had happened?

17 A. No, sir.

18 Q. Okay. What about your girlfriend, Jasmine? Did you  
19 talk to your girlfriend Jasmine at any time during those  
20 early morning hours before you went and buried Ashley  
21 Pegram's body?

22 A. No, sir.

23 Q. Okay. Well, how come your phone records show a text  
24 from her at -- a text from Jasmine's phone at 5:48 to you  
25 saying call me. And then a phone call from you to her at

1 5:48 in the morning that's five minutes long.

2 A. I don't recall that phone call.

3 Q. Okay. So you don't recall talking to her for over five  
4 minutes that morning when you're driving around supposedly  
5 trying to clear your head and figure out what you gotten  
6 yourself into?

7 A. Yes, sir. Like I say, I don't recall that phone call.

8 Q. Obviously, if you don't recall it, you don't have any  
9 idea what you talked to her about?

10 A. Yes, sir.

11 Q. Didn't tell her what had happened?

12 A. No, sir. I did not disclose that to anybody. I  
13 couldn't talk to somebody about that.

14 Q. Now you go back and pick her up. And she is on the  
15 side of the road at this point in time basically just  
16 clothed and, I mean, just not breathing at that point in  
17 time. Is a correct? I mean, she's fully clothed? Glasses  
18 on?

19 A. I'm not sure. Not the glasses. I mean, I'm pretty  
20 sure they probably were. Not sure though.

21 Q. Okay. Did you ever do anything with her glasses?

22 A. No.

23 Q. Did they ever fall off where you had to pick them up  
24 and make sure, you know, you brought them with you?

25 A. No, sir.

1 Q. So they were on her as far as you knew basically when  
2 you left her on the side -- on that frontage road?

3 A. Yes, sir.

4 Q. And you go back there and put her in the van at that  
5 point in time, correct?

6 A. Yes, sir.

7 Q. And you put her through the back doors? Side doors?

8 A. Through the side door.

9 Q. Okay. And is it at that point in time that you realize  
10 she's bleeding from her head?

11 A. Yes, because whenever I try to pull her by her shirt,  
12 her shirt started tearing. So I grabbed her head with my  
13 hand. And whenever I got her in the van, I realized there  
14 was blood on my hand. And that was the only hand I had on  
15 her head.

16 Q. That was in the back of her head?

17 A. I'm not 100 percent sure where it was. Because, you  
18 know, her shirt was tearing and -- just described what I  
19 could.

20 Q. And it's your testimony that at that point in time you  
21 put a toiletry bag -- explain what that is.

22 A. It was a grocery bag that I had in the car with all my,  
23 basically, toiletries. Like hand soap and mouthwash, the  
24 GPS that you guys -- or the detectives found in the van  
25 would be in that bag as well.

1 Q. And by grocery bag, did you use a plastic grocery bag  
2 that you get at Publix or Harris Teeter or something like  
3 that?

4 A. Yes, sir; it was.

5 Q. And is your testimony that you put that -- if I  
6 understood this correctly, you put that over her head and  
7 wrapped electrical tape around to hold the bag over her  
8 head?

9 A. Yes, sir.

10 Q. Is that correct?

11 A. Yes, sir.

12 Q. Okay. And when you were going through all of that, you  
13 didn't say anything about doing anything with her hands. Do  
14 you remember that?

15 A. No.

16 Q. Mr. Hilton had to go back through and ask you about  
17 that. And now you're saying you may have done that at the  
18 same time; you don't remember.

19 A. Yes, sir.

20 Q. Okay. I mean what would be the reason why you would  
21 have bound her hands with electrical tape behind her back?

22 A. When they found her body, they were not bound. It was  
23 one arm wrapped with electrical tape.

24 Q. Okay. With two loops in the tape. Do you want to look  
25 at it?

1 A. Yes, sir.

2 AST. SOL. SORENSON: May I approach?

3 THE COURT: (Affirms.)

4 A. (Witness reviews.)

5 Q. Let me ask you this question, all right. What would  
6 possibly be the purpose of binding with electrical tape one  
7 of her hands?

8 A. I don't know, sir. Like I said, I wasn't thinking in  
9 my clear mind.

10 Q. But you don't deny that you ultimately put that  
11 electrical tape not only her neck but at least one if not  
12 both of her wrists. Is that correct?

13 A. I don't deny that, sir.

14 Q. And you at that point in time -- so you put that -- and  
15 I assume this is all done on the side of the road?

16 A. This was done, yes, sir, on the side of the road in the  
17 van.

18 Q. Then you get her up in the van?

19 A. No. She's already in the van when I put the bag -- the  
20 electrical tape.

21 Q. So you drag her basically from the ground up into the  
22 van, kind of behind the driver seat. Put the bag over her  
23 head; electrical tape around the neck to hold the plastic  
24 bag in place.

25 A. Yes, sir.



1 Q. Is that correct? Some point in time in there, tape a  
2 wrist or two wrists, and then get in the van and start  
3 driving.

4 A. Yes, sir.

5 Q. And you said that took you ten to 15 minutes to get her  
6 in the van?

7 A. That's my approximate time. I'm not 100 percent sure.

8 Q. Okay. If you are driving at 6:12 in the morning past  
9 Trident Tech coming from your apartment, and it's your  
10 testimony that would've been when you went and picked her  
11 up.

12 A. Yes, sir.

13 Q. So it's going to be a little after 6:12 that you're  
14 getting to where her body is?

15 A. Yes, sir.

16 Q. Starting to get daylight out?

17 A. When I get on the interstate, that's when I notice that  
18 there is daylight.

19 Q. Nobody drives by you on that frontage road when you're  
20 trying to take 10 to 15 minutes to load her up into the van?

21 A. No, sir.

22 Q. And your testimony is that you ultimately end up  
23 finding this area in Harleyville where you buried her just  
24 basically just driving. Is that correct?

25 A. Yes, sir.

1 Q. Okay. And if I understand -- the way I understood this  
2 is initially you pull up and you get her out of the van, put  
3 her on the side of the road again?

4 A. Yes, sir.

5 Q. And go park the van inside a fence somewhere, I guess  
6 hiding the van. Is that correct?

7 A. Yeah. It was pretty much in the -- there was nothing  
8 obscure its view or nothing.

9 Q. Okay. And then you go and take a board, and is it just  
10 like one of these pieces -- I mean, similar to what one of  
11 these pieces of hardwood flooring that are in the back of  
12 the van?

13 A. It's the same exact board.

14 Q. Okay. So you take a board and you go out and it's your  
15 testimony that you went out and dug a hole out in the woods.  
16 Is that correct?

17 A. Yes, sir.

18 Q. And how far in the woods from where you had Ashley did  
19 you go?

20 A. I don't know. I just kept on pulling until I had no  
21 more real energy to pull anymore. I'm falling on the ground.

22 Q. Okay. So you didn't dig the hole first?

23 A. No, sir.

24 Q. Okay. So you dragged her into the woods and then dug  
25 the hole?

1 A. Yes, sir.

2 Q. Okay. And just so we understand, I mean, is this,  
3 showing you State's Exhibit No. 83, I mean is that the type  
4 of vegetation and growth that we're talking about in the  
5 area that you buried her?

6 A. Yes, sir. That's the exact spot.

7 Q. And that would be at least part of the hole that you  
8 dug right there in State's Exhibit No. 84. Is that correct?

9 A. Yes, sir. It's exposed.

10 Q. Okay. And it's your testimony that you dug that hole  
11 by yourself with a board?

12 A. Yes, sir.

13 Q. And dug a hole big enough and deep enough to put a  
14 five-foot-one human body in. Is that correct?

15 A. Yes, sir. From what I remember from the testimony of  
16 the corner, the hole was only about two and a half feet  
17 deep.

18 Q. About that deep (indicating). Is that correct?

19 A. I would assume so; yes, sir.

20 Q. Five-feet wide; I mean, it was long enough to layer her  
21 flat in. Is that correct?

22 A. Yes, sir.

23 Q. And wide enough to get to her body in also?

24 A. Yes, sir.

25 Q. And it's your testimony you dug that with a board?

1 A. Yes, sir.

2 Q. By yourself?

3 A. Yes, sir.

4 Q. Pulled on the side of the road, dragged her a hundred  
5 yards, 200 yards into the woods?

6 A. That's what they said; it was about 200 yards.

7 Q. Is that accurate? I know you weren't measuring it, but  
8 does that seem about right? As far as you could drag her  
9 until you got tired basically, right?

10 A. Yes, sir.

11 Q. Okay. That you dragged her a couple hundred yards into  
12 the wood, dug that hole, buried her in, that you did all  
13 that by yourself in 30 minutes. Is that your testimony to  
14 this jury?

15 A. Had to have been a little bit longer than that.

16 Q. Well, your phone is pinging in that Harleyville area  
17 6:42 to 7:12 in the morning, 30 minutes.

18 A. Okay.

19 Q. It's your testimony you did all of that by yourself?

20 A. Yes, sir.

21 Q. You didn't have anybody help you?

22 A. No, sir.

23 Q. When you get her to -- and it's your testimony that you  
24 get her to here and realize at that point in time that her  
25 jeans have come all the way off of her?

1 A. It must have got snagged on something or, you know, I'm  
2 pulling her to the woods by her arms.

3 Q. It's your testimony that while you're pulling her that  
4 her jeans managed to come entirely off of her body along  
5 with her underwear?

6 A. Yes, sir.

7 Q. And you don't realize it until you get her to where you  
8 are?

9 A. Well, I'm pretty sure I did see it on the way there.  
10 But, I mean, it wasn't something that I was -- you know,  
11 it's not like I'm going to go back, grab her pants, and put  
12 them back on her.

13 Q. Didn't go back and put them in the hole where you  
14 buried her?

15 A. Yes, sir.

16 Q. You didn't, right?

17 A. No, sir.

18 Q. Okay. Because you know you go all the way back to try  
19 to find the sandal that's missing, but you don't grab the  
20 jeans that supposedly came off when you're pulling her  
21 through the woods?

22 A. Yes, sir.

23 Q. But you get her there and at that point in time, her  
24 glasses, obviously, are still on her, right? Because  
25 they're found in the grave. Is that correct?

1 A. I believe they said they were found tangled in her  
2 hair.

3 Q. And you end up burying her, put her face down in this  
4 hole?

5 A. Yes, sir.

6 Q. Cover her with dirt?

7 A. Yes, sir.

8 Q. Okay. What do you do before you do that?

9 A. What do you mean?

10 Q. I thought I heard you say something about taking the  
11 bag off of her head.

12 A. I did that in the van.

13 Q. Took the bag off her head in the van?

14 A. Yes, sir.

15 Q. How did you do that?

16 A. Just ripped it off.

17 Q. So you ripped it off and yet again this tape was  
18 wrapped -- when you put her in the van, this tape was  
19 wrapped around that bag around her neck. Is that correct?

20 A. Yes, sir.

21 Q. Obviously, they should have found -- I mean, the  
22 plastic bag, grocery bag, should still be attached to the  
23 tape around her neck from where you ripped. Is that  
24 correct?

25 A. I don't know.

1 Q. The tape is still wrapped around her neck when you put  
2 her in the ground, right?

3 A. Yes, sir.

4 Q. Why didn't you take that off of her? I mean, if you  
5 had yanked, or taken the bag off of her, why leave the tape  
6 wrapped around her neck?

7 A. I have no logical answer for that, sir.

8 Q. And, obviously, didn't take any tape off of her wrist  
9 before you put her in the ground either. Is that correct?

10 A. Yes, sir.

11 Q. And then you go back from there -- so at this point in  
12 time, you said it's starting to become daylight. Is that  
13 right?

14 A. It was daylight when I was in the woods.

15 Q. Still daylight when ---

16 THE COURT: Speak up, please.

17 A. I said it was daylight when I was in the woods.

18 Q. Okay. And you end up just covering her basically with  
19 dirt using the board?

20 A. Using the board and my hands.

21 Q. Okay. And then put a bunch of branches over top of  
22 her?

23 A. I don't remember putting the branches on her.

24 Q. But, I mean, it's your testimony at that point in time  
25 that you got back in the van and then drove back and were

1 able to find -- I mean, the same person that was unable to  
2 find the house that she lived in that you been to, was able  
3 to go back and find where all this occurred, though. Is  
4 that correct?

5 A. Because it was just down 78, you turn at the blinking  
6 light, and it was only road that I found on the right-hand  
7 side of the road.

8 Q. Okay. Then at the point in time, it's definitely  
9 daylight out then, right?

10 A. Yes, sir.

11 Q. Okay. And you go back and you find her flip-flop on  
12 the side of the road?

13 A. I did; yes, sir.

14 Q. Okay. And it's your testimony you weren't looking for  
15 her cell phone at that point in time?

16 A. No.

17 Q. And that you go then from there to a carwash over on 78  
18 and Ladson Road?

19 A. Yes, sir.

20 Q. And you don't wash the car, do you?

21 A. I didn't wash the van at all.

22 Q. Okay, the van. That's right; you're in the van still  
23 at this point in time.

24 A. Yes, sir.

25 Q. But you throw away the bag and the flip-flop?



1 A. The sandal.

2 Q. The sandal. All right. And then you go back to your  
3 mom's in Hanahan. Is that correct?

4 A. Yes, sir.

5 Q. All right. And you ultimately end up calling and you  
6 talked to Jasmine later on that morning?

7 A. Yes, sir.

8 Q. Okay. Do you remember what that phone call was about?

9 A. Just she said she wasn't feeling well. Something about  
10 her shoulder, I believe is what she said, hurt.

11 Q. You remember that phone call, but you have no  
12 recollection of the phone call that you made to her at five  
13 o'clock in the morning?

14 A. No. I mean, I believe maybe she was talking about -- I  
15 think she had just got in a wreck with her friend Doug or  
16 something like that. Now I remember it.

17 Q. So now she got in a wreck at five o'clock in the  
18 morning?

19 A. Now that I remember, it was the Ravenel Bridge or  
20 something like that.

21 Q. Let me ask you this: Patricia Riley; is that her mom  
22 by any chance?

23 A. That's her mother.

24 Q. And then ultimately you end up taking this van back  
25 that night that we talked about. And that's your mom that

1 follows?

2 A. Yes, sir.

3 Q. Okay. And why the sudden urgency at eleven o'clock at  
4 night to go take the van back to work?

5 A. Just hiding it.

6 THE COURT: What?

7 A. Hiding the van.

8 Q. Hiding the van?

9 A. Yes, sir.

10 Q. It had been at your apartment all day, right?

11 A. Yes, sir; I know.

12 Q. Didn't worry about hiding it back at eight o'clock in  
13 the morning?

14 A. No, sir.

15 Q. Didn't worry about it then?

16 A. It was on my mind; yes, sir.

17 Q. But you wait and you take it at eleven o'clock at  
18 night?

19 A. Yes, sir.

20 Q. What did you tell your mom as to why you had to go take  
21 the van back to work at eleven o'clock on a Saturday night?

22 It's like it was going to be need on Sunday, right?

23 A. Uh-huh. Just told her to follow me; follow me to the  
24 job. It wasn't anything different. You know, just can you  
25 follow me down here and drop the van off.

1 Q. So you didn't tell her anything that you had done or  
2 any reason why you needed to get that van away from the  
3 apartment at that point in time?

4 A. No. I wouldn't disclose anything like that to my  
5 mother.

6 Q. Let me ask you this: You said at some point in time  
7 you started getting messages from the victim's sister,  
8 Brandy?

9 A. That would've been Sunday.

10 Q. Well, you actually started getting them that Saturday  
11 night. Is that correct?

12 A. If I did, I don't remember.

13 Q. That Saturday night -- I mean, you've seen these. I  
14 mean where she was sending you message after message after  
15 message over this Kik app.

16 A. What was the time frame on there? I never saw a time  
17 stamp.

18 Q. It would be four --

19 AST. SOL. SORENSON: May I approach, Your Honor?

20 THE COURT: (Affirms.)

21 Q. This is State's Exhibit No. 4. April 4th, 9:46 I  
22 believe it is in the evening.

23 A. Okay.

24 Q. There's a little check next to them showing -- that  
25 shows that you actually read them. Is that correct?

1 A. Yes.

2 Q. So you did see them. Is that correct? That Saturday  
3 night.

4 A. Well, I mean as soon as I look at the app and open it  
5 up, it automatically checks them. It doesn't say that I  
6 checked the messages at 9:46 p.m. I could have checked them  
7 the next morning and then the check would be there.

8 Q. Okay. So it's your testimony that you didn't hear from  
9 her or didn't realize she was trying to contact you until  
10 you got up the next morning. Is that correct?

11 A. Yes, sir.

12 Q. Well, tell me this then: If that's the case then, Mr.  
13 Bonilla, how come on the evening of Saturday, April 4th, --  
14 bear with me one second -- at 10:27 in the evening there's a  
15 seven minute and fifteen second call from Haley, Ashley's  
16 daughter cell phone, to your phone.

17 A. At what time?

18 Q. 10:27?

19 A. At night or during the day?

20 Q. Evening; Saturday night.

21 A. I don't recall that.

22 Q. Seven and a half minute call; do you remember Brandy's  
23 testimony that she got -- finally they were frantically  
24 messaging you, calling you, and that finally Haley, Ashley's  
25 daughter, had gotten through to you on her phone and handed

1 the phone to Brandy?

2 A. I do remember her testimony.

3 Q. Okay. And you deny on that happening?

4 A. I don't remember the time.

5 Q. All right. But the fact of the matter, looking at the  
6 records, that's at 10:27 that evening. No reason to doubt  
7 the phone records, do you?

8 A. No; not at all.

9 Q. Okay. And, of course, you lied to her, correct?

10 A. I did.

11 Q. Told her that you left her sister by that mobile home  
12 park down the road. Is that correct?

13 A. Yes, sir.

14 Q. All right. And then the fact that that's why 20  
15 minutes later, you got your mom following you to get rid of  
16 that van because you know the gig is up at that point in  
17 time?

18 A. I knew it was up the moment it happened, sir.

19 Q. You knew at that point in time they knew -- law  
20 enforcement was going to know exactly who you were. Is that  
21 correct?

22 A. I mean, they knew who I was because I identified  
23 myself. I gave them information to my phone, where I lived,  
24 that sort stuff; background information.

25 Q. Of course, that was the reason why you sent the 3:29

1 text message trying to cover your tracks, though, right?

2 A. Yes, sir.

3 Q. Then the fact of the matter is that, you know, an hour  
4 later at 11:50 there's another 8 minute and 52 second call  
5 where they have called you back again. They have now talked  
6 to law enforcement, filed a missing person report. They're  
7 still trying to get more information from you. Is that  
8 correct?

9 A. I believe so. I mean, like I said, I don't remember  
10 those phone call conversations.

11 Q. And Brandy, Ashley's sister, ends up making contact  
12 with you a handful of times over the next couple days. Is  
13 that correct?

14 A. Yes, sir; she did.

15 Q. She's calling you?

16 A. She's calling me -- she's calling me; I'm returning her  
17 phone calls.

18 Q. She's texting you?

19 A. Yes, sir.

20 Q. Okay. Even to the point that by Monday, so a couple of  
21 days later, of course they have not found her sister, don't  
22 have any idea what would've happened to her, where she is  
23 actually apologizing to you for basically for bothering you  
24 at that point in time. Is that correct?

25 A. I believe that is one of the text messages.

1 Q. In fact on Monday April 6th at 6:10 in the evening, and  
2 she sends you a long text, "Once again, I'm sorry for being  
3 so pushy. I just feel helpless in not knowing what to do.  
4 It's just hard to sit back and do nothing, but I agree we  
5 need to let the detective do his job. I'm sorry for  
6 late-night calls and text messages. It won't happen again.  
7 And again, I'm sorry for offending you. I agree it wasn't  
8 my place to ask you that. Just felt like I should apologize  
9 once more for coming on strong, but she's my little sister  
10 and I'm just really worried. I'm sure you understand that."  
11 And of course, you talked to her on the phone at that point  
12 in time, so heard through her voice how worried she was  
13 about her sister. Is that correct?

14 A. Yes, sir.

15 Q. And your response to that text message to her, do you  
16 remember what it was?

17 A. I believe I told her to allow the detectives to do  
18 their job.

19 Q. And you said thank you. Basically accepted her apology  
20 for bothering you. You said, "Thank you and I apologize as  
21 well for my stubbornness." Of course, the lies to her  
22 weren't the only lies you were telling. Is that correct?

23 A. No; there was a few of them.

24 Q. You lied to the detective that calls you on the phone?  
25 Is that correct? On Monday.

1 A. Which one? Detective ---

2 Q. Detective Harris that testified.

3 A. Everything that I told him was factual except for  
4 leaving Ashley on the side of the road.

5 Q. Told him you left the bonfire because she was being  
6 very combative. Is that the reason why y'all left?

7 A. Yes. She was causing issues with people there.

8 Q. And, of course, a couple of days later you give a  
9 statement to Detective Martin. It's around here somewhere.  
10 Do you remember two-page statement? And, of course, you  
11 lied to him also. Is that correct?

12 A. Yes, sir.

13 Q. Okay. Lying to him about the fact that you didn't have  
14 a job. Not only what you did or didn't do to Ashley, but  
15 the fact that you were even employed. Is that correct?

16 A. Yes, sir.

17 Q. And then even when you're caught, I mean, at your job;  
18 I mean, they're there at your job with your boss standing  
19 right there, you still can't help yourself, can you?

20 A. It's not necessarily helping myself. It's more of  
21 fear, sir.

22 Q. Your boss standing right there, still tell Detective  
23 Martin that I just started working a couple of days ago. Is  
24 that correct?

25 A. Yes, sir.



1 Q. How were you feeling when you saw the tow that Ford van  
2 away?

3 A. I wasn't there when they towed it away.

4 Q. But you saw it get pulled around from the back lot  
5 where it was locked up, right?

6 A. Yes, sir.

7 Q. And it's your testimony, just so I understand this,  
8 that you out on the road, Winter Drive or wherever it is  
9 near that mobile home park, that you never physically  
10 assaulted Ashley Pegram?

11 A. No, sir. I never did.

12 Q. Never punched her? Never hit her with anything? Never  
13 slammed her head against a car, on the ground? Anything of  
14 that nature?

15 A. No, sir; I did not.

16 Q. You never assaulted Ashley Pegram in the back of that  
17 Ford Van?

18 A. No, sir.

19 Q. You never hit her with any items?

20 A. No, sir.

21 Q. Slammed her head on the ground, on the van?

22 A. No, sir.

23 Q. Punched her?

24 A. No.

25 Q. But you never at any point in time physically assaulted

1 her at all?

2 A. No, sir.

3 Q. The extent of what you did to her was coming up behind  
4 her and either putting her in a chokehold or possibly  
5 covering her mouth?

6 A. Yes, sir.

7 Q. How long did you do that for?

8 A. Well, I also had like one arm there and the other arm I  
9 was, you know, with the mouth or the chokehold. I'm not  
10 100 percent sure.

11 Q. What was that last part?

12 A. I said I'm not 100 percent sure, you know, if it was  
13 the mouth or the neck.

14 Q. And at no point in time did she ever physically assault  
15 you. She was swinging at you, but never hit you? Never  
16 caused any injury to you?

17 A. Never caused any injury; no, sir.

18 Q. You weren't cut or bleeding anywhere?

19 A. No, sir.

20 Q. The blood that was on your shirt, you testified that  
21 had to be her blood?

22 A. It had to have been; yes, sir.

23 AST. SOL. SORENSON: Beg the Court's indulgence.

24 (Brief pause.) That will be all I have, Your Honor. Thank  
25 you.

Redirect Examination of Edward Bonilla by Mr. Hilton

1 THE COURT: Anything on redirect?

2 MR. HILTON: Just one question.

3 REDIRECT EXAMINATION

4 BY MR. HILTON:

5 Q. Mr. Bonilla, there were some stuff found in the back of  
6 the van one of which was a tube of Astroglide.

7 A. Yes, sir.

8 Q. What is that about?

9 A. Like I said, that van was my major mode of  
10 transportation. So it could have got in there when I went,  
11 you know, on a date with one of the people that I met on  
12 Craigslist or one of the other dating sites.

13 Q. Did it have anything to do with this case?

14 A. No, sir.

15 Q. Was it in that bag of stuff along with the GPS and  
16 whatever else you said?

17 A. Yes, sir.

18 MR. HILTON: No further questions.

19 THE COURT: All right.

20 THE WITNESS: Thank you, Your Honor.

21 AST. SOL. SORENSON: Just sit tight right there a  
22 second. You got another witness?

23 MR. HILTON: At this time the Defense would rest, Your  
24 Honor.

25 THE COURT: Anything in reply?

1           AST. SOL. SORENSON: No, Your Honor.

2           THE COURT: Madame Forelady, ladies and gentlemen, that  
3 concludes all the testimony we're going to take in the case.  
4 What we have left, the closing arguments by the State and by  
5 the defendant, and then my charge to you on the law. So I  
6 would like to start that bright and early in the morning.  
7 Is 9:30 going to bother you?

8           JUROR: Yes, it is. Could we do ten?

9           THE COURT: I'll have to make that decision in a little  
10 while. Please listen to me very carefully. I want y'all to  
11 decide this case based on what you hear in this courtroom.  
12 As we speak, it is already on the news; already apps being  
13 posted; already tweets being tweeted, whatever they do. I  
14 ask you not to read any of that. You've heard everything.  
15 You make the decision from what you've heard. If you want  
16 to read what the news people have to say about it at a later  
17 time, you're welcome to do that. But please wait until  
18 after the trial. I've been made aware, I've been told, and  
19 I've seen, it's already been posted. So I ask you not to --  
20 and they have a right, I guess, to do that. But I want you  
21 to decide the case with what you hear in this courtroom. So  
22 please don't go home and check it on the news and newspaper.  
23 Y'all paid excellent attention. You've been a great jury,  
24 and appreciate it. So let's decide this case based on what  
25 we hear in this courtroom.

1 I'm probably going to have to start at 9:30 in the  
2 morning. Just sit tight and then I'll come back and talk to  
3 you. We've got a lot to go and I don't want to get off to a  
4 late start. So have a pleasant evening. Leave your notes  
5 in your seat. We'll pick those up and put them up. And  
6 we'll start at 9:30 the morning. And, ma'am, if you just  
7 can't do it, I'll use one of my alternates. So just sit  
8 tight a second and I'll discuss it with you. Have a  
9 pleasant evening. Thank you very much.

10 (The jury exits the courtroom at 5:22 p.m.)

11 THE COURT: All right. You may go back to your seat.

12 THE WITNESS: Thank you, Your Honor.

13 THE COURT: Anything from the State before we break for  
14 the evening, Mr. Sorenson?

15 AST. SOL. SORENSON: No, sir. The State is good.

16 THE COURT: Mr. Hilton?

17 MR. HILTON: Your Honor, at this time, we renew all  
18 previous motions. We renew our motion for directed verdict.  
19 Just ask to grant a judgment -- grant a verdict in favor of  
20 Mr. Bonilla of not guilty.

21 THE COURT: Well, obviously, there's ample evidence on  
22 the record that the jury believes, can believe, and I'm not  
23 sure what take they'll have on your client's testimony. But  
24 it's obviously a jury question; it's a question of fact for  
25 them to determine. It's not at a matter of law for me to

1 decide at this present time. So I respectfully deny.

2 MR. HILTON: Thank you, Your Honor.

3 THE COURT: Thank you. We will adjourn until 9:30 in  
4 the morning. And we'll start right on time. Obviously,  
5 unless we have a problem with the jury. So y'all ready to  
6 open. I'm assume you're going to open in full or I don't  
7 how y'all . . .

8 AST. SOL. SORENSON: Yeah. We will open on the law.  
9 That's what I want to talk to you a little bit. Do that in  
10 chambers?

11 THE COURT: We'll let the news clear and family. All  
12 we got left is to discuss the charge this afternoon. Let's  
13 take about a ten minute break. Y'all walk back here in  
14 chambers. We'll come back in and do a charge conference,  
15 verdict forms, those sorts of things. And then we'll be  
16 ready for the final arguments in the morning. And we'll go  
17 with my charge and come back out here and put it on the  
18 record.

19 AST. SOL. SORENSON: Yes, sir.

20 THE COURT: Thank you.

21 (A recess was taken at 5:26 p.m. The proceedings in  
22 the trial of this matter adjourned for the day at 6  
23 p.m.)

24 - - - - -

25 (The proceedings in the trial of this matter resumed on

1 Thursday, August 11, 2016, at 9:20 a.m.)

2 THE COURT: Let the record reflect after everyone left  
3 yesterday that I had an in-chambers discussion with the  
4 State and the Defense dealing with the proposed jury charges  
5 and verdict form. At that time, I informed the parties that  
6 I would charge my general charge dealing with the fact that  
7 the defendant was charged, arrested, and indicted is not  
8 evidence. Presumption of innocence, reasonable doubt, kind  
9 of doubt because a reasonable person would hesitate to act,  
10 and firmly convinced that the portions are a dual portion.  
11 Duties of the jury and the trial judge --

12 (Brief pause.)

13 THE COURT: -- credibility of witnesses, expert  
14 witness. We discussed whether or not you wanted a  
15 circumstantial evidence charge and I got the impression that  
16 neither one of you did. Or do you?

17 AST. SOL. SORENSON: I think given, especially after  
18 the defendant's testimony, I'm not sure it's really  
19 necessary.

20 MR. HILTON: I agree. I don't think that's going to  
21 make a difference one way or the other.

22 THE COURT: So you did not ask for that. Then,  
23 obviously, the charge, the standard charge on murder, we had  
24 a general discussion on a lesser included offense of  
25 involuntary manslaughter. We all agreed that voluntary

1 manslaughter was not an appropriate lesser included offense.

2 Is that correct? State?

3 AST. SOL. SORENSON: Yes, sir.

4 THE COURT: Mr. Hilton?

5 MR. HILTON: That's correct. I don't think there was  
6 evidence that would show that the killing was intentional  
7 that wouldn't be murder. If it's intentional, it would be  
8 murder. If it's unintentional, I don't think it would be  
9 voluntary manslaughter.

10 THE COURT: So then we had a discussion on the lesser  
11 included offense of involuntary manslaughter, and we also  
12 had a discussion on the defense of accident. When we left  
13 last night, we had basically decided, or I had decided with  
14 your agreement, that I would charge the lesser included  
15 offense of involuntary manslaughter as opposed to accident.  
16 As we got ready to walk out the door, there was some  
17 discussion on whether or not accident should be charged.  
18 And the last thing I heard Mr. Hilton tell me was that he  
19 wanted just the involuntary manslaughter charges. Any  
20 change to that this morning, Mr. Hilton?

21 MR. HILTON: It was my understanding when we left  
22 yesterday that we were asking for accident and involuntary.  
23 And I thought both of those would be charged to the jury.

24 THE COURT: Mr. Sorenson?

25 AST. SOL. SORENSON: Your Honor, I think the State's



1 position I think would be that based on the defendant's  
2 testimony, I think he's entitled -- actually, I think  
3 probably to an accident defense. I actually don't think  
4 involuntary manslaughter applies. Because I don't think he  
5 testified about doing anything -- I mean, testified  
6 basically it was an unintentionally killing and that  
7 basically he was restraining her when she was swinging and  
8 attempted to hit him. I mean, he did not testify about  
9 doing anything that I think would rise to the level of  
10 recklessness if you believe his testimony.

11 THE COURT: So it would just simply be an accident for  
12 the defense?

13 AST. SOL. SORENSON: That was what my initial position  
14 was back in chambers. And I know we had some -- I think it  
15 is what the evidence would show if you believe his  
16 testimony. And obviously ---

17 THE COURT: Well, if you believe his testimony,  
18 involuntary manslaughter, the State must prove beyond a  
19 reasonable doubt that the defendant unintentionally killed  
20 the victim without malice while engaged in either, one, an  
21 unlawful act, or two, a lawful act with reckless disregard  
22 for the safety of others. So, Mr. Hilton, what was the  
23 unlawful act that he was engaged in intending to cause death  
24 and great bodily harm? And also what was the lawful act  
25 with reckless disregard for the safety of others?

1 MR. HILTON: Your Honor, think he was protecting his  
2 property. If it was, you know, if he had -- it's twofold.  
3 He was protecting himself and protecting his property.

4 THE COURT: There's no evidence in the record that she  
5 hit him, she caused him any physical harm. She was yelling  
6 at him and raving I think was his testimony.

7 MR. HILTON: He did testify that she was trying to hit  
8 him, trying to headbutt him, trying to kick his car.

9 THE COURT: After he had grabbed her and put her in a  
10 bear hug.

11 MR. HILTON: No. I think he tried to hit her came  
12 first. I think the case law is pretty clear ---

13 THE COURT: I go it right here highlighted, "She never  
14 put her hands on me."

15 MR. HILTON: He did testify to that. But that doesn't  
16 mean that she didn't try to.

17 THE COURT: Well, if I try to hit you and you don't hit  
18 me, is it a lawful act for me to come up behind you and bear  
19 hug you and put my hands around your throat or in your  
20 mouth? Is that a lawful act?

21 MR. HILTON: I think that coupled with all of the  
22 circumstances of her trying to kick the car and so forth, I  
23 think that's warranted. But even if you don't find it to be  
24 a lawful act, if it was an unlawful act and she was  
25 acting -- or he was acting in the careless disregard for the

1 safety of others, involuntary still applies. And I think  
2 that's just a question for the jury. The case law is pretty  
3 clear that in view of the evidence and most favorable to the  
4 defendant in deciding to the charge of involuntary.

5 THE COURT: Well, I think it's a very, very narrow  
6 issue. Mr. Sorenson, out of abundance of caution, I'm going  
7 to charge the lesser included of involuntary manslaughter.  
8 By doing that you still -- how are you going to argue  
9 accident and -- it looks like it's inconsistent positions.  
10 You still want an accident charge too if I give you the  
11 involuntary manslaughter?

12 MR. HILTON: I do, Your Honor. Because I think the  
13 jury could find that it was completely accidental without  
14 careless disregard or without -- you know, any of the  
15 circumstances that require -- that are required to be found  
16 for involuntary.

17 THE COURT: Mr. Sorenson?

18 AST. SOL. SORENSON: I think basically the same  
19 argument that I just made. It seems to me based on his  
20 testimony that ---

21 THE COURT: Well, if they believe him completely, I  
22 assume it was an accident.

23 AST. SOL. SORENSON: Yes, sir.

24 THE COURT: That's their job to determine the  
25 credibility or the believability of a witness. All right.

1 I'm going to charge both involuntary and accident. I have  
2 been given proposed jury verdicts -- strike that -- proposed  
3 jury charges on both involuntary and accident. I will use  
4 those. We've also gone over a proposed jury -- strike that  
5 -- a proposed verdict form. It's a very simple form. As to  
6 the charge of murder, we find not guilty or guilty. If you  
7 find him not guilty of murder then you must consider whether  
8 or not he's committed the crime of -- committed the offense  
9 of involuntary manslaughter and then as to that not guilty  
10 or guilty. You have a chance to look at that, Mr. Hilton?

11 MR. HILTON: I have, Your Honor.

12 THE COURT: No objection to that?

13 MR. HILTON: No objection.

14 THE COURT: No objection by the State?

15 AST. SOL. SORENSON: No, sir.

16 THE COURT: All right. Any additional requests other  
17 than the ones we've been over? Obviously, a unanimous  
18 verdict; it can't be based on -- you know, normal charge  
19 there.

20 MR. HILTON: I don't believe so, Your Honor.

21 AST. SOL. SORENSON: No, Your Honor.

22 (Brief pause.)

23 THE COURT: We've got everybody?

24 BALIFF: Yeah, we've got them. Bring them in?

25 THE COURT: Yes, ma'am.

1 (The jury enters the courtroom at 9:31 a.m.)

2 THE COURT: Good morning, Madam Foreman, ladies and  
3 gentlemen of the jury -- Madam Forelady, ladies and  
4 gentlemen of the jury. I hope you had a pleasant evening;  
5 you stayed dry. We are now at the state of the trial where  
6 you will hear closing arguments by both the State and the  
7 defendant. As I told you earlier, closing arguments is not  
8 evidence in the case. You've now heard all of the evidence  
9 that will be presented in which you will make your decision.  
10 These lawyers obviously represent their respective sides and  
11 they will argue the evidence in light most favorable to  
12 their side. But you've heard the evidence from which you  
13 will make your decision. However, it's important to listen  
14 to the closing arguments. The State will go first followed  
15 by the -- they'll open up on the law as the rules require --  
16 followed by the defendant. And then the State, because they  
17 have the burden of proof, will have the last argument.

18 Once they complete their final arguments, then I will  
19 charge and or instruct you on the law. My charge in this  
20 case will not be too terribly long, probably 12, 15 minutes  
21 at the most. So once that is a done then you will be in the  
22 position to start your deliberations. I don't know where we  
23 are going to be timewise, but if it's around -- if lunch is  
24 going to be involved, obviously I will order lunch in so you  
25 won't have the deliberations interrupted.

1           So please pay close attention. Y'all have been a  
2 wonderful jury. Paid close attention throughout. Taking a  
3 lot of notes; I've been watching you. And I thank you.  
4 Obviously, it's a very important situation for everybody  
5 involved. It will be in your hands very shortly.  
6 Mr. Sorenson? Mr. Templeton?

7                           CLOSING ARGUMENTS

8           AST. SOL. TEMPLETON: May it please the Court?

9           THE COURT: Yes, sir.

10          AST. SOL. TEMPLETON: Ladies and gentlemen, I want to  
11 begin by thanking you for your time, your attention  
12 throughout this trial on behalf of the State of South  
13 Carolina and the family of Ashley Pegram. At this point, we  
14 reached the point in the trial where we get to talk to you;  
15 to give you what we believe the law is and then the facts  
16 after that. Mr. Hilton will get to speak to you in a few  
17 moments, and Mr. Sorenson will be able up to finish up and  
18 go over the facts that the State believes are supported.

19          When I came to you on Tuesday morning, I talked to you  
20 about what we believe the law of murder to be. I told you  
21 -- all of you know what murder is. But the legal definition  
22 is the taking of a life with malice aforethought. Malice  
23 meaning ill will, hatred, hostility. Aforethought, meaning  
24 in the mind of the defendant, just before and at the time of  
25 the killing. It didn't have to form for any amount of time

1 before. It could be an hour before, a minute before, a  
2 second before. But it must be in the mind of the defendant  
3 at the time and just before the killing. As you know, we  
4 can't go into Mr. Bonilla's brain. We can't see malice.  
5 But what you can do is based on the facts, the  
6 circumstances, and Mr. Bonilla's actions, you can decide  
7 whether you believe, whether you're firmly convinced of that  
8 malice. You will also be charged on a lesser included  
9 offense of involuntary manslaughter. Involuntary  
10 manslaughter is an unintentional killing with no malice with  
11 one of two possible situations: That the defendant was  
12 committing an unlawful act not amounting to a felony and not  
13 naturally tending to cause death or great bodily injury; or  
14 the second possibility, he was acting in a lawful act with  
15 disregard for human life.

16 Last thing, ladies and gentlemen, I want to talk to you  
17 very quickly about the burden in this case. I talked to you  
18 a little bit about that on Tuesday morning as well. It's  
19 the same burden as every criminal court throughout our  
20 country. It's beyond a reasonable doubt. And what that  
21 means is the State must provide each of you with sufficient  
22 evidence for you to be firmly convinced of the defendant's  
23 guilt. Ladies and gentlemen, I've never sat on a jury.  
24 I've never been able to sit in your seat. But I can imagine  
25 how hard it is for you to listen to all of that testimony

1 that you heard from that witness stand, to see all the  
2 exhibits, and not be able to discuss it. In just a little  
3 while, you will be able to. And you will be able to tell  
4 the world what really happened on April 4, 2015 through your  
5 verdict. Verdict comes from the Latin word veridicta  
6 meaning to speak the truth. That will soon be your duty.  
7 Thank you.

8 THE COURT: Mr. Hilton?

9 MR. HILTON: Good morning, ladies and gentlemen. I  
10 want to take a moment to thank you all for your services  
11 this week. We've spent a lot time here and it's a lot of  
12 time out of your personal schedule that you've invested. I  
13 told you at the beginning that this was an important case  
14 for everybody. And I want to be real clear from the outset,  
15 this case is not a who done it. There's no question Edward  
16 Bonilla got up and he took the stand; he told you what  
17 happened that night. He said Ashley Pegram died in his  
18 hands. And I also told you at the beginning that things  
19 don't always appear as they seem on the outset. Let's take  
20 a look at the evidence that the State presented to you.

21 The first witness in this case was Brandy Chance, and  
22 that was, is, Ashley Pegram's sister. And she got up and  
23 she testified that she lost her sister; lost a friend. And  
24 she may not have said these words, but it was clear from her  
25 testimony this is an absolute tragedy to their family. But



1 what else did we learn from Brandy Chance's testimony? We  
2 learned that it was Ashley Pegram who asked Mr. Bonilla to  
3 pick her up. That's in these messages. And she says,  
4 "Let's hang out. I've got something to drink." She says,  
5 "I don't have a car." She's the one that says let's hang  
6 out. She also said, "Will you pick me up a 12 pack?" And  
7 he did that. And Ms. Chance also testified to something  
8 that I didn't think was all that important, but Mr. Sorenson  
9 made a big deal out of it on his cross examination of  
10 Mr. Bonilla. He said she said that Ashley left her cell  
11 phone at home that night. And we know that because there  
12 were some conversations back and forth between Edward and  
13 Brandy on the cell phone that Ashley was using. That was  
14 her mother's cell phone and that's how they contacted him  
15 afterwards.

16 And then you heard from Lindsay Diaz. She was living  
17 with Anthony Navarro at the time. He testified as well.  
18 You heard they had a little party, a little gathering,  
19 bonfire, whatever it was called; multiple things. But they  
20 had a little gathering at their house over in Goose Creek.  
21 Edward and Ashley came up, and although reluctantly Lindsay  
22 Diaz ended up testifying that she admitted to Detective  
23 Martin that she was intoxicated; she was talking to herself.  
24 Talking to herself. They left that party and the next time  
25 they were seen together is on that Sunoco video where you

1 see the green Hyundai Sonata pull up; you see her get out,  
2 go in and use the restroom and come back.

3       You got the phone records. The phone records verify  
4 all of that; the phone records verify that afterwards they  
5 went back towards the Summerville area. And at that point,  
6 Ashley Pegram doesn't come home. The family starts getting  
7 worried. That's when Brandy starts messaging, calling.  
8 Ultimately, a missing persons report is filed. And Edward  
9 responds to some of these calls and messages. And what does  
10 he give? He gives his name, telephone number. Other  
11 information that was included? I think he had already given  
12 his address at some point. And he talks to the police and  
13 he admits to them at that point that they were together;  
14 they went to this party in Goose Creek; they were at the  
15 Sunoco; and he was driving that green Hyundai Sonata. And  
16 it was from that statement that they were able to go to the  
17 Sunoco and get that video verifying that they were there.  
18 But instead of saying what happened at that time, which he  
19 should have, instead of saying what happened at that time,  
20 he didn't. Was he scared? Probably so. Didn't want to get  
21 caught? Probably so. Instead of disclosing what really  
22 happened that night, he started lying. And he lied about  
23 working for Mr. Cauble. He lied about knowing anything  
24 about Ashley's death.

25       The Sheriff's Office at this time is beginning their

1 investigation as well. They had gotten the Sunoco video  
2 based on his statements. They get his phone record showing  
3 the location based on the number he provided. They find this  
4 Hyundai Sonata. They find the work van. And to the  
5 Sheriff's Office, to everybody who had any involvement in  
6 this case at the time, it looked real bad. There's blood in  
7 the Hyundai; there's blood in the van. Edward is starting  
8 to give them bad information about where he works and so  
9 forth. And they end up arresting him. They charge him with  
10 obstruction first, and a few days later -- I think the  
11 testimony was that he was charged with murder actually on  
12 May 5th was the testimony that Detective Martin provided.  
13 And on May 8th, three days later, they get a break in the  
14 case. Edward Bonilla, the guy that the State wants you to  
15 believe stalked this girl online, drugged her, raped her,  
16 strangled her, bludgeoned her, ultimately murdered her. The  
17 guy that they're alleging did all of this, three days after  
18 his arrest, meets with his attorney, the chief public  
19 defender, and discloses the location of the body. Why would  
20 he do that?

21 If all of what they're saying and what they're alleging  
22 is true, why would he do that? Why not just keep your mouth  
23 shut? They may have never found her. But they do find her.  
24 They find her based on his story to them. His statement,  
25 you will find her in this area. And they go out; they don't

1 find her the first day. And the next day, they go back with  
2 the dogs and they do find her. And it looks real bad. Five  
3 weeks of decomposition and they dig up what turns out to be  
4 the body of Ashley Pegram. It was at that time that the  
5 State, the Sheriff's Office locked in on a theory. And they  
6 put on their blinders and they weren't interested in  
7 anything else. You heard from Detective Martin that they  
8 got a lead from a girl named Tiffany Jinks that Ashley  
9 Martin [sic] was on her Meet Me profile on Monday. This  
10 would have been two days after her death according to them.  
11 They never even called the girl back. It never even made it  
12 to his written report. He told you that. Remember we had a  
13 look at his handwritten notes. And he said, "Oh, yeah, I  
14 logged onto to Meet Me. I couldn't find her profile."  
15 Never even called the girl back. That was inconsistent with  
16 their theory so it made no difference to them; it didn't  
17 matter.

18 Now, did Jimmy Mead or Tiffany Jinks do this?  
19 Absolutely not. We know that that's not the case. And  
20 that's not the point of that. The point of me going over  
21 that and stressing that with you is that they had on their  
22 blinders, and they weren't interested in anything other than  
23 the theory that they had locked in on. That he had drugged,  
24 raped, strangled, murdered Ashley Pegram and dumped her body  
25 in a shallow grave. If it didn't fit into that narrow

1 theory, they're done.

2 Let me give you another example. The State put a lot  
3 of time -- Sheriff's Office, Crime Scene, put a lot of time  
4 into processing this van. Blood everywhere in this van.  
5 Yet, mysteriously enough, the first three swabs that they  
6 test all test negative. They admitted to that. Number 4,  
7 they get a positive hit. I thought it was interesting that  
8 according to the report, every swab thereafter tested  
9 positive except for number 19. You know, preparing for  
10 this, I said what are the chances that? The first three are  
11 negative and everything else except number 19. And then we  
12 learned, you know, Jeff Scott gave us the answer, that they  
13 quit taking pictures of all the negative swabs because it  
14 was just too much evidence to process. And we don't know  
15 what in all they tested that was negative. The first three  
16 and then after that the negative tested didn't have any  
17 bearing on what they were doing.

18 I asked him, I said where are the pictures of swabs 14  
19 to 22? Didn't take any. Why not? Why not? Wouldn't that  
20 have been helpful? And when you look at these swabs, you'll  
21 notice there's a swab in here that's labeled number 9, and I  
22 may not be able to find it quickly. But there's a swab in  
23 here that's number 9. And they ended up swabbing that twice  
24 and they took it up to SLED. And that's blood. And there  
25 is a picture of the O-Tolidine test on that as well.

1 There's no question that that's blood. They did what they  
2 were supposed to do to that. They swabbed it; they got a  
3 presumptive result. It's clearly a deep blue. They took a  
4 sample of that; they sent it to SLED and it was tested  
5 against her DNA. And we know, we now know, that that was  
6 Ashley Pegram's blood. Swab number 10 in the pictures is a  
7 little bit weaker. Swab number 11, we don't have a picture  
8 of. Swab number 12, is pretty weak again. If you look at  
9 the pictures of those, you'll see they start getting weaker.  
10 And number 13, that's is in there as well. The Sheriff's  
11 office is labeled number 13, is in there as well. And I  
12 went over that with Detective Scott. And I still don't see  
13 any blue in that picture. And I've looked at it many times.

14 Now, I'm not going to waste your time digging through  
15 the pictures, but you can find it. Make a note of that;  
16 it's number 13. The instructions on that O-Tolidine test  
17 that's marked as Defense Exhibit 1, the last line on there  
18 says, "Pale color development should be disregarded." Pale  
19 color development should be disregarded. If number 9 is  
20 blood and you see that bright blue tip, compare that to  
21 number 13 and see if you think it's blood. After number 13,  
22 the most important part of their evidence processing, they  
23 stopped taking pictures of the O-Tolidine test. Because  
24 from that point on, we're in this blood spatter on the roof.  
25 And they stopped taking any pictures from that point on of

1 these presumptive swabs. Number 19, I talked about a minute  
2 ago, left out of his report that was written at the time.  
3 All this time he had to do a supplement and correct that.  
4 And he waits until he gets on the witness stand to tell us,  
5 oh, number 19? Oh, yeah, that was positive too. That  
6 should've been in there. Wouldn't it be nice to know  
7 whether all of that was blood or not? They testified that  
8 it was. Or wouldn't it be nice to be able to look at those  
9 pictures and say it was blood like in number 13 or was it  
10 blood like in number 9? We don't know because they quit  
11 taking pictures. And any of the negative stains that they  
12 came across, didn't even document. They didn't even  
13 document for you to be able to say, wait a minute, this one  
14 is not blood, but this one is. How can we compare? How can  
15 we compare the two?

16 Now swab number 21, that's the one in the roof up  
17 there. They circle one area and they take a swab of that,  
18 and it did tests positive for her DNA. I want you to  
19 understand, I'm not suggesting that there is no blood in  
20 that van and no blood on that ceiling. We know that's not  
21 the case. What I'm suggesting to you is all that stain  
22 pattern, some of their most important evidence, is all of  
23 that blood? I would like to know. And I don't know because  
24 we don't even know what tested negative. We know things  
25 tested negative because Detective Scott said we quit taking

1 pictures of negative tests. Well, which ones are negative  
2 which ones are positive? He said the ones that were, we  
3 marked and we circled and we put a number beside it. But we  
4 don't know the ones that are negative.

5 It's the State's burden of proof to prove beyond a  
6 reasonable doubt that all of that was blood up there for  
7 them to get up there and say it was some blood splatter  
8 pattern. What is it? Is it something from that red bucket  
9 that was in the van. Take a look at that picture. It sure  
10 looks like blood to me. We don't know. They said they  
11 tested it and it tested negative. I don't know. They  
12 didn't take any pictures of those tests. The State wants  
13 you to believe that she was beat, Ashley, was beat in the  
14 back of that van over and over and over again with multiple  
15 blows. And Detective Mullis testified each time that item  
16 would get back into blood and sling blood onto the ceiling;  
17 cast off that blood onto the ceiling. Look, Detective  
18 Mullis is a great guy. He's a nice guy, but all that  
19 testimony came from a one-week class with a handbook at the  
20 end of it. And you heard Detective Mullis and you saw the  
21 arm motions of Mr. Sorenson. But guess what? They did an  
22 autopsy. The injuries are not consistent with all of that.  
23 The injuries are not consistent with her being beat with  
24 some object over and over and over again causing this blood  
25 stain pattern on the ceiling. That was their pathologist.



1 The pathologist testified there were no broken bones and no  
2 skull fractures, and there was some contusions over the left  
3 orbital and a place either right or left side of her head.  
4 But it was no skull fractures and no broken bones. In fact,  
5 the pathologist wouldn't even say that the cause of death  
6 was blunt force trauma. But yet they want you to believe  
7 that's how she got in the back of that van. They want you  
8 to believe that to the point where they put it in their  
9 indictment and that's the allegations in the indictment is  
10 that she died from blunt force trauma. And remember, if  
11 it's inconsistent with their theory, to be disregarded. It  
12 doesn't even warrant a phone call back or a photograph to be  
13 taken.

14 He restrained her. She was accidentally choked and  
15 that's perfectly consistent with the pathologist's  
16 testimony. Injuries from that head, on her head, around her  
17 eye, think that could've come from her being hit by the car  
18 and falling back on the ground or something? He testified  
19 she was on the ground when he went back there. And  
20 yesterday what I think is the most important testimony of  
21 all, the person who was there, Edward Bonilla, he got up  
22 here and he took the witness stand and he testified that he  
23 picked up Ashley. They went out and she started getting out  
24 of hand. She's are getting out of hand at the party and  
25 that was corroborated by the State's witness, Lindsay Diaz,

1 and by Anthony Navarro. And they ended up leaving. He  
2 testified that they went to their house to drop off some  
3 marijuana that he had. He came back by, she had to use the  
4 restroom; they stop at the Sunoco. All of this is  
5 documented by the phone records by the way. They leave the  
6 Sunoco and they go back to the area where she lives and  
7 she's giving him bad directions. She's yelling about him  
8 stealing her mom's cell phone. Now, let's think about that  
9 for a minute. How would he have made that up? How would he  
10 have possibly known, one, that it was her mom's phone? How  
11 would he have possibly know that? And she actually left her  
12 cell phone at the house, not only -- I say her cell phone.  
13 She left her mom's cell phone at the house. We know that  
14 because Brandy Chance told us that, first witness. First  
15 witness. How would've Edward made that up?

16 She's laughing, she's talking to herself in the car;  
17 goes back to accusing him about the phone. Laughing,  
18 talking, accusing him about the phone. Remember, she was  
19 doing that at the gathering as well, at the party. And they  
20 get to an area out there and she keeps giving him bad  
21 information about where she lives. And finally she says,  
22 you know, stop, I've got to use the bathroom again.  
23 Remember, she had been drinking heavy. And she gets out and  
24 he's had enough. He's ready to leave. She gets out of the  
25 car and he backs up to leave and hits her with the car

1 accidentally. It's not too serious. He gets out and he  
2 checks on her. She's not dead. She's got an injury to her  
3 head. She's not dead at that point. But he gets out to see  
4 what happened, and she starts yelling at them. She starts  
5 kicking the car; starts trying to attack him. And he says,  
6 whoa, whoa, wait a minute here. And he restrains her.

7 Now, where did we learn that Ashley could get out of  
8 hand when she had been drinking? I think the testimony was  
9 it seemed like she could be bipolar. Brandy Chance told us  
10 that. Her own sister told us that. Edward didn't make that  
11 up. Her own sister verified that on the witness stand. And  
12 in the unfortunate event, he tried to restrain her from  
13 kicking the car, attacking him; she died. She died. He  
14 learns about the cut on his head, the blood on his shirt.  
15 He said he went and sat in the car for a minute thinking  
16 about what to do. Should I call the police? Should I call  
17 the ambulance? He panics; he panics. From that point on,  
18 Edward Bonilla makes a series of choices to make this case  
19 look real bad. She's bleeding from the head; he's got blood  
20 on his shirt. He opens the trunk of that car and puts her  
21 body in it. He takes her off to an area in North  
22 Charleston, Rab Drive he testified to. It's a frontage road  
23 on the side of I-26. And he takes her out of the car and he  
24 leaves her body there. Later that night, he goes and gets  
25 the van from his house and he gets sick. And he sends her a

1 message to start covering things up. He says that 3:29.  
2 "Hello, you still awake? Just making sure you made it home.  
3 Sorry I left at the gas station, but you were too drunk to  
4 handle." He begins covering up what he had done. It's not  
5 a good idea, but that's what he does. And he admits to  
6 that.

7       Around that same time within an hour or so, he sends a  
8 message to his boss saying, "I'm not going to make it into  
9 work, I'm sick." He was sick. That wasn't the sole reason,  
10 but he was sick. And the reason he said he wasn't going to  
11 make it into work is because he knew he had to do something  
12 with this body. He gets in his work van and he starts to  
13 ride around. He picks up her body off of Rab Road. And in  
14 the process of putting her in that van, her shirt tears.  
15 She's bleeding from the head and he takes a bag -- this is  
16 all his testimony -- takes a bag and wraps it around her  
17 head; a bag that he had all of that stuff in the van. He  
18 dumps that out. He gets that bag and wraps some electrical  
19 tape around the seal of that bag. Tape that he had in the  
20 van; tape that he had used on the job for wiring up his  
21 flooring sand. And he said, you know, "I may have taped her  
22 hands at the same time. I'm not sure. I'm not sure."  
23 Well, let me tell you something, you know, maybe he used  
24 that to drag her; maybe he used that to secure her hands to  
25 make it easier to move her. I don't know. But if you're

1 going to make up a story, if you're going to make up a  
2 story, make something up about this part. This is the worst  
3 part of it. Her hands are bound. And if he's up here lying  
4 to you about what he did that night, come up with some  
5 explanation for the tape.

6 I submit to you the fact that he can't remember exactly  
7 what happened with that tape is evidence that he's actually  
8 being truthful to you. Think about that. If you're going  
9 to make up a story, you're going to have an explanation for  
10 that. The State has no evidence as to what happened with  
11 that. They can only ask you to guess. They're only asking  
12 you to guess. He loads up her body in the van and he takes  
13 off to Harleyville. He goes up to what appears to him to be  
14 a remote location, takes her out of the van, takes that bag  
15 off of her head, and what does he do with it? I asked him,  
16 "What did you do with the bag?" I threw it in the van. I  
17 threw it in the van. Assuming that's blood splatter on the  
18 roof, assuming that's blood and DNA, which we submit to you  
19 it is, you think it could've come from him throwing that  
20 blood? Throwing that bag? We know it had blood in it. She  
21 was bleeding from the head. That's why he put the bag on  
22 her head to begin with. Now, Detective Mullis says, no,  
23 that can't be possible. It was multiple, multiple blows.  
24 Multiple blows. Remember, the injuries aren't consistent  
25 with that. There are no injuries on her body that are

1 consistent with multiple blows.

2 And in Harleyville, he drags her body into the woods,  
3 alternating between her hands and feet. He says her pants  
4 pulled off some where in the woods. They didn't find them.  
5 And I submit to you, ladies and gentlemen, when they found  
6 that body out there, that was the end of their search. They  
7 didn't look any further. The fact that they didn't find  
8 those pants first, if they would've kept looking, they  
9 would've found them. And remember, she was out of the car  
10 that night urinating at the back of the car when she was  
11 struck and she may have pulled her pants up, but we don't  
12 know that they were buttoned or they were even zipped up.  
13 They could have easily come off. Nonetheless, her pants are  
14 off. And he digs a shallow grave, puts her body in the  
15 grave. And that is where he leaves her body. And there was  
16 testimony from the coroner about this grave being two and a  
17 half feet deep. Let me tell you, you got the picture of it.  
18 It barely covered her body to the point where a portion of  
19 it had some animal activity that had already begun. Because  
20 it was exposed. It was it's exposed. This grave is not two  
21 and a half feet deep. This grave is barely deep enough to  
22 cover her body. Don't let them try to fool you by saying he  
23 didn't have enough time to go and dig this two and a half  
24 foot grave. The term grave is used loosely. This is a  
25 depression, essentially, with enough to barely cover her

1 body.

2 And from that point on, he returns and the cover-up  
3 continues. He tells you, he goes back to the scene in  
4 Summerville. The State didn't know that. Although, it's  
5 verified in his phone records. You've got his phone records  
6 of that. He goes back to the scene in Summerville; he picks  
7 up her sandal. And by this time it's daylight and there he  
8 goes down Highway 78, down Highway 78. At the intersection  
9 he testified to intersection of 78 and Ladson Road near the  
10 fairgrounds down there. There's a service station with a  
11 dumpster behind it, car wash, and he throws that bag and  
12 sandal into that dumpster. Police never find it. Had no  
13 reason to go look. He lies to the family; he lies to  
14 police. And ultimately, they figure out this is the guy  
15 that they are looking for. Edward knew that he would have  
16 to face the music and some point. And for someone who was  
17 trying to cover things up, well, he should have given them a lot  
18 of information that they needed. He told them who he was.  
19 He told them where they went; where he lived. And they  
20 found the van, he told Mr. Cauble this was a big mistake.  
21 Andy Martin testified to that. And he had heard him tell  
22 Mr. Cauble, "This is a big mistake." Mr. Sorenson asks him,  
23 "You knew the gig was up, didn't you?" And his response, "I  
24 knew the gig was from the moment it happened." He knew he  
25 was going to get caught. He knew he was going to get

1 caught. That's why he gave this information to begin with.  
2 They arrested him.

3       Shortly thereafter, the chief public defender Mark  
4 Leiendecker, he told him where she could be found. He  
5 didn't have to do any of that, but he did. He didn't have  
6 to meet with them. He didn't have to give them a statement.  
7 He didn't have to tell them where the body was buried. He  
8 didn't have to testify at this trial. He didn't have to say  
9 a word. But he did. All the evidence that they found  
10 against him practically, was evidence that he gave them  
11 information where they could find her. The State wants you  
12 to believe drugged, raped, strangled, bludgeoned, and  
13 murdered Ashley Pegram. He sure gave a lot of helpful  
14 information in this case. When it came time for his trial  
15 at the beginning of this week, the trial went on and  
16 yesterday he took the stand and he told you what happened.  
17 He told you things law enforcement never figured out. Such  
18 as going back to the scene in Summerville, throwing stuff  
19 away in Ladson, and that her body was dumped out beside the  
20 interstate on Rab Road. They didn't know that. They didn't  
21 know it.

22       I want to dispel a few things at this point because  
23 there's been a lot of talk about him so called drugging her.  
24 Mr. Sorenson tried to make hay with Lindsay Diaz, his  
25 witness, about Ashley wanting to put her drinking in a cup



1 or then wanting her to put her drink in a cup at the end of  
2 the night or whatever. She ended up not doing that. She  
3 went home with the bottle. I don't know how they're  
4 suggesting that he somehow had something in this cup and  
5 then she was going to pour a beer on the top of it. But  
6 that was the testimony he was trying to get out. And Dr.  
7 Batalis testified that that muscle relaxer could've been in  
8 her sister days before her death; days before her death.  
9 There is no evidence the Edward Bonilla tried to drug Ashley  
10 Pegram. None. Another thing is this paint can. This  
11 gallon can of urethane. There's some pictures of it. They  
12 suggested the can was bent, the handle was off of it. They  
13 swabbed it for blood and evidently get a O-Tolidine  
14 presumptive test. They didn't mention to you in these  
15 pictures, and you can see for yourself, there's other cans  
16 that are dented up that don't have blood on them. They want  
17 you to believe that somehow she was beat with this paint  
18 can. Have you ever tried to swing a paint can with a handle  
19 on it? And by the way, if they're going to allege this was  
20 the murder weapon in this case, where is it? Wouldn't you  
21 introduce that into evidence? Wouldn't you swab that for  
22 DNA and see if her DNA was on it? They didn't do anything  
23 of that. All they did was take a picture of it and they're  
24 going to convince you that she was beat with this item. And  
25 somehow this handle come off. All they gave you was a

1 picture.

2 Now, let's talk about intent for a moment.

3 Mr. Templeton talked to you about some of the law and the  
4 judge is going to give you some detailed instructions on the  
5 law in the case. But let's talk about intent. For the  
6 State to prove that Edward Bonilla is guilty of the crime of  
7 murder, they have to prove that he intended to kill her at  
8 the time of the incident. And not only did he intend to do  
9 it, but that intent was with malice aforethought. Malice  
10 has some specific meanings that the judge will tell you.  
11 But suffice it to say, one of the definitions is ill will or  
12 hatred. That he set out fatally bent on mischief. Those  
13 are the definitions that you have to consider. There's no  
14 evidence of that. There is no evidence of that. I asked  
15 him specifically, "Did you mean to kill her?" No. "Did you  
16 mean to hurt her?" No. But he told you what happened. If  
17 he planned to kill Ashley Pegram that night, why would he  
18 leave his personal cell phone number? Why would he leave  
19 his real name? Why would he then take her to a party where  
20 he would be seen with her with people that knew him? Some  
21 family and some friends. Why would you do that? If you're  
22 setting out to kill somebody, why do you do that? That  
23 doesn't even makes sense. And it goes along with something  
24 that I have not heard one mention of in this trial, was  
25 there any reason to kill Ashley Pegram? I can't think of

1 any. What did he gain from it?

2 Now, you'll have three possible verdicts in this case.  
3 You're going to have the option of finding him guilty of  
4 murder if you find that he intentionally killed Ashley  
5 Pegram with malice aforethought. And that aforethought  
6 meaning that his malice was in his mind at the time of the  
7 incident or before, not after. Not all this stuff about  
8 bury and all that. That's not for malice. Malice is at the  
9 time of the incident or before. That's where you get the  
10 term aforethought. You can have the option of finding him  
11 guilty of murder if you believe all of that. There's the  
12 option of finding him guilty of involuntary manslaughter.  
13 And involuntary manslaughter is less than murder.  
14 Involuntary manslaughter is when you do something in the  
15 reckless disregard for the safety of others without the  
16 intent to kill somebody. Without the intent to kill  
17 somebody. Or you can find him not guilty.

18 Now, you ask yourself, well, what a minute. How are we  
19 going to find this guy not guilty when there's all this  
20 evidence? And he admitted to doing so. Well, if you find  
21 that this was an accident, if you find he had no intent to  
22 kill this girl, Ashley Pegram, if you find that he had no  
23 reckless disregard for the safety of others or we wasn't  
24 engaged in some type of conduct that was some unlawful  
25 conduct that was likely to injure her, and you find it was

1 an accident, you can find him not guilty. You can find him  
2 not guilty. Edward may be guilty of a lot of things, but  
3 the only question for you is did he intend to kill Ashley  
4 Pegram on the night of April 3rd, early morning hours of  
5 April 4, 2015? That's the question before you. They could  
6 have charged him with disposing of a body, improper handling  
7 of a corpse. They did charge him lying to police. They  
8 decided not to go forward on that. The question before you  
9 is his intent. Again, I told you on the outset that things  
10 aren't always what they seem.

11 And the State is going to get the opportunity to get up  
12 here now and go through all of these theories with you. But  
13 I want you to ask yourself, does all that really make sense?  
14 Does all of that really make sense? Does it really make  
15 sense that he could provide all of this information when he  
16 drugged, beat, raped, bludgeoned, and murdered this girl?  
17 Does it make sense that he would then disclose the location  
18 of the body? In this case, ladies and gentlemen, I submit  
19 to you there is no intent. And I submit to you that Edward  
20 Bonilla may be guilty of involuntary manslaughter or he may  
21 not be guilty at all. Thank you.

22 THE COURT: Madam Forelady, ladies and gentlemen, y'all  
23 okay? Need a bathroom break?

24 FOREPERSON: Were fine.

25 THE COURT: Raise your hand if you need something.

1 Mr. Sorenson?

2 AST. SOL. SORENSON: Thank you. May it please the  
3 Court, Your Honor?

4 THE COURT: Yes, sir.

5 AST. SOL. SORENSON: It's hard to imagine, ladies and  
6 gentlemen, how what Edward Bonilla did to this young lady  
7 back on April 4, 2015. Could it be any more malicious, any  
8 more evil, any more devoid of social duty. I submit to you  
9 his actions were. But if you listen to him on that witness  
10 stand yesterday, it's all her fault. Is it her fussing at  
11 him? Her ranting? She ended up somehow hours later  
12 practically nude, tied up with electrical tape, and buried  
13 in a shallow grave 30 minutes away from home. But that's  
14 all of her fault. And I submit to you, ladies and  
15 gentlemen, if you believe that tale that he spun yesterday,  
16 if you believe that, then I'm sorry for wasting your time.  
17 Find him not guilty. Because if that's what happened, he's  
18 not guilty. But I submit, for to you to get to that point,  
19 you have to ignore almost all of the evidence that you  
20 heard. And that's why I want to talk to you; just spend a  
21 few minutes this morning talking to you about.

22 I want to start with Dr. Batalis, the pathologist. And  
23 if you remember the defendant's story, I mean, I asked him  
24 this multiple times to make sure I had it clear in my head,  
25 he never struck Ashley Pegram with his hands, fists, kicked;

1 never struck her with any weapon; never took her and slammed  
2 her head on anything. The only thing that he says that he  
3 did where she could of had any injury occur to her was him  
4 bumping her with that car when he backed up. And you've got  
5 the pictures of the back of the car. There's no damage to  
6 the back of the car consistent with him having knocked  
7 somebody down to the point where it would've caused physical  
8 injury to have her bleeding from her head. He said  
9 initially in his testimony with Mr. Hilton that she was  
10 trying to headbutt him. I clarified that also. Trying to  
11 headbutt him; never at any point in time did she strike him  
12 with her head when he says he was trying to restrain her in  
13 that bear hug from behind. He didn't have any injuries to  
14 his face from her slamming her head back on him?

15 Look at Dr. Batalis's testimony. And keep in mind,  
16 part of his testimony he was unable ultimately to really  
17 come to conclusion as to what the specific cause of death  
18 was to her, yet again, because of his action. Because he  
19 buried her out in the woods for five weeks. Okay. But what  
20 was Dr. Batalis able to tell us? Contusions to her  
21 forehead, the back of her head, the left side of her head,  
22 fracture to her -- I'm not saying that right, but I think  
23 it's thyroid cartilage I believe is what he said --  
24 potentially some injury to her mouth but we was unable to  
25 tell a hundred percent whether that was or not. And he

1 want's to tell you and get up here in his closing and say  
2 that none of that is consistent; that Dr. Batalis's  
3 testimony was not consistent with her being beaten multiple  
4 times. I submit to you, that testimony is inconsistent with  
5 what he says happened. It's totally consistent with the  
6 other evidence that she was beaten multiple times. And I'm  
7 going to get to the van in a minute. So remember, all he  
8 says he did was put her in a bear hug from behind. And then  
9 he can't remember if he had his arm up around here or if he  
10 had his hand over her mouth. How was she injured then? I  
11 mean, I suppose he's trying to say that basically he just  
12 suffocated her. But how does she have any physical injury  
13 to her if that's how he killed her?

14 Let's move on and look at what else Dr. Batalis tells  
15 us about her clothing when she gets there, okay. She's got  
16 the bra and part of her shirt that are basically are kind of  
17 up around the upper part of her body that are torn. No  
18 pants; no underwear. No pants; no underwear. And that's  
19 consistent with the testimony from Detective Scott who was  
20 out there when she was removed from the shallow grave. The  
21 defendant and his story, this is his explanation for all of  
22 that, all right. The shirt and the bra are somehow torn  
23 when he's initially putting her in the van. Okay. And then  
24 his story is that the pant and her underwear somehow when he  
25 is dragging her -- and I'm going to talk a lot more about

1 this in a little while -- when he's dragging her out into  
2 the woods to bury her, that her jeans and her underwear  
3 somehow are totally pulled off and removed entirely from her  
4 body. I mean, ladies and gentlemen, when you were selected  
5 the other day as jurors because myself and Mr. Hilton felt  
6 that you were reasonable people with common sense. That  
7 common sense hadn't left when you came to court; still here  
8 today. Does that appeal to your common sense? That if  
9 you're dragging somebody through the words that they are  
10 literally are going to lose their pants and their underwear.  
11 And, you know, he makes a big deal about, you know, he goes  
12 all the way back and tries to -- and finds where this  
13 incident happened to collect one of her shoes that has  
14 fallen off. Yet he doesn't bother to go pick up the pants  
15 and put them in the grave.

16 And then Mr. Hilton makes a big deal about, you know,  
17 they targeted it and they found her out there. And, you  
18 know, they didn't bother looking for anything else out  
19 there. They were out in the woods for two days looking for  
20 her; for two days. They go out there that Friday evening  
21 and they're looking. They go back out Saturday morning with  
22 two dogs looking. Two dogs that are able to find her buried  
23 in the ground, and you're telling me they wouldn't come  
24 across a pair of jeans that would've been, what, 20 yards  
25 away? Does that appeal to your common sense? Or is there



1 another explanation for why she didn't have jeans and  
2 underwear on? And I'm going to get to that in a little  
3 while. But yet during all of this also, something else.  
4 And he's dragging her through the woods; tangling on stuff  
5 to the point where it's pulling her clothing off of her;  
6 pulling her clothing off of her. And if he's pulling her  
7 this way so her jeans are coming off, well, how come her  
8 shirt and her bra are up wrapped around her neck for one  
9 thing, and having been torn off of her also? Because they  
10 were already torn according to his testimony. The other  
11 thing, she still has her glasses with her. Does that appeal  
12 to your common sense? Given everything that he says that  
13 that young woman was doing, kicking, thrashing, swatting at  
14 him to the point where he had to grab her in a bear hug and  
15 she's throwing her head around trying to headbutt him. And  
16 he's moving her from place to place to place and then  
17 dragging her through the woods to the point where she's  
18 losing clothing, and she still has got her glasses with her  
19 while he's burying her? Does that make sense?

20 Then the last thing with Dr. Batalis, the thing that,  
21 and part of it is just, to be honest with you, I just don't  
22 think he can possibly come up with a plausible explanation  
23 that makes any sense whatsoever. That's State's Exhibit 101  
24 and 102. I'm going to talk about them one at a time.  
25 State's Exhibit No. 101, the tape that Dr. Batalis testified

1 was around her neck. What is his explanation for this? You  
2 think back when he testified yesterday. The gist I got out  
3 of it was that when he was putting her, took her out of the  
4 trunk of his vehicle, the trunk of this vehicle, put her on  
5 the side of the road. Maybe that's where he put her  
6 initially. I have no idea. I heard that for the first time  
7 yesterday. Obviously, he had to move her from the trunk to  
8 the van at some point in time. But at that point in time  
9 that he sees she's bleeding -- I have no doubt she's  
10 bleeding at that point in time. There's blood found in the  
11 trunk of that Sonata. I submit to you it's from him  
12 assaulting her, and nothing else but from his assault of  
13 her. Okay. And what is his explanation for how this ends  
14 up wrapped around her neck? And the gist I got out of it  
15 was that he takes a plastic -- and he described it as  
16 basically a grocery bag. You can to Publix, Harris Teeter,  
17 bag your groceries in it. Plastic grocery bag. And he puts  
18 it over her head I assume to make sure she doesn't bleed  
19 inside the work van, I guess. But he never really -- the  
20 gist I got out of that. And then uses the black electrical  
21 tape to wrap around the bag to hold it in place over her  
22 head.

23 Okay. That's fine and dandy. I mean, you know, if  
24 that's what he did, that's fine. But what is inconsistent  
25 with that when she is found? You know, they get to the

1 autopsy and Dr. Batalis -- and you've had it here. And yet  
2 again, goes back to using your common sense. You ever tried  
3 putting tape on one of those bags and getting it off? It  
4 doesn't come off. The bags tear; the plastic ends up all  
5 stuck to the tape, ends all glued together. There's no  
6 grocery bag -- I mean, because he says that ultimately he  
7 ends up taking that bag off of her head before he goes and  
8 buries her. I don't know why he would bother doing that,  
9 but that he did. He tears the bag off of her. But there  
10 should be remnants of that plastic bag still on this tape  
11 and there's not. And there's not because I submit to you  
12 that's not what happened. The other way we know that's not  
13 what happened is because if he did that, there shouldn't be  
14 any blood in the van at all. Her blood shouldn't be on the  
15 floor of the van, shouldn't be on the items in the van, sure  
16 as heck shouldn't be up on the ceiling of the van. We'll  
17 talk about that shortly.

18 So the black tape around her neck; State's Exhibit No.  
19 102. You'll have this back in the jury room so you can look  
20 at it little closer. Remember Dr. Batalis's testimony when  
21 he got to her, when he did the autopsy on her, I believe it  
22 was on May 10th, the tape was still wrapped around her right  
23 wrist. And it was a piece of her clothing still on her  
24 right wrist, and the tape was around that clothing on her  
25 right wrist. Her left wrist was basically nothing but a

1 skeleton at that point in time. And you'll see that -- I  
2 mean, there's two loops in here. I mean, you can clearly  
3 see that when you move it around and look at it. Two loops  
4 that I submit when she was put in the ground, her hands were  
5 bound behind her back consistent with the position her arms  
6 were in when she was uncovered. And ultimately, one had a  
7 slipped off of her left wrist when the skin and all had  
8 basically decomposed. What is the possible, possible,  
9 reason for this? Remember his testimony yesterday? You  
10 know, he testifies initially on direct examination, and  
11 Mr. Hilton goes, has him kind of go through what happened.  
12 He even said a word -- he tells us about, you know, why he  
13 put this around her neck. He doesn't say a word about this.  
14 Doesn't say a word about this. I submit to you that he  
15 doesn't because, you know, he's had, what? A year and a  
16 half to come up with something. And still haven't been able  
17 to come up with a plausible explanation for how this tape  
18 got around her wrists, why it got around her wrists, that  
19 makes any sense and in anyway fits into that story that he  
20 told you yesterday. And Mr. Hilton starts, you know,  
21 basically just trying to pull it out of him. And the best  
22 he ever got was I don't really know; I mean, maybe I did it  
23 as the same time as the tape around her neck. Don't know  
24 why I did it; don't really know if I did it. Does that make  
25 any sense?

1           Let's move on and talk a little bit about the vehicle.  
2   About the vehicle being the van; specifically, Sergeant  
3   Mullis's testimony. And you're going to have all of these  
4   photographs back there. And I guess the first thing I want  
5   to address, Mr. Hilton had kind of brought up, you know,  
6   some of the tests, the pictures -- you got all these  
7   pictures. You can look at them. And some of them maybe are  
8   not as bright as blue as the other ones. Disregard them  
9   then. Pretend they weren't -- if it's easy to look at it  
10   that way. The fact of the matter, based on his testimony,  
11   there shouldn't be any of her blood in that van, okay.  
12   There shouldn't be any of her blood in that van. But we  
13   know there is because of the DNA report. We know there's  
14   blood; a pretty large pool of it in there. And we know  
15   conclusively one in -- I forgot what the number was on it;  
16   something trillion or quadrillion or something, her blood.  
17   And then more importantly, State's Exhibit 69 and 77, based  
18   on his story, based on his story, there's absolutely no  
19   reason Ashley Pegram's blood should be on the ceiling of  
20   that van; should be on the ceiling of that van. Not only  
21   her blood -- and this is -- and you know, Sergeant Mullis  
22   has had some training. He's gone through, obviously, more  
23   training than any of us has had in this field. When you  
24   look at it and listen to his testimony, 90 percent of it --  
25   95 percent of it, just common sense. You got those

1 photographs, and you heard his explanation. I mean, how he  
2 can tell what he's looking at, cast off; looking at linear  
3 patterns.

4 It's not too hard to imagine, I mean, if you dipped a  
5 stick in a substance and flipped it, something maybe you can  
6 see going that way. When you come back, there's still  
7 something on the stick or whatever it is that you're  
8 swinging, it's going to leave a linear pattern coming that  
9 way. It's clear as day in these pictures. Not only is it  
10 clear as day, but they, you know, they tested one of those,  
11 one of the spots in that linear pattern. And there's one --  
12 let me get my numbers right here -- one in 510 quadrillion.  
13 That's 16 zeros that that's her blood in that pattern. I  
14 mean, ladies and gentlemen, there is nothing, nothing,  
15 nothing that Edward Bonilla told you yesterday that can  
16 explain how her blood got up in that cast-off pattern.  
17 Remember he testified I never struck her in that vehicle; I  
18 never hit her or did anything to her in that vehicle other  
19 than putting a bag around her head, putting her in that van,  
20 and then taking her out to Harleyville. What is it  
21 consistent with though?

22 Remember Sergeant Mullis's testimony is consistent with  
23 multiple, multiple blows. First of all, the donor, the  
24 person who is bleeding, producing the blood who has got to  
25 be bleeding to start with, is consistent with multiple

1 blows, multiple linear lines going basically up the wall on  
2 to the ceiling. And the other thing he said is consistent  
3 with, it's just really common sense when you look at it, is  
4 when you look at those pictures of the stain right above,  
5 those are almost consistent with 90-degree angles. Which  
6 means that the person that is swinging, that is swinging,  
7 he's basically right below -- right below where that pattern  
8 is left. If you look at State's 29, you know, that pattern  
9 is basically right above the passenger wheel well, okay;  
10 right below that passenger wheel well. And it consisted of  
11 -- and the pattern is going -- so you've got be facing into  
12 the van because the pattern is coming up this way; it's not  
13 going that way. It's coming up this way ending and then  
14 coming back down. Which means that person has to be in the  
15 vehicle basically around the wheel well. So when he hits  
16 the top of that swing, that blood is going basically at a  
17 90-degree angle and hitting the ceiling. To do that is  
18 totally inconsistent with anything that man told from that  
19 witness stand yesterday. But as I said, totally consistent  
20 with him -- and I don't know if, you know -- and we'll never  
21 know a hundred percent the order of how things transpired  
22 and what exactly happened, unfortunately, to that young  
23 lady. But what I do know is that at some point in time in  
24 that van he started beating her again. Whether he got her  
25 in there and realized that she was still alive, still moving

1 around? Whether he just wanted to just make sure she was  
2 dead? I don't know. But he started beating her with some  
3 object. I don't know if it was a can of stain. I don't  
4 know if it was a board. I don't know if he used his fists.  
5 But he started beating her was something, and I submit to  
6 you -- and Mr. Hilton said that that was the thing that kind  
7 of proved that didn't happen was the pathologist's  
8 testimony. And maybe we listened to two different  
9 pathologists testify; I don't know. You remember Dr.  
10 Batalis testified that the injuries that he found were  
11 consistent with multiple blunt force trauma; forehead, back  
12 of the head, and I believe he said left side -- potentially  
13 even that injury to her throat could be from a  
14 strangulation, could be from a blow also. And, ultimately,  
15 the only explanation, because as I said you know, just like  
16 the tape around the wrist, Edward Bonilla doesn't have an  
17 explanation for the blood on the ceiling. We're supposed to  
18 believe it's from him trowing the bag back in; throwing the  
19 bag back in. Does that make any sense? First of all, it  
20 doesn't explain how it ends up where it is with multiple  
21 linear patterns. And again, use your common sense.

22 And ultimately, you'll notice, one of the things that  
23 kind of struck me early on when I first started looking at  
24 this case, you know, they don't find that van. I mean, it's  
25 what? The 15th, so it's 11 days later. I was like, man,



1 why didn't you do a better job cleaning up in there? I  
2 mean, it just didn't make any sense. I mean, how -- you  
3 know, all that blood that is found in there; you know, stain  
4 on the ceiling. And he's probably -- and I'm sure he wasn't  
5 thinking all of this through when he decided to use that van  
6 to move her that day. But his problem is, you know, when he  
7 got her out of there, and you heard law enforcement say, you  
8 know, when they first looked in that the van and you open it  
9 up, you got the pictures, I mean there's red and brown  
10 stains everywhere. I mean, it looks like, you know, it  
11 could have been a bloodbath that went on in there or it  
12 could just be, you know, that empty bucket of stain went all  
13 over. He's got the same dilemma now when he gets back that  
14 day, that Saturday, and he spends that day I assume cleaning  
15 up his momma's car which is why, you know, the only blood  
16 that is found is traces of it around the edges of the trunk;  
17 also explains why my momma had to go rent a car at eleven  
18 o'clock Saturday morning. But he's got the same dilemma;  
19 that Saturday he's going to look in that van and try to  
20 figure out how do I clean up. You know, it's a messy work  
21 van to start with. It's going to look real weird if I'm  
22 returning it and suddenly, you know, all put back together  
23 or organized and cleaned out and pressure washed inside. So  
24 maybe he does try to clean up some. I don't know. But  
25 obviously there's dots and stuff that are blood, that are

1 not blood, everywhere. He's got that same dilemma as not  
2 knowing what's blood and how much, I mean, without going  
3 overboard trying to clean. So it becomes obvious that he's  
4 cleaned it for a reason.

5 And the other mistake he made is something I thought.  
6 If you look at the pictures, it's like good lord. I mean,  
7 that is so obvious. How on earth do you not realize that?  
8 He was somehow saying about his driving the other day. You  
9 know, you get in your vehicle. The one place you really --  
10 I mean, you see things on the floor of your vehicle, you see  
11 the stuff on your dashboard, your center console. And one  
12 place he never really look is up. And I submit to that that  
13 was his, you know, unfortunately, his mistake. He gets back  
14 in that van, the one place, you know, he's not familiar with  
15 cast-off. So the one place he never thinks to really look  
16 to see if there's an old stain of blood on back of the  
17 board; it's right above his head.

18 And the last thing that kind of addresses his testimony  
19 that I want to talk about that just doesn't make sense and  
20 ultimately I submit to you doesn't prove to you he's not  
21 telling you the truth, is look at the time, okay. We know  
22 -- you know, we got some times that we know for sure. We  
23 know that they were leaving the Sunoco parking lot at 12:12  
24 in the morning. We know from his phone records that he is  
25 back over in the vicinity of her home between 12:30 and 1:02

1 I think it is in the morning. And he's ultimately back on  
2 Ashley Phosphate at 1:21; back over at Ashley Phosphate and  
3 Rivers. And he has gone from the Sunoco -- he's gone from  
4 the Sunoco back over to the vicinity of her home and is back  
5 over past College Park. So back over, kind of closer now,  
6 to his home in a little over an hour. A little over an  
7 hour. And I'll talk to you in a little while about what I  
8 submit to you what that was time for him to do. I submit it  
9 does not jive with the whole time frame he gave you  
10 yesterday.

11 But he says he drops her body off on the side of the  
12 road and then goes driving around. And I said, that may be  
13 true. Obviously, he had to have moved that body at some  
14 point in time from the trunk of that car into the van. I'm  
15 not sure if that's something you would do in an apartment  
16 complex parking lot or something you might do on a frontage  
17 road. But we do know that at two-something in the morning  
18 he is seen, that work van is seen, coming and going by  
19 Trident Tech from the direction of his home. And then seven  
20 minutes later, it's coming back by. I submit to you that's  
21 when he would've picked up her body. Her body is now in  
22 that van about 2:40 something in the morning. And then he  
23 starts doing some other things. And I'm going to talk about  
24 that in a minute. Then at 6:12 you see that van going by  
25 Trident Tech again, and it's going away from his home. And

1 I submit to you that is when he is on his way out to  
2 Harleyville. At 6:12 in the morning he is basically near  
3 his apartment. His phone records, and we heard this  
4 testimony from Detective Smith, that his phone records at  
5 6:42, between 6:42 and 7:12 in the morning, so 30 minutes to  
6 get from there here; pretty reasonable. And then he is in  
7 the vicinity of Harleyville. His phone is pinging,  
8 updating, marking him in Harleyville 30 minutes; 30 minutes,  
9 6:42 to 7:12 in the morning.

10 And look back at his testimony yesterday. What did  
11 Edward Bonilla tell us that he did when he got out there to  
12 Harleyville? First of all, he finds the location that he's  
13 never been to before, not familiar with that area. He says  
14 he drove, and I think if I remember correctly, he said that  
15 he had ran into a neighborhood initially and then turned  
16 back around and then ultimately ends up parking on the side  
17 of the road; takes her out of the van; puts her on the side  
18 of the road. Takes the van, for some reason, and go moves  
19 behind a gate in businesses that is out there. And then  
20 comes back, drags her 100 to 200 yards into the woods, where  
21 supposedly losing her pants on the way that he's talked  
22 about, carrying a board, carrying a board. He said a board  
23 just like the hardwood flooring boards that were in the back  
24 of that van. He gets her out there. He finds an area. He  
25 digs a hole. Now, I'll give Mr. Hilton that. You know,

1 maybe that hole wasn't two and a half feet deep; let's just  
2 say it was a foot deep. He still manages to dig a hole with  
3 a board through this vegetation, 5 feet long, a couple of  
4 feet wide, a foot or so deep. Gets her in the hole; covers  
5 her back up; traces out of the woods; goes and gets the van  
6 and he's out of Harleyville by 7:12 in the morning. Does  
7 that make any sense? Does that make any sense? There's not  
8 doubt about it that he did that. He did what I just talked  
9 about in that 30 minutes. I submit to you do you do that  
10 alone? He didn't do that with a board. He didn't do that  
11 with board. If you took me to the beach right and gave me a  
12 board and told me to dig a hole that big, I'm not sure I  
13 could do it in 30 minutes at the beach, let alone in the  
14 middle of the woods; in the middle of spring with all this  
15 vegetation.

16 We know that he talked to his girlfriend on the phone  
17 at five o'clock. No telling who else he went and saw or  
18 picked up in between. If you look at the video, it's 6:12,  
19 there's another vehicle on that road riding right in front  
20 of him. When he comes out, there's a dark vehicle. No idea  
21 who it is. Don't know if there's anything connecting this  
22 or not. All I know is that what he did in those 30 minutes,  
23 he couldn't have done by himself. And, obviously, he's not  
24 going to get up on this witness stand and say that, you  
25 know, one of his brothers helped him bury that body or

1 something like that. He wouldn't even tell you who he got  
2 the marijuana from that night. So you think he's gonna get  
3 up there and say if somebody helped him who's complicit in  
4 him covering up this crime?

5 And what does he do after that? He says that he goes  
6 back by the scene where the accident happened. And he finds  
7 her shoe. Okay. Well, I submit to you, and this is my  
8 thought of what he's looking for at that point in time,  
9 okay. He's looking for her phone. Okay. He's been looking  
10 for it. I suspect he's searched her for it by that point in  
11 time. And I submit to you, that is the reason why at 3:29  
12 in the morning he sends this because he didn't know where  
13 the phone as at that point in time. He doesn't know where  
14 her phone is. She doesn't have -- remember, this isn't a --  
15 they're not texting back and forth on your typical texting.  
16 They're using an app on the phone to communicate. These  
17 records, when you look at his cell phone records, these are  
18 not on it because it's not his text messaging. This is an  
19 app that they're using. There's no record that he's on his  
20 phone. Okay. So he is worried now that I can't find her  
21 phone; don't know where her phone is. And he ultimately  
22 finds that out at 9:46 Saturday evening where that phone is  
23 when that phone starts sending him messages back asking  
24 about what happened to Ashley. But he manages -- but the  
25 thing -- I guess I got a little off track there. He somehow

1 manages, this guy now, all right, he has managed to -- and  
2 keep in mind, she is driving him around in circles out there  
3 according to his testimony. Thirty to 40 minutes, they're  
4 driving down roads, turning around, driving down other  
5 roads, in an area that he's not real familiar with. Okay.

6 According to him, he'd been to the one time to pick her  
7 up earlier that night. But he is somehow able now, hours  
8 later after being so upset and throwing up all night, all  
9 this stuff going on, to go back and find exactly where this  
10 happened. Okay. We're supposed to believe that, okay.  
11 That he's so upset but yet that he was able to go right back  
12 to where it happened. All right. Five weeks later, he's  
13 able to get with his lawyer at the time, and not even taking  
14 him out there, but using an iPad to show exactly where he  
15 buried this girl's body. And yet we're supposed to believe  
16 that he wasn't able to find her house again that night when  
17 he's got her in the car to help him, and more importantly,  
18 he's got her address in his GPS. That's how he got there  
19 the first time. I mean, would that not be the first thing  
20 that would come to your head, you know, all right, the way  
21 that I got to the house the first time was her giving me her  
22 address and me putting it in my GPS and literally listening  
23 to the voice telling me where to go. Now I'm trying to take  
24 her back and I can't find it. What would be the first thing  
25 you would think about doing? Put it back in the GPS. Ask

1 her what's your address, put it in the GPS. But he didn't  
2 even have to do that because it was already in there. I  
3 submit to you he didn't have to worry about that because he  
4 never got to the point where he was taking her back to her  
5 home.

6 Let's look just briefly at -- I submit to you the  
7 evidence in this case shows what happened. Whether he took  
8 that van home that Friday evening at 6:55, starts service  
9 messaging with Ashley. And there's no doubt, I mean, he  
10 messages her first, on here, "What are you up to? Bored."  
11 And basically, you know, she's ultimately the one that  
12 suggests let's hang out. There's no question about that.  
13 And I'm not -- at no point in time -- if I have, I apologize  
14 to you for this -- but at no point in time is anybody  
15 suggesting that when he picked her up that night that his  
16 intention was to kill her when he picked her up on Friday,  
17 April 3rd. Okay. What I submit to you his attention was,  
18 he told you, it's his intention with all the women that he's  
19 meeting online. Okay. He's got a girlfriend for the  
20 day-to-day activities, but he's meeting people on Craigslist  
21 and other social media for one purpose and that's to have  
22 sex with them. Okay. It's the reason why the tube of  
23 Astroglide is in with his little hygiene pack that he keeps  
24 in the van with him. He told you that.

25 They stop at the Sunoco after the bonfire. And there's



1 no doubt she's been drinking. There's not doubt that she  
2 has some muscle relaxer in her system. And I don't know how  
3 that got there. But I do know that it just happens to be an  
4 awful strange coincidence, and as I said, you got it in the  
5 text messages, that in the two days leading up to this, his  
6 girlfriend Jasmine is complaining to him over and over about  
7 all the back trouble and shoulder pain that she's having. I  
8 do also know, and I got a little different spin on this than  
9 Mr. Hilton got out of it, that Ms. Diaz testified that when  
10 they got ready to leave, she tried to stop Ashley from  
11 taking the bottle with her. Okay. Told her to put it in a  
12 cup at least -- take an open container with you. And that  
13 Edward wouldn't let her -- didn't want her to get rid of  
14 that bottle. She's been drugged. That drug was in that  
15 bottle already. And I submit to you, he takes her -- he may  
16 go home. I think actually if you do look at all the records  
17 that he is pinging at his house briefly. You know, maybe he  
18 goes home to, you know, get the Astroglide out of the van.  
19 I don't know. And at that point in time, they head back in  
20 the direction of her home. And you heard from his  
21 testimony, there are a bunch of little dark streets here and  
22 there. And I submit to you, at some point in time, he  
23 pulled over on one of those streets. Maybe she said she had  
24 to go to the bathroom and that's why he picked that area to  
25 start with. I submit to you, that's where the assault

1 happened. Whether she resisted; something got out of hand  
2 to the point where he had assaulted her, choked her, and she  
3 passed out started. Whether he started assaulting her at  
4 that point in time, that explains why her pants are off,  
5 underwear is off. Explains why her bra is ripped. Her  
6 shirt is pulled up around her neck area.

7 And at that point in time, he throws her into the trunk  
8 of the Sonata; throws her in the trunk of the Sonata. She  
9 might be dead at that point in time; she might be  
10 unconscious. We will never know. We will never know. And  
11 ultimately ends up at that point in time realizing he needs  
12 to get rid of her body. And he starts covering his tracks.  
13 It's amazing. I mean, he has -- I mean, this is happening,  
14 you know, 12:30, one o'clock in the morning. We know at  
15 about 1:21, he's back over, as I said, at Ashley Phosphate  
16 and Rivers Avenue. Between 2:35 and 2:42, he's in the work  
17 van. And I suspect he probably did leave her on side of the  
18 road and went and picked her body up at that point in time.  
19 And maybe when he gets back over there, you know, she's  
20 moaning. She's moving. He gets her in the van and realizes  
21 she's not dead. Strikes her a few more time causing that  
22 blood on the ceiling. Driving with her in the van would  
23 explain why there's drops of her blood basically all over  
24 all of these items in the van. Especially, with her not  
25 having a plastic bag around her head. Because that, I

1 submit to you, did not happen. Did not happen. That tells  
2 us it didn't happen.

3 He starts covering his tracks. And as I said, you  
4 know, he sends the, you know, the message to her phone at  
5 3:29 in the morning because he doesn't know where her phone  
6 is at that point in time. Doesn't know where so you got to  
7 start coming up with in case her phone gets found. And  
8 guess what? It did. You know, there's obviously going to  
9 potentially be some connection to him on the phone. Texted  
10 his work at 4:53. So he's thinking enough to realize, you  
11 know, at 4:53 in the morning, I got to let my boss know I'm  
12 not going to be in. I tell him I'm throwing up, but it's  
13 really got to do with the fact that right now I've got a  
14 dead body in the back of his work van. A five-minute phone  
15 call to his girlfriend that he didn't even remember until I  
16 had a tell him about it in the phone records. A five-minute  
17 phone call with her in the middle of all of this going on.  
18 You know, she sends him a text -- tries to call him and then  
19 sends him a text at 5:46, 5:47 in the morning. He calls her  
20 back and talks to her for five minutes and doesn't have any  
21 idea what that was about. And as I said, you know, at 6:12  
22 he's on the way to go bury her in Harleyville.

23 I submit to you, he comes back. I mean, he's got to  
24 spend time attempting to clean out the trunk of the Sonata.  
25 We see those pictures. I mean, the blood is basically --

1 there's a little bit of trace blood that's found around the  
2 edges of the thing. He's got to have time to clean the  
3 interior of that trunk better. And that yet again would  
4 explain why at 11:00 a.m. his mom has to go rent a vehicle.  
5 Does that make any sense? You go rent a car to go run your  
6 errands when you have a vehicle. He didn't seem to have any  
7 problem driving that vehicle all over that night. But yet  
8 the following morning, she's got to go rent a vehicle from  
9 Enterprise to run her errands. Does that make any sense?  
10 And then his lies start. Okay. Well, actually, kind of  
11 started, I guess, at three, three something in the morning.  
12 But then something happens that night. And I don't know,  
13 maybe he was hoping, you know, hadn't heard back. Nobody  
14 had contacted him all day on Saturday; hadn't heard back  
15 anything, you know, didn't get a response back on the phone  
16 or anything like that. And then his worse fears are  
17 realized that night. And he still has got that work van.  
18 And I don't know, maybe he planned on Sunday getting back in  
19 there and trying to clean it up little more. Because, you  
20 know, they're closed on Sunday.

21 But then the worse thing happens for him. At 9:46 he  
22 gets a message over this Kik app from Brandy, "Where is  
23 Ashley? She hasn't been home since she left with you.  
24 Police are involved now. You're the last person to see  
25 her." And she goes on and I ask about this, and you'll have

1 it. I mean, she starts using some language with him as I  
2 can imagine how she was feeling at that point in time with  
3 her little sister being missing. Well, he doesn't respond  
4 to any of that. Look at the phone records; they start  
5 trying to call him. They're calling him from that phone.  
6 They're calling him from Brandy's phone. They're calling  
7 from Ashley's daughter Hayley's phone. And he finally  
8 answers. He answers at nine -- 10:28. He finally picks up.  
9 They've left him voice messages. You'll see where, if you  
10 look on his phone records, where he's checked things;  
11 dialing star 86 and listened to the voice messages. Picks  
12 up and it's a seven-minute call at 10:28. He knows the gig  
13 is up now. That's why at 10:58 he's taking that van back to  
14 work with his mom following him in that rented car to pick  
15 him up. He knows now that van, you know, those police can  
16 come knocking on my door at any time now. And I don't want  
17 this van sitting in my apartment complex parking lot.

18 She talks to him two times that night. You'll see at  
19 10:28 and again after they talked to law enforcement, filed  
20 a missing persons report. He didn't remember any of that.  
21 Remember, his testimony initially was that, you know, I got  
22 up and saw those messages the next morning; the next  
23 morning, Sunday morning. He talks to her two times that  
24 night and starts giving his story now that I left her on the  
25 side of the road; left her on the side of the road near a

1 Summerville mobile home park. The police contact them;  
2 Detective Harris contacts him on the phone on April 6th;  
3 gives the same lie. Gives the same lie. Detective Mark  
4 calls this him and gets him to come in on April 8th. He  
5 gives a statement; still the same lie. And Mr. Hilton wants  
6 you to believe and is trying to throw out there that he is  
7 cooperating so much with the police. He's giving them all  
8 of this information; all of this information. At that point  
9 in time, I mean, he knows that they have her phone because  
10 the phone is messaging him back. Okay. So they know at  
11 that point in time that he was with her. I mean, the  
12 message is from Brandy to him. No question about it, they  
13 know that he was with her that night. So that's not  
14 something new that he's provided. It's information that  
15 they knew already. All right. He makes it sound like he's  
16 so cooperative by, you know, he's giving them, you know,  
17 he's giving them his phone number. Well, I mean, that's in  
18 the text messages or that Kik message chat hours earlier  
19 before he's even picked Ashley up. His address is in there.  
20 The fact that he lived behind Trident Tech out in Hanahan.  
21 His phone number. As I said, as I told you earlier, nobody  
22 is suggesting that at nine o'clock on Friday evening he was  
23 intending on killing Ashley Pegram. I do think he thought  
24 he was picking somebody up and at the end of the night he  
25 was getting paid back for taking her out and buying her that

1 twelve pack of beer, though.

2 He's ultimately given opportunity after opportunity  
3 after opportunity to tell law enforcement that story. He  
4 never does. Ladies and gentlemen, as I told you from the  
5 outset, if that's what happened then he's not guilty of a  
6 crime. I mean, he's guilty of maybe doing something with  
7 her body after the fact. But he's not guilty of her  
8 homicide if that's what happened. Given opportunity after  
9 opportunity to tell the family, to tell law enforcement; and  
10 he doesn't. And he ultimately finally does, and Mr. Hilton  
11 yet again is throwing this out, this I guess shows why he's  
12 not guilty because through his lawyer, law enforcement is  
13 contacted and told where her body is. And I'm sure that  
14 family is taking some solace in her body being recovered so  
15 it can be buried properly. But at the same time, I can't help  
16 but think that there was some ulterior motive to that being  
17 done through his lawyer Mr. Leiendecker. If you notice, I  
18 mean, he didn't allow him to give a statement to the police  
19 that day or get all of this tied down back in May of 2015.  
20 This is through the lawyer not Mr. Bonilla telling law  
21 enforcement this. And I can only kind of guess that, you  
22 know, a little bit of the story his former lawyer had  
23 involved, you know, I hit her with a car. I mean, if we  
24 help you find her body, hopefully we'll find evidence when  
25 they do the autopsy that's going to support that; that's

1 going to support your story and then we can maybe try to  
2 work this thing out.

3 Well, I can't even imagine the surprise when, you know,  
4 the autopsy reports comes back and she's not clothed. She's  
5 got multiple injuries to her head. She's got black  
6 electrical tape wrapped around her neck and around her  
7 wrist. I submit to you not real consistent with basically a  
8 car accident where she got a little out of control and after  
9 that I had to put her in a bear hug and may have accidentally  
10 squeezed her a little too tight. And for five weeks leading  
11 up to that, his lies, you know, put that family through what  
12 I could only imagine is just absolute hell. Not knowing  
13 what happened to their daughter, mother, sister. Not  
14 knowing if she was in fact let out on the side of a road;  
15 had been drinking and got hit by a car. Dies in some ditch  
16 along one of those roads. Got picked up by somebody who is  
17 God knows where now. To the point when you heard this, and  
18 I asked Mr. Bonilla about this, to the point, you know, you  
19 heard Brandy's testimony, it's in the records. I mean, she  
20 is -- I mean, he is the one point of contact the she is  
21 holding onto for days after this crime to find out what  
22 happened to my sister. She's calling him over and over  
23 again. She's texting him late at night. You know, still  
24 hadn't found her. I mean, you know, reiterate to me what  
25 happened. To the point where on the evening of Monday,



1 April 6th, when she was actually -- got to the point where  
2 she sent a long text to him apologizing to him for pestering  
3 him. Apologizing with a late-night text and the late-night  
4 calls. And, you know, his response to that -- I mean, this  
5 is a man that knows. I mean, even if you believe his story  
6 that he is still responsible for her death, responsible for  
7 the fact that they not have found her body, and his response  
8 back to her was just thank you. And I apologize as well for  
9 my stubbornness. How cold? How malicious? How  
10 evil-spirited can you be for what he was putting that family  
11 through?

12 The lies started at 3:29 in the morning, April 4th,  
13 when he texted her phone and said I'm sorry I left you at  
14 that gas station; you were too drunk to handle. His lies  
15 continued through that Saturday, April 4th; Sunday, April  
16 5th; the sixth, seventh; statement on the eight. The 15th  
17 when he still got the gall -- I mean, he's got his boss  
18 standing right next to him, and still looks that man in the  
19 eye and tells him that I just started working here a couple  
20 of days ago. With his boss, knowing that is not the truth,  
21 he still can't help himself. His lies I submit to you,  
22 ladies and gentlemen, lies that started back on the early  
23 morning hours of April 4th of 2015 when he started covering  
24 up Ashley Pegram's death. Those lies that I submit to you  
25 continued all the way to this courtroom yesterday afternoon.

1           Well, ladies and gentlemen, Mr. Templeton told you  
2 earlier and I think the Judge would probably tell you also,  
3 you're going to have an opportunity in a few minutes after  
4 he charges you on the law, to go back and deliberate, and to  
5 reach a verdict. To reach a verdict. And as you were told,  
6 you know, the verdict comes from a Latin word that  
7 ultimately means to speak the truth. Speak the truth.  
8 Something that he has been unable to do for a year and a  
9 half now. I submit to you, ladies and gentlemen, the only  
10 truthful verdict in this case, the only just verdict in this  
11 case, is a verdict that holds Edward Bonilla responsible and  
12 accountable for his actions the early morning hours of April  
13 4th of 2015. And I submit to you that when you look at all  
14 of the evidence in this case, look at his testimony and  
15 judge it under the same microscope that you judge every  
16 other piece of evidence in this case, the only truthful  
17 verdict, the only just verdict, is a verdict of guilty of  
18 murder. Thank you.

19           THE COURT: Madam Forelady, ladies and gentlemen, let's  
20 take a quick five or ten minute break so you can use the  
21 restroom, stretch your legs and we'll come back. My charge  
22 is about 10 or 15, and then y'all will have the case.  
23 Everybody else remained seated. Don't start liberating,  
24 please.

25           (The jury exits the courtroom at 11:03 a.m.)

1 THE COURT: All right. We'll stand at ease. It's  
2 eleven o'clock; we'll start back at 11:15.

3 (A short recess is taken at 11:03 a.m. The proceedings  
4 resume at 11:17 a.m.)

5 THE COURT: Is the State ready for the jury charge?

6 AST. SOL. SORENSON: Yes, sir.

7 THE COURT: Defense?

8 MR. HILTON: Yes, sir.

9 THE COURT: Bring the jury in.

10 (The jury enters the courtroom at 11:17 a.m.)

11 JURY CHARGE

12 THE COURT: Madam Forelady, ladies and gentlemen of the  
13 jury panel, as I go around the state trying cases,  
14 particularly in the criminal arena, general sessions court  
15 such as this, the charge is sort of broken into two parts.  
16 This first part deals with general principles of law that  
17 deal with every case in a criminal setting. So let me go  
18 through those first. And then the second part of the charge  
19 deals with the indictment that is before you here today, the  
20 offense of murder and what we call a lesser included offense  
21 of involuntary manslaughter and certain defenses to that.  
22 The first 4 or 5, 10 minutes, will be general charges that  
23 deal with all criminal cases, then we go specifically into  
24 what we're here on this week.

25 First of all, let me remind you that in this case the

1 defendant has been indicted for the offense of murder. The  
2 fact that he's been arrested and charged and indicted in  
3 this case for murder that is not evidence in the case and  
4 cannot be considered by you as evidence of guilt in the case  
5 nor does it create any presumption or inference of guilt.  
6 The indictment is simply the formal written document which  
7 contains the charge made against the defendant. It's the  
8 formal document by way this case is brought into the  
9 courtroom. So don't infer anything from the fact that he's  
10 been indicted. He has pled not guilty to the indictment.  
11 And by pleading not guilty that puts the burden on the State  
12 of South Carolina to prove his guilt to you beyond a  
13 reasonable doubt. A person charged with committing a  
14 criminal offense in our state is never required to prove  
15 himself innocent. I charge you that it is an important  
16 constitutional rule of law that a defendant in a criminal  
17 trial, no matter how serious the charges may be, will always  
18 be presumed to be innocent of the crime for which the  
19 indictment was issued unless guilt has been proven by  
20 evidence satisfying you of that guilt beyond a reasonable  
21 doubt.

22 The presumption of innocence does not end when you  
23 start your deliberations, but it stays with the defendant  
24 throughout the trial until you reach a verdict of guilt  
25 based on the evidence satisfying you of that guilt beyond a

1 reasonable doubt. The presumption of innocence is not a  
2 mere legal theory. It's not just a legal phrase. It's a  
3 substantial constitutional right to which every defendant is  
4 entitled unless you the jury are satisfied from the evidence  
5 of the defendant's guilt beyond a reasonable doubt. Now,  
6 what is a reasonable doubt? Our state Supreme Court has  
7 defined it in a number of ways, but the two definitions that  
8 we utilize throughout trial in this state is this: A  
9 reasonable doubt under the law is the kind of doubt that  
10 would cause a reasonable person to hesitate to act. It's  
11 the kind of act, the kind of doubt, that would cause a  
12 reasonable person to hesitate to act. Prove beyond a  
13 reasonable doubt is proof that leaves you firmly convinced  
14 of the defendant's guilt; firmly convinced of his guilt.  
15 There are very few things in the world that we know with  
16 absolute clarity. And in criminal cases, the law does not  
17 require proof that overcomes every possible doubt. If based  
18 on your consideration of the evidence you are firmly  
19 convinced that the defendant is guilty of the crime charged  
20 then you must find him guilty. If on the other hand you  
21 think there's a real possibility that he is not guilty, you  
22 must give him the benefit of the doubt and find him not  
23 guilty. So those are the two major definitions of  
24 reasonable doubt under our law. The kind of doubt that  
25 would cause a person to hesitate to act or to firmly

1 convince. Reason is as I just told you.

2 As I told you when we first started, you and I have had  
3 different roles to perform during the trial of the case. My  
4 role has been to rule on the admissibility of evidence, and  
5 my role is to be the judge of the law in the case. I  
6 instruct you on what the law is. I give you the law. And  
7 you under your oath agree to accept the law as I give it to  
8 you. As I told you earlier, if you have some idea about  
9 what the law should be and it doesn't agree with what I say,  
10 please set aside your personal beliefs and accept the law as  
11 I give it to you. I'm giving you the law of the State of  
12 South Carolina.

13 On the other side of the coin is you are the judges of  
14 the facts in the case as I told you earlier. And obviously  
15 your job is much more important than mine. The point of  
16 saying that is this: If any time during the trial of this  
17 case I have frowned or smiled or yawned or whatever, chew on  
18 my glasses, raise my eyebrows, and you think I have some  
19 opinion about the facts, please disregard that. I cannot  
20 have any opinion about the facts. That is not my job. I  
21 try cases all over the state. I hear cases day in and day  
22 out. And, you know, sometimes I just have to yawn up here  
23 or sometimes I have to smile or frown. Don't infer anything  
24 from any of my actions on the bench to think that I have had  
25 any opinion about the facts in this case. I cannot have any

1 opinion. That is solely your job. Obviously, it is your  
2 job and duty to analyze the evidence and determine what  
3 evidence convinces you of its truth.

4 Now, to carry out your job as a judge of the facts, you  
5 must determine by necessity the credibility of the witnesses  
6 who have testified in this case. Credibility simply means  
7 believability. It becomes your duty as jurors to analyze  
8 and evaluate the evidence and determine which evidence  
9 convinces you of its truth. Please use common sense that  
10 you have, experiences that you gained throughout your life  
11 in dealing with people, and judging how to determine whether  
12 or not that person is telling you the truth. In determining  
13 the credibility or the believability of the witnesses who  
14 have testified in this case, you have the right to believe  
15 one witness over several or several witnesses over one. You  
16 may believe a part of the testimony of a witness and  
17 disregard the remaining part. You may believe everything a  
18 witness says; you don't have to believe a word a witness  
19 says. You may consider whether any witness have exhibited  
20 to you any interest, bias, prejudice, or other motive in the  
21 case. You can also consider the appearance and manner of a  
22 witness while on the witness stand. So it is up to you, the  
23 12 of you collectively acting as one, to determine who is  
24 telling the truth; what is the truth. You determine the  
25 believability of the witnesses. And when you determine who

1 is was telling the truth, you take those true facts as you  
2 find them to be, and then you apply those facts to the law  
3 as I give it to you. And then you'll be in a position to  
4 render a true and just verdict. As has been said to you on  
5 a number of occasions in the courtroom, verdict, the word  
6 verdict, comes from Latin meaning to speak the truth.

7       During the trial of the case, we had a couple or a  
8 number of witnesses that I qualified as an expert and  
9 allowed them to give opinion testimony the field of their  
10 expertise. Our rules of evidence ordinarily do not permit  
11 witnesses to testify as to opinions or conclusions. There  
12 is an exception called the expert witness exception. A  
13 witness who by education and experience have become expert  
14 in some art, science, profession or calling may state an  
15 opinion as to relevant and material matter which the witness  
16 claims to be an expert in the reason for his opinion. You  
17 should consider any expert opinion received in evidence in  
18 this case like any other evidence, give it the weight you  
19 think it deserves. If you decide the opinion of an expert  
20 witness is not based on sufficient education and experience  
21 or if you conclude that the reasons given in support of the  
22 opinion are not sound, that the opinion is outweighed by  
23 other evidence, you can disregard that opinion entirely. An  
24 expert witness's testimony is to be given no greater weight  
25 than that of any other witness simply because he was



1 qualified as an expert. And further, you're not required to  
2 accept an expert's opinion even though it's not  
3 contradicted.

4 Madam Forelady, ladies and gentlemen, that is the  
5 general charge dealing with general propositions of law.  
6 What we will do now turn to the offense in this case. In  
7 this case as I told you, the defendant has been indicted for  
8 the offense of murder. Now, there are sort of three levels  
9 in murder. There's murder; something called voluntary  
10 manslaughter; and something called involuntary manslaughter.  
11 Murder is the highest level, and involuntary manslaughter is  
12 what we call a lesser included offense. So we'll talk about  
13 that in a little bit. But in this case, the defendant has  
14 been indicted and brought before you and charged with the  
15 offense of murder. The State must prove beyond a reasonable  
16 doubt that the defendant killed another person with malice  
17 aforethought. The State must prove to you beyond a  
18 reasonable doubt that the defendant killed another person  
19 with malice aforethought. Malice is defined by our courts  
20 as hatred, ill will, or hostility towards another person.  
21 It is the intentional doing of a wrongful act without just  
22 cause or excuse and with an intent to inflict injury or  
23 death. I'll say it again. Malice is hatred, ill will, or  
24 hostility towards another person. It is the intentional  
25 killing doing of a wrongful act without just cause or excuse

1 and with an intent to inflict an injury or death. Malice  
2 aforethought -- I'm adding aforethought to it; that's one  
3 word -- does not require that malice to exist for any  
4 particular time before the act is committed. But malice  
5 must exist in the mind of the defendant just before and at  
6 the time the act is committed. Therefore it must be a  
7 combination of an evil intent previously formed or at the  
8 time of the event and the act itself. Malice aforethought  
9 may be expressed or inferred. The terms expressed and  
10 inferred do not mean different kinds of malice, but merely  
11 the manner in which malice may be shown to exist that is  
12 either by direct evidence or by inference from the facts and  
13 circumstances which are proved. Express malice is shown  
14 when a person speaks words which express hatred or ill will  
15 for another or when the person prepared beforehand to do the  
16 act which was later accomplished. Malice may also be  
17 inferred. Inferred means you go outside, you see all of  
18 these mud puddles, you can infer it rained just shortly  
19 before that. That's inferred. Malice may be inferred from  
20 conduct showing a total disregard for human life.

21 Now, ladies and gentlemen, you will first consider  
22 whether or not the State is proven to you beyond a  
23 reasonable doubt the elements of murder. And you will have  
24 a verdict form back in the jury room you fill out when you  
25 make your decision. So you will first consider whether or

1 not the State has met it's burden of proof and proving the  
2 defendant guilty beyond -- guilty of murder beyond a  
3 reasonable doubt. If you find that they did and this was  
4 not an accident -- I'll go over that in a minute -- then you  
5 will check guilty and that will be the end of your  
6 deliberations. Okay. If you find that they have failed to  
7 prove him guilty of murder, then you have to consider what  
8 we call the lesser included offense and that is involuntary  
9 manslaughter. Okay. Involuntary manslaughter is this: To  
10 prove involuntary manslaughter, the State must prove beyond  
11 a reasonable doubt that the defendant unintentionally killed  
12 the victim without malice while engaged in either one, an  
13 unlawful act not amounting to a felony and not naturally  
14 tending to cause death or great bodily harm; or while  
15 engaged in a lawful act with reckless disregard for the  
16 safety of others. Unintentional means that the defendant  
17 did not intend for anyone to be killed or seriously injured.  
18 Reckless disregard for the safety of others is more than  
19 mere negligence or carelessness; reckless disregard means  
20 that you are not interested in the consequences of your acts  
21 or the rights and safety of others. So if you find that the  
22 State has proven the defendant guilty of murder beyond a  
23 reasonable doubt, you would check murder and that would be  
24 the end of your inquiry. If you find they have not done  
25 that then you would make a decision as to whether or not

1 they have proved involuntary manslaughter beyond a  
2 reasonable doubt, and you would check not guilty or guilty.

3 There is a defense to the crime charged. The defendant  
4 has raised the defense of accident. An act may be excused  
5 on the grounds of accident if it is shown that the act was  
6 unintentional and that the defendant was acting lawfully and  
7 that reasonable care was used by the defendant. The burden  
8 is on the State to prove beyond a reasonable doubt that the  
9 act was not an accident but was caused by unlawful activity  
10 of the defendant.

11 Madam Forelady, ladies and gentlemen, you will have the  
12 verdict form in the jury room. I just went over it with  
13 you. First, consider murder. If you find him not guilty  
14 then you will consider involuntary manslaughter. If you  
15 find not guilty or guilty of that, then of course you have  
16 the accident, defense theory, that you can consider in all  
17 of the deliberations. Your verdict must be unanimous. All  
18 12 of you must unanimously agree on the verdict. The  
19 verdict must be based solely on the evidence that has been  
20 presented in the courtroom. The evidence that you when you  
21 determine the credibility of the witnesses, the  
22 believability of the witnesses, when you determine what the  
23 true facts are, then you take those true facts and apply it  
24 to the law as I have given it to you. You are not here in  
25 your capacity as a juror, you don't have any friends to

1 reward or enemies to punish. You are to make your decision  
2 on a careful deliberation of the evidence that you've heard  
3 in the courtroom, determine what the true facts are, what's  
4 true and what's not true, and then apply it to the laws as  
5 I've given it to you.

6 Madam Forelady, sometimes during the deliberations you  
7 may have question. That's not unusual. The protocol is  
8 this: If you have a question or one of the members of the  
9 jury panel has a question, write it out on the piece paper  
10 that you have back there or sheet or whatever. I think you  
11 sent me one earlier. Just write out the question and knock  
12 on the door. One of the bailiffs will hand it to me.  
13 Sometimes I can answer them, sometimes I can't. It just  
14 depends on what your question is. But I will send you back  
15 a response. Sometimes it may require coming back out in the  
16 courtroom. We will deal with the question as it's  
17 presented, if you have any. You may not have any. I don't  
18 know. As I said, your verdict has to be unanimous. When  
19 you have reached the final verdict, please knock on the  
20 door, sign the verdict form, check the appropriate guilty or  
21 not guilty, not guilty or guilty. And let us know that you  
22 got a verdict; we'll receive you back in the courtroom and  
23 take it.

24 It's about 25 til 11. I've got to ask the lawyers if I  
25 left anything out, if they want me to add anything or delete

1 anything. Then we have to gather up all the exhibits and  
2 bring back to you. So don't start any deliberating until I  
3 get all the exhibits back to you. The point I'm making is I  
4 can't let you go out for lunch, but I can certainly bring  
5 lunch in. Why don't you discuss that while we're waiting to  
6 get the exhibits together, and I'll do it however you want  
7 to do it. You're now the boss, okay?

8 FOREPERSON: (Affirms.)

9 THE COURT: I'm gonna let you go back to your jury room  
10 now. Do not start deliberating. You may take your notes  
11 with you. If you would, please, on the three alternates, do  
12 you have a separate room for them?

13 BALIFF: (Affirms.)

14 THE COURT: Please put them in a separate room, and I  
15 will confer with them in just a few minutes. Everyone else  
16 please remain seated.

17 (The jury exits the courtroom at 11:39 a.m.)

18 THE COURT: Let me have a female bailiff, please. Do  
19 you have a female bailiff? She needs to make one phone call  
20 to her place of business. Any objection?

21 MR. HILTON: No objection.

22 THE COURT: Let the record reflect the juror asked me  
23 could she make a phone call to her place of business before  
24 she started deliberating. Any objections, requested  
25 additions or deletions to the charge by the State?

1           AST. SOL. SORENSON: No, sir.

2           THE COURT: By the defendant?

3           MR. HILTON: No, Your Honor.

4           THE COURT: Gentlemen, you would -- and lady, would you  
5 please come forward and once again review the verdict form.  
6 Please go through the evidence and make sure we have it all  
7 accounted for and it's been admitted into the trial of the  
8 case before we send it back to the jury.

9           (Counsel complies.)

10          THE COURT: Let the record reflect that the attorneys  
11 on both sides have gone through all of the evidence. All of  
12 the evidence is accounted for and they reviewed the verdict  
13 form and it is in order. Is that correct, Mr. Sorenson?

14          AST. SOL. SORENSON: Yes, sir.

15          MR. HILTON: That's correct, Your Honor.

16          THE COURT: All right. Make sure the alternates have  
17 been separated.

18          BALIFF: Yes, sir. They have.

19          THE COURT: All right. Tell my forelady they can start  
20 their deliberations. We will stand at ease. Lawyers,  
21 please don't get very far because invariably we'll have a  
22 question.

23          (The jury begins deliberations at 11:43 a.m.)

24          (At 1:35 p.m., the jury reaches a verdict and the  
25 proceedings in the trial of the case resume.)

1 THE COURT: State ready to receive the verdict?

2 AST. SOL. SORENSON: Yes, Your Honor.

3 THE COURT: Defendant ready?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: All right. Let me remind everyone in the  
6 courtroom that you have been an extraordinary audience this  
7 week. You have maintained your composure, and your behavior  
8 has been exemplary. Let me forewarn everyone, I have no  
9 idea what the verdict is. Obviously, it's going to be one  
10 or the other. If you do not think you can control your  
11 emotions, I'm going to ask you to leave now. If there's any  
12 outbreak of emotions, any untoward behavior, you will be  
13 immediately detained and removed from the courtroom and  
14 subject to contempt of court. So if you do not think that  
15 you can hear the verdict without controlling yourself, fair  
16 warning, please leave now.

17 (The jury enters the courtroom at 1:37 p.m.)

18 THE COURT: Madam Forelady, have y'all reached a  
19 verdict?

20 FOREPERSON: We have, Your Honor.

21 THE COURT: If you would pass it to the bailiff,  
22 please.

23 THE CLERK: The State of South Carolina, the County of  
24 Dorchester, the State of South Carolina versus Edward  
25 Bonilla in the Court of General Sessions, case number



1 2015-GS-18-0606, as to the charge of murder, we the jury  
2 unanimously find the defendant Edward Primo Bonilla guilty.  
3 Signed by the foreperson August 11, 2016.

4 THE COURT: Anything for the jury before we recess by  
5 the defendant?

6 MR. HILTON: We would just ask they be polled.

7 THE COURT: Thank you. What that means is, ladies and  
8 gentlemen, the clerk will ask a question, is this your  
9 verdict and if it's still your verdict, please respond.

10 THE CLERK: Juror number 22, if you would please stand.  
11 Was this your verdict in the jury room and is it still your  
12 verdict?

13 JUROR: Yes.

14 THE CLERK: Thank you. Juror 50?

15 JUROR: Guilty.

16 THE CLERK: Juror 109?

17 JUROR: Yes.

18 THE CLERK: Juror 137?

19 JUROR: Yes.

20 THE CLERK: Juror 16?

21 JUROR: Yes.

22 THE CLERK: Juror 20?

23 JUROR: Yes.

24 THE CLERK: Juror 53?

25 JUROR: Yes.

1 THE CLERK: Juror 82?

2 JUROR: Yes.

3 THE CLERK: Juror 161?

4 JUROR: Yes.

5 THE CLERK: Juror 144?

6 JUROR: Yes.

7 THE CLERK: Juror 39?

8 JUROR: Yes.

9 THE CLERK: And juror 59?

10 JUROR: Yes.

11 THE CLERK: Thank you.

12 THE COURT: All right. The jury has been polled. All  
13 answered in the affirmative. Anything further from the  
14 defendant before we excuse injury?

15 MR. HILTON: Nothing, Your Honor.

16 THE COURT: Madam Forelady, ladies and gentlemen, I  
17 can't thank you enough for the service that you rendered in  
18 this very difficult case. You have been a great jury and  
19 paid wonderful attention as I told you before. It's a tough  
20 public service to be on a jury, particularly a jury that  
21 deals with these types of cases. I commend you. You will  
22 now be free to go. What we have left to do, and you're  
23 welcome to stay for that, is in just a few minutes I will  
24 have to impose sentence on the defendant. And, obviously,  
25 once we conclude that, that will end everything in the case.

1 If you want to wait and watch that, that is perfectly fine.  
2 I know I have received a note. I think that note, the  
3 contents of that note, probably would be best if I discuss  
4 it with you in private. I can go back now and do it with  
5 you, or we can wait until the conclusion of the case after I  
6 sentence him. Probably be better if I sentence him and then  
7 do that, okay. You got the sentence sheet?

8 MR. HILTON: You want us to come forward?

9 THE COURT: Yes, sir.

10 AST. SOL. SORENSON: Can we have just a moment for me  
11 to go get that from the office?

12 THE COURT: To get what? To get the sentence sheet?

13 AST. SOL. SORENSON: Yes, sir.

14 THE COURT: (Affirms.)

15 (Brief pause.)

16 AST. SOL. SORENSON: May I approach, Your Honor?

17 THE COURT: You may.

18 (Brief pause.)

19 THE COURT: Mr. Hilton, anything you want to tell me on  
20 behalf of your client?

21 MR. HILTON: Judge, I was appointed to Edward back at  
22 the beginning of this year, maybe the late part of 2015.  
23 And I got to know Edward through meeting with him at the  
24 jail. And Edward really is a respectable guy. He's always  
25 been respectful to me. And there is no question that

1 something went terribly wrong in August -- I'm sorry, in  
2 April of 2015. Edward has told me from the outset, I know  
3 I'm going to have to be punished somewhat for this. I know  
4 I'm going to have to be punished. And here he is today. The  
5 jury didn't believe his story and that's perfectly fine.  
6 That's their prerogative. But he stands by that. He stands  
7 by that's what happened. And, Judge, we know that's he got  
8 a sentence to serve, and he knows that he has to face that.  
9 His mother would like to speak on his behalf at the  
10 appropriate time.

11 THE COURT: Glad to hear from her. (Brief pause.) Yes,  
12 ma'am, if you would give me your name the record, please.

13 MS. DOVER: Denise Dover.

14 THE COURT: Yes, ma'am, Ms. Dover.

15 MS. DOVER: I just wanted to say that my son has always  
16 been a good person, kindhearted, very disciplined. He's  
17 never been in trouble. He's just been a great son. You  
18 know, I understand what went wrong. But I know in his heart  
19 he didn't mean this to happen because he's never been a bad  
20 person; ever.

21 THE COURT: Thank you.

22 MR. HILTON: And he originally said he didn't want to  
23 speak, but he does feel the need to speak at this point.

24 THE COURT: Yes, sir.

25 THE DEFENDANT: Your Honor, I just want to say that,

1 you know, I agree with your earlier when you first came in  
2 and you said that this judicial system of America is the  
3 greatest judicial system in America, around the world. And  
4 I still do believe that, even though I've been convicted of  
5 murder. In no way do I begrudge Mr. Sorenson, Mr.  
6 Mr. Tillman [sic], I believe is your name, and Mr. Martin,  
7 or Detective Martin, in any way. They are doing their job;  
8 they're doing what they're supposed to do. No way do I  
9 begrudge anybody of the jury. You've listened to the  
10 evidence; you listened to my story; and none of you believed  
11 me. You know, it is what it is. I can't begrudge any of  
12 y'all. And hope all of y'all live a very blessed and happy  
13 life.

14 You know, through this whole ordeal, my mind has been  
15 completely changed and perplexed, and what could have gone  
16 wrong on that night. I do reflect on it often. I think of  
17 it every day. Every night before I go to sleep, I pray. I  
18 pray mostly for Ashley's family because I know they're going  
19 through more heartache than my family is. You know, every  
20 day I remind my mother that, you know, I am still here. She  
21 can visit me; she can talk to me on the phone. But Ashley's  
22 family has to go to a grave to visit her. And, you know, I  
23 just don't fully understand what had gone in my mind to  
24 cause such a tragedy. Every day I reflect on it. And I  
25 know that I will reflect on it for the rest of my life.

1 This situation, that situation, it will be part of me  
2 forever. I just don't have any, you know -- I just want to  
3 say that I'm sorry for what happened. It was never  
4 intended. I never went out the night of April 3, 2015, to  
5 harm anybody. At no point did I ever intend to harm her.  
6 It just -- it was just a reaction to a situation that I know  
7 I should've just either left or called the cops originally.  
8 It was just a bad situation, Your Honor. And I'm sorry that  
9 it ended up taking the life of another human being. That's  
10 all I can really say, Your Honor. I'm sorry.

11 THE COURT: Mr. Sorenson?

12 AST. SOL. SORENSON: May it please the Court, Your  
13 Honor? As you had heard earlier, Mr. Bonilla does not have  
14 any prior convictions. I had a chance to check with  
15 Ashley's family. They're seated in the first two rows of  
16 the courtroom, Your Honor. They've been here all week; her  
17 sister, her mother, her daughter Haley. She has two younger  
18 children also that have not been in court. Other family  
19 members and friends. Her father has got some health issues  
20 that has unfortunately precluded him from being able to  
21 attend court this week. They do not wish to address the  
22 Court, Your Honor. I think they are all fairly emotional,  
23 but just had a few comments they wanted me to kind of convey  
24 to Your Honor. As you heard, Ashley at the time of her  
25 death was 28. She was a few weeks shy of her 29th

1 birthday. She did have three children. And so they wanted  
2 you to know that. And ultimately, Your Honor, I mean, this  
3 truly is just an absolutely senseless act. And we would --  
4 they would ask me to ask Your Honor, and I would ask you on  
5 behalf of the State of South Carolina, to impose the maximum  
6 possible penalty that you can impose on Mr. Bonilla for his  
7 actions that night into the morning of April 4th.

8 (Brief pause.)

9 THE COURT: Well, first of all, let me say this: I've  
10 been involved in the legal business a long time; 30 years as  
11 a lawyer, going on 13 now as a judge. And to hear the  
12 description of this being a senseless death is probably as  
13 descript as you can get. I know defense counsel says that  
14 the defendant has been most respectable to him, but  
15 certainly he was not anywhere near respectful to this young  
16 lady who died in his hands. He says he didn't intend to  
17 harm her, but the evidence was overwhelmingly contrary to  
18 that. I commend the jury for their courage in seeing  
19 through the fabricated story, in my opinion, that was  
20 presented by the defendant. I found his testimony to be  
21 highly incredible, void of any truth. It was a brutal way  
22 for this young lady to die and even more brutal for the way  
23 she was treated after her death: bound by the neck and arms,  
24 stripped of her clothes, thrown on the side of the road,  
25 then picked up once again, dragged through the woods and

1 buried in a shallow grave in such a manner that she became  
2 available for whatever wild animals were in the area. The  
3 suffering that you put this family through, no family should  
4 have to endure what you did to them.

5 THE DEFENDANT: I agree with that.

6 THE COURT: If there's a lesson to be learned at all in  
7 this case, I hope the young people and anyone else who uses  
8 social media to meet people and to blindly go out with them,  
9 knows the inherent dangers that it presents. I hope people  
10 will use this case as an example to be more diligent in  
11 their background check on people who use media services in  
12 this matter. I tried many murder cases, and I've sentenced  
13 many people to murder. I've only sentenced two other people  
14 to the sentence I'm giving you. The sentence of this Court  
15 is that you be committed to the State Department of  
16 Corrections for the balance of your natural life. Good  
17 luck.

18 MR. HILTON: Thank you, Your Honor.

19 THE COURT: All right. At this time, I will ask the  
20 deputies to escort the defendant's family out; leave the  
21 victim's family here.

22 (Brief pause.)

23 THE COURT: I would ask the victim's family to please  
24 stay with us a few minutes. I'll ask the law enforcement  
25 officials to determine when -- I'm not saying anything.



1 Nothing has happened and nor anything will happen. But I  
2 want to make sure nothing happens. So if you would please.

3 DEPUTY: Yes, sir, Your Honor.

4 THE COURT: You're in charge. If you would escort them  
5 out. Thank you. I'm going to do this in open court. I  
6 think it ought to be on the record. I have a note from the  
7 jury. There was some concern by some members of the jury  
8 that they were worried about retaliation after doing their  
9 service in this case. Madam Forelady, ladies and gentlemen  
10 of the jury panel, you can rest assured that serving on a  
11 jury is the highest public service you can do. And you can  
12 rest assured that if you get any call or anyone does  
13 anything whatsoever out of the way towards any of you, you  
14 can call the Dorchester County Sheriff's Office, you can  
15 call me, you can call any members of the solicitor's office,  
16 immediately. And you will be protected immediately. It  
17 will be investigated immediately. And whoever makes any  
18 such phone call or threats will be dealt with very harshly  
19 by the judicial system. We protect our jurors and nobody,  
20 nobody, is gonna bother you. I promise you. And if they  
21 do, they'll have a lot of answering to do. I've done this a  
22 long time. As you just heard, 43 years now. And I've tried  
23 a lot of cases as a lawyer. And I've tried Lord knows how  
24 many as a judge. And I've never, thank goodness, had any  
25 juror threatened or intimidated yet. I think people, after

1 it's all over, said and done, realize that we have the best  
2 system in the world, and they respect the jobs that you have  
3 to do, and they respect the jobs that you have done in this  
4 case as do I. And you just rest assured, if anything  
5 happens, you let us know and it will be dealt with very  
6 harshly. And I thank you for your service. I'm going to  
7 let you exit the courtroom now. I would ask since we have  
8 family members outside, I will ask -- we'll have some  
9 deputies escort y'all out to your cars.

10 (The jury is excused and exits the courtroom 1:59 p.m.)

11 (Whereupon, Court's Exhibit No. 3, Jury Question, was  
12 marked for identification.)

13 THE COURT: I would like to commend the solicitor's  
14 office on a well presented case, tough case; tried fairly  
15 and with civility. Mr. Hilton, you and your cocounsel, I  
16 can't ask any more from a lawyer who is representing someone  
17 in a situation this difficult, and you have done an  
18 admirable, remarkable job. You did all you can. You don't  
19 make the facts; solicitor didn't make the facts. These are  
20 horrible facts. And I think the jury recognized that they  
21 were horrible facts and were able to judge the facts, and  
22 they judged them in a manner which they saw fit. So I  
23 commend all of you for making the system work. Thank you.  
24 We'll stand at ease til 2:30, three o'clock. We got more  
25 business.

1           AST. SOL. SORENSON:  Yes, sir.  Thank you, Your Honor.

2           (The proceedings in the trial of this case concluded at  
3           2:00 p.m. on Thursday, August 11, 2016.)

4                               - - - - -

5                               (End of transcript.)

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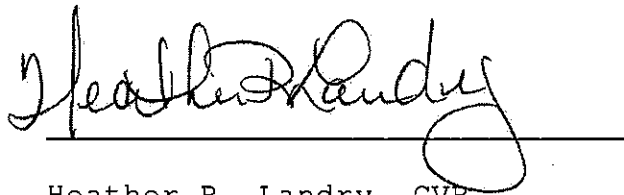
25

1 STATE OF SOUTH CAROLINA )  
2 COUNTY OF CHARLESTON ) CERTIFICATE OF REPORTER

3  
4 I, HEATHER R. LANDRY, Official Court Reporter for the  
5 Judicial Department of the State of South Carolina, do  
6 hereby certify that the foregoing is a true, accurate and  
7 complete Transcript of Record of the proceedings had in the  
8 trial of the captioned case, in the Court of General  
9 Sessions for Dorchester County, South Carolina, on the  
10 8th-11th day(s) of August 2016.

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

13  
14 December 26, 2016

15  
16   
17

18 Heather R. Landry, CVR  
19 Official Court Reporter  
20  
21  
22  
23  
24  
25

## VOLUNTARY STATEMENT

CASE # \_\_\_\_\_

|                                            |                                                                      |                                                     |                                 |
|--------------------------------------------|----------------------------------------------------------------------|-----------------------------------------------------|---------------------------------|
| LAST NAME<br><b>Bonilla</b>                | FIRST NAME<br><b>Edward</b>                                          | MIDDLE NAME<br><b>PRIMO</b>                         | AGE<br><b>30</b>                |
| NICKNAME/AKA                               | M <input checked="" type="checkbox"/> F <input type="checkbox"/> SSN | SECRET ADDRESS                                      |                                 |
| CITY<br><b>HANNATHAN</b>                   | STATE                                                                | ZIP<br><b>29410</b>                                 | MAILING ADDRESS                 |
| HOME TELEPHONE                             | WORK TELEPHONE                                                       | CELL TELEPHONE                                      | OCCUPATION<br><b>UNEMPLOYED</b> |
| EMPLOYER                                   |                                                                      | EMPLOYER ADDRESS                                    |                                 |
| DRIVER'S LICENSE NUMBER/STATE              |                                                                      | DATE AND TIME OF INTERVIEW<br><b>Apr. 7 8, 2015</b> |                                 |
| LOCATION OF INTERVIEW<br><b>DCSO - CID</b> |                                                                      |                                                     |                                 |
| INTERVIEWING AGENT<br><b>Andy Martin</b>   | DEPARTMENT<br><b>CID # 75</b>                                        | INTERVIEWING AGENT                                  | DEPARTMENT                      |

I, \_\_\_\_\_ understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purposes it may serve. I can not read and write and completed the 10TH grade in school.

Q. Are you on any medications?

A. NO

Q. Are you taking any supplements?

A. NO

Q. Are you intoxicated?

A. NO

Q. Are you under the influence of any over the counter or controlled substance?

A. NO

Q. How did you meet Ashley?

A. On a web sit called meet.Me.com around March 18 2015

Q. When did you first actually meet Ashley?

A. April 3 2015

Q. What were you driving?

A. 2006 Hyundai Santa Green

Q. Where did you go?

A. my Brother house Crowfield Plantation Anthony Navarro

CONTINUED NEXT PAGE -



I have read each page of this statement consisting of 2 page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

Date: 4-8-15 Time: 18:38

Signature of person giving voluntary statement

WITNESS: J. Berg 94

WITNESS: Andy Martin #75

I certify that I have been given a copy of this statement consisting of 2 pages.

NON CUSTODIAL

VOLUNTARY STATEMENT  
SUPPLEMENTAL

Edward Bonilla

Statement of, Continued.

Q. What happened after you left the bon fire?  
A College park Road around 12:45 turn around to go back to Sunoco  
gas station. Left Sunoco to take Ashley home. Drove up and Down  
78 and the Road Redinwind and Alston middle. on maple Road  
She asked to use the Restroom I pulled over By a Summerville  
Sign. She got out OF Vehicle I locked the Door and  
Drove OFF.

Q. Did you harm Ashley? No

Q. Did you injure Ashley? No

Q. Did you Kill Ashley? No

Q. Is this a true and honest statement, Given  
freely without threat, Promise and not in  
Custody?

A. yes.

Amel M. #75

Person giving statement to place initials behind  
last word of statement as appears on last page.

Ehr/PP

Signature of person giving voluntary statement



Emoney Bon



4/3/2015 @ 8:04 PM



What are you up to?

R✓

Bored u

R✓

???

Just got off work.  
Relaxing, trying to find  
something to do tonight.  
My brother is have a  
bonfire at his house  
tonight. About to get  
some really dank bud



R✓

Let's hang out



Ok, do you want to meet  
me somewhere?

R✓

U have something to  
drink



Type a message...







Emoney Bon



And I dont have a car



We can pick something up. I'm pretty sore there will be liquor at my brothers house. I have a car I can pick you up.



Where do u stay at



I live in Hanahan behind trident tech.



Can u pick up some beer on the way to get me need one bad



What kind



Bud light



There alot of people at your brothers



Type a message...







Emoney Bon



I'm not sore yet but I know it's him and his wife will be there

R✓

Oh that's alright



Plus he's got my bud so I got to go he him.

R✓

Where u at now



I'm at home

R✓

And that is



Hanahan behind trident tech

R✓

Duh ashley lol

R✓

How long dose it take u to get to summerville



Type a message...





Emoney Bon



15 min what part I grow  
up in summerville. I  
went to fort Dorchester  
high.

R✓

Know where Alston  
middle is



Yes



That will take 20 min

R✓

Do u drink

R✓

E just smoke

R✓

R



No I just smoke

R✓

Ohhhh well can u pick up  
a 12 pack for me



Type a message...





← Emoney Bon

R✓ I don't smoke to offen  
just sometimes



Yes on the 12 pack. If  
you smoke it dose not  
make a differences to  
me.

R✓ Alrighty

R✓ Coming?



Yes



Getting in the car now

R✓ K

So are we going to do the  
texting game still. You  
can call me  
843-718-7711. It would  
be nice to really know  
your a women and not

+ Type a message...





# Emoney Bon



So are we going to do the  
texting game still. You  
can call me  
843-718-7711. It would  
be nice to really know  
your a women and not  
some creeper dude



R✓

I'm not take my word  
for it

R✓

Did u leave already r no



Yes

4/3/2015 @ 8:50 PM



I'm on I 26

I'm getting off the  
summerville exit. You  
wanted a 12 bud light?



R✓

Yes plz

+ Type a message...



← Emoney Bon

R✓ I'm not take my word  
for it

R✓ Did u leave already r no



Yes

4/3/2015 @ 8:50 PM



I'm on I 26



I'm getting off the  
summerville exit. You  
wanted a 12 bud light?

R✓ Yes plz



K

4/3/2015 @ 9:08 PM



I'm about to be at Alston

+ Type a message...







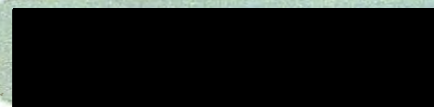
Emoney Bon



You have gbs



Yes

About 5 mins from there  
if

Ok got it GPS 5 min



I'm here



In drive way



Yed



Yes

4/4/2015 @ 3:29 AM

Hello you still awake.



Type a message...





Emoney Bon



Hello you still awake.  
Just making sure you  
made it home. Sorry I  
left at the gas station  
but you were to drunk  
to handle

4/4/2015 @ 9:46 PM

R✓

Where is Ashley

R✓

She hasn't been home  
since she left with you.  
Police are involved now.  
You're the last person  
who has seen her

R✓

Where the hell is my  
sister

R✓

I fucking called your  
phone don't blow me off.  
Where is she



Type a message...







Emoney Bon



sister

R✓

I fucking called your  
phone don't blow me off.  
Where is she

R✓

R you fucking stupid

R✓

That it cops will be  
speaking with you you've  
fucked up taking my  
sister off and leaving  
her somewhere

R✓

Cops need to know what  
gas station u left her at

R✓

Dude this ain't no joke

R✓

She's missing. You're the  
last person she was with.  
Do you she the issue here

4/4/2015 @ 10:04 PM



Type a message...





← Emoney Bon

her somewhere

R✓ Cops need to know what  
gas station u left her at

R✓ Dude this ain't no joke

R✓ She's missing. You're the  
last person she was with.  
Do you she the issue here

4/4/2015 @ 10:04 PM

R✓ This is Ashley friend  
Shane I'm at her house  
now we are calling police  
on you

4/6/2015 @ 1:25 AM

R✓ What is your full name

R✓ Did you say your last  
again what did you say

+ |Type a message...



STATE v. EDWARD BONILLA

STIPULATION

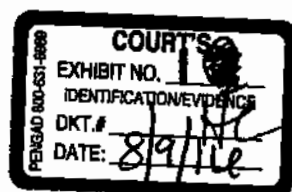
Attorney Mark Leiendecker is the Chief Public Defender in Dorchester County. Originally, Mr. Leiendecker was appointed to represent Mr. Bonilla in this case.

On May 8, 2015, Attorney Mark Leiendecker contacted Captain Tony Phinney and informed Captain Phinney that his client may have information about the location of the remains of Ashley Pegram.

The defendant was transported to the Criminal Investigations Office so that he could meet with Mr. Leiendecker.

After Mr. Leiendecker and Mr. Bonilla met for approximately 20 minutes, Mr. Leiendecker met with Captain Phinney, and with an electronic notebook displaying a map. Mr. Leiendecker gave a general location of where they would discover the body of Ashley Pegram near Brown Town Road and Seven Mile Road in Harleyville, SC.

The disclosure was made by Mr. Leiendecker with the consent of Mr. Bonilla.







YOUR HONOR,

- 1) MAY WE REQUEST A LAPTOP OR DISC READER?
- 2) WHAT IS THE DEFENDANT'S HEIGHT PLEASE?  
WHAT WAS THE DECEASED VICTIM'S HEIGHT?

THANK YOU.

cat

WE HAVE SEVERAL JURORS WHO WOULD LIKE  
TO VIEW THE VERIZON DISC.

CATHERINE THREADGILL  
FOWMAN/LADY/PERSON

- ① This disc contains raw data. Please be more specific as to what you want.
- ② The law does not permit me to provide any additional evidence or facts or tell you what the evidence was.

TM Carlin

\* Please save note and return to me at conclusion.



|                                            |                                                                  |                             |                                 |
|--------------------------------------------|------------------------------------------------------------------|-----------------------------|---------------------------------|
| LAST NAME<br><u>Bonilla</u>                | FIRST NAME<br><u>Edward</u>                                      | MIDDLE NAME<br><u>Primo</u> | AGE<br><u>30</u>                |
| NICKNAME/AKA                               | M <input checked="" type="checkbox"/> F <input type="checkbox"/> | SSN                         |                                 |
| CITY<br><u>HANNAM</u>                      | STATE                                                            | ZIP<br><u>29410</u>         | MAILING ADDRESS                 |
| HOME TELEPHONE                             | WORK TELEPHONE                                                   |                             | OCCUPATION<br><u>Unemployed</u> |
| EMPLOYER                                   | EMPLOYER ADDRESS                                                 |                             |                                 |
|                                            | DATE AND TIME OF INTERVIEW<br><u>Apr. 7 8, 2015</u>              |                             |                                 |
| LOCATION OF INTERVIEW<br><u>DCSA - CID</u> |                                                                  |                             |                                 |
| INTERVIEWING AGENT<br><u>Det. Martin</u>   | DEPARTMENT<br><u>CID # 75</u>                                    | INTERVIEWING AGENT          | DEPARTMENT                      |

I, Edward Primo understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purposes it may serve. I can not read and write and completed the 10th grade in school.

Q Are you on any medications?

A NO

Q Are you taking any supplements?

A NO

Q Are you intoxicated?

A NO

Q Are you under the influence of any over the counter or controlled substance?

A NO

Q How did you meet Ashley?

A On a web sit called meet.me.com around March 15 2015

Q When did you first actually meet Ashley?

A Apr. 1 3 2015

Q What were you driving?

A 2006 Hyundai Santa Green

Q Where did you go?

A my Brother house Crowfield Plantation Anthony Navarro

CONTINUED NEXT PAGE -



I have read each page of this statement consisting of 2 page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

Date: 4-8-15 Time: 18:38

Signature of person giving voluntary statement

WITNESS T. Berg 94

WITNESS Det. Martin #75

I certify that I have been given a copy of this statement consisting of 2 pages.

NON CUSTODIAL



VOLUNTARY STATEMENT  
SUPPLEMENTALEdward Bonilla

Statement of, Continued.

Q. What happened after you left the box fire?

A. College Park Road around 12:45 turn around to go back to Sandoz gas station. Left Sandoz to take Ashley home. Drove up and Down 78 and the Road Redinwind and Alston middle, on ~~the~~ maple Road. She asked to use the Restroom I pulled over By a Summerville Sign. She got out OF vehicle I looked the Door and Drove OFF.

Q. Did you harm Ashley? No

Q. Did you injure Ashley? No

Q. Did you Kill Ashley? No

Q. Would you be willing to take a Polygraph? yes

Q. Is this a true and honest statement, Given freely without threat, Promise and not in Custody?

A. yes

Person giving statement to place initials behind last word of statement as appears on last page.

Signature of person giving voluntary statement

|                          |   |                                  |
|--------------------------|---|----------------------------------|
| STATE OF SOUTH CAROLINA  | ) | IN THE COURT OF GENERAL SESSIONS |
|                          | ) | FIRST JUDICIAL CIRCUIT           |
| COUNTY OF DORCHESTER     | ) |                                  |
|                          | ) | CASE NO.: 2015-GS-18-0606        |
| STATE OF SOUTH CAROLINA, | ) |                                  |
| Plaintiff,               | ) | NOTICE OF MOTION AND MOTION      |
|                          | ) | TO QUASH SUBPOENA OF             |
| VS.                      | ) | MARK LEIENDECKER, ESQ.           |
|                          | ) |                                  |
| EDWARD BONILLA,          | ) |                                  |
| Defendant.               | ) |                                  |

TO: DONALD N. SORENSON, Esq.  
Deputy Solicitor, First Judicial Circuit  
140 N. Main Street, Suite 102  
Summerville, SC 29483

**FILED-RECORDED**

*8-3-2016*

**Cheryl Graham**  
**Clerk of Court**  
**Dorchester County**

**YOU WILL PLEASE TAKE NOTICE** that Mark Leiendecker, Esq. above named, by and through his undersigned attorney, will move before the Presiding Judge for the General Sessions Court, 5200 East Jim Bilton Blvd, St. George, South Carolina, on the 8<sup>th</sup> day of August, 2016, at 9:00 a. m. or as soon thereafter as this matter can be heard, and will at that time ask the Court to quash the Subpoena on the grounds that the testimony of Mark Leiendecker, Esq. would require the disclosure of privileged attorney/client communications and /or internal defense documents protected by Rule 5(b)2, South Carolina Rules of Criminal Procedure and Rule 407(1.6), South Carolina Appellate Court Rules.

This motion is based on applicable South Carolina statutory and case law, and such affidavits and other evidence as may be presented at the hearing.

You are invited to attend and participate.

By: \_\_\_\_\_

Christopher J. Murphy  
MURPHY LAW FIRM, L.L.C.  
136 West Richardson Ave  
Summerville, SC 29483  
(843) 832-1120

8/2, 2016.  
Summerville, South Carolina

**WITNESSES**

A Martin

Dorchester County Sheriff  
15-003518ARREST WARRANT NUMBER  
2015A1810300410

Arrested: May 6, 2015

**ACTION OF GRAND JURY****TRUE BILL***Dan Z. Kiley*  
Foreperson of Grand Jury  
Date: December 3, 2015**VERDICT**Foreperson of Petit Jury  
Date:

DOCKET NO. 2015GS18-0606

**The State of South Carolina  
County of DORCHESTER****COURT OF GENERAL SESSIONS**

December 7, 2015 TERM

**THE STATE  
vs.**

Edward Primo Bonilla

**Indictment for**

Murder

SC Code: 16-3-10

2016 AUG 12 PM 2:40

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I  
hereby appear in my own proper person  
and plead guilty to the within indictment or  
to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED - RECORDED  
2015 DEC -3 PM 2:06  
CHERYL GRAMM  
CLERK OF COURT  
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF DORCHESTER )

INDICTMENT  
2015GS18-0606

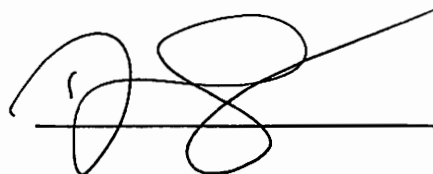
As a Court of General Sessions, convened on December 3, 2015 the Grand Jurors of DORCHESTER County present upon their oath:

**MURDER**

*April 2015*

That in Dorchester County on or about ~~May~~ 4, 2015, with malice aforethought, the defendant, Edward Primo Bonilla did kill one Ashley Pegram by means of blunt force trauma. The victim did die as a proximate result thereof. This offense being in violation of the Common Law and Section 16-3-10, of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Donald N. Sorenson, Solicitor



## FORM 5

STATE OF SOUTH CAROLINA

County of Dorchester

IN THE COURT OF COMMON PLEAS

Edward P. Benilla #3693242021-CP-18-1214

Full name and prison number (if any) of Applicant

v.

APPLICATION FOR

State of South Carolina

POST-CONVICTION RELIEF

CERTIFIED COPY

7-6-2021 RIBCheryl Haham  
Clerk of Court  
Dorchester CountyINSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Perry Correctional
2. Name and location of Court which imposed sentence First Judicial Circuit  
Dorchester 5200 East J. M. G. Iron Blv St. George SC 29477
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
  - (a) 2015-6518-0666
  - (b) \_\_\_\_\_

- (c) \_\_\_\_\_
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) August 11, 2016 Life without
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty N/A
- (b) after a plea of not guilty Yes
- (c) after a plea of nolo contendere N/A
7. Did you appeal from the judgment of conviction or the imposition of sentence?  
Yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Court of appeals
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- (b) the result in each such Court to which you appealed:
- i. Dismissed
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- (c) the date of each such result:
- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Unpublished opinion
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A
- (b) \_\_\_\_\_

- (c) \_\_\_\_\_
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) (See Attachments)
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) (See Attachments)
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? N/A
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? N/A
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? N/A
- (d) any other petitions, motions or applications in this or any other Court? N/A
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(c) the disposition thereof:

- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(d) the date of each such disposition:

- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

N/A

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

(b) the proceedings in which each ground was raised:

- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) N/A  
 (b) \_\_\_\_\_  
 (c) \_\_\_\_\_

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? Yes  
 (b) your trial, if any? Yes  
 (c) your sentencing? Yes  
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes  
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?  
Yes

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:  
 i. Mark Leidencker, 107 W 6th N Street Suite 100  
Summerville, SC 29433  
 ii. Russell D. Hilton  
 iii. \_\_\_\_\_  
 (b) the proceedings at which each such attorney represented you:  
 i. Trial  
 ii. Trial  
 iii. \_\_\_\_\_

19. State clearly the relief you seek in filing this application:

Vacate and Remand

20. Are you now under sentence from any other court that you have not challenged?

N/A

STATE OF SOUTH CAROLINA )

County of Dorchester )

VERIFICATION

I, Edward P. Bonilla, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

X ELL P B

SWORN to and subscribed before me this 30  
day of June 2021.

Lamara Conwell (L.S.)  
Notary Public

My Commission Expires: September 25, 2023

**APPLICATION TO PROCEED WITHOUT PAYMENT  
OF COSTS AND AFFIDAVIT  
IN SUPPORT THEREOF**

2021-CP-18-1314

I, Edward P. ~~Bonilla~~ Bonilla, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

X Edward P. Bonilla  
Applicant

SWORN or affirmed to and subscribed before me this

30 day of June, 2021.

Lamara Conwell  
Notary Public

My Commission Expires: September 25, 2023

**CERTIFIED COPY**  
7-6-2021 RIB  
Cheryl Graham  
Clerk of Court  
Dorchester County

10(A) INEFFECTIVE ASSISTANCE OF COUNSEL FOR FAILURE TO  
INVESTIGATE

(B) NEWLY DISCOVERED EVIDENCE

(C) FRAUD UPON THE COURT

(D) SUBJECT MATTER JURISIDITION

**CERTIFIED COPY**

7-6-2021 R1B

*Cheryl Graham*  
Clerk of Court  
Dorchester County

11(A)(1) FAILURE OF COUNSEL AND THE COURT TO INVESTIGATE THE  
LAWS OF SOUTH CAROLINA AS TO WHETHER THEY WERE "AFFIXED" WITH  
THE IMPRESSION OF THE GREAT SEAL OF SOUTH CAROLINA. SECTION  
16-1-60 OF THE 1976 CODE AS LAST AMENDED BY ACT 184 OF 1993  
IS FURTHER AMENDED TO READ:

S.C. CONST. ART. III, SECTION 18

§18. FORMALITIES OF ACT.

NO BILL OR JOINT RESOLUTION SHALL HAVE THE FORCE OF LAW  
UNTIL IT SHALL HAVE BEEN READ (3) TIMES AND ON (3) SEVERAL DAYS  
IN EACH HOUSE, HAS HAD THE (GREAT SEAL) OF THE STATE AFFIXED  
TO IT AND HAS BEEN SIGNED BY THE PRESIDENT OF THE SENATE AND  
THE SPEAKER OF THE HOUSE OF REPRESENTATIVES: PROVIDED THAT EITHER  
BRANCH OF THE GENERAL ASSEMBLY MAY PROVIDE BY RULE FOR A FIRST  
AND THIRD READING OF ANY BILL OR JOINT RESOLUTION BY IT'S TITLE  
ONLY.

THE "GREAT SEAL" OF THE STATE (MUST) BE ATTACHED TO AN ACT  
BEFORE IT CAN BECOME EFFECTIVE, 1974-75 OP. ATTY. GEN. 4013,

PAGE 85.



"NEWLY DISCOVERED EVIDENCE" AND

"FRAUD UPON THE COURT"

THE APPLICANT ASSERTS UPON BELIEF AND FACTS THAT ON OR AROUND NOVEMBER 2017, THE STATE NEWSPAPER REPORTED THE GREAT SEAL OF THE STATE MISSING FROM CERTAIN LAWS HERE IN SOUTH CAROLINA.

ALSO, THE APPLICANT HAS RESEARCHED THIS NEWLY DISCOVERED EVIDENCE WITH THE S.C. DEPARTMENT OF ARCHIVES AND HISTORY, WITH A MR. STEVEN TUTTLE CONFIRMING THE GREAT SEAL OF SOUTH CAROLINA IS NOT AFFIXED TO THE 1993 ACT NO.184. (SEE EXHIBIT 1).

FURTHERMORE, THE APPLICANT WILL SUBMIT A LETTER FROM A MR. STEPHEN DRAFFIN ADDRESSED TO MR. SPENCER HEWITT, THAT STATES THE ORIGINAL 1995 ACT NO.7, HAS BEEN LOST AND ONLY A COPY RESIDES AT THE S.C. DEPARTMENT OF ARCHIVES AND HISTORY. (SEE EXHIBIT 2).

"ARGUMENT"

BOTH FEDERAL AND STATE CONSTITUTIONS FORBID ANY LAW IMPAIRING THE OBLIGATIONS OF CONTRACTS. THEREFORE, THE OBLIGATION OF A CONTRACT IS THAT DUTY OF PERFORMING THE CONTRACT TO ITS TERMS AND INTENT WHICH THE LAW RECOGNIZES AND ENFORCES. AGAIN, LIKE ANY ORDINARY BILL MUST IN ORDER TO HAVE THE FORCE OF LAW (MUST) HAVE THE GREAT SEAL OF THE STATE ATTACHED THERETO.....

FURTHERMORE, SOUTH CAROLINA'S SECRETARY OF STATE HAS FAILED TO PERFORM HIS CONSTITUTIONAL DUTY OF "AFFIXING" THE GREAT SEAL OF THE STATE ONTO ACTS AND RESOLUTIONS PASSED BY THE S.C. GENERAL

ASSEMBLY. THE ARTICLE III, SECTION 18 OF SOUTH CAROLINA'S CONSTITUTION PROVIDES; "NO BILL OR JOINT RESOLUTIONS SHALL HAVE THE FORCE OF LAW UNTIL IT SHALL HAVE BEEN READ (3) TIMES AND ON (3) SEVERAL DAYS IN EACH HOUSE, HAS HAD THE GREAT SEAL OF THE STATE AFFIXED TO IT.

ACCORDING TO THE S.C. CONSTITUTION ARTICLE III, SECTION 18 "NO SEAL NO LAW". FURTHERMORE, THE 1993 ACT NO.184, HAD NOT BEEN PROPERLY FILED WITH THE S.C. DEPARTMENT OF ARCHIVES AND HISTORY, AND ALSO, THE LAW THAT THE APPLICANT WAS CONVICTED OF WASN'T CONSTITUTIONALLY VALID.

THEREFORE, THE CIRCUIT COURT LACKED SUBJECT MATTER JURISIDITION TO IMPOSE ANY SENTENCE TO THE APPLICANT.

#### "CONCLUSION"

DUE TO THE FACTS OF EVIDENCE THE APPLICANT MOVES THIS COURT TO VACATE THE APPLICANT'S SENTENCE AND CONVICTION. FURTHERMORE, THE APPLICANT ASSERTS THAT THIS MATTER IS A DUE PROCESS VIOLATION OF THE FIFTH, SIXTH, EIGHTH, AND FOURTEENTH ADMENDMENTS OF THE U.S. CONSTITUTION AND THE S.C. CONSTITUTION ARTICLE III, SECTION 18.



EST 1905

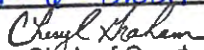
SOUTH CAROLINA DEPARTMENT OF  
ARCHIVES & HISTORY

Exhibit 1

21 June 2021

CERTIFIED COPY

7-6-2021 RLB

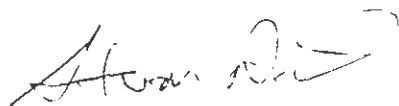
  
Cheryl Graham  
Clerk of Court  
Dorchester County

Mr. Edward P. Bonilla #369324  
Perry Correctional Institution Q1A-202  
430 Oaklawn Road  
Pelzer, SC 29669

Dear Mr. Bonilla:

I checked the following act that you requested but could not locate a visible impression of the Great Seal: 1993 Act No. 184.

Sincerely,



Steven D. Tuttle  
Deputy Director  
Archives & Records Management

# South Carolina Legislative Council

DAVID H. WILKINS, CHAIRMAN  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

GLENN F. McCONNELL  
CHAIRMAN, SENATE JUDICIARY COMMITTEE  
THE SENATE

JAMES H. HARRISON  
CHAIRMAN, HOUSE JUDICIARY COMMITTEE  
THE HOUSE OF REPRESENTATIVES

ROBERT L. PEELER  
PRESIDENT OF THE SENATE

JIM MILES  
SECRETARY OF STATE



STATE HOUSE, FIRST FLOOR  
AND  
DENNIS BUILDING, SUITE 434  
1000 ASSEMBLY STREET  
P.O. BOX 11489, COLUMBIA, S.C. 29211-1489  
TELEPHONE: (803) 734-2145  
FAX: (803) 734-2425

STEPHEN T. DRAFFIN  
CODE COMMISSIONER AND DIRECTOR

October 21, 2002

CERTIFIED COPY

7-6-2021 RIB

Cheryl Staham  
Clerk of Court  
Dorchester County

2018 OCT 15 PM 5:10  
N. HOPE BLANCHETT

Mr. Spencer Hewitt  
Secretary of State's Office  
Edgar Brown Building  
Columbia, South Carolina 29211

Dear Spencer:

You asked us recently to help locate the original of H.4323 of 1994 (Ratification Number 585 of 1994 and Act Number 7 of 1995) which became law on January 12, 1995, without the signature of the Governor. As we indicated in our telephone conversation, the Governor's office sends acts directly to the Secretary of State's office without transmitting them back through any office of the General Assembly. It is our best guess if you have no record of it that the original was lost during the changeover from the Campbell administration to the Beasley administration in January 1995, especially since the Governor didn't sign it. We asked Steve Tuttle at Archives to go through the boxed materials of these administrations, and he indicated that after doing so the original of this act could not be found. We did not check with Governor Hodges' office but it may be worth trying to follow up there although this would be a long shot.

In order that you can have a record of this act in the Secretary of State's office, we have prepared a duplicate from the computer files maintained by Legislative Printing. This is the same procedure we follow from time to time when bills are misplaced while under the consideration of the General Assembly. This should provide you with a sufficient record of what was ratified by the General Assembly and what became law without the signature of the Governor. If we can be of further help, please let us know.

Very truly yours,

Stephen T. Draffin

STD/gjk  
Enc.

Exhibit 2



Exhibit 3

Section 16-1-57. A person convicted of an offense for which the term of imprisonment is contingent upon the value of the property involved must, upon conviction for a third or subsequent offense, be punished as prescribed for a Class A felony.

**Violent crimes defined.**

**CERTIFIED COPY**

SECTION 3. Section 16-1-60 of the 1976 Code, as last amended by Act 7-16-2021<sup>R18</sup>, is further amended to read:

*Cheryl Graham*  
Clerk of Court  
Dorchester County

"Section 16-1-60. For purposes of definition under South Carolina law a violent crime includes the offenses of murder (Section 16-3-10); criminal sexual conduct in the first and second degree (Sections 16-3-652 and 16-3-653); criminal sexual conduct with minors, first and second degree (Section 16-3-655); assault with intent to commit criminal sexual conduct, first and second degree (Section 16-3-656); assault and battery with intent to kill (Section 16-1-609); kidnapping (Section 16-3-910); voluntary manslaughter (Section 16-3-30); armed robbery (Section 16-11-330); drug trafficking as defined in Sections 44-53-370(e) and 44-53-375(C); arson in the first degree (Section 16-11-140(A)); burglary in the first degree (Section 16-11-311); and burglary in the second degree (Section 16-11-312(B)); engaging a child for a sexual performance (Section 16-3-810); accessory before the fact to commit any of the above offenses (Section 16-1-40); and attempt to commit any of the above offenses (Section 16-1-80). Only those offenses specifically enumerated in this section are considered violent offenses."

#### **Mandatory minimum terms**

SECTION 4. Section 16-11-330 of the 1976 Code, as last amended by Act 184 of 1993, is further amended to read:

Section 16-11-330. (A) A person convicted for the crime of robbery while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon must be imprisoned for a mandatory minimum term of not less than ten years nor more than thirty years, no part of which may be suspended or probation granted. A person convicted under the provisions of this subsection is not eligible for parole until he has served at least seven years of his sentence.

(1) A person under the age of twenty-one sentenced under the provisions of Chapter 49 of Title 24 (Youthful Offenders Act) convicted of armed robbery shall receive and serve a minimum sentence of at least three years, no part of which may be suspended. The person is not eligible for parole or probation until he has served a three-year minimum sentence.

(2) A person between the ages of twenty-one and twenty-five, who is convicted of armed robbery, may not be sentenced under the provisions of Chapter 49 of Title 24 (Youthful Offenders Act).

2018 NOV -5 PM 1:58  
M. HOPE BLACKLEY

CLERK OF COURT  
DORCHESTER COUNTY



Exhibit 4

CERTIFIED COPY

7-6-2021 RLB

Cheryl Shalton  
Clerk of Court  
Dorchester County

7:00 PM 7/6/21

HOME

SC

DC

2024

BIZ

SPORTS

SUBSCRIBE

LOGIN

MAKE CONTACT

FAQ

NEWSLETTER



(Via: Joshua Putnam)

As noted in our prior coverage, the secretary of state is currently in possession of all acts and resolutions dating from 2005 to the present. Acts and resolutions from previous years are stored at SCDAH.

Hammond is supposed to turn over acts and resolutions to SCDAH after five years (some say two years), but he apparently hasn't been doing that either. The most recent records available at the agency are for 2003 and 2004 – Hammond's first two years in office.

In other words, there are at least eight years of records that should be at SCDAH ... but aren't.

Where are those acts and resolutions? And do they also lack the "Great Seal of the State?"

Putnam reviewed the records for 2003 and 2004 and determined that "109 acts out of 440 didn't receive the seal."

In other words one out of every four acts ratified during those two years could be unconstitutional ...

11/04

R200

R420

*(Via: Joshua Putnam)*

Hammond acknowledged to reporter **Andy Shain** of *The (Charleston, S.C.) Post and Courier* that his office did not affix the seal to an unspecified number of bills, but argued that the laws are nonetheless “official” and that Putnam is using the issue in an attempt to discredit him politically.

“Can you imagine in how much power I would have if all I did was not affix the Great Seal?” Hammond told Shain. “I would be the most powerful man in South Carol These laws are official (without the seal), and I don’t think they should be used a political football.”

*Really?*

That’s a troubling response, if you ask us.

If Hammond had done his job none of this would be an issue. In fact, it’s pretty telling (and sadly typical of Palmetto politics) that his first impulse is not to take responsibility for his error – but to point the finger of blame somewhere else.

Developing ...

|                                  |   |                                    |
|----------------------------------|---|------------------------------------|
| STATE OF SOUTH CAROLINA          | ) | IN THE COURT OF COMMON PLEAS       |
| COUNTY OF DORCHESTER             | ) | FOR THE FIRST JUDICIAL CIRCUIT     |
|                                  | ) |                                    |
| Edward P. Bonilla, SCDC #369324, | ) | Case No.: 2021-CP-18-01214         |
|                                  | ) |                                    |
| Applicant,                       | ) | <b>RETURN TO THE APPLICATION</b>   |
|                                  | ) | <b>FOR POST-CONVICTION RELIEF,</b> |
| v.                               | ) | <b>PARTIAL MOTION TO DISMISS,</b>  |
|                                  | ) | <b>AND MOTION FOR A MORE</b>       |
| State of South Carolina,         | ) | <b>DEFINITE STATEMENT</b>          |
|                                  | ) | (Counsel Already Appointed)        |
| Respondent.                      | ) |                                    |
| _____                            | ) |                                    |

Respondent the State of South Carolina, making its return to the application for post-conviction relief filed by Edward P. Bonilla<sup>1</sup> on July 6, 2021, and received by the South Carolina Attorney General's office on July 12, 2021<sup>2</sup>, would respectfully show this Court:

### I. Procedural History

Applicant is presently confined in the South Carolina Department of Corrections. During its December 2015 term, the Dorchester County Grand Jury indicted Applicant for murder (2015-GS-18-0606).

On August 8-11, 2016, Applicant proceeded to a jury trial before the Honorable Doyet A. Early, III. Russell D. Hilton, Esquire, and Mandy Wilkerson Kimmons, Esquire (Trial Counsels)

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<sup>1</sup> Applicant filed this post-conviction relief application *pro se*. Counsel, Michael H. Lifsey, has since been appointed.

<sup>2</sup> Respondent's return was due to be filed on October 10, 2021. *See* Rule 12(a), SCRCP ("[T]he State of South Carolina shall answer or otherwise respond to an application for post-conviction relief within 60 days after service of the application, if it arises out of a guilty plea, and 90 days if it arises out of a trial.") Now, having completed the return required in this matter, and in light of no demonstrable prejudice to Applicant as a consequence of the delay, Respondent respectfully asks this Court to accept this return as timely filed. *See* S.C. Code Ann. § 17-27-70(a) (establishing that the Court may fix the time in which the State must respond and that "respondent shall file with its answer the record or portions thereof that are material to the questions raised in the application."); *Guinyard v. State*, 260 S.C. 220, 195 S.E.2d 392 (1973) (holding the trial court may extend the time for filing and that the time limit prescribed by the statute is not mandatory, but discretionary with the trial court.).



represented Applicant. Donald Sorenson and Ryan Templeton of the First Circuit Solicitor's Office prosecuted the case. At the conclusion of trial, the jury found Applicant guilty as indicted. Judge Early sentenced Applicant to life without the possibility of parole.

Applicant filed a timely notice of appeal and was represented by Chief Appellate Defender Robert M. Dudek of the South Carolina Commission on Indigent Defense – Division of Appellate Defense (Appellate Counsel). On appeal, Appellate Counsel raised four issues:

1. Whether the court erred by ruling appellant gave defense counsel his "informed consent" to reveal the location where the decedent's body was located, since the testimony during the suppression hearing revealed defense counsel thought there was "no reasonable alternative" to his "strategy" to reveal the location of the body under the circumstances, and that appellant acquiesced in that strategy because he felt he had no alternative?
2. Whether the court erred by ruling that the Dorchester County search warrant for the Hyundai Sonata was not legal defective, and that fruits of the search of it were admissible, where the vehicle was seized in Charleston County, a jurisdiction violation of S.C. Code§ 17-13-140, and the affidavit did not provide probable cause to search pursuant to the Fourth Amendment?
3. Whether the court erred by ruling that the Dorchester County search warrant for appellant's Ford work van was not legal defective, and that fruits of the search of the van were admissible, where the vehicle was seized in Charleston County, a jurisdiction violation of S.C. Code § 17-13-140, and the seizure for the van for processing in Dorchester County exceeded the scope of any consent given in Charleston County to search through the van?
4. Whether the court erred by refusing to grant the defense an in camera hearing on the qualifications of Investigator Jeff Scott to testify as a crime scene processing expert that the swabs he took from the automobile and the work van contained blood, since the court abdicated its gatekeeping function where appellant was entitled to a hearing on Scott's qualifications and the reliability of his opinion evidence?

On December 2, 2020, following oral argument, the Court of Appeals affirmed Applicant's conviction and sentence in a published opinion filed December 31, 2019. *State v. Bonilla*, 429 S.C. 253, 838 S.E.2d 1 (Ct. App. 2019). The case was remitted back to the circuit court on December

31, 2019. On January 14, 2020, Applicant filed a Petition for Rehearing. The Court of Appeals denied the Petition for Rehearing on February 20, 2020. A Petition for Writ of Certiorari to the Supreme Court of South Carolina was filed on May 4, 2020. Respondent filed its Return to the Petition on June 3, 2020. On November 25, 2020, our Supreme Court denied Applicant's Petition.

## **II. Summary of Factual History**

The Applicant and the victim met on the social media dating site meetme.com. They then communicated for a while on "kik." On April 3, 2015, the Applicant and the victim decided to go on a date. The Applicant decided that they should go to a bonfire/cookout at his brother's residence. They arrived at around 9:30pm and left around midnight. Video cameras at the Sunoco gas station recorded the victim leaving the station and entering the Applicant's vehicle at 12:11am.

The next morning the victim mother, whom she lived with, noticed the victim did not return home. She called the victim's sister who came over to their house. Since the victim and her mother shared cell phones they checked her cell phone to determine who she had recently spoken to. They recovered "kik" messages with a person nicknamed "E-money Bon," the Applicant's screenname. The last message they recovered was at 3:29am that morning, it was an apology from the Applicant for leaving the victim at a gas station because she was intoxicated. The victim's sister began texting the Applicant and getting frustrated because he was not responding. (R. p. 109 lines 10-20). He finally responded, and informed them of his name. When they asked about the victim's whereabouts, he expressed to them that he left her in front of the Summerville mobile home park and he did not know what happened to her afterwards. (R. p. 110 lines 24-25).

Upon speaking with the Applicant, the victim's family decided to file a missing person's report at the Dorchester County Sheriff's Department. (R. p. 111 line 19 – R. p. 112 line 2). They made screenshots of all of the messages the Applicant made with the victim and provided them to

the authorities. The authorities later contacted the Applicant who informed them that he left the victim on the side of the road around 2:00am. (R. p. 124 line 6). They asked him to come to the station to make a statement. He came in the next day and informed them that he left the victim in the woods after she had to use the bathroom a second time. He said that he did that because she was intoxicated and getting hard to handle. He was asked if he was employed and he informed them that he was unemployed due to an ankle injury.

Two weeks later the Applicant's brother's girlfriend contacted the authorities. She was worried that the Applicant had something to do with the victim being missing. She told the authorities that she attended the bonfire and Applicant and victim both left around midnight. She also informed them that the Applicant had a job working with his brother at Cauble flooring. The authorities then got in contact with the owner, Robert Cauble who did inform them that the Applicant did work for him. He also informed them that Applicant had access to two work vans, a GMC and a Ford Econoline. The authorities requested consent to search these vans. At that time the Applicant also contacted Mr. Cauble informing him that he left his cell phone inside the van and wanted to come back to retrieve it.

While the authorities were there the Applicant arrived to retrieve his cell phone. They questioned the Applicant in front of Mr. Cauble asking why he lied to them and told them that he was unemployed. At that time the Applicant was arrested and charged with obstruction of justice. The authorities also took both vans to search the interior for any evidence of the victim's disappearance. During the search of the vans they discovered blood in the rear, near the passenger side. (R. p. 203 line 23 – R. p. 204 line 2). The Applicant was then charged with murder. The whereabouts of the victim's body was still unknown.

The Applicant was originally represented by Mr. Mark Leiendecker, the Public Defender of the First Judicial Circuit. While he was being held at the Dorchester County Jail, the Applicant informed his attorney that he accidentally struck the victim with his vehicle. Mr. Leiendecker informed the Applicant that the only way to prove that this was an accident is that the body be recovered and an autopsy completed on the victim. The Applicant agreed to meet at the Sheriff's Department, while there, Mr. Leiendecker met with Applicant in a conference room for about twenty minutes. During that time the Applicant used Mr. Leiendecker iPad to reveal where he buried the victim's body. Mr. Leiendecker showed the authorities the iPad revealing the location of the body.

A search of the area was conducted and they eventually found the victim's remains. The remains were buried in a shallow grave about two and a half feet deep. The body was nude from the waist down with her shirt and bra pulled up to her neck. (R. p. 373 lines 2-14). There was black electrical tape around her neck and wrists. (R. p. 373 lines 23-24, R. p. 377 lines 22-25).

An autopsy was performed by Dr. Nicholas Batalis, forensic pathologist at the Medical University of South Carolina. He determined that there was extensive decomposition of the body, making it clear that she was dead for a long period of time before discovery. (R. p. 372 lines 11-13). Due to this decomposition he was unable to determine if there was any sexual assault or an exact cause of death. He determined that she could have possibly been strangled due to fractures of both sides of her thyroid cartilage which is common with manual strangulation, however, he could not pronounce that is an exact cause of death. (R. p. 382 lines 2-5). He suspected asphyxia by way of strangulation around the neck, due to the tape wrapped around the neck and the blunt force injuries; however, he determined that the cause of death was homicidal violence. (R. p. 488 lines 4-11).

### **III. Allegations Raised and Relief Sought in Post-Conviction Relief Application**

Applicant timely commenced this post-conviction relief action on May 14, 2021. Applicant asserts he is being held in custody unlawfully, alleging:

1. Ineffective assistance of counsel for failure to investigate
2. Newly discovered evidence
  - a. Great Seal
  - b. Fraud upon the Court
  - c. Subject matter jurisdiction

Applicant requests relief as follows:

“vacate and remand”.

Attached to this return and incorporated by reference are the Dorchester County Clerk of Court records regarding the subject convictions; Applicant’s records from the South Carolina Department of Corrections; a full and complete record of Applicant’s direct appeal, including the trial transcript; and the records of the current PCR action. The State reserves the right to amend this return upon receipt of any relevant materials.

### **IV. Partial Motion to Dismiss in Response to Newly-Discovered Evidence Allegation**

Applicant’s assertion he is being held in custody unlawfully as a result of newly-discovered evidence, such that he is entitled to an evidentiary hearing, is without merit. The Act states a person may institute a PCR action if “there exists evidence or material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice.” S.C. Code Ann. § 17-27-20(A)(4).

“If the applicant contends there is evidence of a material fact not previously presented, the PCR application must be filed *within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence.*” S.C. Code Ann. § 17-27-45(C) (emphasis added). An applicant requesting

a new trial based on after-discovered evidence following a conviction must show that the evidence:

- (1) Is such as would probably change the result if a new trial was had;
- (2) Has been discovered since the trial;
- (3) Could not by the exercise of due diligence have been discovered before the trial;
- (4) Is material to the issue of guilt or innocence; and,
- (5) Is not merely cumulative or impeaching.

*Hayden v. State*, 278 S.C. 610, 611, 299 S.E.2d 854, 855 (1983) (citing *State v. Caskey*, 273 S.C. 325, 256 S.E.2d 737 (1979)).

In this instance, Applicant alleges his conviction is unconstitutionally invalid because there is no visible impression of the Great Seal on the following Act of which he was convicted. This allegation is without merit, as our Supreme Court has held that absolute literal compliance is not essential to valid legislation, but substantial compliance is sufficient. *Smith v. Jennings*, 67 S.C. 324, 45 S.E. 821, 824 (1903); *see, e.g.*, S.C. Op. Att’y Gen., 2017 WL 6189878 (S.C.A.G. Dec. 1, 2017). Further, under the Enrolled Bill Rule, an act is deemed to be properly passed when it has been ratified by the presiding officers of the General Assembly, approved by the Governor, and enrolled in the Office of Secretary of State. *Med. Soc. of S.C. v. Med. Univ. of S.C.*, 334 S.C. 270, 278, 513 S.E.2d 352, 356 (1999); *Beaufort Cty. v. Jasper Cty.*, 220 S.C. 469, 487, 68 S.E.2d 421, 430 (1951); *State v. Town Council of Chester*, 39 S.C. 307, 17 S.E. 752, 755 (1893) (“when the bill . . . is deposited in the department of state, according to law, its authentication as a bill that has passed congress is complete and unimpeachable).

Other jurisdictions have upheld acts challenged as invalid because there was not strict compliance with a constitutional provision. *See Taylor v. Wilson*, 17 Neb. 88, 22 N.W. 119 (1885) (finding an act was not unconstitutional when the president of the senate did not sign it as required by the state’s constitution); *Leavenworth Cty. Comm’rs v. Higginbotham*, 17 Kan. 62 (1876)

(“[T]he mere failure of the president of the senate to do his duty cannot have the effect to invalidate the law.”).

Our Supreme Court has held codification of an act will cure a constitutional defect, and is part of the general statutory law of the State. *S.C. Tax Comm’n v. York Elec. Co-op., Inc.*, 275 S.C. 326, 333, 270 S.E.2d 626, 629–30 (1980). Therefore, these laws are enforceable, and Applicant’s allegation lacks merit.

Before the Court will hold an evidentiary hearing, Applicant must make a *prima facie* showing he is entitled to relief. *Welch*, 246 S.C. 258, 143 S.E.2d 455. In this case, Applicant’s discovery of the missing Great Seals under Article III, Section 18 does not constitute newly-discovered evidence because the Act at issue here meets the “substantial compliance” requirement, making it enforceable and Applicant’s allegations meritless. Applicant has therefore failed to meet his burden under sections 17-27-20(A)(4) and 17-27-45(C).<sup>3</sup>

In addition to being meritless, the State submits this allegation is not a cognizable PCR claim. A PCR action does not serve as a substitute for direct appeal, and an issue that could have been raised at applicant’s trial or on appeal is not cognizable in an application for PCR. S.C. Code Ann. § 17-27-20(B); *Simmons v. State*, 264 S.C. 417, 215 S.E.2d 883 (1974). In a PCR action, “when asserting the erroneous admission of evidence, a violation of a constitutional right, or other errors in a proceeding, the applicant generally must frame the issue as one of ineffective assistance of counsel.” *Drayton v. Evatt*, 312 S.C. 4, 9, 430 S.E.2d 517, 520 (1993). Applicant’s allegation

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<sup>3</sup> Similarly alleging his due process rights were violated, Applicant urges this Court to allow him to proceed with PCR action, based on alleged fraud upon the court. Based on the above analysis, Applicant’s claim is legally meritless. As a result, Applicant has failed to prove by clear and convincing evidence that the missing Great Seal has stopped the judicial machinery from “perform[ing] in the usual manner.” *Sanders v. Smith*, 431 S.C. 605, 613, 848 S.E.2d 604, 608 (Ct. App. 2020); *See Chewning v. Ford Motor Co.*, 354 S.C. 72, 78, 579 S.E.2d 605, 608 (2003). Thus, Applicant’s allegations of fraud are baseless and offer him no grounds for relief.

that there is no visible impression of the Great Seal on certain Acts of which he was convicted could have been raised at trial and thereafter on appeal. Accordingly, the State moves to summarily dismiss this allegation pursuant to section 17-27-70 on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that this allegation should be dismissed as a matter of law.

**V. Partial Motion to Dismiss in Response to Allegation the Circuit Court Lacked Subject Matter Jurisdiction**

The State submits that the Applicant's allegation that the circuit court lacked subject matter jurisdiction is meritless, and therefore this allegation should be summarily dismissed. A circuit court has subject matter jurisdiction to convict a defendant of an offense if there is an indictment that sufficiently states the offense, the defendant waives presentment, or the offense is a lesser-included offense of the crime charged in the indictment. *State v. Wilkes*, 353 S.C. 462, 464-465, 578 S.E.2d 717, 719 (2003) (citing *Brown v. State*, 343 S.C. 342, 540 S.E.2d 846 (2001)). In this case, the Applicant was indicted by the Dorchester County Grand Jury. That indictment was true-billed and signed by the foreman of the Grand Jury. The said indictment contains all the necessary elements of the offense, and further cites the applicable statute. A presumption of regularity attaches to all proceedings in the courts of this State, and it is incumbent upon one who challenges a proceeding to prove his claims. *See, e.g., Tate v. State*, 345 S.C. 577, 549 S.E.2d 601 (2001); *Pringle v. State*, 287 S.C. 409, 339 S.E.2d 127 (1986). Here, Applicant cannot show any irregularity, because the indictments in question are sufficient on their face. Therefore, the Court should summarily dismiss this allegation.

**VI. Response to Allegations of Ineffective Assistance of Trial Counsel**

Applicant asserts counsel was ineffective for failure to investigate. Without more definite facts and circumstances to support Applicant's claims, it is impossible for Respondent to respond



specifically to these vague allegations. Instead, Respondent responds generally and moves for Applicant, through appointed counsel, to file an amended return with specific allegations.

The Sixth and Fourteenth Amendments to the United States Constitution guarantee Applicant—like all other defendants—the right to “assistance by an attorney, whether retained or appointed, who plays the role necessary to ensure that the trial is fair.” *Strickland v. Washington*, 466 U.S. 668, 685 (1984). Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive *effective* assistance of counsel guaranteed by the Sixth Amendment. *See generally* S.C. Code Ann. § 17-27-20(A) (enumerating allegations cognizable in PCR actions). The allegation of denial of such representation sets forth a *prima facie* violation of this constitutional right, and raises a question of fact that can only be determined by an evidentiary hearing. *Rogers v. State*, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence. *Butler v. State*, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). The reviewing court applies the two-part test outlined in *Strickland* to determine whether counsel’s conduct “was so ineffective as to require reversal” of the applicant’s conviction. 466 U.S. at 687. To obtain relief, a PCR applicant must prove (1) counsel’s performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel’s deficient performance. *Id.* at 687–88; *Cherry v. State*, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim. *Strickland*, 466 U.S. at 700; *see also Bell v. Cone*, 535 U.S. 685, 695 (2002) (explaining that “[w]ithout proof of both deficient performance and prejudice to the defense, . . . it could not be said that the sentence or conviction resulted from a breakdown in the adversary process that rendered the result of the proceeding unreliable” (citation and internal

quotation marks omitted)).

The first prong—constitutional deficiency—is “necessarily linked to the practice and expectations of the legal community.” *Padilla v. Kentucky*, 559 U.S. 356, 366 (2010). An applicant making a claim of ineffective assistance “must identify the acts or omissions of counsel that are alleged *not* to have been the result of reasonable professional judgment.” *Strickland*, 466 U.S. at 690 (emphasis added). The reviewing court must then “determine whether, in light of all the circumstances, the identified acts or omissions were outside the wide range of professionally competent assistance” demanded of attorneys in criminal cases. *Id.* Because of the difficulties inherent in making such an evaluation, the reviewing court must indulge in a “strong presumption that counsel’s conduct falls within the wide range of reasonably professional assistance.” *Butler*, 286 S.C. at 445, 334 S.E.2d at 816. The applicant must overcome this presumption to receive relief. *Cherry*, 300 S.C. at 118, 386 S.E.2d at 625.

Review of counsel’s actions is hallmarked by deference, as “it is all too tempting for a defendant to second-guess counsel’s assistance after conviction or an adverse sentence, and it is all too easy for a court, examining counsel’s defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable.” *Strickland*, 466 U.S. at 689; *see also Yarborough v. Gentry*, 540 U.S. 1, 6 (2003) (“The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight.”). No particular set of detailed rules for counsel’s conduct can satisfactorily take account of the variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how best to represent a criminal defendant. *Strickland*, 466 U.S. at 688–89; *see id.* at 691 (“Representation is an art, and an act or omission that is unprofessional in one case may be sound or even brilliant in another.”). Thus, a fair assessment of attorney performance requires every effort be made to eliminate the

distorting effects of hindsight, to reconstruct the circumstances of counsel's challenged conduct, and to evaluate the conduct from counsel's perspective at the time. *Id.* at 689. The ultimate question is not whether counsel's actions were reasonable, but whether there is any reasonable argument counsel satisfied *Strickland's* deferential standard.

The second, or "prejudice" prong of *Strickland* is rooted in the very purpose of the Sixth Amendment guarantee of counsel—to ensure a defendant has the assistance necessary to justify reliance on the outcome of the proceeding. 466 U.S. at 691–92. In order to prove prejudice, an applicant must demonstrate counsel's deficient performance prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625. A reasonable probability is a probability "sufficient to undermine confidence in the outcome." *Strickland*, 466 U.S. at 694. *See id.* at 695 (Where a defendant challenges his conviction, he must show that there exists "a reasonable probability that, absent the errors, the factfinder would have had a reasonable doubt respecting guilt").

In determining prejudice, the reviewing court must consider the totality of the evidence before the jury. *Id.* at 695. It is not sufficient "to show [counsel's] errors had some conceivable effect" on the outcome of the proceeding—counsel's errors must be "so serious as to *deprive the defendant of a fair trial.*" *Id.* at 687 (emphasis added). "An error by counsel, even if professionally unreasonable, does not warrant setting aside the judgment of a criminal proceeding if the error had no effect on the judgment." *Id.* at 691. Moreover, the South Carolina Supreme Court has repeatedly held a PCR applicant must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the PCR hearing in order to establish prejudice. *Bannister v. State*, 333 S.C. 298, 303, 509 S.E.2d 807, 809 (1998).

The *Strickland* standard must be applied with scrupulous care, lest “intrusive post-trial inquiry” threaten the integrity of the very adversary process the right to counsel is meant to serve. 466 U.S. at 689-690. Courts must be wary of second guessing counsel’s trial tactics; and where counsel articulates a valid reason for employing such strategy, such conduct is not ineffective assistance of counsel. *Whitehead v. State*, 308 S.C. 119, 417 S.E.2d 529 (1992). The applicant’s burden of proving both *Strickland* components is heavy in light of the strong presumption that counsel’s conduct fell within the range of reasonable professional legal assistance. 466 U.S. at 690. Representation is constitutionally ineffective only if counsel’s conduct “so undermined the proper functioning of the adversarial process” that the defendant was denied a fair proceeding. *Strickland*, 466 U.S. at 686; see *Nix v. Whiteside*, 475 U.S. 157, 175 (1986) (noting that under *Strickland*, the “benchmark” of the right to counsel is the “fairness of the adversary proceeding”).

As discussed, it is impossible for Respondent to reply specifically to Applicant’s claims without more facts and detail. Therefore, Respondent moves for Applicant, through appointed counsel, to file an amended return.

## **VII. Motion for a More Definite Statement**

The Uniform Post-Conviction Procedure Act requires applicants to “*specifically set forth the grounds upon which the application is based.*” S.C. Code Ann. § 17-27-50 (1985) (emphasis added). In an application for post-conviction relief, it is incumbent upon the applicant to make a *prima facie* showing entitling them to relief before an evidentiary hearing will be scheduled and held. *Welch v. MacDougall*, 246 S.C. 258, 143 S.E.2d 455 (1965); *Blandshaw v. State*, 245 S.C. 385, 140 S.E.2d 784 (1965). Rule 71.1(d), SCRPC, provides appointed PCR counsel “shall insure that all available grounds for relief are included in the application and shall amend the application

if necessary.”

Here, Applicant has failed to state with any specificity the facts giving rise to her allegation of ineffective assistance of counsel, as required by Section 17-27-50. Therefore, the State moves pursuant to Rule 12(e), SCRCP, and Rule 71.1(d), SCRCP, to require Applicant, through PCR counsel, to provide a more definite statement of his allegation of ineffective assistance of counsel.

Furthermore, Rule 8(a), SCRCP, requires all civil pleadings include “a short and plain statement of the facts showing that the pleader is entitled to relief.” Accordingly, the State moves to require Applicant to file an amended application well in advance of the hearing scheduled in this matter. If Applicant fails to file a timely and responsive amended application setting forth specific allegations for relief, the State reserves the right to move to dismiss the application for failure to state a claim.

#### **VIII. Any Future Amendments and Invocation of Discovery Process**

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. *See* Rule 11, SCRCP. *Pro se* filings will not be considered at the PCR hearing. The State reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State pursuant to *Love v. State*, 428 S.C. 231, 834 S.E.2d 196 (2019), or, alternatively, the State will request a continuance in the matter. *Id.*, 428 S.C. at 245, 834 S.E.2d at 203 (Kittredge, J., dissenting) (“If, however, the proposed amendment. . . would truly prejudice the State, the better course of action would be to continue the matter and thus remove any possibility of prejudice resulting from the belated amendments.”).

If Applicant fails to file a timely and responsive amended application setting forth specific allegations for relief, the State reserves the right to move to dismiss this allegation or claim. S.C.

Code Ann. §§ 17-27-10 to -160; Rule 71.1, SCRCP. *See also* Rules 15(a)–(b), SCRCP. The State reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State. *See* Rule 15(a), SCRCP.

Pursuant to S.C. Code Ann. § 17-27-150, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, the State requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to the State well in advance of the evidentiary hearing. As noted above, the State reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to the State. *See Love*, 428 S.C. 231, 834 S.E.2d 196.

#### **IV. Response to Any and All Other Allegations**

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this return is hereby denied.

**X. Conclusion**

WHEREFORE, the State moves to dismiss the allegations of newly-discovered evidence, fraud upon the court, and the allegation that the circuit court lacked subject matter jurisdiction. Additionally, the State moves for a more definite statement and the opportunity to respond to the more definite statement if necessary. Once a more definite statement is provided, the State requests an evidentiary hearing be held on the claim of ineffective assistance of counsel.

Respectfully submitted,

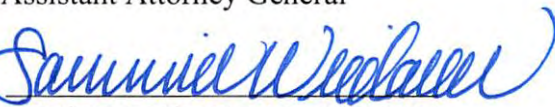
ALAN WILSON  
Attorney General

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Chief Deputy Attorney General

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Senior Assistant Deputy Attorney General

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Assistant Attorney General

By:



ATTORNEYS FOR THE STATE  
Office of the Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211

October 13, 2021





STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

FILED-RECORDED

2022 FEB 18 PM 12:28

COURT OF COMMON PLEAS

FOR THE FIRST JUDICIAL CIRCUIT

Case No.: 2021-CP-18-01214

Edward P. Bonilla, SCDC #369324

Applicant,

v.

State of South Carolina.

JERIL G. GRAHAM  
CLERK OF COURT  
DORCHESTER COUNTY**AMENDED POST-CONVICTION  
RELIEF APPLICATION**

The Applicant, by and through his undersigned attorney, hereby amends his PCR application filed on July 6, 2021, to add the following allegations:

1. Ineffective assistance of counsel for

- (a) Improperly disclosing the location of the victim's body without the informed consent of the Applicant.
- (b) Failing to retain the services of expert witnesses on the issue of blood spatter or forensic pathology.
- (c) Failing to meet with the Applicant sufficient times prior to trial.
- (d) Failing to move for a continuance of his trial to allow Applicant and trial counsel sufficient time to consult on trial strategy.
- (e) Failure to object to statements by the prosecutor and the trial judge that the jury's verdict must "speak the truth."

Furthermore, the Applicant requests that he be permitted to amend his PCR application to conform to the evidence presented at the PCR hearing should any new or unaddressed issues arise during the course of the hearing that have not been specifically addressed in the Application. *See Simpson v. Moore*, 367 S.C. 587, 627 S.E.2d 701 (2006).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. H. Lifsey", is written over a horizontal line.

MICHAEL H. LIFSEY

PO Box 548

CHESTER, SC 29706

803-899-5040

MICHAEL.LIFSEY@GMAIL.COM

SC BAR No. 015154

ATTORNEY FOR APPLICANT

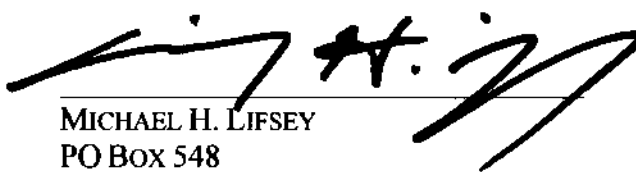
February 16, 2022

**CERTIFICATE OF SERVICE**

I certify that I have served this document via first class mail on:

Samantha J. Weidauer  
Assistant Attorney General  
Office of the Attorney General  
PO Box 11549  
Columbia, SC 29211

This 16<sup>th</sup> Day of February, 2022.



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ATTORNEY FOR APPLICANT

February 16, 2022

FILED  
2022 FEB 18 PM 12:28  
CLERK OF COURT  
SOUTH CAROLINA

STATE OF SOUTH CAROLINA ) COURT OF COMMON PLEAS  
 COUNTY OF DORCHESTER ) FOR THE FIRST JUDICIAL CIRCUIT  
 Case No.: 2021-CP-18-01214

Edward P. Bonilla, SCDC #369374 )  
 CLERK OF COURT  
 DORCHESTER COUNTY

Applicant, )

v. )

State of South Carolina. )  
 \_\_\_\_\_ )

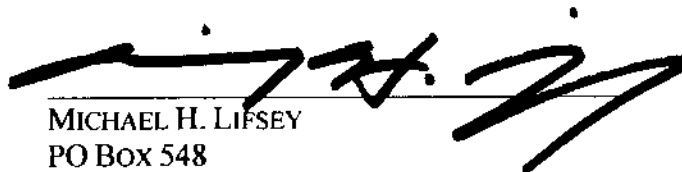
**SECOND  
 AMENDED POST-CONVICTION  
 RELIEF APPLICATION**

The Applicant, by and through his undersigned attorney, hereby amends his PCR application filed on July 6, 2021, to add the following allegations:

1. Ineffective assistance of counsel for
  - (a) Improperly disclosing the location of the victim's body without the informed consent of the Applicant.
  - (b) Failing to retain the services of expert witnesses on the issue of blood spatter or forensic pathology.
  - (c) Failing to meet with the Applicant sufficient times prior to trial.
  - (d) Failing to move for a continuance of his trial to allow Applicant and trial counsel sufficient time to consult on trial strategy.
  - (e) Failure to object to statements by the prosecutor and the trial judge that the jury's verdict must "speak the truth."
  - (f) Failing to properly advise Applicant on his right to testify or not to testify.
  - (g) Failing to properly challenge the admissibility of evidence seized and introduced against Applicant.

2. The ineffective assistance of counsel as described above, both individually and in cumulative effect, resulted in prejudice to the Applicant and absent such ineffective assistance of counsel, the results of his trial would have been different.
3. Furthermore, the Applicant requests that he be permitted to amend his PCR application to conform to the evidence presented at the PCR hearing should any new or unaddressed issues arise during the course of the hearing that have not been specifically addressed in the Application. *See Simpson v. Moore*, 367 S.C. 587, 627 S.E.2d 701 (2006).

Respectfully submitted,



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ATTORNEY FOR APPLICANT

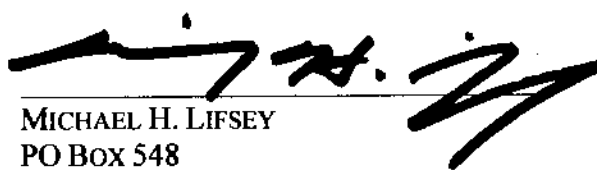
January 9, 2024

**CERTIFICATE OF SERVICE**

I certify that I have served this document via first class mail on:

Bryan T. Hall  
Assistant Attorney General  
Office of the Attorney General  
PO Box 11549  
Columbia, SC 29211

This 9<sup>th</sup> Day of January, 2024.



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ATTORNEY FOR APPLICANT

January 9, 2024

2024 JAN 16 PM 3:41  
CLERK OF COURT  
HORRINGER COUNTY

|                          |   |                              |
|--------------------------|---|------------------------------|
| State of South Carolina  | ) | In the Court of Common Pleas |
|                          | ) | First Judicial Circuit       |
| County of Dorchester     | ) | Case No. 2021-CP-18-01214    |
|                          | ) |                              |
| Edward Bonilla,          | ) |                              |
|                          | ) |                              |
| Applicant,               | ) |                              |
|                          | ) |                              |
| -vs-                     | ) | Transcript of Record         |
|                          | ) |                              |
| State of South Carolina, | ) |                              |
|                          | ) |                              |
| Respondent.              | ) |                              |
|                          | ) |                              |

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February 5, 2024  
St. George, South Carolina

B E F O R E:

The Honorable Paul M. Burch, Judge

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

Michael Lifsey, Esquire  
Attorney for the Applicant

Bryan T. Hall, Esquire  
Attorney for the Respondent/State

Proceedings taken down electronically

Transcribed by:  
Krystal J. Smith  
Official Circuit Court Reporter III

I N D E X

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E X H I B I T S

| <u>NO.</u> | <u>DESCRIPTION</u> | <u>ID.</u> | <u>EV.</u> |
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(No Exhibits Presented)

COURT REPORTER LEGEND

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| dashes   | --    | intentional or purposeful interruption |
|          |       | or change in thought                   |
| ellipses | . . . | trailing off                           |
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| [sic]    |       | written as said                        |

1 FEBRUARY 5, 2024

2 (WHEREUPON, the proceedings began at 11:38 a.m.)

3 MR. HALL: May it please the Court. Assistant Attorney  
4 General Bryan Hall for the State. This is the case of Edward  
5 Bonilla versus State of South Carolina, 2021-CP-18-01214. Mr.  
6 Bonilla was indicted by the Dorchester County Grand Jury in  
7 December of 2015 for murder. That indictment number is 2015-  
8 GS-18-0606.

9 Mr. Bonilla proceeded to a jury trial between August 8th  
10 and 11th of 2016 before the Honorable Doyet Early III. Donald  
11 Sorensen and Ryan Templeton prosecuted the case, and Mr.  
12 Bonilla was represented by Russell Hilton and Mandy Kimmons at  
13 trial. Mr. Bonilla was convicted and sentenced to life  
14 without parole.

15 He appealed his conviction on August -- in August of 2016  
16 and was represented by Chief Appellate Defender Robert Dudek,  
17 raising four issues of whether the trial issue -- whether the  
18 trial court erred in finding Mr. Bonilla gave his attorney  
19 informed consent to disclose the location of the victim's  
20 body, whether the trial court erred in admitting evidence  
21 obtained from the search of Mr. Bonilla's mother's Hyundai  
22 Sonata, and whether -- whether the trial court erred in  
23 admitting evidence obtained from the search of a vehicle owned  
24 by Mr. Bonilla's employer, and whether the trial court erred  
25 in refusing to grant Mr. Bonilla an in-camera hearing on the

1 qualifications of Investigator Scott and the reliability of  
2 his testimony.

3 On December 31st, 2019, the Court of Appeals affirmed  
4 both the conviction and sentence, and a writ of certiorari was  
5 denied by the Supreme Court. On December 1st, 2020, the  
6 remittitur was sent, and this -- this PCR application was  
7 filed on July 6th of 2021. Since then, Mr. Bonilla has filed  
8 two amendments, and he is raising and proceeding on the  
9 following allegations.

10 For ineffective assistance of counsel improperly  
11 disclosing the location of the victim's body without informed  
12 consent, and that's against Counsel Leiendecker; for failing  
13 to retain the services of expert witnesses on the issue of  
14 blood spatter or forensic -- forensic pathology, excuse me;  
15 failing to meet with Mr. Bonilla a sufficient number of times;  
16 failing to move for a continuance to allow new counsel  
17 sufficient time to build trial strategy; failure to object to  
18 statements made by prosecutor and the trial judge that the  
19 jury heard that they must seek the truth; failing to properly  
20 advise Mr. Bonilla of his right to testify; and failing to  
21 properly challenge the admissibility of the evidence seized  
22 and introduced against Mr. Bonilla.

23 Mr. Bonilla is present and represented by Michael Lifsey,  
24 and the State is ready to proceed. We'll allow Mr. Lifsey to  
25 clarify anything that I may have stated. We're ready to

1 proceed, Your Honor.

2 THE COURT: Thank you.

3 MR. LIFSEY: We're ready to proceed, Judge. I assume  
4 somewhere up there in the packet is a copy of what I titled  
5 the Second Amended Post-Conviction Relief Application that  
6 lays out the grounds. We'll proceed on those grounds.

7 I will say, Judge, for the record that before the Court  
8 considers your decision, I'm asking you also take into account  
9 obviously the transcript from the trial, specifically that  
10 there was a pretrial hearing with regards to the informed  
11 consent issue that was ordered in, if I can refer to the  
12 entirety on that ground. So I'd ask you not to make any  
13 decision before the matter being discussed and the issues that  
14 came forward at that time, Judge.

15 We're ready to proceed. I'd call Mr. Bonilla to the  
16 stand. I'm sorry.

17 THE COURT: All right. Come around to be sworn.

18 THE BAILIFF: Follow me around. Watch your step.

19 THE APPLICANT: Yes, sir.

20 THE CLERK: Come around here. Please raise your right  
21 hand. State your full name for the record.

22 THE APPLICANT: Edward Primo Bonilla.

23 THE CLERK: Do you solemnly swear or affirm to tell the  
24 truth, the whole truth, and nothing but the truth, so help you  
25 God?

## EDWARD BONILLA - DIRECT BY MR. LIFSEY

1 THE APPLICANT: Yes, ma'am, I do.

2 MR. LIFSEY: May it please the Court, Your Honor.

3 THE COURT: Yes, sir.

4 EDWARD BONILLA, being first duly  
5 sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. LIFSEY:

8 Q: Would you state your full name, please?

9 A: Edward Primo Bonilla.

10 Q: Mr. Bonilla, where are you serving your time right now?

11 A: I'm at Ridgeland Corrections Facility.

12 Q: All right. And what are you convicted of?

13 A: I'm convicted of murder.

14 Q: All right. You went to trial in that case; is that  
15 right?

16 A: Yes, sir.

17 Q: I want to talk to you about your lawyers. Who was the  
18 first lawyer you had in this matter?

19 A: For the murder conviction or just --

20 Q: For the murder.

21 A: It was Mr. Leiendecker.

22 Q: Okay. That's Mark Leiendecker, who was the circuit  
23 defender at the time in the First Circuit; is that right?

24 A: Yes, sir.

25 Q: All right. I want to talk to you about how Mr.

## EDWARD BONILLA - DIRECT BY MR. LIFSEY

1 Leiendecker -- tell us a little bit about how Mr. Leiendecker  
2 got involved and what was the nature of your initial  
3 conversations? What were they about?

4 A: Now, I'm not 100 percent sure how Mr. Leiendecker was  
5 actually assigned to me.

6 Q: Yeah.

7 A: But, well, our first conversation that we had was at  
8 Dorchester County's -- you know, their jail.

9 Q: Were you taken into custody at the time Mr. Leiendecker  
10 was -- you first spoke with him?

11 A: No. I mean, yeah, I was in custody.

12 Q: Gotcha.

13 A: Yes, sir.

14 Q: That's what I meant. All right.

15 A: Okay.

16 Q: You are in custody and the police questioned you?

17 A: They were until they found out I had a lawyer.

18 Q: Gotcha. All right. So you and Mr. Leiendecker talked;  
19 is that correct?

20 A: Yes, sir.

21 Q: Tell the Court a little bit about what you talked about  
22 and what was the subject matter y'all were discussing?

23 A: Well, our very first conversation was just he came to me,  
24 let me know that I was going to be convicted with murder, and  
25 I really just kind of told him the gist of what was going on.

## EDWARD BONILLA - DIRECT BY MR. LIFSEY

1 And then that was our first meeting, and then we had another  
2 meeting. I believe it was here when they brought me to speak  
3 to him again, and that's when I explained everything that  
4 happened on the night of Ms. Pegram's passing, and --

5 Q: Let me -- let me stop you just a minute just to clarify  
6 now. At the time you had those conversations, the victim in  
7 this case, had they found her body?

8 A: No, sir.

9 Q: Did you and Mr. Leiendecker discuss where her body might  
10 be?

11 A: Yes, sir. I explained to him, you know, everything that  
12 had happened that night, and it just -- you know, he -- he  
13 explained to me why he -- I explained to him what happened,  
14 and then he told me -- he asked me if I could show him, you  
15 know, where Ms. Pegram was at, and --

16 Q: I'm going to stop you just a minute. Let's just go ahead  
17 and get this out. What was your version of what happened that  
18 you told Mr. Leiendecker?

19 A: The whole story from --

20 Q: Specifically, as to how she died.

21 A: Okay.

22 Q: I know it's hard for you, but as a matter of fact, I'm  
23 going to --

24 A: Yeah.

25 Q: Okay? And I don't need the gory details. I'm just

EDWARD BONILLA - DIRECT BY MR. LIFSEY

1 saying did you tell him it was an accident or something. Tell  
2 him what the gist of what you told him. Okay? And would you  
3 speak up as best you can?

4 A: Yes, sir.

5 Q: I don't know if that mic is on or not. I don't believe  
6 any of them are on. Hang on just a second until we can figure  
7 that out.

8 MR. LIFSEY: All right. Thank you, ma'am. Sorry about  
9 that.

10 BY MR. LIFSEY:

11 Q: So speak up so everybody can hear you good. Okay?

12 A: Okay. I explained to him what happened, how I met her,  
13 where we went, where, you know, the accident occurred, where  
14 she expired. And then I told him, you know, all the details  
15 after the fact, after she had expired, and he asked me if I  
16 could -- he had a map, could I show him where she was at --  
17 where she was at, and then my question was, well, how do you  
18 -- you know, how do you plan on doing that? And he told me  
19 the next time that we were to meet, he would bring his iPad  
20 and he could use whatever map he had on there.

21 Q: All right. Let me pause you just a second. Now, just to  
22 clarify, you told him -- you referred to it a minute ago in  
23 your testimony as an accident; is that correct?

24 A: Yes, sir.

25 Q: So let's just get out, what did you tell him happened



## EDWARD BONILLA - DIRECT BY MR. LIFSEY

1 that led to her death?

2 A: Well, she -- she had to use the restroom, so we pulled  
3 over. Well, I pulled over into -- it was a dirt road. It was  
4 actually opposite of the road that would take me to her house,  
5 which I should have just took her home, but we pulled over.  
6 And as she was using the restroom, I just -- I decided to  
7 leave and when I -- she must have been behind the vehicle  
8 because I felt the vehicle bump.

9 I got out. She was -- she was actually kind of irate,  
10 swinging. I put her, I guess you could say, in a bear hug or  
11 I restrained her from behind. And just from that, after a  
12 minute or so or two, I'm not exactly how long it took or that,  
13 and she just went limp. I let go.

14 Q: I gotcha. But you told him that, and how long had it  
15 been when you talked to him or were having these conversations  
16 with him? How long was it relevant from when the accident  
17 happened to these conversations? A period of days?

18 A: It had been months, a few months, at least three.

19 Q: So you're talking about several months later, he began  
20 asking you about the location of --

21 A: No. I mean, I'm not really clear on the question that  
22 you're asking.

23 Q: Did -- all right. So at some point he began asking you  
24 about the location of the body?

25 A: After I spoke with him about it, yes, sir.

## EDWARD BONILLA - DIRECT BY MR. LIFSEY

1 Q: Correct. And that was several months after she had been  
2 killed; right?

3 A: Yes, sir.

4 Q: All right. So, presumably -- well, I'll just leave it at  
5 that. So what did -- did you tell him again about where the  
6 body was or did you tell him you couldn't tell him, you  
7 couldn't let him know?

8 A: When he asked me if I'd be able to point it out on a map  
9 if he had one.

10 Q: Did he tell you why he wanted to know?

11 A: He said that if he can negotiate with the solicitor or  
12 whoever it was, that he can have Ms. Pegram examined at MUSC  
13 as opposed to going to Newberry.

14 Q: All right. So let me back this up. You indicated that  
15 Mr. Leiendecker told you you could potentially use the  
16 location of her body to negotiate something with the  
17 prosecutor; is that correct?

18 A: I wasn't sure if he said the prosecutor, but whoever --

19 Q: The solicitor or whoever?

20 A: Whoever he was, you know, I guess whoever was in charge  
21 of the prosecution or something. I -- I'm not 100 percent  
22 sure. So I can't assume what he said to who.

23 Q: What -- what benefit did he indicate you were going to  
24 receive? I think you already said it, but I just wanted to  
25 make this clear. What benefit did he tell you you were going

## EDWARD BONILLA - DIRECT BY MR. LIFSEY

1 to receive in exchange for -- for letting them know about the  
2 location?

3 A: Yeah. He informed me that if they were to locate her  
4 body and it went to Newberry, that they would just -- they  
5 would not do a thorough investigation and that they would  
6 basically just automatically write it up as a homicide. And  
7 if it were -- if she were to go to MUSC, then they would do a  
8 more thorough examination to corroborate my story, to  
9 hopefully realize that it was a -- an accident of why she  
10 expired.

11 Q: What -- so that was the only benefit you were getting out  
12 of that?

13 A: Yes, sir.

14 Q: There was no discussion of whether or not you would get  
15 help with charges or time or anything like that? Just the  
16 autopsy issue?

17 A: Yes, sir.

18 Q: And this was a significant period of time after her  
19 death; right?

20 A: Yes, sir.

21 Q: And -- okay. All right. Tell us about how you  
22 ultimately -- you said you met and he said he needed an iPad.  
23 At some point, he would bring an iPad back. What happened  
24 then? Tell us about that.

25 A: Well, after the meeting, it had to have been a week or so

EDWARD BONILLA - DIRECT BY MR. LIFSEY

1 later. I'm not 100 percent on the actual time period. I was  
2 called to go downstairs because I -- or I was called to go --  
3 at Dorchester County I was upstairs, so I refer to it as going  
4 downstairs, but I was called to the booking area and was  
5 informed that I had a lawyer phone call, and so I spoke with  
6 him on the phone.

7 Q: Him still being Mr. Leiendecker?

8 A: Yes, sir. I spoke with Mr. Leiendecker on the phone. He  
9 informed me that two CID agents were coming to pick me up to  
10 take me down to their office to disclose the location of Ms.  
11 Pegram.

12 And during that conversation, I asked him, you know, why?  
13 Why was he doing that? You know, I wasn't -- it kind of hit  
14 me from, you know, sideways, because I wasn't really -- from  
15 our -- from our previous conversation, I did not have any  
16 understanding that he was going to go to them and, you know,  
17 disclose that information that I know the location of Ms.  
18 Pegram.

19 Q: So when you spoke to him -- I just want to make sure I  
20 understand what you just said. You're saying he told you you  
21 were going to be brought to the detectives to tell them where  
22 the body was; right?

23 A: When I was on the telephone with him. This is after the  
24 meeting of when I told him.

25 Q: So it was your impression at that point that the -- that

## EDWARD BONILLA - DIRECT BY MR. LIFSEY

1 they knew, they being the detectives, knew that you knew where  
2 her body was; right?

3 A: When they were on their way to come get me, yes, sir.

4 Q: And that couldn't have come from anybody but Mr.  
5 Leiendecker, could it have?

6 A: Yes, sir.

7 Q: All right. So what did you do?

8 A: First, I was kind of reluctant because, like I said, I  
9 was really kind of -- I was just in shock at first. And when  
10 I tried to explain to him what was going on, and he -- he said  
11 something.

12 Q: You're talking about he. Tell me who.

13 A: I'm talking about Mr. Leiendecker. He said something,  
14 and then I said something back to the -- to the regards of,  
15 you know, if I -- if I can't get you to believe me, then how  
16 am I going to -- how is a jury going to believe me? And  
17 that's what he was telling me, that this is probably the best  
18 course of action was to disclose her remains so as they can do  
19 the autopsy and, you know, corroborate my story.

20 Q: So did you do that?

21 A: Yes, actually, I did.

22 Q: Was Mr. Leiendecker present when you did that?

23 A: Mr. Leiendecker was present.

24 Q: What did Mr. Leiendecker say? Did he give you any  
25 further advice or anything else?

## EDWARD BONILLA - DIRECT BY MR. LIFSEY

1 A: No, sir.

2 Q: And once again, you're saying the only -- was there ever  
3 any benefit you received from this beyond where an autopsy of  
4 a body that was missing several months was performed?

5 A: No, sir.

6 Q: Prior, when you got that phone call from Mr. Leiendecker  
7 indicating that you were to go downstairs and tell the  
8 detectives where the body was, had you authorized him at that  
9 point to disclose to the detectives that you knew where the  
10 body was?

11 A: From my understanding, no, sir.

12 Q: At any point prior to -- to that disclosure and your  
13 subsequent disclosures, did Mr. Leiendecker ever discuss with  
14 you the negative consequences of you making such a disclosure?

15 A: If he did, I do not remember that.

16 Q: So you mentioned the alleged benefit of where the autopsy  
17 took place, but you don't remember him discussing the risk of  
18 -- of the fact that the jury would hear that you knew where  
19 the body was?

20 A: No. There was no discussion of that.

21 Q: And you did, in fact, at that point eventually let Mr.  
22 Leiendecker disclose where the location of the body was?

23 A: Yes, sir, I did.

24 Q: How did you come to have another lawyer in this case?

25 A: When I was assigned Mr. Hilton?

## EDWARD BONILLA - DIRECT BY MR. LIFSEY

1 Q: Uh-huh.

2 A: I just got a letter that was three sentences long saying  
3 that Mr. Leiendecker could no longer -- could represent me due  
4 to a conflict of interest, and it didn't state the conflict of  
5 interest.

6 Q: Was that in response to you raising the issue of conflict  
7 of interest?

8 A: No, sir.

9 Q: So, at that point, you get another lawyer; is that  
10 correct?

11 A: Yes.

12 Q: Who was that?

13 A: It was Mr. Russell Hilton.

14 Q: Okay. And tell me about Mr. Hilton's representation?  
15 Did you meet with him about this case?

16 A: Yes, sir. It was probably about a month after I received  
17 the letter that Mr. Leiendecker would no longer be  
18 representing me.

19 Q: You were still incarcerated this entire time; is that  
20 right?

21 A: Yes, sir. I was in Dorchester County.

22 Q: All right. So you got a letter from him, and then you  
23 met with him?

24 A: Yes, sir. Like I said, it was probably about a month  
25 later.

## EDWARD BONILLA - DIRECT BY MR. LIFSEY

1 Q: Okay. And how many times did you meet with him prior to  
2 your trial?

3 A: I recall at least three.

4 Q: How long a period of time was it?

5 A: Over three weeks, maybe four.

6 Q: When you met, he was a --

7 A: From the first letter I received that he was going to  
8 represent me.

9 Q: To when you went to trial?

10 A: Yes, sir.

11 Q: Did you feel like you had enough time to talk to him  
12 about your case prior to your trial?

13 A: I honestly didn't. I did bring that issue up to him. I  
14 said -- I asked him if there was any way that he can -- I  
15 don't believe I used the word continuance. I just know that  
16 word now. I'm not sure exactly what words I used, but I asked  
17 him about it, and he said that, no, because they're ready to  
18 move on it now was his response.

19 Q: When you say you asked him about it, you're talking about  
20 some delay of your trial?

21 A: A continuance of the trial, yes, sir.

22 Q: All right. And that was so you and he could speak more  
23 and talk more?

24 A: Yes, sir. And when I said that to him, he said, well,  
25 he's been on it for, you know, 24/7 since he's been handed it.



## EDWARD BONILLA - DIRECT BY MR. LIFSEY

1 Q: So he told you it was not possible to ask for a  
2 continuance in the matter or what did he say --

3 A: He didn't say --

4 Q: -- it was?

5 A: He didn't use the word not possible. He just said that  
6 they're ready to move on it now.

7 Q: Did he, in fact, ask for a continuance?

8 A: Not that I know of.

9 Q: All right. Were you and him -- you and -- you and your  
10 -- your newer lawyer, were y'all able to discuss trial  
11 strategy and what you should do in the case?

12 A: His trial strategy was to contest everything the  
13 prosecution had.

14 Q: All right. What complaints do you have about how he  
15 represented you?

16 A: I just feel that maybe we should have had a little bit  
17 more time. Maybe some other forms of representation, you  
18 know, for facts that were supposedly -- or not supposedly, but  
19 facts that were submitted as evidence because a lot of that  
20 just -- I mean, I'm not an expert, so I'm not going to, you  
21 know, go into those details. I just -- I just really felt  
22 like that there had to have been some sort of other expert  
23 there to kind of say what they were trying to infer was wrong  
24 because, you know, it just -- a lot of it was just pictures of  
25 this and that and, you know, a picture can be manipulated in

## EDWARD BONILLA - DIRECT BY MR. LIFSEY

1 so many ways.

2 Q: Was there any -- do you have complaints about how he  
3 handled the blood spatter information in your case?

4 A: I think he was -- that was one of the things that he was  
5 actually very -- you know, trying to bring to light that it  
6 didn't make sense about the blood splatter, but we had no --  
7 no experts on our side. So there was nobody that can, you  
8 know, corroborate what we're saying, as opposed to what the  
9 investigator was saying.

10 Q: Do you have complaints about his either challenging or  
11 not challenging certain admissibility of certain evidence?  
12 Could you -- if so, could you please elaborate on that?

13 A: Well, he did -- one of his things, too, was the  
14 o-Toluidine testing about the colors on there. That was  
15 another thing I believe we should have had an expert on as  
16 well, because he even showed the instructions of the  
17 o-Toluidine testing, saying, if you see any brown, light  
18 colors, blues, then it should be discarded, and we had nobody  
19 on our side that can -- you know, that can actually say that.

20 Q: How about, like, phones seized and things like that? Do  
21 you have issues you want to raise about any of that?

22 A: Yes. They -- they seized my phone out of a vehicle that  
23 they had -- they weren't even authorized to search because at  
24 the time of the search and seizure, they were only focused on  
25 a Ford Econoline van, and the van that I was driving that day

## EDWARD BONILLA - DIRECT BY MR. LIFSEY

1 was a Chevy or a GMC van, and somehow they got my phone out of  
2 it.

3 I called my boss and let him know that I was on my way  
4 back to work because I forgot my phone in one of the vans, and  
5 I believe Mr. Cobble, from what I read in my paperwork, called  
6 the detectives and let them know that I was on my way to pick  
7 up my phone out of one of the vans, and they told him that --  
8 not to let me anywhere near the vehicles.

9 By the time I got there, there was North Charleston  
10 police everywhere, all over Mr. Cobble's property. So I  
11 wasn't able to go to the van and retrieve my phone or to  
12 obtain it, and that's -- I don't even know how they took my  
13 phone. It wasn't even part of their search warrants they had.

14 Q: Did you discuss those issues with him?

15 A: No, sir. That was something that really I wasn't even  
16 thinking about until, you know, we started coming to PCR  
17 because they actually used a lot of the information on my  
18 phone to basically destroy my character.

19 Q: I gotcha. All right. Did you testify at your trial?

20 A: Yes, sir.

21 Q: Tell us a little bit about that discussion with your  
22 lawyer and how you decided to testify and what do you think  
23 about that now?

24 A: I believe that it was a mistake. When I asked him about  
25 me testifying, as to me getting on the stand and telling them

## EDWARD BONILLA - DIRECT BY MR. LIFSEY

1 myself was the best course of action, and he said that -- that  
2 that was -- they -- they needed to hear my story because he  
3 believed me. Well, we believe you is what he said. He said  
4 that we believe you. So that was that.

5 Q: What do you think about that now?

6 A: I believe it was a mistake.

7 Q: Why is that?

8 A: I just walked myself to the gallows.

9 Q: Do you remember the closing statements by the prosecutor,  
10 the prosecutor talking about the jury's job is to seek the  
11 truth? Do you remember language like that?

12 A: I vaguely remember some of it. It was -- at that time, I  
13 was just in another world, disconnected.

14 Q: You don't remember your lawyer objecting to that, do you?

15 A: No, sir.

16 Q: All right. Same with similar language from the trial  
17 judge, you don't remember?

18 A: I did bring up the fact that when Judge Early referred --  
19 I forget exactly what was said, but his response was, well, he  
20 should have treated Ms. Pegram with more respect. And at that  
21 time, I asked Mr. Leiendecker or Mr. Hilton, you know, can --  
22 is that a probable cause for a mistrial for what he's just  
23 said? And he told me if he said it in the presence of the  
24 jury, then it would be.

25 Q: Do you have any other complaints about either of your

## EDWARD BONILLA - DIRECT BY MR. LIFSEY

1 lawyers you want to raise in PCR?

2 A: No, sir.

3 MR. LIFSEY: Your Honor, I don't have any further  
4 questions for the witness.

5 Please answer any questions the Attorney General has.

6 CROSS-EXAMINATION

7 BY MR. HALL:

8 Q: Mr. Bonilla, so you were represented by Mr. Leiendecker  
9 at first; right?

10 A: Yes, sir.

11 Q: And how many times did you meet with him?

12 A: Over -- it had to have been at least three or four times,  
13 sir.

14 Q: Okay. And during that time, you told him what had  
15 happened in the case? You told him your side of the story;  
16 right?

17 A: Yes, sir.

18 Q: Okay. And -- and when you told Mr. Leiendecker about  
19 what happened, you told him that it was an accident, didn't  
20 you?

21 A: Yes, sir.

22 Q: Okay. And he told you that to prove that it was an  
23 accident, it would be best if you had the victim's body to  
24 corroborate the story; right?

25 A: Yes, sir.

EDWARD BONILLA - CROSS BY MR. HALL

1 Q: And you just testified to that on direct, didn't you?

2 A: Yes, sir.

3 Q: Okay. And you said you don't recall discussing the  
4 negative aspects of disclosure, but you guys did talk about  
5 disclosure, didn't you?

6 A: Yes, sir.

7 Q: Okay. And that was before the body was actually found  
8 itself; right?

9 A: Yes, sir.

10 Q: Now, regarding Mr. Hilton's representation of you, how  
11 many times did you meet with Mr. Hilton?

12 A: It had to have been at least three times, sir.

13 Q: Okay. So you met at least three times, and during that  
14 time he reviewed discovery with you?

15 A: Yes, sir.

16 Q: Okay. And do you -- and he explained to you the State's  
17 evidence they had against you; right?

18 A: No, I don't believe so. I mean, it really wasn't a whole  
19 bunch of evidence that they had. I mean, you know, just the  
20 van, the seizure of the van or the seizure of the vehicles,  
21 the picture of the blood splatters, and the -- or spatter, and  
22 the o-Toluidine testing.

23 Q: Okay. And you said you don't recall him discussing with  
24 you your Fifth Amendment rights to testify or not testify;  
25 right? Is that your testimony?

## EDWARD BONILLA - CROSS BY MR. HALL

1 A: Yes, sir.

2 Q: Okay. But at trial, didn't the judge explain to you your  
3 right to testify or not testify?

4 A: I believe he did.

5 Q: Okay. So the judge explained to you before you testified  
6 that you had the right to testify, and the judge explained to  
7 you that it was your right and it was your decision; right?

8 A: Yes, sir.

9 Q: And the judge explained to you that if you testified, the  
10 State could cross-examine you, didn't he?

11 A: Yes, sir.

12 Q: And he explained to you that when the State cross-  
13 examined you, they could ask you about anything in this case?

14 A: I don't believe he said it like that.

15 Q: Well, essentially, they could cross-examine you; right?

16 A: Yes, sir.

17 Q: All right. And knowing that, you still chose to testify;  
18 right?

19 A: Yes, sir.

20 Q: Okay. So you testified at trial, and at trial you  
21 testified that you hit the victim with your car, didn't you?

22 A: Yes, sir.

23 Q: Okay. And you said that after you hit the victim with  
24 your car, she became upset and you tried to restrain her in a  
25 bear hug; right?

## EDWARD BONILLA - CROSS BY MR. HALL

1 A: Yes, sir.

2 Q: And you just testified that you held her for about two  
3 minutes?

4 A: I'm not really 100 percent sure on the time period.

5 Q: Okay. But you held her for some time?

6 A: Yes, sir.

7 Q: And then at trial, you testified that eventually, while  
8 you were holding her and she was restrained, she was fighting  
9 back from you restraining her, and eventually she stopped  
10 moving; right?

11 A: Yes, sir.

12 Q: And you testified on the stand that she died in your  
13 arms; right?

14 A: Yes, sir.

15 Q: Okay. And then at trial, you testified that you put the  
16 victim's body on the side of the road, and then you went home;  
17 right?

18 A: Yes, sir.

19 Q: And then you went and got your work van, and you came  
20 back to where the victim's body was and you put the body in  
21 your work van; is that right?

22 A: Yes, sir.

23 Q: And you also testified that you taped the victim's hands  
24 and her neck, and you buried her body in the woods; right?

25 A: I don't believe that I said anything about the tape.



## EDWARD BONILLA - CROSS BY MR. HALL

1 Q: But you testified that you buried her body in the woods?

2 A: Yes, sir.

3 Q: And you're aware that when the victim's body was found,  
4 it was found with her clothes off of her body, she was found  
5 half naked; right?

6 A: Yes, sir.

7 Q: And your testimony here today is that all of that was an  
8 accident?

9 A: Yes, sir.

10 Q: But at trial, didn't you testify that the victim's death  
11 was your fault and that it was intentional?

12 A: I never said that.

13 Q: You never said that?

14 MR. HALL: I beg the Court's indulgence, Your Honor.

15 BY MR. HALL:

16 Q: Are you familiar with the trial transcript, Mr. Bonilla?

17 A: I haven't really been reading it, sir.

18 Q: That's okay.

19 MR. HALL: I'm referring to page 487 of Mr. Bonilla's  
20 record on appeal, just for the record.

21 BY MR. HALL:

22 Q: Mr. Bonilla, you testified at trial that it was -- and I  
23 quote, it was an incident. I just witnessed someone, a  
24 person, another human being die in my arms. And I mean,  
25 obviously, it's my fault, but I mean, it was intentional, end

EDWARD BONILLA - CROSS BY MR. HALL

1 quote. Those are your words, Mr. Bonilla, aren't they?

2 A: Not the intentional part, no, sir.

3 Q: That's in the transcript.

4 A: Well, they must have heard it wrong because I didn't.

5 After everything that's been said and done, why would I go at  
6 the end and say that I intentionally did this?

7 Q: But if I told you that -- that it's in the transcript,  
8 would you dispute that?

9 A: Yes.

10 MR. HALL: Once again, I'm citing page 487 of the record  
11 on appeal. No further questions, Your Honor.

12 MR. LIFSEY: I don't have any further questions for this  
13 witness. Your Honor, I don't have any further witnesses.

14 THE COURT: Okay. Mr. Attorney General?

15 THE HALL: Your Honor, the State calls Mark Leiendecker.

16 THE COURT: Come around to be sworn, please, Counsel.

17 THE WITNESS: Yes, sir.

18 THE CLERK: Raise your right hand. State your full name  
19 for the record.

20 THE WITNESS: Mark Leiendecker.

21 THE CLERK: Do you solemnly swear or affirm to tell the  
22 truth, the whole truth, and nothing but the truth, so help you  
23 God?

24 THE WITNESS: I do.

25 THE CLERK: Watch your step.

## MARK LEIENDECKER - DIRECT BY MR. HALL

1 MARK LEIENDECKER, being first  
2 duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. HALL:

5 Q: Mr. Leiendecker?

6 A: Yes, sir.

7 Q: How are you?

8 A: Good.

9 Q: Mr. Leiendecker, how many years have you been practicing  
10 law?

11 A: Forty-one this spring.

12 Q: Forty-one years? And how many of those years were  
13 devoted to criminal law?

14 A: Since the last 33 years or 31 years have been criminal  
15 practice.

16 Q: And what is your current job?

17 A: I'm the circuit defender for the First Circuit.

18 Q: Mr. Leiendecker, you represented Mr. Bonilla?

19 A: I -- I did for -- for a moment.

20 Q: Can you tell us how you got involved in this case?

21 A: Throughout the course of my activity as the First Circuit  
22 Public Defender, I carried a caseload, but not as big a  
23 caseload as my other public defenders. And so I was on a  
24 regular rotation for serious or time consuming crimes to help  
25 the other attorneys in the office, both in my Orangeburg,

MARK LEIENDECKER - DIRECT BY MR. HALL

1 Calhoun and my Dorchester offices. And so Mr. Bonilla's case  
2 came to me because it was a murder case.

3 Q: And do you recall how long you were on this case before  
4 counsel was switched?

5 A: Today, I don't remember exactly, but it was -- it was a  
6 short period of time, probably defined in weeks, not months.

7 Q: And during the time that you were representing him, did  
8 you have discovery from the State at that time?

9 A: I had some discovery from the State almost immediately.  
10 I had incident reports. I had descriptions of items. We were  
11 still waiting on some evidentiary results, but I was aware of  
12 things like that have already been discussed today. Findings  
13 in the work van. I was aware of allegations of blood splatter  
14 and video evidence from the evening in question from a -- a  
15 convenience or gas station. So I -- what I'm saying is I had  
16 written reports describing those. I didn't have all of those  
17 at that time final reports from forensic experts.

18 Q: How many times did you meet with Mr. Bonilla?

19 A: Mr. Bonilla and I met regularly from the time that his --  
20 he first appeared for bond and I introduced myself to him  
21 until after described incident regarding the revelation of  
22 where the body was buried. I would -- I would say that Mr.  
23 Bonilla is not far off. It was probably, you know, four or  
24 five times we met, as well as spoke on the phone from the  
25 detention center.

## MARK LEIENDECKER - DIRECT BY MR. HALL

1 Q: And can you tell us about your conversations with Mr.  
2 Bonilla during those visits?

3 A: Mr. Bonilla was -- he ultimately got to the point in  
4 maybe the second or third meeting where he fully described to  
5 me his -- his take on what had happened before, during, and  
6 after the incident. I think the incident probably -- I don't  
7 -- I'm not sure, but I think it was February and we're into  
8 April by this time. He didn't tell me right away.

9 I think he was initially arrested for some kind of  
10 obstruction or misprision of a felony for not revealing  
11 information regarding this missing person. And then it's soon  
12 right after that was increased or accelerated into a murder  
13 charge regarding the individual that was missing.

14 Q: Okay. And during your conversations, what did Mr.  
15 Bonilla tell you in regards to what happened here in this  
16 case?

17 A: He didn't tell me the story that he revealed today until  
18 the second or third time we met, and he described to me a  
19 victim that was someone he met on a -- on a dating app. I'd  
20 never heard of the dating app and don't know that I'm familiar  
21 with it today. That he didn't really know her.

22 That they had gone out and gone to a party, I believe, at  
23 his brother's or another relative's house in Berkeley County.  
24 That she was kind of off the chain and a little crazy at the  
25 party, may have had a bit too much to drink. That we knew

## MARK LEIENDECKER - DIRECT BY MR. HALL

1 that there was video of an incident at a gas or convenience  
2 station, and he said she was trying to get out of the car and  
3 she was just going to leave or walk home or something to that  
4 effect, and that he had to sort of restrain her and help her  
5 back into the car she was so -- kind of wild.

6 He described to me that when he got her back, he didn't  
7 remember how to get to her residence or her home, and that she  
8 was being difficult. She wouldn't tell him. She wouldn't  
9 help him. She -- she thought that was funny, and that during  
10 the course of that, him thinking he was heading the right way  
11 or not, he told the -- the facts as he described them today  
12 about pulling off onto a dirt road off of maybe Old Dairy, as  
13 he described it, one of the other roads here that -- that  
14 comes off of Highway 78.

15 And that she got out, and he thought she had gone into  
16 the woods to go to the bathroom, and he decided enough of this  
17 and he backed up, turned his car around on this small dirt  
18 path lane and struck her, probably in the head with the  
19 bumper. That he got out of the car, and I don't remember so  
20 much of the discussion about the agitation, but that she was  
21 -- she was acting strange and weird. He did say that he  
22 restrained her. He did, as he described today, say that she  
23 died or quit moving.

24 He didn't say this, but I specifically remember he knew  
25 she had died because her -- her bowels let loose and -- and --

## MARK LEIENDECKER - DIRECT BY MR. HALL

1 and she wasn't moving anymore, and he kind of freaked out and  
2 he didn't know what to do. He set her aside. He turned the  
3 car around. He left.

4 He thought about it. He went to his workplace, got a  
5 panel van, came back, picked up the victim's body, and drove  
6 out Interstate 26 until he found a place that he thought he  
7 could get off and -- and get rid of or bury the body. He did  
8 -- he did emphasize that it was never intentional, that it was  
9 accidental, and that what happened was he freaked out.

10 The problem with the story from that perspective was I  
11 think there was some evidence that he tried to mislead not  
12 just investigators, but her family about, you know, he didn't  
13 know where she was. I'm not even certain whether there  
14 weren't some false texts done on her phone or whatever, but he  
15 definitely, you know, for a matter of weeks told everybody  
16 that, you know, they had a fight. She went off. He has no  
17 idea where she went.

18 Q: And in response to Mr. Bonilla telling you that the --  
19 that it was an accident, what was your -- what did you tell  
20 him?

21 A: I don't remember anything immediately, but we discussed  
22 it. I went back, went over the evidence, considered it. Met  
23 with him again and discussed with him that he wasn't just  
24 charged with obstruction or misprision anymore, but he was --  
25 he was charged with murder.

MARK LEIENDECKER - DIRECT BY MR. HALL

1       That it doesn't require a body for someone to be  
2 convicted of murder. That the video, if it demonstrated they  
3 were together, added with the blood splatter, if that's what  
4 it was in the van, and anything they may or may not find on  
5 his phone could be sufficient to contribute to facts that  
6 would allow a jury to conclude that he was guilty of the  
7 murder of this missing woman.

8       I then discussed with him that if, in fact, he has the  
9 defense of accident, that this was not an intentional or  
10 malicious killing, that the best way that could be borne out  
11 or proven is if there was physical evidence from her body to  
12 demonstrate that she had been struck when he backed up and  
13 that she hadn't been the victim of any violent actions that  
14 would have caused or led to, you know, swung blunt instruments  
15 and blood splatter and the like, That, in fact, he had  
16 panicked.

17       That his panic led him to do something that, by legal  
18 definition, was desecration of a body. That that carries some  
19 time, but not near the significant time that murder charges  
20 carry, and that there are ways that if we could find physical  
21 proof, that it could be advantageous to us, and that that  
22 physical proof would come from her body.

23 Q:   Okay. And before the body was disclosed, did you explain  
24 to him the risks involved with disclosing the body?

25 A:   Yeah. I mean, we talked about it. We talked about



MARK LEIENDECKER - DIRECT BY MR. HALL

1 there's still an open question about her body, about, you  
2 know, what's happened to her, where she is, despite the fact  
3 that he and I -- you know, at least he had told me that he  
4 knew she was dead and he knew where the body was, but the  
5 authorities didn't know that.

6 That the upside was if there was physical evidence to  
7 support his story, we could avoid a murder charge, maybe not  
8 even be tried on a murder charge, but that if what he told me  
9 was false, was painted to make him look better, was, in fact,  
10 not what happened, that disclosure of the body could also be a  
11 huge evidentiary and forensic find for the authorities to  
12 support their theory that he had committed murder.

13 Q: And after explaining all of this to him, he decided that  
14 he wanted to go forward with disclosing the victim's body?

15 A: Not immediately. We discussed it at least three times  
16 and, ultimately, we're getting to the 1st of May, and there  
17 was discussion about, you know, it's been weeks that the body  
18 has been gone and missing. If you're going to help yourself,  
19 you know, we need to, you know, still be able to -- and he  
20 said everything will be just as I described it. I laid her  
21 peacefully in -- in a shallow grave that I was able to dig. I  
22 don't know exactly where it was, but I know the general area.

23 And I said, all right. If we do this, I will have to  
24 have some discussions with the investigators, and I will have  
25 to -- one of the things I did want -- he's correct -- is I

MARK LEIENDECKER - DIRECT BY MR. HALL

1 will have to get them to agree. It was not common practice in  
2 Dorchester County at that time to send autopsies to MUSC.

3 I had -- I had had a murder case not -- not too distant  
4 from this one where a mother and father were charged with  
5 murder through neglect of a 13-year-old disabled child, and  
6 the initial autopsy in Newberry and it was very bad for the  
7 family, but I was able to get an immediate funding order and  
8 have the body transported to MUSC, where I got completely  
9 different results that disclosed the disease that the child  
10 had, that disclosed the ravaging of his body weren't the  
11 effect of neglect, but were, in fact, the effect of a very  
12 rare brain lesion disorder that the child had. And  
13 ultimately, that case resulted in -- in a dismissal of the  
14 charges against both parents.

15 And so that was what I was thinking regarding Edward. I  
16 had represented a woman in Dorchester County, I told him, who  
17 had had a live-in boyfriend that had died probably of natural  
18 causes in their home. She was a little freaked and unstable  
19 about it, left him in the chair where he died for weeks.  
20 Ultimately, freaked out, cut up the body and tried to dispose  
21 of it. We were able to avoid murder charges there, and we  
22 ultimately were able to plead to a time served for desecration  
23 of human remains.

24 And so these -- these were things I was thinking about in  
25 my discussions with Mr. Bonilla. These are things that we

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1 discussed, that if the facts as he described them to me could  
2 be forensically supported, they could greatly help his case,  
3 but if they weren't going to be, if that wasn't what happened,  
4 it could be devastating to his case.

5 Q: And when the body was found, did it corroborate Mr.  
6 Bonilla's story?

7 A: No.

8 Q: Is that --

9 A: No, it didn't. No. I think you've already described  
10 some of the problems.

11 Q: Can you tell us what some of those problems were?

12 A: She was -- she was probably nude from the waist up, at  
13 least, if not more. She had some forms of duct tape or other  
14 tape wrapped around her wrists and around her neck, and my  
15 immediate discussions with him were you never told me this.  
16 How did this happen? What -- what happened?

17 And, well, she was really hard to carry. I had to drag  
18 her so maybe I just -- I'm not sure. Maybe I just did that to  
19 make it easier to drag her across the field, but I don't know.  
20 I don't know if he was fooling himself or if he thought he was  
21 fooling me, but in the end, we were all fooled.

22 Q: And can you describe or can you tell us about your  
23 conversations after the body was found and the autopsy done  
24 and it did not corroborate Mr. Bonilla's story? What were  
25 those conversations like?

MARK LEIENDECKER - DIRECT BY MR. HALL

1 A: Brief and unpleasant. I told him that this wasn't help  
2 -- this wasn't a help like -- like we had discussed and hoped.  
3 I didn't say for sure because we didn't have an autopsy back  
4 yet, and maybe the autopsy was going to demonstrate blunt  
5 force trauma to the head and some form of natural expiration,  
6 but, you know, the whole half-naked and duct taped didn't --  
7 didn't look good.

8 Q: And one last question for you, Mr. Leiendecker.  
9 Regardless of whether or not the body was disclosed, would Mr.  
10 Bonilla have still been charged with murder?

11 A: He had been charged with murder.

12 Q: But that intended charge wouldn't have -- that charge  
13 would have remained?

14 A: Absolutely.

15 MR. HALL: No further questions, Your Honor.

16 MR. LIFSEY: Thank you, Judge.

17 CROSS-EXAMINATION

18 BY MR. LIFSEY:

19 Q: Mr. Leiendecker, Obviously, you're correct, of course,  
20 that they can charge him with murder without a body; correct?

21 A: Yes.

22 Q: And they can certainly theoretically convict somebody  
23 without a body; correct?

24 A: Yes.

25 Q: But you would agree that it's, you know, almost certainly

## MARK LEIENDECKER - CROSS BY MR. LIFSEY

1 easier and a better case for the State if they have a body?

2 A: Yes.

3 Q: And in fact, for this case, it was certainly an easier  
4 case for them once they got the body; is that right?

5 A: I don't know. I think it -- I think personally it  
6 helped. It helped their case instead of helping our case. So  
7 the answer probably is yes.

8 Q: Did you at any point -- once you learned that -- once he  
9 told you that he knew where the body was, did -- did you  
10 attempt to negotiate any advantage with the State for the --  
11 for the disclosure of -- disclosure of the body?

12 A: I don't remember ever doing that, Mr. Lifsey. I don't  
13 remember, like, discussing a lesser charge, and in large part  
14 because what Mr. Bonilla wanted and what I thought was  
15 possible was an elimination of the murder charge.

16 Q: But, of course, you testified there were significant  
17 problems with that story even prior to the disclosure of the  
18 body; correct?

19 A: There -- there were problems with the story, but he had  
20 answers or explanations. He didn't think that what was found  
21 in the van was blood splatter. He thought it was paint. He  
22 didn't think that the video at the convenient gas station  
23 looked that bad, as he remembered his time with her, and he  
24 explained his conduct regarding lying to people as just  
25 someone who'd been involved in a terrible incident that was

## MARK LEIENDECKER - CROSS BY MR. LIFSEY

1 panicked.

2 Q: You've been doing this a long time and handle a lot of  
3 murder cases; right?

4 A: Yes, sir.

5 Q: It's not unusual at all for defendants to have an  
6 elevated view of their own case, is it?

7 A: No.

8 Q: Not unusual at all for a criminal defendant to view with  
9 rosy-colored glasses the evidence that -- that might be  
10 present in the case?

11 A: No, sir.

12 Q: How credible did you find his story?

13 A: I found him -- I found him believable. I found what he  
14 said -- he was, as you saw him today, back then, soft spoken,  
15 seems very intelligent, very logical in his discussions. His  
16 description of the victim painted someone who was just really  
17 off the chain and crazy, and he didn't -- he just didn't know  
18 how to deal with her or handle it. And the people we talked  
19 to that were at the party corroborated that she was just kind  
20 of weird and wild.

21 Q: Obviously, there's -- the attorney-client privilege is  
22 hugely important; correct?

23 A: Yes.

24 Q: And any waiver of the attorney-client privilege is  
25 something that wouldn't be done lightly, I assume; correct?

## MARK LEIENDECKER - CROSS BY MR. LIFSEY

1 A: Absolutely.

2 Q: In fact, you were so concerned about it that at the --  
3 that was an issue at the pretrial hearing and the trial of  
4 this case; is that right?

5 A: Correct.

6 Q: So with all that in mind, did you get any kind of written  
7 waiver of his right to waive -- your -- his alleged  
8 authorization --

9 A: Right.

10 Q: -- for you to waive the attorney-client privilege?

11 A: No, sir, I didn't. I mean, in retrospect, I certainly  
12 should have and would -- would have wished, but we were moving  
13 fast at that time, and I had discussions with him. Then I had  
14 phone discussions. Then I had subsequent discussions at the  
15 investigator's offices, and -- and I did not put him in  
16 contact with the investigators. I took the map to them and  
17 gave them suggestions that information has come to light, that  
18 I believe you will find the body in this area. I didn't make  
19 him talk with them directly. I didn't make him a witness.

20 Q: Tell me how you decided that it was a conflict and that  
21 you should be out of the case?

22 A: Once that was out and the results were not very good or  
23 very positive and Mr. Bonilla began being upset and  
24 complaining how could you have done this when -- you know,  
25 when the body results didn't look good, I had discussions with

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1 several attorneys that I valued their opinion, and there was  
2 concern that -- that possibly, not definitely, but possibly I  
3 had done things that would make me a witness in the case. And  
4 at that point, I let Mr. Bonilla know that if that potential  
5 -- because that potential exists, I couldn't also remain his  
6 attorney.

7 Q: The -- the communication with the detective, was that  
8 entirely through you? Was there ever a time where he sat down  
9 with the detectives that you are aware of to tell them?

10 A: It was entirely with me. He and I sat in a conference  
11 room, but there were no cameras or video.

12 MR. LIFSEY: I beg the Court's indulgence just one  
13 moment.

14 I don't have any further questions.

15 REDIRECT EXAMINATION

16 BY MR. HALL:

17 Q: Mr. Leiendecker, just to clarify, you did explain -- or  
18 did you explain to Mr. Bonilla that you would give information  
19 to law enforcement about the victim's body being disclosed?

20 A: Yes. I mean, we were at the investigative office. We  
21 were looking at aerial maps, we were discussing locations, and  
22 he knew exactly why we were there, and that that information  
23 would then be shared with the Dorchester County Sheriff's  
24 Office.

25 Q: And when you say we, you mean you and Mr. Bonilla?



## MARK LEIENDECKER - REDIRECT BY MR. HALL

1 A: Mr. Bonilla and I, yes, sir.

2 Q: Okay. And there was a pretrial hearing at Mr. Bonilla's  
3 trial to determine whether Mr. Bonilla gave informed consent?

4 A: Yes.

5 Q: What did the trial judge decide in that pretrial hearing?

6 A: I think it's on the record, but as I remember, he not  
7 only decided that it was consensual, but he decided that Mr.  
8 Bonilla, even by his testimony, agreed that it was consensual.  
9 And I'll say that the testimony he gave today, the testimony  
10 he gave at the trial, and the series of events he described to  
11 me are, for the most part, the same, very similar. So that --  
12 that was the basis of what we were working with.

13 MR. HALL: No further questions, Your Honor.

14 MR. LIFSEY: I don't have anything further.

15 THE COURT: Thank you, sir. You can step down.

16 THE WITNESS: Thank you, Your Honor. May I be excused?

17 THE COURT: Any objection?

18 MR. HALL: No objection.

19 THE COURT: You are excused.

20 MR. HALL: I hope I pronounced your name correctly.

21 THE WITNESS: Ah, don't worry about that.

22 MR. HALL: Your Honor, we have one more witness. Do you  
23 just want to power through or --

24 THE COURT: Go ahead.

25 MR. HALL: The State calls Russell Hilton.

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1 THE CLERK: State your full name for the record.

2 THE WITNESS: Russell Hilton.

3 THE CLERK: Do you solemnly swear or affirm to tell the  
4 truth, the whole truth, and nothing but the truth, so help you  
5 God?

6 THE WITNESS: I do.

7 RUSSELL HILTON, being first duly  
8 sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. HALL:

11 Q: Mr. Hilton, how are you?

12 A: I'm doing well.

13 Q: Mr. Hilton, how long have you been practicing law?

14 A: Nineteen years.

15 Q: And how many of those years have been devoted to criminal  
16 law?

17 A: Nineteen.

18 Q: Nineteen? And how did you receive this case?

19 A: At the time, I had one of the indigent defense contracts.  
20 Mr. Leiendecker had come to me and stated the conflict and  
21 asked if I would be willing to take on the representation  
22 through the contract. And so -- and then a judge -- I don't  
23 remember who it was -- ended up appointing me to the case.

24 Q: Okay. And when you received this case, how many times  
25 did you meet with Mr. Bonilla?

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1 A: I took six jail visits. It was on April 8th, June 6th,  
2 July 6th, July 18th, August 1st, and August 7th, and then the  
3 trial began and, of course, we met every day before trial  
4 started down in the holding cell. Below they have two or  
5 three little conference rooms we can meet in there. And then,  
6 of course, any, you know, side conferences and so forth that  
7 we had at the -- at the defense table.

8 Q: And did you receive discovery from the State in this  
9 case?

10 A: I did.

11 Q: And did you review that discovery with Mr. Bonilla?

12 A: I did.

13 Q: Can you tell us what evidence the State had against Mr.  
14 Bonilla?

15 A: Well, you've heard a -- heard a lot of it, and a lot of  
16 it was in the transcript. There were some things that were  
17 left out by the previous witnesses. There was obviously the  
18 disclosure of the body. They had found out that Mr. Bonilla  
19 was one of the last ones to be seen to be seen with Ms.  
20 Pegram.

21 There were some text messages that he had sent. I  
22 believe it was to her mother's phone. She was using her  
23 mother's phone on the night of the incident, and after --  
24 after her death, after this was all over, I think the next day  
25 he had sent some text messages. I don't remember verbatim,

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1 but it was essentially saying, you know, did -- did you make  
2 it home okay or that type of thing. And of course, at that  
3 point, he would have known that she did not make it home okay.

4 They ended up finding out where he worked, and they found  
5 the work van. They ended up doing a search warrant for that  
6 work van. We contested that at trial, but ultimately, they  
7 found DNA evidence in the work van. They also found his  
8 mother's car that was parked at a -- I think it was an  
9 Enterprise rental car lot. They had seized that car as well,  
10 and they had taken blood samples out of the trunk of that  
11 green Hyundai, and so they had that as well.

12 They ended up getting his cell phone. Cell phone GPS  
13 locations showed kind of his history of where he had gone the  
14 night of. And -- and ultimately, they put it all together as  
15 to -- as to what they believed occurred. There was also video  
16 evidence of he and Ms. Pegram at the Sunoco gas station. I  
17 think it was a Sunoco gas station off of Interstate 26 shortly  
18 before she had -- she was believed to have died.

19 And that was the gist of it. So the green Hyundai, the  
20 van, the cell phone records, of course, the disclosure of the  
21 -- of the body at that point, that kind of all went together,  
22 and that was the testimony that was presented to the -- to the  
23 jury.

24 Q: And did you review that discovery with Mr. Bonilla?

25 A: I did.

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1 Q: And did Mr. Bonilla have any defenses, any legal  
2 defenses?

3 A: He did, and we talked a lot about defenses and potential  
4 defenses and so forth. And as Mr. Leiendecker suggested,  
5 there was a discussion about defense of accident. We had some  
6 conversations about that. We had some conversations about a  
7 potential involuntary manslaughter charge going to the jury,  
8 and so we discussed that a lot.

9 As far as -- it was not a whodunit case, and it had never  
10 been that. I mean, the disclosure of the location of the body  
11 kind of eliminated the fact that -- that he at least didn't  
12 have something to do with it. So from my perspective when I  
13 received the case, going forward we had to take the evidence  
14 for what it was and either explain that evidence or whatever.

15 And -- and Mr. Bonilla had -- had somewhat of a credible  
16 story to believe. His story, juxtaposed to the evidence that  
17 the State had, it to some degree went together, and so that  
18 was the route that we took at trial was to -- we challenged a  
19 lot of the evidence, and that's evident from the direct  
20 appeal, but ultimately, that evidence came in and so we had to  
21 confront it for what it was. We ended up getting the  
22 involuntary manslaughter charge based on his testimony, but  
23 ultimately, the jury obviously didn't believe all of his story  
24 and -- and ended up convicting him of murder.

25 Q: And before going to trial, after explaining all of that,

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1 did you believe additional time was necessary?

2 A: I didn't. In fact, looking back through my notes, you  
3 know, I got the case. I think I was assigned on -- the order  
4 was dated March 21st that appointed me to be his attorney, and  
5 our first meeting was in April on April 8th.

6 Very shortly thereafter, I had spoken with Mr. Sorenson  
7 and, of course, I knew Mr. Sorenson well. I mean, I had  
8 worked at the Solicitor's Office prior to that, and so we had  
9 a good working relationship, and -- and we discussed a  
10 potential trial date. And he said, you know, we're looking at  
11 August. Does that work for you? And so I looked at my  
12 calendar. We figured it up. That was plenty of time. Let's  
13 see, April. So four months or so that we had to prepare for  
14 the case.

15 I'm not going to say it was an easy case, but it wasn't  
16 overly complicated. I mean, it was -- it was four -- I think  
17 a four -- four-day trial, but the four months that we had to  
18 prepare was ample time.

19 Q: And pretrial, you filed motions to suppress evidence.  
20 Can you tell us about those motions?

21 A: There was a motion to suppress the evidence taken from  
22 the green Hyundai. There was a motion to suppress evidence  
23 taken from the van. Those motions were again addressed on  
24 direct appeal, but the gist of them was that those articles  
25 were seized outside of Dorchester County by the Dorchester

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1 County Sheriff's Office, with a warrant that was signed by a  
2 Dorchester magistrate with no authority to go outside of that.  
3 Those motions were heard and, ultimately, the Supreme Court  
4 said we were not correct on that.

5       So -- but we did file those motion. I'm sure there were  
6 some other motions. I can't remember exactly what it was, but  
7 -- but those were the main motions that were heard. We did  
8 file the -- I think we called it a Rule 6.1 motion. We were  
9 certainly blazing a trail in that regard with Mr. Leiendecker,  
10 and we had -- we had moved, correctly or incorrectly, to  
11 suppress the disclosure of the location of the body, arguing  
12 that it wasn't a voluntary disclosure. Ultimately, the  
13 Supreme Court said the trial wasn't the place for that. So --  
14 but we made an attempt at it.

15 Q: But ultimately, the trial court admitted the evidence  
16 that you moved to exclude?

17 A: He did.

18 Q: And Mr. Bonilla testified at trial. Did you inform him  
19 of his right to testify under the Fifth Amendment?

20 A: We talked about that. There were some notes that I went  
21 back and -- and looked at, and I can find the exact date if I  
22 need to, but suffice it to say that during one of our jail  
23 visits, we talked about whether he was going to testify or  
24 not, and that was the same conversation where we were talking  
25 about the defense of accident or involuntary manslaughter.

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1       And the only way that I knew of in this particular case  
2       to be able to get those charges to the jury or instructions to  
3       the jury on accident was to have him testify, and -- and  
4       ultimately, I don't think that was a mistake, I think, because  
5       we ended up getting that charge of involuntary. You know,  
6       they didn't believe it, unfortunately, but -- but ultimately,  
7       that was our strategy. And in hindsight, I don't think I  
8       would do it differently.

9       Q:    And you mentioned the work vans. Was there blood  
10       splatter found in the work vans?

11       A:    Well, van singular. We had one van. Yes, there was  
12       blood spatter found.

13       Q:    Do you recall where in the van that splatter was?

14       A:    Yeah, it was in the back. If you saw the pictures of  
15       these vans, there was red flooring stain. So it just looked  
16       like this horrible, horrible crime scene. In reality, it  
17       wasn't all that much blood in the back of it, but -- but there  
18       certainly was blood found in the back of the van, and there  
19       certainly was blood spatter found among that.

20       Q:    And was there blood splatter found on the roof of the  
21       van?

22       A:    There was. It was either the roof or the upper wall. I  
23       think it was the roof and maybe the upper wall or something  
24       like that.

25       Q:    Did you discuss that with Mr. Bonilla?



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1 A: We talked about that.

2 Q: Can you tell us Mr. Bonilla's explanation for the blood  
3 splatter?

4 A: On several of these items, the tape, the blood spatter,  
5 no pants -- I think Mr. Leiendecker testified she had no  
6 shirt, but actually, she had no pants on when she was found.  
7 On several of those items, there was a lot of uncertainty by  
8 Mr. Bonilla, and the -- and the explanation from him was that  
9 he just -- he was not acting in his right mind. He wasn't a  
10 hundred percent sure about what -- what all had occurred and  
11 why that stuff was there. He didn't deny doing it. He just  
12 didn't particularly remember doing it.

13 With regard specifically to the blood spatter -- and we  
14 argued this at trial. He testified that the bag that was over  
15 her head had come off or he had taken it off or whatever, and  
16 he threw the bag either in the van or out of the van. And I  
17 remember arguing and then going back to the transcript seeing  
18 that, and that was our explanation for the blood spatter was  
19 that he -- he testified that he threw the bag, and I think  
20 even the expert testified that -- that it could come from  
21 something along those lines as well.

22 Q: Okay. And the State called Bradley Mullis, who was the  
23 blood expert in this case from the blood pattern. Can you  
24 just tell us about that testimony? You testified just now  
25 that the bag kind of made a linear pattern, but can you just

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1 tell us about that testimony from the expert?

2 A: Well, that was the gist of it. I mean, he said that --  
3 his testimony was a little bit contrary to that. He said that  
4 -- that it was a cast-off pattern that was at least multiple.  
5 He couldn't say whether it was two or 20, but at least  
6 multiple swings or motions that would have caused that cast  
7 off. He couldn't say specifically that it was -- you know,  
8 that she was bludgeoned with some club, or he couldn't say  
9 specifically that it was a particular item or whatever, but  
10 that -- that it came from multiple movements was the gist of  
11 his testimony.

12 I will say his testimony was somewhat inconsistent with  
13 the pathologist. The pathologist did testify to some blunt  
14 force trauma, but that testimony was not inconsistent with the  
15 being struck by a car.

16 So all in all -- and specifically, you asked about the  
17 blood spatter, but you take the pathologist's testimony, you  
18 take the blood spatter expert, and all in all, his story was  
19 not so far afield of what they were testifying to. And so in  
20 our preparation of this case, I mean, it was our -- our  
21 procedure to -- to just confront this evidence head on because  
22 that's all we really could -- I felt that was all we could  
23 really do with it.

24 Q: Okay. And because the State's expert with the -- with  
25 regard to the blood patterns -- because his testimony wasn't

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1 inconsistent with what -- with what Mr. Bonilla had testified  
2 to, did you believe it was necessary to call another expert?  
3 A: I mean, you never know what hindsight would -- or, you  
4 know, if you did this again, you never know exactly what would  
5 happen, but if you -- if you take out the blood spatter  
6 testimony altogether, you know, you're still left with blood  
7 in his mom's car, the blood -- take out the spatter portion of  
8 it -- in the van, the tape around the wrists, the tape around  
9 the neck, the bag over the head, the no pants. Yeah, even if  
10 you take the blood spatter out completely, I don't know that  
11 that changes the analysis of it.

12 So it was our take the best we could do with what we had  
13 was to apply that to his story, which I felt like we did the  
14 best we could. And ultimately, the jury just didn't believe  
15 it.

16 Q: Okay. And you mentioned the forensic pathologist. The  
17 State called Nicholas Batalis.

18 A: Batalis.

19 Q: Batalis, who was the pathologist. Did you believe it was  
20 necessary to call another pathologist?

21 A: No. In fact, his testimony -- and this was kind of the  
22 reason that Mr. Leiendecker gave. I mean, his testimony,  
23 again, was somewhat consistent with the fact that -- that she  
24 could have been struck by the car. There was the broken -- I  
25 think he called it thyroid cartilage, which was evidence of

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1 the -- whether it was strangulation, asphyxiation, or  
2 whatever. It was consistent, I believed, with Mr. Bonilla's  
3 rendition of the events. And so under no circumstances would  
4 I have called another pathologist to come in and give some  
5 different story.

6 I actually met with Dr. Batalis. We went over what he  
7 was going to testify to. We went over his autopsy report, and  
8 I just -- I didn't find it necessary to call another  
9 pathologist. I thought his testimony was helpful, honestly.

10 Q: Okay. And regarding the solicitor's statements in  
11 closing, in closing the solicitor stated that the word  
12 "verdict" comes from the Latin word *veredicto*, which means  
13 speak the truth. Did you believe there was a basis to object  
14 to that?

15 A: I didn't. I've argued that as a prosecutor. I've  
16 probably argued that as a defense attorney. As far as I know,  
17 that's still the law. If it's not, that's news to me, but it  
18 was certainly the law at the time. And so, you know, I didn't  
19 see any reason to -- to object to that.

20 Q: Okay. But by stating that the solicitor was just  
21 defining a word potentially?

22 A: Yeah. I mean, that -- I've always heard that the word  
23 "verdict" means to speak the truth. I don't know that there's  
24 an objection to be had over that.

25 Q: And regarding the judge's charge to the jury --

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1 MR. HALL: I beg the Court's indulgence.

2 BY MR. HALL:

3 Q: Mr. Hilton, if I could direct your attention to -- do you  
4 have a copy of the transcript --

5 A: I do.

6 Q: -- for the record on appeal? If I could direct your  
7 attention to page 612 of the record on appeal?

8 A: All right.

9 Q: And beginning a little -- beginning on page 611, the  
10 previous page, the last line kind of moves on to the next  
11 page.

12 The judge instructed the jury: I cannot have any opinion.  
13 That is solely your job. Obviously, it is your job and duty  
14 to analyze the evidence and determine what evidence convinces  
15 you of its truth.

16 Did you believe there was a basis to object to that?

17 A: I don't.

18 Q: Okay. And still on page 612, line 22, the judge charged,  
19 quote, so it is up to you, the twelve of you collectively  
20 acting as one, to determine who is telling the truth. What is  
21 the truth? You determine the believability of the witnesses,  
22 and when you determine who -- the next page -- is telling the  
23 truth, you take those true facts as you find them to be, and  
24 you apply those facts to the law as I give it to you, and then  
25 you will be in a position to render a true and just verdict,

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1 end quote.

2 Was that charge given in the witness -- in the context of  
3 determining witness credibility?

4 A: It certainly seems to be.

5 Q: And did you believe there was a basis to object to that?

6 A: I believe that's a true statement of the law, and it's up  
7 to the jury to determine who's believable and who's not.

8 MR. HALL: No further questions, Your Honor.

9 THE COURT: All right.

10 CROSS-EXAMINATION

11 BY MR. LIFSEY:

12 Q: Let's start at the end. So you're not aware of the fact  
13 there's South Carolina cases that say telling the jury that  
14 they have -- their job is to seek the truth is objectionable?

15 A: If there's cases, I have not seen those, and I don't  
16 believe that there was a case back in -- whenever this case  
17 was tried back in 20 -- what was it? -- 15 or something like  
18 that, you know.

19 Q: Gotcha.

20 MR. LIFSEY: And obviously, you know, Your Honor, I'm not  
21 belaboring or arguing the point. I don't have cases to hand  
22 up to you now, but I just, for the purposes of the record,  
23 want to mirror what we were talking about on page 654. Oh,  
24 excuse me, I guess I'm not there. 557 of the record and 612  
25 into 613. That's the language we're discussing. I just

## RUSSELL HILTON - CROSS BY MR. LIFSEY

1 wanted to make that clear.

2 BY MR. LIFSEY:

3 Q: All right. To get back to the -- and you didn't object  
4 to any of that, just to -- just to clarify, because you didn't  
5 believe that was objectionable; correct?

6 A: I don't believe I did.

7 Q: All right. So now let's get back to the -- the body.  
8 Would you agree that the body, both the finding of it and the  
9 physical evidence argued by the State from it, were extremely  
10 important in this case?

11 A: Yeah, absolutely.

12 Q: Would you agree that absent the body, the case presented  
13 by the State would not have been as strong as the case that  
14 did get presented?

15 A: I agree that it wouldn't have been as strong.

16 Q: All right. Did you retain any experts in this matter?

17 A: No experts. We did have an investigator that was hired,  
18 but no experts.

19 Q: There's been testimony of the victim -- the victim's body  
20 having pants down or no pants on; is that right?

21 A: That's correct.

22 Q: Pants down around her ankles, I guess, or just --

23 A: I'm not sure if they were around the ankles or just  
24 missing completely. There was a description of that in the  
25 autopsy report.

RUSSELL HILTON - CROSS BY MR. LIFSEY

1 Q: Is that generally -- I'm not saying what happened out  
2 there because you and I weren't out there, but would that also  
3 have been generally consistent with him striking her with the  
4 car while she was urinating? That she would have had her  
5 pants down at least while she was urinating?

6 A: Well, that is true, but there was a significant amount of  
7 time between the -- just call it the urination event and when  
8 she was placed in the grave. I mean, he had -- he had put her  
9 in the trunk of the car, and this testimony was a little bit  
10 incorrect from previous witnesses, but he had put her in the  
11 trunk of the green Hyundai. He had driven her out to a place  
12 beside I-26 somewhere in North Charleston. He dumped her  
13 body.

14 He went home. He got the work van. He came back and  
15 picked her up, then took her up to upper Dorchester County,  
16 where she was buried in a shallow grave. So there was a  
17 significant -- a significant amount of time between that event  
18 and the time she was deposited into the grave.

19 Q: Sure. But as I understand his story, his story was she  
20 was struck by the car -- by -- by the vehicle in the head  
21 while urinating. Then she began acting bizarre, and that's  
22 when the bear hug or the -- the thing took place. So  
23 everything after that occurs after she has expired?

24 A: That's correct.

25 Q: Okay.



## RUSSELL HILTON - CROSS BY MR. LIFSEY

1 MR. LIFSEY: I beg the Court's indulgence just one  
2 moment.

3 BY MR. LIFSEY:

4 Q: And you got the case in April, tried it in August; is  
5 that right? Am I remembering that right?

6 A: Actually --

7 Q: Or excuse me. You met -- you got the case in late March;  
8 right?

9 A: Yeah, March 21st.

10 Q: Met the client in early-ish April; correct?

11 A: April 8th would have been the first meeting.

12 Q: All right.

13 MR. LIFSEY: I don't have any further questions.

14 MR. HALL: Nothing further. Nothing further from the  
15 State, Your Honor.

16 THE COURT: Thank you, Mr. Hilton. You can step down.

17 THE WITNESS: Am I excused?

18 MR. LIFSEY: No objection from me, Judge.

19 MR. HALL: No objection from the State.

20 THE COURT: You are excused. Thank you.

21 MR. HALL: If Your Honor will allow, we'll request a few  
22 moments for brief argument.

23 THE COURT: All right. Sure.

24 MR. HALL: And there are -- and there are no more --  
25 there are no further witnesses from the State, Your Honor.

1 THE COURT: I do allow brief arguments. Some judges are  
2 a little more particular about it, but I'll certainly be glad  
3 to hear from you.

4 We'll stand at ease. Ten minutes enough?

5 MR. HALL: Yes, sir. Or I -- we're ready, Your Honor.

6 THE COURT: Oh, you're ready?

7 MR. HALL: Yes. I'm sorry.

8 THE COURT: I'm sorry. I misinterpreted it.

9 MR. LIFSEY: Let's hold -- let's hold on the break.

10 THE COURT: All right. Back in order. Fire away.

11 MR. LIFSEY: Well, I'll just go first, I guess.

12 MR. HALL: Yeah.

13 MR. LIFSEY: Since we have the burden of proving the  
14 matter.

15 Judge, I think, first of all, as I told you, obviously, a  
16 lot of these things are credibility decisions. You're in --  
17 you're in -- you're in a PCR. You have to be a finder of  
18 fact.

19 There were varying arguments of -- and recounting of  
20 events from Mr. Bonilla and Mr. Leiendecker were very  
21 different. The Court has to make a finding of fact and  
22 credibility. Obviously, on behalf of Mr. Bonilla, I urge you  
23 to believe him, but that's a fact-finding matter, we believe  
24 to be.

25 I do think it's sort of indisputable that the evidence of

1 the body was hugely important in this case. Obviously, it's  
2 correct they can charge murder without it, but with it, they  
3 had -- I mean, it's kind of an icing on the cake. I don't  
4 mean to make light of such a serious matter as this, but I  
5 mean, I don't see how he had any hope post finding the body,  
6 and I don't understand what he got out of it.

7 I mean, obviously, as a lawyer, your job is partially --  
8 or part of your job as a lawyer is to give advice and, you  
9 know, I don't understand why the advice to Mr. Bonilla was  
10 shut up and hope they don't find the body. I mean, I don't  
11 mean to be crude about it, but I don't think anything good  
12 came out of this.

13 In regards to the rest of it, I leave it to your  
14 discretion. I would point out there are certainly cases in  
15 South Carolina that -- there are certainly cases that say it's  
16 improper for a judge to make comments about the jury having a  
17 role to find the truth, to seek or find the truth.

18 And it's certainly objectionable, and the solicitor does  
19 it because it takes focus off what is the jury's job, which is  
20 not to find the truth. The jury's job is to find out whether  
21 or not the State has met their burden of proof, proving the  
22 defendant, who is presumed innocent, beyond a reasonable  
23 doubt. So I argue that was objectionable, and it should have  
24 been objected to both as to the solicitor's statements and as  
25 to the judge's charge.

1       And of course, you have to make a determination if that's  
2 the first -- I believe it's clearly the first prong of  
3 *Strickland* that you make a decision on whether. We urge you  
4 and argue that it also meets the second prong, but that's a  
5 decision that I can make. Thank you, Judge.

6       THE COURT: Thank you, Counsel.

7       MR. HALL: Your Honor, as you know, the standard here in  
8 this case, the burden of proof is on Mr. Bonilla to -- to  
9 prove his allegations, but regarding the victim's body, as  
10 counsel mentioned, this is going to come down to the  
11 believability -- believability of witnesses.

12       And counsel testified that he made the decision to  
13 disclose the victim's body or Mr. Bonilla made the decision to  
14 disclose the victim's body because counsel believed that it  
15 could negate the murder charge, and that decision was based on  
16 the information that Mr. Bonilla had given counsel, and  
17 counsel testified that he believed Bonilla was believable. He  
18 believed his story. He believed what he was telling him.

19       He advised him of the risks and benefits of disclosing  
20 the body. And knowing this, Mr. Bonilla still gave informed  
21 consent to counsel to disclose the victim's body. It wasn't  
22 until after the body was found and it did not corroborate Mr.  
23 Bonilla's story that Mr. Bonilla then became upset with  
24 counsel and had a problem with that disclosure.

25       Your Honor, regarding certain experts not being called,

1 counsel articulated reasonable trial strategies for not  
2 calling those experts. Regarding the blood splatter --  
3 splatter expert, counsel articulated that the blood splatter  
4 expert and the pattern of the blood corroborated Mr. Bonilla's  
5 story regarding him throwing the bag with the victim's blood  
6 on it.

7 As far as the pathologist, counsel testified that he  
8 didn't believe it was necessary because the pathologist  
9 actually didn't dispute Mr. Bonilla's story that perhaps the  
10 victim had been -- had asphyxia or blunt force trauma to the  
11 head, and so there was no need to call an independent expert.

12 Regarding some of his other -- other allegations, counsel  
13 testified that he adequately prepared for trial. That he  
14 communicated with Mr. Bonilla.

15 And, Your Honor, regarding certain statements made in  
16 closing, the Supreme Court held that a jury charge that the  
17 jury's objective was to seek the truth does not -- does not  
18 violate a defendant's due process right when the charge is  
19 given in the context of the jury's role in determining witness  
20 credibility. Your Honor, we've reviewed the transcript. The  
21 judge gave that charge in the context of determining witness  
22 credibility, and that case is *State v. Aleksey*, 343 S.C. 20.

23 Regarding the solicitor's comments, Your Honor, the  
24 standard is -- for solicitor's comments is whether the comment  
25 so infected the charge with -- with unfairness as to render a

1 violation of due process. Regardless of the solicitor's  
2 comments, there were no -- there were no deprivation of due  
3 process here in this case, and there was no prejudice on  
4 behalf of any of counsel's decisions here because, regardless  
5 of all of that, Mr. Bonilla confessed to the crime.

6 He took the stand and admitted to the victim dying in his  
7 arms, and there were -- there was overwhelming evidence that  
8 confirmed that Mr. Bonilla had been involved with the victim's  
9 death. He was the last person that she was seen with. There  
10 was blood splatter in his work van.

11 And so all of this evidence, a jury could have found Mr.  
12 Bonilla guilty of the crime regardless of the fact --  
13 regardless of the victim's body disclosure and regardless of  
14 some of the other things that Mr. Bonilla has alleged here  
15 today, and we ask that you would deny Mr. Bonilla's  
16 application. Thank you.

17 THE COURT: Thank you.

18 Okay. I'm going to hold it under advisement and take a  
19 look at the records.

20 And I'll say this about the judge's charging to the jury  
21 about seeking the truth. You know, for many, many years, that  
22 was a standard part of our charge in criminal cases. And then  
23 sometime after this case was tried, I believe it was Justice  
24 Kittredge sort of fired a warning shot across the bow in a  
25 decision. I don't remember the name of it. It may have been

1 the one that you mentioned there. Basically, we need to be  
2 careful with that.

3 So personally, I have -- I have adjusted my charge not to  
4 mention the truth issue anymore. Unless you all know  
5 something else on that, I don't think there has been any  
6 definitive decision possibly in fact at the time of his trial,  
7 but I'll take a look at that too.

8 Thank you very much.

9 MR. HALL: Thank you, Your Honor.

10 (WHEREUPON, the proceedings ended at 1:17 p.m.)

11

12 --- END REQUEST TRANSCRIPT ---

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State of South Carolina                 )  
                                                                )         Certificate  
County of Florence                         )

I, the undersigned, Krystal J. Smith, Notary Public and Official Court Reporter III for the Twelfth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing pages, numbered 1 through 65, constitute a true, accurate, and complete Transcript of Record of all the proceedings had and evidence introduced in the hearing of the above captioned case, relative to appeal, in the Court of Common Pleas for Dorchester County, South Carolina, on the 5th day of February, 2024, to the best of my ability based upon the audio and notes provided.

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

s/Krystal J. Smith

Court Reporter

Florence, South Carolina

October 4, 2024



FORM 4

CERTIFIED COPY

JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2021CP1801214STATE OF SOUTH CAROLINA  
COUNTY OF DORCHESTER  
IN THE COURT OF COMMON PLEAS

Edward P Bonilla

2024 MAY -3 PM 4:20 South Carolina State Of

PLAINTIFF(S)

DEFENDANT(S)

*Charles H. Hark*  
CLERK OF COURT  
DORCHESTER COUNTY

Submitted by:

Attorney for: ☐ Plaintiff ☐ Defendant  
☐ Self-Represented Litigant

## DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit);  
☐ Rule 43(k), SCRPC (Settled); ☐ Other: \_\_\_\_\_
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRPC; ☐ Bankruptcy;  
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: \_\_\_\_\_
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:** ☒ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

## ORDER INFORMATION

**This order** ☒ ends ☐ does not end the case.

Additional Information for the Clerk: \_\_\_\_\_

## INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

| Judgment in Favor of<br>(List name(s) below) | Judgment Against<br>(List name(s) below) | Judgment Amount To be Enrolled<br>(List amount(s) below) |
|----------------------------------------------|------------------------------------------|----------------------------------------------------------|
|                                              |                                          |                                                          |
|                                              |                                          |                                                          |
|                                              |                                          |                                                          |

If applicable, describe the property, including tax map information and address, referenced in the order: \_\_\_\_\_

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

**Note:** Title abstractors and researchers should refer to the official court order for judgment details.**E-Filing Note:** In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Paul M. Burch

2048

5/3/2024

Circuit Court Judge

Judge Code

Date

## For Clerk of Court Office Use Only

This judgment was entered on **05/03/2024**, and a copy mailed first class or placed in the appropriate attorney's box on **05/03/2024**, to attorneys of record or to parties (when appearing pro se) as follows:

CPFORM4Cm

SCCA SCRPC Form 4C (Revised 2/17)

**Edward P Bonilla**

Perry Corr. Inst., Q3-A 104, scdc#369324  
430 Oaklawn Rd.  
Pelzer, SC 29669

**Michael H. Lifsey**

PO Box 548  
Chester, SC 29706

**Bryan TyJarris Hall**

PO Box 11549  
Columbia, SC 29211

---

**ATTORNEY(S) FOR THE PLAINTIFF(S)**

---

**ATTORNEY(S) FOR THE DEFENDANT(S)**

---

**Court Reporter**

---

**Cheryl Graham - Clerk of Court****Court Reporter:**

**E-Filing Note:** In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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|                               |   |                                |
|-------------------------------|---|--------------------------------|
| STATE OF SOUTH CAROLINA       | ) | IN THE COURT OF COMMON PLEAS   |
| COUNTY OF DORCHESTER          | ) | FOR THE FIRST JUDICIAL CIRCUIT |
|                               | ) |                                |
| Edward Bonilla, SCDC #369324, | ) | Case No. 2021-CP-18-01214      |
|                               | ) |                                |
| Applicant,                    | ) | <b>ORDER OF DISMISSAL</b>      |
| v.                            | ) |                                |
|                               | ) |                                |
| State of South Carolina,      | ) |                                |
|                               | ) |                                |
| Respondent.                   | ) |                                |
|                               | ) |                                |

CERTIFIED COPY  
 2024 MAY -3 PM 4:20  
 Court of Common Pleas  
 of the County of  
 Dorchester

This matter is before the Court pursuant to an application for post-conviction relief (“PCR”) filed by Edward Bonilla (“Applicant”) on July 6, 2021. On February 5, 2024, an evidentiary hearing convened before the Honorable Paul M. Burch. Applicant was present and represented by Michael H. Lifsey, Esquire. Assistant Attorney General Bryan T. Hall represented Respondent. At the hearing, Applicant testified on his own behalf. Respondent called as witnesses Mark A. Leiendecker and Russell Hilton, Esquire (“Counsel”). Following a thorough review of the trial transcript and the testimony and evidence presented at the evidentiary hearing, this Court finds Applicant did not meet his burden of proof. Thus, this Court denies relief and dismisses this application with prejudice.

### PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections (“SCDC”) serving a life sentence. In December 2015, the Dorchester County Grand Jury indicted Applicant for murder (2015-GS-18-0606). The indictment arose from an incident in which the victim was last seen with Applicant on the night of her disappearance. On August 8-11, 2016, Applicant proceeded to a jury trial before the Honorable Doyet A. Early, III. Deputy Solicitor Donald Sorenson and Assistant Solicitor Ryan Templeton prosecuted the case. Applicant was initially

represented by Mark Leiendecker (“Leiendecker”), who was later relieved as counsel. Applicant was then represented by trial counsels Russell Hilton, Esquire, (“Counsel”) and Mandy Kimmons, Esquire. The jury convicted Applicant as indicted, and Judge Early sentenced Applicant to life without parole.

On August 22, 2016, a notice of appeal was filed on Applicant’s behalf. Applicant was represented on appeal by Chief Appellate Defendant Rober Dudek, who raised the following issues:

1. Whether the court erred by ruling appellant gave defense counsel his ‘informed consent’ to reveal the location where the decedent’s body was located.
2. Whether the court erred by ruling the Dorchester County search warrant for the Hyundai Sonata was not legal [sic] defective, and fruits of the search of it were admissible.
3. Whether the court erred by ruling that the Dorchester County search warrant for appellant’s Ford work van was not legally defective, and that fruits of the van were admissible.
4. Whether the court erred by refusing to grant the defense an *in camera* hearing on the qualifications of Investigator Jeff Scott to testify as a crime scene processing expert that the swabs he took from the automobile and the work van contained blood.

Following briefing and an oral argument, the South Carolina Court of Appeals affirmed Applicant’s conviction and sentencing, determining (1) the court properly found Applicant gave his informed consent to disclose the location of the victim’s body; (2) Applicant’s employer gave law enforcement consent to search and seize the Ford work van, and the automobile exception applies to both the Hyundai Sonata and Ford work van; and (4) the *in camera* hearing on Investigator Jeff Scott was not properly preserved for appeal. *State v. Bonilla*, 429 S.C. 253, 838 S.E.2d 1 (Ct. App. 2019), *cert. denied*.

#### **CURRENT APPLICATION**

Applicant timely commenced this PCR action on July 6, 2021, alleging he is being held in custody unlawfully for the following reasons:

- 1) Ineffective assistance of counsel for failing to investigate.
- 2) Newly discovered evidence
  - a. Great Seal
  - b. Fraud Upon the Court
  - c. Subject Matter Jurisdiction

Respondent filed a return and moved to dismiss the newly discovered evidence and subject matter jurisdiction allegations and moved for a more-definite statement on Applicant's ineffective assistance of counsel allegation. Applicant, through counsel, amended his application to add the following allegations:

Ineffective Assistance of Counsel

- a. Improperly disclosing the location of the victim's body without Applicant's informed consent. [Allegation only applicable to initial counsel, Mark Leiendecker]
- b. Failing to retain the services of an expert witness on the issue of blood splatter or forensic pathology.
- c. Failing to meet with Applicant a sufficient number of times prior to trial.
- d. Failing to move for a continuance to allow Applicant and trial counsel sufficient time to consult trial strategy.
- e. Failure to object to statements by the prosecutor and the trial judge that the jury's verdict must "speak the truth."

Applicant, through counsel, amended his application a second time to add the following allegations:

Ineffective Assistance of Counsel

- a. Failing to properly advise Applicant on his right to testify or not testify.
- b. Failing to properly challenge the admissibility of evidence seized and introduced against Applicant.

At the hearing, Applicant proceeded solely on the allegations contained in the first and second amendments to his application. Only those issues are before this Court for consideration. Before this Court are the Dorchester County Clerk of Court records of the subject conviction; Applicant's records from SCDC; the appellate records; the trial transcript; and the records of the current PCR action.

**TESTIMONY PRESENTED AT THE EVIDENTIARY HEARING**

***Informed Disclosure with Applicant's Initial Counsel***

At the evidentiary hearing, Applicant averred his initial counsel, Mark Leiendecker ("Leiendecker") disclosed the location of the victim's body without Applicant's consent. Applicant testified he told Leiendecker how he met the victim, where they went, and where the incident occurred. Applicant testified Leiendecker said he could negotiate with the solicitor to have an autopsy of the victim's body done at the Medical University of South Carolina ("MUSC") instead of Newberry County because MUSC would do a better job investigating. Applicant testified that a week or so later, Leiendecker told him investigators were coming so Applicant could show them the location of the victim's body. Applicant testified he was reluctant and in shock but Leiendecker told him it was best to disclose the location of the victim's body so an autopsy could be performed. Applicant testified he does not recall discussing with Leiendecker the benefits and risks of disclosure, and Applicant did not authorize disclosure. Applicant testified Leiendecker was present during the disclosure. On cross-examination, Applicant testified he told Leiendecker that he killed victim by accident, and Leiendecker told him the best way to prove it was an accident would be to find the victim's body.

Mark Leiendecker testified Applicant did not tell the story in his testimony until the second (2<sup>nd</sup>) or third (3<sup>rd</sup>) meeting. Leiendecker testified Applicant's story was that he met the victim on a dating app, went to a party with her, and attempted to drive her home after she became intoxicated. Leiendecker testified Applicant told him that Applicant accidentally hit the victim with his car and tried to restrain her when she became upset. According to Leiendecker, Applicant said victim stopped moved in his arms, and he knew she had died. According to Leiendecker, Applicant maintained the incident was an accident, and Leiendecker testified he thought Applicant

was believable.

Leiendecker testified that he told Applicant that he would be convicted of murder regardless of whether the body was found and suggested to Applicant that the best way to corroborate Applicant's accident story was to disclose the location of the victim's body so an autopsy could be performed. Leiendecker testified he explained to Applicant that physical proof of injuries that corroborated Applicant's story could be advantageous by negating the murder charge. Leiendecker testified he also informed Applicant that the disclosure carried the risk of hurting Applicant's case if Applicant's story was not true. Leiendecker testified he discussed the disclosure with Applicant three (3) times. Leiendecker testified he previously had success in criminal cases in which a victim's body was disclosed and resulted in negation of homicide charges. Leiendecker testified that Applicant made the decision to disclose the victim's body, and Leiendecker would not lightly waive attorney client privilege without Applicant's consent. Leiendecker testified Applicant became upset when the victim's body was found and observations did not corroborate his accident story.

#### ***Trial Counsel's Representation***

Applicant testified Russell Hilton ("Counsel") was appointed as counsel a month after the disclosure due to a conflict of interest that arose between Applicant and Leiendecker. Applicant testified he met with Counsel three (3) times prior to trial but did not feel it was sufficient time. Applicant testified he asked Counsel for a continuance, and Counsel declined, saying "they were ready to move." Applicant believed Counsel should have had more time to prepare. Applicant testified Counsel should have called a blood splatter expert testify but did not. Applicant testified he believed it was a mistake for him to testify at trial. Applicant testified he believed Counsel should have moved for a mistrial because of improper comments the trial judge made but Counsel

told him the comments occurred outside of the presence of the jury.

On cross-examination, Applicant testified he met with Counsel and reviewed discovery. Applicant testified he did not recall Counsel explaining his Fifth Amendment right to remain silent but believed the trial judge did explain the right to him, including the risk of being subject to cross-examination if Applicant chose to testify. Applicant admitted he testified at trial that after victim died in his arms, he put her body in his Ford work van and buried the body in the woods.

Russell Hilton ("Counsel") testified he met with Applicant six (6) times prior to trial and did not need additional time to meet with Applicant. Counsel testified that he reviewed discovery with Applicant. Counsel testified the State's evidence included several witnesses who testified victim was last seen with Applicant; victim's DNA and blood in Applicant's work van and Hyundai Sonata; Applicant's cellphone GPS location data; a video of Applicant and the victim shortly before her death; and the disclosure of the victim's body. Counsel testified he discussed defenses with Applicant including the defense of accident to reduce the murder charge to an involuntary manslaughter charge. Counsel testified he informed Applicant of his Fifth Amendment right to testify, and discussed whether Applicant would testify. Counsel testified that he advised Applicant that the only way to convince the jury the killing was an accident would be to testify.

Counsel testified he moved to suppress evidence seized from Applicant's work van and Hyundai Sonata; the trial judge denied the motions, and the Court of Appeals affirmed. Counsel testified he did not believe it was necessary to call an expert for blood splatter because the State's blood splatter expert's testimony was inconsistent with testimony from the State's forensic pathologist. Counsel testified he did not believe it was necessary to call a forensic pathologist because testimony from the State's forensic pathologist was somewhat consistent with Applicant's accident story. Counsel testified he did not want to call a different pathologist to testify because



he believed testimony from the State's expert was helpful to Applicant. Counsel testified he did not see a reason to object to the trial judge's truth-seeking language in rendering a true and just verdict and believed the trial judge's truth-seeking charge in the context of witness credibility was a true statement of the law.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This Court has had the opportunity to review the trial transcript in its entirety and has heard the testimony at the PCR hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony. After a careful review based on the *Strickland* standard set forth below, this Court finds Applicant has failed to carry his burden of proof. Below are this Court's findings of facts and conclusions of law as required by section 17-27-80 of the South Carolina Code (2017).

#### **Ineffective Assistance of Counsel**

In a PCR action, an applicant bears the burden of proving the allegations. Rule 71.1(e), SCRPC; *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). An applicant alleging ineffective assistance of counsel must prove "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668 (1984); *Butler*, 286 S.C. at 441, 334 S.E.2d at 813. "The test for effective assistance of counsel is whether the representation was within the range of competence demanded of attorneys in criminal cases." *Watson v. State*, 287 S.C. 356, 357, 338 S.E.2d 636, 637 (1985). Courts presume counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. *Butler*, 286 S.C. at 441, 334 S.E.2d at 813. An applicant must overcome this presumption to receive relief. *Cherry v. State*, 300 S.C. 115, 386 S.E.2d 624 (1989). *Strickland* requires that trial counsel be given leeway to make

reasonable strategic decisions. *Strickland*, 466 U.S. at 688-89 (stating “[n]o particular set of detailed rules for counsel’s conduct can satisfactorily take account of the variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how to best represent a criminal defendant”). Judicial scrutiny of counsel’s performance must be highly deferential. *Id.*

To establish ineffective assistance of counsel, a PCR applicant must prove (1) counsel’s performance fell below an objective standard of reasonableness (i.e. deficient performance) and (2) the applicant sustained prejudice as a result of counsel’s deficient performance. *Strickland*, 466 U.S. at 687–88; *Cherry*, 300 S.C. at 117–18, 386 S.E.2d at 625. Applicant must prove prejudice by showing “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625.

### ***Disclosure of Victim’s Body***

#### ***[Ineffective assistance of counsel allegation against Mark Leiendecker]***

This Court finds Applicant has failed to prove Leiendecker was ineffective for disclosing the location of the victim’s body with Applicant’s informed consent. This Court finds Leiendecker exercised reasonable professional judgment and articulated reasonable strategic grounds for the disclosure as he believed an autopsy of the victim’s body could corroborate Applicant’s accident defense, and thus, negate the murder charge. This Court finds **credible** Leiendecker’s testimony that he explained to Applicant several times the advantages and risks of disclosing the location of victim’s body. This Court finds **credible** Leiendecker’s testimony that Applicant gave his informed consent to disclose the location of the victim’s body prior to the disclosure. This Court finds **credible** Leiendecker’s testimony that his belief in the advantage of the disclosure was based on him finding Applicant believable, his criminal trial experience, and the success of a previous

disclosure involving a former client.

Further, this Court finds Applicant failed to prove he was prejudiced by Leiendecker's disclosure of the victim's body with Applicant's informed consent. This Court finds **credible** Leiendecker's testimony that regardless of the victim's body being recovered, Applicant was likely to be convicted of murder because victim was last seen with Applicant shortly before her disappearance. Additionally, Applicant failed to prove a reasonable probability the result of trial would have been different without the disclosure because there was other physical evidence linking Applicant to the crime including the victim's blood and DNA in Applicant's work van, Applicant's cellphone location data, and video camera footage of Applicant and the victim shortly before her disappearance and death. Thus, Applicant failed to meet his burden.

*[Applicant's remaining allegations of ineffective assistance of counsel are against trial counsel.]*

#### ***Failure to Investigate***

This Court finds Applicant failed to prove Counsel was ineffective for failing to investigate. This Court finds Counsel's investigation was reasonable under prevailing professional norms, and thus, was not deficient. Applicant failed to produce any evidence at the PCR hearing of what a further investigation would have uncovered, and thus, failed to prove prejudice in this regard. Thus, Applicant has failed to meet his burden.

#### ***Failure to Spend Adequate Time and Adequately Prepare***

This Court finds Applicant failed to prove Counsel was ineffective for failing to meet with Applicant a sufficient number of times and failing to spend adequate time on his case. "[B]revity of time spent in consultation with a defendant alone is not indicative of inadequate trial preparation." *Smith v. State*, 404 S.C. 493, 500, 745 S.E.2d 378, 382 (2012). Applicant must prove prejudice by showing evidence of how additional preparation or communication would have

resulted in a different outcome. *Id.*; see *Jackson v. State*, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998) (application failed to show counsel was ineffective based on lack of preparation by neglecting to show evidence of what counsel failed to discover or what defenses counsel could have pursued had he more fully prepared for the case).

This Court finds **credible** Counsel's testimony that he met with Applicant a sufficient number of times and felt adequately prepared for trial. This Court also finds **credible** Counsel's testimony that he did not need additional time to prepare for trial. This Court finds **credible** Counsel's testimony that he reviewed discovery with Applicant and discussed trial strategies and defenses. This Court finds Counsel's preparation of this case was reasonable within prevailing professional norms, and thus, was not deficient. Further, this Court finds Applicant failed to prove prejudice because Applicant failed produce evidence of what Counsel could have discovered or what other defenses Counsel could have pursued if he had prepared more fully. Thus, Applicant failed to meet his burden.

***Failure to Call Expert Witnesses for the Issues of Blood Splatter and Forensic Pathology***

This Court finds Applicant failed to prove Counsel was ineffective for failing to call expert witnesses on the issues of blood splatter and forensic pathology. Counsel is not required to call every potential witness where counsel can articulate reasonable grounds not to. *Edwards v. State*, 392 S.C. 449, 457, 710 S.E.2d 60, 65 (2011). If counsel makes such a reasonable decision, they will have fulfilled their duty owed to the client. *Id.* To prevail on a claim that counsel failed to interview or call witnesses, an applicant must prove counsel's inaction resulted in prejudice by producing witnesses at the PCR hearing to show a reasonable probability the result of the trial would have been different based on the witness's testimony. *Cf. Glover v. State*, 318 S.C. 496, 498-99, 458 S.E.2d 538, 540 (1995) (providing an applicant must produce witnesses at a PCR

hearing to support a claim that counsel was ineffective for failing to interview or call potential witnesses).

This Court finds Counsel articulated a reasonable strategic ground for not calling expert witnesses to testify to blood splatter and forensic pathology, and thus, was not deficient. This Court finds **credible** Counsel's testimony that he believed the testimony of Bradley Mullis, the State's expert witness on blood splatter, was inconsistent with the testimony of Nicholas Batalis, the State's forensic pathologist. This Court finds **credible** Counsel's testimony that he believed the testimony of the forensic pathologist was consistent with Applicant's accident story, and as a result, was helpful to Applicant.

Further, this Court finds Applicant failed to prove he was prejudiced by Counsel's failure to call expert witnesses in blood splatter and forensic pathology because Applicant failed to present evidence of what such witnesses would have testified to. As a result, Applicant failed to show a reasonable probability the result of trial would have been different if Counsel had called such expert witnesses. Thus, Applicant failed to meet his burden.

***Failure to Object to the Trial Judge's Use of Truth-Seeking Language***

This Court finds Applicant failed to prove he was prejudiced by Counsel's failure to object to the trial judge's use of truth-seeking language in charging the jury on its role as finder of fact and determiner of witness credibility. Jury instructions should be considered as a whole, and if as a whole they are free from error, any isolated portions which may be misleading do not constitute reversible error. *State v. Aleksey*, 343 S.C. 20, 26-27, 538 S.E.2d 248, 251-52 (2000) In *Aleksey*, the Supreme Court held a trial court's charge that the jury's objective was to "seek the truth" did not violate a defendant's due process rights when the charge was given in the context of the jury's role in determining witness credibility. *Id.* The Court determined the defendant was not prejudiced

by the charge because the truth-seeking language did not appear in either the reasonable doubt or circumstantial evidence charges and was prefaced by a full and proper instruction on reasonable doubt. *Id.* at 27-29, 538 S.E.2d at 251-53.

In Applicant's trial, the trial judge charged the jury as follows:

I cannot have any opinion. That is solely your job. Obviously, it is your job and duty to analyze the evidence and determine what evidence convinces you of it's truth.

Now, to carry out your job as judge of the facts, you must determine by necessity the credibility of the witnesses who have testified in this case.

...

You can also consider the appearance and manner of a witness while on the witness stand. So, it is up to you, the 12 of you collectively acting as one, to determine who is telling the truth; what is the truth. You determine the believability of the witnesses. And when you determine who is telling the truth, you take those true facts as you find them to be, and then you apply those facts to the law as I give it to you. And then you'll be in a position to render a true and just verdict.

(R. 611:25-612:6; 6:12:22-613:4).

This Court finds Applicant failed to prove he was prejudiced by Counsel's failure to object because the trial judge's charge was given in the context of the jury's role as finder of fact in determining witness credibility. Further, the trial judge's truth-seeking language was prefaced by a full and proper charge on the State's burden of proving Applicant's guilt beyond a reasonable doubt and did not appear in the court's reasonable doubt charge. (R. 608-610). Reviewing the jury charges and the record as a whole, Applicant failed to prove a reasonable probability the result of trial would have been different but for Counsel's failure to object.<sup>1</sup> Thus, Applicant failed to meet his burden.

#### ***Failure to Object to the Solicitor's Comments in Closing Argument***

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<sup>1</sup> Decided after Applicant's trial, *State v. Beaty*, 423 S.C. 26, 813 S.E.2d 502 (2018) held although a trial judge's opening remarks that jury was to "search for truth" and render a "just verdict" were improper, it did not warrant reversal because appellant did not show prejudice based on a review of the entire record.

This Court finds Applicant failed to prove he was prejudiced by Counsel's failure to object to the solicitor's comments in closing argument that "verdicta" means speak the truth. Improper comments by the prosecutor do not automatically require reversal if they are not prejudicial to the defendant. *Fortune v. State*, 428 S.C. 545, 550, 837 S.E.2d 37, 40 (2019). The relevant inquiry is whether the solicitor's comments so infected the trial with unfairness as to make the resulting conviction a denial of due process. *Id.*

In closing, the solicitor stated, "[v]erdict comes from the Latin word 'verdicta' meaning to speak the truth. That will soon be your duty." (R. 557:5-6). The solicitor later stated, "[a]nd as you were told, you know, the verdict comes from a Latin word that ultimately means to speak the truth. Speak the truth." (R. 607:5-7).

This Court finds Applicant failed to prove he was prejudiced by Counsel's failure to object to the solicitor's comments because Applicant failed to prove a reasonable probability the result of trial would have been different but for Counsel's failure to object. Applicant testified at trial and admitted to restraining the victim, resulting in her death. (R. 478). This Court finds there was overwhelming evidence of guilt against Applicant: cellphone location data; video surveillance of Applicant and victim shortly before her disappearance; the victim's blood and DNA evidence in Applicant's work van and the Hyundai Sonata; and the testimonies of several witnesses who last saw victim with Applicant. This Court finds Applicant failed to prove the solicitor's comments so infected the trial with unfairness as to make the resulting conviction a denial of due process. Thus, Applicant failed to meet his burden.

#### ***Failure to Advise Applicant on Right to Testify***

This Court finds Applicant failed to prove Counsel was ineffective for failing to advise Applicant on his Fifth Amendment right to remain silent or testify. This Court finds **credible**

Counsel's testimony that he informed Applicant of his right to remain silent or testify and discussed the decision with him. This Court finds **credible** Applicant's testimony that he believes the trial judge explained his Fifth Amendment right to remain silent. This Court finds **credible** Applicant's testimony that he made the decision to testify. Thus, Applicant failed to meet his burden.

***Failure to Properly Challenge the Admissibility of Evidence Seized and Introduced***

This Court finds Applicant failed to prove Counsel was ineffective for failing to properly challenge the admissibility of evidence seized and introduced against Applicant. This Court finds **credible** Counsel's testimony that he moved to suppress evidence obtained from the search of Applicant's work van and the Hyundai Sonata. This Court finds Counsel's conduct was reasonable under prevailing professional norms. Further, this Court finds Applicant failed to prove prejudice because the Court of Appeals affirmed the trial court's admission of the evidence. *See Millidge v. State*, 422 S.C. 366, 380, 811 S.E.2d 769, 800 (2018) (the proper inquiry for determining prejudice for failing to object is whether there is evidence in the record to support the trial court's finding, such that "an appellate court would necessarily have affirmed the trial court's ruling"). Thus, Applicant failed to meet his burden.

*[Space left blank intentionally. Conclusion follows on next page.]*



CONCLUSION

Based on the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant relief. Thus, this application is denied and dismissed with prejudice.

Should Applicant wish to secure appellate review, he must file and serve a notice of appeal within thirty (30) days of receipt by counsel of written notice of entry of judgment. *See* Rule 203, SCACR. Applicant has the right to an appellate counsel's assistance in seeking review of the denial of PCR. *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). If an applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on applicant's behalf. Rule 71.1(g), SCRCP. Attention is directed to Rule 243, SCACR, for appropriate procedures for appeal.

**IT IS THEREFORE ORDERED:**

1. This application for PCR is denied and dismissed with prejudice; and
2. Applicant must be remanded to and remain in the custody of the State.

AND IT IS SO ORDERED THIS 21<sup>st</sup> day of March, 2024.

  
 PAUL M. BURCH  
 Presiding Judge  
 First Judicial Circuit

, South Carolina