

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM ORANGEBURG COUNTY  
Maite Murphy, Circuit Court Judge

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**SC Court of Appeals**

The State, Respondent,

v.

Kenneth Henry Eastwood, Appellant

Appellate Case No. 2023-001798

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RECORD ON APPEAL

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

**COURT’S EXHIBIT 1 (UNREDACTED VIDEO OF EASTWOOD INTERVIEWS)**

**STATE’S EXHIBIT 5 (REDACTED VIDEO OF EASTWOOD’S FIRST INTERVIEW)**

**STATE’S EXHIBIT 6 (REDACTED VIDEO OF EASTWOOD’S SECOND INTERVIEW)**

## CLOSING ARGUMENTS BY MS. HUNTER

1 50 pound boxes on a daily basis. When you go back  
2 and look at those pictures of the house that I want  
3 to show you, notice the workout equipment. You'll  
4 have these in your jury room. There's a weight  
5 bench in the garage. There's dumbbells in his  
6 bedroom that he uses and there's this ab roller.  
7 This is not some feeble old man. This person was  
8 able to exert that force and overpower her. You  
9 know what? Look at the pictures of Mr. Eastwood,  
10 you can see that he has some strength.

11           Also when you look at those pictures,  
12 remember that Mr. Eastwood had scratches and  
13 bruises on his body. And when Dr. Rose testified  
14 about those bruises, she's a medical doctor, she  
15 knows this, she has experience in this, she  
16 examines bodies for a living to determine injuries.  
17 She said these bruises here, several of them, they  
18 appear to be days old.

19           He also had that scratch mark on his  
20 chest. And Mr. Eastwood told Investigator  
21 McCormack that that was caused by his cat. Well,  
22 Dr. Rose testified that those weren't cat  
23 scratches, that's not some normal house cat. Those  
24 are human nail marks and you can see the bruising  
25 around it as well. Cats don't cause bruising like

## CLOSING ARGUMENTS BY MS. HUNTER

1 that. Those are fingerprint indentations. She  
2 even described his bruises as healing wounds. You  
3 can tell with the discoloration around them.

4 And, ladies and gentlemen, these  
5 photos, these were taken on December 13th, this is  
6 days after, so that's corroborated. It makes sense  
7 that they would have been healing wounds if he  
8 killed her after they left the bar a few days  
9 before -- a few evenings before.

10 Ladies and gentlemen, that alone that's  
11 enough to prove this case beyond a reasonable  
12 doubt. Enough for you to find him guilty of  
13 murder. But what makes this case proof beyond all  
14 doubt is the Defendant's DNA under her right  
15 fingernails. And remember, it's just under her  
16 right hand. We just looked at those pictures again  
17 of Mr. Eastwood of that scratch mark. Well, what  
18 Dr. Rose was telling you is that she would have  
19 been clawing at her neck to get that ligature off  
20 and fighting him with her other hand. And that's  
21 corroborated by the DNA analyst who testified that  
22 his DNA is only under her right fingernails.

23 Remember how she said that under her  
24 left nails, Cara Hodges was a major contributor.  
25 And the reason that could happen is there's a minor

*CLOSING ARGUMENTS BY MS. HUNTER*

1 contributor, but we couldn't develop a DNA profile  
2 because that amount of DNA was too low. Which  
3 makes sense if she's scraping, clawing at her neck  
4 to get it off, her DNA would mask that minor  
5 contributor's DNA. It all corroborates her  
6 injuries.

7           And there's one more big piece of  
8 evidence I want to talk to y'all about in this case  
9 and that's what makes this case proof beyond any  
10 doubt and that's his confession. Mr. Eastwood  
11 confessed not just once, but twice. He confessed  
12 to his boss before he confessed to law enforcement.  
13 What makes this confession credible? First he  
14 tells Brian Lauder. That Saturday morning,  
15 December 14th, he shows up at work a little before  
16 8 a.m. Mr. Lauder said he looked like hell. Mr.  
17 Eastwood told him, I'm not coming to work today and  
18 I probably won't be coming back. And when lauder  
19 asked him why, he said because he did it. Lauder  
20 asked him, you did what? And he said, I strangled  
21 her and I dumped her on the side of the road.

22           Later that afternoon after Brian Lauder  
23 has contacted law enforcement to tell them about  
24 this, he then tells Lieutenant Shumpert. He wasn't  
25 coerced that day. He wasn't drunk that day. He

## CLOSING ARGUMENTS BY MS. HUNTER

1 had been given his Miranda warnings and he gives  
2 details to Investigator Shumpert and to Brian  
3 Lauder that only the killer would know. And I want  
4 to play a couple of those clips for y'all.

5 (WHEREUPON, playing the video.)

6 Ladies and gentlemen, that's ten  
7 minutes into that interview. A general discussion  
8 about these lengthy interrogations. Ten minutes  
9 in. Y'all watched the whole interview the other  
10 day. Play one more clip for you.

11 (WHEREUPON, playing the video.)

12 All right. You heard what he said to  
13 Investigator Shumpert. And the Defense has been  
14 trying to convince you guys all week that law  
15 enforcement fed him those details. That he was  
16 with them, that when they weren't on camera that he  
17 was told all these things. You heard every officer  
18 on the stand testify, they never told him that she  
19 had been choked, she had been strangled, that she  
20 was naked or that she was found in the woods. No  
21 one -- no one said that, no one heard another  
22 officers say that.

23 They've also been arguing that law  
24 enforcement used these deceptive interrogation  
25 tactics. You saw both videos with law enforcement

## CLOSING ARGUMENTS BY MS. HUNTER

1 | in how they treated Mr. Eastwood, how they talked  
2 | with Mr. Eastwood. Those are not deceptive  
3 | interrogation tactics.

4 |           And we know that the Defense's argument  
5 | isn't true. You heard from Marty Carrigg,  
6 | Investigator Carrigg was the one that took his --  
7 | Mr. Eastwood's first statement on December 13th.  
8 | All he told the Defendant was that Cara Hodges'  
9 | body was in the morgue. What else would he have to  
10 | of told her for the Defendant to come up with this  
11 | confession? All these details that she was  
12 | strangled. That she was naked. She was in the  
13 | woods. Do you think Marty Carrigg told him that?  
14 | Do you think any officer told him that?

15 |           I do know that Investigator Carrigg  
16 | testified that he did deceive the Defendant in that  
17 | he told her -- he told him, I'm sorry, he told Mr.  
18 | Eastwood that Cara was missing. That the body  
19 | hadn't been found. He did lie to him about that,  
20 | the body had been found. That is not major  
21 | deception that would cause someone to falsely  
22 | confess. Those aren't details that he was given.  
23 | Mr. Eastwood wasn't tricked and he wasn't duped.

24 |           And there is no evidence that's been  
25 | testified to, none this week from this witness

## CLOSING ARGUMENTS BY MS. HUNTER

1 stand that false evidence was presented to Mr.  
2 Eastwood. And that's what her last witness, that's  
3 what he was on the stand talking about which is  
4 what causes false confessions. We do not have that  
5 in this case. It's not there.

6 Most coercive thing that that Defendant  
7 was told is by Lieutenant Shumpert to get this off  
8 your chest. That's it. And that's exactly what he  
9 did on December 14th. And he had remorse for his  
10 actions.

11 I want to play you guys one more clip.  
12 It's a short one.

13 (WHEREUPON, playing the video.)

14 The bad choice. Cowardly. He regrets  
15 it. He can't change it. But this is not a false  
16 confession, ladies and gentlemen. The Defense's  
17 own witness just testified a few moment ago that he  
18 said that when you look at false confessions, it's  
19 often when DNA doesn't match. And someone will  
20 confess and they'll get that DNA and that  
21 exonerates that individual. That's not what we  
22 have in this case. We have Mr. Eastwood's DNA  
23 under Cara Hodges' fingernails. It just doesn't  
24 make sense.

25 And also, the Defendant was never told

*CLOSING ARGUMENTS BY MS. HUNTER*

1 | that there was DNA at the scene. No one ever said  
2 | that to the Defendant. But Mr. Eastwood did tell  
3 | Brian Lauder that he would confess once the DNA  
4 | came back because police would know it was him.  
5 | He's the one that brought up DNA in his first  
6 | confession to Mr. Lauder.

7 |           No one ever confronted Mr. Eastwood  
8 | with that evidence. No one ever provided the  
9 | details that only law enforcement knew to Mr.  
10 | Eastwood before that confession. And he doesn't  
11 | falsely confess because he falsely thinks he did  
12 | it. He confessed because he did do it. He  
13 | strangled her. He dumped her in the woods. And he  
14 | knows it. He never recanted that statement. And  
15 | you saw those videos, you know what he said, that  
16 | is not a false confession.

17 |           Now, the Defense has made other hints  
18 | about the DNA throughout this case. You heard the  
19 | analyst testify that we didn't find DNA in the  
20 | trunk of the car. But we didn't expect to find DNA  
21 | in the trunk and here's why. She told you that  
22 | rarely do we find touch DNA in cases. Very  
23 | uncommon. Touch DNA like this, it's skin cells.  
24 | It's not the blood. You don't have the voluminous  
25 | amount of DNA to get those extractions. She even

*CLOSING ARGUMENTS BY MS. HUNTER*

1 | said at one point that she would be surprised if  
2 | she would get a DNA profile from touch DNA.

3 |           What's more is, we don't know if the  
4 | victim's body ever touched that trunk. He could  
5 | have wrapped her up in the sheet, carried her out  
6 | of the house and put her in the trunk. These are  
7 | details that we don't know. He could have cleaned  
8 | the car. It makes sense. Those are those rubber  
9 | WeatherTech floor mats, they're easy to clean.

10 |           What we do know is that Cara Hodges was  
11 | last seen alive on a Sunday and that the car wasn't  
12 | seized until the following Thursday. That would  
13 | have given Mr. Eastwood three and a half days to  
14 | clean up his house and clean up that car. And,  
15 | again, I want you to go back and look at the photos  
16 | between those three and a half days, that were  
17 | taken three and a half days later.

18 |           We have the CSI Investigator McCormack  
19 | and the DNA analyst both testified about using  
20 | luminol on that floor mat to look for the presence  
21 | of possible blood to get a DNA kit from. But they  
22 | both told you what's called false/positives. And  
23 | that you get false/positives from luminol from  
24 | cleaning supplies. And when you go back and look  
25 | at these pictures, look at the car. You'll notice

## CLOSING ARGUMENTS BY MS. HUNTER

1 | that in the backseat on the floor of the car,  
2 | there's these scouring pads, these dawn scouring  
3 | pads and cleaning supplies. You'll also notice  
4 | that these are yellow Dollar General bags.

5 |           When Investigator McCormack did the  
6 | search warrant on the Defendant's home, remember we  
7 | showed you guys some pictures of the cabinet?  
8 | Well, look at this cabinet. You see all of these  
9 | white bags from the IGA? There's no blue bags --  
10 | I'm sorry, there's no yellow bags from the Dollar  
11 | General. Interesting they're in a different type  
12 | of bag.

13 |           We also know that outside of the  
14 | Defendant's home and this is really tough to see,  
15 | but when you go back and look at Exhibit 17, you'll  
16 | see that -- see outside the residence there's a  
17 | garden hose right here that's out. Those rubber  
18 | floor mats, you can easily spray them off, spray  
19 | out anything that could have gotten on there.

20 |           And there's one photo, ladies and  
21 | gentlemen, in the garage for you to look at. Can't  
22 | find it here, but draped over one of the chairs are  
23 | cloth floor mats that would have been -- you have a  
24 | Kia and that could have come out of his car. So he  
25 | either cleaned the floor mats, he swapped out the

## CLOSING ARGUMENTS BY MS. HUNTER

1 floor mats and when you look back at those car  
2 pictures, notice how dirty the front floor mats  
3 are, but the trunk, it's clean. There's nothing in  
4 it. It's staged almost. There's a gun, there's a  
5 chain saw. Almost looks staged. And, again, he  
6 had all those days to clean and to get rid of the  
7 evidence.

8 We also know that the analyst testified  
9 they couldn't find DNA on the space heater that  
10 Investigator McCormack collected when he conducted  
11 that second search warrant. After Mr. Eastwood  
12 confessed, they went back looking for that murder  
13 weapon. But we wouldn't expect the DNA to be on --  
14 her DNA to be on that space heater because we are  
15 not alleging that that space heater is the murder  
16 weapon. Why law enforcement collected that space  
17 heater, you know, I'm not sure. But what they were  
18 going back and looking for and what you heard  
19 Mr. Eastwood say on that interview is that he used  
20 an extension cord that the space heater was plugged  
21 into.

22 And if you look at the photos of the  
23 extension cord that was -- I'm sorry, the space  
24 heater that was collected on the 16th, this is the  
25 only space heater in the house that isn't plugged

*CLOSING ARGUMENTS BY MS. HUNTER*

1 in. Go back and look at those photos. And there's  
2 no outlet around here that's close by that he would  
3 plug it in to. Where's the extension cord? It's  
4 missing. We know where it is. He threw it out.  
5 Just like he told law enforcement her clothes, he  
6 had thrown them in a dumpster. He threw away the  
7 extension cord too.

8 And we don't reward defendants for  
9 getting rid of evidence. It's not reasonable doubt  
10 because we can't find the murder weapon because he  
11 got rid of it. That is not reasonable doubt,  
12 ladies and gentlemen.

13 Now, in a few minutes Ms. Cornwell is  
14 going to offer you guys a closing argument, it will  
15 be her turn to speak. And they're going to ask you  
16 to base your verdict on speculation and assertions,  
17 not on the evidence, not on the law. We like to  
18 call this tactic the octopus defense. Because if  
19 you know anything about an octopus, you know it  
20 doesn't have claws like a bear or teeth like a  
21 tiger. All it has is this little ink sack. And  
22 when it gets in trouble, it releases a little bit  
23 of it to cloud the water. And that's what she's  
24 going to do is get up here and try to muddy the  
25 waters.

## CLOSING ARGUMENTS BY MS. CORNWELL

1           So I'd like you to pay attention to all  
2 the evidence that you heard, remember what you  
3 heard and what you know, not on what she says.  
4 Because what she says that's not evidence. What I  
5 say is not evidence. These photos, they're  
6 evidence. What was testified from that witness  
7 stand, that's evidence. And after her closing,  
8 I'll be able to address you briefly one more time.  
9 But I'd just like you to remember those things  
10 while you listen to her. Thank you.

11           THE COURT: Counsel?

12           MS. CORNWELL: If I could have a moment  
13 to set up the technology.

14           Please the Court, Your Honor?

15           THE COURT: Yes, ma'am.

16           MS. CORNWELL: Counsel.

## CLOSING ARGUMENTS

17  
18 BY MS. CORNWELL:

19           Beyond a reasonable doubt. At the  
20 beginning of this trial, I told you that that was  
21 the burden of proof that the State is required for  
22 you to find Kenneth Eastwood guilty of murder.  
23 Proof beyond a reasonable doubt. And I told you  
24 that they would not be able to do that because  
25 Kenneth Eastwood did not kill Cara Hodges.

*CLOSING ARGUMENTS BY MS. CORNWELL*

1           The State in their opening and just now  
2 indicated that they were going to prove to you more  
3 than beyond a reasonable doubt, they were going to  
4 prove beyond all doubt. And ever since the  
5 opening, all they have shown you through the  
6 testimony and the evidence are things that are full  
7 of doubt. Including this confession that they're  
8 so heavily relying on and wanting you to find Mr.  
9 Eastwood guilty of.

10           But when you look at this confession  
11 and evaluate it for its trustworthiness, in order  
12 to believe this confession to be truthful, he would  
13 have to defy common sense. So let's talk about  
14 some of those common sense things.

15           In order to believe that Mr. Eastwood  
16 did this the way that the State is alleging, you  
17 would have to believe that 68-year old Kenneth  
18 Eastwood was able to overpower and overcome a  
19 healthy 35-year old female while grossly  
20 intoxicated. You heard testimony that Ms. Hodges  
21 was approximately 5'4", 120 pounds. Kenneth  
22 Eastwood, you've seen him when you come in the  
23 courtroom, he stands next to me, he is shorter than  
24 me. And my heels, I'm about 5'8". He's about  
25 5'5".

## CLOSING ARGUMENTS BY MS. CORNWELL

1           He's going to have to overcome a  
2 35-year old woman, same height, you see the  
3 pictures, he weighed maybe 150 pounds at most.  
4 He's going to makeup a 30 pound difference and yet  
5 he is going to somehow in his drunken state,  
6 overpower her and choke her so forcefully and so  
7 violently that the cord that he allegedly uses is  
8 going to embed in her skin, rub her skin to where  
9 there is a deep abrasion. And I think Dr. Rose  
10 said even broke what she called the Adam's apple  
11 with that much force while she is bashing around,  
12 while she is struggling for her life. And yet  
13 despite all of that, he managed to do it without  
14 getting a single speck of his DNA or her DNA on  
15 this cord. Does that make sense?

16           And then if you want to go even  
17 further, you would have to believe that Mr.  
18 Eastwood was strong enough to then lift and carry  
19 120 pounds of Ms. Hodges' deadweight, roughly the  
20 same size as him, by himself, down the stairs to  
21 the trunk of his car where he would then have to  
22 somehow lift it -- her, put her in the trunk of the  
23 car without getting any of her DNA anywhere on the  
24 car. Didn't rub up against it, didn't get up while  
25 he's putting her down.

*CLOSING ARGUMENTS BY MS. CORNWELL*

1           You then have to believe that as he  
2 placed her naked body on the textured trunk mat and  
3 drove her across town, that her body didn't create  
4 any friction, didn't move, didn't do anything and  
5 left zero DNA on this trunk mat. That her hair  
6 that we know is long and curly didn't fall out,  
7 didn't shed anywhere in that car.

8           Then you have to believe that he was  
9 once again strong enough to lift her out of this  
10 trunk, again, not touching any part of the trunk,  
11 not rubbing against it or anything, not leaving any  
12 of her DNA on it, walk through the woods carrying  
13 her, place her body down on the ground and somehow  
14 manage to do all this, carry her, do all this  
15 without getting any of his DNA anywhere on her  
16 body. Does that make sense? It doesn't.

17           It defies all elements of common sense.  
18 What you know through your life experience to be  
19 possible. And they want to say, oh, well, look he  
20 has weights in his garage and he works a job at the  
21 IGA where he routinely picks up 50 pound boxes.  
22 It's a big difference between a 50 pound box and  
23 120 pound, 5'4" body of deadweight.

24           You'll see the pictures. You see the  
25 muscle tone or lack thereof. This man ain't

*CLOSING ARGUMENTS BY MS. CORNWELL*

1 | throwing around 120 pounds. And he's definitely  
2 | not doing it without getting DNA, without rubbing  
3 | up against something, without any sign of struggle,  
4 | without hair or anything falling loose, without  
5 | somehow his DNA getting on her body. Is he able to  
6 | hold 120 pounds this far away while he's carrying  
7 | it around? Doesn't make sense.

8 |           When we look outside of just the common  
9 | sense realm because based on the common sense  
10 | alone, that should tell you that Kenneth Eastwood  
11 | was physically unable to commit this crime the way  
12 | that law enforcement says. The evidence doesn't  
13 | support it. Common sense doesn't support it.

14 |           But when you go through the testimony  
15 | that you heard throughout the course of this week  
16 | and the evidence that you review, you will see all  
17 | of the doubt and the impossibilities. We talk  
18 | about law enforcement and we had numerous law  
19 | enforcement officers come up and testify in this  
20 | case. And we know without a doubt that on the  
21 | 13th, Mr. Eastwood was taken into custody. Went  
22 | voluntarily. Was extremely cooperative. Had  
23 | nothing to hide. He was completely lucid. It was  
24 | 11 o'clock in the morning. He had stopped by. So,  
25 | yeah, I will go meet with you and talk with you.

*CLOSING ARGUMENTS BY MS. CORNWELL*

1           He had already spoken to Cara's father,  
2 we know that. We know that he spoke to her -- to  
3 him on the 9th at Fishtales. Jean Burns knew that.  
4 And so he knew, you know, eventually that, is this  
5 about Cara? But law enforcement is going to have  
6 you believe that in the 45 minute ride over, it was  
7 just a silent ride, they didn't do anything. They  
8 also want you to believe that in 2019 that they  
9 were -- they didn't have any access to body cams,  
10 they didn't have any access to dash cams, in car  
11 cameras, to audio or video recording on a work cell  
12 phone, none of that. They agree that anytime  
13 you're with a suspect it is best to record it. Yet  
14 in this case, we've got ten hours of interrogation  
15 and they could only record 45 minutes.

16           And then they want you to believe that,  
17 well, we didn't talk to him about this case at all  
18 except for in that 45 minutes that we recorded, ten  
19 hours. And as we're driving him to Eutawville, we  
20 don't talk. And then we talk for about 45 minutes  
21 in the interrogation room, he gives them a story  
22 line that is corroborated by Jean Burns. He went  
23 to Fishtales. Cara was already there drinking.  
24 They started talking. They decided they wanted to  
25 go get some food. They went to Mexican. Stopped

*CLOSING ARGUMENTS BY MS. CORNWELL*

1 | by the sisters that -- Captain's Quarters. They  
2 | come back to Fishtales. Continuing to drink. They  
3 | become intoxicated. Dancing. Falling down. She  
4 | kicks them out around 11:30. That's what he tells  
5 | law enforcement.

6 |           He also says when, you know, when I got  
7 | home, just trying to watch the news, but Sunday  
8 | Night Football was on and so the news didn't come  
9 | on. And that's consistent. We know Sunday Night  
10 | Football comes on in December and it's going to  
11 | push that news back. So what's he said, then I  
12 | went to bed. Cara came to bed with me. I fell  
13 | asleep. When I woke up, she was gone.

14 |           He tells this to law enforcement in 45  
15 | minutes. He is clear in his responses. He is  
16 | confident in what he's saying. He knows that this  
17 | is what is truthful. He didn't say, okay, well,  
18 | how about we ride to SLED with this? He said,  
19 | sure. We should talk to another investigator.  
20 | Okay. So once again, we're in the car and there's  
21 | an hour of complete silence that they want you to  
22 | believe.

23 |           And they talk to this SLED agent for  
24 | two hours. And at the end of talking to this SLED  
25 | agent, he is told under no uncertain circumstances

*CLOSING ARGUMENTS BY MS. CORNWELL*

1 | that they have proof that he is lying. And then  
2 | take him back and take him to this same  
3 | interrogation room that they just recorded earlier  
4 | in the day, yet somehow now all of a sudden there  
5 | must be technical difficulties, it didn't record.  
6 | Does that make sense? Makes sense that at this  
7 | point they've been together for five, six hours and  
8 | the only thing that they've said to him about the  
9 | case is what you saw in the first 45 minutes.

10 |           So they start talking to him, they're  
11 | like, well, we need your DNA. Can we come search  
12 | your home? Can we seize your car? Sure. Yeah.  
13 | Nothing to hide. Okay.

14 |           And another thing is, at this time it's  
15 | getting to be later in the day, we know that. It's  
16 | 11 o'clock when they take him, has no food, hasn't  
17 | had anything to drink, what did law enforcement  
18 | tell you? Well, he didn't ask for it. They had  
19 | one officer that even got on the stand and said,  
20 | hey, ten hours, that's not a long time. And I've  
21 | been in this courtroom for about eight hours y'all  
22 | have gotten several breaks and stuff and I feel  
23 | like y'all feel like y'all have been interrogated  
24 | or subject to cruel and unusual punishment at some  
25 | point, so ten hours is a long time. To not go with

*CLOSING ARGUMENTS BY MS. CORNWELL*

1 | food, to go without water, but because he didn't  
2 | ask for it, we didn't give it to him.

3 |           So, we get his DNA and they tell him  
4 | we're searching his home and they tell him they're  
5 | seizing his car and they put him back in the car  
6 | and drive him to the house. But he's not allowed  
7 | to get out. You can't go in the house because law  
8 | enforcement has to go and do the search. So he  
9 | sits in the car with an officer. And you heard  
10 | Investigator Carrigg, he asked him several times,  
11 | where is Cara? Where is Cara? Every time he said  
12 | he didn't know. He didn't know. And, finally, he  
13 | says, do you know where Cara is? And he says,  
14 | yeah, I know where she is. She's in the morgue.  
15 | She's dead. And he was shocked.

16 |           And said, oh, my god. But apparently  
17 | that's all, nothing else was said. Didn't ask why.  
18 | Didn't tell him anything. And, you know, it's  
19 | funny because when we talk about Investigator  
20 | Carrigg's testimony, when he got on the stand and  
21 | said he went to Columbia with him, I specifically  
22 | asked him, and after Columbia he was specifically  
23 | told, we know you lied, we can prove you lied.  
24 | What did he say? No, I didn't tell him that. No.

25 |           Well, we know that wasn't true because

## CLOSING ARGUMENTS BY MS. CORNWELL

1 | then Investigator Hayes gets up and says, yeah, we  
2 | took him to Columbia and we told him we knew. I  
3 | asked him, you know, you were intentionally  
4 | deceiving, mistruthful weren't you? No. I didn't  
5 | initially deceive him. Well, you lied to him. No,  
6 | we didn't. You told her (verbatim) that Cara was  
7 | still missing and you didn't know where she was,  
8 | that was a lie, wasn't it? It's not a lie, it was,  
9 | you know, I just wasn't giving him all the  
10 | information. Really?

11 |           So, I mean, obviously he's willing to  
12 | mislead Kenneth Eastwood, he's also willing to  
13 | mislead y'all because he's already said, nope,  
14 | didn't tell him that we knew he lied. Nope, didn't  
15 | try to lie to him or deceive him. What else is he  
16 | not being truthful about? Well, unfortunately, we  
17 | don't know. Because of the ten hours that they're  
18 | together there's hardly any recording except for a  
19 | little 45 minute clip at 11:50 in the morning.

20 |           And so then they take him inside and  
21 | tell him we need to get -- open up all your gun  
22 | cases. We need to get pictures. We need you to  
23 | take your clothes off so we can get pictures and  
24 | see if he had any injuries on him. And yet they're  
25 | going to act like they ask all of that and didn't

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1 | tell him why, didn't give him a reason.

2 |           They've got five to seven officers in  
3 | the house executing this search warrant and they  
4 | want you to believe that nobody's talking about why  
5 | they're there, what happened, who they found, where  
6 | they found them, what condition they were in. And  
7 | maybe that's the misplay that I didn't ask the  
8 | exact right question. Because, you know, a couple  
9 | of times and I'm sure you remember that I asked  
10 | something like, oh, I know I didn't do that. I  
11 | didn't say that, you know, because I specifically  
12 | asked them what law enforcement did not them. I  
13 | didn't say this to him. Yet they said it around  
14 | somebody, I didn't say it to him. Again, don't  
15 | know. No video. No recordings. No audio.

16 |           He gives them the car keys, tells them  
17 | they can take that. Again, he's cooperative. And  
18 | the State put on a big production of showing you  
19 | all the different gun cases and, you know, the  
20 | setup that he had in the window. The fact that he  
21 | had all of this ammunition and brass. Trying to  
22 | make him seem like he's this, you know, gun  
23 | (inaudible).

24 |           But if he's got all these guns and he  
25 | does all this shooting and does all that and now

*CLOSING ARGUMENTS BY MS. CORNWELL*

1 he's in this moment of rage and he wants to  
2 maliciously kill this poor girl because, you know,  
3 that's bothering him, you mean to tell me that all  
4 these guns and stuff, he doesn't just grab a gun  
5 and shoot her real quick? No, he decides that he's  
6 going to grab a cord off a space heater and try to  
7 strangle her while she's fighting him, while she's  
8 thrashing around, while it's taking a long time,  
9 that's the method he's going to go when he decides  
10 he wants to kill someone as opposed to just  
11 grabbing one of the guns that he had in the house.  
12 That doesn't make sense.

13           We talk about these photos of the  
14 injury. And before I get to those, when we look at  
15 law enforcement even more, you know, they leave him  
16 on September 13th around 9 o'clock. They have  
17 given him all this information. They've now told  
18 him that Cara is dead, he is shocked. He's  
19 distraught. We hear it in the interview, I didn't  
20 sleep. All I could think about was what's  
21 happened. Told him that you're lying. And now  
22 taken his DNA. Searching his house. Seizing his  
23 car. They're taking photos of injuries. As if  
24 that's not playing in his mind of obviously they  
25 think I did it, what could have happened? He's a

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1 military guy. He trusts law enforcement, you know,  
2 starts to create doubt in his head.

3 I'm assuming because we don't know for  
4 sure because we have no video that law enforcement  
5 probably told him not to go anywhere when they left  
6 him at his house. So now he thinks law enforcement  
7 is coming back to get him after all this. Probably  
8 after they told him, DNA's come back and that's why  
9 we have to have your DNA. And that's what he tells  
10 Brian Lauder. He's distraught. He hasn't slept.  
11 Brian Lauder tells you this. Brian Lauder also  
12 told you that the way that he said this confession,  
13 I did it. I strangled her and I dumped her body.  
14 He was completely flat. No emotion. Like he  
15 didn't know what he believed.

16 And then he said, well, you've got to  
17 confess. And he said, well, when the DNA comes  
18 back, they'll know and then I'll confess. Does  
19 that sound like something that somebody that did it  
20 would do or does that sound like something that law  
21 enforcement would say when the DNA comes back and  
22 they did it and we're going to come get you. Use  
23 your common sense. What's more reasonable?

24 So now we talk about these photos of  
25 the injuries and specifically on Mr. Eastwood. You

*CLOSING ARGUMENTS BY MS. CORNWELL*

1 | heard Dr. Rose get on the stand and say these are  
2 | clearly a claw mark. Can't be a cat mark. In  
3 | order for these to be a cat mark, have to be  
4 | something as big as a bobcat. I want you to look  
5 | at these little scratches and you tell me that it  
6 | would take a bobcat to do that. I don't know if  
7 | Dr. Rose doesn't have cats or anything, but if  
8 | you've got any experience with cats when they latch  
9 | on to you, they put their claws in you. It's not  
10 | just a swipe, it's a grab.

11 |           And then she wants to talk about these  
12 | injuries on the back here. And the funny thing  
13 | about these injuries, where it is on the chest and  
14 | where it is on the back, that's where the State's  
15 | wanting you to believe, oh, that's where she was  
16 | fighting. That's where she was struggling, that's  
17 | where her right hand she clawed and that's where  
18 | she got him. Let's think about the logistics of  
19 | that. She's 5'4", Mr. Eastwood is about 5'5". So  
20 | if he's forcefully choking her from behind, he's  
21 | got to have her pretty close to his body. And if  
22 | you're about the same height, let's say, I'm going  
23 | to try to, you know, get you like this. Well, if I  
24 | go like this, this tells you I'm catching you here  
25 | or here. I'm not catching you down here. My back

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1 is up against you. If I'm reaching around back,  
2 I'm getting you on your little torso on your side.  
3 How are you reaching either over or under when  
4 you're next to him and somehow clawing him under  
5 here? Doesn't make sense.

6 Let's say bobcat and I finally got her  
7 to admit it, we've got a German Shepherd, do you  
8 remember the German Shepherd? Maybe. And if you  
9 look at where they are, it could be anything that  
10 jumped up on him.

11 They wanted to talk about these marks  
12 on his elbows. You know, talk about rug burns and  
13 things like that. But if anybody has any  
14 experience with people as they're getting older,  
15 skin gets thinner, bump into things, you get  
16 bruises, get full cuts and scrapes and nicks. And  
17 Dr. Rose, she was well-prepared by the State in  
18 what she needed to say and what needed to be  
19 corroborated as far as the evidence goes.

20 But she finally had to admit, yeah, you  
21 know, didn't ever meet Mr. Eastwood, don't know  
22 what his health condition is. Is he on medication?  
23 Anything like that and, yes, there are different  
24 ways, reasonable ways, that these injuries could  
25 have come about. The little mark on his stomach,

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1 well, if he's carrying boxes and using his hips and  
2 trying to do that, that can leave a bruise mark.  
3 And she wants to say, well, they're all healing.  
4 They're all about the same day. Well, okay. The  
5 bruises seem to be healing the same day, that mark  
6 on the elbow looks a little bit fresh. Looks like  
7 it's just now recently dry blood. But, again, just  
8 looking at all, there are reasonable ways to  
9 explain that and Dr. Rose finally had to admit  
10 that.

11           The other thing that's interesting is  
12 that they want you to believe that he took this  
13 cord and he strangled her and used the amount of  
14 force needed to create those abrasions and fracture  
15 that Adam's apple or whatever she referred to it as  
16 and somehow in doing that, he had to pull this cord  
17 tight, he had to hold it with both hands, yet there  
18 are no injuries on his hand whatsoever.

19           If you're pulling that cord that tight,  
20 it's going to press into your skin, into your hand,  
21 it's going to leave a mark. Particularly on  
22 someone his age whose skin is thin and who we can  
23 see based on the other injuries on his arms and  
24 stuff, the little blood spots, when he bumps up  
25 against something, when something comes against his

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1 skin, it's leaving a mark. Yet nowhere on his  
2 hands is there any sign of injury or anything to  
3 show that he was ever pulling some kind of cord,  
4 fighting with anybody or struggling while  
5 somebody's thrashing around, none of that.

6           Talked a little bit about the DNA  
7 evidence already, but I want to talk a little bit  
8 more about it now. You know, I know I keep harping  
9 on this no video, no audio, but it's important  
10 because we don't know what's going on there. And  
11 then just so happens that in addition to no video  
12 and stuff, the only piece of evidence in this case  
13 that contains DNA allegedly of my client, the  
14 fingernails from the right hand, oh, yeah, we  
15 tested them and then we lost them. We don't have  
16 them anymore. Oops.

17           The only piece of evidence of my  
18 client's DNA, oops, lost it. Don't have any video  
19 of the interrogation, don't have the actual  
20 evidence that we're claiming has your client's DNA.  
21 But don't worry, we have the one Q-tip swab that we  
22 used to, you know, swab all five nails. Great.  
23 Well, how do we know then if this alleged DNA is  
24 under all five nails. Did it come from just the  
25 one nail. Yeah, and the State wanted to get the

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1 | analyst to say, oh, yeah, you know, that come under  
2 | her nails from scratching Mr. Eastwood.

3 |           But what did she also say? You can  
4 | also get someone's DNA under your nails from  
5 | holding hands, dancing, helping someone up,  
6 | hugging, laying in bed, scratching someone's back,  
7 | from rubbing their head, there are numerous ways  
8 | that someone's DNA can get under your nails. And  
9 | for them to say that it's from scratching based on  
10 | those injuries, it just doesn't make sense. The  
11 | logistics of it, the mechanics of it, it doesn't  
12 | work.

13 |           There's no DNA under her left nails and  
14 | they want to say, well, oh, that's because, you  
15 | know, she was trying to get the ligature off or  
16 | just fighting with one hand. Yes, you can try to  
17 | get the ligature off, but at some point you're  
18 | thrashing around, you're moving your hand all over  
19 | the place as this violent convulsion is happening  
20 | the way Dr. Rose described it.

21 |           So, again, no DNA under her left nails,  
22 | DNA under the right nails, there's a number of  
23 | reasons that could happen. Including just sitting  
24 | at a bar getting drunk with somebody and flirting  
25 | around and running around with that person.

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1           And we talk about the no DNA on the  
2 electric cord. The prosecutor wants to tell you,  
3 well, we didn't expect to find DNA on it. Okay.  
4 They say, well, he didn't say that he used the  
5 electric heater cord. He said he used an extension  
6 cord on the electric cord. Y'all saw the clip that  
7 she just played that I saw; right? He said  
8 electric, the electric heater cord. And he's  
9 saying it while Shumpert -- while Lieutenant  
10 Shumpert asked, you know, well, how did you  
11 strangle her? Did you strangle her with something?  
12 How? Yeah, with a cord, the electric heater cord.  
13 And was it from the back?

14           You know, and he's giving him, you  
15 know, we're feeding him this information. And they  
16 want to say, oh, well, no, it's an extension cord  
17 and they show you all these photographs of, you  
18 know, space heaters in different areas of the room  
19 and this one's plugged in, isn't it? And this  
20 one's plugged in, isn't it? And this one, it's not  
21 plugged in and it's not near an outlet. Well,  
22 maybe it's broke. Maybe it didn't ever have an  
23 extension, it's not near an outlet because it  
24 doesn't work. Actually, y'all will have that back  
25 in the room, you can see how it is. But for them

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1 | to say, oh, well, we took it, we swabbed it, we  
2 | tried to get DNA on it, but we didn't actually  
3 | expect to find DNA because we don't -- does that  
4 | make any sense.

5 |           Again, there's no DNA or hair in the  
6 | trunk. And they want to say, oh, well, she could  
7 | have been wrapped in a sheet or a tarp or yeah, she  
8 | could have not been in the trunk. That's another  
9 | way her DNA didn't get in the trunk. Her hair  
10 | didn't get in the trunk. And they say, well, it  
11 | also looks like there's cleaning supplies and look  
12 | at, you know, this type of mat and the fact that  
13 | the luminol false/positive because of the cleaning  
14 | supplies. And they also said it could be iron, it  
15 | could be a number of different things, a chain saw  
16 | back there, there's a number of different things  
17 | that can cause that false/positive.

18 |           And if you go back there when you start  
19 | looking at the mats and the pictures and you're  
20 | going to have them back there, you look at that mat  
21 | and you tell me if it's been cleaned. If it's been  
22 | washed off. You look at the space heater and the  
23 | cord and see if those have been cleaned or washed  
24 | off. And you see the state of his car, doesn't  
25 | look like necessarily a clean person. You see his

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1 | house, he's not going and scrubbing things and  
2 | sanitizing things and wiping things down.

3 |           What they're trying to have you believe  
4 | is this 68-year old man whose only infraction with  
5 | law enforcement is a traffic ticket has somehow  
6 | become this criminal mastermind that figured out  
7 | how to murder a woman almost half his age and cover  
8 | it up to where not a speck of DNA is left anywhere  
9 | except for the little bit that he forgot to clean  
10 | out from underneath her fingernails. They got mats  
11 | clean and we got the cords clean and, you know, we  
12 | managed to make sure that we threw everything away  
13 | and we got rid of the evidence and then we just --  
14 | as this much of a criminal mastermind say, hey, you  
15 | know what? Now imagine this. That doesn't make  
16 | sense.

17 |           Let's talk about the autopsy. There is  
18 | no doubt that Cara Hodges was brutally murdered.  
19 | It's just senseless. Her cause of death was  
20 | ligature strangulation, that her body showed signs  
21 | of a struggle. Absolutely no doubt on that. What  
22 | there is doubt in is the fact that my client is the  
23 | person that did this to her. Because he's not.

24 |           We talked about date of death and I  
25 | wanted to make sure that I talked Dr. Rose about

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1 | this. And what did she say when I said, Dr. Rose,  
2 | you know, talk about this date of death. You got  
3 | December 8th on your autopsy report, how did you  
4 | come up with that time? Oh, I didn't. In South  
5 | Carolina the coroner comes up with the date of  
6 | death. Okay. So you didn't do anything regarding  
7 | the date of death? No, the only time I do anything  
8 | on date of death is if, you know, I'm asked to  
9 | assist out, help out. And she did say some things  
10 | about date of death as far as the, you know, the  
11 | lividity, the rigor, the phase of decomposition.  
12 | She indicated the maggots that were in the anus and  
13 | all that and that was important. Because when I  
14 | talked to the coroner, I put her on the stand, the  
15 | woman realized in her report she doesn't mention  
16 | anything about lividity, rigor or anything like  
17 | that. In fact, the only thing that she says on her  
18 | report of really any substance is that the insect  
19 | infestation was limited to ants. And I  
20 | specifically asked her were there maggots on the  
21 | body? Did you see maggots? No.

22 |                   How did you come up with the date?  
23 | What did she say? Oh, well, that was, you know,  
24 | she went missing on the 8th, so that's what I based  
25 | the date of death on. Not on decomposition,

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1 lividity, rigor, or anything like that. The state  
2 law enforcement didn't want to find out an  
3 approximate date of death, I had to reach out to  
4 the Richland County coroner and have her review  
5 things.

6           And what did she tell you? She said  
7 based on the size of the body, the weather, the  
8 stage of decomposition, the maggots, she had  
9 weather logs and let's be clear, she had a weather  
10 log from the Charleston Air Force Base which is in  
11 Charleston where the National Weather Service  
12 collects its weather data for this area. It is not  
13 Eutawville and it is not Orangeburg, but we all  
14 know you've lived here long enough that the  
15 temperature difference between Charleston and  
16 Orangeburg is pretty much the same with maybe  
17 except for a degree or two.

18           So this whole notion of, oh, the  
19 weather logs weren't from Orangeburg, that's just  
20 discretion. Based on the weather, the stage of  
21 decomposition and the maggots, she told you that  
22 while it's a rough estimate and it might be  
23 possible, it is not likely that Cara Hodges was  
24 killed on December 8th or even on the early morning  
25 of December 9th. That what is more probable is

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1 | that the death was on late December 9th or either  
2 | December 10th.

3 |           She even said that it's possible she  
4 | was alive all the way into the early morning hours  
5 | of December 11th. And that is so important.  
6 | Because if she wasn't killed on December 8th, Mr.  
7 | Eastwood is clearly not the person that did it.  
8 | Because on December 9th at 11 a.m., he's at  
9 | Fishtales talking to her dad. So if she's alive on  
10 | December 9th and 10th which is what is more  
11 | probable based on the rate of decomposition and the  
12 | infestation of maggots, the fact that Dr. Hirsch  
13 | had to say, well, there's no maggots on the body at  
14 | the time it was found, the fact that there are  
15 | maggots now must mean that the eggs had just been  
16 | laid and they had, you know, hatched at the morgue  
17 | and maggots typically appear two days upon death.

18 |           So if they appeared in the morgue that  
19 | will be on the 13th, so you go back two days, that  
20 | is the 11th. They were hatched on the 12th because  
21 | let's say it's the morgue and not at autopsy.  
22 | Okay. That's the 10th, that's not the 8th. The  
23 | 8th is five days before this autopsy takes place.  
24 | And she told you specifically that based on the  
25 | rate of decomposition, the fact that the right

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1 quadrant only had a little bit of green in it,  
2 hadn't spread, hadn't bloated, or done anything  
3 like that, that kind of goes to show you that this  
4 is in the very early stages of decomposition which  
5 starts about two days after death and it progresses  
6 up to about five days after death. Dr. Rose  
7 actually confirmed that when she was giving  
8 generalities about decomposition.

9           So we know that injuries don't match.  
10 We know that the strength that is required to do  
11 this doesn't match. The DNA doesn't implicate  
12 anything and now there is a strong possibility that  
13 she wasn't even killed on December 8th, that she  
14 was more likely alive up until sometime in the late  
15 hours of December 9th, December 10th, possibly even  
16 up to the early morning hours of December 11th.  
17 But law enforcement when she was reported missing  
18 on December 10th, they took a report, what did that  
19 do after that? All day on the 11th, did they look  
20 for anybody? Talk to anybody? Make any phone  
21 calls? Get any phone records? Tried to do  
22 anything? Nope.

23           December 12th on the day before 4:30  
24 what are they doing looking for her? I haven't  
25 heard anything. It just so happens that someone

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1 found -- that thankfully Mr. Nesbitt found the body  
2 otherwise the family may still not know. Because  
3 it didn't seem like law enforcement was a little  
4 interested in trying to figure out where she was.

5           So we get this confession. And talk  
6 about the alcohol that's involved with it. The  
7 fact that drinking can cause a person not to  
8 remember things properly. If you've ever had any  
9 experience with alcohol, you may know that you  
10 drink a little too much one night you wake up the  
11 next morning and think, what did -- why is my phone  
12 over there? What did I do? There's a reason that  
13 alcohol can affect memory and can cause you not to  
14 trust what you remember.

15           When he left the bar, he was grossly  
16 intoxicated. And we talked about the first  
17 statement given to law enforcement at 11:50. He's  
18 completely cooperative. He's confident in his  
19 recollection of his memories. He -- his  
20 appearance, he looks put together. His speech  
21 pattern is fluent. He confident and he knows what  
22 he's talking about. That recorded conversation  
23 goes to about 12:40 and then what he's told  
24 afterwards, we have no idea because it's not  
25 recorded.

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1           But by 9 o'clock when he's taken back  
2 home, we know that he now looks shocked. He looks  
3 dishevel. He looks confused. This doesn't look  
4 like the man that was well put together in speaking  
5 confidently and positive in being able to give the  
6 details and the amount of details that he gave in  
7 that statement on the 13th. Where he was going.  
8 Where she was from. What they were doing. But we  
9 do know that he was taken to Columbia, that he was  
10 told that he had proof that they were lying. That  
11 they shocked him when they told him Cara was dead.  
12 That they are collecting evidence against him, DNA,  
13 photographs, searching his cars and stuff and all  
14 of that is objective evidence showing a likeliness  
15 of guilt. And he starts to believe that.

16           And you heard Professor Hirsch get on  
17 the stand and tell you that in these cases of  
18 internalized false confessions where we know the  
19 person is innocent and falsely confessed, that this  
20 distrusted memory and this, you know, belief that  
21 there is evidence confirming their guilt that they  
22 start to believe this. They can even make up  
23 details of how they did it.

24           Law enforcement and State want to say,  
25 well, he knew details that the public didn't know.

*CLOSING ARGUMENTS BY MS. CORNWELL*

1 He said, I strangled her and dumped her body  
2 somewhere. Well, Mr. Nesbitt found the body. He  
3 knew what it was like. They talked to people at  
4 Fishtales and let them know that they were  
5 investigating something. The fact that someone was  
6 strangled and dumped on the side of the road, it's  
7 not a big stretch of the cause of death. Not a lot  
8 of detail in that.

9 And so what these details that were  
10 given that were not known to the public, I'm not  
11 sure. Because, again, we don't know what else Mr.  
12 Eastwood was told from law enforcement, what he  
13 ever heard from law enforcement or what he was just  
14 making up in his own mind.

15 We know that he walked to IGA and Brian  
16 Lauder said, the house is where he lives is  
17 probably five or six miles away. He got up there  
18 about 8 o'clock in the morning. Well, he had to of  
19 left pretty daggum early in the morning to walk six  
20 miles and get to IGA by 6 a.m. And he's already  
21 told you he hasn't slept and he's thinking about  
22 all these things that he's told about Cara.

23 He was told law enforcement could prove  
24 he's lying. And the other thing that I think is  
25 important, when you listen to the second video,

*CLOSING ARGUMENTS BY MS. CORNWELL*

1 | listen to the difference in the way he's speaking  
2 | and his mannerisms. The things that he knows for  
3 | certain, his military experience, the, you know,  
4 | being at the bar and seeing Cara, going to take  
5 | home -- the fact that she was from North Carolina  
6 | and going to Ashville/Lumberton towards the end  
7 | when he's talking about the bullets and the  
8 | calibers of guns, his voice in that is upbeat,  
9 | lively, he's talking with confidence, he knows what  
10 | he's talking about.

11 |           But when they start asking questions  
12 | when he's giving this alleged confession, he's  
13 | uncertain, he's speaking very slowly with a very  
14 | flat affect, he doesn't trust what he's saying.  
15 | He's not sure what he's saying. And then he's kind  
16 | of being led a little bit of, okay, well, did you  
17 | use something? Or what did you -- yeah, I used the  
18 | electric heater cord. Well, was it from the front  
19 | or from the back? It was from the back. Well,  
20 | what did you do with the body? I dumped it  
21 | somewhere. How did you get it there? Did you take  
22 | her in your car? Was it the trunk or backseat? It  
23 | was trunk. He's walked through these details that  
24 | nobody could ever figure out.

25 |           He's not confident and you can see that

*CLOSING ARGUMENTS BY MS. CORNWELL*

1 | just in the mannerisms and the way he speaks. He  
2 | kept telling them, I need to sleep. I'm burnt out.  
3 | I don't want to do this. Yet they make him give a  
4 | statement before they let him sleep.

5 |           This case is consistent with what we  
6 | know with false confessions. We know that from the  
7 | use of alcohol, the distrusted memory, he was  
8 | confronted with objective evidence leading to his  
9 | guilt. The alcohol and sleep deprivation factors  
10 | also played into when he gave his statement that he  
11 | momentarily likely believed what law enforcement  
12 | was telling him.

13 |           And you look at other social factors,  
14 | his age and we don't know whether he's suffering  
15 | from any dementia, things like that. If he's  
16 | confused easily. They don't know any of that.  
17 | You've got to base the trustworthiness of his  
18 | statement and what is supported by substantial  
19 | independent evidence. And there is none in this  
20 | case. Mainly because of all the failures of law  
21 | enforcement. Because it would have been very easy  
22 | for law enforcement to either corroborate or refute  
23 | this statement.

24 |           All they had to do was get video from  
25 | Fishtales. Get videos from these Hot Spots or

*CLOSING ARGUMENTS BY MS. CORNWELL*

1 | surrounding businesses. Get phone records from  
2 | Cara Hodges, from Mr. Eastwood. Phone records we  
3 | know show GPS location, they would show if somebody  
4 | made a phone call at any time, text message at any  
5 | time. Whether people were sending him messages or  
6 | anything, all of that. No black box from the  
7 | vehicle.

8 |           Investigator McCormack, he told you,  
9 | pretty clearly, yeah, I can get it, but I'd have to  
10 | have a separate search warrant and that didn't ask  
11 | for one. And that black box could tell you when  
12 | the call started. When it was turned off. How  
13 | long it was running. When the brakes were hit. A  
14 | lot of things that could have been done. They were  
15 | so reckless in this case that when they  
16 | interrogated him the last time, they didn't even  
17 | know his name. So why on earth are we continuing  
18 | an investigation. We've got the confession, that's  
19 | all we need.

20 |           There's one more piece of evidence that  
21 | I forgot to mention when it comes to DNA and  
22 | knowing that Mr. Eastwood is not the person that  
23 | committed this crime. Investigator McCormack did a  
24 | very good job of documenting the evidence and  
25 | collecting the evidence in this case. When he goes

*CLOSING ARGUMENTS BY MS. CORNWELL*

1 down that road, he sees the body, what does he do?  
2 He sees that there is a hair on Cara's back. It is  
3 a short black hair. And the only way it's going to  
4 get there is by presumably the person who took her  
5 body there. The problem with that is, my client's  
6 hair is gray and white. It is not black.

7           So now you've got even more. The date  
8 of death is possibly wrong, she's probably still  
9 alive. The night of December 8th, the morning of  
10 December 9th, all the way up to possibly in the  
11 evening of December 9th, 10th and 11th. Now  
12 there's a hair that doesn't belong to my client  
13 found on the victim. We don't have any DNA in the  
14 trunk. They don't have any DNA on the cord. All  
15 of these things lead to reasonable doubt. And the  
16 State has not met their burden of proof of proving  
17 this case beyond a reasonable doubt.

18           Obviously, with everything that they've  
19 brought to you, the DNA under the fingernails, the  
20 scratch marks, even the confession, they're all  
21 reasonable alternatives as to what that evidence is  
22 and what it shows and how it was obtained.

23           I want to say that this is not how we  
24 want to have legal. This isn't how we want to  
25 convict people. Do we really want to convict

*CLOSING ARGUMENTS BY MS. CORNWELL*

1 | people on shotty investigations? On failure to  
2 | collect evidence? On just getting some person to  
3 | make a confession that may or may not be true and  
4 | closing it out? It's not how we want to treat  
5 | murder victims. Cara Hodges deserve better than  
6 | that.

7 |           Ms. Hunter talked a little bit about  
8 | credibility of witnesses, the type of evidence and  
9 | all that. You have your life experience to know  
10 | credibility of witnesses, but when you look at the  
11 | witnesses that were placed on the stand by the  
12 | State, it was interesting to see that, you know,  
13 | how shady their answers were to corroborate this  
14 | evidence that the State wanted. But then when I  
15 | would challenge them on that, for instance, with  
16 | the trunk mat and naked body, oh, well, wouldn't  
17 | that cause friction? That would cause skin cells.  
18 | Oh, well, I don't know. I haven't studied that  
19 | specific thing. Ten hours, that's a pretty long  
20 | investigation; isn't it? No. No, not really.

21 |           Those claw marks had been left, those  
22 | injuries couldn't be from anything else? Oh, well,  
23 | okay. They tell the State everything they wanted  
24 | to hear, but when challenged on those things, they  
25 | were so reluctant to say, yeah, that's what

*CLOSING ARGUMENTS BY MS. CORNWELL*

1 | happened. Touched DNA, it's never gotten, but it's  
2 | submitted in every case. At SLED, they're able to  
3 | extract it, that's just because they have a more  
4 | sophisticated system.

5 |           Things don't make sense. Common sense  
6 | tells you this isn't what happened. I mean, you're  
7 | the finders of the fact, you get to judge the  
8 | credibility, the State has the burden of proof.

9 | Mr. Eastwood does not have to prove himself  
10 | innocent. The State has to prove him guilty beyond  
11 | a reasonable doubt. At 72 years old now, four  
12 | years later, he doesn't have to get on that stand  
13 | and tell you he didn't do it. He doesn't have to  
14 | subject himself to being tricked or being confused  
15 | and the judge is going to tell you that.

16 |           The judge is going to tell you that he  
17 | doesn't have to testify and the fact that he didn't  
18 | testify is something that you cannot even consider  
19 | in your deliberations. Because it's not up to him  
20 | to prove his innocence, it's up to the State to  
21 | prove his guilt beyond a reasonable doubt and they  
22 | cannot do that. They have not done that. The  
23 | evidence that they continue to give you and try to  
24 | put that square peg in a round hole and make it fit  
25 | and make it work, it does not make sense and that

*CLOSING ARGUMENTS BY MS. CORNWELL*

1 is reasonable doubt. That is enough doubt to  
2 overcome any burden of proof of guilt.

3 Because when looking at this guilt, if  
4 you're firmly convinced, if you think that, you  
5 know what, they're right. This absolutely happened  
6 so find him guilty. That's what you should do.  
7 But if you believe for a second that there is a  
8 strong possibility that somebody else could have  
9 done this, that this DNA doesn't match up, that the  
10 murder weapon doesn't match up, the confession  
11 isn't reliable or trustworthy; if you think that,  
12 you know, well this might have been the way that it  
13 happened, but it also could have been this or maybe  
14 it was this and that is reasonable doubt, you have  
15 to give that doubt to Mr. Eastwood and you have to  
16 find him not guilty of murder. Because that's what  
17 he is, he is not guilty of murder.

18 So I'm going to ask when you to go back  
19 to your jury room, if you seem firm in your  
20 convictions, you consider this evidence and you  
21 give the just verdict telling the State that you  
22 need more, they have to prove more. Law  
23 enforcement has to do better. Because at this  
24 point there is doubt. And if any of that doubt,  
25 the only verdict that is just in this case is not

## CLOSING ARGUMENTS BY MS. HUNTER

1 guilty.

2 THE COURT: Counsel?

3 MS. HUNTER: Yes, Your Honor.

4 CLOSING ARGUMENTS

5 BY MS. HUNTER:

6 MS. HUNTER: All right. I know we've  
7 been here a while, so I just want to be brief and  
8 just address a few of the Defendant's comments that  
9 she made in closing. First, she wants to talk  
10 about the fact that there's none of the victim's  
11 DNA on the Defendant's body. Remember that the  
12 victim had been lying in the woods for days at that  
13 point. We didn't go into all the crime scene  
14 photos of the victim's body or of the autopsy  
15 because they're gruesome and we didn't want to  
16 subject the family to have to look at those photos  
17 because of the condition of her body.

18 However, when your body is in the woods  
19 for days, both pathologists talked about the  
20 decomposition. We know that evidence is degraded  
21 and you're unable to get a lot of what you would  
22 hope to be able to recover when animals have eaten  
23 away certain parts of your body.

24 Ms. Cornwell talked about a hair that  
25 was found on the victim that day in the woods that

## CLOSING ARGUMENTS BY MS. HUNTER

1 Investigator McCormack recovered. I want to show  
2 y'all and ask you to look at Defendant's Exhibit 1.  
3 This is the hair that she's talking about. And I  
4 want you all to look again at the photos of  
5 Mr. Eastwood. Four years ago, his hair was darker  
6 -- he had dark hair four years ago. If you look at  
7 State's 41 and you look at the dark hair on  
8 Mr. Eastwood back then, four years ago.

9 She also argued about the fact that he,  
10 Mr. Eastwood, wouldn't have been strong enough to  
11 strangle her and carry her body into the woods, you  
12 know I covered that in my closing. I would argue  
13 that we only have evidence that he was strong  
14 enough, that he was physically able. He tells  
15 Investigator Shumpert, he's an ex-Marine. We know  
16 he was lifting 50 pound boxes on a daily basis. We  
17 know he's working out. Look at that workout  
18 equipment. He was strong. I mean, look at these  
19 pictures of him. Look at his arms in these photos.  
20 This is not a feeble old man.

21 And we're not arguing he had to of lift  
22 her. He could have wrapped her in a sheet and drug  
23 her down. That would have been the easiest course.  
24 I mean, he would have had to lift her into the  
25 trunk, but it's not hard to do when you've got a

## CLOSING ARGUMENTS BY MS. HUNTER

1 | sheet.

2 |           Ms. Cornwell also attacked the  
3 | pathologist as far as her date of death. Well,  
4 | again, the body had been there for days, it was  
5 | decomposed. But even her own pathologist that she  
6 | hired to testify said that she could only give a  
7 | rough estimate of when that was.

8 |           And Ms. Cornwell provided weather  
9 | reports to the pathologist and those weather  
10 | reports weren't shared with the jury and they  
11 | weren't shared with us of exactly where they were.  
12 | But if you look back at the interviews where Mr.  
13 | Eastwood is recorded and you can see him, notice  
14 | that it's cold enough for him to have on long  
15 | pants, a long shirt and there's a jacket on the  
16 | back of his chair. It is not 80 degrees that day.

17 |           She talked about the -- well, I  
18 | addressed in closing that the body was found  
19 | approximately six miles from the Defendant's  
20 | residence. And Ms. Cornwell talked about how the  
21 | morning that Mr. Eastwood confessed to Mr. Lauder  
22 | and Mr. Louder had said he had walked there and it  
23 | was probably a distance of five or six miles.  
24 | Well, Mr. Lauder also told you that he had never  
25 | been to the Defendant's house. He had an idea

## CLOSING ARGUMENTS BY MS. HUNTER

1 | where he lived, but didn't know exactly where it  
2 | was. Investigator Carrigg, he testified that he  
3 | been to the Defendant's house, he had been to the  
4 | IGA and that it was two and a half miles. That's a  
5 | pretty big difference when you're on foot and not  
6 | in a car.

7 |           The missing fingernails, that's just  
8 | another attempt of the Defense to muddy the waters,  
9 | the octopus defense. She's trying to distract you  
10 | guys. His DNA is under her right nails. The  
11 | pathologist explained that struggle, why it makes  
12 | sense that it would be there. And the DNA analyst  
13 | also told you that if we needed to retest those  
14 | extracts, they have them, they have the ability to  
15 | do that and that the results would be the same  
16 | today that they were when she tested them the first  
17 | time.

18 |           We covered why there wouldn't be DNA in  
19 | the trunk. And, again, the DNA on the heater --  
20 | the fact there isn't DNA on the heater. We would  
21 | not have expected to find it there. That was not  
22 | the murder weapon. Ms. Cornwell, I'm not sure what  
23 | exactly she was trying to say when she argued about  
24 | what Mr. Eastwood told Lieutenant Shumpert. Y'all  
25 | listen to that interview again. You're going to

## CLOSING ARGUMENTS BY MS. HUNTER

1 have it back in the jury room. Go to around the  
2 ten minute mark and you can hear him say that it  
3 was not the heater, it was a cord plugged into the  
4 heater.

5 And remember to look at these pictures  
6 and look at -- look at the photo of that heater  
7 that I showed you in my closing. It is the only  
8 one that is unplugged. There are no outlets near  
9 the wall. You would had to of used the extension  
10 cord. It is the only thing that makes sense.

11 She wants to talk about the police not  
12 doing their jobs. Well, you know, this  
13 investigation did not end after they got the  
14 confession. They got a second search warrant they  
15 executed on his house, they went to look for that  
16 murder weapon. After the confession, they tried to  
17 find out where her clothes were. They talked to  
18 Mr. Eastwood again, told them he had thrown them  
19 away. Probably threw the extension cord with the  
20 clothes.

21 They executed the search warrant on his  
22 car after he gave that statement. It didn't end.  
23 They might not have gotten video from Fishtales,  
24 but what would that have shown? The same thing  
25 that Jean Burns testified to that the Defendant and

*CLOSING ARGUMENTS BY MS. HUNTER*

1 the victim were in the bar together at that time  
2 and that they left together. The Defendant says  
3 that's what happened. That's not going to show a  
4 murder. I don't know what the big deal is about  
5 not having the video from Fishtales.

6 And what the Defense wants you all to  
7 believe is that that first statement on December  
8 13th that Mr. Eastwood gave Investigator Carrigg  
9 that that's the truth. That that's the end of it.  
10 That she left in the middle of the night and he  
11 never saw her again. They want you to think he was  
12 drunk, his memory must be deceiving him. They fed  
13 him these details, so then he comes in and falsely  
14 confesses. And that they used all these harsh  
15 interrogation tactics. He was with them for ten  
16 hours. Well, if they were so harshly interrogating  
17 him that whole day, do you think they would have  
18 left him at his house that night to sleep in his  
19 own bed? To be free to walk to the IGA the next  
20 morning? To confess to Brian Lauder the next  
21 morning? That doesn't make any sense.

22 We know this isn't a false confession  
23 because Brian Lauder, he confessed to him. We know  
24 that when Investigator Carrigg told Mr. Eastwood  
25 that he knew where Cara was, that we agree that Mr.

*CLOSING ARGUMENTS BY MS. HUNTER*

1 Eastwood did appear shocked. You know why he was  
2 shocked? He was shocked they had found the body.  
3 He thought he did a good enough job dumping it in  
4 the woods. I mean, it wasn't just thrown on the  
5 side of the road. Mr. Nesbitt told you, you had to  
6 turn off County Line Road and then you had to go  
7 back another street, then you go through what  
8 Investigator McCormack referred to as a firebreak.  
9 It's not even a real road. It's like a makeshift.  
10 And that's where the body was found. He was  
11 shocked they found her. He didn't think anybody  
12 would be back there in December doing hunting  
13 preparations.

14 We know that none of these  
15 investigators told him the details of that death.  
16 They all took reports and they documented in their  
17 report what they discussed with Mr. Eastwood when  
18 they were in his presence. That is the reason they  
19 do reports. Those details are in the reports.  
20 They testified to that.

21 We know he did it and it's not a false  
22 confession because his DNA is under her nails and  
23 the scratch marks and the bruises on his body  
24 corroborate him killing her.

25 And there's one thing that we do agree

*JURY CHARGE*

1 | with the Defense. I agree that Mr. Eastwood was  
2 | cooperative. He was so cooperative that he  
3 | confessed.

4 |           In closing, I want to thank you all for  
5 | your time and attention this week. One thing  
6 | that's ironic about jury duty is that for the past  
7 | four days, you all haven't been able to speak  
8 | except telling us your name, where you work and  
9 | where your spouse works. You have sit here and  
10 | listened to me and the other prosecutors, the  
11 | Defense and the judge, but now it's your turn. You  
12 | all now have to loudest voice in the courtroom.  
13 | When you take this evidence back and you go to that  
14 | jury room to deliberate, use your voice. Find him  
15 | guilty. Let him know that in December of 2019, his  
16 | actions were wrong and he's going to be held  
17 | accountable. Thank you.

18 |           THE COURT: Thank you, Counsel.

*JURY CHARGE*

19 |  
20 | BY THE COURT:

21 |           Ladies and gentlemen of the jury, it's  
22 | now time for me to charge you on the law in this  
23 | case. The indictment charges the Defendant with  
24 | murder. I remind you that the fact that the  
25 | Defendant was arrested, charged and indicted, is

*JURY CHARGE*

1 not evidence and cannot be considered by you as  
2 evidence of guilt, nor does it create any  
3 presumption or inference of guilt. The document is  
4 simply the formal written instrument which contains  
5 the charge made against the Defendant. It is the  
6 formal document by which the case is brought into  
7 this court.

8           The Defendant has pled not guilty to  
9 this indictment, and that plea puts the burden on  
10 the State to prove the Defendant guilty. A person  
11 charged with committing a criminal offense in South  
12 Carolina is never required to prove himself  
13 innocent.

14           I charge you that it is an important  
15 rule of the law that the Defendant in a criminal  
16 trial, no matter what the seriousness of the charge  
17 may be, will always be presumed innocent of the  
18 crime for which the indictment was issued unless  
19 guilt has been proven by evidence satisfying you of  
20 that guilt beyond a reasonable doubt. The  
21 presumption of innocence does not end when you  
22 begin your deliberations, but it accompanies the  
23 Defendant throughout the trial until you reach a  
24 verdict of guilt based on evidence satisfying you  
25 of that guilt beyond a reasonable doubt.

*JURY CHARGE*

1           The presumption of innocence is like a  
2 robe of righteousness placed about the shoulders of  
3 the Defendant which remains with the Defendant  
4 until it has been stripped from the Defendant by  
5 evidence satisfying you of the Defendant's guilt  
6 beyond a reasonable doubt.

7           The presumption of innocence is not a  
8 mere legal theory. It's not just a legal phrase.  
9 It is a substantial right to which every Defendant  
10 is entitled to unless you, the jury, are satisfied  
11 of the evidence of the Defendant's guilt beyond a  
12 reasonable doubt.

13           The State has the burden of proof of  
14 proving the Defendant guilty beyond a reasonable  
15 doubt. Some of you may have served as jurors in  
16 civil cases where you were told that it is only  
17 necessary to prove that a fact is more likely true  
18 than not true, such as by the greater weight or the  
19 preponderance of the evidence. In criminal cases,  
20 the State's proof must be more powerful than that.  
21 It must be beyond a reasonable doubt.

22           Proof beyond a reasonable doubt is  
23 proof that leaves you firmly convinced of the  
24 Defendant's guilt. A reasonable doubt is also  
25 described as a doubt that causes a reasonable

*JURY CHARGE*

1 | person to hesitate to act. There are very few  
2 | things in this world that we know with absolute  
3 | certainty, and in criminal cases the law does not  
4 | require proof that overcomes every possible doubt.  
5 | If, based on your consideration of the evidence,  
6 | you are firmly convinced that the Defendant is  
7 | guilty of the crime charged, you must find the  
8 | Defendant guilty. If on the other hand, you think  
9 | there is a real possibility that the Defendant is  
10 | not guilty, you must give the Defendant the benefit  
11 | of the doubt and find him not guilty.

12 |           I remind you that, during this trial,  
13 | you and I have certain duties to perform. As the  
14 | trial judge, it's my responsibility to preside over  
15 | the trial, and I also have the duty to rule on the  
16 | admissibility of the evidence. You are to consider  
17 | only the competent evidence before you. If there  
18 | is any testimony which has been stricken from the  
19 | record, you must not consider that. Any testimony  
20 | which has been presented by the witness stand is  
21 | what you must consider it along with any exhibits  
22 | which have been made a part of the record, and any  
23 | stipulations of counsel.

24 |           I have the additional duty to charge  
25 | you the law. As the presiding judge, it's the sole

*JURY CHARGE*

1 judge of the law, and it is your duty as jurors to  
2 accept the law and apply the law as I now state it  
3 to you. If you already have any idea as to what  
4 the law is or what the law ought to be and it does  
5 not agree with what I now tell the law is, you must  
6 abandon this idea because you are sworn to accept  
7 the law and apply the law exactly as I state it to  
8 you.

9           In every case tried before a jury, the  
10 jury becomes the sole and exclusive judge of the  
11 facts. A trial judge cannot intimate, state,  
12 comment on, or make any statement to a trial jury  
13 about the facts. Since you, the jury, are the sole  
14 judges of the facts, you are not to infer from what  
15 I have said during the progress of this trial in  
16 ruling upon the admissibility of evidence, or  
17 otherwise, or anything that I say now during the  
18 course of this instruction to you, that I have any  
19 opinion about the facts. The law does not allow me  
20 to have an opinion about the facts. This is a  
21 matter solely for you, the jury, to determine. As  
22 jurors, it is your duty to determine the effect,  
23 value, weight, and the truth of the evidence.

24           There are two types of evidence which  
25 are generally presented during a trial - direct

*JURY CHARGE*

1 | evidence and circumstantial evidence.

2 |           Direct evidence is the testimony of a  
3 | person who claims to have actual knowledge of a  
4 | fact, such as an eyewitness.

5 |           Circumstantial evidence is proof of a  
6 | chain of facts and circumstances indicating the  
7 | existence of a fact.

8 |           The law makes absolutely no distinction  
9 | between the weight or value to be given to direct  
10 | or circumstantial evidence. Nor is a greater  
11 | degree of certainty required of circumstantial  
12 | evidence than of direct evidence. You should weigh  
13 | all of the evidence in this case. After weighing  
14 | all of the evidence, if you're not convinced of the  
15 | guilt of the Defendant beyond a reasonable doubt,  
16 | you must find the Defendant not guilty.

17 |           Crimes may be proven by circumstantial  
18 | evidence. The law makes no distinction between the  
19 | weight or value to be given to either direct or  
20 | circumstantial evidence; however, to the extent  
21 | that the State relies on circumstantial evidence,  
22 | the circumstances must be consistent with each  
23 | other, and when taken together, point conclusively  
24 | to the guilt of the accused beyond a reasonable  
25 | doubt. If these circumstances merely portray the

*JURY CHARGE*

1 Defendant's behavior as suspicious, the proof has  
2 failed.

3           The State has the burden of proving the  
4 Defendant guilty beyond a reasonable doubt. This  
5 burden rests with the State regardless of whether  
6 the State relies on direct evidence, circumstantial  
7 evidence, or a combination of the two.

8           Necessarily, you must determine the  
9 credibility of witnesses who have testified.  
10 Credibility simply means believability. It becomes  
11 your duty as jurors to analyze and to evaluate the  
12 evidence to determine which evidence convinces you  
13 of its truth.

14           In determining the believability of  
15 witnesses who have testified, you may believe one  
16 witness over several witnesses or several witnesses  
17 over one witness. You may believe a part of the  
18 testimony of a witness and reject the remaining  
19 part of the testimony of that same witness. You  
20 may believe the testimony of a witness in its  
21 entirety or reject the testimony of a witness in  
22 its entirety. You may consider whether any witness  
23 has exhibited to you any interest, bias, prejudice,  
24 or other motive. You may also consider the  
25 appearance in the manner of a witness while on the

*JURY CHARGE*

1 | witness stand.

2 |           The rules of evidence ordinarily do not  
3 | permit witnesses to testify as to opinions or  
4 | conclusions. An exception to this rule exists for  
5 | witnesses that we call "expert witnesses." A  
6 | witness who, by some education and experience, has  
7 | become an expert in some art, science, profession  
8 | or calling may state an opinion as to relevant and  
9 | material matters, in which the witness claims to be  
10 | an expert, and may also state the reasons for those  
11 | opinions.

12 |           You should consider any expert opinion  
13 | received in evidence and, like any other evidence,  
14 | give it the weight that you think it deserves. If  
15 | you decide that the opinion of an expert witness is  
16 | not based on sufficient education and experience,  
17 | or if you conclude that the reasons given in  
18 | support of the opinion are not sound, or that the  
19 | opinion is outweighed by other evidence, you may  
20 | disregard the opinion entirely.

21 |           An expert witness' testimony is to be  
22 | given no greater weight than other witnesses simply  
23 | because the witness is an expert. Further, you are  
24 | not required to accept an expert's opinion, even  
25 | though it's not contradicted.

*JURY CHARGE*

1           A statement alleged to have been made  
2 by the Defendant has been admitted into evidence  
3 upon the Court's determination that the statement  
4 was voluntary and is admissible. However, you must  
5 decide what weight, if any, should be given to the  
6 alleged statement, based on its reliability. You  
7 may consider both the characteristics of the  
8 Defendant and the details of the questioning. Some  
9 of the factors of credibility may include; (1) the  
10 age of the Defendant; (2) the Defendant's education  
11 or lack of education; (3) the Defendant's mental  
12 ability or capacity; (4) the Defendant's IQ or  
13 intelligence; (5) the Defendant's background and  
14 environment; (6) the place and length of detention;  
15 (7) the nature of the questioning; and (8) the  
16 advice, or lack thereof, the Defendant of his  
17 Constitutional right including, but not limited to,  
18 the right to remain silent; that any statement  
19 could be used against him in a court of law; the  
20 right to have a lawyer present; that if he could  
21 not afford a lawyer, a lawyer would be appointed to  
22 represent him without any cost; and that he could  
23 stop making a statement at any time.

24           I instruct you and emphasize that the  
25 fact the Defendant did not testify is not a factor

*JURY CHARGE*

1 to be considered by you in any way in your  
2 deliberations and on the question of guilt or  
3 innocence of the Defendant. It must not be  
4 considered by you in any manner whatsoever. A  
5 Defendant has the Constitutional right to remain  
6 silent, and the assertion of this right must not be  
7 considered by you in your deliberations. I repeat,  
8 under your oath, you're to draw no conclusion  
9 whatsoever from the fact that the Defendant did not  
10 testify. The fact that the Defendant did not  
11 testify should not even be discussed in the jury  
12 room. The burden of proof, as I have stated to  
13 you, is on the State. The State is not required to  
14 prove -- or the Defendant is not required to prove  
15 his innocence. The burden of proof remains on the  
16 State to prove guilt beyond a reasonable doubt.

17           The Defendant has presented evidence of  
18 his representation and charter to show that it  
19 would be inconsistent with the Defendant committing  
20 the crime. The weight you give that testimony,  
21 like any other testimony in this case, is for you  
22 to decide on your good judgement. You may consider  
23 testimony of the Defendant's good character along  
24 with all the other evidence in deciding whether or  
25 not the Defendant committed the crime.

*JURY CHARGE*

1           In order to establish criminal  
2 liability, criminal intent is required. For  
3 example, the mental state required to be proven by  
4 the State for a particular crime might be purpose,  
5 intent, knowledge, recklessness, or criminal  
6 negligence. Criminal intent must be proven by the  
7 State beyond a reasonable doubt. Criminal intent  
8 is always a matter that must be determined by the  
9 jury from the circumstances surrounding the  
10 situation. There is no way to prove criminal  
11 intent to a mathematical certainty. There is no  
12 way medical science can dissect a person's brain  
13 and determine what the person had in mind, so the  
14 law says that criminal intent may be inferred from  
15 the circumstances shown to have existed. This is  
16 how you make a determination of whether or not the  
17 element of intent was present. It is not necessary  
18 to establish intent by direct and positive  
19 evidence, but intent may be established by  
20 inference in the same way as any other fact by  
21 taking into consideration the acts of the parties,  
22 all of the facts and circumstances of the case.

23           Criminal intent is a mental state, a  
24 conscious wrongdoing. It is up to you to determine  
25 what the Defendant intended to do based upon the

*JURY CHARGE*

1 | circumstances shown to have existed.

2 |           (The Court speaking to one of the  
3 | jurors. Sir, it will be just two seconds.)

4 |           Criminal intent can arise from action  
5 | or a failure to act. It may arise from negligence,  
6 | recklessness, or an indifference to duty or to  
7 | consequences that is considered by the law to be  
8 | the equivalent of criminal intent.

9 |           A person who voluntarily becomes  
10 | intoxicated is just as responsible for the acts  
11 | committed while intoxicated as when the person is  
12 | not intoxicated.

13 |           The Defendant is charged with murder.  
14 | The State must prove beyond a reasonable doubt that  
15 | the Defendant killed another person with malice  
16 | aforethought.

17 |           Malice is hatred, ill will, or  
18 | hostility towards another person. It is the  
19 | intentional doing of a wrongful act without just  
20 | cause or excuse and with the intent to inflict an  
21 | injury under the circumstances that the law will  
22 | infer an evil intent.

23 |           Malice aforethought does not require  
24 | that malice exists for any particular time before  
25 | the act is committed, but malice must exist in the

*JURY CHARGE*

1 mind of the Defendant just before and at the time  
2 the act is committed. Therefore, there must be a  
3 combination of the previous evil intent and the  
4 act.

5 Malice aforethought --

6 (One of the jurors got up and left out  
7 the courtroom.)

8 Ladies and gentlemen, we'll take a  
9 brief recess.

10 (No one left the courtroom except the  
11 one juror. The juror came back into the  
12 courtroom.)

## RESUME JURY CHARGE

14 BY THE COURT:

15 Malice aforethought may be express or  
16 inferred. These terms, "express" and "inferred" do  
17 not mean different kinds of malice but merely the  
18 manner in which malice may be shown to exist. That  
19 is either by direct evidence or by inference from  
20 the facts and circumstances which are proved.

21 Express malice is shown when a person speaks words  
22 which are express hatred or ill will for another or  
23 when the person prepared beforehand to do the act  
24 which was later accomplished; for example, lying in  
25 wait for a person or any other acts of preparation

*JURY CHARGE*

1 going to show that the deed was within the  
2 Defendant's mind would be express malice.

3 Malice may be inferred from conduct  
4 showing a total disregard for human life.

5 A deadly weapon is any article,  
6 instrument, or substance which is likely to cause  
7 death or great bodily harm. Whether an instrument  
8 has been used as a deadly weapon depends on the  
9 facts and circumstances of each case.

10 The following are examples of  
11 instruments which may be deadly weapons: A pistol  
12 or a knife. A gun may be a deadly weapon even if  
13 it is not operating.

14 A hand or a fist is not normally  
15 considered a deadly weapon. However, under some  
16 circumstances, depending on the manner and the  
17 means of its use, the wounds inflicted, and other  
18 relevant facts, a hand or a fist may be considered  
19 a deadly weapon. It is for you to decide in this  
20 case beyond a reasonable doubt whether or not a  
21 hand or a fist could be a deadly weapon.

22 Ordinary objects may become deadly  
23 weapons when the facts show that they have been  
24 used to inflict serious bodily harm or death.

25 If facts proved beyond a reasonable

*JURY CHARGE*

1 | doubt sufficient to raise an inference of malice to  
2 | your satisfaction, this inference would simply be  
3 | an evidentiary fact to be considered by you along  
4 | with the other evidence in this case, and you may  
5 | give it the weight that you decide it should  
6 | receive.

7 |           Ladies and gentlemen of the jury, your  
8 | verdict must be a unanimous verdict, which means  
9 | all twelve of you must agree on the verdict. And  
10 | Mr. Martinez (verbatim) there on the corner, sir,  
11 | since you're sitting in that seat, I'm going to  
12 | appoint you as the foreperson. So it will be your  
13 | job as the foreperson to write the verdict on the  
14 | verdict form. This is the jury verdict form and  
15 | it's simple procedurally, it basically says, "As to  
16 | the charge of murder of Cara Hodges, we the jury  
17 | unanimously find the Defendant and then you select  
18 | the appropriate verdict whether it's not guilty or  
19 | guilty. Once you select the appropriate verdict,  
20 | then you sign it and date it at the bottom. You  
21 | will also have the indictment with you in the jury  
22 | room and on the front of the indictment, sir, you  
23 | see where it says, "verdict" you will write the  
24 | appropriate verdict, sign, and date it.

25 |           I'm going to send you to your jury

*JURY CHARGE*

1 | room, but please do not begin your deliberations  
2 | until you have received the verdict forms and all  
3 | of the evidence in this case. Once you receive  
4 | that in the jury room, you may begin your  
5 | deliberations.

6 |           When you reach a verdict, if you would  
7 | knock on the jury room door then we'll bring you  
8 | back in here to receive your verdict. I'm going to  
9 | ask you to return to your jury room except for the  
10 | two alternates, we'll separate them at this time.  
11 | And you can put them in a separate room. You may  
12 | go to your jury room.

13 |           (WHEREUPON, the jury left the courtroom  
14 | at 12:54 p.m.)

15 |           THE COURT: We'll put them in the other  
16 | room.

17 |           Are there any exceptions or objections  
18 | to the charge on the law from the State or from the  
19 | Defense?

20 |           MS. HUNTER: No, Your Honor.

21 |           MS. CORNWELL: No, Your Honor.

22 |           THE COURT: All right. If y'all would  
23 | get together and make sure we have all the  
24 | exhibits. Please don't wander far in case we get a  
25 | verdict.

1 MS. HUNTER: Yes, ma'am.

2 THE COURT: And any objections to me  
3 going head and releasing the alternates?

4 MR. SCOTT: Yes.

5 THE COURT: Yes, you want to keep them  
6 for a little while?

7 MR. SCOTT: Yes. Especially based on  
8 what happened, walking out.

9 THE COURT: Yes, sir. So we'll just  
10 keep the alternates separate and just keep them in  
11 that room for a little while. And just let them  
12 know they can hang out for a little bit. All  
13 right.

14 (WHEREUPON, the jury began their  
15 deliberation at 1:02 p.m.)

16 THE COURT: It's my understanding that  
17 we have a verdict. Anything before I bring the  
18 jury out?

19 MS. HUNTER: No, Your Honor.

20 MS. CORNWELL: No, Your Honor.

21 THE COURT: Let's have our jury,  
22 please.

23 (WHEREUPON, the jury entered the  
24 courtroom at 2:31 p.m.)

25 THE COURT: Welcome back, ladies and

## VERDICT

1 gentlemen of the jury, please have a seat.

2 Mr. Foreman, has the jury reached a  
3 verdict?

4 MR. PEREZ: Yes, Your Honor.

5 THE COURT: Would you please hand it to  
6 the bailiff?

7 THE BAILIFF: May I approach, Your  
8 Honor?

9 THE COURT: Yes, sir. Thank you, sir.  
10 Madam clerk, if you would please publish the  
11 verdict.

12 THE CLERK: I call the Court's  
13 attention to Indictment Number 2020-GS-38-0943, The  
14 State of South Carolina verses Kenneth Henry  
15 Eastwood.

16 As to the charge of murder, we the jury  
17 find the Defendant guilty.

18 This verdict is signed by foreperson,  
19 Shaun Perez dated November 9, 2023.

20 THE COURT: Thank you, madam clerk.  
21 Does counsel require polling of the jury?

22 MS. CORNWELL: Yes, Your Honor.

23 THE COURT: Madam clerk?

24 THE CLERK: Juror Number 31, Keon Boyd.  
25 What is your verdict?

1 THE COURT: If you would stand and she  
2 will ask you if this is your verdict and if it's  
3 still your verdict.

4 THE CLERK: Is this your verdict and  
5 still your verdict?

6 MR. BOYD: Yes.

7 THE CLERK: Thank you. And Juror  
8 Number 8, Tillman Ancrum. Is this your verdict or  
9 still your verdict?

10 MR. ANCRUM: Yes.

11 THE COURT: Wait until they answer and  
12 then ask the second question, please. That way the  
13 court reporter can take it down. Thank you, ma'am.

14 THE CLERK: And Juror Number 185,  
15 Sharon McClinton. Is this your verdict?

16 MS. MCCLINTON: Yes, ma'am.

17 THE CLERK: And still is your verdict?

18 MS. MCCLINTON: Yes, ma'am.

19 THE CLERK: Thank you. Juror Number  
20 188, Mary McFadden. Is this your verdict?

21 MS. MCFADDEN: Yes.

22 THE CLERK: And it's still your  
23 verdict?

24 MS. MCFADDEN: Yes.

25 THE CLERK: Thank you. And Juror

1 Number 279, Carlisia Webb. Is this your verdict?

2 MS. WEBB: Yes.

3 THE CLERK: And it still is your  
4 verdict?

5 MS. WEBB: Yes.

6 THE CLERK: Thank you. And Shaun  
7 Perez, Juror Number 210. Is this your verdict?

8 MR. PEREZ: Yes, ma'am.

9 THE CLERK: And still is your verdict?

10 MR. PEREZ: Yes, ma'am.

11 THE CLERK: And Juror Number 158,  
12 Malcolm Jenkins. Is this your verdict?

13 MR. JENKINS: Yes, ma'am.

14 THE CLERK: And still is your verdict?

15 MR. JENKINS: Yes, ma'am.

16 THE CLERK: Thank you. Juror Number  
17 36, Latonia Simon. Is this your verdict?

18 MS. SIMON: Yes.

19 THE CLERK: And still is your verdict?

20 MS. SIMON: Yes.

21 THE CLERK: And Juror Number 57,  
22 Jonathan Jenkins. Is this your verdict?

23 MR. JENKINS: Yes.

24 THE CLERK: And still is your verdict?

25 MR. JENKINS: Yes.

1 THE CLERK: Thank you. And Juror  
2 Number 80, Genease Dingle. Is this your verdict?

3 MS. DINGLE: Yes.

4 THE CLERK: And still is your verdict?

5 MS. DINGLE: Yes.

6 THE CLERK: Thank you. And Juror  
7 Number 225, Zachary Robinson. Is this your  
8 verdict?

9 MR. ROBINSON: Yes.

10 THE CLERK: And still is your verdict?

11 MR. ROBINSON: Yes.

12 THE CLERK: Thank you. And Juror  
13 Number 115, Alexis Guess. Is this your verdict?

14 MS. GUESS: Yes.

15 THE CLERK: And still is your verdict?

16 MS. GUESS: Yes.

17 THE CLERK: Thank you.

18 THE COURT: Thank you. Ladies and  
19 gentlemen of the jury, if you would please return  
20 to your jury room one last time, I'll be in there  
21 momentarily to release you. Thank you.

22 (WHEREUPON, the jury left the courtroom  
23 at 2:35 p.m.)

24 THE COURT: Counsel, anything before I  
25 release the jury?

1 MS. HUNTER: No, Your Honor.

2 MS. CORNWELL: No, Your Honor. Just  
3 for the record, at this time, I renew all previous  
4 motions.

5 THE COURT: Yes, ma'am. For the same  
6 reasons as previously articulated, the rulings are  
7 the same.

8 MS. CORNWELL: Thank you, Your Honor.

9 THE COURT: Mr. Eastwood, would you  
10 please stand. Solicitor, anything you'd like to  
11 present to the Court?

12 MS. HUNTER: Your Honor, I understand  
13 that any sentence you would give this individual  
14 would be 30 years would be a life sentence.  
15 However, do to the heinous nature of the crime, we  
16 would still ask that the Court sentence him to life  
17 despite his age.

18 THE COURT: Do the victim's family wish  
19 to be heard?

20 MS. HUNTER: Yes, Your Honor, they do.

21 MS. EDMONDS: My name is Crystal  
22 Edmonds, I'm Cara Hodges' sister.

23 THE COURT: Yes, ma'am, what would you  
24 like to say?

25 MS. EDMONDS: I just want to say that

1 no matter his age, I think he deserves life in  
2 prison. I think he deserves the max. Because he  
3 took my sister away from me, her mother, and her  
4 kids in a brutal, brutal way. I'm so sorry.

5 THE COURT: Take your time.

6 MS. EDMONDS: It's just he did so much  
7 to her in a bad way. My sister had to go through  
8 this. She never deserved that. Ever. And I'm so  
9 sorry that I'm crying today. I'm so sorry and I  
10 appreciate everything y'all have done with  
11 everything else like that. I just -- I'm so sorry.  
12 Thank you so much.

13 THE COURT: Thank you, ma'am. Anything  
14 else from the State?

15 MS. HUNTER: No, Your Honor, that's  
16 all.

17 THE COURT: Ms. Cornwell?

18 MS. CORNWELL: Thank you, Your Honor.  
19 May it please the Court? Mr. Eastwood is 72 or  
20 will be turning 72 in December. He has no prior  
21 criminal history. Certainly, we understand the  
22 jury's verdict, we would simply ask for the minimum  
23 sentence. But, again, at 72 years old, he  
24 understands the severity of any sentence that's  
25 given to him.

1 THE COURT: Anything further?

2 MS. CORNWELL: No, Your Honor.

3 THE COURT: Well, Mr. Eastwood,  
4 Ms. Hodges' sister is absolutely right. You  
5 ruthlessly took someone away from their family.  
6 You left three children without a mother. A person  
7 without a sister and a mother that lost her child.  
8 And the way that you dumped her body, robbed her of  
9 any dignity in death. To let her be there in the  
10 elements like that, naked, there's just really no  
11 excuse for it.

12 On 2020-GS-38-0943, you're hereby  
13 committed to the State Department of Corrections  
14 for the remainder of your natural life.

15 Court is adjourned.

16 MR. SCOTT: Thank you, Your Honor.

17 - - -END OF REQUESTED TRANSCRIPT OF RECORD- - -

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**WITNESSES**

Dujuan A Council

*D. J. A. Council*  
Orangeburg County Sheriff

**ARREST WARRANT NUMBER**

2019A3810200238

Arrested: December 16, 2019

**ACTION OF GRAND JURY**

*Warren B. Dumas*  
2-8-23

Foreperson of Grand Jury  
Date: February 8, 2023

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2020GS38-0943 ✓

**The State of South Carolina  
County of ORANGEBURG**

**COURT OF GENERAL SESSIONS**

February 13, 2023 TERM

**THE STATE  
vs.**

Kenneth Henry Eastwood

**Indictment for**

Murder

SC Code: 16-3-10

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 FOR RECORD  
WINNIFA B. CLARK  
2023 FEB -8 AM 9:50  
CLERK OF COURT  
ORANGEBURG, SC

*(15M)*

578

STATE OF SOUTH CAROLINA  
COUNTY OF ORANGEBURG

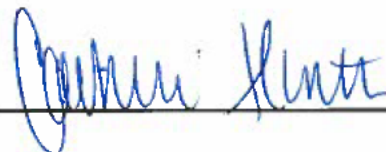
INDICTMENT  
2020GS38-0943

As a Court of General Sessions, convened on February 13, 2023 the Grand Jurors of ORANGEBURG County present upon their oath:

**MURDER**

That in Orangeburg County on or about December 10, 2019, with malice aforethought, the defendant, Kenneth Henry Eastwood did kill one Cara Hodges by means of strangling the victim and leaving her body in a wooded area. 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.



\_\_\_\_\_  
Catherine M. Hunter, Solicitor

STATE OF SOUTH CAROLINA )  
COUNTY OF Orangeburg )

IN THE COURT OF GENERAL SESSIONS

STATE VS. )  
*FILED FOR RECORD  
WINNIFA B. CLARK*

INDICTMENT/CASE#: 2020 - GS - 38 - -0943

Kenneth Henry Eastwood )  
AKA: )  
Race: WHITE Sex: M Age: 71 )  
DOB: [REDACTED] SS#: [REDACTED] )  
Address: [REDACTED] )  
City, State, [REDACTED] )  
DL#: [REDACTED] SID#: [REDACTED] )

A/W#: 2019A3810200238  
Date of Offense: 12/10/2019  
S.C. Code § 16-3-10  
CDR Code #: 0116

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the above indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Murder

in violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45  
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (def.'s initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

 101317 SCB76577  
Hunter, Catherine M. SC Bar # Defendant Cornwell, Ashley B. SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Correction,  County Detention Center,  
for a determinate term of life in prison days/months/years/Time Served  Youthful Offender Act not to exceed \_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_ days/months/years/Time Served and or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with **probation** for \_\_\_\_\_

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc. \_\_\_\_\_ days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

**SPECIAL CONDITIONS:**

- PTUP** after \_\_\_\_\_ months/years  
**And Other Terms Listed Below:**
- Substance Abuse Counseling     Completion of GED     Random Drug/Alcohol Testing
- Attend Voc. Rehab. or Job Corp     No Contact with Victim     Domestic Violence Intervention Program
- Mental Health Counseling     May serve W/E beginning: \_\_\_\_\_
- Sex Offender Registry pursuant to S.C. Code § 23-3-430     Public Service Employment \_\_\_\_\_ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: \_\_\_\_\_

**RESTITUTION:**     **Deferred**     **Def. Waives Hearing**     **Ordered**

Total: \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

**\*Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of	\$ _____	Beginning	_____	\$ _____
§14-1-206 (Assessments 107.5 %)				\$ 100.00
§14-1-211(A)(1) (Conv. Surcharge)		\$100		\$ _____
§14-1-211(A)(2) (DUI Surcharge)		\$100		\$ _____
§56-5-2995 (DUI Assessment)		\$12		\$ _____
§56-1-286 (DUI Breath Test)		\$25		\$ _____
§14-1-212 (Law Enforce. Funding)		\$25		\$ 25.00
§14-1-213 (Drug Court Surcharge)		\$150		\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41		\$ _____
§50-21-114(BUI Breath Test Fee)		\$50		\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$40/ea		\$ _____
3% to County (if paid in installments)		TBD		\$ 3.75
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.		\$500		\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD		\$ _____
<b>TOTAL</b>				\$ 128.75

Clerk of Court/Deputy Clerk: \_\_\_\_\_  
 Court Reporter: \_\_\_\_\_

*Catherine Spradling*  
 \_\_\_\_\_

Presiding Judge: \_\_\_\_\_  
 Judge Code: \_\_\_\_\_  
 Sentence Date: \_\_\_\_\_

*Katie Murphy*  
 2144  
 11/19/23