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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Anderson County

Honorable Perry H. Gravely, Circuit Court Judge

ANGELA M. VAUGHN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-000263

APPENDIX

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VOLUME I OF II

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**[THE FOLLOWING PCR HEARING EXHIBIT IS ON FILE WITH THIS COURT:
APPLICANT’S EXHIBIT NO. 6 (DVD)]**

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

COURT OF GENERAL SESSIONS
2004-GS-04-748, 749

State of South Carolina
PLAINTIFF,
vs.
Angela Vaughn
DEFENDANT.

TRANSCRIPT OF RECORD

January 17, 18 & 19, 2006
Anderson, South Carolina

BEFORE:

THE HONORABLE ALEXANDER MACAULAY, JUDGE; and a jury

APPEARANCES:

CATHERINE TOWNSEND, ESQUIRE
Attorney for the State

ROBERT GAMBLE, ESQUIRE
Attorney for the Defendant

RENEE TOLLISON
Official Court Reporter

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04:09:50 p.m. 09-13-2012

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Voir Dire

Case No.: 2004-GS-04-748, 749

Judge: Alexander Macaulay

Date: January 17-19, 2006

Court/County: GS-04

Plaintiff/State: State

Attorney: Catherine Townsend

Defendant: Angela Vaughn

Attorney: Robert Gamble

Court Reporter: Renee H. Tollison

Juror #	Name	Race	Sex	Court	Strikes Plaintiff	Def.	Accept
32	Stanley Crone	W	M			X	
67	Dusty Holbrook	W	F			X	
141	Kenneth Turmon	B	M				X
97	Gay McLeskey	W	F				X
38	Doris Doughty	W	F			X	
108	Justin Phillips	W	M			X	
115	Troycine Richardson	W	F				X
t-3	Charles Robinson	B	M			X	
94	Sandra McCarty	W	F		X		
68	Sharon Holland	W	F			X	
61	Judy Hall	W	F				X
T-4	Susie Turbeville	W	F			X	
139	Thomas Timmerman	W	M				X
93	Matthew McCall	W	M				X
66	Ester Hoag	W	F			X	
117	Tommy Robinson	B	M				X
116	Raymond Robinson	W	M				X
69	Charles Holliday	W	M		X		
Juro	Name	Race	Sex	Strikes			Accep
36	Anita Deweese	W	F			X	
1	Jeremy Adkins	W	M				X
T-2	Wendy Howell	W	F				X
72	Robert G. Holmes	W	M			X	

*For the Court column, please indicate Jeremy Adkins who made the motion to strike the juror "for cause" with a "C" for Court, "P" for Plaintiff or "D" for Defense

1 **JANUARY 17, 2006**

2 (WHEREUPON, court convened with all parties present
3 and the following proceedings were had.)

4 THE COURT: Ladies and gentlemen, this is a term of
5 General Sessions Court. Its purpose is to resolve
6 questions of alleged criminal conduct between the State of
7 South Carolina and the Defendant in a manner which will
8 ensure that justice under the law is accomplished.

9 The trial begins with selection of a jury. The State
10 and defendant are entitled to jurors who approach the case
11 with an open mind. Jurors must be as free as humanly
12 possible from bias, prejudice, sympathy and free from any
13 preconceived ideas on the facts of the case or the law of
14 the case. Therefore certain questions will be asked of
15 you, the petit jury panel. These questions that will be
16 asked are designed to ensure that each side does have a
17 fair and impartial jury.

18 I might note further that if any person should talk
19 with you about any case scheduled for this term of court
20 it would be your solemn duty ---

21 THE JUROR: Speak up, please.

22 THE COURT: My point here -- thank you, sir -- is
23 that if anybody should talk to you or attempt to talk to
24 you about any case that might be scheduled for this term
25 of court, you should immediately report them to the Court

1 or one of the bailiffs or the Clerk of Court so I might
2 take the appropriate action because you are now the jurors
3 for The Court of and the Tenth Judicial Circuit in
4 Anderson County.

5 THE COURT: I'll speak up louder. I apologize not
6 only am I ---

7 MADAM CLERK: I'm sorry, Your Honor. If I cut it up
8 ...

9 THE COURT: Madam Clerk?

10 MADAM CLERK: Yes, Your Honor.

11 (WHEREUPON, an off-record discussion was held.)

12 THE COURT: As I said, the acoustics in this
13 courtroom are sometimes not altogether what we would like.
14 Also, as I said, perhaps I need to talk louder. So,
15 please, as you've done, let me know.

16 What I was saying is that this is a Court of General
17 Sessions and that we're here today to draw a jury that
18 will be impartial that can give both the State of South
19 Carolina and the Defendant a fair and impartial trial.

20 Now, the first case we will be trying -- in fact,
21 I'll ask the Solicitor, if she would, please, call the
22 first case for trial at this time.

23 MS. HUEY: Yes, Your Honor. The State calls State of
24 South Carolina versus Angela Vaughn, indictment numbers
25 2004-GS-04-748 and 749, charged with murder and the

1 possession of a weapon during the commission of a violent
2 crime.

3 THE COURT: Very good.

4 Now, ladies and gentlemen of the jury panel, as
5 you've heard, we're about to begin the trial of the State
6 of South Carolina versus Angela M. Vaughn on
7 indictments number 2004-GS-04-748 charging the defendant
8 with murder, and 2004-GS-04-749 charging the defendant
9 with possession of a firearm during the commission of a
10 violent crime.

11 The State will be represented by Ms. Huey. Ms. Huey,
12 if you would, please, stand and introduce yourself and
13 anyone who will be assisting you in the trial of this case
14 at this time. And, also, as you introduce the members of
15 your staff, if you would, please, have them, as well as
16 yourself, look upon the jury.

17 MS. HUEY: Your Honor, my name is Catherine Huey.
18 I'm the lead prosecutor in this case. Assisting me is
19 Scott McElhannon. We also have Chris Vaughn who's an
20 investigator with the Anderson County Sheriff's Office.

21 THE COURT: Thank you. The Defendant, Ms. Angela
22 Vaughn, will be represented by Mr. Gamble.

23 Mr. Gamble, if you would, please, stand and introduce
24 yourself, your client and anyone else that might be
25 assisting you.

1 MR. GAMBLE: I'm Robert Gamble. I'll be
2 representative Angela Vaughn. The lady that is seated
3 beside her is Jennifer Johnson a lawyer, and Amanda
4 Williams is our investigator who will be assisting us.
5 Thank you.

6 THE COURT: Very good. Thank you very much.

7 Now, is there any member of the jury panel related by
8 blood or marriage now or formerly a close personal friend
9 or business associate of the Defendant, Ms. Angela Vaughn?
10 If you'd please stand at this time. Any member of the
11 jury panel related by blood or marriage now or formerly or
12 a close personal friend or business associate of the
13 Defendant Angela Vaughn.

14 Ms. Angela Vaughn, if you'd please stand at this
15 time.

16 (No response.)

17 THE COURT: Is any member of the jury panel related
18 by blood or marriage, now or formerly, of course, or close
19 personal friend or was a business associate of the
20 decedent in this case, Mr. Ronald Grant? If you would
21 please stand at this time.

22 (No response.)

23 THE COURT: I'm going to be calling out a list of
24 potential witnesses in this case. Now, these are
25 potential witnesses. These are witnesses who may be

1 called, but do not have to be called, in the trial of this
2 case. If they happen to be in the courtroom as I call
3 their name, if they would please stand, I would appreciate
4 it. Stand and look upon the jury. As I say, these are
5 potential witnesses who may be called possibly in the
6 trial of this case. Shannon Smith, Diane Rhodes, Sharon
7 Davenport, Johnny Robinson, Paul Sullivan, Brian Webber,
8 Roxanne Bond (standing). Thank you, ma'am. Barbara
9 Powell (standing). Thank you ma'am. Paula Wooten
10 (standing). Thank you, ma'am. Christi Hall, Brian
11 Collins, David Sanders, Andy Andrews, Dr. Brett Woodard,
12 Dr. Pamela Crawford, Kim Cheslak, C H E S L A K, Kim
13 Cheslak, Jada Burgin, Tamara Galloway, Jeff Miles
14 (standing). Thank you, sir. Karen Elrod of the Anderson
15 County Sheriff's Department, Mark Coyle of the Anderson
16 County Sheriff's Department, Chris Vaughn, Anderson County
17 Sheriff's Department (standing). Thank you, sir. Todd
18 Caron, C A R O N, Anderson County Sheriff's Department,
19 Josh Durham, South Carolina Highway Patrol, Andy Hyslop,
20 Anderson County Sheriff's Department, Robert Gebing,
21 Anderson County Sheriff's Department, Tommy Clamp,
22 Anderson County Sheriff's Department, Steven Derrick,
23 South Carolina Law Enforcement Division, Tracy Thrower,
24 South Carolina Law Enforcement Division, Cecil Bradstreet,
25 South Carolina Law Enforcement Division, Ila Simmons,

1 South Carolina Law Enforcement Division, Laurie Shacker,
2 South Carolina Law Enforcement Division, Laura Corley
3 South Carolina Law Enforcement Division, B. Reed R E E D,
4 South Carolina Law Enforcement Division, and Christine
5 Barrickman, formerly Montgomery, South Carolina Law
6 Enforcement Division.

7 Is there any member of the jury panel related by
8 blood or marriage now or formerly or a close personal
9 friend or business associate of any of the potential
10 witnesses in this case Shannon Smith, Diane Rhodes, Sharon
11 Davenport, Johnny Robinson, Paul Sullivan, Brian Webber,
12 Roxanne Bond, Barbara Powell, Paula Wooten, Christi Hall,
13 Brian Collins, David Sanders, Andy Andrews, Dr. Brett
14 Woodard, Dr. Pamela Crawford, Kim Cheslak, Jada Burgin,
15 Tamara Galloway, Jeff Miles, Karen Elrod, Mark Coyle,
16 Chris Vaughn, Todd Caron, Josh Durham, Andy Hyslop, Robert
17 Gebing, Tommy Clamp, Steven Derrick, Tracy Thrower, Cecil
18 Bradstreet, Ila Simmons, Laurie Shacker, Laura Corley, B.
19 Reed, Christine Montgomery Barrickman, if you'd please
20 stand at this time. Any member of the jury panel related
21 by blood or marriage now or formerly or close personal
22 friend or business associate of any of the potential
23 witnesses in this case, if you would please stand at this
24 time.

25 (No response.)

1 THE COURT: Was any member of the jury panel a member
2 of the Grand Jury that found or returned the indictments
3 in this case. That would be indictments number
4 2004-GS-04-748 and 749? Any member of the jury panel a
5 member of the Grand Jury of Anderson County for the year
6 2004, if you would please stand at this time.

7 (No response.)

8 THE COURT: Has any member of the jury panel formed
9 or expressed an opinion about this case? If so, please
10 stand.

11 (No response.)

12 THE COURT: Is any member of the jury panel aware of
13 any interest, bias or prejudice towards either the
14 Defendant or the State of South Carolina? If so, please
15 stand.

16 (No response.)

17 THE COURT: Does any member of the panel know of any
18 reason why he or she cannot give both the State of
19 Carolina and the Defendant a fair and impartial trial? If
20 so, please stand.

21 (No response.)

22 THE COURT: Any further questions from the State?

23 MS. HUEY: None, Your Honor.

24 THE COURT: From the defendant?

25 MR. GAMBLE: No, Your Honor.

*very little
more time*

1 THE COURT: Ladies and gentlemen of the jury panel,
2 the way we select a jury in General Sessions Court is that
3 the Clerk, as you've noticed, has a drum in front of her.
4 In that drum are capsules. Each of those capsules
5 contains one of your names. And what the Clerk will do is
6 draw from the capsule the name that's in that capsule, and
7 that name will be called. And you will come forward to
8 the front of the courtroom. The bailiff will show you
9 where to stand. When you come forward you'll stand in
10 front of the courtroom and look back toward the back of
11 the courtroom so both the State and the Defendant may
12 consider your service.

13 Now, the State goes first. The State will either
14 say, present the juror or excuse the juror. And then the
15 Defendant will have the opportunity to consider the juror
16 and will either say, swear the juror or excuse the juror.
17 So as your name is called if you would, please, come
18 forward to the front of the courtroom where the bailiff is
19 standing.

20 Ten and five?

21 MS. HUEY: Yes, sir, your honor.

22 MR. GAMBLE: Yes, sir.

23 THE COURT: Very good. Madam Clerk, if you would,
24 please, give us a jury.

25 MADAM CLERK: Thank you, Your Honor.

1 Juror number 32, Stanley Crone, number 32. If you
2 would please come forward.

3 What say you for the State?

4 MS. HUEY: Please present this juror.

5 MADAM CLERK: What say you for the Defendant?

6 MR. GAMBLE: Excuse the gentleman.

7 MADAM CLERK: You may return to your seat, Mr. Crone.

8 Thank you.

9 Number 67, Dusty Holbrooks, number 67.

10 What say you for the State?

11 MS. HUEY: Please present this juror.

12 MADAM CLERK: What say you for the Defendant?

13 MR. GAMBLE: Excuse the juror.

14 MADAM CLERK: You may return to your seat. Thank
15 you, Mr. Holbrooks.

16 Number 141, Kenneth Turmon, juror number 141.

17 What say you for the State?

18 MS. HUEY: Please present this juror.

19 MADAM CLERK: What say you for the Defendant?

20 MR. GAMBLE: Swear the gentleman.

21 MADAM CLERK: If you'll please have a seat in the
22 jury box, Mr. Turmon. Thank you.

23 Number 97, Gay McCleskey, juror number 97.

24 What say you for the State?

25 MS. HUEY: Please present this juror.

1 MADAM CLERK: What say you for the Defendant?

2 MR. GAMBLE: Swear the lady.

3 MADAM CLERK: Have a seat, please, ma'am, in the jury
4 box.

5 Number 38, Doris Doughty, number 38.

6 What say you for the State?

7 MS. HUEY: Please present this juror.

8 MADAM CLERK: What say you for the Defendant?

9 MR. GAMBLE: Excuse the lady.

10 MADAM CLERK: You may return to your seat. Thank
11 you, Ms. Doughty.

12 108, Justin Phillips, number 108.

13 What say you for the State?

14 MS. HUEY: Please present this juror.

15 MADAM CLERK: What say you for the Defendant?

16 MR. GAMBLE: Excuse the gentleman.

17 MADAM CLERK: Thank you, sir.

18 Number 115, Troycine Richardson, number 115.

19 What say you for the State?

20 MS. HUEY: Please present this juror.

21 MADAM CLERK: What say you for the Defendant?

22 MR. GAMBLE: Swear the lady.

23 MADAM CLERK: Have a seat, please, Ms. Richardson, in
24 the jury box.

25 Transfer number 3, Charles Robinson, transfer 3.

1 What say you for the State?

2 MS. HUEY: Please present this juror.

3 MADAM CLERK: What say you for the Defendant?

4 MR. GAMBLE: Excuse the gentleman, please.

5 MADAM CLERK: Thank you, sir.

6 Number 94, Sandra McCarty, number 94.

7 What say you for the State?

8 MS. HUEY: Please excuse this juror.

9 MADAM CLERK: You may return to your seat. Thank
10 you, Ms. McCarty.

11 Juror number 68, Sharon Holland, number 68.

12 What say you for the State?

13 MS. HUEY: Please present this juror.

14 MADAM CLERK: What say you for the Defendant?

15 MR. GAMBLE: Excuse the lady, please.

16 MADAM CLERK: You may return to your seat. Thank
17 you, Ms. Holland.

18 Number 61, Judy Hall, number 61.

19 What say you for the State?

20 MS. HUEY: Please present this juror.

21 MADAM CLERK: What say you for the Defendant?

22 MR. GAMBLE: Swear the lady, please.

23 MADAM CLERK: You may have a seat, please, ma'am, in
24 the jury box.

25 Transfer number 4, Susie Turbeville, transfer 4.

1 Ladies and gentlemen, as I call your name, if you'll
2 please bring any personal belongings with you. If you'll
3 bring them as to come up. Thank you very much.

4 What say you for the State?

5 MS. HUEY: Please present this juror.

6 MADAM CLERK: What say you for the Defendant?

7 MR. GAMBLE: Excuse the lady.

8 MADAM CLERK: Thank you, Ms. Turbeville.

9 139, Thomas Timmerman, 139.

10 What say you for the State?

11 MS. HUEY: Please present this juror.

12 MADAM CLERK: What say you for the Defendant?

13 MR. GAMBLE: Swear the gentleman.

14 MADAM CLERK: Have a seat, please, Mr. Timmerman, in
15 the jury box.

16 Number 93, Matthew McCall, number 93.

17 What say you for the State?

18 MS. HUEY: Please present this juror.

19 MADAM CLERK: What say you for the Defendant?

20 MR. GAMBLE: Swear the gentleman.

21 MADAM CLERK: Have a seat, please, Mr. McCall, in the
22 jury box.

23 Number 66, Ester Hoag, number 66.

24 What say you for the State?

25 MS. HUEY: Please present this juror.

1 MADAM CLERK: What say you for the Defendant?

2 MR. GAMBLE: Excuse the lady, please.

3 MADAM CLERK: You may return to your seat. Thank
4 you, Ms. Hoag.

5 Number 117, Tommy Robinson, 117.

6 What say you for the State?

7 MS. HUEY: Please present this juror.

8 MADAM CLERK: What say you for the Defendant?

9 MR. GAMBLE: Swear the gentleman, please.

10 MADAM CLERK: Have a seat, please, Mr. Robinson, in
11 the jury box.

12 Number 116, Raymond Robinson, 116.

13 What say you for the State?

14 MS. HUEY: Please present this juror.

15 MADAM CLERK: What say you for the Defendant?

16 MR. GAMBLE: Swear the gentleman, please.

17 MADAM CLERK: Have a seat, please, Mr. Robinson, in
18 the jury box.

19 Number 69, Charles Holliday, number 69.

20 What say you for the State?

21 MS. HUEY: Please excuse this juror.

22 MADAM CLERK: Thank you, Mr. Holliday. You may
23 return to your seat. Thank you.

24 Number 36, Anita Deweese, number 36.

25 What say you for the State?

1 MS. HUEY: Please present this juror.

2 MADAM CLERK: What say you for the Defendant?

3 MR. GAMBLE: Excuse the lady, please.

4 MADAM CLERK: Thank you, ma'am. You may have return
5 to your seat.

6 MR. GAMBLE: I believe that leaves me with one,
7 doesn't it?

8 MADAM CLERK: Thank is correct.

9 MR. GAMBLE: Thank you, ma'am.

10 MADAM CLERK: Juror number 1, Jeremy Adkins, number
11 1.

12 What say you for the State?

13 MS. HUEY: Please present this juror.

14 MADAM CLERK: What say you for the Defendant?

15 MR. GAMBLE: Swear the gentleman.

16 MADAM CLERK: Have a seat in the jury box, please,
17 Mr. Adkins.

18 Transfer number 2, Wendy Howell, transfer 2.

19 What say you for the State.

20 MS. HUEY: Please present this juror.

21 MADAM CLERK: What say you for the Defendant?

22 MR. GAMBLE: Swear the lady.

23 MADAM CLERK: Have a seat in the jury box, please,
24 Ms. Howell.

25 Number 72, Robert G. Holmes Jr., number 72.

1 What say you for the State?

2 MS. HUEY: Please present this juror.

3 MADAM CLERK: What say you for the Defendant?

4 MR. GAMBLE: Excuse the gentleman.

5 MADAM CLERK: You may return to your seat. Thank
6 you, Mr. Holmes.

7 Number 2, John Allison, juror number 2.

8 What say you for the State?

9 MS. HUEY: Please present this juror.

10 MADAM CLERK: What say you for the Defendant?

11 MR. GAMBLE: Swear the gentleman.

12 MADAM CLERK: Have a seat in the jury box, please,
13 Mr. Allison.

14 Number 42, David Ford, juror number 42.

15 What say you for the State?

16 MS. HUEY: Please present this juror.

17 MADAM CLERK: What say you for the Defendant?

18 MR. GAMBLE: Swear the gentleman.

19 MADAM CLERK: Have a seat in the jury box, please,
20 Mr. Ford.

21 THE COURT: Let's have two alternates. Two and one
22 on the alternate.

23 MADAM CLERK: Number 35, Murray Daw, number 35.

24 What say you for the State?

25 MS. HUEY: Please excuse this juror number.

1 MADAM CLERK: Thank you, sir.

2 Number 75, Kenneth Joner, Jr, number 75.

3 What say you for the State?

4 MS. HUEY: Please present this juror.

5 MADAM CLERK: What say you for the Defendant?

6 MR. GAMBLE: Excuse the gentleman, please.

7 MADAM CLERK: You may return to your seat. Thank
8 you, Mr. Joner.

9 Number 30, Stephanie Cordell, number 30.

10 What say you for the State?

11 MS. HUEY: Please present this juror.

12 MADAM CLERK: What say you for the Defendant?

13 MR. GAMBLE: Excuse the lady.

14 MADAM CLERK: Number 77, William Jones, juror number
15 77.

16 What say you for the State?

17 MS. HUEY: Please present this juror.

18 MADAM CLERK: What say you for the Defendant?

19 MR. GAMBLE: Swear the gentleman.

20 MADAM CLERK: If you'll have a seat on the second
21 row. You'll be our first alternate, Mr. Jones.

22 Number 147, Marian West, 147.

23 What say you for the State?

24 MS. HUEY: Please present this juror.

25 MADAM CLERK: What say you for the Defendant?

1 MR. GAMBLE: Excuse the lady, please.

2 MADAM CLERK: You may return to your seat. Thank
3 you, Ms. West.

4 128, Jalane Slater, number 128.

5 What say you for the State?

6 MS. HUEY: Please present this juror.

7 MADAM CLERK: What say you for the Defendant?

8 MR. GAMBLE: Excuse the lady.

9 MADAM CLERK: You may return to your seat.

10 Number 86, Sylvia Lollis, number 86.

11 What say you for the State?

12 MS. HUEY: Please excuse this juror.

13 MADAM CLERK: Juror number 140, Mary White, 148.

14 What say you for the State?

15 MS. HUEY: Please present this juror.

16 MADAM CLERK: What say you for the Defendant?

17 MR. GAMBLE: Swear the lady.

18 MADAM CLERK: Have a seat and the jury box, please,
19 Ms. White.

20 THE COURT: Is there any reason this jury cannot be
21 sworn for the trial of this case, from the State?

22 MS. HUEY: None from the State, Your Honor.

23 THE COURT: From the Defendant?

24 MR. GAMBLE: None from the Defense, Your Honor.

25 THE COURT: Ms. McCleskey, I'm going to ask you to

1 serve as foreperson of this jury. So when we come back to
2 the courtroom -- I'm going to excuse you for a few
3 minutes. But when we come back, if you would take the
4 front seat or the first seat on the first row. Do you
5 understand? At this end.

6 THE JUROR: (Nodded head up and down in the
7 affirmative).

8 THE COURT: The alternates, Mr. Jones and Ms. White,
9 if you would always sit in the two seats that you're in
10 now. Mr. Jones in the second seat of the second row, Ms.
11 Jones in the third row, if you would. Those are the only
12 two reserved seats in the jury box. Everyone else can
13 move around anywhere they want to within the jury box.
14 But I need to know where those three people are as I will
15 explain the duties of the foreperson later. And, also, of
16 course, the alternates always sit at the end during the
17 trial.

18 Now, I'm going to ask you to go with the bailiff who
19 will show you the jury room that you'll be using during
20 the trial of this case. But throughout the trial, my
21 instructions will always be that you're not to undertake a
22 discussion of this case in any way among yourselves.
23 Please remember that you must make your decision and
24 determination based on the testimony from this witness
25 stand and the evidence and other exhibits introduced in

1 this courtroom. Therefore, until you've received all of
2 the testimony and evidence, you're not to begin any sort
3 of discussion because you must keep an open mind
4 throughout the trial of the case. You never know what may
5 be the most important part of the case. It might be the
6 opening statements by the attorneys or closing arguments,
7 the first witness, last witness or whatever. So you must
8 keep an open mind. Therefore, do not undertake a
9 discussion of this case, even among yourselves when you're
10 in the jury room or at lunch or any other opportunity. I
11 will explain that to you more particularly later.

12 At this time I will ask you to go with the bailiff
13 who will show you the room that you're to use during the
14 trial of the case. And as I say, if the three -- the
15 foreperson sits in the first seat and the two alternates
16 sit on the end of the second and third row.

17 Everyone else remain seated while the jury retires
18 from the courtroom.

19 (WHEREUPON, the jury exited the open court at
20 approximately 12:03 a.m.)

21 THE COURT: Ladies and gentlemen of the jury panel
22 that were not drawn on the trial of this case, I'm going
23 to excuse you for the balance of the day. Your Clerk of
24 Court, Ms. Phillips, has made it possible so you do not
25 have to be here all the time during this week. In other

1 words, if you haven't been selected on the trial of a
2 case, then, of course, it's not necessary for you to be
3 here. However, of course, when we do need you here to
4 draw a jury for a trial, it's absolutely essential that
5 you are. So Ms. Phillips has made it possible for you to
6 call in rather than coming in every day.

7 (WHEREUPON, the jury panel was excused for the day.)

8 THE COURT: I'm going to excuse the jury -- it's ten
9 after twelve. I'm going to excuse them until two o'clock.
10 I'm not going to swear them at this time. I'll swear them
11 when we start the trial of the case.

12 Any thoughts about that from the State?

13 MS. HUEY: I think that's great.

14 THE COURT: From the Defendant?

15 MR. GAMBLE: I haven't had a thought, Your Honor.

16 THE COURT: Very good. So I'll bring them back and
17 excuse them until 2:00 o'clock, and we'll give them
18 preliminary instructions at the time. After I excuse the
19 jury, then we'll take up the matters the parties feel is
20 necessary.

21 Ask the jurors to join us, please.

22 (WHEREUPON, the jury came into open court at
23 approximately 12:11 p.m.)

24 THE COURT: Madam Forelady, ladies and gentlemen of
25 the jury, before the trial begins, I need to take up some

1 matters with the attorneys, hopefully to resolve any
2 procedural problems we might have or questions that we
3 might have in order to make the trial move smoother. Now,
4 I understand that some might have a little hearing
5 problem. If anybody still cannot hear me or any of the
6 witnesses or anything else, if you would raise your hand
7 and we'll try to address that.

8 As I said I am going to excuse you until two o'clock.
9 Hopefully that will give us enough time to get these
10 procedural matters out of the way. At that time if you
11 would please return to the jury room that you were in. We
12 will begin the trial. And I would imagine this trial will
13 last more than today. It might even be a couple of days.
14 So you might want to just plan for being here a few days.

15 As I have said, you must make a decision based on
16 what you see and hear in this courtroom, not outside. No
17 one can help you. No one will be sitting in the jury box
18 where you're sitting now or in that jury room where you
19 will make your ultimate decision in this case. So if
20 anybody tries to talk with you, they can only confuse
21 matters. And I'm certain and confident you understand and
22 appreciate this is a very important case to everybody
23 involved and it needs to be resolved in a proper fashion.

24 Madam Forelady, one little sort of advice I want to
25 give you, if I may. Inasmuch as everybody -- or the

1 decision has to be made on what occurs in this courtroom,
2 when you go back to the jury room and come back to the
3 courtroom, please make sure that everybody is ready to
4 come back at the same time so everybody has the
5 opportunity to hear and see what occurs here. So if
6 somebody is not ready, just wait. I think you understand
7 we can't start until you all are here. So just be sure
8 that you're all ready to come back in at that time so that
9 everybody will have the opportunity to see and hear when
10 they need to to make a proper determination in this case.

11 With that, I am going to excuse you until
12 2:00 o'clock. The bailiff will show you how to come and
13 go to the jury room. When you come back at 2:00 o'clock,
14 we'll begin the trial of the case.

15 Everyone else remain seated while the jury retires
16 from the courtroom.

17 (WHEREUPON, the jury exited the open court at
18 approximately 12:14 p.m.)

19 THE COURT: All right. Do you want to take a minute
20 or two to get your thoughts together?

21 Let's do this. First of all, I want to note for the
22 record that one of the State's witnesses or potential
23 witnesses happened to be included in the jury panel. And
24 during the jury qualification, that witness/juror, I think
25 juror number 122, came forward. And I asked the juror

1 whether or not he had talked to anybody on the panel, and
2 he assured me not. So we excused him at that time and
3 sent him downstairs.

4 Is there anything further on that matter from the
5 State?

6 MS. HUEY: No, sir, Your Honor.

7 THE COURT: Anything further from the Defendant on
8 the question of the juror being removed from the panel
9 because he was a witness?

10 MR. GAMBLE: No, Your Honor.

11 THE COURT: Anything else? You have marked exhibits.
12 Have you been able to agree on those exhibits?

13 MS. HUEY: Yes, Your Honor, I believe we have.

14 THE COURT: Mr. Gamble?

15 MR. GAMBLE: I didn't hear you.

16 THE COURT: I said, have you agreed on the exhibits?
17 What I'd like to do is go ahead and have them marked and
18 admitted into evidence, those that will come in without
19 objection. Of course, the Defense doesn't have to put up
20 any exhibits at this time. But they can -- this would be
21 possible so the both parties would be able to use them in
22 opening statements if they would like.

23 MR. GAMBLE: I've reviewed them. We have no
24 objection to the ones that are marked.

25 THE COURT: Madam Court Reporter, do you have a list

1 of the exhibits?

2 MADAM COURT REPORTER: No, sir, not yet.

3 THE COURT: Madam Solicitor, do you have a list?

4 MS. HUEY: Yes, I do. And I can make several copies.

5 THE COURT: What I want to do is just note on the
6 record which ones are admitted.

7 MS. HUEY: Yes, sir. If you can read my writing,
8 Judge.

9 THE COURT: Well, my problem is that they're not in
10 sequential order.

11 (Pause.)

12 THE COURT: Madam Solicitor, listen carefully to be
13 sure I have this right. As I understand, State's Exhibits
14 1, 2, 3-ABC, 4-ABC, 5, 6, 7, 8, 9, 10, 11-ABCDE,
15 12-ABCDEF, 13-ABC, 14, 15, 16-ABC, 17-AB -- excuse me.
16 15-ABCDE, 16-ABC -- wait a minute. Excuse me again.
17 We're going back. It's 15, 16-ABC, 17-AB, 18-ABCD,
18 19-ABCDEFGHI, 20-AB, 21-ABCDEFGHI and 22 are admitted
19 without objection.

20 (WHEREUPON, State's Exhibit Number 1 was marked for
21 identification and received into evidence.)

22 (WHEREUPON, State's Exhibit Number 2 was marked for
23 identification and received into evidence.)

24 (WHEREUPON, State's Exhibits Numbers 3-A, B, C were
25 marked for identification and received into

1 evidence.)

2 (WHEREUPON, State's Exhibits Numbers 4-A, B, C were
3 marked for identification and received into
4 evidence.)

5 (WHEREUPON, State's Exhibit Number 5 was marked for
6 identification and received into evidence.)

7 (WHEREUPON, State's Exhibit Number 6 was marked for
8 identification and received into evidence.)

9 (WHEREUPON, State's Exhibit Number 7 was marked for
10 identification and received into evidence.)

11 (WHEREUPON, State's Exhibit Number 8 was marked for
12 identification and received into evidence.)

13 (WHEREUPON, State's Exhibit Number 9 was marked for
14 identification and received into evidence.)

15 (WHEREUPON, State's Exhibit Number 10 was marked for
16 identification and received into evidence.)

17 (WHEREUPON, State's Exhibits Numbers 11-A, B, C, D, E
18 were marked for identification and received into
19 evidence.)

20 (WHEREUPON, State's Exhibits Numbers 12-A, B, C, D,
21 E, F were marked for identification and received into
22 evidence.)

23 (WHEREUPON, State's Exhibits Numbers 13-A, B, C were
24 marked for identification and received into
25 evidence.)

1 (WHEREUPON, State's Exhibit Number 14 was marked for
2 identification and received into evidence.)

3 (WHEREUPON, State's Exhibit Number 15 was marked for
4 identification and received into evidence.)

5 (WHEREUPON, State's Exhibits Numbers 16-A, B, C were
6 marked for identification and received into
7 evidence.)

8 (WHEREUPON, State's Exhibits Numbers 17-A, B were
9 marked for identification and received into
10 evidence.)

11 (WHEREUPON, State's Exhibits Numbers 18-A, B, C, D
12 were marked for identification and received into
13 evidence.)

14 (WHEREUPON, State's Exhibits Numbers 19-A, B, C, D,
15 E, F, G, H, I were marked for identification and
16 received into evidence.)

17 (WHEREUPON, State's Exhibits Numbers 20-A, B were
18 marked for identification and received into
19 evidence.)

20 (WHEREUPON, State's Exhibits Numbers 21-A, B, C, D,
21 E, F, G, H, I were marked for identification and
22 received into evidence.)

23 (WHEREUPON, State's Exhibit Number 22 was marked for
24 identification and received into evidence.)

25 MS. HUEY: Yes, sir, Judge.

1 MR. GAMBLE: Correct, Your Honor.

2 THE COURT: All right. Anything else from the State?

3 MS. HUEY: Additionally, if we could put on the
4 record there's a couple of stipulations. The first has
5 been signed by myself and Mr. Gamble. It has to do with
6 the chain of custody witnesses.

7 THE COURT: As far as the stipulations are concerned,
8 Mr. Gamble, I noticed the Defendant hasn't signed this.
9 Would you explain to the Defendant the stipulation?

10 MR. GAMBLE: I explained it to her Friday morning,
11 Your Honor. She...

12 THE COURT: If you would, please. As I understand
13 it, having read the stipulation, it only relates to chain
14 of custody; is that correct?

15 MS. HUEY: Yes, sir, Your Honor.

16 (Pause.)

17 THE COURT: Again, this is stipulations by the
18 Defendant as to any chain of custody and is signed by all
19 parties, the Defendant, the attorney for the Defendant and
20 the attorney for the State. It will be admitted as a
21 Court's Exhibit.

22 (WHEREUPON, Court's Exhibit Number 1 was marked for
23 identification only.)

24 MS. HUEY: Thank you, Judge. Additionally, for the
25 record, Mr. Gamble has also waived the Jackson v. Denno

1 hearing, and as such is stipulating that the statements
2 the Defendant made were voluntary in terms of the 911
3 call, statements made to first responding officers,
4 statements made to investigator Jeff Miles at the scene on
5 the 24th of 2003, October 24th, 2003, as well as
6 statements made to Jeff Miles on October 30th of 2003.

7 THE COURT: Has the Solicitor properly stated the
8 stipulations, Mr. Gamble?

9 MR. GAMBLE: Yes, sir. I have all three waiver of
10 rights forms. And I don't believe I would have a leg to
11 stand on on the 911 call because that was voluntary.

12 THE COURT: I understand. Very good. The
13 stipulations are accepted.

14 MS. HUEY: And finally, Your Honor, there is a motion
15 in limine. Would you like to get into that now?

16 THE COURT: Well, we're going to have to get into it
17 sometime. So let's do it now.

18 MS. HUEY: Well, Your Honor, it has to do with
19 several witnesses I would like to call. As I'm sure Mr.
20 Gamble will probably be making a hearsay objection to the
21 majority of these witnesses, and if I could name them for
22 the record. Sharon Davenport, Johnny Robinson, Brian
23 Webber, Brian Collins, Christi Wilson, David Sanders, Paul
24 Sullivan and Shannon Smith.

25 Your Honor, if I could briefly get into the facts of

1 the case just so I can tell you ---

2 THE COURT: Certainly.

3 MS. HUEY: Your Honor, this offense occurred on
4 October 24th of 2003. The Defendant called 911 and
5 admitted she thought she had shot and killed her fiance.
6 Police responded to the scene. And she was arrested
7 several days later for the murder of her live-in
8 boyfriend, Ronald Lee Grant.

9 In the investigation, specifically of Jeff Miles,
10 Your Honor, he spoke with many people that worked with the
11 Defendant, Angela Vaughn, people that worked with the
12 victim, Ronald Lee Grant, as well as other acquaintances.
13 Specifically the people that I named earlier, Judge. And
14 through his investigation and meeting with these people,
15 he learned that on -- basically it was probably late
16 August or early September of 2003, just a couple months
17 before Ronald Lee Grant was killed, that two co-workers of
18 his, Shannon [sic] Davenport as well as Johnny Robinson
19 witnessed the defendant show up at Ronald Grant's
20 workplace and threaten him with a gun if he was not
21 outside the next time she was ready to come pick him up.
22 This is important because he is later killed with a gun,
23 Judge. Again, barely two months later.

24 Additionally, what I believe will come up through the
25 eyes of defense is that Ronald Lee Grant, the victim in

1 this case, was charged with criminal domestic violence on
2 October 5th of 2003, just a few weeks before he was
3 killed. Your Honor, he was taken to the detention center
4 on the 16th of October just a couple of weeks later by
5 Angela Vaughn to be arraigned on this criminal domestic
6 violence charge in which she was the victim.

7 At the detention center, Angela Vaughn met up with an
8 acquaintance. Her name is Shannon Smith. Through the
9 course of the day, Angela Vaughn related to Shannon Smith
10 that essentially she had made up the domestic violence
11 charge, that he had never beat her, that the reason she
12 called the police was because he was going to leave her,
13 and the next time he tried that she was going to kill him.

14 Additionally, Your Honor, on October 23rd, about a
15 day before Mr. Grant was killed, he was overheard in the
16 break room -- or I should say he spoke with several
17 people, four individuals. And he told them that he was
18 planning on leaving -- excuse me -- he was planning on
19 leaving Angela Vaughn, the Defendant, that next day. And,
20 of course, that's the day that he was killed.

21 So that's by way of background, Judge. I have pulled
22 case law. I certainly think the prior threat of a gun on
23 the victim comes in as motive identity absence of mistake.
24 Additionally, the statements, again, that she made at the
25 detention center to Shannon Smith come in for the very

1 same reasons.

2 And then finally the statements that Ronald Lee
3 Grant, himself, makes to his co-workers the night before
4 he was killed comes in as an exception to hearsay under
5 the present sense impression. It goes to show his state
6 of mind that day, the day before he was killed.

7 THE COURT: All right. Let's see if I have the
8 statements you seek to introduce. There was -- sometime
9 late August or early September, there was an alleged
10 confrontation or at least a meeting between the Defendant
11 and the victim at his place of employment where he was
12 overheard by two co-workers -- she was overheard by two
13 co-workers of the victim that if he was not outside when
14 she came to pick him up, she would kill him or shoot him?

15 MS. HUEY: I believe the specific quote was, "Don't
16 make me bring a gun in there."

17 THE COURT: Excuse me. "Don't make me bring a gun
18 ..." That's the statement you want to get in?

19 MS. HUEY: Yes, sir, Your Honor.

20 THE COURT: The other is the Defendant took out a
21 criminal domestic violence warrant against the victim.
22 She brought him in for the proceeding. Was it a CDV
23 first?

24 MS. HUEY: Yes, Your Honor, criminal domestic
25 violence first offense.

1 THE COURT: So that was the hearing?

2 MS. HUEY: He was not at the scene when police
3 arrived to do the incident report, so he was sent notice
4 to appear in court on the 16th. So that took place in
5 the detention center..

6 THE COURT: On what date?

7 MS. HUEY: October 16th, Judge.

8 THE COURT: October 16th. And the Defendant
9 allegedly told who?

10 MS. HUEY: Shannon Smith, Your Honor.

11 THE COURT: That she had made up the CDV charge
12 because the victim -- and he hadn't abused her and that
13 the victim -- and she did it because the victim was
14 leaving?

15 MS. HUEY: Yes, sir, Your Honor.

16 THE COURT: Then the third statement is the victim
17 told co-workers she was going to -- excuse me. The victim
18 told co-workers he was going to leave the Defendant the
19 night before he was killed?

20 MS. HUEY: Yes, sir, Your Honor.

21 THE COURT: Those are the three statements?

22 MS. HUEY: Yes, sir, Your Honor.

23 THE COURT: And you say you have authority for the
24 admission of all those?

25 MS. HUEY: Yes, sir, Judge, I believe I do.

1 THE COURT: All right. Hand them up to my clerk.

2 (WHEREUPON, Ms. Huey handed documents to the Court.)

3 THE COURT: Have you shared these cases with the
4 Defendant?

5 MS. HUEY: Your Honor, I have not, but I can make him
6 copies at lunch.

7 THE COURT: Very good.

8 Mr. Gamble, are you prepared to take up these
9 statements at this time?

10 MR. GAMBLE: Some are not under the hearsay doctrine,
11 Your Honor. Statements made by the Defendant herself I
12 don't consider hearsay. Statements made by the deceased
13 to third parties out of the presence of the Defendant are
14 definitely hearsay under the rule. And they don't come in
15 as an exception.

16 THE COURT: All right. The ones that you're talking
17 about are the ...

18 MR. GAMBLE: Statements made by Ronald Grant to ...

19 THE COURT: It would be the victim told the
20 co-workers -- that would be the third statement on the
21 night before his demise -- that he was going to leave the
22 Defendant?

23 MR. GAMBLE: I think that's hearsay, Your Honor.

24 THE COURT: I'm asking. That's the only one that you
25 see as hearsay?

1 MR. GAMBLE: Yes, sir. Statement made to Diane
2 Rhodes. This is made by the deceased claiming that, "he
3 had prior problems with Ms. Vaughn and considered
4 something of an exorcist at work and said he was
5 fearingher." These are self-serving statements by the
6 deceased concerning my client. And there's no way that I
7 can cross-examine or verify the statements. Timothy Barns
8 or Paul ---

9 THE COURT: Who were the names of the co-workers that
10 the victim allegedly made the statements to?

11 MS. HUEY: Your Honor, the names of the co-workers
12 that he made the statements to were Brian Collins, Christi
13 Wilson, David Sanders and Paul Sullivan.

14 THE COURT: Well, we don't have a Diane Rhodes in
15 there.

16 MS. HUEY: Your Honor, she is on my witness list, but
17 at this time I'm not going to call her.

18 THE COURT: So we're talking about Collins, Wilson --
19 who are the others?

20 MS. HUEY: Sanders and Sullivan, Judge. Those are
21 the four co-workers that were involved in the conversation
22 with the victim.

23 THE COURT: The night before?

24 MS. HUEY: Yes, sir. And, Your Honor, I do not
25 intend to bring up specific details necessarily about why

1 the victim was leaving other than the fact that just
2 generally speaking that he feared the Defendant. I don't
3 plan on getting into prior incidents although there are
4 prior incidents that he, again, told co-workers and that
5 sort of thing.

6 THE COURT: All right. Let's look at it. I'm going
7 to reserve judgment on those initially until I've had a
8 chance to look at the authority that you have.

9 (Pause.)

10 THE COURT: As I was saying, I reserve judgment or
11 ruling on these matters until I have an opportunity to
12 consider them. But let me go -- just so I don't misstate
13 something, the first statements that you seek to introduce
14 are the ones where the Defendant allegedly said, "Don't
15 make me bring a gun ..." that occurred at the victim's
16 place of employment?

17 MS. HUEY: Yes, sir, Your Honor.

18 THE COURT: You're seeking to introduce it by a
19 statement by a party opponent?

20 MS. HUEY: Yes, sir.

21 MR. GAMBLE: Who was that party?

22 THE COURT: The second statement you seek to
23 introduce would be, again, the statement by the Defendant
24 made at the hearing on the CDV -- or the interview on the
25 CDV October the 16th of '04?

1 MS. HUEY: '03, Judge. But yes, sir.

2 THE COURT: '03. I'm sorry. Excuse me. That was to
3 Shannon Smith, that she had made up the CDV and the victim
4 was leaving?

5 MS. HUEY: Yes, sir, Your Honor.

6 THE COURT: Again, that would be a statement by party
7 opponent?

8 MS. HUEY: Yes, sir.

9 THE COURT: And the third is the victim told
10 co-workers he was going to leave the night before -- leave
11 the Defendant the night before he was killed. And that
12 was to Collins, Wilson, Sanders and Sullivan?

13 MS. HUEY: Yes, sir.

14 THE COURT: All right. And you seek to introduce
15 that statement under what grounds?

16 MS. HUEY: Present sense impression, Judge. I'm
17 sorry.

18 THE COURT: All right. And your objection, of
19 course, is that it's ---

20 MR. GAMBLE: It's too remote in time to be relevant
21 for consideration under that exception. Secondly, it's a
22 statement by the deceased. It's a self-serving statement.
23 There's no way I can cross-examine on it.

24 THE COURT: Confrontation? Anything else?

25 MS. HUEY: Nothing, Your Honor.

1 THE COURT: All right. It's twenty of one now. And
2 I've asked the jury to be back at two. Let's try to get
3 back if we can. If we're a little bit late, that's fine.
4 But say about 1:30. If you're late, that's all right. I
5 might be late myself. But let's try to get these matters
6 out or as much as we can before we bring the jury back
7 because I would like to start at two with opening
8 statements.

9 MS. HUEY: That would be great, Judge. I would like
10 to mention briefly in my opening some of these witnesses
11 who will be testifying about the animosity between them.
12 So I don't know if that's enough time for you to make your
13 ruling or not. And I certainly can take that out of my
14 opening.

15 THE COURT: Well, the only thing is, you know,
16 opening arguments or statements are not to try the case.

17 MS. HUEY: Right, Judge. And that's why I was
18 briefly going to mention ---

19 THE COURT: And as I understand, motive is not an
20 element of any of these offenses.

21 MS. HUEY: That's correct, Judge. But I believe ---

22 THE COURT: So I might suggest not to concentrate
23 your preparation for your opening statement on these --
24 the thinking of the statements. You might want to just
25 leave it fairly simple and just tell them what the

1 elements of the charge and what you intend to prove.

2 MS. HUEY: Sure, Judge. And the reason I'm stressing
3 that is only because the Defendant is making a
4 self-defense argument.

5 THE COURT: You are aware of that?

6 MS. HUEY: Yes, sir.

7 THE COURT: Do you have anything you'd like to say,
8 Mr. Gamble? Are you going to argue your case in opening
9 statement, too?

10 MR. GAMBLE: I've never done that.

11 THE COURT: I don't think so.

12 MR. GAMBLE: It scares me.

13 THE COURT: In all seriousness, one problem with
14 opening statements, they come under the rule is far as I'm
15 concerned of a statement by someone authorized to make
16 that statement. And they can be binding on the particular
17 party. So if you say too much, it can be used against a
18 party in this case. I always try to keep it down and let
19 the witnesses testify. Leave something for the jury to
20 find out.

21 All right. If there's nothing else, I'll see you
22 back at 1:30.

23 (WHEREUPON, a lunch break was taken.)

24 (WHEREUPON, State's Exhibit Number 23 was marked for
25 identification only.)

1 (WHEREUPON, State's Exhibit Number 24 was marked for
2 identification only.)

3 (WHEREUPON, State's Exhibit Number 25 was marked for
4 identification only.)

5 THE COURT: We're back on the case of the State
6 versus Vaughn. Prior to the lunch recess, the State
7 advised the Court that it intended to present evidence as
8 to three separate statements, one made in late August or
9 early September to two co-workers where the Defendant
10 apparently threatened -- or at least that was the
11 substance or the essence of the statement -- that if he
12 didn't -- if he wasn't outside when she came, "Don't make
13 me bring a gun ..." The second statement was, again, made
14 by the Defendant, allegedly made by the Defendant, to an
15 individual concerning a CDV charge that had reportedly
16 been made up and had done or made the charge because the
17 victim was threatening to leave. Now, those two ...

18 Anything from the State on that? Anything further?

19 MS. HUEY: No, sir, Your Honor.

20 THE COURT: Anything from the Defendant?

21 MR. GAMBLE: No, sir.

22 THE COURT: All right. The Court finds that those
23 obviously are statements by a party and would be
24 admissible.

25 As far as the third statement, allegedly the victim

1 told co-workers the night before his demise that he
2 intended to leave the Defendant. As I understand it, the
3 State seeks to introduce that statement or the essence of
4 that statement that he intended to leave. Not any of the
5 reasons for him leaving, if any, or anything else other
6 than his state of mind was that he was going to leave ---

7 MS. HUEY: No, sir, Your Honor.

8 THE COURT: --- at that time the night before.

9 MS. HUEY: Right.

10 THE COURT: What does the Defendant say?

11 MR. GAMBLE: I think it's too remote, Your Honor, and
12 it comes under the hearsay rule. The case that the
13 Solicitor handed me was a case that a fellow got off the
14 telephone and says, I'm going to meet the victim. And
15 that tied with the fact the fellow was dead about an hour
16 later kept that one in sequence. But this incident
17 occurred -- I don't know what time. But the actual shot
18 was sometime in the early afternoon of the 24th. So I
19 think that statement made the night before is too remote.

20 THE COURT: What does the State say?

21 MS. HUEY: Your Honor, we would obviously take the
22 opposite position, that considering it happened the very
23 next day, it's still in close proximity to the time when
24 he said that he was going to leave, and then he actually
25 was killed because he was probably trying to leave her.

1 THE COURT: It's a very close question. But as the
2 Court reads Rule 803.3, as provided in the rule, "The
3 statement of the declarant's then existing state of mind
4 such as intent, plan, motive, design ... but not including
5 a statement of memory or belief to prove the fact
6 remembered or believed" is admissible and not excluded by
7 the hearsay rule. The Court would rely on State v.
8 Garcia, 512 S.E.2d 507, 334 S.C. 71 1999, where statements
9 were made a week before about threats if the victim left
10 the Defendant. Also, about injuries that the victim had
11 suffered. And although the testimony was excluded there,
12 the Court noticed that consequently while the present
13 state of declarant's mind is admissible as an exception to
14 hearsay, the reason for the declarant's state of mind is
15 not. And there the testimony was tight and almost
16 completely dealt with the reasons for the victim's fear.

17 Again, while the testimony presents circumstantial
18 evidence of the Defendant's fear of Appellant and concern
19 for her safety, the testimony improperly reveals the
20 reason for her state of mind, that Appellant had kicked
21 and threatened to kill her. The Court goes on to find
22 that a witness could testify declarant stated she was
23 afraid sometimes, but not because she thought her husband
24 was going to kill her.

25 And here, the testimony would have to be limited to

1 the statement of the -- alleged statement of the victim as
2 to his intent, plan or motive. I might note that in
3 Garcia those statements were made a week before the victim
4 was killed.

5 MS. HUEY: Thank you, Judge.

6 THE COURT: All right. So I'm going to overrule the
7 objection to what I've referred to as statement number
8 three made to Collins, Wilson, Sanders and Sullivan. Of
9 course, any motion in limine is subject to review based on
10 the testimony and record as it exists at the time of its
11 introduction. And in order to preserve it, of course, the
12 Defendant will notice that they object to the testimony at
13 the proper time.

14 Anything else?

15 MS. HUEY: Your Honor, if I may add just one thing.
16 Christi Wilson is also known as Christi Hall. She was
17 recently married. So I just wanted to make the Court
18 aware of that.

19 THE COURT: Very well.

20 MR. GAMBLE: I want to be perfectly clear. I
21 understand you're ruling Robinson, Wilson and Sanders ---

22 THE COURT: I have Collins, Wilson, Sanders and
23 Sullivan.

24 MR. GAMBLE: Collins?

25 THE COURT: Collins, Wilson, Sanders and Sullivan as

1 to the third statement.

2 MS. HUEY: Yes, sir, Judge.

3 MR. GAMBLE: But the ruling is that just as to his
4 state of mind that he was leaving.

5 THE COURT: That he intended to leave. That was his
6 intent.

7 MR. GAMBLE: Yes, sir. Not -- and it's limited to
8 that leaving.

9 THE COURT: That's all. Not for any reason or why he
10 was leaving or what he hoped to accomplish by leaving or
11 anything like that.

12 MR. GAMBLE: All right, sir. And in order to protect
13 the record at the time I will have to restate my objection
14 because a motion in limine does not protect me.

15 THE COURT: That's what I'm saying. But I will in
16 this particular case -- if you note your objection and for
17 the reasons previously stated or whatever, you want to
18 make new ones, I'll rule at that time without your having
19 to argue it in the record.

20 MR. GAMBLE: Well, I just didn't want to sound, you
21 know, like I was belaboring the issue. It's not
22 protection.

23 THE COURT: If you renew your objection at the time
24 of the testimony.

25 MR. GAMBLE: I'm safe then.

1 THE COURT: Yes, sir. That's what I'm saying. You
2 just say, I renew my objection ---

3 MR. GAMBLE: Yes, sir.

4 THE COURT: --- on the grounds previously made. And
5 I'll say -- if that's the case, I might -- what is it --
6 grant your motion.

7 MR. GAMBLE: I did that once before an elderly Judge
8 who said, Mr. Gamble, I have ruled.

9 THE COURT: I understand.

10 MR. GAMBLE: And I got chewed out from then on. But
11 I kept doing it.

12 THE COURT: I can remember the old rules where you
13 had to renew every objection. All right. But we no
14 longer operate under. But you're right about the motion
15 in limine. You have to make it at the time.

16 Anything else before we bring the jury back?

17 MS. HUEY: No, sir, Judge.

18 THE COURT: All right. Madam Clerk, remember that I
19 haven't -- wait a minute. We've got a new Madam Clerk.
20 Did you realize I haven't sworn them?

21 MADAM CLERK: I did. She left a note. Thank you,
22 Your Honor.

23 THE COURT: Thank you.

24 Anything from the state before we bring the jury
25 back?

1 MS. HUEY: No, sir, Your Honor.

2 THE COURT: Anything from the Defendant?

3 MR. GAMBLE: No, Your Honor.

4 THE COURT: Ask the jury to join us, please.

5 (WHEREUPON, the jury came into open court at
6 approximately 2:03 p.m.)

7 THE COURT: Let the record reflect the jury and
8 alternate are in the jury box.

9 Madam Clerk, swear the jury, please.

10 MADAM CLERK: Thank you, Your Honor.

11 Ladies and gentlemen, please stand and raise your
12 right hands for the jury oath.

13 (WHEREUPON, the jury was duly sworn.)

14 THE COURT: Madam Forelady, ladies and gentlemen of
15 the jury, I am sure that each of you now fully appreciate
16 that this court, the Court of General Sessions for
17 Anderson County, exists for the purpose of resolving
18 questions of alleged criminal conduct arising between the
19 State of Carolina and the Defendant.

20 It is a guaranteed right of every citizen that a
21 charge of criminal conduct be presented in open court
22 according to certain rules of procedure. The State has
23 not only an equal right, but the duty, to present a charge
24 of criminal conduct in open court according to the same
25 rules of procedure. Each of the parties, therefore, both

1 the State and the Defendant, then have an equal right to
2 the opportunity of this judicial proceeding and to have
3 you, as the jury, selected and now sworn for the trial of
4 this case.

5 One of the most important aspects of your duty as a
6 jury lies essentially in the oath that you have now taken,
7 to well and truly try and determine the facts of this
8 case. That oath in a very essential way says that you are
9 the sole judges of the facts in this case. Obviously, any
10 case tried in court will involve a question about what
11 happened or how something came to happen or whom, if
12 anyone, did anything in a particular occurrence or
13 circumstance.

14 From this point forward, no one concerned with this
15 trial has the right to decide any question of fact in this
16 trial or the truth of it except you, the jury. The facts
17 then are for your resolution and your decision and yours
18 alone.

19 After you hear all the evidence in the case, then it
20 will be your duty, by your mutual and joint discussions,
21 to determine the truth of this case by deciding the weight
22 and believability of each part of the evidence and by
23 applying the law of the case thereto.

24 Now, as trial Judge, I'm the Judge of the law in this
25 case. It is also my responsibility, among other duties,

1 to preside over this trial, to rule on the admissibility
2 of evidence offered during the progress of the trial and
3 to state to you, the jury, the law applicable to the case.
4 The Constitution of South Carolina mandates that I, as the
5 trial judge, cannot directly or indirectly comment about
6 the facts in this case. The process of a verdict then is
7 simply that you, the jury, first determine what the truth
8 of the facts, and then apply to that true state of facts
9 that principle of law applicable, and by that process
10 determine and report to this Court your final verdict in
11 the case speaking the truth of the case as you determine
12 it.

13 I will more fully and completely state to you the
14 principles of law applicable to the issues in this case
15 before it is submitted to you for your decision. However,
16 there are certain principles of law applicable to the
17 framework of every case in General Sessions Court. And in
18 a very basic way, I will outline several of these
19 principles to you for your guidance.

20 Now, the Defendant has entered a plea of not guilty
21 to the charges contained in these indictments. An
22 indictment in a case is not evidence. It is merely or
23 simply the written instrument that contains the charge or
24 charges against the Defendant. And it serves as the
25 formal document by which this case is processed into this

1 court.

2 A plea of not guilty places upon the State the burden
3 of proof in this case. As to what is meant by the term
4 burden of proof, the Defendant is presumed in law innocent
5 of all charges contained in each of these indictments.
6 The burden of proof requires the State to prove guilt
7 beyond a reasonable doubt. And, therefore, consistent
8 with that burden, the Defendant, or the accused party,
9 should be presumed innocent. That presumption of
10 innocence is sufficient to compel a verdict of not guilty
11 or a verdict of acquittal unless you, the jury, conclude
12 that the State has satisfied its obligation to prove the
13 Defendant guilty beyond a reasonable doubt.

14 Now, the term reasonable doubt means the kind of
15 doubt that causes or would cause a reasonable person to
16 hesitate to act.

17 Now, this case will be opened by the Solicitor after
18 which the same opportunity will be afforded to the
19 Defendant to make an opening statement. When all the
20 evidence has been received by the Court, counsel for the
21 State and counsel for the Defendant will state to you, the
22 jury, their respective positions, after which the Court
23 will fully state the applicable law in this case.

24 Obviously, all parts of the case are important. You
25 do not know which witness in the case will most impress

1 you, whether the first witness or the last witness. In
2 reaching your final conclusion, you will need the guidance
3 and the judgment of the other jurors. You will need the
4 guidance of the principles of law that will be stated to
5 you by the Court. For all these reasons, as I have said
6 before, if we have any recess periods when you retire to
7 your jury room or during an overnight or meal recess, I
8 instruct you that you must not undertake to discuss this
9 case amongst yourselves until the case is finally given to
10 you for your deliberation. Nor are you to discuss this
11 case with anyone or permit anyone else to discuss the case
12 with you. If they should try to do so, report them.

13 Now, there's a few other things I need to mention
14 before we begin. First, as I said earlier, although I am
15 the only person who can tell you what that law is, you,
16 and you alone, are the only ones who can determine the
17 facts. I do not have the right to indicate how I may feel
18 about the evidence presented. And throughout this trial,
19 my intention will be to act impartially toward each party.

20 Second, from time to time, an attorney may object to
21 some bit of testimony or evidence which the other side is
22 seeking to present. As in sports or business or any other
23 structured activity, there are certain rules that both
24 sides must obey in presenting evidence. These rules have
25 a definite purpose. They ensure that the information you

1 receive is the most trustworthy and reliable evidence
2 available.

3 An objection is the procedure we use for an attorney
4 to call a possible violation of the rules to the Court's
5 attention.. For this reason, you should not hold an
6 attorney's objection against his or her client, nor should
7 you conclude from my ruling on the objection that I favor
8 one side or the other.

9 Finally, I would ask that you pay the closest
10 attention possible to the evidence presented to you. I
11 will ask that you do not take notes. For if the
12 note-taker makes an error, those notes may be more
13 detrimental than helpful during the deliberations. The
14 time-tested system is for each of you to listen carefully.
15 And I'm sure each of you will do that.

16 Now, the reason I suggest that you not take notes,
17 it's been my experience that when you take notes, you have
18 a tendency to concentrate on the note. In other words, be
19 sure you jotted down or you're jotting down everything
20 that was said and heard or as well as just grammar or
21 spelling and things of that nature. In doing so, that
22 takes your attention away from what's happening in the
23 court at the time. I find that it's more important that
24 you listen and hear and see and observe what is going on.
25 And then at the end, using your collective discussions and

1 observations, come to your conclusion as to the true state
2 of facts.

3 I might note just very simply, if you miss one little
4 word, it can change your note entirely as to the meaning
5 of it. I use the one word 'not.' If you miss a witness's
6 testimony using the word 'not,' and you leave the word
7 'not' out, obviously it changes everything the witness
8 said or intended to say. So it's better to concentrate on
9 what the witness is testifying to at the time as well as
10 concentrating on the exhibits and other evidence that's
11 introduced.

12 Now, having said that, you'll see that I do take
13 notes. Now, it's not one of these things, do as I say not
14 as I do. The fact is that you and I have different
15 responsibilities in this courtroom. You, and you alone,
16 are the only ones that can determine the facts. And the
17 only way that you can do that is to listen carefully to
18 the testimony and evidence at the time.

19 I am not concerned about the value of the testimony
20 or evidence. I am only concerned whether or not certain
21 things have been done that are required under our law and
22 procedures. So, therefore, I'm not interested in the
23 value or the weight of the testimony and evidence. I'm
24 only concerned about whether or not something has
25 happened. So I'm just jotting down what occurs, not the

1 significance of it.

2 I might note one other thing as far as procedure is
3 concerned. My policy has been, and is, that I usually try
4 to break about 5:00 o'clock each day. In other words, not
5 to take a witness beyond 5:00 o'clock unless it's
6 absolutely necessary to finish it up, in which event I
7 usually try to break by 5:30. Sometimes I'll even stop
8 the proceeding around 4:30 if it looks like a witness
9 might be long -- in other words, go beyond five -- because
10 I don't want to break up the witness' testimony unless I
11 absolutely have to.

12 And the reason for 5:00 o'clock is it's also been my
13 experience that we have two lives these days. One begins
14 early in the morning and goes until about 5:00 o'clock,
15 and then another begins at five and goes sometimes much
16 later than we anticipate. But the fact is I do try to
17 break for the day usually about five. And we'll talk
18 about it later as to what time you want to proceed in the
19 morning.

20 But with that, we'll now begin the trial of the case.
21 And I will recognize the Solicitor for her opening
22 statement.

23 MS. HUEY: May it please the Court.

24 OPENING STATEMENT

25 MS. HUEY: If she couldn't have him, no one could.

1 On October 24th, 2003, this Defendant, Angela Vaughn, shot
2 and killed her live-in boyfriend, Ronald Lee Grant,
3 because he was going to leave her.

4 My name is Catherine Huey. I'm an Assistant
5 Solicitor here in Anderson County. It is my job as an
6 Assistant Solicitor to prosecute crimes that occur in this
7 county. It is my job today to prove to you beyond a
8 reasonable doubt that this Defendant, Angela Vaughn, is
9 guilty of the murder of Ronald Lee Grant.

10 Now, what is murder? Murder is defined as the
11 unlawful killing of another human being with malice
12 aforethought. Malice aforethought, a legal term. It's
13 described as a wicked spirit, a depraved spirit, intent on
14 doing wrong.

15 Malice can be expressed. I'm going to kill you. Or
16 it can be implied. The use of a deadly weapon, for
17 instance, such as a gun or a knife.

18 Now, when I started off with the definition of
19 murder, I said an unlawful killing, unjustified killing.
20 And the reason that's important in this case is because
21 this is not a whodunit. Angela Vaughn, the Defendant,
22 admits to shooting and killing Ronald Lee Grant. The
23 question becomes is this self-defense. Well, as you
24 listen to the evidence presented in this case, I want you
25 to keep in mind the four elements of self-defense. And

1 each of these elements must be met.

2 First of all, the defendant cannot be with fault in
3 bringing the danger on. Secondly, the Defendant needs to
4 either be in or believe she is in imminent danger of
5 serious bodily injury or death. Thirdly, a reasonably
6 prudent person in the same situation would feel the same
7 way. And then finally, there is no other way to avoid the
8 danger.

9 All four of those elements have to be met for
10 self-defense. And it is the State's position that in no
11 way can the murder of Ronald Lee Grant be construed as
12 self-defense. Angela Vaughn shot and killed Ronald Lee
13 Grant, her live-in boyfriend, on October 24, 2003. She
14 murdered him.

15 Now, as the triers of fact, you, of course, will use
16 your common sense in what you bring to the table. But
17 please, I ask you to get rid of any preconceived notions
18 you have about domestic violence or about relationships
19 between men and women.

20 The evidence presented in this case will come in a
21 variety of forms. You will see pictures. Some of them a
22 little bloody, unfortunately. You will see a 38 Rossi,
23 bullets found from that gun, the bullet retrieved from
24 Ronald Lee Grant's body.

25 But the majority of evidence in this case is going to

1 come from right here, from that witness stand. And it's
2 going to come in the form of testimony. You will hear
3 testimony from law enforcement officers who investigated
4 the case, officers who collected evidence, took
5 photographs. That evidence was then turned over to what
6 we call analysts at the South Carolina Law Enforcement
7 Division, SLED. And they will testify.

8 Additionally, you will have experts that analyzed
9 this evidence. And in their testimony and in their expert
10 opinion, you will learn that in their opinion, Ronald
11 Grant was sitting on the sofa in his living room when he
12 was shot and killed.

13 But aside from that piece of evidence, you will also
14 hear testimony from witnesses who knew Angela Vaughn, the
15 Defendant, people who knew Ronald Lee Grant, the victim.
16 Knew them together. Knew of their relationship,
17 especially in the weeks leading up to this murder.

18 And at the close of this case, you will know that
19 this was not self-defense, but that the Defendant murdered
20 Ronald Lee Grant, that she killed another human being with
21 a wicked, depraved spirit, intent on doing wrong. She did
22 it because he was going to leave her. And if she couldn't
23 have him, no one could.

24 Thank you.

25 MR. GAMBLE: May it please the Court, Your Honor.

1 THE COURT: Mr. Gamble?

2 OPENING STATEMENT

3 MR. GAMBLE: We're going to take apart the events of
4 October 24th of 2003. We're going to comb through them
5 and look at them and scrutinize them very carefully. And
6 when we do, I think you'll see that Angela Vaughn acted in
7 self-defense when she put the bullet into Ronald Grant.

8 There's many pictures that are going to be introduced
9 into evidence of the house and surroundings, the property
10 and all of that. Also, you're going to see a pint bottle
11 of Wild Turkey that is empty. You're going to hear from
12 the experts of the state of drunkenness that Ronald Grant
13 was in when he was killed. So pay careful attention to
14 certain of these facts because when we tie them together
15 as this warp and woof that were fixing to weave before you
16 comes in, you'll begin to see the relationship between all
17 of these things that are pointed out to you.

18 Evidence, as Ms. Huey said, is coming from this stand
19 right here and only from that stand. Evidence comes in
20 two different ways. In direct questions, when the State
21 ask questions, they say, who, what, when, where and how.
22 I ask questions which are called leading questions. You
23 did so and so, didn't you? And that's also evidence when
24 that answer comes in.

25 And it's your job now to weigh that and see which

1 side, which way you believe. Balance it up with your
2 common sense and you'll come out with a verdict. And the
3 verdict is from Latin veredicto, to speak the truth. And
4 it's our belief that you'll find that Angela Vaughn acted
5 in self-defense when she fired the fatal shot.

6 You'll hear some of this coming in from so-called
7 experts who give opinions. But you may also reserve your
8 own opinion.

9 With that, I'll try -- I'm trying to be brief here
10 and get this thing started. So I'll sit down.

11 But you are specially picked by Angela Vaughn as her
12 jury to hear her case. Thank you for being here.

13 THE COURT: All right. You may call your first
14 witness.

15 MS. HUEY: May it please the Court, Your Honor. The
16 State calls Karen Elrod.

17 KAREN E. ELROD, after being duly sworn,
18 testified as follows:

19 DIRECT EXAMINATION

20 BY MS. HUEY:

21 Q Deputy Elrod, where are you currently employed?

22 A Anderson County Sheriff's Office.

23 Q And what is your position there?

24 A Deputy sheriff.

25 Q Were you employed in this position on October 24th

1 of 2003?

2 A I was.

3 Q And as such, did you have an occasion to respond to
4 [REDACTED] Highland Drive?

5 A I did respond to Highland Drive, yes, ma'am.

6 Q And is that located within Anderson County?

7 A Yes, ma'am.

8 Q About what time did you respond?

9 A I responded around 3:40.

10 Q And who, if anyone, responded with you?

11 A Deputy Raines Burns.

12 Q What did you do when you first arrived on the scene?

13 A When I first arrived on the scene, Deputy Burns and
14 myself both jumped over the locked gate because both the
15 gate across from the driveway and the entrance gate were
16 locked with padlocks.

17 Q Okay. If I can back up just a little bit. Can you
18 describe the outside of the house and the yard then?

19 A Yes, ma'am. It was an average sized house, white in
20 color and had a driveway and a gate enclosing the yard.

21 Q Did I understand you right that there were two
22 fences?

23 A There's a gate -- a fence around the whole residence,
24 around the whole yard. And one gate opens across the
25 driveway, and the other gate opens in front of the front

1 door and is an entrance gate.

2 Q And each of these were padlocked?

3 A Yes, ma'am.

4 Q After you jumped over the fence, what did you then
5 do?

6 A Deputy Raines and I stepped inside the residence. I
7 stepped inside just a little bit. And I saw the victim on
8 the floor, laying on the floor, and a silver revolver
9 laying on the floor near his body. And at that time, I
10 tried to get Ms. Vaughn to step outside the residence and
11 get her seated. I held her by her wrists while getting
12 her to sit in a seat on the front porch.

13 Q And why did you hold her by the wrists?

14 A To preserve evidence because I knew the type of
15 incident it was. It was a shooting incident. And I
16 didn't want any of the evidence to be contaminated.

17 Q What was Ms. Vaughn's condition when you made contact
18 with her?

19 A She was upset and she was yelling, what have I done?
20 Oh, my God. What have I done? I was faster than he was.
21 He was drunker than me. She was making all kinds of
22 statements, screaming, upset.

23 Q Did she make any reference in terms of the actual
24 struggle itself, if there was a struggle?

25 A Well, if I may refer to my report?

1 Q Sure.

2 A She stated, "He was grabbing for the gun, but I got
3 it. I got to it faster. I'm not as drunk as he is, and I
4 was faster. I ain't never done anything like this
5 before."

6 THE COURT: Just a moment. Slow down a little bit.

7 THE WITNESS: Okay.

8 Q That's fine. Thank you, Deputy Elrod.

9 A Yes, ma'am.

10 Now, after you restrained the Defendant in terms of
11 holding her by her wrists, what was the next step after
12 that?

13 A Well, we waited until other officers arrived. Deputy
14 Durham arrived. And he and Deputy Burns cleared the
15 residence and checked the residence making sure there were
16 no other weapons or no one else inside the residence.

17 Q And to your knowledge, was anyone else inside the
18 residence?

19 A No, ma'am.

20 Q Now, you briefly already mentioned where the victim
21 was.

22 A Yes, ma'am.

23 Q As you entered the house, where was the victim?

24 A He was just inside the door, not too far from a piece
25 of furniture.

1 Q And do you know if he was still alive at that point?

2 A I believe Deputy Burns checked for vital signs to see
3 if he was alive. And he didn't have any vital signs at
4 that time.

5 Q Did EMS eventually come?

6 A Yes, ma'am. EMS came and then they departed.

7 Q And did they take the victim with them?

8 A Not to my knowledge.

9 Q Did you speak with anyone else at the scene other
10 than the Defendant?

11 A The Defendant is the only person I spoke with and
12 other officers that arrived on the scene.

13 Q Did you collect any evidence from the scene?

14 A No, ma'am, I did not.

15 Q Did you have any other involvement with the
16 investigation?

17 A I went around to the neighbors at the request of
18 Investigator Vaughn and Investigator Miles to see if
19 anyone had heard anything. I gathered names and
20 addresses.

21 Q And as a result of those interviews, the neighborhood
22 canvassing, did you, yourself, take any further course of
23 action?

24 A No, ma'am.

25 MS. HUEY: That's all I have, Judge.

1 THE COURT: Cross examination?

2 MR. GAMBLE: Yes, sir.

3 CROSS-EXAMINATION

4 BY MR. GAMBLE:

5 Q I have a copy of your report, also.

6 A Yes, sir.

7 Q It says in the last part that Ms. Vaughn was crying
8 uncontrollably.

9 A That's another officer's -- part of his report.
10 Several officers made a supplemental report to the
11 original report.

12 Q Right. And when you were on the porch, you heard Ms.
13 Vaughn say, "I didn't mean to. It was self-defense."

14 A "I didn't mean to. It was self-defense." Yes, sir.

15 Q So you heard that statement she made right then?

16 A Yes, sir.

17 Q Approximately how far was Mr. Grant's foot from the
18 couch that was in the living room?

19 A I would say ---

20 Q Eighteen inches?

21 A --- eighteen inches to twenty inches.

22 Q You are not necessarily a crime scene investigator,
23 are you, Ms. Elrod?

24 A No, sir.

25 Q You're a regular deputy?

1 A Yes, sir.

2 Q Without a designation of crime scene investigator?

3 A Correct.

4 Q Who came and was the crime scene investigator?

5 A I'm not sure at that time because I was around the
6 neighborhood canvassing the area with getting information
7 for the investigators.

8 Q When you arrived at the time, Ms. Vaughn was clearly
9 emotionally upset?

10 A She was upset, crying and screaming and making all
11 kinds of statements. I didn't stop her making any
12 statements or question her during any of the statements
13 she was making. I just let her make her statements.

14 Q Kind of get it off her chest?

15 A Yes, sir, so she could say whatever she was saying.

16 Q No one else was in the residence besides the body of
17 Mr. Grant; is that correct?

18 A Correct.

19 Q And I believe you got her to call her mother to go
20 get her son at Kiddy Land Day Care?

21 A I believe another officer got that taken care of.

22 Q It was done in your presence? You were still on the
23 porch with her when that was done?

24 A There was so much going on. I was concentrating on
25 keeping her restrained and not harming herself or anyone

1 else and keeping ---

2 Q She wasn't attempting to harm anyone else, was she?

3 A No, sir.

4 Q And you were mostly afraid for herself?

5 A Yes, sir.

6 Q Thank you.

7 MS. HUEY: Your Honor, may this witness be excused?

8 MR. GAMBLE: No objection, Your Honor.

9 MS. HUEY: Judge, I'm not sure if you could hear me
10 or not, but I asked for the witness to be excused.

11 THE COURT: Oh, I'm sorry.

12 MR. GAMBLE: And I didn't object.

13 THE COURT: Without objection, you may be excused.

14 MS. HUEY: Thank you, Judge. Shall I proceed, Judge?

15 THE COURT: Certainly.

16 MS. HUEY: The State calls Mark Coyle to the stand.

17 MARK COYLE, after being duly sworn, testified as
18 follows:

19 DIRECT EXAMINATION

20 BY MS. HUEY:

21 Q Mr. Coyle, by whom are you employed?

22 A The Anderson County Sheriff's Office.

23 Q How long have you been with the sheriff's office?

24 A Almost seven years.

25 Q What is your position there?

1 A I'm a crime scene investigator.

2 Q As a crime scene investigator, what kind of training
3 have you received?

4 A I've been sent all over the place for training.
5 Everywhere from our academy in Columbia to Tennessee
6 Bureau of Investigations to Texas. Wherever the classes
7 are at, we go to get them.

8 Q And what kind of classes do you typically take?

9 A Homicide investigation schools, blood spatter
10 analysis schools, photography, fingerprinting.

11 Q And as far as those classes, are those something that
12 you go to yearly usually? Or how often do you attend?

13 A Some of those you do get recertified in; most of them
14 you do not. Once you get them, you apply -- you just
15 apply them in your everyday job.

16 Q As a crime scene investigator, what are some of your
17 duties and responsibilities?

18 A As a -- I'm sorry. Say again.

19 Q As a crime scene investigator, what are some of your
20 duties and responsibilities?

21 A Basically I assist the investigator on the -- the CID
22 investigator in the case. Take photographs, collect any
23 evidence, preserve that evidence, process the evidence.
24 Whatever needs to be done.

25 Q Did you have an occasion to respond to [REDACTED] Highland

1 Drive?

2 A I did.

3 Q On October 24th of 2003?

4 A Yes, ma'am.

5 Q Is that located within Anderson County?

6 A It is.

7 Q What was the reason for you going out there?

8 A They told me it was in reference to a shooting
9 incident.

10 Q What do you typically do when you first arrive at a
11 crime scene?

12 A Usually we just -- when I get there, I ask the
13 officers what they see, what they know. It depends on
14 what kind of case. When it's this kind of case, we
15 usually -- I talk to the investigator, and we wait on the
16 search warrant to arrive before we do anything in the
17 house.

18 Q And did that search warrant, in fact, arrive?

19 A It did.

20 Q What, if anything, did you observe when you first got
21 on the scene at [REDACTED] Highland Drive?

22 A Just the officers there. When I entered the
23 residence, I seen Mr. Grant on the living room floor
24 pretty much in the face-down position in a pool of blood.
25 There was a trail of blood leading from the couch to the

1 body. The gun was on the floor by the body.

2 Q What was your first step in processing the scene?

3 A Photographs.

4 Q You took photographs?

5 A Yes.

6 Q And what kind of photographs did you take?

7 A Thirty-five millimeter, and I also took some video.

8 Q Now, did you take pictures of other rooms aside from
9 the room where the victim was?

10 A Yes, of the entire residence, I believe.

11 Q And what was the purpose of that?

12 A Just to -- a lot of times evidence or things that are
13 said in statements are brought up after the fact. And if
14 you go ahead and photograph everything in the house before
15 anything is moved, you get it in the original condition.
16 You don't have to -- you get it before it's tampered with
17 or moved or knocked over or messed up, the scene.

18 Q So in taking these photographs, do you literally go
19 room-by-room?

20 A Yes.

21 Q From the outside inside?

22 A Yes.

23 Q Okay. Mr. Coyle, I'm going to ask you to step down
24 if that's all right.

25 (WHEREUPON, the witness stepped down from the witness

1 stand.)

2 Q I'm handing you what's been previously moved into
3 evidence, Exhibit 17-A and 17-B, moved in without
4 objection. If you could take a look at those two pictures
5 and tell me if you recognize those.

6 A I do.

7 Q And how are you able to recognize those?

8 A That's the pictures I took of the residence and just
9 a close-up of the house.

10 Q Okay. If we could publish that to the jury. And
11 this was 17-A.

12 MR. GAMBLE: Your Honor, may I move over to ---

13 THE COURT: Certainly.

14 MR. GAMBLE: I can't hear. I'm getting deaf.

15 Q Mr. Coyle, if you could just briefly describe what's
16 being depicted here?

17 A Basically I just got a little piece of the fence
18 here. I was not aware when I got there that it had been
19 locked. That's just the residence and a couple of the
20 deputies on the porch there who were taking a list. They
21 make sure the crime scene stays secure. They keep a log
22 of who enters and exits the crime scene.

23 Q And then the next exhibit is 17-B. Is that from the
24 inside outside?

25 A That's from the -- outside on the porch. Basically

1 that's just the outdoor light, the house number and the
2 door itself just showing the house number of the
3 residence.

4 Q Okay. I'm also going to show you Exhibits 16-C --
5 excuse me -- A, B and C. If you could take a look at
6 those for me.

7 A That was the room that was off of the kitchen. I
8 just called it the weight room because it had fitness
9 equipment in it.

10 Q And, again, these have been previously admitted into
11 evidence without objection. If you could publish those
12 for the jury. And, again, this is a view of the weight
13 room?

14 A Yes. That's one there. Looks like an inversion
15 table there and a little exercise machine in the back.
16 Then some free weights and maybe a Nautilus machine.

17 THE COURT: If you would, please, identify each
18 photograph.

19 MS. HUEY: Yes, sir. Your Honor, that was 16-C.

20 THE COURT: 16-C?

21 MS. HUEY: Yes, sir, the Nautilus. An inversion
22 table on 16-B. And 16-A, a picture of some weights.

23 Q And this is Exhibit -- excuse me, I'm sorry -- 15.
24 Again, previously admitted into evidence without
25 objection. And what is that a picture of, Mr. Coyle?

1 A The washer and dryer.

2 Q And would you describe that -- was that in a laundry
3 room, or was that in another room in the house?

4 A I'm sorry. I don't remember right off. I'm sorry.

5 Q Okay. Again, that was Exhibit 15.

6 This is exhibit 14. Mr. Coyle, if you could tell us
7 what that is?

8 A That is the bathroom at the residence.

9 Q And, again, Exhibit 14 has been moved into evidence
10 without objection.

11 Okay. I'm showing you Exhibit 13-A, which, again,
12 has been moved into evidence without objection. What is
13 that, Mr. Coyle?

14 A Photographs of a child's room.

15 Q 13-B?

16 A Same room, just a different angle.

17 Q And 13-C?

18 A That is also the same room, just the far left.

19 Q I'm going to show you Exhibits 12-A through 12-F
20 which have previously been admitted into evidence without
21 objection. This is 12-A. Could you please tell us what
22 that depicts?

23 A That is a table in the kitchen that had a purse, the
24 bottle of Wild Turkey and an open beer can.

25 Q And was the Wild Turkey significant for some reason?

1 A I believe they did find there was some in the living
2 room in a glass, and I believe the victim had some alcohol
3 in his system. I'm not sure about the Defendant.

4 Q All right. And this is 12-B.

5 A That's the same table, just a different angle,
6 showing the kitchen.

7 Q 12-C?

8 A That's the same kitchen, just showing an overall
9 photograph of the whole space.

10 Q 12-D?

11 A The kitchen again. That's the refrigerator.

12 Q And 12-E?

13 A That's just a close-up of the beer can.

14 Q And, again, was that significant for some reason?

15 A Just the evidence I was going to take.

16 Q Okay.

17 A Any evidence I collect, I take -- try to take
18 close-ups of it.

19 Q And Exhibit 12-F?

20 A The Wild Turkey bottle.

21 Q And, again, that was taken into evidence?

22 A Yes.

23 Q Mr. Coyle, I'm showing you Exhibits 11-A through 11-E
24 which have previously been admitted into evidence without
25 objection. 11-A, if you can tell us where that is.

1 A That's the back bedroom in the house.

2 Q And is that a picture of a closet?

3 A It is.

4 Q What was the significance of the closet?

5 A When I first arrived at the scene, it was said that
6 the gun was taken from a closet. I was not sure which
7 closet, so I photographed them all.

8 Q Okay. And, again, this is 11-B?

9 A The same room, just working my way around showing all
10 angles.

11 Q 11-C?

12 A That's the bed in the same room.

13 Q 11-D?

14 A The far right corner of the same bedroom.

15 Q And then this is 11-E. What does that depict, Mr.
16 Coyle?

17 A That's just the hallway. If the living room was at
18 this end, there's the bedroom where the gun was actually
19 found to be from. That back room was the blue room we
20 just -- or we call it the blue room -- the pictures you
21 just seen.

22 Q Okay. I'm going to show you State's Exhibits 4-A
23 through C which have previously been admitted without
24 objection. This is 4-A.

25 A That's a picture of, I guess you'd call it, the

1 master bedroom. The first one to the right off the
2 hallway.

3 Q And, again, I believe you said that the gun was
4 thought to come out of the master bedroom?

5 A I didn't know it at the time, but it was later told
6 to me that it did come out of this room.

7 Q Okay. And this is 4-B.

8 A That's just a picture of the bed in the same room.

9 Q And this is 4-C. Can you point out the closet in
10 this bedroom?

11 A In the same -- this is the same master bedroom.
12 Right in behind the door here, you can just see the edge.
13 That's the closet. And there's the cloth that was said
14 was supposed to have been wrapped around the gun that was
15 in the closet.

16 Q Okay. And Mr. Coyle, did you also see the Defendant
17 when you arrived on the scene?

18 A I did.

19 Q Okay. I'm going to show you what has been previously
20 been admitted as State's exhibits 3-A, 3-B and 3-C. If
21 you could please identify this for us.

22 A That's Ms. Vaughn.

23 Q The Defendant in this case?

24 A Yes.

25 Q And did you document any injuries on Ms. Vaughn?

1 A I took some overall photographs of her hands. I did
2 not notice any injuries on her. I did photograph her
3 hands to show if there was any signs of any kind of
4 struggle.

5 Q And this is 3-B that I'm showing you. It's a
6 photograph of her hands?

7 A It is.

8 Q And then 3-C?

9 A This is the palm-side of her hands.

10 Q Now, as you said earlier, Mr. Coyle, you take
11 pictures of the entire house for what reason? In case
12 something comes up later?

13 A If something is given in a statement, we can go back
14 and look to see if all the details match up. After a
15 house has been searched, you lose that. So we go through
16 and photo-document it first before anything is moved so
17 you get the original state of the scene when you get
18 there.

19 Q And did you take pictures of the victim before he was
20 moved?

21 A I did.

22 Q Okay. I'm going to show you what's previously been
23 admitted into evidence without objection, exhibits 21-A
24 through I. If you could, please tell us what is depicted
25 in this picture.

1 A This is the living room.

2 THE COURT: Which one is that? 21- ...

3 MS. HUEY: A, Your Honor.

4 THE COURT: A?

5 MS. HUEY: Yes, sir.

6 THE COURT: Very good.

7 A You have the victim laying here. You can see where
8 EMS came in and checked for vitals. You have the gun
9 here, the couch -- I think he was sitting on there -- and
10 the blood from here over.

11 Q Okay. Now, why, in your opinion, do you think he was
12 sitting on the couch?

13 A Several different reasons. Two of the main ones I
14 believe was the trail of blood actually starting on the
15 couch, falling across the carpet and all the way to where
16 he collapsed on the floor. And also on his pants -- we
17 have another one there that when you have -- when you're
18 bleeding and blood is running straight down, it tends to
19 run wherever gravity goes. But if you're sitting and your
20 pants are bunched up, it actually hits and runs to the
21 side in the grooves. And his pants had the blood running
22 to the side on it.

23 Q Well, backing up just a little bit -- and it may be
24 hard to see from this picture. But can you see the
25 pattern on the carpet there that you were referring to?

1 A Uh ...

2 Q Or perhaps 21-F would be a better one.

3 A You can just -- this is the couch. You can see the
4 drops of blood to where he's bleeding coming all the way
5 back across. And you can actually follow it all the way
6 back up onto the cushion of the couch.

7 Q And in the corner there, if you could point, is that
8 the sofa you were referring to that you think he was
9 sitting on?

10 A This here? Yes.

11 Q If you could use your pointer to show on the TV.

12 A Okay. The couch cushion should be right in here.

13 Q And the blood trail following is from the sofa ---

14 A This is the front edge of the couch. You can see it
15 all the way back up.

16 Q Okay. Thank you.

17 Additionally, 21-B?

18 A That's the start of the trail on the couch cushion
19 itself.

20 Q The trail of blood?

21 A Yes.

22 Q And how about 21-C?

23 A I think that's basically the same photo. It's just I
24 didn't have a scale in it.

25 Q 21-D?

1 A That's a -- just a picture of the couch itself
2 showing where we feel like he was sitting in here. Like I
3 said, it's the beginning of the trail of blood here coming
4 down. Actually the blood -- the lighter there is actually
5 on top of the blood itself. And then the trail going out
6 to the left.

7 Q Okay. And 21-E?

8 A That's just a different angle of the same couch
9 showing where he was sitting where he would be smoking,
10 had his cigarettes and then had his drink on this side
11 here.

12 Q And 21-G?

13 A That is -- that's the victim's pants. And I think
14 there's a better picture in there. But you can actually
15 see on the side here where the blood is doing that -- they
16 call it tailing off or trailing off when you have your
17 pants up and they're gathered.

18 Q Now, when the victim was found, where in relation was
19 the gun found to the victim?

20 A It was in -- I guess if he was laying on the floor,
21 it was found off to his left and up just a little bit back
22 toward the front door, back toward the TV a little bit.

23 Q Okay. I'm going to show you what's been previously
24 moved into evidence, Exhibits 18-A through D, without
25 objection. This is exhibit 18-A.

1 A That is the Rossi, the 38-Special that was found on
2 the floor.

3 Q Near the victim?

4 A Yes.

5 Q And 18-B?

6 A Just a little closer view I took so I could get the
7 serial number in the picture.

8 Q 18-C?

9 A That is the projectile taken from the victim at
10 autopsy.

11 Q And 18-D?

12 A That's just the opposite side of the same projectile.

13 Q Now, speaking of the victim's autopsy, did you attend
14 the autopsy, Mr. Coyle?

15 A Yes.

16 Q Is that typically part of the crime scene
17 investigation?

18 A It is.

19 Q I'm going to show you two other exhibits previously
20 mentioned, 21-I and H. This is 21-H. What is that a
21 picture of, Mr. Coyle?

22 A The top of the victim's shoes.

23 Q Okay. And what is the significance of that?

24 A I always take overall photographs of everything just
25 in case there is blood spatter or any kind of evidence

1 that is going to be retrieved.

2 Q And to the naked eye, did there appear to be any
3 blood on his shoes?

4 A Not that I could see, no.

5 Q And Exhibit 21-I?

6 A That's just the bottom of the same shoes.

7 Q And, again, to the naked eye, did there appear to be
8 blood on the bottom of the victim's shoes?

9 A No.

10 Q I'm also going to show you what's previously been
11 moved into evidence without objection, 20-A and 20-B. If
12 you could, please tell us what that picture depicts.

13 A That is the -- just a picture of the victim's back.
14 And actually, if you notice this spot right here, that is
15 actually the projectile that has gone through the chest
16 and lodged just under the skin on the back side.

17 Q I believe 20-B is a close-up of that?

18 A Yes, it is.

19 Q Could you point it out on the screen, Mr. Coyle?

20 A Right here.

21 Q And so that was the bullet just under the skin?

22 A Yes.

23 Q It obviously did not come out of the skin?

24 A No.

25 Q And finally, I'm going to show you what's previously

1 been moved into evidence as Exhibits 19-A through I. If
2 you could please describe this picture.

3 A Basically, I was just photographing all the picture
4 frames, all the nicknacks, all the little items all around
5 the house showing that nothing was disturbed.

6 Q 19-B?

7 A That's just some flowers and some plants that was
8 just to the left of the TV leading in toward the kitchen.

9 Q And, again, was this in the living room?

10 A That's the living room, yes.

11 Q 19-C?

12 A Just some more pictures on the wall in close
13 proximity to where this had happened.

14 Q 19-D?

15 A The fireplace with all the plates and everything.
16 This is the hallway, the couch. This would have been the
17 hallway leading down the hall. The couch was right in
18 this area over here.

19 Q 19-E?

20 A That's the corner of the fireplace here. This is the
21 short hallway and all the books and little figurines and
22 everything.

23 Q 19-F?

24 A That's just the same shot, just a little further
25 back, showing, once again, all the picture frames, all the

1 nicknacks, the table, the end table, the plates,
2 everything in order.

3 Q 19-G?

4 A This was actually on the right side of the couch.
5 And the reason I photographed that is it looked like
6 someone had actually set a glass down that was half on and
7 half off a book. It was actually leaning. And we took a
8 picture of that because even that was not knocked over.

9 Q 19-H?

10 A That's a picture of the TV that was in the living
11 room.

12 Q And was the TV on when you arrived?

13 A Yes.

14 Q 19-I?

15 A And that's a picture from the front door showing the
16 TV into the kitchen area.

17 Q Mr. Coyle, did you also sketch a drawing of the -- a
18 rough sketch of the house, a diagram of the house?

19 A Yes.

20 Q I'm going to show you what's been previously marked
21 as Exhibit 1 and moved into evidence without objection.
22 And if you could, point out in the living room where the
23 two sofas were, where the victim was found and where the
24 TV was.

25 A This being the front door, the love seat was here,

1 the main couch was here, and the victim was in between the
2 couch and the love seat on the floor almost toward the
3 door, and the TV was here.

4 Q And the TV was as you walked in the front door?

5 A Yes. When you walked in the front door, it was on
6 your right.

7 Q And the master bedroom on that diagram, which room is
8 it?

9 A When you go down the hallway, it's this first one
10 here. And this is where the closet would have been where
11 the gun was taken from.

12 Q Thank you, Mr. Coyle. You can have a seat.

13 (WHEREUPON, the witness resumed the witness stand.)

14 Q So Mr. Coyle, in addition to taking photographs of
15 the entire house, what else did you do?

16 A I'm sorry. Say again.

17 Q In addition to taking photographs of the house, what
18 else did you then do?

19 A Like I said, we took a little bit of video of the
20 house, the area itself. Then I started going around with
21 Investigator Miles, seeing what he wanted collected, and
22 just basically started processing the scene collecting
23 evidence.

24 Q Did you come into contact with the Defendant in this
25 case?

1 A Yes, I did.

2 Q Okay. And for what reason?

3 A The assistant coroner, Donald McGowan, was asked to
4 draw some tubes of blood from her. And I stood by while
5 he drew the blood, and he gave it to me. I sealed it and
6 put it in my vehicle.

7 Q Okay. And why was blood drawn from the Defendant,
8 Angela Vaughn?

9 A I would imagine to do alcohol screening, drug
10 screening, anything they needed to do.

11 Q What, if anything, else did you do with the
12 Defendant?

13 A Took the photographs of her hands and close-ups of
14 her. And then I done a gunshot residue collection kit on
15 her hands.

16 Q I'm going to show you what's previously been moved
17 into evidence as State's Exhibit 8 without objection.
18 Could you tell me what that is, Mr. Coyle?

19 A That is the -- part of the gunshot residue collection
20 kit that I took from Ms. Vaughn.

21 Q If you could publish that to the jury, please. And
22 if you could open it up.

23 A The paperwork and most of the other -- about half of
24 the test, I think SLED keeps for their -- basically this
25 is just particle lifts, trace lifts. You do those first.

1 It looks for anything from fragments of the lead itself to
2 unburnt powder, anything like that.

3 Q Okay. And so how do you actually go about taking a
4 gunshot residue kit from the Defendant?

5 A We take -- do you want me to open it?

6 Q Sure.

7 A Basically these are basically small sticky pads. And
8 that's all you're doing is you're maneuvering them on the
9 hand. You have some to do the back, some to do the front.
10 And like I say, you're trying to catch any kind of trace
11 lift particles left from the firing of the weapon itself.
12 The other half of the test is actually more of a chemical
13 test. We actually -- we have a solution -- you wet down
14 swabs -- that look for the chemical compounds that you
15 might get from a cloud of powder burning. It leaves
16 residue on the hands. And it also can pick up any little
17 fragments that may be caught around the webbing of the
18 fingers or around the fingernails.

19 Q And I see four different tubes there. How are each
20 of those labeled?

21 A Right, back, that you don't just -- like I said, it's
22 the right back of the hand, you have a left palm, back of
23 the -- left back of the hand.

24 Q And all four of those were done on the Defendant,
25 Angela Vaughn, at the crime scene?

1 A Yes.

2 Q On October 24th?

3 A Yes.

4 Q Did you perform GSR kits on anybody else?

5 A I did. I did a gunshot residue collection kit on the
6 victim's hands on the day of autopsy.

7 Q On the victim's hands?

8 A Yes.

9 Q I show you what's been marked and moved into evidence
10 as State's Exhibit 9 without objection. And is that, in
11 fact, the kit that you did on Ronald Lee Grant?

12 A It is.

13 Q And when and where did you do that particular kit?

14 A At the Anderson Area Medical Center in the morgue.

15 Q And is the idea behind doing a GSR kit on him the
16 same?

17 A It is. Especially since he is deceased and you don't
18 have to worry about losing your evidence. Most of the
19 time that can be done -- on a person who is alive, they
20 like you to do it within six hours. But on a person who
21 is deceased, you can -- time is really not a factor.

22 Q Did you do other GSR kits on Ronald Lee Grant?

23 A I believe Dr. Woodard did that one around -- I'm
24 going to say on the clothing or the wound itself. I'm not
25 sure.

1 Q Okay. In addition to doing the gunshot residue kits,
2 what other evidence did you collect from the scene?

3 A From the scene itself?

4 Q For instance, we were shown a picture of the 38
5 Rossi.

6 A Uh-huh.

7 Q Was that collected by yourself?

8 A I did.

9 Q And how about the bullets that were retrieved from
10 the gun?

11 A There were five bullets in the gun. There was one
12 spent and four still live.

13 Q I'm going to show you what's been marked and moved
14 into evidence without objection as State's Exhibit 5 and
15 State's Exhibit 6. If you could, please tell the jury
16 what that is.

17 A This is the gun taken from the scene, and this is the
18 bullets taken from the gun.

19 Q And, again, you said there were four live?

20 A Yes.

21 Q And one spent?

22 A Yes.

23 Q And in this particular gun, does the casing not exit
24 the gun?

25 A No, not in a revolver. It would stay in the gun.

1 Q It stays in the gun? Which is why there were five
2 recovered from the gun?

3 A Right.

4 Q And how many does it actually hold?

5 A Five.

6 Q Now, was this gun tested for fingerprints?

7 A I did.

8 Q And were you able to lift anything as a result?

9 A No, ma'am, there were no usable prints on the gun.

10 Q And what does that mean, no usable prints?

11 A We may have finger marks and smudges. There's just
12 not enough ridge detail to tell who they belong to.

13 Q Now, how about the projectile? Was that collected
14 from the victim's body?

15 A It was.

16 Q I'm showing you what's been moved into evidence
17 without objection as State's Exhibit 7. What is that, Mr.
18 Coyle?

19 A That is the bullet taken from the victim.

20 Q And did we see a picture of that earlier?

21 A We did.

22 Q What kind of bullet is that?

23 A It's a 38. It's not jacketed. It's just like --
24 they call it ball ammo. It's just lead.

25 Q And where was that retrieved from exactly in the

1 victim?

2 A Just up under his skin on his back.

3 Q Once all this evidence is collected, Mr. Coyle, what
4 is then done with it typically?

5 A I take everything that I collect at the scene, I take
6 it back to the office. I process what needs to be
7 processed, and I enter everything into evidence.

8 Q Okay. And where is everything entered into evidence?

9 A At the sheriff's office, we have evidence intake.
10 And then we have our own evidence people who take
11 possession of it and lock it up securely.

12 Q Now, can all of these items be tested at the
13 sheriff's office?

14 A No.

15 Q Where are they then tested?

16 A Most of the evidence was tested at SLED.

17 Q And where is SLED?

18 A In Columbia.

19 Q And does someone transport those items to SLED for
20 testing?

21 A Yes. That's our evidence people.

22 Q Now, backing up, you mentioned earlier that you did
23 attend the autopsy of the victim?

24 A Yes.

25 Q When did the autopsy take place?

1 A That was on 10/25 of 2003.

2 Q So the day after Mr. Grant was killed?

3 A Yes.

4 Q At the autopsy what, if anything, is done to
5 determine the directionality of the bullet?

6 A We run what's called trajectory rods. Basically it's
7 a long metal rod that you actually put into the wound
8 itself and follow the track of the bullet so you can see
9 the angle and direction of the bullet.

10 Q And did you, in fact, do that with Mr. Grant?

11 A Yes, we did.

12 Q And what, if anything, was determined?

13 A It was more to the left, moving in a -- moving toward
14 it -- actually it would have been on his right side, more
15 on his right moving toward his left and at a downward
16 angle.

17 Q Did you also collect clothing from the Defendant?

18 A I did.

19 Q And what was the purpose of that?

20 A It might have traces -- well, everything from gunshot
21 -- gunpowder residue to high speed spatter maybe. Just
22 they can tell you a lot of information if it's there.

23 MS. HUEY: That's all I have for this witness, Judge.

24 CROSS-EXAMINATION

25 BY MR. GAMBLE:

1 Q The bullet, I believe, entered at the first rib or
2 thereabout? Or do you know?

3 A That would have to be Dr. Woodard's report.

4 Q All right. The blood spatter -- I'm referring to
5 21-C -- was on the front of the couch pillow only?

6 A Sir?

7 (WHEREUPON, the witness stepped down from the witness
8 stand.)

9 Q What I'm referring to here is that the splatter, as I
10 see it -- and I'm asking you -- wasn't it just on this
11 front edge of the couch, and this being the arm right
12 here?

13 A That's a ---

14 Q That's a pillow?

15 A Yes, sir. That's the -- this is the edge of the
16 middle cushion that went all the way back to the edge.

17 Q Yeah.

18 A That's the cushion that was actually sitting where
19 his lower back would be. The arm of the couch is more up
20 here.

21 Q You can go on back up there. I'm through with this
22 one.

23 (WHEREUPON, the witness resumed the witness stand.)

24 Q So where he was bleeding had to be from that gunshot
25 wound to the roughly center of his chest, wasn't it?

1 A I think it was off to the right side just a bit.

2 Q And didn't that go through the cloth twice, so it was
3 at the buttonholes? Or do you know that?

4 A It was going through clothing, yes, sir. How much I
5 don't know. I don't recall right off.

6 Q Did you carry the clothing to SLED?

7 A No, sir.

8 Q Did you examine the clothing?

9 A I seen when Dr. Woodard examined it at autopsy.

10 Q Did you see two bullet holes in the shirt right at
11 the buttonhole?

12 A Two bullet holes, no, sir.

13 Q Yeah. Where your shirt overlaps, you know? Where
14 it's buttoned. Because the SLED report said there were
15 two holes. And I'm trying to find out how they got there.

16 A I'm not familiar with that report.

17 Q You don't know?

18 A No, sir.

19 Q Okay. All right.

20 Now, this angle you say was consistent with him
21 sitting on the couch?

22 A The angle itself, I just said it was going from right
23 to left and at a slight downward angle.

24 Q Two point five eighths of an inch at a downward
25 angle?

1 A I didn't do any measurements. I'm sorry. That would
2 be Dr. Woodard.

3 Q Well, wouldn't that still be consistent with him
4 lunging like that or starting to get up out of the couch
5 to have the wound going that way and coming at that angle,
6 too?

7 A Sure.

8 Q The picture of the gun -- and I don't know this. But
9 to shoot that gun, does it have to be cocked first, or
10 does the hammer pull -- I mean, the trigger pull cock the
11 gun and release the hammer?

12 A I didn't test it. But I think it will do either way.
13 I think you can cock it and hold the hammer back or it can
14 be fired.

15 Q And one is called a single action, and one is called
16 a double action?

17 A Yes, sir.

18 Q With a double action, you don't have to cock it?

19 A Right.

20 Q You just pull the trigger. You're not a gun expert,
21 are you?

22 A No, sir.

23 Q Okay. So when you got the gun off the floor, it had
24 one round spent and four rounds live?

25 A Yes, sir.

1 Q So it was only shot once?

2 A Yes, sir.

3 Q But it had a potential for shooting four more times?

4 A It did.

5 Q I think I'm about through. I'm checking. You were
6 up there for quite a while, so let me check down through
7 my notes here. Thank you.

8 In going through this house, did you look in any
9 drawers or in the closet?

10 A I was just photographing as the investigators were
11 going through the closets themselves. I don't remember
12 going through drawers, no.

13 Q Did you see any signs of clothes being packed up or a
14 suitcase or a duffel bag or a back sack?

15 A I don't recall that, no.

16 Q You would have filmed it if you had seen that,
17 wouldn't you?

18 A Yes, sir.

19 Q That's why you film?

20 A Yes, sir.

21 Q But you didn't see anything of that nature in those
22 photographs or in the house?

23 A I don't recall it, no, sir.

24 Q How many beer cans did you find, just the one?

25 A I think just the one on the table.

1 Q And it's one of those big cans?

2 A Yes, sir.

3 Q Twenty-two ounces?

4 A Yeah, I guess.

5 Q I don't know either. All right, sir.

6 And was the liquor bottle almost empty or empty?

7 A It was pretty -- a lot of it had been consumed.

8 Q Do you know anything about Wild Turkey?

9 A I don't drink. I don't know.

10 Q Did you note that the label said 110 proof on it?

11 A No, sir, I didn't. I didn't. I mean, I'm sure it's
12 in the picture.

13 Q All right.

14 MR. GAMBLE: I have nothing further, Your Honor.

15 THE COURT: Redirect?

16 MS. HUEY: No, sir, Your Honor. May this witness be
17 excused?

18 THE COURT: Any objection?

19 MR. GAMBLE: No objection.

20 THE COURT: Without objection, the witness will be
21 excused.

22 Thank you.

23 Can I see Counsel, please?

24 MS. HUEY: Yes, sir.

25

1 (WHEREUPON, a bench conference was held off the
2 record, in the presence of the jury, but out of the
3 hearing of the jury.)

4 THE COURT: Madam Forelady, ladies and gentlemen, I
5 understand the next witness might take a little bit of
6 time. And, also, you've been in the jury box for some
7 time now. So let's take a very short afternoon break.

8 And if there are any refreshments back there, be sure
9 they get some.

10 And then when you're ready to come back, Madam
11 Forelady, just knock on the door and we'll come back at
12 that time.

13 Again, do not undertake a discussion of this case in
14 any way.

15 Everyone else remain seated while the jury retires
16 from the courtroom.

17 (WHEREUPON, the jury exited the open court at
18 approximately 3:21 p.m.)

19 THE COURT: Anything from the State before we take a
20 break?

21 MS. HUEY: Nothing from the State.

22 THE COURT: From the Defendant?

23 MR. GAMBLE: No, Your Honor.

24 THE COURT: We'll stand at ease until the jury is
25 ready to come back.

1 (WHEREUPON, a short break was taken.)

2 THE COURT: Anything from the State before we
3 proceed?

4 MS. HUEY: Nothing, Your Honor.

5 MR. GAMBLE: Nothing from the Defense, Your Honor.

6 THE COURT: All right. Ask the jury to join us,
7 please.

8 (WHEREUPON, the jury came into open court at
9 approximately 3:40 p.m.)

10 THE COURT: Let the record reflect the jurors and
11 alternates are in the jury box.

12 Madam Solicitor, you may proceed.

13 MS. HUEY: Thank you, Judge. Your Honor, the State
14 calls Dr. Woodard.

15 BRETT WOODARD, M.D., after being duly sworn,
16 testified as follows:

17 DIRECT EXAMINATION

18 BY MS. HUEY:

19 Q Dr. Woodard, what is your occupation or profession?

20 A I'm a medical doctor, a pathologist by specialty
21 training.

22 Q What is a pathologist?

23 A A pathologist is a specialist in the study of disease
24 and injury to the human body, the interpretation of the
25 effects of those diseases and injuries and the diagnosis

1 of those injuries or diseases.

2 Q Are you further specialized?

3 A Yes. I've also done fellowship training in the field
4 of forensic pathology.

5 Q What is forensic pathology?

6 A Pathology is a subspecialty of pathology which deals
7 with injuries to the human body, separation of those
8 injuries from natural disease process and the
9 interpretation of the causes and effects of those injuries
10 on the human body.

11 Q What is your educational background, Dr. Woodard?

12 A I received a baccalaureate degree from the University
13 of Pittsburgh. I attended Tulane University School of
14 Medicine and received a medical degree. I did an
15 internship at the Charity Hospital of New Orleans. I did
16 a residency at Duke University Medical Center in Durham,
17 North Carolina. And I did fellowship training at the
18 North Carolina Medical Examiner's office in Chapel Hill,
19 North Carolina.

20 Q Are you board certified in forensic pathology?

21 A Yes, I'm board certified in anatomical and clinical
22 pathology, blood banking and transfusion medicine and
23 forensic pathology.

24 Q Dr. Woodard, have you ever testified before as an
25 expert?

1 A Yes, I have.

2 Q Do you know how many times that was?

3 A Hundreds.

4 Q In what courts do you typically testify as an expert?

5 A Primarily in courts of South Carolina. But I've
6 testified in Texas, Georgia, California, Oregon, New York
7 and Massachusetts, just to name a few other states.

8 MS. HUEY: Your Honor, at this time the State would
9 move to have Dr. Woodard considered an expert in forensic
10 pathology.

11 MR. GAMBLE: No objection. I'm familiar with
12 Dr. Woodard.

13 THE COURT: Very well. The witness will be qualified
14 as an expert in the area of forensic pathology.

15 Madam Forelady, ladies and gentlemen of the jury, you
16 will find out, if you haven't already realized, that
17 witnesses are normally limited to what they know of their
18 own knowledge in the sense of exercising their own senses.
19 In other words, what they see or hear or touch or taste.
20 But if a witness is qualified in a particular area by
21 reason of background training or experience, then they are
22 permitted or qualified by reason of that background,
23 training or experience. They are qualified as expert
24 witnesses which means that they can then give their
25 opinions as to matters in that particular area.

1 This witness has been qualified as a forensic
2 pathologist and will be permitted to give his opinion as
3 to matters that relate to that area. Now, please
4 understand all witnesses', lay witnesses' or fact
5 witnesses' as well as expert witnesses' testimony is for
6 your evaluation in determining what weight to be given to
7 it.

8 You may proceed.

9 MS. HUEY: Thank you, Judge.

10 Q Dr. Woodard, were you working in this capacity
11 October 25th of 2003?.

12 A Yes, I was.

13 Q Did you have an occasion to perform an autopsy on the
14 victim in this case?

15 A Yes, I did.

16 Q Generally speaking, what procedure is followed when
17 you do an autopsy?

18 A We begin by evaluating the body as it's received. We
19 evaluate its clothing, be that a coat or a shirt, an
20 undershirt. Whatever clothing is present, we evaluate
21 that clothing for any kind of defect or abnormality in the
22 clothing. We look for any external signs on the clothing
23 that there's been some sort of injury or contact with
24 other individuals such as blood and body fluids that might
25 be present on the clothing.

1 We then undress the body and evaluate the skin
2 surface for any defects. And then we open the body and
3 evaluate the organs throughout the body with specific
4 attention to any organs that may have been injured and the
5 general pathway of the injuries that we observed through
6 the clothing and the external skin. If there's any
7 evidence present on the person of the body that would be
8 intimately associated with the body like a bullet
9 projectile, we will retrieve that, identify it and place
10 it into evidence to be subsequently examined by the South
11 Carolina Law Enforcement Division.

12 Q Dr. Woodard, starting with Mr. Grant, did you note
13 his height and weight?

14 A Yes. He was 69 inches or 5-foot 9 inches and weighed
15 approximately 190 pounds.

16 Q And how would you describe that weight? Is that
17 average, overweight, obese?

18 A A little higher than average. He weighed a little
19 more than an average person of that height or an ideal
20 person of that height would weigh.

21 Q I'm going to show you what has been admitted into
22 evidence as State's Exhibit 21-G, 21-H and 21-I. Did you
23 take note of the victim's clothing in this case, Ronald
24 Lee Grant?

25 A Yes, I did. This represents photographs of his

1 clothing as we received him in the morgue. These pictures
2 were taken on the autopsy room table, and they show his
3 pants, his shoes, and then the soles of his shoes.

4 Q Thank you. If I may ask you to step down
5 momentarily.

6 (WHEREUPON, the witness stepped down from the witness
7 stand.)

8 Q This is Exhibit 21-G, Dr. Woodard. Can you tell us
9 the significance, if any, of that picture?

10 A This represents his pants. The belt would be at the
11 top of the screen. This is his right leg and left leg.
12 This shows large quantities of blood material on the top
13 thigh of his left leg coming down to the area of the knee.
14 And then smaller droplets of blood on the upper portion of
15 the lower leg. It shows some small particles of blood on
16 the inside top of the right thigh, but far more on the
17 left thigh with little or no blood on the lower portion of
18 the right leg.

19 Q Dr. Woodard, this is Exhibit 21-H?

20 A These represent his tennis shoes, the top and sides
21 of the tennis shoes. There's no blood material on the top
22 or sides of the tennis shoes.

23 Q And 21-I, Dr. Woodard?

24 A This represents the soles of his shoes. And it just
25 shows there's no blood debris on the soles of the shoes.

1 You see the lower portion of the pant leg with defined
2 blood particles on the left leg.

3 Q And what, if anything, is your conclusion just based
4 on the clothing and the shoes?

5 A That he didn't step in any blood that was projected
6 from his body after the incident. And the majority of his
7 blood landed on the upper top surfaces of his legs which
8 would suggest primarily a sitting position while he was
9 bleeding.

10 Q Thank you, Dr. Woodard.

11 (WHEREUPON, the witness resumed the witness stand.)

12 Q Dr. Woodard, did you then remove the victim's
13 clothing?

14 A Yes, we did.

15 Q And what were you able to tell as far as the wound?

16 A He had a sports shirt type shirt. And on the seams
17 of where the buttons would come in the sport shirt, there
18 was a gunshot wound on the right side of his neck that put
19 a defect in the shirt, and beneath that sport shirt had
20 passed into the skin right where the breastplate and the
21 first rib meet each other, sort of below the collarbone
22 just right of the center line of the body.

23 Q And were you able to tell anything from the
24 directionality of the bullet?

25 A The directionality of the bullet was in a downward

1 direction and going posterior in the back. Ultimately we
2 discovered the bullet in the soft tissues of the back. It
3 had gone down in height 2 and 5/8 inches, and it crossed
4 from the right side of the body to the left side of the
5 body. So it crossed over about a two-inch range through
6 the center of the body.

7 Q Based on that directionality, are you able to draw
8 any conclusions from that?

9 A That relative to him, the gunshot barrel was oriented
10 on his right side and above him in any planes that you
11 could orient his body in that relationship.

12 Q And Dr. Woodard, did you actually retrieve the bullet
13 from his body?

14 A Yes, I did.

15 Q And where was it located?

16 A It was located in the muscular soft tissues of the
17 back still under the skin. I retrieved it and placed it
18 in evidence to be sent with the other evidence to SLED.

19 Q Dr. Woodard, I'm going to show you Exhibits 20-A and
20 20-B. This are pre-autopsy.

21 A 20-A shows him at the time after EMS had come and
22 checked him before the body was removed from the scene.
23 You can see a bump on his back. 20-B is a closer picture
24 of that, and it shows the area where we did indeed find
25 the projectile underneath this bump on his back.

1 Q If you don't mind stepping down one more time,
2 Dr. Woodard.

3 (WHEREUPON, the witness stepped down from the witness
4 stand.)

5 Q This is 20-A.

6 A This is the couch he was near. These are EKG pads.
7 Well, it's actually a little hard to see on that picture.
8 But there's a bump right in this particular area of his
9 back, the left side of his back. There's his backbone.
10 Right about there. In the next picture, I think it will
11 show up better than this picture.

12 Q This is 20-B, Dr. Woodard.

13 A Here you see the bump. In the back underneath this
14 was the projectile. And basically it's a bump without any
15 significant bruising or hemorrhaging to the skin itself.
16 It doesn't have a contusion associated with it.

17 Q Was that where the bullet was retrieved?

18 A Yes. The bullet was right underneath that bump.

19 (WHEREUON, the witness resumed the witness stand.)

20 Q Now, Dr. Woodard, what explains why the bullet didn't
21 come out, if anything?

22 A Basically, the bullet, on its path through the body,
23 struck two ribs. It broke the first rib as it enters the
24 body. And then when it tries to leave the body after it
25 goes through the aorta, the big blood vessel coming out of

1 your heart, and the pulmonary artery, the big blood vessel
2 coming out of the right side of your heart, it passed
3 through a small portion of the medial or close to the
4 center line portion of the left lung. And then it hits
5 the sixth rib and breaks it on the way out.

6 So a small caliber projectile like a 38 will often
7 run out of energy. Trying to exit the body takes a great
8 deal of energy because the skin will stretch -- it has a
9 lot of elasticity to it -- until it ultimately breaks
10 open. So that takes far more energy than is really
11 appreciated by people who have never shot things with
12 skin.

13 Q Does it make a difference if the person is sitting
14 against something soft or hard?

15 A Anything that would add to that natural skin
16 resistance, especially a surface that would have a degree
17 of give to it would help dissipate or consume that energy
18 before the bullet came out and make it less likely to come
19 out.

20 Q Dr. Woodard, did you, in fact, find the cause of
21 death for this victim, Robert Lee Grant?

22 A Yes. The bullet, in its path through the chest, tore
23 holes in both the aorta, the large blood vessel that
24 leaves the left side of your heart, and the pulmonary
25 artery, the large blood vessel that leaves the right side

1 of your heart. So he effectively bled to death in his
2 chest.

3 Q Is there any way to tell how long that would take?

4 A Well, with a large hole in your aorta, the more erect
5 your posture, the more to a complete standing position
6 your posture, the more quickly your brain doesn't get
7 sufficient profusion because that hole is the low pressure
8 point in the system. And the pressure would fall the more
9 erect you are to your brain. So in a matter of a few
10 seconds, the brain is going to lose its profusion and the
11 person will pass out. It may take up to a minute or two
12 for them to lose enough blood pressure that the heart
13 finally stops.

14 Q Dr. Woodard, if you don't mind stepping down.

15 (WHEREUPON, the witness stepped down from the witness
16 stand.)

17 Q This is State's exhibit 21-A where the victim was
18 found upon the officers' arriving on the scene.

19 A Here's the victim lying on the floor.

20 Q This is 21-F.

21 A This, again, shows the victim from the side, the way
22 he was discovered. And here we see blood dripping, going
23 up toward the victim from a direction, if you will, from
24 the foot direction back toward something.

25 Q And, Dr. Woodard, this is a close-up of the sofa.

1 You may need to come over here to be able to tell.

2 A Here we're looking down at the sofa cushion. And we
3 see the small droplets of blood. These are the type of
4 blood that is projected from the mouth or nose when blood
5 gains access to the airway by coughing or sneezing,
6 reflexively trying to clear the airway which indicates
7 that at some point the victim had to be on this couch when
8 there was a bullet hole.

9 Q So, Dr. Woodard, is the pattern of the blood from the
10 sofa to the floor and then to the victim -- is that
11 consistent with him having been seated on that sofa?

12 A It would be consistent with him having been seated
13 and attempting to stand, but very quickly losing his blood
14 pressure and losing consciousness.

15 Q Would that result in him falling to the floor?

16 A Yes. Unsupported fall.

17 Q Additionally, Dr. Woodard, we previously looked at
18 that picture with the blood spot on his pants leg.

19 A Yes.

20 Q Coupled with that, what is that consistent with?

21 A That at the time that he began to cough this blood
22 up, he was in somewhat of a sitting position.

23 Q Now, which side did you say more blood was on?

24 A It was primarily on his left leg.

25 Q What, if anything, does that indicate to you?

1 A That when his airway began to fill with blood, his
2 head was more oriented toward the left side of his body
3 than the right side.

4 Q And the fact that there wasn't much blood on the
5 right leg, does that indicate anything about the
6 positioning of his legs?

7 A They could have been crossed at the time with the
8 left leg, if you will, protecting the right leg by
9 blocking any blood from falling on it.

10 Q What causes that big amount of blood?

11 A Basically, we have a hole in the lung, and then we
12 have a hole in two blood vessels. And the lowest pressure
13 place to fill with blood is inside that lung. So the lung
14 basically begins to communicate with the blood supply.
15 And reflexively when there's fluid in the lung, you'll
16 cough as long as you have consciousness.

17 Q So the victim actually coughed up that blood?

18 A That's correct.

19 Q Now, Dr. Woodard, in your expert opinion and based on
20 the directionality of the bullet, the pattern of the blood
21 from the crime scene as well as on the victim's clothing,
22 do you have an opinion then as to whether the victim was
23 sitting or standing when he was shot?

24 A It would be my opinion that he was sitting at the
25 time he was shot.

1 Q Was sitting on that sofa?

2 A And he was sitting on that sofa at the time he was
3 shot.

4 Q Now, if the victim had been lunging toward the
5 Defendant, how would the blood spatter have been
6 different, if at all?

7 A It would have gone -- it would have projected in
8 front of him. Just as when one sneezes, it projects in
9 the direction your head is aimed. So you wouldn't have
10 gotten a large concentration. And if he was erect in a
11 lunging or some sort of forward posture to get that barrel
12 relationship to the wound track, then it would have been
13 projected in front of him and he would have very little
14 blood actually on his person. It would have been
15 projected in front of him on the floor.

16 Q And with that in mind, if someone was standing in
17 front of him, is it possible that they would get blood on
18 themselves?

19 A Yes, it would be.

20 Q Due to the coughing?

21 A Just like when someone sneezes on you.

22 Q But, again, in your opinion, Dr. Woodard, you think
23 the victim was sitting?

24 A That's correct.

25 Q Rather than lunging?

1 A That's correct.

2 Q Dr. Woodard, just a couple more questions. Back to
3 the coughing of the blood. Does that occur simultaneously
4 upon being shot?

5 A Almost instantaneously. Your aorta is under a lot of
6 pressure and your lungs under almost no pressure. And
7 that's why air comes in when you inhale from the outside
8 environment. So when that aorta high pressure
9 communicates with that lung low pressure or no pressure,
10 the lung literally sucks the blood from the aorta and the
11 aorta pushes it very freely into that lung. So the time
12 it took the bullet to pass through the body is negligible
13 from our sense of time. So it's almost instantaneous
14 after the bullet strikes him that he begins to cough.

15 Q Dr. Woodard, did you notice blood anywhere else on
16 him other than his pants? For instance, on his arms or
17 hands.

18 A Yes. I saw blood smeared over his right and left
19 hand and on the face running from the mouth and nostrils.
20 It was also on the front of his shirt.

21 Q How can the blood on his hands be explained, if at
22 all?

23 A If he pulled his hands toward his mouth when he
24 coughed the blood, he would get it on his hands. The
25 wound itself, actually very little blood comes out of that

1 wound hole itself. Most of it passes through the lung and
2 comes back up. So the wound itself isn't a great deal of
3 drainage. The blood is running down his face. Even after
4 he's dead, the arterial pressure is still high enough that
5 it would actually come out the airway and just passively
6 run out of the lungs.

7 Q Now, Dr. Woodard, in addition to retrieving the
8 bullet from the victim's body, is there anything else you
9 do by way of collecting evidence?

10 A We collected the clothing for evidence. We saved
11 blood, urine and vitreous humor for toxicology. We saved
12 gastric contents, some organs for possible toxicology.
13 And we took tissue that we saved so that we could look at
14 it under the microscope if necessary.

15 Q And those items are handed over to law enforcement?

16 A That's correct. In this case they were given to the
17 Anderson County Sheriff's Department.

18 MS. HUEY: That's all I have, Judge.

19 THE COURT: Cross-examine?

20 CROSS-EXAMINATION

21 BY MR. GAMBLE:

22 Q The report indicates powder debris on the front right
23 rib one of Mr. Grant?

24 A It was my opinion that I saw powder debris in that
25 area.

1 Q Did you see any tattooing or stippling?

2 A No.

3 Q Just powder debris?

4 A Just some fine powder debris.

5 Q How far will a 38 discharge powder debris?

6 A It can discharge powder debris -- usually a handgun
7 not much over twelve inches, but theoretically it's
8 possible out to eighteen.

9 Q That's theoretically?

10 A That's correct.

11 Q You normally find it about twelve inches?

12 A Yes.

13 Q That is from the barrel of the gun?

14 A From the barrel of the gun.

15 Q To the wound?

16 A That's correct.

17 Q Would have been a foot in your opinion?

18 A That's correct.

19 Q Now, you said he was probably in a sitting position.

20 Would the angle of that bullet also indicate that he could
21 have been leaning forward?

22 A It would not exclude that. It would be consistent
23 with that.

24 Q And the force of the bullet popping someone would
25 cause them generally to pop back, wouldn't it?

1 A No. Contrary to the movies, there's very little
2 knock down by a bullet where the bullet physically knocks
3 the person off their feet, especially in handguns.

4 Q Yes, sir. I realize this wasn't an M-16. But still,
5 if he were forward and he were off balance, he would go
6 back and aspirate this blood and then try to get up?

7 A I can't say that if he was leaning forward he didn't
8 lean back and then try to get up. I can't say that he
9 didn't.

10 Q You can't say he did, can't say he didn't?

11 A That's correct.

12 Q Now, before aspiration -- I think I understand. But
13 that blood had to go from the aorta into the thoracic
14 cavity into the lung and then back out?

15 A That's correct.

16 Q Because -- and the bullet was at a downward angle at
17 2.58 inches from entrance to exit?

18 A That's correct.

19 Q Top to bottom?

20 A That's correct.

21 Q And, again, it went front to back 2.5 inches from the
22 right to left?

23 A Two and an eighth inches.

24 Q Two and an eighth.

25 A Yes.

1 Q Oh? I stand corrected. You're right.

2 Did you observe the hole -- front holes in the
3 sport-like shirt?

4 A Yes, there was a hole in the right side of the shirt
5 near the button.

6 Q And then there was another hole right under that?

7 A Then there was a hole actually in the individual
8 himself.

9 Q The problem I'm having is in the -- I know you don't
10 have access to this. But in the SLED report, it says the
11 shirt had two holes in the front.

12 A I didn't make any note other than there was a hole.

13 Q Near the button?

14 A Yeah.

15 Q Okay. With this type injury, do you expect to find
16 blood on the soles or the top of the shoes?

17 A Depending upon the posture of the individual at the
18 time, if the shoes were exposed, you would. The soles
19 would indicate that he did not travel and that he could
20 step in his own blood or somebody else's.

21 Q Yeah. I think you can look at those pictures and see
22 that he just traveled one way only?

23 A Yes, he pretty much keeled over. He pretty much
24 stood up and keeled over.

25 Q Pretty much keeled over?

1 A Yeah.

2 Q Because he was dead within seconds?

3 A Within seconds, he was unconscious, correct.

4 Q That was probably a last reflex?

5 A That's what I would assume.

6 Q It's your assumption is based on how many cases that
7 we've worked together?

8 A Hundreds.

9 Q Hundreds? Just a moment, Dr. Woodard.

10 MR. GAMBLE: That's all I have, Your Honor.

11 THE COURT: Redirect?

12 MS. HUEY: Just a few on redirect.

13 REDIRECT EXAMINATION

14 BY MS. HUEY:

15 Q Dr. Woodard, again, if you look at each piece of
16 evidence in a bubble, so to speak, just the blood pattern
17 on the pants or just the blood pattern on the floor or
18 just the blood pattern of the -- not the blood pattern --
19 the directionality of the bullet, lots of things can be
20 possible; is that true?

21 A That's correct.

22 Q But coupling all these things together, the blood
23 pattern on the sofa, the floor, the victim, the blood
24 pattern on the victim's clothing, the directionality of
25 the bullet, in your opinion, again, what was the victim

1 doing when he was shot?

2 A He was essentially sitting on the couch possibly with
3 his left leg crossed over his right.

4 Q Now, Dr. Woodard, is it possible -- let me ask this.
5 If the Defendant had been in front of the victim when she
6 shot him, is it likely that the bullet would have been at
7 that particular angle?

8 A No. It would be more consistent with the end of the
9 barrel being off to the right of the victim and above.

10 Q So with that in mind, do you have an opinion as to
11 where the shot came from?

12 A To the right of the victim from an erect person.

13 Q So could that possibly be at an angle behind the
14 victim over his shoulder?

15 A It could be reaching over the shoulder or standing
16 directly to the side or nearly directly to the side of the
17 victim.

18 Q But in your opinion, it wouldn't be standing in
19 front?

20 A No.

21 MS. HUEY: That's all I have, Judge.

22 RECROSS-EXAMINATION

23 BY MR. GAMBLE:

24 Q When the bullet entered and cracked the first rib on
25 the right side, did that have anything to do with the

1 direction that it was going to follow from there on?

2 A No. That's not curved enough in that direction to
3 make a significant directional change with a medium
4 handgun such as that. It would slow the progress of the
5 bullet, but not perceivably. And it would consume a
6 portion of the energy of the bullet.

7 Q All right, sir. And you were saying just now to the
8 State's questions that all of these things are possible.

9 A That's correct.

10 Q It's also possible he was leaning this way and got
11 shot?

12 A It seems less likely, but it's possible.

13 Q It's possible. Went back, aspirated, jumped up and
14 hit the floor?

15 A That's correct.

16 Q That's possible, isn't it?

17 A That's right.

18 Q Thank you.

19 THE COURT: Re-redirect?

20 MS. HUEY: No, sir, Your Honor. May Dr. Woodard be
21 excused?

22 MR. GAMBLE: No objection.

23 THE COURT: Without objection. Be careful stepping
24 down.

25 May I see counsel?

1 MS. HUEY: Yes, sir.

2 (WHEREUPON, a bench conference was held off the
3 record, in the presence of the jury, but out of the
4 hearing of the jury.)

5 THE COURT: Call your next witness.

6 MS. HUEY: Your Honor, the State calls Jeff Miles.

7 JEFF MILES, after being duly sworn, testified as
8 follows:

9 DIRECT EXAMINATION

10 BY MS. HUEY:

11 Q Where do you work?

12 A I work at Grand South Bank.

13 Q Did you work in law enforcement prior to that?

14 A Yes, I did.

15 Q When did you leave law enforcement?

16 A I worked in law enforcement as a reserve officer from
17 1993 until August of 2005. After a year and a half of
18 reserve, I became full-time.

19 Q What was your position when you left the sheriff's
20 office?

21 A I was an investigator.

22 Q And, again, when did you leave the sheriff's office?

23 A August of 2005.

24 Q Were you an investigator on October 24th of 2003?

25 A Yes, I was.

1 Q Did you have an occasion to respond to [REDACTED] Highland
2 Drive in Anderson County?

3 A Yes, I did.

4 Q And for what reason did you go to that location?

5 A I was called there for a shooting incident.

6 Q When you arrived, did you speak with the Defendant in
7 this case?

8 A Yes, I did.

9 Q And did you speak with her regarding taking a
10 statement from her?

11 A Yes, I did.

12 Q Prior to doing this, did you notice any injuries to
13 the Defendant?

14 A No, ma'am.

15 Q What time did you get on the scene?

16 A I believe that I arrived on the scene at around ten
17 minutes after four or something like that.

18 Q And in speaking with her, did you eventually advise
19 her of her rights?

20 A Yes, we did.

21 Q What time did you advise her of her rights?

22 A She was advised of her rights in the beginning of the
23 investigation at around 4:36 p.m. and then again at
24 7:06 p.m.

25 Q Okay. And why was there that lapse in time?

1 A When we first got to the scene, of course, we didn't
2 know exactly what we had. She appeared that she had been
3 drinking a bit. And then after further investigation on
4 the scene, in order to speak with her again to ensure that
5 she clearly understood her rights, we redid the Miranda
6 rights.

7 Q And when you read someone their rights, do you
8 typically use a form?

9 A Yes, we do.

10 Q I'm going to show you what's been previously marked
11 State's Exhibit 23. Do you recognize that item?

12 A Yes, I do.

13 Q And is your signature on that?

14 A It is.

15 Q What is that item, and how are you able to recognize
16 it?

17 A That's an advice of rights form.

18 Q Is that the form you read to Angela Vaughn ---

19 A Yes, it is.

20 Q --- on October 24th?

21 A Yes, ma'am.

22 Q What time did that take place?

23 A 7:06.

24 MS. HUEY: At this time the State moves Exhibit 23
25 into evidence.

1 THE COURT: Any objection?

2 MR. GAMBLE: No objection.

3 THE COURT: Without objection, State's Exhibit Number
4 23 is admitted into evidence.

5 (WHEREUPON, State's Exhibit Number 23 was admitted
6 into evidence.)

7 Q If you could, Detective Miles -- excuse me --
8 Mr. Miles, read those rights as you read them to Ms.
9 Vaughn.

10 A This form would say, "Before we ask you any
11 questions, you must understand your rights. You have the
12 right to remain silent. Anything you say can be used
13 against you in court. You have the right to talk to a
14 lawyer for advice before we ask you any questions and have
15 him with you during questioning. If you cannot afford a
16 lawyer, one will be appointed for you before any
17 questioning if you wish. If you decide to answer
18 questions now without a lawyer present, you will still
19 have the right to stop answering at any time. You also
20 have the right to stop answering at any time until you
21 talk with a lawyer." That would be at the top section.

22 And then below is a waiver of rights which says, "I
23 have read this statement of my rights, and I understand
24 what my rights are. I'm willing to make a statement and
25 answer questions. I do not want a lawyer at this time. I

- 1 understand and know what I am doing. No promises or
2 threats have been made to me and no pressure or coercion
3 of any kind has been used against me."
- 4 Q Did the defendant then indicate she understood these
5 rights?
- 6 A She did.
- 7 Q How so?
- 8 A By signature.
- 9 Q Mr. Miles, you previously said that you could smell
10 alcoholic beverage on the Defendant?
- 11 A Yes, ma'am.
- 12 Q By this time did everything seem okay with her?
- 13 A She appeared to be fine.
- 14 Q And level-headed?
- 15 A Yes, ma'am.
- 16 Q Did she understand what she was doing?
- 17 A I felt that she did.
- 18 Q And in your mind, did she understand those rights?
- 19 A Yes, ma'am.
- 20 Q So after having read these rights to her, did she
21 indicate whether she wanted to give a statement?
- 22 A She did.
- 23 Q Okay. And did you begin that process of getting a
24 statement from her?
- 25 A Yes, I did.

1 Q And how did that come about?

2 A We were -- we just spoke, and I took notes as she was
3 speaking.

4 Q Is that typically the procedure you follow?

5 A Yes, ma'am.

6 Q I mean, you were still at the scene; is that correct?

7 A That's correct.

8 Q And you take notes as she talks?

9 A That's correct.

10 Q And typically once you get these notes, what do you
11 do?

12 A I go back to compile them and just make a statement
13 form and have them sign at that point.

14 Q So what statement did she then give you, Mr. Miles?

15 A She gave me the statement that -- she said that she
16 was scheduled to work at O'Charley's from twelve to two
17 for training. She said then she would have to go back to
18 work from four to five thirty. It says, "I told him last
19 week that I would work from eleven to four after I was
20 trained. I called in yesterday. I lied and told them I
21 had car trouble. I called in because he stays on me. He
22 started a fuss yesterday. He had gotten me upset. I'm
23 emotional and chemically bipolar. I knew I could not hold
24 my composure. I went to a seminar at 4:00 p.m. He slept
25 till nine last night and we were fine basically. He got

1 off at 7:00 a.m. and I went to pick him up. He had no
2 driver's license and had a drinking problem. We came back
3 home and I took my little boy to Kiddy Land Day Care.
4 Then we went to Ronnie's bank at CCB to so that he get a
5 check cashed. Then we went to the M&M store, and he
6 brought two cartons of cigarettes and some lottery
7 tickets."

8 It says that we came home. Then he went to -- then
9 they went to "Citgo on 28 bypass and bought those big
10 beers. Then he wanted me to go by the liquor store. He
11 wanted liquor and I tried to talk him out of it. He said
12 we'd get a pint and wouldn't fuss. He was persistent and
13 adamant. That was about 1:00 p.m."

14 "We got a pint of Wild Turkey and came home. He was
15 in a good mood for a little while. I called in again
16 today, told Angela that I had some personal problems. He
17 was accusing me of deceiving him about what time I had to
18 work, and he got mad about it."

19 "We both went to the bedroom separate. He went to
20 the bedroom and stayed for longer than what made sense to
21 me. And I went in there and he was arguing. I had my gun
22 wrapped up in a grease rag to keep it from getting
23 scratched up. He got mad and kind of drew his lips
24 together. And he went to reach up, and I got the gun
25 before he did."

1 "We walked in the living room. He acted like he was
2 going to come toward me and I shot really before I
3 thought. It was like a reflex. I don't remember if I
4 shot him once or twice."

5 It says, "In the living room I was right at him
6 facing him. I saw him look up there then I saw him raise
7 his arm up. It appears as if he ..." I'm sorry. That's
8 the end of her statement. She said, "I saw him look up
9 there and then I saw him raise his arm up."

10 Q And was that in reference to in the bedroom?

11 A Yes.

12 Q Did you then take the Defendant, Angela Vaughn,
13 inside the house?

14 A Yes, we did.

15 Q Did she show you around as to how the events took
16 place inside the house?

17 A She did.

18 Q What did you notice about the crime scene as it
19 relates to the Defendant's statement, that original
20 statement?

21 A I just noticed that her statement was that they were
22 in the bedroom and were arguing, and that she saw him
23 reaching up or looking up as if he was going to get the
24 gun. And he began to reach and she grabbed it before he
25 did which is around the corner around the door in a

1 bedroom. Then actually when the victim was shot, he was
2 inside the living room totally.

3 Q And could she explain how they got to the living
4 room?

5 A No.

6 Q In that statement, though, did she indicate that they
7 were both standing facing each other?

8 A Yes, she did.

9 Q At some later point, did you then get some more
10 information from the Defendant, Angela Vaughn?

11 A Yes, I did. Inside. When we were speaking with her,
12 she said that, "He used to always twist my wrist. I kept
13 thinking if he got my gun he would shoot me. I don't
14 remember if he did anything." And then she was asked,
15 "What made you shoot" and she said "fear." Then she was
16 asked, "Did he lunge or did you just think he was?" And
17 she said, "I just think he was because he always did. He
18 was quick and he was strong."

19 Q So if I heard that correctly, she said that she just
20 thought he was going to lunge at her?

21 A That's correct.

22 Q Now, Investigator Miles, Mr. Miles, other than taking
23 a statement from the Defendant, what else was your
24 involvement with the investigation of this case?

25 A I was lead investigator. And I was there to, of

1 course, do an overview to come to a conclusion as to what
2 happened that afternoon.

3 Q And in order to do that, did you speak with anyone
4 else in this case?

5 A I didn't speak with anyone right then on this case.
6 I did speak with friends and family after that.

7 Q Friends and family of the Defendant and the victim?

8 A Of each.

9 Q At a later date did the Defendant give another
10 statement?

11 A She did.

12 Q And what date did that take place?

13 A That was on 10/30/2003, October 30th.

14 Q When she gave that statement, did you again advise
15 her of her rights?

16 A Yes, ma'am.

17 Q Did you do so using the same procedure as you had
18 done previously?

19 A Yes, ma'am.

20 Q Okay. I'm going to show you what's been marked as
21 State's Exhibit 25? Can you tell us what that is?

22 A This the same type of advice of rights form.

23 Q Does that have your signature on it?

24 A It does.

25 Q Does it have the Defendant's signature on it?

1 A It does.

2 Q Do you know if the Defendant was accompanied by
3 anyone at the time?

4 A She was accompanied by John Stathakis at that time.

5 Q Representing her?

6 A Yes, ma'am.

7 MS. HUEY: At this time, the State would move
8 Exhibit 25 into evidence.

9 MR. GAMBLE: No objection, Your Honor.

10 THE COURT: Without objection, State's Exhibit 25
11 admitted into evidence.

12 (WHEREUPON, State's Exhibit Number 25 was admitted
13 into evidence.)

14 Q On October 30th, this was about six days after the
15 victim was killed; is that correct?

16 A That's correct.

17 Q When the Defendant gave a statement at that point on
18 the 30th, what did she tell you then?

19 A Her statement then was that she had lived with Ronnie
20 for 23 months and described their relationship as common
21 law married. She stated that she and Ronnie met in
22 Wal-Mart in August of 2001.

23 She was asked how long she owned a gun, and she
24 stated that she bought a Rossi 38 caliber revolver from
25 White Jones in 1994. She stated she used to have a 380,

1 but it got stolen.

2 She was asked to describe the events leading up to
3 the shooting. She stated Ronnie worked at Wal-Mart the
4 night before and got off at 7:00 a.m. She stated she
5 picked him up at work and everything was fine. She stated
6 she was supposed to work at O'Charley's from twelve until
7 two and again from four to six. She stated again because
8 she was in training.

9 She stated after she picked Ronnie up that Friday
10 morning, they went back home and got Caleb ready for day
11 care. She stated Ronnie rode with her to take Caleb to
12 day care. This was between 8:00 and 8:30 a.m.

13 She stated after dropping Caleb off, Ronnie wanted
14 her to take him to the Schmidt plant to pick up a partial
15 paycheck. She stated he picked up the check and she took
16 him to his bank at CCB. She stated he then wanted to go
17 to the M&N Store where he bought two cartons of cigarettes
18 and five Powerball Monster Cash cards.

19 Then she stated they took the road beside K-Mart to
20 28 Bypass. She said Ronnie wanted to stop at the Exxon
21 where he bought stackers, ephedra, some yellow jacket
22 things and two packs of sexual arousal pills.

23 She then reports they went to the Citgo on 28 Bypass
24 across from the Save More, and they bought several big
25 quart beers. She stated they bought gas at Save More and

1 then went to Scrooge's liquor store. She said Ronnie
2 promised he wouldn't get mean, and she told him not to get
3 a fifth. She stated he bought a pint of 101-proof Wild
4 Turkey and they returned home. When asked what time it
5 was by then, she estimated it was about ten after two.

6 She was asked what happened when they got home. She
7 stated Ronnie poured them a drink. She stated she drank
8 two ounces of Wild Turkey and Ronnie drank the rest. She
9 also stated she drank one or two big beers, also. She
10 then stated she must have only drunk one big beer.

11 She stated she remembered him making the comment
12 about anybody can be killed. She stated he was wide open
13 and thought he was on drugs. She stated she knows he
14 didn't take any stackers or stuff that he bought that
15 morning because she checked later. She was asked if she
16 said anything to him when he made the comment about
17 anything can be killed. And she stated that she asked him
18 what he meant by that, and he didn't reply.

19 She stated she then told him she needed to get ready
20 for work because she had to be there at noon. She stated
21 he said, you said you had to be there at eleven. And he
22 accused her of deceiving him about her hours. She stated
23 he asked her if she had another man and she told him to
24 check with O'Charley's. He accused her of lying. She
25 stated that that was the main thing he focused on was her

1 hours.

2 When asked if she was going to go to work after
3 drinking Wild Turkey and beer, she then admitted she
4 decided she wasn't going to go to work before she started
5 drinking. She stated that she was crying and told Ronnie
6 she couldn't go to work like that. She stated he told her
7 she was going to work and he asked her what she would do
8 if she lost her job. She stated he also asked her what
9 she would do without him. She stated she told him that
10 she couldn't go, that she couldn't cut her emotions on and
11 off like that. She said that she asked him to please be
12 quiet and let her call O'Charley's and tell them she
13 wasn't coming to work. She said she called and told them
14 a family problem had occurred and that she was sorry but
15 she would not be able to come to work. She states that
16 she talked to Angela and they told her it would be fine.

17 She stated she got off the phone and Ronnie had
18 calmed down. She stated he went to the bathroom and came
19 out with his pupils dilated. She stated that he then
20 started in on her again. She stated he [sic] went into
21 the bedroom and started piddling to get away from him.

22 She reports that she was folding clothes and putting
23 them up when he came into the bedroom. She stated they
24 were standing in front of the clothes closet. She reports
25 that she had her gun in a red cloth on a shelf in the

1 closet. She stated they were arguing and Ronnie kept
2 looking at the gun. She stated she saw his right arm go
3 up, so she grabbed the gun.

4 At this point she was asked if Ronnie had ever
5 threatened her with a gun or pointed a gun at her, and she
6 stated that he had not. She stated that after she grabbed
7 the gun from the closet shelf, she went into the living
8 room. She was asked how she was holding the gun and she
9 stated she had it down by her side. She then got up and
10 demonstrated their positions stating that they were
11 standing face-to-face an arm's reach apart.

12 She was asked what happened next. And she stated his
13 right arm went out. He looked like he was going to twist
14 my wrist. I thought he was going to twist my wrist. I
15 just shot. She stated that she thought he would get the
16 gun and shoot her. She stated that she doesn't remember
17 him falling and doesn't remember dropping the gun. She
18 also remembers dialing 911 and doesn't remember him
19 dropping to the floor. When asked what she said to the
20 dispatcher, she stated, I think I shot my fiance.

21 She stated she was hysterical and Ronnie was lying in
22 a pool of blood. She was asked where he fell and she
23 stated it was on the -- he was on the floor when he fell.
24 She was asked if she was sure that he was not sitting on
25 the couch when she shot him, and she stated she was sure.

1 She must have been an a trance.

2 She stated that her oldest son came and picked her up
3 after the deputies were finished.

4 Q Mr. Miles, is there anything else that you need to
5 add?

6 A It was just later noted that she again stated that
7 she was in fear for her life. When asked if she was
8 absolutely sure Ronnie was not seated on the couch when
9 she shot him, she stated that she could have sworn he was
10 standing. When asked to put a percentage on how sure she
11 was, she stated about 75 percent sure he was standing and
12 not sitting on the couch when she shot him.

13 Q Now, compared with the statement that she gave on
14 October 24th and then the statement she gave on October
15 30th ---

16 A Right.

17 Q --- am I correct in that who went into the bedroom
18 first differs?

19 A Yeah. On the first one she stated that he went in
20 the bedroom and stayed longer than what made sense to her.
21 On the subsequent statement, she stated she went in there
22 and was piddling and was folding clothes.

23 Q And that he then came in there?

24 A That's correct.

25 Q But regardless, the consistent statement she makes in

1 both of her statements to you is what?

2 A That he was standing and was reaching for the gun --
3 or she thought he was going to reach for the gun, so she
4 got it first.

5 Q And in the living room, does she make a consistent
6 statement regarding whether he was seated or standing in
7 the living room?

8 A At both times she stated that she thought that he was
9 standing, but that she wasn't sure.

10 Q Now, when you were an investigator, Mr. Miles, did
11 you receive training?

12 A I did.

13 Q What kind of training did you have to go to?

14 A We had to also go to homicide schools just to learn
15 the basics of the crime. We would do basic report
16 writing, learning to write reports and taking notes.

17 Q And during this training, did you ever receive
18 training on defensive tactics or how injuries are
19 sustained, that sort of thing?

20 A In basic training we did, yes.

21 Q Then based on your eleven years experience, you
22 obviously were called out to a number of scenes?

23 A That's correct.

24 Q What kind of scenes would you typically respond to?

25 A Anything from domestic violence calls to normal

1 fights, that type of thing.

2 Q Does anything stick out in your mind about a person
3 being grabbed by the wrist?

4 A Just that normally that would leave some redness or
5 some type of injury on the wrist. As a rule, someone who
6 grabs someone by their wrist is trying to restrain them
7 and they're not trying to physically be the aggressor.
8 They're trying to restrain that person as a rule.

9 Q And in your experience, you found that to be true?

10 A As a rule, yes, ma'am.

11 Q Now, backing up to when you arrived at the crime
12 scene, were you involved in the search of the house and
13 the collection of evidence?

14 A Not collection of evidence per se, but, yes, and
15 helping to advise what to collect, yes.

16 Q Were any illegal substances found in the house to
17 your knowledge in terms of drugs?

18 A I honestly don't remember. I do remember alcohol,
19 but I do not remember drugs.

20 Q If drugs had been collected, would those have been
21 put into property and evidence.

22 A Yes, ma'am.

23 MS. HUEY: That's all I have, Judge.

24 THE COURT: Cross-examination?

25 CROSS-EXAMINATION

1 BY MR. GAMBLE:

2 Q The first statement taken at 7:10 p.m. on 10/24/03,
3 the last line, "He acted like he was going to come toward
4 me and I shot." In that statement she didn't actually say
5 they were standing facing each other. She just said he
6 looked like he was going to come toward her. Isn't that
7 correct?

8 A At 7:10 p.m., that is correct. When we went into the
9 home is when she said that.

10 Q Sir?

11 A Once we were inside the home, I believe, is when she
12 said that.

13 Q Part of this statement was taken outside?

14 A Yes, sir.

15 Q All right. Do you know -- it said here he went in
16 and got some drugs, specifically, stackers?

17 A Yes, it did say that on October the 30th.

18 Q Yes, sir.

19 A Yes, sir.

20 Q Stackers, ephedra, yellow jacket things?

21 A Yes, sir.

22 Q Do you happen to know what those are?

23 A Not exactly, sir, no, I don't.

24 Q Yellow jacket things can be amphetamine?

25 A I do not know that.

1 Q You're not into drugs?

2 A No, sir.

3 Q Then can you answer me this? Being it's in an
4 investigative status, she stated he went -- I'm on the
5 30th on page five down toward the mid to last paragraph --
6 well, there's no paragraphs. About six lines up from the
7 bottom where she is discussing -- Angela is discussing
8 Mr. Grant went into the bathroom and came out with his
9 pupils dilated. Did you question her with regard to that,
10 or do you have an opinion with regard to what caused the
11 dilation of the pupils in a person?

12 A I did not question her in regard to that.

13 Q Do you know what causes pupils to dilate in a person,
14 from experience? Let me ask you point blank. Have you
15 ever dealt with anybody who was on methamphetamine?

16 A Yes, sir.

17 Q Are their pupils dilated?

18 A They can be or restricted.

19 Q So drugs can cause your pupils to dilate?

20 A They can do that, yes, sir.

21 Q Can liquor cause pupils to dilate?

22 A They can, yes, sir.

23 Q They can?

24 A Yes, sir.

25 Q But for sure drugs will?

1 A Yes, sir.

2 Q All right.

3 MR. GAMBLE: I have nothing further, Your Honor.

4 THE COURT: Re-examine?

5 MS. HUEY: Nothing further from the State, Your
6 Honor.

7 THE COURT: Very well. You may step down.

8 MS. HUEY: May Mr. Miles be excused?

9 MR. GAMBLE: No objection.

10 THE COURT: Without objection, the witness may be
11 excused.

12 Thank you, sir.

13 May I see Counsel, please?

14 MS. HUEY: Yes, sir, Your Honor.

15 **(WHEREUPON, a bench conference was held off the**
16 **record, in the presence of the jury, but out of the**
17 **hearing of the jury.)**

18 THE COURT: Madam Forelady, ladies and gentlemen of
19 the jury, as I mentioned earlier, normally we try to
20 finish right around 5:00 o'clock. And they tell me the
21 next witness might take a little bit longer. So it's a
22 quarter to five now, so we'll break at this time.

23 I have one suggestion for tomorrow morning. I
24 understand we have some things to do. So I would suggest
25 that we would come back at either 9:30 or 10:00 o'clock

1 and start. This will be your first responsibility, Madam
2 Forelady. I want you just to check with the jury where
3 they are now and find out what time they'd like to start.
4 Either 9:30 or 10:00 o'clock. By the way, this is a
5 consensus; this is not a unanimous verdict.

6 THE JUROR: 9:30.

7 THE COURT: Very well. Then just come back to the
8 jury room that you're in now or have been using today.

9 Now, Madam Forelady, ladies and gentlemen of the
10 jury, I tell jurors that this is the most difficult part
11 of the trial because you'll go home. And somebody will
12 ask you, well, what are you doing. And you're going to
13 say, well, I've been drawn on a case. We're trying a
14 case. And they'll say, well, what's it about? And you'll
15 say, well, I can't talk to you about it. I can't tell
16 you. They'll say, why not? You'll tell them, because the
17 Judge said so. And they'll probably say something like,
18 well, that's ridiculous.

19 Well, the thing is I think you understand now that
20 this is a very important case to everybody that's involved
21 and concerned with it. And it needs to be resolved in the
22 right fashion and the right way. And as I mentioned
23 earlier today, you are the only ones that can do it. And
24 you can do it only based on testimony in this courtroom
25 and exhibits and other evidence in this courtroom. No one

1 can help you. All they can do is interfere with the
2 proper resolution of the case.

3 So I'm going to instruct you not to talk to anybody.
4 If anybody insists on talking to you, tell them I'll
5 probably be here about 8:30 in the morning. I'll be glad
6 to explain it to them. But I think you understand this is
7 the way the case needs to be resolved. After the case is
8 over, you can talk to anybody you want to. All right?
9 Now, let's do not talk to anyone or permit anyone to talk
10 to you.

11 So with that, I'm going to excuse you for the balance
12 of the day and see you at 9:30 in the morning.

13 Everyone else remain seated while the jury retires
14 from the courtroom..

15 (WHEREUPON, the jury exited the open court at
16 approximately 4:47 p.m.)

17 THE COURT: Anything from the State?

18 MR. GAMBLE: No, sir, Your Honor.

19 THE COURT: Anything from the Defendant?

20 MR. GAMBLE: Yes, sir. You told me earlier that you
21 would not take her off bond at this time. I have her
22 father, Mr. Perry, who is on the bond.

23 THE COURT: Who is the surety on the bond?

24 MR. GAMBLE: Mr. Perry.

25 THE COURT: Mr. Perry? Mr. Perry, it's my

1 understanding that you are on your daughter's bond; is
2 that correct?

3 MR. PERRY: That's right.

4 THE COURT: You signed as surety or the security for
5 her remaining out?

6 MR. PERRY: I did.

7 THE COURT: All right. Well, I'm going to, over the
8 objection of the State -- it's my understanding that she's
9 been very cooperative and made her appearances when
10 requested. But in order to facilitate her being able to
11 consult with her attorney, if necessary and as necessary,
12 I'm going to let her remain out on bond during the trial
13 of the case. But that means the bond stays in effect. So
14 if she should violate the bond in any way, then it will be
15 estreated. That means that it will be foreclosed. Do you
16 understand?

17 MR. PERRY: In other words, you're going to leave her
18 out on bond?

19 THE COURT: Yes, sir, I'll leave her out on bond, but
20 the bond stays in effect. Do you understand?

21 MR. PERRY: (Nodded head up and down in the
22 affirmative.)

23 THE COURT: Just as before under the same conditions.
24 All right. Any questions? Mr. Perry, any questions? Any
25 questions?

1 MR. PERRY: I think I understand it.

2 THE COURT: Very good. Thank you, sir.

3 Now, Ms. Vaughn, if you would please stand and raise
4 your right hand.

5 ANGELA VAUGHN, after being duly sworn, testified
6 as follows:

7 EXAMINATION

8 BY THE COURT:

9 Q Do you understand you're still -- you will remain on
10 bond as long as you obey the requirements of the bond? Do
11 you understand that?

12 A Yes, sir.

13 Q If you should violate the bond in any fashion, then
14 it will be estreated and you will be arrested. Do you
15 understand?

16 A Yes, sir.

17 Q Now, also, we have started the trial of the -- now,
18 listen to me. We've started the trial of the case. And
19 if you, for some reason, fail to appear at 9:30 in the
20 morning in this courtroom, fourth floor, Anderson
21 Courthouse on Main Street, Anderson, South Carolina, the
22 trial will continue in your absence. Do you understand
23 that?

24 A Yes, sir.

25 Q You'll waive your right to be present and the trial

1 will continue. And if the jury should find a verdict
2 against you, you will be sentenced in your absence. Do
3 you understand that?

4 A Yes, sir.

5 Q All right. Any questions?

6 A Yes, Your Honor. May I approach the bench?

7 Q No, ma'am. You can tell your lawyer what you need to
8 tell me. Do you want to talk to Mr. Gamble?

9 A Yes, sir.

10 Q Very well.

11 (Pause.)

12 MR. GAMBLE: No questions, Your Honor.

13 THE COURT: All right.

14 Q Ms. Vaughn, I just want to be sure that you
15 understand that one of the responsibilities, and the most
16 important one right now, is that you are available to
17 continue with this process in the morning.

18 A Yes, sir.

19 Q That will be January the 18th at 9:30 a.m. 2006
20 here in the Anderson County Courthouse.

21 A Yes, sir.

22 Q All right. Good luck to you, ma'am.

23 THE COURT: Anything else from the Defense?

24 MR. GAMBLE: No, sir.

25 THE COURT: Anything from the State?

1 MS. HUEY: No, sir, Your Honor.

2 THE COURT: Very well. We'll see you in the morning
3 at 9:30.

4 (WHEREUPON, court adjourned for the day.)

5 **January 18, 2006**

6 (WHEREUPON, court convened with all parties present,
7 and the following proceedings were had.)

8 THE COURT: Is there anything from the State before
9 we bring the jury in?

10 MS. HUEY: Your Honor, I do have one issue I'd like
11 to address.

12 THE COURT: Yes, ma'am.

13 MS. HUEY: Your Honor, the State plans to call later
14 this morning Andy Andrews. He is a manager at Wal-Mart.
15 And through his testimony, he would be able to say that
16 the Defendant called about Ronald Grant's life insurance
17 benefits after he was killed. And the State would seek to
18 introduce that. I believe there is case law, State v.
19 Williams as well as State v. Beckam, that life insurance
20 policies are admissible.

21 THE COURT: All right. What does the Defendant say?

22 MS. HUEY: And he is on our witness list, Judge.

23 MR. GAMBLE: I think it's irrelevant, Your Honor.
24 She can call and ask about his beneficiaries. But I mean,
25 I think it's irrelevant to this here.

1 THE COURT: All right. I'll look at the cases.
2 Anything else? When do you intend to call the gentleman?

3 MS. HUEY: Your Honor, I have seven witnesses I plan
4 on calling before him, but they're relatively short.

5 THE COURT: Before you get to him, alert the Court so
6 I can make a ruling.

7 MS. HUEY: Yes, sir.

8 THE COURT: Anything else from the State?

9 MS. HUEY: No, sir, Judge.

10 THE COURT: From the Defendant?

11 MR. GAMBLE: No, sir.

12 THE COURT: Ask the jury to join us, please.

13 (WHEREUPON, the jury came into open court at
14 approximately 9:35 a.m.)

15 THE COURT: All right. Let the record reflect the
16 jury and alternates are in the jury box.

17 Madam Forelady, ladies and gentlemen of the jury,
18 we'll now proceed with the State's case.

19 Madam Solicitor?

20 MS. HUEY: May it please the court. Your Honor, the
21 State calls Tamara Galloway.

22 TAMARA J. GALLOWAY, after being duly sworn,
23 testified as follows:

24 DIRECT EXAMINATION

25

1 BY MS. HUEY:

2 Q Ms. Galloway, where do you work?

3 A Anderson County 911.

4 Q And what do you do there?

5 A I'm a telecommunications operator answering 911
6 calls.

7 Q Answering 911 calls?

8 A Yes.

9 Q How long have you worked in that capacity?

10 A For about six and a half years.

11 Q As a 911 dispatcher, what are your primary duties?

12 A We answer all 911 emergency calls. Also, we answer
13 seven-digit non emergency, and we dispatch for fire,
14 police and EMS.

15 Q Generally what happens when a 911 call comes in, when
16 someone dials 911?

17 A As soon as someone dials 911, it starts recording
18 just as soon as it connects, before we even pick the phone
19 up. It records the rings, also.

20 Q Okay. And even though the person on the other side
21 doesn't hear a voice or dial tone?

22 A Right. And it's still recording.

23 Q And is that the case if someone is put on hold as
24 well or transferred?

25 A Yeah. It still records until we disconnect.

1 Q And what's the purpose for that?

2 A It's for -- to make sure that we're answering phones.
3 It will just record how many rings before we answer. And
4 also just in case something happens before we pick up the
5 phone, we'll have a record of that.

6 Q Now, were you working in this capacity in October of
7 2003? October 24th specifically?

8 A Yes.

9 Q And did you take a 911 call that day that's caused
10 you to be here today to testify?

11 A Yes.

12 Q And where did that call come into?

13 A It came into the 911 center, and I was the one that
14 picked up the phone.

15 Q And did that involve the Defendant in this case,
16 Angela Vaughn?

17 A Yes.

18 MS. HUEY: At this time, the State would like to
19 publish State's Exhibit 2 which has been previously
20 admitted into evidence without objection.

21 MR. GAMBLE: No objection.

22 THE COURT: All right. Without objection, State's
23 Exhibit Number 2 is admitted and may be published.

24 (WHEREUPON, State's Exhibit 2, the audiotape of the
25 911 call was played in open court before the jury.)

1 Q Now, Ms. Galloway, in listening to that 911 call,
2 there was a pause or a silence, if you will, when Ms.
3 Vaughn was transferred.

4 A Right.

5 Q Now, were you still recording though?

6 A Yes, it still records.

7 Q Okay. So had she continued talking, that would have
8 picked up?

9 A Yeah, it would have picked up.

10 Q Or crying or screaming, that would have picked up?

11 A Yes.

12 Q Additionally, in the beginning of the 911 tape, as
13 you said, it even records the dialing?

14 A Yes.

15 Q And would it have picked up if the Defendant was
16 saying something at that time?

17 A Yes, it should have.

18 Q Or crying or screaming?

19 A Yes.

20 MS. HUEY: That's all I have for this witness, Judge.

21 THE COURT: Cross examination?

22 MR. GAMBLE: No questions.

23 THE COURT: All right. You may step down. Thank
24 you, ma'am.

25 MS. HUEY: May Ms. Galloway be excused?

1 MR. GAMBLE: No objection.

2 THE COURT: Without objection, the witness may be
3 excused.

4 Thank you, ma'am.

5 MS. HUEY: Your Honor, the State calls Sharon
6 Davenport.

7 SHARON DAVENPORT, after being duly sworn,
8 testified as follows:

9 DIRECT EXAMINATION

10 BY MS. HUEY:

11 Q Ms. Davenport, if you don't mind, how old are you?

12 A I'm 53.

13 Q Are you working somewhere?

14 A Yes.

15 Q Where do you work?

16 A I work at Experimental Fabrics.

17 Q How long have you worked there?

18 A Eight years.

19 Q Were you familiar with the victim in this case?

20 A Yes.

21 Q Ronald Grant?

22 A Yes.

23 Q How so?

24 A He was my foreman.

25 Q So he worked with you at Experimental Fabrics?

1 A Yes.

2 Q Do you remember about when he worked with you?

3 A He came to work around October until September.

4 October of 2002 until September of 2003.

5 Q Did you know that Mr. Grant was living with this
6 Defendant, Angela Vaughn?

7 A Yes.

8 Q Do you know the Defendant in this case, Angela
9 Vaughn?

10 A Just through him.

11 Q How did Ronnie get to and from work?

12 A Ms. Vaughn brought him to work.

13 Q And where was he when she dropped him off and picked
14 him up?

15 A At the front of the building.

16 Q And what time did y'all usually get off every day?

17 A We got off at 3:00 o'clock.

18 Q Now, could you leave earlier than that, or was it
19 usually 3:00 o'clock?

20 A Yes, we could leave at five -- excuse me. We could
21 leave at five till three.

22 Q Now, did anything unusual happen on one of these days
23 when Ms. Vaughn came to pick Ronnie Grant up?

24 A Yes, it did.

25 Q Okay. When did that happen?

1 A It was around the first part of September.

2 Q Of 2003?

3 A Of 2003.

4 Q Okay. And what did happen?

5 A We were out on the dock getting the work. We had a
6 truck to come up. The foreman could not leave without
7 loading the truck.

8 Q And again, I'm sorry. Ronnie was the foreman?

9 A Ronnie was my foreman, yes. So I was doing the
10 paperwork and he was loading the truck. We didn't have
11 but two boxes, but they were large. He had to be on a
12 forklift to load them on the truck. He had loaded one.
13 And I heard Ms. Vaughn as she pulled around to the back
14 where the truck was at hollering, "Ronnie."

15 Q And what was Ms. Vaughn saying to Ronnie?

16 A She was just hollering, "Ronnie."

17 Q Okay.

18 A I motioned to him. He got off the forklift. And he
19 motioned her back around to the front because the time
20 cards are around toward the front. We have to go to the
21 front. This was on the back of the plant.

22 Q And, again, she usually picked him up in the front?

23 A Always.

24 Q And so after he motioned her to the front, what then
25 happened?

1 A She went back around to the front.

2 Q Okay. And did anything else happen involving the
3 Defendant that day?

4 A Yes. We went to clock out. And it was about --
5 close to about five minutes after three when we went to
6 clock out. He started toward the door because he always
7 had to go out first.

8 Q This was Ronnie?

9 A This was Ronnie. As Ronnie approached the door, I
10 was back as far as from me to you from him. And he was
11 coming around to the front of the car. As he was coming
12 around, I approached the door to go out. Well, I stopped
13 because Ms. Vaughn was screaming. And I will never forget
14 the words she said.

15 Q And what did she say, Ms. Davenport?

16 A She was screaming. And she told him -- she said,
17 "You'd better be proud you got your ass out here when you
18 did because you don't want me to come in that place with
19 my damn gun."

20 Q And, again, this happened in September of 2003?

21 A Yes.

22 Q Now, did you actually see her with a gun that day?

23 A No.

24 Q She wasn't waving it in the air?

25 A No.

1 Q Now, did you learn of Ronnie's death then?

2 A Yes.

3 Q Okay. And how did that come about?

4 A The plant manager called me on my cell phone and told
5 me.

6 Q And did you give a statement to Investigator Miles
7 regarding this?

8 A Yes, I did.

9 Q Okay. And how did that come about?

10 A We had called him and told him three things that we
11 had heard. And he came. And he asked me and I told him
12 the same story.

13 MS. HUEY: That's all I have for this witness, Judge.

14 MR. GAMBLE: I'll be with you in just a moment.

15 THE COURT: All right. Just a moment.

16 CROSS-EXAMINATION

17 BY MR. GAMBLE:

18 Q Ms. Davenport, how long did you work with Mr. Grant?

19 A From the time that he was hired until the last day
20 that he worked.

21 Q What shift did y'all work?

22 A First shift.

23 Q First?

24 A Yes, sir.

25 Q And so you got off at 4:00 o'clock?

1 A We got off at three.

2 Q Three?

3 A Yes, sir.

4 Q And you worked with him -- I'm trying to ask how long
5 did you work with him?

6 A From October till September when he left.

7 Q Or reversed? September to October? September to
8 October?

9 A Yes. I'm sorry.

10 Q And I assume you got along well with him?

11 A Yes, sir.

12 Q What you told the officers came three days after his
13 death?

14 A Yes, sir.

15 Q All right. But you did not see Angela with a gun or
16 any weapon at all, did you?

17 A No, sir, I did not.

18 Q All right. I don't have anything further.

19 MS. HUEY: Just one on redirect, Judge.

20 REDIRECT EXAMINATION

21 BY MS. HUEY:

22 Q Ms. Davenport, I believe you testified that y'all
23 worked together from October of 2002 until September of
24 2003?

25 A Yes.

1 Q Is that correct?

2 A That's correct.

3 Q And Ms. Davenport, was anyone with Ms. Vaughn on this
4 date?

5 A Yes.

6 Q Who else was with her when she made this threat?

7 A Caleb, her son.

8 Q Her son?

9 A Yes.

10 Q And was that it as far as people that were with Ms.
11 Vaughn?

12 A Yes, that's all that was with her.

13 Q And, again, this took place, you think, around the
14 first of September of 2003?

15 A Around the first of September of 2003.

16 Q Okay. Thank you, Ms. Davenport.

17 MS. HUEY: That's all I have, Judge.

18 RECROSS-EXAMINATION

19 BY MR. GAMBLE:

20 Q You said the son was in the car with her?

21 A Yes, sir.

22 Q Are you positive?

23 A I'm positive. He was jumping up and down in the
24 back.

25 Q Wasn't the daughter with her?

1 A No, sir.

2 Q You didn't see her daughter with her?

3 A No, sir, I did not.

4 Q All right. Thank you.

5 THE COURT: Anything else?

6 MS. HUEY: Nothing further, Judge. May she be
7 excused?

8 MR. GAMBLE: No objection.

9 THE COURT: Without objection, the witness may be
10 excused.

11 Thank you, ma'am.

12 MS. HUEY: Your Honor, the State calls Shannon Smith.

13 SHANNON SMITH, after being duly sworn, testified
14 as follows:

15 DIRECT EXAMINATION

16 BY MS. HUEY:

17 Q Ms. Smith, how old are you?

18 A 31.

19 Q And do you have a job?

20 A Yes, ma'am.

21 Q How far did you go in school?

22 A I got my GED when I was 17.

23 Q Are you married?

24 MR. GAMBLE: I'm sorry, Your Honor. I can't hear the
25 witness.

1 THE COURT: Let's see. Do we have a microphone down
2 there?

3 MADAM COURT REPORTER: Yes, sir.

4 Q If you could try and speak up, Ms. Smith. The
5 acoustics in here are not the greatest.

6 A Okay.

7 Q So backing up, are you married?

8 A Yes, ma'am.

9 Q And how long have you been married?

10 A Four years.

11 Q Do you know the Defendant in this case, Angela
12 Vaughn?

13 A Yes, ma'am.

14 Q How do you know her?

15 A I worked with her at Wal-Mart.

16 Q Do you remember when that was?

17 A It was -- I got hired September of -- October of
18 2001.

19 Q So it was a while ago?

20 A Yes, ma'am.

21 Q Do you know how long you worked with her?

22 A I worked with her until she was terminated.

23 Q How would you describe your relationship with her?
24 Was she a good friend of yours, or were y'all just
25 acquaintances?

1 A We were just acquaintances.

2 Q Did you know the victim in this case, Ronald Lee
3 Grant?

4 A Yes, ma'am.

5 Q How did you know him?

6 A Just from working at Wal-Mart. He worked at
7 Wal-Mart, also.

8 Q And did you know that he and Angela Vaughn were
9 together?

10 A Yes, ma'am.

11 Q Now, Ms. Smith, do you remember what you were doing
12 that Thursday, October 16th of 2003?

13 A Yes, ma'am. We were at the jail house in Anderson
14 County. My husband had been charged with CDV, criminal
15 domestic violence. And they sent a paper in the mail
16 saying to turn yourself in and take care of the issue. So
17 we went up there.

18 Q Did you, in fact, do that? Did you go to the
19 detention center?

20 A Yes, ma'am.

21 Q And at the detention center, did you at some point
22 run into the Defendant in this case, Angela Vaughn?

23 A Yes, ma'am. They pulled up after we did.

24 Q Okay. And did you have a conversation with her?

25 A Yes, ma'am. When they called our husbands back, we

1 were out there all day long. So we just spent the whole
2 day together.

3 Q And when you say husbands, were you referring to
4 Ronald Grant?

5 A Yes, ma'am.

6 Q And did you see Ronnie Grant that day as well?

7 A Yes, ma'am.

8 Q Okay. And was he there for CDV?

9 A Yes, ma'am.

10 Q And what is CDV?

11 A Criminal domestic violence.

12 Q Now, how long were y'all at the detention center that
13 day?

14 A From, I think it was, 9 a.m. until like 5:30.

15 Q So y'all were there all day?

16 A Yes, ma'am.

17 Q And did you speak with the Defendant that day a good
18 bit?

19 A Yes, ma'am.

20 Q And what did y'all talk about?

21 A Everything. Just talking. And then we were talking
22 about why we were there and, you know, what our husbands
23 had done.

24 Q Okay. And why did Angela Vaughn say she was there or
25 her husband was there, Ronald Grant?

1 A Because they had had an argument, and she -- he said
2 he was going to go to his grandfather's, and she said that
3 he wasn't because he was going to go lay up with another
4 woman. And she said that he had her keys in his pocket.
5 That's where he usually kept them. So she reached for
6 them. And when she did, he grabbed her arm and restrained
7 her. And she kicked him. And then he left. He wasn't
8 there when the police came.

9 Q And did she tell you if Ronnie had ever beat her?

10 A She said that he had never beat her, but that he
11 would restrain her and that one time he had pushed her
12 into a dresser.

13 Q What else did she talk about that day?

14 A We were all talking about -- I mean, just joking
15 around and talking about like killing our husbands. There
16 was one woman there that was -- she was joking about it
17 and talking about you could use rat poison and you could
18 do it slowly. And just -- we were all just joking around
19 about it.

20 Q And then what happened? Did the Defendant say
21 anything?

22 A She just said that next time that she would kill him
23 and that she would -- she might try using the rat poison.
24 And I just said, come on, now. I think that's getting a
25 little carried away. I think I'd just leave before it

1 came to that point. And she just like shook her head
2 like, agreed, shook her head.

3 Q Did you have any further conversation with the
4 Defendant that day?

5 A We talked all day long. We even went to eat lunch
6 together. We talked about everything. She was just --
7 she said she thought that he had been cheating on her.
8 And we talked about our kids. Just all kind of different
9 things.

10 Q Did she talk about him cheating on her a lot?

11 A Yes, ma'am. She said something about one time
12 finding a blond hair in her car and that she thought he
13 was sneaking out at nighttime. And just several different
14 references.

15 Q What did you think about all that?

16 A I just thought it was ---

17 MR. GAMBLE: Objection, Your Honor, to opinion
18 evidence.

19 THE COURT: Sustained. Disregard anything that
20 someone might have as to thoughts somebody else would
21 have.

22 Very good. You may proceed.

23 Q Ms. Smith, did you eventually learn of Ronnie's
24 death?

25 A Yes, ma'am.

1 Q And as a result of that, what did you do?

2 A I was just in shock because I couldn't believe that
3 it had actually happened. I didn't think that it was that
4 serious.

5 MR. GAMBLE: Objection again, Your Honor, to opinion
6 evidence.

7 Q Did you eventually give a statement to Investigator
8 Miles regarding ---

9 A Yes, ma'am.

10 Q --- your conversation with Ms. Vaughn ---

11 A Yes, ma'am.

12 Q --- on October 16th of 2003?

13 A Yes, ma'am.

14 MS. HUEY: That's all I have for this witness, Judge.

15 THE COURT: Cross-examination?

16 CROSS-EXAMINATION

17 BY MR. GAMBLE:

18 Q Ms. Vaughn told you that her fiance or live-in,
19 whatever you want to call it, would twist her arm behind
20 her back, didn't she?

21 A Right. To restrain her, yes, sir.

22 Q Ma'am?

23 A Yes, sir. To restrain her, yes, sir.

24 Q Didn't she indicate he would twist it around behind
25 her back?

1 A Yes, sir.

2 Q All right. And he was also charged with criminal
3 domestic violence against Ms. Vaughn, wasn't he?

4 A Yes, sir.

5 Q As far as you knew?

6 A Yes, sir.

7 Q And your husband, you had charged him with criminal
8 domestic violence, hadn't you?

9 A Yes, sir.

10 Q And then y'all were joking around, kidding around --
11 some woman there said you could use rat poison to kill
12 your husband?

13 A Yes, sir.

14 Q You didn't take it seriously then, did you?

15 A I wasn't really taking any of it seriously at the
16 time.

17 Q And this was on the 16th of October?

18 A Yes, sir.

19 Q So it was eight days before anything happened that
20 you learned about?

21 A Right.

22 Q Is that right?

23 A Right.

24 Q Okay. And then she told you that Mr. Grant had her
25 keys to her car; is that right?

1 A That she assumed he had the keys in his pocket, yes,
2 sir.

3 Q And he grabbed her arm and put it up behind her back?

4 A That -- she didn't tell me that at the time. She
5 just said she reached for his keys and that -- yeah, that
6 he restrained her.

7 Q He grabbed her arm and put it behind her back?

8 A Grabbed it, yes. Grabbed her arm and put it behind
9 her ---

10 Q Like that? Isn't that what you gathered it was?

11 A Yes.

12 Q Like that (demonstrating)?

13 A Right.

14 Q Okay. Excuse me.

15 (Pause.)

16 MR. GAMBLE: Nothing further.

17 THE COURT: Re-examine?

18 MS. HUEY: Just a couple, Judge.

19 REDIRECT EXAMINATION

20 BY MS. HUEY:

21 Q Now, Ms. Smith, I believe you testified that the
22 night that Ronnie was charged with CDV, according to the
23 Defendant, that he said he was going to leave and go to
24 his grandfather's?

25 A Yes, ma'am.

1 MR. GAMBLE: Objection, Your Honor, as to what Ronnie
2 Grant may have said would be hearsay in this situation.

3 Q That was the Defendant talking?

4 A Yes, ma'am.

5 THE COURT: Just a ---

6 MR. GAMBLE: And it was not covered under ---

7 THE COURT: Well, it was not crossed -- covered under
8 cross.

9 MR. GAMBLE: No, sir.

10 THE COURT: It came out on direct.

11 MS. HUEY: I'm sorry, Judge?

12 THE COURT: I say it didn't come out on cross; it
13 came out on direct. So you're limited on re-exam to what
14 might have come out on cross.

15 MS. HUEY: I apologize, Judge. I thought Mr. Gamble
16 mentioned something about the night he was charged with
17 CDV and how he grabbed her -- she grabbed the keys.

18 THE COURT: He did. You can ask anything about that.
19 But to go into something that wasn't brought out, that's
20 quite something else.

21 Q In terms of specifically then, when Ms. Vaughn
22 claimed that she was grabbing for the keys that were in
23 Ronnie's pocket, is that a pocket he had in the pants he
24 was actually wearing?

25 A Yes, ma'am.

1 Q Okay. And I believe -- and what did she do as a
2 result when he grabbed her arm?

3 A She kicked him in the crotch.

4 MS. HUEY: That's all I have, Judge.

5 THE COURT: Anything else?

6 MR. GAMBLE: No, sir.

7 THE COURT: You may step down.

8 MS. HUEY: Your Honor, may the witness be excused?

9 THE COURT: Any objection?

10 MR. GAMBLE: No objection.

11 THE COURT: Without objection, you may be excused.

12 Thank you, ma'am.

13 Madam Forelady, ladies and gentlemen of the jury,
14 when I mentioned at the beginning of the trial I have a
15 responsibility to conduct the trial according to certain
16 rules of evidence. And the way examinations are done is
17 that an individual side calls a witness. They can examine
18 that witness. And once the examination is done, then the
19 other side has an opportunity to cross-examine the
20 witness. The side calling the witness then has an
21 opportunity to re-examine the witness, but only as to
22 matters brought out on cross-examination. The reason for
23 that, of course, is there has to be an end at some point.
24 So we try to eventually get to the point where there's
25 nothing else new to be gained. For that reason, these are

1 the rules of evidence that both sides, the State and the
2 Defendant, have to obey.

3 All right. You may proceed.

4 MS. HUEY: Thank you, Judge. Your Honor, the State
5 calls David Sanders to the stand.

6 DAVID SANDERS, after being duly sworn, testified
7 as follows:

8 DIRECT EXAMINATION

9 BY MS. HUEY:

10 Q Mr. Sanders, how old are you?

11 A I'm 32.

12 Q Are you working anywhere?

13 A Ingles.

14 Q What was your previous place of employment?

15 A Wal-Mart.

16 Q Were you working at Wal-Mart in October of 2003?

17 A Yes.

18 Q Did you know the victim in this case, Ronald Lee
19 Grant?

20 A I did.

21 Q How so?

22 A I had just met him when he started working there. He
23 was one of the stockers.

24 Q So y'all worked together at Wal-Mart?

25 A Yes.

1 Q Drawing your attention to Thursday, October 23rd,
2 2003?

3 A Uh-huh.

4 Q Do you remember what you were doing that day?

5 A As far as when we was all together?

6 Q Were you working or were you off? Were you working
7 on that date?

8 A Yeah. We was working night.

9 Q And when, if at all, did you have a conversation with
10 Ronnie Grant?

11 A In the break room.

12 Q And did that occur that night, you said?

13 A Yes.

14 Q And what was the nature of that conversation?

15 MR. GAMBLE: Objection, Your Honor, as to hearsay.
16 And I'm familiar with the Court's prior ruling. But I
17 object on the record.

18 THE COURT: Madam Forelady, I'm going to ask the jury
19 to retire to the jury room for a moment so I might take up
20 some matters with the attorneys. Please do not undertake
21 a discussion of this case among yourselves in any way.

22 (WHEREUPON, the jury exited the open court at
23 approximately 10:14 a.m.)

24 THE COURT: If you would, please, I'd like to hear
25 the proffer of this testimony.

1 MS. HUEY: Sure, Judge. And just to make the Court
2 aware, the following three witnesses will be proffering
3 the same testimony.

4 THE COURT: Very good. Thank you.

5 IN-CAMERA DIRECT EXAMINATION

6 BY MS. HUEY:

7 Q Mr. Sanders, what, if anything, did Ronnie Grant tell
8 you that evening?

9 A We were all just joking around like we usually do in
10 the break room. It was me, Paul, Christie and Brian. He
11 was in there. There was a few people in there. And he
12 had been mentioning something about them arguing or
13 whatever. And joking around, said that she was probably
14 sitting at home with a bullet with his name on it.

15 Q Okay.

16 MS. HUEY: Judge, we wouldn't get into that
17 obviously.

18 THE COURT: This is the ---

19 Q Specifically, Mr. Sanders ---

20 THE COURT: Just a moment. This is the reason I
21 wanted to take this matter up out of the presence of the
22 jury just so we don't have any prejudicial testimony.

23 All right. Go ahead. But whatever he said about
24 what the Defendant said is not going to have any
25 significance here.

1 MS. HUEY: The victim?

2 THE COURT: It's totally inadmissible.

3 Q If you could just specifically tailor your testimony
4 to, I believe ---

5 A He had talked about leaving the next day and -- I
6 mean ...

7 Q About leaving the Defendant, Angela Vaughn?

8 A Yes, that's correct.

9 MS. HUEY: And that's what we'd want to limit our
10 testimony to, Judge.

11 THE COURT: All right. Anything? Any examination or
12 voir dire on this witness?

13 MR. GAMBLE: No, Your Honor. My objection still
14 stands.

15 THE COURT: All right.

16 MS. HUEY: Judge, if I could just make sure the
17 witness understands.

18 THE COURT: Go ahead.

19 MS. HUEY: Mr. Sanders, so you understand that you'll
20 only be able to speak regarding the fact that he said he
21 was going to leave the Defendant the next day?

22 THE WITNESS: Yes.

23 MS. HUEY: Okay.

24 MR. GAMBLE: Your Honor?

25 THE COURT: Yes, sir.

1 MR. GAMBLE: While the jury is out, may I step out
2 just a moment?

3 THE COURT: Certainly. We'll stand at ease for a few
4 minutes.

5 MR. GAMBLE: Thank you, Your Honor.

6 (Pause.)

7 THE COURT: Are we ready to proceed from the
8 Defendant?

9 MR. GAMBLE: Yes, sir, your Honor.

10 THE COURT: Anything else from this witness as far as
11 the proffer?

12 MS. HUEY: No, sir, Your Honor.

13 THE COURT: All right. As to the statement that he
14 was planning to leave the Defendant the next day, that
15 would be admissible under Rule 803, subparagraph 3, then
16 existing state of mind as to intent of plan or design, but
17 not present sense impression, nor may the witness state
18 anything about why or any belief that the declarant, being
19 the deceased in this case, had. So he can only state that
20 he heard the decedent say that he was planning to leave
21 the next day or something to that effect. But no reason.
22 Cannot state any cause for it or anything else.

23 Any question about that, Solicitor?

24 MS. HUEY: No, sir, Your Honor.

25 THE COURT: Your objection is noted and overruled,

1 Mr. Gamble.

2 All right. Anything more before we bring the jury
3 back?

4 MS. HUEY: No, sir, Your Honor.

5 THE COURT: Do you understand, Mr. Sanders? You can
6 testify to what he said that he was going to do, but not
7 the reason for him doing that. Do you understand?

8 THE WITNESS: Okay. So what you're saying is I just
9 heard him say that he was leaving the next day?

10 THE COURT: That's what he said, or that's what you
11 heard?

12 THE WITNESS: Yeah.

13 THE COURT: But not any reason why he was doing it.

14 THE WITNESS: That's all I can say? I mean, what
15 you're saying, that's all I can actually say?

16 THE COURT: Whatever you heard as to what he was
17 going to do, but not the reason for him doing it.

18 THE WITNESS: Okay.

19 MR. GAMBLE: May we approach?

20 THE COURT: Certainly.

21 (WHEREUPON, a bench conference was held off the
22 record.)

23 MS. HUEY: Brian Collins, Paul Sullivan and Christie
24 Williams, if y'all would stand and come forward so the
25 Judge can speak with you.

1 THE COURT: All right. If you would, please, we'll
2 start on this end. And give us your name, please.

3 MR. SULLIVAN: Paul Sullivan, S-u-l-l-i-v-a-n.

4 THE COURT: Very good, Mr. Sullivan.
5 Ma'am?

6 MS. WILSON: Christi Renee Wilson, W-i-l-s-o-n.

7 THE COURT: Yes, ma'am.

8 MR. COLLINS: Brian David Collins, C-o-l-l-i-n-s.

9 THE COURT: All right. Do each of you understand
10 what I have instructed this witness as far as his
11 testimony? In other words, he can testify to what
12 someone, in this case the alleged victim, said or what he
13 heard the victim say as to what he was intending to do.
14 But he can't testify to any reason that the Defendant
15 [sic] might be doing that. In other words, he doesn't
16 know the reason, so he can't testify to it as being true
17 or not. He can testify that he heard the man say -- if
18 that's what he did hear or any of you heard, you can
19 testify to what you heard him say about what he was going
20 to do, not the reason for doing it. Now, do you
21 understand that?

22 MR. SULLIVAN: Yes, sir.

23 THE COURT: Do you understand that, ma'am?

24 MS. WILSON: Yes, sir.

25 MR. COLLINS: Yes, sir.

1 THE COURT: All right. So when you're called to the
2 stand, you can answer the question if you had -- if you
3 did hear him say anything that I heard him say something
4 about what he was going to do, not the reason for doing
5 it. Any questions?

6 MR. SULLIVAN: No, sir.

7 MS. WILSON: No, sir.

8 MR. COLLINS: No, sir.

9 THE COURT: Thank you very much. That will save us a
10 little time.

11 All right. I understand that your -- well, your
12 objection will be continuing as to each of these
13 witnesses, as I understand, Mr. Collins, Mr. Wilson -- Ms.
14 Wilson and Mr. Sullivan; is that correct? You can note
15 your objection at the time they testify, but I will just
16 overrule you for the record.

17 MR. GAMBLE: All right, sir. But to be perfectly
18 clear, I want to object at the time they testify so that
19 the record contains my objection. I understand the
20 Court's ruling, but I want to protect the record.

21 THE COURT: I've got you. I understand perfectly.
22 But please understand when I say "overruled" that that is
23 still my ruling, and we go on. No problem. We've never
24 had a problem with that. So let's don't -- I just want to
25 be sure that you understand I will announce ---

1 MR. GAMBLE: I fully understand, Your Honor. You're
2 not going to hurt my feelings by saying "overruled."

3 THE COURT: Wonderful. That was the most important
4 thing I had to worry about.

5 MR. GAMBLE: I understand.

6 THE COURT: Anything else?

7 MS. HUEY: Yes, sir, Judge. Just one other thing.
8 After these four witnesses testify, which I think will be
9 fairly quick, I was planning on calling Andy Andrews which
10 I brought up earlier this morning in reference to life
11 insurance benefits. Or I can put him later.

12 THE COURT: Well, let's go ahead and take care of
13 these four.

14 MS. HUEY: I have a couple of SLED witnesses ---

15 THE COURT: Do you want -- pardon?

16 MS. HUEY: I'm sorry, Judge. I have a couple of SLED
17 witnesses that I can call in front of him if you would
18 rather me ---

19 THE COURT: Well, I have a certain question about the
20 insurance. I need to know more about what's the basis for
21 its admission.

22 MS. HUEY: We could proffer the witness in that case,
23 Judge, if you would like. Essentially, all he would say
24 is that he received a call from Angela Vaughn shortly
25 after Ronnie was killed. And she wanted to know whether

1 she was going to get his life insurance benefits.

2 THE COURT: Was there a policy?

3 MS. HUEY: He did not qualify for one yet.

4 THE COURT: So there was no policy?

5 MS. HUEY: No, sir. And I don't believe the
6 Defendant was aware that there was not a policy.

7 THE COURT: I beg your pardon?

8 MS. HUEY: Judge, I don't think the Defendant was
9 aware that there was not a policy. The reason there
10 wasn't a policy is that he had only been working at that
11 particular Wal-Mart for about a week before he was killed.
12 But he had worked at Wal-Marts previously in the past in
13 different areas.

14 THE COURT: Is there any evidence she had ever been a
15 beneficiary?

16 MS. HUEY: I can find that out, Judge.

17 THE COURT: Well, I mean, I'm just curious because,
18 again, the cases seem to limit such testimony about
19 insurance policies where there is evidence of the
20 Defendant's knowledge of the policy's existence, its
21 validity or believed validity and that the Defendant will
22 benefit from it. In other words, if it's just an inquiry
23 or whatever that might be done.

24 Well, there's a recent case, State v. Douglas. This
25 is where I have a bit of a problem with it. "The

1 probative value of evidence the Defendant inquired about
2 purchasing additional insurance on her husband's life was
3 prior to his death without ever purchasing any insurance
4 is outweighed by its prejudicial effect," which, of
5 course, is a 403 objection.

6 And as I say, unless there's something that goes to
7 this as being a motive for doing it, which was a case I
8 think you cited, Williams, State v. Williams, and also --
9 as I say, the cases that you cited both were introduced
10 for motive. And I don't know if you're going as far as
11 that here.

12 MS. HUEY: I understand, Judge.

13 THE COURT: So if you intend to call the witness for
14 that purpose, we will have a proffer. But please
15 understand, it has to go to something more than the fact a
16 telephone call was made because right now I haven't heard
17 anything as that being a motive as far as the testimony
18 that's been -- so let's try it on what we can or do have a
19 basis for.

20 Anything else from the State?

21 MS. HUEY: No, Your Honor.

22 THE COURT: From the Defendant?

23 MR. GAMBLE: No, Your Honor.

24 THE COURT: All right. Ask the jury to join us,
25 please.

1 (WHEREUPON, the jury came into open court at
2 approximately 10:32 a.m.)

3 THE COURT: Let the record reflect that the jury and
4 alternates are in the jury box.

5 Madam Forelady, ladies and gentlemen of the jury,
6 we'll now proceed with the testimony.

7 MS. HUEY: Thank you, Judge.

8 THE COURT: Madam Solicitor?

9 DIRECT EXAMINATION

10 CONTINUED BY MS. HUEY:

11 Q Mr. Sanders, backing up just a little bit, I believe
12 you said you had a conversation with Ronnie Grant Thursday
13 evening in the break room at Wal-Mart?

14 A That's correct.

15 Q And that took place on October 23rd?

16 A That's correct.

17 Q Okay. Now, during that conversation with Mr. Grant,
18 what, if anything, did he tell you about what he was going
19 to do the next day?

20 A I heard him say that he was planning on leaving.

21 Q Leaving the Defendant?

22 A Yes.

23 Q Angela Vaughn?

24 A Yes.

25 Q And did you eventually speak with Investigator Miles

1 regarding this and give a statement?

2 A Yes, I did.

3 MS. HUEY: That's all I have for this witness, Judge.

4 THE COURT: Cross-examination?

5 CROSS-EXAMINATION

6 BY MR. GAMBLE:

7 Q You heard this on a Wednesday?

8 A It was actually -- we had come in. So it was really
9 on a Thursday.

10 Q Refresh your memory (handing document to witness).
11 First page, first line. What day did you tell the
12 investigating officer?

13 A I said Wednesday before this happened. But you've
14 got to consider that's the third shift. So ...

15 Q But you said Wednesday?

16 A Yes.

17 Q Thank you.

18 MR. GAMBLE: I don't have anything further.

19 THE COURT: Re-examine?

20 MS. HUEY: I don't have anything further, Judge.

21 THE COURT: Very good.

22 Thank you, sir. You may step down.

23 MS. HUEY: May he be excused, Judge?

24 MR. GAMBLE: No objection.

25 THE COURT: Without objection, you may be excused.

1 Thank you, sir.

2 MS. HUEY: Your Honor, the State now calls Paul
3 Sullivan.

4 PAUL M. SULLIVAN, after being duly sworn,
5 testified as follows:

6 DIRECT EXAMINATION

7 BY MS. HUEY:

8 Q Mr. Sullivan, how old are you?

9 A Forty-five.

10 Q Where do you work?

11 A Wal-Mart.

12 Q How long have you worked at Wal-Mart?

13 A Two and a half years.

14 Q And were you working there in October of 2003?

15 A Yes, ma'am.

16 Q Did you know the victim in this case, Ronald Grant?

17 A Just for a short brief time.

18 Q Drawing your attention to the week of October 19th,
19 around that Thursday of that week?

20 A Yes, ma'am.

21 Q At some point did you have a conversation with Ronnie
22 Grant?

23 A Yes, ma'am.

24 Q Okay. And where did that take place?

25 A In the break room.

1 Q And who else was there?

2 A David Sanders, Christi Wilson, Brian Collins.

3 Q And during that conversation, what, if anything, did
4 Ronnie tell you about what he was going to do on Friday?

5 A He just told me that he was planning on leaving that
6 Friday morning.

7 Q Leaving the Defendant?

8 A Yes, ma'am.

9 Q Angela Vaughn?

10 A Yes, ma'am.

11 Q And did you eventually speak with Investigator Miles
12 regarding this?

13 A Yes, ma'am.

14 Q And give him a statement?

15 A Yes, ma'am.

16 MS. HUEY: That's all I have, Judge.

17 CROSS-EXAMINATION

18 BY MR. GAMBLE:

19 Q What time was it when this was said?

20 A At 2:00 o'clock in the morning. We go to break at
21 2:00 o'clock in the morning. It was at lunch time.

22 Q Lunch time?

23 A Yes, sir.

24 Q 2:00 a.m.

25 A Yes, sir.

1 Q Okay. Thank you.

2 MR. GAMBLE: Nothing further. No objection to him
3 being excused.

4 MS. HUEY: Yes, sir. May he be excused?

5 THE COURT: You may be excused. Thank you, sir.

6 MR. GAMBLE: Also, Your Honor, for the record, I'd
7 like to object to the hearsay evidence that was just
8 admitted.

9 THE COURT: Subject to the Court's prior ruling, the
10 testimony was permitted. Objection is noted.

11 MR. GAMBLE: Thank you, Your Honor.

12 MS. HUEY: Your Honor, the State calls Brian Collins.

13 BRIAN D. COLLINS, after being duly sworn,
14 testified as follows:

15 DIRECT EXAMINATION

16 BY MS. HUEY:

17 Q Mr. Collins, how old are you?

18 A Thirty-one.

19 Q And are you employed?

20 A Yes, I am.

21 Q Where do you work?

22 A Wal-Mart.

23 Q And were you working at Wal-Mart in October of 2003?

24 A Yes, I was.

25 Q And were you familiar with the victim in this case,

1 Ronald Lee Grant?

2 A Only for a short time. He was a new hire.

3 Q How did you know him for that short time?

4 A He worked in the same department we did, grocery.

5 Q Do you remember having a conversation with Mr. Grant
6 around the Wednesday or Thursday of that week of the 24th?

7 A Yes.

8 THE COURT: Just a moment.

9 MR. GAMBLE: Objection.

10 THE COURT: Objection is noted and overruled.

11 MR. GAMBLE: Thank you, Your Honor.

12 THE COURT: You may proceed.

13 Q And who all was present when this conversation took
14 place?

15 A Other than myself, David, Paul, Christi.

16 Q Okay. And what, if anything, did Ronnie Grant tell
17 you about what he was going to do that Friday?

18 A He was talking about leaving the following day.

19 Q And leaving the Defendant, Angela Vaughn?

20 A Yes.

21 Q And did you eventually give a statement to
22 Investigator Miles regarding this?

23 A Yes, I did.

24 MS. HUEY: That's all I have, Judge.

25 MR. GAMBLE: No questions.

1 THE COURT: All right. You may step down. Thank
2 you, sir.

3 MS. HUEY: And may he be excused, Judge?

4 MR. GAMBLE: No objection.

5 THE COURT: Without objection, you may be excused.
6 Thank you.

7 MS. HUEY: And, Your Honor, the State now calls
8 Christi Wilson.

9 CHRISTI R. WILSON, after being duly sworn,
10 testified as follows:

11 DIRECT EXAMINATION

12 BY MS. HUEY:

13 Q Ms. Wilson, has your name recently changed?

14 A Yes, ma'am.

15 Q What was your previous name?

16 A Hall.

17 Q How old are you?

18 A Twenty-seven.

19 Q And have you worked at Wal-Mart in the past?

20 A Yes, I have.

21 Q Did you work with Ronnie Grant at Wal-Mart?

22 A Yes, ma'am.

23 Q Drawing your attention to the night that Ronnie was
24 killed, do you remember having a conversation with Ronnie
25 Grant?

1 A Yes. It was me, David, Paul and Ron in the break
2 room.

3 Q In the break room?

4 A Yes, ma'am.

5 Q And during that conversation, what, if anything, did
6 Ronnie tell you about what he was going to do on Friday?

7 A He said he was going to leave his fiance.

8 Q Angela Vaughn?

9 A Yes, ma'am.

10 Q And did you eventually give a statement to
11 Investigator Miles regarding this?

12 A Yes, ma'am.

13 Q After you learned of Ronnie's death?

14 A Yes, ma'am.

15 MS. HUEY: That's all I have of this witness, Judge.

16 MR. GAMBLE: No questions.

17 THE COURT: All right.

18 MS. HUEY: May she be excused, Judge?

19 THE COURT: Any objection?

20 MR. GAMBLE: No objection.

21 THE COURT: All right. Without objection, you may be
22 excused. Thank you, ma'am.

23 MS. HUEY: Your Honor, the State calls Tracy Thrower
24 to the stand.

25 TRACY J. THROWER, after being duly sworn,

1 testified as follows:

2 DIRECT EXAMINATION

3 BY MS. HUEY:

4 Q Mr. Thrower, where are you employed?

5 A I'm employed by the South Carolina Law Enforcement
6 Division, also known as SLED, in the forensic services
7 building in the firearms department.

8 Q And in the firearms department, what are some of your
9 duties?

10 A I examine firearms and firearm related evidence. I
11 examine tool marks and tool mark related evidence. I
12 perform muzzle to target distance determination, serial
13 number restoration, fracture matches. I enter images into
14 the Inter Ballistic Identification System. Weapons
15 destruction for the State and other physical examinations
16 as necessary and also limited crime scene response.

17 Q What is your educational background?

18 A I have a Bachelor of Science with a major in biology.
19 I have attended the South Carolina Criminal Justice
20 Academy. I'm a certified police officer.

21 I've also gone through the South Carolina Law
22 Enforcement Division, also known as SLED, their firearm
23 identification course of instruction which is about three
24 years. It was supervised by qualified firearm examiners.
25 During this training I was required to perform extensive

1 reading and studying. I had to assist examiners in
2 preparing of cases. I had to watch other examiners
3 testify. I had to perform extensive microscopic
4 comparison, take written tests, practical problems,
5 practical examinations.

6 I've also gone through the Federal Bureau of
7 Investigations course on specialized techniques in firearm
8 identification. I've gone through the Bureau of Alcohol,
9 Tobacco and Firearms course on serial number registration.
10 And I've also attended the Scientifically Defensible
11 Criteria for Identification of Tool Marks by Paul Moran
12 and Bruce Murdock.

13 Q What exactly is firearms identification?

14 A Firearm identification is a discipline of forensic
15 science in which a firearm examiner attempts to determine
16 if a bullet or a cartridge case or other ammunition
17 component was fired by a particular firearm by evaluating
18 class and individual characteristics that are produced on
19 a bullet or cartridge case during normal operation of the
20 firearm. And there are some other associated duties that
21 we also handle.

22 Q Have you testified previously in the field of
23 firearms identification?

24 A I have.

25 Q How many times have you testified?

1 A I believe I have testified 13 times.

2 Q And have you been qualified as a firearms expert?

3 A Yes, I have.

4 Q In firearms identification?

5 A Yes, ma'am.

6 MS. HUEY: Your Honor, at this time, the State would
7 move to have Mr. Thrower qualified as an expert in
8 firearms identification.

9 THE COURT: Voir dire?

10 MR. GAMBLE: No objection..

11 THE COURT: All right. Madam Forelady, ladies and
12 gentlemen of the jury, the witness will be recognized as
13 expert in firearm identification by reason of his
14 background, training and experience. And as I've said
15 with the other witnesses, expert witnesses' testimony is
16 for your evaluation just as other witnesses' testimony.

17 You may proceed.

18 MS. HUEY: Thank you.

19 Q Mr. Thrower, did you analyze evidence from this case
20 as requested, specifically a 38 Rossi as well as four live
21 bullets, one projectile and then one casing?

22 A I did.

23 Q I'm showing you State's Exhibit 5 as well as State's
24 Exhibit 7. If you could take a look at these for me. In
25 reference to Exhibit Number 5, can you tell us what kind

1 of gun that is?

2 A This is a Rossi 38-Special caliber revolver, serial
3 number RJ86641.

4 Q And are there any special characteristics about this
5 gun? Does anything stick out about it necessarily?

6 A (Shook head side to side in the negative). Typical.

7 Q Can you tell us what kind of analysis you performed
8 on this gun?

9 A When I received this firearm, I first examined it
10 looking for any sort of trace evidence and noticed that
11 our evidence processing department had already processed
12 it for the trace evidence. The next thing I did was get
13 the departmental worksheets and documented various
14 features of the gun. I then recovered some unfired
15 ammunition from our records collection, took the gun and
16 test-fired it into our bullet recovery tank which is
17 simply a -- it's a steel tank about three feet in
18 diameter. It's about two stories tall and it's full of
19 water. And we shoot the gun down into the tank. And the
20 water in the tank causes the bullet to slow down to a safe
21 speed. And then it's collected into a funnel in the
22 bottom. This is how I recover my test specimens, the
23 specimens that I fired through the gun, so I know the
24 markings on them were from the gun.

25 I then took those test specimens and compared them

1 underneath a comparison microscope. A comparison
2 microscope is simply two microscopes that sit side-by-side
3 that are connected by an ocular bridge. So when I look
4 through the eyepieces, I can see images of both specimens
5 at the same time. And I can manipulate the specimens,
6 rotate them together. I can turn them. I can change
7 lighting, change magnification so that the images I'm
8 seeing are the same magnification. And I can see them
9 basically at the same time.

10 When I looked at my test specimens, the markings were
11 consistent on the specimens. Therefore, I know that this
12 firearm marks consistently, and the markings it's placing
13 on the test-fired bullet and the test-fired cartridge case
14 are reliable and can be used for identification of a
15 particular bullet to a particular firearm.

16 Q And as a result of that analysis, what were your
17 findings?

18 A Well, the initial analysis I just described was that
19 the test-fired cartridge cases were well marked and could
20 be used to identify a firearm.

21 Q And once you get that sample bullet, do you then
22 compare it, as you were saying, with the projectile that
23 was recovered from the victim's body?

24 A I do. Similarly, when I get a fired bullet, I do the
25 same sort of things. I have a departmental worksheet that

1 I fill out, writing down the various characteristics of
2 the bullet. For instance, how much the bullet weighs, the
3 diameter of the bullet. What caliber is it? How many --
4 what type of rifling impressions from the firearm barrel
5 do I see on it?

6 Once I have thoroughly documented the bullet, then I
7 do the same sort of thing. I take the bullet and place it
8 on one side of the comparison microscope. I take one of
9 my test-fired bullets from the firearm. I place it on the
10 other side. And then I compare it microscopically looking
11 for microscopic scratches and striations to see if I can
12 say that the bullet -- to see if the bullet was or was not
13 fired by a particular firearm. In this case my conclusion
14 was that the bullet from the victim was fired by this
15 firearm, the Rossi 38-Special caliber revolver.

16 Q Additionally, Mr. Thrower, do you analyze the live
17 bullets if they accompany the weapon in any way?

18 A Well, what I would ---

19 Q This is -- I'm sorry -- State's Exhibit 6.

20 A What I will do with unfired ammunition is I simply
21 document it with the departmental worksheets. I'll look
22 at it. I'll see what head stamp is on it to see what
23 brand it is, what caliber it is. I'll do some comparison
24 weighing against known ammunition to see how heavy the
25 bullet is and simply document it. But that's typically as

1 far as I go with submitted ammunition.

2 Q And in terms of the casing, Mr. Thrower, in a
3 revolver such as this, does the casing actually come out,
4 or does it stay within the chamber?

5 A The design of a revolver is that it stays inside the
6 chamber which this round cylindrical area is called the
7 cylinder. Each of these holes in the cylinder is where
8 you place a cartridge. So during the firing process,
9 simply what happens is the revolver will rotate the
10 cylinder to the next available chamber and then fire that
11 cartridge. The fired cartridge case remains in the
12 cylinder. And the next time you either pull the trigger
13 or cock the hammer, the cylinder simply rotates to the
14 next available chamber. So the cartridge cases remain in
15 the firearm in this particular type of firearm.

16 MS. HUEY: That's all I have for this witness, Judge.

17 THE COURT: Cross-examine?

18 CROSS-EXAMINATION

19 BY MR. GAMBLE:

20 Q Is that pistol a single action or double action?

21 A Technically it's both. It has both options. Single
22 action meaning that the hammer has a single function. And
23 that's simply to -- you must first manually cock it, and
24 then simply the pulling of the trigger releases the hammer
25 causing it to fire. Double action is a pulling of the

1 trigger performs two actions. One, the first action when
2 you pull the trigger, it will cause the hammer to be
3 cocked. And then when the hammer reaches all the way to
4 the rear, the trigger will then release the hammer. The
5 hammer flies forward causing the gun to fire.

6 Q So this is both a single and a double action?

7 A It can be fired both ways, yes, sir.

8 Q Once the trigger is pulled -- by that, how much
9 weight does it take to pull the trigger -- or force?

10 A In the single action mode where the hammer is already
11 cocked to the rear, it requires approximately three and
12 three quarter pounds of pull or pressure on the trigger to
13 cause the hammer to be released which causes the firearm
14 to fire. In the double action mode where the trigger
15 cocks the hammer and then releases it, it requires
16 approximately eleven to eleven and a quarter pounds of
17 pressure on the trigger to cause the hammer to be cocked
18 and released.

19 Q All right, sir. And there's no way to tell which
20 mode the gun was in at any given time, is there?

21 A No, sir. I have no test to show that.

22 Q All right.

23 MR. GAMBLE: I don't have anything further, Your
24 Honor.

25 THE COURT: Re-examine?

1 MS. HUEY: I don't have anything further, Judge.

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

3 MS. HUEY: May Mr. Thrower be excused?

4 MR. GAMBLE: No objection.

5 THE COURT: Without objection, you may be excused.

6 Thank you, sir.

7 THE WITNESS: Thank you.

8 MS. HUEY: Your Honor, the State calls Ila Simmons.

9 ILA SIMMONS, after being duly sworn, testified
10 as follows:

11 DIRECT EXAMINATION

12 BY MS. HUEY:

13 Q Ms. Simmons, by whom are you employed?

14 A The South Carolina Law Enforcement Division, also
15 known as SLED.

16 Q What is your position there?

17 A I work in the forensics laboratory in the area of
18 trace evidence.

19 Q What do you do as a trace evidence examiner?

20 A Trace evidence encompasses several areas of
21 forensics. We do fiber comparisons, paint comparisons.
22 We analyze gunshot residue, gunpowder residue. We analyze
23 explosives and fire debris.

24 Q And do you keep records as to how many times you've
25 done GSR analysis?

1 A Yes. We have an approximation. And I've probably
2 analyzed over 2,500 gunshot residue samples.

3 Q What is your education or training for this job as a
4 trace evidence examiner?

5 A I have a Bachelor of Science in chemistry. I
6 underwent the three-year training program in the area of
7 trace evidence where I worked with a certified examiner in
8 all areas of trace evidence. I had to take and
9 successfully complete written exams, oral exams. I had to
10 watch an experienced examiner testify. I also had to
11 undergo a mock trial where I had to testify and had to be
12 certified in those areas.

13 Q And have you testified in court before?

14 A I have..

15 Q About how many times do you think you've testified?

16 A Probably 40 or 45 times.

17 Q And were you an expert when you were testifying?

18 A Yes, I was certified as an expert.

19 Q And when you testified as an expert, was that mainly
20 in GSR analysis?

21 A Yes, gunshot residue and gunpowder analysis
22 primarily.

23 MS. HUEY: Your honor, at this time, I'd move Ila
24 Simmons to be qualified as an expert.

25 THE COURT: Voir dire?

1 MR. GAMBLE: Stipulate.

2 THE COURT: All right. I do find that the witness
3 will be qualified as an expert in gunshot residue or trace
4 ...

5 MS. HUEY: --- evidence, Judge.

6 THE COURT: Trace evidence. Again, by reason of
7 background and experience as stipulated by the parties.

8 Madam Forelady, ladies and gentlemen of the jury, as
9 I said, in each case where we have an expert witness, that
10 witness' testimony is for your determination as to what
11 value it will be given.

12 You may proceed.

13 MS. HUEY: Thank you, Judge.

14 Q Ms. Simmons, what exactly is gunshot residue or GSR?

15 A Gunshot residue is a mixture of chemicals that come
16 out of a cartridge when it's fired in a firearm. It can
17 get on anything in close proximity to the weapon, someone
18 standing near the weapon when it was fired or even the
19 hands of the person firing the weapon.

20 Q And when you analyze a GSR kit, what are you looking
21 for?

22 A We're looking for three primary metals that are found
23 in gunshot residue, lead, barium and antimony.

24 Q And what aids you in looking for those items?

25 A We analyze them on a mass spec system which is

1 basically a big name for a beam counter. It tells us how
2 many of each element are present in concentration.

3 Q Where is gunshot residue most commonly found?

4 A It can be found on anything that's in close proximity
5 to a weapon when it's fired. It can be on the hands of
6 the shooter. It can be on -- if someone is standing close
7 to the weapon or an inanimate object that is close to the
8 weapon. It can be on anything.

9 Q Is it usual or unusual for there to be gunshot
10 residue to be on the victim?

11 A It's not unusual depending on how far the victim is
12 from the weapon when it's fired.

13 Q Can you tell how far GSR typically travels? Or does
14 it depend on the gun?

15 A It depends on the weapon, the caliber of the weapon
16 and the type of ammunition that was used. We can give an
17 approximation. If we don't have all of those items, we
18 can give an approximation as to how far the gun was.

19 Q Now, in someone that has fired a gun, where is
20 gunshot residue most commonly found?

21 A On the hands that are near the firearm when it is
22 fired depending on how they're holding the firearm. If
23 they were to just hold it in their right hand and not use
24 their left hand, it would be found on the palm and back of
25 the right hand.

1 Q And, Ms. Simmons, did you analyze evidence in this
2 case?

3 A I did.

4 Q Specifically three GSR kits?

5 A Yes.

6 Q Specifically the GSR kit you received in reference to
7 the Defendant, Angela Vaughn?

8 A Yes.

9 Q How did that come about?

10 A When I received the evidence, I checked the evidence,
11 made sure it was sealed, it was initialled. And it was.
12 I prepped the samples, put them on the mass spec system.
13 And I got a reading as to the concentration of the gunshot
14 residue elements that were present. And in that
15 particular case, the quantities of metals that I found did
16 not indicate the presence of gunshot residue.

17 Q So you did not find any gunshot residue on the
18 Defendant's hands?

19 A Correct.

20 Q And does gunshot residue stay on pretty easily, or
21 does it come off?

22 A Gunshot residue comes off relatively easily. It's
23 like cooking flour. So if you were to fire a gun and not
24 wash your hands and not disturb it in any way, on a living
25 person, it would be gone in six hours. If someone were to

1 fire a weapon, wash their hands, the gunshot residue can
2 be washed away.

3 Q Additionally, did you analyze a GSR kit from the
4 victim's hands?

5 A Yes, I did.

6 Q Ronald Lee Grant?

7 A Yes.

8 Q And, again, did you go through the same procedure
9 with that?

10 A I did.

11 Q And as a result of that procedure, what were your
12 findings?

13 A Also in this kit, the quantities of metals that I
14 found did not indicate the presence of gunshot residue on
15 the hands.

16 Q And what, if anything, does that indicate to you?

17 A It can mean that when the person was shot, their
18 hands weren't in a position where the gunshot residue
19 could get on them. Maybe their hands were down by their
20 side if the weapon were fired directly at them. And they
21 just weren't in a position where the gunshot residue could
22 get on the hands or that the shooter was far enough away
23 that gunshot residue wasn't projected that far.

24 Q And when you say far enough away, what is that
25 distance? Can you tell?

1 A On a weapon such as what Mr. Thrower said was a 38,
2 it would probably be greater than three or three and a
3 half feet.

4 Q Additionally, did you do a GSR kit -- analyze a GSR
5 kit on the victim's wound?

6 A Yes. There were some samples submitted from what was
7 labeled as Ronald Lee Grant's chest.

8 Q And, again, did you follow the same procedure?

9 A Yes, I did.

10 Q And what was your analysis?

11 A I did not find the metals consistent with gunshot
12 residue either. There was no gunshot residue on that
13 sample.

14 Q And, again, what, if anything, did that indicate?

15 A It can indicate that the person was wearing a
16 garment. Perhaps if they were wearing a shirt, the
17 gunshot residue would have most likely been caught on the
18 shirt if the gun was close enough to have expelled gunshot
19 residue on the shirt. Or it could have meant that the gun
20 was too far to project gunshot residue that far.

21 Q Which brings me to -- you did, in fact, test Ronald
22 Lee Grant's clothing; is that correct?

23 A Yes, I did.

24 Q And what did his clothing consist of?

25 A I had a pair of black tennis shoes, a pair of white

1 socks, a blue shirt, a black belt, a pair of black
2 underwear and a pair of brown pants.

3 Q And were each of these items of clothing tested for
4 gunshot residue?

5 A They were tested for gunpowder, yes.

6 Q Gunpowder?

7 A Uh-huh (affirmative).

8 Q And what were the results, if any?

9 A On all of the -- I did not find holes in any of the
10 garments other than the blue shirt. On the blue shirt, I
11 found two holes in the central chest region. And I found
12 lead around these holes which is consistent with a bullet
13 passing through a garment. As the bullet passes through
14 the garment, it rubs against the fabric and leaves a lead
15 impression. And that is what we call bullet wipe. That's
16 what I found.

17 Q Now, if we know that one bullet actually killed
18 Ronald Lee Grant, why are there two holes in the shirt?

19 A Well, depending on how he was standing when the
20 bullet entered the shirt, if the shirt had been folded up
21 kind of like my jacket is here, if it passed through here
22 and then passed through the body, when you opened the
23 garment up there would be two holes because it passed
24 through both sides of the garment. And that could have
25 been the same thing with the shirt. It could have been

1 folded this way and just appeared that there were two
2 holes.

3 Q Now, you said depending on how he was standing?

4 A Yes.

5 Q You can't say for sure how he was standing?

6 A No, I cannot or how the body was positioned at the
7 time or how the garment was positioned.

8 Q Okay. One other question, Ms. Simmons. How long --
9 I know you previously mentioned how long gunpowder will
10 stay on a person who's living?

11 A Yes.

12 Q How about on someone who is deceased? Is there any
13 kind of estimation, or is it different?

14 A When someone is deceased, the heart stops beating,
15 you stop sweating, your skin no longer absorbs things
16 through it. So it can stay on someone who is deceased
17 indefinitely unless it is removed by some outside source.

18 MS. HUEY: That's all I have right now, Judge.

19 THE COURT: Cross-examine?

20 MR. GAMBLE: Yes, sir.

21 CROSS-EXAMINATION

22 BY MR. GAMBLE:

23 Q Just so I understand, was this two holes near a
24 button?

25 A Yes, sir, they were close to the button area in the

1 knit shirt.

2 Q Which would cause two holes?

3 A Yes, it could.

4 Q If I was shot on the bias of my shirt?

5 A Yes, it would -- could appear like it would be like
6 this. And it could appear that two holes were there.

7 Q Thank you.

8 THE COURT: Re-examine?

9 MS. HUEY: I don't have anything further, Judge. May
10 Ms. Simmons be excused?

11 THE COURT: Any objection?

12 MR. GAMBLE: No, Your Honor.

13 THE COURT: All right. You may be excused. Thank
14 you, ma'am.

15 MS. HUEY: Judge, our next couple of witnesses are
16 from SLED as well. And they should be getting here any
17 minute. It may a good time to take a break.

18 THE COURT: All right. Madam Forelady, ladies and
19 gentlemen of the jury, you've heard the Solicitor say that
20 the next witnesses are not here right now and they should
21 be here soon. So why don't we take this as a morning
22 break? When the witnesses are ready to proceed, then
23 we'll call you back. It shouldn't be too long.

24 MS. HUEY: No, sir.

25 THE COURT: But, again, do not undertake a discussion

1 of the case among yourselves in any way. You may be
2 excused. Thank you.

3 (WHEREUPON, the jury exited the open court at
4 approximately 11:08 a.m.)

5 THE COURT: Anything from the State before we take a
6 break?

7 MS. HUEY: No, sir, Your Honor.

8 THE COURT: From the Defendant?

9 MR. GAMBLE: No, Your Honor.

10 THE COURT: Let's don't take too long. We may have
11 to take up another witness. Let me know in about five
12 minutes, if you would.

13 MS. HUEY: Okay, Judge.

14 THE COURT: We'll stand at ease.

15 (WHEREUPON, a short break was taken.)

16 THE COURT: Are we ready to proceed from the State?

17 MS. HUEY: Yes, sir, Judge.

18 THE COURT: From the Defendant?

19 MR. GAMBLE: Yes, Your Honor.

20 THE COURT: All right. Ask the jury to join us,
21 please.

22 (WHEREUPON, the jury came into open court at
23 approximately 11:30 a.m.)

24 THE COURT: Let the record reflect that the jury and
25 alternates are in the jury box.

1 Madam Solicitor, you may continue.

2 MS. HUEY: The State calls Cecil Bradstreet.

3 CECIL BRADSTREET, after being duly sworn,
4 testified as follows:

5 DIRECT EXAMINATION

6 BY MS. HUEY:

7 Q Mr. Bradstreet, where do you work?

8 A I'm employed with the South Carolina Law Enforcement
9 Division.

10 Q And how long have you been there?

11 A I've been with the agency approximately 12 years.

12 Q What you do at SLED?

13 A I'm a forensic technician in the evidence processing
14 department.

15 Q And as a forensic technician in the evidence
16 processing department, what are some of your duties?

17 A The evidence processing department processes various
18 types of evidence for the presence of hair, fiber, blood
19 and semen and other potential bodily fluids.

20 Q Did you analyze evidence in this particular case?

21 A Yes, ma'am, that's correct.

22 Q Specifically, I am referring to a pair of pants as
23 well as a fleece hooded pullover, clothing recovered from
24 the Defendant, Angela Vaughn?

25 A Yes, ma'am, that's correct.

1 Q And additionally, did you also test the gun in this
2 case?

3 A Yes, ma'am, that's correct.

4 Q And when I say you tested these items, what is
5 involved in your testing?

6 A In this case I tested these items for the presence of
7 blood. We perform a chemical test which is known as
8 phenolphthalein. You take a cotton swab and swab any
9 potential areas, then drop the chemical phenolphthalein on
10 there, then also dropped hydrogen peroxide. And if
11 there's a presence of blood, it will produce a chemical
12 reaction and the swab will turn bright pink. This is a
13 presumptive test. And then if it's positive, then I
14 forward it to the DNA department. If it's negative, then
15 it's a definitive test.

16 Q Do you start out with this particular step, or is
17 there a step you do prior?

18 A I do a visual examination for blood. And if there
19 are any areas that I suspect are blood, then I perform the
20 chemical test.

21 Q I'm going to hand you the gun first, State's Exhibit
22 5. Is this the weapon you analyzed or tested?

23 A Yes, ma'am, that's correct.

24 Q And what, if any, were your test results?

25 A I swabbed the gun entirely. I did a visual exam and

1 didn't see any areas, but I routinely swab the gun
2 entirely. And there was no blood detected. These are my
3 markings her with a negative phenol which is the chemical
4 test that I use for blood.

5 Q And so, again, no blood was found on that particular
6 weapon?

7 A Yes, ma'am, that's correct.

8 Q I'm also going to show you some clothing. These
9 items have previously been admitted without objection,
10 State's Exhibit 22, which, again, include the fleece
11 pullover and the pants. You're welcome look inside if you
12 need to look inside.

13 A I'm sorry. Could you repeat the question?

14 Q If you need to look inside, you can.

15 A I know I processed these items because this is the
16 lab number that is assigned, the item number, my initials
17 and the date it was processed.

18 Q And, again, did you test the fleece pullover?

19 A On the fleece pullover, I examined it. And I saw
20 that there were no visible stains for areas for testing
21 for blood.

22 Q So that's the visual exam?

23 A Yes, ma'am, that's correct.

24 Q As a result of that, did you then swab it?

25 A No, ma'am, there were no swabs taken.

1 Q And how about with the pair of pants?

2 A On the pair of black pants, I did do a visual exam,
3 and there were two areas I swabbed that were negative for
4 blood.

5 Q And when something is negative for blood, did you say
6 that is definitive?

7 A Yes, ma'am, that's correct. It's the definitive
8 test.

9 Q But had it tested positive, then you would have
10 forwarded that on to the DNA department?

11 A Yes, ma'am that's correct.

12 Q But in each of these items you analyzed, no blood was
13 found according to your test?

14 Q Yes, ma'am, that's correct.

15 MS. HUEY: That's all I have for this witness, Judge.

16 MR. GAMBLE: No questions.

17 THE COURT: You may step down.

18 MR. GAMBLE: No objection to him being excused.

19 MS. HUEY: Thank you, Judge. May he be excused?

20 THE COURT: You may be excused, sir. Thank you.

21 MS. HUEY: The State calls Laurie Shacker to the
22 stand.

23 LAURIE SHACKER, after being duly sworn,
24 testified as follows:

25 DIRECT EXAMINATION

1 BY MS. HUEY:

2 Q Ms. Shacker, where are you employed?

3 A South Carolina Law Enforcement Division.

4 Q And how long have you been with SLED?

5 A About a month shy of seven years.

6 Q What department specifically are you with in SLED?

7 A The toxicology department.

8 Q And in the toxicology department, what are some of
9 your duties?

10 A What we do in the toxicology department is we test
11 body fluids such as blood and urine for the presence or
12 absence of alcohol, drugs, poisons. We do that for police
13 investigations, and we also interpret those results for
14 coroners, police officers and courts of law.

15 Q In order to perform those duties, did you receive
16 training?

17 A I did.

18 Q And what kind of training did you receive?

19 A I went through about one-year in-house training in
20 SLED. During that time I performed a thousand
21 blood-alcohols that were previously analyzed. And those
22 results had to agree within five percent of the previously
23 analyzed results. We also study literature on alcohol and
24 its effects as well as drugs and their effects on the
25 body. And at the end of that one-year period, we take a

1 written exam, an oral exam and a practical exam and then
2 are certified by the chief toxicologist at SLED.

3 Q How many times do you think over the course of your
4 seven-year employment have you tested blood samples that
5 you can guess?

6 A Probably close to about 10,000.

7 Q Have you ever testified in court before?

8 A I have, yes.

9 Q How many times have you testified?

10 A Approximately 20.

11 Q And when you testified, were you qualified as an
12 expert?

13 A I was, yes.

14 MS. HUEY: Your Honor, at this time the State would
15 move to have Laurie Shacker qualified as a toxicologist.

16 MR. GAMBLE: No objection.

17 THE COURT: Madam Forelady, ladies and gentlemen of
18 the jury, this witness will be qualified as an expert in
19 toxicology. Again, her testimony, like the testimony of
20 all witnesses, expert or lay, is for your evaluation.

21 You may proceed.

22 Q Ms. Shacker, did you receive some samples of blood
23 from the victim in this case, Ronald Lee Grant?

24 A I did, yes.

25 Q And what did you do with the samples that you

1 received from Mr. Grant?

2 A Well, on the blood, urine and ocular fluid samples, I
3 performed a volatiles analysis. And on the blood sample,
4 I performed a drug screen.

5 Q As a result of this analysis, what, if anything, did
6 you find?

7 A In the blood labeled Grant, Ronald ---

8 Q If you could try speaking up a little bit.

9 THE COURT: There's a microphone down there.

10 A In the blood labeled Grant, Ronald L., I found
11 0.22 percent ethanol. And I also found it was a negative
12 screen for barbiturates, a negative screen for
13 benzodiazepines, a negative screen for cocaine and a
14 negative screen for opiates. In the urine I found a
15 0.300 percent ethanol. In the ocular fluid I found a
16 0.262 percent ethanol.

17 Q So if I am understanding you correctly, the only
18 thing he tested positive for, as far as what you tested
19 for, is alcohol; is that correct?

20 A That's correct.

21 Q But he tested pretty high for alcohol?

22 A Yes.

23 Q Could you tell us a little bit about -- I believe you
24 said 22 from the blood?

25 A Yes, that's correct.

1 Q What are the characteristics of somebody with that
2 kind of blood-alcohol level?

3 A Well, ethanol is a central nervous system depressant.
4 So it affects the brain's ability to communicate with the
5 rest of the body. And it also is dose-dependent. The
6 more ethanol is present, the greater an effect you're
7 going to have. At a 0.2 or roughly around a 0.2 percent,
8 you're going to have impaired motor coordination. You're
9 going to have -- probably see a staggered gait. You're
10 going to see slurred speech. It is a possibility you
11 could have some double vision at around a .2. You're also
12 at around a 0.2 going to start seeing some drowsiness.
13 And it's going to start causing you to be sleepy.

14 Q How about reaction time?

15 A It's also going to cause an increased reaction time.
16 Because alcohol affects the brain's ability to communicate
17 with the rest of the body, it's going to take a lot longer
18 for a signal from your brain to reach the rest of your
19 body. So it's just going to take you longer to react to
20 something.

21 Q Now, did you test the specimens from Ronald Lee Grant
22 for methamphetamine?

23 A No, I did not.

24 Q Okay. And why was that not done?

25 A At the time this case was analyzed, it was not in our

1 normal protocol to do that analysis on a homicide case.

2 Q Can you speak generally about the characteristics of
3 someone with meth in their system?

4 A Yes. Methamphetamine is a central nervous system
5 stimulant. So it's going to cause somewhat of an opposite
6 effect of ethanol. Amphetamine is going to cause -- or
7 methamphetamine is going to cause a more alertness or
8 wakefulness feeling. The more commonly thought of
9 amphetamine is maybe somebody who is a chronic user. And
10 they are usually going to have -- because they have such
11 an intense need for the drug, they're going to have some
12 paranoid feelings. They're always going to think that
13 maybe there's somebody after them. And they're going to
14 have an intense craving for the drug. Methamphetamine
15 also causes appetite suppression. So generally people
16 that are chronic users of amphetamine or methamphetamine,
17 they don't eat very well. They may stay awake for days at
18 a time. Things like that.

19 Q And with that being said, does that mean they're
20 typically thinner? Meth users?

21 A That is a typical -- a typical chronic meth user
22 would be generally thinner because they just don't eat
23 very well. And they're constantly obsessed with taking
24 the drug. And their appetite is suppressed, so they just
25 don't eat very well.

1 Q Ms. Shacker, did you also receive a blood sample from
2 the Defendant in this case, Angela Vaughn?

3 A Yes, I did.

4 Q As a result of that, what did you then do with the
5 blood sample?

6 A I also performed a volatiles analysis and a drug
7 screen on that sample.

8 Q And what, if anything, were the results of this
9 particular screen?

10 A I found a 0.107 percent ethanol and also and negative
11 screen for barbiturates, a negative screen for
12 benzodiazepines, a negative screen for cocaine and a
13 negative screen for the opiates.

14 Q The alcohol level is basically a 10, is that right, a
15 .10?

16 A Yes, it was.

17 Q Now, can you describe some of the characteristics of
18 someone with a .10 blood alcohol level?

19 A Well, that is obviously lower than a .20. You're
20 probably going to see some effects such as some impairment
21 in judgment, some impairment in risk assessment.

22 Generally somebody that is under the influence of ethanol
23 is going to have some impaired judgment. And, also, at a
24 .10, you will see some motor impairment. It will not be
25 as much as maybe a .20. You would probably see maybe

1 somebody sort of swaying or something like that.

2 Q And as far as Ms. Vaughn's blood sample, were you
3 able to test for meth with her sample? Was that done at
4 that time?

5 A No, I did not.

6 MS. HUEY: That's all I have for this witness, Judge.

7 THE COURT: Cross-examination?

8 CROSS-EXAMINATION

9 BY MR. GAMBLE:

10 Q The urine sample yielded a .30 percent ethane
11 alcohol. Does that indicate that this man had been
12 drinking more than shows up in his blood?

13 A That could be an indication, yes. But it's difficult
14 to really pinpoint anything like that from a level in
15 urine. A level in urine is just so much more dependent on
16 a lot of other factors such as how much the person has had
17 to drink that day, how hydrated they may be. So a level
18 in urine is not nearly as important as a level in blood.

19 Q Right. As far as actions go?

20 A That's correct.

21 Q Because the urine is actually the trash can of the
22 body?

23 A Yes, that's correct.

24 Q Ocular fluid, though, gives us a better content of
25 ethanol, doesn't it?

1 A Ocular is actually a very good sample for ethanol,
2 yes.

3 Q And at .262 percent ethane alcohol in the ocular
4 fluid, it would be safe to say this man was drunk?

5 A I would say, yes, that he was significantly impaired.

6 Q Does alcohol -- and the term ethanol, I think, is
7 what you used. Does a heavy dose of ethanol cause you to
8 have dilated pupils?

9 A It can, yes.

10 Q Does methamphetamine cause you to have dilated
11 pupils?

12 A Methamphetamine is going to actually -- yes, it is
13 going to cause dilated pupils. Methamphetamine, yes.

14 Q It's pretty much for sure meth is going to have you
15 dilated?

16 A It should, yes.

17 Q Now, when you get to Ms. Vaughn, the .107 is
18 significant in this state for driving purposes, isn't it?

19 A That's correct.

20 Q The threshold, I believe you'd call it?

21 A Yes. A 0.10 would be considered impaired to operate
22 a motor vehicle.

23 Q Right. All right. I don't have anything else.

24 THE COURT: Re-examine?

25 MS. HUEY: Your Honor, I don't have anything further

1 for this witness. May she be excused?

2 MR. GAMBLE: No objection.

3 THE COURT: All right. Without objection, you may be
4 excused. Thank you very much, ma'am.

5 MS. HUEY: Your Honor, the State next calls Steven
6 Derrick.

7 STEVEN DERRICK, after being duly sworn,
8 testified as follows:

9 DIRECT EXAMINATION

10 BY MS. HUEY:

11 Q Mr. Derrick, what is your profession?

12 A I am a senior agent with the South Carolina Law
13 Enforcement Division.

14 Q How long have you worked with SLED?

15 A A little over 16 years.

16 Q And what departments specifically do you worked in at
17 SLED?

18 A Specifically now I work in the Department of Vehicle
19 Crimes.

20 Q And was that a recent transition?

21 A December 15th of last year.

22 Q And so where were you previous to that?

23 A Prior to that I was in the Department of Latent
24 Prints and Crime Scenes for sixteen total years at SLED.

25 Q In crime scene reconstruction, what does that

1 encompass?

2 A Crime scene reconstruction is the examination,
3 photographs of the physical evidence, and let that aspect
4 of the investigation tell its story. By looking at the
5 photographs and what appears in the photographs, examining
6 the various items, there are certain things that can be
7 told about the events or series of events that takes place
8 at a crime scene.

9 Q And does crime scene reconstruction include
10 bloodstain pattern analysis?

11 A That is one major aspect of it, yes, ma'am.

12 Q And is that also called blood spatter?

13 A The original term for that was blood spatter when it
14 first came out around 1970 from the Herbert McDonald
15 Federal Study. However, spatter itself from blood is one
16 of the things that examiners look for. So the title for
17 that particular science is bloodstain pattern analysis
18 because there was more to look for than just the spatter
19 itself.

20 Q Mr. Derrick, what is your educational background?

21 A I have a Bachelor of Science degree from Francis
22 Marion College.

23 Q And have you received training over the years while
24 working at SLED?

25 A Yes, ma'am.

1 Q Have you ever testified in the field of crime scene
2 reconstruction?

3 A Yes, ma'am.

4 Q About how many times do you think you've testified?

5 A Probably well over a hundred times in crime scene
6 reconstruction.

7 Q And was that here in South Carolina?

8 A Yes, ma'am, in courts of General Sessions and, also,
9 in U.S. District Court.

10 Q When you testified in those courts, did you testify
11 as an expert?

12 A Yes, ma'am, I did.

13 Q Again, that was about a hundred times, you think?

14 A Yes, ma'am.

15 MS. HUEY: Your Honor, at this time, we would move to
16 have Mr. Derrick qualified as an expert in crime scene
17 reconstruction and bloodstain pattern analysis.

18 MR. GAMBLE: No objection.

19 THE COURT: Without objection, the witness will be
20 qualified as an expert in the area of crime scene
21 reconstruction and bloodstain analysis.

22 Q Mr. Derrick, did you analyze evidence from this case

23 ---

24 THE COURT: Just a moment.

25 MS. HUEY: I'm sorry.

1 THE COURT: Again, do remember that all witnesses'
2 testimony is for your evaluation.

3 Very good. You may proceed.

4 MS. HUEY: Sorry, Judge.

5 Q Mr. Derrick, did you receive evidence in this case to
6 evaluate?

7 A Yes, ma'am, I did.

8 Q And specifically what kind of evidence did you
9 receive?

10 A In this case, I received a set of crime scene
11 photographs. I received some autopsy photographs. I
12 received the autopsy report. And I received some
13 memorandums of interviews.

14 Q And did you use all these items in making a
15 determination or analyzing?

16 A Specifically, the crime scene photographs more so
17 supported by the pathology -- pathologist or medical
18 examiner's report.

19 Q Mr. Derrick, I'm going to show you some crime scene
20 photographs that have been moved into evidence.

21 Mr. Derrick, I'm going to show you State's Exhibit 21-G,
22 21-H, 21-I, 21-D, 21-B, 21-C, 21-A and 21-F. If you could
23 take a look at those?

24 A Yes, ma'am, I've seen every one of these before.

25 Q And are those some of the photographs you used to

1 make your analysis?

2 A That is correct.

3 Q Okay. If you don't mind stepping down, Mr. Derrick?

4 THE WITNESS: May I step down?

5 THE COURT: Certainly.

6 (WHEREUPON, the witness stepped down from the witness
7 stand.)

8 Q Mr. Derrick, this is State's 21-F. If you could, how
9 was this picture important to your analysis?

10 A If I may, can I explain a little about the
11 characteristics of bloodletting?

12 Q Sure.

13 THE COURT: Mr. Derrick, if you would, please, you
14 need to talk back this way as well as to the jury so the
15 court reporter can get your testimony.

16 A In this particular case, the primary blood pattern
17 that's being looked at is what is referred to as
18 free-flowing blood. And free-flowing blood occurs after a
19 wound has been inflicted, whether it be a cut to the hand,
20 cut yourself shaving, gunshot wound, whatever. When the
21 skin is broken, blood is going to come to the surface and
22 it is going to project out. Certain areas of the body
23 will project more blood from an open wound such as the
24 lungs or chest area and the head which are the two areas
25 of the body richest in blood. There's a lot of blood in

1 those areas at all times.

2 Now, blood, being like any other liquid, is affected
3 by the force of gravity. Once it comes out, it is going
4 to seek its lowest level. So once bloodletting has
5 occurred, looking at the stains, the drops themselves, how
6 they contact the surface gives an indication of a position
7 or probable positions that a victim was in when
8 bloodletting occurred.

9 So knowing that, we'll go to this particular
10 photograph. And in this photograph, there are a series of
11 drops on the floor that project all the way up from the
12 base of the photograph all the way up to the top of the
13 photograph. At the top of the photograph is in the
14 approximate area of where the wound was in the chest of
15 the victim. These drops are very circular in nature. And
16 because they are circular in nature means that they were
17 perpendicular to the surface. They dropped straight down
18 from the open wound onto the carpet represented in that
19 photograph. If they had been at an angle, then they would
20 have been somewhat elongated meaning that they didn't make
21 contact perpendicular to that surface.

22 So these blood drops create a trail. They obviously
23 end up here where the victim's wound was located, and they
24 trail back, which is not represented in this photograph
25 but represented in others, to the floor at the base of the

1 couch.

2 Not represented very well in this photograph, there
3 is a blood trail that was on the left leg of the victim's
4 pants. There was also several heavy blood drops on the
5 inside thigh of the victim's right pants leg. Examining
6 these blood stains, these blood stains came perpendicular
7 to the top of the pants leg. The leg had to be up when
8 the bloodletting occurred.

9 As I told you, blood is like any other liquid. It's
10 going to seek its lowest level. Had these stained
11 occurred standing up or leg slightly out, as the blood,
12 the volume of blood, hit this clothing surface, it would
13 have had a tendency to run down, down toward where my
14 shoes are, the lower part of my pants. However, as this
15 volume of blood hits this pants leg, it runs down to the
16 side and not down toward the floor indicating that the leg
17 had to be in a semi upright position, sitting, whatever.

18 Those are the primary trails that were noted in this
19 photograph.

20 Q And since you mentioned the pants, Mr. Derrick, this
21 is State's Exhibit 21-G?

22 A Okay. State's Exhibit 21-G is a better photograph of
23 this particular pattern that I was making reference to.
24 You can see that there is a volume of blood kind of like a
25 pouring liquid that makes contact with this leg. Right

1 about in here. Then we have some other subsequent blood
2 drops that appear on both pants legs. But notice the
3 runoff from each one of these pooled areas of blood on the
4 pants. They run down to the side of the pant and not down
5 toward the base of pants.

6 Q Additionally, Mr. Derrick, I believe you mentioned
7 this decedent's shoes. This is State's Exhibit 21-I.

8 A State's Exhibit 21-I shows the bottom of the shoes.
9 There were no blood stains present there to indicate the
10 shoes ever made any contact with the blood on any other
11 surface.

12 Q And then 21-H, Mr. Derrick?

13 A Again, 21-H, again, there was actually -- there was
14 no blood stains or blood drops that were observed in this
15 photograph on the shoes.

16 Q And what, if anything, does that indicate,
17 Mr. Derrick, if there's no blood on top of the shoes?

18 A That they were not in a position that blood could
19 have dripped down on them, or something could have blocked
20 it.

21 Q Additionally, Mr. Derrick, I'll show you State's
22 Exhibit 21-D?

23 A State's Exhibit 21-D is kind of an overall photograph
24 of the couch depicting the ashtray and the cigarettes.
25 And in this area here, there are some blood stains. But

1 they are not very clear in that particular photograph.

2 Q This is State's Exhibit 21-B, Mr. Derrick?

3 A State's Exhibit 21-B, here, again, is the ashtray we
4 saw in the overall photograph. Here are the specific
5 blood drops that began right here midway up the couch and
6 trail off the couch. In supporting photographs, that
7 blood trail is then picked up on the floor beyond where
8 these particular blood drops are here on the couch.

9 Q And finally, 21-A, Mr. Derrick?

10 A 21-A, again, is pretty much an overall. In the
11 photograph itself, it's a little bit clearer than what it
12 is on the TV. But it shows the trail of blood drops that
13 are on the couch, where it picks up on the floor and where
14 it trails up to the chest area of the victim.

15 Q Thank you, Mr. Derrick. You can have a seat.

16 A Thank you.

17 (WHEREUPON, the witness resumed the witness stand.)

18 Q Now, Mr. Derrick, based on your analysis of these
19 specific photographs as well as others and the crime scene
20 video, autopsy, the things you mentioned earlier, were you
21 able to form an expert opinion?

22 A Yes, ma'am.

23 Q And what is that expert opinion?

24 A That the victim is most probably sitting on the couch
25 when the bloodletting occurs. I would have to say the

1 victim was at least upright or maybe a little bit forward
2 because the victim falls forward. So the center of
3 gravity would have to be beyond straight up. From the
4 initial wound to where the victim is, from the edge of the
5 couch to the floor, the totality of evidence supports that
6 the victim was sitting on the couch when the wound was
7 inflicted.

8 Q Now, Mr. Derrick, if the Defendant [sic] had been
9 standing up and lunging forward toward the Defendant in
10 this case -- if Ronald Grant had been lunging toward
11 Angela Vaughn, would the bloodstain pattern have been the
12 same?

13 A No, ma'am.

14 Q How would it have differed, if you can tell?

15 A Well, depending on the position of the lunge when the
16 wound occurred. If the individual was lunging forward
17 when the wound occurs and goes straight down, there would
18 be little to no blood on the pants at all. And definitely
19 no stream or trail. If we say lunging as getting ready to
20 lunge in a straight standing up position, then instead of
21 the trail of blood that we observe on the pants leg, I
22 would observe elongated drops of liquid.

23 And what I mean by that is -- I showed you the
24 circular blood drops. Those are perpendicular. If I had
25 cut my hand and it was an angle to the surface, then these

1 blood drops would be somewhat elongated, kind of like
2 teardrops, as they hit the surface because they're hitting
3 at an angle. And once the liquid hits, it begins to run
4 to its lowest level until it dries or the blood
5 coagulates. Those things would have been present more so
6 on the pants in the upright position. They would have
7 probably also been on top of the shoes.

8 Q But since you did not find that, and in studying the
9 pattern, again, your opinion is that the victim was
10 sitting on the couch?

11 A Based on the totality of the evidence I examined,
12 that's my conclusion.

13 MS. HUEY: Your Honor, that's all I have for this
14 witness.

15 THE COURT: Cross-examine?

16 CROSS-EXAMINATION

17 BY MR. GAMBLE:

18 Q I have your report which says he was on the --
19 sitting on or about the couch.

20 A That's correct.

21 Q Why do you use the term "about the couch?"

22 A I can't specifically say where he's sitting on the
23 couch. He could have been sitting on the edge, close to
24 the edge, or he could have been sitting back in the couch.
25 Which I doubt because if he had been sitting totally back,

1 then his body would -- when the wound occurred, would have
2 been back against the back cushions.

3 Q So he wasn't leaning back into the couch?

4 A No, sir.

5 Q But could he have been leaning forward on the couch?

6 A Yes, sir, he could.

7 Q And by that, the autopsy shows that the bullet was on
8 an angle dropping 2.58 of an inch ---

9 A I believe that's correct.

10 Q --- in a straight line. And that would indicate a
11 leaning forward, also, wouldn't it?

12 A It could indicate a leaning forward, but we also have
13 to account for the position the shooter is in when the
14 shot is fired. That can also create the angle. I can't
15 dispute he wasn't leaning forward, but I also don't know
16 the exact position and height of the gun when the shot was
17 fired. That can create a downward angle, also.

18 Q Granted. But it could be from either the gun was at
19 a downward angle or he was in a forward angle?

20 A That's correct.

21 Q Now, the drops on the couch indicate they were from a
22 perpendicular source?

23 A Yes, they come straight down.

24 Q Straight down. There were no teardrops on them?

25 A No, sir.

1 Q Or is it at ---

2 A The only teardrop was actually one right there as the
3 cushion folds over toward the floor.

4 Q But that's because of the fold of the cushion?

5 A That's correct.

6 Q I learned that from Don Gurney. Excuse me. I'm
7 sorry.

8 A That's all right. I know Don very well.

9 Q Now, the blood on the pants leg, according to the
10 autopsy and the testimony of Dr. Woodard -- and I'm not
11 pitting you two against each other. He indicated that
12 this blood on the pants leg would have been from
13 aspiration or throwing of blood from the lung?

14 A That's a possible source. I'm not going to dispute a
15 pathologist. Whether it came from the mouth or whether it
16 came from the bullet wound, it still free-flowing blood as
17 a result of the injury.

18 Q So as a crime scene investigator, you're not able to
19 say if it was aspirated blood or just free-flowing blood
20 from the wound?

21 A No. It is free-flowing blood from a source as the
22 result of an open wound. Now, in lung wounds, the throat
23 area fills up with blood. I won't say that it was
24 aspirated blood, but it could have been blood coming from
25 the mouth of someone throwing up. But it is a large

1 volume of liquid that could come from a bullet hole or
2 could come from the mouth. I don't dispute that.

3 Q All right. One moment, please. Excuse me.

4 A Sure.

5 MR. GAMBLE: I have nothing further.

6 THE COURT: Re-examine?

7 MS. HUEY: Judge, I don't have anything further for
8 this witness. May he be excused?

9 MR. GAMBLE: No objection.

10 THE COURT: Without objection, you may be excused.
11 Thank you, sir.

12 THE WITNESS: Thank you, Your Honor.

13 MS. HUEY: Your Honor, at this time, the State rests.

14 THE COURT: Madam Forelady, ladies and gentlemen of
15 the jury, the State has now rested. And that means I need
16 to take up some matters with the attorneys. But it's also
17 a good time to take a lunch break. But it could take me
18 some time. I'm going to suggest that -- it's 12:15.
19 Let's come back at 2:00 o'clock because, again, the staff
20 needs to have an opportunity for lunch as well after we
21 finish our work here. So I'm going to suggest that you
22 come back at 2:00 o'clock to the jury room, and we'll go
23 forward with the case at that time.

24 Now, please understand that the State has rested, but
25 the case still has other matters that need to be addressed

1 before the case is given to you for your deliberations.
2 So please do not undertake a discussion of the case among
3 yourselves or permit anybody to discuss it with you.

4 Thank you very much. And I will see you at
5 2:00 o'clock.

6 Everyone else remain seated while the jury retires
7 from the courtroom.

8 (WHEREUPON, the jury exited the open court at
9 approximately 12:13 p.m.)

10 THE COURT: All right. Let's take a very short
11 break, and then I'll hear any motions. We'll take about
12 five minutes.

13 (WHEREUPON, a short break was taken.)

14 THE COURT: We're back on the record in the State
15 versus Vaughn. Is there anything further from the State?

16 MS. HUEY: No, sir, Your Honor.

17 THE COURT: The State rests. Nothing further.
18 Anything from the Defendant, Mr. Gamble?

19 MR. GAMBLE: The Defendant at this time would move
20 for directed verdict of not guilty, Your Honor, in that
21 the State has not disproved self-defense.

22 THE COURT: What do you say about that, Madam
23 Solicitor?

24 MS. HUEY: Your Honor, it's, of course, our position
25 that we have. This needs to go to the jury. Obviously

1 this is not a whodunit. We know the Defendant shot and
2 killed Ronald Grant. The question does become whether
3 this was done in self-defense. I believe based on the
4 inconsistencies in her statements as to how the shooting
5 took place as well as well as the inconsistencies in her
6 statements as compared to the evidence collected and the
7 expert opinion as to that evidence collected and the crime
8 scene reconstruction. Repeatedly she says the Defendant
9 -- excuse me -- Ronald Lee Grant was standing and coming
10 after her when she shot. And we've had numerous expert
11 opinions that he had to have been sitting when shot.

12 Additionally, we have witnesses -- we had one witness
13 that testified that Angela Vaughn herself actually
14 threatened the victim, Ronald Lee Grant, with a gun just
15 under two months prior to him being killed. Other than
16 that, we have a witness who testified that this so-called
17 domestic violence charge, which he was never convicted of,
18 he had never hurt her, that he was planning on leaving her
19 that day. And that's why she got mad and that she would
20 kill him the next time.

21 And then finally, Your Honor, we had several of his
22 co-workers that testified that he was planning on leaving
23 the Defendant that Friday, the Friday that he was killed.
24 So, Your Honor, it is the State's position that we have
25 met the burden, especially in the light most favorable to

1 the State.

2 THE COURT: All right. Anything further from the
3 Defendant?

4 MR. GAMBLE: No, Your Honor.

5 THE COURT: I'm not exactly sure if I can say you've
6 met the burden, but I do feel that you have satisfied the
7 requirement of having sufficient evidence to go to the
8 jury on. At this stage, of course, the Court is not
9 weighing the evidence as much as determining whether or
10 not there is sufficient evidence to go to the jury.

11 And I think one of the critical things as far as the
12 self-defense issue is that the Defendant not bring it on
13 herself, not create the situation. And apparently there's
14 evidence that somebody got a pistol out of a place and it
15 ended up in another place. Even the inconsistency in the
16 statements that were given by the Defendant create a
17 question for the jury on that issue alone.

18 So I'm going to deny your motion at this time for
19 directed verdict.

20 Anything else?

21 MR. GAMBLE: Your Honor, I discussed for years now
22 with my client her right to testify and not to testify
23 under the Fifth Amendment. She has advised me in our
24 meeting last Friday morning that she was willing to take
25 the stand and wanted to take the stand in her own defense.

1 I went over some of the matters with her that that would
2 entail.

3 She has no prior record that I'm aware of.

4 (Telephone interruption.)

5 THE COURT: Just for anybody else that's in the
6 courtroom at the time, any time a phone goes off, that
7 phone becomes a part of the property of Anderson County
8 and the Judicial System.

9 All right. Ms. Vaughn, if you would, please. Well,
10 I think I put you under oath yesterday, didn't I?

11 MR. GAMBLE: Yes, sir.

12 THE COURT: When we were talking about letting you
13 remain out on bail.

14 MR. GAMBLE: Yes, sir.

15 THE COURT: So you're still under oath, you
16 understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: So I don't need to swear you again. Do
19 you understand?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: All right. At this time I'm going to
22 explain to you certain of your rights. If you do not
23 understand anything I say, please let me know. If you
24 want me to explain anything in more detail, please let me
25 know. Do you understand this?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: We've now reached the stage in the trial
3 where you may present your defense. You have the right to
4 claim the protections given to you by the Fifth Amendment
5 of the Constitution of the United States. This amendment
6 states in part, "No person shall be compelled in any
7 criminal case to be a witness against himself or herself."
8 This means that you cannot be required to testify in this
9 case.. You have the right to testify on your own behalf.
10 However, no one can make you testify. This is a personal
11 right. No one can waive this right except you. If you
12 decide to testify, you will be subject to the same rules
13 that govern other witnesses, and you may be examined and
14 cross-examined on any relevant issue of the case.

15 In addition, if you have any convictions involving
16 dishonesty or false statements or for crimes punishable by
17 imprisonment for more than one year and this Court
18 determines that the probative value of admitting this
19 evidence outweighs its prejudicial affect to you, the
20 Solicitor will be able to introduce your record to attack
21 your credibility.

22 Now, this is standard advice that I'm giving you.
23 And I've been advised that you don't have a record. But
24 in the event that you should, please understand that it
25 can be used to impeach your credibility. If you decide to

1 testify, this decision on your part must be freely,
2 voluntarily and intelligently made with the knowledge of
3 the protections given to you by the Fifth Amendment and
4 the consequences of your decision to testify.

5 If you decide not to testify, I will instruct the
6 jurors that they cannot give the fact that you did not
7 testify any consideration whatsoever and that there's to
8 be absolutely no prejudice to you because you did not
9 testify. You may talk with your attorney, your family and
10 your friends or anyone else. But the final decision will
11 be left entirely up to you. Now, do you understand this?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Do you understand what I have explained
14 to you?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you have any questions about whether
17 or not -- excuse me. Do you have any questions about what
18 I have to explained to you? Anything I have said, do you
19 need further explanation?

20 THE DEFENDANT: No, sir.

21 THE COURT: All right. I'm going to permit you, over
22 the lunch, to discuss these matters with your attorney,
23 your family or anyone else you feel that you need to have
24 their consideration. When we return from lunch and before
25 we proceed in the case, I will ask you whether or not you

1 wish to testify or not. Do you understand?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Basically I might say this. You have two
4 things. One, you have the right to testify and give your
5 testimony as you desire. But the same -- but it has
6 certain -- if you do testify, you will be treated as all
7 other witnesses. And, of course, you will be examined as
8 well as cross-examined.

9 Also, you have the right not to testify. You cannot
10 be compelled to testify or offer evidence against
11 yourself. Do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right. So I want you to think about
14 this thoroughly over lunch, and then I will talk to you
15 when we come back and before we proceed with the trial.
16 Do you understand?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Very good. Thank you.

19 Anything else -- you may be seated. Anything else
20 from the Defendant?

21 MR. GAMBLE: No, Your Honor.

22 THE COURT: Anything from the State?

23 MS. HUEY: No, sir, Your Honor.

24 THE COURT: All right. I've told the jury to come
25 back at two. Let's try to be back just a little bit

1 before two. Say ten of two. Of course, if we're a little
2 bit late, that will be all right, too. But still, let's
3 try to have everything ready to go to -- as far as what
4 we'll be talking to the jury about at two. Okay?

5 Anything from the State in that regard?

6 MS. HUEY: No, sir, Judge.

7 THE COURT: From the Defendant?

8 MR. GAMBLE: No, Your Honor.

9 THE COURT: Very good.

10 If you have any charges, please give them to my law
11 clerk. You don't have to exchange them or anything like
12 that. But if you have any requests for charges that you
13 think might be applicable, please give them to my clerk so
14 I will have some idea as to what you expect.

15 MR. GAMBLE: In my view, Your Honor, it's pretty much
16 a standard self-defense murder case.

17 THE COURT: Okay.

18 MS. HUEY: I'm sorry?

19 MR. GAMBLE: Standard self-defense murder case.

20 MS. HUEY: Yes, sir.

21 THE COURT: All right. Very good. Thank you. See
22 you all a little bit before two. We'll stand at ease
23 until that time.

24 (WHEREUPON, a lunch break was taken.)

25 THE COURT: We're back on the record in the State

1 versus Vaughn. I understand that we have a jury. But is
2 there anything from the State before we proceed?

3 MS. HUEY: No, sir, Your Honor.

4 THE COURT: Anything from the Defendant?

5 MR. GAMBLE: No, Your Honor.

6 THE COURT: Has the Defendant made up her mind as to
7 whether or not she wishes to testify?

8 MR. GAMBLE: Yes, Your Honor.

9 THE COURT: And what's the decision?

10 MR. GAMBLE: She will testify, Your Honor. We will
11 put up other evidence, also.

12 THE COURT: I beg your pardon?

13 MR. GAMBLE: I will put up other witnesses, also.

14 THE COURT: Very well. All right.

15 You say we do have a jury?

16 THE BAILIFF: Yes, sir.

17 THE COURT: Anything before we bring the jury from
18 the State?

19 MS. HUEY: No, sir.

20 THE COURT: From the Defendant?

21 MR. GAMBLE: Nothing, Your Honor.

22 THE COURT: Very good. Ask the jury to join us.

23 (WHEREUPON, the jury came into open court at
24 approximately 1:56 p.m.)

25 THE COURT: Let the record reflect that the jury and

1 alternates are in the jury box.

2 Madam Forelady, ladies and gentlemen, we will now
3 proceed with the trial of the case. The Plaintiff has --
4 excuse me. The State has rested, and the Defendant will
5 now go forward.

6 MR. GAMBLE: We call Tammy Patterson, Your Honor.

7 TAMMY PATTERSON, after being duly sworn,
8 testified as follows:

9 DIRECT EXAMINATION

10 BY MR. GAMBLE:

11 Q Are you nervous, Ms. Patterson?

12 A (Nodded head up and down in the affirmative).

13 Q Okay. Where you live?

14 A [REDACTED] Ferry Street.

15 Q Ferry Street?

16 A Uh-huh (affirmative). Ferry.

17 Q In relation to Highland Street, where is Ferry
18 Street?

19 A It's kind of behind it.

20 Q Yes, ma'am. Do you know Angela Vaughn?

21 A I know her as she's a neighbor. I don't really know
22 her.

23 Q How do your houses join each other?

24 A Her back yard is at -- I can see it from my front
25 yard. The whole back of her house.

1 Q All right. And as such, did you know Mr. Grant?

2 A Uh-uh (negative). I've just seen him.

3 Q You had seen him ---

4 A Uh-huh (affirmative).

5 Q --- as a man that lived in that house?

6 A Uh-huh (affirmative), yes, sir.

7 Q And you knew him as a man in that lived in the house?

8 A Yes, sir.

9 Q All right. Did you have an occasion -- did you see
10 them in their backyard in the recent past?

11 A Uh-huh (affirmative).

12 Q Do you know when it was exactly?

13 A I'm pretty sure it was in October, the early part of
14 October, because my husband and I were raking leaves. And
15 we were burning leaves in the back yard.

16 Q All right. Did you see anything that happened
17 between the man that lived in the house and Ms. Vaughn?

18 A Yes, sir.

19 Q What did you see?

20 A I had came over from the back yard on the right-hand
21 side of my house to get the rake. And the gentleman had
22 her up -- I'm not sure if he had her by the throat or just
23 the shirt. But he was drawn back to hit her. And I think
24 he saw me and then he shoved her up beside the garage.

25 Q All right. And you think that was early October?

1 A Uh-huh (affirmative).

2 Q All right. And did you have an occasion to hear ---

3 A Yes, sir.

4 Q --- the people in that house?

5 A A lot.

6 Q What did you hear?

7 A A lot of yelling.

8 Q Was it from a man or a woman?

9 A The man and occasionally the woman.

10 Q All right. And you can't pinpoint that, I don't
11 guess, can you?

12 A Uh-uh (negative).

13 Q Thank you.

14 MR. GAMBLE: Nothing further, Your Honor.

15 THE COURT: Cross-examination?

16 CROSS-EXAMINATION

17 BY MS. HUEY:

18 Q Ms. Patterson?

19 A Yes, ma'am.

20 Q Can you tell me, again, how close the yards are that
21 connect you with Angela Vaughn's yard?

22 A Probably a little bit further than this room.

23 There's a street that just separates her yard from my
24 yard.

25 Q And you said you thought it was early October because

1 you were raking leaves?

2 A Uh-huh (affirmative).

3 Q And you saw who you believe to be Ronnie Grant ---

4 A Yes, ma'am.

5 Q --- and Angela Vaughn outside in the yard?

6 A Yes, ma'am.

7 Q And the first thing you said you noticed was some
8 sort of altercation between them?

9 A Yes, ma'am.

10 Q Did you see what led up to that?

11 A No, ma'am.

12 Q So if she had done something to him before you ---

13 A No, ma'am.

14 Q You wouldn't have seen that?

15 A No, ma'am.

16 Q Okay. And did you previously tell the officer -- did
17 an officer come around a talk to you right after the
18 shooting occurred?

19 A Yes, ma'am.

20 Q I believe that was Officer Elrod?

21 A I don't remember.

22 Q At any rate, did you tell her that he had her by the
23 arm?

24 A No. I thought he had her like this. He had his arm
25 and drew back. I don't know if he had her up here or

1 here.

2 Q You did not tell the officer that he had her by the
3 arm?

4 A No, ma'am. He had his arm up.

5 Q But, again, you didn't see anything leading up to
6 that?

7 A No, ma'am.

8 Q And the yelling that you mentioned that you
9 overheard, sometimes you would hear the man and sometimes
10 you would hear the woman yelling. Is that what you said?

11 A Well, yes.

12 MS. HUEY: Judge, may we approach?

13 THE COURT: Certainly.

14 (WHEREUPON, a bench conference was held off the
15 record, in the presence of the jury, but out of the
16 hearing of the jury.)

17 MS. HUEY: That's all I have, Judge.

18 MR. GAMBLE: Nothing further, Your Honor.

19 THE COURT: All right. You may step down. Thank
20 you.

21 MR. GAMBLE: May the witness be excused?

22 THE COURT: Any objection?

23 MS. HUEY: No objection.

24 THE COURT: Without objection, you may be excused.

25 Thank you, ma'am.

1 MR. GAMBLE: I call Nicole Vaughn.

2 ALISHA NICOLE VAUGHN, after being duly sworn,
3 testified as follows:

4 DIRECT EXAMINATION

5 BY MR. GAMBLE:

6 Q You go by Alicia or Nicole?

7 A I go by Nicole.

8 Q Raise your voice a little, please.

9 A I go by Nicole.

10 Q Thank you.

11 Nicole, did you ever has an occasion to ride with
12 your mother to pick up Ronnie Grant at his place of work?

13 A Yes, sir, many times.

14 Q What was his place of work?

15 A I wasn't sure of the name of it.

16 Q All right. And was your -- did your little brother
17 ever accompany you going over there?

18 A Yes, sir.

19 Q And how old is he?

20 A He is seven now.

21 Q He was five then?

22 A Yeah. Yes, sir.

23 Q And when you got over there, did you have an occasion
24 to see Ronnie Grant?

25 A At his workplace?

1 Q Yes.

2 A Yes, sir.

3 Q And where was he when you first saw him?

4 A He would come out the front entrance.

5 MS. HUEY: Objection, Judge. I'm not sure of the
6 time frame of this.

7 MR. GAMBLE: I'm going into that.

8 THE COURT: Very well. Do connect it.

9 Q What was the time that you went over to Ronnie
10 Grant's work site to pick him up?

11 A The time of day or the month?

12 Q The month.

13 A October. Early October maybe.

14 Q Early October?

15 A Or late September.

16 Q Late September or early October? All right.

17 Did Mr. Grant direct your mother to go anywhere?

18 A Yes, sir.

19 Q Where did he direct her to go?

20 A Well, no, not actually. Well, my mother, she went
21 around the back where they were stocking boxes because he
22 was working kind of late that day. And she went to go
23 check on him, you know, to see if he was back there, you
24 know. She was worried, you know, because he was working
25 late. And we saw him back there, you know, stocking. And

1 he waved her to go around back to the front. So we did.

2 Q Did you go around back to the front?

3 A Yes, sir.

4 Q Now, at any time did you hear your mother shout or
5 say anything to Ronnie Grant?

6 A When we were at the back, she shouted his name once
7 ---

8 Q What did she say?

9 A --- to get his attention. She just said "Ronnie" to
10 get his attention. And he looked up and he waved her to
11 go around back around front.

12 Q Back around front?

13 A Yes, sir.

14 Q All right. And did you see any other people out
15 there around that truck?

16 A No, sir.

17 Q Thank you, ma'am.

18 CROSS-EXAMINATION

19 BY MS. HUEY:

20 Q Ms. Vaughn, are you aware that Ronnie Grant was not
21 working at Experimental Fabrics in October?

22 A I'm not sure if it was October or late September.
23 I'm not sure of the exact month.

24 Q Are you aware that he actually wasn't working in
25 early September when he worked at Experimental Fabrics?

1 A No, ma'am.

2 Q And other than that, did you always go with your mom
3 to pick up Ronnie Grant?

4 A Not every time. But I remember that specific time
5 that that other lady was talking about because I was there
6 with her that time, that day.

7 Q And so you're saying that it could only have happened
8 the time that you were with her?

9 A I'm sorry. I'm not understanding your question.

10 Q I'm saying that the incident that Sharon Davenport
11 spoke of, that that only could have happened the time you
12 were with your mom? That couldn't have happened on
13 another day?

14 A That had to be the only time because that was the
15 only time ---

16 Q Considering, again ---

17 THE COURT: Just a moment. Let her answer, complete
18 her answer.

19 A That had to be the only time because Mama, she would
20 never go around back. She never did that.

21 Q But how would you know if you weren't with her?

22 A Because ---

23 Q Could it have been ---

24 A Sorry. Caleb was usually with her. But that's just
25 -- she just usually wouldn't do that because I've been --

1 I've went with her times before that, and she never did.

2 Q My question to you is, if you were not with her --
3 and you have admitted that you did not go with her every
4 time to pick up Ronnie Grant, right?

5 A Yes, ma'am.

6 Q Okay. How would you know, if you were not with her,
7 that this happened or didn't happen?

8 A I wouldn't know. But ...

9 MR. GAMBLE: Nothing further, Your Honor.

10 MS. HUEY: That's all I have, Judge.

11 THE COURT: All right. You may step down. Thank
12 you, ma'am.

13 THE WITNESS: Thank you.

14 MR. GAMBLE: Call Angela Vaughn.

15 ANGELA VAUGHN, after being duly sworn, testified
16 as follows:

17 DIRECT EXAMINATION

18 BY MR. GAMBLE:

19 Q How old are you, Angela?

20 A Forty-one.

21 Q How many children do you have?

22 A Three.

23 Q What are their ages?

24 A Twenty-seven, twenty-one and six. And six. He'll be
25 seven in May.

1 Q Your son is 27?

2 A My oldest is, yes, sir.

3 Q That was your daughter that just testified, she's 21?

4 A Yes, sir.

5 Q And your youngest son is six?

6 A Yes, sir.

7 Q Where do you live?

8 A [REDACTED] Highland Drive, Anderson.

9 Q Whose house is that?

10 A Mine.

11 Q Did you at some point meet Ronnie T. Grant?

12 A Yes, sir.

13 Q How long before October of 2003 did you meet Ronnie
14 Grant?

15 A I met him approximately in August, maybe late August,
16 of 2001 at Wal-Mart in the break room.

17 Q How did you happen to be at Wal-Mart in the break
18 room?

19 A He worked third at the time; I work first. He
20 stocked groceries; I was a first-shift cashier. And he
21 would linger in the break room in order to meet his AA
22 appointments.

23 Q Raise your voice a little bit.

24 A He got off at seven, and I had to be there by
25 8:00 o'clock. I would get there sometimes at 7:30, go

1 into the break room, smoke and have coffee. That's where
2 I met him. And he was ...

3 Q At some point in time, did you and Ronnie start
4 dating each other?

5 A Yes, sir.

6 Q Did he ever live with you?

7 A Yes, sir.

8 Q In your house?

9 A Yes, sir.

10 Q And how long had he lived with you?

11 A Well, we lived at three different residences.

12 Q Raise your voice a little, please.

13 A We lived at three different residences. He moved in
14 with me at the residence of [REDACTED] Liberty highway at the
15 end of November right before Thanksgiving of 2001.

16 Q 2001. So at the time this occurred, he had been
17 living with you about two years, almost two years?

18 A Yes, sir, about a month shy of two years.

19 Q When he first moved in two years ago, did he drink
20 liquor or use any drugs then?

21 A No, sir, not when I first met him.

22 Q When did he start drinking hard liquor?

23 A That would have been approximately around the end of
24 February of 2002. Around the end of February of 2002.

25 Q For a year or so, how was his drinking pattern? How

1 did it get?

2 A He drank a lot.

3 Q What do you mean a lot?

4 A A lot, meaning like a fifth of liquor, sometimes
5 every day.

6 Q Did he drink beer?

7 A Yes, sir, after I started talking him into beer.

8 Q Why did you start talking him into beer?

9 A Because he couldn't seem to quit drinking altogether
10 cold turkey. So I thought maybe if he went to a lesser
11 alcohol content a little at a time, he could be weaned off
12 since he was going to AA meetings.

13 Q To your knowledge, did he use any type of illicit
14 drugs?

15 A Methamphetamines.

16 Q How did he act when he was on methamphetamine?

17 A Wide open. Violent.

18 Q Did you notice anything about the pupils of his eyes
19 when he was on methamphetamine?

20 A Yes, sir.

21 Q What did you notice?

22 A Extreme dilation.

23 Q Into October of '03, there's been some testimony that
24 there was a criminal domestic violence warrant issued for
25 Ronnie. Is that correct?

1 A Yes, sir.

2 Q And how was the warrant served?

3 A Through a letter in the mail giving him well over a
4 week, approximately ten days, before his bond hearing.

5 Q To turn himself in?

6 A Uh-huh (affirmative).

7 Q Is that what it asked him to do?

8 A He had a date for October the 16th to be at the
9 Anderson County Detention Center at 10:00 a.m. that
10 morning.

11 Q How did he get to the detention center?

12 A I took him there. He had no driver's license.

13 Q You took the man that you accused of being criminally
14 domestic violent toward you to the detention center to
15 turn himself in?

16 A Yes, sir.

17 Q All right.

18 A He had no license.

19 Q Now, while you were waiting for him to be processed
20 and all of that at the detention center, did you have a
21 conversation with any of the people there at the detention
22 center?

23 A Yes.

24 Q Who did you talk with?

25 A Well, I did speak with Shannon.

1 Q Shannon?

2 A I just knew of her by face. I knew of her by face at
3 Wal-Mart. She was hired not long before I left.

4 Q All right. Now, how was your relationship with
5 Ronnie Grant after the 16th of October?

6 A His whole demeanor changed.

7 Q How did his whole demeanor change?

8 A The best way I know to explain that is he was real
9 quiet on the way home from the detention center. I had
10 asked to be present for the bond hearing, but yet I never
11 was called back. I checked -- the night I pressed charges
12 for CDV before his bond hearing, I checked the 'yes' box
13 to be present for his bond hearing. But I was ...

14 I noticed a difference in his attitude, his
15 personality. He would act like he was in deep thought,
16 very angry. He kept making the statement, "You know I'm
17 going to serve time for this, don't you?"

18 Q Was he working at this time?

19 A Yes, sir.

20 Q Where was he working? The 16th of October until
21 October 24th?

22 A It had to be either Experimental Fabrics or the old
23 Schmid plant working under Phillips Staffing. He kept
24 switching jobs.

25 Q How did he get to work and from work?

1 A I took him.

2 Q On the 24th October, what shift was Ronnie Grant
3 working then?

4 A He had worked third shift the night before and had
5 been up ---

6 Q What time did he get off work?

7 A Seven in the morning.

8 Q Did you pick him up?

9 A Yes, I did.

10 Q In your car?

11 A Yes, sir, in my truck.

12 Q Where did you go when you picked him up that morning?

13 A It's hard to remember in sequence. He had me to take
14 him several places. I had my child with me. I had woke
15 him up, you know, early in the morning. He was still in
16 his pajamas. So as I recall correctly, we went back home
17 because I had to get him dressed for day care which was at
18 Kiddy Land Day Care on Whitehall Road in Anderson. We
19 went home. I got him dressed and fed him breakfast. And
20 then we proceeded to take him to day care.

21 Q You and Ronnie were riding together?

22 A Me and Ronnie and my son Caleb, yes, sir.

23 Q And you took Caleb, who is your son, to Kiddy Land
24 Day Care?

25 A Yes, sir.

1 Q All right. From Kiddy Land Day Care, where did you
2 go?

3 A Okay. If I remember correctly, he wanted -- he had
4 one last check he was to pick up at the old Schmid plant.
5 But he worked under Phillips staffing, like I said. He
6 had only been working at the Wal-Mart for a week. So he
7 had a check he still had to pick up from there. So I took
8 him there. He wanted me to take him from there to, I
9 think it was, C and C Bank.

10 Q CCB?

11 A Yes, CCB Bank. And that was the one next to Wal-Mart
12 or what was beside Sam's on Liberty Highway. So I took
13 him to that bank. And he took that check in and cashed
14 it. And he seemed like he wanted to stop at the M&M
15 Store.

16 Q What's the M&M Store?

17 A It's a little store on Clemson Boulevard just right
18 down above from the Wal-Mart. It's across from Kmart on
19 Clemson Boulevard in Anderson.

20 Q A Shell station, I believe?

21 A Right.

22 Q Why did you go to the M&M store?

23 A Okay. He went there to buy two cartons of
24 cigarettes. And he bought some lottery tickets.

25 Q Any alcoholic beverages?

1 A I don't think that's where he purchased the alcohol,
2 the beer.

3 Q Ma'am?

4 A I'm not sure. But I don't think that's where he
5 purchased his beer.

6 Q Let me ask it this way. Did he ever purchase beer or
7 liquor that day?

8 A Yes.

9 Q The 24th of October?

10 A Yes.

11 Q Where and what did he purchase?

12 A Seems like it was at another convenience store.
13 Maybe a Citgo or something. He bought six big beers.

14 Q When you say big beers, how big?

15 A In the cans. I think they are like 22 or 24 ounces.

16 Q So bigger than ---

17 A It wasn't a 12-ounce, no, sir.

18 Q Bigger than a 12-ounce?

19 A Yes, sir, much bigger.

20 Q All right. And did you go anywhere to a liquor
21 store?

22 A Yes, sir. I was hoping he would just stick with the
23 beer because he didn't seem to get near as violent on beer
24 alone.

25 Q Just answer my question, now. Did you carry him to a

1 liquor store?

2 A Yes.

3 Q Where did you go?

4 A Against -- with hesitation -- and I asked him not to,
5 but he kept on. He wanted me to stop at Scrooge's Liquor
6 Store on 28 Bypass.

7 Q Okay. And did you go in, or did Ronnie go in?

8 A He went in.

9 Q Do you know what he purchased?

10 A He purchased Wild Turkey. Wild Turkey, a pint of
11 Wild turkey. It was the strongest. I forget if it was
12 the 108- or 110-proof.

13 Q And where did you go after you bought the Wild Turkey
14 and the beer?

15 A We went home.

16 Q To Highland Drive?

17 A Yes, sir.

18 Q And what time did you arrive at your home?

19 A Approximately -- it may have been around between 9:00
20 and 9:30 maybe.

21 Q In the morning? Early in the morning?

22 A Uh-huh (affirmative).

23 Q What happened when you got to the house?

24 A Well, we got home. He was in a relatively good mood
25 that morning.

1 Q Raise your voice a little, please.

2 A He was relatively in a good mood that morning. And
3 that's why, you know, I didn't want him drinking the
4 liquor. But the more -- once he started drinking liquor,
5 the more he drank, the more violent he became.

6 Q Was he just drinking the Wild Turkey, or was he
7 mixing it with any other alcoholic beverage?

8 A He had already drank all the beers.

9 Q How many?

10 A Six.

11 Q Six of the big beers?

12 A Uh-huh (affirmative). Yes, sir.

13 Q And then he went to Wild Turkey?

14 A Yes, sir.

15 Q All right. How was his -- what was his demeanor?
16 How was the acting toward you?

17 A Well, I found it kind of strange. It was different
18 than what I had ever seen before.

19 Q Where did you keep your gun?

20 A I kept it up on the -- it was a real high bedroom
21 shelf of a closet.

22 Q Is there a reason you kept it up high on that shelf?

23 A To keep my child from getting it.

24 Q Did you and Ronnie have an occasion to be in the
25 bedroom together that afternoon?

1 A Yes, sir.

2 Q The afternoon of the 24th of October?

3 A Yes, sir.

4 Q How did that come about?

5 A Well, I remember both of us entering the bedroom. I
6 remember at one point it was like he was screaming and
7 yelling and cussing me. And then he would just stop, you
8 know. And he led me to believe like the argument was
9 going to stop for a minute. And then he would start
10 again. That's what was different about it.

11 Q Did you notice that he had some sort of interest --
12 or did you ever see him looking toward the gun?

13 A Yes, sir.

14 Q That was on the shelf?

15 A Yes, sir, he was eyeballing it. That's ---

16 Q What, if anything, happened at that point in time
17 between you and Ronnie Grant?

18 A Well, at the time I was in there folding -- well, it
19 was clothes actually that had already been folded. And I
20 was going to put them up. And after he came in there, I
21 just noticed that he kept looking up at the gun. It was
22 obvious what he was looking at. He kept eyeballing -- he
23 had never done that before. And I seen ---

24 Q What, if anything, did you do when you saw this going
25 on?

1 A I didn't take my eyes off of him.

2 Q Did he ever move his hands in any way?

3 A Yes, he did.

4 Q Which way did he move his hands?

5 A Up toward the shelf where the gun was.

6 Q Reaching toward the gun?

7 A Yes, sir.

8 Q What did you do at that point in time?

9 A I reached for it. I got it to keep him ---

10 Q Did you get it?

11 A To keep him from getting it, yes, sir, I did.

12 Q What did Ronnie do then?

13 A Seems like that we went on into the living room from
14 there. I didn't point the gun at him. I had it by my
15 side. I just didn't want him getting ahold of it. And I
16 didn't -- my thoughts then is I was going to try to hide
17 it. But, you know, he was right there with me. So I just
18 kept it down by my ---

19 Q Was Ronnie saying anything to you when you went back
20 to the living room?

21 A Seems like he did. It was like an on and off thing.
22 He would scream and yell, and then he would stop like it
23 was going to end. And then he would start screaming and
24 yelling again. And then it would stop.

25 Q Did he ever sit on the sofa?

1 A At one point, yes. And I thought the argument was
2 over at that time.

3 Q Did the argument start back up at any time later?

4 A Yes, it did.

5 Q What was the argument about?

6 A He was arguing that I was trying to lie about what
7 hours I had to work that day. And I told him just to call
8 O'Charley's and check if he didn't believe me.

9 Q You were a waitress at O'Charley's?

10 A Yes, sir. I had just started there.

11 Q All right. While he was on the sofa, did he ever
12 make any motions toward you?

13 A Yes, he did.

14 Q What did he do?

15 A He looked like he was coming toward me to try to get
16 the gun. And that's when I raised it and shot because he
17 had a pattern of twisting my arm. And it wasn't to
18 restrain me from attacking him. It was just part of his
19 pattern, you know.

20 Q So did you fire a shot?

21 A Yes, I did.

22 Q The instant you fired that shot, what were you
23 thinking with regard to Ronnie Grant?

24 A I had to call 911.

25 Q I heard that. My question is how did you feel about

1 your own self at the time you had fired the shot?

2 A I was in fear of my life.

3 Q Why?

4 A Because he was violent. He was strong and he was
5 fast. And I knew if he made it to my wrist, it would be
6 me. Everyone said that. That was everyone's first
7 comment. Angie, I thought it was going to be you.

8 MS. HUEY: Objection.

9 THE COURT: Sustained. Let's only testify as to what
10 you know, not what somebody else might say.

11 Disregard anything that someone else might have said.

12 Q All right. Now, you've heard the testimony here
13 about the blood and all that on Ronnie?

14 A Yes, sir.

15 Q What position was he in when you pulled the trigger
16 on that 38 Rossi?

17 A He was possibly in a sitting position, but he was
18 coming towards me.

19 Q Coming up off the sofa?

20 A Yes, sir.

21 Q All right. And when you shot him, did he stop right
22 then or what? What happened?

23 A When I shot?

24 Q After the shot, what happened?

25 A I don't remember. I don't remember seeing his body

1 fall. I don't remember dropping the gun.

2 Q Do you remember calling 911?

3 A Yes, I do.

4 Q You heard it here today. Was that you?

5 A Yes, sir, it was.

6 Q What was your emotional state?

7 A I was in hysterics. I didn't want to have to do
8 that. I never hurt anybody.

9 Q Are you okay?

10 A (Nodded head up and down in the affirmative).

11 Q Do you know how much of the Wild Turkey that Ronald
12 had drank that day?

13 A I know a pint is 16 ounces.

14 Q And he drank the whole pint?

15 A No, sir. I know I drive at least one shot which is
16 approximately 1 ounce.

17 Q You drank one shot?

18 A Yes, approximately one shot.

19 Q Did you have any beer?

20 A I drank one beer.

21 Q Is that one of those 24 ounces?

22 A Uh-huh (affirmative).

23 Q So Ronnie drank the rest, you said?

24 A Yes, sir.

25 Q Of a six pack?

1 A Yes, sir.

2 Q All right. Answer any questions the State may want
3 to ask you.

4 CROSS-EXAMINATION

5 BY MS. HUEY:

6 Q Now, Ms. Vaughn, we've heard a lot of testimony from
7 you about how Ronnie Grant drank a lot?

8 A Yes, sir.

9 Q Is that right?

10 A Uh-huh (affirmative). I mean, yes, ma'am.

11 Q And when he drank, would he drink alone, or would he
12 drink with you?

13 A He drank around us as a family.

14 Q And did you drink as well?

15 A I do drink moderately. Or did. I don't drink
16 anymore.

17 Q I'm talking about October 2003 and before that. Did
18 you drink then?

19 A Yes, on occasion.

20 Q And, in fact, on October 24th, your blood alcohol
21 level was a ten, right?

22 A That's what I've been told, yes, ma'am.

23 Q And that's because in your statement, you admit to
24 drinking one to two of the big beers, right?

25 A Yes, I do believe it was one.

1 Q And about 2 ounces of the Wild Turkey?

2 A One or two, yes, ma'am.

3 Q I mean, that's what your statement says?

4 A When was that statement made?

5 Q On October 30th of 2003.

6 A Okay.

7 Q Now, Ms. Vaughn, the gun, that's your gun, right?

8 A Yes, ma'am.

9 Q And you purchased that in 1994; is that right?

10 A I thought I had. I had had a 38 before just for
11 protection. I lived alone a lot with my children before
12 him.

13 Q But regardless, the gun was yours and you had
14 purchased it a while back; is that right?

15 A Yes, before him. Yes, ma'am.

16 Q Now, your testimony today, you mentioned that you
17 thought Ronnie Grant was using meth; is that right?

18 A Yes, ma'am.

19 Q Okay. But when you talked with the police several
20 times back in October, you never mentioned meth; is that
21 correct?

22 A I thought -- I think -- seemed like as I recall, I
23 did tell them that I thought he was on methamphetamine.

24 Q But in your statement, you never mentioned that he
25 was using meth; is that right?

1 A Yes, I did at one point. In fact, at one point I
2 even tried to call the law. And I told them that I had
3 suspicions that he was using it.

4 Q And isn't it true you came up with this meth because
5 of the expert testimony today of how the victim was not
6 tested for meth October 24th.

7 A I'm sorry. What is your question to me?

8 Q I'm saying we heard expert testimony today that
9 Ronnie Grant, when he was killed, his body went through
10 autopsy. And Dr. Woodard took samples from his body?

11 A Uh-huh (affirmative).

12 Q And sent those down to SLED and they were tested for
13 toxicology?

14 A Right.

15 Q Okay? That the expert in toxicology testified today
16 that she did not do a test for meth then, right?

17 A Right.

18 Q Okay. And I'm saying to you, you came up with this
19 meth story when you found out about that?

20 A No, ma'am, I did not.

21 Q Now, Ms. Vaughn, you said you met Ronnie back in
22 2001, late August; is that correct?

23 A Approximately, yes, ma'am.

24 Q Okay. And how soon before y'all started living
25 together?

1 A About November of 2001. It was right before
2 Thanksgiving.

3 Q And I believe you testified that he, Ronnie Grant,
4 did not drink at first in the beginning of your
5 relationship?

6 A He was not drinking. He had lost his license due to
7 DUI and was required by court to go to AA meetings and
8 Behavioral Health.

9 Q But the question is was he drinking when he first
10 moved in with you?

11 A No, not to my knowledge.

12 Q But soon after he moved in with you, he started
13 drinking?

14 A It was approximately February of 2002 after my
15 brother had died. And I had a nervous breakdown. And he
16 started back drinking.

17 Q Ms. Vaughn, now, you've heard testimony about the
18 statements you made to law enforcement on October 24th of
19 2003 as well as October 30th of 2003, right?

20 A Yes, ma'am.

21 Q In your first statement to Jeff Miles, who is seated
22 at the table, I believe you said that Ronnie Grant went
23 into the bedroom first. The blue bedroom, I call it.

24 A Uh-huh (affirmative).

25 Q Is that right?

1 A To be honest, I'm not really sure. I was in
2 hysterics. I should have been took to a hospital. I was
3 in -- you know, you can't remember every little detail.

4 MS. HUEY: Your Honor, if you could ask the witness
5 to be responsive.

6 THE COURT: Just a moment. All right. Answer the
7 question. She asked you if you made a statement to one of
8 the investigators. Answer if you did or not, and then you
9 can explain your answer. All right?

10 THE WITNESS: Okay.

11 THE COURT: Ask the question again.

12 A Yes, ma'am, I did make statements.

13 Q And did you say that Ronnie went into the bedroom
14 first, and he was in there for what seemed longer than
15 made sense?

16 A Yes, ma'am.

17 Q And so that's why you went into the bedroom after
18 him; is that right?

19 A No, ma'am. I went into the bedroom to put up laundry
20 that had already been folded but had not been put up.

21 Q I'm just -- are you changing your statement from
22 October 24th, 2003 to today?

23 A No, ma'am. No, ma'am. I did go in there to see what
24 was taking him so long. But at the same time, I was
25 putting up laundry.

1 Q The reason I ask is because on October 30th you say
2 you were in there first putting up laundry and then Ronnie
3 came in. So I'm just trying to figure out which one is
4 right.

5 A Well, to be honest, I don't remember.

6 Q Okay. Now, aside from that, I think you do say in
7 both of those statements that he was looking up at the gun
8 in your closet?

9 A Yes, ma'am.

10 Q And, again, this is your gun?

11 A Yes, ma'am.

12 Q Right? And in your statements, you admitted on
13 October 30th that Ronnie had never pointed a gun at you or
14 threatened you with a gun?

15 A That's correct.

16 Q Is that right?

17 A Uh-huh (affirmative).

18 Q During your relationship never?

19 A That's right.

20 Q But on this particular day, you thought that he was
21 looking toward the gun?

22 A I know he was looking towards the gun.

23 Q And so as a result, you grabbed it first; is that
24 right?

25 A Yes, ma'am.

1 Q And then what happened after that? How did y'all get
2 into the living room? Because we know he was killed in
3 the living room or he was found dead in the living room
4 with blood all over the place.

5 A Yes, ma'am.

6 Q So how did y'all get into the living room?

7 A I was wondering where I was going to hide it without
8 him seeing it because he was right there at me. So I just
9 kept it in my hand down by my side until I seen ---

10 Q Did you call the police at that point?

11 A No.

12 Q Do you kick him out? It was your house, right?

13 A Yes, it was my house.

14 Q Did you say, get out of here? You're drunk. Get out
15 of here.

16 A There was a warrant for his arrest.

17 Q From October 5th; is that right?

18 A Uh-huh (affirmative).

19 Q But that's because he wanted to leave you, right?

20 A He said nothing to me about leaving ever.

21 Q He didn't say anything about leaving and going to
22 stay with his grandfather for a while?

23 A No, ma'am.

24 Q To get away from you?

25 A No, ma'am, he did not.

1 Q But aside from that, I'm talking about did you call
2 the police when you thought he was reaching for the gun on
3 October 24th, 2003, the day he was killed?

4 A No, I did not because there was no phone in that
5 bedroom.

6 Q Okay. But you said you walked out?

7 A I did walk out. But if he ever knew I was going to
8 call the law -- he has tore up two or three telephones of
9 the mine to keep me from calling the law.

10 Q Ms. Vaughn, you're not afraid to call the law.
11 You've called the law before, right?

12 A Yes, I have.

13 Q For this bogus CDV charge you were talking about from
14 October 5th?

15 A Excuse me. It's not bogus.

16 Q So the testimony from Shannon Smith who testified
17 today ...

18 A Uh-huh (affirmative).

19 Q You were here today for that, right, Ms. Vaughn?

20 A Yes, ma'am.

21 Q And she said that according to you and in your own
22 words that Ronnie had never beat you, that the day you had
23 him arrested for CDV that he was going to leave you,
24 right?

25 A No, ma'am, I did not say that. I didn't say anything

1 about the leaving. He had never said anything to me about
2 leaving.

3 Q Did you say anything about killing the next time?

4 A No, I did not.

5 Q Or joking about rat poison?

6 A That was not me that mentioned rat poison. It was
7 another lady that had came out there. I don't know who
8 she was.

9 Q Back to October 24th. After you were able to grab
10 that gun before him, you kept it down at your side and
11 y'all walked into the living room?

12 A Uh-huh (affirmative).

13 Q And then he just sat on the sofa, I think you
14 testified today. After this happened, he just came in and
15 then sat down on the sofa?

16 A Yeah, but he was on and off violent, calm, violent,
17 calm.

18 Q But you testified you thought the argument was over?

19 A I did.

20 Q Right?

21 A I did think it was over until he started coming up
22 off the couch.

23 Q And, again, did you ever try to call 911 then?

24 A There was no phone in between me and him at that
25 time.

1 Q He was in your presence the entire time?

2 A In other words, I would have had to pass by him to
3 get to the telephone.

4 Q I guess I'm curious because what was he threatening
5 you with? You had the gun?

6 A He told me that morning he would kill me.

7 Q You have the gun in your hand.

8 A Exactly.

9 Q Okay.

10 A But in order to call the law, I would have had to
11 pass by him to get to the telephone.

12 Q Aside from that, you didn't call the law. You just
13 kept that gun at your side the entire time. And meanwhile
14 he is not armed; is that right?

15 A As far as I know. I don't know.

16 Q Was he waving a gun at you? Did he have a gun down
17 by his side?

18 A No, ma'am. But he often kept a pocket knife on his
19 belt.

20 Q I asked you if he had a gun in his hand?

21 A No, ma'am.

22 Q You were the one with a gun in your hand?

23 A Yes, ma'am.

24 Q Now, how long passed -- how much time passed between
25 the time y'all came out of the bedroom, you had the gun,

1 y'all went into the living room, Ronnie sat on the sofa,
2 you thought the argument stopped, then it started back,
3 and this whole time you have the gun at your side?

4 A Uh-huh (affirmative).

5 Q How long was that?

6 A That's hard to say. That was a traumatic experience
7 for me. I don't know. Five minutes? That's just a
8 guess.

9 Q Okay. So let's say it's five minutes. But then,
10 again, you have the gun in your hand at your side, right?

11 A Yes, ma'am..

12 Q And what did you think Ronnie was going to do to you
13 which made you shoot him and kill him?

14 A Attack me, grab my wrist and get the gun and put it
15 on me.

16 Q Was he going to try to get the gun so that he didn't
17 get killed because he was scared of you?

18 A No, ma'am. He had plenty of opportunities that he
19 left. He could have stayed gone.

20 Q Okay. Let's talk about him leaving then. You were
21 supposed to work at O'Charley's that day, right?

22 A Yes.

23 Q What time were you supposed to go in?

24 A From 12:00 to 2:00. I was in training. And then I
25 was supposed to went back from 4:00 to 4:30 for

1 orientation.

2 Q And you decided not to go in because y'all started
3 drinking, right?

4 A Well, I was already upset before I started drinking.

5 Q You felt threatened that morning?

6 A I waited tables. And you have to keep your composure
7 and smile. And I ---

8 Q Did you feel threatened that morning?

9 A Yes, I did. I was threatened that morning.

10 Q Okay. But you were threatened, and still you took
11 him to the bank and to the liquor store and the gas
12 station?

13 A He did not threaten my life until after we got home
14 and after he started drinking the liquor.

15 Q I see. Okay.

16 A The trips, all the errands had already been ran.

17 Q And you were supposed to go to work at O'Charley's at
18 10:00 o'clock, you said?

19 A No, ma'am.

20 Q 12:00?

21 A I was supposed to be there from 12:00 to 2:00.

22 Q I'm sorry. Okay. So what had y'all been arguing
23 about?

24 A He thought I was trying to deceive him about the
25 hours I had to work. See, after training I ---

1 Q Okay. So in your mind, he thinks that you're lying
2 about your hours?

3 A Exactly.

4 Q Now, do you think he was concerned about your hours
5 because he wanted you to leave so he could get out of the
6 house?

7 A Well, I wouldn't know what he was thinking. I mean,
8 I wouldn't know if he thought that.

9 Q Maybe he was going to leave you while you were at
10 work and you found out about that, and that's why you
11 didn't go to work at O'Charley's?

12 A Ma'am, I don't know anything about him leaving.

13 Q Even though four people testified that he was going
14 to leave you that next day?

15 A I didn't hear that until today, ma'am.

16 Q And that never came up?

17 A No, ma'am.

18 Q On Friday, October 24th?

19 A No, ma'am.

20 Q Now, the actual shooting, you thought he was going to
21 lunge toward you and twist your wrist; is that right?

22 A Yes, ma'am. He had a pattern of that.

23 Q And so in your statements though, you say just that.
24 You thought he was going to lunge toward you?

25 A That's what it appeared, yes, ma'am.

1 Q So in saying that, that means he never actually got
2 up off the sofa, right?

3 A I really don't remember if he did or not.

4 Q The reason I ask is because we've heard expert
5 testimony that Ronnie Grant had to have been sitting on
6 that sofa when he was shot and killed, the way the blood
7 fell down his legs.

8 A He also could have been ---

9 Q His legs might have been crossed?

10 A And he also could have been lunging. We also heard
11 that.

12 Q But you say in your statements to police on
13 October 24th and October 30th of 2003 that you just
14 thought he was going to lunge?

15 A Because he had made a pattern of that in a year and a
16 half time.

17 Q And yet you're the one with the gun in your hand?

18 A Yes, ma'am. But I knew if he got close enough to me,
19 he would have the upper hand.

20 Q But Ms. Vaughn, you're the one who's threatened him
21 with a gun before?

22 A I have not threatened him with a gun before.

23 Q Right? Didn't Sharon Davenport hear you herself?

24 A That's hearsay.

25 THE COURT: Just a minute. Ladies, just a moment.

1 The court reporter has to take down everything that is
2 being said. She can only do one person at a time. So
3 Madam Solicitor, you ask the question. And then wait till
4 she finishes her question, and then you can answer the
5 question. And if you need to explain your answer, you can
6 do that before she will ask the next question. Let's
7 follow that little procedure.

8 THE WITNESS: Okay.

9 THE COURT: All right. Go ahead. Ask the question.

10 Q Sharon Davenport heard you threaten Ronnie Grant with
11 a gun two months before you killed him; isn't that true?

12 A No, that is not true. She did not hear me say that
13 because I didn't say it.

14 Q Why would she make that up?

15 A I don't know.

16 Q Now, you testified today that you took Ronnie to cash
17 a check and took him by a gas station to get some beer and
18 then to the liquor store and that sort of thing?

19 A Uh-huh (affirmative).

20 Q Right? And today you testified that he bought six
21 big beers?

22 A Yes, ma'am.

23 Q Okay. But in your statement on October 30th, you say
24 he only bought a few or several big beers?

25 A Well, several can be six.

1 Q Okay. And out of those several beers, you had one or
2 two of them?

3 A I drank one.

4 Q Again, in your statement it's one or two?

5 A I do believe it was one.

6 Q And in addition to that, you also had the Wild
7 Turkey?

8 A Uh-huh (affirmative). One to two ounces
9 approximately.

10 Q Now, when you shot and killed Ronnie, how did he
11 fall?

12 A I don't remember seeing him fall.

13 Q Where were you when you shot and killed him in
14 relation to him? Were you standing in front of him? Were
15 y'all standing together?

16 A I was standing -- I was standing facing him almost
17 like at an angle.

18 Q You were facing him at an angle while he was
19 standing?

20 A I don't know if he was standing or not yet.

21 Q He was sitting on the couch, wasn't he?

22 A Yeah, getting up.

23 Q He was sitting on the couch when you shot and killed
24 him?

25 A He was sitting on the couch ---

1 Q He didn't even know it was coming, did he?

2 A He was sitting on the couch getting up, fixing to
3 lunge at me.

4 MS. HUEY: Just a minute. I'm sorry, Judge.

5 Q Now, Ms. Vaughn, back on October 16th when you took
6 Ronnie to the detention center for his court date, right?

7 A Yes, ma'am.

8 Q Today are you denying having spent a lot of the day
9 with Shannon Smith?

10 A I did not spend most of my day with Shannon Smith,
11 neither did we have lunch together. I had lunch alone in
12 my truck.

13 Q And, again, you didn't tell her any of that about
14 Ronnie leaving you and that's why you got a domestic
15 violence ---

16 A No, ma'am. Today's the -- I mean, I've just heard of
17 this.

18 Q Why did you take him to the detention center that day
19 if you had him arrested for CDV?

20 A He actually had not been arrested before that date.

21 Q Okay.

22 A They have a warrant for his arrest.

23 Q And why did you take him to the detention center?

24 A I was hoping he would be arrested that day and be out
25 of my home for good.

1 Q You were taking him there ---

2 A In hopes that he would be arrested, behind bars and
3 stay out of my home.

4 Q I see. Well, how about when he came home then? Why
5 didn't you kick him out then?

6 A Because I was told that it was his house as much as
7 it was mine.

8 Q You own the house, right?

9 A That's right.

10 Q And he started living with you, right?

11 A Uh-huh (affirmative). But I was told by officers he
12 ---

13 Q Okay.

14 MS. HUEY: That's all I have, Judge.

15 MR. GAMBLE: Nothing further, Your Honor. The
16 Defense rests, I think. Wait just a ...

17 (Pause.)

18 MR. GAMBLE: We rest.

19 THE COURT: Any reply? You can talk to ...

20 Mr. Gamble, you say you rest?

21 MR. GAMBLE: Yes, sir.

22 THE COURT: You may step down. Thank you, ma'am.

23 Any reply?

24 MS. HUEY: No, sir, there's no reply from the State.

25 THE COURT: Very good. May I see counsel, please?

1 (WHEREUPON, a bench conference was held off the
2 record, in the presence of the jury, but out of the
3 hearing of the jury.)

4 THE COURT: Madam Forelady, ladies and gentlemen of
5 the jury, that concludes the testimony and exhibits and
6 other evidence in the case. However, we still have the
7 argument by counsel and, also, the charge on the law by
8 the Court. And that would take more than the two hours
9 that remain today. Plus I would want you to have a fresh
10 start with it in the morning. So I'm going to -- and I
11 need to talk to the lawyers and find out what the charge
12 will be, have their advice on that as well. So that's
13 going to take a little bit of time this afternoon. So I'm
14 going to suggest that we come by in the morning and
15 conclude the trial tomorrow. I do think it would be best
16 that we have enough time to consider it without having any
17 pressure.

18 Now, does anybody have any sort of conflict or
19 anything that would prevent them from coming back and
20 finishing the case tomorrow?

21 (No response.)

22 THE COURT: All right. Well, let's do that.

23 Now, Madam Clerk -- not Madam Clerk. Excuse me. I
24 did that to the Clerk. I called her the Forelady.

25 Madam Forelady, do you have any suggestions at what

1 time you want to start?

2 THE JUROR: Same time.

3 THE COURT: That would be 9:30?

4 THE JUROR: (Nodded head up and down in the
5 affirmative).

6 THE COURT: 9:30. Very good. So come back to the
7 jury room at 9:30 in the morning.

8 And, again, now, please understand that although the
9 testimony and other evidence is complete, a very important
10 part of the case is yet to come. And so we need to keep
11 an open mind throughout. And, again, do not let anybody
12 interfere with the proper resolution of the case. Thank
13 you very much.

14 Everyone else remain seated while the jury retires
15 from the courtroom.

16 (WHEREUPON, the jury exited the open court at
17 approximately 3:00 p.m.)

18 THE COURT: All right. I do want to know the issues
19 that you feel are raised by the evidence in this case.
20 Obviously, the Defense has addressed the question of
21 self-defense. But is there anything else? I mean, I just
22 need to know. I sometimes say that my advantage as a
23 Judge is that I'm dumb. I don't know all about your case.
24 Y'all have lived with this case much longer than I have.
25 So you need to educate me if you think there's something

1 else in there I need to know. Also, that the jury needs
2 to know.

3 MR. GAMBLE: My opinion is, Your Honor, that it's
4 murder or self-defense.

5 THE COURT: Do you want the lesser-included?

6 MR. GAMBLE: No, sir.

7 THE COURT: Those are the types of things I need to
8 know. I need to know also battered wife or spouse,
9 accident.

10 MR. GAMBLE: No, sir. There was no testimony as to
11 any accident. There was no testimony regarding the
12 elements of a battered wife syndrome. As a matter of
13 fact, I called Ms. Huey Friday before this case started
14 and told her I was withdrawing any mention of that from
15 the case.

16 THE COURT: Well, that's the type of thing. I want
17 to be sure that the record is clear that the Court gave
18 all the parties or both of the parties, everybody involved
19 in this case, ample opportunity to raise those things that
20 they feel necessary. Of course, it will be limited to ---

21 MR. GAMBLE: Your Honor, I further talked with ---

22 THE COURT: Excuse me. Also, if it -- the charge is
23 going to be murder. That's the lead charge?

24 MS. HUEY: Yes, sir.

25 THE COURT: And the Defendant doesn't want

1 lesser-included. The State doesn't want lesser-included.
2 And then the only other charge would be as to the gravamen
3 would be self-defense?

4 MR. GAMBLE: Yes, sir. I don't think the full
5 elements of manslaughter were in this case. Accident, I
6 discussed with Ms. Vaughn earlier. That's not in the case
7 because of her state of mind at that instant. She doesn't
8 know if it went off accidentally or not or if she shot. I
9 mean, that was so hazy that I couldn't get to it. So I
10 don't think that's there. I think it's, like I said,
11 murder or self-defense.

12 Also, we do have possession of a weapon during a
13 violent crime?

14 MS. HUEY: Yes, sir.

15 THE COURT: All right. Again, the charge -- all
16 right.

17 MS. HUEY: Judge, could we break for just a few
18 minutes?

19 THE COURT: Certainly. In fact, the idea was to give
20 you time to think about what you wanted to do and also --
21 let's do. How much time do you need? It's a little bit
22 after three. Do you want to say 3:30?

23 MS. HUEY: That would be great, Judge.

24 THE COURT: All right. Very good. We'll stand at
25 ease until 3:30.

1 (WHEREUPON, court stood at recess after which a
2 charge conference was held off the record.)

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4 (WHEREUPON, Court's Exhibit Number 2 was marked for
5 identification only.)

6 (WHEREUPON, Court's Exhibit Number 3 was marked for
7 identification only.)

8 THE COURT: May I see counsel, please?

9 (WHEREUPON, a bench conference was held off the
10 record.)

11 THE COURT: The Court has received a note from one of
12 the jurors, juror 116, that says, witness Tammy Patterson,
13 she is married to his wife's cousin. Doesn't really know
14 her but recognized her face. I've shown the note to the
15 counsel. Is there anything from the State?

16 MS. HUEY: Judge, I don't think that should be a
17 problem. We may want to ask the juror just to make sure
18 on the record. But other than that, I don't think it will
19 be a problem.

20 THE COURT: All right. From the Defense?

21 MR. GAMBLE: I don't see it as a problem either, Your
22 Honor.

23 THE COURT: All right. Well, I will -- ask
24 Mr. Robinson if you would, please.

25 By the way, that's Court's Exhibit Number 4.

1 (WHEREUPON, State's Exhibit Number 4 was marked for
2 identification only.)

3 (WHEREUPON, the juror entered the courtroom.)

4 THE COURT: That's fine, sir, right there. I've been
5 furnished a note that says that one of the witnesses,
6 Tammy Patterson, is married to your wife's cousin?

7 THE JUROR: Yes, sir.

8 THE COURT: But you don't really know her, but you
9 did recognize her face; is that correct?

10 THE JUROR: Yes, sir.

11 THE COURT: All right. Would that in any way affect
12 your ability to give both the State and the Defendant a
13 fair and impartial trial in this case?

14 THE JUROR: No, sir.

15 THE COURT: Very good.

16 Anything further from the State?

17 MS. HUEY: No, sir, Your Honor.

18 THE COURT: From the Defendant?

19 MR. GAMBLE: No, Your Honor.

20 THE COURT: Very good. Thank you very much. And you
21 may rejoin the jury. Thank you.

22 (WHEREUPON, the juror exited the open court.)

23 THE COURT: I see no reason to excuse the juror, and
24 he will remain with the jury.

25 Now, the Court has also been provided two cases.

1 One, the Court of Appeals State v. Grubbs, 2003 South
2 Carolina -- no. Excuse me. 353 South Carolina 374, Court
3 of Appeals 2003. And the other is State v. Lowry, 315
4 South Carolina 396, Supreme Court 1993. I've read the
5 cases. I agree with the cases. But it's my understanding
6 that the Defendant has waived the lesser-included offense
7 of voluntary manslaughter.

8 MR. GAMBLE: That's correct, Your Honor.

9 THE COURT: What does the State say?

10 MS. HUEY: Judge, honestly, the State is on the fence
11 about that. I think that case law ---

12 THE COURT: Well, let me say something. When I got
13 it this morning, I tried to do a very quick search on the
14 question of waiver, not so much whether or not voluntary
15 manslaughter is an appropriate charge under the evidence
16 that's in this case. I think the cases speak to an
17 interpretation of some of the evidence here. And it would
18 say that it would be included.

19 But as I understand it, the Defendant is exercising
20 her right to waive a lesser-included charge and go to the
21 jury either on guilty of murder or not guilty?

22 MR. GAMBLE: Yes, sir.

23 THE COURT: That's an issue I have. I don't have
24 anything on it. Do you have anything, Mr. Gamble? We all
25 know what the theory is.

1 MR. GAMBLE: Yes, sir.

2 THE COURT: The strategy, if you would.

3 MS. HUEY: Judge, the State's concern is that if
4 there's any evidence, then it needs to go to the jury. It
5 needs to be charged to the jury, no matter how slight, as
6 I understand it.

7 THE COURT: As I say, I have no problem. I agree
8 with you completely.

9 MS. HUEY: I just don't know if she can waive that.

10 THE COURT: I'm just wondering can we require a
11 defendant to go with a lesser-included.

12 MR. GAMBLE: I don't think you can, Your Honor.

13 MS. HUEY: I don't think she can waive it.

14 THE COURT: That's your position. I understand that.

15 MR. GAMBLE: That's my firm position.

16 THE COURT: All right. I am going to do this.

17 Ms. Vaughn, I'm going to ask you to stand one more
18 time, please. Do you understand what we've been
19 discussing this morning? Under the charge in the
20 indictment 2004-GS-04-748, indictment for murder, under
21 our law is included the lesser-included offense of
22 voluntary manslaughter. In other words, murder can be
23 punishable by life imprisonment; voluntary manslaughter is
24 up to 30.

25 MS. HUEY: Yes, sir, Judge.

1 THE COURT: Up to 30 years, if you're found guilty.
2 I'm just talking about what I have to give to the jury.
3 And it's my opinion that the State is right, that under
4 the facts of this case where there is evidence of a
5 potential assault, that you would be entitled to a charge
6 on involuntary manslaughter as well. In other words, the
7 lesser-included offense. But I am advised that you do not
8 wish to have the lesser-included offense and go directly
9 to the jury on the issue either of guilty of murder or not
10 guilty of murder.

11 Now, if I am going to do that, I want to be sure that
12 that is your decision and you know what the consequences
13 are and that you do so knowingly, intelligently and freely
14 and voluntarily. So I'm going to give you an opportunity
15 to talk to your attorneys, Mr. Gamble and Ms. Johnson, and
16 tell me what you'd like to do. Do you have any questions
17 of the Court first before I let you sit down and talk to
18 your lawyers?

19 THE DEFENDANT: I don't have no questions.

20 THE COURT: If you would, then y'all consult for a
21 few minutes while I continue my search.

22 MS. HUEY: Yes, sir, Judge. We're going to do the
23 same, if that's all right.

24 THE COURT: Yes, ma'am. We'll take about five
25 minutes.

1 (WHEREUPON, a short break was taken.)

2 THE COURT: Are we ready to go back on the record on
3 the question, from the State?

4 MS. HUEY: Yes, sir, Your Honor.

5 THE COURT: From the Defendant?

6 MR. GAMBLE: Yes, sir.

7 MS. HUEY: All right. What does the State say?

8 MS. HUEY: Your Honor, I don't think this Defendant
9 has the option of waiving a charge.

10 THE COURT: Do you have any authority?

11 MS. HUEY: I have several cases that say ---

12 THE COURT: Give me the authority.

13 MS. HUEY: Okay. State v. Coleman most recently,
14 Judge, in 2000.

15 THE COURT: What's the holding?

16 MS. HUEY: I'm sorry?

17 THE COURT: What's the holding on the issue?

18 MS. HUEY: A charge on a lesser-including is
19 required.

20 THE COURT: Was it done ---

21 MS. HUEY: If the evidence and ---

22 THE COURT: Excuse me. Was it done over the
23 objection of the Defendant?

24 MS. HUEY: Your Honor, then we have State v. Cahand
25 (phonic).

1 THE COURT: Cahand?

2 MS. HUEY: Yes, sir. And there's ---

3 THE COURT: The Defendant objected to the Judge's
4 charge. The Judge instructed the jury on the
5 lesser-included offense of voluntary manslaughter. It is
6 only proper not to instruct voluntary manslaughter in a
7 murder case when there appears no evidence whatsoever
8 tending to show the manslaughter. No error in the charge,
9 over the objection of the Defendant.

10 MR. GAMBLE: There's no ---

11 THE COURT: Anything else?

12 MS. HUEY: That's all I have, Judge.

13 THE COURT: Okay. You did good.

14 MR. GAMBLE: Our contention is, Your Honor, there is
15 no evidence of voluntary manslaughter in this case. I've
16 got another interesting proposition. In voluntary
17 manslaughter, is there a defense of self-defense?

18 THE COURT: We're not charging involuntary.

19 MR. GAMBLE: I mean, voluntary. I'm sorry.

20 MS. HUEY: Your Honor, I believe there is case law
21 that says you can charge voluntary and self-defense.

22 THE COURT: All right. In State v. Lowery, 315 South
23 Carolina 396, the Judge instructed the jury as to murder
24 and self-defense but declined to charge the jury as to
25 voluntary manslaughter. In that case there was evidence

1 that the decedent was about to initiate a physical
2 encounter when the shooting occurred. And that was -- the
3 Court was found to have erred in refusing to instruct the
4 jury regarding the offense of voluntary manslaughter.

5 But I am going to do this to protect the record. I'm
6 going to ask Ms. Vaughn, now having consulted with her
7 attorney, does she still wish to object to the charge of
8 voluntary manslaughter?

9 Ms. Vaughn, what I'm going to ask you -- do you still
10 wish to waive the lesser-included charge of voluntary
11 manslaughter?

12 THE DEFENDANT: You did say voluntary, right, sir?

13 THE COURT: You'd like to -- you would waive it
14 solely on the charge of murder?

15 THE DEFENDANT: Yes, sir, I would like to waive ---

16 THE COURT: You would like to waive?

17 THE DEFENDANT: --- voluntary manslaughter.

18 THE COURT: All right. I'll overrule or deny her
19 motion to waive the lesser-included offense of voluntary
20 manslaughter and we'll charge voluntary manslaughter as a
21 lesser-included offense.

22 MR. GAMBLE: She said she did not want the charge of
23 voluntary manslaughter.

24 THE COURT: That's what I'm saying. I'm denying her
25 motion to go to the jury solely on murder and not have it.

1 MR. GAMBLE: Then I object to that, Your Honor.

2 THE COURT: Well, you object and I'm going to deny or
3 overrule your objection and deny her motion. What I'm
4 trying to do is protect the record. I think this is going
5 to be an issue. I'd like to see it decided directly
6 rather than in some other fashion.

7 You may sit down. Thank you, Ms. Vaughn.

8 MR. GAMBLE: Secondly, Your Honor, the State has
9 introduced the typed statements of my client to go to the
10 jury because, as I understand it, they believe there would
11 be a rehearing or a reading of those again. I don't
12 object to the introduction of those going in to the jury.

13 THE COURT: In other words, you do not object?

14 MR. GAMBLE: I do not object.

15 THE COURT: What I'm trying to get you to acknowledge
16 is that even though no basis for having an inconsistent
17 prior statement which would permit collateral evidence of
18 the statement other than published to the jury, you waive
19 the right. I mean, you waive the submission of the
20 written statement to the jury?

21 MR. GAMBLE: Actually, Your Honor, these are taken
22 directly from what was read to the jury from ---

23 THE COURT: Oh, you have a typed ---

24 MS. HUEY: Yes, sir.

25 THE COURT: All right. It's a transcript of the

1 statement?

2 MR. GAMBLE: It's a transcript of the statement which
3 was read to the jury by the officer.

4 THE COURT: Now, are the statements -- well, if y'all
5 are not raising an issue, I'm not going to.

6 MS. HUEY: These are the statements that Robert
7 stipulated to me not having to have a Jackson v. Denno
8 hearing. And these were the statements read by Jeff Miles
9 on the stand.

10 THE COURT: Very good. All right.

11 MS. HUEY: So if I could admit these as State's
12 exhibit 26 and 27 without objection.

13 THE COURT: All right. Without objection, State's
14 exhibits 26 and 27 are admitted.

15 (WHEREUPON, State's Exhibits Numbers 26 & 27,
16 formerly Court's 2 & 3, were marked for
17 identification and received into evidence.)

18 THE COURT: All right. Anything else?

19 MR. GAMBLE: No, sir.

20 THE COURT: How about giving me five minutes? I need
21 to gather my thoughts because we changed things.

22 MS. HUEY: I have to do the same, Judge.

23 THE COURT: All right.

24 MS. HUEY: Thank you.

25 THE COURT: We'll stand at ease for five minutes.

1 (Pause.)

2 THE COURT: Anything about that?

3 MS. HUEY: It seems fine to me, Judge.

4 THE COURT: Subject to your objection, of course,
5 Mr. Gamble?

6 MR. GAMBLE: I object to the use of the word "guilty
7 of the lesser-included offense of voluntary manslaughter."
8 I think it should be simply "guilty of the offense
9 voluntary manslaughter."

10 THE COURT: Sounds good.

11 MR. GAMBLE: Instead of the lesser-included offense
12 of voluntary manslaughter.

13 THE COURT: I agree with you.

14 Any objection to that from the prosecution?

15 MS. HUEY: I'm fine with that, Judge. Thank you.

16 THE COURT: You're welcome. So it will read "guilty
17 of murder" on indictment number 2004-GS-04-748 or "guilty
18 of voluntary manslaughter or not guilty"?

19 MR. GAMBLE: Yes, sir, subject to my objection.

20 THE COURT: Your objection to charging voluntary
21 manslaughter at all?

22 MR. GAMBLE: Yes, sir.

23 THE COURT: And that was also a request of the
24 Defendant; is that correct, Mr. Gamble?

25 MR. GAMBLE: Yes, sir.

1 THE COURT: All right.

2 MR. GAMBLE: And further, Your Honor, it's my opinion
3 that there is not sufficient grounds laid by the State to
4 charge voluntary manslaughter.

5 THE COURT: Well ---

6 MR. GAMBLE: I understand the ruling. I'm just
7 adding that further statement ---

8 THE COURT: Very good.

9 MR. GAMBLE: --- for the record.

10 THE COURT: Now, are we ready to go to the jury?

11 MS. HUEY: Yes, sir, Judge.

12 THE COURT: Is the Defense ready?

13 MR. GAMBLE: I do not require the State to open, Your
14 Honor.

15 THE COURT: You'll waive opening by the State?

16 MS. HUEY: I'll waive opening, Judge.

17 THE COURT: All right. So in this case, the
18 Defendant will go first, and then the State will close.

19 MS. HUEY: Yes, sir.

20 MR. GAMBLE: Yes, sir.

21 THE COURT: And that's a waiver by the Defendant of
22 opening statement on behalf of the State?

23 MR. GAMBLE: Yes, sir. I don't require the State to
24 open.

25 THE COURT: Very good. Thank you.

1 Ask the jury to join us.

2 (WHEREUPON, the jury came into open court at
3 approximately 10:22 a.m.)

4 THE COURT: Let the record reflect that the jury and
5 alternates are in the jury box.

6 Madam Forelady, ladies and gentlemen of the jury, I
7 apologize about the delay in starting this morning. But
8 something came up that I had to address before I could
9 submit this case to you.

10 As I said, this is the final part of the trial.
11 We'll have closing arguments by counsel, and then I will
12 charge you the law applicable to the case. And then the
13 case will be given to you for your decision.

14 In this case, the Defendant will argue first, and
15 then the State will close.

16 I recognize Mr. Gamble for his closing argument.

17 MR. GAMBLE: May it please the Court, Your Honor.

18 CLOSING STATEMENT

19 MR. GAMBLE: Madam Forelady, ladies and gentlemen of
20 the jury, this is the end of this case. I will now
21 address you in regard to my views of the case as it was
22 presented and my client's view as she saw it.

23 First and foremost, let's start with malice
24 aforethought. That's what murder has to have. When you
25 listened to that 911 call, you heard a woman in anguish

1 and the moaning and crying that did not indicate a person
2 who was full of malice aforethought. You heard a woman in
3 distress. You heard a woman that had shot a person and
4 thought she had killed him.

5 And then you go backwards. You get into her way of
6 looking at it. She had previously charged this man with
7 criminal domestic violence. That is some hurt that had
8 been put on her on October the 5th prior to October the
9 16th when she took him to the Anderson County Detention
10 Center to be arrested for criminal domestic violence.

11 Then you had some testimony by some people that this
12 man was preparing to leave. When you go to the jury room,
13 take those pictures that were introduced and see if there
14 is any indication of a suitcase, if there's any indication
15 of a backpack or any indication of clothes being stacked
16 out in preparation of leaving. There is none, and you
17 will see that.

18 Secondly, look also at this weight room. You will
19 see weights in there that are well heavier than what
20 generally you would find a woman using. And I'm not being
21 macho or feminist in this thing. It's just that women
22 don't use heavy weights. My wife has little bitty ones
23 that she uses. But not big heavy weights that you will
24 see in those pictures.

25 Now, where does that go to? On the back of one of

1 the pieces of evidence is the waiver of rights, there's a
2 note that I think is interesting. It was made by Officer
3 Vaughn, Chris Vaughn. "He was quick and he was strong,
4 and I was in fear." That's the story of this case. He
5 was quick, he was strong, and I was in fear.

6 She says that he was drunk. The State put up their
7 Laurie Shacker from SLED who said he had .26 ocular fluid
8 alcohol reading. A .26 when in the State of South
9 Carolina .8 can get you arrested for driving under the
10 influence. A .10 can make sure you get arrested for that.
11 A .20 is double that. A .26 is almost triple that amount.
12 He was drunk. It's not grounds to shoot somebody. But
13 when they're drunk, they're quick, they're strong and
14 they're mean, you fear people.

15 You may say, Mr. Lawyer, why didn't she just leave?
16 It was her house. She owned it. Is she's supposed to
17 leave her own house? Is she supposed to leave her child,
18 the five-year old, and go somewhere when it might cause
19 harm to the people she goes to? Where is she going to go?
20 Her father? Bring harm on him? No.

21 The interesting thing that Dr. Woodard came out with,
22 this path of the bullet passed at a downward angle of 2.2
23 -- in 2 and 5/8 inches on a downward slant. Do you know
24 why? He was leaning forward.

25 Who else said that? Steven Derrick, the crime scene

1 investigator from SLED. I specifically asked him, was he
2 back against this sofa? No, he was definitely not against
3 the back of the sofa. He was leaning forward. He was
4 going for that woman. He was going for that woman there.
5 He was going to take her apart. He was going to twist her
6 arm like he did before that she testified.

7 Also, he was leaning forward because after he was
8 shot -- you remember the blood drops straight down -- he
9 stood up. That was their own expert, Steven Derrick from
10 SLED, who said that. And you can see the path of it where
11 he fell. And you can see the shape of this man's back in
12 that picture. This was a back with power and strength.
13 As she said, he was strong and he was quick, and I was
14 afraid to death.

15 The statements of Angela Vaughn will be with you now
16 in your jury room. The State and I agreed to put them in
17 so you could have them for your reading. But in those you
18 will find the same thing that I've told you here before.
19 I was afraid. He was strong and he was quick.

20 There will be a charge from His Honor on the law on a
21 thing called voluntary manslaughter. Voluntary
22 manslaughter, as I understand it, requires an action, the
23 killing of another upon sufficient legal provocation. And
24 self-defense still applies even though there might have
25 been sufficient legal provocation.

1 Whether I believe or don't believe that murder or
2 voluntary manslaughter is in this case, I still think that
3 self-defense requires four things. But the main thing, a
4 fear for your safety, life or well-being at the hands of
5 another is here in this case. And a reasonable person
6 would think the way Angela Vaughn thought that day. When
7 he's looking at the gun, starts in his drunkenness to
8 reach for it. She gets it first. Has it down by her
9 side, was going to try to hide it. He comes after her, as
10 testified to by Dr. Woodard, as testified to by Steven
11 Derrick. And out of fear, she shoots one time. Not five.
12 She could have shot five.

13 And then hearken back to where I started. The call
14 from 911 of fear, of terror, could not speak, emotion,
15 cries of a woman who is hurt, not the cry of a person who
16 planned, plotted and did kill with malice aforethought
17 another person.

18 This case should have but one outcome. And that
19 outcome should be not guilty. And it should be not guilty
20 because the elements of self-defense have been put forth
21 by both the Defense table and the State's own table
22 through their expert. They told you that Angela Vaughn is
23 not guilty.

24 Now, you are her jury. You were selected by her.
25 The reason for that is if we had a panel of lawyers to try

1 to decide a case, we'd be here until next year arguing
2 with each other about it. But you have brought with you
3 the common sense than you need. His Honor is going to
4 charge you. And that's where the law comes from, from the
5 bench.

6 Whether you agree with it or not, it's the law. And
7 if I make an error, it can be corrected somewhere else.
8 If His Honor makes an error, it will be corrected in
9 another place. If the State makes an error, it can be
10 corrected. The problem is when triers of fact make an
11 error, it's there. There is no correction.

12 So I know you're going to take your job seriously.
13 This is a serious business in this room. Consider the
14 facts and consider the elements of self-defense as His
15 Honor will charge you and bring back a verdict, from the
16 word veredicto, that speaks the truth. And I submit to
17 you it should be not guilty.

18 Thank you.

19 THE COURT: Madam Solicitor?

20 MS. HUEY: May it please the Court.

21 CLOSING STATEMENT

22 MS. HUEY: If she couldn't have him, no one could.
23 On October 24th 2003, Angela Vaughn shot and killed Ronald
24 Lee Grant because he was going to leave her. That's how I
25 opened this case. And that's what I've proved to you

1 beyond a reasonable doubt.

2 Angela Vaughn is charged with murder, the killing of
3 another human being with malice aforethought. Malice is
4 defined as ill will, hostility, the intentional doing of a
5 wrongful act. Aforethought simply means that at the time
6 of the act, they had malice. It can happen within a
7 second. Just before and right at the time of the act is
8 aforethought.

9 Angela Vaughn killed Ronnie Grant with malice
10 aforethought. I have proved that to you beyond a
11 reasonable doubt.

12 Now, it makes sense if you find that the Defendant
13 shot and killed and Ronald Grant that she is also guilty
14 of the possession of a weapon during the commission of a
15 violent crime. The weapon being the gun, the violent
16 crime being murder. The two go hand-in-hand.

17 I submit to you that I have proved to you beyond a
18 reasonable doubt that Angela Vaughn shot and killed Ronald
19 Grant with her own gun while he was sitting on a sofa in
20 the living room.

21 Now, I'd like to go over the evidence as well. And
22 the 911 tape is important to me. I would like you to
23 listen to that again. And listen for the silence. Listen
24 how in the beginning there are no hysterics. There's no
25 crying. There's no screaming. And, again, listen to the

1 silence halfway through when Ms. Vaughn is transferred.

2 Again, no hysterics, no crying, no screaming.

3 Remember the testimony of Tamara Galloway, the 911
4 dispatcher. She said 911 starts recording as soon as you
5 dial. And even if there's not another person on the other
6 line, it's still recording. If Ms. Vaughn had still been
7 hysterical in those times of silence, it would have been
8 recorded.

9 Now, in that 911 call, she's already setting up this
10 self-defense argument. She even uses the legal term, "it
11 was self-defense." She also says, "I got him on domestic
12 violence."

13 Well, let's talk about that domestic violence.
14 Shannon Smith testified that on October 16th 2003, she
15 met up with Angela Vaughn at the detention center where
16 Angela Vaughn had brought Ronnie because of this domestic
17 violence charge so that he could be booked. Well, at the
18 detention center, Angela Vaughn tells Shannon, he's never
19 beaten me. He told me he was going to leave. I wasn't
20 going to have him with some other woman. I called him up.
21 The next time I'll kill him. Well, that next time came
22 eight days later on the 24th of October 2003.

23 Let's talk about that next time. Four co-workers of
24 Ronnie's testified that on October 23rd, the day before
25 he was killed, he told them he wanted to leave her. He

1 was going to leave her that Friday. Well, he never had
2 the chance.

3 Angela Vaughn talks about how violent Ronnie is. But
4 Sharon Davenport testified that just under two months
5 before Ronnie was killed, she overheard Angela Vaughn
6 threaten Ronnie with a gun. And what did Angela Vaughn
7 say to Ronnie? Something along the lines of, you'd better
8 be glad you got your ass out here when you did. You don't
9 want me to bring my gun in there, because he was a few
10 minutes late when she was picking him up. By her own
11 admission, Ronnie's never threatened her with a gun, never
12 pointed a gun at her. But yet she's threatening him with
13 a gun just two months before he is killed.

14 In fact, the worst thing that Angela says Ronnie ever
15 did to her was twist her wrist, twist her arm behind her
16 back. And Jeff Miles, in law enforcement for 11 years,
17 testified that's a defensive move. That's what you do
18 when you're trying to restrain someone from hurting you.

19 Why wasn't he beating her in the head, beating her in
20 the face, the body, using his fist? No. He was grabbing
21 her by the arms. That's what she said he would do to her.
22 Why? What did Angela Vaughn do to Ronnie? Well, we don't
23 know because Ronnie is not here. And the version of
24 events that took place on October 24th from Angela Vaughn,
25 the Defendant, the person who admittedly shot and killed

1 Ronnie Grant.

2 Let's talk about those versions. As Mr. Gamble
3 already told you, you're going to get to see in writing
4 the statements that Ms. Vaughn made to law enforcement.
5 She made two statements to law enforcement, one on
6 October 24th and one on October 30th. Both of those times
7 she signed a waiver of rights. And you'll see those forms
8 as well. Advised her of her rights, that she could have
9 an attorney. And on October 30th, she even had an
10 attorney present. She gave those statements freely and
11 voluntarily. Those statements don't really jive with what
12 she testified to. And she testified after the State had
13 presented all of its evidence.

14 Now, let me make it clear. I have the burden in this
15 case, and I welcome it. Ms. Vaughn did not have to say a
16 single word, put up a single witness in her defense. But
17 because she has done that, you have to weigh the
18 credibility of those witnesses on the Defense's side just
19 as you weigh the credibility of the witnesses on my side.

20 Briefly I'd like to get into her statements. On
21 October 24th, this occurred about 7:00 o'clock at night.
22 Ms. Vaughn says, "He was accusing me of deceiving him
23 about what time I had to work, and he got mad about it.
24 We both went to the bedroom separate. He went in the
25 bedroom and stayed for longer than what made sense to me.

1 And I went in there and I was arguing."

2 Well, this statement, she said she goes into the
3 bedroom after Ronnie. What was Ronnie doing? Was he
4 trying to get some things together so he could leave? She
5 was supposed to go to work that day. Was that going to be
6 his opportunity to leave? He never got that opportunity
7 because she didn't go to work. Instead she drove Ronnie
8 to get beer and to get liquor, even though she doesn't
9 like it when he drinks, and then they both started
10 drinking. And yes, they were both drunk. Ronnie
11 especially. It doesn't mean he deserved to be shot and
12 killed. If anything, being drunk, your reactions are
13 slow. It takes you longer to do something.

14 Angela Vaughn goes on to say she got the gun before
15 he did out of the closet. They go in the living room.
16 "He acted like he was going to come towards me, and I shot
17 really before I thought." That's what she says in her
18 initial statement on October 24th. I thought. Well, now
19 she said he was lunging at her. Her initial statement, "I
20 was right at him facing him." When asked, it looks like
21 he was on the couch, I'm almost positive he wasn't on the
22 couch. He was standing. We were face-to-face. Again,
23 it's her initial statement. "He used to always twist my
24 wrist. I just thought he was going to lunge because he
25 always did." I just thought he was going to lunge. But

1 now that we have expert testimony that he had to have been
2 sitting when he was shot, now he's lunging. Two years
3 later she remembers him lunging.

4 She gives a statement on October 30th. She talks
5 about a little more detail this time about how they go and
6 buy several big quart beers. Several in this statement.
7 On the stand it was six. And Ronnie had all of those six.
8 But yet, she admits to having at least one or two. And we
9 all know that her blood alcohol was a ten. So she had to
10 have been drinking something, too.

11 They both started drinking about 10:00 o'clock in the
12 morning. Now, Ronnie had just gotten off of work. His
13 days were mixed up. It was like nighttime for him, coming
14 home after work and having a drink. But Angela Vaughn is
15 a starting to drink at 10:00 o'clock in the morning with
16 Ronnie.

17 In this statement on the 30th she says, he was wide
18 open and she thought he was on drugs. But she never
19 mentions the meth. Never does she say a chronic meth user
20 in either of these statements in October of 2003. But
21 when Laurie Shacker, the toxicologist, testified that they
22 didn't test for meth then, then he became a chronic user
23 of meth. But Laurie Shacker testified that meth users are
24 usually really skinny and malnourished because meth is an
25 appetite suppressant. Ronnie Grant was 190, five eight.

1 Dr. Woodard says a little overweight, a little on the
2 chubby side. Not a chronic meth user.

3 She goes on to say that they fought about her hours.
4 He kept asking her about her hours. Again, did he want to
5 know when exactly when she was going to work so he could
6 get out of the house? Maybe.

7 She talks about his pupils being dilated. Well,
8 Laurie Shacker said alcohol can do that.

9 In the statement she gives on the 30th she said she
10 goes into the bedroom first, then Ronnie follows her.
11 They start arguing. But, again, she gets to the gun
12 first.

13 They go out in the living room. Again, he looked
14 like he was going to twist my wrists. I thought he was
15 going to twist my wrists. I just shot. Does twisting a
16 wrist equate to being -- to shooting somebody? Does that
17 cause serious bodily injury or death, thinking someone is
18 going to twist your wrist?

19 And, again, she's sure he was not sitting on the
20 couch when he was shot. October 30th, not sitting on the
21 couch when he was shot. But, again, we heard testimony
22 from the experts, Dr. Woodard, Steven Derrick from SLED,
23 in their expert opinion, Ronnie had to have been sitting
24 on that couch when he was shot. He had to have been.

25 Steven Derrick talked to you about that blood trail.

1 He talked to you about the drops on the sofa, the drops on
2 the floor and how they lead directly to Ronnie Grant's
3 body. The circular drops when it was perpendicular. The
4 trail that leads to the body. No blood on his shoes, top
5 or bottom. And he said given the totality of the
6 evidence, he doesn't think Ronnie was lunging. He thinks
7 he was sitting on the couch when he was shot.

8 Dr. Woodard goes on to talk about the directionality
9 of the bullet and how it comes in. He thought the shooter
10 was probably coming from the right side of Ronnie. Well,
11 if Ronnie is sitting on the sofa, his right side is to the
12 hall, the hall that leads to the master bedroom which is
13 the first room on the right, the master bedroom where the
14 closet is where Angela Vaughn kept her gun. He talks
15 about how Ronnie had to have been sitting, the way the
16 blood fell on his lap. Not only was he sitting, but in
17 his opinion, his legs were probably crossed. How is
18 someone going to lunge when your legs are crossed?

19 He again says the totality of the circumstances,
20 Ronnie was not lunging at Angela Vaughn. He was sitting
21 on that sofa when he was shot. And when he was shot, he
22 aspirated blood which meant that he coughed it up
23 immediately upon being shot. And that blood is almost
24 like a sneeze. And if something or someone is in front of
25 that sneeze, it can get on you. But Cecil Bradstreet with

1 SLED testified that Angela Vaughn didn't have any blood on
2 her clothes. No blood on her clothes and yet she was
3 standing face-to-face an arm's reach apart, according to
4 one statement. There was no blood on the gun either.
5 Again, how close was she?

6 Speaking of Angela Vaughn, gunshot residue. Ila
7 Simmons testified that she did not have any gunshot
8 residue on her hands even though she was the shooter.
9 Gunshot residue lasts about six hours. It comes off
10 easily though if you wash your hands or wipe them on
11 something.

12 Ronnie Grant didn't have any gunshot residue on his
13 hands. According to Ila Simmons, that meant the shooter
14 had to be three to three and a half feet away from him
15 when he was shot. He didn't have it on his hands. He
16 hadn't put them up to defend against the gun. Is that
17 because he didn't see it coming? He didn't see Angela
18 Vaughn coming to shoot him? And gunshot residue stays on
19 a deceased person indefinitely, according to Ila Simmons.

20 Now, you will be able to look at many pictures from
21 the crime scene. Obviously we've looked at a good bit
22 here in trial. More of some than others. The bloodstain
23 pattern analysis, it will be good for you to be able to
24 see that close up.

25 There are also pictures of the rest of the house.

1 And that's just to give you a general view of the house
2 and where this incident took place. But notice in the
3 living room. Notice the ashtray on the sofa, the Wild
4 Turkey glasses, the knickknacks on shelves, the plates on
5 shelves, pictures on the wall. Nothing is disturbed. No
6 struggle was taking place. Everything right where it
7 should be except for Ronnie Grant.

8 Now, the Defendant's daughter also took the stand.
9 And she testified that she had to have been with Angela
10 when Sharon Davenport heard Angela threaten Ronnie. But
11 she got the dates wrong. And she admitted that she didn't
12 always go with Angela to pick Ronnie up at work. So she
13 can't know for sure whether Angela definitely did this or
14 not. She has no way of knowing.

15 The neighbor took the stand as well. And the
16 neighbor said, yes, she saw the man that was living with
17 Angela, saw the two of them in the back yard. And he
18 looked like he was going to hit her. But she didn't see
19 anything leading up to that. And by Angela's own
20 admission, he's never hit her. Only twisted her arms,
21 twisted her wrists. The neighbor also heard arguing, male
22 and female voices.

23 Now, by her own admission, we know that Angela Vaughn
24 shot and killed Ronnie. So the question becomes was it in
25 self-defense. And, again, there are four elements to

1 self-defense. And each and every one of those have to be
2 met. First of all, the Defendant had no fault in bringing
3 the danger on. She was the one with the gun the entire
4 time. She grabbed it. She held it down at her side,
5 walked around with it. And then she used the gun to shoot
6 and kill Ronnie.

7 Secondly, she was in imminent danger of serious
8 bodily injury or death or believed she was. And, again,
9 by her statements originally on October 24th and
10 October 30th of 2003, she says, I just thought he was
11 going to twist my wrist. Is twisting a wrist serious
12 bodily injury, death?

13 That's where the third element comes in. And a
14 reasonable person has to feel the same way. A reasonable
15 person wouldn't feel the same way.

16 And finally, the fourth element that has to be met is
17 that there is no way to avoid the danger. No, she doesn't
18 have to leave her own home. But why didn't she call the
19 police? She had certainly called the police before. She
20 had the gun in her hand the whole time. Why didn't she
21 point it at him and say, I'm kicking you out? Get out of
22 here. Shoot him in the leg. No. She shot him in the
23 chest while he was sitting on the sofa.

24 Now, I must prove to you beyond a reasonable doubt
25 that the Defendant committed murder. Beyond a reasonable

1 doubt. I also must prove to you beyond a reasonable doubt
2 that she was not acting in self-defense.

3 Now, reasonable doubt is just that. It's not beyond
4 every doubt. They're are few things in life that we know
5 with absolute certainty.

6 The Judge is also a going to charge you on what is
7 called voluntary manslaughter. It's a lesser-included
8 offense. Murder. Voluntary manslaughter has to be a
9 killing where there's sufficient legal provocation done in
10 the heat of passion. Words alone can't equate to
11 voluntary manslaughter. There has to be some overt act.

12 Now, I would suggest that you pay attention to those
13 statements of Angela Vaughn made in the beginning before
14 she knew all of the evidence that was going to be
15 presented against her, that she said, I thought he was
16 going to lunge. Thought he was going to lunge. And the
17 evidence shows from the experts he didn't lunge. He was
18 sitting on that sofa. She was not provoked.

19 If you want a theory in this case, Ronnie Grant, as
20 I've said before, was going to leave her. They probably
21 did argue. But they argued about him leaving her. He sat
22 on that sofa and he drank, admittedly, smoked his
23 cigarettes, watched TV. Angela Vaughn grabbed that gun
24 out of her closet, just like she said. She came down that
25 hall and she shot him while he was sitting on that sofa.

1 He probably did not even see it coming. And as a
2 reaction, as Dr. Woodard testified, he jumped up, but
3 immediately went unconscious and fell to the floor where
4 he was found dead. That's a theory for this case.

5 Angela Vaughn is not the victim here. Ronald Grant
6 is the victim. Angela Vaughn murdered him. And she
7 wanted you to use preconceived notions of domestic
8 violence and relationships between men and women to say
9 this was self-defense, that he deserved killing. She was
10 afraid of him. He was afraid of her. But, again, we only
11 have Angela Vaughn's version of events, different as they
12 may be from time to time.

13 Ronnie is not here to speak to us and tell us what
14 happened. But the evidence speaks for him. The witnesses
15 who took the stand and testified about what happened in
16 the weeks leading up to his death spoke for Ronnie. And
17 the blood that he spilled when Angela Vaughn shot and
18 killed him, that speaks for him. And this evidence tells
19 us without a doubt that Angela Vaughn murdered Ronnie
20 Grant. She killed him with malice aforethought. Malice.

21 She had been planning it. Like I said, from the 911
22 call she had already set up the self-defense argument.
23 Had already had him arrested on domestic violence a couple
24 weeks before that. Pay attention to those tapes. Angela
25 Vaughn acted with malice when she shot and killed Ronald Lee

1 Grant with her own weapon while he was sitting on the
2 sofa.

3 Thank you.

4 JURY CHARGE

5 THE COURT: Madam Forelady, ladies and gentlemen of
6 the jury, as jurors in this case, you have certain
7 functions and responsibilities to perform which are
8 entirely separate and distinct from those of mine as the
9 trial Judge. I am prohibited by the Constitution of our
10 State from charging you on the facts of the case. I am
11 also prohibited from discussing the facts of the case with
12 you or in any way intimating what my feelings, if any, are
13 about the facts. It is your responsibility, and yours
14 alone, to pass upon all issues of fact presented in the
15 case. I would, therefore, charge you that if during the
16 course of the trial or during my charge you have been
17 given or left with an impression or feeling that I do have
18 a personal feeling about the facts of this case, I would
19 specifically instruct you to disregard that feeling or
20 impression.

21 Moreover, you are the sole judges of what the
22 testimony was and not the argument of counsel. It is also
23 your duty, and yours alone, to weigh the testimony and
24 evidence in the case and to pass upon the credibility or
25 believability of the witnesses. In this connection, you

1 have the right to believe all that a witness tells you or
2 disbelieve all that a witness tells you. You have the
3 right to believe a part of what a witness tells you and
4 disbelieve a part of what a witness tells you.

5 You have the right to take into consideration any
6 bias or prejudice or interest you feel a witness might
7 have in the case. I say this merely to emphasize that the
8 weight you see fit to give to the testimony to the
9 credibility of the witnesses as well as all issues of fact
10 are for your sole determination.

11 Now, as judges of the facts, you are the sole judges
12 of the credibility, that is the believability, of the
13 witnesses that have testified in this case. In passing
14 upon their credibility, you take into consideration many
15 things such as appearance and manner of the witness on the
16 stand, sometimes referred to as the demeanor of the
17 witness. Was the witness forthright or hesitant? Was the
18 witness' testimony consistent, or did it contain
19 discrepancies? What was the ability of the witness to
20 know the facts about which he or she testified? Did the
21 witness have a cause or reason to be biased and prejudiced
22 in favor of the testimony he or she gave? Was the
23 testimony of the witness corroborated or made stronger by
24 other testimony and evidence, or was it made a weak or
25 impeached by such other testimony and evidence?

1 As jurors, you have the right to believe a small
2 portion of a witness' testimony and discard the larger or
3 vice versa. You may believe all of a witness' testimony
4 or none. You may believe the testimony of one witness
5 against that of many witnesses or the other way around.
6 Most certainly, you do not determine the matter of
7 credibility or believability by counting up the number of
8 witnesses who may have testified on behalf of the parties.

9 Now, the rules of evidence ordinarily do not permit
10 witnesses to testify to opinions or conclusions. An
11 exception to this rule exists for witnesses we call an
12 expert witness. A witness who by education and experience
13 has become expert in some art, science or profession may
14 give an opinion as to the subject the witness claims to be
15 an expert in and may also give the reasons for the
16 opinion. You should consider any expert opinion given by
17 a witness and, like all other evidence, give it the weight
18 that you think it deserves.

19 If you decide that an expert witness' opinion is not
20 based on sufficient education and experience or if you
21 decide the reasons given in support of the opinion are not
22 sound or that the opinion is outweighed by other evidence,
23 you may disregard the opinion entirely. An expert
24 witness' testimony is to be given no greater weight than
25 that of other witnesses simply because a witness is an

1 expert. You do not have to accept an expert's opinion
2 even though it is uncontradicted.

3 Now, by the same constitution and law which makes you
4 the finders of the facts and evidence, as I have discussed
5 with you, I am, as the Judge, made the sole and only
6 instructor in the law. And you must accept as correct the
7 law which I charge and apply to it the evidence as you
8 find it and reach your verdict.

9 If I should make an error in the law as I instruct it
10 to you, there is another time and place that error can be
11 considered and, if necessary, corrected. But for the
12 purpose of this case today, you must accept the law as I
13 charge it to you to be the correct law.

14 Now, there are two types of evidence generally
15 presented during a trial, direct evidence and
16 circumstantial evidence. Now, direct evidence is the
17 testimony of a person who claims to have actual knowledge
18 of a fact such as an eyewitness. It is evidence which
19 immediately establishes the main fact to be proved.

20 Now, circumstantial evidence is proof of a chain of
21 facts and circumstances indicating the existence of a
22 fact. It is evidence which immediately establishes
23 collateral facts from which the main fact may be inferred.
24 Circumstantial evidence is based on inference and not on
25 personal knowledge or observation. It is proof that does

1 not actually establish the fact in question, but that
2 asserts or describes something else from which you may
3 either reasonably infer the truth of the fact or at least
4 reasonably infer an increase in the probability that the
5 fact is true. For circumstantial evidence to be
6 sufficient to warrant the finding of the fact, the
7 circumstances must lead to that fact with reasonable
8 certainty. The facts and circumstances should be
9 considered in light of ordinary experience and common
10 sense. The existence of a fact cannot be based on
11 speculation, surmise or conjecture.

12 Now, the law makes absolutely no distinction between
13 the weight or value to be given to either direct or
14 circumstantial evidence, nor is a greater degree of
15 certainty required of circumstantial evidence than of
16 direct evidence.

17 Now, there have been admitted into the record in this
18 case statements allegedly to have been made by the
19 Defendant. Before you may consider the statements as
20 evidence for any purpose, you must determine four
21 questions. One, did the Defendant make the statements?
22 Two, was the Defendant warned of her constitutional
23 rights? Three, did the Defendant knowingly and
24 intelligently waive her constitutional rights? And four,
25 were the statements given voluntarily?

1 The fact that the Court has admitted a statement into
2 evidence should not be considered by you as any evidence
3 whatsoever that the Defendant made such a statement or
4 that the required constitutional safeguards were, in fact,
5 provided and waived by the Defendant or that the statement
6 was voluntarily given because these issues are for you,
7 the jury, to determine. The State must prove beyond a
8 reasonable doubt each of the four requirements I have just
9 stated to you before you may consider the statement as
10 evidence for any purpose whatsoever.

11 As to the first requirement, did the Defendant make
12 the statement? If you conclude that the Defendant did not
13 make the statement, you must then completely and totally
14 disregard the statement.

15 As to the second requirement, was the Defendant
16 warned of her constitutional rights? When an individual
17 is taken into custody or otherwise deprived of his or her
18 freedom of action in any significant way by a law
19 enforcement officer, he or she must be warned of certain
20 constitutional rights prior to and before any custodial
21 interrogation or custodial questioning. Now, these rights
22 are, one, the right to remain silent; two, that any
23 statement made by the Defendant can and will be used
24 against the Defendant in a Court of Law; three, the right
25 to select a lawyer of his or her choice, but if the

1 Defendant is without money or resources to employ a
2 lawyer, the Court will appoint and provide a lawyer to
3 represent him or her without cost or expense if he so
4 desires or she so desires; the right to consult a lawyer
5 before answering any questions or making any statement;
6 and the right to have a lawyer present at all times during
7 interviews and interrogations.

8 If you determine that these constitutional warnings
9 were not given to the Defendant prior to the interrogation
10 in the taking of a statement or that the Defendant was not
11 afforded the opportunity to exercise these rights, you
12 must completely disregard the statement. And in that
13 event, you cannot consider the statement as evidence in
14 any manner whatsoever.

15 As to the third requirement, did the Defendant
16 knowingly and intelligently waive her constitutional
17 rights, if you find the Defendant did not knowingly and
18 intelligently waive her constitutional rights, then any
19 answer given by her or any statement made by her cannot be
20 used against her and you must completely disregard all of
21 the testimony concerning any such answers or alleged
22 statement.

23 As to the fourth requirement, was the statement given
24 voluntarily, a statement if not voluntary may not be used
25 against a defendant unless it is the product of an

1 essentially free and unconstrained charge by its maker.
2 The true test to be applied is whether a statement is
3 freely, voluntarily and understandingly made without
4 compulsion or inducement. In determining whether or not
5 the alleged statements of the Defendant were voluntary,
6 you may consider all of the facts and circumstances
7 surrounding the taking or making of the statements.

8 With regard to the alleged statements of the
9 Defendant, the State must prove by evidence each and every
10 requirement about which I have instructed you beyond a
11 reasonable doubt before you consider the alleged
12 statements as evidence in the case. Absence one or the
13 other requirements about which I have instructed you, the
14 alleged statements must be disregarded completely. And in
15 that event, you will record no evidentiary weight
16 whatsoever to any part of them.

17 Now, throughout this entire process, you have but one
18 single objective. And that is to seek the truth
19 regardless of from what witness the testimony may have
20 come.

21 Now, the indictments in this case allege two
22 different offenses against the Defendant. The charges are
23 in indictment number 2004-GS-04-748 murder, and in
24 indictment number 2004-GS-04-749, possession of a weapon
25 during the commission of a violent crime. Each indictment

1 charges a separate and distinct offense. You must decide
2 each indictment separately on the evidence and law
3 applicable to it, uninfluenced by your decision as to any
4 other indictment. The Defendant may be convicted or
5 acquitted on one or both of the offenses charged. You
6 will be asked to write a separate verdict of guilty or not
7 guilty as to each indictment.

8 I remind you the fact that the Defendant was
9 arrested, charged and indicted in this case is not
10 evidence in this case and cannot be considered by you as
11 evidence of guilt in this case, nor does it create any
12 presumption or inference of guilt. The indictments are
13 simply the formal written instruments which contain the
14 charges made against the Defendant. They are the formal
15 documents by which the cases are brought into court.

16 Now, the Defendant has pled not guilty to each of
17 these indictments. And that plea puts the burden on the
18 State to prove the Defendant guilty. A person charged
19 with committing a criminal offense in South Carolina is
20 never required to prove him or herself innocent. I charge
21 you that it is an important rule of the law that the
22 defendant in a criminal trial, no matter what the
23 seriousness of that charge may be, will always be presumed
24 to be innocent of the crime for which the indictment was
25 issued unless that guilt has been proved by evidence

1 satisfying you of the guilt beyond a reasonable doubt.

2 This presumption of innocence does not end when you
3 begin your deliberations, but it accompanies the Defendant
4 throughout the trial until you reach a verdict of guilt
5 based upon evidence satisfying you of that guilt beyond a
6 reasonable doubt.

7 Now, the presumption of innocence is like a robe of
8 righteousness placed about the shoulders of the Defendant
9 which remains with the Defendant until it has been
10 stripped from the Defendant by evidence satisfying you of
11 the defendant's guilt beyond a reasonable doubt.

12 The presumption of innocence is not a mere legal
13 theory. It is not just a legal phrase. It is a
14 substantial right to which every defendant is entitled
15 unless you, the jury, are satisfied from the evidence of
16 the Defendant's guilt and beyond a reasonable doubt. Now,
17 reasonable doubt is that kind of doubt that would cause a
18 reasonable person to hesitate to act.

19 Now, criminal intent is a state of mind that operates
20 jointly with an act or omission in the commission of a
21 crime. Criminal intent is a mental state. Intent
22 includes those consequences which either represent the
23 very purpose for which an act is done or are known to be
24 substantially certain to result regardless of the desire.
25 Criminal liability is not only based upon the concurrence

1 of two factors, an evil-meaning mind and an evil-doing
2 hand. A person who causes a particular result is said to
3 act purposely if he or she consciously desires that
4 result, whatever the likelihood of that result happening
5 from the conduct. A person is said to act knowingly if he
6 or she is aware that the result is particularly certain to
7 follow from the conduct whatever the desire may be as to
8 that result. Proof of intent necessarily rests on an
9 inference of conduct.

10 Now, the Defendant is charged with murder. To prove
11 murder, the State must prove beyond a reasonable doubt
12 that the Defendant killed another person with malice
13 aforethought. Malice is hatred, ill will or hostility
14 toward another person. It is the intentional doing of a
15 wrongful act without just cause or excuse with an intent
16 to inflict and injure or under circumstances that the law
17 will infer an evil intent.

18 Malice aforethought does not require that malice
19 exist for any particular time before the act is committed.
20 But malice must exist in the mind of the defendant just
21 before and at the time the act is committed. Therefore,
22 there must be a combination of the previous evil intent
23 and the act.

24 Malice aforethought may be expressed or inferred.
25 Now, these terms, expressed and inferred, do not mean

1 different kinds of malice, but merely the manner in which
2 malice may be shown to exist. That is either by direct
3 evidence or by inference from the acts and circumstances
4 which are proved.

5 Expressed malice is shown when a person speaks words
6 which express hatred or ill will for another or when the
7 person prepared beforehand to do an act which was later
8 accomplished. For example, lying-in-wait for a person or
9 any other acts or preparation going to show that the deed
10 was within the defendant's mind would be expressed malice.

11 Malice may be inferred from conduct showing a total
12 disregard for human life. Inferred malice may also arise
13 when the deed is done with a deadly weapon. A deadly
14 weapon is an article, instrument or substance which is
15 likely to cause death or great bodily harm. Whether an
16 instrument has been used as a deadly weapon depends on the
17 facts and circumstances of each case.

18 The following are examples of instruments which may
19 be deadly weapons. A pistol, a shotgun, a rifle, a dirk,
20 a dagger, a knife, a sling shot, metal knuckles, a razor,
21 gasoline, a fire bomb or Molotov cocktail and lighter
22 fluid. A gun may be a deadly weapon even if it is not
23 operated.

24 Now, under South Carolina law, we have a principle
25 known as lesser-included offenses. Some crimes that are

1 of a lesser degree are included in crimes which are of a
2 greater degree. In this particular case, there is one
3 lesser-included offense for you to consider. Indictment
4 number 2004-GS-04-748 charges the Defendant with murder.
5 This includes the lesser-included offense of voluntary
6 manslaughter.

7 As I say, included within the offense of murder is
8 the lesser-included offense of voluntary manslaughter. If
9 you find that the State has failed to prove beyond a
10 reasonable doubt that the Defendant committed murder, you
11 may consider whether the State has proved beyond a
12 reasonable doubt the Defendant committed voluntary
13 manslaughter.

14 To prove voluntary manslaughter, the State must prove
15 beyond a reasonable doubt that the Defendant took the life
16 of another in the sudden heat of passion based on
17 sufficient legal provocation. Both heat of passion and
18 sufficient legal provocation but must be present at the
19 time of the killing to constitute voluntary manslaughter.

20 Sudden heat of passion may for a time affect a
21 person's self-control and temporarily disturb a person's
22 reasoning. The sudden heat of passion must be the type
23 that would make an ordinary person unable to coolly reflect
24 on his or her actions and would produce an uncontrollable
25 impulse to do violence.

1 Sufficient legal provocation must be that type that
2 would make a person of ordinary reason and caution become
3 enraged and to lose control temporarily. The provocation
4 needed for voluntary manslaughter must come from some act
5 of or related to the victim.

6 Words alone, however vulgar and insulting, are not
7 enough to be legal provocation when death is caused by the
8 use of a deadly weapon. The words must be accompanied by
9 the appearance of an assault by some overt or threatening
10 act which would have produced the heat of passion.

11 The exercise of a legal right, no matter how
12 offensive it is to another, is never sufficient legal
13 provocation for voluntary manslaughter. If the heat of
14 passion had cooled or if there was enough time between the
15 provocation, if any, and the killing for the passion of a
16 reasonable person to cool, the killing would not be
17 voluntary manslaughter.

18 In deciding whether a reasonable person would have
19 had enough time to cool off, you should consider all of
20 the circumstances surrounding the killing. You may
21 consider the nature of the provocation, if any, the
22 Defendant's mental or physical state and the circumstances
23 and relationships between the parties.

24 If you, as jurors, have a reasonable doubt as to
25 whether or not the State has met its burden of proof and

1 shown all of the elements of the crime of murder, you must
2 -- you would then consider the lesser-included offense of
3 voluntary manslaughter. Then if you have a reasonable
4 doubt as to whether the State has shown all of the
5 elements of the lesser-included offense of voluntary
6 manslaughter, you would find the Defendant not guilty. ?

7 Now, in this case, there is an issue of self-defense
8 as a defense to the charge of murder. Self-defense is a
9 complete defense. And if it is established, you must find
10 the Defendant not guilty. The State has the burden of
11 disproving self-defense by proof beyond a reasonable
12 doubt. If you have a reasonable doubt of the Defendant's
13 guilt after considering all of the evidence, including the
14 evidence of self-defense, then you must find the Defendant
15 not guilty. On the other hand, if you have no reasonable
16 doubt of the Defendant's guilt after considering all of
17 the evidence, including the evidence of self-defense, then
18 you must find the Defendant guilty.

19 Now, the following elements are required to establish
20 self-defense. But remember, it is upon the State to
21 disprove these elements and not upon the Defendant to
22 prove such elements. First, the Defendant must be without
23 fault in bringing on the difficulty. If the Defendant's
24 conduct was a type which was reasonably calculated to and
25 did provoke a deadly assault, the Defendant would be at

1 fault in bringing on the difficulty and would not be
2 entitled to an acquittal based on self-defense.

3 Now, the second element of self-defense is that the
4 Defendant was actually in imminent danger of death or
5 serious bodily injury or that the Defendant actually
6 believed she was in imminent danger of death or serious
7 bodily injury. If the Defendant was actually in imminent
8 danger, it must be shown that the circumstances would have
9 warranted a person of ordinary firmness and courage to
10 strike the fatal blow to prevent death or serious bodily
11 injury. If the Defendant believed she was in imminent
12 danger of death or serious bodily injury, it must be shown
13 that a reasonably prudent person of ordinary firmness and
14 courage would have had the same belief.

15 In deciding whether the Defendant actually was or
16 believed she was in imminent danger of death or serious
17 bodily injury, you should consider all of the facts and
18 circumstances surrounding the crime including the physical
19 condition and characteristics of the Defendant and the
20 victim. The Defendant does not have to show that she was
21 actually in danger. It is enough that the Defendant
22 believed she was in imminent danger and a reasonably
23 prudent person of ordinary firmness and courage would have
24 the same belief.

25 The Defendant has the right to act on appearances

1 even though the Defendant's beliefs may have been
2 mistaken. It is for you to decide whether the Defendant's
3 fear of immediate danger or death or serious bodily injury
4 was reasonable and would have been felt by an ordinary
5 person in the same situation.

6 Words accompanied by hostile acts may, depending on
7 the circumstances, establish self-defense. Evidence of
8 prior difficulties between the victim -- between the
9 Defendant and the victim may be considered in deciding
10 whether a threat existed, whether the Defendant had a
11 reason to believe a threat existed and how serious that
12 threat was.

13 The relative size, ages and the weights of the
14 Defendant and the alleged victim may be considered in
15 deciding the apparent or actual need for force in
16 self-defense and the amount of force needed. Prior
17 instances of violence by the alleged victim may be
18 considered in deciding whether the Defendant actually
19 believed she was in imminent danger of death or serious
20 bodily injury or was actually in imminent danger. Threats
21 made by the alleged victim may be considered in
22 determining whether the Defendant actually was or believed
23 she was in imminent danger. The intoxication of the
24 alleged victim may be considered in deciding whether the
25 Defendant's fear of death or bodily injury was reasonable.

1 The final element of self-defense is that the
2 Defendant had no other probable way to avoid the danger of
3 death or serious bodily injury than to act as the
4 Defendant did in the particular instance.

5 If a defendant is on his or her own premises, the
6 defendant has no duty to retreat before acting in
7 self-defense. The Defendant had no duty to retreat if, by
8 doing so, the danger of being killed or suffering serious
9 bodily injury would increase.

10 A person cannot be required to make an exact
11 calculation as to the degree or amount of force which may
12 be needed to avoid death or serious bodily injury.
13 Therefore, in self-defense the Defendant has a right to
14 use the force needed to avoid death or serious bodily
15 injury. The force used in self-defense does not have to
16 be limited to the degree or amount of force used by the
17 victim. The Defendant has the right to use such force as
18 appeared to be necessary for complete self-protection and
19 which a person of ordinary reason and firmness would have
20 believed to be needed to prevent death or serious bodily
21 injury.

22 As I said, if you have a reasonable doubt of the
23 defendant's guilt after considering all the evidence,
24 including the evidence of self-defense, then you must find
25 the Defendant not guilty of murder. On the other hand, if

1 you have no reasonable doubt of the Defendant's guilt
2 after considering all of the evidence including the
3 evidence of self-defense, then you must find the Defendant
4 guilty.

5 The Defendant is also charged with possession of a
6 weapon during the commission of a violent crime. The
7 State must prove beyond a reasonable doubt the Defendant
8 was in possession of a firearm or visibly displayed what
9 appeared to be a firearm during the commission of a
10 violent crime. A firearm means any machine-gun, automatic
11 rifle, revolver, pistol or any weapon which will, is
12 designed to or may be readily converted to expel a
13 projectile.

14 In order to find the Defendant guilty of possession
15 of a weapon during the commission of a violent crime, you
16 must first find the Defendant guilty of committing a
17 violent crime. And murder is a violent crime under South
18 Carolina law. If you find that the State has failed to
19 prove beyond a reasonable doubt all of the elements of the
20 offense of possession of a weapon during the commission of
21 a violent crime, you must find the Defendant not guilty.

22 Madam Forelady, ladies and gentlemen of the jury, you
23 have been selected as fair and impartial jurors, sworn to
24 impartially try and determine the facts of this case. And
25 when you comply with your oath to do so, then no one will

1 have the right to criticize your verdict and you will have
2 fully discharged your duty as jurors.

3 You should not be influenced by opinions or
4 expressions of opinion, if any, which you may have heard
5 on the outside. You are to decide this case according to
6 the testimony you've heard from the lips of the sworn
7 witnesses along with the other evidence that may have been
8 introduced. You are not to consider as evidence any
9 statement counsel made during the trial. However, if
10 counsel for the parties have stipulated to any fact or any
11 fact has been admitted by counsel, you will regard that
12 fact as being conclusively proved as to the party or
13 parties making the stipulation.

14 As to those questions for which an objection was
15 sustained, you must not speculate as to what the answer
16 might have been or the reason for the objection. You must
17 not consider for any purpose any offer of evidence that
18 was rejected or any evidence that was stricken by the
19 Court. Such matter is to be treated as though you never
20 heard it. You must never speculate to be true any
21 insinuation suggested by a question asked of a witness. A
22 question is not evidence and you may consider only as it
23 supplies the answers -- only as it applies -- or supplies
24 meaning to the answer.

25 As I said earlier, you are the judges of the facts in

1 the case. You are to determine only if this Defendant is
2 guilty or not guilty based upon the testimony and evidence
3 presented in the trial after applying the law as I have
4 given it to you. If, from the evidence, you have a
5 reasonable doubt as to whether or not the Defendant is
6 guilty, it is your duty to acquit her and to write the two
7 words "not guilty."

8 Under the oath you took, you swore to try this case
9 based only and solely on the testimony and evidence and
10 law presented in the courtroom and heard in this
11 courtroom. It is your duty to lay aside all bias or
12 prejudice or sympathy you have in reaching your verdict.
13 You have no friends to reward or enemies to punish in this
14 case. Abide by your oath and return a verdict which does
15 speak the truth.

16 Now, Madam Forelady, I have prepared a verdict form
17 for you. Now, your verdict, whatever it is as to each of
18 these indictments, must be unanimous. That is, all twelve
19 of you must agree with the verdict. However, the
20 foreperson will be the individual that will write the
21 verdict. Now, as you will notice, Madam Forelady, the
22 first verdict you have is to indictment number
23 2004-GS-04-748 where the charge is murder. And as you
24 will find it says, "We, the jury, unanimously find for the
25 Defendant, Angela Vaughn" Now, as the order of

1 things, the first is "guilty of murder or guilty of
2 voluntary manslaughter," the lesser-included offense, "or
3 not guilty." Now, whatever your verdict is as to that
4 indictment, it must be unanimous. But, Madam Forelady,
5 you will check the appropriate verdict as to that
6 indictment.

7 Now, as to indictment 2004-GS-04-749, possession of a
8 weapon during the commission of a violent crime, again,
9 "We, the jury, unanimously find ..." for the Defendant --
10 or "... find the Defendant, Angela Vaughn, guilty of
11 possession of a weapon during the commission of a violent
12 crime or not guilty." Again, whatever your verdict is on
13 that indictment, it must be unanimous. All twelve members
14 of the jury must agree to it although the Forelady will be
15 the one that will indicate the unanimous verdict of the
16 jury on the verdict form. Once the verdict form has been
17 completed, you will sign your name and then knock on the
18 door and return to the courtroom, and we will receive your
19 verdict.

20 Now, Madam Forelady, ladies and gentlemen of the jury
21 I'm going to have to ask you to retire to the jury room
22 one more time before you begin your deliberations. I need
23 to take up some matters with the attorneys that will just
24 take a minute or two. Then when you receive the exhibits,
25 you may begin your deliberations, along with the verdict

1 form.

2 Everyone else remain seated while the jury retires
3 from the courtroom. Now, I will ask the two alternates to
4 remain with us, please. The other 12 members of the jury
5 will retire to the jury room.

6 (WHEREUPON, the jury exited the open court at
7 approximately 11:30 a.m.)

8 THE COURT: Any exceptions or requests for additional
9 charges from the State?

10 MS. HUEY: Nothing from the State, Judge.

11 THE COURT: From the Defense?

12 MR. GAMBLE: I renew my exception to the voluntary

13 ---

14 THE COURT: All exceptions are noted to the charge as
15 well as to the form of the verdict -- verdicts and
16 overruled.

17 MR. GAMBLE: Thank you, Your Honor. I just do that
18 because I never know what they're going to do.

19 THE COURT: I understand. I understand. All right.
20 If you would, please, check and see that all the exhibits
21 that ought to go back do go back and those that don't do
22 not.

23 MS. HUEY: Judge, I'm sorry. I might have one thing.
24 I'm not sure if they were told that voluntary manslaughter
25 is also a violent crime in terms of the possession of a

1 weapon charge.

2 THE COURT: I think we're all right on that. I'm
3 going to overrule or deny further explanation on it
4 because I gave it in the context of the murder and then
5 the lesser-included.

6 MS. HUEY: Sure.

7 THE COURT: All right. I think the confusion would
8 be greater than the explanation. We're off the record
9 now.

10 (WHEREUPON, the alternates were excused.)

11 THE COURT: We'll stand at ease awaiting the verdict
12 of the jury.

13 By the way, I do want to thank everyone involved in
14 the case for your very professional way in which you
15 presented the issues. I think you tried an excellent
16 case. But now it's to the jury to determine what their
17 verdict will be. Thank you.

18 (WHEREUPON, all exhibits admitted and the verdict
19 form were presented to the jury to begin their
20 deliberations at 11:36 a.m. after which court stood
21 at recess awaiting the verdicts of the jury.)

22 THE COURT: Let's come back to order. I have a
23 request from the jury. "We request a list of definitions
24 between murder and voluntary manslaughter, a list of
25 definitions between malice and aforethought. And what was

1 the time difference between shooting and the time of the
2 911 call?" Signed by the Forelady.

3 I had a brief sidebar with counsel. And I will read
4 the charge on murder, lesser-included offenses, voluntary
5 manslaughter and reasonable doubt as to the
6 lesser-included offenses. Also, I will instruct that
7 voluntary manslaughter is a crime of violence as far as is
8 murder.

9 Now, as far as what is the time difference between
10 the shooting and time of the 911 call, I don't think the
11 time was actually established as to the time of the
12 shooting. So I'm going to just tell them they must rely
13 on their recollection as to what occurred, and the record
14 cannot be opened for any further testimony or evidence.

15 Any exceptions from the State?

16 MS. HUEY: No, sir, Your Honor.

17 THE COURT: From the Defendant?

18 MR. GAMBLE: As part of your recharge, I would ask
19 that you recharge self-defense, also, after the
20 definitions of voluntary manslaughter -- murder and
21 manslaughter.

22 MS. HUEY: Judge, I don't think they've asked for
23 that.

24 THE COURT: I usually find it's better to let them
25 have what they want. I tell you what I'm going to do.

1 After I finish my instructions, I'll ask if they have any
2 other questions. I'll even ask if they have any questions
3 -- well, I'll just ask if they have any other questions.
4 And then depending on -- but I will note your request to
5 specifically charge self-defense.

6 MR. GAMBLE: Thank you, Your Honor.

7 THE COURT: And I decline to do that. All right.

8 (WHEREUPON, the jury came into open court at
9 approximately 11:56 a.m.)

10 THE COURT: Madam Forelady, ladies and gentlemen of
11 the jury, I've been given three requests from the jury. I
12 will take up the third one first. "What was the time
13 difference between the shooting and the time of the 911
14 call?" You must rely on your recollection of the
15 testimony and evidence. And I might also note that the
16 record can't be opened to provide any further testimony
17 that wasn't provided earlier or during the course of the
18 trial.

19 Now, the first and second are a list of definitions
20 between murder versus voluntary manslaughter. And, again,
21 I'm going to read slower and hopefully more precisely. So
22 listen carefully. If you can't hear me or understand me,
23 please raise your hand.

24 The Defendant is charged with murder. To prove
25 murder, the State must prove beyond a reasonable doubt

1 that the Defendant killed another person with malice
2 aforethought. Now, malice is hatred, ill will or
3 hostility towards another person. It is the intentional
4 doing of a wrongful act without just cause or excuse and
5 with an intent to inflict an injury or under circumstances
6 that the law will infer an evil intent.

7 Malice aforethought does not require that malice
8 exist for any particular time before the act is committed.
9 But malice must exist in the mind of the defendant just
10 before and at the time the act is committed. Therefore,
11 there must be a combination of the previous evil intent
12 and the act.

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

19 Expressed malice is shown when a person speaks words
20 which express hatred or ill will for another or when the
21 person prepared beforehand to do the act which was later
22 accomplished. For example, lying-in-wait for a person or
23 any other acts or preparation going to show that the deed
24 was within the Defendant's mind would be expressed malice.

25 Now, malice may be inferred from conduct showing a

1 total disregard for human life. Inferred malice may also
2 arise when the deed is done with a deadly weapon. A
3 deadly weapon is any article, instrument or substance
4 which is likely to cause death or great bodily harm.
5 Whether an instrument has been used as a deadly weapon
6 depends on the facts and circumstances of each case and is
7 to be considered just as any other evidence in making your
8 determination.

9 The following are examples of instruments which may
10 be deadly weapons. A pistol, a shotgun, a rifle, a dirk,
11 a dagger, a knife, a sling shot, metal knuckles, a razor,
12 gasoline, a fire bomb or Molotov cocktail and lighter
13 fluid. A gun may be a deadly weapon even if it is not
14 operated.

15 Now, under South Carolina law, we have a principle
16 known as lesser-included offenses. Some crimes that are
17 of a lesser degree are included in crimes which are of a
18 greater degree. In this particular case, there is one
19 lesser-included offense for you to consider. Indictment
20 number 2004-GS-04-748 charges the Defendant, Angela
21 Vaughn, with murder. This includes the lesser-included
22 offense of voluntary manslaughter. Included within the
23 offense of murder is the lesser-included offense of
24 voluntary manslaughter. If you find that the State has
25 failed to prove beyond a reasonable doubt that the

1 Defendant committed murder, you may consider whether the
2 State has proved beyond a reasonable doubt the Defendant
3 committed voluntary manslaughter.

4 Now, to prove voluntary manslaughter, the State must
5 prove beyond a reasonable doubt that the Defendant took
6 the life of another in the sudden heat of passion based on
7 sufficient legal provocation. Both heat of passion and
8 sufficient legal provocation must be present at the time
9 of the killing to constitute voluntary manslaughter.

10 Sudden heat of passion may, for a time, affect a person's
11 self-control and temporarily disturb a person's reasoning.

12 The sudden heat of passion must be the type that would
13 make an ordinary person unable to coolly reflect on his or
14 her actions and produce an uncontrolled impulse to do
15 violence. Sufficient legal provocation must be the type
16 that would make a person of ordinary reason and caution
17 become enraged and to lose control temporarily. The
18 provocation needed for voluntary manslaughter must come
19 from some act of or related to the victim.

20 Words alone, however vulgar and insulting, are not
21 enough to be legal provocation where death is caused by
22 the use of a deadly weapon. The words must be accompanied
23 by the appearance of an assault by some overt threatening
24 act which would have produced the heat of passion.

25 The exercise of a legal right, no matter how

1 offensive it is to another, is a never sufficient legal
2 provocation for voluntary manslaughter. If the heat of
3 passion has cooled or there was enough time between the
4 provocation, if any, and the killing for the passion of a
5 reasonable person to cool, the killing would not be
6 voluntary manslaughter.

7 In deciding whether a reasonable person would have
8 had enough time to cool off, you should consider all of
9 the circumstances surrounding the killing. You may
10 consider the nature of the provocation, if any, the
11 Defendant's mental and physical state and the
12 circumstances and relationships between the parties.

13 Now, I might note that both murder and voluntary
14 manslaughter are violent crimes for the purposes of the
15 second indictment if you should reach that possession of a
16 weapon during the commission of a violent crime.

17 If you, as jurors, have a reasonable doubt as to
18 whether the State has met its burden of proof and shown
19 all of the elements of the crime of murder, you would then
20 consider the lesser-included offense of voluntary
21 manslaughter. Then if you have a reasonable doubt as to
22 whether the State has shown all of the elements of the
23 lesser-included offense of voluntary manslaughter, you
24 would find the Defendant not guilty.

25 If you have a reasonable doubt of the Defendant's

1 guilt after considering all the evidence, including the
2 evidence of self-defense, then you must find the Defendant
3 not guilty. On the other hand, if you have no reasonable
4 doubt of the Defendant's guilt after considering all of
5 the evidence, including the evidence of self-defense, then
6 you must find the Defendant guilty.

7 Now, are there any other questions that the Court
8 might help you with?

9 (No response.)

10 THE COURT: Very good. If you would, please, retire
11 to the jury room and continue your deliberations.

12 Everyone else remain seated while the jury retires
13 from the courtroom.

14 (WHEREUPON, the jury exited the open court at
15 approximately 12:04 p.m.)

16 THE COURT: Anything from the State?

17 MS. HUEY: No, sir.

18 THE COURT: Anything from the Defendant?

19 MR. GAMBLE: Again -- I know the ruling -- I take
20 exception to the ---

21 THE COURT: Subject to the prior ruling of the Court,
22 duly noted.

23 MR. GAMBLE: Thank you.

24 THE COURT: But overruled.

25 MR. GAMBLE: That is to voluntary manslaughter.

1 MS. HUEY: Judge, the only thing I might add is they
2 have the 911 CD back there.

3 THE COURT: Uh-huh (affirmative).

4 MS. HUEY: But they don't have anything to listen to
5 it with.

6 THE COURT: If they want to listen to it ---

7 MS. HUEY: They would come back in here?

8 THE COURT: --- they would come back in here, right.
9 The CD was introduced into evidence. I might as well say
10 this. Videos and CD's and audio tapes or whatever are
11 testimonial evidence as far as I'm concerned. And just as
12 if they want to hear testimony played back, then we let
13 the court reporter do that. So if they want to look at a
14 video or whatever, I will replay it in the courtroom. Two
15 reasons. One, of course, I will have some idea as to what
16 they are interested in and what they've seen.

17 The second thing, more importantly, is that those
18 audios and videos have a means of being innocently
19 affected. And I use on occasion Ms. Rosemary Wood. I
20 wouldn't want to send an audio tape back and find out it
21 came back with 18 minutes inadvertently erased. So for
22 that reason, no. If they want to hear or see the CD -- or
23 hear it, all they need to do is come back and we'll play
24 it for them.

25 MS. HUEY: And are they aware that they can do that?

1 THE COURT: Well, I'm sure if they want to hear it,
2 they will -- I mean, unless one of them took one back
3 there to play it. But if that's a request to send the
4 player back, I decline it.

5 MS. HUEY: I understand, Judge.

6 THE COURT: Very good. We'll stand at ease awaiting
7 the jury verdict.

8 (WHEREUPON, court stood at ease awaiting the verdicts
9 of the jury.)

10 THE COURT: It's my understanding the jury has
11 reached a verdict. Is there anything from the State
12 before we bring the jury back?

13 MS. HUEY: No, sir, Your Honor.

14 THE COURT: From the Defendant?

15 MR. GAMBLE: No, Your Honor.

16 THE COURT: Ask the jury to join us, please.

17 I hope it's not necessary. But I'll have no
18 demonstrations or any reactions to the jury verdict. If
19 anybody feels they can't control themselves, they must
20 leave now.

21 (WHEREUPON, the jury came into open court at
22 approximately 3:12 p.m.)

23 THE COURT: Madam Forelady, I understand the jury has
24 reached a verdict?

25 THE JUROR: Yes, Your Honor.

1 THE COURT: If you would, please, hand it up to the
2 bailiff.

3 (WHEREUPON, the verdict form was handed up to the
4 Court.)

5 THE COURT: State of South Carolina versus Angela
6 Vaughn, indictment number 2004-GS-04-748, "We, the jury,
7 unanimously find the Defendant, Angela Vaughn, guilty of
8 murder." Indictment number 2004-GS-04-749, "We, the jury,
9 unanimously find the Defendant, Angela Vaughn, guilty of
10 possession of a weapon during the commission of a violent
11 crime." Gay L. McCleskey, Foreperson.

12 Madam Forelady, ladies and gentlemen of the jury, is
13 this your verdict, is it still your verdict, so say you
14 all? If so, indicate by raising your right hand.

15 (WHEREUPON, all hands were raised.)

16 THE COURT: Very good. Thank you very much.

17 Let the record reflect that all members of the jury
18 acknowledged their verdict.

19 Is there anything further from the State?

20 MS. HUEY: No, sir, Your Honor.

21 THE COURT: From the Defendant?

22 MR. GAMBLE: No, Your Honor.

23 THE COURT: Madam Forelady, ladies and gentlemen of
24 the jury, a court is never interested in a verdict, only
25 how that verdict is reached. And I can assure you

1 although it looks like I'm doing everything up here except
2 paying attention, throughout this trial I noticed that all
3 of you and the two alternates, also, who were serving with
4 you paid very careful and close attention to all of the
5 evidence. Your questions even reflected your interest to
6 be sure that you understood and appreciated the law
7 involved. For that reason, in having reached verdicts in
8 accordance with your conscience, you have done your duty.
9 And you have done it well. I thank you for it.

10 I know that each one of you had some place else you
11 would rather be than where you've been over the last few
12 days. But our system of justice would not function
13 without citizens' participation. I thank you for that.

14 This obviously concludes your service this week. I
15 hope it has not been without benefit. But at least if you
16 remember on Monday or Tuesday, I think it was, that when I
17 qualified you I asked you if you had served in the last
18 three years. At least you won't have to serve for another
19 three years. But I do want to thank you all for your
20 service.

21 I might note, also, that a jury verdict is not the
22 verdict of any one member of the jury, but all twelve. So
23 you do not have to discuss your verdict with anyone. If
24 you want to talk to somebody, you may. But you do not
25 have to. And even if you undertake a discussion of the

1 verdict and you decide you don't want to discuss it
2 anymore, you may stop and cease. And if the person
3 continues to discuss it with you, report them to the Clerk
4 and I will take the appropriate action.

5 Again, I do want to thank you for your service this
6 week. And you may be excused.

7 Everyone else remain seated while the jury retires
8 from the courtroom. I do need to see the foreperson.

9 (WHEREUPON, the jury exited the open court at
10 approximately 3:17 p.m.)

11 THE COURT: All right. If the Defendant will come
12 around.

13 (WHEREUPON, the Defendant and counsel approached the
14 bench.)

15 THE COURT: Madam Solicitor?

16 MS. HUEY: Yes, sir, Your Honor. Other than the
17 facts presented, Judge, Ms. Vaughn does not have a prior
18 record.

19 The victim's family has been present throughout the
20 entire trial. They are present, but I don't think they
21 wish to address the Court.

22 THE COURT: Let me ask you on indictment
23 2004-GS-04-748, the Defendant was found guilty of murder.
24 It's my understanding the sentence of murder is a minimum
25 of 30 years up to life without parole.

1 MS. HUEY: Yes, sir, Judge. Day for day, I believe.

2 THE COURT: And on 2004-GS-04-749, the sentence is
3 five years unless there is a sentence of life without
4 parole.

5 MS. HUEY: Your Honor, I believe if the minimum
6 sentence is greater than the five, then it just runs
7 concurrent.

8 THE COURT: Very good.

9 MR. GAMBLE: Not necessarily. If it's run
10 consecutive, the other sentence is longer because you have
11 to do day for day. Otherwise it's not day for day; it's
12 85, as I understand it.

13 THE COURT: Which means, Mr. Gamble?

14 MR. GAMBLE: I would ask you to run the gun charge
15 concurrent with whatever sentence you give her.

16 THE COURT: All right. Mr. Gamble, anything you'd
17 like to say or anyone else would like to say on behalf of
18 the Defendant?

19 MR. GAMBLE: You pretty well heard the facts, Your
20 Honor, except the fact that there were numerous calls
21 before this one that were never acted on. The police,
22 when they came out, would tell Ms. Vaughn that they were
23 common law and would have to handle it in Family Court.
24 Family Court said, you're not married, so we won't go
25 there. Martha Newton, Probate Judge, said we don't have

1 jurisdiction either. So it was total miscommunication all
2 the way across the board.

3 She attempted to get him out on four different
4 occasions. And it was a stormy relationship. I will
5 admit that. But it was her house. And she was afraid if
6 she went to her other relatives' house that he would take
7 vengeance on her other relatives.

8 MS. HUEY: And, Your Honor, if I may interject?

9 THE COURT: Certainly.

10 MS. HUEY: Of course, the State has heard from other
11 witnesses that were not presented in our case that say the
12 exact opposite, that Ms. Vaughn was the one that
13 threatened him. He would wake up in the middle of the
14 night with a gun to his head. He would complain to
15 co-workers that he just knew that she was going to kill
16 him. A lot of things like that, Judge, that were not able
17 to come out in the State's case due to hearsay problems.

18 THE COURT: Anyone else? Anybody who would like to
19 speak on behalf of Ms. Vaughn?

20 THE DEFENDANT: May I speak?

21 THE COURT: Yes, ma'am. But just a moment. I want
22 to be sure that anyone else ... Very well. Ms. Vaughn,
23 what would you like to say?

24 THE DEFENDANT: I would like to say that since I've
25 been in this courtroom, I've seen more injustice than I've

1 ever seen in my life.

2 I made numerous 911 calls, probably approximately 12
3 at three different residences. I was told by law
4 enforcement we were common law. We were never common law.
5 And Martha Newton can prove that, at the Anderson County
6 Courthouse. And that was always the reason for not
7 locking him up.

8 The night I pressed charges for criminal domestic
9 violence, I asked for an order of protection. They said I
10 would have to go to Family Court. But Family Court
11 wouldn't give me one because we weren't common law.

12 I also asked that night and checked the yes box on
13 being present for his bond hearing. I took him for his
14 bond hearing. I let them know when I came in who I was,
15 why I was there and whose bond hearing that I wanted to be
16 present for. I was there from 10:00 in the morning until
17 4:30 that afternoon and was never called back.

18 Also, he not only twisted my wrist, as what was said
19 in this courtroom -- my daughter wasn't allowed to testify
20 to the bruises on my arms, on my legs, my neck and gashes
21 on my head. And the night that I pressed charges, the law
22 themselves -- Officer Given (phonic) took pictures with a
23 Polaroid camera. Where are those pictures?

24 MS. HUEY: I've got them right here, Judge, if you'd
25 like to see those.

1 THE DEFENDANT: That is hearsay. These people that
2 got up here, other than Shannon, I only -- I only knew
3 her. She came into Wal-Mart as a cashier just long before
4 I left -- not long before I left Wal-Mart. I did not know
5 her except what she looked like.

6 I have never waved a gun in a parking lot of any
7 place or threatened anybody with a gun or their lives.
8 Common sense should tell anyone if I had, I would have
9 been arrested. Especially at Wal-Mart. I worked at
10 Wal-Mart myself for two years. I worked there before
11 Ronnie Grant did on 178 beside Sam's.

12 I knew Wal-Mart's policy on their life insurance. I
13 only called about that to let them know because he had
14 told me before I was his beneficiary. And I called them
15 to let them know -- I knew he had at least one paycheck
16 left there -- to give anything that they had to his
17 mother. I didn't want it.

18 I not only did that, but the whole time I was calling
19 while he was on probation -- he was a convicted felon
20 himself. I've lived in Anderson County all my life. I've
21 never lived anywhere else. And I've never been to jail
22 for anything before. I've never hurt anybody.

23 And not only that, I called his probation officer
24 four different times, Jean Stutler, while on probation
25 while he was at work, begging her to put him in the

1 in-house treatment to get him out of my house because I
2 knew she had the authority to do so. And even after
3 failing a drug test for Valium for her while on probation,
4 she sent him to Don Foster's for ten weeks and had to pay
5 \$35 a week. I took him to those. I took him to all his
6 required AA meetings, or else he would have went to jail.
7 I took him to his Behavioral Health meetings, or else he
8 would have went to jail. When I first met him before he
9 started being mean to me, he seemed like one of those
10 too-good-to-be-true types. And he wasn't drinking at the
11 time.

12 I paid over \$800 -- we had separate bank accounts at
13 separate banks. We had nothing in both our names.
14 Everything was in my name. He had not a penny in that
15 home. I bought that home with land my father gave me,
16 six acres, years before I met him. And I sold it to buy
17 the home that we lived in.

18 And I took him everywhere he needed to go. I've
19 never had my license took from me. And I made sure that
20 he got everywhere he needed to go to keep from going to
21 jail. Does that sound like somebody that hated him?

22 I paid over a \$800 check in my name only -- it's got
23 to be there at Behavioral Health -- to keep him out of
24 jail because he owed the State over \$3,000. And he also
25 owed the Internal Revenue Service.

1 I was told that morning -- he looked me straight in
2 the eye, and he said he was going to kill me. He also
3 told me that the night that I pressed charges. And that
4 wasn't something he normally said. Usually when somebody
5 gets mad, they make a habit of saying -- repeating the
6 same thing over and over and over. You kind of just shrug
7 it off. But he wasn't that type. I knew he meant it.
8 And he was coming up -- he was coming up off that couch to
9 come to me. I knew I had no other choice. I'm not guilty
10 of a murder, sir.

11 THE COURT: Anything else?

12 MS. HUEY: Your Honor, if I may add a couple of
13 things?

14 THE COURT: Yes, ma'am.

15 MS. HUEY: Ms. Vaughn mentioned the domestic violence
16 arrest pictures. I have shown those to Mr. Gamble. If
17 you wouldn't like to take a look at those.

18 Additionally, the police were called out to Ms.
19 Vaughn's residence in reference to some things that she
20 was involved in. She was -- she shot as a jogger jogged
21 by her house. She shot her gun out in the air at him.
22 She was also terminated from Wal-Mart because of
23 assaulting and harassing an employed there.

24 THE DEFENDANT: Excuse me. I was -- excuse me. I
25 was not terminated from Wal-Mart for assault. I was in a

1 deep depression because my brother had shot himself. I
2 had been an employee there ---

3 THE COURT: Just a moment. I'd like to have those
4 marked as a Court's Exhibit.

5 MS. HUEY: Sure, Judge.

6 (WHEREUPON, Court's Exhibit Numbers 5 & 6 were marked
7 for identification only.)

8 THE DEFENDANT: And those marks are nothing compared
9 to what I've had in the past. I was terminated from
10 Wal-Mart, they said, because of behavior. A girl had come
11 up from behind me and hit me in the bag with her fist for
12 no reason at the time clock. And I had to leave. Day
13 care had called me. My child stayed sick all the time
14 before they realized he had allergies and had four
15 operations before he was two years old. And while I was
16 clocking out, I got punched in the back. If I was a
17 violent person, I would have hit her back. But I did not.

18 MS. HUEY: And Judge ---

19 THE COURT: Just a moment.

20 THE DEFENDANT: This was due to behavior because of
21 depression. I was in a depression, sir. And I run a
22 register, and I couldn't keep my composure.

23 MR. GAMBLE: I might tell you, Your Honor, she's been
24 diagnosed as manic depressive, bipolar.

25 THE DEFENDANT: And there's a lot of witnesses,

1 credible witnesses, sir, four of which works for the
2 State, who was willing to take the stand for me that
3 didn't get to. Not only that, I've got two counselors at
4 Mental Health that know that I am competent and know that
5 this was self-defense that's willing to take the stand.
6 Not only that, a hairstylist of 20 years who knows me, a
7 reputable realtor that came in here yesterday and hugged
8 me as I was leaving that I've knowed for three years.
9 None of these people have a police record. They are
10 reputable, respectable people with good-paying jobs.

11 Kiddy Land Day Care workers where my child stayed for
12 three consecutive years, they and the teachers were all
13 willing to take the stand. My child's life-long
14 pediatrician and all his nurses were willing to take the
15 stand.

16 These people that came in here and said the things
17 they said, with the exception of Shannon from knowing her
18 face from Wal-Mart and that's it and the detention center,
19 of course, I never seen in my life. They was only saying
20 what he told them. They've never been in my home.

21 The whole two years we lived together, I never met
22 any of his family. None of his friends came to our home.
23 And I started questioning him about that. He had already
24 met my friends and family. I had nothing to hide.

25 MS. HUEY: Judge, we can obviously keep going back

1 and forth. I have reports, if you would like to see
2 those, in reference to the assault at Wal-Mart and that
3 sort of thing.

4 THE COURT: What I'm concerned about here is the
5 sentence is appropriate and the charge is ---

6 MS. HUEY: Yes, sir. The only thing -- I apologize.
7 The only thing that I'll add is that the victim -- one of
8 the victim's family members has changed her mind and would
9 like to address the Court.

10 THE COURT: I noticed the lady walked up. But I
11 wanted to be sure that everybody understands the only
12 thing I'm concerned with now is just the charges and
13 evidence supporting those charges and the verdict of the
14 jury on each of the indictments.

15 Yes, ma'am. Your name, please, for the record?

16 MS. WOOTEN: My name is Paula Helen Wooten. And I
17 would like to say that my children will never see their
18 uncle again. They won't be able to grow up with him. And
19 if he ever had children, we'll never know. So anything
20 that she could possibly say about her children, mine are
21 involved in that also where their uncle is not going to be
22 here anymore.

23 THE DEFENDANT: Can I say something in reply?

24 THE COURT: Just a moment, please.

25 Anything else that you'd like to say?

1 MS. WOOTEN: Any love that she could have with him --
2 we grew up together. He was my -- more of a brother to me
3 than anything. We grew up in the same house. And I love
4 him with all my heart. My children do, too. And all that
5 has been taken away from us forever. And he doesn't have
6 a right to stand up here and argue for himself. That's
7 all.

8 THE COURT: Thank you, ma'am.

9 THE DEFENDANT: Can I say?

10 THE COURT: Yes, ma'am.

11 THE DEFENDANT: I don't know how close they were.
12 But I do know that I never met any of his family except
13 for an accidental bump in at Wal-Mart with her and, I
14 think, maybe her father that was in a wheelchair. They
15 were leaving as we were coming in at Wal-Mart one day just
16 to shop.

17 Outside of that, I'd never even seen his mother's
18 face. And she just lived right down the road from me at
19 Homeland Park. I often questioned why. In fact, she had
20 called -- his mother had called the house one day --
21 Ronnie hadn't got home from work yet -- asking for Ronnie.
22 And I even invited her over for dinner sometime. I would
23 like to meet her. I said, I don't know who he's ashamed
24 of, me or you. I don't understand why I've never met you.

25 If he was so close to them -- I know that Paula's

1 husband wouldn't allow him on his property. Neither would
2 his stepfather. He couldn't even go see his mother
3 because he was not allowed on the property by his
4 stepfather. That came out of his mouth. And there had to
5 be a reason for it.

6 THE COURT: Anything else?

7 THE DEFENDANT: I also have an ex-husband of 12 years
8 that was willing to testify in my behalf because he knows
9 the first thing out of his mouth to my daughter when he
10 found out I was charged with murder, he asked my daughter,
11 what was he doing to her.

12 Criminal domestic violence is the number one leading
13 cause of death in the State of South Carolina, not only to
14 women, but to unborn fetuses. That's a fact, sir. And
15 Anderson County is the number one in the State. Don't
16 believe me. Check with Anderson County DSS and the Health
17 Department and the South Carolina Coalition of Criminal
18 Domestic Violence. And when women protect their lives,
19 they get sent down to murder. How many more have got to
20 die? And when you wind up the survivor, when you're just
21 blessed enough to be quick enough to not turn up a
22 statistic on the news -- I'm being punished for defending
23 my life. There ain't no other way to look at it.

24 THE COURT: Anything further?

25 THE DEFENDANT: No, sir.

1 MR. GAMBLE: Nothing further, Your Honor.

2 THE DEFENDANT: Sir, the night I pressed charges,
3 they made it sound like he wasn't even there as if it was
4 false or whatever. They wanted to make it seem to be.
5 The only reason he wasn't there is when he found out I
6 called the law, he walked out on foot. And they promised
7 me that they would lock him up that weekend. Officer
8 Given did. And he did use the word promise.

9 He said he wasn't from South Carolina. He said, but
10 the State he was from wouldn't put up with it for a
11 minute. They promised me they would lock him up over the
12 weekend. If not the weekend, they asked me where did he
13 work. At the time he worked at the old Schmid plant on 29
14 under Phillips Staffing. I told them what hours he
15 worked, from seven until three, sometimes six in the
16 morning till two, first shift. They promised me that they
17 would -- they promised me they would lock him up.

18 The following Monday morning after pressing charges
19 that night, I called the record warrants division. They
20 did have a warrant for his arrest for criminal domestic
21 violence for twenty days before the shooting. And when I
22 took him on the 16th of October, I was praying that they
23 would enforce that warrant and lock him up and keep him
24 there and keep him out of my home. But instead they gave
25 him a letter for a court date before November the 4th, but

1 to come back home with me and think about it and live and
2 sleep with me.

3 Where was my protection? And now I'm sentenced for
4 murder? I would have been better off if I had let him
5 kill me.

6 No, sir, I'm not all right. This has been a great
7 injustice. And all my witnesses didn't get to take the
8 stand. All of my side wasn't heard.

9 And the times I did try to leave the house, he would
10 follow me from room to room. And there was occasions I
11 took my truck keys -- I paid for both of the automobiles,
12 home and land. He had not a penny. And he caught me one
13 night as I -- because the doors on my SUV were locked.
14 And I was trying to get the door unlocked to hurry and get
15 away from him. And he snatched the keys from my hand.

16 It was a lose/lose situation. And the law kept
17 telling me he could come back any time he wanted to. We
18 were common law. It was his house the same as mine, and
19 he had every legal right to live there same as me. What
20 was I supposed to do? Overthrow the authorities? I
21 trusted them. And they was giving me false information
22 the whole time.

23 And when we lived at the Pendleton residence, he
24 didn't want to let my family know where I lived. He told
25 me not to have anything to do with the neighbors, not to

1 let my child play with the neighborly children. He wanted
2 to keep me isolated. I think he was afraid I might get to
3 know somebody and tell them something.

4 And he didn't even want my mother and father to know
5 my phone number. The three months I lived there, they
6 didn't know where I lived or my phone number. And he did
7 not want me to visit them. I had to sneak and visit my
8 own parents while he was at work.

9 THE COURT: Anything else?

10 THE DEFENDANT: Just that you're not looking at a
11 murderer, sir. I've never hurt anybody in my life, and I
12 didn't want to do what I had to do that day. And I wasn't
13 trying to kill him. I was just trying to stop him. I
14 shut my eyes and shot. That's why I don't remember seeing
15 his body fall. I don't remember dropping the gun. And on
16 the 911 call where I said I didn't mean to, what I meant
17 was I didn't mean to kill him. I didn't want to kill him
18 or else I would have emptied the gun out, sir.

19 THE COURT: Anything else?

20 THE DEFENDANT: I'm still being charged with murder?

21 THE COURT: The jury has returned verdicts on both
22 indictments of guilty. And that's what you're being
23 sentenced on.

24 THE DEFENDANT: But they're not aware of all this.
25 These things can be looked up. These things are on

1 record.

2 THE COURT: All right. Anything else?

3 (No response.)

4 THE COURT: Indictment number 2004-GS-04-749, it's
5 the sentence of the Court that the Defendant be committed
6 to the State Department of Corrections for a term of five
7 years. Indictment number 2004-GS-04-748, it's the
8 sentence of the Court that the Defendant, Angela Vaughn,
9 be committed to the State Department of Corrections for a
10 term of 30 years. Both sentences to run concurrent.

11 Good luck to you, ma'am.

12 MS. HUEY: Thank you, Judge.

13 THE COURT: We'll take a short recess.

14

15 (END OF REQUESTED TRANSCRIPT OF RECORD)

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FORM 5
FILED-CLERK'S OFFICE
ANDERSON SC

STATE OF SOUTH CAROLINA

2016 MAR -2 AM 11: 51 IN THE COURT OF COMMON PLEAS

COUNTY OF ANDERSON

COMMON PLEAS AND

Angela M. Vaughn, 313443

Full name and prison number (if any) of Applicant.

2016-CP-04-00534

v.

APPLICATION FOR

State of South Carolina

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Leath Correction Institution, Greenwood, SC
2. Name and location of Court which imposed sentence Anderson Court of General Session, Anderson, SC
3. Name(s) of co-defendant(s) (if any) None
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2004-GS-04-748, 2004-GS-04-749
 - (b) _____
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) January 19, 2006

Revised 3/2003

- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty X
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Court of Appeals
- ii. South Carolina Supreme Court
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. conviction affirmed
- ii. conviction affirmed
- iii. _____
- (c) the date of each such result:
- i. March 12, 2008
- ii. March 25, 2008
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. 2008-UP-167
- ii. None
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) n/a
- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) Neither my trial lawyer nor the Post Conviction Relief lawyer ever presented a battered spouse defense. My Post Conviction Relief attorney never attempted to present competent evidence that I was a victim of physical abuse and a defense should have been presented to the jury in my trial.

(b) Neither my trial counsel nor Post Conviction Relief counsel ever presented any testimony by which I could be parole eligible as a battered spouse pursuant to South Carolina Code section 16-25-90. As the statute gives me a right to such a hearing trial counsel and Post Conviction Relief counsel should have asked for such a hearing.

(c) _____

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

(a) My trial counsel appeared not to understand that a battered spouse syndrome defense was in fact compatible with a self defense defense. He specifically declined to raise the battered spouse defense. He never requested that I be examined by a truly independent professional in support of the battered spouse defense.

(b) S. C. Code sec. 16-25-90 gives a person the right to present evidence at either the trial or in a post conviction relief hearing of the fact that their partner battered them. I have never had such a hearing. I am informed and believe that there is "credible evidence of a history of criminal domestic violence, as provided in Section 16-25-20, suffered at the hands of the household member." as required by the statute.

(c) _____

12. Prior to this application have you filed with respect to this conviction:

(a) any petition in a State Court under South Carolina Law? Yes

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? Yes

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No

(d) any other petitions, motions or applications in this or any other Court? No

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

i. A Post Conviction Relief petition filed on July 21, 2008 bearing number 2008-CP-04-02319 seeking to have my conviction overturned.

ii. A second Post Conviction relief Petition filed bearing number 2010-CP-04-375 and the date of filing is not known seeking to have my conviction overturned.

iii. A third post conviction relief petition bearing number 2012-CP-04-375 was filed on february 6, 2012 seeking to have my conviction overturned.

iv. A federal Wof Habeas Corpus bearing number 5:14-4758-DCN-KDW was filed on December 16, 2014.

(b) the name and location of the Court in which each was filed:

i. The Court of Common Pleas for Anderson County

ii. The Court of Common Pleas for Anderson County

iii. The Court of Common PLeas for Anderson County.

iv. United States District Court, Disrict of South Carolina, Columbia, SC

(c) the disposition thereof:

i. Dismissed

ii. Dismissed

iii. I have been informed and believe this action has been dismissed.

iv. Dismissed

(d) the date of each such disposition:

i. June 3, 2014

ii. date of dismissal is not known

iii. While I have been informed this action has been dismissed, the action is still listed as pending according to the records of the clerk of court's office for Anderson County.

iv. June 26, 2015

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. Appelalte case No. 2012-206673

ii. None

iii. None

iv. none

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?
yes
15. If you answered "yes" to (14) identify:
- (a) which grounds have been presented:
 - i. The failure of trial and PCR counsel to establish a case of being a battered partner.
 - ii. The question of parole eligibility under S.C. Code Sec. 16-25-90 was presented in.
 - iii. The failure of my post conviction relief counsel to obtain the services of an expert on battered women's syndrome.
 - (b) the proceedings in which each ground was raised:
 - i. the federal action
 - ii. the federal action
 - iii. the federal action
16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:
- (a) _____
 - (b) _____
 - (c) _____
17. Were you represented by an attorney at any time during the course of:
- (a) your arraignment and plea? yes
 - (b) your trial, if any? yes
 - (c) your sentencing? yes
 - (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? yes
 - (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? yes
18. If you answered "yes" to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you:
 - i. Robert Gambrell, Anderson, SC
 - ii. Michael Barcroft, 702 Laurens Rd., , Greenville, SC

iii. Mary McCormac, P. O. Box 1535, Clemson, SC

iv. Susan Hackett, South Carolina Office of Indigent Defense, P. O. Box 11589, Columbia, SC

v. C. Rauch Wise, 305 Main Street, Greenwood, SC

(b) the proceedings at which each such attorney represented you:

i. arraingment, trial and sentencing

ii. appeal from trial of case

iii. 2008 Post Convicion Relief action

iv. Appeal from denial of Post Conviction Relief

v. The federal action and preparation of this action.

19. State clearly the relief you seek in filing this application:

A new trial or a hearing to determine my parile eligibility under S.C. Code Sec. 16-25-90

20. Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA

County of Greenwood

2016-CP-04-00534
VERIFICATION

I, Angela M. Vaughn, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Angela M. Vaughn

SWORN to and subscribed before me this 22nd
day of October, 2015.

Sandra S. Hill (L.S.)
Notary Public

My Commission Expires Jan. 8, 2013

FILED-CLERK'S OFFICE
ANDERSON SC
2014 10 22 AM 11:52
CORRECTION CLERKS AND
NOTARY PUBLICS

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, _____, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Applicant

SWORN or affirmed to and subscribed before me this
_____ day of _____, 2____.

Notary Public

My Commission Expires: _____

**FILED-CLERK'S OFFICE
ANDERSON SC**

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF ANDERSON 2017 SEP 18 AM 11:22) FOR THE TENTH JUDICIAL CIRCUIT

**COMMON PLEAS AND
GENERAL SESSIONS**

Angela M. Vaughn., # 313443,

2016-CP-04-00534

Applicant,

v.

RETURN AND MOTION TO DISMISS

State of South Carolina,

Respondent.

In response to the application for post-conviction relief (PCR) filed by Angela M. Vaughn (Applicant) on March 2, 2016, Respondent would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Anderson County Clerk of Court. Applicant was indicted at the March 2004 term of the Anderson County Grand Jury for murder (2004-GS-04-0748) and possession of a firearm during a violent crime (2004-GS-04-0749). On January 17, 2006, Applicant was found guilty as indicted. Applicant was represented by Robert Gamble, Esquire. Catherine Townsend Huey, Esquire, prosecuted the case. The Honorable Alexander S. Macaulay sentenced Applicant to five (5) years' imprisonment for possession of a firearm during a violent crime and thirty (30) years' imprisonment for murder. The sentences were to run concurrently. Applicant appealed her conviction and sentenced.

A timely Notice and Anders brief were filed on Applicant's behalf by Michael Barcroft, Esquire, and on March 12, 2008, the South Carolina Court of Appeals dismissed the appeal and granted counsel's request to be relieved. Op. No. 2008-UP-167 Applicant failed to timely file a Petition for Rehearing. The Remittitur was sent on March 31, 2008.

2008-CP-04-2319

Applicant filed her first application for post-conviction relief on July 18, 2008 alleging she was being held in custody unlawfully as a result of ineffective assistance of counsel, prosecutorial misconduct, and denial of due process rights. An evidentiary hearing into the matter was convened on June 15, 2010, before the Honorable R. Lawton McIntosh. Applicant was present and represented by Mary McCormac, Esquire. Gregory P. Jones, Jr., Esquire, of the South Carolina Attorney General's Office, represented Respondent. On December 14, 2011 by written order, Judge McIntosh denied and dismissed Applicant's application with prejudice.

PCR counsel timely appealed. A Petition for Writ of Certiorari was filed in the South Carolina Court of Appeals on Applicant's behalf by Susan Hackett, Esquire of the South Carolina Commission on Indigent Defense, Division of Appellate Defense. Respondent made its Return and Motion for Summary Judgement. On April 30, 2014, the Court of Appeals denied Certiorari. The Remittitur was issued on May 23, 2014.

2012-CP-04-0375

Applicant filed a second application for post-conviction relief on February 6, 2012, alleging ineffective assistance of counsel and prosecutorial misconduct. Respondent made its Return on or about July 26, 2013. On September 10, 2013, the Honorable R. Lawton McIntosh issued the Conditional Order of Dismissal.

5:14-4758-DCN-KDW

Applicant subsequently filed a Petition for Writ of Habeas Corpus on December 22, 2014 alleging the following grounds for relief:

Ground One: Ineffective assi[s]tance of trial counsel

Supporting Facts: As the testimony at the post-conviction relief hearing demonstrates, the defendant has a long history of abuse, both as a child and as an adult. Trial counsel only had the defendant examined by a professional retained

by the State of South Carolina. He never had the defendant examined by an independent professional to determine if the defendant qualifies as a battered spouse or partner.

Ground Two: Trial counsel failed to present evidence as to the parole eligibility of the Petitioner under S.C. Code § 16-25-90.

Supporting Facts: As developed at the Post conviction relief hearing, the Petitioner has a long history of abuse both as a child and as an adult. Trial counsel never advised Petitioner she could be eligible for parole under S.C. Code § 16-25-90. Petitioner is informed and beli[c]ves that her personal history would have made her parole eligible if trial counsel had presented the proper argument.

Ground Three: Failure of post-conviction relief counsel to effect[t]ively represent Petitioner at the post-conviction relief Hearing

Supporting Facts: At the post-conviction relief hearing all counsel for Petitioner did was have the Petitioner, trial counsel of the Petitioner and the daughter of the Petitioner testify. Post-conviction relief counsel never tried to obtain the services of an expert who could have developed her defense of being a battered woman. Post-conviction relief counsel also failed to deve[l]op through the testimony of other lay witnesses that Petit[i]oner had in fact been a battered woman. PCR counsel also failed to obtain the services of an expert who could have established that the petitioner was suffering from battered woman's syndrome[sic].

Ground Four: Failure of appellate counsel to adequately brief the issue of the he[a]rsay statements of the deceased.

Supporting Facts: During the trial testimony was given that the deceased said he as planning on leaving the petitioner. Trial counsel made a proper objection to the testimony. Appellate counsel submitted an Ander's brief and only have the issue a very cursory treatment.

On May 20, 2015, the Honorable Kaymani D. West, United States Magistrate Judge, issued the Report and Recommendation, recommending the Respondent's Motion for Summary Judgment be granted and Applicant's petition be denied. On June 25, 2015, the Honorable David C. Norton, United States District Judge, issued the written order affirming the Report and Recommendation of the Magistrate Judge.

II.

In her *third* and current application, Applicant is alleging she is being held in custody unlawfully on the following grounds:

1. Ineffective assistance of trial and PCR counsel. "PCR attorney never attempted to present competent evidence that I was a victim of physical abuse and a defense should have been presented to the jury in my trial."
 - a. "Trial Counsel appeared not to understand that a battered spouse syndrome defense was in fact compatible with a self defense defense. He specifically declined to raise the battered spouse defense. He never requested that I be examined by a truly independent professional in support of the battered spouse defense."
 - b. "Neither my trial counsel nor PCR counsel ever presented any testimony by which I could be parole eligible as a batter[ed] spouse pursuant to South Carolina Code section 16-25-90. As the statute gives me a right to such a hearing trial counsel and post-conviction relief counsel should have asked for such a hearing."
 - c. "S.C. Code sec. 16-25-90 gives a person the right to present evidence at either the trial or in post-conviction relief hearing of the fact that their partner battered them. I have never had such a hearing. I am informed and believe that there is 'credible evidence of a history of criminal domestic violence, as provided in section 16-25-20, suffered at the hands of the household member' as required by the statute."

Attached and incorporated herein are the records of the Anderson County Clerk of Court, Applicant's records from the South Carolina Department of Corrections, Applicant's prior PCR records, records from Applicant's Federal Habeas action, and the records from this action. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

III.

Applicant alleges she received ineffective assistance of counsel on her prior post-conviction relief application. Such a claim is not a ground for relief and not a sufficient reason to warrant a successive application. An applicant may commence a post-conviction relief action on the following grounds:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;

5. That his sentence has expired, his probation, parole or conditional release [was] unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
 6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy....
- S.C. Code Ann. § 17-27-20 (1976).

Whether or not Applicant's post-conviction relief counsel performed adequately is not within the scope of the PCR Act. There is no constitutional right to appointed counsel for collateral review of a conviction. Pennsylvania v. Finley, 481 U.S. 551 (1987). The Sixth Amendment right to effective assistance of counsel does not extend to state post-conviction relief actions. Coleman v. Thompson, 501 U.S. 722 (1991). Once a PCR applicant obtains a complete adjudication on the merits of her original application, including an appeal, he may not make successive applications based on ineffective assistance of PCR counsel. Aice, 305 S.C. at 452, 409 S.E.2d at 395.

The South Carolina Supreme Court has held the PCR rules "contemplate an adjudication on the merits of the original petition." Aice, 305 S.C. at 452, 409 S.E.2d at 395 (citing Gamble v. State, 298 S.C. 176, 178, 379 S.E.2d 118, 119 (1989)). The court also noted, "[f]inality must be realized at some point in order to achieve a semblance of effectiveness in dispensing justice." Id. at 451, 409 S.E.2d at 395. Aice further held that "the contention that prior PCR counsel was ineffective is not *per se* a 'sufficient reason' allowing for a successive PCR application under § 17-27-90." Id. at 452, 409 S.E.2d at 394.

Applicant's contention that prior PCR counsel was ineffective in failing to present competent evidence that Applicant was a victim of physical abuse, even if true, is not a sufficient reason warranting a successive PCR application. Accordingly, this action should be

dismissed for failure to state a claim upon which relief can be granted pursuant to Rule 12(b)(6), SCRPC.

IV.

The application should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160 (“the Act”). Specifically, the Act requires as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of offense or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision on appeal, whichever is later.

S.C. Code Ann. § 17-27-45(A).

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). Applicant was found guilty of the offenses she now challenges on January 17, 2006. Accordingly, Applicant was required to file this Application on or before January 17, 2007. Applicant did not file this Application until March 2, 2016, which was well beyond the statutory filing period.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). Summary dismissal of a PCR application is appropriate when the application is filed after the statutory filing period. Leamon v. State, 363 S.C. 432, 611 S.E.2d 494 (2003). In addition, S.C. Code Ann. §17-27-70(c) (1985) authorizes the Court to “grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ...that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.” Therefore, Respondent moves to dismiss this application for failure to file within the time

mandated by the Act.

V.

Similarly, this application for post-conviction relief should be summarily dismissed because it is successive to the previous application for post-conviction relief and fails to state a claim upon which relief can be granted. S.C. Code Ann. § 17-27-90 (1985) states:

All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily and intelligently waived in the proceeding that resulted in the conviction or sentence or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, *unless the court finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately raised in the original, supplemental or amended application.*

Under this statute, successive post-conviction relief applications are forbidden unless an applicant can indicate a “sufficient reason” why new grounds for relief were not raised or were not properly raised in previous applications. Aice v. State, 305 S.C. 448, 409 S.E.2d 392 (1991). “All applicants are entitled to a full and fair opportunity to present claims in one PCR application.” Odom v. State, 337 S.C. 256, 261, 523 S.E.2d 753, 755 (1999). “Successive PCR applications and appeals are generally disfavored because they allow an applicant to receive more than ‘one bite at the apple’ as it were.” Id. The “burden is on the applicant to establish that any new ground raised in a subsequent application could not have been raised in a previous application.” Id.

Applicant raised her claims of ineffective assistance of trial and PCR counsel in her previous actions. Moreover, Applicant’s allegation of ineffective assistance of prior post-conviction relief (PCR) is not a sufficient reason to warrant a successive PCR action. See Robertson v. State, 418 S.C. 505, 795 S.E.2d 29 (2016). Accordingly, the Court should summarily dismiss the application as successive to Applicant’s previous PCR application.

VI.

Lastly, this application should also be dismissed as barred by the equitable doctrine of laches. To ensure finality of litigation, our courts require reasonable diligence in pursuing collateral relief. McElrath v. State, 276 S.C. 282, 283, 277 S.E.2d 890 (1981). Requiring reasonable diligence “guards the state’s legitimate expectation that it will not be called upon without due cause, to defend the integrity of convictions that occurred many years ago, where records and witnesses are no longer available.” Id. (quoting Honeycutt v. Ward, 612 F.2d 36, 42 (2nd Cir. 1979)). Where an applicant for post-conviction relief fails to exercise reasonable diligence, the State may seek the summary dismissal through the equitable doctrine of laches, which is defined as “neglect for an unreasonable and unexplained length of time, under circumstances affording opportunity for diligence, to do what in law should have been done.” Bray v. State, 366 S.C. 137, 140, 620 S.E.2d 743, 745 (2005) (quoting Whitehead v. State, 352 S.C. 215, 219, 574 S.E.2d 200, 202 (2002)). “Whether a claim is barred by laches is to be determined in light of the facts of each case, taking into consideration whether the delay has worked injury, prejudice, or disadvantage to the other party; delay alone in assertion of right does not constitute laches.” Id.

Applicant was convicted and sentenced in 2006, and now seeks post-conviction relief *eleven years* after his conviction. Absent some explanation or justification for the delay in seeking post-conviction relief, laches will prevent an Applicant from seeking collateral review of his conviction, especially where the delay affects the availability of evidence to review the applicant’s claims. McElrath at 283, 277 S.E.2d at 890; Honeycutt at 41; Whitehead at 220, 574 S.E.2d at 202. Applicant offers no such justification, for there is none. The prejudice brought upon the State by this delay, in the form of witness memories and physical evidence naturally

faded and degraded by the passage of time, is self-evident. *See, e.g., Bray* at 140, 620 S.E.2d at 745 (finding laches applied seven years after proceeding in question); *State v. Serrette*, 375 S.C. 650, 654 S.E.2d 554 (Ct. App. 2007) (record reconstruction undoubtedly futile eleven years after proceeding in question). Therefore, the Application should be summarily dismissed as barred by the doctrine of laches.

VII.

Each and every allegation contained within the application not hereinbefore expressly admitted, qualified or explained is hereby denied.

VIII.

WHEREFORE, Respondent moves to summarily dismiss this application because it fails to state a claim upon which relief can be granted pursuant to Rule 12(b)(6), SCRPC., untimely, is successive to Applicant's prior application, and barred by the equitable doctrine of laches.

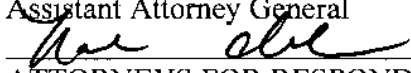
Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

RASHEEDA CLEVELAND
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT
Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

September 12, 2017

FILED-CLERK'S OFFICE
 ANDERSON SC
 STATE OF SOUTH CAROLINA
 COUNTY OF ANDERSON

2017 SEP 13 AM 11:35

IN THE COURT OF COMMON PLEAS
 FOR THE TENTH JUDICIAL CIRCUIT

Angela M. Vaughn., # 313443,

COMMON PLEAS AND
 GENERAL SESSIONS

2016-CP-04-00534

Applicant,

v.

CONDITIONAL ORDER OF DISMISSAL

State of South Carolina,

Respondent.

A TRUE COPY

SEP 18 2017

Richard L. Lundy
 CLERK OF COURT

This matter comes before the Court by way of the application for post-conviction relief (PCR) filed by Angela M. Vaughn (Applicant) on March 2, 2016. Respondent made its Return requesting that the application be summarily dismissed.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Anderson County Clerk of Court. Applicant was indicted at the March 2004 term of the Anderson County Grand Jury for murder (2004-GS-04-0748) and possession of a firearm during a violent crime (2004-GS-04-0749). On January 17, 2006, Applicant was found guilty as indicted. Applicant was represented by Robert Gamble, Esquire. Catherine Townsend Huey, Esquire, prosecuted the case. The Honorable Alexander S. Macaulay sentenced Applicant to five (5) years' imprisonment for possession of a firearm during a violent crime and thirty (30) years' imprisonment for murder. The sentences were to run concurrently. Applicant appealed her conviction and sentenced.

A timely Notice and Anders brief were filed on Applicant's behalf by Michael Barcroft, Esquire, and on March 12, 2008, the South Carolina Court of Appeals dismissed the appeal and

granted counsel's request to be relieved. Op. No. 2008-UP-167 Applicant failed to timely file a Petition for Rehearing. The Remittitur was sent on March 31, 2008.

2008-CP-04-2319

Applicant filed her first application for post-conviction relief on July 18, 2008 alleging she was being held in custody unlawfully as a result of ineffective assistance of counsel, prosecutorial misconduct, and denial of due process rights. An evidentiary hearing into the matter was convened on June 15, 2010, before the Honorable R. Lawton McIntosh. Applicant was present and represented by Mary McCormac, Esquire. Gregory P. Jones, Jr., Esquire, of the South Carolina Attorney General's Office, represented Respondent. On December 14, 2011 by written order, Judge McIntosh denied and dismissed Applicant's application with prejudice.

PCR counsel timely appealed. A Petition for Writ of Certiorari was filed in the South Carolina Court of Appeals on Applicant's behalf by Susan Hackett, Esquire of the South Carolina Commission on Indigent Defense, Division of Appellate Defense. Respondent made its Return and Motion for Summary Judgement. On April 30, 2014, the Court of Appeals denied Certiorari. The Remittitur was issued on May 23, 2014.

2012-CP-04-0375

Applicant filed a second application for post-conviction relief on February 6, 2012, alleging ineffective assistance of counsel and prosecutorial misconduct. Respondent made its Return on or about July 26, 2013. On September 10, 2013, the Honorable R. Lawton McIntosh issued the Conditional Order of Dismissal.

5:14-4758-DCN-KDW

Applicant subsequently filed a Petition for Writ of Habeas Corpus on December 22, 2014 alleging the following grounds for relief:

Ground One: Ineffective assi[s]tance of trial counsel

Supporting Facts: As the testimony at the post-conviction relief hearing demonstrates, the defendant has a long history of abuse, both as a child and as an adult. Trial counsel only had the defendant examined by a professional retained by the State of South Carolina. He never had the defendant examined by an independent professional to determine if the defendant qualifies as a battered spouse or partner.

Ground Two: Trial counsel failed to present evidence as to the parole eligibility of the Petitioner under S.C. Code § 16-25-90.

Supporting Facts: As developed at the Post conviction relief hearing, the Petitioner has a long history of abuse both as a child and as an adult. Trial counsel never advised Petitioner she could be eligible for parole under S.C. Code § 16-25-90. Petitioner is informed and beli[e]ves that her personal history would have made her parole eligible if trial counsel had presented the proper argument.

Ground Three: Failure of post-conviction relief counsel to effect[t]ively represent Petitioner at the post-conviction relief Hearing

Supporting Facts: At the post-conviction relief hearing all counsel for Petitioner did was have the Petitioner, trial counsel of the Petitioner and the daughter of the Petitioner testify. Post-conviction relief counsel never tried to obtain the services of an expert who could have developed her defense of being a battered woman. Post-conviction relief counsel also failed to deve[l]op through the testimony of other lay witnesses that Petit[i]oner had in fact been a battered woman. PCR counsel also failed to obtain the services of an expert who could have established that the petitioner was suffering from battered woman's syndrome[sic].

Ground Four: Failure of appellate counsel to adequately brief the issue of the he[a]rsay statements of the deceased.

Supporting Facts: During the trial testimony was given that the deceased said he as planning on leaving the petitioner. Trial counsel made a proper objection to the testimony. Appellate counsel submitted an Ander's brief and only have the issue a very cursory treatment.

On May 20, 2015, the Honorable Kaymani D. West, United States Magistrate Judge, issued the Report and Recommendation, recommending the Respondent's Motion for Summary Judgment be granted and Applicant's petition be denied. On June 25, 2015, the Honorable David C. Norton, United States District Judge, issued the written order affirming the Report and Recommendation of the Magistrate Judge.

CURRENT APPLICATION

In her *third* and current application, Applicant is alleging she is being held in custody unlawfully on the following grounds:

1. Ineffective assistance of trial and PCR counsel. "PCR attorney never attempted to present competent evidence that I was a victim of physical abuse and a defense should have been presented to the jury in my trial."
 - a. "Trial Counsel appeared not to understand that a battered spouse syndrome defense was in fact compatible with a self defense defense. He specifically declined to raise the battered spouse defense. He never requested that I be examined by a truly independent professional in support of the battered spouse defense."
 - b. "Neither my trial counsel nor PCR counsel ever presented any testimony by which I could be parole eligible as a batter[ed] spouse pursuant to South Carolina Code section 16-25-90. As the statute gives me a right to such a hearing trial counsel and post-conviction relief counsel should have asked for such a hearing."
 - c. "S.C. Code sec. 16-25-90 gives a person the right to present evidence at either the trial or in post-conviction relief hearing of the fact that their partner battered them. I have never had such a hearing. I am informed and believe that there is 'credible evidence of a history of criminal domestic violence, as provided in section 16-25-20, suffered at the hands of the household member' as required by the statute."

Also, before the Court are the records of the Anderson County Clerk of Court, Applicant's records from the South Carolina Department of Corrections, Applicant's prior PCR records, records from Applicant's Federal Habeas action, and the records from this action.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Failure to state a claim

Applicant alleges she received ineffective assistance of counsel on her prior post-conviction relief application. Such a claim is not a ground for relief and not a sufficient reason to warrant a successive application. An applicant may commence a post-conviction relief action on the following grounds:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
 2. That the court was without jurisdiction to impose sentence;
 3. That the sentence exceeds the maximum authorized by law;
 4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
 5. That his sentence has expired, his probation, parole or conditional release [was] unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
 6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy....
- S.C. Code Ann. § 17-27-20 (1976).

Whether or not Applicant's post-conviction relief counsel performed adequately is not within the scope of the PCR Act. There is no constitutional right to appointed counsel for collateral review of a conviction. Pennsylvania v. Finley, 481 U.S. 551 (1987). The Sixth Amendment right to effective assistance of counsel does not extend to state post-conviction relief actions. Coleman v. Thompson, 501 U.S. 722 (1991). Once a PCR applicant obtains a complete adjudication on the merits of her original application, including an appeal, he may not make successive applications based on ineffective assistance of PCR counsel. Aice, 305 S.C. at 452, 409 S.E.2d at 395.

The South Carolina Supreme Court has held the PCR rules "contemplate an adjudication on the merits of the original petition." Aice, 305 S.C. at 452, 409 S.E.2d at 395 (citing Gamble v. State, 298 S.C. 176, 178, 379 S.E.2d 118, 119 (1989)). The court also noted, "[f]inality must be realized at some point in order to achieve a semblance of effectiveness in dispensing justice." Id. at 451, 409 S.E.2d at 395. Aice further held that "the contention that prior PCR counsel was ineffective is not *per se* a 'sufficient reason' allowing for a successive PCR application under § 17-27-90." Id. at 452, 409 S.E.2d at 394.

Applicant's contention that prior PCR counsel was ineffective in failing to present competent evidence that Applicant was a victim of physical abuse, even if true, is not a sufficient reason warranting a successive PCR application. Accordingly, this action is dismissed for failure to state a claim upon which relief can be granted pursuant to Rule 12(b)(6), SCRCPP.

Statute of Limitations

The application is summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160 ("the Act"). Specifically, the Act requires as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of offense or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision on appeal, whichever is later.

S.C. Code Ann. § 17-27-45(A).

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). Applicant was found guilty of the offenses she now challenges on January 17, 2006. Accordingly, Applicant was required to file this Application on or before January 17, 2007. Applicant did not file this Application until March 2, 2016, which was well beyond the statutory filing period.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). Summary dismissal of a PCR application is appropriate when the application is filed after the statutory filing period. Leamon v. State, 363 S.C. 432, 611 S.E.2d 494 (2003). In addition, S.C. Code Ann. §17-27-70(c) (1985) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ...that there

is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.” Therefore, the Court dismisses this application for failure to file within the time mandated by the Act.

Successive

Similarly, this application for post-conviction relief is summarily dismissed because it is successive to the previous application for post-conviction relief and fails to state a claim upon which relief can be granted. S.C. Code Ann. § 17-27-90 (1985) states:

All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily and intelligently waived in the proceeding that resulted in the conviction or sentence or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, *unless the court finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately raised in the original, supplemental or amended application.*

Under this statute, successive post-conviction relief applications are forbidden unless an applicant can indicate a “sufficient reason” why new grounds for relief were not raised or were not properly raised in previous applications. Aice v. State, 305 S.C. 448, 409 S.E.2d 392 (1991). “All applicants are entitled to a full and fair opportunity to present claims in one PCR application.” Odom v. State, 337 S.C. 256, 261, 523 S.E.2d 753, 755 (1999). “Successive PCR applications and appeals are generally disfavored because they allow an applicant to receive more than ‘one bite at the apple’ as it were.” Id. The “burden is on the applicant to establish that any new ground raised in a subsequent application could not have been raised in a previous application.” Id.

Applicant raised her claims of ineffective assistance of trial and PCR counsel in her previous actions. Moreover, Applicant’s allegation of ineffective assistance of prior post-conviction relief (PCR) is not a sufficient reason to warrant a successive PCR action. See

Robertson v. State, 418 S.C. 505, 795 S.E.2d 29 (2016). Accordingly, this Court summarily dismisses the application as successive to Applicant's previous PCR application.

Laches

Lastly, this application should also be dismissed as barred by the equitable doctrine of laches. To ensure finality of litigation, our courts require reasonable diligence in pursuing collateral relief. McElrath v. State, 276 S.C. 282, 283, 277 S.E.2d 890 (1981). Requiring reasonable diligence "guards the state's legitimate expectation that it will not be called upon without due cause, to defend the integrity of convictions that occurred many years ago, where records and witnesses are no longer available." Id. (quoting Honeycutt v. Ward, 612 F.2d 36, 42 (2nd Cir. 1979)). Where an applicant for post-conviction relief fails to exercise reasonable diligence, the State may seek the summary dismissal through the equitable doctrine of laches, which is defined as "neglect for an unreasonable and unexplained length of time, under circumstances affording opportunity for diligence, to do what in law should have been done." Bray v. State, 366 S.C. 137, 140, 620 S.E.2d 743, 745 (2005) (quoting Whitehead v. State, 352 S.C. 215, 219, 574 S.E.2d 200, 202 (2002)). "Whether a claim is barred by laches is to be determined in light of the facts of each case, taking into consideration whether the delay has worked injury, prejudice, or disadvantage to the other party; delay alone in assertion of right does not constitute laches." Id.

Applicant was convicted and sentenced in 2006, and now seeks post-conviction relief *eleven years* after his conviction. Absent some explanation or justification for the delay in seeking post-conviction relief, laches will prevent an Applicant from seeking collateral review of his conviction, especially where the delay affects the availability of evidence to review the applicant's claims. McElrath at 283, 277 S.E.2d at 890; Honeycutt at 41; Whitehead at 220, 574

S.E.2d at 202. Applicant offers no such justification, for there is none. The prejudice brought upon the State by this delay, in the form of witness memories and physical evidence naturally faded and degraded by the passage of time, is self-evident. *See, e.g., Bray* at 140, 620 S.E.2d at 745 (finding laches applied seven years after proceeding in question); *State v. Serrette*, 375 S.C. 650, 654 S.E.2d 554 (Ct. App. 2007) (record reconstruction undoubtedly futile eleven years after proceeding in question). Therefore, the Application is summarily dismissed as barred by the doctrine of laches.

{Signature on the following page.}

CONCLUSION

Pursuant to S.C. Code Ann. § 17-27-70(b), the Court intends to dismiss this application with prejudice unless Applicant provides specific reasons, factual or legal, why the application should not be dismissed in its entirety. Applicant is granted twenty days from the date of service of this Order upon him to show why this Order should not become final. Applicant shall file any reasons he may have with the Anderson County Clerk of Court and shall serve opposing counsel at the following address:

Office of the Attorney General
Attn: Lindsey McCallister, Esquire
Rasheeda Cleveland, Esquire
PCR Division – 10th Circuit
P.O. Box 11549
Columbia, South Carolina 29211

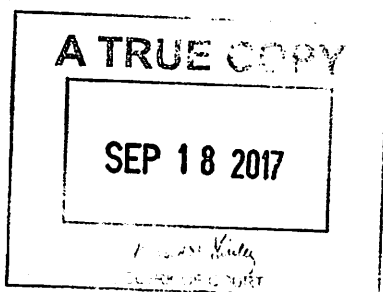
Applicant is cautioned that his response to this order must be actually received by the Anderson County Clerk of Court and opposing counsel within twenty days, and the Court will not consider any issues raised in his response if not so timely filed and served.

AND IT IS SO ORDERED this 14 day of September, 2017.



J. CORDELL MADDOX JR.
Chief Administrative Judge
Tenth Judicial Circuit

, South Carolina



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COMMON PLEAS AND
GENERAL SESSIONS

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
 COUNTY OF ANDERSON)

Angela M. Vaughn, № 313443,)
)
 Applicant,) 2016-CP-00534
)
 -vs-) Return to Conditional Order of Dismissal
)
 State of South Carolina)
)
 Respondent)

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COMMON PLEAS
 COURT
 ANDERSON SC

Angela M. Vaughn, the applicant above named hereby files this return to the Conditional order of dismissal.

1. Under South Carolina Code § 16-25-90 a person convicted of an offense against a household member, that person may after a hearing be declared to be parole eligible. As per the attached affidavit, Angela M. Vaughn has never had the opportunity to have such a hearing.

2. At trial her defense counsel refused to have her evaluated by an independent psychologist or psychiatrist to determine if she is in fact eligible to be declared to be parole eligible. At no time in the trial of this case or in the first Post Conviction Relief hearing has anyone informed her of this right. As a result the hearing has not been held not through the neglect of the Applicant but due to the ineffectiveness of her trial and Post Conviction Relief counsel.

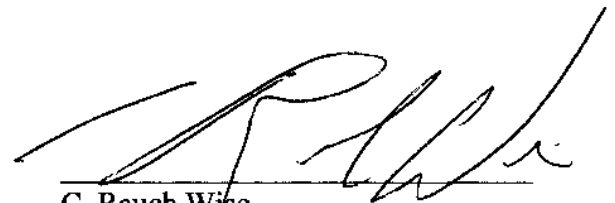
3. Further, she has never had the opportunity to assert her defense of battered woman

syndrome as it was not raised by her attorney at the trial or in her first Post Conviction Relief hearing. The Statute contemplates a person having this right.

4. While the State has argued laches as a defense the delay in asserting this issue is not the fault of the Applicant and the passing of time works as much against her being able to prove her case as the State. The issue of laches should not be a basis for denying the claim when the applicant is not at fault. The fault lies on two previous defense counsel who failed to raise the issue when they had the opportunity.

For the forgoing reasons and for the reasons et forth in the attached affidavit this Court should rescind the the Conditional Order of Dismissal and remand this matter for a hearing under S. C. Code § 16-25-90.

October 3, 2017



C. Rauch Wise
305 Main Street
Greenwood, SC 29646
(864) 229-5010
rauchwise@gmail.com
S. C. Bar № 06188

Attorney for Angela Vaughn

#2

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ANDERSON SC

STATE OF SOUTH CAROLINA)

AFFIDAVIT

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COUNTY OF GREENWOOD)

COMMON PLEAS AND
GENERAL SESSIONS

PERSONALLY appeared before me Angela M. Vaughn, who, after being duly sworn, deposes and says that:

1. Prior to my trial that concluded on January 19, 2006, I was never evaluated by an objective professional for Battered Woman's Syndrome. The only evaluation that was ever conducted was conducted by a psychologist selected by the State. My trial lawyer never had me be interviewed by an objective third party. At my post conviction relief hearing held on June 15, 2010, I testified extensively concerning the abuse as is evidenced by the testimony on pages 410 to 456 of the Appendix in my PCR Appeal (Attachment 2 to Document 9). My Post Conviction Relief Attorney did not have me separately evaluated by any third party nor did she produce any expert testimony concerning Battered Woman's Syndrome. I have never had the opportunity to present to any Court any testimony concerning Battered Woman's Syndrome.

2. No attorney had, with the exception of the 28 U.S.C. § 2054 Petition prepared in this matter, ever advised me concerning my parole eligibility in the event a trial court found that I was a victim of abuse. I believe that if an Attorney had presented evidence concerning the abuse under which I lived, a reasonable Judge would have made a finding that I was parole eligible pursuant to South Carolina Law.

3. As no Attorney in any previous State Court proceeding has raised an adequate defense of Battered Woman's Syndrome, I feel that I have not been effectively

represented in either the trial or the post conviction relief petition. I also feel that I am entitled to at least one hearing concerning my eligibility for parole as a battered woman.

Angela M. Vaughn
Angela M. Vaughn

SWORN to and Subscribed

before me this 13th day

of MARCH, 2015

[Signature] (L.S.)

(Notary Public for South Carolina)

My Commission expires: 12/2/2019

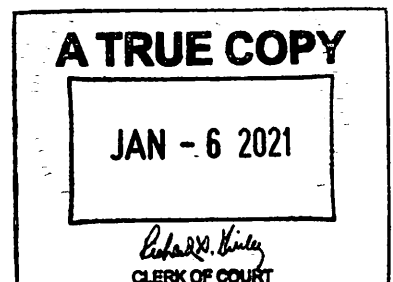
STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF ANDERSON	)	
Angela M. Vaughn, № 313443,	)	
	)	
Applicant,	)	2016-CP-00534
	)	
-vs-	)	ORDER
	)	
State of South Carolina	)	
	)	
Respondent	)	

This matter come before me upon the Motion of the State to dismiss this allegedly successive Post Conviction Relief Petition. The file in this case establishes that in the years past, the Applicant has in fact filed more than one Post Conviction Relief Petitions. *See*, 2008-CP-04-02319 and 2012-CP-04-00375. The Applicant contends that this Post Conviction Relief Petition is timely because she learned for the first time less than a year before this action was filed, that she is entitled to hearing to determine if she qualifies for a hearing to determine if she is a batter spouse under South Carolina Code § 16-25-90. Such a finding would make her parole eligible after serving one-fourth of her sentence.

Angela Vaughan was originally indicted in case numbers 2004-GS-04-748 and 2004-GS-04-749 for murder and possession of a weapon while engaged in a violated crime. She was convicted on January 19, 2006 of murder and sentenced to 30 years in prison and five years concurrent on the possession of a firearm charge. No issue as to spousal abuse was raised at the trial. Nor did trial counsel ask the court to consider the issue at sentencing. The sentence and conviction were affirmed on March 12, 2008 in case number 2008-UP-167.

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Anderson, SC COC, CP/GS

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jeh



On July 18, 2008 Ms. Vaughn filed her first post conviction relief hearing in 2008-CP-04-2319. After a hearing on June 15, 2010, the action was dismissed by order dated December 14, 2011. Her petition for writ of certiorari was denied on April 30, 2014. While this action was pending, Ms. Vaughn filed a second PCR in 2012-CP-04-00375. This action was dismissed by order dated September 11, 2013.

On December 16, 2014, Ms. Vaughn filed an action under 18 U.S.C. § 2255 in case No. 5:14-4758-DCN-KDW. In this action she raised for the first time ineffectiveness of counsel in failing to raise the issue of her being eligible for parole eligibility as a battered spouse. This action was dismissed without a hearing on the merits as to her being a battered spouse.

South Carolina Code § 16-25-90 provides the abused spouse claim can be recognized “in post-conviction proceedings pertaining to the plea or conviction” The State argues that this provision is subject to the statute of limitations provided in South Carolina Code § 17-27-45 which is one year after a trial or appeal, whichever is later. The Ms. Vaughn contends that her statute of limitations begins to run when she learned that she had the right to such a hearing. Her affidavit establishes that she did not learn of this provision until she filed her federal habeas corpus action on December 16, 2014. This Post Conviction Relief action is dated October 20th, 2015.¹

“Under the PCR rules, an applicant is entitled to a full adjudication on the merits of the

¹ The Post Conviction Relief Petition was received by the Clerk of Court for Anderson County on October 30, 2015. For some reason it was returned to the attorney for Ms. Vaughn who did not receive it until February 29, 2016. The Petition was then promptly sent back with a letter noting that the affidavit of indigency was not necessary as he was retained. The Petition was received by the Clerk of Court within one year of Ms. Vaughn acquiring knowledge of her right to a battered spouse hearing.

original petition, or ‘one bite at the apple.’” *Odom v. State*, 337 S.C. 256, 261, 523 S.E.2d 753, 755 (1999). The statute involved here clearly gives the defendant one fair bite of the apple either at the trial or in a post conviction relief hearing to support her position that she was a battered spouse under South Carolina Code § 16-25-90. The State has not contended that Ms. Vaughn has had her fair opportunity. Their sole contention is that she is too late. Based upon the record in this case, the present Post Conviction Relief action was filed within one year of Ms. Vaughn acquiring knowledge that she has such a right.

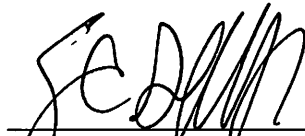
The State has further argued that ignorance of the statute of limitations is not an excuse citing *Leamon v. State*, 363 S.C. 432, 611 S.E.2d 494 (2005). Here Ms. Vaughn is not claiming she did not know about the statute of limitations, she is claiming she did not know the law afforded her a chance to prove she was a battered spouse that would make her parole eligible. This case is more akin to after discovered evidence. In such a case, the Statute begins to run when the applicant learns of the evidence. *See*, S. C. Code § 17-27-45(C).

South Carolina Code § 17-27-90 requires that all relief available must be raised in the original application. An exception to this rule is “unless the court finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately raised in the original, supplemental or amended application.” Based upon the facts of this case, the court finds the failure of any previous counsel to inform Ms. Vaughn of her right to a hearing on the battered spouse issue is a sufficient ground to permit this matter to be heard on the issue of whether Ms. Vaughn is parole eligible because of a battered spouse issue. This finding is further supported by South Carolina Code § 16-25-90 which permits the issue to be raised for the first time in a post conviction relief petition.

Therefore, it is hereby Ordered that Motion of the State to dismiss the Post Conviction is denied. The Applicant she be entitled to a hearing to determine her eligibility for parole under South Carolina Code § 16-25-90.

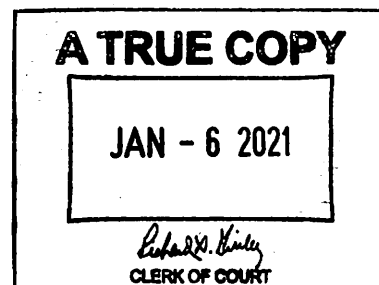
IT IS SO ORDERED

January ^{4th}₁, 2021



Eugene C. Griffith, Jr.
Presiding Judge

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Anderson, SC COC, CP/66



STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

Angela M. Vaughn, #313443,
Applicant,

v.

State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE TENTH JUDICIAL CIRCUIT

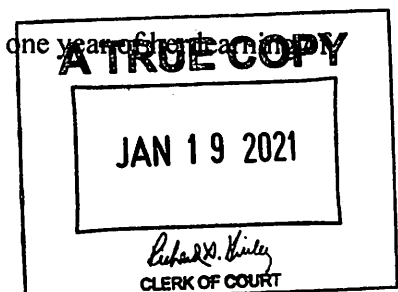
Case No. 2016-CP-04-00534

**MOTION TO ALTER OR
AMEND THE JUDGMENT**

The State ("Respondent"), by and through undersigned counsel, moves, pursuant to Rule 59(e), SCRCPP, to alter or amend the Court's order denying Respondent's motion to dismiss, which was issued on January 4, 2021. On January 4, 2021, the parties received a signed by unfiled copy of the order from the Court. The order was filed with the Anderson County Clerk of Court on January 6, 2021. A filed copy of order was received by Respondent by mail from the Clerk of Court on January 11, 2021. In support of this motion to alter or amend the judgment, the undersigned would respectfully show unto this Court:

I. History

This Court's order denying Respondent's motion to dismiss included findings that: the failure of any of the previously attorneys for Angela M. Vaughn ("Applicant") to inform her of her right to a hearing in accordance with South Carolina Code Annotated Section 16-25-90 is a sufficient ground to permit the matter to be heard in a successive application; the statute of limitations applicable in post-conviction cases did not begin to run against Applicant until she learned that the law afforded her the chance to prove that she was entitled to early parole eligibility as a battered spouse; Applicant did not learn of her right to seek early parole eligibility as a battered spouse until December 16, 2014; Applicant filed her application within one year of her learning



her right to seek early parole eligibility as a battered spouse; and aforementioned statute permits one to raise the early parole eligibility claim for the first time in a post-conviction relief action.

But this Court's order did not making findings of fact or conclusions of law with respect to one of the grounds raised by Respondent in support of its motion to dismiss: that Applicant's application is barred by the doctrine of laches. Without waiving any of its objections generally to this Court's findings of facts and conclusions of law with respect to the other grounds, it is important for Respondent to move to alter or amend the judgment so as to bring to this Court's attention Respondent's argument as to laches. Absent some explanation or justification for the delay in seeking relief, laches will prevent an individual from seeking collateral review of his conviction, especially where the delay affects the availability of evidence to refute the petitioner's claims. McElrath v. State, 276 S.C. 282, 277 S.E.2d 890 (1981); Honeycutt v. Ward, 612 F.2d 36 (2nd Cir. 1979); Whitehead v. State, 352 S.C. 215, 574 S.E.2d 200 (2002). To ensure the finality of litigation, our courts require reasonable diligence in pursuing collateral relief. This requirement "guards the State's legitimate expectation that it will not be called upon without due cause, to defend the integrity of convictions that occurred many years ago, where records and witnesses are no longer available." McElrath, 276 S.C. at 283. In this case, Applicant is seeking post-conviction relief more than ten years after she was convicted. This will likely degrade the existence and quality of evidence available in this matter, whether that evidence is witnesses' memories lost to time, documents destroyed after the passage of time, and physical evidence lost. Respondent contends the application should be dismissed as barred by the doctrine of laches and asks this Court to alter or amend its order to address the argument.

II. Conclusion

WHEREFORE, having made its motion to alter or amend the judgment, Respondent respectfully requests that the Court alter or amend its order denying Respondent's motion to dismiss so as to make findings of fact and conclusions of law with respect to Respondent's argument that the application is barred by the doctrine of laches, requests that the Court alter or amend its judgment so as to grant Respondent's motion to dismiss, and requests that the Court grant any other relief that is just and proper.

Respectfully submitted,

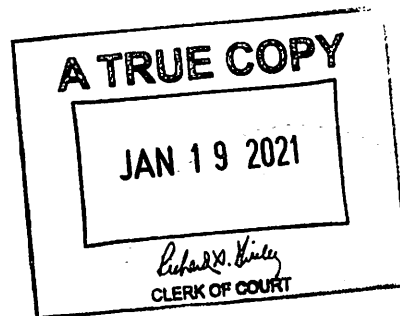
ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General
TAYLOR ZANE SMITH
Assistant Attorney General
SC Bar No.: 103282

BY: s/Taylor Zane Smith
ATTORNEYS FOR RESPONDENT
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737

January 11, 2021



STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

Angela M. Vaughn, #313443,
Applicant,

v.

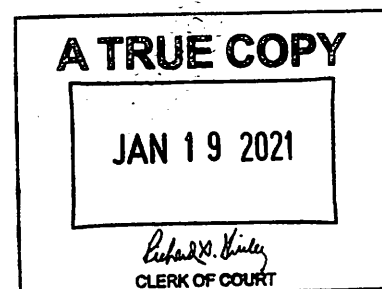
State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE TENTH JUDICIAL CIRCUIT

Case No. 2016-CP-04-00534

CERTIFICATE OF SERVICE

1. Undersigned is counsel of record for the Respondent in the above-captioned action.
 2. Pursuant to the South Carolina Supreme Court's Order "RE: Operation of the Trial Courts During the Coronavirus Emergency" (Appellate Case No. 2020-000447), dated April 3, 2020, and amended April 14, 2020, "a lawyer admitted to practice law in this state may serve a document on another lawyer admitted to practice law in this state using the lawyer's primary email address listed in the Attorney Information System (AIS)."
 3. Undersigned has served a copy of the **Motion to Alter or Amend the Judgment** in the above-captioned matter on opposing counsel by emailing a copy to the email address as listed in the AIS:
- Clarence Rauch Wise, Esquire**
rauchwise@gmail.com
4. Undersigned has provided a copy of the **Motion to Alter or Amend the Judgment** in the above-captioned matter, as well as a copy of the order that is the subject of the motion, to Judge

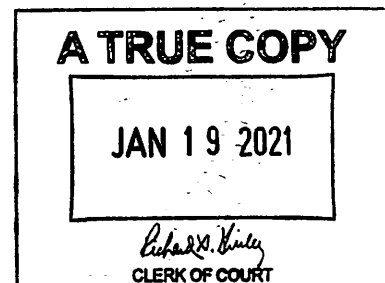


Griffith by emailing a copy to:

The Honorable Eugene C. Griffith, Jr.
egriffithj@sccourts.org

DATED this 11th day of January, 2021.

s/Taylor Zane Smith
ATTORNEY NAME
Assistant Attorney General
S.C. Bar No.: 103282
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STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

417

CASE NO. 2016-CP-04-00534

Angela M. Vaughn, #313443

State of South Carolina

APPLICANT(S)

RESPONDENT(S)

Submitted by: The Honorable Eugene C. Griffith, Jr.

Attorney for : ☐ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court: State's Motion to Alter or Amend the Judgment is denied.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk :

A TRUE COPY

JAN-19-2021

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A	N/A	\$N/A
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

21 JAN 19 PM 12:20:27
ANDERSON SC CO. CP/CS

Circuit Court Judge



2154

Judge Code

1-13-2021
Date

For Clerk of Court Office Use Only

21 JAN 13 PM 12:20:34
Anderson, SC CCC, CP/BS

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

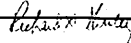
Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

A TRUE COPY

JAN 19 2021


CLERK OF COURT

State of South Carolina
County of Anderson

Court of Common Pleas

Angela M. Vaughn	)	
	)	
Applicant,	)	Transcript of Record
v.	)	2016-CP-04-00534
	)	
State of South Carolina	)	
	)	
<u>Defendant.</u>	)	

February 28, 2023
Anderson, South Carolina

B E F O R E:

The Honorable Perry H. Gravely, Judge.

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

C. Rauch Wise, Esquire
Attorney for the Applicant

Taylor Smith, Esquire
Attorney for the State

Lisa Scott
Circuit Court Reporter

I N D E X

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
1	Applicant's - FC decree		X
2	Applicant's - incident report		X
3	Applicant's - 11/5/03 letter		X
4	Applicant's - incident report		X
5	Applicant's - arrest warrant		X
6	Applicant's - DVD		X
1	State's - Gamble affidavit		X

- - -

P R O C E E D I N G S

- - -

THE COURT: Good morning.

(The Applicant was personally present, together with counsel.)

MR. SMITH: Judge, this is Ms. Vaughn. Since her -- since her hearing is going to take a while for scheduling reasons, we have two witnesses to put up first, and then we'd like to get to the other two hearings, and then come back to it.

THE COURT: Okay.

MR. WISE: I've got one witness that has to be at a funeral at 11:00.

THE COURT: Okay.

MR. WISE: And the other witnesses are here for the duration.

THE COURT: All right. That's good. I don't have any of the packets.

MR. WISE: All right. I call Cindy Speight, S-p-e-i-g-h-t.

THE COURT: Do you need to call the -- at least identify the case number for the record.

MR. WISE: Oh.

MR. SMITH: Your Honor, I'd like to put some stuff on the record about this, too. This is the

1 case of *Vaughn v. State*, 2016-CP-04-534.

2 Ms. Vaughn is serving a 30-year sentence for
3 murder. She was found guilty at trial in January of
4 2006, and also possession of a weapon.

5 Her appeal was -- direct appeal was affirmed
6 after an Anders review, and she's already had -- she
7 had a PCR that was dated 2008. It was dismissed and
8 she did not get relief from that.

9 She filed the petition for Writ of Habeas
10 Corpus raising some other issues in Federal Court,
11 and she did not obtain relief for that.

12 And then she's filed this second PCR. We --
13 the State originally moved to dismiss as successive
14 and maybe some other grounds. Judge Griffith denied
15 that and so we're here today.

16 And the only issue would be whether she's
17 entitled to early parole eligibility under South
18 Carolina Code Section 16-25-90, and also by her
19 lawyers did not raise that issue previously.

20 THE COURT: Is that the battered-wife syndrome?

21 MR. SMITH: It -- it's a statute that basically
22 has requirements that if she meets, she can be
23 eligible for parole after serving 25 percent of her
24 sentence.

25 THE COURT: Is that like battered wife?

1 MR. SMITH: It was enacted at the same time.

2 THE COURT: Okay. It acts as the basis. Yeah,
3 I know what you're talking about.

4 MR. SMITH: Right. It's -- it's not a defense.
5 It's a sentencing.

6 THE COURT: Right. It's for parole
7 qualifications.

8 MR. WISE: And -- and the statute says you can
9 raise it by PCR hearing.

10 THE COURT: Yeah. All right.

11 MR. SMITH: And so I think, Judge, I would say
12 from the State's point of view under the statute, I
13 will stipulate that the victim was a household
14 member as defined in the statute, and the one -- the
15 statute cited within the early parole statute.

16 And I think from the State's point of view,
17 Ms. Vaughn has to present credible evidence of a
18 history of criminal domestic violence that she
19 suffered at the victim's hands.

20 And, also, I have a copy of the statute that I
21 can hand up at the appropriate time, but I just
22 wanted to put on the record what issues we have.

23 THE COURT: What was her sentence?

24 MR. SMITH: I think it was 30 years.

25 MR. WISE: It was 30.

1 THE COURT: All right.

2 MR. SMITH: Thank you.

3 CINDY SPEIGHT,

4 having been produced and first duly sworn as a
5 witness on behalf of the Applicant, then testified
6 as follows:

7 DIRECT EXAMINATION

8 BY MR. WISE:

9 Q. Please give us your full name.

10 A. Cynthia Speight.

11 Q. All right. And where do you live?

12 A. I live in Anderson.

13 Q. All right. And what do you do for a living?

14 A. I'm a realtor.

15 Q. And how long have you been a realtor?

16 A. Twenty-one -- since 2000, 2001.

17 Q. Okay. So, roughly, 20, 21, 22 years?

18 A. Yes, sir.

19 Q. All right. In your position as a realtor, did
20 you have occasion to meet Angela Vaughn?

21 A. Yes, I did.

22 Q. Tell us how that came about.

23 A. I don't recall the initial contact, but I
24 imagine it was just a call-in. And so she was
25 looking for a house, and so I just began to help

1 her.

2 Q. You what?

3 A. She was seeking to find a house, and so I
4 started showing her homes and just doing the normal
5 realtor-type thing.

6 Q. All right. Did you get to know her?

7 A. Yes, I did. We -- you know, it was just she
8 and I riding around a lot and we really bonded over
9 Christian issues and things that helped me to see
10 what a good person she was. And so, yes, we did
11 become friends.

12 Q. All right. During the time that you got to
13 know her, did -- who was she living with at that
14 time?

15 A. She was living with Ronnie and her young son.

16 Q. All right. Ronnie Grant?

17 A. I don't even -- I don't even remember.

18 Q. Excuse me?

19 A. I mean, I don't know his last name.

20 Q. Was she living with the person that was
21 ultimately killed?

22 A. Yes. Yes. Yes.

23 Q. Okay. All right. Did she talk to you about
24 that relationship?

25 A. She did not initially, but I believe it was

1 after -- she asked me one time she couldn't make it,
2 and I think when she asked me if I would show the
3 homes just to him one day because there was
4 something that had come up. I didn't want to, and
5 so I think it sort of opened the door. I mean, I
6 could kind of tell that things were not -- I could
7 just -- I -- it -- she just seemed different when
8 she was with him. And, well, you're maybe going to
9 ask me some other questions, but at any rate, yeah.

10 Q. Did you ultimately get to meet him?

11 A. I did. Yes.

12 Q. All right. And how would you describe him?

13 A. Quiet. He did not engage. He had a prickly
14 maybe might be the right word, but just standoffish
15 kind of feel to him. He did not -- he did not
16 strike me as, I don't know, someone that I wanted to
17 engage with.

18 Q. Now, you saw -- did you see the two of them
19 together?

20 A. I did.

21 Q. And how was -- I think you made mention of it
22 earlier, but how was she different around him?

23 A. Well, I could just tell her demeanor, she was
24 not free. She was more nervous. She just seemed to
25 be uptight around him. She did not freely engage in

1 conversation with me like she had when it was she
2 and I alone, about, you know, just in conversation.
3 She just -- she just seemed very -- like she was
4 trying to make sure to be a duffer. That's the way
5 I felt, like she was trying to buffer to make sure
6 that he didn't -- he didn't say something. I don't
7 know. I just interpreted it.

8 Q. All right. Did she mention to you about
9 whether or not there had been any physical abuse in
10 their relationship?

11 A. Like I said, not at first, but I think after I
12 told her I did not want to ride with him alone when
13 she asked me if I would. And I said -- and I don't
14 usually speak up like this, but I really felt
15 uncomfortable around him, and I said I would rather
16 not do that. And so I think, subsequently, she
17 explained to me the relationship.

18 Q. Okay. And you ultimate -- did you
19 ultimately -- did she buy a house from you?

20 A. Yes.

21 Q. Okay. And that was the house where the actual
22 shooting occurred?

23 A. Yes.

24 Q. Okay. And have you kept up with her since
25 then?

1 A. A little bit. Yeah, just a little bit. I
2 haven't -- I wish I had done more as far as letters.
3 We started letters initially, and, no, not -- not
4 very much, but I've talked to her daughter numerous
5 times.

6 Q. Okay. And did you testify at the hearing at
7 all?

8 A. No.

9 Q. Okay.

10 A. No. I was not asked.

11 MR. WISE: Okay. Thank you.

12 THE COURT: Cross-examination.

13 CROSS-EXAMINATION

14 BY MR. SMITH:

15 Q. Ms. Speight, do you remember the day or
16 approximate day when you met Ms. Vaughn?

17 A. It was in the summer, and I believe it was
18 2003.

19 Q. Okay.

20 A. Somewhere like July or somewhere close to that.

21 Q. Okay. And you testified that you were showing
22 her houses; is that ---

23 A. Yes.

24 Q. How many times were you with Ms. Vaughn?

25 A. Boy. It's going back a little ways. I -- I

1 would estimate probably six, seven maybe.

2 Q. Okay. And those times -- those six or seven
3 times, about how long would you be with her showing
4 her houses?

5 A. Hours.

6 Q. Hours?

7 A. Uh-huh.

8 Q. Okay. How much time did you spend with
9 Ms. Vaughn and Mr. Grant when they were together?

10 A. Oh, boy. I would really be guessing. It's
11 been so long. I spent the majority of the time just
12 with her, but I would say he probably came two times
13 maybe of the seven times, maybe two.

14 Q. Okay. So maybe two out of seven?

15 A. Uh-huh.

16 MR. SMITH: Okay. No more questions. Thank
17 you.

18 THE COURT: Any redirect?

19 MR. WISE: No redirect. We'd like this witness
20 to be excused.

21 THE WITNESS: Thank you very much.

22 (Witness excused.)

23 MR. SMITH: And, Your Honor, I'd like to call
24 the witness, Mary McCormac. And we're taking her
25 out of turn just for time sake.

1 THE COURT: Okay. I'll be glad to accommodate
2 Ms. McCormac.

3 MARY MCCORMAC,
4 having been produced and first duly sworn as a
5 witness on behalf of the State, then testified as
6 follows:

7 DIRECT EXAMINATION

8 BY MR. SMITH:

9 Q. Ms. McCormac, when were you admitted to
10 practice law in South Carolina?

11 A. 1988.

12 Q. Okay. Can you give me a summary of your legal
13 experience.

14 A. Well, I started off at a big firm in Greenville
15 practicing in employment labor law for about eight
16 years.

17 And then I went out and started by own practice
18 concentrating in employment labor law and municipal
19 law and I stayed there.

20 Q. Okay.

21 A. I did have about a ten-year state where I was
22 of counsel to Krause Moorehead & Draisen to handle
23 mostly their employment cases.

24 Q. Okay. Did you represent Ms. Vaughn at her
25 post-conviction relief hearing that took place in

1 June of 2010?

2 A. I did.

3 Q. Okay. At that time, were you aware of the
4 early parole eligibility statute 16-25-90?

5 A. Generally. I had not handled any cases that
6 involved that, but it was involved. It was -- if my
7 memory serves correct, it was included in the
8 criminal domestic violence statute and I was aware
9 of that. And I know I reviewed the trial transcript
10 to look at sentencing to see whether -- I think the
11 statute requires credible history of domestic
12 violence for people that are -- plead guilty or
13 convicted. So I know I looked at the sentencing in
14 the first trial in the main trial.

15 And Ms. Vaughn addressed the issue of criminal
16 domestic violence in her colloquy with the -- with
17 the Court at that time. And the main, just of our
18 trial, was that she felt that her trial counsel did
19 not raise -- effectively raise the defense of
20 battered woman syndrome. So part of our case -- the
21 better part of our case addressed battered woman
22 syndrome with Mr. Grant, but also her history of
23 violent encounters with -- with prior husbands and
24 other members of the community.

25 I did not address the issue of parole at the

1 PCR hearing. I was appointed after she had filed
2 her PCR petition, so we addressed the issues in
3 there. And that primarily concentrating on the
4 battered woman syndrome, but without waiving
5 everything that she had put into her PCR petition at
6 that time.

7 Q. Okay. Did you consider raising the claim
8 citing the early parole eligibility statute?

9 A. Only -- only in looking at to see whether a --
10 the history -- the statute isn't real clear on how
11 you do that or when you do that. Our focus or at
12 least my focus was on trying to win the PCR case for
13 her.

14 And then when we got the order dismissal, I
15 appealed the case and ordered the record sent to
16 OID. And at that point in time, I didn't have any
17 more contact with her. And, in fact, I -- I was not
18 aware of how this had proceeded over the years since
19 then.

20 Q. Do you remember if it was a situation where you
21 considered it and decided not to raise it or you
22 just maybe never reached that decision?

23 A. I want -- I made sure that the -- her testimony
24 and her -- the information about the criminal
25 domestic violence that had gone on was included in

1 both the trial testimony and our testimony. And I
2 did not -- I don't have an independent -- I know we
3 talked about what we could and couldn't do with the
4 PCR petition in terms of remedies and what we could
5 accomplish.

6 I do not have an independent memory of
7 discussing parole at any time with her, because we
8 were hopeful that we would win the PCR. And then
9 when that didn't happen, my immediate focus was
10 appealing it properly and then getting it sent over
11 to OID for the appellate process. So I do not have
12 an independent memory of discussing it with her. I
13 do know we talked about the remedies and we probably
14 focussed on the remedies under the PCR statute.

15 Q. Okay. So you felt the best chance was
16 battered -- battered woman syndrome?

17 A. That was -- I felt that was really important to
18 her, and I did feel -- I mean, when we went to the
19 hearing, I had about eight -- seven or eight
20 witnesses in addition to Ms. Vaughn that were
21 prepared to testify to their observations of abusive
22 and violent contact between her -- I mean, against
23 her by this Mr. Grant.

24 So I felt like that was our strongest case and
25 we were arguing that Mr. Gamble -- I don't think

1 that self-defense and the battered woman syndrome
2 are mutually exclusive. So I felt that he could've
3 presented evidence to the jury on that and that that
4 might've, you know, come out with a different
5 outcome at trial, and I felt like that was our
6 strongest case.

7 We did ask to Court to consider all of her
8 issues that were contained in the PCR, and I
9 reiterated that after the -- I can't remember the
10 Attorney General's Office attorney, his name, but
11 the first order that was prepared by the AG didn't
12 address the other issues in her PCR case, so I did
13 ask the Court to address those. And the Court did
14 address those in the order of dismissal, but our
15 concentration was on the battered woman syndrome.

16 MR. SMITH: Okay. Thank you. No more
17 questions.

18 CROSS-EXAMINATION

19 BY MR. WISE:

20 Q. So the issue of parole eligibility was not
21 addressed at sentencing at her original trial?

22 A. Not -- not expressly. I don't know what the
23 judge was thinking. And, of course, the record of
24 that sentencing conference ---

25 Q. Right.

1 A. --- it speaks for itself.

2 Q. Okay. It does. That's true. How many
3 witnesses testified at the PCR hearing other than
4 Ms. Vaughn?

5 A. Her daughter Nichole testified. And as we were
6 testifying -- as we -- that was a Freudian slip. As
7 she was testifying, the Court interrupted and
8 indicated that they wanted to cut her off. We
9 argued for a minute about the issue, and he allowed
10 her to complete her testimony, but he would not
11 allow the other witnesses to testify ---

12 Q. Okay.

13 A. --- but allowed me to make a proffer.

14 Q. So I believe the witnesses who testified at the
15 PCR hearing were Angela Vaughn, Robert Gamble, and
16 Nichole Moser?

17 A. Nichole is her daughter.

18 Q. And that was it?

19 A. Yes, sir.

20 Q. Okay.

21 A. Now, I had other witnesses in the courtroom,
22 but the Court did not allow them.

23 Q. And you had -- you had talked to these other
24 witnesses?

25 A. Yes. Of course.

1 Q. And I assume they were witnesses that were
2 going to testify as to basically her life history of
3 being in a violent situation with more than one
4 person?

5 A. I think predominantly they would've testified
6 about her -- the treatment that she received from
7 Mr. Grant.

8 Q. Okay.

9 A. But there were -- there was a couple, and I
10 believe their last name was Barnes, and they were
11 family related. And I believe her second or first
12 husband was named Barnes, and so they would've known
13 about more of her history. And, of course, her
14 daughter would know more about her history.

15 Q. And at the PCR hearing, you never specifically
16 asked any relief under the parole eligibility
17 statute?

18 A. No, sir.

19 MR. WISE: Okay. All right. Thank you.

20 MR. SMITH: Your Honor, may Ms. McCormac be
21 excused?

22 THE COURT: Any redirect?

23 MR. SMITH: No, Your Honor.

24 THE COURT: Okay.

25 THE WITNESS: Thank you, Your Honor.

1 THE COURT: Thank you.

2 (Witness excused.)

3 (At 10:11 a.m., the case ended and reconvened
4 at 1:02 p.m.)

5 * * * * *

6 MR. WISE: Judge, I'll give you fair warning.
7 We have more witnesses -- we have more people in the
8 courtroom than we have witnesses, so don't -- some
9 of them just are here for support.

10 THE COURT: Okay.

11 MR. WISE: So don't panic.

12 THE COURT: When I saw you come in, I panicked.
13 So exactly where are we? I mean, we took a break.
14 Now, you're going to proceed forward at this time,
15 correct.

16 MR. WISE: Right.

17 THE COURT: Okay.

18 MR. WISE: And it won't be necessary. She's
19 going to be my first witness. But after she
20 testifies, can we take the handcuffs off her right
21 arm so she can make notes?

22 THE COURT: I totally rely on these guys here
23 to make those decisions for me.

24 MR. WISE: Just one of them, just so she
25 can ---

1 THE BAILIFF: I don't have a problem with it.

2 MR. WISE: Okay. Thank you.

3 THE COURT: All right.

4 MR. WISE: All right. Call Angela Vaughn.

5 ANGELA VAUGHN,

6 having been produced and first duly sworn as a
7 witness on behalf of the Applicant, then testified
8 as follows:

9 DIRECT EXAMINATION

10 BY MR. WISE:

11 Q. Please give us your full name.

12 A. Angela Marie Vaughn.

13 Q. All right. And where are you from?

14 A. Anderson, South Carolina.

15 Q. All right. If you will, pull that chair
16 forward just a little bit so you don't have to lean
17 forward as much. Okay.

18 A. How's that?

19 Q. That's good. Ms. Vaughn, you understand the
20 purpose of today's hearing, don't you?

21 A. Yes, sir.

22 Q. Okay. Have you ever had a hearing on whether
23 or not you are -- could be considered an abused
24 spouse for purposes of parole eligibility?

25 A. No, sir. None.

1 Q. And this is the first one?

2 A. It is.

3 Q. Okay. All right. If you would, going to a
4 little bit of your -- your life early on. You --
5 you got -- early on, meaning back when you were 5,
6 6, 7 years old, did anything dramatic happen to you
7 then?

8 A. It did.

9 Q. All right. And what was that?

10 A. I was sexually abused by my older brother.

11 Q. All right. Did that come to light as far as
12 law enforcement is concerned at the time that
13 occurred to you?

14 A. No.

15 Q. Did it come to light later?

16 A. It did.

17 MR. SMITH: Objection. Relevance and probative
18 value. The issue before the Court is whether
19 Ms. Vaughn can establish a history of abuse at the
20 hands of Mr. Grant.

21 MR. WISE: Actually, it's not necessarily the
22 hands of Mr. Grant. It's whether or not she has led
23 a life of being abused and battered, period,
24 regardless of who it was.

25 THE COURT: I thought it said -- actually, the

1 statute says something about a member of the
2 household.

3 MR. WISE: Well, alright.

4 MR. SMITH: I have copy of the statute.

5 THE COURT: Yeah, doesn't it say abused by a
6 member of your household in addition ---

7 MR. SMITH: If I may, looking at the statute,
8 it's that -- that she's been convicted of offense --
9 offense against a household member, and she has to
10 establish credible evidence of a history of criminal
11 domestic violence suffered at the hands of the
12 household member. And the State's position is that
13 would be Mr. Grant.

14 MR. WISE: All right. But to understand the
15 abusive situation, I think we have to get a running
16 start on it and talk about her entire history.

17 THE COURT: I'm not sure how that's irrelevant
18 to -- I mean, how that's relevant to the abuse by
19 this victim -- in victim in the -- the victim here.

20 MR. WISE: If you're abused by one person,
21 that's one thing. But if you have a lifetime and
22 history of being abused, I think it goes to show
23 that her reaction may have been different from
24 somebody who was just abused one time.

25 THE COURT: But are we not trying to determine

1 whether if Mr. Grant abused her?

2 MR. WISE: Actually, as I understand the
3 statute, what we're really determining is not
4 whether or not she qualifies as a -- what I'd
5 call -- does she qualify for domestic abuse
6 syndrome. It's whether or not she has been abused,
7 period, whether or not she qualifies for the
8 domestic abuse -- spousal abuse syndrome.

9 THE COURT: It says suffered at the hands of
10 the household member ---

11 MR. WISE: Right.

12 THE COURT: --- which would be Mr. Grant.

13 MR. WISE: That is Mr. Grant and that -- we --
14 that is part of it, but I think we also have to show
15 the history of why she reacted in the way she did
16 with Mr. Grant is based upon her entire history.

17 THE COURT: Well, I'll let you get into a
18 little bit of that ---

19 MR. WISE: Okay.

20 THE COURT: --- but I don't think we need to
21 spend all afternoon on something ---

22 MR. WISE: Okay.

23 THE COURT: --- that I don't think I need to be
24 considering.

25 MR. WISE: Well, we -- we can -- we can speed

1 through it. All right.

2 MR. SMITH: May I say one thing, Your Honor?

3 THE COURT: Yes.

4 MR. SMITH: That was litigated in her first PCR
5 was whether she was entitled to battered spouses ---

6 MR. WISE: Correct.

7 THE COURT: Right.

8 MR. WISE: Right. And -- and if -- and
9 battered spouse syndrome is -- you don't have to
10 make that finding to determine she's parole
11 eligible.

12 THE COURT: Right.

13 MR. WISE: Okay.

14 THE COURT: It's credible evidence that she's
15 -- there's credible evidence of a history of
16 criminal domestic violence at the hands of this
17 household member.

18 MR. WISE: Okay. Let me -- let me ---

19 MR. SMITH: I didn't understand, Your Honor.

20 THE COURT: In order words, I'm going to give
21 the -- I'll give it -- I mean, for background
22 purpose, I think it -- it could be relevant, but I'm
23 just saying, I'm going to limit how much.

24 MR. WISE: Okay. And I would just note for the
25 record, and this is kind of shortened a little bit.

1 In the first PCR, which is part of this record also
2 as I understand it, a lot of this was gone into, and
3 I would simply refer to the Court to that. And
4 that'll -- that'll save a lot of time too.

5 BY MR. WISE:

6 Q. All right. Now, how far did you go in school?

7 A. Eighth grade.

8 Q. Eighth grade?

9 A. Uh-huh.

10 Q. And you dropped out of school because of what?

11 A. I was pregnant with my first child.

12 Q. You were pregnant. And how old were you then?

13 A. Fourteen.

14 Q. Okay. Did that -- how did that relationship go
15 just very briefly?

16 A. Well, I married the father. And he was very
17 abusive physically, mentally ---

18 Q. Okay.

19 A. --- verbally. He ran around on me all the
20 time. So after four years, because he wouldn't let
21 me get my license to drive. He wouldn't -- couldn't
22 carry a phone; kept me isolated. So then when I was
23 18, I filed for divorce.

24 Q. Okay. And you ultimately got divorced from
25 him?

1 A. I did.

2 Q. Do you have any children with him?

3 A. One. And I divorced him on physical cruelty
4 grounds.

5 Q. And who was that one -- one child?

6 A. Timothy Paul Barnes.

7 Q. Okay. And did you subsequently marry again?

8 A. I did.

9 Q. And who was that?

10 A. Wayne Anthony Vaughn.

11 Q. All right. And did you, ultimately, get
12 divorced from him?

13 A. Uh-huh. We was married about 12 years.

14 Q. All right. And was that divorce also on
15 physical cruelty?

16 A. No, it wasn't.

17 Q. Excuse me. Who did you get involved the second
18 time? Vaughn was the second husband?

19 A. Right. Right.

20 Q. And that one, y'all just divorced?

21 A. We did.

22 Q. Okay. And did you marry a third time -- well,
23 how much children did you have with Mr. Vaughn?

24 A. One. My daughter.

25 Q. Okay. And third husband was who?

1 A. Well, we -- we never officially married. We
2 were considered common law, and that was Jason
3 Hammonds.

4 Q. And how long were you -- were you with him?

5 A. Seven years.

6 Q. Okay. And was that an abusive relationship?

7 A. Somewhat. Verbal -- verbal abuse and mental
8 abuse.

9 Q. And the third -- and did you later marry a
10 third time?

11 A. No, sir.

12 Q. Did you marry ---

13 A. I never married Mr. Grant.

14 Q. Okay. Never married Mr. Grant. All right. So
15 Mr. Barnes was your first husband?

16 A. Right.

17 Q. And -- and that was divorced on physical
18 cruelty?

19 A. Right.

20 MR. WISE: I think I sent him the copy of the
21 divorce decree on that. I'd like to move this as
22 Applicant's Exhibit 1.

23 THE COURT: Any objection?

24 MR. SMITH: Objection of relevance, probative
25 value.

1 THE COURT: All right. I'm going to let it in
2 for limited purposes. Consider for what it's worth.

3 MR. SMITH: May I ask what's the purpose?

4 MR. WISE: Just to document her abusive
5 history.

6 THE COURT: We're not letting that whole ---

7 MR. WISE: Right.

8 (Applicant's Exhibit No. 1 was received into
9 evidence.)

10 BY MR. WISE:

11 Q. All right. So, finally, you met up with
12 Mr. Barnes?

13 A. Huh-uh.

14 Q. I mean, not Mr. Barnes, Mr. Grant?

15 A. Right.

16 Q. And where did y'all meet?

17 A. At work. We worked at Walmart.

18 Q. And where were y'all working then?

19 A. Walmart in Anderson on Liberty Highway.

20 Q. And how long did you -- how long did y'all know
21 each other before you got divorced?

22 A. We never married.

23 Q. I mean, not divorced. Before y'all started
24 living together?

25 A. I don't know. It was probably about three or

1 four months.

2 Q. All right. And ---

3 A. It might've been a little longer than that
4 because I didn't -- we didn't even date until after
5 about three months -- three months of meeting. We
6 only spoke in the break room.

7 Q. Where did y'all live when y'all first met?

8 A. I lived on [REDACTED] Liberty Highway.

9 Q. All right. And did you own that house or what?

10 A. I was paying on it. Yes, sir. I owned the
11 land, and I was making payments on the new mobile
12 home.

13 Q. Okay. And did you later move to another
14 location?

15 A. We did. We -- I had put my land up for sale,
16 and we moved to a mobile home in Pendleton, [REDACTED]
17 Harrison Street in Pendleton, South Carolina. And
18 we just rented that until I could sell the land.

19 Q. And then where did y'all ultimately move to?

20 A. I bought a house from the realtor you seen
21 earlier, [REDACTED] Howland Drive, Anderson.

22 Q. All right. And y'all -- do you remember about
23 when you bought that?

24 A. It was in July 2003.

25 Q. Okay. July before this shooting incident?

1 A. Yes.

2 Q. Okay. How did your relationship with
3 Mr. Barnes go?

4 A. You mean Mr. Grant?

5 Q. Mr. Grant. Excuse me. I don't know why I'm
6 hung up on Mr. Barnes.

7 A. Well, at first, he treated me really good. I
8 mean, well-mannered and gentlemanly, clean cut. He
9 seemed to be a hard worker. And I had not dated
10 anybody in almost a year at that time because my
11 youngest son's father had went to prison, and so I
12 was just putting all my time into work and him and
13 home. And so then about -- he moved in some time --
14 you're talking about that address or what ---

15 Q. Well, when you -- when y'all first started
16 living together ---

17 A. Yes.

18 Q. --- was about when?

19 A. All right. That was November, somewhere around
20 Thanksgiving of 2001.

21 Q. Okay. So y'all, at the time of this incident,
22 had been living together almost two years?

23 A. Right.

24 Q. Okay.

25 A. Right at two.

1 Q. All right. So how did he -- tell us how he --
2 what he evolved into?

3 A. Well, I -- he started getting violent. He
4 started off just verbally, and then it became
5 physical in March of '02, and I had to start calling
6 911 on him.

7 Q. Was there an incident in February of '02
8 involving the death of your brother that where
9 something happened?

10 A. Yes. He committed suicide.

11 Q. All right. And then how did -- how did that
12 affect yours and Mr. Grant's relationship?

13 A. Well, I fell into a depression because me and
14 my brother, we -- my younger brother, even though he
15 was older than me, he was my youngest one. We were
16 very close. We grew up closer than the rest because
17 the others were so much older. And he had no kind
18 of compassion at all. He would -- he would be like,
19 "Just get over it. Life goes on. You know, you
20 need to just move on." And, you know, he didn't
21 want to let me grieve my brother's death.

22 Q. And on or about October the 4th of 2003, did --
23 did you happen to call or file a complaint about
24 criminal domestic violence with Mr. Barnes ---

25 A. I did.

1 Q. --- excuse me -- Mr. Grant?

2 A. I did.

3 Q. All right. I hand you these documents and ask
4 if you can identify them or is that the incident
5 report and your statement involving that? And there
6 are three documents to look at.

7 A. It looks like it. I was just trying to look
8 and see what was there because the original papers.

9 Q. Okay.

10 A. Okay. Yes. I pressed charges.

11 MR. WISE: I'd like to move these to be
12 introduced as Applicant's 2, 3, and 4, and they
13 relate to a criminal domestic violence complaint
14 with this -- with Mr. Grant.

15 MR. SMITH: I'm going to consult just to make
16 sure I understand.

17 MR. WISE: Yeah, you should have them.

18 MR. SMITH: May I look at them just a second,
19 please?

20 MR. WISE: Sure.

21 MR. SMITH: What is the order again?

22 MR. WISE: The handwritten one is one, the
23 handwritten statement is two, and the typed one is
24 three. Excuse me, two, three, and four.

25 MR. SMITH: No objection.

1 THE COURT: Without objection.

2 (Applicant's Exhibit Nos. 2, 3, and 4 were
3 received into evidence.)

4 BY MR. WISE:

5 Q. So you called the police to your house back
6 about October the 4th of 2003?

7 A. I did.

8 Q. All right. Was Mr. Grant there when the police
9 got there?

10 A. No. He left out on foot.

11 Q. All right. Did you talk with the police?

12 A. I did.

13 Q. And you gave him statement that's there?

14 A. I did.

15 Q. Okay. What happened after that with that
16 criminal domestic violence case?

17 A. Well, I also pressed -- you know, he had told
18 me he was going kill me that night ---

19 Q. Right.

20 A. --- and again the day I shot him.

21 Q. And what?

22 A. Okay. So then, you know, I filed for this
23 thing there. And Officer Gibbons -- I don't
24 remember the other officer's name, but I'll never
25 forget his name because he told me, he said, "The

1 State's going to take this up." He said, "You can't
2 drop it if you come in the courtroom holding his
3 hand."

4 MR. SMITH: Objection. Hearsay.

5 THE COURT: Yeah, sustained.

6 THE WITNESS: Okay.

7 MR. WISE: Don't go over what he said.

8 THE WITNESS: All right. Well ---

9 MR. WISE: Let me just -- let me direct you a
10 little more specifically. Alright?

11 THE WITNESS: Okay.

12 BY MR. WISE:

13 Q. Let me direct your -- was he arrested the next
14 day?

15 A. No, he was not.

16 Q. All right. What was the next notification that
17 you found from the Sheriff's Department concerning
18 this -- concerning this?

19 A. I pressed charges on Friday night. The
20 following Monday about 10:30, I got a letter in the
21 mail from the Anderson County Sheriff's Department.

22 Q. Well, did you get the letter or Mr. Grant?

23 A. I didn't give it to him.

24 Q. All right. Let me -- look at the -- do you
25 recognize that letter?

1 A. Yes, I do.

2 Q. And what is that letter?

3 A. It was ---

4 Q. Just describe it very generally.

5 A. It was his bond hearing.

6 Q. Hold on. Who's the letter from?

7 A. It's from Anderson County Sheriff's Department.

8 Q. And what's it requesting?

9 A. It's requesting that Ronald Grant be present on
10 October the 16th, which was ten days ---

11 Q. After that?

12 A. --- to give to him.

13 MR. WISE: Just hold on.

14 MR. SMITH: No -- no objection.

15 THE COURT: In without objection. That's
16 applicant's No. 5.

17 (Applicant's Exhibit No. 5 was received into
18 evidence.)

19 BY MR. WISE:

20 Q. So a letter went to your house?

21 A. It did.

22 Q. And it was addressed to Mr. Grant?

23 A. It was.

24 Q. All right. And did you give it to him right
25 then?

1 A. No, sir.

2 Q. Why not?

3 A. Because I was afraid.

4 Q. When did you first give him that letter?

5 A. On the morning of the appointment,

6 October 16th.

7 Q. So he had to be there at 10:00 a.m., so you
8 gave him the morning of the 16th?

9 A. I did.

10 Q. All right. What did he do and what did you --
11 what did -- first of all, what did he do that
12 morning?

13 A. He looked at it and he looked at me like he was
14 going to kill me and -- because I -- I had not told
15 him I pressed charges.

16 Q. Right.

17 A. So ---

18 Q. Had you told him you even called the police?

19 A. No.

20 Q. Okay.

21 A. But he knew I -- I think he knew I did because
22 that's why he left out on foot, because when he come
23 out of the bathroom, I was putting the cordless
24 phone back on its base.

25 So I drove him to this appointment because he

1 had no driver's license and both vehicles were in my
2 name only. And the appointment was at 10:00 a.m.,
3 October 16th. I got there at 9:50. I told the
4 officer at the window who I was; who he was; why we
5 were there. I said, "How long do you think it'll
6 be?" He said, "Oh, I don't know. We've got 98
7 cases of traffic violations, CDVs, stuff like that."

8 Q. A bunch of people?

9 A. Yeah. And I said, "Okay." I said, "Well, I'm
10 going to be in this waiting room."

11 Q. You what?

12 A. I told him, I said, "I want to -- I'm going to
13 be in this waiting room. And I want to be called
14 when he's called back to see the judge because I
15 want to talk to the judge." I even marked the "yes
16 box" on the papers to see and talk to the judge.

17 All day long I waited. At 4:30 that afternoon,
18 he comes walking out with a letter in his hands.
19 They had mugshot him, took his fingerprints, and let
20 him sign his own bond without me ever talking to the
21 judge.

22 When I got home, my answering machine was
23 flashing and I checked it. And instead of calling
24 me out of their own waiting room, they called me on
25 my telephone at home.

1 Q. So you had a message from them at home
2 saying ---

3 A. While I was in their waiting room, said,
4 "Angela Vaughn, Donald Grant, we have him here
5 fixing to see the judge if you want to come back and
6 if you want to come and talk to him."

7 Q. Did that bond prohibit him from going back to
8 your house?

9 A. Well, I was ignorant about the law back then,
10 but it didn't. He came right back in the same
11 house. They told me that night I pressed charges
12 that if he came back in peace, I'd have to let him
13 come back. I said, "Well, how long will I have to
14 keep him away to prevent that?"

15 They said, "You can't with a bond, that he's a
16 legal resident. He could go to Florida for six
17 months. As long as he comes back in peace, you got
18 to let him back in. It's his just as much as it is
19 yours."

20 MR. SMITH: Objection. Hearsay.

21 MR. WISE: Well, actually, we would -- we would
22 submit it's not being admitted for the truth of the
23 matter asserted because I don't think it's accurate,
24 but it is what she was -- I can admit it for the
25 purpose of saying what she was told and her reaction

1 to it.

2 THE COURT: Overruled.

3 MR. WISE: And I would stipulate it's not true.

4 THE COURT: All right. I'll -- I'll overrule
5 it and just consider it if deemed appropriate.

6 MR. WISE: Thank you.

7 BY MR. WISE:

8 Q. So that was on the 16th?

9 A. Yes, sir.

10 Q. And how did -- how was y'all's relationship
11 after that?

12 A. His whole demeanor changed. He was usually
13 wanting to fuss, argue, and scream a lot, and
14 everything. He got too quiet.

15 Q. He got what?

16 A. Too quiet. He would sit for hours on end and
17 he'd look at me and say, "You know I'm going to do
18 time for this, don't you?" Because the letter he
19 had in hand that day said he was looking for
20 anywhere from 1 to 10 years, CDV, high and
21 aggravated assault and battery.

22 And his court date for that was November
23 the 4th, which is 19 days after the 16th for him to
24 think about it, come home, sleep in the bed with me
25 and everything else for 19 more days. And what I

1 understand of the law, he was not supposed to even
2 been on my property, much less living in the house
3 with me after pressing charges like that.

4 Q. When you pressed those charges, did -- did you
5 believe he would be allowed to remain with you?

6 A. I did because that's what the law told me.

7 Q. All right.

8 A. That's what officer Gibbons ---

9 Q. Now, let me -- let me rephrase it. Were you
10 hoping for a different result?

11 A. Yes. I was hoping that they would keep him
12 away from me, and then I had a four-year-old son who
13 was in danger, as well.

14 Q. So how was his drinking after the 16th?

15 A. The same as always.

16 Q. And what's that?

17 A. He drank in excess. And the more he drank, the
18 meaner he got, especially if it was liquor.

19 Q. Especially what?

20 A. If it was liquor. The more he drank, the
21 meaner he got. And he did methamphetamine, so he
22 could drink like a fifth of liquor and not stumble
23 or stutter or anything like that, you know.

24 In fact, he was court ordered by the State to
25 behavioral health and alcoholics anonymous for a

1 long time after that. He was on probation the whole
2 time we were together up until August of 2003.

3 Q. And he was on probation for?

4 A. From an old DUI charge. I'm not sure what
5 else, but -- and what's so ironic too that is
6 Mr. Gamble and his -- back then, his associate,
7 whose last name was Fletcher, represented him in the
8 late 80s and early 90s. And then Gamble represented
9 me at my trial.

10 Q. So on the night of this incident, what -- what
11 happened? I know you testify ---

12 A. The night I pressed charges or the day I shot
13 him?

14 Q. The night of the shooting.

15 A. Okay. It wasn't at night. It was in the
16 morning.

17 Q. Oh, the morning. Excuse me.

18 A. Okay. Well, during the day. He worked third
19 shift the night before. It was on a Friday,
20 October 24th. He had wanted to take my car. You
21 know, he wanted to drive himself to work. This was
22 at Walmart. We had left Walmart, and he went back
23 to work for them. And he hadn't even got his first
24 paycheck ---

25 Q. Where were you working at this time?

1 A. I was working at O'Charley's in Anderson ---

2 Q. Okay.

3 A. --- as a waitress.

4 Q. All right.

5 A. Okay. So, anyway, I -- I didn't want to do
6 that because he had no license. The car was in my
7 name, so I said no. I said, "Just let me drive
8 you," and so I took him to work that night.

9 And when I went back to pick him up the next
10 morning, he got off at 7:00 a.m. I went to pick him
11 up, and he had got his first paycheck from Walmart
12 because he had started back working there.

13 My youngest son, Caleb, he was four years old.
14 He was in his -- still in his pajama, and so I still
15 had to go back home and feed him, get him dressed,
16 and take him to daycare before I had -- some time
17 before I had to go to work.

18 So we were kind of in and out. It's hard to
19 remember. It's been 20 years ago, but seems like we
20 had went back to the house. I fed him and dressed
21 him. And then ---

22 Q. Now, you say you fed him and dressed him?

23 A. My son.

24 Q. Okay. You mean your son Caleb?

25 A. Uh-huh.

1 Q. Okay.

2 A. Yeah, I fed and dressed him. Got him ready for
3 daycare. And so then we left out and I took Caleb
4 to daycare.

5 And he wanted me to stop at this gas station
6 and he got gas. He bought cigarettes, and he bought
7 some sexual enhance -- enhancement pills. And he
8 bought six tall beers.

9 And so then the bank was just right around the
10 corner. And so we went back home for a while. And
11 then he wanted me to take him to the liquor store.

12 Q. Now, you -- you were driving him. Did he have
13 a license at that point?

14 A. No.

15 Q. Okay. Go ahead.

16 A. And so he wanted me to take him to the liquor
17 store, and I said -- because I knew if he started
18 drinking liquor, he was going to get -- he was going
19 to get violent. He always did.

20 So I begged him, I said, "No, Ronnie. I don't
21 want to take you to the liquor store." I said, "You
22 know what's going to happen." He said, "If you
23 don't take me, I'm going to walk, and then I'm going
24 to walk back."

25 And so I wound up taking him, and he bought a

1 pint of Wild Turkey, which is high alcohol level,
2 whatever you call it. Now, mind you, he had already
3 drank six tall beers, like the 24-ounce whatever
4 they are. And he drank every bit of that liquor,
5 except for 1 ounce. I drank it. I'll be honest. I
6 ain't going to lie about it. I drank that 1 ounce
7 and he drank the rest of it, and he was still going
8 100 miles an hour. Now, he had done worked third
9 shift all night long the night before that, and he
10 was still keyed up, you know.

11 And so I was supposed to go to work at
12 11:00 a.m., and he got to drinking and everything
13 and sat there and he kept saying, "You're going to
14 be sorry for this," talking about me pressing
15 charges. Periodically, he would say that.

16 And so, I don't know, it must've been about
17 9:30, 10:00 a.m. or something like that. I had
18 plugged up my curling iron to let it get hot to get
19 ready for work. I went to the bathroom. And when I
20 turned my back from him, he said, "I'm just going to
21 kill you."

22 Q. Had he said anything like that before?

23 A. One time. That was the night I pressed charges
24 when we went out to Andrews in Anderson. He told me
25 that night. And -- but there was nothing he made

1 up. Had this saying, he had told me that twice and
2 I knew he meant it.

3 And so I turned -- I stopped in my tracks and I
4 turned around and I said, "What did you just say?"
5 And he said it again. He said, "I just ought to
6 kill you."

7 And so I -- I just walked into our bedroom. I
8 had some laundry -- clean laundry and I had folded
9 it up and I hadn't put them up. They were just
10 setting on the bed.

11 And I kept a handgun, and I was the owner of
12 this handgun for almost 20 years, 15, 20 years. Way
13 before he existed. And I kept it up -- way up on a
14 high shelf in that bedroom.

15 Well, he come in there when I was putting the
16 laundry up, and I noticed he kept eyeballing that
17 shelf. He knew where it was too. I kept it up
18 there so Caleb couldn't get to it. And he just kept
19 looking at it and looking at it. And he went to
20 reach for it, and I was just faster.

21 Q. You got it first?

22 A. I got it first.

23 Q. All right. Did y'all continue to have any
24 argument?

25 A. No. Not at that point. It was just -- I knew

1 it was me or him. He -- and I -- I couldn't even
2 get to a telephone from it or the backdoor without
3 passing by him, so I felt cornered.

4 And he went to reach for my hand. He was left
5 handed, and I'm right handed. So if my right -- I'm
6 facing you and you're left handed, it's going to
7 be -- and he went to reach out and I just -- I shot.
8 I shot one time. I don't remember seeing his body
9 fall. I don't remember drop -- dropping the gun.

10 Q. And then what did you do?

11 A. But it had four live rounds in it. And later,
12 I realized I dropped it about this close to the end
13 of his hand. So if it had not been a fatal shot, he
14 could've picked it up and killed me. He had four
15 bullets left to do it.

16 Q. Did you call 911?

17 A. I did.

18 MR. WISE: Your Honor, we don't have to play
19 it, but for the Court's benefit, we do have the 911
20 call if you want to listen to it later. We would
21 like to introduce this as an exhibit.

22 THE COURT: Any objection?

23 MR. SMITH: Is that the one from the shooting?

24 MR. WISE: Shooting, yeah.

25 MR. SMITH: Okay. No, I don't.

1 MR. WISE: Actually -- actually, it's got two
2 on it. One from the fourth and the shooting, so
3 both of them. The one on the fourth is not very
4 long. It's about ---

5 MR. SMITH: Two from her?

6 MR. WISE: Yeah, two from her.

7 MR. SMITH: No objection.

8 THE COURT: All right. In without objection.

9 (Applicant's Exhibit No. 6 was received into
10 evidence.)

11 BY MR. WISE:

12 Q. And then you were arrested then. When were you
13 arrested?

14 A. Well, you know, I called 911 and the police and
15 all came. I wasn't arrested that day. I was
16 arrested one week later on Halloween.

17 Q. And you didn't flee the county in the interim?

18 A. No, sir.

19 Q. Now, after you were arrested, would you -- did
20 you go for an evaluation at the
21 Anderson-Oconee-Pickens Mental Health Center?

22 A. I did.

23 Q. Okay. And do you recognize this? Is that the
24 evaluation?

25 A. I do. I can't read half that writing ---

1 Q. I can't read it all either, but it's ---

2 A. --- but I do recognize it.

3 MR. WISE: We'd move to introduce this too,
4 Your Honor.

5 THE COURT: Any objection?

6 MR. SMITH: How many pages is that?

7 MR. WISE: Yeah, you got it.

8 MR. SMITH: How many pages? I'm sorry.

9 MR. WISE: How many pages?

10 MR. SMITH: Right.

11 MR. WISE: Oh, gosh -- 10, 12.

12 MR. SMITH: Yes. I'm going to object to that
13 as hearsay.

14 THE COURT: Mr. Wise?

15 MR. WISE: Well, it is -- it is an official
16 medical record that she -- that's hers. I mean, she
17 can identify it and it is what it is.

18 MR. SMITH: Well, it's a copy.

19 THE COURT: She didn't write it.

20 MR. WISE: No. She didn't write it. That's
21 correct.

22 MR. SMITH: And I think also it would depend --
23 I mean, if the -- if the purpose is to have the
24 Court adopt whatever opinion this -- this person
25 may've had who took these notes, I mean, we could

1 have that person come and testify, but...

2 THE COURT: I'm going to sustain the objection.

3 BY MR. WISE:

4 Q. Okay. On the night of the shooting, did you --
5 did you feel like you had a choice in the matter?

6 A. No, I didn't.

7 MR. WISE: Okay. Thank you. Answer any
8 questions Mr. Smith may have.

9 THE COURT: Cross-examination?

10 CROSS-EXAMINATION

11 BY MR. SMITH:

12 Q. Ms. Vaughn, you testified about all of this
13 stuff at your trial, didn't you?

14 A. No. Not all of it.

15 Q. Okay. What's the part you didn't talk about at
16 your trial?

17 A. You're talking about the abuse?

18 Q. Well, didn't you testify about all of this
19 stuff at your trial?

20 A. No. I didn't testify about everything.

21 Q. Okay.

22 A. And my Public Defender, Robert Gamble, he even
23 told my daughter not to testify to the bruises she
24 seen on me.

25 MR. SMITH: Objection. Hearsay.

1 THE COURT: Sustained.

2 THE WITNESS: Can I say something?

3 MR. SMITH: No more questions. Thank you.

4 THE COURT: Redirect?

5 MR. WISE: No. No redirect.

6 THE COURT: All right. Thank you, ma'am.

7 (Witness excused.)

8 MR. WISE: Can we now take her right handcuff
9 off so that she can make notes for me?

10 THE COURT: I defer to the ---

11 THE BAILIFF: We generally don't do that.

12 THE COURT: All right. It will be more
13 difficult, but I'm going to defer to them.

14 MR. WISE: I'd like to call Mandy Reed.

15 MANDY REED,
16 having been produced and first duly sworn as a
17 witness on behalf of the Applicant testified as
18 follows:

19 DIRECT EXAMINATION

20 BY MR. WISE:

21 Q. Please give us your full name.

22 A. Mandy Elizabeth Reed.

23 Q. All right. And how -- how do you know Angela
24 Vaughn?

25 A. She's my aunt.

1 Q. All right. And so you've known her ---

2 A. My whole life.

3 Q. All right. Where do you live?

4 A. I live in Pickens now.

5 Q. In where?

6 A. Pickens.

7 Q. All right. Are you married?

8 A. I am.

9 Q. Okay. How much were you around Angela when she
10 was with Mr. Grant?

11 A. They lived across from my grandmother. And I'd
12 go over there on weekends, and I started -- I stayed
13 many weekends with Angie growing up. And, I mean,
14 by that time, I had already had one child of my own,
15 so I would still see her, you know, occasionally,
16 but I was over there every weekend at that time.

17 Q. Now, when you said they lived across the street
18 from you ---

19 A. My grandmother.

20 Q. Your grandmother. Excuse me. And which
21 location was that?

22 A. That was 178 -- Highway 178.

23 Q. Highway 178. Before -- before they moved to --

24 A. Yes.

25 Q. --- the house where the shooting occurred?

1 A. Yes.

2 Q. And did you ever visit with them in the house
3 where the shooting occurred?

4 A. No. Not at that location because after -- when
5 she was trying to sell the land over off Highway
6 178, they lived in Pendleton for a brief of time.

7 And my sister and I, we both had our children
8 and we went over there to see her because we grew up
9 really, really close to her. And he just did not
10 want us there. I mean ---

11 Q. When you say "he," who are you talking about?

12 A. I'm talking about Ronnie.

13 Q. Okay. So you got to know Ronnie at least
14 somewhat?

15 A. Yeah. The first time we met him at a family
16 Sunday dinner, he seemed really nice. Like she
17 said, he was clean cut. I mean, he was kind of a
18 mystery because he just kind of -- didn't really
19 talk about his past or anything about him. We
20 didn't really know anything about him, but he seemed
21 friendly enough at the family dinner.

22 But then once they moved and she was away from
23 her family, it was like he did not want anybody else
24 around. It was kind of like he was ready for us to
25 leave. He was not friendly.

1 Q. Did you have any discussions with -- with
2 Angela about her relationship with Mr. Grant?

3 A. There was one time I went -- I had stopped in
4 to see her, and he was not there. And she didn't --
5 she was -- she seemed really anxious, and I didn't
6 understand why because she's never really seemed
7 like that. And we were walking out in the field on
8 some land that my grandparents owned, and I was, you
9 know, I just had this vibe. I was like, you know,
10 is something wrong? And she was almost scared to,
11 like, talk to me, but she said that she -- she had
12 found some stuff.

13 MR. SMITH: Objection. Hearsay.

14 MR. WISE: Yeah, I think it's granted. It's
15 technically hearsay, but it's an admission by the
16 Applicant to show, through this witness, how early
17 the alleged abuse occurred, you know.

18 THE COURT: For that would be used against her?

19 MR. WISE: Excuse me?

20 THE COURT: I said for it to be admissible the
21 way you want it, doesn't it have to be trying to use
22 it against her?

23 MR. WISE: I think -- I think it goes to show
24 that -- that -- to establish the volatile
25 relationship with Mr. Grant, her commenting on it at

1 an earlier time, tends to establish that aspect of
2 the -- what we were required to prove.

3 THE COURT: Well, I mean, I still think it's
4 hearsay, but I'm going to sustain the objection.

5 BY MR. WISE:

6 Q. Okay. All right. Did you ever see any marks
7 on Ms. Vaughn?

8 A. No. I wasn't around. After we got the bad
9 vibes from him, we didn't -- it was hard to -- you
10 know, I couldn't be around her without being around
11 him. And the way we worked, I mean, we had families
12 too, my sister and I, we were growing up grown,
13 so...

14 MR. WISE: Okay. All right. Thank you.

15 THE COURT: Cross-examination?

16 MR. SMITH: No questions. Thank you.

17 THE COURT: Thank you. You may step down.

18 (Witness excused.)

19 MR. WISE: I'd like to call Marilyn Gilbert.

20 (Witness approached.)

21 MARILYN GILBERT,
22 having been produced and first duly sworn as a
23 witness on behalf of the Applicant, then testified
24 as follows:

25 DIRECT EXAMINATION

1 BY MR. WISE:

2 Q. Please give us your full name.

3 A. Marilyn Ann Gilbert.

4 Q. All right. And where do you live?

5 A. I live in Pelzer.

6 Q. All right. And how do you know Angela Vaughn?

7 A. I was married to her brother. I've known Angie
8 since she was 13 years old.

9 Q. So you've known her a good while?

10 A. Yes.

11 Q. All right. Well, we got a lot of information
12 from you previously, but we're going to kind of
13 focus it now.

14 A. Okay.

15 Q. Tell us about her relationship or what you know
16 about her relationship with Mr. Ronnie Grant.

17 A. Ronnie ---

18 Q. Well, first of all, let me back up. Did you
19 know -- were you around her when she was living with
20 Ronnie Grant?

21 A. A few times. Other than that, it was like --
22 especially, there at the end, every day on the
23 phone. Ronnie had been to my house one time. That
24 was without Angie. And he came with her brother
25 when he brought me some wood.

1 Q. Okay. Have you ever witnessed any acts of
2 violence between Mr. Grant and Angela?

3 A. No. I didn't see it. Angie and I, like I
4 said, she was on the phone with me every day scared.
5 And I tried to talk to her, but -- and I suggested,
6 you know, the cops, but then there was so many days
7 waiting time and all, but ---

8 Q. So you met Mr. -- Mr. Grant?

9 A. Yes.

10 MR. SMITH: Objection. Lack of personal
11 knowledge. Hearsay.

12 THE COURT: Hold on.

13 MR. WISE: We've moving past that.

14 THE COURT: Okay.

15 BY MR. WISE:

16 Q. You -- you met Mr. Grant?

17 A. Yes.

18 Q. All right. And did you see him with -- with
19 Angela?

20 A. When I would go over to Angie's, a lot of times
21 my kids stayed the weekend every other weekend with
22 their grandparents. So they would end up over there
23 at Angie's and sometimes I'd, you know, pull in
24 there and get the kids.

25 Q. All right. How did you see the reaction

1 between Mr. Grant and Ms. Vaughn?

2 A. What little I saw, there really wasn't any. I
3 mean, you know, it wasn't cuddly or what you would
4 expect a married couple would do -- or a couple.

5 Q. And did you notice any great affection by him
6 toward Angie?

7 A. No.

8 Q. Did you ever see any marks on Angie Vaughn?

9 A. No. I know one time when I went over there,
10 she said her wrist was hurting where he had jerked
11 her, but I didn't see a mark.

12 MR. SMITH: Objection. Hearsay.

13 THE WITNESS: But even myself ---

14 MR. WISE: Hold on. Back up. Back up.

15 THE COURT: He said he's objecting, hearsay.

16 MR. WISE: I understand his objection to
17 hearsay, but I think it's also relevant to establish
18 what we need to establish to show a pattern and it's
19 a comment ---

20 THE COURT: Well, relevance doesn't excuse the
21 hearsay rule, does it?

22 MR. WISE: But there's no other way to, you
23 know, to -- to establish it then. If we're going
24 have to establish a pattern of abuse, we can only do
25 it through reports. We can do it through

1 Ms. Vaughn's testimony obviously, but the other way
2 to do it is to show that her testimony is accurate
3 because of complaints made at the time.

4 THE COURT: I'm going to over -- I'm going to
5 overrule it. I'll accept it -- I'll consider it as
6 appropriate.

7 MR. WISE: And this is kind of an immediate
8 thing too.

9 BY MR. WISE:

10 Q. So what -- what did you observe and what were
11 you told?

12 A. I was going to say, I didn't, you know, see
13 bruises, but her brother tried to kill me. Wasn't
14 one bruise on me. He had knocked my teeth out by
15 crushing, but there's no bruises. Bruises don't
16 prove anything.

17 MR. SMITH: Objection.

18 BY MR. WISE:

19 Q. But you saw it -- you saw Angie complain about
20 her wrist?

21 A. Yes.

22 Q. And what did she tell you happened?

23 A. He grabbed her. Jerked her.

24 Q. And that was -- what was the context in which
25 that arose -- that conversation arose? Do you

1 remember?

2 A. She had been having trouble with him, and she'd
3 been calling me about every day, especially there
4 towards the end. And she was scared. She said,
5 "Marilyn, I'm scared. I don't know what he's going
6 to do."

7 And so, you know, like I said, I even suggested
8 the police, but it's just like here, there's things
9 I'm hearing as hearsay, but I have no understanding
10 as to why it's hearsay.

11 Q. Yeah, I understand. You're not supposed to.

12 A. Oh, okay.

13 Q. Okay. So you had some -- into October, you had
14 some regular conversations with her?

15 A. Oh, yeah -- yeah.

16 Q. And in those conversations ---

17 A. And she cried too. She was scared.

18 Q. And in those conversations, she expressed what?

19 A. That she feared for her life.

20 Q. Okay.

21 A. That she was worried about her son, and that
22 she just did not know what to do.

23 MR. WISE: Thank you. That's all.

24 MR. SMITH: Same objection. Thank you. No
25 questions.

1 THE COURT: All right. Thank you. You may
2 step down.

3 THE WITNESS: Okay.

4 (Witness excused.)

5 MR. WISE: Nichole.

6 (Witness approached.)

7 ALICIA NICHOLE MOSER,
8 having been produced and first duly sworn as a
9 witness on behalf of the Applicant, then testified
10 as follows:

11 DIRECT EXAMINATION

12 BY MR. WISE:

13 Q. Please give us your full name.

14 A. Alicia Nichole Moser.

15 Q. All right. And how do you know Angela Vaughn?

16 A. She is my mother.

17 Q. She's what? Your -- your mother?

18 A. My mother.

19 Q. All right. And were you living in the home
20 when she was living with Mr. Grant?

21 A. I was not at that time. I was living with my
22 father.

23 Q. Okay. Were you in and out of the home
24 occasionally?

25 A. Yes. They had joint custody, so I would go and

1 visit every so often, every weekend, sometimes every
2 week.

3 Q. So did you ever spend the night at home with
4 Ronnie Grant?

5 A. Several times.

6 Q. Excuse me?

7 A. Several times.

8 Q. All right. Tell us if you would what you
9 observed about that relationship?

10 A. Where to start. Okay. At first, he was nice,
11 you know, when they first started dating. Like my
12 mother said, they were very gentlemanly.

13 Q. She what?

14 A. He was very gentlemanly at first and very
15 proper, but it did tend to -- the longer I got to
16 know him over time, it did tend to progress towards
17 a violent nature. When he would get violent, there
18 was a lot of yelling, a lot of screaming, a lot of
19 threatening. He would even do that to my baby
20 brother.

21 Q. He what?

22 A. He would even do that to my baby brother --
23 yell, scream, butt whooping, things like that.

24 Q. What did you notice about the relationship of
25 Ronnie and Angela's as far as how he treated her

1 other than the yelling?

2 A. He would be very -- he would belittle her very
3 aggressively. Call her names. He would throw
4 things; break things. He would make awful comments
5 about what she's wearing.

6 Q. And -- and what's -- you know, that can be a
7 very nice comment. It can be very bad comment. I
8 would -- what was the comment like?

9 A. You want more detail. Okay. She would -- she
10 would say that she looks like a whore. "I want you
11 to change your clothes. You look like a whore," or
12 "I don't want you to wear makeup or red lipstick.
13 You look like a whore." She couldn't wear shorts
14 half the time in summer. She was always wearing
15 pants because he didn't want her to look like a
16 whore.

17 Q. What did you notice about his drinking while
18 you were there?

19 A. Every time I was there, he was drinking.

20 Q. Excuse me?

21 A. Every time I was there, he was drinking.

22 Q. And it's one thing to be drinking, and was --
23 how was -- how much was he drinking?

24 A. Excessively. To the point to where, you know,
25 he would end up falling asleep on the couch and not

1 even wanting to get up and get -- you know, go to
2 bed properly or being belligerent and stumbling and
3 you couldn't understand what he was saying half the
4 time.

5 Q. All right. And you were there during these
6 periods of time?

7 A. Yes, I was.

8 Q. Was there a time in which you noticed a cut on
9 Angie's forehead?

10 A. Yes. So I was at my father's house, and her
11 and Ronnie and Caleb were coming to pick me up. And
12 she was -- my mother was driving. And I got in the
13 car and I said hey to everybody in the car. And I
14 just happened to notice in the rearview mirror, I
15 could see my mother. I could see from the nose up.

16 And I just happened to notice on her forehead
17 it looked like there was a scratch or, you know, a
18 gash because it was still red, and it was a pretty
19 significant size. I didn't ask her anything at the
20 time because Ronnie was in the car. But later on,
21 she told me what happened.

22 Q. Okay. And what happened?

23 MR. SMITH: Objection. Hearsay.

24 MR. WISE: The same rule as before. This is a
25 comment made contemporaneous almost with the event.

1 THE COURT: Almost. Does that -- does that --
2 does that bring it within the exception then?

3 MR. WISE: No. But, again -- again, if we have
4 the burden of proving that there's a pattern of
5 abuse, you know, one way to document is through
6 Ms. Vaughn. The other way to document it is through
7 what Ms. Vaughn told people at the time.

8 MR. SMITH: Your Honor, I don't think that gets
9 back to the hearsay exception. They're trying to
10 prove that he abused her. That's the truth of the
11 matter asserted.

12 MR. WISE: Well, you don't get to ask
13 questions. I understand that, but, again, you know,
14 he -- I can easily hear the State arguing that she
15 didn't report it to anybody. And when he's
16 objecting to those reports, it rings a little
17 hollow, but I think it is admissible for
18 purposes ---

19 MR. SMITH: I -- I -- I didn't object to the
20 report -- to the police report.

21 MR. WISE: Right.

22 THE COURT: Well, I mean, here's what I'm going
23 to do. I'm going to sustain the objection, but I'm
24 going to let you proffer it so it's in the record,
25 and then I guess I'll just --- I'll consider it

1 as ---

2 BY MR. WISE:

3 Q. We'll proffer it then. So when you saw the cut
4 on the forehead, what happened the first time you
5 saw it? Where were you?

6 A. The first time I saw the cut or gash on her
7 forehead was in the car when she came to pick me up.

8 Q. And did she give an explanation as to what
9 happened?

10 A. Later on when I asked her about it, yes, she
11 did.

12 Q. All right. And what was that ex -- where were
13 you when she gave a lengthy explanation?

14 A. We -- typically, me and my mom would go for
15 walks around the neighborhood. At that time, I
16 believe she was living at the Pendleton address.
17 And we would -- me and her would go for walks, and
18 she told me what happened.

19 She told me that her and Ronald got into an
20 argument, and he grabbed her by the wrist. He
21 pulled her arm behind her back and pushed her head
22 forward and it hit the corner of the bed frame.

23 Q. Do you remember about when that was?

24 A. I know it was during the summer because we were
25 walking around ---

1 Q. Okay. Were you ---

2 A. --- but I have seen bruises on my mother.

3 Q. Were you at the house much in the weeks before
4 the shooting?

5 A. I would say so. I would come and I would sit
6 for Caleb while my mom worked.

7 Q. Excuse me?

8 A. I would babysit Caleb while Mama worked at
9 third.

10 Q. And was Mr. Grant around during that period --
11 some of those times?

12 A. I was never by myself with him.

13 MR. WISE: Never by yourself with him. Okay.

14 Thank you.

15 THE COURT: Cross-examination?

16 MR. SMITH: No questions. Thank you.

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

18 (Witness excused.)

19 MR. WISE: I call Caleb.

20 (Witness approached.)

21 CALEB HAMMONDS,

22 having been produced and first duly sworn as a
23 witness on behalf of the Applicant, then testified
24 as follows:

25 DIRECT EXAMINATION

1 BY MR. WISE:

2 Q. Please give us your full name.

3 A. Caleb Jeremiah Hammonds.

4 Q. All right. And your what kin to Ms. Vaughn?

5 A. I'm her son.

6 Q. All right. And where were you living back in
7 2000 -- October of 2003?

8 A. [REDACTED] Howland Drive.

9 Q. And who were you living with?

10 A. With my mother and Ronnie.

11 Q. Okay. Now, you were young then?

12 A. Yeah.

13 Q. All right. Do you have any specific recall of
14 how that relationship was going?

15 A. I remember a lot of the abuse.

16 Q. Excuse me?

17 A. I remember a lot of the ---

18 Q. And what ---

19 A. --- arguing and abuse.

20 Q. And you -- I believe you were about four then?

21 A. Yeah, around that age.

22 Q. What impressed you to get that in your memory
23 still?

24 A. Because it was so vivid and he abused her and
25 me also.

1 Q. And what?

2 A. He abused her and me also.

3 Q. All right. So you were also abused?

4 A. Uh-huh.

5 Q. In what way?

6 MR. SMITH: Objection. Relevance; probing.

7 MR. WISE: I think if he's in the home with his
8 mother and Ronnie, it's certainly relevant if he is
9 abused because it shows a pattern of behavior of
10 Mr. Grant.

11 MR. SMITH: My question would be, Your Honor,
12 is Mr. Rauch trying to get parole eligibility for
13 Mr. Hammonds because I think the statute says that
14 she has to prove violence direct -- abuse directed
15 towards her.

16 THE COURT: Let's limit it to the -- to
17 Ms. Vaughn.

18 MR. WISE: Excuse me?

19 THE COURT: Let's limit the evidence to
20 Ms. Vaughn.

21 BY MR. WISE:

22 Q. Okay. So what do you recall about your mother
23 and Ronnie during the time you were living there?

24 A. He would drink a lot. And every time he drunk,
25 he'd get very violent physically and verbally.

1 Q. And -- and did you see that?

2 A. Yes, sir.

3 Q. And even -- even though you were very young,
4 it's something you remember?

5 A. Yeah, it's kind of printed in my memory.

6 Q. And were you there when the shooting occurred?

7 A. No, sir.

8 Q. Okay. What -- what was your relationship with
9 Ronnie?

10 A. I tried to limit it to as little as possible.

11 Q. Okay. You primarily would stay around your
12 mother?

13 A. Either around my mother or when my sister was
14 babysitting me, yeah.

15 Q. Okay. And your sister just testified?

16 A. Yes, sir.

17 Q. Okay. And -- excuse me one second. Do you
18 have any memory about any firearms and Mr. Grant?

19 A. I don't remember any firearms.

20 MR. WISE: All right. Thank you.

21 THE COURT: Cross-examination?

22 MR. WISE: Oh, back up. Back up. I have one
23 more question I do -- I do -- I forgot to ask.

24 THE COURT: Okay.

25 BY MR. WISE:

1 Q. Did you ever recall any actual physical actions
2 by Mr. Grant against your mother?

3 A. Absolutely.

4 Q. Was one of them pulling hair?

5 A. I remember he pulled her hair. He would twist
6 her arms. Twist her arms behind her back. And,
7 usually, if I was too close, he would end up with
8 me, but we're not going to talk about that.

9 MR. WISE: All right. Thank you.

10 THE COURT: Cross-examination?

11 MR. SMITH: No questions. Thank you.

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

13 (Witness excused.)

14 MR. WISE: Applicant rests, Your Honor.

15 THE COURT: All right. Hear from the State.

16 MR. SMITH: Your Honor, the only thing is I
17 would say, we took testimony from Ms. McCormac out
18 of turn earlier, so that's the State's case.

19 THE COURT: Yes.

20 MR. SMITH: And the other thing is, I have an
21 affidavit from Mr. Robert Gamble.

22 MR. WISE: Correct. And I've seen that and he
23 sent it to me. And I confirm that that is what
24 Mr. Gamble told me when I talked to him years ago in
25 this case.

1 MR. SMITH: And -- and he told me he doesn't
2 remember. And due to some health reasons that I
3 don't have to put on the record, he's not able to
4 testify.

5 THE COURT: You don't have an objection to his
6 affidavit?

7 MR. WISE: I don't have an objection to that.
8 If he were here in person, I'm convinced that's
9 exactly what he would say.

10 MR. SMITH: That's State's 1. And other than
11 that, that's -- that's it. I just ask for argument.

12 THE COURT: Right. And I'm sure you're going
13 to address this. My question at this point is, and
14 I guess this is what you're going to address is,
15 we've already had a PCR. And I know that this can
16 be -- that this parole eligibility statute can be
17 addressed in the PCR, but if they brought one
18 already, do they have to brought it before?

19 MR. SMITH: Well, that -- that was my argument,
20 but Judge Griffith denied my motion.

21 THE COURT: Right. Oh, okay.

22 MR. WISE: That -- that's been ruled on.

23 THE COURT: All right. I understand.

24 MR. WISE: That -- that makes the issue a
25 little easier.

1 THE COURT: I'll be glad to hear your argument
2 then. I guess, Applicant, you get to go first.

3 MR. WISE: I think there's several things
4 that -- that we need to recognize in this case is
5 that, it's interesting as you read the statute and
6 try to figure out exactly what the legislature
7 intended. And interpreting the statute in the light
8 most favorable to the Applicant, which I think you
9 should do ---

10 THE COURT: Well, I'm not sure that's the
11 standard for interpreting the statute, is it?

12 MR. WISE: Well, it's ---

13 THE COURT: I think it's like if you give as
14 much attention to the -- what the legislature tried
15 to do ---

16 MR. WISE: Once you get past that.

17 THE COURT: Okay.

18 MR. WISE: I agree with that. Once you get
19 past that step.

20 THE COURT: Unless, she was the drafter. You
21 know, the State wasn't the drafter here. It was the
22 Attorney General.

23 MR. WISE: And the reason -- the reason is,
24 it's -- it's giving an Applicant a right they don't
25 otherwise have. And -- and the legislature has

1 deemed it proper for a Court to consider the fact
2 that a spouse, be it a man or a woman, has lived in
3 an abusive relationship. And even if they were
4 convicted of a crime, they still could be parole
5 eligible if the Court finds that they were in an
6 abusive relationship, even if they were at fault in
7 actually killing or injuring the spouse.

8 It is not required by the Applicant to prove
9 that they -- that the battered woman syndrome or
10 battered spouse syndrome had been established as a
11 matter of law. Because if that were established as
12 the matter of law, we wouldn't be having this PCR
13 hearing because it would've been resolved at the
14 trial level.

15 So what the legislature -- I think they're
16 seeing fit to do is -- those cases in which there is
17 fault on the part of the Applicant in causing the
18 death of the other person, that if the Court finds
19 that they did -- were engaged in an abusive
20 relationship, then under those circumstances they
21 become parole eligible. Obviously, this Court's
22 ruling does not make them, you know, released on
23 parole. Only telling the parole board, "You are to
24 consider her parole."

25 And when you look at the evidence here, and to

1 me the most -- one of the most shocking things in
2 this case and always has been, if we look at nothing
3 more than the fact that some weeks before this
4 incident, she went down and filed a CDV complaint on
5 Mr. Grant. The letter, for some reason, went to her
6 address.

7 And I think that was pretty clear that he went
8 down and picked it up on the 10th or the 6th -- no,
9 the 10th. He went down and turned himself in, and
10 she drove him there. And why the Magistrate's Court
11 did not say, "You can't go back to that residence,"
12 to this day I don't know. All right. But I can
13 only imagine that the attitude of someone whose
14 significant other has taken a warrant out on a CDV
15 being allowed to come back into the home where the
16 trouble first started.

17 If the Court, you know, were to say or could
18 say and apparently the jury did, that she
19 overreacted to that situation. It's an overreaction
20 that's really kind of understandable to be frank
21 with you. If you're going to have a person that
22 goes back into the home where the complaining
23 witness is living. I can only imagine someone being
24 on pins and needles under those circumstances where
25 the least little thing would be magnified well

1 beyond what it would otherwise would've been.

2 But then when you add to that the testimony of
3 her children, one of whom was in the home a lot.
4 And granted, he was young, but when it's impressed
5 on your memory at that age, it can only tell you how
6 bad it was that there was abuse in that home. When
7 his daughter talks about the yelling and screaming
8 she heard, we can only conclude from that that there
9 was abuse in that home.

10 And that's all we have to establish to be frank
11 with you, that at this point, you know, we -- we
12 think we've established that she was in an abusive
13 relationship. And if she overreacted as the jury
14 found, that got convicted, that doesn't change the
15 fact that she was in an abusive relationship and,
16 therefore, she should be eligible -- eligible for
17 parole.

18 We've been through this, as we mentioned
19 earlier, that the statute basically says you can
20 have a hearing on this through a PCR hearing. And
21 this is the only time she's ever had an opportunity
22 to have a hearing on whether or not she was in an
23 abusive relationship, and I think the record in this
24 case establishes that pretty clearly.

25 THE COURT: Mr. Smith.

1 MR. SMITH: Your Honor, I'd like to handle this
2 in three parts. First, housekeeping, then some law,
3 and then some facts.

4 Housekeeping: I understand, Your Honor's rule.
5 I just want to renew all of my objections to the
6 hearsay. I think there was a lot of that. The
7 second point of housekeeping is that, the only
8 issues raised in application was that she's entitled
9 to or that she's eligible for early parole under the
10 statute. We're not dealing with a battered spouse.
11 That's already been addressed. And Judge Griffith's
12 motion lays out that this is the only issue, so, you
13 know, I don't think we get into any kind of battered
14 spouse.

15 THE COURT: That's what I understood.

16 MR. SMITH: Right. Okay.

17 And then, so I'll talk a little bit about the
18 law. Ms. Vaughn has to present credible evidence of
19 a history of criminal domestic violence that she
20 suffered at Mr. Grant's hands. The South Carolina
21 Supreme Court has said Your Honor is required to
22 support your ruling with specific findings of fact.

23 In 2015, the South Carolina Supreme Court said
24 in a footnote that this statute is meant to apply,
25 quote, only to long-term victims of repeated abuse,

1 closed quote, at the hands of the household member.

2 In year 2000, the South Carolina Supreme Court
3 said that the statute requires Ms. Vaughn to present
4 evidence that is not just plausible, but that is
5 trustworthy. And in that same case, the Supreme
6 Court said the legislature did not intend for a
7 petitioner to the statute to be eligible simply
8 based on either her testimony and the standard to be
9 applied is a preponderance of the evidence.

10 And I don't think there's any legal requirement
11 that Your Honor is required to accept Ms. Vaughn's
12 version of events just because that's what she
13 brings out. So I think that's the law. I brought
14 some cases I'd be happy to pass them up to Your
15 Honor too, and I'll do that also in a minute.

16 But so, I guess, let me talk now about the
17 facts of this case. You know, Ms. Vaughn testified
18 much of what she said today was what she covered
19 at -- at trial. That was her whole defense was that
20 it was self-defense, that he was abusive and mean to
21 her. Those were all things that were laid out. The
22 jury, by the way, rejected her self-defense claim.

23 THE COURT: Well, a little bit different
24 standard here, wouldn't you agree with that?

25 MR. SMITH: That's -- that's correct. But I'll

1 point out that it's my opinion from hearing
2 Ms. Vaughn's testimony and after reviewing the trial
3 transcript that her explanation for what happened
4 during the shooting differs from her testimony at
5 trial, which itself contradicted her earlier
6 explanations to law enforcement officers about what
7 happened.

8 So I'll point to Your Honor that today she said
9 they were reaching and she shot him and then he fell
10 down. At trial, she testified that they got the gun
11 and then they walked into the living room. And the
12 expert testimony at trial, from I think more than
13 one expert witness, was that the victim was sitting
14 on the couch, possibly with his legs crossed at the
15 time, and that the bullet entered from the back.
16 So, you know, her testimony is different today. It
17 didn't fit up with the forensic evidence, and it
18 contradicts things she said along the way. All
19 reasons not to find her version of events credible.

20 In addition to that, the whole -- the State's
21 whole theory of the case was that Ms. Vaughn was the
22 aggressor in the relationship. There were witnesses
23 at trial who testified that the victim made
24 statements to people, that at least one of which
25 knew both Ms. Vaughn and Mr. Grant, that he made

1 statements that she was abusive to him. There were
2 eyewitnesses to that sort of thing at trial. So
3 it's not just all one-sided on this. There were
4 witnesses of the other way saying that she was the
5 abuser.

6 The 911 call from the morning of the shooting
7 has been admitted into evidence. I'd ask Your Honor
8 to consider that. One thing that was pointed out
9 about that at trial was that Ms. Vaughn testified
10 she tried to avail herself of law enforcement help.
11 The State's contention was that that was a show put
12 on. There was a witness at trial who testified that
13 Ms. Vaughn made statements to that effect while she
14 was at the law enforcement center when Mr. Grant was
15 in his hearing that day, saying that he had -- he
16 hadn't abused her. Maybe he had pushed her arm or
17 something once.

18 But also it came out at trial the 911 call when
19 Ms. Vaughn called 911 after shooting Mr. Grant. I'm
20 sure Your Honor is aware that the whole call is
21 recorded, even when the call was on hold and even
22 before 911 answers as part of the tape. And it was
23 played for the jury at trial how her crying would
24 stop when she was put on hold and it would resume
25 again whenever she was speaking to someone. I think

1 the indication there being it was sort of an act.
2 So that is in evidence. Your Honor can consider
3 that.

4 And there were witnesses who testified that the
5 victim told her that he was leaving her that
6 morning. So not to rehash the story, but I believe
7 that all of that provides context for her testimony
8 today about being the victim is there was evidence
9 at trial that I think Your Honor can go look at
10 today too to see that there was evidence that
11 Ms. Vaughn was trying to manipulate the system to
12 make it seem as if she was the victim.

13 Again, going to the testimony we heard today
14 from different people. When Ms. Vaughn testified,
15 she didn't really provide any specific instances of
16 physical acts of violence. I think I heard her say
17 there was a lot of abuse. He was very violent, but
18 I don't remember hearing anything specific about
19 something he did to her that was a violent act or at
20 least nothing more than what was brought out at
21 trial.

22 I think the only person who testified today
23 that they witnessed anything was Ms. Vaughn's son,
24 Mr. Hammonds. And, again, he was a four-year old in
25 the home. He testified that he saw he pulled her

1 hair and twisted her arms. He didn't testify how
2 many times he saw that. No other context. So
3 that's -- that's what we have. I believe that's the
4 only specific testimony about witnessed acts of
5 violence. Most of the other witnesses I think
6 either didn't see anything or wanted to say
7 Ms. Vaughn had told them that stuff happened, which,
8 again, going back to that was the State's case is
9 that it was all manufactured.

10 I'll point out too to Your Honor that
11 Ms. Vaughn did not have any gunshot residue on her
12 hands when the officer swabbed her right after the
13 shooting. And I think Your Honor -- Your Honor is
14 required to consider this and weigh and see if you
15 find this evidence credible today and to keep the
16 legal standards, which is it's not a credible
17 history of violence just because he was -- Mr. Grant
18 was mean or yelled or was not a pleasant person to
19 be around. I don't know whether any of those things
20 are true, but none of that amounts to a credible
21 history of violence as required by the statute.
22 Unless there's specific questions, that's our
23 argument.

24 THE COURT: All right. Reply?

25 MR. WISE: Just briefly in reply. It was