

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Honorable Patrick Cleburne Fant, III, Circuit Court Judge

JOHN M. GHENT, JR.,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-000932

APPENDIX

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1 STATE OF SOUTH CAROLINA
2 COURT OF GENERAL SESSIONS
3 COUNTY OF LANCASTER
4 2014-GS-29-47 and 48
5 State of South Carolina
6 vs.
7 John Marion Ghent, Jr.
8
9 Lancaster, South Carolina
10 March 14-17, 2016
11 Before the Honorable Brian M. Gibbons
12

13 APPEARANCES
14 For the State: Lisa Collins, Randy Newman
15 For the Defendant: Mike Lifsey
16
17 Reported by: Michael C. Watkins
18 Official Court Reporter
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PRETRIAL MOTIONS

1 MS. COLLINS: Your Honor, at this time the State of
2 South Carolina calls the following case for trial: State
3 of South Carolina versus John Marion Ghent, Jr., two
4 indictments, 2014-GS-29-47 for murder, 2014-GS-29-48 for
5 possession or display of a firearm or a knife during the
6 commission of a violent crime. Both of these indictments
7 have been true billed by the grand jury, and the State is
8 ready to go forward.

9 THE COURT: All right. Is the defense ready to go
10 forward? I understand there's some pretrial matters to
11 deal with prior to the selection of the jury.

12 MR. LIFSEY: That's correct, Your Honor.

13 THE COURT: All right. Mr. Lifsey, you've handed up a
14 motion in limine with several different issues for the
15 Court to rule upon, I will be glad to hear from you.

16 MR. LIFSEY: Thank you, Your Honor. I will go through
17 them one by one. I will tell you that we have resolved
18 some of these matters since I printed out this list.

19 THE COURT: Okay.

20 MR. LIFSEY: The first concern is rap sheets of
21 potential witnesses in this case. I have been provided
22 some of those, I believe there's a couple of -- two more
23 witnesses that the solicitor's office indicates they'll get
24 to me some time presumably before the end of business
25 today, but I think that will take care of that matter.

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1 Correct?

2 MS. COLLINS: Yes, Your Honor. It's my understanding,
3 of course, that the defense is not requesting rap sheets on
4 law enforcement or medical personnel.

5 MR. LIFSEY: That's correct, Judge.

6 THE COURT: So we're talking about the first ten list
7 of potential witnesses that the State handed up to me.

8 MR. LIFSEY: Yes, sir. Anybody they intend to call
9 that is not law enforcement or medical related I would ask
10 for rap sheets on, and I think I've got most of those at
11 this point and they're telling me they'll let me have them
12 before the end of business.

13 THE COURT: Is that correct, Madam Solicitor?

14 MS. COLLINS: That's correct, Your Honor.

15 THE COURT: So item number one is resolved.

16 MR. LIFSEY: Number two, I'm just asking to have the
17 State affirm or give further information on the record
18 whether or not any of the witnesses in this case have given
19 subsequent oral statements that are different in any way
20 from the written accounts that are in the file today.

21 MS. COLLINS: Your Honor, to the extent that the
22 motion also addresses any tape-recorded accounts, we have
23 already advised Mr. Lifsey that Jonathan Ghent varied
24 slightly from the statement he gave at the scene to law
25 enforcement. Jonathan is the son of the defendant, and the

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1 audiotape of his interview with law enforcement immediately
2 after the body of the victim was found whenever law
3 enforcement came to the scene on the audiotape he says
4 while he was beating up his father when he found his
5 mother's dead body and his father beside the mother, on the
6 tape he says, "I asked him what did you do to my mother?
7 And he said, 'I stabbed her.'" In our conversations with
8 him he has inserted an expletive, that being at that time
9 the defendant said, and forgive me, Your Honor, "I fucking
10 stabbed her." Other than that I think that's the only
11 variance other than -- and I can't remember if it's on
12 audio, he indicates that while he was assaulting his
13 father, his father said something to the effect of, "If you
14 don't stop I'll kill you too." And Jonathan responded, "Do
15 you want me to get you the knife?" But to my knowledge
16 that's the only variance of those prior statements.

17 THE COURT: Anything further on that, Mr. Lifsey?

18 MR. LIFSEY: No, sir.

19 THE COURT: All right. Item number two then is
20 resolved.

21 MR. LIFSEY: Number three, I'm asking to view any of
22 the photographs the State intends to use. I did view a
23 great number of photographs Friday, I believe, from Ms.
24 Collins but at that time they had not decided for sure what
25 they intend to introduce yet of those pictures.

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1 MS. COLLINS: We'll get with Mr. Lifsey prior to jury
2 selection right after lunch.

3 THE COURT: Yeah. Y'all let me know so if there's any
4 disputed photographs so I can rule on the admissibility.

5 MS. COLLINS: I think they're going to be extremely
6 limited in the case in chief. It's possible depending upon
7 the testimony of the defendant that we might put up a reply
8 witness that the blood pattern stain evidence may come into
9 play. But other than that I think it's going to be limited
10 to reflect some of the clutter in the household and the
11 exterior of the household.

12 MR. LIFSEY: I would just ask that -- it sounds to me
13 the logical way to do it is prior to us bringing the jury
14 out here us just put on the record either our agreement or
15 disagreement on the pictures.

16 THE COURT: Sure.

17 MR. LIFSEY: Is that fine before we get started this
18 afternoon?

19 MS. COLLINS: Yes. And again, it may be that after
20 Mr. Ghent testifies that there's some additional ones and
21 we will do it outside of the presence of the jury.

22 THE COURT: If that's the case we'll deal with that
23 then.

24 MS. COLLINS: Yes, sir.

25 THE COURT: All right. That resolves number three.

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1 MR. LIFSEY: Or it leaves three open to argue further.

2 THE COURT: Right. That will be resolved either by me
3 or by y'all.

4 MR. LIFSEY: Thank you, Your Honor. Number four, I'm
5 requesting a Denno hearing as to all statements that the
6 State intends to introduce of my client.

7 THE COURT: We'll proceed with that shortly. Talk to
8 me about number five.

9 MR. LIFSEY: Well, number five I'm asking if they --
10 and the solicitor and I have discussed this, you tell me if
11 we're in agreement, I don't think there's any impeachable
12 offenses that qualify, I guess, in my position.

13 MS. COLLINS: Your Honor, we've looked at the rule
14 again. The defendant does have numerous fraudulent check
15 charges from the year 2000 and 2002 and one breach of
16 trust, I think that was from 2002 also. I will tell you in
17 reviewing the rule it does appear to me that rule --

18 THE COURT: 609B --

19 MS. COLLINS: Yeah. B looks like it applies to both,
20 Asa one and Asa two just looking at how the rule is laid
21 out, however we have one of the attorneys in our office
22 looking at some case law. Because our recollection is that
23 some of the prior judges we've appeared in front of, we've
24 had a conversation in chambers with Your Honor and Mr.
25 Lifsey this morning about this, that some of those prior

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1 judges felt that the ten year time period did not apply to
2 crimes of dishonesty or false statement. However, in
3 looking at how the rule was laid out I would agree with Mr.
4 Lifsey, it looks like it applies to either Asa one or Asa
5 two, but if you would bear with us we'll take a look at
6 that and we would be prepared to put up testimony.

7 THE COURT: Well, anything outside the ten year time
8 limit under the 403 balancing test, there has to be a
9 substantial -- that the probative value substantially
10 outweighs the prejudicial effect rather than just
11 outweighs, that's the case law, I'm familiar with the case
12 law on that. And I believe what y'all told me in chambers
13 was that the State is seeking to attack the credibility of
14 any testimony the defendant may offer, if he testifies,
15 based upon a fraudulent check.

16 MR. LIFSEY: That's correct.

17 THE COURT: Anything else?

18 MS. COLLINS: And a breach of trust. There are
19 numerous fraudulent checks and then one breach of trust
20 conviction.

21 THE COURT: Well, you know --

22 MR. LIFSEY: My argument would be that 605B would
23 limit that, Judge.

24 (Break in proceedings.)

25 MS. COLLINS: We have provided the criminal history of

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1 the defendant, which is in writing. It's my understanding
2 the case law says that we are to provide that unless the
3 convictions reflect --

4 THE COURT: Well, I'm going to let it in. Of course,
5 that will be a determination. My initial gut is that I
6 think it can come in, that's my initial ruling. Now, I may
7 change my mind at the time, I don't know, but just to kind
8 of guide -- and, of course, I will go over that with him
9 after the State rests its case anyway, but my initial gut
10 is that I think since, you know, these really have nothing
11 to do with the alleged crime that he is on for now, they
12 certainly do go to the truthfulness of his testimony and
13 the credibility. And I think, you know, doing that 403
14 balancing test I don't see any substantial prejudice for
15 fraudulent check and breach of trust.

16 MR. LIFSEY: Judge, if I could, I'm not trying to
17 argue but just to clarify for the record, I would argue
18 that the probative value of the conviction is supported by
19 specific facts and circumstances, and I don't know anything
20 about the facts and circumstances of these 2002 convictions
21 and I don't know that the State has any.

22 MS. COLLINS: Given that that was before the fire I
23 don't think we do have those.

24 THE COURT: You know, see, the way I look at it is the
25 jury hears that and they say, "Well wow, he hadn't been in

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1 trouble in 14 years," but that would kind of help you in
2 looking at the fundamental fairness aspect of it. But
3 that's my gut at least at the outset of the trial, we'll
4 see how it goes. All right. Sequestration of witnesses.

5 MR. LIFSEY: I actually am withdrawing my request for
6 sequestration.

7 THE COURT: Okay. That's withdrawn. Does the State
8 wish to sequester?

9 MS. COLLINS: No, Your Honor.

10 THE COURT: Okay, that would be reasonable. All
11 right. So is the State ready to proceed on the Jackson
12 versus Denno issues?

13 MS. COLLINS: State is ready, Your Honor.

14 THE COURT: All right. Your Honor, the first witness
15 for the State in the Jackson v. Denno hearing is Terri
16 Faulkenberry.

17 The witness, TERRI FAULKENBERRY, was first duly sworn

18 And testified as follows:

19 DIRECT EXAMINATION

20 BY MS. COLLINS:

21 Q Good morning.

22 A Good morning.

23 Q Ms. Faulkenberry, I'll have you speak directly into
24 that microphone, speak up just a little bit. Would you
25 please state your name for the record?

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1 A Terri Faulkenberry.

2 Q What is your occupation?

3 A Paramedic field training officer.

4 Q How long have you been a paramedic with the Lancaster
5 County EMS?

6 A I've been a paramedic for five years.

7 Q In the course of your employment with Lancaster County
8 EMS, did you respond to a crime scene on Home Place Lane on
9 [REDACTED] of 2013?

10 A I did.

11 Q Do you know approximately what time you got there?

12 A May I refer back to my --

13 Q Yes. You may refresh your memory by referring to the
14 report.

15 A 7:55 a.m.

16 Q All right. At that time did you have occasion to come
17 into contact with the defendant, John Marion Ghent, Jr.?

18 A I did.

19 Q And what was his physical condition at the time that
20 you saw him?

21 A I noticed him -- when I approached him he was in the
22 kitchen floor, he was handcuffed laying on his back, he
23 was covered in blood and dirt.

24 Q And at that time did you engage in any conversation
25 with the defendant?

PRETRIAL MOTIONS

1 A At that time I just assessed him. It wasn't that --
2 I didn't get into a conversation with him until I got him
3 in the truck.

4 Q And the truck being the ambulance?

5 A The ambulance, I'm sorry.

6 Q When the defendant got into an ambulance, was he on a
7 stretcher?

8 A Yes, ma'am.

9 Q Was he still cuffed?

10 A He was.

11 Q Was he cuffed with his hands together or to the
12 stretcher?

13 A If I remember correctly we had the officers to remove
14 his arms and cuff him to the stretcher so we could access
15 his arms for IV access.

16 Q Were there law enforcement officers in your presence
17 in the ambulance?

18 A Yes, there were.

19 Q Were those officers Spencer McInvaille and Eric
20 Jaillette of the Lancaster County Sheriff's Department?

21 A Yes, ma'am.

22 Q At that time did either of these gentlemen ask the
23 defendant any questions?

24 A Not in my presence.

25 Q When you were speaking with the defendant, did he

PRETRIAL MOTIONS

1 appear to be alert?

2 A He was alert.

3 Q Was he oriented?

4 A He was oriented?

5 Q I believe the medical term is oriented times three; is
6 that correct?

7 A Yes, ma'am.

8 Q That means the defendant is oriented as to person,
9 place and time, correct?

10 A Yes, ma'am.

11 Q Did he exhibit any signs of confusion whatsoever?

12 A No, ma'am.

13 Q Now, you are not a law enforcement officer, correct?

14 A No, ma'am.

15 Q Did you ask the defendant questions geared toward
16 assessing his physical condition at that time?

17 A I did.

18 Q And did those questions include whether or not he was
19 under the influence of any alcohol or drugs?

20 A I did.

21 Q And what did the defendant indicate to you?

22 A He stated to me that he had taken copious amounts of
23 medication, which he did not know what they were, but he
24 knew that three of them were his wife's blood pressure
25 medicines.

PRETRIAL MOTIONS

1 Q Now, copious, is that your word?

2 A It is a word that we use in the medical field meaning
3 numerous.

4 Q Did the defendant use that word?

5 A No, ma'am, he did not.

6 Q Did he quantify the amount of pills that he'd taken in
7 any way?

8 A He did not.

9 Q Was his speech slurred at all?

10 A No, ma'am.

11 Q Looking at his vital signs, did it appear that his
12 blood pressure was affected by the medicine he said he had
13 taken?

14 A No, ma'am.

15 Q How were his other vital signs?

16 A He was stable, very stable.

17 Q What if any questions did you ask the defendant in the
18 presence of law enforcement at that time?

19 A I asked the defendant what had happened to him and he
20 stated that his son had beaten him because he had just
21 killed his wife, the mother, his wife.

22 Q Did you ask any other questions of the defendant at
23 that time?

24 A I asked him if he had -- what he'd been struck with
25 and he said no objects, just that he'd been kicked and

PRETRIAL MOTIONS

1 punched.

2 Q So you asked him what had happened to him and he
3 stated, and correct me if I'm wrong, that his son had
4 beaten him?

5 A Yes, ma'am.

6 Q Because he had just killed his wife?

7 A Because he had just killed his mother.

8 Q His mother, the son's mother?

9 A Yes, ma'am.

10 Q Law enforcement was present when the defendant said
11 this to you?

12 A Yes, ma'am.

13 Q They did not engage in any questions with him, is that
14 correct, that you saw or heard?

15 A Not that I recall.

16 Q Okay. Did the defendant say anything further other
17 than the question as to were any weapons used and he
18 indicated just his hands and he had been kicked?

19 A Not that I recall.

20 Q But he was in custody at this time, correct?

21 A He was in custody.

22 MS. COLLINS: Thank you. Please answer any questions
23 of the defense.

24 CROSS EXAMINATION

25

PRETRIAL MOTIONS

1 BY MR. LIFSEY:

2 Q Ma'am, what did law enforcement say to you prior to
3 you speaking to my client?

4 A Really nothing. When we approach the scene we have
5 to stand back and wait for scene security, and of course,
6 they were all there.

7 Q Ma'am, I apologize for a minute. When you say we, who
8 was we? Was it just you or were there other --

9 A No, my partner and I.

10 Q Who is your partner?

11 A My partner that day was Jill Hendrick.

12 Q What was the scene when y'all arrived? Were policed
13 and law enforcement already there?

14 A Yes, they were.

15 Q Go ahead and describe what happened after y'all got
16 there, I'm sorry I interrupted you.

17 A That's okay. As we approached we have to wait for
18 scene security, they tell us when to come in and when not
19 to come in, they told us to come in. And one of them -- I
20 don't remember which one, there was numerous people there
21 that day, family and law enforcement, one of them said
22 that you have two patients inside, one possibly 10-7,
23 meaning dead. The supervisor was also there that day, he
24 responded in a QRV vehicle.

25 Q When you say supervisor, you mean the EMS supervisor?

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1 A I do.

2 Q Who was that?

3 A Greg Brazington (phonetically.)

4 Q Go ahead.

5 A He went to Mr. Ghent's wife, I approached Mr. Ghent.

6 And if you could tell me again what your question was.

7 Q When you approached Mr. Ghent, had you had
8 conversations with law enforcement at any point?

9 A None. All they said is that we had two patients, one
10 possibly 10-7.

11 Q Did you begin attending to Mr. Ghent in the residence?

12 A I did.

13 Q Did he say anything to you in the residence or while
14 you were getting him out of the house into the ambulance?

15 A No, sir.

16 Q Did law enforcement say anything to you, any of the
17 law enforcement officers out there during that process,
18 during your getting him from the residence to the
19 ambulance?

20 A No, sir.

21 Q When you got him to the ambulance, how -- did law
22 enforcement just kind of follow you out to the car? You
23 said these two officers were present.

24 A Yes, sir.

25 Q Tell me, how did they become involved, were they

PRETRIAL MOTIONS

1 outside, inside, or do you remember?

2 A I do remember. There were officers inside, and -- as
3 a matter of fact -- because when we have a crime scene
4 like that we normally utilize first responders but were
5 not able to that day because of the situation so we
6 actually utilized some officers to help us carry Mr. Ghent
7 out of the house. And, of course, they helped put him in
8 the truck and one of the officers because he was in
9 custody has to stay with him.

10 Q So were these the two officers that had helped you
11 carry him out to the -- or do you remember?

12 A I don't remember which officers it was, but I do
13 remember utilizing some help.

14 Q And when you get him to the ambulance and you place
15 him in, you said he was cuffed by one of the officers?

16 A Yes. He is in handcuffs, yes.

17 Q Did the officers say anything to you prior to you
18 asking him what happened or how was he hurt?

19 A No, sir.

20 Q And what was your specific question if you remember to
21 my client that elicited the account of him killing his
22 wife?

23 A I asked him what happened to him. He'd obviously --
24 he was covered in blood and dirt and I was doing my
25 assessment and I asked him what happened to him and that's

PRETRIAL MOTIONS

1 when he told me that his son had beat him up because he
2 had just killed his wife.

3 Q And did you ask the question regarding medication, or
4 was that before, or -- what was the sequence of questions
5 if you remember.

6 A Only the questions when -- except for when -- I
7 approached him initially inside of the residence just to
8 make sure of how he is breathing, I did a quick view of
9 him, but because of the situation I wanted him out of the
10 house and into my ambulance where everything was safe.
11 Once I got him into the truck is when I started the
12 detailed assessment with him, and I did ask him about
13 medication and his medical history and --

14 Q Do you remember if you asked him about the medical
15 history before or after you asked him what happened?

16 A Before, I believe, I can't be certain.

17 Q Did he make any other comments to you beyond what you
18 have testified to so far? Did he make any other comments
19 to you about what happened that morning or that night?

20 A Not that I recall.

21 MR. LIFSEY: Beg the Court's indulgence for a moment.

22 (Break in proceedings.)

23 MR. LIFSEY: That's all of the questions I have for
24 her.

25 MS. COLLINS: That's all from this witness, Your

PRETRIAL MOTIONS

1 Honor, we would ask that she be excused.

2 THE COURT: All right. Thank you, ma'am, you may step
3 down.

4 MS. COLLINS: The State's next witness, Your Honor, is
5 Agent Eric Jaillette.

6 The witness, ERIC JAILLETTE, was first duly sworn and
7 Testified as follows:

8 DIRECT EXAMINATION

9 BY MS. COLLINS:

10 Q Would you please state your name?

11 A Eric Jaillette.

12 Q What is your occupation?

13 A Narcotics agent with the drug task force, Lancaster
14 County Sheriff's Office.

15 Q How long have you been a law enforcement officer?

16 A About 11 and a half years.

17 Q Therefore you were working with the Lancaster County
18 Sheriff's Department in October of 2013; is that correct?

19 A Yes, ma'am.

20 Q Did you respond to a call during the morning of
21 [REDACTED], 2013 to [REDACTED] Home Place Lane in Lancaster,
22 South Carolina?

23 A Yes, ma'am, I did.

24 Q That's within Lancaster County, South Carolina?

25 A Yes, ma'am.

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1 Q Therefore within your jurisdiction.

2 A Yes, ma'am.

3 Q When you got to the scene, did you go into the house?

4 A I did.

5 Q When you entered the house, did you see the defendant?

6 A I did. He was laying on the floor in the kitchen
7 area of the residence.

8 Q Was he already cuffed at that point, Agent?

9 A I can't recall.

10 Q What did you do after you saw him there in the floor?

11 A After I saw him there were other officers with me,
12 and I went to the bedroom to -- there was a lady laying on
13 the bed and I went in there to check on her.

14 Q Agent, let me back up for a moment. When you first
15 saw the defendant on the kitchen floor, was he on his back?

16 A He was on his back.

17 Q I already asked you if he was cuffed at that time.

18 Did he appear conscious at that time?

19 A He was conscious.

20 Q Was he saying anything at that time?

21 A He was speaking but I'm not sure what he was saying.

22 Q Did you observe any injuries to him at that time?

23 A He was dirty, a little bit of blood, but that's it.

24 Q Where was the blood that you saw on the defendant?

25 A He had a little bit on his face, I think, some on his

PRETRIAL MOTIONS

1 arms.

2 Q Now, you stated you went into the bedroom; is that
3 correct?

4 A I did.

5 Q And you saw the victim in the bedroom?

6 A I did.

7 Q After you were with the victim in the bedroom for a
8 period of time, did you return to the kitchen?

9 A Yes, ma'am.

10 Q Was the defendant still there in the kitchen floor?

11 A He was.

12 Q At some point -- did the defendant say anything at
13 that time?

14 A He did not.

15 Q At some point was the defendant taken out to the
16 ambulance?

17 A Yes, ma'am.

18 Q Did he walk on his own strength or was he carried on a
19 stretcher?

20 A He was put on a stretcher, carried out the door and
21 put on the stretcher.

22 Q And did you accompany him to the ambulance?

23 A I did.

24 Q Was there any other officer in the proximity of the
25 defendant with you?

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1 A I don't recall.

2 Q When the defendant was taken to the ambulance, did she
3 put him inside of the ambulance?

4 A They did.

5 Q Do you recall about handcuffs at that time?

6 A I remember him being handcuffed and switching over to
7 being handcuffed to the bed, but I don't remember exactly
8 when that took place.

9 Q All right. But clearly he was not free to go at that
10 point; is that correct?

11 A No, ma'am, he was detained.

12 Q He was in custody; is that right?

13 A Yes, ma'am.

14 Q Had he been charged with anything at this point?

15 A No, ma'am.

16 Q Was he read his Miranda rights at any point?

17 A He was not.

18 Q Were you or any other officer in your presence
19 interrogating him at this point?

20 A No, ma'am.

21 Q Did you ask him any questions at this point?

22 A No, ma'am.

23 Q Did any law enforcement officer ask him questions in
24 your presence at this point?

25 A No, ma'am.

PRETRIAL MOTIONS

1 Q Did the defendant appear to be confused in any way?

2 A He did not.

3 Q Did you or any other officer or anyone in your
4 presence make any representation at that time to the
5 defendant of any reward or punishment or any incentive
6 whatsoever if he were to make any statements?

7 A No, ma'am.

8 Q You just heard the testimony of Terri Faulkenberry,
9 she was the EMS attendant dealing with the defendant on
10 that day; is that right?

11 A Yes, ma'am.

12 Q Were you in the ambulance with him at that point?

13 A Yes, ma'am, myself and Investigator McInvaille.

14 Q You remember Spencer McInvaille being there as well?

15 A Yes, ma'am.

16 Q He's also an officer with the sheriff's department?

17 A Yes, ma'am.

18 Q Did you hear the EMS attendant, Ms. Faulkenberry, ask
19 the defendant what had happened to him?

20 A I did.

21 Q Did you hear his response?

22 A I did.

23 Q What did he say?

24 A Terri asked, you know, what happened and his response
25 was, you know, "My son whooped my ass because I beat his

PRETRIAL MOTIONS

1 mama up, or beat my wife up" -- I'm sorry -- "killed." I
2 apologize.

3 Q Let's back up.

4 A Okay.

5 Q You heard Ms. Faulkenberry ask him what happened to
6 him?

7 A I did.

8 Q And what to the best of your memory do you recall the
9 defendant saying in response to Ms. Faulkenberry's
10 question?

11 A To the best of my memory after Terry asked him that
12 question he said, "My son whooped my ass because I killed
13 my wife," that's what I remember.

14 Q All right. Do you recall anything else that the
15 defendant said at that time?

16 A I do not.

17 Q And again, at no time did you or any other law
18 enforcement officer in your presence ask the defendant any
19 questions?

20 A No, ma'am, they didn't.

21 Q Did the defendant appear confused in any way?

22 A Not to me.

23 Q Was he articulate?

24 A When he spoke he was.

25 Q His words were clear to you?

PRETRIAL MOTIONS

1 A Yes, ma'am.

2 Q Did you ride along in the ambulance with the defendant
3 to the hospital?

4 A I did.

5 Q Officer, at anytime during that ride, did the
6 defendant say anything else?

7 A No, ma'am.

8 MS. COLLINS: Thank you. Please answer any questions
9 of the defense.

10 THE COURT: Mr. Lifsey?

11 CROSS EXAMINATION

12 BY MS. COLLINS:

13 Q Officer, so do you remember when he was -- did you
14 handcuff him initially or was he handcuffed the first time
15 you saw him?

16 A I can't remember to be honest with you.

17 Q Clearly you helped -- you testified you helped carry
18 him to the ambulance.

19 A He was put on a stretcher at some time and I walked
20 with them. I don't know if I helped him -- I was with him
21 when we walked him to the ambulance. I assisted EMS.

22 Q And what was your purpose in doing that?

23 A For security reasons.

24 Q Because it was -- had you decided it obviously was
25 clear he was -- somebody with law enforcement going to be

PRETRIAL MOTIONS

1 with him --

2 A Yes, sir.

3 Q -- from that point going forward, correct?

4 A Right.

5 Q And you knew that that was going to occur as soon --
6 that was going -- you know that that was going to occur as
7 soon as y'all started helping him out to the ambulance.

8 A Right.

9 Q Do you have any background or training from EMS or
10 anything like that?

11 A I do not.

12 Q Have you been around any crime scenes where people
13 have been put in ambulances?

14 A I haven't.

15 Q And you are aware that it is sort of routine for the
16 EMS people to ask what happened to you, correct?

17 A Correct.

18 Q So certainly you would have expected them to ask that
19 in this case, correct?

20 A I'm sorry?

21 Q You would have expected them to ask Mr. Ghent what
22 happened to him.

23 A Right.

24 MR. LIFSEY: All right. I don't have any further
25 questions.

PRETRIAL MOTIONS

1 THE COURT: All right.

2 REDIRECT EXAMINATION

3 BY MS. COLLINS:

4 Q You did not give any direction to Ms. Faulkenberry or
5 any instructions to her whatsoever as to what questions she
6 should ask as a medical attendant of the defendant, did
7 you?

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

9 MS. COLLINS: Nothing further.

10 THE COURT: Thank you, sir, you can step down.

11 MR. LIFSEY: We ask that this witness be excused if he
12 wishes to be and to return tomorrow.

13 THE COURT: All right.

14 MS. COLLINS: The next witness, Your Honor, is
15 Investigator Spencer McInvaille.

16 The witness, SPENCER MCINVAILLE, was first duly sworn
17 And testified as follows:

18 DIRECT EXAMINATION

19 BY MS. COLLINS:

20 Q Would you please state your name?

21 A Spencer McInvaille.

22 Q What is your occupation?

23 A I'm an investigator with the sheriff's office.

24 Q How long have you been a law enforcement officer?

25 A Coming up on seven years now.

PRETRIAL MOTIONS

1 Q Were you working with the Lancaster County Sheriff's
2 Department in October of 2013?

3 A Yes, ma'am.

4 Q You were an investigator at that time I believe; is
5 that correct?

6 A Yes, ma'am.

7 Q Did you respond to a call during the morning of
8 [REDACTED] of 2013 to [REDACTED] Home Place Lane in Lancaster,
9 South Carolina?

10 A I did.

11 Q When you arrived at the scene, did you go into the
12 house?

13 A I did not.

14 Q When did you first see the defendant that morning?

15 A That was after he was brought out to the ambulance
16 from the home.

17 Q So when you first arrived the defendant was not yet in
18 the ambulance; is that right?

19 A No. The crime scene had already been established by
20 the time I had gotten there, and typically we don't enter
21 if we don't need to be there at the time. I believe crime
22 scene was on scene and I just wasn't needed inside so I
23 stayed outside the crime scene.

24 Q So when you arrived at the house, again, my question
25 is, was the defendant already in the area of the ambulance

PRETRIAL MOTIONS

1 being loaded or do you recall?

2 A I believe at some point after I had gotten there he
3 was brought out of the house to the ambulance.

4 Q Did you see Agent Jaillette with him?

5 A Yes, ma'am. He was there at the ambulance with him.

6 Q And did you see the EMS attendant Terri Faulkenberry
7 with him?

8 A I did once you got in it. At the time I didn't
9 know -- I knew EMS was with him but I didn't know who from
10 us was.

11 Q Did you approach the ambulance when you saw them bring
12 the defendant out to put him into the ambulance?

13 A I did. I believe I was actually instructed by one of
14 the supervisors to go over there and stand by with
15 Jaillette while we were on scene.

16 Q Do you recall if the defendant was cuffed at that
17 time?

18 A Yes, ma'am, I believe he was.

19 Q So to your knowledge at that time he was in custody;
20 is that correct?

21 A Yes, ma'am.

22 Q Had he been charged with anything at that time?

23 A At that time I do not know.

24 Q To your knowledge, did you or anyone in your presence
25 read him his Miranda rights at that time?

PRETRIAL MOTIONS

1 A No, we did not.

2 Q Did you ask the defendant any questions?

3 A No, ma'am.

4 Q Did Agent Jaillette ask the defendant any questions?

5 A No, ma'am.

6 Q Did any law enforcement officer in your presence ask
7 the defendant any questions?

8 A No, ma'am.

9 Q Do you or Agent Jaillette or any officer, law
10 enforcement officer, give directions or instructions to EMS
11 attendant Terri Faulkenberry as to what questions she
12 should ask?

13 A No, ma'am.

14 Q Were you present when the EMS attendant, Terri
15 Faulkenberry, spoke with the defendant?

16 A I was.

17 Q And at that time did the defendant appear conscious?

18 A Yes, ma'am.

19 Q Did he appear confused in any way?

20 A No, ma'am.

21 Q Did he -- do you remember what question Ms.
22 Faulkenberry asked him?

23 A I can refer back to my narrative that I wrote as far
24 as what I had documented that was said. Paramedic asked
25 John what he was struck with in the face, and I quoted

PRETRIAL MOTIONS

1 that he replied, "My son hit me in the face because I
2 killed my wife."

3 Q Did Ms. Faulkenberry or any other medical attendant
4 ask the defendant any further questions at that time?

5 A At the time I had documented that she hadn't asked
6 him anymore questions.

7 Q And no law enforcement officer asked him any
8 questions, correct?

9 A No, ma'am.

10 Q At anytime did you or Agent Jaillette or any law
11 enforcement officer within your presence or within your
12 range of hearing make the defendant any promises or make
13 any threats to him in order to induce him into making a
14 statement?

15 A No, ma'am.

16 Q Did the defendant subsequently begin to volunteer or
17 speak voluntarily some statements?

18 A Yes, ma'am. I later documented that the paramedic
19 had not asked him anymore questions, but that Mr. Ghent
20 had begun to speak freely out loud and stated just that "I
21 killed her."

22 Q And that was not in response to any question, but he
23 volunteered that at that time?

24 A No, ma'am.

25 Q I'm sorry, I worded that poorly. Was that in response

PRETRIAL MOTIONS

1 to any question?

2 A No, no question.

3 Q He simply volunteered that?

4 A Yes, ma'am. I had documented also it was freely and
5 out loud, just due to no questions being asked.

6 Q Could you clearly understand the words that the
7 defendant was speaking?

8 A Yes, ma'am.

9 Q He wasn't slurring his words in any way?

10 A No, ma'am.

11 Q At that time did you exit the inside of the ambulance?

12 A I did.

13 Q The ambulance then transported Mr. Ghent to the
14 hospital or they left the premises?

15 A Yes, ma'am, they left.

16 Q Agent Jaillette rode with him?

17 A Yes, ma'am.

18 MS. COLLINS: Thank you. Please answer any questions
19 of Mr. Lifsey.

20 CROSS EXAMINATION

21 BY MR. LIFSEY:

22 Q As best you remember, when did this -- when did this
23 statement, what you described I think was a spontaneous
24 statement, when did that occur?

25 A As best I can recall it was just after the paramedic,

PRETRIAL MOTIONS

1 Terri, had finished talking to him.

2 Q While still -- did you ride in the ambulance to
3 wherever he went at the hospital?

4 A No, sir, I did not.

5 Q So this would have occurred in the presence of both
6 the EMS worker and Officer Jaillette too?

7 A Yes.

8 Q Do you have any background in EMS or anything like
9 that?

10 A No, sir, I do not.

11 Q But you certainly are familiar that obviously with
12 people that it's not unusual at all, in fact normal for EMS
13 officers to ask what happened to somebody.

14 A That's typically what they do.

15 Q Got you. And you were aware of that back then the day
16 this happened just like you are now, correct?

17 A Yes, sir.

18 MR. LIFSEY: I don't have any further questions,
19 Judge.

20 MS. COLLINS: Nothing further. We ask that this
21 witness be excused if he wishes to be at this time.

22 THE COURT: Okay. Thank you, sir.

23 MS. COLLINS: Your Honor, the State's next witness is
24 officer Richard Weiss.

25 The witness, RICHARD WEISS, was first duly sworn and

PRETRIAL MOTIONS

1 Testified as follows:

2 DIRECT EXAMINATION

3 BY MS. COLLINS:

4 Q Would you please state your name?

5 A Richard Weiss.

6 Q What is your occupation?

7 A Sheriff's deputy with the Lancaster County Sheriff's
8 Office.

9 Q How long have you been a law enforcement officer?

10 A Twenty-five years.

11 Q Were all of those years with the sheriff's department?

12 A No, ma'am.

13 Q How long have you been with the Lancaster County
14 Sheriff's Department?

15 A Four years.

16 Q Were you employed with the Lancaster County Sheriff's
17 Department as a deputy on October 29, 2013?

18 A Yes, ma'am.

19 Q On October 29th, 2013, did you have occasion to come
20 into contact with the defendant, John Marion Ghent, Jr.?

21 A Yes, ma'am.

22 Q Where was that?

23 A At the Springs Memorial Hospital.

24 Q Why were you there at that time?

25 A We were assigned to guard Mr. Ghent while he was

PRETRIAL MOTIONS

1 under medical care at the hospital.

2 Q Were you alone guarding him?

3 A Yes, ma'am.

4 Q Do you recall who he took over from?

5 A Officer Davey Hendrix.

6 Q And at this time was Mr. Ghent in the ER, in intensive
7 care or in a regular room?

8 A He was in a regular room.

9 Q So when you took over from Deputy Hendrix, do you
10 recall approximately what time you took over?

11 A Not right now.

12 Q Do you have a copy of your report with you to refresh
13 your memory?

14 A I don't have a copy.

15 Q If I may I hand you a copy. That contains a narrative
16 of your report, if you will refer to that to refresh your
17 memory and then answer from memory. Just let me know when
18 you're finished.

19 A About 5:00 in the afternoon.

20 Q So you took over guard duties of Mr. Ghent at Springs
21 Memorial Hospital on 10/29 of 2013 about 5:00 in the
22 afternoon?

23 A Yes, ma'am.

24 Q And how long were you there with him?

25 A Until approximately 10:00.

PRETRIAL MOTIONS

1 Q Now, you've already stated the defendant was in a
2 regular room; is that correct?

3 A Yes, ma'am.

4 Q And while you were there with the defendant, was he
5 handcuffed in any way?

6 A He was restrained, and I can't recall what
7 configuration that was.

8 Q But clearly with you guarding him he was not free to
9 leave, correct?

10 A No, ma'am, he was in custody.

11 Q To your knowledge had he been charged yet with
12 anything?

13 A I don't recall.

14 Q At that time, Deputy, did you read the defendant his
15 Miranda rights?

16 A No, ma'am.

17 Q Was it your intention to interrogate him or ask him
18 questions in any way?

19 A No, ma'am.

20 Q Do you recall while he was there and you were there
21 with him, was he conscious?

22 A Yes, ma'am.

23 Q He was alert and awake?

24 A Yes, ma'am.

25 Q Did medical personnel come in from time to time?

PRETRIAL MOTIONS

1 A Yes, they did.

2 Q Did he appear responsive to any questions they had
3 during that time?

4 A Yes, ma'am.

5 Q At anytime that you were guarding the defendant, Mr.
6 Ghent, did he make a request of you?

7 A He did.

8 Q And what was that request?

9 A He asked to be able to use the telephone to call his
10 sister in order to have her bring some items to him.

11 Q Did he identify the name of his sister?

12 A He did.

13 Q And what was that?

14 A It was --

15 Q If you need to refer to your report to refresh your
16 memory you may.

17 A Betsy Steen is his sister.

18 Q Did he state to you what those personal items were
19 that he wanted his sister to bring to him?

20 A Yes, ma'am. He stated he wanted underwear and
21 deodorant because he would be going to the jail.

22 Q At that time did you allow the defendant to make a
23 phone call to his sister?

24 A I did. I had known the Steens for a number of years
25 and it wasn't a security risk to go ahead and have him do

PRETRIAL MOTIONS

1 that, just save some time on the back end when he got to
2 the jail, so I did allow him to make that call.

3 Q Did he use the phone in the hospital room?

4 A Yes, ma'am.

5 Q And were you present when he made that call?

6 A Yes, ma'am.

7 Q Were you present within his sight when he made that
8 call?

9 A Yes, ma'am.

10 Q He was looking at you and he knew you had not left the
11 room?

12 A Yes, ma'am.

13 Q And, in fact, all of the time that you guarded him you
14 did not leave the room; is that correct?

15 A That's correct.

16 Q When the defendant made the call he indicated that he
17 was calling his sister, did you hear him -- did he speak
18 her name at the time when he called her, do you remember?

19 A I don't recall that he did.

20 Q Now, the phone was not placed on speaker phone,
21 correct?

22 A That's correct.

23 Q And you could not hear the conversation from the
24 recipient's side, in other words you could not hear the
25 person who he had called to speak; is that right?

PRETRIAL MOTIONS

1 A That's correct.

2 Q But you could hear what the defendant said; is that
3 correct?

4 A Yes, ma'am.

5 Q And while he was making that phone call you did not
6 ask him any questions; is that correct?

7 A That's correct.

8 Q And what, if anything, did you hear the defendant say
9 at that time?

10 A Mr. Ghent -- shortly into the conversation Mr. Ghent
11 started to sob and he said that -- he stated that he had
12 killed his wife.

13 Q Let me stop you for a just a moment. You said that
14 the defendant started to sob; is that correct?

15 A Yes.

16 Q When he started to sob, were you still able to hear
17 his words clearly?

18 A Yeah.

19 Q You had no question as to what he said?

20 A No.

21 Q So he started to sob and stated that he'd killed his
22 wife; is that correct?

23 A Yes.

24 Q Please continue. What else did the defendant say that
25 you heard?

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1 A He said he had been drinking for the both of them and
2 taking pills and when she had gotten home a confrontation
3 began and he began to stab her. His wife begged him to
4 stop. Mr. Ghent then made the statement that he'd been
5 thinking about it for three weeks. He stated that he cut
6 his own wrists and got on the bed next to his wife and
7 told her he would die with her. The next thing Mr. Ghent
8 said was that his son came in and found him and his mother
9 there and started beating him up -- beating and kicking
10 him.

11 Q Did he indicate where his son began beating and
12 kicking him?

13 A He just said beating and kicking him in the head and
14 the body.

15 Q All right. What if anything else did you hear Mr.
16 Ghent say?

17 A When things sort of calmed down after that part of
18 the conversation he did ask his sister for the items that
19 he wanted brought, and that was -- the call ended shortly
20 thereafter.

21 Q The defendant hung up the phone?

22 A Yes, ma'am.

23 Q Did he say anything to you about the phone call?

24 A No, ma'am.

25 Q Did he say anything to you further in your presence

PRETRIAL MOTIONS

1 about what had transpired during the incident with his
2 wife?

3 A No, ma'am.

4 Q Did you at anytime promise the defendant anything or
5 threaten him in any way in order to cause him to speak in
6 your presence about the incident?

7 A No.

8 Q When the Steens brought the items requested by Mr.
9 Ghent, they were not allowed to come into the room with the
10 defendant; is that correct?

11 A No, ma'am. I met them in the hall just outside of
12 the room outside of Mr. Ghent's presence, which would make
13 the security roughly the same as at the jail, that he
14 would not be able to visit with him, that I would pick up
15 the items and inspect those items before they came back in
16 the room.

17 Q After you received the items from the Steens, did you
18 review the items to make sure there was no contraband?

19 A Yes, ma'am, I did.

20 Q And then you gave it to Mr. Ghent?

21 A Yes.

22 Q Did Mr. Ghent say anything to you at that time in
23 regard to the incident with his wife or make any statements
24 whatsoever?

25 A No, ma'am.

PRETRIAL MOTIONS

1 Q And until you left at 22:00 hours on that date, did
2 the defendant say anything further either to you or in your
3 presence regarding the incident with his wife?

4 A No, he didn't.

5 MS. COLLINS: Thank you. Please answer any questions
6 of the defense.

7 CROSS EXAMINATION

8 BY MR. LIFSEY:

9 Q Officer Weiss, was there any sort of -- was there any
10 sort of policy in regards -- with the sheriff's office in
11 regards to the situation like this where you're watching
12 someone in a hospital regarding them making a call or not
13 making a call?

14 A I don't know that there's a specific policy regarding
15 that as long as it's not a violation of security, as long
16 as there's not a breach.

17 Q So it was generally discretionary with you whether to
18 let him make the phone call or not?

19 A Yes.

20 Q How long was the phone call, do you remember?

21 A Just a very few minutes.

22 Q And obviously as you testified you did not hear -- you
23 only heard one side of the conversation, correct?

24 A That's correct.

25 Q Is what you related to the solicitor that my client

PRETRIAL MOTIONS

1 said, is that the exact words he said or is that your
2 summarizing of what he said?

3 A To the best of my recollection that is what he said.

4 Q When did you denote that down by way of memory?

5 A The following day.

6 Q So did you go off duty that next day? After you got
7 done watching him were you off duty or did you continue to
8 work the rest of that shift?

9 A No, I was off duty.

10 Q So when you came in the next morning, did you do this
11 report on your own initiative or at someone's at the
12 sheriff's office request?

13 A I double-checked with the sergeant to just make sure
14 that that would be the proper thing to do, and then to get
15 the case number from the sheriff's office so that my
16 report could be a supplement to the original report.

17 Q Do you remember who the sergeant was you spoke to?

18 A Sergeant Poovey here at the courthouse.

19 Q Got you.

20 MR. LIFSEY: Beg the Court's indulgence just one
21 moment.

22 THE COURT: Yes, sir.

23 (Break in proceedings.)

24 MR. LIFSEY: I don't have any further questions of
25 this witness.

PRETRIAL MOTIONS

1 MS. COLLINS: No further questions. We ask that this
2 witness be excused at this time.

3 THE COURT: All right. Thank you, sir, you can step
4 down.

5 MS. COLLINS: The next witness and the last witness
6 for the Denno hearing is the Deputy Davey Hendrix, the last
7 witness for the State.

8 The witness, DAVEY HENDRIX, was first duly sworn and
9 Testified as follows:

10 DIRECT EXAMINATION

11 BY MR. LIFSEY:

12 Q Good morning.

13 A Good morning.

14 Q Would you please state your name?

15 A Davey Hendrix.

16 Q What is your occupation?

17 A Deputy sheriff.

18 Q How long have you been a law enforcement officer?

19 A Twelve years.

20 Q You currently work with the Lancaster County Sheriff's
21 Department; is that correct?

22 A Yes, ma'am.

23 Q Were you working with that same department in October
24 of 2013?

25 A Yes, ma'am.

PRETRIAL MOTIONS

1 Q In October of 2013, did you have any contact with the
2 defendant, John Marion Ghent, Jr.?

3 A I did.

4 Q Where were you when you had the contact with the
5 defendant?

6 A Springs Memorial Hospital.

7 Q Was he in custody at that time?

8 A He was.

9 Q What was the date that you had contact with the
10 defendant at the hospital?

11 A 10/29.

12 Q Of 2013?

13 A Yes, ma'am.

14 Q What was your role at that time with the sheriff's
15 department in being in contact with the defendant at the
16 hospital?

17 A I was assigned to sit with him while he was in
18 Springs Memorial Hospital.

19 Q He was in custody at that time?

20 A Yes, ma'am.

21 Q Do you recall if he was handcuffed?

22 A By my recollection I think he was leg shackled but
23 not belly chained.

24 Q Do you recall at what time you began your shift in
25 guarding the defendant while he was at the hospital?

PRETRIAL MOTIONS

1 A It would have been -- I think I worked 8:00 in the
2 morning until 5:00 in the evening.

3 Q During that time did the defendant -- was he allowed
4 any visitors in the room?

5 A No, ma'am.

6 Q Was the defendant conscious while you were in the
7 room?

8 A Yes, ma'am.

9 Q Did he appear to be alert?

10 A Yes, ma'am.

11 Q Did he appear to be aware of his surroundings?

12 A Yes, ma'am.

13 Q Did he appear to have any confusion in any way?

14 A No, ma'am.

15 Q Did medical personnel come in and out of the room to
16 care for the defendant?

17 A Yes, ma'am.

18 Q Did they engage in medical questions with him that he
19 responded to?

20 A Yes, ma'am.

21 Q Did he slur his words in any way?

22 A Not that I can recall.

23 Q At anytime did you ask him any questions at all?

24 A No, ma'am.

25 Q Did you ask the defendant anything at all including as

PRETRIAL MOTIONS

1 to what had happened with his wife?

2 A No, ma'am.

3 Q You were dressed in uniform as you are now?

4 A Yes, ma'am.

5 Q At anytime did the defendant make any remarks about
6 what had happened with his wife?

7 A Yes, ma'am.

8 Q Did you make any promises of reward or threats in
9 anyway to cause the defendant to say anything about his
10 wife?

11 A No, ma'am.

12 Q Now, you did not Mirandize him, correct?

13 A Yes, ma'am, correct.

14 Q Was that because you did not intend to ask him any
15 questions?

16 A Yes, ma'am.

17 Q And you did not ask him any questions; is that right?

18 A Correct.

19 Q But the defendant did volunteer some remarks; is that
20 right?

21 A He did.

22 Q What did the defendant say?

23 A If I can recall we were watching something on TV, he
24 said, "I killed her because she was going to leave me.

25 She loved me but was not in love with me. She was staying

PRETRIAL MOTIONS

1 out until 3:00 or 4:00 in the morning with her girlfriends
2 and not coming home." Then he also stated he tried to
3 slit his wrists but it didn't work so he took pills, he
4 said he thought he would die but that wouldn't work. Then
5 his son come in and found him, drug him out and beat him.

6 Q Drug him out of the room or --

7 A Yes, ma'am.

8 Q -- out of bed?

9 A Out of bed.

10 Q And beat him?

11 A Yes.

12 Q What else did the defendant say?

13 A That's all.

14 Q Do you recall, did the defendant say anything about
15 the son asking him why you did this to my mom?

16 A Yes.

17 Q And what did the defendant say about that, about the
18 son saying, "Why you did this to my mama?"

19 A Because he thought she was going to leave him.

20 Q And is that all that the defendant said?

21 A Yes, ma'am.

22 Q Did you respond in any way to these remarks that the
23 defendant made?

24 A No, ma'am.

25 Q He simply volunteered them?

PRETRIAL MOTIONS

1 A Yes, ma'am.

2 Q While the defendant made these remarks to you, what
3 were you doing, Deputy?

4 A I was typing on my cellphone.

5 Q And what were you typing?

6 A Verbatim what he said.

7 Q And after -- you typed everything that he said?

8 A Yes, ma'am.

9 Q And after you completed typing what he said and the
10 defendant ended those remarks, did you later memorialize
11 that in a supplemental report to law enforcement?

12 A I did.

13 Q So that it would become part of the file in this case?

14 A Yes, ma'am.

15 Q Did the defendant make any other remarks in your
16 presence during the time that you guarded him?

17 A No, ma'am.

18 Q Did you have any other involvement in this case?

19 A No, ma'am.

20 MS. COLLINS: No further questions, thank you.

21 CROSS EXAMINATION

22 BY MR. LIFSEY:

23 Q Officer Hendrix, what was the -- I'm trying to get in
24 my mind the context of what was going on when he started
25 making these statements. What were y'all doing?

PRETRIAL MOTIONS

1 A We were watching TV.

2 Q I mean, were y'all chit-chatting? Had you been
3 talking?

4 A Not that I recall, no, sir.

5 Q Were you even discussing what the television show was?

6 A No, sir.

7 Q How long had you been there when this happened as best
8 you remember?

9 A I would say a few hours.

10 Q Were you -- and I'm talking about not just this
11 subject, but were you conversing with him in any way at
12 all?

13 A I think we had small talk but I don't recall what it
14 was, but nothing to do with the case.

15 Q Can you give the Court an idea of what -- and you say
16 small talk, what do you mean by that?

17 A How everything is going, stuff like that, you know,
18 just basic small talk.

19 Q Was it kind of back and forth between the two of you
20 or were you asking him questions or was he asking you
21 questions, or how did that go?

22 A No questions, just small talk.

23 Q When in relationship to the small talk y'all were
24 engaged in did the statements about what happened at the
25 crime occur?

PRETRIAL MOTIONS

1 A Like I said, the only thing I can recall is something
2 was happening on TV and then he started talking.

3 Q And y'all hadn't even discussed what was on TV?

4 A No, sir.

5 Q And you don't remember what was on TV.

6 A No, sir.

7 Q After he said these things, how much longer was your
8 shift, do you remember approximately?

9 A No, sir.

10 Q Did you leave right after these things happened or did
11 you stay for another -- at least another couple of hours?

12 A Yes, sir, I stayed a couple of hours.

13 Q Do you remember him saying anything else to you at the
14 time you were -- after these statements?

15 A Not that I can recall.

16 Q Even small talk?

17 A Not that I can recall.

18 Q All right.

19 MR. LIFSEY: I don't have any further questions.

20 REDIRECT EXAMINATION

21 BY MS. COLLINS:

22 Q Who chose the TV show that was on?

23 A He did.

24 Q You did not operate the remote control at all?

25 A No, ma'am.

PRETRIAL MOTIONS

1 MS. COLLINS: Nothing further.

2 THE COURT: All right. Thank you, sir, you can step
3 down.

4 MS. COLLINS: Your Honor, those are all of the
5 witnesses for the State as to the Jackson v. Denno hearing.

6 THE COURT: All right. Anything from the defense?

7 MR. LIFSEY: Yes, sir. I would for the record make
8 the following motions as to the statements given, or the
9 alleged statement given to Ms. Faulkenberry. I would --
10 first of all I think it's clear the defendant was in
11 custody. The question is was there an interrogation or not
12 and was the interrogation, if it was done, was it as a
13 result of an -- was it by someone acting as an agent of the
14 State. I think he's in custody, she does interrogate him
15 and does ask him a question. I think the close call
16 becomes whether she's acting as an agent of the State or
17 not. I would argue to you that you've got one Lancaster
18 County employee, an EMS Lancaster County employee and a
19 sheriff's deputy, also a Lancaster County employee, the
20 deputies clearly know that he's going to be asked what
21 happened, and that's, I think, the testimony of both of
22 them was they were aware that question was going to be
23 asked and they did not Mirandize him. I would argue she
24 was sort of acting as sort of a de facto agent of the
25 State, they knew she was going to ask my client that

PRETRIAL MOTIONS

1 question so I will object to those statements coming in.
2 As to the -- I can't in any good faith make any argument as
3 to the statement given to Richard Weiss, I don't see any
4 good faith evidence to make an objection to that. As to
5 the statement given to Hendrix, to Deputy Hendrix, I would
6 argue that you've got a man in custody, you've got the
7 State engaging in chit-chat, small talk, I can't remember
8 what the word was, with him and I would argue that that is
9 tantamount to eliciting testimony from him.

10 THE COURT: All right. Madam Solicitor?

11 MS. COLLINS: Your Honor, taking them in reverse
12 order. As to the statement made to Deputy Hendrix, again,
13 the rules I would submit is clear that it has to be
14 pursuant to interrogation. There was no interrogation.
15 Deputy Hendrix did not ask the defendant any questions, he
16 made that clear, the defendant just volunteered those
17 remarks, and I would submit, Your Honor, that although he
18 was in custody it was not a custodial interrogation in any
19 way and therefore that statement should not be excluded.
20 No argument has been made to the statement of Deputy Weiss.
21 As to the statement made to the EMS attendant, Ms.
22 Faulkenberry, in the presence of Agent Jaillette and
23 Investigator McInvaille, I would submit (sic) that she was
24 a medical attendant, she did not ask him what did you do,
25 she simply said what happened to you, she was assessing his

PRETRIAL MOTIONS

1 need for medical treatment at the time. If he responded
2 further it was unresponsive to the question that she asked,
3 no instruction or direction was made to her by law
4 enforcement as to asking him any questions. She was trying
5 to care for his health needs at the time, and in doing so
6 asked that single question, and I would submit therefore
7 she was not acting de facto as an agent of the State, she
8 was not acting at the direction of any law enforcement
9 authority, she was doing so as a medical attendant to care
10 for his needs, and to the extent he responded further as to
11 what happened to him in terms of why he was being attacked
12 by his son, it is non-responsive and I would submit, Your
13 Honor, that it should come in under Jackson v. Denno.

14 MR. LIFSEY: I want to fully flesh out one thing I
15 said earlier. In regards to the statement to the EMS
16 operator, I would also add that, of course, as I remember
17 her testimony at the Denno hearing she didn't do anything
18 in regards to this case until it was okay with law
19 enforcement. In other words, I would argue she was acting
20 under their direction because she was not even allowed into
21 the crime scene until they said it was okay, so I would
22 only add that portion of my argument, Your Honor. Thank
23 you.

24 THE COURT: All right. I find the statements are
25 admissible pursuant to Jackson versus Denno and I'm going

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1 to allow them into evidence. All right. Any other
2 pretrial issues prior to the selection of the jury?

3 MS. COLLINS: Nothing from the State.

4 MR. LIFSEY: Nothing beyond at some point obviously
5 we'll address the pictures.

6 THE COURT: We'll address the pictures at that time.
7 All right. We're down for lunch.

8 (Court recessed for lunch.)

9 (Start of the jury selection.)

10 THE COURT: Solicitor? Yes, sir?

11 MR. NEWMAN: Thank you, Your Honor. State calls case
12 number 2014-GS-29-47, State versus John Marion Ghent, Jr.,
13 charged with murder. 2014-GS-29-48, State versus John
14 Marion Ghent, Jr., charged with possession or display of a
15 firearm or a knife during the commission of a violent
16 crime.

17 THE COURT: All right. Thank you. Ladies and
18 gentlemen, as I indicated to you earlier, again, this is
19 criminal court this week here in Lancaster and we're about
20 to begin the trial of the case of the State of South
21 Carolina against John Marion Ghent, Jr., who has been
22 charged with murder, and possession or display of a firearm
23 or knife during the commission of a violent crime. Now,
24 before we select the jury there are several questions that
25 I'm going to need to go over with you before we actually

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1 select a jury, these are what's called voir dire questions
2 and these questions will be asked by me to you. If a
3 question applies to you just like previously if you're able
4 to, please stand, the first question I'll ask you is what
5 is your juror number and then we will go from there, okay?
6 And so these questions will be asked in no particular
7 order. Now, before I go through the list of questions I do
8 want the State and the defense to introduce themselves to
9 you, as well as any witnesses which may be present which
10 may actually be testifying during the trial, because I am
11 going to read a list of potential witnesses but you may
12 want to see who these people are so you can accurately
13 answer the question. So at this time I will have the State
14 that's represented by people called solicitors, which is
15 what we call lawyers who in South Carolina who prosecute
16 alleged crimes, okay, they're called district attorneys or
17 states attorneys in other places, well, in South Carolina
18 we call them solicitors, okay? Solicitor, if you will
19 introduce everybody at your table, please.

20 MR. NEWMAN: Good morning. Again, I am the Elected
21 Solicitor Randy Newman. This is Deputy Solicitor Lisa
22 Collins. Investigator Michael Bailey. Solicitor's
23 Investigator Keith Lewis. Consultant, Jimmy Taylor. Do
24 you want me to go through my witness list?

25 THE COURT: Just the people who are present.

VOIR DIRE

1 MR. NEWMAN: Okay. I've got some in the back of the
2 room.

3 THE COURT: Okay.

4 MR. NEWMAN: Tabitha Reynolds, please stand. Mike
5 Reynolds, Mike is not here right now. Roddey Ghent.
6 Tressa Howle. Besty Steen. Up this way we have
7 Investigator Spencer McInvaille, and Eric Jaillette.

8 THE COURT: All right. Thank you, Solicitor. Mr.
9 Lifsey?

10 MR. LIFSEY: My name is Mike Lifsey, I represent John
11 Ghent. John, stand up just a second so the jury can see
12 you. Thank you. There's another lawyer, Russell Parker,
13 who may sit with me during the parts of this trial, he's
14 out right now working on something for me.

15 THE COURT: Thank you. So ladies and gentlemen, the
16 first question is going to be about the lawyers involved in
17 this case, that's the deputy solicitor and the solicitor as
18 well as Mr. Lifsey. The first question is has any member
19 of the jury panel ever been represented by any of the
20 lawyers involved in this case? If so, please stand. No
21 response. Does any member of the jury panel have a close,
22 personal or social relationship, or related by blood or
23 marriage to any of the lawyers involved in this case? If
24 so, please stand. Is any member of the jury panel related
25 by blood or marriage or have a close, personal or social

VOIR DIRE

1 relationship to John Marion Ghent, Jr., or his family? If
2 so, please stand. Okay. Juror number, ma'am?

3 THE JUROR: Sixty-four.

4 THE COURT: All right. And what is your relation to
5 the family or to Mr. Ghent?

6 THE JUROR: I've been friends with them since high
7 school.

8 THE COURT: Would the fact that you have been friends
9 with them since high school affect your ability to be fair
10 and impartial?

11 THE JUROR: Yes, sir.

12 THE COURT: Thank you, ma'am, just be seated. And
13 what was that juror number?

14 THE CLERK: Sixty-four.

15 THE COURT: Juror number 64. Thank you. Yes, ma'am?

16 THE JUROR: Juror number one. Resided across the
17 street from Mr. Ghent and his family since the early
18 nineties.

19 THE COURT: All right. Would that affect your ability
20 to be a fair and impartial juror?

21 THE JUROR: Yes, sir.

22 THE COURT: Thank you, you can be seated. That's
23 juror number one. In the back?

24 THE JUROR: Juror number 123.

25 THE COURT: Yes, sir.

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1 THE JUROR: Been friends with the family for a long
2 time.

3 THE COURT: All right. Would that affect your ability
4 to be fair and impartial?

5 THE JUROR: Yes, sir.

6 THE COURT: Thank you, sir. That's juror number 123.
7 Thank you, y'all just remain seated with us. All right.
8 The next question is -- well, I'm going to read out a list
9 of potential witnesses. Now, just because I name all of
10 these people doesn't mean they're actually going to
11 testify, it just means they could testify, okay? And the
12 question -- I'm going to do it like in groups of five,
13 okay? Now, if you've previously answered, the three
14 previous, you don't need to stand again, okay? I
15 understand where y'all are, okay? But for anybody else,
16 listen carefully to the names. Some of the witnesses -- or
17 potential witnesses are here and have already been
18 introduced to you. The question I'm going to have for you
19 is if you have any close, personal or social relationship
20 with any of these people, or are related by blood or
21 marriage to any of these people, okay? That's going to be
22 the question, okay? So in no particular order here are
23 some names of potential witnesses. Tabitha Reynolds. Mike
24 Reynolds. Roddey Ghent. Tressa Howle. Jonathan Ghent.
25 So if any member of the jury panel is related by blood or

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1 marriage or have a close, personal or social relationship
2 with any of these people, please stand. No response. Next
3 five names, Brenda Nicole Ghent. Betsy Steen. Darren
4 Mangum, Cindy Earl. Janet Hanna. So if there's any juror
5 who's related by blood or marriage or have any close,
6 personal or social relationship with any of these people,
7 please stand. All right. Yes, sir?

8 THE JUROR: I have a question, juror number 24.

9 THE COURT: All right.

10 THE JUROR: I was employed with Lloyds Stores, I
11 believe this is Elaine Ghent?

12 THE COURT: I don't know. Will the lawyer answer
13 that?

14 MR. LIFSEY: Yes, sir, she's the victim.

15 THE COURT: Well, you were employed there in what
16 capacity?

17 THE JUROR: It was my second job, I hauled fuel and so
18 I would meet Ms. Ghent there, so I don't know if that's an
19 issue or not.

20 THE COURT: I'm glad you disclosed that. But the
21 question I have is does that affect your ability to be a
22 fair and impartial juror?

23 THE JUROR: I don't guess it would, I just want to
24 make it known.

25 THE COURT: Yes, sir. Thank you. That's what the

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1 purpose of these questions are for. Thank you. Juror
2 number again, sir, what is it?

3 THE JUROR: 24.

4 THE COURT: Okay. Next set of potential witnesses.
5 Investigator Michael Bailey with the Lancaster County
6 Sheriff's Office. Carla Deese, deputy corner for Lancaster
7 County. Deputy Davey Hendrix, Lancaster County. Deputy
8 Richard Weiss, Lancaster County. Deputy Forrest Lawson,
9 Lancaster County. If any member of the jury panel has a
10 close, personal or social relationship, or are related by
11 blood or marriage to any of those potential witnesses,
12 please stand. No response. Next set. Sergeant Kendra
13 Howell, Lancaster County Sheriff's. Agent Eric Jaillette,
14 Lancaster County Sheriff's Office. Investigator Spencer
15 McInvaille, Lancaster County. Captain Eric Brown,
16 Lancaster County. Investigator Bill Murphy, or
17 Investigator Ed Lockhart, Lancaster County. So if any
18 member of the jury panel are related by blood or marriage
19 or has a close personal or social relationship with any of
20 those potential witnesses, please stand. No response.
21 Next set, Captain Larry Deason, Lancaster County.
22 Lieutenant Michael Howell, Lieutenant Christy Rogers, both
23 of Lancaster County Sheriff's Office. Investigator Jeff
24 Steele, Lancaster County. Investigator Ken Taylor,
25 Lancaster County. Same question. No response. And the

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1 last set, evidence custodian Ann Horton with the Lancaster
2 County, Terri Faulkenberry with EMS. Dr. Jad Ghandour,
3 Springs Memorial. Dr. Janice, or Pat Ross with the
4 Newberry Pathology. Lily Gallman, DNA at SLED. Gaile
5 Heath at SLED. Kelly Bugden at SLED. Anybody related by
6 blood or marriage or have any close, personal or social
7 relationship with any of those people, please stand. All
8 right. No response. Is any member of the jury panel or a
9 member of your immediate family ever been charged with or
10 has a family member been the victim in a case involving an
11 allegation of murder, or the commission -- or possession of
12 a firearm or display of a knife during the commission of a
13 violent crime? If this applies to you, please stand. No
14 response. Has any of you or a member of your immediate
15 family ever been charged with or a member of your immediate
16 family been the victim in a case involving an allegation of
17 manslaughter? If so, please stand. No response. Has any
18 member of the jury panel or a member of your family or a
19 close friend of yours ever been the victim of a violent
20 crime? If so, please stand. All right. Yes, ma'am, juror
21 number?

22 THE JUROR: The Ross Township, a mass murder up in
23 Pennsylvania where that guy went crazy and shot people, my
24 best friend's dad's was one of the victims who was
25 shielding somebody and was murdered in the process.

VOIR DIRE

1 THE COURT: What is your last name, ma'am?

2 THE JUROR: Juror number 90.

3 THE COURT: Juror number 90. How long ago did that
4 happen, ma'am?

5 THE JUROR: It was 2013.

6 THE COURT: Would that affect your ability to be a
7 fair and impartial juror?

8 THE JUROR: No.

9 THE COURT: Thank you, you can be seated. Anybody
10 else on that question? All right. No further response on
11 that one. Has any member of the jury panel ever been
12 called as a witness in a trial or participated in a trial
13 in any way? If so, please stand. No response. Next
14 question, has any member of the jury panel ever served on a
15 jury before? If so, please stand. Any kind of jury.
16 Okay. I shouldn't have said any kind of jury. That's all
17 right. Just remain standing, I'll get to you because I
18 need to question you about that. And what I'm going to
19 want to know is what type of jury it was and what the
20 verdict was. Okay. That's all I need to say. First
21 question, please know your juror number. Yes, sir, juror
22 number?

23 THE JUROR: Last name Stacks.

24 THE COURT: Last name Stacks.

25 THE JUROR: 121.

VOIR DIRE

1 THE COURT: Juror number 121. Yes, sir?

2 THE JUROR: It was when the courthouse was up in the
3 Old Springs building and it was innocent.

4 THE COURT: What kind of case was it?

5 THE JUROR: It was manslaughter.

6 THE COURT: And what was the verdict, do you remember?

7 THE JUROR: Innocent.

8 THE COURT: You were on the trial jury?

9 THE JUROR: Yes.

10 THE COURT: Thank you, sir, you can be seated. Would
11 that affect your ability to be fair and impartial in this
12 case?

13 THE JUROR: No, sir.

14 THE COURT: That will be my last question.

15 THE JUROR: Eighty-three.

16 THE COURT: Yes, ma'am?

17 THE JUROR: It was in this courthouse, I think it was
18 not guilty.

19 THE COURT: All right. Do you remember what the
20 person was charged with?

21 THE JUROR: Stealing.

22 THE COURT: Do you remember how long ago it was?

23 THE JUROR: 2012 or '13, something like that.

24 THE COURT: Okay. Would that affect your ability to
25 be fair and impartial in this case?

VOIR DIRE

1 THE JUROR: No.

2 THE COURT: Yes, ma'am?

3 THE JUROR: I'm Lucas.

4 THE CLERK: Eighty-four.

5 THE JUROR: I served on a magistrate court before,
6 it's been probably 18 years ago.

7 THE COURT: All right. Do you remember what -- was it
8 a criminal case?

9 THE JUROR: No.

10 THE COURT: Okay. Thank you. You can be seated.

11 Well, the fact that you had magistrate's court duty
12 experience, would that affect your ability to be fair and
13 impartial here?

14 THE JUROR: No, sir.

15 THE COURT: Thank you, ma'am. Yes, ma'am?

16 THE JUROR: Number 81. In 1986, I remember it well
17 because I was pregnant, but I had to be a juror and it was
18 not guilty, and it was a lawsuit. They were suing for
19 someone not doing their work, completing work, to a church.
20 I was on magistrate court in 2003 and it was not guilty,
21 and it was like vehicle at a stop light.

22 THE COURT: All right. Would that affect your ability
23 to be fair and impartial?

24 THE JUROR: No.

25 THE COURT: Thank you so much. Yes, ma'am?

VOIR DIRE

1 THE JUROR: Juror number seven. The most recent was a
2 murder trial. I served on the jury, but what happened
3 there --

4 THE COURT: Was that in Lancaster County?

5 THE JUROR: Yes, sir. I don't remember the year but
6 it has been a few years back, it was a Hispanic, he had
7 pleaded not guilty but we went in the jury room and they
8 told us to wait and he changed his plea to guilty. So --

9 THE COURT: But you were actually picked and sworn in
10 to serve as a juror.

11 THE JUROR: Yes, sir.

12 THE COURT: It was here in Lancaster County several
13 years ago?

14 THE JUROR: Yes, sir.

15 THE COURT: Would that affect your ability to be fair
16 and impartial?

17 THE JUROR: No.

18 THE COURT: Thank you very much. Yes, ma'am.

19 THE JUROR: 132. I served on jury where a drug
20 possession, the boy didn't show up for court so they found
21 him guilty.

22 THE COURT: All right. Would that affect your ability
23 to be fair and impartial?

24 THE JUROR: No.

25 THE COURT: Thank you very much. Yes, ma'am.

VOIR DIRE

1 THE JUROR: 122. And it was traffic on a ticket and
2 it was thrown out.

3 THE COURT: You found a traffic ticket not guilty?

4 THE JUROR: Nobody couldn't agree on it.

5 THE COURT: I've got you. Would that affect your
6 ability to be fair and impartial?

7 THE JUROR: No, sir.

8 THE COURT: Thank you, ma'am. Yes, ma'am.

9 THE JUROR: I'm juror 113. I served on a murder trial
10 but I was chosen as an alternate and the guy that was
11 testifying on the stand had a heart attack and passed away
12 while we were -- so there was no verdict.

13 THE COURT: Was that up here in Lancaster County?

14 THE JUROR: Yes.

15 THE COURT: Would that affect your ability to be fair
16 and impartial?

17 THE JUROR: No.

18 THE COURT: Thank you, ma'am. Yes, sir?

19 THE JUROR: Municipal court, robbery, guilty in 2012.

20 THE COURT: Would that affect your ability to be fair
21 and impartial up here?

22 THE JUROR: 129.

23 THE COURT: Yes, sir, juror number?

24 THE JUROR: Number 102, Ramieri. This was back in the
25 early nineties in the Northern California, it was multicar

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1 accident and they were guilty.

2 THE COURT: Would that affect your ability to be fair
3 and impartial?

4 THE JUROR: No, sir.

5 THE COURT: Number 102, Mr. Ramieri. Yes, sir.

6 THE JUROR: Juror number 22. I served on a DUI case
7 five years ago.

8 THE COURT: What's your last name, sir?

9 THE JUROR: Cauthen.

10 THE COURT: Juror number 21. What kind of case was
11 it?

12 THE JUROR: DUI.

13 THE COURT: And what was the verdict, do you remember?

14 THE JUROR: Guilty.

15 THE COURT: Would that affect your ability to be a
16 fair and impartial juror in this case?

17 THE JUROR: No, it would not.

18 THE COURT: Thank you. Yes, ma'am?

19 THE JUROR: Juror number 125. Magistrate court,
20 several cases, one littering, one destruction of property,
21 and the other one was fraud.

22 THE COURT: Would that affect your ability to be fair
23 and impartial in magistrates court?

24 THE JUROR: No.

25 THE COURT: Thank you. Yes, sir?

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1 THE JUROR: Juror number 61. In 1996 I was an
2 alternate in a murder trial in Savannah, Georgia, it was
3 not guilty.

4 THE COURT: Would that affect your ability to be fair
5 and impartial?

6 THE JUROR: No, sir.

7 THE COURT: Thank you. Yes, sir?

8 THE JUROR: Forty-seven. It was small claims, civil
9 court, it was not guilty.

10 THE COURT: Would that affect your ability to be fair
11 and impartial?

12 THE JUROR: No.

13 THE COURT: Yes, ma'am.

14 THE JUROR: Barbara Watts.

15 THE COURT: Juror number 138. Yes, ma'am?

16 THE JUROR: Grand jury eight years ago.

17 THE COURT: You were on a grand jury?

18 THE JUROR: Yes, sir.

19 THE COURT: And how long ago were you on a grand jury?

20 THE JUROR: About eight years ago.

21 THE COURT: In Lancaster County?

22 THE JUROR: No, Columbia.

23 THE COURT: Would that affect you ability to be fair
24 and impartial?

25 THE JUROR: No.

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1 THE COURT: All right. Next question, is any member
2 of the jury panel now or at anytime in the past a member of
3 any organization or a contributor to or associated in any
4 way with any organization that promotes victims rights?
5 For example, MADD, Mother's Against Drunk Driving; SADD,
6 Sister Care, Citizens Against Sexual Assault, et cetera,
7 any group which has as its primary function the promotion
8 of law enforcement or victims rights. For example, South
9 Carolina Law Enforcement Association, Trooper's
10 Association, the stuff that you belong to to get a sticker
11 to try to get out of a speeding ticket, stuff like that.
12 Anybody a contributor to or a member of anything like that?
13 If so, please stand. All right. No response. Yes, ma'am?

14 THE JUROR: MADD.

15 THE COURT: You're a member of MADD. Juror number?

16 THE JUROR: Seven.

17 THE COURT: You are a contributor to?

18 THE JUROR: I'm a contributor.

19 THE COURT: Would that affect your ability to be a
20 fair and impartial juror?

21 THE JUROR: No, sir.

22 THE COURT: All right. Next question, is any member
23 of the jury panel, your family or close friend currently
24 serving or has served in the past as a law enforcement
25 officer at any level, either police department or county

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1 sheriff's department or any type of state law enforcement
2 division or even military police? So if a member of your
3 immediate family or you or a very close personal friend is
4 currently serving or has served in the past in such
5 capacity as a law enforcement officer, please stand. Yes,
6 ma'am, juror number?

7 THE JUROR: 133.

8 THE COURT: How does this apply to you?

9 THE JUROR: My brother.

10 THE COURT: Is a?

11 THE JUROR: He is a City of Gastonia, North Carolina
12 police officer, K-9 unit.

13 THE COURT: Would that affect your ability to be fair
14 and impartial?

15 THE JUROR: Not at all.

16 THE COURT: Thank you.

17 THE JUROR: Juror number one. Daughter-in-law was a
18 corrections officer for the Lancaster County Sheriff's
19 Department, she's no longer in that position. And a first
20 cousin is a department of corrections in Florida.

21 THE COURT: All right. Thank you, ma'am, you may be
22 seated. All right. Yes, ma'am?

23 THE JUROR: Forty-six. My cousin is a police officer
24 for Charlotte Mecklenburg County.

25 THE COURT: Would that affect your ability to be fair

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1 and impartial?

2 THE JUROR: No.

3 MR. LIFSEY: I'm sorry, I apologize, Judge. I
4 couldn't hear where she said the relative was?

5 THE COURT: Where?

6 THE JUROR: Charlotte Mecklenburg.

7 THE COURT: Yes, ma'am, juror number seven?

8 THE JUROR: Juror number seven. My brother's stepson
9 is a police officer, K-9 unit, Kershaw County.

10 THE COURT: Would that affect your ability to be fair
11 and impartial?

12 THE JUROR: No, sir.

13 THE COURT: Thank you. Yes, ma'am.

14 THE JUROR: Juror number 30. My brother-in-law was a
15 Gaston County sheriff's deputy.

16 THE COURT: Would that affect your ability to be fair
17 and impartial?

18 THE JUROR: No, sir.

19 THE COURT: Yes, ma'am?

20 THE JUROR: 104. My second cousin, he just retired
21 last year.

22 THE COURT: From Lancaster County?

23 THE JUROR: Yes, sir.

24 THE COURT: Would that affect your ability to be fair
25 and impartial?

VOIR DIRE

1 THE JUROR: No.

2 THE COURT: All right. Juror number 104. Yes, sir?

3 THE JUROR: Langley.

4 THE COURT: What's your last name?

5 THE JUROR: Langley.

6 THE COURT: That's juror number 76.

7 THE JUROR: My great uncle is a retired Lancaster
8 County deputy.

9 THE COURT: All right. Would that affect your ability
10 to be fair and impartial?

11 THE JUROR: No, sir.

12 THE COURT: Thank you. Yes, ma'am?

13 THE JUROR: I'm juror number 90. My uncle, one of my
14 cousins, couple of family friends that are New York City
15 police officers retired.

16 THE COURT: All right. Would that affect your ability
17 to be fair and impartial?

18 THE JUROR: No.

19 THE COURT: Thank you. Yes, ma'am?

20 THE JUROR: Juror number 125. My sister was a
21 corrections officer in Lancaster.

22 THE COURT: Would that affect your ability to be fair
23 and impartial?

24 THE JUROR: No, sir.

25 THE COURT: Is she retired?

VOIR DIRE

1 THE JUROR: Yes.

2 THE COURT: She's no longer working in that capacity?

3 THE JUROR: No.

4 THE COURT: Thank you. Yes, sir?

5 THE JUROR: Number 86. My father was a sheriff's
6 deputy in Lancaster, South Carolina.

7 THE COURT: Retired or no longer working there?

8 THE JUROR: No longer working there.

9 THE COURT: Would that affect your ability to be fair
10 and impartial?

11 THE JUROR: No.

12 THE COURT: Okay. Next question. Has any member of
13 the jury panel or your family or close friend ever worked
14 in any position for a prosecuting attorney like a district
15 attorney's office or a prosecuting agency or government
16 office which prosecutes crimes? If so, please stand.
17 Other than law enforcement. No response. Does any
18 member -- this is you, not your family or friends -- does
19 any member of the jury panel have any law enforcement or
20 legal training? If so, please stand. No response. Has
21 any member of the jury panel ever sought employment as a
22 law enforcement officer or a prison official? If so,
23 please stand. All right. No response. Here is the -- I'm
24 going to read the allegation in the indictment. Now,
25 ladies and gentlemen, if you're chosen to be on the trial

VOIR DIRE

1 jury I will tell you, the indictment is just a piece of
2 paper by which a case comes to court, it's just a
3 description of the charge made against somebody charged
4 with the crime. Of course, as you all know and as I will
5 make sure you know if you're chosen to be on the trial
6 jury, everyone is presumed innocent until proven guilty of
7 any crime charged, but I have to give you a basis upon
8 which I ask the next question okay. The allegation in
9 indictment 14-GS-29-47 is that -- this is the allegation --
10 that John Marion Ghent, Jr., did at [REDACTED] Home Place Lane in
11 Lancaster County on or about [REDACTED], 2013 feloniously,
12 willfully and of his malice aforethought kill and murder
13 Elaine Anne Ghent by stabbing her with a knife, and the
14 victim did die as a proximate cause thereof. That's the
15 charge of murder against the defendant. And, of course,
16 the possession of -- or display of a firearm or knife
17 follows that same description, okay? So that's what
18 allegedly happened, okay? Now, having said that, the next
19 question is does any member of the jury panel recall, even
20 vaguely, reading or hearing about this incident from any
21 media source? That could be social media such as Facebook,
22 Instagram, et cetera, TV news, print media, Internet media,
23 anything like that. If so, please stand. All right. Now,
24 I will go ahead and tell you jurors number one, that's Ms.
25 Adams, you may be seated. And juror number, 64, thank you,

VOIR DIRE

1 you may be seated. And in the back, what is your juror
2 number?

3 THE JUROR: 123.

4 THE COURT: Mr. Starnes, you may be seated as well.
5 All right. So everyone else who's remaining standing, I
6 don't want specifics, I just want you to tell me where you
7 heard about it. If we need to get specific we will. Okay.
8 So yes, ma'am, juror number?

9 THE JUROR: 133.

10 THE COURT: Okay.

11 THE JUROR: Vaguely the news. I don't remember too
12 much about it, I just remember hearing it in passing. We
13 had just moved here, so --

14 THE COURT: Would the fact that you may have heard
15 about this in the news affect your ability to be fair and
16 impartial?

17 THE JUROR: No.

18 THE COURT: Thank you, you may be seated.

19 THE JUROR: Juror 24?

20 THE COURT: Yes, sir.

21 THE JUROR: Heard it from store employees and the boss
22 man.

23 THE COURT: At the time that this allegedly occurred
24 were you still working in some capacity with this store or
25 whatever?

VOIR DIRE

1 THE JUROR: Right, yes, sir.

2 THE COURT: Would this affect your ability to be fair
3 and impartial?

4 THE JUROR: I don't guess so.

5 THE COURT: All right. Thank you, sir, just be
6 seated. That's juror number 24. Yes, ma'am, juror number?

7 THE JUROR: Lucas.

8 THE COURT: That's juror number 84. Yes, ma'am?

9 THE JUROR: Just friends and Facebook.

10 THE COURT: Friends and Facebook. All right. Would
11 that affect your ability to be fair and impartial?

12 THE JUROR: No, sir.

13 THE COURT: All right. Thank you. Yes, ma'am?

14 THE JUROR: Just the newspaper and Facebook.

15 THE COURT: Newspapers and Facebook. What's your
16 juror number?

17 THE JUROR: 122.

18 THE COURT: Would that affect your ability to be fair
19 and impartial?

20 THE JUROR: I don't think so.

21 THE COURT: All right. Thank you. All right. Yes,
22 sir?

23 THE JUROR: Seventy-six. Just social media.

24 THE COURT: Social media. That's juror number 76.

25 The fact that you may have heard about this alleged

VOIR DIRE

1 incident on social media mean that you cannot be fair and
2 impartial?

3 THE JUROR: No, sir.

4 THE COURT: Thank you, sir. Yes, ma'am?

5 THE JUROR: Through the news and newspaper, and the
6 family of Ms. Ghent used to come in my former work and my
7 mom's family is friends with the family and Ms. Ghent.

8 THE COURT: And ma'am, what is your juror number?

9 THE JUROR: Forty-four.

10 THE COURT: The fact that you disclosed that, would
11 that affect your ability to be fair and impartial?

12 THE JUROR: Yeah.

13 THE COURT: All right. Thank you, you may be seated,
14 that's juror 44. All right. Yes, ma'am?

15 THE JUROR: Juror number 85, in the newspaper and at
16 work.

17 THE COURT: All right. Would that affect your ability
18 to be fair and impartial?

19 THE JUROR: No.

20 THE JUROR: Juror number 51. At work and social
21 media.

22 THE COURT: Would that affect your ability to be fair
23 and impartial?

24 THE JUROR: No.

25 THE COURT: Thank you. Yes, sir?

VOIR DIRE

1 THE JUROR: Forty-seven. Lancaster News.

2 THE COURT: Would that affect your ability to be fair
3 and impartial?

4 THE JUROR: No.

5 THE COURT: All right. Thank you. Next question --
6 we're almost through -- has any member of the jury panel
7 already formed any opinion or feelings about this case?
8 And again, I don't know how you can, you don't know
9 anything about it but I have to ask the question. Has any
10 member of the jury panel already informed any opinion or
11 feelings about this case? If so, please stand and I'll
12 speak to you up here. All right. No response. Does any
13 member of the jury panel believe that a person arrested for
14 a crime has to prove themselves innocent, or that the person
15 must have done something because they were arrested? If
16 so, please stand. Lastly, does any member of the jury
17 panel have a religious, philosophical or moral reason why
18 he or she cannot be a fair and impartial juror in this case
19 unless you've already answered that? Any further voir dire
20 from the defense?

21 MR. LIFSEY: No, sir.

22 THE COURT: Any further voir dire from the State?

23 MS. COLLINS: None from the State.

24 (Break in proceedings.)

25 THE COURT: We will do two alternates, five and ten.

VOIR DIRE

1 THE CLERK: Juror 21, Arthur Cauthen. What say the
2 State?

3 MR. NEWMAN: Please present this juror.

4 THE CLERK: Defendant?

5 MR. LIFSEY: Please excuse this juror.

6 THE CLERK: Juror 101, Drewid Plyler. What say the
7 State?

8 MR. NEWMAN: Please present this juror.

9 THE CLERK: Defendant?

10 MR. LIFSEY: Please excuse this juror.

11 THE CLERK: Juror 113, Teri Sherrill. What say the
12 State?

13 MR. NEWMAN: Please present this juror.

14 THE CLERK: Defendant?

15 MR. LIFSEY: Please swear the juror.

16 THE CLERK: Juror 51, Amy Hatcher. What say the
17 State?

18 MR. NEWMAN: Please present this juror.

19 THE CLERK: Defendant?

20 MR. LIFSEY: Please excuse this juror.

21 THE CLERK: Juror 86, Edgar Mahaffey. What say the
22 State?

23 MR. NEWMAN: Please present this juror.

24 THE CLERK: Defendant?

25 MR. LIFSEY: Please, Judge, may I approach the bench?

VOIR DIRE

1 THE COURT: Yes, sir.

2 (A bench conference was held.)

3 THE COURT: Sir, you responded earlier, your dad was
4 formerly employed with the Lancaster County Sheriff's
5 Office?

6 THE JUROR: Yes, sir.

7 THE COURT: When did he retire or cease employment
8 there?

9 THE CLERK: Early eighties, late seventies.

10 THE COURT: Yes, sir?

11 MR. LIFSEY: Swear the juror.

12 THE CLERK: Juror 41, Norma Fesperman. What say the
13 State?

14 MR. NEWMAN: Please excuse this juror.

15 THE CLERK: Juror 47, William Gaston. What says the
16 State?

17 MR. NEWMAN: Please present this juror.

18 THE CLERK: Defendant?

19 MR. LIFSEY: Please excuse this juror.

20 THE CLERK: Juror 85, Angela Mackey. What say the
21 State?

22 MR. NEWMAN: Please present this juror.

23 THE CLERK: Defendant?

24 MR. LIFSEY: Please excuse this juror.

25 THE CLERK: Juror 30, Amanda Davis. What say the

VOIR DIRE

1 State?

2 MR. NEWMAN: Please present this juror.

3 THE CLERK: Defendant?

4 MR. LIFSEY: Please excuse this juror.

5 THE CLERK: Juror 138, Barbara Watts. What say the

6 State?

7 MR. NEWMAN: Please present this juror.

8 THE CLERK: Defendant?

9 MR. LIFSEY: Please swear the juror.

10 THE CLERK: Juror 122, Katherine Stacks. What say the

11 State?

12 MR. NEWMAN: Please present this juror.

13 THE CLERK: Defendant?

14 MR. LIFSEY: Please excuse this juror.

15 THE CLERK: Juror 47, Amanda Gamble. What say the

16 State?

17 MR. NEWMAN: Please present this juror.

18 THE CLERK: Defendant?

19 MR. LIFSEY: Please swear the juror.

20 THE CLERK: Juror 83, Marion Lowery. What say the

21 State?

22 MR. NEWMAN: Please present this juror.

23 THE CLERK: Defendant?

24 MR. LIFSEY: Please swear the juror.

25 THE CLERK: Juror 90, Kerry McCabe. What say the

VOIR DIRE

1 State?

2 MR. NEWMAN: Please present this juror.

3 THE CLERK: Defendant?

4 MR. LIFSEY: Please excuse this juror.

5 THE CLERK: Juror 133, Wendy Vandyke. What say the
6 State?

7 MR. NEWMAN: Please present this juror.

8 THE CLERK: Defendant?

9 MR. LIFSEY: Swear the juror.

10 THE CLERK: Juror 18, Julie Carter. What say the
11 State?

12 MR. NEWMAN: Please present this juror.

13 THE CLERK: Defendant?

14 MR. LIFSEY: Please swear the juror.

15 THE CLERK: Juror 84, Deborah Lucas. What say the
16 State?

17 MR. NEWMAN: Please present this juror.

18 THE CLERK: Defendant?

19 MR. LIFSEY: Please swear the juror.

20 THE CLERK: Juror 147, Christopher Witherspoon. What
21 say the State?

22 MR. NEWMAN: Please present this juror.

23 THE CLERK: Defendant?

24 MR. LIFSEY: Please swear the juror.

25 THE CLERK: Juror 49, Penny Harris. What say the

VOIR DIRE

1 State?

2 MR. NEWMAN: Please excuse this juror.

3 THE CLERK: Juror 129, Frank Thompson. What say the

4 State?

5 MS. COLLINS: I'm sorry, what was the number?

6 THE CLERK: 129.

7 MS. COLLINS: Thank you.

8 MR. NEWMAN: Please excuse this juror.

9 THE CLERK: Juror 119, Kimberly Sorensen. What say
10 the State?

11 MR. NEWMAN: Please present this juror.

12 THE CLERK: Defendant?

13 MR. LIFSEY: Please swear the juror.

14 THE CLERK: Juror 61, William Humphryes. What say the
15 State?

16 MR. NEWMAN: Please excuse this juror.

17 THE CLERK: Juror 121, Jimmy Stacks. What say the

18 State?

19 MR. NEWMAN: Please present this juror.

20 THE CLERK: Defendant?

21 MR. LIFSEY: Please swear the juror.

22 THE CLERK: Juror 142, Carol Williams. What says the
23 State?

24 MS. COLLINS: I'm so sorry, what was the number?

25 THE CLERK: 142.

VOIR DIRE

1 MR. NEWMAN: Please present this juror.

2 THE CLERK: Defendant?

3 MR. LIFSEY: Please excuse this juror.

4 THE CLERK: Juror 94, Marilyn Michau. What say the
5 State?

6 MR. NEWMAN: Please present this juror.

7 THE CLERK: Defendant?

8 MR. LIFSEY: Please swear the juror.

9 THE CLERK: Alternate one. Juror 145, Mary Willis.
10 What say the State?

11 MR. NEWMAN: Please present this juror.

12 THE CLERK: Defendant?

13 MR. LIFSEY: Please excuse this juror.

14 THE CLERK: Juror seven, Susan Bembridge. What say
15 the State?

16 MR. NEWMAN: Please present this juror.

17 THE CLERK: Defendant?

18 MR. LIFSEY: Please excuse this juror.

19 THE CLERK: Juror 97, Kenya Papillion. What say the
20 State?

21 MR. NEWMAN: Please present this juror.

22 THE CLERK: Any challenge for cause?

23 MR. LIFSEY: No, sir.

24 THE CLERK: Alternate two, juror 81, Kimberly Lloyd.
25 What say the State?

VOIR DIRE

1 MR. NEWMAN: Please present this juror.

2 THE CLERK: Defendant?

3 MR. LIFSEY: Please swear the juror.

4 THE COURT: All right. Any matters of law regarding
5 jury selection from the State?

6 MR. NEWMAN: None from the State, Your Honor.

7 THE COURT: Any matters of law?

8 MR. LIFSEY: No, sir.

9 THE COURT: All right.

10 (The remaining panel was excused.)

11 (Court resumed back in the courtroom.)

12 THE COURT: Anything else before we bring the jury in?

13 MR. NEWMAN: Nothing from the State.

14 THE COURT: Settled for sure on pictures or not?

15 MS. COLLINS: At this time we don't plan on presenting
16 any, if that changes we will address it.

17 MR. LIFSEY: And I may introduce one that they gave
18 me.

19 THE COURT: Okay. Let's bring in the jury.

20 (The jury returned to the courtroom.)

21 THE COURT: All members of the jury are present.
22 Madam Clerk, if you would please swear in the trial jury.

23 (At this time the jury was sworn.)

24 THE COURT: Thank you, ladies and gentlemen. Let me
25 speak to you just for a brief few moments before we

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1 actually start the trial to kind of give you an idea of
2 what to expect. You know, many people don't really have a
3 clue as to how a trial works and they don't have the
4 opportunity to participate in a trial as you are doing
5 right now being a trial jury, and of course, those people
6 tend to think what they see in the news or in movies or
7 read and TV are the way that trials always are. Now, while
8 sometimes trials may be full of high drama, riveting
9 circumstances and intense action, this trial is not for
10 entertainment. This trial is a fundamental part of our
11 democracy, a search for truth to make sure that justice is
12 done between the parties before the Court. You know, in
13 searching for truth and making sure that justice is done
14 can often times be a slow and deliberate process, the
15 opposite of what you may have come to expect from what you
16 see in the news all of the time or what you see in the
17 movies or on TV. Okay. Now ladies and gentlemen, this
18 courtroom is a place of honor dedicated to the preservation
19 and protection of citizen's rights through what many have
20 called the greatest justice system ever created. Now, the
21 attorneys who are appearing before you are advocates for
22 the parties they represent, the solicitors represent the
23 State of South Carolina, and of course, the defense lawyers
24 represent the defendant. But first and foremost, ladies
25 and gentlemen, they are officers of this court sworn to

OPENING STATEMENTS

1 uphold the integrity and fairness of our judicial system
2 and to help you in your search for the truth. You should
3 expect them, therefore, to be professional, competent and
4 ethical in the representation of their client's interest,
5 but remember, you've just taken an oath to try this case
6 and to reach a fair and just verdict, so you are also
7 expected to act that way. Thank you again, ladies and
8 gentlemen, for accepting this very important responsibility
9 of jury service and for your contribution today to our
10 justice system. But let me give you kind of an outline of
11 what you may expect and how a trial proceeds. Now, first
12 the State will make an opening statement to you. An
13 opening statement is not evidence, it's simply an outline
14 of the case to help you understand what the party expects
15 the evidence will show. Now, the defense can make an
16 opening statement if they want to but they don't have to
17 and I'll get into that later on. Now, following opening
18 statements you will then hear testimony from witnesses and
19 receive what's called evidence in the case. This will
20 consist of testimony from witnesses as well as any physical
21 exhibits which may be introduced into evidence. Now,
22 following the completion of testimony once the testimony
23 and evidence phase is over with, the attorneys again will
24 have an opportunity to speak directly to you by what's
25 called a closing statement, or summation to you. Now, a

OPENING STATEMENTS

1 closing statement is an opportunity for the lawyer -- it's
2 also called a closing argument, but it's an opportunity for
3 the lawyers to summarize what you've just heard from their
4 respective points of view. And again, just like opening
5 statements, these closing arguments are not evidence.
6 Remember, the evidence is what comes into evidence and what
7 the witnesses say. Okay. And that's your job, and I'll
8 get to that in a second. Following closing statements by
9 the lawyers that's when I will speak directly to you and
10 instruct you on the law of South Carolina as it pertains to
11 the issues which have arisen in this case, and when I've
12 completed my legal instructions to you, that is when you
13 will -- that is the first time you will be permitted to
14 begin your deliberations in order to reach a verdict. Now,
15 as you know, this is a criminal case that's been brought by
16 the State of South Carolina who has charged the defendant,
17 John Marion Ghent, Jr., with the crimes of murder and
18 possession or display of a firearm or a knife during the
19 commission of a violent crime. Now, the charges against
20 the defendant are contained in these indictments. These
21 indictments are not evidence of anything, these are simply
22 the written description of the charges that have been made
23 by the State against the defendant. Now, the defendant has
24 pled not guilty to these charges and is presumed innocent
25 unless and until proven guilty beyond a reasonable doubt.

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1 I will describe or define a reasonable doubt more in detail
2 at the end when I instruct you on the law, but I will tell
3 you at this point in time a reasonable doubt is the kind of
4 doubt that will cause a reasonable person to hesitate to
5 act. Now, a defendant has the right not to testify, and a
6 defendant never has to prove innocence or present any
7 evidence. The burden of proof is always upon the State of
8 South Carolina. Now, it's going to be your duty, ladies
9 and gentlemen, as jurors to decide from the evidence what
10 the facts are. You and you alone are the judges of the
11 facts. You judge the facts by listening to the evidence,
12 hearing it, looking at it, looking at the witnesses,
13 hearing the witnesses, hearing what they say, you decide
14 what happened, and then you apply those facts to the law
15 which I will instruct you on, and that's how you reach your
16 verdict. And in doing so, ladies and gentlemen, you must
17 follow the law whether you agree with it or not. And also,
18 please don't take anything that I may say or do during the
19 trial as indicating what you think I think of the evidence.
20 Okay. That's solely our job. You're the judge of the
21 facts, I'm the judge of the law. Okay. Now, just like
22 rules which govern sports and other activities, we have
23 certain rules of evidence which control what can come into
24 evidence. Now, when a lawyer asks a question or offers
25 something into evidence and the lawyer on the other side

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1 thinks that that's not permitted by the rules, that lawyer
2 may stand up and say, "Objection." Y'all have seen that
3 and you've read that, you know what I'm talking about. If
4 I overrule the objection, that means the question can be
5 answered or the thing can come into evidence. If I sustain
6 the objection, that means the question cannot be answered
7 or the thing cannot come into evidence. Now, whenever I
8 sustain an objection or sustain a motion to not admit
9 something into evidence, you must not speculate as to what
10 the answer would have been had the question been allowed to
11 have been answered or what the thing would have shown. The
12 reason we have these rules, ladies and gentlemen, is
13 because the rules of evidence are designed for you to get
14 the best evidence possible because you have to judge that
15 evidence and we want to make sure that you get the best
16 evidence possible. We're not trying to keep anything from
17 you, we just have those rules that all lawyers and all
18 courts use to make sure that you get the best evidence
19 possible. In that light there may be from time to time
20 when I'll have the lawyers come up here and speak with me
21 on the bench and talk about certain legal issues that we
22 have. Again, we're not trying to keep anything from you,
23 we're just trying to make sure that things go smoothly.
24 Also from time to time I may have you leave the courtroom
25 and go back to your chambers while we discuss certain legal

OPENING STATEMENTS

1 issues. I'll do this not -- I try not to do that very
2 often because it just disrupts the flow for you to get up
3 and go back and keep coming back and forth, but that's kind
4 of how we proceed when there's objections. Okay. Now, in
5 judging the facts, ladies and gentlemen, you're going to
6 have to decide -- one of the things you will have to decide
7 is the credibility of witnesses. What this means -- that
8 is also called the believability of witnesses. You may
9 have to decide which witnesses to believe and which
10 witnesses not to believe. You can believe everything a
11 witness says, some of it or none of it, that's your job as
12 a juror. Now, this is very important so listen very
13 carefully to me, you're not going to be allowed to take
14 notes during the trial. For this reason, please pay close
15 attention to what the witnesses testify to so that you may
16 be able to accurately discuss the facts when you begin to
17 start deliberating. Okay. In addition, you're not going
18 to have a written transcript of the trial to consult when
19 you're back there deliberating. It's very time consuming
20 and difficult for my court reporter, Mike, down there to
21 read back or go try to play back lengthy testimony, so
22 please pay close attention to the testimony as it is given,
23 because you're going to have to make your decision based on
24 the evidence presented. Okay. In line with what I just
25 said, until I advise you to begin deliberating the case or

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1 talking about it you must not and cannot discuss this case
2 with anyone, including your fellow jurors, friends, family
3 members, and anybody else involved in this case. Just like
4 I asked you during voir dire about news or media coverage,
5 you are not to go look up information about this case when
6 you leave this courtroom, because your verdict has to be
7 based solely on information received in this courtroom.
8 Okay. So don't get on Twitter, don't get on Facebook,
9 social media, don't fire up your computer when you get home
10 and google names and look up news articles and look up news
11 coverage of these proceedings, or look up TV coverage of
12 these proceedings, because if you do that you're violating
13 your oath as a juror to reach a fair and just verdict,
14 because you can't reach a fair and just verdict when you're
15 getting information that's not received in this courtroom
16 by the way of rules of evidence. Okay. So remember that,
17 that's very important, do not discuss this case with
18 anybody. And if anybody approaches you and wants to
19 discuss the case with you, the answer to that is, "Look,
20 Judge Gibbons told me I can't talk to you about it." If
21 they keep pressing tell me about it, let me know and I'll
22 take care of it, not a problem. So it's very important
23 lastly, ladies and gentlemen, that you keep an open mind.
24 Don't decide anything until you've heard everything,
25 including the closing arguments and especially until after

OPENING STATEMENTS

1 I've given you the law in this case. It is your solum
2 responsibility to determine the guilt or innocence of the
3 defendant and your verdict must be unanimous, that means
4 all 12 of you must agree to it, and it must be based solely
5 on the evidence in this courtroom received in this trial
6 and on the law as I instruct you at the close of the case.
7 We will now begin the trial. Thank you, again. Madam
8 Solicitor?

9 MS. COLLINS: Thank you, Your Honor. May it please
10 the Court? This is a case about two people in a room and
11 one knife. A man and a woman married, they had two
12 children together, had lived many years together as man and
13 wife, and a weapon that should never have been in that
14 room, a knife, a kitchen knife, a knife in the hand of John
15 Ghent, Jr. The evidence will show that on [REDACTED] of
16 2013 that one person left that room alive and one person
17 remained in that room deceased. One person went to the
18 hospital and one person went to the morgue. One person,
19 the defendant, John Ghent Jr., had superficial cuts to his
20 wrists where he claimed to have threatened suicide, and one
21 person, the victim, Elaine Ghent, had a fatal stab wound to
22 her chest causing her to lose so much blood that she died
23 within minutes. The defendant, John Ghent, Jr., is charged
24 with the murder of his wife, Elaine Ghent, during the early
25 morning hours of [REDACTED] 2013. He's also charged with

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1 possession or display of a knife during the commission of a
2 violent crime, that violent crime being murder. The
3 evidence will show that John and Elaine Ghent had been
4 having trouble in their marriage for some time, that for
5 the prior six to eight years before the fatal night, Elaine
6 was the sole person working and supporting the household,
7 and even though she was working many hours they still
8 required a lot of financial help from Elaine's father,
9 Roddey Ghent, who often helped with paying the rent and
10 buying groceries. And the evidence will show that through
11 the years Elaine had left John before, that her family had
12 helped her move out before, but that ultimately she would
13 reconcile with John and move back in with him. The
14 evidence in this case will show that during the final
15 months of her life Elaine had plans to leave the defendant,
16 that this time she was in a new relationship and that she
17 often stayed out at night after work, and that the
18 defendant was concerned about her leaving him. The
19 evidence will show on the late night hours of [REDACTED]
20 of 2013, that Elaine Ghent left work and spent some time
21 with Darren Mangum, a man she had been seeing for a few
22 months. The evidence will show Elaine left Darren at
23 approximately 2:44 a.m. the early morning of [REDACTED]
24 of 2013. The defendant and his wife lived in a mobile home
25 with their son, Jonathan, Jonathan's wife Nicole, and the

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1 two children of Jonathan and Nicole, a daughter, Raylee and
2 a young son, Trenton. Raylee usually slept in the bed with
3 the defendant and his wife. The evidence will show that
4 earlier in the evening the defendant told his son that
5 Raylee could not sleep with them that night. The evidence
6 will show that this was a change, a change in their usual
7 routine where Raylee would sleep with the defendant and the
8 victim, her grandparents. And around 4:00 a.m. on the
9 morning of 10/28 of 2013 the defendant made two phone
10 calls; one to his daughter, Tabitha, and one to his sister,
11 Betsy. In the voice mail he left his daughter he said he
12 was sorry, but he couldn't let her mama leave him. These
13 voice mails were not heard by his daughter and his sister
14 until later on [REDACTED] 2013. And the evidence will
15 show that the defendant, John Ghent, stabbed his wife,
16 Elaine, and after he stabbed her he didn't try to stop the
17 flow of blood, he didn't try to apply pressure to her
18 wound, he didn't cry out for help from his son and his
19 daughter-in-law who were just down the hall in this mobile
20 home, he didn't call for 911 to get help, he didn't put his
21 wife in the car that was there and start it with the car
22 keys that were there and rush her to the hospital. The
23 evidence will show that he did none of those things. It
24 will show that he stabbed her and he let her bleed to death
25 and he let her die. The evidence will show that at some

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1 point the defendant left a note on the bedroom door, you
2 will have that note, you will have a pictures as it was at
3 the scene when it was found by law enforcement, you will
4 have the note itself and we'll present an expert from SLED
5 to say that the handwriting on that note matches the
6 handwriting of the defendant. And in that note taped to
7 the bedroom door written in an all caps the defendant
8 wrote, "Don't let Raylee," the granddaughter, "come in."
9 And he wrote, "Sorry, hope you're happy now. And he wrote,
10 "Sell the house and split with sister." And the evidence
11 will show that when his son found him in the room with his
12 dead wife, the son became so upset at seeing his mother
13 covered in blood and deceased that his son began to beat up
14 the defendant, and the defendant admitted to his son that
15 he had stabbed his wife. And the evidence will show that
16 the defendant told the EMS attendant when she asked him for
17 medical purposes what happened to you, that his son beat
18 him up because he had killed his wife. And the evidence
19 will show that the defendant told Deputy Davey Hendrix, an
20 officer at the hospital when the defendant was taken there
21 for his superficial wounds to his wrists and his threat
22 that he'd taken an untold amount of pills, that he killed
23 his wife because she was going to leave him, that she loved
24 him but was not in love with him and so he killed her, that
25 she was staying our until three or four in the morning with

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1 girlfriends and not coming home. But he told the deputy he
2 tried to slit his wrists but that didn't work so he took
3 some pills and thought he would die but it didn't work, and
4 that his son drug him out of the bed and beat him. And the
5 son said, "Why did you do this to my mama?" And that he
6 said, "Because she was going to leave me." The evidence
7 will show that the defendant was alert and oriented times
8 three, he knew his whereabouts, he was alert to person,
9 place and time while he was in the hospital. He was
10 conscious, he was aware and that he made those statements
11 to Deputy Hendrix of his own free will. The evidence will
12 show when there was a shift change with the deputy to
13 continue to watch over the defendant, because he was in
14 custody at that time even though he was in the hospital,
15 that the defendant asked Deputy Richard Weiss if he could
16 please call his sister, that he wanted to get some under
17 garments and deodorant, and Deputy Weiss allowed him to
18 make that phone call, and that the defendant in the
19 presence of Deputy Weiss called his sister and made further
20 statements to her before asking for those under garments.
21 And that Deputy Weiss heard the defendant say to his sister
22 that he had killed his wife, that when she got home that
23 night a confrontation had begun and that he had begun to
24 stab her and that she had begged him to stop and that he'd
25 been thinking about it for three weeks. And that he then

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1 cut his own wrists, got on the bed next to his wife's body
2 and told her he would die with her. Ladies and gentlemen,
3 the evidence will show that the defendant killed his wife,
4 Elaine Ghent, with malice aforethought. His Honor will
5 instruct you as to the definition of malice at the end of
6 this case and as to other legal definitions that you will
7 apply in your deliberations, malice includes an evil
8 intent, and aforethought does not have to exist for any
9 particular period of time. It doesn't have to exist for
10 three weeks, although the defendant said he'd been thinking
11 about it for three weeks. It can exist the instant before
12 the fatal act, and His Honor will instruct you to the legal
13 definition that you will apply in your deliberations. The
14 State submits that the evidence will show that after he
15 stabbed his wife and allowed her to bleed to death without
16 any effort on his part to help her, we submit that he made
17 a half-hearted effort to kill himself and laid down beside
18 her on the bed, but he was much more effective at killing
19 Elaine than he was at killing himself. He lived. He lived
20 and she did not. He lived and the statements that he made
21 afterwards show that he killed her because he could not and
22 would not let her leave him. Ladies and gentlemen of the
23 jury, the evidence will show beyond any reasonable doubt
24 that the defendant killed his wife, Elaine Ghent, with
25 malice aforethought, that he murdered her and that he used

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1 and displayed a knife during that violent crime of murder,
2 which is a separate charge and a separate criminal offense.
3 Justice calls for one verdict, one verdict on both charges,
4 and that verdict is guilty. Thank you for leaving your
5 jobs and your homes and your families.

6 THE COURT: Thank you, Madam Solicitor. Mr. Lifsey?

7 MR. LIFSEY: Thank you, Your Honor. May it please the
8 Court?

9 THE COURT: Yes, sir.

10 MR. LIFSEY: Being a juror is not an easy job really
11 in any circumstances regardless of the charge, but it's
12 particularly difficult in a murder case, because murder is
13 different than other crimes that people get charged with.
14 Because murder requires you to delve and think about and
15 make judgments about not only what happened, but why they
16 happened and how they happened. The solicitor mentioned,
17 and the Judge will tell you at the end of this case, that
18 one of the things in order for there to be a conviction of
19 murder that they have to prove is malice aforethought.
20 Malice means evilness, it means wickedness, depraved heart,
21 he'll explain all of that to you. And before anyone can be
22 convicted of murder you've got to be convinced beyond a
23 reasonable doubt that that state of minds exists. So as
24 you go through this case, as you hear the evidence that's
25 presented, I want you to think about not only what happened

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1 but how it happened and why it happened. The reason I say
2 that is, look, this is not a who done it. Okay. My client
3 stabbed his wife, I mean that's not -- you're not here to
4 figure out -- I'm not going to point to some mysterious
5 third person. Okay. The issue is when you hear all of the
6 evidence did my client stab her with malice aforethought or
7 did he stab her under some other circumstances that the
8 Judge may tell you about. Okay. That doesn't mean he's
9 not guilty -- that doesn't mean he might not be guilty of
10 some culpable conduct, but the question y'all have to
11 decide for yourselves is does it amount to murder or was it
12 something else? Was it some crime of sudden poor decision
13 making? Is it some crime of passion without malice? Was
14 it some type of accident? Was it some type of misguided
15 suicide attempt that evolved into worse? I tell you all of
16 that because I want you to pay attention because I suspect
17 what the evidence will show is this is a one stab wound
18 case, not to say obviously that that doesn't result in
19 death. There's a lot of ways that one stab can happen, and
20 I want you to listen and pay close attention to not only
21 what happened but then the actions afterwards. And when
22 you listen -- and the solicitor mentioned you're probably
23 going to hear a recording of a voice mail that my client
24 left, ask yourself, does that sound like wickedness to you
25 or not, okay? So as I said, it's a difficult decision and

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1 it's a difficult thing we are asking you to do. Because we
2 ask you to do that, not only do we ask you to delve into
3 because it's a murder case why something happened and how
4 it happened, we also ask you to keep certain assumptions in
5 your head about this case that are really sort of not
6 natural. The Judge touched on them a bit but I want to
7 tell you about three things briefly that you have to keep
8 in mind that really don't come natural to most people. The
9 first is my client is presumed innocent. Now, on the one
10 hand you may say I have heard that phrase a million times
11 in my life, and of course it comes natural, but you know,
12 when you think about it, it really doesn't. If you picked
13 up the paper today and saw that someone is arrested or you
14 see the TV news and you see that someone is arrested, is
15 your reaction that person must be innocent? Because that's
16 sort of the mind frame, the mindset that you must have
17 right now. I know that's not easy to do but you have --
18 the way I explain it to people is imagine if that news
19 report was about a loved one of yours, someone you were
20 close to, someone you know could not have committed that
21 crime. Well, maybe in that case your mindset might be
22 "There must have been some sort of mistake, I know him, he
23 couldn't have done this." That's the mindset you must have
24 about my client, and that's hard to do, and I know it's not
25 easy but that's what you've sworn an oath to do. And if

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1 there's -- if at some point in the middle of this you think
2 you can't do that let the Judge know. Okay. But that's
3 what you've sworn to do. Presumed innocent is not just a
4 phrase, it means what it says. Secondly, the State has the
5 burden of proof. The Judge told you and will tell you
6 again, the defendant never has to prove his own innocence,
7 never has to prove anything happened the way he says it
8 happened, never has to prove anything, doesn't even have to
9 testify. The State has the burden of proof and you need to
10 keep that in mind if at the end of this case there are
11 questions about what happened in your mind because it's
12 their burden of proof to meet. Thirdly, and really most
13 importantly and our justice system is the idea that before
14 someone can be convicted of a crime, and I mean not only
15 murder but any other crimes that the Judge gives you to
16 consider at the end of this case, he has to be proven
17 guilty beyond a reasonable doubt. If there is any
18 reasonable doubt at the end of this case, you must resolve
19 that reasonable doubt in favor of my client. Once again,
20 that's not an easy thing to do in any circumstances, it's
21 particularly difficult in an emotional tragic case like a
22 murder charge. But once again, that's the oath each of you
23 swore and it's the job you've been tasked with. So please
24 pay attention to the evidence as it's presented at this
25 trial. Please listen carefully, observe carefully, and

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1 remember that my client is presumed innocent, that the
2 State has the burden of proof and that before he can be
3 convicted of anything at all they have to prove him guilty
4 beyond a reasonable doubt. Pay attention to all of that
5 evidence, try to set aside the emotions of it. And it is
6 going to be emotional, I'm sure it will be emotional
7 because murder cases are emotional, but your job is not to
8 decide based on emotion, your job is to decide based on
9 logic as instructed by the Judge. So please listen to all
10 of that and remember that your job is not as advocates for
11 anybody, but it's to make a determination as to what
12 happened and how it happened and why it happened, and make
13 that decision the only basis for your verdict in this case.
14 Thank you.

15 THE COURT: All right. Thank you, Mr. Lifsey. Is the
16 State ready to call its first witness?

17 MR. LIFSEY: State's first witness is Dr. Janice Pat
18 Ross.

19 The witness, JANICE ROSS, M.D., was first duly sworn
20 and testified as follows:

21 DIRECT EXAMINATION

22 BY MS. COLLINS:

23 Q Goods afternoon.

24 A Good afternoon.

25 Q Would you please state your name?

JANICE ROSS - DIRECT

1 A Janice Edwards Ross.

2 Q What is your occupation?

3 A I'm a forensic pathologist in Newberry, South
4 Carolina.

5 Q To be a forensic pathologist, do you have to be a
6 physician?

7 A Yes.

8 Q And can you please tell the jury about your education
9 and training to be not only a physician but also a forensic
10 pathologist?

11 A Yes. I have a Bachelor's Degree from the University
12 of South Carolina and a M.D. Doctorate of Medicine from
13 Upstate Medical Center in Syracuse, New York where I did
14 further training in pathology. The field of pathology as
15 opposed to surgery or pediatrics has to do with training
16 us to identify cancers and different diseases by looking
17 at issues under the microscope and by using the laboratory
18 in the hospital to identify diseases. A forensic
19 pathologist -- we also learned how to do an autopsy to
20 find the cause of death. A forensic pathologist does
21 further training in the area of legal matters such as
22 accidents, suicides, homicides, and even natural deaths
23 and rapes. We learned how to identify patterns of injury,
24 how to document such injuries for a court of law, how to
25 draw fluids for toxicology and other purposes of finding a

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1 cause of death, and then to determine a manner of death.

2 Q Are you licensed to practice medicine in South
3 Carolina?

4 A Yes.

5 Q And how long have you been so licensed?

6 A Since the fall of 1999.

7 Q Are you certified in a specialty of medicine?

8 A Yes. I am certified in three areas of pathology
9 including forensic pathology.

10 Q Have you ever been qualified to testify as an expert
11 witness in a court of law?

12 A Yes.

13 Q In what field?

14 A In forensic pathology.

15 Q And how many times have you testified as an expert in
16 court in that field?

17 A In South Carolina about 200 times.

18 Q How many autopsies have you performed during your
19 career, Dr. Ross?

20 A Close to 10,000.

21 MS. COLLINS: Your Honor, at this time the State would
22 offer Dr. Ross as an expert witness in the field of
23 forensic pathology?

24 THE COURT: Any further voir dire?

25 MR. LIFSEY: No, sir, Your Honor.

JANICE ROSS - DIRECT

1 THE COURT: So qualified. Ladies and gentlemen, I
2 have just qualified this witness as an expert in the field
3 of forensic pathology, what this means is that she can now
4 offer an opinion. Because normally when you testify a
5 witness has to testify about what they saw, heard or
6 smelled or something like that. However, when a witness by
7 training, education or otherwise meets the qualifications
8 to be deemed an expert, they may offer an opinion. Now,
9 just because an expert offers an opinion doesn't mean you
10 have to accept the opinion. You can take that opinion in
11 consideration with all of the other evidence received
12 during the trial and give it the weight and credibility you
13 believe it deserves. Okay.

14 MR. LIFSEY: Thank you, Judge.

15 Q Dr. Ross, did you perform a forensic autopsy on the
16 body of Elaine Ghent?

17 A Yes, I did.

18 Q What was the date and time of that autopsy?

19 A It was on October 29th, 2013 at 8:30 a.m.

20 Q What was Ms. Ghent's date of birth?

21 A We were given the date of birth of [REDACTED] 1959.

22 Q And therefore by calculation her age at the time of
23 death was 54; is that correct?

24 A Yes.

25 Q Did you have an estimate as to the date and time of

JANICE ROSS - DIRECT

1 her death?

2 A I was given by the coroner again that she was injured
3 on [REDACTED], 2013 at approximately 4:00 a.m.

4 Q What was Ms. Ghent's height and weight?

5 A We measured her at 68 inches in height, which is five
6 feet, eight inches. We don't have a scale in the morgue,
7 but we estimated her weight to be about 175 pounds.

8 Q So 68 inches, or 5 feet 8 inches?

9 A Correct.

10 Q And about 175 pounds?

11 A Correct.

12 Q You performed the autopsy at the request of the
13 Lancaster County Coroner's Office, correct?

14 A Correct.

15 Q And where was the autopsy performed?

16 A At the Newberry County Memorial Hospital Morgue.

17 Q Was the body of Elaine Ghent brought to you by the
18 staff of the Lancaster County Coroner's Office?

19 A Yes.

20 Q And did a member of law enforcement come to the
21 autopsy?

22 A Yes, an Investigator Taylor.

23 Q Ken Taylor with the Lancaster County Sheriff's
24 Department?

25 A Yes.

JANICE ROSS - DIRECT

1 Q How was the body of Mrs. Ghent clothed when you
2 received it?

3 A She had on a short sleeved white shirt that was
4 covered with blood and a pair of pajama bottoms.

5 Q Was the victim's clothing removed and given to law
6 enforcement as evidence?

7 A Yes.

8 Q At that time did you make observations during an
9 external examination of Mrs. Ghent's body?

10 A Yes. In the course of an autopsy we take photographs
11 outside and inside. But the -- externally we saw a stab
12 wound in the chest. We also saw some injuries on -- a
13 scratch wound on the back of her right hand and a cut on
14 her knuckle -- one of the knuckles of her left hand.

15 Q So there was one scratch wound on the back of her
16 right hand and one cut to the knuckle of the right hand?

17 A On the knuckle on the left hand, yes.

18 Q The cut on the knuckle of the left hand. Now, when
19 you received Mrs. Ghent's body, she had an extensive amount
20 of blood on her; is that correct?

21 A Yes.

22 Q When you as a doctor begin to examine her after doing
23 your initial observation and removing the clothing, do you
24 clean off the blood so you can observe the injuries without
25 them covering it up?

JANICE ROSS - DIRECT

1 A Yes.

2 Q You said that she had one stab wound?

3 A Yes.

4 Q The stab wound was located where?

5 A It was in the chest just to the left of the midline
6 about an inch and a half to the left of midline to the
7 middle of the body.

8 Q So the midline would be here in the middle of the
9 body?

10 A Correct, over the sternum, yes.

11 Q And when you say it's to the left, would it be left
12 from the victim's perspective?

13 A From the patient's left.

14 Q From the patient's perspective?

15 A Yes.

16 Q How close was that wound to the heart area?

17 A It was very close, but it went into what we call the
18 hilar area of the lung. The hilar of the lung is kind of
19 the central part where there's a connection of blood
20 vessels and airways to the lung tissue itself.

21 Q Now, the two wounds to the hand, you say there was one
22 scratch wound, I believe, to the back of the right hand and
23 one cut to the knuckle of the left hand; is that correct?

24 A Yes.

25 Q Now, those would not have resulted in an excessive

JANICE ROSS - DIRECT

1 amount of blood; is that true?

2 A Correct.

3 Q So the majority of the blood that you observed on the
4 victim would have come from the wound to her chest; is that
5 correct?

6 A Yes.

7 Q Did you measure how wide that wound was?

8 A Well, the length of the wound was .9 inches. It was
9 it's a single edged -- it was made by a single edged
10 knife, and it looked like it had a little bit of diversion
11 so that the knife may have been twisted a bit.

12 Q You've already stated that you would have washed off
13 the blood to see more clearly the condition of the body.
14 Did you observe any bruises to the body of Mrs. Ghent?

15 A Yes. There were two bruises on her I believe it was
16 left forearm, which were difficult to tell how old they
17 were, but they were on the forearm.

18 Q Was there a bruise near the chest area near where the
19 knife left its injury to the chest?

20 A Yes.

21 Q How close was that to the injury from the knife, that
22 bruise?

23 A It was a couple of inches away, it was up towards the
24 shoulder.

25 Q Did the victim have any other bruising on her that you

JANICE ROSS - DIRECT

1 recall?

2 A No.

3 Q Were you shown a knife by the law enforcement officer
4 at the autopsy?

5 A Yes.

6 Q While that box is being opened, you stated that the
7 width of the injury from the knife to the chest of Mrs.
8 Ghent was .9 inches; is that correct?

9 A It's the length of the wound.

10 Q The length of the wound. And you said it looked like
11 perhaps from the way the injury looked that the knife might
12 have been turned a little bit. Can you explain that?

13 A Yes. It's what we call a compound stab wound. The
14 knife goes in and then as it's taken out there may be a
15 little twist.

16 Q The knife that Detective Taylor showed you at the time
17 of the autopsy, did you have an opinion to a reasonable
18 degree of scientific certainty as to whether or not the
19 wound to the chest of Elaine Ghent was consistent with the
20 width of the blade of the knife shown to you at the
21 autopsy?

22 A Yes.

23 Q And is it consistent with the knife being the weapon
24 used to cause that wound to Elaine Ghent?

25 A Yes.

JANICE ROSS - DIRECT

1 Q I would like to show you what's been marked as State's
2 Exhibit 1 for the purposes of this proceeding, and ask you,
3 Dr. Ross, does that appear to you to be the knife that was
4 shown to you by Investigator Taylor at the autopsy of Mrs.
5 Ghent?

6 A Yes.

7 Q And looking at that knife there before you, again, do
8 you have an opinion to a reasonable degree of scientific
9 certainty as to whether or not the wound to the chest of
10 Elaine Ghent is consistent with the width of the blade of
11 the knife that's before you, State's Exhibit 1?

12 A Yes.

13 Q And what is that opinion?

14 A That it could be consistent with.

15 Q Thank you. After you made an external examination of
16 the body of Mrs. Ghent, did you then examine the wound in
17 terms of how it impacted the internal tissues and perhaps
18 organs of her body?

19 A Yes.

20 Q Can you tell us about that, please?

21 A It went into the upper lobe of the left lung and as I
22 said, some of the blood vessels going to it.

23 Q Is that a blood-rich area? In other words, is it
24 supplied -- greatly supplied with vessels, the lungs and
25 the lobes of lungs?

JANICE ROSS - DIRECT

1 A Yes, in that area. And when lung tissue gets cut
2 then it doesn't stop by itself, it has to be clamped off.

3 Q Could you determine whether or not the wound or cut
4 was straight in or at an angle?

5 A It appeared to be straight in from front to back.

6 Q In addition to cutting the upper lobe of -- was it her
7 left lung?

8 A Correct.

9 Q Were there any other injuries to any of her organs?

10 A No.

11 Q You stated earlier it was close to the heart area but
12 the heart itself was not cut; is that correct?

13 A That's correct.

14 Q But it did cut the lung, correct?

15 A Correct, yes.

16 Q Dr. Ross, how much blood was in the body cavity of
17 Mrs. Ghent when you examined her internally?

18 A Free blood in the chest cavity on the left was 1,000
19 CC's.

20 Q 1,000 CC's?

21 A Correct.

22 Q And that was within her abdominal or her body cavity?

23 A Within the left chest cavity.

24 Q How much blood normally would someone of the height
25 and weight of Mrs. Ghent's size have?

JANICE ROSS - DIRECT

1 A Again, it depends on the height and weight, but the
2 blood that she lost was at least one-third of her volume.

3 Q So you estimated that she had lost one-third of her
4 blood from this single stab wound?

5 A Yes.

6 Q And is that going by what was in her upper chest
7 cavity or would that also entail any blood that was there
8 at the scene on bed linens?

9 A That's included what's in the chest cavity, not
10 what's outside the chest cavity.

11 Q So it could have been more?

12 A Yes.

13 Q So the blood that was in the chest cavity was
14 approximately one-third of the victim's blood?

15 A Yes.

16 Q Dr. Ross, do you have an opinion to a reasonable
17 degree of medical certainty as to the cause of death of
18 Elaine Ghent?

19 A Yes.

20 Q What is that opinion?

21 A It was called exsanguination, which means to bleed
22 out due to the stab wound of the lung due to the stab
23 wound to the chest.

24 Q You prepared a report for the coroner's office
25 regarding your findings in the autopsy; is that correct?

JANICE ROSS - DIRECT

1 A Yes.

2 Q And in your report you noted that the victim in your
3 opinion would have died within minutes of this stab wound;
4 is that correct?

5 A Yes.

6 Q Would the victim have been able to move around for
7 some period of time after she received a stab wound of this
8 nature?

9 A Yes.

10 Q Approximately how long?

11 A Hard to say. She didn't have any bad heart disease
12 or anything to slow her down, she could have moved around
13 probably less than a minute.

14 Q And based upon your training and in your expert
15 opinion, approximately how many minutes would it have taken
16 Mrs. Ghent to die from the loss of blood from the stab
17 wound?

18 A It's hard to say, anywhere from four to six minutes.

19 Q Would that period have been longer if any efforts had
20 been made to stop the blood flow by compression of the
21 chest or other means?

22 A Probably not. You can't press against the wound and
23 the lung directly.

24 Q Are you aware if any efforts were made to stop the
25 blood flow of Mrs. Ghent after the stab wound?

JANICE ROSS - DIRECT

1 A I don't know.

2 MS. COLLINS: I would ask that these exhibits be
3 marked.

4 Q Dr. Ross, I would like to show you first of all what's
5 been marked as State's Exhibit 2 and ask you, do you
6 recognize that document?

7 A Yes, this is my autopsy report.

8 Q For the autopsy of Elaine Ghent?

9 A Correct.

10 Q It is a five page document; is that correct?

11 A Yes.

12 Q And is that a true and accurate copy of your original
13 report you prepared in this case?

14 A Yes.

15 MS. COLLINS: At this time I would move State's
16 Exhibit 2 into evidence.

17 MR. LIFSEY: Without objection.

18 THE COURT: Without objection introduced into
19 evidence.

20 (The autopsy report was received as State's 2.)

21 Q You have before you also State's Exhibit 3. Are you
22 familiar with that document?

23 A Yes, this is the toxicology report.

24 Q At the conclusion of your report you note that you
25 drew blood or bodily fluid samples to be submitted to

JANICE ROSS - DIRECT

1 determine through a toxicology analysis whether or not
2 there were any substances that might have contributed to
3 the death of Mrs. Ghent apart from the stab wound; is that
4 correct?

5 A Yes.

6 Q And you gave law enforcement the bodily fluids and
7 blood for that to be sent to SLED or another lab and to be
8 tested, correct?

9 A Yes.

10 Q And then ultimately they provided you with that lab
11 report, the toxicology report from SLED in State's Exhibit
12 3; is that right?

13 A Yes.

14 Q And when you received that, Dr. Ross, did you review
15 it?

16 A Yes.

17 Q The toxicology report there before you, did it affect
18 in any way your expert opinion that Mrs. Ghent's death was
19 caused by the loss of blood caused from the stab wound to
20 her chest which also cut her lung?

21 A No, it did not change anything.

22 Q In fact, I believe the toxicology report reflects that
23 she did not have any substances in her system other than
24 perhaps caffeine; is that correct?

25 A Yes.

JANICE ROSS - DIRECT

1 Q And did you rely upon that report in staying with your
2 original conclusion?

3 A Yes.

4 MS. COLLINS: At this time I move State's Exhibit 3
5 into evidence for the purposes of this trial.

6 MR. LIFSEY: No objection.

7 THE COURT: Without objection introduced.

8 (The toxicology report was received as State's 3.)

9 Q Dr. Ross, in your report, which you have a copy there
10 in front of you as State's Exhibit 2 in evidence, the
11 report indicates that the knife is consistent with the
12 injury to Mrs. Ghent's chest. Do you see that in your
13 report?

14 A Yes.

15 Q So on the bottom of page two it says, "A knife is
16 presented to this preceptor," am I saying that correctly?

17 A Correct.

18 Q -- "in the morgue and this knife is consistent with
19 having made this stab wound;" is that correct?

20 A Yes.

21 Q In your testimony earlier you said it could be
22 consistent so I just wanted to be clear, is it your opinion
23 to a reasonable degree of medical and scientific certainty
24 that the knife in State's Exhibit 1 is consistent with the
25 wound to the chest and lung area of the victim, Elaine

JANICE ROSS - CROSS

1 Ghent?

2 A Yes.

3 MS. COLLINS: Thank you. Thank you, Dr. Ross, please
4 answer any questions of the defense counsel.

5 THE COURT: Mr. Lifsey?

6 MR. LIFSEY: Thank you.

7 CROSS EXAMINATION

8 BY MR. LIFSEY:

9 Q Just briefly. May I look at the report -- your
10 autopsy report? Dr. Ross, I want to make sure -- I've
11 heard the term scratch wound, but the report says
12 examination of the upper extremities show a small incised
13 wound over the second knuckle of the left hand and a
14 superficial incised wound over the dorsal aspect of the
15 right hand. Could you show the jury where these would be
16 on --

17 A Yes. Wounds like this are made by a sharp instrument
18 as opposed to a laceration which is from being hit by a
19 blunt object. But the one on the right hand would be on
20 the back and the one on the -- let me make sure -- on the
21 left hand was over the second knuckle, say first finger,
22 second finger, it would be right here.

23 Q Are those wounds that certainly could have been caused
24 by this knife as well?

25 A It could be.

JANICE ROSS - CROSS

1 Q And you mentioned the secondary wound to the knife,
2 explain that again, what you mean by that.

3 A It's called a compound wound. You don't have a
4 straight stab wound on the sharp edge, it's a little bit
5 almost V-shaped. That's from putting the knife in one way
6 and then as you take it -- withdraw it, take it out you
7 kind of move it, twist it a little bit.

8 Q Would that also be consistent with either a struggle
9 or the body moving and shifting as the knife came out?

10 A It could, yes.

11 Q And just to clarify, there's no other wounds other
12 than you do see a little bit of bruising, correct?

13 A Correct.

14 Q But you see no other wounds to the body at all besides
15 what you just described.

16 A Correct.

17 Q And you say death would have occurred within minutes
18 as a result of this one wound.

19 A Yes.

20 Q And you also told the solicitor that any efforts to
21 try to stop the wound would probably not have worked
22 either, correct?

23 A Correct.

24 MR. LIFSEY: I don't have any further questions.

25 THE COURT: All right. Any redirect?

JANICE ROSS - CROSS

1 REDIRECT EXAMINATION

2 BY MS. COLLINS:

3 Q Dr. Ross, if you could, could you show us -- Mr.
4 Lifsey asked you in terms of the wounds to the hands. Let
5 me ask you first of all, how deep were those two cuts?

6 A Very, very superficial. Just -- on the back of the
7 right hand it was not even through the surface of the
8 skin, just like a scratch like you would get like running
9 through a briar patch. On the knuckle of the other hand
10 it was a cut through the skin so that it flapped over,
11 it's called a skin lesion.

12 Q When you received the body of the victim, as you've
13 stated, she had blood on her body, correct?

14 A Yes.

15 Q A large amount, correct?

16 A Yes.

17 Q Were her hands turned toward her chest, do you recall,
18 when you received her?

19 A You know, they -- she was placed in the body bag at
20 the scene and they could have placed her anywhere, but
21 when I opened the body bag they were up mostly towards her
22 shoulders.

23 Q How much blood would the superficial scratch to the
24 back of the right hand have resulted in?

25 A Very little.

JANICE ROSS - CROSS

1 Q And how much blood would the scratch to the knuckle of
2 the left hand have resulted in?

3 A Probably very little.

4 Q Can you demonstrate to the jury -- and you can stand
5 if you need to to make sure everybody can see you -- where
6 the wound was to the chest area just by -- if you could
7 just pointing? You've already said to the left of the
8 midline.

9 A Yes. It's right about here, above the level of the
10 nipple and left of the -- and close to the midline.

11 Q Now, Mr. Lifsey asked you if the turn of the knife
12 could be consistent with a struggle and you stated it could
13 be; is that right?

14 A Yes.

15 Q But the turning of the knife could also be consistent
16 with a perpetrator himself turning the knife, correct?

17 A Yes.

18 Q Without any struggle on the part of the victim; is
19 that right?

20 A Yes.

21 Q And where was the bruise in relation to what you've
22 indicated the cut was to the left of the midline in the
23 chest?

24 A Up towards the shoulder to the front of the shoulder.

25 Q Within a few inches of the cut?

JANICE ROSS - CROSS

1 A Yes.

2 MS. COLLINS: Thank you, Dr. Ross.

3 MR. LIFSEY: May I briefly --

4 THE COURT: Yeah.

5 RECROSS EXAMINATION

6 BY MR. LIFSEY:

7 Q It's not unusual for people to be moving around when
8 they're stabbed, correct?

9 A Yes.

10 MR. LIFSEY: Thank you.

11 THE COURT: All right. Thank you, Doctor, you may
12 step down and you are also free to leave. Can I see the
13 lawyers up here real quick?

14 (A bench conference was held.)

15 THE COURT: Ladies and gentlemen, I've been told by
16 the lawyers we have one more fairly short witness for
17 today, I would like to do that so we'll go a little bit
18 past 5:00 today. We'll get you out of here quickly and
19 then that would be less you have to do tomorrow. Okay.

20 MS. COLLINS: The next witness is, and the last
21 witness for today, is Dr. Jad Ghandour.

22 The witness, JAD GHANDOUR, M.D., was first duly sworn
23 and testified as follows:

24 DIRECT EXAMINATION

25 BY MS. COLLINS:

JAD GHANDOUR - DIRECT

1 Q Please tell us your name.

2 A Jad Ghandour.

3 Q Dr. Ghandour, what is your occupation?

4 A I am a hospitalist.

5 Q And how long have you been a physician?

6 A An attending physician for two and a half years.

7 Q Could you tell the jury about your education and
8 training to be an attending physician?

9 A I went to undergraduate at the University of Western
10 Ontario for my Bachelor's, medical school at Ross
11 University in Dominica. I did my internal medicine
12 training at University of Connecticut, and that was three
13 years. Now I'm an attending physician for the last two
14 and a half years at Springs Memorial Hospital.

15 Q And when you say attending physician, what does that
16 mean?

17 A That means I'm responsible for the patients care with
18 any trainee or medical students, that it is my
19 responsibility.

20 Q Were you working at Spring Memorial Hospital in
21 October of 2013?

22 A Yes, I was.

23 Q In that same capacity that you've described as an
24 attending physician?

25 A Yes.

JAD GHANDOUR - DIRECT

1 Q Were you, in fact, the treating physician for the
2 defendant, John Marion Ghent, Jr.?

3 A I was.

4 Q You were not the ER doctor; is that correct?

5 A Correct.

6 Q But once he left the ER and was admitted to a regular
7 room, were you his treating physician?

8 A I was.

9 Q And in being his treating physician, was one of the
10 things that you would do would be to review his ER chart
11 prior to you yourself performing any medical treatment or
12 care that he needed?

13 A Correct. I would review his chart and discuss over
14 the phone with the ER physician as well.

15 Q When Mr. Ghent was admitted to the hospital first in
16 the ER and then to a regular room, did he require any
17 medical treatment in regard to his wrists?

18 A He did not.

19 Q And by wrists I include the forearm area. Was any
20 medical treatment required in regard to that?

21 A No.

22 Q No stitches were required?

23 A No.

24 Q No medical treatment of any kind; is that right?

25 A Nothing.

JAD GHANDOUR - DIRECT

1 Q How were they referred to by medical personnel in the
2 report, do you recall?

3 A Yes. In the emergency department the nurse had
4 called it an abrasion. Also the nurses on the medical
5 floor, one of the nurses, had also called it an abrasion.

6 Q And what is an abrasion, Doctor?

7 A An abrasion is if you were to fall off from your
8 bicycle and land on some gravel or concrete, that type of
9 scuff would be like an abrasion.

10 Q So perhaps a scratch or some tear to the external skin
11 area but not actually a cut; is that correct?

12 A Correct.

13 Q According to the review of the ER report that you
14 received when he was seen in the ER, was he conscious and
15 alert?

16 A Yes. They had documented oriented times three.

17 Q And oriented times three in medical verbal is oriented
18 as to person, place and time; is that correct?

19 A You are correct.

20 Q Person that he knew who he was and that he knew y'all
21 were medical personnel?

22 A Correct.

23 Q That he knew he was in a medical --

24 MR. LIFSEY: I object to her leading the witness.

25 MS. COLLINS: I'll rephrase.

JAD GHANDOUR - DIRECT

1 THE COURT: All right.

2 Q What does times three mean, Doctor?

3 A Times three means alert to person, place and time.

4 Q And by place and time, I think we've covered person,
5 what does that address?

6 A Where he is and the time, not necessarily the exact
7 time but time of day, whether it was afternoon, morning,
8 night.

9 Q At any place within the ER notes does it indicate that
10 the defendant was confused in any way?

11 A No.

12 Q Or disoriented?

13 A No.

14 Q What time was he first seen in the emergency room on
15 10/28 of 2013?

16 A He presented at 8:49 a.m.

17 Q He was ultimately admitted to the hospital from the
18 ER; is that correct?

19 A Correct.

20 Q What time was he moved to a regular room from the ER?

21 A The last ER note was at 11:46.

22 Q And is that a.m.?

23 A A.m., yes.

24 Q On 10/28 of 2013?

25 A Correct.

JAD GHANDOUR - DIRECT

1 Q What date was the defendant discharged from the
2 hospital?

3 A October 30, 2013.

4 Q And he was discharged into the custody of law
5 enforcement?

6 A Correct.

7 Q When the defendant was initially seen in the ER upon
8 your review of notes, what was the pain scale he reported?

9 A According to the ER notes -- I would actually have to
10 check, I don't recall off the top of my head. I don't
11 recall that.

12 Q During the time that you treated him, do you recall
13 how he reported his pain scale at regular intervals to
14 medical personnel?

15 A Zero out of ten.

16 Q Zero being no pain?

17 A Correct.

18 Q On the ER notes the initial assessment indicates that
19 the patient took some pills, is that right, or some
20 medicine; is that correct?

21 A That's correct.

22 Q An unknown amount; is that correct?

23 A Correct.

24 Q What were the types of medicine indicated that he
25 stated he had taken some meds?

JAD GHANDOUR - DIRECT

1 A He stated to me that he had taken Lisinopril Norvasc,
2 and Pristiq. Two of those are blood pressure medications,
3 one is an antidepressant.

4 Q When you reviewed his ER report when you became his
5 physician when he was put into a regular room, when he was
6 triaged in the ER, did his vital signs reflect that he was
7 at any risk of fatality?

8 A Yes.

9 Q What were his vital signs, do you recall?

10 A His blood pressure in the emergency department was 70
11 over 50.

12 Q And what if any treatment did he receive at that time
13 to address that?

14 A He received a liter of fluid to help increase his
15 blood pressure, and also dopamine, which is a vasopressor
16 that helps artificially elevate blood pressure.

17 Q That would have been to counteract the reduction of
18 his blood pressure from any medicine he may have taken?

19 A Correct.

20 Q Were you aware that he normally was on high blood
21 pressure medicine himself? Is that something he reported?

22 A Yes.

23 Q So some of that medicine would normally be taken
24 anyway as prescribed to reduce his blood pressure, correct?

25 A That's correct.

JAD GHANDOUR - DIRECT

1 Q Was a urine drug screen analysis done?

2 A Yes, it was.

3 Q Did those results address an overdose on these three
4 meds?

5 A It does not.

6 Q So y'all would have had to screen specifically for
7 these three medications for that to be reflected in that
8 analysis; is that correct?

9 A I don't even know if there are tests to pick up those
10 medications, it would be incredibly rare to send those
11 pills.

12 Q Referring to the medical records that you have there,
13 during the time that you saw him, was there ever a time
14 when the defendant appeared to be disoriented in any way or
15 was he at each time alert and oriented times three?

16 A Each time I examined him he was awake, alert and
17 oriented times three.

18 Q You were his physician on 10/29 of 2013?

19 A Correct.

20 Q Again on 10/30 of 2013?

21 A Correct.

22 Q You were his discharging physician?

23 A I was.

24 Q Do you work a long shift?

25 A Yes, I do.

JAD GHANDOUR - DIRECT

1 Q What hours do you work?

2 A I work 12 hour days from 7:00 a.m. to 7:00 p.m.

3 Q So you would have seen him several times over a 12
4 hour shift on 10/29 of 2013; is that correct?

5 A Correct.

6 Q And at anytime was he during that day disoriented in
7 any way?

8 A He was not.

9 Q In the course of treating him, do you ask him
10 questions?

11 A Yes.

12 Q Was he able to respond to your questions?

13 A Yes, he was.

14 Q He did not exhibit any confusion?

15 A None.

16 MS. COLLINS: Thank you, Doctor. Please answer any
17 questions of Mr. Lifsey.

18 CROSS EXAMINATION

19 BY MR. LIFSEY:

20 Q Dr. Ghandour, just to summarize what you told the
21 solicitor then, your records indicate that my client
22 presented at the hospital with wounds to his wrist,
23 correct?

24 A Correct.

25 Q With having taken some quantity greater than the

JAD GHANDOUR - DIRECT

1 normal amount of pills, correct?

2 A Correct.

3 Q You said he was at risk of fatality.

4 A Yes.

5 MS. COLLINS: Thank you. I don't have any further
6 questions.

7 THE COURT: All right. Thank you, sir, you can step,
8 you are also free to leave.

9 MS. COLLINS: Thank you, Judge, thank you, Doctor.
10 Your Honor, that would be our last witness today.

11 THE COURT: All right. Thank you. Ladies and
12 gentlemen of the jury, we're going to go ahead and recess
13 for the day. Let me give you a specific instruction about
14 what you're supposed to do and your oath again when you
15 leave this courthouse, okay? You are not to do any
16 independent research on the case. You are not to go
17 research names, go on Google and type in things, go on
18 social media or Facebook or any type of Twitter, any
19 type -- you know what I'm talking about and advertise
20 yourselves as being a trial juror, okay? Believe me, it's
21 happened and it ruins trials. Remember, you're sworn to
22 judge this case as the jury on information presented in
23 this courtroom and this courtroom alone, not what's in the
24 media, not what may be on TV, not what may be in the
25 newspaper, okay? You are to read no news accounts of this

1 as this trial is going on nor are you to watch any news
2 accounts of it. If you're at home watching the news the
3 best thing to do this week is don't not watch the news. If
4 you were watching the news or something if you hear it in
5 the background, just turn it off or walk outside of the
6 room, okay? Remember, you're under your oath to do that
7 and act accordingly, okay? We'll see you in the morning, I
8 want you in your jury room tomorrow morning at 9:30. Have
9 y'all got an early witness or what?

10 MS. COLLINS: We have a brief matter, it's very brief
11 in another case that will take place sharply at 9:30.

12 THE COURT: Let's say 10:00. Y'all can do what you
13 need to do at home or at work or whatever, be here ready to
14 work at 10:00 and we will go from there, okay? Thank you
15 so much, have a wonderful evening, we'll see you in the
16 morning.

17 (The jury left the courtroom.)

18 THE COURT: Anything else?

19 MS. COLLINS: Not at this time.

20 THE COURT: All right. We're in recess, see you in
21 the morning.

22 (Trial recessed for the evening and resumed at 10:00
23 A.m., on Tuesday, March 15, 2015.)

24 THE COURT: Anything before we bring the jury in?

25 MS. COLLINS: Yes, Your Honor, we have a few matters

1 for the Court before we bring the jury in.

2 THE COURT: Okay.

3 MS. COLLINS: Judge, yesterday the defense asked if
4 there had been any variation or additions to any prior
5 statements of witnesses. And I did forget until I was
6 reviewing my notes last night and I shared this information
7 with Mr. Lifsey and I will put this on the record at this
8 time, that Jonathan Ghent, the son of the defendant, in
9 addition to the statement he already made to law
10 enforcement, has told us that some time prior to the son
11 going to jail for child support -- so Mr. Lifsey, that
12 would have been a little over six months before this
13 incident -- that his mother, the victim, had made a
14 statement or a request to the defendant in Jonathan's
15 presence that the defendant move out of the home and the
16 defendants' response was to the affect of one of us will
17 die before that happens. That would be the only other
18 addition in addition to as I stated the curse word that he
19 had not included in his initial statement in terms of the
20 defendant saying -- when Jonathan said as he was beating
21 him up what did you do and the defendant's response was I
22 fucking stabbed her is my understanding of what the
23 testimony would be, a direct quote of the defendant by the
24 son, Jonathan. We do have one other matter, I don't know
25 if you want to address that.

1 THE COURT: All right. Mr. Lifsey, anything else on
2 that then?

3 MR. LIFSEY: Well, not from the standpoint of
4 disclosure, I understand -- I accept the solicitor's
5 disclosure. I reserve the right to object to it on the
6 grounds it may be offered in the trial.

7 THE COURT: Sure. Lets go ahead and revisit the issue
8 while I'm thinking about it on the 609A remoteness of a
9 fraudulent check conviction and a breach of trust
10 conviction. I revisited that issue as well and I'm going
11 to reverse my previous advisory ruling because the issue
12 wasn't really ripe yet, I just told you my gut was to let
13 it in, I'm not going to let that in, I think that would
14 make a cleaner record anyway. I don't know what difference
15 that would make.

16 MS. COLLINS: And Judge, I think Mr. Newman and I had
17 made the decision we weren't going to ask about that, too.

18 THE COURT: Okay. We will go back to that, Mr.
19 Lifsey, you were speaking.

20 MR. LIFSEY: Yes, sir. Judge, we've gone back and
21 forth a little bit about pictures and what pictures may or
22 may not be used. I will tell you that I don't know for
23 sure if I'm going to use them, there are four pictures that
24 I've shown -- well, the solicitor gave them to me actually,
25 I will be glad to hand up to the Court if there's an

1 argument about them that I may use during my cross
2 examination of various witnesses, and I don't know whether
3 the solicitor made a final determination for sure on
4 pictures. I would just like the ability to object if I
5 believe it would be prejudicial, so --

6 THE COURT: All right. Solicitor, do you plan on
7 introducing other photos because he's opening the door?

8 MS. COLLINS: Well, at this time I don't think this
9 would be -- I don't think Mr. Lifsey has an objection to
10 three that we intend to introduce. One is the note -- a
11 picture of a note as it was taped to the outside of the
12 bedroom door regarding not letting the granddaughter come
13 in. And also two pictures from the bedroom, one from a
14 little bit of a distance and one closer where you can see
15 where the knife was in proximity to some bedroom slippers
16 that were on the side of the bed that was farthest away
17 from the master bathroom. I don't think there's any
18 objection to those.

19 MR. LIFSEY: I don't think those pictures are
20 objectionable.

21 THE COURT: Okay.

22 MS. COLLINS: In response to Mr. Lifsey's proposed
23 admission of pictures regarding his client, Your Honor, we
24 would just take the position that they're calculated to
25 arouse or inflame the passions of the jury, and if those

1 pictures are allowed we would submit that we should be
2 allowed one photograph of the victim in the condition she
3 was in at the scene, we which recognize is potentially very
4 inflammatory to the jury. We would not normally even
5 tender or offer that, but if it's Mr. Lifsey's intent to
6 offer that of his client I think in all fairness the jury
7 should be allowed to see one photograph of the victim in
8 the state she was in when law enforcement arrived.

9 THE COURT: All right. Who would you be offering -- I
10 haven't looked at the photo. Who would be offering those
11 photos through?

12 MR. LIFSEY: Probably the EMS worker and/or the
13 officers who are alleged to have heard the statements my
14 client made in the ambulance.

15 THE COURT: Okay.

16 MR. LIFSEY: May I --

17 THE COURT: Yeah. I'm going to look at them, but go
18 ahead.

19 MR. LIFSEY: With all due respect, I don't think it's
20 an opening the door issue. I think the issue is probative
21 versus prejudicial, I think that's the only thing that
22 matters with any picture that comes in. My -- I believe --
23 and I'll be glad -- let me just hand it up so you're
24 looking at them.

25 THE COURT: Yeah, let me look at them. Ms. Collins,

1 go ahead and hand me up the picture that the State would
2 seek to introduce if I allow these in.

3 MS. COLLINS: There are two pictures.

4 THE COURT: So the State would seek coming in in the
5 event that the Court were to allow these four in?

6 MS. COLLINS: That's correct, Your Honor.

7 THE COURT: Okay. All right. Mr. Lifsey, I'm
8 listening.

9 MR. LIFSEY: I think the issue is probative versus
10 prejudicial. What is the probative value of any picture
11 that is intended to be introduced versus the prejudicial
12 effect? The probative value of the pictures that I intend
13 to introduce are as to his physical condition at the time
14 he is alleged to have given the statement. I'm not
15 introducing it to get anybody to feel sorry for him, but
16 the solicitor has already elicited testimony from medical
17 doctors as to his medical condition and pretrial hearing
18 from the EMS worker as to his physical and mental condition
19 and I think the jury ought to be allowed to view a picture
20 of what he looked like at the time that he is alleged to
21 have made these statements. I also think there's probative
22 value since the solicitor has repeatedly -- or excuse me,
23 that's probably not the fair way to put it -- the solicitor
24 has elicited testimony that the cuts to my client's wrists
25 were abrasions and has minimized the significance of those

1 to the jury, that I think the jury being able to see
2 pictures of those wounds to his wrists are probative of the
3 issues at play. Now, I want to turn to the solicitor's two
4 pictures. I see no probative value at all to what the
5 solicitor intends to introduce. There's no question that
6 the victim is dead, I've not contested cause of death.
7 I've not contested -- we've not contested that my client
8 was involved and stabbed the victim in this case. So I
9 don't see any probative value at all to the two pictures
10 the solicitor intends to introduce. And to the extent
11 there is any probative value at all it's outweighed by the
12 prejudicial effect of the jury seeing two graphic pictures
13 of a bloody body. So I think the way to look at this
14 intellectually is each picture on its own merits, is there
15 probative value versus the prejudicial value as required by
16 the rules.

17 THE COURT: Okay. Coming back to you, Ms. Collins.

18 MS. COLLINS: Your Honor, there was testimony by Dr.
19 Ross in terms that the victim had two very minor wounds to
20 her hands, one on the back of the right hand and one to the
21 knuckle to her left -- one of the fingers on her left hand.
22 It's our belief that the defendant may try to infer that
23 there was a struggle for the knife and because her hand was
24 cut that it made -- it made her slip to such an extent that
25 her arm -- her hand on his arm slipped, as I asked Dr. Ross

1 how much blood would those two minor wounds to her hands
2 have caused and she said not very much at all. The purpose
3 then of the picture would be to show as she described she
4 received the body of the victim as it had been placed in
5 the body bag that the victim was on her back with her hands
6 raised up. The picture should show -- and if it doesn't I
7 might need to hand up a better one that reflects this --
8 that -- I was trying to do some that had the least amount
9 of blood -- but should show that her two hands are curled
10 toward her chest, which again with the -- well, up toward
11 her face but in front of her chest, not where they were
12 separate and apart, but closer to the wound, the chest
13 wound which was bleeding large amounts of blood so to
14 counteract any argument in that regard, and it might be
15 that it's more appropriate in reply if the defendant
16 chooses to testify. But I would submit to that extent it
17 would be probative of the position of the body and the
18 amount of blood on the hands and what could have been the
19 source of that blood. I would also submit that the
20 pictures that we would tend to offer also are probative in
21 terms of the defendant having these wounds self-inflicted
22 is our understanding to his arms. And as Mr. Lifsey said,
23 he's not challenging cause of death and we're not
24 challenging or trying to infer that the victim in any way
25 made these scratches on the defendant's arms, but be that

1 as it may, to show that while there is some dry blood on
2 the pictures from the cuts to the defendant's wrists and
3 forearms, that that is not reflected on his side of the
4 bed, that his side of the bed is basically devoid of any
5 blood other than one large spot about the size it looks of
6 a quarter on his side of the bed on the edge of the bed in
7 comparison of that around the victim's body.

8 THE COURT: Okay. Anything further, Mr. Lifsey?

9 MR. LIFSEY: No, sir.

10 THE COURT: All right. In looking at the photographs
11 I find that under a 403 analysis two of the photographs
12 that the defense would offer would be more probative than
13 prejudicial based on what you're talking about. Rather
14 than allowing in all four I will allow in two of them, and
15 I've pulled out the two I would allow based upon your
16 theory -- or your client's theory, one showing the
17 handcuffs, because I understand the issue that you
18 presented about whether there was a custodial interrogation
19 or not, that would -- and that it shows the abrasions or
20 the cuts, okay? And the other one would be the close-up
21 showing his condition, those two, I think, could come in.
22 The other two I think are irrelevant and duplicative, so
23 I'm not going to allow those two in, these two I would
24 allow in. I'm not going to allow in these pictures that
25 the State offers, I would find they would be too

1 inflammatory. Okay. That's what we'll do.

2 MR. LIFSEY: Just to clarify --

3 THE COURT: So these are the ones that can come in,
4 these are the ones that won't come in.

5 MR. LIFSEY: Could I have them just for identification
6 purposes marked at this point.

7 THE COURT: Those are the two that I would let in.

8 MR. LIFSEY: I would have them marked for
9 identification purposes, and reserving the right whether I
10 actually --

11 THE COURT: You can go ahead and proffer these for the
12 record, proffer them as three and four or whatever, and
13 those are the ones that I have excluded. Madam Solicitor,
14 you can as well proffer those for the record for purposes
15 as the ones I did not allow.

16 MR. LIFSEY: Judge, as to three and four just to avoid
17 confusion I will leave them up here maybe with the clerk
18 right now since they are not going to come into evidence.

19 MS. COLLINS: And Judge, I would ask then these be
20 marked as State's proffer 1 and 2 then.

21 THE COURT: Right. That way Mr. Lifsey's are
22 defendant's proffered 3 and 4, that way all proffered
23 exhibits will be in numerical order, just as long as the
24 record is clear. I think now that we're talking about it
25 the record is clear what the intention of the Court is.

1 MS. COLLINS: Your Honor, one other matter. We just
2 spoke with Mr. Lifsey in this regard, we have a 911 tape --
3 actually we have two that were made by Tressa Howle, the
4 victim's sister, when she came to the scene and found her
5 sister having died. And rather than play it -- we met with
6 Ms. Howle last night and rather than play it while she's up
7 on the stand and she has, understandably so, a very
8 emotional reaction to hearing herself at that time, and we
9 played it for her last night, she identified it, Michael
10 Bailey, we would ask to put him up just for that purpose
11 and subject to recall, that he received it from Chris
12 Nunnery of 911, got it from the 911 system, but we were
13 going to play it without Ms. Howle up there. She will come
14 up and testify after that, but I think it would be much
15 less distracting to the jury if she is able to quell her
16 emotions to the extent she's able to from the audience
17 rather than up there front and center up there.

18 MR. LIFSEY: I don't have any objection to that method
19 of presentation. I would ask one thing, the solicitor
20 talked about calling Investigator Bailey solely for that
21 purpose, I do have other questions related to this case I
22 wish to ask Investigator Bailey, I will withhold that if
23 you're telling me you will call him later on in your case.

24 MS. COLLINS: We're definitely going to call him later
25 on as the case agent.

TABITHA REYNOLDS - DIRECT

1 THE COURT: All right. Everybody is understood.
2 Anything else?

3 MS. COLLINS: No, sir.

4 (The jury returned to the courtroom.)

5 THE COURT: All right. All members of the jury are
6 present. Good morning, ladies and gentlemen, I hope you
7 had a nice evening last night, we will jump right into it
8 this morning. Madam Solicitor?

9 MS. COLLINS: Thank you, Your Honor. May it please
10 the Court? Your Honor, the next witness for the State of
11 South Carolina is Tabitha Reynolds.

12 The witness, TABITHA REYNOLDS, was first duly sworn
13 and testified as follows:

14 DIRECT EXAMINATION

15 BY MS. COLLINS:

16 Q Would you please state your name?

17 A Tabitha Reynolds.

18 Q What is your maiden name?

19 A Tabitha Ghent.

20 Q You are married as of this time, correct?

21 A Yes, ma'am.

22 Q And what is your husband's name?

23 A Mike.

24 Q When did y'all get married, Mrs. Reynolds?

25 A 2003.

TABITHA REYNOLDS - DIRECT

- 1 Q Do you have children?
- 2 A Yes.
- 3 Q How many?
- 4 A Two.
- 5 Q And what are their ages?
- 6 A Sixteen and two.
- 7 Q What are their names?
- 8 A Madison and Hunter.
- 9 Q Is the two year old Hunter?
- 10 A Yes.
- 11 Q They're both little girls?
- 12 A Yes, ma'am.
- 13 Q What was your relationship to the victim, Elaine
- 14 Ghent?
- 15 A That was my mother.
- 16 Q And what is your relationship to the defendant, John
- 17 Ghent?
- 18 A My father.
- 19 Q Did he go by a nickname?
- 20 A Butch.
- 21 Q You said that Hunter is two. When was Hunter born?
- 22 A [REDACTED] of 2013.
- 23 Q So you had just had Hunter about ten days before this
- 24 happened?
- 25 A Yes, ma'am.

TABITHA REYNOLDS - DIRECT

1 Q Can you tell us how the relationship of your mother
2 and father had changed in recent years before October of
3 2013?

4 A I really don't know.

5 Q How would you describe their relationship in October
6 of 2013?

7 A She was ready to leave.

8 Q Was Elaine Ghent working in October of 2013?

9 A Yes, ma'am.

10 Q She worked at Lloyds Store; is that correct?

11 A Yes, ma'am.

12 Q Was the defendant working at that time?

13 A No, ma'am.

14 Q How long had it been approximately since your dad had
15 worked?

16 A Ten years or more.

17 Q Your mother was supporting the household?

18 A Yes, ma'am.

19 Q To your knowledge, did your mom also need some
20 financial help from her dad?

21 A Yes, ma'am.

22 Q Is your grandfather Mr. Roddey Ghent?

23 A Yes, ma'am.

24 Q You said that your mom had plans to leave the
25 defendant?

TABITHA REYNOLDS - DIRECT

- 1 A Yes, ma'am.
- 2 Q Had she told that to you?
- 3 A No, ma'am.
- 4 Q But you knew that to be the case?
- 5 A Yes, ma'am.
- 6 Q Do you know if your mom was looking for a place to
7 live?
- 8 A No, ma'am, I don't think so.
- 9 Q Do you know if your mom had asked your dad to move
10 out?
- 11 A Yes, ma'am.
- 12 Q And had your dad moved out?
- 13 A No.
- 14 Q Tabitha, when did you last see your mother alive?
- 15 A The Friday before.
- 16 Q Where was that?
- 17 A She come to my house.
- 18 Q She came to visit with you and the baby?
- 19 A Yes, ma'am.
- 20 Q When did you last speak with your mom on the phone or
21 otherwise?
- 22 A Saturday.
- 23 Q And that was the Saturday before she died?
- 24 A Yes, ma'am.
- 25 Q Was she working at the time you talked to her at

TABITHA REYNOLDS - DIRECT

- 1 Lloyds?
- 2 A Yes, ma'am.
- 3 Q I want to direct your attention to the evening of
- 4 [REDACTED], 2013. Okay. You were home at that time,
- 5 correct?
- 6 A Yes, ma'am.
- 7 Q With your baby, Hunter?
- 8 A Yes, ma'am.
- 9 Q Was your other daughter home too?
- 10 A Yes, ma'am.
- 11 Q Madison?
- 12 A Yes, ma'am.
- 13 Q Was Mike home that evening, your husband?
- 14 A Yes, ma'am.
- 15 Q Do you remember about what time you went to bed?
- 16 A Probably 9:00 or 10:00.
- 17 Q Now, [REDACTED] is your father's birthday; is that
- 18 right?
- 19 A Yes, ma'am.
- 20 Q Had you spoken to him because of his birthday?
- 21 A No, ma'am.
- 22 Q You had not?
- 23 A No, ma'am.
- 24 Q When you went to bed about 9:00 or 10:00, when did you
- 25 wake up?

TABITHA REYNOLDS - DIRECT

- 1 A It was about 3:30 to feed the baby.
- 2 Q About 3:30 the morning of [REDACTED]?
- 3 A Yes, ma'am.
- 4 Q And after you fed your newborn, did you then go back
- 5 to sleep?
- 6 A Yes, ma'am.
- 7 Q And what time did you wake up after that?
- 8 A About 7:00.
- 9 Q And when you woke up at 7:00 a.m. did you notice any
- 10 messages on your phone?
- 11 A Yes, ma'am.
- 12 Q And what message did you notice?
- 13 A A message he had left me.
- 14 Q You said he had left you, who is that?
- 15 A My father.
- 16 Q Did you listen to that message?
- 17 A Yes, ma'am.
- 18 Q Was it a voice mail?
- 19 A Yes, ma'am.
- 20 Q Did you make that voice mail available to law
- 21 enforcement to make a copy of?
- 22 A Yes, ma'am.
- 23 Q Did you listen to that recording in our office again
- 24 last night and make your initials on it?
- 25 A Yes, ma'am.

TABITHA REYNOLDS - DIRECT

1 Q I will show you, Tabitha, what's marked as State's
2 Exhibit 4, and ask you to look at the disc contained in
3 that envelope. There are initials on that disc; is that
4 right?

5 A Yes, ma'am.

6 Q Is that your handwriting?

7 A Yes, ma'am.

8 Q You dated that yesterday and initialed it yesterday?

9 A Yes, ma'am.

10 Q And when you initialed it yesterday, was it to confirm
11 that that was a full and complete unedited copy of the
12 recording of the voice mail your father left on your phone?

13 A Yes, ma'am.

14 MS. COLLINS: Your Honor, at this time we would move
15 that into evidence and ask to publish it to the jury.

16 MR. LIFSEY: Without objection.

17 THE COURT: Without objection introduced into
18 evidence. Permission to publish granted.

19 (The disc was received as State's 4.)

20 Q Thank you. While the solicitor is pulling that up let
21 me ask you, Tabitha, what type of phone do you have?

22 A A Galaxy S5.

23 Q So it's a smart phone?

24 A Yes, ma'am.

25 Q And does it reflect on the screen the date and time

TABITHA REYNOLDS - DIRECT

1 you received that voice mail?

2 A Yes, ma'am.

3 Q You said you listened to it at 7:00 a.m. Do you
4 recall the time that it was left on your phone?

5 A I believe it was 4:00.

6 Q In the morning?

7 A Yes, ma'am.

8 Q On 10/28 of 2013?

9 A Yes, ma'am.

10 (At this time the voice message was played.)

11 Q Tabitha, we will have our investigator go get Mr.
12 Newman's laptop that it was played on last night so
13 hopefully it won't skip. But while we do that let me ask
14 you, you woke up at 7:00 a.m. and you saw you had a message
15 on your phone, right?

16 A Yes, ma'am.

17 Q And you listened to it at that time; is that right?

18 A Yes, ma'am.

19 Q Was anybody else in the household around when you
20 heard it for the first time?

21 A No, ma'am.

22 Q What did you do after you heard it, Tabitha?

23 A I woke my husband up.

24 Q And when you woke Mike up, what did you tell him?

25 A To listen to the message.

TABITHA REYNOLDS - DIRECT

- 1 Q And did he listen to it?
- 2 A Yes, ma'am.
- 3 Q And as a result of listening to that message, what did
- 4 your husband do?
- 5 A He got up and said he was going over there.
- 6 Q To check on your mother?
- 7 A Yes, ma'am.
- 8 Q And your father?
- 9 A Yes, ma'am.
- 10 Q Now again, you had just had Hunter, I think, ten or 11
- 11 days before, correct?
- 12 A Yes, ma'am.
- 13 Q So you did not go over there, correct?
- 14 A No, ma'am.
- 15 Q You stayed home with your baby, right?
- 16 A Yes, ma'am.
- 17 Q And you stayed home with Madison, your daughter,
- 18 right?
- 19 A Yes, ma'am.
- 20 Q You did not go over to your parent's household at all
- 21 that day; is that correct?
- 22 A No, ma'am.
- 23 Q But you later spoke with law enforcement and made them
- 24 aware of this recording, right?
- 25 A Yes, ma'am.

TABITHA REYNOLDS - DIRECT

1 Q And allowed them to make a copy.

2 A Yes, ma'am.

3 MS. COLLINS: Judge, I made Mr. Lifsey aware, those
4 will be all the questions I would have of Mr. Reynolds
5 apart from playing it, and I understand he would like to
6 wait until it has played.

7 THE COURT: That's fine. Ladies and gentlemen of the
8 jury, this isn't an unusual thing with the sound system and
9 stuff, sometimes it always works. It's kind of like
10 practicing for a play or a musical or something, everything
11 goes fine until the audience is actually there and then
12 something goes wrong, so it's not unusual for audio visual
13 equipment to malfunction, I'm sure that's what it is.

14 (Break in proceedings.)

15 MS. COLLINS: Your Honor, may we ask -- can we send
16 the jury to the jury room while we work it out?

17 THE COURT: Yeah, we'll work out to the details. Head
18 on back to the jury room, don't talk about the case, head
19 on back there, we'll get the bugs worked out.

20 (The jury left the courtroom and a break was taken.)

21 (The jury return to the courtroom.)

22 THE COURT: All members of the jury are present.
23 Ladies and gentlemen, I believe they have it fixed, or they
24 did before the break.

25 MS. COLLINS: Thank you, Your Honor.

TABITHA REYNOLDS - DIRECT

1 THE COURT: You may publish.

2 (The recording was played.)

3 BY MS. COLLINS:

4 Q And Tabitha, the voice that we all heard just now, the
5 recording, the voice that left the voice mail on your phone
6 on 10/28 of 2013 at approximately 4:00 in the morning was
7 the voice of your father, the defendant; is that right?

8 A Yes, ma'am.

9 MS. COLLINS: Thank you.

10 THE COURT: All right. Mr. Lifsey?

11 MR. LIFSEY: Just a couple of brief things.

12 CROSS EXAMINATION

13 BY MR. LIFSEY:

14 Q Had your father talked to you in the weeks leading up
15 to this about him thinking about killing himself?

16 A Yes, sir.

17 Q And obviously the day this happened you got there well
18 after the incident itself, correct?

19 A I didn't go.

20 Q You didn't go at all to the scene?

21 A No.

22 Q Okay.

23 MR. LIFSEY: Thank you. I don't have anything else to
24 ask.

25 MS. COLLINS: No further questions.

MIKE REYNOLDS - DIRECT

1 THE COURT: All right. Thank you, ma'am, you may
2 stand down. You can call your next witness.

3 MR. NEWMAN: State calls Mike Reynolds.

4 The witness, MIKE REYNOLDS, was first duly sworn and
5 testified as follows:

6 DIRECT EXAMINATION

7 BY MR. NEWMAN:

8 Q Please state your name for the record.

9 A Michael Reynolds.

10 Q Mr. Reynolds, what is your relationship to Elaine and
11 Butch Ghent?

12 A That's my mother-in-law and father-in-law.

13 Q And do you know -- well, John Ghent, do you know John
14 as Butch?

15 A Uh-huh.

16 Q So you're married to Elaine and Butch's daughter,
17 Tabitha?

18 A Yes, sir.

19 Q How long have y'all been married?

20 A Thirteen years.

21 Q And y'all got children together?

22 A Yes, sir.

23 Q How long have you known John and Elaine?

24 A About the same amount of time.

25 Q Have you ever known John to work?

MIKE REYNOLDS - DIRECT

- 1 A A long time ago.
- 2 Q About how long ago?
- 3 A Over ten years.
- 4 Q How often did you see your in-laws?
- 5 A I seen Elaine probably once a week, and Butch
- 6 probably once a month.
- 7 Q And y'all had a new baby at home at this time?
- 8 A Yes, sir.
- 9 Q How old was that child? On [REDACTED] when this
- 10 occurred how old was the baby?
- 11 A Not even a month old.
- 12 Q Now, did you go over to your in-law's home on [REDACTED]
- 13 [REDACTED]?
- 14 A That morning.
- 15 Q Okay. And was that address [REDACTED] Home Place?
- 16 A Yes, sir.
- 17 Q And is that in Lancaster County?
- 18 A Yes, sir.
- 19 Q Why did you go over to the home?
- 20 A Because of the voice mail I heard.
- 21 Q So y'all woke up, Tabitha hears a voice mail and she
- 22 hands it to you, is that what happened?
- 23 A Yes, sir.
- 24 Q Did Tabitha go?
- 25 A No, sir.

MIKE REYNOLDS - DIRECT

- 1 Q She stayed with the baby?
- 2 A Yes, sir.
- 3 Q Did you take anybody with you?
- 4 A Her grandfather, Roddey.
- 5 Q Did you meet anybody there?
- 6 A Tressa.
- 7 Q What did you do when you got there?
- 8 A We tried to knock on the door to get somebody to come
- 9 to the door, finally got somebody to come to one of the
- 10 doors.
- 11 Q Who got there first, you and Roddey or Tressa?
- 12 A I think we got there about the same time.
- 13 Q You say you knocked on the door, how long did you have
- 14 to knock on the door?
- 15 A Not but a couple of minutes.
- 16 Q Who came to the door?
- 17 A Tressa got I think it was Jonathan's wife to come to
- 18 the door.
- 19 Q Jonathan is Tabitha's brother?
- 20 A Yes, sir.
- 21 Q And John's son.
- 22 A Uh-huh.
- 23 Q And Elaine's son.
- 24 A Yes, sir.
- 25 Q And Jonathan and his wife lived in the home?

MIKE REYNOLDS - DIRECT

1 A Yes, sir.

2 Q Who else lived in the home?

3 A Just them two and Butch and Elaine.

4 Q Did Jonathan and Nicole have children?

5 A Yes, sir.

6 Q Did they live in the home too?

7 A Yes, sir.

8 Q How many children lived in the home?

9 A I think -- I'm not sure, I think it was two at the
10 time.

11 Q Okay. Tell us what happened when Jonathan came to the
12 door.

13 A We went to the bedroom, Jonathan had to force the
14 door open, he went in there and Elaine was laying there
15 and Butch was laying in front of her, Jonathan grabbed
16 Butch. I went in there, I checked Elaine's pulse and
17 looked to see where she was stabbed at.

18 Q Now, Jonathan forced the bedroom door open?

19 A Yes, sir.

20 Q Did he kick it open?

21 A I'm not sure if he kicked it, he just had to push it
22 open.

23 Q He just had to push it open. Were you standing back
24 or were you standing right with him? Could you see what
25 was in the room?

MIKE REYNOLDS - DIRECT

1 A I was right behind him running in.

2 Q Did you see -- before he pulls John off of Elaine, did

3 you see what position they were in?

4 A Yes, sir.

5 Q What position were they in?

6 A Like this right here, he was facing her.

7 Q Okay. So if I'm walking into the bedroom, is her --

8 is Elaine's back to me or is John's back to me?

9 A John's back.

10 Q So Elaine is facing the door, facing John.

11 A Yes, sir.

12 Q And you checked Elaine for a pulse?

13 A Yes, sir.

14 Q And what did you find?

15 A Nothing.

16 Q Was she cold to the touch?

17 A Yes, sir.

18 Q Was she -- had she already begun to get stiff?

19 A Yes, sir.

20 Q What happened with Jonathan and Butch at that time?

21 A Jonathan took Butch into the kitchen and I was still

22 in there for another minute, I finally went in there and

23 Butch was trying to get up and I put my foot on him and

24 told him, "Don't get up, you're going to rot in hell for

25 this." And then I looked for Rod and then I went outside

MIKE REYNOLDS - DIRECT

1 to check on Rod and standing there the rest of the time.

2 Q Was Rod sick at the time?

3 A Yes, sir.

4 Q Did you try to stop Jonathan from fighting his dad?

5 A I told him he needed to stop, don't stoop to his
6 level.

7 Q And during the fight before they finished -- before
8 they finished fighting you went out to check on Roddey?

9 A Yes, sir.

10 Q And was Tressa still in the house?

11 A Yes, sir.

12 MR. NEWMAN: Beg the Court's indulgence.

13 (Break in proceedings.)

14 Q Now, when you checked Elaine for a pulse, did you move
15 her at all?

16 A No, sir.

17 Q When Jonathan pulled Butch off of Elaine, did Elaine
18 move -- did the body move at that time?

19 A No, sir.

20 Q Now, we talked about how they were positioned and
21 Elaine's back was facing the wall and -- her back was to
22 the wall and she was facing Butch, Butch's back was to the
23 door. Were their heads at the head of the bed or the foot
24 of the bed?

25 A Foot of the bed.

MIKE REYNOLDS - DIRECT

1 Q Okay. But they were both face to face in the bed.

2 A Uh-huh.

3 MR. NEWMAN: I've got no further questions. Please
4 answer anything Mr. Lifsey has.

5 THE COURT: Mr. Lifsey?

6 MR. LIFSEY: I don't think I have any questions for
7 this witness.

8 THE COURT: Thank you, sir, you can step down. You
9 can call your next witness.

10 MR. NEWMAN: State calls Roddey Ghent.

11 The witness, RODDEY GHENT, was first duly sworn and
12 testified as follows:

13 DIRECT EXAMINATION

14 BY MR. NEWMAN:

15 Q Will you state your name for the record?

16 A My name is Roddey B. Ghent.

17 Q And Mr. Ghent, what's your relationship to Elaine and
18 John?

19 A Elaine was my dear daughter.

20 Q Is she your youngest daughter?

21 A Oldest daughter, first born.

22 Q First born.

23 A Yes, sir.

24 Q So Mr. Ghent, just to clear up any confusion, Elaine
25 was a Ghent when she was born but she was also a Ghent by

RODDEY GHENT - DIRECT

1 marriage, she married Butch Ghent. Is there any
2 relationship between Butch's Ghents and your Ghents?

3 A No, sir, there's no relationship. The common saying
4 is he was born on the other side of the railroad tracks
5 and I was on that side.

6 Q I understand. How long have you known John?

7 A I've known John for 17 or 18 years, it might be 20,
8 I'm not really sure. I've known Butch for a long time.

9 Q In that time you have known him to work?

10 MR. LIFSEY: I object as to the relevance of this line
11 of questioning.

12 MR. NEWMAN: I think we've covered it with other
13 witnesses, Your Honor.

14 THE COURT: Okay.

15 Q How often did you see John and Elaine?

16 A I saw him quite frequently. Elaine was at my house
17 just about everyday. Elaine was my right arm. Of course,
18 my other daughter is too, but she was Johnny on the spot.
19 If I needed Elaine she was there.

20 Q And you were there for her as well, correct?

21 A Amen, yes, sir.

22 Q Did John and Elaine own the property at [REDACTED] Home
23 Place?

24 A They had a mortgage on it which I was paying the
25 mortgage, I paid better than \$13,000 for them in the last

RODDEY GHENT - DIRECT

1 five or ten years. I also -- the car that my daughter
2 owned or my daughter drove was mine, and I paid the
3 insurance, I done the maintenance on the car, everything
4 that she needed, new tires or whatever. I was always
5 there for Elaine because Elaine was always there for me.
6 She was a doll baby.

7 Q Mr. Ghent, you went to your daughter's home on [REDACTED]
8 [REDACTED].

9 A Yes, sir, I did.

10 Q Did you go in the home?

11 A Yes, sir, I did.

12 Q Did you go into the bedroom?

13 A Yes, sir, I did. I went in and I caught ahold of her
14 hands, they were ice cold. I have heart trouble and I
15 have cancer and I was almost passed out so I went back out
16 the door and passed out in the chair outside.

17 Q So you didn't see any altercation between John and
18 Jonathan?

19 A No.

20 Q Now, when you touched her hand, did you move the body
21 at all?

22 A No, sir. Her arm was stiff, it was as if she was
23 praying, her hands.

24 Q When you left that home that day did you leave on your
25 own?

RODDEY GHENT - DIRECT

1 A No, sir. I was transported to Springs Memorial
2 Hospital.

3 Q How long did you stay in the hospital?

4 A I stayed approximately 15 hours.

5 MR. NEWMAN: Beg the Court's indulgence.

6 THE COURT: Yes, sir.

7 (Break in proceedings.)

8 Q Mr. Ghent, I may have misspoke on the address. The
9 address is [REDACTED] Home Place?

10 A That's correct, sir.

11 Q Okay.

12 MR. NEWMAN: No further questions, please answer
13 anything Mr. Lifsey may have.

14 MR. LIFSEY: Your Honor, I don't have any questions
15 for Mr. Ghent.

16 THE COURT: Thank you, sir, you may step down. The
17 State can call its next witness.

18 MR. LIFSEY: Your Honor, at this time the State calls
19 Investigator Mike Bailey. We call him for the limited
20 purpose of putting in the 911 call subject to recalling him
21 in full later.

22 The witness, MICHAEL BAILEY, was first duly sworn and
23 testified as follows:

24 DIRECT EXAMINATION

25

RODDEY GHENT - DIRECT

1 BY MS. COLLINS:

2 Q Please state your name.

3 A Michael Bailey.

4 Q What is your occupation?

5 A Investigator with the Lancaster County Sheriff's
6 Office.

7 Q And how long have you been with the Lancaster County
8 Sheriff's Department?

9 A About seven years.

10 Q How long have you been an investigator?

11 A Three and a half years.

12 Q Were you assigned as an investigator to operate as the
13 case agent in this case?

14 A I was.

15 Q And as such did you ensure that copies of relevant
16 calls such as the 911 calls were obtained for this trial?

17 A I did.

18 Q Did you provide copies of those 911 calls to our
19 office?

20 A Yes, ma'am.

21 Q And they are full and complete unedited copies of the
22 two 911 calls made in this case by Tressa Howle to 911; is
23 that correct?

24 A Yes, ma'am.

25 Q And those were secured from Chris Nunnery who is the

MICHAEL BAILEY - DIRECT

1 911 director; is that right?

2 A Correct.

3 Q And to the best of your knowledge, is this a disc with
4 those two 911 calls on it?

5 A Yes, ma'am.

6 MS. COLLINS: Your Honor, at this time I move State's
7 Exhibit 5 into evidence and ask to publish that for the
8 jury.

9 MR. LIFSEY: Without objection.

10 THE COURT: Without objection admitted into evidence
11 and permission to publish is granted.

12 (The 911 disc was received as State's 5.)

13 (At this time the 911 call was played.)

14 THE COURT: Thank you, Mr. Bailey. Please answer any
15 questions of Mr. Lifsey.

16 MR. LIFSEY: Your Honor, as to the 911 issue I don't
17 have any questions for Investigator Bailey. I reserve the
18 right to cross examine him when he's called back.

19 THE COURT: Okay. Thank you, sir, you can step down.
20 The State can call its next went.

21 MR. NEWMAN: State calls Tressa Howle.

22 The witness, TRESSA HOWLE, was first duly sworn and
23 testified as follows:

24 DIRECT EXAMINATION

25 BY MR. NEWMAN:

MICHAEL BAILEY - DIRECT

1 Q Would you please state your name for the record?

2 A Tressa Howle.

3 Q You'll have to speak up a little bit because the court
4 reporter is going to have to hear you so if you need to
5 pull the mike to you you can.

6 A Tressa Howle.

7 Q Now Tressa, was that you on the 911 call?

8 A Yes, sir.

9 Q I know that was hard to hear. And Elaine is your
10 sister, correct?

11 A Yes, sir.

12 Q How long have you known John?

13 A Since she was dating him back in the seventies.

14 Q How often did you see John and Elaine?

15 A I seen my sister about everyday, but -- we called him
16 Butch, he didn't come around that often.

17 Q Now, this was in 2013 in October. Earlier that year
18 was Elaine involved in a car accident?

19 A Yes, sir.

20 Q Do you know how long before her death that was?

21 A It was in June.

22 Q Okay. Was she injured in that car accident?

23 A Yes, sir.

24 Q What happened to her?

25 A She had some cuts and bruises on her legs and she

TRESSA HOWLE - DIRECT

1 broke her nose.

2 Q Did you see a change in your sister after that car
3 wreck?

4 A Yes, sir.

5 Q How so?

6 A She just started acting like she cared more about
7 herself than she used to. She started taking care of
8 herself, and she lost some weight and colored her hair and
9 started acting like she was actually happy for the first
10 time in a long time.

11 Q Do you have knowledge of your sister's efforts to
12 either leave John or ask him to leave home?

13 A Yes, sir.

14 Q Tell us about that.

15 A She had told me she told to him to leave --

16 MR. LIFSEY: I object to that as hearsay.

17 MR. NEWMAN: Your Honor, may we side bar?

18 THE COURT: Yeah, y'all come up here.

19 (A bench conference was held.)

20 THE COURT: Objection noted, objection overruled.

21 Repeat your question, Solicitor.

22 BY MR. NEWMAN:

23 Q Do you have knowledge of your sister's efforts to
24 either have John leave the home, or Butch leave the home,
25 or for her to leave the home?

TRESSA HOWLE - DIRECT

1 A Yes, sir. She had asked him to leave because daddy
2 had been paying the mortgage for 12 years and so she told
3 him she wanted him to leave and he said he wouldn't leave.

4 Q Okay. Had she ever left Butch before?

5 A Yes, sir.

6 Q How many times?

7 A I know of four.

8 Q Did you ever help her move?

9 A Yes, sir. I lived out of town and she would call me
10 and tell me she needed to get out and I would get the
11 money out of my account and come down and try to find her
12 a place to stay, but he would always find out where she
13 stayed at and come back.

14 Q So she would go back to him?

15 A Uh-huh.

16 Q Did you go to your sister's home on [REDACTED] of
17 2013?

18 A Yes, sir.

19 Q Did you go there by yourself?

20 A Yes, sir.

21 Q And what prompted you to go?

22 A My mama called and said that my dad and Michael was
23 on their way over there, that Tabitha had gotten a text
24 message during the night saying that Butch had texted and
25 said that he had done something to my sister, and I lived

TRESSA HOWLE - DIRECT

1 closer than they did so I jumped in the car and I got over
2 there about the same time they did.

3 Q Okay. About how long did it take for you to get
4 somebody to the door?

5 A A good -- I would say at least five minutes. Because
6 we started at their end because her son and their family
7 lived on one end and my sister and Butch lived on the
8 other end, and when we couldn't get in on her end I went
9 down to the other end and started beating on the window
10 where her son lived.

11 Q And who eventually let you in the house?

12 A Nicole. She came to the door and asked what was
13 going on and I told her about the message that he had
14 gotten, and that's when Jonathan took off down to their
15 end of the house.

16 Q So Nicole and Jonathan came to the door?

17 A Uh-huh.

18 Q And as you're telling it Jonathan runs to his mother's
19 door. Did you follow?

20 A Yes, sir.

21 Q Did you see him open that door?

22 A He had to kick the door in.

23 Q What did you see when he opened the door?

24 A Elaine was laying facing the bedroom door and Butch
25 was laying beside of her and he had his arm over her and

TRESSA HOWLE - DIRECT

1 his leg throwed over her, and Jonathan grabbed him and
2 took him out to the kitchen.

3 Q At what point did you call 911?

4 A As soon as I checked my sister.

5 Q You checked for a pulse?

6 A Yes, sir.

7 Q Did you find any pulse?

8 A No, sir.

9 Q When you checked her for a pulse, did you move the
10 body?

11 A I tried to roll her over so I could resuscitate her
12 but she had done took rigamortis, she was hard, she
13 wouldn't move. She made one little gurgle sound and that
14 was it and then she just rolled back over. She had her
15 hands up like this and the one hand had flesh hanging from
16 it.

17 Q So you attempted to move the body but when you noticed
18 it was stiff you kind of let got and it kind of rolled
19 back?

20 A Yes, sir.

21 Q Did you see a knife anywhere?

22 A No, sir.

23 Q Did you see Jonathan and Butch fighting?

24 A Yes, sir.

25 Q During that altercation, did Jonathan ask Butch what

TRESSA HOWLE - DIRECT

1 he did to his mother?

2 A Uh-huh.

3 Q What was Butch's response?

4 A He said he killed her. And he said, "If you don't
5 quit kicking me I'm going to kill you too."

6 MR. NEWMAN: Beg the Court's indulgence.

7 (Break in proceedings.)

8 Q Just to be clear, Ms. Howle, was the position of the
9 body when law enforcement arrived and when EMS arrived the
10 same was it was when you arrived?

11 A Yes, sir. She was like curled up in the fetal
12 position.

13 Q Okay.

14 MR. NEWMAN: I've got no other questions. Please
15 answer anything Mr. Lifsey has.

16 THE COURT: Mr. Lifsey?

17 MR. LIFSEY: I don't think I have any questions for
18 this witness, Judge.

19 THE COURT: Thank you, ma'am, you may step down. All
20 right. Call your next witness.

21 MS. COLLINS: Your Honor, the State's next witness is
22 Jonathan Ghent.

23 The witness, JONATHAN GHENT, was first duly sworn and
24 testified as follows:

25 DIRECT EXAMINATION

TRESSA HOWLE - DIRECT

1 BY MS. COLLINS:

2 Q Would you please tell us your name?

3 A Jonathan Ghent.

4 Q Jonathan, you might need to point that a little bit
5 down to speak.

6 THE COURT: Yes, sir. Make sure you get into the
7 mike, please.

8 A Jonathan Ghent.

9 Q What is your occupation?

10 A I work at Tyson.

11 Q Are you married?

12 A Yes, ma'am.

13 Q What's the name of your wife?

14 A Brandy Nicole Ghent.

15 Q And Jonathan, does she go by Nicole.

16 A Yes, ma'am.

17 Q Do you and Nicole have children?

18 A Yes, ma'am.

19 Q What are their names and ages?

20 A Raylee, she's six, Trenton, he's four, and I've got a
21 one year old.

22 Q And the one year old is Tristen?

23 A Tristen Elaine.

24 Q So your one year old was not born when this happened
25 in October of 2013, correct?

JONATHAN GHENT - DIRECT

1 A No, ma'am.

2 Q In October of 2013 then you had two children, the
3 oldest being your daughter, Raylee; is that right?

4 A Yes, ma'am.

5 Q And she would have been about four?

6 A Uh-huh.

7 Q And your son Trenton; is that right?

8 A Uh-huh.

9 THE COURT: Sir, you've got to say yes or no.

10 A Yes.

11 THE COURT: Thank you.

12 Q Where did you live in October of 2013, Jonathan?

13 A In my mother's house.

14 Q And was that located at [REDACTED] Home Place Lane?

15 A Yes, ma'am.

16 Q Lancaster, South Carolina?

17 A Yes, ma'am.

18 Q Who all lived there then?

19 A It was me, my wife and my two kids and my mother and
20 father.

21 Q And your mother was the victim, Elaine Ghent?

22 A Yes, ma'am.

23 Q And your father was the -- is the defendant, John
24 Marion Ghent, Jr.?

25 A Yes, ma'am.

JONATHAN GHENT - DIRECT

- 1 Q Does he go by Butch?
- 2 A Yes, ma'am.
- 3 Q And was your mother working in October of 2013?
- 4 A Yes, ma'am.
- 5 Q She worked at Lloyds, I believe?
- 6 A Yes, ma'am.
- 7 Q Is that kind of a convenience store?
- 8 A Yes, ma'am.
- 9 Q Was your dad working in October of 2013?
- 10 A No, ma'am.
- 11 Q Do you recall when the last time was that he worked
- 12 before 2013?
- 13 A Over ten years.
- 14 Q So your mother paid the bills?
- 15 A Yes, ma'am.
- 16 Q Do you recall what kind of car your mom drove?
- 17 A A white Honda Accord.
- 18 Q And when she would be at work, would she have that car
- 19 with her?
- 20 A Yes, ma'am.
- 21 Q I want to direct your attention to [REDACTED] of
- 22 2013. Okay?
- 23 A Yes, ma'am.
- 24 Q Do you recall being home that night?
- 25 A Yes, ma'am.

JONATHAN GHENT - DIRECT

1 Q Do you recall about what time you went to bed?

2 A It was like 3:00.

3 Q Earlier in the evening on [REDACTED], 2013, did your
4 daughter, Raylee, go to bed?

5 A Yes, ma'am.

6 Q About what time did she go to bed?

7 A It was about 9:00 or 10:00.

8 Q And you said she was about four years old?

9 A Yes, ma'am.

10 Q What was her routine, Raylee's routine in terms of
11 where she would sleep?

12 A She would sleep with my father and mother.

13 Q How many bedrooms were in that home?

14 A Three bedrooms.

15 Q And one bedroom was shared by your father and your
16 mother?

17 A Yes, ma'am.

18 Q And Raylee would sleep with them?

19 A Yes, ma'am.

20 Q Every night?

21 A Every night.

22 Q There was one bed in that room?

23 A Yes, ma'am.

24 Q A large bed. And one of the other bedrooms was used
25 for storage, I believe; is that right?

JONATHAN GHENT - DIRECT

1 A Yes, ma'am.

2 Q And then you and your wife, Nicole, slept in the third
3 bedroom; is that right?

4 A Yes, ma'am, with my son.

5 Q With your son, Trenton?

6 A Uh-huh.

7 Q And on [REDACTED] of 2013 when Raylee went to bed,
8 you said about what time was it?

9 A It was about 9:00 or 10:00.

10 Q Where did she go to bed that night?

11 A With us.

12 Q Us being you and Nicole?

13 A Yes, ma'am.

14 Q And why was it that she did not go to bed as usual in
15 the bedroom of her grandparents being your parents?

16 A My father said she could not sleep with them that
17 night.

18 Q Did he say that to you?

19 A Yes, ma'am.

20 Q And did he say why?

21 A No. He slammed the door and went in there.

22 Q He slammed the door to his room?

23 A Yes, ma'am.

24 Q And then did Nicole put Raylee down to bed with her?

25 A Yes, ma'am.

JONATHAN GHENT - DIRECT

- 1 Q And her and Trenton?
- 2 A Yes, ma'am.
- 3 Q And you said you stayed up until about 3:00?
- 4 A Yes, ma'am.
- 5 Q And when you went to bed about 3:00, had your dad come
- 6 out of his room?
- 7 A No, ma'am.
- 8 Q Now, [REDACTED] was your father's birthday, correct?
- 9 A No, it was the [REDACTED].
- 10 Q It was the [REDACTED]?
- 11 A Yes.
- 12 Q Had the family done anything in that regard?
- 13 A No.
- 14 Q And when you went to bed the early morning hours about
- 15 3:00 on [REDACTED] of 2013, had your mother come home
- 16 from work?
- 17 A No, ma'am.
- 18 Q And you went on to bed, correct?
- 19 A Yes, ma'am.
- 20 Q When was the last time you had seen your mom before
- 21 you went to bed that morning?
- 22 A 7:00.
- 23 Q You had seen her before she left for work that day?
- 24 A Yes, ma'am.
- 25 Q Did she ask you any questions before she left for work

JONATHAN GHENT - DIRECT

1 that day?

2 A No. She was just in a good mood and was talking, she
3 was telling me she was going to move out.

4 Q And what did you respond to that?

5 A I was telling her as long as she's happy.

6 Q So when you went to bed about 3:00 a.m. on [REDACTED]
7 [REDACTED] of 2013, you went to bed with your wife and son,
8 Trenton, and Raylee was in the bed with you also?

9 A Yes, ma'am.

10 Q Did you hear your mom's car pull up?

11 A No, ma'am.

12 Q Did you hear your mom come in the door?

13 A No, ma'am.

14 Q Did you hear any sounds coming from your parents'
15 bedroom?

16 A Nothing.

17 Q No argument?

18 A Nothing.

19 Q No scuffle?

20 A Nothing.

21 Q Nothing woke you at all; is that right?

22 A Yes, ma'am.

23 Q Now, if you're normally awake and your parents are in
24 their room, is the home such that you could hear them
25 talking from time to time?

JONATHAN GHENT - DIRECT

- 1 A Yes, ma'am, every word.
- 2 Q This was a mobile home, I believe, correct?
- 3 A Yes, ma'am.
- 4 Q And even though your bedroom was on one end and theirs
- 5 was another, it's your testimony that if you were awake and
- 6 they were awake and talking in their room and you were in
- 7 your room, you could hear them talking; is that right?
- 8 A Yes, ma'am.
- 9 Q But that night you heard nothing.
- 10 A Nothing.
- 11 Q About what time the next morning did you wake up?
- 12 A It was about 7:00, somewhere along in there.
- 13 Q What woke you up, Jonathan?
- 14 A My brother-in-law beating on the door.
- 15 Q Mike Reynolds, your brother-in-law? And which door
- 16 was he beating on?
- 17 A The front door.
- 18 Q When you heard that what did you do?
- 19 A I sent my wife to the door to see what was going on.
- 20 Q Then what happened?
- 21 A I heard him say "He hurt your mother."
- 22 Q And when you said he said, that was Mike?
- 23 A Yes, ma'am.
- 24 Q And then what did you do?
- 25 A I ran to their bedroom door and I ran through it and

JONATHAN GHENT - DIRECT

1 seen what I seen.

2 Q Was the bedroom door closed?

3 A Yes, ma'am, it was locked.

4 Q It was locked? And how did you enter the door that
5 was locked to their room?

6 A I rammed it with my shoulder.

7 Q And it opened at that time?

8 A Yes, ma'am.

9 Q Did you notice any note on the door?

10 A No, ma'am.

11 Q When you rammed the door with your shoulder and it
12 opened, what did you see, Jonathan?

13 A I seen my father and mother laying face to face as if
14 they was asleep.

15 Q And could you tell immediately that they were not
16 asleep?

17 A Yeah.

18 Q Were their heads up toward the headboard or in another
19 position?

20 A Towards the foot of the bed.

21 Q And were they facing each other?

22 A Yes, ma'am.

23 Q So when you come in the bedroom door, was your
24 father's back to you?

25 A Yes, ma'am.

JONATHAN GHENT - DIRECT

- 1 Q And he was facing your mother?
- 2 A Yes, ma'am.
- 3 Q And you're seeing the bed and so their heads are to
- 4 your right; is that correct?
- 5 A Yes, ma'am.
- 6 Q And their feet are to your left?
- 7 A Yes, ma'am.
- 8 Q And your mother's body was facing the defendant,
- 9 correct?
- 10 A Yes, ma'am.
- 11 Q Jonathan, what did you do?
- 12 A I grabbed my father and I throwed -- drug him to the
- 13 kitchen and started punching him. As I was punching him I
- 14 asked him what did he do to my mother, after about the
- 15 20th punch he said, "I fucking stabbed her."
- 16 Q And what if anything else did he say to you?
- 17 A And I was like, "Why didn't you come kill me instead
- 18 of my mom?" And he was like, "I will." And I laid the
- 19 knife on his chest and as he was going to grab it my
- 20 brother-in-law pushed it out of the way.
- 21 Q Now, was that a knife that was in the kitchen?
- 22 A Yeah, that's the one I gave him.
- 23 Q You never saw the knife in the bedroom floor, did you?
- 24 A No, ma'am.
- 25 Q Before you reacted as you did and started hitting on

JONATHAN GHENT - DIRECT

1 your father when you dragged him into the kitchen, did you
2 notice if he had any blood on him?

3 A Yeah. He had like two little slices on his wrist
4 right here like he tried to kill himself.

5 Q Apart from that, did you see any blood on him?

6 A No, ma'am.

7 Q Did your dad say anything about having tried to kill
8 himself?

9 A No, ma'am.

10 Q So it's your testimony that your dad said in response
11 to your question what you did to my mother -- "What did you
12 do to my mother," that he said, "I fucking stabbed her;" is
13 that right?

14 A Yes, ma'am.

15 Q Jonathan, can you tell us, what side of the bed did
16 your mother sleep on if you know?

17 A The one closest to the bathroom.

18 Q And your dad slept on the other side?

19 A Closest to the door.

20 Q And Raylee would sleep between them?

21 A Yes, ma'am.

22 Q And so on that day when you saw your mother's body,
23 was her -- was she on the side of the bed she normally
24 would have slept on?

25 A Yes, ma'am. She was facing the opposite way.

JONATHAN GHENT - DIRECT

1 Q And did you notice there was a large amount of blood
2 around her, correct?

3 A Yes, ma'am.

4 Q And did you know immediately that your mother was no
5 longer alive?

6 A Yes, ma'am.

7 Q Jonathan, when you were growing up, did your dad ever
8 volunteer or work as a paramedic or first responder?

9 A Yes, ma'am, he did.

10 Q That was when you were about ten or 11?

11 A Yes, ma'am.

12 Q That's for Camp Creek Fire Department?

13 A Yes, ma'am.

14 Q When law enforcement responded that day, did you tell
15 them what you had seen?

16 A Yes, ma'am.

17 Q Did you tell them what you had done?

18 A Yes, ma'am.

19 Q And did you tell them what the defendant had said to
20 you?

21 A Yes, ma'am.

22 Q Had you previously been present during a conversation
23 between your mother and your father where she asked him to
24 leave the home?

25 A I was in the kitchen --

JONATHAN GHENT - DIRECT

1 MR. LIFSEY: I object to this on hearsay --

2 THE COURT: I'm sorry.

3 MR. LIFSEY: I object on the hearsay grounds.

4 THE COURT: Repeat the question, please.

5 Q Were you previously present during a conversation
6 between your mother and your father where she asked him to
7 leave the home?

8 THE COURT: Objection overruled.

9 A Yes, ma'am.

10 Q And do you recall approximately when that was?

11 A It was before I got locked up for child support,
12 probably within a year before the death of my mother.

13 Q And what had your dad responded when she asked him to
14 leave the home?

15 A He said one of them would die before they ever split
16 up.

17 Q That was about a year before this incident?

18 A Yes, ma'am.

19 MS. COLLINS: I ask the Court's indulgence.

20 THE COURT: Okay.

21 (Break in proceedings.)

22 MS. COLLINS: Thank you.

23 THE COURT: Mr. Lifsey?

24 CROSS EXAMINATION

25

JONATHAN GHENT - DIRECT

1 BY MR. LIFSEY:

2 Q Mr. Ghent, do you remember talking to the police the
3 day all of this happened?

4 A Yes, sir.

5 Q Do you remember, in fact, speaking to Investigator
6 Bailey and Eric Brown about this case?

7 A Yes, sir.

8 Q And you know it's important to tell the police
9 everything, correct?

10 A Yes, sir.

11 Q Because you have been involved in the criminal justice
12 system a good bit yourself, correct?

13 A Yes, sir.

14 Q So it's important to tell them the truth, correct?

15 A Yes, sir.

16 Q And important to tell them accurate things, correct?

17 A Yes, sir.

18 Q And, in fact, you didn't tell them when you met --
19 isn't all you told them when you talked to them was that my
20 client said that he had stabbed his wife -- "I stabbed
21 her," isn't that what you told them?

22 A Yes, sir.

23 Q So when you say today he said "I fucking stabbed her,"
24 that's something new that you're saying today.

25 A At the time I didn't even want to go to the car --

JONATHAN GHENT - CROSS

1 you can ask all of them, I didn't want to get in the car,
2 I didn't want to make no statement, I didn't want to go to
3 the police station, none of that. I said something as
4 quick as possible, got out of there and got back trying to
5 get him.

6 Q So just to clarify then, the statement that you said
7 here in court here today --

8 A Was true.

9 Q -- when you said he said "I will stab you too" --

10 A True.

11 Q -- is nothing you mentioned at all to the police when
12 you were talking to them, correct?

13 A True.

14 Q Even though you know based on your prior experience in
15 the criminal justice system that it's important that you
16 tell the police everything.

17 A Yes, sir.

18 Q And in the statement that you said today about this
19 conversation a year ago where my client allegedly said one
20 of them would die, when have you told anybody with law
21 enforcement that?

22 A When did I have to?

23 Q When did you tell anybody with law enforcement --

24 A When did I have to?

25 Q Please answer my question.

JONATHAN GHENT - CROSS

1 THE COURT: Yes, sir. Just answer his question.

2 Q When did you tell anybody with law enforcement that?

3 A Never.

4 Q Never. When is the first time you've said a word
5 about that? When is the first time you said a word about
6 it? When did you talk to them and when did you say that?

7 A In their office when they called me up there.

8 Q When?

9 A When was it, last week?

10 Q So last week -- this happens three years ago, you
11 don't say anything about that threat from the day it
12 happened --

13 A That is the first time I talked --

14 THE COURT: Hang on, sir. Go ahead.

15 Q You didn't say anything about that alleged threat from
16 the day that happened until your mother died, correct?

17 A Correct.

18 Q And you didn't say a thing about it from the day your
19 mother died until a week ago, correct?

20 A Correct. That's the first time anybody ever asked me
21 the question.

22 Q So these police officers didn't ask you about anything
23 about what happened?

24 A That day, that's the only time.

25 Q No one --

JONATHAN GHENT - CROSS

1 A I don't talk to my family.

2 Q No one has talked to you about this case --

3 A Nobody.

4 Q -- from the day it happen until a week ago?

5 A The day it happened only. I don't talk to my family,
6 we don't talk so I'm like a ghost. The only time I talked
7 with Mr. Randy is when he called me in his office.

8 Q Why don't you talk to your family?

9 A Because I don't talk to them.

10 MR. LIFSEY: I don't have any further questions.

11 THE COURT: Any redirect?

12 MS. COLLINS: Yes, Your Honor.

13 REDIRECT EXAMINATION

14 BY MS. COLLINS:

15 Q Jonathan, when Randy Newman and I met with you and
16 your wife, Nicole, we talked about your mom and your
17 family, didn't we?

18 A Yes, ma'am.

19 Q We talked about your life with your mother, right?

20 A Yes, ma'am.

21 Q And your life with your father.

22 A Yes, ma'am.

23 Q We spent a good bit of time with you, didn't we?

24 A Yes, ma'am.

25 Q And it was at that time that you told us about that

JONATHAN GHENT - REDIRECT

1 prior conversation, correct?

2 A Yes, ma'am.

3 Q Because we took that time, right?

4 A Yes, ma'am, nobody else did.

5 Q We took all of the time you needed that day, didn't
6 we?

7 A Yes, ma'am.

8 Q But on the day that you saw your mom covered in blood
9 law enforcement did talk to you briefly in their car,
10 correct?

11 A Yes, ma'am. They wanted me to go down to the police
12 station, I told them I wasn't going nowhere.

13 Q But you did talk to them in their car.

14 A Yes, ma'am.

15 Q And the focus then was on what had just happened,
16 right?

17 A Yes, ma'am.

18 Q Michael Bailey and Spencer -- I believe Jason Cato and
19 Michael Bailey, they told you they were going to record the
20 conversation with you, correct?

21 A Yes, ma'am.

22 Q And they did so, right?

23 A Uh-huh.

24 MS. COLLINS: I ask that this be marked as the State's
25 next exhibit. This is State's Exhibit 6. And at this time

JONATHAN GHENT - REDIRECT

1 I would move that into evidence and ask to publish it to
2 the jury. It is the audio recording of the conversation
3 that Jonathan Ghent had with law enforcement on the morning
4 he found his mother dead in her bed.

5 MR. LIFSEY: I'm assuming the officers would
6 themselves testify that this is that recording, so in light
7 of that I don't have any objection to it.

8 THE COURT: Okay. Objection noted and overruled at
9 this time provided --

10 MR. LIFSEY: And just when we take a break I want to
11 clarify, much of this line of questioning is subject to my
12 prior objections that you overruled about what was said at
13 the scene, so I just wanted to --

14 THE COURT: Yes, sir. Objections are noted for the
15 record.

16 (The audio recording was received as State's 6 and
17 Played.)

18 MS. COLLINS: No further questions.

19 MR. LIFSEY: May I follow-up on that?

20 THE COURT: Yes, sir.

21 RECROSS EXAMINATION

22 BY MR. LIFSEY:

23 Q So the bottom line they're questioning you and they
24 ask you specifically had he made any prior threats, didn't
25 you hear that?

JONATHAN GHENT - REDIRECT

1 A What would you do if you woke up --

2 Q Answer my question.

3 THE COURT: No, just answer his question.

4 Q They asked you specifically that, correct?

5 A Yeah.

6 Q And you said no. And in fact, you talked about him
7 threatening to kill himself, correct?

8 A Yeah.

9 Q And you did not mention at all any alleged threat to
10 kill your mother a year before, correct?

11 A Correct.

12 MR. LIFSEY: Thank you.

13 THE COURT: Thank you, sir, you may step down.

14 MS. COLLINS: Your Honor, if I may just in response to
15 that.

16 THE COURT: Hang on, sir.

17 MS. COLLINS: Mr. Ghent, please have a seat.

18 FURTHER DIRECT EXAMINATION

19 BY MS. COLLINS:

20 Q Was it your testimony earlier -- Mr. Lifsey asked you
21 about a threat to kill your mother, that when she asked him
22 to leave that he said -- and correct me if I'm wrong -- one
23 of us will die before that happens.

24 A Yes, ma'am.

25 MS. COLLINS: Nothing further.

JONATHAN GHENT - RECROSS

1 THE COURT: Anything else?

2 FURTHER CROSS EXAMINATION

3 BY MR. LIFSEY:

4 Q You didn't say anything about that to them either, did
5 you?

6 A No.

7 THE COURT: All right. Now you may step down, thank
8 you. Now, y'all come on up here for scheduling issues.

9 (A bench conference was held.)

10 THE COURT: The lawyers tell me they have a brief
11 witness and then we will break for lunch. Are y'all okay
12 with that or do y'all want to break now? Okay. We'll do
13 that. We will hear one more witness, then we will break
14 for lunch. You may call your witness.

15 MS. COLLINS: Thank you, Judge. The next witness is
16 Brenda Nicole Ghent.

17 The witness, BRENDA NICOLE GHENT, was first duly sworn
18 and testified as follows:

19 DIRECT EXAMINATION

20 BY MS. COLLINS:

21 Q Would you please tell us your name?

22 A Brenda Ghent.

23 Q Do you go by Nichole?

24 A Yes, ma'am.

25 Q That's your middle name?

JONATHAN GHENT - FURTHER RECROSS

1 A Yes, ma'am.

2 Q Let's point that microphone a little closer, you can
3 talk right into it if you want to. And you're married to
4 Jonathan Ghent; is that correct?

5 A Yes, ma'am.

6 Q Elaine Ghent was your mother-in-law; is that right?

7 A Yes, ma'am.

8 Q And the defendant is your father-in-law; is that
9 correct?

10 A Yes, ma'am.

11 Q And you and Jonathan have three children now, correct?

12 A Yes, ma'am.

13 Q And those are Raylee, Trenton and Tristen, am I right?

14 A Yes, ma'am.

15 Q But Tristen was not born then, Tristen is only about
16 one; is that right?

17 A Right, yes, ma'am.

18 Q So in October of 2013 you had two children, right?

19 A Right.

20 Q Raylee, your daughter who was about four then?

21 A Yes, ma'am.

22 Q And Trenton, your son --

23 A Yes, ma'am, he was two.

24 Q -- who was about one. He was two then? Okay. When
25 did you marry Jonathan?

BRENDA GHENT - DIRECT

1 A 2010.

2 Q Is that about what time you got to know the defendant
3 and the victim, Elaine?

4 A Yes, ma'am.

5 Q And in October of 2013 you and your husband, Jonathan,
6 were living with his parents, Elaine Ghent, and the
7 defendant, Butch Ghent; is that right?

8 A Yes, ma'am.

9 Q And that was at [REDACTED] Home Place Lane?

10 A Yes, ma'am.

11 Q Lancaster, South Carolina?

12 A Yes, ma'am.

13 Q Do you recall about how long y'all had lived there?

14 A We had lived there on and off, but then probably
15 about a year maybe, year and a half.

16 Q Now, as a young mother of two small children, when was
17 it your habit -- when did you generally go to bed, Nicole?

18 A 11:00 or 12:00.

19 Q When would your children go to bed?

20 A 9:00 or 10:00, somewhere along in there.

21 Q And do you recall on 10/27 of 2013, do you recall
22 about what time Raylee went to bed that night?

23 A It was probably about between 9:00 and 10:00. Like I
24 said, she usually slept with them but she slept with us
25 that night.

BRENDA GHENT - DIRECT

1 Q By saying she usually slept with them you're referring
2 to the defendant and Ms. Elaine Ghent, his wife, correct?

3 A Yes, ma'am.

4 Q And they shared one bedroom and you and your husband
5 shared another bedroom, correct?

6 A Yes, ma'am.

7 Q Then there was a third bedroom for storage; is that
8 right?

9 A Yes, ma'am.

10 Q And so normally Trenton, your two year old son, would
11 sleep with you and your husband, correct?

12 A Yes, ma'am.

13 Q And Raylee would sleep with her grandparents, the
14 defendant and Ms. Elaine; is that right?

15 A Yes, ma'am.

16 Q And on that night, [REDACTED] of 2013, did Raylee
17 sleep with the defendant and Mrs. Ghent?

18 A Not that night, she slept with us.

19 Q And did you know why at that time things had changed?

20 A I didn't.

21 Q Was that the only night to your memory that this had
22 been different?

23 A Yes, ma'am.

24 Q So did Raylee, did you put her down for bed that
25 night?

BRENDA GHENT - DIRECT

1 A Yes, ma'am.

2 Q And you put her down in your room, yours and

3 Jonathan's?

4 A Yes, ma'am.

5 Q Did Trenton go down the same time to sleep?

6 A Yes, ma'am.

7 Q Were you present when the decision was made that

8 Raylee could not sleep with the defendant and his wife that

9 night?

10 A I wasn't. She just said "Papa said I couldn't sleep

11 with them."

12 Q She being Raylee?

13 A Right, yes, ma'am.

14 Q And once you got Raylee and Trenton down for bed, what

15 time approximately did you go to bed that night?

16 A About 12:00 or 1:00. Like I said, we was up on and

17 off all night.

18 Q You were up and down during the night?

19 A Yes, ma'am.

20 Q Didn't sleep well that night?

21 A No.

22 Q At anytime during the night did you hear anything from

23 the bedroom of the defendant and his wife, Ms. Elaine

24 Ghent?

25 A No, ma'am.

BRENDA GHENT - DIRECT

- 1 Q Did you hear when the victim, Elaine, came home?
- 2 A No, ma'am.
- 3 Q Did you hear her car pull up?
- 4 A No, ma'am.
- 5 Q Did you hear any arguing that night between her and
- 6 the defendant?
- 7 A No, ma'am.
- 8 Q Did you hear any scuffle of any kind?
- 9 A No, ma'am.
- 10 Q When did you wake up the next morning?
- 11 A It was probably about -- I thought it was between
- 12 6:00 and 7:00. Like I said, Mike and Tressa and them was
- 13 beating on the front door so I told Jonathan, he was
- 14 like -- I said, "It's your brother-in-law and them," and I
- 15 opened the door and they said, "Butch called and said he
- 16 hurt Elaine."
- 17 Q At that point were Raylee and Trenton still in the
- 18 bed?
- 19 A Yeah, still in our bed.
- 20 Q When you heard Mike, your brother-in-law, say that,
- 21 did you call out for Jonathan, your husband?
- 22 A I ran into the room and told Jonathan, "They said
- 23 your daddy called and said he hurt your mother," so
- 24 Jonathan jumped up and they all went back there.
- 25 Q When they came to the door, could you see the bedroom

BRENDA GHENT - DIRECT

1 door of the defendant and his wife from the front door
2 where Mike and them were.

3 A Do what now? What was that?

4 Q Mike and Tressa and Mr. Roddey were bamming on the
5 door, right?

6 A Right.

7 Q Were they bamming on the front door or the side?

8 A Yeah, the front door where we was at.

9 Q So you opened the door, they tell you that Butch had
10 left a message saying he hurt his wife, right?

11 A Yeah.

12 Q At that point when you turn and see Jonathan and tell
13 him, could you see their bedroom door?

14 A No. You had to walk through the den through the
15 kitchen and around.

16 Q So you went immediately to get Jonathan, correct?

17 A Right.

18 Q When Jonathan -- what did he do?

19 A He jumped up, that's when we all went in there. You
20 had to cut the corner to actually see the door.

21 Q You went with Jonathan?

22 A Yeah.

23 Q When y'all rounded the corner, was the door closed?

24 A Yes, ma'am, it was locked.

25 Q Was that normal?

BRENDA GHENT - DIRECT

- 1 A Yeah, they always kept it locked.
- 2 Q They kept it closed after they went to bed?
- 3 A Yeah.
- 4 Q And Jonathan broke the door down?
- 5 A Yeah, he pushed it open.
- 6 Q All right. And what --
- 7 A I stood right there, I didn't go in.
- 8 Q Could you see the bed from where you were standing?
- 9 A Yes, ma'am.
- 10 Q Could you see the defendant?
- 11 A Yes, ma'am.
- 12 Q Do you see Ms. Elaine?
- 13 A Yes, ma'am.
- 14 Q And then what happened, Nicole?
- 15 A Well, Jonathan, his brother-in-law, sister and Papa,
- 16 they all went in there, I stood at the door. But Jonathan
- 17 just jerked Butch off of him and he was like, "What did
- 18 you do to my mother?" He wouldn't respond then at that
- 19 point.
- 20 Q Now, you said you went to bed about midnight; is that
- 21 right?
- 22 A Right, yes, ma'am.
- 23 Q Was the defendant still up when you went to bed?
- 24 A Yeah, he was, I think. I'm not too sure, I'm
- 25 thinking he was.

BRENDA GHENT - DIRECT

1 Q Had you seen him drinking anything that night?

2 A No, ma'am.

3 Q So the last you saw the defendant he had not been
4 drinking to your knowledge.

5 A No, ma'am.

6 Q He appeared to be sober?

7 A Yes, ma'am.

8 Q What knowledge did you have, Nicole, of Mr. Elaine's
9 plan to leave the defendant?

10 A Repeat that again.

11 Q What knowledge did you have of your mother-in-law's
12 plan to leave Butch?

13 A She's told me that she --

14 MR. LIFSEY: I just want to renew my objection.

15 THE COURT: Objection noted, objection overruled. Go
16 ahead, ma'am.

17 A She told me she had asked him to leave but supposedly
18 he didn't have nowhere to go. She said she told him to
19 ask his sister, Betsy, that if he wasn't leaving she was.
20 She said she was going to actually look at the house that
21 day or the next day that was for rent, I guess. I never
22 heard her tell him that, she told me that she told him
23 that.

24 MS. COLLINS: Thank you. Please answer any questions
25 that the defense may have.

BRENDA GHENT - DIRECT

1 MR. LIFSEY: Very briefly.

2 CROSS EXAMINATION

3 BY MR. LIFSEY:

4 Q Were you aware that they had taken all of the guns out
5 of the house because of his threats to kill himself?

6 A Yes, sir. And after -- well, a couple of months
7 before this.

8 Q I understand.

9 MR. LIFSEY: Thank you.

10 MS. COLLINS: I don't have any further questions.

11 THE COURT: All right. Thank you, ma'am, you may step
12 down. We're going to go ahead and take our lunch recess at
13 this time, ladies and gentlemen. I will remind you during
14 your lunch recess you are not to speak with anyone about
15 this case. If anybody tries to speak with you about the
16 case don't talk with them about it, please. Also while
17 you're on break you may use your phone or whatever. If you
18 have a smart phone don't google anything about this case or
19 look up any news reports about it or try to seek any
20 information on it. Remember, your oath as a trial jury is
21 to go only from the evidence presented in this courtroom,
22 okay? Let's reconvene at 1:30, that leaves you a little
23 over an hour or hour and 15.

24 (The jury left the courtroom.)

25 THE COURT: While we're still on the record I will

1 tell you where we noted your objection, Mr. Lifsey, the
2 State was offering what would normally be hearsay where the
3 declarant was unavailable, that being the deceased, I
4 determined that under Rule 803-3 that is an exception to
5 hearsay as it referenced -- or the statement was of the
6 declarant's then existing state of mind such as to her
7 intent, plan or motive, that was the basis for the Court
8 allowing the statements into evidence, okay? Your
9 objection, of course, is noted as the defense believes it's
10 hearsay. You are clearly protected in the record.

11 MR. LIFSEY: Thank you.

12 THE COURT: All right. Anything else?

13 MR. LIFSEY: No, sir.

14 THE COURT: Anything else before we break?

15 MS. COLLINS: No, Your Honor. Thank you.

16 THE COURT: We're down until 1:30.

17 (A lunch break was taken.)

18 THE COURT: Are y'all ready for the jury? All right.
19 Bring the jury in, please.

20 (The jury returned to the courtroom.)

21 THE COURT: All members of the jury are present. And
22 Madam Solicitor, you may call your next witness -- or
23 Solicitor.

24 MR. NEWMAN: Thank you, Your Honor. The State calls
25 Cindy Earl.

1 The witness, CINDY EARL, was first duly sworn and
2 testified as follows:

3 DIRECT EXAMINATION

4 BY MR. NEWMAN:

5 Q Good afternoon. State your name for the record.

6 A Cindy Earl.

7 Q And Ms. Earl, where are you employed?

8 A Lloyds.

9 Q And what is Lloyds?

10 A It's a convenience store.

11 Q And how many Lloyds convenience stores are there in
12 Lancaster?

13 A Three.

14 Q And you work at all three of them?

15 A Uh-huh.

16 Q And did you work with Elaine Ghent?

17 A Yes, I did.

18 Q And did you know Elaine Ghent outside of work?

19 A Yes, I did.

20 Q How long did you work with Elaine Ghent?

21 A About a year, year and a half.

22 Q How long had you been at Lloyds?

23 A How long have I been there now?

24 Q Yeah. When did you start at Lloyds?

25 A 2012.

CINDY EARL - DIRECT

1 Q Okay. Was it around April of 2012?

2 A Uh-huh.

3 Q And was Elaine already working there when you went?

4 A Yeah.

5 Q Would you say y'all were pretty close?

6 A Yeah, we were real close.

7 Q Did y'all ever hang out outside of work?

8 A Lots of times.

9 Q What did y'all do outside of work?

10 A Just ride around mostly. A lot of times I would get
11 off work, I would have to go pick my grandson up in Indian
12 Land and she would want to ride with me and we would just
13 ride around, go up there and wait on him to get off work.
14 He didn't get off until late at night. Where he worked at
15 they closed at 12:00 but sometimes they had customers and
16 they would be there until 1:00, so sometimes it would be
17 2:00 or 3:00 before he would get out. He lived with me,
18 so --

19 Q So she would just ride with you to go get him?

20 A Right.

21 Q What time would y'all get off work typically?

22 A Typically it was 12:00.

23 Q Y'all worked second shift?

24 A Uh-huh.

25 Q What time did y'all go in?

CINDY EARL - DIRECT

- 1 A In could range anywhere from 12:00 to 3:00.
- 2 Q Do you know John or Butch Ghent?
- 3 A I do.
- 4 Q Are y'all allowed to have credit accounts at work?
- 5 A Yes.
- 6 Q Explain how that works.
- 7 A Basically or boss man allows us to have credit, you
- 8 know, if we need something, gas or something like that,
- 9 cigarettes or, you know, whatever, you know, we ain't got
- 10 enough to make it through the week.
- 11 Q You can buy stuff on credit and then when you get your
- 12 check --
- 13 A Check they take it out.
- 14 Q And have you seen Butch Ghent come in Lloyds stores?
- 15 A Lots of times.
- 16 Q And would he charge things to her credit account?
- 17 MR. LIFSEY: Judge, I object to the relevance of this
- 18 line of questioning.
- 19 THE COURT: Overruled.
- 20 Q Would he charge things to her credit account?
- 21 A Yes.
- 22 Q What type items?
- 23 A Beer, cigarettes, gas.
- 24 Q Often?
- 25 A Every single day, sometimes two or three times a day.

CINDY EARL - DIRECT

1 Q Did you know Elaine when she was involved in a car
2 accident?

3 A I did.

4 Q Do you recall when that was around about?

5 A About June, I think.

6 Q Was she injured in that car accident?

7 A Yes. She had some cuts and bruises and I think hurt
8 her nose.

9 Q Do you recall a conversation between you and Elaine
10 about her leaving Mr. Ghent?

11 A I do.

12 Q Tell us about that.

13 MR. LIFSEY: I would renew my objection I made
14 previously to this type of questioning.

15 THE COURT: Objection noted and overruled.

16 A She had said that she had told John that she wanted
17 him to leave or her to leave, either one, and he said that
18 he just didn't have nowhere to go, he didn't have nobody
19 who cared about him. She basically took care of him,
20 and -- but she told him that she was going to be leaving.

21 Q And what was your response to her?

22 A On that response it was you've got to do what you've
23 got to do. But now, if you're talking about the night
24 before she --

25 Q Did you work with her --

CINDY EARL - DIRECT

- 1 A I worked with her the night before she passed away.
- 2 Q The night before she passed away.
- 3 A Uh-huh.
- 4 Q So y'all were both working in the same store at the
- 5 same time.
- 6 A Right.
- 7 Q What store was that?
- 8 A The one on 200.
- 9 Q And y'all had a similar conversation then?
- 10 A A similar conversation.
- 11 Q And was that conversation about a settlement?
- 12 A Yeah. She was talking to someone else about --
- 13 Q Well, don't tell me what she said to someone else,
- 14 tell me what she said to you.
- 15 A Well, basically we were all having the conversation,
- 16 she was discussing what she could do to get him out of her
- 17 house, you know, what could she do. And she made the
- 18 statement that, you know, when she got her settlement, she
- 19 told John that when she got her settlement she was going
- 20 to leave. And I told her I said, "Elaine, you shouldn't
- 21 have told him that, you don't know how he might react to
- 22 that."
- 23 Q What was her response?
- 24 A She said, "I ain't worried." She said, "Jonathan is
- 25 there, Jonathan won't let Butch hurt me."

CINDY EARL - DIRECT

1 Q Do you have knowledge as far as was she seeking
2 another place to live?

3 A Yes.

4 Q Was she looking for somewhere to stay?

5 A Yes.

6 Q Do you know when she looked for somewhere to stay?

7 A She had basically about started as soon as she found
8 out she was going to get a settlement, she was going to
9 try to leave.

10 MR. NEWMAN: That's all I have. Please answer
11 anything Mr. Lifsey has.

12 THE COURT: Mr. Lifsey?

13 MR. LIFSEY: I don't have any further questions -- any
14 questions at all for this witness, Judge.

15 THE COURT: All right. Thank you, ma'am, you can step
16 down. Call your next witness.

17 MR. NEWMAN: State calls Janet Hannah.

18 The witness, JANET HANNA, was first duly sworn and
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MR. NEWMAN:

22 Q Please state your name for the record.

23 A Janet Hanna.

24 Q And Ms. Hanna, where are you employed?

25 A Lloyds Convenience Store.

CINDY EARL - DIRECT

1 Q Did you work with Elaine Ghent?

2 A I sure do.

3 Q When did you go to work for Lloyds Store?

4 A August 15th of 2012.

5 Q So Ms. Elaine was already working there at that time?

6 A Yeah. She had been working there a couple of months.

7 Q Did y'all become close friends?

8 A Yeah, I think the first day.

9 Q Did y'all hang out after work?

10 A Yes. I had moved out from my mom's into my own
11 house, she hung out with me. We would go riding, go to
12 Sonics and get a milk shake, ride to the lake, just out
13 hanging out.

14 Q Did y'all take trips together?

15 A We went to Myrtle Beach in September, we were
16 supposed to went in August. My brother had a massive
17 heart attack and passed away, we had to cancel our
18 reservations. But she was there with me during that whole
19 time, and after that was over with she said, "Are we still
20 going to the beach?" I said, "Yeah, honey, we are." So
21 we went in September.

22 Q Now, did you ever see Mr. Butch Ghent come in the
23 store?

24 A He has come in a couple of times. I didn't know who
25 he was until the first time he walked in the door.

JANET HANNA - DIRECT

1 Q Did you ever work with her?

2 A Yes.

3 Q Did he come in and charge things on her account?

4 A Yes.

5 MR. LIFSEY: Same objection I had earlier to that.

6 THE COURT: Objection noted and overruled.

7 Q What type items?

8 A Sometimes she would be at the other stores and she
9 would call us and say he's coming to charge stuff and tell
10 us he was coming to charge stuff. So it would be
11 cigarettes, beer, stuff to roll papers with or cigarette
12 stuff like that, and sometimes gas.

13 Q Now, did you know about Elaine's car accident?

14 A Yeah. She was on the way to my house when she was
15 involved in an accident.

16 Q Did you go to the ER?

17 A Yes, I did.

18 Q Was she injured?

19 A Yes, she was.

20 Q Did she ever mention anything to you about a
21 settlement?

22 A Yes. She had already got the settlement for her car
23 so she had already got her another car when we went to the
24 beach, so she was waiting on that settlement to come in.

25 Q So she had gotten a settlement for her car but she was

JANET HANNA - DIRECT

1 waiting on a settlement for an injury?

2 A Medical settlement for her injuries.

3 Q Now, did y'all have a conversation about her leaving
4 Mr. Ghent?

5 A Oh yes, quite a few times.

6 Q What did she tell you?

7 MR. LIFSEY: I'm sorry, I just want to renew and make
8 sure I'm covered on the record for those objections.

9 THE COURT: Yes, sir, you're covered.

10 A Especially after she got the settlement she knew she
11 was going to come into some money, and she was talking --
12 she had already knew she was through, she wanted to get
13 out of the relationship. So she had started I think a
14 couple of weeks before October, she had already told him
15 she was out looking for a little house for her to move in
16 to because she was not going to stay in the trailer
17 because he wasn't going to leave and she wasn't going to
18 stay there. She said she would just rather give up
19 everything and just start over.

20 Q Okay. And did you talk to Elaine the night before she
21 passed away?

22 A She texted me Sunday night, Saturday night I saw her.
23 That was the last time I saw her was Saturday night.

24 Q She texted you when --

25 A She texted me Sunday night about 9:30 or 10:30,

JANET HANNA - DIRECT

1 somewhere around there, she was fixin' to get off work,
2 because we talked every day or we texted everyday,
3 whatever. She texted me and said she was fixin' to get
4 off work, going out for a little while, I'll get back in
5 touch with you tomorrow, I'll see you tomorrow. Love you.

6 Q Was she getting off early that night?

7 A Yeah. At that time they were letting like the second
8 person that was on the register, they was letting them
9 leave a little early because they didn't need them to stay
10 until 12:00 at night.

11 MR. NEWMAN: Okay. That's all of the questions I
12 have, please answer anything Mr. Lifsey has.

13 THE COURT: Mr. Lifsey?

14 MR. LIFSEY: I don't have any questions for this
15 witness.

16 THE COURT: Thank you, ma'am, you can step down. Call
17 your next witness.

18 MS. COLLINS: Your Honor, the State's next witness is
19 Darren Mangum.

20 The witness, DARREN MANGUM, was first duly sworn and
21 testified as follows:

22 DIRECT EXAMINATION

23 BY MS. COLLINS:

24 Q Mr. Mangum, if you could try to speak into that
25 microphone so everybody can hear you. Would you please

JANET HANNA - DIRECT

- 1 tell us your name?
- 2 A Darren Mangum.
- 3 Q If you can talk up just a little bit more than that.
- 4 And where do you currently work?
- 5 A ABS in Monroe, insulation.
- 6 Q Insulation?
- 7 A Yes, ma'am.
- 8 Q Where were you working in October of 2013?
- 9 A KFC.
- 10 Q Are you currently married?
- 11 A No, ma'am.
- 12 Q Mr. Mangum, were you married in October of 2013?
- 13 A No, ma'am.
- 14 Q Did you know the victim in this case, Elaine Ghent?
- 15 A Yes, ma'am.
- 16 Q And what was your relationship with the victim?
- 17 A We was friends.
- 18 Q And when you say y'all were friends, did y'all have a
- 19 physical relationship?
- 20 A Yes, ma'am.
- 21 Q Were you having an affair?
- 22 A Yes, ma'am.
- 23 Q Where did you first meet Ms. Elaine?
- 24 A At Lloyds.
- 25 Q At Lloyds?

DARREN MANGUM - DIRECT

- 1 A Yes, ma'am.
- 2 Q Where she worked?
- 3 A Yes, ma'am.
- 4 Q And do you remember about when that was that y'all
- 5 first met?
- 6 A No, ma'am, I don't.
- 7 Q About how long had y'all seen each other prior to her
- 8 passing?
- 9 A About four months.
- 10 Q How often would you see each other?
- 11 A Almost everyday.
- 12 Q After she got off work at Lloyds?
- 13 A Yes, ma'am.
- 14 Q Now, back then you said you were working at KFC,
- 15 Kentucky Fried Chicken?
- 16 A Yes, ma'am.
- 17 Q What time did you normally go into work?
- 18 A Usually about 9:00.
- 19 Q In the morning?
- 20 A Yes, ma'am.
- 21 Q What time was it?
- 22 A About 9:00.
- 23 Q And so she would get off work in the evening and y'all
- 24 would see each other?
- 25 A Yes, ma'am.

DARREN MANGUM - DIRECT

1 Q And about how long would y'all stay together each
2 evening before y'all would each go your separate ways?

3 A Sometimes about 2:00 or 3:00 in the morning.

4 Q Was there ever a time that y'all spent the entire
5 night together?

6 A Yes, ma'am.

7 Q How many times was that?

8 A I think one time actually.

9 Q Was that near your birthday?

10 A Yes, ma'am.

11 Q When is your birthday?

12 A [REDACTED].

13 Q So around [REDACTED], not necessarily that day,
14 y'all actually spent the entire evening together; is that
15 right?

16 A Yes, ma'am.

17 Q When y'all were together, did you ever see if she was
18 receiving phone calls from the defendant?

19 A Couple of times the phone would ring but she never
20 answered it. She said it was him but she never answered
21 it, though.

22 Q And prior to her death, were you aware, was she
23 looking for another place to live?

24 A Yes, ma'am.

25 Q Do you know if she had yet found that place?

DARREN MANGUM - DIRECT

1 A No, ma'am.

2 Q And do you know what her plans were to leave the
3 defendant?

4 A Not really.

5 Q But you did know she was looking for another place to
6 live?

7 A Yes, ma'am.

8 Q Was it your understanding she did not plan to live at
9 that new place with the defendant?

10 A Yes, ma'am.

11 Q On [REDACTED] of 2013 or into the early morning of
12 [REDACTED] of 2013, did you see Elaine Ghent?

13 A Yes, ma'am.

14 Q Was that the last time you saw her?

15 A Yes, ma'am.

16 Q Do you recall about what time y'all got together that
17 night?

18 A I can't remember what time it was, I think it was
19 when she got off work. I had got off work and she just
20 come to my house -- I think she came to my house, I
21 dropped the car off, we rode together.

22 Q Was she driving?

23 A Yes, ma'am.

24 Q So you got in her car with her?

25 A Yes, ma'am.

DARREN MANGUM - DIRECT

- 1 Q It was a white Honda?
- 2 A Yes, ma'am.
- 3 Q Where did y'all go?
- 4 A To the river.
- 5 Q And about how many hours were y'all together that
- 6 night?
- 7 A Until about almost 3:00.
- 8 Q Do you know about what time she left you?
- 9 A About 2:30 or something like that.
- 10 Q And was it her habit after she left you to text you?
- 11 A Yes, ma'am.
- 12 Q And did she text you that night after she left you?
- 13 A Yes, ma'am.
- 14 Q About when did she text you?
- 15 A About 2:45 or 3:00.
- 16 Q And she would text you when, when she got home or
- 17 something else?
- 18 A Yeah. She would text me when she got home.
- 19 Q Did you know where she lived at [REDACTED] Home Place Lane?
- 20 A No, ma'am.
- 21 Q After she dropped you off at your home at about 2:30
- 22 in the morning on 10/28 of 2013, you said you received that
- 23 one text from her about 15 or 20 minutes later?
- 24 A Yes, ma'am.
- 25 Q Did you hear anymore from her?

DARREN MANGUM - DIRECT

1 A No, ma'am.

2 Q She sent you no more texts?

3 A No, ma'am.

4 Q You didn't speak with her at all on the phone?

5 A No, ma'am.

6 Q On the early morning of 10/28 of 2013, did you go into
7 work at KFC?

8 A Yes, ma'am.

9 Q When you got to work, tell us what happened.

10 A I had got to work, like I say, about 9:00. One of
11 her friends had came to my drive-in window, knocked on the
12 door and stuff of the window and telling me that she was
13 gone. I was like, "She ain't gone, she just dropped me
14 off a few hours ago." She was like, "No, she's gone."
15 I'm pretty sure I tried to call her cellphone and nobody
16 answered and I just like kept calling and kept calling and
17 nobody answered. I figured it out that she was gone.

18 Q And by gone do you mean that she was dead?

19 A Yes, ma'am.

20 Q Mr. Mangum, did you later go to law enforcement and
21 make them aware that you had been the last one to see her
22 before she went home that early morning?

23 A Yes, ma'am.

24 Q And you told them about the nature of your
25 relationship with her?

DARREN MANGUM - DIRECT

1 A Yes, ma'am.

2 Q And when you last saw her the early morning hours of
3 10/28 of 2013, she was in fine health, correct?

4 A Fine.

5 Q She wasn't injured in any way, correct?

6 A No.

7 MS. COLLINS: Thank you, Mr. Mangum.

8 THE COURT: Mr. Lifsey?

9 CROSS EXAMINATION

10 BY MR. LIFSEY:

11 Q Just a couple of questions. So you saw Ms. Ghent you
12 said almost every night?

13 A Yes, sir.

14 Q And you said friends of hers told you what happened
15 the next day?

16 A Yes, sir.

17 Q So it wasn't any real big secret what y'all were doing
18 then it doesn't seem like.

19 A Just only a few people that I knew about, so I don't
20 know who all knew. I know her friends at work knew that
21 we was whatever, but not too many people knew.

22 Q Who were the friends that came by the KFC and let you
23 know?

24 A Janet and Cindy.

25 Q So friends of hers from work?

DARREN MANGUM - CROSS

1 A Yeah.

2 Q And y'all were together every night. Where did y'all
3 usually go?

4 A To the river.

5 Q So you see her almost every night, at least some
6 number of friends of hers knows what's going on, correct?

7 A Yes.

8 Q At any point did my client ever threaten you or make
9 any threats toward you at all?

10 A I never met him.

11 Q But you never got any phone calls or text messages or
12 anything like that from him, right?

13 A No, sir.

14 THE COURT: All right. Thank you, sir, you can step
15 down. Call your next witness.

16 MS. COLLINS: Your Honor, the State's next witness is
17 Deputy Forrest Lawson.

18 The witness, FORREST LAWSON, was first duly sworn and
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MS. COLLINS:

22 Q Would you please tell us your name?

23 A Forrest Lawson.

24 Q What is your occupation?

25 A I am a deputy with the Lancaster County Sheriff's

DARREN MANGUM - CROSS

1 Office.

2 Q And how long have you been a law enforcement officer?

3 A A little more than four and a half years.

4 Q All of that time with the Lancaster County Sheriff's
5 Department?

6 A Yes, ma'am.

7 Q Did you have an occasion to respond to the scene at
8 [REDACTED] Home Place Lane in Lancaster, South Carolina during
9 the morning of 10/28 of 2013?

10 A Yes, ma'am.

11 Q Did you go out there in response to a call from
12 dispatch?

13 A Yes, ma'am.

14 Q And about what time did you arrive?

15 A 7:53.

16 Q Were you traveling alone at that time?

17 A Yes, ma'am.

18 Q You were on duty?

19 A Yes, ma'am.

20 Q And if you could speak up. You might want to point
21 that a little bit more towards your face. Thank you. You
22 were dressed as you are today in uniform?

23 A Yes, ma'am.

24 Q You were driving a patrol vehicle; is that right?

25 A Yes, ma'am.

FORREST LAWSON - DIRECT

1 Q When you arrived at the scene, [REDACTED] Home Place Lane in
2 Lancaster, were you the first officer there?

3 A Yes, ma'am.

4 Q Now, that's in Lancaster County South Carolina,
5 correct?

6 A Yes, ma'am.

7 Q And therefore within your jurisdiction?

8 A Yes, ma'am.

9 Q And Deputy Lawson, when you first arrived there, can
10 you tell us what you observed on the exterior of the home?

11 A There were several people on the left side of the
12 residence on a porch that were screaming and yelling.

13 Q And could you discern actually what they were
14 screaming and yelling, what they were saying?

15 A That Ms. Ghent was inside. Jonathan was yelling,
16 "You better get him before I get him," stuff of that
17 nature. I was pretty focused in on the call so I didn't
18 pick everything up that was said.

19 Q All right. But they were upset.

20 A Yes.

21 Q And when you were on the exterior of the residence,
22 did you see the defendant, John Ghent, Jr.?

23 A When I entered the residence?

24 Q When you are on the exterior.

25 A No.

FORREST LAWSON - DIRECT

1 Q Now, this was near the beginning of your shift,
2 correct?

3 A Yes, ma'am.

4 Q You are pretty fresh on shift?

5 A Yes, ma'am.

6 Q Did you walk in that side door on the porch area where
7 the individuals were standing?

8 A Yes, ma'am.

9 Q And when you entered that area, what did you first
10 see?

11 A John was laying on the floor on his back.

12 Q By John, are you referring to the defendant, John
13 Ghent, Jr.?

14 A Yes, ma'am.

15 Q And were his eyes open?

16 A No, ma'am.

17 Q At that point was he making any noise?

18 A No, ma'am.

19 Q What did you do next?

20 A I asked him several questions just to see if he was
21 alive, there was no response from him, then I moved on to
22 the bedroom.

23 Q Was he covered in some type of white powder?

24 A Yes, ma'am.

25 Q Like flour?

FORREST LAWSON - DIRECT

- 1 A Yes, ma'am.
- 2 Q Could you see any injuries to him at that time?
- 3 A I believe he possibly had some injuries around his
4 mouth area, but the only thing that really sticks out in
5 my mind is the white flour.
- 6 Q Okay. You walked past him into the rest of the
7 residence?
- 8 A Yes, ma'am.
- 9 Q Where did you go?
- 10 A To the bedroom.
- 11 Q The master bedroom?
- 12 A Yes, ma'am.
- 13 Q What did you see there?
- 14 A Tressa on the floor and Ms. Ghent on the bed.
- 15 Q Now deputy, you're referring to them by their first
16 names. Did you know this family before this time?
- 17 A No, ma'am.
- 18 Q So Tressa Howle, the victim's sister, was on the
19 floor?
- 20 A Yes, ma'am.
- 21 Q Was she conscious at that time?
- 22 A Yes, she was.
- 23 Q You saw the body of Ms. Ghent on the bed; is that
24 right?
- 25 A Yes, ma'am.

FORREST LAWSON - DIRECT

- 1 Q Do you recall, was her head pointed toward the
2 footboard?
- 3 A Yes, ma'am.
- 4 Q Was there a large amount of blood around her body?
- 5 A Yes, ma'am.
- 6 Q Did you touch her at that time?
- 7 A No, ma'am.
- 8 Q Did you move her position at all?
- 9 A No.
- 10 Q What did you do next?
- 11 A I helped Ms. Howle up and walked her out, walked her
12 out the side door.
- 13 Q Was it apparent to you that Mrs. Ghent was dead at the
14 time?
- 15 A Yes, ma'am.
- 16 Q When you helped Ms. Howle up to her feet and helped
17 her back out, did you go through the kitchen area?
- 18 A Yes. We had went through the kitchen area.
- 19 Q Was the defendant still lying on the floor?
- 20 A Yes, he was still on his back.
- 21 Q Was there an officer there guarding him at that time?
- 22 A There was an officer in the residence, yes.
- 23 Q Was the defendant moving at that time?
- 24 A When I walked back past him he did move.
- 25 Q What happened next?

FORREST LAWSON - DIRECT

- 1 A I walked Tressa out the side door.
- 2 Q Was the family still outside?
- 3 A It was quite a few people outside.
- 4 Q Other law enforcement officers arrived by then?
- 5 A Yes.
- 6 Q Had EMS officers arrived?
- 7 A I'm not sure.
- 8 Q Did you help secure the scene at that point?
- 9 A Yes, ma'am.
- 10 Q You got out crime scene tape to form a barrier which
- 11 only authorized individuals could pass; is that correct?
- 12 A Yes, ma'am.
- 13 Q As the first officer on the scene, were you assigned
- 14 to write the incident report?
- 15 A The initial report, yes.
- 16 Q That report is often supplemented by reports filed by
- 17 officers who do work; is that correct?
- 18 A Yes, ma'am.
- 19 Q But the initial report, which you prepared -- and if
- 20 you need to refresh your memory to refer to it -- does it
- 21 note the day of the week that 10/28 of 2013 fell on?
- 22 A No.
- 23 Q If you could turn to the first page of the report and
- 24 look just above the narrative.
- 25 A Monday.

FORREST LAWSON - DIRECT

1 Q It was on Monday?

2 A Uh-huh.

3 Q And the victim's name is listed as Elaine Ghent,
4 correct?

5 A Yes, ma'am.

6 Q And her height and weight is listed at 5-7, 155; is
7 that correct?

8 A Yes, ma'am.

9 Q And the defendant listed as the subject on your report
10 is John Marion Ghent, Jr.; is that right?

11 A Yes, ma'am.

12 Q And his height and weight referenced there is 5-10,
13 230 pounds; is that correct?

14 A Yes, ma'am.

15 Q When you first walked into the bedroom and saw Ms.
16 Howle on the floor and the body of Mrs. Ghent on the bed,
17 did you happen to notice a note taped to the bedroom door?

18 A I did not.

19 Q Your attention was drawn to the victim and to Mrs.
20 Howle; is that correct?

21 A Yes, ma'am.

22 Q Before you left the scene you've already talked about
23 circling the perimeter with the crime scene tape, did you
24 assist in collecting some empty pill bottles and later
25 place them into evidence?

FORREST LAWSON - DIRECT

1 A The evidence form has my signature and number on it
2 but I do not remember collecting it.

3 Q But you're trained to fill out a form like that when
4 you collect and submit evidence, correct?

5 A Yes, ma'am.

6 Q And that evidence form does have this case number,
7 correct?

8 A Yes, ma'am.

9 Q And this place as address, right?

10 A Yes.

11 Q And it reflects you turned in a bag containing three
12 pill bottles; is that right?

13 A Yes, ma'am.

14 Q You simply don't have any independent memory of it; is
15 that correct?

16 A Yes, ma'am.

17 MS. COLLINS: Thank you, Deputy. Please answer any
18 questions of Mr. Lifsey.

19 CROSS EXAMINATION

20 BY MR. LIFSEY:

21 Q Deputy Lawson, it's fair to say this was a pretty
22 chaotic scene when you arrived?

23 A Yes, sir.

24 Q Were you the first police officer on scene?

25 A Yes, sir.

FORREST LAWSON - DIRECT

1 Q And so you arrived in this chaotic scene and it's
2 pretty emotional, is that correct? Not from your end, I
3 mean from the people that -- I know you were there to do
4 your job, but the people there are pretty emotional?

5 A Yes.

6 Q And when you see my client he's bleeding from the
7 mouth; is that correct?

8 A Yes.

9 Q And he is unresponsive to your questions.

10 A Yes.

11 Q Do you remember how long it was between when you got
12 there -- approximately between when you got there and when
13 my client was placed in any kind of ambulance or anything
14 like that?

15 A I could not tell you the specific time.

16 MR. LIFSEY: Thank you, Officer.

17 MS. COLLINS: No further questions.

18 THE COURT: Thank you, sir, you can step down. Call
19 your next witness.

20 MS. COLLINS: We ask that this went be excused.

21 THE COURT: All right, he can leave.

22 The witness, KENDRA HOWELL, was first duly sworn and
23 testified as follows:

24 DIRECT EXAMINATION

25

FORREST LAWSON - CROSS

1 BY MR. NEWMAN:

2 Q Will you state your name for the record?

3 A Kendra Howell.

4 Q Ms. Howell, where are you employed?

5 A Lancaster County Sheriff's Office.

6 Q What do you do at the Lancaster County Sheriff's
7 Office?

8 A Sergeant on patrol.

9 Q How long have you worked at the Lancaster County
10 Sheriff's Office?

11 A Approximately five years.

12 Q Did you work there in October of 2013?

13 A Yes, sir.

14 Q Did you have the same title and responsibilities?

15 A Yes, sir.

16 Q What are your responsibilities as far as sergeant over
17 patrol?

18 A Supervising deputies on high priority calls, just
19 make sure everything is taken care of properly. Also
20 supervising paperwork, reports, things of that such.

21 Q So you're the sergeant over Deputy Lawson?

22 A Yes, sir.

23 Q And did you respond to [REDACTED] Home Place on [REDACTED],
24 2013?

25 A Yes, sir.

KENDRA HOWELL - DIRECT

1 Q In reference to this murder?

2 A Yes, sir.

3 Q Is that in Lancaster County?

4 A Yes, sir.

5 Q What did you observe when you arrived?

6 A When arrived I observed several people outside of the
7 residence obviously upset, distraught.

8 Q How many officers were already on scene when you got
9 there?

10 A There were several officers there, I couldn't tell
11 you exactly how many.

12 Q So you didn't arrive right after Mr. Lawson, did you?

13 A Close after. A lot of us got there at the same time.

14 Q Go ahead, I'm sorry.

15 A Several people standing outside of the residence
16 obviously upset, distraught, saying that Ms. Ghent was
17 inside and advised me what had happened. I then proceeded
18 inside to see if I could assist with anything to see what
19 the nature was inside.

20 Q Did you interview any witnesses?

21 A No, sir.

22 Q Did you assist CSI?

23 A I did.

24 Q Did you, in fact, locate any evidence?

25 A I did notice a note taped to the bedroom door of the

KENDRA HOWELL - DIRECT

1 master bedroom.

2 Q I show you what has been marked as State's 7. Do you
3 recognize that photo?

4 A Yes, sir.

5 Q Is that a clear accurate portrayal of what you saw on
6 the door that day?

7 A Yes, sir, it is.

8 Q Is that, in fact, a photo of the note that you found?

9 A Yes, sir.

10 MR. NEWMAN: At this time I move State's 7 into
11 evidence.

12 MR. LIFSEY: Without objection.

13 THE COURT: Without objection introduced in evidence
14 as State's next in order.

15 (The photo was received as State's 7.)

16 MR. NEWMAN: Your Honor, permission to publish?

17 THE COURT: All right.

18 MR. NEWMAN: I'm going to hand it down since we don't
19 have the scanner set up.

20 THE COURT: Okay.

21 Q Now, as sergeant over patrol, did you review Deputy
22 Lawson's original report?

23 A Yes, sir, I did.

24 Q Now, this probably goes without saying between me and
25 you, but your last name is Howell. Are you any relation to

KENDRA HOWELL - DIRECT

1 Tressa Howle?

2 A No, sir, not that I'm aware.

3 MR. LIFSEY: Please answer anything Mr. Lifsey has.

4 THE COURT: Mr. Lifsey?

5 CROSS EXAMINATION

6 BY MR. LIFSEY:

7 Q Pretty emotional group of folks when you got there,
8 correct?

9 A Yes, sir.

10 Q People were upset, some of them were angry, it's a
11 pretty chaotic scene?

12 A Yes, sir.

13 MR. LIFSEY: I don't have any further questions.

14 THE COURT: All right. Thank you, ma'am, you may
15 stand down, you're also free to leave. And the State may
16 call its next witness.

17 MS. COLLINS: We ask that this witness be excused?

18 THE COURT: Uh-huh.

19 MS. COLLINS: Your Honor, the next went for the State
20 is Terri Faulkenberry.

21 The witness, TERRI FAULKENBERRY, was first duly sworn
22 and testified as follows:

23 DIRECT EXAMINATION

24 BY MS. COLLINS:

25 Q Would you please tell us your name?

KENDRA HOWELL - CROSS

1 A Terri Faulkenberry.

2 Q Ms. Faulkenberry, if you could speak up just a little
3 bit. What is your occupation?

4 A I'm a paramedic for Lancaster County EMS.

5 Q I'm going to get you to talk right in that microphone,
6 I'm sorry, I know everybody wants to hear what you have to
7 say. You are a paramedic with Lancaster County EMS; is
8 that correct?

9 A Yes, ma'am.

10 Q How long have you been employed with the Lancaster
11 County EMS?

12 A Since 2007.

13 Q And were you working therefore with Lancaster County
14 EMS in October of 2013?

15 A I was.

16 Q Were you part of the EMS team that responded to a call
17 during the morning of [REDACTED], 2013 at [REDACTED] Home Place
18 Lane in Lancaster, South Carolina?

19 A Yes, ma'am.

20 Q Please tell us what you saw when you first arrived.

21 A Initially when I arrived I saw numerous deputies
22 there, they had to secure the scene before we came in.

23 Q Now, tell us what that means, that they had to secure
24 the scene before EMS entered?

25 A Anytime someone gets stabbed, shot of that nature,

TERRI FAULKENBERRY - DIRECT

1 something really bad they have to go in and make sure that
2 the scene is safe before EMS arrives.

3 Q So although you were there and you were at the
4 location you had to wait for the all-clear sign from law
5 enforcement to go inside?

6 A Yes, ma'am.

7 Q And you did so?

8 A Yes, ma'am.

9 Q And when you received that sign from law enforcement
10 and entered the residence, what did you see?

11 A Again, I saw numerous deputies when we pulled up
12 along with numerous family members, or a lot of people
13 were in the yard.

14 Q And when you went inside the residence what did you
15 see?

16 A When we walked in I went straight to the defendant,
17 he was laying in the floor in the kitchen floor on his
18 back handcuffed. He was covered in -- I called it dirt
19 and had some blood on him.

20 Q Do you recall where he had the blood on him?

21 A Mostly on his head and face.

22 Q All right. Did you observe any marks on his wrists?

23 A I did. He had a laceration to his wrist, I believe
24 it was his left one.

25 Q And was it more than one laceration?

TERRI FAULKENBERRY - DIRECT

1 A That I noted it wasn't.

2 Q Was it bleeding at that time?

3 A No, ma'am, all bleeding had stopped.

4 Q But you could see blood, it had coagulated and stopped
5 flowing; is that correct?

6 A Yes, ma'am.

7 Q Did the defendant require any treatment medically at
8 all in regard to his wrists?

9 A No, ma'am.

10 Q Did you perform any treatment on the defendant within
11 the home?

12 A No, ma'am, not within the home.

13 Q Now, did you go into the bedroom at all where the body
14 of Mrs. Ghent was lying?

15 A No, ma'am.

16 Q Another EMS technician came to the scene and went into
17 the bedroom; is that right?

18 A Yes, ma'am.

19 Q So after your initial assessment of the defendant on
20 the floor of the kitchen, what did you do?

21 A I did a quick assessment of him just to make sure he
22 is breathing, a quick assessment on him, packaged him up
23 and got him out of the residence and took him to the
24 ambulance.

25 Q All right. Do you recall, was he cuffed you said?

TERRI FAULKENBERRY - DIRECT

1 A Yes, he was.

2 Q And when you took him to the ambulance, was law
3 enforcement with you?

4 A Yes, ma'am.

5 Q And do you recall the officers that were there with
6 you?

7 A I remember a few officers being there. There's no
8 way to remember everybody that was there because there
9 were so many people.

10 Q Certainly.

11 A I do remember a few of them.

12 Q When the defendant got into the ambulance, was he
13 carried out there on a stretcher, do you recall?

14 A What I recall is that we packaged him on what we call
15 a tarp, and it is a tarp and it has handles on it, so we
16 placed him on that and carried him out and then placed him
17 on the stretcher. Because of the condition of the house
18 we could not maneuver our stretcher through there.

19 Q Space was limited in the house?

20 A Space was limited.

21 Q It was cluttered?

22 A It was.

23 Q When you got the defendant to the ambulance, did y'all
24 go ahead and place him in the back or some might say the
25 bed of the truck or the back of the ambulance?

TERRI FAULKENBERRY - DIRECT

1 A Yes, ma'am.

2 Q And at that time was there any treatment administered
3 to him?

4 A I did assess his vital signs.

5 MR. LIFSEY: Your Honor, at this point I would renew
6 my motion made in limine in regards to what I believe to be
7 this next line of questioning.

8 THE COURT: Okay. You're protected.

9 MR. LIFSEY: Thank you.

10 Q Let's talk about his vital signs. How did you observe
11 them to be as the medical attendant on scene?

12 A His vital signs were all stable. A perfect blood
13 pressure is 120 over 80, and his initial blood pressure
14 was 110 over 70.

15 Q So a perfect blood pressure is 120 over 80. What's
16 the 120 stand for?

17 A It's the systolic blood pressure.

18 Q What does systolic mean?

19 A It will catch different parts of the heart. You have
20 two atriums and two ventricles, the systolic is the top of
21 the heart pumping, the bottom number is the bottom part of
22 the heart pumping.

23 Q So 120 would be perfect and his was at 110?

24 A Yes, ma'am.

25 Q And the other portion of the blood pressure, the lower

TERRI FAULKENBERRY - DIRECT

1 number was at 70?

2 A Yes, ma'am.

3 Q And what does that represent?

4 A Just like I said, the top number is the top part of
5 the heart pumping, and the bottom number is the bottom
6 part of the heart pumping.

7 Q So his bottom number was at 70 and I believe you said
8 a perfect number was 80?

9 A 80.

10 Q What was his pulse rate?

11 A 100.

12 Q Now, this is when you first assess him at 8:00; is
13 that correct?

14 A That is correct.

15 Q Your medical records indicate that you assessed in his
16 vital signs something called RR, what's that?

17 A Respiratory rate.

18 Q Okay. What does his assess at.

19 A A rate of 12.

20 Q And how did that fall within normal range?

21 A It fell within normal limits. Normal respiratory
22 rate is 12 to 20.

23 Q And what is SBO2?

24 A That would be his oxygen saturation.

25 Q And what was that at?

TERRI FAULKENBERRY - DIRECT

1 A 99 percent.

2 Q And what is a perfect level?

3 A 100.

4 Q Were you aware he was diabetic type two?

5 A Initially I was not, but I did learn that after a
6 more detailed assessment of him.

7 Q Is type two controlled by insulin or diet?

8 A Diet and sometimes medication pills.

9 Q You've got BG on your report, is that for blood
10 glucose?

11 A It is.

12 Q You did a finger prick there in the ambulance?

13 A It was actually a venous, after we started the ID we
14 got the blood from the IV.

15 Q Now that was somewhat high, correct?

16 A It was high.

17 Q What was it?

18 A 566.

19 Q All right. And then to the right in your report
20 you've got GCS.

21 A Yes, ma'am.

22 Q And then qualifier. What's that?

23 A That is our Glasgow Coma score. That's just a way of
24 measuring his awareness, his mental status.

25 Q And what did he rate at?

TERRI FAULKENBERRY - DIRECT

- 1 A He rated at 15.
- 2 Q What would perfect be?
- 3 A Fifteen.
- 4 Q And what is RTS?
- 5 A A revised trauma score.
- 6 Q And what did he rate at?
- 7 A 12.
- 8 Q And with a would normal be?
- 9 A 12.
- 10 Q That was at 8:00?
- 11 A Yes, ma'am.
- 12 Q Was there much variation from that time to when you
- 13 measured it again at 8:30?
- 14 A No, ma'am, his blood pressure was 124 over 68.
- 15 Q Was the defendant conscious when you spoke to him out
- 16 at the ambulance?
- 17 A He was.
- 18 Q Did he appear oriented times three?
- 19 A He was.
- 20 Q What does that mean?
- 21 A He was alert to person, place and time.
- 22 Q What did you ask him as a medical provider at that
- 23 time?
- 24 A I had asked him what happened to him, and he told me
- 25 that his son had beat him up because he had just killed

TERRI FAULKENBERRY - DIRECT

1 his mother.

2 Q And at that time were there law enforcement officers
3 nearby?

4 A There was.

5 Q Did they give you any direction or instruction
6 whatsoever as to what questions you should ask him?

7 A None.

8 Q You were asking him questions as a medical provider?

9 A I did. I just needed to know to make sure, you know,
10 making sure that he had not been struck with any blunt
11 object or anything like that that would change my
12 treatment for him.

13 Q Did you ask him in regard to what he had been struck
14 with?

15 A I did.

16 Q And what did he respond?

17 A He said that he had not been struck with an object,
18 that he was just punched and kicked.

19 Q Punched and kicked?

20 A Yes, ma'am.

21 Q Were you able to clearly discern his speech?

22 A Yes.

23 Q And at that time was he transported to the hospital?

24 A He was.

25 Q Did one of the officers accompany him in the back of

TERRI FAULKENBERRY - DIRECT

1 the ambulance to the hospital?

2 A Yes, ma'am.

3 Q You had another EMS attendant driving the ambulance?

4 A Yes, ma'am.

5 Q Did you also ride in the back?

6 A I did.

7 Q What if any treatment was he given in route to the
8 hospital?

9 A I just, like I said, started the IV line and I hung
10 some fluid on him to try to lower his blood sugar. Other
11 than that I just monitored his vital signs.

12 Q Did he indicate to you he had taken a large amount of
13 unknown pills?

14 A He did. During my interview with him we have a
15 series of questions to ask, and he did state to me that he
16 had taken some medication -- I wrote copious amounts of
17 medication, just meaning numerous, he stated numerous
18 medications with three of them being his wife's blood
19 pressure medicines.

20 Q But he didn't know the exact number?

21 A He did not.

22 Q And he did not know the exact name of those
23 medications?

24 A No, ma'am.

25 Q And you note that his blood pressure was stable; is

TERRI FAULKENBERRY - DIRECT

1 that correct?

2 A It was.

3 Q I believe you note this is pupils are equal and
4 reactive; is that right?

5 A That is correct.

6 Q What does that mean?

7 A That just mean they're normal. Sometimes when we
8 have -- drugs can do it, they can alter your pupil size,
9 head injuries can alter your pupil size, numerous things
10 can alter your pupil size. Equilibrium is a good way of
11 saying that he didn't have a head injury or anything like
12 that.

13 Q And so his pupils did not reflect any excessive drug
14 uses that you observed.

15 A Not that I observed.

16 Q They were equal to each other?

17 A Yes, ma'am.

18 Q And reactive when you shined a light on them?

19 A They were.

20 Q You note on your report that according to your medical
21 assessment you saw no signs of inward trauma to the
22 defendant, correct?

23 A Yes, ma'am.

24 Q And you observed what you felt to be no signs of
25 overdose due to pills; is that right?

TERRI FAULKENBERRY - DIRECT

1 A That is right.

2 Q When you arrived on scene that morning did the
3 ambulance driver for your vehicle have the lights and siren
4 engaged?

5 A Yes, ma'am.

6 Q When you left the scene that day with the defendant in
7 the back of the ambulance, were the lights and the siren
8 engaged?

9 A No, ma'am.

10 Q Why not?

11 A He was stable.

12 Q So when you left the scene to take the defendant to
13 Springs Memorial Hospital he was stable?

14 A Yes, ma'am.

15 Q And therefore the lights of the ambulance were not
16 engaged?

17 A No, ma'am.

18 Q The sirens of the ambulance were not engaged?

19 A No, ma'am.

20 Q And y'all took him to the hospital but not in an
21 emergent situation.

22 A That is correct.

23 Q When you arrived at the hospital you turned him over
24 to medical staff there?

25 A I did.

TERRI FAULKENBERRY - DIRECT

1 Q You gave him the report of what you observed?

2 A Yes, ma'am.

3 Q Did you have any other involvement in this case?

4 A No, ma'am.

5 Q You rode in the back with the defendant in the
6 ambulance, right?

7 A I did.

8 Q The entire way from [REDACTED] Home Place Lane to Springs
9 Memorial Hospital, did the defendant's medical status of
10 stable change in any regard?

11 A No, ma'am.

12 MS. COLLINS: One moment.

13 (Break in proceedings.)

14 MS. COLLINS: I ask that this be marked as the next
15 State's Exhibit, please.

16 Q Ms. Faulkenberry, I would like to show you a multiple
17 page document that's stapled and marked as State's Exhibit
18 8. Do you recognize that document?

19 A I do.

20 Q Look through all of the pages, please. Is that a
21 complete and accurate copy of your report for the transport
22 and assessment of the defendant medically at the scene and
23 the transport of him to Springs Memorial Hospital on 10/28
24 of 2013?

25 A It was.

TERRI FAULKENBERRY - DIRECT

1 MS. COLLINS: Your Honor, at this time I move State's
2 Exhibit 8 into evidence.

3 MR. LIFSEY: I don't have any objection.

4 THE COURT: Without objection introduced as State's
5 Exhibit 8.

6 (The report was received as State's 8.)

7 MS. COLLINS: Nothing further.

8 THE COURT: Mr. Lifsey?

9 CROSS EXAMINATION

10 BY MR. LIFSEY:

11 Q Ma'am, I want to show you a couple of pictures if I
12 could very briefly. Would you look at this picture one
13 moment?

14 A Uh-huh.

15 Q Is that an accurate reflection of my client's
16 appearance the day you saw him?

17 A Yes.

18 MR. LIFSEY: Your Honor, I would publish it to the
19 jury at this time.

20 THE COURT: Is it in evidence yet?

21 MR. LIFSEY: I apologize. I would move this into
22 evidence.

23 MS. COLLINS: Over our previous objections.

24 THE COURT: Objection noted and overruled. That is
25 Defendant's 1.

TERRI FAULKENBERRY - CROSS

1 (The photo was received as Defendant's 1.)

2 Q And that shows him -- the physical condition he was in
3 when you saw him including blood about the mouth and all,
4 correct?

5 A Right.

6 Q Do you remember the solicitor asking you about wounds
7 to the wrist area of my client?

8 A Yes.

9 Q I'm going to show you what's been marked as
10 Defendant's Exhibit 2 for identification purposes.

11 A Okay.

12 Q Is that an accurate reflection of the way he looked
13 that day?

14 A I remember seeing the wound on him.

15 Q Sure. And I'm not questioning what you testified to,
16 but this is a picture of what he was like that day,
17 correct?

18 A Correct.

19 MR. LIFSEY: I would move this into evidence as
20 Defendant's Exhibit 2.

21 MS. COLLINS: Over previous objection.

22 THE COURT: Previous objection noted and overruled,
23 introduced as Defendant's 2.

24 MR. LIFSEY: Publish this to the jury.

25 THE COURT: Publish granted.

TERRI FAULKENBERRY - CROSS

1 (The photo was received as Defendant's 2.)

2 Q You indicated my client reported to you that he had
3 taken I think your words were copious amounts of
4 medication, correct?

5 A Correct.

6 Q But your testimony, if I understood it correctly, was
7 that he was basically in stable condition when you left --
8 when you got him at the scene and when you left on the way
9 to the hospital, correct?

10 A Correct.

11 Q And you took him directly from the scene to Springs
12 Hospital, correct?

13 A Correct.

14 Q Have you got any idea why a doctor at Springs Hospital
15 would have said he was a near fatality with the
16 significantly different blood pressure than you registered?

17 MS. COLLINS: I'm going to object as to pitting.

18 THE COURT: Overruled.

19 Q Do you have any idea -- let me repeat my question. Do
20 you have any idea why a doctor at Springs Memorial Hospital
21 would have reported him as a near fatality with a
22 significantly different blood pressure and much lower blood
23 pressure than you?

24 A My vital signs are how he was when I had him, and
25 overtime, of course, medicine will take effect. I didn't

TERRI FAULKENBERRY - CROSS

1 have him for a very long period of time, so if his blood
2 pressure plummeted when he got to Springs, pills will do
3 that, especially blood pressure pills.

4 Q Especially if he would have taken a lot of them in an
5 effort to kill himself, correct?

6 MS. COLLINS: I'm sorry, I can't hear Mr. Lifsey's
7 question.

8 Q Especially if he would had taken a lot of them in an
9 effort to kill himself, correct?

10 A A large amount of blood pressure pills will dump your
11 blood pressure.

12 MR. LIFSEY: I don't think I have any further
13 questions of this witness.

14 THE COURT: Any redirect?

15 REDIRECT EXAMINATION

16 BY MS. COLLINS:

17 Q But again that would depend on how many pills,
18 correct?

19 A Correct.

20 Q And what type of pills, correct?

21 A Correct.

22 Q It would also depend upon the natural state of the
23 patient's own blood pressure, correct?

24 A Correct.

25 Q Whether or not his own blood pressure normally was

TERRI FAULKENBERRY - REDIRECT

1 fine and whether or not he himself was normally prescribed
2 low blood pressure medicine; is that correct?

3 A That's correct.

4 Q In looking at the photograph regarding Mr. Ghent's
5 injuries, it appears that there was more than one mark to
6 his wrist; is that correct?

7 A It appears.

8 Q But none of those were actively bleeding at the time
9 you saw him?

10 A No, ma'am, they all appeared to be superficial.

11 Q And no treatment was needed for his wrists, correct?

12 A No, ma'am, correct.

13 MS. COLLINS: Thank you. Nothing further.

14 MR. LIFSEY: I don't have any further questions.

15 THE COURT: Thank you, ma'am, you can step down,
16 you're free to leave.

17 MS. COLLINS: We ask this witness be excused.

18 THE COURT: Okay.

19 MS. COLLINS: Thank you. The next witness, Your
20 Honor, is Agent Eric Jaillette of the Lancaster County
21 Sheriff's Department.

22 The witness, ERIC JAILLETTE, was first duly sworn and
23 testified as follows:

24 DIRECT EXAMINATION

25

TERRI FAULKENBERRY - REDIRECT

1 BY MS. COLLINS:

2 Q Would you please state your name?

3 A Eric Jaillette.

4 Q What is your occupation?

5 A I work for narcotics at the Lancaster County
6 Sheriff's Office.

7 Q And how long have you been a law enforcement officer?

8 A Going on 12 years.

9 Q How long have you been in the narcotics division?

10 A Going on five years.

11 Q Were you working for the sheriff's department then in
12 October of 2013?

13 A Yes, ma'am.

14 Q And even though you worked in the narcotics division
15 when an incident such as murder happens in our county, do
16 multiple officers respond?

17 A Yes, ma'am.

18 Q And did you respond to a call during the morning of
19 [REDACTED] of 2013 to [REDACTED] Home Place Lane, Lancaster,
20 South Carolina?

21 A Yes, ma'am.

22 Q And when you arrived there on scene, were there other
23 officers there?

24 A Deputy Lawson was there, myself and Captain Brown got
25 there about the same time.

ERIC JAILLETTE - DIRECT

1 Q Did you go into the home?

2 A I did.

3 Q Did you see the defendant?

4 A I did.

5 Q Where was he?

6 A He was lying on the kitchen floor on his back.

7 Q Did he appear conscious to you at that time?

8 A He was conscious at that time.

9 Q Did you observe any injuries to him at that time?

10 A I saw blood around his mouth and scratches on his
11 arms.

12 Q Did you go into the bedroom?

13 A Yes, ma'am, I did.

14 Q Did you see the body of Mrs. Elaine Ghent in the
15 bedroom?

16 A Yes, ma'am.

17 Q And can you describe what you saw?

18 A When I entered the room she was facing towards the
19 entrance of the room away from the bathroom in a fetal
20 position on the far side of the bed. There were lots of
21 blood on her shirt and around that part of the bed, and
22 also some kind of matter -- she had her hands up, some
23 kind of dried matter on her hands.

24 Q She was on her left side?

25 A She was.

ERIC JAILLETTE - DIRECT

1 Q And you have indicated for the record's purposes since
2 we don't have a videotape for the record that her hands
3 were cupped up close between her chest and her chin?

4 A Yes, ma'am.

5 Q Did she appear to you to be deceased at that time?

6 A She did.

7 Q You did not see her breathing?

8 A No, ma'am.

9 Q Did you check for a pulse?

10 A No, ma'am, I didn't.

11 Q What did you do next, Agent Jaillette?

12 A After I left the bedroom I came back towards the
13 kitchen where Mr. Ghent was, that the -- EMS was in the
14 residence at that time, followed them out to the truck. I
15 guess that's when they put him on the stretcher and into
16 the back of the truck.

17 Q The defendant was handcuffed at that time?

18 A He was.

19 Q He was in custody?

20 A Yes, ma'am.

21 Q And apart from his medical status he was not free to
22 leave; is that correct?

23 A No, ma'am.

24 Q But to your knowledge, had he been charged with
25 anything at that point?

ERIC JAILLETTE - DIRECT

1 A No, ma'am.

2 Q You accompanied the defendant out to the ambulance?

3 A Yes, ma'am.

4 Q You heard Ms. Faulkenberry just testify?

5 A Yes, ma'am.

6 Q As the EMS attendant?

7 A Yes, ma'am.

8 Q And when she was speaking with the defendant about his
9 medical condition, were you present nearby at the
10 ambulance?

11 A Yes, ma'am.

12 MR. LIFSEY: Your Honor, just for the record I would
13 renew my objections made at the motion in limine.

14 THE COURT: All right, overruled.

15 Q Did you ask any questions of the defendant?

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

17 Q Did any law enforcement officer in your presence ask
18 any questions of the defendant?

19 A No, ma'am, they did not.

20 Q But did you hear the medical question that Ms.
21 Faulkenberry, the EMS attendant, asked him?

22 A Yes, ma'am.

23 Q You heard her when she asked him, "What happened to
24 you?"

25 A Yes, ma'am.

ERIC JAILLETTE - DIRECT

1 Q And do you recall his answer?

2 A Yes, ma'am.

3 Q What was that?

4 A After Terri asked what happened to him he said, "My
5 son hit me in the face because I killed my wife."

6 Q Did you ride along in the ambulance with the defendant
7 and Ms. Faulkenberry, the attendant to the hospital?

8 A Yes, ma'am.

9 Q You did that because at that time you were providing
10 security as law enforcement?

11 A Yes, ma'am.

12 Q He was in your custody at that point, correct?

13 A Yes, ma'am.

14 Q And you accompanied him to the hospital and into the
15 ER; is that right?

16 A Yes, ma'am.

17 Q Agent, did you have any other involvement in this
18 case?

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

20 MS. COLLINS: One moment.

21 (Break in proceedings.)

22 MS. COLLINS: Thank you, Agent. Please answer any
23 questions of the defense attorney.

24 THE COURT: Mr. Lifsey?

25 CROSS EXAMINATION

ERIC JAILLETTE - DIRECT

1 BY MR. LIFSEY:

2 Q Agent Jaillette, do you have any EMS or medical
3 training yourself?

4 A No, sir, I do not.

5 Q So you weren't in a position to be able to make any
6 medical diagnosis of my client and what his condition was,
7 were you?

8 A No, sir.

9 MR. LIFSEY: I don't have any further questions.

10 THE COURT: All right. Thank you, sir, you can step
11 down. Let's take a break. We'll be down until about 3:00
12 or so, y'all stretch your legs, relax a little bit, don't
13 talk about the case, though. See you shortly.

14 (The jury left the courtroom.)

15 THE COURT: Are y'all ready for the jury?

16 MS. COLLINS: State is ready.

17 MR. LIFSEY: Defense is ready.

18 (The jury returned to the courtroom.)

19 THE COURT: All right. All members of the jury are
20 present. The State can call its next witness.

21 MR. LIFSEY: State's next witness is Spencer
22 McInvaille of the sheriff's department.

23 The witness, SPENCER MCINVAILLE, was first duly sworn
24 and testified as follows:

25 DIRECT EXAMINATION

ERIC JAILLETTE - CROSS

1 BY MR. LIFSEY:

2 Q Please state your name.

3 A Spencer McInvaille.

4 Q What is your occupation?

5 A I'm an investigator with the sheriff's office.

6 Q And how long have you been a law enforcement officer?

7 A Going on seven years now.

8 Q Were you working with the Lancaster County Sheriff's
9 Department in October of 2013?

10 A Yes, ma'am.

11 Q And in that capacity, did you respond to a call during
12 the morning of [REDACTED], 2013 to [REDACTED] Home Place Lane in
13 Lancaster, South Carolina?

14 A Yes, ma'am, I did.

15 Q Within Lancaster County?

16 A Yes, ma'am.

17 Q And when you responded to that scene, did you go into
18 the home?

19 A I did not.

20 Q You did not go into the house at all?

21 A No, ma'am.

22 Q Law enforcement, other officers were already there
23 when you arrived; is that correct?

24 A Yes, ma'am. The crime scene was already established
25 when I arrived.

SPENCER MCINVAILLE - DIRECT

1 Q And by saying the crime scene was established, the
2 crime scene tape had been placed up forming a perimeter
3 around the home; is that right?

4 A Yes, ma'am. Typically once that's established if
5 you're not needed inside the crime scene you stay outside.

6 Q Did you see the defendant during your time there on
7 scene?

8 A Yes, ma'am, outside the residence.

9 Q Did he appear conscious to you at that time?

10 A Yes, ma'am, he did.

11 Q Where on the exterior of the residence did you see
12 him?

13 A I met with Investigator Jaillette there at the
14 ambulance with Mr. Ghent.

15 Q Agent Jaillette who just testified?

16 A Yes, ma'am.

17 Q And EMS technician, Terri Faulkenberry, was attending
18 to the defendant?

19 A Yes, ma'am, she was also present.

20 Q So you were there at the ambulance with them?

21 A Yes, ma'am.

22 Q Did you get inside the ambulance?

23 A I believe I did.

24 Q Did you observe any injuries to the defendant?

25 A Yes, ma'am, he did have injuries to his face.

SPENCER MCINVAILLE - DIRECT

1 Q Did you hear Ms. Faulkenberry ask him any questions?

2 A Yes, ma'am.

3 Q The defendant was handcuffed at this time?

4 A Yes, ma'am, he was.

5 Q You did not question the defendant; is that correct?

6 A No, ma'am.

7 Q Agent Jaillette did not ask the defendant any
8 questions; is that right?

9 A No, ma'am.

10 Q Did any law enforcement officers there to your
11 knowledge ask the defendant any questions?

12 A No, ma'am.

13 Q But when Ms. Faulkenberry, the EMS technician, asked
14 the defendant a medical question, what did she ask him, do
15 you recall?

16 MR. LIFSEY: And I just -- subject to my prior
17 objections.

18 THE COURT: Yep. Objection noted, you're protected.

19 A Yes, ma'am. If I can refer back to my narrative that
20 I wrote. Terri asked Mr. Ghent what he was struck in the
21 face with and he replied, and I quoted, "My son hit me in
22 the face because I killed my wife."

23 Q Did you ride along in the ambulance with the
24 defendant?

25 A I did not.

SPENCER MCINVAILLE - DIRECT

1 Q Did you enter the residence after the defendant left
2 in the ambulance?

3 A No, ma'am.

4 Q Investigator McInvaille, did you have any other
5 involvement in this case other than witnessing that
6 statement that the defendant made to the EMS technician?

7 A During that same time that we were in the ambulance
8 another -- what I noted during that time was that Mr.
9 Ghent began to speak freely and he stated that "I killed
10 her" was the statement that he made. I didn't accompany
11 any farther from there to when they were transporting to
12 Springs.

13 Q That was in response to no questions from anyone?

14 A No, ma'am.

15 Q Not even in response to a question from the medical
16 technician?

17 A No, ma'am.

18 Q Did you later go to the hospital and get the black
19 shorts that the defendant had been wearing at the time?

20 A Yes, ma'am. It was that same day later on they were
21 actually bagged up in a Springs Memorial bag by one of the
22 nurses and was being held there with the deputies that was
23 on scene.

24 Q And you retrieved those from the hospital and placed
25 those in evidence at the sheriff's department?

SPENCER MCINVAILLE - DIRECT

1 A Yes, ma'am.

2 MS. COLLINS: Thank you. No further questions.

3 THE COURT: Mr. Lifsey?

4 CROSS EXAMINATION

5 BY MR. LIFSEY:

6 Q Officer McInvaille, you don't really have any medical
7 training yourself, do you?

8 A I have none.

9 Q So you don't know where on the scale of a perfectly
10 stable to near fatality my client would have been from a
11 medical assessment standpoint?

12 A No, sir. I wasn't there to assess, I was only there
13 to standby with Jaillette just for security.

14 MR. LIFSEY: Thank you, sir. I don't have any further
15 questions.

16 THE COURT: Thank you, sir, you may step down.

17 MR. LIFSEY: Just ask that this witness be excused.

18 THE COURT: Okay. Have a good day. You may call your
19 next witness.

20 MR. LIFSEY: State calls Karla Deese.

21 The witness, KARLA DEESE, was first duly sworn and
22 testified as follows:

23 DIRECT EXAMINATION

24 BY MR. NEWMAN:

25 Q Will you state your name for the record?

SPENCER MCINVAILLE - CROSS

1 A Karla Deese.

2 Q Ad Ms. Deese, where are you employed?

3 A Lancaster County Coroner's Office.

4 Q What is your title there?

5 A Chief Deputy Coroner.

6 Q How long have you been with the coroner's office?

7 A Since April of 2005.

8 Q And when you started with the coroner's office what
9 was your job?

10 A I was part-time deputy coroner.

11 Q Now, tell me about your training to become part-time
12 deputy corner.

13 A Prior to becoming part-time deputy coroner my
14 training included I studied at the University of South
15 Carolina at Lancaster in Criminal Justice, and I also
16 worked for Springs Memorial Hospital as a student
17 respiratory therapist in cardiopulmonary.

18 Q And when did you become chief deputy coroner?

19 A July 1st of 2007.

20 Q Did you have to have any additional training in order
21 to become chief deputy corner?

22 A Yes. We do numerous hours every year in training,
23 and I also am certified as an American Legal Death
24 Investigator by the National ABI board.

25 Q And you take continuing education classes as a part of

KARLA DEESE - DIRECT

1 your position?

2 A Yes, every year.

3 Q So in October of 2013 were you then serving as chief
4 deputy coroner?

5 A Yes.

6 Q Were you involved in the investigation of the death of
7 Elaine Ghent?

8 A Yes.

9 Q Did you respond to the scene on Home Place?

10 A Yes.

11 Q And is that scene in Lancaster County?

12 A Yes, it is.

13 Q What did you do when you arrived?

14 A We were dispatched that morning.

15 Q You say we.

16 A Myself and Deputy Scott Ramsey, I was supervising
17 him --

18 Q Okay.

19 A -- in his capacity that morning.

20 Q And Mr. Ramsey actually wrote this report; is that
21 correct?

22 A Correct.

23 Q And you as chief deputy coroner, do you approve his
24 report?

25 A Yes.

KARLA DEESE - DIRECT

1 Q Okay. Go ahead.

2 A So Mr. Ramsey and I arrived at 7:56 -- I'm sorry, we
3 got our call at 7:56 that morning, we arrived at 8:50.

4 Mr. Ramsey and I were briefed by law enforcement on scene
5 as to the events, you know, or how the scene appeared to
6 them, and we were also briefed by EMS. And then we
7 awaited direction from CSI upon entry to the home.

8 Q So once you receive direction from CSI, what do you do
9 at that point?

10 A At that time we all do a walk-through together
11 mostly, not all personnel but just one from each division,
12 and we do a quick walk-through and then we back out and
13 allow them to process up to the point of the body, then we
14 reenter.

15 Q Did you get a chance to observe the body at that time
16 and confirm that the victim was, in fact, dead?

17 A Yes.

18 Q Did you formally pronounce her dead?

19 A She was formally pronounced at 10:40 by Scott Ramsey.

20 Q Can you describe the victim's body as you observed it
21 at the scene?

22 A Yes. She was on the bed with her feet toward the
23 head of the bed and her head toward the foot of the bed,
24 and she was lying left side recumbent, which is not on
25 your back and not on your stomach, it's just on your left

KARLA DEESE - DIRECT

1 side, her knees were slightly drawn and her hands were
2 drawn in toward her chest. And she had on pajamas -- what
3 appeared to be pajama clothing and they were saturated
4 with blood.

5 Q When you say saturated with blood, is there a lot of
6 blood?

7 A It's enough to saturate the clothing.

8 Q Okay. Tell the jury, what is rigor?

9 A Rigor is a chemical change that occurs in the body
10 after death, and it's when the muscles lack oxygen and
11 they go through a chemical change which causes the muscles
12 to become stiff.

13 Q And did you observe rigor on this body?

14 A Yes. She had what we refer to as early rigor.

15 Q What is early rigor?

16 A Early rigor -- rigor starts in the smaller muscles,
17 it's more prevalent in the neck and the jaw area where it
18 begins, and that's where we observed it.

19 Q Now, based on this level of rigor, were you able to
20 determine an estimated time of death?

21 A Yes. The original determination was around 0400
22 hours.

23 Q And what is that in --

24 A That's 4:00 in the morning.

25 Q Now, what was the temperature of the body? Not exact,

KARLA DEESE - DIRECT

1 but did you -- was it cool or warm?

2 A The areas exposed upward to the air were cool to the
3 touch, the under areas where the body would hold heat
4 against the bed were still a little warm to the touch.

5 Q Okay. Now -- and I'm just going through your report.
6 What is livor?

7 A Livor is the discoloration of the body, it's where
8 the blood in the smaller vessels drains out in the larger
9 vessels and it causes a discoloration. Laymen's terms is
10 it's blood pooling, which is however the body is
11 positioned at the time of death it's dependent -- it goes
12 like with gravity essentially.

13 Q Did you observe livor on the body?

14 A Yes. She had livor on her left side, which was
15 consistent with the position she was in.

16 Q Any other examination of the body done there at the
17 scene?

18 A Other than just an external overview. We did an
19 external overview before we removed her.

20 Q Did you clean off any blood before you removed her?

21 A No.

22 Q Now, so nothing was cleaned off before she's
23 transported to the coroner's office?

24 A No.

25 Q At the coroner's office, was anything cleaned off

KARLA DEESE - DIRECT

1 before she was transported to autopsy?

2 A No.

3 Q Now, you have to take certain measurements and things
4 and notes and photos and probably a video before you moved
5 the body. Was that all done?

6 A That was done. I did photos, other additional photos
7 were done by CSI and they also did a video.

8 Q Do you measure the body as to the size of the body or
9 the location of the body or both?

10 A In reference to -- can you clarify, or are you
11 telling -- are you asking me about at the scene or at the
12 morgue?

13 Q At the scene.

14 A At the scene we did not take measurements.

15 Q Now, when it's time to move the body to the coroner's
16 office, who makes that call? Is that you?

17 A That's correct.

18 Q Okay. Is the body transported by your folks?

19 A Yes.

20 Q Once the body arrives at the coroner's office, is it
21 kept in a secure and locked area?

22 A Yes.

23 Q Who has access to that area?

24 A Only coroner's office staff and law enforcement is
25 allowed to have access under our supervision.

KARLA DEESE - DIRECT

1 Q So law enforcement can't even just walk up in there,
2 they've got to have your approval.

3 A That's correct.

4 Q Now, was it you or Coroner Morris who authorized the
5 autopsy?

6 A I authorized.

7 Q And I probably skipped this, but were you appointed by
8 Coroner Morris?

9 A I was.

10 Q Okay. Again, the victim's body was not cleaned or
11 altered in any way prior to going to the autopsy?

12 A No.

13 Q What day was the autopsy scheduled for?

14 A The autopsy was schedule for the 29th of October.

15 Q And where?

16 A At Newberry Pathology.

17 Q And the body was kept there secure overnight until it
18 could be transported to the autopsy?

19 A Yes.

20 Q And who transports it to the autopsy?

21 A Coroner's office transport members.

22 Q Does law enforcement attend that autopsy?

23 A Yes.

24 Q Did you receive a written report from Dr. Ross after
25 the autopsy?

KARLA DEESE - DIRECT

1 A Yes.

2 Q And is that relayed in your report as to the cause of
3 death?

4 A Yes.

5 Q Do you have to sign a death certificate?

6 A Yes. In this particular case Mr. Ramsey was a deputy
7 coroner and he signed this death certificate.

8 Q Okay. You have a death notification for burial and
9 transit, do you sign that as well?

10 A Yes. In this case he was also one that signed that.

11 Q Now, that body comes back to the coroner's office
12 after autopsy?

13 A Yes.

14 Q And is it then at some point released to the funeral
15 home?

16 A Yes.

17 Q Now, do you request a toxicology report --

18 A Yes.

19 Q -- from the victim? And did you, in fact, receive a
20 report back from Ms. Ghent?

21 A Yes.

22 Q And is that related in your report as well?

23 A It is.

24 Q Any substances in her system?

25 A Nothing other than caffeine.

KARLA DEESE - DIRECT

1 Q And the fact that she's got caffeine in her system,
2 would that change your opinion as to the cause of death?

3 A No.

4 Q Ms. Deese, we were looking at some photos when you
5 visited my office, there was a frothy type substance around
6 the victim's mouth area. Can you explain that?

7 A Yes. What was present in her mouth, we refer to it
8 in the coroner's world as a foam cone, it's a very frothy
9 substance coming out. Hers was pink which indicated that
10 there was blood mixed in, which likely was from breathing
11 with -- the lung had been punctured and the blood gets
12 mixed in with that air.

13 Q So that indicates she was breathing or trying to
14 breath while she was bleeding profusely?

15 A She was breathing while there was blood mixed in and
16 the blood came from the stab wound, so yes.

17 Q I show you what's been marked as State's 9. Can you
18 identify that document?

19 A This is the coroner's report for Anne Elaine Ghent.

20 Q Is that the report that you approved?

21 A Yes.

22 Q Is that a clear and accurate portrayal of the report?

23 A Yes.

24 Q Is that kept in the normal course of business?

25 A Yes.

KARLA DEESE - DIRECT

1 MR. NEWMAN: Your Honor, at this time I would enter
2 State's 9 into evidence.

3 MR. LIFSEY: I would object to that both as to being
4 duplicative and I have other grounds if the Court wishes to
5 hear them.

6 THE COURT: Y'all want to come on up here then?

7 (A bench conference was held.)

8 THE COURT: Objection overruled. The document will
9 come into evidence as stated at the side bar.

10 (The report was received as State's 9.)

11 MR. NEWMAN: Thank you, Ms. Deese. Answer any
12 questions that Mr. Lifsey has.

13 CROSS EXAMINATION

14 BY MR. LIFSEY:

15 Q Let me just clarify, you testified earlier that the
16 hands and body were positioned, how did you describe them?

17 A Her body was left side recumbent, correct.

18 Q What were her hands?

19 A Her hands were drawn in toward her chest.

20 Q They were in no way above her head or anything like
21 that.

22 A Not at that time.

23 MR. LIFSEY: I don't think I have any further
24 questions.

25 MS. COLLINS: One moment please, Judge.

KARLA DEESE - CROSS

1 REDIRECT EXAMINATION

2 BY MR. NEWMAN:

3 Q When you got back to the morgue and opened up the bag,
4 were her hands still in that same position, do you recall?

5 A I don't recall. I'm pretty sure they were but I
6 don't recall 100 percent.

7 MR. NEWMAN: No further questions.

8 THE COURT: Thank you, ma'am, you may stand down.

9 MS. COLLINS: We ask that this witness be excused.

10 MR. LIFSEY: That's fine.

11 MS. COLLINS: Your Honor, the State's next witness is
12 Investigator Ken Taylor.

13 The witness, KEN TAYLOR, was first duly sworn and
14 testified as follows:

15 DIRECT EXAMINATION

16 BY MS. COLLINS:

17 Q Would you please state your name?

18 A My name is Ken Taylor.

19 Q What is your occupation?

20 A I'm a deputy sheriff, Lancaster County Sheriff's
21 Office, crime scene investigator.

22 Q As an investigator with the crime scene investigation
23 unit of the sheriff's department, what are your duties?

24 A We respond to scenes, typically focus on physical
25 evidence found at scenes. We document the condition of

KARLA DEESE - REDIRECT

1 scenes, collect evidence, sometimes process evidence in
2 place, sometimes get it ready to be transferred on to
3 another agency such as SLED or some other lab for further
4 processing.

5 Q Were these also your duties in October of 2013?

6 A Yes.

7 Q You were a member of the crime scene unit at that time
8 as well?

9 A Yes.

10 Q How long have you been a full-time officer with law
11 enforcement?

12 A Since December of 2005.

13 Q Have you served with CSI during all of your years with
14 law enforcement?

15 A No, been on crime scene unit about six and a half
16 years.

17 Q What special training do you receive in order to be an
18 investigator with the crime scene unit?

19 A Everyone on our unit has attended the National
20 Forensic Academy, which is an agency or a school that's
21 maintained by the University of Tennessee out of Oakridge
22 near Knoxville, Tennessee. It's a ten week program that
23 we go through. It covers a lot of things, general
24 investigation techniques, fingerprinting, shooting
25 reconstruction, blood stain pattern analysis, photography

KEN TAYLOR - DIRECT

1 documentation, just a lot of different things involved in
2 that ten week program.

3 Q What does the term forensics itself mean?

4 A Looking at legalities and evidence and the processing
5 of those things and the determination of those things when
6 dealing with legal climate I guess you would say.

7 Q You are certified nationally in the area of crime
8 scene investigation?

9 A Yes, ma'am.

10 Q And since becoming nationally certified, do you
11 receive continuing education in the field of crime scene
12 investigation?

13 A Yes, we do.

14 Q That's required yearly?

15 A Yes.

16 Q You meet or exceed those yearly amounts; is that
17 correct?

18 A Yes, ma'am.

19 Q Investigator Taylor, were you involved in the
20 investigation of the case currently before the court which
21 resulted in the defendant being charged with the murder of
22 Elaine Ghent?

23 A Yes.

24 Q Can you tell us when you first arrived at the scene?

25 A I think it was about quarter until 8:00, about 7:45

KEN TAYLOR - DIRECT

1 or so that morning that I believe was [REDACTED].

2 Q And what did you first do when you got there?

3 A I saw several other deputies on scene. I believe EMS
4 had just arrived or was getting there about the same time,
5 started just talking to some of the deputies getting
6 briefings just trying to figure out what was going on.
7 And also my lieutenant, my supervisor, Lieutenant Christy
8 Rogers, I was on the phone with her and kind of giving her
9 a briefing of what I was finding at the scene and what the
10 state of things were at the time.

11 Q In that this involved a homicide, or alleged homicide,
12 were there many officers at the scene?

13 A Yes. There were quite a few when I got there and
14 several more arrived along with EMS and others, and the
15 coroner's office.

16 Q Did Lieutenant Christy Rogers, your supervisor and
17 fellow CSI unit member, also join you?

18 A Yes, she did.

19 Q Was the residence at [REDACTED] Home Place Lane identified
20 as the residence of both the victim and the defendant?

21 A Yes, it was.

22 Q And, of course, that's within Lancaster County.

23 A Yes, it is.

24 Q Walk us through what you did when you first arrived.

25 Was there anything that you did as a member of CSI looking

KEN TAYLOR - DIRECT

1 at the exterior of the home or did you do an initial
2 assessment of the exterior and interior?

3 A What I did first -- again expecting that a search
4 warrant would probably be sought after, which is what my
5 supervisor, Lieutenant Rogers, eventually did, when we
6 both arrived I first took my camera out and started to
7 take some pictures of just the outside of the house, just
8 the scene in general showing again some of the other
9 officers and deputies and all that had arrived. And at
10 that point we were told that Mr. Ghent was in the EMS
11 truck getting ready to -- or they were getting him ready
12 to transport him to the hospital, and I believe Lieutenant
13 Rogers took my camera stepped inside the vehicle and
14 snapped a few pictures, I think some of the ones that have
15 already gone around and been shown. Then the camera was
16 given back to me and I took some of the outside of the
17 residence waiting on completion of the search warrant
18 affidavit.

19 Q And upon ultimately receiving a search warrant, did
20 you process the inside of the home?

21 A Yes, ma'am, we did.

22 Q And by processing you looked for potential evidence in
23 the case on the inside of the home?

24 A Yes, that's correct.

25 Q You took certain measurements within the home; is that

KEN TAYLOR - DIRECT

1 right?

2 A Yes, we did.

3 Q Did you prepare a diagram of the home?

4 A Yes. I did a scene drawing, correct.

5 Q In fact, in this case did you do two?

6 A Yes, I did. One was more of an overall showing some
7 dimensions in the yard in relation to the driveway in
8 proximity of the house, and then one just showing the
9 overall floor plan of the house and locations of some
10 other findings.

11 Q Investigator, let me show you what has been marked as
12 State's Exhibit Number 10 and ask you, do you recognize
13 that drawing?

14 A Yes, I do.

15 Q What is it?

16 A This is an overall drawing that I created showing the
17 floor plan of the residence and the Home Place Lane Road
18 Campbell Lake Road and the gravel roadway with the vehicle
19 sitting in the driveway just to show the proximity of the
20 house to those items.

21 Q And you prepared that for reference in this case?

22 A Yes.

23 MS. COLLINS: At this time I move State's 10 into
24 evidence.

25 MR. LIFSEY: I have no objection to that document.

KEN TAYLOR - DIRECT

1 THE COURT: All right.

2 MS. COLLINS: Ask that publish that to the jury.

3 THE COURT: Introduced as a State's exhibit,
4 permission to publish granted.

5 (The drawing was received as State's 10.)

6 Q Investigator, is it showing on your screen?

7 A Yes, ma'am.

8 Q This is the overall view of [REDACTED] Home Place Lane, the
9 diagram that you prepared; is that right?

10 A Yes.

11 Q The front of the home faces Home Place Lane; is that
12 right.

13 A Correct.

14 Q The side of the home faces Campbell Lake Road; is that
15 right?

16 A Yes.

17 Q I show you what has now been marked as State's Exhibit
18 11 and ask you, is that the close-up of the interior floor
19 plan of the home?

20 A Yes, it is.

21 MS. COLLINS: I move that into evidence at this time.

22 MR. LIFSEY: Without objection.

23 THE COURT: Without objection introduced into
24 evidence.

25 MS. COLLINS: I move to publish that at this time.

KEN TAYLOR - DIRECT

1 THE COURT: Publication granted.

2 (The diagram was received as State's 11.)

3 Q I think that will just give us a little bit closer
4 view. Do you see that there, Investigator?

5 A Yes, ma'am.

6 Q So you prepared this and you go into the front
7 entryway, there's a front brick porch with rounded steps;
8 is that right?

9 A Yes, it is.

10 Q And then the front door opens into the living room; is
11 that right?

12 A Yes, ma'am.

13 Q To the left being the kitchen?

14 A Yes.

15 Q And to the left of that a utility room?

16 A Correct.

17 Q And there is a side entrance there to the utility
18 room, correct?

19 A Yes, ma'am.

20 Q Now, when you entered the home, I believe you may have
21 already testified to this, was the defendant already out of
22 the kitchen area?

23 A Correct. The defendant was not in the house at the
24 time that I entered.

25 Q All right. Now, this area, this first bedroom coming

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1 from the kitchen area, there's actually a door here to the
2 master bedroom; is that right?

3 A Yes, ma'am.

4 Q And you've drawn the bed here, correct?

5 A Correct.

6 Q So coming in, is that the only door into the bedroom
7 from the hallway?

8 A Yes, it is.

9 Q And coming into the bedroom the bed is right there in
10 front of you; is that right?

11 A Immediately to your left when you enter that door.

12 Q So it's lined up against that left wall of the head
13 board; is that right?

14 A Yes, ma'am.

15 Q And the foot board is there in front of you?

16 A Correct.

17 Q And if you continue straight you would go to the door
18 of the master bathroom, correct?

19 A Yes.

20 Q Now, you've drawn a figure here on the bed; is that
21 right?

22 A Yes.

23 Q Is that figure to depict the position of the body of
24 Mrs. Elaine Ghent as you saw it on that date?

25 A Yes, it is.

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1 Q And we can see some black, is that depicting the hip
2 and leg area of the victim?

3 A In yours correct, that would be the lower portion of
4 her body.

5 Q Her feet are pointed to the head board?

6 A Yes.

7 Q Up against a pillow, I believe.

8 A Yes.

9 Q And her head is toward the foot board?

10 A Correct.

11 Q Can you describe for the jury the victim's body as you
12 observed it at that time?

13 A I entered the house, and again, once we went to that
14 bedroom we could see the victim's body lying on the bed on
15 her left side with her knees kind of tucked up toward her
16 and bent, her arms were kind of pulled in, her hands up
17 toward her chest and lower chin area. Feet were kind of
18 positioned toward the -- what you and I would call the
19 head of the bed and her head was down toward the foot of
20 the bed, almost like you may have gotten in the bed in
21 reverse manner. Much blood was visible on her clothing,
22 on her chest area. Her hands were heavily saturated with
23 blood. Much blood all over her face and in her hair.
24 Lots of areas of blood on the -- a large pooling area of
25 blood that she was lying on top of on the bed, on the

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- 1 sheets. Blood spatter in different places, blood drops in
2 different places on the pillows, on the floor around the
3 bed. On her -- close to the side of the bed that she was
4 on there's more on that side. Stacks of clothing were
5 between the bed and the wall that butted up to the
6 bathroom, and lots of blood droplets -- of what appeared
7 to be blood droplets throughout those clothes and back
8 down toward the foot of the bed on areas of the carpet,
9 lots of blood drops at the foot of the bed and items
10 across from the foot of the bed. And then over on the
11 opposite side of the bed where she was there was fewer
12 stains over there. It was much cleaner over there even
13 though there were visible stains than where she was lying.
- 14 Q She was wearing a pair of red and white striped pajama
15 pants; is that right?
- 16 A Yeah. I think I probably described it as lose
17 fitting gym or warm-up type pants but I think it's
18 probably more like pajama bottoms, something like that.
- 19 Q And a T-shirt?
- 20 A White T-shirt and multicolored pair of socks.
- 21 Q The multicolored pair of socks, was there blood on the
22 socks?
- 23 A Yes.
- 24 Q Was one notably different than the other?
- 25 A Yes. I believe the one on I believe it's right foot

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1 seemed to be heavily saturated in blood.

2 Q And the left foot was not?

3 A The left foot had visible what I would say is
4 droplets of blood on it but it wasn't saturated like the
5 one on the right was.

6 Q When you first entered the bedroom, did you notice
7 anything at that time on the door?

8 A There was much clutter about everything in the house,
9 sticky notes, things stuck on the refrigerator, note
10 boards and things just everywhere. When we entered that
11 room my attention was drawn at first immediately to the
12 bed where the body of Ms. Ghent was found. I didn't see a
13 note in particular on the door until we had come back out.
14 Kendra Howell was there with us and she noticed it first
15 and pointed up and said, "Hey, there's a note here on the
16 door," and that's when we noticed it.

17 Q I show you what has already been moved into evidence
18 as State's Exhibit 7 and ask you, do you recognize that?

19 A Yes, ma'am. That is the note that was taped to the
20 entrance of the bedroom door.

21 Q Is that photograph a fair and accurate depiction of
22 the note as it was taped to the bedroom door as you
23 observed it the early morning of 10/28 of 2013?

24 A Yes, it is.

25 MS. COLLINS: I'm not sure if this has been published

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1 but it is in evidence and I would like to publish it at
2 this time, Judge.

3 THE COURT: Okay.

4 Q After you took the photograph of the note on the
5 bedroom door, was the note removed and placed into
6 evidence?

7 A Yes, it was.

8 Q Now, at the time before removing it, did you observe
9 any blood on the note itself?

10 A No.

11 Q Was there anything on the back of the note?

12 A Nothing.

13 Q The note being on the bedroom door, when you
14 approached the master bedroom, was the door open in, do you
15 recall?

16 A I believe the door opens -- if you're facing that
17 doorway going into the bedroom, the door hinged to the
18 right and pushed open to the right while opening to the
19 inside of that master bedroom.

20 Q So the door pushed in, correct?

21 A Yes, ma'am. It hinged to the right, correct.

22 Q And when you pushed the door in the note as you've
23 taken the picture of it -- so the door pushed in into the
24 master bedroom, correct?

25 A Yes, ma'am.

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1 Q And the note was there -- as you pushed in it was on
2 the exterior of the door, correct?

3 A Correct. It would have been facing out toward the
4 kitchen area.

5 Q So if the door to the bedroom was closed it was on the
6 exterior of the door, correct?

7 A Yes.

8 MS. COLLINS: I ask that be marked State's Exhibit 12.

9 Q I'll show you at this time State's Exhibit 12. Do you
10 recognize that envelope?

11 A Yes. It is the evidence envelope used to store the
12 note that we were just speaking of.

13 Q So the note was collected and taken into evidence?

14 A Yes.

15 Q Was caution taken to make sure if there were
16 fingerprints on it that they were not disturbed?

17 A That's correct.

18 Q Can you go ahead and open that up?

19 A Yes, ma'am.

20 Q Did you collect it yourself, Investigator? Do you
21 recall?

22 A I can't recall without actually looking at the
23 submission form possibly whether I actually pulled it off
24 the door or maybe Lieutenant Rogers might have pulled it
25 from the door. We collected a lot of the items together

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1 and I believe she transported everything from the scene, I
2 think.

3 Q You and Lieutenant Rogers were working together as the
4 CSI unit processing this case, correct?

5 A Yes, correct. Yes. This is the note that was on the
6 door.

7 Q And to your knowledge has that been transferred to
8 SLED for some analysis of it?

9 A I believe it was.

10 Q Is it in a container itself?

11 A The plastic bag that it was in was to be folded
12 behind it and it is in a plastic folder itself. Do you
13 want me to remove it?

14 Q Yes, please remove it. And again, does that appear to
15 be the note as you saw it, the note that was recovered from
16 the crime scene on 10/28 of 2013?

17 A Yes, it is.

18 Q Okay.

19 MS. COLLINS: I ask that this be marked as the next
20 State's Exhibit, State's Exhibit 13. I would move this
21 into evidence at this time.

22 THE COURT: Any objection?

23 MR. LIFSEY: No, sir.

24 (The note was received as State's 13.)

25 Q Now, Investigator Taylor, you testified at some length

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1 about the training you receive as a member of the crime
2 scene investigation unit; is that correct?

3 A Yes.

4 Q At the time that the note was hanging there on the
5 door, did you observe anything that appeared to be blood on
6 the note?

7 A No, I did not.

8 Q Looking at the note there, State's Exhibit 13, does
9 there appear to be anything that is blood on that note?

10 A No, there does not.

11 Q There's a pinkish tint on the bottom right corner of
12 the note, do you see that?

13 A I did see it while we had it out, yes.

14 Q And you are aware of the analysis that had been
15 performed at SLED?

16 A It's my understanding it was checked for the presence
17 of fingerprints through chemical processing.

18 Q Are you familiar with the chemical process needed to
19 check a note like that for fingerprints?

20 A Typically in our office if we are looking for
21 fingerprints on a paper document that porous we use a
22 chemical that's called ninhydrin.

23 Q Does that chemical leave a pinkish residue?

24 A Yes, it does. It often turns documents kind of a
25 purplish/pinkish kind of color.

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1 Q And based on your training and experience, does it
2 appear that that is what is in the lower right corner of
3 that note?

4 A That's what it appears to me to be.

5 Q Continuing with your investigation at the time you
6 were present when the Deputy Coroner Karla Deese was at the
7 scene, correct?

8 A Yes.

9 Q She along with you and Lieutenant Rogers of your
10 division examined the scene as well as the victim's body;
11 is that correct?

12 A Yes.

13 Q Did you see any bruises on the victim's body at the
14 scene?

15 A I wasn't aware of any at the scene. I would say due
16 to the presence -- much presence of much blood covering
17 her exposed skin. Again, she was wearing the white shirt,
18 the pajama bottoms and the multicolored socks, we did not
19 remove those or manipulate those while we were there with
20 her. We wanted to leave all of that for the pathologist
21 to look at and study in relation to determining cause and
22 manner of death.

23 Q And of course, the blood was not washed away there at
24 the scene or at the morgue but left as is until Dr. Ross
25 could examine it during the autopsy?

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1 A Correct.

2 Q Were you present as the law enforcement officer at the
3 autopsy?

4 A Yes.

5 Q So you were present when the blood was removed?

6 A Yes.

7 Q And did you at that time see bruising on the body of
8 the victim?

9 A I saw what I believed to be bruises in several
10 places, yes.

11 Q Do you recall seeing along with Dr. Ross while she did
12 the autopsy the stab wound to the chest of the victim?

13 A Yes.

14 Q Do you recall seeing a bruise within inches of that
15 stab wound?

16 A Yes.

17 Q Did you find a weapon there in the bedroom?

18 A Yes, we did.

19 Q Tell us about that.

20 A I described it initially as a steak or kitchen type
21 knife, just a narrow dark handled knife. Let's see, I
22 believe I actually measured -- I said it had a black in
23 colored handle measuring 11.5 centimeters in length and
24 then exposed smoothed single edged blade measuring about
25 14.5 centimeters in length. Width of the blade measured

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1 about 18 millimeters of the bolster where the handle ends
2 and the blade is exposed at its widest point. And it
3 appeared to have a red/brown substance on it that we
4 believed to be blood.

5 Q I would like to show you what has been marked as
6 State's Exhibit 1, marked for evidence, not in evidence at
7 this time, and ask you, do you recognize that?

8 A Yes, ma'am. That's the knife we found and the one we
9 collected.

10 Q And you placed that into evidence with your
11 department?

12 A Yes.

13 Q Is that the knife that you took to the autopsy with
14 you?

15 A Yes, it is.

16 Q Is that the knife that you showed Dr. Ross and asked
17 her to look at that knife and see if she felt that the
18 wound, the stab wound to the victim's chest appeared to be
19 consistent with that knife? Do you recall that?

20 A Yes.

21 MS. COLLINS: And at this time I move State's Exhibit
22 1 into evidence?

23 MR. LIFSEY: I don't have any objection.

24 THE COURT: All right. Entered into evidence.

25 (The knife was received as State's 1.)

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1 MS. COLLINS: I would ask that these two photographs
2 be marked as the State's next two exhibits.

3 Q Investigator, I'll show you what has been marked as
4 State's Exhibits 14 and 15 and ask you, do you recognize
5 those photographs?

6 A Yes, I do.

7 Q Did you take those photographs?

8 A Yes.

9 Q Are those photographs from within the crime scene at
10 [REDACTED] Home Place Lane?

11 A Yes, they are.

12 Q Within the master bedroom?

13 A Yes, ma'am.

14 Q And do those photographs fairly and accurately depict
15 portions of the master bedroom as you observed them during
16 your investigation on 10/28 of 2013?

17 A Yes, they do.

18 Q Specifically what area of the bedroom do those two
19 pictures portray?

20 A This again, as you enter the bedroom through the one
21 door, immediately to the left the head board of the bed is
22 positioned against the wall, and there's a space between
23 the wall immediately to your left when you come in and the
24 side of the bed where there's a nightstand, it looks like
25 a dresser and a lot of other items just kind of cluttered

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1 around. But here is where we see it looks like a pair of
2 bedroom slippers or sandal slippers, whatever, and the
3 knife that we just looked at was found lying immediately
4 in front of those slippers and next to a couple of bags
5 that were there on the floor.

6 MS. COLLINS: At this time I move State's Exhibits 14
7 and 15 into evidence.

8 MR. LIFSEY: I have no objection.

9 THE COURT: Without objection introduced.

10 MS. COLLINS: I would ask that they be published at
11 this time.

12 THE COURT: Okay.

13 (The photos were received as State's 14 and 15.)

14 Q Now, this first one, State's Exhibit 14 that we're
15 showing, do you see an area of the bed with relatively, if
16 any blood; is that right.

17 A In comparison. There are a few blood stains on that
18 one that may not show up well under the light of this
19 particular projector.

20 Q This area of the bed was the area that obviously did
21 not contain the body of the victim, correct?

22 A Correct.

23 Q The victim's body would have been further over on the
24 other side of the bed, correct?

25 A Yes, on the opposite side and completely out of that

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1 picture.

2 Q This would be the head board up here where the pillow
3 is?

4 A Yes.

5 Q And down here would be the foot board?

6 A Correct.

7 Q Her head would have been in this position towards the
8 footboard?

9 A Yes.

10 Q Her feet up against the pillow on her side of the bed,
11 correct?

12 A Again, on the opposite side of the bed out of this
13 picture frame.

14 Q We see here are some brown slippers?

15 A Yes.

16 Q And it's hard to see in this picture, is this the
17 location near those slippers where the knife was found?

18 A It's actually -- and it's even in that picture, it's
19 hard, again, because of the glare, it's lying just in
20 front of the toe of that left of what you would say is the
21 left slipper. You can see it better in the other photo
22 that you showed me.

23 Q I'll hand you State's Exhibit 14, and if there is no
24 objection, ask you to mark or just circle with this red pen
25 where you see the knife.

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1 A It's right in this area just in front of the toes.

2 Q And showing you now what's been marked as State's
3 Exhibit 15 in evidence. This is a close-up of those brown
4 slippers by the bed, correct?

5 A Correct.

6 Q The bed is over here to the right of the slippers?

7 A Yes.

8 Q And here is the knife as you found it at that time,
9 correct?

10 A Yes, directly in front of that slipper and almost
11 against the brown paper bag that's laying there also.

12 Q So at the time that you took the photo the knife had
13 not been moved in any way; is that correct?

14 A That is correct.

15 Q And after taking these photographs it was then that
16 you collected the knife and placed it into evidence?

17 A Yes.

18 Q And ultimately that knife was also submitted to SLED?

19 A Yes, it was.

20 Q Did you later obtain a DNA sample from the defendant
21 to be submitted to SLED for comparison to any DNA that
22 might have been recovered from that knife?

23 A Yes, I did.

24 Q How did you collect the DNA sample from the defendant?

25 A It's collected by what's referred to as buccal swabs,

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1 which is basically just using a sterile cotton swab, just
2 swabbing the inside of a person's cheek just to collect
3 some skin cells so that the SLED analyst can get DNA from
4 that to compare to any DNA found at the scene.

5 Q And you took that sample from the defendant with his
6 consent, correct?

7 A Correct.

8 Q And you submitted that into evidence at your
9 department?

10 A Yes, ma'am.

11 Q For it later to be submitted to SLED?

12 A Right.

13 MS. COLLINS: One moment, please.

14 (Break in proceedings.)

15 MS. COLLINS: Ask this be marked as the State's next
16 exhibit, I believe we're at 16.

17 Q I show you, Investigator, State's Exhibit 16 and ask
18 you, do you recognize that object?

19 A Yes.

20 Q What is that?

21 A This is the envelope containing the buccal swab
22 samples that I collected from Mr. Ghent on August 6th of
23 2015.

24 MS. COLLINS: At this time I move that exhibit into
25 evidence.

KEN TAYLOR - DIRECT

1 MR. LIFSEY: I have no objection.

2 THE COURT: Without objection introduced.

3 (The buccal swab was received as State's 16.)

4 Q Did you later prepare an inventory at my request of
5 the pill bottles that were retrieved from the residence of
6 the victim and defendant on [REDACTED] of 2013?

7 A Yes, I did.

8 Q There were several pill bottles throughout that home,
9 or throughout the master bedroom and master bath; is that
10 right?

11 A Yes.

12 Q And y'all collected those bottles?

13 A We collected several.

14 Q And you inventoried the contents of the pill bottles?

15 A Yes.

16 Q What type of prescription medicine was in the bottles
17 that you observed?

18 A I don't recall the names of those. If you have a
19 copy of that inventory, unfortunately I didn't bring my
20 inventory sheet with me to court today.

21 Q I'll hand you a copy of your report of the inventory
22 to refresh your memory.

23 A Thank you.

24 Q You're welcome. And after you refer to that and
25 refresh your memory, if you will -- let me rephrase that

KEN TAYLOR - DIRECT

1 question. I asked you what pills there were. Let me just
2 ask you first of all, what bottles were there that
3 reflected on their labels the contents without saying
4 whether or not the actual contents -- you're not a
5 pharmacist, you didn't compare the pills that were in the
6 bottles, correct?

7 A Correct.

8 Q So let's just rephrase it that way. How many bottles
9 do you have there that y'all collected?

10 A I believe we collected a total of 10, seven that we
11 collected and then one bag containing three bottles that I
12 believe was turned in by Deputy Forrest Lawson.

13 Q And what were the names of various medicines on the
14 labels?

15 A On the labels of the one we found at the scene there
16 was Pristiq, Desitin Oflaxin, 100 milligram. Lisinopril,
17 20 milligrams. Meclizine, 25-milligram, another Meclizine
18 25 milligram. A Meloxicam, 7.5. Triamterene and an
19 Antipyrine-benzocaine solution. And then there were the
20 three that were turned in by Deputy Forrest Lawson were
21 labeled as Lisinopril 20 milligrams, Triamterene, and
22 Lodipine, five milligram.

23 Q And of those bottles according to the labels, one had
24 a label torn away, correct?

25 A Correct.

KEN TAYLOR - DIRECT

1 Q One was labeled as prescribed to the defendant, John
2 Ghent, correct?

3 A Yes.

4 Q And the others were labeled as prescribed to the
5 victim, Elaine Ghent; is that correct?

6 A That is correct.

7 Q And the dates of those various prescriptions as
8 reflected on the labels of those prescription bottles range
9 from June 6th of 2000 -- no, let me back up -- 11/5 of 2009
10 being the earliest, and the latest being September 25th of
11 2013; is that right?

12 A That is correct.

13 Q And, in fact, two empty bottles had the September
14 25th, 2013 label, correct?

15 A Correct.

16 Q The other empty bottle had a June 6th, 2012 label,
17 correct?

18 A Correct.

19 Q Now, you also reflect quantity prescribed. Is it
20 according to the label?

21 A Yes. That's what was printed on the label.

22 Q And according to the label, the last -- latest two
23 prescriptions from September 25th, 2013 were prescribed 30
24 pills each, correct?

25 A Correct.

KEN TAYLOR - DIRECT

1 Q With zero in the bottle, correct?

2 A Yes.

3 Q You've already testified that the home was very
4 cluttered; is that right?

5 A Yes.

6 Q So y'all did not pick up all of the contents of the
7 home and itemize those, correct?

8 A No, we did not.

9 Q So to this date you can't tell us whether or not the
10 pills that were not in this bottle were, in fact, just lose
11 anywhere else in the home, can you?

12 A Don't know, can't tell.

13 Q But in any event, those two bottles had the quantity
14 prescribed as 30, correct?

15 A Yes.

16 Q And they were prescribed on September 25th, 2013,
17 correct?

18 A Yes.

19 Q So if the prescription was for one pill a day, that
20 would have ended and been empty if taken in accordance with
21 prescription by October 25, 2013, correct?

22 A That would add up, yes.

23 Q The other pill bottles are for 30 pills as well but
24 earlier dates, correct?

25 A All of them are, yes. One was for 90 but it had no

KEN TAYLOR - DIRECT

1 prescription on it, it may have been over-the-counter, I'm
2 not sure. Again, I'm not a pharmacist but it didn't have
3 a prescription on it.

4 Q So no prescription on it, that one had a quantity
5 prescribed, or it had a number of it of 90 with 28 in the
6 bottle; is that right?

7 A Yes.

8 Q For Pristiq.

9 A Pristiq, correct.

10 Q And the only other one that wasn't 30 was 10 M/L,
11 which I assume is for milliliters?

12 A I assumed that to be as well. It appeared to be some
13 type of drop type solution in a squeeze type bottle.

14 Q So that did not contain pills at all.

15 A Did not.

16 Q So again you don't know if the loose pills were, in
17 fact, somewhere in the master bathroom, the master bedroom
18 or anywhere else within that home?

19 A I do not know.

20 Q You only know that a certain amount of pills remain in
21 the bottles, correct?

22 A Correct.

23 Q And that if the prescriptions were taken in accordance
24 with the directions they would have been empty anyway; is
25 that correct?

KEN TAYLOR - DIRECT

1 A On those that we referred to there, yes.

2 MS. COLLINS: Investigator Taylor, thank you for your
3 patience with me. Please answer any questions of Mr.
4 Lifsey.

5 CROSS EXAMINATION

6 BY MR. LIFSEY:

7 Q Investigator Taylor, I guess -- we ended on medical
8 stuff, you're not a medical doctor.

9 A Correct, I'm not.

10 Q You're not a pharmacist.

11 A No, sir.

12 Q Not someone familiar with the effects of medicine on
13 someone's body, correct?

14 A Correct.

15 Q You don't have any expertise to offer opinions on
16 whether or not taking a large amount of pills might be
17 responsible, for example, for a precipitous drop in blood
18 pressure and a near fatal presentation at a hospital, you
19 don't have that basis of knowledge, do you?

20 A No, sir, I do not.

21 Q Well, let me talk about what you do know, what your
22 expertise is. Your expertise is in crime scene
23 investigation, correct?

24 A Yes.

25 Q Part of your job, which is an important job, is to

KEN TAYLOR - CROSS

1 document things as they were when law enforcement arrives,
2 correct?

3 A Yes, sir.

4 Q And to that end you take pictures, you take
5 measurements, you produce the kind of diagrams that were
6 produced in evidence in this case, correct?

7 A Yes.

8 Q And it's important because certainly in some cases
9 it's very important to know where particular items were and
10 who touched what and things like that, correct?

11 A Correct.

12 Q Because say for example in a case where there's a who
13 done it for example, the DNA swabs might be very important
14 because you might want to test the DNA versus blood versus
15 things like that, correct?

16 A Correct.

17 Q And certainly that is vitally important to any crime
18 scene investigation, correct?

19 A Yes.

20 Q But there are limitations to what you do and what we
21 know from what you do, would you not agree?

22 A There are limitations, I'm not quite sure what you
23 mean.

24 Q Well, let me ask you this: Certainly when you
25 document a crime scene you are documenting items as they

KEN TAYLOR - CROSS

1 are found when you get there, correct?

2 A Correct, yes, sir.

3 Q And you have no way -- and I know this is a stupid
4 question but I want to just ask it anyway -- you have no
5 way of knowing what conversations happened between two
6 people who may have been involved in an incident, correct?

7 A Correct.

8 Q You have no way of knowing the emotions of the two
9 people involved in the incident, do you?

10 A Correct.

11 Q You have no way of knowing the mindset of the
12 defendant and the victim as this happened.

13 A Generally, no.

14 Q Because your job is to document the physical situation
15 as you observe it and to preserve it for further testing as
16 needed, correct?

17 A I would say that's a fair summation, yes, sir.

18 MR. LIFSEY: Thank you, Judge, I don't have any
19 further questions.

20 REDIRECT EXAMINATION

21 BY MS. COLLINS:

22 Q Y'all were there for several hours I imagine
23 documenting, taking photographs, collecting evidence,
24 correct?

25 A Yes, ma'am.

KEN TAYLOR - REDIRECT

1 Q At some point during that investigation as part of the
2 team of law enforcement that had responded to this scene,
3 were y'all made aware of the statement that the defendant
4 had made in the ambulance?

5 A Yes.

6 MS. COLLINS: One moment, please.

7 (Break in proceedings.)

8 MS. COLLINS: Thank you.

9 MR. LIFSEY: I don't have any further questions.

10 THE COURT: Thank you, sir, you may step down. Call
11 your next witness.

12 MR. NEWMAN: State calls Lieutenant Christy Rogers.

13 The witness, CHRISTY ROGERS, was first duly sworn and
14 testified as follows:

15 DIRECT EXAMINATION

16 BY MR. NEWMAN:

17 Q Please state your name for the record.

18 A Christine Michelle Rogers.

19 Q And Ms. Rogers, where are you employed?

20 A Lancaster County Sheriff's Department, or office
21 rather.

22 Q And what do you do there?

23 A I'm assigned lieutenant or supervisor over the crime
24 scene and evidence unit.

25 Q And as the head of the crime scene investigation unit

CHRISTY ROGERS - DIRECT

1 what are your duties?

2 A Well, in addition to supervising both sides of our
3 unit, the evidence and crime scene, I'm also one of our
4 three crime scene investigators, so every third week I
5 take call. So if there's a need for a crime scene
6 investigator beyond business hours then I respond to the
7 crime scene, process, document, collect evidence.

8 Q Okay. And did you hold that same position in October
9 of 2013?

10 A I did.

11 Q Those same duties?

12 A Yes, sir.

13 Q How long have you been a full-time officer with the
14 Lancaster County Sheriff's Office?

15 A Nineteen years.

16 Q How long have you been head of the crime scene
17 investigation unit?

18 A Since 2011.

19 Q So you haven't served with CSI the whole time you've
20 been with the sheriff's office?

21 A No, sir. When I started back in 1997 I was assigned
22 to patrol, and in the 19 years I've held different
23 assignments, investigations. I've been over violent
24 crimes task force and over criminal investigations.

25 Q Okay. What type of special training did you receive

CHRISTY ROGERS - DIRECT

1 to be a member of this crime scene unit?

2 A Just like Investigator Taylor testified, we have all
3 attended the National Forensic Academy, which is that ten
4 week course that he described.

5 Q And are you nationally certified?

6 A Yes, sir, through the International Associations for
7 Identification, they've issued us certification.

8 Q And are you nationally certified in specific areas?

9 A No, sir, just as a crime scene investigator in
10 general.

11 Q But do you have special training in fingerprints,
12 reconstruction, crime scene reconstruction, blood stain
13 pattern, things like that?

14 A Yes, sir. As part of that course, that ten week
15 course at the University of Tennessee we spend time, a lot
16 of hands-on training, shooting reconstruction, blood stain
17 pattern analysis, incident reconstruction, crime scene
18 photography, latent print processing, post blast
19 investigation, how to discover a clandestine grave and how
20 to unearth human remains, just death investigation in
21 general. Just a lot of different topics in that ten
22 weeks.

23 Q And part of being nationally certified, do you receive
24 continuing education classes?

25 A Yes, sir, absolutely. The field of forensic science

CHRISTY ROGERS - DIRECT

1 is constantly changing and we have to change with it and
2 we have to learn with it, the new techniques, new
3 equipment, we do that constantly.

4 Q And were you involved in the investigation of the
5 murder of Elaine Ghent?

6 A I was.

7 Q What did you first do as part of the investigation
8 team?

9 A I was on my way to work that morning when I started
10 hearing radio traffic about an assault where the victim
11 was potentially deceased so I went ahead and responded to
12 the scene. When I got there I met with Deputy Forrest
13 Lawson and Investigator Phil Crawford and learned from
14 them what they knew about the scene, just a general
15 briefing. And I don't remember who told me, but someone
16 said or made me aware that the defendant was still on
17 scene, that he was in the back of the ambulance and may
18 have some injury that should be photographed. So I used
19 Investigator Taylor's camera, got in the ambulance and
20 took just a few photographs to document injuries to Mr.
21 Ghent, then after getting all of that information I went
22 back to our office and prepared a search warrant
23 affidavit. After I got that prepared I met with Judge
24 Thomas who reviewed my affidavit and he confirmed there
25 was probable cause to issue a search warrant for the

CHRISTY ROGERS - DIRECT

1 residence. After getting that search warrant I went back
2 to the residence on Home Place Lane and presented that
3 search warrant to Investigator Taylor who executed it I
4 think at 9:07 that morning.

5 Q And was it ultimately determined that the site at Home
6 Place Lane was the scene where the victim died?

7 A Yes, sir.

8 Q Is that Home Place Lane address, is it here in
9 Lancaster County?

10 A Yes, sir. It is off Campbell Lake Road in Lancaster
11 County.

12 Q Okay. Now, once you execute this search warrant, what
13 do you do as part of the crime scene investigation unit?

14 A One of the first things we do is do a walk-through of
15 the house and that's just to get some general impression
16 about what went on and what equipment we may need during
17 our investigation. During this particular walk-through
18 Investigator Taylor videotaped the scene while I just made
19 an audio recording on a digital voice recorder on what we
20 were seeing as we progressed through the house. Deputy
21 Chief Coroner Karla Deese accompanied us, and I think
22 Scott Ramsey also went inside with us during that
23 walk-through. After we do that initial walk-through,
24 Investigator Taylor then took a number of other pictures
25 just to document every room of the house before we got to

CHRISTY ROGERS - DIRECT

1 the master bedroom where the victim was located and spent
2 the majority of our time there.

3 Q And after that walk-through, were you present when
4 Deputy Coroner Karla Deese examined the body at the scene?

5 A I was.

6 Q Can you describe for the jury the victim's body as you
7 observed it?

8 A Yes, sir. She was laying on the right side -- if
9 you're standing at the foot of the bed and facing the bed,
10 she was laying on the right side with her head more
11 towards the foot of the bed and her feet towards the head
12 of the bed. She was laying on her left side with her
13 knees bent. I described it as almost a near fetal
14 position with her knees bent in, her hands, arms, elbows
15 bent and her hands up close to her face. She was -- a lot
16 a blood on her predominantly on her chest area, on her
17 upper torso, a lot of blood on her head, face, hair, and
18 really all over her body, but the heaviest blood was on
19 her chest.

20 Q Now, I know there's blood on her, but was there --
21 you've seen a lot of crime scenes. Was there a lot of
22 blood in general around the room or was it confined to her?

23 A There was blood around the room but it was mostly
24 confined to on her and immediately under her on that bed
25 in several kind of large pools of blood on that bed where

CHRISTY ROGERS - DIRECT

1 she was lying.

2 Q Now, this blood on the victim's body, to your
3 knowledge was it left as-is as the body was transported to
4 the coroner's office and ultimately to the autopsy?

5 A Yes, sir. No changes were made to the blood on the
6 body.

7 Q Did you observe any bruises on the victim's body?

8 A No, sir, I did not see any bruises at the scene.
9 There was a lot of blood on her body, on her skin and on
10 her clothing, I didn't see bruises.

11 Q Did you observe injuries to the victim's hands?

12 A I didn't see any injuries on her hand at the time. I
13 have seen injuries since then after the blood was cleaned
14 off, but at the scene there was so much blood,
15 particularly on her hands that I didn't see any injury
16 there.

17 Q And as crime scene unit y'all did recover what we
18 believed to be the murder weapon.

19 A Yes, sir, absolutely.

20 Q And what was that?

21 A It was what -- I call it a kitchen knife, a thin
22 bladed single edged knife with a black handle.

23 Q Now, after measurements were taken and documented --
24 the body is documented, was it then taken to the coroner's
25 office?

CHRISTY ROGERS - DIRECT

1 A Yes, sir. The body was removed by the coroner's
2 office, transported and then taken to the morgue at the
3 coroner's office.

4 Q Who went with the body?

5 A The coroner's office transport time is who
6 transported it from the scene, we remained on scene.

7 Q Did you and Mr. Taylor ultimately go to the coroner's
8 office?

9 A No, sir, not in this case.

10 Q And you already said it was not cleaned before it went
11 to autopsy. Did you assign Mr. Taylor to go to the
12 autopsy?

13 A I did.

14 Q And upon clearing the scene, did you collect several
15 items to be taken for evidence?

16 A Yes, sir, I collected a list of items.

17 Q Did you subject those items into evidence?

18 A I did.

19 Q Now, occasionally we send items to SLED to be
20 analyzed. Does SLED limit the number of items you can send
21 to SLED?

22 A Yes, sir. The only department at SLED that limits
23 what we can send is the DNA department and that's just
24 because of sheer backlog that their unit experiences. On
25 a violent crime like a homicide we are limited to five

CHRISTY ROGERS - DIRECT

1 items total, and that's per -- one swab would count as one
2 item.

3 Q So you sent -- you did a swab from the defendant, Mr.
4 Ghent; is that correct?

5 A Yes, sir.

6 Q And you had to get some sort of sample from the
7 deceased, Ms. Ghent; is that correct?

8 A Yes, sir.

9 Q And then the knife.

10 A Yes, sir.

11 Q So that's three items. Were those three items sent to
12 SLED for DNA analysis?

13 A Yes, sir, they were.

14 Q And was the -- to your knowledge was that note on the
15 door, was it also sent for DNA analysis?

16 A Yes, sir, it was.

17 Q Okay. Now, are you familiar with SLED's questionable
18 documents unit?

19 A Yes, sir.

20 Q Did you attempt to obtain handwriting samples from the
21 deaf?

22 A Yes, sir, I contacted SLED. Lieutenant Gaile Heath
23 is over questioned documents at SLED, and kind of told
24 Lieutenant Heath about our case, what note we had that we
25 needed examined and asked her how would we go about

CHRISTY ROGERS - DIRECT

1 obtaining handwriting examples or exemplars from the
2 defendant for comparison. And she spent time explaining
3 to me exactly in detail how she would need those
4 handwriting exemplars from the defendant to be collected,
5 in what manner, so I got all of those things together.

6 Q And can you describe that process to the jury?

7 A Yes, sir. Lieutenant Heath asked that we use similar
8 paper to the questioned document to whatever we were
9 trying to compare. She asked that the defendant use a
10 ballpoint pen, and she asked that we not allow him to look
11 at something to write what we wanted him to write, she
12 asked that I dictate it to him. And what she wanted is 25
13 separate handwriting examples written exactly as what was
14 written on the note from the door, that was the questioned
15 document. So I had to dictate to him 25 separate times
16 word for word what was written on the note that we wanted
17 to compare and we did that after we obtained his consent
18 for that examination.

19 Q So as he's writing the note I guess you're in the room
20 with him, you're watching him, do you say the entire note
21 or you just say one line or what?

22 A I held a copy of the note in my hand to where he
23 couldn't see it and I read the note, and I would pause --
24 I wouldn't read the whole thing, I would just say a few
25 words, give him time to write that, then I would add some

CHRISTY ROGERS - DIRECT

1 more words as we went.

2 Q And you did that 25 separate times?

3 A Twenty-five separate times.

4 Q And you got 25 different samples?

5 A Yes, sir.

6 Q I show you what we have marked as State's Exhibit 17.

7 Do you recognize that?

8 A Yes, sir, I do.

9 Q What is that?

10 A This is the envelope that stores the 25 exemplars or
11 handwriting examples that I collected from the defendant
12 in this case.

13 Q And is this exactly the way you sent it to SLED?

14 A That is the envelope that I prepared.

15 MR. NEWMAN: Your Honor, at this time I move State's
16 17 into evidence.

17 MR. LIFSEY: I don't have any objection to that,
18 Judge.

19 THE COURT: Without objection.

20 (The handwriting sample was received as State's 17.)

21 Q I'm going to show you -- I don't think Ms. Collins
22 showed the outside of the home. Is that a clear and
23 accurate representation of what the home looked like on
24 Home Place?

25 A Yes, sir.

CHRISTY ROGERS - DIRECT

1 MR. NEWMAN: Your Honor, that was State's 18, and I
2 would move State's 18 into evidence.

3 MR. LIFSEY: I have no objection.

4 THE COURT: Without objection introduced.

5 (The photo was received as State's 18.)

6 MR. NEWMAN: All right, Ms. Rogers, I've got no
7 further questions. Please answer anything Mr. Lifsey has.

8 THE COURT: Mr. Lifsey?

9 CROSS EXAMINATION

10 BY MR. LIFSEY:

11 Q Lieutenant Rogers, as to your duties to the crime
12 scene they were similar to investigator -- you were in here
13 when Investigator Taylor testified a few minutes ago?

14 A Yes, sir, I was.

15 Q And similar to what he said, y'all's duty mainly were
16 to document what the situation was to preserve evidence and
17 so it can be tested later; is that correct?

18 A Yes, sir.

19 Q And as to the handwriting exemplars that you talked
20 about a few minutes ago, my client consented to that,
21 correct?

22 A Absolutely.

23 Q In fact, I was sitting there right when he did it,
24 correct?

25 A You sure were.

CHRISTY ROGERS - CROSS

1 Q And just like he consented to the DNA swabs, correct?

2 A Yes, sir, to my knowledge he did.

3 MR. LIFSEY: Thank you. I don't have any further
4 questions.

5 MR. NEWMAN: Nothing further, Your Honor.

6 THE COURT: All right. Thank you, ma'am, you may
7 stand down, you're free to leave if you need to. Let's
8 take a little break, about ten minutes to rejuvenate.
9 Don't talk about the case. Thank you.

10 (The jury left the courtroom.)

11 THE COURT: All right. Anything?

12 MS. COLLINS: Can we approach for scheduling?

13 THE COURT: While y'all are fixin' to tell me
14 something, State's Exhibit 9 which I allowed into evidence,
15 I allowed it provided that two paragraphs were redacted,
16 they've been redacted.

17 MR. LIFSEY: Yes, sir. And I appreciate that
18 redaction, that took care of one of my objections, still my
19 over my other objection as being duplicative.

20 THE COURT: That's correct, and I overruled that
21 objection. But now as far the hearsay, that redaction
22 takes care of the hearsay, correct?

23 MR. LIFSEY: Yes, sir.

24 THE COURT: That's Number 9, just stick it over there.

25 (A break was taken.)

CHRISTY ROGERS - CROSS

1 THE COURT: Over recess we decided to recess for the
2 evening. Any objection to my going back there and telling
3 them not to talk about the case and to be back at 9:30 in
4 the morning?

5 MS. COLLINS: No, sir.

6 MR. LIFSEY: No, sir.

7 THE COURT: All right. We're in recess until 9:30 in
8 the morning.

9 (Court recessed for the evening and resumed on
10 Wednesday, March 16, 2016, at 9:45 a.m.)

11 THE COURT: Anything before we bring the jury in?

12 MR. LIFSEY: Our office was given just a few minutes
13 ago a recording of a couple of phone calls made from the
14 jail by my client, one from Monday night and one from last
15 night, of course, now we've been given plenty of phone
16 calls in the past and recordings but these are new. What I
17 would ask is I don't know at what time the State intends to
18 rest today, but I would ask that the Court either give me
19 some extra time after they rest, or if it is the lunch hour
20 a little bit longer than the normal lunch hour, because
21 what is on those recordings, which I haven't listened to,
22 could impact his decision on whether to testify or not. In
23 fairness, I need to listen to them and if I think they're
24 relevant he needs to listen to them.

25 MR. NEWMAN: We don't have a problem with that, Your

1 Honor.

2 THE COURT: That's fine. And I think -- we talked
3 yesterday about the scheduling and everything, the State
4 indicated it was going to be able to rest late this
5 morning, and then, you know, that will give you plenty of
6 time today to do what you're going to do, because we were
7 going to argue and charge tomorrow anyway and that way it
8 will give the jury a full day to deliberate and do whatever
9 they're going to do or if they need more time, or whatever.
10 Okay. We'll go ahead and bring the jury in.

11 (The jury returned to the courtroom.)

12 THE COURT: All members of the jury are present. Good
13 morning, ladies and gentlemen, I hope you had a restful
14 evening last night. We'll jump right into it this morning.
15 The State can call its next witness.

16 MS. COLLINS: Thank you. May it please the Court the
17 State's next witness, Your Honor, is SLED analyst Kelly
18 Bugden.

19 The witness, KELLY BUGDEN, was first duly sworn and
20 testified as follows:

21 DIRECT EXAMINATION

22 BY MS. COLLINS:

23 Q Good morning. You're probably going to need to speak
24 directly into that microphone. Would you please tell us
25 your name?

KELLY BUGDEN - DIRECT

1 A My name is Kelly Bugden.

2 Q And what is your occupation?

3 A I'm a forensic toxicologist for the South Carolina
4 Law Enforcement Division, more commonly known as SLED.

5 Q And how long have you been employed with SLED?

6 A I've been with SLED since November of 2013, so about
7 two and a half years now.

8 Q And during that time with SLED have you always been
9 with the toxicology department?

10 A Yes, ma'am.

11 Q Tell us, what is the toxicology department at SLED?

12 A Are you asking me what we are responsible for
13 testing?

14 Q Yeah. Just tell us first of all, what is the
15 toxicology department at SLED?

16 A The toxicology department is responsible for testing
17 biological samples for the analysis of drugs, alcohol and
18 poison. So we work a lot of cases such as driving under
19 the influence cases, death investigations, criminal sexual
20 conduct cases for the presence or absence of drugs and/or
21 poisons.

22 Q And by saying biological samples that might include
23 blood; is that right?

24 A Yes, ma'am.

25 Q That might include other bodily fluids, correct?

KELLY BUGDEN - DIRECT

1 A That's correct.

2 Q Such as fluid from the eye area. Is that vitreous
3 fluid?

4 A Yes, ma'am.

5 Q Or urine?

6 A Yes, ma'am.

7 Q What type of training do you have to undergo in order
8 to be a toxicologist for SLED? Also, what type of
9 education? If you will, just tell us.

10 A I'll start with my education first. I have two
11 Bachelor's of Science, one in Forensic Science and one in
12 Chemistry from the University of New Haven in Connecticut.
13 I have a Master's of Science from the University of
14 Connecticut in Applied Genomics. I got hired onto SLED
15 shortly after I received my Master's Degree, and at SLED
16 we have a very intensive in-house training program. We
17 start with our volatiles analysis training, which is
18 composed of three lectured series where we learn about the
19 pharmacology lecture and about the chemistry of alcohol
20 and how it affects the human body. It also includes
21 blindly testing 500 previously analyzed samples to ensure
22 that we can perform the analysis properly and get accurate
23 results that have been previously obtained from senior
24 analysts. From there we move on to our drug training,
25 which again we do a lecture series on drugs and we start

KELLY BUGDEN - DIRECT

1 with our drug screening process. And we do the lecture
2 pharmacology of drugs, learning about the different
3 classes of drugs and how they affect the human body. And
4 we have to test 100 samples using our drug screening
5 technique before we can actually start doing the drug
6 screenings on our own. And from there after I was signed
7 off to do my drug screening we start our quantitation and
8 confirmation training, which is much more intensive.

9 There are a lot of drugs out there and they all have
10 different kinds of effects on the body, and that takes a
11 year to a year and a half to complete. It consists of
12 working with a senior analyst, observing them doing the
13 analysis and learning how to interpret our findings.

14 Q Once you go through your initial training, is there
15 some type of yearly training that you're required to take
16 just to keep up to date in the developing technology?

17 A Sure, at the end of each of our training. So for the
18 volatiles and for the drug I had to do a competency test
19 before I was able to take cases online, and then after
20 that we do a proficiency testing every year. I believe
21 it's every six months we get proficiency tested.

22 Q Ms. Budgen, how many toxicology analyses have you
23 performed in the course of your career with SLED?

24 A I've done well over 2,000 volatiles analysis samples,
25 and as far as the intensive drug testing, I've done about

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1 150 to 200 cases.

2 Q Have you ever been qualified to testify as an expert
3 witness in a court of law in the field of toxicology
4 analysis?

5 A I have not.

6 Q You have not? This is your first time?

7 A This is my first time.

8 Q But you've told us about your training.

9 A Yes, ma'am.

10 Q You've told us about your education, you've told us
11 about your continuing education, is that all correct?

12 A Yes, ma'am.

13 Q You've told you about the number of tests you have
14 performed.

15 MS. COLLINS: Your Honor, at this time I do offer Ms.
16 Bugden as an expert witness in the field of toxicology
17 analysis?

18 MR. LIFSEY: I agree she's an expert witness and can
19 offer opinions, Judge.

20 THE COURT: All right. I qualify this witness then as
21 an expert in the field of toxicology analysis. Ladies and
22 gentlemen of the jury, you'll recall what I told you, I
23 think it was two days ago, about what an expert witness is.
24 And of course, I will give you a charge at the end of the
25 proceedings on what you can do with the expert witness'

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1 testimony. She will be allowed to offer an opinion in her
2 field. Okay.

3 MS. COLLINS: Thank you, Judge.

4 Q Ms. Bugden, did you perform a toxicology analysis of
5 items submitted to SLED for testing in the case that's
6 currently before the Court related to the death of Elaine
7 Ghent?

8 A Yes, we did.

9 Q And if I may, I'll show you what has previously been
10 entered into evidence as State's Exhibit 3. Do you
11 recognize that document?

12 A This appears to be a copy of my report.

13 Q Does it appear to be a complete copy of your report?

14 A Yes, ma'am.

15 Q And if you need to refer to that to refresh your
16 memory please do so, but what were the items that you
17 tested in this case?

18 A We tested a sample of iliac vein blood obtained from
19 Elaine Ghent.

20 Q And I believe her name is Ghent.

21 A Ghent, I'm sorry.

22 Q And Ms. Ghent, the blood sample obtained from her was
23 retrieved at the autopsy, is that your understanding?

24 A Yes, ma'am.

25 Q And submitted through normal channels of delivery to

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1 your department?

2 A Yes, ma'am.

3 Q When you received that blood sample, was it what's
4 called a wet sample or was it a dry sample, or do you
5 recall?

6 A It was a purple top tube of blood, so it was fully
7 liquid.

8 Q And when you complete your analysis, is all of that
9 blood consumed during your analysis?

10 A It is not.

11 Q When you complete it, do you keep it or discard it or
12 return it to the arresting agency?

13 A Our policy is that we keep that sample in-house for
14 three months after completing and a report is issued,
15 after that three month period it does get returned to the
16 agency.

17 Q All right. One moment.

18 MS. COLLINS: I ask that this be marked as the next
19 State's Exhibit.

20 Q At this time, Ms. Bugden, I show you what has been
21 marked for identification as State's Exhibit 19 and ask
22 you, do you recognize that envelope and the contents
23 thereof?

24 A Yes.

25 Q What is that?

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1 A This is an aliquot of the sample that we had tested.
2 This particular tube I had aliquot out a sample for DNA
3 testing because we only received one tube of blood for the
4 entire lab and because it needed several analysis I had to
5 share the sample of DNA, so this is only a portion of the
6 sample that we received.

7 Q I'm almost 54 and I'm getting a little hard of
8 hearing, what's the word --

9 A Aliquot.

10 Q What's an aliquot?

11 A An aliquot is just portion. So I used it to go into
12 the container that I had and took a little bit of blood
13 out because DNA doesn't need a whole lot and put into a
14 separate tube to go into the DNA analysis department.

15 Q And so that envelope contains a small portion of the
16 blood that you tested that you ultimately sealed and
17 returned back to the agency; is that correct?

18 A Yes.

19 Q All right. That's your handwriting on the exterior?

20 A It is.

21 MS. COLLINS: Your Honor, at this time I move State's
22 Exhibit 19 into evidence.

23 MR. LIFSEY: I have no objection.

24 THE COURT: Without objection introduced.

25 (Blood sample was received as State's 19.)

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1 Q I notice on the outside of that envelope there's a
2 label that says refrigeration required.

3 A Uh-huh.

4 Q How long can it be out of the cooling area before it
5 starts to degrade?

6 A I don't know if there's an exact time for that, but
7 there is preservatives inside the tube that prevent it
8 from coagulating and also from any bacterial growth inside
9 the tube, and that's -- I would say everything we prefer
10 to be stored between two and six degrees Celsius, excuse
11 me, before testing is done. But that -- those
12 preservatives do assist in avoiding any degradation of the
13 sample.

14 Q Thank you. Since I have identified it now I would ask
15 then that you return it to the cooler. Ms. Bugden, may I
16 ask, what were the results of the toxicology analysis test
17 that you performed in this case on the blood sample
18 retrieved from the body of Elaine Ghent at the autopsy?

19 A The sample that we tested, we did a volatile analysis
20 of testing for alcohol, ethanol mainly, but also
21 methadone, acetol and acetophenone, and then our basic
22 drug screen. Both of the results for those tests were
23 negative. There was no alcohol or drugs in her system.

24 Q So no alcohol whatsoever.

25 A Correct.

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1 Q You said no drugs, does that include prescription
2 drugs or is that only illegal drugs?

3 A It does cover prescription drugs.

4 Q So at the time of her death if she had had
5 prescription drugs in her earlier they were not reflected
6 in the blood sample drawn at the autopsy; is that correct?

7 A As long as they were prescription drugs that we
8 tested for in that basic drug screen there was nothing
9 there.

10 Q So there might be other prescription drugs that you
11 don't test in the basic drug screen?

12 A Correct. If there's no history or no indication of
13 another drug being present in a homicide case we do not do
14 any further testing.

15 Q Does your test cover the testing for caffeine?

16 A It does not.

17 Q So is it your expert opinion to a reasonable degree of
18 scientific certainty that the blood of the victim, Elaine
19 Ghent, contained no alcohol?

20 A Correct.

21 Q And is it your expert opinion to a reasonable degree
22 of scientific certainty that the blood of the victim,
23 Elaine Ghent, contained no illegal substance or drugs?

24 A Yes, ma'am.

25 Q Thank you.

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1 MS. COLLINS: One moment.

2 (Break in proceedings.)

3 Q Ms. Bugden, the screening that you do, does it check
4 for prescription blood pressure medicine?

5 A It does not.

6 Q Thank you.

7 MS. COLLINS: Thank you, Ms. Bugden, please answer any
8 questions of Mr. Lifsey.

9 THE COURT: All right. Mr. Lifsey?

10 MR. LIFSEY: Just briefly.

11 CROSS EXAMINATION

12 BY MR. LIFSEY:

13 Q May I see the report you're referring to? Do you
14 still have that?

15 A Yes, sir.

16 Q Does this report -- does this report -- is this report
17 the entirety of the testing you performed in this case?

18 A Yes, sir.

19 Q So you performed testing on a blood sample from Elaine
20 Ghent, correct?

21 A That is correct.

22 Q Did not perform any testing on any samples that may
23 have come from my client.

24 A No, sir. The only samples I had were from Elaine.

25 MR. LIFSEY: Thank you. I have no further questions.

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1 THE COURT: Thank you, ma'am. You may step down and
2 you are also free to leave. State can call its next
3 witness.

4 MS. COLLINS: State calls Gaile Heath.

5 The witness, GAILE HEATH, was first duly sworn and
6 testified as follows:

7 DIRECT EXAMINATION

8 Q Good morning.

9 A Good morning.

10 Q Please state your name for the record.

11 A My name is Gaile Heath, H-e-a-t-h.

12 Q Ms. Heath, where were you employed?

13 A I'm employed by the South Carolina Law Enforcement
14 Division commonly known as SLED.

15 Q And how long have you been employed by SLED?

16 A 31 years.

17 Q And what do you do at SLED?

18 A I'm a forensic document examiner.

19 Q And in the years that you've been at SLED, have you
20 been working in that same capacity?

21 A That is correct.

22 Q Now, tell us what is the question documents
23 department?

24 A The question document department is the department
25 that examines documents that their authenticity or a

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1 signature or some aspect of that document has been called
2 into question, and we try to authenticate or identify
3 writers or processes of those documents.

4 Q Can you tell us a little bit about your education and
5 what it took to become an analyst of question documents?

6 A Well, I have two undergraduate degrees from the
7 University of South Carolina, one in history and one in
8 education that really didn't have anything to do with my
9 chosen profession. I also attended the South Carolina Law
10 Enforcement Training Center, and I also went to the South
11 Carolina Criminal Justice Academy. My actual training in
12 question documents began upon employment at SLED. The
13 normal method for training for forensic documents is to do
14 an internship with another qualified examiner in the
15 field, so I trained under the senior analyst at SLED at
16 the time for two years becoming -- reading textbooks,
17 doing trial cases, becoming familiar with the
18 instrumentation and doing all aspects of question document
19 work during the training period. At that time during that
20 time I also attended classes by the United States Secret
21 Service in question documents and the Federal Bureau
22 Investigation, FBI classes, in secret -- in questioned
23 documents as well.

24 Q And over the course of your career, how many question
25 documents would you say you've analyzed?

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1 A Probably several thousand.

2 Q Have you ever been qualified to testify as an expert
3 witness in a court of law?

4 A Yes, I have.

5 Q About how many times?

6 A 183.

7 Q Your Honor, at this point I would offer Ms. Heath as
8 an expert witness in the field of question document
9 analysis.

10 MR. LIFSEY: I have no objection or request for any
11 voir dire.

12 THE COURT: All right. Without objection so
13 qualified.

14 Q Ms. Heath, did you perform an analysis on a document
15 relating to the case in the murder of Elaine Ghent?

16 A Yes, I did.

17 Q And what did you examine in this particular case?

18 A I received a hand printed note.

19 Q I want to show you what has been marked as State's 12.
20 Is this the note that you received?

21 A Yes, sir. It contains my lab case number, my item
22 number and my initials.

23 Q Okay. Now, explain to me, what is an exemplar.

24 A An exemplar is a standard or a sample of someone's
25 writing. Usually we ask an individual to -- if we've got

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1 something -- an item that is in question and there are
2 words on that item, we want to try to have and duplicate
3 those same words so we're comparing apples to apples
4 instead of kind of comparing apple to oranges. If you
5 have a name Sally and you want to compare it to James then
6 you would only have the one letter form and you wouldn't
7 have a S but you would have a J. So an exemplar is a
8 handwriting or a standard that is used for comparison
9 purposes.

10 Q Did you work with Christy Rogers with the Lancaster
11 County Sheriff's Office on this particular case?

12 A Yes, I did.

13 Q And did you give her some direction as far as what you
14 needed?

15 A Yes, sir, I did.

16 Q And what did you tell her you needed?

17 A I asked her if she would dictate the information as
18 it appeared on the question note to the individual
19 approximately 25 times.

20 Q I'll show you what has been marked as State's 17. Do
21 you recognize this package?

22 A It contains my initials and the date of October 7th
23 of 2015.

24 Q Okay. Is that the way that you sent it back to the
25 sheriff's office?

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1 A Yes, it is.

2 Q Okay. I'm going to -- it has already been admitted
3 into evidence, I'm going to open it up. Now, do you
4 recognize those documents?

5 A Yes, sir. They contain my laboratory case number, my
6 item number and my initials.

7 Q Is that the exemplars that were provided to you by the
8 Lancaster County Sheriff's Office?

9 A That is correct.

10 Q And that's the documents that you examined along with
11 this document to tell who wrote it?

12 A That is correct.

13 Q Now, you brought a chart with you; is that correct?

14 A That is correct.

15 Q Can you explain this chart to the jury?

16 A Yes. Would you like me to come up or just --

17 MR. NEWMAN: Your Honor, permission for the witness to
18 step down. Your Honor, this has been marked for evidence
19 as State's Exhibit 21.

20 A This is a photographic enlargement of the questioned
21 note, and this is a photographic enlargement of one of the
22 known standards of the 25 that I received. And what a
23 document examiner does is we look at how the letters are
24 formed but we also look at connecting strokes, we look at
25 beginning or ending strokes, we look at how each letter is

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1 constructed on it, we look at the placement on the line.
2 And what I noticed about this particular writer, the zeros
3 all start in about the 11:00 to 12:00 position, come
4 around and come back over through -- like if you're
5 looking at the face of a clock through that 12:00
6 position, we found that in the question zeros and don't,
7 come, sorry, now. We also find it down here in the known
8 writing in don't, come, sorry and now. I also looked at
9 the N formation, there's a retrace on the end. The pen
10 comes down, retraces back up to form the N formation. We
11 have that in don't and in the word end and then now, we
12 also had it in don't and end and now down here in the
13 known writing as well. Also, this particular writer had a
14 habit, even though this is hand-printing of connecting
15 each of the letters. So in the word Raylee, the R runs
16 into the A, the A came in to form the Y, and then we also
17 have that down in the known writing where the R touches
18 the A, then the A actually drags over to form the Y. The
19 L formations had a rounded curve instead of coming
20 straight down and over as most people would make an L,
21 this particular writer makes it a curve movement on the
22 L's, and we have that in the questioned as well as in the
23 known. One of the things of particular interest to me was
24 in the word y-o-u. If you see the U, the initial stroke
25 of the U is on the left-hand side, and on the other step

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1 of the U the tick mark comes off on the right-hand side.
2 That was also found in the construction of the y-o-u down
3 here. The initial tick mark was on the left, and then the
4 second tick mark was on the right, which we also had up in
5 the questioned writing. Again, in the E formation, the E
6 formation was similar to the L. When he made the E
7 formation, the E comes down and makes an L and then he
8 puts a staff over the top, then a staff in the middle. A
9 lot of times the writer connected whatever the top staff
10 of the E was next to. So like in the word sister, the top
11 that -- he made an L formation, a middle staff and then
12 that top staff went into the R to form the R formation.
13 We also have that down in the word sister in this
14 formation. He made an L, a middle staff and the top staff
15 connected to the R and made the R formation. One of the
16 interesting things I thought about this particular case
17 too was in the exclamation points here. You've got two
18 after the word now and two after the word sorry. If
19 you'll look at the one on now it's pretty much
20 perpendicular straight up and down and on sorry. Same
21 thing down here, the first one is pretty much up and down
22 and straight. If you'll notice the second one, it's kind
23 of at an angle, it is slanted in, and on the word sorry,
24 the second one is slanted. If you'll see right down here
25 on the word now it's slanted in on the second exclamation

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1 point and on the word sorry, it's not straight up and
2 down, it's also slanted in. So that was a uniqueness and
3 all that I found to this particular writer. Everybody has
4 uniquenesses in their handwriting and it's a combination
5 of these uniquenesses to the handwriting and the features
6 that they are that through a culmination of all of the
7 features that I examined and the question note with all 25
8 known standards and all that I was able to make a
9 determination that these -- that the questioned item was
10 written by the writer of the known writer's writing, which
11 was John Ghent.

12 Q And were you able to make a determination based on all
13 of that that it was, in fact, John Ghent who wrote the
14 note?

15 A That is correct.

16 Q So is it your expert opinion to a reasonable degree of
17 scientific certainty that John Ghent wrote that note?

18 A That is correct.

19 MR. NEWMAN: Your Honor, at this time I would move
20 State's 21 into evidence.

21 MR. LIFSEY: I don't have any objection.

22 THE COURT: Without objection introduced into
23 evidence.

24 (The note was received as State's 21.)

25 Q Ms. Heath, I'm going to show you what has been marked

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1 as State's 20. Do you recognize this paper?

2 A Yes, sir. It's a copy of my laboratory report.

3 Q Is this an exact copy of what you prepared?

4 A Yes, sir, it is.

5 MR. NEWMAN: Your Honor, at this time I move State's
6 20 into evidence.

7 MR. LIFSEY: I don't have any objection.

8 THE COURT: All right. Without objection introduced
9 into evidence.

10 (The report was received as State's 20.)

11 Q Ms. Heath, it's my understanding before this note came
12 to you it went to a Ms. Kimberly Meres at SLED for a
13 fingerprint analysis. Are you aware of that?

14 A Yes, sir. I retrieved it from her prior to
15 fingerprint analysis.

16 Q Okay. I'm going to show you this. This is State's
17 Number 22, I'm going to show you this and see if you
18 recognize that.

19 A I have never seen it before but it appears to be
20 Kimberly's report.

21 Q Okay. And are you aware of any reason why Kimberly is
22 not here today?

23 A She's like nine months pregnant and due any second.

24 MR. NEWMAN: Your Honor, at this time I move State's
25 22 into evidence.

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1 MR. LIFSEY: Yes, sir. Let me just say for the
2 record, Judge, that I was informed of her medical condition
3 and due to the fact that this is really not a fact in
4 controversy I've agreed to admit that rather than requiring
5 her to come at this stage of her pregnancy.

6 THE COURT: Thank you. Entered into evidence.

7 (The fingerprint report was received as State's 22.)

8 MR. NEWMAN: Thank you, Ms. Heath. I have no further
9 questions, please answer anything Mr. Lifsey may have.

10 CROSS EXAMINATION

11 BY MR. LIFSEY:

12 Q Ms. Heath, let me ask you just a couple of questions.
13 You've indicated that you in your, I guess, job description
14 is testing documents for which the authenticity is in
15 question; is that correct?

16 A The authenticity or authorship.

17 Q And that's sort of a general statement, but as to
18 individual cases you don't get into the weeds of what
19 happened in the crime itself or what led up to it, do you
20 generally?

21 A No, sir.

22 Q And in this case -- basically what you do is you test
23 whatever is given to you. If SLED or the solicitor's
24 office or law enforcement sends to you a document and says
25 "Figure out if these samples, these exemplars match up to

GAILE HEATH - CROSS

1 this document," that's what you do, correct?

2 A That's correct.

3 Q So you would not be aware if you -- you would not be
4 aware if, for example, my client consented to all of these
5 samples or anything like that, would you?

6 A No, sir.

7 Q And you wouldn't be aware if, in fact, there's no real
8 controversy here at all, you wouldn't be aware of that, you
9 just did your examination, correct?

10 A That is correct.

11 MR. LIFSEY: Thank you. I don't have any further
12 questions.

13 THE COURT: All right. Thank you, ma'am, you may
14 stand down, you are free to leave.

15 MS. COLLINS: The State's next witness is Anne Horton.
16 The witness, ANNE HORTON, was first duly sworn and
17 testified as follows:

18 DIRECT EXAMINATION

19 BY MS. COLLINS:

20 Q Good morning.

21 A Good morning.

22 Q Would you please tell us your name?

23 A My name is Anne Horton.

24 Q Ms. Horton, if you could speak directly into that
25 microphone that would be wonderful. What is your

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1 occupation?

2 A I am an evidence custodian for the Lancaster County
3 Sheriff's Office.

4 Q And what are the duties of an evidence custodian?

5 A It's my job to accept evidence from any investigator
6 or deputy that brings a piece of evidence on a case to the
7 sheriff's office. We have a locker system that I retrieve
8 that or either they hand it directly to me, and I give
9 that each piece of evidence an individual number so that
10 it can be tracked for chain of custody. It is either
11 stored with us or I may send it to the crime scene
12 investigators, which are housed in the same building that
13 we are in for them to do analysis on that, or I may take
14 it to SLED for analysis to be done there. I also retrieve
15 that evidence from those places.

16 Q Have you served as an evidence technician during all
17 of your years with law enforcement?

18 A Yes, ma'am, I have.

19 Q How long have you been with law enforcement?

20 A Six years, eight months.

21 Q Ms. Horton, did you receive various items of evidence
22 from law enforcement in this case?

23 A Yes, ma'am.

24 Q For example, the knife that Ken Taylor showed us
25 yesterday that he retrieved that's in evidence now as

ANNE HORTON - DIRECT

1 State's Exhibit 1, did you receive that knife from Ken
2 Taylor?

3 A Yes, ma'am, I did.

4 Q And you kept it in evidence there at the sheriff's
5 department?

6 A Yes, ma'am.

7 Q And that's a secure area, no one can go in there other
8 than an authorized evidence technician or a member of the
9 CSI unit?

10 A Yes, ma'am.

11 Q And did you later take that knife to SLED?

12 A I did.

13 Q So that it could be swabbed for DNA?

14 A Yes, ma'am.

15 Q The bodily fluids that are there in the cooler that
16 have already been admitted into evidence as State's Exhibit
17 19 here this morning, were those -- was that bodily fluid
18 in the purple capped tube, I believe, received by you from
19 Ken Taylor after the autopsy of Elaine Ghent?

20 A Yes, it was.

21 Q When you received it from Investigator Taylor, did you
22 put it in a refrigerated area?

23 A Yes. We have refrigeration units and a freezer at
24 the sheriff's office, I did put that in the refrigeration
25 unit until I transported it to SLED, and then I used the

ANNE HORTON - DIRECT

1 container, which you see now, that does have an ice pack
2 in it.

3 Q All right. And you're trained on how that evidence
4 needs to be stored, correct?

5 A Yes, ma'am.

6 Q So that blood samples like that do not degrade and it
7 maintains the integrity of the sample until the forensic
8 test can be conducted?

9 A Yes, ma'am, I am trained in that. And we also keep a
10 lock on our refrigeration units, that they are checked
11 daily for the temperature in that this it does not vary.

12 Q Did you receive a DNA swab that was recovered from the
13 interior of the defendant's cheek in order to be submitted
14 for DNA analysis and comparison to any DNA recovered from
15 the swab?

16 A Yes.

17 Q I mean, from the knife?

18 A Yes.

19 Q And did you later transport that DNA swab to SLED to
20 be compared to anything recovered from the knife?

21 A Yes.

22 Q Was any of the blood of the victim from the autopsy
23 also sent to the DNA unit? It was a separate sample, was
24 it not, or any DNA recovered from the victim's body
25 separate from the purple capped tube; is that right?

ANNE HORTON - DIRECT

1 A Yes. What we do is send -- and I do what is called
2 an I-lab report prior to going to SLED, and I have
3 discussed with the investigators, or they have discussed
4 with me and the crime scene investigators and the
5 investigator at the case of what they are looking for. So
6 when I take that tube of blood, I requested that it be
7 sent to toxicology and to DNA. And as the lady from SLED
8 explained, Mrs. Bugden explained that she separates that.
9 I do not separate that, I just take the one tube.

10 Q All right. Ms. Horton, I would like to show you at
11 this time what's been marked for identification purposes as
12 State's Exhibit Number 23 and ask you, do you recognize
13 that and the contents of that envelope?

14 A Yes, I do. This envelope contains swabs. I did not
15 send these swabs to SLED, I sent the knife to SLED that
16 they got the swabs from the knife and I picked these up
17 from SLED and stored them.

18 Q So those swabs are the ones that we've heard that Ms.
19 Kimberly Meres, who is expecting a baby and her report is
20 in evidence, had retrieved from the knife, and then after
21 the testing was done it's returned to you at the law
22 enforcement agency; is that right?

23 A That is correct.

24 MS. COLLINS: At this time I move State's Exhibit 23
25 into evidence.

ANNE HORTON - DIRECT

1 MR. LIFSEY: No objection.

2 THE COURT: Without objection they're moved into
3 evidence. Thank you.

4 (The swabs were received as State's 23.)

5 Q Let's talk about the handwritten note. Did you
6 receive the handwritten note, the one recovered from the
7 bedroom door of the defendant and his wife that was
8 recovered there at the crime scene, did you receive that to
9 store in evidence there at the sheriff's department.

10 A Yes, I did.

11 Q And did you later take that note to SLED for
12 comparison with handwriting exemplars that had been taken
13 from the defendant?

14 A Yes, I did.

15 Q When the handwriting samples were taken from the
16 defendant by Lieutenant Christy Rogers you also received
17 those into evidence, those 25 samples; is that correct?

18 A Yes, I did.

19 Q And you transported those as well to be compared to
20 the note's handwriting that was retrieved from the bedroom
21 door, is that also correct?

22 A That is correct.

23 MS. COLLINS: One moment, Judge. I ask the Court's
24 indulgence while we refer to the court reporter on the
25 exhibits that have been submitted.

ANNE HORTON - DIRECT

1 (Break in proceedings.)

2 Q I just want State's Exhibit 16. This envelope here
3 that I'm showing you, State's Exhibit 16, is that an
4 envelope containing the DNA cheek swab from the interior of
5 the defendant's cheek with his consent in order to be
6 compared to any DNA recovered from the knife?

7 A Yes, it is.

8 Q And that's what you would have transported to SLED to
9 be compared, correct?

10 A Yes, this envelope. And then it is enclosed in a
11 plastic envelope once it is at SLED.

12 Q So just in summary, what you took to SLED from the
13 sheriff's department was a DNA sample from the defendant,
14 correct?

15 A Yes.

16 Q The blood from the victim recovered from the autopsy
17 that was tested not only for DNA comparison to anything
18 recovered from the knife, but also a toxicology analysis
19 for any drugs in that, correct?

20 A That is correct.

21 Q The knife, correct?

22 A Correct.

23 Q The note from the bedroom door, correct?

24 A That's correct.

25 Q And the 25 handwritten exemplars taken from the

ANNE HORTON - DIRECT

1 defendant to be compared to that note; is that correct?

2 A That is correct.

3 Q And is that all of the evidence in this particular
4 case that you took to SLED for analysis?

5 A Yes, ma'am, I believe so.

6 Q I believe so, too.

7 MS. COLLINS: Thank you very much. Please answer any
8 questions Mr. Lifsey has.

9 CROSS EXAMINATION

10 BY MR. LIFSEY:

11 Q Ms. Horton, your role in this case is limited to
12 making sure evidence is properly stored at the sheriff's
13 office and taken to SLED for testing, correct?

14 A That is correct.

15 Q And I don't mean to minimize that because that's very
16 important, but you are not yourself involved in the
17 investigation at the crime or any of what went on that --
18 during this alleged crime, are you?

19 A No, that is not my job description.

20 Q Determining the circumstances of how someone got
21 stabbed is not within your area of expertise, correct?

22 A No, it is not.

23 MR. LIFSEY: I don't have any further questions.

24 THE COURT: All right. Thank you, ma'am, you can step
25 down. Call your next witness.

ANNE HORTON - CROSS

1 MR. NEWMAN: State calls Lilly Gallman.

2 The witness, LILLY GALLMAN, was first duly sworn and
3 testified as follows:

4 DIRECT EXAMINATION

5 BY MR. NEWMAN:

6 Q Please state your name for the record.

7 A My name is Lilly Smalls Gallman.

8 Q Ms. Gallman, where are you employed?

9 A I'm employed with the South Carolina Law Enforcement
10 Division better known as SLED.

11 Q And what do you do at SLED?

12 A I'm employed as a forensic DNA analyst.

13 Q And how long have you been employed by SLED?

14 A Twenty-six years.

15 Q And in those 26 years have you always dealt with DNA?

16 A Yes.

17 Q Can you tell us about your education and training to
18 become a DNA analyst?

19 A I have a degree in Biology from the University of
20 South Carolina. Once I received my degree I continued
21 working in the area of molecular genetics where I did
22 cloning and sequencing of DNA. I began working with the
23 South Carolina Law Enforcement Division in January of
24 1990. I was hired as a forensic DNA analyst when we first
25 started doing DNA at SLED. During that time I attended

LILLY GALLMAN - DIRECT

1 the FBI DNA schools to be educated in the area of forensic
2 DNA analysis. I've also attended the South Carolina
3 Criminal Justice Academy to become a certified police
4 officer. I've been trained in the area of serology, which
5 serology looks at body fluids, identifying bodily fluids
6 also while I've been at SLED. I have taken advanced
7 courses in genetics and statistics, all to enable me to do
8 the job that I do. And each year we are proficiency
9 tested twice a year in the area of DNA.

10 Q And do you have continuing education as well?

11 A Yes. We are required to have continuing education at
12 least once a year.

13 Q Now, we see a lot about DNA on television, I don't
14 know that anybody actually knows what it is. Can you
15 explain, what is DNA?

16 A DNA is -- we use the term DNA but it is
17 deoxyribonucleic acid, it's easier just to say DNA. But
18 it's considered to be the blueprint of the body. When you
19 look at a person's DNA from off their skin or blood or any
20 part of their body it's the same, so we're able to take
21 DNA from different samples from different parts of the
22 body and do a comparison. Everyone's DNA is unique except
23 for identical twins who have the same DNA, and your DNA is
24 unique. We are able to compare known standards from
25 individuals to evidence that's collected from a crime

LILLY GALLMAN - DIRECT

1 scene.

2 Q Now, when we talk about evidence at a crime scene I
3 can't just for instance pick up this microphone and say
4 whose DNA is on it, can I? We have to have some kind of
5 sample from some other person; is that correct?

6 A Yes. That would be -- if you swab the microphone and
7 we were able to develop a DNA profile, that would be the
8 evidence and we would need a known standard from someone
9 to compare to that evidence to see who it might be,
10 whether it is that person or not.

11 Q Okay. Now, during the course of your career, how many
12 DNA analyses have you performed?

13 A I've done thousands at least.

14 Q Have you ever been qualified to testify as an expert
15 witness in the field of DNA analysis?

16 A Yes, I have.

17 Q How many times?

18 A Approximately 60.

19 MR. NEWMAN: Your Honor, at this time I offer Ms.
20 Gallman as an expert witness in the field of DNA analysis.

21 MR. LIFSEY: I'm very familiar with Ms. Gallman, I
22 have no objection to her being an expert witness.

23 THE COURT: Without an objection she's qualified as an
24 expert in that field. Ladies and gentlemen, you will
25 recall my charge to you on what an expert witness can do,

LILLY GALLMAN - DIRECT

1 okay?

2 Q Now, Ms. Gallman, were you involved in testing or
3 analyzing DNA items submitted to SLED relating to the
4 murder of Elaine Ghent?

5 A Yes, I was.

6 Q And what items did you receive to be tested?

7 A I received the swab from the knife and also a blood
8 standard from Elaine Ghent and a buccal swabs from John
9 Ghent, Jr.

10 Q Now, those swabs from the knife, do you know where
11 they came from?

12 A Based on our chain they were generated by Kimberly
13 Meres, she swabbed the knife and then transferred the
14 swabs to the DNA in our evidence controlled area where I
15 retrieved them.

16 Q And you, of course, know why Ms. Meres is not
17 available.

18 A Yes.

19 Q Can you explain, what is a known sample?

20 A A known sample is -- it can be blood or a buccal swab
21 which is just like taking a Q-tip and swabbing on the
22 inside of your mouth, we can either use the person's blood
23 or a buccal swab. And when we give it the destination as
24 a known sample, that sample was taken from that person and
25 a chain was generated as to who was present when that

LILLY GALLMAN - DIRECT

1 sample was taken so you know that this came from that
2 person and it can be used as their standard.

3 Q I want to show you what's been marked as State's
4 Exhibit 24. Do you recognize that document?

5 A Yes, it's a copy of my report.

6 Q Is it an exact copy of your report?

7 A Yes, it is.

8 MR. NEWMAN: Your Honor, at this time I move State's
9 24 into evidence.

10 MR. LIFSEY: I don't have any objection.

11 THE COURT: All right, introduced.

12 (The DNA report was received as State's 24.)

13 Q In your report, did you make a determination or get a
14 result on this DNA analysis?

15 A Yes, I did.

16 Q What was your result?

17 A Our item number 1.1, which was the swab from the
18 knife, a DNA profile was developed from that and also from
19 the standard, known standard from the victim and from the
20 subject in this case. And in doing any comparison -- and
21 I'm reading from my report -- that DNA obtained from item
22 1.1 is a mixture of at least two individuals. The DNA
23 profile of the major contributor to this mixture matched
24 the DNA profile of Elaine Ghent. And I am required to
25 give you a frequency or a statistical weight to that

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1 particular item, and the probability of randomly selecting
2 and unrelated individual having a DNA profile matching
3 this item is approximately 1 in 2.2 quintillion. Due to
4 the limited information available developed, the partial
5 DNA of the mixture is insufficient for interpretation. I
6 performed one test, which is called STR DNA where I was
7 able to obtain DNA and there was a mixture of a major and
8 a minor contributor. The minor contributor was real low
9 so I was not able to interpret as to who this person could
10 be. So I went on to a next step, which is called Y STR,
11 it only looks at the Y chromosome, the male chromosome of
12 your DNA. When you have DNA from a major contributor and
13 a minor contributor in the first test, the major
14 contributor DNA can mask or you're not able to generate a
15 real profile from the minor, so that's why I went to the
16 next step to look and see if this person was the minor
17 contributor was a male the first thing, and to see
18 secondly if this minor contributor was Mr. Ghent. And it
19 was the DNA -- the partial Y STR DNA profile developed
20 from item 1.1 matches the Y STR DNA profile of John Ghent.
21 So it matched the subject in this particular case, and the
22 frequency is one in 4,500. Also I need to state that the
23 fraternal male relatives of John Ghent may not be excluded
24 as the contributor of this profile. And the reason for
25 that is because all of the male relatives starting with

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1 his father, uncle, brother, they all would have the same Y
2 DNA profile. So his DNA profile matched the Y of the
3 evidence, but I need to let you know that all of his
4 relatives, his father, brother if he has one, uncles, will
5 have the same Y because that's how it flows.

6 Q So is there a difference between it matching John
7 Ghent and his male relatives not being excluded? Is there
8 a difference?

9 A Not really, there's not a difference. Because I'm
10 looking at the Y profile and they will all have the same Y
11 profile.

12 Q Okay. Now, can you explain a little bit about, how do
13 we get a major contributor and a minor contributor? What
14 is a major and minor contributor?

15 A Well, when you have a mixture, and we figured that's
16 pretty good when you can pull out a major from a minor,
17 but when you have a mixture of a person's bodily fluid on
18 an item, when you're doing the swabbing you can't tell
19 whether you're picking up this person or that person until
20 you actually generate the DNA profile and you see that you
21 have a mixture of these two individuals together. Not --
22 when I say you have a major, you have more of one person
23 than you have of the other.

24 MR. NEWMAN: Beg the Court's indulgence.

25 (Break in proceedings.)

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1 MR. NEWMAN: Ms. Gallman, I thank you, please answer
2 anything Mr. Lifsey has.

3 CROSS EXAMINATION

4 BY MR. LIFSEY:

5 Q Ms. Gallman, so the -- if I can cut to the bottom
6 line, I guess, the bottom line from your report is that
7 there are bodily fluids from both the victim, Elaine Ghent,
8 and my client, John Ghent, on this knife, correct?

9 A That's correct.

10 Q You in your role of making that determination is
11 limited basically to making that determination, there are
12 fluids from both on there, correct?

13 A Whatever evidence I'm given, that's what I test.

14 Q So you would have no knowledge of the circumstances
15 that led to those bodily fluids from both of them being on
16 that knife, correct?

17 A That's correct.

18 Q And you would have no knowledge of the events that
19 occurred either momentarily before or momentarily after
20 whatever led to the bodily fluids of both of them being on
21 that knife?

22 A That's correct.

23 MR. LIFSEY: Thank you, Ms. Gallman. I don't have any
24 further questions.

25 MR. NEWMAN: Nothing further, Your Honor.

LILLY GALLMAN - CROSS

1 THE COURT: Thank you, ma'am, you may step down, you
2 are free to leave. Let's take a break. Ladies and
3 gentlemen, please don't talk about the case, we'll get you
4 back in here shortly. Okay.

5 (The jury left the courtroom and a recess was taken.)

6 THE COURT: Anything before we bring the jury back in?

7 MR. LIFSEY: No, sir.

8 MS. COLLINS: Nothing from the State, Your Honor.

9 (The jury returned to the courtroom.)

10 THE COURT: All members of the jury are present. The
11 State may call its next witness.

12 MS. COLLINS: State's next witness is Investigator
13 Michael Bailey.

14 The witness, MICHAEL BAILEY, was duly sworn and
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MS. COLLINS:

18 Q Would you please state your name for the record?

19 A Michael Bailey.

20 Q What is your occupation?

21 A Investigator, Lancaster County Sheriff's Office.

22 Q And how many years have you served as a law
23 enforcement officer?

24 A About seven years.

25 Q All of those years with the Lancaster County Sheriff's

MICHAEL BAILEY - DIRECT

1 Department?

2 A Yes, ma'am.

3 Q And how long have you served as an investigator there?

4 A About three and a half years.

5 Q So in October of 2123 you were a law enforcement
6 officer and, in fact, an investigator with the Lancaster
7 County Sheriff's Department; is that right?

8 A Yes, ma'am.

9 Q Now, the title investigator, is that similar to what
10 some agencies call detective?

11 A That's correct.

12 Q So patrol would be the ones that initially respond to,
13 I don't know, a shoplifting charge; is that right?

14 A Yes, ma'am.

15 Q But a detective or investigator has to delve deeper
16 into the case; is that right?

17 A Correct.

18 Q Now, on [REDACTED], 2013, did you respond to the
19 residence of Elaine Ghent located at [REDACTED] Home Place Road
20 in Lancaster, South Carolina?

21 A I did.

22 Q And as has already been discussed, that home is
23 located here in Lancaster County; is that correct?

24 A Yes, ma'am.

25 Q And therefore within your jurisdiction?

MICHAEL BAILEY - DIRECT

1 A Yes, ma'am.

2 Q Can you please tell the jury what you observed when
3 you got there?

4 A When I arrived there was already other units on
5 scene, EMS was there and the crime scene had been
6 established and taped off with the yellow crime scene
7 tape. There was several other officers there, several
8 supervisors as well as patrol, other investigators and
9 command staff. I stayed outside of the crime scene and
10 was later approached by, I believe it was Lieutenant
11 Bradley at the time with Jonathan Ghent and asked to speak
12 with him regarding what he may have seen during the
13 incident.

14 Q And Investigator Bailey, did you speak with Jonathan
15 Ghent?

16 A I did.

17 Q And earlier during this trial, I believe it was
18 yesterday, there was an audiotape interview played. Did
19 you hear that played?

20 A I did.

21 Q You've been here with us at the table as case agent in
22 the courtroom, correct?

23 A Yes, ma'am.

24 Q And was that the audiotape of the interview you did
25 with Jonathan Ghent that morning?

MICHAEL BAILEY - DIRECT

1 A It was.

2 Q And do you know approximately what time that audiotape
3 interview was done?

4 A It would be some time shortly after 8:00, I believe,
5 that morning.

6 Q Okay. So the call, if you recall, was received by law
7 enforcement to respond to the residence a little after 7:00
8 a.m.; is that correct?

9 A Yes, ma'am, I believe it was. I don't have it in
10 front of me but some time after 7:00 that morning.

11 Q And your interview of Jonathan would have been around
12 8:00 in the morning?

13 A Correct.

14 Q So within about an hour of him finding his mother
15 covered in blood.

16 A Yes, ma'am.

17 Q Is that a hard time to talk to him?

18 A It was.

19 Q And therefore did you keep it brief?

20 A Yes, ma'am, I did.

21 Q Were you ultimately assigned to be the lead
22 investigator in this case?

23 A Yes, ma'am.

24 Q Is that also called case agent?

25 A Yes, ma'am.

MICHAEL BAILEY - DIRECT

1 Q And what is the role of the case agent or lead
2 investigator?

3 A Primarily our job is to make sure that all of the
4 basis are touched in the investigation. We make sure that
5 the crime scene has everything they need from us as far as
6 any additional evidence is brought in or interviews and
7 that sort of thing, just kind of keep tabs on everything
8 that's involved in the whole case as it goes along.

9 Q And as case agent or lead investigator, did you then
10 review all of the reports submitted by various officers in
11 this case?

12 A I did.

13 Q Did you become aware of a voice mail message left by
14 the defendant for his sister, Betsy Steen, on her phone?

15 A Yes, ma'am.

16 Q And did you make a recording, an audio recording and
17 actually a visual recording too of the phone as it played
18 that message?

19 A Yes, ma'am, I did.

20 Q And you've provided that to us at the solicitor's
21 office?

22 A Yes, ma'am.

23 Q That was provided on a CD?

24 A I believe so.

25 Q The CD itself is already in the Blue Ray player ready

MICHAEL BAILEY - DIRECT

1 to be played with the consent of defense counsel, but may I
2 ask you, is that -- that's basically the envelope that the
3 CD would be stored in?

4 A Yes, ma'am, that's correct.

5 MS. COLLINS: Your Honor, at this time I move State's
6 Exhibit 25 into evidence.

7 THE COURT: All right.

8 MR. LIFSEY: I don't have any objection.

9 THE COURT: All right. Introduced and permission to
10 publish.

11 (The CD was received as State's 25.)

12 Q And of course, it has not been edited in any way,
13 correct?

14 A No, ma'am.

15 MS. COLLINS: Ask to publish it at this time.

16 THE COURT: All right.

17 MS. COLLINS: Yes. And Mr. Newman reminded me, I
18 should make clear we are moving in at this time the disc as
19 well as the envelope, which is labeled.

20 THE COURT: Okay. Let the record reflect that.

21 (At this time the CD was played.)

22 Q And as it played there, were you able to see at the
23 top of the phone at what time that was left on 10/28 of
24 2013?

25 A Yes, ma'am.

MICHAEL BAILEY - DIRECT

1 Q And what time was that?

2 A I believe it was at 4:12 a.m.

3 Q Now, you became aware of that call not at 7:00 a.m. or
4 8:00 a.m. when you first responded to the residence; is
5 that right?

6 A Yes, ma'am.

7 Q It was at a later time on 10/28 of 2013 that Ms. Steen
8 was able to make you aware of that; is that correct?

9 A Correct.

10 Q And she advised you that she had just become aware of
11 it herself and let you know about it?

12 A Yes, ma'am.

13 Q Thank you. Did you actually go into the interior of
14 the residence when you were there?

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

16 Q But as case agent you ultimately spoke with members of
17 the CSI team who had gone into the house, correct?

18 A I did.

19 Q And those members were Lieutenant Ken Taylor and
20 Lieutenant Christy Rogers who testified earlier; is that
21 right?

22 A Yes, ma'am.

23 Q You became aware of the knife that was recovered from
24 the floor of the bedroom and placed into evidence, correct?

25 A I was.

MICHAEL BAILEY - DIRECT

1 Q And you became aware of the handwritten note that was
2 recovered from the bedroom door and placed into evidence,
3 correct?

4 A Yes, ma'am.

5 Q And you became aware not only that there was such a
6 note but of the contents of that --

7 MR. LIFSEY: I object to her leading the witness.

8 MS. COLLINS: I'll rephrase it.

9 THE COURT: Okay.

10 Q Did you become aware of the contents of that note?

11 A I did.

12 Q At some time did you become aware of some statement
13 the defendant made in the ambulance?

14 A Yes, ma'am.

15 Q And since the date of this incident itself you have
16 continued serving as case agent in this case?

17 A Yes, ma'am.

18 Q Did you ultimately request that the magistrate issue
19 any arrest warrants in this case?

20 A I did.

21 Q How many warrants?

22 A It was two.

23 Q And who were those warrants against?

24 A John Marion Ghent, Jr.

25 Q And what were the charges this those warrants?

MICHAEL BAILEY - DIRECT

1 A They were for murder and possession of a weapon
2 during a violent crime.

3 Q And the issue of warrants require a lesser standard
4 than we require at trial, the standard of probable cause;
5 is that correct?

6 MR. LIFSEY: I object to the relevance of this line of
7 inquiry.

8 THE COURT: All right.

9 MS. COLLINS: Your Honor, I think it's certainly
10 relevant in terms of just as Your Honor will instruct the
11 jury that the indictments are simply charges just in terms
12 of we've talked throughout the trial of the steps made by
13 law enforcement.

14 THE COURT: All right. I will sustain that objection.

15 MS. COLLINS: Thank you, Investigator Bailey, please
16 answer any questions of Mr. Lifsey.

17 CROSS EXAMINATION

18 BY MR. LIFSEY:

19 Q Investigator Bailey, when you spoke to Jonathan Ghent,
20 of course, I guess we heard the interview, asked him about
21 the case, correct?

22 A Yes, sir.

23 Q And you asked him about what happened, correct?

24 A Yes, sir.

25 Q At no point during any of your discussions your

MICHAEL BAILEY - CROSS

1 interview, your recorded interview with Jonathan Ghent did
2 he mention an alleged threat that one of them was going to
3 die that was made a year earlier?

4 A No, sir, I don't believe he did.

5 Q Not at all. And your testimony to Ms. Collins was
6 despite being the case agent, designated case agent, you
7 never actually went in in the interior in this case?

8 A Correct.

9 MR. LIFSEY: I don't have any further questions.

10 MS. COLLINS: Nothing further.

11 THE COURT: Thank you, sir, you may step down. Call
12 your next witness.

13 MR. NEWMAN: State calls Davey Hendrix.

14 The witness, DAVEY HENDRIX, was first duly sworn and
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MS. COLLINS:

18 Q Please state your name for the record.

19 A Davey Hendrix.

20 Q Mr. Hendrix, where are you employed?

21 A Lancaster County Sheriff's Office.

22 Q And what do you do at the sheriff's office?

23 A I work for judicial services.

24 Q What is judicial services?

25 A We run court security, we transport inmates anywhere

DAVEY HENDRIX - DIRECT

1 they need to go, and we transport mental patients anywhere
2 they need to go in the state, and we also serve civil
3 papers.

4 Q What if an inmate has to go to the hospital?

5 A We go with them if we're assigned to go with them.

6 Q And if they're in custody you have to sit with them
7 the entire time?

8 A Correct.

9 Q How long have you been with the Lancaster County
10 Sheriff's Office?

11 A Twelve years.

12 Q How long have you been in law enforcement total?

13 A Twelve years.

14 Q Were you in law enforcement before you came to the
15 Lancaster County Sheriff's Office?

16 A I was. I spent the first two years of my career with
17 the sheriff's office, left and become -- went to McBee
18 Police Department as chief of police, then left and come
19 back six years ago to the Lancaster County Sheriff's
20 Office.

21 Q And in the past six years have you been in judicial
22 services?

23 A I have.

24 Q Okay. Now, were you assigned to judicial services in
25 October of 2013?

DAVEY HENDRIX - DIRECT

1 A I was.

2 Q Were you assigned to guard the defendant, Mr. Ghent,
3 at Springs Memorial Hospital as he was in custody for the
4 murder of Elaine Ghent?

5 A Yes.

6 Q Do you recall what day you were guarding Mr. Ghent?

7 A I can recall that it was the 28th, 10/28 of 2013.

8 Q Might it have been the next day possibly?

9 A Correct. I'm sorry, 10/29 of 2013.

10 Q Do you remember when you went on shift that day?

11 A I worked 8:00 to 5:00 that day, 8:00 in the morning
12 to 5:00 p.m. that evening.

13 Q And was your entire shift spent guarding Mr. Ghent?

14 A I do not recall.

15 Q So when you were guarding Mr. Ghent, was he in ER or
16 was he in a regular room or --

17 A He was in the critical care unit.

18 Q Okay. Is this in a room or is this just out in the
19 open behind a curtain?

20 A He was in a stand-alone room by himself.

21 Q Okay. Do you remember how long you were there with
22 him?

23 A No, sir, I do not.

24 Q Was is it just you and him?

25 A Correct.

DAVEY HENDRIX - DIRECT

1 Q Was he allowed to have any visitors?

2 A No.

3 Q Was there nurses occasionally coming in?

4 A Yes.

5 Q Doctors occasionally coming in?

6 A Yes.

7 Q Did you ever leave the room at any time?

8 A No.

9 Q Did you ask Mr. Ghent any questions while you were in
10 there guarding him?

11 A No, sir.

12 Q So there were times while you were in there alone.

13 A Correct.

14 Q Or not alone, but alone with him.

15 A Correct.

16 Q Did Mr. Ghent say anything to you that day?

17 MR. LIFSEY: Judge, I would renew the objection made
18 at my motion in limine to this line of questioning.

19 THE COURT: Right. Objection noted and overruled.

20 A He did.

21 Q And what did he say?

22 A He started talking, he said, "I killed her because
23 she was going to leave me. She loved me but was not in
24 love with me. She was staying out until 3:00 or 4:00 in
25 the morning with her girlfriends and not coming home."

DAVEY HENDRIX - DIRECT

1 And he stated he tried to slit his wrists but it didn't
2 work so he took pills and he thought he would die but that
3 didn't work. So he said his son drug him out of the bed
4 and beat him. Son asked why did he do it, to kill his
5 mama and Ghent stated because she was going to leave him.

6 Q Now, did you say anything back to Mr. Ghent after he
7 said this?

8 A No, sir.

9 Q What did you do when he said it?

10 A I was typing on my phone when he was talking.

11 Q You typed everything he said?

12 A Correct.

13 Q Did you later memorialize that in the supplement to be
14 added to the report?

15 A I did.

16 Q What were y'all doing when he started talking?

17 A If I can recall we were watching some TV show on
18 television.

19 Q And you didn't ask him any questions, he just said it.

20 A Correct.

21 Q And he said his son asked him why he did it and he
22 said, "Because she was going to leave me."

23 A Correct.

24 MR. NEWMAN: Beg the Court's indulgence.

25 THE COURT: All right.

DAVEY HENDRIX - DIRECT

1 (Break in proceedings.)

2 Q What was his scenario in the hospital? Did he appear
3 alert?

4 A He did.

5 Q Did he appear aware of his surroundings?

6 A He did.

7 Q Any slurred speech?

8 A No, sir.

9 Q Did he seem confused in any way?

10 A No, sir.

11 MR. NEWMAN: I've got no further questions, please
12 answer anything that Mr. Lifsey has.

13 THE COURT: Mr. Lifsey?

14 CROSS EXAMINATION

15 BY MR. LIFSEY:

16 Q Officer Hendrix, now you're not a doctor, correct?

17 A Correct, yes, sir.

18 Q You were not there in any capacity to monitor his
19 physical condition, were you?

20 A No, sir.

21 Q And you were not -- it's not part of your job to know
22 any medicines he may have taken, any condition he was in or
23 any of that, was it?

24 A Correct.

25 Q And, in fact, he was in the critical care unit,

DAVEY HENDRIX - CROSS

1 correct?

2 A He was.

3 Q And didn't you testify at a pretrial hearing on this
4 matter that y'all had been engaging in small talk earlier?

5 A Yes, sir.

6 Q So it's not like he blurted this out with just being
7 dead silent for hours before he blurts this out, y'all were
8 talking some.

9 A Correct.

10 Q And you indicated that you had -- were typing this in
11 some fashion?

12 A I was.

13 Q On what?

14 A On my cellphone.

15 Q What kind of phone do you have?

16 A I have an I-phone.

17 Q So you're typing it, why weren't you recording?

18 A I just didn't think about it at the time.

19 Q Because doesn't it really take about just a second or
20 two or a click to be able to get recordings?

21 A It does.

22 Q I mean, I guess what I'm trying to figure in my mind
23 is when it takes about three clicks or more to get a
24 recording of what was said, why that was not done rather
25 than typing it out by some sort of hand or something?

DAVEY HENDRIX - CROSS

1 A I guess my brain said type not record.

2 Q I've got you. But you did have an I-phone and the
3 ability to do that.

4 A I did.

5 MR. LIFSEY: Thank you.

6 REDIRECT EXAMINATION

7 BY MR. NEWMAN:

8 Q Mr. Hendrix, did you know that he was getting ready to
9 start spilling his guts?

10 A I did not.

11 Q Well, if you would have pulled out to record you would
12 have missed the first part of the statement, wouldn't you?

13 A Correct.

14 Q Let me show you what's been marked as State's 26. Do
15 you recognize that?

16 A I do.

17 Q What is that?

18 A It's a supplementary statement.

19 Q Is that a statement that you typed?

20 A I did.

21 Q Is it an exact copy of what you sent into the report?

22 A It was.

23 MR. NEWMAN: Your Honor, at this time I move State's
24 Exhibit 26 into evidence.

25 MR. LIFSEY: I don't have an objection to that. I

DAVEY HENDRIX - REDIRECT

1 would like to question him a moment or two in response to
2 that.

3 THE COURT: Okay. Admitted into evidence.

4 (The report was received as State's 26.)

5 MR. NEWMAN: Please answer anything Mr. Lifsey has.

6 RECROSS EXAMINATION

7 BY MR. LIFSEY:

8 Q The solicitor said you would have missed part of it if
9 you would have tried to record it. You were typing, right?

10 A Correct.

11 Q How is it more distracting to push one button and then
12 pay attention to what he said versus trying to type down
13 what he said?

14 A Like I stated earlier, I guess my brain said type it
15 not record it.

16 Q But you would certainly agree that that's not anymore
17 distracting at all than the typing, is it?

18 A Correct.

19 MR. LIFSEY: Thank you, Judge.

20 MR. NEWMAN: Briefly, Your Honor.

21 THE COURT: Well, you don't get third chances at
22 witnesses. Thank you, sir, you may step down. All right.
23 The State can call its next witness.

24 MS. COLLINS: Your Honor, the State's next witness is
25 Deputy Richard Weiss.

DAVEY HENDRIX - RECROSS

1 The witness, RICHARD WEISS, was first duly sworn and
2 testified as follows:

3 DIRECT EXAMINATION

4 BY MS. COLLINS:

5 Q Would you please state your name?

6 A Richard Weiss.

7 Q And what is your occupation?

8 A Deputy sheriff with the Lancaster County Sheriff's
9 Office.

10 Q How long have you been a law enforcement officer?

11 A Twenty-five years.

12 Q How long have you been with the sheriff's department
13 here in Lancaster?

14 A A little over four years.

15 Q What did you do for your first 21 years in your law
16 enforcement career?

17 A I was a state probation and parole officer.

18 Q In the last four years here as deputy with the
19 Lancaster County Sheriff's Department, what have been your
20 duties with that division?

21 A I was hired with the judicial services division.

22 Q What are the duties of that division?

23 A We do courthouse security here at the courthouse, we
24 transport prisoners back and forth to the jail, we
25 transport mental health patients anywhere they need to go

RICHARD WEISS - DIRECT

1 in the state, and occasionally we do guard duty at the
2 hospital when people are in the hospital.

3 Q So if someone is in custody but they need medical
4 treatment and they have to go to the hospital, you and your
5 division provide security services to ensure that they
6 remain in custody although they're getting medical
7 treatment?

8 A That's correct.

9 Q Did you have occasion in October of 2013 to come into
10 contact with the defendant, John Marion Ghent, Jr.?

11 A I did.

12 Q On what date was that?

13 A That would be October 29th.

14 Q Of 2013?

15 A 2013, yes, ma'am.

16 Q What was the time period that you came into contact
17 with Mr. Ghent?

18 A My shift at the hospital was 5:00 p.m. to 10:00 p.m.

19 Q And you were there assigned to guard the defendant
20 during those five hours?

21 A Yes, ma'am.

22 Q During that time, did you stay with him that entire
23 time?

24 A Yes, ma'am.

25 Q Was he in a regular room?

RICHARD WEISS - DIRECT

- 1 A Yes, he was.
- 2 Q A private room?
- 3 A Yes.
- 4 Q No other patients with him?
- 5 A No.
- 6 Q Was he allowed any visitors?
- 7 A No.
- 8 Q Were there other guards there with you in the room
- 9 while you were there with him or were you alone with him?
- 10 A No. I took over for Deputy Hendrix.
- 11 Q That just testified?
- 12 A That just testified.
- 13 Q So when Deputy Hendrix left you were there to take
- 14 over?
- 15 A That's correct.
- 16 Q And you remained with him you said until 10:00 p.m.?
- 17 A Yes.
- 18 Q While you were there with him from 5:00 p.m. to 10:00
- 19 p.m., was the defendant awake?
- 20 A Yes.
- 21 Q Did he appear to be alert?
- 22 A He did.
- 23 Q Did he exhibit any signs of confusion?
- 24 A No.
- 25 Q Did you as a law enforcement officer ask him any

RICHARD WEISS - DIRECT

1 questions?

2 A No, ma'am.

3 Q Did a point come while you were there with Mr. Ghent
4 where he made a request of you?

5 A Yes, ma'am.

6 Q And what was that request?

7 A He asked if he could call his sister, Betsy Steen,
8 and see if she would bring him over a couple of pairs of
9 underwear and deodorant because he knew he would be
10 leaving the hospital and going to the jail.

11 Q And you allowed him to make this personal request to
12 his sister?

13 A It's sort of discretionary thing, but I have known
14 the Steens, Betsy and Howard, for years. I did not see
15 that as a threat to security or a breach in security so I
16 did allow him to make that call.

17 Q And that was as a courtesy to him, correct?

18 A Yes.

19 Q Now, when you were there, Deputy Weiss, had he ever
20 met you before?

21 A Possibly so.

22 Q My question -- well, you knew Betsy from church, I
23 believe; is that right?

24 A Yes.

25 Q My question is, but was he clear that you were a law

RICHARD WEISS - DIRECT

1 enforcement officer?

2 A Yes, I was in uniform.

3 Q In uniform as you are today?

4 A Yes, ma'am.

5 Q And when you allowed him to make that phone call, did
6 he do so from the hospital phone?

7 A Yes.

8 Q And while he made the phone call you were standing
9 right there?

10 A I was in very close proximity to him, yes.

11 Q He was aware that you were there in the room.

12 A Yes.

13 Q And when the defendant made the phone call to his
14 sister, could you hear? I guess was it like a desk line or
15 a land line as some people call it?

16 A It was a hospital land line.

17 Q Could you hear the words from the person that he
18 called?

19 A No.

20 Q So you couldn't hear Betsy Steen if that's who he
21 called, right?

22 A No, I could not.

23 Q And later I believe Betsy Steen did bring some items
24 to the hospital that he had asked for, so you were aware
25 that she --

RICHARD WEISS - DIRECT

1 A Yes, she did.

2 Q So you assumed that, of course, it was her, correct,
3 on the phone.

4 A Yes.

5 Q In any event, though, you could hear the conversation
6 and the words that the defendant said during the
7 conversation on his side, correct?

8 A Yes, I could.

9 Q Although you couldn't hear his sister Betsy's side; is
10 that right?

11 A That's correct.

12 Q Can you tell us, Deputy, what did you hear the
13 defendant say while he was on the telephone to his sister?

14 A Shortly after the conversation started Mr. Ghent
15 began to sob and stated that he had killed his wife. He
16 said he had been drinking for the both of them and taking
17 pills. When his wife got home they had a confrontation
18 that began and he at that point began to stab her. His
19 wife begged him to stop. Ghent made the statement he had
20 been thinking about it for three weeks. Mr. Ghent then
21 stated he cut his own wrists and got on the bed next to
22 his wife -- next to his wife's body, told her that he
23 would die with her. And then the next thing he realized
24 was that his son had found them in the bed and his son
25 began kicking him in the head and body. When he calmed

RICHARD WEISS - DIRECT

1 down that was pretty much the extent of that conversation.
2 When he calmed down he did ask his sister for the items
3 that he told me he was going to ask her for, and the call
4 ended shortly thereafter.

5 Q And did, in fact, the Steen's, Betsy, the defendant's
6 sister and her husband, Howard, bring those requested
7 personal items to the defendant at the hospital?

8 A They did.

9 Q And they gave them to you in the hallway; is that
10 correct?

11 A I met them in the hallway and got the items from
12 them, they were in like a Wal-Mart bag. I got the items
13 from them, told them they would not be able to speak with
14 John or visit with him at that time, and then I -- they
15 left. I took the items back in the room and then checked
16 the bag to make sure there was no contraband in the bag,
17 then proceeded to give those items to John.

18 Q And, of course, there was no contraband, correct?

19 A There was none.

20 Q Just the personal items he had requested.

21 A That's correct.

22 Q And you gave them to the defendant?

23 A Yes, ma'am.

24 Q Did you later make Lieutenant Howell of the sheriff's
25 department aware of the call while you were guarding him on

RICHARD WEISS - DIRECT

1 October 29th of 2013?

2 A Yes.

3 Q Did he ask you to memorialize that in a supplemental
4 incident report for this case?

5 A Yes, he did.

6 Q Did you do so?

7 A Yes, ma'am.

8 MS. COLLINS: May we approach, Your Honor?

9 THE COURT: Yeah.

10 (A bench conference was held.)

11 MS. COLLINS: Deputy Weiss, thank you so much for
12 being here this morning, please answer any questions of Mr.
13 Lifsey.

14 MR. LIFSEY: Just briefly.

15 CROSS EXAMINATION

16 BY MR. LIFSEY:

17 Q Deputy Weiss, obviously you are not a medical doctor
18 either.

19 A No, sir.

20 Q And your job was there to only provide security, not
21 to assess his medical situation.

22 A Correct.

23 Q And you were not in any way intimately aware of any of
24 the treatment he was receiving at that time, correct?

25 A That is correct.

RICHARD WEISS - CROSS

1 Q And in fact, the conversation you heard to Ms.
2 Steen -- and I guess that's Ms. Steen right out there,
3 correct?

4 A Yes, it is.

5 Q You only heard one side of it.

6 A That's correct.

7 Q You could not hear the questions that were asked on
8 the other side.

9 A That is correct.

10 MR. LIFSEY: I don't have any other questions.

11 THE COURT: Thank you, sir, you may step down. The
12 State would call its next witness.

13 MS. COLLINS: Thank you, Your Honor. At this time the
14 State rests its case.

15 THE COURT: The State rests. All right. Ladies and
16 gentlemen, it's almost lunchtime so why don't we go ahead
17 and take a break. There are some matters I need to take up
18 with the lawyers as well and I have some other matters I
19 need to deal with so let's take a longer lunch than normal,
20 sorry about that but I have other things I have to do, so
21 why don't we come back at 2:15. So be back in your jury
22 room at 2:15. Do not discuss the case, do not do any
23 independent research, do not go out seeking information or
24 read any news about what is going on. Okay. Thank you
25 very much.

RICHARD WEISS - CROSS

1 (The jury left the courtroom.)

2 THE COURT: The State has rested. Do you have any
3 motions?

4 MR. LIFSEY: Yes, sir. For the record I would move
5 for a directed verdict of not guilty for the reason they
6 have not -- taken in the light most favorable to the State
7 they have not proven malice aforethought.

8 THE COURT: That motion is denied. I think there is
9 plenty enough evidence to submit it to a jury on that
10 issue. All right. Let me speak to your client at this
11 point in time. Mr. Ghent, if you would please stand for
12 me.

13 (The defendant was sworn.)

14 THE COURT: Thank you. You can be seated, just make
15 sure you speak loud so you won't have to come up here,
16 okay? Can you hear my all right?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Now, Mr. Ghent, at this time I am going to
19 explain to you certain rights that you have. If you don't
20 understand anything I'm telling you please let me know. If
21 you want me to explain anything in more detail please let
22 me know. Is that okay?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you understand?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Now, we have now reached the stage of the
2 trial where you may present your defense. Now, you have
3 the right to claim the protections given to you by the 5th
4 Amendment to the United States Constitution, which states
5 in pertinent part that no person shall be compelled in any
6 criminal case to be a witness against himself, and this
7 means that you cannot be required to testify in this case.
8 You have the right to testify on your own behalf if you
9 want to but nobody can make you testify, do you understand
10 that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Your right to decide whether to testify or
13 not is a personal right and nobody can give up that right
14 except for you, do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Now, if you do decide to testify you'll be
17 subject to the same rules that have governed other
18 witnesses in this case, and you may be examined or cross
19 examined on any relevant issue in this case. Just like
20 your lawyers have done when questioning witnesses that the
21 State has put up, you know, try to make them not look
22 believable in front of the jury or try to question their
23 testimony or try to make them look bad in front of the
24 jury, the State's lawyers can do the same thing to you if
25 you get up there to testify, do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: All right. Also if you have any
3 criminal -- past criminal convictions involving dishonesty
4 or the making of a false statement or any crimes punishable
5 by imprisonment for more than one year and this Court
6 determines that the probative value of admitting those --
7 the evidence of those convictions outweighs its prejudicial
8 effect, the solicitor may be able to introduce your
9 previous criminal record to attack your credibility in
10 front of the jury. Do you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And on that issue I previously issued a
13 ruling that there was a couple of fraudulent checks
14 conviction and a breach of trust conviction involving Mr.
15 Ghent on more than ten years allowed by the rule under a
16 simple rule 403 analysis, correct?

17 MS. COLLINS: Yes, I'm aware of the rule.

18 THE COURT: Is there anything within ten years?

19 MS. COLLINS: No. There is not as to any prior
20 convictions, Your Honor.

21 THE COURT: Okay. So there would be no prior
22 convictions that the State would seek to try to impair your
23 credibility upon, do you understand that?

24 THE DEFENDANT: Yes, sir.

25 MS. COLLINS: May it please the Court?

1 THE COURT: Yes, ma'am.

2 MS. COLLINS: In case you need to inquire of the
3 defendant regarding this, we may attempt to cross examine
4 him regarding prior bad acts, particularly those that go to
5 honesty or credibility.

6 THE COURT: Okay. All right. I don't know what those
7 are but --

8 MS. COLLINS: We just have references in a notebook
9 that the defendant kept that he lied to his wife, to his
10 family, to dealers, drug dealers, and even to himself in
11 regard to his usage of drugs and the need for drugs that he
12 has noted, that he has lied not only to himself and to his
13 wife and his children but to others in the community and I
14 believe that those would be admissible under prior bad act
15 rules in that it goes to honesty and credibility if the
16 defendant chooses to testify.

17 THE COURT: All right. I'm pulling the rule up right
18 now. Mr. Lifsey?

19 MR. LIFSEY: Well, I object to those.

20 THE COURT: So this is Lyle evidence.

21 MS. COLLINS: No. May it please the Court? I believe
22 Lyle evidence would be under 403 and presented in the
23 State's case in chief. I believe questioning as to
24 specific instances of prior conduct for cross examination
25 purposes would be under --

1 THE COURT: Under Rule 404. You're looking at 404B.

2 MS. COLLINS: Actually I'm looking at 608B. I believe
3 404B goes toward in the presentation of evidence in the
4 State's case in chief, which was previously for the
5 evidentiary rules passed in 1996 and adopted that in 404B.
6 608B would be as to cross examination. And I recognize
7 that that lies upon the discretion of the Court, would not
8 be able to be proven by extrinsic evidence, but in the
9 discretion of the Court if probative of truthfulness or
10 untruthfulness it can be inquired into on cross
11 examination.

12 THE COURT: All right. So at this point I have to
13 determine whether or not the Court will allow you to do
14 that. But you're saying that if Mr. Ghent does decide to
15 testify the State is -- depending on whether or not that's
16 allowable the State is going to try to cross examine him on
17 those things.

18 MS. COLLINS: Yes. I realize you haven't ruled, I
19 thought it best to bring that up at this time.

20 THE COURT: All right. Well, that's probably the
21 right thing to do. And Mr. Lifsey, obviously you would
22 object at that time and then we would have an in-camera
23 hearing outside the presence of the jury on that issue.

24 MR. LIFSEY: Correct, Your Honor.

25 THE COURT: Okay. All right. I think that's

1 something he needs to confer with you about in making his
2 decision.

3 MR. LIFSEY: I do. I just reserve the right to make
4 more argument on that issue at that time, not now.

5 THE COURT: Thank you. Now Mr. Ghent, did you just
6 hear those talks I had with the lawyers about what we just
7 talked about?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. I'm not saying I am -- yeah,
10 what else?

11 MS. COLLINS: I'm sorry to continue to interrupt you,
12 Your Honor. But Mr. Newman asked that I also address the
13 issue of questioning him regarding that he had cheated on
14 his wife multiple times, which would go again toward
15 honesty and truthfulness to the extent that he would have
16 hidden that from her. And again, just in full disclosure
17 to make you aware of that as you now question him, I
18 realize you're not ruling on it -- but to make him aware of
19 that. Thank you.

20 MR. LIFSEY: Well, I clearly feel that's inadmissible
21 in addition to the other area of inquiry.

22 THE COURT: Well, I don't know yet, it hasn't been
23 offered yet.

24 MR. LIFSEY: And I guess what you're saying, Your
25 Honor, is you would rather us argue that at the appropriate

1 time?

2 THE COURT: Yeah. I don't like making preliminary
3 rulings. I have to rule on something when it's offered,
4 not if it may or may not be offered, because I don't know
5 what he's going to say if he testifies.

6 MR. LIFSEY: Yes, sir.

7 THE COURT: Who knows. I don't know. Well, Mr.
8 Ghent, did you hear everything I was just talking about
9 both with your lawyer and the State's lawyers?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: So you understand that if you testify the
12 State is going to try to get in to evidence certain things
13 that you may have said or done previously, which may not
14 make you look very good in front of the jury.

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you understand that? Okay. Now, you
17 understand that if you don't testify none of that stuff
18 comes in.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: The jury doesn't know anything about that,
21 do you understand?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Okay. So understanding that, if you
24 decide to testify this decision that you make has to be
25 made freely, voluntarily, knowingly and intelligently made

1 with your understanding of your 5th Amendments rights as
2 well as all consequences. Okay. Now, if you decide not to
3 testify, Mr. Ghent, I will instruct the jury that they
4 cannot give the fact that you did not testify any
5 consideration or weight whatsoever, and that there is
6 absolutely no prejudice to you because you did not testify.
7 In fact, I'll tell them they can't even bring it up in the
8 jury room, the fact that you didn't testify because you
9 have the absolute right to not testify. The State has to
10 prove you guilty beyond a reasonable doubt, you don't have
11 to prove anything. Okay. Now, it's left entirely up to
12 you whether or not to testify. You can certainly talk with
13 your lawyers about it but the final decision is solely up
14 to you. Do you understand everything that we have gone
15 over together?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you have any questions about what I've
18 explained to you?

19 THE DEFENDANT: No, sir.

20 THE COURT: Have you discussed with your lawyers about
21 whether or not you should testify?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you want anymore time to discuss with
24 your lawyers about whether or not you should testify
25 especially in light of what the State just said they're

1 going to try to get into with you?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Okay. Good. I'm going to give you some
4 more time, Mr. Lifsey, to discuss that, we'll revisit this
5 issue when we reconvene this afternoon.

6 MR. LIFSEY: Thank you, Your Honor.

7 THE COURT: So I want you -- do you need anymore
8 explanation from me, sir, as to your 5th Amendment rights?

9 THE DEFENDANT: No, sir.

10 THE COURT: What's going to happen is when we
11 reconvene at 2:15 I will then ask you whether or not you
12 wish to testify and that's when you'll give me your answer
13 and then we can go from there, okay?

14 THE DEFENDANT: Okay.

15 THE COURT: Thank you, sir. All right. Anything
16 further before we break for lunch?

17 MS. COLLINS: Nothing from the State.

18 MR. LIFSEY: No, sir.

19 THE COURT: Thank you. We are down then until 2:15.

20 (A lunch break was taken.)

21 THE COURT: All right. Back and the record. All
22 right. Mr. Ghent, did you have an adequate opportunity to
23 discuss whether or not you were going to be testifying with
24 your lawyer?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: And are you going to be testifying?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right. And you understand then all of
4 the rights I went over before with you as well as the risks
5 of what may come out in cross examination?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And understanding all of those things you
8 still wish to testify?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And Mr. Lifsey, did y'all have those
11 discussions?

12 MR. LIFSEY: Yes, we did.

13 THE COURT: All right. We'll bring in the jury.

14 (The jury returned to the courtroom.)

15 THE COURT: All members of the jury are present.
16 Ladies and gentlemen, the State has rested. Mr. Lifsey?

17 MR. LIFSEY: Thank you, Your Honor. Defense would
18 call John Ghent to the stand.

19 The witness, JOHN GHENT, JR., was first duly sworn and
20 Testified as follows:

21 DIRECT EXAMINATION

22 BY MR. LIFSEY:

23 Q Will you state your full name, please?

24 A John Marion Ghent, Jr.

25 Q Mr. Ghent, how old are you?

JOHN GHENT, JR. - DIRECT

- 1 A Fifty-six.
- 2 Q Where are you from?
- 3 A Lancaster.
- 4 Q Have you lived here all of your life?
- 5 A Pretty much. We moved out of town and went to Kansas
- 6 for a couple of years.
- 7 Q When was that?
- 8 A In '81, 79-81.
- 9 Q Other than that period in the late 70's or early 80's,
- 10 have you lived here your whole life?
- 11 A Yes, sir.
- 12 Q When is your birthday?
- 13 A [REDACTED].
- 14 Q Before I get to that let me ask you, you were married
- 15 to Elaine Ghent, right?
- 16 A Yes, sir.
- 17 Q How long have y'all been married?
- 18 A Thirty-five years at the time.
- 19 Q I know this is difficult for you, I just want to try
- 20 to make it as short as I can. As painful as it is I want
- 21 to direct your attention to the day of your birthday, okay?
- 22 Do you remember that day?
- 23 A Yes, sir.
- 24 Q How was the state of your marriage then?
- 25 A It was kind of shaky. Like I said, my wife was

JOHN GHENT, JR. - DIRECT

1 talking about leaving me and stuff and she wanted me to
2 move out of the house but I wasn't working nowhere, didn't
3 have a job, didn't have a car, I didn't have any way to go
4 nowhere, so I told her I was going to stay there at the
5 house and I asked her if she would stay. She was talking
6 about leaving, we've split up before but we've always got
7 back together.

8 Q Tell me about the day of your birthday. And, of
9 course, it was some question about -- what day is your
10 birthday?

11 A [REDACTED]

12 Q Okay. Was your wife working that day?

13 A Yes, sir.

14 Q Tell me about that. When -- do you remember when she
15 went to work?

16 A She usually leaves -- they left the house about 10:00
17 in the morning and I didn't never know whether she was
18 going to work or whether she was going somewhere else or
19 not. She was just staying gone all the time.

20 Q What was your mindset like that day?

21 A I was kind of happy. I stayed at my neighbor's a
22 little while talking to them. But I had already been
23 thinking about if she was going to plan on leaving me I
24 was going to kill myself.

25 Q How long had you been thinking about killing yourself?

JOHN GHENT, JR. - DIRECT

1 A About three or four weeks. But I attempted to about
2 a couple of years before, I put a 9-millimeter to my head
3 and pulled the trigger.

4 Q Is that what they were talking about when they said
5 mental health made them take the guns out?

6 A They took all of the guns from me.

7 Q What contributed to you -- what was causing you to
8 particularly think about suicide on your birthday?

9 A We was just having problems. We kind of had problems
10 several years, I guess, and I was bad on drugs. I've got
11 to leave the drugs alone.

12 Q Your wife went to work that morning.

13 A Yes, sir.

14 Q Did you make any decision about trying to talk to her
15 when you got home?

16 A I usually stayed up until she got home anyway,
17 especially since she had that car wreck I was always
18 worried something was going to happen so I always made
19 sure she got home. I got to where I started telling her I
20 loved her before she would go to bed and she wouldn't ever
21 say it back.

22 Q What were you planning or thinking about the day of
23 your birthday for when she got home?

24 A I was laying there watching TV waiting on her to get
25 home and she come in, she usually gets her a little bite

JOHN GHENT, JR. - DIRECT

1 to eat or something, she comes in there and she puts her
2 pajamas on and sits there on the bed and eats something,
3 so I waited until she got through doing all of that. I
4 got up and was going around the bed and was going to talk
5 to her and she said she wanted to leave me. I got the
6 knife, put the knife my hands --

7 Q Let me stop you. And I want you -- I know this is not
8 easy for you to talk about but try your best to talk slowly
9 so everybody understands you. Did you say something about
10 a knife?

11 A Yeah. I picked up the knife I had beside the bed
12 because I was already planning on cutting my wrists and
13 all and I just wanted to talk to her first before I did
14 it. I guess -- I can't remember whether she said anything
15 or I said, I don't remember what we said. I guess she's
16 seen the knife in my hand beside of me.

17 Q Let me just stop you. What was the purpose of the
18 knife and what was the purpose of talking to her?

19 A I was just wanting to ask her to make sure she was
20 still wanting to leave me and if she was really serious
21 about leaving I was going to kill myself.

22 Q I'm sorry, say it again.

23 A I was going to kill myself.

24 Q If she was going to leave you?

25 A Yeah. I didn't want to live without her.

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1 Q You had a conversation in the bedroom; is that right?

2 A Yes, sir.

3 Q Tell the jury about that conversation.

4 A I was just -- like I said, I was just going to ask
5 her if she was going to still leave me and she never did
6 say, I can't remember whether she even answered me or not.
7 That's when she grabbed my arm and --

8 Q Where were you, where was she, where was the knife?

9 A I was standing at the foot of the bed and the knife
10 was in my hand down beside me.

11 Q Stand up so they can see you.

12 A I had the knife in my hand sitting down beside away
13 from her so she couldn't see it.

14 Q Go ahead.

15 A And then I guess she seen it or something because she
16 grabbed me by the arm and when she grabbed me by the arm I
17 pulled my arm up and then she grabbed my arm, let go and
18 grabbed it again.

19 Q What was going on then? Were y'all --

20 A She was just trying to get me to let go of the knife.
21 That's the type person she was, she didn't me to hurt
22 myself, she was trying to stop me.

23 Q What happened next?

24 A She took my arm up over my head somehow, like I said,
25 I don't remember. I think she grabbed the knife because I

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1 remember her saying something about I could cut her or
2 something, I guess that's how she got the cut on her hand.
3 And then she grabbed ahold of my wrist and I was trying to
4 get my hand away from her and my hand just slipped -- arm
5 just slipped out of her hand and went straight into her
6 chest. There was just blood everywhere. I couldn't stop
7 her.

8 Q What happened -- you said the knife went into her
9 chest?

10 A Yeah. I guess I pulled it out and throwed it down or
11 ripped it out. I don't know what I did with it. I know I
12 didn't have it in my hand after that. I put my hand on
13 her chest trying to stop the bleeding, it was just so much
14 blood I couldn't stop it. I panicked. She just started
15 gurgling, sounded like she was drowning, she slumped over
16 and her head fell forward and she was gone. I couldn't
17 get her to breath or anything.

18 Q What happened next?

19 A I just let her lay down and I put her to bed. I just
20 let her lay the way she fell. I got up and went in and
21 washed the blood off my hands and stuff and I went and sat
22 on the bed, that's when I got the pills, I tried to cut my
23 wrists first.

24 Q Tell the jury about that, what about your wrists.

25 A I got the knife and sat on the bed and I tried to cut

JOHN GHENT, JR. - DIRECT

1 my wrists. I don't know if it was God or what it was but
2 something wouldn't let me cut my wrists, I was too rigid on
3 both sides of my veins, it would not go through. I was
4 bearing down as hard as I could trying to cut them, it
5 wouldn't work on one so I tried the other side and it was
6 the same way on it.

7 Q Then what did you do?

8 A Then I got up and went and looking around trying to
9 see what kind of pills I could take to see what I had. I
10 know she had blood pressure pills and stuff, she had
11 several bottles that she had got from friends to where she
12 couldn't get it from insurance -- we didn't either one
13 have insurance so I just swallowed every bottled pill I
14 could find, I don't know, four or five bottle of pills, I
15 just swallowed all of them. And then I went back to the
16 bed and I thought about my granddaughter, I didn't want
17 her to come and see us so I wrote the note to not let her
18 come in. I called my sister and my daughter, told them I
19 was sorry, I don't know why I said what I said, I was just
20 in the panic. I didn't know what was going on.

21 Q Why did you call them?

22 A I just wanted to call them and let them know I was
23 sorry because I figured I was going to be dead too. I was
24 planning on being dead when they found us and I just
25 wanted to let them know I was sorry.

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1 Q What is the next thing you remember?

2 A Next thing I remember, like I said, after that I laid
3 down beside of her and figured them pills would take
4 effect and I would just end up dying beside her. The next
5 thing I know I heard like a big bang and somebody grabbed
6 me and drug me into the kitchen somewhere in there and all
7 I remember is kicking and beating on me. I don't remember
8 saying anything or nothing, I just remember getting kicked
9 and beat and stomped and everything else.

10 Q Did you intentionally stab your wife?

11 A No, sir. I loved her.

12 Q Did you intend to kill anybody other than yourself?

13 A No, sir.

14 MR. LIFSEY: Beg the Court's indulgence just one
15 moment.

16 (Break in proceedings.)

17 MR. LIFSEY: Mr. Ghent, thank you very much. I would
18 ask you to please as best you can answer the questions the
19 prosecution has.

20 THE COURT: All right. Solicitor, your witness.

21 CROSS EXAMINATION

22 BY MS. COLLINS:

23 Q Mr. Ghent, if you did not mean to kill anyone other
24 than yourself, why didn't you do so after you closed the
25 bedroom door after telling them Raylee couldn't sleep with

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1 you that night? Why didn't you just go ahead and do it
2 right then before your wife came home?

3 A I wanted to talk to her first.

4 Q You had talked to her before, right?

5 A Not before she went to work.

6 Q You talked to her frequently everyday of the time
7 y'all had been together.

8 A She wouldn't talk to me.

9 Q So you wanted to make her talk to you --

10 MR. LIFSEY: I object to her not allowing him to
11 finish his answer.

12 Q Finish your answer.

13 A She got to where she wouldn't talk to me, she
14 wouldn't tell me bye when she would leave. She used to
15 always tell me bye and she loved me and she wouldn't even
16 do that no more.

17 Q So you wanted to make sure she talked to you.

18 A No. I didn't want to make her talk to me.

19 Q When did you get the knife and put it in the bedroom?

20 A It was always in the bedroom.

21 Q You always kept that knife in your bedroom?

22 A It was in a kit that I had beside the door.

23 Q It was in a kit you had beside the door?

24 A Yes, ma'am.

25 Q I show you State's Exhibit 1. That's a pretty long

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- 1 knife. What kind of kit do you keep that in?
- 2 A It's a filet knife.
- 3 Q You keep it inside the bedroom.
- 4 A It was in a kit with five or six other knives.
- 5 Q But when you were standing there talking to your wife
- 6 you didn't have any kit, did you?
- 7 A No.
- 8 Q You had it in your hand, right?
- 9 A Because I planned on killing myself with it.
- 10 Q And you're there in the bedroom with her, right?
- 11 A Yes, ma'am.
- 12 Q You said she came home from work, right?
- 13 A Yes.
- 14 Q Put on her pajamas, right?
- 15 A Yes.
- 16 Q Had a little bit to eat, right?
- 17 A Yes.
- 18 Q And y'all were in the bedroom, right?
- 19 A Yes.
- 20 Q Why did you have to walk over to her side of the bed
- 21 holding that knife?
- 22 A It was a king sized bed.
- 23 Q You can't talk cross a king sized bed?
- 24 A Yeah, but I wanted to go talk to her face to face.
- 25 Q Are you face to face with me right now?

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- 1 A Yes.
- 2 Q Your king sized bed wider than this?
- 3 A No, but --
- 4 Q Can you hear me?
- 5 A Yes.
- 6 Q I can hear you. Why do you need to walk over there
- 7 with a knife?
- 8 A Because I wanted to be in front of her when I talked
- 9 to her.
- 10 Q You wanted to be within reach of her, didn't you?
- 11 A No.
- 12 Q You wanted to be within arm's reach.
- 13 A No.
- 14 Q Then why walk over there? You can talk across the
- 15 bed. Because you couldn't make her talk to you across the
- 16 bed, could you? Could you?
- 17 A Yes.
- 18 Q So why walk over there with a knife?
- 19 A I just said I wanted her to see me cut my wrist
- 20 myself.
- 21 Q Okay. This is the distance of the bed, I'm about to
- 22 cut my wrists. You can see me -- look at me, Mr. Ghent.
- 23 You can see me about to cut my wrists, can't you? I don't
- 24 have to walk over on your side of the bed for you to see
- 25 me, do you?

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1 A No.

2 Q You were married to Elaine Ghent for many years,
3 right?

4 A Yes.

5 Q You had children together, right?

6 A Yes.

7 Q You had grandchildren together, right?

8 A Yes.

9 Q Tabitha and Jonathan were your children, right?

10 A Yes.

11 Q Madison, Hunter, Raylee and at that time Trenton. Did
12 you have other grandchildren?

13 A Yeah.

14 Q Who else?

15 A Huh?

16 Q Who else was your other grandchild?

17 A Austin.

18 Q Austin. Jonathan's oldest?

19 A Yes.

20 Q And there had been times during those years of
21 marriage, those years that y'all shared with children and
22 grandchildren that your wife had left you before; isn't
23 that right?

24 A Yes.

25 Q More than one time, right?

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- 1 A Yes.
- 2 Q And she would come back.
- 3 A Yes.
- 4 Q How many times did she leave you, Mr. Ghent?
- 5 A I don't know, two or three.
- 6 Q And each time she came back, right?
- 7 A Yes.
- 8 Q So what's the way -- if you want to ensure that you
- 9 have a future with this woman, she had come back once,
- 10 twice, three times, why didn't you just wait and see if she
- 11 would come back again?
- 12 A Yeah.
- 13 Q You could have done that, couldn't you?
- 14 A Yeah, I guess.
- 15 Q In fact, you testified that when you're asking her,
- 16 "You still want to leave me," when you're holding the knife
- 17 you're saying "You still want to leave me," that she
- 18 wouldn't answer you.
- 19 A No.
- 20 Q She wouldn't talk to you, would she?
- 21 A I didn't say anything.
- 22 Q She didn't say, "No, I don't want to stay with you,"
- 23 did she?
- 24 A I don't know.
- 25 Q She didn't answer you at all, wasn't that your

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1 testimony?

2 A I don't remember whether she did or not, I don't
3 remember what I said.

4 Q So about 9:00 you told Jonathan, "Raylee can't sleep
5 with me tonight."

6 A She didn't sleep with me every night.

7 Q I'm talking about this night, on [REDACTED] --

8 A I don't know when I told him. I don't know if I told
9 him.

10 Q Well, you told Raylee, didn't you? She went and told
11 her mama, "Papa said I can't sleep with him tonight,"
12 right?

13 A Yeah.

14 Q Because you didn't want Raylee in there that night,
15 right?

16 A No, because I was wanting to kill myself.

17 Q Right, wanted to kill yourself. But you wanted to do
18 it --

19 A They was all in the back room.

20 Q But you wanted to do it in front of your wife, right?

21 A Yes.

22 Q You wanted not to just do it in front of your wife,
23 you wanted to do it only in front of your wife, right?

24 A Yes.

25 Q Where Jonathan couldn't intervene, right?

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- 1 A Yes.
- 2 Q And so you waited for her to come home from work.
- 3 A I waited for her every night.
- 4 Q And this night you waited for her to come home from
- 5 work.
- 6 A Yes.
- 7 Q Knowing that you had your knife in your kit in your
- 8 room, right?
- 9 A Yes.
- 10 Q You said she had asked you to leave, right?
- 11 A Yes, couple of months before.
- 12 Q Pardon me?
- 13 A A couple of months before.
- 14 Q And you said you weren't working, you had nowhere to
- 15 go, right?
- 16 A Right.
- 17 Q Have you got a sister named Betsy?
- 18 A Yeah.
- 19 Q Could have gone and stayed with Betsy for a little
- 20 while, couldn't you?
- 21 A No.
- 22 Q You couldn't?
- 23 A I didn't want to.
- 24 Q You didn't want to?
- 25 A Half of the house was mine, why would I have to leave

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1 it?

2 Q Oh, okay. So now it's not that you had nowhere to go,
3 now it's that half of the house was mine.

4 A It should have been.

5 Q Did you pay those bills for that house?

6 A Some. I worked for Guardian 11 and a half years up
7 to 2001.

8 Q How long did y'all live in that house?

9 A Since '94.

10 Q And so after you quit working you didn't have income
11 coming in, am I right?

12 A I had unemployment.

13 Q And when unemployment ended you had no more income
14 coming in, right?

15 A Not until I found another job.

16 Q Right. So at that time you weren't able to pay your
17 bills, right?

18 A Right.

19 Q Now, you testified also on direct examination you just
20 couldn't leave drugs alone, didn't you?

21 A No.

22 Q I'm sorry, what?

23 A No.

24 Q Drugs cost money, don't they?

25 A Yeah.

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1 Q But you weren't working, were you?

2 A No.

3 Q So you had to get money from somewhere to get the
4 drugs that you couldn't leave alone, right?

5 A Yeah.

6 Q Now, you do admit that your wife died as a result of
7 being stabbed by this knife, right?

8 A Yes.

9 Q And you do admit that when she was stabbed with this
10 knife that you were holding it, right?

11 A Yeah.

12 Q You know, your wife had just come home at 3:00 a.m.
13 about, right? Is that right?

14 A I guess, I don't remember.

15 Q Well, you knew Lloyds didn't stay open until 3:00
16 a.m., right?

17 A Yeah.

18 Q I'm sorry, I don't understand your answer. Yes, you
19 did, or yes, it stays open?

20 A Yeah.

21 Q Yes, you knew it did not stay open?

22 A Yes, I knowed it didn't stay open.

23 Q So you knew she was off work several hours before she
24 walked in the door, right?

25 A Every night.

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1 Q Every night thing, right? So why this night, this
2 night at 3:00 a.m. at the end of a long day for her you
3 just had to have this conversation right then? Why is
4 that?

5 A It was my birthday and I wanted it on my birthday.

6 Q How old are you?

7 A Fifty-six now.

8 Q Fifty-six now. So back then it was your birthday, you
9 were 54?

10 A Fifty-four.

11 Q And you just wanted to die on your birthday; is that
12 right?

13 A Right.

14 Q And again, you had all of the time in the world to
15 take pills or cut your wrists if you wanted a dramatic
16 moment when Elaine came in the door and saw your body you
17 had that, but you had all of that time alone in your room
18 on your birthday to do this act if that's truly what you
19 intended, didn't you? Didn't you?

20 A Yeah.

21 Q But you wanted her to be there, right?

22 A Yeah.

23 Q You wanted her not just to be in the house but to be
24 there in the room, right?

25 A Yes.

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1 Q You wanted her to be in the room with you and the
2 knife, right?

3 A Yes.

4 Q Because your birthday -- if you wanted to say goodbye
5 on your birthday and end it then, your birthday ended at
6 midnight on [REDACTED], didn't it?

7 A Yeah.

8 Q And at midnight on [REDACTED] she wasn't home,
9 right?

10 A Right.

11 Q So when she came in around 3:00, at that point you had
12 a choice, if you wanted to end it on your birthday the
13 choice was wait to the next year and see if things get a
14 little better, right?

15 A Wasn't thinking about that.

16 Q Because at that point your plan had changed, hadn't
17 it?

18 A No.

19 Q Your birthday was over, wasn't it?

20 A Yeah.

21 Q At that point it was impossible for you to end your
22 life on your birthday because your birthday was over,
23 right?

24 A Right.

25 Q So your plan could not go into effect at that time,

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1 right?

2 A Right.

3 Q So your plan changed, didn't it?

4 A Yep.

5 Q So when she came in you were ready for a
6 confrontation, weren't you?

7 A No.

8 Q You weren't?

9 A No.

10 Q Didn't you just testify "I wanted to ask me (sic) if
11 she still was planning on leaving me," right?

12 A Asking that and a confrontation isn't the same thing.

13 Q Asking with a knife in your hand I would submit is a
14 confrontation, isn't it?

15 A No.

16 Q You're a man, she was a woman, correct?

17 A Yes.

18 Q Were y'all about the same age?

19 A Yes.

20 Q How tall are you?

21 A 5-9.

22 Q How tall is she?

23 A Same height, 5-9, 5-10.

24 Q You didn't need that knife to make her talk to you,
25 did you?

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1 A I wasn't trying to make her talk to me.

2 Q I thought you just testified you were trying to make
3 her talk to you.

4 A No.

5 Q Didn't you just testify you were trying to make her
6 tell you was she still planning on leaving you?

7 A I didn't say I was trying to make her do nothing.

8 Q You said that you put your hands above your head?

9 A I didn't, she did.

10 Q She put your hands above --

11 A She put my hand above my head that had the knife in
12 it.

13 Q And you said because she was trying to stop you; is
14 that right?

15 A No. She was trying to get the knife away from me.

16 Q She was trying to get the knife out of your hand,
17 right?

18 A Yes.

19 Q So at that point if she's trying to get the knife out
20 of your hand you've still got the knife in your hand,
21 right?

22 A Right.

23 Q And you knew she was trying to get it out of your
24 hand, right?

25 A Yes.

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1 Q So why didn't you just, "Okay baby," why didn't you
2 just drop it?

3 A Didn't think about it.

4 Q You said there was a struggle. I just want to
5 understand how -- because if you're holding the knife I
6 assume you're holding the -- I guess you call it the handle
7 of the knife; is that right?

8 A Yes.

9 Q And she's got it above your head, right?

10 A Yeah.

11 Q And so if she pulls your arm down the handle comes
12 toward your chest unless you hold the knife like this.

13 A I wasn't holding it like that, I told you I was
14 hiding it behind my back.

15 Q Okay. So when she lifts your arm up you're holding it
16 like this.

17 A Yes.

18 Q Is that right? This is your knife, right?

19 A Yes.

20 Q So at that point if y'all were struggling why didn't
21 you throw it -- you said you loved this woman, why didn't
22 you throw it down before anybody got hurt?

23 A I don't know.

24 Q And you say you stabbed her, right? Is that right?

25 A I guess. My hand slipped and it went in her.

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1 Q Now, you had a cellphone in the room, right?

2 A Yes, on the side of the bed.

3 Q You used that cellphone later after she finished
4 bleeding to call Tabitha, right?

5 A Yes.

6 Q And you used that cellphone later after Elaine
7 finished bleeding to call Betsy, right?

8 A Yes.

9 Q But at the very moment when this happened you didn't
10 grab your cellphone and call 911, did you?

11 A No. I was trying to stop her from bleeding.

12 Q And you didn't go flying out of the room and bam on
13 Jonathan's door and say, "Oh my, God, Jonathan something
14 horrible happened." You just let her bleed to death,
15 right?

16 A She was gone before I could do anything.

17 Q Did you hear the testimony of the doctor that it would
18 take her four to six minutes to bleed out?

19 MR. LIFSEY: I object to her pitting the witnesses.

20 A No.

21 MS. COLLINS: I'm not asking him his answer in
22 response, I'm just asking him if he heard that testimony.

23 THE COURT: All right. Overruled.

24 Q Did you hear the testimony of Dr. Ross who performed
25 the autopsy on the body of your wife that it would take her

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1 four to six minutes until she stopped bleeding and died?

2 A Yeah.

3 Q And so for four to six minutes you never made an
4 effort to call 911.

5 A She didn't take four to six minutes. I don't know
6 where the doctor gets his information but he wasn't there,
7 I know what happened.

8 Q Okay. Well, let's talk about that.

9 MR. LIFSEY: I object to her not letting him finish
10 his answer.

11 MS. COLLINS: I'm sorry. He was mumbling, I didn't
12 hear that he was still talking.

13 Q Go ahead, Mr. Ghent.

14 A It wasn't but like a minute or two and she was gone.

15 Q Okay. A minute or two she's gone. Are you sure of
16 that?

17 A As far as I can recollect, yes.

18 Q But you're not a doctor, right?

19 A Right.

20 Q You volunteered for awhile with the fire department at
21 Camp Creek, right?

22 A Right.

23 Q You knew how quickly help could come if you wanted it
24 to, right?

25 A I don't know how long it took.

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1 Q You used to be a part of the unit that would go
2 quickly to help people in need, didn't you?

3 A Yeah.

4 Q But you didn't even try.

5 A Didn't have time.

6 Q Didn't have time to run down the hall and grab your
7 son and daughter-in-law. Please answer the question.

8 A No.

9 Q Didn't have time to walk the length of a trailer,
10 didn't have time for that?

11 A No.

12 Q Didn't even try, did you?

13 A She was gone.

14 Q So when she was gone you decided, "Okay. Now I'm
15 going to kill myself as I planned to do yesterday on my
16 birthday;" is that right?

17 A No, I planned to do it that night.

18 Q And you wrote a note.

19 A Yes.

20 Q You wrote a note and taped it on the door, right?

21 A Yes.

22 Q And to tape the note on the door you had to open the
23 door, right?

24 A Yes.

25 Q And at the point you opened the door you didn't know

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1 if Raylee might be up in the middle of the night going to
2 potty, did you?

3 A She wouldn't been coming down there to potty, it was
4 down at their room.

5 Q You didn't know if maybe Jonathan might be taking
6 Raylee into the kitchen for some reason, maybe Tylenol, or
7 any reason at all, you didn't know that when you opened the
8 door with your wife lying on the bed, did you? Did you?

9 A No.

10 Q Where was the paper to write the note?

11 A Bedroom.

12 Q Where was the tape?

13 A Bedroom.

14 Q Two kinds of tape, scotch tape, right?

15 A Yeah.

16 Q And some kind of electrical tape, right?

17 A Yes.

18 Q And so you not only opened the door to put the note on
19 it, you had to stand there for a minute and tape it to the
20 door, didn't you?

21 A It had tape on it, all I had to do is stick it to it.

22 Q Now, there's not a drop of blood on this note, right?

23 A No.

24 Q Is that right?

25 A I said no.

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1 Q And on this note that your children and grandchildren
2 would find the next morning, this goodbye note, you wrote,
3 "Don't let Raylee come in," right?

4 A Right.

5 Q Because, of course, you didn't want her to see, right?

6 A Right.

7 Q And then you wrote, "Hope you're happy now," right?

8 A Yeah. That was for my son because I knew he would be
9 happy that I was gone.

10 Q Well, why in the world would he be happy that his
11 mother would be there in a pool of blood?

12 A We never did get along, he never cared about anything
13 I did.

14 Q Why in the world would Jonathan, your son, be happy
15 that his mother was lying there in a pool of blood?

16 A I didn't do it because of his mother, I did it
17 because of me. I figured he would be happy that I was
18 dead, I thought I would be dead too.

19 Q And all you wrote about this tragic accident with your
20 wife was "sorry;" isn't that's right?

21 A Yeah.

22 Q You had a whole piece of paper here to say, "I meant
23 for it to be me," didn't you? Didn't you?

24 A I couldn't hear you.

25 Q You had a whole piece of paper here to leave a note to

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1 your children and grandchildren for the rest of their life
2 to read to say, "I didn't mean to kill her," didn't you?

3 A I wasn't thinking about it.

4 Q What were you thinking about then when you wrote --

5 A I wanted to make sure Raylee didn't come in and I was
6 wanting to let them know I was sorry for what I did and I
7 figured he would be happy that I was gone, that was all.

8 Q You didn't want them to know it was an accident?

9 A I wasn't thinking about that when I wrote it, I just
10 wrote it.

11 Q You wrote what was important; is that right?

12 A I guess.

13 Q So you wrote and ended it with "Sell house and split
14 with sister;" is that right?

15 A Yeah.

16 Q Did you really think at that point, Mr. Ghent, that
17 they needed your advice on what to do with the house?

18 A I don't know.

19 Q You had the whole piece of paper front and back to
20 say, "It wasn't supposed to be this way," but you didn't
21 write that, did you?

22 A No.

23 Q And when you called up Tabitha on the phone, a voice
24 message that we've all heard, you didn't say to Tabitha,
25 your goodbye message to your daughter, it was an accident,

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1 did you?

2 A I wasn't hardly really thinking, I don't remember
3 calling. I don't remember what I said when I did call.

4 Q You heard the recording when it was played in court,
5 correct?

6 A I heard that.

7 Q You heard your voice saying, "I'm sorry," right?

8 A Yes.

9 Q You said, "I'm sorry, I couldn't let her leave me,"
10 right?

11 A Yeah.

12 Q Even though she had come back before, right?

13 A Right.

14 Q When you called our sister, your sister, Betsy, and
15 left her a voice message you didn't say this was an
16 accident, did you?

17 A No.

18 Q Did you?

19 A No.

20 Q You took this knife and you tried to cut your own
21 wrists, right?

22 A Yes.

23 Q You cut both wrists more than one time, right?

24 A Yes.

25 Q Enough to bleed, right?

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1 A Yes.

2 Q But you said, I believe I heard you say God -- I
3 believe I heard you right, correct me, please, if I'm
4 wrong, I thought you said God or something must have
5 stopped it because it just wouldn't cut, is that about
6 right?

7 A Yes, it wouldn't go through.

8 Q Just wouldn't go through your skin; is that right?

9 A The outer edge, it wouldn't go through the vein.

10 Q Well, it went through something because you were
11 bleeding some, right?

12 A Yeah.

13 Q And you saw what had cut your wife, right?

14 A Yes.

15 Q And when your wife was cut and bled so quickly it
16 wasn't the edge, it was the tip, wasn't it?

17 A Yes.

18 Q And so when you were trying hard to cut your own
19 wrists and the edge would not do it, you didn't take that
20 tip that had fatally gone in the chest of your wife and use
21 the tip to slice your wrist, did you?

22 A No, I didn't think about it.

23 Q And at some point you went in the bathroom and washed
24 up; is that right?

25 A Yes.

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1 Q You went in the bathroom and washed up --

2 A Washed my hands up.

3 Q Washed your hands up. Washed the blood off?

4 A Yeah.

5 Q Before you took some pills; is that right?

6 A Yes.

7 Q You washed the blood off before you took some pills
8 why?

9 A Don't know.

10 Q If you're going to take pills and pass away, what
11 would it matter that you had blood on your hands?

12 A I don't know.

13 Q And you told the jury in your direct examination that
14 Elaine had to get some pills from friends because y'all
15 didn't have insurance, right?

16 A Yes.

17 Q So y'all didn't have a insurance to pay a doctor; is
18 that right?

19 A No.

20 Q So y'all didn't have insurance to get a prescription
21 for high blood pressure medicine, right?

22 A No. She would go every once in a while, she didn't
23 go every time.

24 Q Because you know those pills and those bottles in that
25 bedroom, they didn't have the name of a friend on there,

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1 did they?

2 A Do what?

3 Q Those pill bottles collected by law enforcement had
4 the name of your wife on the pill bottle.

5 A That's what I said, she would go once in a while.

6 She would pay a doctor, go to CareNet and get -- we
7 couldn't all the time because it costs too much to go and
8 her dad and all would help her go, give her money to go to
9 the doctor where we could go to the doctor every once in
10 awhile.

11 Q Because her dad helped y'all, right?

12 A Yes.

13 Q And if she left you you couldn't be sure that Roddey
14 would help you, right, financially; is that right?

15 A Yes.

16 Q So if you're telling the truth and she sometimes
17 couldn't go to the doctor herself, she had to get pills
18 from friends, is that what you said?

19 A Yes.

20 Q There should be at least one bottle in there that had
21 somebody else's name on there, right?

22 A She cut the names of other people off.

23 Q Why? Why would she have to cut the names of other
24 people off of a pill bottle --

25 A Not supposed to have other peoples medicine.

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1 Q In her house. Let's talk about this goodbye message
2 to Tabitha. The last message that you as a father would
3 leave your daughter, according to you, if the pills took
4 effect and you died, the last -- toward the end you said
5 was, "Sell the house," right?

6 A Yeah.

7 Q And you talked about a mundane issue like that,
8 property division, instead of giving your children and
9 grandchildren the all important message of it was an
10 accident; is that right?

11 A I guess.

12 Q And that's not the only time you had a chance to make
13 that clear. When you were at the hospital and placed in a
14 regular room on October 29, 2013, you were sitting in the
15 room with Deputy Davey Hendrix, right?

16 A I guess. I don't remember him being in there.

17 Q I'm sorry, what?

18 A I guess. I don't remember being there.

19 Q You know what, let me back up. Jonathan grabbed you
20 off of the bed, drug you into the kitchen and started
21 beating on you, right?

22 A Yes.

23 Q He started hitting you and punching you, right?

24 A Yes.

25 Q As he hit you he said, "What did you do to my mother,"

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1 right?

2 A I don't know.

3 Q Don't remember that?

4 A I don't remember him saying anything.

5 Q Well, at that point you knew you were breathing,
6 right?

7 A I just knew I was getting kicked and beat and stomped
8 and whatever.

9 Q You were getting kicked and beat and you were feeling
10 pain, right?

11 A Yes.

12 Q And dead people don't feel pain, do they?

13 MR. LIFSEY: I'm sorry, I couldn't understand that
14 last --

15 Q I said and dead people don't feel pain, do they?

16 A I wasn't dead.

17 Q That's right, you weren't dead. You knew you were
18 alive and that these pills and this blade had not done its
19 job according to you and killed you, right?

20 A Yes.

21 Q So wouldn't that have been an ideal time as you're
22 getting beaten and hit and kicked by your son and he said
23 "What did you do to my mother" for you to say, "It was an
24 accident?"

25 A I don't remember him saying anything to me.

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1 Q Pardon me?

2 A I don't remember him even saying anything to me.

3 Q Do you deny that your response to him was, "I stabbed
4 her?"

5 A Don't know.

6 Q Do you deny that your response to her (sic) was, and I
7 quote, "I fucking stabbed her?"

8 A I know that ain't true.

9 Q Do you know that's not true?

10 A Because I didn't use that F'g word that much.

11 Q You didn't use it that much?

12 A That was his favorite.

13 Q You don't use that word?

14 A No, not like that.

15 Q Did you make a phone call last night to your sister?

16 A Yes.

17 Q Phone call to your sister about 6:10 in the evening?

18 A Yes, I guess.

19 Q Your sister, Betsy Steen? And do you remember saying
20 to her about 11 minutes into that phone call, "I don't use
21 the F'g word anymore?" Remember that?

22 A Yeah.

23 Q Do you remember earlier in that same phone call at
24 2:58 when talking about whether or not you remembered
25 something you said, "I can't fucking remember?"

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1 A No.

2 Q In that very same phone call when you said you don't
3 use the F'g word you don't remember saying, "I can't
4 fucking remember?"

5 A No.

6 Q Do you deny it?

7 A I don't know.

8 Q Let's talk about the conversation you had with the EMS
9 lady. Terri Faulkenberry was talking to you to (sic) the
10 ambulance and she was trying to help you, do you remember
11 that?

12 A No.

13 Q You don't remember her saying, "Mr. Ghent, can you
14 tell me what happened to you?"

15 A No. I don't remember being in an ambulance.

16 Q You don't remember saying, "My son beat me up because
17 I killed his mother?"

18 A No.

19 Q And then when you were in the regular room at the
20 hospital on 10/29 the next day, 2013, you were in there
21 being guarded by Davey Hendrix, the deputy, do you remember
22 that?

23 A Bits and pieces.

24 Q Bits and pieces of when you were alert and oriented
25 times three?

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1 A I don't know how they get that because like I say, I
2 don't remember nothing hardly.

3 Q You know if you use a cellphone you might have some
4 list of contacts that you can just hit a button and call
5 somebody, not have to remember their number, right?

6 A Right.

7 Q And so if you are disoriented and confused and you
8 have to use a land line in the hospital you've got to dial
9 the number, don't you?

10 A I didn't.

11 Q You didn't?

12 A No.

13 Q To call your sister, Betsy Steen, you had to remember
14 her number and you had to punch it in, right?

15 A Yeah.

16 Q And that takes being aware of things, doesn't it?

17 A Yes.

18 Q And so on 10/29 of 2013, when you talked to Deputy
19 Richard Weiss and said, "Can I call my sister, Betsy, and
20 ask her to bring me some underwear and deodorant," do you
21 remember asking him that?

22 A Yeah.

23 Q And he very nicely said yes, you can, do you remember
24 that?

25 A I remember him calling her, he dialed the number.

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1 Q You remember calling your sister?

2 A He dialed the number, I just talked to her.

3 Q He dialed the number. How in the world did Deputy
4 Weiss know the number for Betsy?

5 A I told him.

6 Q Oh, okay. So you recalled --

7 A That's my sister, I called her everyday just about.

8 Q So you remembered the number and you told it to Deputy
9 Weiss, right?

10 A Right.

11 Q And because you successfully got to her to ask her for
12 underwear and deodorant, you remembered it correctly,
13 right?

14 A Yeah.

15 Q And you not only remembered it correctly, you related
16 it to him correctly, right?

17 A Yep.

18 Q And it's your testimony that he dialed the number; is
19 that right?

20 A Yep.

21 Q And when you spoke to Betsy Steen, your sister, she
22 said something to the effect of, "What the hell were you
23 thinking;" isn't that true?

24 A Yep.

25 Q And you responded, "I had been thinking about it for

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1 three weeks and I just did it," wasn't that your response?

2 A Yep.

3 Q Let's talk about what you said to Betsy in addition to
4 that. You began to cry, to sob Deputy Weiss said, and you
5 stated that you had killed your wife, do you remember that?

6 A Yeah.

7 Q And you said you had been drinking for the both of
8 them and taking pills?

9 A I don't know how he got that because I hadn't been
10 drinking nothing or taking no pills.

11 Q So you don't remember saying that?

12 A I didn't say that because I wasn't drinking.

13 Q You just told us in your direct exam that you just
14 couldn't stay away from drugs, right?

15 A Yep.

16 Q What kind of drugs are we talking about? Are we
17 talking about crack?

18 A Yep.

19 Q Are we talking about weed, marijuana?

20 A Yep.

21 Q Are we talking about LSD?

22 A Nope.

23 Q No, not talking about LSD?

24 A No.

25 Q How about speed?

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- 1 A Nope.
- 2 Q How about downers?
- 3 A Once in awhile, nothing I was hooked on.
- 4 Q How about LSD?
- 5 A Nope.
- 6 Q Never used LSD?
- 7 A Nope. Matter of fact, what is LSD?
- 8 Q Pardon me?
- 9 A What is LSD? What's considered LSD?
- 10 MS. COLLINS: Please mark that as the next State's
- 11 Exhibit not to be entered into evidence, the notebook
- 12 first. Please mark these two pages as the next two State's
- 13 exhibits.
- 14 MR. LIFSEY: Judge, may I approach for just a second?
- 15 THE COURT: Yeah.
- 16 (A bench conference was held.)
- 17 Q Mr. Ghent, I'll show you what has been marked as
- 18 State's Exhibit Number 27 -- you may hold it if you would
- 19 like -- and ask you if you recognize that?
- 20 A I do.
- 21 Q And what is that?
- 22 A Something I done when I was in alcohol, or ADSAP.
- 23 Q It's a thing you had done when you had alcohol and
- 24 ADSAP, is that what you said?
- 25 A ADSAP classes or whatever.

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- 1 Q What's ADSAP stand for?
- 2 A I don't know.
- 3 Q The thing you done, is that a notebook that you wrote
- 4 in?
- 5 A Yes.
- 6 Q That's your writing in that notebook?
- 7 A Yes.
- 8 Q It's a notebook you kept, right?
- 9 A Yeah.
- 10 Q It's a notebook you kept when you were taking classes
- 11 for alcohol and drug use; is that right?
- 12 A Yes.
- 13 Q And I asked you a moment ago the drugs that you said
- 14 you had problems with -- because you said, "I couldn't stay
- 15 away from the drugs," right?
- 16 A Yes.
- 17 Q And I said, "Does that include crack?" And your
- 18 answer was yes?
- 19 A Yes.
- 20 Q And I said, "Does that include downers?" And what was
- 21 your answer?
- 22 A Yeah, sometimes.
- 23 Q Sometimes. How about powdered cocaine?
- 24 A Not in awhile. I had years 25 or 30 years ago maybe.
- 25 Q Not in awhile but at times in your lifetime.

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1 A Yes.

2 Q How about LSD?

3 A What is LSD?

4 Q You don't use LSD?

5 A What is it?

6 THE COURT: Sir, just answer the question. He says he
7 doesn't know.

8 Q Did you write in your journal LSD as being one of the
9 drugs you had problems with?

10 A I don't know, I don't even know what LSD is.

11 Q Well, let me show you State's Exhibit 28.

12 A What is LSD?

13 Q Look at State's Exhibit 28. Is that your handwriting?

14 A Yes.

15 Q Do you see the list of drugs there?

16 A Yes.

17 Q Do you see where you wrote LSD?

18 A Yes.

19 Q You wrote LSD below where you wrote coke, right?

20 A Yes.

21 Q Below where you wrote downers, right?

22 A Yes.

23 Q Below where you wrote pot, right?

24 A Yes.

25 Q And so your answer today is what is LSD?

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1 A Only thing I can think is acid and I hadn't done it
2 but two or three times in my life.

3 Q So when you wrote LSD on there you were referring to
4 acid?

5 A Yes.

6 Q How about speed?

7 A Occasionally, not lately.

8 Q How about pain pills?

9 A Occasionally.

10 Q Pain pills being prescription pills?

11 A Yes.

12 Q So occasionally it's not unusual for you to use
13 prescription pills?

14 MR. LIFSEY: I object to this questioning as
15 irrelevant.

16 THE COURT: All right. Sustained.

17 Q You used prescription pills on 10/28 of 2013, did you
18 not?

19 A I took my wife's prescription pills.

20 Q They weren't your pills, right?

21 A No.

22 Q And you took prescription pills belonging to someone
23 else, right?

24 A Yes.

25 Q Let's go back to the phone call that Deputy Weiss

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1 heard you make to Betsy, your sister. You said when she
2 got home a confrontation began and it says, he, that you
3 began to stab her, do you remember that?

4 A No.

5 Q Don't remember saying that?

6 A That's what he said.

7 Q Okay. Well, let's talk about what you said. You said
8 you waited up for her to come home, right?

9 A Yes.

10 Q You waited to talk to her, right?

11 A Yes.

12 Q And you waited to talk to her not about the weather or
13 the Panthers, but to talk to her about "Are you still
14 planning to leave me," right?

15 A Yes.

16 Q A difficult issue for a couple to talk about, wouldn't
17 you say?

18 A Yes.

19 Q And you stated that although she pulled the knife to
20 her that it stabbed her, right?

21 A Yes.

22 Q And Deputy Weiss says that in your next sentence to
23 your sister, Betsy, in the phone call he heard on 10/29 of
24 2013 that you said your wife begged you to stop.

25 A No.

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1 Q She didn't beg you to stop?

2 A No. He's saying like I stabbed her, like I stabbed
3 her a bunch of times. Why would she ask me to stop and I
4 had stabbed her one time?

5 Q You stabbed her one time.

6 A Yeah, it was an accident. My hand slipped out of her
7 arm onto the other hand and stabbed her in the chest.

8 Q Mr. Ghent, when you tried to cut your wrists with the
9 blade of this knife that you said was too dull to do so, it
10 hurt, didn't it?

11 A Yeah.

12 Q Are you saying that when that knife went into the
13 chest of your wife, Elaine, are you saying she didn't make
14 a sound?

15 A No.

16 Q Are you saying she --

17 A I didn't hear her.

18 MR. LIFSEY: I would ask her to allow him to finish
19 his answer.

20 Q Go ahead.

21 A No, I didn't hear her.

22 Q Is that your answer?

23 A Yeah.

24 Q Didn't hear her say anything?

25 A No.

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1 Q Didn't hear her cry out at all?

2 A No.

3 Q And you're saying she certainly didn't beg you to stop
4 as you said to Betty on the phone that Deputy Weiss heard.

5 A No.

6 Q You then said to Betsy as witnessed by Deputy Weiss
7 you had been thinking about killing for three weeks.

8 A Thinking about killing myself.

9 Q Because you were going to kill yourself on your
10 birthday, right?

11 A Yes.

12 Q Your birthday that was over when your wife came home.

13 A It was still the night of my birthday, I wasn't
14 thinking about it changing over to another day.

15 Q So since it was still the night of your birthday at
16 1:00 a.m. before your wife came home you could have killed
17 yourself then, right? Right?

18 A Right.

19 Q You had the knife, right?

20 A Yes.

21 Q Pills were in the bathroom, right?

22 A Yes.

23 Q So at 1:00 a.m. before Elaine walked in the door you
24 could have killed yourself then but you didn't, right?

25 A Yes.

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1 Q And at 2:00 a.m. before Elaine walked in the door you
2 had the knife, right?

3 A Yes.

4 Q You had the pills, right?

5 A Yes.

6 Q If your intent was to kill yourself you could have
7 done it at 2:00 a.m. before she even came in the door,
8 right?

9 A Yes.

10 Q You said that after -- you stated you cut your own
11 wrists and "got on the bed next to his wife's body and told
12 her he would die with her;" is that right?

13 A No.

14 Q Don't remember or is that not right?

15 A I didn't say that I don't think.

16 Q Because you sure don't mention the pills in here, do
17 you? Did you?

18 A Huh?

19 Q You didn't mention the pills in there, did you?

20 A Didn't what?

21 Q Didn't mention taking pills to try to kill yourself at
22 that point, did you?

23 A I don't -- everything he said I don't remember saying
24 it.

25 Q But you do remember saying to Betsy at the beginning

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1 of the call that you had been thinking about it for three
2 weeks and you just did it, right?

3 A Yeah.

4 Q Are you diabetic?

5 A Yeah.

6 Q Type two back then?

7 A Type two now.

8 Q Type two now; is that right?

9 A Yeah.

10 Q Supposed to be controlled with diet, right?

11 A Insulin.

12 Q What makes your sugar go up, do you know?

13 A Eating right.

14 Q Starches or whatever? Eating starches or sweets,
15 right?

16 A Yeah.

17 Q Maybe drinking some, right?

18 A Yeah.

19 Q Maybe drinking a Coca Cola, maybe drinking a beer
20 could make your sugar go up, right?

21 A Yeah.

22 Q So while you were sitting there with a knife and the
23 pills in the bedroom waiting for your wife to come home,
24 were you eating?

25 A No.

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1 Q Were you drinking?

2 A No.

3 Q And so why in the world would your blood sugar, if
4 you're telling the truth, be up over 500?

5 A Because I hadn't took insulin in over three or four
6 weeks.

7 Q Did you take your shirt off after you killed your
8 wife?

9 A Huh?

10 Q Did you take your shirt off after you killed your
11 wife?

12 A Didn't have on a shirt.

13 Q Didn't have on a shirt, just had on your black shorts?

14 A Yeah.

15 Q And when you washed off your hands, you just washed
16 off your hands; is that right?

17 A Yeah.

18 Q Now, you talked to us about there had been a time
19 before when you tried to shoot yourself, right?

20 A I didn't really try, I just put the gun to my head
21 and pulled the trigger.

22 Q Didn't really try. Just like you didn't really try to
23 kill your wife?

24 A No.

25 Q You put a gun to your head and you pulled the trigger

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1 you're saying you didn't really try to kill yourself?

2 A I was just doing that to scare her.

3 Q You were doing that to scare her. To scare who?

4 A My wife.

5 Q Your wife alone?

6 A (Nods head yes.)

7 Q So before you had threatened self harm that time with
8 a gun and pulled the trigger with the gun to your head just
9 to scare your wife?

10 A I just wanted her to see how quick it would be. I
11 had been telling her I was going to do it and I wanted her
12 to see how quick it would be to do it.

13 Q Were you just playing mind games with her?

14 A Not really.

15 Q So on this night, the early morning hours of 10/28 of
16 2013 you were threatening to hurt yourself to try to make
17 her stay with you, weren't you? Weren't you?

18 A Yep.

19 Q Yep. If she had told you, "Okay, Butch, you're right,
20 let's give it another go," you would have put that knife
21 down, wouldn't you? Wouldn't you?

22 A Probably.

23 Q Are you telling this jury -- you said earlier you just
24 wanted to talk to her about is she still planning on
25 leaving you, right?

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- 1 A Right.
- 2 Q Are you telling the jury that if she would have said,
3 "No Butch, no Butch, I'm not planning on leaving you
4 anymore," are you telling us that at that point you would
5 have gone ahead and tried to cut your wrists?
- 6 A Maybe.
- 7 Q If Elaine leaves you she might have come back, right?
- 8 A Maybe.
- 9 Q Came back before, right?
- 10 A Yeah.
- 11 Q But while she's gone you don't have any money, right?
12 Right?
- 13 A When are you talking about?
- 14 Q I mean, if she would have left you right then -- you
15 already said you weren't working, right, on 10/27 of '13,
16 right?
- 17 A Yep.
- 18 Q So even though Elaine might come back in the meantime
19 you wouldn't have had any money, right?
- 20 A Right.
- 21 Q No money for drugs, right?
- 22 A No.
- 23 Q And if Elaine is gone you couldn't go down to Lloyds
24 and ask to charge anything, could you?
- 25 A I couldn't go charge anything unless she okayed it

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1 anyway.

2 Q But she did okay it sometimes, didn't she?

3 A Once a month or two.

4 Q In fact, you would go down sometimes and get
5 cigarettes for a friend, not even for you, right?

6 MR. LIFSEY: I object to the relevance of this line of
7 questioning.

8 THE COURT: Sustained.

9 Q And if she left you didn't know if Roddey would
10 continue to pay the rent, did you? Is that right?

11 A No.

12 Q So instead you made her leave, right?

13 A No.

14 Q You took her away from Jonathan, right?

15 A I guess.

16 Q You took her away from Tabitha, right?

17 A Yeah.

18 Q You took her away from the small ten-day old infant
19 that Tabitha just had, right?

20 A Yeah.

21 Q And when you were standing there with the knife around
22 her side of the bed you were blocking the door to the
23 bedroom, right?

24 A Yes.

25 Q She couldn't get out of the door with you right there

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1 on her side of the bed, that was closer to the bathroom,
2 wasn't it?

3 A Yeah.

4 Q And the door to the bedroom is behind you, right?

5 A Yeah.

6 Q And in between her and the door to the bedroom is you
7 and you've got this knife, right? Is that right?

8 A Yeah.

9 Q And so you tell us today that this was just a tragic
10 accident; is that right?

11 A Yes.

12 Q But in your last letter to your children taped to a
13 bedroom door you didn't bother to say that, right?

14 A Right.

15 Q Is that right?

16 A Yep.

17 Q And in your last call to your daughter, Tabitha, left
18 on her phone at 4:00 a.m. you didn't waste a single breath
19 in your body to say it was an accident, did you? Did you?

20 A Nope.

21 Q But now today in this courtroom when it's about you
22 now it's an accident, right?

23 A What was that again?

24 Q Today when it is about you now it is an accident; is
25 that right?

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1 A Well, always was from the beginning.

2 Q Always was from the beginning, but you never bothered
3 to tell your children as you wrote your good-bye note and
4 left your message?

5 A No, I wasn't thinking about that.

6 MS. COLLINS: Nothing further.

7 THE COURT: Any redirect?

8 MR. LIFSEY: Very briefly.

9 REDIRECT EXAMINATION

10 BY MR. LIFSEY:

11 Q On redirect the solicitor asked you about -- the
12 solicitor asked you about the statement "I've been thinking
13 about it for three weeks." What are you talking about when
14 you said that?

15 A I was thinking about killing myself.

16 Q The solicitor asked you questions that about how you
17 would have no money if she left you, do you remember her
18 asking you those questions?

19 A Yes.

20 Q You wouldn't have had any money if you would have
21 killed her intentionally, would you?

22 A No.

23 Q Solicitor asked you some questions regarding the
24 timing of how soon you knew she was gone. I know, it's
25 painful but just one more time, just tell the jury what

JOHN GHENT, JR. - REDIRECT

1 happened when you stabbed her and how you knew it was over.

2 A I don't know --

3 Q Move your and from your mouth where they can hear you,
4 okay?

5 A I don't know, it was just when the knife went in as
6 much blood as it was I figured it must have hit her heart
7 or something, I didn't know. It didn't seem like it was
8 but a minute or so by the time when I tried to stop the
9 blood from bleeding she just started gasping for air, she
10 fell forward and she wasn't breathing or anything, so I
11 knew she was gone.

12 MR. LIFSEY: I don't have any further questions.

13 MS. COLLINS: Nothing further.

14 THE COURT: Thank you sir, you can step down.

15 (Break in proceedings.)

16 MS. COLLINS: Thank you for that time, Your Honor.

17 THE COURT: Mr. Lifsey?

18 MR. LIFSEY: The defendant rests.

19 THE COURT: Anything in reply?

20 MS. COLLINS: No, Your Honor, we have no reply
21 witnesses.

22 THE COURT: No reply. Ladies and gentlemen, we have
23 now concluded with the testimony and evidence phase of the
24 trial. Due to the late hour and due to the fact that there
25 are some legal issues I need to discuss with the attorneys

1 I'm going to go ahead and release you for the day, that way
2 we can come back fresh and early in the morning to hear
3 closing arguments from both sides as well as from me to
4 instruct you on the law, and then you can begin
5 deliberating tomorrow morning. Okay. Now, I remind you
6 when you leave this courthouse you are not to discuss this
7 case with anyone including yourselves. Okay. You can't
8 discuss it until I've given you the law. Don't read
9 anything on the Internet about it, don't look up anything
10 on the Internet about it, just don't watch the news.
11 Certainly if you're in a room and the news comes in just
12 walk out of the room. Remember, you're under your oath to
13 do that. We'll see you tomorrow morning at 9:30. Y'all
14 have a good evening, y'all are released for the day.

15 (The jury left the courtroom and a break was taken.)

16 THE COURT: All right. Let's do the lawyer stuff.
17 First on the charge conference, let's talk about the most
18 obvious issue, crimes to charge. I intend on charging the
19 lesser offense of voluntary, I think there's enough
20 credible evidence in the record to support the charge of
21 voluntary given the entire record. Involuntary I know
22 you're going to ask me to charge, I don't know about that.
23 And accident I know you're going to ask me to charge, I
24 don't know about that either. But I want to hear your
25 argument first and then we will go to the State.

1 MR. LIFSEY: Your Honor, I will hand up -- I gave the
2 solicitor a copy earlier -- State versus Battle,
3 B-a-t-t-l-e. This was a case -- and I direct the Court's
4 attention to page three under involuntary manslaughter,
5 this was a case where there was evidence of a struggle over
6 a gun and it says this actually -- I'll switch over to page
7 five, Your Honor.

8 THE COURT: Okay.

9 MR. LIFSEY: And I'm talking about the second
10 paragraph on the left side, it begins, "The above case --
11 the above cited cases establishes evidence of a struggle
12 over the murder weapon supports the submission of
13 involuntary manslaughter charge to the jury."

14 THE COURT: Okay.

15 MR. LIFSEY: So he clearly --

16 THE COURT: But the only evidence of that is his
17 self-serving testimony, so talk to me about that.

18 MR. LIFSEY: Well, I mean, I think that's Battle,
19 okay? The question of what weight to give his testimony is
20 a fact finding question of the jury. There's evidence in
21 the record from him that it was a struggle over the weapon
22 so I think they get involuntary per Battle. But Ms.
23 Collins, I'm sure, will make a quite -- or Mr. Newman,
24 whoever does the closing, will make a quite able argument
25 that they shouldn't believe that, but the choice of whether

1 to believe his testimony is their choice.

2 THE COURT: Okay.

3 MR. LIFSEY: I think Battle requires it.

4 THE COURT: All right. In fact, let's do one at a
5 time. Ms. Collins, or whose going to argue? Solicitor?

6 MR. NEWMAN: I think within voluntary it says, "An
7 unlawful activity not naturally tending to cause death or
8 great bodily harm." I think certainly if it's suicide
9 we're talking about it is naturally causing death.

10 THE COURT: "To prove involuntary manslaughter the
11 State must prove beyond a reasonable doubt that the
12 defendant unintentionally killed the victim without malice
13 but while engaged in an unlawful activity not naturally
14 tending to cause death or great bodily harm, or" -- here
15 you go -- "or that the defendant unintentionally killed the
16 victim without malice while engaged in a lawful activity."
17 Suicide is not lawful. Attempting to hurt somebody with a
18 knife is not lawful -- "with reckless disregard for the
19 safety of the others. Reckless disregard is more than mere
20 negligence or carelessness, it's a conscious failure to use
21 ordinary care." So what is your argument?

22 MR. LIFSEY: Well, my argument is State versus Battle
23 is a struggle over a weapon. The Court in Battle says,
24 "Evidence of a struggle over the murder weapon supports
25 submission of involuntary manslaughter charge to the jury."

1 THE COURT: That's a gun though.

2 MR. LIFSEY: Well, a gun is even more deadly than a
3 knife I would think, or at least it could be. I don't see
4 the distinction between Battle and this case, and I think
5 Battle was basically one self-serving witness' testimony.

6 THE COURT: "However our jurisprudence makes clear
7 that when determining whether a charge of involuntary
8 manslaughter is proper the trial court must look to the
9 presence of evidence, not its weight." All right. So
10 Solicitor, coming back to you. There is evidence present
11 whether it's believable or not, which of course, you know,
12 I don't determine that or its credibility, but there is
13 present evidence if the jury buys it that it was
14 unintentional or involuntary. Any argument against that?

15 MR. NEWMAN: But it's still not engaged in a lawful
16 act or something that's not naturally tending to cause
17 death. And I believe in Battle --

18 THE COURT: Here is the two definitions. Involuntary,
19 if you're engaged in an unlawful activity which would not
20 naturally tend to cause death or great bodily harm. The
21 unlawful activity is him committing suicide and causing
22 death or great bodily harm to the victim of the involuntary
23 manslaughter. Isn't that the way you see it, Mr. Lifsey?
24 That's the way the case law describes it. Or that he
25 unintentionally killed her without malice while engaged in

1 a lawful activity with reckless disregard. So I don't
2 think it would actually meet the second part of it because
3 there was nothing lawful about what he was doing with a
4 knife. You know, his testimony was that he intended to
5 kill himself with the knife, that he was trying to cut but
6 I think it meets the first part. I think I'm going to
7 charge involuntary, I think the law require me to.

8 MR. NEWMAN: Your Honor, I certainly don't want this
9 case coming back on something like that.

10 THE COURT: Well, I agree with you. And I don't
11 know -- no one ever knows what a jury is going to do, but I
12 think the law as I understand it and they way y'all are
13 thoroughly arguing and presenting it to me requires a
14 charge on involuntary.

15 MR. LIFSEY: Your Honor, may I also put on the record
16 that I object to the voluntary charge?

17 THE COURT: All right. Talk to me about that.

18 MR. LIFSEY: I don't think there's sufficient legal
19 provocation to constitute voluntary.

20 THE COURT: All right.

21 MR. NEWMAN: Ms. Collins wants to argue.

22 MS. COLLINS: I want to argue that.

23 THE COURT: Talk to me about that.

24 MS. COLLINS: Judge, as to voluntary manslaughter, the
25 testimony of Deputy Richard Weiss is that he heard him say

1 a confrontation began between them, there was an argument
2 between them. He said a confrontation began between them
3 and therefore there could be sudden heat of passion for a
4 voluntary manslaughter charge to go to the jury.

5 THE COURT: And there was a history that -- okay --
6 and his own testimony establishes that. I think there's
7 enough evidence to go to the jury on voluntary.

8 MR. LIFSEY: Thank you. I just want to note my
9 objection on the record. Thank you, Judge. I would also
10 ask you to consider since you are -- I would ask you to
11 charge the law of accident as well.

12 THE COURT: Talk to me about that. What do you want
13 me to charge on that?

14 MR. LIFSEY: I'm sorry, I should have prepared -- I'm
15 assuming whatever the standard --

16 MR. NEWMAN: Your Honor, the State would be opposed to
17 an accident charge.

18 MR. LIFSEY: Well, he said it was an accident. They
19 don't have to believe it. Like I said, I know the
20 solicitor certainly is capable --

21 THE COURT: Certainly you can argue that all day long,
22 whether I charge it or not is the issue.

23 MR. LIFSEY: Well, I mean --

24 MR. NEWMAN: There's case law -- for a homicide to be
25 excusable on the ground of accident it must be shown that

1 the killing was unintentional and that the defendant was
2 acting lawfully and that due care was exercised in the
3 handling of a weapon. Here we have an unlawful act and
4 there's no -- obviously no due care exercised in the
5 handling of this knife.

6 MR. LIFSEY: Well, I think that's a question for the
7 jury to determine. I don't think -- I think he said -- and
8 I know his testimony varied, but once again they can choose
9 to believe all of what a witness says or part of what a
10 witness says. I believe at least in part of what the
11 witness says he says he approached, he had the knife, he
12 wanted to talk to her and she saw the knife and she grabbed
13 his arm and that's when the struggle ensued.

14 MR. NEWMAN: Your Honor, I just don't think you can
15 have it both ways. If you get involuntary then you don't
16 get accident. If he wants accident I'm happy to --

17 MR. LIFSEY: I don't think there is anything in the
18 case law that says those are contradictory defenses, in
19 fact, I think they go hand in hand. I think the jury gets
20 to decide is it truly an accident which would excuse his
21 conduct, or is it in reckless disregard, which is beyond
22 accident and would make it involuntary, I don't think those
23 are mutually exclusive matters.

24 THE COURT: Well, y'all give me a minute and let me
25 look at it. All right. I'm not going to charge accident,

1 I'll deny the defense's request to charge accident, you're
2 protected in the record. All right. What else? Any other
3 specific request to charge before I tell you what I'm going
4 to charge?

5 MR. LIFSEY: Well, we mentioned in a prior discussion
6 about charges the other day, your intent to charge
7 inference of malice in regards to --

8 THE COURT: Yes.

9 MR. LIFSEY: -- I would like to argue that the Belcher
10 case argues against that. Okay.

11 THE COURT: All right. Talk to me about that. Let
12 the record reflect what I intend to charge, here is what I
13 intend to charge on that, and this is straight out of the
14 charge book. "Malice may be inferred from conduct showing
15 a total disregard for human life. Inferred malice may also
16 arise when the deed is done with a deadly weapon," okay?

17 MR. LIFSEY: Can I hand up a copy of Belcher for the
18 Court, Your Honor? Belcher is in the context of
19 self-defense --

20 THE COURT: When there's evidence of any evidence --
21 right.

22 MR. LIFSEY: But this is what -- I turned to page
23 eight in the very end where it says this: "Today we
24 returned the rational (underline) Thompkins, Lavel
25 (phonetically) and Jackson, and hold that where evidence is

1 presented that would reduce, mitigate, excuse or justify a
2 homicide caused by the use of a deadly weapon, the jury
3 shall not be charged malice on the use of a deadly weapon.

4 THE COURT: I understand what you're saying. Since
5 I'm charging involuntary I therefore, regardless of whether
6 self-defense applies, you shouldn't infer malice based upon
7 the use of a deadly weapon.

8 MR. LIFSEY: Yes.

9 MR. NEWMAN: Your Honor, I haven't had a chance to
10 look at Belcher but I'm getting a text from my staff that
11 they believe Belcher is overruled, I would like a second.

12 THE COURT: Well, y'all shepardize it I'm going to
13 have my clerk shepardize it.

14 (Break in proceedings.)

15 THE COURT: The question is do I charge that sentence
16 or not, inferred malice may also arise when the deed is
17 done with a deadly weapon. Is that sentence worth an
18 appellate issue for the State?

19 MR. LIFSEY: Well, it's not but I think I am right --

20 THE COURT: As my friends from the Court of Appeals
21 read this transcript, if they do, and they hear me ask them
22 the question, is that sentence worth an argument?

23 MR. NEWMAN: No, sir.

24 THE COURT: That's what I thought. All right. So I
25 will grant the defense request to not charge inferred

1 malice being the use of a deadly weapon based upon possibly
2 the unsettled law of Belcher. Okay. So I'm going to
3 charge that malice may be inferred from conduct showing a
4 total disregard for human life, that is the law, but then I
5 will stop it there. I'm not going to charge about a deadly
6 weapon. And then if the jury infers there was a total
7 disregard for human life, then they can use their judgment
8 and go from there, okay? Anything else?

9 MR. NEWMAN: Suicide, Your Honor.

10 THE COURT: What's that?

11 MR. NEWMAN: Suicide.

12 THE COURT: Okay.

13 MR. LIFSEY: What about it? I'm not being a smart
14 Alec, I just --

15 MR. NEWMAN: There's a charge, if you will give me a
16 second I'll get it.

17 THE COURT: I've got it. The defendant raises the
18 defense that --

19 MR. NEWMAN: It's not that. It says, "Evidence of a
20 suicide attempt is probative of the defendant's
21 consciousness of guilt is generally admissible --

22 THE COURT: Consciousness of guilt is what you're
23 trying to get at. What number is it?

24 MR. NEWMAN: Number 28.

25 THE COURT: Do you have any problem with that, Mr.

1 Lifsey?

2 MR. LIFSEY: I think that's the law but I don't think
3 you should charge that. I know it's in the -- I don't know
4 who puts together whatever is on the court's website but I
5 believe that's an impermissible comment on the facts. I
6 think the solicitor can argue that, but I would ask the
7 Court to not charge that comment on the facts to the jury.

8 THE COURT: All right, I'll look at that. Anything
9 else before I tell you what I'll charge, before I go
10 through my general charge? And I will come back to that.

11 MR. NEWMAN: Are we arguing on suicide right now?

12 THE COURT: I will come back to that. Anything else
13 as far as specific requests before I go through what I'm
14 going to charge?

15 MR. LIFSEY: Not that I can think of.

16 THE COURT: I'm going to come back to suicide, I'm
17 just having to look it up right now.

18 MS. COLLINS: Could we approach for a moment?

19 (A bench conference was held.)

20 THE COURT: Back on the issue of accident following a
21 bench discussion. Here is the law on accident as I
22 understand it to be on the case law, and I'm reading
23 verbatim right out of the charge book, the most recent
24 charge book. "The defendant has raised the defense of
25 accident. An act may be excused on the ground of accident

1 if it is shown that the act was unintentional, that the
2 defendant was acting lawfully and that reasonable care was
3 used by the defendant in the handling of the weapon." I
4 mean, the only evidence in the record going by any evidence
5 standard not judging on the weight of the evidence, all
6 three of those wouldn't fit, or would they, Mr. Lifsey?

7 MR. LIFSEY: Well, my position, Judge, is that if you
8 construe his testimony in the light most favorable to him
9 and using the any evidence standard, I believe it would
10 apply and I would object -- I would ask you to charge
11 accident and preserve my objections if you chose not to.

12 THE COURT: Better safe than sorry. I'm going to
13 charge it. I'll charge accident and then I'm also going
14 to -- what's the thing about suicide?

15 MR. NEWMAN: Your Honor, it's "Evidence of suicide
16 attempt is probative on the defendant's consciousness of
17 guilt and is generally admissible for whatever value" --

18 THE COURT: And the defense objects to that. Your
19 objection is noted on the record but I think that's a
20 reasonable statement and that that is a statement of the
21 law as well.

22 MR. LIFSEY: And I acknowledge it's a statement on the
23 law, my objection is that it's a comment on the facts, but
24 I understand the Court's ruling.

25 THE COURT: Sure. Well, so is accident, that's a

1 comment on the facts as well. But I think under the
2 fundamental fairness standard if I'm going to charge
3 accident I'm going to charge suicide, and that's the
4 purpose as my friends read this why I did that.

5 MR. LIFSEY: Thank you, Judge.

6 THE COURT: Having said that let me tell you what I am
7 going to charge. General stuff. Credibility. Direct and
8 circumstantial, I use the long circumstantial charge.
9 Where it says because there is direct evidence of eye
10 witnesses but also circumstantial I talk about the -- is it
11 the Logan thing or whatever it's called, the most recent
12 one, if the State relies on circumstantial evidence all of
13 the circumstances must be consistent with each other when
14 taken together point conclusively to the guilt. Okay. I
15 got that language in there. Charge, arrest, indictment,
16 expert witness. Of course, presumption of insurance.
17 Reasonable doubt. Criminal intent, the general criminal
18 intent statute, or not statute, law. Statements of
19 defendant. Do you want me to charge prior inconsistent
20 statements? The only one I think that y'all argued over
21 was the son but I don't know how much time you spent on
22 that. I'll be glad to charge it if you want me to.

23 MR. LIFSEY: Could you tell me what the charge reads,
24 Judge?

25 THE COURT: Yeah. It's just saying that you can

1 believe -- there's been evidence showing that, you know, a
2 witness said something at trial differently than what he
3 said in the statement. You can decide whether to believe
4 everything he said at trial or whether to believe
5 everything in the statement or a combination of the two
6 basically.

7 MR. LIFSEY: I don't like it but -- and I would ask
8 you not to charge it, but I understand that's the law.

9 THE COURT: See, because it goes both ways. I won't
10 charge prior inconsistent, are y'all okay with that?

11 MR. NEWMAN: Your Honor, I think -- I like prior
12 inconsistent.

13 THE COURT: I'll charge it then. I had it as a
14 question mark.

15 MR. NEWMAN: The defendant also had prior inconsistent
16 statements.

17 THE COURT: Right. That's what I said, it goes both
18 ways. That's why we have this charge conference. Murder,
19 y'all know the definition of murder, straight up. Do y'all
20 want me to read how I'm going to charge it? Okay.
21 Voluntary manslaughter is right out of the book. Okay.
22 Involuntary, right out of the book and we'll amend the --
23 do y'all want to come look at the verdict form?

24 (Bench conference was held.)

25 THE COURT: This is the verdict form I previously have

1 done without involuntary so just add the line on that, we
2 can do that. I'll charge involuntary manslaughter, it's
3 just right out of the book. The possession or display of a
4 firearm or knife, again right out of the book. I defined
5 murder, voluntary manslaughter as violent crimes. Then
6 accident and suicide. Anything else?

7 MR. LIFSEY: No, sir, not right now.

8 THE COURT: Okay. Anything else from the State?

9 MR. NEWMAN: Nothing from the State, Your Honor.

10 THE COURT: All right. Here is what's going to
11 happen. Well, first of all --

12 MR. LIFSEY: At the appropriate time I need to renew
13 my directed verdict motion.

14 THE COURT: Now is that time.

15 MR. LIFSEY: Your Honor, I would renew my directed
16 motion, the same grounds I stated in my prior motion.

17 THE COURT: You're protected in the record and that
18 motion is denied.

19 MR. LIFSEY: Thank you.

20 (Court recessed for the evening and resumed at 9:30
21 A.m. on Thursday, March 17, 2016.)

22 THE COURT: Anything from the lawyers prior to
23 bringing the jury in?

24 MS. COLLINS: Nothing from the State.

25 MR. LIFSEY: No, sir.

1 (The jury returned to the courtroom.)

2 THE COURT: All right. Good morning, ladies and
3 gentlemen. All members of the jury are present. As I
4 indicated to you yesterday we have now completed the
5 testimony and evidence stage of the trial, we will now move
6 into what's called closing arguments. And as I instructed
7 you at the beginning of the trial just like opening
8 statements, closing arguments are not evidence. Okay. At
9 the conclusion of the closing arguments given to you by
10 both the State and the defense, that's when I will instruct
11 you on the law of South Carolina and you will finally be
12 able to start deliberating your verdict. Okay. Please pay
13 close attention to the lawyers as they speak to you. Thank
14 you very much. Mr. Lifsey?

15 MR. LIFSEY: Please the Court, Your Honor?

16 THE COURT: Yes, sir.

17 MR. LIFSEY: I want to begin by speaking to you a
18 little bit about how you should intellectually approach the
19 case, how you should analyze the evidence. You're going to
20 think about what you've heard and how you should analyze
21 that and apply it to the law that the Judge is going to
22 give you. There are four possible verdicts in this case
23 and the Judge will tell you you've got four choices. You
24 can find the defendant guilty of murder, you can find him
25 guilty of voluntary manslaughter, you can find him guilty

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1 of involuntary manslaughter, or you can find him not
2 guilty. Okay. So you're going to have four choices to
3 think about. The Judge will tell you all of the elements
4 of each of the offenses, he'll tell you about the things
5 that I spoke at the beginning about about presumption of
6 innocence, about burden of proof and about proof beyond a
7 reasonable doubt, but you will have those four choices.
8 Now, you remember at the beginning of this case I told you
9 that being on a jury is difficult because sometimes we ask
10 you to approach things in sort of an unnatural way.
11 Normally if you are in your everyday life and are faced
12 with choosing between four alternatives you kind of take a
13 neutral position, you listen to all four of the
14 alternatives and then you make your decision. But that's
15 not what you do when you're on a jury in a criminal case,
16 which is what this is. You are required, because remember
17 I told you at the beginning and the Judge will emphasize
18 this throughout his jury charge that my client is presumed
19 innocent, so intellectually you go into making this
20 decision on these four prongs, you go into it the
21 presumption is you find him not guilty. Okay. So you
22 being intellectually by analyzing this, believing that the
23 client is not guilty. The second thing -- which is
24 different than what we normally make decisions in our lives
25 everyday about things -- the second thing you do that is a

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1 little unusual is you can't even -- you know, if you might
2 begin with that presumption you can't decide which of the
3 four things you believe this is on some basis of this is
4 most likely what happened, okay? That's part of what we do
5 normally every day in our lives when we decide to take one
6 action versus another, or we decide to choose one product
7 versus another, we sort of -- the natural human way to
8 approach that is which is the most likely to be a good
9 outcome. That's really not the task we set before juries,
10 because remember, you cannot convict my client of anything
11 at all until you've been -- he has been proven guilty
12 beyond any reasonable doubt. So intellectually you begin
13 with a client who is presumed innocent, so you start this
14 decision making process viewing him as not guilty, okay?
15 You can't even come off of not guilty to consider any of
16 the other alternatives until the State has proven beyond a
17 reasonable doubt that the not guilty doesn't apply, okay?
18 And then you can kind of work your way up the
19 lesser-included offenses from involuntary manslaughter,
20 voluntary manslaughter to murder, but you start at not
21 guilty and can't even get off of not guilty if there is any
22 reasonable doubt that that is true. I say that because
23 looking at the facts you have heard two vastly different
24 accounts of what happened that night in that bedroom. Now,
25 count one version, I would call the solicitor's version of

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1 what happened, is that my client is a conniving evil man
2 that planned this well in advance, executed this brutal
3 murder and I guess presumably then tried to construct some
4 sort of excuse after this, okay? That's their theory. I
5 will talk about the issues with that theory in just a
6 minute, but that's their theory. My client got on the
7 stand and said it was an accident, okay? So obviously if
8 you believe my client it was an accident, he's not guilty,
9 okay? But it's really more than that, okay? You cannot
10 find him guilty of anything, any of the lesser-included
11 offenses unless you believe that he's lying and that his
12 story, not only is may not be likely, but beyond a
13 reasonable doubt it could not be true, okay? So
14 intellectually you're looking at this case and you're
15 saying the only way I can get to one of these other three
16 verdicts besides not guilty is to determine beyond a
17 reasonable doubt that John Ghent's account that he gave
18 that you heard from the witness stand is a lie, okay? So I
19 know that's unnatural and that's not the way normal human
20 beings tend to make our reasonable decisions every day in
21 our lives, but that is the task that Judge Gibbons is going
22 to tell you to do because you took an oath and, of course,
23 you are required to follow that oath. So let's look at
24 John Ghent's story. And what I would like to do to you is
25 point out a few reasons that John Ghent's story could be

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1 true, because remember, that's the test. If it is
2 possible, if there is any reasonable possibility that John
3 Ghent's story was true you must find him not guilty. So
4 let's think about reasons it could be true. First of all,
5 why would John Ghent have killed his wife intentionally
6 with malice aforethought? The State put up a lot of
7 evidence, a lot of talk about my client's money problems,
8 about his employment issues, about his work situation, I
9 can only think of two possible reasons why they would have
10 elicited that testimony. One reason is to get you to
11 dislike my client, if that's the reason that's improper,
12 okay? Because you are not here to make a valued judgment
13 on his life, okay? You're here to determine what happened
14 that night in that bedroom. So that's one possible
15 purpose, and if that's the purpose do not consider that
16 purpose. The potentially proper purpose they could have
17 introduced that evidence is to show that the potential of
18 her leaving him would have detrimentally effected his
19 ability to have money to do what he needed to do. I mean,
20 here is the problem with that, how's he going to have the
21 money if he kills her? You heard the testimony from
22 several people that he left -- she had left in the past and
23 they had reconciled in the past, left in the past,
24 reconciled in the past. If he does what the solicitor
25 seemed to imply he was doing, which is killing her for

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1 threatening him to leave him and did that because of his
2 needing of money because his needing to buy drugs or
3 whatever she wanted to say, that's permanent, like he
4 accomplishes nothing by killing her. So why would he have
5 killed her? Secondly, why does he only stab her one time?
6 You know, the solicitor made a big deal -- I think their
7 theory was that he was angry, that he was emotional. There
8 was a lot of testimony, if you remember there was talk
9 about distances and the prosecutor said, "You wanted her
10 near you, you wanted to be feeling that anger," and there
11 was a whole "she's cheating on you," all of that stuff, but
12 he stabs her one time. Where is the passion in that?
13 Where is the anger, anger, anger if he is angry at the
14 woman? Why are there no significant wounds or bruises or
15 anything else on the body? As best I recall there was one
16 -- the only testimony of other injuries was a bruise to the
17 upper chest in near proximity to where the knife wound is,
18 which is entirely consistent with a hand or arm striking as
19 the knife goes in. It's hard for me to understand if the
20 State's theory is that this is an angered man, angry that
21 his wife is leaving, filled with bitterness and hatred and
22 malice, which is wickedness and the Judge will tell you
23 that, that's one of the required elements of murder is
24 wickedness -- filled with this wickedness, why is there
25 only one stab wound? Is it at least possible that one

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1 wound is consistent with his account of a struggle over
2 knife and hand slipping and knife going in? Remember, you
3 can't convict him if it is possible that that's the way it
4 occurred, okay? The position of her body supports his
5 account of what happened. The State made a big deal as I
6 remember it about him waiting on her and about noises and
7 about the note being on the outside and when he came in,
8 and I will get to the note in a minute, but it almost
9 seemed to imply to me that they were arguing at some point
10 that he may have killed her when she was sleeping. Well,
11 that doesn't make any sense, because if you remember, the
12 testimony undisputed is that her body was head to the foot
13 of the bed. She was on the bed as if lying not in the way
14 that anyone would go to sleep, but on the foot of the bed,
15 which is consistent with his account of knife, struggle,
16 they're on that side of the bed when the knife slips and as
17 he says, she's falls to the bed and he continues to sort of
18 lay her down on the bed. That is not consistent at all
19 with any theory that she had already gone to bed when he
20 killed her. There was a lot of testimony -- there was
21 discussion about Jonathan -- and y'all can make assessments
22 of how credible Jonathan is -- but there was assessments --
23 testimony of Jonathan being up late, why didn't he hear
24 things? Which like I say, seems to imply that he went
25 to -- she (sic) went to bed and killed him (sic) which is

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1 not consistent at all. Once again, I would argue position
2 of the body is consistent with his account on the witness
3 stand, and if his account on the witness stand is possible
4 you cannot find him guilty. I want to talk to you about
5 the suicide. This is interesting to me. It seemed like
6 throughout the trial the State tried to mock the notion
7 that he's making an attempt to kill himself. They
8 repeatedly referred to the wounds on his hands as
9 superficial, you know, you can view the pictures yourself,
10 okay? I would argue that these are not superficial wounds,
11 whatever the medical definition may be. You know, it's
12 difficult to slice a wrist, it's difficult to take your own
13 life in a particularly painful fashion. Now, you can argue
14 Mr. Ghent should have followed through on that, and maybe
15 he's a coward, maybe he was afraid to do what he had
16 planned to do, but you're not to judge him on that. You
17 are to judge him on whether or not the State has proven
18 beyond a reasonable doubt that he committed murder. The
19 pills. There was a lot of testimony about the pill bottles
20 and whether they were full or not. As best I could tell
21 the State seemed to be implying that his account of taking
22 pills didn't occur, but his account is the only account
23 that jives with the medical records. If you remember
24 you've got this dispute between the EMS person who attended
25 him and reported a normal blood pressure and a normal

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1 stable condition, and the medical doctor from Springs
2 Memorial who testified a significantly lower blood
3 pressure, and as he described him, a near fatality. Now,
4 there's two possible explanations for that, it could be
5 that one of them is wrong, okay? I would take the medical
6 doctor's opinion on that issue, the medical doctor who is
7 at the hospital in a more calm setting than someone who is
8 at a crime scene with a horrific body and people yelling and
9 hollering. But even if they are both accurate in their
10 accounts, why would that difference be? The difference is
11 consistent with him taking the blood pressure medicine and
12 it taking effect by the time he got to the hospital. So
13 the State -- you know, part of their theory at least as I
14 could tell it through the trial is mocking the idea that he
15 tried to kill himself while that is consistent with the
16 evidence in this case. Now, you know, they get to argue
17 last so they may turn around now and say, well, yeah, he
18 did try to kill himself and that proves he's guilty. I ask
19 you not to let them have it both ways. They've spent the
20 entire trial saying it didn't happen, hold them to that
21 even though the medical evidence from the neutral witnesses
22 supports that account. There was a lot of testimony about
23 the note and the voice mails. I would argue that the
24 note -- and the solicitor's made a big deal about him not
25 saying on the note it was an accident and in the voice

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1 mails not saying that, well, I would argue that cuts both
2 ways. He didn't say anything negative about the victim on
3 the notes or in the voice mails. If the idea is he is this
4 raged filled, evil, malicious person who killed his wife
5 out of evilness and wickedness, why wouldn't he have taken
6 the opportunity to say something negative about his wife in
7 any of this? Now, the best evidence, you can listen and
8 you heard in the court the voice of my client on at least
9 two different voice mails. Malice is a term that means
10 evilness, it's a term that means wickedness, does he sound
11 malicious in there or does he sound extremely sorry about
12 what happened? You cannot convict him of anything unless
13 you believe he's lying entirely, but even if for some
14 reason he did that, you can't get to murder unless there is
15 malice. That's what makes murder different from the other
16 lesser-included choices you have, okay? You've got to show
17 maliciousness. Does he sound as he -- you know, he calls
18 his daughter and he is sobbing and he's crying and he
19 doesn't say, "Your mother made me do this." He doesn't
20 say, "Your mother is evil." He calls his sister, he
21 doesn't say that, he doesn't say anything evil or wicked.
22 What he says is he's sorry over and over and then he talks
23 about selling the house. The note says that as well. The
24 note -- there is a, "I hope you're happy," of course, it
25 doesn't make sense that that was directed toward the

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1 deceased person, it had to be directed toward somebody
2 else. You saw his son's attitude toward him both as he
3 stared him down as he walked up here and as he stared him
4 down as he walked out, and you heard him say what he
5 thought about his father, the son who has extensive
6 experience in the criminal justice system. The rest of
7 that note is nothing malicious at all. He asked his
8 granddaughter not to come in the room. Where is the malice
9 in that? What's wrong with that? Preventing a grandchild
10 that he loved from seeing a horrific scene of his dead wife
11 and what he believed to be his dead body. He tells them to
12 sell the house and split with your brother. You know, the
13 solicitor almost mocked that. What is wrong with him
14 telling them -- looking out for them after his death?
15 Where is the malice? See, listen carefully to what the
16 Judge instructs you about malice, because murder only
17 applies if there is malice, if there is evilness and
18 wickedness. I would argue to you that if this is an evil
19 man he would have been focused not on anyone except either
20 himself or the deceased person he killed. He would not
21 have shown concern for his granddaughter, he would not have
22 shown concern for his children. Where is the malice? This
23 is an emotional case -- and I'm going to sit down. This is
24 an emotional case and there is emotion in this courtroom,
25 but you are required not to give in to that. You are

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1 required to make an intellectual analysis, a logical
2 analysis for the facts in this case. You are required to
3 listen to all of it and consider all of it, and you are
4 required to do all of that keeping in mind the presumption
5 of innocence, that the starting point of your analysis is
6 my client is innocent, and you can't even get off of that
7 until beyond a reasonable doubt. The way the system works
8 is the solicitor gets to go last. I have no idea what
9 they're going to say, and that's fine, that's the way
10 the -- somebody has to go last so that's fine. But I would
11 ask you to listen carefully to them as I know you have
12 listened to me, but I would ask you to decide this case not
13 on emotion, I would ask you to think it through when you
14 get back to the jury room. I would ask you to remember
15 that tape, I would ask you to remember the crying and the
16 sobbing. I would ask you to think about why there was only
17 one stab wound if malice and evilness and wickedness and
18 anger and betrayal and infidelity was the reason for this
19 crime, ask yourself why there was only one stab wound. I
20 would ask you to ask yourself why he would have killed her
21 at all if he was motivated by needing her to continue to
22 support him as the State clearly argued through the bulk of
23 this trial. And I would ask yourself finally to ask this
24 question, and this is the most important question, is it at
25 least possible that it occurred the way John Ghent said it

CLOSING ARGUMENTS

1 did? If it is at least possible you must return a verdict
2 of not guilty. The only way you can begin to include -- to
3 consider the lesser-included offense of involuntary
4 manslaughter, and then voluntary manslaughter and murder is
5 if you have concluded beyond a reasonable doubt that it is
6 not possible that it happened the way he said it did. A
7 lot of people in the courtroom, a lot of media attention,
8 I'm sorry you're having to deal with that, but your job is
9 not to consider that. Your job is not to reward anybody,
10 your job is not to punish, your job is to make a judgment
11 as to the facts keeping in mind the intellectual framework
12 which the Judge will tell you. That decision is each of
13 yours individually to make, and it is not an easy decision,
14 and I would ask you to not be swayed by anything other than
15 the facts that you heard on the witness stand. Thank you.

16 THE COURT: Thank you, Mr. Lifsey. Solicitor?

17 MR. NEWMAN: "Paw Paw said I can't sleep with him
18 tonight." That's what four year old Raylee told her mama
19 on the night of [REDACTED] of 2013. That's the first
20 time John Ghent ever told his granddaughter that. Raylee
21 always slept in the bed with John and Elaine, and tonight
22 was different. Tonight is the night. Tonight is the night
23 he had been planning, planning to kill his wife and maybe
24 kill himself. Ladies and gentlemen, in October of 2013,
25 Elaine Ghent was fed up, she was fed up with John Ghent.

JURY CHARGE

1 John wouldn't work, it had been ten years since he worked.
2 He sits around the house using drugs, he's on a free ride.
3 He's charging beer and cigarettes and rolling papers to her
4 account at Lloyds, so much to the point where her father
5 has to go pay their mortgage. Here's a man with a golden
6 ticket, folks, he don't have to do anything, just sit
7 around the house. Elaine took care of John and she took
8 care of her family. Everybody has a breaking point, and
9 for Elaine she had a car accident and she got injured, and
10 I think at that point she decided, "I don't have to live
11 like this anymore." She started -- she told John to leave,
12 she started hanging out with friends, she started dressing
13 up more, and she met a new man, a man with a job. And she
14 finally told John, "If you don't leave I'm leaving." She
15 believes she's about to get a settlement from this wreck
16 she's in and she's looking for houses to rent and she is
17 leaving, she's made up her mind she's leaving. John is
18 about to lose that golden ticket, that free ride is coming
19 to an end and he can't handle it. Folks, it's been a long
20 week, you heard a lot of testimony, saw a lot of evidence,
21 and you'll be able to take all of those photos and
22 documents back in the back with you and you can inspect
23 them for yourself. You heard some gruesome facts and some
24 things that are not fun to talk about. I'm not going to
25 stand here and tell you how to think about the case, you

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1 can think about it however you want to. You heard at least
2 six confessions from John Ghent that he stabbed his wife,
3 not one time did he mention the word accident. Not one
4 time did he say, "I didn't mean to do it." In the moments
5 following the murder he told everybody, "I stabbed her. I
6 killed my wife because I couldn't let her leave me." Then
7 he gets up there on that stand and it changes, now all of
8 the sudden he says, "I didn't mean to do it. You know
9 what? I slipped. I slipped." He left a message for his
10 daughter that night and I quote, "I'm sorry but I couldn't
11 let your mama leave me." He left his sister a message,
12 "Betsy, I did something I wish I wouldn't have done." He
13 told Jonathan he stabbed her. He told the EMS worker, "My
14 son beat me up because I killed his mother." He told
15 officer Hendrix, "I killed her because she was going to
16 leave me." He told his sister, "I have been planning it
17 for three weeks and I just did it, I just did it." You
18 heard from Dr. Ross on that stand, she performed the
19 autopsy, she said it was a straight-in stab wound. That's
20 important. No angle, straight in. She said it punctured
21 the lung and it left a bruise. The cause of death, she
22 said she bled out due to the stabbing and she died within
23 four to six minutes. You heard from John's treating
24 physician at Springs, said there were cuts on his wrists
25 but there were only abrasions and they didn't need any

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1 treatment. You heard from EMS, she said there were
2 abrasions on his wrists, they were not bleeding, and she
3 said when she checked him his blood pressure was nearly
4 perfect. In fact, all of his vital signs were close to
5 perfect except for his blood sugar, which was a little
6 high. You heard from Tressa, her sister. She told you
7 Elaine left John before but now Elaine was different.
8 Elaine was happy for the first time in a long time. You
9 heard from her coworkers that she was planning to leave
10 John Ghent. You also heard from family and several law
11 enforcement officers, so let's talk about what you know.
12 You know Elaine was going to leave him. You know he told
13 his granddaughter "You can't sleep in here tonight. You
14 know he stabbed her, you know he didn't try to help her and
15 you know he never called anybody to help her. You know he
16 had this filet knife in his bedroom, a knife that was good
17 enough to stab his wife but for some reason it wouldn't cut
18 him. You know he left a note on the door and he tried to
19 kill himself. "Don't let Raylee come in here. Hope you
20 are happy now. Sorry. Sell house and split with sister."
21 All caps, a lot of exclamation points. Nowhere in this
22 letter does he say he didn't mean to do it, nowhere does he
23 say it's an accident. You take all of the things you know
24 and you put those things together and you know beyond a
25 reasonable doubt that John Ghent is guilty of murder. I

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1 want to talk to you a little bit about the law, and the
2 Judge will tell you about the law, but I will tell you
3 about it as it applies to the case. Mr. Ghent is charged
4 with murder, and murder is defined as the killing of any
5 person with malice aforethought either express or implied.
6 Now, the defense attorney says there's no malice, it was an
7 accident. Malice is defined as hatred, ill will or
8 hostility towards another person. I think we clearly have
9 malice, folks. It is the intentional doing of a wrongful
10 act without just cause or excuse and with an intent to
11 inflict an injury or under circumstances that the law will
12 infer an evil intent. I'm telling you, folks, he planned
13 this for three weeks by his own admission. It's his
14 birthday, he's been planning to do it on his birthday, and
15 he stabbed her with enough force to cause a bruise right
16 over that wound. When she came home that night she
17 wouldn't talk to him, he had that malice in his heart, he
18 had it at the moment he committed that murder and that's
19 all that is required under the law. Malice aforethought
20 doesn't have to exist for any amount of time except for a
21 split second just before the murder. Folks, if you believe
22 there was no malice, if you're not convinced it's murder,
23 the Judge is going to tell you you can find him guilty of
24 voluntary manslaughter. Voluntary manslaughter is defined
25 as the unlawful killing of another without malice, express

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1 or implied. It is the killing of a person in the sudden
2 heat of passion based on sufficient legal provocation.
3 Sudden heat of passion must be the type that would make an
4 ordinary person unable to coolly reflect on his actions and
5 would produce an uncontrollable impulse to do violence.
6 Sufficient legal provocation must be the type that would
7 make a person of ordinary reason and caution to become
8 enraged and lose control temporarily. The provocation
9 needed for voluntary manslaughter must come from some act
10 or related to the victim. Heat of passion here,
11 provocation, she didn't even acknowledge his birthday.
12 She's told him she's leaving, he wants to talk about it and
13 she won't talk to him. The defense will tell you it's an
14 accident, they'll tell you it's involuntary manslaughter.
15 And folks, I'm asking you, don't consider involuntary
16 manslaughter. This was not unintentional. Domestic
17 violence does not happen by accident. He can cry all he
18 wants to but John Ghent is a murderer. You don't stab
19 someone with this type of force in a straight-in shot
20 unless you mean it. Now, the State must prove the charge
21 beyond a reasonable doubt, and a reasonable doubt is
22 defined as, and the Judge will tell you, the kind of doubt
23 that will cause a reasonable person to hesitate to act.
24 Nowhere in there do you hear the word possibly as the
25 defense says. Now, some folks make a big deal about

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1 reasonable doubt, but let me tell you, folks, reasonable
2 doubt is not something that you have to look for. If
3 reasonable doubt is there it will be like a flashing sign,
4 something that you just cannot ignore and it will say,
5 "Hey, look at me. What about me? Look at me." And folks,
6 I'm telling you, you don't have that here, you do not have
7 a reasonable doubt. The defense asks you to remember the
8 crying and the sobbing. I remember it, I remember it well.
9 I remember when he got on that stand he was crying like a
10 baby, he had alligator tears. I also remember when his
11 attorney sat down and when Ms. Collins stood up, it was
12 like flipping a light switch. The tears went away, he put
13 on an angry face, he turned his chair to the side and
14 conveniently he couldn't remember any of those admissions
15 he made earlier. He tried to kill himself with blood
16 pressure medicine, but when EMS checked his vitals his
17 blood pressure was almost perfect, even better than mine.
18 If he took that medicine at 4:00 a.m. then why does his
19 blood pressure not drop until he gets to the hospital?
20 Then he has got this knife, a filet knife that says on it
21 "Gone Fishing Outdoor Series." Now, a filet knife is a
22 very sharp knife used to filet fish, and for some reason
23 this filet knife would not cut him. Didn't have a problem
24 stabbing his wife but it won't cut John. Ladies and
25 gentlemen, it takes more than a slip to stab your wife.

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1 For this knife to go through someone's flesh and through
2 the chest cavity, pierce the lung and to leave a bruise
3 over the wound it takes more than a slip. This was done
4 with force this was done with malice. You know, he says,
5 "I went over to her side of the bed and I wanted to show
6 her I was going to cut my wrist." Well, if I'm going to
7 show somebody I'm going to cut my wrist I'm going to hold
8 the knife, first of all, like this so I can cut my wrists.
9 Then he says, "We got in a struggle and my arms went up."
10 If she's trying to take the knife and he's trying to keep
11 it from her, what is he doing? He's pulling back. She's
12 got to pull that knife down into her. And watch what my
13 hands do when I go down, watch where the knife is. Worse
14 thing happens she gets slapped with the blade and gets a
15 scratch, maybe a bruise. He later admitted he was holding
16 the knife in this threatening manner. I don't know why you
17 would hold a knife like that to cut your wrists. Doesn't
18 make sense, folks, his story does not make sense. Even if
19 you're holding the knife like this, hands go up like he
20 said, he was pulling back, she's trying to get the knife,
21 hands come down, maybe he stabs her. But if you remember
22 what Dr. Ross said, she said this was a straight-in wound.
23 Now, if my hand comes down and stabs this lady in the chest
24 that wound is at an angle. His story does not make sense.
25 I agree with John Ghent on one thing and that is that he

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1 stabbed his wife. I think he got that knife, he waited and
2 waited and he got angrier and angrier and he's thinking,
3 "My golden ticket is going away, my free ride is coming to
4 an end, she's going to leave me." What is John Ghent going
5 to do? "What am I going to do? I can't afford this place,
6 if I can't have her nobody is going to have her. Jonathan
7 ain't going to have her, Tabitha ain't going to have her,
8 Roddey ain't going to have her, grandkids, nobody. If John
9 Ghent can't have her nobody is going to have her." She
10 came in late and he got angry. She won't talk to him, he
11 got angry. She ignores him and he's angry, he getting
12 angrier and angrier. She puts on her pajamas, she's
13 ignoring him, he's angry. She lays down in the bed and
14 he's angry, he walks over and he stabs her and she never
15 saw it coming, ladies and gentlemen. That, ladies and
16 gentlemen, is how you get a straight-in stab wound with
17 enough force to break the flesh, break the chest cavity
18 into the lung and leave that bruise above that wound. I
19 don't believe for one second that John Ghent is the most
20 unlucky man on earth who is trying to kill himself and
21 accidentally slips into his wife and kills his wife. John
22 Ghent is a murderer, folks, he's a murderer. He's a
23 murderer that planned this for three weeks, and like he
24 told his sister, "I just did it. I've been thinking about
25 it for three weeks and I just did it." You've got to ask

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1 yourselves, do you want to believe the John Ghent that gave
2 six admissions right after the murder, or do you want to
3 believe the John Ghent that got on that stand and
4 conveniently couldn't remember making any of those
5 statements and explained it with, "I slipped, I slipped?"
6 Ladies and gentlemen, it has been a long week for all of
7 us, I appreciate your service. I know you've been very
8 attentive, I can tell, we've been watching. I want you to
9 go back there and I want you to start deliberating but
10 before you start deliberating I want you to sit down, I
11 want you to look at the clock and don't start, look at that
12 clock and wait four to six minutes and I want you to
13 realize how long four to six minutes is. Four to six
14 minutes is how long Elaine Ghent struggled to breath and
15 she bled out while her husband, a former first responder,
16 did absolutely nothing to help her. Ladies and gentlemen,
17 I ask you to find him guilty of murder. Thank you.

18 THE COURT: Thank you, Solicitor. Ladies and
19 gentlemen, stand up and let's stretch out a little bit
20 before I -- if y'all need to stretch out. Do y'all need to
21 stretch out do you want to break before I charge you the
22 law? I'm going to take about 20 minutes. Okay. All
23 right. I find that you listen better if I'm right here in
24 front of you than sitting over there and that's why I like
25 to do so when I have an opportunity to do so and in the

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1 various courtrooms where I hold court. Now, ladies and
2 gentlemen, Madam Forelady and members of the jury, you've
3 heard the testimony and the evidence and the arguments of
4 both the State and the defense, I'm now going to explain to
5 you the law which applies to this case. Now, under the
6 constitution and laws of South Carolina you are the finders
7 of fact. I do not have the right to pass upon the facts or
8 even express an opinion that I may have as to what I think
9 the facts are because that's a matter solely for you, the
10 jury, to determine. Now, as jurors then it is your duty to
11 determine the affect, the value, the weight and the truth
12 of the evidence presented during this trial. Now, as the
13 trial judge it has been my responsibility to preside over
14 the trial of this case and to rule upon the admissibility
15 of the evidence offered during the trial. Now, you're to
16 consider only the testimony which has been presented from
17 that witness stand together with any exhibits which have
18 been made part of the record. I have the additional duty
19 to charge you the law applicable to this case as I am now
20 doing, and as the presiding judge I am the sole judge of
21 the law of this case. It is your duty as the jury to
22 accept as correct and to apply the law as I now state it to
23 you and use that to reach your verdict. I have it all
24 typed up, written down, you'll see me frequently looking
25 down at it. I promise you, I'll try not to just sit here

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1 and read it to you the entire time because I know that's
2 extremely boring, it can be. I'll try to make eye contact
3 with you, but I do that, ladies and gentlemen, because what
4 I tell you is very important and I want to make sure I get
5 it absolutely correct, okay? Now, the fact that I may
6 instruct you on various subjects in this case must not be
7 taken as indicating an opinion of this Court as to what
8 your verdict should be or what you should find the facts to
9 be. Finally I charge you that you should not be concerned
10 with what you thought the law ought to be, but what I
11 charge you the law is. Now, you are the judges, the sole
12 judges of the credibility, that is the believability of the
13 witnesses who have testified and of the evidence which has
14 been presented during this trial. In passing upon
15 credibility you can take into consideration many things
16 such as the demeanor or the manner in which a witness
17 testified, whether or not the witness had reason to be
18 biased or prejudiced, whether or not a witness' testimony
19 was contradicted on the one hand or supported and
20 corroborated on the other hand. All of these things you
21 will consider, bearing in mind that you should give the
22 defendant the benefit of any reasonable doubt. It becomes
23 your duty as jurors to analyze and to evaluate the evidence
24 and determine that evidence which convinces you of its
25 truth. Now, the fact that the defendant was arrested,

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1 charged and indicted is not evidence in this case and
2 cannot be considered by you as evidence of guilt in this
3 case, nor does it create any presumption or inference of
4 guilt. The indictments, as I described to you at the
5 beginning of the trial, are simply the formal written
6 instruments by which a case comes to court. Now, there are
7 two types of evidence which are generally presented during
8 a trial; direct evidence and circumstantial evidence.
9 Direct evidence -- I will give you some law school
10 definitions and then I will explain it to you so you can
11 understand it. Direct evidence directly proves the
12 existence of a fact and does not require deductions, that's
13 like eye witness testimony, okay? Circumstantial evidence
14 is proof of a chain of facts and circumstances which
15 indicate the existence of a fact. For example, if on a
16 winter night -- we're hopefully out of winter and going
17 into the spring but we still have brown lawns, you look
18 outside and see your brown lawn before you go to bed, you
19 go to bed and you wake up in the morning and you see snow
20 on your front lawn and footprints in it. Well, first you
21 can infer that it snowed. Secondly, you can infer that
22 somebody was walking on your front lawn. And see, you can
23 do these things even though you didn't see it snow, and
24 even though you didn't see somebody walk on your lawn.
25 That's kind of a basic layman description of what

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1 circumstantial evidence is. Now, crimes may be proven by
2 circumstantial evidence, and the law makes no distinction
3 between the weight or value to be given to either direct or
4 circumstantial evidence. However, to the extent that the
5 State relies on circumstantial evidence, all of the
6 circumstances must be consistent with each other, and when
7 taken together point conclusively to the guilt of the
8 accused beyond a reasonable doubt. Now, if these
9 circumstances merely portray the defendant's behavior
10 suspicious the proof has failed. Now, the State has the
11 burden of proving the defendant guilty beyond a reasonable
12 doubt, and this burden rests with the State regardless of
13 whether the State relies on direct evidence, circumstantial
14 evidence or some combination of the two. Now, as I told
15 you during the trial, the rules of evidence ordinarily do
16 not permit witnesses to testify and give opinions or
17 conclusions. This means normally when a person testifies
18 they have to testify about what they saw, heard or sensed
19 by smell or something like that, however, there is an
20 exception when someone is qualified because of education or
21 experience, those people are permitted to give their
22 opinion in certain areas if the Court qualifies them that
23 way, this exemption exists for witnesses that we call
24 expert witnesses. Now, there were several expert witnesses
25 in the trial of this case. So a witness who by education

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1 and experience has become an expert in some art, science,
2 profession or calling may state an opinion as to relevant
3 and material matter in which the witness claims to be an
4 expert and may also state your reasons for that opinion.
5 Now, to give opinion testimony in that area does not mean
6 that you have to accept the opinion, ladies and gentlemen,
7 but it's evidence for you to use in any way you see fit and
8 give it the weight and credibility that you believe is
9 appropriate. An expert witness' testimony is to be given
10 no greater weight than that of other witnesses simply
11 because the person is an expert. Further, you're not
12 required to accept an expert's opinion even though it may
13 not be contradicted, okay? Let's talk about presumption of
14 innocence. The defendant has pled not guilty to these
15 charges and that plea has placed the burden on the State to
16 prove the defendant guilty. Now, a person charged with
17 committing a criminal offense in South Carolina is never
18 required to prove himself innocent. I charge you that it
19 is an important rule of law that the defendant in a
20 criminal trial no matter what the seriousness of the charge
21 may be will always be presumed to be not guilty of the
22 charges for which the indictments were issued unless guilt
23 has been proven by evidence satisfying you, the jury, of
24 that guilt beyond a reasonable doubt. Now, this
25 presumption of innocence does not end, ladies and

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1 gentlemen, when you begin your deliberations, but it
2 accompanies the defendant throughout the trial until you
3 reach a verdict. Imagine similar to a robe I'm
4 representing, imagine that the defendant is cloaked in a
5 robe of righteousness is what we like to say, placed about
6 the shoulders of him which remains with him until this robe
7 has been stripped from him by evidence satisfying you of
8 his guilt beyond a reasonable doubt. Now, this presumption
9 of innocence is not just a mere legal theory, it's not just
10 a legal phrase, it is a substantial right to which every
11 defendant is entitled unless you, the jury, are satisfied
12 from the evidence of the defendant's guilt beyond a
13 reasonable doubt. So what is a reasonable doubt in the
14 law? A reasonable doubt is a doubt which makes an honest,
15 sincere, conscious juror in search of the truth to hesitate
16 to act. Proof beyond a reasonable doubt must therefore be
17 proof of such a convincing character that a reasonable
18 person would not hesitate to rely and act upon it in the
19 most important of his or her own affairs. Now, proof
20 beyond a reasonable doubt can also be described as proof
21 that leaves you firmly convinced of the defendant's guilt.
22 Now, ladies and gentlemen, there's very few things that we
23 know in this world with absolute certainty, and in criminal
24 cases the law does not require proof that overcomes every
25 possible doubt. If based upon your consideration of the

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1 evidence you are firmly convinced that the defendant is
2 guilty, then you must find him guilty. If, on the other
3 hand, you think there's a real possibility that he is not
4 guilty, you must then give him the benefit of the doubt and
5 find him not guilty. There has been evidence presented
6 that witnesses have made prior statements which are not
7 consistent with the testimony here in court. Now, you may
8 use this evidence to decide whether to believe the witness.
9 You may use evidence of the earlier contradictory statement
10 to determine the truth of those statements. It's up to you
11 to decide whether to believe the earlier statements or the
12 trial testimony. Now, if a witness has shown to have
13 knowingly testified untruthfully concerning any material
14 matter you may consider this in determining whether or not
15 to trust the witness' testimony as to any other matter.
16 You could reject all of the testimony of that witness or
17 give all or part of the testimony the weight that you think
18 it deserves. Now, statements alleged to have been made by
19 the defendant have been evidence in this case. Now, while
20 the Court has determined that the statements are
21 admissible, I instruct you that you ladies and gentlemen
22 make the ultimate decision of whether or not the defendant
23 made these statements. If you find that the defendant did
24 make the statements you must determine whether or not the
25 statements were made by the defendant voluntarily and of

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1 his own free will. This means that the statements were not
2 caused by pressure, force, fear, threats, coercion or
3 intimidation, or by hope or promise of leniency or by a
4 reward of any kind. In determining whether the statements
5 were voluntary you should consider both the characteristics
6 of the defendant and the details of the questioning, if
7 any. Some of the factors that you must consider are the
8 age of the defendant, his education or lack thereof, his
9 mental ability or capacity or lack thereof, his
10 intelligence, his background and environment, the place and
11 length of the detention in which he allegedly made
12 statements, the nature of any questioning and the advice or
13 lack thereof to the defendant of his constitutional rights
14 including but not limited to the right to remain silent.
15 That any statements made by him could be used against him
16 in a court of law. The right to have a lawyer present,
17 that if he could not afford a lawyer a lawyer would be
18 appointed to represent him at no cost, and that he could
19 stop making statements at anytime. Now, you must carefully
20 consider all of the surrounding circumstances before you
21 give any weight to these alleged statements. The State has
22 the burden of proving beyond a reasonable doubt that these
23 alleged statements were voluntary. If you determine they
24 were you can give the statements any further consideration
25 you deem proper. You must decide, ladies and gentlemen,

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

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1 do based on the circumstances shown to have existed.
2 Criminal intent can arise from actions or a failure to act.
3 It can arise from negligence, recklessness or an
4 indifference to duty or to consequences that is considered
5 by the law to be the equivalent of criminal intent. Let's
6 talk about murder, let's define that. The defendant has
7 been charged with murder. The State must prove beyond a
8 reasonable doubt that the defendant killed another person
9 with malice aforethought. Malice is hatred, ill will or
10 hostility towards another person. It is the intentional
11 doing of a wrongful act without just cause or excuse, and
12 with an intent to inflict an injury or under circumstances
13 that the law will infer an evil intent. Now, malice
14 aforethought does not require that malice exists for any
15 particular amount of time before the act is committed, but
16 malice must exist in the mind of the defendant just before
17 and at the time the act is committed. Therefore there must
18 be a combination of the previous evil intent and the act.
19 Malice aforethought can be expressed or inferred or
20 implied. These terms express or inferred do not mean
21 different kinds of malice, but merely the manner in which
22 the malice may be shown to have existed, that is either by
23 direct evidence or by inference from the facts and
24 circumstances which have been proved. Express malice is
25 shown, for example, when a person speaks words which