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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM KERSHAW COUNTY
General Sessions Court

The Honorable Robert E. Hood, Circuit Court Judge

Case No. 2018-GS-281499
Appellate Case No. 2024-001951

The State,

Respondent,

v.

Stacey M. Catoe,

Appellant.

**RECORD ON APPEAL
VOLUME 1 OF 2**

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WITNESSES

(S) Justin L Dill
– Kershaw County Sheriff

ARREST WARRANT NUMBER

2018A2810100575

ACTION OF GRAND JURY

TRUE BILL

Jeff Richardson
Foreperson of Grand Jury
Date:

NOV 07 2018

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2018GS281499

The State of South Carolina

County of

Kershaw

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2018

K26

**THE STATE
vs.**

Stacey McClintock Catoe

**Indictment for
MURDER / MURDER**

SC Code: **16-03-0010**
CDR Code: **0116**

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
2018 NOV -7 PM 12:50
JANET C. HASTY
CLERK OF COURT
KERSHAW COUNTY, S.C.

STATE OF SOUTH CAROLINA)
COUNTY OF KERSHAW)

INDICTMENT

At a Court of General Sessions, convened on November 7, 2018,
the Grand Jurors of Kershaw County present upon their oath:

MURDER

That Stacey McClintock Catoe did in Kershaw County, on or about June 17, 2018, kill the victim, Brenda Marie Coates, with malice aforethought, either express or implied, by means of shooting the victim, and the victim did die as a proximate result thereof, all in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Heather S. Weiss / Captain
HEATHER S. WEISS, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF KERSHAW

STATE

VS.

Stacey McClintock Catoe

AKA:

Race: White Sex: Female Age: 247-73-0920

DOB: 04/19/1975 SS#: 247-73-0920

Address: 3641 Damascus Church Rd

City, State, Zip: Westville, SC 291759543

DL#* 004228196 SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS281499

A/W#: 2018A2810100575

Date of Offense: 06/17/2018

S.C. Code §: 16-03-0010

CDR Code #: 0116

SENTENCE SHEET

30yrs - LIFE

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Murder / Murder

In violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116

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

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

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


 Dale Scott, Solicitor 73081 SC Bar #

Defendant

 05457
 Jack B. Swerling, Attorney for SC Bar #
 Defendant
WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 35 days/months/years/Time Served ☐ Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$_____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$_____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____

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

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOP. 232 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

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

STATE VS. Stacey McClintock CatoeINDICTMENT/CASE#: 2018GS281499**SPECIAL CONDITIONS:**☐ **PTUP** after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☒ No Contact with Victim *Family* ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other: _____

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

	\$	Beginning	\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$		
§14-1-206 (Assessments 107.5%)	\$		
§14-1-211 (A)(1)(Conv. Surcharge)	\$100		\$ 00
§14-1-211 (A)(2)(DUI Surcharge)	\$100		\$
§56-5-2995 (DUI Assessment)	\$12		\$
§56-1-286 (DUI Breath Test)	\$25		\$
§14-1-212 (Law Enforce. Funding)	\$25		\$ 25
§14-1-213 (Drug Court Surcharge)	\$150		\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41		\$
§50-21-114 (BUI Breath Test Fee)	\$50		\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$
3% to County (if paid in installments)	TBD		\$ 3.15

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$ 128.75

 Clerk of Court/Deputy Clerk: [Signature]
 Court Reporter: [Signature]
Presiding Judge: [Signature]Judge Code: 2164Sentence Date: OCT 15, 2024

STATE OF SOUTH CAROLINA)
COUNTY OF KERSHAW)

SOUTH CAROLINA CIRCUIT COURT 5
DOCKET NO. 2018-GS-28-1499

STATE OF SOUTH CAROLINA,)
Plaintiff,)
versus)
STACEY M. CATOE,)
Defendant.)

H E A R I N G
BEFORE THE HONORABLE ROBERT E. HOOD

DATE: October 8-10 & 14-15, 2024
TIME: ***
LOCATION: South Carolina Circuit Court 5

TRANSCRIBED BY: Jackson Alexander

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17 P.O. Drawer 100

18 Camden, South Carolina 29021

19

20 Attorneys for the Defendant.

21

22

23

24

25

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24 (THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL

25 IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

1 THE COURT: All right. Good morning, everyone. Again,
2 my name is Robert Hood. It's a pleasure to be with you this
3 morning. Thank you for coming back today for jury selection.
4 Let me kind of give you a road map of what we're going to do
5 this morning, and then we'll jump right into what we need to.
6 So this morning we're going to ask you a series of questions,
7 and those questions are going to be different than the
8 questions we asked yesterday. The questions we're going to
9 talk about today are questions related to this case.

10 And the first case that is on the docket is the case of
11 the state of South Carolina versus Stacey Catoe. So we're
12 going to ask you questions about that case. Do you know the
13 lawyers? Do you know the parties? Do you know the
14 witnesses? Do you know anything about the case? Questions
15 like that. And we'll go through those questions.

16 Some of those questions you will need to come up front
17 and answer with me and the attorneys up front. Some of those
18 questions, you'll be able to stay just right where you are
19 and answer the questions.

20 Now, as we go through these questions, here's what I
21 want to kind of remind you or give you some help with. So
22 when one of the things we'll do is read a list of witnesses,
23 and I'll say, "Do you know any of these people?" Okay. And
24 everybody interprets that word -- know somebody differently.
25 Does that make sense? Okay. And so what I don't want you to

1 do is come to your own conclusion that -- that's not what he
2 means or I don't think that's what he's asking. Okay?

3 So when in doubt, answer the question. Does that make
4 sense? So if you're contemplating in your head, you know,
5 should I tell him that I went to high school with that deputy
6 that I haven't seen in 10 years? The answer is yes. Okay?
7 There's nothing wrong, especially when we do cases in smaller
8 counties. Most of the jury knows most of the witnesses.
9 There's nothing wrong with that. There's nothing
10 inappropriate with that. That's perfectly fine.

11 I just need to know that you know those people. Does
12 that make sense? Because we're just using that information
13 so the lawyers can decide who to put on the case and who not
14 to put on the case.

15 The worst thing you can do is not tell me you know
16 somebody, then when they take the witness stand, you're like,
17 oh yeah. We -- she and I went to college together and we
18 were sorority sisters, right? Like, you should have told me
19 that on Monday or in this case Tuesday. Okay? So we will
20 start now.

21 And is the State ready to call their case?

22 MR. SCOTT: We are, Your Honor.

23 THE COURT: You may call your case.

24 MR. SCOTT: Your Honor, the State calls -- case State
25 versus Stacey McClintock Catoe indicted at 2018-GS-28-1499.

1 That is a true bill indictment for murder.

2 THE COURT: All right. Ladies and gentlemen, the State
3 has called their case. This is indictment number
4 2018-GS-28-1499. This is the state of South Carolina against
5 Stacey McClintock Catoe. Ms. Catoe has been indicted by the
6 Kershaw County Grand Jury for one count of murder. And this
7 indictment alleges that Stacey McClintock Catoe in Kershaw
8 County on or about June the 17th of 2018, killed the victim,
9 Brenda Marie Coates with malice aforethought either expressed
10 or implied by means of shooting the victim. And the victim
11 did die as approximate result thereof in violation of the
12 South Carolina Code of Laws.

13 Now, ladies and gentlemen, this indictment that I hold
14 in my hand is not proof of anything. It is not evidence of
15 anything. This is simply the charging document which gives
16 this Court the authority to hear this case. To this charge,
17 the Defendant has pled not guilty, and has requested a trial
18 by jury and the burden of proving this case is upon the state
19 of South Carolina.

20 So we're going to start by asking some questions. So I
21 need to swear you in. So if all the proposed jurors will
22 please stand and raise your right hand. And Madam Clerk, you
23 may swear in the panel.

24 THE CLERK: Do you solemnly swear or affirm that you
25 shall well and truly try -- ?

1 THE COURT: No -- no -- no. Just to tell the truth.

2 THE CLERK: I'm sorry.

3 (Jury sworn)

4 THE COURT: All right. Thank you very much. So as I
5 go through these questions, ladies and gentlemen, if you need
6 to answer them, I want you to stand up right where you are.
7 Just like yesterday, don't wave at me, don't look around
8 aimlessly, don't shrug your shoulders, just stand up right
9 where you are. Okay?

10 The first thing we'll do is figure out number one: Who
11 you are. Okay. And then, the second thing we'll do is allow
12 you to answer the question. And again, when in doubt, I want
13 you to err on the side of answering the question as opposed
14 to not answering the question.

15 Okay? So we're going to start by allowing the lawyers
16 to introduce themselves, and we're going to start with the
17 State. I may call them, "the State", I may call them "the
18 government", I may call them "the solicitor's office." I may
19 call them by their names. They all mean the same thing.
20 They are the prosecution team in this case.

21 Mr. Scott, if you would introduce yourself and
22 everybody with you, please.

23 MR. SCOTT: Thank you, Your Honor. I'm Dole Scott.
24 I'm the first assistant solicitor of the Fifth Circuit that's
25 comprised of Richland County and Kershaw County. Prosecute

1 criminal cases in both counties. Obviously, here this week
2 I'm prosecuting this murder case for you all here in
3 Kershaw County.

4 Assisting me is assistant solicitor Michael Bradbury.
5 Michael primarily works at the Camden office, so he -- he
6 primarily works in this courtroom here, and assisted me as
7 the lead investigator in this case. Justin Dill, would be at
8 the time, the Kershaw County Sheriff's Department. Now, he's
9 an assistant -- or rather an investigator for the Solicitor's
10 office and he helps immediately get cases ready for trial.
11 Thank you.

12 THE COURT: All right. Thank you, Mr. Scott. So is
13 any -- the question is -- is anybody related by blood or
14 marriage, close personal friends with, have any connection to
15 business, personal, social or otherwise? Either Mr. Scott,
16 Mr. Bradbury, or Investigator Dill? If so, please stand.
17 Okay. Tell me your name.

18 JUROR NUMBER 49: Lindsey Burris.

19 THE COURT: And do you know your number?

20 JUROR NUMBER 49: Forty nine.

21 THE COURT: Okay. Just one second. You all are all
22 out of order now. There you are.

23 And, Ms. Burris, is that right? Who do you know?

24 JUROR NUMBER 49: I'm not well acquainted with, but I
25 recognize Justin Dill, my ex-husband was law enforcement.

1 THE COURT: Okay. And would that affect your ability
2 to be fair and impartial in this case?

3 JUROR NUMBER 49: Knowing who Justin Dill is?

4 THE COURT: Yes.

5 JUROR NUMBER 49: No.

6 THE COURT: Okay. And are you willing to base your
7 decision off the evidence and the law?

8 JUROR NUMBER 49: Yes.

9 THE COURT: Thank you Ms. -- Ms. Burris.

10 Anybody else on knowing these three gentlemen? Okay.
11 So the Fifth Circuit Solicitor's Office. So you live in the
12 Fifth Circuit. The fifth judicial circuit is Richland County
13 Inc. Kershaw County, the Fifth Circuit solicitor is -- his
14 name is Byron Gibson. So he runs an office in Columbia, and
15 he runs an office in Camden.

16 Does anybody have any connection to anyone that works
17 at the Fifth Circuit Solicitor's Office, either in Columbia
18 or in Camden? If so, please stand. All right. Thank you
19 very much.

20 All right. Mr. Swerling and Mr. Speedy, would you all
21 introduce yourselves and your client please?

22 MR. SWERLING: Good morning ladies gentlemen, my name
23 is Jack Swerling, and my office is in Columbia, and practice
24 in Columbia and over here as well.

25 THE COURT: All right. And, Mr. Speedy?

1 MR. SPEEDY: George W. Speedy. My office is right down
2 the street. Firm is Speedy, Tanner & Atkinson, Carrie Tanner
3 and Zach Atkinson.

4 THE COURT: All right. And would you introduce
5 Ms. Catoe, please?

6 MR. SPEEDY: This is Stacey Catoe, our client in this
7 case.

8 THE COURT: All right. Thank you all very much. So
9 the question is -- is anybody related by blood or marriage,
10 close personal friends with, have any connection to business,
11 personal, social, or otherwise? Either Mr. Swerling,
12 Mr. Speedy, or Ms. Catoe as to Mr. Swerling and Mr. Speedy,
13 have you ever been represented by them or their law firm, or
14 on the other side of a case from them? If so, please stand.

15 All right. This is common, don't worry this -- this
16 ain't my first rodeo. Okay. Let's start right here. In the
17 purplish shirt, tell me your name.

18 JUROR NUMBER 39: Brandy Broughton.

19 THE COURT: Broughton?

20 JUROR NUMBER 39: Correct.

21 THE COURT: Okay. There you are. You're number 39; is
22 that right?

23 JUROR NUMBER 39: Yes, sir.

24 THE COURT: And who do you know?

25 JUROR NUMBER 39: The Speedy law firm, they were for my

1 ex-husband and our -- my divorce.

2 THE COURT: Okay. And would that affect your ability
3 to be fair and impartial in this case?

4 JUROR NUMBER 39: No.

5 THE COURT: Are you willing to base your decision off
6 the evidence in the law?

7 JUROR NUMBER 39: Yes.

8 THE COURT: Thank you, Ms. Broughton.

9 Okay. Let's go right behind her in the black shirt.
10 Tell me your name.

11 JUROR NUMBER 34: Rhonda Brazell.

12 THE COURT: Ms. Brazell. Just one second. There she
13 is. Juror number 34. Who do you know Ms. Brazell?

14 JUROR NUMBER 34: Very well acquainted with the Speedy
15 Law Firm.

16 THE COURT: Okay.

17 JUROR NUMBER 34: He represented my husband and I --
18 divorce case in 2000.

19 THE COURT: Okay.

20 JUROR NUMBER 34: I wish I had gotten him first. And
21 he also represented my son in two different cases. And so
22 that --

23 THE COURT: Two criminal cases?

24 JUROR NUMBER 34: Yes.

25 THE COURT: Okay. And would that affect your ability

1 to be fair and impartial?

2 JUROR NUMBER 34: Absolutely not, sir.

3 THE COURT: Are you willing to base your decision off
4 the evidence of the law?

5 JUROR NUMBER 34: Absolutely.

6 THE COURT: Thank you.

7 All right. Coming across to the pink jacket, would you
8 tell me your name, please?

9 JUROR NUMBER 109: Rebecca Greenway, 109.

10 THE COURT: Okay. Just one second, Ms. Greenway.
11 There you are. Number 109. And who do you know
12 Ms. Greenway?

13 JUROR NUMBER 109: George Speedy, acquainted with his
14 wife.

15 THE COURT: Okay. And would that affect your ability
16 to be fair and impartial in this case?

17 JUROR NUMBER 109: No.

18 THE COURT: Are you willing to make your decision off
19 the evidence in the law?

20 JUROR NUMBER 109: Yes, sir.

21 THE COURT: Thank you.

22 All right. Coming forward. Will you tell me your name
23 please, ma'am?

24 JUROR NUMBER 283: Me?

25 THE COURT: Yes.

1 JUROR NUMBER 283: Lawanda Welsh.

2 THE COURT: Welsh?

3 JUROR NUMBER 283: Yeah. 283.

4 THE COURT: Just one second. 283. And who do you know,
5 Ms. Welsh?

6 JUROR NUMBER 283: George Speedy.

7 THE COURT: And in what capacity?

8 JUROR NUMBER 283: He's married to my cousin.

9 THE COURT: Okay. And would that affect your ability
10 to be fair and impartial in this case?

11 JUROR NUMBER 283: No.

12 THE COURT: Are you willing to base your decision off
13 the evidence of the law?

14 JUROR NUMBER 283: Yes.

15 THE COURT: Thank you. All right.

16 And, Ms. Broughton, we are back on Ms. -- is it Ms. --
17 did I say that right Brandy Broughton?

18 JUROR NUMBER 49: No. Me?

19 THE COURT: Yes.

20 JUROR NUMBER 49: I'm Burris.

21 THE COURT: Burris. My bad -- my bad.

22 JUROR NUMBER 49: That's okay.

23 THE COURT: I got the Bs mixed up. I'm sorry.

24 JUROR NUMBER 49: That's fine.

25 THE COURT: And who do you know, Ms. Burris?

1 JUROR NUMBER 49: I have had a consultation in
2 George Speedy's office. Ultimately was not represented by --

3 THE COURT: Okay.

4 JUROR NUMBER 49: -- that process.

5 THE COURT: And would that affect your ability to be
6 fair and impartial in this case?

7 JUROR NUMBER 49: No, Your Honor.

8 THE COURT: Are you willing to make your decision off
9 the evidence of the law?

10 JUROR NUMBER 49: Yes, sir.

11 THE COURT: Thank you. Coming forward in the polo
12 shirt, tell me your name sir.

13 JUROR NUMBER 186: Kyle Michelin.

14 THE COURT: Last name is Michelin?

15 JUROR NUMBER 186: That's right.

16 THE COURT: 186. And who do you know Mr. Michelin?

17 JUROR NUMBER 186: I work pretty closely with
18 Mr. Speedy's son-in-law.

19 THE COURT: Okay. And would that affect your ability
20 to be fair and impartial in this case?

21 JUROR NUMBER 186: No.

22 THE COURT: Are you willing to make your decision off
23 the evidence of the law?

24 JUROR NUMBER 186: Yes.

25 THE COURT: And will you do so?

1 JUROR NUMBER 186: Yes.

2 THE COURT: Okay. Thank you. All right. In the
3 yellow shirt, tell me your name.

4 JUROR NUMBER 58: Emily Catoe.

5 THE COURT: Ms. Catoe, just one second. Okay. And,
6 Ms. Catoe, who do you know?

7 JUROR NUMBER 58: I'm currently being represented by
8 Carrie Tanner, part of the Speedy Law Firm.

9 THE COURT: And would that affect your ability to be
10 fair and impartial in this case?

11 JUROR NUMBER 58: No, sir.

12 THE COURT: And are you willing to base your decision
13 off the evidence in the law?

14 JUROR NUMBER 58: Yes, sir.

15 THE COURT: And are you -- are you in relation to
16 Stacey McClintock Catoe?

17 JUROR NUMBER 58: No, sir.

18 THE COURT: Okay. All right. Thank you very much.
19 All right. Yes, sir.

20 JUROR NUMBER 31: Yes, sir. I have two.

21 THE COURT: Tell me your name.

22 JUROR NUMBER 31: My name is Will Branham, juror 31.

23 THE COURT: Okay. Hold on one second. Branham?

24 JUROR NUMBER 31: Yes, sir.

25 THE COURT: There you are. Number 31. And who do you

1 know?

2 JUROR NUMBER 31: Ms. Tanner, she represented us in
3 adoption of our child.

4 THE COURT: Ms. Tanner?

5 JUROR NUMBER 31: Yes, sir.

6 THE COURT: Okay.

7 JUROR NUMBER 31: And then Mr. Speedy, my father is
8 married to his mother.

9 THE COURT: Okay. And would that affect your ability
10 to be fair and impartial in this case?

11 JUROR NUMBER 31: No, sir.

12 THE COURT: Are you willing to base your decision off
13 the evidence of the law?

14 JUROR NUMBER 31: Yes, sir.

15 THE COURT: And will you do so?

16 JUROR NUMBER 31: Yes, sir.

17 THE COURT: And in the blue shirt, tell me your name,
18 sir.

19 JUROR NUMBER 66: David Cowart.

20 THE COURT: One more time.

21 JUROR NUMBER 66: David Cowart, 66.

22 THE COURT: There you are. And who do you know
23 Mr. Cowart?

24 JUROR NUMBER 66: I was represented by the Speedy Law
25 Firm in the family court (inaudible).

1 THE COURT: Okay. And would that affect your ability
2 to be fair and impartial in this case?

3 JUROR NUMBER 66: No, sir.

4 THE COURT: Are you willing to make your decision off
5 the evidence of the law?

6 JUROR NUMBER 66: Yes, sir.

7 THE COURT: And will you do so?

8 JUROR NUMBER 66: Yes, sir.

9 THE COURT: Thank you. All right. That was 66.
10 Yes, ma'am. Your name?

11 JUROR NUMBER 81: Glenda Ellis.

12 THE COURT: One more time.

13 JUROR NUMBER 81: Glenda Ellis, 81.

14 THE COURT: There she is. Who do you know Ms. Ellis?

15 JUROR NUMBER 81: I had a complication with
16 Carrie Tanner at Speedy's Law Firm for my separation, but I
17 didn't take them as my representative.

18 THE COURT: That's okay. And would that affect your
19 ability to be fair and impartial in this case?

20 JUROR NUMBER 81: No.

21 THE COURT: Are you willing to base your decision off
22 the evidence of the law?

23 JUROR NUMBER 81: Yes.

24 THE COURT: And will you do so?

25 JUROR NUMBER 81: Yes.

1 THE COURT: Thank you. Anybody else need to answer
2 that question?

3 JUROR NUMBER 56: (Inaudible).

4 THE COURT: Okay. Tell me your name.

5 JUROR NUMBER 56: Jessica Carter, 56.

6 THE COURT: One -- last name one more time.

7 JUROR NUMBER 56: Carter.

8 THE COURT: Okay. Just one second. Jessica Carter.

9 JUROR NUMBER 56: Uh-huh.

10 THE COURT: Fifty six. Who do you know, Ms. Carter?

11 JUROR NUMBER 56: Prior to taking a civilian position
12 with Lancaster County, I worked in the judicial unit office.

13 THE COURT: Right.

14 JUROR NUMBER 56: I have witnessed Speedy and Tanner
15 (inaudible).

16 THE COURT: So just in your connection to your job,
17 you've had situations with them, or seen them in court, or
18 dealt with them?

19 JUROR NUMBER 56: Right.

20 THE COURT: Perfect. And would that affect your
21 ability to be fair and impartial in this case?

22 JUROR NUMBER 56: No.

23 THE COURT: Are you willing to base your decision off
24 the evidence of the law?

25 JUROR NUMBER 56: Yes.

1 THE COURT: And will you do so?

2 JUROR NUMBER 56: Yes.

3 THE COURT: Thank you. Anybody else?

4 Okay. The next thing I'm going to do is read you a
5 list of potential witnesses. Now, just because all these
6 names are called, doesn't mean they all will be called. It
7 simply means they could be called. So just let me go through
8 the list, first make a mental note. If you hear a name, you
9 know ---

10 Brian Morris with the Sheriff's department.
11 Chris Colby with the Sheriff's Department. Steve Knafelc
12 with the Sheriff's Department. Justin Dill with the
13 Sheriff's Department. Chelsea Cockrell with the Sheriff's
14 Department. Benjamin Royalty with the Sheriff's Department.
15 David Miller with the Sheriff's Department. Cody Blackman
16 with the Sheriff's Department. Michael Davidson with the
17 Sheriff's Department. Mike Lyons with the Sheriff's
18 Department. Chuckie Baxley with the Sheriff's Department.
19 Jon VanHouten with the US Secret Service. Ricky
20 Johnson with the Richland County Sheriff's Department. Tracy
21 Thrower with SLED. Stephanie Carnes with SLED. Nicklaus
22 Sprouse with SLED. Delilah Jazic, J-A-Z-I-C with SLED.
23 Jennifer Nates with SLED. Scott Hathaway with the Highway
24 Patrol. Patricia Crawford who is with 911. James Wilson,
25 Gary Sowell, Dr. Janice Ross, Christy Huebner, Robbie Bowers,

1 Darren Knight, Tiffany Applefeld, Willis McClintock, Brenda
2 McClintock, Jody Catoe, Robert Harrelson. Carter Luciani,
3 L-U-C-I-A-N-I, Robbie Bowers, Christina Huebner, Willis
4 McClintock, Brenda McClintock, Anglina Denise McClintock,
5 Amanda Dawn McManus, Caitlyn Catoe. Jamie Owens, Brittany
6 Roberts, Denny McManus, and Dale Joyner.

7 So the question is -- is anybody related by blood or
8 marriage, close personal friends with, have any connection to
9 business, personal, social or otherwise any of the potential
10 witnesses? If so, please stand.

11 All right. Let's start on this side this time. Tell
12 me your name ma'am.

13 JUROR NUMBER 131: Ami Horton, 131

14 THE COURT: Horton?

15 JUROR NUMBER 131: Yes.

16 THE COURT: Okay. Hold on one second. And,
17 Ms. Horton, who do you know?

18 JUROR NUMBER 131: Brian Morris. Family friends.

19 THE COURT: And would that affect your ability to be
20 fair and impartial in this case?

21 JUROR NUMBER 131: No.

22 THE COURT: Thank you, ma'am.

23 In the blue shirt in the back, tell me your name.

24 JUROR NUMBER 125: Billy Hilton, juror 125.

25 THE COURT: Okay. Hold on one second. And,

1 Mr. Hilton, who do you know?

2 JUROR NUMBER 125: I believe you said "Caitlyn Catoe"?

3 THE COURT: Yes.

4 JUROR NUMBER 125: I went to a school with Caitlyn
5 Catoe.

6 THE COURT: Okay.

7 JUROR NUMBER 125: I don't know if --

8 THE COURT: Assuming it's the same one, would that
9 affect your ability to be fair and impartial in this case?

10 JUROR NUMBER 125: No, sir.

11 THE COURT: Thank you. All right. In the black shirt
12 on the front row, tell me your name.

13 JUROR NUMBER 160: Jenny Koumas, juror number 160.

14 THE COURT: Okay. And the last name is Koumas?

15 JUROR NUMBER 160: Yes, sir.

16 THE COURT: There you are, number 160. And who do you
17 know Ms. Koumas?

18 JUROR NUMBER 160: My son is a former employee of
19 Kershaw County Sheriff's Department.

20 THE COURT: Okay.

21 JUROR NUMBER 160: And I did recognize some of the
22 names even though I do not personally know him.

23 THE COURT: But you've heard the names.

24 JUROR NUMBER 160: I've heard the names.

25 THE COURT: Heard any conversation taking all that into

1 account, anything that you've heard or you've heard him say,
2 would any of that affect your ability to be fair and
3 impartial in this case?

4 JUROR NUMBER 160: No, sir.

5 THE COURT: Okay. Thank you.

6 Right next to her, your name sir.

7 JUROR NUMBER 272: Andrew Trotter, 272

8 THE COURT: Charter?

9 JUROR NUMBER 272: Trotter, T-R-O-T-T-E-R.

10 THE COURT: Got it. Let's -- just one second. There
11 you are. 272. And who do you know Mr. Trotter?

12 JUROR NUMBER 272: Brian Morris.

13 THE COURT: And would that affect your ability to be
14 fair and impartial in this case?

15 JUROR NUMBER 272: Yes, sir.

16 THE COURT: Thank you.

17 All right. Right behind him in the strip shirt. Tell
18 me your name.

19 JUROR NUMBER 21: Jaleesa Bess.

20 THE COURT: Last name?

21 JUROR NUMBER 21: Bess, number 21.

22 THE COURT: There you are. And who do you know,
23 Ms. Bess?

24 JUROR NUMBER 21: Ms. Christy.

25 THE COURT: Who?

1 JUROR NUMBER 21: Christy. I know her as Christy
2 Majors.

3 THE COURT: Christy Majors. Okay.

4 JUROR NUMBER 21: Huebner.

5 THE COURT: And would that affect your ability to be
6 fair and impartial in this case?

7 JUROR NUMBER 21: No, sir.

8 THE COURT: Thank you, ma'am.

9 Right next to her, your name?

10 JUROR NUMBER 43: Maria Brown, 43.

11 THE COURT: Ms. Brown, just one second. There you are.
12 And who do you know?

13 JUROR NUMBER 43: Steve Knafelc.

14 THE COURT: And would that affect your ability to be
15 fair and impartial in this case?

16 JUROR NUMBER 43: No.

17 THE COURT: Okay. Thank you.

18 Back to my purple shirt, remind me of your name.

19 JUROR NUMBER 39: Brandy Broughton, 39.

20 THE COURT: That's right. Hold on. There you are.
21 Okay. And who do you know, Ms. Broughton?

22 JUROR NUMBER 39: Robbie Bowers through my ex-husband.
23 Just acquaintances. Also, I was a long-term substitute
24 teacher in Kershaw County, so I believe some of those names
25 may have been some of the same students as I was.

1 THE COURT: Okay. Take into assumption you had
2 connections to all those people. Would any of that affect
3 your ability to be fair and impartial in this case?

4 JUROR NUMBER 39: No, sir.

5 THE COURT: Okay. Thank you, Ms. Broughton.

6 All right. And is -- Ms. Burris, did I get it right
7 this time?

8 JUROR NUMBER 49: You did.

9 THE COURT: Okay. Ms. Burris, you're number 49?

10 JUROR NUMBER 49: I am.

11 THE COURT: And who do you know?

12 JUROR NUMBER 49: Scott Hathaway. He and my husband
13 were close friends at the Sheriff's Department and Highway
14 Patrol.

15 THE COURT: Okay. And would that affect your ability
16 to be fair and impartial in this case?

17 JUROR NUMBER 49: No, sir.

18 THE COURT: Are you willing to base your decision off
19 the evidence of the law?

20 JUROR NUMBER 49: Yes, sir.

21 THE COURT: Thank you. And Ms. Greenway; is that
22 right?

23 JUROR NUMBER 21: Yes, sir.

24 THE COURT: Okay. Ms. Greenway, who do you know,
25 ma'am?

1 JUROR NUMBER 109: There are actually several
2 Steve Knafelc, Scott Hathaway, Amanda McManus possibly
3 Caitlyn. I was a teacher at North Central so that -- that's
4 part of it.

5 THE COURT: Okay. And assuming you all -- these people
6 are the people that you think they are, would that affect
7 your ability to be fair and impartial in this case?

8 JUROR NUMBER 109: No, sir.

9 THE COURT: Thank you Ms. Greenway.
10 And one more time, Ms. Brazell -- Brazell?

11 JUROR NUMBER 34: Yes, sir.

12 THE COURT: Did I -- was I close?

13 JUROR NUMBER 34: Yeah, everything (inaudible).

14 THE COURT: Okay. And hold on, let me find you.
15 That's Rhonda Brazell, right? And who do you know
16 Ms. Brazell?

17 JUROR NUMBER 34: That would be -- and I pronounce his
18 name probably wrong again. Steve Knafelc?

19 THE COURT: Yeah. Yeah.

20 JUROR NUMBER 34: He's deputy. I worked at 911 Sheriff
21 Task Force (inaudible) my supervisor. I'm not sure that
22 (inaudible) we've worked for several years together.

23 THE COURT: Okay.

24 JUROR NUMBER 34: 911. On several cases.

25 THE COURT: And would that affect your ability to be

1 fair and impartial in this case?

2 JUROR NUMBER 34: No. No -- no absolutely not.

3 THE COURT: Okay. Thank you, ma'am. You may be
4 seated.

5 JUROR NUMBER 34: Thank you.

6 THE COURT: Anybody else on the witness lists? Okay.
7 So one of the things you'll hear me say if you make it on
8 this jury, and what I mean by make it on this jury is you're
9 sitting over here as opposed to out there. One of the things
10 that you'll hear me repeatedly say is, I'm not allowed to
11 tell you what the facts of the case are, right? Because I'm
12 not a witness to the case. Does that make sense? Okay. But
13 I have to tell you what the allegations are to see if you
14 know anything about the case. So what I'm about to tell you
15 is not evidence of anything -- it's not proof of anything.
16 These are just the bare bones allegations in the case. Okay?
17 So this case allegedly occurred on June the 17th of
18 2018 at about 9:30 at night near the intersection of
19 Cato Road in 521 in what they call the Westville part of the
20 county.

21 And the name of the deceased in the case or the victim
22 is Brenda Coates, and Coates is spelled C-O-A-T-E-S. So the
23 question is, Does anybody know anything about this case?
24 Have you heard anything about the case? Have you read
25 anything about the case? Have you seen anything about the

1 case? Have you overheard somebody talking about the case?
2 Do you think you know what this case is about? I'm asking
3 this question as broadly as humanly possible to generate as
4 many -- as many responses as possible. All right. Who needs
5 to answer that question? Okay. All right. So if you four
6 will form a line right here at the tissue box.

7 Deputy Furnace, can you help them? And then, let's
8 take them up front where -- with the lawyers present. Yeah.
9 Yeah.

10 All right. Come on up. And it's Ms. Carter; is that
11 right? All right. Now, here's -- this is kind of tricky.

12 JUROR NUMBER 56: Okay.

13 THE COURT: I need you to speak loud enough for us to
14 hear you, but I don't need the whole world to hear you.

15 JUROR NUMBER 56: Okay.

16 THE COURT: So tell me what you think you know about
17 the case.

18 JUROR NUMBER 56: Well, as I mentioned for you, I
19 worked at Lexington County Sheriff's Office, so obviously
20 these type of cases are common --

21 THE COURT: Right.

22 JUROR NUMBER 56: -- between neighboring counties.

23 THE COURT: Okay. Do you have any personal knowledge
24 about the case?

25 JUROR NUMBER 56: Well, the -- now I think it's the --

1 the lady that he's married to now, Jeffrey worked with me at
2 -- at Lancaster County.

3 THE COURT: Did she tell you about the case?

4 JUROR NUMBER 56: No.

5 THE COURT: Okay. How do you know that -- that -- that
6 relationship about that situation?

7 JUROR NUMBER 56: Social media.

8 THE COURT: Social media?

9 JUROR NUMBER 56: Uh-huh.

10 THE COURT: Okay. And so do you have any personal
11 knowledge about the case?

12 JUROR NUMBER 56: No, nothing other than, like I said,
13 just professional talk.

14 THE COURT: Okay. And the issue is, can you set aside
15 anything that you may know, and base your decision on what
16 happens in court?

17 JUROR NUMBER 56: Yes.

18 THE COURT: Okay. And are you willing to do that?

19 JUROR NUMBER 56: Yes.

20 THE COURT: And can you be fair and impartial to both
21 the State and the Defense of the case?

22 JUROR NUMBER 56: Yes.

23 THE COURT: All right. Anything else you want me to
24 ask her? Okay. Yes. Yes. Yeah. Do you have any knowledge
25 about any of the evidence of the case, or the small details,

1 or anything like that?

2 JUROR NUMBER 56: No.

3 THE COURT: You just kind of know who some of the
4 players are?

5 JUROR NUMBER 56: Yes.

6 THE COURT: Okay. All right. You can grab a seat.
7 Thank you. 56.

8 Come on. And this is Mr. Hilton, number 125. Okay.
9 Oh, I need you to speak loud enough for us to hear you, but I
10 don't need the whole world to hear. Okay. Go ahead.

11 JUROR NUMBER 125: I don't think I really -- anything
12 superficial.

13 THE COURT: Okay.

14 JUROR NUMBER 125: I just heard about it a while back.

15 THE COURT: And who did you hear about it from?

16 JUROR NUMBER 125: My mom.

17 THE COURT: Okay. And who is your mom?

18 JUROR NUMBER 125: Jessica Rubi (ph).

19 THE COURT: Okay.

20 JUROR NUMBER 125: And she (inaudible).

21 THE COURT: And is she a witness? Did she witness
22 anything -- or have any kind of personal knowledge?

23 JUROR NUMBER 125: We just live in that area, sir.

24 THE COURT: You live in that area of what -- called
25 Westville?

1 JUROR NUMBER 125: Near Cato.

2 THE COURT: Near Cato Road?

3 JUROR NUMBER 125: Yes.

4 THE COURT: Okay. So you've heard people talk about
5 it. So can you set aside anything you may have heard, and
6 base your decision on what happens here in court?

7 JUROR NUMBER 125: Yes.

8 THE COURT: And are you willing to do that?

9 JUROR NUMBER 125: Yes, sir.

10 THE COURT: And can you be fair and impartial to both
11 the State and the Defense of the case?

12 JUROR NUMBER 125: Yes sir.

13 THE COURT: And are you aware of any -- do you really
14 even know what the facts of the case are?

15 JUROR NUMBER 125: No.

16 THE COURT: Okay. Anything else you want me to ask
17 him? Okay. You can grab a seat. Thank you.

18 Okay. Remind me of your name.

19 JUROR NUMBER 39: Brandy Broughton.

20 THE COURT: There you are. Okay. Number 39. Okay. I
21 need you to speak loud enough for me to hear you, but I don't
22 need others to hear you. Okay. Go ahead.

23 JUROR NUMBER 39: I live in the area (inaudible).

24 THE COURT: Okay.

25 JUROR NUMBER 39: So I hear more about it and --

1 THE COURT: Okay.

2 JUROR NUMBER 39: (Inaudible) course being with Kershaw
3 County Public Teachers and everything.

4 THE COURT: Uh-huh.

5 JUROR NUMBER 39: I did hear about it through that
6 time.

7 THE COURT: Okay.

8 JUROR NUMBER 39: Rumors -- knew nothing, you know,
9 concrete -- I don't know any evidence of the case or
10 anything.

11 THE COURT: Right. Do you have any personal knowledge
12 about the case?

13 JUROR NUMBER 39: No, sir.

14 THE COURT: Okay. Do you know any of the witnesses
15 other than the ones you've told me about?

16 JUROR NUMBER 39: No, sir.

17 THE COURT: Okay. And so the question becomes, can you
18 set aside anything you may have heard and base your decision
19 on what happens in court?

20 JUROR NUMBER 39: Yes, sir.

21 THE COURT: Okay. And can you do that in being fair to
22 the State and fair to the Defense?

23 JUROR NUMBER 39: Absolutely.

24 THE COURT: Come into it kind of like me -- like, I
25 don't know anything, like, you know, I kind of come into it

1 with a clean slate because I don't want to have a slanderous
2 view. Are you able to do that?

3 JUROR NUMBER 39: Absolutely.

4 THE COURT: And are you willing to do that?

5 JUROR NUMBER 39: Absolutely.

6 THE COURT: Okay. Is there anything else you'd like me
7 to ask her, sir? Okay. Okay. Thank you.

8 Okay. This is Ms. Burris number 49. Hey. Okay.

9 Okay. And what is her role in the case, if any?

10 MR. SCOTT: She's the -- she's (inaudible).

11 THE COURT: Of the deceased, but she's not a witness.

12 Okay. She's not a -- a witness that you intend on calling
13 her or anything like that. Okay. And so what have you heard
14 from her?

15 JUROR NUMBER 49: Just she was shot, it seems like
16 relation to again, but I don't (inaudible).

17 THE COURT: Okay.

18 JUROR NUMBER 49: (Inaudible) not anymore.

19 THE COURT: Okay. How long ago was all that --
20 ballpark?

21 JUROR NUMBER 49: 2021.

22 THE COURT: Okay. So a few years ago.

23 JUROR NUMBER 49: Uh-huh.

24 THE COURT: And since then, you haven't had any contact
25 with her?

1 JUROR NUMBER 49: (Inaudible) past each other.

2 THE COURT: You speak and say, "Hey", but you're not on
3 the phone every day, or texting, or going out to eat dinner,
4 or things like that.

5 JUROR NUMBER 49: Yes, sir.

6 THE COURT: So the question is, can you set all that
7 aside and base your decision on what happens in court?

8 JUROR NUMBER 49: I would try (inaudible).

9 THE COURT: Okay.

10 JUROR NUMBER 49: But I saw her (inaudible).

11 THE COURT: Okay. All right. So just grab a seat,
12 don't discuss that with anybody. Okay.

13 Come on, on Ms. Greenway. Hey, how are you?

14 JUROR NUMBER 109: Great, how are you?

15 THE COURT: Good. Hey, go ahead.

16 JUROR NUMBER 109: So I don't really have any personal
17 knowledge, I just overheard the (inaudible) talked about it
18 yesterday.

19 THE COURT: Okay.

20 JUROR NUMBER 109: To say that, you know, what they
21 thought the case was.

22 THE COURT: Okay.

23 JUROR NUMBER 109: But I don't.

24 THE COURT: And you have no knowledge outside of that?

25 JUROR NUMBER 109: No.

1 THE COURT: So can you set that aside, and base your
2 decision on what happens in court?

3 JUROR NUMBER 109: Absolutely.

4 THE COURT: And can you be fair and impartial to both
5 the State and the Defense?

6 JUROR NUMBER 109: Absolutely.

7 THE COURT: And do you have any problems doing any of
8 that?

9 JUROR NUMBER 109: No problem.

10 THE COURT: Okay. Anything else you want me to ask
11 her? Anything else?

12 Okay. You're good, Ms. Greenway.

13 JUROR NUMBER 109: Okay.

14 THE COURT: Okay. So Ms. Burris is definitely out.

15 MR. SWERLING: Of course.

16 THE COURT: Okay.

17 MR. SCOTT: Well, Judge, can we (inaudible).

18 THE COURT: Let's finish the questions, then we'll
19 powwow about it.

20 Okay. So continuing on with the questions now. The
21 next question is -- let's see, is there any member of the
22 jury panel who has formed an opinion, or expressed an opinion
23 about any issue or matter in this case? If so, please stand.

24 Is there anyone who's aware of any bias, or any
25 prejudice that you may have towards the State or the Defense

1 in this case? If so, please stand.

2 Is there anyone in the room who is a member of, or a
3 contributor to any group which has its primary concern, the
4 promotion of law enforcement, or victim's rights? These
5 would include groups, but are not limited to MADD, or SADD,
6 or Sistercare, or something like that, or Defendant's rights
7 such as the Innocence Project. If so, please stand. All
8 right. I have some additional questions to ask you.

9 Mr. Scott, did you have anybody you wanted me to ask?

10 MR. SCOTT: No, Your Honor.

11 THE COURT: Okay. All right. So the next -- I'm going
12 to switch gears a little bit. We're going to stay on the
13 questions. The next question I'm going to ask is, Do you --
14 do you or any member of your immediate family -- or have they
15 ever worked in law enforcement? What do you mean, ma'am?

16 UNKNOWN JUROR: The -- the Sistercare.

17 THE COURT: Uh-huh.

18 UNKNOWN JUROR: Would that be someone that you worked
19 for a company that rented two people that were in --

20 THE COURT: No -- no, I mean, like you're an active --

21 UNKNOWN JUROR: Just wanted to make sure.

22 THE COURT: That's fine. That's fine. I meant -- I
23 meant, like, you're an active member participating.

24 UNKNOWN JUROR: No. In those kind of things?

25 THE COURT: Yeah. You're good.

1 All right. So the next question is going to be, Do you
2 or a member of your family -- or have they ever worked in law
3 enforcement? And that means anywhere in the country. Okay.
4 So I'm going to figure out -- let's figure out who you are,
5 and then tell me is it you or a family member and then what
6 the law enforcement agency is.

7 So front row gray shirt, who are you?

8 JUROR NUMBER 10: Number 10.

9 THE COURT: Number 10, Mr. Aycock?

10 JUROR NUMBER 10: My nephew is a detective at -- in
11 Fort Mill.

12 THE COURT: At -- at Fort Mill. So your nephew is a
13 police officer in Fort Mill; is that right?

14 JUROR NUMBER 10: Correct.

15 THE COURT: Perfect. All right. You -- you may be
16 seated.

17 And the -- the lady you just spoke a second ago. Tell
18 me your name.

19 JUROR NUMBER 22: Twenty two. Tammie Boucher.

20 THE COURT: Ms. Boucher, who's in law enforcement?

21 JUROR NUMBER 22: I have a second cousin that works at
22 SLED.

23 THE COURT: And were they on the witness list, or he or
24 she on the witness list?

25 JUROR NUMBER 22: No.

1 THE COURT: Okay. Thank you. You may be seated.

2 Right. And, Ms. Koumas; is that right?

3 JUROR NUMBER 160: Yes, sir.

4 THE COURT: Okay. Hold on just a second. I got to
5 find those Bs.

6 MR. SWERLING: And what is Ms. Boucher's number?

7 THE COURT: Ms. Boucher is number 22.

8 MR. SWERLING: Thank you.

9 THE COURT: Hold on, Ms. Koumas, I lost you. There you
10 are. Ms. Koumas is number 160. Who's in law enforcement,
11 Ms. Koumas?

12 JUROR NUMBER 160: My husband is prior law enforcement,
13 and my son is currently law enforcement. He was prior for
14 Kershaw County, and he currently works as a sergeant for
15 South Carolina Public Safety.

16 THE COURT: Okay. And what is your son's name?

17 JUROR NUMBER 160: Justin Sliding.

18 THE COURT: Okay. And is he a witness to or have any
19 connection to the case, Investigator Dill, to your knowledge?

20 INVESTIGATOR DILL: No, sir.

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

23 All right. Tell me your name again. Trotter; is that
24 right?

25 JUROR NUMBER 272: Yes, sir.

1 THE COURT: I'll get everybody's name eventually by the
2 time it's over. Hold on. There you are. Mr. Trotter is
3 272. Who's in law enforcement?

4 JUROR NUMBER 272: My dad and my stepbrother.

5 THE COURT: And where?

6 JUROR NUMBER 272: One is in Hartsville, and one is in
7 Florence.

8 THE COURT: And one is in Hartsville and one is in
9 North?

10 JUROR NUMBER 272: Florence.

11 THE COURT: Florence. Okay. You may be seated. Thank
12 you.

13 All right. And, Ms. Carter, who's in law enforcement?
14 This is 56.

15 JUROR NUMBER 56: Myself, Lancaster County.

16 THE COURT: Okay. And what do you do at Lancaster
17 County?

18 JUROR NUMBER 56: I'm currently recruitment and
19 selection.

20 THE COURT: Okay. But you work for the Sheriff's
21 department in Lancaster for recruitment and selection?

22 JUROR NUMBER 56: Yes, now I started at 911, and then I
23 went -- I was certified, and then about four years ago I
24 became civilian.

25 THE COURT: Great. Thank you.

1 All right. And Ms. Broughton, did I get it right?

2 JUROR NUMBER 39: Yes.

3 THE COURT: Okay. Ms. Broughton is 39. Go ahead.

4 JUROR NUMBER 39: My daughter's father used to work for
5 West Columbia Police Department.

6 THE COURT: Thank you. You may be seated.

7 Right next to her. Your name?

8 JUROR NUMBER 93: Destiny Freeman.

9 THE COURT: Freeman?

10 JUROR NUMBER 93: Yes.

11 THE COURT: Hold on one second. There you are,
12 Ms. Freeman. Okay. And who's in law enforcement,
13 Ms. Freeman?

14 JUROR NUMBER 93: My mother-in-law retired a couple
15 years ago from Richland County Sheriff Office.

16 THE COURT: From Richland County?

17 JUROR NUMBER 93: Yes.

18 THE COURT: Thank you, ma'am. You may be seated.
19 And tell me your name, ma'am.

20 JUROR NUMBER 283: Lawanda Welsh.

21 THE COURT: Welsh. Right, Welsh. Hold on. There you
22 are, Ms. Welsh 283. Who's in law enforcement?

23 JUROR NUMBER 283: My son-in-law is a prior law
24 enforcement in Rockville area, and he's the current
25 magistrate there.

1 THE COURT: Thank you, ma'am.

2 Right. Tell me your name, sir.

3 JUROR NUMBER 186: Kyle Michelin.

4 THE COURT: Michelin, that's right. Who's in law
5 enforcement, Mr. Michelin?

6 JUROR NUMBER 186: I have a cousin in Michigan who
7 works for SLED, and then my niece's husband works for
8 Richland County.

9 THE COURT: Okay. Thank you very much.

10 Your name, sir?

11 JUROR NUMBER 208: Robert Parks.

12 THE COURT: Mr. Parks, hold on one second. There you
13 are. 208. Who is in law enforcement?

14 JUROR NUMBER 208: My brother-in-law for Florence PD.

15 THE COURT: Thank you.

16 All right. In the black sweater, tell me your name.

17 JUROR NUMBER 147: Deeann Jones, 147.

18 THE COURT: Okay. And who's in law enforcement,
19 Ms. Jones?

20 JUROR NUMBER 147: My husband was a reserve officer of
21 South Congaree Police Department.

22 THE COURT: Where? South Congaree.

23 JUROR NUMBER 147: Correct.

24 THE COURT: Okay. Thank you.

25 All right. Ms. Brazell who's in law enforcement?

1 JUROR NUMBER 34: Yes, sir. I retired in 2019 in
2 Kershaw County at Kershaw Prison after many years served
3 (inaudible).

4 THE COURT: Okay.

5 JUROR NUMBER 34: I've also spent many years at
6 (inaudible) from 903 to 908.

7 THE COURT: All right.

8 JUROR NUMBER 34: And I have a first cousin, Brian
9 Toler (ph) is a SLED agent witness, and that have four first
10 cousins that are on the SWAT team, and -- and (inaudible) two
11 brothers, and based out to (inaudible) I have six (inaudible)
12 secret service (inaudible).

13 THE COURT: And do any of those people have any
14 connection to this case?

15 JUROR NUMBER 34: No.

16 THE COURT: Okay. Thank you very much.

17 Right, next juror, your name, please?

18 JUROR NUMBER 278: Natasha Washington, 278.

19 THE COURT: Okay. Hold on. Ms. Washington and who's
20 in law enforcement?

21 JUROR NUMBER 278: My uncle is a former law police
22 officer in Georgia.

23 THE COURT: Thank you, ma'am.

24 All right. Ms. Greenway?

25 JUROR NUMBER 109: My cousin's son in Anderson County

1 Police Officer.

2 THE COURT: Thank you.

3 And yes, ma'am, your name?

4 JUROR NUMBER 267: Jacqueline Timmons, 267

5 THE COURT: Timmons?

6 JUROR NUMBER 267: Yes, sir.

7 THE COURT: There you are, Ms. Timmons. Who's in law
8 enforcement?

9 JUROR NUMBER 267: I have a nephew in Florence County
10 (inaudible).

11 THE COURT: Thank you, ma'am.

12 All right. Yes, ma'am.

13 JUROR NUMBER 97: I just want to be on the safe side.

14 THE COURT: Tell me your name.

15 JUROR NUMBER 97: Elizabeth Gay, number 97.

16 THE COURT: Okay. Hold on one second. There you are.
17 Got it. Okay.

18 JUROR NUMBER 97: My husband --

19 THE COURT: Who's in law enforcement?

20 JUROR NUMBER 97: My husband's retired military, but
21 his specialty was military police.

22 THE COURT: Got it. Thank you very much.

23 And yes, ma'am, your name, please?

24 JUROR NUMBER 262: Elizabeth Stroman, 262.

25 THE COURT: Just one second please, Ms. Stroman. Okay.

1 And, Ms. Stroman, who's in law enforcement?

2 JUROR NUMBER 262: I also just want to be on the safe
3 side. My brother-in-law is a prosecutor for the solicitor's
4 office at Aiken, who was actually in the courtroom yesterday.

5 THE COURT: Oh, that Mr. Rigg?

6 JUROR NUMBER 262: Riggers.

7 THE COURT: Riggers. Okay. You're claiming him?

8 JUROR NUMBER 262: Yes. Just be on the safe side.

9 THE COURT: I'm kidding. He did a great job. I'm
10 kidding. But thank you for telling us that. Thank you.

11 And then, yes, ma'am, please tell me your name.

12 JUROR NUMBER 131: Ami Horton.

13 THE COURT: Ms. Horton?

14 JUROR NUMBER 131: 131.

15 THE COURT: Hold on one second. 131, one number is she
16 on the left? Huh? 15. There -- you're Ms. Horton. Who's
17 in law enforcement?

18 JUROR NUMBER 131: Cousin William West for the
19 Sheriff's Department.

20 THE COURT: In Kershaw?

21 JUROR NUMBER 131: Yes.

22 THE COURT: And does he have any involvement in the
23 case, Investigator Dill that you know of?

24 INVESTIGATOR DILL: No, sir.

25 THE COURT: Okay. Thank you, ma'am.

1 Okay. Just one second. All right. The name of the
2 deceased in this case is Brenda Coates. Is anybody related
3 by blood or marriage, close personal friends with, have any
4 connection to business, personal, social, or otherwise to
5 Ms. Coates? If so, please stand.

6 Okay. All right. Is there anyone who has any
7 relationship with -- and I'm going to be talking about a
8 business, and what I mean by not just that you know where it
9 is, but it is a business that you frequent. Okay. Does that
10 make sense?

11 So like -- I don't know how to give an example of this
12 -- you know, I know that there's a McDonald's by the highway
13 at exit 98, but you know, I don't go in there every week.
14 Right? So I mean, like, when I say the name of this
15 business, I'm talking about somewhere that you frequently go
16 in and out of. And the name of the business is the River
17 Deck at Beaver Creek. Does anybody have any connection to
18 the River Deck? Am I saying that right, gentlemen? The
19 River Deck at Beaver Creek. Okay.

20 And, Ms. Carter, you are familiar with that place?

21 JUROR NUMBER 56: I live in Beaver Creek.

22 THE COURT: You live in Beaver Creek. And so you've
23 been to the River Deck, that's such a place?

24 JUROR NUMBER 56: River.

25 THE COURT: Okay. And -- and I don't know what the

1 connection to the case is. That's where Ms. Coates -- help
2 me. That's where Ms. Coates ---

3 MR. SWERLING: Was employed.

4 THE COURT: Was employed?

5 MR. SWERLING: Yes.

6 THE COURT: And did you -- did you know Ms. Coates or
7 do you --

8 JUROR NUMBER 56: I did not.

9 THE COURT: -- anyone named Brenda?

10 JUROR NUMBER 56: I moved to Beaver Creek in 2020 --

11 THE COURT: Okay. So it would've been -- so you moved
12 to the area and started (inaudible) the establishment two
13 years after the alleged incident?

14 JUROR NUMBER 56: Yes, sir.

15 THE COURT: Okay. All right. Very good. Thank you,
16 Ms. Carter.

17 Just one second. We're almost done. Okay. So this
18 next question I'm going to ask, let -- let me kind of explain
19 it. What -- well, no, let -- let me just ask this other
20 question first. Okay. So what I want to know is, if you or
21 any member of your immediate family -- what do I mean by
22 "immediate family"?

23 Immediate family means your spouse, partner, whatever
24 you call them. Live-in boyfriend, live-in girlfriend,
25 whatever you call that. Your children. Okay? Your brothers

1 and sisters. Okay. And your parents. This is what I mean
2 by the circle of immediate family. Okay. What I want to
3 know is any of the -- have any of those people have any
4 connection to a homicide case? Okay? And I'm go give you
5 some examples. These are all made up. These are just
6 examples. Okay? So if you're --

7 Sit down for just a second, Mr. Hilton.

8 So you know, if your father is in prison for murder, I
9 want you to come tell me. Okay. If you had a sibling that
10 was killed in some form of a homicide case, I would want you
11 to come tell me that. Okay? If your mother's parents were
12 killed in front of her when she was a small child, I would
13 want you to come tell me that.

14 Okay? And so what I mean by that is on either side of
15 the case, either they could have been the victims, or
16 connected to the victims, or on the Defendant's side, and
17 regardless of the outcome of the case, so even if somebody
18 was deceased, and they believed it's a homicide, and no one
19 was ever arrested, I would want you to come tell me that.
20 Okay. Does that make sense? So how many people --

21 Sit down for just a second.

22 How many people, by show of hands, need to answer that
23 question? Okay. So let's form our line right here at the
24 tissue box. Okay. Come on up here, and tell me your name.

25 JUROR NUMBER 14: Rhea Ball, 14.

1 THE COURT: Oh, okay. Here you go. Okay. And tell me
2 what you need to say.

3 JUROR NUMBER 14: My brother, his name is (inaudible),
4 he was killed almost two years ago in Kershaw County.

5 THE COURT: Okay. And is there a case that's still
6 pending?

7 JUROR NUMBER 14: Yes.

8 THE COURT: Okay. And does that affect your ability to
9 be very impartial in this case?

10 JUROR NUMBER 14: No.

11 THE COURT: Okay. Are you willing to base your
12 decision on the evidence in the law?

13 JUROR NUMBER 14: Yes.

14 THE COURT: And do you know who the prosecutor on that
15 case is?

16 JUROR NUMBER 14: I don't.

17 THE COURT: Okay. And are you talking to prosecutors
18 --

19 JUROR NUMBER 14: No.

20 THE COURT: -- in that case or someone else in the
21 family?

22 JUROR NUMBER 14: No.

23 THE COURT: Kind of handling that?

24 JUROR NUMBER 14: Yes.

25 THE COURT: All right. Thank you, Ms. Ball.

1 MR. SWERLING: Give me the number?

2 THE COURT: Fourteen. I'm sorry, 14.

3 JUROR NUMBER 14: My Godfather.

4 THE COURT: Godfather?

5 JUROR NUMBER 14: Yes.

6 THE COURT: All right. Come on, sir. And tell me your
7 name please, sir.

8 JUROR NUMBER 10: Number 10, Aycock Michael. I go by
9 Brian Aycock Michael, is my grandpa.

10 THE COURT: Okay. Go ahead.

11 JUROR NUMBER 10: My wife was a general manager at
12 (inaudible). One of the managers was abducted by -- I'm not
13 sure (inaudible) at least in the (inaudible).

14 THE COURT: Okay.

15 JUROR NUMBER 10: And he was (inaudible).

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

18 JUROR NUMBER 10: No, sir.

19 THE COURT: Are you willing to base your decision off
20 the evidence --

21 JUROR NUMBER 10: Yes.

22 THE COURT: -- of the law? And where did that occur?

23 JUROR NUMBER 10: It's Columbia.

24 THE COURT: In Columbia.

25 JUROR NUMBER 10: I think it was the belt line location

1 of defense mark.

2 THE COURT: Okay. Yeah.

3 JUROR NUMBER 10: And it was -- it was one of her
4 assistant managers.

5 THE COURT: Okay. Great.

6 JUROR NUMBER 10: And that's again -- she's -- he's
7 already been found guilty.

8 THE COURT: Okay.

9 JUROR NUMBER 10: Now, I think my wife was potential
10 person to be called on that. I don't think she was.

11 THE COURT: Got it. Thank you very much.

12 Ted, come on up, Mr. Hilton. All right. Go ahead.

13 JUROR NUMBER 125: My father was convicted in Calhoun.

14 THE COURT: Okay. And would that affect your ability
15 to be fair and impartial in this case?

16 JUROR NUMBER 125: No, sir.

17 THE COURT: Are you willing to base your decision off
18 the evidence and the law?

19 JUROR NUMBER 125: Yes, sir.

20 THE COURT: What county was that in?

21 JUROR NUMBER 125: Captain Miller please, sir.

22 THE COURT: And how long ago was that ballpark?

23 JUROR NUMBER 125: Ten -- 11 years.

24 THE COURT: Okay. All right. Thank you very much.

25 Tell me your name, sir.

1 JUROR NUMBER 143: Kelley Jackson.

2 THE COURT: Kelley Jackson. You know there's a circuit
3 -- former circuit solicitor named Kelley Jackson?

4 JUROR NUMBER 143: No.

5 THE COURT: Did you know that? He's for Sumter.
6 You're much better looking than he is. We all know and
7 that's why I said that so. All right. Hold on just a
8 second. Mr. Jackson.

9 JUROR NUMBER 143: Nineteen.

10 THE COURT: 19th. There you go. Go ahead,
11 Mr. Jackson.

12 JUROR NUMBER 143: My son is currently in prison for
13 murder.

14 THE COURT: Say again?

15 JUROR NUMBER 143: My son is currently in prison for
16 murder.

17 THE COURT: Okay. And would that affect your ability
18 to be fair, impartial in this case?

19 JUROR NUMBER 143: No, sir.

20 THE COURT: All right. And how long ago did that
21 occur? Ballpark.

22 JUROR NUMBER 143: About five years ago.

23 THE COURT: Okay. In what county?

24 JUROR NUMBER 143: Kershaw.

25 THE COURT: Kershaw. And do you know who prosecuted

1 that case?

2 JUROR NUMBER 143: I can't really remember.

3 THE COURT: Do you know who defended that case?

4 Jason Kerch.

5 JUROR NUMBER 143: No reason, I don't know. I can't
6 recall.

7 THE COURT: Okay. All right. Thank you very much.

8 Come on up. Tell me your name please, sir. Yes, sir.
9 Go ahead. (Inaudible).

10 JUROR NUMBER 99: I had a sister who was killed by a
11 driver in year 2003.

12 THE COURT: Okay. In what state did that occur?

13 JUROR NUMBER 99: In state of Ohio.

14 THE COURT: Okay. And would that affect your ability
15 to be fair and impartial in this case?

16 JUROR NUMBER 99: No, sir.

17 THE COURT: Okay. Thank you very much.

18 Please tell me your name.

19 JUROR NUMBER 66: David Cowart.

20 THE COURT: Just one second. Okay. And go ahead.

21 JUROR NUMBER 66: Just wanted to make sure my wife's
22 stepdad is -- has been convicted of murder.

23 THE COURT: In what county is that in?

24 JUROR NUMBER 66: Kershaw.

25 THE COURT: And how long ago was that?

1 JUROR NUMBER 66: Really over about years.

2 THE COURT: Worth 10 years ago?

3 JUROR NUMBER 66: Over 10 years.

4 THE COURT: And would that affect your ability to be
5 fair and impartial in this case?

6 JUROR NUMBER 66: No, sir.

7 THE COURT: And are you willing to make your decision
8 off the evidence of the law?

9 JUROR NUMBER 66: Yes, sir.

10 THE COURT: Okay.

11 MR. SCOTT: (Inaudible).

12 THE COURT: Mr. Aycock, hey, I believe you told us
13 yesterday you are unemployed, but you were formally in
14 restaurant.

15 JUROR NUMBER 10: I'm restaurant manager.

16 THE COURT: Right. And we're getting some reports that
17 maybe the victim's children at some point worked for you. Do
18 you have any knowledge of that?

19 JUROR NUMBER 10: Is it a chance maybe. I don't know.
20 I'm not withholding anything on purpose. If -- if you --

21 THE COURT: There's nobody that you intentionally know
22 is connected to this case.

23 JUROR NUMBER 10: I've worked in several different
24 restaurants.

25 THE COURT: If people come and go.

1 JUROR NUMBER 10: I'm about one in literally thousands
2 of individuals.

3 THE COURT: Right.

4 JUROR NUMBER 10: (Inaudible) North Carolina.

5 THE COURT: They can come and go. Right.

6 JUROR NUMBER 10: Coates and Catoes sound familiar. I
7 schooled with Catoes. I was in school with Coates. But none
8 of these names seem --

9 THE COURT: There's no one that's ever sat down and had
10 a conversation with you about their mother's case, or
11 anything like that.

12 JUROR NUMBER 10: Absolutely not.

13 THE COURT: Okay. All right. Is there any -- I'm
14 happy to ask him anything else you want me to do?

15 MR. SWERLING: (Inaudible) people, but it just
16 doesn't --

17 THE COURT: Right. And does -- and doesn't know
18 anything specifically.

19 JUROR NUMBER 10: Sorry to interrupt.

20 THE COURT: That's okay.

21 JUROR NUMBER 10: There is a possibility that one of
22 the names of the people who are coming up as witnesses
23 (inaudible) I can work together at what we worked together at
24 (inaudible) cash.

25 THE COURT: Right.

1 JUROR NUMBER 10: I can't get --

2 THE COURT: Okay. Anything else you want me to ask
3 him? Chris coming up here.

4 JUROR NUMBER 10: Okay. (Inaudible) he's way talking.

5 THE COURT: You -- you haven't done anything wrong.
6 Okay.

7 JUROR NUMBER 10: She's saying that you are a former
8 manager of her defense.

9 THE COURT: Yeah, that's possible.

10 JUROR NUMBER 10: That is possible, but I don't have
11 any recognition.

12 THE COURT: Got it. And you certainly didn't have a
13 conversation about a case or --

14 JUROR NUMBER 10: Not at all.

15 THE COURT: Anybody sit down and tell you this is what
16 the case is about?

17 JUROR NUMBER 10: Now, there was a change in the system
18 manager when I got hired on.

19 THE COURT: Okay.

20 JUROR NUMBER 10: And that was (inaudible) weeks or
21 days --

22 THE COURT: Okay.

23 JUROR NUMBER 10: And that could (inaudible).

24 THE COURT: Okay.

25 JUROR NUMBER 10: Again, (inaudible) even visually see.

1

2 THE COURT: Okay. Anything else you want me to ask
3 him? Okay. All right. Thank you. You see.

4 JUROR NUMBER 10: Okay.

5 THE COURT: Are you all also able to stay up here for
6 just a second.

7 All right. So last question. I'm going to -- no, two
8 -- two more questions. Almost last question. So in 2024,
9 just kind of in the world we live in, people have a lot of
10 very strong opinions about different topics. Like, you all
11 understand this, you live -- you live in the modern day
12 world. One of those topics that people can have a lot of
13 very strong opinions about our firearms.

14 Okay. And so what I want to know, I don't want to know
15 what your opinion is, that your opinion is your own, and you
16 are entitled to it. But what I want to know is, does anybody
17 have a position on firearms, or a belief about firearms that
18 is so strong, or so pervasive in your life that it keeps you
19 from being fair and impartial to both sides in a case that
20 might or might not involve firearms? Does anybody need to
21 answer that question?

22 Okay. Come on up. And again, your opinions are your
23 own. This is not -- we're not trying to persuade your
24 opinions, I just need to know, does your opinion cause you
25 such conviction that it could affect your ability to be fair

1 and impartial? Okay. And come on up and (inaudible).

2 That's right.

3 Tell me how to say that last name Parmisani. I almost
4 got it right the other day. Okay. All right. And yes, help
5 me with your answer on that.

6 JUROR NUMBER 209: So pretty -- pretty strong.

7 THE COURT: Okay. Okay.

8 JUROR NUMBER 209: (Inaudible).

9 THE COURT: Sure.

10 JUROR NUMBER 209: My biggest concern is prosecution
11 present some evidence, and the -- the Defense argues against
12 it, and you don't allow it. I'm still consider it.

13 THE COURT: So what you're saying is, you're going to
14 be unable to follow my instructions?

15 JUROR NUMBER 209: I -- I -- I -- I -- I don't -- I --
16 I spent 23 years defending this country after (inaudible)
17 report me. Just because some evidence start out doesn't -- I
18 don't think it's true.

19 THE COURT: Okay.

20 JUROR NUMBER 209: That's -- that's my biggest concern.

21 THE COURT: All right. Just grab a seat.

22 JUROR NUMBER 209: Yes.

23 THE COURT: Okay. All right. Come on back up

24 Mr. Aycock. Hey.

25 JUROR NUMBER 10: (Inaudible).

1 THE COURT: Okay. Sure.

2 JUROR NUMBER 10: (Inaudible).

3 THE COURT: Okay.

4 JUROR NUMBER 10: The facts of the case matter. I'm
5 going to try to stay impartial, but I'm going to know what it
6 felt like.

7 THE COURT: Okay. All right. So the question is: Can
8 you set that aside and base your decision on what happens in
9 court?

10 JUROR NUMBER 10: I know (inaudible).

11 THE COURT: Okay. So it -- it's a yes or no question.

12 JUROR NUMBER 10: I feel like I -- I can.

13 THE COURT: Okay. And I -- I don't think we're in an
14 armed robbery-type case; is that right?

15 JUROR NUMBER 10: (Inaudible).

16 THE COURT: It's not an armed -- it's not a -- to my
17 knowledge, it's not a case of, like an armed robbery gone
18 bad, or something like that.

19 JUROR NUMBER 10: Uh-uh.

20 THE COURT: Okay. Yes. Victim of armed robbery back
21 in college. Okay.

22 All right. Now we're on the last question. Okay. So
23 I'm going to tell a little story. So Sunday, I was riding to
24 Augusta to see a play with my mother-in-law and my cousin, it
25 was a car full of women. I was, you know, doing my -- my job

1 as a husband and being supportive. Right. Okay.

2 And so they said, "What are you doing next week?" And
3 I said, "I'm trying a case in Kershaw County." And they
4 said, "Well, tell us all about it", right? And I said, "I
5 don't know anything about it", right?

6 And my wife knew that I don't intentionally learn
7 things about cases ahead of time, but the mother-in-law and
8 the cousin or -- were blown away that I didn't know anything
9 about the case, right? They just -- they couldn't figure
10 that out. And what I explained to them is the same thing,
11 I'm, like -- the reason I don't learn about cases ahead of
12 time is because I want to come into a neutral, right?

13 I'm not on the State side, I'm not on the Defense's
14 side, right? I don't want to come in with any preconceived
15 ideas. I don't know any of these people. I don't know
16 anything about the case. I haven't read news articles if --
17 if there are any -- I don't even know if there are any,
18 right? I don't even go looking for them because I want to
19 come in with a clean slate, to be fair and impartial to both
20 sides. And that's what we want as jurors, right?

21 And so, it's okay that you know people or you may know
22 people on the witness list, or all these questions we ask.
23 There's nothing wrong or improper with that. But we need
24 14 people who have no one to reward and no one to punish.
25 You come in like a judge. I'm not on anybody's side. A

1 juror shouldn't be on anybody's side, and your job, whereas
2 I'm in charge of the law, your job is to figure out the facts
3 in the case from the evidence that's presented. And you
4 should be doing that fairly and impartially to both sides.
5 And then, other than the one person who's already told me, is
6 there anybody that believes they can't be fair and impartial
7 to both sides in this case? If so, please stand.

8 Okay. All right. So what I want you all to do right
9 now is just kind of stand up, stretch, twist, and turn. And
10 I'm going to have this conversation with the lawyers right up
11 here, and then we'll be right back with you.

12 (Bench conference.)

13 THE COURT: All right. So I'm going to ask you one
14 more question, and I apologize I missed it on the list. That
15 was my mistake. So kind of like before, when I asked the
16 question about a murder -- a homicide case, have you ever
17 been connected to a homicide case on either side of it? What
18 I want to know is, have you ever been, or you or a member of
19 your immediate family ever been involved in what I would call
20 a domestic abuse-style situation?

21 Okay. Now, domestic abuse is a -- is a broad term
22 okay? And I want you to interpret it broadly. That could be
23 anything from husband and wife, to boyfriend and girlfriend,
24 to brother on brother, to parent on child, to child on
25 parent, right? You know, domestic abuse is kind of a broad

1 term, and on either side of that case.

2 So some examples, if your father was prosecuted for
3 domestic violence and your mother was the victim, I would
4 want you to come tell me regardless of the outcome of that
5 case. If you were the -- the victim of a domestic abuse case
6 when you were a small child, regardless of the outcome of
7 that case, I would want you to come tell me. If your husband
8 was arrested for domestic violence five years ago in his
9 previous relationship, I would want you to come tell me.
10 Okay. How many people need to answer that question? Okay.
11 All right. Let's form a line right here at the tissue box.

12 MR. SWERLING: Does that cover?

13 THE COURT: Okay. That's okay. That's why -- that's
14 why I thought -- I thought I'd ask that with the murder
15 question. And you are Ms. -- you're good to go. You just --
16 just grab a seat. Come on up.

17 Tell me your number. Parks, right? Parks; is that
18 right?

19 JUROR NUMBER 208: Yes.

20 THE COURT: Okay. There you go. 208, go ahead.

21 JUROR NUMBER 208: It was never a -- a court case or
22 anything, but my longtime girlfriend of almost 10 years. She
23 suffered domestic abuse with her mom and her stepfather for a
24 long time.

25 THE COURT: And would that affect your ability to be

1 fair and impartial on this case?

2 JUROR NUMBER 208: I'm not sure.

3 THE COURT: Okay. Did you witness any of this?

4 JUROR NUMBER 208: No, sir. But she was diagnosed with
5 PTSD (inaudible).

6 THE COURT: Okay. And were you present for any of
7 these things that happened?

8 JUROR NUMBER 208: No, sir. I didn't know her at the
9 time.

10 THE COURT: Okay. And so would that -- would any of
11 that affect your ability to be fair and impartial in this
12 case?

13 JUROR NUMBER 208: No, I don't think so.

14 THE COURT: Okay. Thank you.

15 JUROR NUMBER 208: Yes, sir.

16 THE COURT: Ms. Broughton. Okay. Go ahead.

17 JUROR NUMBER 39: My ex-husband was an abuser.

18 THE COURT: Okay.

19 JUROR NUMBER 39: Do the court -- and I was a part of
20 Sistercare.

21 THE COURT: Okay.

22 JUROR NUMBER 39: He essentially have charges, I didn't
23 go any further.

24 THE COURT: Sure.

25 JUROR NUMBER 39: And just kind of touch with that,

1 so...

2 THE COURT: Okay. And would that affect your ability
3 to be fair and impartial in this case?

4 JUROR NUMBER 39: No.

5 THE COURT: Are you willing to base your decision off
6 the evidence in the law?

7 JUROR NUMBER 39: Yes.

8 THE COURT: And will you do so?

9 JUROR NUMBER 39: Yes.

10 THE COURT: Thank you. Number was 39.

11 Tell me your name again.

12 JUROR NUMBER 66: David Cowart, 66.

13 THE COURT: Okay. Go ahead.

14 JUROR NUMBER 66: My wife was arrested for domestic
15 violence against me. All dropped, thrown out.

16 THE COURT: Okay. How long ago was that ballpark?

17 JUROR NUMBER 66: Five years.

18 THE COURT: Okay. And would that affect your ability
19 to be fair and impartial in this case?

20 JUROR NUMBER 66: No.

21 THE COURT: Are you willing to base your decision off
22 the evidence and the law?

23 JUROR NUMBER 66: Yes.

24 THE COURT: And will you do so?

25 JUROR NUMBER 66: Yes.

1 THE COURT: Thank you. That is number 66.

2 Ms. Washington. Okay. Hold on. Natasha Washington.
3 Right. Okay. Go ahead.

4 JUROR NUMBER 278: (Inaudible).

5 THE COURT: Go ahead. I -- I -- you got to come
6 closer.

7 JUROR NUMBER 278: My mother-in-law and father-in-law
8 ---

9 THE COURT: Okay.

10 JUROR NUMBER 278: -- they were involved in domestic.

11 THE COURT: Okay. And would that affect your ability
12 to be fair and impartial in this case?

13 JUROR NUMBER 278: No.

14 THE COURT: Okay. Thank you.

15 And Mr. Murphy? From where I see. There you go. Go
16 ahead Mr. Murphy.

17 JUROR NUMBER 199: I have a misdemeanor domestic from
18 around 2005 in state of Michigan, my in-law.

19 THE COURT: Okay. And would that affect your ability
20 to be fair and impartial in this case?

21 JUROR NUMBER 199: No, sir.

22 THE COURT: Are you willing to base your decision off
23 the evidence and the law?

24 JUROR NUMBER 199: Yes, sir.

25 THE COURT: Thank you. Murphy is 199 -- 199. All

1 right. Anything else you want me to ask?

2 MR. SPEEDY: No.

3 MR. SCOTT: Just going -- I know he made Jackson, he
4 was concerned because at that period of time that he's
5 describing being convicted, he was pretty much involved in
6 almost all the homicide cases.

7 THE COURT: Okay.

8 MR. SCOTT: So David Miller (inaudible) all those guys.

9 THE COURT: All right.

10 MR. SCOTT: I'm just worried that --

11 THE COURT: All right. Mr. Jackson, come on back up.

12 All right. Help me with when your son's case went
13 down.

14 JUROR NUMBER 143: (Inaudible).

15 THE COURT: He was locked up about this?

16 JUROR NUMBER 143: (Inaudible).

17 THE COURT: Okay. And do you know -- did he plead
18 guilty, or did he go to trial?

19 JUROR NUMBER 143: (Inaudible).

20 THE COURT: And do you know, like, who the judge was?

21 JUROR NUMBER 143: No. Because he was not on COVID.

22 THE COURT: It was during the COVID. So it was more
23 than a year ago.

24 JUROR NUMBER 143: Yeah, we've --

25 THE COURT: Been out of COVID now for --

1 JUROR NUMBER 143: More than a year.

2 THE COURT: -- since 2021. And then -- so when did his
3 -- when did he first get arrested?

4 JUROR NUMBER 143: (Inaudible) maybe.

5 THE COURT: Okay. And did he stay in jail, or did he
6 make bond?

7 JUROR NUMBER 143: He -- he made the (inaudible).

8 THE COURT: Okay. And then, do you remember the -- the
9 police officers that were involved in this case?

10 JUROR NUMBER 143: No, that was my buddy. I knew it
11 was Mark (inaudible) I call him. He was a part of police.

12 THE COURT: Okay. So you -- do you have any memory of
13 who the investigators were, or anything like that?

14 JUROR NUMBER 143: No, sir.

15 THE COURT: Do you remember who the prosecutor was?

16 JUROR NUMBER 143: No.

17 THE COURT: No. And what kind of sentence?

18 JUROR NUMBER 143: (Inaudible).

19 THE COURT: Okay. And so you understand why I'm asking
20 all these additional questions because this is the same
21 office that prosecuted your son is prosecuting this case.
22 Does that make sense?

23 JUROR NUMBER 143: Yeah.

24 THE COURT: So -- and I'm not trying to say you're
25 doing anything inappropriate, I just need to double-check

1 that you're able to be fair and impartial to the solicitor's
2 office. Who's the same people -- the same law enforcement
3 agency that prosecuted in your case -- your son's case -- or
4 the same people that are in court this week. Are you able to
5 be fair and impartial to them in the -- in the case?

6 JUROR NUMBER 143: Yes, sir.

7 THE COURT: And are you willing to do that?

8 JUROR NUMBER 143: Yes, sir.

9 THE COURT: And are you willing to abide by the
10 instructions that I give you throughout the case?

11 JUROR NUMBER 143: Yes.

12 THE COURT: Okay. And do you have any questions about
13 any of that?

14 JUROR NUMBER 143: No.

15 THE COURT: Okay. All right. Thank you very much.

16 All right. All right. He stays at this moment. Okay. All
17 right. So we need to go over this list again. Who's out --
18 or do you all know who's out?

19 MR. SCOTT: I'm clear.

20 THE COURT: Okay. Okay. Everybody good? Are you
21 going to take a few minutes? Okay.

22 All right. So here's what we're going to do ladies and
23 gentlemen, you all have been waiting with us patiently.

24 We're going to take a 10-minute break. Okay? During that
25 break you can get a drink of water, you can use the restroom,

1 whatever you need to. That's going to give the attorney some
2 time to go through the list, and decide who they want to
3 pick, and who they do not want to pick on the case.

4 During that time, you should not be discussing the
5 case. You should not be discussing any of the answers that
6 you've given me. You should not be talking with anybody else
7 involved in the court -- in the courtroom. You should be
8 staying away from them. And just you -- you're welcome to
9 stay in here for the 10 minutes, if you want to. You're
10 welcome to go to the restroom or get a drink of water if you
11 want to, but just be back in here, ready to go in 10 minutes.
12 Okay. Thank you very much.

13 (Jury exits courtroom.)

14 THE COURT: All right. While we're waiting -- for just
15 a second, let me make sure that both the State and the
16 Defense understand the microphone system. So the microphone
17 in front of you, if it is on green, it is recording. If it
18 is on red, it is not recording. So if you need to speak to
19 me or to the jury it needs to be on green. If you need to
20 speak at your table, just leave it on red. But you're
21 welcome to take the microphone with you.

22 You don't have to hold it in your hand, but if you want
23 to move over here, just make sure your microphone is
24 somewhere near you. And that way it'll make sure it's
25 continually recording, and we all mess it up. I have my own

1 green and red button, so I'll mess it up. If you see Renee
2 kind of do this, that means she's not getting what you're
3 saying. So we got to figure out where the mic is. Okay.
4 And it takes -- it takes a little bit of time to learn it.

5 MR. SPEEDY: Is it like the debate where you turn them
6 off?

7 THE COURT: Yes. I -- I can turn -- I can turn off all
8 the lawyers, which is my personal favorite thing to do. I'm
9 kidding. That's a joke. That's a joke. You got to know I
10 -- I've known these lawyers, you know, for as long as I've
11 had a law license. So we -- we often joke with each other,
12 and we -- we mean it all in good spirit, but no -- but make
13 sure you're on green when you're wanting to be heard. Okay.

14 (Jury enters courtroom.)

15 THE COURT: All right. Ladies and gentlemen, welcome
16 back. So what we're going to do now is, we're going to
17 select the jury in the case. So all of you that have in here
18 -- that are in here, have been placed in a completely and
19 totally random order. You're no longer in alphabetical
20 order. You're no longer in numerical order. You're
21 completely and totally random. It's done by a computer
22 program. No one in the room has any control over it. We
23 just put in all -- all the names. And my unsophisticated
24 word for it is, they shuffle all the jurors.

25 Okay. So some of you will get out of jury duty and you

1 don't even know it because numerically we just won't get to
2 you. Okay. If you're near the bottom of the list. So
3 what's going to happen is, the clerk is going to call your
4 name. So when the clerk calls your name, I want you to stand
5 up right where you are. Okay. Then we're going to ask the
6 State, do they want to keep the juror, or excuse the juror,
7 and they'll say, please seat the juror or please swear the
8 juror or please excuse the juror.

9 And then, they'll ask the Defense do they want to keep
10 the juror or excuse the juror. If either side says, "Please
11 excuse the juror from the trial of this case." Just have a
12 seat. If both sides say, "Please swear the juror or please
13 seat the juror." Then gather all of your belongings. You're
14 going to come up right here, and we're going to put you in a
15 nice, more comfortable chair, okay?

16 All right. And so is the State ready to go?

17 MR. SCOTT: We are, Your Honor.

18 THE COURT: Is the Defense ready to go?

19 MR. SPEEDY: Yes, sir.

20 THE COURT: Okay. And, Ginger, you ready?

21 THE CLERK: Yes, sir.

22 THE COURT: Okay. Let's do it.

23 THE CLERK: Juror number 178, Charlie McCaskill. What
24 say for State?

25 MR. SCOTT: Please present the juror.

1 THE CLERK: What say the Defense?

2 MR. SPEEDY: Seat the juror, Your Honor.

3 THE COURT: All right. Come on up Mr. McCaskill and
4 bring all of your belongings with you.

5 THE CLERK: Juror number 10, Michael Aycock. What say
6 for State?

7 MR. SCOTT: Please present the juror.

8 THE CLERK: What say for Defense?

9 MR. SPEEDY: Excuse the juror for this trial, Your
10 Honor.

11 THE COURT: All right. Mr. Aycock, you can just grab a
12 seat. Thank you.

13 THE CLERK: Juror number 97, Elizabeth Gay. What say
14 State?

15 MR. SCOTT: Please present the juror.

16 THE CLERK: What say for Defense?

17 MR. SPEEDY: Seat the juror, Your Honor.

18 THE COURT: Come on up, Ms. Gay.

19 THE CLERK: Juror 160, Jenny Koumas. What say for
20 State?

21 MR. SCOTT: Please present the juror.

22 THE CLERK: What say for Defense?

23 MR. SPEEDY: Please excuse the juror for this trial,
24 Your Honor.

25 THE COURT: Have a seat, Ms. Koumas.

1 THE CLERK: Juror 43, Maria Brown. What say for State?

2 MR. SCOTT: Please present the juror.

3 THE CLERK: What say for Defense?

4 MR. SPEEDY: Seat the juror, please.

5 THE COURT: Come on up, Ms. Brown.

6 THE CLERK: Juror number 109, Rebecca Greenway. What
7 say for State?

8 MR. SCOTT: Please excuse the juror from this case.

9 THE CLERK: Juror number 22, Tammie Boucher. What say
10 for State?

11 MR. SCOTT: Please present the juror.

12 THE CLERK: What say for Defense?

13 MR. SPEEDY: Seat the juror, Your Honor.

14 THE COURT: Come on up, Ms. Boucher.

15 THE CLERK: Juror number 32, Charles Brazell. What say
16 for State?

17 MR. SCOTT: Please present the juror.

18 THE CLERK: What say for Defense?

19 MR. SPEEDY: Seat the juror please.

20 THE COURT: Come on up, Mr. Brazell.

21 THE CLERK: Juror number 237, Kathryn Ryan. What say
22 for State?

23 MR. SCOTT: Please excuse the juror from the trial.

24 THE COURT: Thank you, Ms. Ryan. You may have a seat.

25 THE CLERK: Juror number 66, David Cowart. What say

1 for State?

2 MR. SCOTT: Please present the juror.

3 THE CLERK: What say for Defense?

4 MR. SPEEDY: Seat the juror, please.

5 THE COURT: Come on up, Mr. Cowart.

6 THE CLERK: Juror number 208, Robert Parks. What say
7 for State?

8 MR. SCOTT: Seat the juror, please.

9 THE COURT: All right. Come on up, Mr. Parks.

10 THE CLERK: Juror number 247, Timothy Shaw. What say
11 for State?

12 MR. SCOTT: Please present the juror.

13 THE CLERK: What say for Defense?

14 MR. SPEEDY: Excuse the juror from this trial, please.

15 THE COURT: Thank you, Mr. Shaw. You may be seated.

16 THE CLERK: Juror number 131, Ami Horton. What say for
17 State?

18 MR. SCOTT: Please present the juror.

19 THE CLERK: What say for Defense?

20 MR. SPEEDY: Excuse the juror from this trial, please.

21 THE COURT: You may be seated, Ms. Horton. Thank you.

22 THE CLERK: The Defense has used four strikes and the
23 State two. Juror number 253, David Slaughter. What say for
24 State?

25 MR. SCOTT: Please present the juror.

1 THE CLERK: What say for Defense?

2 MR. SPEEDY: Seat the juror, please.

3 THE COURT: Come on up, Mr. Slaughter.

4 THE CLERK: Juror number 101, Matthew Gillespie. What
5 say for State?

6 MR. SCOTT: Your Honor, may we approach?

7 THE COURT: Sure.

8 You can grab a seat for a second, Mr. Gillespie.

9 (Bench conference.)

10 THE COURT: All right. Mr. Gillespie, come on up here.

11 All right. We were on juror number 101, Matthew Gillespie.

12 MR. SCOTT: Please excuse the juror.

13 THE COURT: Okay. You may be seated, Mr. Gillespie.

14 Thank you.

15 THE CLERK: Juror number 143, Kelley Jackson. What say
16 for State?

17 MR. SCOTT: Please excuse the juror.

18 THE COURT: Thank you, Mr. Jackson.

19 THE CLERK: Juror number 267, Jacqueline Timmons. What
20 say for State?

21 MR. SCOTT: Please present the juror.

22 THE CLERK: What say for Defense?

23 MR. SPEEDY: Excuse the juror from this trial, please.

24 THE COURT: You may be seated, Ms. Timmons. Thank you.

25 THE CLERK: Juror number 111, Neil Haag, what say for

1 State?

2 MR. SCOTT: Please present the juror.

3 THE CLERK: What say for the Defense?

4 MR. SPEEDY: Seat the juror please.

5 THE COURT: Come on up, Mr. Haag.

6 THE CLERK: Juror number 255, Alex Small. What say for

7 State?

8 MR. SCOTT: Please present the juror.

9 THE CLERK: What say for the Defense?

10 MR. SPEEDY: (Inaudible) five.

11 THE COURT: You've used five.

12 MR. SPEEDY: Excuse the juror please from the trial,
13 please.

14 THE COURT: You may be seated, sir.

15 THE CLERK: Juror 37, Stephanie Britt. What say for
16 the State?

17 MR. SCOTT: Please present the juror.

18 THE CLERK: What say for Defense?

19 MR. SPEEDY: Seat the juror, Your Honor, please.

20 THE COURT: Come on up please.

21 THE CLERK: Juror number 287, Madison Williams. What
22 say for the State?

23 MR. SCOTT: Present the juror.

24 THE CLERK: What say for the Defense?

25 MR. SPEEDY: Seat the juror, please.

1 THE COURT: Come on up, please.

2 THE CLERK: Juror number 93, Destiny Freeman. What say
3 for State?

4 MR. SCOTT: Please present the juror.

5 THE CLERK: What say for the Defense?

6 MR. SPEEDY: Present the juror please.

7 THE COURT: Come on up, Ms. Freeman. All right. We'll
8 pick two alternate strikes. Will be one and two on each
9 alternate.

10 THE CLERK: Juror number 21, Jaleesa Bess. What say
11 for State?

12 MR. SCOTT: Excuse the alternate.

13 THE COURT: Thank you, Ms. Bess.

14 THE CLERK: Juror number 293, Jack Wix. What say for
15 State?

16 MR. SCOTT: Present the alternate.

17 THE CLERK: What say for the Defense?

18 THE COURT: All right. What's the decision?

19 MR. SPEEDY: Seat the juror, please.

20 THE COURT: All right. Come on up, Mr. Wix.

21 THE CLERK: Juror number 283, Lawanda Welsh. What say
22 for the State?

23 MR. SCOTT: Please excuse the juror -- alternate from
24 this trial.

25 THE COURT: You may be seated, ma'am.

24 THE COURT: Okay. All right. Let's go ahead and close
25 that back door. Okay. All right. So here's what we're

1 going to do, ladies and gentlemen. I'm going to give you
2 about five or six minutes worth of information and then I'm
3 going to release you for lunch. Then when you come back,
4 we'll be ready to roll, and we'll roll right into what we
5 need to get this thing moving in the right direction.

6 Okay. So number one, thank you very much for your
7 service. I appreciate your service and your sacrifice that
8 you're making this week, as I know all the attorneys and
9 parties do as well. Right now, I'm about to give you some
10 rules. Okay? These rules are in place until I tell you
11 differently. Okay? And these rules serve a purpose. You
12 know, kids these days, always want to know why is that a
13 rule, right? When did that become a rule? They always want
14 to know the why, right?

15 So the -- and I'm going to explain to you the why. And
16 the why is to help us create a trial that is fair and
17 impartial to both sides. Okay. And that's the purpose of
18 these rules. And you'll understand them a little bit more as
19 I go through. But from this point forward, the rules are in
20 effect.

21 So let's kind of start with who is everybody in the
22 room? Okay. So my name is Robert Hood. I will be your
23 trial judge. I will tell you when to come back, and I will
24 be in charge of you from this point forward.

25 Okay. Seated right down here below me, this is Renee.

1 Renee, raise your hand. She is our court reporter. Now you
2 are in one of the only truly digital courtrooms in the entire
3 state of South Carolina.

4 So, Mr. Bradbury, hold up your mic. Okay. So all the
5 attorneys have these mics, and if you look on the bottom of
6 them, there's a little ring. And if the ring is red, that
7 means it's not recording. When the ring goes green, that
8 means it is recording.

9 Now, this is something new for the attorneys. Okay.
10 Because the attorneys are used to having somebody physically
11 typing everything that is happening. So there's a little bit
12 of -- of a learning curve with the mic. Because the lawyers
13 will get up and start talking. Their microphone will be on
14 red. Renee will raise their hands like this. And that means
15 you got to start over, and turn the microphone on green
16 because the microphone itself is recording.

17 Okay. So there's a little bit of a learning curve. So
18 when that happens, that's just -- that's not the way we've
19 been doing it for the past 100 years or more. So there's a
20 learning curve for everybody in the room, including me. I
21 have my own green and red button, and I'll turn myself off,
22 and then I'll start talking to you, and Renee will look at
23 me, and then I'll have to turn myself on. Okay. So that's
24 how that works.

25 This is Ginger. She's with the clerk's office. She's

1 actually going to be your next head clerk of court after the
2 election in a few weeks, but she will be with us during the
3 case.

4 Seated to my left, this is my law clerk. His name is
5 JD, and his last name is too hard to pronounce, but he works
6 for me. So he has graduated from law school, taken the bar
7 exam, and then he's spending a first year practicing law
8 working for me.

9 While I am here, I'm also in charge of every single
10 criminal case in the circuit, which is a number too big for
11 you to even comprehend. So there's probably, I don't know,
12 30 or 40 fires going on in Columbia that he has for me to put
13 out. So he may be in the courtroom, he may be out, he may be
14 walking in and out. He's doing a number of things all at the
15 same time while paying attention to the case. Okay.

16 This is Ms. Anderson. She will be your bailiff.
17 She'll show you to your jury room. She'll give you a badge
18 that says "Bailiff" on -- "Juror" on it. She'll get you your
19 snacks and all that kind of good stuff.

20 Okay? So first rule -- most important rule, if you
21 haven't been listening to me, now is the time to listen to
22 me. Okay. The first rule was one I start with is because
23 it's the most confusing. Okay. And it's this "You are not
24 allowed to talk about this case or discuss anything about
25 this case with anyone at all, including each other."

1 You all can talk about, is fall going to finally show
2 up this week. You can talk about what happened during the
3 hurricane. You can talk about your favorite spots in
4 North Carolina, and do they still exist or not? You can talk
5 about how bad the Gamecock football team is. You -- you can
6 talk about how Clemson hasn't played anybody all year, but
7 one game, right? You can talk about whatever you want to.
8 You can talk about whether or not you like year-round school.
9 You can talk about your kids, but you can't talk about the
10 case. Okay. Does that make sense? And you can't let
11 anybody talk to you about the case. Okay.

12 So somebody tries to start talking to you about the
13 case, "No Judge told us no", you can't talk about the case.
14 There comes a point in time during the trial when you're
15 allowed to start talking about the case. I'll tell you
16 specifically when that is, and I'll give you a very specific
17 sign of when that is. Okay.

18 Second thing is this, in the year 2024, we have all
19 these people in this country, who think they are
20 investigators on cases. Okay. Because of such things as
21 Dateline and podcasts, and books that do these deep dives
22 into these criminal cases.

23 And people, you know, my wife thinks she's some
24 investigator on a murder case in Iowa that I don't even know
25 what it is. All right. Because she listens to a podcast

1 about it every day, right? Okay. Your role is not the
2 investigator in this case. Okay? You should not be doing
3 any research. You should not be looking up anything about
4 this case. You should not be having any contact with anybody
5 involved in the case. You should not be doing any type of
6 your own research at home, or looking up something on your
7 phone, or on the news, or on the radio, or anything else.
8 Okay. Because you're going to hear everything you need to
9 hear about this case in the courtroom. Okay? And that's
10 where I want your source of information to be from, is from
11 the witness stand, not from some outside source or outside
12 information.

13 Okay. Look around and kind of see who's in the room.
14 You may see some of these people at lunch. Okay. I've done
15 enough trials in Camden to know, I usually see a juror or two
16 at lunch. Okay? These people should be ignoring you. You
17 should be ignoring them. Okay. They're not going to speak
18 to you. They're not going to say "Hello" or "Good morning"
19 or "Good afternoon." They're going to act like you don't
20 exist. Those -- they're just following my instructions.

21 So nobody there -- no one should be having any contact
22 with you. If I see you at lunch, I'm going to say, "Hey",
23 but outside of me, nobody else should be having any contact
24 with you, and you shouldn't be having any contact with them.

25 Right now, there's no news media in the courtroom. No

1 news media has asked to be present for this trial that they
2 want to come in the courtroom. They have to ask me
3 permission, but you shouldn't be. So you're allowed to watch
4 the local news, or however you take in the news in 2024, but
5 you shouldn't be doing any type of Google search, or internet
6 search, or research into any historical news cases.

7 Listen, I'm in the news once a month, maybe more.

8 Okay. It's never fun. Okay. But rarely is the news story
9 accurate about what actually happened in court. Okay. So
10 the news is not a source of information for this case. The
11 source of information for the case is the witness stand, and
12 the witnesses that come before you. Does that make sense?
13 Okay. Good.

14 Last thing, I need you to be on time. Okay. So
15 nothing can happen until all 14 of you are here. So if one
16 of you decides to be late, or one of you is somebody that is
17 perpetually late to things, I need you to turn over a new
18 leaf this week because I can't do anything if one of you is
19 late.

20 I'm literally -- you have all the court staff here, all
21 the lawyers here, all the witnesses here, you're literally
22 making somewhere between 30 and 40 people wait on you. So I
23 need you to be on time. I've known these lawyers for a long
24 time. We've all tried a bunch of cases together. This isn't
25 our first rodeo. They all know I'm going to be here -- I'm

1 going to be on time. I like to run things as efficient as
2 humanly possible with a jury. So please be on time.

3 Okay. So don't discuss the case. Keep an open mind
4 about the case. Don't do any research in the case, don't
5 have any contact with anybody involved in the case. All
6 right. My two alternates always need to sit here. It's rare
7 that I don't have to seat an alternate. So you need to be
8 paying attention, fully engaged, just like you were a normal
9 juror.

10 Where's Mr. Haag? You're going to be the foreperson of
11 this jury. Congratulations. You don't get paid any extra,
12 and your vote doesn't count any more. Okay. But somebody's
13 got to be in charge of communicating with me. So that's you
14 when you cut, not now, but when you come back in this
15 afternoon, I want you to be seated where this young lady in
16 the -- the burnt-colored orange, red sweater is. Okay. You
17 have an assigned seat. The rest of you can sit anywhere you
18 want to up here.

19 Okay. So I'm going to release -- release you for
20 lunch. We're going to start back at 1:15. At 1:15 you
21 should be in your jury room -- you're ready to go at 1:15,
22 we'll see you then. Head out this door. Ms. Anderson's
23 going to show you how to go out, and come in, and give you a
24 badge. Okay. Thank you very much.

25 (Jury exits courtroom.)

1 THE COURT: They out -- they out. Okay. All right.
2 Anything we need to take up for the State for pretrial
3 motions?

4 MR. SCOTT: Nothing from the State.

5 THE COURT: Okay. From the Defense, pretrial motions?

6 MR. SWERLING: No, sir. No, Your Honor.

7 THE COURT: Okay. And all right, so we're going to do
8 openings, and then you'll all be -- you all have witnesses
9 lined up for the afternoon?

10 MR. SCOTT: We do.

11 THE COURT: And what time do you need to finish a
12 little early today, or what's your thought process on that?

13 MR. SCOTT: If we -- if we're at a natural kind of
14 position where we can stop I'd -- I'd like to end today at
15 4:00 if --

16 THE COURT: Okay.

17 MR. SCOTT: -- if that's possible.

18 THE COURT: Okay.

19 MR. SCOTT: If not it's -- it's -- it's fine.

20 THE COURT: All right. And you all good to go over
21 here?

22 MR. SPEEDY: We're good.

23 THE COURT: Okay. All right. So, Ms. Catoe, let me
24 say this to you. I told you yesterday I'm going to allow you
25 to stay out on bond while the trial is going on. I have the

1 authority to take you into custody for any or no reason at
2 all. Okay. The law technically says, "Once the jury is
3 sworn, I'm supposed to take you into custody." Your case is
4 six years old. You're here, you're present, you're
5 participating, you have lawyers. These are all things that
6 go into my head as to whether or not I exercise my right to
7 take you into custody.

8 So I'm going to let you stay out on bond because of all
9 the reasons that I just stated. Your behavior today, this
10 morning, and yesterday has been exemplary. So I'm taking all
11 those things into consideration. I just need you to
12 understand that if you don't come back, or don't show up for
13 court for whatever reason, number One: I will issue a warrant
14 for your arrest. Okay. Obviously.

15 And number two, the trial is going forward, whether
16 you're here or not. Okay. And Mr. Speedy and Mr. Swerling
17 can explain to you how bad that usually goes for Defendants
18 when they don't show up, right? But I just need you to know,
19 if you don't show up, I'm marching forward. I'll issue a
20 warrant for your arrest, but the trial is going to continue
21 whether you're present or not, but I will issue a warrant for
22 your arrest.

23 MS. STACEY CATOE: Yes, sir.

24 THE COURT: Okay. All right. Does all that make
25 sense?

1 MS. STACEY CATOE: Yes, sir.

2 THE COURT: Okay. And, all right. 1:15, 1:15.

3 Listen, I'm happy for everybody that's in the audience to be
4 here. I really appreciate the fact that we have open courts
5 in this country, and in -- and in this state. I will say
6 this to you, I don't know who you're here on behalf of or
7 what side of the case, and I'm not really concerned with
8 those kind of things. Okay. That -- that doesn't matter to
9 me. But I will say this to you -- let me say this to you.

10 Number one, I need you to make sure your phones are on
11 off or silent. Okay. If your phone goes off, I'm going to
12 take your phone from you. Okay. Number one. Number two, I
13 need you to be on time. Okay?

14 Because when you come in and go out, and come in and go
15 out while the witnesses are going on, it's very distracting
16 for the jury. Okay. And so, you know, I'm not going to stop
17 somebody from going to the bathroom if you're in the middle
18 of a witness, but we want to keep people going in and out,
19 down to a minimum, and just to do that.

20 So because, I promise you, when you sit over here it's
21 very distracting when there's a lot of movement in the
22 courtroom. So just try to be on time and go to the restroom,
23 you know, during -- during the breaks. And we'll take plenty
24 of breaks. But the -- the -- as having as little movement as
25 possible allows the jury to focus more on the attorneys, and

1 more on the witnesses.

2 So whichever side of the case you're here for,
3 number one. I'm happy that you're here, and I welcome you to
4 be here, but just keep in mind that that movement is
5 distracting, and we want -- we want their attention to be
6 focused on what it needs to be focused on. Okay. All right.
7 So we'll start back at 1:15. Thank you very much. Thank you
8 for your hard work this morning.

9 (Off the record.)

10 (Jury enters courtroom.)

11 THE COURT: All right. Welcome back ladies and
12 gentlemen. Thank you very much for being on time. When we
13 met this morning, you took an oath, and that oath was to tell
14 me the truth -- the truth. You're now about to take an oath,
15 and this oath is different. This oath is your promise to me,
16 to the lawyers, to the parties, to the witnesses, to
17 yourselves, and to each other: That you will try this case
18 fairly and impartially. So if you will please stand and
19 raise your right hand. And if you accept this oath, please
20 state "I will" at the end.

21 (Jury sworn.)

22 THE CLERK: You may be seated.

23 THE COURT: All right. Thank you, Madam Clerk.

24 So before we begin the trial, I thought it might be
25 helpful to explain to you how a trial will work. So first,

1 the State or the solicitor's office will be allowed to make
2 a, what we call "An opening statement." Now, an opening
3 statement is not evidence. It is simply an outline to help
4 you understand what that party expects the evidence will
5 show. Oh, I'm sorry. Okay. The Defense will also be
6 allowed to make an opening statement if they want to, but
7 they do not have to, for reasons that I'll explain to you in
8 just a moment.

9 Following the opening statements, you will hear the
10 testimony in the evidence in the case. This will consist of
11 testimony from the State's witnesses, as well as any physical
12 exhibits, which may be introduced into evidence.

13 Following the completion of the testimony, the
14 attorneys will again come before you, and make what are
15 called "Closing arguments." And this is the attorney's
16 opportunity to summarize the case from their respective
17 points of view. Now, it's important that you remember
18 opening statements, closing arguments are not evidence, okay?
19 They're simply the -- the out -- the lawyers outlining or
20 summarizing the evidence.

21 Following the closing statements by the attorneys, I'll
22 instruct you on the law as it pertains to the issues that
23 have come up during this case. Once I have done that, at the
24 very end of the trial, I will then give -- give you a very
25 specific sign of when you may start deliberating in

1 discussing the case.

2 So what is your job? Okay. In a nutshell, the easiest
3 way to put it is this, it is your job to decide from the
4 evidence what the facts are, okay? You and you alone are the
5 judges of the facts. So you will hear the evidence, or in
6 some cases, you may see the evidence, like, a photo or a
7 diagram, or a video, or something like that. You will then
8 decide what the facts are, and then you will apply those
9 facts to the law that I give you, and that's how you'll reach
10 a verdict. In doing so, you must follow the law that I give
11 you, whether you agree with it or not.

12 So what is evidence? Evidence is the testimony of the
13 witnesses, as well as any exhibits, which are admitted into
14 evidence, and any facts on which the lawyers agree, or
15 anything that I tell you, you should accept. Do not take
16 anything that I do, or anything that I say, as any indication
17 of what I think your verdict should be, or what I think the
18 facts are. I'm not allowed to have an opinion about the
19 facts in the case.

20 So this is a criminal case brought by the State. They
21 charged the Defendant with murder. I've read the indictment
22 to you this morning. Now remember that indictment is not
23 proof of anything. It's not evidence of anything. It's
24 simply the document which gives this Court the authority to
25 hear this case. The Defendant has pled not guilty. She is

1 presumed innocent unless and until proven guilty beyond a
2 reasonable doubt. Proof beyond a reasonable doubt is proof
3 that leaves you firmly convinced of the Defendant's guilt.

4 A Defendant has the right not to testify, and never has
5 to prove innocence, or present any evidence at all. The
6 burden of proving this case is upon the state of
7 South Carolina.

8 Now, during this trial, you are going to hear things,
9 and you are going to see things that at first glance appear
10 to be, or sound like evidence, but they are not evidence. So
11 let's make sure we understand what is not evidence.

12 Number one, the statements of the lawyers and the
13 arguments of the lawyers are not evidence. Number two, the
14 questions that they ask, and the objections that they raise
15 are not evidence. Those -- that being the attorneys. And
16 number three, anything that I tell you to disregard. So
17 sometimes in cases, somebody says something that I wish they
18 hadn't said. Okay. And I say, "I want you to disregard what
19 he just said."

20 Now, I'm going to be honest with you. When I was a
21 lawyer, I struggled with this, right? Because I would say to
22 myself, how is the jury going to put that statement out of
23 their mind? You don't have a delete button in your brain,
24 right? You don't have a backspace button in your brain. And
25 so, I often struggled with that issue, but as I became a

1 Judge, it became clearer to me.

2 You know -- and what you have to do is, whatever I told
3 you to disregard, when it comes time to go through the
4 evidence, whatever I told you to disregard, is not part of
5 the equation on figuring out the case. But you don't have to
6 erase it, you don't have to act like it wasn't there. You
7 just can't consider it when coming up to a decision for your
8 verdict.

9 There's two kinds of evidence you may hear: Direct
10 evidence and circumstantial evidence. Direct evidence is
11 what somebody saw, heard, did, touched, sense by smell
12 something of that nature. Circumstantial evidence is
13 indirect evidence. That is, it is proof of one or more facts
14 from which you can then find another fact.

15 Under the law in South Carolina, you are allowed to
16 consider both direct evidence and circumstantial evidence,
17 and you're allowed to give equal weight to both of them. But
18 it is up to you to decide how much weight to give any piece
19 of evidence.

20 Now, throughout this trial, there are rules that govern
21 everything that we do. Okay. I'm not just making this up as
22 we go, okay? So rule book number one is the purple book,
23 okay? Law clerk day number one, we don't go anywhere without
24 this book. This book is the rules of evidence. Okay? So
25 these are the two rule books that are governing everything

1 that we do in court.

2 Okay? So here's what happens, when a lawyer asks a
3 question -- or let's say, they offer a photograph, and the
4 lawyer on the other side says to themselves, "I don't think
5 that's allowed under the rules." Then that lawyer can stand
6 up and say "Objection." And you've seen this, right? In
7 movies or TV or you've read it in a book, or something like
8 that, okay? And they may call out a rule, they may say 403
9 or 404(b), or 609, or 102, or all these rules have numbers,
10 okay? And that's why I keep them with me because I want to
11 make sure I'm reading the right rule, and understanding
12 specifically what they're objecting to.

13 And so if I overrule the objection, then whatever the
14 question was, the person is allowed to answer the question,
15 or if it's an exhibit, you're allowed to see it. If I
16 sustain the objection, then whatever the question was, the
17 person is not allowed to answer. Or if it's an exhibit,
18 you're not allowed to see it.

19 Okay. Here's what you can't do. Anytime I keep you
20 from hearing an answer, or keep you from seeing, or watching,
21 or listening to an exhibit, you can't guess or speculate what
22 the answer would've been, or what the exhibit would've shown.
23 Okay. There are rules that govern everything that we do in
24 court. We're all playing by the same rules. We're all aware
25 of what the rules are. Okay. So we're just -- I'm

1 administering the rules throughout the trial.

2 There will be times in this case when certain issues
3 come up, that I have to ask you to go back to your jury room.
4 So an issue may come up, a lawyer may say something, like,
5 "Your Honor, we have a matter of law we need to take up
6 outside the presence of the jury." Okay. So you go back to
7 your jury room, I decide the legal issue, I bring you back
8 in, we move forward.

9 Sometimes I'll just get them up here, and I'll say,
10 "You all stand up and stretch." Okay. You know, let's wake
11 up a little bit, twist, and turn. Make sure your bones are
12 moving. They'll come up here, I'll figure out the legal
13 issue, then we'll keep driving forward. Okay? Either way,
14 both ways are acceptable, but those are legal issues that
15 come up that I'm required to decide.

16 Now, I like to give this analogy. I've had jurors tell
17 me that this is a bad analogy because they don't like sports,
18 but I'm going to use a sports analogy. Okay. The best
19 analogy I can give you is, like, this is like a baseball
20 game, okay? And there's two teams, right? And in baseball,
21 which team bats first the visiting team, right? And that's
22 by rule. Which team bats last, the home team. That's by
23 rule. There are nine innings.

24 There's an exception to the nine innings rule. And
25 that is if they're both tied, right? So there's rules, and

1 there's exceptions, and then there's -- it's "three strikes
2 you're out" is a rule. Unless your third strike is a foul
3 ball, then you get to keep that it, right? And the judges
4 are the umpires. They're not on anybody's team, right?
5 They're just administering the rules amongst the parties,
6 okay? And everybody knows what the rules are, and we all
7 realize we're operating under the same rules, okay? And
8 that's the best analogy that I can give you.

9 One of the Supreme Court candidates years ago said, I'm
10 just -- "I'm calling balls and strikes." You know, I'm not
11 on anybody's team, I'm just calling balls and strikes. And
12 so that's a lot of what I'm doing in the courtroom. Okay.

13 Next issue, so to decide the facts of this case, you
14 have to figure out which witnesses to believe, and which
15 witnesses not to believe. We call this the credibility of
16 the witnesses. Here are the rules. You can believe every
17 single thing somebody says, you can believe nothing of what
18 the witness says. You can believe part of what a witness
19 says, and reject the remaining part.

20 Here are some things you may consider, but you're not
21 limited to. What was the witness's ability to see, hear, or
22 know what he or she testified to? How good was their memory?
23 What was their demeanor like while they were testifying,
24 their mannerisms? Do they have an interest in the outcome of
25 the case? Do they have any motive, or any bias, or any

1 prejudice where they contradicted by something they set or
2 wrote before the trial, or by other evidence that you
3 believe? How reasonable was the witness's testimony? And
4 consider the -- in light of the other evidence which you
5 believe.

6 Here's the bottom line, we judge people's credibility
7 all day long. Okay. From the moment you wake up until the
8 moment you go to bed, you are judging somebody's credibility.
9 You do it so much, you don't even know that -- you don't even
10 really realize you're doing it anymore. Okay.

11 The most recent example was the law clerk, and I went
12 to lunch, we walked into the Groucho's and they said, "We
13 have no carbonation, we have no soft drinks." Now, did I ask
14 to see the machine? No. Did I go back there and try to fix
15 it? No. I just believed the young man to service and order
16 something else to drink, right? But in that moment, I judge
17 his credibility as to why is he telling me this, and am I
18 going to choose to believe him or not, right? And you do
19 that all day long, and you do it with your common sense.
20 Okay? And you didn't leave your common sense downstairs at
21 the metal detector when you came back in this afternoon.

22 So in judging the credibility of the witnesses, just
23 use your common sense. Okay. You do it all day long, you'll
24 be just fine.

25 Now, as I told you a little while ago, before we broke

1 for lunch, you're not allowed to talk about this case with
2 anyone, including each other. That includes fellow jurors,
3 friends, family members, anyone involved in the case
4 discussions that are face-to-face, by telephone, text
5 message, email, blog, Facebook, Twitter, some kind of app
6 that I don't even know what it is. You can't use it to get
7 information, or send information about the case. You should
8 not be watching any news media about the case, and you should
9 not be doing any of your own research about the case.

10 After the case is submitted to you, you must discuss it
11 in the jury room with your fellow jurors, the attorneys and
12 the parties have been told not to talk to you. So if they --
13 if you see anybody involved in the case, and they ignore you,
14 they're not being rude. They're just following my
15 instructions.

16 Now, I'm going to give you one more example before I
17 stop. About nine months ago, I tried a case in Darlington.
18 I say the same thing in every trial, right? So these people
19 heard what you just heard. It was at the end of the day on a
20 Monday. And I had this very -- very well educated woman on
21 the jury who was a CEO of a corporation. And this case was a
22 burglary case.

23 And she left jury duty that night, and she went to
24 visit her mother who was in a nursing home, and who had been
25 in a nursing home for years. And she told her mother all

1 about the case, okay? Everything she learned that day --
2 every single thing I told her not to do, she went and did
3 anyway. And the mother's primary caregiver was the
4 Defendant's mom. Okay. So the whole case got messed up
5 because she didn't follow my instructions.

6 Okay. So these instructions are here for a reason.
7 They're here for protection of the process, and to make sure
8 we have a fair and impartial trial. So that's why we have
9 these instructions. That's why I take such time to explain
10 them to you. And I want you to understand the reasoning
11 behind them as to -- I'm just not saying these things just to
12 make up rules. I'm saying these things because they serve a
13 purpose.

14 All right. And we'll start with opening statement with
15 the State, like to make an opening statements?

16 MR. BRADBURY: Yes, Your Honor.

17 THE COURT: Okay, Mr. Bradbury, the floor is yours.

18 MR. BRADBURY: Thank you, Your Honor.

19 Good afternoon, ladies and gentlemen. I have an
20 interesting issue before us. I'm Michael Bradbury. I'm one
21 of the prosecutors on this case. I'm going to give you kind
22 of a brief forecast of what you're going to see in the next
23 couple days here.

24 Now, this is an extremely serious murder case, and it's
25 one of the most serious offenses that anyone can be charged

1 with. It's also a very simple case. We go back to murder
2 very serious, but everybody knows what murder is. You all
3 know what murder is. At the end of this trial, you'll
4 receive an instruction on what the legal definition of murder
5 is. But you all go in with your common sense, and your
6 understanding of what that is. It's going to be a bunch of
7 distractors that you hear in this case, you know, about
8 relationships and such. It's a lot -- a lot of things will
9 kind try to draw your attention away from the murder.

10 Now, Defendant Stacey Catoe, and her husband Jody, were
11 in would -- only really be determined as an open
12 relationship. And as always happens in those relationships
13 someone gets hurt. In this case, the individual who was hurt
14 was Brenda Coates.

15 Now, on June 17, 2018, Jody, and Brenda, and a large
16 group of friends were hanging out over -- over on the Wateree
17 on -- on Father's Day, just drinking on patio boats, having a
18 good time. Jody had left his truck back at the VFW off of by
19 Cato Road, and he -- he asked Brenda for a ride back there,
20 as they're going up to 521, and turned over onto the Cato
21 Road to -- to go towards the VFW.

22 They stopped so that Jody could -- could use the
23 restroom and grab another beer. Right at that time,
24 Defendant Stacey Catoe, pulled up right next to them, aimed a
25 gun from about eight to 10 feet away, and fired a round --

1 went right through Brenda Coate's neck, and she died right
2 there on the roadside.

3 Now, you're going to see evidence that shows that
4 Ms. Stacey Catoe fired that around. You're going to get
5 gunshot residue from her hand, gunshot residue from her
6 steering wheel, from her shifter, from the inside of her
7 vehicle at what was fired. That bullet was recovered inside
8 Ms. Coates vehicle, and it was mashed to the firearm
9 Ms. Stacey Catoe had -- it was collected from Ms. Stacey
10 Catoe. It's a simple case, it's not a "Who'd done it."

11 You're going to hear testimony from one of the only
12 three eyewitnesses there -- you have three eyewitnesses to
13 this murder. One is Ms. Brenda Coates, she's not here with
14 us. Other, it's Ms. Stacey Catoe. Third one is Jody Catoe.
15 You're going to hear that he identifies her as he's standing
16 there next to the vehicle, and sees that Ms. Brenda Coates
17 has been shot fatal to the neck, and tries to render aid to
18 her. Again, it's not a "who done it." There's going to be a
19 whole lot of gee whiz graphs and diagrams and, you know,
20 tracking down kind of the CSI Miami. Look at it. This is
21 again, a simple case.

22 At the close of the State's case -- or actually the
23 close of this trial, we're going to ask you to -- to return
24 verdicts. And in order to return that verdict, you're going
25 to have to pay attention to all the evidence you hear, and

1 that evidence will show you -- probably believe that that
2 evidence will show you, Ms. Stacey Catoe is in fact guilty of
3 this murder. And I implore each of you to pay attention
4 throughout this trial, and not be distracted by other things
5 that are going on. Focus on this murder, you're about to
6 hear the story. Thank you.

7 Thank you, Your Honor.

8 THE COURT: Thank you, Mr. Bradbury.

9 Would the Defense like to make an opening statement?

10 MR. SWERLING: Yes, Your Honor, May I please the Court?

11 THE COURT: Yes, sir.

12 MR. SWERLING: Solicitor, Mr. Hill. Good -- good
13 afternoon, ladies and gentlemen. How are you today? My name
14 is Jack Swerling, and I practice law in Columbia, but I'm --
15 I'm a regular visitor over here in Kershaw County, which is
16 part of the Fifth Judicial Circuit. And I've been coming
17 here for over 50 years, so it's a long time. I've known
18 Mr. Speedy, who is my Co-Counsel in the case just about that
19 period of time for that exact period of time. And he and I
20 will be representing Ms. Catoe, who was introduced to you
21 this morning.

22 You folks are the jury that was selected in this case.
23 You are -- the 12 of you, who will ultimately decide the
24 case. And there's 14 of you, but two of you are alternates,
25 but 12 will ultimately decide the case. And we have gone

1 through a process this morning of questioning you -- asking
2 you a number of questions.

3 And what's the purpose of that? The purpose of that is
4 so the Court, the State, and Mr. Speedy and I can make
5 decisions about who we want on the jury, and who we don't
6 want on the jury. This is a process that's been going on for
7 many, many years. And it goes on in this county, it goes on
8 in this state, it goes throughout the United States the same
9 way -- pretty much done the same way, empowering a jury out
10 to the community, and being questioned by the Court -- being
11 questioned -- questions that we submit to the Court. And you
12 were asked those questions.

13 During the process, the Judge excused a number of
14 jurors, then the jurors were presented to the State and the
15 Defense as to whether or not we wanted to strike those
16 jurors. You heard those words or whether we wanted to seat
17 those jurors or swear those jurors.

18 So -- and then obviously there were a number of jurors
19 excused by the State and by the Defense, and we don't have to
20 give reasons for that. The Judge basically strikes anybody
21 that he may feel does not give a -- an appropriate answer to
22 ensure that somebody's fair and impartial, but the Defense
23 can excuse anybody they want to.

24 And what ultimately you're trying to do is impanel a
25 jury of 12 here -- 14 people who have said that they can be

1 fair and impartial in the case. They don't come into court
2 with any preconceived opinions about whether or not a
3 person's guilty or not -- that they're going to apply the law
4 to the facts of the case. They have no outside influence,
5 and they're going to come in and render a fair and impartial
6 verdict. And that is what you just -- the oath that you just
7 took, actually ensures that it's actually one of the most
8 sacred oaths that you can take as a person in this country
9 because what you are -- are -- you are sitting between the
10 government, who has charged the crime, and a person accused
11 of a crime.

12 You are the persons who make that decision whether or
13 not they can prove their case. Not just bring the case --
14 not just say someone's guilty of an offense, but actually
15 prove that case beyond a reasonable doubt. And you are the
16 arbiters of that.

17 The Judge makes the decisions on the law. We make
18 objections. There might be an objection standing up by the
19 State. We may make objections. None of the objections we
20 make is personal with us. We all know each other. We've all
21 tried cases together with the Judge, with the prosecution,
22 with Mr. Speedy. So it's not -- it's never personal, but it
23 is, as the Judge told you, there are rules that we apply.
24 There are rules that we intend to see done in this case, and
25 -- and everybody abides by those rules.

1 But when we object -- when we stand up, and it may
2 sound like we shouting or whatever it may be -- a little back
3 and forth, it is not a personal thing. It's making and
4 ensuring that the rules of evidence are followed. And the
5 alter -- ultimate person who makes that decision is the
6 Judge. He decides the law. You decide the facts.

7 No one else decides the facts in the case. You are the
8 arbiters again, of the facts of the case. And your
9 determination is going to be whether or not the State has
10 proven guilt beyond a reasonable doubt, or they have not.
11 If they've proven the case beyond a reasonable doubt under
12 the principles that you will hear, then the oath that you
13 took requires you to find that person guilty. However --
14 however, if you have a reasonable doubt -- if there's a real
15 possibility that the State has not proven guilty beyond a
16 reasonable doubt, then you have an obligation under the oath
17 that you just took, to find that person not guilty -- not
18 proven -- not guilty -- not proven guilty beyond a reasonable
19 doubt.

20 The Judge gave you a little bit of a definition on
21 reasonable doubt. And basically, if at the conclusion of the
22 case, from the evidence -- or the lack of evidence are not
23 convinced beyond a reasonable doubt -- beyond that reasonable
24 doubt that the State has met its burden of proof, then you
25 have a reasonable doubt.

1 You -- you apply that almost every day in your
2 important decisions of your life. Sometimes you have a big
3 decision to whether buy a house, buy a car, where to send
4 your children to school. Those are big decisions that we
5 have to make throughout life. The difference is outside this
6 courtroom, you can weigh everything you can, pros and cons of
7 which everybody, does discuss it among yourselves and your
8 family. And if you have a doubt at that time, you can go
9 ahead. You don't have to go ahead and do what you were
10 anticipating or discussing.

11 However, if you have no doubt about what to do, then
12 you can go ahead and resolve that, and make that purchase,
13 buy that house, buy that car. You make those kind of
14 important decisions almost all the time, and the important
15 decisions in life. Not just every decision, but the
16 important decisions of life.

17 So the standard that the State has to meet is proving
18 guilt beyond a reasonable doubt. If we submit to you at the
19 end of the case, you'll have a doubt from the evidence, or
20 lack of evidence as to whether or not the case they brought
21 against Stacey Catoe has been proven.

22 There's one other important principle of law that we --
23 we are unique. The proof beyond a reasonable doubt and the
24 presumption of innocence are the foundation of our legal
25 system. We are unique in the world to have those principles.

1 And those principles have been in this country since the
2 beginning. They are still there, they're still intact, and
3 they're still most important.

4 And who decides those things? You do. You decide
5 whether they've proven guilty or beyond a reasonable doubt.
6 But let me help you on one issue, the presumption of
7 innocence way back -- way back in the old common law of
8 anyone, Judges decided that a person accused of a crime needs
9 to be presumed to be innocent.

10 When you look over there at Stacey Catoe right now, you
11 are to presume her to be innocent. That is the law in our
12 country. That's the law in this state, the law in this
13 county, she's presumed to be innocent. And guess what? That
14 presumption of innocence does not disappear from her
15 throughout the course of the trial. And it does not
16 disappear. Once you enter the jury room to decide whether or
17 not State has proven guilt beyond the reasonable doubt or
18 not.

19 That presumption of innocence follows any Defendant, no
20 matter what the charge, shoplifting or in this case, murder,
21 follows that person into the jury room until 12 people,
22 12 citizens of Kershaw County decide that the State has
23 proven guilt beyond a reasonable doubt. Only does the
24 presumption of innocence disappear or it is stripped from a
25 person accused of a crime.

1 And so, I -- I just ask you to consider that throughout
2 the course of this trial, not to make a judgment -- not to
3 make a decision until you hear everything -- until you go
4 into the jury room after you hear the Judge's instructions on
5 the law, and the closing statements by the lawyers. And
6 until that time that you are convinced beyond a reasonable
7 doubt that the State has made that proof, she's presumed to
8 be innocent and you are to assume and presume she is
9 innocent. And it doesn't disappear, as I said, until the
10 State has met its burden of proof and convinced 12 people --
11 they prove that case beyond a reasonable doubt.

12 The murder is the most serious crime that could be
13 brought against someone or that someone could commit.
14 There's nothing more serious. It's the killing of another
15 human being. The law and the Judge will explain it to you
16 later. Law of murder is this, it is killing of another human
17 being with malice aforethought.

18 Malice aforethought, which is a state of mind. It's an
19 evil -- evil's mind, a heart devoid of -- or mischief. And
20 it is, as I said, is -- it's the most serious crime that you
21 could possibly commit. You have to -- someone has to be in a
22 state of mind. Go ahead and want to take a life. And this
23 is what you're going to have to decide in this case, whether
24 or not Stacey Catoe meant to take a life, whether she acted
25 with malice aforethought, whether her conduct was intentional

1 or not, whether she killed Ms. Coates intentionally. You're
2 going to have to decide, and the Judge will give you a charge
3 on criminal intent. What that means is, someone has to have
4 the criminal intent to support a conviction of murder.

5 I will tell you right now, that there's not any dispute
6 that Ms. Coates died as a result of the -- a -- a bullet
7 fired from that gun. We're going to -- we don't want you to
8 have to be concerned about that. That is not going to be an
9 issue in this case as to whether or not the pistol that she
10 had killed Ms. Coates, unfortunately -- tragically, and the
11 family sadly has had to suffer for that.

12 The issue is going to be whether or not she did it
13 intentionally. The issue is going to be what her -- what her
14 state of mind was, and whether she was acting in -- with the
15 intent to kill Ms. Coates. And we submit to you that that
16 was not the intent. That was not what's in her mind. That's
17 not what her conduct was not -- not what her actions were.
18 There was no intent with malice aforethought to kill
19 Ms. Coates.

20 The Judge told you that the evidence in the case is
21 going to come from the witness stand. It's going to be
22 photographs -- is going to be maybe some lab reports from
23 SLED or wherever. And you are to pay attention to that --
24 listen to the witnesses in the case. But as the Judge told
25 you, one of the ways you do that is you have to judge the

1 credibility of witnesses.

2 And again, as the Judge said, "That's something you do
3 all the time." You always -- you always deciding
4 credibility, whether to believe somebody or not, whether
5 they're on TV, whether they're talking to you at a
6 restaurant, whether they're talking to you at a store,
7 whatever it may be, you have to judge credibility.

8 So what do you look at when you determine credibility?
9 We don't have classes for it. We don't have books for it to
10 tell you how to do it. There's nothing we can hand out to
11 you to tell you how to go ahead and judge credibility. But
12 what you look at is this -- I suggest you look at whether or
13 not the person testifying has a motive, an interest, bias, or
14 prejudice, and that their testimony is formulated or based
15 upon that motive, interest, bias, or prejudice.

16 Another thing you look at is whether that person is
17 consistent every time they've said something. Did they say
18 something before court? Is there a statement that was made
19 to somebody that's different from their testimony on the
20 stand, or throughout the course of the investigation were the
21 statements the same and consistent? If the statements not --
22 there's only one way to tell the truth.

23 So if in fact there are inconsistent statements, you
24 are entitled to use that in judging their credibility.
25 "Relationships", as the Judge said, demeanor on the stand.

1 Another factor I'd ask you to consider throughout the course
2 of this trial is whether or not the testimony that a person
3 gives, or the evidence that you see that's offered by the
4 State, is consistent with what we know from the scene of what
5 happened, and what we know is a fact as to what took place in
6 this case. You have to decide whether or not it is
7 consistent with that.

8 So there are -- there's a lot of decisions that you're
9 going to have to make at the conclusion of this trial.
10 You're going to hear closing statements by the Prosecution,
11 the closing statements by the Defense. You're going to hear
12 the Judge's instructions on the law.

13 All I ask you is this, on behalf of Stacey Catoe and
14 George Speedy, this is what I ask of you. Listen to all the
15 evidence in the case -- evaluate all the evidence in the
16 case. You can't discuss it among yourselves until you go in
17 and deliberate. You can't discuss it with anybody else. So
18 you can't get anybody else's opinion, until you go in the
19 jury room to deliberate on the case.

20 And we ask you to -- to take that presumption of
21 innocence with you into the jury room to deliberate, and not
22 take that "Robe of righteousness" we call it, or the
23 presumption of innocence away from a person, until you're
24 satisfied beyond a reasonable doubt that the State has met
25 its burden of proof.

1 Don't anticipate it's going to be a long trial, but
2 it's -- it's definitely a trial that you're going to have to
3 listen to the evidence in the case. And we submit to you
4 that the conclusion of the case -- when you go in to
5 deliberate, you'll have a reasonable doubt -- you'll have a
6 reasonable doubt as to whether or not the State proved this
7 case or not.

8 And at that point, we will submit to you that the
9 verdict in the case would be -- or should be not guilty, or
10 not proven guilty beyond a reasonable doubt. Either way you
11 want to look at it. It is -- that is a cardinal principle of
12 law. And in fact, let me just say this to you. You'll
13 render a verdict in the case. The word "Verdict" is from the
14 Latin and it's -- it means to speak the truth. The jury
15 speaks the truth in the case a valid verdict, that's exactly
16 what you're going to render in this case. We appreciate you
17 being here. I always enjoyed being in Kershaw County, and we
18 look forward to trying this case with you. Thank you.

19 THE COURT: Thank you very much, Mr. Scott Dole.

20 And is the State ready to call their first witness?

21 MR. SCOTT: We are, Your Honor. State calls
22 Patricia Crawford.

23 THE COURT: Okay. All right. Come over to Ginger and
24 will swear you in.

25 THE CLERK: (Inaudible) right hand.

1 PATRICIA CRAWFORD,

2 being duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. SCOTT:

5 Q. All right. Ms. Crawford, where are you employed?

6 A. Kershaw County 911.

7 Q. Okay. How long have you been there?

8 A. Twenty eight years.

9 Q. And what are your duties there?

10 A. I'm now director of the dispatch center.

11 Q. Okay. Did I -- or did my office ask you to review
12 a 911 recording that was taken June 17 of 2018?

13 A. Yes.

14 Q. Okay. And -- and were you able to review it?

15 A. Yes, I was.

16 Q. Okay. I'm going to show you State's number 36.

17 Do you recognize this?

18 A. I sure do.

19 Q. Okay. Is that the recording you reviewed?

20 A. Yes, it is.

21 Q. Are these recordings kept an ordinary course of
22 business with Kershaw County Dispatch?

23 A. Yes, it is.

24 Q. And I guess they're made and recorded at the time
25 -- or they're recorded at the time they're made; is that

1 correct?

2 A. Yes.

3 Q. And -- and that is a fair and accurate recording

4 --

5 A. It is.

6 Q. -- of the 911 call? And again, it was taken

7 June 17, 2018.

8 A. Uh-huh. Yes, sir.

9 Q. All right. Your Honor, the State offers State
10 Number 36 for admission into evidence.

11 THE COURT: Any objection?

12 MR. SWERLING: No, Your Honor.

13 THE COURT: You can go green. Wouldn't you say that?
14 Sorry.

15 MR. SWERLING: The case you gave me.

16 THE COURT: That's okay.

17 MR. SWERLING: No objection.

18 THE COURT: Okay. State Number 36 is admitted with
19 that objection.

20 (State's Exhibit 36 was admitted into evidence.)

21 BY MR. SCOTT:

22 Q. Patricia, have -- I don't think you -- you brought
23 your CAD report up there, did you?

24 A. I did not.

25 Q. If I showed it to you, would that be helpful in

1 determining some different times?

2 A. Yes.

3 Q. Events occurred. Are you able to tell when that
4 911 call was -- was placed with dispatch?

5 A. Yes.

6 Q. What time was that?

7 A. 21:33.

8 Q. Okay. That'd be 9:33?

9 A. Yes.

10 Q. P.m.; is that right?

11 A. Yes.

12 Q. 9:33 p.m. Okay. Do you have it notated when I
13 guess they're -- they go by numbers --

14 A. They do.

15 Q. -- deputies. Do you know Brian Morris? Do you
16 know his number on there?

17 A. I do.

18 Q. Okay. Can you tell when Brian Morris arrived on
19 scene?

20 A. His unit is number 40 and he arrived on scene.

21 Q. I've got 9:47, but correct me if that's incorrect.

22 MR. SWERLING: Sorry, what was the question? I
23 couldn't hear.

24 MR. SCOTT: What -- when did Brian Morris arrive on
25 scene?

1 MR. SWERLING: Thank you.

2 THE WITNESS: Yes. 9:47 is when he arrived on scene.

3 BY MR. SCOTT:

4 Q. 9:47.

5 A. Uh-huh.

6 Q. And the location is that in there? What is the
7 location of the incident that dispatch was responding to?

8 A. Yes.

9 Q. Is that indicate ---

10 A. 521 at Cato Road.

11 Q. 521 at Cato Road?

12 A. Uh-huh.

13 MR. SCOTT: Okay. Okay. Your Honor, permission to
14 publish the 911 call.

15 THE COURT: Okay.

16 (Audio played - inaudible.)

17 MR. SCOTT: Nothing further from the State, Your Honor.

18 THE COURT: Cross-examination?

19 MR. SPEEDY: We have none, Your Honor.

20 THE COURT: Okay. Thank you. All right. Thank you,
21 ma'am. Have a nice day.

22 And you may call your next witness.

23 MR. SCOTT: Brian Morris, Your Honor.

24 THE COURT: All right.

25 THE CLERK: Mr. Morris, please raise your right hand.

1 BRIAN MORRIS,

2 being duly sworn, testified as follows:

3 THE CLERK: You can have a seat on the witness stand,
4 and state your full name for the record.

5 THE WITNESS: Brian Morris.

6 DIRECT EXAMINATION

7 BY MR. SCOTT:

8 Q. Mr. Morris, back in June of 2018, where were you
9 employed?

10 A. Kershaw County Sheriff's Office.

11 Q. Okay. And were some of the things mentioned in
12 that 911 audio familiar to you?

13 A. Yes.

14 Q. Did you have an opportunity to respond out there
15 to Cato Road at Highway 521?

16 A. I did.

17 Q. Okay. You heard some testimony earlier about the
18 time you arrived there. Was it 9:47 p.m., does that sound
19 about right?

20 A. Yes.

21 Q. Okay. What were your observations when you got
22 there?

23 A. I arrived on scene, spoke to EMS, find out the
24 condition of the patient. Spoke to my deputy, and then spoke
25 to Mr. Catoe.

1 Q. Okay. Jody Catoe was on the scene at the time?

2 A. Yes, sir.

3 Q. Okay. Did you recognize his voice in the 911
4 call?

5 A. Yes.

6 Q. Okay. Correct me if I'm wrong, but it sounded
7 like there was a male voice and a female voice speaking with
8 dispatch.

9 A. That was one that had stopped -- I think you could
10 hear it in tape that said "They were passing by, but stopped
11 to assist."

12 Q. Let me -- let's explain that to the jury then. So
13 the male voice would've been Jody Catoe, the initial caller?

14 A. Yes.

15 Q. And then, we hear a female pick up the phone and
16 began speaking. Who was she?

17 A. She would be the passerby. She was a -- I guess,
18 off duty nurse that had stopped to see if they were okay, and
19 found -- seen the situation, and went to assist.

20 Q. Okay. And she was still on scene when you got
21 there --

22 A. Correct.

23 Q. -- Cato Road? Describe what is there where
24 Cato Road kind of comes off of Highway 521?

25 A. It is a T intersection and there's an old store

1 right there at the corner. And that's where the car was
2 pulled off to on the side of the road. When you make the
3 turn, there's a big white line, you know, showing where the
4 road is, and it was on the other side of the white line
5 closer to the building.

6 Q. Okay. And all right, so what -- did you -- did
7 you observe the victim, Ms. Brenda Coates?

8 A. Yes. The victim was sitting in the driver's seat.
9 There's an apparent gunshot wound to the side of the neck,
10 and a tremendous amount of blood coming out of her into the
11 car, and blood splattered in the car.

12 Q. Okay. And was she still alive to your
13 recollection when you got there?

14 A. No.

15 Q. Okay. Did you -- you spoke with Mr. Jody Catoe
16 then?

17 A. Yes. Once I got there, and got everything to find
18 out what was going on, got Mr. Catoe's name, telephone
19 number, asked him, you know, who was the suspect? He advised
20 me --

21 MR. SWERLING: Objection, Your Honor. He said.

22 THE COURT: You object to hearsay?

23 MR. SWERLING: Yes, hearsay.

24 BY MR. SCOTT:

25 Q. Okay. Were you able to ascertain the identity of

1 a suspect in this case?

2 A. Yes, sir, I was.

3 Q. Okay. And did you ask Mr. Catoe where this
4 suspect may be?

5 A. Yes.

6 Q. Okay. Were you given several possible locations
7 where this suspect may be?

8 A. Yes, sir. I've given several possible locations,
9 telephone numbers and everything.

10 Q. Okay. So you were given her telephone number?

11 A. Correct.

12 Q. Okay. Did you and/or other members of your office
13 make efforts to locate this suspect?

14 A. Yes, we did.

15 Q. Okay. Did -- did members of the sheriff's
16 department under your direction go to these locations where
17 this suspect may have been?

18 A. Yes, we were given a vehicle description.

19 Q. Okay.

20 A. And we went looking for that vehicle, and then we
21 went to the address checking for one.

22 Q. Okay. Well, let me ask you, who was the suspect
23 that you were looking for?

24 A. Ms. Catoe.

25 Q. Okay. What -- you know her first name?

1 A. Stacey Catoe.

2 Q. Okay. And the description of the car that she
3 would be in?

4 A. Burgundy Ford SUV, I think is an Escape.

5 Q. Okay. Did you -- did you go to her birth mother's
6 house?

7 A. I'd have to look back to -- I know we went to one
8 house on Damascus.

9 Q. Okay. You knew her father?

10 A. No -- I mean, I don't know his name.

11 Q. Okay. Seems like you knew her stepmother in the
12 body cam?

13 A. Yes.

14 Q. Okay. And what was her name?

15 A. Brenda.

16 Q. Brenda McClintock?

17 A. Uh-huh.

18 Q. Okay. Did -- did you speak with Willis McClintock
19 that night?

20 A. Yes.

21 Q. Okay. Did you come to find out that that was
22 Stacey Catoe's father?

23 A. Yes.

24 Q. Okay. Were there efforts made to call this
25 suspect on her phone number?

1 A. I'm sure there was. Yes.

2 MR. SWERLING: Your -- objection, Your Honor. Unless
3 he knows that I (inaudible) knowledge, I object to it.

4 THE COURT: Sustained. Disregard the answer please.

5 BY MR. SCOTT:

6 Q. Are you aware of Steve Knafelc in your presence
7 calling or -- or texting the phone number?

8 A. I know he was there, but I don't know.

9 Q. Okay.

10 A. I can't without watching my body camera because --

11 Q. Okay. That's fair enough. So 9:33 is when the
12 911 call came in, and you said, "You arrived at 9:47." Do
13 you know about when you were able to locate Ms. Stacey Catoe,
14 and where you located there?

15 A. I would've to look back at the CAD calls or my
16 body camera to do exact times.

17 Q. Okay.

18 A. The body cameras, you know, when we arrive on
19 scene, we activate them, and then everything's time stamped
20 on there, and recorded.

21 Q. Okay.

22 A. So --

23 Q. If -- if -- if I said, "1:47 a.m." --

24 MR. SWERLING: Objection, Your Honor. He doesn't have
25 firsthand knowledge --

1 THE COURT: Go green.

2 MR. SWERLING: All right. Sorry.

3 THE COURT: It's okay.

4 MR. SWERLING: I object unless he has firsthand
5 knowledge.

6 THE COURT: Lack of personal knowledge. Understood.
7 Sustained.

8 BY MR. SCOTT:

9 Q. Did you look at the CAD report earlier, and you
10 saw the exact time you arrived at Willis McClintock's house?

11 A. Yes.

12 Q. And you having difficulty remembering that as you
13 sit here on the stand? Is that what I'm hearing?

14 A. Well, I -- I mean -- just to make sure I look at
15 the CAD calls so I can give you exact, you know -- at 1:33
16 and whatever seconds.

17 Q. That would be helpful to refresh your memory?

18 A. Correct. Yes. We arrived at 1:32:03 is when we
19 went en route and arrived on scene at 1:42:22.

20 Q. And the -- in the early morning hours of June 17th
21 then; is that right? You said 1:42 p.m.?

22 A. 8:00 p.m.

23 Q. Okay. Okay. So if my math is right, was it
24 four hours between the time you arrived at the scene of the
25 homicide, and then actually locating Ms. Stacey Catoe?

1 A. Correct.

2 Q. Okay. But to your personal knowledge, in those
3 four hours you all were making efforts to locate --

4 MR. SWERLING: Objection as to leading.

5 THE COURT: Sustained as to leading.

6 BY MR. SCOTT:

7 Q. What efforts were made by your office and by
8 yourself, to locate within four hours locate Stacey Catoe?
9 Because you had a name -- you had a car description.

10 A. We had a name, car, different addresses. So it
11 would be me and the rest of the deputies working out,
12 patrolling the area, looking to that vehicle on the roads and
13 different addresses we were given.

14 Q. Okay. I want to show you a couple pictures. What
15 -- do you remember what car that -- that Ms. Coates was found
16 in that night?

17 A. It was a white little car. I don't remember
18 exactly make and stuff like that.

19 Q. Let me show you State's 5 and 6 and see if you
20 recognize those?

21 A. Yes, sir.

22 Q. What are those pictures of?

23 A. The vehicle that she was in.

24 Q. Okay. And where is -- where are those pictures
25 located -- where were those pictures taken?

1 A. At the corner of Cato and 521 in Westville,
2 Kershaw County. And like I said, you know, when you turn on
3 the road, there was that white line, and her car was on the
4 side of that white line.

5 Q. You said, "This is in Kershaw County"?

6 A. Yes, sir.

7 Q. This is State's 1, 6, 3, do you recognize those?

8 A. Yes.

9 Q. Okay. What are those?

10 A. That's the intersection of 521 and Cato with that
11 little, old store there.

12 Q. Okay. Those are just aerials?

13 A. Aerial photos of -- yes, sir.

14 Q. But do you recognize what ---

15 A. Yes, sir. You can even see the white line with
16 the turning.

17 Q. Now, in State's Number 1, you drew kind of like a
18 little -- I guess depiction of the general location where the
19 white car in the strip was found down --

20 A. Correct.

21 MR. SCOTT: Your Honor, the State offers
22 State's 1, 3, 5, 6 for admission into evidence.

23 MR. SWERLING: No objection to those exhibits, Your
24 Honor.

25 THE COURT: One, 3, 5, 6 State's admitted without

1 objection.

2 (State's Exhibit 1, 3, 5, 6 were admitted into evidence.)

3 MR. SCOTT: Okay. Your Honor, State -- let me publish
4 number five for admission into evidence.

5 THE COURT: You may.

6 Ladies and gentlemen, while they're setting this up so
7 everybody does it a little bit differently -- some people
8 blow it up on a board. We have this, you should be able to
9 look up here and see a screen; am I correct? I can't see the
10 screen.

11 MR. SCOTT: Yes, sir. Yes, sir.

12 THE WITNESS: Yes, sir.

13 THE COURT: All right. And then the goal is when they
14 put something up, you can actually see it, right? So it is
15 not, they're not trying to hide it from you, but sometimes it
16 takes a second for it to -- to make it up there, and then I
17 can see it on here, but you all can look up there and see it.
18 Okay. All right. Very good. Thank you.

19 I apologize, Mr. Scott, you may continue.

20 BY MR. SCOTT:

21 Q. Okay. So, Mr. Morris, this -- this would be the
22 car that you yourself observed that night?

23 A. Correct.

24 Q. And Ms. Coates was in driver's seat; is that
25 correct?

1 A. Correct.

2 Q. Okay. And then, the building back behind it, is
3 at what time?

4 A. It's an old, general store or something. I can't
5 sure -- exactly what I was looking -- but I know it's been a
6 little, you know, country store in past and stuff like that.

7 Q. (Inaudible) vacant for all?

8 A. Yeah, been vacant for all.

9 Q. And where was Mr. Jody taken when you arrived?

10 A. When I started speaking to him, he was up against
11 the building.

12 Q. Up on -- I have ---

13 A. (Inaudible) the right of there.

14 Q. State's Number 6. This is just a -- it's a
15 different angle of car where Ms. Coates was found in?

16 A. Correct.

17 Q. So I see the front passenger wheel, it appears to
18 be just kind of in the grass area that you referred?

19 A. Yeah.

20 Q. And then looking at States Number 1 up to where we
21 (inaudible). Did you attempt to kind of draw generally where
22 that white car would've been --

23 A. Yes.

24 Q. -- (inaudible)? State Number 1.

25 A. One dated.

1 Q. Okay. So this white kind of rectangle with the
2 black word, did you -- you kind of drew that on?

3 A. Yeah.

4 Q. That's general --

5 A. General area (inaudible).

6 Q. All right. And I'm looking at State's Number 1.
7 I'm talking about the road that goes north and south. That
8 is what road?

9 A. That's 521.

10 Q. Okay. And one that goes east to west?

11 A. That's Cato.

12 Q. Cato. Okay. So you said, "You went to an address
13 at Damascus Church Road"?

14 A. Yes.

15 Q. And did you -- did you come to learn whose home
16 that was?

17 A. Yes.

18 Q. Whose home was that?

19 A. The Ms. Catoe's, and we spoke to her father.

20 Q. Okay. Was that her father's residence or?

21 A. I -- I ---

22 Q. Do you know?

23 A. -- I don't know if that was her or father's I know
24 of we went to the address on that number.

25 Q. All right. And -- and Ms. Catoe was there?

1 A. Yeah.

2 Q. Okay.

3 THE COURT: Was that a "Yes"?, I'm sorry?

4 THE WITNESS: Yes.

5 THE COURT: Okay. Thank you. I'm sorry, I just didn't
6 hear you.

7 BY MR. SCOTT:

8 Q. Okay. And did you have any kind of conversation
9 with her?

10 A. I did not, no.

11 Q. Okay.

12 A. My body camera would've been activated, and all
13 the interaction I had with everybody there.

14 Q. Okay. Do you remember there being a number of
15 people there?

16 A. Yes.

17 Q. Okay. And did you speak with her mother or
18 stepmother?

19 A. Yes, sir.

20 Q. And did you speak with her father?

21 A. Yes, sir.

22 Q. Okay. Were you able to locate the car she had
23 been in?

24 A. I don't recall right off my head. I -- I'd have
25 to go back, and look at my body camera on that one.

1 Q. Okay. Were you there with the -- the lead
2 investigator that night, Justin Dill?

3 A. Yes.

4 Q. Okay. And were you present when he recovered some
5 items?

6 A. Yes. He would be the one to recover all that. I
7 was there just with my body camera, and he would be the lead
8 investigator doing the talking to him, and questioning, and
9 recovering any items, and stuff like that.

10 MR. SCOTT: Okay. Okay. Thank you.
11 Investigator Morris, you can answer any questions Defense
12 attorney might have.

13 THE WITNESS: Yes, sir.

14 CROSS-EXAMINATION

15 BY MR. SPEEDY:

16 Q. All right. You're retired now?

17 A. Yes, sir.

18 Q. Well, bless you for that. Twenty-five years here,
19 right?

20 A. Yes.

21 Q. You were -- when you were dispatched, and you
22 arrived at the scene at 9:47 -- that's what you're saying,
23 right?

24 A. Yeah.

25 Q. Tell me exactly when you arrived there, what's the

1 first thing you remember seeing?

2 A. The car sitting on the side of the road, and EMS
3 was at the car, and I believe there was a machine or
4 something up on the top of the car. I guess that's their
5 cardiac monitor or whatever.

6 Q. When is the first time you remember seeing
7 Jody Catoe at the scene?

8 A. I believe I walked over, and he was speaking to
9 Deputy Kobe.

10 Q. And -- and where was he located when you first saw
11 him?

12 A. I believe he was standing right there on that --
13 at that corner of that building talking to Kobe.

14 Q. Can we get that back up?

15 THE COURT: What number is it?

16 UNKNOWN MALE: Which one?

17 MR. SPEEDY: The -- the -- the picture, the -- the
18 location.

19 UNKNOWN MALE: It's (inaudible).

20 MR. SPEEDY: Okay. Who does that for us?

21 UNKNOWN MALE: I can do it just in a moment.

22 MR. SPEEDY: Oh, okay. Number one.

23 BY MR. SPEEDY:

24 Q. Where was he standing?

25 A. There was a little extension of the building on

1 (inaudible)?

2 Q. Yep.

3 A. And it did -- the far right corner down by the end
4 of it.

5 Q. Just so everybody is clear, are you tall enough to
6 reach up there?

7 A. I (inaudible) in my bed. We were at the little --
8 only connection towards the end. Towards -- towards the
9 right (inaudible) 521.

10 Q. All right. Did you search him?

11 A. No, sir. I don't believe I searched him, no, sir.

12 Q. Okay. How long do you think you stayed at -- how
13 long do you think you stayed at that location?

14 A. I do -- I can't recall that, Mr. Speedy.

15 Q. Could you give us a rough estimate?

16 A. Waiting for investigations, and then I'd have
17 stayed probably till we got the scene pretty much cleared up,
18 so I don't -- I -- without looking at the CAD call, I can't
19 tell you -- it was probably two hours or more.

20 Q. Okay. So if you got there north 9:47 -- 10:47 at
21 least 47. 10 -- 11:47, you were still there?

22 A. Yeah.

23 Q. All right. Where did you go next? Oh, I'm sorry.
24 Forgive me -- forgive me. Did you search the curtilage or
25 any place around the building?

1 A. No, sir. Not that I can recall.

2 Q. To any -- to your knowledge, did you see any other
3 officer search the curtilage, or any way around the building?

4 A. No, sir.

5 Q. How about across the road on either side?

6 A. No, sir.

7 Q. Okay. Did you see any other officer the whole
8 two hours you were there, search the other sides of the roads
9 or the curtilage or behind the building?

10 A. No, sir.

11 Q. I remember seeing in the -- in your -- I think it
12 was your videotape, or another videotape that they actually
13 wrapped the building. What do you -- what do you call that
14 police tape? What do you call that?

15 A. Crime scene tape.

16 Q. Crime scene tape. Forgive me, but I -- I think I
17 saw in your video where you all just took that crime scene
18 tape, and wrapped it around the building, and came out the
19 front?

20 A. Yes.

21 Q. And that was the crime scene area?

22 A. Yes.

23 Q. Crime. There wasn't anything else that designated
24 as a crime scene; is that correct?

25 A. Correct.

1 Q. So during that period, how many people you think
2 finally ended up there?

3 A. I'm not sure. Because I notified, you know, our
4 on call investigator -- investigation comes out, command
5 staff comes out, you had fire in there, EMS.

6 Q. Neighbor?

7 A. Oh, yes. I'm sure every -- everybody was there.

8 Q. It was a crowd from looking at your -- your body
9 cameras, it was a crowd out there, wasn't it?

10 A. Yes.

11 Q. And -- and besides the crime scene area that you
12 marked off, they were free to roam anywhere they want?

13 A. Yes, sir.

14 Q. Okay. Now -- so your next move was to where from
15 that location?

16 A. I know I left there, and went with
17 Investigator Dill. I believe we went to a house to speak to
18 him.

19 Q. Whose house?

20 A. I guess it was to speak to Mr. McClintock.

21 Q. Okay. Now, let's talk about that house. How far
22 is that house from that location right there?

23 A. I do not know. I can't tell you round about.

24 Q. Not far though, is it?

25 A. Not too far. No, sir.

1 Q. Less than five miles?

2 A. But I'm checking -- I can't tell you that, you
3 know, five to 10 miles.

4 Q. And doesn't Stacey Catoe live right next to that
5 residence?

6 A. I guess so.

7 Q. So it took you from 9:47 till 1:42 in the morning
8 to go to her residence, or the residence of her father,
9 looking for her?

10 A. No, sir. Like I told you, I was there for at
11 least two hours -- two or three hours -- without looking at
12 the CAD, I can't tell you exactly how long I was there.

13 Q. Right. But -- but you -- nobody -- no officer got
14 as far as, you know, on the scene to where Stacey Catoe was
15 located for until 1:47?

16 A. Without looking at the CAD, sir, I don't know.

17 Q. I think that's what -- what you testified to
18 though a little while ago. Was that what time you got there?

19 A. Yes, sir. By that thing.

20 Q. It don't take five hours to get -- four hours to
21 get there, does it?

22 A. No.

23 MR. SPEEDY: One moment. That's all we have, Your
24 Honor.

25 MR. SCOTT: Nothing further, Your Honor.

1 THE COURT: Thank you. Have a nice day.

2 INVESTIGATOR MORRIS: Yes, sir.

3 THE COURT: All right. You may call your next witness.

4 MR. BRADBURY: State calls David Miller.

5 THE COURT: All right. Come on up.

6 THE CLERK: Mr. Miller, you can raise your right hand,
7 and (inaudible).

8 DAVID MILLER,

9 being duly sworn, testified as follows:

10 THE CLERK: Have a seat on the witness stand, and state
11 your full name for the record.

12 THE WITNESS: David Miller.

13 MR. BRADBURY: Thank you, Your Honor.

14 DIRECT EXAMINATION

15 BY MR. BRADBURY:

16 Q. And how are you employed, Mr. Miller?

17 A. I'm currently captain of investigations at the
18 Kershaw County Sheriff's Office.

19 Q. (Inaudible). And how long have you been with
20 Kershaw County?

21 A. Last -- since 2015, I think.

22 Q. 2018?

23 A. '15.

24 Q. '15?

25 A. Uh-huh.

1 Q. So in June, 2018 you were --

2 A. I was -- I was an investigator assigned an
3 investigative division at the sheriff's office.

4 Q. How many investigators are there at the
5 Kershaw County Sheriff's Department?

6 A. Back then, I want to say there were eight of us
7 that worked normal crimes, property crimes, violent crimes.
8 We had one investigator that worked juveniles, domestics, and
9 then we -- we had a captain, Captain Knafelc, so there was
10 10 total people in that division.

11 Q. And when series offense or special offense happens
12 today, how are investigators assigned to that?

13 A. Generally what happens is -- is -- is the way we
14 do things, and the way we -- we did things back then is -- I
15 believe investigator gets on the scene, and he starts
16 figuring out what are the resources he's going to have to
17 have, whether it's more people, whether it's SLED, whether
18 it's people within our own agency, and -- and -- and you
19 start making notifications of -- of who you would like to
20 respond.

21 Q. And just to turn your attention to June 17, 2018,
22 were you involved in an investigation during -- on that date
23 involved --

24 A. I was.

25 Q. -- Stacey Catoe?

1 A. I was.

2 Q. Okay. Were you the lead?

3 A. No, sir.

4 Q. Who -- who was the lead investigator on that?

5 A. Justin Dill.

6 Q. So from point you're just saying,
7 Investigator Dill would've shown up first, and then the other
8 investigators would?

9 A. To -- to be honest with you, I -- I don't know
10 what their order of -- and I haven't looked at the CAD. I
11 don't know what the order was or -- of people getting there.
12 I -- I wasn't on the call that night. I -- I was at home,
13 probably watching TV to be honest with you. The phone rang
14 and -- and it was Captain Knafelc and -- and given where I
15 lived in Kershaw County at the time, I was probably the
16 closest investigator to -- to that location. And he called
17 me, and asked me if I -- if I'd be willing to come out and
18 help that night.

19 Q. So -- so you -- you just came out to help with the
20 investigation?

21 A. I -- I came out at -- at the request of the
22 captain.

23 Q. All right. Now, did you arrive on that -- that
24 scene at the Intersection 521 and Cato road?

25 A. I did.

1 Q. And what -- what investigative steps did you take
2 when you got there?

3 A. I -- I got there, of course it was, like -- like,
4 all incidents are like this. It was rather chaotic. We had
5 fire there, we had EMS there, law enforcement there. I -- I
6 remember making my way kind of through the maze of vehicles.
7 Speaking with Captain Knafelc's at first, I spoke Justin Dill
8 for a minute. At some point, I was asked to take Jody back
9 to the sheriff's office to interview him. I -- and that was
10 -- that was basically my time on scene. Because I took him
11 to the office. He was interviewed. I took him back, and
12 dropped him off at his mother's house, which is on 521. And
13 by that point, that -- that seemed clear.

14 Q. And the investigation continued -- that seemed
15 clear, correct?

16 A. And it continued from that point.

17 Q. All right. And were you involved in that
18 continued investigation?

19 A. I was.

20 Q. Okay. Now, did you collect any evidence or --?

21 A. I -- I went to -- I -- I was notified that -- that
22 my Captain Knafelc was on Damascus Church Road. I -- I don't
23 remember what the numerics was, but that they were out with
24 Ms. Catoe at that location. I responded there, I waited
25 around because I was -- I was informed that Investigator Dill

1 --

2 MR. SWERLING: Objection. Form. Hearsay.

3 MR. BRADBURY: It -- it is not being offered for the
4 truth of the matter, sir, Your Honor. It's not admissible
5 hearsay.

6 THE COURT: Okay. Rephrase the question.

7 MR. BRADBURY: Yes, Your Honor.

8 BY MR. BRADBURY:

9 Q. Now -- so after the -- the -- the actual incident
10 scene or murder ---

11 A. Uh-huh.

12 Q. Have been closed where -- where did you arrive at
13 or where was the next incident scene you went after you
14 dropped Jody?

15 A. I -- I went to what I later learned to be was
16 Mr. McClintock's address on the Damascus Church Road. Once I
17 was there, I waited for an Investigator Dill to arrive with a
18 search warrant. So -- so we could search that property.

19 Q. All right. And did you search any part of that
20 property?

21 A. I was handed the search warrant. I read that
22 search warrant for Mr. McClintock for his property. I read
23 that search warrant for Ms. Catoe's -- I think it's a Red
24 Ford Escape. I also informed Ms. Catoe that I was going to
25 perform a -- a -- a gunshot residue test on her.

1 Q. Did she follow that notice?

2 A. Yes, she did.

3 Q. And were you able to collect some samples from
4 her?

5 A. Yes, sir.

6 Q. I want to approach with previously marked for
7 identification purposes. It's State's 39 GSR kit. And do
8 you recognize this?

9 A. I do. That's my handwriting on -- on -- on it.
10 That's -- that would've been the one I collected that night
11 from Ms. Catoe at Damascus Church Road.

12 Q. And such of the lab -- the SLED tape on that, is
13 that the condition that you collected it in?

14 A. It is.

15 Q. Has it been changed or altered (inaudible)
16 actions?

17 A. No, sir. No, sir.

18 MR. BRADBURY: Thank you. The State would move to
19 admit State's 39 GSR kit from Ms. Stacey Catoe.

20 THE COURT: Any objection?

21 MR. SWERLING: I'm -- I'm sorry. We -- we -- we are
22 just asking each other a question. I apologize. What was
23 that?

24 THE COURT: That's the GSR kit.

25 MR. SWERLING: Oh no -- no objection.

1 THE COURT: No objection. Okay.

2 THE COURT: State's 39 is admitted without objection.

3 Thank you.

4 (State's Exhibit 39 was admitted into evidence.)

5 MR. BRADBURY: Thank you, Your Honor.

6 BY MR. BRADBURY:

7 Q. And thank you Captain. Did you collect any -- any
8 other items?

9 A. I -- I also collected Ms. Catoe's phone.

10 Q. All right. And you just previously -- you waited
11 for Investigator Dill to arrive with search warrants?

12 A. Yes, I did.

13 Q. Just approach with what from -- previously marked
14 for identification purposes, it's State's 38 and be one cell
15 phone, the Samsung Galaxy S5. And do you recognize that
16 action has been marked as State's 38?

17 A. I do. This is -- this is -- this is a brown bag.
18 I placed his phone in too, sealed it, then it was placed into
19 evidence at the sheriff's office, and that's my handwriting
20 on -- on the front.

21 Q. Is in the same condition --

22 A. Yes, sir.

23 Q. -- SLED tape?

24 A. Yes, sir.

25 MR. BRADBURY: Your Honor, the State will move to admit

1 State's 38 one Samsung S5, approached by Mr. Hilton --

2 MR. SWERLING: No objection.

3 THE COURT: Thirty-eight admitted without objection.

4 (State's Exhibit 38 was admitted into evidence.)

5 MR. BRADBURY: Thank you, Your Honor.

6 BY MR. BRADBURY:

7 Q. And when you were collecting these items of
8 evidentiary value, did you have any conversation with
9 Ms. Catoe?

10 A. I -- I just informed her that I wanted to perform
11 the GSR test on her. She -- she told me that -- that she had
12 -- had already washed her hands. In my notes, I wrote
13 several -- but to what exactly the number of times she told
14 me that, I don't remember exactly what it is.

15 Q. You say "Several." Are you saying that she said,
16 "Washing it several times"?

17 A. That -- that's what my notes indicated.

18 MR. BRADBURY: Can I have a moment, Your Honor?

19 THE COURT: Yes, sir.

20 MR. BRADBURY: Your Honor, that's the State's
21 questions.

22 THE COURT: Cross-examination?

23 CROSS-EXAMINATION

24 BY MR. SPEEDY:

25 Q. All right. (Inaudible) not retired yet, did you?

1 A. Not yet.

2 Q. Time -- time wise, what -- what time do you think
3 you got the call?

4 A. I -- I'll be honest with you, Mr. Speedy, I -- I
5 have no idea.

6 Q. What was on TV?

7 A. Probably in June, I was probably watching a
8 baseball game or something.

9 Q. Okay. You don't remember what time you got called
10 out?

11 A. No, I mean it was -- it was nighttime. I know
12 that, but it was dark.

13 Q. Now, you had -- how long does it take to get a
14 search warrant?

15 A. Depends on how long it takes to type it. I mean,
16 you know, as well as I do the information that goes in the
17 search warrant can be short -- it can be lengthy. And then,
18 you have to find a Judge because we -- we don't have one
19 that's readily available 24 hours. We may have to wake them
20 up. We may have to -- and -- and then on top of that,
21 investigator cars don't have printers in them.

22 So for us to type that search warrant, we've had to
23 have left that scene on Damascus Church Road, drive all the
24 way back to Lugoff, to the Sheriff's office, type that search
25 warrant, print it multiple copies because you're going to

1 have to leave and -- and, you know, there's not going to be a
2 copier at the location we're going to.

3 And then, you have to wake a Judge up and -- and find
4 him, and then go to his residence because he is not going to
5 come to you. And so, I mean, I -- I've gotten them from --
6 from a -- a magistrate court that lives downtown -- I've
7 gotten from him in 30 minutes. There's another magistrate,
8 she lives in Remer. So I mean that -- that search warrant
9 takes some time. So there -- there's no -- there's no set
10 amount of time in -- in how long it would take a search
11 warrant be ---

12 Q. Could you give us an estimate of what it took you
13 to this day?

14 A. I -- and I -- I'll tell you I can't, Mr. Speedy,
15 and the reason I can't is I left, and when I left,
16 Investigator Dill was still at -- on the scene with
17 Captain Knafelc. I left and took Mr. Catoe back to the
18 Sheriff's office where he was interviewed. And then, at some
19 point in that interview and leaving the Sheriff's office,
20 Investigator Dill wasn't there when I got there -- or wasn't
21 there when I left. We had to have passed somewhere along the
22 way while I was taking Mr. Catoe back to the mother's house.

23 Q. But it wasn't a short period of time?

24 A. It was not a short period of time. No, sir. If
25 -- if I -- if you wanted me to put a number on it, I'd say

1 45 minutes to an hour.

2 Q. That's to get it. How about to bring it back?

3 A. To bring it to -- to -- well you would've left
4 wherever you got it from, and straight to that -- that
5 location. And that's just a matter of where the Judge lived.

6 Q. When you took Mr. Catoe, he was somewhat
7 intoxicated, wasn't he?

8 A. Yes, sir.

9 Q. So much so that you had to terminate the interview
10 that evening early because of the nature of the responses you
11 were getting.

12 A. Yes, sir.

13 Q. Am I correct?

14 A. Yes, sir.

15 Q. And then, you did talk to him again the next
16 morning?

17 A. I remember right. It was another investigator,
18 but I was in the room.

19 Q. You were there, yeah.

20 A. I was in the room that night.

21 Q. I saw you in there.

22 A. I was in the room.

23 Q. Okay. It was you and Chuckie Baxley; is that
24 correct?

25 A. Yes, sir.

1 to remind you do not discuss the case. Now, human nature --
2 okay. Human -- we're all humans, right? Human nature is to
3 walk back in that room and go, "Did you hear what he said?
4 Did you see what she said?" You know, that kind of thing.
5 We're going against human nature. We're not going to talk
6 about the case. We're not going to let anybody talk to us.
7 Keep an open mind. It is 2:45. We're going to start back at
8 3:00, if you -- and we'll come get you at 3:00, and we'll
9 start back with the next witness at that point. Everyone
10 else stay seated while the jury is excused. Thank you very
11 much.

12 (Jury exits courtroom.)

13 THE COURT: All right. Anything from the State before
14 we break?

15 MR. SCOTT: No, Your Honor.

16 THE COURT: From the Defense?

17 MR. SPEEDY: No, sir, Your Honor.

18 THE COURT: All right. 3:00, 15 minute break. Thank
19 you very much.

20 Hey, you all make sure you leave the exhibits with
21 Renee. Don't walk off with them so we don't lose them.

22 (Off the record.)

23 THE COURT: We got a note from the jury that says
24 "What does CAD stand for?"

25 MR. BRADBURY: What does what?

1 THE COURT: CAD.

2 MR. SWERLING: I don't know. I can try to clear that
3 up.

4 MR. SPEEDY: CAD.

5 THE COURT: I'm going to inform them that I -- I'm not
6 allowed to answer factual questions.

7 MR. SCOTT: I'll make sure to ask some witness about
8 it.

9 THE COURT: Ask some witness if you want to -- what it
10 means. All right. Let's bring them back. Do we need to do
11 any criminal history on Mr. Catoe? I -- I have no clue.
12 Okay.

13 (Jury enters courtroom.)

14 THE COURT: All right. Welcome back ladies and
15 gentlemen. I received your note, and I have shared it with
16 the lawyers. I do need to inform you that I'm not allowed to
17 answer factual questions for you. So if you'll remember
18 you're in charge of the facts. I'm in charge of the law, so
19 I can't tell you what the facts are unless everybody agrees
20 on a certain fact. And so I am not allowed to answer that
21 question, but I have made the lawyers aware of what your
22 question was.

23 And you may call your next witness.

24 MR. SCOTT: Your Honor, the State calls Jody Catoe.

25 THE COURT: All right. Come on up, Mr. Catoe.

1 THE CLERK: (Inaudible).

2 JODY CATOE,

3 being duly sworn, testified as follows:

4 THE WITNESS: Jody Catoe.

5 THE COURT: All -- you got to get closer to that mic
6 bud.

7 THE WITNESS: Jody Catoe.

8 THE COURT: Thank you.

9

10 DIRECT EXAMINATION

11 BY MR. SCOTT:

12 Q. Okay. Mr. Catoe, June 17, 2018, where were you
13 living?

14 A. 3641 Damascus Church Road.

15 Q. Okay. And who lived there with you?

16 A. Stacey Catoe.

17 Q. Who else?

18 A. My daughter.

19 Q. Okay. Her name is Caitlyn?

20 A. Caitlyn, yes, sir.

21 Q. Okay. 2018, do you know at that time how long you
22 and Stacey had been married?

23 A. Twenty-three years.

24 Q. Okay. What were some things you guys liked to do
25 together?

1 A. I don't really know. Boating, riding around.

2 Q. A lot of drinking?

3 A. Yep.

4 Q. Okay. You -- you all would go to something called
5 "Pool Hall", is that --

6 A. That's correct.

7 Q. Okay. Would you hang out at the VFW?

8 A. Yes, sir.

9 Q. All right. Was there something called
10 "Littlefields" that you all hang out?

11 A. Yeah, that's one of the neighbors.

12 Q. Okay. Where else did you all get together and --
13 and drink?

14 A. Several neighbor's houses, River --

15 Q. Okay. So was that -- was that a big part of your
16 relationship -- just kind of getting together and consuming
17 alcohol?

18 A. Somewhat.

19 Q. Okay. Describe the nature of your marriage in
20 2018?

21 A. Heading south.

22 Q. Heading south or was it already south?

23 A. Pretty much.

24 Q. Okay. Somebody described it as an open marriage
25 in 2018. Would you describe it that way?

1 A. Well, I -- I don't know that I would describe it
2 that way, but I mean it ---

3 Q. Okay. Were -- were you seeing people outside of
4 your marriage romantically?

5 A. I was.

6 Q. Okay. Do you have knowledge of Stacey seeing
7 people outside of your marriage romantically?

8 MR. SWERLING: Objection, Your Honor. Approach?

9 THE COURT: Yeah.

10 (Bench conference.)

11 THE COURT: Sustained. The jury will -- excuse me.
12 Sustained. The jury will disregard his last answer, please.

13 BY MR. SCOTT:

14 Q. Okay. Had there been talk between you two about
15 divorce?

16 A. (Inaudible).

17 Q. Had there -- has there been talk between the two
18 of you regarding divorce?

19 A. It had been.

20 Q. Okay. And now I -- I'd asked you about yourself,
21 you were seeing other people?

22 A. I was.

23 Q. Okay. And namely Brenda Coates, you -- you were
24 seeing her romantically?

25 A. Yes, sir.

1 Q. Okay. And -- and did Stacey know about you and
2 Brenda Coates?

3 A. I think so.

4 Q. Okay. You think so? Or you know so?

5 A. Yes, I know so now.

6 Q. Okay. Does it seem like it was very hidden? Is
7 that fair to say? I mean, you would be out in public with
8 Brenda Coates, is that -- is that correct?

9 A. Yes, sir

10 Q. And at one point Stacey and Brenda were friends,
11 were they not?

12 A. Yes, sir.

13 Q. Okay. To your knowledge, had -- had Stacey
14 confronted Brenda Coates about you and she -- you and Brenda
15 seeing one another?

16 A. I know that she had now -- I mean -- know that
17 just --

18 Q. All right. So you're describing, I guess, a
19 failing marriage, is that -- I don't want to put words in
20 your mouth, but is that fair to say?

21 A. Yes.

22 Q. Why had -- hadn't you divorced her in June 2018?

23 A. I wanted -- wanted to see my daughter graduate.

24 Q. Okay. And I -- are you divorced from Stacey Catoe
25 now?

1 A. Yes, sir.

2 Q. And you remarried?

3 A. Yes, sir.

4 Q. Okay. And to your knowledge, has Stacey moved on
5 to other people too?

6 A. Yes, sir.

7 Q. Okay. But -- but you don't dispute June 17, 2018,
8 you two were legally married?

9 A. Yes, sir.

10 Q. Okay. So June 17, 2018, that was Father's Day,
11 was it not?

12 A. That's correct.

13 Q. Okay. Tell the jury what -- what you did at all
14 that day. Did you go to work that morning?

15 A. Yes, sir.

16 Q. Okay. Do you remember about what time you got
17 off?

18 A. Around midday.

19 Q. Huh?

20 A. Around 12:00.

21 Q. Okay. Where'd you go after work?

22 A. Home, and took a shower, and then went to VFW.

23 Q. Okay. Where were you working at the time?

24 A. Off of 26. I can't remember the exact plant, but
25 it was in Columbia.

1 Q. What was it?

2 A. It was a plant off of I-26 in Columbia, but I
3 don't -- I don't remember the name of the --

4 Q. What were you doing?

5 A. -- what it was. I was a rigger.

6 Q. A rigger?

7 A. Rigging supervisor.

8 Q. Okay. Okay. So get off work about noon, go home,
9 take a shower. Do you remember if Stacey was home at that
10 time?

11 A. I don't recall. I mean -- I'm not sure.

12 Q. Okay. Where did you go from there?

13 A. VFW.

14 Q. Okay. And that's on -- is that on old Georgetown?

15 A. That's on Shop Road.

16 Q. Old Shop Road. And that's in Kershaw?

17 A. Yes, sir.

18 Q. Okay. And do you remember Stacey texting you
19 while you were at the VFW?

20 A. I don't remember.

21 Q. Okay. Do you remember ever letting her know where
22 you were?

23 A. I think there was something about when I was
24 riding around, but I don't know if I told her that I went to
25 the River or -- I mean, I don't remember them parts, but I'm

1 -- I know I -- we talked one time I was riding around, I
2 reckon I might have been going to the River then.

3 Q. So you did talk to her at some point -- let her
4 know where you were?

5 A. Talked, or text or -- you know, I'm not going to
6 -- I don't remember exactly what it was, but there was -- it
7 was a talk or text one.

8 Q. Okay. What were you driving that day?

9 A. Work truck -- company truck.

10 Q. Okay. So --

11 A. From an industrial company truck.

12 Q. Okay. So you drive the work truck from work to
13 home to take a shower. And then, do you take the work truck
14 from your home on Damascus Road? Do you take that to the
15 VFW?

16 A. Yes, sir.

17 Q. All right. Who do you remember hanging out with
18 at the VFW?

19 A. Jim Wilson.

20 Q. Okay. At some point, did you and Jim Wilson make
21 some plans to do something other than to hang out at the VFW?

22 A. Yes, sir.

23 Q. Okay. What did you all decide to do?

24 A. We went to the river and rode the boat with some
25 more friends.

1 Q. Okay. Did --

2 A. They had called -- they had rented a boat, and we
3 went and got on the boat with them. We didn't take my boat,
4 we rode theirs.

5 MR. SCOTT: Okay. I just want to ask, can everybody
6 hear? Is anybody having ---?

7 THE COURT: It would be a big help if you would get
8 closer to the microphone, and speak up. Thank you.

9 THE WITNESS: Okay.

10 BY MR. SCOTT:

11 Q. All right. So you're at the VFW with Jim Wilson,
12 and you said, "Somebody called you and that they were down at
13 the river and wanted you all to come hang out?"

14 A. Right.

15 Q. Okay. And -- and what -- what was the plan down
16 at the river? What were you all going to do?

17 A. We went to Wateree, parked the truck, got on the
18 boat with some friends, and rode around on the boat.

19 Q. Okay. And now describe to the jury how you left
20 the VFW. Did you and Jim Wilson ride together? Did you all
21 drive separately?

22 A. Me and Jim rode in my work truck.

23 Q. Okay. So you drove your work truck from the VFW
24 down to Wateree Marina?

25 A. That's correct.

1 Q. And who were the friends you met?

2 A. Bobby Joe and Steven, Brenda, Stephanie, Davis, I
3 don't know. They was four, five, six, or seven out on boat.

4 Q. Okay. And now, was Brenda already there when you
5 arrived?

6 A. I -- I don't think she was on the boat yet -- or
7 she may have been. That's the one that I can't remember
8 because she actually worked on the other side from where the
9 Marina was at.

10 Q. Okay. Where was she working at the time?

11 A. At the Rivers Deck.

12 Q. Okay. And that's right there at Wateree Marina;
13 is that right?

14 A. That's correct. It's across the road.

15 Q. Okay. And did Brenda live somewhere near there?

16 A. Yes, sir.

17 Q. All right. So I mean -- best you can describe,
18 you and Jim pull up in your work truck, and you park it. Are
19 they waiting for you at the ramp or are they --?

20 A. Yes, sir.

21 Q. Okay. Had they already been out to your knowledge
22 --

23 A. They had already been out riding. Yes, sir.

24 Q. Okay. All right. So -- but you can't remember if
25 Brenda was already on the boat or she came?

1 A. I swear to that. I don't know if she was on there
2 yet, but I mean -- I know that she was -- she did -- she was
3 on the boat with us, but I don't know if she was on the boat
4 when we got on it or not.

5 Q. Okay. So Jim -- Jim Wilson had -- he left his car
6 up at the VFW?

7 A. That's correct. And left his truck at the VFW.

8 Q. What was the plan? How was he going to get back
9 to his truck?

10 A. He was going to go back with me.

11 Q. Okay.

12 A. But then he got a call from his wife, he had to
13 leave, so he went to -- drove my truck back to the VFW to get
14 his truck. And --

15 Q. So he --

16 A. I was going to ride with Bobby Joe and Steven.

17 Q. All right.

18 A. Did he ---

19 Q. Slow down, I'm going to flesh this out a little
20 bit. So originally the plan was you were going to drive your
21 work truck back to the VFW with Jim Wilson?

22 A. Right.

23 Q. All right. But you're saying, "His wife called
24 and said you need to come on home"?

25 A. That's correct.

1 Q. Okay. You weren't ready to go home yet, is that
2 -- is that true?

3 A. Right.

4 Q. All right. So what'd you do, let him borrow your
5 truck?

6 A. Yes, sir.

7 Q. All right. And what was the plan? How were you
8 going to get your keys back? What did you tell him to do?

9 A. Left the keys in the gas tank.

10 Q. At the VFW?

11 A. At the VFW.

12 Q. Okay. And you say, "You were going to ride back
13 with Steve and Bobby Joe"?

14 A. That's correct.

15 Q. Is that a husband and wife?

16 A. Yes, sir.

17 Q. Okay. Well, how -- how did that plan change?

18 A. They didn't -- they got to argue. They didn't
19 know which one of them was going to drive, and I just wasn't
20 listening to it. And I asked Brenda to take me to my truck.

21 Q. You asked Brenda to take you? Okay.

22 A. That's correct.

23 Q. Let me show you State's Number 37. Tell me if you
24 kind of recognize what this is?

25 A. VFW, Cato Road, Damascus Church Road,

1 Wateree Marina.

2 Q. Are all those locations relevant to you?

3 A. Yes, sir.

4 Q. And this be different places you were on that
5 particular date, June 17?

6 A. Yes, sir.

7 MR. SCOTT: State offers State's 37 for admission into
8 evidence.

9 THE COURT: Any objection to the map?

10 MR. SPEEDY: No, sir.

11 THE COURT: Thirty-seven without objection.

12 (State's Exhibit 37 was admitted into evidence.)

13 MR. SCOTT: Okay. (Inaudible)?

14 THE COURT: Yes.

15 MR. SPEEDY: Your Honor, is it okay if I reposition
16 myself at the seat?

17 THE COURT: Yes, sir. Of course. You're welcome to.

18 BY MR. SCOTT:

19 Q. Talking about you lived in 3641 Damascus Church
20 Road at the time?

21 A. That's correct.

22 Q. All right. You had gone to the VFW on the
23 Old Shop Road?

24 A. Old Shop -- Old Shop Road.

25 Q. And then you met Jim Wilson there?

1 A. Yes, sir.

2 Q. And the two of you took your truck down to Wateree
3 Marina?

4 A. Yes, sir.

5 Q. Okay. That's when you all got on the boat, and
6 rode around. How long were you all on there?

7 A. I don't know exactly. Several hours.

8 Q. Was it -- was it gone daylight when you got on
9 there?

10 A. It was -- it was about dusk -- dark. It wasn't
11 light, light, but it wasn't that dark neither.

12 Q. I guess you all drinking (inaudible) Road?

13 A. Yes, sir.

14 Q. All right. And so while -- while after Marina
15 (inaudible)?

16 A. That's correct.

17 Q. All right. At some point you did (inaudible)?

18 A. Right.

19 Q. So tell us the route that you recall. Did you
20 happen to pass by Cato, Damascus Church Road after you did up
21 that day?

22 A. Yes, sir.

23 Q. Okay. Did Brenda drive?

24 A. Yes, sir.

25 Q. And do you remember what car she did?

1 A. White Pontiac Sunfire.

2 Q. That's the two-door car?

3 A. Yes, sir.

4 Q. Okay. And you had a cooler with beer in the back
5 seat?

6 A. That's correct.

7 Q. Okay. So you passed by your residence
8 3641 Damascus Church Road?

9 A. Yes, sir.

10 Q. Okay. Who lived next door to you guys on
11 Damascus Church Road?

12 A. Willis McClintock.

13 Q. So her father (inaudible)?

14 A. Yes, sir.

15 Q. Okay. Were you aware that they had all
16 congregated in Willis' yard that day?

17 A. Not really. I mean -- I didn't.

18 Q. Okay. Do you -- would -- Stacey, to your
19 knowledge, would she have recognized Brenda's car?

20 A. I don't know. I mean, I -- I don't --

21 Q. You all together -- that car or anything like
22 that?

23 A. No. She -- I guess she knew what kind of car she
24 had, but I mean -- I don't know.

25 Q. But anyway, your testimony that you and Brenda

1 drove down to Damascus Church Road, where you would passed
2 your reside on Damascus Church Road, you were able to pass
3 (inaudible)?

4 A. Yes, sir.

5 Q. Okay. And ultimately, tell us what happens when
6 you drove the -- up Highway 521 Cato Road?

7 A. Turned on to Cato Road and stopped. I had to use
8 the bathroom. I got out, walked to the corner of the
9 building, I used the bathroom.

10 Q. Okay. So at the time, you all stopped at that
11 next location, you're on your way to where?

12 A. The VFW.

13 Q. All right. It is -- how many miles is it -- do
14 you know from that location, that intersection there VFW?

15 A. Five -- six miles, something like that.

16 Q. Okay. But you wanted to pull over so you could
17 urinate?

18 A. And get a beer.

19 Q. Get another beer? You pretty -- I don't know.
20 Can you give me -- I mean, a gauge of how intoxicated you
21 were? Maybe, like, on a level of one to 10? I don't -- I
22 don't know the best way to do it, but pretty drunk or?

23 A. I wasn't drunk, but I mean -- I'd been drinking.

24 Q. Okay.

25 A. I mean, been drinking pretty hard.

1 Q. Okay. So you "had to urinate" you said, and then
2 you also wanted another beer?

3 A. Yes, sir.

4 Q. Okay. And so what did you do -- you -- did you
5 ask Brenda to pull over?

6 A. Yes, sir.

7 Q. Okay. Did you have any knowledge that you had
8 been followed at that -- up to that point?

9 A. No, sir.

10 Q. Okay. Let me show you Exhibit 1, do you recognize
11 this?

12 A. Yes, sir.

13 Q. Can we publish 6, 1, 2? All right. And -- and is
14 that depict what you're -- what you're talking about the
15 little building, and everything right there at 521, and
16 Cato Road?

17 A. Yes, sir.

18 Q. Yes or you don't know?

19 A. Yes, sir.

20 Q. And you see the little -- the white rectangle
21 there, you agree that's -- is that -- you all parked the car?

22 A. Yes, sir.

23 Q. All right. And so was it dark outside?

24 A. Yes, sir.

25 Q. Okay. What did you need to do -- where was the --

1 cooler?

2 A. Here in the back seat of the car.

3 Q. Driver's side or passenger?

4 A. Passenger side.

5 Q. Let me show you State's 22 and 27. Do you
6 remember that?

7 A. I guess so.

8 Q. What -- what are we looking at, Jody?

9 A. Cooler sitting in the back seat.

10 Q. Whose cooler was that?

11 A. Mine.

12 Q. Okay. And looks like behind the driver's seat
13 there, is that how you remember?

14 A. I thought it was in the passenger seat, but I mean
15 that's -- that's my cooler.

16 Q. Okay. It happened when your cooler -- you were
17 trying to get some beer out?

18 A. Yes, sir.

19 MR. SCOTT: State offers State 22 and 27 for admission
20 into evidence.

21 MR. SPEEDY: No objection.

22 THE COURT: Twenty-two and 27. Did I say the right
23 numbers?

24 MR. SCOTT: Yes.

25 THE COURT: Okay. Without objection. Thank you.

1 (State's Exhibit 22 and 27 were admitted into evidence.)

2 BY MR. SCOTT:

3 Q. And okay, when you -- when you pull over, did --
4 did you have to -- how did your passenger seat get pulled
5 forward? Because it looked like in the pictures that had
6 been moved forward, did you do that?

7 A. To get the beer.

8 Q. To get the beer?

9 A. Yeah.

10 Q. Okay. Let me have State's 1 back up there again.
11 All right. You parked there. Did you get the beer -- I
12 guess before you go to pee?

13 A. Not probably, I don't think I used the bathroom
14 first.

15 Q. Went to use the bathroom?

16 A. Yes, sir.

17 Q. Where'd you go to the bathroom?

18 A. Corner of -- the left corner of the building.

19 Q. Looking at State's Number 1, it's the left front
20 corner of building; is that correct?

21 A. Yes, sir.

22 Q. All right. Walking here through -- after minutes
23 after you -- did you hear any cars coming -- or anything that
24 you remember?

25 A. No, sir. I started to get back in the car, and I

1 heard a pop, and I realized what went on, and I seen the car
2 going up the road.

3 Q. Okay. Who -- what -- what car did you see?

4 A. My Ford Escape.

5 Q. Okay. Who drives the Ford Escape?

6 A. It's my wife at the time. Stacey Catoe.

7 Q. Okay. Did she say anything?

8 A. No, sir.

9 Q. Okay. Did she ever come to a complete stop?

10 A. No, sir.

11 Q. Okay. Just fired the one time, and then kept on
12 driving?

13 A. Yes, sir. When I saw -- when I heard the pop, I
14 seen the car going.

15 Q. Okay. Do you remember yelling out anything after
16 -- after --

17 A. No, sir.

18 Q. -- the shot was firing?

19 A. No, sir. There was no words, but --

20 Q. And -- and you were never aware that she had been
21 following you?

22 A. No, sir.

23 Q. And what did you do -- when did you learn that
24 Brenda had been shot?

25 A. When I got back in the car, like I said, "I was

1 getting in the car when it went on, and then I seen the blood
2 and then -- I mean, you heard the 911 calls, and that's -- I
3 went around the back of the car, dialed 911, went to the
4 driver's side, and I was the one that was holding my finger
5 over the hole."

6 Q. Say again?

7 A. I was the one that the other lady was talking
8 about -- was holding my finger over the -- the shot.

9 Q. The gunshot wound?

10 A. Yes, sir.

11 Q. Okay. But I -- I imagine it's bleeding pretty
12 bad?

13 A. Yes, sir.

14 Q. Okay. Was Brenda saying anything?

15 A. No, sir.

16 Q. About how long did it take for the -- the -- the
17 woman we heard -- how -- how long did she pull up, or did it
18 take?

19 A. I -- I don't know that because it just -- it was
20 just a quick deal, you know, what I mean? I don't -- it
21 wasn't long because I was, you know, talking and then, I
22 mean, it wasn't -- I don't know, maybe a couple minutes or
23 so.

24 Q. But you called 911 right after the gunshot?

25 A. Yes, sir. I called it before I got to the

1 driver's side of the truck, or the car because I seen what
2 was going -- I mean, I seen the blood.

3 Q. Okay. Were you surprised to see Stacey Catoe out
4 there that night?

5 A. Yes, sir.

6 Q. Did you do anything to cause her to fire the
7 weapon in your direction?

8 A. No, sir.

9 Q. And then, you stayed behind to speak with law
10 enforcement?

11 A. Yes, sir. When they got there, they took me up
12 under her -- was over -- against that wall. And I mean -- I
13 stood out there beside that wall. I don't know how long --
14 long time, you know, talking to different ones.

15 Q. And then after -- after you left the scene that
16 night, do you remember going to the Sheriff's department to
17 speak with him some more?

18 A. Yes, sir.

19 Q. Do you remember the next morning coming back to
20 speak with him some -- even some more?

21 A. Yes, sir.

22 Q. And that night, did you give them Stacey Catoe's
23 phone number?

24 A. Yes, sir.

25 Q. So you gave them a way that they could contact

1 her?

2 A. Yes, sir.

3 Q. And did you give them some different locations
4 where you thought she could possibly be?

5 A. Yes, sir.

6 Q. Okay. Do you remember having somebody move your
7 truck from the VFW to a location on Cato Road?

8 A. Yes, sir.

9 Q. Who did that?

10 A. Eddie Louis.

11 Q. Okay. What -- what part did Gary Sowell have to
12 do with any of that?

13 A. Gary and Eddie was two -- standing there talking
14 to me.

15 Q. Okay. They showed up on scene?

16 A. Yes, sir.

17 Q. Did they live near that scene?

18 A. Yes, sir. They both lived within a half a mile of
19 there.

20 Q. Okay. And --

21 A. Well, I -- I'm not going to guarantee it -- that's
22 where Gary lives, but Gary's got a house that's right there
23 in front of where it went on.

24 Q. Okay. And so you asked them to move your truck
25 from the VFW to where?

1 A. To Eddie's house.

2 Q. Okay. Why did you ask them to do that?

3 A. Because it didn't need to be at the VFW overnight,
4 and I didn't know how long I was going to be gone, and when
5 it didn't, I told Eddie the keys was in the gas tank, and
6 take it to his house.

7 Q. Okay. What's the concern of leaving at the VFW?

8 A. It was a company truck.

9 Q. Okay. And so Eddie and Gary moved your truck from
10 the VFW to --

11 A. Yes, sir.

12 Q. -- Eddie's house?

13 A. To Eddie's house on Cato Road.

14 Q. Okay.

15 A. The next morning, that's where me and my mother
16 went and got the truck from was Eddie's house.

17 Q. Okay. Let me show you State's Number 40. What's
18 that?

19 A. Three eighty.

20 Q. Not any 380. What is this?

21 A. That was a gun that I bought.

22 Q. For who?

23 A. For Stacey.

24 Q. And how did she typically carry it? Did she carry
25 it, like, on her person typically, or did she keep it in a

1 night stand, or did she keep it in the glove box?

2 A. She (inaudible) in the glove box, console or --
3 you know, tuck it in the house at night, and then it's just
4 -- I'm not guaranteeing that it went in the house every
5 night, but sometimes it did, sometimes it didn't.

6 Q. You all take it in the house at night for the most
7 part, you're saying?

8 A. Yes, sir.

9 Q. Okay. But then, it would go in the console of the
10 Ford Escape, is that what you're saying?

11 A. Right.

12 Q. Who drove the Ford Escape?

13 A. She did.

14 Q. Okay. Did you guys keep that gun loaded
15 typically?

16 A. Not in the clip. I mean -- kept the clip pulled,
17 but not in the chamber.

18 Q. Okay.

19 A. Because it doesn't have a safety on it.

20 Q. Okay. So what -- what steps do you have to do to
21 chamber a bullet in that 380? Had you shot that before?

22 A. Yes, sir.

23 Q. Had Stacey shot it before?

24 A. Yes, sir.

25 Q. Okay. Did you all ever practice with it?

1 A. Probably did. I mean, we --

2 Q. No, no, probably.

3 A. I mean, we shot guns.

4 Q. Okay. Well that's not probably did. Did -- did
5 you or did you not practice with the gun?

6 A. Yes.

7 Q. Okay. And did -- did Stacey receive any kind of
8 training on how to fire the gun?

9 A. No, sir.

10 Q. Okay. So where would she shoot it?

11 A. At home.

12 Q. In the backyard?

13 A. Yes, sir.

14 Q. Okay. What did you all do? Set up a target or
15 something to shoot?

16 A. Yeah, I mean, when we shot (inaudible) set
17 something like that up -- targets, mailbox, I mean.

18 Q. Okay. And so did you -- you felt comfortable with
19 Stacey knowing how to operate the gun?

20 A. Yes, sir.

21 Q. And you yourself had witnessed her fire a number
22 of times?

23 A. Yes, sir.

24 Q. Okay. So the way you normally stored it there,
25 you couldn't just pick it up, and pull the trigger, and fire

1 a shot?

2 A. No, sir.

3 Q. You'd have to do what? Just slide?

4 A. Yes, sir.

5 Q. Slide it back to chamber of a bullet, and then
6 fire?

7 A. Yes, sir.

8 Q. Okay. Did you ever hang out at Willis
9 McClintock's house?

10 A. Yes, sir.

11 Q. Okay. Where would you and Stacey normally park
12 when you went over there? Let me show you State's Number 16.
13 You remember that?

14 A. Yes, sir.

15 Q. What's that?

16 A. Willis' driveway front yard.

17 Q. And just some trucks and stuff in the driveway?

18 A. Yes, sir.

19 Q. (Inaudible)?

20 A. Yes, sir. Maybe there, like, in the front yard,
21 aim back towards what was our house.

22 Q. Did you ever go to -- back behind the pond house
23 far as the woods, or anything like that?

24 A. No, sir, nothing unless I was back there hunting.

25 Q. Did -- did you go (inaudible) Stacey hunting that

1 night?

2 A. No, sir.

3 Q. All right. Did you have a pistol -- you have a
4 pistol too; is that correct?

5 A. Yes, sir. I have several.

6 Q. Stacey has a 380. And you have several other too?

7 A. Yes, sir.

8 Q. Okay. And did you have it on you that night?

9 A. No, sir, it was in my truck.

10 Q. Okay. What were you wearing that night?

11 A. Shirts, button-up shirt.

12 Q. Okay. And you had been at the lake all day?

13 A. Yes, sir.

14 Q. Okay. All right. And but your -- your gun was in
15 your truck, which was at the VFW?

16 A. That's correct.

17 Q. Okay. Okay. Anything else that night that you
18 recall that you -- I didn't ask you? That's how it happened.
19 You -- you're out using the restroom, and you just look up,
20 see the car, and hear a pop? Is that what you testified to?

21 A. I was getting in the car, and I heard the pop when
22 I was sitting down in the car, and then I seen the car going
23 up the road, and I knew what it was -- who it was.

24 Q. Okay. So she didn't stay behind and wait for law
25 enforcement to get there?

1 A. No, sir.

2 Q. Stacey, that is?

3 A. No, sir.

4 Q. And she -- she didn't stop to see if she hit
5 either one of you guys?

6 A. No, sir.

7 Q. Okay. Well, I see there was something else I
8 wanted to ask you. Did you call 911 immediately?

9 A. Yes, sir.

10 Q. And waited for them, and told them what -- what
11 you're telling us now?

12 A. Yes, sir.

13 MR. SCOTT: Okay. Please answer any questions
14 Mr. Speedy has for you.

15 CROSS-EXAMINATION

16 BY MR. SPEEDY:

17 Q. Mr. Catoe, I -- I'm really interested to know
18 where the Solicitor got this concept that you had an open
19 marriage. Did you tell them that?

20 A. No, sir. I mean -- I just did while ago when we
21 was talking.

22 Q. Now, you had three -- you had three interviews,
23 didn't you?

24 A. Yes, sir.

25 Q. And you never told him in any of those interviews

1 that there was any open marriage, did you?

2 A. I don't recall. I mean ---

3 Q. You had three interviews and in the first two you
4 never told them that you got out of the car to take a leak,
5 did you? Or a pee, I'm sorry. The way you called it.

6 A. I told them that the first night.

7 Q. You think you told him that the first night?
8 Well, I've listened to the interview, it is not on there.
9 You show me where it's at -- you get that interview and you
10 show me where it's at. You show me where it's at in the
11 first and the second. I challenge you today.

12 MR. SCOTT: Your Honor, is this a question or is it a
13 statement?

14 THE COURT: Let's ask questions, please.

15 MR. SPEEDY: Yes, sir.

16 BY MR. SPEEDY:

17 Q. Let's get back to your marriage for a little
18 while. You remember the first time you hit --

19 MR. SCOTT: Objection.

20 MR. SPEEDY: -- Stacey?

21 MR. SCOTT: Objection

22 MR. SCOTT: Your Honor, I -- there's nothing in the
23 evidence. I don't see any relevance in what he is asking.

24 THE COURT: All right. Ladies and gentlemen, step back
25 to your jury room. Don't discuss the case we'll be back to

1 you in a few moments.

2 (Jury exits courtroom.)

3 THE COURT: All right. So the question was, do you
4 remember the first time you hit Stacey? What's that got to
5 do with this case?

6 MR. SPEEDY: We're going to show you that it was a
7 consistent pattern throughout the marriage that she was put
8 in a position where she was beaten on several occasions that
9 we have testimony to that. That the house was shot up. I
10 have a lot of questions about the relationship between --
11 they said, "Well, he said it was an open marriage." I'm
12 going to show you that it was nothing like an open marriage.
13 It was a --

14 THE COURT: What's that got to do with abuse?

15 MR. SPEEDY: Well --

16 THE COURT: You're -- you're accusing --

17 MR. SPEEDY: Well, I think it's going to be -- I think
18 it's going to --

19 THE COURT: Be you're accusing him of 404(b) evidence.
20 It has nothing to do with whether or not she shot in the car
21 that way.

22 MR. SPEEDY: It does have something --

23 THE COURT: He -- he's not the victim.

24 MR. SPEEDY: It does have something to do with that.

25 THE COURT: You need to put it together for me because

1 right now I don't see it.

2 MR. SPEEDY: Well, I -- I can't -- I can't put it
3 together while he's on stand -- I'm going to put it together
4 on our direct examination of our -- our -- our -- on our
5 case.

6 THE COURT: I need a connection as to why -- whether or
7 not he physically abused her before, what that has to do with
8 this case. If you want to ask him about it.

9 MR. SPEEDY: Yeah, I think it goes -- Jack, just remind
10 me. It goes to her state of mind. Her -- the way she was
11 treated throughout the marriage goes to her state of mind.

12 THE COURT: The only evidence in the record is they
13 weren't even together that day.

14 MR. SPEEDY: Oh, yeah. They were, he -- he -- he said,
15 "He slept that night there."

16 THE COURT: No, I mean -- but around the time of the
17 incident, it's not -- yeah. I'm confused as to the
18 connection to --

19 MR. SPEEDY: I can make a connection if you want me to
20 -- if you give me the right to recall him in -- in my direct,
21 then we'll make the connection.

22 THE COURT: You mean in your case-in-chief?

23 MR. SPEEDY: Yes. My case-in-chief.

24 THE COURT: Oh, yeah, that's fine. I'm not going to
25 stop you from calling him in your case of chief, but at this

1 point, I don't know that I have enough information in the
2 record to say that you can go into a history of abuse between
3 Mr. Catoe, who is at this point, a witness, and Ms. Catoe.

4 MR. SPEEDY: We take the position there's a history of
5 abuse in his marriage. We're going to be able to show it and
6 prove it.

7 THE COURT: I don't know if there is or there's not,
8 but that just because you take that position doesn't make it
9 admissible with this witness.

10 MR. SPEEDY: All right, sir.

11 THE COURT: So I need a connection to how that's
12 relevant to this witness in a murder case where he's not the
13 victim.

14 MR. SPEEDY: All right. We'll make that connection
15 ultimately, so...

16 THE COURT: Okay. All right. Let's bring them back
17 in.

18 MR. SWERLING: Judge, can I step out the hallway
19 (inaudible)?

20 THE COURT: Yes, sir. Did he have any convictions for
21 domestic violence?

22 MR. SPEEDY: No, Your Honor.

23 THE COURT: Okay.

24 MR. SPEEDY: Yeah, the -- he was charged. He was
25 charged.

1 MR. SCOTT: Well -- and that brings up another, it was
2 expunged, and so I don't know how he's going to get into
3 that. There was an arrest once upon a time that's been
4 expunged completely from the records. If they want to open
5 that door there -- there's -- there's going to be some
6 testimony her firing a gun at him once upon a time. And I
7 don't know if they want to go down that road or not. That's
8 where they're walking the line -- now I haven't intended to
9 get him to that, but if they opened the door, I certainly
10 didn't.

11 THE COURT: Okay. But at this point, you know of no
12 convictions.

13 MR. SPEEDY: No.

14 THE COURT: Between him and -- between Mr. Catoe and
15 Ms. Catoe?

16 MR. SPEEDY: That's in the photograph -- that will be
17 helpful.

18 MR. SCOTT: The totality of his convictions is a public
19 disorderly conduct in 2015 and a DUI in 2021.

20 MR. SPEEDY: That's in photograph 2005.

21 THE COURT: I'm not saying you don't have a basis for
22 the question. My question that -- that the issue isn't, do
23 you have a good faith basis for the question? My issue is I
24 need to know whether or not Mr. and Ms. Catoe were in an
25 abusive relationship, for lack of a better term, has anything

1 to do with whether or not she murdered Brenda Coates.

2 MR. SPEEDY: I think that will become clear, but I
3 think there's another way I'm going to have to go about it.

4 THE COURT: Okay. All right. That's fine. Are we
5 waiting on Mr. Swerling or can we go ahead?

6 MR. SPEEDY: We can go ahead.

7 THE COURT: Okay. Let's bring them in.

8 MR. SPEEDY: Your Honor, would ask for that last
9 question to be stricken.

10 THE COURT: Yes.

11 (Jury enters courtroom.)

12 THE COURT: All right. Welcome back. Ladies and
13 gentlemen of the jury, disregard the last question about any
14 instance regarding Mr. Catoe striking anyone.

15 You may continue, Mr. Speedy.

16 MR. SPEEDY: Yes, sir, Your Honor.

17 BY MR. SPEEDY:

18 Q. You carry a pistol, don't you?

19 A. Yes, sir.

20 Q. You carry it everywhere you go. That's what you
21 say, right?

22 A. Not always on me in my vehicle -- but yeah -- I
23 mean, I got one with me usually everywhere I go.

24 Q. Everywhere you go. Why?

25 A. Just always have.

1 Q. Are you known to -- carry wherever you go?

2 A. I got my truck. I usually got my pistol.

3 Q. How about when you're not having in your truck,
4 you -- you known to carry your pistol, when you don't have
5 your truck -- when you're not in your truck?

6 A. Not always.

7 Q. Well, is it most of the time?

8 A. Most of the time.

9 Q. And it is sort of like this -- don't you do
10 something like this? Got it right here.

11 A. No, because it ain't right there. It's in my back
12 pocket.

13 Q. You don't do that?

14 A. No.

15 Q. Never done that?

16 A. I ain't going to say I've never done it, but -- I
17 mean it ain't nothing that I do every day.

18 Q. You've been pretty proud of the fact that you
19 carry a rough weapon around with you, haven't you?

20 A. I mean, what are you calling proud?

21 Q. I mean, you boasted about it wherever you went.

22 A. No.

23 Q. Did you have a CWP?

24 A. No.

25 Q. You know it's illegal to carry a weapon like

1 you're carrying it, without a CWP?

2 MR. SCOTT: Objection, Your Honor. That's a
3 misstatement of the law.

4 THE COURT: Actually not the law now.

5 MR. SPEEDY: Not the law now, Your Honor, in --

6 MR. SCOTT: Objection.

7 MR. SPEEDY: Okay. Let's -- I'll rephrase.

8 THE COURT: Okay.

9 BY MR. SPEEDY:

10 Q. Prior to 2018, did you carry your weapon in your
11 back pocket?

12 A. Sometimes.

13 Q. You know that's a violation of law, right?

14 A. I did.

15 Q. You carried it into the VFW, didn't you?

16 A. I have.

17 Q. No, that's a violation of the law.

18 A. Well, I also deal with money in the VFW because I
19 run the Turkey sheet there.

20 Q. So does that give you the right to do that?

21 A. Well, it makes it what they ain't worried about
22 stealing the money that I got there.

23 Q. I got you. So how about the Littlefield? You
24 carry it in there where -- there's alcohol?

25 A. I have.

1 Q. Security is about everywhere you went; is that
2 right?

3 A. Then I have.

4 Q. It's a picture of you. (Inaudible).

5 A. I think so.

6 Q. So this Defendant identification 1. So let's get
7 to the 17th of June of 2016 -- Okay. I'm sorry, 2018.
8 Forgive me. You say that "You stayed at your -- your house
9 on Damascus, 3641 Damascus Road -- Church Road that -- the
10 night before"?

11 A. That's correct.

12 Q. Where -- where had you been the night before --
13 before you went home to go to bed?

14 A. I don't recall that -- I mean, I don't remember,
15 but I worked that Sunday. I had to be at work early. I
16 worked at Father's Day Sunday morning, and I was at work at
17 about 6:00 the morning.

18 Q. Nice. So you came in -- you came into the house
19 at what time?

20 A. I don't know.

21 Q. Was Caitlyn there when you got home?

22 A. I don't believe that --

23 Q. Was Father's Day. Did you see Caitlyn?

24 A. What -- you're talking about was the night before?

25 Q. No, I'm talking about the 17th now, you -- what

1 time did you get off work? You said, "You worked the 17th",
2 right?

3 A. That's correct.

4 Q. What time did you get off work then?

5 A. About midday.

6 Q. Midday. And when you came in, and took a shower,
7 and went to the VFW. That's what you said?

8 A. That's correct.

9 Q. Did you see Caitlyn?

10 A. I don't know if I did or not.

11 Q. Doesn't she go to church during that period of
12 time?

13 A. Yes, sir.

14 Q. You think it's her -- her grandmother that takes
15 her to church?

16 A. That's correct.

17 Q. So she wouldn't have been there when you were
18 there taking your shower?

19 A. I'm not -- I don't believe that.

20 Q. Then you said "You went to the VFW"?

21 A. That's correct.

22 Q. And you stayed at the VFW how long?

23 A. I'm not exactly sure.

24 Q. Would you say an hour -- two hours?

25 A. So about that.

1 Q. All right. It was your intention to go to the
2 lake and meet up with Brenda; is that correct?

3 A. That's correct.

4 Q. And in your first interview, you kind of tried to
5 indicate that there was nothing going on between you and
6 Brenda. That's not true, is it?

7 A. That's correct.

8 Q. Even in the second interview, you said, "There
9 wasn't anything going on", but that wasn't true either, was
10 it?

11 A. I don't remember what was said.

12 Q. Yeah. Well, you were the third interview, you
13 were asked why you drove by your -- your house and you said,
14 "I wasn't doing anything wrong."

15 A. I wasn't. I was going to get my truck.

16 Q. You were taking your girlfriend by your house?

17 A. Yes.

18 Q. Your -- your truck was parked at Eddie Louis's
19 house; is that correct?

20 A. Not at that time. My truck was at the VFW where
21 my buddy Jim Wilson dropped it off.

22 Q. Okay. What time did your buddy Jim Wilson drop
23 the truck off?

24 A. I'm not exactly sure on the time.

25 Q. But were you headed back from the lake to the --

1 to the VFW to pick up your truck, or were you headed back to
2 Eddie Louis's house?

3 A. Headed to the VFW to get my truck.

4 Q. Well, now, that don't make any sense that you've
5 come from the lake all the way down here on Damascus Church
6 Road, then back up to the VFW. Doesn't make any sense, does
7 it?

8 A. That's the way we travel all the time. That's the
9 way we go.

10 Q. You travel the longest distance?

11 A. It's not the longest distance.

12 Q. What's the -- show me a shorter way. Get up on
13 that map and show me a -- a -- a longer way to go when you're
14 all's map. Get up there, and show me where it's house
15 longer?

16 A. I'm not saying that it's a shorter way -- I mean
17 that's the way we always went.

18 Q. So you go all the way down Damascus Church Road,
19 get down 521, and go all the way that back up to Church Road?

20 A. You go 97 to Neil Switch, and the one at the end
21 of Neil Switch is (inaudible) maybe I don't -- I don't know
22 what that one is. And then, go to DeKalb School Road, take a
23 right, go to 9 -- Flat Rock Road, take a left, take a right
24 on Damascus Church Road. You take a left on 521.

25 Q. But that's not a straight short (crosstalk) very

1 short? (Inaudible).

2 A. Ain't nobody said it had a (inaudible).

3 Q. That's the shortest route (inaudible) take the
4 shortest route?

5 A. No, not everybody.

6 Q. How many times did you drive by the house at
7 3641 Damascus Church Road with Brenda?

8 A. How many times?

9 Q. Yeah.

10 A. I don't know.

11 Q. More than this time?

12 A. Yes.

13 Q. How many more then?

14 A. I don't know.

15 Q. So you had no respect for your wife, that's for
16 sure, didn't you?

17 A. That's not correct.

18 Q. Well, why would you drive your car -- why would
19 you drive her by your house?

20 A. That's the route that we was going.

21 Q. You have no -- had no respect for Brenda or
22 Stacey, did you?

23 A. I had plenty of respect for both of them.

24 Q. But you'd drive them right by your house on
25 Father's Day. Did you stop and see Caitlyn?

1 A. What does this have to do with it?

2 Q. Did you stop and see Caitlyn?

3 A. I seen Caitlyn that day.

4 Q. When did you see her?

5 A. I kissed her by that morning before I left.

6 Q. What time was that?

7 A. Probably 5 o'clock.

8 Q. So that was the -- that was the amount of contact
9 you had with her on Father's Day?

10 A. Well, what does this have to do anytime with this?

11 Q. I --

12 MR. SCOTT: There's been a number of questions along
13 this line. I think he's answered, and it is irrelevant
14 frankly. I -- I don't know what it has to do with anything.

15 THE COURT: Sustained. Let's move on.

16 BY MR. SPEEDY:

17 Q. Okay. So you -- I noticed you called the -- the
18 Ford Escape your car, who bought it?

19 A. That's correct. It was in my name.

20 Q. That was your car?

21 A. It was bought for Stacey, and it to be for my
22 daughter to drive back and forth to school.

23 Q. Yes. You knew that car pretty well, right?

24 A. I didn't have it long.

25 Q. Well, did you know it, and if you saw it on the

1 road, would you know it?

2 A. Yeah.

3 Q. Okay. If she'd have passed you -- I'm talking
4 about Stacey on Damascus -- Damascus Church Road or any roads
5 between there that you -- you say you traveled on. Would you
6 have seen it?

7 A. I don't know that I would've seen it.

8 Q. You wouldn't have recognized her as she passed?

9 A. I don't.

10 Q. Not many cars traveled down that road on a Sunday
11 evening, do they?

12 A. I don't know how many cars there.

13 Q. It's your statement that you drove down to 521,
14 and then you took a left up, and then you took a right on
15 Cato Road going to Eddie Louis's house?

16 A. No, I took a right going to the VFW.

17 Q. Now, why would you take a right to go to the VFW?

18 A. Because I was taking a right on Cato Road. You
19 get to the stop sign, you take a left on Georgetown to go to
20 the VFW.

21 Q. That's a -- that's a -- that's a long way to go --
22 out of ways too, isn't it?

23 A. No.

24 Q. Why don't you go up 521?

25 A. You got the two different turns to make you go

1 down 521.

2 Q. How many turns you got to make if you go down 521?

3 A. Don't -- you just said, "Two".

4 Q. Pardon me?

5 A. That's what I just said. You got two -- two
6 different turns. You got to make the turn down 521 to go to
7 the VFW.

8 Q. If you turn on Cato Road and then go down, that's
9 two turns too, isn't it?

10 A. That's exactly right.

11 Q. So --

12 A. But it's quicker that way.

13 Q. It's quicker?

14 A. Yep.

15 Q. So it's quicker to leave Beaver Creek, drive all
16 the way down, up to Cato Road over to the right, and then up
17 to VFW?

18 A. Yes, it is.

19 Q. Okay.

20 A. To me.

21 Q. So when did -- what time of the night then did
22 your truck arrive at Cato Road at Eddie Louis's house?

23 A. I have no idea. I was at the detention center
24 then.

25 Q. Okay. So -- so how would you have known -- how

1 would you have known to tell David Miller that your truck was
2 at Eddie Louis's?

3 A. Because Eddie was out there after this happened,
4 he asked me was there anything he could do. I said, "Yes, go
5 to the VFW and get my truck, keys are in the gas tank."

6 Q. So --

7 A. And take it to his house.

8 Q. So this was after that?

9 A. Right.

10 Q. Still at the -- at -- at -- at Cato Road -- at the
11 scene?

12 A. That's correct.

13 Q. So you're taking the position that it -- that's
14 when it was moved?

15 A. Right.

16 Q. And was your gun in there?

17 A. Yes, sir.

18 Q. And where was it?

19 A. In my boot.

20 Q. Where was your boot?

21 A. In the truck. I don't --

22 Q. Where in the truck?

23 A. I don't know where -- but sitting in the
24 floorboard if it's behind the seat or where. I mean, I don't
25 -- I don't -- I can't recall that exactly.

1 Q. It's your -- it's your testimony that you drove
2 up, and you turned into Cato Road -- the first time you said
3 -- first interview you said, "To get a beer." Second time
4 you said, "To get a beer" the third time you said, "To get a
5 beer and maybe take a pee." Now which one was it?

6 A. I mean, I've done both.

7 Q. You've done both?

8 THE COURT: There's some route up here, Mr. Speedy.

9 MR. SPEEDY: Yes, sir.

10 THE COURT: Don't see what you're looking for.

11 BY MR. SPEEDY:

12 Q. So let's just kind of go through it then. So you
13 pull in the car -- you were a passenger?

14 A. That's correct.

15 Q. Brenda was driving?

16 A. Yes, sir.

17 Q. You get out of the car?

18 A. Yes, sir.

19 Q. You get a beer then, or did you go take a pee
20 first?

21 A. I don't recall which way it was. I don't remember
22 which one I got done first.

23 Q. Well, if you'd have got a beer, you'd have the
24 beer in your hand, wouldn't you?

25 A. That's correct.

1 Q. If you would've got a beer, there would've been
2 beer -- evidence of the beer laying around someplace,
3 wouldn't there? You didn't put it back in the cooler, in
4 other words.

5 A. I don't know.

6 Q. Well, to -- to your -- to your knowledge, was
7 there any beer found outside of your car? What -- what kind
8 of beer was in there? First, let's talk about that.

9 A. I think it was (inaudible) dry.

10 Q. Okay. Do you know if any full or partially empty
11 cans were found around the truck -- around the car?

12 A. I don't know anything about that.

13 Q. So if that's -- if there were none, it would seem
14 to indicate that you hadn't got into the cooler yet?

15 A. I don't know. I mean -- I don't know if it was
16 anything found or not. I don't know.

17 Q. Well, I guess only thing we can rely on is you
18 man. Did you get into the cooler or not?

19 A. I don't know.

20 Q. So you say you walked back to the -- so you --
21 where -- the way you would've walked would've been backed to
22 your -- to your right as you got out of the vehicle?

23 A. That's correct. To the left --

24 Q. To the corner of the building?

25 A. To the left of the building.

1 Q. Okay. And while you were there, nobody appeared?

2 A. No, sir.

3 Q. Then you say, "You walked back to the car at this
4 point in time and were getting" -- you said, "You were
5 getting back into the car"?

6 A. That's correct.

7 Q. Well, did you have -- were you into the car yet or
8 how fast -- how far were you in?

9 A. I don't recall exactly how far I was in the car.

10 Q. Well, you had -- did you have one leg in?

11 A. I don't know.

12 Q. Yeah. Were you about to sit down?

13 A. I don't know.

14 Q. Because what's really intriguing is that you can
15 reach that cooler, if that's what you were going to get. You
16 can reach that cooler by just reaching behind the driver's
17 seat, and opening up, and getting the beer, can't you?

18 A. Yes.

19 Q. So you wouldn't have to get out of the car to get
20 a -- to get a beer?

21 A. That's correct.

22 Q. But you say, "You would've had to get out to take
23 a pee"?

24 A. Yes, sir.

25 Q. Okay. How much longer was it till you got to the

1 VFW?

2 A. Like, seven -- I guess five or six miles away.

3 Q. Okay. But is that 10 minutes?

4 A. Yeah.

5 Q. Then you say, "You just heard a pop"?

6 A. That's correct.

7 Q. You didn't see the -- you didn't see a car pull up
8 or anything?

9 A. Just seen it driving off.

10 Q. You saw it driving off?

11 A. Going up the road. Yes, sir.

12 Q. Did you ever describe to the -- to -- to the
13 police, how far it was from Brenda's car when you first saw
14 it?

15 A. It was the back end of it is what I seen going up
16 the road.

17 Q. Okay. Was that eight to 10 feet from you?

18 A. Probably further than that.

19 Q. How far away do you think it was?

20 A. I don't know. I mean, I could make out the back
21 of the car.

22 Q. So it's your testimony -- it just went flying by
23 you and ---?

24 A. I ain't said nothing about went flying by.

25 Q. All right. Well you -- so you're -- you're --

1 you're at -- let's go back then. You're at the corner of the
2 building, you don't see a car, right?

3 A. That's correct.

4 Q. You walk over to the car, and you're -- you're
5 getting in the car?

6 A. That's correct.

7 Q. Still don't see a car?

8 A. That's correct.

9 Q. And then suddenly you hear a pop and you see the
10 back end of a car?

11 A. That's correct.

12 Q. So that's pretty -- that's pretty fast, isn't it?

13 A. Well, if you look the stop sign is right there --
14 I mean, you got to turn in out there. I mean -- you can look
15 at them pictures, and see how far -- how close 521 was from
16 us.

17 Q. Did you say that you -- you -- you were --
18 solicitor asked you if -- if you were drunk -- you were
19 pretty drunk, weren't you?

20 A. I had been drinking.

21 Q. Oh, they terminated the first interview with you
22 because you weren't making any sense, didn't they?

23 A. I don't know.

24 Q. Well, they terminated it, right?

25 A. I don't know.

1 Q. Called you back in the next morning?

2 A. Yes.

3 Q. Gave you another opportunity; is that right?

4 A. I mean -- I went back in the next morning.

5 Q. Tell me about this gun -- that's 380 that you
6 bought -- did you ever fire it?

7 A. Yes, sir.

8 Q. How often did you fire it?

9 A. I don't believe that.

10 Q. Fire as much as Stacey?

11 A. I don't believe that, no.

12 Q. Okay. You ever remember it double firing?

13 A. No, sir.

14 Q. Ever remember malfunctioning/jamming?

15 A. No, sir.

16 Q. Never at all?

17 A. No, sir.

18 Q. You know what they refer to those guns as, don't
19 you?

20 A. No, sir.

21 Q. They're 380 TCPs. Is that what it was?

22 A. It's a Taurus 380. I mean -- I don't know.

23 Q. Okay. And you don't remember ever -- have it ever
24 double fire when you were shooting at the range?

25 A. No, sir.

1 Q. You never remember it jamming?

2 A. No, sir.

3 Q. You also said a little earlier that she "Would
4 take it in at night out of the car"?

5 A. Sometimes.

6 Q. And this -- that's the first time that came up
7 because in none of those interviews, did you ever say that;
8 is that right?

9 A. I don't know.

10 Q. Well, do you remember telling them about the --
11 the -- where they -- where she kept the -- the -- the gun?

12 A. Remember telling what about?

13 Q. The interviewers -- the police officers were they
14 -- were questioning you. Where did you tell them she kept
15 the gun?

16 A. Was in the console -- was in the truck.

17 Q. You didn't tell her that she took it in tonight.
18 You said, "It was in the truck", kept in the console in the
19 truck, didn't you?

20 A. I'm not saying that it went in every night.

21 Q. How many nights of the year does it go in?

22 A. I don't know.

23 Q. When is the last time you looked at that weapon in
24 the truck?

25 A. I don't know that either.

1 Q. Prior to this incident?

2 A. I don't know that.

3 Q. Would it been a week before?

4 A. I don't have a clue.

5 Q. A month before?

6 A. I don't have a clue.

7 Q. Well, how can you tell the jury then that it was
8 -- it didn't have a -- a -- a shell -- a -- a shell in the
9 chamber?

10 A. Because we didn't never keep one in it there.

11 Q. As we didn't ever keep one in it?

12 A. That's correct.

13 Q. Okay.

14 A. Because it don't have a safety, that's the reason
15 you don't keep one in it that way.

16 Q. Yeah, but it -- it's safe unless you -- unless you
17 hold it, or drop it, or hit it on something, isn't it?

18 A. I don't want one that way. Not with no safety on
19 it.

20 Q. You don't want one with no safety on it?

21 A. Not with there one in the barrel.

22 Q. Okay. So let's get back to the open marriage
23 thing. You got pretty angry when you found out that maybe
24 she was having some form of relationship with somebody else,
25 didn't you?

1 A. I did.

2 Q. That was right before -- right before this
3 occurrence?

4 A. I don't recall when it was.

5 Q. Okay. Do you remember confronting Ms. Huebner at
6 the house? Remember pulling in front of her truck, keeping
7 her from leaving?

8 A. I pulled behind it.

9 Q. Keep her from leaving?

10 A. Yeah, she was in my backyard.

11 Q. You got out and you pulled your gun out, didn't
12 you?

13 A. Shot in the air one time.

14 Q. Shot in the air one time. What'd you do that for?

15 A. Scare. Trying to figure out what they was doing
16 and what she was doing in the yard.

17 Q. Why would you want to scare somebody by shooting
18 in the air?

19 A. Why would she want to be in my backyard?

20 Q. So your -- your -- your attitude is that you have
21 the right to use that gun but scare people?

22 A. I didn't say that.

23 Q. That wasn't the first time you used to scare
24 people, was it?

25 A. Yeah.

1 Q. Well, you scared -- you scared Stacey was it,
2 didn't you?

3 A. I don't recall.

4 Q. You don't recall shooting the house up in the
5 kitchen?

6 A. Yes, sir.

7 Q. Would that scare her?

8 A. Yes, it did.

9 Q. You remember shooting the bathroom up?

10 A. Yes, sir.

11 Q. You think that would scare Stacey?

12 A. I don't know.

13 Q. You don't know. Did you fix the holes in the
14 ceiling?

15 A. I did.

16 Q. Is this -- is this your assistant job?

17 A. Excuse me?

18 Q. That your assistant job?

19 A. No.

20 Q. You (inaudible)?

21 A. No.

22 Q. The whole (inaudible)?

23 A. Not all of it.

24 Q. You put (inaudible) bathroom?

25 A. Not all of it.

1 Q. (Inaudible) one of the bathroom. Did you fix
2 them? (Inaudible).

3 A. No, I don't.

4 Q. Well, then would be safe -- would it be safe to
5 say that if you don't know if you fixed them, then you didn't
6 fix them?

7 A. You asked me if I fixed them. I said, "I do not
8 know if I fixed them."

9 Q. Now, not only did you try to scare her that night,
10 but you -- you sent Ms. Huebner a -- a text, didn't you?

11 A. I did.

12 Q. And that text said "So what's up now you really"
13 -- excuse my language -- "fucked up my family. You stupid
14 bitch. I'll get you for my daughter's sake." Didn't you
15 tell her that?

16 A. Yes.

17 Q. And then she said "What are you talking about? I
18 haven't done anything." And then you respond.

19 MR. SCOTT: Objection to hearsay, Your Honor.

20 MR. SPEEDY: No, this is okay. I'll -- I'll not say
21 what she said. I take -- I asked to strike that.

22 THE COURT: Okay.

23 BY MR. SPEEDY:

24 Q. The second thing you said was, "You and Stacey
25 said a long -- that a long time ago, but I had no different.

1 I'll get your fat ass. You just wait and see you dumb
2 bitch". Is that the kind of man you are?

3 A. No, sir.

4 Q. Is that the kind of man you presented to Stacey
5 Catoe from 1995 till 2018?

6 A. No, sir.

7 Q. What kind of man were you to her?

8 A. Ask her.

9 Q. You stayed gone most of the time, didn't you?

10 A. I worked construction.

11 Q. You -- you'd -- you'd go out for weekends at a
12 time, wouldn't you?

13 A. That feeling was neutral.

14 Q. You -- you would -- you would drink every day of
15 the week sometimes to a stupor, wouldn't you?

16 A. No. That ain't correct.

17 Q. How many days in the week you take off?

18 A. I don't know that.

19 Q. You don't -- you don't know that?

20 A. I do not know that.

21 Q. You don't know how many days a week you take off
22 from drinking?

23 A. How many I take off from drinking?

24 Q. Yeah.

25 A. I mean -- whenever I want to drink I drink, but if

1 I don't want to drink I don't.

2 Q. You drink about every day, don't you?

3 A. No, I don't.

4 Q. Well -- well, let's say in two weeks -- next
5 proceeding this -- how -- how many times do you drink?

6 A. I don't know.

7 Q. Every day?

8 A. No.

9 Q. How many times do you go up to the VFW?

10 A. It's not open, but two days a week.

11 Q. Well, let's go back to 2018. How often did you go
12 to the VFW?

13 A. Saturday and Sunday. I ran and took a shift on
14 Saturday, and I used to go up there on Sunday.

15 Q. And when did you go to the Pool Hall?

16 A. Whenever I -- I mean -- I go occasionally.

17 Q. Now, at some point in time, you decided to get a
18 camper over at Beaver Creek, didn't you?

19 A. That's correct.

20 Q. And what -- what was your nickname for it?

21 A. I haven't a clue.

22 Q. You didn't call it "The Stab House"?

23 A. These people called it that.

24 Q. Who called it that?

25 A. Some buddies.

1 Q. Why'd they call it that?

2 A. I don't have a clue.

3 Q. You must have known why they called your camper
4 "The Stab House"?

5 A. That's people talking.

6 Q. People talking. Is that because that's where you
7 took your women?

8 A. Nope.

9 Q. Well, why would they get that idea then?

10 A. You'll have to ask them that question.

11 Q. And this ain't the first woman that Stacey's
12 caught you with, is it?

13 A. Yeah.

14 Q. It's the first one you don't remember. You don't
15 remember the girl that worked at her mama's, and you got
16 caught in bed with?

17 A. I didn't get caught in bed with her.

18 Q. Did she file for divorce on the grounds of
19 adultery? You remember that?

20 A. Yeah.

21 Q. And physical cruelty. You remember that?

22 A. And for what?

23 Q. Physical cruelty. For beating her.

24 A. You don't know nothing about that.

25 Q. You don't remember? Okay. How about this

1 incident over to the bar at 341 Bar and Lounge when you
2 pulled your gun out? Tell us about that.

3 A. I don't know what you're talking about.

4 Q. You don't remember pulling out a woman over there?

5 A. Pulling it on a woman over there?

6 Q. Yeah. You've seen the -- you've seen the pull it
7 around women a lot, so I was wondering if you remembered
8 that?

9 A. No. I remember a woman pulling one out of it
10 there, and shooting at us.

11 Q. That's what you remember. Was that at the bar --
12 was that the -- at the bar 341?

13 A. (Inaudible).

14 Q. When did that happen?

15 A. The woman went to jail party.

16 Q. When did that happen?

17 A. I don't remember when it was.

18 Q. Was that the last since '18?

19 A. Excuse me.

20 Q. Since 2018?

21 A. It was before then.

22 Q. Who was with you?

23 A. I don't remember.

24 Q. Do you remember when Stacey left you for about
25 three months?

1 A. Yeah, probably so -- I mean -- I don't know when
2 you're talking about.

3 Q. Well, you remember she moved over to Amanda's
4 house -- her sister's house. You remember that?

5 A. Yes, I do.

6 Q. You remember going over there in the middle of the
7 night, and raising the ruckus, and trying to get him to come
8 out? Remember that?

9 A. I do.

10 Q. You remember Denny having to come out -- her
11 husband coming out to settle you down?

12 A. I do.

13 Q. Send you parking?

14 A. I do.

15 Q. Is that the kind of guy you are?

16 A. When you can't see your daughter, there's a lot
17 going on.

18 Q. Don't they have courts for that?

19 A. They do.

20 Q. Of course. You didn't want to utilize the court?

21 A. I did not.

22 Q. And why?

23 A. That I don't want to be here now.

24 Q. Because you -- you pretty much take things into
25 your own hands, don't you?

1 A. No, I do not.

2 Q. Well, that's the way you feel?

3 A. No, it's not. How do you know how I feel?

4 Q. Because that's how you act, isn't it?

5 A. No, it's not.

6 Q. You don't think taking these situations we just
7 talked about is -- not taking it into your own hands?

8 A. No.

9 Q. Pulling behind Mr. Huebner's car and scaring her,
10 shooting up the bathroom, shooting up the kitchen.

11 A. Does that mean I'm waiting?

12 MR. SPEEDY: Your Honor, may I have one moment?

13 THE COURT: Yes, sir.

14 MR. SPEEDY: Your Honor, I'm going to stop the
15 questioning at this time, but I ask to put him on notice too,
16 where he's subject to recall in the case-in-chief.

17 THE COURT: Okay.

18 MR. SPEEDY: Our case-in-chief.

19 THE COURT: Understood.

20 MR. SPEEDY: Thank you, Your Honor.

21 THE COURT: Re-direct?

22 RE-DIRECT EXAMINATION

23 BY MR. SCOTT:

24 Q. What was the circumstance for that time that
25 Stacey shot a gun at you while you were in the car?

1 A. She shot the back of my van.

2 Q. Okay. Mr. Speedy talked about you shooting the
3 bathroom and the ceiling. It -- what is going on with you
4 two? You all are shooting guns at each other throughout your
5 marriage or in front of each other? Let me ask you -- he
6 asked you about something. Was there a police report about
7 you shooting in the bathroom or in a ceiling?

8 A. No.

9 Q. What was it?

10 A. It wasn't the police report.

11 Q. Okay. She didn't file it?

12 A. No, sir.

13 Q. Okay. Maybe she wasn't too offended by it or
14 what? She must not have been scared, is she?

15 MR. SPEEDY: Objection, Your Honor. That's asking for
16 a conclusion.

17 THE COURT: Overruled.

18 BY MR. SCOTT:

19 Q. Were you scared?

20 A. No, sir.

21 Q. Okay. Don't you think, you know, it -- it -- you
22 think it would be something that people would call the police
23 for, if somebody came in and shot their ceiling normally?

24 A. They have probably, sir.

25 Q. But she didn't call the police about it?

1 A. No, sir.

2 Q. Okay. And when -- but do -- were you shooting at
3 her, or shooting at the ceiling, or what were you shooting at
4 exactly?

5 A. Just shooting at the ceiling.

6 Q. What -- what were you just mad or something?

7 A. I don't even remember what it was to.

8 Q. Okay. But you're talking about you were in a van,
9 and she shot at you in a van one time?

10 A. Yes, sir. She shot the back door of the van I was
11 driving.

12 Q. Okay. Did you say Stacey has a temper?

13 A. Yes, sir.

14 Q. Okay. How much you weigh?

15 A. How much do I weigh? 145.

16 Q. You -- you're 145?

17 A. Yeah.

18 Q. What with your clothes soaking wet? How -- I
19 don't want to disparage, and normally I wouldn't do this, but
20 how much do you think Stacey weighs?

21 A. I don't have a clue.

22 Q. 200 pounds maybe?

23 A. Maybe.

24 Q. Okay. You -- you ever seen her hold her own
25 before?

1 A. Yes, sir.

2 Q. Okay. She like to fight?

3 A. Yes, sir.

4 Q. She can hold her own?

5 A. Yes, sir.

6 Q. What about the time she showed up at the camper,
7 and was causing such a commotion that somebody else at the
8 camp ground had to call police? You remember that?

9 A. Yes, sir. She busted the window out of the
10 camper.

11 Q. Say what?

12 A. She busted the glass out of my camper.

13 Q. Okay. Was that -- okay. So you ever thought of
14 her as being scared of you?

15 A. No.

16 Q. She's busting out -- she's showing up at your
17 camper at night, busting windows out where people have to
18 call the law owner. You remember that?

19 A. Yes, sir.

20 Q. Shooting guns at you. Would you agree that there
21 was a lot of back and forth in you all's marriage?

22 A. Yes, sir.

23 Q. Okay. You can -- can you think of any of the
24 times she shot a gun at somebody? We got our situation June
25 2018. We've got the situation where she's shooting a gun at

1 you in the van. Do you know of any other time she shot a gun
2 at somebody?

3 A. No, sir.

4 Q. Tell us -- Mr. Speedy wanted to know about the
5 open marriage, and then he commenced to ask you about
6 somebody named Christy Huebner you confronted while you and
7 Stacey were married?

8 A. That's correct.

9 Q. Who is Christy Huebner?

10 A. She just sat over there.

11 Q. Okay. Is that Stacey's wife?

12 A. I don't know. She's girlfriend.

13 Q. Girlfriend. Is that Stacey's co-habitants? In
14 other words, they live together?

15 A. Yes, sir.

16 Q. And then they carry on as girlfriend and
17 girlfriend, or wife and wife now?

18 A. Yes, sir.

19 Q. Did you know that was Stacey's sexual orientation
20 when you were married to her?

21 A. No, sir.

22 Q. Okay. At what -- at what point of your news did
23 you find out she was having a lesbian affair?

24 A. The facts was why she was in jail. As I seen
25 pictures of letters that was sent.

1 Q. Did you find out how long it had been going on
2 between the two of them?

3 A. No, sir. Not exactly.

4 Q. Are you aware of any other lesbian affairs she had
5 besides Christy Huebner all while you were married?

6 A. No, sir.

7 Q. Okay. So you confronted Stacey and Christy while
8 they were -- where -- were they in your backyard together?

9 A. Yes, sir.

10 Q. And you were married. So you got this marriage
11 where she's shooting guns at you -- you're shooting up in
12 your ceiling, she's carrying on with women. You're carrying
13 on with Brenda Coates. I call it an open marriage. I mean,
14 is there a better term for it? It was objected to earlier.
15 Is there another way you would describe that marriage?

16 A. No, sir.

17 Q. You said, "It had gone south", I think at that --
18 that's an understatement, isn't it?

19 A. Yes, sir. (Inaudible).

20 Q. Bar 341 that he's talking about you shooting at a
21 bar. Is there a police report on that that we can find?

22 A. Anything about -- don't remember that.

23 Q. Okay. Let me ask you, Mr. Speedy asked you, were
24 you the kind of man that takes the law in your own hands?
25 Remember that?

1 A. Yes, sir.

2 Q. Did you ever go and -- and shoot one of Stacey's
3 lovers?

4 A. No, sir.

5 Q. You never shot at Christy Huebner or any other
6 lovers we might hear about?

7 A. No, I've never shot at nobody.

8 Q. Okay. This is State's Number 30. Do you
9 recognize that?

10 A. Yes, sir.

11 Q. What's that?

12 A. The cooler.

13 Q. (Inaudible)?

14 A. Yes, sir.

15 Q. In the back of the car? See, Mike had already
16 (inaudible).

17 A. The one in that koozie probably is.

18 Q. Said what?

19 A. There's koozie right here and there's a beer can
20 in it, but you can't see the top of it.

21 Q. Might not?

22 A. But I mean, who put koozie in the beer in the
23 cooler that way. I mean, you know, it'd be empty. Looks
24 like to me.

25 Q. You -- you did give statements though that. You'd

1 stopped in that (inaudible) to you take a pee. No, to get a
2 (inaudible); is that correct?

3 A. That's correct.

4 MR. SCOTT: Your Honor, State offers State's 30 for
5 admission into evidence.

6 THE COURT: Any objection?

7 MR. SPEEDY: Your Honor, I'm going to object to -- it
8 seems to me that we have a -- we have a cooler with a top on
9 it, with the pictures taken by law enforcement. So that had
10 to be taken off sometime after that. I don't think it's
11 relevant here. The officers had to take that off -- or
12 somebody else had to take it off.

13 THE COURT: He needs to establish more foundation.

14 MR. SPEEDY: Okay.

15 THE COURT: If you want to admit it.

16 BY MR. SCOTT:

17 Q. Did you say this was your cooler?

18 MR. SPEEDY: But I think the point is -- the point is
19 if you -- if the police -- if the law enforcement took a
20 picture of a cooler with the top on it, how did the top get
21 off?

22 MR. SCOTT: I'll -- I can flesh it out.

23 MR. SPEEDY: They took that picture. He doesn't know
24 that. Only the law enforcement would know that.

25 THE COURT: You can ask some more foundation.

1 BY MR. SCOTT:

2 Q. All right. This is (inaudible) you talking about
3 it earlier?

4 A. Yes, sir.

5 Q. And you said that (inaudible)?

6 A. Mine.

7 Q. Okay. And it's your cooler (inaudible)?

8 A. We had it forever.

9 Q. Okay. What is this State Number 30?

10 A. My cooler.

11 Q. Okay. This is the contents of this cooler that
12 have already been admitted as 22 and 27?

13 A. Yes, sir.

14 Q. You recognize those pictures?

15 A. Yes, sir.

16 Q. You put them in there?

17 A. Yes, sir, I did.

18 MR. SCOTT: Okay. Now, State offers State's 30 for
19 admission into evidence.

20 THE COURT: All right. Over Defense objection
21 State Number 30 is admitted.

22 (State's Exhibit 30 was admitted into evidence.)

23 BY MR. SCOTT:

24 Q. Do you remember telling law enforcement that
25 Stacey would shoot at Taurus, and practice with it every

1 couple months?

2 A. She would shoot it some.

3 Q. Okay. Do you remember telling him that every
4 couple months she would practice with it?

5 MR. SWERLING: Judge, this -- this is his witness.
6 He's leading the witness.

7 THE COURT: Sustained.

8 BY MR. SCOTT:

9 Q. What, if anything, do you remember telling law
10 enforcement about her using the gun? Practicing with it?

11 A. She shoots it.

12 Q. Okay. And did you have any part in helping her
13 become familiar with the weapon?

14 A. Probably, sir. I mean, we -- we used to shoot.

15 Q. We used to shoot. Okay? That indicates that you
16 were with her at some point shooting that weapon. Is that --
17 I'm not trying to trick you.

18 A. Right. Right.

19 Q. Does that make you all were together shooting a
20 weapon at some point?

21 A. Yes, sir.

22 Q. Do you remember advising her on how to handle it
23 or did she already know how to handle it?

24 A. I mean, she knew how to shoot guns. I mean, her
25 daddy shot guns with her too.

1 Q. Okay. Okay. So you knew her to be somebody
2 familiar with weapons?

3 MR. SWERLING: Objection. Leading.

4 THE COURT: Sustained.

5 BY MR. SCOTT:

6 Q. Were you familiar with her using weapons, and her
7 being comfortable firing weapons?

8 A. Yes, sir.

9 Q. Okay. And how many times? How would you
10 frequently see her shoot a gun?

11 A. We would shoot, you know, occasionally.

12 Q. Okay. And that Taurus 380 you said, "Does not
13 have a safety"?

14 A. No, sir.

15 Q. Okay. And it -- it was -- it was your practice to
16 keep one chambered or not keep one chambered?

17 A. Not keep one chambered.

18 Q. Okay.

19 A. Mine is the same way now that I got -- I don't
20 keep nothing in the chamber. I keep the clip, and I don't
21 keep nothing in the chamber.

22 MR. SCOTT: Okay. All right. Nothing further, Your
23 Honor.

24 THE COURT: Re-cross?

25 MR. SPEEDY: Your Honor, I think you opened the door to

1 my question -- my earlier question.

2 THE COURT: Well, I thought I already let you go into
3 all that.

4 MR. SPEEDY: Oh no, I had more about the abuse.

5 THE COURT: Mr. Scott?

6 MR. SCOTT: I had addressed what he had already talked
7 about as far as shooting guns, and -- and that was the --
8 that was as far as we went -- and re-direct.

9 MR. SPEEDY: That he went into the lifestyle. Wouldn't
10 -- that your lifestyle want to show the lifestyle.

11 THE COURT: All right. At this point it's out. I'll
12 allow you to call him in your case-in-chief if you want to.

13 RE-CROSS EXAMINATION

14 BY MR. SPEEDY:

15 Q. All right. Didn't you also tell the police that
16 you shoot -- Stacey didn't mean to shoot Brenda?

17 A. Excuse me.

18 Q. Did you tell in all three interviews that Stacey
19 didn't mean to shoot Brenda? (Inaudible).

20 A. I did.

21 MR. SCOTT: Thank you, Your Honor. That's all I have.
22 Reserve again -- reserve him for all of our case-in-chief.

23 THE COURT: Okay. Thank you. You may step down.

24 All right. Ladies and gentlemen, we're going to stop
25 there for the day. It's -- I know it is approaching 5:00 and

1 you all been going all day. We think the jury -- you've made
2 it three, four, or five witnesses -- or four (inaudible)
3 four a day's worth of work.

4 As I release you for the evening. Human nature is to
5 want to ask questions. Human nature is to want to look up
6 things. Human nature is to want to get on the phone when you
7 get out of the courthouse, and call your significant other
8 and say, "Let me tell you about this case." Or to go home
9 and talk about it over dinner, or talk about it with your
10 friends at your kids (inaudible) practice or whatever. We're
11 not doing any of that. Okay. No discussion about the case
12 with anybody in any way, shape, or form.

13 No research on the case. You shouldn't be looking up
14 things. I understand that it's very frustrating because you
15 want to ask this question, and you want to ask that question,
16 and you want to know what is this and what is that, but you
17 can't go home and look up those things, or use your phone, or
18 computer, or tablet, or some kind of electronic device, or
19 anything else to try to figure out those things. Do not have
20 any contact with anybody involved in the case. We'll start
21 tomorrow morning at 9:30, and you are excused. Everyone else
22 stay seated while the jury is excused for the evening. 9:30,
23 9:30, 9:30.

24 (Jury exits courtroom.)

25 THE COURT: All right. Anything from the State before

1 we break?

2 MR. SCOTT: Judge, I -- I have all the confidence in
3 the world. It's unintentional, but Mr. Speedy has a tendency
4 to publish pictures to the jury that aren't in admission. I
5 -- I know that he's not meaning to do that, but I would just
6 ask for tomorrow that we go through the steps of admitting
7 them, and then publishing them after they've been admitted.

8 THE COURT: Yeah. We shouldn't be showing any pictures
9 to the jury that are not in evidence.

10 MR. SPEEDY: I don't think I showed anything to the
11 jury. I -- I showed them. I have marked them for
12 identification. I plan on introducing.

13 THE COURT: Okay.

14 MR. SPEEDY: And that's -- isn't that the procedure
15 marking for identification, and we get the person who takes
16 them, bring them in.

17 THE COURT: I'm just saying, you don't need to show
18 anything to the jury.

19 MR. SPEEDY: Yes, sir.

20 THE COURT: That's not admitted.

21 MR. SPEEDY: And I didn't show.

22 THE COURT: What else?

23 MR. SCOTT: I don't think we have anything, Judge.

24 THE COURT: Okay. And who are we starting with in the
25 morning or what's the plan for tomorrow?

1 MR. SCOTT: I'll probably rest.

2 THE COURT: Okay. And then, how many more?

3 MR. SCOTT: Five.

4 THE COURT: Okay.

5 MR. SCOTT: Four -- four or five.

6 THE COURT: All right. So you're going to have all
7 those people lined up for the morning?

8 MR. SCOTT: Yes, sir.

9 THE COURT: And is there any chance you'll rest
10 tomorrow?

11 MR. SCOTT: There is.

12 THE COURT: Okay.

13 MR. SCOTT: I plan to.

14 THE COURT: You plan on resting tomorrow?

15 MR. SCOTT: Yes, sir.

16 THE COURT: Okay.

17 MR. SPEEDY: Do you think -- you think a whole day or
18 do you -- what do you think Dole?

19 THE COURT: I'm not holding you to it, I'm just looking
20 for a ballpark.

21 MR. SPEEDY: Yeah, just I want an idea too.

22 MR. SCOTT: We just -- we have just completed by far
23 the longest witness.

24 THE COURT: Okay.

25 MR. SCOTT: Six witnesses that some of these are going

1 to do rather quick. I don't -- I -- just by hoping, I don't
2 suspect there's going to be a lot of crossing my subject. We
3 got GSR, we got firearms, CSI, be two (inaudible). So this
4 will be really quick. I got a secret service guy. I would
5 suspect that'll be pulled out, and then Dr. Ross.

6 THE COURT: And Dr. Ross the pathologist. Okay. All
7 right. So I would plan on -- so let -- let's say for the
8 Defense planning for any witnesses you may want to call, I
9 would at least have them on standby for tomorrow afternoon.

10 MR. SPEEDY: Okay.

11 THE COURT: To where at lunch you could call them and
12 say, "Hey, be up here."

13 MR. SPEEDY: Will do that.

14 THE COURT: I'm not saying we'll finish in the morning,
15 but in case we do, let's just have any Defense witnesses on
16 standby for tomorrow afternoon.

17 And anything else from the Defense we need to take up
18 before we break for the evening?

19 MR. SPEEDY: No, sir.

20 THE COURT: Okay. Anything else from the State?

21 MR. SCOTT: No, Your Honor.

22 THE COURT: All right. Good work today. Thank you
23 very much. We'll see you all tomorrow morning at 9:30.

24 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT
25 4:38 P.M.)

CERTIFICATE OF TRANSCRIBER

I, JACKSON ALEXANDER, a Court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 5 of Kershaw County, South Carolina, on the 8th Day of October, 2024.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

December 3, 2024



Jackson Alexander

Transcriber

1 CONTINUATION OF PROCEEDINGS - OCTOBER 9, 2024

2 THE COURT: Good morning, take your seats. Thank you.

3 All right. Where is everybody?

4 MR. SPEEDY: My folks are coming right now.

5 THE COURT: Okay, good.

6 MR. SPEEDY: The door is opening late.

7 THE COURT: Oh, okay. No problem. And do we need to
8 wait on Mr. Swerling?

9 MR. SPEEDY: No, I haven't heard from Mr. Swerling.

10 THE COURT: Okay.

11 MR. SPEEDY: He's downstairs.

12 THE COURT: Okay. Can you send somebody to go get him?

13 MR. SPEEDY: (Inaudible).

14 THE COURT: Okay, thank you.

15 Ginger, Jean Marie is going to send you a roster for
16 next the week, can you print it for me? Okay.

17 MR. SWERLING: Your Honor, can we approach?

18 THE COURT: Sure.

19 (Bench conference.)

20 THE COURT: Okay. Anything from the State?

21 MR. SCOTT: No, Your Honor

22 THE COURT: Anything from the State before we bring in
23 the jury?

24 MR. SCOTT: No, sir.

25 THE COURT: Okay. Anything from the Defense before we

1 bring in the jury?

2 MR. SPEEDY: No, sir.

3 THE COURT: Okay. All right. Let's bring them in.

4 (Jury enters courtroom.)

5 THE COURT: All right. Good morning, ladies and
6 gentlemen. Welcome back. Thank you very much for being on
7 time. We'll continue now in the presentation of the State's
8 case.

9 And the State may call their next witness.

10 MR. SCOTT: State calls Tiffany Applefeld.

11 THE COURT: Okay. Ms. Applefeld, come on up.

12 THE CLERK: (Inaudible).

13 TIFFANY APPLEFELD,

14 being duly sworn, testified as follows:

15 THE WITNESS: Tiffany Applefeld.

16 DIRECT EXAMINATION

17 BY MR. SCOTT:

18 Q. Good morning, Ms. Applefeld. Back in 2018, June
19 of 2018, where were you living?

20 A. I was living in Lancaster, South Carolina.

21 Q. Okay. Did you happen to turn onto Cato Road on
22 that night?

23 A. We did, yes.

24 Q. Okay. And who were you with?

25 A. I was with Ralph Briniac (ph) who resided on Old

1 Georgetown Road. We were heading to his house.

2 Q. Okay. So Old Georgetown is near the -- I -- I
3 call it intersection, but 521 where it meets Cato Road?

4 A. Right. Cato Road ends at old Georgetown.

5 Q. Okay. And do you -- do you recall where you all
6 were coming from?

7 A. At the time, I had an embroidery business, and I
8 worked motorcycle events. So we were coming back from an
9 event to the house on Georgetown.

10 Q. Okay. And did you -- did I understand correctly -
11 - did you have some kind of background in nursing or
12 something?

13 A. Yes, I was an LPN for 15 years, and licensed in
14 the state of Pennsylvania and in Maryland.

15 Q. Okay. Describe to the jury what you remember
16 saying when you turned on to Cato Road from 521?

17 A. When we turned onto the road, there was a vehicle
18 pulled over on the side by that little abandoned shop.

19 Q. Okay.

20 A. And we're in the custom to stopping and, you know,
21 giving aid to anyone. We had first aid kit because we were
22 used to being around a lot of motorcycle injuries. So we
23 pulled over. There was -- the driver's side door was open.
24 Yes. White kit (crosstalk) --

25 Q. State's 506. Do you recognize those?

1 A. Yes.

2 Q. Is that what you're describing?

3 A. Yes. Driver's side was -- door was open, and then
4 there was a man standing, like, inside of that door.

5 Q. Can we put five --

6 A. Facing the driver.

7 Q. Publish Number five up there. Okay. So the --
8 the driver's door was open, you said, "There was a man
9 standing in the driver's door"?

10 A. Yes. Facing the driver.

11 Q. What was it about that scene that -- that caused
12 you to stop leaving?

13 A. Well, any type of person that would've been
14 stranded on the side of the road, honestly, we would've
15 stopped and seen if they needed any help. But it was odd
16 that it looked, like, I mean, at first glance it looked like
17 the -- the man was -- had his hand on the woman's neck.

18 Q. Uh-huh.

19 A. And, you know, we -- we thought maybe she was in
20 distress.

21 Q. Okay.

22 A. Needed help.

23 Q. And so what -- what did you guys do? Did you park
24 the car?

25 A. So we -- Mr. Briniac pulled up in front of the

1 driver's side and opened -- it was a little shuttle bus,
2 like, it looked like an old school bus -- opened the door. I
3 came down the steps and said something along the lines of,
4 "Do you guys need any help? Is everything okay?" And the
5 gentleman said, "No, it's not okay. She was just shot."

6 Q. Okay. And -- and was he -- what was his demeanor?

7 A. He was calm on the phone, and had his hand on the
8 woman's neck, but obviously upset.

9 Q. Okay. Did he make any statements as to who did
10 the shooting?

11 A. Not at that time. And he never did say a name,
12 but I got some rags and went over to assess the victim. And
13 he was holding her -- looked like artery -- her carotid. And
14 once he started to move his hand she started to bleed
15 profusely. So I said, "Don't move your hand, just hold
16 pressure." He was already on the phone with emergency
17 response, so he kind of was getting irritated that no one was
18 there yet, I guess.

19 So he gave me his phone, and I spoke with them and they
20 kind of relayed -- were asking me questions like, "What was
21 going on, what was I seeing?" And one of the questions was,
22 "Do you know who did this to the gentleman?" And he said,
23 "Yes, I know who did this -- my wife."

24 Q. Okay. And we -- we've already listened to the 911
25 call. And then, do you recall getting on the phone with

1 dispatch and talking through?

2 A. Yes, for a little while.

3 Q. Okay. And tell us why you decided to take the
4 phone from the man and -- and speak with dispatch?

5 A. I don't really remember why or how I wound up
6 taking the phone.

7 Q. Okay.

8 A. I know he was getting very irritated with them.

9 Q. That they weren't there yet?

10 A. Yeah. Like, I guess they were asking questions
11 and he was, like, you know, stop asking questions, I need
12 help. And --

13 Q. And you stayed on scene?

14 A. Yes.

15 Q. You rendered aid to the -- the woman who was shot
16 -- or tried to as much --

17 A. Yeah.

18 Q. -- as you could?

19 A. Yeah. Yes. I mean -- once I saw that she was
20 bleeding so much, I wouldn't have done any good to -- for us
21 to switch positions or do anything else. I checked her
22 pulse, and it was very weak and thready, and she had just a
23 little bit of breathing happening, and I was relaying that to
24 emergency services.

25 Q. And then you -- you remember giving a statement to

1 law enforcement?

2 A. A -- a few days later, I think -- yes, they had
3 asked me to come in.

4 Q. Okay. But you stayed there that night and -- and
5 spoke with them in person?

6 A. The officers?

7 Q. Uh-huh.

8 A. Yes. I was there for quite a while until they
9 released me.

10 MR. SCOTT: Okay. Thank you, Ms. Applefeld.

11 THE COURT: Cross-examination?

12 MR. SPEEDY: We have no questions, Your Honor.

13 THE COURT: All right. Thank you, Ms. Applefeld. Have
14 a nice day.

15 All right. Who's next?

16 MR. SCOTT: Let me call Steve Knafelc.

17 THE CLERK: (Inaudible).

18 AGENT STEVE KNAFELC,

19 being duly sworn, testified as follows:

20 THE COURT: State your name, please, sir.

21 THE WITNESS: I'm sorry, Steve Knafelc.

22 THE COURT: And spell your last name for us please,
23 sir?

24 THE WITNESS: Yes, sir. K-N-A-F as in Frank, E-L-C.

25 THE COURT: Thank you, sir.

1 DIRECT EXAMINATION

2 BY MR. SCOTT:

3 Q. Mr. Knafelc or Agent Knafelc now?

4 A. That's fine. Yes, sir.

5 Q. Okay. You're with Department of Revenue now?

6 A. I am, yes, sir.

7 Q. But back in June of 2018, you were with the
8 Sheriff's department --

9 A. I was.

10 Q. -- here in Kershaw?

11 A. Yes, sir, I was.

12 Q. Okay. And looking at the report, looks like you
13 had an opportunity to go out to this location we're talking
14 about -- the corner of 521 and Cato Road?

15 A. Yes, sir.

16 Q. Okay. And what was your -- what were your duties
17 on scene at the incident location?

18 A. I was the captain over investigations in 18, with
19 the Sheriff's office. And obviously during that time, the
20 on-call investigator and myself were called in regards to
21 what happened when -- pretty much when I arrived, I just want
22 to just assess the situation, and see what's going on from
23 there.

24 Q. Okay. We -- we've heard a lot about it. You just
25 heard the last lady, you remember the white car?

1 A. I do.

2 Q. You remember the woman with the gunshot wound in
3 the front?

4 A. Yes, sir.

5 Q. Do you remember the eyewitness that she was
6 talking about -- the man who was on scene?

7 A. Yes.

8 Q. So were -- were you privy to some of the
9 information he was given, such as the identity of the suspect
10 and -- and possibly what kind of automobile she would be
11 traveling in?

12 A. I was.

13 Q. Okay. And do you remember -- were you guys given
14 possible locations as to where the suspect may be?

15 A. Yes.

16 Q. Okay. Do you recall your agency or anybody under
17 your command making efforts to locate the suspect? And
18 that's Stacey Catoe. Do you remember that being the name of
19 the suspect?

20 A. Yes. We had road deputies on site. We were asked
21 for them to just go in different locations in Kershaw and in
22 Lancaster counties to see if we can locate the vehicle. That
23 was our main objective at that moment -- was to locate the
24 vehicle with the description that we had.

25 Q. Okay. Do you recall having a phone number of the

1 suspect?

2 A. Yes.

3 Q. Okay. Did you make efforts to contact the
4 suspect?

5 A. Yes.

6 Q. Okay. Could you go over the efforts you made to
7 contact the suspect, and the times you tried to contact the
8 suspect?

9 A. Yes, sir. It looks like my -- my county phone
10 number at the time was (803) 729-6698. And you can see on
11 the call log that -- that I'm looking at it -- looks like it
12 was around 17 times. I tried to reach her via phone number
13 or via text.

14 Q. Okay. Do you agree 10:39 you tried to call her,
15 then 10:57 you tried to call her?

16 A. Yes.

17 Q. And it looks like she's sending you to voicemail?

18 A. I would think that's what that means. Yes, sir.

19 Q. Okay. 10:58 I have you sending a text. What --
20 what did you say to her in your text?

21 A. Yes, sir. It says "Stacey, this is Steve from the
22 Sheriff's office. Please call me, need to make sure you are
23 okay."

24 Q. Okay. Did she respond?

25 A. No.

1 Q. All right. From 11:00, did you call her?

2 A. I did.

3 Q. And did she answer?

4 A. No.

5 Q. 11:01:43. Did you send another text?

6 A. I did.

7 Q. What did you text her?

8 A. "Need your side of the story."

9 Q. Okay. Did she respond with her side of the story?

10 A. No, sir.

11 Q. All right. 11:02:49, did you send another text to

12 her?

13 A. "Important."

14 Q. That's what the text ---

15 A. Yes, sir. Yes, sir.

16 Q. You just said important?

17 A. Yes.

18 Q. Okay. Did you call her again at 11:03:49?

19 A. I did.

20 Q. And did she answer?

21 A. No, sir.

22 Q. Did you text her at 11:05:01?

23 A. I did.

24 Q. What did you text her?

25 A. "That's me calling. Please answer."

1 Q. Okay. And did she text back?

2 A. No, sir.

3 Q. Okay. Did you follow that up with another text 10
4 -- 10 seconds later?

5 A. Yes, sir.

6 Q. What did you text her at that time?

7 A. "Or call me."

8 Q. Or call me?

9 A. Yes, sir.

10 Q. And did she call you?

11 A. No.

12 Q. Okay. And do your records show that you tried to
13 call her 11:06, 11:17, and 11:41?

14 A. Yes.

15 Q. And did she answer at any of those times?

16 A. No, sir.

17 Q. Did you again text her at 11:42:10?

18 A. I did.

19 Q. What did you text her?

20 A. "Please call me."

21 Q. Did she call you?

22 A. No.

23 Q. Did you call her at 11:54:21?

24 A. Yes, sir.

25 Q. Did you call her at 12:18:21?

1 A. Yes, sir.

2 Q. Did you call her at 12:20:17?

3 A. Yes, sir.

4 Q. Did she answer any of those times?

5 A. No.

6 Q. Did -- do your records show that -- that you
7 finally did speak with her at 12:22?

8 A. Yes, sir.

9 Q. Okay. Do you recall what she said to you whenever
10 she finally answered the phone?

11 A. I believe she said something to the effect of,
12 "Who was this?" And I answered it was Steve from the
13 Sheriff's office, if I remember correct.

14 Q. Okay. Do you -- do you remember if you indicated
15 that you were trying to locate her -- her and ask her where
16 her whereabouts?

17 A. Yes.

18 Q. Okay. Did she tell you where she was at that
19 point?

20 A. I believe she said, "She was at her father's where
21 she --"

22 Q. Okay. Did she continue talking or just hang up on
23 you?

24 A. I believe she hung up. I think I wanted to get
25 the address to confirm that we needed to come and -- and see

1 her. And then, I called right back and she -- I believe she
2 told me the address, if I'm not mistaken -- I can't remember.

3 Q. Okay. And then ultimately, did you go to that
4 address?

5 A. I did, yes, sir.

6 Q. You remember that being a 3617 Damascus Church
7 Road?

8 A. Yes, sir.

9 Q. Okay. Tell us what you remember seeing when you
10 got there.

11 A. Obviously under the circumstances of what we just
12 experienced, safety was number one. We wanted to make sure
13 everybody was -- was okay including myself, and the other
14 deputy that was with me. There were several people out in
15 the yard if I remember correctly, one of those was Stacey.
16 And I just hopped out the car and -- and announced myself
17 that I was with the Sheriff's office to the effect of just
18 making sure that she was okay. And that's pretty much it at
19 that moment, when we got out the car.

20 Q. Okay. Did you attempt to speak with her at that
21 time?

22 A. I did. I think she immediately said that she
23 "Didn't want to talk without her attorney."

24 Q. Okay.

25 A. To that -- to that effect.

1 Q. You didn't ask her any more questions after she --

2 A. No, no, I did not ask her any more questions.

3 Q. Okay. What do you remember as far as observations
4 -- the yard, did you -- did you ever see the car that you
5 were looking for?

6 A. The car that was in question was not parked where
7 you would normally park a car. There was other cars in the
8 driveway that was parked -- several other cars, but her car
9 was off in the kind of the wood line, so to say.

10 Q. Okay. Did -- do you have any -- any memory of
11 Stacey Catoe's demeanor on scene? Do -- could you describe
12 that?

13 A. She was just more, like, she was agitated. She
14 was in, like, she was pacing, walking around, you know, she
15 was just more, you know, she was not saying necessarily
16 emotional -- she wasn't like yelling or screaming. She was
17 just more in a pace, like, in a quick pace. Like, let's get
18 to whatever we need to get to.

19 Q. Okay.

20 A. That's my observation.

21 Q. All right. Did you -- did you try to talk with
22 other people on the scene?

23 A. I did.

24 Q. Okay.

25 Q. I guess -- and then were you there when Justin

1 Dill showed up?

2 A. I was.

3 Q. Okay. And were you there when -- when he searched
4 the Ford Escape that was parked back there in the wood line?

5 A. I was.

6 MR. SCOTT: Okay. Okay. Thank you, Agent Knafelc
7 that's all.

8 THE WITNESS: Yes, sir.

9 MR. SCOTT: I appreciate it.

10 THE WITNESS: Yes, sir.

11 THE COURT: Cross-examination?

12 CROSS-EXAMINATION

13 BY MR. SPEEDY:

14 Q. Internal Revenue Service. No, not the internal
15 department of --

16 A. Revenue.

17 Q. Revenue.

18 A. State -- state side. Yes, sir.

19 Q. I'm sure everybody gets scared when you come
20 around?

21 A. Well, that could be. It's all good.

22 Q. Let me ask you, when you got to the -- she was --
23 from your investigation, she was identified as a possible
24 suspect -- suspect immediately; is that correct?

25 A. Yes. Yes, sir.

1 Q. And about how far is the house from that location?

2 A. Actually it's about five miles.

3 Q. All right. Could have been there in how long?

4 A. You talking about for us to be there?

5 Q. Yeah.

6 A. Within minutes.

7 Q. Minutes?

8 A. From -- from the incident location.

9 Q. And it's actually where her residence is?

10 A. Yes.

11 Q. And -- and her father's residence?

12 A. Yes, sir.

13 Q. Okay. Also, when you go -- so when you go to
14 their residence, if you come from Cato Road, you pass her
15 residence first; is that correct?

16 A. I -- I'll be honest with you, Mr. Speedy, I -- I'm
17 not very familiar with that. It's been a long time.

18 Q. Okay.

19 A. So I -- I don't --

20 Q. And that's fair.

21 A. I can't --

22 Q. That's -- that's fair. Let's talk about when you
23 pulled in there.

24 A. Okay.

25 Q. So to get in there, you have to -- you have to go

1 to a little driveway?

2 A. Yes, sir.

3 Q. And you pull into that driveway, and there were
4 several cars there?

5 A. Yes.

6 Q. Were they police cars?

7 A. When we first got there. No, sir. It was just
8 three.

9 Q. All right. So these were -- these were probably
10 guest or inhabitants?

11 A. Yes.

12 Q. How many do you think there were?

13 A. I am guessing that maybe two -- two to three cars.

14 Q. Okay. Where the car is located, so that -- those
15 cars were kind of in the roadway right in -- right in front
16 of the residence -- sort of there's a circle in the
17 residence, and most people park off the right side; is that
18 correct?

19 A. I would -- that's -- that's fair. Yes, sir.

20 Q. So they come in, and they'll either go around to
21 leave, or go around that circle, or they're parked and -- and
22 the -- what would be the right side of -- looking at it would
23 be the right side of their residence; isn't that correct?

24 A. I would say so, yes, sir.

25 Q. And where you're saying the wood line was on that

1 right side on the other side of those cars?

2 A. Yes, sir.

3 Q. And it's not really a long way, it's -- it's
4 probably not more than the back of this courtroom, is it?

5 A. I would think so. That's fair.

6 Q. It's about -- it's -- it's close by the residence.

7 A. I would say that, yeah.

8 Q. Yes. There's a -- there was -- there was a camper
9 parked there too. You remember that?

10 A. I do remember a camper.

11 Q. And this would've been on the other side of the
12 camper, but in front of the camper?

13 A. Yes, sir.

14 Q. And -- and there's a shed -- there's, like, a shed
15 over around the wood line, if you recall that. You may not
16 have seen it?

17 A. I can't remember.

18 Q. Okay. But if she would've come in and around that
19 circle, and around the back of the house that might be the
20 appropriate place to end up, isn't it?

21 A. Well, I mean -- if you were to park where other
22 cars were parked, you would probably park there instead of
23 trying to go to a wood line.

24 Q. Okay. It wasn't hidden?

25 A. Well, it wasn't where you would normally park the

1 car. I mean, you were --

2 Q. But -- but --

3 A. -- if -- if you --

4 Q. -- it wasn't hidden?

5 A. Well, it wasn't like it was completely covered.

6 No, sir. But again, if you were to park like you lived

7 there, you would probably park with other cars to park.

8 Q. Let me ask you this way. When you went in there,
9 you saw the vehicle?

10 A. I did, yes, sir.

11 MR. SPEEDY: Okay. Thank you.

12 THE WITNESS: You're welcome.

13 THE COURT: Re-direct?

14 MR. SCOTT: No, Your Honor.

15 THE COURT: Thank you, Captain. Have a good day.

16 AGENT KNAFELC: Yes, sir.

17 THE COURT: You may call your next witness.

18 MR. SCOTT: State calls Justin Dill.

19 THE CLERK: (Inaudible).

20 INVESTIGATOR JUSTIN DILL,

21 being duly sworn, testified as follows:

22 THE WITNESS: Justin Dill, D-I-L-L.

23 DIRECT EXAMINATION

24 BY MR. SCOTT:

25 Q. All right. Justin. All right.

1 Investigator Dill, how'd you first become involved with this
2 case? Did you go out to the crossroads at Cato and 521?

3 A. I did. I was the on call investigator for the
4 sheriff's office that night.

5 Q. Okay. Do you remember about what time you got
6 there?

7 A. I'd have to refer to my notes. It was around
8 close to 10:00 I believe, at night.

9 Q. Okay. So I think my recollection is 9:33 is when
10 911 call came in. So about 30 minutes after it was
11 dispatched, you -- you arrived on scene?

12 A. Yes, sir.

13 Q. And was the victim still on scene?

14 A. Yes, sir.

15 Q. Okay. And did -- did you -- were you able to
16 observe the victim, Ms. Brenda --

17 A. Yes.

18 Q. -- Coates? What did you observe?

19 A. It was a white Pontiac Sunfire parked over off the
20 roadway at intersection of Highway 521 and Cato Road in front
21 of an abandoned, apparently old store. Ms. Coates was
22 situated in the driver's side of the vehicle, deceased. I
23 could see that she had one gunshot wound to the neck. There
24 was nobody else in the vehicle.

25 Mr. Catoe was sitting against the building just behind

1 the car inside the crime scene tape. I met with other
2 deputies as soon as I got there. Lieutenant Morris first, he
3 briefed Captain Knafelc, you know, the information that he
4 had at the time, and we started from there.

5 Q. Okay. You -- you said, "You examined her wound."
6 Did you look through any projectiles?

7 A. Yeah, I could tell that her -- the wound in her
8 neck was through, and through it looked like it entered in
9 the left and went out the right-hand side. So I searched the
10 area for where the projectile may have ended up.

11 Q. Okay. Were you able to observe a striking mark if
12 you followed what you thought the trajectory -- did you see
13 an exit wound?

14 A. I did.

15 Q. Okay. Were you able to sort of trace that and
16 locate a strike mark in the car?

17 A. Yeah, it -- the -- the first thing I did really
18 was I searched the immediate area for any shell casings or
19 projectiles before I even noticed the inside of what was in
20 the car. So I looked around the building for a strike mark
21 on the building, or shell casing or -- and as we started
22 looking closer into the vehicle, I could see kind of in line
23 with the wound on her neck. There was a scuff mark on the
24 dash.

25 Q. Okay. Then, did you follow that scuff mark to

1 where -- where it led?

2 A. I did the scuff mark -- there was a scuff mark on
3 top of the dash followed by -- there was a hole in the trim
4 on the passenger side of the car, and on the other side of
5 that hole down in the -- the door jam in the -- the rubber
6 seal that's inside your car door, the projectile was lodged
7 in that seal.

8 Q. Okay. Let me show you State's -- this is
9 State 7, 9, 25, and 26. See if you recognize this?

10 A. I do.

11 Q. Okay. What are -- those depict?

12 A. One photograph is -- one -- one photograph is the
13 -- the scuff mark on top of dash. One is the projectile
14 seated in between the trim pieces of the car. You can also
15 see the hole where it went through a piece of trim, and the
16 other one is the same hole through the trim.

17 MR. SCOTT: All right. Can I have State's number 25?

18 MR. SPEEDY: (Inaudible) objection.

19 THE COURT: Let's move.

20 MR. SCOTT: (Crosstalk) 7, 9, 25, and 26 into evidence.

21 MR. SPEEDY: No objection, Your Honor.

22 THE COURT: Without objection.

23 (State's Exhibits 7, 9, 25, 26 were admitted into evidence.)

24 BY MR. SCOTT:

25 Q. Number nine. Okay. Here --

1 A. It's actually upside down.

2 Q. Oh, you there?

3 A. Yeah.

4 Q. All right. That -- that -- what does that entail
5 right here?

6 A. It's -- it -- it's actually upside down, but
7 that's the top side of the dash on the passenger side, you
8 can see where the bullet traveled across the dash. It
9 skimmed across the top of the dash and left a mark.

10 Q. Okay. Let me see State's 25. You recognize that?
11 Okay. So where did Ms. -- you see the passenger dashing.
12 Where is that (inaudible)?

13 A. It's just -- it's -- it's right in line. You can
14 see a hole in the trim, kind of where the right, below the
15 black triangle in the corner of the door jamb, there's a hole
16 right at the top of the dash.

17 Q. Okay.

18 A. Right in the bottom, right there. And then, right
19 before that there's a scuff mark, like, a straight line that
20 leads right to that hole.

21 Q. Okay. So initially what led you to the hole was
22 that scuff mark you witnessed?

23 A. Yeah, I stood back from the vehicle at the crime
24 scene, and you could tell about the height that the bullet
25 passed through the victim's neck and shot my light across.

1 And you could see the scuff mark on the dash, and then the --
2 the hole in the trim.

3 Q. Go to number 26 there. Okay. What's that?
4 That's the mark picture there?

5 A. Yeah. That -- that's the -- you can see the scuff
6 mark leading straight to the hole in the trim where it's
7 broken -- the glass is broken.

8 Q. And then, following when you find that hole there,
9 what would you say you did after you noticed that hole on
10 the dash?

11 A. So at -- at the time the -- the passenger door was
12 open on the side of the road, but when you followed the path,
13 looked through the hole you start looking, you know, at the
14 ground and in the immediate area. Because the projectiles
15 likely to be somewhere close, and it -- it was actually
16 lodged in the trim of the car still.

17 Q. Okay. Go to State Number 7. All right. What do
18 we see here? This is what you just described?

19 A. As that's the projectile from the fire cartridge
20 that was fired from a gun.

21 Q. Okay. And if you go directly up from that, is
22 that the hole we saw in the other exhibits?

23 A. Yes, sir.

24 Q. Did you collect that projectile?

25 A. I did.

1 Q. Let me show you State's Number -- where we at now?
2 This State's Exhibit 40. What is that?

3 A. It's the projectile that I removed from the
4 victim's car.

5 MR. SCOTT: Okay. Your Honor, State offers State's 40
6 for admission in evidence.

7 MR. SPEEDY: No Objection, Your Honor.

8 THE COURT: State's 40, is that the right number,
9 Mr. Scott?

10 MR. SCOTT: Yes, sir.

11 THE COURT: Okay. Thank you. State's 40 without
12 objection. Thank you.

13 (State's Exhibit 40 was admitted into evidence.)

14 BY MR. SCOTT:

15 Q. Did -- did you locate any casing on scene that
16 night?

17 A. No, sir.

18 Q. No. Okay. Hey, while I'm thinking about it, I
19 know there's a question earlier I kept -- we -- we throw a
20 bunch of terms out, and I kept talking about a CAD report --
21 a CAD report -- and I didn't explain what a CAD report is.
22 Would you mind, just for everybody's information, what is a
23 CAD report?

24 A. So CAD stands for Computer Aided Dispatch and --
25 and what it is -- is just a log that the 911 operators keep

1 that tell you when people are dispatched, what people on the
2 phone are telling them, arrival times, and departure times.

3 Q. Okay. Thank you. Okay. So then after you're
4 here at Cato and 521, where did you go after that?

5 A. So we -- the information we received at the actual
6 incident scene at Cato and 521, was that we were looking for
7 a burgundy Ford Escape SUV that was going to be the suspect's
8 vehicle, and possibly the occupant -- occupant could have
9 been Stacey Catoe.

10 Captain Knafelc, while we were on scene was trying to
11 contact Stacey via a phone number that Jody provided to us
12 multiple times. And our next step to locate her and or the
13 vehicle would be to try to locate her through her cell phone
14 number. A search warrant is required to do so. So once I
15 photographed everything at the scene at Cato in 521, and
16 processed, and felt like I was at a point where that stuff
17 was complete, I headed towards the Sheriff's office back in
18 Lugoff to prepare a search warrant to have it signed, to try
19 to locate Ms. Catoe and or the vehicle.

20 Q. Okay. So you -- you directed other people in the
21 agency to look out for her? There was a -- was there a BOLO
22 placed out for the vehicle?

23 A. For our agency -- and I believe for Lancaster
24 County. While we were on scene, Captain Knafelc, we had
25 numerous deputies about the area. I think we sent somebody

1 to an address on Neds Creek Road for some reason or another
2 that -- that to look for. We sent somebody to her mother's
3 house on Shop Road, which is actually in Lancaster County.
4 She wasn't there. Deputies rode by her house, and I believe
5 her father's house -- they're really just looking for the
6 car, not necessarily her at the moment -- but the deputies
7 are out looking for the vehicle because we had a very good
8 vehicle description.

9 Q. Okay. And then ultimately, did you go to the
10 location where she was found?

11 A. I did, I actually secured a search warrant for the
12 home and the vehicle. Captain Knafelc and
13 Investigator Miller were already there. I got the
14 information, and got a search warrant for the home and her
15 vehicle before I came from Lugoff.

16 Q. Okay. And is that 3617 Damascus Church Road?

17 A. Correct.

18 Q. Do you understand that to be her father's house?

19 A. I do.

20 Q. Okay. Do you remember her residence being
21 3641 Damascus Church Road?

22 A. Yes, I believe there's just a little bit of woods.
23 It's on the same side of the road, but it's the next house
24 down, I believe.

25 Q. Okay. So are their -- their properties are next

1 to one another?

2 A. Basically, yes.

3 Q. Okay. Well, tell us what you remember when you
4 went to 3617 Damascus Church Road?

5 A. I remember when I was -- I pulled up in the
6 driveway and -- and, you know, we're talking about them out
7 in the country, so I mean, everything is dark. Other than
8 porch lights. I pulled up in the driveway, and when I first
9 pulled up there were several cars in front of me.
10 Investigator Miller and Captain Knafelc were already there.
11 There were a few people in the yard, and I saw the burgundy
12 SUV over on the very far right-hand side of the open
13 property. And it -- and I notated that -- that car was not
14 parked where everyone else parked. You couldn't see it from
15 the roadway. You couldn't see it until you pulled in the
16 driveway.

17 Q. Okay. Well, could you see the other cars that
18 were in the driveway from the road?

19 A. If -- if you drove by, you could see the other
20 cars parked as you looked up the driveway.

21 Q. But you're saying the Ford Escape parked in such
22 way you couldn't see that you were going down the Damascus
23 Church Road?

24 A. No, it was over to the right. I intentionally
25 took a picture to show that it was not where the other people

1 would normally park.

2 Q. Okay. This is State's 6. What's this?

3 A. The vehicles parked immediately in front of the
4 residence.

5 Q. Okay. And then State's 15, what is this?

6 A. Photograph of the SUV over behind the couple of
7 big trees in the yard. I think there's a camper over there
8 -- beside a camper.

9 MR. SCOTT: Your Honor, State offer State's 15, 16 for
10 admission into evidence.

11 MR. SPEEDY: No objection, Your Honor.

12 THE COURT: Fifteen and 16 admitted without objection.
13 (State's Exhibit 15 and 16 were admitted into evidence.)

14 MR. SCOTT: Can we publish 15 please? I'm sorry 16.

15 BY MR. SCOTT:

16 Q. All right. So what is -- what are we looking at
17 here?

18 A. That's going to be the front of Mr. McClintock's
19 residence. The silver SUV and the black truck that's mine
20 and Captain Knafelc's vehicles, but the other cars are in
21 front of ours. There's a camper on the right-hand side, a
22 big oak tree -- I believe that's an oak tree on the far
23 right. And then, the -- the burgundy SUV is over on the
24 other side of those trees.

25 Q. Okay. So you -- can you see Mr. --

1 Mr. McClintock's house from Damascus Church Road in
2 (inaudible)?

3 A. Yeah, you can see it from the right there.

4 Q. But then you -- you're saying the Ford Escape was
5 -- were parked over there to the right --

6 A. Yeah.

7 Q. -- of that camper?

8 A. Yes, sir.

9 Q. Okay. Let me see if it's State's 15 please. I
10 guess you can kind of see the license tag there or the
11 headlights?

12 A. That's the front end. Yes, sir.

13 Q. Okay. What is that?

14 A. That's the Ford Escape.

15 Q. And did you search the Ford Escape?

16 A. I did via search warrant. I executed a search
17 warrant.

18 Q. What do you -- did you locate, if anything, in the
19 console?

20 A. In the center console in the front of the car, I
21 located a pink 380-caliber handgun, semi-automatic handgun.
22 And in the rear passenger floorboard, I located a spent shell
23 casing that was stamped 380.

24 Q. Let me show you State's 10 specifically. What'd
25 those depict?

1 A. The handgun in the console, and then a picture of
2 myself holding the handgun.

3 MR. SCOTT: Okay. Now, the State offers State's 10, 11
4 for admission into evidence.

5 THE COURT: Ten and 11?

6 MR. SCOTT: Yes.

7 MR. SPEEDY: No objection, Your Honor.

8 THE COURT: Ten and 11 without objection. Thank you.

9 (State's Exhibit 10 and 11 were admitted into evidence.)

10 MR. SPEEDY: Ten, please.

11 BY MR. SCOTT:

12 Q. Okay. So this is what you saw yourself, and you
13 took it before you nested the gun off?

14 A. Yeah, before I touched it. That's how it was in
15 the vehicle.

16 Q. What is on top of it? Do you remember?

17 A. It was like either a box of Goody's powders or
18 maybe DayQuil, I'm not sure.

19 Q. Okay. But there was something on top of a pistol
20 when you opened the console?

21 A. Yeah, it looked just like that.

22 Q. And then Stacey hasn't -- that's -- that's your
23 hand holding the gun?

24 A. It is.

25 Q. Let me show you what I've pre-marked as

1 State's Number 41. What is that?

2 A. It's a pink Taurus, TCP handgun 380.

3 Q. Okay. Do you recognize that Taurus handgun?

4 A. I do. I collected it, and I put it in this box.

5 Q. So that -- that's -- that's the pistol we're
6 looking at in State's Number 11 here?

7 A. Yes, sir.

8 MR. SCOTT: Okay. Your Honor, the State offer State's
9 41 for admission into evidence.

10 MR. SPEEDY: No objection.

11 THE COURT: Okay. And, Investigator Dill, can you
12 confirm for me that that gun is secure, unloaded, and it's
13 safe?

14 THE WITNESS: Yes, sir. Yes, sir. It -- it doesn't
15 even have a magazine in the box.

16 THE COURT: There's no magazine. There's no
17 ammunition?

18 THE WITNESS: There's no round in the -- in the
19 chamber.

20 THE COURT: Okay. Thank you, Investigator Dill.

21 State's Exhibit Number 41 is admitted without
22 objection.

23 (State's Exhibit 41 was admitted into evidence.)

24 BY MR. SCOTT:

25 Q. All right. So you -- you mentioned earlier that

1 was in the console, and then you looked in the back seat of
2 that Ford Escape as well?

3 A. Yes, sir.

4 Q. We see in State's 12, 13, 14 (inaudible) you
5 recognize those?

6 A. Has the rear -- the rear seat area of the car ---

7 Q. Of the Ford Escape?

8 A. Yes, sir.

9 Q. Okay.

10 A. And then, the shell casing that was laying in the
11 floorboard.

12 MR. SCOTT: Okay. And the State offers
13 Exhibits 12, 13, 14 for admission into evidence.

14 THE COURT: Any objections?

15 MR. SPEEDY: None, Your honor.

16 THE COURT: Twelve, 13, and 14 are admitted without
17 objection.

18 (State's Exhibit 12, 13, 14 were admitted into evidence.)

19 MR. SCOTT: Can I have Number 13 right here please?

20 BY MR. SCOTT:

21 Q. All right. What are we looking at in this
22 exhibit, Investigator Dill?

23 A. That's the -- the rear passenger floorboard of the
24 car. And that is a single 380-caliber shell casing that is
25 laying in the floorboard -- kind of in the center of the

1 picture.

2 Q. Okay. And just briefly, can you describe the
3 shell casing -- or an empty shell casing?

4 A. An empty shell casing is just the brass or
5 whatever metallic material actually holds the gunpowder and
6 the projectile of a -- a full bullet.

7 Q. Okay. Did you collect that item in State's Number
8 42?

9 A. I did.

10 Q. What is this in the State's Exhibit 42?

11 A. It's -- it is actually in this -- this envelope.
12 They're -- they're both in this -- this -- it is just not
13 open.

14 Q. Okay. Well, it is already been given in evidence
15 in State's 40, but besides projectile that case casing
16 (inaudible)?

17 A. Yes, sir.

18 Q. Did I ask you what -- were you there -- Stacey
19 Catoe had already invoked her rights to remain silent when
20 you arrived; is that correct?

21 A. Captain Knafelc told me when I pulled up that she
22 had said, "I'm not -- I'm not going to speak with you until I
23 talk to an attorney."

24 Q. So -- so you didn't attempt to ask her any
25 questions, right?

1 A. No, I tried to talk to other people in the yard.

2 Q. Okay. Well, did you observe her? Did -- did you
3 keep an eye on her while she was there?

4 A. Oh, yeah.

5 Q. Okay. What were your observations about Stacey
6 Catoe that night?

7 A. She was in -- I would describe her as acting
8 erratic.

9 Q. Okay.

10 A. Kind of throwing her hands up, pacing. I mean,
11 she wasn't screaming or anything like that, but she was
12 moving around. She was staying within earshot -- kind of
13 walking over to check in -- in my opinion to see what we may
14 have been talking about with her stepmom and her dad erratic
15 to the point that I even made a comment to Captain Knafelc at
16 one point. I said, "Steve, if -- if we arrest her tonight,
17 she's probably going to fight with us", is how I felt.

18 Q. Okay. So aggressive, would you describe it in
19 that way or just erratic? I -- I'll let you -- I don't want
20 to put --

21 MR. SWERLING: Objection.

22 THE WITNESS: I wouldn't --

23 MR. SWERLING: Leading.

24 THE COURT: Sustained as to leading.

25 BY MR. SCOTT:

1 Q. Just erratic then, is what you -- you would
2 describe --

3 A. Erratic. Making comments, like, if we're going to
4 go, then let's go. Just pacing erratic is the best word I
5 can think of.

6 Q. Okay. But -- but it concerns you enough to make
7 that statement Investigator Knafelc?

8 A. Yeah, I recall that her -- her behavior -- the way
9 she appeared to be acting. I told Captain Knafelc, I think
10 she'll fight us if we go to arrest her -- if we have to
11 arrest her tonight.

12 MR. SWERLING: Your Honor, I approve that be struck --
13 his opinion about what she was going to do.

14 THE COURT: I agree. Ladies and gentlemen, disregard
15 that last statement by Investigator Dill. Thank you.

16 BY MR. SCOTT:

17 Q. Okay. But you were talking about asking
18 Willis McClintock questions and asking, is it Brenda
19 McClintock questions?

20 A. We spoke with him, yes, sir.

21 Q. Okay. And Stacey was kind of hanging out, but
22 just -- she wasn't speaking obviously, but she was just
23 listening in on what you were asking them?

24 A. No, it felt like she was -- I mean, she was
25 staying within earshot of us and she would walk over closer

1 to us, and then walk back off again.

2 Q. Okay. All right.

3 A. And keep in mind, I don't know any of these
4 people. All I know is I'm investigating the death of another
5 individual, and this somebody at this home potentially caused
6 that death. So I -- in my mind, you never know how
7 somebody's going to act.

8 MR. SWERLING: Your Honor, at this point this is not
9 responding to any question.

10 THE COURT: Agreed. Disregard the last statement,
11 ladies and gentlemen.

12 Let's ask the question, Mr. Scott.

13 MR. SCOTT: Beg the Court's indulgence, just want to
14 make sure I'm (inaudible) down there.

15 THE COURT: Sure.

16 BY MR. SCOTT:

17 Q. Okay. Well, that it was -- what was the reason
18 for the question -- you said, "You didn't know Willis
19 McClintock before?"

20 A. No, I only knew who his wife was. I don't know
21 anybody else that was there.

22 Q. Okay. And -- and so what -- what is the -- an
23 investigator, why do you ask questions? Why -- what was the
24 purpose of doing that?

25 A. Ms. Catoe invoked her right. So we can't ask her

1 any questions.

2 MR. SWERLING: Your Honor, at this point I'm asking to
3 stop saying that.

4 THE COURT: Yeah (crosstalk) we've -- we've said it
5 three times. Let's ask a direct question.

6 BY MR. SCOTT:

7 Q. I'm asking. Why -- what is the -- what is the
8 purpose of questioning Mr. Willis McClintock? What is the
9 question -- or the purpose of questioning? I'm not talking
10 about Stacey. Okay. Brenda McClintock. What is the purpose
11 of questioning Amanda, the sister, all these people on scene?
12 What are you trying to get? What is the purpose of going --
13 looking in the Ford Escape? What are you trying to gather,
14 Investigator Dill?

15 A. Trying to gather any information is pertinent to
16 the investigation that I was working on, which was the death
17 of Ms. Coates.

18 Q. Okay. And is that the job of an investigator?

19 A. Yes.

20 Q. Okay. All right. Did -- do you remember anything
21 else that occurred that night that -- that you were involved
22 in?

23 A. Just we (inaudible) --

24 Q. Were you there --?

25 A. -- to scene. We went to -- we collected

1 Ms. Catoe's cell phone as evidence while we were at the
2 residence. Investigator Miller took GSR from her. We seized
3 that burgundy Ford as evidence, and had it towed to the
4 Sally Port at the Sheriff's office, and secured it there.

5 Q. Okay. Same with the -- the Pontiac Sunfire?

6 A. Correct. They're both putting it -- I believe
7 they were both in the Sally Port.

8 Q. And then, what did you guys do with the phone that
9 you took from Stacey Catoe?

10 A. Collected it as evidence.

11 Q. Okay. And where did you send it?

12 A. I later got a search warrant -- or I got one
13 search warrant for I believe Ms. Catoe's vehicle. I think
14 Investigator Miller got a search warrant for the
15 Pontiac Sunfire, and I got a search warrant to download the
16 contents of Ms. Catoe's phone.

17 Q. Okay. And -- and who did you have download the
18 phone?

19 A. Jon VanHouten from the Secret Service.

20 MR. SCOTT: Okay. All right. Thank you,
21 Investigator Dill.

22 MR. SWERLING: Judge, may I ask you instruct the jury
23 that she had an absolute right to remain silent -- a right to
24 not talk.

25 THE COURT: I'd be happy to. So ladies and gentlemen,

1 people have a right to remain silent in this country that's
2 guaranteed by the United States Constitution, the South
3 Carolina Constitution. The fact that someone invoked their
4 right to an attorney, in regards to police questioning, is an
5 absolute right that we all enjoy as American citizens. And
6 that there was nothing improper about her doing that in any
7 way, shape, or form. And you shouldn't read anything into
8 that.

9 That's why they stop questioning when that happens
10 which is what we expect them to do, and which is what they're
11 trained to do, but there's nothing inappropriate or unto, nor
12 do you need to find any presumption, or draw any conclusion
13 from the fact that she invoked her right to an attorney.

14 Any cross-examination?

15 CROSS-EXAMINATION

16 BY MR. SPEEDY:

17 Q. Officer Dill, you're -- you're kind of familiar
18 with that area. You've been up there several times now; is
19 that correct?

20 A. Yes, sir.

21 Q. So when you go -- let's say when you're coming
22 from Cato Road -- the before you get to Mr. McClintock -- was
23 McClintock's house. That's Stacey's house; is that correct?

24 A. On the left, yes, sir.

25 Q. On the left. And then, his is -- there's a dirt

1 road right in between them, right?

2 A. Yeah. I think the dirt road comes out just before
3 you get to Mr. McClintock's house.

4 Q. Right. That -- that dirt road will carry you down
5 to a creek or something down in there, right?

6 A. I honestly don't know.

7 Q. But it -- it goes between the house; is that
8 correct?

9 A. Yes, sir.

10 Q. And then, his house is just to the right, probably
11 maybe 100 yards?

12 A. From the dirt road if you're looking that way.
13 Yes, sir.

14 Q. Yeah. Now, if somebody wanted to hide the car --
15 hide the car, they -- they could take it down that dirt road
16 and hide the car, couldn't they?

17 A. Oh, yeah, you could.

18 Q. That'd be a much more appropriate place to take a
19 car, if they were trying to hide it, wouldn't it?

20 A. I would imagine, sir.

21 Q. Not to a residence where they're -- you're going
22 to know they're going to be coming because they've talked to
23 them and given that address, haven't they?

24 A. Correct.

25 Q. Got it. In the photograph of the -- in the

1 photograph of the pistol in the center console, seemed to --
2 all seemed to animate that she -- somebody was trying to
3 cover up that pistol. Now, if you're going to hide a pistol,
4 that's not the way you're going to hide it, is it?

5 A. Oh, no, sir.

6 Q. You're going to take it, and throw it in the
7 woods, or off a bridge. You've -- in your -- in your
8 extensive experience in murder investigation, that happens a
9 lot, doesn't it?

10 A. Oh, yeah.

11 Q. And you never find it?

12 A. A lot of times no, sir.

13 Q. All right. If you wanted to hide evidence, you
14 could have reached in the back seat, or gone in and cleaned
15 that car out, and thrown it in the woods, or taken it, and
16 swallowed it if you wanted to, couldn't you?

17 A. You could. Yes, sir.

18 Q. None of that happened, did it?

19 A. No, sir.

20 Q. You have no indication that anybody was trying to
21 hide that vehicle, that pistol, or that cartridge; is that
22 correct?

23 A. Concealed not hide, no, sir.

24 Q. Concealed. You think they have concealed it?

25 A. Not -- not the -- not the evidence in the vehicle.

1 No, sir.

2 Q. And you think they concealed the vehicle?

3 A. I can't speak for somebody else's state of mind.

4 No, sir. I can't even speak on my opinion.

5 Q. But if you wanted to conceal it, the better way to
6 conceal it would be to go down that dirt road, wouldn't it?

7 A. Yes, sir.

8 Q. Would that be -- better that way to conceal it
9 would it be taking it and drive it upon someplace, isn't it?

10 A. That'd be even better.

11 Q. Yeah, those are -- there's much better ways to do
12 that?

13 A. Yes, sir.

14 Q. But that might be -- that might be a place
15 somebody who's acting erratic might park the vehicle, huh?

16 A. That's true.

17 Q. Because they're all upset about something?

18 A. Yes, sir.

19 Q. What does TCP stand for?

20 A. I'm sorry.

21 Q. What's the Taurus 380 TCP stand for? Do you know?

22 A. I have no idea.

23 Q. I heard that -- I know is a totally -- total --
24 I'm sorry, tiny craply pistol. Have you ever heard that?

25 A. I never heard of that one.

1 Q. So were you the lead investigator on this?

2 A. Yes, sir.

3 Q. Okay. So it's your job as lead investigator to
4 kind of get all the evidence, and get it to the solicitor --
5 let him present it, right?

6 A. Yes, sir. I'm just a fact finder.

7 Q. Okay. And you're good at it too, you?

8 A. I -- I appreciate it.

9 Q. No -- no question about that. And I -- I -- I
10 think you didn't take Jody's first statement, did you?

11 A. No, sir.

12 Q. But you certainly reviewed it to make sure you
13 knew what was going on, right?

14 A. Multiple times, and then I actually spoke with him
15 myself --

16 Q. I'll get to that -- I will get to that.

17 A. I'm sorry.

18 Q. So then you -- he was -- he was talked to a second
19 time, right?

20 A. I actually asked the investigators to bring him
21 back in the next day, and talk to him again.

22 Q. Yeah. And the reason because the first time he
23 was pretty drunk, wasn't he?

24 A. Yeah. And I knew that just for -- for court
25 purposes, I didn't want to just have a statement from

1 somebody that was under the influence of alcohol.

2 Q. Got you. You brought him in the next day -- you
3 didn't bring him in. He was brought in?

4 A. I was there, but I didn't -- I'm not an
5 interviewer. No, sir.

6 Q. So in your review of those two -- first two, he
7 never said anything about getting out of the car to go take,
8 I -- I hate to use this vernacular, but it's been used
9 already to take a pee, did he?

10 A. Not in those two videos. No, sir.

11 Q. And then when you went and talked to him, he
12 added, he pulled over to get a beer? I might have got out to
13 take a pee.

14 A. I'd have to look at my notes, but I do know that
15 because my notes are time stamped and dated, that I did have
16 that information on the very first night.

17 Q. You had that information the very first night?

18 A. Yes, sir. In my case notes, they're time stamped,
19 and dated where --

20 Q. Where did you --?

21 A. -- I put my notes in.

22 Q. Where -- where did you get that information?

23 A. From the scene -- I guess speaking with them at
24 the scene.

25 Q. Okay. That -- that has never been disclosed in

1 any -- any -- any evidence that I've seen to this day?

2 A. It's not in the videos no, sir.

3 Q. It's nowhere?

4 A. It's just in my case -- it's in my -- my logged
5 case notes.

6 Q. Okay. That's -- I'm surprised at that -- that --
7 that hasn't been disclosed to us before today.

8 A. I understand. I mean -- no, it's -- it is in a
9 copy that you -- that you're provided within the ones from
10 Zuca.

11 Q. Now, later on, you were called on to investigate a
12 shooting involving Jody and Christy -- Christina Huebner; is
13 that correct?

14 A. Could you repeat that? I'm sorry.

15 Q. At -- at -- at another time, you were called to
16 investigate a shooting between Jody and Christina Huebner; is
17 that correct?

18 A. Not -- not a shooting. She called to make a
19 report that he was harassing her.

20 Q. Okay. And it -- it was reported that he shot the
21 pistol?

22 A. I -- I don't know, Mr. Speedy.

23 Q. You -- you already testified, didn't you?

24 A. Yes.

25 Q. He testified he shot a pistol?

1 A. During --

2 MR. SCOTT: Objection. Asking him to vouch for another
3 witness.

4 THE COURT: Sustained.

5 BY MR. SPEEDY:

6 Q. So did you investigate it to ask him that
7 question?

8 A. I didn't talk to Jody.

9 Q. Never talked to Jody?

10 A. That case wasn't assigned to me. I just used it
11 as an excuse to go talk to Ms. Huebner.

12 MR. SPEEDY: That's all I have.

13 THE COURT: Re-direct?

14 RE-DIRECT EXAMINATION

15 BY MR. SCOTT:

16 Q. Why'd you want to talk to Ms. Huebner?

17 A. Because I had come across information during my
18 investigation of this case that Ms. Huebner may or may not
19 have information about my case.

20 Q. Okay. And was there some sort of connection you
21 noted between Ms. Huebner and Ms. Catoe -- Stacey Catoe?

22 A. I did find out some of the information.

23 MR. SWERLING: Your Honor, objection from hearsay.

24 THE COURT: Overruled.

25 THE WITNESS: I did find out some information, when I

1 went out to speak with Ms. Huebner about the report she
2 filed, that she and Ms. Catoe were in a relationship.

3 BY MR. SCOTT:

4 Q. Okay. During the time of this incident --

5 MR. SWERLING: Objection. Leading.

6 MR. SCOTT: -- at what time?

7 MR. SWERLING: Leading.

8 THE COURT: Sustained as to leading.

9 BY MR. SCOTT:

10 Q. At what time they were in a relationship?

11 A. Before and during the time of the shooting of
12 Ms. Coates.

13 Q. Okay. And so, your report indicates that at the
14 scene, Jody Catoe had indicated that he had gotten out to
15 urinate?

16 A. In my -- in my case notes. Yes, sir.

17 Q. And that has absolutely been provided to
18 Mr. Speedy; is that true?

19 A. Yes. Part of discovery.

20 Q. Okay. Years this happened?

21 A. Should be since 2018.

22 Q. Okay. Now, do you remember -- do you remember
23 Stacey Catoe that night crying, and bawling, and/or anything
24 like that?

25 A. No, sir.

1 Q. Okay. Do you remember her hair being wet?

2 MR. SWERLING: No, it wasn't being -- not wet. It
3 wasn't done into by Mr. Speedy.

4 THE COURT: Overruled. He -- you -- you would end up
5 whether or not her behavior was erratic.

6 BY MR. SCOTT:

7 Q. Okay. So she wasn't crying -- she wasn't bawling?

8 A. No, sir.

9 Q. You said, "She's pacing." Do you remember her
10 hair being wet?

11 A. In my memory, I feel like her hair appeared to be
12 wet, but I did not know that.

13 MR. SCOTT: Okay. All right. That's all the questions
14 I have. Thank you.

15 THE COURT: Mr. Speedy, re-cross?

16 RE-CROSS EXAMINATION

17 BY MR. SPEEDY:

18 Q. This was four hours after the incident?

19 A. That I came to meet Mr. McClintock?

20 Q. Uh-huh.

21 A. I -- I'll take your word for it because it's all
22 logged in. Yes, sir.

23 MR. SPEEDY: That's all I have.

24 THE COURT: Okay. Thank you, Investigator Dill. You
25 may step down.

1 INVESTIGATOR DILL: Thank you.

2 THE COURT: All right. And you may call your next
3 witness.

4 MR. SPEEDY: Your Honor, would this be an appropriate
5 time for ---

6 MR. SCOTT: Just a morning break?

7 THE COURT: We can, if you need to.

8 MR. SCOTT: Okay.

9 THE COURT: It's a good time for you to break.

10 MR. SCOTT: Just to line up another couple witnesses.

11 THE COURT: Okay. All right. We'll go ahead and take
12 our morning break. We've made it through a few witnesses
13 this morning. I'm going to remind you don't talk about the
14 case. Don't let anybody talk to you about the case. Keep an
15 open mind. We'll take our full morning break. So about
16 15 minutes. We'll see you back in about 15 minutes.
17 Everyone else stay where you are. Thank you very much.

18 (Jury exits courtroom.)

19 THE COURT: Okay. Okay. Anything from the State
20 before we break?

21 MR. SCOTT: No, Your Honor.

22 THE COURT: From the Defense?

23 MR. SPEEDY: No, Your Honor.

24 THE COURT: Okay. Just a reminder, I have a roster
25 meeting at 1:00 that's virtual, that both of you are on and

1 they --

2 MR. SPEEDY: Jack and I have ours worked out, but I am
3 on another one though.

4 THE COURT: Okay. So just for planning purposes, I got
5 to stop at 1:00. Even if it's send them out for 10 minutes,
6 it won't, you know -- it takes me five minutes to do a roster
7 meeting, and I'll do it virtually.

8 MR. SPEEDY: Okay.

9 THE COURT: But just FYI. All right. Let's powwow
10 about what you all brought up this morning in the back call
11 for just a second. All right. Take a 15-minute break.

12 (Off the record.)

13 THE COURT: Okay. Anything from the State before we
14 bring them in?

15 MR. SCOTT: No, Your Honor.

16 THE COURT: From the Defense?

17 MR. SPEEDY: No, sir.

18 THE COURT: Thank you. We may -- someone bring in the
19 jury, please. Thank you, Craig.

20 (Jury enters courtroom.)

21 THE COURT: Okay. Thank you. Okay. Welcome back
22 ladies and gentlemen, we will continue now with the
23 presentation of the State's case.

24 And, Mr. Scott, you may call your next witness when
25 you're ready, sir.

1 MR. SCOTT: Thank you, Your Honor. State calls
2 Jonathan VanHouten.

3 THE COURT: All right. Come on up Mr. VanHouten.

4 THE CLERK: Okay. Have a seat in the witness stand,
5 and state your full name for the record.

6 AGENT JONATHAN VANHOUTEN,
7 being duly sworn, testified as follows:

8 THE WITNESS: Jonathan VanHouten, V-A-N-H-O-U-T-E-N.

9 DIRECT EXAMINATION

10 BY MR. SCOTT:

11 Q. Okay. Agent VanHouten, where are you employed?

12 A. United States Secret Service.

13 Q. Okay. How long have you worked there?

14 A. As an employee, I've been working there for
15 four years. Prior to that I've been working at the Toolbox
16 for 15 years.

17 Q. Okay. What are your primary duties with the
18 Secret Service?

19 A. I'm part of the Electronic Crime Special Nature
20 Program. I'm a KNIFE agent for Network Intrusion Forensic
21 Examiner, digital forensics is my primary area of
22 responsibility.

23 Q. Okay. So are you ever asked by local agencies to
24 do digital forensic examinations?

25 A. Yes. We assist state, and local, and any law

1 enforcement agency to request assistance.

2 Q. Okay. In this particular case,
3 State versus Stacey Catoe, did Kershaw County ask you to
4 perform a digital forensic examination on a cell phone?

5 A. They did.

6 Q. Okay. Let me show you State's 38, and ask you if
7 you recognize this?

8 A. Yes. This was a cell phone that was submitted for
9 examination.

10 Q. Okay. When did you receive that phone?

11 THE COURT: What -- what number was that? 38. Was that
12 38, Investigator VanHouten?

13 THE WITNESS: Thirty-eight.

14 THE COURT: Thank you. Thank you.

15 MR. SCOTT: I say these numbers, I immediately forget
16 them.

17 THE COURT: Thirty-eight, I believe.

18 MR. SCOTT: Okay.

19 THE COURT: I -- I did two, and so I apologize. No one
20 had done anything wrong. I just was making my own that.
21 Thank you.

22 THE WITNESS: So I received the -- the phone on
23 June 6th -- correction June 19, 2018.

24 BY MR. SCOTT:

25 Q. Okay. And what were you asked to do with it?

1 A. I was asked to conduct a physical extraction
2 examination on all the data that was written on the device.

3 Q. Okay. How many times have you performed such an
4 extraction?

5 A. In 15 years, several thousand -- thousand.

6 Q. Okay. And have you testified in state court like
7 this before as an expert?

8 A. Yes.

9 Q. Okay. Have -- have you testified in federal
10 courts as an expert?

11 A. Yes.

12 Q. Approximately how many times?

13 A. More than a dozen times as -- as an expert
14 witness.

15 Q. Okay. And expert in digital forensics is that --

16 A. Yes.

17 MR. SCOTT: Okay. Your Honor, the State offers
18 Jonathan VanHouten as an expert in digital forensics.

19 THE COURT: Voir dire?

20 MR. SWERLING: No objection.

21 THE COURT: Okay. So normally, ladies and gentlemen,
22 when a person testifies, they're not allowed to give their
23 opinion. Okay. Normally they have to testify as to what
24 they saw, heard, did, touch, sense by smell, something of
25 that nature. However, there's an exception under our rules.

1 When someone is qualified because of education or experience,
2 that person is permitted to give their opinion in certain
3 areas if the Court qualifies them in that way.

4 So Investigator VanHouten will be qualified as an
5 expert in the area of digital forensics. That means he will
6 be allowed to give his opinion in those areas. Now, that
7 doesn't mean that you have to accept his opinion, right? It
8 -- but it's evidence for you to use in any way that you see
9 fit, and you give it the weight, and the credibility that you
10 believe is appropriate, just as you should be doing with each
11 and every witness that comes before you.

12 BY MR. SCOTT:

13 Q. So, Agent VanHouten, what -- what is a -- a cell
14 phone extraction? What -- what -- what is that in layman's
15 terms?

16 A. So basically, the cell phone is like any other
17 digital device that stores digital information and data. We
18 go in, and we remove the data from the device, and we exploit
19 the data that is stored on the device. Usually it's
20 databases and -- and log information that we can acquire.

21 Q. Do you modify or alter the data in any way?

22 A. We do not.

23 Q. Okay. So what -- what is the -- what are the
24 tools that you use to extract the information from a cell
25 phone?

1 A. So we -- we use a various number of tools.
2 Cellebrite is one, Axiom is another, Graykey is one. It's
3 just numerous tools that we use to not only extract the data,
4 but also analyze the data.

5 Q. Okay. And what's the purpose of the different
6 programs? You said, "Cellebrite", did you -- did you mention
7 FINALMobile?

8 A. FINALMobile was a tool that we used back in 2018.
9 It's -- not only did we use it to validate the work that we
10 do. Once we extract the data, we run on a second tool, or
11 we'll validate the data from the database logs that we
12 recover. But generally, we'll use a second tool to validate.

13 Or if we know that there is an issue with that one
14 particular tool parsing the data, we'll go to another tool.
15 Because we -- based on our experience, we know that -- that
16 something is not right, that this tool is not doing what it's
17 supposed to do. So we'll go to another device -- another
18 tool.

19 Q. Okay. So what tools did you use on this Samsung
20 phone that you examined?

21 A. I used Cellebrite and FINALMobile.

22 Q. Okay. And -- and did you derive results from --
23 from these extractions?

24 A. I did.

25 Q. Okay. Were you -- is -- is it common for the law

1 enforcement agency submitting these phones and -- and asking
2 these requests of you? Is it common for them to give you a
3 background kind of -- of what their evidence is?

4 A. Yes. So what we will normally do is get a history
5 from the submitting agency, or we'll look at the search
6 warrant or incident report that is supplied with the -- the
7 device that's submitted to our lab for examination.
8 Primarily what we'll try to do is, we'll try to carve a
9 timeline of user events that happened usually 24 hours before
10 an event happened -- the 24 hours after the event happens.
11 So totality of 72 hours is what we'll try to acquire. And
12 within that data, we'll try to acquire call logs, text
13 messages, location history, a lot of information that you
14 cannot see in that device. We are able to pull out and --
15 and pull that information. And we'll try to derive a
16 timeline of user events. Generally, we will still give
17 everything to the submitting agency because we are not the
18 case agent. We're just going off what we know from the
19 search warrant for the incident report.

20 Q. Okay. Did -- did the tools you use -- are they
21 able to extract deleted items?

22 A. So yes, there are -- it's not as common now, but
23 back in 2018, there are three types of extraction we get.
24 Physical, logical, and file system. Physical data -- a
25 physical extraction is everything that that device holds.

1 Even deleted data -- data that's what's called unallocated
2 space. That's just storage that nobody can see. That is
3 what we try to attempt to get physical. It's not as
4 prevalent nowadays as before.

5 So our two other methods now are logical and file
6 system. Logical data is data that you can see on your phone.
7 When you look at your phone and you see the pictures, you see
8 the text messages, you see the call logs. That is logical
9 data. File system data is data -- usually databases that you
10 cannot see -- you cannot go through the phone and see it. We
11 -- we extract that data out of it. So in this case, I was
12 able to get some deleted data from this device.

13 Q. Okay. And how -- how does -- I mean -- can you
14 describe -- I guess a little bit there -- these are many
15 computers that we have now, aren't they?

16 A. Yes.

17 Q. And so when -- when the text is received or a text
18 is sent, is it immediately captured within the phone?

19 A. Yes. Once the phone acquires the data, even if
20 you don't read the text, it -- it stores it in the database,
21 what's called a WAL file or a Write-Ahead Log file. And
22 that's the temporary file that it will store incoming items,
23 and items that you even delete. If you delete, it'll go to
24 this WAL file to eventually overwritten.

25 Q. Okay. Same with phone calls?

1 A. Yes. Any -- any data, any photos, communication,
2 anything goes to the WAL file.

3 Q. And I guess that's kept in the ordinary course of
4 -- of business with these cell phone companies? Is that --
5 or -- or with the cell phone manufacturers?

6 A. Well, the -- the -- the way the databases are set
7 up even -- and it really doesn't matter what phone, whether
8 it's an Apple phone or a -- or an Android phone, everything
9 is redundant. So that one text message that you receive
10 could end up in three different databases just for -- if
11 something were to happen to a database, there's a backup that
12 you can recover, or you can still see the text message.

13 Q. What about Facebook messages?

14 A. Facebook messages are stored in the Facebook log
15 file under the user profile. User profile is different from
16 system settings. System settings on a phone is when you get
17 a new phone. It's the -- the text messages, the calls, the
18 -- the things that come with the phone, when you first turn
19 the phone on User Profile are items, and databases and
20 artifacts that the user initiates. For example, when you go
21 to the app store, and you download an app that is stored in
22 the user profile database, and Facebook is one of the user
23 profile databases that are on the phones.

24 Q. Let me show you State Number 42. What is that?

25 A. This is the forensic examination report that I

1 submitted to the Kershaw County Sheriff's Department.

2 Q. Okay. And that contains the findings. I mean --
3 is it -- is it fair to say you take the phone, you hook it up
4 to your machine, and it kind of just pulls all the
5 information out of the phone?

6 A. First of all, we'll -- we'll triage the device,
7 we'll make sure there's no damage. If there's damage, we
8 document it. We make sure the phone power is on, the phone
9 is attached. Sometimes phones come in, they're just
10 completely destroyed. We've got to rebuild them. We'll
11 triage the device, and then if the phone is still on or if
12 it's off, we'll charge it up, and then we use special tools
13 to extract the data from the device.

14 Q. Okay. And that's what you're saying you did with
15 this particular phone?

16 A. Yes.

17 Q. And you were able to retrieve results from that
18 phone?

19 A. So yes. The first attempt or the -- our -- our
20 first tool that we normally go to is -- is Cellebrite. It is
21 a world round tool, very expensive tool that we use to
22 extract and analyze cell phone data. That was the first
23 attempt. I was only able to get a partial extraction from
24 this phone because the phone was not locked. It was an
25 unlocked phone. There was no passcode to it, but when I

1 pulled the extraction from Cellebrite, I noticed that there
2 was a lot of data missing. Cellebrite was for some reason or
3 another -- it is what we call a "Parsing Issue." The -- the
4 data just did not parse correctly. And so we went to another
5 tool which was FINALMobile.

6 Q. Okay. And then, were you able to get an
7 extraction using final report or FINALMobile?

8 A. Yes.

9 Q. Okay. Does that State's Number 42 -- does that
10 contain the FINALMobile and the Cellebrite report?

11 A. Yes. This would've been everything, except the
12 actual extraction itself. This would've been the -- the full
13 reports.

14 Q. Okay. And does the US government use the
15 Cellebrite and the FINALMobile too?

16 A. At the time, we used --- we did use Cellebrite and
17 FINALMobile. We have since migrated away from FINAL --
18 FINALMobile to more advanced tools.

19 Q. Okay. And 42, that's -- that was a disc that you
20 provided the Sheriff's department?

21 A. Yes. This is our forensic cover sheet or label
22 that we provide on all of our -- our discs.

23 MR. SCOTT: Your Honor, the State offers 42 for
24 admission into evidence.

25 MR. SWERLING: No objection.

1 THE COURT: State's 42 is admitted without objection.

2 Thank you.

3 (State's Exhibit 42 was admitted into evidence.)

4 BY MR. SCOTT:

5 Q. Let me show you -- for ID purposes, I'm going to
6 show you what's been labeled State's 43. What is that?

7 A. This is going to be the FINALMobile report that I
8 submitted for this examination.

9 Q. Okay. And that -- is that one that we talked
10 earlier about how you were -- you're given some kind of
11 information regarding the case that's being investigated?

12 A. Correct.

13 Q. Okay. Do you remember whether or not you were
14 given the name of the victim in this case?

15 A. Bear with me one second. Yes. The search term
16 for Brenda was used to narrow down or filter out results
17 relating to the key term Brenda.

18 Q. And that State's 43. Is that -- that's kind of a
19 report you did that was sort of related to Brenda Coates that
20 was pulled out of the phone, is that ---

21 A. Right. And that's generally what we do. As -- as
22 part of the timeline, there's -- there will be certain
23 keywords that we'll look for, if it's listed in the search
24 warrant, or after speaking with the submitting agency. What
25 is it you're particularly looking for? Because you've got to

1 understand most cell phones, if -- if I were to give a cell
2 phone report back, and they -- and the submitting agency
3 requested everything, that report could easily be upwards of
4 15- to 20,000 pages just for the data that's stored -- that's
5 stored on a cell phone.

6 So what we do is, we try to filter out the things
7 relevant to the incident or the incident itself, and toward
8 the timeline. So Brenda was a key term that we used -- or
9 that I used to search for, and narrowed down filter result --
10 filter the results from this cell phone relating to the key
11 term, Brenda.

12 Q. Okay. And that particular report on 43, that
13 would pertain to Facebook messages, is that ---

14 A. Yes, this is part of the user profile that I was
15 talking about, that the user would go in to the app store and
16 download Facebook.

17 MR. SCOTT: Okay. Judge, I just want the record to
18 show -- just for ID purposes, what he's described as State's
19 43, pertains to a report he did regarding Brenda Coates as a
20 search term and Facebook messages.

21 THE COURT: Okay.

22 MR. SWERLING: Yeah. Can we see the document itself?

23 THE COURT: Yes, you may. And that's for ID only?

24 MR. SCOTT: Just ID.

25 MR. SWERLING: Yeah.

1 THE COURT: Okay.

2 BY MR. SCOTT:

3 Q. Let me show you State's 44, what does that appear
4 to be?

5 A. This appears to be the Cellebrite report that I
6 initially conducted on the device.

7 Q. Okay. And that's a -- a portion of the Cellebrite
8 report?

9 A. Yes. This is what -- as I stated earlier, the
10 system file text messages and call logs that we're able to
11 recover from the phone. And I use Cellebrite recovery
12 communication logs in this case -- text messages.

13 Q. Okay. So that would take 44 testimony exhibit it
14 would be relied from.

15 A. Yes.

16 Q. This exhibits -- exhibit it's State Number 42?

17 A. Yes.

18 Q. Okay. And that is Cellebrite documents --
19 specific text messages to and from?

20 A. Yes.

21 MR. SCOTT: Okay. Now, I think that's all the
22 questions I have for Investigator Dill right now.

23 THE COURT: Did you move 44 in?

24 MR. SCOTT: I had --

25 THE COURT: Or you not moving it in?

1 BY MR. SCOTT:

2 Q. So these are the discs right there that's been
3 admitted into evidence that that would encompass thousands
4 and thousands of pages; is that true?

5 A. Correct.

6 Q. Forty-four and 43 would just be kind of a snippet
7 of some of those?

8 A. That is correct.

9 Q. Instead of printing out 7,000 pages of documents?

10 A. Correct.

11 THE COURT: Well, the -- yes. Do you believe the
12 FINALMobile report was close to 12,000 pages?

13 MR. SCOTT: Okay.

14 THE COURT: So that is just --

15 MR. SCOTT: Yes. Okay.

16 THE COURT: That is what's relating just to this case
17 that I recover.

18 MR. SCOTT: Okay. So, Your Honor, instead of admitting
19 all of this, I -- I just want ID'd.

20 THE COURT: Okay. It's fine.

21 MR. SCOTT: Possibly use later so... Thank you.

22 THE COURT: All good with me. All right.

23 Cross-examination?

24 MR. SWERLING: Excuse me, Your Honor. No questions,
25 Your Honor.

1 THE COURT: No questions? No questions?

2 MR. SWERLING: No questions.

3 THE COURT: Okay. Thank you, Investigator VanHouten.

4 Have a nice day, sir.

5 AGENT VANHOUTEN: Yes, sir.

6 THE COURT: And State may call their next witness.

7 MR. BRADBURY: State calls Nicklaus Sprouse.

8 THE CLERK: (Inaudible).

9 NICKLAUS SPROUSE,

10 being duly sworn, testified as follows:

11 THE CLERK: (Inaudible) for the record.

12 THE WITNESS: Full name Nicklaus Sprouse. First name

13 N-I-C-K-L-A-U-S, last name S-P-R-O-U-S-E.

14 MR. SCOTT: Thank you, Your Honor.

15 DIRECT EXAMINATION

16 BY MR. BRADBURY:

17 Q. And, Mr. Sprouse, how are you employed?

18 A. I'm currently an employed with Dominion Interview.

19 Q. All right. And back in June of 2018, how were you
20 employed?

21 A. I was with the South Carolina Law Enforcement
22 Division.

23 Q. And you commonly referred to as SLED?

24 A. Yes, sir.

25 Q. And how long were you at SLED?

1 A. A little over five years.

2 Q. So back in June of 2018, what was your role?

3 A. I was a crime scene investigator for the entire
4 state with -- with SLED. There is where I was a blood stain
5 pattern analysis crime scene reconstructionist, and a
6 shooting instant reconstructionist.

7 Q. And in -- in that role, do you take part in any
8 local investigations, or these just kind of state-level
9 investigations?

10 A. Every -- every local jurisdiction, county, or city
11 we -- we assist, we are an assistant agency.

12 Q. Is there any kind of formal or informal
13 relationship with Kershaw County Sheriff's Department, where
14 you provide kind of a regular assistance to them in
15 investigations?

16 A. Only when requested. Once -- once a call comes in
17 from a county or a city, they can request assistance from
18 SLED, if they needed additional resources given an
19 investigation.

20 Q. And back on June 17th or 18th of 2018, were you
21 aware of any services being requested by Kershaw County?

22 A. Yes, sir. We were -- we were contacted for a
23 vehicle processing by the Kershaw County Sheriff's Office.

24 Q. Okay. And did you play a part in that -- in that
25 processing?

1 A. Yes, sir.

2 Q. All right. What was the role that you played in
3 that process?

4 A. I was the lead investigator for the vehicle
5 processing. Two vehicles were brought to the sheriff -- the
6 Kershaw County Sheriff's Office, and they needed to be
7 forensically processed by -- well, they were requested to be
8 forensically processed by SLED.

9 Q. Can you kind of briefly describe what a forensic
10 processing is?

11 A. So it would depend. It -- it depends on what the
12 situation is, and what we're -- what we're looking at.
13 Obviously, we would have to go into the vehicle. First, we
14 take overall pictures to document as we found it. At that
15 point in time, we would start opening doors, documenting
16 serial numbers, VIN numbers, items that are located as is
17 before we have to move anything -- any kind of -- I would
18 call evidence that it wouldn't naturally be there in a
19 vehicle. And we document everything first and foremost by
20 photographs, before we start being more intrusive and
21 invasive in the vehicle.

22 Q. Okay. And related to -- to this specific
23 investigation back in June of 2018, is any specific
24 processing requests in Lancaster County?

25 A. They were -- we were informed that vehicles were

1 involved in a shooting incident, and we were requested to
2 look for any kind of forensic information such as firearms,
3 bullet defects, perhaps GSR, which is gunshot residue, and
4 any kind of blood staining -- just documentation.

5 Q. Specific to the GSR, gunshot residue, can you kind
6 of briefly describe what that would be or what causes GSR?

7 A. Okay. GSR is you -- you're testing for
8 three particular elements: Antimony, barium, and lead.
9 Anytime that you have those three elements together, that
10 constitutes or it is indicative of gunshot powder or gunshot
11 residue as it's referred to.

12 Q. And in the gunshot residue, is that burned or
13 unburned powder -- or mean -- what -- how -- how does that
14 ---?

15 A. That -- that is -- that is burned powder that is
16 expelled from the barrel of a firearm once the -- the
17 projectile is fired from the barrel.

18 Q. And when a -- when a firearm is fired --
19 projectile exits the barrel. How -- how does that GSR -- how
20 does that residue kind of disperse out of the barrel? Does
21 it follow the track of the bullet or is it ---?

22 A. As expected, typically it goes out into what's
23 been scientifically seen as a cone shape, and then it goes
24 into a path -- I guess you could call it a "Cloud" once it
25 goes out from that cone shape.

1 Q. And does any exit the rear, like, through an
2 ejection port or back of a (crosstalk) ---?

3 A. Yes, the path of least resistance in the firearm
4 -- powder is going to come from.

5 Q. And did you actually collect any GSR samples from
6 this vehicle that you processed?

7 A. We did.

8 Q. Yeah. And -- and -- and you said, "There were
9 two vehicles." Which vehicle or both of them, did you
10 collect GSR samples from?

11 A. We collected GSR samples from -- I believe it was
12 a red in color or burgundy color SUV, I believe.

13 Q. Would that be a -- a Ford Escape?

14 A. Yes, sir.

15 MR. BRADBURY: All right. And may I approach the
16 witness that was previously marked for identification
17 purposes as State's 45 and 46 GSR kits?

18 THE COURT: Yes.

19 MR. BRADBURY: Thank you, Your Honor.

20 BY MR. BRADBURY:

21 Q. And do you recognize that it was -- has been
22 marked as State 45?

23 A. Yes, sir. This is my handwriting. This is a
24 gunshot residue kit, and on the front it's my handwriting --
25 my initials as well.

1 Q. And is that the change or alternate way, other
2 than the evidence tape where the SLED tape is off?

3 A. Just the evidence, the evidence tape and the red
4 writing right here, that's not mine. Other than that,
5 everything is mine.

6 Q. All right. Thank you. And State's 46 this in
7 question?

8 A. Yes, sir. My handwriting -- my initials minus the
9 2-9-24 JMN red right in the State's exhibit, as well as the
10 initial, I believe it says "JN" here to as 2/22 of 24. Those
11 are not mine.

12 Q. In that -- those additional marking that -- in
13 your experience, who -- who would've made those markings?

14 A. It would've had to been another evidence
15 technician, or someone from trace evidence from SLED. Once
16 they open it up, they -- when they go back to reseal it,
17 they'll seal it hot -- seal it -- then they'll put their
18 initials, and the date that it was sealed by them.

19 Q. And where inside that Ford Escape were those
20 samples retrieved from?

21 A. Those particular samples were from the steering
22 wheel, the gear shifter, and the passenger-side door interior
23 passenger-side door.

24 Q. Okay. And how do you retrieve those samples?

25 A. There's two indicators. There's two collection

1 kits that are in each individual gunshot residue kit. And
2 you -- you dab -- you don't rub, you dab those on the
3 affected areas, seal them back, put them back in your pack,
4 seal the pack, and then put them in a heat seal pack.

5 MR. BRADBURY: All right. Thank you. And the -- Your
6 Honor, the State would move to admit State's 45 and 46
7 gunshot residue kits.

8 MR. SWERLING: No objection.

9 THE COURT: Forty-five, 46 admitted without objection.
10 (State's Exhibits 45 and 46 were admitted into evidence.)

11 MR. BRADBURY: Thank you, Your Honor. Can I beg the
12 Court's indulgence?

13 THE COURT: Yes, sir.

14 MR. BRADBURY: Thank you, Your Honor.

15 BY MR. BRADBURY:

16 Q. So when -- when you processed these two vehicles,
17 did -- what other steps aside from collecting the GSR did you
18 take?

19 A. So with my specialty, this shooting incident
20 reconstruction -- so obviously I was able to locate
21 projectile we call projectile defects. Those were scaled,
22 and taped, and photographed to indicate that there was
23 projectile -- defects within the white vehicle that we
24 processed.

25 Q. Commissioner approached with what's previously

1 marked as 31 and 33 crime scene photos?

2 A. Yes, sir.

3 Q. Do you recognize those previously marked as 31,
4 33?

5 A. Yes, sir. These are photographs of my scale tape
6 indicating directionality of the windshield that way,
7 passenger door this way. And it's labeled as "Defect one
8 interior passenger-side of dash." And it is just a different
9 -- just a different angle on the same picture.

10 Q. You handwriting on this one?

11 A. Through my handwriting and my initials.

12 Q. Did you take these?

13 A. I did take those pictures.

14 Q. Do they fairly and accurately represent the scene
15 that you saw ---?

16 A. As I found it. Yes, sir.

17 MR. BRADBURY: Your Honor, State moves to admit
18 31 to 33.

19 MR. SWERLING: No objection.

20 THE COURT: Admitted without objection.

21 (State's Exhibits 31 and 33 were admitted into evidence.)

22 MR. BRADBURY: We've published 33.

23 BY MR. BRADBURY:

24 Q. And just if you could kind of (inaudible) four --
25 so find about object to defects just what you referring to

1 right now, but on screen this -- this tape, what does that
2 indicate?

3 A. Well, that's just giving you -- in case you want
4 to take this photograph, and you want to take drive
5 photography or a unit, they can do a one-to-one ratio to
6 scale, to tell you exactly the -- the length and the width of
7 the particular defect.

8 Q. And was this defect immediately obvious when you
9 walked along the vehicle, or did you have to deal or search
10 the vehicle to find it?

11 A. Well, once I was doing my initial search in the --
12 in the vehicle, I -- it's obvious to me because I looked for
13 particular items of evidence given -- being a reconstruction.
14 So to me, yes, sir it was obvious for me.

15 Q. Okay. And once you found this, did -- did you
16 search that vehicle for any other bullet defects, correct?

17 A. Of course, yes, sir.

18 Q. And did you search the Ford Escape for any bullet
19 defects?

20 A. Yes, sir.

21 Q. All right. Did you find any other defects in
22 either vehicle?

23 A. I did not find anything in the -- the Ford Escape.
24 And I do believe there's another defect in this one that what
25 you see -- what you can see is the trail, and it leads

1 towards the passenger-side. And I do believe there was
2 another defect -- there should be another picture of a
3 defect.

4 Q. But in -- in your investigation, that defect
5 would've been caused by the same projectile?

6 A. It -- it had the same trajectory path or flight
7 path.

8 Q. But -- but nothing found in the Ford Escape?

9 A. Nothing. Nothing that I had in my notes --
10 nothing that was noted in the photographs.

11 Q. Okay. And approximately how many vehicles had you
12 -- you conducted investigations on in your career with SLED?

13 A. At least with vehicles within a shooting instant
14 crime, over 100.

15 Q. You ever have any issues where somebody else came
16 along later and found something you missed? As far as the
17 bullets defects?

18 A. No, sir. Because typically what we do, we have
19 two agents that work with us. So if on scene, if I happen to
20 not see something immediately -- that's why we have a
21 fail-safe with another -- another agent that comes behind us.
22 So typically we've had everything. We've never -- I've never
23 been told that we've missed something on any of my scenes.

24 MR. BRADBURY: Thank you. Your Honor, that be State's
25 questions.

1 THE COURT: Cross-examination?

2 MR. SWERLING: No cross.

3 THE COURT: Thank you. Have a nice day.

4 MR. SPROUSE: Thank you, sir.

5 THE COURT: State may call their next witness.

6 MR. BRADBURY: Thank you, Your Honor. The State calls
7 Jennifer Nates.

8 THE CLERK: (Inaudible).

9 JENNIFER NATES,

10 being duly sworn, testified as follows:

11 THE WITNESS: Jennifer Nates.

12 DIRECT EXAMINATION

13 BY MR. BRADBURY:

14 Q. And good afternoon, Ms. Nates.

15 A. Good afternoon.

16 Q. Okay. And how are you employed?

17 A. I'm employed by the South Carolina Law Enforcement
18 Division in the trace evidence section of the forensic
19 laboratory.

20 Q. And what -- what credentials do you need to -- to
21 enter that position?

22 A. For a trace evidence position, the credentials are
23 a bachelor of science degree in chemistry, and then you have
24 to successfully complete, it's approximately an eight-year
25 training program within the department due to the many

1 different disciplines in which we perform analysis.

2 Q. Now, as it specifically relates to gunshot residue
3 analysis, or trace analysis involving gunshot residue, do you
4 use any specialized equipment for that?

5 A. For gunshot residue analysis, we use what is
6 called a "Scanning electron microscope." It is a high-
7 powered microscope that uses a beam of electrons instead of
8 light, to magnify the evidence you're looking at.

9 Q. And is -- is that scanning electron microscope, is
10 that it's widely used across the -- the -- the field of trace
11 evidence analysis?

12 A. It is the Scanning electron microscope was
13 actually developed in the '40s, and testimony pertaining to
14 gunshot residue has been allowed in court since the
15 late 1970s. So it is mostly the primary instrument that is
16 used for the analysis of gunshot residue in the United States
17 and elsewhere in the world.

18 Q. Okay. And actually on that point, have you
19 personally ever provided expert testimony in courts?

20 A. I have.

21 Q. In state, and federal courts, and which courts
22 have you appeared to?

23 A. State, federal, and magistrate.

24 Q. And approximately how many times have you been
25 qualified as an expert?

1 A. I've been qualified 177 times.

2 MR. BRADBURY: Okay. And, Your Honor, the -- the State
3 would tender Jennifer Nates as an expert in trace analysis.

4 MR. SWERLING: No objection.

5 THE COURT: All right. Remember, people normally can't
6 give their opinion. There's an exception when someone's
7 qualified because of education or experience, they're allowed
8 to give their opinion. This witness will be qualified as an
9 expert in the area of trace --

10 MR. BRADBURY: Analysis.

11 THE COURT: -- analysis; is that right? Okay. That
12 means she'll be allowed to give her opinion in that area.
13 That doesn't mean that you have to accept it, it's evidence
14 for you to use in any way that you see fit. You give it the
15 weight, and the credibility that you believe is appropriate,
16 just as you should be doing with each and every witness.

17 MR. BRADBURY: Thank you, Your Honor.

18 BY MR. BRADBURY:

19 Q. And turning your attention back to June of 2018,
20 did -- did you perform any analysis that led to a case in
21 Kershaw County that time frame?

22 A. I would not have received it in June of 2018. I
23 received the evidence when the investigators submitted to
24 SLED for analysis, and when it falls into our queue for
25 assignments. So in this case, I think I performed the

1 analysis in 2024.

2 Q. And with that queue, is that a -- is that kind of
3 a statewide issue right now, as far as things getting
4 basically a workload issue?

5 A. I can only testify to my department and what
6 issues we have seen, but with gunshot residue, we had
7 probably in excess of 3000 to 4,500 GSR kits pending analysis
8 at the time of this incident. But recently, we have made
9 some changes to our analysis process, and we have been able
10 to reduce that to about 300 kits pending right now. So that
11 is why this one was pending for those years, until it came up
12 for analysis.

13 Now, if we had been called prior for a court case or
14 needed it expedited, then we would've done that, but we did
15 not receive any calls on this, and it was put in our queue,
16 and analyzed when we -- it was provided to me.

17 Q. And but -- but -- but you did perform some
18 analysis on items collected as evidence in, and a case
19 related to Ms. Stacey Catoe?

20 A. Yes.

21 Q. That'd be your first statement. And what -- what
22 items did you analyze?

23 A. I received three gunshot residue kits. Two of the
24 gunshot residue kits were submitted from a vehicle, and one
25 was submitted from Stacey Catoe.

1 MR. BRADBURY: Okay. May I approach with what was
2 previously admitted as State's 39, 45, and 46?

3 BY MR. BRADBURY:

4 Q. And do you recognize those previously admitted as
5 39, 45, and 46?

6 A. Yes. So these are the heat seal pouches that most
7 of our GSR kits will be submitted in. And I recognize that
8 due to the SLED laboratory number, this is a unique
9 laboratory number that's assigned to every case as it comes
10 in for that year. It will start -- for an "L" with an "L"
11 for lab, the year, and then the sequential number, and then
12 each one is assigned a unique item number. In this case,
13 when this evidence was processed, the red writing that is
14 from my department. -- so my initials and date are on here,
15 when I took this into my custody for processing on all three
16 of these.

17 Q. Okay. And are those the three items that you
18 previously mentioned you received?

19 A. Yes, it was item one, item eight, and item nine.

20 Q. And for admitted evidence as State's 39, which is
21 your item one.

22 A. Yes.

23 Q. What -- what is that?

24 A. This is the GSR kit from Stacey Catoe. So this
25 was a GSR kit that was collected from the right hand and the

1 left hand of Stacey Catoe.

2 Q. Okay. And then with State's 45, which is your
3 item number ---?

4 A. Should be on the front.

5 Q. Nine.

6 A. Nine, yes. This was the GSR kit collected from
7 the Ford Escape, that was collected from the passenger
8 inner- door area.

9 Q. And your item eight and State's 46?

10 A. State's 4 -- my item eight is the another GSR kit
11 collected from the Ford Escape. It was from the steering
12 wheel and the gear shift.

13 Q. And do you perform your -- let's see, what is
14 this? The scanning electron microscopy -- microscopic on
15 these items?

16 A. I did, I performed first -- when the items come
17 in, we perform an inventory of the items. We evaluate the
18 paperwork, what is submitted electronically, and the evidence
19 to make sure everything matches. We don't want something to
20 have been submitted that isn't the right piece of evidence.
21 Once we do that, we fill out the information sheets, document
22 anything we see with the kits, make sure they were sealed,
23 everything was appropriately sealed, and labeled, and
24 collected.

25 And then, we proceed to the scanning electron

1 microscopy analysis. This is an analysis in which I will
2 take the samples, I will load them into a small chamber. I
3 then do a sequential worksheet that mimics where I put those
4 on the stage. I set up the automated analysis -- analysis,
5 run all my quality checks, and then I hit -- actually it's a
6 button that says "Run." So after I've set all the parameters
7 up, it does an automated analysis, and it searches these
8 samples for any particles that are within the brightness
9 range for gunshot residue. It will flag those particles,
10 take a quick image of them, and take an X-ray.

11 After the analysis is complete, the analyst, which in
12 this case was me, will go back in, and we will relocate to
13 those particles, take an image of it, take a longer X-ray,
14 and confirm that that particle is actually a microscopic
15 molten particle that contains lead, barium, and antimony so
16 that I can classify it as prime or gunshot residue.

17 Q. And thank you. When you performed that analysis
18 on your item one States 39 GSR kit from Ms. Catoe's hands?

19 A. Yes.

20 Q. Did you find evidence of gunshot residue?

21 A. I did. In that kit there was a right hand sample
22 and a left hand sample. On the sample collected from the
23 left hand, I confirmed two particles characteristic of primer
24 gunshot residue.

25 Q. And on your item eight States 46, when you

1 performed that analysis, did you find gunshot residue -- this
2 being collected from the steering wheel?

3 A. On the kit collected from the steering wheel and
4 the gear shift, I did confirm six particles, characteristic
5 of primer gunshot residue, on those two samples.

6 Q. And on your item nine, State's 45, which is
7 collected from the interior passenger front door, alleged
8 armrest, did you find evidence of GSR?

9 A. I did. On those two samples, I confirmed
10 11 particles of primer gunshot residue.

11 Q. All right. And when you find GSR, what does that
12 tell you?

13 A. If I find GSR on an object on a person, that tells
14 you that that person either discharged a firearm, they were
15 in the vicinity to the discharge of a firearm, or they
16 handled an item that had gunshot residue on it that
17 transferred to them. In the case of an inanimate object such
18 as the vehicle, finding gunshot residue usually means that it
19 was in the vicinity to the discharge of a firearm, or somehow
20 gunshot residue was transferred to the areas where the
21 samples were collected.

22 Q. Okay. And based on that analysis, were you able
23 to form opinion as to whether or not the -- that there was
24 likely a firearm fired inside that vehicle?

25 A. Based on the evidence that I have, it is likely

1 that there was a firearm event inside that vehicle, but I
2 can't time stamp it -- I can't tell you when it was
3 deposited, and I can't tell you who deposited the GSR, but
4 the fact that there is GSR present means that a gun was
5 either discharged around that vehicle, from that vehicle, or
6 something with gunshot residue on it transferred to that
7 vehicle.

8 MR. BRADBURY: All right. If I may have one moment,
9 Your Honor.

10 THE COURT: You may.

11 MR. BRADBURY: Your Honor, the State's questions.

12 THE COURT: All right. Cross-examination?

13 MR. SPEEDY: Yes, sir.

14 CROSS-EXAMINATION

15 BY MR. SPEEDY:

16 Q. I think you did a good job of that, but I want to
17 just kind of clear a little bit up.

18 A. Yes, sir.

19 Q. "Gunshot residue can be transferred", you said
20 that; is that correct?

21 A. That is correct.

22 Q. So it's most likely that -- well you can't testify
23 to whether that -- on the steering wheel and on the gear
24 shift that that came from -- from the gun or from her hands?

25 A. I cannot. Normally, when we receive samples from

1 a gear shift or a steering wheel, usually we are looking for
2 transfer in those cases because law enforcement may have a
3 person or a suspect that a discharged firearm, got into a
4 vehicle, and left a scene. So in those cases, those are the
5 areas they collect from, to see if there's transfer from
6 them, just from their hands.

7 Usually in a vehicle, if we're looking to see if a gun
8 was discharged from within a vehicle or out of a vehicle,
9 they will collect from headliner, door, on seat back, dash
10 areas to determine that. But I can't tell you if that's on
11 the steering wheel from a gun being discharged, or from
12 transferring from someone's hands.

13 Q. Okay. Probably more likely if it's on both the
14 gear shift and the -- and the steering wheel, that it is a
15 front transfer from the shooter, is that correct?

16 A. It could be, yes.

17 Q. Okay. And then, the other one is just off you --
18 you said, "The other residue came from the door"?

19 A. Correct. It was from different areas of the door,
20 and there were two samples collected from that.

21 Q. Okay. Was there anything from the -- from the top
22 of the vehicle?

23 A. No, I only received the two that were from the
24 passenger door.

25 Q. And you can't say from where the residue --

1 whether the gun was partially out the window, all the way out
2 the window, or -- or inside the vehicle; is that correct?

3 A. I cannot.

4 MR. SPEEDY: Okay. Thank you. That's -- that's all I
5 have.

6 MR. BRADBURY: No re-direct, Your Honor.

7 THE COURT: All right. Thank you, Ms. Nates. Have a
8 great day.

9 MS. NATES: You too.

10 THE COURT: And who's next?

11 MR. BRADBURY: Your Honor, State calls Dr. Janice Ross.

12 THE COURT: Okay.

13 THE CLERK: (Inaudible).

14 JANICE EDWARDS ROSS,

15 being duly sworn, testified as follows:

16 THE CLERK: You can have a seat on the witness stand,
17 and state your full name for the record.

18 THE WITNESS: Janice Edwards Ross.

19 DIRECT EXAMINATION

20 BY MR. BRADBURY:

21 Q. Good morning, Doctor.

22 A. Morning.

23 Q. And, Dr. Ross, how are you employed? What -- what
24 is your job?

25 A. I'm a forensic pathologist.

1 Q. Okay. And where do you work?

2 A. Right now I'm in Charleston, South Carolina at the
3 coroner's office. At the time of this autopsy, I was in
4 Newbury, South Carolina.

5 Q. All right. And that be in June of 2018?

6 A. Yes.

7 Q. And what were you doing in Newbury,
8 South Carolina?

9 A. I was a -- a laboratory -- hospital laboratory
10 director, and did autopsies for the coroners of the -- of the
11 state.

12 Q. And were you working for Newbury Pathology?

13 A. Yes.

14 Q. Now, what -- what -- what education did you pursue
15 in order to be eligible for that position?

16 A. You have four years of college, four years of
17 medical school, and four or five years of training in
18 pathology.

19 Q. All right. And what -- what professional
20 credentials did you learn as a result of that education?

21 A. I have board-certified in anatomic clinical and
22 forensic pathology.

23 Q. Okay. And are you a medical doctor?

24 A. Yes.

25 Q. And -- and where do you go to school to get that

1 MD?

2 A. I started at MUSC, and I finished at
3 Upstate Medical Center in Syracuse, New York.

4 Q. All right. And how long have you been performing
5 autopsies back in June of 2018?

6 A. Forty-eight years.

7 Q. Forty-eight years?

8 A. Uh-huh.

9 Q. You've done a couple in that time?

10 A. I've done about -- about 16,000.

11 Q. Sixteen thousand autopsies. All right. And over
12 that 48-year career, have you seen any, like, continuing
13 education, or have you kind of updated your credentials in
14 that time?

15 A. Yeah, we -- we're not mandated to, but we keep up
16 our continuing education.

17 MR. BRADBURY: And -- and, Your Honor, the State would
18 -- would tender Dr. Ross as an expert in forensic pathology.

19 THE COURT: Voir dire?

20 MR. SWERLING: No.

21 THE COURT: Okay. Remember, normally people can't
22 give their opinions. There's an exception when someone is
23 qualified. So Dr. Ross will be qualified as an expert in the
24 area of forensic pathology. That means she'll be allowed to
25 give her opinion in that area. That doesn't mean that you

1 have to accept her opinion, but it's evidence for you to use
2 in any way that you see fit. You give it the weight, and the
3 credibility that you believe is appropriate, just as you
4 should do with each and every witness that appears before
5 you.

6 MR. BRADBURY: Thank you, Your Honor.

7 BY MR. BRADBURY:

8 Q. And, Dr. Ross, did you perform an autopsy related
9 to a case involving one Ms. Stacey Catoe?

10 A. I did an autopsy on Brenda Coates.

11 Q. Okay. You performed an autopsy on Brenda Coates?

12 A. Yes.

13 Q. Okay. And when did you perform that autopsy?

14 A. On June 19, 2018.

15 Q. Okay. And were you able to determine a probable
16 cause and mechanism of death as a result of that autopsy?

17 A. Yes.

18 Q. And what was that probable cause or mechanism?

19 A. Exsanguination, which means to bleed out due to a
20 gunshot wound of the neck.

21 Q. Okay. And the gunshot wound to the neck, can you
22 describe that?

23 A. Yes. The entrance wound was on the left side of
24 the neck, and the bullet path went left to right, and
25 slightly downward. It -- it cut -- it had lacerated some of

1 the blood vessels in the neck, and it grazed to one of the
2 cervical vertebrae.

3 Q. Okay. And would you be able to kind of diagram
4 the entry and exit wounds before that -- that gunshot wound
5 on a -- on a model?

6 A. Yes.

7 MR. BRADBURY: May I approach, Your Honor?

8 THE COURT: You may.

9 MR. BRADBURY: Stand up here so that they can see
10 better and (inaudible).

11 THE COURT: Let her sit down and do it, or let's get
12 her a -- a better microphone -- Let's try that.

13 BY MR. BRADBURY:

14 Q. Would you mind marking too?

15 A. Came in the left side of the neck, and went
16 through, and went slightly downward into the -- went out the
17 right side of the neck.

18 Q. Okay. And so that entry in the left side of the
19 neck, you said, "Slightly downward" or track, and you
20 testified that it scored the -- the vertebrae in the neck?

21 A. Yes. Which could give the spinal cord a -- a
22 concussion, but I don't -- I can't.

23 MR. SWERLING: Your Honor, she isn't speaking to the
24 microphone.

25 THE COURT: Yeah. Let's let her sit back down, sir.

1 Yeah.

2 Sorry, Dr. Ross, the microphones are a little --

3 THE WITNESS: Okay.

4 THE COURT: -- working here. If you could just repeat
5 your answer, that would be great. Thank you, ma'am.

6 THE WITNESS: Certainly, the -- when -- when you hit
7 the -- the bone of the vertebrae, you can concuss of the
8 spinal cords, just like you have a concussion on the brain,
9 if you hit -- the hit -- hit your head.

10 BY MR. BRADBURY:

11 Q. Okay. And did that -- that track of -- of the
12 bullet with -- with how it hit it, or where it hit on the
13 vertebrae, did it give you any indication on the position of
14 the victim at the time that that gunshot arrived?

15 A. Well, the path -- the path was just left to right,
16 and slightly downward.

17 Q. Would that tell you if the victim was looking
18 forward or looking to the side? Were you able to tell that
19 from your autopsy?

20 A. It depends on where the shooter was, but if -- for
21 instance, if they're sitting, then they -- the victim was
22 probably looking forward.

23 MR. BRADBURY: Thank you. Can I have one moment, Your
24 Honor?

25 BY MR. BRADBURY:

23 Q. Okay. We have to turn on the mic. Okay. So that
24 -- that's what it means as opposed to other matters of death
25 that someone's killed by another individual?

1 A. That's correct.

2 Q. Yeah. Okay. And there was some blood drawn in
3 this situation and is it attached to your report?

4 A. Yes.

5 Q. And what was the blood alcohol level on that?

6 A. I think it was 0.0 -- 0.068 percent.

7 Q. Okay. And what -- can you translate that for lay
8 purposes?

9 A. That -- that's within the legal limit for driving.
10 The -- the limit is 0.08 percent.

11 MR. SWERLING: Okay. All right. That's all I have.
12 Thank you.

13 THE COURT: Re-direct?

14 MR. BRADBURY: None, Your Honor.

15 THE COURT: Dr. Ross, have a nice day.

16 DR. ROSS: Thank you.

17 THE COURT: Thank you. And who's next?

18 MR. BRADBURY: And, Your Honor, our next witness is
19 actually coming from Georgia. He's involved in the recovery
20 efforts down there. We're moving a little quicker than --
21 than we expected. We told him to be here at 1:00, so...

22 THE COURT: Told him to be here at 1:00?

23 MR. BRADBURY: Yes, Your Honor.

24 THE COURT: And is that the last witness or you have
25 somebody else you can call?

1 MR. SCOTT: That should wrap it up. Yeah, I hate to --
2 I mean -- it is noon, so if we take a little bit of early
3 lunch break, then I'll -- I will call him, and see if he's
4 ahead of schedule.

5 THE COURT: So you said, "We go ahead and take a lunch
6 break."

7 MR. SCOTT: Yes, sir.

8 THE COURT: And then, come back after lunch, and then
9 that witness should be here by then, and we can finish that
10 up (inaudible) time?

11 MR. SCOTT: Yes, sir.

12 THE COURT: Okay. All right. Any objection to me
13 doing that schedule?

14 MR. SPEEDY: No, sir.

15 THE COURT: Okay. All right. So sometimes I'm just
16 coordinating, right? You know they are guessing as to what
17 time, how far they're going to make it. Sometimes it goes
18 quicker, sometimes it goes slower. There's a
19 million variables that go into it. So it's a little bit
20 before noon. We're going to go ahead and take a lunch break.
21 We will start back at 1:30.

22 We'll start back at 1:30 this afternoon. So do not
23 discuss the case. Keep an open mind. Do not have any
24 contact with anybody involved in the case. Don't let anybody
25 talk to you about the case. Don't do any research on the

1 case. Probably heard some terms today that you don't hear in
2 everyday life, right? These aren't normal terms that you're
3 dealing with in everyday life. I don't even want you looking
4 them up, and googling them, or trying to figure out what they
5 mean. Okay. We'll see you back at 1:30. Everyone else stay
6 seated. We'll see you back at 1:30. Thank you very much.

7 (Jury exits courtroom.)

8 THE COURT: All right. Anything from the State before
9 we break?

10 MR. SCOTT: No, Your Honor.

11 THE COURT: Anything from the Defense before we break?

12 MR. SWERLING: No.

13 THE COURT: Do you all -- okay. Renee, let's go off
14 the record.

15 (Off the record.)

16 THE COURT: Anything we need to take up from the State?

17 MR. SCOTT: No, Your Honor.

18 THE COURT: Anything we need to take up from the
19 Defense?

20 MR. SWERLING: No, sir.

21 THE COURT: Okay. Let's bring them in.

22 (Jury enters courtroom.)

23 THE COURT: Welcome back ladies and gentlemen, we will
24 continue now with the presentation of the State's case, and
25 you may call your next witness.

1 MR. BRADBURY: Thank you, Your Honor. State calls
2 Tracy Thrower.

3 THE COURT: Okay. Please come forward.

4 THE CLERK: (Inaudible).

5 TRACY THROWER,

6 being duly sworn, testified as follows:

7 THE WITNESS: Tracy Thrower, T-H-R-O-W-E-R.

8 MR. BRADBURY: Thank you, Your Honor.

9 DIRECT EXAMINATION

10 BY MR. BRADBURY:

11 Q. And, Mr. Thrower, how are you currently employed?

12 A. I currently own my own excavation business.

13 Q. And in back in June of 2018, how were you
14 employed?

15 A. I was employed by the South Carolina Law
16 Enforcement Division, also known as SLED. I was the
17 supervisor of the Firearm and tool mark identification
18 department.

19 Q. And how long did you work for SLED?

20 A. Twenty-four years.

21 Q. Okay. And was all that in the firearms and
22 ballistics?

23 A. Yes, sir. The entire career was in the firearm
24 and tool -- firearm and tool mark identification.

25 Q. And did you have any formal education?

1 A. I went to Winthrop University and graduated with a
2 degree in biology.

3 Q. And after you graduated that degree in biology,
4 did you pursue any other formal education?

5 A. No, sir.

6 Q. Were you hired by SLED after that?

7 A. I was hired by SLED in the firearms department
8 where I underwent their course of instruction in tool mark or
9 firearm and tool mark identification.

10 Q. Can you describe that -- that -- that education?

11 A. It was a little over three years. It was taught
12 by court-qualified firearm and tool mark examiners -- an
13 apprenticeship style of teaching. I had to do extensive
14 reading and studying. I was given practical problems,
15 written examinations, oral examinations, went to various
16 armor courses taught by firearm manufacturers. Yes, sir.

17 Q. And did you receive any other training on firearms
18 generally, or it was just in tool marks?

19 A. After I passed my final examination and was
20 allowed to start working cases on my own there was continuing
21 education. Every couple years I would be sent to the
22 Association of Firearm and Tool mark Examiners' annual
23 conference. That is the professional organization in my
24 field. I continued going to armor courses. An armor course
25 is where the manufacturer of a particular firearm teaches you

1 about that -- their particular guns, they teach you how to
2 disassemble and reassemble the guns. They teach you how to
3 troubleshoot any kind of problems, and/or fix problems with
4 their guns.

5 I went to gun shows -- studied on what type of guns are
6 currently in the market. Anything new that was out there. I
7 went through the Federal Bureau -- Federal Bureau of
8 Investigation course on scientifically defensible criteria
9 for identification of tool marks among others.

10 Q. And what are some of those manufacturers -- did
11 you attended armor courses for?

12 A. Smith & Wesson, Car, SIG Sauer, Hi-Point among
13 others.

14 Q. Okay. And have you ever been previously qualified
15 as an expert by testimony in any court?

16 A. Yes, sir. I have both state and federal.

17 Q. And approximately how many times you been
18 qualified at both state and federal level?

19 A. At this -- roughly about 70, I believe.

20 Q. And what have you been qualified as an expert in?

21 A. Firearm identification.

22 MR. BRADBURY: And, Your Honor, the State would tender
23 Mr. Thrower as an expert in firearm identification for
24 forensic ballistics.

25 THE COURT: Voir dire?

1 MR. SPEEDY: No objection, Your Honor.

2 THE COURT: Okay. And ladies and gentlemen, Mr.

3 Thrower be qualified as an expert in the area of firearms

4 tool mark and examination identification and ballistics; is

5 that correct?

6 MR. BRADBURY: That's correct, Your Honor.

7 THE COURT: Okay. He'll be allowed to give his opinion

8 in those areas. That doesn't mean that you have to accept

9 his opinion for this evidence, for you to use in any way that

10 you see fit. You give it the weight, and the credibility

11 that you believe is appropriate as you -- you should do with

12 each and every witness that appears before you.

13 MR. BRADBURY: Thank you, Your Honor.

14 BY MR. BRADBURY:

15 Q. And while you're working at SLED in this role in

16 principal firearm identification, did you perform any

17 analysis of items collected related to a case volume one,

18 Ms. Stacey Catoe?

19 A. Yes, I did.

20 Q. All right. And what items did you receive to form

21 analysis on?

22 A. SLED item number two would be one Taurus model PT

23 738, TCP semi-automatic pistol 380-auto caliber with serial

24 number 18563C. I examined one fired bullet that was

25 submitted as projectile recovered from victim's vehicle.

1 That was SLED item three. SLED item four was one magazine
2 and five unfired 380-auto caliber cartridges listed as
3 magazine from Taurus 380 with five rounds. SLED item five
4 was one fired 380-auto caliber cartridge case listed as fired
5 cartridge casing, and SLED item six was one unfired 380-auto
6 caliber cartridge listed as unfired 380 cartridge removed
7 from Taurus 380 handgun.

8 MR. BRADBURY: And again, may I approach, Your Honor,
9 with what's been previously admitted into evidence as
10 State's 40 projectile and State's 41 which said "Taurus TCP."

11 BY MR. BRADBURY:

12 Q. And you recognized was (inaudible) and admitted
13 into evidence as State's 41?

14 THE COURT: Okay. Mr. Thrower, could you confirm for
15 us that that gun is safe and secure?

16 THE WITNESS: Yes.

17 THE COURT: Thank you. Okay. Ladies and gentlemen of
18 the jury, as you saw, I just verified this gun is unloaded
19 both by sight and by field, by placing my finger in the
20 chamber. So this firearm is safe for me to handle.

21 Thank you, Mr. Thrower.

22 You may continue.

23 MR. BRADBURY: Thank you, Your Honor.

24 BY MR. BRADBURY:

25 Q. And do you recognize the item 41 or State's

1 Exhibit 41, I believe is SLED item number two?

2 A. Yes, I do.

3 Q. Right. And (inaudible)?

4 A. It matches the description in my case file, and it
5 also bears the markings where I used an engrave -- or
6 described my lab number, item number, and initials on the
7 gun.

8 Q. And then at Exhibit 40, do you recognize that? I
9 believe that's your item number three?

10 A. Yes, sir. I do. This is State's Exhibit item 40
11 -- is one fired projectile from one fired bullet. It's also
12 in bags -- with the bags are labeled with SLED lab number,
13 item number, and it has my date of seal, and/or my date, and
14 my initials where I sealed it -- he sealed the package.

15 Q. And did you perform any analysis on those
16 two items?

17 A. Yes, sir, I did.

18 Q. What was that analysis?

19 A. Starting with the firearm, first thing I would do
20 would be to open it give it, good visual observation, look -
21 noting on my departmental worksheets. Make, model, caliber,
22 serial number, basic descriptive items, then perform various
23 testing. I would look for any kind of -- see if I could see
24 any damage to the gun. Make sure the gun is in good
25 operating order, noting any kind of safeties that may be

1 available on the gun. Safeties are functional.

2 Then load the gun with ammunition, pick up the gun and
3 test-fire it. In 2018, we had a vertical water tank, which
4 is about a three-foot diameter stainless steel pipe that goes
5 down two stories in the building. The bottom is a funnel,
6 and in the bottom of that funnel, is a little cup that's
7 attached to a chain, close the lid on the tank, and we would
8 shoot through a hole in the lid. The water would slow the
9 projectile to a safe speed, where it would end up in the cup
10 at the bottom.

11 You pull the chain up, and that's where my projectile
12 -- my fired bullet and my fired cartridge cases would be
13 found. Those would be my test specimens. That's how I know
14 the gun marks because I personally test-fired it, and created
15 -- I take those test specimens and the gun back to my office
16 where I engrave my case number, item number, initials on each
17 the test specimens. I also write "test" and a subitem of the
18 gun on them. And then, I would compare the test specimens to
19 each other using a comparison microscope. Comparison
20 microscope is essentially like two microscopes that sit side
21 by side, and they're connected by an ocular bridge. So when
22 I look through my eyepieces, I can literally see two items
23 sitting side by side, separated by a hairline. And then, I
24 can move the lighting to change shadows that are created by
25 the tiny imperfections on a bullet or cartridge case. I can

1 change magnification, and I can move them around side by side
2 to look for markings that may or may not match.

3 Q. Okay. And if we could put a -- a State's 11. And
4 State's 11, it depicts that State's 41 -- and I believe item
5 two is that -- that appear to be the same firearm to you?

6 A. Yes, sir.

7 Q. And just -- just as we're talking about this
8 firearm, you've mentioned safeties, what -- what safeties
9 does this firearm have that you object?

10 A. This firearm in itself actually does not have any
11 external safeties. It does not have a -- a specific button
12 or lever that creates -- that makes the gun in a -- in a safe
13 place. The one thing it does have, and that's on -- on the
14 other side (crosstalk) but right here is a keyhole that you
15 can actually turn a key, and make the gun unable to be used.
16 But you have to have ---

17 The other style safeties that this -- this gun would
18 have would be more internal. One of which is this gun has a
19 hammer and a firing pin. And the firing pin actually has a
20 -- a fairly strong spring that holds it in the retracted
21 position. And that is considered a -- a type of a safety.
22 It's an automatic safety that a -- the user does not have to
23 flip a button or a lever to use. It actually holds the
24 firing pin in the -- in the retracted position.

25 Q. And that safety design is to prevent the firearm

1 from discharging accidentally or being jostled into the
2 firing?

3 A. Correct. That style safety of the gun -- were to
4 be dropped in a vertical position to strike a floor. Basic
5 physics and object in motion tends to stay in motion.
6 Therefore a -- a -- a firing pin is loose to move around
7 inside the gun. If you drop it from a high enough distance
8 on a hard surface -- if there's enough inertia in the firing
9 pin to cause it to keep going, it actually could strike the
10 primer of the -- the cartridge with enough force to cause it
11 to fire, without ever pulling the trigger. This -- this
12 spring is prevent -- is there to prevent that from occurring.

13 Q. Okay. Did you make any notes about that spring?

14 A. Yes, sir. I did. What I noted that the firing
15 pin has a heavy retraction spring, and I made note of this --
16 this was unusually heavy.

17 Q. Now, let's -- moving to the trigger itself, and
18 you making notes about the trigger pull weight or ---?

19 A. Yes, sir. I did. The trigger pull weight on this
20 firearm was four-and-three-quarter pounds. And it was in a
21 double-action-only style trigger. Which means the trigger
22 has two functions in a gun, you can have single-action pull,
23 and you can have double-action pull and a single-action pull
24 type of firearm. The trigger only does one thing, and that
25 is release the hammer or firing pin, which is already in a

1 cocked position -- kind of like the old western revolvers
2 where you see somebody cock the hammer, and then they pull
3 the trigger. Those are typically a fairly lighter -- a
4 lighter weight trigger pull.

5 This one had what they call a double-action trigger
6 pull. So when you pull the trigger, it does two things.
7 First, the trigger causes the hammer to become caught, and
8 then it releases it as the second function. It does both.
9 This firearm could only be fired with that long, heavy pull
10 of the trigger.

11 Q. Okay. And four-and-three quarter pound trigger
12 pulled. Can you translate that? What does that mean?

13 A. It is simply the amount of force that has to be
14 applied to the trigger, in order to cause the gun to be
15 fired. An easy way of understanding this, most people have
16 probably picked up a half a gallon of milk. Okay. If you
17 pick up a half a gallon of milk with one finger, and try to
18 pick it up by curling your finger, that's about what this
19 feels like. Typical half a gallon of milk is around four
20 pounds. The trigger pull weight on this was four-and-three
21 quarters.

22 Q. So just happened to have a half gallon milk. What
23 -- when were you talking about finger pulling the half
24 gallon. That ---

25 A. Yes.

1 Q. -- that be about the effort that you have. That's
2 the --

3 A. Amount of -- the amount of effort or force that
4 you would have to apply to that trigger.

5 Q. So is it something that you wouldn't really notice
6 as you hold it, or in your experience?

7 A. That's a reasonably heavy trigger, I would notice
8 pulling four-and-three quarter pounds.

9 Q. Okay. Thank you. And going back to the -- the
10 test that you ran on this projectile and this -- this
11 firearm, were you able to form an expert opinion with a
12 reasonable degree of active absurdity, whether or not that
13 projectile came from, or was fired by that firearm?

14 A. Yes, sir. When I compared the actual projectile
15 to the test-fire bullets that I created, I did find enough
16 individual identifying characteristics, that matched that in
17 my opinion -- I believed the projectile was fired by the
18 firearm.

19 MR. BRADBURY: Thank you. May I have a moment, Your
20 Honor.

21 THE COURT: Yes, sir.

22 BY MR. BRADBURY:

23 Q. One more question. Going back to the -- that
24 internal safety of the heavier retraction spring -- you
25 previously said, "That you checked for safety to make sure

1 they were functional." Specific to that retraction spring
2 and trigger pull, was this a functioning firearm in all
3 aspects?

4 A. Yes, sir. Everything that I tested, everything I
5 looked, this firearm was functioning as designed.

6 Q. Okay.

7 A. It was in correct working order.

8 MR. BRADBURY: Thank you. Thank you, Your Honor.

9 THE COURT: Cross-examination?

10 CROSS-EXAMINATION

11 BY MR. SPEEDY:

12 Q. Well, we appreciate you explaining in great detail
13 safety mechanism. It -- it's -- its kind of hard to
14 understand sometimes.

15 A. Uh-huh.

16 Q. But in this one, when you grab the pistol, it's
17 ready to fire?

18 A. Yes, sir, if it's loaded.

19 Q. As opposed to having a safety where you may have
20 to use a finger, or some method, or cock, or some other
21 method of activating it; Is that -- is that a correct
22 statement?

23 A. That is correct. You -- you do not have to
24 deactivate a -- a lever or a button to cause this firearm to
25 fire. It's just pulling the trigger.

1 Q. And I -- I noticed that you've had extensive
2 training, even going to the manufacturers, and sitting down
3 with them. That's got to be pretty interesting.

4 A. It was a lot of fun. Yes, sir.

5 Q. And you've done -- did you ever go to the Taurus
6 people?

7 A. No, sir, I did not.

8 Q. I'm assuming -- which most people I've ever
9 examined, they always go back to the instructional manual in
10 these weapons. Did you do that in this weapon?

11 A. No, sir.

12 Q. Let me just show you this instructional manual --
13 manual. Tell me if that's -- this is the (inaudible). Let
14 just make sure we're talking about the same thing here. This
15 is the -- now I'm looking at the actual sale, but it's what
16 they call 380 TCP 138.

17 A. Seven thirty-eight.

18 Q. One thirty-eight.

19 A. This is a Taurus model PT 738 TCP.

20 Q. Okay. TCP. It's the -- it's actually -- what's
21 TCP stand for?

22 A. It's just initials on the gun. I don't -- I'm not
23 aware of any specific meaning.

24 Q. Tiny Concealable Weapon, isn't it?

25 A. Possible.

1 Q. Is this the manual for that?

2 A. I do not see anywhere it specifically listed as
3 being this gun. I do see where it says "TCP series", and I
4 did find one chart where PT 738 is listed as one of the
5 models included.

6 MR. SPEEDY: Thank you. Your Honor, I move to
7 introduce that as Exhibit -- I guess number one.

8 MR. BRADBURY: My I take a look, Your Honor?

9 THE COURT: Sure.

10 MR. BRADBURY: Thank you.

11 MR. SPEEDY: (Inaudible) a copy, I'm sorry.

12 MR. BRADBURY: Your Honor, the State actually object --
13 just based on that this may create some undue confusion as we
14 see on -- I believe it's page five of the document that
15 provided it state "Firearms are not all alike. Many makes
16 and models of firearms may look nearly the same. How they
17 differ widely in design and operation." Your Honor, as was
18 elicited from Mr. Thrower, this model is potentially included
19 in this broader manual. But this -- this manual includes many
20 different firearms in this series. And as it says in the
21 manual itself "That even though they look the same, they may
22 not operate the same." I -- I believe there could be a
23 source for some confusion, if this were admitted as any
24 substance -- for any substantive purpose.

25 MR. SPEEDY: It is owner manual for a physical

1 (inaudible).

2 THE COURT: Not in -- it's not in south. The
3 document's hearsay. He hasn't relied on it. He hasn't seen
4 it. He hasn't viewed it. He didn't create it. And it's not
5 a best business record's exception.

6 MR. BRADBURY: Thank you, Your Honor.

7 BY MR. SPEEDY:

8 Q. You do -- you -- you do a lot of investigation of
9 behind the guns when you get them, don't you?

10 A. Yes, sir.

11 Q. And did you know that this particular weapon was
12 subject to a recall in 2015?

13 A. As of this morning, when I checked the Association
14 of Firearm Toolmark Examiner's website, I did not see any
15 recalls or safety warnings listed on this particular make and
16 model.

17 Q. So the two -- you -- you have -- you looked at the
18 2015 recalls?

19 A. I have not. Well, I mean, it -- it should be
20 included in that database. And it was -- it was not there.

21 Q. Did you know it was a result? It was a subject of
22 a class action lawsuit for accidental discharges?

23 A. I have seen that there were class action lawsuits
24 involving several Taurus pistols, one of which may have been
25 this one, where the slides were breaking and causing issues,

1 but --

2 Q. How about dropping and -- and -- and -- and
3 jarring?

4 A. I have not seen anything on this particular model.

5 Q. Well, look at -- look in the -- look in the --

6 MR. SPEEDY: Can I let them look at that document, Your
7 Honor, even though we're not admitting it?

8 THE COURT: Sure.

9 BY MR. SPEEDY:

10 Q. Look at page 11 on that document. I have it
11 marked here on mine, so it might be a little bit easier for
12 you. It says "it has a warning." You read that -- that
13 section to us.

14 MR. BRADBURY: And, Your Honor, I object to reading it
15 into the record. This has been excluded.

16 THE COURT: He can read it to himself.

17 MR. BRADBURY: Thank you, Your Honor.

18 THE COURT: And then, you can question it.

19 THE WITNESS: Yes, sir. I've read.

20 BY MR. SPEEDY:

21 Q. Doesn't it indicate in there that this is a
22 warning for if it is accidentally discharged or if it is
23 dropped or jarred?

24 A. No, sir. This warning does not apply to this
25 firearm.

1 Q. And how do you say that it doesn't apply to this
2 firearm? Where does it say that in that warning?

3 A. Because this warning applies to firearms that are
4 already in a cocked state. Hence single-actions mode of
5 fire. This firearm is a double-action only modifier. It is
6 always uncocked until you pull the trigger, causing the
7 firearm to become cocked during that operation.

8 Q. But you don't question that it was a result of the
9 -- of the lawsuit -- indicate it would go off -- it was
10 dropped or jarred?

11 A. I have not seen that lawsuit that actually
12 includes this particular model. I know several other Taurus
13 guns were involved in that lawsuit, but I have not seen this
14 particular model listed.

15 Q. Tell -- tell me where -- just -- just read to me
16 where it excludes this weapon.

17 MR. BRADBURY: I object again, Your Honor. He is
18 asking the witness to read it to the record, and items that's
19 been --

20 THE COURT: Asked and answered. Move on. Sustained.

21 MR. BRADBURY: Thank you, Your Honor.

22 BY MR. SPEEDY:

23 Q. You read in there though, where it says "An
24 accidental charge -- accidental discharge could easily result
25 and to drop the firearm --"

1 MR. BRADBURY: Your Honor, same objection. Counsel is
2 reading it now.

3 MR. SPEEDY: -- understood.

4 THE COURT: You -- you've instructed him what to read,
5 and he's answered your question about his opinion on that
6 situation.

7 BY MR. SPEEDY:

8 Q. How does it -- how is this -- this is the TP
9 series. Is it not true that the -- the actual treatise is a
10 TCP series?

11 A. Yes, sir. It is one of -- one of a series of guns
12 that bears the TCP series --

13 Q. They each have -- they each have numbers on them.
14 This one was -- I think what -- I forget what you said it
15 was. A 7 --

16 A. PT 738 TCP. Yes.

17 Q. And it says in there -- it actually says in that
18 document that it refers to it, doesn't it?

19 A. This document did have one chart in this -- in
20 this document that referred to the PT 738 TCP.

21 Q. And in your -- and -- and you -- you rely on -- in
22 your examination of weapons, you rely on these kind of
23 documents?

24 A. Yes, sir.

25 Q. And this is a treatise -- this is a document that

1 you would rely on?

2 A. Yes, sir.

3 Q. And if you had it -- when -- when you did this
4 examination, you would've relied on this as well, wouldn't
5 you?

6 A. Yes, sir. But it would not have changed my
7 examination or my opinion.

8 MR. SPEEDY: Your Honor, I think that makes it
9 admissible.

10 THE COURT: Don't -- we're not going to reargue
11 something that I've already rule on.

12 MR. SPEEDY: Your Honor, that's all the questions I
13 have.

14 THE COURT: Okay. Re-direct?

15 MR. BRADBURY: Very briefly, Your Honor.

16 RE-DIRECT EXAMINATION

17 BY MR. BRADBURY:

18 Q. You've been very clear in your testimony, and I --
19 I appreciate the thoroughness of your research. The -- the
20 one question I have for you is that absent all this
21 conversation about potential lawsuits, and else involving
22 other firearms, this firearm that you examined here, was it a
23 functioning firearm with all safeties -- all internal
24 safeties intact?

25 A. This -- this firearm that was presented, in my

1 opinion was safe -- all functioning is all as designed. Yep.
2 I -- I found nothing wrong with the firearm -- I found no
3 damage to the firearm. Everything appeared to be in correct
4 working order.

5 MR. BRADBURY: Thank you.

6 Thank you, Your Honor.

7 THE COURT: Re-cross?

8 RE-CROSS EXAMINATION

9 BY MR. SPEEDY:

10 Q. But this -- this pistol was involved -- excuse me
11 this pistol is cited in that -- in that owner's manual, isn't
12 it?

13 A. It was, yes, it was listed in the owner's manual.
14 Much of which in this -- this safety section you're pointing
15 out is a universal-style safety notices that are probably
16 placed in all the Taurus -- and not specific to an individual
17 gun or individual model.

18 THE COURT: Thank you very much. Have a nice day.

19 MR. THROWER: Thank you, Your Honor.

20 THE COURT: Who is next?

21 MR. SCOTT: Okay. Your Honor, at this time the State
22 rests.

23 THE COURT: Okay. All right. Ladies and gentlemen,
24 the State has rested their case. There are some legal issues
25 that I need to take up with the lawyers outside of your

1 presence that usually takes at least 30 -- maybe 45 minutes
2 for me to do. So if you will head back to your jury room, do
3 not discuss the case, keep an open mind about the case. Do
4 not let anybody talk to you about the case. Go to the
5 restroom, get a drink of water, get a soda, get a snack,
6 whatever else you need, I'll be back with you as soon as
7 possible. Thank you very much.

8 (Jury exits courtroom.)

9 THE COURT: Okay. Let's go ahead and hear any motions
10 from the State that need to be heard at this point in time.

11 MR. SCOTT: I have no motions, Judge.

12 THE COURT: Okay. Thank you. And any motions from the
13 Defense?

14 MR. SWERLING: Your Honor, at this time, the Defense
15 will move for directed verdict of acquittal taking all the
16 evidence in the light most favorable for the State, which is
17 required to do. We submitted the presentation of evidence
18 has only been raised the mere suspicion of guilt. It was not
19 allowed to prove necessary to go ahead and submit the case to
20 (inaudible).

21 THE COURT: Okay.

22 MR. SWERLING: And based on that, we ask for directed
23 verdict.

24 THE COURT: All right. In response to the statements?

25 MR. SCOTT: Your Honor, we, like, most favorable to the

1 nonmoving party, we have shown an unjustified killing of
2 another with malice aforethought. We have some testimony to
3 express and infer malice express being to preparation, the
4 getting in the car in the middle of the night, and going out
5 seeking out the Defendant's husband, and -- and his mistress,
6 and some prior difficulties between the two regarding their
7 illicit affair. That ill will between Ms. Catoe and her
8 husband, and the ultimate victim, the inferred conduct from
9 the showing of a total disregard for human life and firing
10 into the car. And no -- no evidence testimony whatsoever
11 that -- that would mitigate it, and justify the killing at
12 all. So we -- we would ask you to send this to the jury, and
13 if we have overcome, we have produced sufficient evidence at
14 this time to proceed to the jury, Your Honor.

15 THE COURT: Okay. And I assume the Defense renews all
16 previous motions made as well?

17 MR. SWERLING: Yes. All pretrial any -- any motions
18 made -- objections made that were overruled.

19 THE COURT: Got it. Just double -- double-checking to
20 protect that for the record. Okay. And so the rule before
21 the Court is Rule 19 of the South Carolina Rules of Criminal
22 Procedure. The standard before the Court, at this point in
23 time is the existence of the evidence, and not the weight of
24 the evidence.

25 Considering the evidence in the light most favorable to

1 the nonmoving party, which would be the State, based upon the
2 testimony of the 11, or 12 or so witnesses who have testified
3 for the State. I believe that there is sufficient evidence
4 in the record for the case to go forward that there is an
5 unlawful killing of another person with malice aforethought,
6 either express or implied, based upon the shooting of
7 Ms. Coates inside of her vehicle.

8 There's no evidence at this point in time in the record
9 of any justification of the shooting or any legal mechanism
10 for the shooting. And the shooting would clearly show based
11 upon the evidence presented in total disregard for human
12 life. And therefore, the Defense's motions for directed
13 verdict are denied. And I, ruling upon all their previous
14 motions, would be the same based upon the explanation that I
15 gave at that point in time.

16 Okay. All right. Ms. Catoe, you and I need to have a
17 conversation, okay? All right. Can you stand up for me, and
18 raise your right hand.

19 THE CLERK: Your Honor (inaudible).

20 THE COURT: Let's go green on that mic. There you go.
21 All right.

22 STACEY CATOE,

23 being duly sworn, testified as follows:

24 THE COURT: Great. All right. You can put your hand
25 down. Thank you very much. Tell me how old you are?

1 THE WITNESS: Forty-nine.

2 THE COURT: And how far did you go in school?

3 THE WITNESS: I graduated.

4 THE COURT: High school?

5 THE WITNESS: Yes, sir.

6 THE COURT: Okay. And so you can read, write, and
7 understand the English language?

8 THE WITNESS: Yes, sir.

9 THE COURT: And can you understand me okay?

10 THE WITNESS: Well, I do have a -- I actually have
11 hearing aids in.

12 THE COURT: Okay.

13 THE WITNESS: And because I can't hear good.

14 THE COURT: Okay.

15 THE WITNESS: And they're actually bothering me right
16 now because this is the first time I've talked to them in ---

17 THE COURT: Okay.

18 THE WITNESS: But I -- I can take them out and see.

19 THE COURT: You -- you tell me whatever you need to do
20 so you can hear me.

21 THE WITNESS: Okay. Let me see what I --

22 THE COURT: All right. Can you hear me okay?

23 THE WITNESS: Yeah, if you could talk just a little bit
24 louder.

25 THE COURT: You got it.

1 MR. SWERLING: (Inaudible).

2 THE COURT: Why don't you come on up here, and let's
3 move that microphone too. We'll get a little closer, which
4 is perfect.

5 Yes, sir. That'd be great, Mr. Swerling. Thank you.

6 Come on up right there. And can you hear me better
7 now?

8 THE WITNESS: Yes, sir. I can hear you.

9 THE COURT: Okay. If you can't hear me, just let me
10 know.

11 THE WITNESS: Okay.

12 THE COURT: The goal is that you can hear me.

13 THE WITNESS: Yes, sir. I can hear you now.

14 THE COURT: Okay. All right. Good. Okay. And does
15 she have any criminal history that we need to worry about for
16 cross-examination?

17 MR. SCOTT: No, Your Honor.

18 THE COURT: Okay. Great. So at this time I'm going to
19 explain some of your rights to you.

20 THE WITNESS: Yes, sir.

21 THE COURT: If you do not understand anything that I
22 say, please just let me know. If you want me to explain
23 anything in more detail, please just let me know.

24 THE WITNESS: Yes, sir.

25 THE COURT: Deal?

1 THE WITNESS: Yes, sir.

2 THE COURT: Okay. Great. So we have now reached the
3 stage of the trial where you are allowed to present your
4 defense. You have the right to claim the protections that
5 are given to you by the Fifth Amendment to the Constitution
6 of the United States. And this amendment states in part,
7 that no person shall be compelled in any criminal case to be
8 a witness against herself. And what this means is that you
9 cannot be required to testify in this case. You have the
10 right to testify on your own behalf if you want to. However,
11 nobody can make you do this. That includes me. I can't make
12 you do it.

13 THE WITNESS: Yes, sir.

14 THE COURT: Okay. So this is a personal right. This
15 right belongs to you.

16 THE WITNESS: Yes, sir.

17 THE COURT: And nobody can give up or waive this right,
18 except for you. Do you understand what I've said so far?

19 THE WITNESS: Yes, sir.

20 THE COURT: Great. So if you do decide to testify,
21 you'll be subject to the same rules that govern all the other
22 witnesses. And you may be examined and cross-examined on any
23 relevant issue in this case. Now, you don't have a prior
24 criminal history that they're seeking to introduce, so we
25 don't need to worry about that, okay?

1 THE WITNESS: Yes, sir.

2 THE COURT: Now, if you decide to testify, this
3 decision on your part must be made freely, and voluntarily,
4 and intelligently with the knowledge of these protections
5 that are given to you by the Fifth Amendment, and the
6 consequences of your decision to testify. If you decide not
7 to testify, I will tell the jury -- or instruct the jury at
8 the end, that they cannot give the fact that you do not
9 testify any consideration whatsoever, and that there is to be
10 absolutely no prejudice to you because you did not testify.
11 It is left entirely up to you whether or not you testify.
12 You may talk with your attorney, your family, or anyone else,
13 but the final decision belongs to Stacey Catoe. Does that
14 make sense?

15 THE WITNESS: Yes, sir.

16 THE COURT: Do you understand everything that I've
17 explained to you so far?

18 THE WITNESS: Yes, sir.

19 THE COURT: Would you like me to explain anything else
20 to you about this issue?

21 THE WITNESS: No. I just have one thing.

22 THE COURT: Okay.

23 THE WITNESS: I can't hear him too good.

24 THE COURT: Okay. Well, if -- if you decide to
25 testify, I'll make sure that you can hear him.

1 THE WITNESS: Okay.

2 THE COURT: Does that make sense?

3 THE WITNESS: Yes, sir.

4 THE COURT: Okay, great. Do you have any questions
5 about what I've explained to you so far?

6 THE WITNESS: No, sir.

7 THE COURT: Okay. And I don't want to know what you
8 talked about, but prior to today -- prior to right now.

9 THE WITNESS: Yes, sir.

10 THE COURT: Have you and your attorneys talked about
11 this idea of whether or not you should testify?

12 THE WITNESS: Yes, sir.

13 THE COURT: Okay. Good. So this is not a foreign --

14 THE WITNESS: No, sir.

15 THE COURT: -- concept to you. Wonderful. Good. And
16 I know that they have, I just --

17 THE WITNESS: Yes, sir.

18 THE COURT: You know, I know that they did that. I
19 just have to double-check.

20 THE WITNESS: Yes, sir.

21 THE COURT: Does that make sense? Okay. Now, would
22 you like some more time, at this point in time, to speak with
23 your lawyers about your decision?

24 THE WITNESS: Yes, sir.

25 THE COURT: Okay. I'm going to give you that time.

1 THE WITNESS: Okay.

2 THE COURT: And just grab a seat while we talk about
3 some scheduling things.

4 THE WITNESS: Okay.

5 THE COURT: And I promise you, we're -- we're -- you're
6 going to have time -- more time to talk to them. Let me just
7 talk with them about scheduling issues.

8 THE WITNESS: Okay.

9 THE COURT: Okay.

10 THE WITNESS: All right. Thank you.

11 THE COURT: Thank you very much, Ms. Catoe.

12 THE WITNESS: Thank you, sir.

13 THE COURT: And again, if you have any questions about
14 it, let me know. At some point in time, I am going to ask
15 you directly do you want to testify? And you'll need to be
16 prepared to answer yes or no.

17 THE WITNESS: Okay.

18 THE COURT: Got it?

19 THE WITNESS: Yes, sir.

20 THE COURT: Great. Thank you very much.

21 THE WITNESS: Thank you.

22 THE COURT: You're welcome.

23 All right. So let's kind of have a powwow about
24 scheduling. Tell me how you're feeling, and thoughts on
25 going forward this afternoon, or stopping and starting in the

1 morning. Do we have a major preference on that from the
2 Defense side?

3 MR. SPEEDY: I think it would be better if we could
4 wait till tomorrow.

5 THE COURT: Let -- let's go green.

6 MR. SPEEDY: Sorry.

7 THE COURT: It's okay.

8 MR. SPEEDY: Your Honor, I think it would be better if
9 we could wait till the morning.

10 THE COURT: Okay.

11 MR. SPEEDY: And I think -- I think we're going to --
12 but trying to do some calculations about how long it would
13 take, and I think we can probably -- if we start first thing,
14 we'll probably finish early afternoon.

15 THE COURT: Okay. And then, would you want to argue
16 and charge tomorrow 9th?

17 MR. SPEEDY: That'd be -- that'd be my preference, but
18 we would --

19 THE COURT: Okay. And you don't think we're better off
20 doing maybe at least one this afternoon?

21 MR. SPEEDY: One of the problems with that is some of
22 the ones we were going to use, we just didn't have an
23 opportunity because of some situations to talk with him, and
24 he would be the one we'd start off with.

25 THE COURT: Okay. Okay. And so how many witnesses do

1 you anticipate calling?

2 MR. SPEEDY: Eight witnesses. Of them, probably two of
3 them will have some length to it. Not great lengths.

4 THE COURT: Okay.

5 MR. SPEEDY: But most of them will be pretty -- pretty
6 succinct.

7 THE COURT: Okay. And are these facts witnesses or are
8 they going to be stuff --

9 MR. SPEEDY: Facts witnesses.

10 THE COURT: -- that's happened in the past?

11 MR. SPEEDY: Facts witnesses -- but well, in the past,
12 yes. Some things have happened in the past. Yes.

13 THE COURT: Okay. Do we need to go ahead and argue
14 about what the stuff in the past is going to be this
15 afternoon? So we don't -- because otherwise we're going to
16 have to meet -- if we're going to get into all this stuff
17 about Mr. Catoe, then we're probably going to have to do all
18 that outside of the presence of the jury before we do it in
19 front of the presence of the jury, because I'm not sure what,
20 if any of it is admissible.

21 MR. SPEEDY: We can make a proffer, Your Honor. We can
22 kind of give you at least some explanation of what they're
23 going to say, and -- or we can -- we could actually put up
24 some of their testimony, but not sure how awkward that would
25 turn out. Mr. Swerling suggests we take a break, get our

1 thoughts together, then make a proffer.

2 THE COURT: Okay. So we do it -- proffer this
3 afternoon what you anticipate it to be. And then, we can
4 settle -- or potentially settle the legal issues. So we are
5 not going to have to stop in the middle of these people's ---

6 MR. SPEEDY: Yes.

7 THE COURT: --- testimony, and to hear -- hear me --
8 hear everything they say, and then hear everybody rule about
9 it. Okay.

10 MR. SPEEDY: Okay.

11 THE COURT: All right. So let's -- so I'm going to
12 bring the jury back in. I'm going to release them for the
13 afternoon. Tell them to be back at 9:30, and then you all
14 want about 30 minutes -- 40 minutes.

15 MR. SPEEDY: About 30 minutes.

16 THE COURT: Okay. We'll start with -- we'll say, we'll
17 start back at 3:00, and everybody kind of go put their heads
18 together. Let -- and then we'll come back this afternoon,
19 and discuss some of these legal issues with people's
20 testimony. Is that okay?

21 MR. SPEEDY: Yes, sir.

22 THE COURT: Is that okay?

23 MR. SCOTT: Yes, sir.

24 THE COURT: Okay. All right. Let's bring them back
25 in.

1 (Jury enters courtroom.)

2 THE COURT: Okay. All right. Welcome back, ladies and
3 gentlemen. One of the things that is very difficult for to
4 do is to anticipate timing, right? I used to have a wife.
5 She would say, "When are you going to be finished?" I'd be
6 like, I don't know. This is a jury trial, right? It's --
7 it's not an hour-long test, right?

8 Sometimes things go a lot faster than I expected.
9 Sometimes things go a lot slower than I expected. So where
10 we are now is we're going to stop for the day, okay? I have
11 some legal issues that I need to resolve with the parties.
12 That's going to take an extended period of time.

13 So that gives me this afternoon to do those things,
14 without you all sitting here waiting on me to do those
15 things. We will start tomorrow morning at 9:30 -- 9:30 and
16 you all have been on time, and I greatly appreciated that.
17 Please be on time tomorrow.

18 If there is any night that we're staying late, it is
19 tomorrow night, so -- so you need to make plans or tell
20 whoever, or contact whoever. If there's a night where we're
21 likely to be up here past 5:00, more than likely it's
22 tomorrow night. Okay?

23 That's a little bit of speculation on my part, but I
24 like to plan, and I like to know things. So that's why I'm
25 telling you now, if there's a night where we're going to be

1 up here past 5:00, more than likely it's tomorrow night.

2 Okay? And so do not discuss the case. Keep an open mind
3 about the case. Do not do any research, do not have any
4 contact with anybody involved in the case. And we'll see you
5 back tomorrow morning at 9:30. Thank you very much.

6 (Jury exits courtroom.)

7 THE COURT: Okay. Back at 3:00. Okay. Back at 3:00.
8 Thank you very much.

9 (Off the record.)

10 THE COURT: Okay. We're back on the record. And the
11 -- the jury is not present. And so let me kind of set up how
12 we got to where we are, and kind of why we're doing it in
13 this fashion, just so the record is clear.

14 So I think it's undisputed and, Mr. Scott, stop me if
15 you think I'm saying this incorrectly. That Stacey Catoe at
16 the time was married to Jody -- Jody Catoe.

17 MR. SCOTT: Yes, sir.

18 THE COURT: No dispute that they -- at the time, they
19 were legally married.

20 MR. SCOTT: No dispute.

21 THE COURT: Okay. And no one's disputing that
22 Jody Catoe was with Brenda Coates?

23 MR. SCOTT: Correct.

24 THE COURT: When she passed?

25 MR. SCOTT: Correct.

1 THE COURT: Okay. All right. So when the State called
2 Jody Catoe, who is also the person that called 911; is that
3 correct?

4 MR. SCOTT: Yes, sir.

5 THE COURT: Okay. When the State called Jody Catoe,
6 they went through his day. He was married, he had gotten
7 work. He starts hanging out with his friends, ends up on the
8 river -- river or the lake. I can't figure out which one,
9 somebody in water with his friends. And then, at some point
10 in time is in the car with Ms. Coates. And when the shooting
11 occurs, he's somewhere either in the car, outside of the car.
12 I'm not really sure what he's doing at that exact moment, but
13 so the Defense gets up and cross-examines him.

14 And on the second question is like, "Being basically,
15 are you still beating your wife?" Right. That wasn't the
16 exact question, but the second question was, you know, "For
17 how long have you been abusing your wife?" And something of
18 that nature.

19 And the State objected, and he kind of flushed it out
20 for a couple of minutes. And what I kept asking was, make
21 the connection -- make the connection, you know, he --
22 because Mr. Catoe doesn't get shot.

23 MR. SCOTT: Correct.

24 THE COURT: There's no -- I mean -- no EMS isn't there
25 for him. He doesn't have a bullet wound. He's not

1 technically, "The victim" in the case.

2 MR. SCOTT: That's correct.

3 THE COURT: Ms. Coates is. And we kind of have this
4 standstill where the Defense says, "You know, we want the
5 right to recall Mr. -- Mr. Catoe, Jody Catoe, in our case-in-
6 chief because we may want to go into some of these issues."
7 I say, "That's fine", and give them the permission to do that
8 if they want to.

9 And then, the Defense starts to dabble in the prior
10 abuse again, which there's no objection at that point.
11 There's -- he dabbles into the holes in the ceiling, the
12 holes in the bathroom, the incident with Ms. Huebner where he
13 is shooting a gun. They get into the fact that Mr. Catoe
14 routinely carries a gun. He has one in his car. You know,
15 they showed -- they showed him the picture of the gun in the
16 back pocket, which was not admitted into evidence. All that
17 occurred with no objection.

18 And then on re-direct, the State kind of gets back into
19 -- or starts to get into some of the prior difficulties
20 between the two of them, then Ms. Huebner incident, and the
21 shooting incident. And nobody called the police, if this was
22 just kind of the nature of the relationship with no objection
23 from the Defense, because I think in that re-direct, the
24 State got into the fact that at some point in time,
25 Stacey Catoe, Ms. Catoe shot at a vehicle that Mr. Jody Catoe

1 was in, maybe like a man, or something like that. And that
2 had no objection from the Defense.

3 Okay. So all that is out there in the ether already.
4 Okay. And so one of the things that in -- I'm just being
5 very candid, is that I'm -- I'm missing the connection
6 between how the prior abuse -- or alleged abuse between
7 Mr. and Mrs. Catoe has anything to do with whether or not
8 Ms. Catoe murdered Ms. Coates and so -- and so before the
9 Defense puts on their case, I wanted to kind of hear some
10 synopsis proffers -- you know, snapshots of what that's going
11 to look like so we don't have to send the jury in and out,
12 and in and out, and in and out on every witness. So that's
13 kind of where we are in how we've gotten to where we are.

14 So, Mr. Speedy, are you starting, or is Mr. Swerling
15 starting?

16 MR. SWERLING: Judge, Mr. Speedy can start with it, but
17 I -- I -- I'm going go --

18 THE COURT: Go green.

19 MR. SWERLING: Oh, I'm sorry.

20 THE COURT: It's okay.

21 MR. SWERLING: I'm not going to ever get used to that.

22 THE COURT: It's weird. I agree.

23 MR. SWERLING: But I like -- I love it. What
24 everything he's going to say is premised upon her testimony.

25 THE COURT: Got it. Okay.

1 MR. SWERLING: All right. And then, I will summarize
2 her testimony, then the legal argument.

3 THE COURT: Okay. Got it.

4 MR. SWERLING: Fair enough.

5 THE COURT: That sounds great.

6 MR. SPEEDY: That's kind of -- after the first three,
7 Your Honor. I think the first three are more fact witnesses.
8 That's Robbie Bowers. He was actually subpoenaed by the
9 State. He was at the residence when she returned, he's going
10 to describe basically the same -- not going to use the same
11 description, but is going to describe what occurred when she
12 arrived back, what she said, what was done.

13 THE COURT: Is that after the shooting?

14 MR. SPEDY: That's after the shooting.

15 THE COURT: So Mr. Robbie Bowers would be a witness
16 that would say, "He comes in contact with Ms. Catoe clearly
17 after 9:30 that night"?

18 MR. SPEEDY: Yes.

19 THE COURT: Not -- not earlier in the day?

20 MR. SPEEDY: No.

21 THE COURT: Correct. And how she's reacting or things
22 of that nature.

23 MR. SPEEDY: That's correct.

24 THE COURT: Okay. Got it. Okay.

25 MR. SPEEDY: Willis Catoe would be her father. He also

1 was one of the first ones to -- to greet her, for lack of a
2 better words, when she -- she came back. And so he's going
3 to testify just concerning that -- what happened there. He
4 -- he probably wouldn't be much -- he'd be a little bit of a
5 witness from stuff in the past, but not much. Christina --
6 Christina Huebner, who -- who you've always heard us --
7 already heard us refer to, she's going to tell her version of
8 the same story that Jody said, and also going to -- we're
9 going to put in the text that he text her.

10 THE COURT: The -- and those are the text messages that
11 you read to him ---?

12 MR. SPEEDY: Yes, sir.

13 THE COURT: On cross-examination?

14 MR. SPEEDY: Yes, sir.

15 THE COURT: Okay.

16 MR. SPEEDY: Then, we'd probably put Stacey up at that
17 time. I'll let Jack tell you the next one, after that would
18 be Carter Luciani -- Luciani. She -- Ms. Carter is -- they
19 consider her a sister. She -- she was actually raised by
20 Stacey's daddy.

21 THE COURT: Okay.

22 MR. SPEEDY: Never adopted, I don't believe, they were
23 just -- he just took care of her, brought her out of what was
24 a pretty abusive relationship with her mother. I -- I --
25 they -- she stayed with them for -- I don't know, three or

1 four years. I'm not exactly sure she'll testify to that.

2 But she ultimately moved to Augusta, but she stays in touch
3 with -- "She comes back for all her summers for deer
4 hunting", she said.

5 For Christmas, she's there a lot from she was younger.
6 She's probably 10 years younger, eight years younger than --
7 than Stacey. But she was there for a lot of the family --
8 got to see a lot of what occurred. She's going to testify --
9 testify when she first started noticing the abuse that Stacey
10 was suffering from. Basically describe black eyes, busted
11 lips, those kinds of things.

12 Next witness would be Amanda McManus. Amanda is going
13 to be a dual -- a dual witness. She's going to talk about
14 something that happened -- a phone call that she received
15 immediately following the shooting. She's also going to
16 describe probably -- she probably was the closest one to the
17 abuse -- actually -- actually tried to do something about it.
18 Her and her husband both tried to do something about it,
19 offered her shelter when there was these abusive situations
20 and really is going to kind of -- kind of culminate by her.
21 And both -- Carter are going to culminate by telling that
22 they got to a point where they were going to lose Stacey, if
23 they continued to ask her to leave Jody to get out of his
24 life. And -- and they started tolerating it, or living with
25 it, or dealing with it. And it continued up until up until

1 this -- this occurrence.

2 Caitlyn is the daughter. She wants to testify. She's
3 going to talk about the -- she's actually very descriptive.
4 She's going to talk about the -- the holes in the wall.
5 She's going to talk about some very -- very graphic scenes
6 she can remember as a youngster between -- she was around 13
7 -- almost 14 when this happened. She can remember about age
8 10. And she can remember basically some -- some pretty
9 graphic stuff, and not limited to, but involving bloody rags
10 after her mama being beat, after seeing her get hit -- black
11 eyes and stuff like that.

12 Lastly, with Jamie Owen, all of them, and I -- I got to
13 also say, each and every one of these witnesses, including
14 Robbie, Willis, Christina, Stacey, Carter, Amanda, Caitlyn,
15 and the last one, Jamie Owens, are all going to say that he
16 was "Always packing", that's the word. He was always
17 carrying a weapon. He had it in his back pocket. He would -
18 - Robbie's going to talk about him displaying it at one of
19 their -- their drinking places. Of course, Christina's going
20 to talk about her pulling -- him pulling it out on her.
21 Stacey will describe some instance where she -- she was
22 threatened with a weapon, but all of them will testify
23 basically that he carried it continuously. There was no time
24 that he didn't have it, and he was proud of it. And they'll
25 use that signature action that he liked.

1 THE COURT: Okay.

2 MR. SPEEDY: Basically, that's it.

3 MR. SWERLING: Judge, just so everybody understands you
4 -- you've allowed me to sit down because my (inaudible) was a
5 little off today. I just want them to understand that this
6 was a conversation we're having with the Court.

7 THE COURT: Yes. No -- in no disrespect taken in any
8 way, shape, or form. You are always welcome to sit whenever
9 you need to. And I'm happy to hear from you.

10 MR. SWERLING: Thank you, Judge. Judge, it -- our case
11 going to be -- is premised upon that Stacey armed herself in
12 self-defense which gives her the -- once -- once she armed
13 herself in self-defense. The law is that it -- you could
14 still claim accident -- the accidental discharge of a weapon.
15 And so the self-defense part of this is very important
16 because it's the legal principle that bridges over to the
17 accident charge that we're going to request from the Court
18 that happened in this particular case.

19 And back in the mid to late '80s, I tried a case
20 against Wade Calden in Sumter called State v. McCaskill.
21 Then McCaskill, prior to that time, you could not get a
22 charge on accident if you were armed because you -- the way
23 that the law was at that time, it had been developed that it
24 -- it wasn't considered lawful to go ahead, and arm yourself
25 in self-defense, but McCaskill on appeal, stood for the

1 proposition that one who arms themself in self-defense,
2 that's still the right to claim accident.

3 So that's the legal premise that we are going with.
4 And we anticipate asking the Court for those charges. And I
5 have some of those charges at the office. I've been out in
6 the office for a couple weeks. I got to go get them work on
7 them tonight a little bit to put it in order. But that is
8 where we're going with this -- with this case. And in order
9 to go ahead and lay out why we think this information is
10 admissible, I need to tell the Court what the basis of our
11 legal argument is.

12 THE COURT: Understood.

13 MR. SWERLING: And the factual situation that we intend
14 to develop is going to support the right to arm yourself in
15 self-defense. Okay. There's a testimony -- there will be
16 testimony that Stacey at that time did stop her vehicle, you
17 know, as far as whether she just drove by or not. That's --
18 we -- she can testify that, but she did stop her vehicle. He
19 was -- he had -- she saw him getting in the car to go ahead
20 and get him here, which has been documented.

21 THE COURT: Mr. Catoe?

22 MR. SWERLING: Ms. Catoe.

23 THE COURT: So let's use Jody and Stacey. So I'm not
24 --

25 MR. SWERLING: Okay. All right.

1 THE COURT: So Stacey comes upon the intersection, and
2 stops her vehicle?

3 MR. SWERLING: Stops her vehicle, and sees him -- sees
4 Jody getting in the car. Now we know it was about to get a
5 beer because he testified about that.

6 THE COURT: Okay.

7 MR. SWERLING: He stands up, and Stacey knows everybody
8 in this community knows that Jody carried a pistol. He
9 admitted it. I mean -- there's no question about it. He
10 carried it in his back pocket -- his right pocket. And so
11 when at some point, I -- and I'll just say, he says to her --
12 Jody says to Stacey, "What the fuck you doing?" Okay. And
13 she basically says, "What the fuck are you doing?"

14 And because there's, you know, this back and forth
15 between the two of them, she said -- she's reached -- going
16 around his pocket to go ahead, and what she thinks is going
17 to be a gun. Law of appearances kicks in there. And she had
18 -- she takes a gun out of her car -- or out of her console,
19 and the gun goes off.

20 And it was not her intent to shoot anybody. It was an
21 accidental discharge. Tragically, Brenda Coates got -- was
22 hit by it. But it all was premised upon Mr. Jody -- I mean --
23 -- Jody being his conduct, and why she armed herself, and why
24 she had the gun out. And then, the gun went off and -- and
25 accidentally killed Brenda Coates.

1 So in order to go ahead and get there, we need to lay
2 out -- and she will lay out in her testimony what the history
3 was. And of course, whatever you -- I would like to
4 incorporate what the Court's analysis was, because I -- I
5 think I probably can't do any better than the way you summed
6 up what the testimony is to this point -- but they met when
7 they were in high school, and got married after high school -
8 - but even before high school, there were three or four
9 assaults -- physical assaults on her by him. Why they get
10 married?

11 Well, they got married because she loved him. And this
12 fits sort of into what we -- we know is a battered woman
13 syndrome. People who are women -- women who go -- they get
14 assaulted by a -- a person, they love them. They have a low
15 self-esteem, and they go back to the person, and the person's
16 good. And then, the person gets bad again. And -- and, you
17 know, at some point all of this is get -- you get
18 conditioned. And that's what we're talking about here, what
19 her conditioning was about expect -- expectations about
20 Jody's conduct.

21 Okay. So even before in high school -- when she's a
22 senior in high school, she's physically assaulted by him
23 three or four times, but loves him, eventually gets married
24 to him. Now it's not all bad. I mean -- they had a good
25 relationship at times, and he could be very good to her, and

1 very good to family. They -- I -- did things as a family.
2 They had a child, and they participated. They were both
3 motorcycle riders, and they used to go down to the beach a
4 couple times a year.

5 They went with Caitlyn to the beach a few times a year.
6 They did some traveling. So it's not -- we're not painting a
7 picture of being totally bad. What we are painting a picture
8 of is, this is a man who carried the weapon in his back
9 pocket always, and people knew it.

10 They bought a home in 2000 -- or before 2000. Then
11 they bought another home, a trailer first, and then a -- a
12 double-wide trailer in 2000. The -- the good part, then
13 there's the bad part. The bad part is when he's drunk --
14 when he's drinking. And I don't think there's any dispute
15 about the fact this man drinks. I mean -- I think that came
16 out.

17 THE COURT: There's no dispute that he was intoxicated
18 that night?

19 MR. SWERLING: Correct.

20 THE COURT: Right.

21 MR. SWERLING: And -- and he has a history of being
22 intoxicated. And that's when a lot of these events take
23 place. He -- constantly over the course of the marriage was
24 cussing her out. Okay. That's one thing. Just kept cussing
25 her out, having arguments with her, getting very

1 argumentative with her, would constantly accuse her of
2 adultery accusations, get aggravated about it. The -- the
3 arguments would escalate, and sometimes it escalated into
4 violence. He would pick fights with her when he was -- and
5 I'm talking about specifically when he is intoxicated, most
6 of these events happen.

7 So they would get into these arguments. He would
8 escalate, and then they could escalate into physical
9 violence. The -- the actual physical assaults. Sometimes
10 they were with a fist hitting her with his fist. Sometimes
11 he slapped her. Sometimes he would run her head into the
12 wall. Sometimes he would throw her off the porch. On
13 occasion, he threw a glass at her, and chipped her tooth,
14 which she still has to this day. They -- sometimes he would
15 grab her hair, and -- and hurt her that way. On occasion, he
16 would pull her with her hair.

17 There have been occasions when she would describe that
18 he dragged her across a parking lot holding her like that.
19 There -- there's an occasion -- at least one occasion, but
20 more where he dragged her like that across the yard. There
21 are occasions where he would sit on her, and just wouldn't
22 let her up.

23 There are occasions where he kicked her. And she --
24 she can describe all these. There are occasions when he
25 pushed her physically to hurt her. There are occasions when

1 he -- one occasion where he hit her with a liquor bottle.
2 Occasion where he would pull a gun on her. And I don't think
3 there's any dispute about that or would be anymore, but he
4 pulled a gun on her. And there are occasions where he
5 actually discharged the weapon in the house. And that has
6 been -- that has come out in the evidence. She -- the issue
7 about the -- the van which came out, was that he was trying
8 to run her down when she discharged the weapon. So you have
9 that occasion as well. He kind of run her down with the van.

10 And the -- that argument started because he threw a
11 circular saw at her, and she got upset. Then he got in the
12 van, tried to run her down. That's when she discharged the
13 weapon. Said the shooting in the house happened on at least
14 two occasions. And -- and people saw the results of that.
15 And on least three occasions, he threatened her with a gun --
16 pointing the gun at her -- or threatened a gun at her or
17 threatened her with the gun. He --

18 THE COURT: Okay. So they had a really bad
19 relationship.

20 MR. SWERLING: Yes.

21 THE COURT: So tell me the theory of law that makes all
22 this admissible under the rules of evidence. That's what I
23 don't understand.

24 MR. SWERLING: Self-defense. That she thought she was
25 arming herself in self-defense because --

1 THE COURT: She -- she can say, "I saw him, I think he
2 went for a gun." I know he carried -- historically carries a
3 gun. But how we're going back I don't know 10 -- 15 years'
4 worth of abuse.

5 MR. SWERLING: Yes, sir.

6 THE COURT: But so tell me how under 404 and 607, any
7 of that's admissible?

8 MR. SWERLING: It's -- it's conditioning. It's the
9 condition that he -- he put her in where her -- what she saw,
10 there was a heightened sense of danger as a result of the
11 prior conduct. And in the large self-defense, we have
12 appearances. We have past conduct between the parties, prior
13 difficulties between the parties, size of the parties. These
14 are all things that are relevant in self-defense cases as to
15 what your perception is at the time. Did you respond in
16 self-defense? And those are real, strong legal principles in
17 South Carolina as far as --

18 THE COURT: The problem is, she didn't shoot him.

19 MR. SWERLING: Right. But -- but we're talking about
20 why she armed herself, and she armed herself. That part of
21 it's an accident. And we're -- that's the claim that there
22 was an accident. And we believe that if we show all of this,
23 that she lawfully armed herself in self-defense, then she
24 also has a right to go ahead and claim accident, and have the
25 jury charged on accident. It's as I said, "It is tragic that

1 someone else was shot", but that doesn't deprive her as -- as
2 why she harmed herself, or the fact that the discharge of the
3 weapon was an accident, and also when the Coates' death was
4 an accident as well.

5 I think that's the link. So we are relying on all the
6 Court -- the Court has already said, but also the basic law
7 of self-defense, which has been historic in this -- in the
8 state since, you know, 100 - 200 years.

9 And, you know, going back to State v. Fuller, all those
10 principles that are applicable in self-defense, she has a
11 right -- right to rely on those things. And of course, in --
12 in the law of self-defense, there are a number of things that
13 are listed that she can rely on. That's what I was talking
14 about. The law of appearances, physical size of the parties,
15 prior difficulties, his conduct, how she perceived him on
16 that night or -- or at 9:30 on June 17th -- June 7th -- June
17 17th. That's how she perceives it.

18 So she has -- all of that comes into her heightened
19 sense of danger, whether she was in reasonable fear of death,
20 or serious bodily harm -- whether she was actually in -- in
21 danger of death, or serious bodily harm. Those are the
22 principles that we believe we're entitled to rely on. And
23 the fact that the proffer that Mr. Speedy was making are --
24 is corroboration of those events.

25 THE COURT: Okay.

1 MR. SWERLING: And -- and there, I could go on, but I
2 mean it's --

3 THE COURT: I -- I get -- I get the gist of it.

4 MR. SWERLING: You got it.

5 THE COURT: Yeah, it is -- it is this -- it'll be a --
6 I mean -- I got the -- the broad picture.

7 MR. SWERLING: Okay.

8 THE COURT: Okay. I don't need all the small details
9 of --

10 MR. SWERLING: Yes.

11 THE COURT: -- every single time he did something he
12 shouldn't have done, but I get the gist of it. Okay. All
13 right. That -- that's -- that's what I needed help with.

14 MR. SWERLING: Yes, sir.

15 THE COURT: Okay. All right.

16 MR. SCOTT: Well, I -- I still, I'm -- I'm not
17 understanding the linkage, and I'm not understanding the
18 mechanism. I'm looking at 404(a)(3), which directs me to
19 look at 607, 608, and 609. And I -- I can't find the
20 mechanism for allowing what -- what's going back to high
21 school ages. And these are 50-year-old people at this point
22 -- is what they're wanting to go back to. I don't know that
23 anybody's alleged that she illegally armed herself. I -- a
24 self-defense, I believe for her would be -- I know he always
25 carries a gun in his pocket. He made a furtive movement for

1 him. And I felt the need to present my weapon -- I assume is
2 the -- I'm just -- I'm failing to understand the linkage
3 again. And ultimately he -- he was not hurt. There's been
4 no attempted murder charge brought with him as a victim. The
5 victim in this case is Brenda Coates.

6 THE COURT: All right. So what about the jury charge
7 that says, "Evidence of prior difficulties between the
8 Defendant and the victim may be considered"?

9 MR. SCOTT: This is not the victim though, Judge. This
10 -- he is not the victim in this case. He -- he -- he is an
11 eyewitness.

12 THE COURT: Yeah. I mean all -- all these jury charges
13 that deal with self-defense are all between the Defendant and
14 the victim, not between the Defendant and a third party.

15 MR. SWERLING: The explanation of that, Your Honor, is
16 that also why she armed herself, and to establish that she
17 lawfully armed herself -- not because of what Brenda Coates
18 did, and that's not -- that's not the link what he did.

19 THE COURT: Right.

20 MR. SWERLING: So that when she lawfully arms herself,
21 and the gun goes off accidentally, and the third person is
22 injured, doesn't destroy the defense of accident.

23 THE COURT: But transferred intent in a self-defense
24 case doesn't exist in South Carolina.

25 MR. SWERLING: We're not arguing -- we're not arguing

1 transferred intent. We're arguing she's chosen result an
2 accident.

3 THE COURT: You're arguing that she acted in
4 self-defense because of the actions and history with
5 Mr. Catoe. And then you want to transfer that intent to
6 Ms. Coates.

7 MR. SWERLING: The principal of action. The only
8 reason we get to -- the only reason we're talking about
9 self-defense is --

10 THE COURT: Tell me how -- here -- here's what ---

11 MR. SWERLING: Yes.

12 THE COURT: So you're -- do you want a self-defense
13 charge?

14 MR. SWERLING: No. Your Honor, it has ---

15 THE COURT: Or do you just want an accident charge?

16 MR. SWERLING: Well, the reason we're arguing
17 self-defense -- and we can discuss that because I mean -- you
18 -- Your Honor, may not give us a self-defense charge.

19 THE COURT: Well, and -- and -- and I think we're
20 walking down the same street at this point. I mean -- all
21 these self-defense charges -- the victim's violent
22 reputation. So if Mr. Catoe had been shot and was deceased,
23 or attempted murder, whichever one, then I -- I don't know
24 how we're -- I'm going to explain to the jury that the
25 victim's violent reputation may be considered in determining

1 whether or not there was a need for force, and whether or not
2 Ms. Catoe had reason to believe there was a need for force,
3 and whether it was necessary when the -- the deceased person
4 is Ms. Coates.

5 MR. SWERLING: Correct.

6 THE COURT: So I don't -- your -- I don't hear you
7 really asking for a self-defense charge.

8 MR. SWERLING: Well, we can -- we can talk about that.
9 What I -- what I was arguing about self-defense was the law
10 allows someone to claim the accident, if they block away on
11 themselves in self-defense. Now, that may be --

12 THE COURT: Well --

13 MR. SWERLING: Your Honor may feel that's a jury
14 question about what --

15 THE COURT: Well, she -- she's in a car. I mean -- in
16 theory, I assume she's going to get up here and say, "I was
17 -- I'm making some assumptions. Okay. So if I'm wrong, then
18 I assume she's going to say", I was in my car. I -- I was
19 alone. I had a weapon in my car", which she lawfully had in
20 the car right me. If you want to, you know, have your weapon
21 in your car, there's nothing illegal about that, right?

22 MR. SWERLING: There's nothing illegal about that. And
23 as a matter of fact, we have under The Castle Doctrine,
24 that's one -- you being in your car being --

25 THE COURT: Right.

1 MR. SWERLING: -- attacking your car, you can claim
2 protection under The Castle Doctrine.

3 THE COURT: Right. Right. And so --

4 MR. SWERLING: We didn't go that we -- we didn't go
5 that route.

6 THE COURT: Right.

7 MR. SWERLING: We -- we are arguing that her response
8 was based upon her perceptions, and her knowledge of what her
9 -- what Jody -- that he carried a gun, that he was off that
10 she was there fucking following him, whatever he perceived,
11 whatever he thought, and that he was going to -- he was
12 arming himself.

13 THE COURT: Right.

14 MR. SWERLING: And that she responded in self-defense
15 and all the principles that we've always considered
16 self-defense. So our -- our argument is that she lawfully
17 armed herself in self-defense. And you had -- you do have
18 the car issue, you do have The Castle Doctrine issue, but you
19 also have the fact that if somebody didn't think she'd
20 lawfully armed her -- herself in self-defense, then she is
21 establishing the fact that she had a right to pick up a gun,
22 and -- and have it in her hand when it accidentally
23 discharged.

24 So -- I mean -- we could talk about whether or not a
25 charge needs to be given or not, so that there's a link to

1 the jury to follow, but that's the premise that we are
2 relying on that she had a right to do that.

3 THE COURT: So if -- if the State agrees that she had a
4 right to arm herself in self-defense, based upon her
5 testimony, and her testimony alone, why do we need to get
6 into 25 years of abuse?

7 MR. SWERLING: Because -- well, I think that the jury
8 needs to understand why she would've felt the danger of that,
9 even if danger of death or serious bodily harm.

10 THE COURT: Somebody pulls a gun on you. I don't know
11 that you really need much more than that, do you?

12 MR. SWERLING: I think that it depends. I think that
13 if I'm walking down the street, you know, you have the old
14 case of the I'm trying to remember Gonzales States and
15 Tillman --

16 THE COURT: Right.

17 MR. SWERLING: -- in the -- on the corner.

18 THE COURT: On the corner of the State House, correct?

19 MR. SWERLING: Right. The corner of the State House.
20 And -- and in that situation, the reason that he -- they --
21 he shot him was because of the history between them.

22 THE COURT: Right.

23 MR. SWERLING: Had he just been somebody else walking
24 down the street, putting his hand in his pocket, he would've
25 not had the right to shoot him. So the fact of the matter is

1 that I think it's very important as to the -- to establish
2 what your belief was at that time. And her belief was that
3 he was capable of pulling that gun out, and capable of
4 shooting her. So kind of going back to that case, because I
5 think that's the best analogy that --

6 THE COURT: Yeah. But the -- the -- the difference is
7 that this case, somebody else got shot.

8 MR. SWERLING: Correct. But I don't -- I don't know if
9 the law excludes the defense of accident because someone
10 accidentally got shot.

11 THE COURT: Yeah. I -- I -- I -- I -- I mean -- I
12 think if she says the gun went off accidentally, you probably
13 -- you're going to probably get an accident charge. I -- I
14 don't have as much issue with the accident charge as I do
15 with the 20 years of abuse with the person.

16 MR. SWERLING: But -- but I'm sorry, Judge, I -- go
17 ahead.

18 THE COURT: No -- no, I -- I'm just kind of talking out
19 loud, but ---

20 MR. SWERLING: Doesn't the jury need to understand why
21 she would've believed that she was in imminent danger, or why
22 she would have to pull a gun to respond?

23 THE COURT: Being very candid, if -- if anybody on the
24 jury doesn't believe that Jody Catoe and Stacey Catoe had a
25 tumultuous relationship at this point in the presentation of

1 the evidence, and they're not paying attention, I don't know
2 that we need eight witnesses to corroborate that.

3 MR. SWERLING: Well, Your Honor may limit those, but I
4 think I would submit that the jury is entitled -- or she's
5 entitled to have the jury consider the prior history of
6 between the parties as to why she acted the way she did.

7 THE COURT: Right. I -- I just don't know that we need
8 seven or eight people that all say, "He was a really bad
9 husband and created a very dangerous environment for her."

10 MR. SWERLING: And, Judge, I can explain that link as
11 well. Okay -- why we want other people.

12 THE COURT: No, I mean, I -- I -- I -- my issue is I
13 understand the corroboration, but --

14 MR. SWERLING: Correct.

15 THE COURT: -- eight -- eight of them is a little
16 different (crosstalk), you know, she telling her story and a
17 few people corroborating, you know, what she says as opposed
18 to --

19 MR. SWERLING: Each -- each one had a different
20 experience. I mean -- basically it's two -- two of the
21 sisters that she would go to and discuss if she told them
22 about it. They -- but the witnesses we have, and we -- maybe
23 we could pair it down if we report.

24 THE COURT: Well, I guess here -- here's my -- my
25 disconnect -- my disconnect at this point, I -- I understand

1 the theory of what the Defense is saying. Like, I -- I
2 tracked the idea she's in her car, she pulls up, something
3 negative occurs that would cause a reasonable apprehension of
4 fear, and that reasonable apprehension of fear is, in her
5 case -- is heightened by a history of him, in knowledge that
6 he normally carries a weapon.

7 And that more than likely he's been out since noon with
8 his friends. He's been drinking like all those -- like all
9 that tracks in my mind. Right? I guess my -- my question is
10 -- and I -- and what I think we need to -- what I want you
11 all to look at tonight is -- you know, how does -- how is any
12 of that admissible under 404 and 607? Because he's not the
13 victim in the case, right? So evidence of other crimes,
14 wrongs, or acts is not admissible to prove the character of a
15 person, in order to show action in conformity therewith,
16 right?

17 So -- and then under 608, you can only attack the
18 credibility of a witness to go into their reputation for
19 truthfulness or untruthfulness. So how does that -- and
20 that's kind of where I was the other day -- is how does the
21 fact that he's a really bad husband, and he's clearly not
22 going to win dad of the year award, you know, how does -- how
23 do those things become admissible under the rules of
24 evidence?

25 I understand the theory of how they're admissible in a

1 self-defense case, but how do they become admissible under
2 404(a) and (b) and 608 all taking into an account a 403
3 analysis on.

4 Mr. Scott, do you want to be -- do you want to flush
5 out any thoughts right now? I am not saying it is or it's
6 not. I'm just --

7 MR. SCOTT: No -- no more than I already have. I -- I
8 just -- I'm struggling looking at the roles too, Judge, and
9 -- and just the fact that he's a witness.

10 THE COURT: I mean -- it's clearly -- but we've all
11 done enough self-defense cases.

12 MR. SCOTT: Sure.

13 THE COURT: I mean -- but -- but --

14 MR. SCOTT: But the victim is always the one that's got
15 --

16 THE COURT: Between -- between the -- the legal history
17 of, you know, the five of us here in the courtroom, who've
18 done this for a whole long time. We've all done enough
19 self-defense cases to know that the victim's character in a
20 -- generally speaking in a self-defense case is a fair game.
21 Right. And especially if the Defendant takes the witness
22 stand, or other people take the witness stand, and go into
23 things victims have done in the past that would cause people
24 to be a little bit more scared of them than just a stranger
25 they meet on the street. And I -- I think that's kind of

1 where my mind is creating a line, is that, you know, he's not
2 the one that got shot. So it's confusing to me that we're,
3 you know --

4 MR. SCOTT: And there was never any charge brought with
5 him as a victim. There was no attempt to murder. There was
6 no a and b first. There's no pointing at presenting where he
7 would be a victim. The victim is the deceased Brenda Coates.
8 And certainly, there's no evidence of any prior difficulties
9 between she and Stacey Catoe. That's my difficulty. And I
10 -- I don't, you know, I -- I imagine Stacey Catoe can say, "I
11 know he always has a gun."

12 THE COURT: Right.

13 MR. SCOTT: When he went and pulled that gun out, I
14 pulled my gun out.

15 THE COURT: Or when he went to reach for his back
16 pocket ---

17 MR. SCOTT: I pulled my gun out --

18 THE COURT: Right.

19 MR. SCOTT: -- because I know he has that gun in his
20 back pocket.

21 THE COURT: I know he carries a gun in his back pocket
22 and that, you know -- I mean him carrying a gun in his back
23 pocket. I don't have a -- that's -- that's -- that's -- I
24 think that's -- that's already in number one. I mean -- I
25 think that's fair game. My issue is, you know, 25 years'

1 worth of abuse down to all these specific instances of
2 conduct, some of which are already in evidence, frankly, for
3 -- for better or for worse, some of them are already in
4 evidence -- but okay.

5 MR. SWERLING: And -- and that's the other argument.
6 That's why I said, "Incorporating what the Court's analysis
7 was."

8 THE COURT: Right.

9 MR. SWERLING: What's in?

10 THE COURT: Right.

11 MR. SWERLING: Because --

12 THE COURT: Some -- some of it's already in there. And
13 that's what I'm saying. I don't believe -- I don't think
14 anybody's sitting on the jury going, you know, Jody Catoe is
15 a saint, right?

16 MR. SCOTT: That's my thing --

17 THE COURT: I mean -- for numerous reasons, but --

18 MR. SWERLING: It's her state of mind.

19 THE COURT: What?

20 MR. SWERLING: We going -- we -- we have to her state
21 of mind, what she believed at that moment.

22 THE COURT: Right. So your -- your argument on -- when
23 I go back, and analyze evidence issues, in my mind as I'm
24 processing through them -- you know, what I -- what I teach
25 these people is the question is, you know, FWP, For What

1 Purpose is this being introduced? And -- and you think
2 evidence, and you're looking at the rules in your mind,
3 you're going For What Purpose?

4 For What Purpose is this so -- and so the -- that --
5 the answer to that question is it goes directly towards
6 Ms. Catoe's state of mind on the 9th question at 9:30. And
7 the issue is how much of that history comes in or doesn't
8 come in. Okay. All right. So let's do this, I'm not going
9 to make any official ruling at this point in time.

10 I want to read a few things tonight, and process
11 through a few things -- have -- I would have all of your
12 people live for tomorrow morning. And -- and then when we
13 get here in the morning, we can kind of talk through it one
14 more time. If anybody finds anything tonight before you find
15 a case or a -- you find something that you want me to read,
16 email it to me. I'll be happy to read it tonight.

17 And then, we can kind of pack -- well, I'll come up
18 with a game plan in the morning -- what it's going to look
19 like to try to make the presentation of evidence in a smooth
20 and expeditious fashion.

21 MR. SCOTT: Just a secondary thing, maybe while we're
22 here, we can flesh this out. How many of these people have
23 seen any kind of physical interaction between Ms. Catoe and
24 -- and Jody -- Jody and Stacey?

25 THE COURT: You -- you mean -- your question is of the

1 people that they plan on calling, who have eyeball-witnessed,
2 like, me and you were standing right here with each other
3 right now, witness this behavior, or is this something that
4 they --

5 MR. SCOTT: Is it --

6 THE COURT: -- that she's reported to?

7 MR. SCOTT: Is it anecdotal or are they just seeing,
8 because I heard a lot of -- we saw her bruises and black
9 eyes. Well, I -- I don't know that they're -- that would be
10 proper testimony for them. So I -- I would like to -- that
11 would be something I'd like to know as well.

12 THE COURT: Okay. All right. What else?

13 MR. SWERLING: Judge, I think that's going to be the
14 issue in the morning.

15 THE COURT: Okay. So at this point in time, the
16 thought process is not -- you're leaning towards a voluntary
17 (inaudible) charge.

18 MR. SWERLING: That's something we -- we actually been
19 discussing, and -- and whether or not we should ask for one,
20 and whether you would do one. So well, we -- we -- we -- we
21 --

22 THE COURT: We -- we've been the law clerk, and I have
23 been having the conversation all day long, so...

24 MR. SWERLING: Well, you know, you catch your spouse in
25 -- you don't catch him in flagrant link though, but you do

1 catch him with someone who you know she -- he's having an
2 affair with, whether that's legal provocation or not.

3 THE COURT: Right.

4 MR. SWERLING: The heat of passion that may be -- may
5 justify a charge on it.

6 THE COURT: And you -- you need to know that that is
7 not settled law in South Carolina. So the -- the -- the case
8 law is very clear, that there's an opinion that came out back
9 when Toll was on the Supreme Court, where there is a
10 plurality, three of the five say, "That you cannot assert,
11 get a voluntary manslaughter charge when another person
12 dies." And then, a case came out in six then, where they
13 were given the chance to rule on that officially in a
14 majority opinion, and they declined to -- to issue it. So
15 that is an undecided issue in South Carolina as to whether or
16 not your sudden heat of passion your provocation or can be
17 transferred to another person.

18 MR. SWERLING: We're not in Texas with -- Your Honor.

19 THE COURT: Right. Right. Exactly. All right. So if
20 you all send me any jury charges you want me to look at
21 tonight, and then on these legal issues, go ahead and send
22 me, if you find something, or you want me to look at
23 something we're going to be looking at stuff tonight too --
24 kind of processing through it, now that I understand it a
25 little bit better. It's a little easier for me to -- to plow

1 through. And then, we'll meet at 9:30 in the morning, and
2 come up with a game plan.

3 MR. SWERLING: Judge, can I get you the charges in the
4 morning because I don't have any backpack at the office now,
5 and I'll --

6 THE COURT: Perfectly fine.

7 MR. SWERLING: I'll put it together.

8 THE COURT: Perfectly fine. Okay. Anything else we
9 need to take up?

10 Anything else from the State, Mr. Scott?

11 MR. SCOTT: No, Your Honor.

12 THE COURT: Okay. Anything else from the Defense at
13 this time?

14 MR. SWERLING: No, Your Honor.

15 THE COURT: Okay. Thank you all, and thank you for
16 engaging in this exercise with me this afternoon. Thank you
17 very much.

18 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT
19 3:49 P.M.)

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CERTIFICATE OF TRANSCRIBER

I, JACKSON ALEXANDER, a Court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 5 of Kershaw County, South Carolina, on the 9th Day of October, 2024.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

December 3, 2024

A handwritten signature in blue ink, appearing to be 'J. Alexander', written over a circular notary stamp.

Jackson Alexander

Transcriber

1 CONTINUATION OF PROCEEDINGS - OCTOBER 10, 2024

2 THE COURT: Okay. When we left last night, we had done
3 kind of a proffer of what the potential Defense witnesses
4 were going to testify to, to try to make things a little
5 smoother today.

6 Did the State want to be heard any further on any
7 illegal argument regarding any of that?

8 MR. SCOTT: No, I don't think so, Your Honor, I just
9 sort of -- I -- I don't know what the issue will be until the
10 issue arises at this point. Because I -- I -- I -- I have a
11 summary of kind of what they're going to say.

12 THE COURT: Right.

13 MR. SCOTT: But one of my last questions, my concern
14 was who have these people heard anecdotally about some kind
15 of abuse, who witnessed it --

16 THE COURT: Right.

17 MR. SCOTT: -- themselves? And now that I understand
18 their defense, I kind of see where they're going. But that
19 still remains an important question that I would like to know
20 before they testify.

21 THE COURT: Right.

22 MR. SCOTT: Because that would mean a lot. And --

23 THE COURT: There's a big difference between somebody
24 that actually witnessed something occur between the two of
25 them, and someone that sees her.

1 MR. SCOTT: Yes, sir.

2 THE COURT: You know, at dinner with a black guy, and
3 she tells a story too about what happened, and they didn't
4 witness it.

5 MR. SCOTT: Yes, sir. And what occurs to me too is
6 time frame. How -- how close in time are we --

7 THE COURT: Right.

8 MR. SCOTT: -- to the event in question? So I -- I
9 don't know any of those answers.

10 THE COURT: Right. Okay. Those two, that's okay. All
11 right. And did the Defense want to be heard -- you need
12 before we process through that, Mr. Speedy?

13 MR. SPEEDY: Yes, sir, Your Honor, the only thing that
14 -- that concerns me is that, I think the question of Jody was
15 ---

16 THE COURT: You need to go green, please.

17 MR. SPEEDY: I'm sorry.

18 THE COURT: Thank you.

19 MR. SPEEDY: We need a second button so my -- my girl
20 can do that.

21 THE COURT: Well, you -- that's a great -- I -- if I
22 had a button where I could click you on and off, that would
23 be too --

24 MR. SPEEDY: That'd be good too.

25 THE COURT: But we're stuck with what we have for right

1 now.

2 MR. SPEEDY: And -- and you could turn it off when you
3 just didn't want -- when you just didn't want to hear me.
4 Judge, my concern is the -- the question of Jody was this --
5 and I think it was -- came as a result of maybe my question
6 of -- of when's the first time you hit her, but they said,
7 "You're a 145 pound man, and she's a" -- a -- how big is she?
8 In the meeting that -- that there was -- if there was any --
9 any abuse, that it was just as much her as it was him.

10 So I think that's why we need to present the -- the --
11 the testimony, and present -- We do have eyewitness
12 testimony for sure, but we do also have some other stuff that
13 would be extraneous that is, like, the sister who takes her
14 in during these separation periods, him coming to the house,
15 that kind of stuff.

16 THE COURT: It -- ballpark me on the time frame.
17 Because what I heard yesterday was, we're going back to high
18 school. So how old is Ms. Catoe?

19 MR. SPEEDY: Ms. Catoe is 49.

20 THE COURT: Okay. So you want to go back 30 years?

21 MR. SPEEDY: No, I don't -- I don't want to go back
22 30 years.

23 THE COURT: Okay.

24 MR. SPEEDY: I don't have to go back 30 years.

25 THE COURT: And -- and -- and that's one of the Court's

1 concerns is I don't know that we need the 30-year history.
2 You know, I think it's -- there's got to be some time frame.
3 I think time frame constraint on -- we're not going back to
4 every single incident -- incident that occurred between them,
5 back to when they were seniors in high school. Right? It's
6 got to be something relative to the time frame of
7 June of 2018. So what's the time frame you're -- you're
8 anticipating?

9 MR. SPEEDY: We -- we've got the -- probably the
10 eyewitness testimony they have, is probably between the
11 period of -- let's see, '18. Let me -- let me figure it out
12 in my head. Some -- some -- some -- sometime from '18. From
13 -- from maybe -- let's see, I'm thinking four years '14 to
14 '18.

15 THE COURT: Okay. And one question I have is, does --
16 did Mr. and Mr. Catoe stay together after June of 2018? Or
17 do they?

18 MR. SPEEDY: No.

19 THE COURT: I mean, he's technically not the victim, so
20 there wouldn't be a no contact order, but did they?

21 MR. SPEEDY: He didn't. He -- he -- I think he stayed
22 at the residence. She was -- she stayed incarcerated for,
23 like, seven months.

24 THE COURT: Okay.

25 MR. SPEEDY: And then at --

1 THE COURT: I didn't even know that so -- okay.

2 MR. SPEEDY: And at the end of seven months, she came
3 back, he vacated the premises.

4 THE COURT: Okay. And did they have split, or
5 separated or?

6 MR. SPEEDY: They're divorced now.

7 THE COURT: They're efficient. They're actually
8 legally divorced --

9 MR. SPEEDY: Actually legally divorced.

10 THE COURT: -- at this point in time. Okay. So it's
11 not any conduct that occurred after the incident.

12 MR. SPEEDY: I wasn't going to get into the -- there is
13 conduct after the incident.

14 THE COURT: All right. But I don't know that's --

15 MR. SPEEDY: That's right. But I was --

16 THE COURT: -- relative to her state of mind on the
17 night.

18 MR. SPEEDY: That's right. I wasn't going to get into
19 that, no.

20 THE COURT: Okay. Did you want to respond to that,
21 Mr. Scott, or I thought -- I thought you were about to say
22 something, and I wanted to give you an opportunity to speak
23 if you wanted to.

24 MR. SCOTT: No -- well, if I'll call them -- I guess
25 kind of character witnesses or -- or witnesses of this abuse.

1 I -- I -- I -- I think chronologically, she's going to need
2 to testify first to lay down why this is relevant to talk
3 about her state of mind.

4 THE COURT: Right.

5 MR. SCOTT: And I assume they're -- these are bootstrap
6 witnesses -- they're going to bootstrap or corroborate, I
7 guess what she's saying.

8 THE COURT: Right.

9 MR. SCOTT: So we need to -- I guess, have her
10 testimony first before that even becomes relevant.

11 THE COURT: Right. Yeah. They can't just go out, and
12 start off the bat with -- for two -- 2014, this incident
13 occurred.

14 MR. SCOTT: Yes, sir.

15 THE COURT: And I saw it, right?

16 MR. SCOTT: Yes, sir. And I -- just speaking with at
17 least one of their intended witnesses, this person will say,
18 "Oh, well yeah. I believe he, you know, abused her." And I
19 say, "Well, how do you know that?" Like, I saw a bruise on
20 her or a black eye. I -- I don't think that would be an
21 appropriate testimony because then, they're speculating, and
22 -- and then we're lying again, what I -- what I was talking
23 about earlier on speculation or anecdotal experiences. I
24 don't have so much objection of somebody if they observe
25 this. And I think that would probably be appropriate --

1 THE COURT: In a -- in a temporal major. Like --

2 MR. SCOTT: Yes, sir.

3 THE COURT: Twenty years ago.

4 MR. SCOTT: Yes, sir.

5 THE COURT: Right. You know, not in -- not in 2000,
6 right?

7 MR. SCOTT: Yes, sir.

8 THE COURT: You know. Okay. Okay.

9 MR. SCOTT: So we'll just sort of see how it develops,
10 but those --

11 THE COURT: Okay.

12 MR. SCOTT: -- would be my concerns.

13 THE COURT: All right. So let's -- I'm going -- these
14 are going to kind of be guidelines, just to kind of move
15 things along. Now listen, you all know the rules on
16 objecting, like, you got to object when it happens, right?
17 You know -- but I'm going to kind of provide a framework. So
18 yesterday -- where's my list? Okay. Hold on. All right.
19 So we talked about a couple of witnesses that are going to
20 talk about when she shows up at her dad's house after the
21 incident, right? That those are -- those are five, right?
22 Obviously. Okay.

23 And then, Ms. Huebner -- plan on calling Ms. Huebner
24 about the incident that occurred between the three of them,
25 that's already in. So, you know, all that's good. We don't

1 need four or five witnesses to talk about him carrying a
2 firearm, right?

3 So number one, he admits he carries a firearm all the
4 time, you know, he has one in his truck -- or on his person,
5 you know, somewhere with him. So -- but I don't mind a few,
6 one or two witnesses talking about how he consistently
7 carried a firearm. Because I think that goes directly to her
8 state of mind in the night in question, knowing that he
9 usually had a firearm on him. Right?

10 So that goes directly to -- and it's not necessarily a
11 crime. I guess it could be if you didn't have a concealed
12 weapons permit, but it's not -- you know, it's not, like,
13 saying he robs banks everywhere kind of thing. And he's
14 pretty much admitted to that already on the witness stand.
15 Okay? Hold on. Let me get to the rest of my notes.

16 As to the abuse between him and her, you know, I don't
17 want -- nobody should be testifying that they think he abused
18 her, or she said he abused her, or they saw her with a black
19 eye and they said, "Who did this to you?" Jody did it to me.
20 Then, anybody that's going to testify as to any prior abuse
21 needs to have personally witnessed the incident, and that it
22 needs to be in -- I'm not going to create a cutoff time
23 frame. But, you know, it doesn't need to be something that
24 happened eight -- nine -- 10 years ago.

25 It needs to be something relative to the incident date

1 that would go into her state of mind on the date in question.
2 I think that she can say, you know, our relationship -- you
3 know, there was abuse throughout our relationship, but we're
4 not going back into the first time he ever hit me all the way
5 forward to June of 2018.

6 And so those are my -- in my -- my basis for that is, I
7 think that goes to her state of mind on the night in
8 question. That there's been incidents between the both of
9 them, you know, in the past. And it also -- first -- state
10 of mind on the night of the incident as to whether or not her
11 knowledge that he had, you know, had probably been out
12 drinking, and usually had a firearm on him. I think it goes
13 to those things. So under those parameters I will allow that
14 testimony, but what we're not going to do -- okay?

15 And my -- and my biggest issue with this line -- my
16 biggest issue with this line of presenting the history of her
17 abuse, is that it's just to garner sympathy for her. It
18 doesn't really go to any relative issue in the case. It's
19 just to make her look more sympathetic because Mr. Catoe is
20 not the victim in the case, Ms. Coates is.

21 So I'm going to allow a touch of it in, and -- I don't
22 know, I can't quantify what that is. I'm going to allow a
23 touch of it in, but we're not going to spend three or four
24 hours talking about, you know, every single incident that
25 occurred between the two of them since whenever they first

1 got together. Because I don't know that it's relevant, or
2 admissible beyond her state of mind.

3 On the line of question, I think she can testify that
4 there was a history of, you know, back and forth in the
5 relationship. And it, you know, clearly wasn't the marriage
6 of the century, but we're going to keep it -- I need it to be
7 related to how it affects her state of mind that evening.
8 And -- and then, the firearm goes to her belief that, you
9 know, he normally had a firearm, which I think is directly
10 relevant to her perceptions that evening, and her state of
11 mind that evening in making whatever decision she made that
12 night.

13 Okay. All right. Those are general parameters. If
14 something comes up and we need to talk about it, just stand
15 up and say, "We need to talk about it" and we can talk about
16 some more or flesh it out. But I just want to kind of create
17 some good guidelines for it.

18 Okay. You want to take a little break, Mr. Swerling?

19 MR. SWERLING: Yes, sir. I think we need to talk a
20 little bit.

21 THE COURT: Okay. All right. You all want -- come --
22 send somebody, tell me when you're ready?

23 MR. SWERLING: Okay.

24 THE COURT: All right. And I'm going to let the jury
25 know that we're here, we're working through some legal

1 issues, and we'll be with them as soon as possible.

2 Okay. Is that okay, Mr. Scott?

3 MR. SCOTT: Yes, sir.

4 THE COURT: Is that okay, Mr. Speedy?

5 MR. SPEEDY: Yes, sir, Your Honor.

6 THE COURT: Okay. All right. Thank you very much.

7 (Off the record.)

8 THE COURT: Okay. So we have been back in chambers and
9 at this point in time, we have all decided that the best
10 course of action is to pause the trial for where we are right
11 now. Based upon the information that was provided to me in
12 chambers, the State was fully present in that conversation as
13 well as was the Defense. I know it's not ideal, okay?

14 I know it's not a perfect world, but we don't live in a
15 perfect world. And people's health's are very important, and
16 we need to be cognizant of that. And I want everybody to --
17 regardless of which side of the case they're on, to have
18 their people -- their lawyers at full speed, and full
19 operating efficiency.

20 Okay. So we -- I have communicated with the jury with
21 the full knowledge of the attorneys, and have requested that
22 they come back on Monday at 9:30, and all of the jurors I
23 figured I was going to lose one or two. That was kind of my
24 original thought process. All of them agreed to come back
25 Monday with no argument, no -- not really much of a reaction

1 at all. And so they all 14 agreed to come back on Monday.
2 So the plan is we will pause where we are right now, and
3 start back here Monday at 9:30 with all the jurors present.
4 Okay? And have I adequately summarized that from the State's
5 perspective?

6 MR. SCOTT: You have, Your Honor.

7 THE COURT: And from the Defense perspective,
8 Mr. Speedy?

9 MR. SPEEDY: Yes, sir, Your Honor.

10 THE COURT: Okay. All right. So, Ms. Catoe, I -- I do
11 want to say to you that I'm going to allow you to stay out on
12 bond, okay. Number one, you've showed up every day this
13 week. Number two, your case is six years old and you're
14 still here. And number three, I know that you have a -- you
15 know, your side of the case which you want to present, so
16 that's incentive to come back.

17 However, behavior this week in court has been
18 exemplary, no issues, no problems and -- and all those things
19 like I've explained to you before. So I do -- but I do need
20 to warn you -- I have an obligation to warn you that if you
21 do not come back on Monday; Number one, I'll issue a warrant
22 for your arrest and revoke your bond. But number two, the
23 trial will go forward whether you are here or not. Okay.
24 And so I just wanted to make sure you understand that those
25 are the rules and again, your behavior's been exemplary this

1 week. We've had no issues, no problems which I greatly
2 appreciate, and I thank you for that.

3 And so, that's where we are right now. We're going to
4 pause this trial till Monday at 9:30. I have instructed the
5 jurors that they are to keep an open mind about the case, to
6 not have any conversations with anyone about the case, to not
7 do any research on the case, to not have any contact with
8 anyone on the case, and to not view, watch, read, or listen
9 to any news media about the case.

10 All right. Anything else we need to put on the record
11 from the State?

12 MR. SCOTT: No, Your Honor.

13 THE COURT: And from the Defense?

14 MR. SPEEDY: No, sir, Your Honor.

15 THE COURT: Okay. Thank you very much, and I'll see
16 you all Monday at 9:30.

17 Mr. Bradbury, can I chat with you for a second?

18 MR. BRADBURY: Absolutely, Your Honor.

19 THE COURT: We're off the record. Thank you very much.
20 We'll be back Monday.

21 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT
22 10:39 A.M.)

23

24

25

CERTIFICATE OF TRANSCRIBER

I, JACKSON ALEXANDER, a Court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 5 of Kershaw County, South Carolina, on the 10th Day of October, 2024.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

December 3, 2024

A handwritten signature in blue ink, appearing to be 'J. Alexander', written over a circular notary stamp.

Jackson Alexander

Transcriber

1 CONTINUATION OF PROCEEDINGS - OCTOBER 14, 2024

2 THE COURT: Welcome back. And is there anything we
3 need to take up from the State before we get started?

4 MR. SCOTT: No, Your Honor.

5 THE COURT: Okay. Anything we need to take up from the
6 Defense before we get started?

7 MR. SPEEDY: No, sir. We're good.

8 THE COURT: Okay. All right. So, Ms. Catoe, when we
9 last left last week, you and I have had a conversation about
10 whether or not you want to testify, and what are your -- all
11 your rights are concerning whether or not you testified. Do
12 you remember that conversation?

13 MS. STACEY CATOE: Yes, sir.

14 THE COURT: Okay. And have you had enough time to
15 discuss that with whoever you deem necessary about making
16 that decision?

17 MS. STACEY CATOE: Yes, sir.

18 THE COURT: And what is your decision on whether or not
19 you would like to testify?

20 MS. STACEY CATOE: I -- I do want to.

21 THE COURT: Okay. Wonderful. Thank you very much.
22 You may be seated. Okay. And let's go ahead, and bring it
23 in the jury.

24 (Jury enters courtroom.)

25 THE COURT: All right. Welcome back, ladies and

1 gentlemen. I hope you had a nice weekend. Thank you very
2 much for being with us again today, and being present and
3 ready to go in on time. It is much appreciated. When we
4 last left you, the State had rested their case. The Defense
5 now has an opportunity to put on a case if they want to.
6 They do not have to for reasons that I've already explained
7 to you, but we always give the Defense an opportunity to put
8 on a case that they would like to.

9 And so, would you like to call any witnesses,
10 Mr. Swerling or Mr. Speedy?

11 MR. SWERLING: Yes, Your Honor. Call Stacey Catoe.

12 THE COURT: All right. Ms. Catoe, come on up and be
13 sworn please, ma'am.

14 THE CLERK: (Inaudible).

15 STACEY MCCLINTOCK CATOE,

16 being duly sworn, testified as follows;

17 THE CLERK: (Inaudible) your full name for the record.

18 THE WITNESS: Stacey McClintock Catoe.

19 DIRECT EXAMINATION

20 BY MR. SWERLING:

21 Q. Pardon. Okay. Good morning, Stacey. Would you
22 introduce yourself to the jury? Tell your name. Where you
23 from?

24 A. My name is Stacey Catoe.

25 Q. Pull that mic up a little bit. Yeah.

1 A. That's good. My name is Stacey Catoe. I'm from
2 Westville. I'm 49 years old.

3 Q. Okay. Stacey, you -- would you tell the jury a
4 little bit about your family background here in Camden? Your
5 -- your folks, your mother, father, sisters.

6 A. Yeah. My mother and -- my momma lives in Kershaw,
7 and my daddy lives in Westville. And I have a daughter,
8 Caitlyn. My sister, I pretty much grew up in -- well, I
9 lived in Westville for -- till I was about nine. Then I
10 moved to Kershaw, and went to school there, and graduated
11 from AJ.

12 Q. Let me ask, were you born here in Kershaw County?

13 A. I was born in Camden, in the --

14 Q. Okay.

15 A. -- in Camden Hospital.

16 Q. Okay. And you were -- were you educated in the
17 Camden schools?

18 A. No, I went to AJ and, like --

19 Q. Pardon.

20 A. I went to Andrew Jackson in Lancaster County, and
21 I graduated, got a diploma.

22 Q. Okay. And you -- tell the jury, do you have a
23 hearing problem?

24 A. Oh, yes, I do. I -- I -- I do have a hearing
25 problem.

1 Q. Okay.

2 A. I've tried the amplifier, and it didn't -- it
3 doesn't work that good. And then, I borrowed my aunt's
4 hearing aids, and of course they -- or adjusted to her or --
5 so it doesn't help that good. So -- so yeah, I can't -- I --
6 I do have a hearing problem. I can't hear real good.

7 Q. And just so you -- I'm having a little bit of
8 hearing problem here too.

9 A. Okay.

10 Q. So if you could --

11 A. Oh, I can --

12 Q. -- speak up.

13 THE COURT: Yeah, the chair doesn't move.

14 THE WITNESS: Yeah.

15 THE COURT: You just got to move a little closer to it.
16 There you go. Thank you, ma'am.

17 THE WITNESS: Okay.

18 BY MR. SWERLING:

19 Q. So you told us about your education. Where did
20 you go to high school?

21 A. Andrew Jackson in Kershaw.

22 Q. And did you finish high school?

23 A. I did. I got a diploma.

24 Q. What year do you remember?

25 A. 1993.

1 Q. Okay. And how old are you now?

2 A. Forty-nine.

3 Q. When you were in high school, did you have
4 occasion to meet Jody Catoe?

5 A. Yeah, I met Jody when I was 15. Started dating,
6 we got married in 1995.

7 Q. How -- how old were you at that time?

8 A. I was 20, and he was 23.

9 Q. Did -- Stacey, do you have any kind of criminal
10 record -- criminal history?

11 A. No, sir, I do not.

12 Q. So you said you started dating Jody in -- when you
13 were in high school?

14 A. Yes, sir.

15 Q. See, okay. And when you got out of high school
16 you got married 1995, what kind of work were you doing and
17 have been doing since that period of time?

18 A. I went to work at my first job -- well, I worked
19 at -- started working at the Walmart Distribution Center in
20 Pageland, South Carolina in 1997. And I worked there -- I
21 worked there until 2011. And I was -- that's warehouse work.
22 That's what I've done. I've done that pretty much most of my
23 life. Because after I left Walmart, I went to hire -- down
24 in Camden, and I worked there as a -- as a lift driver. And
25 then, I went to Target -- I worked at Target also. And --

1 and so driving equipment, and in the warehouse.

2 Q. And that took you up to what date when you were
3 working?

4 A. Sir?

5 Q. How long did you work? I mean -- how were you
6 working at the time of this incident?

7 A. Oh, well, I mean, I've been working since I was
8 16.

9 Q. Okay.

10 A. And yes, I was -- I was currently -- I'm currently
11 employed with Cromer's. I work at Cromer's Cafeteria in
12 Kershaw as of right now.

13 Q. Okay. All right. And what kind of work did Jody
14 do?

15 A. When we first met, he -- he worked for himself,
16 and doing, like, building houses and putting on roofs,
17 putting siding on, like, a carpenter/contractor. And pretty
18 much through his life that's what he did. He worked at
19 Southern Industrial one time and -- and then, he's worked for
20 himself back and forth doing carpentry and construction work.

21 Q. And what was he doing back in June of 2018?

22 A. He was working with Southern Industrial.

23 Q. Pardon?

24 A. He was working with Southern Industrial.

25 Q. At some point, did -- did he buy a mobile home for

1 you all?

2 A. He did. When we -- when we first got married, he
3 bought a -- a small -- a little, small, old -- older trailer
4 for us to start off with, and that's what we lived in. We
5 lived in -- when we got married, that's what we lived in.
6 And then in 2000, I was -- I wanted to get a double-wide, so
7 we got a double-wide in 2000 and moved into that. And that's
8 currently the -- the home we live in now, me and my daughter.

9 Q. And the property that -- that double-wide was put
10 on his property?

11 A. It -- it was -- well, it -- my granddaddy had --
12 has land over where I live in Westville, and has our -- has
13 our -- sorry, as our -- for our wedding, he gave us a acre of
14 land for us to move -- to move on in Westville.

15 Q. And you had a daughter born of your union between
16 you and Jody, Caitlyn?

17 A. Yes, sir.

18 Q. When was she born?

19 A. She was born November 10 of 2004.

20 Q. Did you love Jody Catoe?

21 A. I did.

22 Q. Okay. And did you stay in love with him for a
23 long period of time?

24 A. I did.

25 Q. And between the two of you, were there good times,

1 and were there bad times?

2 A. Yes, sir. There was -- there was good times and
3 then there was really bad times.

4 Q. Could you tell the jury some of the good times you
5 and Jody did alone together or with your family?

6 A. Well, we -- we used to go -- we rode motorcycles
7 and stuff, and hung out. We would go to the beach usually,
8 like, twice a year, and -- and with friends and stuff, or
9 just
10 -- and we'd go to the mountains. I mean -- we just did a lot
11 of stuff together, you know, but a lot of times it was with
12 friends, but I mean, we spent, you know, a lot of time
13 together.

14 And then after Caitlyn was born, we would take just,
15 you know, us three, sometimes we'd go to -- well, not
16 sometimes, usually once a year we would go to -- to the
17 beach, and take Caitlyn to the beach with us, you know. And
18 we went to Florida one time, and took her to Disney World
19 when she was five. And we would go to the -- to the
20 mountains, to
21 Bryson City on vacation, like, on Labor Day weekend, and
22 spend a weekend there.

23 Q. Did the two of you socialize together as well?

24 A. We did.

25 Q. What was that like? I mean -- did you go to

1 particular places in town here or out of town?

2 A. Well, we -- we usually hung around in Kershaw at
3 the Pool Room, which we called it. You know, we had friends
4 there, and we -- we hung out there a lot. And then, if we --
5 sometimes we'd hang -- we'd hang -- just hang around in our
6 house and have friends over, or down at a neighbor's house
7 and have friends over. I mean -- we pretty much was, you
8 know, sociable out a lot.

9 Q. Did you -- you went to -- did you go to clubs with
10 him, and have a -- a group of -- social group that you met
11 when you went there?

12 A. Yeah, only we -- it pretty much everybody just --
13 and just hung out at -- at the Pool Room in Kershaw.

14 MR. SWERLING: Judge, can we approach one moment?

15 THE COURT: Sure.

16 (Bench conference.)

17 THE COURT: Okay. All right. Ladies and gentlemen,
18 take a little bit of a break. Don't discuss the case. I'm
19 going to remind Ms. Catoe -- just stay right there. Okay.
20 Thank you very much. Go back to your jury room.

21 (Jury exits courtroom.)

22 THE COURT: All right. You good?

23 MR. SPEEDY: We're good, Your Honor.

24 THE COURT: Okay. So just so we're clear for the
25 record, Mr. Swerling's feeling a little out of breath this

1 morning. And he has requested permission for Mr. Speedy to
2 take over the questioning of Ms. Catoe. And I have no
3 objection to that.

4 I assume you have no objection to that, Mr. Scott?

5 MR. SCOTT: I don't.

6 THE COURT: Okay. And then, I gave an opportunity,
7 with Mr. Scott's permission, for Mr. Swerling and Mr. Speedy
8 to get Ms. Catoe up to speed on what's going on with the
9 switch so that she's aware of what's going on. And is there
10 anything else we need to take up before we bring him in? Do
11 you -- do you want me to say something, or you want to just
12 let Mr. Speedy step in?

13 MR. SWERLING: They'll -- I -- they'll understand.

14 THE COURT: They'll figure it out.

15 MR. SWERLING: Yeah.

16 THE COURT: I mean -- I don't -- I don't know that we
17 need to make it bigger --

18 MR. SWERLING: Yeah, no, I -- I --

19 THE COURT: -- out it, or no one's going to be
20 objecting, or --

21 MR. SWERLING: Yeah.

22 THE COURT: -- anything like that, so...

23 MR. SWERLING: That's fine.

24 THE COURT: Okay. All right. Let's bring them in.

25 (Jury enters courtroom.)

1 THE COURT: All right. Welcome back ladies and
2 gentlemen. We're continuing now in the direct examination of
3 Ms. Catoe.

4 Ms. Catoe, you're still under oath. Do you understand
5 that?

6 THE WITNESS: Yes, sir.

7 THE COURT: Yes. Thank you very much. You may
8 continue.

9 MR. SPEEDY: Thank you, Your Honor.

10 BY MR. SPEEDY:

11 Q. Hi, Stacey, Mr. Swerling was asking you about the
12 good times, and I think you -- you got through the good
13 times, but you also -- you say you had bad times?

14 A. Yes, sir.

15 Q. What -- what do you think precipitated those bad
16 times?

17 A. Just what you mean by that?

18 Q. Well, what -- when did they come? What caused
19 them? What -- what -- what was going on generally, when
20 those bad times were -- were out?

21 A. He -- he just always -- he was always drinking,
22 and -- and he wanted to start argument about something all
23 the time. And --

24 Q. What was his drinking habits? How often did he
25 drink?

1 A. Pretty much every day.

2 Q. Okay. Did he -- when he was -- when he -- when he
3 was drinking, what kind of alcohol did he drink?

4 A. He would drink beer and liquor. I mean -- pretty
5 much together most of the time. Like, he would start off
6 with beer, and then have liquor, and then sometimes he would
7 just drink beer, and sometimes he would just drink liquor.

8 Q. Did -- did -- was it -- was it these kind of
9 patterns on a daily basis or did it vary?

10 A. Well, I mean, he'd done it on a daily basis.

11 Q. Okay. Did he -- did he also carry a gun?

12 A. All the time.

13 Q. Where'd he carry the gun?

14 A. Right back pocket.

15 Q. Do you ever remember him not having the gun?

16 A. No, sir. He's been carrying the gun ever --
17 pretty much since I've known him.

18 Q. All right. And what would -- if you had arguments
19 and what -- how would they -- how would they start?

20 A. Usually just out of the blue. Like, I would get
21 accused of being with somebody or -- I mean -- just anything.
22 I mean -- it literally -- anything will pop up. If I said
23 something wrong, did something wrong. I mean -- I don't -- I
24 -- he just -- he would get mad, and just start an argument
25 over anything.

1 Q. Did he call you names?

2 A. Oh, yeah.

3 Q. What kind of name did he call you?

4 A. I can cuss. I mean -- I don't like to cuss like
5 that, but it's okay to cuss.

6 Q. We need to convey everything to the jury, please.

7 A. Well, I -- I was --

8 MR. SCOTT: Objection. I'm sorry. Objection. It'd be
9 two prong --- it's hearsay, number one, and number two,
10 relevancy of a name that Jody called her during an argument.

11 MR. SPEEDY: I think he calls her that -- the effect it
12 has on her state of mind.

13 THE COURT: Let -- let's make it some point in time,
14 and frame of reference to June 2018.

15 MR. SPEEDY: Yes, sir. I -- I -- I was about to do
16 that.

17 THE COURT: Okay.

18 BY MR. SPEEDY:

19 Q. Let -- let's -- let's do that now, let's -- what
20 -- how old is your daughter?

21 A. She's 19.

22 Q. All right. At -- at the time of -- of -- back in
23 June 17 of 2018, how old was she at that time?

24 A. Thirteen.

25 Q. Can you tell us let's -- let's -- let's just kind

1 of frame it around the time that she turned -- so she would
2 be at -- at '18, she'd be 10 -- let's say, when she's 10
3 years old?

4 A. Yeah.

5 Q. That's about the time she could probably remember;
6 is that correct?

7 A. Yes, sir.

8 Q. All right. Let's talk about from the time that
9 would be if she -- when was she born?

10 A. Two -- 2004.

11 Q. 2004. So that'd been about 2014?

12 A. Yes, sir.

13 Q. To 2018?

14 A. Yes, sir.

15 Q. All right. Let's -- let's talk just about those
16 -- those four years. Just to contrast it. Did it seem to
17 accelerate over the marriage?

18 A. Yes, sir. I was going to say, I -- I mean -- I
19 still got called names. I was still a fat ass bitch, hoe --
20 just bitch period. I mean anything -- anything like that.
21 Sorry ass bitch.

22 Q. During that -- let's talk about that four or five
23 year span of time. Can you remember any incidents where he
24 actually abused you?

25 A. Oh, yeah.

1 Q. Tell -- tell me the first one you can remember in
2 that time period long?

3 A. He's -- well, I mean -- he's hit me -- well,
4 actually the one of the worst ones, he slammed my head into
5 the wall and gave me two black eyes. I had bruises all over
6 my arms, legs, neck. That was -- that's just one of them.
7 He -- he would hold -- he would, like, if we would start a
8 fight, he would start a fight,, and we would -- he would hold
9 me down on the floor, and sit on top of me where I couldn't
10 move or do anything.

11 He's threw me over the porch before, he pushed me into
12 the washing machine. And -- and when it pushed my -- it
13 pushed me, it hit my right leg. It tore my meniscus in my
14 right leg, and I had to wear a brace for, like, two weeks.
15 He shot the house up. I mean -- just any -- any kind of
16 abuse. I mean -- pulling my hair, and drag me across the
17 parking lot, drag me across the yard. I -- I -- I've doing
18 that pretty much my whole life.

19 Q. Did -- did any of this take place in front of
20 Caitlyn?

21 A. Yes, sir.

22 Q. Let's -- you talked a little bit about -- let's go
23 back -- maybe talk a little about being dragged across the
24 parking lot.

25 A. Yes, sir.

1 Q. Tell me about where that was.

2 A. That was at the Pool Room.

3 Q. All right. And again, just for the sake of the
4 jury, where is the Pool Room located?

5 A. The Pool Room is in Kershaw on Shop Road.

6 Q. It's called -- what's it called?

7 A. It was called Coach Billiards.

8 Q. Okay. Named after the coach owner?

9 A. Named after Doug Coach the owner.

10 Q. Okay. And how -- where is that in relationship to
11 the VFW?

12 A. Where is it? It's like --

13 Q. In relation to it -- how --

14 A. It's -- it is probably -- I'd say maybe a mile --
15 mile and a half from the VFW. It's on the same road.

16 Q. Same road; is that correct? Okay.

17 A. Yes, sir. It's on the same road.

18 Q. So tell us about this specific incident, was
19 Caitlyn present?

20 A. Yes, sir.

21 Q. And tell us what happened at -- at -- at the Pool
22 Room that -- that day?

23 A. Well, I mean -- we was -- all -- we was all there
24 again, I mean -- you know, like, our normal friends crowd,
25 whatever. And he left, and -- and I stayed, and he come

1 back, and was so -- he was like so mad because he came back
2 and I was still there, and he got out of the truck, and was
3 calling me a hoe, and was accusing me of being with somebody
4 there.

5 And all I -- you know, I was just there just like he
6 was earlier. And then, he gets out of the truck, and is
7 calling me names and grabs me and slams me on the -- slams me
8 down to the ground on the gravel, and then just grabs my
9 hair, and is pulling me across the -- the Pool Room parking
10 lot cussing and pulling my -- pulling me across the parking
11 lot in the gravel, and did slap me, and sat on top of me.

12 And Caitlyn had seen it, and she -- somebody got her,
13 and put -- took her away so she wouldn't have to, you know,
14 see any more of what was going on. And then finally --
15 finally someone -- somebody stepped in, and -- and got him
16 off of me, and told him that he needed to quit.

17 Q. Did -- did you talk also about the time that he
18 shot up the house. Did it -- was it more than one time?

19 A. Yes, sir.

20 Q. How many times did he shoot ---

21 A. He just shot the house up twice.

22 Q. What were the (inaudible)? Let's talk about where
23 they were located in the house.

24 A. The first time he shot was we were in the kitchen,
25 and there was another argument of something I don't know.

1 And he pulled his gun out, and just aimed it. He just pulled
2 his gun out, and did it like that, and shot, like, four or
3 five times in the ceiling. And I have -- there's holes. Now
4 the ceilings' messed up now, actually from -- we know where
5 he shot because we didn't get it fixed. And then now, it's
6 the -- made a big hole. So we have it taped up.

7 Q. Tell me how you were you -- how you were standing
8 near him. What was the situation between you and him?

9 A. Oh, I was scared that -- I didn't know what if he
10 was going to end up pulling the gun, and shooting me with it,
11 or what -- you know, so I was just standing there scared.

12 Q. Were you in the kitchen?

13 A. Yeah, I was in the kitchen.

14 Q. Were you facing him?

15 A. Yep.

16 Q. And you saw -- what were you thinking when it was
17 going on?

18 A. I -- I -- he was -- I was scared. Like, I didn't
19 know if he was going -- I mean -- you never knew when he was
20 going to flip out, and ---

21 Q. And you hooked up there?

22 A. -- do something crazy.

23 Q. Let me show you Defendant's Exhibit 1 and
24 Number 2. Tell me what these picture are.

25 A. These are the -- there's two different spots.

1 Well, actually this one -- this one right here, there's a
2 little -- it's got, like, that FlexSeal stuff, which --
3 that's where that tape is. But this -- there's a little spot
4 right here to the side, that actually was a bullet hole.

5 Q. What number? What number is that?

6 A. Oh, it's number two.

7 Q. Okay.

8 A. Number two. And then, there's -- I don't know --
9 a couple more under there. And then, this number one is --
10 there's probably two or three shots under it. And like I
11 said, it is -- you can see, you know -- it started out with
12 the bullet holes, and we tried to fix them, but then it went
13 -- then it went, you know -- over time it's cracked open. So
14 -- but there's the little spot right there which -- which is
15 a bullet hole that we stuff over it.

16 MR. SPEEDY: We show one and two (inaudible).

17 MR. SCOTT: No objection.

18 THE COURT: All right. Defendant's 1 and 2 admitted
19 without objection.

20 (Defendant's Exhibits 1 and 2 were admitted into evidence.)

21 MR. SPEEDY: This has been pre-marked, Your Honor.

22 BY MR. SPEEDY:

23 Q. All right. Let's -- let's -- can you look up
24 here, Stacey, that's pre-marked, so I believe that's the one.

25 A. Yes.

1 Q. That's number two. Can you show -- let me -- let
2 me get their stick so they have that. I don't see. That's
3 okay. Can you get up and kind of point up at where you --
4 what you're talking about?

5 A. A little spot, right -- right there. Bottom right
6 there.

7 Q. Right there?

8 A. Yeah, that's -- that's actual bullet hole
9 (inaudible).

10 Q. Okay.

11 A. And then, those are -- that's -- those were all
12 four holes that just went into it. We tried to fix, but we
13 didn't replace them seal or nothing. So it just -- that kind
14 of (inaudible) and then it started -- the roof started
15 messing up, so we had to take that on (inaudible).

16 Q. When you say, "We had to do it", who's we?

17 A. Actually, I think me and Caitlyn I think did it.

18 Q. Do you remember Jody repairing any of those?

19 A. No, Jody didn't do it.

20 Q. Okay. Now, what -- when was the second time you
21 remember shots being ---

22 A. She was in the house -- in the bathroom -- in my
23 -- in our bathroom.

24 Q. And what -- what -- how -- how'd that come about?
25 What happened?

1 A. Just another argument that he started over, who
2 knows what -- mad about something. Pulled the gun out. Shot
3 two times in the bathroom. And I was standing -- I was right
4 there in the bathroom, and I was really -- I was really
5 scared that night. Because I -- I didn't know if he was
6 about to -- I was about to get hit or not. Because I was,
7 like, right at the tub, and he shot one to the left -- one
8 went to the left, and one went like right behind me.

9 Q. And is this in the ceiling, the wall or ---?

10 A. On the wall. Yeah.

11 MR. SPEEDY: Here we go.

12 MR. SCOTT: No objection.

13 THE COURT: What's the number?

14 MR. SPEEDY: Number three and Number four, Your Honor.

15 THE COURT: Defendant's 3 and 4 admitted without
16 objection.

17 (Defendant's Exhibits 3 and 4 were admitted into evidence.)

18 BY MR. SPEEDY:

19 Q. Going to ask you to look at these, and (inaudible)
20 pictures that you took?

21 A. Yes, sir. Yeah, these are for all.

22 Q. All right. Let's look at the second one. Those
23 are the holes?

24 A. Yes, sir.

25 Q. Now, we see -- we see some flowery stuff around,

1 what's that?

2 A. That's the wallpaper.

3 Q. Okay.

4 A. And that's a hole (inaudible).

5 Q. You say, "That Jody carried the gun all the time."
6 Where did he carry it?

7 A. His right back pocket.

8 Q. Did -- did you take a photograph of that?

9 A. I sure did.

10 Q. Is this?

11 A. Yep, that's him. That's my dog Sassy. Yep.

12 MR. SPEEDY: Move this into the record, Your Honor.

13 THE COURT: What number is it?

14 MR. SPEEDY: It's 1A, Your Honor.

15 THE COURT: There is no such thing as 1A. It needs to
16 be a number. What number is it?

17 MR. SPEEDY: Twenty-one.

18 THE COURT: All right. Any objection?

19 MR. SCOTT: I don't know that they mentioned when that
20 picture was taken.

21 THE COURT: Yeah, we need some time frame reference.

22 BY MR. SPEEDY:

23 Q. When -- when -- picture taken within the last four
24 years prior --

25 A. Yeah.

1 Q. -- to this incident?

2 A. Yes, sir.

3 THE COURT: All right. Defendant's 21 is admitted.

4 (Defendant's Exhibit 21 was admitted into evidence.)

5 BY MR. SPEEDY:

6 Q. Besides the actual shootings, were there other
7 times that he displayed the weapon in some fashion in your --
8 in your presence?

9 A. Yes, sir. He's pointed it -- he's pointed at me
10 before -- pointed the gun at me.

11 Q. Tell -- tell me the circumstances.

12 A. I -- you know, it's always -- I mean -- I can't --
13 there were so many -- so many times and arguments that I
14 can't -- you know, I just can't come up with what the
15 argument was actually over. But I mean -- he was mad about
16 something again. And he actually pulled the gun on me, and
17 said, "I'll kill you, you stupid bitch." And just sat there
18 dead fright thinking I was about to lose my life.

19 Q. Did you ever call the police?

20 A. I did.

21 Q. How many times do you think?

22 A. I've called them several times. I'd say five --
23 six -- seven.

24 Q. And what would result from those calls?

25 A. They would -- they came out, and I guess tried to

1 calm down the situation or whatever. And -- and that was
2 pretty much it. One time he -- I did call them one time he
3 had hit me, and gave me a black eye. I don't know if it was
4 one or two black eyes, but he had given me black eyes,
5 choking me around my neck. Of course my arms holding on --
6 holding my arms down.

7 And -- and I called -- I called the law -- the police
8 that night. And they -- they come out, and I had -- well, he
9 went to -- he went to his mama's -- over to his mama's house
10 after he'd done what he'd done. And I had called the law,
11 and they went over to her house, and they did arrest him that
12 night, and took him to jail.

13 Q. Did you go back together?

14 A. Did I go back what?

15 Q. Did you go back together after that?

16 A. Oh, yeah.

17 Q. Are there -- were there times that you -- you left
18 the home?

19 A. I did. I -- I -- I left a couple times, and one
20 -- one -- one time I left, me and Caitlyn went -- went to
21 stay with my sister, Amanda. And we stayed with them for
22 probably three months. And -- and we -- we lived -- we lived
23 with them for, like, three months.

24 Q. What -- what was the reason you went to live with
25 -- with ---

1 A. Trying to -- just trying to get away from Jody and
2 leave. I -- I -- I could go over there because that was one
3 of the places that I could go, that he wouldn't bother us
4 because we were safe over there. Denny -- you know, Denny
5 wouldn't -- which is Amanda's husband. He -- he wouldn't
6 allow him to mess with us or anything over there. So we'd go
7 over there because we knew we were safe and, you know, really
8 didn't have to worry about what -- whether he was going to
9 come home, and what he was going to do. And -- and pretty
10 much -- that's pretty much it. Stay with them just to be
11 safe.

12 Q. Is -- is that when he learned what Denny would do
13 if he did come over? Did something happen that -- that
14 caused Denny to have to do something?

15 A. Oh, yeah. That he -- could he come over while we
16 was living there. He -- he'd come over, and one night it was
17 -- I think it was late. Well, I mean -- it was late -- I
18 think he come over -- he come up to the door, and he knocked
19 on the door, and he was, like, you better open this damn
20 door. Let me in, or I'm going to break it down to come in,
21 or something like that.

22 And he's, like, you -- you need to come out the house.
23 And -- and me and Caitlyn was -- what -- you know, we was
24 just standing there, and he kept on and on trying to -- you
25 know, wanting to come in the house. And then, he got -- then

1 he went out -- went out the door, and shut the door behind
2 him. And we stayed in the house.

3 And Denny said, "What you going to do is get in your
4 truck, and you're going to turn around and leave because
5 you're not coming in this house tonight -- you know, there's
6 not -- we're not -- you're not coming in this house. And
7 they -- not coming out." And that's it. I mean, "You get in
8 your truck and leave because that's -- that's what's going to
9 happen."

10 Q. Did -- did you -- leave so?

11 A. Did he leave? Yeah, he left, but he left spinning
12 tires, and -- and tore the yard up and everything, and then
13 called, and then called my -- my -- I -- my sister had a -- a
14 home phone at that time. And -- and he called her phone,
15 like, over, and over, and over, and over. And then he called
16 my cell phone over, and over, and over, and over, like I --
17 like I don't know how many times, like, just over and over
18 and over. And neither one of us would answer the phone. So
19 I finally cut my phone off, and she cut the house phone off.
20 So he -- you know -- so we could just, I guess, so he'd leave
21 us alone because he couldn't contact us, and he knew he
22 couldn't come back in that yard.

23 Q. Did you ever take -- did you ever take any illegal
24 actions yourself privately?

25 A. Just -- just that one time that I had them locked

1 up.

2 Q. And did you ever do anything about going to see a
3 lawyer about it?

4 A. With -- for a -- I mean -- for domestic violence?

5 Q. Before divorce.

6 A. Oh, for divorce? Yeah. Yeah, I did.

7 Q. Who'd you go see?

8 A. Karen -- oh, gosh, I can't think of her last name.

9 Q. Where -- where was it -- where was she?

10 A. She's in Lancaster.

11 Q. Lancaster, okay. And did -- did you actually file
12 for divorce?

13 A. I -- well I did -- I did file for and went through
14 with, like, the first part of it, and then I ended up -- I
15 ended up quitting with it, and not -- not going through with
16 it. And -- and going back to him.

17 Q. Why did you go back to him?

18 A. Because -- well, I still loved him, and I -- I
19 would hope -- was hoping that maybe one day he would love me
20 like I loved him. And -- and when he -- he was -- you know,
21 he was a good -- when he was good person, he was good, you
22 know -- he was a good guy, and he didn't -- he treated us
23 good, but then, when he was bad, it was really bad.

24 And then -- but a lot of times it was easier for me to
25 stay with him than it was to not stay with him because he

1 would act -- because he wouldn't leave us alone. Like, he
2 never left us alone. It's like, he always had to have us --
3 you know, know what we was doing, where we was at. And if --
4 if he didn't have us or me, if -- if he didn't have us there,
5 knowing what we were doing -- I mean -- it was, like, all
6 hell would break loose because he needed to know where we was
7 at, what we was doing. And it would be -- it would be more
8 peaceful for me to just stay, and -- and try to deal with it,
9 and stay for Caitlyn's sake -- you know, then trying to get
10 out sometimes.

11 Q. What -- when did you get a pistol?

12 A. When did I get a pistol? Well, I mean -- I -- we
13 -- I mean -- we pretty much -- or when Jody bought me the one
14 that I had already bought for me for -- to keep us
15 protection, you know, and that -- that -- that one I probably
16 got in -- I'm not sure when he bought it. I'd say maybe
17 2016-2017 maybe. And he -- he bought it for me to keep --
18 you know, to keep in my car, and just keep for protection
19 because that's just you -- you know, that's what we done.

20 Q. Did you have any guns before that?

21 A. Not really mine. Like, I mean -- I -- you know, I
22 know how to shoot guns, and I've shot, and stuff like that,
23 but I never really had my own, like, I would shoot his or --
24 you know, because he had lots of different guns, and -- but I
25 mean -- I -- I grew up knew -- knowing how to shoot, you know

1 what I mean? We from the country, and that's -- that's just
2 kind of what we do out there. My daddy has a -- you know, he
3 has a place set up at his house, you know, go hunting, and
4 stuff like that. So -- I mean -- I've been around guns all
5 my life.

6 Q. This particular gun, you say you got 2016 or 2017?

7 A. It's the -- the pink 380 Taurus.

8 Q. What -- what was the -- what was the circumstances
9 around you getting the gun? Was it a special occasion?

10 A. No, he just bought it.

11 Q. Okay. Did you know he was buying it?

12 A. I did not.

13 Q. And how did he deliver it to you? What were the
14 circumstance?

15 A. He just -- he just gave it to me, said, "Here, I
16 bought this for you." I play okay.

17 Q. When you -- when you first got it, did you try it
18 out?

19 A. Yes, sir.

20 Q. Where did you try it out?

21 A. Where?

22 Q. Yes.

23 A. In our -- in our yard.

24 Q. Again, your daddy has something set up that you
25 can do that or ---?

1 A. Yeah. Daddy has -- yeah, we -- either my house or
2 my daddy's -- daddy has an old target thing set up at his
3 house for practice. Yeah.

4 Q. All right. Well, this would be a good
5 opportunity. So where is your double-wide located? What is
6 the actual address?

7 A. 3641 Damascus Church Road.

8 Q. Okay. And what is your dad's address?

9 A. 3617 Damascus Church Road.

10 Q. Okay. So you're -- you're right next to each
11 other?

12 A. Yes, sir. There -- the only thing that separates
13 us is a -- is a -- there's a dirt road in between mine and my
14 daddy's house.

15 Q. Where's that dirt road go?

16 A. It goes -- it is where it starts between our
17 house. It goes to the -- the other end of it comes out on
18 521.

19 Q. Okay. So it's a dirt road that just goes from the
20 Damascus Church to --

21 A. Yes. It's just a dirt road that goes down through
22 -- it comes out on 521.

23 Q. Okay. And so what's -- just describe what's
24 behind your house?

25 A. Woods.

1 Q. What's behind your daddy's house?

2 A. Woods. That's -- I mean -- that's how we did --
3 that's all it is. Woods. My daddy -- granddaddy had, like,
4 90-something acres, I think. And it is -- it's all woods.
5 Like, we -- that we literally just -- there's trees -- trees
6 and woods everywhere. That's all it is.

7 Q. Are there trees and woods between you and your
8 daddy's?

9 A. Yeah. Yes, sir.

10 Q. But can you see each other?

11 A. Yeah, you can see each other.

12 Q. Is it walkable?

13 A. Uh-uh. Oh, yeah. Yeah. There's, like -- like, I
14 mean -- you could see, you know, from my house to his house,
15 even -- even at night, you can see -- or night light showing
16 through the woods. And I mean -- it's visible because the
17 tree, you know, I guess the trees are kind of -- some of them
18 are, like, thin down or whatever and, you know, we could see
19 each other's house.

20 Q. All right. So 2016-2017 did Jody kind of make a
21 change to -- well, did he buy something for you all?

22 A. Yeah, I was going to say -- and that's -- that's
23 when he bought a -- he bought a -- a camper, and moved over
24 to the lake at Lake Wateree.

25 Q. Just can you describe where that -- tell a little

1 bit about where it's located over?

2 A. It's -- it's -- you know, like, going down 97,
3 it's the -- when you get into Beaver Creek, it's on the right
4 side, like, you know, going that way.

5 Q. That means if you're going north or toward --
6 let's say Great Falls.

7 A. Yeah.

8 Q. Or Lancaster. Okay.

9 A. Yeah. Going north toward Great Falls.

10 Q. All right.

11 A. It's on the -- there's the boat, the -- the
12 Wateree boat Marina right there. And then, there's --
13 there's a -- right beside it is a little campground area
14 where the people have their campers, like, lined up. It was,
15 like one, two, three. It was probably, like, six or seven on
16 one side and -- and maybe six or seven on the other side.
17 And he was, like, the -- I think he was the third camper on
18 the right on this side.

19 Q. All right. This is you -- you rent the spot?

20 A. Yeah, he -- he actually got lucky. He, you know,
21 when he got it -- this is what he said. "Well, I mean, there
22 was -- somebody was there in that spot at, you know, had been
23 there a long time, and they just happened to -- they just
24 happened to move their camper and, you know, go away or
25 whatever." So that spot came open, and that -- and he -- so

1 he bought it -- bought a camper, and put there.

2 Q. Did your living arrangements change at that point?

3 A. They did. He started staying at the camper, and
4 me and Caitlyn would stay -- me and Caitlyn would stay home,
5 and he would usually stay at the camper. At first it started
6 off, he would -- he would go on the weekends, and stay in the
7 camper and he would stay home during the week because he
8 would go to work. And then, eventually he got to where he
9 would stay over there almost all the time, and would come
10 home maybe once a week or something like that. But he
11 usually mostly stayed over there. And winter started
12 getting, you know, like, 2017 and '18, he stayed over there
13 most of the time.

14 Q. About when did he get the mobile -- mobile home --
15 the camper again. What year was that?

16 A. Probably 2016.

17 Q. Okay. So when -- when do you think -- what period
18 of time do you think he started staying there more often?

19 A. More often? Probably, well -- he -- he was
20 staying there almost all the time. Something -- I'd say
21 sometime in 2017, I know.

22 Q. Did -- did you and Caitlyn go down there?

23 A. We did. We go whenever he -- you know, when he
24 was -- he was staying over there, me and her would go on the
25 weekends, and stay for, like, Friday night, Saturday night,

1 or maybe just a Friday night, come back Saturday or Saturday
2 night, come back Sunday, or something like that. We'd stay
3 over overnight with him at the camper.

4 Q. Okay. And did -- did you know -- at that point in
5 time, did you know who Brenda Morris was?

6 A. Did I know what?

7 Q. You know who -- did you know who Brenda was?

8 A. Oh, yeah.

9 Q. How did you know her?

10 A. Well, actually we were -- we were friends. At one
11 point, she was at the Pool Room. I mean, I don't even know,
12 it is, like, just one day. She showed up at the Pool Room,
13 and -- and she said, "She didn't have many friends or
14 whatever." And we just got to know her -- or I got to know
15 her. It -- well, me and my -- my best friend. And we
16 actually started hanging around together, and we would sit
17 down there, and talk, and hang out, and -- and stuff like
18 that.

19 Q. Okay. Did you ---?

20 A. And we go -- we go over to the river -- oh, well
21 the lake. We'd go over there sometimes, and hang out over at
22 the lake at -- at the Beaver Creek.

23 Q. Did you ever at some point in time become
24 concerned about why she was around so much?

25 A. I did.

1 Q. About when was that?

2 A. Probably -- probably about the end of 2016 --
3 maybe early '17.

4 Q. Okay. Did you ever -- did you ever confront him
5 about that?

6 A. Yeah, I asked him about it.

7 Q. And what did he say?

8 A. He denied it. He said, "They was just friends."

9 Q. Did you ever confront her?

10 A. I did not.

11 Q. Okay. There was an incident involving some damage
12 to the -- that -- that -- that camper. Can you tell us what
13 happened in that situation?

14 A. Well I -- you know, I knew that they -- I figured
15 they was together, and I was just -- me and one of my friends
16 one night, I -- I wanted to go. I was trying to go get
17 pictures just so I could get a divorce. And so we rode to --
18 we rode over there. She drove me over there one night, and
19 so I could see if I could get pictures of them to get a
20 divorce.

21 And I got out and went up to the camper door, but I
22 was, you know, being quiet because I was just trying to see
23 if she was in there, and -- and I could see -- I could see
24 her head in there, and I knocked on the door, and he wouldn't
25 let me in, so I knocked again, and I said, "Let me in." And

1 he said, "What -- what are you doing here?"

2 And I -- and he still wouldn't open the door, so I hit
3 it. I had a -- a beer bottle in my hand, and I hit the
4 glass, and it broke the glass. And I actually cut my thumb.
5 But -- and then he opened the door after, you know, banging
6 on it a few times, and saying, "Let me in." He finally
7 opened the door, and I went in, and looked, and I didn't see
8 her. But then, in his -- in his -- the bedroom that he was
9 in -- in -- in the camper, which was the one he slept in,
10 there was -- there was a sliding glass door, like the old
11 time, well, I mean, they were old because it was like my mom
12 and daddy had the glass doors in their old double-wide, like
13 in the '80s -- the big glass doors that were, you know,
14 sliding like this.

15 And I didn't realize at the time that I -- you know, I
16 wasn't thinking about those doors, so I didn't look in there,
17 and never did. I never -- I didn't see anything because I --
18 I didn't even look in those doors. And then -- and then I
19 just left. I mean -- nothing that -- I mean -- I left and
20 that was it.

21 Q. Okay. Did you -- did you carry a weapon with you?

22 A. Not that night, no.

23 Q. Okay. Did you ever carry a weapon when you were
24 outside?

25 A. I mean -- I -- the -- the gun I kept -- the gun

1 that Jody gave me was in my -- stays in my console in the --
2 in my truck or the -- the SUV I had.

3 Q. Who is -- who is Christina?

4 A. Christina?

5 Q. Huebner. Who is that?

6 A. Who is she?

7 Q. Yeah.

8 Q. Who is she?

9 A. Right. Right now, she -- she's my girlfriend, but
10 --

11 Q. Okay. Well, let's tell -- tell -- tell us about
12 her. When did you meet her?

13 A. Well, I met her a long time ago at the day care.
14 She -- we put Caitlyn in -- well, we put Caitlyn at day care
15 when she was a baby, but she -- she was at a day care and we
16 met sometime when Caitlyn was little, and I mean -- we was
17 friends, you know, just talking, and was friends for a long
18 time.

19 Q. Okay. Did you end up in a relationship with her?

20 A. For a -- a very brief period of time.

21 Q. And when was that?

22 A. Probably about beginning of 2018.

23 Q. Okay. Going back to the incident at the -- at --
24 at the camper -- about when was that in relationship to
25 June 17, 2018?

1 A. When was the -- when was the thing with the
2 camper?

3 Q. Yeah.

4 A. What year? I mean -- what, like, when was it?

5 Q. When was it in relationship to those -- the date.
6 When was that incident when you went down there and broke the
7 window?

8 A. The relationship with Christy?

9 Q. When was the relation -- and I'm -- forgive me,
10 I'm probably confusing you so...

11 A. Yeah.

12 Q. The -- the -- the -- when you went down to the
13 camper and you broke the window.

14 A. Yeah.

15 Q. About when was that in time?

16 A. That it was -- it was in 2017.

17 Q. What time in 2017? Spring, summer, fall?

18 A. I think it was the fall -- I think it was fall of
19 2017.

20 Q. Okay. And so was -- was your -- the relationship
21 with Christina, was it active at that time?

22 A. No, sir.

23 Q. Was it before that or after that?

24 A. After that.

25 Q. And you say, "It was for a brief period of time."

1 How long was that?

2 A. Actually, maybe a couple months. Three at the
3 most.

4 Q. I think we did see some -- some exchanges between
5 you and Brenda on the -- I think Messenger?

6 A. Yes, sir. Messenger on Facebook.

7 Q. All right. Is that -- that little on your -- on
8 your phone -- that's that little thing that you look at and
9 you hit?

10 A. Yeah.

11 Q. Or I'm sorry, Messenger?

12 A. Yeah.

13 Q. All right. And that's how you -- she
14 communicated?

15 A. Yes, sir.

16 Q. I noticed some of it was talking about just your
17 relationship, in terms of recipes and things?

18 A. Yeah. Yes, sir. We -- yeah, we talked about --
19 well, I mean -- that's what I say. We were friends, we
20 talked -- talked and text, and just about, you know, food,
21 how she was doing, how her mama was doing. She would ask
22 about Caitlyn sometimes, and I mean -- just like I said,
23 casual friendship at the time.

24 Q. Did that kind of change in your messaging?

25 A. It did. And when I started suspecting that they

1 were together, when I -- when -- when I thought they was
2 together, I -- I mean -- I messaged her a couple times
3 telling her that I knew they was together, and I seen them --
4 I seen them over at the river.

5 And then, I was watching them, and then I -- I asked
6 her to -- I would tell her to -- I told her on a couple of
7 them -- two or three of them that I -- I just asked her if
8 she would just please take him and leave him alone. I mean,
9 if she would just please take him, and if she could have him
10 and just leave me and Caitlyn alone, and let us live -- live
11 our life, and -- and they could live their life and that
12 would be fine. I -- I -- I just wanted, me and Caitlyn have
13 our life in peace, and they could -- and they could -- they
14 could live their life over there at their -- at the river or
15 whatever, and -- and everybody could be happy.

16 Q. Did you actually see some good in that?

17 A. Sir?

18 Q. Did you actually see some good in her taking him?

19 A. Yeah -- I mean, I -- it was -- I was literally --
20 I was literally hoping, you know, I wanted her to take him
21 and I mean, I was good with that. Just take him, and -- and
22 just get him to leave us alone. If you could just -- you
23 take him and have him, that's fine. I have no problem with
24 that. Just let -- make him, leave us alone and let me and
25 Caitlyn live, and -- and be in peace without any -- without

1 bothering me.

2 Q. Okay. That leads us up to the June 17, 2018.
3 What special day was that?

4 A. It was Father's Day.

5 Q. How do you generally -- how do you generally
6 celebrate Father's Day around your little enclave?

7 A. We -- all the family goes to my dad's house -- my
8 daddy's house and the -- you know, the kids, we up there, we
9 eat or.

10 Q. All right. Let's talk, when you say the family,
11 so who is that?

12 A. Yeah.

13 Q. Who come -- who comes?

14 A. It would be -- well my daddy's got a pretty
15 extended family though. It would be me and my sister, or my
16 sister Amanda. And then -- then we have Carter and Caite,
17 which is our stepsisters. And -- but both of those live in
18 Georgia. And sometimes they could come down on Father's Day
19 -- sometimes they couldn't, it depended on, you know, the
20 situation because my daddy was, like, their real daddy. He
21 -- he raised them from,, like four and five years old. So
22 that's -- that's their daddy.

23 And then -- then my daddy's married to Brenda now, and
24 she has a son and a daughter. So it was her daughter would
25 come, and she has three kids. What? Yeah, she's got three,

1 and one's just about to be due now actually. They would be
2 there and then her son would be there. My sister and her
3 husband, and her three kids, and me and Caitlyn, and -- well,
4 Jody didn't really go a whole lot.

5 Q. The -- what would you -- what would you do? What
6 kind of activities would you do?

7 A. We'd play outside -- well, the kids would play
8 outside a lot. Throwing the football, frisbee any -- but
9 golf, like, my daddy -- my daddy has golf clubs, you know,
10 hit play with golf clubs -- hitting the golf ball right
11 across the yard because, you know, he lives in -- he has a
12 big yard to hit the golf ball. If we had any -- any, like,
13 the go-kart or something -- or four-wheelers, you know,
14 anything like that, they'd just ride, play in the yard, and
15 we'd sit outside just talking -- or sit inside, just talking,
16 eat, just, you know.

17 Q. Did you see Jody that day?

18 A. I did that morning when he come home.

19 Q. All right. Tell -- tell me the -- tell me how
20 that occurred to your memory?

21 A. Well, he come home at night, it was probably
22 around 7:00 or 7:30 that morning. Caitlyn was asleep, and --
23 well, I was asleep too, but I woke up when he pulled up
24 because he has a loud truck. I woke up, or I heard him pull
25 in the yard, and I looked, and it was, like -- like I said,

1 it was like I'm -- 7:00 or 7:30 in the morning and he comes
2 in the door. He's still about half drunk, you know, from the
3 night before -- probably been up.

4 He -- he usually would say, "Oh, I've been up all
5 night", something till 5:00 and whatever. And he come in the
6 door, and I don't -- I don't know if I -- I mean -- I
7 probably said something like, "What you doing? Where you
8 been?" Or something. And then, he got into bed with
9 Caitlyn, and she was asleep. She was, you know, she didn't
10 wake up because he was -- wasn't being loud at that time. He
11 got in bed with her, and laid down, and passed out with his
12 clothes and flip flops still on.

13 And she gets up. She got up on Sundays, and went to
14 church with his mama at Oak Ridge. So she got up around
15 9:00, and I think I usually got her up around 9:00 so she
16 could get ready for church because his mama would come pick
17 her up. So I woke her up at around 9:00, and he was still --
18 he was passed out in the bed beside her.

19 So like -- I guess she seen her -- seen him then, and
20 he looked at her when he come in that morning. And that was
21 about it for as far as that went. And then Caitlyn went to
22 church with his mama, and I just stayed -- I stayed in the
23 house on -- I was in there watching TV, or looking at my
24 phone, or something in the living room while he was sleeping
25 or while he was still, you know, asleep. Passed out on the

1 bed.

2 Q. When did he wake up?

3 A. He woke up at, like, I would say around 11:30-
4 12:00 something like that.

5 Q. And what'd he do?

6 A. He got up, took a shower. I said, "Where you
7 going?" And he said, "To VFW." I said -- I said, "Are you
8 -- you're not going to see Caitlyn because, you know it is
9 Father's day." And he said, "Well, I see her in a little
10 bit, I'm going to go to the VFW right now." I said, "Oh, all
11 right." He got a shower, and he left, and went to the VFW.

12 Q. Was he driving his work truck?

13 A. He was.

14 Q. Did he have other vehicles to drive?

15 A. Oh, yeah.

16 Q. What else did he have?

17 A. He had -- well, I mean -- we probably -- he
18 probably had a white -- I know he had a truck, and a Suburban
19 -- we had a white Suburban at that time. And I had that -- I
20 had the Ford Escape, and he had his work truck that he drove.
21 And we might have had an extra vehicle, I'm not sure, but I
22 know we had those two, and probably had -- he had -- I think
23 he had another truck too.

24 Q. Did they all kept right there at the house?

25 A. Uh-huh.

1 Q. Say yes or no.

2 A. Say it again.

3 Q. Were they all right there at the house?

4 A. Oh, yes, sir. Yes, sir.

5 Q. But that day he drove his work truck?

6 A. Yeah, he drove his work truck.

7 Q. What did you do then?

8 A. What did I do?

9 Q. Yeah. What was your next move?

10 A. Oh, I just stayed at -- I didn't -- I stayed home.

11 Q. What time did you go over to your daddy's?

12 A. Well, I -- I -- I left -- I left -- I mean -- I'm
13 not sure what time I left, but I left to go get us some food
14 from a place called Yoshi's in Kershaw. It was, like, a kind
15 of like Ginza in Camden. And they did Japanese food, and so
16 that was what I was going to get that for my daddy, you know,
17 give him a plate, and take him -- take him a plate on bed for
18 -- for him to have, you know, something to eat for supper
19 when I went to see him.

20 So I left and went -- I went by the -- I went to the --
21 went and got us the food, and stopped by the VFW on the way
22 back. And when, I got -- when I got there, his -- his friend
23 Jim was pulling up -- or no, he was actually parked, and in
24 his work truck, and he was -- he was getting out of his work
25 truck, and I -- I just pulled up, and I was like where's Jody

1 at? And he said -- he looked at me and he said, "Now, you
2 know, I can't tell you that."

3 Q. Whose truck was he in?

4 A. He was in Jody's work truck.

5 Q. Okay.

6 A. By himself.

7 Q. About what time was this?

8 A. It was probably -- I'd say maybe 5:00 something
9 maybe.

10 Q. In the afternoon?

11 A. We had put --

12 Q. You had already --

13 A. -- in the afternoon.

14 Q. You had already been at your dad's house the
15 afternoon?

16 A. No, I went -- I went to daddy's after that.

17 Q. Okay. So -- but you get there then around 5:00 in
18 the afternoon --

19 A. Yeah.

20 Q. -- at daddy's?

21 A. Yeah.

22 Q. Okay.

23 A. Yeah, and then I stayed up there.

24 Q. So what did you do from about the time he left? I
25 think you said that was around what time? 12:00 or 1:00?

1 A. When he left?

2 Q. Yeah.

3 A. Yeah. What ---

4 Q. What did you do between that?

5 A. What did I do? I was just -- I was just sitting
6 at home.

7 Q. Okay.

8 A. I mean, I -- I just sat there while I was -- you
9 know, just -- I mean, I didn't have nothing to do, so I was
10 waiting on Caitlyn, so I just stayed there at the house.

11 Q. Did -- when -- what time did Caitlyn get back?

12 A. Well, I'm not -- I can't remember if they went and
13 ate that day or -- because that -- sometimes they would get
14 lunch -- if they did, if they go get lunch after church, it
15 -- she wouldn't get back till, like, you know, 1:00 or
16 somewhere on there. But if they didn't go eat lunch, then
17 she'd usually get back, at like, probably 12:00 -- around
18 12:30.

19 Q. Okay. And so now you've gone and gotten the food,
20 you -- you came back at -- to -- where'd you come back to?
21 Once you got the food where did you go?

22 A. Oh, I went to my daddy's.

23 Q. Was that when the festivities were going on?

24 A. Yeah. They -- they was, they was -- some of them
25 was already there, like, Courtney and her kids, and then, you

1 know, we -- we went and joined them in the festivities. I
2 took -- took my daddy's food. I actually had even -- I
3 actually even bought Jody a plate that night or that day to
4 -- to have to eat for Father's Day, and then he never showed
5 up.

6 Q. Okay.

7 A. But we was at my daddy's.

8 Q. All right. What time do you think it was when you
9 finished the festivities?

10 A. Oh, we stayed out -- we stayed outside. I mean,
11 we was hung around outside. It was after -- when it was
12 getting dark and all. And I'd say around 9:00, we was
13 finishing up and getting ready to go home.

14 Q. So what did you do then?

15 A. I left -- I left around 9:00 -- 9:15 or so, --I
16 guess it was, and -- and we went home.

17 Q. Stacey, who was with you when you went home?

18 A. Caitlyn.

19 Q. Was there anybody else?

20 A. She had -- her friend Bella was with her.

21 Q. Okay. And you -- you -- you took them both to
22 your house?

23 A. Yes, sir.

24 Q. Now, when you -- when you say that -- when -- had
25 -- had you driven over to your daddy's in your ---

1 A. Yeah, I -- I had drove over there.

2 Q. And you left to drove -- and drove back home?

3 A. Yes, sir.

4 Q. All right. Did -- did you -- did you just leave
5 them out, or did you stay there with them?

6 A. I got out with them, and -- and stayed -- stayed
7 with them for a few minutes and then -- then I told him that
8 I'd be right -- I said -- I told Cait -- I said, "I'll be
9 right back" or "I'll be back in just a few minutes."

10 Q. Okay. What -- what was -- what was going through
11 your mind at that point in time?

12 A. I was -- I had seen pictures of Jody and them --
13 Jody, and Brenda, and some friends on the boat on Facebook
14 earlier that day. And so I was -- and I was thinking that I
15 -- I wanted to -- tried to get pictures, and catch them so I
16 could get my -- so I could get a divorce, and, you know, be
17 done with it.

18 Q. So what did you do?

19 A. I left the -- to go to the river. I have my
20 phone.

21 Q. Okay.

22 A. So --

23 Q. All right. So let's -- let's set the scene here.
24 Now, what's the name again? The name of the road that you --
25 you live on?

1 A. I live on Damascus Church Road.

2 Q. What's on one end of Damascus Church Road?

3 A. The -- you got Flat Rock on one end, the 521 is on
4 the other end.

5 Q. So it's kind of in between Flat Rock and -- and --
6 and 521?

7 A. Yes, sir.

8 Q. And 97 is which way from that?

9 A. Ninety-seven would be going that way.

10 Q. Further past Flat Rock?

11 A. Past -- yeah, past Flat Rock.

12 Q. So you -- you got 521?

13 A. Yeah.

14 Q. Or 601? They're both --

15 A. Well, they call -- yeah, that's what they call it.
16 I don't understand that (crosstalk).

17 Q. It's -- it's a -- it is both highways at the same
18 time.

19 A. Right.

20 Q. Isn't it? Then you got Flat Rock Road.

21 A. Yes, sir. Flat Rock.

22 Q. The 97 --

23 A. Ninety-seven.

24 Q. Ninety-seven --

25 A. I -- when I -- I left, I went home.

1 Q. Went in the lake?

2 A. Yeah, the lake's over there.

3 Q. Okay. That's how you --

4 A. Yeah, 97 and then the lake.

5 Q. Okay. So when you went out your driveway, which
6 -- which way did you turn towards 521 (crosstalk) --

7 A. I went the -- I went to the left going towards
8 Flat Rock.

9 Q. Okay. And tell us -- tell me what happened next
10 after you got on the road -- you're in your -- you're in your
11 Ford Escape; is that right?

12 A. My Ford Escape.

13 Q. Now I -- I noticed in a lot of interviews he
14 called it his car. Was it his -- his car?

15 A. Yeah, it was his car.

16 Q. All right. Well, tell me the dynamics of that.
17 What do you mean it was his car?

18 A. Because he bought it. So it is his car, but I can
19 drive it. So -- I mean, same with everything. It is -- you
20 know, it is -- he is -- if I bought it, it's mine, but, you
21 know, so he -- he bought the car for me to drive, but it is
22 his car.

23 Q. So would it -- it be safe to say you drove it all
24 the time?

25 A. Yeah.

1 Q. And he'd know that car, wouldn't he?

2 A. Yeah.

3 Q. It's his, right?

4 A. Yes, sir.

5 Q. All right. So tell us what happened. You got out
6 on Damascus Church Road. And tell us what happened?

7 A. When I -- when I got to the end of Damascus, I
8 turned on left on Flat Rock, and then DeKalb School Road
9 would be, like, on -- it's on the right. I took DeKalb
10 School Road on the right, which is going toward the -- the
11 river. And I was, you know, the -- as we call it, went
12 toward the lake. And I -- I was just driving down through
13 there -- was on the way to the river to -- to, you know, see
14 them. And then -- and then, when I was on the way, I passed
15 them -- I passed past them, like, you know, like that.

16 Q. You recognized her to be --

17 A. Yeah, I recognized her. It was her white car.

18 Q. Okay. What did you do?

19 A. I turned around, and got behind them.

20 Q. All right. And what -- when you got behind them,
21 what did they do?

22 A. Just they kept going.

23 Q. All right. Well, did they make any turns?

24 A. Yeah, when they -- they went -- they got -- so
25 they got back when I turned around, and got behind them, they

1 went back to the stop sign on DeKalb School Road. And then
2 made -- when they got there -- then they made the left on
3 Flat Rock and then took the right on Damascus, and which --
4 which is, you know, my road. And they went right by my house
5 and stopped. They got to the end of five -- or got to the
6 end of Damascus on the 521.

7 Q. Okay. Let me stop you right there. So were you
8 able to close the gap?

9 A. Yes, sir.

10 Q. Once you turned around?

11 A. Yes, sir.

12 Q. And you were up behind them?

13 A. Yes, sir.

14 Q. All right. And they got to 521?

15 A. Uh-huh.

16 Q. And which way did they turn?

17 A. Well, well -- when they got to 521 they took a
18 left.

19 Q. All right. And what'd you do?

20 A. I was still following, I got to 521, took a left.

21 Q. All right. Tell us what happened next. Well,
22 again, first of all, what -- what was your purpose in
23 following?

24 A. To get pictures. I -- I just wanted to get -- I
25 was trying to get pictures so I could finally get a divorce.

1 Q. And you thought pictures --

2 A. Because I -- I --

3 Q. You thought pictures would be enough to get a
4 divorce?

5 A. Well, I was hoping that --

6 Q. What were you going to use to take the pictures?

7 A. My phone.

8 Q. Your cell phone?

9 A. I had -- I had already had the camera open on it.

10 Q. Okay.

11 A. You know, so I could get pictures.

12 Q. All right. So tell us what happens next.

13 A. They turned on -- or they was on 521, and I was
14 behind them, and they turned right onto Cato Road, and I
15 turned behind them, and they were stopped and he was out of
16 the car -- or he was standing out of -- he was standing at
17 the car. And I pulled up and stopped, and they said -- I had
18 my window down. And he said, what -- he said, "What the fuck
19 are you doing?" And I said, "What the fuck are you doing?"

20 And I seen him reach around to his back pocket where he
21 always keeps his gun. And when he did, I dropped my phone,
22 and grabbed the gun at the console, and leaned down. And
23 because I didn't know if he was about to pull the gun and
24 shoot -- and I crack it down, and I had the gun in my hand
25 and I don't know if it hit the window, or the door, or what.

1 And then, the gun went off, and I -- and I hit the gas,
2 and left, and I could heard -- I just heard him say you shot
3 her. And -- and I sped off, and I didn't even know what
4 happened. I mean, I didn't know. I didn't mean for any of
5 it to happen. I never meant that. Never meant to do any of
6 it. I would've never done that.

7 Q. Which direction did you go in?

8 A. Sir?

9 Q. Which direction did you go in?

10 A. I -- I went straight ahead.

11 Q. Okay. What road is that? What's the road you on?

12 A. Cato Road. I went down Cato Road.

13 Q. Okay. And you were down on Cato Road. Does that
14 take you back to your house?

15 A. Well, I actually went down the other way and --
16 and down to the other end of Cato Road on Georgetown. And I
17 took a right on Georgetown Road, and went down. Then I took
18 another right on Ted or Payne -- Payne Pond Road which comes
19 back out at 521, and took a left on 521 to right. Back on
20 Damascus, and -- and stopped back at my house, and got
21 Caitlyn, and said, "Come on, we got to go."

22 And she said, "What's going on?" I said, "Just get in
23 the car, we got to go." I was hysterical and, you know,
24 scared. I -- I didn't know what -- I mean, I -- I was just
25 in a state of shock, and I said, "Come on, we got to go."

1 And she grabbed the dog, and -- and the cat, and we got in
2 the car, and I drove to -- I drove up to my daddy's, and went
3 behind the house, and -- and parked, and got out and I was
4 crying. Caitlyn was crying, and I mean -- I was hysterical.
5 I didn't know what had just happened.

6 And -- and I got out and my -- and I remember my -- I
7 remember my daddy said, "What's going on?" Or "What
8 happened?" And Robbie was there, and he was, like, he said
9 something, I don't remember exactly what he said, and I said,
10 I -- "I think I shot her. I think I shot her." And I -- I
11 don't know. And my daddy dropped on his knees, and -- and we
12 just cried, and I didn't know. And then I kind of went into
13 shock after that because I -- I don't remember a whole lot
14 after that. I mean, that's about, I don't remember any --
15 any more, like conversations, or questions, for like, a while
16 after that.

17 Q. When do -- when can you remember next?

18 A. The next -- the next thing I remember was I -- I
19 think Robbie took -- Robbie took Caitlyn to my sister's house
20 because I -- after it happened, I called my sister because I
21 didn't know, I -- I didn't know what else to do. I called my
22 sister and ---

23 Q. Let's put that in a time frame. When did you call
24 your sister?

25 A. I called my sister after -- right after -- right

1 after the -- the shot happened, and -- and I drove off
2 because I didn't know what -- what -- I didn't know what had
3 happened. And I -- I called her, and told her that -- I
4 said, "I think I shot Brenda. I think I shot Brenda. I
5 don't know." And she's -- she was -- she didn't even know --
6 she didn't know what to say or do, and she just said, "I
7 don't just go to daddy's" -- "Just go to daddy's."

8 And I -- and I -- and then, -- then that's all I
9 remember with that. And -- but -- and then, I was at my
10 daddy's, and like I said, after -- after that part, I -- I
11 don't remember until I guess things had settled down. It
12 took a little while before for things to settle down.

13 And then, we was out -- we was standing outside, and --
14 and then, I -- then I remember something the cop -- the cops
15 was calling my phone, and I didn't -- I -- I didn't answer it
16 because I didn't know, you know, I still didn't know at the
17 time. I was in shock, and what -- didn't know what was going
18 on -- what to do, but, and then, they sent a text to a -- a
19 couple texts or something, and then I called them back
20 finally. I mean, I called them back sometime -- I don't
21 remember exactly when -- and told him that I was at my
22 daddy's house, and we just sat there, and waited for them to
23 come.

24 Q. Did you -- where did the -- where did you end up
25 leaving your truck? Your -- your -- your Escape -- the Ford

1 Escape?

2 A. Well, I pulled up when I -- when I got there --
3 like I said, it -- it was my -- everything was so fast and --
4 and I was scared, and whatever I pulled behind my daddy's
5 because at that point I didn't know if Jody was, you know, I
6 mean, I never knew with him. I didn't know if he was --
7 would come, you know, come to the house or -- or what, you
8 know, try -- I didn't know. I didn't know what -- what to
9 do. So I -- I went behind the house, and stopped there
10 first.

11 And then, once I -- I guess some of the shots were off
12 or something, I don't know. It wasn't long. And then, I --
13 I -- I moved my truck, or my SUV, I moved it from my daddy's,
14 from -- from the back of my daddy's, and I moved it over to
15 the side of the yard where we parked some -- you know,
16 whenever we have family gatherings and stuff.

17 Q. Well, did -- did you try to hide your vehicle?

18 A. No, sir.

19 Q. If -- if you were going to hide your vehicle,
20 where would you have taken it?

21 A. If I was going to hide it? I surely wouldn't have
22 went anywhere that -- that they would've found it.

23 Q. Did you try to hide the pistol?

24 A. No, sir.

25 Q. Is it right back where you ---

1 A. I put it right back where it was.

2 Q. Okay. Let show you some photographs. There's
3 some daylight photographs of around the -- your daddy's
4 house. Okay. Would you look at these?

5 A. No.

6 Q. What -- what -- did they go?

7 A. That's the main one where we -- where we park at.

8 Q. Okay.

9 A. Where we park whenever he -- we have gatherings.

10 MR. SPEEDY: Now, move to admit these -- these
11 three photographs into evidence. Defense's exhibit.

12 MR. SCOTT: Without objection.

13 THE COURT: One number trial be with them three of
14 those?

15 Yes, ma'am. Can we get her some water? Ms. Catoe,
16 like, a little bottle of water, or something like that? Yes,
17 ma'am. She can second pass.

18 THE WITNESS: Thank you.

19 THE COURT: You are welcome. It's okay. She asked for
20 some water, so we got her something. I didn't know if you
21 missed it.

22 MR. SPEEDY: I missed it. Right.

23 THE COURT: Okay.

24 BY MR. SPEEDY:

25 Q. Okay. This is the Number 23 and 24 (inaudible).

1 Tell me what we're looking at.

2 A. That's where (inaudible) car was (inaudible).

3 That is where we park. All of us park.

4 Q. What's right behind you? I'm looking at that
5 picture.

6 A. What on that one?

7 Q. On behind you?

8 A. Woods.

9 Q. Is there a road back there?

10 A. There a road back there?

11 Q. Not on that edge. The Damascus Church Road.

12 A. Oh, yeah -- yeah.

13 Q. So --

14 A. Sorry, I --

15 Q. I'm looking -- if I'm standing in the
16 Damascus Church Road Damascus, I'm looking at that; is that
17 correct?

18 A. (Inaudible).

19 Q. All right.

20 A. Yes.

21 Q. Let me show you Number 22.

22 A. Uh-huh.

23 Q. Tell us what we're -- how we're looking at it now?

24 A. Now -- we're -- you standing in the front yard
25 looking that way. Toward that -- toward the woods over

1 there, and what you can see, that's where we -- that's where
2 we park our cars off over there on that side so the kids can
3 play out in the yard and stuff.

4 Q. Using that reference, where would your Escape and
5 -- and park?

6 A. You want me to stand up?

7 Q. You can stand up.

8 A. I want -- that where -- where she's got that right
9 there. This -- maybe a little bit on the other side of that
10 lane.

11 Q. You stand the other side more towards the woods?

12 A. Just -- just a little bit right, when you cross
13 the road that -- is, like, where the black car is?

14 Q. Yeah.

15 A. The black car right there.

16 Q. Yes.

17 A. It would be right -- it would be, like, right
18 beside you on the other side.

19 Q. Okay. Is that visible -- is that visible from the
20 Damascus Church Road?

21 A. Yes, sir.

22 Q. Okay. I'm now looking (inaudible) 24 from what --
23 how long we've been at ---

24 A. (Inaudible). That's okay. Right there where the
25 black car is, and then (inaudible) sit facing at that right

1 there. Yep. I was about right there. And my car facing the
2 road.

3 Q. What's -- what's right, if I'm standing
4 (inaudible) that picture -- what's right behind you there?

5 A. Oh --

6 Q. (Inaudible) side?

7 A. Yeah. (Inaudible) that side, yeah.

8 Q. Okay. Now, obviously -- obviously after this --
9 this night, you weren't arrested that night; is that correct?

10 A. I wasn't arrested.

11 Q. You weren't arrested that night; is that correct?

12 A. Right.

13 Q. When -- when did you act -- how did it turn? How
14 in fact were you taken into custody?

15 A. I -- I -- I actually -- they took me into custody
16 on Thursday. They arrested me on -- well, we met at your
17 office and -- no we met at your office. Yeah. And then --
18 and we went over to -- which the Kershaw County Detention
19 Center. I actually rode over there with my daddy, and -- and
20 went in from there.

21 Q. You turned yourself in?

22 A. No, I was going to say I turned myself in.

23 Q. You didn't take off to --

24 A. No, sir.

25 Q. -- a store at Canada, did you?

1 A. No, sir.

2 Q. I didn't think so. Also since then, we've --
3 we've had six years to --

4 A. Yes, sir.

5 Q. -- to do what we call "Discovery." Try to look at
6 all the evidence that there is; am I correct?

7 A. Yes, sir.

8 Q. How many -- how many photographs do you think
9 we've looked at -- at the -- at the scene?

10 A. Oh, a lot.

11 Q. Okay. What's a lot?

12 A. Yeah, I've seen a lot of pictures. Like, way more
13 than I wanted to see.

14 Q. Fifty, 60, 70, 100?

15 A. Probably close to 900.

16 Q. Just a lot.

17 A. Yeah, it was a lot. Yeah. I seen --

18 Q. Pictures just about everything at -- at the scene?

19 A. Yes, sir.

20 Q. Potato chip bags, cooler.

21 A. Yeah, cooler.

22 Q. Cars, buildings.

23 MR. SPEEDY: All right. May I have a moment, Your
24 Honor?

25 THE COURT: Yes, sir. You may.

1 MR. SPEEDY: Thanks goodness for Co-Counsel.

2 BY MR. SPEEDY:

3 Q. During these periods of anger, and ultimate injury
4 to you, did you seek medical help?

5 A. I did.

6 Q. How many occasions?

7 A. Three -- three that I know of. Well, one of them,
8 he hit me with a liquor bottle in the mouth, and broke this
9 tooth. This tooth is actually a crown. He broke the tooth
10 completely off, and I had to get a crown put on it, and he --
11 he -- he threw a glass at me one time, and it broke.

12 MR. SCOTT: Your Honor.

13 THE WITNESS: And -- the --

14 MR. SCOTT: Objection. First of all, we -- we've been
15 through this line of questioning already, and -- and now
16 again, we're -- we're in very vague territory as far as the
17 notion of time.

18 THE COURT: Agreed.

19 BY MR. SPEEDY:

20 Q. Could you give us about a time frame was that --
21 what time period did your tooth get broken?

22 A. It was -- it was early on when that happened.

23 Q. All right. We won't talk about that anymore then.
24 Let me ask you about --was this the first adulterous
25 relationship that -- that Jody had?

1 A. The first what?

2 Q. Adulterous relationship.

3 A. No. He -- he -- he got caught or -- well, my mom
4 caught him one time at her house. She worked second shift at
5 -- at Walmart.

6 Q. Well, you don't have to give any descriptions of
7 it.

8 A. Anyway, she caught him with another woman in her
9 house.

10 Q. How about any other relationship?

11 A. And then, he left me, one time he separated from
12 me for another woman, and moved, and -- and his -- he moved
13 into a -- a little house on Cato Road, and stayed there for a
14 few months, I guess it was. And let's see. I caught him
15 with -- oh, he -- yeah, he was with a -- he was with another
16 -- he was with another woman one time that -- that I caught
17 him with.

18 Q. Why'd you take him back?

19 A. Because I loved him, and I loved him ,and I just
20 -- I wanted things to work. I -- I wanted it -- I wanted him
21 to love me like I loved him.

22 Q. When ---

23 A. Because it was good. I mean -- like -- like I
24 said, when we had good times, we had good times, but then the
25 bad times -- and I don't know.

1 Q. When you did leave him and you -- and he would
2 come after you -- not leave you alone, did he threaten you
3 about Caitlyn?

4 A. Yeah. He -- that's a lot of times -- that's a lot
5 of times I -- that's what I -- when I said earlier, like,
6 it's -- it's easier to stay, so it'll be peaceful because if
7 I don't stay, he aggravates me -- calls all the time. And he
8 -- you know, if I try to leave, he had threatened me with
9 Caitlyn and telling me, oh you going to never see her again.
10 You go ahead and get a divorce, and -- and -- and I'd say,
11 "Caitlyn", and you going to never see her again.

12 And he -- he would always threaten me with her. And I
13 was always scared to, you know, well, I'm scared to lose her
14 because, you know, I mean that, she was all I had and -- and
15 I -- I mean he, you know, it was just -- it was always
16 threats. And, you know, if you leave me this, you know, I
17 might kill you or whatever. And I'll take Caitlyn. I mean
18 this -- it was always something.

19 Q. I'm going to take you back. I -- I got to do
20 this. I hesitate to -- but I got to take you back to the
21 moment that you arrived at Cato Road that night, and you
22 first saw him, and you had that exchange -- that and -- and
23 what happened next? What did -- what were your feelings at
24 that point in time?

25 A. I was really scared. I -- I thought he was about

1 to pull a gun out and shoot -- shoot me.

2 Q. Did you think he could get away?

3 A. No. I was scared that -- I mean, I was scared he
4 was going to shoot.

5 Q. Tell me about your present health conditions.
6 What -- what problem are you suffering under right now?

7 A. Oh, I had -- I had --

8 MR. SCOTT: Objection to relevance.

9 THE WITNESS: -- depression and --

10 MR. SCOTT: Objection, Your Honor.

11 THE COURT: Sustained.

12 MR. SPEEDY: Let me ask it a little differently, Your
13 Honor.

14 THE COURT: Sustained.

15 BY MR. SPEEDY:

16 Q. As a result of this -- as a result of this
17 incident, have you had any health problems?

18 A. Yeah.

19 Q. And what are they?

20 A. I mean, I have --

21 MR. SCOTT: Objection, Your Honor. Because still it's
22 relevancy. What -- what is ---?

23 THE COURT: Sustained.

24 BY MR. SPEEDY:

25 Q. Do you do anything special when you think ---?

1 A. Every day -- every day.

2 Q. I'm not talking about -- I'm not talking about
3 health problem. I'm not talking about your health now. The
4 Judge ruled on that. Okay?

5 A. Yeah.

6 Q. But do you have concerns in your life --

7 A. No. I was --

8 Q. -- and what do you do about it?

9 A. You know, I -- I -- I prayed every day for them,
10 every day -- every day of my life, ever since it happened. I
11 pray for that family. Because I never meant for that to
12 happen that night. And I prayed for them every single day of
13 my life. Every day I have -- I lived through it. I mean --
14 I know they do. And I mean -- I had to regret of living
15 through it every day too -- every single day. And I prayed
16 for them -- and I just pray God helps them, and -- and
17 watches over them every day. Then Mother's Day came around,
18 it was ---

19 MR. SCOTT: Objection, Your Honor.

20 THE COURT: Okay. You're not answering the question at
21 this point. Sustained.

22 BY MR. SPEEDY:

23 Q. You picked up and raised that gun that night.
24 What was your intentions?

25 A. That I was -- thought he was about to shoot me.

1 Q. Did you mean to shoot the gun?

2 A. No, sir. I never meant to shoot the gun. I
3 pulled it up scared, thinking he was going to shoot me, and I
4 just -- I pulled up. I don't even know -- I don't even know.
5 It hit the door -- hit the window. I -- I have no idea what
6 it hit. And the gun went off --

7 MR. SPEEDY: Please answer questions --

8 THE WITNESS: -- and it scared me. And that was it. I
9 don't know.

10 MR. SPEEDY: Please answer any questions Defense might
11 have please.

12 THE COURT: We're going to take a break, ladies and
13 gentlemen, do not discuss the case. Keep an open mind.
14 We'll be back with you in about 15 minutes.

15 Ms. Catoe, you're not allowed to discuss your testimony
16 with anybody in any way, shape, or form, including your
17 lawyers. Do you understand that?

18 THE WITNESS: Yes, sir.

19 THE COURT: All right. Let's take a 15-minute break.

20 THE WITNESS: Can I get to the bathroom?

21 THE COURT: You may. Yes, ma'am.

22 THE WITNESS: Okay.

23 THE COURT: Ms. Catoe, you just can't discuss your
24 testimony with anybody. You can get a drink of water,
25 whatever we need to. Okay. Just let me get them out.

1 (Jury exits courtroom.)

2 THE COURT: Okay. Anything before we break?

3 MR. SCOTT: No, Your Honor.

4 THE COURT: Anything before we break?

5 MR. SPEEDY: No, sir, Your Honor.

6 THE COURT: Okay. All right. 15 minutes. Thank you.

7 (Off the record.)

8 THE COURT: Okay. Let's bring them in.

9 (Jury enters courtroom.)

10 THE COURT: All right. Ms. Catoe, I'm going to remind
11 you that you're still under oath, okay?

12 THE WITNESS: Yes, sir.

13 THE COURT: Thank you, ma'am.

14 And whenever you're ready.

15 CROSS-EXAMINATION

16 BY MR. SCOTT:

17 Q. Ms. Catoe, there's no way we can describe your
18 marriage with Jody Catoe, where we can talk about you being
19 faithful with one another, is there?

20 A. Tell that again. You going to have to talk a
21 little bit louder. I -- I can't hear you.

22 Q. There's no way we can describe your marriage as
23 one where you're faithful to your husband, and he's faithful
24 to you, is there?

25 A. No, sir.

1 Q. No. You -- you talked about him stepping out on
2 you with multiple people, right?

3 A. Yes, sir.

4 Q. Okay. And you have multiple affairs as well?

5 A. No, sir.

6 Q. Okay. Now you met with Christy Huebner, right?

7 A. Yes, sir.

8 Q. Okay. And that was while you were married?

9 A. Yeah. While -- yeah, we was -- we was friends.

10 Q. Yeah. Then you --

11 A. But yeah, we was still married.

12 Q. You were having sex with her too, right?

13 A. Yes, sir.

14 Q. And you would sneak her into your home that you
15 shared with Jody to have sex with her?

16 A. Oh, no.

17 Q. All right. I want to ask you --

18 A. I mean -- she came to my house before to do, like
19 -- helping her with schoolwork.

20 Q. Okay. Do you remember texting her "I want you to"
21 -- I'm going to ask you that again. Are you denying that you
22 would sneak her in to have sex in your home when Jody wasn't
23 there?

24 A. Am I denying what?

25 Q. Are you denying that you would sneak her into your

1 marital home to have sex with you?

2 A. No, I didn't do that.

3 Q. Okay. Tell me what this means. And you deleted
4 these texts. You remember deleting a bunch of texts that you
5 have with her?

6 A. No, sir.

7 Q. You don't? Okay. This is you texting her "So you
8 don't want to finish what we started, huh?" And she says "Oh
9 yes, I want to finish." And she says "Damn, don't make
10 things no better." And then, you say "I'm just saying we
11 could finish what we start or we could just lay here,
12 whichever." She says "I would love to lay beside you and
13 feel your body against mine." Any of this ring a bell? Any
14 of it ring a bell to you, yes or no?

15 A. No.

16 Q. Okay. And then, you say "Want to come lay in the
17 bed with me?" And she says "Yes, I sure would or could."
18 Then you say "I'm here all alone in this big, old bed,
19 husband in Greenville, and daughter in Cameron." And you
20 deleted all those?

21 A. I need my glasses on.

22 Q. All of that's contained in State's 42. What's
23 been admitted into evidence. So you did have her come to
24 your house to have sex with you when Jody was away, correct?

25 A. Well, I don't remember that.

1 Q. Are you denying it?

2 A. I said, "I don't remember that."

3 Q. Are you denying it?

4 A. I'm not denying that -- I don't remember that.

5 Q. Okay. Those are your texts, correct?

6 A. Yes, sir.

7 Q. Did somebody else take your phone, and text her
8 about these things?

9 A. I don't think so.

10 Q. You don't think so? You remember deleting a text
11 where she says "Trying to get up with you again." And you
12 say "Sex is okay every now and again if we can make it
13 happen." She says "Okay, great." Remember that one?

14 A. Not really.

15 Q. Okay. That was May of 2018. Do you guys
16 celebrate your anniversary? By my count, you were together
17 10 years in August. Is that when you all celebrate your
18 anniversary you and Christy?

19 A. Who?

20 Q. I'm sorry.

21 A. Who are you talking about?

22 Q. Christy, your girlfriend

23 A. Or -- we don't have an anniversary.

24 Q. Well, I might have something you'd be interested
25 in. You texted her this in May of 2018, you say "So what was

1 August? I mean, like, what are you going by that started in
2 August?" Christy says "When we first started talking." And
3 then,, if you go to another text you sent in 2018, she says,
4 "You can pretty much read me like a book, can't you?" And
5 she says "Even through text baby." And you say "Four years I
6 should." So just my math -- 2018 minus four 2014. So August
7 of 2014 is when you first started having a sexual
8 relationship with Christy Huebner.

9 A. No, we was -- we've been friends for a long time.

10 Q. Okay. Well, she certainly marks August as when
11 you all first started talking, and then you say in 2018 -- or
12 rather, she says -- let me back up. She says "You want me to
13 be that sweet loving girl again?" And you say "I do miss it
14 sometimes." And then she says "Baby, I have to be harder now
15 to protect my heart. It's been hurt so many times. I would
16 be anyway you want or need me, just scared of being hurt
17 again."

18 And she says "I don't want you to think I'm like, I
19 used to be. I'm not going to be sending texts all times of
20 the night." And you said "I know you ain't like you used to
21 be. You're a mean ass now." She says "No, I'm not. Not to
22 you." You say "You ain't that sweet loving girl I met four
23 years ago." In 2018, and now at that time she was dating
24 Sherri. Remember Sherri?

25 A. Yes, sir.

1 Q. Okay. And you were -- so I got to get this
2 straight. You're cheating on Jody with Christy. And she's
3 cheating with you on Sherri, right?

4 A. Well, I mean -- we were just friends right at that
5 time.

6 Q. Okay. Well, what does it mean when you say "I
7 want to take you in the bathroom and run my tongue down your
8 throat and give you a quickie?" What's that mean? Friends?

9 A. Yeah.

10 Q. Okay. And the thing about when you say, "She just
11 wants to use you for sex", remember that -- that -- that's
12 just friendly banter?

13 MR. SWERLING: (Inaudible) about date on this?

14 MR. SCOTT: Sure.

15 BY MR. SCOTT:

16 Q. So let me -- the one I was referring to -- do you
17 recall June 5, 2018? Start here "But then again you do use
18 me." You say to her and she said "How do I use you?" You
19 say "For my sex and my body." And then you say "But I like
20 it though."

21 MR. SWERLING: Your Honor, she's admitted that period
22 of time.

23 MR. SCOTT: I don't think she has.

24 THE COURT: Overruled. You may ask the question.

25 BY MR. SCOTT:

1 Q. Is that how you talk to friends?

2 A. Well, that's how I talked to her.

3 Q. Okay. But you were having a sexual relationship
4 with her?

5 A. I did in 2018. Yes.

6 Q. Okay. And inviting her to your marital home to
7 complete that?

8 A. Now, I don't remember inviting her to my home to
9 have sex.

10 Q. Did you read the text just a minute ago that you
11 sent --

12 A. Yes, I read them.

13 Q. -- from your number?

14 A. I mean -- I -- who said that was in my bed? I --
15 I don't remember that.

16 Q. You said, "It was in your bed" you did, "Want to
17 come laying in the bed with me?" She said "Yes, I sure wish
18 I could." You said "I'm here all alone in this big old bed.
19 Husband in Greenville and daughter in Cameron." What's the
20 explanation for that? You're inviting a woman to have sex
21 with you in the bed?

22 MR. SWERLING: Your Honor, (crosstalk).

23 THE WITNESS: I mean -- I didn't invite her to do
24 anything.

25 THE COURT: Overruled.

1 BY MR. SCOTT:

2 Q. Correct. You invited her over to the bed, you
3 shared the big old bed you shared with your husband to have
4 sex.

5 A. That's what you said. Yes, sir.

6 Q. When Sherri was on Facebook that was a concern
7 because Christy would let Sherri use her Facebook account.
8 So whenever you were trying to cheat with Christy, a lot of
9 times you were concerned that Sherri was actually looking at
10 it, weren't she?

11 A. I -- I can't hear you good.

12 Q. Let me step up quick. Sherri would sometimes get
13 on Christy's Facebook account, did she not?

14 A. Oh, I don't know.

15 Q. Okay. What about in June of 2018, when you said
16 "How in the hell are you looking at Facebook almost at work?"
17 And then Christy says, "Sherri was on my Facebook again.
18 She's seen you message me."

19 A. Yeah.

20 Q. You remember that now?

21 A. Yes, sir.

22 Q. Okay. And a lot of times you were trying to
23 convince Christy to leave Sherri, remember that?

24 A. Yes, sir.

25 Q. You do. And why so you could be together?

1 A. Yeah.

2 Q. Okay. And you were jealous of Sherri too?

3 A. I did what?

4 Q. You were jealous of Sherri?

5 A. Not really.

6 Q. Why are you trying to convince Christy to leave
7 her all the time?

8 A. Because she didn't treat her good.

9 Q. But you did? You and Christy would bicker a lot
10 too. Did you not?

11 A. Bicker?

12 Q. Yeah.

13 A. You say "Bicker?"

14 Q. You'd fight a lot when she wouldn't text you back
15 immediately. And sometimes you all would go without talking
16 with each other for a little bit. Remember that?

17 A. Yes. Yes, sir.

18 Q. And you remember her saying "Just thinking about
19 how if we don't see each other, I'm going to lose you all
20 over again." And you say "No, you're not. I'll deal with
21 it. Like I said, we'll see each other soon." And then you
22 said "Don't worry about losing me. You just worry about
23 getting rid of Sherri." And she says "I know I'm trying my
24 best." Remember that?

25 A. Yes, sir.

1 Q. So yeah, Jody did carry on. You did too, right?

2 A. Yes, sir. In 2018.

3 Q. You all basically -- I guess -- looked at the vows
4 that you all took as husband and wife, and just kind of
5 didn't think too much of them, did you?

6 A. Well, I did, but he didn't.

7 Q. Well, tell me about JB -- you remember a JB that
8 you were having an affair with?

9 A. Who?

10 Q. JB. That's how you had them in your phone.

11 A. I really don't know who JB is.

12 Q. Take a look at this and see JB -- and see if you
13 recognize the phone number. Perhaps some of these texts will
14 help you remember.

15 A. I'm going to need my glasses.

16 Q. Yes, apparently she has some glasses.

17 A. Yeah, they're right here on the table.

18 Q. Could we get those?

19 A. Yeah. I can't -- I can't see close up.

20 Q. No problem. We're going to get them for you.
21 That's okay.

22 A. Yeah, I'm struggling to see these.

23 Q. That's okay. I -- I want you to be able to see
24 it. So hold on just a second. We'll get you your glasses
25 for you.

1 A. Thank you.

2 Q. There you go. Are those the right ones?

3 A. I think so.

4 Q. Okay.

5 A. Yeah, that's them.

6 Q. Okay. Great.

7 A. Now I can see.

8 Q. So who is JB?

9 A. I -- I really don't know.

10 Q. Maybe somebody who played baseball with one of
11 your kids, or softball, or something. Remember that?

12 A. No.

13 Q. Okay. Tell me if this refreshes your memory.

14 This would be, I -- I don't know if it's a man or a woman,
15 but maybe this will help jog your memory. This is back in
16 2016. You did -- this is how you're carrying on with JB. JB
17 says "Guess we can't." And you say "LOL, hell, I don't
18 know." JB says "Shit never works out." "And then JB says
19 "Do you still want to?" You say "Maybe." JB says "Dang, I
20 want to promise soon." Then you say "Yes, one day." And
21 then JB says "Hurry up. I'm hurting for a squirting with you
22 and licking you again." Does that ring a bell?

23 A. I remember that now. Yeah.

24 Q. Okay. Well, who was JB then?

25 A. I think that was Jim.

1 Q. Jim who?

2 A. Jim.

3 Q. You think?

4 A. Wilson.

5 Q. Jim Wilson?

6 A. Yeah.

7 Q. So you had him stored in your phone -- there are
8 two different names?

9 A. I mean, I -- I really don't remember that JB,
10 honestly.

11 Q. Well, how many people you having affairs with you
12 can't remember?

13 A. I didn't have affairs with all them.

14 Q. Huh?

15 A. I didn't have affairs with all them.

16 Q. You just let them lick you?

17 A. I did what?

18 Q. You let them lick you?

19 A. Let them what?

20 Q. Lick you.

21 A. No.

22 Q. Okay. What does this mean? JB says, "Better quit
23 touching me like that it will get you in trouble." And then
24 you say "I like trouble sometimes." And then JB says "Me
25 too. Maybe this weekend?" And you said "That may be

1 possible with Jody working." Remember that?

2 A. Not really.

3 Q. Okay. Are you starting to remember who JB was
4 though?

5 A. I don't know. I guess it's Jim. Because he
6 always talked prep all the time.

7 Q. You guess -- but I mean, you're telling this
8 person they might be to come over because Jody is going to be
9 gone.

10 A. Do what?

11 Q. You're asking this person that may -- or telling
12 this person. Maybe you can be physical with them because
13 Jody is going to be out to town and you still can't remember
14 who it is. I would think you'd remember that?

15 A. Well, I mean, I didn't do anything with anybody
16 anyway, so...

17 Q. All right. Well, tell me about this one. This is
18 you and JB that's deleted too, by the way. What made you
19 think to delete these messages?

20 A. I mean, I don't -- I don't know.

21 Q. Okay. All right. JB says "When are you going to
22 well." And then you went, "What?" And then JB says "Be able
23 to fuck again." Does that refresh your memory as to who JB
24 might be? Fuck again it means you fucked once before at
25 least.

1 A. Yeah.

2 Q. So who could this be?

3 A. That's Jim.

4 Q. Now you know it's Jim?

5 A. Uh-huh.

6 Q. Jim who?

7 A. Wilson.

8 Q. Okay. Now, you have him stored in your phone as
9 James Wilson, but now you have him as JB so you have him
10 stored in there twice under two different names, perhaps?

11 A. I mean, I still don't remember the JB thing,
12 honestly.

13 Q. All right. JB you remember this, "You want to be
14 bad?" And you say "Can't, it's rag time. Jody just asked
15 the same thing." And then JB says "Damn, wish we could, Jody
16 may." You said, "Nope, that would be a negative." And then
17 JB says, "Are you and I ever again?" You said "I'm beginning
18 to wonder." JB says "I want to." Do you remember that?

19 A. Not really.

20 Q. Okay. Well, is it safe to say you had a number of
21 affairs, so many that you can't even remember --

22 A. No.

23 Q. -- some of these people who they are?

24 A. No. No, sir. I didn't.

25 Q. You did have multiple?

1 A. No, sir.

2 Q. Is this just -- what -- what is this I'm reading
3 to you? Is this -- isn't an affair?

4 MR. SWERLING: Your Honor, (inaudible).

5 THE COURT: Overruled.

6 BY MR. SCOTT:

7 Q. Okay. Are you denying that you had an affair with
8 JB?

9 A. Yeah. I mean, I didn't have an affair.

10 Q. What is an affair to you?

11 A. A relationship.

12 Q. Okay. A sexual relationship. Is that an affair
13 or is that not an affair in your book?

14 A. Yeah. A sexual relationship. Well, I don't -- I
15 mean, I don't know that -- I don't consider it an affair.

16 Q. Okay. Now -- okay. I -- I think that's our
17 disconnect. So this is not an affair when you're having
18 these people come over and lick you and -- and have sexual
19 intercourse with you, that's not an affair in your book?

20 A. No.

21 Q. No. And now, correct me if I'm wrong, Jim -- if
22 I'm thinking the same, Jim Wilson -- he was good friends with
23 Jody, wasn't he?

24 A. Yeah.

25 Q. Huh?

1 A. Yes, sir.

2 Q. So were you not concerned Jody would find out
3 about it?

4 A. Yeah.

5 Q. You were concerned, but not so much that you would
6 carry on with him and have these relationships?

7 A. Oh, I didn't keep on with him.

8 Q. You can't keep up with it?

9 A. I -- I didn't keep on with him.

10 Q. But you did it a number of times though, right?
11 And you talked about it ever?

12 A. No, sir.

13 Q. What am I reading you saying?

14 A. I mean -- those are texts that -- that doesn't
15 mean that I did it multiple times.

16 Q. Okay. So you -- your testimony -- this jury has
17 only happened once?

18 A. Sir?

19 Q. Your testimony to these people is that it only
20 happened one time?

21 A. Yeah.

22 Q. Okay. But we just happened to find that you
23 deleted them. And while we're talking about having his name
24 stored in there twice, you and Christy came up with a plan
25 where she downloaded an app, right? Where she could