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Jan 14 2026

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 2 OF 2**

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1 communicate with you that it wouldn't show up as her number.

2 You remember that?

3 A. Yeah, I think so. I mean -- yeah. Yes, sir.

4 Q. And all of this was to conceal these affairs you
5 were having, correct?

6 A. The affair that I was having with Christy. Yes.

7 Q. Okay. Well, you deleted the JB text because you
8 were trying to conceal those, right? I mean -- you didn't --
9 obviously didn't want Jody to know you were having an affair?

10 A. Oh, yeah.

11 Q. Okay. All right. So tell me when you first met
12 -- so your idea of marriage is Jody does his thing. I'm
13 going to do my thing too, right?

14 A. Yes, sir.

15 Q. Okay. So just to be clear, this -- the marriage
16 is really -- your marriage was a sham, essentially, was it
17 not?

18 A. My marriage was -- my marriage was good at times,
19 and it was bad at times. I mean -- he ---

20 Q. It was kind of a joke to call it a marriage
21 though, wasn't it?

22 A. Yeah. Because he did whatever he wanted to do.

23 Q. You did too?

24 A. No, all I did what I did because of what Jody did.

25 Q. Okay. Maybe he'd say the same thing?

1 A. Of course he would.

2 Q. He caught Christy in -- in the -- in his house
3 with you, did he not caught you two together. Jody caught
4 you with Christy in his house, did he not?

5 A. No, he did not.

6 Q. He didn't?

7 A. No, sir.

8 Q. Okay. Let's go back. Let's talk about when you
9 first met Brenda. Okay. Brenda Coates.

10 A. Uh-huh.

11 Q. While we're here, right? You remember her? You
12 remember Brenda Coates?

13 A. Oh, yes, sir.

14 Q. Okay.

15 A. I'm sorry. I -- I really can't hear. I mean, I
16 honestly can't hear that good.

17 Q. You want me to stand up closer to you?

18 A. Well, I could hear you better right here. Sorry.
19 I'm sorry.

20 Q. I want to make sure you hear me. Brenda, when you
21 first met, you all would hang out at the Pool Hall; is that
22 -- is that correct?

23 A. Yes, sir.

24 Q. Would she go to the VFW with you?

25 A. Yes, sir.

1 Q. Okay. And she worked at the River Deck, correct?

2 A. Yes, sir.

3 Q. Okay. Just kind of gradually, she started hanging
4 out with you guys?

5 A. Yes.

6 Q. Is that correct?

7 A. Yes, sir.

8 Q. Okay. And at what point did you begin trying to
9 ask her for sexual favors?

10 A. Who Brenda?

11 Q. Yeah.

12 A. I don't remember doing that.

13 Q. At what point did you determine she was somebody
14 you wanted to have sexual relations with?

15 A. I didn't.

16 Q. Okay. Tell me what this meant. This is going
17 back to 2016. You're calling -- you remember calling her
18 boo?

19 A. No, she called my daughter that.

20 Q. Okay. Well, here is -- this is your phone, okay?
21 This is outgoing. All right. Let me make sure I get the
22 right one. Outgoing to Brenda. "That's when you need a good
23 man to massage you all over, make you relax." And Brenda
24 says "I don't want no damn man. That's for damn sure. And
25 men don't do that shit anyway, do they? Hell, I've never had

1 one to massage me and make me relax." And then she says --
2 or then you say "Haha, just kidding, boo."

3 And then you say, "I bet that would help for real
4 though." She says "Yeah, maybe, but I've never had a
5 massage." And you say "For real?" And she says "Yeah, I
6 haven't, but I'm very sensitive on my back, so it's okay."
7 And you say "Damn girl, I might -- could show you a thing or
8 two. That shit is awesome. Say, I mean, seriously, it's
9 wonderful. No joke."

10 And she says "Yeah, I bet you could show me." And then
11 this is you to her. "Okay, boo, I'm closing my eyes now and
12 take a nap. Sweet dreams. Hope you feel better tomorrow."
13 You remember trying to tell her you would give her a massage?

14 A. No, sir.

15 Q. Okay.

16 A. I don't ---

17 Q. Do you deny that you did that?

18 A. I'm not denying it. I said, "I don't remember
19 that."

20 Q. Okay. Well, let me ask you again. At what point
21 did you begin having sexual desires regarding Brenda Coates?

22 A. I didn't.

23 Q. Okay. Let me ask you about this then. All right.
24 To Brenda you say "When are you coming? I need somebody to
25 talk to." Brenda "I'm leaving home now." You "I was about

1 to say, I'm coming to your house." From Brenda "Yes, your
2 ass will." From you, "Know my ass won't." Brenda "What you
3 just did?" Then to Brenda you say "I met a girl." And
4 Brenda says "I met a girl too."

5 And then you say "And I wasn't supposed to text you."
6 Brenda says, "Well you did. So that means I was on your
7 mind." Brenda -- or then you say "You always are." Then you
8 say "Look, I know I'm not anywhere close to Shannon, but I
9 promise I do care about you. I just want you to know I do
10 care a lot." Can you hear me?

11 A. Yes, sir.

12 Q. From Brenda "I know you do and I'm not looking for
13 a replacement for her. And I feel the same about you."
14 Okay. To Brenda "You ain't coming to my house." And from
15 Brenda, "I'm in bed LOL." Then from Brenda, "Where are you
16 at?" All right. Now listen to this. This is you texting
17 her. "I wish I was in bed with you." Remember that?

18 All right. From Brenda "Did I get you in trouble? Was
19 he mad?" This is her talking to you. All right. Then you
20 say "Yeah, you got me in so much trouble. I need you to come
21 to my house and let me show you how much." Brenda "Did I?
22 I'm so sorry Stacey." Then you say "Oh my god, really?" And
23 she said "What?" And she says "I'm sorry because I made you
24 stay too long." And then you say "OMG, boo. I wish you
25 could come see me."

1 And then you say "And hell no, you didn't get me in
2 trouble. And even if you did, I wouldn't give a fuck. But I
3 guess it's that time for you not to text me back now. So
4 bye." And then she says "I'm -- I'm listening to a song and
5 don't take that tune with me woman." And you say "Damn,
6 sorry." And then she says "It's not all about loving her
7 Stacey. I really don't let my guard down that easy to let
8 people in. But it's different with you."

9 And you say "Okay, why is it different with me?" She
10 says "I think you understand me and I believe you struggle
11 like I do." She says "But my struggles aren't as bad as they
12 were at one time." And you say "Oh, I don't know what else
13 to say."

14 Then you -- you say "I just wish we could sit down and
15 talk like forever. Because you could see I'm not like normal
16 people." Brenda says "What do you think you talking to?
17 Hell, you know I'm not like normal people either. And hell,
18 what is normal?" Then you say,] "I don't know, but I just
19 see you ain't ever going to let yourself fall in love again."
20 Then you say "I might be 10 damn years younger than you, but
21 that doesn't mean I don't know what the hell I'm talking
22 about or what the hell life is all about."

23 Okay? Brenda says "I will, but it's going to take me
24 time. Because when I love, I give my whole heart and it
25 seems like I always fuck up and get hurt. And I don't do

1 pain too well. I think I should be loved as much as I give
2 love back. That's why a lot of my posts on Facebook are
3 about me being strong and pain past and rebuilding myself."

4 All right. And I'm -- I'm getting to something here.
5 All right. You say "Okay, I'm done. I can't say nothing
6 else." Then you say "I will never be able to get over your
7 wall so I need to quit trying." Brenda says "No, you've not
8 done." Then she says "And you have made me put my wall down
9 more than anybody else has." Then you say "You've got --
10 you've got the tallest biggest wall I have ever seen in my
11 life."

12 All right. Now, tell me what this means. Because
13 Brenda texted you this "I haven't kissed anybody, but you
14 since her. And that's a big step for me. But I have to
15 remember, you are married and I don't want to relive a" --
16 "relive a heartache again." And then you say "I don't give a
17 fuck about me being married if you can't be happy. That shit
18 is so over with."

19 She says "What shit is over with?" And then you say
20 "Yes, you deserve as much love as you give, but you don't let
21 nobody give it." And then you say "Me being married."
22 Presumably you don't give a shit about your marriage being
23 over. Is that how you take it? She says "What shit is over
24 with?" Then two texts later say "My marriage." Right?

25 A. Yeah.

1 Q. Okay. And then she says "But I do Stacey, don't
2 you remember when I first started coming around the Pool Room
3 and I didn't talk to anybody except Cody. Then me and April
4 became friends again. I talked to Tammy and Loopy Song and
5 now I've got you" -- "and now I've let you in. And it scares
6 me to think about the feelings you made me feel. It's
7 different from what I feel for anybody else."

8 And then you say "So why did you let me in?" "I can't
9 really explain it Stacey, but there is an attraction between
10 us. I feel comfortable with you for some reason. You're a
11 lot like myself. We both love hard and we both take care of
12 others. We have so many qualities that are alike that it
13 scares me sometimes, but I like it because I feel that I can
14 be myself with you. I don't have to hide or pretend to be
15 somebody I'm not. We walked last" -- "we talked last week at
16 Hartsville and I told you more than I've told a lot of people
17 since I've been home.

18 I feel like I've known you for a long time." She says
19 "Why do you talk to me?" And you say "Because I like you."
20 And you say "And the same reason you are so much like me. It
21 scares my ass." And listen to this from Brenda. "Maybe it's
22 called fate that we met. Everything happens for a reason."

23 And you say "Exactly." Then you say "You done now?
24 You say "Okay. Well even though you're done, I still hope
25 you have a good night and sleep good. And just for the

1 record, this is why I say I don't want to text you LOL."

2 Then you say, "Sweet dreams boo." Then she says, "Haha, I
3 did fall asleep. Sorry, but I'm tired and sweet dreams to
4 you too, boo."

5 Then you say "Okay. Don't forget all this shit
6 tomorrow. Okay?" And then she says, "I'm tired, not drunk.
7 LOL I don't forget shit." And then you say "I didn't say you
8 was just for the record, here's a kiss on the cheek for you."
9 And then you say "And this is why I like you so much."

10 Brenda says, "Why?" And she says "Oh, and here's -- here's
11 one for you."

12 And then you say "OMG, just because you are who you
13 are, damn I'd like to just give you just for the hell of a
14 kiss right now." She said -- and then you say "You kill me."
15 She says "I'm very different Stacey. I don't pretend to be
16 something I'm not, I'm not fancy or high class. I'm just
17 me." And you said "And I love you for that." And you said
18 "Okay. Goodnight boo. I'm not talking to you tomorrow until
19 you talk to me, which means I probably won't talk to you till
20 damn Friday or some shit when I see you at the river again."

21 She says "You will talk to me tomorrow, but I won't be
22 at the river tomorrow. I'm off work. Goodnight boo." So
23 you had developed some sexual feelings for her; is that
24 correct?

25 A. That's what it sounds like with that.

1 Q. Okay. Do you remember trying to get her to come
2 to your house too?

3 A. No, sir.

4 Q. Okay.

5 A. I didn't.

6 Q. You didn't?

7 A. No, sir.

8 Q. Let me see what this is. All right. This is from
9 you. August 24 of 2016. You say "You know what?" Brenda
10 says "What? Said. "You should take a chance and come see me
11 for once." Then you say, "I promise I won't hurt you." Then
12 you say "Dang, you don't have to, you ain't got to quit
13 talking to me. I know better anyway." She says "You stupid.
14 You know better than me not talking to you." Then you say,
15 "Then why won't you come to my house?" And you say "We ain't
16 got to do a thing, but talk if that's all you want to do,
17 dang, I ain't trying to rape you or nothing. I mean, we
18 could drink beer and listen to music too." Remember that?

19 A. No, I don't.

20 Q. Of course you don't. Deny it.

21 A. No, I'm not denying it. I just don't remember a
22 lot of that stuff.

23 Q. Okay. What did it mean? Help me understand what
24 you meant here. You text Brenda "I thought your phone didn't
25 pick up." And she said "If I walk to Creekside it does, and

1 I'm standing in the drizzling rain." And then she says "I
2 better get inside. I might melt away." And then she says
3 "I'm standing here talking to Patty with Bobby." You said "I
4 can get you wet if you want. You ain't got to stand in the
5 rain." Remember saying that?

6 Okay. Now, what -- what do you think you meant by, I
7 can keep going if you want me to, but unless you're ready to
8 answer the question. What do you think you meant by that?
9 Were you trying to seduce her? That's what you were trying
10 to do with that kind of language, were you not?

11 A. No, sir.

12 Q. No. All right. So when you tell her you can get
13 her wet, what does that mean? What's that mean? Can you
14 answer the question please?

15 A. How do you want me to answer it?

16 Q. I want you to answer what you meant by that. What
17 does that mean when you tell a woman you can get her wet?

18 A. Just to make her feel good.

19 Q. Okay. How does getting somebody wet make you feel
20 good?

21 A. I don't know.

22 Q. Huh?

23 A. I don't know.

24 Q. Why would you say that if you don't know what it
25 means?

1 A. I mean -- I don't remember any of that anyway.

2 Q. Okay.

3 A. I mean -- I -- I see it. Yes, I see all that. I
4 mean -- I -- but I don't remember all those texts that you
5 are reading one by one.

6 Q. Okay. And you don't -- you --

7 A. And I know I'm not denying it, but I -- I'm just
8 saying I don't remember all that stuff that I said.

9 Q. Okay. Well, let me go back and ask you the
10 question that started this whole thing. Were you not
11 attempting to have a sexual relationship with Brenda Coates?

12 A. No.

13 Q. Okay.

14 A. I mean --

15 Q. That -- that gives us back to questions again.
16 What did these -- what does it mean to try to get somebody
17 wet though?

18 A. I mean, I was probably -- I was just talking.

19 Q. Okay. And when you were inviting her to your
20 house to lay in your bed that was just talking to you?

21 A. I don't even remember that. I mean -- I -- I -- I
22 don't -- I don't know what else to say. I don't remember all
23 that stuff.

24 Q. Okay.

25 A. I mean -- that's a lot of -- that's a lot of texts

1 and --

2 Q. You don't have to remember each individual text,
3 but do you remember that situation being sexually attracted
4 to Brenda and trying to seduce her and try to woo her?
5 That's my question.

6 A. If I was drinking probably, yeah.

7 Q. Oh, okay. And we -- we certainly know about Jody
8 and his drinking habits. Now, you can put them back too,
9 can't you?

10 A. Oh, I drink. Yeah.

11 Q. Yeah, good bit. And so do you make -- what's your
12 decision-making like when you're drinking?

13 A. My decision-making? Uh-huh.

14 Q. Does it get better?

15 A. Does it what?

16 Q. Does it get better?

17 A. No. Probably not.

18 Q. Probably not. Okay. So what was your intention
19 when you went over to the camper that night in the dark -- I
20 get and you had a beer bottle in your hand. What was your
21 intention that night? I think you said, "Take some pictures
22 of --"

23 A. Yeah, I was just trying to get pictures.

24 Q. Okay. Did you get any?

25 A. I didn't because he wouldn't open the door.

1 Q. Well, you said you "saw her through the window."
2 Why not just take -- I mean -- what can be better than that?
3 Taking a picture where she doesn't know you're taking the
4 picture?

5 A. Because it's the door. His window is -- it's a --
6 I don't know what type of glass it is, but, like, I don't
7 even know how to explain it. It's -- it is a type of glass
8 that you can't see. Like -- like, I could see -- I see her
9 shadow.

10 Q. I thought you said, "You saw her head."

11 A. Yes, sir.

12 Q. Okay. Why'd you take a picture?

13 A. Why didn't I take a picture? Is that what you
14 said?

15 Q. That's what you went over there for, was to take a
16 picture, correct?

17 A. Yes, sir. I -- I was going to try to catch them,
18 and get -- get a picture.

19 Q. Why didn't you take a picture of her head, if you
20 saw through the window?

21 A. Because you couldn't see her face.

22 Q. You told the jury earlier you could see her
23 through the window. Remember that?

24 A. I mean -- I seen her head.

25 Q. I'm looking at your head right now too. Why can't

1 you take a picture of her head? That's what you wanted was
2 the proof, right?

3 A. Yes, sir.

4 Q. So why not take a picture? Why bust out the
5 glass, and beat on the door? I mean -- Jody is a scary guy,
6 right?

7 A. Yes, sir.

8 Q. Okay. So you're in the middle of the night in the
9 dark at a campsite unexpectedly you show up, you're beating
10 all over the windows, you get a glass beer bottle, you're
11 smashing windows. Who was acting the scary? Who was the
12 scary person that night? You were or Jody?

13 A. Jody.

14 Q. Okay. He was minding his business in the camper
15 until you showed up drunk with a beer bottle in hand.

16 A. I wasn't drunk.

17 Q. Oh, you weren't drunk?

18 A. No.

19 Q. What inspired you to have the beer bottle and
20 smash the window up?

21 A. To see if she was in there.

22 Q. How'd that work for you?

23 A. It didn't.

24 Q. You got the police called on you, didn't you?

25 A. I think they did. I mean -- I -- I -- I left. I

1 never even heard anything else about it.

2 Q. You hightailed it before they could get there?

3 A. Well, I wasn't driving. I was driving.

4 Q. Were you scared that night going out there to
5 confront Jody?

6 A. Uh-huh.

7 Q. But you did anyway?

8 A. Yes, sir.

9 Q. In the dark?

10 A. Well, didn't -- yeah, but there was -- there's --
11 they have the night lights out there.

12 Q. Okay. And this is Jody, the person that you --
13 you invite women over to sleep in the bed with him and you're
14 sleeping with one of his good friends, and you're scared of
15 him?

16 A. Yes, sir.

17 Q. Okay. All right. I think I heard you tell the
18 lawyer under direct that -- that you had tried to get a
19 divorce, but I don't think you really covered why you
20 abandoned that idea. You -- "you went out to hire a lawyer",
21 I think you said?

22 A. Yes, sir.

23 Q. Why did you abandon that idea if you wanted a
24 divorce?

25 A. Because he was trying -- he tried to change -- or

1 he said "It was going to change" and he changed like he
2 always did. He would change for the good, and -- and he
3 would be good for a while. And --

4 Q. Did you ever talk to that Defense attorney about a
5 private investigator to go out and catch him with other women
6 or anything like that?

7 A. No, sir.

8 Q. Did you ever tell the -- the family court lawyer -
9 - the divorce lawyer I think I should probably tell you I'm
10 sleeping with at least two other people myself?

11 A. No, sir.

12 Q. Okay. It seems, like, you know, divorce would've
13 been relatively easy to get in you all's case. I mean -- you
14 all both cheating on each other, right?

15 A. Say that again?

16 Q. Divorce should have been pretty easy for you guys
17 to obtain since you were no cheating on each other, right?

18 A. You would think so.

19 Q. But you just abandoned that idea?

20 A. Yeah, because he -- he always wanted -- he always
21 wanted me back, and I was scared that -- I was always scared
22 what'd he do with Caitlyn. And I did try to love him.

23 Q. You -- I mean, I -- and I put a star by it. You
24 say, "A lot of our fights was he's accusing me of being with
25 someone else." That's what started a lot of fights.

1 A. Yeah.

2 Q. You were with somebody -- multiple somebody else,
3 right? So I guess his suspicions were right on the end, were
4 they not?

5 A. Oh, according to him.

6 Q. Well, according to you too, we just went through
7 your text messages where you're talking about sneaking people
8 in bed and getting them wet and jamming your tongue down
9 there for a -- for a quickie. So you were having multiple
10 affairs, and that was what started these arguments with them,
11 right? But you couldn't stop it, could you? You couldn't
12 stop having affairs, could you?

13 A. I didn't have affairs.

14 Q. All right. We -- we -- we can agree to disagree
15 with what that means. You couldn't stop having these sexual
16 relations with people outside of your marriage, could you?

17 A. I didn't have sexual relations with everybody.

18 Q. Okay. JB and Christy, correct? You had sexual
19 relations with them, right? I thought we -- we covered that.

20 A. Yes.

21 Q. Okay. And you attempted to have sexual relations
22 with Brenda Coates, correct?

23 A. Well, according to the text I did.

24 Q. That you yourself authored?

25 A. That I was what?

1 Q. That you authored the text. You wrote the text,
2 you set your mind to create, and then you typed out onto a
3 cell phone, correct?

4 A. What did you say about it?

5 Q. You said, "According to the text" and I asked
6 you ---

7 A. Oh, according to the text.

8 Q. -- the ones you wrote, right?

9 A. Oh, yes, sir.

10 Q. Yep. Okay. And that was the rule of you all's
11 arguments?

12 A. Some of them.

13 Q. And so Jody -- when he buys you the pink Taurus,
14 did that surprise you he bought that for you?

15 A. Did it surprise me? Not really.

16 Q. Okay. I -- it was just occurring. I mean --
17 wouldn't that be odd for somebody if -- if he's abusive
18 towards you, isn't that kind of odd that he would arm you --
19 give you a gun to shoot back at him if he ever gave you a
20 black eye again, or anything like that?

21 A. I mean -- I don't think it was odd. I mean -- I'm
22 just -- you got to understand that we had gun. I mean --
23 that's just -- I mean, we just had, you know, I -- he had
24 guns all the time, and he bought one from me for protection.

25 Q. Okay. Which you presume --

1 A. I mean, I didn't really find it odd. No.

2 Q. Okay. And you were familiar with guns, you
3 said -- "Because your father has a lot of land." You had a
4 lot of land.

5 A. Well, I didn't realize. Yeah, I only had an acre,
6 but it's all together. It's all together on my daddy's land.

7 Q. But just growing up in the country, you had plenty
8 of opportunity to fire weapons, correct?

9 A. Yes, sir.

10 Q. And you testified, I believe that you kept that
11 pistol in the car?

12 A. Yes, sir.

13 Q. Okay. And did you keep a live round in the
14 chamber?

15 A. Yes, sir.

16 Q. Okay. And why did you do that? That gun didn't
17 have a safety, was it -- was that a -- was that a smart thing
18 to do?

19 A. Well, I mean -- I -- I just had it for safety, so
20 -- I mean -- so I wouldn't -- if somebody was to come and try
21 something, you know, I just got done. I mean -- it wasn't
22 really nothing to -- I mean -- it just stayed like that.

23 Q. Did you ever take ---

24 A. In the chamber and in the console.

25 Q. Did you ever take it out of the car?

1 A. Like, I mean -- sometimes I did, but most of the
2 time it stayed in the car.

3 Q. Okay. And you would let Caitlyn drive that car
4 around too?

5 A. No, she -- she couldn't drive then.

6 Q. But she would let her drive though?

7 A. She wasn't 13.

8 Q. I know that. But you would let her drive,
9 correct?

10 A. Did you say, "I let her drive"?

11 Q. Yes.

12 A. Oh, yeah, she probably drove it before.

13 Q. Okay. Yeah. You would let her drive all the
14 time, right?

15 A. I would let her drive though, I mean, yeah, I let
16 her practice driving.

17 Q. Okay. In 10 years old --

18 A. I ain't going to say all the time.

19 Q. Well, if you send a text, and I can show it to
20 you, and you say "Yeah, Caitlyn drives a car all the time."
21 Because Christy was even asking you, she said "She's too
22 young to be driving." You said "Well, she drives it all the
23 time."

24 A. You want me nothing. Probably a figure of speech.

25 Q. "All the time" is a figure of speech?

1 A. Yes, sir. Because she didn't drive all the time.

2 I mean, I let her practice driving. Yes, I did.

3 Q. With a loaded pistol?

4 A. Yes, sir. She knew it was in there.

5 Q. (Crosstalk) safety and you --

6 A. She knows it was in there. I told her -- I told
7 her -- I mean, she knows we had guns. She knew that you
8 don't touch the guns. I mean, we taught her gun safety. She
9 learned how to shoot one, two -- she knows -- she knows about
10 guns. That's just how we are. I had I -- and yes, I kept a
11 gun in -- in my -- I -- I can't even think of what it's
12 called now.

13 Q. Console?

14 A. The console. And I mean, yeah. So it -- the guns
15 were always -- it was always loaded and Caitlyn knew about
16 them, and she knows not to mess with them. I mean, that's
17 just like a normal thing for us.

18 Q. Okay. But that gun does not have a safety on it.
19 You keep one chamber?

20 A. No, it didn't have a safety and yes, it -- yes, of
21 course it stayed in the chamber. That was just all the time.

22 Q. So the day in question, June 17 of 2018, you --
23 you were going to Yoshi to get some Japanese food to take to
24 your father?

25 A. Uh-huh.

1 Q. And you stopped at the VFW, is that when you
2 talked to Jim?

3 A. Yes, sir.

4 Q. Okay. Jim, who you had sexual relationships with,
5 right?

6 A. Yes, sir.

7 Q. Okay. And you left there -- did you have a beer
8 at the VFW?

9 A. No, sir.

10 Q. You just stopped there?

11 A. I just -- I just pulled in to see if Jody was
12 there.

13 Q. Okay. He wasn't?

14 A. He wasn't.

15 Q. His truck was?

16 A. The work truck was there. Jim -- Jim had -- he
17 had just got out of it when I pulled up.

18 Q. Okay. And correct me if I'm wrong, but you
19 dropped the food off to your father; is that correct?

20 A. I went --

21 Q. Did you drop Yoshi Japanese food on?

22 A. It was -- Huh?

23 Q. What'd you do with the food you went to go get?

24 A. Oh, we went to my daddy's.

25 Q. And you dropped it off, correct?

1 A. No, we stayed there.

2 Q. Okay. You ate the food with them?

3 A. No, we didn't eat it then, we just -- I just, we
4 took it, and then it stayed inside, and we was just -- we
5 stayed outside talking and stuff.

6 Q. Okay. And --

7 A. Yeah, we didn't eat it at the time when I --

8 Q. Okay.

9 A. When I took it, I just -- I took it in and we
10 didn't -- we didn't eat right then.

11 Q. And then -- I guess -- correct me if I'm wrong,
12 but you all, you hang out there till dark about 9:00 I think
13 you said?

14 A. Yes, sir.

15 Q. Then you go to your house?

16 A. Yes, sir.

17 Q. And you're on Facebook at that point?

18 A. No, not then. I had looked at Facebook earlier
19 that day.

20 Q. Okay. When was that?

21 A. Oh, I don't know what -- I mean -- while I was
22 sitting in my house, I guess.

23 Q. Okay. What did you see on Facebook?

24 A. Where they was at. They was over at the lake on
25 the boat.

1 Q. Who was?

2 A. Jody, and Brenda, and Bobby Joe, and Steven. And
3 there was a couple more girls on there, I think.

4 Q. Okay. And they had pictures of them on Facebook?

5 A. Yeah, there was pictures.

6 Q. Okay. And --

7 A. I mean, just -- you know, pictures of them, but
8 they was out at the lake.

9 Q. Yeah. And you didn't do anything about it all
10 day, but about 9:00 you said, "Well, I'm going to go -- I'm
11 going to go see about this"; is that right?

12 A. Yeah, I wanted to go.

13 Q. Why didn't you go during the daytime?

14 A. Because I was at my day -- or I mean, because it
15 was Father's Day, and I was just doing Father's Day
16 activities.

17 Q. And it might be better in the cover of darkness to
18 try to catch somebody, right?

19 A. Well, I didn't -- I mean, I wasn't really thinking
20 like that. I -- my point was just to catch them, period.

21 Q. Okay. So you've got into the Escape. And was the
22 pistol already in there at this time?

23 A. Yes, sir. It was already in there.

24 Q. And then, you start going from Damascus Church
25 Road down to the river -- down close to Wateree Marina?

1 A. Yeah.

2 Q. All right. And at some point, you passed them in
3 the dark?

4 A. Yes, sir.

5 Q. Okay. And how did you recognize that to be her
6 car in the dark?

7 A. Because I could tell my headlights -- seen the
8 white -- I could tell the white Pontiac Sunfire when I passed
9 them.

10 Q. Okay. What was your intention at that point?
11 When you see the car, what do you decide to do?

12 A. Turn around so I could get pictures so I could
13 finally get a divorce.

14 Q. Okay. So they -- they go by, and I -- I -- did
15 you just do a U-turn right then in the road?

16 A. Well, I mean, I -- I turned around. I didn't like
17 dick around, like, you know.

18 Q. How'd you do it? Like a three-point turn or?

19 A. No, I -- when I seen them, I turned like that to
20 the -- to the ditch, or whatever on the other side, and
21 backed up, and got back behind them.

22 Q. Okay. And so I imagine you had to kind of step on
23 that to catch up with them?

24 A. Yeah, no, I mean -- not -- she wasn't going that
25 fast really.

1 Q. Okay. But --

2 A. But I -- but yeah, I still had to mash the gas to
3 get caught up with them.

4 Q. So now you're in the car, you got your loaded
5 weapon, and your gun that you're trying to catch up to him in
6 the dark?

7 A. Uh-huh.

8 Q. Because you're going to get a picture of them,
9 right?

10 A. Yes, sir.

11 Q. And if you could get that picture that's going to
12 finally give you everything you wanted -- that divorce that
13 you abandoned a couple times before, and that this was going
14 to be what you can get the divorce with is proof, right?

15 A. Yeah, I was ready this time.

16 Q. So let me ask you this, as we sit back here today,
17 why did you have to go anywhere? Why did you have to follow
18 them with that pistol flying down the road at night to catch
19 them? Why did you have to do that?

20 A. Well, we wasn't -- we wasn't flying down the road.

21 Q. Why did you have to chase that --

22 A. It was just regular driving.

23 Q. Why did you have to chase that when you got this
24 picture?

25 A. So I could get the pictures.

1 Q. Didn't you already have the pictures on Facebook?
2 You haven't. That's what you were just looking at them
3 together. Here's your proof right here. I got them on
4 Facebook. They were dumb enough to even post them on
5 Facebook. Divorce attorney look at these pictures. I got
6 them together. I got proof. Why couldn't you have done
7 that?

8 A. Well, what's that going to prove with them on a
9 boat.

10 Q. What's it going to prove with them in a car?
11 You're looking for a confrontation, weren't you?

12 A. No, sir.

13 Q. And you were pissed, weren't you?

14 A. No, sir.

15 Q. Remember sending Brenda message saying "I got eyes
16 on you 24/7."

17 A. Yes.

18 Q. Remember saying "I'll be back shortly. So don't
19 even fucking think you all going to be together, just let you
20 know."

21 A. Yes, sir. I remember that.

22 Q. Now the question is: Were you jealous of Jody, or
23 were you jealous of Brenda? Because you wanted to have sex
24 with Brenda and you hated Jody. Who are you jealous of?

25 A. Neither one.

1 Q. Why are you saying you all aren't going to be
2 together? Why'd you care?

3 A. I mean, I just want a divorce.

4 Q. Yeah, that's why you take that Facebook picture.
5 You go to a divorce attorney, you say, "Look at this. I got
6 these kind of red handed together on the boat on Father's
7 Day." By the way, I've been having multiple affairs and so
8 is he give us a divorce. Think that might be a bailout
9 better idea than taking that pistol you always keep loaded
10 with one in the chamber, flying down the road, chasing them
11 in the middle of the night. You think that might have been a
12 better idea?

13 A. Well, I mean, I didn't intend to do anything
14 anyway, but take a picture so...

15 Q. Why -- you don't want to use a Facebook picture
16 that you had a bunch of?

17 A. I wasn't thinking about that at the time,
18 honestly. I mean, I -- I wasn't thinking about a picture of
19 the boat or whatever.

20 Q. That explains a lot, doesn't -- not thinking,
21 right?

22 A. I guess so.

23 Q. "You all keep on, you think I'm full of shit when
24 I tell you somebody is watching you all. I've seen you all
25 last night. It's just getting better and fucking better for

1 me. Pictures don't lie." That's what you told them. So you
2 already had some pictures, right?

3 A. I don't remember what pictures. I mean, I don't
4 remember putting that, but I don't remember what pictures I
5 was talking about.

6 Q. "You all keep on playing me for a damn fool. You
7 all going to be the fool in the end." Remember sending her
8 that?

9 A. I don't remember. I mean, I read the text, but I
10 don't remember sending that one there.

11 Q. You remember Yoshi, do you remember all these,
12 like, details about the day that you suddenly can't remember
13 these texts that I'm asking you about?

14 A. No. I mean, I -- there's some stuff that I
15 remember, some stuff I don't.

16 Q. Okay. That's convenient, is it not? Isn't that
17 pretty convenient?

18 A. I guess.

19 Q. So when you round the corner on Cato Road after
20 you had to step on it, you see that car. That's the one I
21 was following. That's the one I knew Brenda would be
22 driving, correct?

23 A. Yes, sir.

24 Q. And it had pulled over to the side of the road,
25 had it not?

1 A. Uh-huh.

2 Q. Okay. And -- and tell us again. You -- you know,
3 you didn't spend much time on direct talking about this
4 moment, but this is the moment I care about.

5 A. Uh-huh.

6 Q. What did you see in the dark?

7 A. He was standing outside the car. When I stopped
8 he was standing outside the car and he said, "What the fuck
9 are you doing?" And I said, "What the fuck are you doing?"
10 And then he reached around like he was reaching for his
11 pocket and that's when I dropped my phone and grabbed a
12 pistol out of the console.

13 Q. Okay.

14 A. And I was scared that he was -- I didn't know if
15 he was fixing to shoot me or what. Because that's where he
16 keeps his gun.

17 Q. Are you right-handed or left-handed?

18 A. Right-handed.

19 Q. Okay. So the way I imagine it -- and correct me
20 if I'm wrong -- you got your hand on the steering wheel, your
21 left hand probably.

22 A. Uh-huh.

23 Q. And you got the phone out?

24 A. Yes, sir.

25 Q. Why didn't you just take a picture right then and

1 there and get what you needed and go on?

2 A. I didn't have time.

3 Q. Okay.

4 A. Because by the time I -- when just as -- I mean it
5 all happened so quick that soon as I stopped he hollered and
6 then I -- he was reaching around, dropped the phone and I
7 grabbed my gun.

8 Q. Okay. But I imagine as you're going up to them,
9 you're driving and chasing after and you're like, I got to
10 get my phone ready I'm finally going to get this evidence, I
11 mean, you would have it ready to go ahead and snap pictures
12 right when you pull up?

13 A. Yes, sir.

14 Q. Okay. But you -- you're saying you didn't get a
15 chance to?

16 A. I didn't have time. I dropped the phone.

17 Q. And Brenda was in the driver's seat; correct?

18 A. Yes, sir.

19 Q. Okay. And where was he standing?

20 A. He was standing right on the passenger-side with
21 the door open. He was standing right there.

22 Q. Okay. Let me show you something real quick.

23 Well, describe how it was out there at Cato and 521 about
24 9:30 at night?

25 A. Yeah.

1 Q. Okay. Dark?

2 A. Yes, sir.

3 Q. There's no lights out there?

4 A. I didn't have my --

5 Q. Huh?

6 A. I don't know. I can't remember.

7 Q. Okay.

8 A. I figured -- I mean, I feel like there was a --
9 the street light was out there. Well, I'm not sure about any
10 other lights.

11 Q. This is State's 28. Take a look. Does that look
12 like it looked that night?

13 MR. SWERLING: Judge, we have to object to that. That
14 was just taken a couple nights ago. It doesn't replicate the
15 scene as it was that night, so we would have to object to
16 those.

17 THE COURT: Okay. Let's hear her answer.

18 BY MR. SCOTT:

19 Q. I hope to hear her answer, but does -- does that
20 appear --

21 A. I mean, I don't -- what -- what am I looking at?

22 Q. Does that --

23 THE COURT: The question is, is that what it appeared
24 to be that night? Is that -- does that --

25 THE WITNESS: I mean.

1 THE COURT: -- is that how it -- that's the question,
2 however you want to.

3 BY MR. SCOTT:

4 Q. Does that look like about how it looked that night
5 when you pulled up?

6 A. I mean, I guess I -- I don't know.

7 Q. You don't know or a yes or no?

8 A. I mean, if -- if I -- I don't know, this ain't
9 that night, then I don't know.

10 Q. Okay.

11 A. I mean, I don't know what the answer is.

12 Q. I don't know. I -- what -- my question is this,
13 does that replicate or does that -- does that show pretty
14 much where it looked that night?

15 A. Yeah.

16 Q. -- when it pulled up? It does. Okay. So it was
17 dark out there?

18 A. Yeah. It was dark.

19 Q. And she had her headlights on; correct?

20 A. Yes, sir.

21 Q. Okay. Was there a dome light on inside the car?
22 Do you know?

23 A. No.

24 Q. Because that would give you more light?

25 A. Yes, sir. I think yes, sir. The light was on.

1 Q. All right. So that would be -- I mean, that
2 wasn't that night, that's not her car, but that would be --

3 A. Yeah.

4 Q. -- similar to what it looked like; correct?

5 A. Uh-huh.

6 MR. SCOTT: Okay. Your Honor, the State offers 28 for
7 admission into evidence.

8 THE COURT: Same objection?

9 MR. SWERLING: Your Honor, we do object because as she
10 said, the light was on in the interior of the car that night
11 not -- not in that picture.

12 THE WITNESS: Oh, I mean, I don't know what this
13 picture is anyway.

14 THE COURT: Any response?

15 MR. SCOTT: The dome light is on in the picture front.

16 THE COURT: I think the dome light is on in the
17 picture.

18 MR. SWERLING: Well, I -- I didn't see it.

19 THE COURT: Okay. All right. State's 28 submitted
20 over Defense's objection.

21 (State's Exhibit 28 was admitted into evidence.)

22 BY MR. SCOTT:

23 Q. Okay. Just so we're not mistaken, that's not
24 Brenda Coates' car?

25 A. No.

1 Q. This is just --

2 A. Yeah, I --

3 Q. This was taken --

4 A. That's what I saying. I -- I mean, I -- I see
5 what you're saying.

6 Q. I'm just saying, it is dark out there?

7 A. Yes, sir. It's dark. I mean, you can see some --
8 you can see some light right there, but yeah, it's dark.

9 Q. You be -- well the headlights of the car, the
10 brake lights of the car?

11 A. Yes, sir.

12 Q. And the dome light would produce some light?

13 A. Yes, sir.

14 Q. But other than that -- that's a -- that's a rural
15 crossroads?

16 A. Uh-huh.

17 Q. Is that correct?

18 A. Yes, sir.

19 Q. So let me see State's Number 1 on there real
20 quick. Okay. All right. All right. Ms. Catoe, can you see
21 that? No, the look at your -

22 A. Oh.

23 THE COURT: Look on your screen right there.

24 BY MR. SCOTT:

25 Q. Is that pretty much where you remember the white

1 Pontiac Sunfire on?

2 A. No, I think it was -- I think it was more just
3 white.

4 Q. Okay. Take a look at State's 5.

5 A. Okay. I can tell now is she's parked right up at
6 the -- she's right up at this apartment here.

7 Q. Okay. So you -- you think that white car is a
8 little bit further back towards 521? Is that what you think?

9 A. Yeah, I mean this is right here -- right where she
10 pulled in, it is right there.

11 Q. Okay. So where I have that white spot's a little
12 bit too far forward?

13 A. Yeah.

14 Q. That you recall?

15 A. Yes, sir.

16 Q. You think she -- if we're looking at the state
17 Number ---

18 A. Well, I mean this picture showed me here.

19 Q. Okay.

20 A. To me -- to me she -- you can see if you look at
21 that picture and put it up there, she was closer.

22 Q. All right. (Inaudible) it looks like the hood in
23 front of her car is, I guess kind of towards the left portion
24 of that building. Is that safe to say?

25 A. Yes, sir.

1 Q. Get back State Number 1 please. So whenever you
2 come around the corner here looking State's Number 1, you're
3 coming down about 521 and you take a right on (inaudible)?

4 A. Yes, sir.

5 Q. All right. Right when you come around that corner
6 he is -- did you park right next to the car? Were you
7 slightly behind him?

8 A. I'm not 100 percent sure where I parked. I think
9 I was a little -- I was kind of parallel, maybe a little bit
10 further up than her.

11 Q. Okay.

12 A. But I'm not, I mean, I'm not 100 percent sure on
13 that.

14 Q. Okay. So Jody was on the passenger-side, which
15 would be in between that building and the car right there?

16 A. He -- yeah.

17 Q. Correct.

18 A. He was right. He was -- he was standing in
19 between the door and the car right there.

20 Q. All right. Go to the -- so look at this picture
21 though.

22 A. Uh-huh.

23 Q. He would be in between the building and the car;
24 correct?

25 A. Yeah, he would've been in between the building and

1 the car.

2 Q. All right. Now go back to State's 5. All right.
3 Passenger door was open; correct?

4 A. Yes, sir.

5 Q. And he's standing right, I guess in the opening of
6 that door?

7 A. Yeah, he's like -- yeah, he standing right. Yeah.

8 Q. Okay. Would this have been about the view you've
9 had?

10 A. I guess, I mean, I -- like I said, I'm not 100
11 percent sure about ---

12 Q. Okay.

13 A. -- the exact -- the exact way apart.

14 Q. Okay. How tall was Jody?

15 A. How tall was Jody? Probably 5'9" maybe.

16 Q. Five nine?

17 A. Five nine. Well, I'm 5'9"-5'10".

18 Q. You're 5'10"?

19 A. Me?

20 Q. Yeah.

21 A. Oh no, I'm 5'2".

22 Q. Oh, he's 5'9"?

23 A. I thought you said him.

24 Q. I did. He is 5'9"-5'10"?

25 A. He -- I said he was 5'9" or 5'10", yes.

1 Q. Okay.

2 A. And I'm 5'2".

3 Q. And so you're approximately this angle when you
4 pull up; correct?

5 A. Yes, sir.

6 Q. All right. And you've already got your phone out
7 and you say, he says, "What the fuck are you doing?" And you
8 say, "What the fuck are you doing?" And right then tell the
9 jury what you saw?

10 A. He reached around to his -- he was reaching around
11 to the back like where he has his gun all the time. He
12 reached around I could see ---

13 Q. You could see ---

14 A. -- through.

15 Q. You could see that in the dark?

16 A. Yes, sir. I could see.

17 Q. And you see that? Did you ---

18 A. Yes, sir.

19 Q. You just see right through the car somehow?

20 A. I see -- I could see him through the windows.
21 Yes, sir. I seen it plain as day.

22 Q. Okay. So even though Brenda's in the driver's
23 seat.

24 A. Yep.

25 Q. And you were able to look just through her

1 somehow?

2 A. I mean, I didn't look through her. I'm -- I'm, I
3 mean -- I could see through the windshield plain as day. I
4 seen what he'd done.

5 Q. You could see through the windshield? So you must
6 have been up further ahead?

7 A. I -- I mean, I just said -- I'm not exactly sure.
8 Well ---

9 Q. If you would see through the windshield, you
10 would've had to have been in front of the car, right?

11 A. I mean, I guess I was up further to see because I
12 could see what he did.

13 Q. You could see through the windshield?

14 A. The windshield or the window. Yeah, I mean I seen
15 what he did.

16 Q. Okay.

17 A. I mean, wherever I looked through, I seen him
18 reach for his gun.

19 Q. Okay. In the dark?

20 A. Yeah.

21 Q. And somebody sitting in the driver's seat?

22 A. Yes, sir.

23 Q. You could see him reach?

24 A. I sure did.

25 Q. Okay. And have you ever taken any kind of speed

1 draw classes or anything like that?

2 A. No.

3 Q. Are you an exhibition shooter or anything like
4 that?

5 A. No, sir.

6 Q. You ever seen those people who could throw a bunch
7 of things in the air and shoot them all out of the sky?

8 A. Yeah, I've seen it.

9 Q. Can you do any of that?

10 A. No, sir.

11 Q. Okay. All right. So you're sitting in the car
12 hand on the steering wheel camera in hand and he does this
13 move and just like that you're able to stop, open the
14 console, take the gun out.

15 A. Yes, sir.

16 Q. And fire before he ---

17 A. I didn't -- I didn't even mean for -- I didn't
18 know it fired.

19 Q. You didn't know it fired?

20 A. No.

21 Q. Didn't it make a little bit of a sound?

22 A. I mean, I'm saying -- I mean it happened so fast,
23 you know.

24 Q. But I mean, don't -- don't you think you ever seen
25 like movies with Wyatt Earp or Doc Holliday? How they just

1 quick as can be?

2 A. Uh-uh.

3 Q. I mean, what you ---

4 A. I mean, yes, sir. I know what you're talking
5 about.

6 Q. What you did was even quicker than they could have
7 ever imagined, wasn't it? Did you ever drop the phone, open
8 the console, dig through all that trash ---

9 A. No, I didn't dig through nothing. I just reached
10 in and grabbed it.

11 Q. Okay. You didn't see all that stuff you had in
12 there in the ---

13 A. I didn't look at it. I just reached in because I
14 noticed where the gun was. I didn't have to look.

15 Q. All before he could draw?

16 A. Yeah.

17 Q. You were able to shoot that poor woman before he
18 could even ---

19 A. I didn't.

20 Q. Of course she never had a gun, right?

21 A. I don't know.

22 Q. Did you ever see a gun?

23 A. No, I didn't have time. I ---

24 Q. Did you ever hear ---

25 A. I was down here looking.

1 Q. Did you ever hear (crosstalk). You're done?

2 A. Did I what?

3 Q. Did you ever hear a shot other than the one you
4 fired?

5 A. Yeah, I heard my shot.

6 Q. Okay. Other than the one you fired, did you hear
7 any other gunshots?

8 A. No, sir.

9 Q. Okay. Was your Ford Escape struck by any bullets?

10 A. No, sir.

11 Q. Killed that poor woman, didn't you? Shot her dead
12 while she sat in the car unarmed. Only gun there that night
13 was that pink Taurus 380. She keep loaded, you keep a bullet
14 in the chamber even though your 13-year-old daughter drives
15 that car all the time and somehow; correct? You were able to
16 grab that thing, pull it out before anybody could pop a shot
17 off at you. Of course we know a gun never existed; correct?

18 A. What you say?

19 Q. Yeah. And so let me ask you, instead of dropping
20 the phone, instead of digging through the console, why step
21 on the gas and go on down Cato?

22 A. I was just -- I was scared if he was going shoot
23 me.

24 Q. Yeah, and when you were scared a lot of times you
25 would drive away from the danger, right?

1 A. I did it.

2 Q. After you killed the poor lady, right?

3 A. I didn't mean to kill her.

4 Q. Okay. Why not?

5 A. I didn't mean for that to happen at all.

6 Q. Okay. I know you want to keep saying that, but
7 I'm asking you a question. I'm not asking whether you meant
8 to or not. All right. We're going to get into that. Right
9 now I want to ask you this. Throw the camera down, step on
10 the gas. Get on out of there, right? Get on out of there.
11 You shouldn't have been out there in the first place, should
12 you?

13 A. I was just trying to get pictures of the -- the
14 divorce.

15 Q. Yep. You could have just used the Facebook
16 picture if you want to keep talking about that, right? But
17 why not just leave?

18 A. No, I -- I was scared he was going to shoot me.

19 Q. Let me ask you this, every time, you know, where
20 -- where does Jody keep his wallet? Does every time he reach
21 for a wallet, you -- you think he's about to shoot you or
22 something?

23 A. He don't keep his wallet right there.

24 Q. He doesn't?

25 A. No.

1 Q. Well, does he ever do anything like move his hand
2 back here and you just suddenly just think he's going to
3 shoot and kill you?

4 A. I don't -- no, I don't have a situation like I had
5 that night.

6 Q. When you put yourself in -- the one -- you made
7 the decision, multiple decisions to put yourself in. Is that
8 the one?

9 A. Yes, sir.

10 Q. Okay. Now, tell us how you handled the weapon
11 when you pull it out, what do you remember? How did that go
12 down when you pulled the -- when you pulled the gun out and
13 shot?

14 A. I didn't -- I pulled -- I pulled it out and I was
15 crouched down. I just pulled it up and I don't know, it hit
16 the window or the door. I don't know what it hit and it went
17 off and that was it. It scared me and I didn't know anything
18 after that. Then I hit the gas and I heard him say you shot
19 her.

20 Q. Isn't that just a wild coincidence that the woman
21 you had been sending those threatening Facebook messages to,
22 happened to get shot in the neck by that -- just firing
23 blindly like that. Isn't that just a wild coincidence,
24 right? That lady you've been threatening having eyes on
25 24/7?

1 A. I didn't threaten her.

2 Q. Can you hold your arm out? Let me see how long
3 you can extend your arm. Okay. So how are you hitting the
4 passenger window with the gun if that's as far as you can
5 extend your arm?

6 A. Because I was like this.

7 Q. And do you think you can reach that far and hit
8 the window with the gun?

9 A. Yes, sir.

10 Q. You -- you do?

11 A. Yes, sir.

12 Q. Okay. So you must have been like, leaned over --
13 I guess?

14 A. That's what I said. I was lean -- I was trying to
15 lean over.

16 Q. Okay.

17 A. Because I was -- I was -- when I seen him reach
18 for his pocket I was -- thought he was about to get a gun.
19 So I was like (inaudible) saying -- scared and just pulled a
20 gun up and I -- and then it hit, I don't know. I -- like I
21 said, I don't know what it hit and it went off.

22 Q. Okay. Well, there's only a couple things that I
23 guess it could hit the way you're describing it. The seat --
24 are you talking about it hit the seat?

25 A. No, it didn't hit the seat. It wasn't that.

1 Q. What else can you reach being five foot three with
2 those arms? What else can --

3 A. Five-two.

4 Q. -- you reach? Huh?

5 A. Five-two.

6 Q. Like 5'2", sorry, what else can you reach?

7 A. It reached the -- it reached over across to this
8 door.

9 Q. You testified under oath to this jury, you're --
10 you're able to reach from your driver's seat all the way to
11 the passenger window and hit the window somehow?

12 A. Yes, sir.

13 Q. That's your testimony under oath to this jury?

14 A. Yes, sir.

15 Q. Okay. And so of course you had your finger on the
16 trigger, right?

17 A. I guess I did. I don't -- I mean, I don't even
18 remember the gun going off. I don't remember. I didn't pull
19 the trigger.

20 Q. You didn't pull the trigger?

21 A. No, sir.

22 Q. Did Jody tell you he had bought you a magic gun?

23 A. No, sir.

24 Q. It just goes off like at the most inopportune
25 times. Did he tell you about that?

1 A. Did he tell me about that?

2 Q. Yeah.

3 A. No, he didn't tell me about that.

4 Q. Well, that's what you're telling this jury today
5 that ---

6 A. Yes, sir.

7 Q. -- this gun is a magical gun that just goes off?

8 A. No, I didn't say it's a magical gun.

9 Q. What kind of gun is it?

10 A. A Taurus 380.

11 Q. Yeah. And did you hear that SLED expert saying
12 this gun is prop -- you know, completely normal?

13 A. Yeah.

14 Q. It functions just like it's supposed to?

15 A. Yeah, that's what he said. But that -- that gun
16 had -- had problems before.

17 Q. Oh, yeah?

18 A. Yeah.

19 Q. What'd you do about that?

20 A. I didn't do nothing about it.

21 Q. Oh, okay. And so you -- you're telling the jury
22 that you did not have your finger on the trigger?

23 A. I'm telling the jury what?

24 Q. You did not have your finger on the trigger?

25 A. I -- I didn't -- I don't remember pulling the

1 trigger, no. I didn't pull the trigger.

2 Q. Who pulled the trigger?

3 A. It went off.

4 Q. Who pulled the trigger?

5 A. I didn't pull the trigger.

6 Q. Who did?

7 A. Whenever it hit the window of the car, whatever it
8 hit.

9 Q. So your car shot Brenda?

10 A. If that's how you want to say it ---

11 Q. Now, I'm asking you to say it. You're under oath.

12 A. Well, I mean, I'm not saying my car shot Brenda,
13 because I mean, that don't make no sense. But the gun, I --
14 whatever the gun hit.

15 Q. Who pointed the gun at Brenda?

16 A. I didn't point the gun at Brenda.

17 Q. Hmm.

18 A. I did not point the gun at Brenda.

19 Q. Am I missing something? How did she get shot
20 through the neck?

21 A. I don't know. You tell me.

22 Q. So it's not -- is it a magic bullet then?

23 A. It might be.

24 Q. That's your testimony then --

25 A. No, that's not my testimony.

1 Q. -- magic bullet. You heard that pathologist who's
2 done thousands upon thousands, upon thousands, of autopsies,
3 say that bullet left to right, slightly down. You heard
4 that, right?

5 A. I heard it, yes, sir.

6 Q. Okay. You heard the SLED agent say, we tested
7 this gun that belongs to her. It is the gun that fired that
8 bullet ---

9 A. Yes, sir. I heard him say that.

10 Q. So now you're telling this jury, "I didn't put my
11 finger on the trigger? I didn't aim the gun at Brenda"?

12 A. Yes, sir. That's what I'm saying.

13 Q. You got magic bullet ---

14 A. I didn't mean -- I didn't mean to shoot her. I --
15 I didn't mean to shoot anybody.

16 Q. (Crosstalk) saying that I know, but who held the
17 gun ---

18 A. I held the gun.

19 Q. -- that fired the bullet that killed Brenda
20 Coates?

21 A. I -- I held the gun.

22 Q. That's tough for you to say?

23 A. Was it tough for me to say? I mean, yeah, I held
24 the gun. Yeah.

25 Q. Okay.

1 A. Did I mean for all that happened? No, I didn't
2 need to pull the trigger.

3 Q. A lot of people --

4 A. It went off whenever I hit -- whatever it hit.

5 Q. What did it hit?

6 A. I don't know. The window or the door. I was
7 scared -- shaking.

8 Q. All right.

9 A. And it -- I mean, it was all happening so fast.

10 Q. You were so scared that you decided to pull the
11 gun out, fire at these two people instead of driving down the
12 road; correct?

13 A. Did I do what now?

14 Q. You're so scared -- first of all, you go confront
15 them in the middle of the night. Second of all, you
16 introduce a gun to the situation. Third, you fired the gun.
17 Fourth, you speed off; correct?

18 A. Yes, sir.

19 Q. Okay. And you said you testified just a minute
20 ago that Jody said you killed her?

21 A. I -- I -- I think he said he shot her.

22 Q. Shot her. Okay. So what is the next thing you
23 did -- was you called EMS?

24 A. No, I didn't.

25 Q. Didn't you call to see if you could get some help

1 for that woman that you used to tell you loved her? Didn't
2 try to call an ambulance or anything like that?

3 A. No, sir.

4 Q. You -- you called the fire department though, I
5 know?

6 A. No, sir.

7 Q. Well, of course you called 911?

8 A. No, sir. I was scared. I didn't -- I don't, I
9 mean -- I didn't know what to do.

10 Q. Did you call Investigator Dill tell them what --
11 maybe this woman got shot on the side of the road?

12 A. Did I called him? No, sir.

13 Q. Did you call the police department?

14 A. No, sir.

15 Q. You just drove on down the road and left them on
16 the side of the road in the dark?

17 A. I was, yeah. I mean -- I was in shock. I didn't
18 -- I didn't know. I mean -- everything happened fast.

19 And ---

20 Q. And you drove for a while until you got back to
21 old Damascus Church Road and then you circled the house and
22 parked over in the wood line; correct?

23 A. I parked over on that side that we were showing a
24 while ago.

25 Q. Was that because you were in shock, that you did

1 that?

2 A. I mean, that's just where we park. I didn't have
3 anything to do with being in the shock.

4 Q. Oh, that's where you always parked -- over there
5 on that side?

6 A. I parked over there lot. Yes, sir.

7 Q. You did? Okay.

8 A. I just parked over there the other day.

9 Q. You did?

10 A. Yes, sir.

11 Q. Okay. And --

12 A. We was all at my dad's and I was over there.

13 Q. Okay. Good. And then you start getting these
14 phone calls from Steve Knafelc, 10 -- all that?

15 A. I didn't hear you.

16 Q. Ten phone calls from Steve Knafelc with the
17 Sheriff's Department, remember that?

18 A. Well, I mean, I -- I -- I seen them later
19 (inaudible).

20 Q. Sorry.

21 A. I said I seen them later, but I mean, like, I
22 don't know. I don't even remember if -- I don't think I had
23 my phone with me at first. So I -- I mean, everything was a
24 blur right then. That's when everything was -- it was -- I
25 was still in shock. And I don't remember a whole lot about

1 any of that part, right there.

2 Q. Okay. Well, yeah, you -- you have not answered
3 his phone calls, but you were talking with Amanda a couple of
4 times and you talked with your mom a couple of times. Kenny
5 -- Kenny is a ---

6 A. No, I don't remember all that.

7 Q. Okay. But you -- you were able to ---

8 A. I don't remember talking to my mom either.

9 Q. You do?

10 A. I don't.

11 Q. Would you have any reason to dispute that if
12 (inaudible)?

13 A. No. No, I'm not -- I'm not disputing or denying
14 it, either one. I'm just saying at that point in time -- I
15 don't remember.

16 Q. But is it ---

17 A. I don't remember talking to all them. I remember
18 calling my sister one time.

19 Q. Okay. Well, I mean, is there a reason you were
20 answering their calls, but not Steve Knafelc?

21 A. No, I was -- no, I was scared. I mean, I didn't
22 know what to do.

23 Q. Okay. You weren't too scared to call Amanda and
24 have her call you and call your mom and have her call you?

25 A. No, I'm not. Yeah, I'm not scared of them.

1 Q. Okay. You scared of Steve Knafelc?

2 A. I mean, I didn't -- I'm scared of -- of what was
3 going on that night. I -- because I was in shock.

4 Q. And ---?

5 A. That had just happened.

6 Q. What were you scared of? You're the only one who
7 fired a weapon, right? Right? Ms. Catoe, you were the only
8 one who fired a weapon that night?

9 A. I didn't fire a weapon.

10 Q. You didn't fire a weapon?

11 A. No, sir. It went off.

12 Q. Okay. So when Steve Knafelc identified himself,
13 "Stacey, this is Steve from the Sheriff's office, please call
14 me, need to make sure you're okay. Need your side of the
15 story -- important. That's me calling. Please answer or
16 call me. Please call me." Why -- why did you not respond to
17 him?

18 A. I -- just scared. Didn't know what to say.

19 Q. Okay. Ms. Catoe did -- were you listening
20 whenever the SLED expert -- where he testified about many
21 times in front of -- in courts like this as an expert? And
22 he's done thousands, upon thousands of gun analyses. Were
23 you listening when he was testifying?

24 A. Yes, sir. I -- I was trying.

25 Q. And he talked about ---

1 A. I can -- I heard some of it. I, you know, I --
2 I'm struggling with my hearing, but I mean, I could hear some
3 of what he says.

4 Q. Let me ask you if you heard this, that particular
5 pistol you own?

6 A. Yes, sir.

7 Q. The Taurus 380, the pink one, it has a heavy
8 retraction spring?

9 A. Yes, sir.

10 Q. It requires what he wrote up. This is a
11 quotation, "Requires a long, heavy pull of the trigger." Did
12 you hear that part?

13 A. Yeah, I did.

14 Q. And did you hear him say it has to -- you have to
15 apply pressure of four and three quarters of a pound in order
16 to activate that?

17 A. Yeah. That's why I said I didn't -- that -- that
18 is not what I did that night.

19 Q. So he says, "That's like the equivalent of finger
20 curling, a half gallon of milk."

21 A. Uh-huh. I didn't do all that.

22 Q. Do that. Try to do that finger curl it.

23 A. What am I doing?

24 Q. Like that. I mean, that's a pretty heavy pull;
25 isn't it?

1 A. Yeah. That's why I said I didn't -- I didn't do
2 that that night.

3 Q. Okay. So your testimony is, even though he said
4 that gun works exactly like it's supposed to?

5 A. Yeah, that's what he said.

6 Q. The expert, right? The guy who testified?

7 A. Yeah. He shot it one time though, right?

8 Q. That's not -- that is not accurate.

9 A. Okay.

10 Q. He has to fully test that gun and fully examine
11 that gun.

12 A. Okay.

13 Q. Right?

14 A. Yes, sir.

15 Q. And -- and that's his job.

16 A. Uh-huh.

17 Q. That's what SLED pays him to do. And he found
18 that gun to be in perfect working condition. There's nowhere
19 in his notes that he talks about it being a magic gun that
20 just kind of fires on its own. And he didn't say anything
21 about the bullet being magic either.

22 A. Yeah.

23 Q. So it works like other guns where you point
24 something you want to shoot or hurt, pull the trigger, and
25 usually if you hit it, you're going to hurt that thing pretty

1 bad or kill it? (Inaudible).

2 A. No, that's not what I did.

3 Q. Huh?

4 A. That's not what I did.

5 Q. So we don't need to listen to the expert? We need
6 to listen to you? That's a magic gun; correct?

7 A. Say that again?

8 Q. We don't need to listen to the expert, the SLED
9 expert? We just need to be listening to you saying it's a
10 magic gun?

11 A. I didn't say it was a magic gun. I'm just saying
12 what I didn't do that night.

13 Q. And we need to ---

14 A. I didn't aim, I didn't shoot, I didn't ---

15 Q. You didn't shoot?

16 A. No.

17 Q. Didn't aim? That's a magic gun?

18 A. No, sir. It's not a magic gun.

19 Q. And you've got -- you ever know a character named
20 Inspector Gadget who could -- his arms could go out or
21 stretch Armstrong or any of these people whose arms can like
22 shoot out twice the length of a normal arm. You don't have
23 anything like that ---

24 A. No.

25 Q. -- going on, do you? But somehow at 5'3", you're

1 able to reach all the way across the console, all the way
2 across the passenger seat and bump up against, I guess the
3 door frame?

4 A. Or the door frame or the window one. I had the
5 window down. One of them.

6 Q. Okay.

7 A. It hit something.

8 Q. Well, you know, like on the armrest and along the
9 side panel of that passenger door, that's where they found
10 gunshot residue. Did you see that?

11 A. I -- I seen it on the thing. Yeah.

12 Q. Did you listen to the expert say that there was --

13 A. Well, I was trying to hear -- I was trying to
14 hear, I -- I was struggling.

15 Q. Okay. Well, if she had said that you wouldn't
16 dispute that there was gunshot residue on the side panel?

17 A. Yeah. I mean, no -- I wouldn't dispute that.

18 Q. Okay. Well, how does it get there if you're
19 holding your window -- your gun outside of the window?

20 A. I mean, from my understanding, the way the gun
21 residue was looked like, how -- where I would've pulled the
22 trigger out if it would've been pulled.

23 Q. It was on the inside of the door. It was on your
24 gear shifter. And it was on your steering wheel?

25 A. Yeah. That must have come from when I was holding

1 the gun. I don't know. I mean, I -- I'm not the expert.

2 Q. Show me that reach -- you have one more time.

3 A. My reach?

4 Q. Yeah. Okay. Would you be willing to -- if I've
5 got a prop gun, one that is not a firing weapon of any sort,
6 a model gun, would you be able to show the jury how you
7 remember handling the gun and how it worked?

8 A. If I -- if you -- do what now?

9 MR. SWERLING: I don't think is necessary. She's
10 demonstrated it several times.

11 THE COURT: Overruled.

12 BY MR. SCOTT:

13 Q. This -- this is not -- this is a point or -- it
14 does not have any kind of opening that you could fire a
15 projectile -- phones training tool and I know it's larger
16 than the 380. Can you hold this? I want you to do the best
17 you can. Okay. Show me -- when you pull up -- how far were
18 you from the car?

19 A. Not exactly sure.

20 Q. Not as far as me and you?

21 A. Probably farther than that.

22 Q. Something like that?

23 A. I mean, I really don't know. I -- what I see. I
24 -- I can't remember all that -- the exact spots and whatever.

25 Q. Well, you got your phone in your hand. Hold your

1 phone.

2 A. What you want me do with this?

3 Q. Well, that's in your console. So just -- just
4 have -- I'm sitting here -- I'm Brenda, you pull up, you got
5 the phone out, right?

6 A. Yes, sir.

7 Q. Okay. And here's Jody over here. He starts
8 reaching for his -- but you just went ahead and assumed was a
9 gun. Show me how you ---(crosstalk).

10 A. Well, I assumed because he always has one in his
11 pocket.

12 Q. Yeah, you said that a lot (crosstalk) ---

13 A. Yeah, he -- he always had one.

14 Q. -- car too, don't you?

15 A. Sir?

16 Q. You always had one in your car too, don't you?

17 A. Yes, sir.

18 Q. Okay.

19 A. In my car.

20 Q. He was the person you ever met Westville to carry
21 the pistol, was he?

22 A. No, sir.

23 Q. Pretty common in Westville; correct?

24 A. Yes, sir.

25 Q. All right. But you just know at this moment he

1 was going to pull that gun and shoot you, even though you're
2 the one who shot at him before; right?

3 A. I shot at the van. Yeah.

4 Q. That he was in; right?

5 A. Yeah.

6 Q. Okay. Show me how you put the phone down and
7 pulled that pistol out. Show me how it works?

8 A. How I put the phone down?

9 Q. Do whatever you want.

10 A. I'll just drop it. I don't want to drop your
11 phone.

12 Q. Show the jury how it works. I don't care if you
13 drop it down.

14 A. Well, I'm over ---

15 Q. Real time. You're pulling up. Here comes Jody.
16 Better hurry -- better hurry -- better hurry -- better hurry
17 -- hurry -- hurry -- hurry. Come on -- come on -- on.

18 A. I mean.

19 Q. That's how long it took?

20 A. No, probably not at that point in time.

21 Q. If you can't just step on the gas and drive on off
22 Brenda Coates lives to see another day, right? You could
23 have done that. Your version of this doesn't make any sense,
24 does it?

25 MR. SWERLING: Objection (inaudible) comments.

1 THE COURT: Sustained.

2 MR. SWERLING: (Inaudible).

3 THE COURT: Agreed. Ladies and gentleman, disregard
4 the last statement. Thank you.

5 BY MR. SCOTT:

6 Q. It went through her neck and into the front beam
7 door passenger she never even had a chance to look up at you,
8 did she? Goes in the left, straight out, right, slightly
9 down, shot her in the face that she looked at you. You guys
10 are carrying all this commotion. "What the fuck are you
11 doing here?" "What the fuck you doing here?" She's either
12 looking at you or him; correct?

13 A. I don't know what she was doing.

14 Q. But she didn't have a chance to even turn her
15 head? In the left out the right, stuck in the door.

16 MR. SWERLING: When is he going to ask the question.

17 MR. SCOTT: Correct.

18 MR. SWERLING: When is he going to ask the question ---

19 MR. SCOTT: I just did. Correct.

20 THE COURT: Overruled.

21 BY MR. SCOTT:

22 Q. Isn't that correct, Stacey?

23 A. What's that?

24 Q. In her left neck, out of her right. She never
25 even got a chance to look over at you?

1 A. I don't know.

2 Q. Did you hear the pathologist testify to her
3 findings?

4 A. Did I what?

5 Q. Did you hear the pathologist testify to her
6 findings?

7 A. As best as I could. Yeah.

8 Q. You didn't pay attention to that?

9 A. Yes, sir. I paid attention to everything, but I
10 -- I couldn't hear half of it.

11 Q. Would it surprise you that she said it went into
12 the left side of her neck out of the right at a slightly
13 downward angle?

14 A. Yes, sir. I heard that.

15 Q. Do you remember ever seeing her face?

16 A. No, sir.

17 MR. SCOTT: Okay. I think that's all the questions I
18 have for you right now.

19 THE COURT: All right. Re-direct?

20 RE-DIRECT EXAMINATION

21 BY MR. SPEEDY:

22 Q. Stacey, was it your understanding that a picture
23 on a boat with a lot of people would prove that you were able
24 to get a divorce on the grounds of adultery?

25 A. Was it my understanding? Say that again?

1 Q. Was it -- was it your understanding that if you
2 got a picture of Brenda and Jody on a boat with a lot of
3 people that would be enough to prove adultery?

4 A. No, sir.

5 Q. You had to get them alone; is that correct?

6 A. Yes, sir.

7 Q. And that's what you were going to try to do that
8 night?

9 A. Yes, sir.

10 Q. That's what you were trying to do the night you
11 went down to the camper?

12 A. Yes, sir.

13 Q. How many years -- up until 2018, how many years
14 had you been married?

15 A. Oh, I got married in 1995. So 1995 -- so it
16 would've been like 23 years, I think, we were married.

17 Q. Twenty-three years?

18 A. Before. Well, when this happened. Yeah.

19 Q. And all this discussion about your affairs for the
20 first 22 years?

21 A. Yes, sir.

22 Q. Did any of that happen?

23 A. No, sir.

24 Q. Did any of that happen before he dragged you
25 across the parking lot at the -- at the Pool Hall?

1 A. Talking about -- with me?

2 Q. Yeah. Did any of that happen before that?

3 A. No, sir.

4 Q. Did any of that happen before he bashed you into
5 the ---

6 A. No, sir.

7 Q. -- wall? Did any of that happen before he shot
8 into the ceiling?

9 A. No, sir.

10 Q. What was your self confidence level in about 2017?

11 A. Not very much. I didn't have much self
12 confidence.

13 Q. Were you looking for -- were you looking for some
14 -- some -- some -- somebody to help you with that?

15 A. Yes, sir.

16 Q. Did Christy help you with that?

17 A. Yes, sir.

18 Q. This -- this affair, it doesn't matter what you
19 call the sexual relationship. You live with Jim Wilson.
20 When was that -- when was that?

21 A. I don't even remember that.

22 Q. You don't even remember that happening?

23 A. No, sir. I mean, I seen the stuff you have, but I
24 don't remember that.

25 Q. Did you ever have in -- in your -- you testified

1 right now, did you ever have sexual relationship with Jim
2 Wilson?

3 A. No, sir.

4 Q. Never went to bed with him? Never had any kind of
5 sex with him?

6 A. No. He -- he did me, but I didn't do nothing with
7 him.

8 Q. What do you mean he did you?

9 A. The -- he -- I really don't like saying that.

10 Q. All right. So when was that?

11 A. Sometime in 2018, like the first of 2018 I guess.
12 I mean, I really don't remember. I don't even remember that.

13 Q. Your Ford Escape is a pretty small car, isn't it?

14 A. Sir?

15 Q. Your Ford Escape is a pretty small car?

16 A. Oh, yes, sir.

17 Q. And -- and like most cars, the console doesn't
18 come all the way up. There's a -- there's an area where you
19 can actually lay over there in your car?

20 A. Yes, sir.

21 Q. And that's what you did on that day; is that
22 correct?

23 A. Yes, sir.

24 Q. The picture, I don't even know what number that
25 was. I guess it's still up there. Let me look at it.

1 A. That's the only one I have.

2 Q. Does this look anything like what it looked like?

3 I looked at Number -- Number 28. Do anything like what it
4 looked like the night you (inaudible)?

5 A. No, sir. Not really.

6 Q. Why doesn't it?

7 A. Oh, I mean, it -- it just don't.

8 Q. Does it --

9 A. There's nothing -- that was nothing similar to
10 that night.

11 Q. Does it look like a Pontiac Firebird or whatever
12 that was?

13 A. No, sir.

14 Q. Does it have any -- does it have that passenger-
15 side door open?

16 A. No, sir.

17 Q. Does it look -- does it have Jody?

18 A. No.

19 Q. Standing on the other side of it?

20 A. No, sir.

21 Q. All these texts and emails and stuff that they
22 read into the record, they forgot the most important one that
23 was the last one; isn't that true?

24 A. Yes, sir.

25 Q. And what was that last message you sent to Brenda?

1 A. That I told her if she -- she could just have Jody
2 and take him and -- and leave me and Caitlyn alone and they
3 could be happy, live happy over at the river or wherever they
4 wanted to live. And me and Caitlyn would be happy living
5 right near where we are. That -- I just wanted her to take
6 him and have him. And they could -- they would -- they could
7 have their little life and I would've been fine if they -- as
8 long as they, you know, Jody just leave me alone. And me and
9 Caitlyn lived over there.

10 Q. Did you intend that to be a threat in any way?

11 A. No, sir. I never intended any threats.

12 Q. Did you ever have any face to face confrontations?

13 A. With Brenda?

14 Q. Yeah.

15 A. I didn't have any -- any confrontations. I never
16 -- I never talked to her, approached her or anything.

17 Q. This exchange of emails. I mean, I don't know how
18 females, I'm male, but we -- we talk about a lot of crazy
19 stuff too.

20 A. Yeah.

21 Q. Protect crazy stuff.

22 A. Yes, sir.

23 Q. Did you ever follow up on any of that crazy stuff?

24 A. No, sir.

25 Q. Just stuff that you talked about?

1 A. Yes, sir.

2 Q. I actually saw there where you were talking about
3 a recipe not too long after that.

4 A. Yes, sir.

5 Q. That had nothing to do with sex, did it?

6 A. No, sir.

7 Q. Some of these other ones you're talking about,
8 "How are you feeling today?" Did that have anything to do
9 with sex?

10 A. No, sir.

11 Q. "I hope you're feeling better today." Did it have
12 anything to do with sex?

13 A. No, sir.

14 Q. When you're -- when you're -- when you pull up and
15 when you're looking across at Jody, thinking about taking the
16 picture and you see him ---

17 A. Yes.

18 Q. What are your feelings?

19 A. I was scared to death.

20 Q. When did that scared to death go away?

21 A. When it went away?

22 Q. When did it go?

23 A. When did it go away? Not till way later on.

24 Q. What's way later on?

25 A. Later on that -- after -- well, I was probably

1 scared the whole week. I mean, I -- that's just my -- I
2 mean, I was scared of him half the time anyway. I mean --
3 and then after that happened, I was scared. I didn't know
4 what he was going to do. If he was about to come -- I mean,
5 I -- he knew -- I never knew with him and I was scared the
6 whole time. I was scared. And then I -- like I said,
7 obviously I went into some sort of shock. I don't know.
8 Because I don't know how that is. I just know, you know what
9 I mean? I can't explain it unless you're ever in that
10 situation because I've never had a situation like this and --
11 and I was just scared and didn't know what to do.

12 Q. Let me ask you this. So when you reached in and
13 got that pistol ---

14 A. Yes, sir.

15 Q. Did you have enough time to take it and get like
16 they do and get down there and aim it?

17 A. No, sir.

18 Q. It's got a low profile site.

19 A. Yeah.

20 Q. You can hardly see through it anyways; doesn't it?

21 A. Yes, sir.

22 Q. Very difficult to point that because of that low
23 profile site; isn't it?

24 A. Yes, sir.

25 Q. Do you have time to do all that and fire?

1 A. No, sir.

2 Q. Did you mean to pull any trigger on any gun that
3 night?

4 A. No, sir.

5 Q. You eventually did call the police back, didn't
6 you?

7 A. I did.

8 Q. Did you have to?

9 A. I didn't have to.

10 Q. But you did, didn't you?

11 A. Yes, sir.

12 MR. SPEEDY: One moment, Your Honor. (Inaudible).

13 RE-CROSS EXAMINATION

14 BY MR. SCOTT:

15 Q. You know you were actually having an affair with
16 JB back in 2016. Did you know that?

17 A. No, sir.

18 Q. You want to look at these again or --

19 A. I don't -- I don't remember it any either way.
20 So, I mean, I know you got stuff and I don't remember it
21 either way.

22 Q. Is that -- is that not remarkable to you that you
23 don't remember having sex with this man?

24 A. I'm sorry that I can't remember.

25 Q. How many other -- how many other men were there?

1 Maybe you forgot about that you were having sex with?

2 A. No.

3 Q. So maybe it's not just JB, Brenda and Christy?

4 Maybe there's a lot of other them's you've already forgotten
5 about; correct?

6 A. No, sir.

7 Q. You just don't remember this one. According to
8 you -- all touching each other in this one. "Better quit
9 touching me like that. It'll get you in trouble then we
10 going to get the fuck again."

11 A. No.

12 Q. You just forgot about that?

13 A. I mean, I don't remember, I'm sorry.

14 Q. Okay. But you don't disagree that was in 2016?

15 A. Do you -- do what?

16 Q. You don't disagree with me that it was 2016?

17 A. I mean, I don't even -- I don't remember period.
18 So I can't sit here and say what year it was, but I don't
19 even know.

20 Q. Okay. Do you remember Brenda Coates and having
21 the sex talk with her?

22 A. No, sir.

23 Q. You just forgot that? You forgot that too?

24 A. I guess I did.

25 Q. Well, I can't -- did -- did you remember trying

1 to sneak Christy into your house to ---

2 A. I didn't do that.

3 Q. You want me to read the text again, what you said
4 to her?

5 A. Sir?

6 Q. You want me to read the text what you said to her
7 again? Will that help you?

8 A. You don't have to read it. I know what I did and
9 didn't do.

10 Q. Okay. Okay. Did you have affairs with any of
11 these people? Is what you're saying this time around? Is
12 that what you're saying? Or sexual relations?

13 A. No, that's not what I said. I said I don't
14 remember any.

15 Q. All right. Let's say, do you agree or disagree
16 that you had a sexual relationship with JB? Agree or
17 disagree?

18 A. Disagree.

19 Q. Okay. You were just telling your lawyer that he
20 did something to you?

21 A. Yeah. That's not a -- I mean, I didn't have a
22 sexual relationship with him.

23 Q. What did you -- what did you call that? Is that
24 cunnilingus what you're talking about?

25 A. Is that --

1 Q. Did he -- did he put his mouth on your private
2 part?

3 A. Yes.

4 Q. Okay. That's not sex to you? That's not a sexual
5 ---

6 A. I mean, yes, but I don't consider it a
7 relationship.

8 Q. An act. You want to call it that from now on?

9 A. It was an act, yeah.

10 Q. Okay. So just like you didn't fire a gun, you
11 didn't have a sexual encounter with JB? So is that -- do you
12 understand the English language different than I do?

13 A. No, sir.

14 Q. Okay. When a man puts his mouth on your private
15 part, what do you consider that? Just a -- like a handshake
16 to you maybe?

17 A. No.

18 Q. Something more maybe? And when you tell Christy
19 that Jody is out of town, come on over, laying this big old
20 bed with me, is that just kind of like a joking thing to you
21 or what do you consider that?

22 A. That wasn't joking.

23 Q. And when you asked her ---

24 A. I sent the text.

25 Q. And when you asked her if she'll have a quickie

1 with you -- what is that?

2 MR. SWERLING: Judge, (inaudible).

3 THE COURT: Overruled.

4 BY MR. SCOTT:

5 Q. Sexual act with her in your home that you share
6 with Jody, right? Correct?

7 A. I didn't -- I don't know what to say because I
8 don't remember it. I mean, that's what I'm trying to say.

9 Q. I just -- can you help explain why you don't
10 remember that? I mean ---

11 A. If you lived the life I did, maybe you would
12 understand. It's hard to explain that. I mean, I -- I just
13 -- I -- there's a lot of stuff that I don't remember and then
14 there's stuff that I do remember. I don't know that, I mean,
15 in the situation that I've lived in -- I don't know. I mean,
16 I just -- I have trouble remembering stuff, period. It ain't
17 got nothing to do with this case or whatever.

18 Q. Well, I'm trying to drive at some point.

19 A. I mean, I can't. Like there's some stuff that I
20 literally can't just focus on and remember. I mean, I don't
21 know. I don't know how to explain it.

22 Q. Explain this to me, you -- the testimony it
23 sounded like with you and your lawyer, is that Jody was
24 violent; correct?

25 A. Yes, sir.

1 Q. You were scared of Jody; correct?

2 A. Yes, sir.

3 Q. Perhaps he was unpredictable?

4 A. Yes, sir.

5 Q. Okay? A man who carried a gun with him all the
6 time; correct?

7 A. A man what?

8 Q. Who carried a gun with him all the time; correct?

9 A. Oh, yes, sir.

10 Q. Just somebody that you would need to tread lightly
11 around -- you'd need to be worried about; correct?

12 A. Yeah.

13 Q. Sleeping with his good friend. You're inviting
14 Brenda Coates to come over and lay in his bed with you.
15 You're inviting Christy Majors to come have sex in his bed.
16 These people are coming in and out. You're bringing them in
17 when he's out town. Doesn't sound like you were that scared
18 of him to me.

19 A. That's what?

20 Q. Doesn't sound like you were very scared of him.

21 A. No.

22 Q. And then you following him around in the nighttime
23 at the camper, tracking him down on Cato Road, sending
24 threatening messages to people. You were the one who people
25 needed to be scared of, aren't you?

1 A. No, sir. Not me.

2 Q. You were the one doing the pursuing. You were the
3 one bringing violence into the equation; were you not?

4 A. No, sir.

5 Q. You were the one sneaking people into the marital
6 home having sex with them. That doesn't sound like you're
7 too scared of Jody to me. You ever scared of Brenda Coates?

8 A. Was I scared of her?

9 Q. Yeah.

10 A. No, sir.

11 Q. Okay. She's the one that's dead though; isn't
12 she?

13 A. Yes, sir, she is.

14 MR. SCOTT: Nothing further.

15 THE COURT: All right. You may step down, Ms. Catoe.

16 All right. Ladies and gentlemen, we're going to go and
17 take a lunch break at this point in time. Do not discuss the
18 case. Keep up in mind it's 1:30. We're going to start back
19 at 2:30. Again, do not discuss the case. Keep up in mind,
20 we'll take a one hour break. At this point in time, you may
21 be excused. Everybody else be seated.

22 (Jury exits courtroom.)

23 THE COURT: All right. And how many witnesses do you
24 have left?

25 MR. SPEEDY: I think we have one, two, three, four.

1 THE COURT: Okay.

2 MR. SPEEDY: Sure. Though I wouldn't say any of them
3 are going to be real long.

4 THE COURT: Okay. All right. Anything before you
5 break from the State?

6 MR. SCOTT: No, Your Honor.

7 THE COURT: From the Defense?

8 MR. SPEEDY: No, sir, Your Honor.

9 THE COURT: All right. We'll start back at 2:30.
10 Thank you.

11 (Off the record.)

12 THE COURT: All right. Anything we need to take up
13 from the State before we start back?

14 MR. SCOTT: No, Your Honor.

15 THE COURT: From the Defense?

16 MR. SPEEDY: Nothing, Your Honor.

17 THE COURT: Okay. Let's bring them in.

18 (Jury enters courtroom.)

19 THE COURT: All right. Welcome back ladies and
20 gentlemen.

21 And you may call your next witness.

22 MR. SPEEDY: (Inaudible) call Christy Huebner to the
23 stand.

24 THE COURT: Okay. Come on up Ms. Huebner.

25 CHRISTY HUEBNER,

1 being duly sworn, testified as follows:

2 THE CLERK: You can have a seat please (inaudible) and
3 state your full name for the record.

4 THE WITNESS: My name is Christy Huebner.

5 DIRECT EXAMINATION

6 BY MR. SPEEDY:

7 Q. Okay. Christy, where do you live?

8 A. Right now I live at 1466 Bishopville Highway in
9 Camden.

10 A. Okay.

11 Q. How old are you, ma'am? Not supposed to ask that,
12 but ---

13 A. I'm 48 years old.

14 Q. All right. And where are you -- where are you
15 employed presently?

16 A. I work for Willis McClintock. I take care of his
17 mother.

18 Q. Okay. His mother is ill?

19 A. She's an elderly woman.

20 Q. Okay. And you take care of her in her home?

21 A. Yes, sir.

22 Q. Let's talk about Stacey Catoe. Tell me how you
23 first came to meet Stacey?

24 A. I was the director of a daycare in Westville and
25 her daughter went there. She was a child. I took care of

1 her.

2 Q. Okay. And what about -- when was that, you think?

3 A. Well, I started working there in 2011.

4 Q. All right. And -- and how did your relationship
5 develop from that meeting?

6 A. Well, Stacey would work over there sometimes and
7 she would be late coming to pick her up and I would have to
8 stay a few minutes after work and I would stay there with
9 Caitlyn. And when Stacey would get there, we'd stand outside
10 and talk and just become friends and ---

11 Q. Okay. Did -- at some point in time did you call
12 on her to give you some help and some -- for some reason?

13 A. Yes, sir. I went back to school for early
14 childhood education back in like 2015-2016 to get my
15 certificate for the daycare. And she's really smart in
16 English and when I'd write my papers, I'd ask her for a lot
17 of help writing my papers. So I would go over there a lot or
18 either she helped me over the phone or anything like that and
19 she'd give me a lot of -- she's very knowledgeable. So I
20 asked for a lot of help.

21 Q. And did you -- were you around Caitlyn, the
22 daughter as well?

23 A. Yes.

24 Q. Okay.

25 A. I was around Caitlyn a lot.

1 Q. Caitlyn helped you as well?

2 A. Yes.

3 Q. All right. And tell me -- at some point in time,
4 your relationship got a little closer; is that correct?

5 A. Yes.

6 Q. You say about when was that?

7 A. It was probably around the beginning -- beginning
8 of 2018.

9 Q. Beginning like -- like in -- so when you say the
10 beginning, like around January of 2018?

11 A. Around mid-time. Probably, yeah, probably around
12 the early time in January.

13 Q. Okay. Early ---

14 A. January, February. I don't remember exactly when.

15 Q. Tell me a little bit of how that relationship
16 developed?

17 A. Well, I mean, I just -- I just knew that she was
18 -- she was in a bad situation. I was in a bad situation and
19 we was just good friends. We talked to each other about our
20 situations and, you know, just -- we started becoming closer
21 and closer and we developed feelings for each other and it
22 just went from there. And then one day she told me that she
23 wanted to try to make her marriage work.

24 MR. SCOTT: Objection, Your Honor. Hearsay.

25 THE COURT: Objection as to hearsay.

1 MR SPEEDY: Yes, sir.

2 BY MR. SPEEDY:

3 Q. Okay. Did -- how -- how long do you think that
4 relationship lasted?

5 A. Just a few months.

6 Q. Okay. You say a few months about when -- from
7 when to when?

8 A. It -- we ended it probably around -- probably
9 around the end of May, beginning of -- maybe end of June.

10 Q. And it ended as a result of who's -- who was the
11 one that ended it?

12 A. She stopped it.

13 Q. Okay. And have you since that time taken up that
14 relationship again?

15 A. Yes, we have.

16 Q. And when did that happen?

17 A. While she was in -- while she was in jail.

18 Q. Okay. And -- and it continues to this day?

19 A. Yes, sir.

20 Q. Do -- do you think she was looking for something
21 back when you and she were -- were just friends?

22 A. I don't think she was necessarily looking, but
23 when it came to her and she found somebody that actually
24 cared and gave her what she was needing and was missing out
25 on.

1 Q. Okay. Now, actually before you had a
2 relationship, something occurred between you and Jody her
3 husband; is that correct?

4 A. Yes, sir.

5 Q. How -- about when was that?

6 A. That was back in 2016.

7 Q. All right. And was there anything going on?

8 A. No, not back then.

9 Q. You were just friends at that point in time?

10 A. Yes, sir. We were just friends.

11 Q. Doing the schoolwork and the like?

12 A. Just doing schoolwork.

13 Q. All right. So tell us what happened exactly?

14 A. Well, that day I parked behind the house because
15 he didn't allow her to have friends over and I knew that. So
16 I parked behind the house and I was actually outside of --
17 outside beside my car when he pulled up. He blocked me in
18 the yard, got out of his truck, pulled the gun on me, put it
19 in my face. I'm on the phone with my daughter and I told
20 her, I said, "If anything happens to me, Jody Catoe is on the
21 phone and this is the address." Stacey is standing in the
22 door. And I told her and he looked at me and then he took
23 the gun and shot at the trailer while Stacey is standing in
24 the door.

25 Q. Approximately, do you know when in 2016 that was?

1 A. I can't remember the exact date. No, sir.

2 Q. How did you get out of there? How did ---

3 A. I jumped in my car and he -- he ran -- he got in
4 his truck and I kind of just -- I had to speed off around his
5 car -- around his truck.

6 Q. Did you have any more encounters with him? Let --
7 let's put it in perspective. You later on received an email
8 from me; is that correct?

9 A. This was after the incident.

10 Q. Okay. But between -- between the time you
11 received that email and the time you just described, did
12 anything else happen?

13 A. He would always make comments to me or if I seen
14 him anywhere, he would call me a fat B-I-T-C-H or anything
15 like that to refer me to anything to come with Stacey because
16 he, you know, he -- he thought that I was trying to get with
17 her then, but I wasn't. Because I mean, back in 2015 they
18 came to my house when my brother died and brought food from
19 my brother. I mean, I thought of him as a friend then
20 because they was real good to me.

21 Q. Came a time when you received an email from him;
22 is that correct?

23 A. Yes, this was after the shooting -- the incident
24 happened and she was in jail and he sent me a -- a Facebook
25 message. Yes.

1 Q. You have it on your phone?

2 A. My phone is over there, yes, sir. But you -- I
3 sent you a copy of it.

4 Q. Right. Where -- where is your phone?

5 A. My phone is over there beside my daughter-in-law.

6 Q. Can you bring it up and tell me when that was?

7 A. Yes, sir. It was August the 29th, 2018.

8 Q. And is this a copy of that email that you took off
9 of your phone?

10 A. Yes, sir, it is.

11 MR. SCOTT: My objection will be, hasn't been
12 authenticated and it would contain hearsay, unless there's an
13 exception that I haven't been informed of.

14 THE COURT: Objection authentication and hearsay.

15 MR. SPEEDY: All right. Your Honor, he -- he admitted
16 to this in his direct examination (inaudible) exam.

17 THE COURT: Is that the only response? Objection
18 sustained.

19 BY MR. SPEEDY:

20 Q. Okay. Well, let me do it this way. Did your --
21 your cell phone tell you who it is coming from?

22 A. Joe Juan Catoe.

23 Q. Who's Joe Juan Catoe?

24 A. Jody Catoe.

25 Q. Okay. Did -- did -- did he later also -- did he

1 actually later apologized to you?

2 A. Yes, sir.

3 Q. And that was in the same serial; is that correct?

4 A. Yes, sir. He apologized on the

5 September the 3rd, 2018

6 Q. And you recognized it to be his -- his email?

7 A. Uh-huh. Same -- same Facebook messenger,

8 Joe Juan Catoe.

9 THE COURT: Sustained. Not admissible.

10 MR. SPEEDY: Mind, sir? That's all I have for this
11 witness.

12 THE COURT: Cross?

13 CROSS-EXAMINATION

14 BY MR. SCOTT:

15 Q. Christy, why is it that you -- why is it that you
16 tell Stacey that it's been four years between '18 that you
17 guys started talking? When was that significant to you?

18 A. Because I celebrated our friendship of a -- of a
19 good -- good friendship.

20 Q. And the friendship developed into you sneaking
21 over to the house when Jody was not home?

22 A. Just for her to help me with my homework.

23 Q. What about laying in her bed with her?

24 A. I did not -- I never laid in her bed.

25 Q. Just all these plans that you all talk about, but

1 you're - you're testifying to this jury that it never came to
2 fruition?

3 A. I never laid in her bed.

4 Q. What was the bathroom that you were going to --
5 she was going to stick her tongue down your throat for a
6 quickie?

7 A. I honestly don't remember that. I do not remember
8 that message.

9 Q. You don't?

10 A. No, I do not.

11 Q. Do you remember her saying that you basically used
12 her for sex?

13 A. No, I do not.

14 Q. Is there a reason you don't remember the things
15 I'm pointing out but you remember all these other things?

16 A. To be honest with you, I suffer from bipolar
17 disorder. And -- and I also suffer from PTSD and multiple
18 personality disorder. So I do not remember a lot of things.

19 MR. SCOTT: No further questions.

20 MR. SPEEDY: That's all the evidence.

21 THE COURT: Thank you, ma'am. You may step down.
22 Who's next?

23 MR. SPEEDY: Amanda McManus, please, Your Honor.

24 THE COURT: All right. Come on up, ma'am.

25 THE CLERK: (Inaudible).

1 AMANDA MCMANUS,
2 being duly sworn, testified as follows:

3 THE WITNESS: Amanda McManus.

4 DIRECT EXAMINATION

5 BY MR. SPEEDY:

6 Q. All right. Amanda, where do you live? What's
7 your address?

8 A. 3867 Roberts Road.

9 Q. And what's your relationship to Stacey Catoe?

10 A. She's my sister.

11 Q. Yeah. Older sister or younger sister?

12 A. Older.

13 Q. Do you have other siblings as well?

14 A. Not blood.

15 Q. Step -- stepsisters?

16 A. Uh-huh.

17 THE COURT: All right. You're going to have to speak
18 up for me. Get a little closer to the mic. There you go.
19 All right.

20 THE WITNESS: Yes, I do. Not blood.

21 BY MR. SPEEDY:

22 Q. What's the age difference between you and Stacey?

23 A. Seven years.

24 Q. Okay. Now, where in -- in relationship to
25 (inaudible), you married?

1 A. I am.

2 Q. And you have children?

3 A. I do.

4 Q. What are their ages?

5 A. Twenty -- fixing to be 18 and 14.

6 Q. Okay. And the -- of course you -- you -- you were
7 around Caitlyn a lot, I -- I'm assuming?

8 A. Of course.

9 Q. How often would you see Caitlyn and Stacey?

10 A. All the time.

11 Q. Were there occasions where you had to put them up
12 during periods of time?

13 A. Yes.

14 Q. What would -- what -- what were those situations?
15 And let -- let me -- let's -- let's kind of put this in
16 perspective, time perspective. Excuse me. Can you remember
17 when -- I mean you -- you know, when was your -- your
18 youngest child born?

19 A. 2010.

20 Q. Okay. I want you to concentrate on only things
21 that happened after your daughter was born, okay? So can you
22 tell us when you remember the first time that she -- Stacey
23 came to your house ---

24 MR. SCOTT: Your Honor.

25 MR. SPEEDY: -- to stay for some period?

1 MR. SCOTT: Your Honor, objection. That would
2 encompass eight years of -- of time.

3 THE COURT: Yeah. I got confused. I thought she said
4 her youngest child was 14.

5 MR. SPEEDY: Fourteen now.

6 THE WITNESS: Now.

7 THE COURT: Right. So --

8 THE WITNESS: In 2018 she would've been -- she would've
9 been eight.

10 THE COURT: Right. And you're talking about since she
11 was born. So you're going back eight years from 2018?

12 MR. SPEEDY: Yeah.

13 THE COURT: Yeah. We're not doing that.

14 MR. SPEEDY: Well, I'll find -- you want me to go --
15 Judge, I -- I'm sorry.

16 THE COURT: We're not going back to 2010.

17 BY MR. SPEEDY:

18 Q. All right. Can you -- can you come forward to
19 about 2000 -- if we make it when your child's four years old
20 and make it about 2014; is that correct? That's about four
21 years before the incident we're here for. Can you -- can you
22 remember a time when Stacey came to stay with you at your
23 home?

24 A. I can't give exact dates because it was often.

25 Q. Okay. When you say often, what do you mean by

1 that?

2 A. She came to me whenever something was going on
3 with her and Jody, anytime there was an argument she would
4 come to my house.

5 Q. Were they for short periods?

6 A. A physical argument most of the time.

7 Q. Pardon me?

8 A. A physical argument most of the time.

9 Q. Okay. And -- and were these short periods of time
10 or long periods of time?

11 A. Sometimes she would stay a few nights, sometimes
12 she would stay a night. I mean, she stayed longer than that,
13 but that would be before 2014 so...

14 Q. And -- and when she came to you, did you know what
15 -- what -- what was happening at -- at -- at the -- at her
16 home?

17 A. Usually she was abused.

18 Q. Okay. Did you -- have you -- did you have
19 conversations with her about that? What were the nature of
20 those conversations and your -- from -- from your standpoint?

21 MR. SCOTT: Objection to hearsay. I'm not sure what --
22 what she's going to ask, but the way that question is asking
23 for hearsay.

24 THE COURT: Sustained.

25 BY MR. SPEEDY:

1 Q. Tell me -- tell me what you tried to do to get
2 Stacey out of this relationship?

3 A. I tried to give her somewhere to go safe, but I
4 also tried to talk to her and tell her that she didn't have
5 to live like that.

6 Q. What was -- what -- what -- what-- what happened
7 as a result of that?

8 A. If we said something to Jody -- if anybody tried
9 to say anything to him or if we tried to report it or
10 anything -- she didn't want nobody to ever say anything to
11 him because she said it would just make it worse. So we just
12 stopped.

13 Q. Why did you stop?

14 A. Because I didn't want to lose her.

15 Q. What do you mean by that?

16 A. Because I felt like if we tried to intervene then
17 she just wouldn't say anything at all and we wouldn't be able
18 to talk to her that much.

19 Q. Do you remember the night of June the 17, 2018?

20 A. Yes.

21 Q. Where were you at? Where were you located that
22 night?

23 A. 3867 Roberts Road.

24 Q. At home?

25 A. Uh-huh.

1 Q. All right. And are you an early person who goes
2 to bed early or late?

3 A. Yes, we went to bed like 8:00 or 8:30. Everybody
4 knew not to call my house after 8:30.

5 Q. Did you receive a call and from whom?

6 A. I did.

7 Q. And from whom did you receive?

8 A. My sister.

9 Q. And what did she say?

10 MR. SCOTT: Objection to hearsay, Your Honor.

11 MR. SPEEDY: Your Honor, this is -- I put her on
12 perspective and forgive me for that.

13 THE COURT: Okay.

14 BY MR. SPEEDY:

15 Q. Was -- do you know about what -- do you know where
16 she was when she called you?

17 A. I did not.

18 Q. Did you know why she called you?

19 A. I did not. I just knew that something was
20 probably wrong.

21 Q. Once you completed the -- the -- the call, did you
22 know why she called you then?

23 A. Yes.

24 Q. And was it pretty close in proximity to the thing
25 you were talking about?

1 A. Uh-huh.

2 Q. How -- how close?

3 A. In?

4 Q. Had it just happened or is it ---?

5 A. Oh, to -- to the night?

6 Q. Yes.

7 A. I guess it was around 9:30-ish.

8 Q. All right. When ---

9 A. It had just happened.

10 Q. Just happened. And how did she sound?

11 A. She was panicking.

12 Q. Okay. And -- and what she put in ---

13 A. And just hollering.

14 Q. And what'd she say?

15 MR. SCOTT: I still, you know, I -- I think that's the
16 objection. I -- I see what -- how's developed it further,
17 but it still is hearsay and she has already testified to what
18 she says. So unless there's a hearsay exception, I would --
19 I would object to hearsay.

20 THE COURT: What exception are you moving under?

21 MR. SPEEDY: I say utterance and she says she calls
22 after -- sometime after the event, places a phone call and
23 then speaks with her over the phone so...

24 THE WITNESS: You said that earlier also?

25 MR. SPEEDY: And -- and of course this is also

1 Stacey Catoe testified that it was immediately following the
2 incident.

3 THE COURT: One second. I want to look at one thing.
4 All right. I'll allow it under excited utterance.

5 MR. SPEEDY: Yes, sir.

6 BY MR. SPEEDY:

7 Q. And what did she say?

8 A. "Oh, my God -- oh, my God -- oh, my God. Yeah, I
9 think I just shot her. I don't know if I did or not. What
10 do I do? What do I do?" And I said, "Shot who?" And she
11 said, "Brenda." And I said, "Brenda who?" Then she said,
12 "Brenda Coates -- Jody's Brenda. What do I do? What do I
13 do? I don't know." And I said, "Where are you?" And she
14 said, "Ted Payne Pond Road." And I said, "Where have you
15 been?" And she said, "Daddy's." And I said, "Where is
16 Cait?" And she said, "At home." And I said, "Go back and
17 get Caitlyn and go to daddy's." And that was it.

18 Q. Did she indicate anything about how it happened?

19 A. No. She was just screaming. She just said, "I
20 don't know."

21 Q. Pardon me?

22 A. She was just screaming and said, "I don't know."
23 She didn't even know what happened.

24 MR. SPEEDY: One moment, Your Honor, please. That's
25 all we have, Your Honor.

1 MR. SCOTT: Ms. McManus.

2 THE COURT: Whoa. Whoa. We got to stay -- got to stay
3 there.

4 THE WITNESS: Sorry.

5 THE COURT: It's okay.

6 THE WITNESS: I forgot.

7 THE COURT: You didn't do anything wrong. It's okay.
8 Happens all the time, I promise.

9 All right. Cross-examination?

10 CROSS-EXAMINATION

11 BY MR. SCOTT:

12 Q. Okay. So after you learned that she had shot
13 somebody -- did you know Brenda at the time?

14 A. I knew of her.

15 Q. Okay.

16 A. I didn't know her.

17 Q. What did you do to figure out about this woman who
18 had been shot on the side of the road?

19 A. Do what?

20 Q. What did you do after finding out a woman had been
21 shot on the side of the road? Did you call for an ambulance?
22 Did you call 911?

23 A. No.

24 Q. Did you go to the Sheriff's Department and tell
25 them all this stuff you're talking about today?

1 A. No.

2 Q. You've never made any statement to law
3 enforcement?

4 A. No.

5 Q. You never tried to tell them about this phone call
6 you're talking about here today in court?

7 A. No. I sent her to my daddy's because I thought
8 that he was after her.

9 Q. You didn't think about that woman dying on the
10 side of the road?

11 A. She didn't even know -- she had no idea.

12 Q. She said she shot a person?

13 A. She was just panicking. She said, "I don't know."

14 Q. Well, you ---

15 A. "I think I just shot her. I don't know."

16 Q. Okay. You -- you don't find that to be something
17 you'd want to find out a little bit more and -- and maybe let
18 the authorities know about this?

19 A. In a perfect world, yes. In our world, no because
20 usually it was just an argument.

21 Q. Well, what world are we in? Are we in a world
22 where we're all going to try to get together and come up with
23 a story? Is that what you wanted to do instead of calling
24 law enforcement that night?

25 A. No, I just wanted her safe. I did not know

1 anything about their mom.

2 Q. Just found out though that she had shot a woman?

3 A. No, she did not say that. She just said --

4 Q. I think I shot ---

5 A. -- she didn't know.

6 Q. "I think I shot somebody." "Who?"

7 "Brenda Coates." Didn't you just testify that?

8 A. Yes, I did.

9 Q. Okay. She thinks she shot somebody. Have you
10 ever just thought you shot somebody in your whole life?

11 A. No.

12 Q. It's a rather unique situation, is it not? So you
13 didn't think to alert law enforcement or EMS or the fire
14 department or 911 or anybody? You said go to dad's?

15 A. Uh-huh.

16 Q. And let's all come together and figure this thing
17 out. Is that the plan?

18 A. I didn't say that.

19 Q. Did you go over there that night?

20 A. I did not. I had her daughter.

21 Q. You had what?

22 A. I had Caitlyn.

23 Q. You had Caitlyn?

24 A. Yes. Somebody brought her to me.

25 Q. That being Robbie Bower?

1 A. Uh-huh.

2 Q. Okay. Just you -- you weren't at least curious as
3 to why your sister shot somebody or maybe shot somebody?

4 A. Yeah. Jody.

5 Q. You weren't curious though to find out who this
6 woman was and whether she would live or not or whether she
7 was bleeding out on the side of the road?

8 A. Yes.

9 Q. You were curious? So what did you do to appease
10 your curiosity? Did you go to the scene? Did you check on
11 her?

12 A. No.

13 MR. SCOTT: Nothing further.

14 THE WITNESS: Can I (inaudible)?

15 THE COURT: Not yet.

16 RE-DIRECT EXAMINATION

17 BY MR. SPEEDY:

18 Q. You've been in the courtroom since this case
19 started, haven't you?

20 A. Sir?

21 Q. You've been in the courtroom since this case
22 started, haven't you? You heard the solicitor read all the
23 phone calls and messages on the phones, right?

24 A. Yes, sir.

25 Q. So they knew they called you, she called you,

1 didn't they?

2 A. Sir?

3 Q. They should have known if she called you. Did
4 they come and talk to you?

5 A. No.

6 Q. Was your first concern about Caitlyn?

7 A. Stacey and Caitlyn.

8 THE COURT: If you could re-ask that question, please.

9 MR. SPEEDY: Sorry.

10 THE COURT: If you could re-ask the question.

11 BY MR. SPEEDY:

12 Q. Let me just do it this way. What was your
13 immediate first concern, in your mind?

14 A. To save my sister.

15 MR. SPEEDY: Thank you.

16 THE COURT: Anything else?

17 RE-CROSS EXAMINATION

18 BY MR. SCOTT:

19 Q. Now, you have an accident -- to be shot and killed
20 somebody before (inaudible), did that ever happen to you? A
21 gun just went off in your hand. You killed somebody?

22 A. No.

23 Q. Okay.

24 THE COURT: All right. Now you can step down.

25 All right. Who's next?

1 MR. SPEEDY: Robbie Bowers, Your Honor.

2 THE COURT: All right. Give me the name one more time
3 -- I'm sorry.

4 MR. SPEEDY: I'm sorry, Robbie Bowers.

5 THE COURT: Okay. I just didn't hear you. That was
6 all, Mr. Speedy.

7 THE CLERK: Mr. Bowers, can you please raise your right
8 hand.

9 ROBBIE BOWERS,
10 being duly sworn, testified as follows:

11 THE CLERK: State your full name for the record.

12 THE WITNESS: Robbie Bowers, B-O-W-E-R-S.

13 THE COURT: Will you also spell your first name for me
14 please?

15 THE WITNESS: R-O-B-B-I-E.

16 THE COURT: Thank you, Mr. Bowers.

17 DIRECT EXAMINATION

18 BY MR. SPEEDY:

19 Q. Hey Robbie, where do you -- where do you reside?

20 A. 56 Westville Tower Road.

21 Q. And ---

22 A. It was 2870 Knotty Pine where this incident
23 happened.

24 Q. Okay. And where's that look -- what part of the
25 county is that in?

1 A. It's in Westville, Kershaw -- Kershaw County about
2 two miles from where Willis and Neil reside.

3 Q. Okay. How would from -- from the Damascus --
4 Damascus Church Road to your house, how would you go?

5 A. If I left my house I'd -- he had go Knotty Pine
6 and hit Damascus.

7 Q. Okay. Can you also do -- use some dirt road?

8 A. I can -- I -- I -- a lot of times I'm riding and I
9 go down the Knotty Pine, dirt road or whatever and that goes
10 from 521 to Damascus. We got -- we own all that hunting land
11 in there.

12 Q. I got you. Do you know Jody Catoe?

13 A. Yes, sir.

14 Q. And how long have you known him?

15 A. At that point, probably four to six years.

16 Q. Okay. How -- how did you -- how did you come to
17 know him?

18 A. Down there in the -- we go up hanging out down at
19 Littlefield -- new to family.

20 Q. Okay. When you say the Littlefield we've heard
21 that mentioned before, but where are the Littlefield's
22 located?

23 A. On Damascus Church Road.

24 Q. No. Is that a restaurant, a beer place?

25 A. That is somebody's house that everybody hung out

1 at.

2 Q. Okay. It is really not the house itself though;
3 is that correct?

4 A. Nope. It's a shop.

5 Q. Where is that shop located on the -- on the
6 premises? Just at ---

7 A. If the house is right here on Damascus, it is way
8 behind it -- probably 100 yards.

9 Q. Okay. How far is that from the Willis McClintock
10 house?

11 A. I'm going to say a half a mile.

12 Q. Okay. So ---

13 A. Three quarters of a mile.

14 Q. When you say you went there and you hung out, what
15 would you do there?

16 A. We'd drink beer.

17 Q. Drink beer?

18 A. Yeah.

19 Q. Do anything else besides drinking beer?

20 A. And cook.

21 Q. Cook?

22 A. Cook and drink beer and shoot the shit.

23 Q. Watch TV?

24 A. Yes, sir.

25 Q. Football games?

1 A. Yep.

2 Q. Baseball games?

3 A. Yep.

4 Q. Whatever is on?

5 A. That's where everybody hung out at.

6 Q. I got you. Then -- and when -- when Jody would
7 come there, was he packing?

8 A. Every time -- I always seen him, he always had a
9 gun in his back pocket.

10 Q. Did you ever see him without it?

11 A. Nope.

12 Q. Did he ever actually display it in your presence?

13 A. He -- every time he went -- went -- got ready to
14 sit down, he'd lay it on the front of the table right here in
15 front of him.

16 Q. Okay. Did you ever -- did you ever get some
17 concern about him doing that?

18 A. Man, it didn't bother me. Yeah. I mean, it
19 didn't bother me, but I was just always used to it.

20 Q. I got you. Now, on June the 16th -- I'm sorry,
21 17th 2018, tell me a little bit about what -- did -- did you
22 go to the McClintock house that day?

23 A. Oh, Yes, sir.

24 Q. Oh, I -- I think it was Father's Day, if that
25 helps you, right?

1 A. Yeah.

2 Q. You remember -- you remember what -- what you --
3 what's the reason you ended up there?

4 A. We was all hanging out at the Creek that is on
5 that same dirt road that comes out in between Willis' and
6 Stacey and Neil's. And I went down there to make sure it was
7 cleaned up because Jody had a grill down there and we'll make
8 sure all the trash was picked up. He left his grill down
9 there, so I just eased on up the dirt road and seen them all
10 out there in the yard playing. And I pulled up in there
11 because they was hollering at me so, and then, got to talking
12 to him and I just asked Stacey where Jody was and she said,
13 "I don't know."

14 Q. I got you. What time did you arrive there at the
15 McClintocks -- you think?

16 A. I'm going to say around -- had to be 6:00-7:00,
17 somewhere around -- around there.

18 Q. All right. Were you driving side by side a
19 four-wheeler?

20 A. I was in my truck that day.

21 Q. And how -- did you come up through the Creek.
22 That is that how you got there?

23 A. Yep.

24 Q. And you pull her out by their house?

25 A. Yep.

1 Q. All right. So were you there when you saw Stacey
2 there I'm assuming?

3 A. Yeah, I was there probably a good two hours before
4 she left.

5 Q. I -- and what kind of things, what kind of
6 activities did you see ---

7 A. They was all playing in the yard, football -- just
8 running around, having a good time. It was Father's Day.

9 Q. Anybody -- anybody talked about Jody?

10 A. I asked Stacey where he was at and she said he
11 might be at, probably over there at the river.

12 Q. The river meaning Lake Wateree; is that right?

13 A. Yeah.

14 Q. So a lot of people use the terminology ---

15 A. Yeah.

16 Q. -- river and lake?

17 A. Yep. He'd be over there at the lake.

18 Q. All right. But again ---

19 A. Because he had -- he had a camper over there.

20 Q. I got you. And what did he call that cabin?

21 A. Stabbing cabin.

22 Q. Okay. Now, was it him that made up that name?

23 A. I guess it was, or a bunch of them just got
24 together and that's how -- that's the name it come up with.

25 Q. Okay.

1 A. And everybody, you know, they always joked about
2 it.

3 Q. All right. Were you -- were you drinking that --
4 this day -- this on the -- on Father's Day?

5 A. Yeah, I did.

6 Q. All right. When -- when -- did you see Stacey
7 leave?

8 A. Yes, sir.

9 Q. About what time did she leave, to the best of
10 your ---

11 A. It had to be about -- it had to be -- it was
12 before dark, so I'm going to say -- I'm going to say 8:30 to
13 9:00.

14 Q. I see. What -- did you -- were you -- were you
15 concerned about anything that she said or did?

16 A. No. Nope. I asked her -- I said, we just -- you
17 know, just standing around talking and I just told her, I was
18 like, "Where's Jody at?" And she's like, "He's probably over
19 there at the lake." And that was it.

20 Q. Where did you ---

21 A. Because I had the grill down there.

22 Q. When did you next see her?

23 A. She told everybody, "Bye", kissed her daddy
24 goodbye and got in the car with Caitlyn and Bella and they
25 went back to her house. And my truck is parked right there

1 near -- near the road and I watched her leave out the
2 driveway and go straight to her house.

3 Q. All right. Did -- did she stay at her house?

4 A. For probably five or 10 minutes.

5 Q. And then what did you see?

6 A. I seen her come back out the driveway and go back
7 left -- going back to her -- Flat Rock.

8 Q. Okay. Did you see her again come back by?

9 A. No.

10 Q. Did you see anybody come by?

11 A. I -- cars, but I didn't pay no attention. I was
12 just standing at the back of the truck. I (crosstalk) don't
13 pay no attention to that.

14 Q. When did you next see her?

15 A. I seen a car pull in her driveway and then we were
16 just standing there and I didn't -- it was dark then. I
17 didn't know who it was and come pull him back up in the yard
18 -- in Willis' yard.

19 Q. All right. What did -- what did you say?

20 A. So she come pulling back up in there and she zooms
21 around the side of the house and goes around it and Willis
22 says, "Qhat's -- what's Stacey doing?" I said, "She must be
23 running from Jody." He said, "For what?" I said, "Boy, I
24 ain't got no clue." They all the time fighting and I -- we
25 take off running back there. And when we got there we asked

1 her what was going on and she said, "I don't know what
2 happened. The gun just went off." And I said, "What you
3 mean the gun just went off?" She said, "A gun just went
4 off." And she's going crazy, just erratic. And she said
5 something about ---

6 MR. SCOTT: Objection, hearsay.

7 THE WITNESS: Jody says ---

8 THE COURT: Whoa.

9 MR. SPEEDY: Again, stated under utterance, Your Honor.
10 This is shortly after.

11 THE COURT: At this point there's no time relation to
12 when it is.

13 MR. SPEEDY: Okay. Let me try to build that for you
14 then, Your Honor.

15 BY MR. SPEEDY:

16 Q. Let's go back to when -- when she left. Okay.
17 You -- you say she left at some point in time around 9:00; is
18 that correct?

19 A. Yeah.

20 Q. And do you know what time it was when you next saw
21 her?

22 A. I'm going to say she probably pulled back up in
23 there around 9:45-9:50.

24 Q. All right. And did -- when you -- when she came
25 back, what was her condition?

1 A. She was just irate, just like, "oh my God -- oh my
2 God", you know, like just -- I didn't know what was wrong
3 with her.

4 Q. Okay.

5 A. Freaking out.

6 Q. Did you then learn something from that
7 conversation that -- that caused you to react?

8 A. Yes, sir.

9 Q. And what did you do?

10 A. Just I asked -- she asked her what was wrong
11 with --

12 THE COURT: He -- he said, what did you do?

13 THE WITNESS: What did I do?

14 THE COURT: Right. That was the question. He said:
15 What did you do based upon what you learned?

16 THE WITNESS: What I -- I just asked her, what --
17 what's going on?

18 THE COURT: Okay.

19 BY MR. SPEEDY:

20 Q. All right. And she -- she told you; is that
21 right?

22 A. Yes, sir.

23 Q. And then what did you do as a result of her
24 telling you that?

25 A. What I -- I was like, oh my God, you know, and I

1 don't really understand what you're trying to get out of me.

2 Q. Well ---

3 A. I know what I want to say, but I don't know if you
4 all let me say it. You understand what I'm saying?

5 THE COURT: But you're doing the right thing. Just let
6 him ask you the question a different way.

7 THE WITNESS: Okay.

8 THE COURT: Okay. Thank you and I appreciate that.
9 Thank you for your candor.

10 THE WITNESS: Yeah.

11 THE COURT: Let's see if we can ask the question a
12 little bit differently.

13 THE WITNESS: Okay.

14 BY MR. SPEEDY:

15 Q. Did -- did she do something at the -- at that time
16 that really cause you some concern?

17 A. Yeah, she was just going crazy and grabbing her
18 daddy.

19 Q. All right. And -- and then did -- did she tell
20 her daddy something without telling me what it was?

21 A. Yeah.

22 Q. And what happened?

23 A. She's just going crazy and Willis hit the ground.

24 Q. I'm sorry, say it again.

25 A. Willis hit the ground.

1 MR. SPEEDY: All right. And, Your Honor, at this time
2 I would think, that in terms of excited utterance that would
3 fall in that category.

4 MR. SCOTT: I disagree, Your Honor. This is 15 minutes
5 or so after the event.

6 THE COURT: Agreed.

7 MR. SCOTT: Conservatively.

8 THE COURT: Sustained.

9 BY MR. SPEEDY:

10 Q. As a result of all of that, what did you do next?

11 A. I -- I -- I -- I -- I had a buddy that's got a
12 police scanner and I don't know if I ever told you this deal,
13 but I called him just to see what was going on and that's
14 when he told me.

15 Q. What did -- what did you do though?

16 A. At what'd I do? I was just like, oh my god, you
17 know, and I told him, I just said the damage is done or
18 whatever and this is what we got to -- we got to figure out
19 what's going on now.

20 Q. Did you stay there?

21 A. I stayed there until -- was trying to figure out
22 what to do with Caitlyn. I didn't personally want them to
23 take her to jail in front of her mama.

24 Q. That -- so what did you do with her?

25 A. So I took Caitlyn to her sister Amanda's.

1 Q. And that was it for you?

2 A. That was it.

3 MR. SPEEDY: Thank you. Answer any questions the
4 Solicitor might have, please.

5 THE WITNESS: Yes, sir.

6 MR. SCOTT: No questions, Your Honor.

7 THE COURT: Mr. Bowers, thank you very much. Have a
8 nice day, sir.

9 MR. BOWERS: You too.

10 THE COURT: And you may call your next witness.

11 MR. SPEEDY: Caitlyn Catoe.

12 CAITLYN CATOE,

13 being duly sworn, testified as follows:

14 THE CLERK: (Inaudible) for the record.

15 THE COURT: All right. Say your name for me, please.

16 THE WITNESS: Caitlyn Catoe.

17 THE COURT: Okay. Thank you, Ms. Catoe.

18 DIRECT EXAMINATION

19 BY MR. SPEEDY:

20 Q. Caitlyn, where do you live?

21 A. I'm with my mom at 3641 Damascus Church Road.

22 Q. How long have you lived there?

23 A. My whole life.

24 Q. And how old are you?

25 A. I'm 19, I'll be 20 next month.

1 Q. And are you employed?

2 A. Say that again.

3 Q. Are you employed?

4 A. Yes, sir. I work at ---

5 Q. So where are you employed?

6 A. Kershaw County EMS.

7 Q. Okay. How long have you been employed with
8 Kershaw County EMS?

9 A. About five months now.

10 Q. Did you have to go through any special training to
11 become an EMT?

12 A. Yes, sir. I went to Central Carolina in Sumter
13 for six months and then took a couple tests and started
14 working in end of May -- early June.

15 Q. So you like your job?

16 A. Yes, sir, very much.

17 Q. All right. You get to drive the truck?

18 A. Yes, sir.

19 Q. Okay. Now, let me -- let me go back in time. So
20 you're -- you're about 19 now. So in -- on June the 17th of
21 2018, you have been just a little bit under 14; is that
22 correct?

23 A. Yes, sir, I was 13.

24 Q. When is your birthday?

25 A. November 10, 2004.

1 Q. So you're almost 14?

2 A. Yes, sir.

3 Q. How far back in your life do you -- can you
4 remember, do you think?

5 A. I'd say 10 years old. I remember everything
6 pretty vividly.

7 Q. Ten years old. That would've been about I guess
8 if you were at 10, that would've been about four years before
9 this. That'd been about 2014?

10 A. Yes, sir.

11 Q. Were you -- were you witnessed to any -- any
12 physical altercations between your mother and your father?

13 A. Yes, sir, a lot.

14 Q. Can you start this with an early one -- come
15 forth, the -- the first one you can remember in your mind?

16 MR. SCOTT: I'm sorry, Your Honor, just what is the
17 time frame we're talking about? I may have missed that.

18 MR. SPEEDY: 2014 to 2018.

19 THE COURT: Okay. You can answer the question. Thank
20 you.

21 THE WITNESS: Okay. I remember lots of times, but I'm
22 going to say the earliest I can remember would be my dad came
23 home and started arguing with my mom calling her all sorts of
24 names. They ended up on the porch and he was pushing my mom
25 and shoving her and he ended up shoving her down the steps.

1 She had bruises and scratch marks all over her. A lot of the
2 times, I'd just sit on the couch and try and ignore
3 everything that I could. And it -- and it never worked. He
4 didn't care that I was sitting there watching him beat my
5 mom.

6 BY MR. SPEEDY:

7 Q. What condition would he be in when he came in --
8 usually when that would happen?

9 A. Very drunk.

10 Q. Did -- did all of these occurrence happen when he
11 was intoxicated? Pretty drunk?

12 A. Yes, sir.

13 Q. All right. So what were her injuries as a result
14 of that? Do you recall?

15 A. That night she just had a lot of scrapes on her
16 legs, scrapes on her arms. Really that night it was just
17 scrapes and scratches, maybe some bruises. There was another
18 time he was arguing with her and they were in the kitchen,
19 and he was pushing and shoving and he shoved her really hard
20 into the washing machine.

21 And I just remember my mom screaming in pain. She
22 wanted to go to the hospital that night, but she didn't. She
23 waited until the next day and they told her that she tore her
24 meniscus, but she wouldn't tell the hospital what happened.
25 She just said she fell.

1 Q. All right. So what was the next occasion you
2 recall?

3 A. Probably the Pool Room. There was some kind of
4 event going on at the Pool Room. There were a good bit of
5 people there and we were outside. The next thing, I -- I
6 mean -- I don't remember a lot, but the next thing I remember
7 was my mom and dad fighting. He would start off by calling
8 her names, pushing her, and shoving her.

9 And very specifically, I remember that night he ended
10 up grabbing her by her hair. He had a handful of her hair
11 and drug her across the parking lot. And someone -- I don't
12 remember who it was, but someone grabbed me and walked me
13 around the other side of the car. So I didn't see what was
14 going on.

15 Q. All right. Do you remember any more events
16 besides those three?

17 A. I can't place time frames on them, but there were
18 several altercations where he would punch my mom in the face
19 and slap my mom and then he would always look at me as I was
20 sitting on the couch and say, "You see what your mama does to
21 me?" But my mom never started. I was always at home with
22 my mom when he would come home with trouble.

23 Q. And who would he blame for these ---

24 A. It was always my mom.

25 Q. The names. I'm not going to ask you to repeat the

1 names. Were they vulgar?

2 A. Yes, sir. Very.

3 Q. Were they demeaning?

4 A. She would call -- he would call my mom a fat B
5 word, a hoe, a lying ass B word -- anything in between. He
6 didn't care.

7 Q. Is that pretty much the extent of what you can
8 recall?

9 A. Yes, sir.

10 Q. About 2016 though, he bought a -- a camper; is
11 that right? Tell us ---

12 A. Yes, sir.

13 Q. Did he -- did he move down there immediately?

14 A. Pretty much. I remember after he bought the
15 camper, that's when he started spending a lot less time.

16 Q. And how did that make you feel?

17 A. Happy. I was glad that I didn't have to worry
18 about him coming home, messing with my mom.

19 Q. Even then would he still come home sometimes?

20 A. Every now and again, he would.

21 Q. And what would you and your mom do?

22 A. If we weren't already in the bed, we would cut all
23 the lights off and go to the bedroom as fast as we could so
24 we could avoid him trying to start something.

25 Q. Did -- did your mom and dad at this point in time

1 sleep together?

2 A. No, sir. She slept with me.

3 Q. When did -- about when did that start?

4 A. As long as I can remember.

5 Q. As long as you can remember? At least back to?

6 A. Before 10 years old.

7 Q. Okay. All right. And then you -- you -- she had
8 a -- what kind of car was it that she drove?

9 A. A red car -- Escape. I mean, is -- is still was
10 just kind of a small SUV.

11 Q. Okay. Did you ever hear some reference that you
12 may have driven it sometimes?

13 A. Yes, sir. I only drove on Damascus Church Road.
14 The road we lived on.

15 Q. Okay. Was somebody always with you when you drove
16 on the road?

17 A. My mom was always with me.

18 Q. And you didn't just take the -- when you were --
19 before you were able to drive, you didn't take the car out
20 and just drive all around Kershaw County; did you?

21 A. No, sir.

22 Q. What -- why were you out on Damascus Church Road?

23 A. Because my mom would let me practice driving. I
24 would ask her if I could drive and she'd pull off the side of
25 the road at close to -- at or near the stop sign and I would

1 drive to our house.

2 Q. Okay. And did -- did you know about the gun being
3 in the gun box?

4 A. Yes, sir.

5 Q. Or the -- the glove box. How did you know that?

6 A. It wasn't in the glove box. It was ---

7 Q. I'm sorry. The console.

8 A. -- in the console.

9 Q. Forgive me. The console?

10 A. What was the question?

11 Q. Did you know about the gun?

12 A. Yes, sir.

13 Q. Had you seen the gun?

14 A. Plenty of times.

15 Q. Did you know why your mama had it?

16 A. Yes, sir.

17 Q. What was that?

18 A. I mean -- protection. There was a gun in pretty
19 much any vehicle we ever had.

20 Q. Okay. Did -- and did you know it was -- whether
21 it was loaded or not?

22 A. Yes, sir. There was a gun -- there was a bullet
23 always in the chamber.

24 Q. Okay. And were you cautioned -- did your mom
25 caution you about the pistol?

1 A. Yes, sir. I never touched the gun unless she was
2 there.

3 Q. All right. Did you actually -- at -- at any point
4 in time, did you ever shoot that gun?

5 A. No, sir.

6 Q. Did you ever shoot any guns?

7 A. The only guns I would shoot would be a rifle or a
8 shotgun.

9 Q. Okay. You never shot any pistols?

10 A. No, sir. I didn't shoot any pistols up until a
11 few years ago.

12 Q. Okay. Did she ever bring that pistol into the
13 house?

14 A. Very rarely.

15 Q. What would be the reason she might bring -- bring
16 it in at all?

17 A. I can't really say anything specific as to why she
18 would bring it in. It really stayed in the car most of the
19 time.

20 Q. One second. When -- the night that this happened,
21 the June the 17th of 2018, do you recall what you all did
22 that afternoon?

23 A. Yes, sir. We were at my grandpa's house having a
24 little family function like we did pretty much every year.

25 Q. Okay. A lot of folks there?

1 A. Pretty much my whole family. And Robbie was
2 there.

3 Q. You remember seeing your dad that day?

4 A. No, sir. Not at all.

5 Q. Not at all? Was he there in the bed when you got
6 up? Do you recall that?

7 A. I don't know. I don't remember that morning. I
8 just remember everything throughout the day and I never seen
9 him.

10 Q. All right. So tell us when you left there, how
11 did you get home?

12 A. When I left. What time?

13 Q. When you left the -- your dad -- granddaddy's when
14 you left and went back home?

15 A. My mom -- my mom was there with me and my friend
16 at the time. We got in her car -- the Escape and we just
17 went back up to my house. It was getting dark at that point.
18 We had school the next day.

19 Q. Okay. What did your mom do?

20 A. She came in the house with us. Excuse me. She
21 came in the house with us for a little while and she -- she
22 just told me, she said, "I'll be right back."

23 Q. And did -- did she seem to be out of sorts?

24 A. She just -- at the time she just kind of looked
25 blank. I mean, I don't know if that makes any sense. She

1 just didn't really, she just looked like she was lost.

2 Q. Okay. When do you next remember seeing her?

3 A. She came -- she came in our driveway really fast
4 and came in the house kind of, like, scared and said, "Get
5 your stuff, we're going to Papa's." And I kept asking her
6 what was wrong and she wouldn't answer me. And we got in the
7 car and I finally, just kind of like yelled at her and I
8 said, "What's wrong?" And she said, "I think I shot Brenda."

9 Q. Say anything else?

10 A. She just kept -- I started screaming and I just --
11 she just kept saying, "I don't know what happened. I'm
12 sorry. I don't know what happened."

13 Q. What happened next?

14 A. We went to my Papa's house. Robbie and my grandpa
15 were standing behind Robbie's truck and we went to the back
16 of the house and my papa came kind of like jogging around the
17 corner and said, what's wrong? And I just opened the door
18 screaming. And that's pretty much where, I kind of blacked
19 out. I don't really remember much after that.

20 Q. Do you remember where you went next?

21 A. I -- I went inside the house and sat with Brenda,
22 my papa's wife. I sat with her for a little while. And
23 eventually my mom came in and sat with me on the couch and I
24 told her bye and I loved her, and Robbie took me to my aunt's
25 house.

1 Q. Okay. So during that -- during that, I guess 13
2 to 14 year period, I mean 10-year-old to the 13 or
3 14-year-old period -- 2018 -- you were in school?

4 A. Yes, sir.

5 Q. Did you come home most of the time?

6 A. If I didn't come home, I was right up the road at
7 my friend's house. Yes, sir.

8 Q. Did you spend basically every night home?

9 A. Yes, sir.

10 Q. Did you go ever go to one of your friends and
11 spend the night?

12 A. I did.

13 Q. Very often?

14 A. If -- a lot of the times they were at my house.
15 If not, I'd go to their house every other weekend or so.

16 Q. At some point in time, did you learn that your
17 mama might be having some kind of a relationship with Christy
18 Huebner?

19 A. Yes, sir.

20 Q. And -- and what did you -- what did you do about
21 it?

22 A. At first I didn't really think anything of it.
23 And eventually I started picking up on some little things and
24 I wasn't happy about it to begin with. But the older I got,
25 the more I realized that she wasn't hitting my mom. And if

1 my mom was happy, then I was happy.

2 Q. Did you ever see any other people come in the
3 house? Any males or any people that spent time in your mom's
4 bedroom?

5 A. No, sir. The only males that came in would be
6 with my dad.

7 Q. Did you -- did you ever see any -- Christy's ever
8 stay overnight?

9 A. Not overnight. She just would come during the
10 day. She'd always go home. If -- if it was late in the
11 afternoon, she would always go home.

12 MR. SPEEDY: One moment please, Your Honor.

13 All right. Answer any questions the Solicitor might
14 have.

15 THE WITNESS: Yes, sir.

16 CROSS-EXAMINATION

17 BY MR. SCOTT:

18 Q. Caitlyn, working on an ambulance and responding to
19 people who are hurt or in trouble -- that is your job now;
20 isn't it?

21 A. Yes, sir.

22 Q. And have you -- have you been involved in a case
23 where you felt like you guys were able to save someone's
24 life?

25 A. I've worked a cardiac arrest, but I mean, there's

1 a lot of times there's not much you can do besides work at.

2 Q. Well, did that person survive?

3 A. No, sir.

4 Q. Huh?

5 A. No, sir.

6 Q. Okay. Well, your job is to render as much medical
7 assistance as you can for somebody who's in trouble; is it
8 not?

9 A. Yes, sir.

10 Q. And you rely on calls coming in from dispatch to
11 direct you on where to go; correct?

12 A. Uh-huh. Yes, sir.

13 Q. And it -- it's only after you get that information
14 -- can you respond to the scene and try to help these people
15 who are hurt?

16 A. Uh-huh.

17 Q. If nobody calls, you all don't know where to go;
18 correct?

19 A. Correct.

20 Q. You -- the attorney puts you on the stand to talk
21 a lot about some different abuse you witnessed in your
22 household. And you answered those questions; did you not?

23 A. Yes, sir.

24 Q. And you've met with the attorney before today, I
25 imagine?

1 A. Yes, sir.

2 Q. Correct. Do you remember your mother being
3 physical as well?

4 A. I -- if my dad would hit her, yes. She wasn't
5 going to just sit down and let him beat her.

6 Q. It was back and forth, kind of?

7 A. It was not a back and forth. If my dad hit my
8 mom, my mom wasn't going to just sit down. She would defend
9 herself to the best of her ability.

10 Q. Did your -- did your mom ever hit -- ever hit on
11 you?

12 A. Hit on me? No.

13 Q. Maybe. Did she joke about hitting you sometimes?

14 A. No.

15 Q. Okay. And there's a State's phone on and she's
16 talking to her girlfriend, Christy Huebner. She says, "Oh, I
17 know how Cait is." Your Cait, C-A-I-T?

18 A. Yes, sir.

19 Q. "I'll knock her teeth down her throat too if she
20 needs it. And your damn child needs it too."

21 A. My mom ---

22 Q. Said she -- she was just joking or something when
23 she said that?

24 A. Yeah, my mom never meant anything by that and I
25 knew that.

1 Q. Okay. So maybe she was just trying to make a
2 point or something?

3 A. I mean, it wasn't anything to scare me. She was
4 just being funny.

5 Q. So you never saw any of her lovers in the house?

6 A. No.

7 Q. Did you -- and I know that wasn't pleasant, but
8 some of the texts she indicated that she would invite them
9 over when you were out of the house and Jody was out of the
10 house -- that you wouldn't have necessarily known if they
11 were invited over when you were not there; would you?

12 A. Not typically, but if I wasn't home, my mom was
13 rarely home either. She would go to my aunt's house a lot or
14 she would go to her other close friend -- being Pool's house.

15 Q. But you really wouldn't know if you weren't home,
16 would you? So if she was inviting people over to the house
17 and the texts are right there, you wouldn't necessarily know
18 if you weren't home; isn't that true?

19 A. If I wasn't home.

20 Q. Okay. You remember Ms. Brenda?

21 A. I do.

22 Q. What'd you call her?

23 A. Brenda.

24 Q. Just Brenda? And was she -- would you consider
25 her a kind of family at some point? Did you all do stuff

1 together?

2 A. I'm pretty close, yeah.

3 Q. Okay. And she was good to you?

4 A. Uh-huh.

5 Q. Okay. Yeah, you got to say, yes or no. She was
6 good to you?

7 A. Yes, sir.

8 Q. Nice lady?

9 A. Yes, sir.

10 MR. SCOTT: Nothing further.

11 THE COURT: Anything else?

12 MR. SPEEDY: No, sir. Nothing.

13 THE COURT: Okay. Thank you, Ms. Catoe, you may step
14 down, ma'am.

15 MS. CAITLYN CATOE: Yes, sir. Thank you.

16 THE COURT: All right. You may call your next witness.

17 MR. SPEEDY: Willis McClintock, Your Honor.

18 WILLIS MCCLINTOCK,

19 being duly sworn, testified as follows:

20 THE CLERK: You can have (inaudible).

21 THE WITNESS: Willis McClintock.

22 DIRECT EXAMINATION

23 BY MR. SPEEDY:

24 Q. All right. Mister -- Mr. McClintock Willis?

25 A. Yep.

1 Q. Where -- where do you reside? Not that we don't
2 already know, but where do you live?

3 A. 3617 Damascus Church Road in Westville.

4 Q. Okay. And how long have you lived there?

5 A. Since 1978.

6 Q. Who lived there before you were there?

7 A. That was my aunt and uncle's home place. It was
8 burned down sometime -- some years before that. We had the
9 place, me and my dad had the place cleaned off. I told him
10 that's where I wanted to have my -- put my house at.

11 Q. Okay. And it is mostly around you as family land?

12 A. Yes, sir. Yep.

13 Q. You got ---

14 A. My -- my -- my grandma and my aunt both were
15 sisters of about eight and six other brothers. So they had
16 -- they had 95 acres that was given to them as their part.

17 Q. And you're presently married; is that correct?

18 A. Yes, sir.

19 Q. And that's your wife, Brenda back here?

20 A. Yeah, Brenda. Brenda is there.

21 Q. Okay. And you've been married previously; is that
22 correct?

23 A. Yes, sir. I've been married several times prior.

24 Q. All right. Some you lost some through death; is
25 that correct?

1 A. Sir?

2 Q. You lost some wife through death; is that correct?

3 A. Yes, sir. In 1990, I -- I -- I -- with my second
4 wife, she died in a car accident. She was 27. I was like
5 33. I married two more times and one of the times was -- was
6 when I got the -- the other two step girls, Caitie and
7 Carter, and -- and raised them. Their mom kind of -- kind of
8 went off on the other side of the fence with other people and
9 whatever, and they wanted to stay with me.

10 And after -- after that I remarried again to a lady in
11 Sumter and we were together or married for six, seven years
12 and she developed mesothelioma, the lung cancer stuff and
13 just wasn't feeling good. And we -- we went to some doctors
14 and found out about it. They diagnosed that that's what it
15 was. And we went -- it was at Lexington Memorial Hospital
16 with that.

17 And they sent us to Baltimore to whatever the big
18 hospital is. I can't remember the name of that hospital now,
19 right off. And they decided to do a chemotherapy treatment
20 on there. And we come back to Lexington to do that. And in
21 her second treatment of the chemotherapy, she -- something
22 happened, she went to sleep one night, and the next morning
23 when we got up, the treatment was being done overnight. I
24 got up and she was unresponsive to anything and I -- I put
25 her in the car and took off to Lexington with that. And ---

1 MR. SCOTT: Your Honor, I don't -- I don't know what --
2 what the line of question is. I -- I certainly understand a
3 little bit of background information.

4 THE COURT: Okay. Let's -- let's move on.

5 THE WITNESS: I got it.

6 MR. SPEEDY: I didn't expect much, but I wasn't going
7 to stop him, Your Honor.

8 THE COURT: Okay.

9 THE WITNESS: We -- I -- I'm -- I'm --

10 THE COURT: You can finish it up. You went to
11 Lexington and what happened?

12 THE WITNESS: Yeah, and she -- she passed away at the
13 hospital there. And then that's when I married Brenda after
14 -- sometime after that, so...

15 BY MR. SPEEDY:

16 Q. So by your first marriage, you have two children?

17 A. First -- first marriage, two children. Yes.

18 Q. Stacey who ---

19 A. Stacey and Amanda.

20 Q. -- is the Defendant. And --

21 A. That's my blood children, the rest of my -- all
22 the other children are stepchildren now.

23 Q. Okay. And now you -- where you live, do you
24 gather there for different functions?

25 A. Yep, we -- where everybody's together on holidays,

1 just cookouts, do barbecue, do hamburgers, hot dogs, stuff
2 like that at different times.

3 Q. All right. Do you remember June 17, 2018?

4 A. I do.

5 Q. Tell us what you remember about that day?

6 A. Some of the girls had come over, there was some
7 that were not there that day. Amanda wasn't there. They had
8 another family function and we were -- we were just playing
9 outside with the grandkids. I played with them every time
10 they come over, so. We -- we were doing that, we were
11 getting a little bite to eat and just talking and stuff, like
12 that in general.

13 Stacey left, she -- she left somewhere around dark or
14 somewhere around in there -- said she was going to go back
15 home. I kissed her bye, she went back home and I -- I
16 didn't -- me and Robbie was out there talking at the truck
17 and that -- that was all I had seen or seen over that day.
18 Everybody else had already gone too. Pretty much.

19 Q. Did -- did you spend a reasonable amount of time
20 around her -- with her that day?

21 A. With Stacey that day?

22 Q. Yeah?

23 A. Yeah.

24 Q. Did you notice anything different about her or
25 anything about her being out of sorts or anything?

1 A. No, she was -- she was normal. Just -- just --
2 just normal as usual.

3 Q. When she left, do you know where she went?

4 A. She was going home.

5 Q. And when you say "home", it was right next door;
6 is that correct?

7 A. Yes, it's up the road, a football field or two up
8 the road.

9 Q. So, but she -- she drove over; is that right?

10 A. She what?

11 Q. She drove over to your house?

12 A. Yeah, yeah. Yeah, she drove.

13 Q. And then she drove back?

14 A. Right.

15 Q. To her house?

16 A. To her house, yeah.

17 Q. When did you next see her again?

18 A. The next time I saw her was, me and Robbie were at
19 the -- at the back of the truck and the car come blowing by
20 coming in the driveway come -- coming hauling, but by and
21 around the back of the house it went. I said, "Robbie, what
22 in the world is going on?" He said, "I don't know much.
23 Jody must be done -- done something to her." So we took off
24 back behind the house and by the time I got around the
25 corner, her and -- her and Caitlyn was getting out of the

1 car. They were just -- just going -- going crazy, just
2 uncontrollable crying and -- and hollering and carrying on.

3 And I asked her, "What was going on -- what was going
4 on?" And she -- she said, "I don't know what happened. I
5 don't know. It was an accident. It acted -- the gun went
6 off. I don't know what happened." I said, "What do you mean
7 -- what do you mean the gun went off?" She said, "I -- I
8 don't know, I -- I thought I might have shot somebody, I
9 don't know."

10 And Caitlyn was -- my wife got Caitlyn and took her in
11 the side. She was -- she was carrying on and I just -- I
12 just tried to calm -- me I -- I fell to the ground to not
13 knowing what was going on with her, just crying with her, but
14 she not knowing what -- what exactly what had happened. She
15 -- and -- and at that point we -- that was -- that was all
16 just trying to calm her down a little bit after that and
17 figure out exactly what did -- what -- what -- what happened.

18 Q. Was Robbie still around then?

19 A. Yeah, he -- he was there with me.

20 Q. And you heard him say that he -- heard or found
21 out through the scanner of what had happened; is that
22 correct?

23 A. Yep. We found out through the scanner what had
24 happened and he come over there and told me. He said, "I --
25 I -- I think -- I think Brenda's been shot and I -- Stacey

1 was saying that it was an accident. I didn't -- I don't even
2 know how it happened. It was an accident." And we just fell
3 down. I just fell down on the ground crying and we were
4 crying with her and I just -- I have -- after that I just --
5 I don't know.

6 Q. All right. Now, let's talk about the vehicle.
7 You were behind the Escape at that time; is that correct?

8 A. Yes, sir.

9 Q. And somehow the vehicle was brought around to the
10 -- I guess, for lack of a better word, how would you describe
11 -- where was it -- where was it taken?

12 A. It -- it was taken to the -- beside the camper
13 there where everybody had been parked prior -- prior to that
14 day and -- and up underneath the oak tree there.

15 Q. All right. If we look at -- get that up for me
16 Number 24. We end up to Exhibit number 24 is that there on
17 the monitor, as well?

18 A. Yeah. Yep -- yep.

19 Q. All right. What does that -- what does it say?

20 A. That -- that's where the cars have been parked
21 that day in -- in basically that same spot.

22 Q. We're using that -- using that black SUV as a
23 reference point. Where would you say the vehicle was in
24 comparison to that?

25 A. It would've been right off the front fender.

1 Front right fender that just a little bit more this way in --
2 in that -- in that sandy -- in the sandy patch of -- of the
3 -- of the grass right. Just back the other way -- kind of
4 over here.

5 THE CLERK: Right here?

6 THE WITNESS: Yeah. Back in -- right -- right in
7 there.

8 BY MR. SPEEDY:

9 Q. Okay. So when you come in your driveway, it
10 splits to the right end to the left; is that correct?

11 A. Right.

12 Q. You go to the left side -- it goes in a circle?

13 A. Yeah, it goes in a circle around the tree and
14 everybody that's -- that's where cars are parked. And
15 now ---

16 Q. Go -- you go to the right side, it goes around
17 this -- this tree; is that correct?

18 A. Yeah. You -- yeah.

19 Q. So it's got two different sides you can go to?

20 A. Right.

21 Q. There's not much parking on the -- on the other
22 circle side. When you're looking at your house to the left,
23 there's not much parking over there; is that correct?

24 A. Right. And we -- and when we have a -- have stuff
25 going on, everybody parks goes to the right side and goes

1 around the tree and parks there and we leave the front yard
2 open for us -- for us and the kids to play. Play ball, golf,
3 frisbee, chase, you know, ride scooters whatever.

4 Q. All right. And so, who moved the vehicle up
5 there?

6 A. I believe I -- I told Stacey to pull the car
7 around there from the back so that it would be where it could
8 be seen.

9 Q. All right. Did -- did -- did -- did you try to
10 hide the vehicle?

11 A. No -- no, I wasn't trying to hide it. That's the
12 reason I took it from the back to move it around there. So I
13 -- I said, you know, "You can't have the car back here. Got
14 to park right where -- where the car can be seen by."

15 Q. Did -- did anybody get in it, touch anything, move
16 anything?

17 A. No.

18 Q. Pretty much preserved it at that point in time?

19 A. Yep. Same as it was when it pulled in. Yeah.

20 Q. I'm assuming you knew it may well be looked at by
21 the police; is that correct?

22 A. Right.

23 Q. What was the -- what was the situation for the
24 next period of time around the house?

25 A. Just -- we were just trying to figure out exactly

1 what -- what was going on. Just for sure trying to get
2 everybody calmed down and kind of figure out what to do. And
3 I -- I kind of figured 911 with all that going on -- I
4 figured 911 had already been called and we would -- we were
5 just kind of sitting. I was saying, you know, "The police
6 are going to be here anytime for sure after they have come."
7 And -- and we just -- just kind of sitting and talking and
8 figuring out what -- whatever -- what to do or how to do or
9 whatever.

10 Q. What would you say Stacey's condition was at that
11 point in time?

12 A. She was still all out of sorts, crying. She just
13 -- just didn't know what to do. Didn't know what to say.
14 Didn't know what had happened. They -- that said, "the gun,
15 it just went off." She didn't -- she didn't know what had
16 happened.

17 Q. You heard Officer Dill characterize it as a --
18 that she was erratic. Did you -- did you think she was
19 erratic?

20 A. I remember him saying that and she was not
21 erratic. I -- whenever he got there, I -- she was -- she was
22 standing beside me. I guess I'd watch too much TV. I don't
23 know, I -- too many cop shows on TV and I -- I told her, I
24 said, "Stacey, you know, they come -- they going to come and
25 get you and -- and you need to just be -- well put -- get on

1 your knees right here and hold your hands up. Are they going
2 to throw you on the ground?" So that was my thought process
3 of that. And -- and she was -- she was not erratic, she was
4 just -- she was as calm as she could be at that point when
5 they did come up and he come up there and he said, "Ah, we're
6 not going to arrest you, we just want to talk to you." Which
7 kind of surprised me, but I guess that's -- that's way what
8 it was.

9 MR. SPEEDY: All right, sir. One moment please. Then
10 answer any questions the Solicitor might have, Willis.

11 THE WITNESS: Sir?

12 MR. SPEEDY: Answer any questions, the Solicitor ---

13 THE WITNESS: Okay.

14 MR. SPEEDY: Answer any questions the Solicitor might
15 have.

16 THE WITNESS: Okay.

17 CROSS-EXAMINATION

18 BY MR. SCOTT:

19 Q. Mr. McClintock, so you disagreed with Dill calling
20 her erratic?

21 A. Yes.

22 Q. Okay. What do you think about Robbie Bowers
23 saying she was irate?

24 A. He was just -- he was explaining her as -- as
25 being just crying and carrying on and irate is a term of --

1 of word of being -- somebody just all out of sorts; right?

2 Q. When he's angry, he is furious; correct?

3 A. What?

4 Q. Angry -- furious?

5 A. No, she was not angry and furious. No, I -- maybe
6 that's what ---

7 Q. Well ---

8 A. I don't know what the definition of irate is.

9 Q. You take my word for it. That's the definition.

10 A. Okay.

11 Q. I only ask you that because your attorney asked if
12 you agree with Dill's perception of her, and I'm asking if
13 you agree with your good friend, Robbie Bowers' perception?
14 He said she was irate.

15 A. I've lost the word that I was going to say. She
16 was -- she was just -- just crying and out of -- out of
17 sorts. I have lost my word, but I -- I consider irate angry
18 and yeah, irate would be angry and he wasn't -- she wasn't
19 angry to -- to deal.

20 Q. I just -- I want to ask you that because Robbie
21 Bowers was there?

22 A. Yeah.

23 Q. And that's how he described her.

24 A. Yeah. He said similar to the same thing then --
25 you know, she was -- she was irate with anybody that was

1 there. Or angry -- she was upset.

2 Q. Let me ask you -- so remember Brian Morris? They
3 call him Bubba. Remember him showing up to your house with
4 Dill?

5 A. They were -- there were a lot of -- of law men
6 there and I don't -- I don't -- I didn't know hardly any
7 except the couple that introduced their self to me.

8 Q. Do you remember what you told them? This was
9 about 1:30 in the morning, so about what --? Four hours
10 after the event happened?

11 A. Yep.

12 Q. And all those four hours you all just kind of
13 sitting around waiting for law enforcement to show up?

14 A. And -- and talking amongst each other and -- and
15 just kind of figuring out what -- still trying to gather what
16 had happened and get our nerves -- and get her nerves and
17 everything together. Yeah.

18 Q. You agree four hours is a good, long time?

19 A. Yeah, it was a pretty good while. Yep.

20 Q. But did it ever ---

21 A. But I was surprised that it took that long for the
22 law to get there.

23 Q. But did it ever occur to you to call law
24 enforcement and let them know if you all were looking for
25 Stacey and we got a pretty good idea of why you all would be

1 looking for her -- here's where you can find her?

2 A. No, I figured that with 911 probably being already
3 called and with the technology that they got, they probably
4 knew about where we were anyway. I mean, you get an address,
5 you can go to it with the technology they have in the cars
6 and whatever.

7 Q. But you guys didn't call 911. So how could they
8 track you all down if you all didn't place a call from your
9 house? I'll move on. Would it surprise you that you never
10 mentioned anything that night to law enforcement about what
11 you testified to Stacey saying, you never mentioned to them
12 that she said anything about an accident. Would that
13 surprise you?

14 A. Who didn't say anything about an accident?

15 Q. You. You never told law enforcement that she said
16 anything about how an accident would've gone?

17 A. I don't rightly remember what all I said that
18 night.

19 Q. Oh, would it be helpful if I showed you what you
20 said?

21 A. It might, they tried to get a lot of stuff out of
22 me. I don't know what they were -- I was just, you know, I
23 was just trying to -- for what they were asking me, I was
24 trying to answer their question to the best of my knowledge
25 at that point because I really didn't know.

1 Q. Okay. Well, you -- do you remember telling them
2 the only thing you told them, you told twice that she said,
3 "She might have made a mistake." She just said, "She made a
4 mistake." That's what you said. Do you remember that?

5 A. Yeah, I remember something to that thing, but
6 there was lots of mistakes made that night -- that day.

7 Q. No doubt about it. But you never said anything
8 about an accident. I'm just curious why you're saying that
9 today in light of the testimony and some of the things that
10 were mentioned just today?

11 A. I just didn't remember it that -- at that point I
12 don't.

13 Q. Okay. So you don't remember four hours after the
14 incident, but you suddenly remember six years after the
15 incident? How many meetings have you had with Mr. Speedy
16 over the years?

17 A. There -- there was from -- from after the accident
18 to there we didn't -- we didn't have any until recently. I
19 don't think.

20 Q. You all -- you all had a lot of talks in his
21 office and you all have kind of gone around town together
22 too, have you not?

23 A. Yeah.

24 Q. Okay. And we discussed the accident a good bit
25 just recently?

1 A. Well, that -- well because I didn't tell her,
2 don't mean she didn't say it to me then I just didn't -- it
3 just didn't -- I just didn't say it at that -- that for
4 whatever they were asking.

5 Q. Okay. But they -- they ---

6 A. So when she got out of the car said, "It was
7 accident -- accident, I don't know what happened" so...

8 Q. Their job, you would agree with me, is to get as
9 much information right off the bat? We got to get all this
10 information, we got to hear everybody's side of the story and
11 they come to you and say, "Willis tell us what you know, tell
12 us everything so we can investigate this thing to the
13 fullest." That is the time you give them everything you
14 know; correct? So they can do their job and investigate;
15 correct?

16 A. Yeah, but I was -- I was not trying to say a whole
17 lot before I talked to the lawyer also.

18 Q. Okay. Okay. So you -- you didn't want to tell
19 them some of the stuff that you may have known?

20 A. Right.

21 Q. Were you worried about them investigating a little
22 bit further?

23 A. No, I wasn't worried about them investigating
24 further, but ---

25 Q. You just didn't want to give him information that

1 you knew?

2 A. We would not want -- we wanted to make sure that
3 we were not being railroaded or -- or down whatever by the
4 law before we talked to the lawyer to understand what --
5 where we needed to be or what our rights were as far as
6 talking to the law.

7 Q. Did you want to make sure you said the right
8 thing; correct?

9 A. You can -- if you want to say it that way, I mean.

10 Q. I don't -- let me ask you this, you -- you're
11 certainly not saying that this man, this investigator and the
12 other ones weren't anything other than polite to you that
13 night? You're not saying that, are you?

14 A. No, I'm not saying that.

15 Q. You had small talks, you talked about Brian Morris
16 talked about his son who really loved fishing and really
17 loved hunting, and then he talked to your wife. Your wife
18 happened to have been a care giver or a -- a excuse -- like a
19 childcare ---

20 A. Childcare.

21 Q. -- for his kids. And you all seemed to have a
22 very easygoing back and forth conversation. Do you recall it
23 to be that way?

24 A. That night?

25 Q. Yeah.

1 A. No, I do not.

2 Q. Do you -- were they being aggressive with you? Do
3 you remember anything like that? What are you saying?

4 A. No, he wasn't being aggressive, but I don't
5 remember us talking about hunting and fishing or whatever. I
6 just -- no.

7 Q. You want me to show you or will you just take my
8 word for it? That's what you all were talking about. I got
9 it recorded if you want to watch it. But you -- you're not
10 saying they intimidated you by in any way, did they?

11 A. No, they didn't intimidate me.

12 Q. Okay. And -- and they -- they asked very easy to
13 understand questions, did they not?

14 A. Yep.

15 Q. Okay. And you never said anything about an
16 accident that night?

17 A. Maybe not.

18 MR. SCOTT: All right. Thank you, Mr. McClintock.

19 THE COURT: It's okay. It's okay.

20 RE-DIRECT EXAMINATION

21 BY MR. SPEEDY:

22 Q. Look, so you told me the same story every time you
23 came to see me?

24 A. Yes, sir. I talked to ---

25 Q. Did you ever change it?

1 A. Nope.

2 Q. Did I ever ask you to change it?

3 A. Nope.

4 Q. Did you and I -- while we were arriving around
5 trying to get evidence, by the way, did -- did we talk about
6 you doing anything with your -- your statement?

7 A. No.

8 Q. You just told the truth?

9 A. I just told the truth.

10 Q. You know, when you're around the preacher, you
11 don't swear, do you?

12 A. No. You don't swear around the preacher.

13 Q. And sometimes around police officers, you don't
14 talk too much, do you?

15 A. That's right.

16 MR. SPEEDY: Thank you.

17 THE COURT: Any follow up, Mr. Scott?

18 RE-CROSS EXAMINATION

19 BY MR. SCOTT:

20 Q. You don't want to see your daughter get in trouble
21 for this, do you?

22 A. I want to try to take care of my daughter and
23 defend my daughter, yes.

24 Q. Okay. You don't want to see her get in trouble
25 over this, do you?

1 A. No, I don't -- to tell you the truth. But I mean,
2 I know she's probably going to get in some trouble for it,
3 but...

5 THE COURT: Now you may step down, Mr. McClintock.
6 Thank you very much.

8 MR. SPEEDY: Your Honor, is it be a good time for a --
9 a short break?

12 (Bench conference.)

14 Does the Defense wish to call any more witnesses,
15 Mr. Speedy?

18 THE COURT: Okay. Thank you very much.

19 And does the State intend on calling any reply
20 witnesses?

22 THE COURT: Okay. All right. So ladies and gentlemen,
23 we're at the conclusion of the testimony in the case. You
24 got two options, okay. If we were not on the Monday of the
25 second week, I probably wouldn't give you a choice, okay? I

1 would probably say we're going to come back tomorrow and
2 argue in charge in the morning, but we are on the Monday of a
3 second week through -- oh, we're missing, somebody leave?
4 Oh, okay.

5 UNKNOWN JUROR: This one.

6 THE COURT: I mean, where'd he go? Is he coming back?

7 UNKNOWN JUROR: I hope so.

8 THE COURT: Okay. Hang tight. I'm glad you all
9 pointed that out to me. I would've gone on for five minutes
10 if he wouldn't have been in here. Hey, welcome back.

11 All right. So, Mr. Foreman, you missed this. So the
12 Defense has rested their case. The State is not calling any
13 reply witnesses. Okay. So what I was explaining was if we
14 were still on week number one and on a Wednesday or a
15 Thursday, I would say let's just stop here for the day and
16 come back tomorrow morning.

17 Okay? What is left to do is closing arguments. So
18 there will be three closing arguments. The State will go
19 first, the Defense will go second, and then the State will be
20 allowed to make what's called a reply argument. And then I
21 charge you on the law and then you start deliberating.

22 Okay? Now, in order for me to get to the position
23 where I'm ready to do closing arguments, it's going to take
24 best case scenario, 30 minutes worth of legal arguments with
25 the parties about different things that we need to take up at

1 this point in the trial.

2 So since it is the second week and it is you all who
3 are missing work and everything else, I'm going to let you
4 all make the decision. You don't have to make it out here.
5 I'm going to send you back to the jury room. So option
6 number one is you give me about 30 minutes, maybe 45 minutes.
7 And that puts us starting closing arguments. You know, in
8 the 5:00 range we would order you dinner which will be here.
9 And then, once closing arguments and jury charges are done,
10 you would start deliberating tonight. Okay? That's option
11 number one. There is no time limit on your deliberations,
12 right? And so there's no specific set time that you have to
13 make a decision by. There's no never any time limits.

14 Option number two is that we just stop where we are
15 right now. You all go home, I stay here, I work out all the
16 legal issues this afternoon that I need to work out. And
17 when you come back tomorrow morning at 9:30, they make their
18 closing arguments, I instruct you on the law, I order you in
19 lunch. And you start deliberating and whenever you finish,
20 you finish.

21 Okay? So does everybody understand the two options?
22 Okay. All right. So I'm going to -- does anybody have any
23 questions about the two options? Okay. I know there was an
24 issue last week with getting work excuses. We can, of
25 course, provide you a work excuse for tomorrow if you want

1 one.

2 So what I'm going to do is, I'm going to send you back
3 to the jury room. I -- I -- you don't need to hash it all
4 out in front of me. You all need to figure out, do you want
5 to stay tonight and try to get through tonight or do you want
6 to come back tomorrow. And we will argue and charge first
7 thing in the morning, and then you start deliberating right
8 after that. My schedule is free -- I can do either one. I'm
9 with you. And there's nothing else pressing that I have to
10 be at. So it's the parties and -- and the Court are
11 completely available either way. So I'm going to send you
12 back to your jury room.

13 Mr. Foreman, if you'll just send me a note out with --
14 do you want to stay tonight or start tomorrow? Okay?

15 MR. HAAG: Tomorrow.

16 THE COURT: There you go. Okay. Everyone else kind of
17 stay seated.

18 (Jury exits courtroom.)

19 THE COURT: All right. I don't think this will take
20 really long so don't go very far, but we'll be in recess
21 until we hear something. Okay. I wouldn't leave the
22 building. If you want to go to the restroom or get a drink
23 of water, that's perfectly fine, but don't go too far.

24 MR. SWERLING: Judge, you all have to put on a motion
25 for directed verdict.

1 THE COURT: We -- we'll do all that. Yeah. I'm -- I'm
2 -- I'm going to put on there that we just did it that way for
3 expedient for the jury. I haven't -- and that's -- I just
4 wrote myself this -- discuss. So I'll obviously let you do
5 that and review all that when we -- whatever decision they
6 make, we'll let you do all those things.

7 MR. SWERLING: Okay.

8 THE COURT: Okay. All right. Thank you. We'll be in
9 recess for just until we hear something. Thank you very
10 much.

11 (Off the record.)

12 THE COURT: Bring them in. All right. They requested
13 to come back to tomorrow -- tomorrow. For anybody that
14 didn't hear me, I'm going to bring them in and let them go
15 and give them all the normal warnings. Tell them to come
16 back tomorrow at 9:30 and Ginger will need to order them
17 lunch.

18 (Jury enters courtroom.)

19 THE COURT: It's just going to be a second, so just pop
20 in real quick. Did we lose the foreperson again? That was a
21 joke. I was kidding. Okay. So I think you made the right
22 decision, just honestly because it gives the attorneys the
23 evening to kind of process through things, put their thoughts
24 in a much more orderly fashion. It gives me -- I don't feel
25 like I'm rushed trying to get everything together for the

1 jury charge.

2 So I'm going to go ahead and release you for the
3 evening. You did a great -- hard work today. Everybody's
4 paying attention, fully engaged, paying attention to me, to
5 the attorneys, to the witnesses. That's greatly appreciated.
6 I'm going to release you for the evening, give you the
7 standard instructions which are: Do not discuss the case with
8 anybody, do not have any contact with anybody involved in the
9 case. Do not do any research on the case. We'll see you
10 tomorrow morning at 9:30.

11 When you come in in the morning, we're going to take
12 your lunch order for lunch tomorrow and we'll be ready to
13 roll and we'll jump right into what we need to. And does
14 anybody need a work excuse for tomorrow, tonight, or can we
15 give that to you tomorrow? Okay. If you do need one, just
16 let the bailiff know and we'll get you one for tomorrow.
17 Okay. Thank you very much. We'll see you tomorrow morning
18 at 9:30.

19 (Jury exits courtroom.)

20 THE COURT: Yeah. Okay. All right. Now, for the
21 record the -- we're going to let the Defense put their
22 motions on that they make at the end of the presentation of
23 their case. I'm going to find, for the record, that they've
24 made them at the appropriate time and under the appropriate
25 circumstances. We were just dealing with the jury at the end

1 of the day and it was easier just to let them rest -- let the
2 State rest, and then deal with the jury.

3 But let's go ahead and do Defense motions at this time,
4 please, Mr. Swerling or Mr. Speedy -- either one.

5 MR. SWERLING: You Honor, just what I would like to do
6 is, at this time move for directed verdict may incorporate
7 hearing the argument made conclusion of the State's case, if
8 the Court would allow that?

9 THE COURT: Yes, of course.

10 And any response from the State?

11 MR. SCOTT: No, Your Honor. Just like taking most
12 favorable to the nonmoving party, we believe there was
13 sufficient evidence.

14 THE COURT: Right. Considering the existence of the
15 evidence and not the weight of the evidence. Therefore, any
16 of the Defense's motion for directed verdict is respectfully
17 denied. There's sufficient evidence in the record for the
18 case to go forward to the jury based upon the witness
19 testimony that's been provided and the reasoning I gave
20 before. I find the Defense has renewed all their previous
21 motions. My rulings upon them would be the same, and their
22 motion for a directed verdict is respectfully denied.

23 Okay. Would you all like to do a charge conference in
24 chambers? Is that okay with the Defense?

25 MR. SWERLING: Yes, sir.

1 THE COURT: Is that okay with the State?

2 MR. SCOTT: Yes.

3 THE COURT: Okay. All right. So if you're in the
4 audience, let me kind of walk you through what's going to
5 happen next just so, you know, I don't know. I don't ever
6 know how much information you all are getting. Does that
7 make sense? So if you've already heard this, I apologize.
8 I'm not trying to waste your time.

9 So what's going to happen now is the attorneys are
10 going to come back in chambers with me. And we're -- what
11 we're going to be discussing are what are called the jury
12 charges, okay? And that's the law that I will tell the jury
13 tomorrow after closing arguments. So sometimes we do that
14 out here, sometimes we do that in chambers. Each case is
15 just kind of unique. So we're going to do a -- do -- do --
16 do them in chambers.

17 So nothing else is going to happen here in the
18 courtroom tonight. Does that make sense? So there's nothing
19 else. We're not going to come back in here and argue about
20 anything or anything like that. We'll go back in chambers.
21 And then when we leave there, the attorneys will know exactly
22 what law I'm going to be telling the jury and what law I'm
23 not going to be telling the jury tomorrow. And they will
24 have a copy of that tonight.

25 And then, so nothing else will happen in the courtroom.

1 There's no point in staying around or waiting. We're not
2 going to come back in here and argue about anything tonight.
3 And then tomorrow morning at 9:30, we'll do closing
4 arguments. So the way closing arguments will work in this
5 case, in each case it's different depending upon what happens
6 in the case. But the State will go first, the Defense will
7 go second, and then the State will be allowed to make what's
8 called a reply argument after that.

9 So we'll have three closing arguments, and then I will
10 instruct the jury on the law as it pertains to the issues
11 that have arisen in this case. And once those four things
12 happen the jury will be sent back to the jury room and we'll
13 start deliberating tomorrow. So there's no point in staying
14 around here tonight. You're not missing anything if you go
15 ahead and go home or wherever you go.

16 Ms. Catoe, I do need to give you the normal warning
17 that I give you at the end of each day, which is, if you're
18 not here tomorrow, we're going forward whether you're here or
19 not. And if you're not here, I'll issue a warrant for your
20 arrest. You've shown up every day. Again, I have no qualms
21 about you staying out on bond. I just need to give you that
22 warning just so the record is protected.

23 And so thank you all very much and we'll see you all
24 tomorrow morning at 9:30. And I'll see the attorneys in
25 chambers for a charge conference whenever you all are ready.

1 Okay? Thank you very much.

2 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT

3 4:17 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 14th 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 15, 2024

2 THE COURT: All right. Anything we need to take up
3 from the State?

4 MR. SCOTT: No. We have an additional jury charge.

5 THE COURT: Okay.

6 MR. SCOTT: Request potentially transfer of intent
7 after yesterday's testimony. Testimony was that Jody Catoe
8 exchanged words with the Defendant.

9 THE COURT: Right.

10 MR. SCOTT: Jody Catoe made some furtive movement
11 according to the Defendant, which caused her to pull the
12 pistol out and fire it so...

13 THE COURT: Right.

14 MR. SCOTT: It could be helpful in explaining to the
15 jury if -- if -- if they believe that her true intended
16 target was Jody, that it matters -- not that she hit Brenda
17 instead of him. It -- it, you know, intent is transferred.

18 THE COURT: Do you have a charge that says that?

19 MR. SCOTT: I sent it to JD. It is just a standard
20 transferred intent.

21 THE COURT: So your theory is that the -- the
22 transferred intent -- the intent -- the intent doesn't
23 transfer?

24 MR. SCOTT: No, it does. Just after yesterday's
25 testimony of -- if the jury is somehow confused as to what

1 her true target was, then -- then transfer of intent would
2 explain that.

3 THE COURT: Okay.

4 MR. SWERLING: Judge, I'd have to see the proposed
5 charge that he's talking about on transfer of intent. I'm
6 not sure what that would really apply in this situation. So
7 I -- there was no -- she didn't have an intent to shoot
8 anybody. And obviously the target would've been, if she was
9 defending herself, would've been Jody Catoe. So I don't know
10 that that would apply in this particular situation.

11 THE COURT: So what it says is, "If the Defendant with
12 malice aforethought attempts to kill another person, but by
13 mistake injures or kills a different person, the Defendant
14 still has the intent to kill. The intent to kill is merely
15 transferred from the original person the Defendant attempted
16 to kill to the actual person killed."

17 MR. SWERLING: Yes, sir. Under the facts of this case,
18 I don't think that would be applicable. I don't think it
19 fits what the theory is here or what the State presented in
20 this case.

21 THE COURT: Yeah.

22 MR. SCOTT: It's in light of the Defense presentation
23 yesterday that -- that it was Jody that caused her to take
24 the weapon out and fire it after his words and his actions.

25 MR. SWERLING: But what she was saying was that she did

1 that -- armed herself in self-defense based upon his conduct
2 and past experiences with her. So I don't believe that you
3 could -- that intent could be transferred. I don't know that
4 they have proven that intent to kill him, which would not be
5 transferred. Obviously, if there's no intent to kill him,
6 there would be no transfer of intent to kill her.

7 MR. SCOTT: No, that's their -- that's their theory of
8 the case, that it was self-defense. Of course, our theory is
9 that she had malice aforethought and the intent to kill with
10 malice ---

11 THE COURT: (Crosstalk) the case was it was an
12 accident.

13 MR. SCOTT: That is absolutely not my theory of the
14 case.

15 THE COURT: No, their theory not -- not yours, I'm
16 sorry.

17 MR. SCOTT: Well, that -- that's -- well, then they've
18 -- they've got sort of a melded hybrid self-defense/accident.
19 Of course, the State says she fully intended to shoot into
20 that car.

21 THE COURT: Well, I think -- I think the State's theory
22 is she intended to shoot, we're not sure who she intended to
23 shoot. Because based upon her own testimony, I don't know if
24 she was trying to shoot Jody or trying to shoot Ms. Coates.
25 I don't know who the State does either. I don't know the

1 name.

2 MR. SCOTT: I don't -- I've got evidence of malice
3 towards both of them so...

4 THE COURT: Right.

5 MR. SWERLING: Judge, I would make it even more
6 inapplicable because if a theory is that she was intending to
7 kill Brenda, then there would be no transfer of intent. I
8 mean, they'd have to ---

9 THE COURT: Well, I think based upon -- based upon her
10 testimony that she could, it -- it -- it's an easy inference
11 that to transfer -- I mean she could be trying -- intending
12 to kill either one of them or both of them.

13 MR. SWERLING: Right. Except that it would not -- the
14 transfer of intent is you intend to kill one person, but you
15 kill somebody else.

16 THE COURT: But isn't that right along with what the
17 Defense has presented, which she was, she armed herself to
18 defend herself against Jody and then Ms. Coates ends up
19 dying. So she intended to shoot at Jody -- Jody, I
20 understand that. She says it was an accident, and then that
21 intent transfers to Ms. Coates.

22 MR. SWERLING: Except that we -- the State's presented
23 that it could have been that she intended to kill Jody or she
24 intended to kill Brenda. So that -- because the State's
25 theory is that she may have intended to kill Brenda, then it

1 would not -- it should not be a transfer of intent charge.

2 It should just be an intent charge, criminal intent.

3 THE COURT: All right. I'm going to I'll charge it. I
4 think it's appropriate based upon course with jury charges.
5 The standard is that any evidence in the record to support
6 the jury charge and obviously there -- any good evidence or
7 is there any believable evidence or really what my opinion of
8 the evidence is. But I think there's clearly evidence in the
9 record based upon the testimony of Ms. Catoe and Mr. Catoe
10 for the transfer of intent. So I will add that, I'll put
11 that -- I'm going to put transfer intent after accident. I'm
12 taking out that API case sentence that's in there.

13 MR. SWERLING: I'm sorry, Your Honor.

14 MR. SCOTT: I'm sorry. Yeah, I did -- I --

15 THE COURT: There was an API case sentence in there.
16 I'm taking that out. Okay.

17 MR. SCOTT: That was -- I did that.

18 THE COURT: That's okay.

19 MR. SCOTT: First cup of coffee this morning.

20 THE COURT: All right. Any other jury charge issues
21 from the State?

22 MR. SCOTT: No, Your Honor.

23 THE COURT: Okay. And from the Defense?

24 MR. SWERLING: Your Honor, yes. With respect to charge
25 of accident, you have in your charge that the Defendant while

1 acting in self-defense is acting lawfully.

2 THE COURT: Yes.

3 MR. SWERLING: I believe that that should also be when
4 we talked about involuntary manslaughter. Add that as well,
5 because it'd be the same standard. You would have to be
6 acting lawfully.

7 THE COURT: But that's in the involuntary manslaughter
8 charge. Give me the charge.

9 MR. SWERLING: I'm talking about the -- well, I -- I
10 didn't see -- I'm sorry.

11 THE COURT: Yeah, yeah, because I had that same exact
12 thought last night when I was crafting it. Hold on one
13 second. Yep. Hold on. I got to get this. How do I make it
14 go to one page so I can scroll through? Just make it on one
15 page. Okay. Okay. So with the involuntary manslaughter
16 charge, it normally has two clauses. One clause is if the
17 person was engaged in unlawful activity, right?

18 And then there's one clause and then it says, "Or
19 engaged in unlawful activity." So I took out the engaged in
20 unlawful activity because I don't think there's any record
21 that she was doing anything unlawful. So what it says is,
22 "To prove involuntary manslaughter, the State must prove
23 beyond a reasonable doubt that the Defendant unintentionally
24 killed the victim without malice, while engaged in a lawful
25 activity with that reckless disregard for the safety of

1 others." In unintentional means that the Defendant did not
2 intend for anyone to be killed or seriously injured.

3 MR. SWERLING: Sorry, what I'm asking is the same
4 language that you -- that was used in the accident charge --
5 person who shoots in self-defense or arms himself in
6 self-defense is acting lawfully. It's the same as the
7 accident charge. That one, that last sentence I think.

8 THE COURT: Mr. Scott, thoughts on that?

9 MR. SWERLING: Pardon?

10 THE COURT: Hold on. Mr. Scott, thoughts on that?

11 MR. SCOTT: Well, I mean, I -- I think that is a sound
12 legal theory. I mean, the lawful aspect would be negated if
13 they armed themselves in self-defense. So I didn't catch
14 that when I read your charge earlier, and I have them pulled
15 up in front of me. But what you had tracks the -- the law, I
16 understand it. What Mr. Swerling is talking about is the way
17 I understand the law.

18 MR. SWERLING: I mean, we agree with the charge, just
19 that the -- the asked that part that's in the accident
20 charge. Now, acting law -- acting lawfully, someone who is
21 engaging in self-defense is acting lawful, in case that
22 becomes a question.

23 THE COURT: Okay. All right. Hold on. Tell me what
24 you wanted to -- say a person acting in self ---?

25 MR. SWERLING: Yeah. It'd be the same. It would be a

1 person is acting lawfully is acting in self-defense.

2 THE COURT: So a person acting in self-defense is
3 engaging in lawful activity?

4 MR. SWERLING: Right. Yes.

5 THE COURT: Okay. Okay. That one's it.

6 MR. SWERLING: The only other comment I would have,
7 Judge, is the talking about careless negligence or reckless.

8 THE COURT: Right.

9 MR. SWERLING: With respect to accident or involuntary
10 manslaughter. We -- I just thought, I -- I submit that mere
11 negligence is not -- was not enough to go ahead and warrant a
12 charge that -- that in and of itself could create basically
13 it says, "An unintentional and lawful act is that an
14 unintentional and lawful act not carries negligent or
15 reckless." I don't -- I submit that negligent should not be
16 in there. It should be referenced, just referenced.

17 THE COURT: I think the Court of Appeals and the
18 Supreme Court disagree with you on that.

19 MR. SWERLING: Well, that's not unusual.

20 THE COURT: I mean, I -- that charge was taken directly
21 from Judge Hills instruction to the Court of this is what the
22 new accident charge should be in 2020.

23 MR. SWERLING: Yes, sir. I just take objection to
24 that, you know, I -- I would submit it should be a reckless
25 with respect to both accident and long to events (inaudible).

1 THE COURT: Okay. Noted for the record. And I believe
2 you protected that issue. And you do not need to object
3 during the charge to that. You can just do it at, just renew
4 it at the end of the charge.

5 MR. SWERLING: Yes, sir.

6 THE COURT: Okay. All right. Any other charge related
7 issues from the States?

8 MR. SCOTT: No, Your Honor.

9 THE COURT: Any other charge related issues from the
10 Defense?

11 MR. SWERLING: Nothing, Your Honor.

12 THE COURT: All right. So Ginger, I need that printed
13 and print the verdict form for me.

14 Okay. All right. So if you're in the courtroom number
15 one, welcome. Thank you for being here. I appreciate each
16 and every one of you that have appeared throughout this trial
17 regardless of which side of the courtroom you are on, or who
18 are you -- are here supporting. So I do want to kind of give
19 you this instruction. And I will say that you all have done
20 an excellent job this week. Not one phone has gone off.

21 There's hasn't been any major disruptions. And I want to
22 tell you that I personally appreciate that and I appreciate
23 your respect towards the court, not me, but just towards the
24 fact that we're in court. And that is greatly appreciated.
25 And I -- I thank you for that. I have all kinds of problems

1 all over the state with issues like that, and you all have
2 been very professional this week, and that is much
3 appreciated.

4 So we have now come to the point of the trial, which
5 are known as closing arguments, and this is the lawyer's last
6 opportunity to talk to the jury. Okay. So I don't put time
7 limits on people. Sometimes I wish I did. Okay. But I have
8 sat where they're sitting and I never liked it when a judge
9 put a time limit on me. And so I've never done it, even
10 though in hindsight, sometimes I wish I had.

11 However, what I need you to do is if you're in here
12 now, I need you to stay in here through each of the closing
13 arguments. Okay? So the State's going to go first, the
14 Defense is going to go second, then the State will make a
15 reply argument. Okay? And at the end of that argument,
16 who's making the reply argument?

17 Dale, you making the -- Mr. Scott. Okay. And Mr.
18 Scott's -- at the end of his argument in which will be after
19 the Defense. If you want to slide out or go to the restroom,
20 that's the time to do it, okay? Because jury -- my jury
21 charges are never exciting. They're never enlightening.
22 It's impossible to be engaging and read the law out loud. So
23 if you want to slide out after that, that's perfectly fine.
24 We will lock the back doors during jury charges. And so if
25 you want to slide out before those start that's great, but

1 this jury charge will probably take somewhere in the
2 neighborhood of 30 to 40-45 minutes to go through. So if you
3 want to slide out when all the lawyers finish, get a -- go
4 outside get a breath of fresh air, get a drink of water, go
5 to the restroom, that's perfectly fine. I take no offense to
6 that.

7 In fact, I encourage you to slide out, but if you're in
8 you here, I want you to stay in here except for that one
9 exception, so that the jurors are giving the lawyers their
10 full of undivided attention. And I know the lawyers will
11 appreciate that and I will appreciate that as well.
12 Everybody grab your phones, make sure they're on -- off or
13 silenced. That's no fun when they go off during closing
14 arguments.

15 My TV camera guy, we're not putting any jurors on the
16 TV; is that correct? And no live stream. We got that
17 message. Thank you very much. Welcome, and thank you for
18 being here, and thank you for submitting the form. Much
19 appreciated.

20 And anything else from the State before we bring them
21 in?

22 MR. SCOTT: No, sir.

23 THE COURT: Okay. And from the Defense?

24 MR. SWERLING: Your Honor, could you give me one
25 moment?

1 THE COURT: I can. Do we have a computer to play the
2 911 tape on?

3 MR. BRADBURY: For the jurors, Your Honor?

4 THE COURT: Yeah.

5 MR. BRADBURY: Yes, we do.

6 THE COURT: Okay. Thank you. What I call a clean
7 computer?

8 MR. BRADBURY: Yes, sir.

9 THE COURT: Okay. Great. Yeah, correct. Just when I
10 start, after all the arguments, when I start my jury in
11 charge, lock the doors; okay?

12 MR. SCOTT: Thank you, Judge.

13 MR. SWERLING: Judge, did you follow State v. Beatty
14 where they have to their reply argument has to be rebuttal?
15 They have to open in full.

16 THE COURT: Yes.

17 MR. SWERLING: Okay.

18 THE COURT: Yes. The -- the -- the State v. Beatty
19 rules are in full effect, so they have to open in full. Are
20 you all dividing the argument or?

21 MR. SWERLING: I'm going to open briefly on the law and
22 not cover the facts, and Mr. Speedy is going to talk about
23 all the facts.

24 THE COURT: Great. Okay. All right. Let's bring them
25 in.

1 (Jury enters room.)

2 THE COURT: All right. Welcome back, ladies and
3 gentlemen. Thank you very much for being on time and ready
4 to go. As I told you yesterday when we left, the next thing
5 in the process is what we call closing arguments. This is an
6 opportunity for the attorneys to come before you and to
7 summarize the case from their respective points of view. As
8 with everything that we do in this courtroom, there is an
9 order to how things go. I'm not just making this up.

10 And so the State will be allowed to give an opening --
11 excuse me, a closing argument first. The Defense will go
12 second, and then the State will make a reply argument.
13 Depending upon how long those things take, we may or may not
14 take a morning break or we may jump right into the charge on
15 the law. And so you all have done an excellent job this
16 week.

17 I literally have not had one issue with any of you
18 being asleep or not paying attention or just kind of out of
19 it. Those are things that I normally deal with -- with
20 jurors who are doing one of those things. All 14 of you have
21 been completely engaged, giving the lawyers your attention,
22 giving the witnesses your attention. And I know that I
23 appreciate that. I know the lawyers truly do appreciate
24 that. We all try cases together all over the state of South
25 Carolina. And so it's a -- you've done an excellent job this

1 week, and I appreciate that.

2 This is the attorney's final chance to talk to you. So
3 I ask that you give them your undivided attention. And I
4 will start with the State closing and whoever's closing may
5 go ahead whenever they're ready.

6 MR. SCOTT: Thank you, Your Honor. May I please the
7 Court?

8 THE COURT: Yes, sir, Mr. Scott.

9 MR. SCOTT: It is been said that we were all born to
10 die. From the day we were born it's just of match day after
11 day, week after week towards the inevitable wreck. It's a
12 sobering thought. So sobering in fact, that our brains don't
13 even allow us to ponder our own death for more than a few
14 moments at a time. Some biological mechanism actually did a
15 study some neurologists hooked up, some people to brain
16 scanners, and showed them a number of images. They would
17 show different faces with words like funeral or grave or
18 burial. And the subjects had no problem associating these
19 people with these words. But when their own image flashed on
20 the screen with one of these words, death, funeral, burial,
21 their brain was unable to make that association, was unable
22 to make that connection.

23 And that was interesting. That primal mechanism that
24 -- that created that disassociation for these subjects. When
25 they were unable to conceive that death was something that

1 would happen to them instead of just other people. Probably
2 a mechanism to keep us all on the here and now. Right?
3 Humans probably don't progress, probably don't get any better
4 if they sit around all day thinking about the end, but we
5 have all wondered it that way. You know, everybody kind of
6 thinks about, you know, how old will I live? How will I go?
7 And then you may even go down a different rabbit hole.

8 What if I take a left turn instead of a right? And
9 what if I leave the house at 8:10 instead of 8:15? What if I
10 take the plane instead of the train? Moments of fate,
11 crossroads in our life happened all the time, sometimes
12 without even knowing it.

13 Waylon Jennings was supposed to be on the plane that
14 day -- the day the music died. You all ever heard that
15 story? At the time, Waylon was a bass player in Buddy
16 Holly's band. They were touring all over the Midwest in
17 1959, the winter of 1959. And it turns out that they were
18 touring, going town to town. It was a 24 cities and 24 day
19 tour rather daunting in the Midwestern the winter. And the
20 buses that they had were unreliable. They were cold, they
21 would breakdown fairly regularly.

22 So frustrated by these freezing conditions Buddy Holly
23 actually chartered an airplane to make the trip from Iowa to
24 Minnesota. And listen to this -- this -- this is wild. He
25 had seats for himself and his band, of course, Waylon

1 Jennings, there was a Carl Bunch, and Tommy Allsup. Allsup
2 ended up losing his seat to Ritchie Valens. Remember La
3 Bamba? So in a coin toss, somebody sealed their own fate,
4 and somebody who lost the coin toss went on to live another
5 day.

6 The Big Bopper, remember Chantilly Lace, real name was
7 JP Richardson. He begged Waylon Jennings for his seat. You
8 see, the Big bopper was suffering from the flu, begged
9 Waylon, can I please have your seat? Man, I'm so sick.
10 Reluctantly, Waylon gave up the seat to the Big Bopper, and
11 we all know what happens. Everybody on that plane died in a
12 plane crash.

13 What if I hadn't given up my seat? What if
14 Brenda Coates never moved to Kershaw County? What if she had
15 never gotten that job at the River Deck? What if she'd never
16 had the misfortune of meeting Jody and Stacey Catoe? Life
17 seems to be one missed plane ride after another. One
18 crossroads after another. Do I take a left? I take a right
19 and keep going straight. Make these decisions every day that
20 could potentially change the arc of our entire lives.

21 Brenda Coates died on a dark -- a dark, lonely, rural
22 crossroads. June 17, 2018, she was left to die on the side
23 of the road at the crossroads of Highway 521 and Cato Road.
24 Decision that Stacey Catoe made that night was deaf. Could
25 Brenda Coates have ever let herself imagine dying in such a

1 manner? Did she ever conceive of her in being like this at
2 the hand of somebody she knew, bleeding out helplessly on
3 that lonely dark crossroads? That's how it all ended for
4 Brenda Coates. And that's how somebody's mother, somebody's
5 daughter, somebody's grandmother was lost. All because of
6 decisions. Stacey Catoe, we all have decisions, don't we?

7 Jody and Stacey Catoe's marriage is a study of
8 dysfunction. Can we all agree on that? To even call it a
9 marriage is -- is somewhat of an insult to that very
10 institute; isn't it?

11 Jody Catoe seemed to carry on with his affairs with
12 Brenda Coates out in the open, or if he was hiding it, he --
13 he was doing a terrible job of it. Sounds like it was common
14 knowledge. Sounds like people have pictures of them. Sounds
15 like people were reporting back that they're together,
16 they're here -- they're there together. So if he was hiding
17 it, he wasn't doing a good job.

18 Then you have Stacey -- Stacey Catoe. She had been in
19 a relationship since 2018 with Christy Huebner Majors for
20 four years. By the time 2018 rolls around, they were
21 celebrating their four year anniversary. She would sneak her
22 lover into her marital home to have sexual encounters with
23 her. And I -- I don't know what -- what we want to call it,
24 because she didn't call it an affair. She didn't call it
25 sexual relations, but they were having sex. So whatever the

1 semantics were that she disagreed with, I think we finally
2 got her to agree that she was having sex with these people.

3 She was also in a sexual relationship with JB at the
4 time. I don't know that we ever got the identity of JB. She
5 said she assumed it was Jim Wilson, but she finally admitted
6 that they were having sex too. Same time she was having an
7 affair with Christy Huebner, by the way. Top it all off she
8 had very strong feelings for Brenda Coates and tried her best
9 to court her, even telling her that she didn't give a damn
10 about the fact she was married.

11 So Brenda Coates getting tangled up with these two was
12 a situation that -- that was like a powder keg, and it was
13 just due to explode. And it's like Mr. Bradbury said in his
14 opening statement, in these open relationships or open
15 marriages or -- or whatever their arrangement was, somebody
16 always gets hurt. And we -- we know who it was in this
17 situation. It was Brenda Coates. The result was deadly.
18 What if she had never associated with these two? What if?
19 June 17, 2018 was Father's Day.

20 Jody Catoe decided to spend that Sunday probably how he
21 spent a lot of Sundays -- drinking. That seems to be the
22 common thread in their relationship. Jody and Stacey's
23 relationship is -- is just the shared love of -- of drinking
24 and getting drunk.

25 He apparently had worked some earlier in the day, went

1 home to shower, and then took his work truck to the VFW where
2 he drank. A guy named Jim Wilson was there too. That's who
3 Stacey said JB was in her text messages.

4 Jody and Jim Wilson decided to ride together in Jody's
5 work truck down to the lake to go out on a pontoon that some
6 friends had rented. So they -- they go down to the Wateree
7 Marina. They get on board the pontoon and Brenda Coates was
8 also on board the pontoon. They carry on for a while.
9 Apparently they were out there for a number of hours drinking
10 some more.

11 Jim Wilson got a call at some point that, hey, it's
12 Father's Day, don't you think maybe you should come home and
13 spend it at home? Jody wasn't ready to leave yet. Jim asked
14 Jody, "Can I take your truck? I got to get home. My car is
15 still up at the VFW where we were earlier." Jody said,
16 "Yeah, I'm staying here." Jim takes the truck, goes to the
17 VFW, and per their arrangements left the keys in the gas
18 tank. Left Jody down there to carry on down at the lake or
19 the river, whatever they call it. Lake Wateree is what I --
20 I assume they're talking about.

21 Jody had indicated that he had hoped to catch a ride
22 with the Vincents: Bobby, Joe, and Steven Vincent, the couple
23 who had rented the pontoon. But again, in one of these
24 twists of fate, they got into some disagreement -- some
25 argument where he was unable to catch a ride with them.

1 Brenda agreed to give him a ride home, give him a ride to the
2 VFW without even knowing it sealed her own fate.

3 Crossroads, these crossroads and I keep talking about,
4 what if that couple had never gotten to argue with each
5 other? What if Brenda had not agreed to drive them? That
6 drive from the boat ramp to the VFW is about a 30 minute
7 drive. One route takes you down Damascus Church Road and on
8 Highway 521. And if you take a right on Cato Road, it runs
9 into Old Georgetown Road. If you take a left on Old
10 Georgetown Road, you go up another few miles and there's the
11 VFW. What if a different route had been chosen, one that
12 didn't go to that crossroads -- that crossroads at Cato and
13 521?

14 The testimony was that Jody Catoe asked Brenda Catoe --
15 or excuse me, Brenda Coates to pull her car over to the side
16 of the road just beside that little abandoned building we saw
17 in a number of pictures. He'd been drinking all day and --
18 and he had to urinate, also wanted another beer out of the
19 cooler because maybe he hadn't had enough. He'd only been
20 drinking all day. Brenda pulled her car over and Jody got
21 out. He did what he needed to do as he was getting back in
22 the passenger seat. There was a loud pop. He looked up to
23 see Stacey Catoe speeding off.

24 And down Cato Road into the dark. Brenda Coates was
25 left to die in a pool of her own blood. Where did she go,

1 Stacey? What did she do? We know where she didn't go. And
2 what she didn't do. She didn't call 911, she didn't call
3 EMS, didn't render aid, didn't call the police department,
4 didn't call the fire department, didn't call the sheriff's
5 department. She did nothing. Didn't bother to answer Steve
6 Knafelc's phone calls. Remember him?

7 He testified he was that sheriff's deputy. He was
8 trying to get in touch with her. Trying 911 call comes in at
9 9:30. Here he is. Tried calling her 10 times. She didn't
10 answer, she didn't answer the text either. "Stacey, this is
11 Steve from the Sheriff's office. Please call me. Need to
12 make sure you're okay. Need your side of the story.
13 Important. That's me calling please answer or call me.
14 Please call me. Call me."

15 Finally, after hours and hours and hours, she answers
16 this call and says she's at her father's house. What has she
17 been doing? What has she been saying?

18 Law enforcement arrived at Willis McClintock's home.
19 They were met by Stacey Catoe's family. They were able to
20 locate that Ford Escape and found the gun and the spent shell
21 casing. Sheriff deputy spoke to Willis and Brenda McClintock
22 to see what they knew and anybody else who was on scene. Do
23 you know how many people told deputies about Jody Catoe
24 pointing a gun at her? Zero. Not one person mentioned
25 anything about Jody Catoe having a gun or pointing the gun

1 much less.

2 When they talked to them and said, "We need to get some
3 information. Tell us what you know." Guess how many people
4 said anything about an accident? Guess how many people use
5 the term accident? Zero. Come on guys we're trying to
6 gather as much information as we can. Investigator Dill is
7 trying to figure out the answer. What's going on here? We
8 didn't say any of that stuff you heard yesterday. What's
9 changed? What's changed since that night?

10 Yesterday we heard Defense witnesses and they wanted to
11 shift the focus of this trial away from Stacey Catoe to Jody
12 Catoe. You are jurors in the case, you all heard me last
13 week -- this Tuesday call the case. And I said, "Your Honor,
14 the State calls the State verse Stacey Catoe." I read the
15 indictment number, the indictment that the grand jury of true
16 bill.

17 You never heard once me say, we're calling the case of
18 the State verse Jody Catoe, but that's fine. That's common
19 in these cases, which you want to do is deflect. You want to
20 deflect from the people who are on trial. You want to take
21 the jury and divide their attention, take their eye off the
22 ball. You guys don't look over here at Stacey. Look over
23 here at Jody, but Jody is not on trial. You're not a jury of
24 his peers. You're a jury of Stacey Catoe's peers. This is
25 about her actions on the night of June 17th.

1 Defense strategy is not to talk about what happened
2 that night -- that night down there at that crossroads that
3 night where Stacey Catoe made a decision. They want to make
4 this case about Jody Catoe being a monster. And you all got
5 to see Jody Catoe. And you get to judge for yourself. If
6 you disagree with Jody's lifestyle, that's fine. If you
7 don't think you like the way he conducts himself, that's fine
8 too. If you think he's a terrible father and a terrible
9 husband, you're completely in your rights to hold those
10 opinions.

11 If you think he is a drunk, you're probably right. But
12 guess what? That has absolutely no merit in deciding this
13 case. That's not what this case is about. Not about
14 Jody Catoe being a drunk and a bad father or hangs out on the
15 lake on Father's Day instead of hanging out with his
16 daughter. Jody Catoe being a drunk should not justify
17 Stacey Catoe killing this woman.

18 Here's the thing too. The State on our end presented
19 evidence. You -- you didn't hear us. We were unable to
20 produce one domestic violence conviction for Jody Catoe
21 because there are none. We were -- despite looking through
22 about 7,000 pages of cell phone records, I was unable to
23 present to you one text where Stacey talks about being abused
24 once. And she deleted a ton of messages too. And I got most
25 of those. And she talks about some very -- well, you --

1 you've seen some of the texts. So she -- she kind of bears
2 her soul in her text messages talking about, you know, doing
3 these sexual things. I -- I -- I didn't enjoy talking about
4 some of that stuff yesterday. I have my son in the
5 courtroom. So I'm talking about all these things, but those
6 aren't my words. That -- that's what Stacey talks about with
7 her lovers.

8 And -- and -- and it's uncomfortable, but my point is
9 this. She's not afraid to tell it like it is in her phone
10 and in her text. Not once, does she talk about being beaten
11 or being abused or being scared of Jody. Thousands and
12 thousands of texts and the State couldn't find anything. I
13 -- I didn't have in my file one medical record that talked
14 about her being abused. I'm not saying, you know, she had it
15 easy. But what we heard yesterday is contradictory to the --
16 the evidence we have here that we're able to present.

17 We only had a sister, a father, and a daughter to say
18 he was abusive. And guess what? You know, the very first
19 time they told anybody about that, anybody associated with
20 the State, that Jody was this abusive guy yesterday on the
21 stand, never have one of them come to me and say, Mr. Scott,
22 let's tell you the full story about this thing. Yesterday,
23 I'm hearing it with you all.

24 Jody was said to carry a pistol on him regularly. And
25 that according to Stacey Catoe even is not an uncommon thing

1 in Westville. And do you know that law enforcement found no
2 weapon on him that day? Meeting him -- with him out there at
3 the incident location, putting him in the back of patrol car,
4 transporting him to the sheriff's department, sitting him
5 down and talking with him for about an hour. He had no
6 weapon on him because he had been on the water all day. Guns
7 and water don't mix.

8 The gun was in his work truck. His work truck was at
9 the VFW. Let's assume that Jody is a 145 pound tear. Let's
10 assume he has put the fear of God in Stacey, okay? Her
11 actions do not portray a woman who lived in any fear
12 whatsoever. So before we examine her story from yesterday,
13 let's take a look at her state of mind when all this is going
14 on.

15 We talked a good bit about the people that she would
16 have over at her house. Lovers. Does that sound like
17 something you would do if you had a husband that you were
18 terrified of? Inviting lovers into the house that he built,
19 bought for you -- he lives in?

20 So here we have in January of 2018, Stacey and her now
21 girlfriend Christy, who testified yesterday, testified about
22 getting caught in the backyard one time. Jody wasn't there
23 (inaudible) Stacey. Let's see. This is nine -- okay, so
24 these go, that's what the errors indicate. These go from the
25 bottom to top format. These phone dumps sometimes come in,

1 but you can also see the time they were sent. If you look at
2 this column, "Want to come lay in bed with me." And was sent
3 by Stacey January 17, 2018 at 9:17 a.m. That's probably the
4 judge order earlier.

5 Christy, "Yes, I sure could." Stacey, "I'm here all
6 alone in this big old bed. Husband in Greenville and
7 daughter in Cameron". Christy, "Damn, don't that thing" --
8 "don't make things no better without (inaudible)." Stacey,
9 "I'm just saying we could finish what we started. Say
10 before. We can just lay here whichever."

11 Christy, "I would love to just lay beside you and feel
12 your body against mine." So what we see here is her inviting
13 her lover to come into the house, sneak into the house of a
14 man that is just a brutal -- brutal monster. A man who
15 actually gave her a weapon. He gave her a pistol.

16 Here's JB, this is -- this is 2016, I think this is
17 couple years even before this. JB she was a little unclear.
18 Is it Jim Wilson, who happens to be a friend of Jody's and
19 that's who was riding back and forth to the lake with Jim in
20 this incident. But she was kind of back and forth. I maybe
21 -- I don't remember who he is, but it -- it must have been
22 Jim Wilson, which made me ask, well, how many of these
23 affairs are you having if you're dealing names of these
24 people? But she said, "yeah, I think it was Jim" said, we're
25 going, I guess decide that if we take care of report, JB is

1 Jim Wilson, the drinking buddy of Jody's.

2 Now she's having sexual encounters with Jody's friends.

3 That sound like something you want to do to somebody you are

4 absolutely terrified of? JB, "Guess we can't." Stacey,

5 "LOL. Hell, I don't know." Then Stacey, "Shit never works

6 out." JB, "You still want to?" Stacey, "Maybe." JB, "Dang,

7 I wanted to promise soon." Stacey. "Yes, one day." And

8 then it -- it is important for me with these modifiers.

9 "Hurry up. I'm hurting for a squirt with you and licking you

10 again. Let's do it again. We've already done it once,

11 twice, three rounds. Let's do it again."

12 It clearly had something going on. JB, "When are you

13 going to, well?" Stacey, "What?" "Be able to fuck again."

14 JB, "You better quit touching me like that. It'll get you in

15 trouble. LOL." Listen to Stacey, "I like trouble

16 sometimes." JB, "Me too. Maybe this weekend?" Stacey,

17 "That may be possible with Jody at work." Sound like

18 something you want to do with this guy you're terrified of

19 who is abusive? Carries a gun with him all the time and

20 flies off the handle? You want to be sneaking his best

21 friend around and having sex with him while -- while he's out

22 of town?

23 And this, you talk about rabbit holes. When you get

24 these cell phone messages, you start looking at, I mean,

25 starts to kind of blow your mind sometimes, but turns out she

1 had this affair. Maybe it was an emotional affair, but the
2 texts are very clear. She had very strong feelings for
3 Brenda Coates.

4 If you look at the text, she -- she tries her best to
5 court Brenda Coates. All I can determine is that most they
6 ever got was, they kissed one another. But it wasn't for
7 Stacey's lack of trying. And I think this is an important
8 component to this case. It brings us to June 17, 2018.
9 Who's she jealous of (inaudible)? She sure tried her best to
10 woo Brenda Coates. Here's Brenda.

11 And okay, we're at 8:51 in the -- at night. "I'm in
12 bed LOL." And then Brenda says, "Where are you at?" Stacey,
13 "I wish I was in bed with you." Brenda, "Did I get you in
14 trouble? Was he mad?" I wonder who she's talking about.
15 Stacey, "Yeah, you got me in so much trouble. I need you to
16 come in my house and let me show you how much."

17 Again, the pattern of inviting one would be lovers into
18 the house that you know your husband owns with you, lives in
19 with you, his husband that you're terrified of. Brenda, "Did
20 I? I'm so sorry Stace" -- or "I'm sorry, Stacey." Stacey,
21 "Oh my" -- "OMG really?" Brenda, "What?" Brenda, "I'm sorry
22 because I made you stay too long." Stacey, "OMG boo. I wish
23 you would come see me."

24 Brenda, "Sorry Stacey. I mean like, I guess I want you
25 to be happy." Brenda, "Oh, I try to be happy and you are a

1 good friend Stacey. And thank you for being that friend to
2 me. You and April" -- or "April are the best." Stacey, "No,
3 I don't mean for you to be sorry. Hell, I can fix that too,
4 but you won't let." What does she mean? What is -- what is
5 she asking Brenda to do that Brenda won't let her do?
6 Brenda, "Oh, I try to be happy and you're a good friend
7 Stacey, and thank you for being that friend to me. You and
8 April are the best. Some days I'm happy, but some days I
9 think too damn much and it really gets me down." Stacey,
10 "Oh, I think I could probably make you feel pretty good if
11 you ever give me a chance."

12 It's this constant kind of trying to woo Brenda it down
13 on you. It is very clear she's just -- this is a woman in
14 love. This is a woman in love. Even has pet names for her,
15 "Night, Boo." "What you up to, Boo?" Here's a kiss.
16 Sending you a kiss. This is important. I understand her
17 frame of mind on June 17, 2018 and she sees Jody and she sees
18 Brenda together.

19 Stacey, "Just saying." Stacey, "See when I say
20 something about you or about that and you don't text back and
21 then I think I done said something wrong and you're mad. So
22 I don't know what to say." Brenda, "Sorry I was in the store
23 getting drunk before I had to" -- "before I head to hell hole
24 at work." Stacey, "Getting drunk?" Brenda, "Not drunk
25 getting a drink and gas." Brenda, "This damn spell check on

1 this phone." Stacey, "I was about to say, damn it's that
2 bad?"

3 Brenda, "I guess I spell drunk a lot." Stacey, "You
4 must." Stacey, "Now tell me how you feel about the above
5 statement?" Brenda, "Stacey, the talk between us don't
6 bother me, but I know you are married and I don't want to
7 cause trouble for you." Stacey, "You don't cause trouble for
8 me." Stacey, "I wouldn't do it if I didn't want to."
9 Brenda, "I wouldn't do anything in this world to cause you
10 trouble. And I hope you know that."

11 Stacey, "Well, yes I do know that." Stacey, "But you
12 don't never express your feelings or ever say anything. So I
13 really don't know how or what you feel. I just don't know.
14 So I'm scared to say or do anything half the time." Brenda,
15 "I just don't want to cause you no trouble."

16 Brenda trying to get her to put the brakes on. Brenda
17 sees where it's going. Brenda is very diplomatic in these
18 texts. Never really comes right out and says I'm just not
19 into it Stacey. But she does indicate time after time you --
20 you're going to get in trouble and I don't want to be a part
21 of it. You're going to get in trouble. Does this sound like
22 somebody who's scared about getting in trouble? "I just
23 don't want to cause you no trouble."

24 Brenda, "Oh hell, I know that too." Stacey, "Well Gee,
25 I still didn't get anything out of you. Go figure. Guess I

1 never will." Brenda, "I'm almost at work and didn't hear
2 back and then -- bam -- five messages from you." Stacey,
3 "You're good. You know that." Brenda, "Don't say you never
4 will because you never know." Brenda, "I'm no good Stacey.
5 I'm a bad girl." Stacey, "Yeah, I know. I just want a
6 little taste of it." Stacey, "Do you even have feelings?"

7 This is a murder. This case is a murder. This case is
8 about a woman who decided the rules didn't apply to her, long
9 ago. This is a woman who likes to blame other people. Makes
10 decisions on her own, as we all do. We all have free will,
11 right? She makes these decisions, but then she blames other
12 people for the decisions she herself makes. This is a
13 murder.

14 If -- if you do kind of the diagram -- you got Jody and
15 Stacey, you got Jody and Brenda, but they over here with
16 Stacey -- you got JB, you got Brenda, you got Christy. And
17 then it make it even more difficult, Christy is seeing
18 somebody at the same time name Sherri. She's cheating on
19 Sherri with Stacey. I said, this isn't in love triangle.
20 It's a love trapezoid.

21 The State in a murder must prove beyond a reasonable
22 doubt that the Defendant killed another person with malice
23 aforethought. We got the killing down, right? I mean, we
24 know the bullet took Brenda's life. We knew where it came
25 from. We knew who held the weapon.

1 Malice is aforethought. What does that mean? Judge
2 will explain it, but I will attempt to give you just preview
3 of what I believe he'll say. Malice is hatred. Malice is
4 ill will, hostility towards another person. Is the
5 intentional doing of a wrongful act without just cause or
6 excuse. And with an intent to inflict an injury under
7 circumstances that the law will infer evil intent.

8 When does malice need to form? A malice aforethought
9 does not require that malice exists for any particular time
10 before the act is committed. But malice must exist in the
11 mind of the Defendant just before and at the time of the act
12 is committed. Therefore, there must be a combination of
13 previous evil intent and the act. Hostility, ill will
14 towards another. Hatred towards another.

15 How can malice be shown? Malice aforethought may be
16 expressed or inferred in its terms expressed and inferred in
17 not being different kinds of malice, but nearly the manner in
18 which malice may be shown to exist. That is either by direct
19 evidence or by inference. Inference from facts and
20 circumstances which are free. Express malice is shown when a
21 person speaks words which express hatred or ill will for
22 another. Or when the person prepared beforehand to do the
23 act, which was later committed. That's how malice can be
24 shown.

25 Malice may be inferred from the conduct showing a total

1 disregard for human life. So what changed from those sweet
2 text messages where she's courting -- she's inviting Brenda
3 to the house, calling her Boo? She's basically saying, "You
4 know, I don't care about getting in trouble with my husband.
5 I want to be with you." What changed? Did they have a
6 conversation when Brenda finally said, "It's not going to
7 happen Stacey. I want to be your friend, but I'm not going
8 to be your lover." We don't know. We don't know what --
9 what happened between the two of them.

10 Could it have been this whole thing? Are you kidding
11 me? She picked Jody over me. She picked that no good, drunk
12 Jody over me. I poured my heart out with her. I texted her
13 all hours of the night and morning. I expressed my love to
14 her and she picked Jody. Is that what happened? Because the
15 tone changes.

16 This is what -- this is what she's texting February
17 16th of 2018. And this one I guess we go top to bottom.
18 Because again, you can see February 16, 2018, 9:40 p.m.
19 Excuse me, Stacey Catoe is texting Brenda Coates. "I'll be
20 back shortly. So don't even fucking think you all going to
21 be together. Just let you know." Isn't that just a drastic
22 to shift from "Night Boo, sending you a kiss. I want a taste
23 of you." Here she is four minutes later, "And I still got
24 eyes on you all 24/7. So don't think you all getting away
25 with anything and Jody told me you sent him a friend request

1 back because you couldn't stand not knowing what was going
2 on. I deleted your ass one time and I'll do it damn again."

3 This is October 21, 2017 at 6:28 p.m. "My husband is
4 going to the river here shortly, but don't think I won't show
5 up and catch you all. So don't even fucking think about it.
6 You all got eyes on you all 24/7." That is a threat that she
7 used a number of times that she's up somehow monitoring them.
8 Was that just to intimidate her or was she truly following
9 them around?

10 She did offer the one time where she went to the camper
11 in attempt to put eyes on them, I guess is what she was
12 trying to do. 1:06 p.m., September 29th. Let's see -- how
13 does this go? Well this one. All right. So we're supposed
14 to look at the bottom looks. Say Brenda Coates says, "I was
15 not in there and I was actually with other people that
16 night." In response Stacey says, "What the fuck ever? I
17 knew it would come out sooner or later. I hate it took so
18 fucking long to find out for 100 percent sure, but at least
19 now I finally know so I don't have to be played by you all's
20 sorry asses anymore. You can have him, but you better
21 believe you won't have Caitlyn." Caitlyn is the daughter you
22 remember.

23 November 2017, 7:55, "You all keep on. You think I'm
24 full of shit when I tell you somebody is watching you all. I
25 seen you all last night. It's just getting better and

1 fucking better for me. Pictures don't lie." So she's
2 already got these pictures of them. She's got the Facebook
3 pictures of them. What she need more pictures for? She's
4 got somebody watching them. Does she want a divorce or does
5 she want revenge? "You all keep on playing me for a damn
6 fool. You all going to be the fools in the end."
7 At that crossroads.

8 This is the crossroads where decisions were made. This
9 is the crossroads that Stacey Catoe decided to fire a gun
10 into a car that Brenda Coates was sitting in defenseless. So
11 if you look at the evidence, where does the evidence take us?
12 This is State's Number 1. This would've been the path that
13 she testified to taking. This would've been the approximate
14 location where Stacey Catoe's car was when she fired into the
15 car Brenda Coates was sitting in. Where's the evidence take
16 us? How do we know this?

17 For the defense of accident to apply, you must find
18 three things. The act of the Defendant that caused the arm
19 was accidental not intentional. The act was lawful and the
20 act was not careless, negligent, or reckless. So when we
21 look at State's Number 1 and we look at different pictures
22 and we look at, remember the pathologist when she did the
23 entry and exit wounds of Brenda Coates. You all remember
24 that? And then if you put a rod through which gives you the
25 approximate trajectory.

1 Remember that scuff mark that Justin Dill found on the
2 dashboard? Remember that bullet hole? Where does the
3 evidence take us? So let me explain this, I think that a
4 good way to start explaining accident is to talk a little bit
5 about the self-defense, okay? Because in an accident, you
6 see number two, you have to be involved in a lawful act,
7 okay? Pulling a gun out and pointing at somebody that's not
8 lawful.

9 The state of South Carolina it is called pointing and
10 presenting a firearm, okay? It's called unlawfully carrying
11 the firearm back in 2018. That's illegal. But there is a
12 caveat in the law. You all found yourself in a case that has
13 several legal theories that kind of come together that you
14 need to understand and decide in this case. So for an
15 accident, first of all, what she did pulling the gun out is
16 unlawful.

17 Now, they're saying, "But wait, in this case it was
18 lawful for her to do it because she was acting in
19 self-defense." So I think it'd be helpful for us first to
20 figure out what is self-defense. That way we can go ahead
21 and rule out accident. Here's what needs to happen in self-
22 defense ---

23 MR. SWERLING: (Crosstalk) approach the bench for a
24 moment?

25 THE COURT: Yes.

1 (Bench conference.)

2 MR. SCOTT: Okay. Let me start over. Well, I was
3 talking about there's that second form of accident, it says,
4 "If you are doing something unlawful -- accident doesn't
5 apply to you." Okay. Now, if you're acting in self-defense,
6 that unlawful handling of the firearm is determined to be
7 lawful. Does that make sense?

8 In other words, so let's say I'm a felon in possession
9 of a firearm. I'm not supposed to have a firearm on me, but
10 somebody attacks me and I have to act in self-defense so I
11 don't die. That's unlawful for me to have that gun, but I'm
12 certainly entitled to defend myself and my -- my life. So
13 the law will excuse that in that particular case, that's what
14 Stacey is saying. She's saying, don't worry about me
15 pointing, presenting a firearm because I was acting
16 self-defense. I'm trying to explain to you why this is not a
17 self-defense case.

18 And there's no evidence whatsoever that it ever was.
19 Never. Number one, you cannot be at fault for bringing on
20 the difficulty. Okay? So when you get in that car at night
21 in the dark with a pistol in the glove box or console, and
22 you go chasing after people in the night and you go confront
23 them on the side of the road, right off the bat, that's when
24 self-defense doesn't apply.

25 You are the one who brought on the difficulty. You

1 were the one that confronted these -- these two and by her
2 own words said, "What the fuck are you all doing?" So right
3 then you understand self-defense is out the window, therefore
4 accident is out the window. Does that make sense? But if
5 you want to go further, if the State disproves any of these
6 elements, self-defense is out the window. She's already lost
7 on number one. Because she is at fault in bringing on this
8 whole difficulty. Could have stayed home with Caitlyn,
9 right? Should have been eating leftover Japanese food.
10 Should have been sitting with that little girl at home
11 instead of chasing people down the road at high speeds.

12 Number two, to have a valid self-defense claim, the
13 Defendant has to be in actual imminent danger of death or
14 great bodily harm. She was never in any danger. She's the
15 one in the car. She's the one with the gun in her hand.
16 She's the one who used the gun. What danger was she ever in?
17 I mean, I understand yesterday she says that she just thought
18 that when he reached back there, he was going to grab that
19 gun.

20 No, she just thought that. Somebody is dead because
21 she thought that or that the Defendant actually believed they
22 were in imminent danger. And if they believed they were in
23 actual imminent danger, then you have to determine a
24 reasonably prudent person of ordinary firmness and courage
25 would have to entertain that same belief. You think an

1 ordinary person would pull out a gun and shoot somebody
2 whenever they'd make a move like for their back pocket? No,
3 this is not self-defense. She is not armed herself in
4 self-defense. This is a woman -- somebody she cared deeply
5 for. Somebody she spilled her heart out for on the side of
6 the road with her husband.

7 Finally, okay, for self-defense, the Defendant had no
8 other means of avoiding difficulty. In other words, she's
9 backed into a corner. She has to use that gun. It's him or
10 me. She's the one with her foot on the gas. She's the one
11 who's armed. Could she have avoided this situation? So that
12 brings me back to the accident, okay? For accident to apply
13 the act of the Defendant that caused the harm was accidental
14 and not intentional.

15 And we'll get to that in a minute too. The act was
16 lawful. This wasn't a lawful act because she wasn't acting
17 in self-defense. And you can't point guns at people and you
18 can't pull out guns and wave them around. That was a crime.
19 You sitting in an accident, she's already failed based on the
20 first two. The act was not careless, negligent or reckless.
21 Well, it was all three of those. A gun with a bullet already
22 chambered and you're waving it around, pointing at people,
23 pulling the trigger. That long, heavy pull that Taurus has
24 to it. Count the steps. Okay.

25 Let's talk about this accident. Let's talk about this

1 involuntary situation that she was in there. Where she
2 described it, she pulls up, comes down here in the glove box
3 or the console. I don't know if she rolled down the window
4 or already had it down. Did she have her seatbelt on or was
5 she unbuckled? At any rate, she had a phone in her hand.
6 She says, "What the fuck are you all doing?" Has the phone.
7 Okay. Drops the phone, opens the console.

8 This again, after she sees him reaching for the gun.
9 Here's all she does: drops the phone, opens the console,
10 fumbles around in the console, all this stuff in the dark,
11 pulls the gun out, reaches across, fires. A long, heavy pull
12 of trigger, finally drives away into the moon. And that's
13 about six steps. If you -- if you break it up like I did,
14 count the steps, drive away into the night.

15 How would that not have been just the easiest thing in
16 the world? We're playing devil's advocate here. We're
17 saying, "Okay, let's say he did have it." She never sold the
18 gun, but let's say he had one even though law enforcement
19 didn't find it. We're just going to have to say, "Yeah, he
20 had it on him, and he's reaching for his pocket." Why not
21 just say everybody lives?

22 That would be a great way of avoiding a difficulty
23 with, instead of all those steps before that. Don't tell you
24 it wouldn't that have been a great way for this thing to have
25 ended? Decisions. Had no accident. This was a premeditated

1 planned event. Don't you think that gun was already sitting
2 out and when she pulled up? Here's what she said yesterday.
3 Well, Stacey, where was he? "He was standing in that past
4 door and yeah, it -- it is dark as can be up there. I mean,
5 you can't see your hand in front of your face. But I could
6 see him on -- I could see through the car." I said, "Well,
7 how do you -- how do you see through when Brenda is sitting
8 right there in the driver's seat?" "Oh, I was looking
9 through the windshield." Okay. We know that's not true,
10 right?

11 Where does the evidence take us? We know she wasn't
12 looking through the window because we know her car was
13 slightly behind that Sunfire when she fired. We can look at
14 the trajectory, we can see where that bullet ended up. And
15 then how is she going to see him -- I mean, is his waist
16 above the top of that car? How is she seeing his waist? If
17 he's -- the car's in between she and he. Can you all see the
18 scuff mark?

19 You'll have a better picture when you deliberate, but
20 you see where the bullet ends up. I will say this, you know
21 what that means, right? You know what that means. Do you
22 know what that means? When you look at that -- when you look
23 at that, Brenda Coates never looked over here at Stacey who
24 is yelling, "What the fuck you all doing?" Which would be
25 natural, right? If somebody rolls up on you and is cussing,

1 she never looks over here at Jody reaching for a gun, yelling
2 back.

3 Brenda Coates never got to turn her head because it was
4 just like Jody said, "Stacey rolled up, popped round off at
5 him, and then drove off into the night." Leaving that woman
6 to die. Let's follow the evidence. She never turned her
7 head. She was shot from behind. That car wasn't up front
8 where she could look through the window -- windshield. She
9 was behind. Popped a round out as she rounded that corner,
10 straight down Beaver Road.

11 You know, I -- I told you prosecute in both counties,
12 the circuit, it's two counties. Kershaw and Richland. This
13 is a drive-by shooting in Richland County. That's all it is.
14 It happens every day over there. It's just a despicable
15 coward guy. You shoot somebody a defenseless person and then
16 you just speed off into the night. Brenda Coates never had a
17 chance. Decisions. Decisions.

18 So yesterday we had an interesting back and forth that
19 I --- I found it interesting. Stacey and I when we
20 discussed these things and her story was this. Okay. She
21 had the Taurus in the console, she sees him reach. She grabs
22 the gun as dark as can be out there, but she finds it before
23 he can pop a round off, before anybody can do anything. She
24 reaches clear across the passenger seat and over the console.
25 I wonder if the console door was open or else she took it out

1 and then shut the door, then leaned over. That was her
2 testimony. All 5'3" of her was able to extend her arms so
3 far that it hit the window there and the gun just went off.
4 Said her finger wasn't on the trigger.

5 I don't know why you pointed a gun without your finger
6 on the trigger though? That was her testimony and we tried
7 multiple times to explain it and she just kind of -- it was
8 what it was. I -- I -- I wasn't getting anything else out of
9 her other than "it just hit something." I said, "Okay, maybe
10 it hit the passenger seat, the headrest there or something.
11 Because you could probably reach that." No, no, no. It hit
12 the window or the door.

13 You all ever tried to reach over and unlock the
14 passenger door or roll down the window from the driver's
15 seat? I'm 6'1". She's 5'3". I can't do it. I mean, maybe
16 if I unbuckle my seatbelt and crawl over, I could probably
17 extend my arm from, but it's interesting that -- that, you
18 know, is that something a normal person would do? Does that
19 make any sense to you guys? And then how does that explain
20 the fact that all along to the interior of the passenger door
21 there is gunshot residue? Okay. Gunshot residue, of course,
22 explodes out of the barrel of the gun when the bullet is
23 fired. It's not going to be there. She's hitting her gun on
24 the window of the passenger seat, right? It's going to be --
25 be expelled out into the road. Not all along here. This

1 indicates that she clearly shot from her seat. You know what
2 made that gun go off?

3 Tracy Thrower, a firearms expert testified dozens of
4 times in state federal courts, analyzed thousands upon
5 thousands of guns, had -- was responsible for continuing
6 education as far as being up to date on various guns models
7 and how they worked. We talked about that particular model
8 of the Taurus having a double action trigger. And then on
9 top of that -- that heavy retraction from them four and three
10 quarter pounds is what it took to pull that trigger. He
11 testified in his expert opinion, it is impossible.

12 Let me say that again. Impossible for that gun to be
13 fired without pressing the trigger. It doesn't fire unless
14 you pull the trigger. And that's why we got in a discussion
15 about the magic gun and the magic bullet because she just
16 said nothing. I was just waving it around and I don't know
17 what happened. It hit the -- the door of the passenger door
18 just -- it just went off. I don't know. And then I got
19 scared and then I drove off. Hey jury, don't pay attention
20 to the fact I never talked to police or called 911. Go look
21 at that. Don't pay -- I'm scared. I'm the one with the gun.
22 I'm the one doing the shooting, but I'm scared. That's
23 drive-by shooting. This is not an accident.

24 If -- if you say it is an accident that means she is
25 completely innocent anymore. An accident is there for things

1 that are unintentional -- is a complete bar to prosecution.
2 If somebody truly has an accident and they're not guilty of
3 anything. You all think Stacey Catoe is not guilty of
4 anything? And I -- I just -- I'm scared to death that Jody
5 Catoe, back go in the dark at night way down into rural
6 Kershaw County down by the river, down by Beaver Creek Road
7 and I'm hanging out at his camper in the -- in the dark and
8 I'm scared of him because he has a gun all the time. He's
9 dangerous.

10 It doesn't sound like she's that scared of him. And
11 I'm scared of Jody Catoe so I jump in my car at night, I get
12 chase him all down this country roads high speeds. It
13 doesn't sound like somebody's scared of him. I mean, I bet
14 if she wanted to get those pictures -- by the way -- did that
15 dawn on you all? "I got to get these pictures for the
16 divorce and I knew they were together because I saw pictures
17 on Facebook."

18 Just use those, I mean explicitly. You know how hard
19 is it to get a divorce from Jody Catoe when you yourself are
20 having three lovers, he clearly has one. There's pictures
21 all over the place. You've already got your own pictures.
22 So you say, and then there's some on Facebook. You really
23 need to be chasing him down to get a picture of him in a car
24 with a woman? Does that make sense? You are going to get,
25 first of all, if you decide this is an accident, case is

1 over, she's not guilty. Okay. This is a murder. I'm
2 telling you, this is a murder. This is somebody who has made
3 plans -- armed themselves and gone out tracking their prey.

4 They're going to say, or -- or the Judge is going to
5 tell you. You get to decide what's called a lesser included
6 charge. Okay. Murder is what she's charged with. Murder --
7 murder has malice aforethought. If you don't think murder,
8 you get to consider involuntary manslaughter. Okay. This is
9 not an involuntary manslaughter case. I repeat this is not
10 an involuntary manslaughter case.

11 Classic law school, involuntary manslaughter is I'm
12 cleaning my pistol, but I've been so neglectful, I haven't
13 cleared the chamber. This is a live round. I don't have any
14 intention of hurting Investigator Dill. But as I'm cleaning
15 the gun and we're talking, we're laughing, I bumped the
16 trigger -- it goes off, shoots him. I was negligent, I was
17 careless, but I had no intent. There's no hostility between
18 he and I. I've never sent him messages where I've got eyes
19 on him 24/7. I didn't chase him down the units. That is the
20 classic law school example of an involuntary manslaughter.

21 Judge will charge you, Defendant unintentionally --
22 unintentionally. Okay? Killed the victim without malice,
23 while engaged in a lawful activity. And again, if you all
24 think this law -- if you all think it -- she was arming
25 herself in self-defense, then her having that gun would be

1 lawful with reckless disregard for the safety of others.

2 Unintentional means that Defendant did not intend for anyone
3 to be killed or seriously injured.

4 So for you all to find that, you're going to have to
5 believe that she had that magic gun and that she was waving
6 it around at him and it just happened to hit that door frame
7 and -- and went off, just happened to kill that woman. She
8 had all those kind of nasty conversations with same woman.
9 She used to be in love with the woman who chose her husband
10 over her, but this ain't involuntary manslaughter. This is
11 murder.

12 Again, murder of the State must prove beyond a
13 reasonable doubt that Defendant killed another malice
14 aforethought. That is what this case is. That is what the
15 evidence shows. That is where the evidence takes us.

16 Beyond a reasonable doubt, the Judge is going to
17 explain it to you. He's going to use the best way, I think
18 to understand it is all you firmly committed in guilt. Does
19 it mean that you have to overcome all doubt that you may
20 have? No, it doesn't. Reasonable doubt it means if you have
21 a doubt that is reasonable based on logic, you should find
22 the Defendant not guilty.

23 If -- if you think, well, maybe that was just a crazy
24 set of coincidence that led to a crazy accident, and you
25 think that's what the testimony showed, we think that's what

1 her action showed. And you all get together and say, we --
2 we all as citizens of Kershaw County think this is reasonable
3 and find you are not guilty. But if your doubt is not
4 reasonable, your doubt is not really logical, you should find
5 the Defendant guilty. It means you have to be 100 percent
6 certain of everything you've heard. No, there are a few
7 things. This is what the Judge will tell you a few things in
8 this world we know with absolute certainty in criminal cases,
9 the law does not require proof that overcomes every possible
10 doubt.

11 If based on your consideration of the evidence, you are
12 firmly convinced. That's why I put it in bold. He's going
13 to use that term twice. If you are firmly convinced and you
14 all get together and put your different backgrounds and your
15 different life experiences and your different ideas of what
16 common sense is and what logic is and what reason is, and you
17 all get together and you say, "Okay, all 12 of us are
18 unanimous, that we are firmly convinced of her guilt. We
19 firmly believe she meant to kill either Jody or Brenda."
20 Because that's the thing -- Brenda is dead. But even if she
21 had been aiming at Jody and she kills Brenda, the intent is
22 transferred. And that's something the Judge will explain to
23 you.

24 Now, (inaudible) guilt. I aim a gun wanting to shoot
25 Investigator Dill, but I'm miss hitting Solicitor Bradbury.

1 I'm still guilty of murder because the intent that I had for
2 Dill is transferred over. The matter is not whether she
3 intended to shoot Jody. She intended to shoot Brenda. She
4 intended to shoot both. The fact that her actions led to
5 death of Brenda, she's guilty of murder.

6 If you all are firmly convinced of that, you were
7 obliged to find her guilty. Obligated to find her guilty.
8 That's what you did. You took in a she based your verdict.
9 Mr. Swerling said it's a verdict Latin for to speak the
10 truth. Took an oath that your verdict would be based on the
11 facts and the evidence presented at trial and the Judge's
12 law.

13 You don't have any enemies here to punish and you don't
14 have any friends to reward. Just look at the evidence and --
15 and you look at state of mind Stacey Catoe was operating in
16 2018. There is only one -- there's only one verdict that
17 speaks the truth in this case.

18 I thank you, you all. I know this -- this case has
19 gone a little bit more than we thought. The Coates family
20 thanks you. This is an important case for the State. This
21 is an important case for Ms. Catoe. I appreciate you
22 deliberating, but there is only one true verdict, one verdict
23 that speaks the truth and that's that Ms. Catoe is guilty of
24 the murder of Brenda Coates. Thank you.

25 THE COURT: Thank you, Mr. Scott.

1 All right. Who's opposing?

2 MR. SWERLING: Yes. Good morning ladies and gentlemen.
3 First of all, I would like to thank you for your attention
4 that you've shown over the last week trying this case. We
5 watched you, we obviously can see that you are paying
6 attention and you haven't drifted off. You've paid attention
7 to all the witnesses on the witness stand and we are very
8 appreciative of that fact.

9 I've been coming to Camden trying cases for over 50
10 years and I always enjoy the experience of being here and
11 interacting with the people in Camden, but it's not always
12 been in the courtroom. I come over here, the restaurants,
13 shoot sporting clays at Joe Candy's place. And I find that
14 people in Camden are -- are really good people -- are honest
15 people, down to earth people. And I've always enjoyed
16 interacting with the folks here in Camden.

17 I would like to apologize yesterday for interrupting
18 Stacey Catoe's direct examination. For some reason I'm
19 having trouble I lose my breath sometimes when I'm talking.
20 And that's what happened yesterday. I hope it doesn't happen
21 right now, but it's obviously a great concern. So if I do
22 lose my breath periodically, I apologize to you and, but I'll
23 continue, I'll try to continue going on. Excuse me, the -- I
24 just want to go over -- Mr. Speedy's going to talk to you
25 about the facts of the case that we ask you to consider in

1 determining whether or not the State has proven Stacey Catoe
2 guilty beyond a reasonable doubt of murder.

3 I'm basically going to cover some of the legal issues
4 that are involved. I'm from the old school. I don't know
5 how to do PowerPoints, but I can tell you that some of those
6 PowerPoints especially the ones about the law, don't really
7 fully state what the law is going to be that you're going to
8 have to consider. The Judge will instruct you on what the
9 law is. And if Mr. Scott made any mistakes concerning the
10 law or I make any mistakes about what the law says, you are
11 listening with the Judge -- to the Judge.

12 We are the solicitors and I and Mr. Speedy are
13 advocates. We're advocating one side or another. They
14 advocate for the State. We advocate for a person who's
15 accused of a crime. And we both are trying to do our jobs in
16 the most ethical and honest way possible. But sometimes we
17 make mistakes, sometimes we leave things out, but as far as
18 the recollection of the evidence in the case, you decide.
19 What you remember among the 12 of you that ultimately would
20 deliberate in this case that is your province to decide the
21 facts, not ours. And it's the Judge's providence to give you
22 what the law is and you have to follow the law as he gives it
23 to you.

24 One of the things that I wanted to talk about, we
25 discussed at the beginning of the case, is the presumption of

1 innocence. And that's not a mere legal theory. It is the
2 foundation along with reasonable doubt, proof beyond a
3 reasonable doubt of our system of justice. We are unique in
4 the world that we have the presumption of innocence to proof
5 beyond a reasonable doubt. That's what makes us a -- a great
6 country.

7 Three weeks we're going to go to the polls and we're
8 going to elect who we believe is the best candidate for a
9 number of different offices. That is a right to vote. And
10 voting is one of the great services and privileges we have as
11 Americans. The right to have a jury trial and a right to sit
12 on a jury is the other great right that we have. And a lot
13 of people have lived and died to preserve those rights, and
14 we take those rights very seriously.

15 So with respect to the presumption of innocence that we
16 talked about at the beginning of the case, you ought to
17 presume even now that Stacey Catoe is not guilty of the
18 offense -- even that, remember when we talked about the
19 beginning of the trial. You have to keep that presumption of
20 innocence all the way into the jury room at the end of the
21 case. And the only way the presumption of innocence goes
22 away is if the State proves guilt beyond a reasonable doubt.
23 We submit they haven't done that. We submit that they
24 haven't proven murder beyond a reasonable doubt.

25 Reasonable doubt, Mr. Scott put up there a couple of

1 definitions about reasonable doubt. But reasonable doubt is
2 this, by the way. It's something you use all the time in
3 your -- in your life, in making important decisions in your
4 life. Whether to buy a car, whether to buy a house, whether
5 to get married, where to send your children to school, you
6 weigh the considerations, the both pros and the cons of what
7 to do. Now in your real life and outside this courtroom,
8 even if you have a reasonable doubt about what to do after
9 weighing all the considerations, you can do whatever you
10 want.

11 You can go ahead and still go ahead with a plan, even
12 though you have a reasonable doubt. But in a courtroom, the
13 oath that you took, the oath that you swore a well and truly
14 try and true deliberance make between the State and the
15 Defendant accused in this courtroom. In that situation in
16 the courtroom, if you have a reasonable doubt, you can't go
17 ahead and just find her guilty. If you have a reasonable
18 doubt, you have to find her not guilty. That's what the oath
19 is that you took. So it's a little bit different than the
20 standard you used outside this courtroom. In the courtroom
21 it's a little bit different, the reasonable doubt. And I'll
22 submit to you what we submit, the reasonable doubt evidence
23 is, or reasonable doubt charges.

24 And again, the Judge will give you what the charge is.
25 But in order to convince somebody of a crime such as murder

1 in this case, whether murder or any other, you have to be
2 firmly convinced that the State has met his burden of proof
3 and proven guilt beyond a reasonable doubt. That they've
4 proven all the elements of the case.

5 And if you have a reasonable doubt, you have to find in
6 favor of a Defendant. So you have to be firmly convinced of
7 the proof in the case. And that is what reasonable doubt is.
8 To be firmly convinced that the person is guilty and the
9 State has proven guilty on a reasonable doubt.

10 The Judge will tell you however, that if there's a real
11 possibility that the State has not met its burden of proof or
12 that the Defendant is not guilty of murder, you have to
13 resolve that doubt in her favor. If there's a real
14 possibility that the person is not guilty, you have to find
15 in favor of that person. In this case, in any other case
16 that's brought in criminal court.

17 Now, how do you go ahead and do that? We talked about
18 it briefly at the beginning of the case. You have to look at
19 the credibility of the witnesses from the witness stand and
20 what the evidence is in the case.

21 Credibility is something you use, again, every day of
22 your life. When you hear -- listen to people about what
23 they're telling you, you look at what their -- what their
24 motives is, their interests are, their biases or whatever
25 prejudices they have. That's how you determine what the

1 credibility of the witness is. Whether they're consistent
2 throughout whatever they tell you, you weigh that. You --
3 you look at that as far as their credibility is concerned.

4 You -- also, when you determine credibility, you're
5 entitled to look at what their demeanor is on the witness
6 stand. How they look, how they talk, what they did, what
7 they said. And you are also able to look at whether or not
8 their statements are consistent with other statements that
9 were made with the evidence in the case. And whether or not
10 they're consistent with the facts that you believe them to
11 be. That's how you determine credibility.

12 For example, Jody Catoe, is it believable, credible
13 that he did not have a weapon that night? A person who
14 always carries a weapon. And Mr. Speedy is going to talk to
15 you about the facts in the case. I'm not going to go into
16 it, but we're -- I'm talking about credibility at this point.
17 The man always carried a gun, but yet he tells you that night
18 he did not have a gun. Was it a question of whether or not
19 he did not have a gun or the police did not find a gun?
20 That's something you have to determine when you are weighing
21 credibility in the case.

22 A crime such as murder or any crime actually requires
23 criminal intent. And criminal intent means conscious wrong
24 doing, intentional wrong doing. You have to have the intent
25 to go ahead and commit the crime for someone to be found

1 guilty beyond a reasonable doubt. It's intentional, it's an
2 intentional act. And you have to find that the person had
3 criminal intent. We lawyers talk about criminal intent the
4 -- the mind of the act, but you as the jury will have to
5 determine whether or not Stacey Catoe had the criminal
6 intent, conscious wrongdoing to go ahead and kill
7 Brenda Coates in this case. We submit to you they have not
8 shown that beyond a reasonable doubt. They have to prove
9 that beyond a reasonable doubt.

10 Murder, well, we all have an idea of what murder is,
11 but the law is -- may apply different definitions to murder
12 and the Judge will tell you what they are. But basically it
13 comes down to this: Murder is the intentional doing of a
14 wrongful act with malice, with hatred, with ill will or
15 hostility to the person who is killed. It's the intentional
16 doing, again, of a wrongful act.

17 Malice -- it has to have malice and it has to be
18 intentional. And the Judge will instruct you on that. I'm
19 very confident of that fact. The issue of accident has been
20 raised in this case. Now, ladies and gentlemen, let me say
21 this still, a Defendant does not have to prove accident. The
22 State must disprove accident beyond a reasonable doubt.
23 There's never a burden on a Defendant to prove anything in a
24 court of law, particularly in a crime of murder. Because
25 that's often impossible.

1 So the burden is always on the State to go ahead and
2 prove guilt beyond a reasonable doubt. So with respect to
3 accident, the State has to disprove the elements of accident
4 that the Judge will give you.

5 Accident is the unintentional and lawful act and it
6 causes the -- I'm sorry, that is not careless, negligent, or
7 reckless. The burden is on the State to disprove reason,
8 disprove accident beyond a reasonable doubt.

9 The Judge will tell you that a Defendant exercising due
10 care, who accidentally harms another while acting in
11 self-defense is acting lawfully. So that element that was
12 put up there on the screen about the conduct has to be
13 lawful. The Judge will tell you that arming yourself and --
14 and shooting in self-defense or accidentally discharging the
15 weapon when you are acting in self-defense is a complete
16 defense to a crime. And you -- ask you to listen to what the
17 Judge's instructions on the law of accident is.

18 Mr. Scott put up there as some of the elements of
19 self-defense. What I would like to talk to you briefly,
20 because you won't -- the Judge is not going to instruct you
21 on self-defense. What he's going to do is he's going to
22 instruct you on the law of accident. Then he's also going to
23 instruct you on the law of murder and the other principles
24 I've just talked about, but you have to be without fault.
25 Mr. Speedy will talk to you about why Stacey Catoe is not at

1 fault to bringing on the difficulty. You have to be in
2 imminent fear of death or serious bodily harm or actually in
3 fear of death or serious bodily harm. And Mr. Speedy will
4 talk to you about the factual background as to why that
5 element in this case applies.

6 The State -- State also has to -- have to prove -- well
7 -- well, let me say this. Let me back up a minute. The
8 Judge will tell you and the State put up there about the duty
9 to retreat. Mr. Speedy will talk to you about under what
10 circumstances you have to retreat and under what
11 circumstances you don't have to retreat. Because the law
12 doesn't require you to drive away if you're going to get
13 shot. He'll explain to you what was going on. And you heard
14 testimony about that from Stacey Catoe yesterday. So why she
15 did drive off, but Mr. Speedy will be talking to you about
16 that.

17 I want to just say to you at this point that Stacey
18 Catoe discharged that weapon. She testified that it was an
19 accident, an unintentional act on her part, an accident. And
20 the State has to disprove that the Defendant is entitled to
21 the defense of accident. They have to disprove the elements
22 of accident beyond a reasonable doubt as their burden again.

23 I want to talk to you about all the things -- Stacey
24 Catoe got on a witness stand yesterday and she testified and
25 she subjected herself to cross-examination. Had she not test

1 -- had she not testified, had she exercised the right not to
2 testify, which is any Defendant's privilege in this country,
3 to not testify in her own defense.

4 The Judge would've instructed you that a person does
5 not have to testify in her own defense. And you could not
6 consider that at all. In any way you cannot -- cannot enter
7 your deliberations in the jury room, but instead of
8 exercising that right not to testify, she did go up on the
9 stand and subjected herself to cross-examination.

10 And you have to -- I'd like you to consider the fact
11 that she did not have to testify, but she did the best she
12 could on the witness stand. That's a very scary proposition
13 to get on the witness stand and be subjected to
14 cross-examination when you've never done it before. On
15 occasion, even lawyers have to get on the witness stand and
16 get cross-examined in certain issues. It is nerve wracking
17 to be up there. You lose your train of thought, you can't
18 remember things, and that is just a fact of life.

19 So consider the fact that Mr. -- Ms. Stacey Catoe did
20 not have to testify and you would've not been able to discuss
21 that or cause that to infer anything on her -- against her by
22 you when you go on a jury room.

23 When we try a murder case, and as we tried many other
24 kind of cases, there's always what's called the lesser
25 included offense. When someone is charged with murder, there

1 are several degrees of homicide in South Carolina. You have
2 murder, which requires an intentional act with malice
3 aforethought, a conscious wrongdoing, an intentional
4 wrongdoing, evil wrongdoing. It also includes voluntary
5 manslaughter, which is not a factor in this case, but it also
6 includes involuntary manslaughter. Involuntary manslaughter
7 is also the death of involving the death of another person
8 under certain circumstances. And the Judge will instruct you
9 on the law of involuntary manslaughter.

10 The State has to prove beyond a reasonable doubt that
11 involuntary manslaughter did not exist -- does not exist,
12 that they have not involuntary manslaughter. The elements of
13 involuntary manslaughter have not been proven. Can they have
14 a burden of proving that involuntary manslaughter does not
15 exist? How do you even get to involuntary manslaughter?
16 Well, the Judge will instruct you if you have a reasonable
17 doubt about whether or not Stacey Catoe murdered Brenda
18 Coates that you are to consider the law of involuntary
19 manslaughter.

20 Involuntary manslaughter essentially exists. It's the
21 unintentional killing without malice while engaging in a
22 lawful activity with reckless disregard for the safety of
23 others. It requires more than mere negligence or
24 carelessness. The Judge will also instruct you there when
25 someone's acting in self-defense. That is a lawful activity.

1 So that would apply as well. Involuntary manslaughter, it
2 applies in the law of accident and applies with respect to
3 the law of involuntary manslaughter.

4 Lawful activity in both situations is someone who is
5 arming themselves and the gun goes off and they're arming
6 themselves and self-defense and the gun goes off. Accident
7 and involuntary manslaughter and the State has the burden to
8 proving with respect to each one of those that accident did
9 not apply, or involuntary manslaughter does not apply.

10 In a trial, I think sometimes I like to look at this as
11 a trial and the jury deliberating of the case is whether or
12 not it's a game or a contest. Well, it's not -- it's not a
13 football game, it's not a baseball game. It's not any other
14 sporting event where one side has to win, one side has to
15 lose. It's certainly not that. What it is is a search for
16 the truth.

17 And if your verdict in the case speaks the truth, then
18 everybody wins. Justice prevails. And that means that
19 everybody wins when justice prevails. A verdict from this
20 case is not guilty of murder. You either find an accident or
21 if you have a doubt about that, then you look at involuntary
22 manslaughter and you find her guilty of involuntary
23 manslaughter, the unintentional killing of another human
24 being.

25 So if you find accident applies, or if you find an

1 involuntary manslaughter applies that murder because they
2 haven't proven murder beyond a reasonable doubt, they haven't
3 proven malice aforethought that she intended to kill
4 Brenda Coates. Then the verdict requires you either to find
5 her not guilty or no greater than involuntary manslaughter,
6 which is still a criminal offense for which you get punished,
7 but it is not murder. And that's what we are asking you to
8 speak the truth. But you verdict speak the truth and let the
9 fact that we are -- we all win. The community wins.
10 Everybody wins if your verdict speaks the truth. Thank you.
11 Mr. Speedy will finish up on the facts of the case. Thank
12 you.

13 MR. SPEEDY: May I please the Court?

14 THE COURT: Yes, sir.

15 MR. SPEEDY: So folks you've already seen what the
16 roles are in these cases. We get into the trial of things.
17 We have to try to fill both sides. Unfortunately, the State
18 gets to go first and when they get to go first, that makes it
19 a little more difficult. Sort of like getting ahead in the
20 the football game. It's hard to come back and get too far
21 behind.

22 In this case though, it was a little bit different. I
23 think what -- what -- what we had and what we were all ready
24 for was a situation where there's only really two -- two
25 witnesses to an occurrence on the June -- June 17th of -- of

1 2018. One of those is Jody Catoe and one of those other --
2 the other one is his wife Stacey Catoe. I think when we --
3 when we know there's two witnesses we want to know about
4 them, we want to know what kind of people they are, it goes
5 to that credibility question, doesn't it? So let's talk
6 about Jody. I had the duties of cross-examining him. I -- I
7 -- I knew a -- a lot about it before I did, and I wanted to
8 show to you the jury, just exactly what kind of person he is.

9 First of all, we're -- we're -- it's clear he admits
10 that he carries a gun all the time. No question about that.
11 We'll -- we'll get back to this particular night in a moment,
12 but no question that he admitted it. Not only that, it seems
13 that -- that -- that even the -- even the State has -- has
14 agreed with us that he is a gun toter. We also learned that
15 he's a -- he's a big drinker. He likes his liquor, beer,
16 liquor, whatever it is he chose -- he chose -- he chooses on
17 Sundays rather than attend church with a child, to go to the
18 VFW where he can drink.

19 He also is an abuser. We've shown you -- we've shown
20 you, but -- but few witnesses -- eye witnesses, particularly
21 his daughter, about the suffering that -- that Stacey Catoe
22 did at his hands. The fact that he would beat her in a
23 parking lot, Pool parking lot -- Pool Hall parking lot, and
24 drag her across the parking lot in front of her daughter,
25 tells you a lot about the character of the man.

1 The fact that he would pull a pistol out in their house
2 when he is angry, intoxicated, and shoot the gun into the
3 ceiling or into the bathroom to scare or intimidate
4 Stacey Catoe. He was pretty successful in that. He was
5 pretty successful in that. He -- he forced her into like a
6 submission role.

7 In other words, as you heard, his daughter -- their
8 daughter say, it wasn't really an open marriage, an open
9 marriage as far as Jody was concerned. Because Jody could do
10 anything he wanted to, because if there was any suspicion
11 that is her mother would be -- would be involved with
12 something, then she'd get a beating. She'd get -- she'd get
13 shot at.

14 We also know that he's capable of ambush because he
15 showed you the fact that when Christy Huebner was at the
16 house, he blocked her in, pulled his pistol out, admits this,
17 pull this pistol out and fires it at least in the air. Or if
18 you please, Christy, towards the mobile home where Stacey was
19 located. So what does that do to a person? Can you imagine
20 if you're that person and it makes you wonder -- why would
21 she keep going back because of that control.

22 You've heard testimony that she couldn't break that
23 cycle because if -- if she did leave him or get away from
24 him, he did nothing but harass her, bother her. We heard
25 testimony that she'd -- he'd go to the house where she -- her

1 safe haven even to pursue her and, try to again, intimidate
2 her. His whole life was like that. It -- it -- it must have
3 started early in his life. He probably had -- he had to make
4 choices at certain times. He had to figure out whether he
5 was going to be a -- a drinker, a gun toter, a wife-beater.
6 He had to make those decisions and he made those decisions.

7 And all that had an effect on Stacey. All that molded
8 her into what she became. Now what did she become? Well, it
9 looks like she pretty much was a -- a -- a good mother. She
10 was dedicated to her daughter. Solicitor would try to
11 indicate to you that throughout these -- these -- these many
12 years that she was having these -- all these affairs. But
13 you look at these, you look at the time stamps on all this.

14 When did that -- what did that -- when does that
15 coincide with? Do you remember that at some point in time,
16 Jody Catoe decided to buy a camper to take to the lake, 2016
17 -- 2016 called it The Stabbing Cabin. So we bought the
18 camper and began to live there. That's on at or about the
19 time that we see some of these messages because now Stacey
20 has been demeaned to such an extent she's seeking some
21 approval from anywhere. She wants somebody to care about
22 her, somebody to be worried about her, somebody that would
23 love her.

24 We know that at this -- this point in time she became
25 friends with Brenda Coates that they -- you can see in the

1 exchanges that they became friends to such an extent that
2 they -- you'll -- you'll see them all. There's some in there
3 talks about recipes and how are you feeling? They wanted to
4 -- they wanted to -- they wanted to point out the salacious
5 ones, but not the -- not the ones that indicated their peer
6 friendship. It only changed -- it only changed when Stacey
7 suddenly realized Brenda was having a -- an affair with her
8 husband.

9 Well, now she's been betrayed by a friend. They want
10 to say a lover. There's no evidence that they've ever had
11 any sex. But they want to say that she's now angry because
12 she was betrayed by a lover. But it was because she was
13 betrayed by a friend and her husband. So what does she think
14 about that?

15 Let's, you know, maybe we should try to get a divorce?
16 Maybe we should get pictures? Maybe she -- she thinks of
17 those -- those terms because everybody thinks you have to
18 have a picture to get a divorce. Well, that's not
19 necessarily so. There's -- there's lots of ways of getting a
20 divorce, but that's a common thread. That's a common thread.
21 And -- and -- and she'll -- what she did is this one night,
22 they -- she decides that they're at The Stabbing Cabin. She
23 goes with a friend. Oh, by the way, she doesn't arm herself.
24 She doesn't carry a weapon. She goes there to see if she can
25 get a picture and she sees a head through a -- must be a -- a

1 -- a clouded window from what the way she described it to --
2 to me.

3 And she tries to flush them out, they won't come out.
4 She does end up breaking the window and goes in and -- and
5 doesn't -- doesn't find them. But she didn't go there with
6 the intention of doing anything except to take pictures. She
7 was armed with a beer bottle and a phone.

8 Let's talk now about what happened on -- on this
9 Father's Day. This was only a few months after the
10 incident-- going to -- going down to The Stabbing Cabin at
11 night. This particular day, Jody says that he went to work
12 that morning, got off about 11:00-12:00, went back home, took
13 a -- took a shower or some dispute to that. Stacey says, no,
14 that didn't happen. He came in drunk as he usually did on a
15 Sunday, laid on Caitlyn's bed and only got up later, took a
16 shower, asked -- she asked where he was going. He said, "He
17 is going to the VFW."

18 So he goes to the VFW in his -- in his work truck.
19 Stays there for a while. Apparently they decided to go to
20 the lake. Some people call it "the river." Some people call
21 it the lake, to -- to do some boating. It just so happens
22 that they're going to be boating with -- with several people.
23 I think their names are Brenda and Bobby, Joe Vincent, Steven
24 Vincent, Stephanie Bowers. And I think one of the reference
25 was is the Jone's -- Jones's daughter and several people.

1 These people are with them on the boat.

2 And certainly if -- if the State wanted to prove that
3 -- that day he didn't have his pistol, we certainly would've
4 heard from those, wouldn't we? Why wouldn't they bring those
5 folks here to tell you, to prove you that he didn't have a --
6 a weapon in his back pocket where he always carried it. They
7 had that opportunity even after we presented their case.
8 They still had the opportunity because they had reply. But
9 -- but they didn't do that. They didn't choose to try to
10 prove that to you.

11 Well, it seems like -- it seems like Jim Wilson then is
12 asked because of some -- some reason he had to go home to --
13 to take the truck and go back -- take it back to the VFW,
14 which he does, I guess for a few more hours or however long
15 it was. The drinking continued and then it was time to go
16 home. Some form of misunderstanding about who was going to
17 take Jody home apparently ensued or at least back to his
18 truck at the VFW.

19 Now, he says, at that point in time that Brenda agreed
20 to take him back to get his truck at the VFW. Now, this --
21 this really doesn't make any sense. And you saw the -- you
22 saw the photograph. It sits here. This really doesn't make
23 any sense to go to the VFW -- that you come all the way back
24 down here to Damascus -- Damascus Church Road, come across to
25 Highway 521 to go up to Cato Road. Just doesn't make any

1 sense.

2 Quickest way is over to the -- over to the VFW by Red
3 -- I think it's called Red Hill Road and River Road. That's
4 the easiest, the quickest, the shortest way. But somebody
5 made the conscious decision to go by the marital home.

6 Now, I purport to you that what -- what was going to
7 happen was that Brenda was going to bring Jody home and drop
8 him off at the house. She'd have gone on and back -- back to
9 the -- back to Beaver Creek. Now, why they didn't stay at
10 The Stabbing Cabin, we don't know. But that -- that was
11 sorted when that intention of that -- that plan was thwarted
12 when Stacey decides to leave to look for them. Now, what was
13 the reason she was going looking for them to take a picture?

14 Solicitor wants you to believe the picture of Stacey on
15 a pontoon boat with many people is -- is good enough for
16 grounds for divorce. Well, that's even worse. Just -- just
17 having a picture of them alone, at least putting them alone
18 is one of the elements that is opportunity. Also that
19 there's opportunity and inclination. So it is there if you
20 get a picture of them alone someplace where adultery can
21 ensue.

22 So it makes sense that she's going to try to get those
23 pictures. She goes -- makes a left turn driving to -- to --
24 to go check the stabbing cabin. And she encounters the
25 little Firebird. She recognizes this comments about them

1 speeding. I -- I don't guess he's never been on the Damascus
2 Church Road or any of those country roads up there. We don't
3 do much speeding on those back roads. It's a pretty slow
4 process.

5 She then sees the car and she's -- she turns around.
6 She doesn't try to hide. She doesn't -- she -- she knows
7 that they know -- they saw her too. She turns around, she
8 gets behind them. It's not speeding or chasing. You made it
9 sound like it was -- it was a high speed chase through the
10 country. She just got up behind them and followed them. You
11 take -- they make a couple of turns. You get to 521, you go
12 up Damascus Church Road, you take 521, you take a left and
13 you go up to Cato Road.

14 Again, this doesn't make any sense why he would pull
15 into -- he would pull into -- he would -- to instruct Brenda
16 to pull onto Cato Road right there at a store. He says to
17 get a beer and take a pee. Excuse me -- that's the thing --
18 you -- you give me one second. The first thing that they
19 talk about -- to try to -- try to say, you know, you look --
20 they took a lot of pictures, a lot of pictures. And forgive
21 me, I had these in order a little bit ago, but here we go.

22 And to try to prove their point, I'm going to have to
23 do this a little differently than they did it. They had to
24 prove the point. Plaintiff's -- I mean, State's Exhibit
25 Number 22. This is a picture of the -- of the cooler

1 allegedly open to try to prove that he reached in there and
2 -- and got be one problem with that one problem. Here's
3 another picture -- they took the tops on that cooler, that's
4 inconsistent. I don't think that the cooler would've got
5 it's top off and back on itself. So those pictures don't
6 make sense -- don't make sense.

7 The second thing it really -- really stands out is that
8 Jody Catoe and being pressed about the -- the time elements
9 tries to indicate that he also went over by this building to
10 take a piece. Now, again, the -- the investigators took all
11 these photographs. They took three statements from him and
12 one of the officers testified that that's what he said at the
13 scene. I see no pictures of that.

14 Now, if you all -- and you have to forgive me for this
15 part of it -- that if you all have been driving down the
16 highway, sometimes you'll see evidence where somebody the
17 night before at an intersection or at some place gets out and
18 pees and you see the puddle. That's not here. That's
19 because he's not telling the truth. Why isn't he telling the
20 truth? Why doesn't he just say, she pulled us over? He --
21 they voluntarily pulled that car over. Because you know what
22 he told Brenda? He said, "Pull over. I'm going to show that
23 fat ass bitch what it's all about."

24 She pulls over, he's getting out of the car. Stacey is
25 not that far behind. She pulls out right next to the car,

1 he's reaching back for his pistol and that's when she tries
2 to take the picture and realizes this is not the first time
3 she's experienced it. Many -- many times she's experienced
4 the fear of what's about to happen. She's scared to death.
5 Suddenly her -- her life is in danger.

6 So what does she do? She reaches inside, grabs her
7 little Saturday night special. The low profile -- low
8 profile sites, you can't hardly aim reaches across. Now,
9 they're -- they're trying -- they're trying to make it seem
10 like this is a big wide Tahoe. This is a small SUV, it's a
11 Ford -- Ford Escape. The -- the console is less than -- less
12 than 12 inches wide. When she's leaned across, she said,
13 "She crouched and it hit something and went off."

14 Now, their argument is that it -- it wouldn't have --
15 she had to be holding it back further than that. Well, if
16 that's the case, then the -- the powder, it wouldn't have
17 been on the inside of the door. Would it have been on the
18 side of the seat? Would it been on the -- on the console?
19 Would it be someplace inside of the car? But no, where it is
20 is right next, right on the panel, right below where the
21 window is, where the window is opened. Makes sense -- makes
22 sense.

23 The only other thing you remember my -- got my
24 examination of the expert here was that there was gunpowder
25 on the gear shift and on the steering wheel. I specifically

1 asked her is that probably from having fired the weapon and
2 then touching those two things. And she -- she said, "It
3 was." Said, "It was."

4 So when we look at the situation that Stacey found
5 herself in, you know, this is somebody who has been
6 controlled by this man for her -- for her entire life.
7 Molded, disciplined, to know that you have to be ready to
8 react anytime you're around Jody Catoe and his liquor. So
9 that when she saw him going for his gun, she had the right
10 then at that point in time, because it would've been somebody
11 in her position, it would've been reasonable for her to be a
12 fear -- in fear of her life.

13 She -- she didn't create the confrontation. She was
14 following them for pictures. He pulled over, she pulled over
15 to take the pictures he reaches for his gun. He didn't --
16 she didn't ask for that, but that's what she got.

17 She then says there was no way to get away. What if --
18 what -- what -- what -- what if she would've just kind of
19 sped off and Jody decided to -- to load the back of her car
20 with the rest of the bullets in his 380 automatic? Now, the
21 Solicitor would indicate he -- he may have -- she may have
22 wanted to kill them both. Well, if you got a 380 automatic
23 and you're intending on firing it, you don't have to just
24 fire one shot just to kill one person. Why not kill the
25 witnesses too? Why not -- why not empty your gun? Because

1 that's not what happened.

2 She then leaves. Now, before all this happened, this
3 is why the -- this is why the time element is kind of
4 important, is because he wants Jody Catoe. And the State
5 wants you to believe that she just did a drive by shooting
6 that she just whizzed by and shot.

7 Well, the first evidence that that's not so, is the
8 fact that the -- the coroner forensic pathologist -- not the
9 coroner, forensic pathologist, says that Brenda Catoe was
10 looking straight ahead. Now, what does that tell you? That
11 tells you that there was an exchange. She was not going to
12 look at Stacey Catoe.

13 If -- if that car would've pulled up out as fast as
14 they say she did, she'd have looked at it. She'd have been
15 looking at that car, but that's not the situation. She was
16 looking straight ahead because by this time the exchange has
17 taken place. Jody's saying, "What the F are you doing here?"
18 And she says back, "What the F are you doing here?" And
19 that's when he goes for his gun. And that's when she go --
20 goes for hers, drops the camera -- goes for hers.

21 She leaves the scene. I guess I -- I guess the
22 prosecution forgot that Jody Catoe was there. And by this
23 time I'm sure everybody is in a kind of a hectic state
24 because something just occurred and they expect you to -- her
25 to call 911 to report what happened. Well, she didn't know

1 what happened. All she can remember is that as she was
2 sitting there, the gun popped -- went off, and that he said,
3 "You shot her." That's all she knew.

4 Where'd she go? She headed just like any scared person
5 would, back to their home, back to their father, back to
6 their comfort zone, back to their place that they could --
7 they could be and feel safe. But she did call her -- she did
8 call her sister -- her confidant, her -- her person that she
9 could go to that tried to convince her to get out of this
10 relationship, tried to get her to get rid of the work, get
11 rid of the person that was destroying her? But when they
12 realized they couldn't do it, the family decided, we'll --
13 we'll just have to put up with them. And it's not surprising
14 that -- it's not surprising when they saw Stacey come -- come
15 back in that day was described as -- well -- "we thought Jody
16 was probably chasing her."

17 And it's not surprising that they didn't call anybody
18 as well, because first of all, everybody expected something
19 bad to happen as a result of -- of Jody didn't know if they
20 expected this, but they always expected something bad was
21 going to come of it. You know, he showed before that he can
22 ambush women. He ambushed Christy Huebner at the home. He
23 ambushed them -- Stacey this night.

24 When they get back-- when she gets back there, she's so
25 upset. She tells her -- calls her sister on the phone, tells

1 her sister, "I think I just shot somebody. I -- I -- I
2 didn't mean to do it. The gun just went off." It's the
3 first evidence of that.

4 Next was when she got to her house. The way daddy
5 asked her what was going on, she couldn't calm down saying,
6 "I -- I think I shot somebody. I don't -- I -- I don't know
7 what's going on. I don't know. The gun just went off."
8 When -- when it was learned suddenly that I think maybe from
9 the fact that they called the scanner and heard on the
10 scanner that somebody was shot is when the father fell to his
11 knees -- fell to his knees and just suddenly was in verbally
12 with emotional pain. And they asked him, "Well, why didn't
13 you call 911?"

14 They never searched Jody. They never searched his
15 truck, wherever it was. He said, was it the VFW? Then he
16 said, "It was at Eddie Louis's house." We don't really know
17 where it was, but he decided to go by the -- down Damascus
18 Church Road. Total disrespect from him, for the woman he was
19 riding with, his wife, his daughter. And total disregard of
20 any respect whatsoever. Because that's the way he was.
21 That's what he did.

22 You probably remember when I had Jody Catoe on the
23 stand, asked him a lot of questions and I was walking away.
24 I said to him, and "You said in all three of those interviews
25 that she didn't mean to shoot her." And he said, "I did." I

1 said, "I did say that all three times." Because you know
2 why? Because he knows he caused the problem. He knows he's
3 the one that instigated this tragedy. He knows that he's the
4 one that really should be on trial today. He knows. Thank
5 you.

6 THE COURT: Thank you very much, Mr. Speedy.

7 And, Mr. Scott, any reply on that?

8 MR. SCOTT: That's just it that he said it. He said
9 what I told you. He wants Jody Catoe to be on trial.
10 Jody Catoe, who has not a shred of evidence that he did
11 anything that day illegal. Not a shred of it. Not one
12 person has ever told law enforcement that he had a gun that
13 night. Never. Wouldn't that have been nice if somebody
14 would say, "Hey, Jody Catoe pointed a gun that night." So
15 then they could go search him. But by the way, they did
16 search him because they took him in to the police station.
17 They ain't letting some armed guy get in the back of
18 the patrol car. But wouldn't it have been nice if somebody
19 at Willis McClintock's house said, "Go search his truck.
20 Maybe it's in there." That's the problem when nobody is
21 telling law enforcement anything. But we get to hear it this
22 week from the family members. First time we ever heard it,
23 but again, this is not about Jody. They want it to be about
24 him so desperately bad. You just heard the Defense attorney
25 concoct a statement. He concocted it.

1 You heard him say, "What happened was Jody pulled over
2 and looked at Brenda and said, pull over. I'm going to show
3 that fat bitch what's going on." Remember when he said that?

4 So he's just making up evidence now to divert your
5 attention away from his client, Stacey Catoe, the one with
6 the pistol that night. The one who sent those messages to
7 Jody Catoe, the story that was concocted before your very
8 eyes this week. You're making up statements now. I just
9 heard about 90 percent of his closing argument and it was all
10 about Jody Catoe. Why are we avoiding the fatal moment? Why
11 are we avoiding her story and all the flaws and all the
12 nonsensical nature of it?

13 Why are we avoiding that expert saying that that gun,
14 it is impossible to fire? It's got two safety mechanisms,
15 two separate ones that prevents it from firing without you
16 pulling the trigger. Why are we avoiding that? Why are we
17 avoiding her lying about where she was and seeing him
18 reaching for his pocket when we know that's impossible from
19 where she had to be? We know that's impossible based on the
20 evidence. Let's follow the evidence. Let's don't follow
21 made up statements. That's not what we do in court. We
22 don't make up stuff for the jury.

23 And his story, Jody ambushed her. Okay? Didn't we
24 hear about her passing him and Brenda doing a three point
25 turn and having to speed up to get behind them and catch up

1 with them?

2 And Jody ambushed her, isn't she the one that goes in
3 the cover of darkness with a beer bottle to a man's camper,
4 starts beating on the windows until they break out? Isn't
5 she the one chasing him in a car through the night? Why are
6 we -- why are we excusing all these things that Stacey does?
7 Isn't it time to hold her accountable for all these things
8 she does?

9 She leaned over, crouched and somehow was able to
10 extend her arm where it shot out the window. The barrel was
11 outside of the window, right? If it hits the glass or it
12 hits the window, the barrel has to be outside or else she's
13 going to fire into the door, right? She has a gunshot
14 residue would've been expelled outside of the car. She
15 aimed. She took four and a half pounds of pressure. She
16 squeezed that trigger and she killed that woman. She killed
17 that woman.

18 Out of all those thousands of texts, this to me is
19 probably the saddest. This case isn't about Jody Catoe. I
20 believe in fate, but I also believe in decisions. When you
21 get to these crossroads, we all have decisions. You know,
22 the guy who gets real drunk drives his car and kills a family
23 and he goes, "I didn't mean to kill anybody." You know, the
24 guy who shoots a gun into a crowd of people and is shocked
25 when somebody gets hurt seriously or killed, says, "Well, I

1 didn't mean to kill anybody."

2 Our decisions and paths we take on these crossroads,
3 they have consequences, you all. So I believe in fate like
4 Brenda did, but I -- I believe in accountability. I believe
5 in the evidence and not making it up. I believe in following
6 the evidence.

7 Brenda back in 2016, she told Stacey, "Maybe it's
8 called fate that we met. Everything happens for a reason."
9 Stacey said, "Exactly." The reason Brenda Coates is dead is
10 because the decision, the actions Stacey Catoe took. There's
11 only one verdict that speaks the truth. Deliberate, respect
12 each other's opinions. But I ask you to come to the only
13 verdict that speaks the truth in this case, the only verdict
14 that is justice and that's a verdict of guilty for murder.
15 Because that's what this is. This is a cold-blooded murder.
16 And I'm going to ask you again, like I asked you the last
17 time, I craved find her guilty of murder. Thank you.

18 THE COURT: All right. Thank you, Mr. Scott.

19 All right. Let's stand up, stretch, twist, turn. All
20 right. If you would please grab your seats and it's now my
21 job to charge you on the law. So if you'll please give me
22 your undivided attention. It's impossible to make this super
23 exciting or engaging when you're reading the law. But it is
24 very important because this is the law that you will apply in
25 the case.

1 So the indictment is charged to the Defendant with
2 murder. I would remind you that the fact that the Defendant
3 was arrested, charged, and indicted is not evidence in this
4 case and not -- cannot be considered by you as evidence of
5 guilt, nor does it create any presumption or inference of
6 guilt. The indictment is simply the formal written
7 instrument which contains the charge made against the
8 Defendant. It is the formal document by which the case is
9 brought into this court.

10 Now, you and I have had different duties to perform
11 during this trial. It's my judge -- my job to provide --
12 preside over the trial of the case and to rule upon the
13 admissibility of the evidence offered. You are to consider
14 only the competent evidence before you. If there was
15 anything that was ordered stricken from the record in this
16 case, you must disregard that. You are to consider only the
17 testimony which has been presented and the exhibits which
18 have been made a part of the record in the case.

19 I have the additional duty to charge you on the law.
20 I'm the sole Judge of the law and it's your duty to accept it
21 and apply it as I now give it to you. If you have an idea as
22 to what you think the law is or what you think the law ought
23 to be and it doesn't agree with what I now tell you, you must
24 abandon your own idea because you are sworn to accept the law
25 exactly as I give it to you.

1 You are the sole and exclusive judge of the facts in
2 this case. I'm not allowed to make a comment about the facts
3 or make any statement about the facts or answer any questions
4 about the facts in the case. You are the sole judges of the
5 facts. You should not infer from anything that I have done
6 or said now or during the progress of this trial or any other
7 time that I have any opinion about the facts. The law does
8 not allow me to have an opinion about the facts. This is a
9 matter for you to determine. It's your job to determine the
10 effect, the value and the weight of the evidence presented.

11 Now, the Defendant has pled not guilty. That plea
12 places the burden on the State to prove the Defendant guilty.
13 A person charged with committing a criminal offense is never
14 required to prove herself innocent. I charge you that it is
15 an important rule of law that the Defendant in a criminal
16 trial, no matter what the seriousness of the charge may be,
17 will always be presumed innocent of the crime for which the
18 indictment was issued.

19 Unless guilt has been proven by evidence that satisfies
20 you of that guilt beyond a reasonable doubt. This
21 presumption of innocence doesn't end when you begin your
22 deliberation, but it accompanies the Defendant throughout the
23 trial until you reach a verdict of guilt based upon evidence
24 that satisfies you of that guilt beyond a reasonable doubt.

25 The presumption of innocence is like a robe of

1 righteousness placed about the shoulders of the Defendant,
2 which remains with the Defendant until it has been stripped
3 from the Defendant by evidence that satisfies you of the
4 Defendant's guilt beyond a reasonable doubt. This is not
5 just some mere legal theory that we say, it's not just some
6 legal phrase that we use. This is a substantial right to
7 which every single Defendant is entitled unless you are
8 satisfied from the evidence of the Defendant's guilt beyond a
9 reasonable doubt.

10 So what does beyond a reasonable doubt mean? So the
11 State has the burden of proving the Defendant guilty beyond a
12 reasonable doubt. Some of you may have been jurors in civil
13 cases where you were told that it is only necessary to prove
14 that a fact is more likely true than not true, such as by the
15 greater weight of the evidence. In criminal cases, the
16 State's proof must be more powerful than that. It must be
17 beyond a reasonable doubt.

18 Proof beyond a reasonable doubt is proof that leaves
19 you firmly convinced that the Defendant's guilty. There are
20 very few things that we know with absolute certainty and in
21 criminal cases the law does not require proof that overcomes
22 every possible doubt.

23 If based upon your consideration of the evidence you
24 are firmly convinced that the Defendant is guilty, you must
25 find the Defendant guilty. If on the other hand, you think

1 there is a real possibility that the Defendant is not guilty,
2 you must give the Defendant the benefit of the doubt and find
3 her not guilty.

4 Now, you have seen things and heard things during this
5 trial that appear to be evidence, but are not actually
6 evidence. So let's make sure we understand what is not
7 evidence.

8 Number one: The opening statements and the closing
9 arguments and the statements in the arguments of the
10 attorneys throughout the trial are not evidence. Number two:
11 The questions that they ask and the objections that they
12 raise are not evidence. And number three: Anything that I
13 told you to disregard.

14 There are two kinds of evidence which are generally
15 presented: Direct and Circumstantial. Direct evidence
16 directly proves the existence of a fact and doesn't require
17 any deduction. Circumstantial evidence is proof of a chain
18 of facts and circumstances that then indicate the existence
19 of a fact. So crimes are allowed to be proven by
20 circumstantial evidence. The law makes no distinction to be
21 given between the weight or the value to be given to either
22 direct or circumstantial evidence.

23 However, to the extent that the State relies upon
24 circumstantial evidence, all of the circumstances must be
25 consistent with each other. And when taken together point

1 conclusively to the guilt of the accused beyond a reasonable
2 doubt.

3 If these circumstances merely portrayed the Defendant's
4 behavior as suspicious, the proof has failed, the State has
5 the burden of proving the Defendant guilty beyond a
6 reasonable doubt. This burden rests with them regardless of
7 whether they rely on direct evidence, circumstantial
8 evidence, or some combination of the two.

9 As I told you in the beginning, you have to judge or
10 determine the credibility of the witnesses. Credibility just
11 means believability. It's your duty to analyze and to
12 evaluate the evidence and determine which evidence convinces
13 you of its truth. So in determining the believability of the
14 witness, you may believe one witness over several or several
15 over one. You may believe a part of the testimony of a
16 witness and reject the remaining part.

17 You may believe the testimony of a witness entirely or
18 reject it entirely. You may consider whether the witness has
19 exhibited any interest or bias or prejudice or other motive
20 in the case. You may also consider the appearance and the
21 demeanor of the witness while on the witness stand.

22 I probably gave you some example last week when we
23 started that and said something along the lines of, "You
24 judge people's credibility all day long, right? You do it so
25 much that it's kind of become second nature and you just do

1 it with your common sense. So just use your everyday common
2 sense in judging the credibility of the witnesses."

3 Now, we had some expert witnesses testify in this case.
4 Remember that normally people can't give their opinions, but
5 there's an exception when someone is qualified because of
6 education and experience and they become an expert in some
7 art or science or profession. And they're allowed to give
8 their opinion in certain areas and their reasons for their
9 opinion. So you're allowed to consider any expert opinion
10 received in this case. And like any other piece of evidence,
11 you give it the weight that you believe it deserves. If you
12 decide that the expert's opinion isn't based upon sufficient
13 education and experience, or if you conclude that the reasons
14 given in support of it are not sound or that the opinion is
15 outweighed by other evidence, you may disregard the opinion
16 entirely.

17 An expert witness's testimony is to be given no greater
18 weight than the other witnesses just because we call them
19 experts. And you are not required to accept an expert's
20 opinion even though it is not contradicted.

21 All right. We're going to shift gears, okay? And
22 we're going to start talking about the individual crimes. So
23 in order to start talking about the individual crimes, the
24 first thing we have to talk about is intent. Okay? So law
25 school 101, if there has to be an act and then there has to

1 be intent. So we're going to talk about intent. So in order
2 to establish criminal liability, criminal intent is required.
3 For example, the mental state could be purpose or intent or
4 knowledge or recklessness or criminal negligence.

5 The criminal intent must be proven by the State beyond
6 a reasonable doubt. Now, this is a matter that must be
7 determined by you from the circumstances surrounding the
8 situation. There's no way to prove criminal intent to a
9 mathematical certainty. There's no way that science can open
10 somebody's brain and say at this moment this is what they
11 intended to do at the -- at that time.

12 So what the law says is that you may infer criminal
13 intent from the circumstances surrounding the situation, and
14 that's how you determine whether or not intent was present.
15 It is not necessary to establish intent by direct and
16 positive evidence, but it may be established by inference in
17 the same way as any other fact. Taking into consideration
18 the acts of the parties and all the facts and circumstances
19 of the case.

20 Criminal intent is a mental state. It is a conscious
21 wrongdoing. It is up to you to determine what the Defendant
22 intended to do based upon the circumstances shown to have
23 existed. It can arise from an action or a failure to act.
24 It may arise from negligence, recklessness, or indifference
25 to duty, or the consequences that are considered by the law

1 to be the equivalent of criminal intent.

2 So we're going to go move to murder. So what is
3 murder? The Defendant is charged with murder. So what does
4 the State have to prove? The State must prove and then we're
5 going to insert our standard, which is beyond a reasonable
6 doubt that the Defendant killed another person with malice
7 aforethought.

8 So what is malice? Malice is hatred, ill will, or
9 hostility towards another person. It is the intentional
10 doing of a wrongful act without just cause or excuse and with
11 an intent to inflict an injury or under circumstances that
12 the law will infer as evil intent.

13 Now, what does malice aforethought mean? So
14 aforethought does not require that the malice exists for any
15 particular time before the act is committed. But malice must
16 exist in the mind of the Defendant just before and at the
17 time the act is committed. Therefore, there must be a
18 combination of previous evil intent in the act.

19 So malice aforethought may be expressed or inferred.
20 They don't mean different kinds of malice, but merely the
21 manner in which they exist. So that is either by direct
22 evidence or inference from the facts and circumstances which
23 are proven. So malice may be inferred from a conduct that
24 shows a total disregard for human life.

25 Now, we're going to talk about transferred intent. So

1 if the Defendant with malice aforethought attempts to kill
2 another person, but by mistake injures or kills a different
3 person, the Defendant still has the intent to kill. The
4 intent to kill is merely transferred from the original person
5 the Defendant attempted to kill to the actual person killed
6 or injured.

7 Now, the next thing we're going to talk about is
8 accident. Okay? So the Defendant has raised the defense of
9 accident harm to another, including death, is excusable on
10 the ground of accident, if the harm was caused by the
11 unintentional unlawful act of a Defendant exercising due
12 care.

13 So for the defense of act accident to apply, you must
14 find that the act of the Defendant that caused the harm was
15 accidental and not intentional. The act was lawful and the
16 act was not careless, negligent, or reckless. If you find
17 the defense of accident applies, you must find the Defendant
18 not guilty.

19 However, if the State has proven beyond a reasonable
20 doubt that any of these three elements of the defense of
21 accident did not apply, then the Defendant is not entitled to
22 the defense. A Defendant exercising due care who
23 accidentally harms another while acting in self-defense is
24 acting lawfully.

25 So what does careless, negligence, and reckless mean?

1 So mere negligence or carelessness is the failure to use care
2 that a person of ordinary reason would use under the same
3 circumstances. Recklessness is a conscious failure to use
4 ordinary care. Now, we're also going to talk about
5 involuntary manslaughter. So if you find that the State has
6 failed to prove beyond a reasonable doubt that the Defendant
7 committed murder, you may consider whether the State has
8 proved beyond a reasonable doubt that the Defendant committed
9 involuntary manslaughter.

10 So what does the State have to prove? To prove
11 involuntary manslaughter the State must prove beyond a
12 reasonable doubt that the Defendant unintentionally killed
13 the victim without malice, while engaged in a lawful activity
14 with reckless disregard for the safety of others. A person
15 acting in self-defense is engaged in a lawful activity.
16 Unintentional means that the Defendant did not intend for
17 anyone to be killed or seriously injured. Reckless disregard
18 for the safeties of others is more than mere negligence or
19 carelessness.

20 Mere negligence or carelessness is the failure to use
21 the care that a person of ordinary reason would use under the
22 same circumstances. Recklessness is a conscious failure to
23 use ordinary care. Reckless disregard for the safety of
24 others means that you are not interested in the consequences
25 of your acts or the rights and safety of others.

1 If a person who knows or should know that ordinary care
2 requires certain precautions be taken for the safety of
3 others when using endangerment instruments such as a gun or a
4 car, but that person fails to use those precautions without
5 concern, the person's actions are considered reckless.

6 The State must also prove beyond a reasonable doubt
7 that the Defendant's act was the approximate cause of the
8 death. Approximate cause is the direct cause. It is the
9 immediate cause, it is the efficient cause. It is the cause
10 without which the death would've not have resulted. There
11 must be a chain of causation from the time of the injury
12 inflicted until the time of the victim's death.

13 Approximate cause does not necessarily that mean that
14 it occurred immediately prior to death. There may be more
15 than one approximate cause. The acts of two or more persons
16 may combine together to be approximate cause of the death of
17 a person. The Defendant's acts may be regarded as
18 approximate cause if it is a contributing cause of the death
19 of the victim.

20 The fact that other causes also contribute to the death
21 of the victim does not relieve the Defendant from
22 responsibility. The Defendant's act may not be the sole
23 cause of the death, but it must be approximate cause
24 contributing to the death. All right. We're almost done.

25 So a verdict in this case cannot be based upon sympathy

1 or passion or prejudice or emotion or some other
2 consideration not found in the evidence. Let's talk about
3 how to deliberate. So most of you have probably never
4 deliberated before. Okay? So the word deliberation is
5 defined as a careful consideration weighing up with a view to
6 a decision.

7 The genius of this system is that it allows 12 good men
8 and women from 12 totally different backgrounds and life
9 experiences to consider the evidence. Talk about it and
10 reach of verdict. We call them deliberations for a reason.
11 You are to consider the evidence in the case carefully and
12 deliberately. You should be discussing it in a calm,
13 thorough, and courteous manner.

14 You are not a partisan or an advocate for either side.
15 You're a judge -- you're a judge of the facts. Listen to
16 each other's views, listen to each other's points of view,
17 and discuss the evidence. And remember, if you're doing
18 something deliberately, you're not in a big hurry. You
19 should not be in a big hurry here. This case is very
20 important to both sides. This is their only day in court to
21 resolve this matter.

22 When you retire to the jury room, you should discuss
23 the case with your fellow jurors to reach agreement. If you
24 can, your verdict must be unanimous. That means you all 12
25 must agree. But each of you must decide the case for

1 yourself. After you have impartially considered the
2 evidence, discussed it fully with each other, listen to each
3 other's views and gone through the evidence. Do not be
4 afraid to change your opinion if the discretion persuade you
5 that you should. But don't come to a decision simply because
6 well, everyone else thinks it's right.

7 You have to reach a unanimous verdict. But only if
8 each of you can do so after having made your own decision.
9 Do not change an honest belief about the weight and the
10 effect of the evidence simply to reach a verdict. In other
11 words, don't change your opinion solely for the sake of
12 reaching a unanimous verdict.

13 All right. What I'm going to do now is I'm going to go
14 over your verdict form with you. It's very simple. I'm
15 going to give it to you, Mr. Foreman, and give you just a
16 couple more basic rules. All right. Where do you need to
17 explain for me? Okay. All right.

18 So number one: When you go back to your jury room, you
19 can still not start deliberating. The sign that you can
20 start deliberating is when all of these exhibits come in the
21 room. Okay. So when the bailiff brings in the exhibits,
22 that's your cue you can start. My alternates will need to
23 come out. Exhibits come in. When the exhibits come in, you
24 can start.

25 Is there food here? Your food is here. You're welcome

1 to eat and deliberate. You're welcome to eat then
2 deliberate. You don't even need to tell me which one you do.
3 Doesn't matter to me. Make your own decision.

4 All 12 of you have to be in the room to deliberate. So
5 if somebody needs to go call home or somebody needs to go
6 take a smoke break, somebody needs to go to the bathroom.
7 Deliberation stop unless all 12 of you are physically in the
8 room. Okay. There was I think some form of a -- a 911
9 recording or something like that.

10 So we're going to be sending in what we call a clean
11 computer, okay? That's a computer with nothing on it because
12 you have disc and things. So if somebody -- if one of the 12
13 of you can't figure out how to play that and you want to
14 listen to it, just send out a note and I'll send in the law
15 clerk and he'll get it set up for you. But I assume between
16 the 12 of you, somebody can figure out how to do that. But
17 if you have a problem with that, just let us know. We're
18 happy to help you with that.

19 All right. Your verdict must be unanimous. That means
20 you all 12 must agree. Last thing is don't tell me the
21 counts. Okay? So there's never a need to send me a note
22 that says the count is whatever to whatever that your -- the
23 count is, your account. You don't need to report to me the
24 count. All right. So the way this verdict form works is the
25 top of, it's just the caption of the case.

1 Question one, "We the jury by unanimous agreement find
2 the Defendant as to the charge of murder, guilty or not
3 guilty." Okay. If you find guilty, stop and sign. If you
4 find not guilty, you go to question two. "We the jury by
5 unanimous consent, find the Defendant of involuntary
6 manslaughter, guilty or not guilty." Again, you don't have
7 to go to number two. If you find guilty on number one, you
8 only -- you can't find guilty of both. Okay? But if you
9 answer not guilty on number one then you go to question two
10 and answer guilty or not guilty on that and stop and sign.
11 Okay. Now, so I'm going to send you back to your jury room.
12 Again, the sign that you can start deliberating is when all
13 these things come in the room. And thank you very much.

14 (Jury exits courtroom.)

15 THE COURT: Okay. We're back on the record. Any
16 acceptance to the charge other than those previously stated?

17 MR. BRADBURY: None from the State, Your Honor.

18 THE COURT: Okay. Mr. Swerling?

19 MR. SWERLING: Judge, I previously stated, I -- I
20 mentioned objected to careless and negligent portion of the
21 charge. Also during Mr. Scott's closing argument statement
22 he put up a PowerPoint of the evidence of self-defense. And
23 I objected at that time to him doing that because the Court
24 was not instructing the jury on self-defense. So they were
25 not getting a legal explanation of what the elements of

1 self-defense were.

2 So based on that I did object to it and I -- I do
3 believe that with warrant in this trial in the case because
4 the Court had decided not to charge self-defense, but
5 Mr. Scott went into the elements and the jury did not have an
6 explanation of what those elements are -- a legal explanation
7 of what those elements are. And what I would ask the Court,
8 an alternative is to go ahead and charge the jury on the law
9 of appearances. The law of -- law of retreat where you don't
10 have to retreat if you're a place where you have a right to
11 be or to retreat you danger and also prior difficulties of
12 parties taking into consideration.

13 THE COURT: Okay. Mr. Scott?

14 MR. SCOTT: Your Honor, the -- the State has a duty to
15 disprove accident. That -- that was the one of I -- I -- I
16 would say the primary defense where the secondary defense
17 elements of self-defense in there being that the second prong
18 of accident is the Defendant -- the State must prove that
19 Defendant was acting unlawfully.

20 And -- and if I can prove they're acting unlawfully,
21 then accident has been disproven. If they are acting
22 self-defense, it is determined that they were acting
23 lawfully. Therefore, I have to disprove elements of
24 self-defense in proving that they were acting unlawfully. I
25 know I could have -- I know I could have explained that

1 better, but in order to disprove that she was acting
2 lawfully, I have to disprove that she was acting in
3 self-defense. Therefore have to explain why she's not acting
4 against self-defense.

5 THE COURT: Okay. All right. I -- I -- Mr. Swerling
6 made the objection at the appropriate time during the closing
7 argument. And I ruled on it at the bench. And, you know,
8 the State went into some of the elements of self-defense the
9 Defense did as well, probably because the State did, but I'm
10 not going to charge them anything additional at this point in
11 time.

12 My question -- my guess is within the next hour we're
13 going to get a question that where they want the elements of
14 self-defense. And so you all should be thinking about that.
15 I think -- I think that's probably coming, but we'll deal
16 with it if it comes at that point in time. Okay.

17 So I need the lawyers to make sure with Ginger and with
18 Renee and with my law clerk that the right exhibits are going
19 back. Investigator Dill has confirmed for me that the weapon
20 is secure and that there is no ammunition or magazine even
21 available to them that is going back. And then I need to
22 make sure that Ginger has everybody's phone numbers.

23 Ms. Catoe, at this point, you're not allowed to leave
24 the building. You need to stay in the building. You are not
25 allowed to leave the building. And once we get the exhibits

1 back, we'll let them start deliberate. Thank you very much.

2 INVESTIGATOR DILL: Your Honor, can I ask a question?

3 THE COURT: Yes.

4 INVESTIGATOR DILL: The firearm -- there's no --
5 there's no ammunition. Not even a magazine for this firearm.
6 It is -- it is rendered safe. It's clear. I didn't know
7 because of a big part of this case, if it -- if it needed to
8 be operational because it is operational and there's just no
9 way to fire it. Because there's no ammunition.

10 THE COURT: Yeah. You can remove the -- the zip.

11 INVESTIGATOR DILL: The zip tie is not impeding
12 anything right now.

13 THE COURT: Okay.

14 INVESTIGATOR DILL: But if you wanted it different than
15 that, we can run one through the bare room. That's
16 totally ---

17 THE COURT: I -- I don't think we need to.

18 INVESTIGATOR DILL: Yes, sir.

19 THE COURT: As long as -- long as there's no ammo going
20 back.

21 INVESTIGATOR DILL: Yes, sir.

22 THE COURT: Then I think it's fine. Okay. All right.
23 We'll be in recess. Thank you.

24 (Off the record.)

25 THE COURT: All right. It's my understanding that we

1 have verdict. So let me give a couple ground rules for this.
2 If you're in the courtroom now you need to be prepared to
3 listen to whatever this verdict is going to be. I have no
4 clue what it's going to be. If you are not someone who can
5 control your emotions, just step outside, that's perfectly
6 fine. Someone can come out and explain to you what the
7 verdict is. But I'm not going to allow any outbursts. I'm
8 not going to allow any clapping. I'm not going to allow
9 anything other than crying. Which I would consider a natural
10 reaction. This is a courtroom. We're all going to behave
11 ourselves properly.

12 If someone does not behave themselves properly, then
13 I'm probably just going to take you into custody. So if you
14 can't -- if you don't feel like you can handle the emotion of
15 the situation, I understand that. I'm not sure that I could
16 in one of your positions. So just, you can just step outside
17 of the back hallway and someone can come out and tell you
18 what it is and you can have whatever reaction you need to
19 outside the presence of the court. Okay? All right. Let's
20 bring in the jury.

21 (Jury enters courtroom.)

22 THE COURT: All right. Madam -- Mr. Foreman, it's my
23 understanding there's a verdict; is that correct?

24 MR. HAAG: Yes, sir.

25 THE COURT: Okay. Can you hand it to the clerk,

1 please? All right. And the verdict form is not dated. Do I
2 have your permission to date it, Mr. Foreman?

3 MR. HAAG: Yes.

4 THE COURT: And today's the 15th; is that correct,
5 Madam Clerk?

6 THE CLERK: Yes.

7 THE COURT: Okay. And the verdict in this proper form
8 and the clerk may publish.

9 THE CLERK: Ms. Catoe, can you please stand up.
10 State of South Carolina versus Stacey Catoe. Indictment
11 number 2018-GS-28-1499, we the jury by unanimous consent
12 found the Defendant, Stacey Catoe as to the charge of murder:
13 Guilty.

14 THE COURT: All right. And, Mr. Foreman, is this your
15 verdict in the verdict of the entire jury?

16 MR. HAAG: Yes, sir.

17 THE COURT: Okay. And is either -- does the State
18 request polling?

19 MR. SCOTT: No, Your Honor.

20 THE COURT: Does the Defense request polling?

21 MR. SWERLING: Yes, Your Honor.

22 THE COURT: All right. You all may be seated. Thank
23 you. Ladies and gentlemen, the clerk is going to go down the
24 list of jurors and she's going to ask you, is -- is this your
25 verdict and is it still your verdict? And if you'll answer

1 at the end of that question out loud, please.

2 THE CLERK: Juror 178, Charles McCaskill, was this your
3 verdict?

4 JUROR NUMBER 176: Yes.

5 THE CLERK: Is this still your verdict?

6 JUROR NUMBER 176: Yes.

7 THE CLERK: Juror 97, Elizabeth Gay?

8 JUROR NUMBER 97: Yes.

9 THE CLERK: Was this your verdict?

10 JUROR NUMBER 97: Yes.

11 THE CLERK: Is this still your verdict?

12 JUROR NUMBER 97: Yes.

13 THE CLERK: Juror number 43, Maria Brown?

14 JUROR NUMBER 43: Yes.

15 THE CLERK: Is this still your verdict?

16 JUROR NUMBER 43: Yes.

17 THE CLERK: Juror number 22, Tammie Boucher?

18 JUROR NUMBER 22: Yes.

19 THE CLERK: Is this still your verdict -- is this still
20 your verdict?

21 JUROR NUMBER 22: Yes.

22 THE CLERK: Juror number 32, Charles Brazell?

23 JUROR NUMBER 32: Yes.

24 THE CLERK: Was this your verdict?

25 JUROR NUMBER 32: Yes.

1 THE CLERK: Is this still your verdict?
2 JUROR NUMBER 32: Yes.
3 THE CLERK: Juror number 66, David Cowart?
4 JUROR NUMBER 66: Yes.
5 THE CLERK: Was this your verdict?
6 JUROR NUMBER 66: Yes.
7 THE CLERK: Is it still your verdict?
8 JUROR NUMBER 66: Yes.
9 THE CLERK: Juror number 208, Robert Parks.
10 JUROR NUMBER 208: Yes.
11 THE CLERK: Was this your verdict?
12 JUROR NUMBER 208: Yes.
13 THE CLERK: Is this still your verdict?
14 JUROR NUMBER 208: Yes.
15 THE CLERK: Juror 253, David Slaughter?
16 JUROR NUMBER 253: Yes.
17 THE CLERK: Was this your verdict?
18 JUROR NUMBER 253: Yes.
19 THE CLERK: Is this still your verdict?
20 JUROR NUMBER 253: Yes.
21 THE CLERK: Juror 111, Neil Haag?
22 JUROR NUMBER 111: Yes.
23 THE CLERK: Was this your verdict?
24 JUROR NUMBER 111: Yes.
25 THE CLERK: Is this still your verdict?

1 JUROR NUMBER 111: Yes.

2 THE CLERK: Juror number 37, Stephanie Britt. Was this
3 your verdict?

4 JUROR NUMBER 37: Yes.

5 THE CLERK: Is this still your verdict?

6 JUROR NUMBER 37: Yes.

7 THE CLERK: Juror number 287, Madison Williams?

8 JUROR NUMBER 287: Yes.

9 THE CLERK: Was this your verdict?

10 JUROR NUMBER 287: Yes.

11 THE CLERK: Is this still your verdict?

12 JUROR NUMBER 287: Yes.

13 THE CLERK: Juror number 93, Destiny Freeman?

14 JUROR NUMBER 93: Yes.

15 THE CLERK: Was this your verdict?

16 JUROR NUMBER 93: Yes.

17 THE CLERK: Is this still your verdict?

18 JUROR NUMBER 93: Yes.

19 THE COURT: All right. Ladies and gentlemen, I want to
20 say thank you very much for your service over last week and
21 this week. I did not expect the case to go into a second
22 week. I sincerely apologize for that. We were doing our
23 best under the circumstances to go through things as quickly
24 as possible. You have done a great service for your county.
25 The prohibition on discussing the case with anybody else is

1 now lifted upon you. You're welcome to discuss the case with
2 anybody that you want to.

3 You also have a jury exemption for the rest of this
4 year and for the following two years. So if you get called
5 for jury duty, just tell them that you served with me during
6 these two weeks and you will be excused. And I'm going to
7 send you back to your jury room. We can get you whatever
8 work excuses you need. And thank you very much for your
9 service.

10 (Jury exits courtroom.)

11 THE COURT: All right. I'm going to go back and say
12 thank you to the jurors. If you want to go ahead and prepare
13 the sentencing sheets and we'll do her sentencing in just a
14 few moments. Okay. Thank you very much.

15 (Off the record.)

16 THE COURT: You all still working on that sheet?

17 MR. BRADBURY: Your Honor, we're just waiting for the
18 cloud to load.

19 THE COURT: For the what?

20 MR. BRADBURY: The cloud technology, Your Honor, but...

21 THE COURT: It's okay. All right. And does the
22 Defense want to do post-trial motions now or do you want some
23 time to file the thoughts on that?

24 MR. SWERLING: I can take the motion right now.

25 THE COURT: Okay.

1 MR. SWERLING: Ask the Court to consider a motion for a
2 new trial. Based on all the objections that were made during
3 the course of the trial rulings that or objections to rulings
4 that the Court made particularly one of the -- all
5 incorporated all of them. But the one I'm most concerned
6 about at this point is after the State went in and talked
7 about the elements of the crime of self-defense when the
8 Court was not going to charge the elements and explain to the
9 jury the various things that like appearances and retreat
10 prior difficulties that is one of the things that I -- I
11 asked the Court to consider ordering to do trial on.

12 I -- I don't think they should have been able to argue
13 that and have the Court not explain it. And the Court had
14 already decided not to go into the elements of the offense.
15 So for all those reasons and I'd asked, incorporate
16 everything that we did during the course of the trial
17 objections and motions have made in our motion for trial.

18 THE COURT: All right. And Mr. Scott?

19 MR. SCOTT: I'm (inaudible) to disprove accident and
20 doing so, I have to describe why she was unlawfully acting
21 unlawful at the time and doing so. I have to explain
22 self-defense. Of course, Defense themselves could have
23 explain what acting appearances and prior difficulties were.
24 In fact, they spent their entire presentation to him prior
25 difficulties I would ask them to not (inaudible).

1 THE COURT: Okay. And I appreciate the Defense's
2 arguments for motion for a new trial. I find they've made
3 that at the appropriate time and they've also renewed all
4 their previous objections. And my rulings upon those would
5 be the same. And based upon the arguments made before the
6 Court today and what happened throughout the case and in --
7 in the closing arguments, I believe that a motion for a new
8 trial is not warranted under the circumstances.

9 And the post-trial motions are respectively denied. I
10 believe that a -- a fair trial has occurred based upon all
11 the facts and circumstances that were presented by all the
12 parties. And the Defendant was given an opportunity to
13 present her case, present her story, some of which I'm not
14 sure was completely admissible. But the -- the Court gave
15 some serious leeway, in that in allowing that story to be
16 told. And so for all those different reasons, I will
17 respectfully deny the post-trial motions.

18 Okay. Do we have some people from Ms. Coates family
19 that would like to speak?

20 MR. SCOTT: We have Crystal Catoe that is (inaudible).

21 THE COURT: I thought -- I thought her last name was
22 Coates.

23 MR. SCOTT: Well --

24 THE COURT: Okay.

25 MR. SCOTT: This is (inaudible) Kershaw County.

1 THE COURT: Okay.

2 MR. SCOTT: (Inaudible) there are no relation.

3 THE COURT: Okay. So this is Ms. Crystal Catoe?

4 MR. SCOTT: Crystal Catoe this is Brenda Coates oldest
5 daughter.

6 THE COURT: Got it. Okay. I just -- I wanted to make
7 sure I didn't call you the wrong name. So if you have some
8 pictures you want me to look at, could you pass them up so I
9 can see them?

10 MS. CRYSTAL CATOE: Yes, sir. My name is Crystal
11 Catoe.

12 THE COURT: Okay. And I didn't mean any disrespect by
13 the last name thing. I was -- I -- I try to keep things in
14 my mind and I heard Catoe and then I heard Coates and -- and
15 they -- and so, Ms. Catoe, you are the daughter of Brenda
16 Coates; is that correct?

17 MS. CRYSTAL CATOE: Yes, sir, I'm her oldest daughter.

18 THE COURT: Okay. All right. And thank you very much
19 for being here. I know that you've been here throughout the
20 entire trial, along with a host of other people and that is
21 much appreciated. And I know that it is hard to sit in a
22 trial and not be a witness and want to interject yourself and
23 want to say, well, that's not how that worked. Or that, you
24 know, those -- all those different emotions.

25 And I appreciate that all those different things are

1 flying around in your head. I would like to hear about your
2 mother and who she was or any other information that you
3 would like to tell me about the situation. I'm happy to hear
4 from you. If you want to read something, that's fine.
5 There's no time limit, so just take your time. Okay?

6 MS. CRYSTAL CATOE: Okay.

7 THE COURT: Thank you.

8 MS. CRYSTAL CATOE: Your Honor, my name is Crystal
9 Catoe and I'm Brenda's oldest daughter. I -- I'm not related
10 to any of the Catoe's in this case because so much has
11 happened. I'll try to limit my response with respect for
12 time and emotional heartache.

13 First, I'll give you a short description of mama's
14 character. She was beautiful, outgoing, funny, and
15 compassionate. She had a smile that would light up the room.
16 Her sense of humor allowed others to find joy and acceptance
17 around her presence. She always looked for the good in those
18 that she came in contact with. That was one of the qualities
19 I admired about her, as I've always been very judgmental
20 towards others. Having said all this, she also had a
21 backbone. And I wonder if that's where I found part of my
22 strength. Her unwavering love has helped shape me into who I
23 am today.

24 June 17, 2018 has been one of the many summers where my
25 children, her grandchildren, and I have gone through

1 milestones, challenges, and pivotal moments without her
2 around. In addition, I can't begin to emphasize the last six
3 holidays have been extremely hard on all of us.
4 Thanksgiving, Christmas, and birthdays have not only been
5 difficult, but there's a vast emptiness that we've all felt
6 that year and in the years to come.

7 My birthday wasn't even a birthday without her phone
8 call back to the summer of 2018 is the time I'll never
9 forget. My grandmother called and told me the news. I got
10 off the phone with the investigator and I immediately fell to
11 the floor.

12 You have to go to the coroner's office. I can't replay
13 over and over in my hand. Mama was word harder. No words
14 hate, devastation. I wonder how this could happen and why.
15 What was so important to take another life?

16 About a week after the funeral, I was offered another
17 job teaching at a school where I wanted to be at. I was in a
18 day, I was grateful, yet sad, happy, yet still grieving on
19 the inside as my heart was completely ripped out of my body.
20 Every day was a struggle, but my students kept me occupied as
21 most of what I remember. That year was a blur.

22 Fast forward to the first Mother's Day where I spent
23 most of my days sitting at the grave site trying to figure
24 out the pieces of this horrible situation. And again,
25 wondering what was so important to take another life. I had

1 to combat the feelings of grief, hatred, and animosity that I
2 consumed throughout the past year. I kept thinking if I'd
3 been there, I protected her just like she protected me when I
4 was little girl.

5 Later the next year in 2019, I found out my daughter
6 was pregnant with my first grandchild. Once again, I was
7 ecstatic. Yet I couldn't call mama and tell her she'd be a
8 great grandmama. She and I always joked about aging and this
9 time I wish I could hear her laugh. Just one more time,
10 through the other end of the phone.

11 2020, my son graduated high school. That year we had
12 one extra ticket for mama. I glanced around the stadium to
13 an empty seat where mama would've been sitting.

14 2021, my second grandchild was born with her being and
15 a girl. I thought if mama were here, we could have a picture
16 made of my daughter, a granddaughter, my mama and my grandma
17 and myself, which will be five generations. Sadly, I didn't
18 get that or nor will I ever get that picture to cherish.
19 Also, that year, I lost my rock -- my grandmother on my
20 birthday. Now, that puts me at minus two phone calls for the
21 rest of my life on that day. But I was brought into this
22 world.

23 Summer of 2022, I received my master's degree. I could
24 hear mama saying I couldn't call, but I could hear Mama
25 saying, "I'm super proud of you, Christy. You were so strong

1 and you never gave up."

2 2023, I taught myself how to pressure candy the way
3 mama used to. It wasn't easy reading, researching, and
4 calling to find out the do's and don'ts minutes for pressure
5 candy.

6 2024, my son got married. I looked around the ceremony
7 and there was an empty seat, a seat reserved for mama and
8 their nana.

9 I recently received a phone call that my son and his
10 wife were expecting their first child that year. Recently,
11 we were discussing our family tree with my grandkids. My
12 granddaughter looked up and asked me, KK, where's your mama
13 at? I replied, baby, she was in an accident a few years ago,
14 so she's not coming back.

15 What do you explain to a 4-year-old who wants to know
16 where my mom is at? Well, this is only six summers we've
17 missed. So much has happened so much to where she was
18 supposed to be here to guide us. The woman that brought me
19 into this world will never be able to call me on my birthday.
20 Nor will she get to enjoy watching me be a grandma. And be
21 with her grandchildren and her great-grandchildren.

22 Losing my mom has been -- mama -- has been devastating.
23 Her absence has left an unfillable void in my life. I have
24 struggled with this unfillable void that as I age, I can no
25 longer call her to ask her questions or advice, how to handle

1 certain situations. Grief is a multifaceted concept when
2 done crying. And the next I'm strong, not only for my
3 children and grandchildren, but for my siblings when they
4 hurt, I hurt.

5 In the past six years, I've held hate in my heart.
6 Although I don't know Jody, I've hated him for not defending
7 mama. I've hated Stacey even more. I've prayed for God to
8 intervene and tell me what I need to do and how to handle it.
9 Instead of living with hate, I choose to forgive because
10 Jesus Christ forgave me. And I pray for whomever to find
11 Jesus in their hearts because I truly believe he can change
12 anyone.

13 In conclusion, I'm not saying there should not be any
14 consequences, because there should be, please hold her
15 accountable to the fullest extent based on the cross a
16 minute. No amount of time, will bring mama back. But these
17 six years of waiting patiently, have been quite a joke.
18 She's been able to live her life. Mama hasn't. Please hold
19 her accountable.

20 After all, it was my mama, my children's grandma, and
21 my grandchildren's great-grandma they'll never get to know.
22 Whatever was left in my heart no longer exists. The other
23 day, the Defense attorney stated, it's tragic that someone
24 else was shot. And perhaps it is, but that someone else was
25 my mama who sat defenseless in the car.

1 THE COURT: Thank you, Ms. Catoe. I appreciate your
2 words.

3 MR. SCOTT: Angie Jones is Brenda Coates' youngest
4 daughter. She wants (inaudible).

5 THE COURT: Okay.

6 MR. SCOTT: Thank, Your Honor.

7 THE COURT: And is it -- is it Ms. Jones?

8 MS. JONES: Angie Jones. Jones.

9 THE COURT: Jones?

10 MS. JONES: Yes, sir.

11 THE COURT: Okay. Ms. Jones, number one: Thank you for
12 being here. Number two: I've noticed that you've been here
13 through the entire trial and I appreciate that. I appreciate
14 family's participation in the case and I -- again, I know
15 it's frustrating to sit there and you're not a witness and
16 you, there's a thousand things going on through your head.
17 So I'm happy to hear anything you'd like to tell me about
18 your mom or the impact this has had on your life or your
19 family's life. And whenever you're ready, go ahead.

20 MS. JONES: So I had written something and I left it --
21 it's in the car.

22 THE COURT: Okay.

23 MS. JONES: So I'm just going to try to remember.

24 THE COURT: Just -- just speak from the heart. You're
25 -- you're okay.

1 MS. JONES: So I think the other day I heard that there
2 was something that was said that my mama said. She said,
3 "When I love, I love hard." And she did. And so of all the
4 people and the things that she did love, the hardest love
5 that I ever saw her give was to us, her children. So I saw
6 that. I've lived it. And I saw it this week before this.
7 But this week when we were all together and we stood here
8 together and we cried together.

9 A lot of things she -- so I think we all make mistakes.
10 She made mistakes, but I don't think -- I think this is one
11 of her best acts of love ever right here. Our children, some
12 grandchildren. I was pregnant when she passed. She never
13 even got to meet them. I am -- we did good. I'm proud to
14 say that I could sit up here. We didn't know what to do. We
15 still don't know what to do. This isn't -- this is just the
16 beginning. We had to learn to live without her forever. And
17 I don't know how to do that.

18 She told me one time she liked cards. She would
19 underline the important things that were in the cards. She
20 said, "You are one of the lights of my life. You are my baby
21 girl and I love you always." The last thing she ever said to
22 me, actually was, "I love you Angie." So, yes, she did love
23 hard. And I think that -- I can't remember. This is it --
24 this is the proof here. This is all I needed. She did that.
25 We're good. We're good people. I'm not mad. I'm not mad at

1 anybody. I won't carry that around for the rest of my life.

2 I won't do that. And I think -- I think that's it.

3 THE COURT: Thank you, Ms. Jones.

4 MS. JONES: Okay.

5 THE COURT: And, yes sir, would you please tell me your
6 name?

7 MR. JONES: So my name is Cody Jones. I'm the eldest
8 son of Brenda Coates.

9 THE COURT: Okay. All right. Thank you for being
10 here, Mr. Jones. And I'm happy to hear anything you'd like
11 to say or anything about your mom or impact on your family or
12 your life. Any of any of those things are perfectly fine.

13 MR. JONES: Yes, sir. Well, I think -- so I -- I -- I
14 certainly can't condense the love for my mother down into
15 three or four or five minutes or whatever time would be
16 respectful for the Court. I -- I'm not saying it can't be
17 done, but I can't do that. I think -- just kind of what my
18 sister might be alluding to here is the -- is the -- the
19 legacy, the -- the sense of spirit that's sort of left behind
20 by my mother.

21 There was -- she was the -- the bond, so to speak,
22 between the family and I -- I can't -- I -- I can't be any
23 more proud of my family of how they have conducted themselves
24 through this. I'm sure, you know, emotionally charged
25 situation for us.

1 THE COURT: Yes.

2 MR. JONES: We we're all speaking, you know, before
3 this. At the end of the day, what we're looking for is
4 closure from a six year long funeral at this point. And so,
5 you know, I'm -- I'm -- I'm extremely proud of them and I
6 think they have I'll say the circumstances had on themselves
7 the best way. That was probably possible, sir. Thank you.

8 THE COURT: Thank you, Mr. Jones.

9 All right. And would anybody else like to speak on
10 behalf of Ms. Coates? Well, I do want to say to the family,
11 number one, I do when I say thank you for being here, I
12 really do mean that because, you know, we all do these cases
13 like this. I don't know, sometimes it feels like every week
14 of my life, right?

15 And there's a whole lot of times when we're sitting
16 here and there's -- there's nobody in the audience. And so
17 having you here is a testimony to your mother and who she was
18 as a person and a testimony as to the children that she
19 raised. And -- and so I do appreciate you being here. And
20 believe me, I know that six years is -- I can't make it make
21 sense in my own mind why it took six years. Okay?

22 And I could sit up here for the next hour and place the
23 blame on different people or, you know, cast stones, but it's
24 not right. And it shouldn't take six years. And, you know,
25 you need to be thankful that gentleman like Mr. Bradbury and

1 Mr. Scott came in. I mean, Mr. Bradbury, he's only been --
2 hadn't even worked at the Solicitor's office for six years
3 and comes in and -- and says, I'm -- you know, I'm going to
4 go do something with this file and I'm going to get it moving
5 in the right direction. And I appreciate the people that are
6 willing to do that, but it's hard for me to explain as a
7 person within the system why a case like this takes six
8 years.

9 So I appreciate your family's patience and your
10 professional behavior and courtesy that you've shown
11 throughout this process. And, you know, there's nothing I
12 can do to bring your mother back. And I just hope you see
13 today as a step in the healing process. You're not going to
14 wake up tomorrow and feel better. All the pain is not going
15 to go away, right? But it's a step in -- in the long term
16 healing process that we go through and we lose the people
17 that we care about. So thank you all for being here.

18 All right. Is there any further presentation from the
19 State?

20 MR. SCOTT: Judge, just, obviously I didn't know Ms.
21 Coates, but what a wonderful reflection of who she was. And
22 clearly you didn't know her either, but judging by these
23 people that -- that she raised she was certainly an
24 impressive woman. And I think you just kind of indicated, I
25 -- I've had this case a very short time and I've had not a

1 whole lot of time to get to know the family, but we spent a
2 good bit of time together in this period since I've taken
3 over this case.

4 Judge, as you know, I -- I try a lot of violent crimes
5 in Richland and I -- I'm going to try to dip my toes more and
6 more into the violent crimes pending here in Kershaw County
7 as much as possible. I got my hands plenty full over there.
8 What I -- what strikes me is in a lot of ways this case is --
9 is different from -- from the -- the violent crimes.

10 You and I see a lot of just one county over. But I do
11 detect a common thread that -- that I see in all these
12 homicides. And that is people making terrible decisions,
13 being so cruel to other people and taking it upon themselves
14 to -- to -- in the life of somebody's mother, somebody's
15 daughter, somebody's grandmother, with -- with really just
16 the flick of a finger.

17 And it -- it's in a case like this, you know, I'm
18 dealing with a lot of 18 and 19-year-old boys that are in
19 Richland County. Young men who -- who -- who weren't raised
20 with any kind of stable home. But here I've got a woman who
21 -- who clearly has the support of a rather large family and
22 friends who have been here two weeks watching her. So she's
23 had abundant support. She was 43 years old when this
24 happened, you know, so she doesn't have that excuse that we
25 hear a lot over there of well, the brain hasn't fully

1 developed, so they're not capable of making decisions and
2 they act eradically.

3 This is a grown woman who's had 43 years to figure out
4 how to comport herself to the law. And -- and she's doing
5 this. And -- and you see how it kind of unwinds. But that
6 common thread is just people making terrible decisions.

7 And I would ask you, I mean, I understand she has no
8 criminal record, but she also isn't a kid making a rush
9 decision. So and I understand you have a -- a wide range. I
10 know she's 49 years old. I -- I'll leave any sentencing up
11 in the discretion of the Court. I did want to point that
12 out. Something I thought that was noteworthy.

13 THE COURT: Thank you, Mr. Scott.

14 And, Mr. Swerling or Mr. Speedy, I'm happy to hear from
15 anybody on behalf of Ms. Catoe if they would like to speak.

16 MR. SWERLING: Judge, before we can do that, I just
17 want to make -- I want to clarify my motion for retrial ---

18 THE COURT: Okay.

19 MR. SWERLING: -- not to argue, but I want to make sure
20 that I've included there issues concerning the request of
21 charge and objections of the charge. We just want to
22 incorporate that into (inaudible).

23 THE COURT: I assume -- I assume that you were in -- in
24 -- and I -- I was taking all that into consideration when
25 ruling that the issues with the legal objections raised to

1 the charge that were made prior to the charge, after the
2 charge, and then renewed at the appropriate time.

3 MR. SWERLING: Yes.

4 THE COURT: Thank you. All right. Mr. Speedy, or who
5 -- whoever.

6 MR. SPEEDY: (Inaudible).

7 THE COURT: All right.

8 MR. SPEEDY: Carter Luciani, Defendant's stepsister.

9 THE COURT: Okay. All right. And please tell me your
10 name. Is that mic on? I don't either. Okay. Please tell
11 me your name.

12 MS. LUCIANI: It's Carter Luciani.

13 THE COURT: Ms. Luciani?

14 MS. LUCIANI: Yes, sir.

15 THE COURT: Okay. Thank you for being here. And I
16 want to say to your family as well, I greatly appreciate
17 their presence. I know there's friends and family members
18 that have been here throughout the entire trial. Again, I
19 try out cases all the time and there's nobody sitting in the
20 audience. And so I -- I appreciate the support system and I
21 appreciate you being a support to each other.

22 And I understand how difficult -- how difficult this is
23 for your family. I -- you know, her sister and father and
24 daughter and are all -- are all present, have all been
25 present and been supportive. So I'm happy to hear anything

1 you'd like to tell me, Ms. Luciani, about Ms. Catoe or
2 anything related to the situation.

3 MS. LUCIANI: Yes, sir. So sorry.

4 THE COURT: It's okay. Listen, there's no -- we're not
5 on a clock. I don't have anywhere to be. Just take a deep
6 breath and take your time. I promise you, you're not
7 frustrating me or anything else. I'm -- I have plenty of
8 time.

9 MS. LUCIANI: So I'm one of the adopted daughters that
10 was talked about in the case, and I actually have a bad
11 family like Mr. Scott referred to the kind of upbringing
12 where you would've understood if I wound up in this seat
13 instead of Stacey. You could have excused it possibly or
14 whatever, based on my, you know, history or we get it. That
15 makes sense.

16 I came from that kind of family and when I was about
17 six years old Willis McClintock worked with my mother and he
18 wound up very long story short, I'll definitely spare you the
19 whole story. He took me in the McClintock family, took
20 myself and my sister into their -- into their family. He did
21 not just take us into his home. We were embraced by Stacey
22 and Amanda and his ex-wife from when he was 17, Angie and
23 this entire family and community in Westville as two girls
24 that needed a family and needed a support system and needed
25 structure.

1 And I have told many people in my 37 years that if not
2 for this family, I'd probably be a -- a crack head or, you
3 know, God knows where at this time in my life, they saved me.
4 You don't get uncaring families that do that, you know,
5 Willis taught me and all the other girls, daddy Willis
6 McClintock about God and Jesus and the importance of
7 community and the importance of loving your neighbor and the
8 importance of forgiveness and faith no matter what's
9 happening. And they gave me a chance. And so I was just
10 hoping to possibly be able to help Stacey to have a -- a
11 chance at some portion of life later on as well.

12 I really appreciated what Crystal said about praying
13 for everyone in this situation, because I can speak for my
14 entire family when I say that we have prayed for them every
15 day for the last six years as a whole, because obviously no
16 one could ever bring their mother back.

17 We've prayed endlessly for each of them, whether or not
18 they would ever believe that, we know the story of Jesus in
19 our family to be one that doesn't just suggest forgiveness,
20 but requires it. And so we've prayed that they would find it
21 in their hearts to -- to forgive.

22 I really wanted to say that, you know, it came to our
23 attention that one of the family members of Brenda and I'm --
24 and I'm not ever disrespecting anything that this family has
25 gone through. I cannot imagine, I have not had to imagine or

1 feel anything remotely close to that thanks to being saved
2 and in a comfortable, happy family. I have not had to
3 experience this kind of loss and pain. So I just wanted to
4 say that my family and I did not come in here wanting the
5 slate to be wiped clean.

6 We just wanted a fair and just trial that took into
7 account what we knew to be all of the facts. And now that
8 that has happened, I felt that it would be appropriate to say
9 that we did see that one of the family members or -- or
10 received word had posted like, oh, this person's just been
11 running around free for the last six years.

12 And I -- I needed the Court to know that that is quite
13 the opposite of what has been happening for the last -- the
14 last six years with my sister. She has been trapped in her
15 own prison of hell because she loved Brenda -- because she
16 did not need to take her life.

17 I myself, I live in Savannah and I'm I like teach -- oh
18 God, I do some, like, I -- I teach some things at the church.
19 I'm a -- I'm very centered in my faith and I'm the person
20 that the family calls when they're kind of need to be brought
21 back to God. And my sister and my dad have called me
22 multiple times just in the past six months that my sister was
23 thinking about killing herself because she felt so guilty for
24 what happened to Brenda. So she has not been free.

25 I just -- I can't tell you enough that she has not been

1 running real free. And we all cook, like, work together with
2 the faith to bring her in here and let what was supposed to
3 happen in God's will. Okay. So I'm not trying to change
4 that, but she is not just been happy and joyous and free.
5 None of us have.

6 The girls spoke about their mom. And what's crazy to
7 me is that it sounds like they're describing my sister.
8 These were two good women, two women that love their
9 daughter, two women that love their family. I don't know
10 about theirs, but my sister throwing, you know, ball with the
11 nieces and nephews and like, we're not bad people.

12 And Jody Catoe ruined two family's lives. That's the
13 only -- sorry. The only thing that's ever happened to my
14 family that's been terrible, the only drama we've ever
15 suffered. The only problems we've ever had have stemmed from
16 that man. And after 20 plus years of that, it has ended in
17 this, in two women losing their lives, two families losing
18 their mom and their sister and their friend. And I just
19 needed everyone to know that we are so sorry for your loss.
20 Truly, it is not something that we take, have ever taken
21 lightly. But my sister did not leave our house and wouldn't
22 hurt anybody.

23 And I know that to be true, Your Honor. I wouldn't be
24 here otherwise. You stated at my sister's bond hearing, I
25 was -- I was so impressed not that things went our way, but

1 at the fairness, all I have ever hoped or pray for is God's
2 will and God's will is fair and just and the divine truth.
3 And something that you said was that the Court was not here
4 for vengeance. The Court was not here to take into account
5 punishing someone for somebody -- somebody's sins or
6 whatever, that it was -- that it was about what is fair and
7 what is just in making sure that tax paying dollars are being
8 utilized to keep dangerous people off of the streets. And at
9 that time, that was when you granted her bond. And I was
10 just so impressed by, like, that is how the system should be.

11 And so I would just ask that you would take into
12 account the fact that I understand the jury made their
13 decision, and that's our final word. But that woman in that
14 chair does not have a malicious bone in her body. She
15 married the biggest idiot ever and made every bad decision
16 humanly possible. And what, you know, God bless her. I
17 mean, fuck -- excuse me, I'm -- I'm so sorry. But she's not
18 malicious. She's not mean. She's not somebody that millions
19 of dollars should be spent to keep locked in a cell for the
20 next 50 years or until she -- until she dies.

21 I would just ask that you would bear in mind that she
22 is not, as he said, some budding 18-year-old murderer
23 criminal, that she has been 40 plus years in her life and
24 never hurt anyone and -- and never hurt anyone since you
25 allowed her to suffer from the comfort of her own home for

1 this terrible situation. And I think that's all we just ask
2 for your mercy on that.

3 THE COURT: Thank you, Ms. Luciani.

4 MS. CAITLYN CATOE: First of all, I just want to --
5 first of all, I just want to say that it's been said already,
6 but none a day went by that my mom didn't call for each and
7 every one of you said examined. She's been my mother for 20
8 years now and never have I been scared of her, but I've been
9 scared of my father multiple times. I just -- I just ask you
10 to -- that's all.

11 THE COURT: Thank you, Caitlyn.

12 Okay. And, Mr. Speedy, or Mr. Swerling, would you like
13 to say anything? You don't have to obviously, but want to
14 give you the opportunity to.

15 MR. SWERLING: Your Honor (inaudible).

16 THE COURT: Sure.

17 MR. SWERLING: Judge, I -- I would like to just say a
18 few words. You've heard, she testified so you found out a
19 lot about her life. She's 49. She's got no prior criminal
20 history. She's raised a beautiful, wonderful daughter. She
21 comes from an outstanding family who obviously extremely
22 close and have suffered along with her, and I'm going to talk
23 about that in a minute. And I think that's expressed by her
24 sister and her daughter.

25 She has always been gainfully employed and she's

1 worked. She has a work history. Even when she got out of
2 jail after several months she immediately went ahead and got
3 a job and been working since that time and has had that work
4 ethic throughout.

5 In addition to that, she cares about her family and she
6 cares about her friends. In addition to that she obviously
7 had a very close relationship with Brenda Coates as can be
8 seen from just the conversations that been had even on the --
9 the -- that was text messages and the Messenger.

10 And she also had a very close relationship with
11 Christina. And I think if -- if Brenda had been standing
12 here, which unfortunately she's not. And as I said before,
13 it's a tragedy. She would probably attest to her good
14 character that she knew of at the time she knew her. For
15 what -- I don't for one minute think that Stacey intended to
16 kill Brenda. I -- I just don't. Knowing what I know about
17 her and what I know about the facts of the case, I don't
18 believe that was in any intent on her part or her motive on
19 their part.

20 I think that the person who battered her was -- and
21 that's Jody Catoe. This would've never happened. And he's
22 -- he was just not a good person. And he abused Stacey --
23 did a lot of awful things to her, some of which were brought
24 out the witness stands, some of which were not because of the
25 -- the date of those incidents, but she is just a typical

1 battered woman.

2 She was abused, she was beaten up, had guns pointed at
3 her, had guns shot in the house and she stayed with the man
4 because she loved him. And probably also a lack of
5 self-esteem, confidence those are the things that made her
6 stay with him. It was his dalliances outside of the marriage
7 that I think brought all of the signs -- the cause and
8 effect, but that's not an excuse. I'm not trying to say
9 that's an excuse. I'm just offering it mitigation.

10 I -- again, I don't believe she intended to shoot her.
11 It's really not in her nature. She -- she has no record.
12 Everybody we've ever spoken to has great things to say about
13 her and her family of great people. I -- I -- I think this
14 was an unfortunate decision that was made that night --
15 terrible decision.

16 And I ask the Court to consider the fact that -- to
17 look at the totality of this person's life when imposing a
18 sentence. I recognize that the minimum sentence is 30 years.
19 So to go into that with that understanding. And I would ask
20 the Court to consider when you impose sentence of looking at
21 the minimum sentence, in this case, taking into consideration
22 this person's whole life and not just the incident that took
23 place on that night in 2018.

24 George?

25 THE COURT: Mr. Speedy?

1 MR. SPEEDY: Not much to add to that, Your Honor. It's
2 just that I think the sad part about all this is -- this is a
3 case that should have been worked out in the question just
4 couldn't -- couldn't happen for a lot of she's as far as
5 dealing with her, I didn't know her as well as I knew the
6 family. I know the family from a long time ago, including
7 her grandfather, but I didn't know them so well. But working
8 with her -- she's been -- she's always been concerned about
9 the fact life was lost. And there was times when I wasn't
10 sure I was going to see her again because it was that she
11 was, that despondent made it very difficult. But she -- you
12 know, the decisions, I think that were well explained to her
13 and she understands where she's at. I don't -- I don't think
14 this is where she thought she'd be.

15 THE COURT: Okay.

16 MR. SWERLING: Judge, if I could just add one thing --

17 THE COURT: Yes, sir, you may.

18 MR. SWERLING: After this incident, Stacey was having a
19 very difficult time when she got out of jail and she went to
20 a doctor. She was put on anti-anxiety meds also as well as
21 antidepressants all related to this particular incident. And
22 I just wanted the Court to know that to me, in these kind of
23 cases, a big factor was remorse.

24 And she has told us from the beginning, and she said on
25 the stand, and -- and her sister just said it as well, she

1 has gone through this every single day of her life, just like
2 the family of Brenda. She's tells us that she prayed for her
3 every single day and the family. And to me that is an
4 expression of remorse, unlike I've seen in many other cases.
5 And so I -- I think this is a good woman and I think she made
6 a mistake and a bad judgment that night. And with that I'll
7 -- I'll -- I'll stop.

8 THE COURT: All right. Ms. Catoe, I give everybody the
9 opportunity to speak that they would like to you do not have
10 to say anything at all. Okay? But I always give before I
11 sentence anyone, I always give that person the opportunity to
12 speak if they would like to. Would you like to say anything,
13 Ms. Catoe? You do not have to.

14 MR. SWERLING: Try talking.

15 THE COURT: Yes. Yes, sir. You may. Of course.

16 MS. STACEY CATOE: I just -- I just wanted to say I --
17 I'm so sorry to them, but what happened I never meant for
18 that to happen that night ever.

19 THE COURT: Okay. Thank you, Ms. Catoe. Ms. Catoe,
20 you do have appellate rights that apply in these situations,
21 and you'll need to discuss those with Mr. Speedy and Mr.
22 Swerling. There are time limits on appeals and if those are
23 not adhered to, then you can forever give up certain rights.
24 So you need to make sure that you and Mr. Swerling and
25 Mr. Speedy have a conversation about your appellate rights

1 and getting things filed in a timely manner, if that's what
2 you choose to do. Okay? All right.

3 MS. STACEY CATOE: Yes, sir.

4 THE COURT: And anything else further from the State?

5 MR. SCOTT: No, she has credit for 232 days.

6 THE COURT: Thank you. Okay. Normally if you all were
7 in here on a normal guilty plea week you would see me
8 sometimes I do 100, 150, 200 guilty pleas a week. And so we
9 go through things kind of rapidly and a lot of things, you
10 know, everybody in the room knows what I'm going to do before
11 I do it, because it's a lot of the same thing over and over
12 again.

13 Okay? And I tell people that the hardest part of being
14 a Judge is sentencing somebody. And that's 100 percent true.
15 It's very easy to sentence somebody when they have a really
16 bad criminal history when they've been in and out of trouble
17 their entire lives when they have what we call repeat
18 offenders or, you know, this isn't their first time being in
19 these situations. And the closer you get to somebody that
20 has no criminal history usually the harder it is to sentence
21 that person when something serious has occurred.

22 And so there's a lot of different things to go on in a
23 Judge's mind before they sentenced somebody, but I take into
24 fact into consideration the facts and circumstances of the
25 case. The facts and circumstances of what happened that

1 night and what didn't happen that night.

2 I also take into consideration the facts and
3 circumstances of Ms. Catoe's life. And the fact that she's
4 49 years old, has no prior -- has no criminal history. I
5 also take into the fact that she's been out on bond now for
6 five and a half years or so and hasn't gotten any more
7 trouble, hasn't gotten rearrested. There's been no more
8 violent incidents. So all those are different things that
9 are going on in my mind at the same time as I sentence
10 somebody. And so taking into all the facts and circumstances
11 surrounding the case and all the factors that I just listed
12 to you, that's how I came up with the sentence that I have.

13 So, Ms. Catoe, you shall be sentenced to the State
14 Department of Corrections for a determinate term of 35 years.
15 You're given credit for 232 days. You're to have no contact
16 directly or indirectly with Ms. Coates family. Thank you
17 very much.

18 MR. SCOTT: Thank you, Judge.

19

20

21

22

23 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT 3:21

24

P.M.)

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 15th 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