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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Patrick Cleburne Fant, III, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MARCUS CHRISTOPHER WHITE,

APPELLANT.

APPELLATE CASE NO. 2024-001106

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
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RECORDING), STATE’S EXHIBITS #13-32 (PHOTOGRAPHS), AND STATE’S
EXHIBIT #37 (REPORT).**

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) 2023-GS-23-00413; 00414;
) 00416; 00417
COUNTY OF GREENVILLE)
)
)
)
STATE OF SOUTH CAROLINA)
) PLAINTIFF)
) vs.) TRANSCRIPT OF RECORD
)
MARCUS C. WHITE)
) DEFENDANT)

June 17-19, 2024
Greenville, South Carolina

B E F O R E:

THE HONORABLE PATRICK C. FANT, III, Judge; and a
jury.

A P P E A R A N C E S:

ELIZABETH GARY, ESQ.
HALEY KERNELL, ESQ.
Attorneys for The State

RANDY CHAMBERS,
Attorney for The Defendant

APRIL HERRON
Official Court Reporter

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COURT EXHIBITS

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24

All exhibits were retained by
Greenville County Clerk of Court.

25

June 17, 2024

(WHEREUPON, Court's Exhibits Nos. 1 & 2 were marked for identification only.)

(WHEREUPON, State's Exhibits Nos. 1-11 were marked for identification only.)

THE COURT: Is everyone ready?

MR. CHAMBERS: Yes, Your Honor.

MRS. GARY: May it please the Court? Your Honor, Elizabeth Gary on behalf of The State. Before we begin, Your Honor, the parties did come to stipulations in this case as to two legal matters, so we did want to go ahead and put those on the record. I have them marked as Court's Exhibits Nos. 1 and 2. Mr. Chambers has consented to them.

Court's Exhibit No. 1 is a stipulation by both parties to proper collection of and the proper chain of custody for the Defendant's blood sample in this case. Court's Exhibit No. 2 is a stipulation by the parties to authentication and admission of medical records pertaining to several individuals who are listed in the stipulation.

At the appropriate time, of course, we would like the jury to be informed of these stipulations, but we did want to go ahead and put those on the record.

1 9:30 in the morning.

2 (WHEREUPON, the jury venire entered open court
3 at approximately 4:32 p.m.)

4 THE COURT: Got everybody?

5 THE BAILIFF: Yes, sir.

6 THE COURT: Okay, ladies and gentlemen of the
7 jury, this is the stage some of y'all may have
8 already participated in. This is what we call voir
9 dire. And during this process, I'm going to be
10 asking you a series of questions. But we are about
11 to begin the trial of The State vs. Marcus
12 Christopher White. I will be The Judge presiding
13 over this. In a moment, I'm going to introduce to
14 you the attorneys that will be involved in this
15 process.

16 The indictments are four in number. It's The
17 State vs. Marcus Christopher White. First indictment
18 number is 2023-GS-23-00413, that Marcus Christopher
19 White, did in Greenville County or on about the 15th
20 day of October '21, drive a motor vehicle while under
21 the influence of alcohol, drugs or a combination of
22 both and did an act forbidden by law and/or neglected
23 a duty imposed by law to-wit: Defendant Marcus
24 Christopher White, which acts and/or neglect
25 proximately caused the death of **MINOR 1** in violation of

1 South Carolina law.

2 The next indictment is 2023-GS-23-00416, The
3 State vs. Marcus Christopher White, did in Greenville
4 County on or about the 15th day of October, 2021,
5 drive a motor vehicle while under the influence of
6 alcohol, drugs or a combination of both and did an
7 act forbidden by law and/or neglected a duty imposed
8 by law, to-wit: That The Defendant White, whose acts
9 and/or neglect proximately caused the death of
10 Tondalyo Trimmier in violation of South Carolina law.

11 The third indictment, 2023-GS-23-00414, The
12 State vs. Marcus Christopher White, that he did in
13 Greenville County or on about the 15th day of
14 October, 2021, drive a motor vehicle while under the
15 influence of alcohol or drugs or a combination of
16 both and did an act forbidden by law and/or neglected
17 a duty imposed by law, to-wit: Marcus Christopher
18 White, which acts and/or neglect proximately caused
19 great bodily injury to MINOR 2 in violation of South
20 Carolina law.

21 And the fourth indictment number
22 2023-GS-23-00417, The State vs. Marcus Christopher
23 White, that Marcus Christopher White did in
24 Greenville County on or about the 15th day of
25 October, 2021, drive a motor vehicle while under the

1 influence of alcohol, drugs or a combination of both
2 and did an act forbidden by law and/or neglected a
3 duty imposed by law, to-wit: That The Defendant
4 Marcus Christopher White, which acts and/or neglect
5 proximately caused great bodily injury to Tasj-Hamiel
6 Trimmier in violation of South Carolina law.

7 Ladies and gentlemen, The Defendant is presumed
8 innocent. This indictment is merely a formal charge.
9 It is not evidence. And again, I remind you that The
10 Defendant is absolutely presumed to be innocent.

11 You have already been sworn, so just remember
12 that you are still under oath as I begin to ask
13 certain questions. And if you need to respond,
14 again, just remember that you're under oath.

15 First, I would like for The State to stand and
16 introduce yourselves.

17 MS. KERNELL: Hi, I'm Haley Kernell on behalf of
18 The State.

19 MRS. GARY: Good afternoon, Elizabeth Gary. I'm
20 a prosecutor in Greenville.

21 THE COURT: Thank you.

22 Mr. Chambers.

23 MR. CHAMBERS: Ladies and gentlemen, I am Randy
24 Chambers. And during the course of this trial, I
25 will be representing my client, Marcus White.

June 18, 2024

THE COURT: Okay, I'm going to mark this. This is the foreperson. It's No. 181.

(WHEREUPON, Court's Exhibit No. 3 was marked for identification only.)

THE COURT: Okay, ready to bring the jury? Y'all have anything that you need to take up?

MRS. GARY: Yes, sir, we do need to very briefly move to amend the four indictments in this case. As Your Honor may have noticed when you were reading them aloud yesterday, there is a typographical error in all four indictments. And it's the same error. We would move to simply strike the phrase starting with to-wit and ending with the repeated, The Defendant Marcus Christopher White. Clearly, that was an error. We did not intend to repeat that sentence. So that same error is in all four indictments and we would simply move to strike starting with the phrase to-wit and ending with the Defendant's last name so that it would read more logically and as it was intended.

THE COURT: Okay.

Any objection to the amendment?

MR. CHAMBERS: No, Your Honor. It's just a simple typographical error.

1 THE COURT: Okay. And do you want to -- would
2 you like to amend that and I'll just initial it?

3 MRS. GARY: I'll be happy to do it however you
4 would like me to.

5 THE COURT: Yeah, I think that would be
6 sufficient. I just want to make sure it's done
7 exactly.

8 You need to see this, Mr. Chambers?

9 MR. CHAMBERS: No, Your Honor.

10 MRS. GARY: I'm not sure I explained it very
11 well.

12 THE COURT: And then I'll just initial it.

13 MRS. GARY: Now it makes sense.

14 THE COURT: All right, anything else from The
15 State?

16 MRS. GARY: Nothing from The State, Judge.

17 THE COURT: Anything from you, Mr. Chambers?

18 MR. CHAMBERS: No, Your Honor. I was just going
19 to get myself a cup of water if it's okay?

20 THE COURT: Absolutely.

21 MR. CHAMBERS: We used to get water on the
22 table, but they don't do that anymore.

23 THE COURT: We're rationing the water around
24 here.

25 THE BAILIFF: Ready, Judge?

1 THE COURT: Yes, ma'am, thank you.

2 (WHEREUPON, the jury entered open court at
3 approximately 9:35 a.m.)

4 THE COURT: Good morning, ladies and gentlemen
5 of the jury, I hope you had a good evening. I
6 understand that y'all have selected No. 181 to be the
7 foreperson for this jury.

8 Okay, Madam Clerk, will you please swear the
9 jury?

10 THE CLERK: Yes.

11 Please stand, raise your right hand, the correct
12 response to the Oath is, I will.

13 (WHEREUPON, the jury was sworn.)

14 THE CLERK: Thank you, you may be seated.

15 THE COURT: Ladies and gentlemen, you are now
16 the jury in this case. I'll take a few minutes to
17 tell you something about your duties as jurors and
18 give you some instructions. At the end of the trial,
19 I will give you more detailed instructions. Those
20 instructions will control your deliberations.

21 This criminal case has been brought by The State
22 of South Carolina. And I will sometimes refer to The
23 State as the prosecution or the government. The
24 State is represented in this trial by Solicitor Haley
25 Kernell and Elizabeth Gary. The Defendant is

1 represented by his lawyer, Attorney Randy Chambers.

2 The Defendant has been charged by The State with
3 four indictments, two for felony DUI resulting in
4 death and two for felony DUI resulting in great
5 bodily injury. The charges against Mr. Marcus White
6 are contained in the indictments. The indictments
7 are simply the description of the charges against
8 Mr. White. It is not evidence of anything.

9 Mr. White pleaded not guilty to the charges and
10 denies committing the crime. He is presumed innocent
11 and may not be found guilty by you unless all of you
12 unanimously find that The State has proven his guilt
13 beyond a reasonable doubt.

14 South Carolina law makes the jury the finder of
15 the facts. You 12 alone are the finders of the
16 facts. It will be your duty to decide from the
17 evidence what the facts are. You will hear the
18 evidence, decide what the facts are, then apply those
19 facts to the law I give you at the close of the case.
20 And that is how you will reach your verdict.

21 In doing so, you must follow the law, whether
22 you agree with it or not. The evidence will consist
23 of the testimony of witnesses, documents and other
24 items received into evidence as exhibits and any
25 facts on which the lawyers agree or stipulate.

1 The same law that makes you 12 the finders of
2 the facts makes me the judge of the law. Our rules
3 of evidence control what can be received into
4 evidence. So when a lawyer asks a question or offers
5 an exhibit into evidence and a lawyer on the other
6 side thinks it's not permitted by the rules of
7 evidence, that lawyer may object. This simply means
8 that the lawyer is requesting that I make a decision
9 on a particular rule of evidence.

10 South Carolina law forbids a trial judge from
11 making a comment to the jury about a fact in a case.
12 Therefore, because it may be necessary for me to
13 comment on a fact in applying our rules of evidence,
14 it may be necessary for me to talk with the lawyers
15 out of your hearing by having a bench conference
16 while you are present in the courtroom. Or sometimes
17 I may excuse you from the courtroom. The purpose of
18 these conferences is to decide how certain evidence
19 is to be treated under the rules of evidence and to
20 avoid confusion and any error.

21 Certain things are not in evidence. Statements,
22 arguments, questions and comments by the lawyers
23 representing the parties in the case are not
24 evidence. Objections are not evidence. Lawyers have
25 a duty to their client to object when they believe

1 something is improper under the rules of evidence.

2 You should not be influenced by the objection.

3 If I sustain an objection, you must ignore the
4 question or exhibit and must not try to guess what
5 the answer might have been or the exhibit might have
6 contained. And if I overrule the objection, the
7 evidence will be admitted, but do not give it special
8 attention because of the objection.

9 Testimony that I strike from the record or tell
10 you to disregard is not evidence and must not be
11 considered. Anything you see or hear about this case
12 outside the courtroom is not evidence unless I,
13 specifically, tell you otherwise during the trial.

14 Finally, some of you may have heard the terms
15 direct evidence and circumstantial evidence. Direct
16 evidence is testimony by a witness about what the
17 witness personally saw, heard or did. Circumstantial
18 evidence is indirect evidence. That is, it is proof
19 of one or more facts from which one can find or infer
20 another fact. You may consider both direct and
21 circumstantial evidence. The law permits you to give
22 equal weight to both. But it is for you to decide
23 how much weight to give any evidence.

24 In deciding what the facts are, you may have to
25 decide what testimony you believe and what testimony

1 you do not believe. You may believe everything a
2 witness says or only part of it or none of it. In
3 deciding what to believe, you may consider a number
4 of factors, including the following: The witness's
5 ability to see or hear or know the things the witness
6 testifies to; the quality of the witness's memory;
7 the witness's manner while testifying, whether the
8 witness has interest in the outcome of the case or
9 any motive, bias or prejudice; whether the witness is
10 contradicted by anything the witness said or wrote
11 before trial or by other evidence; and how reasonable
12 the witness's testimony is when considered in the
13 light of other evidence which you believe.

14 It is my responsibility to rule as a matter of
15 law as to whether certain testimony is admissible.
16 But once the testimony is admitted, whether or not
17 you believe it is solely for you to determine. To
18 ensure fairness, you, as jurors, must not talk among
19 yourselves about this case or about anyone involved
20 with it until the end of the case when you go to the
21 jury room to decide your verdict. Do not talk with
22 anyone else about this case or about anyone who has
23 anything to do with it until the trial has ended and
24 you have been discharged as jurors. Anyone, includes
25 members of your family and your friends. You may

1 tell them that you're a juror, but do not tell them
2 anything about this case until after you have been
3 discharged as a juror.

4 Do not let anyone talk to you about the case or
5 about anyone who has anything to do with it. If
6 someone should try to talk to you, please report it
7 to me immediately. During the trial, do not talk
8 with or speak to any of the parties, lawyers or
9 witnesses involved in this case. You should not even
10 pass the time of day with any of them. It is
11 important not only that you do justice in this case,
12 but that you, also, give the appearance of doing
13 justice. If a person from one side of the case sees
14 you talking to a person from the other side, even if
15 it is simply to pass the time of day, an unwarranted
16 and unnecessary suspicion about your fairness might
17 be aroused. If any lawyer, party or witness does not
18 speak to you when you pass in the hall or ride on the
19 elevator or outside, it is because they are not
20 supposed to talk or visit with you.

21 Do not read any news stories or articles about
22 the case or about anyone involved with it or listen
23 to any radio or television reports about the case or
24 about anyone involved with it. Do not do any
25 research on the internet about anything in the case

1 or consult blogs or dictionaries or other reference
2 materials. Do not make any investigation about this
3 case on your own. Do not make up your mind about
4 what the verdict should be until after you have gone
5 to the jury room to discuss the case with your fellow
6 jurors. Keep an open mind until then.

7 I'm often asked about note taking. You're not
8 able to take notes during the trial of this case.
9 And the reason is we want you to pay close attention
10 to each witness as to what he or she testifies to and
11 not be fixated on taking copious notes.

12 The first step of the trial will be opening
13 statements. The State in its opening statement will
14 tell you about the evidence that it intends to put
15 before you so that you will have an idea of what The
16 State's case is going to be. Just as the indictment
17 is not evidence, neither is the opening statement in
18 evidence. It's purpose is only to help you
19 understand what the evidence will be and what The
20 State will try to prove.

21 After The State's opening statement, The
22 Defendant's attorney may, if he chooses, make an
23 opening statement. And at this point in the trial,
24 no evidence has been offered by either side.

25 Next, The State will offer evidence that it says

1 will support the charge against The Defendant. The
2 State's evidence in this case will consist of the
3 testimony of witnesses and may include documents and
4 other exhibits.

5 I remind you that The Defendant is presumed
6 innocent. And The State must prove the guilt of The
7 Defendant beyond a reasonable doubt. A defendant
8 does not have to prove its innocence. After you have
9 heard all the evidence on both sides, The State and
10 The Defense will each be given time for their final
11 arguments. I just told you that the opening
12 statement by the lawyers are not evidence and the
13 same applies to the closing arguments. They are not
14 evidence. In their closing arguments, the lawyers
15 for each side will attempt to summarize and help you
16 understand the evidence that was presented during the
17 trial.

18 The final part of the trial occurs when I
19 instruct you about the rules of the law that you're
20 to use in reaching your verdict. After hearing my
21 instructions, you will leave the courtroom together
22 to make your decisions and I will inform you when you
23 can begin your deliberations.

24 It is your added duty, Mr. Foreperson, to
25 preside in the jury room and be the jury's

1 spokesperson here in court. It will, also, be your
2 duty to write the verdict, but I will give you
3 further instructions about that at the conclusion of
4 the case.

5 And now I would ask if any -- do you have any
6 issues with what I have shared with the jury?

7 MS. KERNELL: No, Your Honor.

8 THE COURT: Defense?

9 MR. CHAMBERS: No, Your Honor.

10 THE COURT: We will now begin the trial.

11 MRS. GARY: May it please the Court?

12 THE COURT: Yes, ma'am.

13 OPENING STATEMENT

14 MRS. GARY: Good morning, ladies and gentlemen.
15 I know we met very briefly late yesterday and I
16 always feel like my introductions are very awkward.
17 So let me start over. My name is Elizabeth Gary.
18 I'm here with Haley Kernell. We're here this morning
19 on behalf of The State. More specifically this
20 morning, we are here on behalf of the Trimmier
21 family. We are here to tell you the story of that
22 family and how the landscape and the makeup of that
23 family were permanently and significantly altered
24 October 15th, 2021.

25 That story starts with Tasj-Hamiel Trimmier

1 driving her Chevy Impala with her mother, Tondalyo,
2 in the front passenger seat. And Tasj-Hamiel's
3 eight-year-old daughter, MINOR 3, in the backseat
4 surround by her five-year-old twin brothers, MINOR 1
5 and MINOR 2. You will hear that Tasj-Hamiel was out
6 delivering food for DoorDash with her mother trying
7 to make some money.

8 Our story ends when this Defendant was traveling
9 more than 30 miles over the speed limit on SC-20
10 right there at Lakeside Park in Piedmont. He hit
11 that family going 78 miles an hour. By the end of
12 that night, five-year-old MINOR 1 was dead. A month
13 later, having never left the hospital as a direct
14 result of her injuries from the accident, Tondalyo
15 Trimmier, their matriarch, was dead.

16 The Judge has told you that you will hear
17 several pieces of evidence to help us tell our story
18 and that is right. You will hear from an eyewitness
19 to this collision. You will hear from the South
20 Carolina Highway Patrol, who investigated, and from
21 their accident reconstruction experts, who will tell
22 you exactly what happened. You will hear from the
23 medical examiner who performed the autopsy on MINOR 1
24 and examined Tondalyo. And you will hear from the
25 toxicologist from SLED who tested and analyzed the

1 Defendant's blood that was taken from him that night.
2 You will hear that he was under the influence of
3 alcohol when this collision occurred.

4 The Judge has told you it is our burden to prove
5 each element of each crime to each of you beyond a
6 reasonable doubt. I find it helpful for y'all to
7 know before the case begins what is a reasonable
8 doubt? What does that mean? That means that at the
9 close of the evidence, we have to have firmly
10 convinced each of you of The Defendant's guilt of
11 every element of all four charges.

12 I, also, find it helpful for you to know what
13 those elements are so that you can listen as the
14 evidence is presented to you. The Judge has already
15 told you this Defendant has four charges. Two
16 charges felony DUI resulting in death and two
17 resulting in great bodily injury. And as you might
18 imagine, the elements are almost identical.

19 So what do we have to prove to you? We have to
20 prove to you that Mr. white was driving a motor
21 vehicle in South Carolina while under the influence,
22 the law says of alcohol, drugs or a combination, but
23 in this case, we're only talking about alcohol. And
24 while driving and while under the influence, he
25 either neglected a duty or violated the law. In this

1 case, traveling more than 30 miles an hour over the
2 speed limit. And as a direct and proximate cause of
3 those actions in two cases caused the death of
4 Tondalyo and the death of MINOR 1. And in
5 the other two cases caused great bodily injury to
6 Tasj-Hamiel, the other driver, and her other son,
7 MINOR 2.

8 We believe that at the close of the evidence, we
9 will have accomplished that. We will have the
10 opportunity, as The Judge said, to come back and talk
11 to you at that time. And at that time, we will ask
12 that you find him guilty. Thank you so much.

13 THE COURT: Mr. Chambers.

14 OPENING STATEMENT

15 MR. CHAMBERS: May it please the Court, Your
16 Honor.

17 Solicitors.

18 Ladies and gentlemen, I introduced him when we
19 were going through the jury selection, this is Marcus
20 White. I'm representing Marcus here this week in
21 this trial. And today, on the one hand, he's
22 dreading it, but he's, also, been looking forward to
23 it. Because all of these charges have been hanging
24 over his head since October the 15th of 2021.

25 And October 15th, 2021, started pretty much like

1 every other day in Marcus White's life. He got up.
2 He had to be work as a postal carrier at six o'clock
3 in the morning. He gets up. He's at work on time.
4 He makes all his deliveries. And sometimes during
5 the course of the day, his wife, Latoya, calls him.
6 She's, also, a postal carrier. And she says that
7 they had been invited over to her brother's house in
8 Greenville. They live in Piedmont. To go over --
9 there's a chef who's going to cook some food for them
10 and they're going to have a little get together.

11 So he works. Latoya's already over there in a
12 separate car with their children. And he gets off
13 work and he heads over there. And I believe he gets
14 over there about 7:30. Like I said, Latoya was
15 already there. And they have some food. And I think
16 you'll hear during the course of the event, he has a
17 few beers and maybe a cocktail while he's there.

18 His wife leaves just shortly before him in a
19 separate car. You'll hear from her and from other
20 witnesses that he appeared to be fine. No concerns
21 about him being impaired or any problems with him
22 driving. So she left and went home.

23 Just a few minutes after she left, Marcus got in
24 the car and he headed home. As you heard the
25 solicitor say, he was on what's known as Piedmont

1 Highway, South Carolina 20, headed from Greenville in
2 the direction of Piedmont.

3 It's at this point, where the whole story
4 becomes tragic. And this is a tragedy, folks. It
5 doesn't get much worse than this. Regardless of what
6 happens here today, I can tell you this is something
7 that will hang, will stay with Marcus White for the
8 rest of his life.

9 As he's headed up South Carolina 20, you will
10 hear that he had the right-of way. And as he
11 approaches that T intersection at Brown Road, shortly
12 before you get to Lakeside Park. And as he's
13 approaching that intersection, he sees the car with
14 the Trimmiers stopped at the stop sign. They're at
15 the stop. And he sees them as he approaches. And
16 all of a sudden, you will hear that she pulls out in
17 front of Mr. White. In our estimation, failing to
18 yield the right away.

19 Now, what you've been brought in here to do
20 folks -- first of all, it's a duty that all of us as
21 citizens have. In other ways, it's a privilege
22 because it's something that we're afforded in this
23 country that people in a lot of other countries are
24 not afforded. I've heard judges say, and I think
25 that it's true, that other than military service,

1 serving on a jury is the greatest service that a
2 citizen can provide for its country. It's something
3 that's so important that John Adams said that trial
4 by a jury is the very heart and lungs of liberty.

5 And I tell you that not to give you some sort of
6 civics lesson, but to impart to you how important
7 this is and how hard it's going to be. You're going
8 to sit in judgment, basically, of Marcus White. But
9 more importantly, what you're going to do because
10 this is what you're called upon to do and this is
11 what you swore to do, you're going to hold the
12 solicitor to their burden. To prove to you beyond a
13 reasonable doubt all of those elements that were
14 enumerated to you by the judge and by the solicitor.

15 And, essentially, what those elements are is
16 that Marcus White on this day was driving his motor
17 vehicle, that he was under the influence. And you're
18 going to hear the blood test results that they're
19 going to put in. That's one thing that you can
20 consider. That while he was driving, he neglected a
21 duty or in some way acted negligently. That's where
22 the speeding comes in. But then the most important
23 aspect of that, at least, with this particular case,
24 is that you could find that Marcus White was under
25 the influence when he was driving. You could find

1 that Marcus White was speeding and, therefore,
2 neglected a duty that's owed by law, that he was
3 negligent. But beyond that, you have to find that
4 his actions were the proximate cause of the death of
5 two people and the great bodily injury to two others.

6 And, essentially, what that means is that but
7 for his actions, this would not occurred. That his
8 action was the primary cause of what happened.
9 That's proximate cause, folks. There can be people
10 who are negligent on both sides. In civil cases,
11 they call that comparative negligence. But here, you
12 have to find that but for his actions in this case
13 that death and great bodily injury would not have
14 occurred.

15 Now, the solicitor talked to you about
16 reasonable doubt. And that is a really important
17 notion. We don't have any common pleas this week,
18 that's civil court. Civil court has a different
19 standard of proof. That doesn't mean those cases
20 aren't important. There are civil cases where people
21 have been killed, maimed for life and we're dealing
22 with great dollar amounts. And if you're the
23 plaintiff bringing the case there, you only have to
24 prove your case by a preponderance of the evidence.
25 In other words, the greater weight of the evidence.

1 If we think of it as a scale, the plaintiff in a
2 case like that would have to move the scale only ever
3 so slightly in their favor. There are other courts
4 and tribunals where they have to prove -- the moving
5 party has to prove their case by clear and convincing
6 evidence, which always sounds to me like a very heavy
7 burden.

8 But in this court, where people are charged with
9 a conviction and can be deprived of their liberty, we
10 have the greatest burden of all. And that is beyond
11 a reasonable doubt. The judge normally will refer to
12 that as firmly convinced or the sort of doubt that
13 would cause a reasonable person to hesitate to act.
14 So it's a substantial burden. It's one that as you
15 get back there and you deliberate, if you've got
16 questions, substantial questions, lingering doubts,
17 that's reasonable doubt. It's possible to think that
18 somebody's probably guilty, it's not enough. You
19 have to remove all doubt. If were making this
20 decision and you had to weigh something that was very
21 important to you, would you feel comfortable doing
22 that? That's reasonable doubt, folks.

23 Now, like you, I look forward to hearing the
24 witnesses and seeing the evidence that the solicitor
25 has to submit to you. I've had an opportunity to

1 look through what we call discovery, so I have some
2 idea where they're going with this. I would submit
3 to you that at the end of this, you are going to be
4 left with reasonable doubt.

5 But what I'm going to ask you to do, what I ask
6 all juries every time I have ever stood up in front
7 of a jury, and that is take the law as His Honor
8 gives it to you. He is the person that is here to
9 decide questions of law and to tell you what the law
10 is. Take the evidence as you get it from the witness
11 stand and from me, you know, exhibits that are put
12 into evidence. And each witness that gets up there,
13 you can judge their demeanor, you can judge what they
14 have to say, their motivation for saying what they
15 have to say, their ability to perceive what it is
16 that they're testifying to. You can and you should
17 consider all those.

18 But the other thing I'm going to ask you to do
19 is to use the common sense and the wisdom and the
20 perspective that all of you bring to bear in this
21 process. This is the reason that the jury system is
22 such a great thing. Because here all of y'all are.
23 People who have probably never come into contact with
24 one another on a normal basis, different ages,
25 different races, different walks of life, different

1 occupations. And at the end of this, after you've
2 heard the evidence, you're going to go back to the
3 deliberations room and you're going to talk it out
4 and you're going to go through the evidence. And
5 you're going to come to a unanimous decision as a
6 deliberative body. And that's what makes this work.

7 And I'll tell you again, I appreciate and I know
8 Marcus White appreciates you being here. Thank you.

9 MRS. GARY: Thank you, Your Honor, at this time,
10 The State calls Crystal Wardlaw.

11 Please go up to the stand to be sworn, ma'am.

12 THE CLERK: Place your left hand on the Bible,
13 raise your right hand.

14 CRYSTAL WARDLAW, after being duly
15 sworn, testified as follows:

16 THE CLERK: Thank you, you may be seated.
17 Please state your full name for the record.

18 THE WITNESS: My name is Crystal Wardlaw.

19 DIRECT EXAMINATION

20 BY MRS. GARY:

21 Q Good morning, ma'am. How are you?

22 A Good morning. I'm good.

23 Q Good. If you would, tell us, generally
24 speaking, where do you live?

25 A Live on Highway 20 in Piedmont.

CRYSTAL WARDLAW-DIRECT BY MRS. GARY

1 Q Okay. And is that, also, known as Piedmont
2 Highway?

3 A Yes, ma'am.

4 Q What county is that in?

5 A I live in Greenville County.

6 Q What do you do for a living?

7 A I'm stay-at-home Me-Me.

8 Q Stay-at-home Me-Me?

9 A Yes, ma'am.

10 Q How long have you lived on Piedmont Highway?

11 A Eighteen years.

12 Q Do you recall the night that we're discussing
13 here, October 15th, 2021?

14 A Yes, I do.

15 Q I'm going to take you back to about 9:30, 9:40
16 that night. Can you tell this jury what you were doing?

17 A I was headed toward Greenville on Piedmont
18 Highway.

19 Q You were in a car?

20 A Yes.

21 Q Were you driving?

22 A Yes, I was driving the car.

23 Q Who were you with?

24 A I was with my son.

25 Q Do you recall where you were headed?

CRYSTAL WARDLAW-DIRECT BY MRS. GARY

1 A He had had a bad day arguing with his
2 girlfriend, so we were just going out for a ride to kind
3 of talk and chill out. That's normally what we did.

4 Q And you were the driver, you said?

5 A Yes.

6 Q Tell us again which direction on Highway 20 you
7 were headed?

8 A I was going toward Greenville.

9 Q So is there a major road you would have
10 encountered as you continued down your path? Whitehorse
11 Road?

12 A Whitehorse Road, yes, that's the next major
13 road.

14 Q Okay. Tell us, ma'am, the very first thing that
15 you saw that relates to this collision?

16 A We were headed down Piedmont Highway towards
17 Greenville. And once we came up over the hill at
18 Construction Drive and Camden, we noticed a car at Brown
19 Road because of headlights stopped at the stop sign.

20 Q Okay. Now, which side of your vehicle would
21 that car have been?

22 A It was on my left side.

23 Q And you noted that the vehicle had its
24 headlights on?

25 A Yes.

CRYSTAL WARDLAW-DIRECT BY MRS. GARY

1 Q And you noted that it was stopped at a stop
2 sign?

3 A Yes.

4 Q Okay. What did you see next?

5 A Next, we saw the pull out and then the car,
6 basically, picked up and flew to my lane of traffic, which
7 was all the way across the four lanes and the median and a
8 wheel landed on the sidewalk.

9 Q Okay. So I want to make sure I understand. Did
10 the car that was stopped at Brown Road, it had started to
11 turn, is that what you're saying?

12 A It hadn't started to turn, it just started to
13 pull out.

14 Q Okay. And there was some sort of collision?

15 A Yes.

16 Q Okay. Tell the jury, as you were traveling down
17 Piedmont Highway -- and this is right at Lakeside Park; is
18 that right?

19 A Yes.

20 Q Okay. As you're traveling down Piedmont
21 Highway, do you have a clear vision field in that part of
22 the road?

23 A Yes, ma'am. You start heading down the hill.
24 Once you start heading down the hill, Brown Road is down
25 here. So you're kind of like above it.

CRYSTAL WARDLAW-DIRECT BY MRS. GARY

1 Q Okay.

2 A Looking down on it if you're driving.

3 Q Sure. Can you see traffic headed the opposite
4 direction?

5 A Yes.

6 Q The night this collision happened and
7 immediately prior to the collision, did you see any other
8 cars heading in your opposite direction?

9 A No, ma'am.

10 Q Did you see any headlights at all?

11 A No, ma'am.

12 Q Other than, of course, those belonging to the
13 car at Brown Road?

14 A No, ma'am.

15 Q You did not see any lights heading your
16 direction?

17 A No.

18 Q Okay. After this collision, Ms. Wardlaw, what
19 did you do?

20 A Stopped. I pulled immediately behind the car
21 that landed in front of me and we stopped.

22 Q Were you on the phone?

23 A Yes. My son was already on the phone with 911.

24 Q Okay. Where did you go?

25 A I went immediately to the car that was right in

CRYSTAL WARDLAW-DIRECT BY MRS. GARY

1 front of me, which was her car.

2 Q Her being one of the victims --

3 A Yes.

4 Q -- in this case? Okay. What did you see inside
5 that car?

6 A I saw the driver, who was kind of in the
7 passenger seat. And I saw the two car seats in the back
8 with the child in the middle.

9 Q Okay. At that point, you were only able to see
10 four people?

11 A Yes.

12 Q Did you later learn that there were more people
13 in that car?

14 A Yes.

15 Q There was a fifth?

16 A Yes, ma'am.

17 Q Was anyone inside that vehicle responsive at
18 all?

19 A No, ma'am.

20 Q Did anyone else stop to assist?

21 A Not for a little bit. I can't say exactly how
22 long it was, but it did take a minute for somebody else to
23 stop.

24 Q Okay. What did you do for the folks inside the
25 car?

CRYSTAL WARDLAW-DIRECT BY MRS. GARY

1 A I was just trying to tell them we had help on
2 the way and not to worry. I didn't know if they could
3 hear me and they just weren't responding or they were
4 unconscious. But all I wanted to do was make sure that
5 they knew that somebody was there and we had called 911
6 and was trying to get them help.

7 Q Did you ever see -- or did you see the other car
8 involved in this collision?

9 A Yes.

10 Q Where did it come to stop?

11 A On the side of the traffic where it was supposed
12 to be going.

13 Q Okay. How many people were inside that car?

14 A One.

15 Q And did you ever talk with that driver?

16 A He approached me.

17 Q Okay.

18 A And said something. And then I just responded,
19 Yeah.

20 Q What did he say? You can say it. It's okay.

21 A This is fucked up.

22 Q Okay. Then what did he do?

23 A He just went about his business. At one point
24 in time, he had looked in the other car, but that was
25 before he said what he said. But he looked at the other

CRYSTAL WARDLAW-DIRECT BY MRS. GARY

1 car and that was it. Like I said, he went about his
2 business.

3 Q Did you notice that driver on the phone?

4 A Yes.

5 Q Are you able to point out -- is the driver of
6 that other vehicle in this courtroom?

7 A Yes.

8 Q Could you please point to him?

9 A He's right there.

10 MRS. GARY: For the record, Your Honor, she is
11 pointing to The Defendant, Mr. White.

12 BY MRS. GARY:

13 Q Do you recognize that man as the other driver in
14 that collision?

15 A Yes.

16 Q And you told the jury there was no one else in
17 his car?

18 A No.

19 Q I'm going to show you, Ms. Wardlaw, what's
20 marked as State's Exhibit 1 through 7. If you would just
21 flip through those and tell me if you recognize those.

22 A Yes.

23 Q Check them all out and make sure.

24 A Okay.

25 Q They look familiar to you?

CRYSTAL WARDLAW-DIRECT BY MRS. GARY

1 A Yes, ma'am.

2 Q They appear to be accurate -- or what are they,
3 in general?

4 A Scenes of that night.

5 Q Photos from that scene?

6 A Yes.

7 Q Okay. Do they appear to be an accurate
8 representation of what you saw, ma'am?

9 A Yes, ma'am.

10 Q Okay.

11 MRS. GARY: Your Honor, at this time, we would

12 --

13 MR. CHAMBERS: May I see those?

14 MRS. GARY: At this time, we would seek to move
15 State's Exhibit Nos. 1 through 7 into evidence.

16 THE COURT: Mr. Chambers?

17 MR. CHAMBERS: No objection, Your Honor.

18 THE COURT: State's Exhibit Nos. 1 through 7?

19 MRS. GARY: Yes, sir.

20 THE COURT: Admitted into evidence without
21 objection.

22 (WHEREUPON, State's Exhibits Nos. 1-7 were
23 admitted into evidence.)

24 MRS. GARY: Josh, would you turn that on for me?

25 Thank you.

CRYSTAL WARDLAW-DIRECT BY MRS. GARY

1 BY MRS. GARY:

2 Q All right. Ms. Wardlaw, I'll ask you to hold
3 these. Do it the old school way. If you would hold up
4 State's Exhibit 1 for the jury. If you are able to, also,
5 look at it. Can you tell me what you see in this photo?

6 A That is coming towards this direction on Highway
7 20 toward Whitehorse Road.

8 Q Okay. So would this be -- let me ask it a
9 better way. Let me show you State's Exhibit -- well, let
10 me ask you this, ma'am. In State's Exhibit 1, can you see
11 the street sign for Brown Road?

12 A Yes.

13 Q Okay. So is this taken from the direction you
14 were traveling or would this be taken from the direction
15 The Defendant was traveling?

16 A The Defendant was traveling.

17 Q Okay. And that street sign here is the
18 intersection with Brown Road?

19 A Yes, ma'am.

20 Q Okay. So this is the view The Defendant would
21 have had; is that right?

22 A Yes.

23 Q All right. Thank you. What is the scene right
24 there in State's Exhibit 2?

25 A This is the Brown Road and Piedmont Highway

CRYSTAL WARDLAW-DIRECT BY MRS. GARY

1 street sign.

2 Q Okay. Is that the intersection?

3 A That's the intersection.

4 Q Okay. Thank you. What are we seeing in -- they
5 got out of order on me. Tell me -- you can just tell me
6 and then we'll show them. What do you see in State's
7 Exhibit 3?

8 A This is her car.

9 Q This would be the victim's car?

10 A This would be the victim's car.

11 Q Okay. Is that where it was when you first
12 encountered it -- I'm sorry, after the collision, is that
13 where it landed?

14 A Yes, that's where it landed.

15 Q Ms. Wardlaw, do you see your car in State's
16 Exhibit 3?

17 A Yes, ma'am. This is my white car right here
18 behind hers.

19 Q Thank you. Did you or your son move the
20 victim's car at all?

21 A No.

22 Q Okay. What about -- tell us what is State's
23 Exhibit 4?

24 A A different angle of the victim's car.

25 Q That same vehicle?

CRYSTAL WARDLAW-DIRECT BY MRS. GARY

1 A Yes.

2 Q Is your vehicle, also, in that photo?

3 A Yes, ma'am, it's right there.

4 Q Are you in that group of folks standing right
5 there?

6 A No, I'm not in this group.

7 Q Okay. I'm going to show you State's Exhibit 5.
8 What are we seeing there?

9 A It's another angle, but from -- this looks like
10 the other lanes.

11 Q Further out?

12 A From further out, yes, ma'am. And there's my
13 car.

14 Q Are you in that photo?

15 A I'm not in this photo, but my son is in this
16 photo.

17 Q Okay. Thank you so much. Right there?

18 A Yes, ma'am.

19 Q If you would, just tell us what are we seeing in
20 6 and 7?

21 A This is The Defendant and the victim's car,
22 where they landed?

23 Q Okay. What about 7?

24 A Same, closer, different angle.

25 Q Okay. Thank you. Ms. Wardlaw, the night that

CRYSTAL WARDLAW-CROSS BY MR. CHAMBERS

1 this occurred, did you speak and give a statement to the
2 highway patrolmen who were on the scene?

3 A Yes, ma'am.

4 Q Did you tell them what you saw?

5 A Yes, ma'am.

6 Q Did you tell them what you did?

7 A Yes, ma'am.

8 Q Did you tell them what you told us today?

9 A Yes, ma'am.

10 Q I just want to make sure that we all understand,
11 it is your testimony that you did not see any headlights
12 coming in the opposite direction from you; is that right?

13 A I did not.

14 MRS. GARY: I believe that's all I have. Answer
15 any questions Mr. Chambers might have. Thank you,
16 ma'am.

17 THE COURT: Mr. Chambers.

18 CROSS-EXAMINATION

19 BY MR. CHAMBERS:

20 Q It sounds like you travel on this road a good
21 bit.

22 A Yes, sir.

23 Q Piedmont Highway. It's four lanes, two lanes in
24 each direction, correct?

25 A Yes, sir.

CRYSTAL WARDLAW-CROSS BY MR. CHAMBERS

1 Q And right there at Brown Road, if you're going
2 to make a left turn from Brown Road, then you're going to
3 have to go across two lanes of traffic to start the other
4 way, correct?

5 A Yes, sir.

6 Q You said that as you approached Brown Road, you
7 saw the Trimmiers' car at the stop sign, correct?

8 A Yes.

9 Q At a complete stop?

10 A Yes, sir.

11 Q Then you saw it start to pull into the roadway?

12 A Started pulling toward the median.

13 Q And there was an immediate impact as soon as
14 they pulled into the road?

15 A Yes, sir.

16 Q And so you were on scene afterward, correct?

17 A Yes.

18 Q And you looked through those pictures?

19 A Yes, sir.

20 Q I believe you identified Marcus White's car,
21 correct?

22 A Yes.

23 Q You can see in that picture then that you looked
24 at, that his lights were on on his car, correct?

25 A No.

CRYSTAL WARDLAW-CROSS BY MR. CHAMBERS

1 Q Well, the pictures are there for people to look
2 at.

3 A Okay.

4 Q In that picture -- you're saying as you sit
5 there that it did not show his lights on in those pictures
6 that the jury's looking at?

7 A I said I did not see his lights.

8 MR. CHAMBERS: Okay.

9 MRS. GARY: We would have nothing further,
10 Judge.

11 THE COURT: No redirect. Okay.

12 MRS. GARY: We ask that she be released from her
13 subpoena.

14 THE COURT: Okay.

15 Mr. Chambers, can she be released?

16 MR. CHAMBERS: Yes, sir.

17 THE COURT: You may step down, thank you. I
18 appreciate it.

19 MS. KERNELL: May it please the Court, Your
20 Honor. The State calls Sarah Young.

21 THE CLERK: Ms. Young, place your left hand on
22 the Bible, raise your right hand.

23 SARAH YOUNG, after being duly sworn,
24 testified as follows:

25 THE CLERK: Thank you. You may be seated.

SARAH YOUNG-DIRECT BY MS. KERNELL

1 State your name for the record.

2 THE WITNESS: Sarah Young.

3 DIRECT EXAMINATION

4 BY MS. KERNELL:

5 Q Hi, Sarah, could you tell us where you're
6 employed?

7 A Greenville County Sheriff's Office.

8 Q What do you do there?

9 A I'm the 911 [indiscernible] research analyst and
10 I do the quality assurance for dispatchers.

11 Q Can you tell us a little bit about what happens
12 when somebody calls 911?

13 A When somebody dials into 911, whether it be an
14 emergency or nonemergency call, it comes into the
15 dispatcher. And once those calls come in, they are
16 automatically recorded. The dispatcher determines whether
17 or not they need police, fire or EMS or the jurisdiction
18 that they need so they get them to the right agency.

19 Q Okay. And all calls are recorded?

20 A Yes, ma'am.

21 Q And when they come in, are they stored
22 somewhere?

23 A Yes, ma'am, they're stored on the secure server.

24 Q Can anybody access the server?

25 A No, ma'am.

SARAH YOUNG-DIRECT BY MS. KERNELL

1 Q Who can access that?

2 A A few select individuals that are employed at
3 Greenville County Sheriff's Office. So myself and my two
4 supervisors.

5 Q Can anybody alter the calls that are on those
6 servers?

7 A No, ma'am.

8 Q How are the calls connected to an incident?

9 A So when a call comes in, the dispatcher
10 determines what kind of call it is. And then they start
11 determining -- they start gathering information from the
12 caller to determine what type of call it is and what kind
13 of assistance is needed.

14 Q And when these calls come in, how are they
15 recorded?

16 A They're recorded simultaneously.

17 Q Does it happen automatically?

18 A Yes, ma'am. As soon as you dial 911, it starts
19 recording.

20 Q Are these recordings made and stored in the
21 regular course of business?

22 A Yes.

23 Q Was this procedure in place on October 15th,
24 2021?

25 A Yes, ma'am.

SARAH YOUNG-DIRECT BY MS. KERNELL

1 Q And in the regular course of your business, are
2 you routinely asked to retrieve these 911 calls?

3 A Yes, ma'am.

4 Q Okay. I'm going hand you what's been premarked
5 as State's Exhibit 8, do you recognize this?

6 A Yes, ma'am.

7 Q Okay. Have you listened to this recording?

8 A Yes, ma'am.

9 Q Okay. And how do you know what this recording
10 is?

11 A I listened to it earlier. And I know that I
12 listened to it because my initials and the date that I
13 listened to it are on the disk.

14 Q Has it been altered in any way?

15 A No, ma'am.

16 Q Does it accurately reflect the call that was
17 made on October 15th, 2021?

18 A Yes, ma'am.

19 MS. KERNELL: At this time, Your Honor -- one
20 more question.

21 BY MS. KERNELL:

22 Q Does this call relate to the collision that
23 occurred on that date?

24 A Yes, ma'am.

25 MS. KERNELL: At this time, The State moves

SARAH YOUNG-DIRECT BY MS. KERNELL

1 Exhibit 8 into evidence.

2 MR. CHAMBERS: I have no objection, Your Honor.

3 THE COURT: Without objection, No. 8.

4 (WHEREUPON, State's Exhibit No. 8 was admitted
5 into evidence.)

6 MS. KERNELL: Permission to publish, Your Honor?

7 THE COURT: Yes, ma'am.

8 (WHEREUPON, State's Exhibit No. 8 was
9 published.)

10 (WHEREUPON, State's Exhibits Nos. 12-33 were
11 marked for identification only.)

12 BY MS. KERNELL:

13 Q And Sarah, this was the call that you were asked
14 to retrieve from that night?

15 A Yes, ma'am.

16 MS. KERNELL: Nothing further.

17 MR. CHAMBERS: No questions for this witness,
18 Your Honor.

19 THE COURT: Okay. You may be excused and step
20 down.

21 MS. KERNELL: Your Honor, we ask that the
22 witness may be released.

23 MR. CHAMBERS: No objection, Your Honor.

24 THE COURT: Without objection. You may be
25 released.

JUSTIN PETERSON-DIRECT BY MS. KERNELL

1 MS. KERNELL: Your Honor, The State calls Justin
2 Peterson.

3 THE CLERK: Please place your left hand on the
4 Bible.

5 JUSTIN PETERSON, after being duly
6 sworn, testified as follows:

7 THE CLERK: Thank you, you may be seated. State
8 your full name for the record.

9 THE WITNESS: Justin Lee Peterson.

10 DIRECT EXAMINATION

11 BY MS. KERNELL:

12 Q Mr. Peterson, could you tell us where you're
13 currently employed?

14 A A.J. Whittenberg.

15 Q And what do you do there?

16 A I'm the groundskeeper and maintain the
17 buildings, so on and so forth.

18 Q What did you do before that?

19 A I worked with highway patrol.

20 Q And when did you start working with highway
21 patrol?

22 A April 2014, I believe.

23 Q Okay. Was that in Greenville?

24 A Originally, in Anderson. And then after a few
25 years, transferred to Greenville.

JUSTIN PETERSON-DIRECT BY MS. KERNELL

1 Q Were you working with the highway patrol on
2 October 15th, 2021?

3 A Yes, ma'am.

4 Q What were your duties as a highway patrolman?

5 A Look for impaired drivers, investigate
6 collisions, so on and so forth.

7 Q Did you receive certifications and training?

8 A Yes, ma'am.

9 Q What kind of training and certifications?

10 A Accident reconstruction, DUI detection, things
11 of that nature.

12 Q And what was your position at the time?

13 A At the time, I believe it was trooper first
14 class.

15 Q Were you trained in Standard Field Sobriety Test
16 as well?

17 A Yes, ma'am.

18 Q How long were you employed with the highway
19 patrol?

20 A Roughly, six years.

21 Q Okay.

22 A Going on six years.

23 Q Were you terminated from the highway patrol for
24 watching TV and social media on your cell phone during
25 your shift?

JUSTIN PETERSON-DIRECT BY MS. KERNELL

1 A Yes, ma'am.

2 Q I'm going to take you back to October 15th,
3 2021. Were you on duty that night?

4 A Yes, ma'am, I was.

5 Q Do you remember where you were?

6 A I was traveling down Augusta Road.

7 Q Okay. And how did you become involved in this
8 case?

9 A I believe I was dispatched.

10 Q Can you tell us where the collision was?

11 A It was on S.C. 20 and Brown Road.

12 Q What county was this in?

13 A This was in Greenville.

14 Q When you arrived on scene, what did you do?

15 A When I arrived on scene, I exited my vehicle and
16 proceeded to assist with victims, other drivers, figure
17 out some information on what the details of the collision
18 was.

19 Q Did you have a body worn camera at the time?

20 A No, ma'am.

21 Q Okay. Did you speak with The Defendant at the
22 scene?

23 A I don't believe I did at the scene.

24 Q Did you see him?

25 A I believe I saw him around near his car and

JUSTIN PETERSON-DIRECT BY MS. KERNELL

1 everything.

2 Q Okay. I am going to hand you what we have
3 premarked as State's Exhibit Nos. 12 through 33. Can you
4 flip through those? Do you recognize these photos?

5 A Yes, ma'am, I do.

6 Q Are they a fair and accurate representation
7 of -- can you tell us what those photos are?

8 A They're photos from the accident scene.

9 Q Are they a fair and accurate representation of
10 the scene?

11 A Yes, ma'am.

12 Q And the cars?

13 A Yes, ma'am, they are.

14 Q Have these photos been altered in any way?

15 A No, ma'am.

16 MS. KERNELL: State moves Exhibit Nos. 12
17 through 13 into evidence, Your Honor.

18 THE COURT: You said 12 through 13?

19 MS. KERNELL: Twelve through 33. Thank you.

20 THE COURT: I thought there was more than two.

21 MR. CHAMBERS: Okay.

22 THE COURT: Mr. Chambers?

23 MR. CHAMBERS: No objection, Your Honor.

24 THE COURT: All right. Without objection,
25 State's Exhibit Nos. 12 through 33 are admitted into

JUSTIN PETERSON-DIRECT BY MS. KERNELL

1 evidence.

2 (WHEREUPON, State's Exhibits Nos. 12-33 were
3 admitted into evidence.)

4 THE COURT: Ma'am, we're going to --

5 Technology is great when it works. There we go.

6 BY MS. KERNELL:

7 Q Can you tell us in this photo, this is State's
8 Exhibit 12, what do you see here?

9 A That is the roadway of Piedmont Highway.

10 Q Can you see what the speed limit is on this
11 highway?

12 A Yes, ma'am, it's 45.

13 Q Okay. I'll show you State's Exhibit 13. Can
14 you tell us about this photo?

15 A So that's Mr. White's vehicle that was in the
16 southbound lane on Piedmont Highway.

17 Q I'll show you State's Exhibit 14. What is this
18 showing?

19 A Same roadway, different angle of the same
20 vehicle.

21 Q Mr. White's vehicle?

22 A Yes, ma'am.

23 Q Okay. Do you know what kind of vehicle?

24 A It's a Malibu.

25 Q Okay. I'll show you State's Exhibit 15. What

JUSTIN PETERSON-DIRECT BY MS. KERNELL

1 is this a photo of?

2 A Another angle of Mr. White's Malibu, getting
3 most of the front end.

4 Q I'll show you a couple more. This is State's
5 Exhibit 16. What is this showing?

6 A Mr. White's vehicle, again, from the rear. And
7 you can see Ms. Trimmier's vehicle on the other side on
8 the curve. Yes, ma'am, in the top left.

9 Q I'm showing you State's Exhibit 17. What is
10 this a photo of?

11 A Mr. White's Malibu, again, showing air bag
12 deployment.

13 Q State's Exhibit 18. What is this? Which car?

14 A Mr. White's Malibu, again, showing the front
15 end.

16 Q And these orange paint marks, what are these
17 paint marks?

18 A So those are the roadway markings for the MAIT
19 team. They show where the vehicle came to rest.

20 Q Did you make these markings?

21 A I don't believe I made those.

22 Q Are you trained to make marks like that?

23 A Yes, ma'am.

24 Q Why do you make those markings?

25 A So in some instances or some cases, the MAIT

JUSTIN PETERSON-DIRECT BY MS. KERNELL

1 team won't be instantly called out on a scene. So they
2 can come back and see the marks and see where vehicles
3 were positioned and conduct their investigation.

4 Q I'm going show you State's Exhibit 19. Can you
5 tell me about that photo?

6 A I believe that's still -- yeah, that's
7 Mr. White's car still. And you can see the picture of the
8 Crown Royal bag and box in the seat.

9 Q Right here?

10 A Yes, ma'am.

11 Q This is State's Exhibit 20?

12 A That's Mr. White's car as well. That's in the
13 floorboard where you can see the Crown Royal bottle.
14 Everything shifted due to the impact, then everything went
15 off in the floor.

16 Q Did you take that Crown Royal bottle out of the
17 car?

18 A It was removed and it was secured into evidence.

19 Q Was there any liquid in the bottle?

20 A Yes, ma'am, it was about two-thirds full.

21 Q Showing you State's Exhibit 21.

22 A Mr. White's car again. That was taken from the
23 driver's side. It shows the same Crown Royal bag and box.

24 Q And you said from which angle was this taken?

25 A From the driver's side.

JUSTIN PETERSON-DIRECT BY MS. KERNELL

1 Q I'm showing you State's Exhibit 22.

2 A That's Mr. White's car again. And there's
3 Mr. White, he's leaning against his car. Taken from the
4 front end.

5 Q Let me show you State's Exhibit No. 23. Tell us
6 about this photo.

7 A Same as before. It's just a different angle.

8 Q Okay. Mr. White's in this photo?

9 A Yes, ma'am.

10 Q Showing you State's Exhibit No. 24. Did you get
11 this from Mr. White?

12 A I did. That's my hand in the picture.

13 Q Okay. What's in this photo?

14 A That his driver's license and registration for
15 his vehicle.

16 Q This is State's Exhibit No. 24 I'm showing you.
17 Showing you State's Exhibit No. 25. Can you tell us a
18 little bit about that photo now?

19 A That is Ms. Trimmier's vehicle. And there are
20 the skid marks from where the car, basically, skidded
21 sideways from the impact.

22 Q These are what you're talking about?

23 A Yes, ma'am.

24 Q Tell us about these orange markings.

25 A So orange markings signify the pathing of those

JUSTIN PETERSON-DIRECT BY MS. KERNELL

1 skid marks, which way they're going, how they cross.

2 Usually, that shows a car had rotated and crossed.

3 Q Showing you State's Exhibit No. 26. What is
4 this photo depicting?

5 A That's Ms. Trimmier's vehicle, again, came to
6 rest on the sidewalk.

7 Q This is State's Exhibit No. 27. Will you tell
8 us about this vehicle?

9 A That Ms. Trimmier's vehicle showing the outside,
10 the depth of the impact at the driver's side.

11 Q Do you know what kind of vehicle she was
12 driving?

13 A It was a Chevy Impala.

14 Q Showing you State's Exhibit No. 28. What is
15 that?

16 A Ms. Trimmier's Impala. It's showing the depth
17 from a different angle.

18 Q This is State's Exhibit No. 29. What is this
19 photo showing?

20 A The inside of Ms. Trimmier's vehicle. This is
21 taken from the passenger side. The driver's seat is
22 shoved over to the center console.

23 Q And can you see what's in the passenger
24 floorboard?

25 A It looks like a DoorDash bag.

JUSTIN PETERSON-DIRECT BY MS. KERNELL

1 Q And do you know if that's what she was doing
2 that night?

3 A Yes, ma'am. I believe she had just delivered a
4 food order.

5 Q Showing you State's Exhibit No. 30. Could you
6 tell us about this photo?

7 A This is, also, Ms. Trimmier's car. You can see
8 the driver's seat is contorted. You can, also, see the
9 center armrest where everything crushed and the car seats
10 in the back. You can see one of them.

11 Q We have State's Exhibit No. 31. What is this
12 photo?

13 A Those are MINOR 1 and MINOR 2's car seat in the
14 back. The one has been shoved over to the middle of the
15 car as well.

16 Q State's Exhibit No. 32?

17 A Ms. Trimmier's car, again. The windshield is
18 cracked, see how the roof line is crushed in at the top.

19 Q Is that showing from the impact of the vehicle?

20 A Yes, ma'am, from the impact.

21 Q Then State's Exhibit No. 33. Did you -- where
22 did you retrieve this from?

23 A It was from the South Carolina DMV website that
24 we have access to.

25 Q What is it showing?

JUSTIN PETERSON-DIRECT BY MS. KERNELL

1 A It shows the registration information on the
2 vehicle.

3 Q For Tasj-Hamiel?

4 A Her receipt for taxes paid, things like that.

5 Q Based on the damage to these vehicles, did you
6 come to a determination of what happened?

7 A It appeared that Ms. Trimmier was -- she was
8 turning left on Brown Road to head towards Greenville on
9 SC 20 when she was hit in the side by Mr. White's vehicle.
10 And judging by the amount that she's hit and the depth and
11 damage on the vehicles, it seemed like it was a high-speed
12 collision.

13 Q Do you fill out a report that reflects all this
14 information?

15 A Yes, ma'am, called a TR-310.

16 Q Okay. What kind of information does that
17 document contain?

18 A Typically, has a -- just the driver's
19 information, passengers, injury status. There's a diagram
20 for the scene. Usually, a brief narrative of what
21 occurred in the collision.

22 Q Did you fill out one for this case?

23 A Yes, ma'am.

24 Q Do you fill out one for every collision?

25 A Yes, ma'am.

JUSTIN PETERSON-DIRECT BY MS. KERNELL

1 Q Are you able to update this form as more
2 information comes in?

3 A Yes, ma'am. As we get more information, we're
4 able to amend it and correct information.

5 Q Okay. Did you do that in this case?

6 A It was amended, yes, ma'am.

7 Q I am going to show you State's Exhibit No. 9.
8 Can you look at this? Do you recognize this form?

9 A Yes, ma'am, I do. This is the TR-310 from the
10 collision.

11 Q Did you complete this document?

12 A Yes, ma'am, I did.

13 Q Have there been any additions or corrections to
14 this form since it's been updated?

15 A No. There's the original amended and this
16 should be the final copy of that.

17 Q Okay.

18 MS. KERNELL: Your Honor, at this time --

19 MR. CHAMBERS: Your Honor, could I see what
20 she's --

21 THE COURT: Yes, sir.

22 MS. KERNELL: State's Exhibit No. 9 into
23 evidence.

24 MR. CHAMBERS: Your Honor, I'm going to object
25 to the introduction of this document. First of all,

JUSTIN PETERSON-DIRECT BY MS. KERNELL

1 jury's out? May we take a five minute break?

2 THE COURT: Yes. I usually go about two hours,
3 an hour and a half. So y'all just let me know.

4 (WHEREUPON, a short break was taken.)

5 (WHEREUPON, State's Exhibit No. 34 was marked
6 for identification only.)

7 THE COURT: Y'all ready?

8 MS. KERNELL: Yes, Your Honor.

9 MR. CHAMBERS: Yes, Your Honor.

10 THE COURT: Okay, let's get the jury back in.
11 Thank you. That was a good time to take a break.

12 (WHEREUPON, the jury entered open court at
13 approximately 10:59 a.m.)

14 THE COURT: Okay.

15 MS. KERNELL: May it please the Court, Your
16 Honor?

17 THE COURT: Yes, ma'am.

18 BY MS. KERNELL:

19 Q Mr. Peterson, were you able to speak to any of
20 the occupants in the Chevy Impala?

21 A No, ma'am.

22 Q Why was that?

23 A They were pretty immediately taken to the
24 hospital due to injuries.

25 Q Did you remain on scene at that point?

JUSTIN PETERSON-DIRECT BY MS. KERNELL

1 A Yes, ma'am.

2 Q What did you do while you're on scene?

3 A Try to gather any evidence from the vehicles,
4 speak with witnesses if there are any on scene, just
5 conduct my investigation, take photos.

6 Q Did that include making some of the markings on
7 the roadway?

8 A Typically, it would, but I didn't make those.

9 Q After you finished at the scene, what did you
10 do?

11 A After I left the scene, if I remember correctly,
12 I believe I met with Corporal Campbell at the hospital.

13 Q Once you arrived at the hospital, where did you
14 go?

15 A Went back to the trauma bay. It would have been
16 A pod.

17 Q Who was in the trauma bay?

18 A Mr. White was along with Corporal Campbell.

19 Q Did you speak to Mr. White?

20 A Briefly spoke just to see his condition. I,
21 also, spoke with Corporal Campbell.

22 Q What were your observations of Mr. White?

23 A He had glassy, bloodshot eyes and he had an odor
24 of alcoholic beverage.

25 Q At this point, what were your next steps?

JUSTIN PETERSON-DIRECT BY MS. KERNELL

1 A At this point, me and Corporal Campbell
2 proceeded to the detention center to obtain a search
3 warrant for his blood and obtain an arrest warrant for the
4 felony DUI charges.

5 Q Why did you obtain The Defendant's blood,
6 Mr. White's blood?

7 A Due to felony DUI, the charge of it, you have to
8 you get a search warrant to obtain the blood.

9 Q Okay. Did you serve the warrant on The
10 Defendant?

11 A Yes, ma'am.

12 Q Did you read him his Miranda rights and implied
13 consent rights?

14 A Yes, ma'am.

15 Q I'm handing you what's premarked as State's
16 Exhibit 34, do you recognize this?

17 A Yes, ma'am. This is the advisement for implied
18 consent. It's got Mr. White's information on it along
19 with my signature and it's date and time stamped at the
20 time when I read it. And when I asked Mr. White to sign
21 this, he refused.

22 Q And did he indicate that he understood those
23 rights?

24 A Yes, ma'am, I believe he understood the rights,
25 but he refused to sign it.

JUSTIN PETERSON-DIRECT BY MS. KERNELL

1 Q Have there been any alterations of that
2 document?

3 A No, ma'am.

4 MS. KERNELL: State moves Exhibit No. 34 into
5 evidence, Your Honor.

6 MR. CHAMBERS: No objection, Your Honor.

7 THE COURT: Without objection Exhibit No. 34 for
8 The State comes into evidence.

9 (WHEREUPON, State's Exhibit No. 34 was admitted
10 into evidence.)

11 BY MS. KERNELL:

12 Q Mr. Peterson, I'm showing you what's marked as
13 State's Exhibit 34. Are these the rights that you read to
14 Mr. White?

15 A Yes, ma'am.

16 Q And is this your signature down here?

17 A Yes, ma'am, it is.

18 Q Once you served the warrant for Mr. White's
19 blood, what was the next step?

20 A The next step is a urine blood collection form.
21 Then we have a medical staff from Memorial Hospital
22 conduct a blood draw.

23 Q Did you ask this person to take Mr. White's
24 blood?

25 A Yes, ma'am. It's a legal blood draw.

JUSTIN PETERSON-DIRECT BY MS. KERNELL

1 Q Do you know who this person was?

2 A No, ma'am, I don't remember who it was.

3 Q Do you know her position at the hospital?

4 A She's a charge nurse.

5 Q Were you there when she drew his blood?

6 A Yes, ma'am. We have to be present for any blood
7 draws.

8 Q Once she drew the blood, what did you do with
9 the tubes?

10 A The tubes are secured in a sealed bag, then
11 transported to our office and secured in a locked evidence
12 fridge.

13 Q Okay.

14 MS. KERNELL: At this point, pursuant to the
15 previous entered stipulation, at this time, The State
16 moves Exhibits 10 and 11 into evidence.

17 MR. CHAMBERS: No objection, Your Honor.

18 THE COURT: Without objection, No. 10 and No. 11
19 for The State comes into evidence.

20 (WHEREUPON, State's Exhibits Nos. 10-11 were
21 admitted into evidence.)

22 BY MS. KERNELL:

23 Q Can you look at State's Exhibits 10 and 11 and
24 tell us what these are?

25 A Looks to be from Prisma Health the patients,

JUSTIN PETERSON-DIRECT BY MS. KERNELL

1 **MINOR 1** and Tasj-Hamiel Trimmier. It's information on
2 them.

3 Q What kind of information?

4 A I believe it's medical information of what
5 injuries they sustained.

6 Q Okay. Can you read at the top right corner of
7 Exhibit 10 on page, I believe it's on -- that page right
8 there. Could you read the top right, the name, date of
9 birth and date of admission?

10 A This is **MINOR 1**, I'm sorry, I'm going to butcher
11 it. **MINOR 1**. His date of birth
12 **██████████**/2016, submission is 10/15/21.

13 Q Okay. On State's Exhibit 11, can you turn to
14 those pages and read the same information at the top
15 right?

16 A Tasj-Hamiel Trimmier, date of birth, **██████████**/1992,
17 and admission 10/15/2021.

18 Q Okay. And we're going to go back now to State's
19 Exhibit No. 10. Can you read the injuries to **MINOR 1**? To
20 **MINOR 2**, excuse me, **MINOR 2**?

21 A **MINOR 2** had displaced fracture of the shaft of
22 the right femur, initial encounter for closed fracture.

23 Q Okay. Then on State's Exhibit No. 11, can you
24 read on Pages 8 and 9 the injuries to Tasj-Hamiel
25 Trimmier?

JUSTIN PETERSON-DIRECT BY MS. KERNELL

1 A I believe the left two through seven and right
2 11 through 12 rib fractures.

3 Q Okay. If you flip the page, the injuries go on.

4 A Oh. And L3 through 5 traverse process fracture,
5 right femoral fracture, right superior and inferior pelvic
6 fracture, left pelvic fracture and left sacral fracture.

7 Q Okay. And once you found out the injuries and
8 the status of these victims, did you obtain warrants for
9 Mr. White's arrest?

10 A Yes, ma'am. Due to the injuries, that's what
11 prompted the felony DUI arrest warrants, along with the
12 search warrant.

13 Q Did you place this Defendant under arrest, at
14 that point?

15 A Yes, ma'am.

16 Q And going back to after you were investigating
17 all this, you were at the hospital, you had filled out
18 that form, that TR-310 form, how did y'all determine who
19 was at fault during the collision?

20 A Mostly, the MAIT team will do that
21 investigation. The MAIT team had determined that
22 Mr. White was contributing due to the impairment and the
23 speed in the collision.

24 MS. KERNELL: Please answer any questions

25 Mr. Chambers has for you.

JUSTIN PETERSON-CROSS BY MR. CHAMBERS

1 THE WITNESS: Yes, ma'am.

2 CROSS-EXAMINATION

3 BY MR. CHAMBERS:

4 Q Did you arrive on scene before EMS?

5 A No, sir.

6 Q So EMS was already there when you were there?

7 A Yes, sir.

8 Q And I think said you did not have an opportunity
9 or, at least, did not speak to Marcus White while you were
10 on scene; correct?

11 A No, sir. I saw him, but I didn't get a chance
12 to actually speak to him, at the time.

13 Q He was actually treated and taken to the
14 hospital by EMS, correct?

15 A Yes, sir. I believe I was told that he had
16 passed out and transported.

17 Q And, in fact, even after you met with him at the
18 hospital and, I think, placed him under arrest, he was --
19 stayed in the hospital for a couple days afterward;
20 correct?

21 A I believe he did, yes, sir.

22 Q This road, Piedmont Highway, that was in the
23 area that you would normally patrol?

24 A Typically, yes, sir.

25 Q You pretty familiar with it?

JUSTIN PETERSON-CROSS BY MR. CHAMBERS

1 A Fairly.

2 Q In that particular stretch of road, I think just
3 past where the accident happened, you showed the sign
4 earlier, said that the speed limit is 45, but it varies in
5 different places on Piedmont Highway, doesn't it? Some
6 areas, it's 55?

7 A No, sir. So coming from Whitehorse, soon as you
8 turn on S.C. 20, it's 45 all the way until you get down to
9 a church.

10 Q Okay.

11 A And around Bracken Road, it drops to 35.

12 Q And this is a four-lane road with two lanes
13 going in each direction, correct?

14 A Yes, sir, with a median.

15 Q It is not usual for people to speed on that
16 stretch of road, is it?

17 A People have a tendency to speed, but this was in
18 excess.

19 Q I understand, but I'm just saying you -- it's
20 like -- I drive back and forth on Wade Hampton pretty much
21 every day. Everybody pretty much speeds on Wade Hampton?

22 A Yes, sir.

23 Q I assume Piedmont is the same way, correct?

24 A Yes, sir.

25 Q And right there at that intersection of Brown

JUSTIN PETERSON-CROSS BY MR. CHAMBERS

1 Road, that's, essentially, a T intersection. There's a
2 stop sign -- if you're on Brown Road and you're pulling
3 onto Piedmont Highway, you have to stop at the stop sign,
4 correct?

5 A Correct.

6 Q And the people that are on Piedmont Road do not
7 have to stop at that intersection, correct?

8 A Correct.

9 Q So someone who is entering the highway there,
10 they have the duty to look out for traffic and make sure
11 before they pull out that they're not pulling out in front
12 of somebody, correct?

13 A Typically, yes, sir.

14 Q If you pull out in front of somebody, you're
15 failing to yield the right-of-way because those people on
16 Piedmont Highway have the right-of-way, correct?

17 A That would be the norm, yes, sir.

18 Q Now, in writing up your report, you indicated
19 that Marcus White contributed because in your estimation,
20 he was, at least, suspected to be under the influence of
21 alcohol and that he was speeding. There was no indication
22 by you that he did not have his headlights on at the time
23 of the wreck, correct?

24 A No, sir.

25 Q And, in fact, these pictures that you looked at

JUSTIN PETERSON-CROSS BY MR. CHAMBERS

1 that the solicitor showed you clearly showed his
2 headlights were on at the time of the accident; do you
3 recall that?

4 A No, sir. I believe the front end was crushed
5 where you couldn't see headlights on.

6 Q Well, you're certainly -- this would be the
7 Malibu he was driving, correct?

8 A Yes, sir, that's the -- that would be the orange
9 indicator lights.

10 Q Also, can you see right there, the headlight
11 itself is on?

12 A No, sir, that's the front of the grill
13 reflecting off the fire truck.

14 Q But at any rate, the fact that if these lights
15 are on, along with tail lights, would indicate they had
16 not been broken, his headlights were on as well, correct?

17 A Typically, yes, sir.

18 Q All right. And you, certainly, didn't cite that
19 as a factor of this wreck, that you believed he did not
20 have headlights on as he coming down the road, correct?

21 A No, sir, I don't believe I cited any of that.

22 MR. CHAMBERS: Thank you very much, Trooper.

23 THE COURT: Anything on redirect?

24 MS. KERNELL: Nothing from The State, Your
25 Honor.

AARON CAMPBELL-DIRECT BY MS. KERNELL

1 THE COURT: You may step down. Thank you, sir.

2 Do you wish to release?

3 MS. KERNELL: Yes, sir, Your Honor.

4 MR. CHAMBERS: No objection.

5 THE COURT: All right. You may be released.

6 MS. KERNELL: State calls Corporal Aaron

7 Campbell.

8 AARON CAMPBELL, after being duly

9 sworn, testified as follows:

10 THE CLERK: Thank you, you may be seated.

11 Please state your full name for the record.

12 THE WITNESS: Aaron Paul Campbell.

13 DIRECT EXAMINATION

14 BY MS. KERNELL:

15 Q Corporal Campbell, can you tell us where you are
16 employed currently?

17 A Yes, ma'am. I'm employed with the South
18 Carolina Department of Public Safety under the division of
19 South Carolina Highway Patrol.

20 Q What are your roles with the highway patrol?

21 A Currently, I'm a corporal, which is a road
22 supervisor of a team of guys that I supervise.

23 Q Does that include being out on the road?

24 A Yes, ma'am.

25 Q And have you had training?

AARON CAMPBELL-DIRECT BY MS. KERNELL

1 A Yes, ma'am, I have.

2 Q What kind of training have you had?

3 A Well, start with the South Carolina Criminal
4 Justice Academy in 2011, went through that, graduated
5 that. Since that time, been trained in SMD, which is
6 Speed Measuring Device. I've been trained in DUI
7 detection, SFST, which is Standard Field Sobriety Testing,
8 been trained in DMT, which is DataMaster Operation,
9 DataMaster Breathalyzer, been trained to do that as well.
10 And various other miscellaneous trainings throughout the
11 years.

12 Q Are all of those certifications and trainings up
13 to date?

14 A Yes, they are.

15 Q What was your role -- I'm going to take you back
16 to October 15th, 2021. What was your role on that date?

17 A I was a supportive supervisor role. And that's
18 when the original call came out, I was already on another
19 call. Then once I finished up with that call, I received
20 a phone call from Corporal Wardlaw, who was the supervisor
21 on scene at the collision. And he, basically, said, hey,
22 we've got a pretty bad wreck out here S.C. 20.
23 Everybody's been transported to the hospital. We don't
24 have names, we don't have anything. Can you go to the
25 hospital and try to put names with vehicles so that we can

AARON CAMPBELL-DIRECT BY MS. KERNELL

1 proceed with our investigation.

2 Q So you left your own scene to go to the
3 hospital, at that point?

4 A Yes, I did. I concluded that one and then was
5 available. So I went to the hospital to help with this
6 investigation for the collision.

7 Q When you got to the hospital, who did you speak
8 with first?

9 A I do not remember which -- if I spoke with
10 Mr. White or with Ms. Trimmier, I don't remember which one
11 I spoke with first.

12 Q But you spoke with both?

13 A With both, yes, ma'am.

14 Q Okay. Did you have a body-worn camera on that
15 date?

16 A No, I did not. I had not been issued one at
17 that time.

18 Q When you went into the hospital and you found
19 Mr. White, did you speak with him?

20 A Yes, I spoke with Mr. White.

21 Q Where was he?

22 A He was in a bed in a room, one of the A pod
23 rooms.

24 Q When you were talking to him, what were your
25 observations about him?

AARON CAMPBELL-DIRECT BY MS. KERNELL

1 A I did notice when I was speaking with him, his
2 eyes had a glassy appearance, bloodshot appearance. And I
3 could detect the odor of alcoholic beverage while I was
4 speaking with him.

5 Q In a hospital, it's a sterile room, so it's easy
6 to detect these things?

7 A Yes, ma'am.

8 Q Fair to say. And did you have any information
9 about this collision or The Defendant before you spoke
10 with him?

11 A I did not, no.

12 Q Did you perform any Standardized Field Sobriety
13 Tests on him?

14 A Yes, I did.

15 Q Which tests?

16 A Would be the HGN test, which is the Horizontal
17 Gaze Nystagmus test. It's a testing of the eyes.

18 Q And was he able to do that while in the
19 hospital?

20 A Yes.

21 Q Did you observe clues?

22 A I did.

23 Q Do you remember how many clues you observed?

24 A I observed I know, at least, four out of a
25 possible six.

AARON CAMPBELL-DIRECT BY MS. KERNELL

1 Q Can you tell us about these clues? What are you
2 looking for? What are the six clues you're looking for?

3 A Okay. So when we do an eye test -- everybody
4 has seen us doing this out there on the roadway. So what
5 we're looking for are signs of impairment. The eyes will
6 tell if there is an impairment based on alcohol, okay.

7 So the first thing we're looking for is
8 lack of smooth pursuit. So when we start our passing of
9 the finger over the eyes, the subject, Mr. White's case,
10 is instructed to keep his head still and follow the
11 movements of my finger with the eyes and eyes only without
12 moving the head. What we're doing is we're looking to see
13 that the pupils are the same size. If the pupils are a
14 different size, that's consistent with a head injury. I
15 noticed Mr. White's pupils were the same. All right.
16 That's not to say he did not have a head injury, but it's
17 to say it was not significant enough of a head injury to
18 alter the effects of his pupils.

19 While we're doing that, what we're looking
20 for, also, is a lack of smooth pursuit. And the best way
21 to describe that would be if I were to take a marble and
22 just kind of roll it across the desk here. You would see
23 a smooth transition. Somebody with impairments, that
24 transition is not smooth. It's like a ticking of the eyes
25 as they move back and forth. It's almost comparable to as

AARON CAMPBELL-DIRECT BY MS. KERNELL

1 if you were to turn on your windshield wipers on a dusty
2 windshield. It would not be smooth. And that's what your
3 eyes do when there's a level of alcohol, high level of
4 alcohol in your system. Smooth pursuit, that's one clue,
5 but it's two eyes, so it counts as two.

6 Okay. The next thing that we're looking
7 for is nystagmus at maximum deviation. Now, nystagmus is
8 the involuntary jerking of the eye, which means that the
9 eye is doing jerking motions. But the subject is not
10 aware they're doing it and that's due to the alcohol in a
11 person's system.

12 So when we make the pass, we will hold it
13 over to the left and to the right. So make a pass across
14 the subject's face and I'm watching bringing the eyes all
15 the way as far as they can go. That's called maximum
16 deviation. I hold that there for a minimum of four
17 seconds. While it's holding there, if there's a high
18 level of alcohol, the eyes will sit there and tick like
19 this. They'll do that. And we do a couple of passes with
20 that. That's a second clue, which two eyes comes to clues
21 three and four.

22 Our last clue is onset nystagmus prior to a
23 45-degree angle. So once again, we start again with the
24 face and make passes in front of the face left to right.
25 What we're looking for is at what point does the ticking,

AARON CAMPBELL-DIRECT BY MS. KERNELL

1 the involuntary ticking start. Does it start prior to the
2 45-degree angle? It's kind of hard to imagine, but when
3 we use the eye to find the 45-degree angle, we are looking
4 for -- still see some of the white of the eye. Maximum
5 deviation, the eye goes all the way over where there's no
6 white visible. Prior to 45-degree angle, we can still see
7 some of the white. And what we're looking for there is
8 that involuntary ticking to start before it gets to that
9 45-degree angle. So that's clue number three, two eyes
10 would be clue five and six. Does that make sense? Okay.

11 Q And after you performed those tests, you spoke
12 to him and made your observations, what did you do, at
13 that point?

14 A That was the last thing that I did. The first
15 thing I did was just to -- I wanted to make sure I had the
16 right subject. So I asked him his name and I asked him
17 why he was in the hospital. He said he was involved in a
18 collision. I asked him --

19 Q Okay. I'm just going to stop you right there.

20 A Sure.

21 Q We're going to move on. So after you spoke with
22 him, where did you go?

23 A After I spoke with Mr. White, we had another
24 traffic collision that was a fatality. So as the
25 supervisor, I had to leave the hospital and go and

AARON CAMPBELL-DIRECT BY MS. KERNELL

1 supervise the collision scene. It was on [indiscernible]
2 Highway. A pedestrian was struck and killed.

3 Q Did you go anywhere with Trooper Peterson, at
4 the time?

5 A No, at that point, no. Once I cleared that
6 traffic scene, the scene down on Piedmont Highway, this
7 scene I'm talking about was still active. So I was able
8 to go back there and meet with Trooper Peterson and obtain
9 warrants.

10 Q And what warrant did you get at that point?

11 A A search warrant for blood.

12 Q Okay. After you retrieved or got the search
13 warrant for the blood, where did you go next?

14 A I went back to the hospital to speak with
15 Mr. White and serve the warrant.

16 Q Were you there when the blood was drawn?

17 A I was not.

18 Q Okay. And then after his blood was drawn, did
19 you go back to the scene of the collision?

20 A Yes.

21 Q On Piedmont Highway?

22 A Yes, I did.

23 Q What did you do while you were there?

24 A Corporal Wardlaw was the supervisor on scene of
25 the collision and he was already two hours past his shift,

AARON CAMPBELL-CROSS BY MR. CHAMBERS

1 for his time to go home. So I went down there and just
2 relieved him so he could go home. And I stayed down there
3 while the MAIT team came out and conducted their
4 investigation. And it's their policy that a supervisor be
5 on scene with the MAIT team while they conduct their
6 investigation. So I went down there and stayed at the
7 scene until the MAIT team was finished.

8 Q Was that the end of your involvement in this
9 case?

10 A Yes, ma'am.

11 MS. KERNELL: Please answer any questions of
12 Mr. Chambers.

13 THE WITNESS: Okay.

14 CROSS-EXAMINATION

15 BY MR. CHAMBERS:

16 Q So when you went in and met with Mr. White and
17 gave him these -- when you did the horizontal gaze
18 nystagmus test, at that point, he had been transported
19 there by EMS, correct?

20 A He was, correct.

21 Q And he had been in a fairly significant
22 collision where air bags had deployed, correct?

23 A That's correct.

24 Q So he would have -- he would have sustained some
25 sort of impact from the collision itself, I would imagine

AARON CAMPBELL-CROSS BY MR. CHAMBERS

1 a significant impact but, also, from the air bag itself;
2 would that be fair to say?

3 A I do not know.

4 Q Okay. Has it been your experience -- because I
5 know y'all work a lot of wrecks. A lot of times, the air
6 bags, I don't know if it's a chemical or what it is, it
7 comes out and it causes like -- sometimes people even get
8 burned from it?

9 A I've seen airbag burns on wrists, but I've never
10 seen airbag burns on the face.

11 Q But there is something, I don't know if it's a
12 powder or what, that gets thrown out and it can cause
13 irritation to people's eyes and can cause burns?

14 A I'm with you. I'm not sure.

15 Q All right. And, obviously, when you were there
16 talking to him and doing these field sobriety tests, you
17 had no idea what medication he had been administered or
18 anything like that prior to you getting there, correct?

19 A No, sir.

20 Q While it is true that --

21 A Hold that. That's one of the questions we do
22 ask before we draw blood, has there been any medication
23 given to this patient before a blood draw? We have to
24 note that in our reports.

25 Q I understand. And when it comes to nystagmus,

AARON CAMPBELL-CROSS BY MR. CHAMBERS

1 obviously, alcohol is one thing that can cause nystagmus,
2 but some people have a naturally nystagmus, don't they?

3 A Yes, sir. And in those cases, they would notify
4 law enforcement.

5 Q If they knew.

6 A How would they not know?

7 Q Well, I can imagine people have all sorts of
8 abnormalities that they don't --

9 A Yes, sir, in our training, they go over this
10 and they say that people who have a nystagmus, that are
11 born with nystagmus, have nystagmus not related to alcohol
12 are always instructed to let law enforcement know so that
13 they are not confused with it being alcohol.

14 Q Again, if they know. And there are neurological
15 disorders that can cause a nystagmus, correct?

16 A I'm not sure about those.

17 Q And there are certainly drugs and other things
18 that can cause a nystagmus?

19 A Some.

20 MR. CHAMBERS: Okay. That's all the questions I
21 have for you. Thank you.

22 THE COURT: Thank you, sir.

23 Anything on redirect?

24 MS. KERNELL: No redirect, Your Honor.

25 THE COURT: Okay. You may step down. Thank

1 MRS. GARY: And I Do think they will be a little
2 lengthy, but I think we'll get through them.

3 THE COURT: It's fine.

4 MRS. GARY: Yes, sir.

5 THE COURT: Thank y'all.

6 (WHEREUPON, a lunch break was taken.)

7 (WHEREUPON, State's Exhibits Nos. 35-43 were
8 marked for identification only.)

9 THE COURT: Good afternoon, anything y'all need
10 to take up before we get the jury back in here?

11 MS. KERNELL: No, Your Honor.

12 MR. CHAMBERS: No, Your Honor.

13 THE COURT: All right, let's get the jury.

14 (WHEREUPON, the jury entered open court at
15 approximately 1:04 p.m.)

16 THE COURT: State?

17 MRS. GARY: Thank you, Your Honor, may it please
18 the Court. At this time, The State calls Dr. Michael
19 Ward to the stand.

20 THE CLERK: Mr. Ward, please place your left
21 hand on the Bible and raise your right hand.

22 MICHAEL WARD, M.D., after being duly
23 sworn, testified as follows:

24 THE CLERK: Thank you, you may be seated. And
25 please state your full name for the record.

1 THE WITNESS: Michael Eugene Ward.

2 DIRECT EXAMINATION

3 BY MRS. GARY:

4 Q Good afternoon, Dr. Ward. Can you hear me?

5 A Yes, ma'am.

6 Q Will you tell the jury, please, where you work?

7 A I'm employed by Pathology Associates of
8 Greenville, which is a local pathology group, and as the
9 Greenville County Chief Medical Examiner.

10 Q Okay. Does that make you a forensic
11 pathologist?

12 A It does.

13 Q Okay. What counties does your work encompass?

14 A Greenville and Laurens County as well as some
15 cross coverage in Spartanburg.

16 Q How long have you been the chief medical
17 examiner for Greenville County?

18 A Almost 30 years.

19 Q What are your duties as a medical examiner?

20 A To investigate deaths that occur in Greenville
21 County to determine cause and manner of death.

22 Q And how do you do that?

23 A Primarily, by the means of the autopsy, which is
24 a detailed physical examination performed on someone who
25 has expired or passed away.

MICHAEL WARD-DIRECT BY MRS. GARY

1 Q And will you tell the jury a summary of your
2 educational background?

3 A Sure. I have a Bachelor's Degree in Biology
4 from the University of Alabama, a Master's Degree in
5 Forensic Science from the University of Alabama
6 Birmingham. I received my medical degree from the
7 University of South Alabama, which is in Mobile. I
8 attended a four-year anatomic pathology residency at the
9 Medical University of South Carolina and a one-year
10 fellowship in forensic pathology at the University of New
11 Mexico in Albuquerque.

12 Q Are you a licensed medical doctor in South
13 Carolina?

14 A I am.

15 Q Are you certified by the American Board of
16 Pathology?

17 A I am.

18 Q And tell us, what is pathology?

19 A Pathology is the study of disease and disease
20 processes and, specifically, how they affect man.
21 Forensic takes that one step further to take what you
22 learn in pathology about disease and disease processes,
23 adds to that primarily trauma in learning how to do
24 determination of cause and manner of death and then the
25 presentation of those facts in the courtroom.

MICHAEL WARD-DIRECT BY MRS. GARY

1 Q As chief medical examiner, Dr. Ward, do you
2 supervise other medical examiners?

3 A Yes, I do.

4 Q How many?

5 A Three.

6 Q Do you participate in ongoing training and
7 education to maintain your medical license?

8 A Yes, I do.

9 Q Okay. Dr. Ward, do you know how many autopsies
10 you've performed during the course of your career?

11 A It's well over 7,000.

12 Q Have you ever been qualified as an expert in the
13 field of forensic pathology?

14 A Yes, I have.

15 Q In general sessions here in Greenville?

16 A Yes.

17 Q Do you know how many times?

18 A Well over 100 times.

19 MRS. GARY: Your Honor, at this time, The State
20 would offer Dr. Ward as an expert in the field of
21 forensic pathology.

22 MR. CHAMBERS: There's no objection, Your Honor.

23 THE COURT: Okay. He is qualified as an expert
24 in the field of forensic pathology.

25 Ladies and gentlemen of the jury, normally, a

MICHAEL WARD-DIRECT BY MRS. GARY

1 person cannot give opinion testimony. And when a
2 person testifies, they must testify as to what they
3 either saw or heard or sensed or smelled. However,
4 there is an exception when someone is qualified
5 because of education or experience and they are
6 permitted to give their opinions in certain areas if
7 they are found qualified and this Court qualifies
8 them in that way.

9 This witness will be qualified in the area of
10 forensic pathology to give opinion testimony in this
11 area. However, that does not mean that you must
12 accept the opinion, but it is evidence for you to use
13 in any way you see fit and give the weight and
14 credibility that you believe is appropriate.

15 You may proceed.

16 MRS. GARY: Thank you, Judge.

17 BY MRS. GARY:

18 Q Dr. Ward, were you the chief medical examiner in
19 October of 2021?

20 A Yes, I was.

21 Q So the duties you described earlier were your
22 duties back then?

23 A Yes, they were.

24 Q Okay. Did you perform an autopsy on MINOR 1

25 [REDACTED] ?

MICHAEL WARD-DIRECT BY MRS. GARY

1 A Yes, I did.

2 Q Do you know how old he was at that time?

3 A He was five years old.

4 Q Okay. When and where did that autopsy take
5 place?

6 A The autopsy was on October 18th, 2021. It begun
7 at 10:45 a.m. The autopsy room is at the Greenville
8 Memorial Hospital facility at the combined hospital county
9 morgue.

10 Q Okay. Dr. Ward, when you perform an autopsy, do
11 you memorialize your findings in a report?

12 A Yes, I do.

13 Q Did you do that in this case?

14 A I did.

15 Q All right. I'm going to show you State's
16 Exhibit 35 and just ask you if you recognize that
17 document?

18 A Yes, I do.

19 Q What is that?

20 A It's a copy of the autopsy report performed on
21 MINOR 1 .

22 Q Okay. Does that have your signature on it?

23 A Well --

24 Q Electronic signature?

25 A Yes, it does.

MICHAEL WARD-DIRECT BY MRS. GARY

1 Q Does it appear to be an accurate reflection of
2 the report you made in this case?

3 A Yes.

4 Q Thank you.

5 MRS. GARY: Your Honor, at this time, we would
6 admit State's Exhibit No. 35 into evidence.

7 MR. CHAMBERS: No objection, Your Honor.

8 THE COURT: All right. State's Exhibit No. 35
9 is admitted into evidence without objection.

10 (WHEREUPON, State's Exhibit No. 35 was admitted
11 into evidence.)

12 BY MRS. GARY:

13 Q Doctor, I'll let you use that for reference.
14 Will you tell the jury what did you notice -- did you
15 perform an external examination on that child?

16 A Yes, I did.

17 Q What did you notice about that?

18 A One of the striking things about this is that
19 there's almost no external evidence of injury. There's
20 superficial abrasions or scratches of the skin to the
21 right side of the face, smaller ones to the left side,
22 left cheek, but other than that, there were no external
23 injuries.

24 Q Do you, also, perform an internal examination
25 during autopsy?

MICHAEL WARD-DIRECT BY MRS. GARY

1 A Yes, we do.

2 Q Tell us what you noticed about that.

3 A So internal examination revealed primarily that
4 there were bruising to the left side of the lung -- I'm
5 sorry, to the left lung. Bruising on the lung, basically,
6 means there was blunt force trauma with compression of the
7 chest wall and impacts to the underlining lung itself
8 causing it to bleed within itself. Those are called
9 pulmonary contusions.

10 The other significant findings were
11 restriction to the region of the head and neck where there
12 was separation of the first cervical vertebrae. So our
13 head rests on your first cervical vertebrae. And it is
14 attached by these dense ligaments to hold it together.
15 Basically, holds our head on. These had been stretched
16 and torn. It's called an atlanto occipital subluxation.
17 So basically, the neck had been stretched in such a way
18 that the ligaments holding the head to the first cervical
19 vertebrae had been stretched and torn.

20 There was bleeding around the bottom
21 surface of the brain called subarachnoid hemorrhage. And
22 there was, also, marked swelling or edema of the brain
23 above the right and left cerebral hemispheres indicating
24 that there had been diffuse damage to the brain itself.

25 Q Dr. Ward, is that atlanto occipital subluxation,

MICHAEL WARD-DIRECT BY MRS. GARY

1 is that commonly referred as internal decapitation?

2 A Yes, it is.

3 Q Did MINOR 1 appear to otherwise be a healthy
4 child?

5 A Yes, he did.

6 Q As a result of that autopsy, were you able to
7 determine a cause of death for this child?

8 A Yes, ma'am.

9 Q What was that?

10 A It was blunt force trauma of the head and neck.

11 Q Would that be consistent with him having been in
12 a motor vehicle accident?

13 A Yes.

14 Q As the medical examiner, during the autopsy, are
15 you, also, asked to determine a manner of death?

16 A I am.

17 Q Did you do that in this case?

18 A I did.

19 Q And what was that?

20 A Manner of death was accident.

21 Q Let's talk about the manner of death. When you
22 are determining the manner of death in a case, how many
23 categories or what your choices when you're determining
24 that?

25 A The choices are, basically, natural, accidental,

MICHAEL WARD-DIRECT BY MRS. GARY

1 suicide, homicide and undetermined.

2 Q Okay. So in your expert opinion when you say
3 that something is an accident, are you in any way opining
4 as to someone's intent?

5 A I am not.

6 Q Okay. Thank you. Dr. Ward, were you asked to
7 review medical records of Tasj-Hamiel Trimmier?

8 A Yes.

9 Q Okay.

10 MRS. GARY: And pursuant to a previously entered
11 stipulation, Your Honor, at this time, we would seek
12 to admit State's Exhibit No. 36 into evidence.

13 MR. CHAMBERS: No objection, Your Honor.

14 THE COURT: No. 36 is admitted, State's Exhibit
15 No. 36.

16 (WHEREUPON, State's Exhibit No. 36 was admitted
17 into evidence.)

18 BY MRS. GARY:

19 Q Going to use State's 36 for reference, Doctor.

20 THE COURT: Pursuant to stipulation.

21 MRS. GARY: I keep doing that, Judge. I'm so
22 sorry.

23 THE COURT: No, no, you're fine. I just want to
24 make sure it's clear.

25

MICHAEL WARD-DIRECT BY MRS. GARY

1 BY MRS. GARY:

2 Q Dr. Ward, did you perform an autopsy on
3 Ms. Trimmier?

4 A I do not believe I did, no.

5 Q Do you know why you would not have been asked to
6 do that?

7 A She had post-injury survival period and died
8 after being in the hospital.

9 Q So you're not normally asked to perform
10 autopsies on folks who die in the hospital; is that right?

11 A The autopsy is designed to document -- often
12 designed to document injuries that are not visible
13 externally, especially in circumstances of motor vehicle
14 collisions. In this case with this lady, the injuries had
15 been well documented while in a hospital, so she was
16 signed out by her medical records.

17 Q Do you have her date of birth on that report?

18 A [REDACTED], 1969.

19 Q Thank you. Are you able to tell us how long she
20 was in the hospital?

21 A She was admitted on October 15th of 2021 and
22 died on November 12th, 2021.

23 Q At the hospital?

24 A At the hospital. So almost 30 days.

25 Q Did you use these records in making your

MICHAEL WARD-DIRECT BY MRS. GARY

1 determination in her case?

2 A Yes, I did.

3 Q What were her injuries noted from this
4 collision?

5 A You'll have to forgive me while I review this
6 for a second, please.

7 Q Yes, sir.

8 A Her primary injuries were those of a head
9 injury. She had multiple closed fractures of her pelvis,
10 broken bones of the pelvis with disruption of the pelvic
11 ring. Basically, the bones of our pelvis make a circle
12 and this circle was broken in Ms. Trimmier. She, also,
13 had a fracture of her left clavicle as well as the head
14 injuries.

15 Q Did she have any surgeries?

16 A Yes. She had multiple surgeries, yes.

17 Q Okay. And when was she declared deceased?

18 A On November 12th, 2021 at 3:46 p.m.

19 Q Okay. Dr. Ward, after reviewing those medical
20 records, were you able to make a determination -- or
21 excuse me, were you able to form an opinion as to her
22 cause of death?

23 A Yes, I was.

24 Q What was that?

25 A Multiple blunt force injuries.

MICHAEL WARD-DIRECT BY MRS. GARY

1 Q Would that, also, be consistent with having been
2 a passenger in a motor vehicle accident?

3 A Yes.

4 Q Did you, also, determine her manner of death?

5 A Yes.

6 Q What was that?

7 A Would have been an accident.

8 Q And again, in the same way that you have to
9 chose from those five, is that the same type of
10 determination you're making for her?

11 A That is correct.

12 Q Okay. Did you have any further connection to
13 this case, Dr. Ward?

14 A I did not.

15 MRS. GARY: Those are all my questions. Answer
16 any questions from Mr. Chambers. Thank you very
17 much.

18 MR. CHAMBERS: Your Honor, I don't have
19 questions for Dr. Ward.

20 THE COURT: Okay. Sir, you may step down.

21 MRS. GARY: We would ask that he be excused from
22 subpoena, Judge.

23 MR. CHAMBERS: No objection.

24 THE COURT: Released.

25 MRS. GARY: Your Honor, at this time, The State

DAVID ANDIS-DIRECT BY MRS. GARY

1 calls Sergeant David Andis.

2 THE CLERK: Place your left hand on the Bible,
3 raise your right hand.

4 DAVID ANDIS, after being duly sworn,
5 testified as follows:

6 THE CLERK: Please state your name for the
7 record, please.

8 THE WITNESS: David Christopher Andis.

9 DIRECT EXAMINATION

10 BY MRS. GARY:

11 Q Good afternoon, Sergeant Andis. It might be
12 obvious from your uniform, but where do you work, sir?

13 A South Carolina Highway Patrol.

14 Q Okay. What is your current assignment with the
15 highway patrol?

16 A Sergeant over the Piedmont MAIT team.

17 Q All right. How long have you been in law
18 enforcement?

19 A Since 2002.

20 Q How long have you been with highway patrol?

21 A Since 2005.

22 Q Okay. What are your current duties as sergeant
23 over the MAIT team?

24 A I'm the team leader over the Piedmont team,
25 which is one-fourth of the state, you know, four

DAVID ANDIS-DIRECT BY MRS. GARY

1 geographic regions. I'm over the team that covers 12
2 upstate counties.

3 Q I probably should have asked you this first,
4 what is the MAIT team?

5 A MAIT is an acronym for Multi-disciplinary
6 Accident Investigation Team.

7 Q Commonly referred to as the accident
8 reconstruction team?

9 A That's correct.

10 Q What are the duties or responsibilities of the
11 MAIT team?

12 A So our function is to assist the highway patrol
13 and other local agencies in investigating complex motor
14 vehicle collisions.

15 Q Are you sometimes asked to determine how an
16 accident happened, the dynamics of a collision?

17 A Correct, the dynamics.

18 Q Are you ever asked to calculate speed in a
19 collision?

20 A We are.

21 Q Are there other ways the MAIT team can document
22 a scene?

23 A Yes.

24 Q We'll come back to the MAIT team. I should have
25 started there. So that is the team over which you are the

DAVID ANDIS-DIRECT BY MRS. GARY

1 sergeant of 12 counties; is that right?

2 A Yes, correct.

3 Q How many folks work under you?

4 A Currently, there are eight.

5 Q Okay. How long have you yourself been a part of
6 the MAIT team?

7 A Been on MAIT since 2010.

8 Q And I assume to be in law enforcement, you went
9 to the Criminal Justice Academy; is that right?

10 A That's correct.

11 Q Did you, also, go to trooper school?

12 A That's correct.

13 Q Okay. What extra qualifications do you have to
14 complete to get on a MAIT team?

15 A Just to get on, there's no specific
16 qualifications. We do recommend highly that you have some
17 advanced training in collision reconstruction.

18 Q And do you yourself have advanced training in
19 collision reconstruction?

20 A Yes, ma'am.

21 Q Tell us about that.

22 A Probably over a thousand hours easily during my
23 time just pertaining to collision reconstruction training.

24 Q Would that include at-scene collision
25 investigation?

DAVID ANDIS-DIRECT BY MRS. GARY

1 A At scene, that's 14 years of being on MAIT and
2 receiving training. And it never stops.

3 Q Have you received traffic collision specific
4 reconstruction training?

5 A Yes.

6 Q Have you received motorcycle reconstruction
7 training?

8 A Yes.

9 Q Bicycle reconstruction?

10 A Yes.

11 Q And grade crossing investigation?

12 A Yes.

13 Q Are you, also, certified to perform field
14 sobriety tests?

15 A I am.

16 Q Or have you been at some point in your career?

17 A Yes.

18 Q And are you tasked with training other members
19 of the MAIT team to perform these duties?

20 A I am.

21 Q Okay. Do you yourself undergo any sort of
22 continuing education?

23 A I do.

24 Q Are you ACTAR certified?

25 A I am.

DAVID ANDIS-DIRECT BY MRS. GARY

1 Q Tell us what that means.

2 A So ACTAR is another acronym for Accreditation
3 Commission for Traffic Accident Reconstruction. So,
4 vetting process, investigating a theory, a practical
5 examination, much like engineering exam to determine,
6 quote unquote, expertise in the field according to world
7 standards.

8 Q And you yourself have taken that exam?

9 A Yes, ma'am.

10 Q And you passed it?

11 A That's correct.

12 Q Are you the only one on the MAIT team ACTAR
13 certified?

14 A No, not --

15 Q Not anymore?

16 A No.

17 Q Okay. Sergeant Andis, let me ask you this, I
18 may have already asked you, do you teach and instruct
19 other people on the MAIT team?

20 A Yes.

21 Q Have you ever been qualified as an expert in
22 general sessions in Greenville?

23 A Yes, ma'am.

24 Q Do you know how many times?

25 A Just in Greenville, probably three times.

DAVID ANDIS-DIRECT BY MRS. GARY

1 Q Okay.

2 MRS. GARY: Your Honor, at this time, we would
3 seek to have Sergeant Andis qualified as an expert in
4 accident reconstruction and collision dynamics.

5 THE COURT: Counsel.

6 MR. CHAMBERS: Your Honor, I don't have any
7 objection to him being qualified.

8 THE COURT: So accident reconstruction and
9 collision dynamics?

10 MRS. GARY: Yes, sir.

11 THE COURT: Okay. He will be qualified to
12 testify as an expert in accident reconstruction and
13 collision dynamics.

14 Again, ladies and gentlemen of the jury, just as
15 with the last expert, normally, a person cannot give
16 opinion testimony, but when a person testifies -- or
17 so when a person testifies, they must testify as to
18 what they either saw, they heard or sensed or they
19 smelled. However, there is an exception when someone
20 is qualified because of education or experience and
21 they are permitted to give their opinion in certain
22 areas if they are qualified.

23 This witness will be qualified in the area of
24 accident reconstruction and collision dynamics to
25 give opinion testimony in that area. However, that

DAVID ANDIS-DIRECT BY MRS. GARY

1 does not mean that you must accept the opinion, but
2 it is evidence for you to use in any way you see fit
3 and give the weight and credibility you believe is
4 appropriate.

5 Thank you, sir. You can continue.

6 MRS. GARY: Thank you, Judge.

7 THE COURT: Or ma'am.

8 BY MRS. GARY:

9 Q Sergeant Andis, when is the MAIT team asked to
10 come investigate a collision?

11 A So MAIT has a set criteria when we're contacted
12 to assist the highway patrol and/or outside agencies. Due
13 to the disparity of collision or questions they may have
14 pertaining to the collision itself.

15 Q Do you always respond immediately?

16 A No.

17 Q Is there a time when you have a deferred
18 response?

19 A There is.

20 Q Okay. In this particular case that we're here
21 about, was MAIT called out to a scene on Piedmont Highway
22 and Brown Road in Greenville County?

23 A They were.

24 Q On October 15th, 2021, does that sound right?

25 A Yes, ma'am.

DAVID ANDIS-DIRECT BY MRS. GARY

1 Q Did the MAIT team respond immediately? And by
2 that, I mean that same day?

3 A That's correct.

4 Q Okay. What capacity were you personally
5 involved?

6 A So at the time, I was corporal on the team. So
7 I was post, I would say, team leader. So I responded as
8 the team supervisor for MAIT.

9 Q What did you when you got there?

10 A So I got there and I spoke with the supervisor
11 on scene. It was Corporal Wardlaw. He briefed me on what
12 they had done, who they had talked to, where they were at
13 in their investigation. And, also, advised me on what
14 questions they needed answered.

15 Q So it would be fair to say when you arrived,
16 there's sort of a laundry list of questions that they need
17 you to solve for them?

18 A Yes, wreck to wreck.

19 Q What was that?

20 A Depends on the wreck, yes.

21 Q Did that happen in this case?

22 A Yes.

23 Q The MAIT team was asked to answer several
24 questions?

25 A Yes, ma'am.

DAVID ANDIS-DIRECT BY MRS. GARY

1 Q All right. Let's talk about -- we've already
2 heard some testimony about painting a scene and marking a
3 scene. Give me just one second. This is State's Exhibit
4 15. It's already in evidence. What are these orange
5 marks we're seeing here?

6 A That is referred to as painting or marking the
7 scene.

8 Q Okay. And typically in a collision site, who
9 does the actual marking?

10 A Most cases, the investigating trooper would have
11 already done this prior to our arrival.

12 Q Why is this done?

13 A So in case the vehicle needs to be moved,
14 evidence can sometimes get displaced. It's better to mark
15 the scene and evidence in case we're not doing an
16 immediate response.

17 Q Right. And what items of interest are typically
18 marked?

19 A So upon rest, the vehicles, tire marks, gouges,
20 scratches, evidence pertaining to the wreck itself if it's
21 a hit and run. Document clothing, things of that nature.
22 If it's hit and run, we'll document actual vehicle debris
23 to try to match that up to a specific vehicle later on.

24 Q I'm showing you, also, State's Exhibit 25. Are
25 we seeing similar markings here?

DAVID ANDIS-DIRECT BY MRS. GARY

1 A That's correct.

2 Q What is noted here?

3 A Those are gouge marks, scratches and tire marks.

4 Q Okay. And would it be fair to say, Sergeant,
5 that the MAIT team uses these marks or, I guess,
6 memorializes these marks at a scene because you can't go
7 back and recreate it; right? You can't go back to that
8 scene and recreate it; is that correct?

9 A That's correct.

10 Q So y'all need to memorialize it in some way?

11 A We do.

12 Q What does the MAIT team do with those evidence
13 points? Do you -- let me ask that a different way. Tell
14 us about CAD and forensic mapping. Was the MAIT team
15 asked to do that in this case?

16 A We were.

17 Q Okay. Tell the jury about that.

18 A So first, we complete a forensic mapping of the
19 collision scene, which if you look back, based on those
20 ones marked out there. At the time, we're using,
21 basically, surveying equipment to map out specific
22 locations for tire marks, gouges, final rest, the roadway
23 itself. All those measurements are imported into a data
24 selector and then exported into a CAD program. And that's
25 where we, actually, go in and connect the lines and dots

DAVID ANDIS-DIRECT BY MRS. GARY

1 and make it to scale diagram of what was out there.

2 Q So that allows you to make a drawing or a
3 diagram of what you saw on the scene?

4 A That's correct.

5 Q And where the evidence was located?

6 A That's correct.

7 Q You said that is to scale?

8 A It is.

9 Q Sergeant Andis, it is fair to say when the MAIT
10 teams works, y'all really do work as a team? Do you
11 divide and conquer investigations?

12 A Definitely.

13 Q Okay. So a member or two might have a certain
14 assignment and then they report to you; is that correct?

15 A That's correct.

16 Q Okay. I'm going to show you in a second,
17 State's 42. Just ask you if you recognize that?

18 A Yes, ma'am.

19 Q What is that, sir?

20 A These are the CAD plates that were generated
21 from the forensic mapping that we collected on scene.
22 Then it was generated in our CAD program.

23 Q You've seen that in your capacity as a sergeant
24 over this case -- excuse me, the corporal over this case?

25 A Yes.

DAVID ANDIS-DIRECT BY MRS. GARY

1 Q Okay. Does that appear to be a fair and
2 accurate representation of MAIT's CAD or forensic map that
3 you made in this case?

4 A Yes, ma'am.

5 MRS. GARY: Your Honor, at this time, we would
6 seek to admit this evidence as State's Exhibit 42
7 into evidence.

8 MR. CHAMBERS: No objection, Your Honor.

9 THE COURT: Without objection, State's Exhibit
10 No. 42 comes into evidence.

11 (WHEREUPON, State's Exhibit No. 42 was admitted
12 into evidence.)

13 BY MRS. GARY:

14 Q Sergeant Andis, why is this CAD drawing helpful
15 to your team?

16 A Helps us go back and determine a sequence of
17 events for the collision itself as far as what happened,
18 where vehicles were coming, how they interacted at impact,
19 how they traveled to their most impact locations, as well
20 as it's a to-scale diagram so from those measurements, we
21 can get detailed distances that tire mark is or gouge
22 mark.

23 Q Okay. This exhibit is four pages. What are we
24 seeing on this first page?

25 A First page is just simply the roadway as it

DAVID ANDIS-DIRECT BY MRS. GARY

1 would have been prior to us arriving at the collision
2 scene.

3 Q Okay, page two?

4 A The second page is the impact showing based on
5 the forensic mapping where the impact occurred.

6 Q That would be here in the middle?

7 A Yes, ma'am.

8 Q Okay. And page three?

9 A And page three is our evidence final CAD plate
10 showing the evidence that was forensically mapped.

11 Q That's here?

12 A Yes, ma'am, the red tire marks, I believe it was
13 gouging kind of translucent, blackish gray color fluid,
14 final rest of vehicles and two black plastic vehicle parts
15 were matched.

16 Q Here in the number one markers?

17 A Yes, ma'am.

18 Q You said these are the vehicles' final resting
19 places?

20 A That's correct.

21 Q Okay. Those were not moved prior to MAIT's
22 arrival?

23 A No.

24 Q Okay. And what are we seeing on this final
25 page?

DAVID ANDIS-DIRECT BY MRS. GARY

1 A This is showing a sequence of events as
2 determined by our team as to what happened in the
3 collision.

4 Q Again, this is a to-scale drawing?

5 A It is.

6 Q Based on the evidence that your team collected
7 at the scene; is that right?

8 A Yes, ma'am.

9 Q Does your team later, also, use this drawing to
10 do any sort of speed calculation or time distance study?

11 A We do. Again, it a to-scale. It has distances
12 and measured capabilities in the program.

13 Q Okay. Thank you. Were you or was a member of
14 the MAIT team asked to collect any of the crash data from
15 either of the vehicles in this case?

16 A Yes, ma'am.

17 Q All right. Let me show you three things. I'm
18 going to show you three items. Just tell us if you know
19 what those are?

20 A Yes, ma'am.

21 Q Do you recognize those?

22 A I do.

23 Q What is State's Exhibit 38?

24 A Thirty-eight is a -- whenever we are imaging a
25 data report or module, we document that with pictures as

DAVID ANDIS-DIRECT BY MRS. GARY

1 far as how we connect it to that specific vehicle.

2 Q Is that a photo of that process?

3 A It is.

4 Q All right. Does it appear to be a fair and
5 accurate representation of how this process would have
6 looked?

7 A Yes, ma'am.

8 Q What are State's Exhibits 39 and 40?

9 A These are the CDR reports generated from the
10 imaging of the two vehicles involved.

11 Q Have you reviewed those?

12 A Yes, ma'am.

13 Q Okay. Do these appear to be fair and accurate
14 copies of what you reviewed in this case?

15 A I'll have to go through it, but yes, I'm fairly
16 confident they are. Yes, ma'am.

17 Q All right. Thank you so much.

18 MRS. GARY: Your Honor, at this time, we would
19 seek to admit State's 38, 39 and 40.

20 MR. CHAMBERS: No objection, Your Honor.

21 THE COURT: Without objection, 38, 39, 40
22 State's Exhibits come into evidence.

23 (WHEREUPON, State's Exhibits Nos. 38-40 were
24 admitted into evidence.)
25

DAVID ANDIS-DIRECT BY MRS. GARY

1 BY MRS. GARY:

2 Q Sergeant Andis, tell us about the process of
3 accessing -- well, let me ask you this. What is the crash
4 data report? Where is that in a vehicle?

5 A It's generally around the center mass of the
6 vehicle. However, it's different -- in a different place
7 in a Toyota, Ford, GM, as far as -- what's your secondary
8 question?

9 Q How do you retrieve it? How does that work?

10 A So we have two options to retrieve the data from
11 the module. If there's still power to the vehicle or in
12 some cases, we'll ask to have power. Then we can go
13 through the diagnostic link connector. It's like when you
14 get your vehicle serviced. They plug it into a computer
15 and, also, tap into this port, if you will, to image that
16 data. Otherwise, if there's not sufficient power, you
17 have to locate where the module is. Either extract the
18 module to do a bench top download or supply power directly
19 through the cable to that specific model to get that
20 information.

21 Q So what are we seeing in State's 38 here?

22 A This one here appears to be a -- well,
23 definitely has DLC imaging.

24 Q Okay. So is this the process of connecting to
25 the diagnostic module?

DAVID ANDIS-DIRECT BY MRS. GARY

1 A This is connecting directly to the OEP2 port.
2 See the black cable that goes underneath the dash?

3 Q Here?

4 A Yes.

5 Q Okay.

6 A That's connecting to the car, which is
7 connecting to the module inside the car.

8 Q And does a member of your team perform this
9 process on both cars in this case?

10 A Yeah. Well, specifically, for this vehicle,
11 they did.

12 Q Okay. Tell us what types of data or events are
13 captured by this crash data report?

14 A So the event data report is designed to either
15 tell your air bags to deploy or fasten your seatbelt.
16 Going down the road, slam on brakes, don't hit anything,
17 air bags aren't involved, right? So if you go down the
18 road, your seatbelt might tighten. So that's what this
19 modular is constantly monitoring, whether to deploy your
20 airbag, tighten your seatbelt, things of that nature as a
21 byproduct monitor that meets certain thresholds will
22 record an event, air bag deploys or some cases, if there's
23 not an event.

24 Q Okay. So is it connected to a safety restraint
25 module?

DAVID ANDIS-DIRECT BY MRS. GARY

1 A In these GMs, it's called a sensing diagnostic
2 module.

3 Q Okay.

4 A The whole thing is for safety.

5 Q So to make sure I understand it, when an event
6 is recorded by this system, is that because of an impact
7 or change in velocity in some way; is that what you're
8 saying?

9 A It could be impact or change in velocity, just
10 like, say, if you slam on brakes and don't hit anything,
11 your air bags are not going to come out, right. So it can
12 still record that type situation.

13 Q Okay. Sergeant Andis, did you -- as the lead in
14 this case, did you receive the data related to a Chevy
15 Malibu for this case?

16 A I did.

17 Q Did you, also, receive data for a Chevy Impala?

18 A I did.

19 Q I'm going to point you to State's 39, let's talk
20 about that Chevy Malibu. Does State's Exhibit 39 -- tell
21 us again what that is in your hand.

22 A This is the Crash Data Retrieval Report
23 generated for the 2013 Chevy Malibu.

24 Q Is that a printed version of what comes out of
25 that computer that we just saw in State's 38?

DAVID ANDIS-DIRECT BY MRS. GARY

1 A That's correct.

2 Q Okay. What can you tell this jury about the
3 Defendant's speed one-half second before this collision?

4 A So a half second prior to the air bag deploying,
5 the vehicle was traveling approximately 78 miles per hour.

6 Q Okay. Let me take that from you. Don't lose
7 the page there. Thank you. And just so we all
8 understand, Sergeant Andis, this is not opinion that you
9 have arrived at, this is the data from that recorder; is
10 that right?

11 A That's correct.

12 Q And can you or a member of your team alter that
13 data at all?

14 A No.

15 Q So how far back in time was the data captured
16 from that Chevy Malibu?

17 A So this particular module for the Malibu
18 captured five seconds of precrash data.

19 Q Okay. How fast was that Malibu traveling at
20 five seconds?

21 A 78 miles per hour.

22 Q Okay. And then it's in half-second increments;
23 is that right?

24 A Yes, ma'am.

25 Q All the way down to a half second prior to what

DAVID ANDIS-DIRECT BY MRS. GARY

1 you said was the air bag deployment?

2 A Yes, ma'am.

3 Q Which would be the event which triggered this
4 module; is that right?

5 A That's correct.

6 Q And can you tell from this whether or not the
7 Defendant was braking?

8 A Yes, ma'am. The third column, it shows the
9 brake status and brakes were not implemented until a half
10 second prior to time zero, in other words, deployment.

11 Q Would that account for the decrease from 80 to
12 78?

13 A It could.

14 Q Are you familiar with the speed limit in this
15 area?

16 A Yes, ma'am.

17 Q What is that?

18 A Forty-five.

19 Q Okay. Sergeant Andis, as a member of the
20 highway patrol, I'm sure you're aware, is it a traffic
21 violation to travel over the posted speed limit?

22 A Yes, ma'am.

23 Q Is it, in fact, a violation to travel 33 miles
24 an hour over the speed limit; is it not?

25 A It is.

DAVID ANDIS-DIRECT BY MRS. GARY

1 Q Okay. Let's talk about State's 40, which you
2 have in front of you. Did you, also, receive the crash
3 data related to the Chevy Impala, the victim's vehicle in
4 this case?

5 A Yes, ma'am. I analyzed the data.

6 Q How far prior to impact is that data recorded,
7 that material?

8 A Yes, this particular model, it recorded two and
9 a half seconds of precrash data.

10 Q Okay. Again -- I'll take that from you. Again,
11 are you opining as to how fast that vehicle was traveling
12 or is this a number that is reported to from this report?

13 A That's what it recorded.

14 Q Okay. Again, this is State's 40. You said it
15 was two and a half seconds; is that what you said?

16 A Yes, ma'am.

17 Q So at two and a half seconds prior to impact,
18 how fast was that Impala traveling?

19 A Six miles per hour.

20 Q All right. And increasing until a half second
21 prior and that was what?

22 A Fourteen.

23 Q Fourteen miles per hour?

24 A Yes.

25 Q Was that Impala using the brake system?

DAVID ANDIS-DIRECT BY MRS. GARY

1 A No, ma'am.

2 Q Sergeant Andis, let me show you two items not
3 entirely related, State's 41 and State's 37, and just ask
4 you, sir, if you know what those are?

5 A Yes, ma'am.

6 Q What is State's 37?

7 A Thirty-seven is a copy of our MAIT report.

8 Q What is State's 41?

9 A A printout of a digital picture of the Chevy
10 Malibu.

11 Q Okay. For State's 37, you mentioned that your
12 team, the MAIT team, works, in fact, as a team and
13 performs different duties in your investigation and those
14 are reported to you; is that right?

15 A Yes, ma'am.

16 Q Do you consolidate those into a report?

17 A Yes, ma'am.

18 Q Is your signature on that report?

19 A Yes, ma'am.

20 Q Should be. Make sure.

21 A Yes, ma'am.

22 Q Okay. Tell us about the process of the MAIT
23 team putting together your report and making conclusions.

24 A So every case is different as far as what we're
25 asked to answer as far as questions. So every report

DAVID ANDIS-DIRECT BY MRS. GARY

1 differs slightly, but in a sense, all our team works on
2 various roles for the investigation. Whether it be to
3 take pictures or document the scene or to do a mechanical
4 examination of the vehicle, to do the CAD, actually out on
5 the scene to do interviews, to do speed calculations.

6 Once all that is compiled information, we
7 meet to discuss what questions we had, what we're able to
8 answer. I compile that into a report, which is then
9 submitted to our internal review committee, which is the
10 four sergeant team leaders, our lieutenant and our
11 captain. The report and the investigation, to include CAD
12 calculations, everything involved to determine is there
13 anything else that needs to be looked at, are there any
14 other questions that we weren't able to answer and if they
15 have a suggestion on how to answer it.

16 Once its gone through that vetting process,
17 the captain and all the team leaders approve that the
18 report is ready to be submitted to the public and we go
19 from there.

20 Q So it's reviewed by a number of people; is that
21 right?

22 A Yes, ma'am.

23 Q It sounds like they go back and redo your math
24 and check your math; is that right?

25 A Yes, ma'am.

DAVID ANDIS-DIRECT BY MRS. GARY

1 Q And your signature on that report indicates that
2 it has been approved and finalized?

3 A My signature indicates that I'm the team leader
4 responsible for the content of the report.

5 Q Sure. Its finalization and its publication to
6 use and to the Defense attorneys would indicate that it
7 is, in fact, final; is that right?

8 A Yes.

9 Q And are the MAIT team's findings as to this
10 collision incorporated in that report?

11 A Yes.

12 MRS. GARY: Your Honor, at this time, we would
13 seek to admit State's, I think it's 37? Yes, into
14 evidence.

15 MR. CHAMBERS: No objection, Your Honor.

16 THE COURT: Without objection. No. 37 --
17 State's No. 37 is admitted into evidence.

18 (WHEREUPON, State's Exhibit No. 37 was admitted
19 into evidence.)

20 BY MRS. GARY:

21 Q Sergeant Andis, what is depicted in 41 again?

22 A This is a copy of the digital photograph of the
23 Chevrolet Malibu.

24 Q The Chevrolet Malibu. Have you seen that photo
25 before?

DAVID ANDIS-DIRECT BY MRS. GARY

1 A Yes.

2 Q Does that appear to be an accurate
3 representation of that car as it appeared that day?

4 A Yes.

5 MRS. GARY: Your Honor, at this time, we would
6 seek to admit State's 41 into evidence.

7 MR. CHAMBERS: No objection, Your Honor.

8 THE COURT: Without objection, No. 41 for The
9 State into evidence.

10 (WHEREUPON, State's Exhibit No. 41 was admitted
11 into evidence.)

12 BY MRS. GARY:

13 Q Sergeant Andis, did the MAIT team perform a
14 mechanical exam on the Defendant's Chevy Malibu?

15 A Yes, ma'am.

16 Q Do you know when that was done?

17 A I don't know.

18 Q That's okay. It's in State's 37, you're welcome
19 to look.

20 A October 18th of 2021.

21 Q October 18th?

22 A Yes, ma'am.

23 Q So a few days after this collision; is that
24 right?

25 A Yes, ma'am.

DAVID ANDIS-DIRECT BY MRS. GARY

1 Q And why are you asked to perform a mechanical
2 exam?

3 A We do that out of an abundance of caution to
4 rule out any potential mechanical defects, such as brakes,
5 steering, things of that nature that could have possibly
6 contributed to the collision.

7 Q Did your team find anything wrong with the
8 Defendant's vehicle that could have contributed to this
9 collision?

10 A No, ma'am.

11 Q Okay. And we talked briefly about the time
12 distance calculation and we'll get to that in a minute in
13 pretty good detail. Sergeant Andis, what is your opinion
14 and the opinion of the MAIT team as to how this collision
15 occurred?

16 A Okay. So the Chevy Impala exiting Brown Road,
17 attempting to make a left turn when it was struck in the
18 number one lane by the Chevrolet Malibu. It was traveling
19 approximately 78 miles per hour.

20 Q Okay. Do you report your opinion and your
21 findings to the investigating trooper?

22 A We do not report opinions.

23 Q Okay. Do you report your findings?

24 A We report our findings.

25 Q Very well. Does the trooper then use that

DAVID ANDIS-CROSS BY MR. CHAMBERS

1 information to update their TR-310?

2 A They generally do, yes.

3 Q And as to the MAIT team's conclusion in this
4 case, which driver was at fault for this accident?

5 A MAIT does not determine fault, sorry.

6 Q Okay.

7 A That's up for the investigating trooper to make
8 that determination.

9 Q Okay. Would that be reflected on TR-310?

10 A Yes.

11 MRS. GARY: We'll come back to that. Those are
12 all my questions. Thank you so much.

13 MR. CHAMBERS: Finished?

14 MRS. GARY: Uh-huh.

15 CROSS-EXAMINATION

16 BY MR. CHAMBERS:

17 Q When -- obviously, you didn't witness the
18 accident, correct? You were called out after the accident
19 occurred?

20 A Yes, sir.

21 Q And you didn't make any of the markings or
22 anything on the road, that was the investigative trooper
23 that did that, I think Trooper Peterson?

24 A Yes, sir.

25 Q Were the vehicles still on scene when you got

DAVID ANDIS-CROSS BY MR. CHAMBERS

1 there?

2 A Yes.

3 Q So nothing had been towed away, correct?

4 A No.

5 Q How long were you out there on scene?

6 A Probably three or four hours, probably.

7 Q Did you talk to any witnesses or anything out
8 there or were you simply out there to take pictures -- or
9 along with your team, take pictures, do measurements and
10 that sort of thing?

11 A Generally, we do not speak to witnesses the
12 night of.

13 Q But in writing up the report, you were aware
14 that investigator -- not investigator, but Trooper
15 Peterson had spoken to, at least, one witness, I believe,
16 Crystal Wardlaw, correct?

17 A That's correct.

18 Q That is part of what goes into your final
19 report; is that accurate?

20 A Correct.

21 Q All right. So -- and in making these
22 calculations and stuff, I mean, you're doing your best to
23 be accurate, but this is not an exact science, is it,
24 Sergeant?

25 A No.

DAVID ANDIS-CROSS BY MR. CHAMBERS

1 Q I mean, there's room for error as far as
2 measurements and things like that, correct?

3 A For forensic mapping, that's highly accurate.

4 Q But where is -- let's see. Where are those
5 forensic mapping. Do you have it up there?

6 MRS. GARY: It's right here, Randy.

7 MR. CHAMBERS: Oh, yeah, there it is. I'm
8 sorry.

9 BY MR. CHAMBERS:

10 Q I want to look at, I believe it's the third page
11 in your forensic mapping. What are these red lines? Do
12 those indicate skid marks, is that what that is?

13 A Tire marks.

14 Q Tire marks. And that's generally made when the
15 tires are dragged along the pavement, either by braking
16 or, as in the case here, the car was just skidding
17 sideways, correct?

18 A Yes, sir.

19 Q And it would seem that prior to the collision,
20 the Malibu, which was driven by Mr. White, there's no
21 indication that there are any tire marks to indicate hard
22 braking at that point, correct?

23 A That's correct.

24 Q The only tire marks come after the collision?

25 A Yes, sir.

DAVID ANDIS-CROSS BY MR. CHAMBERS

1 Q All right. Now, this particular road is a
2 four-lane road with two lanes going in each direction,
3 correct?

4 A Yes, sir.

5 Q Where we see the Impala on your diagram here,
6 there's a stop sign there, correct?

7 A Yes, sir.

8 Q And to make a left turn, you're going to cross
9 these two lanes of traffic and into the other lane; is
10 that correct?

11 A That's correct.

12 Q Now, it is -- so the Malibu would have had,
13 regardless of speed, the Malibu would have had the
14 right-of-way on South Carolina 20 here on Piedmont Road,
15 correct?

16 A Correct, because there's a stop sign.

17 Q There's no reason for him to stop. So when
18 somebody is pulled up to the stop sign, it is incumbent
19 upon them to check the roadway and make sure there are no
20 cars coming; is that fair?

21 A That's correct.

22 Q And if you pull out in front of somebody, that
23 is failure to yield the right-of-way?

24 A In some cases.

25 Q So if I'm at a stop sign and I don't check

DAVID ANDIS-CROSS BY MR. CHAMBERS

1 properly, I just pull out in front of somebody, that's not
2 a failure to yield right-of-way?

3 A If that's the only factors, then, yes.

4 Q Okay. I mean, you've probably given tickets to
5 people for failure to yield right-of-way over the years,
6 haven't you?

7 A Absolutely.

8 Q And if someone pulls out in front of you
9 suddenly, you don't have as much of an opportunity to
10 react, do you?

11 A No.

12 Q And do you recall reviewing the statement of
13 Ms. Wardlaw, who said that she saw the Impala completely
14 stopped at the stop sign, saw it pull out and then there
15 was an immediate crash?

16 A Yes.

17 Q Which common sense would tell us would indicate
18 that she probably didn't see --

19 MRS. GARY: Your Honor, I object to speculation.

20 MR. CHAMBERS: Well, Your Honor, he has
21 testified as far as what their findings are. I think
22 this is an appropriate question as to -- into those
23 findings.

24 MRS. GARY: Judge, he's asking what the victim
25 could have seen.

DAVID ANDIS-CROSS BY MR. CHAMBERS

1 THE COURT: Counsel.

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

5 THE COURT: I sustain the objection.

6 BY MR. CHAMBERS:

7 Q But you are aware from reviewing Ms. Wardlaw's
8 statement that she said she saw the car pull out and then
9 the crash happened immediately?

10 A That's what she said, yes.

11 Q And we know because we talked about it a few
12 minutes ago, that there were no tire marks indicating that
13 The Defendant would have had an opportunity to slam on
14 brakes in an effort to avoid the crashing, correct?

15 A He did not. Whether he had the opportunity, I
16 don't know.

17 Q And it is -- wouldn't again, common sense tell
18 us that if the Impala had not pulled into the road from
19 that stop sign, that Mr. White's car would have just
20 passed on by and there would have been no collision in
21 this case?

22 MRS. GARY: Again, Judge, I think he's asking
23 him to speculate what could or would have happened.

24 THE COURT: I'm going to allow that question.

25

DAVID ANDIS-CROSS BY MR. CHAMBERS

1 BY MR. CHAMBERS:

2 Q I mean, isn't that true?

3 A Sure. If there was no car there. It has to be
4 two vehicles to be a collision.

5 Q Of course, you knew when you started this
6 investigation that Mr. White was suspected of having been
7 under the influence of alcohol, correct?

8 A Yes.

9 Q And you knew initially that there had been, at
10 least, one death and then later, there were two deaths and
11 that there were two other cases of great bodily injury.
12 These were all things you knew when you started this
13 investigation and made your findings?

14 A Yes.

15 MR. CHAMBERS: Thank you.

16 MRS. GARY: I don't have anything on redirect,
17 Judge.

18 THE COURT: Okay. No redirect.

19 You may step down.

20 MRS. GARY: Likewise, ask him to be excused.

21 MR. CHAMBERS: No objection, Your Honor.

22 THE COURT: You're released.

23 THE CLERK: Place your left hand on the Bible
24 and raise your right hand.

25 VALERIE MCMANIS, after being duly

VALERIE MCMANIS-DIRECT BY MRS. GARY

1 sworn, testified as follows:

2 THE CLERK: Thank you, you may be seated.

3 Please state your full name for the record.

4 THE WITNESS: Valerie McManis.

5 DIRECT EXAMINATION

6 BY MRS. GARY:

7 Q Good afternoon, how are you?

8 A Good, how are you?

9 Q I am well. Would you please tell the jury where
10 you currently work?

11 A I work at South Carolina Highway Patrol.

12 Q And what are your duties at highway patrol?

13 A Now, I am the investigator with the MAIT team on
14 Piedmont MAIT.

15 Q Would you be a member of Sergeant Andis's team?

16 A Yes.

17 Q How long have you been on the Piedmont, a MAIT
18 team?

19 A Going on five years.

20 Q How long have you been in law enforcement?

21 A Nine years. Well, almost nine years.

22 Q Have all of those been with the highway patrol?

23 A Yes.

24 Q Where did you start in highway patrol?

25 A I started out in Greenville, worked on the road

VALERIE MCMANIS-DIRECT BY MRS. GARY

1 in Greenville.

2 Q Responding to collisions?

3 A Correct.

4 Q How did you work your way up to the MAIT team?

5 A I worked on the road for three years. And, of
6 course, in Greenville, we work a lot of wrecks. I would
7 average anywhere from 30 to 50 a month by myself. So a
8 lot of experience with that. An opening came up in MAIT
9 and I applied for it and got the job.

10 Q Would that be in 2019?

11 A Correct.

12 Q You joined the MAIT team?

13 A Yes.

14 Q We heard some testimony from Sergeant Andis
15 about his law enforcement background. Tell us about your
16 training.

17 A Okay. So I went to patrol school, went to the
18 South Carolina Criminal Justice Academy, just like
19 everybody else. After that, I received my at-scene
20 training in patrol school, but following -- when I came on
21 MAIT in 2019, I received all of my additional training.
22 Now, I believe, I have over 680 hours of specialized
23 reconstruction training. That includes at scene, the
24 technical -- the collision reconstruction, your motorcycle
25 collision, your CMV collision, your head bike collisions,

VALERIE MCMANIS-DIRECT BY MRS. GARY

1 basically, the whole gamut.

2 Then from there, it's -- we do get
3 certification on -- to work the GNSS system, the surveying
4 equipment that Sergeant Andis was talking about. All the
5 way to the CDR equipment, which is what images the TDRs in
6 the vehicles. We have -- we continue training every year.

7 Q Okay. And are you qualified or certified to
8 perform all the functions of the MAIT team?

9 A Yes.

10 Q Okay. And in this case or other cases, have
11 you, in fact, performed all those functions that the MAIT
12 team performs?

13 A Yes.

14 Q And would include the EDR, downloading the CAD
15 forensic mapping that we've heard reference to, mechanical
16 examinations?

17 A I'm not a mechanic. I'm not one that will do
18 the mechanical exams. We have two others on our team that
19 do that. I have been trained, but I, physically, have not
20 done that.

21 Q Are you ACTAR certified yet?

22 A No.

23 Q Not yet?

24 A That's a hard, hard test.

25 Q Okay. Okay. Tell us about your educational

VALERIE MCMANIS VOIR DIRE BY MR. CHAMBERS

1 background, ma'am.

2 A Of course, after high school, I got my
3 Bachelor's Degree at Southern Wesleyan University in
4 business management.

5 Q Have you testified in court before as a member
6 of the MAIT team?

7 A Yes.

8 Q Have you ever been qualified as an expert?

9 A No.

10 Q First time for everything.

11 MRS. GARY: Your Honor, The State would seek to
12 have Ms. McManis, Investigator McManis qualified as
13 an expert in again, accident reconstruction and
14 collision dynamics.

15 MR. CHAMBERS: If I may ask a couple of voir
16 dire questions, Your Honor?

17 THE COURT: Sure.

18 VOIR DIRE EXAMINATION

19 BY MR. CHAMBERS:

20 Q So you're not an engineer by training, correct?

21 A Correct.

22 Q And you have a business management degree?

23 A Yes, sir.

24 Q And I believe you said that you had about 680
25 hours of accident reconstruction training. That, I assume

VALERIE MCMANIS VOIR DIRE BY MR. CHAMBERS

1 is eight-hour days, that translates into about 75 days;
2 does that sound about right?

3 A Yeah, doing the calculation. I mean, I just --
4 sure.

5 Q Then on-the-job training?

6 A Yes, on-the-job training.

7 Q And you never have been qualified in court to
8 testify as far as collision reconstruction and dynamics of
9 collision, correct?

10 A Not as an expert. I have testified, but just
11 not as an expert because it wasn't required at that time.

12 MR. CHAMBERS: That's all the questions I have,
13 Your Honor. I won't object to her being qualified as
14 an expert.

15 THE COURT: You will not object?

16 MR. CHAMBERS: I will not.

17 THE COURT: Okay. All right, Ms. McManis.

18 THE WITNESS: Yes.

19 THE COURT: Okay. The Court, without objection
20 from Defense finds that you are qualified as an
21 accident reconstruction and collision dynamics
22 expert.

23 Again, as I've said before, with any expert, a
24 person cannot give opinion testimony. When a person
25 testifies, they must testify as to what they either

VALERIE MCMANIS-DIRECT CONT'D BY MRS. GARY

1 saw, heard or sensed by smell. However, there is an
2 exception when someone is qualified because of
3 education and experience and they are permitted to
4 give their opinion in certain areas if the Court
5 qualifies them in that way.

6 So this witness will be qualified in the area of
7 accident reconstruction and collision dynamics to
8 give an opinion in that area. However, that does not
9 mean that you must accept the opinion, but it is
10 evidence for you to use in any way that you see fit
11 and give it the weight and the credibility you
12 believe is appropriate. Thanks.

13 MRS. GARY: Thank you, Judge.

14 DIRECT EXAMINATION CONTINUED

15 BY MRS. GARY:

16 Q Investigator McManis, did you go to the scene of
17 the collision that's the subject of this case?

18 A I did not.

19 Q I'll remind you this was October 15th, 2021; is
20 that right?

21 A (The witness nods.)

22 Q In what capacity did you become involved?

23 A As Sergeant Andis indicated earlier, we do work
24 as a team. As a team, assignments are given to each one
25 of us in order to complete because it is a lengthy

VALERIE MCMANIS-DIRECT CONT'D BY MRS. GARY

1 process. In this case, I was given the CAD calculations
2 as part of the case work to do.

3 Q Okay. And Sergeant Andis described earlier that
4 the MAIT team is asked to answer several questions?

5 A Yes.

6 Q What questions were you asked to answer?

7 A I was asked to use the data that we had in the
8 CAD to determine whether or not this collision would have
9 occurred had certain -- like, if he was going the speed
10 limit, would this collision have occurred. To calculate
11 speed and do a time distance calculation or analysis.

12 Q We heard reference to time distance calculation,
13 what is that?

14 A So time distance calculation, basically, it's a
15 calculation that you're making both vehicles -- you're
16 making a relationship between both vehicles at a certain
17 time. Time is your main variable in this, right. Because
18 you can't change time. The time is the one variable that
19 is the exact same for both vehicles. Because vehicles,
20 different makes, models, weights, they're going different
21 speeds and that kind of thing. So what we do is we use
22 time.

23 So in doing that, with the data that we
24 were given from the EDR, the event data report, we know
25 that that data gives us speed and the time. So again, we

VALERIE MCMANIS-DIRECT CONT'D BY MRS. GARY

1 have that time. So what we do with a time distance
2 analysis is we can take those vehicles -- we know that
3 they came together at exactly the same time and the same
4 place, which is what occurs, right, the collision. So
5 with the data that we got from EDR, we can move those
6 vehicles, back those vehicles up to a certain time to
7 determine distances and how long it would and take that
8 kind of thing. So that is what a time distance analysis
9 is.

10 The reason they ask me to do it is to
11 determine whether or not the collision would have occurred
12 had different parameters been changed, speed, distance,
13 that kind of thing.

14 Q Okay. And you referenced a number of items that
15 you used to do those calculations?

16 A Yes.

17 Q I believe the first of those is State's 42.
18 Just remind us again what we're seeing in State's 42?

19 A This is the CAD plate that is taken from the
20 CAD, the two dimensional -- the 2D view of the CAD that I
21 drew based on what was forensically mapped at the scene.

22 Q So this is to-scale representation of this
23 collision scene?

24 A Correct.

25 Q You used this in doing your time distance

VALERIE MCMANIS-DIRECT CONT'D BY MRS. GARY

1 calculation?

2 A Yes.

3 Q You, also, referenced the data from the event
4 data report, which I believe would be State's 39 for the
5 Chevy Malibu; is that right?

6 A That's correct.

7 Q And State's 40 for the Chevy Impala; is that
8 right?

9 A That's correct.

10 Q And those are the tools that you use when you're
11 making your calculations?

12 A Yes.

13 Q Okay. I'm going to show you State's 43, and ask
14 you, ma'am, if you know what this is?

15 A Yes. These are my calculation notes and
16 diagrams from when I calculated the time distance on this
17 case.

18 Q Is this your work?

19 A Yes. This is my work.

20 Q Does this appear to be a fair and accurate
21 representation of your reports and your calculations?

22 A Yes.

23 Q All right, thank you so much.

24 MRS. GARY: Your Honor, at this time, we would
25 seek to admit State's 43 into evidence.

VALERIE MCMANIS-DIRECT CONT'D BY MRS. GARY

1 MR. CHAMBERS: No objection, Your Honor.

2 THE COURT: Without objection, State's No. 43 is
3 admitted into evidence.

4 (WHEREUPON, State's Exhibit No. 43 was admitted
5 into evidence.)

6 BY MRS. GARY:

7 Q Investigator McManis, are your calculations that
8 are encompassed in State's 43, would you have submitted
9 that to then Corporal Andis as part of the MAIT report?

10 A Yes.

11 Q And he testified earlier about the peer review
12 process. Are your calculations something that would have
13 been reviewed?

14 A Absolutely.

15 Q Would somebody, in fact, do them themselves to
16 make sure they're correct?

17 A Yes.

18 Q And that happened in this case?

19 A Every case.

20 Q But this case in particular?

21 A Yes.

22 Q All right. What were you able to determine
23 through the time distance study in this case?

24 A Okay.

25 Q Let me ask you better.

VALERIE MCMANIS-DIRECT CONT'D BY MRS. GARY

1 A Big question.

2 Q I know it was. You said the question that you
3 were asked to answer is would this collision have occurred
4 had certain factors not been present; is that right?

5 A That's correct.

6 Q And one of those factors was The Defendant's
7 speed?

8 A Correct.

9 Q So tell this jury what you determined to be the
10 answer to that specific question.

11 A Okay. Given the EDR data that was provided from
12 the imaging, the Malibu was traveling approximately 78
13 miles an hour at impact. I was able to calculate based on
14 that the distance that he traveled for the whole time.
15 And then the Impala was traveling, I believe, 14 miles an
16 hour at impact. That were coming from a stop to the point
17 of impact as they were making a left-hand turn.

18 Had the Malibu been traveling at the posted
19 speed limit of 45 miles per hour, based on the
20 calculations, this collision would not have occurred. It
21 would provide -- so the Impala, as they were starting to
22 make their turn, they would have had an additional 1.83
23 seconds to clear the intersection if the Malibu had been
24 going the speed limit. Which in that turn, when you do
25 the distance and the time, the Impala would have cleared

VALERIE MCMANIS-DIRECT CONT'D BY MRS. GARY

1 the intersection, therefore, the collision would not have
2 occurred.

3 Q And look back at Page 2 of State's 42. What is
4 captured here?

5 A That's the impact of both vehicles.

6 Q Okay. It is your testimony that had the Malibu
7 been traveling the posted speed limit, the Impala would
8 have had 1.83 seconds to get out of the way; is that
9 right?

10 A Yes, in addition, which they would have traveled
11 in that 1.83 seconds an additional 37 feet, 37 and some
12 change feet past the original area of impact. So they
13 would have already cleared the intersection.

14 Q Okay. And again, your calculations are based on
15 the known speed of both vehicles; is that correct?

16 A Correct.

17 Q Based on the evidence preserved at the scene?

18 A Yes, ma'am.

19 Q Based on the distance -- because this is to
20 scale, correct?

21 A Correct.

22 Q The distance you know that they traveled?

23 A Yes.

24 Q And then as you said earlier, that's known as
25 quantity of time?

VALERIE MCMANIS-CROSS BY MR. CHAMBERS

1 A Correct.

2 Q Are your calculations encompassed in State's 43?
3 Are they in there?

4 A Yes, the handwritten.

5 Q You're work is in there?

6 A Yes.

7 Q All right. So again, it is your opinion and
8 that of the highway patrol that had Mr. White not been
9 traveling 78 miles per hour, this collision never would
10 have occurred?

11 A That's correct.

12 MRS. GARY: Thank you, ma'am. I don't have
13 anymore questions. Answer any questions Mr. Chambers
14 has.

15 CROSS-EXAMINATION

16 BY MR. CHAMBERS:

17 Q So you never went out to the scene?

18 A I did not.

19 Q So you made any calculations that you made based
20 on data that was supplied to you?

21 A Correct.

22 Q And based on that diagram you had, you know that
23 this was a four-lane road with two lanes of traffic going
24 in each direction, correct?

25 A Correct.

VALERIE MCMANIS-CROSS BY MR. CHAMBERS

1 Q It appeared to be a long straight stretch of
2 road?

3 A Correct.

4 Q You know by the information that you were
5 provided that the Impala was at a complete stop at the
6 stop sign?

7 A Correct.

8 Q And you know that any cars traveling on Piedmont
9 Highway there, South Carolina 20, going in either
10 direction would have had the right-of-way at that
11 intersection, correct?

12 A Correct.

13 Q And you know as a trooper for all the years that
14 you have been doing this job that it is incumbent upon
15 drivers to survey the roadway and to not pull from a stop
16 if there are cars coming? In other words, you have to
17 yield the right way to cars that have the right-of-way,
18 correct?

19 A Yes, you're required by law to yield the
20 right-of-way at a stop sign.

21 Q And even if a car is speeding and you see it
22 coming, common sense would tell you don't pull out in
23 front of it, correct?

24 A If you can accurately determine that they're
25 speeding, I mean, common sense would be that you don't

VALERIE MCMANIS-CROSS BY MR. CHAMBERS

1 make the turn.

2 Q But in a long straight road like this, you
3 should be able to see a car coming --

4 MRS. GARY: Objection, speculating.

5 THE COURT: I'll allow it.

6 BY MR. CHAMBERS:

7 Q You indicated that the Impala had gone from a
8 stop at the stop sign, a complete stop, to 14 miles per
9 hour?

10 A As they accelerated, yes.

11 Q That would seem to indicate a fairly quick
12 acceleration into the roadway, would it not?

13 A I can't answer that.

14 Q Well, if you go from zero to 14 miles per hour
15 in a matter of a couple seconds, you're hitting the
16 accelerator pretty good, right?

17 A I would say that's probably about normal for the
18 acceleration rate of the vehicle. I mean. . .

19 Q Well, your indication is that had Mr. White not
20 been going 78 miles per hour that this other car, the
21 Impala, would have had an additional 1.8 seconds. Even
22 under the best of circumstances, that's somebody that's
23 cutting it pretty close making that left turn into that
24 roadway, correct?

25 A So it's a difficult question to answer because

VALERIE MCMANIS-CROSS BY MR. CHAMBERS

1 when you're talking mathematically, 1.83 seconds is a good
2 amount of time.

3 Q But it would, also, indicate that she would have
4 seen that car and known probably shouldn't pull out. I
5 should wait until that car passes?

6 A I can't speculate as to what she did see or
7 didn't see.

8 Q I'm not asking you to speculate. I'm going by
9 the measurements that you gave.

10 A Uh-huh.

11 Q Your measurement would seem to indicate that
12 somebody exercising proper care would be able to look at
13 the roadway and say I need to wait until this car passes
14 before I pull out?

15 A Is that a question?

16 MRS. GARY: Is that a question, Judge?

17 MR. CHAMBERS: It is a question, Your Honor.

18 I'm asking her if she can respond to that. They're
19 her measurements.

20 THE WITNESS: For my measurements, yes, based on
21 actual evidence that's in the roadway that was
22 documented.

23 BY MR. CHAMBERS:

24 Q Documented by somebody else?

25 A Correct.

VALERIE MCMANIS-REDIRECT BY MRS. GARY

1 MR. CHAMBERS: All right. That's all the
2 questions I have, Your Honor.

3 THE COURT: Any redirect?

4 MRS. GARY: One question.

5 REDIRECT EXAMINATION

6 BY MRS. GARY:

7 Q Was Ms. Trimmier, the driver of the Impala,
8 charged with failure to yield right-of-way?

9 A I don't know.

10 Q Would that be in the MAIT report?

11 A Possibly.

12 MRS. GARY: Thank you so much.

13 THE COURT: Anything on recross?

14 MR. CHAMBERS: No, Your Honor.

15 THE COURT: All right. You can step down.

16 Thank you.

17 MRS. GARY: Your Honor, we ask that Ms. McManis
18 be excused.

19 THE COURT: Any objection?

20 MR. CHAMBERS: No objection.

21 THE COURT: You may be excused.

22 You may call your next witness.

23 MRS. GARY: May we approach, Your Honor?

24 THE COURT: Yes, you may.

25

June 19, 2024

THE COURT: State ready to proceed?

MRS. GARY: May it please the Court. Our next witness is our final witness, he's our toxicologist from SLED.

THE COURT: Okay.

MRS. GARY: Prior to his testimony, we would ask Your Honor to read the stipulation as to the proper chain of custody to the jury so that those issues are established for them, those issues of fact are established for them prior to this witness' testimony. That would be Court's Exhibit No. 1.

THE COURT: Okay.

MR. CHAMBERS: No objection, Your Honor.

THE COURT: Okay.

MRS. GARY: Thank you, Judge.

THE COURT: Can counsel approach real quick?

(WHEREUPON, an off-the-record bench conference was held.)

(WHEREUPON, the jury came into open court at approximately 9:41 a.m.)

THE COURT: Good morning, ladies and gentlemen.

I hope y'all are well rested. We're going to continue with the case. One of the things you may have heard me mention was the word stipulation. And

1 so Exhibit No. 1 is a stipulation by both of the
2 parties. They both agree to the stipulation. I'm
3 going to read this to you all. You will, also --
4 like I said, this is going to be an exhibit.

5 This is a stipulation by the parties to the
6 proper collection of and chain of custody for
7 Defendant's blood sample. Now comes The State
8 through its representative and The Defendant through
9 his attorney to stipulate to the following findings
10 of fact: Number one, The Defendant, Marcus White,
11 was transported to Prisma Hospital Emergency
12 Department located at 701 Grove Road, Greenville,
13 South Carolina on October 15, 2021 at approximately
14 10:07 p.m. following a motor vehicle collision with
15 the victim's vehicle.

16 Number two, a blood sample was drawn from Marcus
17 White by a qualified registered nurse, charge nurse,
18 Alexandria Kennedy, license by the State Board of
19 Nursing on October 16th, 2021 at the Prisma Hospital
20 Emergency Department, which is a licensed medical
21 facility located within Greenville County.

22 Three, a blood sample was drawn at 3:00 a.m. in
23 the presence of Trooper J. L. Peterson of the South
24 Carolina Highway Patrol in accordance with accepted
25 scientific methods for the collection of blood

1 samples for the purpose of drug and alcohol testing
2 by a forensic laboratory.

3 Four, the blood sample was sealed by Nurse
4 Kennedy and, thereafter, passed through a proper
5 chain of custody and was delivered with a unbroken
6 seal to the South Carolina Law Enforcement Division's
7 Forensic Services Laboratory located in Columbia,
8 South Carolina.

9 Five, the blood sample was subsequently tested
10 according to accepted scientific methods by the
11 toxicology department of the Forensics Services
12 Laboratory for the South Carolina Law Enforcement
13 Division.

14 Six, the results of the drug and alcohol testing
15 performed on this blood sample were reported on SLED
16 lab report No. L21-21089.

17 And seven, this lab report indicates the results
18 of the drug and alcohol testing performed on the
19 blood sample taken from Marcus White on October 16th,
20 2021 at 3:00 a.m. And this is so stipulated by
21 Elizabeth Gary, attorney for The State, and Randy
22 Chambers, attorney for The Defendant.

23 Anything else from The State?

24 MRS. GARY: No, sir.

25 THE COURT: Defense?

1 MR. CHAMBERS: No, Your Honor.

2 THE COURT: Okay. All right, are y'all ready to
3 proceed?

4 MS. KERNELL: Your Honor, State calls Kevin
5 Selinsky.

6 THE CLERK: Mr. Selinsky, please place your left
7 hand on the Bible, raise your right hand.

8 KEVIN SELINSKY, after being duly
9 sworn, testified as follows:

10 THE CLERK: Thank you, please be seated. State
11 your full name for the record.

12 THE WITNESS: Kevin Selinsky.

13 DIRECT EXAMINATION

14 BY MS. KERNELL:

15 Q Hi, Kevin. Can you tell us where are you
16 employed?

17 A Yes. I work for the South Carolina Law
18 Enforcement Division in the Forensic Services Laboratory
19 and, more specifically, in the toxicology department.

20 Q How long have you been employed with SLED?

21 A A little over 11 years.

22 Q And what is your job title?

23 A I'm a forensic scientist toxicologist.

24 Q And can you explain what a forensic toxicologist
25 is?

KEVIN SELINSKY-DIRECT BY MS. KERNELL

1 A Yes. In our lab, more specifically, in our
2 department, we deal with three main cases. We do human
3 performance, toxicology for DUIs, we do post-mortem
4 toxicology and we do toxicology on samples for criminal
5 sexual assaults.

6 Q As a forensic toxicologist, what duties do those
7 entail for you?

8 A Both the testing and the generation of results
9 for the blood samples as well as interpreting and
10 testifying in court on those generated results.

11 Q What is your educational background?

12 A I have my Bachelor's in forensic toxicology
13 chemistry. I have my Master's in forensic science.

14 Q I'm assuming you've received some training over
15 the years?

16 A Yes. There's SLED in-house training to become a
17 certified law enforcement officer in the state. Then
18 there's continuing education every year to keep up with
19 the trends of the ever changing field.

20 Q And how many times have you testified in court,
21 approximately?

22 A I think I'm about 15 or so now.

23 Q Have you been declared an expert in any fields?

24 A Yes, I have.

25 Q What fields have you been declared an expert?

KEVIN SELINSKY-DIRECT BY MS. KERNELL

1 A In forensic toxicology, something along that
2 line.

3 MS. KERNELL: Your Honor, at this time, I would
4 present Kevin Selinsky as an expert in the field of
5 forensic toxicology.

6 MR. CHAMBERS: No objection, Your Honor.

7 THE COURT: All right. You are qualified in the
8 forensic toxicology.

9 Again, ladies and gentlemen of the jury, as I
10 have told you before with other experts, a person
11 cannot give opinion testimony and when a person
12 testifies, they must testify as to what they either
13 saw, heard or sensed by smell. However, there is an
14 exception when someone is qualified because of
15 education or experience and they are permitted to
16 give their opinion in certain areas if the Court
17 qualifies them in that way.

18 This witness will be qualified in the area of
19 forensic toxicology to give an opinion testimony in
20 this area. However, that does not mean that you must
21 accept the opinion, but it is evidence for you to use
22 in any way you see fit and give the weight and
23 credibility you believe is appropriate.

24 Thank you. You may proceed.
25

KEVIN SELINSKY-DIRECT BY MS. KERNELL

1 BY MS. KERNELL:

2 Q Let's start from the beginning when evidence
3 comes to SLED. Can you tell us how it's received when it
4 gets to SLED?

5 A Yes. Generally, the agency will either drop it
6 off, some agencies will mail it, depending on where it
7 comes from. And then it goes into our evidence receiving
8 department downstairs. And there, they log it in, create
9 a lab number for it and that's where the L21-21089 came
10 from, it's SLED's specific number. And it, also, gets a
11 specific bar code placed on the bag evidence so that it
12 can move through our in-house chain of custody.

13 Q And was the evidence that was submitted in this
14 case in accordance with all the policies and procedures at
15 SLED?

16 A Yes.

17 Q Do you know what was submitted to you for
18 analysis?

19 A I believe it was two samples of blood, but I
20 have to look at the pictures to be sure.

21 (WHEREUPON, State's Exhibits Nos. 44-46 were
22 marked for identification only.)

23 BY MS. KERNELL:

24 Q Okay, I'm handing you -- let me show it to --
25 Kevin, I'm handing you State's Exhibit No. 46, could you

KEVIN SELINSKY-DIRECT BY MS. KERNELL

1 look at these and see if you recognize those?

2 A Yes, these are the pictures of the blood samples
3 as they were brought to our department and then one of our
4 technicians takes possession of it, checks the label and
5 he puts it in our management system.

6 Q Okay. These are a fair and accurate
7 representation of those tubes and bags?

8 A Yes.

9 Q Okay.

10 MS. KERNELL: At this time, The State moves for
11 Exhibit 46 into evidence.

12 MR. CHAMBERS: Without objection, Your Honor.

13 THE COURT: Without objection, State's Exhibit
14 No. 46 comes into evidence.

15 (WHEREUPON, State's Exhibit No. 46 was admitted
16 into evidence.)

17 BY MS. KERNELL:

18 Q On this photo, what do we have here?

19 A That is the two samples of blood that were
20 submitted in gray top tubes. It has the nurse's name
21 handwritten on there underneath the admission date.

22 Q On State's Exhibit 46, is that the bar code that
23 you talked about?

24 A No. That is the -- that's going to be a
25 hospital bar code, so that's going to be a hospital issue

KEVIN SELINSKY-DIRECT BY MS. KERNELL

1 there.

2 Q And the yellow tag is from?

3 A Yeah, that's the bar code for the case jacket,
4 the one on the outside of the bag will be placed on it at
5 the end.

6 Q On the second page, State's Exhibit 46, can you
7 see the names on the label of these tubes?

8 A Yes. White, Marcus and there's a date of
9 10/16/21 at 0300.

10 Q On Page 3 of 46?

11 A That is the bag -- that's highway patrol, that
12 they brought the evidence to SLED.

13 Q Okay. This is what would have come to you
14 sealed --

15 A Yes.

16 Q -- on that day? Last page of 46. This, also,
17 has The Defendant's name on it.

18 A Yes, up on the top there, correct.

19 Q What was the blood tested for in your lab?

20 A We tested it for ethanol or alcohol and then
21 going on from there, we will do more testing for drugs as
22 well, more specific for drugs.

23 Q What type of alcohol are you testing for,
24 specifically?

25 A Ethanol.

KEVIN SELINSKY-DIRECT BY MS. KERNELL

1 Q And is the type of alcohol that are in alcoholic
2 beverages, wine, liquor, beer?

3 A Yes.

4 Q I'm handing you what's premarked as State's
5 Exhibit 44. Do you recognize this report?

6 A Yes. This was the lab report that was generated
7 that I signed for the aforementioned case.

8 Q Is the information in this copy a true and
9 accurate representation of the report that you generated?

10 A Yes.

11 MS. KERNELL: At this time, Your Honor, The
12 State moves Exhibit 44 into evidence.

13 MR. CHAMBERS: No objection, Your Honor.

14 THE COURT: Without objection, State's Exhibit
15 44 comes into evidence.

16 (WHEREUPON, State's Exhibit No. 44 was admitted
17 into evidence.)

18 BY MS. KERNELL:

19 Q And could you tell us the results of these
20 tests?

21 A Yes. The first result on there is for Ethanol
22 and it came out to 0.084 percent grams deciliter.

23 Q Okay. All right. Were any drugs found in that?

24 A No. The longest of drug is a drug screen that
25 we do to look for basic classes of drugs and that came

KEVIN SELINSKY-DIRECT BY MS. KERNELL

1 back negative. On the bottom of the second page, it's
2 just saying we did more comprehensive test looking for a
3 broader class of drugs and nothing was found there either.

4 Q We're going to start with -- you did a back
5 extrapolation calculation for this. Could you tell us
6 what a back extrapolation is?

7 A Yes. Because in this case, the -- in the times
8 that were stipulated before the accident was, I believe,
9 at 9:45. Then the SLED legal blood draw was not until
10 3:00 a.m. the next morning, so that's, obviously, a fair
11 amount of time for that to happen. So the back
12 extrapolation is kind of an educated hypothesis way to
13 kind of see with certain stipulations what that blood
14 level could have possibly been around the time of the
15 accident.

16 Q Does that take into account other factors,
17 outstanding factors that you may not know?

18 A Yes, you have to make several key assumptions.

19 Q And what are those assumptions?

20 A The most important main one is you have to
21 assume the subject was in the elimination phase of
22 alcohol. Meaning that they had not ingested any alcohol
23 for, roughly, two hours before the time that you are back
24 extrapolating to. And this time looking for around the
25 time of the accident, about 9:45, 10:00.

KEVIN SELINSKY-DIRECT BY MS. KERNELL

1 Q Can you tell us a little bit about how you
2 calculated these ranges that you came up with?

3 A Yes. Can I look my report?

4 Q Yes.

5 A So when you back extrapolate, you're going to do
6 a range of the amount of alcohol that a person may
7 metabolize over a certain period of time. If you have a
8 nondrinker or someone that doesn't drink very often,
9 they're, generally, going to take a lot longer to
10 metabolize a certain amount of alcohol as opposed to
11 somebody that might be borderline alcoholic or alcoholic.
12 They have a lot more enzymes that have formulated over
13 time that are going to break down the alcohol faster. So
14 if they're at a certain level, they're going to break down
15 X amount a lot quicker than the person that doesn't drink
16 very often. So that's why it's a pretty wide range of
17 numbers that you use when you extrapolate back.

18 (WHEREUPON, State's Exhibit No. 47 was marked
19 for identification only.)

20 MS. KERNELL: Your Honor, we move the previously
21 stipulated statement, State's Exhibit No. 47, into
22 evidence.

23 MR. CHAMBERS: No objection, Your Honor.

24 THE COURT: Without objection, No. 47 State's.

25 (WHEREUPON, State's Exhibit No. 47 was admitted

KEVIN SELINSKY-DIRECT BY MS. KERNELL

1 into evidence.)

2 BY MS. KERNELL:

3 Q State's Exhibit 47, could you read -- flip to
4 the tabbed page, the name, date of birth, date of
5 admission in the top right corner?

6 A Yes. The name is White, Marcus C., date of
7 birth, [REDACTED] of 1980. Then what else did you say?

8 Q The date of admission?

9 A Oh, the date of admission was October 15th,
10 2021.

11 Q What time, according to his medical records was
12 his medical blood drawn?

13 A I know it was around 10:00, 10:30, but I can't
14 come across the specific time here. Sorry.

15 Q Do you see what the results of the blood draw
16 was?

17 A Yes. Here, it's -- the report, it listed at
18 177, but for how we would report that, what's more
19 commonly used, that would be a 0.177.

20 Q Okay.

21 A If I can expound on that, being that it's a
22 hospital sample, what they do is they -- before they test
23 it, they spin down the sample. So it, essentially,
24 becomes serum. They're taking the red blood cells out of
25 it. When you have ethanol, alcohol, it prefers to be in

KEVIN SELINSKY-DIRECT BY MS. KERNELL

1 water, in the blood. So when you're spinning down a
2 sample, the serum is more water than it would be blood.
3 So we take that number and the number we use that we
4 divide it by is 1.18 to kind of give a better
5 representation of what it would be in the blood at that
6 time. So if you take .177 divided by 1.18, you're looking
7 at 0.15 percent. So it's going to be little bit lower
8 than what is reported in the hospital report for what we
9 would consider whole blood level.

10 Q That 0.15 is the blood alcohol level?

11 A Yes.

12 Q I am handing you what's premarked as State's
13 Exhibit 45. Do you recognize this report?

14 A Yes. These are notes that I generated for back
15 extrapolation that show the calculations that were
16 performed.

17 Q For the procedure at SLED, do you have somebody
18 peer review this?

19 A Yes. And you can see on the second page, that's
20 my supervisor's initials and date from back in May when
21 this was created.

22 Q Is this information that's on this copy a true
23 and accurate reflection of the report that you generated?

24 A Yes.

25 Q Has it been altered in any way?

KEVIN SELINSKY-DIRECT BY MS. KERNELL

1 A It has not.

2 MS. KERNELL: At this time, Your Honor, The
3 State moves Exhibit 45 into evidence.

4 MR. CHAMBERS: No objection, Your Honor.

5 THE COURT: Without objection, No. 45 for The
6 State comes into evidence.

7 (WHEREUPON, State's Exhibit No. 45 was admitted
8 into evidence.)

9 BY MS. KERNELL:

10 Q So let's go through your calculations a little
11 bit. The ranges that you generated, the first range that
12 you generated, what was the time frame that you used?

13 A With the -- if you do it from the time of the
14 accident, roughly, the time of the accident to the time of
15 the blood draw, you're looking at 5.25 hours. And if you
16 go from the time of the hospital blood draw to the time on
17 the legal blood draw, you're looking at 4.25 hours.

18 Q What was the range that you calculated that from
19 the collision time to the hospital or to the legal blood
20 draw?

21 A It would be a -- from a 0.136 to 0.215. As I
22 mentioned before, you have that wide range because we use
23 for blood alcohol metabolism, it ranges from a 0.01 to a
24 .025 grams per deciliter per hour for metabolism. So once
25 you get to that, it's just a simple calculation of

KEVIN SELINSKY-DIRECT BY MS. KERNELL

1 multiplying that by the number of hours that you're going
2 for. Again, with those pre-assumed assumptions. And
3 that's why you have quite a wide range. 0.1 to an 025 is
4 a pretty big range in and of itself.

5 Q And for that second range that you used the
6 hospital blood draw time around 10:00, what was that
7 range?

8 A Yes, so that's doing exactly the same thing.
9 Except instead of, roughly, five hours, it's, roughly,
10 four hours. So it's, obviously, going to be a little bit
11 lower. So you're looking at 0.126 to 0.190.

12 Q Okay. With those ranges and with the known
13 quantities that we have from the hospital blood and the
14 legal blood, do those correspond to those results?

15 A Yes. Because after the -- doing the serum
16 calculation, I believe it was a .15, so that would fall in
17 the middle of that range.

18 Q And after looking at these ranges, can you tell
19 us how alcohol, ethanol affects people?

20 A Yes, it affects -- generally, it's a
21 [indiscernible] and generally affects people in the same
22 manner. People take it at lower levels to drink socially,
23 relax, have a good time. And then it goes from there.
24 You can start to get some decreased inhibitions. Your
25 reaction time will increase, your memory, your balance,

KEVIN SELINSKY-DIRECT BY MS. KERNELL

1 things along that line. It kind of gets worse as the
2 levels tend to increase.

3 Q If somebody is a heavy drinker or drinks more
4 often, do they show -- are they able to show the same
5 effects as somebody who may be a more casual drinker or a
6 light drinker?

7 A Yes. Because with somebody that's a heavy
8 drinker to get to a certain level versus somebody that's
9 not a heavy drinker, once they're at that level, for a
10 heavy drinker, it's likely going to take them a lot more
11 alcohol ingested to get to that point because they're
12 breaking it down a lot faster. And then along that same
13 line is if they're repeatedly heavy drinkers, they have,
14 as we call it, learned behaviors. So if you're talking to
15 somebody, you might not know that they're impaired. But
16 they could be leaning on a car or just saying similar
17 phrases, things like that. But that's why field sobriety
18 comes into play. It works in situations because it's a
19 complex task. And that's, also, what we say about
20 driving. It's a complex task, so you might be able to
21 stand and talk to somebody, but you're not going to be
22 able to check your mirrors, check your lane, check all the
23 cars around you.

24 Q And do you know approximately how much somebody
25 would need to drink to reach those levels, the medical

KEVIN SELINSKY-DIRECT BY MS. KERNELL

1 blood of .15 an hour after the collision anywhere in those
2 ranges?

3 A It would be hard to say without doing some more
4 calculations. It would be kind of tough to put too much
5 of a number on that.

6 Q Could be more than one drink?

7 A Yes.

8 Q And in your opinion, looking at those ranges,
9 those numbers, those values, was The Defendant materially
10 and appreciably impaired at the time of the collision?

11 MR. CHAMBERS: Objection, Your Honor. I don't
12 believe he can make that determination just based on
13 his calculations. I mean, he wasn't at the scene.
14 He didn't see Mr. White. He can't say.

15 THE COURT: Okay. Ask the jury to step outside,
16 please.

17 (WHEREUPON, the jury left open court at
18 approximately 10:04 p.m.)

19 THE BAILIFF: Clear, sir.

20 THE COURT: All right. I think you kind of
21 already stated it, but go ahead and state your
22 objection.

23 And then, Ms. Kernell, I will hear you in
24 response.

25 MR. CHAMBERS: My argument is, Your Honor, I

KEVIN SELINSKY-DIRECT BY MS. KERNELL

1 don't think that he can speak, specifically, to The
2 Defendant in this case, Marcus White. He may be able
3 to speak generally, but as he's already testified
4 himself, he said that there are a number of variables
5 that go into it. He doesn't know how much alcohol
6 was consumed. He doesn't know the frequency with
7 which Mr. White drinks. There are a number of things
8 that he doesn't know. And he is giving a range
9 rather than precise numbers as far as what the BA
10 level even was. I think he can certainly testify to
11 what he's already testified to. I don't think he can
12 speak, specifically, whether or not Mr. White was
13 under the influence or impaired at the time of the
14 accident.

15 THE COURT: Counsel.

16 MS. KERNELL: Yes, Your Honor. As a forensic
17 toxicologist expert, this is what he is able to
18 testify to, that materially and appreciably impaired.
19 He has the values. The ranges he has calculated,
20 yes, but he has the medical blood value .15. His
21 value of the legal blood draw that they tested is
22 .084. So we have values that he can testify to those
23 facts.

24 THE COURT: He did testify to the .15.

25 MR. CHAMBERS: He did. The only other thing I

KEVIN SELINSKY-DIRECT BY MS. KERNELL

1 would say, Your Honor, in support of my objection is
2 that as the law is written and as charged, the
3 inference level is only one of many factors that the
4 jury can consider in determining whether somebody is
5 materially and appreciably impaired. That's the
6 heart of my objection. She's asking whether he's
7 materially and appreciably impaired. And the
8 inference level is only one factor that a jury would
9 consider.

10 THE COURT: And there has been earlier testimony
11 from people to corroborate that from the other
12 deputies.

13 Any further response?

14 MS. KERNELL: No, Your Honor.

15 THE COURT: Okay. I'm going to overrule your
16 objection. You're protected on the record.

17 You can proceed.

18 We can get the jury back in.

19 You certainly can have cross-examination.

20 THE BAILIFF: Your Honor, are you ready for the
21 jury?

22 THE COURT: Yes, thank you.

23 THE BAILIFF: A minute or two delay, sir.

24 THE COURT: Okay. I know it's early. Does
25 anybody else need to take a break? Everybody good?

KEVIN SELINSKY-CROSS BY MR. CHAMBERS

1 Okay.

2 (WHEREUPON, the jury entered open court at
3 approximately 10:10 a.m.)

4 THE COURT: You may proceed.

5 MS. KERNELL: Thank you, Your Honor.

6 BY MS. KERNELL:

7 Q Kevin, in your opinion as an expert
8 toxicologist, forensic toxicologist, was the Defendant
9 materially and appreciably impaired at the time of the
10 collision? Based on the numbers that you have?

11 A What, ultimately, I can testify to is the number
12 on the report, which is .084. So at that time, he was
13 materially and appreciably impaired. I can't say for
14 certain whether or not he was or wasn't using back
15 extrapolation, but I can say if he was anywhere in that
16 range of .136 and .215, then yes, he was materially and
17 appreciably impaired.

18 MS. KERNELL: Thank you. Please answer any
19 questions from Mr. Chambers.

20 THE COURT: Counsel.

21 CROSS-EXAMINATION

22 BY MR. CHAMBERS:

23 Q You've already testified to this, but I'll ask
24 you again, ethanol is one of the substances found in
25 alcohol beverages that people drink, correct?

KEVIN SELINSKY-CROSS BY MR. CHAMBERS

1 A Yes.

2 Q And that is, in fact, when you are testing,
3 that's what you're looking for is Ethanol?

4 A Yes, that's the substance that's used for the
5 desired effects of the alcohol, yes.

6 Q And the result that you got when you ran the
7 blood that was submitted to you was a .084?

8 A That's correct.

9 Q And that is, I think, even written on your
10 report, that's that plus or minus .006 percent, correct?

11 A Yes, that's correct.

12 Q So that leaves some room -- it's not a precise
13 calculation when you say a .084 in other words? It's a
14 plus or minus?

15 A If anything, I would say it's very precise
16 because we repeat it multiple times to get the same
17 number. It could vary in that range.

18 Q It could.

19 A But scientifically sound, the number is.

20 Q In fact, you put it on your report because it is
21 a plus or minus range. Which given that, would have a
22 range of .078 to .09 based on plus or minus .006; is that
23 correct?

24 A I think you misspoke. I believe it would be 076
25 and 089, not an 079.

KEVIN SELINSKY-CROSS BY MR. CHAMBERS

1 Q So .076 below the inference level of .08,
2 correct?

3 A That could very well be, yes.

4 Q You look like a fairly young guy, you may not
5 be, but are you aware that at one point in South Carolina,
6 the inference rate was .1?

7 A Yes. But there's several studies that say it
8 should be even lower. What things used to be doesn't
9 necessarily mean what they should be.

10 Q And as a result of the .1 to .84 that you got,
11 you were asked to do a retrograde extrapolation, which is
12 what you were testifying about earlier, correct?

13 A Yes, that's another word for the back
14 extrapolation; correct, yes.

15 Q And you've already indicated this, but in doing
16 a retrograde extrapolation, there's certain assumptions
17 that you have to make?

18 A Yes.

19 Q In fact, on your report, you list four
20 assumptions, I believe. That the subject was in the
21 elimination phase, that no alcohol was consumed two hours
22 prior to the incident, the subject was overall healthy and
23 parentheses, liver, and little to no food was consumed.
24 What's the reason for making those assumptions?

25 A The first two are work hand-in-hand. You could,

KEVIN SELINSKY-CROSS BY MR. CHAMBERS

1 in theory, have drank a lot before in that two-hour
2 timeframe. It's not -- I won't say it's not likely, but
3 it's not the most common how people drink, but you,
4 certainly, could have. Then two hours, it's just a number
5 that the community in the field has come up with. Overall
6 healthy, you mentioned the liver. That's just to show
7 they can actually properly break down the Ethanol. And
8 then little to no food because if you have food in your
9 stomach or not in your stomach, it can change how the
10 stomach can empty the contents. And that can effect
11 metabolism.

12 Q Have you ever met Marcus White?

13 A I have not.

14 Q Were you provided with any information as to his
15 height, weight or his -- anything about his overall
16 health?

17 A No.

18 Q Were you provided any information as to
19 medicines he takes each day for diagnosed medical
20 conditions?

21 A No.

22 Q Were you provided any information concerning
23 whether Mr. White is a regular drinker of alcohol or just
24 an occasional social drinker?

25 A I was not, no.

KEVIN SELINSKY-CROSS BY MR. CHAMBERS

1 Q On the day in which Marcus White's blood
2 specimen was collected, I'm going to ask you if you had
3 any following information. What time he got up that
4 morning?

5 A No.

6 Q Had he been drinking any alcohol the previous
7 night?

8 A I did not know.

9 Q What did he eat for breakfast and at what time?

10 A I do not know.

11 Q What did he eat for lunch and at what time?

12 A I do not know.

13 Q What did he eat for dinner and at what time?

14 A I do not know.

15 Q What time did he start drinking that day?

16 A I do not know.

17 Q What time did he stop drinking that day?

18 A I do not know.

19 Q Was he eating food while drinking?

20 A I do not know.

21 Q What was the ambient temperature that day?

22 A I do not know.

23 Q What type of alcoholic beverages was he
24 drinking?

25 A Ones that contain Ethanol.

KEVIN SELINSKY-CROSS BY MR. CHAMBERS

1 Q Okay. So you would agree with me then that
2 almost no factual information about Marcus White was
3 provided to you prior to you doing the retrograde
4 extrapolation calculations?

5 A That's right. That's why I stated said
6 assumptions.

7 Q And as you've already said in doing a retrograde
8 extrapolation, you have to make several assumptions,
9 correct?

10 A Correct.

11 Q So what I'd like to do is give you an assumption
12 and you can tell me yes or not whether you used the
13 assumption in making the retrograde extrapolation
14 calculations. First of all, that Marcus White was in a
15 post-absorption stage when the accident occurred?

16 A I want to understand we're on the same page.
17 That was one of my assumptions. That has to be assumed in
18 order for the retrograde extrapolation to be viable.

19 Q That Marcus White eliminated alcohol in a zero
20 order fashion?

21 A That's pretty standard. I believe zero order
22 until you get down lower, then it's first order. So
23 that's at lower levels.

24 Q That Mr. White's elimination range rate would be
25 in the range of .01 to .025 per hour?

KEVIN SELINSKY-CROSS BY MR. CHAMBERS

1 A It's assumed, but given that's scientifically
2 accepted, that's quite a wide range. That's why it's
3 given that so we can get the most members of the
4 population as possible. But there's no guarantee it gets
5 everybody.

6 Q You did assume that his last drink was more than
7 two hours prior to the accident?

8 A Again, yes. That's to ensure that he was in
9 elimination phase, as we call it. Yes, that has to be
10 assumed.

11 Q Because of that, that's why there's such a wide
12 range as far as the calculations you made about blood
13 alcohol content, correct?

14 A No, the wide range, really, because you have
15 different metabolism levels. If you assumed that he was
16 in the post-absorption phase, that kind of takes out a lot
17 of things. For example, if you knew more detail about,
18 like, exactly when drinking stopped, you could say -- I
19 won't say different things, but you could say more
20 definitive things because you have more of a timeline.
21 But the range isn't really because he was in
22 post-absorption, it's because people metabolize alcohol at
23 different rates. It really has nothing to do with the
24 [indiscernible]. That's why we're assuming he's in the
25 post-absorption phase.

KEVIN SELINSKY-CROSS BY MR. CHAMBERS

1 Q You indicated that you're a forensic scientist,
2 correct?

3 A Correct.

4 Q And as a forensic scientist, I assume you're
5 familiar with the term peer review scientific literature?

6 A Yes.

7 Q What does that mean?

8 A It's somebody in a scientific field will come up
9 with -- not come up with, generate something about a
10 topic, whether it Ethanol, anything. Then it goes through
11 the review process of their peers. Other scientists in
12 that given field review it. They give their opinion on
13 it. They give some edits. And ultimately, the author
14 generates or publishes that report.

15 Q Have you published any peer review articles?

16 A No.

17 Q Do you have any plans to publish any articles
18 like that?

19 A No.

20 Q So, essentially, you work for law enforcement,
21 correct?

22 A Yeah, I work for the South Carolina Law
23 Enforcement Division, yes.

24 Q You're called upon to come testify for the
25 prosecution in cases. You said you've done that 15 times

KEVIN SELINSKY-CROSS BY MR. CHAMBERS

1 now?

2 A I didn't say I testified -- if anything, I've
3 testified for the defense more than I have the prosecution
4 in my history.

5 Q Okay. How long after you started working at
6 SLED did you start performing retrograde extrapolations?

7 A I mean, with my training, I think we started
8 talking about it probably a couple years after I'd been
9 there. It's not done routinely in court, but it's done --
10 I guess, there's not much court really, in general.

11 Q Were you provided a standard operating procedure
12 manual on performing retrograde extrapolation?

13 A Yes.

14 Q And you got that prior to being approved to do
15 retrograde extrapolation, correct?

16 A Correct. Yes. I mean, we trained over it.
17 There's always newer, but the range has gotten bigger,
18 quite significantly bigger.

19 Q You continue to educate yourself. You go to
20 seminars --

21 A Because its always --

22 Q You do those sorts of things?

23 A Yeah. I mean, peer review articles and new
24 information.

25 Q In addition to your standard operating procedure

KEVIN SELINSKY-CROSS BY MR. CHAMBERS

1 manual, were you provided any peer review scientific
2 papers to read that provided experimental data concerning
3 the validity performing retrograde extrapolation?

4 A Yes. I don't have any on me.

5 Q I understand. I was just asking if you were
6 ever provided any. Are you familiar with Dr. Alan Wayne
7 Jones, a noted alcohol researcher?

8 A Yes, sir.

9 Q Are you aware from reading articles of his and
10 your familiarity with him that Dr. Jones has referred
11 retrograde extrapolation as a dubious practice?

12 A I can't say that I recall that, but.

13 Q Well, you would -- you are aware that there's
14 some people that, at least, say that there's some issues
15 with retrograde extrapolation, correct?

16 A There most certainly are. That's why -- I mean,
17 the assumptions are not small assumptions, they're quite
18 large assumptions.

19 Q Are you familiar with the writings of Dr. Kurt
20 Dubowski, another noted researcher who spent most of his
21 career at University of Oklahoma?

22 A Yes.

23 Q Are you aware that Dr. Dubowski listed six
24 reasons why retrograde extrapolation should not be used in
25 a peer review publication?

KEVIN SELINSKY-REDIRECT BY MS. KERNELL

1 A No, I was not.

2 Q You're not familiar with that. In your lab at
3 SLED, is there a copy of the textbook Garriot's
4 Medicolegal Aspects of Alcohol?

5 A There are several.

6 Q And that's, essentially, considered the Bible of
7 the crime laboratories, would that be fair to say?

8 A Of toxicology, yes, sir.

9 Q Are you aware that in chapter three of
10 Garriot's, a comprehensive discussion of the Disposition
11 and Fate and Ethanol in the Body?

12 A I'm sorry. Yes.

13 Q Have you read and studied section one of chapter
14 three in Garriot's titled Retrograde Extrapolation?

15 A It's been a while since I've read it all, but I
16 have at some point, yes.

17 MR. CHAMBERS: That's all the questions I have
18 for you. Thank you very much.

19 THE COURT: All right. Any redirect?

20 MS. KERNELL: One question, Your Honor.

21 REDIRECT EXAMINATION

22 BY MS. KERNELL:

23 Q Looking at the medical blood alcohol
24 concentration of .15 percent and that was taken one hour
25 after the collision, would this level be impairing to The

KEVIN SELINSKY-RECROSS BY MR. CHAMBERS

1 Defendant's ability to drive?

2 A Yes.

3 MS. KERNELL: Nothing further, Your Honor.

4 MR. CHAMBERS: Just one followup.

5 RECROSS-EXAMINATION

6 BY MR. CHAMBERS:

7 Q And that .15, again, that's a mathematical
8 calculation that you did, I believe, assuming the number
9 that you multiplied the .177 by, correct?

10 A Yes. It was divided to make it smaller, but
11 that's all done in the -- to be not prejudicial against
12 anybody whatsoever.

13 MR. CHAMBERS: Thank you.

14 THE COURT: Anything else?

15 MS. KERNELL: No, Your Honor.

16 THE COURT: You may step down.

17 MS. KERNELL: Your Honor, we ask that Kevin may
18 be released.

19 MR. CHAMBERS: No objection, Your Honor.

20 THE COURT: Okay, you're released.

21 MS. KERNELL: Your Honor, The State rests.

22 THE COURT: Okay.

23 Ladies and gentlemen of the jury, The State has
24 now rested. I am going to ask y'all to go back to
25 your room. I need to take up some legal issues with

KEVIN SELINSKY-RECROSS BY MR. CHAMBERS

1 the attorneys.

2 (WHEREUPON, the jury left open court at
3 approximately 10:25 a.m.)

4 THE BAILIFF: You're clear, sir.

5 THE COURT: Okay, thank you.

6 All right, any motions?

7 MR. CHAMBERS: Your Honor, I would make a motion
8 for a directed verdict as to all four of the
9 indictments.

10 THE COURT: All right. And the basis for that?

11 MR. CHAMBERS: Just that given -- considering
12 the evidence in the light most favorable to the
13 solicitor, they have not proven -- there are elements
14 that they have presented no evidence for in each of
15 those indictments, Your Honor.

16 THE COURT: Okay. And I'm going to deny your
17 motion. Thank you.

18 Anything from The State?

19 MS. KERNELL: No, Your Honor.

20 THE COURT: Okay. Can I see counsel up here
21 real quick?

22 (WHEREUPON, an off-the-record bench conference
23 was held.)

24 THE COURT: Okay, Marcus Christopher White, will
25 you please stand?

LATOYA WHITE-DIRECT BY MR. CHAMBERS

1 at 10:40.

2 (WHEREUPON, a short break was taken.)

3 THE COURT: Anything else that y'all need to
4 take up before I get the jury back?

5 MS. KERNELL: Nothing from The State, Your
6 Honor.

7 THE COURT: The Defense?

8 MR. CHAMBERS: No, Your Honor.

9 THE COURT: Okay. Thank you.

10 All right, let's get the jury back.

11 (WHEREUPON, the jury entered open court at
12 approximately 10:46 a.m.)

13 THE COURT: Ready to proceed?

14 MR. CHAMBERS: Yes, Your Honor. The Defense
15 calls Latoya White.

16 THE CLERK: Please place your left hand on the
17 Bible, raise your right hand.

18 LATOYA WHITE, after being duly sworn,
19 testified as follows:

20 THE CLERK: Thank you, you may be seated.

21 Please state your full name for the record.

22 THE WITNESS: Latoya Nicole White.

23 DIRECT EXAMINATION

24 BY MR. CHAMBERS:

25 Q Latoya, be sure and speak into the mic so

LATOYA WHITE-DIRECT BY MR. CHAMBERS

1 everyone can hear you.

2 THE COURT: You can pull that a little closer to
3 you, ma'am.

4 BY MR. CHAMBERS:

5 Q Your Marcus White's wife; is that correct?

6 A Yes.

7 Q How long have the two of you been married?

8 A Nine years, together for 18.

9 Q Do you have any children?

10 A Yes.

11 Q And where do the two of you reside?

12 A In Piedmont, South Carolina.

13 Q Is that where you were living back in 2021?

14 A Yes, sir.

15 Q At that time, where were you working?

16 A U.S. Postal Service.

17 Q At that time, where was Marcus working?

18 A U.S. Postal Service?

19 Q Did y'all work together or did you work in
20 separate places?

21 A Separate places.

22 Q And do you recall the day that this collision
23 happened back on October 15th, 2021?

24 A Yes.

25 Q All right. That morning, how did the two of you

LATOYA WHITE-DIRECT BY MR. CHAMBERS

1 start your day?

2 A Wake up, get ready for work. He go his way, I
3 go my way. I drop my son off at daycare, goes to work.
4 I'm just doing my job.

5 Q What time did you have to be at work that
6 morning?

7 A Seven.

8 Q What time did Marcus have to be at work?

9 A I believe he had to be there at 6:00, I believe.

10 Q All right. So you, I guess, saw him off to work
11 and then you said you took your son to daycare and you
12 went to work?

13 A Yes.

14 Q Did you work all day?

15 A Yes.

16 Q What time did you get off?

17 A 4:30.

18 Q And did you have any plans for when you got off?

19 A Yes.

20 Q What were those plans?

21 A My brother had actually called me and said his
22 neighbor was making tacos for everybody and told me to
23 come over -- or us to come over. After work, I got my son
24 and I went over to his house.

25 Q The fella that you were going over for, was that

LATOYA WHITE-DIRECT BY MR. CHAMBERS

1 some sort of a chef or something?

2 A Yes, he was a retired chef.

3 Q All right. So did you contact Marcus to tell
4 him about these plans?

5 A Actually, Marcus contacted me and asked me where
6 I was at. I was like, I'm at Lamar's house, come over
7 here. The neighbor's doing tacos tonight. They want us
8 to come over.

9 Q Did he come over?

10 A Yes, sir.

11 Q All right. And about what time was it that he
12 got there?

13 A He arrived around 7:00, 7:30.

14 Q Do you know if he came straight from work?

15 A Yes, sir.

16 Q Do you know if he had anything to drink prior to
17 arriving there?

18 A No.

19 Q And so he got there, you said around what time?

20 A Around 7:00.

21 Q How long did the two of you stay there?

22 A Not long. Probably about two hours.

23 Q All right. And I assume you ate since you went
24 over there for the chef to make tacos?

25 A Uh-huh.

LATOYA WHITE-DIRECT BY MR. CHAMBERS

1 Q Was it a lot of food?

2 A Yes, sir.

3 Q And was anybody consuming any alcoholic
4 beverages?

5 A Yes.

6 Q Did Marcus consume any alcoholic beverages?

7 A Yes.

8 Q Do you have any idea what he drank?

9 A I know he had a cocktail, Crown Royal and Coke.

10 Q Okay.

11 A I know he had a beer. That's what I witnessed.

12 Q So just a couple drinks?

13 A Yes, sir.

14 Q Did at any point he appear to be under the
15 influence at all to you?

16 A No, sir.

17 Q Now, did you and he -- you were in separate
18 cars, I take it, since you were already there?

19 A Yes.

20 Q All right. And did you leave before him or
21 after him?

22 A Before.

23 Q Do you know how long before?

24 A Probably, give or take, five or ten minutes.

25 Q So pretty close to the same time?

LATOYA WHITE-DIRECT BY MR. CHAMBERS

1 A Yes.

2 Q How do you know that he left five or ten minutes
3 after you?

4 A Well, I'm not for sure. I just know he was
5 getting his car before my brother had stopped him and
6 asked him something.

7 Q Did you have any concerns about Marcus driving a
8 car home?

9 A Not at all.

10 Q Did he appear to be under the influence or the
11 least bit impaired to you?

12 A No, sir.

13 Q If you had thought there was a problem with him,
14 what would you have done?

15 A Told him to get in the car with me and I'd drive
16 us home.

17 Q So you're saying that you were comfortable with
18 him driving home, had no concerns?

19 A No concerns at all.

20 MR. CHAMBERS: That's the all questions I have.
21 Please answer any the solicitor may have.

22 THE COURT: Solicitor.

23 MS. KERNELL: Your Honor, The State has no
24 questions.

25 THE COURT: You may step down.

LAMAR VANCE-DIRECT BY MR. CHAMBERS

1 MR. CHAMBERS: Your Honor, The State calls Lamar
2 Vance. Oh, I'm sorry, the Defense.

3 THE COURT: I knew what you were saying.

4 THE CLERK: Mr. Vance, please place your left
5 hand on the Bible, raise your right hand.

6 LAMAR VANCE, after being duly sworn,
7 testified as follows:

8 THE CLERK: Thank you, you may be seated.
9 Please state your full name for the record.

10 THE WITNESS: Lamar Vance.

11 DIRECT EXAMINATION

12 BY MR. CHAMBERS:

13 Q Lamar, where do you reside?

14 A [REDACTED], Greenville, South Carolina.

15 Q Where is that located? Is that over there in
16 Greenville?

17 A Yeah, in Greenville.

18 Q What is your relationship to Marcus White?

19 A My brother-in-law.

20 Q So you are Latoya's twin brother, I believe?

21 A Yes.

22 Q And so have you known Marcus for a while?

23 A Too long.

24 Q Now, you heard Latoya testify a minute ago about
25 you invited them to come over to your house on

LAMAR VANCE-DIRECT BY MR. CHAMBERS

1 October 15th, 2021. What was going on? Why were you
2 having people over at your house?

3 A Really, it was just a normal day. My neighbor,
4 he's a retired chef. He asked me did we want to try some
5 new tacos. He's from Arizona, so they cook tacos
6 different. So I invited them over. They came over. Just
7 a normal day, actually.

8 Q And you heard the testimony, did Latoya get over
9 there about 4:30?

10 A Yes.

11 Q And then Marcus came over about 7:00?

12 A Yes.

13 Q Was there a lot of food?

14 A It was.

15 Q Was everybody eating pretty good?

16 A Everyone was eating.

17 Q Were y'all drinking any alcohol?

18 A Yeah, just a little bit.

19 Q Okay. Do you recall, generally, what Marcus had
20 to drink? I know you probably don't remember precisely --

21 A I don't remember precisely. Probably just a
22 couple of drinks, like a beer and a little mixed drink.

23 Q Had he at some point left a bottle of Crown
24 Royal over at your house?

25 A He did.

LAMAR VANCE-DIRECT BY MR. CHAMBERS

1 Q All right. Did he take that home with him when
2 he left?

3 A Yes, he did.

4 Q Now, I believe that Latoya left just a little
5 bit before Marcus; is that correct?

6 A Yes.

7 Q Do you recall how long after Latoya left that
8 Marcus left?

9 A Like about five or ten minutes after. I talked
10 to him for second and he left.

11 Q So it wasn't very long?

12 A No, not at all.

13 Q Did he seem to be under the influence of alcohol
14 or impaired to you in any way?

15 A No, sir.

16 Q Did you have any concerns about him driving?

17 A No, sir.

18 Q If you had had any concerns about him driving,
19 what would you have done?

20 A Took keys and stayed at my house.

21 MR. CHAMBERS: Thank you very much. That's all
22 the questions I have for you. Please answer any The
23 State may have.

24 THE COURT: Anything from the State?

25 MS. KERNELL: Nothing further from The State.

MARCUS WHITE-DIRECT BY MR. CHAMBERS

1 THE COURT: Okay.

2 MR. CHAMBERS: Your Honor, at this time, The
3 Defense calls Marcus White.

4 THE CLERK: Mr. White, place your left hand on
5 the Bible, raise your right hand.

6 MARCUS WHITE, after being duly sworn,
7 testified as follows:

8 THE CLERK: Thank you. You may be seated.
9 Please state your full name for the record.

10 THE WITNESS: Marcus Christopher White.

11 DIRECT EXAMINATION

12 BY MR. CHAMBERS:

13 Q Okay, Marcus, where are you currently employed?

14 A CHEP Container Pooling in Piedmont, South
15 Carolina.

16 Q What do you do there?

17 A I'm the plant supervisor. We clean food grade
18 containers and send them out to food processing plants.

19 Q How long have you had that job?

20 A About two and a half years.

21 Q And prior to that, where did you work?

22 A United States Post Office.

23 Q Is that where you were working on October 15th,
24 2021?

25 A Yes, sir.

MARCUS WHITE-DIRECT BY MR. CHAMBERS

1 Q All right. What time did you get to work that
2 morning?

3 A About quarter till 6:00.

4 Q How long did you work?

5 A Until between six and seven o'clock in the
6 evening, about 6:30 when I got off.

7 Q And did you have some plans for later in the
8 evening?

9 A Not at first, not until I talked to my wife.
10 And she told me about the taco night at Lamar's neighbor's
11 house.

12 Q And when you got off work, did you head over
13 there?

14 A Yes, sir.

15 Q What time did you arrive?

16 A Probably about 7:00, 7:30 or so.

17 Q And was there food there?

18 A Plenty of food.

19 Q Did you eat a good bit?

20 A Yes, sir.

21 Q Did you have anything to drink while you were
22 there?

23 A Yes, sir. I had a Crown and Coke while he was
24 making the brisket tacos. And while we were eating, I had
25 a beer or two.

MARCUS WHITE-DIRECT BY MR. CHAMBERS

1 Q And that's all you had?

2 A Yes, sir.

3 Q How long did you stay there?

4 A Roughly, two hours, two and a half hours.

5 Q So about what time did you leave?

6 A I guess about 9:30.

7 Q And I believe you left just shortly after Latoya
8 left, correct?

9 A Yes, sir.

10 Q At that time, did you feel like you were under
11 the influence of alcohol?

12 A No.

13 Q Did you feel impaired?

14 A Not at all.

15 Q Did you have any concerns about getting behind
16 the wheel of a car?

17 A No, sir.

18 Q If you had any concerns, were there other
19 alternatives to get home?

20 A Yes. My brother-in-law could have took me home.
21 There was other people there. I could have rode with my
22 wife.

23 Q Okay. So after you left the gathering there at
24 Lamar's house, take us through the route that you were
25 taking and just kind of what happened after that.

MARCUS WHITE-DIRECT BY MR. CHAMBERS

1 A So after leaving Lamar's house, I took Old
2 Piedmont Highway to Piedmont Highway.

3 Q Piedmont Highway, is that South Carolina 20?

4 A Yes, sir.

5 Q Is that a road that you traveled a good bit?

6 A Everyday.

7 Q All right. So you were on South Carolina 20
8 heading home, correct?

9 A Yes.

10 Q Then what happened?

11 A Everything was fine. I was driving. There was
12 a car in front of me on the right-side lane. I was
13 driving on the left-side lane.

14 Q So you were on the inside lane, the median lane?

15 A Yeah, close to the median.

16 Q There was a car in front of you in the outside
17 lane, which, I guess, we would call the shoulder lane?

18 A Yes, sir.

19 Q How far ahead of you was that car?

20 A A couple car lengths.

21 Q Do you have any idea how fast you were going?
22 What your speed was?

23 A I was just going with the speed of traffic.

24 Q You weren't looking at your speedometer, but you
25 say you were following along with the speed of traffic?

MARCUS WHITE-DIRECT BY MR. CHAMBERS

1 A Yes, sir.

2 Q All right. So go ahead and continue to tell us
3 what happened.

4 A I was driving. It was very normal. As I was
5 approaching Brown Road, I saw the other car at the stop
6 sign. I wasn't too much concerned about it because they
7 had to get pass the car that was in front of me.

8 Q Were they stopped at the stop sign?

9 A Yes, sir.

10 Q At a complete stand still?

11 A Yes, sir.

12 Q They had not started to enter the roadway?

13 A No, sir.

14 Q All right, go ahead.

15 A So we're driving and all of a sudden, they just
16 shot out. They just shot out. I'm sorry.

17 Q Did you have your headlights on?

18 A Yes, sir.

19 Q You're certain of that?

20 A Yes, sir. My car had automatic lights on top of
21 it.

22 Q When you say they just shot out, the car ran out
23 in front of you?

24 A Yes, sir.

25 Q Did you have any time to react or was the impact

MARCUS WHITE-DIRECT BY MR. CHAMBERS

1 immediate?

2 A It was immediate.

3 Q Okay.

4 A And the car spun around.

5 Q All right. And then was -- there was a
6 significant impact to your car as well, correct?

7 A (The witness nods.)

8 Q Crushed in the front end?

9 A Yes. I'm sorry, yes.

10 Q Did your air bag deploy?

11 A Yes, sir.

12 Q Were you injured at all?

13 A Yes, sir.

14 Q What sort of injuries did you have?

15 A I just had some cuts and scrapes and glass. I
16 had some blood that was -- I was urinating blood.

17 Q Okay. Were you able to get out the car and walk
18 around?

19 A Yes, sir. Once I was able to see around my air
20 bag, I was able to see a car right in front of me.

21 Q What did you do?

22 A I immediately saw that there were people slumped
23 over. I saw some legs sticking up. So I got out my car
24 and I rushed over there. And there was a baby upside down
25 in the car. I tried to pick the baby up, put it in its

MARCUS WHITE-DIRECT BY MR. CHAMBERS

1 seat.

2 Q Did you call 911?

3 A Yes, sir. But there was --

4 Q I'm sorry. Go ahead. I'm not trying to
5 interrupt you.

6 A There was a woman that was -- there was a woman
7 that was videotaping.

8 Q Do you know who that was?

9 A I didn't at the time. She was videotaping. I
10 begged her to call 911. I said there was baby in the car.
11 I said, Please help me, there's babies in the car. And I
12 had to run back to my car and get my phone.

13 Q Then did you call 911?

14 A (The witness nods.)

15 Q So those two calls we heard earlier, that was
16 you calling 911?

17 A Yes, sir.

18 Q Did you call anyone else?

19 A I don't think so. I called my wife, told her I
20 was in an accident.

21 Q Did she come out to the scene?

22 A Yes. Yes. I believe she went to the scene and
23 I was already at the hospital.

24 Q Why were you transported to the hospital?

25 A I must have passed out. I had this ringing in

MARCUS WHITE-DIRECT BY MR. CHAMBERS

1 my head. I had this ringing in my head. It was like a
2 spike got hammered in my head.

3 Q You said you think you passed out?

4 A The EMS said that I passed out. Said that my
5 adrenaline was coming down.

6 Q How long were you at the hospital?

7 A Three days.

8 Q All right. So you were there three days before
9 you were discharged?

10 A Yes, sir.

11 Q Now, going back just prior to impact, I believe
12 you described it as the car shot out in front of you. Can
13 you be more specific about what you mean by that?

14 A The car was at the stop sign. And I assumed, I
15 assumed that they didn't see me and they just saw the car
16 to my right.

17 Q Did they give any indication as you were
18 approaching that intersection that they were going to pull
19 out?

20 A No, sir.

21 Q Did you have any time to react once that car
22 pulled out in front of you?

23 A No.

24 Q Do you believe there was anything you could have
25 done to have avoided that collision?

MARCUS WHITE-CROSS BY MRS. GARY

1 A No, sir.

2 MR. CHAMBERS: That's all the questions I have.

3 Please answer the solicitor has for you.

4 MRS. GARY: May it please the Court?

5 THE COURT: Sure.

6 CROSS-EXAMINATION

7 BY MRS. GARY:

8 Q Good morning, Mr. White.

9 A Good morning.

10 Q I have a few questions. I want to try to
11 understand the timeline that you've given us for this
12 case. Am I right, you say you got off work either 6:00 or
13 7:00 p.m., is that what you said?

14 A I believe so.

15 Q You went straight to your brother-in-law's
16 house?

17 A Yes, ma'am. I may have stopped at the gas
18 station, but yes, ma'am.

19 Q I'm sorry, I couldn't hear you?

20 A Yes, ma'am. Yes, ma'am.

21 Q Okay. So you did go straight to your
22 brother-in-law's house?

23 A I believe so.

24 Q Do you recall talking with Corporal Campbell in
25 the hospital that night, one of the highway patrolmen?

MARCUS WHITE-CROSS BY MRS. GARY

1 A Yes, ma'am.

2 Q He testified yesterday?

3 A Yes, ma'am.

4 Q Do you recall telling him that you went to a
5 convenience store and had one drink before you went to
6 your brother-in-law's house?

7 A No, ma'am.

8 Q That's not what you told him?

9 A No, ma'am.

10 Q Okay. Am I correct that your testimony today
11 was that you had a Crown and coke and a beer or two?

12 A Yes, ma'am.

13 Q So you're not even sure exactly how many drinks
14 you had, are you?

15 A I know I had a beer while I was eating. And I
16 believe I may have had beer in between before the tacos
17 were actually done.

18 Q Because your wife testified you had a cocktail
19 and a beer. And your brother-in-law testified you had a
20 cocktail and a beer. And they were pretty sure about
21 that. But sounds like you're telling us that they're
22 wrong about that; is that right?

23 A I wasn't with them the whole time. I mean, I
24 stayed around the chef who was cooking, you know, the
25 whole time just about.

MARCUS WHITE-CROSS BY MRS. GARY

1 Q So, in fact, your wife and your brother-in-law
2 don't know exactly what you did and what you drank; is
3 that right? Because you weren't with them the whole time?
4 Is that what you just said?

5 A I mean, I was -- the tacos were being cooked in
6 front of everybody. I was just with the chef.

7 Q Okay.

8 MRS. GARY: That's all I have, Judge. Thank you
9 so much.

10 THE COURT: Any redirect?

11 MR. CHAMBERS: No, Your Honor.

12 THE COURT: Sir, you may step down.

13 MR. CHAMBERS: And with that, Your Honor, The
14 Defense rests.

15 THE COURT: Okay. Ladies and gentlemen of the
16 jury, I'm going to send you back to the jury room and
17 await for further instructions.

18 (WHEREUPON, the jury left open court at
19 approximately 11:09 a.m.)

20 THE COURT: Any motions at this time?

21 MR. CHAMBERS: Your Honor, I would renew my
22 motion for directed verdict.

23 THE COURT: And I deny your motion. You're
24 protected on the record.

25 Okay, scheduling-wise, 11:10. Realistically, I

1 mean, again, you've got as much time as you want.

2 I'm not pushing anybody on time. Do you think it
3 would be wise to take a break now and then come back
4 with closing or push through currently?

5 MS. KERNELL: Your Honor, I believe we can push
6 through. I know on my end.

7 MR. CHAMBERS: Yeah, I think we can go ahead
8 with the arguments, Your Honor.

9 THE COURT: Okay. All right. Let's just take a
10 quick break. Let's take a five minute break. I'm
11 just going to go get my charge. I have not memorized
12 my charge yet.

13 (WHEREUPON, a short break was taken.)

14 THE COURT: Thank you for your patience. The
15 only modification I did to the charge was just
16 deleted the part about testimony from The Defendant.
17 So as far as the verdict form, did y'all get to see
18 that?

19 MR. CHAMBERS: Yes, sir.

20 MS. KERNELL: Yes, sir.

21 MR. CHAMBERS: No objection to it, Your Honor.

22 MS. KERNELL: No objection.

23 THE COURT: All right. Y'all ready to proceed
24 with closing?

25 MS. KERNELL: Yes, Your Honor.

1 MR. CHAMBERS: Yes, Your Honor.

2 THE COURT: Okay, please bring in the jury.

3 (WHEREUPON, the jury entered open court at
4 approximately 11:36 a.m.)

5 THE COURT: Ladies and gentlemen of the jury, we
6 are now at the point of closing arguments and
7 charges.

8 The State.

9 CLOSING STATEMENT

10 MS. KERNELL: May it please the Court, Your
11 Honor.

12 THE COURT: Thank you.

13 MS. KERNELL: Good morning, almost afternoon.
14 Elizabeth told you at the beginning of this case that
15 we would have to prove to each one of you beyond a
16 reasonable doubt each element of this case. I submit
17 to you that we have done that.

18 Let's start by going through the elements of
19 felony DUI with death and great bodily injury.
20 First, The Defendant was driving a motor vehicle in
21 South Carolina. Second, while under the influence.
22 And when driving, he committed an act forbidden by
23 law, he broke the law. And this broken law
24 proximately caused the death, the injury to the
25 victims.

1 How did we prove these elements? Let's start
2 first with the first element. He was driving a motor
3 vehicle in South Carolina. You heard yesterday from
4 our eyewitness, Crystal Wardlaw, that she saw the
5 Defendant driving, that nobody else was in his car.
6 She identified him as the driver of the Malibu. You
7 heard from both Crystal and Trooper Peterson that
8 this occurred in Greenville County, South Carolina.

9 Second element, that The Defendant was driving
10 while under the influence of alcohol. You heard
11 testimony yesterday from Crystal and Trooper
12 Peterson. You, also, heard a 911 call. You're able
13 to hear The Defendant's voice, his slurred speech.
14 He sounded disoriented. He was concerned about his
15 bleeding hand, not the other victims in the car.

16 Trooper Peterson told you he smelled alcohol,
17 the odor of alcoholic beverage, saw his bloodshot and
18 glassy eyes at the hospital when he was speaking to
19 him. You, also, heard from Corporal Campbell that
20 when he spoke to him in the hospital, he smelled the
21 alcohol. He saw the bloodshot, glassy eyes. And
22 that's why he did the Standardized Field Sobriety
23 Test, HGN, the Horizontal Gaze Nystagmus Test. He
24 was there, he saw four clues of impairment.

25 Today, we heard from Kevin Selinsky, the

1 forensic toxicologist from SLED. He talked to you
2 about a lot of numbers, a lot of ranges, about
3 alcohol concentrations. We know his medical blood,
4 which was an hour after the collision, the blood
5 alcohol concentration was a .15. He testified to
6 that. We know from his testimony that The Defendant
7 was materially and appreciably impaired at that .15
8 level. And that was just one hour after the
9 collision. He talked about the ranges that he could
10 have been at the time of the collision that
11 encompassed that .15.

12 You, also, heard from Latoya White and the
13 Defendant himself and Lamar Vance about his -- the
14 drinking at the neighbor's house. He didn't know how
15 many drinks he had had. He said he had a Coke and
16 Crown. He said maybe one or two beers. But wasn't
17 exactly sure how much he had drink that night.

18 We know The Defendant in this case broke the
19 law. He did that forbidden act. He was speeding at
20 78 miles per hour in a 45 mile per hour zone. He was
21 doing 33 miles per hour over the speed limit. We
22 know this because Sergeant Andis testified to the
23 data that was recorded in the Malibu, The Defendant's
24 car, to show that he was traveling at 78 miles per
25 hour starting back five seconds before the collision

1 up until that point five seconds before the
2 collision. He was traveling 78 miles per hour. We
3 know through Sergeant Andis and Trooper Peterson that
4 the speed limit on Piedmont Highway was 45 miles per
5 hour.

6 Sergeant Andis told you, and The Judge will
7 charge you, that every driver in South Carolina has a
8 duty to follow the highway speed limits. And that
9 driving over the speed limit is an act forbidden by
10 law. This Defendant was driving 78 miles per hour.
11 He broke the law.

12 Sergeant Andis, also, talked about the
13 mechanical exam of The Defendant's vehicle. There's
14 nothing wrong with it mechanically. Everything was
15 fine. This collision occurred because of the
16 Defendant's actions that night from his speeding.

17 And lastly, the forbidden act, the broken law
18 here, the speeding proximately caused the death of
19 Tondalyo and MINOR 1 and caused the great
20 bodily injury of Tasj-Hamiel and MINOR 2. We
21 know this because Dr. Ward testified to the cause of
22 death for MINOR 1 and Tondalyo was from blunt force
23 trauma from the motor vehicle collision.

24 You heard Trooper Peterson read the medical
25 records of Tasj-Hamiel and MINOR 1. Tasj-Hamiel had a

1 broken femur, broken ribs, broken pelvis, additional
2 fractures and injuries. You heard that MINOR 1 had a
3 broken right femur.

4 Mr. Chambers wants you to believe that this was
5 Tasj-Hamiel's fault. This collision was because it
6 was her fault. Trooper Peterson, in his testimony
7 yesterday, told you that The Defendant was found at
8 fault for the collision, not Tasj-Hamiel. She was
9 not found at fault.

10 In Trooper Valerie McManis's opinion, the cause
11 of the collision was The Defendant's speed, 78 miles
12 per hour. She told you but for The Defendant
13 speeding at 78 miles per hour, this collision would
14 not have occurred. Tasj-Hamiel would have had 37
15 feet. She would have been 37 feet past that area.
16 She would have been in her lane of travel fine. She
17 would have made the turn. She had an additional 1.83
18 seconds had The Defendant been going the speed limit
19 to make her turn and to continue on her way.

20 The Judge is going to charge you that proximate
21 cause is the direct cause, the immediate cause. It
22 is a cause without which the injury or death would
23 not have occurred. This is exactly what Trooper
24 McManis told you.

25 The Judge is going to further charge you that

1 there can be more than one proximate cause. That the
2 fact that other causes, also, contributed to the
3 injuries and death of these victims does not relieve
4 The Defendant of responsibility. Even if you believe
5 Tasj-Hamiel contributed to this collision, it does
6 not relieve The Defendant's responsibility. But for
7 The Defendant's driving 78 miles per hour, 33 miles
8 per hour over the speed limit, this collision would
9 not have occurred. Tasj-Hamiel and MINOR 2 would not
10 have had great bodily injury. MINOR 1 and Tondalyo
11 would not have died.

12 The Judge is going to charge you beyond a
13 reasonable doubt means that you're left firmly
14 convinced of the Defendant's guilt. It is a doubt
15 that you can assign a reason. And the reason for
16 this doubt must be reasonable. Having rehashed all
17 of the evidence today that you saw yesterday, today,
18 I present to you that we left you firmly convinced of
19 The Defendant's guilt. And I ask that you find him
20 guilty on all four charges. Thank you.

21 THE COURT: Mr. Chambers.

22 CLOSING STATEMENT

23 MR. CHAMBERS: May it please the Court, Your
24 Honor?

25 THE COURT: Yes, sir.

1 MR. CHAMBERS: Solicitor.

2 Ladies and gentlemen, we've come to the part of
3 the trial now where after we're done with our
4 arguments and His Honor gives you instructions on the
5 law, you're going to go back and you're going to
6 deliberate and you're going to make your decision.
7 That's when you're going to decide whether or not The
8 State has proven its case as to each and every
9 element of the offenses beyond a reasonable doubt.
10 And I would submit to you that they have not done
11 that.

12 That's not to say that they don't believe that
13 Marcus White is guilty. That's not to say the police
14 didn't believe he was guilty. I'm not trying to
15 ascribe any ill motive to anybody here. But I will
16 say to you that I believe that what happened, and I
17 believe this is born out by the evidence in this
18 case, is that upon arriving out there at the scene,
19 the investigator or Trooper Peterson out there, I
20 think they immediately said we've got a felony DUI
21 here. Smell alcohol on this person. There's been a
22 collision. People unfortunately have died. People
23 are hurt. This is a felony DUI. And they operated
24 under that assumption all the way through. To the
25 point that I think in certain aspects -- and I'm not

1 saying that's unreasonable because, obviously, there
2 was an accident. There was some evidence of alcohol
3 use. So you pursue that.

4 But I, also, think they focused, once they
5 really dug into this, on one question. And you heard
6 that was the question that Trooper McManis said she
7 was asked. And that is, if -- not did him going
8 78 miles per hour cause the wreck, but if he had been
9 going 45 miles per hour, would this wreck have
10 occurred? And they decided that it would not have
11 occurred.

12 So let's kind of look at the evidence. First of
13 all, that first -- that first element, was Marcus
14 White under the influence? And they did present some
15 blood alcohol evidence through the toxicologist.
16 They had the trooper talk about the eye test and
17 those sorts of things. But as you heard, even with
18 the toxicologist, those ranges that he gave you are
19 not precise. There are a number of variables that go
20 into that. I went through some of those with him on
21 cross-examination. He didn't have all the
22 information. So the best they can do is come up with
23 a range.

24 The other thing you need to know is that the
25 blood alcohol is -- there's simply an inference level

1 of .08, which means that's one of the factors that
2 you can apply to determine whether or not somebody
3 was under the influence. But there are other things
4 that you can consider.

5 In this particular case, you heard from the
6 people that were there with Marcus that evening.
7 Now, they didn't know precisely how much he had to
8 drink. When you're together with people, you don't
9 count their drinks, but you have a general idea. So
10 his brother-in-law is there with him. His wife is
11 there with him. You heard him testify. Listen,
12 these aren't -- this wasn't some crazy party. They
13 had gone over to have something to eat after work.
14 Like most of us do if we go out to eat some place,
15 they had a couple of drinks.

16 Now, if he had had too much to drink, if any of
17 these people -- because these are people that care
18 about him. This is his brother-in-law with whom he's
19 very close. This is his wife. If any of those
20 people had believed that it was unsafe for him to get
21 behind the wheel of a car and drive, they wouldn't
22 have let him do that. He had other options. He
23 could have easily driven home with his wife and come
24 back and gotten his car the next day. He could have
25 stayed with his brother-in-law for the night. They

1 didn't have any issue with him driving.

2 And I know it's easy to say and I'm sure the
3 solicitor would say that well, these are his
4 relatives. Of course, they're going to say that.
5 But folks, people, you know, super aware these days
6 about potential for DUI and what can happen. He had
7 options. They would not have let him behind the
8 wheel of a car if they thought he was not able to
9 drive.

10 And there's nothing that was reported about his
11 driving that would indicate that he was under the
12 influence. I mean, nobody called 911 and said they
13 saw a drunk driver. This is not a case where
14 somebody was driving on the wrong side of the road.
15 This is not a case where somebody crossed over the
16 center line and hit somebody because they were too
17 drunk to control their car. By all accounts, he was
18 firmly established in the left lane on Piedmont Road.

19 And yes, he may have been speeding. I can see
20 that. But there were no reports or anything that
21 would indicate that he was driving erratically or
22 that he was any way under the influence. So you can
23 consider those things, too. In addition, to the
24 blood alcohol, you can consider these other things,
25 people that were there with him that saw him that

1 night.

2 And he indicated to you -- and he didn't have to
3 testify, but he got on the stand and testified
4 because he wanted an opportunity to talk to you and
5 tell you what happened out there that evening. You
6 did hear that he called 911. Despite being -- I
7 think Ms. Wardlaw said that she just saw him on the
8 phone. Well, he was on the phone because he was
9 calling 911.

10 The solicitor said that he was slurring his
11 words, I didn't hear that. You can go back there and
12 listen to it. But the other thing is, this man had
13 just been in a major collision and smacked in the
14 face by an air bag. You can look at the front end
15 damage to his car. He was injured.

16 Then the solicitor indicates well, he was only
17 concern about his hand bleeding and not concerned
18 about those people over there in the car. Well, I
19 would advise you to listen to the second 911 call,
20 where after the 911 operator is about to sign off,
21 you can hear him asking on the 911 call, Is everybody
22 all right over there?

23 And he talked to you about how he went over to
24 that car and looked in. He talked about how he
25 reached in to try and put the child back in the car

1 seat. And you could see his demeanor as he was going
2 through that. Does that seem like some callous
3 person who was just out there worried about himself
4 that night? No. And he was injured himself. I
5 mean, he apparently passed out there at the scene and
6 was taken to hospital where they kept him for three
7 days. You don't stay in the hospital for three days
8 just because you enjoy being there. They felt like
9 he needed to be there. So you can take all that into
10 consideration about anything that he may have done
11 after the collision occurred.

12 Now, the issue that I -- and the solicitor is
13 right, the issue that I really am honed in on, want
14 to talk to you most about is that third element. And
15 that's proximate cause. Now, the solicitor argued to
16 you well, the trooper said that this was the
17 proximate cause. Well, you don't get to decide,
18 folks. Failure to yield the right-of-way is against
19 the law in South Carolina. And I would submit to you
20 that that is the primary proximate cause, that but
21 for Ms. Trimmier pulling out the way that she did,
22 this accident doesn't occur.

23 And you heard Marcus talk about how he was
24 coming along in the left lane, said there was another
25 car over in the right lane that was just a few car

1 lengths ahead. That he could see the Impala that had
2 Ms. Trimmier and the other people at the stop sign
3 completely stopped. And that he had no thought that
4 she was going to pull out onto the road. And he had
5 the right-of-way. I don't think anybody refutes that
6 he had the right-of-way. But then she suddenly
7 pulled out in front of him.

8 I think those of us that have been driving a car
9 for awhile had the experience that sometimes
10 collisions are unavoidable. Sometimes something
11 enters the roadway so quickly that we don't have time
12 to react. And I would submit to you that's what
13 happened here.

14 And I would submit to you that there are several
15 things that corroborate what Marcus told you about
16 how that happened. First of all, what did
17 Ms. Wardlaw tell you? And she did say, Oh, he didn't
18 have his headlights on. Folks, you can look at the
19 pictures and see the lights were on in that car. You
20 know in the report that the highway patrol at no
21 point indicated that they believed that his
22 headlights were off. Why did she say that? I think
23 probably because the Impala may be blocking the
24 lights. Or maybe she just didn't remember seeing
25 that.

1 But here's what she does remember and it
2 corroborates about what he told you about how this
3 accident occurred. Saw that car stopped at the stop
4 sign. Saw the car pull into the roadway and
5 immediately the collision happened. Immediately.
6 Just -- and then the car then spun around. That
7 would certainly indicate that either the driver of
8 the Impala didn't see the car coming or was trying to
9 beat the car and get on out. So that corroborates
10 what he said in that regard.

11 But, also, you can look at the fact -- and I
12 talked about this with the trooper. And you can see
13 it in the pictures. There are no tire marks made by
14 the Malibu that Marcus was driving. Anybody's
15 reaction, even if you want to assume that he's under
16 the influence, but anybody's reaction when something
17 pulls out in front of you like that, you're going to
18 slam on your brakes. You're going to leave tire
19 marks. There were none. That means that this car
20 pulled out in front of him so suddenly that there was
21 no opportunity to react. The other thing you might
22 do is swerve. He didn't have the opportunity to do
23 that either.

24 And so what else would corroborate what he told
25 you? Well, I would submit to you that the

1 calculations done by Trooper McManis would support
2 that, too. Now, remember -- and you heard when I
3 talked to Sergeant Andis and, also, with Trooper
4 McManis, they indicated to you that they didn't do
5 any of the measurements. Those measurements were
6 done -- or, at least, the markings and stuff were
7 done before they even got out there on scene. I
8 don't think McManis was ever on scene. And they
9 admitted that none of these are precise. We're doing
10 the best that we can with the amount -- and -- but
11 it's not precise. It's not an exact science.

12 And McManis said that she was asked to determine
13 one question, answer one question and one question
14 only. And that was if he was traveling 45 miles per
15 hour, not if he was going 78, but if he was traveling
16 45 miles per hour, would the accident occurred? Of
17 course, she said well, it wouldn't have. Well, first
18 of all, I would submit to you that this is a
19 four-lane road, straight. I guarantee if you go out
20 there, you're not going to find a whole lot of people
21 that are going that speed limit. And that's not to
22 excuse it, it's just the way people drive.

23 So if you're sitting at that stop sign at Brown
24 Road, it's incumbent upon you to not enter the
25 roadway until you know it's clear and you can do so

1 safely. But when she did her calculations, what did
2 she tell you? If he was going 45 miles per hour, she
3 would have had an additional 1.83 seconds. Well, I
4 don't care how you look at it, folks, that's cutting
5 it close.

6 She had to have either, for whatever reason, not
7 seen that car. Maybe it was like Marcus said, the
8 other car had passed and she was focused on that, so
9 she pulled out. Or she was distracted. A lot of
10 wrecks happen because people are distracted. Or she
11 saw it coming and she decided to gun it and try to
12 beat that car and she just miscalculated. And
13 there's evidence that she did accelerate very
14 quickly. Now, the trooper tried to give me a little
15 bit of push back on this, but if you go from a
16 complete stop to 14 miles per hour, which is what
17 they said the speed was when this collision occurred,
18 you've hit the accelerator pretty hard. Which again,
19 would explain and corroborate what Marcus told you
20 about how he's driving down the road, then all of a
21 sudden, she's there. And there's nothing that he can
22 do to avoid it. That, ladies and gentlemen, is the
23 proximate cause. That's the proximate cause.

24 This is an awful case. I mean, it's terrible.
25 Anytime there's a loss of a life, especially, a

1 child. And it's natural to want to hold someone
2 responsible for that. You know, if I were the family
3 of these folks, I would certainly want for Marcus to
4 be found guilty. But folks, your job is not to be
5 moved by emotion. Your job is to apply the evidence
6 and consider the evidence in light of the law. And
7 the law says here that not only does Marcus have to
8 be beyond a reasonable doubt under the influence and
9 to have committed some sort of negligent act or
10 violation of law, but that has to be the proximate
11 cause of what caused this wreck. And it just wasn't
12 in this case. Certainly not beyond a reasonable
13 doubt.

14 His Honor is going to tell you that a reasonable
15 doubt is the kind of doubt that causes a reasonable
16 person to hesitate to act. He's going to tell that
17 their evidence has to leave you firmly convinced. So
18 in other words, as we discussed yesterday, it's that
19 metaphorical scale. You know, preponderance of the
20 evidence, you have to move it ever so slightly. But
21 with this case, you have to believe beyond a
22 reasonable doubt. That means that scale has to be
23 moved almost all the way. If you have questions as
24 you go back there and deliberate, if you have doubts,
25 then that has to be construed in favor of Marcus

1 White. Because that's how the system works and
2 that's what makes it work. And that's why it is so
3 special.

4 Because we don't live in a country where
5 somebody can just be found guilty, then carted off
6 some place. We bring citizens in here like you to
7 hear these cases and decide these cases. And I've
8 done a few of them over the years. And the one thing
9 that always brings me solace is I know that you are
10 going to apply the law. And I know that you are
11 going to do as you swore to do, hold them to their
12 burden.

13 Now, I believe as tough as it may be, you're
14 going to find Marcus White not guilty in this case.
15 Because again, his actions were not the proximate
16 cause of this wreck. Unfortunately, it was because
17 the Impala pulled out in front of his car. Did so in
18 such a way that she failed to yield the right-of-way
19 and this wreck, at that point, was unavoidable.

20 Now, folks, I'm sure there's some things that I
21 wanted to say that I've forgotten. It may have been
22 things that happened in the course of this trial that
23 I did that, perhaps, you don't like. But, hopefully,
24 you don't hold any of that against Marcus White. I
25 am his advocate. Other than when he testified, I am

1 here to speak for him, represent his interest. I'm
2 going to do the hardest thing I've had to do in this
3 trial and that's to go over there and sit down. Then
4 the solicitor gets an opportunity to talk to you some
5 more. Because, again, they have the burden of proof
6 so that's why they get to have the last word.

7 But I want you to think about the things that
8 I've told you. There's certain things they just
9 can't get around. And they can't get around the fact
10 that she failed to yield the right-of-way and that
11 all evidence, as I just went over with you,
12 corroborates that particular fact. Thank you very
13 much. We appreciate you being here.

14 THE COURT: Can I see counsel real quick?

15 (WHEREUPON, a bench conference was held in the
16 presence of the jury but out of the hearing of
17 the jury.)

18 THE COURT: Anything from The State?

19 MS. KERNELL: Your Honor, no, I do not have
20 other reply.

21 THE COURT: Okay, thank you.

22 JURY CHARGE

23 Okay. Members of the jury, it is now my duty as
24 the trial Judge to instruct you on the law applicable
25 to this case. In that regard, it is your duty as

1 jurors to accept and apply the law as I now state it
2 to you.

3 Furthermore, it is your exclusive duty to decide
4 all the issues of fact in this case and determine the
5 effect, the value, the weight and the truth of the
6 evidence. All the parties have a right to expect
7 that you will carefully consider and evaluate the
8 evidence and apply the law of this case to it, so
9 that in the end, all parties will receive a fair and
10 impartial trial.

11 I remind you that during this trial, you and I
12 have certain duties to perform. As the trial Judge,
13 it is my responsibility to preside over the trial of
14 the case. And I, also, have the duty to rule on the
15 admissibility of the evidence offered during this
16 trial. You are to consider only the competent
17 evidence before you. If there was any testimony
18 order stricken from the record during this trial, you
19 must disregard that testimony. You're to consider
20 only the testimony which has been presented from this
21 witness stand, any exhibits which have been made a
22 part of the record in this case and any stipulations
23 of counsel.

24 I have the additional duty to charge you the law
25 applicable to this case. As the presiding Judge, I'm

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

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

1 The Defendant is charged with the following:

2 Two counts of felony DUI resulting in death and two
3 counts of felony DUI resulting in great bodily
4 injury. I remind you the fact that The Defendant was
5 arrested, was charged and indicted in this case is
6 not evidence in this case and it cannot be considered
7 by you as evidence of guilt in this case. Nor does
8 it create any presumption or inference of guilt.

9 These documents are simply the formal written
10 instruments which contain the charges made against
11 The Defendant. It is the formal documents by which
12 this case is brought into this court.

13 The indictments in this case allege several
14 different offenses against The Defendant. Each
15 indictment charges a separate and distinct offense.
16 You must decide each indictment separately on the
17 evidence and the law applicable to it uninfluenced by
18 your decision as to any other indictment. The
19 Defendant may be convicted or acquitted on any or all
20 of the offenses charged. You will be asked to write
21 a separate verdict of guilty or not guilty for each
22 indictment.

23 The Defendant has pled not guilty to this
24 indictment. And that plea puts the burden on The
25 State to prove The Defendant guilty. A person

1 charged with committing a criminal offense in South
2 Carolina is never required to prove himself innocent.
3 I charge you that it is an important rule of the law
4 that a defendant in a criminal trial, no matter what
5 the seriousness of the charge may be, will always be
6 presumed to be innocent of the crime for which the
7 indictment was issued, unless guilt has been proven
8 by evidence satisfying you of that guilt beyond a
9 reasonable doubt.

10 This presumption of innocence does not end when
11 you begin your deliberations, but it accompanies the
12 Defendant throughout the trial until you reach a
13 verdict of guilt based on the evidence satisfying you
14 of that guilt beyond a reasonable doubt.

15 The presumption of innocence is not mere legal
16 theory. It is not just a legal phrase. It is a
17 substantial right to which every defendant is
18 entitled unless you, the jury, are satisfied from the
19 evidence of the Defendant's guilt beyond a reasonable
20 doubt.

21 The State has the burden of proving the
22 Defendant guilty beyond a reasonable doubt. Some of
23 you may have served as jurors in civil cases where
24 you were told that it is only necessary to prove that
25 a fact is more likely true than not. Such as by the

1 greater weight or preponderance of the evidence. In
2 criminal cases, the State's proof must be more
3 powerful than that. It must be beyond a reasonable
4 doubt. Reasonable doubt is the kind of doubt that
5 would make a reasonable person hesitate to act.
6 Proof beyond a reasonable doubt is proof that leaves
7 you firmly convinced of the Defendant's guilt.

8 There are very few things in this world that we
9 know with absolute certainty. In criminal cases, the
10 law does not require proof that overcomes every
11 possible doubt. If based on your consideration of
12 the evidence, you are firmly convinced that the
13 Defendant is guilty of the crimes charged, you must
14 find The Defendant guilty. If on the other hand, you
15 think there's a real possibility that The Defendant
16 is not guilty, you must give The Defendant the
17 benefit of the doubt and find him not guilty.

18 Facts and circumstances that merely place upon
19 The Defendant a grave suspicion of crime charged or
20 that merely raise a speculation or conjecture of The
21 Defendant's guilt are not sufficient to authorize a
22 conviction of the accused.

23 Facts at issue may be proved either by direct
24 evidence or indirect evidence or circumstantial
25 evidence. It is direct evidence -- it is direct

1 evidence if it proves a fact without an inference.

2 And which in itself in truth conclusively establishes
3 that fact. Direct evidence is, basically, evidence
4 that you can see, that you can observe or hear with
5 your senses.

6 Circumstantial evidence means the proof of a
7 chain of facts and circumstances indicating the
8 existence of a fact. In other words, you may infer
9 that a particular event occurred based on proof of
10 circumstances warranting such an inference. It is
11 not something that one observes, but from facts one
12 can draw a conclusion.

13 Crimes may be proven by circumstantial evidence.
14 The law makes no distinction between the weight or
15 value to be given to either direct or circumstantial
16 evidence. However, to the extent The State relies on
17 circumstantial evidence, all of the circumstances
18 must be consistent with each other and when taken
19 together, point conclusively to the guilt of the
20 accused beyond a reasonable doubt. If these
21 circumstances merely portray The Defendant's behavior
22 as suspicious, the proof has failed. The State has
23 the burden of proving The Defendant guilty beyond a
24 reasonable doubt. The burden rest with The State
25 regardless of whether The State relies on direct

1 evidence, circumstantial evidence or some combination
2 of the two.

3 The following things are not evidence and you
4 must not consider them as evidence in deciding the
5 facts of the case, statements and arguments of the
6 attorneys, questions and objections of the attorneys
7 and testimony that I instructed you to disregard.
8 While argument of counsel is a beneficial part of
9 every trial, you should remember that the statements
10 made by counsel are not evidence. In presenting
11 arguments, counsel often refer to evidence. However,
12 you should base your verdict on the evidence as you
13 remember it. Therefore, if there are any conflicts
14 between the recollection of counsel about the
15 evidence and your own recollection, you should rely
16 upon your own understanding of the evidence.

17 Necessarily, you must determine the credibility
18 of witnesses who have testified in this case. And
19 credibility simply means believability. It becomes
20 your duty as jurors to analyze and evaluate the
21 evidence and determine which evidence convinces you
22 of its truth.

23 In determining the believability of witnesses
24 who have testified in this case, you may believe one
25 witness over several witnesses or several witnesses

1 over one witness. You may believe a part of the
2 testimony of a witness and reject the remaining part
3 of the testimony of that same witness. You may
4 believe the testimony of a witness in its entirety or
5 reject the testimony of a witness in its entirety.
6 You may consider whether any witness has exhibited to
7 you any interest, any bias, any prejudice or other
8 motive in this case. You may, also, consider the
9 appearance and the manner of a witness while on the
10 witness stand.

11 The rules of evidence ordinarily do not permit
12 witnesses to testify to opinions or conclusions. An
13 exception to this rule exist for witnesses we call
14 expert witnesses. A witness who by education and
15 experience has become expert in some art, science,
16 profession or calling may state an opinion as to
17 relevant and material matter in which the witness
18 claims to be an expert. And may, also, state the
19 reasons for the opinion.

20 You should consider any expert opinion received
21 in evidence in this case. And like any other
22 evidence, give it the weight you think it deserves.
23 If you decide that the opinion of an expert witness
24 is not based on sufficient education and experience
25 or if you conclude that the reasons given in support

1 of the opinion are not sound or that the opinion is
2 outweighed by other evidence, you may disregard the
3 opinion entirely. An expert witness' testimony is to
4 be given no greater weight than that of other
5 witnesses simply because the witness is an expert.
6 Further, you are not required to accept an expert's
7 opinion, even though it is not contradicted.

8 Felony driving under the influence, South
9 Carolina code annotated section 56-5-2955, The
10 Defendant is charged with felony driving under the
11 influence. The State must first prove beyond a
12 reasonable doubt that The Defendant drove a vehicle
13 while under the influence of alcohol. Driving a
14 motor vehicle means that the vehicle was in motion.
15 This may be proved by direct or circumstantial
16 evidence. A movement of the vehicle might occur
17 without any affirmative act by a driver or, in fact,
18 by any person. If a vehicle is moved by some power
19 beyond the control of The Defendant or by accident,
20 this would not be driving.

21 The State must prove beyond a reasonable doubt
22 that The Defendant was sufficiently under the
23 influence to impair his ability to drive with
24 reasonable care with due regard for others and
25 himself as a reasonably prudent person would drive.

1 It is not necessary to show that The Defendant was in
2 a helpless condition, passed out or even intoxicated.
3 On the other hand, the fact that The Defendant at
4 some time prior to this incident drank an alcoholic
5 beverage does not prove The Defendant was driving
6 under the influence.

7 Next, The State must prove beyond a reasonable
8 doubt that while driving, the Defendant did an act
9 forbidden by law or neglected a duty imposed by law.
10 Every driver in South Carolina has a duty to obey the
11 highway speed limits. And driving over the speed
12 limit is an act forbidden by law.

13 Finally, The State must prove beyond a
14 reasonable doubt that the act or neglect of The
15 Defendant proximately caused great bodily injury or
16 death to another person. Proximate cause is the
17 direct cause, it is the immediate cause, it is the
18 efficient cause. It is that cause without which the
19 injury or death of the victim would not have
20 resulted. There must be a chain of causation from
21 the time the injury inflicted by The Defendant until
22 the time of the victim's death.

23 Proximate cause does not necessarily mean that
24 the injury occurred immediately prior to death.
25 There may be more than one proximate cause. The acts

1 of two or more persons may combine together to be a
2 proximate cause of injury or death of a person. The
3 Defendant's act may be regarded as the proximate
4 cause if it is a contributing cause to the injury or
5 the death of the victim. The fact that other causes
6 also contributed to the injury or death of the
7 victims does not relieve The Defendant from
8 responsibility. The Defendant's acts need not be the
9 sole cause of the injury or death, but must be a
10 proximate cause contributing to the injury or death
11 of the victim.

12 Great bodily injury means bodily injury which
13 creates a substantial risk of death or which causes
14 serious permanent disfigurement or extended loss or
15 impairment of the function of any bodily member or
16 organ.

17 In determining the guilt or innocence of The
18 Defendant, you cannot consider any possible penalty
19 for any particular crime. The punishment for the
20 crimes is a matter for me to determine and should
21 never be considered by you in any way whatsoever in
22 arriving at an impartial verdict as to the guilt or
23 innocence of The Defendant.

24 Mr. Foreperson and ladies and gentlemen of the
25 jury, I wish to express the hope that each of you

1 will be mindful of the importance of your
2 responsibility. You're not called upon to serve as
3 jurors very often and the proper performance of the
4 duty requires each of you to reach the height of
5 freeing your mind of all improper influences. As the
6 presiding officer of this court, I am vitally
7 concerned that whatever verdict you find will be the
8 result of your going into the jury room and confining
9 your consideration to the evidence and the law that
10 you have heard in this courtroom, weighing it fairly
11 and impartially as I have every confidence that you
12 will do. Your verdict in this case cannot be based
13 on sympathy, compassion, prejudice or emotion or some
14 other consideration not found in the evidence.
15 Remember, that your verdict must be unanimous.

16 And I will now explain the verdict form and
17 possible verdicts. There are two possible verdicts
18 for each charge which you may find in this case.
19 There's no significance whatsoever in the order in
20 which I state these possible verdicts. It's simply
21 one must be stated first. Ladies and gentlemen, your
22 verdict must be a unanimous one.

23 Mr. Foreperson, when the jury agrees on the
24 verdict, you will write the verdict on the verdict
25 form and then sign your name as foreperson. Then

1 knock on the jury room door and inform the bailiff
2 that you have reached a verdict. At that time, we
3 will receive you back into the courtroom.

4 Mr. Foreperson, if the jury has any questions,
5 please write the questions on a piece of paper, not
6 on the verdict form and give it to the bailiff. I
7 now ask that you return to your jury room, but do not
8 begin deliberations until you are told by the clerk
9 or the bailiff to do so. There are some matters
10 which must be discussed with the attorneys before I
11 ask you to begin your deliberations.

12 (WHEREUPON, the jury left open court at
13 approximately 12:21 p.m.)

14 THE COURT: The two alternates can remain in the
15 courtroom.

16 On behalf of the Court and State of South
17 Carolina, I want to thank both of you for your
18 service. I am sorry that you don't get to
19 participate. But your role is vitally important as
20 alternate. I can't tell you how many times we have
21 to call upon our alternates to serve just because
22 things come up. I hope this has given you
23 encouragement about our system of justice and the
24 vital and important role that you serve as jurors.
25 It's what -- you know, we could not do it without

1 you. That's the reason that the system works.

2 So now I'm going to ask, did they order lunch?

3 THE BAILIFF: They have lunch.

4 THE COURT: Y'all can get your lunch, you just
5 can't go back into the jury room, okay. But thank
6 you so much for your service. You're excused. You
7 probably can go back down, then she'll confirm with
8 you everything else. Thank you so much.

9 Anything from The State concerning my charge?

10 MS. KERNELL: No, Your Honor.

11 THE COURT: Anything from The Defense concerning
12 the charge?

13 MR. CHAMBERS: No, Your Honor.

14 THE COURT: Okay. We will send the verdict form
15 back. Get a bailiff. And the evidence.

16 Counsel, I want to say y'all did an incredible
17 job in the trial of the case.

18 MR. CHAMBERS: Thank you.

19 THE COURT: With your respective parts.

20 MRS. GARY: Thank you, Your Honor.

21 MS. KERNELL: Thank you.

22 (WHEREUPON, deliberations began at approximately
23 12:26 p.m. and court was in recess awaiting a
24 verdict.)

25 (WHEREUPON, Court's Exhibit No. 4 was marked for

1 identification only.)

2 THE COURT: All right, so I have received a note
3 and I've marked it Court's Exhibit No. 4. And it
4 says -- from the Foreperson, Can we get a written
5 copy of the jury's explanation of proximate cause?

6 I have -- like I said, I marked this. It will
7 become a Court's Exhibit. I know different judges do
8 different things as far as giving the jury the
9 charges. I just -- up until this point, I have not
10 made a habit of doing that. I have -- I can't
11 remember, Josh and I were trying to remember. I know
12 a jury had a question about the definition of
13 burglary which had been charged, I think it was with
14 Judge Kelly. And so, basically, they just printed
15 out what that part of the charge was.

16 I think our options -- of course, I'll look to
17 y'all for any additional guidance, but our options
18 are -- and I've gone ahead and printed out the
19 proximate cause charge. We can either give that to
20 them or I can bring them back in and charge them on
21 proximate cause.

22 MRS. GARY: Judge, I'm a big believer in them
23 having their own copies, so we would not object to
24 you providing that to them.

25 MR. CHAMBERS: I don't object, Your Honor. It

1 just makes it easier to give them a copy.

2 THE COURT: So I'm going to let y'all look at
3 this --

4 MR. CHAMBERS: That's what you read earlier,
5 isn't it, sir?

6 THE COURT: It is. I just want y'all -- we'll
7 mark it, I guess, as an exhibit. Would you want it
8 marked as an exhibit?

9 MRS. GARY: That's probably prudent, yes, sir.

10 THE COURT: Okay. So we'll mark it as Court's
11 Exhibit No. 4. And I'll just let y'all look at it.

12 MR. CHAMBERS: Okay, yeah.

13 MRS. GARY: Looks good to me.

14 THE COURT: All right, April, mark this as
15 Court's Exhibit 5.

16 (WHEREUPON, Court's Exhibit No. 5 was marked for
17 identification only.)

18 THE COURT: Okay. So for the record, I have
19 marked my part of the proximate cause charge. The
20 parties have agreed for me to give this part of my
21 charge to the jury.

22 Is that correct from The State?

23 MRS. GARY: Yes, sir.

24 THE COURT: And from Defense?

25 MR. CHAMBERS: That's correct, Your Honor.

1 THE COURT: Okay, it's marked as Court's Exhibit
2 No. 5. So I'll have the bailiff give this to the
3 jury.

4 Okay. We'll be in recess until we get a verdict
5 or another question. Thank you for being on standby.

6 (WHEREUPON, court was in recess awaiting a
7 verdict.)

8 THE COURT: We have a note from the jury
9 foreperson. Do y'all want me to send it back so they
10 can sign it? Are y'all okay with that?

11 MRS. GARY: We're fine with that, Judge.

12 MR. CHAMBERS: I'm okay with that.

13 THE COURT: Okay. I'm just covering all the
14 bases here.

15 (WHEREUPON, Court's Exhibit No. 6 was marked for
16 identification only.)

17 THE COURT: Okay. This has been marked as
18 Court's Exhibit No. 6. Was the police report
19 submitted and was it entered into evidence? I think
20 just say no and sign it?

21 MRS. GARY: Yes, sir.

22 THE COURT: Okay, are you in agreement with
23 that, State?

24 MS. KERNELL: Yes, Your Honor.

25 THE COURT: Defense?

1 MR. CHAMBERS: Yes, Your Honor.

2 THE COURT: Thank you.

3 All right, if you will deliver this to the jury.
4 Thank you.

5 All right. We will stand in recess. Thank
6 y'all for being close by. I know y'all were waiting
7 on me this time.

8 (WHEREUPON, court was in recess awaiting a
9 verdict.)

10 (WHEREUPON, Court's Exhibit No. 7 was marked for
11 identification only.)

12 THE COURT: Okay, there's two questions. First
13 one is -- again, this has been marked as Court's
14 Exhibit No. 7. If we determine that the victim's
15 failure to yield was the proximate cause, does that
16 negate the proximate cause of The Defendant?

17 I would think the answer would be no, but I need
18 to hear from y'all on that.

19 The second question is, Can both be at fault?
20 And does that mean both are guilty of proximate
21 cause?

22 And I know they, ultimately, have to determine
23 this. So I don't know whether we just say please
24 read the charge on proximate cause. I will hear from
25 The State and then from you, Mr. Chambers.

1 MRS. GARY: As to the first question, Judge, I
2 would -- I was inclined to agree with Your Honor's
3 answering no. But after you said what you just said,
4 I do think, perhaps, instructing them to read the law
5 is probably the more appropriate answer.

6 MR. CHAMBERS: I believe so, too, Your Honor. I
7 mean, you gave them the charge. I don't think you
8 can get anymore specific with them than that.

9 THE COURT: And that's kind of why I said --
10 even though I, obviously, answered them, but I would
11 qualify that with ultimately that is their
12 determination. In some ways, though, they are kind
13 of asking me a question of law. But I think it's
14 probably best just to say, please read the charge on
15 proximate cause.

16 Is The State in agreement with that?

17 MRS. GARY: Yes, sir.

18 THE COURT: The Defense?

19 MR. CHAMBERS: Yes, Your Honor.

20 THE COURT: Okay. Do y'all wish to look at this
21 just to be sure?

22 MRS. GARY: No, sir, we're good.

23 THE COURT: I'm going to say, Please read the
24 charge on proximate cause. Y'all need to see this
25 before I send it back?

1 MRS. GARY: No, sir.

2 MR. CHAMBERS: No, Your Honor.

3 THE COURT: All right, if you will deliver this
4 to the jury. Thank you.

5 Thank y'all for being close by.

6 (WHEREUPON, Court was in recess awaiting a
7 verdict.)

8 THE COURT: This may convince me that I need to
9 give copies of my charges to the jury like a lot of
10 Judges do.

11 Okay, April, give you this and have it marked,
12 please.

13 (WHEREUPON, Court's Exhibit No. 8 was marked for
14 identification only.)

15 THE COURT: Okay, court's Exhibit No. 8.
16 Question from the jury is, Can we get a copy of four
17 factors that need to be met to qualify for felony DUI
18 charges? Factors, you know, elements.

19 I believe that we just give them the charge that
20 I gave them. Same thing as proximate cause.

21 State?

22 MRS. GARY: I would agree, Judge. We would not
23 be opposed to giving them your entire charge at this
24 point, but we don't disagree with your proposal.

25 THE COURT: Defense?

1 MR. CHAMBERS: Yeah, I'm good either way. If
2 you want to give them that particular part or you
3 want to give them the entirety of the charges, either
4 way.

5 THE COURT: Okay, why don't we do that? I don't
6 know that they would have any other questions, but
7 they've given us four thus far. What I will do is I
8 will just print off my entire charge and then give it
9 to the jury. I will mark it as an exhibit.

10 MRS. GARY: Yes, sir.

11 MR. CHAMBERS: Yes, sir.

12 THE COURT: Okay. I'll still come back in here
13 and talk to y'all.

14 THE COURT: I told y'all I was going to come
15 back in here. What I did was -- I know when I sent
16 y'all the charge, I think it's dated like June 17th,
17 I didn't read that in. I just wanted y'all both to
18 know that I took that off the top.

19 MR. CHAMBERS: Okay.

20 MRS. GARY: Yeah, that's fine.

21 THE COURT: Okay. I know I'm being
22 anal-retentive, I just want to, you know.

23 MR. CHAMBERS: Got to protect the record.

24 THE COURT REPORTER: Do you want me to mark
25 that, Judge?

1 THE COURT: Yes, we do, thank you.

2 (WHEREUPON, Court's Exhibit No. 9 was marked for
3 identification only.)

4 THE COURT: Okay. Thank y'all.

5 MRS. GARY: Thank you.

6 MR. CHAMBERS: Thank you, Your Honor.

7 (WHEREUPON, Court was in recess awaiting a
8 verdict.)

9 THE COURT: We have a verdict. Please bring the
10 jury in.

11 Tell them to hold them for a second, thank you.

12 One of the things that I do want to say is that
13 this has been a very emotional case and I do want
14 everybody to stay composed regardless of what the
15 verdict is. If you feel like you cannot stay
16 composed, then I would ask that you leave the
17 courtroom now. If you feel like you can be composed,
18 then you're allowed to stay.

19 Is there anybody that feels like they need to
20 leave?

21 (There was no response.)

22 THE COURT: Okay, thank you.

23 You can bring them in.

24 VERDICT

25 (WHEREUPON, the jury entered open court at

1 approximately at 4:10 p.m.)

2 THE COURT: Mr. foreperson, have y'all reached a
3 verdict?

4 MR. CHAMBERS: Yes, Your Honor.

5 THE COURT: Okay.

6 Madam Clerk, would you publish the verdict?

7 THE CLERK: Yes, sir.

8 Your Honor, this is indictment numbers
9 2023-GS-23-000413, 414, 416, 417, The State of South
10 Carolina vs. Marcus Christopher White. As to
11 indictment number 2023-GS-23-000416, for felony DUI
12 resulting in death of Tondalyo Trimmier, we, the
13 jury, find The Defendant, Marcus Christopher White,
14 guilty. Number two, as to indictment number
15 2023-GS-23-000413, for felony DUI resulting in the
16 death of MINOR 1, we, the jury, find The Defendant,
17 Marcus Christopher White, guilty. Number three, as
18 to indictment number 2023-GS-230000417, for felony
19 DUI resulting in great bodily injury to Tasj-Hamiel
20 Trimmier, we, the jury, find The Defendant, Marcus
21 Christopher White, guilty. Number four, as to
22 indictment number 2023-GS-23-000414, for felony DUI
23 resulting in great bodily injury to MINOR 2, we, the
24 jury, find The Defendant, Marcus Christopher White,
25 guilty.

1 I certify that this is the unanimous decision of
2 the jury, signed Foreperson, Juror No. 181.

3 June 19th, 2023 -- 2024, Greenville, South Carolina.

4 If this is your verdict, so say you all, please
5 signify by raising your right hand.

6 (WHEREUPON, all members of the jury raised their
7 right hand.)

8 THE COURT: Anything from The State?

9 MS. KERNELL: Nothing from The State, Your
10 Honor.

11 THE COURT: Anything from The Defense?

12 MR. CHAMBERS: No, Your Honor.

13 THE COURT: Okay. Ladies and gentlemen of the
14 jury, I am going to ask you if you will go back to
15 the jury room and I'll be back there in just a
16 second.

17 We'll take ten to 15 minutes, then proceed with
18 sentencing.

19 (WHEREUPON, the jury left open court at
20 approximately 4:12 p.m.)

21 (WHEREUPON, a short break was taken.)

22 SENTENCING

23 THE COURT: Solicitor.

24 MRS. GARY: May it please the Court, Your Honor.
25 You've heard the facts yesterday and today. And

1 Mr. White has credit for 59 jail days. He has been
2 on the HIP and SCRAM program for 917 days. He has
3 several noncompliance notifications while he's been
4 on those programs. Your Honor, The State's offer was
5 20 years for these charges, that he declined.

6 We have two representatives from the victims'
7 family. Tailika Dillard, who is the cousin of
8 Tasj-Hamiel, and Keith Scott, who is the father of
9 MINOR 1 and MINOR 2. And they would like to
10 speak at the appropriate time.

11 THE COURT: Okay, they can speak now.

12 TALIKIA DILLARD: October 15th, 2021 forever
13 changed the life of our family. In that Chevy Impala
14 was a fraction of our hearts. Imagine saying your
15 final goodbyes to a child whose life has only just
16 begun. Tasj-Hamiel was not able to say her final
17 goodbyes nor was she aware of the fatal condition of
18 her son and mother as she was experiencing pretty
19 substantial injuries herself.

20 Tasj-Hamiel's first questions after intubation
21 were, Where are my babies? Are they okay? Where's
22 my mom? Imagine being tasked with advising a mother
23 that her son passed away.

24 MINOR 1 was a bright-eyed, smart, inquisitive
25 little big brother, whom we did not get to see be

1 promoted to first grade, attend prom or graduation or
2 grow from a boy to a man. He was destined to be
3 someone special.

4 Imagine hoping, wishing and praying for the
5 recovery of your mother, Nana, sister, aunt, friend
6 only to be advised that Tondalyo's quality of life
7 would be not as it was prior to the accident. She
8 was not responsive or breathing on her own. Our hope
9 diminished. Our family was left to pick up the
10 pieces of our fragmented hearts.

11 **MINOR 3** developed a fear of riding in the
12 backseat alone after the accident. **MINOR 2** frequently
13 inquired where's my brother? Where's **MINOR 1**? Which
14 has evolved to, I miss my brother and I miss my twin.

15 Through grief and attempting to process the
16 unfathomable, Tasj-Hamiel suffered numerous physical
17 and emotional challenges. Like learning to walk
18 again. Nothing, however, prepared you for the
19 challenge of being discharged to plan a service for
20 your child and mother or returning home to a life
21 without your child and mother.

22 I have witnessed countless days of sobbing and
23 seeking understanding of why this has happened to us?
24 How could this have happened? I couldn't answer
25 these questions. I can only be there in every

1 capacity that Tasj-Hamiel and the rest of my family
2 need. There is no solace, no words of comfort nor
3 any sentiment that takes away the pain and loss my
4 family felt and is still processing. Shared
5 birthdays, holidays and family gatherings will be
6 forever reminders. Goodbyes versus see you later.
7 It's a finality that didn't have to occur if
8 appropriate actions and better choice were made by
9 Marcus White.

10 THE COURT: Thank you.

11 MR. SCOTT: I have been waiting for this day a
12 long time. The struggles, day-to-day struggles. My
13 son, his losses, mother, grandmother, brother. Every
14 day is different. How am I going to explain it, you
15 know? He's too young to understand. To this day, he
16 still asks me where's my brother, where's my mother?
17 But that being said, I stand here as a man, I can't
18 leave this court without forgiving him it. I can't
19 do it.

20 THE COURT: Thank you. Anyone else?

21 MRS. GARY: No, sir.

22 THE COURT: Okay.

23 Mr. Chambers.

24 MR. CHAMBERS: Your Honor, these kinds of cases
25 are really among the most difficult. I mean, here

1 stands Marcus White, somebody who I can guarantee
2 never thought he would be standing here in this
3 position convicted of a serious crime, held
4 responsible for the death of two people, including a
5 child, two people that were severally injured. This
6 is a man who is a hardworking family man, always
7 gainfully employed. Nothing on his record to
8 indicate any history of DUI, never been arrested for
9 anything like this before.

10 This day, October 15th, 2021, that changed all
11 these peoples lives for the worst, he was at work.
12 Like a lot of people do, he went over to be with some
13 family and friends and have something to eat. Had a
14 few drinks. And perhaps, as evidence in this case
15 indicated, he was over the inference level. I know
16 you, also, heard from family members who were being
17 sincere. I mean, I talked to them long before today
18 and they got up and testified today that they didn't
19 see anything about his demeanor that would lead you
20 to believe that he was impaired. Had that been so,
21 he could have driven home with his wife, he could
22 have stayed with his brother-in-law. I'm convinced
23 that Marcus, along with his family, believed that he
24 was okay to drive.

25 He was, obviously, speeding. He was going

1 30-miles over the speed limit. There's no question
2 that that was true. But it's, also, true that he
3 didn't cross over the center line, he wasn't on the
4 wrong side of the road. I mean, this wasn't somebody
5 that was grossly intoxicated and on the road.

6 And while I'm not in any way, you know, trying
7 to cast undue blame, I mean, I think it's clear from
8 the evidence and from the tenure of the questions
9 that we got from the jury and the length of time that
10 it took them to come to a decision, that there was,
11 at least, some negligence on the part of Ms. Trimmier
12 in driving her car.

13 So I say that only -- not to say that Marcus is
14 not here today to face the consequences of any
15 decisions that he made, but that, you know, there are
16 several ways this wreck could have been avoided.
17 Unfortunately, that didn't happen. Unfortunately,
18 that didn't happen. So now, these folks are left
19 without their family members forever. I know Marcus
20 bears the weight of that. He has talked to me many
21 times about how sorry he is for that and how he's
22 going to carry that with him for the rest of his
23 life. I believe that he's been very sincere with me
24 in that.

25 But also, Marcus has a wife. He has two young

1 kids and other family members, who presumably if he
2 goes to prison, they're going to be without him.
3 This is something, again, that none of these people
4 could foresee. This is not anything that he ever
5 expected to happen in his life. So it's a tragedy on
6 both sides. And there's just no way around it.

7 What I'm asking the Court to do, Your Honor, is
8 take all that into consideration and be as lenient
9 with him as you possibly can. This is -- I mean,
10 this is tough. It's tough. I really don't know what
11 else to say about it.

12 I know there's -- I don't think Marcus' wife is
13 really able to address the Court, at this point. I
14 think he has another family member that would like to
15 speak to the Court. I know that Marcus would like to
16 speak.

17 Need to identify yourself for the record.

18 MR. VANCE: Bruce Vance. His wife is my sister.
19 I would like to say to The Court that on that night,
20 two lives -- well, two families was changed. I'm
21 sorry for their family. I'm, also, sorry for mine.
22 That's a great man right there. I don't know, I
23 don't know what to say to sway you or anything like
24 that, but I can say this, that's not the type of man
25 that should be in this predicament. I'm being so

1 honest.

2 I'm very, very sorry for y'all's loss. And I'm
3 very sorry for my loss, too. He's got two young
4 kids. One is four and one that will soon be two.
5 Now, we got to go tell them about their dad. And I
6 mean, I don't know how to do that, but I'm going to
7 learn how to do it. So I would ask you if you could
8 be a little lenient with him. Thank you.

9 THE COURT: Okay.

10 Mr. White.

11 MR. WHITE: That night was a tragedy. I would
12 have never got behind the wheel if I thought I was
13 intoxicated. I apologize. I'm sorry. I'm sorry.
14 I'm sorry. I thought I was okay to drive. I am
15 sorry for the broken families. This has affected two
16 families more than anybody would ever know.

17 When the accident happened and I felt so
18 helpless, I told myself it wasn't going to happen
19 again. That I would never feel that helpless with
20 helping somebody. I became certified as a First
21 Responder through the American Red Cross because I
22 felt -- I didn't know what to do. I'm -- excuse me.

23 I work really hard everyday to teach my kids
24 right from wrong, to be a wonderful husband to my
25 wife because I never deserved her. This is

1 THE COURT: And you said he has a record?

2 MRS. GARY: Yes, Your Honor, he has 2009, two
3 counts of petit larceny and 2007 shoplifting.

4 THE COURT: Do you have anything else?

5 MRS. GARY: No, Your Honor.

6 THE COURT: Anything else?

7 MR. CHAMBERS: No, Your Honor.

8 THE COURT: All right. Marcus Christopher
9 White, indictment case number 2023-GS-23-00413, DUI
10 felony driving under the influence resulting in
11 death, the sentence of the Court is for you to be
12 committed to the State Department of Corrections for
13 25 years and pay a fine of \$10,100 dollars. You're
14 to be given credit for --

15 Was it 59 days?

16 MRS. GARY: Yes, Your Honor.

17 THE COURT: As well as 917 HIP credit will be
18 given.

19 On Indictment 2023-GS-23-00416, for DUI felony
20 driving under the influence resulting in death, the
21 sentence of the Court is for you to be committed to
22 the State Department of Corrections for 25 years and
23 pay a fine of \$10,100. This is to run concurrent
24 with sentence that I just gave you.

25 On indictment 2023-GS-23-0414, for DUI felony

1 driving under the influence great bodily injury, the
2 sentence of the Court is for you to be committed to
3 the State Department of Corrections for 15 years, pay
4 a fine of \$5,100. You will receive credit of 59
5 days, 917 HIP credit will be given. This is to run
6 concurrent.

7 On indictment 2023-GS-23-00417, for DUI felony
8 driving under the influence great bodily injury, the
9 sentence of the Court is for you to be committed to
10 the State Department of Corrections for 15 years, pay
11 a fine of \$5,100 and you're to receive credit for 59
12 days, 917 days HIP credit and this will run
13 concurrent.

14 (WHEREUPON, the proceedings were concluded.)
15
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25

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

I, APRIL P. HERRON, Official Court Reporter for
the Thirteenth Judicial Circuit of the State of South
Carolina, 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 Court of
General Sessions for Greenville County, South Carolina, on
the 19th day of June, 2024.

I do further certify that I am neither of kin,
counsel nor interest to any party hereto.

January 11, 2025

APRIL P. HERRON, Court Reporter

PRISMA HEALTH

Patient Name: MINOR 2 [REDACTED]

Date of Birth: [REDACTED]/2016

MRN: 974644393

Please accept this document as certification of the records produced herewith. The records you requested are maintained by Prisma Health. The records produced herewith are accurate, complete, true, and correct copies of all medical records pursuant to your request. I further certify that I Susan Davis, am the custodian of record, that the records were kept in the regular course of business and that this is a regularly conducted business activity, that upon information and belief, these records were made at or near the time the acts, events, conditions, opinions, or diagnoses occurred or within a reasonable time thereafter pursuant to a doctor's orders and finally that these records were made by, or from information transmitted by, a person with knowledge of the acts, events, conditions, opinions or diagnoses stated therein.

Susan Davis

Affiant Signature

Susan Davis

Print Name

Health Information Management Department
Title

Prisma Health
Facility

255 Enterprise Blvd. Suite 120

Greenville, South Carolina 29615
Address

June 10, 2024

Date

SWORN to before me this 10 day of

June

, 2024

Michele Williams

Notary Public for South Carolina

My Commission Expires:

5/26/30



10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Pediatric Surgery

ED Provider Note

ED Provider Notes by Morrow, Dustin Stephen, MD at 10/15/2021 2235

Author: Morrow, Dustin Stephen, MD

Service: Emergency Medicine

Author Type: Physician

Filed: 10/16/2021 8:43 PM

Date of Service: 10/15/2021 10:35 PM

Status: Signed

Editor: Morrow, Dustin Stephen, MD (Physician)

Department of Emergency Medicine

Chief Complaint: [DM 1T] Motor Vehicle Crash (Level 2 Trauma) [DM 2T]

HPI: This is a [DM 1T] 5 y.o. male [DM 2T] who presents with [DM 1T] MVC with right femur fx on clinical exam. No other injuries seen externally on primary or secondary survey. Fast negative. [DM 3M]

ROS: [DM 1T] Unable to assess secondary to high acuity caveat. [DM 3M]

Allergies: [DM 1T] has No Known Allergies. [DM 2T]

Medications: [DM 1T] is not on any long-term medications. [DM 2T]

PMHx: [DM 1T] has no past medical history on file. [DM 2T]

PSHx: [DM 1T] has no past surgical history on file. [DM 2T]

SocHx: [DM 1T] is too young to have a social history on file. [DM 2T]

Allergies, Medications, Medical, Surgical, and Social History were reviewed as documented above.

Physical Exam:

 Vitals: [DM 1T] BP (!) 114/80 | Pulse 93 | Temp 98.9 °F (37.2 °C) (Axillary) | Resp 18 | Ht 103 cm (40.55") | Wt 16 kg (35 lb 4.4 oz) | SpO2 100% | BMI 15.08 kg/m² [DM 2T]

General: [DM 1T] Tearful [DM 3M], in [DM 1T] no [DM 3M] acute distress.

HEENT: [DM 1T] Head is normocephalic, atraumatic head, face, nose and eyes without evidence of redness or irritation [DM 3M]

Cardiac: [DM 1T] Tachycardic rate and rhythm. [DM 3M]

Respiratory: [DM 1T] No respiratory distress. Clear to auscultation. [DM 3M]

Abdomen: [DM 1T] Nontender soft and nondistended. [DM 3M]

Neurologic: [DM 1T] GCS 15, awake and alert. [DM 3M]

Psychiatric: [DM 1T] Agitated, anxious [DM 3M]

Skin: [DM 1T] Warm and well perfused.

MSK right thigh swelling and deformity [DM 3M]

ED Results: [DM 1T]

Recent Labs

Procedure	Component	Value	Units	Date/Time
Blood Smear, Path Review [346180665]				Collected: 10/15/21 2237
Specimen: Whole Blood				Updated: 10/16/21 1255
	Pathologist Review	Mild normochromic normocytic anemia Leukocytosis with relative lymphocytosis No significant morphologic abnormalities Thrombocytosis Favor reactive		

Dr Robinson

PRISMA
HEALTH

 GMH PEDIATRIC SURGERY
 701 Grove Road
 Greenville SC 29605

MINOR 2

 MRN: 974644393, DOB: [REDACTED] 2016, Sex: M
 Adm: 10/15/2021, D/C: 10/17/2021

10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Pediatric Surgery (continued)
ED Provider Note (continued)

Procedure	Component	Value	Units	Date/Time
		Pathology		
		10/16/21		

FL Image Intensifier [346206315]

Collected: 10/16/21 1054

Updated: 10/16/21 1057

Narrative:
EXAM: FL IMAGE INTENSIFIER

INDICATION: S72.321A Displaced transverse fracture of shaft of right femur, initial encounter for closed fracture I10;;ORIF FEMORAL SHAFT FRACTURE W/ INSERTION IM NAIL (C-ARM) (RETROGRADE) FT= 4 MINUTES 35 SECONDS.

COMPARISON: Exam same day

FLUOROSCOPY DOSE:

Fluoroscopy time: 4 minutes 35 seconds

Total images submitted: 6

FINDINGS:

Intra-operative fluoroscopy of the right femur performed. Submitted images to the PACS demonstrate interval internal fixation across the femoral diaphysis fracture with improved positioning.

Impression:

Intra-operative fluoroscopy performed. Refer to the operative report for full detail.

Signed by: 10/16/2021 10:55 AM: Davenport, Jake

Type and Screen [346180638]

Specimen: Whole Blood

ABO/Rh

B POS

Antibody

NEG

Screen, Gel

Manual Differential Reflexed [346180667]

Specimen: Whole Blood

XR Knee 4+ Vw Right [346180663]

Collected: 10/15/21 2237

Updated: 10/16/21 0339

Collected: 10/15/21 2237

Updated: 10/16/21 0115

Collected: 10/16/21 0053

Updated: 10/16/21 0056

Narrative:
EXAM: XR KNEE 4+ VW RIGHT
COMPARISON: None.

INDICATION: ;pain;

TECHNICAL: Views: 4

FINDINGS:

Osseous structures:

Acute displaced right femoral diaphyseal fracture, partially imaged. No additional fracture identified. Joint spaces are normally aligned.

Soft tissues:

No knee joint effusion.

Impression:

PRISMA
HEALTH.

 GMH PEDIATRIC SURGERY
 701 Grove Road
 Greenville SC 29605

 MINOR 2
 MRN: 974644393, DOB: [REDACTED] 2016, Sex: M
 Adm: 10/15/2021, D/C: 10/17/2021

10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Pediatric Surgery (continued)
ED Provider Note (continued)

Procedure	Component	Value	Units	Date/Time

Partially imaged fracture of the right femoral diaphysis.

Signed by: 10/16/2021 12:54 AM: Danziger, Todd

XR Femur 2 Vw Right [346180662]

Collected: 10/16/21 0052

Updated: 10/16/21 0055

Narrative:

EXAM: XR FEMUR 2+ VW RIGHT

COMPARISON: None.

INDICATION: pain;

TECHNICAL: Views: 2

FINDINGS:

Osseous structures:

Acute displaced mid femoral diaphyseal fracture. Joint spaces are normally aligned.

Soft tissues:

Soft tissue swelling

Impression:

Acute displaced femoral shaft fracture.

Signed by: 10/16/2021 12:53 AM: Danziger, Todd

CBC w/Differential [346180636] (Abnormal)

Collected: 10/15/21 2237

Specimen: Whole Blood

Updated: 10/16/21 0002

Narrative:

The following orders were created for panel order CBC w/Differential.

Procedure	Abnormality	Status
CBC w/Differential[346180648]	Abnormal	Final result

Please view results for these tests on the individual orders.

CBC w/Differential [346180648] (Abnormal)

Collected: 10/15/21 2237

Specimen: Whole Blood

Updated: 10/16/21 0002

WBC	14.1 ^	K/uL
RBC	4.59	M/uL
Hemoglobin	12.1 v	g/dL
Hematocrit	35.8 v	%
MCV	78.0 v	fL
MCH	26.4	pg
MCHC	33.8	g/dL
RDW-CV	12.7	%
Platelets	508 ^	K/uL
MPV	10.4	fL
nRBC Percent	0	%
nRBC Abs	0.0	K/uL
Neutrophils, %	46	%
Bands, %	4	%
Lymphocytes, %	46 ^	%

PRISMA
 HEALTH

 GMH PEDIATRIC SURGERY
 701 Grove Road
 Greenville SC 29605

 MINOR 2
 MRN: 974644393, DOB: /2016, Sex: M
 Adm: 10/15/2021, D/C: 10/17/2021

10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Pediatric Surgery (continued)
ED Provider Note (continued)

Procedure	Component	Value	Units	Date/Time
	Monocytes, %	3	%	
	Eosinophils, %	1	%	
	Neutrophils, Abs	7.05 ^	K/uL	
	Manual Diff			
	Lymphocytes, Abs	6.49 ^	K/uL	
	Manual Diff			
	Monocytes, Abs	0.42	K/uL	
	Manual Diff			
	Eosinophils, Abs	0.14	K/uL	
	Manual Diff			
	Total Cells	114		
	Counted			
	Platelet Estimate	See Note		
	RBC Morphology	Within Normal Limits		
	Additional Review	Smear referred to Pathology		

Narrative:

This is an appended report. These results have been appended to a previously verified report.

Partial Thromboplastin Time [346180642] (Normal)

Collected: 10/15/21 2237

Specimen: Blood

Updated: 10/15/21 2337

PTT 25 seconds

PT Prothrombin Time with INR [346180643] (Abnormal)

Collected: 10/15/21 2237

Specimen: Blood

Updated: 10/15/21 2337

Prottime 14.8 ^ seconds

INR 1.2

Narrative:

 Use of INR recommended only for patients on stable, long term oral anticoagulation. Recommended ranges are:
 Prevention/treatment of venous thromboses or stroke prevention in Afib/flutter, or Mechanical heart valve
 prostheses = 2.0 - 3.0

Comprehensive Metabolic Panel (CMP) [346180637] (Abnormal)

Collected: 10/15/21 2237

Specimen: Blood

Updated: 10/15/21 2327

Sodium	137	mmol/L
Potassium	3.2 v	mmol/L
Chloride	106	mmol/L
CO2	22	mmol/L
Anion Gap	9	mmol/L
BUN	11	mg/dL
Creatinine	0.54 v	mg/dL
Glucose	157 ^	mg/dL
Calcium	8.9	mg/dL
AST	167 ^	IU/L
ALT	94 ^	IU/L
Alkaline Phosphatase	319 ^	IU/L
Protein, Total	6.5	g/dL
Albumin	3.8	g/dL
Bilirubin, Total	0.2	mg/dL
eGFR Non-African American	75	mL/min/1.73 m2
eGFR African American	87	mL/min/1.73 m2

Narrative:

Fasting Glucose:

Impaired Fasting 100 - 125 mg/dL

PRISMA
HEALTH

 GMH PEDIATRIC SURGERY
 701 Grove Road
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 MINOR 2
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 Adm: 10/15/2021, D/C: 10/17/2021

10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Pediatric Surgery (continued)
ED Provider Note (continued)

Procedure	Component	Value	Units	Date/Time
Diagnostic of Diabetes Mellitus >= 126 mg/dL				
Random Glucose:				
Reference: 70 - 139 mg/dL				
Diagnostic of Diabetes Mellitus >= 200 mg/dL				
Ultrasound - Point of Care [346180658]				Resulted: 10/15/21 2320
				Updated: 10/15/21 2321
Narrative:				
Morrow, Dustin Stephen, MD 10/15/2021 11:21 PM				
Ultrasound - Point of Care				
Performed by: Morrow, Dustin Stephen, MD				
Authorized by: Morrow, Dustin Stephen, MD				
Procedure Performed: FAST				
Comments: ?				
Study Purpose				
Images for clinical management of patient				
Focused Assessment with Sonography in Trauma (FAST) Results				
Interpretation				
Fast negative bladder unable to be seen				
PROCEDURE PERFORMED:				
FAST Examination (CPT 93308 and 76705).				
Indication:				
A limited sonographic evaluation of the chest and abdomen was performed and interpreted for				
Blunt trauma.				
Required views saved on machine and transmitted Yes				
Patient and Facility Demographics				
Patient: Massachusetts218 Tr2021				
MRN / CSN: 978355943 1000188782711				
Department: EMERGENCY DEPARTMENT-GREENVILLE MEMORIAL HOSPITAL				
Interpreting / Performing Physician: Dustin Stephen Morrow, MD				
Findings and Limitations				
Findings				
Cardiac:				
Normal, no effusion.				
RUQ/Morison's Pouch:				
Normal, no free fluid.				
LUQ:				
Normal, no free fluid.				
Bladder/Pelvis:				
Unable to visualize.				
Lung: Lungs not evaluated.				
Limitations:				
none				
Consent and Standard Precautions				

PRISMA
HEALTH.

 GMH PEDIATRIC SURGERY
 701 Grove Road
 Greenville SC 29605

 MINOR 2
 MRN: 974644393, DOB: /2016, Sex: M
 Adm: 10/15/2021, D/C: 10/17/2021

10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Pediatric Surgery (continued)
ED Provider Note (continued)

Procedure	Component	Value	Units	Date/Time
"Except in cases of life threatening emergency and/or inability to consent dictated expeditious performance of bedside diagnostic studies and procedures as documented in the provider encounter note" Consent was obtained verbally from the patient or appropriate guardian. Informed them of alternatives to comprehensive imaging, limitations of study, possibility of follow up studies required, and possibilities of referral. Standard precautions of appropriate PPE and cleaning of the probes per the AIUM and ACEP EUS Guidelines for Infection Control were maintained during the procedure and following its conclusion. A time out was performed prior to initiation and all available imaging was done at the bedside and interpreted by the performing clinician. Patient was identified via their wrist band and verbal acknowledgement.				

CT Cervical Spine wo Contrast [346180654]

Collected: 10/15/21 2312

Updated: 10/15/21 2317

Narrative:

EXAM: CT CERVICAL SPINE WITHOUT CONTRAST

INDICATION: Neck trauma, intoxicated or obtunded (Age >= 16y); Child concern for possible C spine injury level 2 trauma.

COMPARISON: None.

TECHNIQUE: Contiguous axial images of the cervical spine were obtained without intravenous contrast 2-D images were generated and reviewed.

FINDINGS:

Bones: No acute fracture. The facets are well seated. The atlantoaxial and craniocervical junctions are normally aligned. Vertebral body heights are maintained.

No acute alignment abnormality.

Soft tissues / lung apices: No evidence of significant prevertebral soft tissue edema. Visualized soft tissues of the neck are unremarkable. The left lung apex is clear. The right lung apex is almost entirely outside the field of view.

Impression:

No acute fracture or alignment abnormality in the cervical spine.

Signed by: 10/15/2021 11:14 PM: Knipfing, Michael

CT Head wo Contrast [346180653]

Collected: 10/15/21 2309

Updated: 10/15/21 2315

Narrative:

CT HEAD WITHOUT CONTRAST

INDICATION: Head trauma, mod-severe;

COMPARISON: None.

PRISMA
HEALTH

 GMH PEDIATRIC SURGERY
 701 Grove Road
 Greenville SC 29605

 MINOR 2
 MRN: 974644393, DOB: /2016, Sex: M
 Adm: 10/15/2021, D/C: 10/17/2021

10/15/2021 - ED to Hosp-Admission (Discharged) In Greenville Memorial Pediatric Surgery (continued)
ED Provider Note (continued)

Procedure	Component	Value	Units	Date/Time

TECHNIQUE: Contiguous axial images of the head were obtained without intravenous contrast administration. 2-D images were generated and reviewed.

FINDINGS:

Bones / scalp: No evidence of acute osseous abnormality. Slight flattening of the right posterior calvarium. The mastoid air cells are well-aerated. The visualized paranasal sinuses are predominantly clear.

Orbits: The visualized orbits are unremarkable.

Brain and CSF spaces: No acute intracranial hemorrhage. Gray-white matter differentiation is preserved throughout. Normal ventricular size. The basal cisterns are patent.

Impression

No CT evidence of acute intracranial abnormality.

Signed by: 10/15/2021 11:12 PM: Knipping, Michael

XR Spine Cervical 2 or 3 Vw [346180650]

Collected: 10/15/21 2241
 Updated: 10/15/21 2244

Narrative

EXAM: XR SPINE CERVICAL 2 OR 3 VW, 10/15/2021 10:27 PM

INDICATION: RECENT TRAUMA, SPINE;;trauma;

COMPARISON: None.

TECHNIQUE: Single AP view of the cervical spine

FINDINGS: On this single projection, cervical spine alignment is intact as far cephalad as the C3 level. Visualization is not in able to above C3 on this view.

Impression

Limited evaluation of the lower cervical spine shows no abnormalities in this single projection.

Signed by: 10/15/2021 10:42 PM: Hood, Charles

XR Chest 1 Vw [346180640]

Collected: 10/15/21 2239
 Updated: 10/15/21 2243

Narrative

EXAM: XR CHEST 1 VW, 10/15/2021 10:22 PM

INDICATION: TRAUMA TO TRUNK/THORAX;Indication selected;

COMPARISON: None.

TECHNIQUE: Supine chest radiograph at 2222 hours

PRISMA
HEALTH

 GMH PEDIATRIC SURGERY
 701 Grove Road
 Greenville SC 29605

 MINOR 2
 MRN: 974644393, DOB: /2016, Sex: M
 Adm: 10/15/2021, D/C: 10/17/2021

10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Pediatric Surgery (continued)
ED Provider Note (continued)

Procedure	Component	Value	Units	Date/Time

FINDINGS: The cardiomediastinal silhouette appears normal. The lungs and pleural spaces are clear. No chest wall abnormality is evident.

Impression:

Negative trauma chest.

Signed by: 10/15/2021 10:41 PM: Hood, Charles

XR Pelvis 1 or 2 Vw [346180644]

Collected: 10/15/21 2237

Updated: 10/15/21 2241

Narrative:

EXAM: XR PELVIS 1 OR 2 VW, 10/15/2021 10:24 PM

INDICATION: Abdominal trauma, urinary tract injury suspected;;trauma;

COMPARISON: None.

TECHNIQUE: AP pelvis including the femora

FINDINGS: There is an acute mid shaft fracture of the right femur. The fracture is transverse in orientation. The distal femoral fracture fragment is displaced medially one full shaft width.

Impression:

Acute displaced transverse mid diaphyseal fracture of the right femur.

Signed by: 10/15/2021 10:39 PM: Hood, Charles^[DM.2T]

Medical Decision-Making:^[DM.1T]

MINOR 2^[DM.2T] is a^[DM.3T] 5 y.o. male^[DM.2T] here with family from MVC right femur fx seen on radiograph. Other imaging reviewed and negative admitted to peds surgery and consulted orthopedics for further management.^[DM.3M]

Diagnosis:^[DM.1T]

1. Closed displaced transverse fracture of shaft of right femur, initial encounter (HCC)^[DM.2T]

Condition:^[DM.1T] Stable^[DM.3M]

Disposition:^[DM.1T] Admit^[DM.3M]

Morrow, Dustin Stephen, MD

10/16/21 2043

^[DM.2T]

Electronically signed by Morrow, Dustin Stephen, MD at 10/16/2021 8:43 PM

Attribution Key

DM.1 - Morrow, Dustin Stephen, MD on 10/15/2021 10:35 PM

DM.2 - Morrow, Dustin Stephen, MD on 10/16/2021 8:43 PM

DM.3 - Morrow, Dustin Stephen, MD on 10/16/2021 8:42 PM

M - Manual T - Template

PRISMA
HEALTH

GMH PEDIATRIC SURGERY
701 Grove Road
Greenville SC 29605

MINOR 2
MRN: 974644393, DOB: 2016, Sex: M
Adm: 10/15/2021, D/C: 10/17/2021

10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Pediatric Surgery (continued)

ED Provider Note (continued)

END OF REPORT

PRISMA HEALTH



Patient Name: Tasj-Hamiel Trimmier

Date of Birth: [REDACTED]/1992

MRN: 971223002

Please accept this document as certification of the records produced herewith. The records you requested are maintained by Prisma Health. The records produced herewith are accurate, complete, true, and correct copies of all medical records pursuant to your request. I further certify that I Susan Davis, am the custodian of record, that the records were kept in the regular course of business and that this is a regularly conducted business activity, that upon information and belief, these records were made at or near the time the acts, events, conditions, opinions, or diagnoses occurred or within a reasonable time thereafter pursuant to a doctor's orders and finally that these records were made by, or from information transmitted by, a person with knowledge of the acts, events, conditions, opinions or diagnoses stated therein.

Susan Davis
Affiant Signature

Susan Davis
Print Name

Health Information Management Department
Title

Prisma Health
Facility

255 Enterprise Blvd. Suite 120

Greenville, South Carolina 29615
Address

June 10, 2024
Date

SWORN to before me this 10 day of

June, 2024
Mary W. Williams

Notary Public for South Carolina

My Commission Expires: 5/26/30

PRISMA

HEALTH

GMH CV MONITORED SURG
701 Grove Road
Greenville SC 29605

Trimmier, Tasj-Haniel Amethyst Mercedes
MRN: 971223002, DOB: [REDACTED] 1992, Sex: F
Adm: 10/15/2021, D/C: 11/5/2021

10/15/2021 - ED to Hosp-Admission (Discharged) In Greenville Memorial Cv Monitored Surg

H&P Notes

H&P by Dersch, Timothy Lee, MD at 10/16/2021 0402

Author Dersch, Timothy Lee, MD

Filed 10/21/2021 11:10 AM

Editor Dersch, Timothy Lee, MD (Physician)

Service Trauma Surgery

Date of Service 10/16/2021 4:02 AM

Author Type Physician

Status Signed



HISTORY and PHYSICAL
Trauma Surgery^[JH.1C]

HEALTH

Kentucky218 Tr2021^[JH.1T] DOB:^[JH.1C] 1/1/1901^[JH.1T] MRN:^[JH.1C] 978355936^[JH.1T]

Admitting Attending: Dr. Dersch

Assessment and Plan

^[JH.1C]

Kentucky218 Tr2021^[JH.1T] is a^[JH.1C] 120 y.o. adult^[JH.1T] who presents following MVC

M^[JH.1C]VC^[JH.1M]

Struck on driver side, pt was driver

(+) LOC, GCS 14 -1 for confusion^[JH.1C]

No focal neurologic deficits^[JH.1M]

CTh 10/15 no evidence of acute intracranial abnormality.

CTap 10/15 B/L obturator ring fx, L sacral fx, and a L acetabular fx. Adjacent extraperitoneal hemorrhage in the L hemipelvis w/o evidence of active arterial bleeding. Multiple B/L rib fx, w/ L pulmonary contusion and hemopneumothorax. Subcutaneous emphysema in the L chest wall and L neck, extending into the upper mediastinum. Grade 1/2 hepatic injury. Grade 2 splenic injury. Acute right L3 and L4, and left L5 transverse process fractures. Distended urinary bladder and fullness of both renal collecting systems.^[JH.1C] Questionable fluid collection in L renal hilum.^[JH.1M]

ABG 7.27/32.2/104/14.6/-11.2, Lactate 6.1^[JH.2M]

1^[JH.1C]u whole blood^[JH.1M] administered in trauma bay, + 2u pRBC^[JH.1C], 2u FFP, 2L NS^[JH.1M] in ED

Admit to trauma surgery, ICU^[JH.1C], SCC consulted, appreciate management^[JH.1M]

Pain control

NPO, IVF^[JH.1C]

Hypotension

Received 2L crystalloid in trauma bay/ED, 1u whole blood, 2u pRBC, 2u FFP

Improved with resuscitation

Monitor closely, strict I&O^[JH.1M]

L apical pneumothorax and L 2-7 rib fx and R 11-12 rib fx

CTc 10/15 no evidence of an fx or malalignment. Extensive subcutaneous^[JH.1C] air^[JH.1M] in the neck, extending into the upper mediastinum with^[JH.1C] small hemopneumothorax, L pulmonary contusion^[JH.1M]

PIC score^[JH.1C] 4^[JH.1M]

Pulling^[JH.1C] just over 750 maximum^[JH.1M] on IS, weak cough,^[JH.1C] severe^[JH.1M] pain^[JH.1C]

M^[JH.1M]ultimodal pain control^[JH.1C], ketamine gtt^[JH.1M]

Repeat CXR q6hr

Grade 1/2 hepatic injury^[JH.1C]

Serial abdominal exams

Monitor Hgb^[JH.1M]

PRISMA
 HEALTH

 GMH CV MONITORED SURG
 701 Grove Road
 Greenville SC 29605

 Trimmier, Tasj-Haniel Amethyst Mercedes
 MRN: 971223002, DOB: [REDACTED] 1992, Sex: F
 Adm: 10/15/2021, D/C: 11/5/2021

10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Cv Monitored Surg (continued)
H&P Notes (continued)
Grade 2 splenic injury^[JH.1C]

Serial abdominal exams

Monitor Hgb

Possible left renal hilum/ureter injury

Foley placed with gross hematuria

 Repeat imaging in AM^[JH.1M]
L3-5 transverse process fx^[JH.1C]

 Orthopedic surgery consulted, appreciate recs^[JH.1M]
R femoral fx, L sacral fx, and L acetabular fx

 Obvious right femoral deformity on arrival^[JH.1C], no open fracture^[JH.1M]

 Brace^[JH.1C] placed in trauma bay^[JH.1M]

Ortho consulted

XRf 10/15 R femoral diaphyseal fx and R obturator ring fx.

XRp 10/15 multiple fx, retroperitoneal hematoma

Foley in place

Disposition: Trauma Surgery ICU

Subjective
Trauma: Level Two **Alert sent at:** 1758

Mechanism of Injury: MVC

CC: L2 trauma, MCV, B/L femur fractures

 Per EMS, pt was driver and was T-boned on driver's side (+) airbags. Seat-belt status unknown, no ejection. Given^[JH.1C] 3^[JH.1M]00mcg Fentanyl prior to arrival in IO of R humerus.

 Upon arrival to the bay pt was evaluated using ATLS protocol. Airway was patent to voice, c-collar in place. Breath sounds were equal bilaterally with equal chest rise. Distal pulses intact, pelvis stable, initial vitals BP 138/78 HR 110. IV access obtained with 22 L AC. GCS 14, PERRL, EOMI, moving all extremities. Upon exposure/roll no abrasions, tenderness, or stepoffs noted. Preliminary read of CXR showed left chest wall and upper lobe injuries. Second BP 91/60. Started 0.9% NS and^[JH.1C] 1u whole blood^[JH.1M] in trauma bay. Pt deemed stable for transfer to CT for imaging of head, neck, chest, abdomen, and pelvis.

Upon return to the trauma bay, secondary exam was obtained.

 Pt complains of bilateral leg pain. PMH diabetes. Medications unknown. NKDA. Pt reports^[JH.1C] marijuana use, denies alcohol use^[JH.1M] today. Family history not pertinent.

Review of Systems: All other systems were reviewed and are negative, except as noted in the HP^[JH.1C]

No past medical history on file.

No family history on file.

No past surgical history on file.

Social History

PRISMA

HEALTH

GMH CV MONITORED SURG Trimmier, Tasj-Hamiel Amethyst Mercedes
 701 Grove Road MRN: 971223002, DOB: [REDACTED]/1992, Sex: F
 Greenville SC 29605 Adm: 10/15/2021, D/C: 11/5/2021

10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Cv Monitored Surg (continued)

H&P Notes (continued)

Tobacco Use

• Smoking Not on file
 status:

• Smokeless Not on file
 tobacco:

Substance Use Topics

• Alcohol Not on file
 use:

• Drug use: Not on file^[JH.1T]

Allergies:^[JH.1C] Patient has no known allergies.

Home Medications <Not

Reviewed>

Not on File^[JH.1T]

Objective

Temperature:		
Heart Rate: ^[JH.1C]	(!) 115	[115-127] ^[JH.1T]
Resp Rate: ^[JH.1C]	18	[18-20] ^[JH.1T]
Blood Pressure: ^[JH.1C]	101/66	(86-138)/(59-78) ^[JH.1T]
Oxygen Sats: ^[JH.1C]	97 %	[97 %-100 %] ^[JH.1T]

Current^[JH.1C] Weight: 65.1 kg (143 lb 8.3 oz)^[JH.1T]

Physical Exam:

General Moderate distress

Craniofacial Fascial/Scalp Abrasions^[JH.1C], 2 lacerations to left anterior scalp^[JH.1M]

Eyes Pupil size L 2 R 2, Visual Acuity Intact, PERRL and EOMI

Ears Hearing intact, Tympanic membranes clear and Atraumatic

Oropharynx Atraumatic and Gag present

Neck C-collar could not be cleared clinically due to pain

Heart Regular sinus rhythm, radial pulses intact and tachycardic

Chest^[JH.1C] No deformity, Equal Breath sounds, Incentive Spirometry 750 and tenderness bilaterally^[JH.1M]

Breast Atraumatic

Abdomen^[JH.1C] Soft and Tender to palpation at all quadrants, no rebound or guarding^[JH.1M]

Rectal deferred

GU Foley in place and frank hematuria

Pelvis Stable and No deformity

Back Nontender and No deformities

Extremities Normal pulses and Strength/Sensation intact in bilateral upper extremities.

RLE: distal pulses palpable, sensation intact, strength deferred due to pain, gross femoral deformity. No abrasions or lacerations.

PRISMA
 HEALTH

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10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Cv Monitored Surg (continued)
H&P Notes (continued)

LLE: distal pulses palpable, sensation intact, strength deferred due to pain, no visible deformities, abrasions, or lacerations.

4 - Spontaneous	4 - Confused ^[JH.1M]	6 - Obeys commands
	14 ^[JH.1C]	Patient Sedated?: No ^[JH.1T]

2 - weak ^[JH.1C]	2 - 750ml to 1500ml	1 - severe ^[JH.1M]
	5 ^[JH.1M]	

Labs:^[JH.1C]
Recent Labs

	10/16/21 0020
PHBG	7.27*
PCO2	32*
PO2	104*
HCO3	14.6*
BASEDE	-11.2*

Recent Labs

	10/15/21 2207
WBC	8.6
HGB	13.6
HCT	42.7
PLT	288
INR	1.0
PTT	24

Recent Labs

	10/15/21 2207	10/16/21 0020
NA	134*	138
K	3.8	3.1*
CL	101	109*
CO2	15*	--
BUN	15	--
CREATININE	1.23	--
GLUCOSE	539*	384*
CALCIUM	9.7	-- ^[JH.1T]

Procedures:

NONE

FAST:

PRISMA
HEALTH.

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10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Cv Monitored Surg (continued)
H&P Notes (continued)

 Performed by: ^[JH 1C] Dr. Troise

 Exam normal - negative for fluid in the right upper quadrant, left upper quadrant, pelvis, and no pericardial effusion seen on cardiac window. INTERPRETATION: Normal. ^[JH 1M]
Resuscitation: ^[JH 1C]

 2L NS, 1u whole blood, 2u pRBC, 2u FFP ^[JH 1M]
Imaging: ^[JH 1C]

 XR Chest 1 Vw
 Final Result

1. Multiple left-sided rib fractures and patchy left basilar opacities. The known left-sided pneumothorax is difficult to visualize. No chest tube identified.
2. Left chest wall subcutaneous emphysema and pneumomediastinum.

Signed by: 10/16/2021 12:57 AM: Danziger, Todd

 XR Femur 2 Vw Right
 Final Result

1. Mid third femoral fracture again noted
2. Soft tissue edema again seen.

Signed by: 10/16/2021 1:27 AM: Hanna, Jeffrey

 XR Pelvis 1 or 2 Vw
 Final Result

1. Multiple pelvic fractures.
2. Urinary bladder displacement suggestive of retroperitoneal hematoma.

Signed by: 10/16/2021 1:25 AM: Hanna, Jeffrey

 XR Femur 2 Vw Left
 Final Result

1. No acute femur fracture identified.
2. Redemonstration of multiple pelvic injuries, better characterized on the CT chest/abdomen/pelvis performed earlier the same day.

Signed by: 10/16/2021 12:07 AM: Danziger, Todd

 XR Shoulder 2+ Vw Right
 Final Result

1. No acute osseous process.
2. As above.

PRISMA

HEALTH

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10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Cv Monitored Surg (continued)

H&P Notes (continued)

Signed by: 10/16/2021 12:54 AM: Danziger, Todd

CT Head w/o Contrast

Final Result

No CT evidence of acute intracranial abnormality.

Radiopaque density suspicious for a foreign body in the left frontal scalp. Correlate with direct visual inspection.

Signed by: 10/15/2021 11:13 PM: Danziger, Todd

CT Cervical Spine w/o Contrast

Final Result

1. No evidence of an acute fracture or traumatic malalignment.
2. Extensive subcutaneous of cement in the neck, extending into the upper mediastinum with a likely left apical pneumothorax. See dedicated chest CT.

Signed by: 10/15/2021 11:15 PM: Danziger, Todd

CT chest abdomen pelvis with contrast

Final Result

1. Multiple pelvic fractures, including bilateral obturator ring fractures, left sacral fractures, and a left acetabular fracture. Adjacent extraperitoneal hemorrhage in the left hemipelvis without evidence of active arterial bleeding.
2. Multiple bilateral rib fractures, with left-sided pulmonary contusion and hemopneumothorax.
3. Subcutaneous emphysema in the left chest wall and left neck, extending into the upper mediastinum.
4. Grade 1/2 hepatic injury.
5. Grade 2 splenic injury.
6. Acute right L3 and L4, and left L5 transverse process fractures.
7. Distended urinary bladder and fullness of both renal collecting systems.

COMMUNICATION: Notification sent via secure electronic message to Trauma imaging physicians group. 10/15/2021 11:31 PM.

Signed by: 10/15/2021 11:31 PM: Danziger, Todd

PRISMA HEALTH

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10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Cv Monitored Surg (continued)

H&P Notes (continued)

XR Femur 1 Vw Right

Final Result

1. Acute right femoral diaphyseal fracture.
2. Acute right obturator ring fractures.

Signed by: 10/15/2021 11:17 PM: Danziger, Todd

XR Chest 1 Vw

Final Result

Evidence of left chest wall and probable left upper lobe lung injuries. Indeterminate status of the mediastinal width.

Signed by: 10/15/2021 10:58 PM: Hood, Charles

XR Chest 1 Vw (Results Pending)^[JH 1T]

Consults:^[JH 1C]

Orthopedic surgery

Surgical Critical Care^[JH 1M]

John C Helmken, MD 10/16/2021 4:02 AM^[JH 1T]

Resident, Department of Surgery^[JH 1C]

PRISMA HEALTH

The patient was seen and examined with the resident and/or physician assistant on the date of resident's examination as indicated in the progress note even when cosignature is performed thereafter. The pertinent physical exam was performed. I discussed the assessment and plan of care with the resident and/or physician assistant. I agree with the note as written unless otherwise stated below. *Note may have been generated with voice recognition software Dragon minor errors or discrepancy may occur.*^[TD 1T]

I was present on arrival the patient trauma bay 10/15/2021. Patient initially hemodynamically stable but began having soft blood pressures throughout her hospital course requiring resuscitation with blood products due to hemorrhagic shock related to her trauma. She was admitted to the intensive care unit for surgical care. She had multiple significant injuries including bilateral rib fractures, left pneumothorax for which initial chest tube was not needed, complex pelvic fractures/acetabular fracture, right femur fracture. Bleeding did not appear to be related intra-abdominal or intrathoracic source but likely related to multiple long bone and rib fractures. Initial evaluation and CT scans were ordered in my direction visually reviewed by me. Surgical critical care will be obtained for consultation and help with management.^[TD 1M]

PRISMA HEALTH

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Adm: 10/15/2021, D/C: 11/5/2021

10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Cv Monitored Surg (continued)

H&P Notes (continued)

Electronically signed by Dersch, Timothy Lee, MD at 10/21/2021 11:10 AM

Attribution Key

JH.1 - Helmken, John C, MD on 10/16/2021 4:02 AM
JH.2 - Helmken, John C, MD on 10/16/2021 4:25 AM
TD.1 - Dersch, Timothy Lee, MD on 10/21/2021 11:07 AM
C - Copied, M - Manual, T - Template

Discharge Summary Note

Discharge Summary by Fisher, Brook Chute, PA at 11/5/2021 1057

Author: Fisher, Brook Chute, PA

Service: Trauma Surgery

Author Type: Physician Assistant

Filed: 11/5/2021 4:43 PM

Date of Service: 11/5/2021 10:57 AM

Status: Attested

Editor: Fisher, Brook Chute, PA (Physician Assistant)

Cosigner: Pellizzeri, Katherine Ferstadt,
MD at 11/7/2021 1:20 AM

Attestation signed by Pellizzeri, Katherine Ferstadt, MD at 11/7/2021 1:20 AM

PRISMA HEALTH

Trauma & General / Acute Care / Surgical Critical Care Surgery Service

The patient was seen and examined with the resident on 11/5/2021. The pertinent physical exam was performed. I discussed the assessment and plan of care with the resident/PA/NP. I agree with the note as written except as noted below. This note was generated with the aid of a dictation device and errors in dictation may be present.

Will need Lov bridge to coumadin. Pain better controlled

PRISMA HEALTH

Discharge Summary^[BF.1T]
Trauma Surgery^[BF.1M]

11/5/2021

Tasj-Hamiel A Trimmier DOB: 1/7/1992 MRN: 978355936 PCP: Pcp, Declined

Discharge time: ^[BF.1T] 35^[BF.1M] minutes

Date of Admission: ^[BF.1T] 10/15/21^[BF.1M] Date of Discharge: ^[BF.1T] 11/5/21^[BF.1M]

Primary Diagnoses: ^[BF.1T]

MVC

Left 2-7, right 11-12 rib fractures

left hemopneumothorax

Grade 1, 2 liver injury

Grade 2 splenic injury

Possible left renal/ureteral injury

Generated by 14473 at 6/10/24 11:07 AM

PRISMA
 HEALTH

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10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Cv Monitored Surg (continued)
Discharge Summary Note (continued)
L3-5 transverse process fracture
Right femoral fracture
Right superior and inferior pubic rami fracture
Left pelvic fracture
Left sacral fracture

Left acetabular fracture

Acute respiratory failure

Loculated left pleural effusion

Pericarditis

 Left ventricular dysfunction^[BF 1M]
Procedures During Admission:^[BF 1T]

1. Scalp laceration repair 10/18/21 Dr. Dersch

2. Splenic artery vascular plug and left internal iliac empiric Gelfoam embolization 10/18/2021 Dr. Handran

3. IMN fixation of the right femoral shaft fracture, percutaneous screw fixation of left sacral fracture with percutaneous screw fixation of right sacroiliac joint injury, ORIF left acetabular fracture and pelvic ring injury (Dr. Sridhar), left internal iliac branch branch clip (Dr. Gandhi) 10/18/21

4. Left chest tube 10/19/21 Dr. Simpson

 5. Left VATS, wedge resection 10/26/2021 Dr. Bolton^[BF 1M]
HPI:^[BF 1T] per H&P^[BF 1M]

Per EMS, pt was driver and was T-boned on driver's side (+) airbags. Seat-belt status unknown, no ejection. Given 300mcg Fentanyl prior to arrival in IO of R humerus.

Upon arrival to the bay pt was evaluated using ATLS protocol. Airway was patent to voice, c-collar in place. Breath sounds were equal bilaterally with equal chest rise. Distal pulses intact, pelvis stable, initial vitals BP 138/78 HR 110. IV access obtained with 22 L AC. GCS 14, PERRL, EOMI, moving all extremities. Upon exposure/roll no abrasions, tenderness, or stepoffs noted. Preliminary read of CXR showed left chest wall and upper lobe injuries. Second BP 91/60. Started 0.9% NS and 1u whole blood in trauma bay. Pt deemed stable for transfer to CT for imaging of head, neck, chest, abdomen, and pelvis.

Upon return to the trauma bay, secondary exam was obtained.

 Pt complains of bilateral leg pain. PMH diabetes. Medications unknown. NKDA. Pt reports marijuana use, denies alcohol use today. Family history not pertinent.^[BF 1C]
Summary:^[BF 1T]

Patient admitted to the ICU and surgical critical care consulted for management due to extensive traumatic injury. Bilateral rib fractures and left pneumothorax treated initially nonoperatively with aggressive pulmonary toilet and multimodal pain control. Patient with gross hematuria noted after Foley placed with possible left renal-ureteral injury on initial CT scans. CT pelvis with delayed imaging obtained and revealed increased pelvic hemorrhage but no urethral injury. CT cystogram also obtained and negative for bladder injury. patient had a long ICU course hospital day #1 patient found to have an acute left femoral DVT and a pulmonary embolism. Vascular surgery was consulted and placed an IVC filter on 10/17. Grade 2 splenic injury and grade 1/2 hepatic lacerations initially treated nonoperatively however the evening of 10/17 patient had increasing abdominal distention, pain, and tachycardia with acute blood loss anemia. CTA of abdomen and pelvis was performed and there was no active extravasation noted but there was an increase in blood products around the spleen. Interventional radiology consulted and Dr. Handran performed a splenic artery vascular plug and left internal iliac empiric Gelfoam embolization on 10/18/2021. Patient left intubated after orthopedic surgery on 10/18. Left chest tube placed on 10/19 for left pleural effusion and patient extubated afterwards. Heparin drip started and hemoglobin remained stable. Patient was stable for transfer to the floor on 10/22/2021.

Orthopedic trauma teaching service was consulted for right midshaft femur fracture, left acetabulum fracture, right superior and inferior pubic rami fracture, left pelvis fracture. Right femur fracture placed in traction. Patient was taken

PRISMA
HEALTH

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 Trimmier, Tasj-Hamiel Amethyst Mercedes
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 Adm: 10/15/2021, D/C: 11/5/2021

10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Cv Monitored Surg (continued)
Discharge Summary Note (continued)

to the operating room on 10/18 by orthopedic surgery for IMN fixation of the right femoral shaft fracture, percutaneous screw fixation of left sacral fracture with percutaneous screw fixation of right sacroiliac joint injury, ORIF left acetabular fracture and pelvic ring injury. Vascular surgery was consulted intraoperatively for a bleeding branch of the internal iliac vein and clips were placed as well as Everest. Per orthopedics patient is touchdown weightbearing for transfers only on bilateral lower extremities x3 months.

Patient's left hemopneumothorax initially treated nonoperatively. Chest tube was placed on 10/19. CT scan of the chest on 10/25 revealed left pleural effusion with possible loculated fluid. Thoracic surgery was consulted and took patient for a left VATS with wedge resection on 10/26/2021. Both chest tubes have now been removed. Patient will follow up outpatient with thoracic surgery after discharge from Roger C peace.

On 10/27 patient was found to be tachycardic and EKG showed some diffuse ST elevation. Troponins negative. Cardiology consulted for assistance. Patient has EKG changes consistent with pericarditis which quickly resolved. Echocardiogram revealed small pericardial effusion and EF of 40-45% which supports the pericarditis diagnosis. This was treated with colchicine, low-dose beta-blocker, and ACE inhibitor. Patient will follow up outpatient with cardiology for recheck and repeat echocardiogram.

Patient with type 1 diabetes and was placed on insulin drip while in the ICU. Endocrinology was consulted for assistance in management. Patient has been weaned off of insulin drip and is on insulin as stated below. Glucose^[BF 1M] currently controlled.^[BF 2M]

Patient has now been converted to a heparin drip and Coumadin for her DVT and pulmonary embolism. Hemoglobin remained stable. INR is 1.1 today and Coumadin dose will be increased to 7.5 daily. Patient will need therapeutic anticoagulation until INR is therapeutic.

Psychiatry was consulted for depression and stress as patient had a child die in the accident. Psychiatry recommends Zoloft 50 mg daily which has been started and now increased to 100 mg daily per psychiatry. Psychiatry also recommends trazodone 50 mg nightly as needed for insomnia and atarax for breakthrough anxiety.^[BF 1M]

Patient remains afebrile with stable vital signs. Physical therapy recommends postacute stay and Roger C peace has agreed to accept for further rehabilitation. Patient tolerating regular diet and is stable for discharge to Roger C peace today.^[BF 2M]

Consults:

IP CONSULT TO ENDOCRINOLOGY
 IP CONSULT TO PSYCHIATRY
 CONSULT TO IV TEAM
 CONSULT TO SPIRITUAL CARE
 IP CONSULT TO CARDIOLOGY
 IP CONSULT TO CARDIOLOGY
 ADMISSION CONSULT TO ROGER C PEACE
 CONSULT TO DIABETES EDUCATOR

Follow Up Appointments:
Future Appointments

Date	Time	Provider	Department	Center
11/24/2021	1:00 PM	Vaz, Dev Gerald, MD	CCARDIOGVL	CC GVL ^[BF 1T]

Thoracic Surgery after discharge from RCP
 Trauma Surgery after discharge
 Orthopedic surgery after discharge

Discharge p^[BF 1M]rescriptions:^[BF 1T]

PRISMA
HEALTH

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10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Cv Monitored Surg (continued)
Discharge Summary Note (continued)

Tylenol 1000 mg by mouth every 8 hours, may wean
 Neurontin 400 mg by mouth every 8 hours
 Lidoderm 5% patch every 12 hours
 zofran 4 mg by mouth every 6 hours as needed nausea/vomiting
 Oxycodone 10 mg every 4 hours as needed severe pain
 Zolof 100 mg daily
 Trazodone 50 mg bedtime nightly as needed insomnia
 Albuterol Accu Pap 2 times daily
 Vitamin C 500 mg daily
 Folic acid 5 mg daily
 Ferrex 150 mg 2 times daily
 Zyrtec 10 mg daily
 Colchicine 0.6 mg daily
 Coumadin 7.5 mg daily
 Heparin drip
 Metoprolol 50 mg twice daily
 Flexeril 10 mg by mouth every 8 hours
 Diflucan 150 mg every 72 hours x 1 dose
 Lantus 47 units subcu at bedtime
 Insulin sliding scale #2
 Insulin meal coverage 23 units with breakfast 13 units with lunch, 21 units with dinner
 MiraLAX 17 g daily^(BF 1M)

DISCHARGE EXAM

Temperature:	97.6 °F (36.4 °C)	[97.6 °F (36.4 °C)-98.7 °F (37.1 °C)]
Heart Rate:	(I) 107	[100-120]
Resp Rate:	18	[16-18]
Blood Pressure:	125/86	(115-131)/(82-88)
Oxygen Sats:	97 %	[97 %-100 %]

Current Weight: 65.1 kg (143 lb 8.3 oz)

Discharge Food Preferences

Diet 1800 Calorie (60g CHO)

Dietary nutrition supplements Boost Glucose Control; Chocolate

Physical Exam:^(BF 1T) performed by Dr. Helmken on day of discharge 11/5/21^(BF 2M)

CONST No acute distress, resting in bed
NEURO alert & oriented x3
CV tachycardic with regular rhythm
RESP room air, 1500 on I-S
GI Soft, Non distended, Non tender
Incision CD^(BF 2C)

PRISMA
 HEALTH

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 Greenville SC 29605 Adm: 10/15/2021, D/C: 11/5/2021

10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Cv Monitored Surg (continued)
Discharge Summary Note (continued)
Recent Labs

	11/03/21 0422	11/03/21 0422	11/03/21 1014	11/04/21 0422	11/05/21 0506
WBC	9.8	--	--	7.8	7.0
HGB	10.2*	--	--	10.6*	10.8*
HCT	33.6*	--	--	34.8*	34.9*
PLT	670*	--	--	612*	530*
INR	1.1	< >	1.0	1.1	1.1
PTT	68*	--	--	66*	74*

< > = values in this interval not displayed.

Recent Labs

	11/03/21 0422	11/04/21 0422	11/05/21 0506
NA	132*	132*	136
K	4.5	4.5	4.2
CL	94*	94*	97*
CO2	25	24	27
BUN	8	14	13
CREATININE	0.66	0.75	0.64
GLUCOSE	352*	434*	151*
CALCIUM	10.5*	10.6*	11.0*

Discharge Condition: [BF.1T] stable [BF.2M]

Visit Diagnosis/Procedures
Principal Problem:

Closed fracture of right femur (HCC)

Active Problems:

Mult fx of pelvis w unstable disrupt of pelvic ring, init (HCC)
 Closed displaced fracture of left acetabulum with routine healing
 Closed displaced comminuted fracture of shaft of right femur with routine healing
 Type 1 diabetes mellitus with hyperglycemia (HCC)
 Pleural effusion
 Multiple traumatic injuries
 Left ventricular systolic dysfunction
 Pericarditis
 Tachycardia

Patient Active Problem List
Diagnosis

- Closed fracture of right femur (HCC)
- Mult fx of pelvis w unstable disrupt of pelvic ring, init (HCC)
- Closed displaced fracture of left acetabulum with routine healing
- Closed displaced comminuted fracture of shaft of right femur with routine healing
- Type 1 diabetes mellitus with hyperglycemia (HCC)
- Pleural effusion
- Multiple traumatic injuries

PRISMA
HEALTH

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10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Cv Monitored Surg (continued)
Discharge Summary Note (continued)

- Left ventricular systolic dysfunction
- Pericarditis
- Tachycardia

10/18/2021

18 Days Post-Op

Procedure(s):

 THORACOSCOPY, SURGICAL; WITH PARTIAL PULMONARY DECORTICATION
 THORACOSCOPY, SURGICAL; WITH THERAPEUTIC WEDGE RESECTION (EG,
 MASS, NODULE), INITIAL UNILATERAL

10/26/2021

10 Days Post-Op

Procedure(s):

 THORACOSCOPY, SURGICAL; WITH PARTIAL PULMONARY DECORTICATION
 THORACOSCOPY, SURGICAL; WITH THERAPEUTIC WEDGE RESECTION (EG,
 MASS, NODULE), INITIAL UNILATERAL

Pending Labs and Appointments

Open Standing Orders

None

Future Labs/Studies

None

Scheduled Appointments

Date/Time	Provider	Specialty
11/24/2021 1:00 PM (Arrive by 12:45 PM)	Vaz, Dev Gerald, MD	Cardiology

Medications^[BF.1T]

No current facility-administered medications for this encounter.

 No current outpatient medications on file.^[BF.3T]

 Brook Chute Fisher, PA 11/5/2021 10:57 AM
 Department of Surgery^[BF.1T]

PRISMA
HEALTHGMH CV MONITORED SURG
701 Grove Road
Greenville SC 29605Trimmier, Tasj-Haniel Amethyst Mercedes
MRN: 971223002, DOB: [REDACTED] 1992, Sex: F
Adm: 10/15/2021, D/C: 11/5/2021**10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Cv Monitored Surg (continued)****Discharge Summary Note (continued)**

Electronically signed by Fisher, Brook Chute, PA at 11/5/2021 4:43 PM

Electronically signed by Pellizzer, Katherine Ferstadt, MD at 11/7/2021 1:20 AM

Attribution Key

BF.1 - Fisher, Brook Chute, PA on 11/5/2021 10:57 AM

BF.2 - Fisher, Brook Chute, PA on 11/5/2021 4:41 PM

BF.3 - Fisher, Brook Chute, PA on 11/5/2021 4:43 PM

C - Copied, M - Manual, T - Template

END OF REPORT

34
6-18-24

ADVISEMENT OF IMPLIED CONSENT RIGHTS

Markas Christopher White

Subject's Name (Print)

[REDACTED] 1980

Date of Birth

[REDACTED]

Driver's License Number

SC
State Licensed

DRIVING UNDER THE INFLUENCE ADVISEMENT

- (A) Will test be video recorded? If answer is Yes, start here -> - Inform subject of video recording.
If answer is No, start here -> - Inform subject of type samples requested (i.e. breath, blood, urine).

(B) Provide subject with a written copy of the following advisement and read the advisement to the subject:

- You are under arrest for Driving Under the Influence (DUI), Section 56-5-2930, South Carolina Code of Laws 1976, as amended.
- The arresting officer has directed that samples be taken for alcohol and/or drug testing.
- The samples will be taken and tested according to Section 56-5-2950 and SLED policies.
- You do not have to take the tests or give the samples, but if you refuse to submit to the tests, your privilege to drive in South Carolina must be suspended or denied for at least six (6) months, with the option of ending the suspension if you enroll in the Ignition Interlock Device Program, and your refusal may be used against you in court.
- If you take the tests or give the samples and have an alcohol concentration of eight one-hundredths of one percent (0.08%) or more, you may instead be charged with Driving with an Unlawful Alcohol Concentration (DUAC), Section 56-5-2933.
- If you have an alcohol concentration of fifteen one-hundredths of one percent (0.15%) or more, your privilege to drive in South Carolina must be suspended for at least one (1) month, with the option of ending the suspension if you enroll in the Ignition Interlock Device Program.
- You have the right to have a qualified person of your own choosing conduct additional independent tests at your expense and the officer, upon request, shall provide you affirmative assistance.
- You have the right to request a contested case hearing within thirty (30) days of the issuance of the notice of suspension.
- If you do not request a contested case hearing or if your suspension is upheld at the contested case hearing, you shall enroll in an Alcohol and Drug Safety Action Program.

If applicable, perform the following procedures:

- (C) Check subject's mouth and remove any foreign material. (Not required if a refusal has occurred.)
(D) Enter biographical data into DataMaster DMT. (Required for all tests, including refusals.)
(E) Observe subject for a minimum of twenty (20) minutes before collecting breath sample. (Not required if a refusal has occurred.)

ADVERTENCIA Y LECTURA DE DERECHOS POR MANEJAR BAJOS LOS EFECTOS DE ALCOHOL O DROGAS (DUI)

- (A) ¿Se grabará el análisis en video? Si la respuesta es Si, empiece aquí -> - Informe a la persona que va a ser grabada en video.
Si la respuesta es No, empiece aquí -> - Informe a la persona de las muestras que se requieren (ejemplos: soplar, sangre, orina).

(A) Dele a la persona una copia escrita de la advertencia siguiente y lea la advertencia al sujeto:

(B) Dele a la persona una copia escrita de la advertencia siguiente y léasela a la persona:

- Usted está arrestado por Manejar Bajo los Efectos de Alcohol o Drogas (DUI), Sección 56-5-2930, del Código Legal de Carolina del Sur de 1976, según su enmienda.
- El policía que efectuó el arresto dispuso que le sacaran muestras de alcohol y/o drogas para ser analizada(s).
- Se obtendrán y analizarán las muestras según la Sección 56-5-2950 y las normas del SLED.
- Usted no está obligado a hacerse los análisis ni a proporcionar muestras, pero si se niega a someterse a estos análisis, se le tendrá que suspender o negar su privilegio de manejar en Carolina del Sur por lo menos durante seis (6) meses con la opción de terminar la suspensión si se inscribe en el Programa del Dispositivo de Bloqueo del Arranque. Negarse a ello podrá usarse en su contra en un tribunal.
- Si usted se somete a los análisis o proporciona las muestras y tiene una concentración de alcohol de ocho centésimos del uno por ciento (0.08%) o más, podría ser acusado en vez de Manejar con una Concentración Ilegal de Alcohol (DUAC), según la Sección 56-5-2933.
- Si usted tiene una concentración de alcohol de quince centésimos del uno por ciento (0.15%) o más, su privilegio de manejar en Carolina del Sur debe ser suspendido por lo menos durante un (1) mes con la opción de terminar la suspensión si se inscribe en el Programa del Dispositivo de Bloqueo del Arranque.
- Usted tiene el derecho de que una persona que usted elija y que esté capacitada para hacerlo, realice por su cuenta los análisis adicionales que usted tendrá que pagar y en ese caso, el agente debe brindarle ayuda si usted la solicita.
- Usted tiene el derecho de solicitar una audiencia para disputar el caso dentro de los treinta (30) días a partir de la fecha en que se emitió la notificación de la suspensión.
- Si usted no solicita una audiencia para disputar el caso o si se le confirma la suspensión en la audiencia para disputar el caso, usted tiene que inscribirse en un Programa de Medidas de Seguridad para el Consumo Responsable del Alcohol y las Drogas.

Si es pertinente, haga lo siguiente:

- (C) Inspeccione la boca de la persona y quite todo material extraño de la boca. (No se requiere si se niega la persona.)
(D) Ingrese los datos biográficos en el DataMaster DMT. (Obligatorio para todos los análisis aunque se niegue la persona.)
(E) Observe a la persona un mínimo de (20) minutos antes de obtener una muestra de su aliento. (No se requiere si se niega la persona.)

Refused to sign

Subject's Signature

Firma de la Persona (recibió una copia)

[Signature]
Officer's Signature
Firma del Agente10-16-21/0152
date/time
fecha/hora



Office of the Medical Examiner
County of Greenville



NAME Accredited Autopsy Service Facility

1190 West Faris Road
Greenville, SC 29605
864-522-1880 (tel) 864-522-1879 (fax)

Report of Findings

NAME: MINOR 1 [REDACTED] AUTOPSY #: A-21-809
AGE: 5 PRONOUNCED: October 16, 2021 at 5:15 a.m.
RACE: Black POST MORTEM: October 18, 2021 at 10:45 a.m.
SEX: Male PHYSICIAN: Michael Ward, M.D.
CORONER CASE #: 21-4695

FINAL ANATOMIC DIAGNOSES

- I. BLUNT FORCE TRAUMA OF HEAD AND NECK WITH:
- A. Atlanto-occipital subluxation.
 - B. Diffuse subarachnoid hemorrhage, inferior surface of brain and cerebral convexities.
 - C. Moderate cerebral edema.
 - D. Multiple superficial abrasions, face.
 - E. Pulmonary contusions, left lung.
- II. TOXICOLOGY, HEART BLOOD, NONE DETECTED.

CAUSE OF DEATH: Blunt force trauma of head and neck.

MANNER OF DEATH: Accident.

MICHAEL WARD, M.D./aqm-December 7, 2021
Medical Examiner

PROTOCOL

An autopsy is performed on a body identified as that of MINOR 1 at the Prisma Health Greenville Hospital System, Greenville County, South Carolina, on the 18th day of October 2021. The autopsy is conducted in the presence of Greenville County Deputy Coroner Ryan Mahaffey. Autopsy technicians are Austin Malchiodi and Summer Hall. This autopsy falls under the jurisdiction of the Greenville County Medical Examiner's Office.

EXTERNAL EXAMINATION: The body is that of a well-developed, well-nourished, black male child who weighs 34 pounds, is 40 inches in length, and appears younger than the reported age of 5 years. An identification band is present on the left wrist labeled in part "TRAUMA TR2021 KANSAS218". An identification band is present on the left great toe labeled in part "MINOR 1 /16 978355935".

The body is received unclad.

The body is cold to touch. Rigor mortis is fully present. Slightly blanchable purple-red livor mortis extends over the posterior surfaces of the body, except in areas exposed to pressure.

The scalp hair is black, tightly curly, and measures 1/4 inch in length over the crown. The irides are brown. The pupils are bilaterally equal at 0.5 cm. The cornea are slightly clouded. The sclerae and conjunctivae are unremarkable. The nose and ears are not unusual. A white metal stud earring is present within the left earlobe. The teeth are natural and in good repair. The neck is unremarkable.

The thorax is well-developed and symmetrical. The abdomen is flat. The anus and back are unremarkable.

The penis is uncircumcised. The testes are bilaterally descended within the scrotum.

The upper and lower extremities are well-developed and symmetrical, without absence of digits.

No identifying marks or scars are readily apparent.

Evidence of medical intervention includes an endotracheal tube, an orogastric tube, a cervical collar, and intravenous catheters within the left antecubital fossa and right groin. A chest tube is present within the right chest, and a recent needle puncture mark is present over the anterior left lower leg.

EVIDENCE OF INJURY

HEAD AND NECK: On the right lateral forehead is a 1 inch abrasion of the skin. On the right face extending onto the right cheek, are multiple areas of superficial abrasion ranging in size from 0.3 to 0.5 inch in greatest dimension. Similar abrasion is present on the left cheek, 1 inch in greatest dimension. There is atlanto-occipital subluxation and marked anterior/posterior displacement. There is subarachnoid hemorrhage involving the inferior surface of the brain, extending onto the cerebral convexities bilaterally.

THORAX AND ABDOMEN: There is no external evidence of injury. There are left-sided pulmonary contusions involving the lower lobe of the left lung.

UPPER AND LOWER EXTREMITIES: No injuries are noted.

INTERNAL EXAMINATION

BODY CAVITIES: No adhesions or abnormal collections of fluid are in any of the body cavities. All body organs are present in normal and anatomic position. The subcutaneous fat layer of the abdominal wall is 1 cm thick.

HEAD (CENTRAL NERVOUS SYSTEM): The brain weighs 1110 grams. The dura mater and falx cerebri are intact, and the leptomeninges are thin and delicate. There is subarachnoid hemorrhage overlying the right and left cerebral convexities, as well as the region of the base of the brain. There is mild to moderate cerebral edema, with flattening of gyri and narrowing of sulci. The structures at the base of the brain, including cranial nerves and blood vessels are intact and free of abnormality. Sections through the cerebral hemispheres demonstrate the above-described cerebral edema with loss of sulci. No focal lesions are noted within the cortex, subcortical white matter, or deep parenchyma of either hemisphere. The cerebral ventricles are of normal caliber. Sections through the brainstem and cerebellum are unremarkable. The spinal cord is not examined. Palpation of the head and neck within the region of the foramen ovale and first cervical vertebra demonstrates marked displacement of the cranium in relation to the first cervical vertebra, with marked anterior/posterior displacement.

NECK: Examination of the soft tissues of the neck, including strap muscles and large vessels, reveals no abnormalities. The hyoid bone and larynx are intact. The tongue is normal.

CARDIOVASCULAR SYSTEM: The heart weighs 40 grams. The pericardial surfaces are smooth, glistening and unremarkable. The pericardial sac is free of significant fluid or adhesions. The coronary arteries arise normally and follow the usual distribution of a right dominant pattern, with no atherosclerotic stenosis of the coronary arteries. The cardiac chambers and valves bear the usual size/position relationship and are unremarkable. The myocardium is dark red-brown, firm and unremarkable. The atrial and ventricular septa are intact. The aorta and its major branches arise normally and follow the usual course, with no evidence of atherosclerosis. The vena cava and its major tributaries return to the heart in the usual distribution and are unremarkable.

RESPIRATORY SYSTEM: The right and left lungs weigh 170 and 220 grams, respectively. The upper and lower airways are patent, and the mucosal surfaces are smooth, yellow-tan and unremarkable. The pleural surfaces are smooth, glistening, and unremarkable. The pulmonary parenchyma is light pink to purple and exudes minimal amounts of blood and frothy fluid. There is focal hemorrhage within the region of the left lower lobe, consistent with pulmonary contusion. The pulmonary arteries are normally developed and patent.

LIVER AND BILIARY SYSTEM: The liver weighs 610 grams. The hepatic capsule is smooth, glistening and intact, covering a red-brown parenchyma. The gallbladder contains viscous bile. The extrahepatic biliary tree is patent.

ALIMENTARY TRACT: The esophagus is lined by a gray-white smooth mucosa. The gastric mucosa is arranged in the usual rugal folds, and the lumen is devoid of contents. The small and large bowel are unremarkable. The appendix is present. The colon contains formed stool. The pancreas has a normal gray-white lobulated appearance and the ducts are clear.

GENITOURINARY TRACT: The right and left kidneys weigh 40 grams each. The renal capsules are smooth, thin, semitransparent and strip with ease from the underlying smooth, red-brown, firm cortical surfaces. The cortices are sharply delineated from the medullary pyramids. The calyces, pelves, and ureters are unremarkable. The urinary bladder is devoid of urine. The mucosa is gray-tan and smooth. The Foley catheter is in the appropriate position. The testes and prostate are infantile and unremarkable.

RETICULOENDOTHELIAL SYSTEM: The spleen weighs 80 grams and has a smooth intact capsule covering a red-purple moderately firm parenchyma. The splenic lymphoid follicles are unremarkable. The regional lymph nodes appear normal. The bone marrow is red-purple and homogeneous without evidence of focal abnormality.

ENDOCRINE SYSTEM: The pituitary, thyroid and adrenal glands are unremarkable.

MUSCULOSKELETAL SYSTEM: The bony framework, supporting musculature, and soft tissues are not unusual.

Biological fluids and/or tissue samples have been retained as part of the autopsy process to determine cause and manner of death.

MINOR 1

A-21-809

Page 5

Office of the Medical Examiner
County of Greenville

MICROSCOPIC EXAMINATION

LUNG: Multiple sections of lung show multifocal areas of acute bronchopneumonia with neutrophils filling and distending distal bronchioles, as well as adjacent alveolar spaces. There is focal intraparenchymal hemorrhage.

BRAIN: Multiple sections of brain show acute subarachnoid hemorrhage at cortical surface and extending into Virchow-Robbin spaces. There is mild cerebral edema. No other significant histopathologic abnormalities are noted.

HEART, LIVER, KIDNEY: No significant histopathologic abnormalities.

BLOCK SUMMARY

#1 Heart, Lung
#2 Lung
#3 Liver, Kidney
#4-#6 Brain

OPINION

MINOR 1, a 5 year-old black male, died as the result of blunt force trauma of the head and neck. He was reportedly the backseat passenger of a vehicle in a collision with another vehicle. He was transported to a local hospital; however, died shortly after arrival.

At autopsy, there was blunt force trauma of the head and neck with multiple abrasions of the face, as well as atlanto-occipital subluxation with marked anterior/posterior displacement. Pulmonary contusions were noted, involving the lower lobe of the left lung.

Toxicological examination of heart blood was negative.

The manner of death is accident.



PRISMA HEALTH

Patient Name: Tondalayo Trimmier

Date of Birth: [REDACTED]-1969

MRN: 971427014

Please accept this document as certification of the records produced herewith. The records you requested are maintained by Prisma Health. The records produced herewith are accurate, complete, true, and correct copies of all medical records pursuant to your request. I further certify that I Susan Davis, am the custodian of record, that the records were kept in the regular course of business and that this is a regularly conducted business activity, that upon information and belief, these records were made at or near the time the acts, events, conditions, opinions, or diagnoses occurred or within a reasonable time thereafter pursuant to a doctor's orders and finally that these records were made by, or from information transmitted by, a person with knowledge of the acts, events, conditions, opinions or diagnoses stated therein.

Susan Davis
Affiant Signature

Susan Davis
Print Name

Health Information Management Department
Title

Prisma Health
Facility

255 Enterprise Blvd. Suite 120

Greenville, South Carolina 29615
Address

June 10, 2024
Date

SWORN to before me this 10 day of

June, 2024
Nyhus Wolman

Notary Public for South Carolina

My Commission Expires: 5/26/30

PRISMA
HEALTH

GMH NEURO ICU
701 Grove Road
Greenville SC 29605

Trimmier, Tondalayo
MRN: 971427014, DOB: [REDACTED]/1969, Sex: F
Adm: 10/15/2021, D/C: 11/12/2021

10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Neuro ICU

Discharge Summary Note

Discharge Summary by Morris, Jacqueline, MD at 11/12/2021 1627

Author: Morris, Jacqueline, MD

Filed: 11/12/2021 4:29 PM

Editor: Morris, Jacqueline, MD (Resident Physician)

Service: Surgical ICU

Date of Service: 11/12/2021 4:27 PM

Author Type: Resident Physician

Status: Attested

Cosigner: Pellizzeri, Katherine Ferstadt, MD at 11/12/2021 4:35 PM

Attestation signed by Pellizzeri, Katherine Ferstadt, MD at 11/12/2021 4:35 PM

PRISMA
HEALTH

Trauma & General / Acute Care / Surgical Critical Care Surgery Service

The patient was seen and examined with the resident. The pertinent physical exam was performed. I discussed the assessment and plan of care with the resident/PA/NP. I agree with the note as written except as noted below. This note was generated with the aid of a dictation device and errors in dictation may be present.

PRISMA
HEALTH

Death Summary^[JM 1T]
Surgical Critical Care^[JM 1M]

11/12/2021

Tondalayo Trimmier DOB: [REDACTED]/1969 MRN: 978355940 PCP: Smith, Christina Dicarlo, PA

Discharge time: ^[JM 1T] 30^[JM 1M] minutes

Admission Date: 10/15/2021 Time of Death: ^[JM 1T] 1546^[JM 1M] Date of Death: ^[JM 1T] 11/12/2021^[JM 1M]

HPI:^[JM 1T]

Upon arrival to the bay pt was evaluated using ATLS protocol. GCS 7 with non-reactive pupils. Airway was immediately secured with endotracheal intubation and c-collar in place. The initial chest xray indicated left pulmonary effusion likely a hemothorax, multiple left rib fractures, and a left clavicular fracture with the ET tube tip in the right mainstem bronchus. The ET tube was retracted by 2 cm and re-evaluated by repeat chest xray. A left chest tube was placed due to worsening hemodynamic instability with a total of 800 cc blood drained at trauma bay. Distal pulses intact initially but were palpated as weak on subsequent check. Initial pelvic xray indicated right sided pelvic fractures and a left pubis fracture. Initial vitals BP 110/74 HR 118. IV access obtained with 18 G in right wrist, 18 G in right antecubital, 20 G in left antecubital, left femoral arterial line. A right chest tube was also placed. Upon exposure/roll no abrasions, tenderness, or stepoffs noted. Second set of vitals BP 88/71 HR 118. Throughout the course of the trauma call, three FAST exams were performed all being negative. Massive transfusion protocol was announced. Pt was taken urgently to the OR.^[JM 1C]

Summary:^[JM 1T]

Patient is a 52 y.o. female who presented to GMH on 10/15/21 following a high speed MVC. Patient was hemodynamically unstable and taken emergently to the OR. MTP activated and she underwent ex-lap, splenectomy,

PRISMA
 HEALTH

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 Adm: 10/15/2021, D/C: 11/12/2021

10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Neuro ICU (continued)
Discharge Summary Note (continued)

hepatic packing, left anterior thoracotomy, left pulmonary wedge resection x2 and packing. She was admitted to surgical critical care service.

Work-up following stabilization demonstrated significant neurologic injuries, including scattered SAH, small IPH, small R SDH, with diffuse axonal injury, and Gr. 1 left vert BVI.

Patient's hospital course involved high-level care and multiple returns to the OR. On 10/18, she underwent re-exploration packing and diaphragmatic injury repair. On 10/19, she underwent chest exploration and closure with thoracostomy tubes. On 10/25, she underwent tracheostomy and PEG tube placement for long term management of ventilation and nutrition given persistent neurologic deficits.

Hospital course was complicated by right lower extremity DVT and pulmonary embolism on 10/17 and wound dehiscence of midline laparotomy on 10/29, and candidemia on 11/8.

Patient was placed on comfort measures on 11/12.^[JM.1C] Her trach collar O2 was removed, and patient went into asystole soon after. Time of death 1546 11/12/2021.^[JM.1M]

Consults:

IP CONSULT TO NEUROSURGERY
 IP CONSULT TO NEPHROLOGY
 IP CONSULT TO PALLIATIVE CARE
 CONSULT TO IV TEAM
 CONSULT TO ORTHOTIST
 CONSULT TO IV TEAM
 CONSULT TO CHILD LIFE
 IP CONSULT TO HOSPICE
 IP CONSULT TO PALLIATIVE CARE
 CONSULT SPECIFY
 CONSULT TO SPIRITUAL CARE

Exam:

On exam the patient did not respond to verbal or physical stimuli. Absent heart and breath sounds on auscultation. Absent peripheral pulses. Pupils are fixed and dilated.

Principal Problem:

Trauma

Active Problems:

Head trauma, initial encounter
 Hypotension
 Multiple closed fractures of pelvis with disruption of pelvic ring with routine healing
 Closed displaced fracture of shaft of left clavicle with routine healing
 Acute respiratory failure with hypoxia and hypercapnia (HCC)

Patient Active Problem List
Diagnosis

- Trauma
- Head trauma, initial encounter
- Hypotension
- Multiple closed fractures of pelvis with disruption of pelvic ring with routine healing
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PRISMA
 HEALTH

 GMH NEURO ICU
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 Adm: 10/15/2021, D/C: 11/12/2021

10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Neuro ICU (continued)
Discharge Summary Note (continued)

- Acute respiratory failure with hypoxia and hypercapnia (HCC)

10/15/2021

28 Days Post-Op

 Procedure(s):
 TRACHEOSTOMY, PLANNED (SEPARATE PROCEDURE);

10/18/2021

25 Days Post-Op

 Procedure(s):
 TRACHEOSTOMY, PLANNED (SEPARATE PROCEDURE);

10/18/2021

* No surgery date entered *

 Procedure(s):
 TRACHEOSTOMY, PLANNED (SEPARATE PROCEDURE);

10/19/2021

24 Days Post-Op

 Procedure(s):
 TRACHEOSTOMY, PLANNED (SEPARATE PROCEDURE);

10/20/2021

23 Days Post-Op

 Procedure(s):
 TRACHEOSTOMY, PLANNED (SEPARATE PROCEDURE);

10/21/2021

22 Days Post-Op

 Procedure(s):
 TRACHEOSTOMY, PLANNED (SEPARATE PROCEDURE);

10/25/2021

PRISMA
HEALTH.GMH NEURO ICU
701 Grove Road
Greenville SC 29605Trimmier, Tondalayo
MRN: 971427014, DOB: [REDACTED]/1969, Sex: F
Adm: 10/15/2021, D/C: 11/12/2021**10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Neuro ICU (continued)****Discharge Summary Note (continued)**

18 Days Post-Op

Procedure(s):

TRACHEOSTOMY, PLANNED (SEPARATE PROCEDURE);
-----Jacqueline Morris, MD 11/12/2021 4:27 PM
Resident, GHS Department of Surgery^[JM.1T]

Electronically signed by Morris, Jacqueline, MD at 11/12/2021 4:29 PM

Electronically signed by Pellizzeri, Katherine Ferstadt, MD at 11/12/2021 4:35 PM

Attribution Key

JM.1 - Morris, Jacqueline, MD on 11/12/2021 4:27 PM

C - Copied, M - Manual, T - Template

END OF REPORT

PRISMA
HEALTH

GMH NEURO ICU
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Greenville SC 29605

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MD at 11/12/2021 4:35 PM

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PRISMA
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Trauma & General / Acute Care / Surgical Critical Care Surgery Service

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PRISMA
HEALTH

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Surgical Critical Care^[JM.1M]

11/12/2021

Tondalayo Trimmier DOB: [REDACTED]/1969 MRN:978355940 PCP:Smith, Christina Dicarlo, PA

Discharge time:^[JM.1T] 30^[JM.1M] minutes

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HPI:^[JM.1T]

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10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Neuro ICU (continued)
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 CONSULT TO ORTHOTIST
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 CONSULT SPECIFY
 CONSULT TO SPIRITUAL CARE

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Principal Problem:

Trauma

Active Problems:

Head trauma, initial encounter

Hypotension

Multiple closed fractures of pelvis with disruption of pelvic ring with routine healing

Closed displaced fracture of shaft of left clavicle with routine healing

Acute respiratory failure with hypoxia and hypercapnia (HCC)

Patient Active Problem List
Diagnosis

- Trauma
- Head trauma, initial encounter
- Hypotension
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PRISMA
HEALTHGMH NEURO ICU
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Greenville SC 29605Trimmier, Tondalayo
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Adm: 10/15/2021, D/C: 11/12/2021**10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Neuro ICU (continued)**Discharge Summary Note (continued)

- Acute respiratory failure with hypoxia and hypercapnia (HCC)

10/15/2021

28 Days Post-Op

Procedure(s):
TRACHEOSTOMY, PLANNED (SEPARATE PROCEDURE);

10/18/2021

25 Days Post-Op

Procedure(s):
TRACHEOSTOMY, PLANNED (SEPARATE PROCEDURE);

10/18/2021

* No surgery date entered *

Procedure(s):
TRACHEOSTOMY, PLANNED (SEPARATE PROCEDURE);

10/19/2021

24 Days Post-Op

Procedure(s):
TRACHEOSTOMY, PLANNED (SEPARATE PROCEDURE);

10/20/2021

23 Days Post-Op

Procedure(s):
TRACHEOSTOMY, PLANNED (SEPARATE PROCEDURE);

10/21/2021

22 Days Post-Op

Procedure(s):
TRACHEOSTOMY, PLANNED (SEPARATE PROCEDURE);

10/25/2021

PRISMA
HEALTHGMH NEURO ICU
701 Grove Road
Greenville SC 29605Trimmier, Tondalayo
MRN: 971427014, DOB: [REDACTED]/1969, Sex: F
Adm: 10/15/2021, D/C: 11/12/2021**10/15/2021 - ED to Hosp-Admission (Discharged) in Greenville Memorial Neuro ICU (continued)****Discharge Summary Note (continued)**

18 Days Post-Op

Procedure(s):

TRACHEOSTOMY, PLANNED (SEPARATE PROCEDURE);
-----Jacqueline Morris, MD 11/12/2021 4:27 PM
Resident, GHS Department of Surgery^(JM, IT)

Electronically signed by Morris, Jacqueline, MD at 11/12/2021 4:29 PM

Electronically signed by Pelizzari, Katherine Ferstadt, MD at 11/12/2021 4:35 PM

Attribution Key

JM, I - Morris, Jacqueline, MD on 11/12/2021 4:27 PM

C - Copied, M - Manual, T - Template

END OF REPORT



IMPORTANT NOTICE: Robert Bosch LLC and the manufacturers whose vehicles are accessible using the CDR System urge end users to use the latest production release of the Crash Data Retrieval system software when viewing, printing or exporting any retrieved data from within the CDR program. Using the latest version of the CDR software is the best way to ensure that retrieved data has been translated using the most current information provided by the manufacturers of the vehicles supported by this product.

CDR File Information

User Entered VIN	1G11A5SA7DF142541
User	BR Hall
Case Number	PG-087-21
EDR Data Imaging Date	10/16/2021
Crash Date	10/15/2021
Filename	1G11A5SA7DF142541_ACM PG-087-21.CDRX
Saved on	Saturday, October 16 2021 at 02:47:31
Imaged with CDR version	Crash Data Retrieval Tool 21.2.1
Imaged with Software Licensed to (Company Name)	South Carolina DPS
Reported with CDR version	Crash Data Retrieval Tool 21.2.1
Reported with Software Licensed to (Company Name)	South Carolina DPS
EDR Device Type	Airbag Control Module
Event(s) recovered	Deployment, Deployment

Comments

VIN: 1G11A5SA7DF142541
Year: 2013
Make: CHEVROLET
Model: MALIBU
Inspection location: SC 20
Individuals present: B.R HALL

Observed visible restraint deployment(s): Yes
Pursuant to search warrant (warrant details) (Y/N)? Ni
Imaging conducted pursuant to owner consent (Y/N)? No
Imaging conducted pursuant to civil discovery (Y/N)? No

Ignition key or fob available and its position at the start of the inspection: No
Odometer reading/units: Unknown
Recommended tire size (sticker): 215/60R16
Tire size(s) (actual): 215/60R16
For GM vehicles, were RPOs documented (i.e.: photo)? Yes

Imaging completed by DLC or direct-to-module access: DLC
"Re-powering" required (Y/N)? No
Additional power-up used: No

Other notes:

Disclaimer

I have accessed and retrieved data from CDR Tool accessible system(s) from or in the vehicle identified by the applied VIN in which potential Event Data Recorder (EDR) may be found. The retrieved data may be related to a crash or other physical event. The successful retrieval of the data and production of this report is an indication that the procedure(s) necessary to properly access and retrieve the data have been followed and the data was properly imaged/downloaded.

I have or will provide the appropriate party(s) a copy of the original, raw data file - the underlying CDR System file - for discovery and/or later re-printing as necessary. This file will be named using the vehicle's Vehicle Identification Number (VIN) and identified by the *.CDRx file extension. This file should only be opened and viewed with the latest version of the Bosch Crash Data Retrieval System Software; improper use of a "text viewer" may corrupt the CDRx file which would prevent it from being opened again in the CDR Tool software and generating a data translation report.

The raw data as found in the CDRx file might be compared to a photographic negative and it is a direct image or copy of the data stored on/in the module(s) accessed using the CDR Tool. The CDRx file should be preserved in its native format, unedited, and should be shared in that format where it may be viewed at a later date using a licensed copy of the CDR Tool software or using the "free reader" version of the CDR Tool software in the latest production release of that software. Prior to any analytical use of this data or legal proceeding, the original *.CDRx file should be reopened and the raw data translated in the latest production version of the CDR software to ensure the most recent, complete translation of the data is used as
1G11A5SA7DF142541



described in the "Important Notice" above.

I have indicated to the individual(s) receiving the CDRx file that the report includes a Data Limitations section which follows this disclaimer and that portion of this translation report may include, but not limited to, the CDR Tool software Help File. For these reasons and others, a situationally complete analysis of the crash or event under study should be undertaken to fully evaluate the meaning, usefulness and applicability of the recovered data found in this report, describe or suggest conditions or characteristics of the data which may be, on the surface, confusing or require a more complete analysis by other means. I have also informed the individual(s) that the data may be affected by conditions or vehicle characteristics described in the Data Limitations section of the report or in other related reference material.

Data Limitations

Recorded Crash Events:

There are two types of recorded crash events for Front, Side, and Rear (FSR) Events. The first is the Non-Deployment Event. A Non-Deployment Event records data but does not deploy the air bag(s). The minimum SDM Recorded Vehicle Velocity Change, that is needed to record a Non-Deployment Event, is five MPH [8 km/h]. A Non-Deployment Event contains Pre-Crash and Crash data. The oldest Non-Deployment event can be overwritten by a Deployment Event, if all three records are full and the Non-Deployment Event is not locked. A Non-Deployment Event can be overwritten by a more recent Non-Deployment Event if all three records are full and the Non-Deployment is older than approximately 250 ignition cycles. Also, a Non-Deployment event can be recorded if one of the following occurs without the Deployment of any of the frontal air bags, side air bags, or roll bars:

- Pretensioner(s) only Deployment
- Head Rest Deployment
- Battery Cut-Off Deployment

The second type of SDM recorded crash event for FSR Events is the Deployment Event. It also contains Pre-Crash and Crash data. Deployment Events cannot be overwritten or cleared by the SDM.

Rollover Events contains Pre-Crash and Crash data. Rollover event follow the same rules as FSR Deployment events.

The SDM can store up to three Events.

Data:

For FSR Events, SDM Recorded Vehicle Velocity Change reflects the change in velocity that the sensing system experienced during the recorded portion of the event. SDM Recorded Vehicle Velocity Change is the change in velocity during the recording time and is not the speed the vehicle was traveling before the event and is also not the Barrier Equivalent Velocity. For Deployment and Non-Deployment Events, the SDM will record up to 300 milliseconds of data after time zero. The SDM will also record up to 300 milliseconds of Vehicle Acceleration data after time zero.

For Rollover Events, the SDM may record Lateral Acceleration, Vertical Acceleration, and Roll Rate data, if the SDM is rollover capable. This data reflects what the sensing system experienced during the recorded portion of the event. For Rollover Deployment Events, the SDM will record up to 700 milliseconds of data before the Deployment criteria is met and 290 milliseconds after the Deployment criteria is met.

-Deployment loops may be displayed as being deployed in a Non-Deployment event record, if a Deployment event is qualified during the Non-Deployment event. That is, if two or more events are occurring at the same time and one is a Non-Deployment event and one of the others is a Deployment event, and the Deployment event is qualified while the Non-Deployment is still active, the deployed loops may be recorded in the Non-Deployment event record.

-Time between events is recorded in 10 msec intervals and is displayed in seconds for a maximum time of 655.33 seconds. The counter measures the time from the start of one event to the start of the next event if both events occur within the same ignition cycle.

-The Maximum SDM Recorded Vehicle Velocity Change may occur between the recorded 10 millisecond sample points of the SDM Recorded Vehicle Velocity Change.

-Event Recording Complete will indicate if data from the recorded event has been fully written to the SDM memory or if it has been interrupted and not fully written.

-SDM Recorded Vehicle Speed accuracy can be affected by various factors, including but not limited to the following:

- Significant changes in the tire's rolling radius
- Final drive axle ratio changes
- Wheel lockup and wheel slip

-Brake Switch Circuit Status indicates the open/closed state of the brake switch circuit.

-Pre-Crash data is recorded asynchronously. The 0.5 second Pre-crash data value (most recent recorded data point) is the data point last sampled before Time Zero. That is to say, the last data point may have been captured just before Time Zero but no more than 0.5 second before Time Zero. All subsequent Pre-crash data values are referenced from this data point.

-Pre-Crash Electronic Data Validity Check Status indicates "Data Invalid" if:

- The SDM receives a message with an "invalid" flag from the module sending the pre-crash data

-Pre-Crash Electronic Data Validity Check Status indicates "Data Not Available" if:

- No data is received from the module sending the pre-crash data

-For diesel powered vehicles, the data displayed as Throttle Position (%) is actually the data for the Air Inlet Flap Position. This is not the same as the throttle position for a gasoline powered engines.

-Belt Switch Circuit Status indicates the status of the seat belt switch circuit.

-The ignition cycle counter will increment when the power mode cycles from OFF/Accessory to RUN. Applying and removing of battery power to the module will not increment the ignition cycle counter.

-Ignition Cycles Since DTCs Were Last Cleared can record a maximum value of 253 cycles and can only be reset by a scan tool.

-Dynamic Deployment Event Counter tracks the number of Deployment events that have occurred during the SDM's lifetime.

-Dynamic Event Counter tracks the number of qualified events (either Deployments, Non-deploy, or Rollover events) that have occurred during the SDM's lifetime.



-For Deployment Events, DTC B0052 (Deployment commanded) shall be recorded with the remainder of the data for this event even though it occurred after Event Enable.

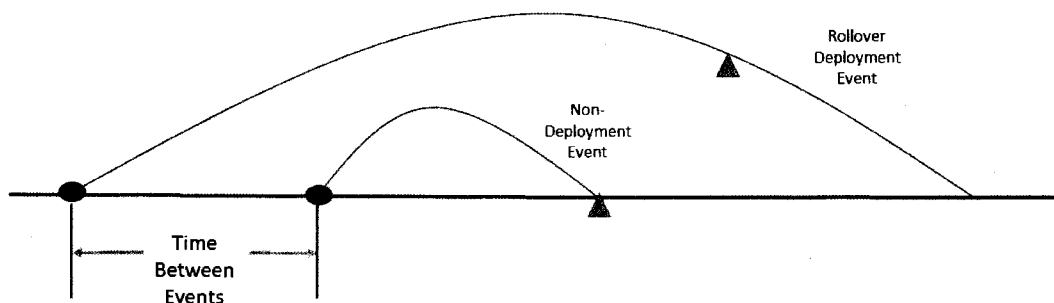
-Once a firing loop has been commanded to be deployed, it will not be commanded to be deployed again during the same ignition cycle. Firing loop times for subsequent deployment type events, during the same ignition cycle, will record the deployment times as N/A.

-A Concurrent Event is when two events are happening nearly simultaneously. The "Concurrent Event Flag Set" parameter will indicate "Yes" if one event begins, but before that event is qualified, another event begins and is qualified.

A Non-Deployment event typically becomes qualified if that event exceeds the 5 MPH (8 km/h) delta V recording threshold and the event has concluded. A deployment event (FSR or Rollover) becomes qualified when a deployment has been commanded for that event.

Example of a Concurrent Event:

A Rollover event begins. Before the Rollover event is qualified, a Non-Deployment event begins and is qualified. Sometime after the Non-Deployment event is qualified, the Rollover event is qualified. The Non-Deployment event will be recorded in the first open record even though the Rollover event enabled before the Non-Deployment event. The Rollover event will be recorded in the next open record. The "Concurrent Event Flag Set" parameter will indicate "Yes" for the Rollover event. The "Time Between Events" parameter will indicate the time from the start of the Rollover event to the start of the Non-Deployment event.



Event Record #1	Event Record #2
Event Record Type = Non – Deployment	Event Record Type = Rollover
Concurrent Event Flag = No	Concurrent Event Flag = Yes
Time Between Events = NA	Time Between Events = XX seconds

-The GM parameter name is displayed in parentheses after the NHTSA Part 563 parameter name.

-The reported range of the longitudinal and lateral acceleration values is approximately ± 50 g.

-All data should be examined in conjunction with other available physical evidence from the vehicle and scene.

Data Source:

All SDM recorded data is measured, calculated, and stored internally, except for the following:

- Vehicle Status Data (Pre-Crash) is transmitted by the Body Control Module, via the vehicle's communication network.
- The Belt Switch Circuit is wired directly to the SDM.

Data Element Sign Convention:

The following table provides an explanation of the sign notation for data elements that may be included in this CDR report. Directional references to sign notation are all from the perspective of the driver when seated in the vehicle facing the direction of forward vehicle travel.

Data Element Name	Positive Sign Notation Indicates
Longitudinal Acceleration	Forward
Longitudinal Velocity Change	Forward
Lateral Acceleration	Left to Right
Lateral Velocity Change	Left to Right
Vertical Acceleration	Downward
Roll Rate	Clockwise Rotation

Hexadecimal Data:

Data that the vehicle manufacturer has specified for data retrieval is shown in the hexadecimal data section of the CDR report. The hexadecimal data section of the CDR report may contain data that is not translated by the CDR program. The control module contains additional data that is not retrievable by the CDR tool.



01043_SDM10P-conti_r017



System Status at Time of Retrieval

Dynamic Deployment Event Counter	2
Multi-Event, Number of Events (Dynamic Event Counter)	2
Dynamic OnStar Notification Event Counter	2
Vehicle Identification Number (VIN)	1G11A5SA7DF142541
Ignition Cycle, Download (Ignition Cycles at Investigation)	20024
End Model Part Number	00CF5687
System Type	Continental
Software Module Identifier 1	00CF5682
Software Module Identifier 2	015E719B
Software Module Identifier 3	00CF2D8A
Manufacturing Traceability Data, Component Identifier	AS
Manufacturing Traceability Data, Part Number/Broadcast Code	8103
Manufacturing Traceability Data, Supplier Code	T
Manufacturing Traceability Data, Traceability Number	122120506
ESS # 1 Traceability Data, Component Identifier	AU
ESS # 1 Traceability Data, Part Number/Broadcast Code	6664
ESS # 1 Traceability Data, Supplier Code	T
ESS # 1 Traceability Data, Traceability Number	16ARB3MLQ
ESS # 2 Traceability Data, Component Identifier	AT
ESS # 2 Traceability Data, Part Number/Broadcast Code	6664
ESS # 2 Traceability Data, Supplier Code	T
ESS # 2 Traceability Data, Traceability Number	168QTBMLQ
ESS # 3 Traceability Data, Component Identifier	AH
ESS # 3 Traceability Data, Part Number/Broadcast Code	2340
ESS # 3 Traceability Data, Supplier Code	T
ESS # 3 Traceability Data, Traceability Number	W597SRIGN
ESS # 4 Traceability Data, Component Identifier	AJ
ESS # 4 Traceability Data, Part Number/Broadcast Code	2340
ESS # 4 Traceability Data, Supplier Code	T
ESS # 4 Traceability Data, Traceability Number	858JGRIGL
ESS # 5 Traceability Data, Component Identifier	DA
ESS # 5 Traceability Data, Part Number/Broadcast Code	2341
ESS # 5 Traceability Data, Supplier Code	T
ESS # 5 Traceability Data, Traceability Number	MRWFCBMGN
ESS # 6 Traceability Data, Component Identifier	DB
ESS # 6 Traceability Data, Part Number/Broadcast Code	2341
ESS # 6 Traceability Data, Supplier Code	T
ESS # 6 Traceability Data, Traceability Number	6HJ20JIGN
ESS # 7 Traceability Data, Component Identifier	DC
ESS # 7 Traceability Data, Part Number/Broadcast Code	2341
ESS # 7 Traceability Data, Supplier Code	T
ESS # 7 Traceability Data, Traceability Number	6RPDPBMGN
ESS # 8 Traceability Data, Component Identifier	DD
ESS # 8 Traceability Data, Part Number/Broadcast Code	2341
ESS # 8 Traceability Data, Supplier Code	T
ESS # 8 Traceability Data, Traceability Number	MJ95RJIGN


System Status at Event (Event Record 1)

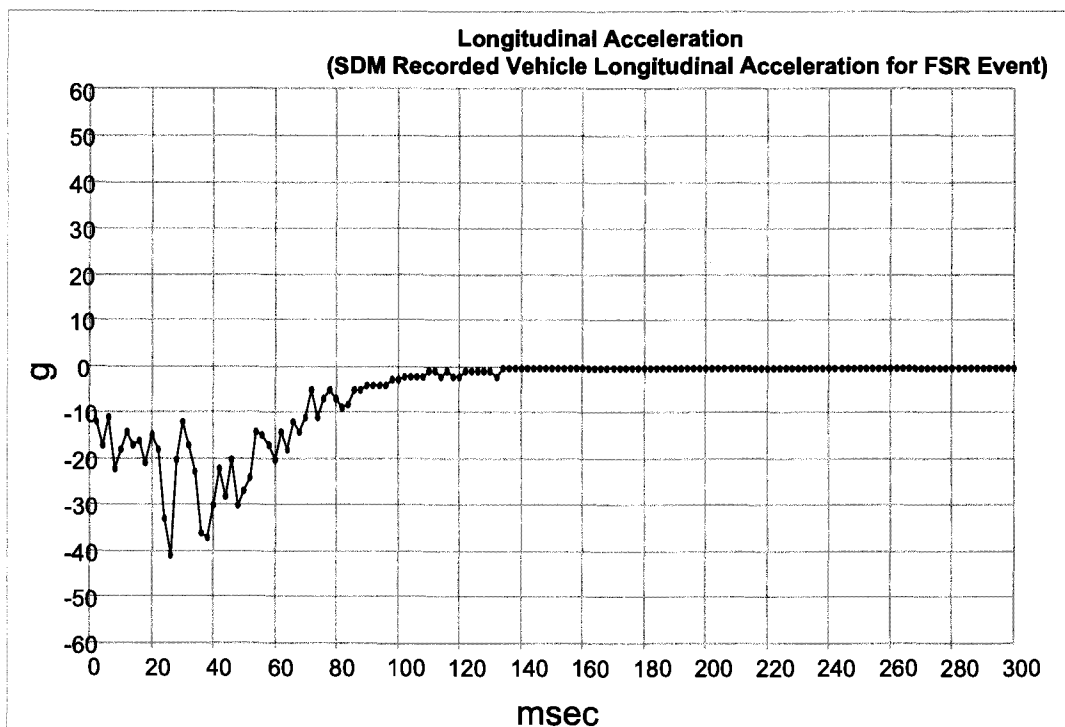
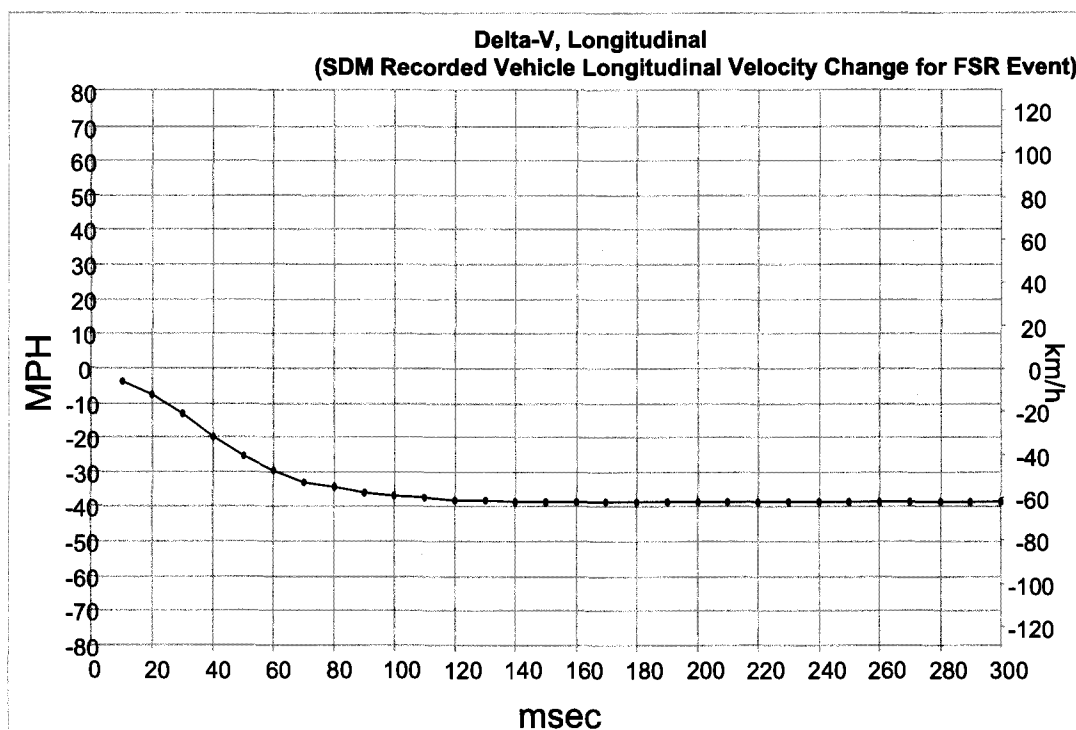
Event Record Type	Deployment
OnStar Deployment Status Data Sent	Yes
Complete file recorded (Event Recording Complete)	Yes
Crash Record Locked	Yes
OnStar SDM Recorded Vehicle Velocity Change Data Sent	Yes
Deployment Event Counter	1
Multi-Event, Number of Events (Event Counter)	1
OnStar Notification Event Counter	1
Time From Event 1 to 2 (Time Between Events) (seconds)	Data Not Available
Ignition Cycle, Crash (Ignition Cycles at Event)	20017
Algorithm Active: Frontal	Yes
Algorithm Active: Side	Yes
Algorithm Active: Rollover	No
Algorithm Active: Rear	Yes
Concurrent Event Flag Set	No
Event Severity Status: Frontal Pretensioner	Yes
Event Severity Status: Frontal Stage 1	Yes
Event Severity Status: Frontal Stage 2	Yes
Event Severity Status: Left Side	No
Event Severity Status: Right Side	No
Event Severity Status: Rear	No
Event Severity Status: Rollover	No
Safety Belt Status, Driver (Driver Belt Switch Circuit Status)	Buckled
Safety Belt Status, Right Front Passenger (Passenger Belt Switch Circuit Status)	Not Buckled
Center Front Row Belt Switch Circuit Status (If Equipped)	Data Not Available
Left Row 3 Belt Switch Circuit Status (If Equipped)	Data Not Available
Center Row 3 Belt Switch Circuit Status (If Equipped)	Data Not Available
Right Row 3 Belt Switch Circuit Status (If Equipped)	Data Not Available
Passenger Seat Occupancy Status	Empty
Occupant Size Right Front Passenger Child (Passenger Classification Status)	No (Not Applicable)
Passenger Air Bag ON Indicator Status	Off
Passenger Air Bag OFF Indicator Status	On
Low Tire Pressure Warning Lamp Status 0.5 Seconds Prior to Time Zero	On
Frontal Air Bag Warning Lamp (SIR Warning Lamp Status 0.5 Seconds Prior to Time Zero)	Off
SIR Warning Lamp ON/OFF Time Continuously (seconds)	655330
Number of Ignition Cycles SIR Warning Lamp was ON/OFF Continuously	5439
Ignition Cycles Since DTCs Were Last Cleared 0.5 Seconds Prior to Time Zero	49
Maximum Delta-V, Longitudinal (Maximum Longitudinal SDM Recorded Vehicle Velocity Change for FSR Event) MPH [km/h]	-39 [-62]
Time, Maximum Delta-V (Time From FSR Time Zero to Maximum Longitudinal SDM Recorded Vehicle Velocity Change)(msec)	132
Maximum Delta-V, Lateral (Maximum Lateral SDM Recorded Vehicle Velocity Change for FSR Event) MPH [km/h]	-6 [-9]
Time Maximum Delta-V, Lateral (Time From FSR Time Zero to Maximum Lateral SDM Recorded Vehicle Velocity Change)(msec)	66

**DTCs Present at Time of Event (Event Record 1)**

B0052-00


Event Data (Event Record 1)

Driver 1st Stage Deployment Loop Commanded	Yes
Passenger 1st Stage Deployment Loop Commanded	No
Driver 2nd Stage Deployment Loop Commanded	Yes
Passenger 2nd Stage Deployment Loop Commanded	No
Driver Pretensioner Deployment Loop #1 Commanded	Yes
Passenger Pretensioner Deployment Loop #1 Commanded	Yes
Driver Pretensioner Deployment Loop #2 Commanded	Yes
Passenger Pretensioner Deployment Loop #2 Commanded	Yes
Driver Thorax Loop Commanded	No
Passenger Thorax Loop Commanded	No
Left Row 2 Thorax Loop Commanded	No
Right Row 2 Thorax Loop Commanded	No
Left Row 1 Roof Rail/Head Curtain Loop Commanded	Yes
Right Row 1 Roof Rail/Head Curtain Loop Commanded	Yes
Driver Knee Deployment Loop Commanded	Yes
Passenger Knee Deployment Loop Commanded	No
Frontal Air Bag Deployment, Time to 1st Stage Deployment, Driver (Driver 1st Stage Time From Time Zero to Deployment Command Criteria Met) (msec)	3
Frontal Air Bag Deployment, Time to 2nd Stage, Driver (Driver 2nd Stage Time From Time Zero to Deployment Command Criteria Met) (msec)	8
Frontal Air Bag Deployment, Time to 1st Stage Deployment, Right Front Passenger (Passenger 1st Stage Time From Time Zero to Deployment Command Criteria Met) (msec)	Data Not Available
Frontal Air Bag Deployment, Time to 2nd Stage, Right Front Passenger (Passenger 2nd Stage Time From Time Zero to Deployment Command Criteria Met) (msec)	Data Not Available
Side air bag deployment, time to deploy, driver (Driver Thorax/Curtain Time From Time Zero to Deployment Command Criteria Met) (msec)	4
Side air bag deployment, time to deploy, right front passenger (Passenger Thorax/Curtain Time From Time Zero to Deployment Command Criteria Met) (msec)	4
Pretensioner Deployment, Time to Fire, Driver (Driver Pretensioner Time From Time Zero to Deployment Loop #1 or Loop #2 Command Criteria Met) (msec)	3
Pretensioner Deployment, Time to Fire, Right Front Passenger (Passenger Pretensioner Time From Time Zero to Deployment Loop #1 or Loop #2 Command Criteria Met) (msec)	3

**Longitudinal Crash Pulse (Event Record 1)**



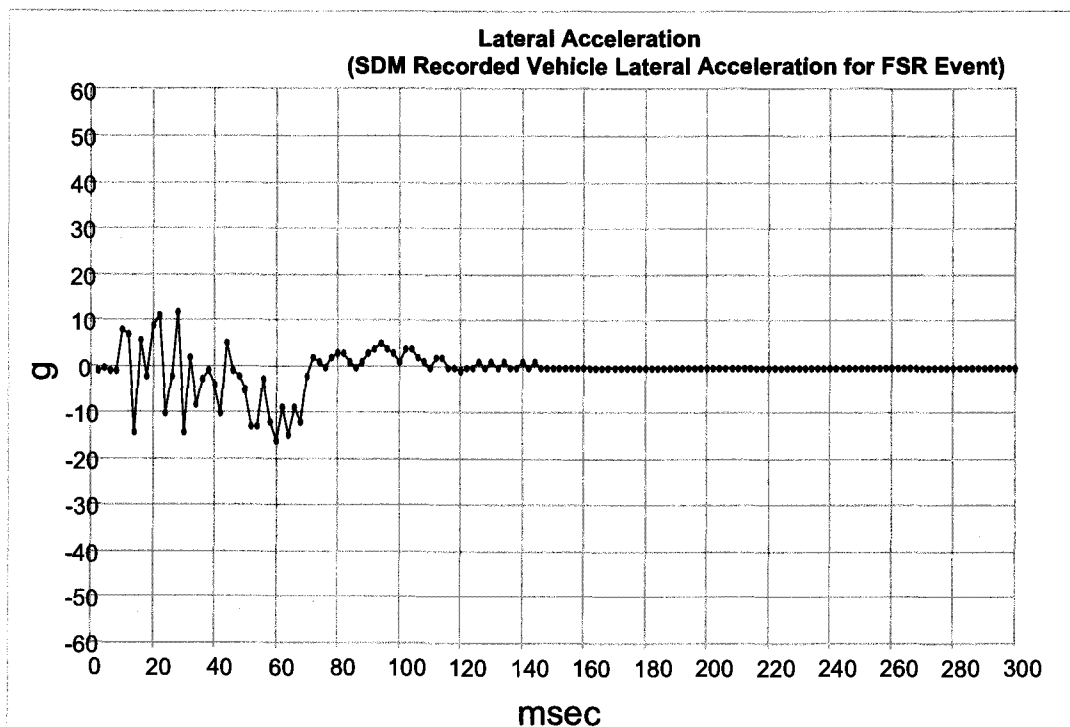
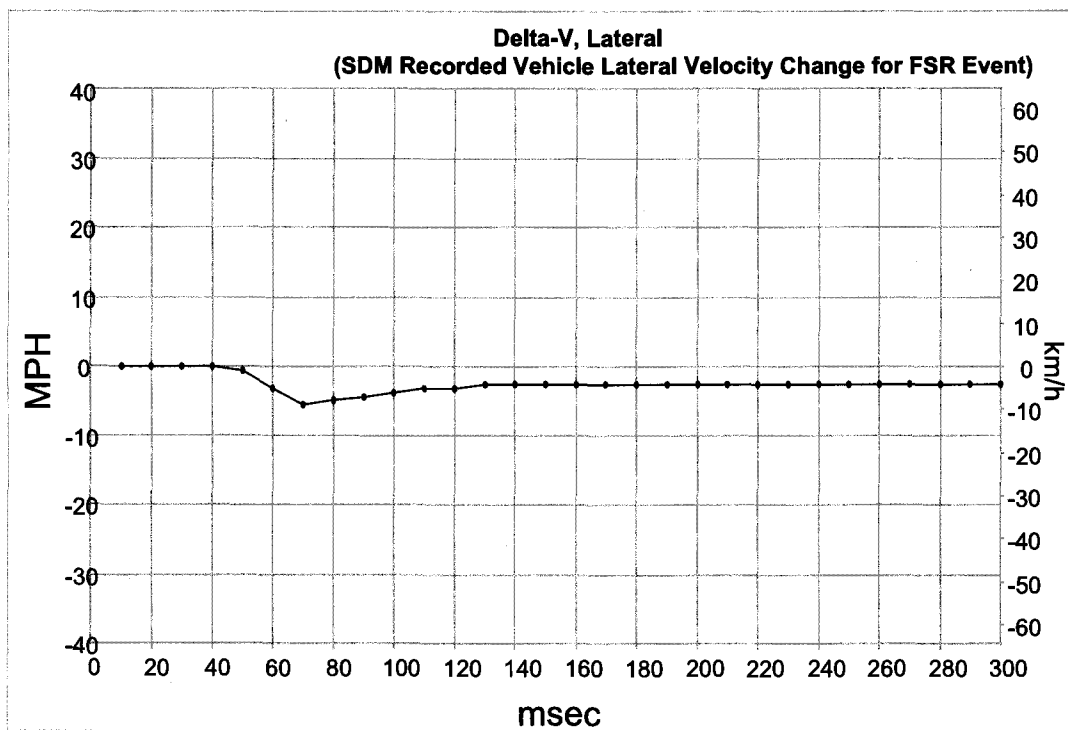
Longitudinal Crash Pulse (Event Record 1)

Time (msec)	Delta-V, Longitudinal (SDM Recorded Vehicle Longitudinal Velocity Change for FSR Event) (MPH)	Delta-V, Longitudinal (SDM Recorded Vehicle Longitudinal Velocity Change for FSR Event) (km/h)
10	-3.7	-6.0
20	-7.5	-12.0
30	-13.0	-21.0
40	-19.9	-32.0
50	-25.5	-41.0
60	-29.8	-48.0
70	-32.9	-53.0
80	-34.2	-55.0
90	-36.0	-58.0
100	-36.7	-59.0
110	-37.3	-60.0
120	-37.9	-61.0
130	-37.9	-61.0
140	-38.5	-62.0
150	-38.5	-62.0
160	-38.5	-62.0
170	-38.5	-62.0
180	-38.5	-62.0
190	-38.5	-62.0
200	-38.5	-62.0
210	-38.5	-62.0
220	-38.5	-62.0
230	-38.5	-62.0
240	-38.5	-62.0
250	-38.5	-62.0
260	-38.5	-62.0
270	-38.5	-62.0
280	-38.5	-62.0
290	-38.5	-62.0
300	-38.5	-62.0



Longitudinal Crash Pulse (Event Record 1)

Time (msec)	Longitudinal Acceleration (SDM Recorded Vehicle Longitudinal Acceleration for FSR Event) (g)	Time (msec)	Longitudinal Acceleration (SDM Recorded Vehicle Longitudinal Acceleration for FSR Event) (g)	Time (msec)	Longitudinal Acceleration (SDM Recorded Vehicle Longitudinal Acceleration for FSR Event) (g)
2	-12.2	102	-2.2	202	-0.2
4	-17.0	104	-2.2	204	-0.2
6	-11.0	106	-2.2	206	-0.2
8	-22.2	108	-2.2	208	-0.2
10	-18.2	110	-1.0	210	-0.2
12	-14.2	112	-1.0	212	-0.2
14	-17.0	114	-2.2	214	-0.2
16	-16.2	116	-1.0	216	-0.2
18	-21.0	118	-2.2	218	-0.2
20	-15.0	120	-2.2	220	-0.2
22	-18.2	122	-1.0	222	-0.2
24	-33.0	124	-1.0	224	-0.2
26	-41.0	126	-1.0	226	-0.2
28	-20.2	128	-1.0	228	-0.2
30	-12.2	130	-1.0	230	-0.2
32	-17.0	132	-2.2	232	-0.2
34	-23.0	134	-0.2	234	-0.2
36	-36.2	136	-0.2	236	-0.2
38	-37.0	138	-0.2	238	-0.2
40	-30.2	140	-0.2	240	-0.2
42	-22.2	142	-0.2	242	-0.2
44	-28.2	144	-0.2	244	-0.2
46	-20.2	146	-0.2	246	-0.2
48	-30.2	148	-0.2	248	-0.2
50	-27.0	150	-0.2	250	-0.2
52	-24.2	152	-0.2	252	-0.2
54	-14.2	154	-0.2	254	-0.2
56	-15.0	156	-0.2	256	-0.2
58	-17.0	158	-0.2	258	-0.2
60	-20.2	160	-0.2	260	-0.2
62	-14.2	162	-0.2	262	-0.2
64	-18.2	164	-0.2	264	-0.2
66	-12.2	166	-0.2	266	-0.2
68	-14.2	168	-0.2	268	-0.2
70	-11.0	170	-0.2	270	-0.2
72	-5.0	172	-0.2	272	-0.2
74	-11.0	174	-0.2	274	-0.2
76	-7.0	176	-0.2	276	-0.2
78	-5.0	178	-0.2	278	-0.2
80	-7.0	180	-0.2	280	-0.2
82	-9.0	182	-0.2	282	-0.2
84	-8.2	184	-0.2	284	-0.2
86	-5.0	186	-0.2	286	-0.2
88	-5.0	188	-0.2	288	-0.2
90	-4.2	190	-0.2	290	-0.2
92	-4.2	192	-0.2	292	-0.2
94	-4.2	194	-0.2	294	-0.2
96	-4.2	196	-0.2	296	-0.2
98	-3.0	198	-0.2	298	-0.2
100	-3.0	200	-0.2	300	-0.2

Lateral Crash Pulse (Event Record 1)


Lateral Crash Pulse (Event Record 1)

Time (msec)	Delta-V, Lateral (SDM Recorded Vehicle Lateral Velocity Change for FSR Event) (MPH)	Delta-V, Lateral (SDM Recorded Vehicle Lateral Velocity Change for FSR Event) (km/h)
10	0.0	0.0
20	0.0	0.0
30	0.0	0.0
40	0.0	0.0
50	-0.6	-1.0
60	-3.1	-5.0
70	-5.6	-9.0
80	-5.0	-8.0
90	-4.3	-7.0
100	-3.7	-6.0
110	-3.1	-5.0
120	-3.1	-5.0
130	-2.5	-4.0
140	-2.5	-4.0
150	-2.5	-4.0
160	-2.5	-4.0
170	-2.5	-4.0
180	-2.5	-4.0
190	-2.5	-4.0
200	-2.5	-4.0
210	-2.5	-4.0
220	-2.5	-4.0
230	-2.5	-4.0
240	-2.5	-4.0
250	-2.5	-4.0
260	-2.5	-4.0
270	-2.5	-4.0
280	-2.5	-4.0
290	-2.5	-4.0
300	-2.5	-4.0


Lateral Crash Pulse (Event Record 1)

Time (msec)	Lateral Acceleration (SDM Recorded Vehicle Lateral Acceleration for FSR Event) (g)	Time (msec)	Lateral Acceleration (SDM Recorded Vehicle Lateral Acceleration for FSR Event) (g)	Time (msec)	Lateral Acceleration (SDM Recorded Vehicle Lateral Acceleration for FSR Event) (g)
2	-1.0	102	3.8	202	-0.2
4	-0.2	104	3.8	204	-0.2
6	-1.0	106	1.8	206	-0.2
8	-1.0	108	1.0	208	-0.2
10	7.8	110	-0.2	210	-0.2
12	7.0	112	1.8	212	-0.2
14	-14.2	114	1.8	214	-0.2
16	5.8	116	-0.2	216	-0.2
18	-2.2	118	-0.2	218	-0.2
20	9.0	120	-1.0	220	-0.2
22	11.0	122	-0.2	222	-0.2
24	-10.2	124	-0.2	224	-0.2
26	-2.2	126	1.0	226	-0.2
28	11.8	128	-0.2	228	-0.2
30	-14.2	130	1.0	230	-0.2
32	1.8	132	-0.2	232	-0.2
34	-8.2	134	1.0	234	-0.2
36	-3.0	136	-0.2	236	-0.2
38	-1.0	138	-0.2	238	-0.2
40	-4.2	140	1.0	240	-0.2
42	-10.2	142	-0.2	242	-0.2
44	5.0	144	1.0	244	-0.2
46	-1.0	146	-0.2	246	-0.2
48	-2.2	148	-0.2	248	-0.2
50	-5.0	150	-0.2	250	-0.2
52	-13.0	152	-0.2	252	-0.2
54	-13.0	154	-0.2	254	-0.2
56	-3.0	156	-0.2	256	-0.2
58	-12.2	158	-0.2	258	-0.2
60	-16.2	160	-0.2	260	-0.2
62	-9.0	162	-0.2	262	-0.2
64	-15.0	164	-0.2	264	-0.2
66	-9.0	166	-0.2	266	-0.2
68	-12.2	168	-0.2	268	-0.2
70	-2.2	170	-0.2	270	-0.2
72	1.8	172	-0.2	272	-0.2
74	1.0	174	-0.2	274	-0.2
76	-0.2	176	-0.2	276	-0.2
78	1.8	178	-0.2	278	-0.2
80	3.0	180	-0.2	280	-0.2
82	3.0	182	-0.2	282	-0.2
84	1.0	184	-0.2	284	-0.2
86	-0.2	186	-0.2	286	-0.2
88	1.0	188	-0.2	288	-0.2
90	3.0	190	-0.2	290	-0.2
92	3.8	192	-0.2	292	-0.2
94	5.0	194	-0.2	294	-0.2
96	3.8	196	-0.2	296	-0.2
98	3.0	198	-0.2	298	-0.2
100	1.0	200	-0.2	300	-0.2



**Rollover Crash Pulse (Event Record 1)
SDM Recorded Vehicle Roll Rate**

Contains No Recorded Data

**Rollover Crash Pulse (Event Record 1)
Lateral Acceleration (SDM Recorded Vehicle Lateral Acceleration for Rollover
Event)**

Contains No Recorded Data



**Vertical Crash Pulse (Event Record 1)
Normal Acceleration (SDM Recorded Vehicle Vertical Acceleration for Rollover
Event)**

Contains No Recorded Data


Pre-Crash Data -5.0 to -0.5 sec (Event Record 1)

Times (sec)	Accelerator Pedal, % Full (Accelerator Pedal Position)	Service Brake (Brake Switch Circuit State)	Engine RPM (Engine Speed)	Engine Throttle, % Full (Throttle Position)	Speed, Vehicle Indicated (Vehicle Speed) (MPH [km/h])
-5.0	31	Off	2368	55	78 [125]
-4.5	33	Off	2432	58	78 [125]
-4.0	37	Off	2432	59	78 [126]
-3.5	7	Off	2240	32	78 [126]
-3.0	1	Off	2176	15	78 [126]
-2.5	18	Off	2368	32	78 [126]
-2.0	20	Off	2432	33	78 [126]
-1.5	22	Off	2368	35	79 [127]
-1.0	4	Off	2368	38	80 [128]
-0.5	0	On	2112	15	78 [126]

Pre-Crash Data -2.0 to -0.5 sec (Event Record 1)

Times (sec)	Cruise Control Active	Cruise Control Resume Switch Active	Cruise Control Set Switch Active	Engine Torque (lb-ft [N-m])	Reduced Engine Power Mode Indicator
-2.0	No	No	No	78 [106]	Off
-1.5	No	No	No	77 [104]	Off
-1.0	No	No	No	92 [124]	Off
-0.5	No	No	No	14 [19]	Off


System Status at Event (Event Record 2)

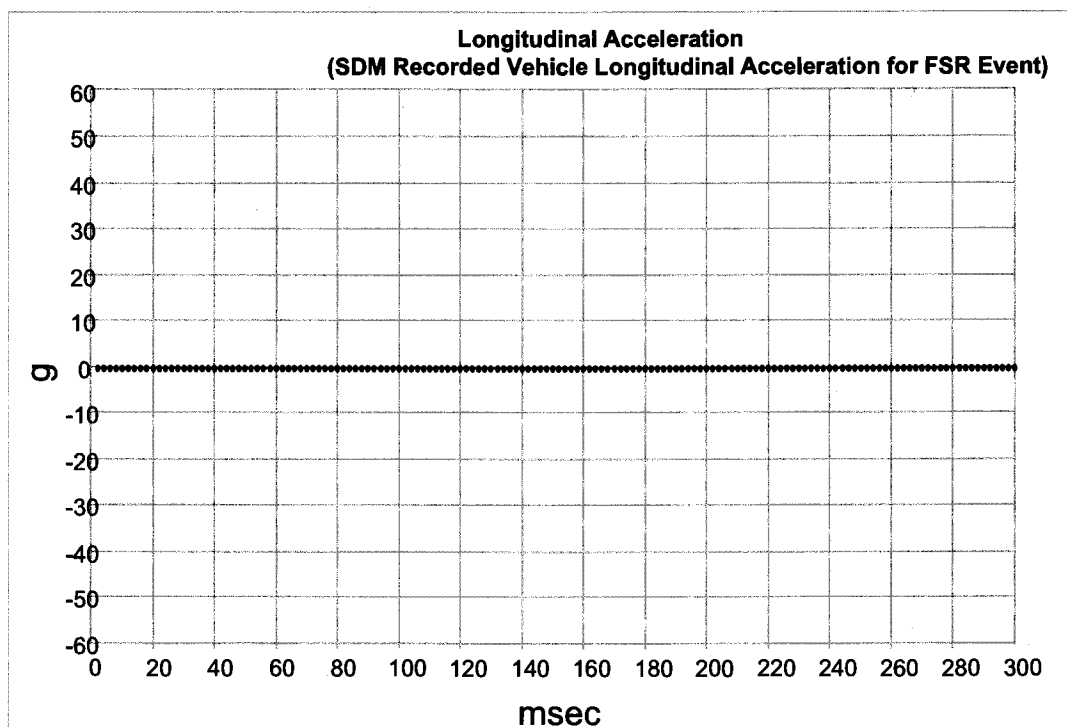
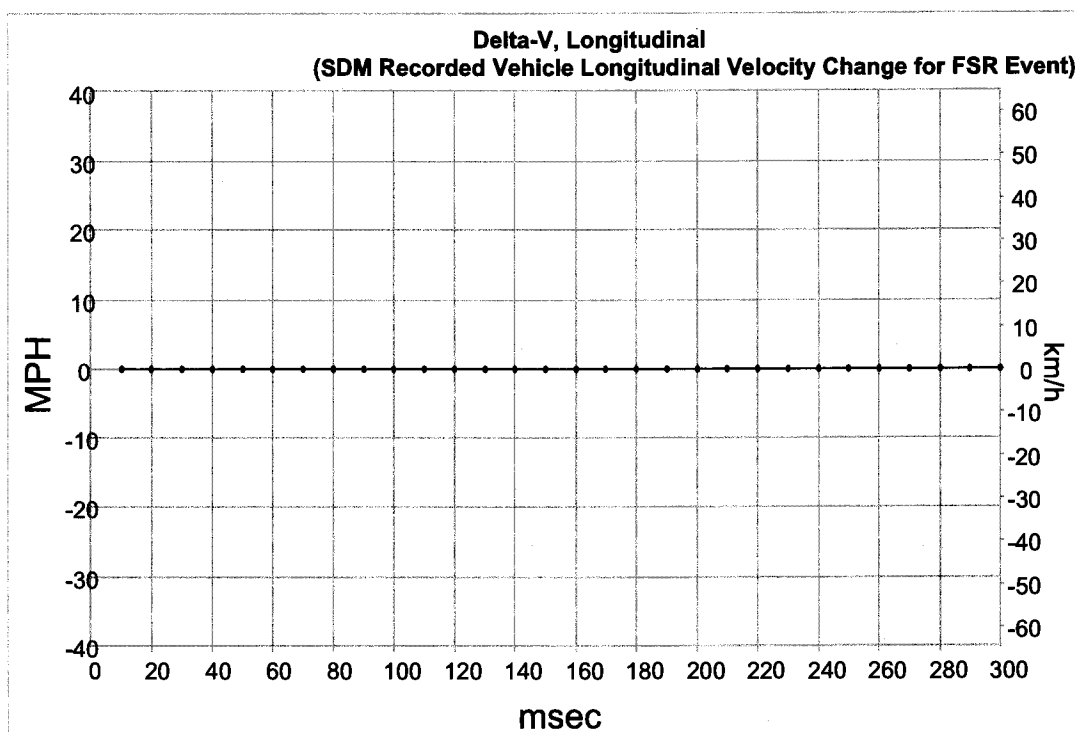
Event Record Type	Deployment
OnStar Deployment Status Data Sent	Yes
Complete file recorded (Event Recording Complete)	Yes
Crash Record Locked	Yes
OnStar SDM Recorded Vehicle Velocity Change Data Sent	Yes
Deployment Event Counter	2
Multi-Event, Number of Events (Event Counter)	2
OnStar Notification Event Counter	2
Time From Event 1 to 2 (Time Between Events) (seconds)	0.39
Ignition Cycle, Crash (Ignition Cycles at Event)	20017
Algorithm Active: Frontal	Yes
Algorithm Active: Side	Yes
Algorithm Active: Rollover	No
Algorithm Active: Rear	Yes
Concurrent Event Flag Set	No
Event Severity Status: Frontal Pretensioner	Yes
Event Severity Status: Frontal Stage 1	Yes
Event Severity Status: Frontal Stage 2	No
Event Severity Status: Left Side	No
Event Severity Status: Right Side	No
Event Severity Status: Rear	No
Event Severity Status: Rollover	No
Safety Belt Status, Driver (Driver Belt Switch Circuit Status)	Buckled
Safety Belt Status, Right Front Passenger (Passenger Belt Switch Circuit Status)	Not Buckled
Center Front Row Belt Switch Circuit Status (If Equipped)	Data Not Available
Left Row 3 Belt Switch Circuit Status (If Equipped)	Data Not Available
Center Row 3 Belt Switch Circuit Status (If Equipped)	Data Not Available
Right Row 3 Belt Switch Circuit Status (If Equipped)	Data Not Available
Passenger Seat Occupancy Status	Empty
Occupant Size Right Front Passenger Child (Passenger Classification Status)	No (Not Applicable)
Passenger Air Bag ON Indicator Status	Off
Passenger Air Bag OFF Indicator Status	On
Low Tire Pressure Warning Lamp Status 0.5 Seconds Prior to Time Zero	On
Frontal Air Bag Warning Lamp (SIR Warning Lamp Status 0.5 Seconds Prior to Time Zero)	Off
SIR Warning Lamp ON/OFF Time Continuously (seconds)	655330
Number of Ignition Cycles SIR Warning Lamp was ON/OFF Continuously	5439
Ignition Cycles Since DTCs Were Last Cleared 0.5 Seconds Prior to Time Zero	49
Maximum Delta-V, Longitudinal (Maximum Longitudinal SDM Recorded Vehicle Velocity Change for FSR Event) MPH [km/h]	0 [0]
Time, Maximum Delta-V (Time From FSR Time Zero to Maximum Longitudinal SDM Recorded Vehicle Velocity Change)(msec)	0
Maximum Delta-V, Lateral (Maximum Lateral SDM Recorded Vehicle Velocity Change for FSR Event) MPH [km/h]	0 [0]
Time Maximum Delta-V, Lateral (Time From FSR Time Zero to Maximum Lateral SDM Recorded Vehicle Velocity Change)(msec)	0



DTCs Present at Time of Event (Event Record 2)
No Diagnostic Trouble Codes


Event Data (Event Record 2)

Driver 1st Stage Deployment Loop Commanded	No
Passenger 1st Stage Deployment Loop Commanded	No
Driver 2nd Stage Deployment Loop Commanded	No
Passenger 2nd Stage Deployment Loop Commanded	No
Driver Pretensioner Deployment Loop #1 Commanded	No
Passenger Pretensioner Deployment Loop #1 Commanded	No
Driver Pretensioner Deployment Loop #2 Commanded	No
Passenger Pretensioner Deployment Loop #2 Commanded	No
Driver Thorax Loop Commanded	No
Passenger Thorax Loop Commanded	No
Left Row 2 Thorax Loop Commanded	No
Right Row 2 Thorax Loop Commanded	No
Left Row 1 Roof Rail/Head Curtain Loop Commanded	No
Right Row 1 Roof Rail/Head Curtain Loop Commanded	No
Driver Knee Deployment Loop Commanded	No
Passenger Knee Deployment Loop Commanded	No
Frontal Air Bag Deployment, Time to 1st Stage Deployment, Driver (Driver 1st Stage Time From Time Zero to Deployment Command Criteria Met) (msec)	Data Not Available
Frontal Air Bag Deployment, Time to 2nd Stage, Driver (Driver 2nd Stage Time From Time Zero to Deployment Command Criteria Met) (msec)	Data Not Available
Frontal Air Bag Deployment, Time to 1st Stage Deployment, Right Front Passenger (Passenger 1st Stage Time From Time Zero to Deployment Command Criteria Met) (msec)	Data Not Available
Frontal Air Bag Deployment, Time to 2nd Stage, Right Front Passenger (Passenger 2nd Stage Time From Time Zero to Deployment Command Criteria Met) (msec)	Data Not Available
Side air bag deployment, time to deploy, driver (Driver Thorax/Curtain Time From Time Zero to Deployment Command Criteria Met) (msec)	Data Not Available
Side air bag deployment, time to deploy, right front passenger (Passenger Thorax/Curtain Time From Time Zero to Deployment Command Criteria Met) (msec)	Data Not Available
Pretensioner Deployment, Time to Fire, Driver (Driver Pretensioner Time From Time Zero to Deployment Loop #1 or Loop #2 Command Criteria Met) (msec)	Data Not Available
Pretensioner Deployment, Time to Fire, Right Front Passenger (Passenger Pretensioner Time From Time Zero to Deployment Loop #1 or Loop #2 Command Criteria Met) (msec)	Data Not Available

**Longitudinal Crash Pulse (Event Record 2)**

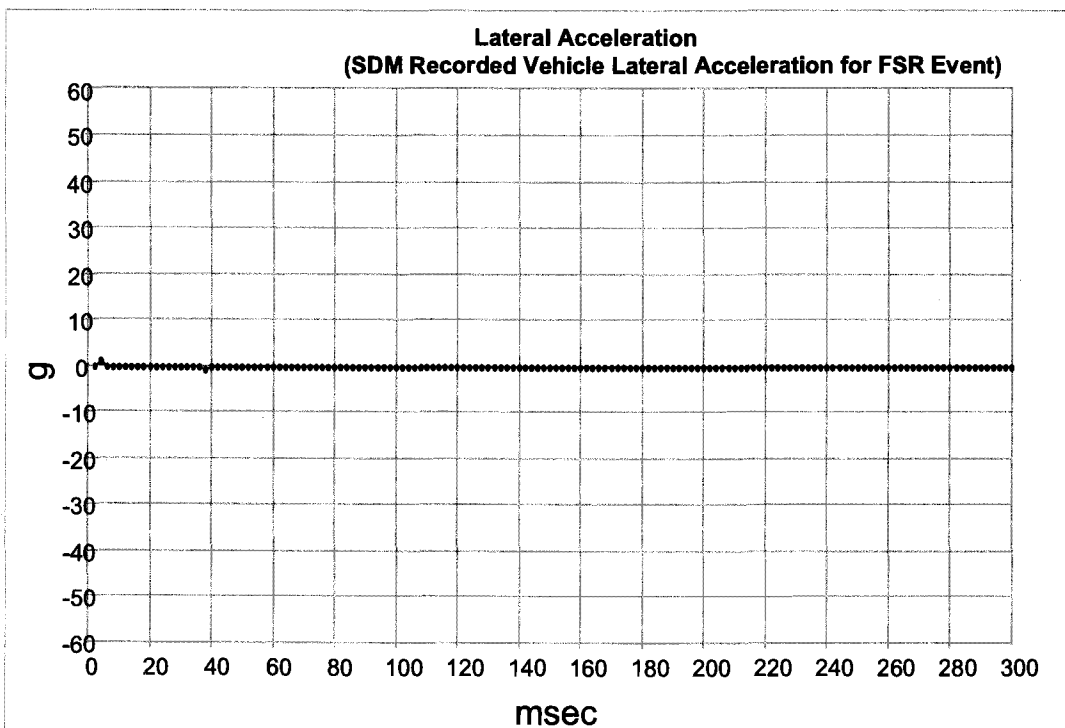
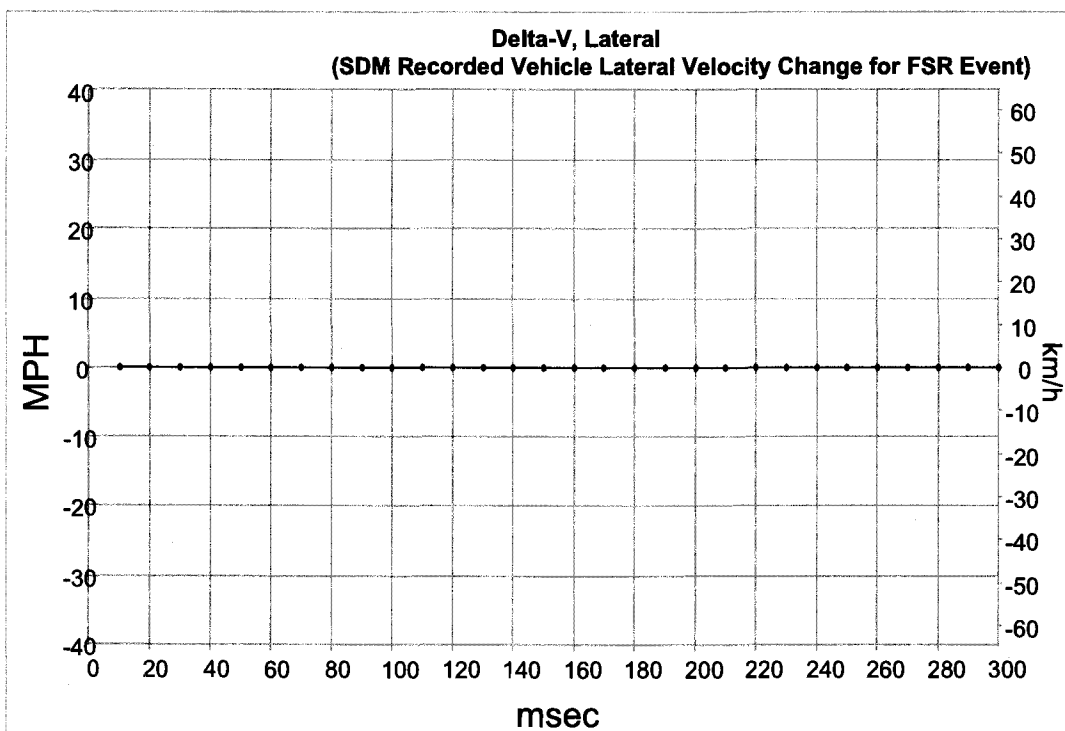

Longitudinal Crash Pulse (Event Record 2)

Time (msec)	Delta-V, Longitudinal (SDM Recorded Vehicle Longitudinal Velocity Change for FSR Event) (MPH)	Delta-V, Longitudinal (SDM Recorded Vehicle Longitudinal Velocity Change for FSR Event) (km/h)
10	0.0	0.0
20	0.0	0.0
30	0.0	0.0
40	0.0	0.0
50	0.0	0.0
60	0.0	0.0
70	0.0	0.0
80	0.0	0.0
90	0.0	0.0
100	0.0	0.0
110	0.0	0.0
120	0.0	0.0
130	0.0	0.0
140	0.0	0.0
150	0.0	0.0
160	0.0	0.0
170	0.0	0.0
180	0.0	0.0
190	0.0	0.0
200	0.0	0.0
210	0.0	0.0
220	0.0	0.0
230	0.0	0.0
240	0.0	0.0
250	0.0	0.0
260	0.0	0.0
270	0.0	0.0
280	0.0	0.0
290	0.0	0.0
300	0.0	0.0



Longitudinal Crash Pulse (Event Record 2)

Time (msec)	Longitudinal Acceleration (SDM Recorded Vehicle Longitudinal Acceleration for FSR Event) (g)	Time (msec)	Longitudinal Acceleration (SDM Recorded Vehicle Longitudinal Acceleration for FSR Event) (g)	Time (msec)	Longitudinal Acceleration (SDM Recorded Vehicle Longitudinal Acceleration for FSR Event) (g)
2	-0.2	102	-0.2	202	-0.2
4	-0.2	104	-0.2	204	-0.2
6	-0.2	106	-0.2	206	-0.2
8	-0.2	108	-0.2	208	-0.2
10	-0.2	110	-0.2	210	-0.2
12	-0.2	112	-0.2	212	-0.2
14	-0.2	114	-0.2	214	-0.2
16	-0.2	116	-0.2	216	-0.2
18	-0.2	118	-0.2	218	-0.2
20	-0.2	120	-0.2	220	-0.2
22	-0.2	122	-0.2	222	-0.2
24	-0.2	124	-0.2	224	-0.2
26	-0.2	126	-0.2	226	-0.2
28	-0.2	128	-0.2	228	-0.2
30	-0.2	130	-0.2	230	-0.2
32	-0.2	132	-0.2	232	-0.2
34	-0.2	134	-0.2	234	-0.2
36	-0.2	136	-0.2	236	-0.2
38	-0.2	138	-0.2	238	-0.2
40	-0.2	140	-0.2	240	-0.2
42	-0.2	142	-0.2	242	-0.2
44	-0.2	144	-0.2	244	-0.2
46	-0.2	146	-0.2	246	-0.2
48	-0.2	148	-0.2	248	-0.2
50	-0.2	150	-0.2	250	-0.2
52	-0.2	152	-0.2	252	-0.2
54	-0.2	154	-0.2	254	-0.2
56	-0.2	156	-0.2	256	-0.2
58	-0.2	158	-0.2	258	-0.2
60	-0.2	160	-0.2	260	-0.2
62	-0.2	162	-0.2	262	-0.2
64	-0.2	164	-0.2	264	-0.2
66	-0.2	166	-0.2	266	-0.2
68	-0.2	168	-0.2	268	-0.2
70	-0.2	170	-0.2	270	-0.2
72	-0.2	172	-0.2	272	-0.2
74	-0.2	174	-0.2	274	-0.2
76	-0.2	176	-0.2	276	-0.2
78	-0.2	178	-0.2	278	-0.2
80	-0.2	180	-0.2	280	-0.2
82	-0.2	182	-0.2	282	-0.2
84	-0.2	184	-0.2	284	-0.2
86	-0.2	186	-0.2	286	-0.2
88	-0.2	188	-0.2	288	-0.2
90	-0.2	190	-0.2	290	-0.2
92	-0.2	192	-0.2	292	-0.2
94	-0.2	194	-0.2	294	-0.2
96	-0.2	196	-0.2	296	-0.2
98	-0.2	198	-0.2	298	-0.2
100	-0.2	200	-0.2	300	-0.2

Lateral Crash Pulse (Event Record 2)


Lateral Crash Pulse (Event Record 2)

Time (msec)	Delta-V, Lateral (SDM Recorded Vehicle Lateral Velocity Change for FSR Event) (MPH)	Delta-V, Lateral (SDM Recorded Vehicle Lateral Velocity Change for FSR Event) (km/h)
10	0.0	0.0
20	0.0	0.0
30	0.0	0.0
40	0.0	0.0
50	0.0	0.0
60	0.0	0.0
70	0.0	0.0
80	0.0	0.0
90	0.0	0.0
100	0.0	0.0
110	0.0	0.0
120	0.0	0.0
130	0.0	0.0
140	0.0	0.0
150	0.0	0.0
160	0.0	0.0
170	0.0	0.0
180	0.0	0.0
190	0.0	0.0
200	0.0	0.0
210	0.0	0.0
220	0.0	0.0
230	0.0	0.0
240	0.0	0.0
250	0.0	0.0
260	0.0	0.0
270	0.0	0.0
280	0.0	0.0
290	0.0	0.0
300	0.0	0.0


Lateral Crash Pulse (Event Record 2)

Time (msec)	Lateral Acceleration (SDM Recorded Vehicle Lateral Acceleration for FSR Event) (g)	Time (msec)	Lateral Acceleration (SDM Recorded Vehicle Lateral Acceleration for FSR Event) (g)	Time (msec)	Lateral Acceleration (SDM Recorded Vehicle Lateral Acceleration for FSR Event) (g)
2	-0.2	102	-0.2	202	-0.2
4	1.0	104	-0.2	204	-0.2
6	-0.2	106	-0.2	206	-0.2
8	-0.2	108	-0.2	208	-0.2
10	-0.2	110	-0.2	210	-0.2
12	-0.2	112	-0.2	212	-0.2
14	-0.2	114	-0.2	214	-0.2
16	-0.2	116	-0.2	216	-0.2
18	-0.2	118	-0.2	218	-0.2
20	-0.2	120	-0.2	220	-0.2
22	-0.2	122	-0.2	222	-0.2
24	-0.2	124	-0.2	224	-0.2
26	-0.2	126	-0.2	226	-0.2
28	-0.2	128	-0.2	228	-0.2
30	-0.2	130	-0.2	230	-0.2
32	-0.2	132	-0.2	232	-0.2
34	-0.2	134	-0.2	234	-0.2
36	-0.2	136	-0.2	236	-0.2
38	-1.0	138	-0.2	238	-0.2
40	-0.2	140	-0.2	240	-0.2
42	-0.2	142	-0.2	242	-0.2
44	-0.2	144	-0.2	244	-0.2
46	-0.2	146	-0.2	246	-0.2
48	-0.2	148	-0.2	248	-0.2
50	-0.2	150	-0.2	250	-0.2
52	-0.2	152	-0.2	252	-0.2
54	-0.2	154	-0.2	254	-0.2
56	-0.2	156	-0.2	256	-0.2
58	-0.2	158	-0.2	258	-0.2
60	-0.2	160	-0.2	260	-0.2
62	-0.2	162	-0.2	262	-0.2
64	-0.2	164	-0.2	264	-0.2
66	-0.2	166	-0.2	266	-0.2
68	-0.2	168	-0.2	268	-0.2
70	-0.2	170	-0.2	270	-0.2
72	-0.2	172	-0.2	272	-0.2
74	-0.2	174	-0.2	274	-0.2
76	-0.2	176	-0.2	276	-0.2
78	-0.2	178	-0.2	278	-0.2
80	-0.2	180	-0.2	280	-0.2
82	-0.2	182	-0.2	282	-0.2
84	-0.2	184	-0.2	284	-0.2
86	-0.2	186	-0.2	286	-0.2
88	-0.2	188	-0.2	288	-0.2
90	-0.2	190	-0.2	290	-0.2
92	-0.2	192	-0.2	292	-0.2
94	-0.2	194	-0.2	294	-0.2
96	-0.2	196	-0.2	296	-0.2
98	-0.2	198	-0.2	298	-0.2
100	-0.2	200	-0.2	300	-0.2



**Rollover Crash Pulse (Event Record 2)
SDM Recorded Vehicle Roll Rate**

Contains No Recorded Data

**Rollover Crash Pulse (Event Record 2)
Lateral Acceleration (SDM Recorded Vehicle Lateral Acceleration for Rollover
Event)**

Contains No Recorded Data



Vertical Crash Pulse (Event Record 2)
Normal Acceleration (SDM Recorded Vehicle Vertical Acceleration for Rollover Event)

Contains No Recorded Data


Pre-Crash Data -5.0 to -0.5 sec (Event Record 2)

Times (sec)	Accelerator Pedal, % Full (Accelerator Pedal Position)	Service Brake (Brake Switch Circuit State)	Engine RPM (Engine Speed)	Engine Throttle, % Full (Throttle Position)	Speed, Vehicle Indicated (Vehicle Speed) (MPH [km/h])
-5.0	33	Off	2432	58	78 [125]
-4.5	37	Off	2432	59	78 [126]
-4.0	7	Off	2240	32	78 [126]
-3.5	1	Off	2176	15	78 [126]
-3.0	18	Off	2368	32	78 [126]
-2.5	20	Off	2432	33	78 [126]
-2.0	22	Off	2368	35	79 [127]
-1.5	4	Off	2368	38	80 [128]
-1.0	0	On	2112	15	78 [126]
-0.5	0	On	1792	14	67 [108]

Pre-Crash Data -2.0 to -0.5 sec (Event Record 2)

Times (sec)	Cruise Control Active	Cruise Control Resume Switch Active	Cruise Control Set Switch Active	Engine Torque (lb-ft [N-m])	Reduced Engine Power Mode Indicator
-2.0	No	No	No	77 [104]	Off
-1.5	No	No	No	92 [124]	Off
-1.0	No	No	No	14 [19]	Off
-0.5	No	No	No	-12 [-16]	Off

**Hexadecimal Data**

DPID \$11
FF FD 40 FF C0 7C 00

DPID \$15
01 02 03 04 05 06 07

DPID \$16
08 09 0A 0D 0E 13 14

DPID \$17
00 0C 00 0B 00 00 00

DPID \$32
00 FF 4E 38 00 00 00

DPID \$35
78 00 00 00 00 00 00

DID \$01
41 55 36 36 36 34 54 31 36 41 52 42 33 4D 4C 51

DID \$03
41 54 36 36 36 34 54 31 36 38 51 54 42 4D 4C 51

DID \$05
41 48 32 33 34 30 54 57 35 39 37 53 52 49 47 4C

DID \$07
41 4A 32 33 34 30 54 38 35 38 4A 47 52 49 47 4C

DID \$09
44 41 32 33 34 31 54 4D 52 57 46 43 42 4D 47 4E

DID \$0B
44 42 32 33 34 31 54 36 48 4A 32 30 4A 49 47 4E

DID \$0D
44 43 32 33 34 31 54 36 52 50 44 50 42 4D 47 4E

DID \$0F
44 44 32 33 34 31 54 4D 4A 39 35 52 4A 49 47 4E

DID \$30
02 00 02 02

DID \$90
31 47 31 31 41 35 53 41 37 44 46 31 34 32 35 34 31

DID \$9A
03 01

DID \$B4
41 53 38 31 30 33 54 31 32 32 31 32 30 35 30 36

DID \$C1
00 CF 56 82

DID \$C2
01 5E 71 9B

DID \$C3
00 CF 2D 8A



DID \$CB
00 CF 56 87

DID \$31

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0010 FF 00 FF FF 0E A3 C3 08 00 00
0020 4C FC FC F0 00 00 C0 10 00 04
0030 16 14 12 01 07 25 21 1F 40 00
0040 00 00 00 00 00 21 25 25 26 25
0050 22 23 26 26 25 06 C6 07 99 07
0060 71 07 73 0F 26 23 21 20 0F 20
0070 3B 3A 37 7E 80 7F 7E 7E 7E 7E
0080 7E 7D 7D 40 FF FD 15 3F 31 FF
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0100 FF FF FF FF FF FF FF FF FF FF
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0140 4A 76 48 77 45 78 44 79 43 7A
0150 42 7A 42 7B 41 7B 41 7B 41 7B
0160 41 7B 41 7B 41 7B 41 7B 41 7B
0170 41 7B 41 7B 41 7B 41 7B 41 7B
0180 41 7B 41 7B 41 7B 41 7B 61 7D
0190 55 7F 64 7D 48 7D 52 93 5C 91
0200 55 5C 57 8E 4B 7A 5A 96 52 9B
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0220 46 6B 25 78 23 7D 34 75 48 66
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0260 64 82 6E 7F 73 84 6E 87 69 87
0270 6B 82 73 7F 73 82 75 87 75 89
0280 75 8C 75 89 78 87 78 82 7A 89
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Disclaimer of Liability

The users of the CDR product and reviewers of the CDR reports and exported data shall ensure that data and information supplied is applicable to the vehicle, vehicle's system(s) and the vehicle ECU. Robert Bosch LLC and all its directors, officers, employees and members shall not be liable for damages arising out of or related to incorrect, incomplete or misinterpreted software and/or data. Robert Bosch LLC expressly excludes all liability for incidental, consequential, special or punitive damages arising from or related to the CDR data, CDR software or use thereof.



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IMPORTANT NOTICE: Robert Bosch LLC and the manufacturers whose vehicles are accessible using the CDR System urge end users to use the latest production release of the Crash Data Retrieval system software when viewing, printing or exporting any retrieved data from within the CDR program. Using the latest version of the CDR software is the best way to ensure that retrieved data has been translated using the most current information provided by the manufacturers of the vehicles supported by this product.

CDR File Information

User Entered VIN	2G1WG5E32C1172005
User	BR Hall
Case Number	PG-087-21
EDR Data Imaging Date	10/16/2021
Crash Date	10/15/2021
Filename	2G1WG5E32C1172005_ACM PG-087-21.CDRX
Saved on	Saturday, October 16 2021 at 03:40:43
Imaged with CDR version	Crash Data Retrieval Tool 21.2.1
Imaged with Software Licensed to (Company Name)	South Carolina DPS
Reported with CDR version	Crash Data Retrieval Tool 21.2.1
Reported with Software Licensed to (Company Name)	South Carolina DPS
EDR Device Type	Airbag Control Module
Event(s) recovered	Deployment

Comments

VIN: 2G1WG5E32C1172005

Year: 2012

Make: CHEVROLET

Model: IMPLALA

Inspection location: SC 20

Individuals present: B.R HALL

Observed visible restraint deployment(s): Yes
Pursuant to search warrant (warrant details) (Y/N)? No
Imaging conducted pursuant to owner consent (Y/N)? No
Imaging conducted pursuant to civil discovery (Y/N)? No

Ignition key or fob available and its position at the start of the inspection: No
Odometer reading/units: Unknown
Recommended tire size (sticker): 225/55R17
Tire size(s) (actual): 225/55R17
For GM vehicles, were RPOs documented (i.e.: photo)? No

Imaging completed by DLC or direct-to-module access: DLC
"Re-powering" required (Y/N)? No
Additional power-up used: No

Other notes:

Disclaimer

I have accessed and retrieved data from CDR Tool accessible system(s) from or in the vehicle identified by the applied VIN in which potential Event Data Recorder (EDR) may be found. The retrieved data may be related to a crash or other physical event. The successful retrieval of the data and production of this report is an indication that the procedure(s) necessary to properly access and retrieve the data have been followed and the data was properly imaged/downloaded.

I have or will provide the appropriate party(s) a copy of the original, raw data file - the underlying CDR System file - for discovery and/or later re-printing as necessary. This file will be named using the vehicle's Vehicle Identification Number (VIN) and identified by the *.CDRx file extension. This file should only be opened and viewed with the latest version of the Bosch Crash Data Retrieval System Software; improper use of a "text viewer" may corrupt the CDRx file which would prevent it from being opened again in the CDR Tool software and generating a data translation report.

The raw data as found in the CDRx file might be compared to a photographic negative and it is a direct image or copy of the data stored on/in the module(s) accessed using the CDR Tool. The CDRx file should be preserved in its native format, unedited, and should be shared in that format where it may be viewed at a later date using a licensed copy of the CDR Tool software or using the "free reader" version of the CDR Tool software in the latest production release of that software. Prior to any analytical use of this data or legal proceeding, the original *.CDRx file should be reopened and the raw data translated in the latest production version of the CDR software to ensure the most recent, complete translation of the data is used as

2G1WG5E32C1172005

Page 1 of 17

Printed on: Saturday, October 16 2021 at 03:43:14



described in the "Important Notice" above.

I have indicated to the individual(s) receiving the CDRx file that the report includes a Data Limitations section which follows this disclaimer and that portion of this translation report may include, but not limited to, the CDR Tool software Help File. For these reasons and others, a situationally complete analysis of the crash or event under study should be undertaken to fully evaluate the meaning, usefulness and applicability of the recovered data found in this report, describe or suggest conditions or characteristics of the data which may be, on the surface, confusing or require a more complete analysis by other means. I have also informed the individual(s) that the data may be affected by conditions or vehicle characteristics described in the Data Limitations section of the report or in other related reference material.

Data Limitations

Recorded Crash Events:

There are two types of recorded crash events for Front, Side, and Rear (FSR) Events. The first is the Non-Deployment Event. A Non-Deployment Event records data but does not deploy the air bag(s). The minimum SDM Recorded Vehicle Velocity Change, that is needed to record a Non-Deployment Event, is five MPH [8 km/h]. A Non-Deployment Event contains Pre-Crash and Crash data. The oldest Non-Deployment event can be overwritten by a Deployment Event, if all three records are full and the Non-Deployment Event is not locked. A Non-Deployment Event can be overwritten by a more recent Non-Deployment Event if all three records are full and the Non-Deployment is older than approximately 250 ignition cycles. Also, a Non-Deployment event can be recorded if one of the following occurs without the Deployment of any of the frontal air bags, side air bags, or roll bars:

- Pretensioner(s) only Deployment
- Head Rest Deployment
- Battery Cut-Off Deployment

The second type of SDM recorded crash event for FSR Events is the Deployment Event. It also contains Pre-Crash and Crash data. Deployment Events cannot be overwritten or cleared by the SDM.

Rollover Events contain Pre-Crash and Crash data. Rollover events follow the same rules as FSR Deployment events. The SDM can store up to three Events.

Data:

For FSR Events, SDM Recorded Vehicle Velocity Change reflects the change in velocity that the sensing system experienced during the recorded portion of the event. SDM Recorded Vehicle Velocity Change is the change in velocity during the recording time and is not the speed the vehicle was traveling before the event, and is also not the Barrier Equivalent Velocity. For Deployment Events, the SDM will record 220 milliseconds of data after the Deployment criteria is met and up to 70 milliseconds before the Deployment criteria is met. For Non-Deployment Events, the SDM will record the first 300 milliseconds of data after algorithm enable.

For Rollover Events, the SDM may record Lateral Acceleration, Vertical Acceleration, and Roll Rate data, if the SDM is rollover capable. This data reflects what the sensing system experienced during the recorded portion of the event. For Deployment Events, the SDM will record up to 490 milliseconds of data before the Deployment criteria is met and 250 milliseconds after the Deployment criteria is met.

-Deployment loops may be displayed as being deployed in a Non-Deployment event record, if a Deployment event is qualified during the Non-Deployment event. That is, if two or more events are occurring at the same time and one is a Non-Deployment event and one of the others is a Deployment event, and the Deployment event is qualified while the Non-Deployment is still active, the deployed loops may be recorded in the Non-Deployment event record.

-Time between events is recorded in 10 msec intervals and is displayed in seconds for a maximum time of 655.33 seconds.

-The CDR tool displays time from Algorithm Enable (AE) to time of Deployment command in a Deployment event and AE to time of maximum SDM recorded vehicle velocity change in a Non-Deployment event. Time from AE begins when the first air bag system enable threshold is met and ends when Deployment command criteria is met or at maximum SDM recorded vehicle velocity change. Any air bag systems may be a source of an enable.

-Time From Algorithm Enable to Maximum SDM Recorded Vehicle Velocity Change is captured when the largest, absolute value of either the Longitudinal or Lateral Recorded Vehicle Velocity Change occurs. The Maximum may occur between the recorded 10 millisecond sample points.

-Event Recording Complete will indicate if data from the recorded event has been fully written to the SDM memory or if it has been interrupted and not fully written.

-SDM Recorded Vehicle Speed accuracy can be affected by various factors, including but not limited to the following:

- Significant changes in the tire's rolling radius
- Final drive axle ratio changes
- Wheel lockup and wheel slip

-Brake Switch Circuit Status indicates the open/closed state of the brake switch circuit.

-Pre-Crash data is recorded asynchronously. The 0.5 second Pre-crash data value (most recent recorded data point) is the data point last sampled before AE. That is to say, the last data point may have been captured just before AE but no more than 0.5 second before AE. All subsequent Pre-crash data values are referenced from this data point.

-Pre-Crash Electronic Data Validity Check Status indicates "Data Invalid" if:

- The SDM receives a message with an "invalid" flag from the module sending the pre-crash data

-Pre-Crash Electronic Data Validity Check Status indicates "Data Not Available" if:

- No data is received from the module sending the pre-crash data

-For diesel powered vehicles, the data displayed as Throttle Position (%) is actually the data for the Air Inlet Flap Position. This is not the same as the throttle position for a gasoline powered engines.

-Belt Switch Circuit Status indicates the status of the seat belt switch circuit.

-The ignition cycle counter will increment when the power mode cycles from OFF/Accessory to RUN. Applying and removing of battery power to the module will not increment the ignition cycle counter.



- Ignition Cycles Since DTCs Were Last Cleared can record a maximum value of 253 cycles and can only be reset by a scan tool.
- Dynamic Deployment Event Counter tracks the number of Deployment events that have occurred during the SDM's lifetime.
- Dynamic Event Counter tracks the number of qualified events (either Deployments, Non-Deployments, or Rollover events) that have occurred during the SDM's lifetime.
- For Deployment Events, DTC B0052 (Deployment commanded) shall be recorded with the remainder of the data for this event even though it occurred after Event Enable.
- Once a firing loop has been commanded to be deployed, it will not be commanded to be deployed again during the same ignition cycle. Firing loop deployment times for subsequent deployment type events, during the same ignition cycle, will not be recorded. Also, forced timer loops, will not be shown as being commanded to deploy. Loops without their own independent deployment calibration are called "forced timer loops." Examples of a forced timer loops are Pretensioner Deployment Loop #2 and Knee Deployment Loop.
- Number of Ignition Cycles SIR Warning Lamp was ON/OFF Continuously may be reported higher than Ignition Cycles At Event because the Ignition Cycles SIR Warning Lamp was ON/OFF counter is not cleared during the vehicle build process.
- Ignition Cycles At Event may be reported higher than Ignition Cycles At Investigation by one ignition cycle. This is due to the way Ignition Cycles At Investigation is written during a vehicle power loss situation.
- The reported range of the longitudinal and lateral acceleration values is approximately ± 50 g.
- All data should be examined in conjunction with other available physical evidence from the vehicle and scene

Data Source:

All SDM recorded data is measured, calculated, and stored internally, except for the following:

- Vehicle Status Data (Pre-Crash) is transmitted to the SDM, by Body Control Module, via the vehicle's communication network.
- The Belt Switch Circuit is wired directly to the SDM.

Data Element Sign Convention:

The following table provides an explanation of the sign notation for data elements that may be included in this CDR report. Directional references to sign notation are all from the perspective of the driver when seated in the vehicle facing the direction of forward vehicle travel.

Data Element Name	Positive Sign Notation Indicates
Longitudinal Velocity Change	Forward
Lateral Acceleration	Left to Right
Lateral Velocity Change	Left to Right
Vertical Acceleration	Downward
Roll Rate	Clockwise Rotation

Hexadecimal Data:

Data that the vehicle manufacturer has specified for data retrieval is shown in the hexadecimal data section of the CDR report. The hexadecimal data section of the CDR report may contain data that is not translated by the CDR program. The control module contains additional data that is not retrievable by the CDR tool.

01040_SDM11-autoliv_r024


Event Data (General)

Ignition Cycles At Investigation	17376
ESS # 1 Traceability Data	AU0000E000000000
ESS # 2 Traceability Data	AT6367E00A74E624
ESS # 3 Traceability Data	AH0331E00A7AEB14
ESS # 4 Traceability Data	AJ0331E00A8006F3
ESS # 5 Traceability Data	000000E000000000
ESS # 6 Traceability Data	000000E000000000
ESS # 7 Traceability Data	000000E000000000
ESS # 8 Traceability Data	000000E000000000
Dynamic Deployment Event Counter	1
Dynamic Event Counter	1
Dynamic OnStar Notification Event Counter	1
Vehicle Identification Number	????????????????
System Type	Autoliv
Manufacturing Traceability Data	AS4249E050149643
Software Module Identifier 1	013EF09E
Software Module Identifier 2	015C6F74
End Model Part Number	013F4759


Event Data (Event Record 1)

Event Recording Complete	Yes
Event Record Type	Deployment
Crash Record Locked	Yes
OnStar Deployment Status Data Sent	Yes
OnStar SDM Recorded Vehicle Velocity Change Data Sent	Yes
Deployment Event Counter	1
Event Counter	1
OnStar Notification Event Counter	1
Algorithm Active: Rear	Yes
Algorithm Active: Rollover	No
Algorithm Active: Side	Yes
Algorithm Active: Frontal	Yes
Ignition Cycles At Event	17376
Time Between Events (sec)	Data Not Available
Concurrent Event Flag Set	No
Event Severity Status: Rollover	No
Event Severity Status: Rear	No
Event Severity Status: Right Side	No
Event Severity Status: Left Side	Yes
Event Severity Status: Frontal Stage 2	Yes
Event Severity Status: Frontal Stage 1	Yes
Event Severity Status: Frontal Pretensioner	Yes
Driver 1st Stage Deployment Loop Commanded	Yes
Passenger 1st Stage Deployment Loop Commanded	Yes
Driver 2nd Stage Deployment Loop Commanded	Yes
Passenger 2nd Stage Deployment Loop Commanded	Yes
Driver Pretensioner Deployment Loop #1 Commanded	Yes
Passenger Pretensioner Deployment Loop #1 Commanded	Yes
Driver Pretensioner Deployment Loop #2 Commanded (If Equipped)	Yes
Passenger Pretensioner Deployment Loop #2 Commanded (If Equipped)	Yes
Driver Thorax Loop Commanded (If Equipped)	Yes
Passenger Thorax Loop Commanded (If Equipped)	No
Left Row 2 Thorax Loop Commanded (If Equipped)	No
Right Row 2 Thorax Loop Commanded (If Equipped)	No
Left Row 1 Roof Rail/Head Curtain Loop Commanded (If Equipped)	Yes
Right Row 1 Roof Rail/Head Curtain Loop Commanded (If Equipped)	Yes
Left Row 2 Roof Rail/Head Curtain Loop Commanded (If Equipped)	No
Right Row 2 Roof Rail/Head Curtain Loop Commanded (If Equipped)	No
Left Row 3 Roof Rail/Head Curtain Loop Commanded (If Equipped)	No
Right Row 3 Roof Rail/Head Curtain Loop Commanded (If Equipped)	No
Driver Knee Deployment Loop Commanded (If Equipped)	No
Passenger Knee Deployment Loop Commanded (If Equipped)	No
Left Row 2 Pretensioner Deployment Loop Commanded (If Equipped)	No
Right Row 2 Pretensioner Deployment Loop Commanded (If Equipped)	No
Center Row 2 Pretensioner Deployment Loop Commanded (If Equipped)	No
Battery Cutoff Loop Commanded (If Equipped)	No
Driver Roll Bar Loop Commanded (If Equipped)	No
Passenger Roll Bar Loop Commanded (If Equipped)	No
Steering Column Energy Absorbing Loop Commanded (If Equipped)	No
Driver Head Rest Loop Commanded (If Equipped)	No
Passenger Head Rest Loop Commanded (If Equipped)	No
Left Row 2 Head Rest Loop Commanded (If Equipped)	No
Right Row 2 Head Rest Loop Commanded (If Equipped)	No
Center Row 2 Head Rest Loop Commanded (If Equipped)	No
Driver Belt Switch Circuit Status (If Equipped)	Not Buckled
Passenger Belt Switch Circuit Status (If Equipped)	Not Buckled
Driver Seat Position Status (If Equipped)	Data Not Available
Passenger Seat Position Status (If Equipped)	Data Not Available
Passenger Seat Occupancy Status	Occupied
Passenger Classification Status	No (Adult)
Passenger SIR Suppression Switch Circuit Status (If Equipped)	Data Not Available
Passenger Air Bag ON Indicator Status	On
Passenger Air Bag OFF Indicator Status	Off
Low Tire Pressure Warning Lamp	Off
SIR Warning Lamp Status	Off
SIR Warning Lamp ON/OFF Time Continuously (seconds)	655330



Number of Ignition Cycles SIR Warning Lamp was ON/OFF Continuously	3022
Ignition Cycles Since DTCs Were Last Cleared at Event Enable	253
Time From Algorithm Enable to Maximum SDM Recorded Vehicle Velocity Change (msec)	60
Longitudinal SDM Recorded Vehicle Velocity Change at time of Maximum SDM Recorded Vehicle Velocity Change MPH [km/h]	-4 [-7]
Lateral SDM Recorded Vehicle Velocity Change at time of Maximum SDM Recorded Vehicle Velocity Change MPH [km/h]	30 [48]
Driver 1st Stage Time From Algorithm Enable to Deployment Command Criteria Met (msec)	45
Driver 2nd Stage Time From Algorithm Enable to Deployment Command Criteria Met (msec)	45
Passenger 1st Stage Time From Algorithm Enable to Deployment Command Criteria Met (msec)	45
Passenger 2nd Stage Time From Algorithm Enable to Deployment Command Criteria Met (msec)	45
Driver Thorax/Curtain Time From Algorithm Enable to Deployment Command Criteria Met (msec)	0
Passenger Thorax/Curtain Time From Algorithm Enable to Deployment Command Criteria Met (msec)	0
Driver Pretensioner Time From Algorithm Enable to Deployment Loop #1 or Loop #2 Command Criteria Met (msec)	0
Passenger Pretensioner Time From Algorithm Enable to Deployment Loop #1 or Loop #2 Command Criteria Met (msec)	0

**DTCs Present at Time of Event (Event Record 1)**

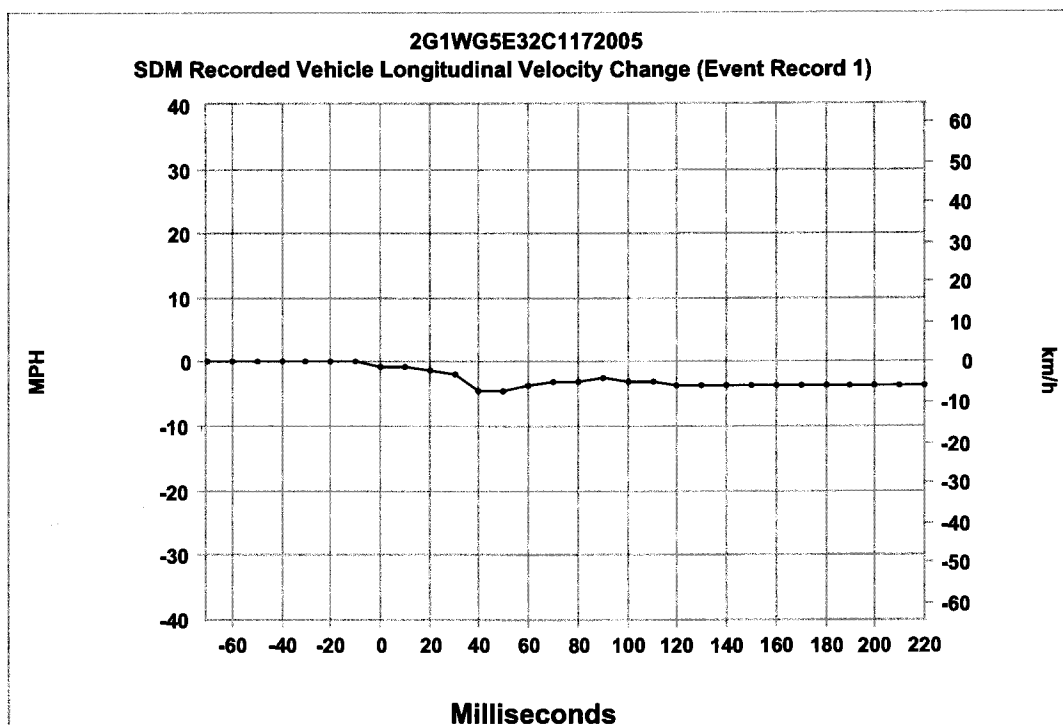
B0052-00


Pre-Crash Data -1 to -.5 sec (Event Record 1)

Times (sec)	Cruise Control Active	Cruise Control Resume Switch Active	Cruise Control Set Switch Active	Engine Torque (lb-ft [N-m])	Reduced Engine Power Mode Indicator
-1.0	No	No	No	75 [102]	Off
-0.5	No	No	No	103 [139]	Off

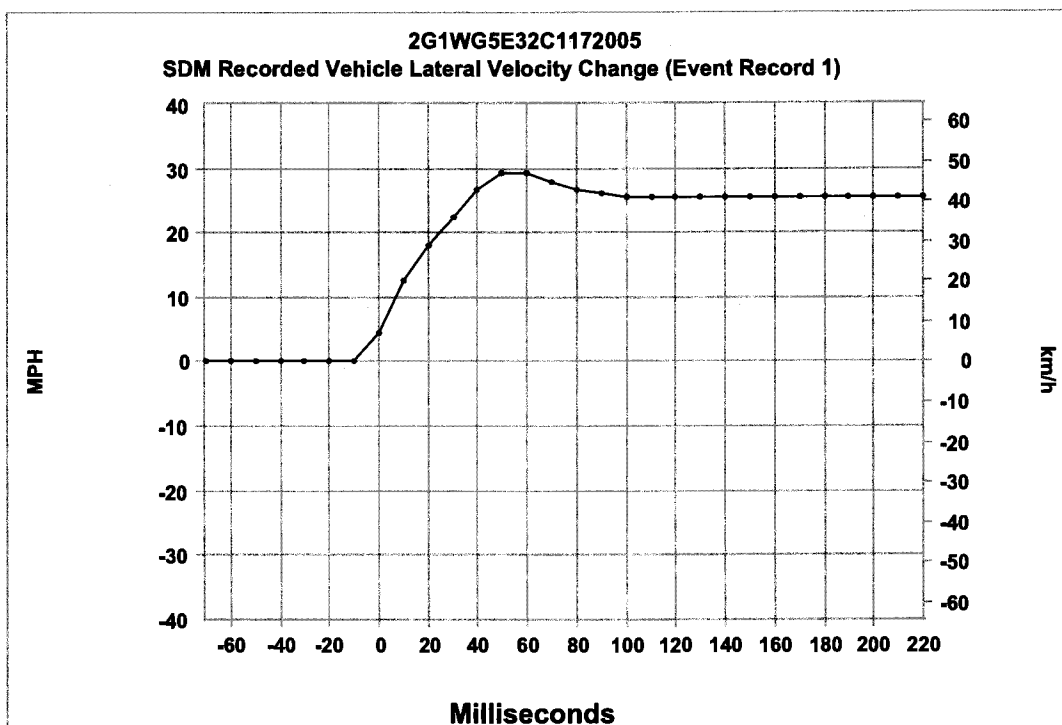
Pre-Crash Data -2.5 to -.5 sec (Event Record 1)

Times (sec)	Accelerator Pedal Position (percent)	Brake Switch Circuit State	Engine Speed	Throttle Position (%)	Vehicle Speed (MPH [km/h])
-2.5	0	Off	1024	12	6 [10]
-2.0	35	Off	1792	36	7 [12]
-1.5	31	Off	1792	33	10 [16]
-1.0	12	Off	1792	23	12 [19]
-0.5	36	Off	2112	37	14 [22]



Time (msec)	Delta-V, longitudinal (MPH)	Delta-V, longitudinal (km/h)
-70	0.0	0.0
-60	0.0	0.0
-50	0.0	0.0
-40	0.0	0.0
-30	0.0	0.0
-20	0.0	0.0
-10	0.0	0.0
0	-0.6	-1.0
10	-0.6	-1.0
20	-1.2	-2.0
30	-1.9	-3.0
40	-4.3	-7.0
50	-4.3	-7.0
60	-3.7	-6.0
70	-3.1	-5.0
80	-3.1	-5.0
90	-2.5	-4.0
100	-3.1	-5.0
110	-3.1	-5.0
120	-3.7	-6.0
130	-3.7	-6.0

Time (msec)	Delta-V, longitudinal (MPH)	Delta-V, longitudinal (km/h)
140	-3.7	-6.0
150	-3.7	-6.0
160	-3.7	-6.0
170	-3.7	-6.0
180	-3.7	-6.0
190	-3.7	-6.0
200	-3.7	-6.0
210	-3.7	-6.0
220	-3.7	-6.0



Time (msec)	Delta-V, lateral (MPH)	Delta-V, lateral (km/h)
-70	0.0	0.0
-60	0.0	0.0
-50	0.0	0.0
-40	0.0	0.0
-30	0.0	0.0
-20	0.0	0.0
-10	0.0	0.0
0	4.3	7.0
10	12.4	20.0
20	18.0	29.0
30	22.4	36.0
40	26.7	43.0
50	29.2	47.0
60	29.2	47.0
70	28.0	45.0
80	26.7	43.0
90	26.1	42.0
100	25.5	41.0
110	25.5	41.0
120	25.5	41.0
130	25.5	41.0

Time (msec)	Delta-V, lateral (MPH)	Delta-V, lateral (km/h)
140	25.5	41.0
150	25.5	41.0
160	25.5	41.0
170	25.5	41.0
180	25.5	41.0
190	25.5	41.0
200	25.5	41.0
210	25.5	41.0
220	25.5	41.0



SDM Recorded Vehicle Lateral Acceleration (Event Record 1)

Contains No Recorded Data



SDM Recorded Vehicle Vertical Acceleration (Event Record 1)

Contains No Recorded Data



SDM Recorded Vehicle Roll Rate (Event Record 1)

Contains No Recorded Data

**Hexadecimal Data**

DPID \$11
FF F0 00 F0 C0 78 00

DPID \$15
01 02 03 04 05 06 07

DPID \$16
08 09 0A 0D 0E 00 00

DPID \$17
00 00 00 00 00 00 00

DPID \$32
00 FD 43 E0 00 00 00

DPID \$35
78 00 00 00 00 00 00

DID \$01
41 55 30 30 30 30 45 30 30 30 30 30 30 30 30

DID \$03
41 54 36 33 36 37 45 30 30 41 37 34 45 36 32 34

DID \$05
41 48 30 33 33 31 45 30 30 41 37 41 45 42 31 34

DID \$07
41 4A 30 33 33 31 45 30 30 41 38 30 30 36 46 33

DID \$09
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DID \$0B
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DID \$0D
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DID \$0F
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DID \$C1
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DID \$C2
01 5C 6F 74

DID \$CB
01 3F 47 59



DID \$31

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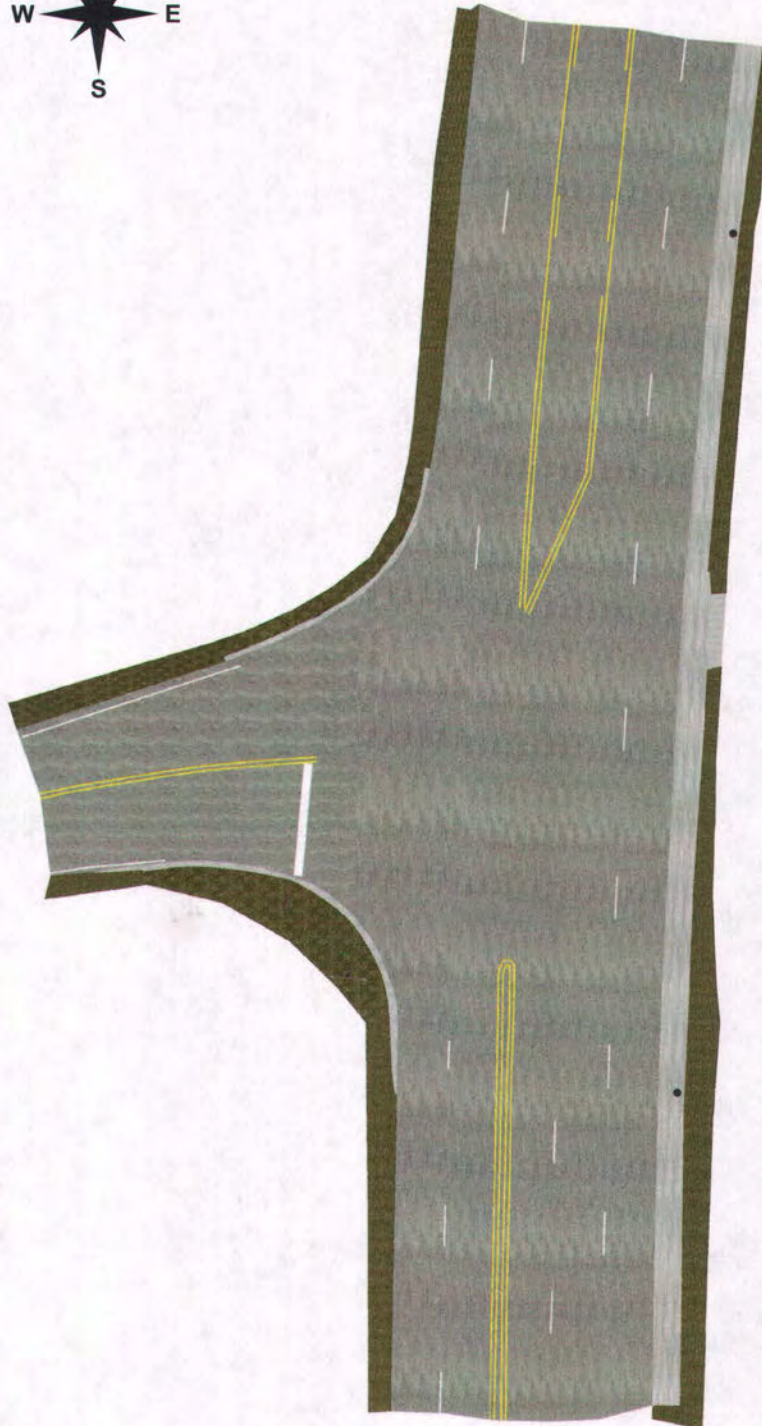
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Disclaimer of Liability

The users of the CDR product and reviewers of the CDR reports and exported data shall ensure that data and information supplied is applicable to the vehicle, vehicle's system(s) and the vehicle ECU. Robert Bosch LLC and all its directors, officers, employees and members shall not be liable for damages arising out of or related to incorrect, incomplete or misinterpreted software and/or data. Robert Bosch LLC expressly excludes all liability for incidental, consequential, special or punitive damages arising from or related to the CDR data, CDR software or use thereof.



S-23-657
Brown Rd



SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM

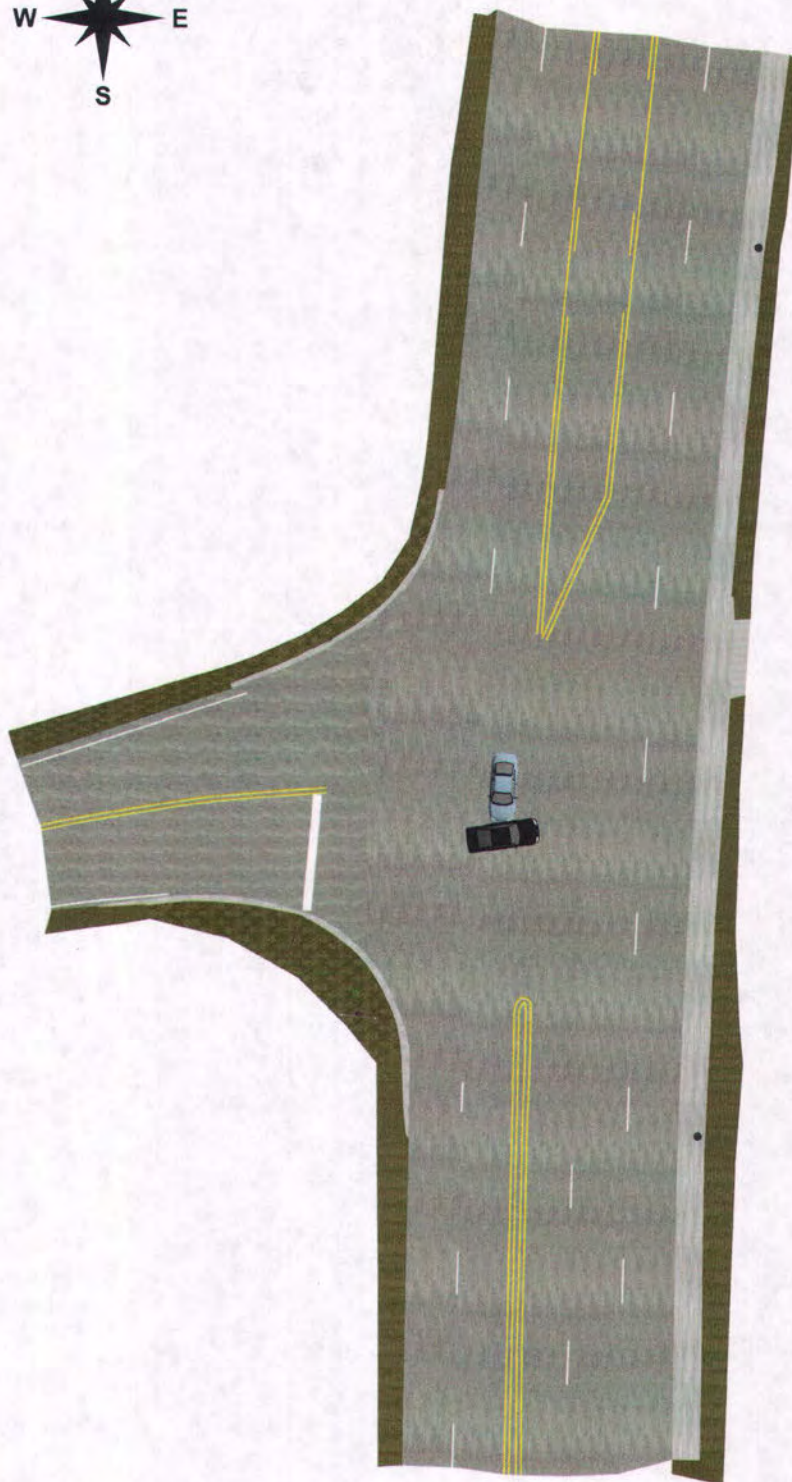
DATE DRAWN: 10/16/2021

ROADWAY

TROOP 3/ GREENVILLE
OCCURRED ON: 10/15/2021
PF-087-21



S-23-657
Brown Rd



SOUTH CAROLINA HIGHWAY PATROL
 MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM

DATE DRAWN: 10/16/2021

IMPACT

TROOP 3/ GREENVILLE
 OCCURRED ON: 10/15/2021
 PF-087-21

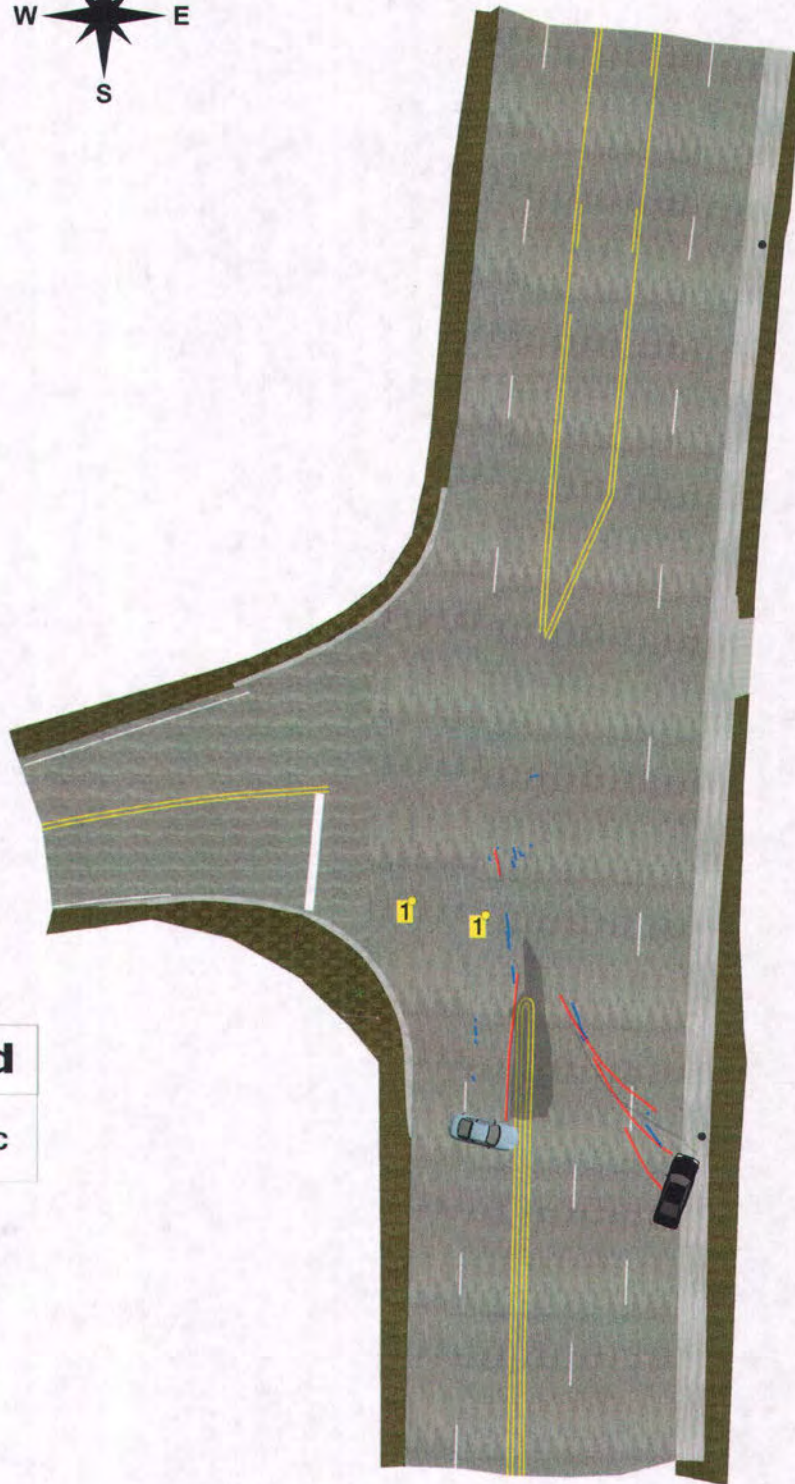


S-23-657

Brown Rd

Legend

1 Black Plastic



SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM

DATE DRAWN: 10/15/2021

EVIDENCE AND FINAL
REST

TROOP 3/ GREENVILLE
OCCURRED ON: 10/15/2021
PF-087-21

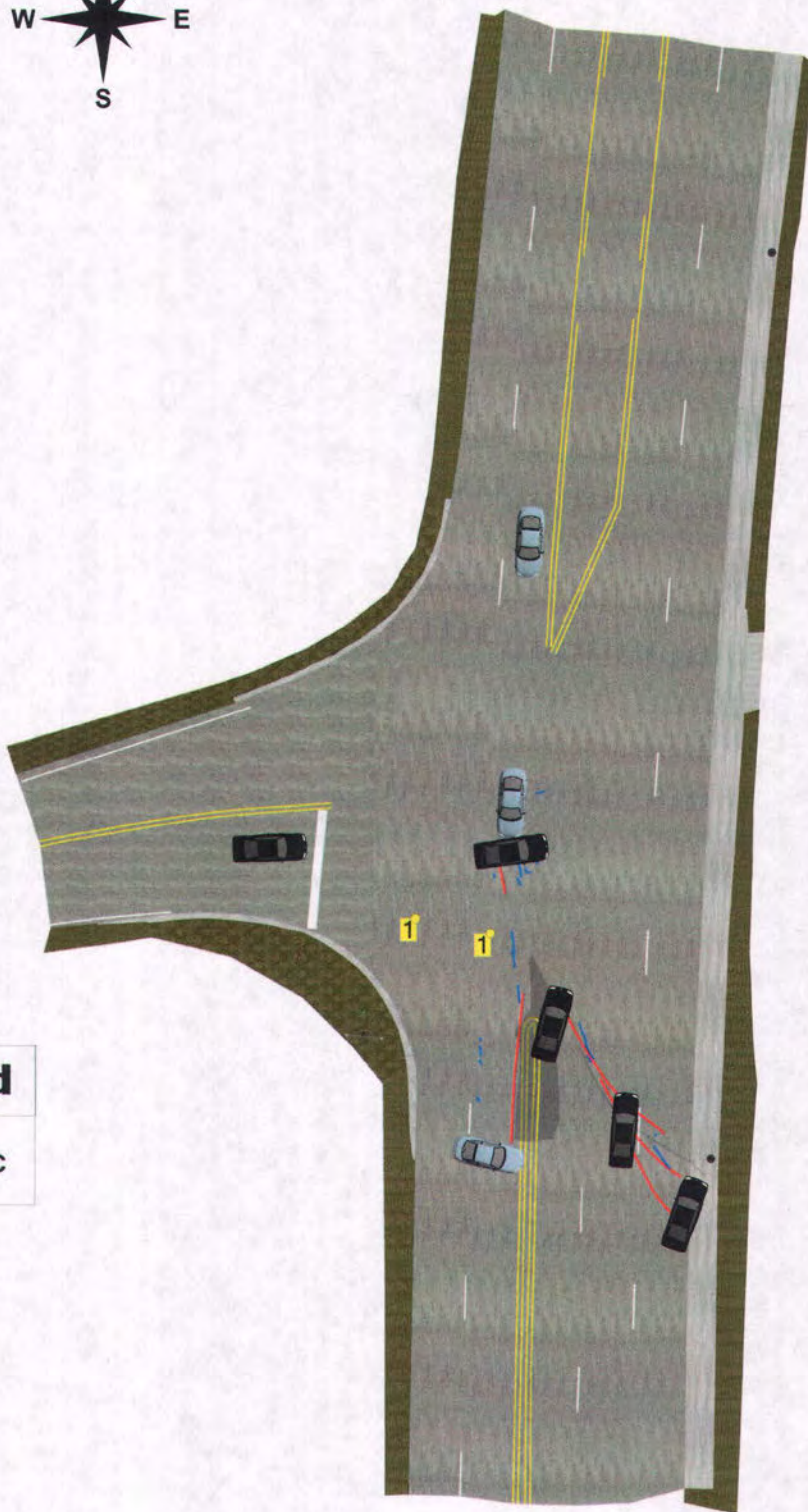


S-23-657

Brown Rd

Legend

1 Black Plastic



SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM

DATE DRAWN: 10/15/2021

SEQUENCE OF EVENTS

TROOP 3/ GREENVILLE
OCCURRED ON: 10/15/2021
PF-087-21

**SOUTH CAROLINA HIGHWAY PATROL****MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM**

Calculations

- ☐ N/A
- ☒ Calculation Notes
- ☒ Hand Calculations
- ☐ Computer Calculations

**SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM
CASE NOTES**



MAIT CASE #: PF-087-21	INVESTIGATOR: V. L. Driggers
Calculation Notes	

This collision occurred on SC 20 (Piedmont Hwy) in Greenville County (SC) when a 2013 Chevrolet Malibu (Unit #1) collided with a 2012 Chevrolet Impala (Unit #2). Unit #1 was traveling west on SC 20. Unit #2 was traveling south on Brown Rd. turning left to travel east on SC 20. Brown Rd. is controlled by a stop sign and has a painted stop bar on the roadway surface. This collision occurred in the intersection. The posted speed limit is 45 miles per hour.

MAIT was requested as an immediate callout for this collision. MAIT documented the collision scene and vehicles with digital photographs, digital video, and completed general vehicle examinations of both vehicles. MAIT conducted a forensic mapping of the scene to include the roadway, final rest of the vehicles, tire marks, scratches, and gouges left at the scene. I completed a CAD drawing of the scene using Trimble Reveal software. MAIT imaged the recorded data on the airbag control module (ACM) from Unit #1. The recorded data reported a Speed/Time correlation in relation to the event. The recorded data detailed 5 seconds of event data presented at .05 second intervals. The recorded data is presented here at those select intervals:

- 78 mph at -5.0 seconds prior to time zero
- 78 mph at -4.5 seconds prior to time zero
- 78 mph at -4.0 seconds prior to time zero
- 78 mph at -3.5 seconds prior to time zero
- 78 mph at -3.0 seconds prior to time zero
- 78 mph at -2.5 seconds prior to time zero
- 78 mph at -2.0 seconds prior to time zero
- 79 mph at -1.5 seconds prior to time zero
- 80 mph at -1.0 seconds prior to time zero
- 78 mph at -0.5 seconds prior to time zero

The brake switch was activated at -0.5 seconds and remained activated through the remainder of the recorded data. Corporal D.C. Andis completed an analysis of the data involved on this ACM. It was determined the data was consistent with the crash dynamics. To ensure a complete analysis, Corporal D.C. Andis reviewed the data, which was recorded complete and written correctly within the vehicles safety system microcomputers, in the latest version of Bosch software and found it to be matching. The raw data collected as a result of this image is stored on the department's server as a part of this case file.

MAIT imaged the recorded data of the airbag control module (ACM) for Unit #2. The recorded data reported a Speed/Time correlation in relation to the event. The recorded data detailed 2.5 seconds of event data presented at 0.5 second intervals. The recorded data is presented here at those select intervals:

- 6 mph at -2.5 seconds prior to AE
- 7 mph at -2.0 seconds prior to AE

- 10 mph at -1.5 seconds prior to AE
- 12 mph at -1.0 seconds prior to AE
- 14 mph at -0.5 seconds prior to AE

The brake switch was not activated during the recording. The throttle position percentage was recorded and available at the select intervals. Corporal D.C. Andis completed an analysis of the data involved on this ACM. It was determined the data was consistent with the crash dynamic. To ensure a complete analysis, Corporal D. C. Andis reviewed the data, which was recorded complete and written correctly within the vehicles safety system microcomputers, in the latest version of Bosch software and found it to be matching. The raw data collected as a result of this image is stored on the departments server as a part of this case file.

I was asked to perform a speed calculation and time/distance analysis using the Event Data Recorder data from Unit #1 and Unit #2. The Event Data Recorder for Unit #1 reported from -5.0 prior to time zero to -0.5 seconds. The Event Data Recorder for Unit #2 reported from -2.5 seconds prior to AE up to -0.5 seconds.

I was able to conduct a time and distance analysis for the collision using the data recorded. The Event Data Recorder for Unit #1 was reported in 0.5-second intervals for five seconds prior to impact. The Event Data Recorder for Unit #2 was reported in 0.5-second intervals for 2.5 seconds prior to impact. Using the data that was retrieved (speed and time) I was able to calculate the distance Unit #1 and Unit #2 would have traveled over five seconds for Unit #1 and two and half seconds for Unit #2 at the recorded speed in each increment. This in turn was reflected on a scale diagram to show where Unit #1 was located in relation to Unit #2 during the event. The data retrieved for Unit #1 showed the vehicle was traveling at a constant speed at 78 mph from 5.0 seconds to 2.0 seconds prior to time zero. Unit #1 traveled 285.87 feet from 2.5 seconds to time zero. The following are distances traveled during each increment for Unit #1 up to impact;

- 5.0 seconds to 2.0 seconds – distance: 343.04 feet
- 2.0 seconds to 1.5 seconds – distance: 57.54 feet
- 1.5 seconds to 1.0 seconds – distance: 58.27 feet
- 1.0 seconds to 0.5 seconds – distance: 57.90 feet
- 0.5 seconds to 0.0 seconds – distance: 57.17 feet

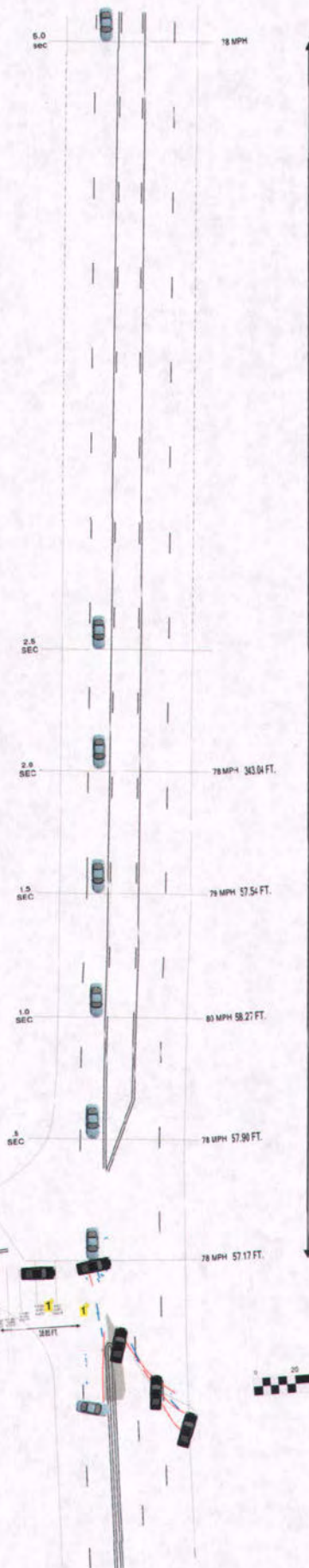
To calculate the distance Unit #1 traveled from 0.5 seconds to impact, I calculated at a constant velocity and multiplied by the 0.5 seconds. Unit #1 was a total of 573.92 feet from the area of impact 5 seconds prior to the collision taking place. The data retrieved for Unit #2 provided 2.5 seconds at 0.5 second intervals. The following are the distances traveled during each increment for Unit #2 up to impact.

- 2.5 seconds to 2.0 seconds – distance: 4.76 feet
- 2.0 seconds to 1.5 seconds – distance: 6.23 feet
- 1.5 seconds to 1.0 seconds – distance: 8.06 feet
- 1.0 seconds to 0.5 seconds – distance: 9.52 feet
- 0.5 seconds to 0.0 seconds – distance: 10.28 feet

To calculate the distance Unit #2 traveled from 0.5 seconds to impact, I used the acceleration rate 4.8 (source: Parkka 2nd ed. 1996 IPTM) To calculate the acceleration factor I divided 4.8 by 32.2 (g) to equal .149 for the acceleration factor. Unit #2 total distance traveled of 38.85 feet from area of impact 2.5 seconds prior to the collision taking place.

Based on the time distance calculations, had Unit #1 traveled the posted speed limit of 45 miles per hour, Unit #1 would have traveled 164.92 feet from two and half seconds prior to impact. Unit #1 traveled 285.87 feet at 2.5 seconds from the data recorded. If Unit #1 had traveled the speed limit, it would have 120.95 feet remaining prior to impact. The time Unit #1 would take to travel 120.95 feet at the posted speed limit would be 1.83 seconds. If Unit #1 was traveling the speed limit when Unit #2 reaches the area of impact, Unit #2 has an additional 1.83 seconds to clear the intersection.

If Unit #2 maintains a constant velocity of 14 mph / 20.524 fps for 1.83 seconds, Unit #2 travels 37.55 feet past the original area of impact and is cleared the intersection. Based on all recorded data and time distance calculations, if Unit #1 had been traveling the speed limit, the collision would not have happened. While completed these calculations, a scaled diagram based on the MAIT forensic mapping was referenced. All variables used in these calculations are approximate and are based on the best available evidence at the time. I prepared scale diagrams of the time and distance analysis based on the forensic mapping of the collision scene. These diagrams are located below and stored on the department serve as a part of the case file.

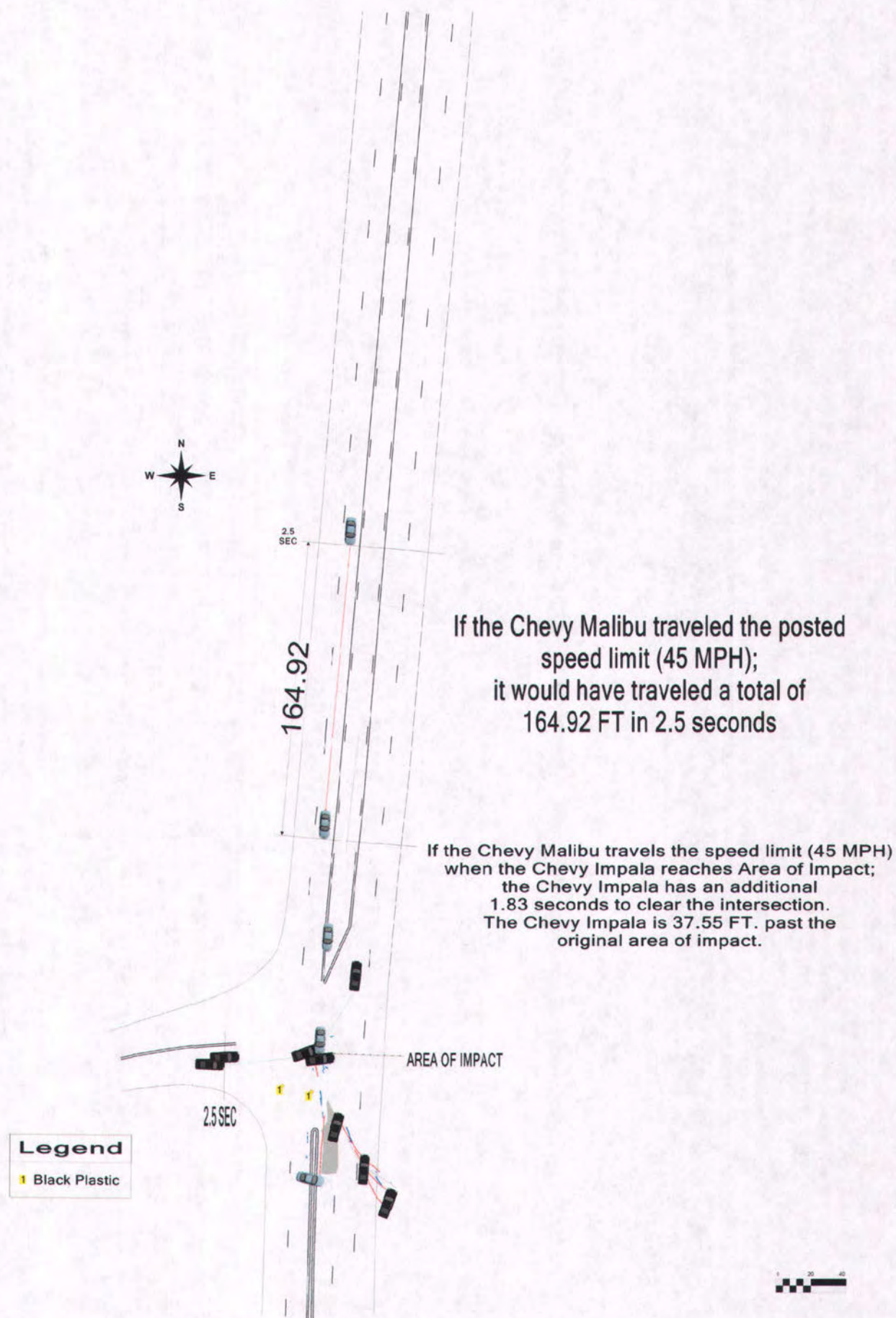


573.92 FT.

Legend

1 Black Plastic





9-13-2015

SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM
MAIT Case Notes



MAIT Case # PF-087-21

Investigator: V. Driggers

DATA:

EDR DATA Chevy Malibu:

5.0 sec = 78 mph / 114.348 fps

4.5 sec =

4.0 sec

3.5 sec

3.0 sec

2.5 sec

2.0 sec

1.5 sec = 79 mph / 115.814 fps

1.0 sec = 80 mph / 117.28 fps

.5 sec = 78 mph / 114.348 fps

 $D_1 = 343.04 \text{ ft}$ $D_2 = 57.54 \text{ ft}$ $D_3 = 58.27 \text{ ft}$ $D_4 = 57.90 \text{ ft}$ $D_5 = 57.17 \text{ ft}$ $D_{\text{TOTAL}} = 573.92 \text{ ft}$

EQUATION:

Distance Chevy Malibu Traveled After Accel / Deceleration From one Velocity to another over a unit of time (EDR DATA)

Chevy Malibu exhibited a constant speed with no acc/dec from 5 sec to 2.5 sec prior to impact. Distance calculated as

$$D = V(T) \quad D = 114.348(3 \text{ sec}) \quad D = 343.04 \text{ ft}$$

$$D = V(T) \quad D = 114.348(2.5 \text{ sec}) \quad D = 285.87 \text{ ft}$$

$$* 2.0 \text{ sec to } 1.5 \text{ sec} / d_2 = .5(.5)(114.348 + 115.814) / d_2 = 57.54 \text{ ft}$$

$$* 1.5 \text{ sec to } 1.0 \text{ sec} / d_3 = .5(.5)(115.814 + 117.28) / d_3 = 58.27 \text{ ft}$$

$$* 1.0 \text{ sec to } .5 \text{ sec} / d_4 = .5(.5)(117.28 + 114.348) / d_4 = 57.90 \text{ ft}$$

* .5 sec to Impact calculated at a constant velocity

$$D = 114.348(.5) \quad D = 57.17 \text{ ft}$$

* Distance Chevy would travel at Speed limit in 5 seconds * Posted = 45 mph
 5 seconds $\times$ 65.97 fps = 329.85 ft
 Speed Limit -

$$* 573.92 \text{ ft total traveled } (-) 329.85 \text{ (Speed Limit)} = 244.07 \text{ ft (Left over)}$$

$$\text{Time to travel } 244.07 \text{ ft at Speed Limit (45 mph)} \left(t = \frac{D}{V} \right) t = 3.7 \text{ seconds}$$

Distance Chevy Malibu would Travel at Speed Limit in 2.5 seconds

* Posted Speed Limit = 45 mph

$$D = 2.5 \text{ seconds} \times 65.97 \text{ fps} = 164.92 \text{ ft}$$

$$* 285.87 \text{ ft traveled at } 2.5 \text{ sec } (-) 164.92 \text{ ft (Speed Limit)} = 120.95 \text{ ft (Left over)}$$

$$\text{Time to travel } 120.95 \text{ ft at speed limit (45 mph)} \left(t = \frac{D}{V} \right) t = 1.83 \text{ seconds}$$

9-13-2015

SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM
MAIT Case Notes



MAIT Case # PF-087-21

Investigator: V. Driggers

DATA:

EDR DATA Chevy Impala

2.5 sec = 6 mph / 8.796 fps

2.0 sec = 7 mph / 10.262 fps

1.5 sec = 10 mph / 14.667 fps

1.0 sec = 12 mph / 17.592 fps

.5 sec = 14 mph / 20.524 fps

 $D_1 = 4.76 \text{ ft}$ $D_2 = 6.23 \text{ ft}$ $D_3 = 8.06 \text{ ft}$ $D_4 = 9.52 \text{ ft}$ $D_5 = 10.28 \text{ ft}$ $D_{\text{TOTAL}} = 38.85 \text{ ft}$

EQUATION:

Distance Chevy Impala traveled After Accel/Deceleration From one Velocity to another velocity over a unit of time (EDR DATA)

$$* 2.5 \text{ sec to } 2.0 \text{ sec} / d_1 = .5(T)(V_0 + V_f) / d_1 = .5(.5)(8.796 + 10.262) / d_1 = 4.764 \text{ ft}$$

$$* 2.0 \text{ sec to } 1.5 \text{ sec} / d_2 = .5(T)(V_0 + V_f) / d_2 = .5(.5)(10.262 + 14.667) / d_2 = 6.23 \text{ ft}$$

$$* 1.5 \text{ sec to } 1.0 \text{ sec} / d_3 = .5(T)(V_0 + V_f) / d_3 = .5(.5)(14.667 + 17.592) / d_3 = 8.063 \text{ ft}$$

$$* 1.0 \text{ sec to } .5 \text{ sec} / d_4 = .5(T)(V_0 + V_f) / d_4 = .5(.5)(17.592 + 20.524) / d_4 = 9.529 \text{ ft}$$

$$* .5 \text{ sec to } 0.00 \text{ sec} / d_5 = V_0(.5) + [(.5)(a)(t^2)] / d_5 = .5(20.524) + [.5(.149)(.5^2)] / d_5 = 10.262 + .018$$

$$a = 4.8 \div 32.2 / a = .149$$

$$D = 10.28 \text{ ft}$$

* 4.8 acceleration Rate provided by IPTM Equation Directory for the Reconstructionist; Parkra, Daniel J., Second Edition 1996

* If the Chevy Malibu is traveling speed limit (45 mph) when Chevy Impala reaches Area of Impact, the Chevy Impala has an additional 1.83 seconds to clear the intersection *

* If the Chevy Impala maintains a constant velocity of 14 mph / 20.524 fps for 1.83 seconds ($D = V \cdot t$) the Chevy Impala is 37.55 ft from the original area of impact with the Chevy Malibu.



SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

HENRY D. MCMASTER
Governor



MARK A. KEEL
Chief

J.L. Peterson
S.C. Highway Patrol Troop #3
211 Century Dr. / Suite 210 C Century Plaza
Greenville, SC 29607

TOXICOLOGY DEPARTMENT

November 15, 2021

SLED No: L21-21089

Your Case No:

GVTC21CAD117955HP23

[S] Marcus Christopher White

[V] Tasj-Hamiel A M Trimmier

[V] MINOR 1

[V] Tondalayo Trimmier

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

ITEMS OF EVIDENCE

Item: 1 Sample Type: Blood (Toxicology) - labeled "WHITE, MARCUS"

Analysis by Headspace Gas Chromatography (GC) and/or Headspace Gas Chromatography/Mass Spectrometry (GC/MS)

Analyte	Result	Units	Threshold
Ethanol	0.084 ±0.006	% (g/dL)	0.01

The above range is calculated at 99.7% confidence.



SLED No :L21-21089

Page 2 of 3

11/15/21

Screen by Enzyme Linked Immunosorbent Assay (ELISA)

Analyte	Result	Units	Threshold
Amphetamine	Negative	ng/mL	20.00
Barbiturates	Negative	ng/mL	100.00
Benzodiazepines I	Negative	ng/mL	20.00
Benzodiazepines II	Negative	ng/mL	10.00
Benzodiazepines III	Negative	ng/mL	10.00
Buprenorphine	Negative	ng/mL	1.00
Cannabinoids	Negative	ng/mL	10.00
Cocaine Metabolite	Negative	ng/mL	50.00
Dextromethorphan	Negative	ng/mL	10.00
Fentanyl	Negative	ng/mL	1.00
Generic Opioids	Negative	ng/mL	10.00
Meprobamate	Negative	ng/mL	300.00
Methadone	Negative	ng/mL	25.00
Methamphetamine	Negative	ng/mL	20.00
Opiates	Negative	ng/mL	10.00
Oxycodone I	Negative	ng/mL	10.00
Oxycodone II	Negative	ng/mL	10.00
Phencyclidine	Negative	ng/mL	5.00
Tramadol	Negative	ng/mL	10.00
Tricyclic Antidepressants	Negative	ng/mL	60.00
Zolpidem	Negative	ng/mL	10.00

Comprehensive Analysis

A comprehensive drug screen utilizing gas chromatography/mass spectrometry and liquid chromatography/tandem mass spectrometry was performed on this sample. With the exception of the compound(s) listed, no other drugs or poisons of concern were found.



SLED No :L21-21089

Page 3 of 3

11/15/21

*This report contains the conclusions, opinions and interpretations of the analyst whose signature appears below.
Technical records supporting the conclusions in this report are available upon request. Afford sufficient time for production.*



Kevin J. Selinsky
Forensic Toxicologist

For any additional interpretation of results please contact the Toxicologist above at the SLED Toxicology Department , (803) 896-7385.





L21-21089, Back Extrapolation

Incident at ~9:45PM

Hospital Draw at 10:46PM

0.177% Serum, so divide by 1.18.

$$0.177/1.18=0.15\%$$

Legal Blood Draw at 3:00AM

SLED reported 0.084%(g/dL)

9:45PM to 3:00AM is 5.25 Hours

10:46 to 3:00AM is ~4.25 Hours

Range for blood alcohol metabolism is 0.010-0.025 g/dL/hour

$$5.25 \text{ hours} \times 0.010 = 0.0525$$

$$5.25 \text{ hours} \times 0.025 = 0.131$$

$$0.084\% \text{ (SLED reported BAC)} + 0.0525 = 0.136$$

$$0.084 + 0.131 = 0.215$$

BAC at time of incident ranged from 0.136-0.215%(g/dL)

Doing the same math, but 4.25 hours back to compare it to the hospital draw.

$$4.25 \times 0.010 = 0.0425$$

$$4.25 \times 0.025 = 0.106$$

$$0.084 + 0.0425 = 0.126$$

$$0.084 + 0.106 = 0.19$$

BAC at time of hospital draw (using back extrapolation to time of hospital draw) ranges from 0.126-0.190%(g/dL)

The Following Assumptions must be made:

1. The subject was in the elimination phase (post peak) of alcohol metabolism.
2. No alcohol was consumed for 2 Hours prior to the incident.
3. The subject was overall healthy(liver)
4. Little to no food was consumed.

TD
5/17/24

PRISMA HEALTH



Patient Name: Marcus White

Date of Birth: [REDACTED]/1980

MRN: 971360379

Please accept this document as certification of the records produced herewith. The records you requested are maintained by Prisma Health. The records produced herewith are accurate, complete, true, and correct copies of all medical records pursuant to your request. I further certify that I Susan Davis, am the custodian of record, that the records were kept in the regular course of business and that this is a regularly conducted business activity, that upon information and belief, these records were made at or near the time the acts, events, conditions, opinions, or diagnoses occurred or within a reasonable time thereafter pursuant to a doctor's orders and finally that these records were made by, or from information transmitted by, a person with knowledge of the acts, events, conditions, opinions or diagnoses stated therein.

Susan Davis
Affiant Signature

Susan Davis
Print Name

Health Information Management Department
Title

Prisma Health
Facility

255 Enterprise Blvd. Suite 120

Greenville, South Carolina 29615
Address

June 10, 2024
Date

SWORN to before me this 10 day of
June, 2024
Nikay Williams

Notary Public for South Carolina

My Commission Expires: 5/26/30

PRISMA
 HEALTH

 GMH SURGICAL SPECIALTY
 701 Grove Road
 Greenville SC 29605

 White, Marcus C
 MRN: 971360379, DOB: [REDACTED]/1980, Sex: M
 Adm: 10/15/2021, D/C: 10/17/2021

10/15/2021 - ED to Hosp-Admission (Discharged) in Prisma Health Greenville Memorial Hospital Vascular Services
ED Provider Note
ED Provider Notes by Lawson, Jordan, DO at 10/15/2021 2258

 Author: Lawson, Jordan, DO
 Filed: 10/15/2021 11:38 PM
 Editor: Lawson, Jordan, DO (Physician)

 Service: Emergency Medicine
 Date of Service: 10/15/2021 10:58 PM

 Author Type: Resident Physician
 Status: Attested
 Cosigner: Lynch, Fredrick, MD at
 10/16/2021 3:49 PM

Attestation signed by Lynch, Fredrick, MD at 10/16/2021 3:49 PM
PRISMA
 HEALTH

Emergency Department Attending Attestation Note

I have seen, examined, and evaluated this patient. I discussed the case, diagnostic and therapeutic approach with the resident, and agree with the respective documentation unless as noted below. I was physically present during the key or critical portions of the service performed by the resident and participated in the management of the patient.

Clinical Impressions

Motor vehicle collision, initial encounter
 Alcoholic intoxication with complication (HCC)
 Hematuria, unspecified type
 Left lower quadrant abdominal pain
 Contusion of abdominal wall, initial encounter
 Loss of consciousness (HCC)
 Neck pain, acute

Chief Complaint: ^[JL 1T] Motor Vehicle Crash ^[JL 2T]
Trauma Activation: ^[JL 1T] Level 2 ^[JL 1M]
History obtained from: ^[JL 1T] EMS ^[JL 1M]

HPI: This is ^[JL 1T] a 41 year old male ^[JL 1M] who presents as a trauma. Full history provided is documented in trauma RN written flowsheet and trauma team note. Context: ^[JL 1T] MVC ^[JL 1M]. Timing: ^[JL 1T] Immediately following mechanism of injury. ^[JL 1M] Duration: ^[JL 1T] Immediately prior to arrival ^[JL 1M]. Severity of injury: ^[JL 1T] severe ^[JL 1M] ^[JL 1T]

41-year-old male restrained driver of a vehicle traveling on Piedmont highway. Suffered front impact from another vehicle. Airbags did deploy. Patient was ambulatory on the scene and then suffered a loss of consciousness. He was transported without cervical collar. Complains of lateral neck pain and abdominal pain. Denies chest pain. Tetanus up-to-date within the last 2 years per patient ^[JL 1M]

Review of Systems: ^[JL 1T] High acuity caveat invoked secondary to patient condition. ^[JL 1M]
Allergies: ^[JL 1T] has No Known Allergies. ^[JL 2T]
Medications: ^[JL 1T] has a current medication list which includes the following long-term medication(s): amlodipine and

PRISMA
HEALTH.

 GMH SURGICAL SPECIALTY White, Marcus C
 701 Grove Road MRN: 971360379, DOB: [REDACTED] 1980, Sex: M
 Greenville SC 29605 Adm: 10/15/2021, D/C: 10/17/2021

10/15/2021 - ED to Hosp-Admission (Discharged) in Prisma Health Greenville Memorial Hospital Vascular Services (continued)
ED Provider Note (continued)

 hydrochlorothiazide.^[JL 2T]
PMHx:^[JL 1T] has a past medical history of Hypertension.^[JL 2T]
PSHx:^[JL 1T] has a past surgical history that includes Wisdom tooth extraction.^[JL 2T]
SocHx:^[JL 1T] reports that he has been smoking. He has been smoking about 0.00 packs per day. He has never used smokeless tobacco. He reports current alcohol use. He reports that he does not use drugs.^[JL 2T]

Allergies, Medications, Medical, Surgical, and Social History were reviewed as documented above.

PHYSICAL EXAMINATION
Constitutional/Vitals:^[JL 1T] BP (!) 184/120 (Patient Position: Lying) | Pulse (!) 96 | Resp 16 | SpO2 100%^[JL 2T]
PRIMARY EXAM: Airway
Ears/Nose/Mouth/Throat:^[JL 1T] Patent, intact. Patient speaking in full sentences. Pupils are 3 mm and reactive bilaterally. Eyes exhibit conjunctival injection^[JL 1M]
PRIMARY EXAM: Breathing
Respiratory:^[JL 1T] Clear to auscultation bilaterally with no focal rhonchi. Breath sounds equal.^[JL 1M]
PRIMARY EXAM: Circulation
Cardiac:^[JL 1T] Good perfusion distally. 2+ DP pulses bilaterally^[JL 1M]
PRIMARY EXAM: Disability
Neurologic:^[JL 1T] Wiggles fingers and toes easily.^[JL 1M]
Psychiatric:^[JL 1T] Appropriate mood and affect.^[JL 1M]
PRIMARY EXAM: Exposure
Musculoskeletal:^[JL 1T] No gross deformity.^[JL 1M]
Skin:^[JL 1T] + Seatbelt sign to left lower quadrant, 1 cm laceration to the dorsal left wrist^[JL 1M]

Please see trauma documentation for full examination.

ED Results:^[JL 1T]
Recent Labs

Procedure	Component	Value	Units	Date/Time
Basic Metabolic Panel [346181914] (Abnormal)				Collected: 10/15/21 2246
Specimen: Blood				Updated: 10/15/21 2317
	Sodium	138	mmol/L	
	Potassium	3.1 ✓	mmol/L	
	Chloride	106	mmol/L	
	CO2	22	mmol/L	
	BUN	10	mg/dL	
	Calcium	9.5	mg/dL	
	Creatinine	1.05	mg/dL	
	Glucose	106 ^	mg/dL	
	Anion Gap	10	mmol/L	
	eGFR Non-African American	88	mL/min/1.73 m2	
	eGFR African American	>90	mL/min/1.73 m2	

Narrative:

PRISMA
HEALTH.

 GMH SURGICAL SPECIALTY
 701 Grove Road
 Greenville SC 29605

 White, Marcus C
 MRN: 971360379, DOB: [REDACTED] 1980, Sex: M
 Adm: 10/15/2021, D/C: 10/17/2021

10/15/2021 - ED to Hosp-Admission (Discharged) in Prisma Health Greenville Memorial Hospital Vascular Services (continued)
ED Provider Note (continued)

Procedure	Component	Value	Units	Date/Time

Fasting Glucose:

Impaired Fasting 100 - 125 mg/dL

 Diagnostic of Diabetes Mellitus $\geq$ 126 mg/dL

Random Glucose:

Reference: 70 - 139 mg/dL

 Diagnostic of Diabetes Mellitus $\geq$ 200 mg/dL

Ethyl Alcohol (Medical Only) [346181915] (Abnormal)

Collected: 10/15/21 2246

Specimen: Blood

Updated: 10/15/21 2317

Alcohol, Medical	177 ^	mg/dL

Narrative:

Results are for medical purposes only.

Elevated lactic acid concentration and lactate dehydrogenase (LD) activity may falsely elevate enzymatically determined ethanol levels.

PT Prothrombin Time with INR [346181912]

Collected: 10/15/21 2305

Specimen: Blood

Updated: 10/15/21 2313

Partial Thromboplastin Time [346181913]

Collected: 10/15/21 2305

Specimen: Blood

Updated: 10/15/21 2313

CBC w/o Differential [346181910] (Abnormal)

Collected: 10/15/21 2246

Specimen: Whole Blood

Updated: 10/15/21 2251

WBC	11.5 ^	K/uL
RBC	5.35	M/uL
Hemoglobin	17.3 ^	g/dL
Hematocrit	49.0	%
MCV	91.6	fL
MCH	32.3	pg
MCHC	35.3	g/dL
RDW-CV	12.8	%
Platelets	244	K/uL
MPV	10.9	fL
nRBC Percent	0	%
nRBC Abs	0.0	K/uL

ABO Confirmation [346181917]

Updated: 10/15/21 2248

Specimen: Whole Blood

Rainbow Draw [346181911]

Collected: 10/15/21 2246

Specimen: Blood

Updated: 10/15/21 2246

Narrative:

The following orders were created for panel order Rainbow Draw.

Procedure	Abnormality	Status

Light Blue Top[346181925]		In process

Please view results for these tests on the individual orders.

Light Blue Top [346181925]

Collected: 10/15/21 2246

Specimen: Blood

Updated: 10/15/21 2246

Type and Screen [346181916]

Collected: 10/15/21 2246

Specimen: Whole Blood

 Updated: 10/15/21 2246^[JL 2T]

PRISMA
HEALTH.

GMH SURGICAL SPECIALTY White, Marcus C

701 Grove Road

Greenville SC 29605

MRN: 971360379, DOB: [REDACTED] 1980, Sex: M

Adm: 10/15/2021, D/C: 10/17/2021

10/15/2021 - ED to Hosp-Admission (Discharged) in Prisma Health Greenville Memorial Hospital Vascular Services (continued)
ED Provider Note (continued)
Medical Decision-Making:[JL 1T]

Level 2 MVC with positive seatbelt sign and abdominal pain. Hemodynamically stable. Will obtain^[JL 1M] CT head, cervical spine and CT chest/abdomen/pelvis. Labs consistent with alcohol intoxication. The patient declined analgesia. He states his tetanus is up-to-date and has a 1 cm wound that will likely require a few stitches. He was signed out pending the results of CT imaging and ultimate disposition.^[JL 2M]

Diagnosis:[JL 1T]

1. Motor vehicle collision, initial encounter
2. Alcoholic intoxication with complication (HCC)^[JL 2T]

Condition:[JL 1T] Stable^[JL 2M]
Disposition:[JL 1T] Pending^[JL 2M]
Jordan Lawson, DO 10/15/2021 11:36 PM^[JL 2T]

Electronically signed by Lawson, Jordan, DO at 10/15/2021 11:38 PM

Electronically signed by Lynch, Fredrick, MD at 10/16/2021 3:49 PM

Attribution Key

JL 1 - Lawson, Jordan, DO on 10/15/2021 10:58 PM

JL 2 - Lawson, Jordan, DO on 10/15/2021 11:36 PM

M - Manual T - Template

ED Notes
ED Triage Notes by Gillespie, Karly, RN at 10/16/2021 0102

Author: Gillespie, Karly, RN

Service: —

Author Type: Registered Nurse

Filed: 10/16/2021 1:03 AM

Date of Service: 10/16/2021 1:02 AM

Status: Signed

Editor: Gillespie, Karly, RN (Registered Nurse)

Pt continues to sit up in bed despite staff encouraging him not too. Pt informed of the risks but states, "I know my spine is fine. It doesn't hurt." Pt encouraged to call staff with any needs, call light within reach.^[KG 1M]

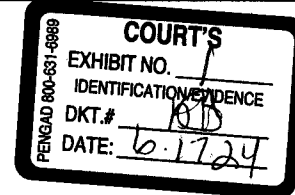
Electronically signed by Gillespie, Karly, RN at 10/16/2021 1:03 AM

Attribution Key

KG 1 - Gillespie, Karly, RN on 10/16/2021 1:02 AM

M - Manual

END OF REPORT

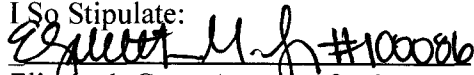


STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
	)	IND. 2023GS23413-414; 416-417
	)	
The State	)	
-vs-	)	Stipulation by Parties to
	)	Proper Collection of and Chain of
	)	Custody for Defendant's Blood Sample
Marcus White,	)	
Defendant	)	

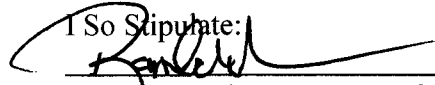
Now come the State, through its representative, and the Defendant, through his attorney, to stipulate the following findings of fact:

- (1) The defendant, Marcus White, was transported to the Prisma Hospital Emergency Department, located at 701 Grove Road, Greenville, SC, on October 15, 2021, at approximately 10:27pm, following a motor vehicle collision with the victims' vehicle.
- (2) A blood sample was drawn from Marcus White by a qualified Registered Nurse, charge nurse Alixandra Kennedy, licensed by the State Board of Nursing, on October 16, 2021, at the Prisma Hospital Emergency Department, which is a licensed medical facility located within Greenville County.
- (3) This blood sample was drawn at 03:00 am, in the presence of Trooper J.L. Peterson of the South Carolina Highway Patrol, in accordance with accepted scientific methods for the collection of blood samples for the purpose of drug and alcohol testing by a forensic laboratory.
- (4) This blood sample was sealed by Nurse Kennedy and thereafter passed through a proper chain of custody, and was delivered with an unbroken seal to the South Carolina Law Enforcement Division's Forensic Services Laboratory, located in Columbia, South Carolina.
- (5) This blood sample was subsequently tested according to accepted scientific methods by the Toxicology Department of the Forensic Services Laboratory for the South Carolina Law Enforcement Division.
- (6) The results of the drug and alcohol testing performed on this blood sample were reported on SLED Lab Report No. L21-21089.
- (7) This Lab Report indicates the results of the drug and alcohol testing performed on the blood sample taken from Marcus White on October 16, 2021, at 03:00am.

I So Stipulate:


Elizabeth Gary, Attorney for State

I So Stipulate:


Randy Chambers, Attorney for Defendant

ARREST WARRANT

5901

2021A2330209605 10-20-21

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

THE STATE

against

Marcus Christopher White

Address:

Phone: [REDACTED] SSN: [REDACTED]
 Sex: M Race: B Height: 6 Weight: 225
 DL State: SC DL #: [REDACTED]
 DOB: [REDACTED] Agency ORI #: [REDACTED]

Prosecuting Agency: S C Highway Patrol Troop 1Prosecuting Officer: Justin L Peterson - S01894Offense: DUI / Felony driving under the influence, great bodily injury resultsOffense Code: 0406Code/Ordinance Sec: 56-05-2945(A)(1)This warrant is **CERTIFIED FOR SERVICE** in the☐ County/ ☐ Municipality of

The accused
 is to be arrested and brought before me to be
 dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
 defendant Marcus Christopher White
 on 10-17-2021

CPI DC Wooten
 Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Greenville County Bond Court
 20 McGee Street
 Greenville, SC 29601

General Sessions NG

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

Personally appeared before me the affiant Justin L Peterson whobeing duly sworn deposes and says that defendant Marcus Christopher Whitedid within this county and state on or about 10/15/2021State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Greenville)

in the following particulars:

DESCRIPTION OF OFFENSE: DUI / Felony driving under the influence, great bodily injury results

I further state that there is probable cause to believe that the defendant named above did commit
 the crime set forth and that probable cause is based on the following facts:

That on October 15, 2021, in the county of Greenville, one Marcus Christopher White (B/M DOB [REDACTED]) did commit the crime of DUI/ Felony driving under the influence, great bodily injury results in that he did. On S.C. 20 east bound Mr. White was driving a 2013 Chevy Malibu (SC/ UQQ710) and struck a 2012 Chevy Impala (SC/ UQM754) in the driver side. The collision caused great bodily injury to the driver of the vehicle and to the passengers. A Tasj-Hamel Amethyst Mercedes Trimmier (B/F DOB [REDACTED]) was the driver. All parties were transported to Greenville Memorial Hospital. Ms. Trimmier suffered great bodily injury as a result of the collision. Mr. White was believed to be under the influence of drugs and/ or alcohol. Mr. White admitted to having had a few beers prior to his collision and upon interviewing him at the hospital it was found Mr. White smelled strongly of an alcoholic beverage and had glassy bloodshot eyes. Mr. White was found to be materially and appreciably impaired.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

Affiant's Address 33 Villa Rd Ste. 200Greenville, SC 29615-Affiant's Telephone (864)241-1000

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 10/15/2021 defendant Marcus Christopher White

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Greenville) as set forth below:DESCRIPTION OF OFFENSE: DUI / Felony driving under the influence, great bodily injury results

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable
 Sworn to and subscribed before me

on 10/16/2021

Scott C. Bingel
 Signature of Issuing Judge

Scott C. Bingel

Judge Code: 7447Judge's Address Greenville Bond CourtGreenville, SC 29601-Judge's Telephone (864)467-2402Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

369

Form Approved by
 S.C. Attorney General
 April 21, 2003
 -SCCA 518

ORIGINAL

AFFIDAVIT

BAH set by

Judge

on

Type and Amount:

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

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Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

CODEFENDANTS



FILED

OCT 20 2021

Clerk of Court
Greenville County

370

ARREST WARRANT

2021A2330209608 (10-20-21)

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

THE STATE

against

Marcus Christopher White

Address:

Phone: SSN:

Sex: M Race: B Height: 6 Weight: 225

DL State: SC DL #:

DOB: Agency ORI #:

Prosecuting Agency: S C Highway Patrol Troop 1

Prosecuting Officer: Justin L Peterson - S01894

Offense: DUI / Felony driving under the influence, death results

Offense Code: 0395

Code/Ordinance Sec: 56-05-2945(A)(2)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Marcus Christopher White

on 10-20-21

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Greenville General Sessions
305 E. North Street
Greenville County Courthouse
Greenville, SC 29601-2120

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

Personally appeared before me the affiant Justin L Peterson

being duly sworn deposes and says that defendant Marcus Christopher White.

did within this county and state on or about 10/15/2021

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Greenville)

in the following particulars:

DESCRIPTION OF OFFENSE: DUI / Felony driving under the influence, death results

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on October 15, 2021, in the county of Greenville, one Marcus Christopher White (B/M DOB) did commit the crime of DUI/ Felony driving under the influence, death results. On S.C. 20 east bound Mr. White was driving a 2013 Chevy Malibu (SC/ UQQ710) and struck a 2012 Chevy Impala (SC/ UQM754) in the driver side. The collision caused fatal injuries to the driver of the vehicle and to the passengers. A MINOR 1 (B/M DOB) was in the rear right passenger seat. All parties were transported to Greenville Memorial Hospital. Mr. Trimmier suffered fatal injuries as a result of the collision. Mr. White was believed to be under the influence of drugs and/ or alcohol. Mr. White admitted to having had a few beers prior to his collision and upon interviewing him at the hospital it was found Mr. White smelled strongly of an alcoholic beverage and had glassy bloodshot eye. Mr. White was found to be materially and appreciably impaired.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

Affiant's Address 33 Villa Rd Ste. 200

Greenville, SC 29615-

Affiant's Telephone (864)241-1000

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 10/15/2021 defendant Marcus Christopher White

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Greenville) as set forth below:

DESCRIPTION OF OFFENSE: DUI / Felony driving under the influence, death results

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 10/16/2021

Signature of Issuing Judge

Scott C. Bingel

Judge Code: 7447

Judge's Address Greenville Bond Court

Greenville, SC 29601-

Judge's Telephone (864)467-2402

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

who

violate the criminal laws of the

)

371

BAIL set by

WITNESSES

Judge L. T. Simmons
on 10.18.2021
Type and Amount: No Bond
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition: _____
Sentence: _____

JURORS

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
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Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS



372

FILED

OCT 20 2021

Clerk of Court
Greenville County

ARREST WARRANT

2021A2330209609

5901

10-20-21

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

THE STATE

against

Marcus Christopher White

Address:

Phone:

SSN:

Sex: M Race: B Height: 6 Weight: 225

DL State: SC DL #:

DOB: Agency ORI #:

Prosecuting Agency: S C Highway Patrol Troop 1

Prosecuting Officer: Justin L Peterson - S01894

Offense: DUI / Felony driving under the influence, great bodily injury results

Offense Code: 0406

Code/Ordinance Sec: 56-05-2945(A)(1)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant

on 10-17-21

Cpl. J. C. [Signature]
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Greenville County Bond Court
20 Mcgee Street
Greenville, SC 29601

General Sessions NG

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

Personally appeared before me the affiant Justin L Peterson

being duly sworn deposes and says that defendant Marcus Christopher White

did within this county and state on or about 10/15/2021

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Greenville

in the following particulars:

DESCRIPTION OF OFFENSE: DUI / Felony driving under the influence, great bodily injury results

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on October 15, 2021, in the county of Greenville, one Marcus Christopher White (B/M DOB [REDACTED]) did commit the crime of DUI/ Felony driving under the influence, great bodily injury results in that he did. On S.C. 20 east bound Mr. White was driving a 2013 Chevy Malibu (SC/ UQQ710) and struck a 2012 Chevy Impala (SC/ UQM754) in the driver side. The collision caused great bodily injury to the driver of the vehicle and to the passengers. A MINOR 2 (B/M DOB [REDACTED]) was in the rear right passenger seat. All parties were transported to Greenville Memorial Hospital. Ms. Trimmer suffered great bodily injury as a result of the collision. Mr. White was believed to be under the influence of drugs and/ or alcohol. Mr. White admitted to having had a few beers prior to his collision and upon interviewing him at the hospital it was found Mr. White smelled strongly of an alcoholic beverage and had glassy bloodshot eye. Mr. White was found to be materially and appreciably impaired.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

Affiant's Address 33 Villa Rd Ste. 200

Greenville, SC 29615-

Affiant's Telephone (864)241-1000

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 10/15/2021 defendant Marcus Christopher White

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Greenville) as set forth below:

DESCRIPTION OF OFFENSE: DUI / Felony driving under the influence, great bodily injury results

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 10/16/2021

[Signature]
(L.S.)

Signature of Issuing Judge

Scott C. Bingel

Judge Code: 7447

Judge's Address Greenville Bond Court

Greenville, SC 29601-

Judge's Telephone (864)467-2402

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
9CCA 518

ORIGINAL

AFFIDAVIT

3731

BAIL set by

Judge L. T. Simmons
on 10.18.2021
Type and Amount: No Bond
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition: _____
Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
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Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS



FILED
OCT 20 2021
Clerk of Court
Greenville County

ARREST WARRANT

5068

2021A2330210678

11-22-21

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

THE STATE

GVTC21CAD117955

against

Marcus Christopher White

Address:

Phone:

SSN:

Sex: M Race: B Height: 6 Weight: 225

DL State: SC DL #:

DOB: Agency ORI #:

Prosecuting Agency: S C Highway Patrol Troop 1

Prosecuting Officer: Justin L Peterson - S01894

Offense: DUI / Felony driving under the influence, death results

Offense Code: 0395

Code/Ordinance Sec: 56-05-2945(A)(2)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant on 11/17/21 Marcus C. White

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Greenville General Sessions
305 E. North Street
Greenville County Courthouse
Greenville, SC 29601-2120

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

Personally appeared before me the affiant Justin L Peterson

who

being duly sworn deposes and says that defendant Marcus Christopher White

did within this county and state on or about 10/15/2021

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Greenville)

in the following particulars:

DESCRIPTION OF OFFENSE: DUI / Felony driving under the influence, death results

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on October 15, 2021, one Marcus Christopher White (B/M DOB) did commit the crime of DUI / Felony driving under the influence, resulting in death. Mr. White was operating a 2013 Chevy Malibu (SC/ UQQ710) and struck a 2012 Chevy Impala (SC/ UQM754) in the driver side. A Tondalayo Trimmier (B/F DOB) was transported to Greenville Memorial Hospital. As a result of the collision, Ms. Trimmier did succumbed to her injuries on November 15, 2021. Mr. White was believed to be under the influence of drugs and/ alcohol at the time of the collision. This offense did occur in Greenville County.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

Affiant's Address 33 Villa Rd Ste. 200

Greenville, SC 29615-

Affiant's Telephone (864)241-1000

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 10/15/2021 defendant Marcus Christopher White

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Greenville) as set forth below:

DESCRIPTION OF OFFENSE: DUI / Felony driving under the influence, death results

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 11/17/2021

Signature of Issuing Judge

Latoya Tennell Barksdale

Judge Code: 7362

(L.S.)

Judge's Address 20 Mcgee St

Greenville, SC 29601-

Judge's Telephone

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

ORIGINAL

AFFIDAVIT

375

BAIL set by

Judge hester
on 11-18-21
Type and Amount: none
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition: _____
Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
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Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
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Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS



376

FILED

NOV 22 2021

Clerk of Court
Greenville County

CDP

WITNESSES

Justin L Peterson

SC Highway Patrol Troop 1

10/17/2021

ARREST WARRANT NUMBER

2021A2330209608

ACTION OF GRAND JURY

TRUE BILL

Rioa C. Johnson
Foreperson of Grand Jury

VERDICT

DOCKET NO. 2023-GS-23-

HEK

The State of South Carolina

000413

County of Greenville

COURT OF GENERAL SESSIONS

January TERM 2023

THE STATE

vs.

MARCUS CHRISTOPHER WHITE

Indictment for

0395

FELONY DUI (RESULTING IN DEATH)

VIOLATION § 56-05-2945

Foreperson of Petit Jury
Date:

[Signature]
CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
FELONY DUI (RESULTING IN DEATH)

At a Court of General Sessions, convened on

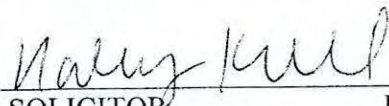
JAN 18 2023

the Grand Jurors of Greenville

County present upon their oath:

That MARCUS CHRISTOPHER WHITE did in Greenville County, on or about the 15th day of October, 2021, drive a motor vehicle while under the influence of alcohol, drugs, or a combination of both, and did an act forbidden by law and/or neglected a duty imposed by law, to wit: the defendant ~~MARCUS CHRISTOPHER WHITE~~  ~~WHITE~~, which acts and/or neglect proximately caused the death of MINOR 1 This is in violation of §56-05-2945 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

BAR # 102289

CDT

WITNESSES

Justin L Peterson

SC Highway Patrol Troop 1

10/17/2021

ARREST WARRANT NUMBER

2021A2330209609

ACTION OF GRAND JURY

TRUE BILL

Rio C. Johnson

Foreperson of Grand Jury FOREMAN GRAND JURY

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2023-GS-23-

HEK

000414

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

January

TERM 2023

THE STATE

vs.

MARCUS CHRISTOPHER WHITE

Indictment for

0406

**FELONY DUI (RESULTING IN GREAT BODILY
INJURY)**

VIOLATION § 56-05-2945

ENTERED
ACCT

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
FELONY DUI (RESULTING IN GREAT BODILY INJURY)

At a Court of General Sessions, convened on

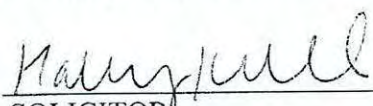
JAN 18 2023

the Grand Jurors of Greenville

County present upon their oath:

That MARCUS CHRISTOPHER WHITE did in Greenville County, on or about the 15th day of October, 2021, drive a motor vehicle while under the influence of alcohol, drugs, or a combination of both, and did an act forbidden by law and/or neglected a duty imposed by law, ~~to wit: the defendant MARCUS CHRISTOPHER WHITE~~  which acts and/or neglect proximately caused great bodily injury to MINOR 2 This is in violation of §56-05-2945 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

BAR # 102289

CST

WITNESSES

Justin L Peterson

SC Highway Patrol Troop 1

11/17/2021

ARREST WARRANT NUMBER

2021A2330210678

ACTION OF GRAND JURY

TRUE BILL

David C. Johnson

Foreperson of Grand Jury FOREMAN GRAND JURY

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2023-GS-23-

HEK

The State of South Carolina

000416

County of Greenville

COURT OF GENERAL SESSIONS

January

TERM 2023

THE STATE

vs.

MARCUS CHRISTOPHER WHITE

Indictment for

0395

FELONY DUI (RESULTING IN DEATH)

VIOLATION § 56-05-2945

[Signature]
DEFINITE
1004

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

INDICTMENT FOR
 FELONY DUI (RESULTING IN DEATH)

At a Court of General Sessions, convened on

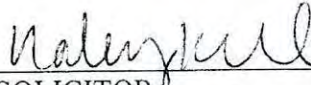
the Grand Jurors of Greenville

County present upon their oath:

JAN 18 2023

That MARCUS CHRISTOPHER WHITE did in Greenville County, on or about the 15th day of October, 2021, drive a motor vehicle while under the influence of alcohol, drugs, or a combination of both, and did an act forbidden by law and/or neglected a duty imposed by law, ~~to wit: the defendant MARCUS CHRISTOPHER~~ ~~WHITE~~, which acts and/or neglect proximately caused the death of TONDALAYO TRIMMIER. This is in violation of §56-05-2945 of the South Carolina Code of Laws (1976) as amended.

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


 SOLICITOR

BAR # 102289

CDT

WITNESSES

Justin L Peterson

SC Highway Patrol Troop 1

10/17/2021

ARREST WARRANT NUMBER

2021A2330209605

ACTION OF GRAND JURY

TRUE BILL

Lion C. Johnson

Foreperson of Grand Jury FOREMAN GRAND JURY

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2023-GS-23-

HEK

The State of South Carolina

County of Greenville

000417

COURT OF GENERAL SESSIONS

January

TERM 2023

THE STATE

vs.

MARCUS CHRISTOPHER WHITE

Indictment for

0406

FELONY DUI (RESULTING IN GREAT BODILY INJURY)

VIOLATION § 56-05-2945

[Signature]
**ENTERED
ACCT.**

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
FELONY DUI (RESULTING IN GREAT BODILY INJURY)

At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

JAN 18 2023

That MARCUS CHRISTOPHER WHITE did in Greenville County, on or about the 15th day of October, 2021, drive a motor vehicle while under the influence of alcohol, drugs, or a combination of both, and did an act forbidden by law and/or neglected a duty imposed by law, ~~to wit: the defendant MARCUS CHRISTOPHER WHITE,~~ *Def* which acts and/or neglect proximately caused great bodily injury to TASJ-HAMIEL TRIMMIER. This is in violation of §56-05-2945 of the South Carolina Code of Laws (1976) as amended.

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

Melvin Kull
SOLICITOR

BAR # 102289

Year - 2023 and
\$10,100 to 25,100

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE

VS.

Marcus Christopher White

AKA:

Race: BLACK Sex: M Age: 44

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2023 - GS - 23 - 00413

A/W#: 2021A2330209608

Date of Offense: 10/15/2021

S.C. Code § 56-05-2945(A)(2)

CDR Code #: 0395

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Dui / Felony driving under the influence resulting in death

in violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395

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

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

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

Kennell, Haley 102289 65302
SC Bar # Defendant CHAMBERS, RANDALL
Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,

for a determinate term of 25 days/months/years Time Served ☐ Youthful Offender Act not to exceed years
(and/or to pay a fine of \$ 10,100 : provided that upon the service of days/months/years/Time Served and or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by
SCDOC. 59 days/months 917 HEP credit to be given

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

☐ The Defendant Shall be Released from County Detention Center.

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

Jail
HIP

STATE VS. Marcus Christopher White INDICTMENT/CASE#: 2023 - GS - 23 - 00413**SPECIAL CONDITIONS:**☐ **PTUP** after _____ months/years**And Other Terms Listed Below:**

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

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5 %)

§14-1-211(A)(1) (Conv. Surcharge)

§14-1-211(A)(2) (DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114(BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

	\$	10,100.00
	\$	10,851.50
	\$	100.00
	\$	100.00
	\$	12.00
	\$	25.00
	\$	25.00
	\$	150.00
	\$	41.00
	\$	50.00
	\$	40/ea
	\$	TBD
	\$	629.84
	\$	500.00
	\$	TBD
TOTAL	\$	21,624.34

Clerk of Court/ Deputy Clerk:
Court Reporter:

April Herron
April Herron

Presiding Judge:
Judge Code:
Sentence Date:

2777
6-19-2024

30 days 875 years
and \$5,000 to
\$10,000

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE

VS.

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2023 - GS - 23 - 00414

Marcus Christopher White

AKA:

Race: BLACK Sex: M Age: 44

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#: [REDACTED] SID#: [REDACTED]

A/W#: 2021A2330209609

Date of Offense: 10/15/2021

S.C. Code § 56-05-2945(A)(1)

CDR Code #: 0406

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS TO: DUI/Felony driving under the influence, great bodily injury

in violation of § 56-05-2945(A)(1) of the S.C. Code of Laws, bearing CDR Code # 0406

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

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

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

Kennell, Haley

102289

SC Bar #

Defendant

CHAMBERS, RANDALL
Attorney for Defendant

65302

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center, for a determinate term of 15 days/months/years/Time Served ☐ Youthful Offender Act not to exceed years and/or to pay a fine of \$ 5,100; provided that upon the service of days/months/years/Time Served and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 59 days/months 917 HEP credit to be given

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

☐ The Defendant Shall be Released from County Detention Center.

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

Jail
Hip
10v

STATE VS. Marcus Christopher White INDICTMENT/CASE#: 2023 - GS - 23 - 00414**SPECIAL CONDITIONS:**☐ **PTUP** after _____ months/years**And Other Terms Listed Below:**

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

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____ \$ _____

§14-1-206 (Assessments 107.5 %) \$ _____ \$ _____

§14-1-211(A)(1) (Conv. Surcharge) \$100 \$ _____

§14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ **12.00**§56-1-286 (DUI Breath Test) \$25 \$ **25.00**

§14-1-212 (Law Enforce. Funding) \$25 \$ _____

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs) \$41 \$ _____

§50-21-114(BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) TBD \$ **1.11**☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees. \$500 \$ _____☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund TBD \$ _____**TOTAL** \$ **38.11**Clerk of Court/ Deputy Clerk: April Herron
Court Reporter: _____Presiding Judge: _____
Judge Code: 2777
Sentence Date: 6-19-2024

1 year 889 25 years
and \$10,100 to
\$25,100

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE

VS.

Marcus Christopher White

AKA:

Race: BLACK Sex: M Age: 44

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip [REDACTED]

DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2023 - GS - 23 - 00416

AW#: 2021A2330210678

Date of Offense: 10/15/2021

S.C. Code § 56-05-2945(A)(2)

CDR Code #: 0395

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Dui / Felony driving under the influence resulting in death

in violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395

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

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

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

Haley 102289
Kennell, Haley SC Bar # Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,

for a determinate term of 25 days/months/years Time Served ☐ Youthful Offender Act not to exceed years
and/or to pay a fine of \$ 10,100, provided that upon the service of days/months/years/Time Served and or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with **probation** for

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

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by
SCDOC. 59 days/months 917 HEP credit to be given

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

☐ The Defendant Shall be Released from County Detention Center.

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

Tail
H10
1A1

STATE VS. Marcus Christopher White INDICTMENT/CASE#: 2023 - GS - 23 - 00416**SPECIAL CONDITIONS:**☐ **PTUP** after _____ months/years**And Other Terms Listed Below:**

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

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

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

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund**TOTAL**\$ 36.11Clerk of Court/ Deputy Clerk: _____
Court Reporter: _____Grace Coates
April Herron

Presiding Judge: _____

Judge Code: 2777Sentence Date: 6-19-2024

30 days 3915 years
and \$5,000 to
\$10,000

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE

VS.

Marcus Christopher White

AKA:

Race: BLACK Sex: M Age: 44

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2023 - GS - 23 - 00417

A/W#: 2021A2330209605

Date of Offense: 10/15/2021

S.C. Code § 56-05-2945(A)(1)

CDR Code #: 0406

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: DUI/FELONY DRIVING UNDER THE INFLUENCE, GREAT BODILY INJURY

in violation of § 56-05-2945(A)(1) of the S.C. Code of Laws, bearing CDR Code # 0406

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

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

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

Kerell, Haley 102289 65302
Kerell, Haley SC Bar # Defendant CHAMBERS, RANDALL SC Bar#
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,

for a determinate term of 15 days/months/years/Time Served ☐ Youthful Offender Act not to exceed years
and/or to pay a fine of \$ 5,100; provided that upon the service of days/months/years/Time Served and or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

The sentence shall run concurrent
☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by
SCDOC. 59 days/months 917 HRP credit to be given

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

☐ The Defendant Shall be Released from County Detention Center.

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

Jail
HIP

STATE VS. Marcus Christopher White INDICTMENT/CASE#: 2023 - GS - 23 - 00417**SPECIAL CONDITIONS:**☐ **PTUP** after _____ months/years**And Other Terms Listed Below:**

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

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

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

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund**TOTAL**\$ 3211.80Clerk of Court/ Deputy Clerk: _____
Court Reporter: _____Grice Carter
April Herron

Presiding Judge: _____

Judge Code: 2777Sentence Date: 6-19-2024

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Joanna K. Delany
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 5th day of February, 2026.

RECEIVED

Feb 05 2026

SC Court of Appeals