

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Hampton County

D Craig Brown, Circuit Court Judge

RECEIVED

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SC Supreme Court

COURTNEY SEASE,

PETITIONER,

V

STATE OF SOUTH CAROLINA,

RESPONDENT

APPENDIX

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STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF HAMPTON

2008-GS-25-190 - 191

THE STATE OF SOUTH CAROLINA

-VS-

TRANSCRIPT OF RECORD

COURTNEY SEASE

MAY 5, 2008

MAY 7 - 8, 2008

HAMPTON, SOUTH CAROLINA

B E F O R E

THE HONORABLE PERRY M BUCKNER, JUDGE, AND
JURY

A P P E A R A N C E S

RANDOLPH MURDAUGH III, ESQUIRE
TAMEAKA LEGETTE, ESQUIRE
ATTORNEYS FOR THE STATE

ROBERT HUGHES, ESQUIRE
JOHN D BRYAN, ESQUIRE
ATTORNEYS FOR THE DEFENDANT

DAPHNE D HELMS
CIRCUIT COURT REPORTER

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County Hampton
 Date 5-7-08

Case No 2008-65-25-190/191

VOIR DIRE

Judge

Perry Buckner

Pl / State

State

State/Pl's Atty

Randolph Murchugh III

Tameeka Legette

Defendant

Courtney Sease

Defense Atty

Robert Hughes

John D Bryan

Court Reporter Daphne Helms

<u>Juror No</u>	<u>Name</u>	<u>Sex</u>	<u>Race</u>	<u>*Court</u>	<u>Strikes</u> <u>Plaintiff</u>	<u>Defense</u>	<u>Accept</u>
83	Bonnie Miller	F	W			✓	
144	Robert Williams, Jr.	M	W				✓
1	Agnes Albright	F	B				✓
29	Elizabeth Crosby	F	W			✓	
40	Nancy Edwards	F	B				✓
64	Rubin Housley	M	B				✓
73	Dwayne Jones	M	B		✓		
53	Cheryl Grant	F	B				✓
56	A.C. Grovenstein	M	W				✓
63	Gloria Housley	F	B				✓
138	Melissa Watkins	F	W				✓
98	John Ornes Jr	M	W			✓	
28	Kala Craft	F	W			✓	
146	Iris Wynn	F	W			✓	
79	Deborah McDraw	F	B			✓	
132	Daniel Stutts	M	W			✓	

* For the Court column, indicate who made the motion to strike the jurors "for cause"

C-Court, P-Plaintiff, D Defense

County Hampton
Date 5-7-08

Case No 08-6525-190, 191

VOIR DIRE

Judge Buckner

Pl / State State

State/Pl's Atty Murdaugh

Defendant Courtney Sease

Jegette

Defense Atty Hughes

Bryan

Court Reporter Daphne Helms

Juror No	Name	Sex	Race	*Court	Strikes Plaintiff	Defense	Accept
99	Patricia Owens	F	B				✓
67	Edna Jackson	F	B			✓	
36	Janet D. Crosby	F	W				✓
68	Cindy Jamison	F	B		✓		
104	Houston Priester	M	B				✓
9	Renee Bennett	F	W			✓	
54	Ronnie Grant	M	B		✓		
23	Peggy Causey	F	W			✓	
46	Linda Grant	F	B		✓		
122	Patria Shuman	F	W				✓
	— Alternates —						
124	David Smalls	M	B				✓
41	Cynthia Erwin	F	B				✓

* For the Court column, indicate who made the motion to strike the jurors "for cause"

C Court, P-Plaintiff, D-Defense

1 MR MURDAUGH YOUR HONOR, I HAVE A MATTER THAT DOESN'T
2 COME UNDER THE HEADING OF ANYTHING YOU'RE DOING NOW, BUT I
3 THINK WE NEED TO DISPOSE OF IT IN ORDER TO PREPARE FOR THIS
4 AFTERNOON OR TOMORROW

5 THE COURT ALL RIGHT, SIR

6 MR MURDAUGH COURTNEY SEASE, COME ON AROUND HERE IF
7 YOUR HONOR PLEASE, COURTNEY SEASE IS CHARGED WITH MURDER,
8 POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT
9 CRIME, AND TWO DRUG CHARGES HE HAS BEEN APPOINTED TO MR
10 BOB HUGHES MR HUGHES INFORMED ME THAT COURTNEY SEASE HAS A
11 MOTION HE WANTS TO MAKE BEFORE THE COURT THAT I THINK WE NEED
12 TO ADDRESS

13 THE COURT MR HUGHES, YOU REPRESENT MR SEASE?

14 MR HUGHES YES, YOUR HONOR, I DO

15 THE COURT YOU WERE APPOINTED BY THIS COURT TO
16 REPRESENT HIM ON BOTH THE MURDER AND THE POSSESSION OF THE
17 WEAPON CHARGE?

18 MR HUGHES YES, SIR, AND TWO DRUG CHARGES

19 THE COURT ALL RIGHT, SIR AND THIS IS A CASE THAT YOU
20 ARE GOING TO CALL FOR TRIAL---

21 MR MURDAUGH THIS WEEK

22 THE COURT ---DURING THIS TERM OF COURT

23 MR MURDAUGH YES, SIR

24 THE COURT MR HUGHES, WHAT IS THE NATURE THAT YOU
25 UNDERSTAND OF YOUR CLIENT'S MOTION?

1 MR HUGHES YOUR HONOR, MR SEASE HAS INFORMED ME THAT
2 HE WISHES TO DISMISS ME AND RETAIN PRIVATE COUNSEL

3 THE COURT WELL, I'M AFRAID THAT'S A LITTLE LATE IN THE
4 GAME HOW LONG HAS THIS CASE BEEN PENDING, SOLICITOR?

5 MR MURDAUGH IF YOUR HONOR PLEASE, HE WAS ARRESTED OR
6 THE INCIDENT TOOK PLACE ON 5/9/08 (SIC) MAY THE -- THAT
7 CAN'T BE

8 THE COURT THAT CAN'T BE SOLICITOR, WE HAVEN'T GOTTEN
9 TO 5/9/08 YET MR GOODING AND YOU ARE THE ONLY PEOPLE THAT
10 MIGHT KNOW WHAT HAPPENED ON 5/9/08

11 MR MURDAUGH 8/30/07 I'M SORRY

12 THE COURT AUGUST 30TH, '07

13 MR MURDAUGH YES, SIR

14 THE COURT ALL RIGHT MR HUGHES, BEFORE I HEAR FROM
15 MR SEASE, ARE YOU PREPARED TO MOVE FORWARD WITH THIS CASE?

16 MR HUGHES YES, YOUR HONOR, I AM

17 THE COURT IS THERE ANY REASON YOU KNOW CONFLICT-WISE
18 WHY YOU COULD NOT ADEQUATELY REPRESENT MR SEASE AS HIS
19 ATTORNEY, MR HUGHES?

20 MR HUGHES NO, YOUR HONOR

21 THE COURT MR SEASE, YOU'VE HEARD WHAT MR HUGHES TOLD
22 ME AND WHAT THE SOLICITOR HAS TOLD ME ABOUT YOUR CHARGES IS
23 WHAT I'VE BEEN TOLD CORRECT? IS WHAT I'VE BEEN TOLD CORRECT
24 ABOUT YOUR CHARGES AND ABOUT YOUR MOTION TO RELIEVE MR
25 HUGHES?

1 MR SEASE I'M SAYING WHAT---

2 THE COURT YOU'RE NOT LISTENING TO MY QUESTION IT'S A
3 YES-OR-NO ANSWER IS WHAT I'VE BEEN TOLD BY THE SOLICITOR
4 AND MR HUGHES CORRECT? YES OR NO?

5 MR SEASE I DON'T KNOW ABOUT THEM DRUG CHARGES I
6 DON'T KNOW---

7 THE COURT MR HUGHES, HE'S -- YOU'RE APPOINTED TO HIM
8 ON DRUG CHARGES AS WELL?

9 MR HUGHES YES, YOUR HONOR THERE ARE TWO CHARGES

10 THE COURT ARE YOU PLANNING ON TRYING DRUG---

11 MR MURDAUGH NO

12 THE COURT THOSE ARE NOT FOR TRIAL THIS WEEK ALL
13 RIGHT WHAT'S FOR TRIAL THIS CASE IS THE MURDER CHARGE AND
14 POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT
15 CRIME MR HUGHES TELLS ME, MR SEASE, THAT YOU WANT TO
16 RELIEVE HIM AS YOUR ATTORNEY AND THAT YOU WANT TO RETAIN
17 PRIVATE COUNSEL IS THAT CORRECT, MR SEASE? YES OR NO?

18 MR SEASE YES, SIR

19 THE COURT HAVE YOU ALREADY HIRED PRIVATE COUNSEL OR
20 YOU INTEND TO DO SO?

21 MR SEASE INTEND TO

22 THE COURT SO YOU HAVEN'T HIRED ONE YET

23 MR SEASE NO, SIR

24 THE COURT HOW LONG HAVE YOU BEEN REPRESENTING HIM, MR
25 HUGHES?

1 MR HUGHES I RECEIVED THE CASE OVER TWO WEEKS AGO,
2 YOUR HONOR

3 THE COURT AND YOU'RE PREPARED TO GO FORWARD THIS WEEK

4 MR HUGHES YES, YOUR HONOR

5 THE COURT VERY WELL MR SEASE, TELL ME WHY YOU DON'T
6 WANT MR HUGHES AS YOUR LAWYER HAS HE FAILED TO DO
7 SOMETHING THAT YOU WANT TO TELL ME ABOUT?

8 MR SEASE NO, SIR

9 THE COURT ALL RIGHT IT'S JUST THAT YOU DECIDED YOU
10 WANT TO HIRE PRIVATE COUNSEL IS THAT RIGHT?

11 MR SEASE YES, SIR

12 THE COURT YOUR MOTION IS DENIED MR HUGHES IS GOING
13 TO BE YOUR ATTORNEY IN THE CASE THAT'S SCHEDULED FOR TRIAL
14 THIS WEEK I WANT YOU TO COOPERATE WITH HIM THAT'S WHY WE
15 APPOINTED MR HUGHES THAT WILL NOT BE ANY CHARGE TO YOU,
16 BUT YOU CAN'T WAIT UNTIL THE CASE IS CALLED FOR TRIAL TO
17 DECIDE YOU WANT PRIVATE COUNSEL THANK YOU VERY MUCH

18 (THIS CONCLUDED THE PROCEEDINGS HELD IN THIS MATTER ON
19 MAY 5, 2008 THE FOLLOWING PROCEEDINGS TOOK PLACE ON MAY 7,
20 2008)

21 THE COURT THANK YOU PLEASE BE SEATED I CAN'T SEE
22 THAT CLOCK, RANDOLPH I WANT TO MAKE SURE -- HAVE WE GOT ALL
23 MY JURORS HERE?

24 MR MURDAUGH IT SAYS FIVE OF, SIR, I THINK

25 THE CLERK NO, SIR, IT SAYS QUARTER AFTER

1 MR MURDAUGH NO, QUARTER AFTER

2 THE COURT ALL RIGHT WELL, I TOLD THEM---

3 MR MURDAUGH I LIKE FIVE OF BETTER

4 THE COURT COUNSEL IN THE NEXT CASE, PLEASE APPROACH

5 (WHEREUPON, A BENCH CONFERENCE WAS HELD)

6 THE COURT STATE READY TO PROCEED?

7 MR MURDAUGH STATE IS READY, SIR

8 THE COURT DEFENDANT READY TO PROCEED?

9 MR HUGHES YES, YOUR HONOR

10 THE COURT CALL YOUR CASE, SOLICITOR

11 MR MURDAUGH IF YOUR HONOR PLEASE, THE STATE IS READY

12 IN INDICTMENT NUMBER 2008-190, THE STATE AGAINST COURTNEY

13 SEASE, CHARGED WITH MURDER ALSO READY IN 2008-191,

14 POSSESSION OF A WEAPON DURING A VIOLENT CRIME

15 THE COURT VERY WELL

16 MR MURDAUGH I PASSED UP MY WITNESS LIST TO YOU, DID I
17 NOT?

18 THE COURT YES, SIR, YOU DID I HAVE IT RIGHT HERE,

19 AND I HAVE YOURS AS WELL, MR BRYAN, THAT I WROTE ON HERE

20 MR HUGHES YES, YOUR HONOR

21 THE COURT ALL RIGHT LADIES AND GENTLEMEN OF THE JURY

22 PANEL, I ASK IF YOU WOULD IF YOU'D GIVE ME YOUR ATTENTION

23 WE'RE ABOUT TO BEGIN THE TRIAL OF THE STATE OF SOUTH CAROLINA

24 VERSUS COURTNEY SEASE MR SEASE IS SEATED AT THE DEFENSE

25 TABLE WITH HIS ATTORNEY, MR BOB HUGHES, ROBERT HUGHES, AND

1 HIS ATTORNEY MR J D BRYAN MR SEASE IS CHARGED BY THESE
2 TWO PIECES OF PAPER WHICH I HOLD IN MY HAND WHICH WE CALL
3 INDICTMENTS THE DEFENDANT IS CHARGED WITH THE OFFENSE OF
4 MURDER AND POSSESSION OF A WEAPON DURING THE COMMISSION OF A
5 VIOLENT CRIME TO THESE INDICTMENTS THE DEFENDANT HAS PLED
6 NOT GUILTY THAT PLACES THE BURDEN ON THE STATE OF SOUTH
7 CAROLINA TO PROVE EACH AND EVERY ELEMENT OF THESE OFFENSES
8 BEYOND A REASONABLE DOUBT, AND IF YOU ARE SELECTED AS A JUROR
9 IN THE TRIAL OF THIS CASE, IT WILL BE YOUR DUTY TO DETERMINE
10 WHETHER OR NOT THE STATE HAS MET THAT BURDEN

11 I NEED TO ASK YOU SOME QUESTIONS IN ORDER TO DETERMINE
12 YOUR IMPARTIALITY TO SERVE AS A JUROR IN THE TRIAL OF THIS
13 CASE I REMIND YOU THAT ON MONDAY I PLACED EACH OF YOU UNDER
14 OATH, ADMINISTERED TO YOU BY THE CLERK OF COURT OF HAMPTON
15 COUNTY THE RESPONSES YOU GIVE ME IN REGARDS TO MY QUESTIONS
16 CONCERNING THIS CASE ARE UNDER OATH WHICH WAS PREVIOUSLY
17 ADMINISTERED TO YOU EARLIER IN THE WEEK

18 I NOW ASK THAT THE ATTORNEYS THAT ARE GOING TO BE TRYING
19 THIS CASE STAND AND FACE MY JURY PANEL, INTRODUCE THEMSELVES,
20 BEGINNING WITH COUNSEL FOR THE STATE OF SOUTH CAROLINA

21 MR MURDAUGH I AM RANDOLPH MURDAUGH ASSISTING ME IN
22 THIS CASE WILL BE TAMEAKA LEGETTE

23 MS LEGETTE GOOD MORNING

24 THE COURT COUNSEL FOR THE DEFENDANT

25 MR HUGHES MY NAME IS ROBERT HUGHES I WILL BE

1 DEFENDING MR SEASE, AND ASSISTING ME WILL BE MR J D BRYAN

2 THE COURT INTRODUCE YOUR CLIENT, MR HUGHES, AND HAVE
3 HIM STAND AND FACE MY JURY PANEL

4 MR HUGHES LADIES AND GENTLEMEN, THIS IS MR COURTNEY
5 SEASE HE'S THE DEFENDANT

6 THE COURT LADIES AND GENTLEMEN, THIS IS THE DEFENDANT,
7 COURTNEY SEASE, ALONG WITH MR HUGHES AND MR BRYAN YOU MAY
8 BE SEATED ALL RIGHT LADIES AND GENTLEMEN, I ASK, FIRST OF
9 ALL, IS ANY MEMBER OF MY JURY PANEL RELATED BY BLOOD,
10 CONNECTED BY MARRIAGE, OR A CLOSE PERSONAL FRIEND OF THE
11 DEFENDANT IN THIS CASE, MR COURTNEY SEASE OF HAMPTON, SOUTH
12 CAROLINA, WHOM YOU HAVE JUST MET? IF SO, PLEASE STAND AT
13 THIS TIME LET THE RECORD REFLECT NO ONE IS STANDING

14 YOU HAVE ALSO MET IN THIS CASE COUNSEL FOR THE STATE OF
15 SOUTH CAROLINA, MR MURDAUGH AND MS LEGETTE I ASK, FIRST
16 OF ALL, IS ANY MEMBER OF MY JURY PANEL RELATED BY BLOOD,
17 CONNECTED BY MARRIAGE, OR A CLOSE PERSONAL FRIEND OF ANY OF
18 THE ATTORNEYS REPRESENTING THE STATE OF SOUTH CAROLINA IN
19 THIS CASE, MR RANDOLPH MURDAUGH, III, OR MS TAMEAKA
20 LEGETTE? IF SO, PLEASE STAND AT THIS TIME LET THE RECORD
21 REFLECT NO ONE IS STANDING

22 YOU HAVE ALSO MET -- WELL, FIRST OF ALL, LET ME ASK YOU
23 THIS HAS ANYONE PRESENT FOR JURY DUTY EVER BEEN REPRESENTED
24 IN THE PAST OR CURRENTLY REPRESENTED BY MR RANDOLPH
25 MURDAUGH, III, OR MS TAMEAKA LEGETTE, COUNSEL OR CO-COUNSEL

1 FOR THE STATE OF SOUTH CAROLINA IN THIS CASE? IF SO, PLEASE
2 STAND AT THIS TIME LET THE RECORD REFLECT NO ONE IS
3 STANDING

4 YOU HAVE ALSO MET COUNSEL FOR THE DEFENDANT IN THIS
5 CASE, MR ROBERT HUGHES AND MR J D BRYAN I ASK, FIRST OF
6 ALL, IS ANY MEMBER OF MY JURY PANEL RELATED BY BLOOD,
7 CONNECTED BY MARRIAGE OR A CLOSE PERSONAL FRIEND OF MR
8 ROBERT HUGHES OR MR JOHN D BRYAN, COUNSEL FOR THE
9 DEFENDANT, COURTNEY SEASE, IN THIS CASE? IF SO, PLEASE STAND
10 AT THIS TIME LET THE RECORD REFLECT NO ONE IS STANDING

11 ANY MEMBER OF MY JURY PANEL EVER BEEN REPRESENTED IN THE
12 PAST OR CURRENTLY REPRESENTED BY THE LAWYERS FOR THE
13 DEFENDANT IN THIS CASE, COURTNEY SEASE - MR ROBERT HUGHES OR
14 MR JOHN D BRYAN? IF SO, PLEASE STAND AT THIS TIME LET
15 THE RECORD REFLECT NO ONE IS STANDING

16 ALL RIGHT LADIES AND GENTLEMEN, IN ORDER TO ASK YOU
17 QUESTIONS TO DETERMINE YOUR IMPARTIALITY TO SERVE AS A JUROR
18 IN THE TRIAL OF THIS CASE, I NEED TO TELL YOU A LITTLE BIT
19 ABOUT THE ALLEGATIONS OF THIS CASE I EMPHASIZE THAT THEY
20 ARE ALLEGATIONS BECAUSE IF YOU'RE SELECTED AS A JUROR IN THE
21 TRIAL OF THIS CASE, YOU MUST DECIDE THIS CASE SOLELY UPON
22 EVIDENCE INTRODUCED DURING THE TRIAL OF THIS CASE

23 THE INDICTMENT -- FIRST INDICTMENT CHARGING THE
24 DEFENDANT WITH MURDER ALLEGES THAT THIS OFFENSE OCCURRED IN
25 HAMPTON COUNTY ON OR ABOUT AUGUST THE 30TH, 2007 IT IS

1 ALLEGED THAT THE DEFENDANT, COURTNEY SEASE, WITH MALICE
2 AFORETHOUGHT DID KILL AND MURDER DWAYNE SMITH BY MEANS OF
3 SHOOTING HIM WITH A FIREARM AND THAT DWAYNE SMITH DIED AS A
4 RESULT OF THE WOUNDS ON AUGUST 30TH, 2007

5 IN THE SECOND INDICTMENT, POSSESSION OF A WEAPON DURING
6 THE COMMISSION OF A VIOLENT CRIME, IT IS ALLEGED THAT THIS
7 OCCURRED IN HAMPTON COUNTY ON OR ABOUT AUGUST 30TH, 2007 IT
8 IS ALLEGED THAT THE DEFENDANT, COURTNEY SEASE, DID POSSESS A
9 FIREARM OR DID VISIBLY DISPLAY WHAT APPEARED TO BE A FIREARM
10 OR DID VISIBLY DISPLAY A KNIFE DURING THE COMMISSION OF OR
11 ATTEMPTED COMMISSION OF A VIOLENT CRIME IT IS ALLEGED IN
12 THAT INDICTMENT THAT MURDER IS A VIOLENT CRIME UNDER THE LAWS
13 OF THE STATE OF SOUTH CAROLINA

14 I TELL YOU ABOUT THOSE ALLEGATIONS IN ORDER TO ASK YOU
15 THIS HAS ANY MEMBER OF MY JURY PANEL HEARD ABOUT, READ
16 ABOUT, OR KNOW ANYTHING WHATSOEVER ABOUT THE FACTS WHICH ARE
17 ALLEGED IN THESE INDICTMENTS? IF SO, PLEASE STAND AT THIS
18 TIME LET THE RECORD REFLECT NO ONE IS STANDING

19 I AM ADVISED THAT THE POTENTIAL WITNESSES IN THE TRIAL
20 OF THIS CASE WILL BE AS FOLLOWS IF THEY'RE PRESENT IN THE
21 COURTROOM WHEN I CALL YOUR NAMES, PLEASE STAND AND FACE MY
22 JURY PANEL SO THEY CAN SEE YOUR FACE AS WELL AS HEAR THE NAME
23 CALLED MR PERRY MCALHANEY, HAMPTON POLICE DEPARTMENT
24 THANK YOU, PERRY YOU MAY BE SEATED PETE LIGHT, HAMPTON
25 POLICE DEPARTMENT STAND UP HE'S OUTSIDE? ASK HIM TO STEP

1 IN HERE SO THEY CAN SEE HIM

2 MR MURDAUGH TELL THE REST OF THEM TO COME IN, TOO,
3 BARRY

4 (WITNESSES ENTER THE COURTROOM)

5 THE COURT MR PETE LIGHT?

6 MR LIGHT YES, SIR

7 THE COURT IF YOU'D FACE MY JURY PANEL LADIES AND
8 GENTLEMEN, THIS IS OFFICER PETE LIGHT, HAMPTON POLICE
9 DEPARTMENT THANK YOU, SIR YOU MAY BE SEATED MR DANNY
10 ZORN WITH THE TOWN OF HAMPTON LADIES AND GENTLEMEN, THIS IS
11 MR DANNY ZORN WITH THE TOWN OF HAMPTON MR RYAN ELLISON
12 LADIES AND GENTLEMEN, THIS IS MR RYAN ELLISON, PARAMEDIC
13 MR CHRIS ALTMAN IS MR ALTMAN IN THE COURTROOM?

14 MR MURDAUGH IF YOUR HONOR PLEASE, I HAVE EXCUSED HIM

15 THE COURT YOU'RE NOT GOING TO USE HIM AS A WITNESS

16 MR MURDAUGH WE'LL NOT USE HIM I'M SORRY, SIR I
17 SHOULD HAVE STRUCK HIS NAME

18 THE COURT VERY WELL MAJOR BLUE BOLTON, HAMPTON
19 POLICE DEPARTMENT DR MICHAEL CAPLAN, C-A-P-L-A-N, MEDICAL
20 UNIVERSITY OF SOUTH CAROLINA PATHOLOGIST

21 MR MURDAUGH HE WILL BE HERE IN THE MORNING, SIR

22 THE COURT VERY WELL BENNIE JACKSON, HAMPTON, SOUTH
23 CAROLINA THIS IS MR JACKSON OVER TO MY LEFT, YOUR RIGHT
24 MR BENNIE JACKSON THANK YOU, SIR YOU MAY BE SEATED
25 COURTNEY SEASE MR SEASE, STAND AND FACE MY JURY PANEL

1 COURTNEY SEASE, HAMPTON, SOUTH CAROLINA ANY ADDITIONAL
2 WITNESSES FROM THE STATE?

3 MR MURDAUGH NO, SIR

4 THE COURT ANY ADDITIONAL WITNESSES FROM THE DEFENDANT?

5 MR HUGHES NO, YOUR HONOR

6 THE COURT ANY MEMBER OF MY JURY PANEL RELATED BY
7 BLOOD, CONNECTED BY MARRIAGE OR A CLOSE PERSONAL FRIEND OF
8 ANY OF THE POTENTIAL WITNESSES IN THE TRIAL OF THIS CASE
9 WHOSE NAMES I HAVE JUST CALLED? IF SO, PLEASE STAND AT THIS
10 TIME YES, MA'AM, IF YOU WOULD GIVE ME YOUR NAME AND JUROR
11 NUMBER ONLY, PLEASE

12 JUROR CAUSEY PEGGY CAUSEY, JUROR NUMBER 23

13 THE COURT COUNSEL, THIS IS JUROR 23, MS PEGGY CAUSEY
14 MS CAUSEY, ARE YOU RELATED BY BLOOD TO ANY OF THE POTENTIAL
15 WITNESSES?

16 JUROR CAUSEY YES, SIR

17 THE COURT AND WHICH ONE WOULD THAT BE?

18 JUROR CAUSEY DANNY ZORN

19 THE COURT ALL RIGHT AND HOW ARE YOU RELATED TO MR
20 DANNY ZORN? WHAT RELATIONSHIP IS IT?

21 JUROR CAUSEY HE'S MY COUSIN

22 THE COURT YOUR COUSIN THE FACT THAT MR ZORN IS YOUR
23 COUSIN AND IS A POTENTIAL WITNESS IN THE TRIAL OF THIS CASE,
24 WOULD THAT IN ANY WAY, MS CAUSEY, AFFECT YOUR ABILITY TO
25 GIVE THE STATE OF SOUTH CAROLINA OR THE DEFENDANT IN THIS

1 CASE, COURTNEY SEASE, A FAIR AND AN IMPARTIAL TRIAL?

2 JUROR CAUSEY IT WOULDN'T AFFECT ME AT ALL

3 THE COURT THANK YOU, MS CAUSEY YOU MAY BE SEATED

4 YOU'RE DOING EXACTLY WHAT I ASKED YOU TO DO ANYONE ELSE?

5 LET THE RECORD REFLECT NO ONE ELSE IS STANDING IN RESPONSE TO

6 MY LAST QUESTION

7 ANY MEMBER OF MY JURY PANEL FORMED ANY OPINION

8 WHATSOEVER ABOUT THE FACTS WHICH ARE ALLEGED IN THIS CASE?

9 IF SO, PLEASE STAND AT THIS TIME LET THE RECORD REFLECT NO

10 ONE IS STANDING ANY MEMBER OF MY JURY PANEL FORMERLY A

11 MEMBER OF THE HAMPTON COUNTY GRAND JURY WHICH FOUND THE

12 INDICTMENTS IN THIS CASE? IF SO, PLEASE STAND AT THIS TIME

13 LET THE RECORD REFLECT NO ONE IS STANDING

14 I HAVE TOLD YOU, LADIES AND GENTLEMEN, THAT THE VICTIM

15 IN THE MURDER CASE -- HIS NAME IS DWAYNE SMITH ANY MEMBER

16 OF MY JURY PANEL RELATED BY BLOOD, CONNECTED BY MARRIAGE OR A

17 CLOSE PERSONAL FRIEND OF THE VICTIM IN THE MURDER CASE,

18 DWAYNE SMITH? IF SO, PLEASE STAND AT THIS TIME LET THE

19 RECORD REFLECT NO ONE IS STANDING

20 ANY MEMBER OF MY JURY PANEL A MEMBER OF OR A CONTRIBUTOR

21 TO ANY GROUP WHICH HAS AS ITS PRIMARY CONCERN THE PROMOTION

22 OF LAW ENFORCEMENT OR VICTIMS' RIGHTS? THESE GROUPS WOULD

23 INCLUDE M A D D , S A D D , C A V E , OR C A D R E IF SO,

24 PLEASE STAND AT THIS TIME LET THE RECORD REFLECT NO ONE IS

25 STANDING

1 ANY MEMBER OF MY JURY PANEL FORMED ANY OPINION ABOUT THE
2 ALLEGED GUILT OR INNOCENCE OF THE DEFENDANT IN THIS CASE,
3 COURTNEY SEASE? IF SO, PLEASE STAND AT THIS TIME LET THE
4 RECORD REFLECT NO ONE IS STANDING

5 ANY MEMBER OF MY JURY PANEL KNOW OF ANY BIAS OR
6 PREJUDICE THEY MAY HAVE ABOUT THE FACTS WHICH ARE ALLEGED IN
7 THIS CASE, ANY OF THE POTENTIAL WITNESSES INVOLVED THEREIN,
8 OR ANY OF THE ATTORNEYS OR OFFICERS INVOLVED THEREIN? IF SO,
9 PLEASE STAND AT THIS TIME LET THE RECORD REFLECT NO ONE IS
10 STANDING

11 ANY MEMBER OF MY JURY PANEL KNOW OF ANY REASON
12 WHATSOEVER WHY THEY CAN'T GIVE THE STATE OF SOUTH CAROLINA OR
13 THE DEFENDANT IN THIS CASE, COURTNEY SEASE, A FAIR AND AN
14 IMPARTIAL TRIAL? IF SO, PLEASE STAND AT THIS TIME LET THE
15 RECORD REFLECT NO ONE IS STANDING ANY ADDITIONAL VOIR DIRE
16 FROM THE STATE?

17 MR MURDAUGH NONE, SIR

18 THE COURT ANY ADDITIONAL VOIR DIRE FROM THE DEFENDANT?

19 MR HUGHES NO, YOUR HONOR

20 THE COURT ALL RIGHT COUNSEL, BEFORE WE -- I
21 UNDERSTAND THAT YOU AGREE THE STRIKES ARE TEN AND FIVE,
22 SOLICITOR?

23 MR MURDAUGH YES, SIR

24 THE COURT DO YOU AGREE, MR HUGHES?

25 MR HUGHES YES, YOUR HONOR

1 THE COURT AND YOU WANT AN ALTERNATE

2 MR HUGHES YES, YOUR HONOR

3 THE COURT WE'LL BE SELECTING TWO ALTERNATES THE
4 STRIKES ARE TWO AND ONE ON THE ALTERNATE, TEN AND FIVE ON THE
5 JURY I UNDERSTAND, HOWEVER, MY JURY IN THE CASE WE'VE BEEN
6 TRYING THIS WEEK HAS REACHED A VERDICT IS THAT CORRECT?

7 BAILIFF YES, SIR YES, SIR

8 THE COURT WE'LL PUBLISH THE VERDICT FIRST, SO I'M
9 GOING TO ASK YOU TO STEP UP FROM THE TABLE, MR HUGHES LET
10 MR BRYAN HAVE THE TABLE AND BRING HIS CLIENT OUT, AND THEN
11 I'LL SELECT THE JURY IN THE NEXT CASE

12 (PAUSE IN PROCEEDINGS WHILE OTHER UNRELATED MATTERS ARE
13 TAKEN UP BEFORE THE COURT)

14 THE COURT I NEED MR BRYAN AND I NEED HIS CLIENT BACK
15 IN THE COURTROOM

16 MR MURDAUGH MR HUGHES

17 THE COURT I MEAN MR HUGHES AREN'T YOU GOING TO
18 ASSIST HIM, MR BRYAN?

19 MR BRYAN YES, YOUR HONOR

20 THE COURT ALL RIGHT IS THE STATE READY TO PROCEED?

21 MR MURDAUGH THE STATE IS, SIR

22 THE COURT IS THE DEFENDANT READY TO PROCEED?

23 MR HUGHES YES, YOUR HONOR

24 THE COURT ALL RIGHT THE STRIKES ARE TEN AND FIVE,
25 TWO AND ONE ON THE ALTERNATE WE'LL BE DRAWING TWO ALTERNATE

1 JURORS MADAM CLERK, ARE YOU READY?

2 THE CLERK YES, SIR

3 THE COURT VERY WELL WOULD YOU GIVE US A JURY,
4 PLEASE?

5 THE CLERK YES, SIR TEN AND FIVE?

6 THE COURT TEN AND FIVE TWO AND ONE TWO ALTERNATES

7 THE CLERK NUMBER 83, BONNIE MILLER

8 MR MURDAUGH PRESENT THE JUROR

9 THE CLERK WHAT SAYS THE DEFENSE?

10 MR HUGHES PLEASE EXCUSE THIS JUROR

11 THE CLERK NUMBER 144, ROBERT E WILLIAMS, JR WHAT
12 SAYS THE STATE?

13 MR MURDAUGH PRESENT THE JUROR

14 THE CLERK WHAT SAYS THE DEFENSE?

15 MR HUGHES PLEASE SEAT THIS JUROR

16 THE CLERK NUMBER 1, AGNES ALBRIGHT WHAT SAYS THE
17 STATE?

18 MR MURDAUGH PRESENT THE JUROR

19 THE CLERK WHAT SAYS THE DEFENSE?

20 MR HUGHES PLEASE SEAT THIS JUROR

21 THE CLERK NUMBER 29, ELIZABETH CROSBY WHAT SAYS THE
22 STATE?

23 MR MURDAUGH PRESENT THE JUROR

24 THE CLERK WHAT SAYS THE DEFENSE?

25 MR HUGHES PLEASE EXCUSE THIS JUROR

1 THE CLERK NUMBER 40, NANCY EDWARDS WHAT SAYS THE
2 STATE?

3 MR MURDAUGH PRESENT THE JUROR

4 THE CLERK WHAT SAYS THE DEFENSE?

5 MR HUGHES PLEASE SEAT THIS JUROR

6 THE CLERK NUMBER 64, RUBIN HOUSEY WHAT SAYS THE
7 STATE?

8 MR MURDAUGH PRESENT THE JUROR

9 THE CLERK WHAT SAYS THE DEFENSE?

10 MR HUGHES PLEASE SEAT THIS JUROR

11 THE CLERK NUMBER 73, DWAYNE JONES WHAT SAYS THE
12 STATE?

13 THE COURT WHAT SAY THE STATE?

14 MR MURDAUGH INDULGE ME A MOMENT, SIR EXCUSE THE
15 JUROR

16 THE CLERK NUMBER 53, CHERYL GRANT WHAT SAYS THE
17 STATE?

18 MR MURDAUGH PRESENT THE JUROR

19 THE CLERK WHAT SAYS THE DEFENSE?

20 MR HUGHES PLEASE SEAT THIS JUROR

21 THE CLERK NUMBER 56, A C GROVENSTEIN WHAT SAYS THE
22 STATE?

23 MR MURDAUGH PRESENT THE JUROR

24 THE CLERK WHAT SAYS THE DEFENSE?

25 MR HUGHES PLEASE SEAT THIS JUROR

1 THE CLERK NUMBER 63, GLORIA HOUSEY WHAT SAYS THE
2 STATE?

3 MR MURDAUGH PRESENT THE JUROR

4 THE CLERK WHAT SAYS THE DEFENSE?

5 MR HUGHES PLEASE SEAT THIS JUROR

6 THE CLERK 138, MELISSA WATKINS WHAT SAYS THE STATE?

7 MR MURDAUGH LET ME FIND IT PRESENT THE JUROR

8 THE CLERK WHAT SAYS THE DEFENSE?

9 THE COURT WHAT SAY THE DEFENDANT?

10 MR HUGHES PLEASE SEAT THIS JUROR

11 THE CLERK NUMBER 98, JOHN R OMES, JR WHAT SAYS THE
12 STATE?

13 MR MURDAUGH PRESENT THE JUROR

14 THE CLERK WHAT SAYS THE DEFENSE?

15 MR HUGHES PLEASE EXCUSE THIS JUROR

16 THE CLERK NUMBER 28, KALA CROFT WHAT SAYS THE STATE?

17 MR MURDAUGH PRESENT THE JUROR

18 THE CLERK WHAT SAYS THE DEFENSE?

19 MR HUGHES PLEASE EXCUSE THIS JUROR

20 THE CLERK NUMBER 146, IRIS WINN WHAT SAYS THE STATE?

21 MR MURDAUGH PRESENT THE JUROR

22 THE CLERK WHAT SAYS THE DEFENSE?

23 MR HUGHES PLEASE EXCUSE THIS JUROR

24 THE CLERK NUMBER 79, DEBORAH MCGRAW

25 THE COURT WHAT NUMBER, MADAM CLERK?

1 THE CLERK 79 WHAT SAYS THE STATE?

2 MR MURDAUGH PRESENT THE JUROR

3 THE CLERK WHAT SAYS THE DEFENSE?

4 MR HUGHES PLEASE EXCUSE THIS JUROR

5 THE CLERK 132, DANIEL J STUTTS WHAT SAYS THE STATE?

6 MR MURDAUGH PRESENT THE JUROR

7 THE CLERK WHAT SAYS THE DEFENSE?

8 MR HUGHES STRIKE FOR CAUSE, YOUR HONOR HE HAS -- HE
9 PREVIOUSLY TESTIFIED THAT HE WAS---

10 THE COURT COUNSEL, APPROACH JUST STAND RIGHT THERE
11 FOR ME, MR STUTTS NOT ON THE RECORD YET, MS HELMS

12 (WHEREUPON, A BENCH CONFERENCE WAS HELD)

13 THE COURT MR STUTTS, MY RECOLLECTION, I WANT TO MAKE
14 SURE IT'S CORRECT THIS IS ON THE RECORD, MS HELMS YOU
15 STOOD UP AND TOLD ME YOU WERE RELATED IN THE LAST CASE TO MR
16 MCALHANEY IS THAT RIGHT?

17 JUROR STUTTS YES, SIR

18 THE COURT ALL RIGHT AND I ASKED YOU THE FACT -- HOW
19 ARE YOU RELATED TO HIM?

20 JUROR STUTTS HE'S MY SON-IN-LAW'S UNCLE

21 THE COURT YEAH I ASKED YOU -- I WASN'T SURE EXACTLY
22 HOW THAT MADE YOU RELATED TO HIM, BUT HE WAS YOUR SON-IN-
23 LAW'S UNCLE BUT REGARDLESS OF WHETHER THERE WAS ANY
24 RELATIONSHIP, BLOOD OR MARRIAGE, YOU MAY BE BY MARRIAGE
25 BECAUSE OF YOUR SON-IN-LAW, SOME DISTANT RELATIONSHIP I

1 ASKED YOU WHETHER OR NOT THAT WOULD IN ANY WAY AFFECT YOUR
2 ABILITY TO GIVE THE STATE OF SOUTH CAROLINA OR NOW I ASK YOU
3 OR THE DEFENDANT, COURTNEY SEASE, A FAIR AND AN IMPARTIAL
4 TRIAL BECAUSE MR MCALHANEY IS A POTENTIAL WITNESS WOULD IT
5 IN ANY WAY AFFECT YOU, MR STUTTS?

6 JUROR STUTTS NO, SIR

7 THE COURT VERY WELL WHAT SAY THE DEFENDANT?

8 MR HUGHES PLEASE EXCUSE THIS WITNESS (SIC), YOUR
9 HONOR

10 THE CLERK NUMBER 99, PATRICIA M OWENS WHAT SAYS THE
11 STATE?

12 MR MURDAUGH PRESENT THE JUROR

13 THE CLERK WHAT SAYS THE DEFENSE?

14 MR HUGHES PLEASE SEAT THIS JUROR

15 THE CLERK NUMBER 67, EDNA A JACKSON

16 THE COURT ACTUALLY THAT'S MS AL, A-L

17 THE CLERK MS AL WHAT SAYS THE STATE?

18 MR MURDAUGH PRESENT THE JUROR

19 THE CLERK WHAT SAYS THE DEFENSE?

20 MR HUGHES PLEASE EXCUSE THIS JUROR

21 THE CLERK NUMBER 36, JANET R DRAWDY WHAT SAYS THE
22 STATE?

23 THE COURT SHE'S NOW CROSBY

24 THE CLERK WHAT SAYS THE STATE?

25 MR MURDAUGH PRESENT THE JUROR

1 THE CLERK WHAT SAYS THE DEFENSE?

2 THE COURT WHAT SAY THE DEFENDANT?

3 MR HUGHES PLEASE SEAT THIS JUROR

4 THE CLERK NUMBER 68, CINDY T JAMISON WHAT SAYS THE
5 STATE?

6 MR MURDAUGH EXCUSE THE JUROR

7 THE CLERK 104, HAISTON PRIESTER 104

8 MR MURDAUGH WHAT NUMBER?

9 THE CLERK 104 WHAT SAYS THE STATE?

10 MR MURDAUGH PRESENT THE JUROR

11 THE CLERK WHAT SAYS THE DEFENSE?

12 MR HUGHES PLEASE SEAT THIS JUROR

13 THE CLERK NUMBER 9, RENEE BENNETT

14 MR MURDAUGH NUMBER 9?

15 THE CLERK WHAT SAYS THE STATE?

16 MR MURDAUGH PRESENT THE JUROR

17 THE CLERK WHAT SAYS THE DEFENSE?

18 MR HUGHES PLEASE EXCUSE THIS JUROR

19 THE CLERK NUMBER 54, RONNIE GRANT WHAT SAYS THE
20 STATE?

21 MR MURDAUGH EXCUSE THE JUROR

22 THE CLERK NUMBER 23, PEGGY CAUSEY WHAT SAYS THE
23 STATE?

24 MR MURDAUGH PRESENT THE JUROR

25 THE CLERK WHAT SAYS THE DEFENSE?

1 MR HUGHES PLEASE EXCUSE THIS WITNESS (SIC)
2 THE CLERK NUMBER 46, LINDA A GANT
3 THE COURT ASK IF THEY HAVE ANY STRIKES FOR CAUSE
4 THE CLERK WHAT SAYS THE STATE?
5 MR MURDAUGH EXCUSE THE JUROR
6 THE CLERK 122, PATRICIA O SHUMAN WHAT SAYS THE
7 STATE?
8 MR MURDAUGH PRESENT THE JUROR
9 THE CLERK DOES THE DEFENSE HAVE CAUSE TO STRIKE?
10 MR HUGHES NO, MA'AM
11 THE CLERK HAVE A SEAT
12 THE COURT ALTERNATE NUMBER ONE, THE STRIKES ARE TWO
13 AND ONE
14 THE CLERK 124, DAVID M SMALLS WHAT SAYS THE STATE?
15 MR MURDAUGH PRESENT THE JUROR
16 THE CLERK WHAT SAYS THE DEFENSE?
17 MR HUGHES PLEASE SEAT THIS JUROR
18 THE COURT ALTERNATE NUMBER ONE
19 THE CLERK NUMBER 41, CYNTHIA ERVIN WHAT SAYS THE
20 STATE?
21 MR MURDAUGH PRESENT THE JUROR
22 THE CLERK WHAT SAYS THE DEFENSE?
23 MR HUGHES PLEASE SEAT THIS JUROR
24 (WHEREUPON, THE JURY WAS IMPANELED AT 12 17 P M)
25 THE COURT ARE THERE ANY MATTERS OF LAW PERTAINING TO

1 THE SELECTION OF THE JURY THAT NEED TO BE DECIDED BEFORE THE
2 JURY IS SWORN? FROM THE STATE OF SOUTH CAROLINA?

3 MR MURDAUGH NONE, SIR

4 THE COURT FROM THE DEFENDANT?

5 MR HUGHES NO, YOUR HONOR

6 THE COURT COUNSEL, APPROACH

7 (WHEREUPON, A BENCH CONFERENCE WAS HELD)

8 THE COURT MADAM CLERK, I UNDERSTAND THERE ARE NO
9 MOTIONS PERTAINING TO THE SELECTION OF THE JURY FROM EITHER
10 SIDE YOU MAY NOW SWEAR THE JURY

11 (WHEREUPON, THE JURY WAS SWORN AT 12 20 P M)

12 THE COURT LADIES AND GENTLEMEN, WE'RE NOT GOING TO --
13 I'M GOING TO GIVE YOU A LONG BREAK BEFORE WE START, BUT I
14 NEED YOU TO DO A LITTLE BIT OF WORK BEFORE WE START I'M
15 GOING TO SEND YOU TO YOUR JURY ROOM ONE OF THE REASONS I
16 WANT TO SEND YOU THERE IS BECAUSE THAT'S WHERE YOU'RE GOING
17 TO REPORT BACK I'M GOING TO GIVE YOU A LONG LUNCH BREAK
18 WHILE WE WORK BECAUSE WE'RE GOING TO TRY TO WORK TO SHORTEN
19 THE TIME THAT YOUR PRESENCE MAY BE REQUIRED

20 I WILL TELL YOU THIS SO YOU'LL KNOW WE WILL NOT FINISH
21 THIS CASE TODAY, BUT WE WILL FINISH IT FIRST THING IN THE
22 MORNING, SO I WANT YOU TO KNOW THAT TO PLAN WE'LL START
23 BACK AT 9 30 IN THE MORNING SO IT WILL NOT BE COMPLETED
24 TODAY, BUT I'LL GET YOU HOME AT A REASONABLE HOUR TODAY

25 THE FIRST THING I WANT YOU TO DO IS I WANT YOU TO GO

1 BACK IN YOUR JURY ROOM ANY OF THE 12 OF YOU, NOT MY TWO
2 ALTERNATES -- NOW, MA'AM, YOU -- SIR, YOU'RE MY ALTERNATE
3 JURORS, ONE AND TWO YOU ARE JUST AS IMPORTANT AS A MEMBER
4 OF THE JURY, AND IF FOR SOME REASON A MEMBER OF THE JURY
5 CANNOT CONTINUE TO SERVE FOR A VALID LEGAL REASON, YOU WOULD
6 TAKE THEIR PLACE ON THE JURY AND YOU WILL BE WITH THE JURY AT
7 ALL TIMES THROUGHOUT THE TRIAL OF THE CASE, BUT YOU'RE NOT
8 ELIGIBLE AT THIS POINT TO BE FOREPERSON

9 I WANT THE 12 OF YOU WHEN YOU GET TO YOUR JURY ROOM IN
10 JUST A MOMENT TO DECIDE AMONG YOURSELVES A FOREPERSON LET
11 ME TELL YOU THE DUTIES OF THE FOREPERSON SO YOU CAN THINK
12 ABOUT THAT WHEN YOU'RE ELECTING A FOREPERSON THE FOREPERSON
13 WILL PRESIDE IN THE JURY ROOM JUST LIKE THE CHAIRPERSON OF
14 COMMITTEE PRESIDES IN A COMMITTEE MEETING TO MAKE SURE THAT
15 EACH AND EVERY MEMBER OF THE JURY HAS A FULL AND A FAIR
16 OPPORTUNITY TO VOICE THEIR OPINIONS IN THE JURY ROOM ONCE
17 DELIBERATIONS BEGIN

18 IT WILL ALSO BE THE FOREPERSON'S JOB TO WRITE THE JURY'S
19 VERDICT, BUT I WILL GIVE YOU INSTRUCTIONS AND PREPARE A
20 VERDICT FORM FOR YOU AND HELP YOU WITH THE WRITING OF THE
21 VERDICT FOR THE FOREPERSON, BUT THE FOREPERSON IS THE PERSON
22 WHO FILLS OUT THE VERDICT FORM SO HE WRITES OR SHE WRITES
23 THE JURY'S VERDICT

24 THE FOREPERSON IS ALSO THE JURY'S SPOKESPERSON OUT HERE
25 IN THE COURTROOM SHOULD THAT NEED ARISE THE FOREPERSON

1 SPEAKS FOR THE ENTIRE JURY SO THE FOREPERSON PRESIDES IN
2 THE JURY ROOM LIKE THE CHAIRPERSON OF A COMMITTEE TO MAKE
3 SURE EVERYBODY GETS A CHANCE TO VOICE THEIR OPINIONS THE
4 FOREPERSON WRITES THE JURY'S VERDICT THE FOREPERSON SPEAKS
5 FOR THE JURY OUT HERE IN THE COURTROOM

6 I WANT ALL 14 OF YOU TO GO TO THE JURY ROOM BUT ONLY THE
7 12 OF YOU THAT ARE ON THE JURY AND NOT MY TWO ALTERNATES ARE
8 ELIGIBLE TO BE FOREPERSON I WANT YOU TO QUICKLY AMONGST
9 YOURSELVES ELECT A FOREPERSON MR JIMMY WOOTEN OR MR RICK
10 WILL GIVE YOU A PIECE OF PAPER AND A PEN WRITE THE NAME OF
11 THE FOREPERSON THAT YOU ELECT ON THE PIECE OF PAPER GIVE IT
12 TO MY BAILIFF HE'LL BRING ME (SIC) BACK OUT TO ME I WILL
13 THEN BRING YOU BACK OUT IN THE COURTROOM AND EXCUSE YOU FOR
14 LUNCH BECAUSE WE'LL START THIS TRIAL AT APPROXIMATELY 2 00
15 THIS AFTERNOON WHEN YOU COME BACK THIS AFTERNOON, I'M GOING
16 TO TELL YOU DON'T COME TO THE COURTROOM REPORT TO THE
17 JURY ROOM WHERE I'M SENDING YOU RIGHT NOW

18 NOW, WHEN YOU'RE IN THAT JURY ROOM, DO NOT DISCUSS THIS
19 CASE YOU HAVE NOT HEARD ANY EVIDENCE IN THIS CASE IT
20 WOULD BE IMPROPER FOR YOU TO DISCUSS IT AMONGST YOURSELVES OR
21 WITH ANYBODY ELSE IF SOMEBODY'S CURIOUS AND SAYS, "OH, I
22 HEAR YOU'RE ON THE JURY," JUST SAY, "I CAN'T TALK ABOUT IT "
23 AND IF THEY PERSIST IN WANTING TO TALK TO YOU, GET THEIR NAME
24 AND GIVE IT TO ME I'LL HANDLE THAT PROBLEM FOR YOU I
25 PROMISE YOU THAT PERSON WON'T BOTHER YOU ANYMORE

1 NOW, LADIES AND GENTLEMEN, I DON'T KNOW WHETHER THERE
2 WILL BE ANYTHING IN THE NEWSPAPER, ON THE RADIO, OR ON
3 TELEVISION ABOUT THIS CASE I INSTRUCT YOU DON'T READ
4 SUCH, DON'T WATCH SUCH, DON'T LISTEN TO SUCH YOU MUST
5 DECIDE THIS CASE SOLELY UPON EVIDENCE INTRODUCED IN THIS
6 COURTROOM WHEN BOTH SIDES ARE PRESENT WITH THE RIGHT OF
7 CROSS-EXAMINATION AND NOT ON SOME OUTSIDE INFORMATION THAT
8 YOU MAY HAVE LEARNED ON YOUR OWN SO DON'T READ, WATCH, OR
9 LISTEN TO OUTSIDE ACCOUNTS

10 DO NOT DISCUSS THIS CASE EVEN WITH A MEMBER OF YOUR OWN
11 FAMILY DON'T TALK ABOUT IT WITH ANYONE, AND WHEN I DO
12 SUBMIT IT TO YOU, I ASK THAT YOU DISCUSS IT ONLY IN YOUR JURY
13 ROOM WITH YOUR FELLOW JURORS AT THE CONCLUSION OF THE CASE
14 IT IS IMPORTANT THAT EACH OF YOU KEEP AN OPEN MIND AND NOT
15 DECIDE THE CASE UNTIL I SUBMIT IT TO YOU UNDER MY
16 INSTRUCTIONS AT THE CONCLUSION OF THE CASE

17 NOW, AT THIS TIME I'M GOING TO ASK YOU TO RETIRE TO YOUR
18 JURY ROOM ELECT A FOREPERSON SEND THAT NAME BACK OUT TO
19 ME THEN I'LL EXCUSE YOU FOR LUNCH WHILE WE WORK THANK YOU
20 VERY MUCH YOU MAY RETIRE TO YOUR JURY ROOM

21 (WHEREUPON, THE JURY WAS EXCUSED FROM OPEN COURT AT
22 12 25 P M)

23 THE COURT ALL RIGHT COUNSEL, THE JURY HAS HANDED ME
24 A NOTE THROUGH THE BAILIFF THAT AGNES ALBRIGHT, JUROR NUMBER
25 1, HAS BEEN CHOSEN FOREPERSON OF THE JURY ANY OBJECTIONS TO

1 MAKING THIS A COURT'S EXHIBIT FROM THE STATE OF SOUTH
2 CAROLINA?

3 MR MURDAUGH NONE, SIR

4 THE COURT FROM THE DEFENDANT?

5 MR HUGHES NO, YOUR HONOR

6 THE COURT ALL RIGHT MYLINDA, IF YOU'D HAND THAT TO
7 THE COURT REPORTER IT WILL BE COURT'S EXHIBIT NUMBER 1
8 WITHOUT OBJECTION

9 (COURT'S EXHIBIT 1 WAS MARKED FOR IDENTIFICATION ONLY)

10 THE COURT IT'S MY INTENTION NOW TO BRING THE JURY BACK
11 AND EXCUSE THEM FOR LUNCH UNTIL 2 00, AND WE'LL CONTINUE TO
12 WORK ANYTHING ON THE RECORD OUTSIDE THE PRESENCE OF THE
13 JURY FROM THE STATE?

14 MR MURDAUGH NO, SIR

15 THE COURT FROM THE DEFENDANT?

16 MR HUGHES NO, YOUR HONOR

17 THE COURT BRING US THE JURY

18 (WHEREUPON, THE JURY WAS BROUGHT INTO OPEN COURT AT
19 12 30 P M)

20 THE COURT CONGRATULATIONS, MS ALBRIGHT I'VE GOT A
21 SEAT UP HERE FOR YOU, MR GROVENSTEIN

22 JUROR GROVENSTEIN THAT'S GOOD

23 THE COURT NOW, LET ME TELL YOU -- LET ME HELP Y'ALL A
24 LITTLE BIT THERE'S NO RESERVED SEATING YOU CAN SIT
25 ANYWHERE YOU WANT TO IF YOU WANT TO SIT BY SOMEBODY, JUST

1 LINE UP THAT WAY THE FOREPERSON, MS ALBRIGHT, YOU'RE IN
2 THE RIGHT SEAT, THAT IS THE FOREPERSONS'S SEAT AND MY
3 ALTERNATE JURORS SIT BACK HERE IN THE BACK IN THE ORDER IN
4 WHICH YOU WERE CHOSEN AS ALTERNATES SIR, I BELIEVE YOU WERE
5 CHOSEN FIRST AND THEN MY SECOND ALTERNATE BECAUSE THAT'S THE
6 ORDER WE TAKE YOU IN THE EVENT SOMEBODY IS UNABLE TO SERVE ON
7 THE JURY BUT RATHER THAN MAKE PEOPLE CRAWL OVER ANYBODY TO
8 SIT WHERE YOU WERE TO BEGIN WITH, IF YOU'LL JUST FILE IN --
9 IF YOU WANT TO SIT BY SOMEBODY AND LINE UP THAT WAY, YOU
10 WON'T HAVE TO DO THAT

11 NOW, LADIES AND GENTLEMEN, I'VE GOT A NUMBER OF LEGAL
12 MATTERS I HAVE TO TAKE UP I'M GOING TO DO THAT WHILE YOU
13 TAKE A LONG LUNCH, BUT WE'RE GOING TO BE WORKING DURING THE
14 LUNCH BREAK, PLEASE DON'T DISCUSS THIS CASE WITH ANYONE
15 PLEASE REPORT BACK TO YOUR JURY ROOM BY 2 00 WE HOPE TO
16 START THE TRIAL AS CLOSE TO 2 00 AS POSSIBLE BECAUSE WE'RE
17 GOING TO BE WORKING AFTER YOU'RE GONE

18 I THANK YOU FOR YOU PATIENCE AS I TOLD YOU, PLAN THAT
19 WE'LL BE HERE THIS AFTERNOON WE WILL CONCLUDE THIS TRIAL
20 TOMORROW I ENVISION THAT WE WILL CONCLUDE THIS TRIAL
21 TOMORROW MORNING SO YOU CAN PLAN, AND THIS WILL BE THE LAST
22 CASE FOR THE WEEK SO YOUR SERVICE WILL BE CONCLUDED AS
23 JURORS UPON THE CONCLUSION OF THIS TRIAL

24 I WANT TO THANK YOU FOR YOUR PATIENCE AND YOUR SERVICE
25 THIS WEEK I'LL SEE YOUR BRIGHT, SMILING FACES AT 2 00

1 YOU'RE NOW EXCUSED UNTIL 2 00 YOU MAY LEAVE AT THIS TIME

2 (WHEREUPON, THE JURY WAS EXCUSED FROM OPEN COURT TO GO
3 TO LUNCH AT 12 32 P M)

4 THE COURT ALL RIGHT SOLICITOR, WHILE THE JURY IS OUT
5 NOW AND OUTSIDE THE PRESENCE OF THE COURTROOM, I UNDERSTAND I
6 HAVE A JACKSON/DENNO MATTER THAT I NEED TO TAKE UP, AND THEN
7 I UNDERSTAND I HAVE ANOTHER MATTER -- ACTUALLY THREE
8 THERE'S A MOTION FOR SEQUESTRATION WHICH I THINK YOU BOTH
9 AGREE TO

10 MR MURDAUGH YES, SIR

11 THE COURT ALL RIGHT YOU BOTH -- I'M GOING TO MAKE IT
12 MUTUAL I REALIZE YOU HAVE ONLY YOUR CLIENT AS A POTENTIAL
13 WITNESS WHO CAN REMAIN IN THE COURTROOM, MR HUGHES
14 HOWEVER, SOLICITOR, YOU HAVE A NUMBER OF WITNESSES TELL ME
15 -- YOU'LL DESIGNATE WHO IS GOING TO BE YOUR INVESTIGATING
16 OFFICER

17 MR MURDAUGH BLUE BOLTON

18 THE COURT MAJOR BOLTON REMAINS IN THE COURTROOM DO
19 YOU HAVE ANY MEMBERS OF THE VICTIM'S FAMILY WHO WILL TESTIFY
20 IN THE TRIAL OF THIS CASE?

21 MR MURDAUGH I DO NOT, SIR

22 THE COURT BECAUSE THEY, OF COURSE -- THE VICTIM'S
23 FAMILY CAN REMAIN IN THE COURTROOM ALL RIGHT THEN I'LL
24 GIVE YOU A MOMENT, IF YOU NEED IT, TO TALK TO YOUR OTHER
25 WITNESSES TO INSTRUCT THEM BECAUSE OTHER THAN WHO YOU NEED

1 FOR THIS FIRST HEARING, THEY CAN CERTAINLY COME BACK AT 2 00
2 IF YOU'RE KEEPING THEM HERE

3 MR MURDAUGH OKAY I NEED BLUE BOLTON, PETE LIGHT,
4 AND PERRY MCALHANEY FOR THE HEARING

5 THE COURT ALL RIGHT THEN THE OTHER WITNESSES, DO YOU
6 WANT TO EXCUSE THEM UNTIL 2 00 SO THEY CAN GET LUNCH?

7 MR MURDAUGH 2 00

8 THE COURT ALL RIGHT AND BEFORE YOU LEAVE, GENTLEMEN,
9 LET ME TELL YOU NOW YOU'RE GOING TO BE SEQUESTERED WHICH
10 MEANS YOU'LL BE OUTSIDE THE COURTROOM MR MURDAUGH IS
11 RESPONSIBLE FOR ADVISING YOU ABOUT THAT, BUT YOU CANNOT
12 DISCUSS YOUR TESTIMONY WITH ANYBODY UNTIL I RELEASE YOU AT
13 THE CONCLUSION OF THE CASE Y'ALL UNDERSTAND THAT?

14 ALL RIGHT NOW, MR MURDAUGH IS GOING TO TELL YOU WHERE
15 HE WANTS YOU TO BE LOCATED SO THAT WHEN WE START THE TRIAL AT
16 2 00 WE DON'T HAVE TO GO OUT THERE ON THE GROUNDS AND LOOK
17 FOR YOU

18 (WHEREUPON, AN OFF-THE-RECORD DISCUSSION TAKES PLACE
19 BETWEEN MR MURDAUGH AND MANY WITNESSES)

20 MR MURDAUGH DOES THE SEQUESTRATION APPLY TO THE
21 HEARING?

22 THE COURT IS THERE ANY REASON TO APPLY THE
23 SEQUESTRATION TO THE HEARING?

24 MR HUGHES UNDER GENERAL PRINCIPLES, YES, YOUR HONOR

25 THE COURT PARDON?

JAMES BOLTON (IN CAMERA) - DIRECT EXAM BY MR MURDAUGH 37

1 MR HUGHES UNDER GENERAL PRINCIPLES, YES

2 THE COURT ALL RIGHT ASK THEM TO STEP OUT AND CALL

3 THEM ONE AT A TIME SINCE I GRANTED IT BY CONSENT LET'S

4 START WITH THE JACKSON/DENNO

5 MR MURDAUGH JACKSON/DENNO I CALL BLUE BOLTON

6 JAMES "BLUE" BOLTON, AFTER BEING DULY SWORN,

7 TESTIFIED AS FOLLOWS IN CAMERA

8 DIRECT EXAMINATION

9 BY MR MURDAUGH

10 Q YOUR FULL NAME, PLEASE, SIR?

11 A JAMES BOLTON, B-O-L-T-O-N

12 Q MR BOLTON, ARE YOU EMPLOYED BY THE HAMPTON COUNTY

13 POLICE DEPARTMENT -- EXCUSE ME - THE HAMPTON POLICE DEPARTMENT

14 AND ARE YOU A MAJOR AND THE ASSISTANT CHIEF?

15 A YES, SIR, I AM

16 Q OKAY, SIR DID YOU HAVE AN OCCASION ON THE 14TH OF

17 FEBRUARY, 2008, TO INTERVIEW COURTNEY SEASE?

18 A YES, SIR

19 Q PRIOR TO INTERVIEWING HIM, DID YOU INFORM HIM OF

20 ANYTHING?

21 A YES, SIR I INFORMED HIM OF HIS MIRANDA RIGHTS

22 Q I HAND YOU A SHEET---

23 THE CLERK JUDGE, WAIT A MINUTE WE'VE GOT A JUROR IN

24 THE COURTROOM

25 THE COURT JUST A MOMENT

1 MR MURDAUGH I'M SORRY I SHOULD HAVE CHECKED ON
2 THAT, AND I DIDN'T THINK ABOUT IT

3 (THE JUROR LEAVES THE COURTROOM)

4 MR MURDAUGH THANK YOU, SHERIFF

5 THE COURT HOLD ON A SECOND COUNSEL, APPROACH

6 (WHEREUPON, A BENCH CONFERENCE WAS HELD)

7 THE COURT ARE THERE ANY JURORS IN THIS COURTROOM? LET
8 THE RECORD REFLECT THERE ARE NO JURORS IN THE COURTROOM
9 SOLICITOR, YOU MAY NOW PROCEED
10 BY MR MURDAUGH

11 Q PRIOR TO TALKING WITH THE DEFENDANT, COURTNEY SEASE, DID
12 YOU HAVE AN OCCASION TO ADVISE HIM OF ANYTHING?

13 A YES, SIR

14 Q OKAY AND WHAT DID YOU ADVISE HIM OF?

15 A I ADVISED HIM OF HIS MIRANDA RIGHTS

16 Q YOU'VE GOT A SHEET OF PAPER IN YOUR HAND

17 A YES, SIR

18 Q IS THAT WHAT YOU USED TO ADVISE HIM?

19 A YES, SIR, I DID

20 Q DO TO ME EXACTLY WHAT YOU DID TO COURTNEY SEASE ON THAT
21 DAY

22 A I TOOK THIS SHEET OUT AND I WROTE DOWN -- WHERE IT SAYS,
23 "PLACE," IT WAS THE SCRIVEN COUNTY DETENTION CENTER AND THE
24 DATE WAS FEBRUARY THE 14TH, '08, AND THE TIME WAS 10 15 A M
25 I TOLD COURTNEY -- I SAID, "BEFORE WE ASK YOU ANY QUESTIONS,

1 YOU MUST UNDERSTAND YOUR RIGHTS > YOU HAVE THE RIGHT TO
2 REMAIN SILENT ANYTHING YOU SAY CAN AND WILL BE USED AGAINST
3 YOU IN COURT YOU HAVE THE RIGHT TO TALK TO A LAWYER FOR
4 ADVICE BEFORE WE ASK YOU ANY QUESTIONS, TO HAVE HIM OR HER
5 WITH YOU DURING QUESTIONING IF YOU CANNOT AFFORD A LAWYER,
6 ONE WILL BE APPOINTED FOR YOU BEFORE ANY QUESTIONS IF YOU
7 WISH IF YOU DECIDE TO ANSWER QUESTIONS NOW WITHOUT A LAWYER
8 PRESENT, YOU WILL STILL HAVE THE RIGHT TO STOP ANSWERING AT
9 ANY TIME YOU ALSO HAVE THE RIGHT TO STOP ANSWERING AT ANY
10 TIME YOU ALSO HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME
11 UNTIL YOU TALK TO A LAWYER "

12 Q DID YOU ASK HIM IF HE UNDERSTOOD THOSE RIGHTS?

13 A I ASKED MR SEASE DID HE UNDERSTAND THEM HE SAID,
14 "YES " I ASKED HIM TO READ THEM HIMSELF AND PUT HIS INITIALS
15 BESIDE EACH STATEMENT WHICH HE DID

16 Q DID HE DO THAT?

17 A YES, SIR, HE DID

18 Q DO YOU HAVE AN OPINION AS TO WHETHER HE UNDERSTOOD THOSE
19 RIGHTS?

20 A YES, SIR I THINK IT WAS FREE AND VOLUNTARILY GIVEN

21 Q OKAY, SIR DO YOU THINK HE UNDERSTOOD THEM?

22 A OH, YES, SIR

23 Q OKAY, SIR DID YOU THEN TAKE AN ORAL STATEMENT FROM
24 HIM?

25 A WELL, YES, SIR, BUT AT THE BOTTOM OF THIS I HAVE A

1 WAIVER OF HIS RIGHTS I DIDN'T READ THAT PART I READ IT TO
2 MR SEASE THAT HE HAS -- "I HAVE READ THIS STATEMENT OF MY
3 RIGHTS AND UNDERSTAND WHAT MY RIGHTS ARE I'M WILLING TO
4 MAKE A STATEMENT AND ANSWER QUESTIONS I DO NOT WANT A
5 LAWYER AT THIS TIME I UNDERSTAND THOUGH WHAT I AM DOING
6 NO PROMISE OR THREATS HAVE BEEN MADE NO PRESSURE OR
7 COERCION OF ANY KIND HAS BEEN USED AGAINST ME I HAVE NINE
8 YEARS OF EDUCATION " AND I ASKED HIM TO READ THAT AND ASKED
9 HIM DID HE UNDERSTAND THAT HE REPLIED, "YES," AND HE PUT
10 HIS INITIALS BESIDE THAT THEN HE DID SIGN THE BOTTOM OF THE
11 PAPER

12 Q OKAY, SIR AND DID YOU WITNESS IT?

13 A YES, SIR, I DID

14 Q OKAY, SIR DID YOU SUBSEQUENT -- AFTER DOING THAT, DID
15 YOU THEN TAKE AN ORAL STATEMENT FROM HIM?

16 A YES, SIR

17 Q DID YOU OFFER HIM ANYTHING FOR THAT STATEMENT?

18 A NO, SIR

19 Q DID YOU THREATEN HIM IN ANY MANNER?

20 A NO, SIR

21 Q COERCION?

22 A NO, SIR I JUST---

23 Q DURESS?

24 A NO, SIR

25 Q PROMISE OR HOPE OF REWARD?

1 A NO, SIR

2 Q WAS IT FREE AND VOLUNTARY ON HIS PART?

3 A I BELIEVE IT WAS, SIR

4 Q OKAY, SIR WHAT'S THE STATEMENT?

5 A I JUST -- I ASKED MR SEASE TO TELL ME HIS SIDE OF THE
6 EVENTS THAT HAPPENED THAT DAY HE TOLD ME THAT DWAYNE SMITH
7 CAME OVER TO WHERE HE WAS BECAUSE HE HAD OWED HIM SOME MONEY
8 HE ASKED HIM FOR THE MONEY, AND HE TOLD HIM HE DIDN'T HAVE
9 IT HE WOULD GIVE IT TO HIM AT A LATER TIME HE SAID THAT
10 DIDN'T MAKE DWAYNE HAPPY HE SAID DWAYNE COME AT HIM THEY
11 WERE STRUGGLING AND THAT HE FELT A GUN ON DWAYNE'S PERSON
12 SOMEWHERE HE TOOK THE GUN FROM DWAYNE AND SHOT HIM

13 Q ANYTHING ELSE?

14 A NO, SIR, NOTHING

15 MR MURDAUGH ANSWER ANY QUESTIONS MR HUGHES MAY HAVE
16 THE COURT CROSS-EXAMINATION?

17 CROSS-EXAMINATION

18 BY MR HUGHES

19 Q MAJOR BOLTON, WHERE DID THIS INTERVIEW TAKE PLACE?

20 A AT THE SCRIVEN COUNTY DETENTION CENTER

21 Q AND WHO WAS IN THE ROOM WITH YOU?

22 A MR COURTNEY SEASE AND MYSELF

23 Q DO YOU HAVE ANY NOTES FROM THAT INTERVIEW?

24 A NO, SIR, I DO NOT

25 Q DO YOU HAVE ACCESS TO A TAPE RECORDER?

JAMES BOLTON (IN CAMERA) - CROSS-EXAM BY MR HUGHES 42

1 A NO, SIR

2 Q DO YOU HAVE ACCESS TO A VIDEO RECORDER?

3 A NO, SIR

4 Q SO THE ONLY PERSON THAT HEARD WHAT YOU JUST SAID -- MR
5 SEASE SAID WAS YOURSELF

6 A YES, SIR

7 Q COULD YOU HAVE ASKED SOMEBODY AT THE DETENTION CENTER TO
8 COME IN THERE AND WITNESS WITH YOU?

9 A AT THAT TIME THEY DIDN'T HAVE ANYBODY THAT COULD GO IN
10 WITH ME I DID ASK

11 Q OKAY SO YOU DECIDED TO GO AHEAD AND INTERVIEW MY
12 CLIENT EVEN THOUGH YOU COULD HAVE WAITED 'TIL SOMEONE COULD
13 BE THERE AS A WITNESS

14 A YES, SIR, I DID

15 Q SO NO ONE SAW THIS BUT YOURSELF

16 A CORRECT

17 Q AND THERE ARE NO NOTES

18 A NO, SIR I ASKED MR SEASE WOULD HE -- AFTER WE TALKED
19 FOR AWHILE AND HE TOLD ME HIS SIDE, I ASKED HIM TO WRITE --
20 IF HE WOULD LIKE TO PUT THAT IN WRITING FOR ME, AND HE SAID,
21 "NO "

22 Q NO NOTES BY YOURSELF EITHER

23 A NO, SIR

24 Q NO RECORDINGS OF ANY KIND

25 A NO, SIR

1 MR HUGHES NO FURTHER QUESTIONS, YOUR HONOR

2 MR MURDAUGH YOU MAY COME DOWN IF YOUR HONOR PLEASE,

3 THAT'S WHAT WE'LL HAVE FOR THE JACKSON/DENNO HEARING

4 THE COURT THAT'S YOUR ONLY WITNESS---

5 MR MURDAUGH YES, SIR

6 THE COURT ---FOR THE JACKSON/DENNO HEARING? ALL

7 RIGHT MR HUGHES? DOES THE DEFENDANT INTEND TO INTRODUCE

8 ANY TESTIMONY FOR PURPOSES OF JACKSON/DENNO?

9 MR HUGHES NO, YOUR HONOR

10 THE COURT VERY WELL MR HUGHES, I UNDERSTAND THIS IS

11 YOUR OBJECTION I'LL BE HAPPY TO HEAR FROM YOU

12 MR HUGHES YOUR HONOR, AS I POINTED OUT AS MAJOR

13 BOLTON TESTIFIED, THERE WERE NO OTHER WITNESSES THERE WERE

14 NO RECORDINGS OF THIS ALLEGED STATEMENT

15 THE COURT AND THERE IS NO CONSTITUTIONAL REQUIREMENT

16 THAT THERE BE ANY

17 MR HUGHES I UNDERSTAND THAT, YOUR HONOR I JUST AM

18 OBJECTING TO THIS AS HEARSAY BECAUSE THERE IS NO OTHER

19 EVIDENCE THAT THIS HAPPENED MY OBJECTION TO THIS, YOUR

20 HONOR, IS THE QUESTIONING WAS IMPROPER HE HAD AN

21 OPPORTUNITY TO DO IT PROPERLY ACCORDING TO -- THERE IS NO

22 EVIDENCE THAT ANYTHING TOOK PLACE -- ANY STATEMENT TOOK

23 PLACE

24 (MR SEASE RAISES HIS HAND)

25 THE COURT THANK YOU, SIR I HAVE CONSIDERED THE

1 EVIDENCE THAT'S BEEN PRESENTED BY THE STATE, AND THE
2 DEFENDANT CHOSE NOT TO PRESENT ANY EVIDENCE I AM CONVINCED
3 BY A PREPONDERANCE OF THE EVIDENCE AND I SO FIND THAT BEFORE
4 ANY ALLEGED ORAL STATEMENT WAS OBTAINED FROM THE DEFENDANT,
5 THE DEFENDANT WAS ADVISED OF HIS RIGHTS UNDER THE FIFTH AND
6 THE SIXTH AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES

7 THE DEFENDANT WAS ALSO ADVISED OF THE CONSTITUTIONAL
8 SAFEGUARDS REQUIRED BY MIRANDA VERSUS ARIZONA, AND I ALSO
9 FIND FOR PURPOSES OF THIS THAT THE DEFENDANT KNOWINGLY AND
10 INTELLIGENTLY BASED ON THE EVIDENCE PRESENTED DURING THIS IN
11 CAMERA HEARING WAIVED HIS RIGHTS UNDER THE FIFTH AND THE
12 SIXTH AMENDMENT OF THE CONSTITUTION AND THE CONSTITUTIONAL
13 SAFEGUARDS REQUIRED BY MIRANDA I FIND THAT THE ALLEGED
14 STATEMENT, ORAL AS IT MAY BE, OBTAINED FROM THE DEFENDANT WAS
15 FREELY AND VOLUNTARILY GIVEN THERE'S EVIDENCE WITHOUT
16 DURESS, WITHOUT COERCION, WITHOUT UNDUE INFLUENCE, WITHOUT
17 REWARD, WITHOUT PROMISE OR HOPE OF REWARD, WITHOUT COMPULSION
18 OR INDUCEMENT OF ANY KIND THAT THE STATEMENT WAS THE
19 VOLUNTARY PRODUCT OF THE FREE AND UNCONSTRAINED WILL OF THE
20 DEFENDANT

21 I MAKE ALL OF MY FOREGOING CONCLUSIONS BY A
22 PREPONDERANCE OF THE EVIDENCE AND I, THEREFORE, FIND THAT THE
23 ORAL STATEMENT TESTIFIED TO BY MAJOR BOLTON IS ADMISSIBLE
24 INTO EVIDENCE I WILL INSTRUCT THE JURY ACCORDINGLY
25 CONCERNING THIS STATEMENT ANYTHING FURTHER ON THE

1 JACKSON/DENNO HEARING FROM THE STATE?

2 MR MURDAUGH NOTHING, SIR

3 THE COURT FROM THE DEFENDANT?

4 MR HUGHES NO, YOUR HONOR

5 THE COURT LET'S MOVE TO THE NEXT MATTER WHICH I

6 UNDERSTAND TO BE A STATEMENT WHICH YOU SEEK TO INTRODUCE,

7 SOLICITOR?

8 MR MURDAUGH THAT IS CORRECT, SIR IT IS EITHER OR

9 BOTH A DYING DECLARATION AND AN EXCITED UTTERANCE AND

10 PROBABLY IS A PART OF THE RES GESTAE PROBABLY THE EASIEST

11 WAY FOR ME TO DO THIS IS TO TELL YOU WHAT I'M GOING TO DO AND

12 THEN PUT THE PEOPLE UP

13 THE COURT VERY WELL ONCE AGAIN, THE RECORD WILL

14 REFLECT WE'RE OUTSIDE THE PRESENCE OF THE JURY, AND WHAT I

15 WAS TOLD IN CHAMBERS BEFORE WE STARTED THIS CASE IS THERE

16 WOULD BE AN OBJECTION BY COUNSEL TO THE DEFENDANT WITH WHAT

17 HE ANTICIPATED THE SOLICITOR WAS GOING TO ELICIT WHICH THE

18 SOLICITOR FELT WOULD BE A DYING DECLARATION OR POSSIBLY AN

19 EXCITED UTTERANCE---

20 MR MURDAUGH OR BOTH

21 THE COURT ---OR POSSIBLY PART OF RES GESTAE

22 MR MURDAUGH OR ALL THREE

23 THE COURT OR ALL THREE

24 MR MURDAUGH AND IF YOUR HONOR PLEASE, LET THE RECORD

25 ALSO SHOW THAT THE TWO OFFICERS THAT I WILL CALL ARE OUTSIDE

1 OF THE COURTROOM AT THIS TIME IF YOUR HONOR PLEASE, ON THE
2 DATE THAT'S ALLEGED IN THE INDICTMENT, A FELLOW WAS FOUND IN
3 THE MIDDLE -- LAYING IN THE MIDDLE OF THE STREET WITH SOME
4 GUNSHOT WOUNDS

5 PETE LIGHT WHO IS A POLICEMAN FOR THE TOWN OF HAMPTON
6 CAME UP, STARTED TALKING WITH HIM HE WAS ALIVE, REALIZED
7 THAT HE HAD SOME GUNSHOT WOUNDS TO HIM IN THE PROCESS OF
8 BEING THERE AND TRYING TO HELP HIM, HE SAID EITHER COURTNEY
9 SEASE OR BIRD - I'M NOT SURE WHICH - SHOT ME, AND THAT'S WHAT
10 I'M TRYING TO ELICIT

11 ABOUT THAT TIME PERRY MCALHANEY CAME UP AND ASKED HIM,
12 "HOW ARE YOU DOING?" HE SAID, "AM I GOING TO DIE?" AND I
13 THINK HE ALSO SAID THAT TO PETE LIGHT, BUT WE'LL ASK HIM ON
14 THE STAND HE SAID, "AM I GOING TO DIE?" AND I THINK PERRY
15 SAID, "NO, YOU'RE GOING TO BE FINE," AND HE SAYS SOME OTHER
16 WORDS AND SAYS, "BIRD SHOT ME," OR, "COURTNEY SEASE SHOT ME,"
17 AND THAT'S WHAT I'M TRYING TO GET IN

18 THE COURT SO THE TESTIMONY OF THESE TWO WITNESSES
19 WOULD BE PRETTY MUCH THE SAME

20 MR MURDAUGH YES, SIR

21 THE COURT ALL RIGHT AND YOU BELIEVE THAT IT IS A
22 DYING DECLARATION?

23 MR MURDAUGH YES, SIR, UNDER RULE---

24 THE COURT YOU AGREE IT'S HEARSAY, BUT YOU BELIEVE IT'S
25 AN EXCEPTION---

1 MR MURDAUGH YES, SIR

2 THE COURT ---TO THE HEARSAY RULE

3 MR MURDAUGH UNDER RULE 804(B)(2), I BELIEVE IT IS, IS
4 THE DYING DECLARATION, BUT ALSO UNDER EXCITED UTTERANCE UNDER
5 RULE 803(2) I THINK IT'S ADMISSIBLE, AND I HAVE PASSED UP A
6 MCHONEY CASE, I BELIEVE IT WAS, THAT I THINK ADDRESSES IT,
7 SIR

8 THE COURT GIVE ME A MOMENT MR HUGHES, SO YOU'LL
9 KNOW, THE STATE HAS HANDED ME THE CASE OF STATE VERSUS
10 MCHONEY, M-C-H-O-N-E-Y, FOUND AT 544 SOUTHEAST SECOND 30
11 IT'S A 2001 SUPREME COURT OF SOUTH CAROLINA CASE DO YOU
12 HAVE A COPY?

13 MR MURDAUGH I GAVE MR HUGHES A COPY

14 MR HUGHES ALSO I'M VERY FAMILIAR WITH STATE VERSUS
15 MCHONEY, SIR

16 THE COURT VERY WELL

17 MR MURDAUGH CAN MR BOLTON BE EXCUSED UNTIL 2?

18 THE COURT ABSOLUTELY ANY OBJECTION, MR HUGHES?

19 MR HUGHES NO, YOUR HONOR

20 THE COURT YOU ARE EXCUSED MR BOLTON

21 MR BOLTON THANK YOU, YOUR HONOR

22 THE COURT VERY WELL I'VE HAD THE CHANCE NOW TO
23 REFRESH MY MEMORY SOLICITOR, ARE YOU READY TO CALL YOUR
24 FIRST WITNESS?

25 MR MURDAUGH YES, SIR I CALL PETE LIGHT

1 PETER A LIGHT, AFTER BEING DULY SWORN, TESTIFIED
2 AS FOLLOWS IN CAMERA

3 THE COURT HAVE A SEAT UP HERE FOR ME, MR LIGHT MAKE
4 YOURSELF COMFORTABLE AND SPEAK INTO THAT MICROPHONE FOR ME
5 IT'S GOING TO AMPLIFY YOUR VOICE BEGIN BY STATING YOUR FULL
6 NAME, SPELLING YOUR LAST NAME FOR THE COURT REPORTER

7 THE WITNESS PETER ALLEN LIGHT, L-I-G-H-T

8 THE COURT YOUR WITNESS, COUNSEL

9 DIRECT EXAMINATION

10 BY MR MURDAUGH

11 Q MR LIGHT, ARE YOU EMPLOYED BY THE TOWN OF HAMPTON AS A
12 POLICEMAN?

13 A YES, SIR

14 Q AND WERE YOU SO EMPLOYED ON AUGUST THE 30TH, 2007?

15 A YES, SIR

16 Q HOW LONG HAVE YOU BEEN WITH THE POLICE DEPARTMENT? HOW
17 LONG HAVE YOU BEEN IN POLICE BUSINESS?

18 A IN SOUTH CAROLINA I'VE BEEN WITH THEM FIVE YEARS WITH
19 THE HAMPTON COUNTY SHERIFF'S OFFICE THREE YEARS WITH THE
20 HAMPTON POLICE DEPARTMENT

21 Q OKAY, SIR I ASK YOU WHETHER OR NOT ON AUGUST THE 30TH
22 -- IS THAT RIGHT?

23 MS LEGETTE YES, SIR

24 BY MR MURDAUGH

25 Q AUGUST THE 30TH, 2007, YOU HAD AN OCCASION TO ANSWER A

1 CALL SOMEWHERE IN HAMPTON?

2 A THAT'S CORRECT

3 Q AND WHAT DID YOU SEE WHEN YOU GOT THERE?

4 A I FOUND AN INDIVIDUAL LAYING ON THE GROUND PROBABLY 30
5 FEET IN FROM THE CORNER OF FREEMAN STREET AND RIVERS AVENUE

6 Q AND DID YOU LATER DETERMINE THAT PERSON TO BE DWAYNE
7 SMITH?

8 A YES, SIR

9 Q OKAY, SIR DID YOU HAVE AN OCCASION TO TALK WITH THE
10 MAN LAYING DOWN THERE?

11 A YES, I DID

12 Q WHAT DID YOU OBSERVE ABOUT HIM BEFORE YOU TALKED TO HIM?

13 A THAT HE HAD APPROXIMATELY TWO TO THREE PUNCTURE WOUNDS,
14 THAT HE WAS IN A LOT OF PAIN I KNELT DOWN BESIDE HIM, ASKED
15 HIM TO JUST TAKE IT EASY, THERE'S HELP ON THE WAY

16 Q AND WHAT HAPPENED THEN?

17 A HE STARTED TALKING TO ME AND I STARTED TALKING TO HIM,
18 AND I ASKED HIM -- I SAID, "SIR, CAN YOU TELL ME WHAT
19 HAPPENED IN A BRIEF MOMENT?" HE SAYS, "BIRD SHOT ME " I
20 SAID, "BIRD MEANING COURTNEY SEASE?" "YES COURTNEY SEASE
21 SHOT ME "

22 Q OKAY, SIR AND DID ABOUT THAT TIME PERRY MCALHANEY COME
23 UP?

24 A YES, HE DID

25 MR MURDAUGH OKAY, SIR THAT WOULD BE ALL I HAVE OF

1 THIS WITNESS

2 THE COURT CROSS-EXAMINATION?

3 CROSS-EXAMINATION

4 BY MR HUGHES

5 Q WHAT DID Y'ALL TALK ABOUT BEFORE HE SAID, "BIRD SHOT
6 ME"?

7 A HE WAS IN A LOT OF PAIN I TOLD HIM TO JUST LAY STILL,
8 THAT EMERGENCY SERVICES WAS ON THE WAY

9 MR HUGHES NO FURTHER QUESTIONS, YOUR HONOR

10 MR MURDAUGH YOU MAY COME DOWN I CALL PERRY
11 MCALHANEY MAY MR LIGHT GO UNTIL 2?

12 THE COURT ANY OBJECTION TO EXCUSING HIM 'TIL 2 00?

13 MR HUGHES, NONE AT ALL, YOUR HONOR

14 THE COURT MR LIGHT, YOU'RE EXCUSED 'TIL 2 00 THIS
15 AFTERNOON YOU MAY LEAVE AT THIS TIME

16 MR LIGHT YES, SIR

17 THE COURT PERRY MCALHANEY

18 PERRY Z MCALHANEY, AFTER BEING DULY SWORN,

19 TESTIFIED AS FOLLOWS IN CAMERA

20 THE CLERK HAVE A SEAT

21 THE WITNESS JUDGE, HOW ARE YOU?

22 THE COURT GIVE US YOUR FULL NAME AND SPELL YOUR LAST
23 NAME, SIR

24 THE WITNESS PERRY Z MCALHANEY, M-C-A-L-H-A-N-E-Y

25 THE COURT AND THAT Z IS FOR ZACHARY?

1 THE WITNESS ZACHARY THAT'S RIGHT

2 DIRECT EXAMINATION

3 BY MR MURDAUGH

4 Q OKAY, SIR YOU'RE THE CHIEF OF POLICE OF THE TOWN OF
5 HAMPTON?

6 A YES, SIR

7 Q AND WERE YOU ON THE -- AUGUST THE 30TH, 2007?

8 A YES, SIR

9 Q OKAY, SIR DID YOU HAVE AN OCCASION TO ANSWER A CALL
10 WHERE A FELLOW WAS SHOT ON FREEMAN STREET?

11 A YES, SIR, WE DID

12 Q OKAY, SIR AND TELL ME WHAT HAPPENED WHEN YOU GOT
13 THERE, WHO WAS THERE, WHAT YOU OBSERVED, AND WHAT HAPPENED

14 A OFFICER LIGHT WAS ON THE SCENE, AND I OBSERVED A PERSON
15 LAYING IN THE STREET WHO WAS DWAYNE SMITH

16 Q OKAY, SIR WHAT DID YOU OBSERVE ABOUT HIM?

17 A HE WAS LAYING KIND OF ON HIS LEFT-HAND BACK SEEMS LIKE
18 HIS TEE SHIRT OR WHATEVER SHIRT THAT HE HAD ON WAS PULLED UP
19 AND HE HAD BEEN SHOT SEVERAL TIMES

20 Q OKAY, SIR DID YOU HAVE AN OCCASION TO TALK WITH HIM?

21 A YES, SIR, I DID

22 Q TELL ME WHAT WAS SAID BY EACH OF YOU

23 A HE SAID, "MAN, AM I GOING TO BE ALL RIGHT?" AND I SAID,
24 "MAN, YOU'RE GOING TO BE FINE " HE SAID, "I DON'T KNOW, MAN,
25 IT'S BAD " AND I SAID, "MAN, WE GOT THE E M S COMING " HE

1 SAID, "BIRD SHOT ME, MAN " AND I SAID, "BIRD?" AND HE SAID,
2 "COURTNEY SEASE SHOT ME, MAN IT'S BAD CAN YOU HELP ME?"
3 AND, YOU KNOW, THE ONLY THING I COULD THINK OF AT THE TIME IS
4 WE HAD E M S COMING "MAN, JUST HANG ON " BUT, YOU KNOW,
5 HE KNEW IT WAS BAD BUT HE SAID BIRD SHOT HIM, AND WHEN WE
6 INQUIRED AS TO BIRD, HE SAID, "COURTNEY SEASE "

7 MR MURDAUGH THANK YOU, SIR THAT'S ALL I HAVE
8 ANSWER ANY QUESTIONS MR HUGHES MAY HAVE

9 THE COURT CROSS-EXAMINATION, MR HUGHES?

10 CROSS-EXAMINATION

11 BY MR HUGHES

12 Q CHIEF MCALHANEY---

13 THE COURT JUST A MOMENT

14 (PAUSE IN PROCEEDINGS)

15 THE COURT PROCEED

16 BY MR HUGHES

17 Q WHEN YOU TOLD MR SMITH HE WAS GOING TO BE OKAY, HOW DID
18 HE REACT?

19 A HE REACTED THE SAME WAY HE DID TO START WITH I MEAN,
20 HE KNEW HE WAS IN BAD SHAPE

21 Q BUT YOU TOLD HIM HE WAS GOING TO BE OKAY

22 A I DID TELL HIM THAT BECAUSE I DIDN'T -- I MEAN, I WASN'T
23 GOING TO TELL HIM THE ALTERNATIVE I WAS JUST TRYING TO MAKE
24 HIM FEEL GOOD AT THAT -- AT THAT TIME, BUT HE KNEW IT WAS
25 BAD

1 Q HOW OLD IS MR SMITH?

2 A I WOULD HAVE TO GUESS, SIR, BECAUSE I'M NOT SURE AT THIS
3 TIME, BUT I'D SAY EARLY TWENTIES

4 Q CHIEF, DID YOU FILL OUT AN INCIDENT REPORT ON THIS?

5 A NO, SIR

6 THE COURT I'M SORRY I COULDN'T HEAR YOUR QUESTION

7 MR HUGHES I'M SORRY

8 BY MR HUGHES

9 Q CHIEF, DID YOU FILL OUT AN INCIDENT REPORT ON THIS
10 EVENT?

11 A NO, SIR, I DIDN'T FILL ONE OUT PERSONALLY

12 Q OKAY IS THE POLICY OF THE HAMPTON COUNTY -- HAMPTON --
13 EXCUSE ME -- HAMPTON POLICE DEPARTMENT FOR THE OFFICERS TO
14 FILL OUT AN INCIDENT REPORT RECORDING EVERYTHING THEY SEE AND
15 HEARD DURING AN INCIDENT LIKE THIS?

16 A THE POLICY IS FOR THE INVESTIGATING OFFICERS TO FILL IT
17 OUT, YES, SIR

18 Q WOULD THE OFFICER GET A STATEMENT FROM YOU AS TO WHAT
19 YOU SAW AND HEARD?

20 A SIR?

21 Q WOULD THE -- WOULD THE INVESTIGATING OFFICER HAVE GOTTEN
22 A STATEMENT FROM YOU AS TO WHAT YOU SAW OR HEARD?

23 A NOT THAT TIME, SIR I THINK MR LIGHT WAS THE FIRST ONE
24 ON THE SCENE THEREFORE, HE WAS RESPONSIBLE FOR FILLING OUT
25 THE INCIDENT REPORT AS TO THE FACTS

1 Q OKAY DID SERGEANT LIGHT EVER QUESTION YOU AS TO WHAT
2 Y'ALL -- YOU AND MR SMITH DISCUSSED?

3 A NO, SIR

4 Q YOU NEVER FILLED OUT AN INCIDENT REPORT OR GAVE A
5 STATEMENT OF ANY TYPE

6 A ONLY A VERBAL STATEMENT, SIR

7 MR HUGHES OKAY NO FURTHER QUESTIONS, YOUR HONOR
8 THE COURT REDIRECT?

9 MR MURDAUGH NONE, SIR

10 THE COURT AS TO THIS WITNESS, YOU EXCUSE HIM 'TIL
11 2 00?

12 MR MURDAUGH 2 00

13 THE COURT ANY OBJECTION, MR HUGHES?

14 MR HUGHES NO OBJECTIONS, YOUR HONOR

15 THE COURT PERRY, YOU'RE EXCUSED 'TIL 2 00 YOU MAY
16 LEAVE THE COURTROOM

17 MR MURDAUGH THAT WOULD CONCLUDE OUR PRESENTATION,
18 SIR

19 THE COURT VERY WELL MR HUGHES, I'LL BE HAPPY TO
20 HEAR FROM YOU

21 MR HUGHES YOUR HONOR, A DYING DECLARATION---

22 THE COURT YES, SIR

23 MR HUGHES ---REQUIRES---

24 THE COURT FIRST OF ALL, LET'S START WITH WE BOTH
25 AGREE, THAT IS, I AGREE WITH YOU THAT THIS IS HEARSAY

1 HOWEVER, THERE ARE EXCEPTIONS TO THE HEARSAY RULE IT'S NOT
2 -- HEARSAY IS OBVIOUSLY NOT ADMISSIBLE UNLESS IT FITS WITHIN
3 AN EXCEPTION TO THE HEARSAY RULE THE SOLICITOR ARGUES THAT
4 I SHOULD LOOK AT 804(B)(2) AND I SHOULD ALSO LOOK AT EXCITED
5 UTTERANCES UNDER 803(2)2

6 LET'S START WITH 804(B)(2) WHICH, AS YOU KNOW, A DYING
7 DECLARATION IS AN EXCEPTION TO THE HEARSAY RULE A STATEMENT
8 UNDER THE BELIEF OF IMPENDING DEATH IS NOT EXCLUDED BY THE
9 HEARSAY RULE IF THE DECLARANT IS UNAVAILABLE AS A WITNESS IN
10 A PROSECUTION FOR HOMICIDE THE STATEMENT IS MADE BY A
11 DECLARANT WHILE BELIEVING THE DECLARANT'S DEATH IS IMMINENT
12 AND THE STATEMENT CONCERNED THE CAUSE OR CIRCUMSTANCES OF
13 WHAT THE DECLARANT BELIEVED TO BE IMPENDING DEATH THAT IS
14 RULE 804(B)(2) OF THE SOUTH CAROLINA RULES OF EVIDENCE, IS IT
15 NOT?

16 MR HUGHES IT IS, YOUR HONOR, AND THE SOUTH CAROLINA
17 SUPREME COURT IN MCHONEY ADOPTED ONE OTHER---

18 THE COURT COME ON UP TO THE MICROPHONE, BOB---

19 MR HUGHES I'M SORRY

20 THE COURT ---SO I CAN HEAR YOU BECAUSE WHEN YOU PUT
21 YOUR HEAD DOWN, IT GETS MUFFLED

22 MR HUGHES OKAY I APOLOGIZE THE SUPREME COURT IN
23 SOUTH CAROLINA IN STATE VERSUS MCHONEY THAT THE SOLICITOR HAS
24 PROVIDED, 344 S C 85, NOT ONLY ADOPTED WHAT YOU JUST SAID
25 BUT ALSO INCLUDED THAT THE STATEMENTS MUST BE VOLUNTARILY --

1 MADE VOLUNTARILY AND IN GOOD FAITH I BELIEVE WHAT THEY DID
2 WAS---

3 THE COURT HE SAID THE DYING DECLARATION MUST BEAR ON
4 THE FACT OF THE HOMICIDE, I BELIEVE, AND THE PERSON BY WHOM
5 IT WAS COMMITTED, SUCH STATEMENTS MUST BE MADE VOLUNTARILY
6 AND IN GOOD FAITH

7 | MR HUGHES YES, YOUR HONOR

8 THE COURT AND IT MUST BE MADE UNDER A SENSE OF
9 IMPENDING DEATH WOULD YOU NOT AGREE?

10 MR HUGHES YES, YOUR HONOR

11 THE COURT ALL RIGHT YOUR OBJECTION IS YOU FEEL THE
12 TESTIMONY -- I'LL HAVE TO SAY THAT FIRST -- AND I REALIZE THE
13 SOLICITOR IS PROFFERING IT FOR ME AND WE'RE TRYING TO GET
14 WORK DONE WHILE THE JURY IS AT LUNCH I DIDN'T HEAR ANYTHING
15 FROM THE FIRST WITNESS ABOUT IMPENDING DEATH, BUT IT IS CLEAR
16 TO ME FROM MR MCALHANEY'S TESTIMONY THAT THERE WAS A
17 DISCUSSION AND MR MCALHANEY TESTIFIED THAT HE THOUGHT THAT
18 THE DECLARANT THOUGHT HIS DEATH WAS IMMINENT, THAT HE WAS IN
19 BAD SHAPE AND I AGREE, AND I KNOW YOU WANT TO POINT OUT
20 BECAUSE THAT'S WHAT HAPPENED IN MCHONEY A NURSE SAID,
21 "YOU'LL BE FINE " HERE WE HAVE A CHIEF OF POLICE SAYING,
22 "YOU'LL BE FINE "

23 MR HUGHES BUT IN MCHONEY, YOUR HONOR, THE VICTIM IN
24 THAT MADE AN INDICATION THAT SHE DISAGREED WITH THE
25 NURSE'S---

1 THE COURT AND YOU THINK THE DISAGREEMENT IS THE KEY
2 FACTOR IN WHETHER OR NOT THERE WAS A BELIEF OF IMPENDING
3 DEATH?

4 MR HUGHES YES, YOUR HONOR

5 THE COURT I SEE AND THAT'S BASIS OF YOUR OBJECTION,
6 MR HUGHES?

7 MR HUGHES THAT AND I HAVE AN OBJECTION TO SOME OF THE
8 STATEMENTS THAT I DO NOT -- I THINK WERE NONVOLUNTARY

9 THE COURT WHAT STATEMENT OR STATEMENTS OF -- THAT MR
10 MCALHANEY TESTIFIED TO DO YOU CONSIDER NOT VOLUNTARY AND WHY?

11 MR HUGHES IT IS ACTUALLY SERGEANT -- SERGEANT LIGHT'S
12 ORIGINAL STATEMENT HE WAS THE ORIGINAL OFFICER ON THE SCENE
13 AND THE ORIGINAL PERSON TO QUESTION MR SMITH MR SMITH
14 STATED, "BIRD SHOT ME," WHEN ASKED WHAT HAPPENED

15 THE COURT HE SAID WHAT?

16 MR HUGHES "BIRD SHOT ME "

17 THE COURT UH-HUH ACCORDING TO -- YOU'RE QUOTING NOW
18 SERGEANT LIGHT

19 MR HUGHES QUOTING SERGEANT LIGHT WHO WAS -- AFTER MR
20 SMITH MADE THAT STATEMENT, SERGEANT LIGHT BEGAN TO QUESTION
21 HIM I FEEL THAT THE POLICE OFFICER QUESTIONING A PERSON
22 WHILE IN UNIFORM AS TO WHAT HE SAID AND WHAT HE MEANT MAY BE
23 LOOKED UPON AS EITHER SUGGESTING A RESPONSE OR REQUIRING A
24 RESPONSE DIFFERENT FROM WHAT HE ORIGINALLY MADE AND THAT MR
25 SMITH DOES NOT SAY COURTNEY SEASE SHOT ME NATURALLY IT WAS

1 SERGEANT LIGHT THAT SAID THAT ORIGINALLY

2 THE COURT I UNDERSTAND THE TESTIMONY TO BE THAT THE
3 DECLARANT SAID "BIRD" AND THAT BOTH OF THESE INDIVIDUALS, MR
4 MCALHANEY AND MR LIGHT, SAID, "BY BIRD, DO YOU MEAN COURTNEY
5 SEASE?" AND HE RESPONDED TO BOTH OF THEM, "YES " THAT'S NOT
6 YOUR UNDERSTANDING OF WHAT I'VE JUST HEARD?

7 MR HUGHES PARAPHRASED, YES, YOUR HONOR, THAT IS, WHAT
8 YOU HEARD

9 THE COURT BUT YOU BELIEVE THOSE WERE NOT VOLUNTARY
10 BECAUSE MR LIGHT ELICITED INFORMATION BY QUESTIONING?

11 MR HUGHES YES, YOUR HONOR

12 THE COURT AND THAT'S THE SECOND BASIS FOR YOUR
13 OBJECTION?

14 MR HUGHES YES, YOUR HONOR I WOULD OBJECT TO---

15 THE COURT I'LL HEAR YOU NOW ON 803(2) WHICH IS EXCITED
16 UTTERANCE AS AN EXCEPTION TO THE HEARSAY RULE

17 MR HUGHES YOUR HONOR, EXCITED UTTERANCE REQUIRES, I
18 BELIEVE, THE EVENT TO HAVE TAKEN PLACE SHORTLY BEFORE THE
19 STATEMENT WAS MADE THERE HAS BEEN NOTHING TO INDICATE HOW
20 LONG IT WAS FROM MR SMITH BEING SHOT TO MR LIGHT GETTING
21 TESTIMONY FROM HIM OR GETTING A STATEMENT FROM HIM THE
22 STATE HAS INTRODUCED NO EVIDENCE THAT WOULD QUALIFY FOR
23 EXCITED UTTERANCE THERE IS NO TIME LIMIT OF THE EVENT FROM
24 EVENT TO STATEMENT

25 THE COURT WELL, I THINK YOU AGREE WITH ME THAT I MUST

1 CONSIDER, MR HUGHES, THE TOTALITY OF THE CIRCUMSTANCES
2 CHIEF MCALHANEY TESTIFIED THAT HE HAD WOUNDS IN HIS ABDOMEN,
3 HIS TEE SHIRT WAS UP AND HE WAS BLEEDING, AND E M S IS ON
4 THE WAY AN EXCITED UTTERANCE IS A STATEMENT RELATING TO A
5 STARTLING EVENT OR CONDITION WHILE DECLARANT'S UNDER THE
6 STRESS OF EXCITEMENT CAUSED BY THE EVENT OR CONDITION, AND I
7 AGREE WITH YOU THERE'S NO TESTIMONY AS TO TIME AT THIS POINT
8 HOWEVER, I CERTAINLY THINK, CONSIDERING THE TOTALITY OF THE
9 CIRCUMSTANCES, ONE COULD INFER FROM THE TESTIMONY OF MR
10 MCALHANEY AND MR LIGHT THAT THE DECLARANT WAS STILL UNDER
11 THE STRESS OF THE STARTLING CONDITION, COULD ONE NOT, MR
12 HUGHES?

13 MR HUGHES I WOULD SAY THAT WOULD DEPEND UPON THE
14 INDIVIDUAL, YOUR HONOR

15 THE COURT WELL, THE BASIS FOR THE EXCITED UTTERANCE
16 EXCEPTION IS THAT THE PERCEIVED EVENT PRODUCES NERVOUS
17 EXCITEMENT MAKING FABRICATION UNLIKELY AND THAT IT BECOMES
18 MORE INHERENTLY RELIABLE DON'T YOU AGREE?

19 MR HUGHES AGAIN, DEPENDING UPON THE INDIVIDUAL, YOUR
20 HONOR, YES

21 THE COURT ANYTHING ELSE YOU WANT TO TELL ME?

22 MR HUGHES NO, YOUR HONOR

23 THE COURT SOLICITOR, HERE'S -- I CERTAINLY BELIEVE AT
24 THIS POINT THAT AS TO THE TESTIMONY I HEARD FROM CHIEF
25 MCALHANEY I FIND THAT IT IS ADMISSIBLE I OVERRULE THE

1 OBJECTION ON THE BASIS OF A DYING DECLARATION, 804(B)(2)
2 WITH ADDITIONAL INFORMATION, I MAY BE ABLE TO HAVE AN
3 ADDITIONAL SUSTAINING GROUND UNDER 803(2) I DECLINE TO MAKE
4 THAT RULING AT THIS STAGE BECAUSE I'M BASING MY RULING ON THE
5 PROFFER

6 I DO, HOWEVER, HAVE A LITTLE BIT OF CONCERN OF ELICITING
7 CUMULATIVE TESTIMONY FROM THE OTHER WITNESS WHO PROVIDED ME
8 NO BASIS OF THE CONDITION SO I FIND THAT MR MCALHANEY'S
9 STATEMENT IS ADMISSIBLE I DECLINE TO ALLOW YOU TO INTRODUCE
10 IT IN A CUMULATIVE FASHION THROUGH MR LIGHT

11 MR MURDAUGH OKAY, SIR

12 THE COURT SO EVEN THOUGH MR HUGHES DID NOT MAKE THE
13 OBJECTION ON CUMULATIVE BASIS, THE COURT FINDS ONE I'LL
14 ALLOW MR MCALHANEY TO TESTIFY ON THE BASIS THAT IT'S A DYING
15 DECLARATION

16 MR MURDAUGH OKAY, SIR

17 THE COURT THANK YOU VERY MUCH ALL RIGHT COUNSEL, I
18 WANT Y'ALL TO HAVE A CHANCE FOR LUNCH, AND IT'S NOW ABOUT 10
19 AFTER 1 WE'LL START BACK AT APPROXIMATELY 2 00 I'VE
20 GRANTED, MR HUGHES, YOUR MOTION AND MADE IT EQUAL ON
21 SEQUESTRATION THE SOLICITOR HAS ADVISED HIS WITNESSES OF
22 COURSE, YOUR CLIENT CAN REMAIN IN

23 I'VE HEARD YOUR MOTION CONCERNING THE STATEMENTS MADE BY
24 THE DEFENDANT UNDER JACKSON/DENNO AND NOW THE DYING
25 DECLARATION THOSE WERE ALL OF THE PRETRIAL MOTIONS THAT YOU

1 ADVISED ME IN CHAMBERS THAT YOU HAD THE JURY HAS BEEN
2 SWORN, THE FOREPERSON HAS BEEN SELECTED IT IS MY
3 UNDERSTANDING WE'LL START WITH OPENING STATEMENT AT
4 APPROXIMATELY 2 00, BUT I WANT TO GIVE YOU ENOUGH TIME TO
5 HAVE LUNCH ALSO

6 SO WE'LL TRY TO START BACK AS CLOSE TO 2 AS POSSIBLE
7 THIS COURT STANDS ADJOURNED UNTIL 2 00 THIS AFTERNOON THANK
8 YOU VERY MUCH

9 (WHEREUPON, A LUNCH BREAK WAS TAKEN)

10 THE COURT THANK YOU PLEASE BE SEATED IS THE STATE
11 READY TO PROCEED?

12 MR MURDAUGH THE STATE IS, SIR

13 THE COURT IS THE DEFENDANT READY TO PROCEED?

14 MR HUGHES YES, YOUR HONOR

15 THE COURT WOULD YOU BRING US THE JURY, PLEASE, SIR?

16 (WHEREUPON, THE JURY WAS BROUGHT INTO OPEN COURT AT 2 12
17 P M)

18 THE COURT MADAM FOREPERSON, I SEE YOU'VE KEPT YOUR
19 FLOCK TOGETHER OVER THE LUNCH BREAK I CONGRATULATE YOU ON
20 DOING THAT LADIES AND GENTLEMEN, BEFORE WE BEGIN THIS
21 TRIAL, I ALWAYS TELL MY JURIES THIS YOU KNOW, MANY OF YOU
22 PROBABLY WILL FIND THAT AN ACTUAL TRIAL IS DIFFERENT FROM
23 WHAT YOU MIGHT EXPECT MOST PEOPLE DO NOT HAVE THE
24 OPPORTUNITY, AS EACH OF YOU ARE DOING RIGHT NOW, TO ATTEND AN
25 ACTUAL COURT SESSION, AND MOST PEOPLE THINK FROM GOING TO THE

1 MOVIES AND WATCHING TELEVISION, SUCH SHOWS AS "C S I " AND
2 "COLD CASE," OR READING A BOOK THAT TRIALS ARE ALWAYS FULL OF
3 HIGH DRAMA AND INTENSE ACTION AND RIVETING AND ENTERTAINING
4 CIRCUMSTANCES

5 WHILE ALL THOSE THINGS MAY BE TRUE, LADIES AND
6 GENTLEMEN, AN ACTUAL TRIAL, AS YOU ARE GOING TO WITNESS NOW
7 AS A JUROR, IS NOT FOR ENTERTAINMENT IT IS A FUNDAMENTAL
8 PART OF OUR DEMOCRACY AN ACTUAL TRIAL IS A SEARCH FOR THE
9 TRUTH IN AN EFFORT TO MAKE SURE THAT JUSTICE IS DONE BETWEEN
10 THE PARTIES BEFORE THE COURT

11 SEARCHING FOR THE TRUTH AND MAKING SURE THAT JUSTICE IS
12 DONE IS OFTEN SLOW IT IS OFTEN REPETITIVE IT IS OFTEN
13 DELIBERATE, THE EXACT OPPOSITE OF WHAT MANY OF YOU MAY HAVE
14 SEEN ON A TELEVISION SHOW OR READ IN A BOOK OR SEEN IN A
15 MOVIE

16 THIS COURTROOM IS A PLACE OF HONOR, AND IT IS DEDICATED
17 TO THE PROTECTION AND PRESERVATION OF CITIZENS' RIGHTS
18 THROUGH WHAT MANY PEOPLE HAVE CALLED THE GREATEST JUSTICE
19 SYSTEM IN THE ENTIRE WORLD THE ATTORNEYS APPEARING BEFORE
20 YOU IN THIS COURTROOM ARE ADVOCATES FOR THE PARTIES THEY
21 REPRESENT, BOTH THE STATE OF SOUTH CAROLINA AND THE
22 DEFENDANT, BUT FIRST AND FOREMOST THE ATTORNEYS ARE OFFICERS
23 OF THIS COURT, AND AS OFFICERS OF THIS COURT THEY ARE SWORN
24 TO UPHOLD THE INTEGRITY AND THE FAIRNESS OF OUR JUDICIAL
25 SYSTEM AND TO HELP YOU, LADIES AND GENTLEMEN OF THE JURY, IN

1 A SEARCH FOR THE TRUTH.

2 YOU SHOULD EXPECT THE ATTORNEYS TO BE PROFESSIONAL, YOU
3 SHOULD EXPECT THE ATTORNEYS TO BE COURTEOUS. YOU SHOULD
4 EXPECT THE ATTORNEYS TO BE ETHICAL AND TO BE COMPETENT IN THE
5 REPRESENTATION OF THEIR CLIENTS' INTERESTS.

6 I WANT TO REMIND EACH OF YOU THAT JUST PRIOR TO LUNCH
7 EACH OF YOU, JUST LIKE THE ATTORNEYS, EACH OF YOU JURORS TOOK
8 AN OATH, AND IN THAT OATH YOU SAID THAT YOU WOULD WELL AND
9 TRULY TRY THIS CASE AND REACH A FAIR AND A JUST VERDICT. SO
10 YOU AS JURORS, LADIES AND GENTLEMEN, ARE ALSO EXPECTED TO BE
11 PROFESSIONAL, TO BE REASONABLE, AND TO BE ETHICAL IN THE
12 DISCHARGE OF YOUR DUTIES AS JURORS.

13 BEFORE WE EVEN BEGIN THIS TRIAL, I WANT YOU TO THANK
14 EACH AND EVERY ONE OF YOU FOR ACCEPTING THIS IMPORTANT
15 RESPONSIBILITY OF JURY SERVICE AND FOR YOUR CONTRIBUTION AS
16 JURORS TO OUR JUSTICE SYSTEM. WITHOUT YOU, LADIES AND
17 GENTLEMEN OF THE JURY, JUSTICE CAN NEVER BE ACCOMPLISHED IN A
18 COURTROOM, AND I THANK YOU FOR THAT SERVICE.

19 NOW, I WANT YOU TO HAVE A LITTLE IDEA OF HOW WE'RE GOING
20 TO PROCEED IN THIS CASE. MADAM FOREPERSON, LADIES AND
21 GENTLEMEN OF THE JURY, THE CASE WE'RE GOING TO TRY IS THE
22 CASE OF THE STATE OF SOUTH CAROLINA VERSUS COURTNEY SEASE,
23 AND THE DEFENDANT IS SEATED AT THE TABLE WITH HIS LAWYERS.
24 HE'S CHARGED BY THESE TWO PIECES OF PAPER THAT I HOLD IN MY
25 HAND WHICH I HAVE TOLD YOU ALREADY WE CALL INDICTMENTS. HE'S

1 CHARGED IN THE FIRST INDICTMENT WITH THE OFFENSE OF MURDER
2 AND IN THE SECOND INDICTMENT WITH THE OFFENSE OF POSSESSION
3 OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

4 NOW, THE ELEMENTS OF BOTH OF THOSE OFFENSES, MURDER AND
5 POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT
6 CRIME, WILL BE EXPLAINED TO YOU BY ME IN MY CHARGE TO YOU ON
7 THE LAW AT THE CONCLUSION OF THE CASE THERE'S A REASON WE
8 WAIT 'TIL THE END BECAUSE WE WANT YOU TO HEAR THE EVIDENCE
9 FIRST AND APPLY THE LAW AS I GIVE IT TO YOU AT THE END TO THE
10 EVIDENCE AS YOU DETERMINE IT TO BE SO THE ELEMENTS WILL BE
11 EXPLAINED TO YOU LATER

12 YOU SHOULD UNDERSTAND FOR NOW THAT THE INDICTMENT IS
13 SIMPLY THE CHARGE BY WHICH THE CASE IS BROUGHT INTO THIS
14 COURT AND THAT THESE TWO PIECES OF PAPER ARE NOT EVIDENCE OF
15 ANY OF THE ALLEGATIONS CONTAINED IN THE INDICTMENT THE
16 DEFENDANT HAS PLED NOT GUILTY TO EACH OF THESE INDICTMENTS
17 THE STATE OF SOUTH CAROLINA, THEREFORE, HAS THE BURDEN OF
18 PROVING THE DEFENDANT'S GUILT AND EACH OF THE ESSENTIAL
19 ELEMENTS OF THE OFFENSES IN THE INDICTMENT BEYOND A
20 REASONABLE DOUBT, AND IT WILL ULTIMATELY BE YOUR DUTY AT THE
21 CONCLUSION OF THE CASE, LADIES AND GENTLEMEN, TO DECIDE
22 WHETHER OR NOT THE STATE HAS MET THAT BURDEN

23 IT IS YOUR SOLEMN RESPONSIBILITY AS JURORS, LADIES AND
24 GENTLEMEN, TO DETERMINE THE GUILT OR THE INNOCENCE OF THE
25 DEFENDANT, AND YOUR VERDICT AS JURORS MUST BE BASED SOLELY ON

1 THE EVIDENCE AS IT IS PRESENTED TO YOU IN THIS TRIAL AND ON
2 THE LAW AS I INSTRUCT IT TO YOU TO BE DURING THE TRIAL AND AT
3 THE CONCLUSION OF THE TRIAL

4 NOW, IN JUST A MINUTE THE SOLICITOR WILL MAKE WHAT IS
5 CALLED AN OPENING STATEMENT IN WHICH HE WILL EXPLAIN TO YOU
6 THE ISSUES IN THIS CASE OR AT LEAST WHAT HE CONTENDS TO BE
7 THE ISSUES FOLLOWING THAT, THE ATTORNEY FOR THE DEFENDANT
8 WILL MAKE AN OPENING STATEMENT NOW, I WANT TO TELL YOU THAT
9 THE ATTORNEYS HAVE WORKED HARD TO PREPARE THE CASE FOR YOU,
10 AND I WANT YOU TO LISTEN CAREFULLY TO THEM, BUT WHAT THEY
11 TELL YOU IN OPENING STATEMENT OR IN THEIR CLOSING ARGUMENT AT
12 THE CONCLUSION OF THE CASE IS NOT EVIDENCE IN THIS CASE

13 THE ATTORNEYS ARE ADVOCATES FOR THE PARTIES THEY
14 REPRESENT, AND SO WHEN THEY TALK TO YOU ABOUT THE ISSUES IN
15 THE CASE IN THE OPENING STATEMENT, IT IS ONLY THEIR
16 CONTENTION AS ATTORNEYS AND ADVOCATES FOR THEIR RESPECTIVE
17 CLIENTS AS TO WHAT THE ISSUES ARE

18 YOU, LADIES AND GENTLEMEN OF THE JURY, MUST DECIDE THE
19 CASE SOLELY UPON EVIDENCE INTRODUCED IN THIS COURTROOM WHAT
20 IS EVIDENCE? EVIDENCE IS TESTIMONY FROM THIS WITNESS STAND,
21 THE WITNESSES WHO WILL TESTIFY UNDER OATH, OR ANY EXHIBIT
22 YOU'LL HEAR ME SAY AS TO ANY EXHIBIT IT'S IN EVIDENCE THAT
23 MEANS IT WILL BE WITH YOU IN YOUR JURY ROOM DURING YOUR
24 DELIBERATIONS

25 EVIDENCE MAY ALSO BE -- I DON'T KNOW WHETHER THERE WILL

1 BE OR NOT, BUT EVIDENCE COULD ALSO BE A STIPULATION OF FACT
2 BETWEEN THE PARTIES SO IT'S EITHER GOING TO BE TESTIMONY,
3 AN EXHIBIT, OR A STIPULATION THAT'S WHAT YOU AS THE JURY
4 BASE YOUR DECISION ON

5 NOW, IN THE CONSIDERATION OF THE EVIDENCE YOU SHOULD
6 ALWAYS REMEMBER THROUGHOUT THE TRIAL OF THIS CASE THAT UNDER
7 THE CONSTITUTION OF THE STATE OF SOUTH CAROLINA YOU AND YOU
8 JURORS ALONE ARE THE SOLE JUDGES OF THE FACTS IN THIS CASE
9 THE SAME LAW THAT MAKES YOU THE SOLE JUDGES OF THE FACTS
10 MAKES ME THE SOLE JUDGE OF THE LAW I CANNOT INVADE YOUR
11 PROVINCE, LADIES AND GENTLEMEN, AND TELL YOU WHAT THE FACTS
12 ARE OR SUGGEST TO YOU WHAT THE FACTS ARE OR MAKE ANY COMMENT
13 TO YOU ABOUT THE FACTS IN THE CASE, AND YOU SHOULD NOT INVADE
14 MY PROVINCE AND DIFFER WITH ME ABOUT WHAT THE LAW IS

15 EVERYTHING THAT I SAY DURING THE COURSE OF THE TRIAL IS
16 BEING TAKEN DOWN BY MY COURT REPORTER, AND IF I MAKE A
17 MISTAKE AS TO THE LAW TO THE DETRIMENT OF EITHER ONE OF THE
18 PARTIES, THEY CAN APPEAL THE CASE TO AN APPELLATE COURT, AND
19 IF THE APPELLATE COURT AGREES THAT I'VE MADE A MISTAKE ON THE
20 LAW, THEY CAN REVERSE THE CASE AND SEND IT BACK FOR A NEW
21 TRIAL SO DON'T YOU, LADIES AND GENTLEMEN OF THE JURY, WORRY
22 ABOUT WHETHER OR NOT I HAVE TOLD YOU THE LAW CORRECTLY THAT
23 IS SOMEBODY ELSE'S WORRY

24 YOUR JOB IS TO TAKE THE LAW AS I GIVE IT TO YOU AND
25 APPLY IT TO THE FACTS AS YOU FIND THEM TO BE BASED ON

PRELIMINARY REMARKS TO THE JURY BY THE COURT

35-67

1 EVIDENCE, INTRODUCED DURING THE TRIAL, OF THE CASE AFTER
2 DOING THAT, LADIES AND GENTLEMEN OF THE JURY, YOU WILL AT THE
3 CONCLUSION OF THE CASE RENDER YOUR VERDICT, A TRUE AND JUST
4 VERDICT UNDER THAT OATH YOU TOOK AWHILE AGO FROM THE CLERK OF
5 COURT OF HAMPTON COUNTY

6 NOW, DURING THE TRIAL OF THIS CASE, IF IT'S LIKE MANY
7 OTHERS I'VE TRIED, YOU MAY HEAR ONE OF THE LAWYERS SAY
8 SOMETHING LIKE, "YOUR HONOR, WE HAVE A MATTER OF LAW WE'D
9 LIKE TO DISCUSS WITH YOU," OR, "YOUR HONOR, MAY WE APPROACH
10 THE BENCH?" OR YOU MIGHT HEAR ME SAY, "PLEASE APPROACH," OR
11 I MIGHT ASK YOU TO GO TO YOUR JURY ROOM IT'S NOT BECAUSE
12 WE'RE TRYING TO HIDE ANYTHING FROM YOU, LADIES AND GENTLEMEN
13 IT'S EXACTLY WHAT I JUST TOLD YOU YOU'RE THE SOLE JUDGES OF
14 THE FACTS, I'M THE SOLE JUDGE OF THE LAW SOMETIMES WHEN I'M
15 RULING ON A MATTER OF LAW, BY NECESSITY I HAVE TO MAKE A
16 COMMENT TO THE ATTORNEYS ABOUT THE FACTS IN THE CASE IN ORDER
17 TO RULE ON WHETHER OR NOT A PARTICULAR PIECE OF LAW APPLIES
18 TO THIS CASE

19 SO THAT YOU WILL NOT BE INFLUENCED BY ANYTHING THAT I
20 MIGHT SAY OR DO IN RULING ON WHETHER OR NOT A PARTICULAR
21 PIECE OF LAW APPLIES TO THIS CASE, THE CUSTOM OR PRACTICE IN
22 THIS STATE IS TO EITHER TAKE THAT MATTER UP AT THE BENCH
23 OUTSIDE OF YOUR HEARING OR EXCUSE YOU FROM THE COURTROOM WHEN
24 SUCH DISCUSSIONS TAKE PLACE SO THAT YOU WILL NOT BE
25 INFLUENCED BY ANYTHING THAT I MIGHT SAY OR DO IN RULING ON A

1 MATTER OF LAW

2 AND IN THAT CONNECTION, LET ME TELL YOU, LADIES AND
3 GENTLEMEN OF THE JURY, THAT YOU AND YOU ALONE, THE JURY, ARE
4 THE SOLE JUDGES OF THE FACTS IN THIS MATTER, AND IF YOU
5 SHOULD GATHER FROM ANYTHING THAT I MIGHT SAY OR DO DURING THE
6 COURSE OF THIS TRIAL THAT I HAVE ANY OPINION AS TO THE FACTS
7 IN THIS MATTER, PLEASE ERASE THAT FROM YOUR MIND BECAUSE, AS
8 I HAVE SAID, YOU AND YOU ALONE, THE JURY, ARE THE SOLE JUDGES
9 OF THE FACTS IN THIS CASE

10 NOW, HOW DO YOU DETERMINE WHAT THE TRUE FACTS ARE?
11 WELL, NECESSARILY YOU, LADIES AND GENTLEMEN OF THE JURY, WILL
12 HAVE TO PASS UPON THE CREDIBILITY WHICH SIMPLY MEANS THE
13 BELIEVABILITY OF THE WITNESSES WHO WILL TESTIFY DURING THE
14 TRIAL OF THIS CASE IT WILL BE MY RESPONSIBILITY TO RULE AS
15 A MATTER OF LAW WHETHER OR NOT CERTAIN TESTIMONY IS
16 ADMISSIBLE THAT'S MY JOB

17 BUT ONCE I'VE ALLOWED THE TESTIMONY TO BE ADMITTED INTO
18 EVIDENCE, WHETHER OR NOT YOU BELIEVE THE TESTIMONY IS SOLELY
19 A MATTER FOR YOU, THE JURY, TO DETERMINE YOU'RE THE SOLE
20 JUDGES OF THE FACTS INCLUDING THE BELIEVABILITY OR
21 CREDIBILITY OF THE WITNESSES WHO WILL TESTIFY DURING THE
22 TRIAL OF THIS CASE, AND IN PASSING UPON THE BELIEVABILITY OR
23 CREDIBILITY OF THE WITNESSES, YOU HAVE THE RIGHT AS A JURY TO
24 TAKE INTO CONSIDERATION THE INTEREST OF ANY WITNESS, THE
25 BIAS, IF ANY, OF ANY WITNESS, THE PREJUDICE, IF ANY, OF ANY

1 WITNESS, THE OPPORTUNITY FOR THE WITNESS TO HAVE OBSERVED THE
2 MATTERS ABOUT WHICH HE OR SHE MIGHT TESTIFY YOU MAY EVEN
3 TAKE INTO CONSIDERATION, LADIES AND GENTLEMEN, THE Demeanor
4 OR THE APPEARANCE OF THE WITNESS WHILE THE WITNESS IS ON THE
5 WITNESS STAND IN DECIDING THE BELIEVABILITY OR CREDIBILITY OF
6 THE WITNESSES WHO WILL TESTIFY IN THIS CASE

7 ANYTHING THAT IS IN EVIDENCE, LADIES AND GENTLEMEN OF
8 THE JURY, YOU HAVE THE RIGHT AS THE JURY TO CONSIDER, AND
9 THAT MEANS, MADAM FOREPERSON AND MEMBERS OF THE JURY, THAT IT
10 IS YOUR DUTY UNDER THAT OATH WHICH YOU TOOK FROM THE CLERK OF
11 COURT TO PAY CLOSE ATTENTION TO THE WITNESSES, TO LISTEN TO
12 THE WITNESSES DON'T LET YOUR THOUGHTS WANDER SO THAT AT THE
13 CONCLUSION OF ALL THE TESTIMONY IN THIS CASE, AFTER THE FINAL
14 ARGUMENTS OF THE ATTORNEYS AND MY CHARGE TO YOU ON THE LAW AT
15 THE CONCLUSION OF THE CASE, YOU AS A JUROR WILL THEN BE IN A
16 POSITION FROM LISTENING TO DETERMINE WHAT THE TRUE FACTS ARE
17 AND APPLY THE LAW AS I GIVE IT TO YOU AT THE END OF THE CASE
18 TO THOSE FACTS AND, THUS, RENDER A TRUE AND A JUST VERDICT,
19 AND THAT IS THE REASON WE DO IT IN THAT ORDER

20 NOW, YOU MUST NOT CONSIDER ANYTHING THAT YOU MAY HAVE
21 HEARD OR READ ABOUT THIS CASE OUTSIDE OF THIS COURTROOM,
22 WHETHER BEFORE OR DURING THIS TRIAL, AND UNTIL THIS CASE IS
23 SUBMITTED TO YOU, YOU MUST NOT DISCUSS IT WITH ANYONE, NOT
24 EVEN A MEMBER OF YOUR OWN FAMILY, AND AFTER IT IS SUBMITTED
25 TO YOU, YOU MUST DISCUSS IT ONLY IN YOUR JURY ROOM WITH YOUR

1 FELLOW JURORS IT IS VERY IMPORTANT THAT EACH OF YOU KEEP AN
2 OPEN MIND AND NOT DECIDE THE CASE UNTIL THE ENTIRE MATTER HAS
3 BEEN SUBMITTED TO YOU UNDER MY INSTRUCTIONS AT THE CONCLUSION
4 OF THE CASE

5 IT WILL BE YOUR ADDED DUTY, MADAM FOREMAN OR FOREPERSON
6 OR FOREWOMAN, TO PRESIDE IN THE JURY ROOM JUST LIKE THE
7 CHAIRPERSON OF A COMMITTEE YOU'LL ALSO BE THE JURY ,
8 SPOKESPERSON OUT HERE IN THE COURTROOM IT WILL ALSO BE YOUR
9 DUTY TO WRITE THE VERDICT, BUT I WILL GIVE YOU INSTRUCTIONS
10 ABOUT HOW TO WRITE THE VERDICT IN MY CHARGE TO YOU ON THE LAW
11 AT THE CONCLUSION OF THE CASE

12 A COUPLE OF HOUSEKEEPING MATTERS AND WE START IF AT
13 ANY TIME A MEMBER OF MY JURY OR AN ALTERNATE JUROR CANNOT
14 HEAR, RAISE YOUR HAND FOR ME I'LL BE WATCHING YOU
15 THROUGHOUT THE TRIAL I WANT MY JURORS TO BE ABLE TO HEAR AT
16 ALL TIMES THROUGHOUT THE TRIAL OF THE CASE IF A DOCUMENT,
17 PHOTOGRAPH, MODEL OR SOMETHING LIKE THAT IS INTRODUCED INTO
18 EVIDENCE AS AN EXHIBIT AND YOU CANNOT HEAR -- I MEAN SEE THAT
19 EXHIBIT, RAISE YOUR HAND FOR ME I WANT YOU TO BE ABLE TO
20 HEAR AND TO SEE AS JURORS AT ALL TIMES THROUGHOUT THE TRIAL
21 OF THE CASE SO IF YOU CAN'T HEAR OR YOU CAN'T SEE, YOU LET
22 ME KNOW BY RAISING YOUR HAND I'LL BE WATCHING

23 NOW, MADAM FOREPERSON, WE DO NOT ALLOW JURORS NORMALLY
24 TO ASK QUESTIONS HERE IN THE COURTROOM IF AT ANY TIME A
25 MEMBER OF THE JURY HAS A QUESTION, HERE IS WHAT WE'LL DO IF

1 YOU'RE NOT ALREADY IN YOUR JURY ROOM, YOU'LL RETIRE TO YOUR
2 JURY ROOM YOU AS THE FOREPERSON WILL WRITE THE QUESTION ON
3 A PIECE OF PAPER YOU WILL GIVE IT TO MY BAILIFF THE
4 BAILIFF WILL BRING IT OUT TO ME I WILL THEN RULE AS A
5 MATTER OF LAW WHETHER OR NOT THE QUESTION CAN OR CANNOT BE
6 ANSWERED, JUST AS I WOULD ANY QUESTION ASKED BY EITHER ONE OF
7 THE ATTORNEYS DURING THE TRIAL OF THE CASE

8 I'VE TRIED IT BOTH WAYS I ASK THAT YOU DO NOT TAKE
9 WRITTEN NOTES YOU MIGHT WANT TO KNOW WHY I'VE FOUND THAT
10 IF THE WRITTEN NOTE-TAKER MAKES AN ERROR IN THE WRITTEN
11 NOTES, THE NOTES CAN BE HARMFUL RATHER THAN HELPFUL DURING
12 YOUR DELIBERATIONS THE TIME-TESTED SYSTEM IS FOR EACH OF
13 YOU TO LISTEN AND LISTEN CAREFULLY

14 NOW, I ASK THAT YOU -- IF YOU HAVE A CELL PHONE OR
15 BEEPER WHICH I THINK EVERYBODY SEEMS TO HAVE TODAY, DO NOT
16 BRING IT WITH YOU IT'S NOT PERMITTED IN YOUR JURY ROOM
17 IT'S NOT PERMITTED IN THE COURTROOM IT'S NOT JUST THE NOISE
18 INTERFERENCE I TOLD MY LAST JURY THIS STORY IN A COUNTY
19 FAR FROM HERE WE HAD A JURY GO OUT TO DELIBERATE YEARS AGO
20 BEFORE WE BANNED THEM, AND THE JURY WAS TALKING ABOUT A
21 MEDICAL ISSUE, AND ONE OF THE JURORS SAID, "WELL, YOU KNOW,
22 MY BROTHER IS A DOCTOR I'LL JUST CALL HIM ON MY CELL PHONE
23 AND ASK HIS OPINION " OBVIOUSLY, THAT'S IMPROPER YOU MUST
24 DECIDE THE CASE SOLELY UPON EVIDENCE INTRODUCED IN THIS
25 COURTROOM WHEN BOTH SIDES ARE PRESENT WITH THE RIGHT OF

1 CROSS-EXAMINATION SO NO CELL PHONES OR BEEPERS

2 NOW, LADIES AND GENTLEMEN, I ASK THAT YOU LISTEN

3 CAREFULLY TO THE LAWYERS THEY HAVE WORKED HARD TO PREPARE

4 THE CASE, ALTHOUGH WHAT THEY TELL YOU ISN'T EVIDENCE THEY

5 ARE SWORN TO TRY TO HELP YOU AS OFFICERS OF THIS COURT, AND I

6 DO NOT INTEND THAT WHAT I'VE JUST SAID TO YOU SHOULD BE

7 CONSTRUED BY YOU AS A CHARGE ON THE LAW I WILL CHARGE YOU

8 THE LAW, INCLUDING THE ELEMENTS OF THESE OFFENSES, AT THE

9 CONCLUSION OF THE CASE BUT WHAT I HAVE DONE IS TRY TO GIVE

10 YOU SOME IDEA OF THE ORDER WE'RE GOING TO PROCEED IN SO

11 YOU'LL HAVE SOME IDEA OF THE PROCEDURE THAT WE USE IN THE

12 COURTROOM SO YOU'LL HAVE -- BE ABLE TO FOLLOW ALONG AND KNOW

13 WHAT'S GOING ON DURING THE TRIAL OF THE CASE AND THAT YOU

14 HOPEFULLY FROM THESE REMARKS WILL HAVE A BETTER UNDERSTANDING

15 AS TO WHAT MAY BE HAPPENING IN THE COURTROOM FROM TIME TO

16 TIME

17 NEVERTHELESS, IN ORDER TO PRESERVE EVERYONE'S RIGHT,

18 I'LL GIVE THE PARTIES AN OPPORTUNITY TO TAKE EXCEPTION OR ASK

19 FOR ADDITIONS TO ANYTHING THAT I'VE SAID EXCEPTIONS OR

20 ADDITIONS FROM THE STATE?

21 MR MURDAUGH NONE, SIR

22 THE COURT FROM THE DEFENDANT?

23 MR HUGHES NONE, YOUR HONOR

24 THE COURT VERY WELL WE'LL NOW BEGIN THE TRIAL OF THE

25 CASE SOLICITOR?

1 MR MURDAUGH MAY IT PLEASE THE COURT?

2 THE COURT YES, SIR.

3 MR MURDAUGH MADAM FOREMAN, LADIES AND GENTLEMEN OF
4 THE JURY, I'M GOING TO BE REAL SHORT RIGHT NOW, BUT I'LL TELL
5 YOU IN TRYING A CASE I LIKE TO THINK OF IT AS BEING DIVIDED
6 INTO FOUR PARTS THE FIRST PART IS OPENING STATEMENTS, AND
7 OPENING STATEMENTS ARE SORT OF A ROADMAP FOR YOU TO FOLLOW.
8 DURING THIS TRIAL THE SECOND PART OF IT IS THE TESTIMONY
9 THAT WILL COME FROM THAT WITNESS STAND AND ANY PHYSICAL
10 EVIDENCE THAT MAY OR MAY NOT BE INTRODUCED THE THIRD PART
11 WILL BE CLOSING ARGUMENTS WHERE WE LAWYERS GET UP AND TELL
12 YOU OUR PROSPECTIVE SIDES THE LAST PHASE IS THE JUDGE
13 TELLING YOU WHAT THE LAW IS, AND YOU'VE GOT TO APPLY THE LAW
14 AS HE TELLS YOU

15 NOW, WE IN THIS CASE ARE TRYING THIS YOUNG MAN FOR
16 MURDER MURDER IS THE UNLAWFUL KILLING OF ANOTHER PERSON
17 WITH MALICE AFORETHOUGHT UNLAWFUL KILLING OF ANOTHER PERSON
18 WITH MALICE AFORETHOUGHT MALICE WILL BE DEFINED BY THE
19 JUDGE AS HAVING AN EVIL HEART, HAVING SOME REASON TO HURT AND
20 MAIM OR KILL SOMEBODY HE WILL TELL YOU THAT THERE ARE TWO
21 KINDS OF MALICE THERE IS EXPRESS MALICE SUCH AS IF I SAY,
22 "I'M GOING TO KILL YOU " THAT IS EXPRESS MALICE IF I USE A
23 PISTOL AND SHOOT YOU, THAT IS IMPLIED MALICE THE USE OF A
24 DEADLY WEAPON IN THE COMMISSION OF A MURDER IS IMPLIED MALICE
25 OF ITSELF AFORETHOUGHT THAT MEANS THAT AT THE TIME YOU DO

1 THE ACT THAT KILLED SOMEBODY, YOU HAVE TO HAVE IT IN YOUR
2 MIND TO KILL THEM DO YOU FOLLOW WHAT I'M SAYING?

3 IN ADDITION TO MURDER, WE ARE TRYING -- CHARGING HIM
4 WITH USE OF A DEADLY WEAPON DURING THE COMMISSION OF A
5 VIOLENT CRIME HIS HONOR WILL CHARGE YOU AT THE END OF THIS
6 CASE THAT MURDER IS A VIOLENT CRIME, AND IF HE USED -- IF HE
7 MURDERED HIM AND IF HE USED A WEAPON, THEN HE'S GUILTY OF THE
8 OTHER ONE USE OF A WEAPON IN A VIOLENT CRIME

9 NOW, THIS WILL BE AN EXTREMELY SHORT CASE Y'ALL WILL
10 BE THROUGH EARLY IN THE MORNING -- NOT EARLY IN THE MORNING
11 BECAUSE WE'RE NOT GOING TO COME BACK 'TIL 9 30 BUT IN THE
12 MORNING WE'VE GOT A DOCTOR COMING FROM CHARLESTON THAT
13 CAN'T BE HERE 'TIL TOMORROW, BUT WE'LL BE FINISHED WITH --
14 SHOULD BE FINISHED WITH ALL THE OTHER TESTIMONY TODAY

15 YOU WILL HEAR A FELLOW BY THE NAME OF BENNIE MITCHELL --
16 BENNIE JACKSON EXCUSE ME BENNIE JACKSON WILL TESTIFY THAT
17 ON THE 30TH DAY OF AUGUST, 2007, THAT HE WAS IN HIS YARD
18 WHICH IS RIGHT DOWN FROM FREEMAN STREET OVER IN FRONT OF THE
19 WESTINGHOUSE -- WELL, NOT WESTINGHOUSE NEVAMAR, WHATEVER IT
20 IS NOW I CAN'T KEEP UP WITH THEM, THEY CHANGE THEM SO MUCH
21 BUT OVER THERE GOING OUT 601

22 HE'S GOING TO SAY THAT HE HEARD A SHOT HE LOOKED UP
23 THERE WAS A FELLOW -- I THINK THIS IS WHAT HE'S GOING TO SAY
24 Y'ALL WILL HEAR IT WHEN HE GETS ON THE STAND A FELLOW
25 RUNNING DOWN THE STREET WITH A MAN RUNNING BEHIND HIM

1 SHOOTING HIM HE FELL ON THE GROUND AND HE CONTINUED
2 SHOOTING HIM, AND HE'S GOING TO SAY THAT THE PERSON THAT DID
3 IT WAS KNOWN AS BIRD YOU WILL HEAR EVIDENCE THAT BIRD IS
4 THE NICKNAME FOR COURTNEY SEASE, THE DEFENDANT IN THIS CASE

5 HE KILLED A FELLOW BY THE NAME OF DWAYNE SMITH YOU
6 WILL HEAR TESTIMONY FROM PETE LIGHT, A POLICEMAN IN HAMPTON,
7 WHO WAS THE FIRST OFFICER THAT GOT TO THE SCENE HE WILL
8 TELL YOU WHAT HE OBSERVED ABOUT THE DEAD -- THE FELLOW THAT
9 GOT SHOT HE WAS STILL ALIVE, HE WASN'T DEAD YOU WILL HEAR
10 TESTIMONY FROM PERRY MCALHANEY, THE CHIEF OF POLICE IN
11 HAMPTON, THAT HE CAME UP, AND WHEN HE CAME UP, HE TALKED WITH
12 DWAYNE SMITH

13 DWAYNE SMITH, IN WORDS TO THIS EFFECT -- THIS MAY NOT BE
14 THE EXACT VERBIAGE, BUT YOU'LL HEAR IT FROM THAT WITNESS
15 STAND HE SAYS, "AM I GOING TO DIE? IT'S BAD, ISN'T IT?"
16 PERRY SAID, "NO, SIR WE'VE GOT E M S COMING TO SEE YOU "
17 HE SAID, "YEAH, I KNOW IT'S BAD " HE SAID, "BIRD DID THIS TO
18 ME," AND PERRY SAID, "YOU MEAN COURTNEY SEASE?" BECAUSE HE
19 KNEW WHO BIRD WAS DANNY ZORN WHO LIVED IN THAT AREA HEARD
20 SHOTS, LOOKED UP, AND HE WILL TELL YOU WHAT HE SAW HE SAW
21 THE GUN BEING FIRED

22 BLUE BOLTON THEN WENT AND PICKED -- GOT COURTNEY SEASE
23 AND HE GAVE HIM HIS MIRANDA WARNINGS MIRANDA IS THAT THING
24 WHERE YOU HAVE TO ADVISE THE DEFENDANT, YOU KNOW, YOU HAVE A
25 RIGHT TO REMAIN SILENT IF YOU SAY ANYTHING, IT CAN BE USED

1 AGAINST YOU IN A COURT OF LAW YOU HAVE A RIGHT TO HAVE A
2 LAWYER PRESENT IF YOU CAN'T AFFORD A LAWYER, ONE WILL BE
3 APPOINTED TO REPRESENT YOU IF YOU START TALKING TO US AND
4 WANT TO QUIT, YOU CAN QUIT AT ANY TIME YOU WANT TO HE GAVE
5 HIM THOSE WARNINGS, AND HE ASKED HIM -- HE SAID, "DO YOU
6 UNDERSTAND THEM?" AND HE SAID, "YES, SIR, I UNDERSTAND
7 THEM "

8 HE SAID, "WHAT HAPPENED?" WITHOUT OFFERING ANY FORCE,
9 THREATS, DURESS OR ANYTHING OF THAT NATURE - THERE WAS NO
10 PROMISE OR HOPE OF REWARD - COURTNEY SEASE TOLD HIM -- SAYS,
11 PIE WAS -- CAME TO ME PIE IS DWAYNE SMITH PIE CAME TO ME
12 TO COLLECT SOME MONEY THAT I OWED HIM I TOLD HIM I DIDN'T
13 HAVE IT HE GRABBED ME WE WERE TUSSLING I FELT A GUN ON
14 HIM I TOOK THE GUN FROM HIM AND SHOT HIM

15 HE SAYS IT'S SELF-DEFENSE NOW, I TELL YOU HIS HONOR
16 WILL CHARGE YOU ON SELF-DEFENSE, LADIES AND GENTLEMEN OF THE
17 JURY, AND IT'S SOMETHING YOU NEED TO LISTEN TO WHILE YOU'RE
18 HEARING THIS TESTIMONY IN SELF-DEFENSE, IF YOU AREN'T IN
19 YOUR HOME, YOU HAVE A DUTY TO RETREAT IN OTHER WORDS, MADAM
20 JUROR, MADAM JUROR, MR JUROR OR ANY ONE OF YOU LADIES AND
21 GENTLEMEN, IF YOU AND I HAVE AN ALTERCATION AND YOU PULL A
22 GUN OUT AND YOU SHOOT ME WHILE I'M RUNNING, THAT AIN'T --
23 THAT AIN'T SELF-DEFENSE SELF-DEFENSE IS WHEN YOU'RE PUT IN
24 FEAR OF HARM HIS HONOR WILL CHARGE YOU ALL OF THAT, AND
25 I'LL TALK TO YOU MORE ABOUT IT LATER

OPENING STATEMENT BY MR HUGHES, 77

1 'FROM ALL OF THIS EVIDENCE YOU'RE GOING TO HAVE TO REACH
2 A VERDICT VERDICT' IS DERIVED FROM THE LATIN WORD VEREDICTO
3 WHICH MEANS TO SPEAK THE TRUTH THE TRUTH IN THIS CASE IS
4 WHAT YOU MUST DECIDE WE FEEL THAT THAT WILL BE MURDER AND
5 POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT
6 CRIME THANK YOU

7 THE COURT MR HUGHES?

8 MR HUGHES THANK YOU, YOUR HONOR IF IT PLEASE THE
9 COURT?

10 THE COURT YES, SIR

11 MR HUGHES GOOD AFTERNOON USUALLY BY THIS TIME I
12 BUTTON MY JACKET, BUT I HAD TOO NICE OF A LUNCH NOW, YOU
13 ARE THE JURY IN A MURDER TRIAL JURIES NEVER CEASE TO AMAZE
14 ME THERE ARE 12 OF YOU, AND YOU HAVE A TOTAL OF OVER 400
15 YEARS OF LIFE EXPERIENCE, OF KNOWLEDGE, OF COMMON SENSE
16 WHAT I WANT YOU TO DO RIGHT NOW IS THIS I WANT YOU TO THINK
17 IN YOUR HEAD, MAKE A LIST BASED UPON YOUR INDIVIDUAL LIFE
18 EXPERIENCE, YOUR INDIVIDUAL KNOWLEDGE, MAKE A LIST OF WHAT
19 YOU WOULD NEED TO HEAR OR NEED TO SEE IN ORDER TO CONVICT
20 SOMEONE OF MURDER

21 NOW, LIKE I SAID, THERE ARE 12 OF YOU EACH ONE OF YOU
22 BRINGS SOMETHING TO THIS JURY TO CONTRIBUTE AND TO HELP THE
23 OTHER MEMBERS OF THE JURY TO COME TO THE TRUTH KEEP THAT
24 LIST THAT YOU JUST CAME UP WITH IN MIND, AND IF YOU HEAR
25 SOMETHING THAT'S ON THAT LIST, CHECK IT OFF WHEN THIS IS

1 OVER, I'M GOING TO HAVE A CHANCE TO TALK TO YOU AGAIN, AND
2 WE'RE GOING TO GO BACK INTO THAT LIST AND YOU'RE GOING TO SEE
3 THAT A LOT OF THOSE BOXES DIDN'T GET CHECKED OFF AND YOU
4 DON'T HAVE THE EVIDENCE THAT YOU YOURSELF HAVE COME UP WITH
5 THAT YOU NEED TO CONVICT SOMEONE OF MURDER THANK YOU

6 MR MURDAUGH I CALL BENNIE MITCHELL -- JACKSON
7 EXCUSE ME I HAVE CALLED HIM BY THE WRONG NAME FOR THE LAST
8 TWO DAYS BENNIE JACKSON

9 BENNIE JACKSON, AFTER BEING DULY SWORN, TESTIFIED
10 AS FOLLOWS

11 THE COURT WATCH YOUR STEP HAVE A SEAT I WANT YOU
12 TO SPEAK INTO THAT MICROPHONE, THAT ONE THAT'S RIGHT THERE
13 BELOW YOU IT'S GOING TO AMPLIFY YOUR VOICE SO THE JURORS
14 CAN HEAR YOU

15 THE WITNESS I UNDERSTAND THAT

16 THE COURT I NEED YOU TO SPEAK UP THE OTHER ONE IS
17 RECORDING WHAT YOU SAY

18 THE WITNESS ALL RIGHT

19 THE COURT STATE YOUR FULL NAME FOR THE RECORD AND
20 SPELL YOUR LAST NAME FOR THE COURT REPORTER

21 THE WITNESS I'M BENNIE JACKSON MY LAST IS
22 J-A-C-K-S-O-N

23 THE COURT YOUR WITNESS, COUNSEL
24
25

DIRECT EXAMINATION

BY MR MURDAUGH

Q BENNIE, HOW OLD ARE YOU?

A SEVENTY-SIX

Q OKAY, SIR WHERE DO YOU LIVE BENNIE?

A AT IN HAMPTON

Q OKAY IS THAT NEAR FREEMAN STREET?

A RIGHT THERE THAT'S RIGHT

Q RIGHT NEXT TO IT?

A THAT'S RIGHT

Q OKAY, SIR I ASK YOU WHETHER OR NOT ON AUGUST THE 30TH
OF LAST YEAR, 2007, WHETHER OR NOT YOU WERE IN YOUR YARD

A I WAS IN MY YARD AT THAT PARTICULAR TIME, YES, SIR

Q DID YOU HEAR ANYTHING HAPPEN?

A I HEARD A SHOT RING OUT

Q WHEN YOU HEARD THE SHOT, WHAT DID YOU DO?

A I WENT IN THE HOUSE, AND WHEN I COME BACK I STILL SEE --
HEARD A SHOT BEING SHOT AT SOMEBODY

Q OKAY TELL THESE LADIES AND GENTLEMEN RIGHT HERE WHAT
YOU SAW AND WHAT YOU HEARD

A YEAH WELL, I WAS -- I JUST CAME UP TO MY CAR AND I WAS
SITTING THERE, AND THEN AFTER THE GUN -- I HEARD A GUN FIRE
AFTER THE GUN FIRED, THEN THE DECEASED -- I SAW HIM COME
RUNNING I LOOKED AT HIM, AND THE GUY I CALLED BIRD -- I
DON'T KNOW HIM SPECIFICALLY, BUT I KNOW ABOUT HIM BECAUSE

1 HE'S BEEN AROUND THE NEIGHBORHOOD HE WAS DOING A GUN LIKE
2 THAT SHOOTING HIM, AND THEN PIE WAS TELLING HIM, "DON'T KILL
3 ME DON'T KILL ME " HE KEPT SHOOTING HIM RIGHT ON, AND THEN
4 HE WENT UP ON HIM, CRAWLED UP FROM BY HIS TAHOE TO THE LITTLE
5 FORD ESCORT, AND THE GUY THAT WAS SHOOTING SHOT HIM TWICE
6 RIGHT THERE IN THE CHEST IF I'M NOT MISTAKEN, BUT I WAS ON MY
7 PORCH AT THAT PARTICULAR TIME

8 Q THE PERSON THAT YOU SAW SHOOTING THE GUN, DO YOU SEE HIM
9 IN THE COURTROOM?

10 A YEAH, RIGHT THERE YES, SIR

11 Q NOW, YOU LOOKED OVER TO YOUR LEFT WHO ARE YOU TALKING
12 ABOUT?

13 A THE GUY IN THE MIDDLE RIGHT THERE

14 Q AT THIS TABLE?

15 A YES, SIR, RIGHT THERE

16 Q ARE YOU TALKING ABOUT THE FELLOW THAT I JUST PUT MY HAND
17 ON HIS SHOULDER?

18 A YES, SIR

19 Q AND THAT'S THE MAN THAT HAD THE GUN THAT SHOT THE OTHER
20 FELLOW

21 A YEAH THAT'S RIGHT

22 Q THE ONE THAT GOT SHOT, WHAT WAS HIS NAME?

23 A WELL, I CALL HIM PIE HE WAS JUST A NICE GUY
24 THAT'S---

25 Q P-I-E?

1 A YEAH, PIE THAT'S ALL I KNOW ABOUT HIM NONE OF THEM
2 WAS MY FRIENDS, BUT I HAD SEEN THEM

3 Q OKAY DO YOU KNOW THIS FELLOW?

4 A YES, HE'S IN THE NEIGHBORHOOD RIGHT UP THE STREET FROM
5 ME YES

6 Q AND WHAT DO YOU KNOW HIM AS?

7 A BIRD

8 Q OKAY

9 A THAT'S ALL I KNOW BIRD

10 Q DID YOU SEE PIE DO ANYTHING TO BIRD TO CAUSE HIM TO
11 SHOOT HIM?

12 A NO, BECAUSE WHEN I DROVE BY, I DIDN'T SEE PIE DO NOTHING
13 TO HIM AT ALL AS FAR AS I

14 Q WHEN YOU SAW PIE, WHAT WAS HE DOING?

15 A HE WAS RUNNING A LITTLE BIT ON THAT CORNER, RIGHT ON THE
16 CORNER OF MR BRUNSON'S HOUSE

17 Q OKAY AND WHEN HE WAS RUNNING, WHAT WAS BIRD DOING?

18 A SHOOTING

19 Q WAS HE RUNNING AFTER HIM---

20 A YES, SIR

21 Q ---OR WHAT?

22 A RUNNING AFTER HIM, SHOOTING HIM

23 Q OKAY

24 A YEAH

25 Q DO YOU KNOW HOW MANY SHOTS WERE FIRED?

1 A NO, I DON'T REMEMBER. I THOUGHT IT WAS TWO. I THINK IT
2 HIT HIM IN THE BACK ONCE AND THEN TWICE IN THE CHEST IF I'M
3 NOT MISTAKEN---

4 Q OKAY

5 A ---AS FAR AS I KNOW RIGHT THERE

6 Q WHEN HE WAS RUNNING, DID HE STOP AND LAY DOWN OR WHAT
7 HAPPENED?

8 A NO HE GOT SHOT IN THE BACK AREA, AND HE FELL RIGHT BY
9 HIS TAHOE, AND THEN HE CRAWLED FROM THERE OVER TO THE NEXT
10 CAR'S DRIVEWAY AND THE GUY, BIRD, IS STEADY SHOOTING HIM

11 MR MURDAUGH ANSWER ANY QUESTIONS THAT MR HUGHES MAY
12 HAVE, PLEASE

13 THE COURT CROSS-EXAMINATION?

14 CROSS-EXAMINATION

15 BY MR HUGHES

16 Q MR JACKSON?

17 A YES, SIR

18 Q WHEN DID YOU TELL LAW ENFORCEMENT THIS?

19 A WHY DID I TELL THEM THAT?

20 Q WHEN

21 A WHEN I TOLD THE LAW ENFORCEMENT WHAT?

22 Q WHAT YOU SAW HAPPEN

23 A I TOLD LAW ENFORCEMENT THAT SAME DAY OR SOMETHING LIKE
24 THAT

25 Q DID YOU MAKE A STATEMENT?

1 A NO, I DIDN'T MAKE NO STATEMENT I JUST TOLD THEM THAT'S
2 WHAT I SAW, AND THAT WAS IT

3 Q WHEN DID LAW ENFORCEMENT APPROACH YOU ABOUT MAKING A
4 STATEMENT TODAY?

5 A WELL, I WAS -- I WAS -- THEY CALLED ME OUTSIDE THAT DAY
6 AND I SPOKE TO THEM, BUT I HAD ALREADY KNEW BECAUSE THEY HAD
7 ALREADY KNEW THAT I WAS COMING

8 Q OKAY WHEN DID THEY TALK TO YOU, SIR?

9 A WELL, I TALKED TO ONE OF THEM THE OTHER DAY ABOUT COMING
10 TO COURT

11 Q OKAY DO YOU REMEMBER TALKING TO ME ON MONDAY?

12 A SURE WHY SURE I DID I TALKED TO YOU INSIDE THE BACK
13 THERE, YEAH

14 Q YES, SIR DO YOU REMEMBER WHAT YOU TOLD ME?

15 A YEAH, I THINK I DO, WHAT I TOLD YOU YOU WERE LIKE, "GO
16 AHEAD "

17 Q DIDN'T YOU TELL ME THAT YOU DIDN'T ACTUALLY SEE ANYBODY
18 GET SHOT? ALL YOU SAW WAS SOMEBODY NAMED BIRD RUNNING WITH A
19 GUN?

20 A I TOLD YOU I DIDN'T SEE NOBODY GET SHOT? NO, I DON'T
21 RECALL THAT, SIR I RECALL I WAS SAYING THAT I KNOW THE GUY
22 THAT WAS RUNNING PIE WAS RUNNING, AND BIRD WAS RUNNING
23 BEHIND HIM WITH THE GUN, AND I GOT SO UPSET I COULDN'T HARDLY
24 (UNINTELLIGIBLE WORDS SPOKEN),

25 Q NOW, YOU TOLD LAW ENFORCEMENT WHEN ORIGINALLY?

1 A WELL, I TALKED TO ONE OF THE OFFICERS NOT TOO LONG AGO
2 THAT I WOULD BE UP HERE

3 Q OKAY YOU TALKED TO ONE NOT LONG AGO THAT YOU WANTED TO
4 BE UP HERE

5 A I DIDN'T WANT TO BE UP HERE THEY WANT ME TO COME, SO I
6 THOUGHT IT WAS THE RIGHT THING TO DO TO TELL THE TRUTH AND
7 THAT'S WHAT I COULD DO

8 Q DID YOU TELL LAW ENFORCEMENT THE DAY IT HAPPENED?

9 A I DIDN'T MENTION THAT THE DAY IT HAPPENED BECAUSE I
10 REALLY WAS -- I KNOW JUST ABOUT -- I DON'T KNOW EXACTLY WHAT
11 DAY, BUT I KNOW IT WAS ON A THURSDAY AFTERNOON AROUND ABOUT
12 3 30 OR 4 00, IF I'M NOT MISTAKEN

13 Q OKAY SO WHAT YOU'RE TELLING THE JURY IS THAT FROM
14 AUGUST 30TH UNTIL A COUPLE OF WEEKS AGO YOU DIDN'T TELL
15 ANYBODY ABOUT THIS

16 A NO, I DIDN'T TALK TO NOBODY ABOUT IT AT THAT PARTICULAR
17 TIME ALL I KNEW, I COULD COME UP HERE

18 Q SO YOU CAME UP HERE ON MONDAY

19 A THAT'S RIGHT

20 Q AND YOU AND I TALKED

21 A YOU SPOKE TO ME ON MONDAY

22 Q AND DO YOU REMEMBER WHAT YOU TOLD ME?

23 A YEAH, I REMEMBER JUST WHAT EXACTLY

24 Q NOW, ON MONDAY YOU DIDN'T TELL ME YOU SAW ANYBODY BEING
25 SHOT, DID YOU?

1 A I DIDN'T TELL YOU THAT?

2 Q OKAY ON MONDAY YOU JUST SAID YOU SAW SOMEBODY WITH A
3 GUN ISN'T THAT WHAT YOU TOLD ME MONDAY?

4 A I THOUGHT I MENTIONED THE SAME THING I JUST WAS TELLING
5 THE JURY IN THE COURT NOW IF I DIDN'T, THEN -- BUT THAT'S
6 EXACTLY WHAT I SAY, AND THAT'S WHAT I SAW, EXACTLY WHAT I
7 SEEN JUST WHAT I'M SAYING

8 Q BUT YOU DIDN'T TELL LAW ENFORCEMENT THIS THE DAY IT
9 HAPPENED

10 A NO, I DIDN'T TELL LAW ENFORCEMENT -- THE DAY IT
11 HAPPENED? NO, BECAUSE THE LAW ENFORCEMENT -- I WAS IN MY
12 HOUSE

13 Q NOW, YOU TESTIFIED EARLIER THAT YOU HEARD A GUNSHOT AND
14 THEN YOU WENT INSIDE

15 A THAT'S RIGHT

16 Q HOW LONG WERE YOU INSIDE?

17 A JUST A MINUTE AND I PEEP BACK OUT, AND THAT'S WHEN PIE
18 WAS LAYING DOWN BY THE TRUCK

19 Q OKAY SO YOU WEREN'T OUTSIDE WHEN YOU SAW SOMEBODY GET
20 SHOT

21 A WAS I OUTSIDE? I WENT IN FOR A MINUTE AND THEN I CAME
22 BACK OUT TO SEE WHAT WAS GOING ON, YEAH

23 Q I'M TRYING TO MAKE SURE I UNDERSTAND THIS YOU HEARD A
24 SHOT YOU DIDN'T SEE ANYTHING YOU WENT INSIDE YOU STAYED
25 THERE AND YOU PEEKED OUT THE WINDOW, AND YOU SAW PIE ON THE

1 GROUND

2 A YEAH WHEN I WENT INSIDE -- BEFORE I WENT INSIDE MY
3 HOME, THE GUN WAS SHOOTING THEN, AND THEN I WENT INSIDE THE
4 HOUSE AND I DIDN'T WANT ONE TO HIT ME OKAY? AND THEN WHEN
5 I COME OUT, BIRD WAS RUNNING ACROSS THE GRASS AND SHOOTING AT
6 PIE, AND THAT'S WHAT HE DID HE WAS SHOOTING AT -- PIE WAS
7 BEGGING HIM, "DON'T KILL ME " THAT'S WHAT HE WAS SAYING

8 MR HUGHES NO FURTHER QUESTIONS, YOUR HONOR

9 MR MURDAUGH I HAVE NO QUESTIONS YOU MAY COME DOWN
10 I CALL DANNY ZORN

11 THE COURT AS TO THIS WITNESS, SOLICITOR, MAY HE BE
12 EXCUSED?

13 MR MURDAUGH YES, SIR

14 THE COURT ANY OBJECTION---

15 MR HUGHES NO OBJECTION

16 THE COURT ---MR HUGHES?

17 MR HUGHES NO OBJECTIONS, YOUR HONOR

18 THE COURT YOU MAY LEAVE THE COURTROOM, AND YOU ARE
19 EXCUSED

20 MR MURDAUGH DANNY ZORN

21 WILLIAM DANNY ZORN, AFTER BEING DULY SWORN,
22 TESTIFIED AS FOLLOWS

23 THE COURT HOW ARE YOU DOING? HAVE A SEAT MAKE
24 YOURSELF COMFORTABLE I WANT YOU TO USE THAT MICROPHONE
25 RIGHT BELOW YOU THERE IT'S GOING TO AMPLIFY YOUR VOICE

1 SPEAK INTO THAT SO THAT MY JURORS ON THE BACK ROW BACK THERE
2 ALL THE WAY IN THE BACK CAN HEAR YOU, AND IF YOU'D BEGIN BY
3 STATING YOUR FULL NAME AND SPELLING YOUR LAST NAME FOR THE
4 COURT REPORTER

5 THE WITNESS WILLIAM DANNY ZORN, Z-O-R-N

6 THE COURT YOU NEED TO SPEAK UP A LITTLE BIT FOR ME,
7 MR ZORN THEY NEED TO BE ABLE TO HEAR YOU PROCEED YOUR
8 WITNESS, COUNSEL

9 DIRECT EXAMINATION

10 BY MR MURDAUGH

11 Q DANNY, WHERE DO YOU LIVE?

12 A HAMPTON

13 Q IS THAT ACROSS FROM WESTINGHOUSE?

14 A RIGHT

15 Q OR WHAT USED TO BE WESTINGHOUSE?

16 A RIGHT

17 Q IS IT NEAR RIVERS STREET -- FREEMAN?

18 A YEAH, THE STREET RIGHT DOWN THE STREET FROM ME

19 Q OKAY, SIR I ASK YOU WHERE DO YOU WORK?

20 A THE TOWN OF HAMPTON

21 Q OKAY HOW LONG HAVE YOU WORKED THERE?

22 A FIVE YEARS

23 Q OKAY, SIR I ASK YOU WHETHER OR NOT ON AUGUST THE 30TH,
24 2007, YOU WERE AT YOUR HOUSE

25 A RIGHT

1 Q DID AN INCIDENT TAKE PLACE THERE THAT DAY?

2 A YES, SIR

3 Q WILL YOU TELL THESE LADIES AND GENTLEMEN ON THE JURY
4 WHAT YOU SAW, HEARD, ANYTHING ELSE?

5 A WELL, I WAS IN MY BACKYARD---

6 Q CAN Y'ALL ALL HEAR?

7 JUROR HUH-UH

8 THE WITNESS I WAS IN MY BACKYARD CHECKING A TRAILER TO
9 MAKE SURE I HAD THE RIGHT TRAILER BALL, AND I HEARD LIKE A
10 FIRECRACKER WENT OFF, AND I WONDERED WHO IN THE DEVIL WAS
11 SHOOTING FIRECRACKERS THIS TIME OF YEAR, AND I STOOD UP AND I
12 SEEN THIS MAN RUNNING, AND HE TURNED AROUND AND PUT HIS HANDS
13 UP LIKE THAT, SAID, "MAN, DON'T SHOOT ME NO MORE " AND THEN
14 I SEEN THIS FELLOW WITH THE GUN LIKE THIS AND HE STARTED
15 SHOOTING, AND HE FELL ON THE GROUND AND THEN HE WALKED UP TO
16 HIM AND STARTED JUST (MOTIONING) HAMMERING THE PISTOL INTO
17 HIM THEN HE TURNED AROUND AND WENT -- AND WENT TO WALK BACK
18 TOWARD THAT HOUSE ON THE CORNER AND HE LOOKED OVER AND SEEN
19 ME, AND HE BROKE OUT AND STARTED RUNNING, AND HE RUN BEHIND
20 THE HOUSE AND I DIDN'T SEE HIM ANYMORE

21 BY MR MURDAUGH

22 Q OKAY AFTER HE SHOT ALL THE BULLETS OUT OF THE GUN,
23 WHAT DID HE DO?

24 A HE LOOKED LIKE HE JUST KEPT PULLING THE TRIGGER THREE OR
25 FOUR OR FIVE TIMES

1 Q AND WHERE WAS THE FELLOW THAT HE WAS POINTING AT?

2 A ON THE GROUND TRYING TO GET UP UNDER A CAR THAT WAS
3 THERE

4 Q DO YOU KNOW WHO IT WAS THAT DID THE SHOOTING?

5 A NOT AT THAT TIME, NO

6 Q DO YOU SEE HIM IN THE COURTROOM TODAY?

7 A YES, SIR

8 Q WHERE IS HE?

9 A RIGHT YONDER

10 Q YOU'RE POINTING TO A FELLOW OVER HERE

11 A WITH THE -- WITH THE DREADLOCKS

12 Q ARE YOU TALKING ABOUT THIS FELLOW I'M PUTTING MY HAND ON
13 HIS SHOULDER?

14 A YES, SIR

15 Q THAT'S WHO DID THE SHOOTING?

16 A YES, SIR

17 Q DID YOU KNOW THE FELLOW THAT GOT SHOT?

18 A NO, SIR, I DIDN'T KNOW HIM EITHER

19 Q IS THE PLACE THAT THIS SHOOTING TOOK PLACE -- IS THAT IN
20 HAMPTON COUNTY?

21 A YES, SIR

22 MR MURDAUGH OKAY THANK YOU, SIR ANSWER ANY
23 QUESTIONS MR HUGHES MAY HAVE

24 THE COURT CROSS-EXAMINATION?

25

CROSS-EXAMINATION

1
2 BY MR HUGHES

3 Q MR ZORN?

4 A YES, SIR

5 Q AFTER YOU GAVE A STATEMENT TO POLICE, DID THEY SHOW YOU
6 SOME PICTURES?

7 A NO, SIR

8 Q THEY NEVER SHOWED YOU

9 A NO, SIR

10 Q DID ANYBODY EVER ASK YOU TO TRY TO IDENTIFY SOMEONE THAT
11 YOU SAW?

12 A AT THE TIME? NO

13 Q ALL RIGHT HOW ABOUT BETWEEN THEN AND NOW?

14 A I HAVEN'T SPOKE TO ANYBODY SINCE THEN

15 Q OKAY AND HOW DID YOU DESCRIBE THE PERSON YOU SAW DOING
16 THE SHOOTING?

17 A SIR?

18 Q WHEN YOU WERE ASKED BY LAW ENFORCEMENT TO DESCRIBE THE
19 PERSON YOU SAW DOING THE SHOOTING, HOW DID YOU DESCRIBE THEM?

20 A I DIDN'T AT THAT TIME I -- I WAS SO UPSET I COULDN'T
21 HAVE IDENTIFIED ANYBODY

22 Q DID YOU EVER ATTEMPT TO IDENTIFY HIM OTHER THAN TODAY?

23 A NO, SIR

24 Q HAD YOU EVER SEEN MY CLIENT BEFORE?

25 A YES, SIR JUST BEFORE THE SHOOTING HE WALKED IN FRONT

PETER LIGHT - DIRECT EXAM BY MR. MURDAUGH 91

1 OF MY HOUSE AND I SPOKE TO HIM AND HE SPOKE TO ME AND

2 MR HUGHES OKAY NO FURTHER QUESTIONS AT THIS TIME,

3 YOUR HONOR

4 THE COURT REDIRECT?

5 MR MURDAUGH YOU MAY COME DOWN MAY MR ZORN BE

6 EXCUSED?

7 THE COURT ANY OBJECTION, MR HUGHES?

8 MR HUGHES NO, YOUR HONOR

9 THE COURT YOU MAY STEP DOWN, MR ZORN YOU ARE

10 EXCUSED FROM THE COURTROOM CALL YOUR NEXT WITNESS

11 MR MURDAUGH PETE LIGHT

12 PETER A LIGHT, AFTER BEING DULY SWORN, TESTIFIED

13 AS FOLLOWS

14 THE COURT PULL THAT CHAIR UP MAKE YOURSELF

15 COMFORTABLE, MR LIGHT STATE YOUR FULL NAME AND SPELL YOUR

16 LAST NAME FOR THE RECORD

17 THE WITNESS PETER ALLEN LIGHT, L-I-G-H-T

18 DIRECT EXAMINATION

19 BY MR MURDAUGH

20 Q MR LIGHT, ARE YOU EMPLOYED BY THE HAMPTON POLICE

21 DEPARTMENT AS AN OFFICER?

22 A YES, I AM

23 Q AND DO YOU HOLD ANY RANK?

24 A I'M A SERGEANT

25 Q OKAY, SIR I ASK YOU WHETHER OR NOT YOU WERE SO

1 EMPLOYED ON THE 30TH DAY OF AUGUST, 2007

2 A YES, SIR

3 Q OKAY, SIR DID YOU HAVE AN OCCASION TO ANSWER A CALL ON
4 FREEMAN STREET IN HAMPTON?

5 A YES, SIR

6 Q OKAY, SIR DO YOU KNOW WHAT TIME YOU GOT THE CALL?

7 A I BELIEVE IT WAS 15 52

8 Q TELL ME---

9 A 3 52 IN THE AFTERNOON

10 Q 3 52 I'M BAD ABOUT THOSE NUMBERS, SIR 3 52 WHAT
11 TIME DID YOU GET TO WHATEVER HAPPENED ON FREEMAN STREET?

12 A 3 55 THREE MINUTES

13 Q THREE MINUTES OKAY, SIR WHEN YOU ARRIVED, WHAT DID
14 YOU OBSERVE?

15 A I OBSERVED A MAN LAYING ON THE GROUND, HALF IN THE
16 STREET AND HALF IN THE DIRT PORTION OF THE SHOULDER OF THE
17 ROAD ON FREEMAN STREET ABOUT PROBABLY 30 FEET FROM RIVERS
18 AVENUE

19 Q OKAY, SIR WHAT DID YOU -- DID YOU OBSERVE ANYTHING
20 ABOUT HIM?

21 A HE HAD TWO PUNCTURE WOUNDS TO THE FRONT OF HIS BODY

22 Q OKAY, SIR AND DO YOU REMEMBER APPROXIMATELY WHERE THEY
23 WERE?

24 A IN THE CHEST AND ABDOMEN AREA WITHIN HERE

25 Q OKAY, SIR AND DID PERRY -- DID ANOTHER OFFICER COME UP

1 ALMOST AT THE SAME TIME OR SHORTLY THEREAFTER?

2 A RIGHT SHORTLY AFTER I'D SAY WITHIN -- WITHIN A MINUTE

3 Q OKAY, SIR AND WHO WAS THAT?

4 A CHIEF MCALHANEY

5 MR MURDAUGH OKAY, SIR THANK YOU ANSWER ANY

6 QUESTIONS MR HUGHES MAY HAVE

7 THE COURT CROSS-EXAMINATION?

8 CROSS-EXAMINATION

9 BY MR HUGHES

10 Q SERGEANT LIGHT, AS THE FIRST OFFICER ON THE SCENE, WERE
11 YOU THEN THE OFFICER IN CHARGE?

12 A FOR THAT MOMENT, YES, I WAS

13 Q OKAY WHOSE JOB WAS IT TO WRITE THE INCIDENT REPORT ON
14 THIS INCIDENT?

15 A I WROTE THE INITIAL INCIDENT REPORT

16 Q WHAT IS ENTAILED IN WRITING AN INCIDENT REPORT?

17 A WHO, WHAT, WHY, WHEN, AND WHERE

18 Q OKAY YOU SAID THE INITIAL INCIDENT REPORT WHOSE JOB
19 WAS IT TO WRITE THE NEXT INCIDENT REPORT?

20 A SUPPLEMENTAL INCIDENT REPORTS ARE WRITTEN AS THE CASE
21 GOES ON IN THIS CASE IT WASN'T WRITTEN UP AS A HOMICIDE AT
22 THAT TIME BECAUSE THE VICTIM WAS STILL ALIVE

23 Q OKAY AS THE OFFICER IN CHARGE AND THE PERSON
24 RESPONSIBLE FOR WRITING THE INCIDENT REPORT, WAS IT YOUR JOB
25 TO GET STATEMENTS FROM ANYBODY AND EVERYBODY AROUND?

1 A NOT AT THAT TIME MY JOB WAS TO SECURE THE SCENE, GET
2 MEDICAL HELP FOR THE VICTIM AND BE WITH THE VICTIM

3 Q OKAY AFTER THE VICTIM HAD BEEN TRANSPORTED, THEN WAS
4 THAT YOUR JOB?

5 A NO, SIR MY JOB WAS -- BY ORDERS OF THE CHIEF WAS TO
6 PURSUE THE SUSPECT THE CHIEF TOOK OVER AS THE PERSON IN
7 CHARGE OF THE SCENE

8 Q SO THEN IT WOULD BE THE CHIEF'S JOB TO MAKE SURE THAT
9 ANYTHING ELSE GOT WRITTEN UP AND ANYBODY ELSE GOT
10 INTERVIEWED

11 A THE CHIEF OR HIS LEAD INVESTIGATOR

12 Q AND WHO WOULD THAT BE?

13 A MAJOR BOLTON

14 MR HUGHES NO FURTHER QUESTIONS AT THIS TIME NO
15 FURTHER QUESTIONS, YOUR HONOR

16 THE COURT REDIRECT?

17 MR MURDAUGH NO REDIRECT, SIR, AND HAVE NO OBJECTION
18 TO MR LIGHT BEING EXCUSED

19 THE COURT ANY OBJECTION, MR HUGHES?

20 MR HUGHES NO, YOUR HONOR

21 THE COURT MR LIGHT, YOU MAY STEP DOWN FROM THE
22 WITNESS STAND, AND YOU ARE EXCUSED FROM THE COURTROOM

23 MR MURDAUGH PERRY MCALHANEY

24 THE COURT CALL YOUR NEXT WITNESS

25 PERRY MCALHANEY, AFTER BEING DULY SWORN, TESTIFIED

1 AS FOLLOWS

2 THE COURT HAVE A SEAT AND MAKE YOURSELF COMFORTABLE

3 SPELL YOUR LAST NAME FOR THE COURT REPORTER

4 THE WITNESS LAST NAME IS MCALHANEY, M-C-A-L-H-A-N-E-Y

5 THE COURT YOUR WITNESS, COUNSEL

6 DIRECT EXAMINATION

7 BY MR MURDAUGH

8 Q YOU ARE THE CHIEF OF POLICE OF THE TOWN OF HAMPTON?

9 A YES, SIR

10 Q AND HOW LONG HAVE YOU BEEN THE CHIEF?

11 A SINCE 2000

12 Q OKAY, SIR PRIOR TO THAT, WHERE DID YOU WORK?

13 A HAMPTON POLICE DEPARTMENT

14 Q AS A POLICEMAN?

15 A YES, SIR

16 Q OKAY, SIR PERRY, MR MCALHANEY, CHIEF MCALHANEY, DID
17 ON THE 30TH DAY OF AUGUST, 2007, YOU HAVE AN OCCASION TO
18 ANSWER A CALL FOR AN INCIDENT THAT OCCURRED ON FREEMAN STREET
19 IN THE TOWN OF HAMPTON?

20 A YES, SIR

21 Q OKAY, SIR DO YOU KNOW WHAT TIME THAT WAS?

22 A MUST HAVE BEEN AROUND 3 50, 3 52, SOMEWHERE IN THAT
23 AREA

24 Q OKAY, SIR HOW LONG DID IT TAKE YOU TO GET TO THE
25 SCENE?

1 A THREE OR FOUR MINUTES

2 Q OKAY, SIR WAS PETE LIGHT THERE WHEN YOU GOT THERE?

3 A YES, SIR

4 Q HAD THE E M S MAN GOT THERE WHEN YOU GOT THERE?

5 A NO, SIR, I DON'T BELIEVE SO

6 Q OKAY, SIR DESCRIBE TO THE LADIES AND GENTLEMEN ON THE
7 JURY WHAT YOU OBSERVED WHEN YOU ARRIVED AT FREEMAN STREET

8 A WHEN I ARRIVED, I SAW A YOUNG GENTLEMAN LAYING IN THE
9 ROAD DOWN FREEMAN STREET A LITTLE WAYS WHEN I APPROACHED
10 HIM, HE WAS KIND OF LAYING ON HIS -- ON HIS LEFT BACK HE
11 APPEARED TO HAVE MULTIPLE GUNSHOT WOUNDS

12 Q OKAY DID YOU HAVE AN OCCASION TO TALK WITH HIM?

13 A YES, SIR

14 MR HUGHES YOUR HONOR, I---

15 THE COURT JUST A MOMENT SUBJECT TO MY EARLIER
16 RULING, THE SAME GROUNDS AS WE

17 MR HUGHES YES, SIR

18 THE COURT OVERRULED YOU MAY PROCEED, AND YOU MAY
19 ANSWER THE QUESTION

20 BY MR MURDAUGH

21 Q TELL US ABOUT YOUR CONVERSATION WHAT DID HE SAY AND
22 WHAT DID YOU SAY?

23 A I WALKED UP TO HIM AND HE SAID, "BIRD SHOT ME, MAN " I
24 SAID, "BIRD?" HE SAID, "COURTNEY SEASE " AND I SAID,
25 "COURTNEY SEASE?" HE SAID, "YEAH, BIRD COURTNEY SEASE,"

1 AND HE SAID, "IT'S BAD, MAN IT'S BAD," AND I SAID, "NO,
2 YOU'RE GOING TO BE ALL RIGHT " HE SAID, "NO, IT'S BAD, MAN "
3 I SAID, "YOU'RE GOING TO BE ALL RIGHT, MAN WE GOT E M S
4 COMING YOU KNOW, JUST HANG ON," BUT I COULD TELL THAT IT
5 WAS BAD

6 Q DID HE ASK YOU ANYTHING?

7 A HE SAID, "AM I GOING TO BE OKAY?" BUT, YOU KNOW, I
8 COULDN'T TELL HIM ANY DIFFERENT SO I WAS HOPING THAT HE
9 WOULD, BUT I KNEW IT WAS BAD

10 MR MURDAUGH THANK YOU ANSWER ANY QUESTIONS MR
11 HUGHES MAY HAVE

12 THE COURT CROSS-EXAMINATION?

13 CROSS-EXAMINATION

14 BY MR HUGHES

15 Q CHIEF MCALHANEY, DID YOU WRITE UP A REPORT ON THIS?

16 A NO, SIR THE OFFICER THAT INITIALLY RESPONDED TO THE
17 CALL WROTE THE REPORT

18 Q OKAY WAS IT HIS JOB TO GET INFORMATION FROM YOU AS TO
19 WHAT WAS SAID BY THE -- MR SMITH?

20 A NO, SIR IT WAS HIS JOB TO GET INFORMATION ALONG WITH
21 EVERYBODY THAT RESPONDED ON THE SCENE

22 Q SO THE REPORT THAT -- DID ANYBODY WRITE DOWN WHAT MR
23 SMITH SAID?

24 A I DID NOT, NO, SIR

25 Q WHO WAS THE OFFICER ON CHARGE AT THE SCENE?

1 A AFTER I GOT THERE, THAT WOULD BE ME, YES, SIR

2 Q WHAT DID YOU TELL YOUR PEOPLE TO DO?

3 A I TOLD THEM TO SECURE THE SCENE WE GOT THE DOGS OUT
4 WE GOT POTENTIAL WITNESSES, GOT STATEMENTS FROM THEM THE
5 DOGS CAME IN THEY TRACKED FOR AWHILE WE WENT HOUSE TO
6 HOUSE LOOKING FOR WITNESSES OR THEY DID, GATHERED ALL THE
7 EVIDENCE THAT WE COULD FIND FROM THE TIME AND WITNESSES THAT
8 WERE THERE

9 Q WHO WAS IN CHARGE OF INTERVIEWING THE WITNESSES?

10 A THERE WERE DIFFERENT PEOPLE IT DEPENDS ON WHICH
11 WITNESS

12 Q DO YOU KNOW MR BENNIE JACKSON?

13 A YES, SIR

14 Q WHOSE JOB WAS IT TO INTERVIEW HIM?

15 A I DON'T THINK WE SPOKE TO MR BENNIE JACKSON THAT DAY

16 Q DO YOU KNOW WHERE HE LIVES?

17 A YES, SIR

18 Q HOW CLOSE TO THE INCIDENT WAS THIS?

19 A VERY CLOSE

20 Q OKAY NOBODY KNOCKED ON HIS DOOR NOBODY WENT OVER TO
21 SEE IF HE HEARD OR SAW ANYTHING?

22 A I'M PRETTY SURE THEY DID, BUT I DON'T KNOW EXACTLY
23 BECAUSE I WASN'T THERE, YOU KNOW, WHEN THEY WENT TO HIS
24 HOUSE, SO I'M NOT SURE EXACTLY WHAT WENT ON I WAS THERE AT
25 THE SCENE WITH THE DOGS AT THAT TIME

1 Q HOW ABOUT MR. DANNY ZORN? DO YOU KNOW HIM?

2 A YES, SIR

3 Q DO YOU KNOW WHERE HE LIVES?

4 A YES, SIR

5 Q HOW CLOSE TO THIS LOCATION IS WHERE HE LIVES?

6 A VERY CLOSE

7 Q DO YOU KNOW IF ANYBODY WENT AND INTERVIEWED HIM?

8 A YES, SIR I WAS STANDING THERE WHEN HE CAME UP

9 Q OKAY HE CAME UP AND GAVE A STATEMENT

10 A YES, SIR

11 Q WAS IT WRITTEN DOWN?

12 A YES, SIR

13 Q WAS ANYBODY ELSE'S STATEMENT WRITTEN DOWN?

14 A I'M NOT SURE I'D HAVE TO LOOK TO SEE WHO ACTUALLY GAVE
15 A WRITTEN STATEMENT, BUT I KNOW FOR SURE MR ZORN DID AT THAT
16 TIME

17 Q DO YOU KNOW IF MR ZORN EVER HAD ANY -- DID ANYBODY EVER
18 SHOW HIM A PHOTO LINE-UP?

19 A I'M NOT AWARE IF THEY DID OR NOT, SIR

20 Q BEGGING THE COURT'S INDULGENCE NOW, CHIEF, IF THERE
21 WAS A PHOTO LINE-UP, WHO WOULD HAVE DONE IT?

22 A I'M NOT -- I'M NOT AWARE WHETHER THEY SHOWED HIM A PHOTO
23 LINE-UP OR NOT

24 Q BUT IF THERE HAD BEEN

25 A MAJOR BOLTON WOULD HAVE PROBABLY BEEN IN CHARGE OF THAT

1 Q MAJOR BOLTON NOW, WHEN -- LET'S GO BACK TO THE SCENE
2 FOR JUST A SECOND AFTER YOU HAD TALKED TO MR SMITH, DID
3 YOU TAKE ANY PERSONAL BELONGINGS OF HIS?

4 A NO, SIR

5 Q DID MR SMITH HAVE A CELL PHONE?

6 A YES, SIR

7 Q DO YOU KNOW WHAT HAPPENED TO THAT CELL PHONE?

8 A WE HAVE IT IN OUR POSSESSION

9 Q DID YOU CHECK AND SEE WHAT NUMBERS WERE ON THAT CELL
10 PHONE?

11 A NO, SIR, I DID NOT AT A LATER POINT, NOT AT THE SCENE
12 -- AT A LATER POINT WE ACQUIRED THE PHONE IT WAS SENT TO
13 S L E D , AND SOMEONE AT S L E D LOOKED THAT OVER, BUT, NO,
14 SIR, I DIDN'T -- I MYSELF DIDN'T CHECK ANY NUMBERS

15 Q AND YOU DIDN'T WRITE A REPORT BASED ON WHAT YOU HEARD OR
16 SAID YOU HEARD MR SMITH SAY

17 A NO, SIR, I HAVE NOT DID A WRITTEN REPORT NO, SIR

18 Q IS IT THE -- WHO SETS THE POLICY FOR THE HAMPTON CITY
19 POLICE DEPARTMENT

20 A WE DO

21 Q WE BEING?

22 A THE GOVERNING BODY, MOSTLY MUNICIPAL ASSOCIATION

23 Q IS IT THE POLICY OF THE HAMPTON POLICE DEPARTMENT TO
24 WRITE REPORTS ON INCIDENTS THAT HAPPEN IN HAMPTON?

25 A THE POLICY IS THE FIRST OFFICER ON THE SCENE WRITES THE

1 INCIDENT REPORT, TURNS IT OVER TO THE DETECTIVE DIVISION
2 WHICH IS MAJOR BOLTON AND THEY DO THE REST

3 Q OKAY WOULD MAJOR BOLTON'S JOB BE TO INTERVIEW ANYBODY
4 THAT HAD A CHANCE TO TALK WITH MR SMITH?

5 A NO, SIR, THAT WOULD BE THE SOLICITOR, AND I'VE HAD THAT
6 CONVERSATION WITH HIM

7 Q BUT DURING MAJOR BOLTON'S INVESTIGATION, IS HE
8 RESPONSIBLE FOR TALKING WITH PEOPLE THAT HAD A CONVERSATION
9 WITH MR SMITH?

10 A UPON THE SOLICITOR'S REQUEST, HE PROBABLY WOULD BE

11 Q DID MAJOR BOLTON EVER DISCUSS THIS CASE WITH YOU,
12 SPECIFICALLY WHAT MR SMITH SAID?

13 A. PRIOR TO THE COURT WEEK?

14 Q YES, SIR

15 A WE MAY HAVE, YES, SIR I'M NOT SURE OF THAT

16 Q DID MAJOR BOLTON EVER TRY TO GET FROM YOU ANY
17 INFORMATION AS TO WHAT MR SMITH SAID?

18 A I DON'T THINK SO

19 MR HUGHES THANK YOU, CHIEF NO FURTHER QUESTIONS

20 MR MURDAUGH THE CHIEF CAN BE EXCUSED, IF YOUR HONOR
21 PLEASE

22 THE COURT ANY OBJECTION, MR HUGHES?

23 MR HUGHES NO, YOUR HONOR NO OBJECTIONS

24 MR MURDAUGH RYAN ELLISON

25 THE COURT YOU CAN STEP DOWN YOU'RE EXCUSED

1 THE WITNESS THANK YOU, SIR

2 MR MURDAUGH YOU CAN GO OR STAY IN HERE

3 RYAN ELLISON, AFTER BEING DULY SWORN, TESTIFIED AS
4 FOLLOWS

5 THE COURT HAVE A SEAT ON THE WITNESS STAND FOR ME
6 MAKE YOURSELF COMFORTABLE THERE SPEAK INTO THAT MICROPHONE
7 THAT'S RIGHT IN FRONT OF YOU IT'S GOING TO AMPLIFY YOUR
8 VOICE SO THE JURY CAN HEAR YOU IF YOU'D BEGIN BY STATING
9 YOUR FULL NAME AND SPELLING YOUR LAST NAME FOR THE COURT
10 REPORTER

11 THE WITNESS OKAY RYAN ELLISON, E-L-L-I-S-O-N

12 THE COURT YOUR WITNESS, COUNSEL

13 DIRECT EXAMINATION

14 BY MR MURDAUGH

15 Q MR ELLISON, BY WHOM ARE YOU EMPLOYED?

16 A HAMPTON COUNTY E M S

17 Q OKAY, SIR AND WHERE DO YOU LIVE?

18 A I LIVE IN CHARLESTON, SOUTH CAROLINA

19 Q OKAY YOU TRAVEL BACK AND FORTH EVERY DAY?

20 A YES, SIR

21 Q GAS ISN'T KILLING YOU?

22 A YEAH, IT IS

23 Q I'M SORRY I SHOULDN'T HAVE ASKED THAT QUESTION MR
24 ELLISON, WERE YOU EMPLOYED WITH E M S ON THE 30TH DAY OF
25 AUGUST, 2007?

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1 A YES, SIR

2 Q OKAY, SIR WHAT DO YOU DO WITH E M S ?

3 A I'M A PARAMEDIC, SIR

4 Q OKAY, SIR AND WHAT IS A PARAMEDIC?

5 A A PARAMEDIC IS THE HIGHEST LEVEL PRE-HOSPITAL EMERGENCY
6 MEDICAL TECHNICIAN THAT YOU CAN GET IN SOUTH CAROLINA

7 THERE'S THREE DIFFERENT LEVELS THERE'S AN E M T BASIC

8 WHICH TAKES APPROXIMATELY SIX -- SIX MONTHS TO EIGHT MONTHS

9 TO COMPLETE THAT INCLUDES BASIC SKILLS SUCH AS BANDAGING,

10 C P R YOU GET INTO MORE ADVANCED WITH THE E M T

11 INTERMEDIATE WHICH TAKES ABOUT TWO MORE ADDITIONAL MONTHS TO

12 THE BASIC COURSE, AND YOU LEARN ABOUT YOUR I V FLUIDS,

13 STARTING I V 'S AND THE P H OF THE BLOOD, AND THEN E M T

14 PARAMEDIC YOU GET INTO MORE ADVANCED STUFF WITH E K G

15 MONITORING, ADMINISTERING MEDICATIONS, I V , AND ENDOTRACHEAL

16 INTUBATION SO THAT'S

17 Q AND DID YOU SUCCESSFULLY COMPLETE EACH OF THOSE COURSES?

18 A YES, SIR

19 Q OKAY, SIR AND ARE YOU CERTIFIED BY THE STATE OF SOUTH
20 CAROLINA AS A PARAMEDIC?

21 A YES, SIR

22 Q OKAY, SIR HOW LONG HAVE YOU BEEN WORKING AS A
23 PARAMEDIC?

24 A I GOT MY PARAMEDIC CERTIFICATION BACK IN I BELIEVE IT
25 WAS FEBRUARY OF 2007

1 Q OKAY, SIR HOW ABOUT BEFORE THAT? HOW LONG AS AN
2 INTERMEDIATE E M T ?

3 A SINCE 2005 IT WAS JULY OF 2005 WHEN I GOT HIRED ON
4 WITH HAMPTON COUNTY

5 Q OKAY AND WHEN DID YOU START WITH YOUR BASIC E M T ?

6 A THAT STARTED BACK IN 2004

7 Q OKAY HOW OLD ARE YOU?

8 A TWENTY-ONE

9 Q OKAY WELL, YOU'VE BEEN GOING AT THIS THING ABOUT SINCE
10 YOU GOT OUT OF HIGH SCHOOL?

11 A YEAH, STRAIGHT OUT OF HIGH SCHOOL YES

12 Q OKAY DID I ASK YOU IF YOU HAD -- WERE EMPLOYED ON
13 AUGUST THE 30TH, 2007, WITH HAMPTON COUNTY?

14 A YES, SIR

15 Q OKAY AND YOUR ANSWER WAS?

16 A YES

17 Q OKAY DID YOU HAVE AN OCCASION TO ANSWER A CALL ON
18 FREEMAN STREET IN HAMPTON?

19 A YES, SIR

20 Q DO YOU KNOW WHAT TIME IT WAS THAT YOU RECEIVED THE CALL
21 AND WHAT TIME YOU ARRIVED THERE?

22 A I BELIEVE IT WAS -- WE RECEIVED A CALL AT APPROXIMATELY
23 15 50 WHICH WOULD HAVE BEEN 3 00 -- 3 50 P M

24 Q 3 50?

25 A YES, SIR

1 Q OKAY, SIR DO YOU KNOW WHAT TIME YOU GOT THERE?

2 A YES, WE GOT THERE APPROXIMATELY 3 54 P M

3 Q OKAY, SIR WHEN YOU GOT THERE, WAS PETE LIGHT -- DO YOU
4 KNOW PETE LIGHT?

5 A YES, SIR

6 Q WAS PETE LIGHT AND PERRY MCALHANEY THERE?

7 A YES, SIR

8 Q OKAY, SIR TELL THE LADIES AND GENTLEMEN ON THE JURY
9 WHAT YOU OBSERVED WHEN YOU ARRIVED

10 A OKAY AFTER BEING CLEARED BY LAW ENFORCEMENT TO PROCEED
11 ON THE SCENE, WE GOT THERE, MY PARTNER AND I, AND I FOUND A
12 GENTLEMAN THAT WAS LAYING ON HIS LEFT SIDE COMPLAINING OF
13 PAIN DUE TO MULTIPLE GUNSHOT WOUNDS I OBSERVED I BELIEVE IT
14 WAS THREE TO THE ABDOMEN AND TWO TO THE BACK AS SOON AS I
15 OBSERVED THAT, I WENT ON WITH MY TREATMENT PLAN AND WENT
16 AHEAD AND PUT THE PATIENT ON THE LONG SPINE BOARD WHICH IS
17 FOR SPINAL PRECAUTIONS

18 HE WAS STILL COMPLAINING OF THE PAIN, SO WE GOT HIM IN
19 THE AMBULANCE I KNEW HE WAS CRITICAL, SO WE TOOK HIM
20 STRAIGHT TO THE E R EN ROUTE WE WENT AHEAD AND STARTED I V
21 FLUIDS WE GOT HIM ON OXYGEN, AND WE MONITORED HIS VITAL
22 SIGNS, AND I BELIEVE WE ONLY SPENT EIGHT MINUTES TOTAL FROM
23 THE TIME WE GOT ON THE SCENE TO THE TIME WE WENT EN ROUTE TO
24 THE EMERGENCY DEPARTMENT

25 Q WHAT WAS HIS CONDITION?

1 A HE WAS -- HE WAS -- TECHNICALLY HE WAS STABLE WITH HIS
2 VITAL SIGNS, BUT YOU COULD TELL HE WAS IN THE FIRST STAGES OF
3 SHOCK DUE TO HIS SKIN IT WAS REAL COLD AND CLAMMY HIS
4 BLOOD PRESSURE WAS OKAY BUT -- AND THAT'S -- IN THE LAST
5 STAGES OF SHOCK, THAT'S WHEN YOU SEE THE BLOOD PRESSURE DROP
6 SO HE WAS STILL, YOU KNOW, IN THE FIRST STAGES OF SHOCK SO
7 THAT TELLS ME THAT HE WAS BLEEDING INTERNALLY SO HE WAS
8 PROBABLY SHOT AND HIT SOME VITAL ORGANS INSIDE AND HE WAS
9 BLEEDING INTERNALLY

10 Q AND WAS HE TURNED OVER TO THE HOSPITAL IN HAMPTON?

11 A YES, SIR HE WAS ALIVE WHEN WE TURNED HIM OVER THERE
12 HE WAS STILL IN CRITICAL CONDITION, AND I BELIEVE THEY TRIED
13 TO GET A HELICOPTER TO COME AND LAND AT THE HOSPITAL FOR
14 TRANSPORT TO THE EMERGENCY TRAUMA CENTER

15 MR MURDAUGH OKAY, SIR THANK YOU ANSWER ANY
16 QUESTIONS MR HUGHES MAY HAVE

17 CROSS-EXAMINATION

18 BY MR HUGHES

19 Q YOU LOST ME WHEN IT CAME TO GIVING I V 'S DID YOU HAVE
20 A CHANCE TO TALK WITH HIM?

21 A YES, SIR I JUST ASKED HIM HOW HE WAS, HOW HIS
22 CONDITION WAS

23 Q WAS HE COHERENT?

24 A YES, SIR HE WAS CONSCIOUS AND ALERT TIMES FOUR WHICH
25 MEANS HE WAS CONSCIOUS TO PERSON, TIME, PLACE, AND SITUATION

1 SO HE WAS ABLE TO ANSWER ALL THOSE QUESTIONS FOR ME

2 Q OKAY DID HE ASK YOU ANY QUESTIONS?

3 A NO, SIR, NOT TO MY KNOWLEDGE

4 Q DID HE TELL YOU ANYTHING OR SAY ANYTHING TO YOU?

5 A NO, JUST THAT HE COMPLAINED OF SOME PAIN DUE TO THE
6 GUNSHOTS

7 Q DID HE ASK YOU WHAT I THINK EVERYBODY ELSE WOULD YOU
8 KNOW, AM I GOING TO MAKE IT? AM I GOING TO BE OKAY?

9 A HE MAY HAVE, BUT THROUGH THE CHAOS OF THE SCENE AND
10 TRANSPORT AND TIME, HE ALSO HAD A BREATHER MASK ON WHICH IS
11 AN OXYGEN MASK IT'S REALLY HARD TO HEAR PEOPLE TALK WHEN
12 IT'S -- WHEN THAT'S ON THERE TOO, SO

13 Q NOW, WHEN YOU PUT HIM IN THE AMBULANCE AND HOOKED HIM UP
14 TO THESE BEEP-BEEP-BEEP MACHINES WE'VE ALL SEEN ON
15 TELEVISION, HIS CONDITION WAS STABLE

16 A YES, SIR

17 Q HE WAS GOING INTO SHOCK, BUT HIS CONDITION -- WAS IT
18 STABLE?

19 A YEAH YES, IT -- YES, SIR

20 MR HUGHES BEGGING THE COURT'S INDULGENCE NO FURTHER
21 QUESTIONS, YOUR HONOR

22 MR MURDAUGH MAY MR ELLISON BE EXCUSED?

23 THE COURT ANY OBJECTION, MR HUGHES?

24 MR HUGHES NO OBJECTIONS, YOUR HONOR

25 THE COURT YOU MAY STEP DOWN, MR ELLISON YOU'RE

1 EXCUSED FROM THE COURTROOM. CALL YOUR NEXT WITNESS

2 MR. MURDAUGH BLUE BOLTON

3 JAMES "BLUE" BOLTON, AFTER BEING DULY SWORN,
4 TESTIFIED AS FOLLOWS

5 DIRECT EXAMINATION

6 BY MR. MURDAUGH

7 Q STATE YOUR FULL NAME FOR THE RECORD AND SPELL YOUR LAST
8 NAME

9 A JAMES BOLTON, B-O-L-T-O-N

10 Q MR. BOLTON, ARE YOU BETTER KNOWN AS BLUE?

11 A YES, SIR

12 Q OKAY, SIR WHERE DO YOU WORK?

13 A I WORK FOR THE HAMPTON POLICE DEPARTMENT

14 Q AND HOW LONG HAVE YOU WORKED WITH THEM?

15 A APPROXIMATELY 20 YEARS NOW

16 Q OKAY, SIR DO YOU HAVE ANY RANK WITH THEM?

17 A I'M A MAJOR WHICH I'M THE ASSISTANT CHIEF

18 Q OKAY, SIR AND HOW LONG HAVE YOU HAD THAT JOB?

19 A SAME AMOUNT OF TIME THAT HE'S BEEN CHIEF ABOUT EIGHT
20 YEARS

21 Q OKAY, SIR ON THE 30TH DAY OF AUGUST, 2007, WERE YOU
22 INVOLVED IN AN INCIDENT THAT TOOK PLACE ON FREEMAN STREET IN
23 HAMPTON?

24 A YES, SIR

25 Q OKAY, SIR AND WHAT WAS YOUR INVOLVEMENT?

1 A I WAS AT THE HOUSE WHEN I GOT THE CALL I HAD ALREADY
2 KNOCKED OFF FOR THAT DAY THE CHIEF HAD CALLED ME TO COME
3 BACK I STARTED BACK UP THERE, CALLED HIM ON THE PHONE TO
4 LET HIM KNOW I WAS ON THE WAY HE TOLD ME THAT THE SUSPECT
5 HAD RUN BACK ACROSS THE RAILROAD TRACKS TOWARD THAT AREA,
6 TOWARD THE RAILROAD TRACKS I WENT BACK ON THE OTHER SIDE
7 HE WAS CALLING FOR THE BLOODHOUNDS AT THAT TIME WE WERE
8 TRYING TO SET UP A PERIMETER I DIDN'T ACTUALLY GO TO THE
9 SCENE

10 Q OKAY, SIR DID LATER IN THE INVESTIGATION YOU BEGIN
11 LOOKING FOR COURTNEY SEASE?

12 A YES, SIR

13 Q DO YOU KNOW COURTNEY SEASE?

14 A YES, SIR

15 Q WHAT'S HIS NICKNAME?

16 A BIRD

17 Q OKAY HAVE YOU KNOWN HIM FOR LONG?

18 A A COUPLE OF YEARS PROBABLY

19 Q OKAY, SIR DID SOMETIME LATER YOU HAVE AN OCCASION TO
20 TALK WITH COURTNEY SEASE?

21 A YES, SIR, I DID

22 Q AND---

23 THE COURT JUST A MOMENT YES, SIR?

24 MR HUGHES RENEW MY---

25 THE COURT SUBJECT TO YOUR EARLIER OBJECTION?

1 MR HUGHES YES, SIR

2 THE COURT NOTED FOR THE RECORD OVERRULED YOU MAY
3 PROCEED

4 BY MR MURDAUGH

5 Q WITHOUT TELLING ME WHERE IT WAS, WHERE DID YOU GO? NOT
6 THE THE TOWN AND THE STATE

7 A I WENT TO SCRIVEN COUNTY, GEORGIA

8 Q OKAY, SIR AND WHEN YOU TALKED WITH HIM DID YOU --
9 BEFORE TALKING WITH HIM, DID YOU ADVISE HIM OF ANYTHING?

10 A YES, SIR, I DID I ADVISED HIM OF HIS MIRANDA RIGHTS

11 Q OKAY, SIR YOU HAVE A SHEET IN YOUR HAND DID YOU USE
12 THAT IN GIVING THE MIRANDA WARNINGS?

13 A YES, SIR, I DID

14 Q OKAY, SIR AND WHAT -- DO TO ME WHAT YOU DID TO HIM

15 A I TOLD MR SEASE BEFORE I COULD TALK TO HIM WE HAD TO --

16 I HAD TO READ HIS RIGHTS TO HIM SO I READ THIS PAPER IT

17 SAYS, "BEFORE WE ASK YOU ANY QUESTIONS, YOU MUST UNDERSTAND

18 YOUR RIGHTS YOU HAVE THE RIGHT TO REMAIN SILENT ANYTHING

19 YOU SAY CAN AND WILL BE USED AGAINST YOU IN COURT YOU HAVE

20 THE RIGHT TO TALK TO A LAWYER FOR ADVICE BEFORE WE ASK YOU

21 ANY QUESTIONS AND TO HAVE HIM OR HER WITH YOU DURING

22 QUESTIONING IF YOU CANNOT AFFORD A LAWYER, ONE WILL BE

23 APPOINTED FOR YOU BEFORE ANY QUESTIONING IF YOU WISH IF YOU

24 DECIDE TO ANSWER QUESTIONS NOW WITHOUT A LAWYER PRESENT, YOU

25 WILL STILL HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME YOU

1 ALSO HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME YOU ALSO
2 HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME UNTIL YOU TALK
3 TO A LAWYER "

4 AND I ASKED MR SEASE DID HE UNDERSTAND ALL OF THESE
5 HE SAID THAT HE DID THEN I ASKED MR SEASE TO READ THESE
6 RIGHTS HIMSELF AND PUT HIS INITIAL OUT BESIDE EACH ONE, AND
7 HE ALSO DID THAT THEN AT THE BOTTOM OF THE PAGE IS A WAIVER
8 OF HIS RIGHTS IT SAYS, "I HAVE READ THIS STATEMENT OF MY
9 RIGHTS AND UNDERSTAND WHAT MY RIGHTS ARE I AM WILLING TO
10 MAKE A STATEMENT AND ANSWER QUESTIONS I DO NOT WANT A
11 LAWYER AT THIS TIME I UNDERSTAND AND KNOW WHAT I AM DOING
12 NO PROMISE OR THREATS HAVE BEEN MADE TO ME, AND NO PRESSURE
13 OR COERCION OF ANY KIND HAS BEEN USED AGAINST ME I HAVE
14 NINE YEARS OF EDUCATION " I ASKED HIM DID HE UNDERSTAND
15 THAT HE SAID, "YES " HE READ IT HIMSELF AND INITIALED IT,
16 AND THEN HE SIGNED THE BOTTOM

17 Q DO YOU HAVE -- DID HE SAY HE UNDERSTOOD THEM?

18 A YES, SIR, HE DID

19 Q DID YOU HAVE AN OPINION AS TO WHETHER HE UNDERSTOOD
20 THEM?

21 A YES, SIR, I FEEL SURE THAT HE DID UNDERSTAND HIS RIGHTS

22 Q OKAY, SIR DID YOU THEN TAKE A STATEMENT FROM HIM?

23 A YES, SIR AT THAT TIME I ASKED MR SEASE TO TELL ME
24 JUST IN HIS OWN WORDS WHAT HAPPENED

25 Q OKAY, SIR IN ORDER TO SECURE THAT STATEMENT, DID YOU

1 USE ANY THREATS, FORCE OR DURESS?

2 A NO, SIR

3 Q DID YOU USE ANY COERCION OR PROMISES OR HOPE OF REWARD?

4 A NO, SIR

5 Q WAS THE STATEMENT FREE AND VOLUNTARY ON HIS PART?

6 A YES, SIR, I BELIEVE IT WAS

7 Q OKAY, SIR TELL ME WHAT HE SAID

8 A HE TOLD ME THAT MR DWAYNE SMITH -- HE CALLED HIM PIE
9 HE SAID PIE CAME TO COLLECT SOME MONEY THAT HE HAD OWED HIM
10 HE TOLD HIM HE DIDN'T HAVE THE MONEY AT THAT TIME, THAT HE
11 WOULD GET THE MONEY TO HIM WHEN HE COULD HE SAID THAT PIE
12 WASN'T HAPPY WITH THIS AND CAME TOWARD HIM IN A THREATENING
13 MANNER THEY GOT INTO A LITTLE STRUGGLE OR SOMETHING HE
14 SAID, "I FELT A GUN ON HIS PERSON SOMEWHERE " HE SAID, "I
15 TOOK THE GUN AWAY FROM PIE AND BEGAN SHOOTING IT "

16 THE COURT COUNSEL, APPROACH

17 (WHEREUPON, A BENCH CONFERENCE WAS HELD)

18 MR MURDAUGH IF YOUR HONOR PLEASE, I WANT TO ASK
19 ONE -- MAKE ONE PROFFER

20 THE COURT YES, SIR

21 MR MURDAUGH I PROFFER THE MIRANDA WARNING

22 THE COURT ANY OBJECTION?

23 MR HUGHES NO, YOUR HONOR

24 THE COURT YOU WANT IT MARKED OR JUST PROFFERED?

25 MR MURDAUGH I OFFER IT AS AN EXHIBIT

1 THE COURT ANY OBJECTION AS AN EXHIBIT, MR HUGHES?

2 MR HUGHES IS HE GOING TO BE PLACING THIS EXHIBIT INTO
3 EVIDENCE OR IS HE JUST---

4 THE COURT HE'S OFFERING IT INTO EVIDENCE AT THIS TIME

5 MR HUGHES I WOULD LIKE IT MARKED, YOUR HONOR

6 THE COURT ANY OBJECTION?

7 MR HUGHES NO, YOUR HONOR

8 THE COURT STATE'S EXHIBIT NUMBER 1 WILL BE ADMITTED
9 INTO EVIDENCE, LADIES AND GENTLEMEN OF THE JURY, WITHOUT
10 OBJECTION STATE'S 1 IN EVIDENCE

11 (STATE'S EXHIBIT 1 WAS RECEIVED IN EVIDENCE)

12 THE COURT VERY WELL ANYTHING FURTHER ON DIRECT?

13 MR MURDAUGH NO, SIR

14 THE COURT CROSS-EXAMINATION?

15 MR HUGHES MAY I APPROACH, YOUR HONOR?

16 THE COURT YOU MAY

17 CROSS-EXAMINATION

18 BY MR HUGHES

19 Q MAJOR BOLTON, I'M GOING TO SHOW YOU WHAT'S BEEN
20 PREVIOUSLY MARKED AS STATE'S EXHIBIT 1 I'M GOING TO ASK
21 YOU---

22 A YES, SIR

23 Q I'M GOING TO ASK YOU A FEW QUESTIONS ABOUT THIS

24 A ALL RIGHT, SIR

25 Q DOWN AT THE BOTTOM THERE'S A LINE FOR TWO WITNESSES

- 1 NOW, IS THAT YOUR SIGNATURE AS THE TOP WITNESS?
- 2 A YES, SIR, IT IS
- 3 Q AND ABOVE THAT IS WHOSE SIGNATURE?
- 4 A MR COURTNEY SEASE
- 5 Q AND BELOW YOUR SIGNATURE, WHOSE SIGNATURE IS THERE?
- 6 A THERE IS NOT ANOTHER SIGNATURE THERE, SIR
- 7 Q OKAY SO WHO WAS WITH YOU WHEN THIS ALLEGED STATEMENT
- 8 TOOK PLACE?
- 9 A NO ONE OTHER THAN MYSELF AND COURTNEY SEASE
- 10 Q OKAY NOW, MAJOR BOLTON, BELOW THE SECOND WITNESS LINE,
- 11 THE BLANK ONE, THERE'S ANOTHER LINE IT SAYS, "TIME "
- 12 A YES, SIR
- 13 Q WHAT TIME IS MARKED IN THAT, SIR?
- 14 A THERE'S NO TIME MARKED IN THAT
- 15 Q WHAT IS THAT SPACE THERE FOR, SIR?
- 16 A FOR THE TIME WHEN THE INTERVIEW IS OVER
- 17 Q OKAY NOW, ACCORDING TO STATE'S 1, THIS TOOK PLACE AT
- 18 THE SCRIVEN COUNTY DETENTION CENTER
- 19 A YES, SIR, IT DID
- 20 Q AND MR SEASE WAS IN DETENTION
- 21 A YES, SIR
- 22 Q AND THIS HAPPENED ON FEBRUARY 14TH IS THAT '08?
- 23 A YES, SIR, IT IS
- 24 Q WHEN WAS MR SMITH SHOT? WHAT WAS THE DATE THAT MR
- 25 SMITH WAS SHOT?

1 A I BELIEVE IT WAS AUGUST 30TH, SOMETHING. I DON'T
2 REMEMBER THE EXACT TIME -- DATE

3 Q '07, I BELIEVE AND -- OKAY THIS INTERVIEW STARTED OR
4 ENDED AT 10 15 A M ?

5 A IT BEGAN AT 10 15 A M

6 Q OKAY WHY DIDN'T YOU WRITE IN WHAT TIME IT ENDED?

7 A I JUST FORGOT WHEN I LEFT THERE, I DIDN'T WRITE IT
8 DOWN

9 Q AND THE ONLY PERSON THAT HEARD THIS ALLEGED STATEMENT
10 WAS YOU

11 A YES, SIR

12 Q WHEN YOU USUALLY GET A STATEMENT FROM SOMEONE, DON'T
13 THEY USUALLY WRITE IT DOWN?

14 A WE ASK THEM TO WRITE IT DOWN, YES, SIR AND I ASKED MR
15 SEASE TO WRITE IT DOWN, AND HE SAID NOT AT THIS TIME HE
16 DIDN'T WANT TO

17 Q OKAY SO THE ONLY PROOF THAT YOU HAVE THAT MR SEASE
18 WAS EVEN IN THAT ROOM IS HIS SIGNATURE ON THAT YOU DON'T
19 HAVE ANY WRITTEN STATEMENT

20 A NO, SIR

21 Q DO YOU HAVE A TAPE RECORDING OF THIS?

22 A NO, SIR, I DO NOT

23 Q A VIDEO RECORDING?

24 A NO, SIR

25 Q OKAY WHO WAS THE LEAD INVESTIGATOR OF THIS INCIDENT?

1 A CHIEF MCALHANEY TOOK CHARGE OF THE SCENE WHEN HE GOT
2 THERE THEN I TOOK OVER THE CASE THE DAY AFTER THAT, JUST
3 PUTTING THINGS TOGETHER

4 Q OKAY DID MR SMITH HAVE A CELL PHONE?

5 A YES, HE DID

6 Q PREVIOUSLY CHIEF MCALHANEY SAYS THAT IS CURRENTLY IN
7 HAMPTON POLICE CUSTODY IS THAT CORRECT?

8 A YES, SIR THAT'S CORRECT

9 Q DID YOU CHECK OUT THE CELL PHONE?

10 A YES, SIR

11 Q ISN'T IT TRUE THERE WAS A PHONE NUMBER FOR BIRD ON THAT
12 PHONE?

13 A THERE WAS A PHONE NUMBER FOR BIRD, RIGHT YES, SIR

14 Q DID YOU DIAL THAT NUMBER?

15 A NO, SIR, I DID NOT I BELIEVE -- THE NUMBER WAS DIALED,
16 IT WAS CHECKED OUT I DIDN'T DO IT MYSELF

17 Q WAS THAT COURTNEY SEASE'S PHONE NUMBER?

18 A NO, SIR, IT WAS NOT

19 Q WAS THAT NUMBER FOR A PERSON IN VARNVILLE?

20 A YES, SIR

21 Q AND HIS NAME?

22 A I DON'T RECALL HIS NAME

23 Q DO YOU RECALL HIS NICKNAME?

24 A I DON'T, NO, SIR

25 Q WOULD IT BE SAFE TO SAY THAT MR SMITH CALLED HIM BIRD

1 BECAUSE THAT WAS THE NAME ON THE PHONE?

2 A I WOULD THINK SO, YES, SIR

3 Q DO YOU HAVE THE GUN THAT KILLED MR SMITH?

4 A NO, SIR, WE NEVER RECOVERED A GUN

5 Q FIBER EVIDENCE?

6 A NO, SIR

7 Q BALLISTICS?

8 A WE CAN'T HAVE BALLISTICS IF WE DIDN'T RECOVER THE GUN,
9 SIR

10 Q DID YOU RECOVER ANY -- WERE ANY BULLETS RECOVERED?

11 A YES, SIR, AT THE AUTOPSY THEY WERE THEY WERE CARRIED
12 TO S L E D , AND THEY'RE STILL IN S L E D CUSTODY

13 Q DID YOU EVEN HAVE THEM CHECK TO MAKE SURE THEY ALL CAME
14 FROM THE SAME GUN?

15 A I DON'T THINK THEY CAN DO THAT WITHOUT THE GUN

16 Q IT'S NOT POSSIBLE TO MAKE SURE THEY'RE ALL THE SAME
17 CALIBER?

18 A YES, SIR

19 Q DO YOU KNOW IF THAT WAS DONE?

20 A NO, SIR YOU'D HAVE TO TALK TO THE FORENSIC
21 INVESTIGATOR AT S L E D

22 Q SO S L E D HAS NOT ISSUED A REPORT SAYING THAT THE
23 BULLETS EVEN CAME FROM THE SAME CALIBER GUN

24 A I DON'T RECALL I'D HAVE TO LOOK BACK THROUGH THE FILE
25 OF WHATEVER WE HAVE

- 1 Q THERE'S NO D N A EVIDENCE
- 2 A NO, SIR
- 3 Q DID YOU GET FINGERPRINTS?
- 4 A NO, SIR
- 5 Q WAS MR SMITH'S VEHICLE THERE?
- 6 A COULD YOU
- 7 Q WAS MR SMITH'S VEHICLE AT THE SCENE?
- 8 A YES, SIR
- 9 Q DID Y'ALL CHECK THAT OUT?
- 10 A I DID NOT I WAS NOT ON THE SCENE UNTIL PROBABLY 8 OR
- 11 8 30 THAT NIGHT
- 12 Q OKAY WOULD HIS VEHICLE HAVE BEEN IMPOUNDED AS PART OF
- 13 THIS INVESTIGATION?
- 14 A NO, SIR
- 15 Q WHY NOT?
- 16 A IT WAS NOT PART OF THE CRIME SCENE IT WAS NOT -- HE
- 17 WAS NOT SHOT IN THE VEHICLE
- 18 Q BUT HIS VEHICLE WAS THERE
- 19 A HIS VEHICLE WAS PARKED ON THE STREET
- 20 Q OKAY DID MR SMITH LIVE IN THAT NEIGHBORHOOD?
- 21 A NO, SIR, HE DID NOT
- 22 Q SO YOU'RE SAYING THAT MR SMITH'S VEHICLE AT THE SCENE
- 23 WHERE HE WAS SHOT WAS NOT CONSIDERED PART OF THIS CRIME
- 24 SCENE
- 25 A NO, SIR, NOT BY MYSELF

1 Q OKAY AND WHO WAS THE LEAD INVESTIGATOR, MAJOR BOLTON?

2 A MYSELF AND CHIEF MCALHANEY

3 Q BEGGING THE COURT'S INDULGENCE MAJOR BOLTON, LET'S GO
4 BACK TO THE SCRIVEN COUNTY DETENTION CENTER

5 A YES, SIR

6 Q NOW, HOW DID YOU DRIVE FROM HAMPTON TO SCRIVEN COUNTY?
7 DID YOU GO UP TO -- THROUGH FAIRFAX TO ALLENDALE AND THEN
8 DOWN 301?

9 A YES, SIR

10 Q OKAY DOES THE HAMPTON POLICE DEPARTMENT OWN A TAPE
11 RECORDER?

12 A YES, SIR THERE'S ONE IN THE COURTROOM

13 Q DO THEY OWN A VIDEO CAMERA?

14 A I DON'T BELIEVE SO, NO, SIR

15 Q DID YOU CARRY A TAPE RECORDER WITH YOU?

16 A NO, SIR, I DID NOT

17 Q NOW ON THAT DRIVE FROM HAMPTON THROUGH FAIRFAX THROUGH
18 ALLENDALE AND THEN TURNING ON TO 301, GO PAST I BELIEVE AT
19 LEAST TWO, MAYBE THREE, DOLLAR STORES OR SMALL STORES WHERE
20 YOU COULD HAVE BOUGHT A TAPE RECORDER ISN'T THAT CORRECT?

21 A I DON'T KNOW WOULD THINK SO I GUESS SOMEWHERE
22 PROBABLY

23 Q DID YOU ATTEMPT TO GET A TAPE RECORDER?

24 A NO, SIR, I DID NOT

25 Q YOU KNEW YOU WERE GOING TO GO INTERVIEW MR SEASE,

1 CORRECT?

2 A I WAS GOING OVER THERE TO FIND OUT WHAT STEPS WE NEEDED
3 TO TAKE TO BRING MR SEASE BACK I WASN'T SURE ABOUT THE
4 EXTRADITION HEARINGS, AND THINGS LIKE THAT IS WHAT I WAS
5 GOING OVER THERE FOR AND IF I HAD A CHANCE TO INTERVIEW HIM,
6 YES, SIR

7 Q OKAY DID THEY HAVE A TAPE RECORDER AT THE SCRIVEN
8 COUNTY DETENTION CENTER?

9 A I DON'T KNOW

10 Q DID YOU ASK?

11 A NO, SIR

12 Q WHY WASN'T SOMEONE FROM THE SCRIVEN COUNTY DETENTION
13 CENTER WITH YOU DURING THE INTERVIEW?

14 A I DON'T KNOW THAT EITHER I ASKED THE SHERIFF THEY
15 WERE ALL IN A MEETING THEY WERE GOING TO BE IN THERE FOR
16 TWO OR THREE HOURS, A CLASS OF SOME TYPE THERE WAS ONE
17 JAILER BEHIND THE GLASS PARTITION THAT WAS UNLOCKING THE
18 DOORS AND LETTING MR SEASE WALK UP TO THE INTERVIEW AREA
19 WHERE I WAS SITTING

20 Q COULD YOU HAVE WAITED UNTIL ONE OF THEM WAS FREE OR
21 SOMEONE ELSE FROM HAMPTON COULD GET THERE TO BE WITH YOU?

22 A I GUESS I COULD HAVE, YES, SIR

23 Q BUT YOU DIDN'T, SO IT WAS JUST YOU AND MR SEASE ALONE
24 IN THAT ROOM WHEN MR SEASE GAVE HIS ALLEGED STATEMENT

25 A THAT IS CORRECT

JAMES "BLUE" BOLTON - REDIRECT, EXAM BY MR. MURDAUGH 121

1 MR HUGHES ONE MORE TIME -- BEGGING THE COURT'S
2 INDULGENCE ONE MORE TIME NO FURTHER QUESTIONS, YOUR HONOR

3 THE COURT REDIRECT?

4 MR MURDAUGH YES, SIR

5 REDIRECT EXAMINATION

6 BY MR MURDAUGH

7 Q WHY IN THE WORLD WOULDN'T YOU USE A TAPE RECORDER? DID
8 YOU HAVE ONE?

9 A NO, SIR, I DIDN'T HAVE ONE

10 Q OKAY THAT'S A PRETTY GOOD REASON

11 A YES, SIR

12 Q NOW, LET ME ASK YOU THIS, SIR DID YOU KNOW PIE?

13 A YES, SIR

14 Q DWAYNE SMITH?

15 A YES, SIR

16 Q DID YOU GO TO THE AUTOPSY THAT DR CAPLAN PERFORMED?

17 A YES, I DID

18 Q DID DR CAPLAN PERFORM THE AUTOPSY ON DWAYNE SMITH?

19 A YES, SIR, HE DID

20 Q IN YOUR PRESENCE?

21 A YES, SIR, HE DID

22 MR MURDAUGH OKAY, SIR THANK YOU, SIR

23 THE COURT RE-CROSS LIMITED TO REDIRECT?

24 MR HUGHES NOTHING, YOUR HONOR

25 THE COURT AS TO -- YOU'RE GOING TO REMAIN WITH US

1 HE'S THE CASE OFFICER?

2 MR MURDAUGH YES, SIR

3 THE COURT YOU MAY STEP DOWN, BLUE

4 MR MURDAUGH NOW, IF YOUR HONOR PLEASE, I HAVE REACHED
5 THE POINT TO WHERE I'VE GOT DR CAPLAN, AND I'LL BE FINISHED

6 THE COURT VERY WELL COUNSEL, APPROACH

7 MR MURDAUGH QUICKER THAN I THOUGHT I WOULD, SIR

8 (WHEREUPON, A BENCH CONFERENCE WAS HELD)

9 THE COURT STEP BACK MADAM FOREPERSON, LADIES AND
10 GENTLEMEN OF THE JURY, WE HAVE REACHED THE POINT IN THE TRIAL
11 THAT WE'RE GOING TO STOP FOR THE DAY I'M GOING TO LET YOU
12 GET HOME A LITTLE EARLY TODAY WHEN YOU COME BACK TOMORROW,
13 DON'T REPORT TO THE COURTROOM PLEASE REPORT TO YOUR JURY
14 ROOM

15 PLEASE BE HERE PRIOR TO 9 30 I'D LIKE TO TRY TO START
16 AT 9 30 I TRY TO GET -- I KNOW SOME OF YOU, LIKE MYSELF,
17 HAVE A LITTLE BIT OF A DRIVE I'VE GOT ABOUT 30, 35 MILES TO
18 DRIVE IN THE MORNING TO GET HERE I TRY TO GO TO MY OFFICE,
19 WORK, AND THEN DRIVE WHEREVER I NEED TO, BUT I'D LIKE FOR YOU
20 TO TRY TO BE HERE JUST PRIOR TO 9 30 SO HOPEFULLY WE CAN
21 START AT 9 30

22 OVER THE OVERNIGHT RECESS, PLEASE DO NOT DISCUSS THIS
23 CASE WITH ANYONE, AS I HAVE INSTRUCTED YOU, NOT EVEN A MEMBER
24 OF YOUR OWN FAMILY AND AS I'VE INSTRUCTED YOU, I DON'T KNOW
25 IF THERE WILL BE ANYTHING ON THE RADIO, IN THE NEWSPAPER OR

1 ON TELEVISION PLEASE DO NOT READ SUCH, WATCH SUCH OR LISTEN
2 TO SUCH YOU MUST DECIDE THIS CASE SOLELY UPON EVIDENCE
3 INTRODUCED IN THIS COURTROOM WHEN BOTH SIDES ARE PRESENT WITH
4 THE RIGHT OF CROSS-EXAMINATION

5 I HOPE ALL OF YOU HAVE A PLEASANT EVENING I WANT TO
6 THANK YOU FOR YOUR PATIENCE TODAY WE WILL CONCLUDE THIS
7 CASE TOMORROW MORNING BEGINNING AT 9 30 BE HERE PRIOR TO
8 9 30 AND REPORT TO YOUR JURY ROOM IF ANY OF YOU ANTICIPATE
9 THAT YOU MAY HAVE A TRANSPORTATION PROBLEM, LET MY BAILIFF
10 KNOW BEFORE YOU LEAVE I'LL BE HAPPY TO PROVIDE
11 TRANSPORTATION TO GET YOU HERE ON TIME

12 IF ANY OF YOU NEED A WORK EXCUSE FROM SERVING ON THE
13 JURY THIS WEEK, PLEASE STOP DEBORAH, HAVE THEM SEE --
14 DEBORAH IN THE CLERK'S OFFICE WILL BE HAPPY TO PROVIDE A WORK
15 EXCUSE TO YOU IF YOU NEED IT BEFORE YOU LEAVE ANY QUESTIONS
16 ABOUT WHEN I NEED YOU TO COME BACK AND WHAT TIME AND WHERE TO
17 REPORT? EVERYBODY UNDERSTAND? THANK YOU VERY MUCH YOU'RE
18 NOW EXCUSED FOR THE BALANCE OF TODAY I'LL SEE YOU IN THE
19 MORNING EVERYONE ELSE REMAIN SEATED WHILE THE JURY IS
20 LEAVING

21 (WHEREUPON, THE JURY WAS EXCUSED FROM OPEN COURT FOR THE
22 DAY AT 3 41 P M)

23 THE COURT ANYTHING ON THE RECORD OUTSIDE THE PRESENCE
24 OF THE JURY FROM THE STATE OF SOUTH CAROLINA BEFORE WE
25 ADJOURN FOR THE EVENING?

1 MR MURDAUGH NOTHING, SIR

2 THE COURT ANYTHING ON THE RECORD FROM THE DEFENDANT
3 OUTSIDE THE PRESENCE OF THE JURY BEFORE WE ADJOURN FOR THE
4 EVENING?

5 MR HUGHES NO, YOUR HONOR

6 THE COURT VERY WELL AS TO THIS CASE, COURT NOW
7 STANDS ADJOURNED UNTIL 9 30 A M TOMORROW MORNING I NEED TO
8 SEE COUNSEL BRIEFLY IN CHAMBERS BEFORE YOU LEAVE THIS COURT
9 STANDS ADJOURNED 'TIL -- YES, SIR?

10 MR MURDAUGH I'M TALKING TO BLUE

11 THE COURT OH COURT STANDS ADJOURNED 'TIL 9 30 A M
12 TOMORROW MORNING

13 (WHEREUPON, THE TRIAL CONCLUDED FOR THE DAY AT 3 42 P M
14 AND RESUMED THE FOLLOWING DAY, MAY 8, 2008, AS FOLLOWS)

15 THE COURT THANK YOU GOOD MORNING PLEASE BE SEATED
16 IS THE STATE READY TO PROCEED?

17 MR MURDAUGH THE STATE IS, SIR

18 THE COURT DEFENDANT READY TO PROCEED?

19 MR HUGHES YES, YOUR HONOR

20 THE COURT LET ME GET EVERYBODY IN TAKE A SEAT
21 COURT'S IN SESSION BRING US THE JURY, PLEASE, SIR

22 (WHEREUPON, THE JURY WAS BROUGHT INTO OPEN COURT AT 9 50
23 A M)

24 THE COURT GOOD MORNING, MADAM FOREPERSON

25 FORELADY GOOD MORNING

1 THE COURT GOOD MORNING, LADIES AND GENTLEMEN OF THE
2 JURY I HOPE EVERYONE HAD A PLEASANT EVENING WE'LL NOW
3 CONTINUE WITH TESTIMONY IN THE TRIAL OF THIS CASE
4 SOLICITOR, YOU MAY CALL YOUR NEXT WITNESS

5 MR MURDAUGH DR MICHAEL J CAPLAN

6 THE COURT DR CAPLAN, IF YOU'D COME AROUND AND BE
7 SWORN BY THE CLERK OF COURT, PLEASE, SIR

8 MICHAEL J CAPLAN, AFTER BEING DULY SWORN,
9 TESTIFIED AS FOLLOWS

10 THE COURT DR CAPLAN, HAVE A SEAT IF YOU'LL PULL
11 THAT MICROPHONE RIGHT HERE UP A LITTLE BIT AND ADJUST IT,
12 MAKE IT COMFORTABLE FOR YOU THAT'S GOING TO AMPLIFY YOUR
13 VOICE THE OTHER MICROPHONE THAT'S TAPED TO THE WITNESS
14 STAND IS RECORDING WHAT YOU SAY I'D LIKE FOR YOU TO BEGIN
15 IF YOU WOULD BY STATING YOUR FULL NAME AND SPELLING YOUR LAST
16 NAME FOR THE COURT REPORTER

17 THE WITNESS SURE MY FULL NAME IS MICHAEL JEFFREY
18 CAPLAN, AND MY LAST NAME IS SPELLED C-A-P-L-A-N

19 THE COURT YOUR WITNESS, COUNSEL

20 DIRECT EXAMINATION

21 BY MR MURDAUGH

22 Q DOCTOR, WHERE DO YOU LIVE, SIR?

23 A I LIVE IN CHARLESTON, SOUTH CAROLINA

24 Q OKAY, SIR AND WHAT DO YOU DO FOR A LIVING?

25 A I'M A PATHOLOGIST

1 Q OKAY, SIR DO YOU HAVE A SUB-SPECIALTY?

2 A YES, I DO I HAVE SUB-SPECIALTIES IN BOTH FORENSIC AND
3 PEDIATRIC PATHOLOGY

4 Q OKAY, SIR DOCTOR, WHERE DID YOU RECEIVE YOUR
5 UNDERGRADUATE SCHOOLING?

6 A I RECEIVED MY UNDERGRADUATE SCHOOLING FROM 1979 TO 1983
7 AT MICHIGAN STATE UNIVERSITY

8 Q OKAY, SIR SUBSEQUENT TO -- DID YOU GRADUATE?

9 A YES, I DID

10 Q OKAY, SIR SUBSEQUENT TO GRADUATION, DID YOU HAVE ANY
11 FURTHER SCHOOLING?

12 A YES, I DID

13 Q AND WHERE WAS THAT, SIR, AND IN WHAT FIELD?

14 A AFTER GRADUATING FROM MICHIGAN STATE UNIVERSITY, I THEN
15 ATTENDED THE UNIVERSITY OF CONNECTICUT SCHOOL OF MEDICINE
16 FROM 1983 TO 1987 AND RECEIVED MY M D , DOCTOR OF MEDICINE
17 DEGREE, IN 1987

18 Q OKAY GO AHEAD, SIR

19 A THEN I COMPLETED A FIVE-YEAR RESIDENCY IN ANATOMIC AND
20 CLINICAL PATHOLOGY PATHOLOGY IS A SPECIALTY OF MEDICINE
21 WHICH CONCERNS ITSELF WITH THE REACTION OF THE HUMAN BODY TO
22 DISEASE I COMPLETED THAT AT THE UNIVERSITY OF MICHIGAN FROM
23 THE YEARS 1987 TO 1992 I THEN COMPLETED SOME SUB-SPECIALTY
24 TRAINING IN FORENSIC PATHOLOGY WHERE FORENSIC PATHOLOGY USES
25 THE METHODS OF PATHOLOGY TO DEAL WITH PROBLEMS REGARDING THE

1 LAW AND AREAS OF PUBLIC INTEREST, AND THAT WAS AT THE NEW
2 YORK CITY OFFICE OF THE CHIEF MEDICAL EXAMINER FROM 1992 TO
3 1993

4 I COMPLETED ONE ADDITIONAL YEAR OF SUB-SPECIALTY
5 TRAINING IN PEDIATRIC PATHOLOGY WHICH CONCERNS ITSELF
6 SPECIFICALLY WITH DISEASES INVOLVING INFANTS, CHILDREN, AND
7 ALSO FETUSES THAT ARE NOT YET BORN THAT WAS AT THE
8 CHILDREN'S HOSPITAL AT PITTSBURGH FROM 2003 TO 2004, AND THAT
9 IS THE EXTENT OF ALL MY EDUCATION AND TRAINING

10 Q OKAY, SIR DOCTOR, SUBSEQUENT TO YOUR TRAINING, WHERE
11 DID YOU GO TO WORK?

12 A AFTER MY TRAINING IN NEW YORK CITY IN 1993, I THEN WENT
13 TO WORK AT THE UNIVERSITY OF MICHIGAN DEPARTMENT OF PATHOLOGY
14 IN ANN ARBOR, MICHIGAN, FROM 1993 TO 1998

15 Q WHAT WERE YOU DOING THERE, SIR?

16 A THERE I WORKED AS A FORENSIC PATHOLOGIST AND AS A DEPUTY
17 MEDICAL EXAMINER AND A CLINICAL ASSISTANT PROFESSOR IN THE
18 DEPARTMENT OF PATHOLOGY

19 Q OKAY, SIR AND AFTER THAT WHERE DID YOU GO?

20 A THEN AFTER THAT I WENT TO THE DELAWARE -- STATE OF
21 DELAWARE OFFICE OF THE CHIEF MEDICAL EXAMINER WHERE I WORKED
22 AS A FORENSIC PATHOLOGIST AND AN ASSISTANT MEDICAL EXAMINER
23 THAT WAS IN WILMINGTON, DELAWARE, FROM 1998 TO 2003

24 Q OKAY, SIR AFTER 2003

25 A AND THEN I DID MY FELLOWSHIP, AS I MENTIONED, IN

1 PITTSBURGH, AND THEN AFTER THAT IN 2004 I THEN WENT TO WORK
2 AT THE MEDICAL UNIVERSITY OF SOUTH CAROLINA WHERE I AM NOW,
3 PRACTICING FORENSIC PATHOLOGY AND PEDIATRIC PATHOLOGY

4 Q OKAY, SIR DOCTOR, DO YOU TEACH AT THE MEDICAL
5 UNIVERSITY?

6 A YES, I DO

7 Q AND WHAT DO YOU TEACH, SIR?

8 A I TEACH VARIOUS SUBJECTS FORENSIC PATHOLOGY, PEDIATRIC
9 PATHOLOGY, AUTOPSY PATHOLOGY TO VARYING GROUPS OF PEOPLE
10 SOME ARE PATHOLOGY RESIDENTS IN TRAINING SOME ARE MEDICAL
11 STUDENTS SOME ARE COLLEGE UNDERGRADUATE STUDENTS PREPARING
12 TO GO TO MEDICAL SCHOOL, AND SOME ARE CLINICAL COLLEAGUES IN
13 OTHER FIELDS SUCH AS PEDIATRIC HEMATOLOGY AND ONCOLOGY

14 Q OKAY DOCTOR, YOU HAVE ADDRESSED IT SOMEWHAT, BUT CAN
15 YOU TELL THE LADIES AND GENTLEMEN OF THE JURY WHAT A
16 PATHOLOGIST IS AND A FORENSIC PATHOLOGIST?

17 A SURE A PATHOLOGIST IS SOMEBODY WHO -- AGAIN, THAT'S A
18 SPECIALTY IN MEDICINE WHERE A PATHOLOGIST CONCERNS HIMSELF
19 WITH THE REACTION OF THE HUMAN BODY TO DISEASE, AND WE REALLY
20 SEE THAT IN TWO DIFFERENT SETTINGS ONE IS ANATOMIC
21 PATHOLOGY WHERE WE'RE ACTUALLY LOOKING AT TISSUES AND ORGANS
22 IN THE BODY

23 WE SEE THAT IN TWO MAIN SETTINGS ONE IS IN LIVING
24 PATIENTS WHERE THEY MAY HAVE A BIOPSY, A SMALL SAMPLE OF A
25 TISSUE TAKEN, TO MAKE A DIAGNOSIS, WHETHER IT BE AN INFECTION

1 OR CANCER OR SOMETHING LIKE THAT, AND THEN WE MAY HAVE A
2 WHOLE RESECTION WHERE A WHOLE ORGAN IS REMOVED FOR A DISEASE
3 PROCESS THAT'S IN LIVING PATIENTS

4 THEN IN DECEASED PATIENTS WE WOULD BE DOING AN AUTOPSY
5 AN AUTOPSY REALLY COMES FROM THE GREEK TO SEE WITH ONE'S
6 OWN EYES, TO SEE FOR ONESELF, WHERE WE'RE DOING A COMPLETE
7 POSTMORTEM EXAMINATION ON A PERSON TO DETERMINE THE CAUSE OF
8 DEATH OR HOW THE DEATH OCCURRED AND THE CIRCUMSTANCES
9 REGARDING THE DEATH THAT'S ANATOMIC PATHOLOGY

10 AND THEN CLINICAL PATHOLOGY INVOLVES MORE DEALING WITH
11 BODY FLUIDS SUCH AS BLOOD OR URINE OR SPINAL FLUID TO MAKE
12 DIAGNOSES ON A PERSON SO THAT COULD BE ANYTHING FROM A
13 BLOOD TEST TO DETERMINE THAT SOMEBODY IS ANEMIC OR DOESN'T
14 HAVE BLOOD CELLS OR IT COULD BE A PREGNANCY TEST ANY OF
15 THOSE WOULD COME UNDER CLINICAL PATHOLOGY

16 AND THEN FORENSIC PATHOLOGY, AGAIN THAT IS WHERE --
17 THAT'S USING THE METHODS OF ANATOMIC AND CLINICAL PATHOLOGY
18 TO DEAL SPECIFICALLY WITH ISSUES REGARDING THE LAW AND PUBLIC
19 INTEREST, PUBLIC HEALTH OR PUBLIC SAFETY, AND THAT'S WHAT
20 FORENSIC PATHOLOGISTS DO, AND MOSTLY WE DO THAT THROUGH
21 PERFORMING AUTOPSIES WHICH ARE AUTHORIZED BY THE CORONER IN
22 THIS STATE TO DETERMINE NOT ONLY THE CAUSE OF DEATH, YOU
23 KNOW, MEANING THE SEQUENCE OF EVENTS, THE DISEASE OR INJURY
24 CAUSING THE DEATH, BUT ALSO THE CIRCUMSTANCES

25 WE TRY TO ASSIST EITHER LAW ENFORCEMENT IN A CRIMINAL

1 CASE OR IN A -- IN A -- IN ANOTHER KIND OF CASE WE TRY TO
2 DO OUR BEST TO HELP RECONSTRUCT THE EVENTS OR CIRCUMSTANCES
3 RELATED TO THE DEATH

4 Q OKAY, SIR DOCTOR, YOU HAVE MENTIONED SEVERAL TIMES IN
5 YOUR TESTIMONY AUTOPSY WHAT IS THAT, SIR?

6 A WELL, AS I SAID, AN AUTOPSY IS A POSTMORTEM EXAMINATION
7 WHERE YOU ARE SEEING WITH YOUR OWN EYES -- YOU'RE CONDUCTING
8 AN EXAMINATION ON A DECEASED PERSON FOR THE PURPOSES OF
9 TRYING TO DETERMINE THE CAUSE OF DEATH AND THE CIRCUMSTANCES
10 RELATED TO DEATH, AND WE DO THAT BY DOING A POSTMORTEM
11 EXAMINATION SO BASICALLY THE WAY WE DO THAT IS THAT A
12 DECEASED BODY COMES IN, AND WE DOCUMENT THE CONDITION OF THAT
13 BODY THROUGH PHOTOGRAPHS, THROUGH NOTE-TAKING, AND ULTIMATELY
14 THROUGH GENERATION OF A REPORT

15 SO WE START WITH -- AND THE CLOTHES ARE A VERY IMPORTANT
16 PART OF THAT, SO WE START WITH DOCUMENTING THROUGH
17 PHOTOGRAPHS THE CONDITION OF THE BODY WITH THE CLOTHES ON
18 WE DOCUMENT THE CONDITION OF THE CLOTHES, AND THEN WE REMOVE
19 THE CLOTHES AND THEN WE ALSO WOULD PHOTOGRAPH THE BODY WITH
20 THE CLOTHES OFF AND THEN WE'RE LOOKING FOR ANY IDENTIFYING
21 FEATURES SUCH AS SCARS OR TATTOOS WE'RE LOOKING FOR ANY
22 INJURIES ON THE BODY SUCH AS BRUISES OR SCRAPES, ABRASIONS OR
23 PERFORATING INJURIES SUCH AS GUNSHOT WOUNDS OR STAB WOUNDS
24 AND ALSO LOOKING FOR ANY OTHER CONDITIONS ON THE EXTERNAL
25 SURFACE OF THE BODY SUCH AS A SKIN RASH OR THINGS LIKE THAT

1 AND THEN FOLLOWING THAT, WE DO A FAIRLY STANDARD
2 INCISION, A Y-SHAPED INCISION BASICALLY YOU TAKE A SCALPEL
3 AND YOU GO FROM THE TIP OF THE SHOULDERS DOWN TO THE MIDDLE
4 OF THE CHEST AND THEN DOWN TO THE PUBIC BONE, AND THEN YOU
5 WOULD REMOVE THE RIB CAGE, AND THAT ALLOWS YOU TO EXPOSE ALL
6 THE MAJOR CHEST AND ABDOMINAL ORGANS, AGAIN LOOKING FOR
7 EVIDENCE OF DISEASE AND INJURIES

8 WE WOULD ALSO INCLUDE IN A FORENSIC AUTOPSY EXAMINATION
9 OF THE HEAD, THE SCALP WE WOULD REFLECT THE SCALP AND LOOK
10 AT THE SURFACES OF THAT TO SEE IF THERE ARE INJURIES THERE
11 WE WOULD LOOK TO SEE WHAT CONDITION THE SKULL IS IN, WHETHER
12 THERE ARE FRACTURES, AND THEN WE WOULD REMOVE THE SKULL AND
13 THEN WE WOULD LOOK AT THE COVERINGS OF THE BRAIN AND THE
14 BRAIN ITSELF, AGAIN LOOKING FOR ANY EVIDENCE OF DISEASE OR
15 INJURIES

16 ALSO INCLUDED IN A FORENSIC AUTOPSY IS EXAMINATION OF
17 THE NECK STRUCTURES THE LARYNX AND THE HYOID BONE WHICH IS
18 THE U-SHAPED BONE WHICH CONNECTS THE NECK TO THE FLOOR OF THE
19 MOUTH FOLLOWING ALL THAT, WE ALSO TAKE BLOOD AND OTHER BODY
20 FLUIDS FOR POTENTIAL TOXICOLOGY STUDIES, LOOKING FOR ANY
21 EVIDENCE OF DRUGS OR POISONS THAT MAY BE IN THE BODY, AND
22 OCCASIONALLY WE MAY ALSO TAKE BODY FLUIDS TO SEE WHETHER
23 THERE'S AN INFECTION IN THE BODY THAT MAY HAVE CAUSED OR
24 CONTRIBUTED TO THE DEATH

25 THEN FOLLOWING ALL OF THAT, THEN WE -- FROM OUR NOTES WE

1 WOULD THEN DICTATE OUR FINDINGS WE CALL THEM OUR GROSS
2 FINDINGS, MEANING OUR NAKED-EYE FINDINGS, AND THEN WE WOULD
3 DO ADDITIONAL STUDIES WE WOULD LOOK AT SECTIONS UNDER THE
4 MICROSCOPE, AND WE WOULD FINALLY TAKE ALL THE RESULTS FROM
5 OUR NAKED-EYE AUTOPSY, THE RESULTS OF THE MICROSCOPE STUDIES
6 AND THE TOXICOLOGY AND ANY ADDITIONAL STUDIES, AND THEN THAT
7 ALL GETS INCORPORATED INTO A REPORT WHICH IS REALLY THE FINAL
8 PRODUCT OF ALL OUR WORK FROM THE AUTOPSY

9 Q OKAY DOCTOR, ARE YOU A MEMBER OF ANY SOCIETIES OR
10 ORGANIZATIONS RELATING TO FORENSIC PATHOLOGY?

11 A YES, I AM

12 Q AND WHAT ARE THOSE?

13 A THE SOCIETIES THAT I'VE BEEN A MEMBER OF INCLUDE THE
14 AMERICAN ACADEMY OF FORENSIC SCIENCES AND THE NATIONAL
15 ASSOCIATION OF MEDICAL EXAMINERS

16 Q OKAY, SIR DOCTOR, HAVE YOU WRITTEN ANY ARTICLES OR
17 BOOKS REGARDING FORENSIC PATHOLOGY?

18 A NOT -- I HAVE NOT WRITTEN ANY BOOKS, BUT I HAVE -- I
19 HAVE WRITTEN SOME ARTICLES AND MONOGRAPHS

20 Q AND HAVE THEY BEEN PUBLISHED?

21 A YES, THEY HAVE

22 Q OKAY, SIR DOCTOR -- IF YOUR HONOR PLEASE, I WOULD
23 OFFER DR CAPLAN AS AN EXPERT IN FORENSIC PATHOLOGY

24 THE COURT ANY OBJECTION AS TO QUALIFICATIONS?

25 MR HUGHES NO, YOUR HONOR

1 THE COURT LADIES AND GENTLEMEN OF THE JURY, YOU'RE
2 ABOUT TO HEAR THE TESTIMONY OF A WITNESS WHO HAS SPECIAL
3 KNOWLEDGE, SKILL, EXPERIENCE, TRAINING OR EDUCATION IN THE
4 FIELD OF FORENSIC PATHOLOGY NORMALLY, LADIES AND GENTLEMEN,
5 THE LAW DOES NOT PERMIT WITNESSES TO GET ON THE WITNESS STAND
6 AND GIVE OPINION TESTIMONY AN EXCEPTION TO THIS RULE IS
7 WHAT WE CALL THE EXPERT OPINION RULE PERSONS WHO CLAIM TO
8 HAVE SPECIAL KNOWLEDGE, SKILL, EXPERIENCE, TRAINING OR
9 EDUCATION AND WHO, IF FOUND QUALIFIED BY THE COURT AS A
10 MATTER OF LAW, ARE PERMITTED TO GIVE AN OPINION AS AN EXPERT
11 IN THE MATTERS IN WHICH THEY CLAIM TO BE SO SKILLED

12 IN DETERMINING THE WEIGHT TO BE GIVEN SUCH EXPERT
13 OPINION, YOU SHOULD AS A JURY CONSIDER THE QUALIFICATIONS AND
14 THE CREDIBILITY OR BELIEVABILITY OF THE EXPERT, THE REASONS
15 GIVEN FOR HIS OPINION YOU ARE NOT BOUND BY ANY EXPERT
16 OPINION YOU GIVE IT THE WEIGHT, IF ANY, TO WHICH YOU DEEM
17 IT SHOULD BE ENTITLED THE WITNESS IS QUALIFIED WITHOUT
18 OBJECTION YOU MAY PROCEED
19 BY MR MURDAUGH

20 Q DOCTOR, I NEGLECTED TO ASK YOU HAVE YOU EVER PERFORMED
21 AUTOPSIES BEFORE?

22 A YES, I HAVE

23 Q AND ON -- DO YOU HAVE ANY IDEA HOW MANY OCCASIONS?

24 A YES I -- I -- SEVERAL MONTHS AGO I ACTUALLY HAD A LIST
25 OF THESE I WOULD SAY -- I'VE BEEN DOING THIS FOR PROBABLY

1 NOW ABOUT 15 YEARS, AND I WOULD SAY I HAVE PROBABLY
2 SUPERVISED SOMEWHERE BETWEEN -- EITHER PERFORMED OR
3 SUPERVISED SOMEWHERE BETWEEN 18 AND 2200 AUTOPSIES IN MY
4 CAREER

5 Q OKAY, SIR AND, DOCTOR, HAVE YOU TESTIFIED IN COURT
6 BEFORE?

7 A YES, I HAVE

8 Q AND HAVE YOU BEEN QUALIFIED AS AN EXPERT WITNESS PRIOR
9 TO TODAY?

10 A YES, I HAVE

11 Q AND IN BOTH STATE AND FEDERAL COURT?

12 A YES, I HAVE

13 Q DOCTOR, SUBSEQUENT TO AUGUST THE 30TH, 2007, DID YOU
14 HAVE AN OCCASION TO EXAMINE A BODY OF A PERSON INDICATED TO
15 YOU AS BEING DWAYNE SMITH?

16 A YES, I DID

17 Q WILL YOU TELL THE LADIES AND GENTLEMEN WHAT YOUR -- TELL
18 ME WHAT YOU DID

19 A SURE I RECEIVED NOTICE OF THE BODY OF DWAYNE SMITH, A
20 DECEASED INDIVIDUAL, FROM MR GORDON RHODEN WHO IS THE
21 CORONER OF HAMPTON COUNTY THAT MR SMITH HAD PASSED AWAY AT
22 THE MEMORIAL HOSPITAL IN SAVANNAH AT APPROXIMATELY 8 08 P M
23 ON THE EVENING OF AUGUST 30TH, AND WE PERFORMED AN AUTOPSY ON
24 HIM THE NEXT DAY, AUGUST 31ST, AT APPROXIMATELY 3 30 P M I
25 WAS GIVEN SOME CIRCUMSTANCES ABOUT THE ACTIVITIES BUT TOLD

1 THAT HE HAD BEEN TAKEN FIRST TO HAMPTON COUNTY REGIONAL
2 MEDICAL CENTER AND HAD THEN BEEN TRANSFERRED BY HELICOPTER TO
3 MEMORIAL HOSPITAL IN SAVANNAH

4 AT APPROXIMATELY 3 30 WE BEGAN THE AUTOPSY AND THROUGH
5 ALL THE PROCEDURES THAT I DESCRIBED BEFORE, AND HE WAS -- IN
6 EXAMINING MR SMITH, HE WAS A WELL-DEVELOPED, WELL-NOURISHED
7 MAN, AND HE WEIGHED APPROXIMATELY 220 POUNDS AND WAS
8 APPROXIMATELY FIVE FEET TEN AND A HALF INCHES HE APPEARED
9 TO BE, AS I SAID, WELL-DEVELOPED, WELL-NOURISHED SOME
10 DISTINGUISHING FEATURES HE HAD A THIN MUSTACHE AND A WELL-
11 GROOMED GOATEE-STYLE BEARD HE HAD A YELLOW METAL GRILL ON
12 HIS UPPER TEETH

13 HE HAD SOME DISTINCTIVE TATTOOS WHICH INCLUDED A --
14 BASICALLY A BULLDOG WITH A SPIKE COLLAR ON THE UPPER ANTERIOR
15 CHEST WALL ON THE LEFT SIDE, AND HE HAD SOME ADDITIONAL
16 TATTOOS WHICH INCLUDED ACROSS ON THE BACK OF HIS RIGHT
17 FOREARM HE HAD A PANTHER-STYLE CAT ON THE BACK OF HIS LEFT
18 FOREARM AND A DEPICTION OF A DOG ON THE LEFT ARM THOSE ARE
19 SOME OF THE DISTINGUISHING FEATURES THAT HE HAD

20 WE THEN WENT -- I THEN WENT TO DOCUMENT ALL THE
21 THERAPEUTIC PROCEDURES, INTERVENTIONS, THAT HE HAD HAD HE
22 HAD A BREATHING TUBE IN PLACE HE HAD MULTIPLE INTRAVENOUS
23 LINES ON HIS BODY HE HAD A CHEST TUBE THAT WAS IN PLACE ON
24 THE RIGHT SIDE HE HAD AN INCISION THAT HAD BEEN DONE IN
25 HAMPTON COUNTY MEDICAL CENTER TO RELIEVE ANY POSSIBLE BLOOD

1 THAT WAS IN THE PERICARDIAL SAC OUTSIDE HIS HEART, AND THEN
2 HE ALSO HAD A LONG INCISION IN THE MIDLINE OF HIS ABDOMEN
3 WHICH REFLECTED THE RESUSCITATIVE ATTEMPTS THAT HAD BEEN MADE
4 TO REPAIR HIS INJURIES

5 Q OKAY, SIR

6 A I THEN WENT ON TO DOCUMENT ALL OF HIS INJURIES WHICH
7 WERE NAMELY FOUR GUNSHOT WOUNDS TO HIS BODY

8 Q OKAY, SIR CAN YOU DESCRIBE TO THE JURY THOSE GUNSHOT
9 WOUNDS?

10 A YES, I CAN HE HAD FOUR GUNSHOT WOUNDS TO THE BODY, AND
11 I'M GOING TO NAME THESE I NAMED THESE ARBITRARILY ONE TO
12 FOUR ON THE AUTOPSY REPORT, BUT I JUST WANT TO CLARIFY THAT
13 THERE'S NO REFERENCE TO A SEQUENCE OF EVENTS THEY'RE JUST
14 FOR IDENTIFICATION PURPOSES ONLY SO---

15 Q SO YOU DON'T KNOW WHICH ONE WAS FIRST, SECOND, THIRD OR
16 FOURTH

17 A I DO NOT

18 Q OKAY, SIR

19 A ONE OF THE GUNSHOT WOUNDS WHICH WE'LL CALL THE FIRST ONE
20 WAS TO THE RIGHT SIDE OF THE CHEST WALL A LITTLE BIT ABOVE
21 THE RIB CAGE OKAY ABOUT RIGHT HERE OKAY AND THIS
22 WOUND WAS A LITTLE OVER 20 INCHES BELOW THE TOP OF THE HEAD
23 OKAY? AND A LITTLE LESS THAN TWO INCHES TO THE RIGHT OF
24 MIDLINE AND THIS ONE HAD AN ECCENTRIC ABRASION COLLAR, AND
25 WHAT I MEAN BY THAT IS WHEN A BULLET COMES IN STRAIGHT ON TO

1 THE BODY, IT USUALLY RUBS THE SKIN, AND IF IT'S COMING
2 STRAIGHT ON, THEN USUALLY THAT ABRASION COLLAR WILL BE EQUAL
3 IN WIDTH AROUND THE HOLE BUT IN THIS ONE THE ABRASION
4 COLLAR, IF WE DESCRIBED IT IN TERMS OF A CLOCK FACE, WAS MORE
5 FROM THE ONE TO FIVE O'CLOCK SO IF YOU'RE LOOKING AT THE
6 BODY HEAD ON, IT INDICATES THAT IT'S COMING AT SOMEWHAT OF AN
7 ANGLE GOING FROM LEFT TO RIGHT IN THE BODY, AND THAT'S WHAT I
8 -- AND THAT'S WHAT I SAY

9 AND THEN -- AND THAT'S WHAT WE SAW FROM THE OUTSIDE OF
10 THE BODY WHEN WE TRACK THIS, WHEN WE LOOK INSIDE OF THE
11 BODY, WE COULD SEE THE -- I COULD SEE THE PATH THIS BULLET
12 WAS GOING THROUGH THE CHEST WALL IN BETWEEN THE SIXTH AND THE
13 SEVENTH RIBS AND THEN WENT THROUGH THE RIGHT SIDE OF THE
14 DIAPHRAGM THAT'S THAT LARGE MUSCLE, YOU KNOW, THAT HELPS
15 EXPAND OUR CHEST AND HELPS US BREATHE

16 IT THEN WENT THROUGH THE RIGHT SIDE OF THE LIVER AND
17 THEN BACK OUT THROUGH THE DIAPHRAGM, AND THEN IT STOPPED IN
18 THE RIGHT SIDE OF THE LOWER BACK WHICH WAS ABOUT AN INCH
19 LOWER THAN WHERE THE ENTRANCE WOUND WAS BUT SEVERAL INCHES
20 OVER TO THE RIGHT, AND I RECOVERED A SMALL CALIBER BULLET
21 THAT DID NOT HAVE A JACKET THAT WAS APPROXIMATELY TWO-TENTHS
22 OF AN INCH IN DIAMETER

23 SO THIS BULLET TOOK A PATH IN THE BODY GOING FROM
24 RIGHT -- GOING FROM -- TO SUMMARIZE HERE, GOING FROM FRONT TO
25 BACK, GOING FROM RIGHT -- GOING FROM LEFT TO RIGHT AND VERY

1 SLIGHTLY DOWNWARD ONLY ABOUT AN INCH, AND THAT WAS -- THAT
2 WAS THE WOUND TO THE RIGHT SIDE OF THE CHEST WALL

3 Q OKAY, SIR

4 A THE SECOND WOUND THAT I DOCUMENTED, OKAY, WAS TO THE
5 LEFT SIDE OF THE CHEST WALL OKAY? THAT WAS -- THAT WAS
6 OVER -- ALSO ABOVE THE RIBCAGE BUT FURTHER FROM THE MIDLINE,
7 SEVERAL INCHES FROM THE MIDLINE THIS ONE WAS JUST A LITTLE
8 BIT LOWER THAN THE ONE THAT I DESCRIBED ON THE -- ON THE
9 RIGHT SIDE OF THE CHEST WALL THIS ONE ALSO HAD A COLLAR OF
10 ABRASION THAT WENT FROM ABOUT NINE O'CLOCK TO SIX O'CLOCK,
11 AND WHEN I TRACED THE PATH OF THAT, THIS TOOK A PATH ACROSS
12 IT WENT BETWEEN THE SEVENTH AND THE EIGHTH RIBS AND THEN
13 ACTUALLY WENT INTO THE ABDOMINAL CAVITY AND THIS ONE WENT
14 THROUGH THE ANTERIOR WALL OF THE STOMACH WHICH HAD BEEN
15 REPAIRED IN THE HOSPITAL AND THEN WENT INTO -- AFTER THAT
16 WENT INTO THE BACK BEHIND THE STOMACH, WENT INTO THE
17 PANCREAS, AND THE PANCREAS IS BEHIND THE STOMACH, GOES ACROSS
18 THE MIDLINE, AND THEN WENT INTO THE DUODENUM WHICH IS THE
19 FIRST PART OF THE SMALL INTESTINE AFTER THE STOMACH AND
20 THEN AFTER THAT IT THEN -- IT THEN WENT INTO WHAT WE CALL THE
21 SOLEUS MUSCLE WHICH HELPS US FLEX OUR LEGS, AND THEN WE FOUND
22 THAT BULLET IN THE MUSCLES ON THE RIGHT SIDE OF THE BACK
23 CLOSE TO THE MIDLINE OKAY? AND THAT WAS ASSOCIATED WITH
24 AREAS OF HEMORRHAGE AND INJURIES TO THOSE ORGANS
25 IT ALSO INJURED THE ARTERY AND VEIN THAT GO TO THE

1 SPLEEN, AND THAT'S WHY THE SURGEONS HAD TO REMOVE THE SPLEEN
2 DURING THE OPERATION BECAUSE THOSE BLOOD VESSELS HAD BEEN
3 INJURED, AND SO THE SPLEEN WAS ABSENT WHEN WE -- WHEN WE DID
4 THE EXAMINATION

5 THAT -- THAT -- WHERE WE -- WHERE WE RECOVERED THE
6 BULLET WAS ABOUT SEVEN INCHES -- SIX OR SEVEN INCHES BELOW
7 WHERE THE ENTRANCE WAS BUT SO THAT ALSO WENT FROM -- JUST
8 LIKE THE FIRST ONE THAT I DESCRIBED, THAT ALSO WENT FROM
9 FRONT TO BACK, ALSO WENT FROM LEFT TO RIGHT AND A LITTLE BIT
10 MORE DOWNWARD THAN THE FIRST INJURY THAT I DESCRIBED, AND
11 THAT BULLET WAS ALSO A SMALL CALIBER BULLET, NOT JACKETED
12 THAT WAS -- IT WAS A LITTLE BIT DEFORMED AND HAD -- WAS ABOUT
13 25 OR BETWEEN TWO AND THREE-TENTHS INCH OF THE DIAMETER

14 THEN THE THIRD GUNSHOT WOUND THAT I DESCRIBED THIS ONE
15 NOW WAS TO THE LEFT SIDE OF THE BODY, SPECIFICALLY THE LEFT
16 SIDE OF BUTTOCK AND WHERE THE BUTTOCK AND THE THIGH MEET
17 THIS WAS ABOUT 31 INCHES BELOW THE TOP OF THE HEAD, SO A
18 LITTLE BIT BELOW WHERE THESE OTHER WOUNDS WERE THAT I
19 DESCRIBED AND THIS ONE TOOK A PATH THROUGH THE SOFT TISSUES
20 OF THE THIGH AND THE ABDOMINAL WALL AND ACTUALLY LODGED RIGHT
21 IN THE VERTEBRAL COLUMN IT LODGED IN THE SECOND LUMBAR
22 VERTEBRAE WHICH IS THE LOWER -- THERE ARE FIVE LOWER BACK
23 VERTEBRAE OKAY? THIS ONE LODGED RIGHT BETWEEN THE ACTUAL
24 BONE AND THE INTERVERTEBRAL DISK

25 AND WE RECOVERED ANOTHER SMALL CALIBER BULLET, DID NOT

1 HAVE A JACKET, WAS TWO-TENTHS INCH IN DIAMETER SO THE PATH
2 OF THIS BULLET WAS FROM -- OBVIOUSLY FROM LEFT TO RIGHT, AND
3 WHAT I ALSO WANT TO MENTION IS THAT WHERE WE RECOVERED THE
4 BULLET WAS ABOUT 23 INCHES BELOW THE TOP OF THE HEAD, SO
5 ABOUT EIGHT INCHES ABOVE WHERE THE ENTRANCE WOUND WENT IN
6 SO THIS TOOK A PATH FROM LEFT TO RIGHT, UPWARD AND SLIGHTLY
7 FROM BACK TO FRONT IN THE BODY

8 AND THEN FINALLY THE LAST WOUND WAS TO THE -- THAT I
9 DESCRIBED WAS TO THE RIGHT SIDE OF THE LOWER BACK JUST A
10 LITTLE BIT ABOVE WHERE THE BUTTOCK CREASE IS THAT WAS ABOUT
11 29 INCHES BELOW THE TOP OF THE HEAD AND LET ME JUST -- JUST
12 TO REMIND MYSELF, THIS WAS ACTUALLY, YEAH, ABOUT FOUR AND A
13 HALF INCHES TO THE RIGHT OF THE -- TO THE RIGHT OF THE
14 MIDLINE THIS WAS A MORE IRREGULAR WOUND, MORE OF A -- NOT
15 AS MUCH CIRCULAR AS THE OTHER ONES BUT MORE OF A SLIT-LIKE
16 BUT ALSO HAD AN ABRASION COLLAR, AND THIS ONE TOOK A PATH --
17 THIS DIDN'T ENTER ANY OF THE BODY CAVITIES

18 THIS ONE BASICALLY TOOK A PATH ACROSS THE CHEST, WENT
19 FROM RIGHT TO LEFT ACROSS THE MIDLINE AND SLIGHTLY UPWARD
20 AND SO WHEREAS THE ENTRANCE WOUND WAS 29 INCHES BELOW THE TOP
21 OF THE HEAD, WE RECOVERED THE BULLET ON THE LEFT SIDE OF THE
22 BODY, THE SOFT TISSUE OF THE BACK, ABOUT 25 INCHES BELOW THE
23 TOP OF THE HEAD SO IT WENT UPWARD OF ABOUT FOUR INCHES AND
24 ONLY INVOLVED THE SOFT TISSUES, DID NOT GO INTO ANY OF THE
25 CAVITIES, DID NOT CAUSE ANY FRACTURES SO THIS BULLET WAS

1 FROM RIGHT TO LEFT UPWARD AND VERY SLIGHTLY FROM BACK TO
2 FRONT AND THOSE WERE THE FOUR -- AND, AGAIN, THIS WAS ALSO
3 A SMALL CALIBER, DID NOT HAVE A JACKET, ALSO ABOUT TWO-TENTHS
4 OF AN INCH IN DIAMETER, AND THOSE WERE THE FOUR GUNSHOT
5 WOUNDS NONE OF THEM EXITED THE BODY, AND THAT'S WHY WE
6 RECOVERED FOUR BULLETS FROM THOSE FOUR GUNSHOT WOUNDS

7 Q OKAY, SIR DOCTOR, DO YOU HAVE AN OPINION BASED UPON
8 YOUR EDUCATION AND YOUR EXAMINATION AS TO A REASONABLE DEGREE
9 OF MEDICAL CERTAINTY AS TO WHAT THE CAUSE OF DEATH OF DWAYNE
10 SMITH WAS?

11 A YES, I DO

12 Q AND WHAT IS THAT OPINION, SIR?

13 A IN MY OPINION, THE CAUSE OF DEATH WAS GUNSHOT WOUNDS TO
14 THE CHEST WITH INJURIES OF THE LIVER, THE PANCREAS AND THE
15 SPLENIC ARTERY AND VEIN

16 Q AND THAT WOULD HAVE BEEN THE ONES -- THE FIRST TWO YOU
17 DESCRIBED

18 A THAT IS CORRECT

19 Q OKAY, SIR DOCTOR, IN ORDER FOR THE JURY TO UNDERSTAND
20 PERFECTLY, WOULD YOU COME DOWN AND INDICATE ON ME WHERE THE
21 WOUNDS WENT AND THE DIRECTION OF THOSE WOUNDS?

22 A ABSOLUTELY

23 MR MURDAUGH MAY I MAKE MY COAT OFF WHILE---

24 THE COURT YOU MAY, SOLICITOR COUNSELOR, YOU MAY COME
25 AROUND, IF YOU WOULD LIKE, TO VIEW WHAT THE JURY IS SEEING

1 DOCTOR, I'M GOING TO ASK YOU IF YOU HAVE YOUR BACK TO MY
2 COURT REPORTER -- SHE'S RIGHT BELOW YOU YOU'RE GOING TO
3 HAVE TO SPEAK UP SO SHE CAN HEAR YOU AND THE JURY

4 THE WITNESS SURE

5 THE COURT THANK YOU

6 THE WITNESS IS IT OKAY IF I USE YOUR PENCIL?

7 THE COURT ABSOLUTELY

8 BY MR MURDAUGH

9 Q CERTAINLY PUT AN X MARK WHERE IT WAS

10 A I'M HESITANT TO DO THIS, BUT HE ASSURES ME HE HAS EXTRA
11 SHIRTS

12 Q I USED TO DO THIS WITH A PEN, AND MY WIFE GAVE ME TOO
13 MUCH DEVIL

14 A OKAY OKAY SO THE FIRST -- THE VERY FIRST ONE THAT
15 I'M GOING TO DESCRIBE -- THIS IS THE ONE THAT'S -- IF THIS IS
16 THE RIBCAGE ABOUT RIGHT HERE, OKAY, AND THIS IS THE NIPPLE
17 AREA, THE FIRST ONE IS GOING TO BE JUST ABOUT RIGHT HERE
18 OKAY? SO I'M GOING TO INDICATE, YEAH, THAT ONE, YEAH, JUST
19 ABOUT RIGHT THERE OKAY?

20 AND REMEMBER I SAID THAT THERE WAS AN ABRASION COLLAR
21 THAT GOES FROM ABOUT ONE TO FIVE O'CLOCK? OKAY? INDICATING
22 THAT THE BULLET IS COMING AT SOMEWHAT OF AN ANGLE OKAY? SO
23 WHAT THIS DOES IT GOES IN THERE BETWEEN THE SIXTH AND THE
24 SEVENTH RIB THROUGH THE DIAPHRAGM OKAY? AND THEN THROUGH
25 THE LIVER, BACK THROUGH DIAPHRAGM AND THROUGH THE SOFT TISSUES

1 OF THE CHEST WALL SO IT'S GOING FRONT TO BACK IT'S GOING
2 LEFT TO RIGHT AND THEN VERY SLIGHTLY DOWNWARD SO WE'RE
3 RECOVERING IT -- WHERE WE RECOVER THE BULLET IS BACK HERE

4 Q PUT A ONE RIGHT THERE FOR THAT FIRST SHOT

5 A OKAY

6 Q OKAY, SIR

7 A ALL RIGHT

8 Q AND THEN IT LODGED WHERE?

9 A WE FIND IT ABOUT RIGHT THERE, SO IT'S GOING AGAIN FRONT
10 TO BACK IT'S GOING RIGHT -- LEFT TO RIGHT AND THEN VERY
11 SLIGHTLY DOWNWARD

12 Q MAKE SURE THAT JUROR CAN SEE

13 A OH, I'M SORRY FRONT TO BACK, LEFT TO RIGHT, AND
14 SLIGHTLY DOWNWARD

15 Q OKAY PUT A -- PUT A ONE BACK THERE WHERE YOU FOUND IT
16 IT WAS UNDER THE SKIN?

17 A YES, IT WAS

18 Q OKAY, SIR

19 A (WITNESS COMPLIES AND MARKS A NUMBER ONE ON MR
20 MURDAUGH'S SHIRT) OKAY

21 Q OKAY, SIR NUMBER TWO?

22 A OKAY NUMBER TWO IS NOW ON THE LEFT SIDE OF THE -- OF
23 THE CHEST WALL SLIGHTLY BELOW THE LEVEL OF NUMBER ONE OKAY?
24 BUT MORE -- WHEREAS THIS WAS CLOSER TO THE MIDLINE, THIS WAS
25 FURTHER FROM THE MIDLINE OKAY? SO THAT'S GOING TO BE SORT

1 OF OVER IN THIS AREA HERE THAT'S NUMBER TWO -- OKAY? ALL
2 RIGHT AND THIS ONE ALSO HAD A LARGE ABRASION COLLAR GOING
3 FROM ABOUT NINE O'CLOCK TO SIX O'CLOCK HERE OKAY?

4 THIS ONE -- WHEREAS THIS WAS ABOUT 20 AND A HALF INCHES
5 BELOW THE TOP OF THE HEAD, THIS IS ABOUT 21 AND A HALF
6 INCHES THIS ONE NOW TAKES A PATH THIS IS GOING -- OKAY
7 THIS IS GOING FROM FRONT TO BACK IT'S GOING LEFT TO RIGHT
8 BUT MORE DOWNWARD SO IT'S ACTUALLY GOING TO BE -- SO WHERE
9 WE -- I'M SORRY SO WHERE WE FIND THE -- WHERE I FIND THIS
10 -- HOLD ON ONE SECOND HERE I'M TRYING TO FIGURE OUT WHAT
11 THE BEST WAY FOR ME TO SHOW THIS IS YEAH

12 SO IT'S ACTUALLY GOING TO BE GOING BACK HERE WHERE WE
13 RECOVERED IT' LET ME JUST -- IN ORDER FOR ME TO MAKE THIS AS
14 ACCURATE AS I CAN, LET ME JUST OKAY ALL RIGHT ONE
15 INCH TO THE RIGHT OF MIDLINE OKAY THERE WE GO ALL
16 RIGHT SO WHERE WE RECOVERED THAT BULLET FROM THE SECOND ONE
17 -- IT TAKES MORE OF A PATH ACROSS THE CHEST THAT'S GOING TO
18 BE CLOSER TO THE -- CLOSER TO THE BACK OKAY? ALL RIGHT
19 SO IT'S GOING TO BE EVEN A LITTLE -- A LITTLE BIT LOWER, SO
20 IT'S GOING TO BE ABOUT THERE OKAY? SO THIS IS GOING TO BE
21 NUMBER TWO ALL RIGHT?

22 ALL RIGHT SO WE'RE -- NUMBER ONE WAS OVER THERE SO,
23 AGAIN, TO SUMMARIZE -- ALL RIGHT IF YOU WANT TO JUST STAND
24 RIGHT THERE, IF YOU DON'T MIND---

25 Q OKAY, SIR

1 A SO THIS IS GOING FROM FRONT TO BACK, FROM LEFT TO RIGHT
2 AND MORE DOWNWARD THAT'S ABOUT SEVEN INCHES BELOW WHERE
3 THAT ONE WAS SO BOTH OF THESE WOUNDS -- BOTH THE WOUNDS ON
4 THE CHEST ARE BOTH GOING FRONT TO BACK THEY'RE BOTH GOING
5 LEFT TO RIGHT, AND THEY'RE BOTH GOING DOWNWARD ALTHOUGH AT
6 DIFFERENT DEGREES OKAY? THERE'S THE FIRST TWO

7 THEN THE THIRD ONE IS -- IF YOU COULD TURN OVER TO YOUR
8 LEFT SIDE OKAY? YEAH SO THAT YOUR LEFT -- YOUR LEFT
9 PROFILE IS SHOWING SO IF YOU COULD TURN ALL WAY THIS WAY---

10 Q THIS WAY?

11 A YEAH THANK YOU OKAY SO NOW WE'RE DOWN HERE AT THE
12 LEFT -- THE LEFT BUTTOCK REGION, THE LEFT THIGH RIGHT HERE
13 OKAY? SO THIS WOULD BE RIGHT OVER THE BLACK AREA OF YOUR
14 PANTS OKAY? IT WOULD BE RIGHT THERE RIGHT AT THE BELT
15 REGION OKAY? THAT'S ABOUT 31 INCHES BELOW THE TOP OF THE
16 HEAD, AND THIS ONE TAKES -- REALLY JUST TAKES A PATH ALMOST
17 STRAIGHT THROUGH FROM LEFT TO RIGHT OKAY? BUT IT GOES A
18 LITTLE BIT UPWARD BECAUSE WE FIND THE BULLET ABOUT 23 INCHES
19 BELOW THE TOP OF THE HEAD AND IT JUST -- THAT'S THE ONE THAT
20 LODGES DIRECTLY IN THE SPINE, IN THE FRONT OF THE SPINE SO
21 IT'S GOING -- I CAN'T MARK IT BECAUSE IT'S MORE ANTERIOR TO
22 WHERE THE SKIN IS, BUT IT'S GOING -- IT'S GOING BACK IT'S
23 GOING LEFT TO RIGHT, UPWARD, AND SLIGHTLY BACK TO FRONT

24 Q OKAY

25 A OKAY? AND THEN FINALLY THE WOUND ON THE RIGHT SIDE OF

1 THE LOWER BACK WHICH IS VERY CLOSE -- NOT FAR FROM WHERE WE
2 RECOVERED THAT SECOND BULLET, OKAY, IS ABOUT 29 INCHES BELOW
3 THE TOP OF THE HEAD AND ABOUT FOUR AND A HALF INCHES TO THE
4 RIGHT OF MIDLINE SO THAT'S GOING TO BE THIS ONE RIGHT HERE,
5 THE SLIT-LIKE WOUND NUMBER FOUR OKAY?

6 THIS IS THE ONE THAT GOES RIGHT ACROSS THE CHEST FROM
7 RIGHT TO LEFT OKAY? AND GOES SLIGHTLY UPWARD OKAY? THIS
8 IS 29 INCHES BELOW THE TOP OF THE HEAD WHERE WE FIND THAT
9 BULLET IS ABOUT 25 INCHES BELOW THE TOP OF THE HEAD OVER
10 HERE OKAY? AND SO THIS IS WHERE WE WOULD FIND NUMBER FOUR
11 OVER ON THE LEFT SIDE OF THE BODY, AND THAT'S TAKING A PATH
12 RIGHT TO LEFT, SLIGHTLY UPWARD, AND THEN JUST VERY SLIGHTLY
13 BACK TO FRONT, ALMOST RIGHT ACROSS THE CHEST LIKE THAT

14 Q THANK YOU, DOCTOR YOU CAN HAVE A SEAT BACK UP THERE,
15 SIR DOCTOR, THE FOUR PROJECTILES THAT YOU RECOVERED, DO YOU
16 HAVE AN OPINION AS TO WHETHER OR NOT THEY WERE THE SAME
17 CALIBER?

18 A YES, I DO

19 MR HUGHES OBJECTION, YOUR HONOR MAY WE APPROACH?
20 THE COURT GROUNDS?

21 MR HUGHES NO QUALIFICATION AS TO---

22 THE COURT SUSTAINED

23 BY MR MURDAUGH

24 Q DOCTOR, IN YOUR TRAINING AS A PATHOLOGIST, HAVE YOU ALSO
25 DONE ANYTHING ABOUT IDENTIFICATION OF PROJECTILES?

1 A TO SOME DEGREE WE DON'T -- BASICALLY WE -- WE MAKE
2 OPINIONS AS TO WHETHER SOMETHING IS SMALL, MEDIUM, AND LARGE
3 CALIBER THAT'S THE DEGREE TO WHICH WE AS PATHOLOGISTS WILL
4 CLASSIFY PROJECTILES

5 Q OKAY, SIR WERE ALL OF THESE OF THE SAME DEGREE?

6 A YES IN MY OPINION, ALL OF THESE WERE OF THE SAME OR A
7 VERY CLOSELY-EQUIVALENT DEGREE

8 MR MURDAUGH THANK YOU, SIR ANSWER ANY QUESTIONS
9 THESE GENTLEMEN MAY HAVE, PLEASE

10 THE COURT CROSS-EXAMINATION?

11 CROSS-EXAMINATION

12 BY MR HUGHES

13 Q DR CAPLAN, HOW MANY WOUNDS WERE THERE?

14 A THERE WERE -- THERE WERE FOUR GUNSHOT WOUNDS

15 Q OKAY AND I'M A LITTLE CONFUSED ABOUT SOMETHING YOU
16 SAID ON---

17 THE COURT SPEAK UP NOW, MR HUGHES, SO THE COURT
18 REPORTER CAN HEAR AND I CAN HEAR

19 BY MR HUGHES

20 Q WHAT YOU SAID WAS -- ON NUMBER ONE WAS THE ABRASION WAS
21 AT THE ONE-TO-THREE AREA?

22 A NO I SAID THAT THE ABRASION WAS FROM ABOUT THE ONE
23 O'CLOCK TO FIVE O'CLOCK---

24 Q ONE O'CLOCK TO FIVE O'CLOCK

25 A ---POSITION

1 Q AND ON THE SECOND ONE IT WAS FROM THE NINE TO SIX?

2 A YES IT WAS AN ECCENTRIC ABRASION COLLAR FROM ABOUT THE
3 NINE O'CLOCK TO SIX O'CLOCK POSITION THAT'S CORRECT

4 Q BUT ACCORDING TO YOUR TESTIMONY, BOTH BULLETS WENT IN
5 THE SAME DIRECTION BASICALLY

6 A THEY WENT APPROXIMATELY THE SAME DIRECTION THAT IS --
7 THAT IS CORRECT

8 Q EVEN THOUGH THE ABRASION MARKS WERE ALMOST OPPOSITE

9 A NO THE ABRASION MARKS WERE NOT ALMOST OPPOSITE

10 Q WE'RE GOING ON THE CLOCK HAND, RIGHT? CLOCK FACE,
11 CORRECT?

12 A YES I WOULD BE GLAD TO CLARIFY THAT IF YOU WOULD LIKE

13 Q DID YOU SAY THAT THE FIRST ONE WAS FROM ONE TO FIVE AND
14 THE SECOND ONE WAS FROM NINE TO SIX?

15 A I DID SAY THAT

16 Q OKAY AND THERE WERE FOUR GUNSHOT WOUNDS

17 A THERE WERE FOUR GUNSHOT WOUNDS TO THE BODY THAT I WAS
18 ABLE TO DISCERN

19 Q AND YOU ALSO SAID THAT PART OF YOUR JOB IS TO EXAMINE
20 THE CLOTHING

21 A THAT IS CORRECT

22 Q DID YOU EXAMINE THE CLOTHING IN THIS SITUATION?

23 A I EXAMINED THE ARTICLES OF CLOTHING THAT WERE MADE
24 AVAILABLE TO ME

25 Q HOW MANY GUNSHOT WOUNDS WERE IN THE ARTICLES OF

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1 CLOTHING?

2 A I DON'T -- I CAN'T SAY WE DON'T LOOK FOR WOUNDS IN THE
3 ARTICLES OF CLOTHING, SO THAT -- THAT -- I COULDN'T ANSWER
4 THAT QUESTION

5 Q DID YOU SEE ANY HOLES IN THE ARTICLES OF CLOTHING THAT
6 YOU WERE GIVEN?

7 A YES, I DID SEE SOME PERFORATIONS IN THE ARTICLES OF
8 CLOTHING THAT I WAS GIVEN

9 MR HUGHES BEGGING THE COURT'S INDULGENCE NO FURTHER
10 QUESTIONS, YOUR HONOR

11 THE COURT REDIRECT?

12 REDIRECT EXAMINATION

13 BY MR MURDAUGH

14 Q DOCTOR, YOU SAID YOU COULD CLARIFY SOMETHING

15 A YES I WANTED TO CLARIFY A VERY IMPORTANT POINT THAT
16 THE ABRASION COLLAR ON A WOUND DOES NOT DEFINITELY INDICATE
17 THE DIRECTION OF THE BULLET, AND THE REASON FOR THAT IS THAT
18 THE BODY CAN BE IN DIFFERENT POSITIONS WHEN THE BULLET
19 STRIKES THAT BODY OKAY? SO YOU COULD -- YOU COULD
20 THEORETICALLY HAVE ABRASION COLLARS THAT DIFFER SOMEWHAT AND
21 STILL HAVE A SIMILAR PATH THROUGH THE BODY

22 AND SO WHAT I WANTED TO CLARIFY WAS THE FIRST WOUND THAT
23 I DESCRIBED, ONE TO FIVE O'CLOCK, WAS MORE -- WAS A MORE
24 CLEAR-CUT ANGLE GOING FROM THE LEFT TO THE RIGHT THE ONE
25 FROM NINE TO SIX O'CLOCK, STILL THE PREDOMINANCE OF THE

1 ABRASION COLLAR WAS STILL ON THE -- ON THE LEFT-HANDED MARGIN
2 OF THAT WOUND, SO STILL WOULD OVERALL BE CONSISTENT WITH A
3 LEFT-TO-RIGHT PATH BUT I WANTED TO CLARIFY THAT THE
4 ABRASION COLLAR BY ITSELF CAN BE PREDICTED BUT IS NOT ALWAYS
5 DEFINITELY INDICATIVE OF THE PATH OF THE BULLET, AND THAT'S
6 THE REASON WHY WE HAVE TO TRACE THAT BULLET PATH OF THE
7 BULLET, AND ULTIMATELY THE MOST ACCURATE THING IS TO LOOK
8 WHERE THE ENTRANCE WOUND IS, WHERE WE RECOVER THE BULLET, AND
9 THAT'S WHY WE USE THE ANATOMIC LANDMARKS BELOW THE TOP OF
10 THE HEAD, TO THE RIGHT OR LEFT OF MIDLINE WE TAKE THOSE
11 MEASUREMENTS, AND THAT'S HOW WE DECIDE OUR FINAL WOUND PATH

12 Q DOCTOR WOUND NUMBER FOUR, WAS THAT THE ONE TO THE
13 BACK?

14 A YES THAT WAS THE ONE TO THE RIGHT SIDE OF THE LOWER
15 BACK CORRECT

16 Q IF YOU HAD A GUN, POSITION ME WHERE I'D HAVE TO BE TO
17 RECEIVE THAT WOUND

18 A WELL, THERE ARE SEVERAL SCENARIOS SO YOU WOULD HAVE TO
19 GIVE ME A SCENARIO, AND I COULD TELL YOU WHETHER OR NOT IT'S
20 CONSISTENT WITH THAT

21 Q IF I'M STANDING LIKE THIS FACING YOU, COULD YOU HAVE
22 INFLECTED THAT WOUND?

23 A I'D HAVE TO EITHER HAVE A PRETTY DARN LONG ARM OR IT
24 WOULD BE A -- NO I MEAN, TO ANSWER THAT, NO THAT WOULD --
25 I DON'T -- I CAN'T SEE A SCENARIO REASONABLY WHERE I COULD

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1 HAVE INFLECTED THAT WOUND

2 Q OKAY, SIR SO IF I COULDN'T BE FACING YOU, WOULD IT BE
3 CONSISTENT WITH MY BACK TO YOU?

4 A EVEN THAT -- EVEN THAT WOULD BE -- WOULD BE VERY
5 UNLIKELY BECAUSE REMEMBER THE PATH OF THAT WAS NOT STRAIGHT
6 ON BUT WAS ACROSS THE BACK

7 Q OKAY, SIR POSITION ME WHERE I WOULD HAVE TO BE

8 A OKAY IF I'M STANDING HERE AND YOU'RE THERE, THEN IF
9 YOU COULD TURN TO YOUR RIGHT KEEP GOING KEEP GOING
10 YEAH, SOMEWHAT THAT SORT OF ANGLE OKAY? WHERE THE ANGLE OF
11 THE MUZZLE OF THE WEAPON IS ALMOST PARALLEL WITH YOUR
12 PROFILE THAT WOULD BE -- THAT WOULD BE THE RELATIVE
13 POSITIONS THAT WOULD BE CONSISTENT WITH INFLECTING THAT
14 TRAJECTORY

15 MR MURDAUGH THANK YOU, SIR ANSWER ANY QUESTIONS HE
16 MAY HAVE

17 THE COURT RECROSS LIMITED TO REDIRECT

18 MR HUGHES NO FURTHER QUESTIONS, YOUR HONOR

19 THE COURT AS TO THIS WITNESS---

20 MR MURDAUGH MAY THE DOCTOR BE EXCUSED?

21 THE COURT ANY OBJECTION, MR HUGHES?

22 MR HUGHES NO OBJECTIONS, YOUR HONOR

23 THE COURT DR CAPLAN, YOU MAY STEP DOWN, AND YOU ARE
24 EXCUSED FROM THE COURTROOM

25 THE WITNESS THANK YOU

1 THE COURT THANK YOU

2 MR MURDAUGH WITH THAT, SIR, THE STATE RESTS

3 THE COURT ARE THERE ANY MATTERS OF LAW THAT I NEED TO
4 TAKE UP ON BEHALF OF THE DEFENDANT AT THIS TIME?

5 MR HUGHES YES, YOUR HONOR

6 THE COURT VERY WELL LADIES AND GENTLEMEN OF THE
7 JURY, I'M GOING TO ASK YOU IF YOU WOULD GO TO YOUR JURY ROOM
8 I NEED TO TAKE UP A MATTER OF LAW IT WON'T BE LONG PLEASE
9 DO NOT DISCUSS THE CASE I'LL BE BACK WITH YOU JUST AS SOON
10 AS I CAN THANK YOU YOU MAY RETIRE TO YOUR JURY ROOM

11 (WHEREUPON, THE JURY WAS EXCUSED FROM OPEN COURT AT
12 10 28 A M)

13 THE COURT MR HUGHES? MAKE SURE MY DOOR IS SHUT BACK
14 THERE IF YOU WOULD, PLEASE, SIR THANK YOU YES, SIR, MR
15 HUGHES, HAPPY TO HEAR FROM YOU

16 MR HUGHES YOUR HONOR, EVEN WITH ALL THE EVIDENCE
17 TAKEN IN THE LIGHT MOST FAVORABLE TO THE STATE, THE STATE HAS
18 NOT PROVEN ALL THE ELEMENTS OF THIS, AND I FEEL THAT A
19 DIRECTED VERDICT IS A MUST

20 THE COURT SOLICITOR, DO YOU WISH TO BE HEARD ON THE
21 DEFENSE MOTION FOR A DIRECTED VERDICT?

22 MR MURDAUGH VERY BRIEFLY, SIR

23 THE COURT YES, SIR

24 MR MURDAUGH IF YOUR HONOR PLEASE, THE EVIDENCE SHOWED
25 THAT THIS FELLOW WAS RUNNING AWAY, GOT SHOT, AND JUST -- I

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1 MEAN, THAT'S ENOUGH

2 THE COURT FOR THE STANDARD AT THIS STAGE, MR HUGHES,
3 YOUR MOTION FOR A DIRECTED VERDICT IS RESPECTFULLY DENIED
4 ANYTHING ELSE AS A MATTER OF LAW FROM THE DEFENDANT BEFORE I
5 ASK YOU AND YOUR CLIENT TO COME FORWARD AND BE SWORN?

6 MR HUGHES JUST THAT I RENEW MY PREVIOUS OBJECTION I
7 RENEW MY PREVIOUS OBJECTIONS TO THE TESTIMONY, YOUR HONOR

8 THE COURT YOU RENEW YOUR PREVIOUS OBJECTIONS

9 MR HUGHES CONCERNING BOTH THE DYING DECLARATION AND
10 THE DEFENDANT'S STATEMENT

11 THE COURT WELL, MY UNDERSTANDING -- THE STATEMENT AS
12 WELL AS THE DYING DECLARATION?

13 MR HUGHES YES, YOUR HONOR

14 THE COURT I DON'T KNOW THAT YOU NEED TO RENEW THEM AT
15 THIS STAGE, BUT I UNDERSTAND YOU'RE TRYING TO PROTECT THE
16 INTEREST OF YOUR CLIENT FOR THE REASONS I ARTICULATED ON
17 THE RECORD EARLIER, I DECLINE TO CHANGE MY RULING ON THOSE
18 OBJECTIONS AT THIS STAGE YOU AND YOUR CLIENT COME AROUND TO
19 BE SWORN

20 COURTNEY SEASE, AFTER BEING DULY SWORN, TESTIFIED
21 AS FOLLOWS IN CAMERA

22 THE COURT IS THAT MICROPHONE ON?

23 THE CLERK YES, SIR

24 MR HUGHES SPEAK UP, COURTNEY

25

1 EXAMINATION BY THE COURT

2 Q I WANT YOU TO SPEAK INTO THE MICROPHONE AND GIVE ME A
3 VERBAL ANSWER THAT IS, SAY YES OR NO DON'T NOD YOUR HEAD
4 DON'T SHAKE YOUR HEAD SAY YES OR NO SO MY COURT REPORTER
5 CAN TAKE IT DOWN DO NOT SAY UH-HUH OR HUH-UH SO I'LL
6 UNDERSTAND WHAT YOU'RE TELLING ME AND THE COURT REPORTER WILL
7 BE ABLE TO ACCURATELY TRANSCRIBE YOUR ANSWERS HAVE YOU
8 UNDERSTOOD WHAT I'VE JUST TOLD YOU?

9 A YES, SIR

10 Q SPEAK UP

11 A YES, SIR

12 Q ALL RIGHT STATE YOUR FULL NAME FOR THE RECORD

13 A COURTNEY SEASE

14 Q MR SEASE, AT THIS TIME I'M GOING TO EXPLAIN TO YOU
15 CERTAIN OF YOUR RIGHTS IF YOU DO NOT UNDERSTAND ANYTHING
16 THAT I SAY, PLEASE LET ME KNOW IF YOU WANT ME TO EXPLAIN
17 ANYTHING IN FURTHER DETAIL, PLEASE LET ME KNOW DO YOU
18 UNDERSTAND?

19 A YES, SIR

20 Q SPEAK UP

21 A YES, SIR

22 Q WE'VE NOW REACHED THE STAGE OF THE TRIAL WHERE YOU MAY
23 PRESENT YOUR DEFENSE YOU HAVE THE RIGHT TO TESTIFY IN YOUR
24 OWN BEHALF HOWEVER, NO ONE CAN MAKE YOU TESTIFY IN THE
25 EVENT YOU HAVE A RECORD FOR ANY CONVICTION INVOLVING

1 DISHONESTY OR A FALSE STATEMENT, OR FOR ANY CRIME PUNISHABLE
2 BY MORE THAN -- IN PRISON FOR MORE THAN ONE YEAR AND THIS
3 COURT DETERMINES AS A MATTER OF LAW THAT THE PROBATIVE VALUE
4 OF ADMITTING THIS EVIDENCE OUTWEIGHS ITS PREJUDICIAL EFFECT
5 TO YOU, THE SOLICITOR WILL BE ABLE TO INTRODUCE THIS RECORD
6 FOR IMPEACHMENT PURPOSES TO ATTACK YOUR CREDIBILITY OR YOUR
7 BELIEVABILITY

8 IF YOU ELECT NOT TO TAKE THE WITNESS STAND, I WILL
9 CHARGE THE JURY THAT THEY ARE NOT TO GIVE THE FACT THAT YOU
10 DID NOT TESTIFY ANY CONSIDERATION WHATSOEVER, AND THERE IS TO
11 BE ABSOLUTELY NO PREJUDICE TO YOU BECAUSE YOU DID NOT
12 TESTIFY YOU HAVE THE CONSTITUTIONAL RIGHT TO REMAIN SILENT
13 THE MATTER OF WHETHER OR NOT YOU TESTIFY WILL BE LEFT
14 ENTIRELY UP TO YOU AS TO WHETHER OR NOT YOU TESTIFY YOU MAY
15 TALK WITH YOUR ATTORNEY, BUT THE ULTIMATE DECISION WILL BE
16 LEFT ENTIRELY UP TO YOU HAVE YOU UNDERSTOOD WHAT I'VE JUST
17 TOLD YOU?

18 A YES, SIR

19 THE COURT MR HUGHES, DO YOU NEED A MOMENT OR ARE YOU
20 AND YOUR CLIENT READY TO ADVISE THE COURT OF YOUR CLIENT'S
21 DECISION?

22 MR HUGHES ONE SECOND, PLEASE, YOUR HONOR

23 THE COURT YES, SIR

24 (WHEREUPON, AN OFF-THE-RECORD DISCUSSION TAKES PLACE
25 BETWEEN MR HUGHES AND MR SEASE)

1 MR HUGHES WE'RE READY, YOUR HONOR

2 BY THE COURT

3 Q MR SEASE, HAVE YOU HAD ENOUGH TIME NOW TO TALK TO YOUR
4 LAWYER?

5 A YES, SIR

6 Q ARE YOU READY TO TELL ME WHETHER OR NOT YOU WISH TO
7 TESTIFY IN REGARDS TO THIS CASE?

8 A YES, SIR

9 Q AND IS IT YOUR DECISION?

10 A MY DECISION, SIR

11 Q AND WHAT IS YOUR DECISION?

12 A DON'T TESTIFY DO NOT TESTIFY

13 Q YOU DO NOT WISH TO TESTIFY

14 A YES, SIR

15 Q THAT'S YOUR DECISION AND NO ONE ELSE'S

16 A YES, SIR

17 Q VERY WELL YOU MAY RETURN TO YOUR SEAT WITH YOUR
18 ATTORNEY MR HUGHES, DOES THE DEFENDANT INTEND TO PRESENT
19 ANY EVIDENCE?

20 MR HUGHES THE DEFENSE WILL REST WHEN THE JURY GETS
21 BACK, YOUR HONOR

22 THE COURT VERY WELL COUNSEL, APPROACH

23 (WHEREUPON, A BENCH CONFERENCE WAS HELD)

24 MR MURDAUGH I THINK THE COURT REPORTER IS GOING TO
25 NEED ABOUT 15 OR 20 MINUTES TO GATHER THE EVIDENCE IN THIS

1 CASE

2 THE COURT THERE'S ONE EXHIBIT

3 (WHEREUPON, A BENCH CONFERENCE WAS HELD)

4 THE COURT ALL RIGHT COUNSEL, IT'S MY UNDERSTANDING

5 FROM THE DEFENDANT THAT HE'LL REST WHEN I BRING THE JURY

6 BACK DEFENDANT HAS LAST ARGUMENT EACH SIDE WILL HAVE 20

7 MINUTES AFTER YOU'VE GOTTEN TO 15, YOU'LL HEAR THE FAMILIAR

8 TAP SO YOU KNOW YOU'VE GOT FIVE MORE MINUTES TO WRAP IT UP IF

9 YOU GO THAT LONG NOW, ARE THERE ANY REQUESTS TO CHARGE

10 OTHER THAN THE STATE'S REQUEST TO CHARGE NUMBER ONE WHICH

11 YOU'VE HANDED UP TO ME, SOLICITOR?

12 MR MURDAUGH NOT AT THIS TIME, SIR

13 THE COURT AND I UNDERSTAND, MR HUGHES, YOU HAVE NO

14 OBJECTION TO STATE'S NUMBER 1 IS THAT CORRECT?

15 MR HUGHES NO OBJECTIONS, YOUR HONOR

16 THE COURT NOW, YOU KNOW THAT WE CHANGED THAT TO USE

17 THE WORD BELIEVED AND NOT KNEW---

18 MR HUGHES YES, SIR

19 THE COURT ---BECAUSE WE THINK THAT'S A CORRECT

20 STATEMENT OF THE LAW YOU'RE SATISFIED WITH THAT CHANGE,

21 SOLICITOR?

22 MR MURDAUGH YES, SIR

23 THE COURT IT'S ACTUALLY GOING TO SAY, "IN DECIDING

24 THIS QUESTION, WHICH IS DYING DECLARATION, YOU MAY CONSIDER

25 WHETHER THE VICTIM BELIEVED HE WAS DYING, NOT WHETHER THE

1 VICTIM KNEW HE WAS DYING, AND WHETHER THE VICTIM HAD LOST ALL
2 HOPE OF RECOVERY AT THE TIME THE STATEMENT WAS MADE ,I'M
3 TAKING OUT "AND KNEW HE WAS DYING " THAT WAS THE FACTS IN
4 HALL, BUT THAT IS NOT A CORRECT STATEMENT OF THE LAW

5 MR MURDAUGH IN THIS CASE---

6 THE COURT AND THAT'S WHY WE'RE CHANGING IT ANY
7 OBJECTION TO THAT, MR HUGHES?

8 MR HUGHES ARE YOU LEAVING IN "YOU MAY CONSIDER
9 WHETHER THE VICTIM WAS DYING" OR JUST DID YOU PUT IN---

10 THE COURT HERE IS THE WAY IT WILL READ ONCE AGAIN, MR
11 HUGHES THE LAST -- NOTHING ON THE FIRST SENTENCE---

12 MR HUGHES CORRECT

13 THE COURT ---OR THE SECOND THE THIRD SENTENCE "IN
14 DECIDING THIS QUESTION, YOU MAY CONSIDER WHETHER THE VICTIM
15 BELIEVED HE WAS DYING AND WHETHER THE VICTIM HAD LOST ALL
16 HOPE OF RECOVERY AT THE TIME THE STATEMENTS WERE MADE "

17 MR HUGHES NO OBJECTION TO THAT, YOUR HONOR

18 THE COURT VERY WELL ARE THERE ANY REQUESTS TO CHARGE
19 FROM THE DEFENDANT?

20 MR HUGHES YOUR STANDARD CHARGE WILL BE FINE, YOUR
21 HONOR

22 THE COURT VERY WELL ALL RIGHT I'M GOING TO TAKE
23 ABOUT A 15-MINUTE RECESS WHEN WE COME BACK, I'LL BRING THE
24 JURY BACK YOU WILL REST IN THE PRESENCE OF THE JURY
25 SOLICITOR, YOU'LL ARGUE FIRST, AND THEN YOU'LL HAVE FINAL

1 ARGUMENT, MR HUGHES, SINCE YOU DID NOT PRESENT ANY
2 TESTIMONY LET THE RECORD REFLECT THAT I HAVE SHOWN BOTH
3 COUNSEL THE PROPOSED VERDICT FORM IN THIS CASE, AND THEY'RE
4 BOTH SATISFIED WITH THE VERDICT FORM WE'LL TAKE A 15-MINUTE
5 RECESS

6 (WHEREUPON, A SHORT BREAK WAS TAKEN)

7 THE COURT THANK YOU PLEASE BE SEATED STATE READY
8 TO PROCEED?

9 MR MURDAUGH THE STATE IS, SIR

10 THE COURT DEFENDANT READY TO PROCEED?

11 MR HUGHES YES, YOUR HONOR

12 THE COURT BRING US THE JURY, PLEASE

13 (WHEREUPON, THE JURY WAS BROUGHT INTO OPEN COURT AT
14 11 07 A M)

15 THE COURT MADAM FOREPERSON, LADIES AND GENTLEMEN OF
16 THE JURY, YOU HAVE HEARD THE EVIDENCE FROM THE STATE OF SOUTH
17 CAROLINA WE'LL NOW HEAR FROM THE DEFENDANT MR HUGHES,
18 YOU MAY CALL YOUR FIRST WITNESS

19 MR HUGHES YOUR HONOR, THE DEFENSE RESTS

20 THE COURT LADIES AND GENTLEMEN OF THE JURY, YOU'VE NOW
21 HEARD ALL THE EVIDENCE IN THIS CASE YOU WILL NOW HEAR THE
22 CLOSING ARGUMENTS OF THE ATTORNEYS FOLLOWED BY MY CHARGE TO
23 YOU ON THE LAW IN THE CASE I ASK THAT YOU GIVE THE
24 ATTORNEYS YOUR CAREFUL CONSIDERATION SOLICITOR?

25 MR MURDAUGH MAY IT PLEASE THE COURT?

1 THE COURT YES, SIR

2 MR MURDAUGH MADAM FOREMAN, LADIES AND GENTLEMEN OF
3 THE JURY, I TOLD Y'ALL AT THE VERY BEGINNING THAT THIS WOULD
4 BE A SIMPLE AND A SHORT CASE GOD KNOWS IT HAS BEEN SHORT
5 I DON'T -- WE TOOK AN HOUR AND A HALF YESTERDAY AND 30
6 MINUTES THIS MORNING HIS HONOR IS GOING TO CHARGE YOU THAT
7 THIS YOUNG MAN IS CHARGED WITH TWO OFFENSES MURDER AND
8 POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT
9 CRIME

10 HE WILL TELL YOU IN HIS CHARGE THAT MURDER IS THE
11 UNLAWFUL KILLING OF ANOTHER PERSON WITH MALICE AFORETHOUGHT
12 NO QUESTION WE'VE GOT AN UNLAWFUL KILLING I MEAN, HE KILLED
13 THIS FELLOW WE'VE GOT A MALICE MALICE HE WILL DEFINE AS
14 BEING OF AN EVIL HEART, OF A BAD BLOOD HE WILL TELL YOU
15 THAT YOU CAN SHOW MALICE TWO WAYS EITHER EXPRESS MALICE --
16 IF I SAID TO YOU, MADAM JUROR OR ANY ONE OF YOU LADIES AND
17 GENTLEMEN, "I'M GOING TO KILL YOU," THAT IS EXPRESS MALICE

18 BUT THERE'S ALSO ANOTHER TYPE OF MALICE CALLED IMPLIED
19 MALICE, AND HE WILL TELL YOU THAT IMPLIED MALICE CAN BE SHOWN
20 BY THE USE OF A DEADLY WEAPON WE KNOW THAT THIS FELLOW WAS
21 SHOT FOUR TIMES WITH A GUN IF YOU USE A GUN, THAT IMPLIES
22 MALICE THE NEXT QUESTION IS WHETHER OR NOT YOU HAD IT IN
23 YOUR HEAD AHEAD OF TIME IT DOESN'T HAVE TO BE AN HOUR IT
24 DOESN'T HAVE TO BE A MINUTE BUT -- OR TEN SECONDS, BUT IT HAS
25 TO BE IN YOUR MIND THAT YOU'RE GOING TO INFLICT THE INJURIES

1 BEFORE YOU DO IT IN THIS CASE YOU KNOW HE HAD IT IN HIS
2 MIND BECAUSE HE CHASED HIM AND KEPT SHOOTING HIM

3 NOW, LET'S LOOK AT THE EVIDENCE BEFORE I GET TO THAT,
4 LET ME TELL YOU HIS HONOR IS GOING TO TELL YOU THAT YOU ARE
5 THE SOLE JUDGES OF THE EVIDENCE HE'S GOING TO TELL YOU THAT
6 IN ORDER TO DO THAT THAT YOU HAVE TO DETERMINE THE
7 BELIEVABILITY OF WHETHER PEOPLE ARE TELLING THE TRUTH, TO PUT
8 IT DOWN IN PLAIN SIMPLE LANGUAGE, AND HE'S GOING TO TELL YOU
9 THAT IN ORDER TO DO THAT YOU CAN TAKE INTO CONSIDERATION
10 EVERYTHING THAT YOU HAVE LEARNED DURING YOUR ENTIRE LIFE WE
11 DON'T EXPECT YOU TO COME IN HERE AND WIPE YOUR BRAIN OUT
12 BEFORE YOU START DOING IT WE WANT YOU TO APPLY YOUR
13 EVERYDAY LEARNING AS TO WHAT HAPPENED

14 SOME OF Y'ALL MAY HAVE CHILDREN AND MAY HAVE TOLD YOUR
15 CHILD DON'T MESS WITH THE COOKIE JAR AND YOU SEE HIM UP
16 THERE AND HE'S GOT HIS HAND IN THE COOKIE JAR HE AIN'T GOT
17 A COOKIE IN HIS HAND, BUT YOU -- YOUR EXPERIENCE TELLS YOU
18 HE'S FIXING TO HAVE ONE AS SOON AS HE CAN GET HIS HAND DOWN
19 LOW ENOUGH BUT THAT'S THE KIND OF STUFF YOU HAVE TO BRING
20 IN YOUR EXPERIENCE TO DETERMINE WHAT THE TRUTH IS

21 HE WILL TELL YOU THAT YOU HAVE GOT A RIGHT TO DETERMINE
22 THE BELIEVABILITY OF A WITNESS, THAT YOU CAN BELIEVE A PART
23 OF WHAT A WITNESS SAYS AND DISBELIEVE ANOTHER PART YOU CAN
24 BELIEVE ALL OR YOU CAN BELIEVE NONE YOU'VE GOT TO USE YOUR
25 GOOD COMMON SENSE IN MAKING THIS DETERMINATION

1 IN THIS CASE -- AND IT IS A RELATIVELY SIMPLE CASE YOU
2 KNOW, LIKE HIS HONOR TOLD -- MAY HAVE TOLD Y'ALL EARLIER,
3 IT'S NOT LIKE "C S I " ON TELEVISION OUT IN CALIFORNIA WHERE
4 IT TAKES THEM THREE WEEKS TO TRY A CASE IN THIS CASE WE'VE
5 GOT A MAN THAT WAS SHOT WE'VE GOT A FELLOW, BENNIE JACKSON
6 -- DO Y'ALL REMEMBER BENNIE JACKSON? BENNIE JACKSON SAYS,
7 "YEAH, I SAW THEM BIRD WAS CHASING PIE, SHOOTING AT HIM
8 HE FELL AND HE KEPT SHOOTING AT HIM " YOU KNOW THAT BIRD IS
9 COURTNEY SEASE BECAUSE BLUE BOLTON TOLD YOU AND PERRY
10 MCALHANEY TOLD YOU THAT THEY KNEW COURTNEY SEASE AND THAT
11 THEY KNEW HIS NICKNAME WAS BIRD

12 BENNIE JACKSON I ASKED HIM -- I SAID, "DO Y'ALL SEE
13 THE FELLOW IN THE COURTROOM THAT WAS DOING THE SHOOTING?"
14 AND HE POINTED AT THAT FELLOW RIGHT YONDER BETWEEN MR BRYAN
15 AND MR HUGHES HE SAID THAT'S THE FELLOW THAT WAS DOING THE
16 SHOOTING THEN PETE LIGHT GOES OUT THERE TO EXAMINE THE
17 SCENE, AND PERRY MCALHANEY COMES SHORTLY AFTERWARDS AND
18 STARTS TALKING WITH HIM THE FELLOW SAYS, "AM I GOING TO
19 DIE?" PERRY SAYS, "NO, YOU'RE GOING TO BE ALL RIGHT WE GOT
20 E M S COMING " HE SAID, "NO, MAN THIS THING IS BAD THIS
21 THING IS BAD " AND PERRY SAID, "WHO SHOT YOU?" HE SAID,
22 "BIRD SHOT ME COURTNEY SEASE "

23 NOW, THAT IS A THING CALLED A DYING DECLARATION, AND HIS
24 HONOR WILL CHARGE YOU THAT THAT IS AN EXCEPTION TO THE
25 HEARSAY RULE NORMALLY YOU CAN'T USE HEARSAY IF A PERSON

1 IS NOT IN THE COURTROOM TO TESTIFY, YOU CAN'T USE THAT
2 EVIDENCE, BUT IN THIS CASE IT'S AN EXCEPTION IT'S A DYING
3 DECLARATION, AND THE LAW SAYS THAT IF YOU BECOME INJURED AND
4 YOU BELIEVE YOU'RE FIXING TO DIE THAT WHAT YOU SAY IS
5 ADMISSIBLE

6 SO IT'S ADMISSIBLE, BUT Y'ALL HAVE TO DETERMINE WHETHER
7 OR NOT HE BELIEVED HE WAS GOING TO DIE AND WHETHER OR NOT HE
8 WAS IN IMMINENT DANGER OF DEATH WELL, OBVIOUSLY HE WAS
9 BECAUSE THEY TOOK HIM TO SAVANNAH AND HE DIED HE BELIEVED
10 HE WAS DYING BECAUSE HE ASKED PERRY -- HE SAYS, "AM I GOING
11 TO DIE?" PERRY SAID, "NO, MAN WE'VE GOT E M S COMING FOR
12 YOU " HE SAID, "NO, MAN NO, MAN THIS THING IS BAD " DO
13 Y'ALL REMEMBER THAT TESTIMONY?

14 SO WE KNOW THAT BENNIE JACKSON SAYS COURTNEY SEASE DID
15 THE SHOOTING WE KNOW THAT DWAYNE SMITH WHO WAS SHOT BY
16 COURTNEY SEASE SAID COURTNEY SEASE DID IT THEN YOU HAVE
17 DANNY ZORN WHO WAS OUT IN HIS YARD AND LOOKED AND SAW THE
18 SHOOTING, AND I ASKED HIM -- I SAID, "WHO DID THE SHOOTING?"
19 HE SAID THAT FELLOW RIGHT OVER YONDER

20 BLESS GOD, THEY GO DOWN THERE SOME FOUR MONTHS LATER
21 THIS WAS IN AUGUST SEPTEMBER, OCTOBER, NOVEMBER, DECEMBER,
22 JANUARY, FEBRUARY THAT'S SIX MONTHS LATER, AND THEY FOUND
23 HIM IN THE DETENTION CENTER IN SCRIVEN COUNTY IF YOU WILL
24 REMEMBER THIS THING WHERE BLUE BOLTON GAVE HIM HIS MIRANDA
25 WARNINGS, YOU LOOK RIGHT UP AT THE TOP AND IT SAYS, "SCRIVEN

1 COUNTY DETENTION CENTER," THE PLACE THEY FOUND HIM AT THE
2 DETENTION CENTER, AND HE GAVE HIM HIS MIRANDA WARNINGS THAT
3 IS, YOU HAVE A RIGHT TO REMAIN SILENT IF YOU SAY ANYTHING,
4 IT CAN BE USED AGAINST YOU IN A COURT OF LAW YOU HAVE A
5 RIGHT TO AN ATTORNEY IF YOU CAN'T AFFORD AN ATTORNEY, ONE
6 WILL BE APPOINTED TO REPRESENT YOU IF YOU START TALKING TO
7 US AND DECIDE AT ANY POINT THAT YOU WANT TO STOP, YOU CAN
8 DO YOU UNDERSTAND THIS? HE UNDERSTOOD THEM

9 AND BLUE ASKED HIM -- SAYS, "TELL ME WHAT HAPPENED " HE
10 SAYS, PIE -- THAT'S DWAYNE SMITH THAT Y'ALL HEARD FROM THE
11 STAND PIE TOLD ME HE WANTED MONEY THAT I OWED HIM, AND I
12 DIDN'T -- TOLD HIM I DIDN'T HAVE IT, AND WE GOT INTO A
13 SCUFFLE, AND I FELT A PISTOL AND I TOOK THE PISTOL FROM HIM
14 AND SHOT HIM

15 I FEEL LIKE I OUGHT TO SIT HERE AND TALK TO Y'ALL A
16 LITTLE BIT LONGER, BUT THERE AIN'T MUCH ELSE TO SAY HE IS
17 GUILTY EVERYTHING POINTS TO COURTNEY SEASE EVERYTHING
18 POINTS TO COURTNEY SEASE COMMITTING A MURDER, AND IF HE
19 COMMITTED A MURDER, THEN YOU NEED TO CONSIDER WHETHER OR NOT
20 HE USED A DEADLY WEAPON IN THE COMMISSION OF THAT MURDER, AND
21 IF HE DID, THEN YOU HAVE TO FIND HIM GUILTY OF THE SECOND
22 OFFENSE

23 VERDICT MEANS TO SPEAK THE TRUTH IT'S DERIVED FROM A
24 LATIN WORD VEREDICTO, AND IT MEANS TO SPEAK THE TRUTH, AND
25 WHATEVER YOUR VERDICT BE TODAY, LET IT SPEAK THE TRUTH HIS

1 FAMILY AND HIS FRIENDS AND LAW ENFORCEMENT WILL BE WAITING ON
2 YOUR DECISION THANK YOU

3 THE COURT MR HUGHES?

4 MR HUGHES IF IT PLEASE THE COURT?

5 THE COURT YES, SIR

6 MR HUGHES LADIES AND GENTLEMEN, WE'RE HERE TODAY
7 BECAUSE SOMEBODY MADE A MISTAKE NOW, DWAYNE SMITH, PIE, IS
8 DEAD DWAYNE SMITH TOLD CHIEF MCALHANEY WHO KILLED HIM
9 THAT WAS HIS -- DWAYNE SMITH HAS BEEN SHOT HE IS IN PAIN
10 HE IS HURTING HE THINKS HE'S DYING HE HAS ONE JOB TO
11 TELL SOMEBODY WHO DID IT

12 CHIEF MCALHANEY COMES UP "NO, PIE, YOU'RE GOING TO BE
13 OKAY THE AMBULANCE IS COMING " PIE STILL HAS THAT ONE JOB
14 TELL CHIEF MCALHANEY WHAT HAPPENED, AND HE TELLS HIM THE BEST
15 WAY HE KNOWS HOW "BIRD SHOT ME " THIS IS WHEN THE MISTAKE
16 HAPPENS CHIEF MCALHANEY ASSUMES THAT THE PERSON PIE IS
17 TALKING ABOUT IS COURTNEY SEASE

18 SO CHIEF MCALHANEY SAYS, "DO YOU MEAN COURTNEY SEASE?"
19 PIE -- DWAYNE SMITH'S JOB HAS BEEN OVER HE HAS DONE WHAT HE
20 WAS SUPPOSED TO DO ALL HE WANTED NOW WAS SOMEBODY TO TAKE
21 THAT PAIN AWAY, AND IF YOU'VE EVER BEEN IN PAIN, YOU KNOW
22 YOU'LL AGREE TO ANYTHING IF YOU'RE IN PAIN "COURTNEY SEASE
23 SHOT ME " AT LEAST THAT'S WHAT CHIEF MCALHANEY SAYS DWAYNE
24 SMITH SAID, BUT CHIEF MCALHANEY DOESN'T KNOW -- NOBODY HAS
25 SHOWN THAT DWAYNE SMITH CALLED COURTNEY SEASE BIRD

1 DO YOU REMEMBER THAT CELL PHONE I ASKED ABOUT? THERE
2 WAS A NUMBER ON THAT CELL PHONE THE NUMBER WAS FOR BIRD,
3 AND THAT WASN'T COURTNEY SEASE'S NUMBER DWAYNE SMITH CALLED
4 SOMEBODY ELSE BIRD, SOMEBODY HE KNEW SO WELL HE HAD HIM ON
5 THE CELL PHONE

6 NOW, LAW ENFORCEMENT HAD MADE A MISTAKE AT THIS POINT
7 THEY HAD IT IN THEIR MIND BECAUSE THE PERSON THEY KNEW AS
8 BIRD AND THE PERSON DWAYNE SMITH KNEW AS BIRD WERE TWO
9 DIFFERENT PEOPLE, BUT THEY THOUGHT WHEN HE SAID, "BIRD SHOT
10 ME," THAT THEY WERE TALKING ABOUT COURTNEY SEASE

11 ON THE CELL PHONE BIRD IS SOMEBODY ELSE, BUT NOW THEY'VE
12 GOT IN THEIR MIND THAT THE PERSON THAT SHOT DWAYNE SMITH WAS
13 COURTNEY SEASE SO THEY DON'T GO LOOKING TO SEE WHO THIS
14 BIRD ON THE CELL PHONE IS REMEMBER DWAYNE SMITH'S ONE JOB
15 IS TO TELL SOMEBODY WHAT HAPPENED, AND HE TOLD THEM TO THE
16 BEST OF HIS ABILITY, "BIRD SHOT ME "

17 ALL LAW ENFORCEMENT HAD TO DO IS PICK UP THAT CELL PHONE
18 AND GO DOWN TO WHERE IT SAID, "BIRD " MASH THE BUTTON AND
19 SAY, "WHO IS THIS? CAN WE COME TALK TO YOU?" BUT THEY
20 DIDN'T DO THAT THEY HAD THE THOUGHT IN THEIR MIND THAT THE
21 PERSON THAT DID IT IS COURTNEY SEASE LET'S FIND COURTNEY
22 SEASE AND SEE WHAT WE CAN DO

23 DID THEY GO AROUND AND TALK TO PEOPLE? WELL, THEY SAID
24 THEY DID, BUT THERE'S NO STATEMENTS THEY DIDN'T EVEN HAVE
25 ANYBODY WRITE DOWN ANYTHING THEY HAVE SIX MONTHS GO BY, AND

1 THEY FINALLY FIND COURTNEY SEASE COURTNEY SEASE IS OVER IN
2 GEORGIA, BUT THEY WANT COURTNEY SEASE -- REMEMBER THEY'VE
3 ALREADY MADE UP THEIR MIND, AND IF YOU'VE MADE UP YOUR MIND
4 ABOUT SOMETHING, YOU'RE GOING TO TRY TO FIND SOMETHING TO
5 PROVE THAT YOU'RE RIGHT

6 SO THEY GO OVER AND TALK TO COURTNEY SEASE MAJOR
7 BOLTON BRINGS THIS PIECE OF PAPER WITH HIM TO TALK TO
8 COURTNEY SEASE, SO HE WAS EXPECTING COURTNEY SEASE TO SAY
9 SOMETHING BECAUSE HE DIDN'T KNOW WHAT COURTNEY SEASE WAS
10 GOING TO SAY, HE DIDN'T BRING A TAPE RECORDER HE TESTIFIED
11 HE WENT BY A NUMBER OF PLACES WHERE HE COULD HAVE GOTTEN ONE,
12 SAID THAT THE POLICE DEPARTMENT HAS ONE HE DIDN'T CARRY A
13 VIDEO RECORDER HE DIDN'T BRING ANYTHING TO SHOW YOU THAT
14 WHAT HE SAYS COURTNEY SAID ACTUALLY HAPPENED

15 NOW, ON THIS SHEET OF PAPER, THIS BOX, ARE LINES WHERE
16 OTHER WITNESSES SIGN DO YOU KNOW WHY THAT IS? BECAUSE IF
17 YOU'VE GOT TWO PEOPLE WHO WILL TESTIFY THAT SOMEBODY SAID
18 SOMETHING, THEN IT'S A LOT MORE BELIEVABLE THAN IF ONE PERSON
19 SITS UP THERE AND SAYS, "WELL, THIS IS WHAT HE SAID "

20 NOW, IN A MURDER INVESTIGATION CAN THERE BE ANYTHING
21 MORE IMPORTANT THAN THE SUSPECT'S STATEMENT? HE DOESN'T EVEN
22 TAKE NOTES HE DOESN'T RECORD IT HE DOESN'T VIDEOTAPE IT
23 AND THE ONLY THING YOU HAVE TO SAY WHAT COURTNEY TOLD HIM IS
24 WHAT HE SAID

25 DO YOU REMEMBER WHEN WE TALKED YESTERDAY? I SAID TO

1 MAKE A LIST IN YOUR MIND OF THINGS THAT YOU WOULD NEED, NOT
2 WANT TO HEAR, BUT NEED TO HEAR AND NEED TO SEE IN ORDER FOR
3 YOU TO CONVICT SOMEONE OF MURDER DO YOU REMEMBER THAT
4 CHECKLIST?

5 DID YOU HAVE A CONFESSION ON THERE? YOU DIDN'T HAVE A
6 CONFESSION YOU HAD WHAT BLUE BOLTON SAID COURTNEY SEASE
7 SAID THERE IS NOTHING WRITTEN DOWN THERE IS NO
8 AUDIOTAPES, NO VIDEOTAPES DYING DECLARATION COMING FROM THE
9 VICTIM'S OWN MOUTH WHAT DOES HE SAY? "BIRD SHOT ME " "WHO
10 IS BIRD?" BIRD IS THE GUY ON THE TELEPHONE

11 EYEWITNESSES TWO OF THEM MR ZORN IS AN OLDER WHITE
12 MAN HE LOOKED AROUND THIS COURTROOM AND REMEMBER HE SAID,
13 "THE GUY WITH THE DREADLOCKS " NOW, THERE'S ONLY ONE GUY IN
14 DREADLOCKS SITTING AT THAT TABLE BETWEEN TWO WHITE GUYS IN
15 SUITS SO IF HE LOOKED AROUND AND SAID, "OKAY WHO IS THE
16 DEFENDANT?" HIM HE NEVER DESCRIBED HIM HE NEVER SAID
17 WHAT HE LOOKED LIKE IT WAS THE GUY WITH THE DREADLOCKS
18 .NOW, IF THERE ARE OTHER PEOPLE WHO HAD BEEN IN THIS COURTROOM
19 WITH DREADLOCKS, IF THEY HAD BEEN SITTING AT THAT TABLE,
20 WOULD HE HAVE POINTED TO THEM?

21 THE OTHER GENTLEMAN, THE OLDER BLACK GENTLEMAN, HE JUST
22 SUDDENLY APPEARS ON MONDAY I SAW IT, THIS IS WHAT HAPPENED
23 WELL, NO, NO THIS IS WHAT HAPPENED I WAS OUTSIDE I WENT
24 INSIDE, AND THEN WHEN I WENT BACK OUTSIDE I SAW BIRD

25 NOW, WHY DIDN'T HE TELL LAW ENFORCEMENT THAT BACK IN

1 AUGUST? NO I TELL YOU WHY HE DIDN'T TELL THEM 'TIL AUGUST
2 BECAUSE THEY DIDN'T NEED FOR HIM TO TELL THEM THAT UNTIL THIS
3 WEEK WHEN THEY LOOKED AT THEIR CASE AND REALIZED THEY HAD
4 MADE A MISTAKE, THAT CHIEF MCALHANEY ASSUMED THAT BIRD WAS
5 COURTNEY SEASE AND THAT'S ALL THEY LOOKED FOR

6 NOW, MAJOR BOLTON SAID THEY DIDN'T TAKE FINGERPRINTS
7 HE ALSO SAID THAT DWAYNE SMITH'S CAR WASN'T A CRIME SCENE
8 HIS CAR WAS PARKED RIGHT THERE DWAYNE SMITH DIDN'T LIVE
9 THERE SO WHY WASN'T HIS CAR INVESTIGATED? WHY WEREN'T
10 FINGERPRINTS TAKEN?

11 NOW, GOING BACK TO YOUR LIST THAT YOU MADE YESTERDAY,
12 DID YOU HAVE FORENSIC EVIDENCE? HAS THERE BEEN ANY TESTIMONY
13 OF FINGERPRINTS OR BALLISTICS, OF D N A , OF BLOOD ANALYSIS,
14 OF -- WERE THERE EVER ANY CRIME SCENE PHOTOGRAPHS? ALL THEY
15 HAVE IS DWAYNE SMITH'S DYING DECLARATION THAT THEY GOT WRONG

16 SOLICITOR MURDAUGH IS RIGHT THIS IS NOTHING LIKE YOU
17 SEE ON TELEVISION THIS HAS BEEN A VERY, VERY FAST CASE,
18 FAST TRIAL, AND THE REASON FOR THAT IS THEY DIDN'T HAVE
19 ANYTHING GO BACK THROUGH YOUR LIST DID YOU SEE OR HEAR
20 WHAT YOU YOURSELF SAID TO YOURSELF THAT YOU WOULD NEED TO SEE
21 AND HEAR IN ORDER TO CONVICT SOMEONE OF MURDER? THERE ARE
22 TOO MANY -- THERE ARE NO BOXES WITH CHECKS SO THEN,
23 THEREFORE, LADIES AND GENTLEMEN, YOU CANNOT CONVICT COURTNEY
24 SEASE OF MURDER THANK YOU

25 THE COURT IF YOU WOULD SHUT THE DOORS FOR ME AND

1 DURING THE CHARGE, PLEASE, NO ONE IN OR OUT OF THE COURTROOM
2 LADIES AND GENTLEMEN OF THE JURY, IT'S NOW MY DUTY TO CHARGE
3 YOU ON THE LAW OF THIS CASE THE STATE HAS CHARGED THE
4 DEFENDANT IN THIS CASE, COURTNEY SEASE, BY THESE TWO
5 INDICTMENTS, FIRST WITH AN INDICTMENT FOR MURDER THAT'S
6 INDICTMENT 2008-GS-25-0190, AND ALSO IN AN INDICTMENT OR A
7 COUNT OF POSSESSION OF A WEAPON DURING THE COMMISSION OF A
8 VIOLENT CRIME IN INDICTMENT 2008-GS-25-0191

9 I REMIND YOU, FIRST OF ALL, LADIES AND GENTLEMEN OF THE
10 JURY, THAT THE FACT THAT THE DEFENDANT WAS ARRESTED, CHARGED,
11 AND INDICTED IN THIS CASE IS NOT EVIDENCE IN THIS CASE NOR
12 DOES IT CREATE ANY PRESUMPTION OR INFERENCE OF GUILT THESE
13 INDICTMENTS, THESE DOCUMENTS, ARE SIMPLY THE FORMAL WRITTEN
14 INSTRUMENTS WHICH CONTAIN THE CHARGES MADE AGAINST THE
15 DEFENDANT THEY ARE THE FORMAL DOCUMENTS BY WHICH THE CASE
16 IS BROUGHT INTO THIS COURT

17 THE DEFENDANT HAS PLED NOT GUILTY TO EACH OF THESE
18 INDICTMENTS, AND THAT PLEA PUTS THE BURDEN ON THE STATE OF
19 SOUTH CAROLINA TO PROVE THE DEFENDANT GUILTY BEYOND A
20 REASONABLE DOUBT A PERSON CHARGED WITH COMMITTING A
21 CRIMINAL OFFENSE IN SOUTH CAROLINA IS NEVER REQUIRED TO PROVE
22 HIMSELF INNOCENT I CHARGE YOU, LADIES AND GENTLEMEN OF THE
23 JURY, THAT IT'S AN IMPORTANT RULE OF THE LAW THAT THE
24 DEFENDANT IN A CRIMINAL TRIAL, NO MATTER WHAT THE SERIOUSNESS
25 OF THE CHARGE MAY BE, WILL ALWAYS BE PRESUMED TO BE INNOCENT

1 OF THE CRIME FOR WHICH HE IS CHARGED OR FOR WHICH THE
2 INDICTMENT WAS ISSUED UNTIL GUILT HAS BEEN PROVEN BY EVIDENCE
3 SATISFYING YOU OF THAT GUILT BEYOND A REASONABLE DOUBT

4 THIS PRESUMPTION OF INNOCENCE DOES NOT END WHEN YOU
5 BEGIN YOUR DELIBERATIONS, BUT IT ACCOMPANIES THE DEFENDANT
6 THROUGHOUT THE TRIAL UNTIL YOU, THE JURY, REACH A VERDICT OF
7 GUILT BASED ON EVIDENCE SATISFYING YOU OF THAT GUILT BEYOND A
8 REASONABLE DOUBT THE PRESUMPTION OF INNOCENCE IS NOT A MERE
9 LEGAL THEORY IT IS NOT JUST A LEGAL PHRASE IT IS A
10 SUBSTANTIAL RIGHT TO WHICH EVERY DEFENDANT IS ENTITLED UNLESS
11 YOU, THE JURY, ARE SATISFIED FROM THE EVIDENCE OF THE
12 DEFENDANT'S GUILT BEYOND A REASONABLE DOUBT

13 WHAT IS A REASONABLE DOUBT IN THE LAW? A REASONABLE
14 DOUBT IS THE KIND OF DOUBT THAT WOULD CAUSE A REASONABLE
15 PERSON TO HESITATE TO ACT THE STATE HAS THE BURDEN OF
16 PROVING THE DEFENDANT GUILTY BEYOND A REASONABLE DOUBT SOME
17 OF YOU MAY HAVE SERVED AS JURORS IN CIVIL CASES WHERE YOU
18 WERE TOLD THAT IT WAS ONLY NECESSARY TO PROVE THAT A FACT IS
19 MORE LIKELY TRUE THAN NOT TRUE SUCH AS BY THE GREATER WEIGHT
20 OR THE PREPONDERANCE OF THE EVIDENCE IN A CRIMINAL CASE
21 SUCH AS THE CASE HERE, THE STATE'S PROOF MUST BE MORE THAN
22 THAT IT MUST BE BEYOND A REASONABLE DOUBT

23 I REMIND YOU, LADIES AND GENTLEMEN OF THE JURY, THAT
24 DURING THIS TRIAL YOU AND I HAVE HAD CERTAIN DUTIES TO
25 PERFORM AS THE TRIAL JUDGE, IT HAS BEEN MY RESPONSIBILITY

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1 TO PRESIDE OVER THE TRIAL AND TO RULE ON THE ADMISSIBILITY OF
2 EVIDENCE OFFERED DURING THE TRIAL - YOU, LADIES AND GENTLEMEN
3 OF THE JURY, ARE AS JURORS TO CONSIDER ONLY THE COMPETENT
4 EVIDENCE BEFORE YOU IF THERE WAS ANY TESTIMONY ORDERED
5 STRICKEN FROM THE RECORD IN THIS CASE DURING THE TRIAL, YOU
6 MUST DISREGARD THAT TESTIMONY YOU ARE TO CONSIDER ONLY THE
7 TESTIMONY WHICH HAS BEEN PRESENTED FROM THE WITNESS STAND AND
8 ANY EXHIBITS WHICH HAVE BEEN MADE A PART OF THE RECORD IN
9 THIS CASE

10 I HAVE THE ADDITIONAL DUTY AS THE TRIAL JUDGE TO CHARGE
11 YOU THE LAW APPLICABLE TO THIS CASE AS THE PRESIDING JUDGE,
12 I'M THE SOLE JUDGE OF THE LAW OF THE CASE, AND IT'S YOUR DUTY
13 AS JURORS TO ACCEPT AND TO APPLY THE LAW EXACTLY AS, I NOW
14 STATE IT TO YOU IF ANY OF YOU ALREADY HAVE ANY PRECONCEIVED
15 IDEAS ABOUT WHAT YOU THINK THE LAW IS OR EVEN WHAT YOU FEEL
16 THE LAW OUGHT TO BE AND IT DOES NOT AGREE WITH WHAT I NOW
17 TELL YOU THE LAW IS, YOU MUST ABANDON ANY PRECONCEIVED IDEAS
18 BECAUSE YOU TOOK AN OATH YOU SWORE AS JURORS TO ACCEPT AND
19 APPLY THE LAW EXACTLY AS I NOW STATE IT TO YOU

20 IN EVERY CASE TRIED IN THIS COURTROOM BEFORE A JURY, THE
21 JURY BECOMES THE SOLE AND THE EXCLUSIVE JUDGE OF THE FACTS IN
22 A CASE A TRIAL JUDGE SUCH AS MYSELF CANNOT COMMENT ON,
23 STATE, INTIMATE, OR MAKE ANY STATEMENT TO A TRIAL JURY SUCH
24 AS YOU ABOUT THE FACTS IN THE CASE YOU ARE NOT TO INFER
25 FROM WHAT I'VE SAID DURING THE PROGRESS OF THIS TRIAL IN

1 RULING UPON THE ADMISSIBILITY OF EVIDENCE OR OTHERWISE OR
2 ANYTHING THAT I SAY NOW DURING THE COURSE OF THIS INSTRUCTION
3 TO YOU THAT I HAVE ANY OPINION WHATSOEVER ABOUT THE FACTS IN
4 THIS CASE THE LAW DOES NOT ALLOW ME TO HAVE AN OPINION
5 ABOUT THE FACTS IN THE CASE THIS IS A MATTER SOLELY FOR
6 YOU, THE JURY, TO DETERMINE

7 AS JURORS, IT IS YOUR DUTY TO ANALYZE IT IS YOUR DUTY
8 TO DETERMINE THE EFFECT, THE VALUE, THE WEIGHT, AND THE TRUTH
9 OF THE EVIDENCE PRESENTED DURING THE TRIAL OF THIS CASE
10 YOU, LADIES AND GENTLEMEN OF THE JURY, ARE THE SOLE JUDGES OF
11 THE FACTS, AND YOU ARE THE ONLY PEOPLE IN THIS COURTROOM WHO
12 ARE PERMITTED TO WEIGH THE EVIDENCE, TO CONSIDER THE
13 EVIDENCE, AND DETERMINE WHICH EVIDENCE CONVINCES YOU OF ITS
14 TRUTH

15 NOW, LIKE MANY THINGS IN THE LAW, LADIES AND GENTLEMEN
16 OF THE JURY, WE HAVE NAMES FOR THE TWO TYPES OF EVIDENCE THAT
17 ARE GENERALLY PRESENTED DURING A TRIAL WE CALL THESE TWO
18 TYPES OF EVIDENCE DIRECT EVIDENCE AND CIRCUMSTANTIAL
19 EVIDENCE DIRECT EVIDENCE IS THE TESTIMONY OF A PERSON WHO
20 CLAIMS TO HAVE ACTUAL KNOWLEDGE OF A FACT SUCH AS AN
21 EYEWITNESS TO AN EVENT DIRECT EVIDENCE IS EVIDENCE WHICH
22 IMMEDIATELY ESTABLISHES THE MAIN FACT TO BE PROVED

23 CIRCUMSTANTIAL EVIDENCE, AS CONTRASTED WITH DIRECT
24 EVIDENCE, IS PROOF OF A CHAIN OF FACTS AND CIRCUMSTANCES
25 INDICATING THE EXISTENCE OF A FACT CIRCUMSTANTIAL EVIDENCE

1 IS EVIDENCE, WHICH IMMEDIATELY ESTABLISHES COLLATERAL FACTS
2 FROM WHICH THE MAIN FACT MAY OR MAY NOT BE INFERRED
3 CIRCUMSTANTIAL EVIDENCE, LADIES AND GENTLEMEN, IS BASED
4 ON INFERENCE AND NOT ON PERSONAL KNOWLEDGE OR PERSONAL
5 OBSERVATION BY WAY OF EXAMPLE, IF I GO OUTSIDE AND IT'S
6 RAINING AND I LOOK UP AND I SEE THE RAIN COMING DOWN AND IT
7 HITS ME IN THE FACE, I CAN TESTIFY DIRECTLY, SO, BY DIRECT
8 EVIDENCE, I SAW IT RAINING BUT IF I'M INSIDE AND THE DOORS
9 ARE SHUT, THE BLINDS ARE CLOSED, AND YOU WALK INTO MY
10 PRESENCE AND YOU HAVE A WET OVERCOAT AND A WET UMBRELLA AND
11 YOU HAVE WET GALOSHES ON, I INFER THAT IT MUST BE RAINING
12 OUTSIDE EVEN THOUGH I DIDN'T PERSONALLY OBSERVE IT
13 CIRCUMSTANTIAL EVIDENCE,

14 THE LAW MAKES ABSOLUTELY NO DISTINCTION BETWEEN THE
15 WEIGHT OR THE VALUE TO BE GIVEN TO EITHER DIRECT OR
16 CIRCUMSTANTIAL EVIDENCE NOR IS A GREATER DEGREE OF CERTAINTY
17 REQUIRED OF CIRCUMSTANTIAL EVIDENCE THAN OF DIRECT EVIDENCE
18 LADIES AND GENTLEMEN OF THE JURY, I CHARGE YOU THAT YOU AS A
19 JURY SHOULD WEIGH ALL THE EVIDENCE IN THIS CASE, BOTH DIRECT
20 AND CIRCUMSTANTIAL AFTER WEIGHING ALL THE EVIDENCE IN THIS
21 CASE, IF YOU ARE NOT CONVINCED OF THE GUILT OF THE DEFENDANT
22 BEYOND A REASONABLE DOUBT, YOU MUST FIND THE DEFENDANT NOT
23 GUILTY ON THE OTHER HAND, AFTER WEIGHING ALL THE EVIDENCE
24 IN THIS CASE, BOTH DIRECT AND CIRCUMSTANTIAL, IF YOU ARE
25 CONVINCED OF THE GUILT OF THE DEFENDANT BEYOND A REASONABLE

1 DOUBT, YOU MUST FIND THE DEFENDANT GUILTY

2 NECESSARILY, AS A JURY YOU MUST DETERMINE THE
3 CREDIBILITY OF THE WITNESSES WHO HAVE TESTIFIED IN THE TRIAL
4 OF THIS CASE CREDIBILITY SIMPLY MEANS BELIEVABILITY IT
5 BECOMES YOUR DUTY AS JURORS TO ANALYZE AND TO EVALUATE THE
6 EVIDENCE AND DETERMINE WHICH EVIDENCE CONVINCES YOU OF ITS
7 TRUTH

8 IN DETERMINING THE BELIEVABILITY OF THE WITNESSES WHO
9 HAVE TESTIFIED IN THIS CASE YOU MAY BELIEVE ONE WITNESS OVER
10 SEVERAL WITNESSES YOU MAY BELIEVE SEVERAL WITNESSES OVER
11 ONE WITNESS YOU MAY BELIEVE A PART OF THE TESTIMONY OF A
12 WITNESS AND REJECT THE REMAINING PART OF THE TESTIMONY OF
13 THAT SAME WITNESS YOU MAY BELIEVE THE TESTIMONY OF A
14 WITNESS IN ITS ENTIRETY OR YOU MAY REJECT THE TESTIMONY OF A
15 WITNESS IN ITS ENTIRETY

16 YOU MAY CONSIDER WHETHER THE WITNESS HAS DEMONSTRATED TO
17 YOU ANY INTEREST, ANY BIAS, ANY PREJUDICE, OR OTHER MOTIVE IN
18 THIS CASE YOU MAY EVEN CONSIDER THE APPEARANCE OR THE
19 MANNER OF THE WITNESS WE CALL THAT THE Demeanor OF THE
20 WITNESS, WHILE THE WITNESS IS ON THE WITNESS STAND, IN
21 WEIGHING THE CREDIBILITY OR THE BELIEVABILITY OF THE
22 WITNESSES WHO HAVE TESTIFIED DURING THE TRIAL OF THIS CASE

23 I CHARGED YOU DURING THE TRIAL AND I REPEAT TO YOU THAT
24 THE RULES OF EVIDENCE ORDINARILY DON'T PERMIT WITNESSES TO
25 GET ON THIS WITNESS STAND AND TESTIFY TO OPINIONS OR

1 CONCLUSIONS AN EXCEPTION TO THIS RULE EXISTS FOR THOSE
2 WITNESSES WE CALL EXPERT WITNESSES A WITNESS WHO BY SOME
3 EDUCATION AND EXPERIENCE HAS BECOME AN EXPERT IN SOME ART,
4 SCIENCE, PROFESSION OR CALLING MAY STATE AN OPINION AS TO
5 RELEVANT AND MATERIAL MATTER IN WHICH THE WITNESS CLAIMS TO
6 BE AN EXPERT AND MAY STATE THE REASONS FOR HIS OR HER OPINION
7 IF FOUND QUALIFIED AS A MATTER OF LAW BY THE COURT AS AN
8 EXPERT

9 YOU SHOULD CONSIDER ANY EXPERT OPINION RECEIVED IN
10 EVIDENCE IN THIS CASE AND, LIKE ANY OTHER EVIDENCE, GIVE IT
11 THE WEIGHT YOU THINK IT DESERVES IF YOU THINK THAT THE
12 OPINION OF AN EXPERT WITNESS IS NOT BASED ON SUFFICIENT
13 EDUCATION AND EXPERIENCE OR IF YOU CONCLUDE THAT THE REASONS
14 GIVEN IN SUPPORT OF THE OPINION ARE NOT SOUND OR THAT THE
15 OPINION IS OUTWEIGHED BY OTHER EVIDENCE, YOU MAY DISREGARD
16 THE EXPERT OPINION ENTIRELY AN EXPERT WITNESS'S TESTIMONY
17 IS TO BE GIVEN NO GREATER WEIGHT THAN THAT OF OTHER WITNESSES
18 SIMPLY BECAUSE THE WITNESS IS AN EXPERT FURTHER, YOU ARE
19 NOT REQUIRED TO ACCEPT AN EXPERT'S OPINION EVEN THOUGH IT IS
20 NOT CONTRADICTING

21 I CHARGE YOU, LADIES AND GENTLEMEN OF THE JURY, THAT IN
22 THIS CASE THE COURT HAS ADMITTED EVIDENCE OF A STATEMENT
23 ALLEGEDLY MADE BY THE DECEASED VICTIM AFTER THE INJURIES I
24 HAVE DETERMINED AS A MATTER OF LAW THAT THIS STATEMENT IS
25 ADMITTED INTO EVIDENCE HOWEVER, IT IS UP TO YOU, LADIES AND

1 GENTLEMEN OF THE JURY, TO DETERMINE THE BELIEVABILITY OF THE
2 STATEMENT IN DECIDING THIS QUESTION, LADIES AND GENTLEMEN
3 OF THE JURY, I CHARGE YOU THAT YOU MAY CONSIDER WHETHER THE
4 VICTIM BELIEVED HE WAS DYING AND WHETHER THE VICTIM HAD LOST
5 ALL HOPE OF RECOVERY AT THE TIME THE STATEMENT WAS MADE

6 I CHARGE YOU, LADIES AND GENTLEMEN, THAT A STATEMENT
7 ALLEGED TO HAVE BEEN MADE BY THE DEFENDANT HAS BEEN ADMITTED
8 INTO EVIDENCE DURING THE TRIAL OF THIS CASE WHILE THE COURT
9 HAS DETERMINED THAT THE STATEMENT WAS ADMISSIBLE, I INSTRUCT
10 YOU THAT YOU, THE JURY, MAKE THE ULTIMATE DECISION OF WHETHER
11 OR NOT THE DEFENDANT MADE ANY STATEMENT

12 IF YOU DETERMINE THE DEFENDANT DID MAKE THE STATEMENT,
13 YOU MUST DETERMINE WHETHER THE STATEMENT WAS MADE BY THE
14 DEFENDANT VOLUNTARILY OR OF HIS OWN FREE WILL THIS MEANS
15 THAT THE STATEMENT WAS NOT CAUSED BY PRESSURE, FORCE,
16 THREATS, FEAR, COERCION, OR INTIMIDATION OR BY HOPE OR A
17 PROMISE OF LENIENCY OR A REWARD OF ANY KIND IN DETERMINING
18 WHETHER THE STATEMENT WAS VOLUNTARY, YOU SHOULD CONSIDER BOTH
19 THE CHARACTERISTICS OF THE DEFENDANT AND THE DETAILS OF THE
20 QUESTIONING

21 SOME OF THE FACTORS YOU MAY CONSIDER BASED ONLY UPON
22 EVIDENCE INTRODUCED DURING THE TRIAL OF THE CASE ARE THE AGE
23 OF THE DEFENDANT, THE DEFENDANT'S EDUCATION, THE DEFENDANT'S
24 MENTAL ABILITY, THE DEFENDANT'S INTELLIGENCE, THE DEFENDANT'S
25 BACKGROUND AND ENVIRONMENT, THE PLACE AND LENGTH OF

1 DETENTION, THE NATURE OF THE QUESTIONING, AND THE ADVICE OR
2 LACK THEREOF TO THE DEFENDANT OF HIS CONSTITUTIONAL RIGHTS
3 INCLUDING BUT NOT LIMITED TO THE RIGHT TO REMAIN SILENT, THAT
4 ANY STATEMENT COULD BE USED AGAINST HIM IN A COURT OF LAW,
5 THE RIGHT TO HAVE A LAWYER PRESENT, THAT IF HE COULD NOT
6 AFFORD A LAWYER, A LAWYER WOULD BE APPOINTED TO REPRESENT HIM
7 WITHOUT ANY COST AND THAT HE COULD STOP MAKING A STATEMENT AT
8 ANY TIME YOU AS THE JURY MUST CAREFULLY CONSIDER ALL OF THE
9 SURROUNDING CIRCUMSTANCES BASED ON EVIDENCE INTRODUCED DURING
10 THE TRIAL OF THE CASE BEFORE YOU GIVE ANY WEIGHT TO AN
11 ALLEGED STATEMENT

12 THE STATE HAS THE BURDEN OF PROVING BEYOND A REASONABLE
13 DOUBT THAT THE ALLEGED STATEMENT WAS VOLUNTARY IF YOU
14 DETERMINE THAT THE STATEMENT WAS VOLUNTARY, YOU MAY GIVE THE
15 STATEMENT ANY FURTHER CONSIDERATION THAT YOU AS A JURY DEEM
16 PROPER YOU AS A JURY MUST DECIDE WHAT WEIGHT, IF ANY,
17 SHOULD BE GIVEN TO THE ALLEGED STATEMENT IF YOU DETERMINE
18 THE ALLEGED STATEMENT WAS NOT THE FREE AND VOLUNTARY
19 STATEMENT OF THE DEFENDANT, YOU SHOULD NOT CONSIDER THE
20 STATEMENT AT ALL

21 I INSTRUCT YOU, LADIES AND GENTLEMEN, THAT THE FACT THAT
22 THE DEFENDANT DID NOT TESTIFY IS NOT A FACTOR TO BE
23 CONSIDERED BY YOU IN ANY WAY DURING YOUR DELIBERATIONS AND IN
24 YOUR CONSIDERATION ON THE QUESTION OF THE GUILT OR INNOCENCE
25 OF THE DEFENDANT IT MUST NOT BE CONSIDERED BY YOU IN ANY

1 MANNER WHATSOEVER A DEFENDANT HAS THE CONSTITUTIONAL RIGHT
2 TO REMAIN SILENT, AND THE ASSERTION OF THIS CONSTITUTIONAL
3 RIGHT MUST NOT BE CONSIDERED BY YOU IN YOUR DELIBERATIONS

4 I REPEAT, LADIES AND GENTLEMEN, THAT UNDER YOUR OATH YOU
5 ARE TO DRAW NO CONCLUSION WHATSOEVER FROM THE FACT THAT THE
6 DEFENDANT IN THIS CASE DID NOT TESTIFY THE FACT THAT THIS
7 DEFENDANT DID NOT TESTIFY SHOULD NOT EVEN BE DISCUSSED IN
8 YOUR JURY ROOM THE BURDEN OF PROOF, AS I HAVE STATED TO
9 YOU, IS ON THE STATE OF SOUTH CAROLINA THE DEFENDANT IS NOT
10 REQUIRED TO PROVE HIS INNOCENCE THE BURDEN OF PROOF REMAINS
11 ON THE STATE TO PROVE GUILT BEYOND A REASONABLE DOUBT

12 IN ORDER TO ESTABLISH CRIMINAL LIABILITY FOR ANY TYPE OF
13 CRIMINAL OFFENSE, CRIMINAL INTENT IS REQUIRED FOR EXAMPLE,
14 THE MENTAL STATE REQUIRED TO BE PROVEN BY THE STATE FOR ANY
15 PARTICULAR CRIME MIGHT BE PURPOSE IT MIGHT BE INTENT IT
16 MIGHT BE KNOWLEDGE IT MIGHT BE RECKLESSNESS IT MIGHT BE
17 MALICE IT MIGHT BE CRIMINAL NEGLIGENCE THOSE ARE EXAMPLES
18 OF CRIMINAL INTENT

19 CRIMINAL INTENT MUST BE PROVEN BY THE STATE BEYOND A
20 REASONABLE DOUBT CRIMINAL INTENT IS ALWAYS A MATTER THAT
21 MUST BE DETERMINED BY THE JURY FROM THE CIRCUMSTANCES
22 SURROUNDING THE SITUATION BASED ON EVIDENCE INTRODUCED DURING
23 THE TRIAL OF THE CASE THERE IS NO WAY, LADIES AND
24 GENTLEMEN, TO PROVE INTENT TO A MATHEMATICAL CERTAINTY
25 THERE IS NO WAY THAT MEDICAL SCIENCE CAN DISSECT A PERSON'S

1 BRAIN AND DETERMINE WHAT THAT PERSON HAD IN MIND, SO THE LAW
2 SAYS, LADIES AND GENTLEMEN, THAT CRIMINAL INTENT MAY BE
3 INFERRED FROM THE CIRCUMSTANCES SHOWN TO HAVE EXISTED BASED
4 ON EVIDENCE INTRODUCED DURING THE TRIAL OF THE CASE THIS,
5 LADIES AND GENTLEMEN OF THE JURY, IS HOW YOU AS A JURY MAKE A
6 DETERMINATION OF WHETHER OR NOT ANY ELEMENT IN A CRIME
7 REQUIRING CRIMINAL INTENT WAS PRESENT

8 IT IS NOT NECESSARY TO ESTABLISH INTENT BY DIRECT OR
9 POSITIVE EVIDENCE, BUT INTENT MAY BE ESTABLISHED BY INFERENCE
10 IN THE SAME WAY AS ANY OTHER FACT BY TAKING INTO
11 CONSIDERATION THE ACTS OF THE PARTIES AND ALL THE FACTS AND
12 CIRCUMSTANCES OF THE CASE BASED ON EVIDENCE INTRODUCED DURING
13 THE TRIAL OF THE CASE CRIMINAL INTENT IS A MENTAL STATE, A
14 CONSCIOUS WRONGDOING IT IS UP TO YOU, THE JURY, TO
15 DETERMINE WHAT THE DEFENDANT INTENDED TO DO BASED ON THE
16 CIRCUMSTANCES SHOWN TO HAVE EXISTED ON EVIDENCE INTRODUCED
17 DURING THE TRIAL OF THE CASE CRIMINAL INTENT CAN ARISE FROM
18 AN ACTION OR A FAILURE TO ACT IT MAY ARISE FROM NEGLIGENCE,
19 RECKLESSNESS, OR AN INDIFFERENCE TO DUTY OR TO CONSEQUENCES
20 CONSIDERED BY THE LAW TO BE THE EQUIVALENT OF CRIMINAL
21 INTENT

22 I CHARGE YOU, LADIES AND GENTLEMEN, IN THIS CASE THAT
23 THERE ARE MULTIPLE CHARGES OR OFFENSES AGAINST THE DEFENDANT
24 THE CHARGES ARE THE DEFENDANT, COURTNEY SEASE, IS CHARGED IN
25 ONE INDICTMENT WITH MURDER, AND THE DEFENDANT, COURTNEY

1 SEASE, IS CHARGED IN THE SECOND INDICTMENT WITH POSSESSION OF
2 A FIREARM DURING THE COMMISSION OF A VIOLENT CRIME EACH
3 INDICTMENT CONTAINS A SEPARATE AND DISTINCT OFFENSE YOU
4 MUST DECIDE EACH INDICTMENT SEPARATELY ON THE EVIDENCE AND
5 THE LAW APPLICABLE TO IT, UNINFLUENCED BY YOUR DECISION AS TO
6 ANY OTHER INDICTMENT

7 IF YOU FIND THE DEFENDANT IN THIS CASE GUILTY OF MURDER,
8 THEN AND ONLY THEN YOU WILL BE ASKED TO FIND THE DEFENDANT
9 EITHER GUILTY OR NOT GUILTY OF THE CHARGE OF POSSESSION OF A
10 WEAPON DURING THE COMMISSION OF A VIOLENT CRIME YOU WILL BE
11 ASKED TO WRITE A SEPARATE VERDICT OF GUILTY OR NOT GUILTY ON
12 THE VERDICT FORM FOLLOWING THE INSTRUCTIONS ON THE VERDICT
13 FORM WHICH I HAVE PREPARED FOR YOU, MADAM FOREPERSON

14 I'LL NOW DEFINE THE OFFENSES FOR YOU THE DEFENDANT IS
15 CHARGED IN THE FIRST INDICTMENT WITH THE OFFENSE OF MURDER
16 THE STATE MUST PROVE FOR THIS OFFENSE BEYOND A REASONABLE
17 DOUBT THAT THE DEFENDANT KILLED ANOTHER PERSON WITH MALICE
18 AFORETHOUGHT MALICE IS HATRED, ILL WILL, OR HOSTILITY
19 TOWARDS ANOTHER PERSON IT IS THE INTENTIONAL DOING OF A
20 WRONGFUL ACT WITHOUT JUST CAUSE OR EXCUSE AND WITH AN INTENT
21 TO INFLICT AN INJURY OR UNDER CIRCUMSTANCES THAT THE LAW WILL
22 INFER AN EVIL INTENT

23 MALICE AFORETHOUGHT DOES NOT REQUIRE THAT MALICE EXIST
24 FOR ANY PARTICULAR TIME BEFORE THE ACT IS COMMITTED, BUT
25 MALICE MUST EXIST IN THE MIND OF THE DEFENDANT JUST BEFORE

1 AND AT THE TIME OF THE ACT BEING COMMITTED THEREFORE, THERE
2 MUST BE A COMBINATION OF THE PREVIOUS EVIL INTENT AND THE
3 ACT

4 MALICE AFORETHOUGHT MAY BE EXPRESS OR INFERRED THESE
5 TERMS EXPRESS AND INFERRED DO NOT MEAN DIFFERENT KINDS OF
6 MALICE BUT MERELY THE MANNER IN WHICH MALICE MAY BE SHOWN TO
7 EXIST, THAT IS, EITHER BY DIRECT EVIDENCE OR BY INFERENCE
8 FROM THE FACTS AND CIRCUMSTANCES WHICH ARE PROVED BY EVIDENCE
9 INTRODUCED DURING THE TRIAL OF THE CASE

10 EXPRESS MALICE IS SHOWN WHEN A PERSON SPEAKS WORDS WHICH
11 EXPRESS HATRED OR ILL WILL FOR ANOTHER OR WHEN THE PERSON
12 PREPARED BEFOREHAND TO DO THE ACT WHICH WAS LATER
13 ACCOMPLISHED FOR EXAMPLE, LYING IN WAIT FOR A PERSON OR
14 OTHER ACTS OF PREPARATION GOING TO SHOW THAT THE DEED WAS
15 WITHIN THE DEFENDANT'S MIND, THAT WOULD BE EXPRESS MALICE

16 MALICE MAY ALSO BE INFERRED FROM CONDUCT SHOWING A TOTAL
17 DISREGARD FOR HUMAN LIFE INFERRED MALICE MAY ALSO ARISE
18 WHEN THE DEED IS DONE WITH A DEADLY WEAPON A DEADLY WEAPON
19 IS ANY ARTICLE, INSTRUMENT, OR SUBSTANCE WHICH IS LIKELY TO
20 CAUSE DEATH OR GREAT BODILY HARM WHETHER AN INSTRUMENT HAS
21 BEEN USED AS A DEADLY WEAPON DEPENDS ON THE FACTS AND THE
22 CIRCUMSTANCES OF EACH CASE

23 THE FOLLOWING ARE EXAMPLES OF INSTRUMENTS WHICH MAY BE
24 DEADLY WEAPONS BASED ON EVIDENCE INTRODUCED DURING THE TRIAL
25 OF A CASE A PISTOL, A SHOTGUN, A RIFLE, A DIRK, A DAGGER, A

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1 KNIFE, A SLINGSHOT, METAL KNUCKLES, A RAZOR, GASOLINE, A
2 FIREBOMB OR A MOLOTOV COCKTAIL AND LIGHTER FLUID. A GUN MAY
3 BE A DEADLY WEAPON EVEN IF IT IS NOT OPERATING

4 I CHARGE YOU THAT IN THE SECOND INDICTMENT, AFTER THE
5 INDICTMENT FOR MURDER, THE DEFENDANT IS CHARGED WITH THE
6 OFFENSE OF POSSESSION OF A WEAPON DURING THE COMMISSION OF A
7 VIOLENT CRIME THE STATE MUST PROVE FOR THIS OFFENSE BEYOND
8 A REASONABLE DOUBT THAT THE DEFENDANT WAS IN POSSESSION OF A
9 FIREARM OR VISIBLY DISPLAYED WHAT APPEARED TO BE A FIREARM
10 DURING THE COMMISSION OF A VIOLENT CRIME A FIREARM FOR THIS
11 OFFENSE MEANS ANY MACHINE GUN, AUTOMATIC RIFLE, REVOLVER,
12 PISTOL, OR ANY WEAPON WHICH WILL, IS DESIGNED TO, OR MAY BE
13 READILY CONVERTED TO EXPEL A PROJECTILE

14 IN ORDER TO FIND A DEFENDANT GUILTY OF POSSESSION OF A
15 WEAPON DURING THE COMMISSION OF A VIOLENT CRIME, YOU MUST
16 FIRST FIND THE DEFENDANT GUILTY OF COMMITTING A VIOLENT
17 CRIME I CHARGE YOU THAT UNDER THE LAW OF THE STATE OF SOUTH
18 CAROLINA MURDER IS A VIOLENT CRIME UNDER THE LAWS OF THE
19 STATE OF SOUTH CAROLINA

20 NOW, MADAM FOREPERSON, I HAVE PREPARED FOR YOU A VERDICT
21 FORM IN THIS CASE LADIES AND GENTLEMEN OF THE JURY, PAY
22 ABSOLUTELY NO ATTENTION TO THE ORDER IN WHICH I WROTE THE
23 FORMS OF VERDICT WE OBVIOUSLY HAD TO WRITE ONE BEFORE THE
24 OTHER IN ORDER TO PREPARE A VERDICT FORM FOR YOU

25 AT THE TOP OF THIS VERDICT FORM I HAVE PLACED THE

1 CAPTION OF THE CASE STATE OF SOUTH CAROLINA, COUNTY OF
2 HAMPTON STATE OF SOUTH CAROLINA VERSUS COURTNEY SEASE,
3 DEFENDANT COURT OF GENERAL SESSIONS WHICH MEANS CRIMINAL
4 COURT THE INDICTMENT NUMBERS AND THE WORDS VERDICT

5 UNDER THAT I HAVE NUMBER ONE UNDER THE CAPTION, MADAM
6 FOREPERSON, WHICH HAS THESE WORDS "WE, THE JURY, BY
7 UNANIMOUS CONSENT FIND THE DEFENDANT, COURTNEY SEASE, IN
8 INDICTMENT NUMBER 2008-GS-25-0190" AND THE FIRST FORM OF
9 VERDICT UNDER NUMBER ONE IS GUILTY OF MURDER IF THAT BE
10 YOUR FORM OF VERDICT, MADAM FOREPERSON, YOU WOULD PLACE A
11 CHECKMARK ON THE LINE BESIDE THAT FORM OF VERDICT

12 BESIDE THAT FORM OF VERDICT, I HAVE PLACED PARENTHESES
13 AND GIVEN YOU INSTRUCTIONS AND THE JURY ONLY IF YOU HAVE
14 CHOSEN THIS VERDICT, THAT IS, GUILTY OF MURDER, PROCEED TO
15 THE SECOND CHARGE AND DELIBERATE ON THE SECOND CHARGE OF
16 POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT
17 CRIME YOU MUST FIND THE DEFENDANT GUILTY OF MURDER IN ORDER
18 TO CONSIDER WHETHER OR NOT HE IS GUILTY OF POSSESSION OF A
19 WEAPON DURING THE COMMISSION OF A VIOLENT CRIME WHICH IS
20 NUMBER TWO ON YOUR VERDICT FORM, AND I HAVE PUT THOSE
21 INSTRUCTIONS BESIDE THE FIRST FORM OF VERDICT UNDER NUMBER
22 ONE, MADAM FOREPERSON

23 THE SECOND FORM OF VERDICT UNDER THE NUMBER ONE AND
24 UNDER THE WORDS, "WE, THE JURY, BY UNANIMOUS CONSENT, FIND
25 THE DEFENDANT, COURTNEY SEASE, IN INDICTMENT NUMBER

1 2008-GS-25-0190" WOULD BE NOT GUILTY OF MURDER IF YOU
2 FIND -- IF YOU USE THAT FORM OF VERDICT, MADAM FOREPERSON
3 YOU WOULD CHECK ON THE LINE BESIDE THAT FORM OF VERDICT

4 IF YOU CHOOSE THAT FORM OF VERDICT, I HAVE PLACED
5 INSTRUCTIONS IN PARENTHESES FOR YOU WHICH SAYS, "IF YOU HAVE
6 CHOSEN THIS VERDICT, PLEASE STOP YOUR DELIBERATIONS AT THIS
7 POINT " ONCE YOU HAVE CHOSEN ONE FORM OF VERDICT OR THE
8 OTHER -- IN ANY EVENT, YOU WOULD BE REQUIRED, MADAM
9 FOREPERSON, TO SIGN YOUR NAME ON THE LINE WHERE IT SAYS
10 FOREPERSON AND FILL IN TODAY'S DATE IN THE BLANK WHERE IT
11 SAYS MAY, AND TODAY IS MAY 8, 2008 SO YOU WOULD DATE IT AND
12 SIGN IT

13 IF YOU CHOOSE VERDICT NUMBER ONE, GUILTY OF MURDER UNDER
14 QUESTION NUMBER ONE ON THE VERDICT FORM, YOU WOULD THEN GO TO
15 NUMBER TWO WHICH SAYS, "WE, THE JURY, BY UNANIMOUS CONSENT,
16 FIND THE DEFENDANT, COURTNEY SEASE, IN INDICTMENT 2008-GS-25-
17 0191" AND THE FIRST FORM OF VERDICT UNDER NUMBER TWO IS
18 GUILTY OF POSSESSION OF A WEAPON DURING THE COMMISSION OF A
19 VIOLENT CRIME IF THAT BE YOUR FORM OF VERDICT, MADAM
20 FOREPERSON, IF YOU HAVE FOUND THE DEFENDANT GUILTY OF MURDER
21 IN NUMBER ONE, YOU WOULD CHECK ON THE LINE BESIDE THAT FORM
22 OF VERDICT FOR THE JURY

23 UNDER THE SECOND QUESTION, "WE, THE JURY, BY UNANIMOUS
24 CONSENT FIND THE DEFENDANT, COURTNEY SEASE, IN INDICTMENT
25 2008-GS-25-0191" -- THE SECOND FORM OF VERDICT UNDER QUESTION

1 TWO IS NOT GUILTY OF POSSESSION OF A WEAPON DURING THE
2 COMMISSION OF A VIOLENT CRIME

3 IF THAT BE YOUR FORM OF VERDICT, YOU WOULD CHECK ON THE
4 LINE BESIDE THAT FORM OF VERDICT YOU WOULD ONLY GO TO
5 QUESTION TWO IF YOU HAVE FOUND THE DEFENDANT GUILTY OF MURDER
6 IN QUESTION ONE YOU WOULD FILL OUT THE VERDICT FORM FOR THE
7 ENTIRE JURY BY CHECKING THE APPROPRIATE LINES, SIGNING YOUR
8 NAME WHERE IT SAYS FOREPERSON, AND FILLING IN THE DATE

9 NOW, LADIES AND GENTLEMEN OF THE JURY, YOUR VERDICT MUST
10 BE UNANIMOUS THAT IS, IT MUST BE THE VERDICT OF EACH AND
11 EVERY ONE OF YOU ALL 12 OF YOU MUST AGREE ON THE VERDICT
12 THE FOREPERSON MEMORIALIZES THAT UNANIMOUS CONSENT OR
13 AGREEMENT BY HER SIGNATURE, DATING AND CHECKING FOR THE JURY
14 ON THE VERDICT FORM

15 ALSO, MADAM FOREPERSON, IT WILL BE NECESSARY BEFORE YOU
16 LEAVE THE COURTROOM TODAY -- WHEN YOU HAVE REACHED A VERDICT,
17 IF YOU WILL KNOCK ON THE JURY ROOM DOOR INFORM THE BAILIFF
18 THAT YOU'VE REACHED A VERDICT WE WILL THEN RECEIVE YOU BACK
19 IN THE COURTROOM FOR YOU TO PUBLISH THE VERDICT BEFORE YOU
20 LEAVE TODAY, MY LAW CLERK WILL BE WANTING YOU TO SIGN THE
21 BACKS OF THESE INDICTMENTS TO MAKE IT CONSISTENT WITH WHAT
22 YOU HAVE ON THE VERDICT FORM SO I'LL NEED YOUR SIGNATURE ON
23 THE INDICTMENTS, EACH OF THEM, BEFORE YOU LEAVE, CONSISTENT
24 WITH WHATEVER VERDICT YOU RETURN ON THE VERDICT FORM WHICH I
25 HAVE PREPARED FOR YOU

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1 NOW, LADIES AND GENTLEMEN, I'VE NOW CHARGED YOU THE LAW
2 IN THIS CASE IN ORDER TO HELP GUIDE EACH OF YOU ON THE JURY
3 TO A FAIR AND A JUST RESULT IN THIS CASE YOU ARE THE JUDGES
4 OF THE FACTS AND THE ONLY JUDGES OF THE FACTS IN THIS CASE,
5 AND BASED ON YOUR DETERMINATION OF THE FACTS IN THIS CASE AND
6 THE LAW AS I'VE NOW INSTRUCTED IT TO YOU TO BE, YOU WILL SOON
7 BEGIN YOUR DELIBERATIONS IN YOUR JURY-ROOM WITH YOUR FELLOW
8 JURORS

9 I REMIND EACH OF YOU THAT YOU'VE BEEN SELECTED AS FAIR
10 AND IMPARTIAL JURORS YOU'RE SWORN TO FAIRLY AND IMPARTIALLY
11 TRY AND DETERMINE THE FACTS OF THIS CASE, AND WHEN YOU COMPLY
12 WITH THAT OATH TO DO SO, NO ONE CAN CRITICIZE YOUR VERDICT
13 YOU'RE TO DECIDE THIS CASE SOLELY ON THE EVIDENCE INTRODUCED
14 WITH SWORN WITNESSES FROM THE WITNESS STAND WHO HAVE
15 TESTIFIED BEFORE YOU AND ANY EXHIBIT THAT WAS INTRODUCED INTO
16 EVIDENCE AND NOTHING ELSE

17 YOU MUST DECIDE THE CASE IN THIS PROCEEDING WITHOUT ANY
18 BIAS OR PREJUDICE TOWARDS EITHER PARTY TO THIS CASE YOU
19 CANNOT ALLOW YOURSELF TO BE GOVERNED BY PREJUDICE FOR OR
20 AGAINST ANY PERSON NOR BY PUBLIC OPINION OR BY ANY OTHER
21 ARBITRARY FACTOR NOT IN EVIDENCE IN THIS CASE BOTH THE
22 DEFENDANT AND THE STATE OF SOUTH CAROLINA HAVE THE RIGHT TO
23 EXPECT THAT EACH OF YOU WILL CAREFULLY AND IMPARTIALLY
24 CONSIDER ALL OF THE EVIDENCE IN THIS CASE AND THAT YOU WILL
25 FOLLOW THE LAW AS I HAVE INSTRUCTED IT TO YOU IN REACHING

1 YOUR VERDICT IN THIS CASE

2 NOW, MADAM FOREPERSON, IT WILL BE YOUR DUTY TO FILL OUT
3 OR WRITE ON THE VERDICT FOR EACH CHARGE ON THE APPROPRIATE
4 LINE AFTER THE VERDICT HAS BEEN WRITTEN OUT ON THE VERDICT
5 FORM THAT I HAVE PREPARED FOR YOU, YOU SIGN YOUR NAME, DATE
6 IT KNOCK ON THE JURY ROOM DOOR INFORM THE BAILIFF THAT
7 THE VERDICT HAS BEEN REACHED, AND THEN WE'LL RECEIVE YOU BACK
8 INTO THE COURTROOM IN ORDER FOR THE JURY TO PUBLISH YOUR
9 VERDICT

10 NOW, AT THIS TIME, LADIES AND GENTLEMEN, I'M GOING TO
11 SEND YOU TO YOUR JURY ROOM PLEASE DO NOT BEGIN YOUR
12 DELIBERATIONS QUITE YET IT MIGHT BE NECESSARY FOR ME TO
13 BRING YOU BACK INTO THE COURTROOM FOR SOME BRIEF ADDITIONAL
14 INSTRUCTIONS WHEN IT IS TIME FOR YOU TO BEGIN YOUR
15 DELIBERATIONS, I'LL HAVE THE BAILIFF TAKE THE JURY VERDICT
16 FORM IN TO YOU ALONG WITH THE EXHIBITS WHICH HAVE BEEN
17 INTRODUCED INTO EVIDENCE DURING THE TRIAL OF THE CASE AND
18 HAVE THE BAILIFF INFORM YOU THAT YOU MAY NOW COMMENCE YOUR
19 DELIBERATIONS WOULD YOU PLEASE RETIRE TO YOUR JURY ROOM AT
20 THIS TIME? WOULD MY ALTERNATE JURORS REMAIN WITH ME IN THE
21 COURTROOM?

22 (WHEREUPON, THE JURY WAS EXCUSED FROM OPEN COURT AT
23 12 02 P M)

24 MR MURDAUGH MAY WE APPROACH THE BENCH?

25 THE COURT COUNSEL, APPROACH

1 (WHEREUPON, A BENCH CONFERENCE WAS HELD)

2 THE COURT ALL RIGHT SIR AND MADAM ALTERNATE JURORS,
3 I'M GOING TO HAVE YOU GO WITH MY -- THE CLERK OF COURT I
4 DON'T KNOW WHETHER ANYBODY -- I HOPE THEY WON'T BECOME ILL OR
5 FOR SOME REASON CAN'T CONTINUE TO SERVE ON THE JURY, BUT I'M
6 GOING TO HAVE YOU STAY IN THE CLERK'S OFFICE IN CASE WE HAVE
7 A JUROR THAT BECOMES ILL ONE OF YOU MIGHT HAVE TO TAKE
8 THEIR PLACE IN THE CLERK'S OFFICE THERE IS A COMPUTER AND A
9 TELEPHONE, AND THAT'S WHERE YOU'LL BE I WANT TO MAKE YOU
10 COMFORTABLE WHILE WE'RE WAITING THE JURY'S VERDICT IN CASE I
11 NEED YOU, BUT I INSTRUCT YOU NOT TO USE THE TELEPHONE OR THE
12 COMPUTER I DON'T WANT EITHER ONE OF YOU TO DISCUSS THE
13 CASE YOU'RE ON STANDBY FOR ME IN CASE ONE OF YOU BECOMES A
14 MEMBER OF THE JURY IN WHICH CASE YOU WOULD GO INTO THE JURY
15 ROOM AND CONTINUE DELIBERATIONS WITH THE OTHER MEMBERS OF THE
16 JURY DO YOU BOTH UNDERSTAND MY INSTRUCTIONS?

17 ALTERNATE JURORS YES, SIR

18 THE COURT I THANK YOU FOR YOUR PATIENCE IF YOU'D GO
19 WITH THE CLERK AT THIS TIME, SHE'LL TAKE YOU TO HER OFFICE

20 (THE ALTERNATE JURORS ARE EXCUSED FROM THE COURTROOM)

21 THE COURT IT IS MY UNDERSTANDING FROM THE CONFERENCE
22 AT THE BENCH THAT YOU BOTH AGREE WITH THAT PROCEDURE
23 CONCERNING THE ALTERNATE JURORS IS THAT CORRECT FROM THE
24 STATE OF SOUTH CAROLINA?

25 MR MURDAUGH THAT IS CORRECT

1 THE COURT IS THAT CORRECT FROM THE DEFENDANT?

2 MR HUGHES YES, YOUR HONOR

3 THE COURT ARE THERE ANY EXCEPTIONS OR ADDITIONS TO THE
4 CHARGE FROM THE STATE?

5 MR MURDAUGH NOT FROM THE STATE, SIR

6 THE COURT FROM THE DEFENDANT?

7 MR HUGHES NOT FROM THE DEFENSE, YOUR HONOR

8 THE COURT I'D ASK Y'ALL TO COME FORWARD AND EXAMINE
9 THE EXHIBIT

10 MR MURDAUGH THE EXHIBIT

11 THE COURT AND DETERMINE WHETHER OR NOT THE COURT
12 REPORTER HAS ALL OF THE EXHIBIT INTRODUCED DURING THE TRIAL
13 OF THIS CASE AND THAT NEITHER OF YOU HAVE ANY OBJECTION TO
14 THE BAILIFF TAKING THE EXHIBIT AND THE VERDICT FORM IN TO THE
15 JURY AND THE BAILIFF TELLING THE JURY THEY MAY NOW COMMENCE
16 THEIR DELIBERATIONS

17 MR MURDAUGH I HAVE NO PROBLEM WITH THAT, SIR

18 THE COURT MR HUGHES?

19 MR HUGHES NO PROBLEM, YOUR HONOR

20 THE COURT MR JIMMY? THE EXHIBIT IS RIGHT THERE ALL
21 RIGHT MR JIMMY, WITH BOTH SIDES' CONSENT, WOULD YOU TAKE
22 THAT IN TO THE JURY AND TELL THE JURY THEY MAY NOW COMMENCE
23 THEIR DELIBERATIONS?

24 BAILIFF YES, SIR

25 (WHEREUPON, THE JURY BEGAN DELIBERATING AT 12 06 P M)

1 THE COURT, MR HUGHES, YOU'VE WAIVED THE APPEARANCE OF
2 YOUR CLIENT SO I CAN PUT ON THE RECORD YOU AGREE TO THIS
3 RESPONSE?

4 MR HUGHES YES, SIR

5 THE COURT MADAM COURT REPORTER, I HAVE CALLED THE
6 ATTORNEYS IN THE CASE THAT WE'VE BEEN TRYING YESTERDAY AND
7 TODAY TO THE BENCH BECAUSE I RECEIVED A NOTE FROM THE
8 FOREPERSON OF THE JURY THE NOTE SAYS, "NEED A MAP OF CRIME
9 SCENE, WHERE WITNESS 1 LIVES, WHERE WITNESS 2 LIVES WHERE
10 DID COURTNEY SEASE LIVE?" SIGNED AGNES ALBRIGHT, MAY 8,
11 2008

12 I UNDERSTAND FROM THE SOLICITOR AND DEFENSE ATTORNEY,
13 WHO WAIVES HIS CLIENT'S APPEARANCE SINCE I'M IN THE MIDDLE OF
14 A BOND HEARING -- THEY HAVE NO OBJECTION TO MAKING THIS A
15 COURT'S EXHIBIT SOLICITOR?

16 MR MURDAUGH NONE, SIR

17 THE COURT MR HUGHES?

18 MR HUGHES NO, YOUR HONOR

19 THE COURT AND THAT WILL BE COURT'S EXHIBIT NUMBER 1,
20 AND THEY ALSO HAVE AGREED THAT THE APPROPRIATE RESPONSE TO
21 THIS QUESTION IS "YOU MUST DECIDE THIS CASE BASED ON THE
22 EVIDENCE PRESENTED DURING THE TRIAL OF THIS CASE," SIGNED BY
23 ME IS THAT CORRECT, SOLICITOR?

24 MR MURDAUGH CORRECT, SIR

25 THE COURT IS THAT CORRECT, MR HUGHES?

1 MR HUGHES YES, YOUR HONOR

2 THE COURT PLEASE TELL THEM TO KEEP THIS AND BRING IT
3 BACK WITH THE VERDICT AND TAKE THAT BACK IN TO THEM

4 (COURT'S EXHIBIT 2 WAS MARKED FOR IDENTIFICATION ONLY)

5 THE COURT THANK YOU PLEASE BE SEATED HAVE WE GOT
6 EVERYBODY IN?

7 BAILIFF YES, SIR

8 THE COURT ALL RIGHT COUNSEL, I UNDERSTAND THE JURY
9 HAS REACHED A VERDICT IN THE CASE OF STATE VERSUS COURTNEY
10 SEASE ANYTHING FROM THE STATE BEFORE WE PUBLISH THE
11 VERDICT?

12 MR MURDAUGH NOTHING, SIR

13 THE COURT FROM THE DEFENDANT?

14 MR HUGHES NO, YOUR HONOR

15 THE COURT WOULD YOU BRING US THE JURY, PLEASE, AND THE
16 ALTERNATE JURORS WHO ARE IN THE CLERK'S OFFICE?

17 (WHEREUPON, THE JURY RETURNED TO OPEN COURT WITH A
18 VERDICT AT 2 00 P M)

19 THE CLERK MADAM FORELADY, HAVE YOU REACHED A VERDICT?

20 FORELADY YES

21 THE COURT YOU MAY PUBLISH THE VERDICT, MADAM CLERK

22 THE CLERK STATE OF SOUTH CAROLINA, COUNTY OF HAMPTON
23 INDICTMENT NUMBERS 2008-GS-25-190 AND 2008-GS-25-191, THE
24 STATE OF SOUTH CAROLINA VERSUS COURTNEY SEASE WE, THE JURY,
25 BY UNANIMOUS CONSENT FIND THE DEFENDANT, COURTNEY SEASE, IN

VERDICT

2 - 193 193

1 INDICTMENT NUMBER 2008-GS-25-190 GUILTY OF MURDER WE, THE
2 JURY, BY UNANIMOUS CONSENT FIND THE DEFENDANT, COURTNEY
3 SEASE, IN INDICTMENT NUMBER 2008-GS-25-191 GUILTY OF
4 POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT
5 CRIME, SIGNED BY THE FOREPERSON IN HAMPTON COUNTY, SOUTH
6 CAROLINA, MAY 8TH, 2008

7 THE COURT MADAM FOREPERSON AND LADIES AND GENTLEMEN OF
8 THE JURY, IF THIS BE YOUR VERDICT, WOULD YOU SIGNIFY BY
9 RAISING YOUR RIGHT HAND AT THIS TIME? KEEP IT UP FOR ME
10 THANK YOU LET THE RECORD REFLECT 12 HANDS WERE RAISED
11 ANYTHING FROM THE DEFENDANT BEFORE I EXCUSE THE JURY?

12 MR HUGHES I'D LIKE THE JURY POLLED, YOUR HONOR

13 THE COURT MADAM CLERK, WOULD YOU POLL THE JURY,
14 PLEASE?

15 THE CLERK YES, SIR WHEN I CALL YOUR NAME, IF YOU
16 WOULD PLEASE STAND I'M GOING TO ASK YOU TWO QUESTIONS IF
17 YOU'LL ANSWER EACH QUESTION SEPARATELY ROBERT E WILLIAMS,
18 JR , WAS THIS YOUR VERDICT?

19 JUROR WILLIAMS YES

20 THE CLERK IS IT STILL YOUR VERDICT?

21 JUROR WILLIAMS YES

22 THE CLERK AGNES ALBRIGHT, WAS THIS YOUR VERDICT?

23 JUROR ALBRIGHT YES

24 THE CLERK AND IS IT STILL YOUR VERDICT?

25 JUROR ALBRIGHT YES

1 THE CLERK NANCY EDWARDS, WAS THIS YOUR VERDICT?
2 JUROR EDWARDS YES
3 THE CLERK IS IT STILL YOUR VERDICT?
4 JUROR EDWARDS YES
5 THE CLERK RUBIN HOUSEY, WAS THIS YOUR VERDICT?
6 JUROR HOUSEY YES
7 THE CLERK AND IS IT STILL YOUR VERDICT?
8 JUROR HOUSEY YES
9 THE CLERK CHERYL GRANT, WAS THIS YOUR VERDICT?
10 JUROR GRANT YES
11 THE CLERK IS IT STILL YOUR VERDICT?
12 JUROR GRANT YES
13 THE CLERK CLYDE GROVENSTEIN, WAS THIS YOUR VERDICT?
14 JUROR GROVENSTEIN YES
15 THE CLERK IS IT STILL YOUR VERDICT?
16 JUROR GROVENSTEIN YES
17 THE CLERK GLORIA HOUSEY, WAS THIS YOUR VERDICT?
18 JUROR HOUSEY YES
19 THE CLERK IS IT STILL YOUR VERDICT?
20 JUROR HOUSEY YES
21 THE CLERK MELISSA WATKINS, WAS THIS YOUR VERDICT?
22 JUROR WATKINS YES
23 THE CLERK IS IT STILL YOUR VERDICT?
24 JUROR WATKINS YES
25 THE CLERK PATRICIA OWENS, WAS THIS YOUR VERDICT?

POLLING OF THE JURY

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1 JUROR OWENS YES, I

2 THE CLERK IS IT STILL YOUR VERDICT?

3 JUROR OWENS YES

4 THE CLERK JANET DRAWDY, WAS THIS YOUR VERDICT?

5 JUROR DRAWDY-CROSBY YES

6 THE CLERK IS IT STILL YOUR VERDICT?

7 JUROR DRAWDY-CROSBY YES

8 THE CLERK HAISTON PRIESTER?

9 JUROR PRIESTER YES

10 THE CLERK THIS IS YOUR VERDICT?

11 JUROR PRIESTER YES

12 THE CLERK AND IT'S STILL YOUR VERDICT?

13 JUROR PRIESTER YES

14 THE CLERK PATRICIA SHUMAN, IS THIS YOUR VERDICT?

15 JUROR SHUMAN YES

16 THE CLERK STILL YOUR VERDICT?

17 JUROR SHUMAN YES

18 THE COURT COUNSEL, THE JURY HAS BEEN POLLED THE

19 VERDICT STANDS ANYTHING FROM THE DEFENDANT BEFORE I EXCUSE

20 THE JURY?

21 MR HUGHES NO, YOUR HONOR

22 THE COURT I'LL TAKE UP YOUR POST-VERDICT MOTIONS

23 MADAM FOREPERSON, LADIES AND GENTLEMEN OF THE JURY AND MY

24 ALTERNATE JURORS, FIRST OF ALL, ON BEHALF OF HAMPTON COUNTY

25 AND THIS COURT, I WANT TO THANK YOU FOR YOUR SERVICE YOU

1 HEARD ME TELL THE PREVIOUS JURY THAT ALL A JUDGE CAN ASK OF A
2 JURY IS THAT YOU LISTEN AND LISTEN CAREFULLY, AND I WATCHED
3 YOU AND YOU DID, AND THAT'S ALL I CAN ASK FOR NOW,
4 SENTENCING IN THIS CASE IS GOING TO TAKE PLACE IN JUST A
5 COUPLE OF MOMENTS I INVITE YOU TO STAY FOR SENTENCING YOU
6 DON'T HAVE TO BUT IF YOU WANT TO THIS CONCLUDES YOUR
7 SERVICE FOR THE WEEK, SO YOU'RE EXCUSED FOR THE BALANCE OF
8 THE WEEK

9 (THE JURY WAS EXCUSED FROM THE TRIAL)

10 THE COURT SOLICITOR? YEAH MS ALBRIGHT, I NEED YOU
11 TO COME TO THE TABLE UP HERE SIGN THE BACK OF THE
12 INDICTMENTS MY LAW CLERK IS GOING TO SHOW YOU MYLINDA?

13 THE CLERK YES, SIR THANK YOU

14 MR MURDAUGH MAY I SEE THE VERDICT FORMS AND THE
15 INDICTMENTS, SIR?

16 THE COURT MYLINDA, HAND HIM THE VERDICT FORM, AND
17 SHE'S WRITTEN ON THE BACK OF THE INDICTMENTS WOULD YOU LIKE
18 TO SEE THEM, MR HUGHES?

19 MR HUGHES YES, YOUR HONOR

20 MR MURDAUGH OKAY, SIR

21 THE COURT HOLD IT A SECOND MYLINDA, HAND THAT BACK
22 SO MR HUGHES CAN SEE IT I WANT YOU TO SEE IT

23 (MR HUGHES LOOKS AT THE VERDICT)

24 MR HUGHES THANK YOU

25 THE COURT UH-HUH MR HUGHES, ARE THERE ANY

1 POST-VERDICT MOTIONS FROM THE DEFENDANT?

2 MR HUGHES BEGGING THE COURT'S INDULGENCE FOR ONE
3 SECOND

4 (AN OFF-THE-RECORD DISCUSSION TAKES PLACE BETWEEN MR
5 HUGHES AND MR BRYAN)

6 MR HUGHES NOTHING FROM THE DEFENSE, YOUR HONOR

7 THE COURT MR HUGHES, WOULD YOU AND YOUR CLIENT COME
8 AROUND FOR SENTENCING ALONG WITH THE SOLICITOR? AND,
9 SOLICITOR, IS THERE ANYBODY THAT WISHES TO BE HEARD FROM THE
10 VICTIM'S FAMILY?

11 MR MURDAUGH YES, SIR, THE MOTHER OF THE VICTIM, MS
12 TINY SMITH, WOULD LIKE TO ADDRESS THE COURT

13 THE COURT BE HAPPY TO HEAR

14 MS SMITH JUDGE, IF I MAY?

15 THE COURT YES, MA'AM IF YOU'D STATE YOUR NAME JUST
16 FOR THE RECORD, PLEASE, MA'AM

17 MS SMITH MY NAME IS TINY SMITH.

18 THE COURT MS SMITH

19 MS SMITH I'M THE MOTHER OF THE DECEASED, DWAYNE
20 SMITH

21 THE COURT YES, MA'AM

22 MS SMITH I'M HERE TO ADDRESS THE COURT TODAY BECAUSE
23 I DON'T HAVE ANY REMORSE MY SON IS GONE, AND THERE'S
24 NOTHING THAT I CAN DO ABOUT THAT IF I COULD BRING HIM BACK,
25 I COULD -- IF I COULD, I WOULD BUT THIS IS WHAT I HAVE TO

1 SAY I HAD TO WRITE IT DOWN TO REMEMBER

2 BECAUSE OF THIS TRAGEDY, MY FAMILY AND MYSELF HAVE
3 SUFFERED SO MUCH PAIN IT'S HARD TO LOSE SOMEONE SO DEAR,
4 AND FOR A MOTHER THE PAIN NEVER GOES AWAY YOU JUST PICK UP
5 THE CROSS AND WALK WITH IT

6 I STILL CRY AND I STILL GO THROUGH THE CHANGES THERE'S
7 STILL ONE QUESTION IN MY MIND WHY? WHY? WHY? WHY DID IT
8 HAVE TO BE THIS WAY? COURTNEY SEASE, YOU HAVE RUINED OUR
9 FAMILY'S LIFE FOREVER YOU TOOK AWAY A FATHER YOU TOOK
10 AWAY A SON, AND YOU TOOK AWAY A BROTHER AND AN UNCLE, BUT AT
11 THE SAME TIME YOU ALSO TOOK AWAY YOUR DREAMS OF WHAT LIFE
12 COULD HAVE BEEN

13 YOUR FAMILY HURTS AS WELL AS OURS IT'S SAD TO SEE SO
14 MUCH GRIEF AND PAIN I KNOW IN MY HEART WE WILL HAVE TO FIND
15 IN OUR HEARTS TO FORGIVE, BUT AT THE SAME TIME WE WILL BE
16 PRAYING TO THE FATHER IN HEAVEN FOR PEACE, FORGIVENESS,
17 WISDOM, AND UNDERSTANDING

18 MR MURDAUGH ANYBODY ELSE? GIVE THE COURT REPORTER
19 YOUR NAME, PLEASE

20 MR GRAYSON BRYAN GRAYSON

21 THE COURT I'M SORRY?

22 MR GRAYSON GRAYSON

23 THE COURT GRAYSON?

24 MR GRAYSON UH-HUH

25 THE COURT YES, SIR

1 MR GRAYSON MY BROTHER WAS MORE THAN A BROTHER TO ME,
2 YOU KNOW, AND ANYTHING I HAD -- IF I NEEDED SOMETHING, HE WAS
3 THERE FOR ME NO MATTER WHAT HE DID, HE ALWAYS LIVED THROUGH
4 ME BECAUSE HE ALWAYS TAUGHT ME THE BETTER WAY IN EVERY
5 SITUATION HIS SON -- HIS TWO SONS AND HIS DAUGHTER -- I'M THE
6 ONLY ONE WHO THEY CAN LOOK AT TO SEE THEIR FATHER HE LIVES
7 THROUGH ME, JUDGE THAT'S ALL I HAVE

8 IT HURTS SO MUCH BECAUSE EVERYBODY MISSES HIM MY MAMA
9 HAD EIGHT CHILDREN NOW SHE HAS SEVEN I KNOW WHERE SHE'S
10 COMING FROM THEIR FATHER -- I MEAN, MY NIECES AND MY
11 NEPHEWS, THEY'VE GOT TO GROW UP WITHOUT THEIR FATHER THAT'S
12 HARD BECAUSE I KNOW MY FATHER WASN'T ALWAYS THERE, BUT IT'S
13 HARD TO GROW UP WITHOUT A FATHER FIGURE, AND I CAN -- I CAN
14 BE THERE, BUT I'M NOT THEIR FATHER WHATEVER I CAN -- I ASK
15 THAT YOU GIVE HIM THE MAX OF LIFE IN JAIL SO HE CAN NEVER SEE
16 DAYLIGHT AGAIN BECAUSE HE'S RUINED OUR FAMILY, JUDGE THAT'S
17 ALL I'VE GOT TO SAY THANK YOU

18 MR MURDAUGH IF YOUR HONOR PLEASE, THE FATHER OF THE
19 DECEASED, DWAYNE SMITH, WOULD LIKE TO ADDRESS THE COURT

20 THE COURT MR SMITH?

21 MR BRAYDON MY NAME IS JOHN BRAYDON (PHONETIC) I'M
22 THE FATHER OF DWAYNE MY SON, HE WAS A GOOD SON, JUDGE HE
23 WAS VERY FAMILY-ORIENTED, AND HE WAS A VERY PEOPLE-ORIENTED
24 TYPE PERSON I WAS VERY PROUD OF HIM AND HE'S -- HE'S THE
25 TYPE WHO WOULD RATHER GIVE THAN RECEIVE HE WAS VERY

1 INDEPENDENT HE WAS VERY INDEPENDENT, AND HE WOULD -- HE
2 LOVED LIFE HE LOVED LIFE AND HE WOULD -- I MEAN, YOU KNOW,
3 IT'S JUST THAT THIS YOUNG MAN TOOK HIS LIFE, AND A BIG PART
4 OF ME IS JUST I MEAN, MY LIFE IS NOT THE SAME ANYMORE
5 MY OUTCOME -- MY OUTLOOK ON LIFE IS TOTALLY DIFFERENT NOW
6 YOU KNOW, I MEAN, HE KILLED MY SON, AND BY THAT VERY
7 FACT I THINK HE SHOULD SPEND THE REST OF HIS LIFE -- BY, YOU
8 KNOW, TAKING SOMEBODY ELSE'S LIFE IN THAT MANNER -- BECAUSE
9 DWAYNE WAS A GOOD KID AND, LIKE I SAID, HE WOULD RATHER GIVE
10 THAN RECEIVE HE WAS PEOPLE ORIENTED HE WAS FAMILY
11 ORIENTED, AND HE WAS A GOOD SON I REALLY MISS HIM IT'S
12 CHANGED MY LIFE FOREVER I THINK THIS YOUNG MAN SHOULD SPEND
13 THE REST OF HIS LIFE IN JAIL FOR TAKING SOMEONE THAT
14 VALUABLE'S LIFE

15 MR MURDAUGH THANK YOU, SIR

16 MR BRAYDON YES, SIR

17 MR MURDAUGH THANK YOU IF YOUR HONOR PLEASE?

18 THE COURT ANY PRIOR RECORD, SOLICITOR?

19 MR MURDAUGH NO, SIR

20 THE COURT NO RECORD MR HUGHES, I'LL BE HAPPY TO
21 HEAR FROM YOU IN MITIGATION

22 MR HUGHES YOUR HONOR, MR SEASE JUST TURNED 19 YEARS
23 OLD HE HAS NO RECORD THIS IS HIS FIRST AND ONLY CRIME,
24 AND I KNOW IT'S A VERY SERIOUS ONE HE HAS A NINTH GRADE
25 EDUCATION HE LIVES WITH HIS MOTHER AND HIS AUNT WE'RE

1 ASKING YOUR HONOR TO BE MERCIFUL IN THE SENTENCE WE'RE
2 ASKING FOR THE MINIMUM

3 THE COURT MR SEASE, IS THERE ANYTHING YOU WANT TO
4 TELL THE COURT BEFORE SENTENCING?

5 MR SEASE NOTHING, BUT I HOPE THIS FAMILY CAN FORGIVE
6 THAT'S IT, YOUR HONOR

7 THE COURT ANYTHING FURTHER, MR HUGHES?

8 MR HUGHES NO, YOUR HONOR

9 THE COURT ANYTHING FURTHER FROM THE STATE?

10 MR MURDAUGH NO, SIR

11 THE COURT ANYTHING FURTHER FROM THE DEFENDANT?

12 MR HUGHES NO, YOUR HONOR

13 THE COURT ON INDICTMENT 2008-GS-25-0190, THE STATE
14 VERSUS COURTNEY SEASE, INDICTMENT FOR MURDER, THE SENTENCE OF
15 THIS COURT IS THE DEFENDANT IS COMMITTED TO THE STATE
16 DEPARTMENT OF CORRECTIONS FOR A TERM OF 35 YEARS

17 ON INDICTMENT 2008-GS-25-0191, STATE VERSUS COURTNEY
18 SEASE, INDICTMENT FOR POSSESSION OF A FIREARM DURING THE
19 COMMISSION OF A VIOLENT CRIME, THE SENTENCE OF THE COURT IS
20 THE DEFENDANT IS COMMITTED TO THE STATE DEPARTMENT OF
21 CORRECTIONS FOR A TERM OF FIVE YEARS THAT WILL RUN
22 CONSECUTIVE TO THE SENTENCE FOR MURDER FOR A TOTAL OF 40
23 YEARS GOOD LUCK TO YOU, SIR

24 (COURT'S EXHIBIT 3 WAS MARKED FOR IDENTIFICATION ONLY
25 WHEREUPON, THE PROCEEDINGS WERE CONCLUDED)

I, THE UNDERSIGNED DAPHNE D HELMS, OFFICIAL COURT REPORTER FOR THE FIFTH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE, AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE TRIAL OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE CIRCUIT COURT FOR HAMPTON COUNTY, SOUTH CAROLINA, ON THE 5TH AND 7TH THROUGH 8TH DAYS OF MAY, 2008

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST TO ANY PARTY HERETO

JUNE 30, 2010

A handwritten signature in cursive script that reads "Daphne D. Helms". The signature is written in dark ink and is positioned above the printed name.

DAPHNE D HELMS, COURT REPORTER

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HAMPTON COUNTY
Court of General Sessions

Perry M. Buckner, Circuit Court Judge

Case Nos 2008-GS-25-0190, 2008-GS-25-0191

The State,

v

Courtney Sease, ,

2008 MAY 12 PM 12.52
FILED
MYLINDA D. TILES
CLERK OF COURT
HAMPTON COUNTY S.C.
BY _____
Respondent
Appellant.

AMENDED NOTICE OF APPEAL

Courtney Sease appeals his conviction and sentence in these cases. The sentence was imposed by the Honorable Perry M. Buckner, on May 8, 2008. On case number 2008-GS-25-0190, the sentence imposed was thirty-five years, and on case number 2008-GS-25-0191, the sentence was five years. These sentences are to run consecutive to each other.

May 12, 2008


Robert M. Hughes
PO Box 506
Hampton, SC 29924
(803) 943-7525
Attorney for Appellant

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HAMPTON COUNTY
Court of General Sessions

Perry M Buckner, Circuit Court Judge

Case Nos 2008-GS-25-0190, 2008-GS-25-0191

State,

v

Courtney Sease,

BY
MYLINDA O HUGHES
CLERK OF COURT
HAMPTON COUNTY, SC

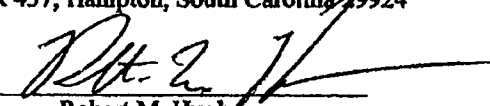
Respondent

Appellant

Proof of Service

I certify that I have served the Amended Notice of Appeal on Randolph Murdaugh, III by personally delivering a copy to the United States Post Office, on May 12, 2008, addressed to him as attorney for the State of South Carolina, Post Office Box 457, Hampton, South Carolina 29924

May 12, 2008


Robert M Hughes
PO Box 506
Hampton, SC 29924
(803) 943-7525
Attorney for Appellant

Other Counsel of Record.
Randolph Murdaugh, III
PO Box 457
Hampton, SC 29924
(803) 943-2111
Attorney for Respondent

2008 MAY 12 PM 12:52

FILED

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HAMPTON COUNTY
Court of General Sessions

Perry M Buckner, Circuit Court Judge

Case Nos 2008-GS-25-0190, 2008-GS-25-0191

The State,

v

Courtney Sease, ,

BY
Response
Appell
JIMMIE D. NETTLES
CLERK OF COURT
HAMPTON COUNTY, S.C.

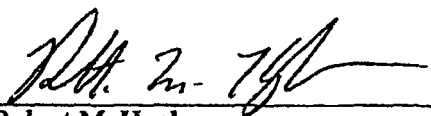
2008 MAY 19 AM 10:12

FILED

NOTICE OF APPEAL

Courtney Sease appeals his conviction and sentence in these cases. The sentence was imposed by the Honorable Perry M Buckner, on May 8, 2008. On case number 2008-GS-25-0190, the sentenced imposed was thirty-five years, and on case number 2008-GS-25-0191, the sentence was five years. These sentences are to run consecutive to each other.

May 19, 2008


Robert M Hughes
PO Box 506
Hampton, SC 29924
(803) 943-7525
Attorney for Appellant

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HAMPTON COUNTY
Court of General Sessions

Perry M Buckner, Circuit Court Judge

Case Nos 2008-GS-25-0190, 2008-GS-25-0191

State,

v

Courtney Sease,

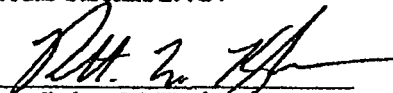
Respondent,

Appellant.

Proof of Service

I certify that I have served the Notice of Appeal on Randolph Murdaugh, III by personally delivering a copy to the United States Post Office on May 12, 2008, addressed to him as attorney for the State of South Carolina, Post Office Box 457, Hampton, South Carolina 29924

May 12, 2008



Robert M Hughes
PO Box 506
Hampton SC 29924
(803) 943-7525
Attorney for Appellant

Other Counsel of Record
Randolph Murdaugh, III
PO Box 457
Hampton, SC 29924
(803) 943-2111
Attorney for Respondent

FILED
2008 MAY 19 AM 10:12
CLERK OF COURT
HAMPTON COUNTY, S.C.

The South Carolina Court of Appeals

The State

Respondent,

v

Courtney Sease

Appellant

The Honorable Perry M. Buckner
Hampton County
Trial Court Case No. 2008-GS-25 00190
2008-GS-25-00191

ORDER of DISMISSAL

The above entitled case is pending on appeal in this Court. Due to the failure of appellant to provide documentation showing the transcript has been timely ordered and/or serve and file the Appellant's Initial Brief and Designation of Matter in the above matter, as provided for in Rules 207, 208 and 209 of the South Carolina Appellate Court Rules,

IT IS ORDERED that the above captioned appeal be and hereby is dismissed Pursuant to Rule 221(b) of the South Carolina Appellate Court Rules, the remittitur in the case will be sent to the Clerk of Court for Hampton County after fifteen (15) days, exclusive of the date of filing this Order.

KAYE G. HEARN, CHIEF JUDGE

BY *Myranda D. Nettles*
CLERK

Columbia, South Carolina

June 26, 2008

cc Chief Appellate Defender Joseph L. Savitz, III
Robert M. Hughes
Assistant Deputy Attorney General Donald J. Zelenka
The Honorable Myranda D. Nettles
The Honorable Perry M. Buckner

2008 JUL 27 AM 10 42
BY: CLERK
HAMPTON

The South Carolina Court of Appeals

The State,

Respondent,

v

Courtney Sease,

Appellant

The Honorable Perry M Buckner
Hampton County
Trial Court Case No 2008-GS-25-00190
2008-GS-25-00191

FILED
JUL 15 2008
CLERK OF COURT
HAMPTON COUNTY

REMITTITUR

No Petition for Reinstatement having been filed in the above matter since issuance of this Court's Order dated June 26, 2008,

IT IS SO ORDERED that the above appeal be and hereby is remitted to the Clerk of Court for Hampton County

KAYE G HEARN, CHIEF JUDGE

BY *Myrinda D. Nettles*
Clerk

Columbia, South Carolina

July 14, 2008

Original to The Honorable Myrinda D Nettles

cc Chief Appellate Defender Joseph L. Savitz, III
Robert M. Hughes
Assistant Deputy Attorney General Donald J. Zelenka
The Honorable Perry M. Buckner

FORM 5

STATE OF SOUTH CAROLINA

County of HamptonCourtney Seake #328318
Full name and prison number (if any) of Applicant

v

State of South Carolina

09-CP-25-394
IN THE COURT OF COMMON PLEASAPPLICATION FOR
POST-CONVICTION RELIEFBY _____
CLERK OF COURT
HAMPTON COUNTY SC
A 2 48INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (either handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

- 1 Place of detention Lee Correctional Institution
990 Wilsack Hwy, Bishopville SC 29010
- 2 Name and location of Court which imposed sentence Hampton County
Court of General Sessions
- 3 Name(s) of co defendant(s) (if any) _____
- 4 The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed

- (a) 2008-GS-25-0190 possession of firearm committing felon
- (b) 2008-GS-25-0191 Murder

1

SC Attorney General
RECEIVED

SEP 5 11 00

Referred to PCR ds

Am -

FILED

2009 SEP - 1 PM 2 48

- (c) _____
- 5 The date upon which sentence was imposed and the terms of the sentence
- (a) on May 9, 2008 I was sentenced to 40 years
- (b) _____
- (c) _____
- 6 Check whether a finding of guilty was made
- (a) after a plea of guilty
- (b) after a plea of not guilty
- (c) after a plea of nolo contendere
- 7 Did you appeal from the judgment of conviction or the imposition of sentence?
Yes
- 8 If you answered "yes" to (7), list
- (a) the name of each Court to which you appealed
- I The S.C. Court of Appeals
- II _____
- III _____
- (b) the result in each such Court to which you appealed
- I Appeal was Dismiss due to Trial Counsel failure to
- II Inform Appellant of the proper procedure of
- III the Appeal process
- (c) the date of each such result
- I June 26, 2008
- II _____
- III _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results
- I No
- II _____
- III _____
- 9 If you answered "no" to (7), state your reasons for not so appealing
- (a) ~~On June 26, 2008, the Court of Appeals affirmed the conviction and sentence.~~
Trial counsel (public Defender) didn't provide specific documentation in a timely matter didn't perfect applicants appeal
- (b) ~~Under the provisions of the Georgia Constitution, the Court of Appeals is not required to hear appeals from the Superior Court in criminal cases.~~
~~The Court of Appeals is not required to hear appeals from the Superior Court in criminal cases.~~

(c) _____
 10 State concisely the grounds on which you base your allegation that you are being held in custody unlawfully

(a) _____
 (b) _____
 (c) _____

11 State concisely and in the same order the facts which support each of the grounds set out in (10) *See attached page*

(a) _____
 (b) _____
 (c) _____

12 Prior to this application have you filed with respect to this conviction

(a) ☒ any petition in a State Court under South Carolina Law? *yes*

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? _____

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____

(d) any other petitions, motions or applications in this or any other Court? _____

13 If you answered "yes" to any part of (12), list with respect to each petition, motion or application

(a) the specific nature thereof

I *appeal filed by lawyer*

II *dis disciplinary counsel*

III _____

IV _____

(b) the name and location of the Court in which each was filed

I *Hampton County Court of General sessions*

II _____

III _____

IV _____

212 According to *Wilson v. State* (2002) a petitioner is entitled to an Austin appeal if the PCR Judge affirmatively finds either that the applicant requested and was denied an Odum §23 S.E. 2d 756

(IIA) Appellant counsel failed to put applicant on notice that the direct appeal was dismissed as of June 26 2008. Applicant is entitled to a Related review to correct unjust procedural defects. *Austin v. State*

(IOB) Failure of appellate counsel to properly perfect the Applicant's appeal

(IIB) The Applicant did not knowingly and voluntarily waive his appellate rights. Appellant was thus denied the rights to appeal to the highest state court. Such failure was attributable solely to properly perfect appeal prejudiced Applicant as there existed appealable issues which were not presented, addressed, preserved and exhausted to the highest state court and which would now be procedurally defaulted in state court and procedurally barred from Federal habeas corpus review. While the appellate counsel filed a timely notice of appeal with the South Carolina Court of Appeals, he failed to provide documentation showing the transcript has been timely ordered and/or serve and file the Appellant's Initial Brief and Designation of Matter as provided for in Rules 207, 208, and 209 of the South Carolina Appellate Court Rules and thus caused the appeal to be dismissed.

(c) the disposition thereof

Procedural Service Letter was by law an appeal was filed

(d) the date of each such disposition

on March 1, 2002, it was determined to allow new State No. 12
 cases filed on or before June 15, 2002. The appeal was filed
 on March 1, 2002, to the 10th Circuit Court of Appeals.

(e) (f) Renewal citations of any written opinions or orders entered pursuant to each such disposition

I

II

III

IV

- 14 Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

- 15 If you answered 'yes' to (14) identify

(a) which grounds have been presented

I

II

III

(b) the proceedings in which each ground was raised

I

II

III

- 16 If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented

(a) This is the first opportunity.
 (b) _____
 (c) _____

- 17 Were you represented by an attorney at any time during the course of

(a) your arraignment and plea? _____
 (b) your trial, if any? yes
 (c) your sentencing? yes
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?

- 18 If you answered "yes" to one or more parts of (17), list

(a) the name and address of each attorney who represented you

i Robert M. Hughes P.O. box 506
Hampton SC 29924 (803) 943-7525

ii _____
 iii _____

(b) the proceedings at which each such attorney represented you

i I was found guilty and sentenced to 40 years

ii _____
 iii _____

19 State clearly the relief you seek in filing this application

I want my case to be vacated, dismissed, reversed, or reheard by
mainly dismissed. But issues demand at least appeal
be reimbursed with "Balated Appeal"

20 Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA)

County of Hampton)

VERIFICATION

I, Courtney Sease being duly sworn
upon my oath, depose and say that I have subscribed to the foregoing application that I know the
contents thereof, that it includes every ground known to me for vacating, setting aside or
correcting the conviction and sentence attacked in this application, and that the matters and
allegations therein set forth are true

Courtney Sease

SWORN to and subscribed before me this 16
day of June, 2007

[Signature] (L S)
Notary Public

My Commission Expires 5/16/12

APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

I, Courtney Sease, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true

- (1) I am the applicant in this action and I believe I am entitled to redress
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof

Courtney Sease
Applicant

SWORN or affirmed to and subscribed before me this

16 day of June, 2015

Debra Lynn
Notary Public

My Commission Expires 5/11/17

STATE OF SOUTH CAROLINA

BY

AMENDED APPLICATION
FOR
POST-CONVICTION RELIEF

2. Freedman

6 To object to the testimony of witnesses not listed in
discovery, i e , surprise witnesses

7 To object to prosecutorial misconduct

8 To make a motion for dismissal

9 To inform petitioner of the statutory right to examine
jurors during voir dire


Gerald Alan Kelly
4760 Yemassee Hwy
Varnville, South Carolina
29944
803-943-0510
geraldkelly@islc net

Friday, December 18, 2009

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF HAMPTON	)	
	)	2009-CP-25-394
	)	
Courtney Sease, #328318,	)	
	)	
Applicant,	)	
	)	
v	)	RETURN AND PARTIAL
	)	MOTION TO DISMISS
State of South Carolina,	)	
	)	
Respondent	)	

The Respondent, making its Return and Motion to Dismiss to the application for post-conviction relief (PCR) filed September 1, 2009 and amended on December 29, 2009, would respectfully show this Court

I

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Hampton County Clerk of Court. The Applicant was indicted at the April 2008 term of the Hampton County Grand Jury for murder (2008-GS-25-190) and possession of a weapon during commission of violent crime (2008-GS-25-191). Robert M. Hughes, Esquire, represented the Applicant. On May 8, 2008, the Applicant proceeded to trial, after which the jury found him guilty as indicted. The Honorable Perry M. Buckner sentenced him to confinement for thirty-five (35) years for murder and five (5) years consecutive for possession of a firearm.

Counsel filed a timely Notice of Appeal on Applicant's behalf. The South Carolina Court of Appeals issued an Order of Dismissal on June 26, 2008, in which it indicated that the appeal was dismissed based on Applicant's failure to provide documentation showing the

transcript had been timely ordered and/or serve and file the Appellant's Initial Brief and Designation of Matter The Remittitur was issued on July 14, 2008

Attached herewith and incorporated herein are the records of the Hampton County Clerk of Court regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections, the Order of Dismissal from the Court of Appeal, the Remittitur dated July 14, 2008, and the current PCR application

II

In his current application, the Applicant alleges that he is being held in custody unlawfully for the following reasons

- 1 Ineffective assistance of trial counsel in that counsel
 - a Failed to disclose discovery evidence to Applicant
 - b Failed to make background checks of witnesses for convictions or mental and physical tests
 - c Failed to determine if witnesses were psychotic, retarded, or drug users
 - d Failed to place details of Applicant's background into evidence
 - e Failed to use written witness statements at trial
 - f Failed to object to testimony of witnesses not listed in discovery
 - g Failed to object to prosecutorial misconduct
 - h Failed to make a motion for dismissal
 - i Failed to inform Applicant of the statutory right to examine jurors during voir dire
- 2 Ineffective assistance of appellate counsel in that counsel failed to properly perfect Applicant's appeal

III

Respondent asserts that the Applicant is not entitled to a White v State appeal The United States Supreme Court has rejected a bright-line rule that counsel must always file an appeal in a criminal case Roe v Flores-Ortega, 528 U S 470, 120 S Ct 1029 (2000) The

Court went on to hold that a professionally reasonable attorney should, in most cases, consult with the defendant regarding an appeal Id

In determining whether an attorney should consult with the criminal defendant concerning an appeal, the totality of the circumstances must be considered Id In examining the totality of the circumstances, courts should consider (1) whether a rational defendant would want to appeal (for example, because there are non-frivolous grounds for appeal), or (2) whether this particular defendant reasonably demonstrated to counsel that he was interested in appealing Id Where the post-conviction relief judge determines that the applicant did not freely and voluntarily waive his appellate rights, the applicant may petition the South Carolina Supreme Court for review of direct appeal issues pursuant to White v State, 263 S C 110, 208 S E 2d 35 (1974) See Rule 227(g)(1), SCACR, Davis v State, 288 S C 290, 342 S E 2d 60 (1986)

In the present case, trial counsel filed a notice of appeal The appeal was dismissed based on Applicant's failure to provide documentation showing the transcript had been timely ordered and/or serve and file the Appellant's Initial Brief and Designation of Matter Respondent submits that Applicant is not entitled to a belated appeal However, Respondent requests an evidentiary hearing to fully resolve this issue See Sharper v State, 279 S C 264, 305 S E 2d 247 (1983)

IV

As to any and all other issues, including the allegation of ineffective assistance of trial counsel, the Respondent submits that they should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act S C Code Ann §§ 17-27-10, et seq (2003) South Carolina Code Ann § 17-27-45(a) reads as follows

An application for relief filed pursuant to this chapter must be filed within one

year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. See Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). The Applicant was convicted of the offenses he challenges in this application on May 8, 2008. The Remittitur from the direct appeal was issued on July 14, 2008. The Applicant was therefore required to file his application before July 14, 2009. This application was filed on September 1, 2009, which was about forty-nine (49) days after the statutory filing period had expired.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. See McDonnell v. Consolidated Sch. Dist. of Aiken, 315 S.C. 487, 489, 445 S.E.2d 638, 639 (1994). In addition, S.C. Code Ann. § 17-27-70(c) (2003) authorizes the Court to “grant a motion by either party for summary disposition of [an] application when it appears from the pleadings that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.” Therefore, the Respondent requests that this Court summarily dismiss the application for post-conviction relief for failure to file within the time mandated by the Uniform Post-Conviction Procedure Act.

V

Respondent denies each allegation that is not expressly admitted, qualified, or explained

VI

WHEREFORE, having made its Return and Partial Motion to Dismiss, the State requests an evidentiary hearing solely on the belated appeal issue

Respectfully submitted,

HENRY DARGAN McMASTER
Attorney General

JOHN W McINTOSH
Chief Deputy Attorney General

SALLEY W ELLIOTT
Assistant Deputy Attorney General

MATTHEW J FRIEDMAN
Assistant Attorney General

By Matthew J. Friedman
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P O Box 11549
Columbia, SC 29211
(803) 734-3737

3/2, 2010

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF HAMPTON	)	
	)	2009-CP-25-394
	)	
COURTNEY SEASE, 328318	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent	)	
_____	)	

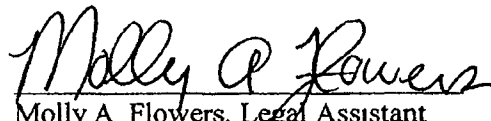
1 I am an employee of the Respondent in the above-captioned action

2 Regular communication by mail exists throughout the State of South Carolina and that
this is a proper circumstance of service by mail

3 I have this day served a copy of the Return and Partial Motion to Dismiss in the
above-captioned matter on the following person by depositing same in the United States mail,
postage prepaid

Gerald A Kelly, Esquire
4760 Yemassee Hwy
Varnville, SC 29944

DATED this 2nd day of March, 2010


Molly A Flowers, Legal Assistant
For Respondent

State of South Carolina)	In the Court of Common Pleas
County of Beaufort)	Fourteenth Judicial Circuit
	2009-CP-25-00394

Courtney Sease,	)	
	)	
Plaintiff,	)	
	)	
vs	)	Transcript of Record
	)	
State of South Carolina,	)	
	)	
Defendant	)	
	)	
_____	)	

August 31, 2011
Beaufort, South Carolina

B e f o r e

The Honorable D Craig Brown, Judge

A p p e a r a n c e s

Matthew J Friedman, Esquire
Attorney for the Plaintiff

Gerald Kelly, Esquire
Attorney for the Defendant

Bonnie H Kelly
Circuit Court Reporter

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- NO EXHIBITS -

1 MR KELLY Your Honor, we have a preliminary matter

2 THE COURT All right I'm listening

3 MR KELLY Your Honor, I met with the petitioner last
4 night in the Hampton County Detention Center And he
5 informed me that he would ask me to make a motion before
6 you that I be relieved of counsel, is that correct?

7 APPLICANT Yes, sir

8 THE COURT How long have you had this case, Mr
9 Kelly?

10 APPLICANT Two years, since '09

11 THE COURT You want to elaborate on that, Mr Kelly?

12 MR KELLY I just think that he's unsatisfied with my
13 representation He doesn't like what I have to say about
14 his situation and -- as far as I know

15 THE COURT Mr Sease?

16 APPLICANT I want -- first off -- first off I had
17 wrote the -- the disciplinary counsel in Columbia about his
18 actions So he's under investigation But --

19 THE COURT Is that still pending, Mr Kelly?

20 MR KELLY I received a letter this past week that
21 he'd made a complaint against my representation, and there
22 was a letter in there

23 THE COURT You've got to respond to it

24 MR KELLY It was written for him

25 I haven't yet, Your Honor

1 THE COURT My question though -- it was kind of a
2 statement as opposed to a question, though You have to
3 respond to it I mean, they will ask for a response from
4 you on it, is that correct?

5 MR KELLY That is correct, Your Honor I received
6 it Friday, I think

7 THE COURT Okay Mr Friedman?

8 MR FRIEDMAN Your Honor, the State would oppose the
9 motion I've spoken with Mr Kelly several times within
10 the last year about the case I know he's been preparing
11 for the hearing I believe he's prepared to go forward
12 today And we're here --

13 THE COURT You ready to go forward today, Mr Kelly?

14 MR KELLY Yes, Your Honor

15 THE COURT Do you feel comfortable going forward
16 today?

17 MR KELLY Yes, Your Honor

18 THE COURT Mr Sease, anything else you want to tell
19 me about why you want him relieved as your lawyer?

20 APPLICANT Well, I had -- I had request for my trial
21 transcripts to be disclosed to me so I could prepare for
22 this case, and I have some more amends I want to amend
23 this application But he -- he don't want to amend my
24 application, because he feel like my -- my ground I already
25 disclosed --

1 THE COURT Well, I'm gonna let you get on the stand
2 If you want to go forward here today or if I decide you're
3 going forward here today, and you can put on the record
4 anything you want to put on the record

5 APPLICANT I -- I wouldn't feel comfortable, because
6 I -- I ---

7 THE COURT Have you filed a formal motion to have him
8 relieved with the -- with the clerk's office?

9 APPLICANT (No audible response)

10 THE COURT That's the only motion that the Court can
11 consider, isn't it?

12 MR KELLY It is, Your Honor And -- and as far as I
13 know there has been no written motion He's making that
14 motion on the record today

15 THE COURT Can y'all hold it down over there, please?

16 MR FRIEDMAN Sorry

17 MR KELLY Your Honor, I don't have any problem being
18 removed as counsel for him

19 THE COURT Well, you've had the case for over -- for
20 two years?

21 MR KELLY Yes, sir It's -- it came forward
22 earlier, but the attorney -- the trial attorney was not
23 available

24 THE COURT Okay Mr Hughes, you're here today ready
25 to go?

1 MR HUGHES Yes, Your Honor

2 THE COURT All right I'm gonna respectfully deny
3 your motion, Mr Sease We're gonna go forward on this
4 matter You need any more time to talk to him, Mr Kelly?

5 MR KELLY No, Your Honor

6 THE COURT All right Mr Sease, if you'd have a
7 seat We're gonna proceed here today

8 Mr Kelly, you're ready to proceed?

9 MR KELLY I am, Your Honor

10 THE COURT Call your first witness, please

11 MR KELLY Call Courtney Sease

12 MR FRIEDMAN Your Honor, I do have a partial motion
13 to dismiss

14 THE COURT Okay

15 MR FRIEDMAN Do you want me to do that first, then -
16 --

17 THE COURT Do what?

18 MR FRIEDMAN Do you want to hear before the
19 testimony or after?

20 THE COURT I'll hear it afterwards

21 MR FRIEDMAN Okay Thank you

22 COURTNEY SEASE, having been first
23 duly sworn, testifies as follows

24 MR KELLY Please the Court?

25 THE COURT Yes, sir

1 DIRECT EXAMINATION BY MR KELLY

2 Q What's your name?

3 A Courtney Sease

4 Q Is that your complete name?

5 A Courtney O'Quinn Sease

6 Q How old are you?

7 A 22

8 Q How far did you go in school?

9 A Tenth grade

10 Q Where were you born?

11 A In Bamberg, South Carolina

12 Q And when were you convicted of this crime?

13 A You say "when"?

14 Q When

15 A May -- May 8, 2008

16 Q And where were you living at that time?

17 A In -- in Hampton

18 Q And with whom were you living at that time?

19 A Me and my "homeboy "

20 Q What was the charge against you?

21 A Murder

22 Q And what other charge?

23 A Possession of firearm

24 Q And were you convicted of both those charges?

25 A Yes, sir

DIRECT EXAMINATION BY MR KELLY - COURTNEY SEASE

9

1 Q What sentence did you receive for the murder?

2 A Thirty-five years

3 Q And what sentence did you receive for the possession
4 of a weapon during a violent crime?

5 A Five years

6 Q And were they consecutive to one another?

7 A Yes, sir

8 Q Who represented you?

9 A Bob M Hughes

10 Q Okay Now, you filed a post-conviction relief
11 petition, correct?

12 A Yes -- yes, sir

13 Q Okay And I amended that petition for you?

14 A Yes, sir

15 Q And sent you a copy of the amendments

16 A Yes, sir

17 Q I'm gonna go over the -- some of those amendments, and
18 I'm gonna ask you about them Is that all right with you?

19 A Yes, sir

20 Q All right I think that you complained that Mr
21 Hughes had failed to -- to disclose discovery evidence to
22 you Did you ---

23 A Yes, sir

24 Q --- did you complain about that?

25 A Yes, sir Yes, sir

1 Q What do you mean by that?

2 A Well -- well, he was -- discovery evidence that I
3 ain't -- I ain't discover until after my conviction

4 Q And what was that evidence?

5 A Inconsistent statements by the witness -- one of the
6 witnesses

7 Q Which witnesses are you talking about?

8 A I don't know his name

9 Q Well, at trial did Officer Blue Bolton testify against
10 you?

11 A Yes, sir

12 Q Were there any inconsistent statements from him?

13 A It was hearsay

14 Q Well, you learned later that there were some
15 inconsistent statements that you had not discovered

16 A They weren't -- they weren't from Jim Bolton

17 Q All right Mr Zorn testified for the State as an
18 eyewitness to the crime, is that correct?

19 A That's the white guy?

20 Q That's the white guy

21 A Yes -- yes, sir

22 Q Did you discover any inconsistent statements from --
23 from him?

24 A Yes, sir

25 Q And what were those inconsistent statements?

DIRECT EXAMINATION BY MR KELLY - COURTNEY SEASE

11

1 A Well, he -- he -- he basically stated that he seen --
2 he seen some type of altercation, but he never say who he
3 seen But at trial, he pointed the finger at me

4 Q At trial he said that he had seen you walking along
5 the street previous to the shooting, correct?

6 A Correct

7 Q And he said that he was working in his yard when he
8 saw you Isn't that what he said?

9 A Correct

10 Q And that you were out on the street, and he saw you
11 face-to-face Isn't that what he said?

12 A Correct

13 Q And you say that was inconsistent with his previous
14 statement

15 A Yeah His written statement ain't said none of that

16 Q Did Mr Hughes cross-examine Mr Zorn when he was at
17 trial?

18 A (No audible response)

19 Q Did he ask him questions?

20 A I believe so

21 Q Okay Did he ask him about any inconsistent
22 statements?

23 A No, sir

24 Q There was also another eyewitness to the shooting, was
25 there not?

1 A There was

2 Q And who was that?

3 A It was a -- it was a older black guy

4 Q And that was the elderly black man who was on his
5 porch and in his front yard when the shooting took place,
6 is that correct?

7 A I wouldn't know, sir

8 Q Isn't that what he said?

9 A Yes, sir

10 Q Okay And he said that he saw you shoot this man, and
11 once the man fell on -- on the ground, you continued to
12 shoot him Isn't that what he said?

13 A Yeah That's what he said

14 Q Okay And you say there were inconsistent statements
15 that -- were there any that he made previously that were
16 inconsistent?

17 A No, sir He was a surprise witness for the State

18 Q So Zorn was the only witness that appeared where there
19 were inconsistent statements?

20 A Yes, sir

21 Q And what do you say again those inconsistent were?

22 A Well, he was basically saying that just he seen a
23 black guy shoot another black guy with certain clothes on
24 and his hair style And that was it, with his signature at
25 the bottom

DIRECT EXAMINATION BY MR KELLY - COURTNEY SEASE

13

1 Q All right Now, Mr Bolton, Mr Blue Bolton, who was
2 the officer, did he interview you down in Screven County,
3 Georgia, previous to the trial?

4 A Yes, sir

5 Q And did -- did he say that you made a statement to
6 him?

7 A Yeah He said I made a statement

8 Q And did you make a statement to him?

9 A Yes, sir

10 Q He said that you made the statement that the "Pie,"
11 the man who was shot to death, had come to you asking for
12 money Was that a correct statement?

13 A I mean, he said I said that, but I ain't say that

14 Q You didn't say that?

15 A No, sir

16 Q And he said that you said that Pie -- you told Pie you
17 wouldn't give him the money at that time, because you
18 didn't have it Did you say that or was that not correct?

19 A I mean, like I said, I ain't say that -- all that
20 (Coughs) Excuse me I was asking questions about the case,
21 the -- the evidence of the case

22 Q And Mr Bolton said that -- that you said to him that
23 you struggled with Pie, and that you felt a gun on his
24 person Did you tell Mr Bolton that?

25 A No, sir

1 Q And he said -- Mr Bolton said that you took the gun
2 from the body of Pie, and that you shot him with it Did
3 you say that to Mr Bolton?

4 A No, sir

5 Q What did you tell your attorney happened? What did
6 you tell him?

7 A I told my attorney -- I told my attorney a story about
8 self defense with another individual

9 Q Did you tell your attorney that you'd struggled with
10 Mr Pie, and that you'd taken his gun and then shot him
11 with it?

12 A I mean, I believe I told him somebody else I seen that
13 happen

14 Q What did you tell your attorney, Mr Hughes?

15 A That story right there, but just a different
16 individual

17 Q You told him the same story I just recounted to you,
18 but with a different individual?

19 A Yeah

20 Q What individual?

21 A I mean, I wouldn't -- I wouldn't know his name or

22 Q You -- are you saying that someone else shot Pie?

23 A Yes, sir

24 Q Okay All right And that -- but -- and that you
25 told your attorney that you shot him, or that you didn't

DIRECT EXAMINATION BY MR KELLY - COURTNEY SEASE

15

1 shoot him?

2 A I mean, at the time, I told him my -- my lawyer that I
3 did it, but just -- I rather come clean

4 Q Are you saying today, now, that you shot Pie, or you
5 did not?

6 A I did not

7 Q Who did?

8 MR FRIEDMAN Objection, Your Honor

9 A I don't know his name

10 Q You don't know his name?

11 THE COURT Objection overruled

12 Mr Kelly, when he objects, let me make a ruling on it
13 before ---

14 MR KELLY Yes, Your Honor

15 THE COURT Go ahead I'm sorry

16 MR KELLY Excuse me

17 DIRECT EXAMINATION BY MR KELLY (CONTINUES)

18 Q Who was a witness to the shooting other than you?

19 A I guess the -- the white and black old -- the old --
20 the elderly people

21 Q Anybody else?

22 A No, sir

23 Q Did you give the names of any witnesses to the
24 shooting to Mr Hughes before trial?

25 A No, sir

1 Q Was there anybody that you asked Mr Hughes to call as
2 a witness?

3 A No, sir

4 Q Is there anybody that you know of today that could be
5 called as a witness?

6 A No, sir

7 Q How many times was Pie shot?

8 A My -- my -- the autopsy report say four shots, four --
9 four times

10 Q Once in the thigh, once in the back, and twice in the
11 chest?

12 A Yes, sir

13 Q Did you observe the shooting yourself?

14 A Yes, sir

15 Q It was recounted that once Pie fell to the ground, he
16 was shot twice while he was on the ground, is that correct?

17 A Yes, sir

18 Q You also asked that it be amended -- that the petition
19 be amended because you said that Mr Hughes failed to make
20 background checks of witnesses for convictions or mental or
21 physical tests Are you complaining about that today?

22 A Yes, sir

23 Q Okay And that would include Mr Zorn?

24 A (No audible response)

25 Q The neighbor?

DIRECT EXAMINATION BY MR KELLY - COURTNEY SEASE

17

- 1 A Yes, sir
- 2 Q And Mr Benny Jackson, the black neighbor?
- 3 A Yes, sir
- 4 Q And would it also include Officer Bolton?
- 5 A No, sir
- 6 Q Would it included Chief of Police McElheney?
- 7 A No, sir
- 8 Q Would it include the doctor who did the autopsy?
- 9 A No, sir
- 10 Q Do you have any information that would be any use to
- 11 any background checks for convictions or mental or physical
- 12 tests of Zorn or Mr Jackson?
- 13 A No, sir I was asking for a adequate in --
- 14 investigation
- 15 Q You also ask -- you also claim that Mr Hughes didn't
- 16 determine if the witnesses were psychotic, retarded, or
- 17 drug users
- 18 A Yes, sir
- 19 Q Is that correct?
- 20 A Yes, sir
- 21 Q You're talking about Zorn and Jackson ---
- 22 A Yes
- 23 Q --- only?
- 24 A Yes, sir
- 25 Q You also complain that Mr Hughes failed to place the

1 details of petitioner's background into evidence

2 A Yes, sir

3 Q Either your mental or your physical test What mental
4 or physical test are you talking about?

5 A Well, just -- just basically what it say Well,
6 basically self explanatory Just a mental test period

7 Q Did you take mental or physical tests that should have
8 been -- you think should have been presented to the bench
9 when you were sentenced?

10 A Yes, sir

11 Q And what were these tests and what would they show?

12 A Oh, you say -- you're saying did I take any at that
13 time?

14 Q Did you take -- were you tested, physically or
15 mentally, previous to time of trial?

16 A I mean, I -- I attended a mental health program ---

17 Q And ---

18 A --- two times

19 Q And what was that for?

20 A One time for drugs, and one time just -- out of
21 behavior

22 Q And did you testify at trial?

23 A No, sir

24 Q So the only time that you appeared before the judge
25 was when you were sentenced after you were convicted?

DIRECT EXAMINATION BY MR KELLY - COURTNEY SEASE

19

1 A Yes, sir

2 Q And you think that those -- at that time, your
3 background for mental treatment should have been given to
4 the bench?

5 A Yes, sir

6 Q Had you ever been convicted of any crime previous to
7 that time?

8 A No, sir

9 Q Did Mr Hughes tell the judge that before you were
10 sentenced?

11 A I can't remember

12 Q You also complain that Mr Hughes should have used
13 written witness statements at trial

14 A Yes, sir

15 Q What good would that have done?

16 A That would have -- that would -- it -- it would have
17 probably impeach and rebut State's witness on his
18 recantation

19 Q And did Mr Hughes use any statements when he cross-
20 examined either Jackson or Zorn?

21 A No, sir

22 Q You say that he failed you because he didn't object to
23 the testimony of witnesses not listed in discovery,
24 surprise witnesses

25 A Yes

1 Q Who was that?

2 A That was the elderly black guy

3 Q Mr Jackson?

4 A Mr Jackson

5 Q Mr Jackson did testify at trial, did he not?

6 A Yes, sir

7 Q And he was presented to the Court before the trial,
8 was he not?

9 A Yes, sir

10 Q Okay And did Mr Hughes, your attorney, make any
11 objection to him testifying at trial that day?

12 A No, sir

13 Q But you think he should have

14 A Yes, sir

15 Q You say Mr Hughes should have objected to
16 prosecutorial -- prosecutorial misconduct ---

17 A Yes, sir

18 Q --- right?

19 A Yes, sir

20 Q What misconduct took place on the part of the
21 prosecutors?

22 A I'm going off recollection throughout my transcript
23 But I believe it said --- the prosecutor -- he was saying
24 that I killed -- I killed the man in the closing argument
25 phase And that was his -- that was his -- his opinion

DIRECT EXAMINATION BY MR KELLY - COURTNEY SEASE

21

1 He distorted the jury to a guilty verdict, basically

2 Q So you -- you would object and you would have your
3 attorney to object to having the prosecutor tell the jury
4 that he believed that you were the murderer

5 A Yes, sir

6 Q You also complain because Mr Hughes, you say, did not
7 make a motion that the case be dismissed ---

8 A Yes, sir

9 Q --- is that correct?

10 A Yes, sir

11 Q Do you recall that he did make a motion that the case
12 should be dismissed after the evidence of the State was
13 brought forward?

14 A No, sir

15 Q You also complain that Mr Hughes should have informed
16 you of the statutory right to examine jurors during the
17 voir dire Did you -- is that still a complaint that you
18 have?

19 A Yes, sir

20 Q By the "voir " dire you mean before they were chosen
21 as jurors?

22 A Yes, sir

23 Q And did the judge ask the jurors any questions?

24 A Not that I know -- not that I think so That's why I
25 needed my transcript

1 Q Were you asked to stand up before trial so the jurors
2 could see if they knew you?

3 A Yes, sir

4 Q And were the other witnesses who testified at trial,
5 were they asked to stand up and face the jury as well?

6 A I don't believe so, no

7 Q Now, did Mr Hughes appeal the judge's -- your
8 conviction?

9 A Yes, sir

10 Q He did?

11 A Yes, sir

12 Q And what happened to that appeal?

13 A It was -- it was dismissed It was dismissed due to
14 the -- to the failure of my appellate to disclose the trial
15 transcripts in a timely manner

16 Q So the appellate lawyer did not get the transcripts to
17 the Supreme Court in time?

18 A Yes, sir

19 Q You're not complaining about Mr Hughes about that?

20 A No, just the appellate -- appellate counsel

21 Q All right What other complaints do you have today
22 against Mr Hughes that I haven't recited into the record?

23 A Well, the -- the -- my time -- my time, basically He
24 says in 16 years -- that's 20-D -- he said that I been -- I
25 been -- the time given was unconstitutional, because a

DIRECT EXAMINATION BY MR KELLY - COURTNEY SEASE

23

1 murder defendant is -- is either sentenced to 30 years
2 minimum, life, or death penalty

3 Q Do you realized that you could have received life in
4 prison as a penalty?

5 A Yes, sir

6 Q And do you understand that 35 years is less than life?

7 A Yes, sir

8 Q What's your out date? When are you supposed to get
9 out?

10 A '48, 2048

11 Q 2048 So if you live that long, you'd get out

12 A Yes, sir

13 Q You realize that if you got relief today and you were
14 retried and you were found guilty, that you could receive
15 life in prison rather than 35 years?

16 A Yes, sir

17 Q Did I explain that to you last night?

18 A Yes, sir

19 Q And do you still want to go forward today?

20 A Yes, sir

21 Q What other complaints do you have against Mr Hughes
22 today?

23 A Against Mr Hughes? I ain't got no other complaints
24 against Mr Hughes But -- but you talking about the --
25 the amendments that I supposed to amend?

1 Q Anything that you have that you want to tell the --
2 this Court today, that you want to complain about Mr
3 Hughes' conduct, tell me now

4 A Well, he -- he had failed -- he had failed to request
5 preliminary hearing I ain't get the preliminary hearing

6 Q And what else?

7 A And he -- he -- he ain't gave a -- the jury proper
8 jury instruction on the lesser offense

9 Q And what would the lesser offense have been?

10 A Manslaughter

11 Q And did Mr Hughes request a -- an instruction by the
12 judge on manslaughter?

13 A No, sir

14 Q And did you ask Mr Hughes why?

15 A No, sir

16 Q What else?

17 A Like I said, I ain't -- I ain't had proper prepare for
18 this case, because I thought I had needed to amend it to
19 get heard

20 Q Is there anything else that you would have liked to
21 have had in your petition that you -- was not placed into
22 your petition or your amended petition, that you would like
23 to tell us today

24 A I had -- I had to have a continuance

25 Q You -- you don't have anything that you can tell us

CROSS-EXAMINATION BY MR FRIEDMAN - COURTNEY SEASE

25

1 now?

2 A No No No, sir

3 MR KELLY I don't have any further questions

4 THE COURT Mr Friedman

5 MR FRIEDMAN Thank you, Your Honor

6 CROSS-EXAMINATION BY MR FRIEDMAN

7 Q Mr Sease, did you review all the witness statements
8 with counsel prior to the trial?

9 A Say that again?

10 Q Did you review all the witness statements with counsel
11 prior to the trial?

12 A Did I hear them?

13 Q Did you review the witness statements?

14 A No, sir

15 Q Any of them?

16 A No, sir

17 Q Was there anything else that was not disclosed in
18 discovery?

19 A Just the -- just the statements of the -- of that
20 surprise witness Other than the -- the -- the written
21 statement by the inconsistent one

22 Q You recall if you had the opportunity to address the
23 Court after the trial ---

24 A Did ---

25 Q --- but before the sentencing?

1 A --- did I have a chance to address the Court?

2 Q After the verdict, but before the sentence

3 A Yes, sir

4 Q Do you recall if you raised any issues about your
5 background?

6 A No, sir

7 MR FRIEDMAN I have nothing further, Your Honor

8 THE COURT Mr Kelly, anything else?

9 MR KELLY No, Your Honor

10 THE COURT All right Mr Sease, you may step down
11 (The witness complies)

12 THE COURT Any other witnesses, Mr Kelly?

13 MR KELLY No, Your Honor

14 THE COURT Mr Friedman?

15 MR FRIEDMAN Your Honor, the State would call Bob
16 Hughes

17 THE COURT Mr Hughes, if you'd come around and be
18 sworn, please

19 ROBERT HUGHES, having been first
20 duly sworn, testifies as follows

21 DIRECT EXAMINATION BY MR FRIEDMAN

22 Q Good morning, Mr Hughes

23 A Good morning

24 Q How long have you been practicing law?

25 A Since 2004

DIRECT EXAMINATION BY MR FRIEDMAN - ROBERT HUGHES

27

1 Q How much of that time's been in criminal law?

2 A All of it -- excuse me -- except for one year

3 Q Were you appointed or retained in this case?

4 A I was with the Public Defender's Office We -- the
5 Public Defender's Office was appointed to this case

6 Q Do you recall about how long you were appointed before
7 the trial?

8 A I started on April 1, 2008 I inherited this file
9 from Mr J D Bryan So about a month and a half before
10 the trial

11 Q Did you have a chance to meet with the applicant prior
12 to trial?

13 A Yes

14 Q Do you recall about how many times?

15 A At least three, maybe four He was located in the
16 Hampton County Detention Center, and my office was in
17 Hampton And I went to see him a number of times before
18 the trial

19 Q Did you or Mr Bryan file any *Brady* or *Rule 5* motions?

20 A Yes

21 Q Did you receive the discovery?

22 A Yes

23 Q Did you have a chance to review that with the
24 applicant?

25 A Yes

1 Q And in that discovery was there any -- were there any
2 witness statements?

3 A One

4 Q Do you recall whose statement that was?

5 A That was the gentleman -- the white gentleman I do
6 not have his name in front of me He was the gentleman out
7 in his yard

8 Q Do you recall if that would be Danny Zorn?

9 A Yes Zorn I apologize

10 Q Did you review that statement with the applicant?

11 A Yes, I did

12 Q Do you recall if you were able to cross-examine Mr
13 Zorn at the trial?

14 A Yes, I was

15 Q Do you remember if you were able to point out whether
16 or not he described the suspect in his statement?

17 A I do not recall if I did that or not

18 Q Could you briefly characterize the State's evidence in
19 this case?

20 A The State had a dying declaration and two eyewitnesses
21 that identified Mr Sease as the shooter

22 Q Do you remember the substance of the dying
23 declaration?

24 A The officer came to the victim, said, "What happened?"
25 The victim said, "Bird shot me " The officer said, "Do you

DIRECT EXAMINATION BY MR FRIEDMAN - ROBERT HUGHES

29

1 mean Courtney Sease?" The victim said, "Yes, Courtney
2 Sease shot me "

3 Q Did the applicant ever tell you that he was not the
4 shooter?

5 A No

6 Q Could you briefly describe what kind of investigation
7 you did?

8 A I went to the scene to see about angles of view, to
9 see what could be seen or couldn't be seen I talked to
10 law enforcement about what they had done prior to the
11 trial And I talked to the defendant to see what, if
12 anything, he could help me in his defense

13 Q Did he give you the names of any witnesses to contact?

14 A No, he did not

15 Q Do you recall that Mr Jackson, the other eyewitness -
16 - he was not listed on the original witness list?

17 A Yes

18 Q Were you aware of him before the trial?

19 A The day before, when we selected the jury, his name
20 was mentioned I questioned the Solicitor's Office about
21 that and law enforcement

22 I believe I objected to him, because I did not have
23 time But the solicitor's office did provide me with
24 access to him if I'd wanted some

25 MR FRIEDMAN I have nothing further, Your Honor

1 THE COURT Mr Kelly?

2 MR KELLY Yes, Your Honor

3 CROSS-EXAMINATION BY MR KELLY

4 Q The witness -- Benny Jackson was the witness who
5 appeared before trial, is that correct?

6 A Yes, sir

7 Q And you did meet with Jackson previous to trial, did
8 you not?

9 A I had talked to him the afternoon of that Monday

10 Q And you cross-examined him and attempted to impeach
11 him on the statement that he made to you ---

12 A Yes

13 Q --- on the previous occasion, did you not?

14 A Yes, I did

15 Q Okay And he attempted to clarify that when he was on
16 the witness stand, did he not?

17 A Yes

18 Q Okay So you did meet with him, and you did examine
19 him?

20 A Yes

21 Q What defense did your client offer to you as a -- as
22 facts?

23 A He offered me two possible defenses of, one, he wasn't
24 there, and two, if he was, it was in self-defense

25 Q And did you discuss these with him?

1 A Yes, I did

2 Q Did you ask for an alibi as to where he was if he was
3 not present?

4 A Yes, I did

5 Q And did he give you one?

6 A No, he did not

7 Q Okay Did you ask him about why he could not give you
8 an alibi if he was not there?

9 A He never said he wasn't there That was the defense
10 he wanted me to do

11 Q What did your investigation show? Was he there or
12 not?

13 A Yes, he was there

14 Q Did he admit to you at any time that he had actually
15 done the shooting?

16 A Yes, he did

17 Q And what did he tell you was the cause?

18 A He told me that he had been in a -- the victim had
19 stopped him, he had gotten into an argument with the victim
20 over money The victim and him -- and Mr Sease got into a
21 fight

22 Mr Sease says that he got the victim's gun, pointed
23 it at the victim The victim then turned to run when Mr
24 Sease shot him twice And actually, Mr Sease told me that
25 he did not know how many times he shot him I apologize

1 Q Is that the account, basically, that was given both by
2 Zorn and Jackson as eyewitnesses?

3 A Yes

4 Q Do you have any reason to disbelieve the account by
5 your client?

6 A No, I do not

7 Q Did you prepare your defense at trial based on the
8 facts that he gave to you?

9 A Yes

10 Q What defense did you have to put up?

11 A The primary defense I had, as far as Mr Sease was
12 concerned, was the miscommunication during the dying
13 declaration that the Bird -- the person, Bird, that he --
14 the deceased was talking about was not my client, and that
15 the eyewitnesses were not in a position to actually have
16 seen what happened

17 Q So that -- other than that, you had no other defense

18 A No, I did not

19 Q And did Jackson testify that he knew Bird?

20 A Yes

21 Q Meaning this man here, Courtney Sease

22 A Yes

23 Q And that he identified him at the scene

24 A Yes

25 Q Did -- did -- was a *Jackson/Denno* hearing held to

CROSS-EXAMINATION BY MR KELLY - ROBERT HUGHES

33

1 examine the statements that were made -- both the
2 examination by Officer Bolton in Georgia, and on the scene
3 with McElheney and Officer Light -- as to the dying
4 declaration?

5 A Yes, it was

6 Q And did -- how did the judge rule?

7 A He ruled that both statements could come in

8 Q Did you appeal the decision and the conviction?

9 A Yes, I did

10 Q And did you perfect the -- that appeal?

11 A Yes, I did

12 Q And with proper service

13 A Yes

14 MR KELLY I have no further questions

15 THE COURT Mr Friedman?

16 MR FRIEDMAN Nothing further, Your Honor

17 THE COURT Mr Hughes, you may step down Thank you

18 (The witness complies)

19 THE COURT Mr Kelly, I'll be happy to hear from you
20 with anything with regards to any argument

21 MR KELLY Your Honor, you've heard the
22 representation of the petitioner And he has -- and it's -
23 - it's been recited into the record what his objections
24 are

25 None of those, factually or theoretically, would apply

1 to a remedy in this particular case in my estimation, Your
2 Honor And I've informed my client of that matter

3 THE COURT Thank you, Mr Kelly Mr Friedman?

4 MR FRIEDMAN Your Honor, just briefly The State
5 would submit that the applicant's failed to meet his
6 burden There's nothing that suggests that Mr Hughes was
7 ineffective in this case He reviewed the discovery with
8 the applicant, including the witness statements He was
9 able to speak with eyewitnesses, including Mr Jackson
10 Even though he'd just found out about him the day before
11 the trial, he was able to speak with him before the trial

12 And the State also has a motion to dismiss in this
13 case, Your Honor

14 THE COURT Before you address the motion to dismiss -
15 --

16 MR FRIEDMAN Okay

17 THE COURT --- let me ask you about this appeal
18 issue Mr Hughes testified -- well, the defendant
19 testified that his appeal was dismissed Mr Hughes
20 testified that he filed a timely notice of appeal, which
21 I'm looking at what he filed

22 And the appeal was dismissed, which I'm looking at the
23 order of dismissal right here (as read) " due to the
24 failure of appellate to provide documentation showing the
25 transcript was timely ordered, and to serve and file the

1 appellate's initial brief and designation of the matter, in
2 the above matter, as provided in Rule 207, 208, and 209 "

3 Is it Mr Hughes' responsibility to provide that
4 documentation or is that Appellate Defense?

5 MR FRIEDMAN I think it's Appellate Defense, Your
6 Honor I'm -- I'm a little bit confused about an order of
7 dismissal I'm not sure why ---

8 THE COURT Why is he not entitled to a dismissal of
9 this PCR action and an appeal -- a belated appeal under
10 *White*

11 MR FRIEDMAN Your Honor --

12 THE COURT I mean, why is the issue of ineffective
13 appellate counsel not -- not here?

14 MR FRIEDMAN I don't believe that he's raised that
15 issue, Your Honor

16 THE COURT Well, the Court's raising it out of
17 concern here

18 MR FRIEDMAN I understand, Your Honor And I
19 believe that is Appellate Defense's responsibility

20 It's my understanding that once Mr Hughes files that
21 notice of appeal, that Appellate Defense takes over the
22 appeal

23 Even still, it would be our position that the remitter
24 date on this -- on this appeal that was dismissed is July
25 14, 2008 And he waited until September 1, 2009, to file

1 this PCR application

2 THE COURT I mean, I understand your position as far
3 as the statute of limitation is concerned

4 MR FRIEDMAN Yes, sir

5 THE COURT What -- what concerns me and bothers me is
6 this appellate issue

7 MR FRIEDMAN I understand

8 MR KELLY Your Honor, may I speak to that issue?

9 THE COURT Yes, sir

10 MR KELLY Your Honor, I'm not sure that he -- he has
11 a remedy other than *habeas corpus* against his appellate
12 counsel, myself But we have no evidence I've read and
13 examined the transcript myself

14 THE COURT Yes, sir

15 MR KELLY I have no evidence to show to that the
16 appeal would have been upheld from my examination it --
17 itself

18 However, I think the man's got a right to have his
19 appeal to go forward, and have the Court say that there's
20 no factual basis for it

21 I think he did raise it, and was allowed to raise it
22 himself here, and I think it's still an issue, however, I'm
23 not sure he's got any remedy myself

24 THE COURT Do you agree, Mr Friedman, that -- you've
25 argued that he didn't raise it in his application, that

1 issue? And you agree that this PCR matters that we're
2 hearing, or PCR matters period, are civil matters ---

3 MR FRIEDMAN Yes, sir

4 THE COURT --- correct?

5 MR FRIEDMAN Yes, sir

6 THE COURT And under Rules of Civil Procedure, your
7 pleadings can be amended solely based upon the testimony
8 that's presented in the courtroom, is that right?

9 MR FRIEDMAN Yes, sir

10 THE COURT Okay He did testify about the dismissal
11 of his appeal for failure to provide this information -- or
12 Appellate Defense failing to provide this information

13 Anything else you want to add on that --

14 MR FRIEDMAN No, Your Honor

15 THE COURT -- Mr Friedman? Mr Kelly?

16 MR KELLY No, Your Honor, other than I -- I believe
17 he does have that right and I think it should be afforded
18 him And I think he did properly raise it as you say

19 THE COURT Well, I'm gonna allow the amendment to the
20 application based upon the testimony that I've heard in
21 here today And I think that's something that this Court
22 wants to look at to consider here, because it does concern
23 me It's out of this young man's hands once the notice of
24 appeal is -- is filed

25 Mr Hughes did what he needed to do to file that

1 notice of appeal, and for whatever reason, the ball was
2 dropped or appears to have been dropped by somebody in
3 Appellate Defense And that -- that does concern the
4 Court

5 So I'm gonna look at this I'm gonna take it under
6 advisement, Mr Kelly And I'll let both of you know what
7 my decision is here Okay?

8 MR KELLY Thank you, Your Honor

9 MR FRIEDMAN Thank you

10 THE COURT Good luck to you, Mr Sease

11

12 --- END OF TRANSCRIPT OF RECORD ---

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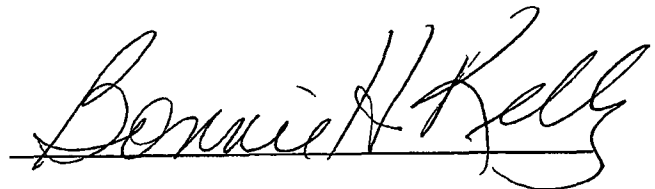
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CERTIFICATE

I, the undersigned Bonnie H Kelly, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Circuit Court for Beaufort County, South Carolina, on the 31st day of August, 2011

I do further certify that I am neither of kin, counsel, nor interest in any party hereto

A handwritten signature in cursive script, reading "Bonnie H Kelly", written over a horizontal line.

Bonnie H Kelly,

Court Reporter

Columbia, South Carolina

February 4, 2012

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF HAMPTON

2009-CP-25-394

Courtney Sease, #328318,

Applicant,

v

State of South Carolina,

Respondent

2011 OCT 11 PM 12:47
 ORDER GRANTING WHITE V. STATE
 APPEAL AND DENYING ALL OTHER
 ALLEGATIONS

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed September 1, 2009, and amended on December 29, 2009. The Respondent made its Return and Partial Motion to Dismiss on March 2, 2010. An evidentiary hearing into the matter was convened on August 31, 2011, at the Beaufort County Courthouse. The Applicant was present at the hearing and was represented by Gerald A. Kelly, Esquire. Matthew J. Friedman, Esquire, of the South Carolina Attorney General's Office represented the Respondent.

The Applicant and Robert M. Hughes, Esquire, testified at the PCR hearing. This Court had before it the records of the Hampton County Clerk of Court, the Applicant's records from the South Carolina Department of Corrections, the trial transcript, the Order of Dismissal from the Court of Appeals, the Remittitur dated July 14, 2008, the PCR application and amended application, and the Respondent's Return and Partial Motion to Dismiss thereto.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Hampton County. The Applicant

was indicted at the April 2008 term of the Hampton County Grand Jury for murder (2008-GS-25-190) and possession of a weapon during commission of a violent crime (2008-GS-25-191). Robert M. Hughes, Esquire, represented the Applicant. Applicant proceeded to trial on May 7-8, 2008, after which a jury found him guilty as indicted. The Honorable Perry M. Buckner sentenced the Applicant to confinement for thirty-five (35) years for murder and five (5) years consecutive for possession of a weapon during the commission of a violent crime.

Counsel filed a timely Notice of Appeal on Applicant's behalf. The South Carolina Court of Appeals issued an Order of Dismissal on June 26, 2008, in which it indicated that the appeal was dismissed based on Applicant's failure to provide documentation showing the transcript had been timely ordered and/or serve and file the Appellant's Initial Brief and Designation of Matter. The Remittitur was issued on July 14, 2008.

ALLEGATIONS

The Applicant alleges he is being held in custody unlawfully for the following reasons:

- 1 Ineffective assistance of trial counsel in that counsel
 - a Failed to disclose discovery evidence to Applicant
 - b Failed to make background checks of witnesses for convictions or mental and physical tests
 - c Failed to determine if witnesses were psychotic, retarded, or drug users
 - d Failed to place details of Applicant's background into evidence
 - e Failed to use written witness statements at trial
 - f Failed to object to testimony of witnesses not listed in discovery
 - g Failed to object to prosecutorial misconduct
 - h Failed to make a motion for dismissal
 - i Failed to inform Applicant of the statutory right to examine jurors during voir dire
- 2 Ineffective assistance of appellate counsel in that counsel failed to properly perfect Applicant's appeal. Applicant did not knowingly and voluntarily waive his appellate rights.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon his or her credibility. This Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusions of law as required by S C Code Ann § 17-27-80 (2003).

Applicant testified that counsel was ineffective for failing to disclose discovery evidence to Applicant. He testified that he did not review any witness statements with counsel prior to the trial. He asserted that the two eyewitnesses – Danny Zorn and Bennie Jackson – gave inconsistent statements and counsel failed to cross-examine them about their statements or make background checks on them. He also asserted that Mr Jackson was not on the original witness list, but counsel failed to object to his testimony at trial. Applicant testified that he gave a statement to Officer Bolton, but he did not say what Officer Bolton testified that he said. Applicant testified that he was a witness to the shooting, but he did not shoot the victim. However, he admitted that he did not tell counsel the name of the real shooter or any witnesses. Applicant testified that counsel failed to place details of Applicant's background into the record during sentencing. He contended that counsel should have objected to prosecutorial misconduct when the solicitor told the jury that Applicant was a murderer. Applicant also testified that counsel failed to inform him of his statutory right to examine jurors during voir dire. Applicant asserted that trial counsel filed a Notice of Appeal, but his appellate attorney did not get the transcripts to the appellate court in time and his appeal was ultimately dismissed.

Trial counsel testified that he reviewed the witness statements with Applicant prior to the

trial. He testified that he learned that Mr. Jackson was a witness the day before trial, but he was provided with access to Mr. Jackson that same day. He asserted that he was able to cross-examine Mr. Jackson and Mr. Zorn regarding their statements. Counsel testified that Applicant never told him that he was not the shooter. He testified that Applicant's defense was that he was not there or if he was there it was self-defense, but he did not provide an alibi. Counsel testified that his investigation indicated that Applicant was there. Applicant admitted that he shot the victim after an argument over money, during which Applicant grabbed the victim's gun and shot the victim at least twice after he turned to run. Counsel asserted that Applicant's version of the facts was very similar to the statements of the two eyewitnesses. Counsel testified that he requested a Jackson v. Denno hearing, but the Applicant's oral statement and the victim's dying declaration were both admitted by the trial court.

Ineffective Assistance of Counsel

Applicant alleges that he received ineffective assistance of counsel. In a post-conviction relief action, the applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCR, Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984), Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. The applicant must overcome this

presumption in order to receive relief Cherry, 386 S E 2d 624

Courts use a two-pronged test to evaluate allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Id. at 625 (citing Strickland, 466 U S 668). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 625. A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Johnson v. State, 325 S C 182, 480 S E 2d 733 (1997).

This Court finds that trial counsel's testimony is credible. This Court finds that counsel is a trial practitioner who has extensive experience in the trial of serious offenses. Counsel conferred with the Applicant on several occasions. During conferences with the Applicant, counsel discussed the pending charges, the elements of the charges and what the State was required to prove, Applicant's constitutional rights, and possible defenses or lack thereof.

Regarding the Applicant's claims of ineffective assistance of counsel, this Court finds the Applicant has failed to meet his burden of proof. This Court finds that Applicant's attorney demonstrated the normal degree of skill, knowledge, professional judgment, and representation that are expected of an attorney who practices criminal law in South Carolina. State v. Pendergrass, 270 S C 1, 239 S E 2d 750 (1977), Strickland, 466 U S at 668, Butler, 286 S C 441, 334 S E 2d 813. This Court further finds counsel adequately conferred with the Applicant, conducted a proper investigation, and was thoroughly competent in his representation. This Court finds that counsel's representation did not fall below an objective standard of reasonableness.

This Court finds that counsel properly reviewed the discovery with Applicant and adequately cross-examined the eyewitnesses with respect to their statements. This Court finds that there was no basis for counsel to object to prosecutorial misconduct.

This Court finds that trial counsel adequately offered mitigating factors to the trial court. Counsel noted that Applicant had no prior record, was only 19 years old, and had a ninth grade education. Counsel also asked the trial court to be merciful in fashioning a sentence. The trial court was lenient under the circumstances in sentencing Applicant to thirty-five (35) years for murder. In addition, Applicant was given an opportunity to address the trial court, and he failed to mention any other details of his background that he believed could have been a mitigating factor during sentencing.

Accordingly, this Court finds Applicant has failed to prove the first prong of Strickland, specifically that counsel failed to render reasonably effective assistance under prevailing professional norms. This Court also finds the Applicant has failed to prove the second prong of Strickland, specifically that he was prejudiced by counsel's performance. Applicant's complaints concerning counsel's performance are without merit and are denied and dismissed.

White v. State Appeal

This Court finds that Applicant did not freely and voluntarily waive his right to appellate review. Trial counsel filed a timely Notice of Appeal, but the appeal was ultimately not properly perfected and was dismissed by the Court of Appeals. This Court finds that Applicant was without fault in the dismissal of his appeal. Accordingly, this Court finds that Applicant is entitled to a review of direct appeal issues as permitted by White v. State, 263 S.C. 110, 108 S.E.2d 35 (1974). In White v. State, our Supreme Court determined that, where the post-conviction relief judge finds the applicant did not freely and voluntarily waive his appellate

rights, the applicant may petition the South Carolina Supreme Court for review of direct appeal issues. This Court concludes the Applicant is entitled to a review of his convictions pursuant to White v. State. In order to secure this review, however, the Applicant must appeal from this Order.

All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds the Applicant failed to present any evidence regarding such allegations. Accordingly, this Court finds the Applicant waived such allegations and failed to meet his burden of proof regarding them. Therefore, they are hereby denied and dismissed.

CONCLUSION

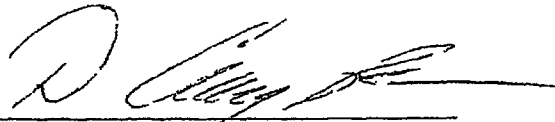
Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations before or during his trial and sentencing proceedings. Counsel was not deficient in any manner, nor was the Applicant prejudiced by counsel's representation. Therefore, with the exception of the White v. State issue, this application for PCR must be denied and dismissed with prejudice.

This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of written notice of entry of this Order to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely served and filed.

IT IS THEREFORE ORDERED

- 1 That the Applicant is granted review of direct appeal issues pursuant to White v. State,
- 2 That the other allegations in the application for post-conviction relief be denied and dismissed with prejudice, and
- 3 That the Applicant be remanded to the custody of the Respondent

AND IT IS SO ORDERED this 6th day of October, 2011



The Honorable D. Craig Brown
Presiding Judge
14th Judicial Circuit

Floris, South Carolina

WITNESSES

Bolton

ARREST WARRANT NUMBER

J460180

ACTION OF GRAND JURY

Robert H. Smith Jr.
Foreperson of Grand Jury
Date APR 18 2008

VERDICT

Guilty

Gregory H. Alky
Foreperson of Petit Jury
Date MAY 07, 2008
INDICT

DOCKET NO 2008GS250190

The State of South Carolina
County of Hampton

COURT OF GENERAL SESSIONS

April Term 2008

THE STATE

VS

Courtney Sease

Indictment for

Murder / Murder

SC Code 16-03-0010 16-03-0020
CDR Code 0116

STATE OF SOUTH CAROLINA)
COUNTY OF HAMPTON)

INDICTMENT
2008GS250190

At a Court of General Sessions, convened on April 18, 2008, the Grand Jurors of Hampton County present upon their oath

Murder / Murder

That in Hampton County on or about August 30, 2007, with malice aforethought, Courtney Sease did kill and murder Dewayne Smith by means of shooting him several times with a firearm, and that Dewayne Smith did die in Hampton County as a proximate result thereof on August 30, 2007 in violation of Section 16-3-10 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


Isaac M. Stone, III
Solicitor 14th Judicial Circuit

STATE OF SOUTH CAROLINA

COUNTY OF Hampton
STATE VS

Courtney Sease

AKA

Race AA Sex M Age 18DOB SS#Address AptsHampton, SCDL# SID#

IN THE COURT OF GENERAL SESSIONS

30yrs life / Death
INDICTMENT/CASE# 2008GS250190A/W# J460180Date of Offense 8/30/2007S C Code § 16-03 0010 16-03-0020CDR Code # 0116

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS TO Murderin violation of § 16-03-10 of the S C Code of Laws bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45 w/minor 1st or Lewd Act)The charge is ☒ As Indicted ☐ Lesser Included Offense ☐ Defendant Waives Presentment to Grand Jury (Defendant initial)The plea is ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence ☐ Recommendation by the State

ATTEST

Murdaugh, III, Randolph

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 35 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____, provided that upon the service of _____ days/months/years 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☐ CONCURRENT or ☒ CONSECUTIVE to sentence on 2008-65-25-0191☐ The Defendant is to be given credit for time served pursuant to S C Code § 24-13-40 to be calculated and applied by the State Department of Corrections☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S C Code §17-25-135

SPECIAL CONDITIONS

☐ RESTITUTION ☐ Deferred ☐ Def Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee \$ _____

Payment Terms

☐ set by SCDPPPS

Recipient

*Fine

§ 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)

§ 35 13 (Public Def/Prob)

§ 73 3 1B TP (Law Enforce Funding)

§ 33 7, 1B TP (Drug Court Surcharge)

§ 50 21 114(BUI Breath Test Fee)

§ 56 5 2942(J) (Vehicle Assessment) \$40/ea

3% to County (if paid in installments)

TOTAL

\$

\$

\$100

\$

\$12

\$

\$500

\$

\$25

\$

\$50

\$

\$40/ea

\$

\$

\$

\$

\$

\$

\$

\$

\$

PTUP

_____ days/hours Public Service

Obtain GED

Attend Voc Rehab or Job Corp

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd in equal, consecutive weekly/monthly pmts of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other

A TRUE COPY

Melinda D. Needles
CLERK OF COURT

HAMPTON COUNTY, S.C.

DATE 5-8-08

PRESIDING JUDGE

Judge Code

Sentence Date

May 8, 2008

SCCA/217 (10/2007)

Clerk of Court/ Deputy Clerk

Court Reporter

Daphne Helms

WITNESSES

✓ Bolton

ARREST WARRANT NUMBER

J480178

ACTION OF GRAND JURY

Robert H. Brinkman Jr.
 Foreperson of Grand Jury
 Date APR 18 2008

VERDICT

Guilty

James Albright
 Foreperson of Petit Jury
 Date May 9, 2008

INDICT

DOCKET NO 2008GS250191

The State of South Carolina

County of Hampton

COURT OF GENERAL SESSIONS

April Term 2008

THE STATE

VS

Courtney Sease

Indictment for

Weapons / Poss weapon during violent crime

SC Code 16-23-0490
 CDR Code 0549

STATE OF SOUTH CAROLINA)
COUNTY OF HAMPTON)

INDICTMENT
2008GS250191

At a Court of General Sessions, convened on April 18, 2008, the Grand Jurors of Hampton County present upon their oath

Weapons / Poss weapon during violent crime, if not also sentenced to life

That in Hampton County, South Carolina, on or about August 30, 2007, the Defendant, Courtney Sease, did possess a firearm or did visibly display what appeared to be a firearm or did visibly display a knife during the commission of or attempted commission of a violent crime, to wit. Murder, a violent crime for which he is convicted of committing or attempting to commit; in violation of Section 16-23-490 Code of Laws of South Carolina, (1976 as amended)

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


Isaac M. Stone, III
Solicitor 14th Judicial Circuit

