

RECEIVED

Mar 17 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Court of General Sessions

Appellate Case No. 2024-001749

The Honorable Donald B. Hocker, Circuit Court Judge

State of South Carolina.....Respondent,

v.

William Gray Ackerman Jr. Appellant.

RECORD ON APPEAL
VOLUME I

ALAN WILSON
Attorney General

W. JOSEPH MAYE
Assistant Attorney General

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

Attorneys for Respondent

ELIZABETH FRANKLIN-BEST
Elizabeth Franklin-Best, P.C.
3710 Landmark Drive, Suite 113
Columbia, South Carolina 29204

Attorney for Appellant

INDEX

VOLUME I

TRIAL TRANSCRIPT, September 23-26, 2024 ROA-1

VOLUME II

CONTINUATION TRIAL TRANSCRIPT, September 25-26, 2024 ROA-500

TRIAL TRANSCRIPT, October 2-5, 2024 ROA-807

VOLUME III

CONTINUATION TRIAL TRANSCRIPT, October 2-5, 2024..... ROA-999

(State's Exhibits

- No. 1A, 1B, 1C, 1D - DVDs; and
- No. 2 - videos - are all on file with this Court.)

STATE OF SOUTH CAROLINA) IN THE CIRCUIT COURT 8
COUNTY OF GREENWOOD) DOCKET NO. 2023-GS-24-00958

STATE OF SOUTH CAROLINA)
Plaintiff,)
versus)
WILLIAM G. ACKERMAN, JR.)
Defendant.)

H E A R I N G
BEFORE THE HONORABLE DONALD B. HOCKER

DATE: September 23-26, 2024
TIME: 9:41 A.M.
LOCATION: South Carolina Circuit Court 8

TRANSCRIBED BY: Mary Ragsdale

LEGAL EAGLE
Post Office Box 5682
Greenville, South Carolina 29606
864-467-1373
depos@legaleagleinc.com

1 APPEARANCES:

2

3 JOHN MEADORS, ESQUIRE

4 JOHN CONRAD, ESQUIRE

5 South Carolina Attorney General's Office

6 P.O. Box 11549

7 Columbia, South Carolina 29211-1549

8 Attorney for the Plaintiff,

9 JACK SWERLING, ESQUIRE

10 Jack B. Swerling, Attorney at Law

11 1720 Main Street, #301

12 Columbia, South Carolina 29201-2850

13 Attorney for the Defendant.

14

15

16

17

18

19

20

21

22

23

24

25

1 INDEX

2

3 Proceedings..... 8

4 Certificate of Transcriber..... 227,418,622,806

5

6 EXHIBITS

7	STATE'S	DESCRIPTION	PAGE
8	Exhibit 12	Map	271
9	Exhibits 1A,1B,1C,1D	DVDs	279
10	Exhibit 2	Videos	311
11	Exhibits 3 through 11	Pictures	337
12	Exhibits 13 through 15	Pictures	337
13	Exhibit 16	DVD	368
14	Exhibits 17A through 17H	Key West videos	410
15	Exhibit 18	Pictures	425
16	Exhibit 20	Buccal swab	442
17	Exhibit 26	Picture	446
18	Exhibit 19	Buccal swab	477
19	Exhibits 21 and 22	Cigarette burns	481
20	Exhibit 27	Infotainment center	509
21	Exhibit 28	DVD	514
22	Exhibit 37	Picture	522
23	Exhibit 36	Video	531
24	Exhibit 39	Thumb drive	534
25	Exhibit 25	Short material	546

1	Exhibits 40 through 43	Picture of short	555
2	Exhibit 24	Buccal swab	560
3	Exhibit 23	Cuttings from short	562
4	Exhibit 38A	Verbal scale	591
5	Exhibit 31	Call log report	648
6	Exhibit 35	Report	658
7	Exhibit 34	Davis call log	664
8	Exhibit 33	Report	672
9	Exhibit 29	Text message	678
10	Exhibit 32	Report for text message	717
11	Exhibit 50	Picture	722
12	Exhibit 45	DVD of Break on the Lake	759
13	Exhibit 46	DVD video clips	759
14	Exhibit 47	Spreadsheet	768
15			
16		EXAMINATION	
17		WITNESSES FOR THE STATE:	
18		TERRY CUMMINGS	
19		Direct Examination	268
20		Cross-Examination	287
21		Re-direct Examination	294
22			
23		RODERICK MACEDA	
24		Direct Examination	303
25		Cross-Examination	318

1	Re-direct Examination	324
2		
3	MEGAN MCGOVERN	
4	Direct Examination	325
5	Cross-Examination	343
6	Re-direct Examination	347
7		
8	ANDREW KIGHT	
9	Direct Examination	348
10		
11	CORPORAL ARSENIO LEWIS	
12	Direct Examination	358
13		
14	CORPORAL MICHAEL MEJIA	
15	Direct Examination	361
16	Cross-Examination	399
17		
18	MARY ALICE POORE	
19	Direct Examination	402
20		
21	PATRICK JOHN DURKIN	
22	Direct Examination	420
23	Cross-Examination	484
24		
25	INVESTIGATOR MICHAEL BRYAN	

1	Direct Examination	498
2	Cross-Examination	515
3		
4	MICHAEL DIXON	
5	Direct Examination	520
6		
7	PATRICK HENSARLING	
8	Direct Examination	527
9	Cross-Examination	531
10		
11	ANTHONY KNECHT	
12	Direct Examination	532
13		
14	MARK GRAYSON DAVIS	
15	Direct Examination	542
16		
17	RACHEL NGUYEN	
18	Direct Examination	547
19	Cross-Examination	569
20		
21	SAMANTHA SELDEN	
22	Direct Examination	570
23		
24	SAMUEL ALLEN STEWART	
25	Direct Examination	573

1 Cross-Examination 617

2 Re-direct Examination 618

3

4 LIUTENANT MATTHEW WOMACK

5 Direct Examination 635

6 Cross-Examination 685

7 Re-direct Examination 689

8 Re-cross Examination 693

9

10 MEREDITH HAINEY

11 Direct Examination 698

12

13 AGENT BRIAN HUDAK

14 Direct Examination 760

15

16

17

18

19

20

21

22

23

24 (THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL

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

1 THE COURT: Let me welcome you to a term of
2 Circuit Court for the County of Greenwood. My name is
3 Don Hocker. I am a Circuit Court judge, and I've been
4 assigned by the South Carolina Supreme Court to preside over
5 this week of court. Circuit Courts in South Carolina,
6 ladies and gentlemen, are the highest trial courts that we
7 have, and we hear civil cases in the Court of Common Pleas,
8 and we hear criminal cases in the Court of General Sessions.
9 You are here for a week of general sessions court.

10 We have one case that we will actually start in the
11 morning, and it should go all week. Always -- there's always
12 that possibility that the case could go over a little bit
13 into the second week. We don't know that, but there's always
14 that possibility.

15 Now, what we need to do this morning, ladies and
16 gentlemen, we need to determine your qualifications, and your
17 eligibility to first of all sit on any jury in this state,
18 and then your qualifications and eligibility to sit on the
19 case that's being called for trial this week.

20 There'll be a lot of questions asked of you. Some, you
21 can answer in -- in public, in front of everybody, some,
22 you'll need to speak with me privately about. There's
23 several parts to this process of qualification. The first
24 part is roll call, and when your name is called out, if
25 you'll stand, and provide us with the information that

1 there's a little card in the (inaudible).

2 THE CLERK: Yes.

3 THE COURT: There's a card that you've been given when
4 you got here this morning, and it will tell you what
5 information that we need to obtain from you during this roll
6 call process. Okay? So when you -- your name is -- and
7 it'll be called out alphabetical -- in alphabetical order so
8 you can kind of anticipate when your name will be called.
9 And when your name is called, stand and be sure to speak up
10 loud and clear so we can hear you. I don't see anybody with
11 a -- a mask on. If you do have a mask, just lower the mask
12 so we can hear you when you do -- do respond. Okay?

13 All right. Madam Clerk, can we go -- can we go ahead
14 and swear them in now?

15 THE CLERK: Yes, sir.

16 THE COURT: Okay. Thank you.

17 THE CLERK: Of course. If everyone will please stand
18 and raise your right hand please?

19 THE JURY: Yes.

20 (Jury sworn at 9:44 a.m.)

21 THE CLERK: Okay. Thank you guys, you may be seated.

22 THE COURT: Thank you, ma'am.

23 THE CLERK: And like the judge stated, when I call your
24 name, if you'll just please stand up, and read off the sheet
25 that we were given when you checked in.

1 Juror Number 6, Brian Albon.

2 JUROR NUMBER 6: I live in Greenwood County. I'm
3 employed by the Greenwood (inaudible) Center. My job a]is
4 clinical operations manager. My spouse is employed by
5 (inaudible) engineer. My age is 49.

6 THE CLERK: Thank you. Juror Number 7, John Alewine.

7 JUROR NUMBER 7: (Inaudible) first operator, I'm 42.

8 THE CLERK: Thank you. Juror Number 8,
9 Steven Alexander.

10 JUROR NUMBER 8: I live in Greenwood Community. I'm --
11 I'm employed by (inaudible) manager by (inaudible). My wife
12 is self-employed, and my age is 59.

13 THE CLERK: Thank you. Juror Number 13,
14 Lennie Anderson.

15 JUROR NUMBER 13: I live in Greenwood County. I'm
16 employed by Eaton. I'm not married, and I'm 53.

17 THE CLERK: Thank you. Juror Number 14,
18 William Anderson.

19 JUROR NUMBER 14: I live in Greenwood County. I'm
20 employed by Greenwood Safety in the maintenance department.
21 My wife is unemployed.

22 THE CLERK: Thank you. Juror Number 25,
23 Thomas Battles.

24 JUROR NUMBER 25: I live in Greenwood Community. I'm
25 employed at Greenwood Community Church of the Nazarene. My

1 job is family and youth pastor (inaudible) I'm 38.

2 THE CLERK: Thank you. Juror Number 46,

3 Thaddeus Booraem -- Booraem?

4 JUROR NUMBER 46: Booraem.

5 THE CLERK: Booraem.

6 JUROR NUMBER 46: I live in (inaudible) community. I'm

7 employed by Media Group, and my job is news director. I'm

8 not married, and my age is 22.

9 THE CLERK: Thank you. Juror Number 52,

10 Frances Briggs.

11 JUROR NUMBER 52: I live in Greenwood Community. I'm

12 employed by (inaudible) I'm 63.

13 THE CLERK: Thank you. Juror Number 60, Lewis Brown.

14 JUROR NUMBER 60: I live in Greenwood Community, I work

15 (inaudible). I'm not married, I'm 35 years old.

16 THE CLERK: Thank you. Juror Number 61, Wendy Brown.

17 JUROR NUMBER 61: I live in Greenwood Community I'm

18 employed by (inaudible). My age is 55.

19 THE CLERK: Thank you. Juror Number 66, Sheri Burnsed.

20 JUROR NUMBER 66: I live in Greenwood Community. I

21 retired from EmergeOrtho as a physical therapist and rehab

22 manager. My husband is retired from (inaudible) career as a

23 procurement manager, and my age is 63.

24 THE CLERK: Thank you. Juror Number 67,

25 A'Miracal Burton.

1 JUROR NUMBER 67: I live in Greenwood (inaudible), and
2 my age is 21.

3 THE CLERK: Thank you. Juror Number 70,
4 Blason Callaway.

5 JUROR NUMBER 70: I live in Greenwood (inaudible). My
6 wife is on board tonight, I'm (inaudible).

7 THE CLERK: Thank you. Juror Number 72,
8 Catherine Cardwell.

9 JUROR NUMBER 72: I live in Greenwood Community. I'm
10 employed by (inaudible). I'm not married, I am 22.

11 THE CLERK: Thank you. Juror Number 73,
12 Catherine Carlson.

13 JUROR NUMBER 73: I live in Greenwood County. I'm
14 employed by (inaudible) speaker quality check. I'm not
15 married, and I'm 51.

16 THE CLERK: Thank you. Juror Number 74,
17 Jacqueline Carroll.

18 JUROR NUMBER 74: I live in Greenwood. I work for
19 (inaudible). I'm unmarried, and I'm 25.

20 THE CLERK: Thank you. Juror Number 75, Chyna Carter.

21 JUROR NUMBER 75: I live in Greenwood Community. I'm
22 employed by (inaudible), and I'm 22.

23 THE CLERK: Thank you. Juror Number 76,
24 Jackson Carter.

25 JUROR NUMBER 76: I live in the Greenwood Community.

1 I'm employed by Store Industries. My job is fire inspector,
2 I'm not married, and I'm 21.

3 THE CLERK: Thank you. Juror Number 77,
4 Sherman Carwise.

5 JUROR NUMBER 77: I live in Greenwood Community. I'm
6 employed by BMW, my job is logistics, I'm not married, and
7 I'm 44.

8 THE CLERK: Thank you. Juror Number 78,
9 Stacey Castillo.

10 JUROR NUMBER 78: I live Greenwood Community, and
11 retired from (inaudible) my spouse is retired from Seal
12 there, and the age of 61.

13 THE CLERK: Thank you. Juror Number 82, Paul Coleman.

14 JUROR NUMBER 82: I live in the Greenwood Community.
15 I'm self-employed. I sell wholesale bale. My wife is a
16 homemaker, that's her job. I'm 62.

17 THE CLERK: Thank you. Juror Number 83,
18 Cynthia Collins.

19 JUROR NUMBER 83: I'm Cynthia, I live in (inaudible)
20 community. I'm employed by (inaudible), and I'm 32 years old
21 (inaudible).

22 THE CLERK: Thank you. Juror Number 85, Joann Cook.

23 JUROR NUMBER 85: I live in Greenwood Community, I'm
24 employed by (inaudible) I'm 33.

25 THE CLERK: Thank you. Juror Number 87, Richard Cook.

1 JUROR NUMBER 87: I live in Greenwood Community. I'm
2 employed by (inaudible) health care (inaudible).

3 THE CLERK: Thank you. Juror Number 90,
4 Kathryn Cordell.

5 JUROR NUMBER 90: I live in Greenwood Community. I
6 work for Edward Jones, and I (inaudible) administrator, I'm
7 not married, and I'm 46.

8 THE CLERK: Thank you. Juror Number 96, Sherry Craven.

9 JUROR NUMBER 96: I live in Greenwood Community. I'm
10 employed by South Carolina (inaudible) insurance (inaudible),
11 and I'm 64.

12 THE CLERK: Thank you. Juror Number 99, Devin Croyle.

13 JUROR NUMBER 99: I live in Greenwood Community. I'm
14 employed. I have no marital status, and I'm 29.

15 THE CLERK: Thank you. Juror Number 101,
16 Ayana Cunningham.

17 JUROR NUMBER 101: I live in Greenwood Community. I'm
18 employed by (inaudible).

19 THE CLERK: Thank you. Juror Number 103, Mark Daniels.

20 JUROR NUMBER 103: I live in the Greenwood Community.
21 I'm employed by Greenwood Farm Brokers -- Farm Brokers. I
22 don't have a spouse. I'm 20.

23 THE CLERK: Thank you. Juror Number 109,
24 Katherine Davis.

25 JUROR NUMBER 109: I live in the Greenwood Community.

1 And I'm employed by (inaudible) my job is (inaudible)
2 specialist. I'm not married, and I'm 44.

3 THE CLERK: Thank you. Juror Number 122,
4 Tasha Drennon.

5 JUROR NUMBER 122: I live in the Greenwood Community.
6 And I'm employed by (inaudible), I'm not married, and I'm 46.

7 THE CLERK: Thank you. Juror Number 132, Yasmin Evans.

8 JUROR NUMBER 132: I live in Greenwood County. I'm
9 employed with Wells Fargo, currently the service manager. My
10 spouse is employed with Michelin, and I'm 27.

11 THE CLERK: Juror Number 134, James Faulkner.

12 JUROR NUMBER 134: I live in Greenwood Community. I
13 work with West Carolina. I'm an outside sales
14 representative. My wife works for Self. She is a labor and
15 delivery nurse, and I'm 55.

16 THE CLERK: Thank you. Juror Number 135,
17 Zane Ferguson.

18 JUROR NUMBER 135: I live in Greenwood. I'm employed
19 at (inaudible) I'm a mechanic. I'm 25, not married.

20 THE CLERK: Juror Number 136, Michael Ferrell.

21 JUROR NUMBER 136: I live in Greenwood Community, I
22 work at (inaudible), I'm a production operator, and I have no
23 spouse, and I'm 30.

24 THE CLERK: Thank you. Juror Number 137,
25 Emily Findley.

1 JUROR NUMBER 137: I live in the Greenwood Community.
2 I'm retired from Charleston County School District. I am
3 happily divorced, and -- and I'm 64.

4 THE CLERK: Thank you. Juror Number 138, Zoey Fingar.

5 JUROR NUMBER 138: I live in Greenwood Community. I'm
6 employed by (inaudible). My daughter is an ophthalmic
7 technician. I'm married, and I'm 33.

8 THE CLERK: Thank you. Juror Number 142, Lucas Fox.

9 JUROR NUMBER 142: I live in Greenwood Community, I'm
10 employed by (inaudible), I'm unmarried, and my age of 21.

11 THE CLERK: Thank you. Juror Number 148,
12 Michael Gabona -- Gabona?

13 JUROR NUMBER 148: I live in Greenwood Community. I'm
14 employed by (inaudible) representative, and I'm not married,
15 and I'm 41.

16 THE CLERK: Thank you. Juror Number 160,
17 Shannon Gibert.

18 JUROR NUMBER 160: I live in Greenwood Community. I'm
19 employed by Self Regional as a registered nurse, and I'm
20 married to Walter Evening, and he's a shipper, and I'm
21 37 years old.

22 THE CLERK: Okay. Thank you. Juror Number 161,
23 Antrevis Gilliam.

24 JUROR NUMBER 161: I live in Greenwood Community, I'm
25 employed by (inaudible).

1 THE CLERK: Juror Number 165, Brandon Goode.

2 JUROR NUMBER 165: I live in Greenwood Community, I'm
3 employed by Walmart. I'm single, and I'm 36.

4 THE CLERK: Thank you. Juror Number 166,
5 Derrian Goodman.

6 JUROR NUMBER 161: I live in the Greenwood Community.
7 I'm employed by Wilson North, and my job is a full-time
8 packer. My age is 31.

9 THE CLERK: Thank you. Juror Number 167,
10 Latasha Goodwin.

11 JUROR NUMBER 167: I live in Greenwood Community I'm
12 employed by (inaudible) I'm unmarried, I'm 44.

13 THE CLERK: Thank you. Juror Number 170,
14 Elizabeth Graham.

15 JUROR NUMBER 170: I live in Greenwood Community
16 (inaudible) I'm 43.

17 THE CLERK: Okay. Thank you. Juror Number 172,
18 Shanna Gray.

19 JUROR NUMBER 172: I live in Greenwood Community, I'm
20 employed by (inaudible) I am unmarried, and I'm 38.

21 THE CLERK: Thank you. Juror Number 181,
22 Kimberly Hannah.

23 JUROR NUMBER 181: I live in Greenwood Community I work
24 (inaudible) and I'm 46.

25 THE CLERK: Thank you. Juror Number 182, James Harris.

1 JUROR NUMBER 182: I live in the Greenwood Community.
2 I retired in Greenwood. My wife is retired, and I'm
3 64 years old.

4 THE CLERK: Thank you. Juror Number 187,
5 Ethan Hawthorne.

6 JUROR NUMBER 187: I live in (inaudible) I'm not
7 employed, I don't have a spouse, and (inaudible).

8 THE CLERK: Thank you. Juror Number 188,
9 Decovis Hayes.

10 JUROR NUMBER 188: I live in Greenwood Community, I'm
11 employed by (inaudible). My job is (inaudible), my spouse is
12 self-employed, and I'm 45.

13 THE CLERK: Thank you. Juror Number 191,
14 Chasity Hendrick.

15 JUROR NUMBER 191: I live in the Greenwood Community.
16 I'm employed by Self Regional Hospital. My job is safety
17 security officer. My spouse is employed by Glass of
18 (inaudible), and I'm 30.

19 THE CLERK: Thank you. Juror Number 192,
20 Chardarius Henderson.

21 JUROR NUMBER 192: I live in Greenwood Community, and
22 I'm employed by (inaudible) transportation, and my job is
23 driving goods. I'm not married, and my age is 21.

24 THE CLERK: Thank you. Juror Number 194,
25 Sarah Henderson.

1 JUROR NUMBER 194: I live in Greenwood Community
2 (inaudible) I'm not married, and I'm 20 years old.

3 THE CLERK: Thank you. Juror Number 199,
4 Sykerria Hill.

5 JUROR NUMBER 199: I live in Greenwood Community, I'm
6 employed by (inaudible) I'm not married, and I'm 26.

7 THE CLERK: Thank you. Juror Number 205,
8 Melissa Hinzman.

9 JUROR NUMBER 205: I live in Greenwood Community. I
10 work for Edward Jones Investment for the ranch office
11 administrator, and my husband (inaudible).

12 THE CLERK: Thank you. Juror Number 207, Chad Holcomb.

13 JUROR NUMBER 207: I live in Greenwood Community. I'm
14 employed by (inaudible), and my age is 46.

15 THE CLERK: Okay. Juror Number 208, Chevy Holley.

16 JUROR NUMBER 208: I live in Greenwood. I'm a
17 technician at Professional Automotive. I am 31, and not
18 married.

19 THE CLERK: Thank you. Juror Number 209, Paige Holley.

20 JUROR NUMBER 209: I live in the Greenwood Community.
21 I'm employed by St. Mark. I charge as an administrative
22 assistant. My spouse is employed by Greenwood city
23 (inaudible) engineering, and I'm 47 years old.

24 THE CLERK: Thank you. Juror Number 212,
25 Heidi Hoogstraal.

1 JUROR NUMBER 212: I live in Greenwood Community. I'm
2 employed by (inaudible) Self Health. My job is directly
3 (inaudible). I'm not married, and I'm 58 years old.

4 THE CLERK: Thank you. Juror Number 218,
5 Mauressa Jackson.

6 JUROR NUMBER 218: I live in Greenwood County
7 unemployed, and I'm not married, I'm 59 years old.

8 THE CLERK: Okay. Thank you. Juror Number 221,
9 Cynthia Jamison.

10 JUROR NUMBER 221: I live in Greenwood, I'm employed by
11 (inaudible), and I'm 29.

12 THE CLERK: Thank you. Juror Number 224,
13 Douglas Jennings.

14 JUROR NUMBER 224: I live in (inaudible).

15 THE CLERK: Okay. Juror Number 225, Amanda Johnson.

16 JUROR NUMBER 225: I live in the 96 Community. I'm a
17 home mother. I'm homeschooling my children. My spouse is
18 employed by (inaudible) Allison, and my age is 43.

19 THE CLERK: Thank you. Juror Number 226,
20 Charles Johnson.

21 JUROR NUMBER 226: I live in Greenwood Community. I'm
22 employed by Greenwood School District 50. My job is an
23 assistant director. My spouse is employed by National Health
24 care, and her job is in the therapy department, and my age is
25 42.

1 THE CLERK: Thank you. Juror Number 229, James Jones.

2 JUROR NUMBER 229: I live in the 96 Community. I work
3 for South Carolina Forestry Commission. My job is a forester
4 and a firefighter. My spouse work for American Forest
5 Management, she's acting consultant. I'm 43.

6 THE CLERK: Thank you. Juror Number 230, Niambe Jones.

7 JUROR NUMBER 230: I live in Greenwood Community. I'm
8 not employed (inaudible) supervisor, and I will be 50 on
9 Monday.

10 THE CLERK: Thank you. Juror Number 234,
11 Priscilla Juarez.

12 JUROR NUMBER 234: I live in Greenwood Community and
13 I'm employed by (inaudible) representative. My spouse works
14 for Quality Cabinet. I'm 37.

15 THE CLERK: Thank you. Juror Number 237,
16 James Kennemore.

17 JUROR NUMBER 237: I live in Greenwood Community. I'm
18 employed by construction company, GC Superintendent. My
19 spouse is employed by (inaudible) nurse. I'm 43.

20 THE CLERK: Thank you. Juror Number 241,
21 Christina Knight.

22 JUROR NUMBER 241: I live in Greenwood Community. I'm
23 employed by (inaudible). My spouse is employed by
24 (inaudible) Electrical, he is an electrical engineer. I'm
25 45 years old.

1 THE CLERK: Thank you. Juror Number 245, Albert Ladd.

2 JUROR NUMBER 245: I live in Greenwood Community, I'm
3 employed by (inaudible). I'm 63 years old.

4 THE CLERK: Thank you. Juror Number 248,
5 Brittany Lanier.

6 JUROR NUMBER 248: I live in the Greenwood Community.
7 I work for (inaudible). My job is a medical pediatric
8 associate. I'm unemployed -- I mean -- I'm unmarried, and
9 I'm 33 years.

10 THE CLERK: Thank you. Juror Number 254,
11 James Leopard.

12 JUROR NUMBER 254: I live in Greenwood Community.
13 (Inaudible) my job is (inaudible). My spouse is (inaudible)
14 accountant for Greenwood Community, she's 50, my age is 66.

15 THE CLERK: Thank you. Juror Number 257,
16 Tolanda Lewis.

17 JUROR NUMBER 257: I live in Greenwood Community, I'm
18 employed by (inaudible), my age is 39.

19 THE CLERK: Thank you. Juror Number 258,
20 Jamie Lightsey.

21 JUROR NUMBER 258: I live in the 96 Community,
22 (inaudible) I'm an employee by (inaudible). I'm a building
23 inspector, and I'm 32 years old.

24 THE CLERK: Thank you. Juror Number 261,
25 Jerry Lockhart.

1 JUROR NUMBER 261: I live in Greenwood Community
2 (inaudible).

3 THE CLERK: Thank you. Juror Number 262, Annie Logan.

4 JUROR NUMBER 262: I live in Greenwood Community. I'm
5 employed by (inaudible), and my age is 37.

6 THE CLERK: Thank you. Juror Number 264, Carmen Lomax.

7 JUROR NUMBER 264: I live in Greenwood Community. I'm
8 employed by Self Regional Health care. I work in the
9 operating room as a certified surgical technologist. My
10 husband is retired from Accurate Grading in Greenville
11 County, and I'm 50.

12 THE CLERK: Thank you. Juror Number 265,
13 Katherine Long.

14 JUROR NUMBER 265: I live in the Greenwood Community.
15 I'm employed by Cincinnati Specialty Underwriters as an
16 underwriting manager. My husband is employed by the NRA,
17 he's a firearms instructor for the law enforcement division,
18 and my age is 58.

19 THE CLERK: Juror Number 266, Claudia Louden.

20 JUROR NUMBER 266: I live in Greenwood Community. I'm
21 an independent contractor with the department of (inaudible)
22 or the case manager. I'm not married, and I'm
23 55 years old.

24 THE CLERK: Thank you. Juror Number 270, Lindsey Lowe.

25 JUROR NUMBER 270: I live in Greenwood Community.

1 (Inaudible) specialist. I'm not married, and I'm 38.

2 THE CLERK: Thank you. Juror Number 271, Michael Lowe.

3 JUROR NUMBER 271: I live in the Greenwood Community.

4 I'm employed by Self Regional Health care as physical
5 therapist. My wife is employed by (inaudible) physical
6 therapy, and I'm 33.

7 THE CLERK: Okay. Juror Number 276, Matthew Malone.

8 JUROR NUMBER 276: I live in Greenwood Community,
9 employed by Lander University, an associate professor of
10 (inaudible) home and security. My spouse is self-employed as
11 a business consultant, and I'm 38.

12 THE CLERK: Juror Number 281, Derrick Marshall.

13 JUROR NUMBER 281: I live in Greenwood Community, I'm
14 employed by (inaudible), I'm not married, and I'm 53 years.

15 THE CLERK: Okay. Juror Number 287, Kristen Matthews.

16 JUROR NUMBER 287: I currently live in Richland County.
17 I am a stay-at-home mom. My spouse is employed by
18 GuardWorld whose job is security, and I'm 30.

19 THE CLERK: Thank you. Juror Number 291,
20 Brigitte McCord.

21 JUROR NUMBER 291: I live in Greenwood Community. I'm
22 self-employed with a whole fitness studio. I'm a fitness
23 instructor. My spouse is currently serving with the United
24 States Marine Corps as the sergeant with United States Public
25 Service employee.

1 THE CLERK: Thank you. Juror Number 292,
2 Chloey McDaniel.

3 JUROR NUMBER 292: I live in the 96 Community. I'm
4 employed by the (inaudible) eye clinic, and I'm an optician.
5 I have not married, and I'm 21.

6 THE CLERK: Thank you. Juror Number 110,
7 Michelle McDaniel.

8 JUROR NUMBER 110: I live in Kershaw community. I'm
9 employed by Greenwood County (inaudible), and I'm 46.

10 THE CLERK: Thank you. Juror Number 295,
11 Charlene McDonnell.

12 JUROR NUMBER 110: I live in the Greenwood Community.
13 I'm employed by Lifetime Financial Coach. My job is director
14 of operations, my spouse is retired from UCI, and my age is
15 57.

16 THE CLERK: Thank you. Juror Number 296, Craig McGaha.

17 JUROR NUMBER 296: I live in the Greenwood Community.
18 I'm employed by West Carolina where I work in network
19 operations. My spouse is employed by the County School
20 District. She's a guidance counselor. I'm 36.

21 THE CLERK: Thank you. Juror Number 301,
22 Alan McIntyre.

23 JUROR NUMBER 301: I live in Greenwood County. I'm
24 semi-retired employed part-time by Lowe's. My wife works for
25 Greenwood County as county manager (inaudible).

1 THE CLERK: Thank you. Juror Number 306,
2 Victor Melgarejo.

3 JUROR NUMBER 306: I live in Greenwood Community. I'm
4 employed by (inaudible). I'm not married, I'm 21 years old.

5 THE CLERK: Thank you. Juror Number 309,
6 Cierra Middleton.

7 JUROR NUMBER 306: I live in Greenwood Community. I'm
8 employed by (inaudible). I'm married, and I'm 28.

9 THE CLERK: Thank you. Juror Number 314, Amir Mims.

10 JUROR NUMBER 314: I live in the Greenwood Community.
11 I'm employed by (inaudible). My job is security, I'm not
12 married, and my age is 23.

13 THE CLERK: Thank you. Juror Number 315, Tyana Mingo.

14 JUROR NUMBER 315: I live in Greenwood Community. I'm
15 employed by (inaudible), and I'm married, and I'm
16 28 years old.

17 THE CLERK: Thank you. Juror Number 322, Sandra Moore.

18 JUROR NUMBER 322: I live in Greenwood Community, I'm
19 employed by (inaudible), and my job is office manager. My
20 spouse is employed (inaudible) in inequality and agency.

21 THE CLERK: Juror Number 328, Nicole Murray.

22 JUROR NUMBER 328: I live in the (inaudible) community.
23 I'm employed with Greenwood Fabricator. My husband -- my
24 husband is employed with GE in Green field as a lower
25 fabricator, and I'm 48.

1 THE CLERK: Thank you. Juror Number 329,
2 Kendra Mursier.

3 JUROR NUMBER 329: Good morning. I live in the
4 Greenwood Community. I'm employed by Walmart Distribution
5 Center. I'm an inductor/packer/(inaudible). My husband he's
6 retired from ACBC, and I'm 52.

7 THE CLERK: Thank you. Juror Number 333,
8 Latoya Norman.

9 JUROR NUMBER 333: I live in Greenwood Community. I
10 work with (inaudible) as a professional, and I'm not married,
11 and I'm 43.

12 THE CLERK: Thank you. Juror Number 343,
13 Valerie Parker.

14 JUROR NUMBER 343: I live in Greenwood Community. I'm
15 employed by (inaudible) as the early school teacher. I'm not
16 married, and I'm 45.

17 THE CLERK: Juror Number 345, Ty-eisha Parks.

18 JUROR NUMBER 345: I live in Greenwood Community. I'm
19 unemployed, I'm not married, and I'm 27 years old.

20 THE CLERK: Thank you. Juror Number 353,
21 Mark Phillips.

22 JUROR NUMBER 353: I live in Greenwood Community
23 (inaudible).

24 THE CLERK: Thank you. Juror Number 354,
25 Lorrie Phongprija.

1 JUROR NUMBER 354: I live in the Greenwood Community.
2 My husband and I are self-employed in our restaurant, and I'm
3 50 years old.

4 THE CLERK: Thank you. Juror Number 355,
5 Robert Pinson.

6 JUROR NUMBER 355: I live in the Greenwood Community.
7 I'm employed by US Foods, and I'm in sales. My wife is
8 employed by Laurens County Jail. She's an accounts
9 resolution specialist, and I'm 42 years old.

10 THE CLERK: Thank you. Juror Number 360, Lori Portzer.

11 JUROR NUMBER 360: I live in Greenwood Community. I'm
12 employed by (inaudible). I'm not married, and I'm
13 36 years old.

14 THE CLERK: Thank you. Juror Number, 370 Robert Rains.

15 JUROR NUMBER 370: I live in the Bradley community.
16 I'm employed by Professional Automotive, I'm the department
17 manager. My wife works for Self Regional, she's a nurse.
18 I'm 47.

19 THE CLERK: Thank you. Juror Number 371, Jose Ramirez.

20 JUROR NUMBER 371: I live in (inaudible) community.
21 I'm employed by (inaudible). I'm a manager, I'm 51.

22 THE CLERK: Thank you. Juror Number 372, Amber Raspa.

23 JUROR NUMBER 372: I live in the Greenwood Community.
24 I'm employed by Heartland Title as an (inaudible) officer.
25 My spouse works for Blanchard (inaudible), he's a heavy

1 equipment mechanic, and I am 45.

2 THE CLERK: Thank you. Juror Number 375, Christy Reid.

3 JUROR NUMBER 375: I live in Greenwood Community
4 (inaudible).

5 THE CLERK: Juror Number 378, Ronald Rhodes.

6 JUROR NUMBER 378: I live in Greenwood Community. I'm
7 self-employed (inaudible) food consultants (inaudible) my
8 wife is a retired teacher. I'm 60.

9 THE CLERK: Thank you. Juror Number 382, Sonya Ridge.

10 JUROR NUMBER 382: I live in Greenwood Community. I'm
11 employed with (inaudible) as a senior resources manager
12 (inaudible) employee at (inaudible). I'm 54.

13 THE CLERK: Thank you. Juror Number 385, Liam Riley.

14 JUROR NUMBER 385: live in Greenville. I'm employed by
15 the North Greenville University as a costume designer, and
16 I'm not married.

17 THE CLERK: Thank you. Juror Number 386,
18 Deltrice Riley-Jackson.

19 JUROR NUMBER 386: I live in the Greenwood Community.
20 I'm employed by Internal Medicine in Greenwood. I'm a
21 political sports specialist. My husband works as an intern
22 from international, and -- but he's a machine operator, and
23 I'm 37.

24 THE CLERK: Thank you. Juror Number 394, Lauren Ross.

25 JUROR NUMBER 394: I live in Greenwood. I'm employed

1 by (inaudible). I'm a production marketer. I'm not married,
2 and I'm 22.

3 THE CLERK: Thank you. Juror Number 404,
4 Melissa Scott.

5 JUROR NUMBER 404: I live in Greenwood Community. I'm
6 employed by Self Regional Health care. My job is a
7 transitional navigator (inaudible), and I'm 45.

8 THE CLERK: Thank you. Juror Number 405, Twanna Scott.

9 JUROR NUMBER 405: I live in Greenwood Community. I'm
10 employed by (inaudible). My spouse is retired in the
11 department, and I'm 58.

12 THE CLERK: Thank you. Juror Number 410, George Shier.

13 JUROR NUMBER 410: I live in Greenwood Community. I'm
14 self-employed in Donna & Shire, and National Consultant for
15 international trade verification. My spouse does not work,
16 and I'm 57.

17 THE CLERK: Thank you. Juror Number 413,
18 Amanda Shurden.

19 JUROR NUMBER 413: I live in the Greenwood Community.
20 I'm employed by Aging with Flair, I work as an early
21 intervention. I'm also very happily divorced, and my age is
22 32.

23 THE CLERK: Juror Number 415, Dean Sigvertsen.

24 JUROR NUMBER 415: I live in 96 Community. I'm retired
25 from Ascend Performance Materials as an HR manager. My

1 spouse is retired (inaudible) as a marketing manager, and I'm
2 63.

3 THE CLERK: Thank you. Juror Number 416,
4 Heather Simpson.

5 JUROR NUMBER 416: I live in the Greenwood Community.
6 I'm employed by (inaudible) as a delivery driver. I'm 41.

7 THE CLERK: Thank you. Juror Number 418,
8 Shawn Slanker.

9 JUROR NUMBER 418: I live in the Greenwood Community.
10 Retired police officer from Philadelphia. My wife works for
11 (inaudible) Capital Group, and I'm 54.

12 THE CLERK: Thank you. Juror Number 419,
13 Charlotte Smith.

14 JUROR NUMBER 419: I live in Greenwood. I'm employed
15 with Greenwood School District 50. I'm a student support
16 facilitator. My husband works for Federal Gas. He's an
17 account manager, and I'm 48.

18 THE CLERK: Thank you. Juror Number 420,
19 Griffin Smith.

20 JUROR NUMBER 420: I'm employed as an administrator
21 with SOTA City Pools and Spots. I live in the
22 Greenwood Community. I'm not married, I'm 26.

23 THE CLERK: Thank you. Juror Number 422, Joseph Smith.

24 JUROR NUMBER 422: I live in the Greenwood Community.
25 I'm employed by (inaudible) complete process preliminary.

1 I'm 56.

2 THE COURT: Thank you. Juror Number 426, Yvette Smith.

3 JUROR NUMBER 426: I live in Greenwood Community. I'm
4 employed by (inaudible) department, I am a supervisor. I am
5 34, and I am not married.

6 THE CLERK: Thank you. Juror Number 123, Jessica
7 Smith.

8 JUROR NUMBER 123: I live in the Greenwood Community.
9 I'm employed by Eden, and my job is financial analyst. My
10 husband is employed by the City of Greenwood as the ground
11 superintendent, and my age is 40.

12 THE CLERK: Thank you. Juror Number 429,
13 Richard Steet.

14 JUROR NUMBER 429: I live in the 96 Community. I'm
15 employed by the Greenwood Genetic Center as research
16 director. My wife is also employed by the
17 Greenwood Genetic Center as a research director, and my age
18 is 52.

19 THE CLERK: Thank you. Juror Number 435,
20 Bobbie Strong.

21 JUROR NUMBER 435: I live in the Greenwood Community.
22 Retired from Longville. I'm not married, and my age is 63.

23 THE CLERK: Thank you. Juror Number 437,
24 Stacey Sullivan.

25 JUROR NUMBER 437: I live in 96 Community (inaudible).

1 THE CLERK: Thank you. Juror Number 442, Tracy Symmes.

2 JUROR NUMBER 442: I live in the Greenwood Community.

3 I'm employed by South Carolina (inaudible) as a licensed
4 examiner. My spouse is employed with Greenwood Metro, his
5 job is improvement. My age is 53.

6 THE CLERK: Thank you. Juror Number 449,
7 Cassandra Theodore.

8 JUROR NUMBER 449: I live in Greenwood Community. I
9 work at Cardinal Health. I'm a production operator woman.
10 I'm married, and I'm 54 years old.

11 THE CLERK: Juror Number 454, Eldred Tinsley.

12 JUROR NUMBER 454: My name is Chip Tinsley. I'm
13 retired, working part-time at Lander University, and in
14 Greenwood County. And my wife is director of nursing at
15 National (inaudible).

16 THE CLERK: Thank you.

17 JUROR NUMBER 454: I'm 61.

18 THE CLERK: Thank you. Juror Number 455, Latesha Todd.

19 JUROR NUMBER 455: It's Latesha Todd.

20 THE CLERK: Latesha.

21 JUROR NUMBER 455: I live in the West Community. I'm
22 employed (inaudible) I'm a cashier. My spouse (inaudible)
23 and employed by (inaudible) his job is coordinator, and I'm
24 45.

25 THE CLERK: Thank you. Juror Number 456,

1 Ashley Tollison.

2 JUROR NUMBER 456: My name is Ashley Tollison. I live
3 in Greenwood Community (inaudible), and I'm 35 years old.

4 THE CLERK: Juror Number 457, Joseph Toth.

5 JUROR NUMBER 457: I live in Greenwood Community.
6 (Inaudible) farmer. My wife is employed by Johnson &
7 Johnson, and I'm 33.

8 THE CLERK: Thank you. Juror Number 464,
9 Edward Turbeville.

10 JUROR NUMBER 464: I live in Greenwood Community.
11 (Inaudible) my wife is homeowner, I'm 51.

12 THE CLERK: Thank you. Juror Number 469, Ethan Wagner.

13 JUROR NUMBER 469: I live in Abbeville community. I'm
14 employed by (inaudible) a foreman of operation and
15 maintenance. My spouse is employed by (inaudible) Dental
16 Care as a dental assistant. I'm 34.

17 THE CLERK: Thank you. Juror Number 472,
18 Jason Wallace.

19 JUROR NUMBER 472: I live in (inaudible) Community.
20 I'm employed by (inaudible) I'm not married, I'm 47.

21 THE CLERK: Thank you. Juror Number 473, Jill Warner.

22 JUROR NUMBER 473: I live in Greenwood Community. I'm
23 retired from Long Club. I'm a widow, and I'm 62.

24 THE CLERK: Thank you. Juror Number 479, Sydney Wells.

25 JUROR NUMBER 479: I live in the Greenwood Community.

1 I'm employed by the City of Abbeville as the officer as a
2 health medical coordinator. My husband is self-employed as a
3 filmmaker, and my age is 29.

4 THE CLERK: Thank you. Juror Number 483, Denise White.

5 JUROR NUMBER 483: I live in Greenwood Community. I'm
6 employed by (inaudible), and I'm 44.

7 THE CLERK: Thank you. Juror Number 488, Luke Willey.

8 JUROR NUMBER 488: I live in Greenwood. I'm employed
9 by (inaudible) philanthropy, and my job is IT. My spouse is
10 a homemaker, and I'm 41.

11 THE CLERK: Thank you. Juror Number 490, Monty
12 Williams.

13 JUROR NUMBER 490: I live in Greenwood Community. I'm
14 employed by (inaudible) operator. My spouse is employed by
15 (inaudible), and I'm 54.

16 THE CLERK: Thank you. Juror Number 493, Patti Willis.

17 JUROR NUMBER 493: I live in Greenwood Community
18 (inaudible).

19 THE CLERK: Thank you. Is there anyone's name that did
20 not get called?

21 THE COURT: All right. Thank you, Madam Clerk. Ladies
22 and gentlemen, I realized that for at least some of you, your
23 presence here today may create a little inconvenience for
24 you. But let me explain to you that your presence here
25 today, while it may be an inconvenience for some of you, your

1 presence here today is very -- very important.

2 We have the best justice system anywhere in the world,
3 in our country, and juries play a very vital and important
4 role in our judicial system. Without a jury, our judicial
5 system would not function very well. So please understand
6 that your presence here today is very important. Many people
7 consider jury service to be the second highest civic
8 responsibility that we have, second only to serving in the
9 military. So keep that in mind. Okay?

10 I'm going to go through a series of what we call
11 general qualification questions. And if you need to respond
12 to -- if you to -- to a question, stand, give us your -- your
13 name and juror number if you know it, and then your response.
14 Some of the questions I'll be asking you, you may find them
15 to be a little personal. We don't want to embarrass anybody.
16 So if you need to respond to a question, but reluctant to do
17 so in front of everybody, then just keep a good mental note
18 of the question and your response. When I say, "Stand,"
19 don't stand, and then I'll give you an opportunity in just a
20 little bit to speak with me privately at the court reporter's
21 station with the attorney's presence. So just keep that in
22 mind. Okay?

23 Any member of the jury panel, not a citizen of the
24 United States? If so, please stand. Any member of the jury
25 panel, not a citizen and resident of Greenwood County? If

1 so, please stand. I think I had one young lady over here.

2 You now live in Richland County?

3 JUROR NUMBER 287: Yes, sir.

4 THE COURT: Okay. And you're living there permanently?

5 JUROR NUMBER 287: We have our apartment, yes.

6 THE COURT: Okay. But you consider Richland County to
7 be your permanent county of residence, or do you still
8 consider Greenwood to be?

9 JUROR NUMBER 287: I consider Richland County.

10 THE COURT: Richland County? Okay. All right. You're
11 free to go, ma'am. Thank you. What -- what was your name
12 and number?

13 THE CLERK: 287.

14 THE COURT: 287?

15 JUROR NUMBER 287: Kristen Matthews, 287.

16 THE COURT: Any member of the jury panel unable to
17 read, write, speak, or understand the English language? If
18 so, please stand. Any member of the jury panel have less
19 than a sixth-grade education, or its equivalent? If so,
20 please stand. Any member of the jury panel unable because of
21 mental or physical infirmities -- unable to render efficient
22 jury service. For example, any member of the jury panel have
23 a medical condition that you believe would prevent you from
24 serving on a jury this week? If that applies to you, please
25 stand.

1 Yes, ma'am. You want to speak with me privately about
2 your condition?

3 JUROR NUMBER 266: No, I can speak it on --

4 THE COURT: Okay. Give us your name and your number.

5 JUROR NUMBER 266: Yes. Claudia Louden, 266.

6 THE COURT: Okay. Yes, ma'am.

7 JUROR NUMBER 266: Yes, I'm diabetic, and I do insulin
8 pump every day.

9 THE COURT: Sure.

10 JUROR NUMBER 266: And I need -- because I can't have
11 my telephone in here.

12 THE COURT: Right.

13 JUROR NUMBER 266: I can't check blood sugars, can't do
14 an insulin bolus, so I'm concerned about hyperglycemia.

15 THE COURT: Okay. All right. We'll -- we'll try to
16 accommodate you if you're selected. We may make an exception
17 about your cell phone so you can keep a -- keep a check, and
18 just understand this too. And I say this to everybody if --
19 if you're selected on a jury, I don't like to go longer than
20 an hour and a half to take a break. And -- but I tell juries
21 that if you need to take a break, and we haven't taken one,
22 all you have to do is raise your hand, and that will be the
23 cue for me to go ahead, and -- and stop the proceedings, and
24 take a short recess. So just keep that in mind. Okay?

25 Yes, ma'am, right there. Your name and number?

1 JUROR NUMBER 265: Katherine Long, number 265. I'm
2 actually scheduled to have a root canal at 1:00.

3 THE COURT: Okay. All right. Is there any way to
4 reschedule? If -- if I can get out of having a root canal,
5 I'm going to do it. I don't know about you all. Just when
6 we form a line to speak privately, just -- I'll talk with you
7 privately, okay?

8 Yes, ma'am. Name and number?

9 JUROR NUMBER 78: Stacey Castillo, 78.

10 THE COURT: Yes, ma'am.

11 JUROR NUMBER 78: I'm on disability (inaudible)
12 arthritis, and (inaudible) sciatica.

13 THE COURT: Okay.

14 JUROR NUMBER 78: So I have trouble sitting and
15 standing for long periods of time.

16 THE COURT: Okay. As I mentioned just a moment ago, I
17 don't like to go longer than an hour and a half. You think
18 that would work out okay?

19 JUROR NUMBER 78: It might be a little difficult.

20 THE COURT: Okay. Well, you get in line, and speak
21 with me privately as well, okay? I'll talk with you further.

22 Any member of the jury panel been convicted by guilty
23 plea or trial in a state or federal court of record of a
24 crime punishable by imprisonment for more than one year, and
25 your civil rights have not been restored by pardon, nor by

1 amnesty? Now, when I say, "Punishable by more than one year,
2 means that you could have received a sentence of more than
3 one year," regardless of what sentence that you may actually
4 have received that applies to you, please stand. Okay.

5 Yes, ma'am. Do you want to talk about this privately
6 with me or are you okay with --

7 JUROR NUMBER 85: I'm okay.

8 THE COURT: Okay.

9 JUROR NUMBER 85: (Inaudible).

10 THE COURT: Okay.

11 JUROR NUMBER 85: And identity theft.

12 THE COURT: All right. Identity theft?

13 JUROR NUMBER 85: Yes.

14 THE COURT: Okay. I think that carries more than one
15 year? Okay. All right. How long ago was this?

16 JUROR NUMBER 85: Six years.

17 THE COURT: Okay. All right. Think it's one year.
18 Was it involving a credit card?

19 JUROR NUMBER 85: Yes.

20 THE COURT: How much -- how much money was involved?

21 JUROR NUMBER 85: \$2500.

22 THE COURT: We're going to -- we're going to check -- I
23 think it's more than one year, but we're going to check on
24 that, and -- let's make a note -- or you checking off, and --
25 and we'll -- we'll give it -- your name and number again?

1 JUROR NUMBER 85: Joann Cook, 85.

2 THE COURT: Okay. All right. We'll -- we'll check on
3 that. Stay with us. All right.

4 Any member of the jury panel, a clerk or deputy clerk
5 of court, constable, sheriff, or other commission, law
6 enforcement officer, probate judge, county commissioner,
7 magistrate, or other county officer, or anyone employed
8 within the walls of any courthouse? If that applies to you,
9 please stand.

10 Okay. Any member of the jury panel previously served
11 on jury duty and Circuit Court, not city court, not federal
12 court, not magistrates court, Circuit Court during this
13 calendar year 2024. If that applies to you, please stand.

14 Okay. Next, a member of the jury panel who has served
15 as a member of the Greenwood County grand jury during the
16 past five years? Now, if you are wondering to yourself, what
17 is a grand jury, then that question is answered. You have
18 not served on the Greenwood County grand jury during the past
19 five years, but if you have, I need to know that. So if that
20 applies to you, please stand.

21 Now, that concludes all of the general qualification
22 questions. We now move to jury exemptions. State law
23 provides for several exemptions to jury service, and
24 exemption does not mean you're not qualified to serve, it
25 simply means that you have the right to say, "I choose not to

1 serve" so long as the exemption question applies to you.

2 First exemption question: Those of you who are
3 65 years of age or older may be exempt from jury service.

4 Now, I think I -- I heard a couple of you indicate your age
5 was 65 or older, and I would encourage you to remain with us,
6 and potentially be picked on this jury. I have found in my
7 experience that people who fall within that age range have a
8 lot of life experience that they can bring to the table. So
9 I would encourage you once again to stay. However, if you
10 are 65 years of age or older, and do not want to serve,
11 please stand at this time.

12 Okay. Next exemption question concerns prior jury
13 service, no person is required to serve as a juror more often
14 than once every three calendar years. Therefore, any member
15 of the jury panel has served on jury duty during the last
16 two calendar years, 2022/2023, may be exempt from jury
17 service. If this applies to you and you want to claim it,
18 please stand. And again, this does not -- city court,
19 federal court, magistrates court does not count. If this
20 applies to you, and you want to claim it, please stand.

21 Okay. Next exemption question deals with those of you
22 who have legal custody of young children. Listen very
23 carefully to this exemption question. It has several parts,
24 and all parts must apply for you to be able to (inaudible)
25 this exemption. You may be exempt from jury service, if you

1 have a child or children under the age of seven years, you
2 have legal custody of this child or children, you have the
3 principal care, custody, and control of this child or
4 children, and you're unable to make arrangements for the
5 adequate care of this child or children while performing jury
6 duty. If all of these parts apply to you, and you want to
7 claim this exemption, please stand at this time, okay?

8 All right. Okay. All right. Yes, ma'am. Your name
9 and number?

10 JUROR NUMBER 345: Ty-eisha Parks, 345.

11 THE COURT: Okay. Yes, ma'am.

12 JUROR NUMBER 345: I have a three-year-old and I don't
13 have a babysitter.

14 THE COURT: Okay. You have a three-year old and what?

15 JUROR NUMBER 345: And I don't have a baby-sitter.

16 THE COURT: And you don't have anybody that can help
17 you care for your three-year old? All right. Who has your
18 three-year old right now?

19 JUROR NUMBER 345: (Inaudible).

20 THE COURT: I need for you to speak up a little bit,
21 please.

22 JUROR NUMBER 345: He is currently with grandma.

23 MR. MEADORS: He's currently with his grandma.

24 THE COURT: Okay. Can grandma not help -- help you out
25 this week?

1 JUROR NUMBER 345: She works at Eaton.

2 THE COURT: She works what?

3 JUROR NUMBER 345: At Eaton.

4 THE COURT: Okay. Is she working today?

5 JUROR NUMBER 345: Yes.

6 THE COURT: Okay. Did she bring your child with her to
7 work?

8 JUROR NUMBER 345: No.

9 THE COURT: Okay. So your grandma doesn't have your
10 child right now as you're here, so who has your -- your
11 child?

12 JUROR NUMBER 345: (Inaudible) mother.

13 THE COURT: Okay.

14 JUROR NUMBER 345: The dad's mother had the child.

15 THE COURT: Okay. I thought grandma had.

16 JUROR NUMBER 345: Yes, she worked second shift.

17 MR. MEADORS: She worked second shift.

18 THE COURT: Okay. All right. Your child's father's
19 mother currently has your child?

20 JUROR NUMBER 345: Yes.

21 THE COURT: Okay. And then who works at Eaton?

22 JUROR NUMBER 345: She does.

23 THE COURT: Who does?

24 JUROR NUMBER 345: The grandma.

25 THE COURT: Oh, all right. So -- so she would have to

1 go in at 4:00, or whatever time the -- the shift starts?

2 JUROR NUMBER 345: She starts at 3:00.

3 THE COURT: 3:00. Okay. All right. And -- and since
4 your mom is also on the jury panel, then she can't help you
5 potentially?

6 JUROR NUMBER 345: Yes

7 THE COURT: Okay. All right. And you don't have a
8 neighbor, a family member, anybody that can help? All right.
9 All right. I'll -- I'll -- I'll excuse you, you're free to
10 go.

11 Yes, sir. Your name and number?

12 JUROR NUMBER 314: Amir Mims. My juror number is 314.

13 THE COURT: Okay.

14 JUROR NUMBER 314: I have a seven-month old son.

15 THE COURT: You have what?

16 JUROR NUMBER 314: A seven-month old son.

17 THE COURT: You have a seven-month old child. Do you
18 have legal custody of this child?

19 JUROR NUMBER 345: Yes.

20 THE COURT: Okay. Are you married to the child's mama?

21 JUROR NUMBER 314: No, sir.

22 THE COURT: Okay. All right. If you're not married to
23 the child's mama, you don't have custody, unless -- unless
24 you got custody from her. Have you been to court?

25 JUROR NUMBER 314: No.

1 THE COURT: Okay. You don't have custody, sir. You
2 need to stay with us, okay? Thank you.

3 Yes, ma'am. Name and number?

4 JUROR NUMBER 83: Cynthia Collins 83. I have a
5 four-year old and a one-year old with a disabled mom who
6 cannot keep them for long period of time.

7 THE COURT: Okay. All right. And does your -- does
8 your mother have the children currently?

9 JUROR NUMBER 83: One is at school for the moment, and
10 the other she does have at the moment.

11 THE COURT: Okay. And -- and do you have anybody else
12 who can help you?

13 JUROR NUMBER 83: No, sir.

14 THE COURT: And -- and your mom has a disability that
15 would prevent her from helping you for an entire day?

16 JUROR NUMBER 83: Yes, sir. She's not able to look at
17 them for long periods of time.

18 THE COURT: Okay. All right. And you have custody of
19 these children?

20 JUROR NUMBER 83: Yes.

21 THE COURT: Okay. And they live with you and you're
22 the sole caretaker?

23 JUROR NUMBER 83: Yes.

24 THE COURT: Okay. All right. I'll -- I'll excuse you,
25 you're free to go.

1 JUROR NUMBER 83: Okay.

2 THE COURT: Okay. Ma'am, in the white shirt, your name
3 and number?

4 JUROR NUMBER 449: Cassandra Theodore, 449. I have
5 legal custody of my grandbaby. I need to do a few today to
6 get started at 12:00. And I -- I just leave for one day.

7 THE COURT: Okay. You just need one day. What day is
8 that?

9 JUROR NUMBER 449: Today.

10 THE COURT: Today.

11 JUROR NUMBER 449: Uh-huh.

12 THE COURT: Well --

13 JUROR NUMBER 449: (Inaudible).

14 THE COURT: Yeah. We may have a jury picked by school
15 time. Let's just wait -- and let's just wait and see, okay?

16 JUROR NUMBER 449: Okay.

17 THE COURT: All right. Thank you. Stay with us.

18 Yes, ma'am. Your name and number?

19 JUROR NUMBER 309: Cierra Middleton, 309. I have a
20 three-year old, and (inaudible).

21 THE COURT: Okay. Who -- who's got your -- who's got
22 your child right now?

23 JUROR NUMBER 309: My mom.

24 THE COURT: Your mom?

25 JUROR NUMBER 309: Yes.

1 THE COURT: Okay. And she can't help you out this
2 week?

3 JUROR NUMBER 309: No, (inaudible).

4 THE COURT: Uh-huh. All right. So she can't help you
5 out, okay? All right. I'll excuse you, you're free to go.

6 JUROR NUMBER 309: (Inaudible) go to the restroom.

7 MR. MEADORS: She wants to go to the restroom.

8 THE COURT: All right. We need a restroom break?
9 Okay. All right. Let's take a real short break, and come
10 right back in. Okay. If you don't need a break, stay with
11 us, and we're going to take one here in just a few minutes
12 anyways, but if you need to go now, go.

13 We're going to take another break, but continuing with
14 the general qualification questions. Next one is: If you are
15 the primary caretaker of a severely disabled person who is
16 unable to care for himself or herself -- cannot be left
17 unattended, and you're unable to provide adequate care for
18 the person while performing jury service, you may be
19 exempted. If this exemption applies to you, and you want to
20 claim it, please stand. Okay.

21 Yes, ma'am. Your name and number?

22 JUROR NUMBER 61: Windy Brown, Juror Number 61. I work
23 at Assisted Living (inaudible) in South Carolina.

24 THE COURT: This does not apply to employment.

25 JUROR NUMBER 61: Oh, okay.

1 THE COURT: Yeah, this does not apply to employment.

2 JUROR NUMBER 61: It's just for your family?

3 THE COURT: Ma'am?

4 JUROR NUMBER 61: It's just for your family?

5 THE COURT: Right. It would be to a family situation.

6 Yes, ma'am. Thank you.

7 Next exemption involves those of you who may be
8 attending school at this time or working in some capacity
9 with the school. And if you claim this exemption, what we'll
10 do is transfer you to another term of court that will not
11 conflict with your school responsibilities. Any member of
12 the jury panel who is a full-time student, school-teacher,
13 school crossing guard, school bus driver, or who serves in
14 any other school-related function, who is unable to serve on
15 jury duty this week as a result of your school involvement,
16 if that applies to you, please stand. Okay. Okay.

17 All right. Yes. Name and number?

18 JUROR NUMBER 385: Liam Riley, 385.

19 THE COURT: Yes.

20 JUROR NUMBER 385: I'm a student at
21 North Greenville University.

22 THE COURT: You're a student where?

23 JUROR NUMBER 385: North Greenville.

24 THE COURT: North Greenville? Full-time student?

25 JUROR NUMBER 385: Yes, sir.

1 THE COURT: Okay. If -- if you missed this week from
2 school, would that create some problems for you?

3 JUROR NUMBER 385: I have a couple of exams.

4 THE COURT: A couple exams? Okay. We will transfer
5 you to -- do you have the summers off?

6 JUROR NUMBER 385: I do.

7 THE COURT: Okay. We'll transfer you to next summer.
8 You'll be notified to be here just like you were notified to
9 be here today, okay? All right. Okay. Thank you.

10 Yes, sir. Your name and number?

11 JUROR NUMBER 142: Lucas Fox, 142.

12 THE COURT: Yes, sir.

13 JUROR NUMBER 142: I'm a full-time student (inaudible).

14 THE COURT: Okay. All right. And do you have any
15 exams or anything scheduled this week that will cause you
16 some issues?

17 JUROR NUMBER 142: Yes.

18 THE COURT: Okay. How many you got?

19 JUROR NUMBER 142: One in Spanish, and one in music.

20 THE COURT: Okay. We'll transfer you next summer.

21 Okay, you're free to go. Okay.

22 Yes, sir. In the back.

23 JUROR NUMBER 187: My name is Ethan Hawthorne, my
24 number is 187, and I got a (inaudible) Technical College, and
25 I have a few exams to do, like, over the weekend in the

1 school.

2 THE COURT: All right. You have an exam to do over the
3 weekend?

4 JUROR NUMBER 187: Like, yeah, like, this weekend, and,
5 like, throughout the week, like, Monday through Friday.

6 THE COURT: All right. Are you a full-time student
7 tech, or part-time?

8 JUROR NUMBER 187: Tech, sir.

9 THE COURT: How many hours are you taking?

10 JUROR NUMBER 187: From, like -- it is from 8:30 to,
11 like, 3:00 -- 3:00-ish.

12 THE COURT: Well, that --

13 JUROR NUMBER 187: That depends on the day really.

14 THE COURT: Well, yeah, that doesn't really help me out
15 too much. How many hours you taking?

16 JUROR NUMBER 187: Like, a whole week or, like, for a
17 day (inaudible)?

18 THE COURT: Well, when I was in -- in -- in college
19 back long time ago I -- I'd take 12 hours -- 15 hours a
20 semester, or maybe even 18 hours. And if I passed all those
21 courses, then I would get credit for 18 hours. Now they may
22 do it differently now, I don't know.

23 JUROR NUMBER 187: I guess 17 hours, I don't know.

24 UNIDENTIFIED SPEAKER: It goes by credits now.

25 JUROR NUMBER 187: I have two online, and three on

1 hand.

2 THE COURT: All right. So how many different classes
3 you take in this semester?

4 JUROR NUMBER 187: Five -- five -- five -- five classes
5 this semester.

6 THE COURT: Five classes this semester?

7 JUROR NUMBER 187: Yes, sir.

8 THE COURT: Okay. I'll transfer you next summer.

9 You're free to go.

10 Yes, sir. Your name and number?

11 JUROR NUMBER 46: Thaddeus Booraem, 46. I have a
12 calculus exam this week.

13 THE COURT: Okay. All right. Are you a full-time
14 student?

15 JUROR NUMBER 46: Yes, sir. Full credit.

16 THE COURT: Okay. And where do you go to school?

17 JUROR NUMBER 46: University of South Carolina,
18 Columbia.

19 THE COURT: Okay. All right. Is there any way that
20 your calculus exam can be rescheduled?

21 JUROR NUMBER 46: I can ask.

22 THE COURT: Okay. All right. We're going to be taking
23 a break in just a few minutes, and can you make a call and --
24 and see under the circumstances -- see if your professor will
25 work with you, and let you take it another time?

1 JUROR NUMBER 46: Yes, sir.

2 THE COURT: Okay. And then just when you get an
3 answer, come up, and talk to one of these ladies, okay?
4 Okay. And just have a seat. Okay.

5 All right. Any member of the jury panel who performed
6 services for a business, commercial, or agricultural
7 enterprise, which are so essential to the operation of the
8 enterprise, that if you were required to perform jury duty,
9 the enterprise or business would have to close its doors or
10 stop functioning? Okay. All right. Wait a minute. What?
11 Okay. Is he -- he doesn't even have a badge.

12 Well, where you been, sir?

13 JUROR NUMBER 99: Oh, I was in the meeting room. I
14 guess nobody knew I was in there. I didn't know when it
15 started.

16 THE COURT: Well, okay, let me -- just have a seat and
17 -- and -- and you can respond in just a little bit. All
18 right. Let me go back to -- let me ask -- ask you the
19 questions. How about standing? All right. The first
20 question I ask, while you are elsewhere, if you are the
21 primary caretaker of a severely disabled person who is unable
22 to care for himself or herself -- cannot be left unattended,
23 and you're unable to provide care for the person while
24 performing jury service, you may be exempted. Does that
25 apply to you?

1 Okay. Next exemption involves those of you who may be
2 attending school at this time -- or working in some capacity
3 with the school, if this exemption applies to you -- you wish
4 to be exempted, we will transfer you to a term of court that
5 will not conflict with your school responsibilities. Are you
6 a -- are you a full-time student?

7 JUROR NUMBER 99: No.

8 THE COURT: Do you work in any school setting? Okay.

9 All right. And then, the question I was asking when
10 you were coming in: "Is there any member of the jury panel
11 who performed services for a business, commercial, or
12 agricultural enterprise, which are so essential to the
13 operation of the enterprise that if you were required to
14 perform jury duty, the enterprise would have to close or stop
15 functioning?" I, routinely tell jury panels that we all like
16 to think that we're so valuable to our respective places of
17 employment that if we're not there, things just won't happen.
18 But there'd have to be a situation where the business would
19 have to close its doors while you are here. Would that apply
20 to you, sir?

21 JUROR NUMBER 99: No

22 THE COURT: Have a seat. Thank you very much. Okay.

23 Yes, sir. You name and number?

24 JUROR NUMBER 457: Joseph Toth, 457.

25 THE COURT: Yes, sir.

1 JUROR NUMBER 457: We run 150 mama cows, and I farm
2 with my wife's 86 year-old grandpa, so somebody's got to feed
3 the cows.

4 THE COURT: Okay. All right. You got -- you got any
5 employees that could cover for you? You're the sole man.

6 JUROR NUMBER 457: We only have a (inaudible) right now
7 (inaudible).

8 THE COURT: Okay. So you have to run it all by
9 yourself?

10 JUROR NUMBER 457: Yes.

11 THE COURT: Okay. All right. I'll -- I'll excuse you.
12 You're free to go.

13 MR. MEADORS: Your Honor, I'm sorry, but what was that
14 last juror's number?

15 THE COURT: What was -- what was your number sir again?

16 JUROR NUMBER 457: 457.

17 MR. MEADORS: I'm sorry, Judge, the juror over here. I
18 apologize.

19 THE COURT: The one who came in late?

20 MR. MEADORS: Yes, sir.

21 THE COURT: Okay. Stand, your number, sir?

22 JUROR NUMBER 99: 99, sir.

23 THE COURT: Okay. Thank you.

24 MR. MEADORS: Thank you.

25 THE COURT: All right ladies and gentlemen, that

1 concludes all of the general qualification and exemption
2 questions. And if you remember at the outset, I told you
3 that if you needed to respond to a question, but were
4 reluctant to do so in front of everybody, then I will speak
5 with you privately. And let me go ahead and explain this to
6 you as well.

7 The odds are in your favor that you will not get
8 selected on this jury. I'm not telling you, you -- you won't
9 get selected, but because of the number of people that we
10 have in this jury panel, and the number of people that we sit
11 in the jury box, that by itself creates some odds where you
12 won't get selected.

13 Once again, I'm not telling you you won't, but the odds
14 are in your favor that you won't. So just keep that in mind
15 as you maybe are trying to think of some ways to convince me
16 to -- to excuse you. Now we have a lot more questions to go
17 over, but does anybody need to speak with me privately? If
18 so, please stand.

19 Okay. Make sure -- before you come up here, make sure
20 that you've got some good reasons if you're asking me to
21 excuse you from jury service. Okay? All right. I invite
22 the lawyers to join me.

23 Just get in a line in -- in the aisle there, and you'll
24 come down one at a time, and try to keep the line kind of
25 back a little bit so they're not real close to us down here.

1 All right. I need to have the conversation down so I can
2 hear what these folks are telling me. Okay?

3 Yes, sir. Your name and your number?

4 JUROR NUMBER 82: Paul Coleman, 82. I'm sorry. I
5 don't hear -- 82.

6 THE COURT: Okay. Yes, sir.

7 JUROR NUMBER 82: I don't hear extremely well. I have
8 rolling going on.

9 THE COURT: Okay.

10 JUROR NUMBER 82: At home, I can't watch TV without
11 watching the monitor.

12 THE COURT: Okay. All right.

13 JUROR NUMBER 82: And the other thing is -- is I also
14 have a live bait business, and I process deer. The boy
15 that's processing my deer, he's driving my truck today on
16 Clarksville. I have my processing place shut down.

17 THE COURT: Okay. All right. I'll excuse you. You're
18 free to go.

19 JUROR NUMBER 82: Thank you, sir. 82.

20 THE COURT: 82.

21 JUROR NUMBER 82: Thank you, your Honor.

22 THE COURT: Mr. Coleman excused.

23 MR. MEADORS: Is that 82?

24 THE COURT: 82.

25 Yes, sir. Your name and number?

1 JUROR NUMBER 314: My name is Amir Mims. My jury
2 number is 314.

3 THE COURT: Okay. Hands out your pocket.

4 JUROR NUMBER 314: Okay. Sir, I'm sorry, but you were
5 saying something about the convicted felony for, like, one
6 year -- like, one year.

7 THE COURT: If -- if whatever you were convicted of
8 carries more than one year, even though you may have gotten
9 something less than one year, so --

10 JUROR NUMBER 314: It's an -- it's an unlawful
11 carrying.

12 THE COURT: Okay. You're okay?

13 JUROR NUMBER 314: But I'm good.

14 THE COURT: You -- you're good. Uh-huh.

15 JUROR NUMBER 314: I'll just make sure.

16 THE COURT: Okay. Sure. Thank you. This juror stays
17 with us.

18 Yes, ma'am. Your name and number?

19 JUROR NUMBER 394: Lauren Ross, 394.

20 THE COURT: Okay. Yes, ma'am.

21 JUROR NUMBER 394: My dad -- me and my sister are
22 caregiving him, and it is just for Friday. He had something
23 else. My sister made arrangements for throughout the week,
24 but just for Friday 10:30.

25 THE COURT: Well, I can't -- I can't promise you that

1 -- that we would be finished by -- by Friday, so...

2 JUROR NUMBER 394: I just wanted to ask.

3 THE COURT: Yeah, so to see if your sister can help you
4 out for Friday too.

5 JUROR NUMBER 394: Well, she has something Friday. She
6 made arrangements for the rest of the day.

7 THE COURT: Right. Well, who --

8 JUROR NUMBER 394: I mean -- I could stay around a
9 week.

10 THE COURT: Okay. All right. So this is your dad?

11 JUROR NUMBER 394: Yeah, he's on senior. He just
12 (inaudible), he out the hospital last week.

13 THE COURT: Uh-huh.

14 JUROR NUMBER 394: So he's (inaudible) day-to-day.

15 THE COURT: Right. All right. Some -- can somebody
16 help you on Fridays, is what I'm saying?

17 JUROR NUMBER 394: No, normally I'm on Friday, and
18 she's more throughout the week. It's just alternate.

19 THE COURT: Yeah. Well, the problem I have is I can't
20 tell you we will be finished with the case.

21 JUROR NUMBER 394: Yeah, I understand.

22 THE COURT: You can -- you can stay with us.

23 JUROR NUMBER 394: Yeah.

24 THE COURT: Okay, good. Thank you, ma'am.

25 This juror stays with us.

1 Okay. Your name and number?

2 JUROR NUMBER 199: Sykerria Hill, 199.

3 THE COURT: 199?

4 JUROR NUMBER 199: Uh-huh. I'm almost
5 eight-months pregnant.

6 THE COURT: Okay.

7 JUROR NUMBER 199: (Inaudible) my sugar dropped.

8 THE COURT: Okay. Well, are you the one -- no, there
9 was another one that needed her phone. I can -- we can make
10 accommodations if you need to have your phone to make sure
11 that your sugar level is okay. So long as you don't use it
12 for anything else. We can -- we can accommodate you.

13 JUROR NUMBER 199: (Inaudible) sit down that long.

14 THE COURT: Okay. An hour and a half.

15 JUROR NUMBER 199: Okay.

16 THE COURT: Okay. All right. We'll transfer you to --
17 to a term maybe at the first of the year.

18 JUROR NUMBER 199: Okay.

19 THE COURT: Okay. All right. You're free to go. This
20 juror is transferred.

21 Yes, sir. Your name and number?

22 JUROR NUMBER 166: Darrian Goodman, 166.

23 THE COURT: Okay.

24 JUROR NUMBER 166: Yeah, so I put Greenwood as -- as my
25 residency, but I actually work in Nashville, North Carolina,

1 so I'm more there most of the time. So I --

2 THE COURT: But your residency is still Greenwood, you
3 have to work?

4 JUROR NUMBER 166: Yeah.

5 THE COURT: You're fine. You stay with us. Okay.

6 Thank you, sir. This juror stays with us.

7 Yes, ma'am. Your name and number?

8 JUROR NUMBER 170: Elizabeth Graham, 170. I have a
9 schedule with my child -- she's at school during day. She
10 has to be picked up at 3:00.

11 THE COURT: You don't have any family member, neighbor,
12 or anybody that can help you?

13 JUROR NUMBER 170: She's very special. She's very
14 violent.

15 THE COURT: Okay.

16 JUROR NUMBER 170: Disabled, autistic.

17 THE COURT: Okay. All right. I'll excuse you, you're
18 free to go.

19 JUROR NUMBER 170: Okay.

20 THE COURT: This juror excused.

21 Yes, sir. Your name and number?

22 JUROR NUMBER 306: Victor Melgarejo, and my number is
23 306.

24 THE COURT: 306?

25 JUROR NUMBER 306: Yes, sir. I have a court case going

1 on right now for (inaudible).

2 THE COURT: Okay.

3 JUROR NUMBER 306: But I don't know if it's punishment
4 for more than one year.

5 THE COURT: Okay. You haven't been convicted of it
6 yet?

7 JUROR NUMBER 306: No, sir. Not yet.

8 THE COURT: It's pending?

9 JUROR NUMBER 306: Yes, sir. And I don't know juvenile
10 charges count.

11 THE COURT: Okay. All right. Is it a -- you are
12 charged as a juvenile?

13 JUROR NUMBER 306: I got juvenile and adult.

14 THE COURT: Okay. Pending?

15 JUROR NUMBER 306: Yes, sir. Pending and adult.

16 THE COURT: Okay.

17 JUROR NUMBER 306: In the past --

18 THE COURT: Fair to stop. And then what else you have
19 pending?

20 JUROR NUMBER 306: That's the only one pending right
21 now.

22 THE COURT: Okay. All right. Was that when you were a
23 juvenile?

24 JUROR NUMBER 306: No, that's as adult juvenile.

25 MR. MEADORS: Juvenile resolved?

1 JUROR NUMBER 306: Huh?

2 MR. MEADORS: The juvenile resolved -- the juvenile --

3 JUROR NUMBER 306: Yeah, juvenile -- juvenile was
4 attempted murder, and I got no (inaudible).

5 MR. MEADORS: Okay. Can I ask for pending charges in
6 Greenwood?

7 JUROR NUMBER 306: Yes, sir.

8 MR. MEADORS: All right.

9 THE COURT: Well, if they're pending, you have not been
10 convicted?

11 JUROR NUMBER 306: No, sir.

12 THE COURT: So you stay with us, sir. Okay.

13 JUROR NUMBER 306: Yes, sir.

14 MR. MEADORS: We wouldn't move to call him at a later
15 time.

16 THE COURT: Yeah, just remind me.

17 MR. MEADORS: Yes, sir.

18 THE COURT: Yes, sir. Name and number?

19 JUROR NUMBER 490: Monty Williams. I didn't get my
20 number broke down. I'm --

21 THE COURT: Okay. Wait a minute. We're going to tell
22 you -- just a minute.

23 THE CLERK: 490.

24 THE COURT: 490, okay. Yes, sir.

25 JUROR NUMBER 490: This is going to cause me and my

1 wife financial hardship, me being off for this week.

2 THE COURT: And -- and I can't, I'm sorry, I can't
3 excuse jurors for -- because it -- it's a financial hardship
4 for a lot of folks.

5 JUROR NUMBER 490: Uh-huh.

6 THE COURT: And -- and I can't excuse you, and I'm --
7 I'm sorry, but that's not a -- a basis in the law that I can
8 excuse somebody.

9 JUROR NUMBER 490: Okay. All right. Thank you.

10 THE COURT: Thank you. Stay with us.

11 This juror stays with us.

12 Yes, ma'am. Name and number?

13 JUROR NUMBER 78: 78, Stacey Castillo.

14 THE COURT: Okay. Yes, ma'am. What would you like to
15 tell me?

16 JUROR NUMBER 78: I would like to be let go for a
17 reason of permanent disability.

18 THE COURT: What is your disability?

19 JUROR NUMBER 78: Pardon me?

20 THE COURT: What is your disability?

21 JUROR NUMBER 78: It's for bone and bone, and
22 rheumatoid arthritis, and severe joint swelling and pain.

23 THE COURT: Okay. Are you under doctor's care?

24 JUROR NUMBER 78: Yes.

25 THE COURT: Okay.

1 JUROR NUMBER 78: Well I was, but I moved here, and I
2 haven't been able to get in to see a doctor. There's a
3 three-month wait.

4 THE COURT: Okay. All right. Okay. So you have
5 problems sitting, or standing, or what?

6 JUROR NUMBER 7: Both.

7 THE COURT: Okay. Like I said earlier, we don't -- we
8 usually take a break about an hour and a half, thereabouts.
9 Would that -- would that be -- you think you could handle
10 that?

11 JUROR NUMBER 78: Right now from the time that I have
12 been sitting, it's like somebody pushing (inaudible).

13 THE COURT: Yeah, these chairs are whole lot more
14 comfortable than the -- the wooden benches.

15 JUROR NUMBER 78: You aren't allowed to stand during
16 the time either, are you? I mean -- I would have to be
17 sitting.

18 THE COURT: Well, no, I think if you were picked on the
19 jury, we could put you -- of course we usually put the
20 alternates in the back row, but we could put you on the back
21 row so it wouldn't be disruptive for the others. Yeah, could
22 do that. You just need to remind me, okay, if you're picked
23 on the jury.

24 JUROR NUMBER 78: Okay.

25 THE COURT: Thank you, ma'am.

1 JUROR NUMBER 78: Thank you.

2 THE COURT: All right. This juror stays with us.

3 Okay. You -- are you sitting over there? You have the
4 credit card? Yeah, you're fine. Yeah. Yeah, you stay.

5 Yeah, you're fine. Yeah. Carries up to one year, but
6 involved in a couple hundred bucks.

7 Okay. Yes, sir. Name and number?

8 JUROR NUMBER 454: 454 Eldred Tinsley. I do work in
9 the courthouse system voter registration. When you ask that
10 question, I know how to answer it.

11 THE COURT: Yeah.

12 JUROR NUMBER 454: Also I have knowledge of this case
13 through law enforcement.

14 THE COURT: Okay.

15 JUROR NUMBER 454: And through family, and all that,
16 and --

17 THE COURT: We going get -- we going to get to all that
18 so when -- when -- when there's another line form you just
19 get back in that line, but yeah -- but working for voter
20 registration.

21 JUROR NUMBER 454: In the courthouse.

22 THE COURT: Even though it's technically in the
23 courthouse, it's not much.

24 JUROR NUMBER 454: Just to make sure.

25 THE COURT: Right. Just get back in line as far as to

1 knowlegde.

2 JUROR NUMBER 454: Okay.

3 THE COURT: Yeah. Okay.

4 Yes, ma'am. Your name and number?

5 JUROR NUMBER 265: Katherine Long, number 265.

6 THE COURT: Yes, ma'am.

7 JUROR NUMBER 265: Root canal.

8 THE COURT: Ma'am?

9 JUROR NUMBER 265: I'm the one with the root canal

10 tomorrow.

11 THE COURT: Oh, call and see if you can reschedule.

12 JUROR NUMBER 265: Okay.

13 THE COURT: Because we're going to take a break here in

14 a minute.

15 JUROR NUMBER 265: Okay.

16 THE COURT: And then come up and let -- let Gabby know.

17 Okay. Just see if they can reschedule it.

18 JUROR NUMBER 265: Okay. I'll ask.

19 THE COURT: Okay. Okay.

20 JUROR NUMBER 265: Thank you.

21 THE COURT: Uh-huh. Thank you, ma'am.

22 Yes, sir. Name and number?

23 JUROR NUMBER 99: Devin, 99.

24 THE COURT: Okay. Yes, sir.

25 JUROR NUMBER 99: I want to apologize again for that

1 interruption.

2 THE COURT: That's fine.

3 JUROR NUMBER 99: I know, like, (inaudible) any normal
4 person wouldn't know this, but being around lawyers and
5 prosecutors it could get brought up. I have a history of
6 being in mental institutions. I actually also have a
7 condition called "Asperger's."

8 THE COURT: Okay.

9 JUROR NUMBER 99: So it prevents me from --

10 THE COURT: Well, let -- let me ask you, do you work?

11 JUROR NUMBER 99: I'm technically unemployed, but I
12 help my mama cut grass during the week, and I can help my
13 mama clean houses for old.

14 THE COURT: Okay. All right. Okay. All right. You
15 stay with us right now, and I'll talk with lawyers, okay?

16 JUROR NUMBER 99: Okay.

17 THE COURT: Okay. Thank you. What -- what was your
18 number? 99, I think. 99. All right. During the break
19 we'll talk about him too.

20 Okay. Name and number?

21 JUROR NUMBER 74: Jacqueline Carroll, 74.

22 THE COURT: Yes.

23 JUROR NUMBER 74: I have a borderline personality
24 disorder.

25 THE COURT: Okay.

1 JUROR NUMBER 74: That causes me to have very
2 black-and-white thinking. I -- I just wanted to let you guys
3 know. I don't know how that would affect things.

4 THE COURT: Okay.

5 JUROR NUMBER 74: But it -- I -- I have, like, clear
6 mood swings, and can come to conclusions very quickly.

7 THE COURT: Okay.

8 JUROR NUMBER 74: And very --

9 THE COURT: Okay.

10 JUROR NUMBER 74: -- strong about it.

11 THE COURT: Okay.

12 JUROR NUMBER 74: And not easily persuaded.

13 THE COURT: All right. Are you currently under the
14 care of a physician?

15 JUROR NUMBER 74: There is no medication. It's
16 something -- I'm in therapy about it.

17 THE COURT: Okay.

18 JUROR NUMBER 74: But it -- it doesn't go away.

19 THE COURT: Okay. You stay with us, I'm going to talk
20 with lawyers a little bit.

21 JUROR NUMBER 74: Yes, sir.

22 THE COURT: Okay. All right. So just make a note of
23 that one the 74, and then the -- the shoot -- for the pending
24 case stop. Yeah, you just -- if you (inaudible).

25 MR. MEADORS: 74.

1 THE COURT: So we got three to talk about.

2 Okay. Yes. Your name and number?

3 JUROR NUMBER 329: Kendra Mursier, 329.

4 THE COURT: 329. Yes, ma'am.

5 JUROR NUMBER 329: I can hear, but sometimes I have a

6 problem kind of understand what it is.

7 THE COURT: Okay. Have you been able to hear me okay?

8 JUROR NUMBER 329: Yes.

9 THE COURT: Okay.

10 JUROR NUMBER 329: But my -- my main thing is I don't

11 have a, like -- another long period of time.

12 THE COURT: Okay.

13 JUROR NUMBER 329: I have to (inaudible).

14 THE COURT: Okay.

15 JUROR NUMBER 329: I'd be able to --

16 THE COURT: Well, and -- and -- and as I mentioned

17 earlier, what I tell juries, you know, we like -- I like to

18 break no longer than an hour and a half, but if -- if a juror

19 needs a bathroom break right then --

20 JUROR NUMBER 329: Right.

21 THE COURT: -- raise your hand we'll stop right then.

22 JUROR NUMBER 329: When case is going.

23 THE COURT: Yeah. While the case is going on. Yes,

24 ma'am.

25 JUROR NUMBER 329: Okay. Okay.

1 THE COURT: We'll work with you, okay.

2 JUROR NUMBER 329: Okay. All right. Thank you.

3 THE COURT: This juror stays with us.

4 Okay. Yes. Name and number?

5 JUROR NUMBER 75: Chyna Carter number 75.

6 THE COURT: Uh-huh.

7 JUROR NUMBER 75: (Inaudible) thing if I get paid,
8 like, for being a juror, I will not be able to attend this
9 week because, like, we're very short-staffed in my job.

10 THE COURT: Okay.

11 JUROR NUMBER 75: And I have nobody to, like, cover my
12 -- for the rest of the week.

13 THE COURT: Okay. Where do you work at?

14 JUROR NUMBER 75: At Chick-fil-A at Lander University.

15 THE COURT: Okay. All right. Chick-fil-A at
16 Lander University?

17 JUROR NUMBER 75: Yes, sir.

18 THE COURT: Okay. All right. And -- all right -- what
19 shift do you work?

20 JUROR NUMBER 75: I work morning shift, first shift.

21 THE COURT: Uh-huh. Okay.

22 JUROR NUMBER 75: I leave my house for, like, 7:30 to
23 3:00.

24 THE COURT: Okay. All right. Who's covering for you
25 now?

1 JUROR NUMBER 75: Nobody at the moment.

2 THE COURT: Okay. So what -- are they closed the doors
3 because you're not there?

4 JUROR NUMBER 75: Well, they didn't close the doors.
5 It's, like, most of the time, like, we have, like, certain
6 areas we work at.

7 THE COURT: Uh-huh.

8 JUROR NUMBER 75: Like, most time I be up front, like,
9 in the cashier -- the cash register, and somebody else.

10 THE COURT: Uh-huh.

11 JUROR NUMBER 75: And then some people leave at, like,
12 12:00.

13 THE COURT: Okay.

14 JUROR NUMBER 75: I -- and there would be people, like,
15 in the back making food.

16 THE COURT: All right. I'll transfer you to another
17 term. Hopefully your work situation will be better.

18 JUROR NUMBER 75: Like, in the summertime, or?

19 THE COURT: Well, I mean what's -- is Chick-fil-A not
20 as busy in the summer?

21 JUROR NUMBER 75: No, because we're closing in summer.

22 THE COURT: Oh.

23 JUROR NUMBER 75: At Lander.

24 THE COURT: Oh, it's closed.

25 JUROR NUMBER 75: Yes, sir.

1 THE COURT: Okay. We -- we will transfer you to the
2 summer.

3 JUROR NUMBER 75: Okay.

4 THE COURT: Gabby.

5 THE CLERK: What was your name?

6 JUROR NUMBER 75: Chyna Carter.

7 THE CLERK: Got you. 75. Okay.

8 JUROR NUMBER 75: Yes, ma'am.

9 THE COURT: You free to go.

10 Hey, your name and number?

11 JUROR NUMBER 258: Jamie Lightsey, 258.

12 THE COURT: Okay. 258.

13 JUROR NUMBER 258: (Inaudible).

14 THE COURT: Okay. We're going to ask questions about
15 prior knowledge and relationships with the family -- both
16 sides. So you just -- you are jumping the gun, but that's
17 okay. All right. Okay. But you just get back in line when
18 -- okay.

19 THE CLERK: She was 258.

20 THE COURT: Yes, sir. Name and number?

21 JUROR NUMBER 422: Joseph Keith Smith, number 422.

22 THE COURT: Okay.

23 JUROR NUMBER 422: And I work at Pathway House, third
24 store, and I stay at Greenwood apartment. (Inaudible) house
25 is Assisted Living.

1 THE COURT: Uh-huh.

2 JUROR NUMBER 422: If I missing one check, I'm not able
3 to pay rent. I'd rather not be homeless again.

4 THE COURT: All right. Yeah. Well, I just had another
5 guy come up a minute ago and it's going to create a financial
6 burden on him, and really the law does not allow me to excuse
7 jurors just because of financial reasons. Okay. I wish I
8 could, but --

9 JUROR NUMBER 422: For housing reasons?

10 THE COURT: Sir?

11 JUROR NUMBER 422: For housing reasons?

12 THE COURT: For financial reasons.

13 JUROR NUMBER 422: Period?

14 THE COURT: Yeah. Yeah.

15 JUROR NUMBER 422: Okay.

16 THE COURT: Stay with us. Okay.

17 JUROR NUMBER 422: Yes, sir.

18 THE COURT: Thank you, sir. Yes.

19 JUROR NUMBER 191: My number is 191. You said
20 something about law enforcement.

21 THE COURT: Uh-huh.

22 JUROR NUMBER 191: Is that any, like, form of law
23 enforcement because I'm technically law enforcement through
24 SLED?

25 THE COURT: Okay.

1 JUROR NUMBER 191: Like, certified through SLED for law
2 enforcement. That's all I just wanted to make sure.

3 THE COURT: Well, there'll be questions about law
4 enforcement, but let's deal with it now. All right. So you
5 work for SLED?

6 JUROR NUMBER 191: I work for Self.

7 THE COURT: You work for Self?

8 JUROR NUMBER 191: But we are SLED-certified.

9 THE COURT: All right. SLED-certified. Do you have
10 powers of arrest?

11 JUROR NUMBER 191: Yes.

12 THE COURT: Okay. All right. You would be law
13 enforcement, and I'll excuse you. Okay.

14 JUROR NUMBER 191: All right.

15 THE COURT: You're free to go.

16 JUROR NUMBER 191: Yes, sir. Thank you.

17 THE COURT: What was the -- the guy before her -- that
18 financial reasons he raised, is going to be homeless.

19 THE CLERK: Yeah, Joseph.

20 THE COURT: Okay. Make a note of that because I may
21 want his name called, and then that Monty, somebody that says
22 it's financial, 49, let's say I don't want to pull them yet
23 just to see who's good on numbers. Okay. So you can just
24 make a note, and let me know, okay?

25 Okay. Yes, sir. Your name and number?

1 JUROR NUMBER 188: Decovis Hayes, 188.

2 THE COURT: Uh-huh.

3 JUROR NUMBER 188: I just got a question.

4 THE COURT: Yeah.

5 JUROR NUMBER 188: I got (inaudible) around this time.

6 THE COURT: All right. Okay. All right. You -- you
7 served on a jury in this courtroom?

8 JUROR NUMBER 188: Yes. Circuit.

9 THE COURT: Uh-huh. Okay. All right. And that was
10 last year?

11 JUROR NUMBER 188: Last year, around this time.

12 THE COURT: Okay. All right. That would be -- we just
13 -- I believe what you're telling me, but we just want to
14 double-check.

15 JUROR NUMBER 188: Okay.

16 THE COURT: Okay. So you just -- do you remember about
17 when it was last year?

18 JUROR NUMBER 188: September.

19 THE COURT: September of 2023?

20 JUROR NUMBER 188: I'm not sure the actual date -- it
21 was September.

22 THE COURT: Okay. We're just going to double-check.
23 Okay. Now, since it was last year, you have a right to stay
24 and serve if you want to, or you can claim the exemption and
25 not serve. You don't want to serve?

1 JUROR NUMBER 188: No.

2 THE COURT: Okay. You're free to go then.

3 JUROR NUMBER 188: Okay.

4 THE COURT: Thank you. This juror is excused. All
5 right. You still need to go to the hotel? Okay.

6 All right. Ladies and gentlemen, we're going to take another
7 break. It's probably going to be around 20 minutes. Don't
8 -- don't leave the courthouse, okay? But if you need to
9 walk, move around, that's fine. A -- bathroom is fine. For
10 any of you smokers -- and I'm not advocating for smoking, but
11 if you're a smoker, and you need to take a smoke break, you
12 can go outside. Yes, they can smoke on courthouse ground.

13 THE CLERK: On the sidewalk.

14 THE COURT: On the sidewalk over here, but don't stay
15 out long, come back. If you don't need to go anywhere, you
16 just keep -- keep your seat, okay? All right. And again,
17 don't talk with anybody. I know you don't know anything
18 about this case. Just don't have any conversations among
19 yourselves about anything related to this case. Okay.

20 (Off the record from 11:21 to 12:03 p.m.)

21 THE COURT: All right. Ladies and gentlemen, thank you
22 for your patience, and we are going to proceed forward. This
23 next part of the process will be a lot of questions
24 concerning the particular case that's being called for trial.
25 And the same rules apply. If I ask you a question that you

1 are reluctant to respond to, in front of everybody, then I
2 can speak with you privately.

3 There will be some questions that I ask you that if you
4 need to respond, then you have to respond to me privately at
5 the court reporter station. Okay? So basically same rules.
6 The -- the case that's being called for trial this week is
7 the State of South Carolina versus William Gray Ackerman
8 Junior. Mr. Ackerman is known as Bud, and Mr. Ackerman,
9 would you mind just standing facing the panel for just a
10 second, please, sir? There you go. That's all you have to
11 do. Have a seat. Thank you so much.

12 I'm holding in my hand an indictment that charges
13 Mr. Ackerman with the offense of murder. And let me explain
14 to you, before I read this indictment to you, the indictment
15 is not proof whatsoever of any guilt on Mr. Ackerman's part.

16 The State of South Carolina has the burden of proving
17 Mr. Ackerman guilty beyond a reasonable doubt standard. I'll
18 get into all that later on. So you cannot hold it against
19 Mr. Ackerman that he has been indicted in this case.

20 The indictment serves two purposes, and two purposes
21 only. One, it puts the Defendant and his attorney on notice
22 of the charge that the State intends to try him on.

23 And secondly, it is the mechanism to get us into court
24 where we are today. Once again, the indictment serves no
25 other purpose, and cannot be used or held against Mr.

1 Ackerman whatsoever.

2 I'm going to read the indictment to you. It alleges
3 the offense of murder, as I just said, and it reads as
4 follows, that "William Gray Ackerman Junior, did in
5 Greenwood County on or about May 7, 2023, did unlawfully kill
6 with malice aforethought -- either expressed or implied,
7 Kenneth Davis McClendon to wit by driving a 2019 Ford F-250,
8 and ramming it into the body of Kenneth Davis McClendon, and
9 that Kenneth Davis McClendon did die as approximate result
10 thereof in violation of section 16-3-10 code of laws for
11 South Carolina."

12 And if you do respond to a -- a question or questions,
13 and do not want to speak with me privately, then just you
14 stand, once again, give us your name and your juror number,
15 and then your response.

16 Any member of the jury panel related by blood or
17 marriage, either now or formally to either William Gray
18 Ackerman Junior, or Kenneth Davis McClendon? If so, please
19 stand.

20 Any member of the jury panel have, or have had in the
21 past, a close personal or social relationship with either
22 William Gray Ackerman Junior, or Kenneth Davis McClendon? If
23 so, please stand. Okay. All right. Okay. All right. I
24 think probably the best way to handle this to speak with me
25 privately. So if you'll just get those who are standing, get

1 in -- get in the line there.

2 Ms. Trudy, if you can back up just a little bit for me
3 please. Okay.

4 Okay. Yes, ma'am. Your name and number?

5 JUROR NUMBER 413: Amanda Shurden, number 413.

6 THE COURT: Okay. Yes, ma'am.

7 JUROR NUMBER 413: I used to babysit his children years
8 ago.

9 THE COURT: Okay.

10 JUROR NUMBER 413: And I also worked at the day care
11 that his children attended, and worked with him there as
12 well.

13 THE COURT: Okay. So how long ago were we talking
14 about?

15 JUROR NUMBER 413: So I worked at the day care from
16 2014 to 2016.

17 THE COURT: Okay.

18 JUROR NUMBER 413: I babysat -- can't remember when I
19 stopped babysitting, it was a few years.

20 THE COURT: Okay.

21 JUROR NUMBER 413: I know his wife, but it might be --
22 I know her very well.

23 THE COURT: Okay. You know his wife very well. Okay.
24 The fact that you know the kids, wife, would that prevent you
25 from being completely fair and impartial to both sides?

1 Okay.

2 JUROR NUMBER 413: It's hard to say.

3 THE COURT: Okay. Well, if you're not -- if you're not
4 sure (crosstalk) okay. If you're not certain, then I'm going
5 to excuse you from the trial of this case. Okay.

6 JUROR NUMBER 413: Okay.

7 THE COURT: Stay with us, though. Okay?

8 JUROR NUMBER 413: I'm going to stay here.

9 THE COURT: Yeah. Yeah. Okay.

10 JUROR NUMBER 413: Okay.

11 THE COURT: Yes, sir. Name and number?

12 JUROR NUMBER 420: Griffin Smith, Juror Number 420.

13 THE COURT: Okay. Yes.

14 JUROR NUMBER 420: I knew Davis, I personally played
15 golf with him a lot at (inaudible). I've known him for about
16 five or 10 years or so.

17 THE COURT: Okay. You considered having a close
18 personal relationship with him?

19 JUROR NUMBER 420: Yes, sir.

20 THE COURT: Okay. Would that prevent you from being
21 fair and impartial to both sides?

22 JUROR NUMBER 420: I would think not.

23 THE COURT: Okay. All right. Back to you. Okay.

24 Back to you -- played golf with -- with him. Did you have
25 any other interactions -- social?

1 JUROR NUMBER 420: We -- we would go on, you know, a
2 number of vacations together. We'd play golf together with
3 social friends. I wouldn't say, you know, close, you know,
4 personal relationships, but I knew him in the social
5 relationships.

6 THE COURT: Okay. All right.

7 JUROR NUMBER 420: Stuff like that.

8 THE COURT: Okay. And you feel like you could be
9 completely fair and impartial to both sides?

10 JUROR NUMBER 420: I feel so.

11 THE COURT: Okay. And have you already formed or
12 expressed any opinion about guilt or innocence on the part of
13 Mr. Ackerman?

14 JUROR NUMBER 420: No, sir.

15 THE COURT: Okay. All right. Stay with us. Thank
16 you, sir.

17 JUROR NUMBER 420: Yes, sir.

18 THE COURT: Yes, ma'am. Your name and number?

19 JUROR NUMBER 435: Bobbie Strong.

20 THE COURT: Okay, Ms. Strong. What number are you?

21 JUROR NUMBER 435: Number 435.

22 THE COURT: Okay. Yes, ma'am.

23 JUROR NUMBER 435: He used to be my dentist, he used to
24 clean my teeth.

25 THE COURT: Okay. You talk about Mr. Ackerman's

1 father?

2 JUROR NUMBER 435: Oh, that ain't?

3 THE COURT: Okay.

4 JUROR NUMBER 435: His appearance changed.

5 THE COURT: Okay.

6 JUROR NUMBER 435: That's why they look different.

7 THE COURT: His father -- his father was Mr. Ackerman's
8 father and uncle (inaudible) Davis, as I understand.

9 JUROR NUMBER 435: So he didn't clean my teeth?

10 THE COURT: Not just Mr. Ackerman.

11 JUROR NUMBER 435: Okay.

12 THE COURT: The fact that father or uncle was your
13 dentist at some point in time --

14 JUROR NUMBER 435: Uh-huh.

15 THE COURT: -- can you still be fair and impartial to
16 both sides?

17 JUROR NUMBER 435: Yeah, I can.

18 THE COURT: Okay.

19 JUROR NUMBER 435: Uh-huh.

20 THE COURT: And have you already formed or expressed
21 any opinion about guilt or innocence on Mr. Ackerman's part?

22 JUROR NUMBER 435: Oh, no.

23 THE COURT: Okay. All right. Thank you, ma'am. Stay
24 with us.

25 JUROR NUMBER 435: Okay. All right. Okay.

1 MR. MEADORS: Know she was still going to that
2 practice.

3 THE COURT: Okay. Ma'am, come -- come -- come back
4 here just a minute. Are you still seeing that same dentist
5 currently?

6 JUROR NUMBER 435: No.

7 THE COURT: How long ago has it been that he was your
8 -- your dentist -- how long we talking?

9 JUROR NUMBER 435: About a year.

10 THE COURT: About a year?

11 JUROR NUMBER 435: Uh-huh.

12 THE COURT: Okay. Thank you, ma'am. Stay with us.

13 JUROR NUMBER 435: Okay. Okay.

14 THE COURT: Yes, sir. Your name and number?

15 JUROR NUMBER 208: Chevy Holly, number 208.

16 THE COURT: Okay. Yes, sir.

17 JUROR NUMBER 208: Sir, I met him through my work, but
18 I knew him on the personal level outside of work.

19 THE COURT: You talking about Mr. Ackerman?

20 JUROR NUMBER 208: Yes, sir.

21 THE COURT: Okay. Do you consider yourself having a
22 close personal and social relationship with Mr. Ackerman?

23 JUROR NUMBER 208: Yes, sir.

24 THE COURT: Okay. And would that prevent you from
25 being completely fair and impartial to both sides?

1 JUROR NUMBER 208: Possibly.

2 THE COURT: Okay. All right. I'm going to excuse you,
3 but just stay with us though, okay?

4 JUROR NUMBER 208: Okay.

5 THE COURT: What's your name and number?

6 JUROR NUMBER 370: Robert Rains, 370.

7 THE COURT: Okay. Mr. Rains.

8 JUROR NUMBER 370: So he used to do work -- whenever he
9 worked at the body shop, we did mechanical work.

10 THE COURT: Okay. And how long ago was that?

11 JUROR NUMBER 370: Six years ago.

12 THE COURT: Okay. So was a -- it was a business
13 relationship you had?

14 JUROR NUMBER 370: Yes.

15 THE COURT: The fact that you had a business
16 relationship with Mr. Ackerman approximately six years ago,
17 would that prevent you from being completely fair and
18 impartial to both sides?

19 JUROR NUMBER 370: No.

20 THE COURT: You would not? Okay. And have you already
21 formed or expressed any opinion about any guilt or innocence
22 on Mr. Ackerman's party?

23 JUROR NUMBER 370: No.

24 THE COURT: Stay with us, sir. Thank you.

25 MR. MEADORS: That's 370?

1 THE COURT: Yes, sir.

2 MR. MEADORS: All right.

3 THE COURT: Name and number?

4 JUROR NUMBER 14: Lennie Anderson, it's under number
5 14.

6 THE COURT: Okay. Yes, sir.

7 JUROR NUMBER 14: (Inaudible).

8 THE COURT: Okay. How long ago was that gone?

9 JUROR NUMBER 14: Oh, back in the 90s.

10 THE COURT: All right.

11 JUROR NUMBER 14: (Inaudible).

12 THE COURT: Okay. All right. You know who?

13 JUROR NUMBER 14: Ms. McClendon.

14 THE COURT: Okay. There is a witness?

15 JUROR NUMBER 14: The first witness -- last time.

16 THE COURT: Came on the scene?

17 JUROR NUMBER 14: Oh, yes.

18 THE COURT: Did you know her very well?

19 JUROR NUMBER 14: I know her and the family as well.

20 THE COURT: Okay.

21 JUROR NUMBER 14: I actually know Ackerman's family.

22 THE COURT: Okay. The fact that you know everybody,
23 would that prevent you from being fair and impartial to both
24 sides?

25 JUROR NUMBER 14: It could, yeah.

1 THE COURT: Okay. All right. I'm going to excuse you,
2 but stay with us, okay?

3 JUROR NUMBER 14: Okay. Uh-huh.

4 THE COURT: Yes, ma'am. Your name and number?

5 JUROR NUMBER 90: Kathryn Cordell, number 90.

6 THE COURT: Yes, ma'am.

7 JUROR NUMBER 90: I went to school with Davis.

8 THE COURT: Okay.

9 JUROR NUMBER 90: His mother was my teacher.

10 THE COURT: Okay. All right. You went to school with
11 Davis about how long ago would you say?

12 JUROR NUMBER 90: 25 years ago. We were friends outside
13 of school too.

14 THE COURT: Okay. All right. Do you consider yourself
15 having a close personal or social relationship with either
16 Davis or his mom?

17 JUROR NUMBER 90: Yes.

18 THE COURT: Okay. And would that prevent you from
19 being fair and impartial? Okay. I'm going to excuse you.

20 JUROR NUMBER 90: No problem.

21 THE COURT: But you stay with us, though, okay?

22 JUROR NUMBER 90: Okay. Thank you.

23 THE COURT: Yes, ma'am. Your name and number?

24 JUROR NUMBER 258: Jamie Lightsey.

25 THE COURT: Yeah. You're the one who jumped the gun?

1 JUROR NUMBER 258: Yeah.

2 THE COURT: But I wasn't fussing at you.

3 JUROR NUMBER 258: That's okay.

4 THE COURT: All right. Who do you know now?

5 JUROR NUMBER 258: Davis McClendon (inaudible) about
6 10 years ago.

7 THE COURT: You worked with Davis about 10 years ago?

8 JUROR NUMBER 258: Uh-huh.

9 THE COURT: Okay. The fact that you worked with Davis
10 10 years ago, would that prevent you from being completely
11 fair and impartial to both sides?

12 JUROR NUMBER 258: Probably.

13 THE COURT: It would?

14 JUROR NUMBER 258: Uh-huh.

15 THE COURT: Okay. I'm going to excuse you from the
16 trial of this case, but stay with us, okay?

17 JUROR NUMBER 258: Okay.

18 MR. MEADORS: What -- what number is that?

19 THE COURT: What number are you, ma'am?

20 JUROR NUMBER 258: 258.

21 THE COURT: 258.

22 Yes, sir. Your name and number?

23 JUROR NUMBER 355: Robert Pinson, 355.

24 THE COURT: Yes, sir.

25 JUROR NUMBER 355: I know everybody involved.

1 THE COURT: You know everybody involved? Be -- it'll
2 be hard to be fair and impartial with?

3 JUROR NUMBER 355: No.

4 THE COURT: Okay. All right. I'm going to excuse you,
5 but stay with us, okay?

6 JUROR NUMBER 355: All right.

7 THE COURT: Yes, sir. Your name and number?

8 JUROR NUMBER 296: 296, Craig McGaha.

9 THE COURT: Okay. Yes, sir. Mr. McGaha?

10 JUROR NUMBER 296: I do know Mr. Ackerman, we actually
11 know --

12 THE COURT: Okay. How do you know him?

13 JUROR NUMBER 296: We actually live on the same street,
14 actually with two doors down from his previous residence.

15 THE COURT: Okay.

16 JUROR NUMBER 296: Of the Tally Ho.

17 THE COURT: Okay. All right. You know him pretty
18 well?

19 JUROR NUMBER 296: Yes, sir. Multiple positive ones,
20 and --

21 THE COURT: Okay.

22 JUROR NUMBER 296: -- kids play together.

23 THE COURT: Okay. Would that make it difficult for you
24 to be completely fair and impartial with both sides?

25 JUROR NUMBER 296: Yes, sir.

1 THE COURT: Okay. I'll excuse you, but stay with us,
2 okay?

3 Yes, sir. Your name and number?

4 JUROR NUMBER 254: James Leopard, 254.

5 THE COURT: Yes, sir.

6 JUROR NUMBER 254: Juror 254.

7 THE COURT: Okay.

8 JUROR NUMBER 254: I've never laid a house on neither
9 one of those gentlemen.

10 THE COURT: Uh-huh.

11 JUROR NUMBER 254: But I know his -- Mr. McClendon for
12 a number of years.

13 THE COURT: Okay. Mr. McClendon, the dad?

14 JUROR NUMBER 254: Yeah.

15 THE COURT: Okay. You -- would you consider yourself
16 having a close personal or social relationship with
17 Mr. McClendon, the dad?

18 JUROR NUMBER 254: Yeah.

19 THE COURT: All right. Do you still see him currently?

20 JUROR NUMBER 254: No.

21 THE COURT: Okay. About how long ago would you say
22 that your whatever friend relationship that you had with
23 Mr. McClendon -- dad, how long ago was that, would you say?

24 JUROR NUMBER 254: Maybe five -- eight years.

25 THE COURT: Okay. All right. Can you still be

1 completely fair and impartial to both sides?

2 JUROR NUMBER 254: Yes, sir.

3 THE COURT: Okay. And have you already formed or
4 expressed any opinion about innocence or guilt on
5 Mr. Ackerman's part?

6 JUROR NUMBER 254: I know nothing about it.

7 THE COURT: Okay. All right. Thank you. Stay with
8 us, okay?

9 JUROR NUMBER 254: Okay.

10 THE COURT: What's your name and number again?

11 JUROR NUMBER 454: 454, Eldred Tinsley.

12 THE COURT: Okay. And you came up earlier.

13 JUROR NUMBER 454: Right.

14 THE COURT: You indicated -- I said, "Just come back."
15 So who do you know?

16 JUROR NUMBER 454: I know the Defendant's mother.

17 THE COURT: Okay.

18 JUROR NUMBER 454: Deceased family very well.

19 THE COURT: McClendon. Okay.

20 JUROR NUMBER 454: She taught my children.

21 THE COURT: Okay.

22 JUROR NUMBER 454: Went to church with them for 15 --
23 20 years, and knew him.

24 THE COURT: Okay.

25 JUROR NUMBER 454: So I just want to make sure we know

1 that.

2 THE COURT: Okay.

3 JUROR NUMBER 454: All right.

4 THE COURT: The fact that you know the McClendon family

5 --

6 JUROR NUMBER 454: Very well.

7 THE COURT: -- would that prevent you from being

8 completely fair and impartial on both sides?

9 JUROR NUMBER 454: In this case? Yes, sir.

10 THE COURT: Okay.

11 JUROR NUMBER 454: Just being honest.

12 THE COURT: Well, and I want you to --

13 JUROR NUMBER 454: Yes.

14 THE COURT: I'll excuse --

15 JUROR NUMBER 454: And I believe in this process.

16 THE COURT: Okay. Thank you. I'm going to excuse you,
17 but stay with us, okay?

18 JUROR NUMBER 454: Yes, sir.

19 THE COURT: Now, ladies and gentlemen, there are going
20 to be other questions that are kind of related similarly to
21 what I just asked. If I've already excused you from the
22 trial of this case, you do not need to respond to any other
23 questions, okay? If you were not excused, then certainly, if
24 a question I ask you applies, then you would need to respond
25 to that. You sure? Okay. Witness list -- can I have a

1 witness list? Do you have one available both sides? All
2 right. Thank you.

3 All right. Ladies and gentlemen, I'm going to read out
4 a list of potential witnesses in this case. I say potential
5 because they may or may not testify. And then, I will ask
6 you some questions about those witnesses. If I duplicate any
7 names, there's no significance to that. And just so it'll
8 make it a little bit easier for you, I'll probably break it
9 down -- kind group it in, like, 15 names at a time so you can
10 kind of keep -- keep track of -- of the names. Okay?

11 All right. Abigail, I'm going to mispronounce his last
12 name, I'll spell it Mohajer, M-O-H-A-J-E-R, Alexis Fowler
13 with SLED, Andrew Kight with EMS, Arsenio Lewis with the fire
14 department, Benji Baker, Brandon Smith, Brian Hudak with
15 SLED, Captain Mike Murdock with Greenwood Sheriff's
16 Department, Captain Richard Findley Greenwood Sheriff's
17 Department, and Charles Bosemond, B-O-S-E-M-O-N-D, I'll --
18 I'll stop it at 10 names at time. Any member of the jury
19 panel related by blood or marriage, either now formally to
20 any of those people I've just named, or any member of the
21 jury panel have or have had in the past a close personal or
22 social relationship with any of those people I've just named?
23 If so, please stand.

24 Christine Dadabo with SLED, Daniel Hayden,
25 Deputy Charles Rhodes with Greenwood Sheriff's Department,

1 Deputy Drew Adams Greenwood Sheriff's Department,
2 Deputy Mark G. Davis Greenwood Sheriff's Office,
3 Deputy Michael -- and I should know how to pronounce his last
4 name, M-E-J-I-A, Deputy Patrick Parker Sheriff's Office --
5 Greenwood Sheriff's Office, Donna McNeely, Dr. Kyle Shaw,
6 Greg Allison with Greenwood Sheriff's department. Any member
7 of the jury panel related by blood or marriage, either now or
8 formally, or any member of the jury panel have, or have had
9 in the past, a close personal or social relationship with any
10 of those people I've just named? If that applies to you,
11 please stand.

12 THE COURT: Okay. Yes, sir. Your name and your
13 number?

14 JUROR NUMBER 420: Griffin Smith, jJuror 420.

15 THE COURT: Okay. Mr. Smith? Yes, sir.

16 JUROR NUMBER 420: Deputy Adams -- Deputy Drew Adams.
17 I went to high school with him.

18 THE COURT: Okay. And how long ago was that?

19 JUROR NUMBER 420: I graduated in 2016. He was
20 two years younger than me.

21 THE COURT: Okay.

22 JUROR NUMBER 420: And so I've known him all through
23 school.

24 THE COURT: Okay. All right. Do you currently have
25 any kind of social or friend relationship with him?

1 JUROR NUMBER 420: No, your Honor.

2 THE COURT: Okay. Would that prevent you from being
3 fair and impartial to both sides in this state --

4 JUROR NUMBER 420: No.

5 THE COURT: -- in this case? Okay. And have you
6 formed or expressed any opinion about any innocence or guilt
7 in this matter?

8 JUROR NUMBER 420: No, sir.

9 THE COURT: Thank you. Stay with us. Anybody else?
10 Okay.

11 Hailey Gardner with SLED, Hannah Jefferson with SLED,
12 Hannah Starnes with SLED, Investigator Michael Dixon,
13 Greenwood Sheriff's Office, Investigator Patrick Durkin
14 Greenwood Sheriff's Office, Investigator Womack with
15 Greenwood Sheriff's Department, Jennings Thompson, Kendra
16 Garten, that's G-A-R-T-E-N with SLED, Khristopher Bratcher
17 with the South Carolina Highway Patrol, Lindsay Mitchell with
18 SLED. Any member of the jury panel related by blood, or
19 marriage, either now or formerly, did -- those people I've
20 just named, any member of the jury panel have, or have had in
21 the past a close personal or social relationship with any of
22 those people I've just named? If that applies to you, please
23 stand.

24 Okay. Continuing forward. Lieutenant Gilbert Yates
25 with Greenwood Sheriff's Office, Madison Willis with SLED,

1 Mary Poore, Megan McGovern, Meredith Ackerman,
2 Michael Belcher with Greenwood Sheriff's Office,
3 Michael Bryan with Greenville Sheriff's Office,
4 Mikayla Santoro with SLED, Patrick Hensarling, Rachel Nguyen
5 with SLED, Roderick Maceda, Ronny Powell with
6 Greenwood Sheriff's Office, Samantha Selden with SLED, Samuel
7 Stewart with SLED, Sergeant Cerrrior that's C-E-R-R-I-O-R,
8 Mansel with Greenwood Sheriff's Office, Sergeant David Andis
9 with the South Carolina Highway Patrol. Any member of the
10 jury panel related by blood or marriage, either now or
11 formally to any of those people I've just named, or any
12 member of the jury panel have, or have had in the past, a
13 close personal or social relationship with any of those
14 people I've just named? If that applies to you, please
15 stand. Okay. I've got four.

16 Yes, ma'am. Name and number?

17 JUROR NUMBER 264: Carmen Lomax, 264.

18 THE COURT: Okay. And yes, ma'am.

19 JUROR NUMBER 264: I believe you mentioned
20 Roderick Maceda.

21 THE COURT: Let -- let me look. I did.

22 JUROR NUMBER 264: I worked with Roderick at Self
23 Regional.

24 THE COURT: Okay. How long ago?

25 JUROR NUMBER 264: Currently.

1 THE COURT: Currently? All right. Do you consider
2 yourself having a close personal or social relationship with
3 him?

4 JUROR NUMBER 264: Yes, sir.

5 THE COURT: Okay. The fact that you work at Self with
6 Mr. Maceda, can you still be completely fair and impartial to
7 both sides in this case?

8 JUROR NUMBER 264: Yes.

9 THE COURT: Okay. Have you already formed or expressed
10 any opinion about guilt or innocence in this case?

11 JUROR NUMBER 264: No.

12 THE COURT: Thank you, ma'am. Stay with us. Okay.
13 Ma'am, in the back, name and number?

14 JUROR NUMBER 209: Paige Holley, number 209.
15 Meg McGovern.

16 THE COURT: Who?

17 JUROR NUMBER 209: Meg McGovern.

18 THE COURT: Okay. Okay. Megan McGovern? Yes, how --
19 how do you know Megan?

20 JUROR NUMBER 209: I've known her since birth. She
21 used to come over to my house, and she'd have cookie with me.

22 THE COURT: Okay. All right. Do you -- do you
23 currently have a personal or social relationship currently?

24 JUROR NUMBER 209: (Inaudible).

25 THE COURT: Okay. All right. Can you still be fair

1 and impartial to both sides in this case?

2 JUROR NUMBER 209: I do believe so.

3 THE COURT: Okay. Have you already formed or expressed
4 any opinion about guilt or innocence in this case?

5 JURO NUMBEER 209: No, I have not.

6 THE COURT: Thank you, ma'am. Stay with us.

7 MR. SWERLING: 209?

8 THE COURT: Okay. And ma'am in the middle, your name
9 and number?

10 JUROR NUMBER 426: Yvette Smith, 426.

11 THE COURT: 426. Okay.

12 JUROR NUMBER 426: Cerrior Mansel.

13 THE COURT: Okay. With the Sheriff's Office?

14 JUROR NUMBER 426: Yes.

15 THE COURT: Okay. Sergeant Mansel, how do you know
16 Sergeant Mansel?

17 JUROR NUMBER 426: He is my cousin.

18 THE COURT: Your first cousin?

19 JUROR NUMBER 426: Yes.

20 THE COURT: Okay. All right. I will excuse you from
21 the trial of this case, but stay with us. Okay, ma'am?

22 All right. And in the back, sir.

23 JUROR NUMBER 370: Robert Rains, 370.

24 THE COURT: 370. Okay.

25 JUROR NUMBER 370: Ronny Powell.

1 THE COURT: All right. You consider yourself having a
2 close personal or social relationship with Ronny Powell?

3 JUROR NUMBER 370: Yes.

4 THE COURT: Okay. Would that prevent you from being
5 fair and impartial in this case?

6 JUROR NUMBER 370: No.

7 THE COURT: Despite the fact that you have a close
8 personal relationship with Officer Powell, you believe you
9 can still be fair and impartial to both sides?

10 JUROR NUMBER 370: Yes.

11 THE COURT: And have you formed or expressed an opinion
12 already concerning guilt or innocence in this case?

13 JUROR NUMBER 370: No.

14 THE COURT: Okay. Thank you. Stay with us.

15 All right. And then, continuing forward. Sergeant
16 Michael Rainey with Greenville Sheriff's Department, Susan
17 Smith with SLED, Terry Cummings, Anthony Knecht, K-N-E-C-H-T,
18 who is a custodian of records with Verizon, Whitney Wood with
19 SLED, Kellie Ackerman, Scott Aiken, Dan Bridges, William Gray
20 Ackerman Senior, Randy McDaniel. Any member of the jury
21 panel related by blood or marriage, either now or formally to
22 any of those people I've just named, any member of the jury
23 panel have, or have had in the past, a close personal or
24 social relationship with any of those people I've just named?
25 If so, please stand.

1 Jonathan Nelson, Bobby Scott, Daniel Sherer,
2 Brandon Smith, Bobby Thompson, Jennings Thompson,
3 David Torres, Frank Workman, Byron Sims, Dr. Steve Ackerman,
4 and Kyle Taylor. Any member of the jury panel related by
5 blood or marriage, either now or formally to any of those
6 people I've just named, any member of the jury panel have, or
7 have had, in the past a close personal or social relationship
8 with any of those people I've just named? If so, please
9 stand. Okay. I've got one. Name and number, sir?

10 JUROR NUMBER 226: Charles Johnson, 226.

11 THE COURT: Yes, sir.

12 JUROR NUMBER 226: Bobby Scott.

13 THE COURT: Okay.

14 JUROR NUMBER 226: We played soccer together, we hung
15 out weekends, we --

16 THE COURT: Okay. All right. How long ago is that
17 that you played soccer with Mr. Scott, and hung out?

18 JUROR NUMBER 226: Our kids currently play soccer in
19 court.

20 THE COURT: Sir?

21 JUROR NUMBER 226: Our kids currently play soccer
22 together in court.

23 THE COURT: Okay. All right. Would you consider
24 yourself having a close personal or social relationship with
25 Mr. Scott?

1 JUROR NUMBER 226: Yes.

2 THE COURT: Okay. And that -- would that prevent you
3 from being completely fair and impartial to both sides?

4 JUROR NUMBER 226: No.

5 THE COURT: All right. You can still be fair and --
6 and -- and impartial to both sides in this case, even though
7 you have a friend relationship with Mr. Scott?

8 JUROR NUMBER 226: Yes.

9 THE COURT: Okay. And have you already formed or
10 expressed any opinion about innocence or guilt in this case?

11 JUROR NUMBER 226: Yes.

12 THE COURT: You have formed or expressed an opinion?

13 JUROR NUMBER 226: Yes.

14 THE COURT: Okay. All right. Let's do this. When we
15 form another line for me to speak privately with members of
16 the jury panel, you get in that line, let's talk a little bit
17 more about that, okay?

18 JUROR NUMBER 226: Yes, sir.

19 THE COURT: All right. Thank you, sir.

20 All right. Yes, sir. Name and number?

21 JUROR NUMBER 415: Dean Sigvertsen, 415. Bobby Scott.
22 I've worked with (inaudible).

23 THE COURT: Okay. How long ago did you work with Mr.
24 Scott?

25 JUROR NUMBER 415: Two years -- two years ago.

1 THE COURT: Okay. All right. The fact that you worked
2 with Mr. Scott a couple years ago, would that prevent you
3 from being completely fair and impartial to both sides in
4 this case?

5 JUROR NUMBER 415: No.

6 THE COURT: And have you already formed or expressed
7 any opinion about guilt or innocence in this case?

8 JUROR NUMBER 415: No.

9 THE COURT: Thank you. Stay with us, sir.

10 Okay. Ladies and gentlemen, I'm going to give the
11 lawyers an opportunity to introduce themselves, and I -- I --
12 I don't say this about every lawyer that appears in my
13 courtroom, but I can certainly say it about these three
14 lawyers. They're excellent lawyers, and I know -- I'm
15 confident that they will do a good job for their respective
16 sides. I allow the State to go first.

17 MR. MEADORS: May it please the Court? And thank you,
18 your Honor. Thank you (inaudible). My name is John Meadors.
19 I work for the South Carolina Attorney General's Office.

20 MR. CONRAD: My name is John Conrad, and I work at the
21 South Carolina Attorney General's Office.

22 THE COURT: Okay. And the Defense?

23 MR. SWERLING: Good afternoon, ladies and gentlemen.
24 My name is Jack Swerling, and I represent Bud Ackerman.

25 THE COURT: Okay. Thank you. Any member of the jury

1 panel ever been represented by any of the lawyers involved in
2 this case, or anyone in their respective offices? If so,
3 please stand.

4 Any member of the jury panel related by blood or
5 marriage, either now or formally, or any member of the jury
6 panel have or have had in the past a close personal or social
7 relationship with any of the attorneys involved in this case,
8 or anyone in their respective offices? If so, please stand.

9 And I've asked this question to several who have -- who
10 have stood up, and I'm going to ask it now, and I'll probably
11 ask it again, for those of you who decide they want to speak
12 with me privately, but I'll go ahead and ask it now.

13 Any member other than the one gentleman who I need to
14 speak to privately -- any member of the jury panel already
15 formed or expressed any opinion about any issue or matter
16 involved in this case, including the issue of guilt or
17 innocence on the part of the Defendant? If that applies to
18 you, please stand.

19 Okay. Any member of the jury panel aware of any bias
20 or prejudice towards either the State of South Carolina or
21 the Defendant, Bud Ackerman, in this case? If so, please
22 stand.

23 Any member of the jury panel who is a member of, or a
24 contributor to any group which has, as its primary concern,
25 the promotion of law enforcement or victim's rights? And

1 these groups would include -- certainly not limited to MADD,
2 SADD, Cave, the Innocence Project, or any such organizations
3 that promote either law enforcement or victim's rights,
4 either a member of or -- or financial contributor to. If
5 that applies to any of you, please stand.

6 Okay. Any member of the jury panel, or any of your
7 immediate family members ever been a patient of
8 Greenwood Family Dentistry, Dr. William Gray Ackerman,
9 Dr. Steve Ackerman, or Dr. Wilson Ackerman? I know we had
10 one lady that came up, and spoke with me privately. You
11 don't need to respond again. Okay? Thank you, ma'am.

12 Ever been a patient of that practice or those dentists?
13 Okay. All right. Let's -- we'll start on -- on this side,
14 and work our way around.

15 Name and number, ma'am?

16 JUROR NUMBER 132: I'm Yasmin Evans, 132.

17 THE COURT: Okay.

18 JUROR NUMBER 132: I am a patient there regularly,
19 twice a year, and I also have a personal relationship with
20 (inaudible).

21 THE COURT: Okay. All right. You're -- you're a
22 current patient of that practice?

23 JUROR NUMBER 132: Yes

24 THE COURT: And some of the staff members, whether it's
25 office staff or dental hygienists, or any of those, you have

1 a close personal relationship with them? The fact that
2 you're a patient -- you know some of the staff members, would
3 that prevent you from being completely fair and impartial to
4 both sides in this case, ma'am?

5 JUROR NUMBER 132: No.

6 THE COURT: Okay. And have you formed or expressed
7 already any opinion about the issue of guilt or innocence in
8 this case? You have?

9 JUROR NUMBER 132: Yes.

10 THE COURT: Okay. All right. When I get a line form
11 you get in that line. Okay.

12 All right. Ma'am, name and number?

13 JUROR NUMBER 138: Zoey Fingar, 138.

14 THE COURT: Okay.

15 JUROR NUMBER 138: (Inaudible) years ago.

16 THE COURT: Okay. All right. But not currently?
17 Okay. The fact -- when you were -- you say a child?

18 JUROR NUMBER 138: Yes, sir.

19 THE COURT: You are a patient of that practice would
20 that prevent you from being fair and impartial to both sides?

21 JUROR NUMBER 138: No, sir

22 THE COURT: Okay. Have you already formed or expressed
23 any opinion about the issue of guilt or innocence in this
24 case?

25 JUROR NUMBER 138: No, sir.

1 THE COURT: Thank you. Stay with us, sir.

2 JUROR NUMBER 134: James Faulkner, number 134. I was a
3 patient there at the Ackerman dental office for years, but
4 that has been years ago since that.

5 THE COURT: Okay. All right. The fact that you were,
6 years ago, a patient of that practice -- would that prevent
7 you from being completely fair and impartial to both sides?

8 JUROR NUMBER 134: No.

9 THE COURT: Okay. And have you already formed or
10 expressed any opinion about innocence or guilt in this case?

11 JUROR NUMBER 134: No.

12 THE COURT: Thank you. Stay with, sir.

13 Yes, sir.

14 JUROR NUMBER 420: Griffin Smith, Juror Number 420.

15 THE COURT: Okay.

16 JUROR NUMBER 420: I was -- as Ms. Fingar over here, a
17 child patient at Ackerman Dentistry and have not been there,
18 I'd say in about a decade, so...

19 THE COURT: Okay. The fact that you were a patient
20 there a long time ago, would that prevent you from being
21 completely fair and impartial to both sides in this case?

22 JUROR NUMBER 420: No.

23 THE COURT: And have you already formed or expressed
24 any opinion about the issue of guilt or innocence in this
25 case?

1 JUROR NUMBER 420: No.

2 THE COURT: Okay. Thank you. Stay with us.

3 Okay. Yes. Your name and number?

4 JUROR NUMBER 25: Thomas Battles, 25. My daughter is a
5 current patient at the Ackerman Dentistry (inaudible).

6 THE COURT: Okay. All right. The fact that your --
7 your daughter is a -- a patient of that practice, and you
8 know some of the staff, would that prevent you from being
9 completely fair and impartial to both sides?

10 JUROR NUMBER 25: No.

11 THE COURT: Okay. Have you already formed or expressed
12 any opinion about the issue of guilt or innocence in this
13 case?

14 JUROR NUMBER 25: No.

15 THE COURT: All right. Thank you. Stay with us, sir.

16 MR. SWERLING: What's the number again?

17 THE COURT: Give us your number again.

18 JUROR NUMBER 25: 25.

19 THE COURT: 25. All right.

20 Yes, sir? In the back.

21 JUROR NUMBER 370: Robert Rains, 370.

22 THE COURT: Okay. Are you currently a patient?

23 JUROR NUMBER 370: Yes.

24 THE COURT: Okay. All right. The fact that you are
25 currently a patient of -- of this practice, would that

1 prevent you from being fair and impartial to both sides in
2 this case?

3 JUROR NUMBER 370: No.

4 THE COURT: And have you already formed or expressed
5 any opinion about the issue of guilt or innocence in this
6 case?

7 JUROR NUMBER 370: No.

8 THE COURT: All right. Thank you. Stay with us.

9 All right. Ma'am in the back.

10 JUROR NUMBER 442: Tracy Symmes, 442. My kids used to
11 be a patient. It's been 25 years.

12 THE COURT: Okay. The fact that your kids were a
13 patient years ago of this practice, would that prevent you
14 from being completely fair and impartial to both sides,
15 ma'am?

16 JUROR NUMBER 442: No, sir.

17 THE COURT: Okay. Have you already formed or expressed
18 any opinion about the issue of guilt or innocence in this
19 case?

20 JUROR NUMBER 442: No.

21 THE COURT: Okay. Thank you. Stay with us.

22 Okay. Let's see here in -- in the blue shirt, sir?

23 JUROR NUMBER 229: (Inaudible).

24 THE COURT: Okay. Name and number?

25 JUROR NUMBER 229: James Jones, 229.

1 THE COURT: Okay.

2 JUROR NUMBER 229: I was briefly a patient there at
3 that practice probably 15 years ago.

4 THE COURT: Okay. The fact that you were briefly a
5 patient of that practice about 15 years ago, would that
6 prevent you from being completely fair and impartial to both
7 sides?

8 JUROR NUMBER 229: No.

9 THE COURT: And have you formed or expressed any
10 opinion about the issue of guilt or innocence in this case?

11 JUROR NUMBER 229: No.

12 THE COURT: All right. Thanks, sir. Stay with us.
13 Ma'am, name and number?

14 JUROR NUMBER 257: Tolanda Lewis, 257.

15 THE COURT: 250 what?

16 JUROR NUMBER 257: Seven.

17 THE COURT: Okay.

18 JUROR NUMBER 257: (Inaudible) patient.

19 THE COURT: Okay. Are you currently a patient of this
20 practice?

21 JUROR NUMBER 257: Yes.

22 THE COURT: All right. The fact that you are currently
23 a patient of this practice, would that prevent you from being
24 completely fair and impartial to both sides in this case?

25 JUROR NUMBER 257: No.

1 THE COURT: And have you already formed or expressed
2 any opinion about the issue of guilt or innocence in this
3 case?

4 JUROR NUMBER 257: No.

5 THE COURT: Thank you. Stay with us.

6 MR. SWELING: Number? Can I get the number?

7 THE COURT: 257. Ma'am, name and number?

8 JUROR NUMBER 72: Hi, my name is Kathryn Cardwell, my
9 number is 72.

10 THE COURT: Okay.

11 JUROR NUMBER 72: I'm a current patient.

12 THE COURT: Okay. The fact that you're currently a
13 patient of this practice, would that prevent you from being
14 completely fair and impartial to both sides?

15 JUROR NUMBER 72: No.

16 THE COURT: And have you already formed or expressed
17 any opinion about the issue of guilt or innocence in this
18 case?

19 JUROR NUMBER 72: No.

20 THE COURT: Okay. Thank you, ma'am. Stay with us.
21 Okay. Next.

22 JUROR NUMBER 291: Brigitte McCord, 291.

23 THE COURT: 291.

24 JUROR NUMBER 291: I was a patient last year.

25 THE COURT: All right. You were a patient last year?

1 JUROR NUMBER 291: (Inaudible).

2 THE COURT: Okay. The fact that you were formally a
3 patient of this practice, would that prevent you from being
4 completely fair and impartial to both sides in this case?

5 JUROR NUMBER 291: No.

6 THE COURT: Okay. And have you already formed or
7 expressed any opinion about the issue of guilt or innocence
8 in this case?

9 JUROR NUMBER 291: Yes.

10 THE COURT: You have?

11 JUROR NUMBER 291: Yes.

12 THE COURT: Okay. Just get -- get in the line when we
13 form one, okay?

14 JUROR NUMBER 291: Yes, sir.

15 THE COURT: Okay. On the right, your name and number?

16 JUROR NUMBER 382: Sonya Ridge, Juror Number 382.

17 THE COURT: Okay.

18 JUROR NUMBER 382: I'm a current patient.

19 THE COURT: Current patient of this practice? Would
20 that prevent you from being completely fair and impartial to
21 both sides in this case?

22 JUROR NUMBER 382: No.

23 THE COURT: And have you already formed or expressed
24 any opinion about the issue of guilt or innocence in this
25 case?

1 JUROR NUMBER 382: No.

2 THE COURT: Stay with us. Thank you, ma'am. All
3 right. Lastly.

4 JUROR NUMBER 473: Jill Warner, 473.

5 THE COURT: 473.

6 JUROR NUMBER 473: My late husband was a patient of the
7 practice.

8 THE COURT: Okay. And how long ago roughly was this?

9 JUROR NUMBER 473: Ten -- 15 years ago.

10 THE COURT: Okay.

11 JUROR NUMBER 473: (Inaudible).

12 THE COURT: Okay. The fact that your late husband was
13 formally a patient of this practice, would that prevent you
14 from being completely fair and impartial to both sides?

15 JUROR NUMBER 473: No, sir.

16 THE COURT: Have you already formed or expressed any
17 opinion about the issue of guilt or innocence in this case?

18 JUROR NUMBER 473: No.

19 THE COURT: Thank you, ma'am. Stay with us.

20 Any member of the jury panel, or any of your immediate
21 family members, ever been a student of teacher,
22 Kellie Cannon Ackerman at Cambridge Academy,
23 Kellie Lakeview Elementary, or Springfield Elementary? If
24 that applies to you please stand. Okay. Oh, I'm sorry.
25 I've got one. Name and number?

1 JUROR NUMBER 167: Latasha Goodwin, 167.

2 THE COURT: 167. I said, "A student of teacher
3 Kellie Cannon Ackerman at Cambridge Academy, Kellie Lakeview
4 Elementary, or Springfield Elementary."

5 JUROR NUMBER 167: (Inaudible).

6 THE COURT: Okay. You were --

7 MR. MEADORS: That might be -- it might -- Kellie might
8 be --

9 THE COURT: Huh?

10 MR. MEADORS: I mean -- just Kellie.

11 THE COURT: I'm just reading off the list, okay?

12 JUROR NUMBER 167: (Inaudible).

13 THE COURT: Okay. You were a principal at what school?

14 JUROR NUMBER 167: Lakeview Elementary.

15 THE COURT: Lakeview Elementary. Maybe the word,
16 "Kellie" should not be in there, it's just called Lakeview
17 Elementary?

18 JUROR NUMBER 167: (Inaudible).

19 THE COURT: Okay. But it is -- the question is a
20 student of a teacher by the name of Kellie Cannon Ackerman.
21 Okay. All right. Thank you, ma'am.

22 Any member of the jury panel, or any of your immediate
23 family members ever been a customer of, or had a business
24 relationship with a business known as Otto Care, where the
25 Defendant was either employed or been the owner of Otto Care.

1 Any customer, or by you, or immediate family member? Okay.
2 Nobody. Okay. I got -- okay, got some. All right. All
3 right.

4 JUROR NUMBER 134: Again, I'm James Faulkner, and I'm
5 number 134.

6 THE COURT: 134.

7 JUROR NUMBER 134: My job was -- I was selling
8 advertising for the local newspaper, and I'd have to check
9 with Bud, you know, he wanted to run and kind of thing.

10 THE COURT: Okay.

11 JUROR NUMBER 134: So I had that type of relationship.

12 THE COURT: Okay. And how long ago was that?

13 JUROR NUMBER 134: Oh man, that's been 10 --
14 12 years ago.

15 THE COURT: Okay. All right. The fact that you had a
16 business relationship with Mr. Ackerman, would that prevent
17 you from being completely fair and impartial to both sides?

18 JUROR NUMBER 134: No.

19 THE COURT: Would not? And have you already formed or
20 expressed any opinion about the issue of guilt or innocence
21 in this case?

22 JUROR NUMBER 134: No.

23 THE COURT: Thank you. Stay with us, sir. All right.
24 In the back -- I should know your name and number, but you go
25 ahead and put it again on the record.

1 JUROR NUMBER 370: We did (inaudible).

2 THE COURT: Name and number?

3 JUROR NUMBER 370: (Inaudible) Otto Care we did work
4 (inaudible).

5 THE COURT: Okay. Name and number?

6 JUROR NUMBER 370: Robert Rains, 370.

7 THE COURT: 370. And how long ago did you have a
8 business relationship with Mr. Ackerman?

9 JUROR NUMBER 370: (Inaudible).

10 THE COURT: Okay. All right. The fact that you
11 previously had a business relationship with Mr. Ackerman,
12 would that prevent you from being completely fair and -- and
13 impartial to both sides in this case?

14 JUROR NUMBER 370: No.

15 THE COURT: All right. And have you already formed or
16 expressed any opinion about the issue of guilt or innocence
17 in this case?

18 JUROR NUMBER 370: (Inaudible).

19 THE COURT: Okay. Thank you.

20 MR. SWELING: 370?

21 THE COURT: Yes. Uh-huh. Stay with us, sir.

22 Any member of the jury panel or any of your immediate
23 family members attend Main Street United Methodist Church
24 here in Greenwood? Any of you, or any of your immediate
25 family members?

1 Okay. All right. Okay. Unless the lawyers want me to
2 -- I think if we just identify who attends, then I don't know
3 if I necessarily need to have any follow-up question because
4 I'm not sure of the purpose for this question. You guys
5 would, I would not. So unless you want me to ask any
6 follow-up questions, we're just going to identify who attends
7 Main Street. Is that satisfactory?

8 MR. MEADORS: Yes, sir.

9 THE COURT: Okay. All right. What? Yes, ma'am.

10 JUROR NUMBER 137: Emily Finley, 137.

11 THE COURT: Okay. You attend Main Street?

12 JUROR NUMBER 137: Yes.

13 THE COURT: Okay. Thank you. Sir in the back.

14 JUROR NUMBER 6: Brian Albon, Juror Number 6.

15 THE COURT: All right. Thank you. And ma'am in the
16 back.

17 JUROR NUMBER 473: I have a question on that. You mean
18 currently or in the past?

19 THE COURT: Well, you can tell me if it's current
20 or in the past.

21 JUROR NUMBER 473: Not current.

22 THE COURT: Not current. About how long ago?

23 JUROR NUMBER 473: Seven years.

24 THE COURT: Okay. Thank you.

25 MR. SWERLING: Number?

1 THE COURT: Excuse me?

2 THE CLERK: Her name and number.

3 THE COURT: Oh, I'm sorry. Give -- give us your name
4 and number, ma'am.

5 JUROR NUMBER 473: Jill Warner, 473, seven years ago.

6 THE COURT: Thank you. Any member of the jury panel,
7 or any of your immediate family members ever been represented
8 by a lawyer in Greenwood by the name of Ed McCallum, or any
9 represented by anyone in his -- in his law firm? Ed
10 McCallum. If so, please stand. Okay. All right.

11 JUROR NUMBER 134: I'm James Faulkner, and I'm 134.
12 And Ed McCallum represented me before, yes.

13 THE COURT: Yes. Okay. About how long ago -- don't
14 need to know the reason, but how long ago?

15 JUROR NUMBER 134: About 20 years ago.

16 THE COURT: Oh, okay. All right. The fact that Ed
17 McCallum represented you about 20 years ago, would that
18 prevent you from being completely fair and impartial to both
19 sides in this case?

20 JUROR NUMBER 134: No.

21 THE COURT: Thank you. Have a seat. Let me see the
22 lawyers for just a moment, please.

23 (Bench conference at 12:50 to 12:51 p.m.)

24 THE COURT: All right. Ladies and gentlemen, what
25 we're going to do -- those who I indicated that I need to

1 speak to privately, I need for you to get in the line, and if
2 anybody else needs to speak with me privately, related to the
3 questions I've already asked -- now we have a lot more
4 questions. That's why we're going to break for lunch in just
5 a minute, but those several people who I said, "Get in the
6 line" -- and then if anybody needs to speak with me about
7 anything related to the questions I have asked thus far, then
8 get in that line. And then after we do that, we'll take a --
9 a lunch break. I -- I'm sure that some of you probably are
10 wanting a lunch break -- maybe not everybody. I know I want
11 one. And so -- so get in the line, please.

12 Yes, ma'am. Your name and number?

13 JUROR NUMBER 291: Brigitte McCord, 291.

14 THE COURT: Okay. And I think you indicated that you
15 had already formed your opinion about guilt or innocence.
16 Okay. Is that based upon what you have read and learned?

17 JUROR NUMBER 291: Yes.

18 THE COURT: All about the case? Okay. I'm going to
19 excuse you from trial in this case, but stay with us, okay?

20 JUROR NUMBER 291: Okay.

21 THE COURT: What was the number, ma'am?

22 JUROR NUMBER 291: 291.

23 THE COURT: 291. Okay. Yes, sir. Name and number?

24 JUROR NUMBER 7: John Alewine, number 7.

25 THE COURT: Okay, Mr. Alewine.

1 JUROR NUMBER 7: The question you had about the State
2 having with the law, or the State, or whatever, about if you
3 have an understanding about how the State represents
4 something or whatever.

5 THE COURT: Okay. About -- already having a bias or
6 prejudice.

7 JUROR NUMBER 7: I don't -- I don't trust the State with
8 the law or any of that.

9 THE COURT: Okay. All right.

10 JUROR NUMBER 7: From the way a case was turned on my
11 daughter and all that.

12 THE COURT: Okay. All right. I'm going to excuse you
13 from trial in this case, but stay with us, okay? What number
14 were you?

15 JUROR NUMBER 7: 7.

16 THE COURT: 7. Okay.

17 JUROR NUMBER 226: Charles Johnson.

18 THE COURT: Yeah.

19 JUROR NUMBER 226: 226.

20 THE COURT: And you had already --

21 JUROR NUMBER 226: I got an opinion.

22 THE COURT: You have -- is that a base --

23 JUROR NUMBER 226: Talked about it.

24 THE COURT: Okay.

25 JUROR NUMBER 226: You know friends and whatnot.

1 THE COURT: Right. So you've already formed an opinion
2 based upon conversations?

3 JUROR NUMBER 226: Uh-huh. And that's right.

4 THE COURT: Okay. All right. I'm going to excuse you
5 from the trial of this case.

6 JUROR NUMBER 226: Yes, sir.

7 THE COURT: But you stay with us, okay?

8 JUROR NUMBER 226: Yes, sir.

9 THE COURT: Okay. Yes, ma'am. Name and number?

10 JUROR NUMBER 209: Paige Holley, 209.

11 THE COURT: Okay.

12 JUROR NUMBER 209: In real honesty, I used to be
13 Davis's daughter, Blair small group leader.

14 THE COURT: Okay, Davis's daughter, small group leader?

15 JUROR NUMBER 209: Yes.

16 THE COURT: Would that be, like, a church?

17 JUROR NUMBER 209: Yes.

18 THE COURT: Okay. And about how long ago is that?

19 JUROR NUMBER 209: She has not been attending since the
20 incident.

21 THE COURT: Okay.

22 JUROR NUMBER 209: And her sister still attends, but
23 I'm not her leader.

24 THE COURT: Okay. All right. All right.

25 JUROR NUMBER 209: And I also know Davis's aunt and

1 uncle.

2 THE COURT: Okay. All right.

3 JUROR NUMBER 209: Dill and Tommy Miller.

4 THE COURT: Okay. All right. So we've got several
5 areas here. The fact that you were previously a small group
6 leader of one of Davis's children --

7 JUROR NUMBER 209: Uh-huh.

8 THE COURT: -- would that prevent you from being
9 completely fair and impartial to both sides?

10 JUROR NUMBER 209: No.

11 THE COURT: All right. And then you say, "You know an
12 aunt?"

13 JUROR NUMBER 209: Yes.

14 THE COURT: Okay. Millers?

15 JUROR NUMBER 209: Yes.

16 THE COURT: Okay. All right. Do you consider yourself
17 having a close personal relationship?

18 JUROR NUMBER 209: Yes.

19 THE COURT: Okay. The fact you have a close personal
20 relationship with some relatives of Davis, would that prevent
21 you from being completely fair and impartial to both sides?

22 JUROR NUMBER 209: I do not think so.

23 THE COURT: Okay. All right. And have you already
24 formed or expressed any opinion about the issue of guilt or
25 innocence in this case?

1 JUROR NUMBER 209: No, I have not.

2 THE COURT: Okay. Thank you, ma'am. Stay with us.

3 JUROR NUMBER 209: Uh-huh.

4 THE COURT: Yes, ma'am. Name and number?

5 JUROR NUMBER 181: I'm Hannah, 181. I do not have
6 close personal friends with anyone in this case, but I'm
7 privy to a lot of -- I know a lot of the people involved in
8 this case.

9 THE COURT: Okay.

10 JUROR NUMBER 181: Either from school, mutual
11 acquaintances -- I just --

12 THE COURT: Okay.

13 JUROR NUMBER 181: -- I feel like I could be impartial.

14 THE COURT: Okay.

15 JUROR NUMBER 181: But I have otherwise formed opinions
16 based on --

17 THE COURT: All right. Okay.

18 JUROR NUMBER 181: -- conversations.

19 THE COURT: You've already formed or expressed an
20 opinion about the issue of guilt or innocence?

21 JUROR NUMBER 181: Yes.

22 THE COURT: Okay. All right. I'm going to excuse you
23 from the trial of this case, but stay with us. Okay? What
24 was your number, ma'am?

25 JUROR NUMBER 181: 181.

1 THE COURT: 181. Name and number?

2 JUROR NUMBER 221: Cynthia Jamison, 221.

3 THE COURT: And I think you indicated that you had
4 already -- because of knowing some of the staff at the
5 dentistry program?

6 JUROR NUMBER 221: No. I -- I don't know if you might
7 need this later, but Ms. McClendon was my high-school French
8 teacher.

9 THE COURT: Okay. Ms. McClendon?

10 JUROR NUMBER 221: Uh-huh.

11 THE COURT: Okay. Was your teacher at school in high
12 school?

13 JUROR NUMBER 221: High school.

14 THE COURT: And how long ago we talking about?

15 JUROR NUMBER 221: I graduated 11 years ago, so...

16 THE COURT: Okay. The fact that one of McClendon's
17 family members -- teacher at high school sometime back, would
18 that prevent you from being completely fair and impartial on
19 both sides?

20 JUROR NUMBER 221: No.

21 THE COURT: Okay. And have you already formed or
22 expressed any opinion about any -- whether the issue of guilt
23 or innocence in this case?

24 JUROR NUMBER 221: No, sir.

25 THE COURT: Okay. Thank you. Stay with us.

1 Name and number?

2 JUROR NUMBER 132: Yasmin Evans, 132.

3 THE COURT: Okay. Are you the one that knows this?

4 JUROR NUMBER 132: Yes. Person (inaudible).

5 THE COURT: And you've already formed an opinion --

6 JUROR NUMBER 132: I have.

7 THE COURT: -- about the issue of --

8 JUROR NUMBER 132: Yes.

9 THE COURT: Okay. I'm going to excuse you from the
10 trial of this case, but stay with us.

11 JUROR NUMBER 132: Okay. Thank you.

12 MR. SWERLING: And that's 132?

13 THE COURT: Okay. Name and number?

14 JUROR NUMBER 25: Thomas Battles, 25.

15 THE COURT: Okay. Yes, sir.

16 JUROR NUMBER 25: I just needed a point of
17 clarification about the biases between the SLED and the
18 Defendant.

19 THE COURT: Okay.

20 JUROR NUMBER 25: I used to be a 911 dispatcher working
21 with police officers -- and have two police officers with my
22 family. Would that be -- would that qualify as a base, as a
23 bias?

24 THE COURT: Well, can you -- because of having some law
25 enforcement in your family have it both 911 in the past,

1 would that prevent you from being completely fair and
2 impartial to both sides?

3 JUROR NUMBER 25: If I'm honest, I would probably say.
4 "Yes."

5 THE COURT: Okay. All right. I'm going to excuse you
6 from the trial of this case, but stay with us, okay?

7 JUROR NUMBER 25: Thank you, sir.

8 MR. SWERLING: Can you give a number?

9 THE COURT: What was your number, sir?

10 JUROR NUMBER 25: 25.

11 THE COURT: 25. All right. Okay.

12 Ladies and gentlemen, here's what we're going to do.
13 We're going to go ahead and break for lunch, and I want you
14 back at 2:00. Those of you who have -- I've excused from the
15 trial of this case, you do not need to come back. Okay? But
16 now, if you've not been excused, then we expect every one of
17 you to be back here by 2:00. Okay. You know who you are,
18 and you want -- you don't want me sending the sheriff's
19 department out. Make sure you get back. Wait a minute.
20 Whoa, whoa, whoa.

21 Okay. Here's what we need to do. Those of you who
22 have been excused, you do not need to come back. Okay? But
23 you need to call -- when you were given a card -- the
24 information that you had to provide to us during roll call,
25 there is a call in number, okay? And I want you to call that

1 number after 6:00 this evening, and it will tell you what to
2 do. More than likely, it will tell you to call back after
3 6:00 on Tuesday evening. More than likely, but call that
4 number. That's only with respect to -- right now, only with
5 respect to those of you who have been excused, and who do not
6 need to come back. Okay? Clear. Okay. Thank you very
7 much. Have a good lunch and see you back at 2:00.

8 (Off the record from 12:59 to 2:06 p.m.)

9 THE COURT: Call. You just say your name when is
10 called out here. I just want to make sure that we have
11 everybody. Okay. I think we still have one back there. So
12 -- all you have to do is just say, "Here" and, we'll -- we'll
13 move these through this pretty quickly.

14 THE CLERK: Brian Albon.

15 JUROR NUMBER 6: Here.

16 THE CLERK: Steven Alexander.

17 JUROR NUMBER 7: Here.

18 THE CLERK: Lennie Anderson.

19 JUROR NUMBER 13: Here.

20 THE CLERK: Thaddeus Booraem.

21 JUROR NUMBER 46: Here.

22 THE CLERK: Frances Briggs.

23 JUROR NUMBER 52: Here.

24 THE CLERK: Lewis Brown. Deion Brown.

25 JUROR NUMBER 60: Here.

1 THE CLERK: Windy Brown.
2 JUROR NUMBER 61: Here.
3 THE CLERK: Sheri Burnsed.
4 JUROR NUMBER 66: Here.
5 THE CLERK: A'miracal Burton.
6 JUROR NUMBER 67: Here.
7 THE CLERK: Blason Callaway.
8 JUROR NUMBER 70: Here.
9 THE CLERK: Kathryn Cardwell.
10 JUROR NUMBER 72: Here.
11 THE CLERK: Katherine Carlson.
12 JUROR NUMBER 73: Here.
13 THE CLERK: Jacqueline Carroll.
14 JUROR NUMBER 74: Here.
15 THE CLERK: Jaxon Carter.
16 JUROR NUMBER 76: I'm here.
17 THE CLERK: Sherman Carwise.
18 JUROR NUMBER 77: Here.
19 THE CLERK: Stacey Castillo.
20 JUROR NUMBER 78: Here.
21 THE CLERK: Joann Cook.
22 JUROR NUMBER 85: Here.
23 THE CLERK: Richard Cook.
24 JUROR NUMBER 87: Here.
25 THE CLERK: Sherry Craven.

1 JUROR NUMBER 96: Here.
2 THE CLERK: Devin Croyle.
3 JUROR NUMBER 99: Here.
4 THE CLERK: Ayana Cunningham.
5 JUROR NUMBER 101: Here.
6 THE CLERK: Mark Daniels.
7 JUROR NUMBER 103: Here.
8 THE CLERK: Katherine Davis.
9 JUROR NUMBER 109: Here.
10 THE CLERK: Tasha Drennon.
11 JUROR NUMBER 122: Here.
12 THE CLERK: James Faulkner.
13 JUROR NUMBER 134: Here.
14 THE CLERK: Zane Ferguson.
15 JUROR NUMBER 135: Here.
16 THE CLERK: Michael Ferrell.
17 JUROR NUMBER 136: Here.
18 THE CLERK: Emily Findley.
19 JUROR NUMBER 137: Here.
20 THE CLERK: Zoey Fingar.
21 JUROR NUMBER 138: Here.
22 THE CLERK: Michael Gabona.
23 JUROR NUMBER 148: Here.
24 THE CLERK: Shannon Gibert.
25 JUROR NUMBER 160: Here.

1 THE CLERK: Antrevis Gilliam.
2 JUROR NUMBER 161: Here.
3 THE CLERK: Brandon Goode.
4 JUROR NUMBER 165: Here.
5 THE CLERK: Derrian Goodman.
6 JUROR NUMBER 166: Here.
7 THE CLERK: Latasha Goodwin.
8 JUROR NUMBER 167: Here.
9 THE CLERK: Shanna Gray.
10 JUROR NUMBER 172: Here.
11 THE CLERK: James Harris.
12 JUROR NUMBER 182: Here.
13 THE CLERK: Chardarius Henderson.
14 JUROR NUMBER 192: Here.
15 THE CLERK: Sarah Henderson.
16 JUROR NUMBER 194: Here.
17 THE CLERK: Melissa Hinzman.
18 JUROR NUMBER 205: Here.
19 THE CLERK: Chad Holcomb.
20 JUROR NUMBER 207: Here.
21 THE CLERK: Paige Holley.
22 JUROR NUMBER 209: Yes.
23 THE CLERK: Heidi Hoogstraal.
24 JUROR NUMBER 212: Here.
25 THE CLERK: Mauressa Jackson.

1 JUROR NUMBER 218: Here.
2 THE CLERK: Cynthia Jamison.
3 JUROR NUMBER 221: Here.
4 THE CLERK: Douglas Jennings.
5 JUROR NUMBER 224: Here.
6 THE CLERK: Amanda Johnson.
7 JUROR NUMBER 225: Here.
8 THE CLERK: James Jones.
9 JUROR NUMBER 229: Here.
10 THE CLERK: Niambe Jones.
11 JUROR NUMBER 230: Here.
12 THE CLERK: Priscilla Juarez.
13 JUROR NUMBER 234: Here.
14 THE CLERK: James Kennemore.
15 JUROR NUMBER 237: Here.
16 THE CLERK: Christina Knight.
17 JUROR NUMBER 241: Here.
18 THE CLERK: Albert Ladd.
19 JUROR NUMBER 245: Here.
20 THE CLERK: Brittany Lanier.
21 JUROR NUMBER 248: Here.
22 THE CLERK: James Leopard.
23 JUROR NUMBER 254: Here.
24 THE CLERK: Tolanda Lewis.
25 JUROR NUMBER 257: Here.

1 THE CLERK: Jerry Lockhart.
2 JUROR NUMBER 261: Here.
3 THE CLERK: Annie Logan.
4 JUROR NUMBER 262: Here.
5 THE CLERK: Carmen Lomax.
6 JUROR NUMBER 264: Here.
7 THE CLERK: Claudia Louden.
8 JUROR NUMBER 266: Here.
9 THE CLERK: Lindsey Lowe.
10 JUROR NUMBER 270: Here.
11 THE CLERK: Michael Lowe.
12 JUROR NUMBER 271: Here.
13 THE CLERK: Matthew Malone.
14 JUROR NUMBER 276: Here.
15 THE CLERK: Derrick Marshall.
16 JUROR NUMBER 281: Here.
17 THE CLERK: Chloey McDaniel.
18 JUROR NUMBER 292: Here.
19 THE CLERK: Michelle McDaniel.
20 JUROR NUMBER 110: Here.
21 THE CLERK: Charlene McDonnell.
22 JUROR NUMBER 295: Here.
23 THE CLERK: Alan McIntyre -- Alan McIntyre.
24 Okay. Victor -- how do you say that -- how do you say that?
25 Victor Melgarejo.

1 JUROR NUMBER 306: Here.
2 THE CLERK: Amir Mims.
3 JUROR NUMBER 314: Here.
4 THE CLERK: Tyana Mingo -- Tyana Mingo.
5 JUROR NUMBER 315: Here.
6 THE CLERK: Sandra Moore.
7 JUROR NUMBER 322: Here.
8 THE CLERK: Nicole Murray.
9 JUROR NUMBER 328: Here.
10 THE CLERK: Kendra Mursier.
11 JUROR NUMBER 329: Here.
12 THE CLERK: Latoya Norman.
13 JUROR NUMBER 333: Here.
14 THE CLERK: Valerie Parker.
15 JUROR NUMBER 343: Here.
16 THE CLERK: Mark Phillips.
17 JUROR NUMBER 353: Here.
18 THE CLERK: Lorrie Phongprijja.
19 JUROR NUMBER 354: Here.
20 THE CLERK: Laurie Portzer.
21 JUROR NUMBER 360: Here.
22 THE CLERK: Robert Rains.
23 JUROR NUMBER 370: Here.
24 THE CLERK: Jose Ramirez.
25 JUROR NUMBER 371: Here.

1 THE CLERK: Amber Raspa.
2 JUROR NUMBER 372: Here.
3 THE CLERK: Christy Reid.
4 JUROR NUMBER 375: Here.
5 THE CLERK: Ronald Rhodes.
6 JUROR NUMBER 378: Here.
7 THE CLERK: Sonya Ridge.
8 JUROR NUMBER 382: Here.
9 THE CLERK: Deltrice Riley-Jackson.
10 JUROR NUMBER 386: Here.
11 THE CLERK: Lauren Ross.
12 JUROR NUMBER 394: Here.
13 THE CLERK: Melissa Scott.
14 JUROR NUMBER 404: Here.
15 THE CLERK: Twanna Scott.
16 JUROR NUMBER 495: Here.
17 THE CLERK: George Shier.
18 JUROR NUMBER 410: Here.
19 THE CLERK: Dean --
20 JUROR NUMBER 415: Here.
21 THE CLERK: -- Sigvertsen. Heather Simpson.
22 JUROR NUMBER 416: Here.
23 THE CLERK: Shawn Slanker.
24 JUROR NUMBER 418: Here.
25 THE CLERK: Charlotte Smith.

1 JUROR NUMBER 419: Here.
2 THE CLERK: Griffin Smith.
3 JUROR NUMBER 420: Here.
4 THE CLERK: Joseph Smith.
5 JUROR NUMBER 422: Here.
6 THE CLERK: Jessica Smith.
7 JUROR NUMBER 123: Here.
8 THE CLERK: Richard Steet.
9 JUROR NUMBER 429: Here.
10 THE CLERK: Bobbie Strong.
11 JUROR NUMBER 435: Here.
12 THE CLERK: Stacey Sullivan.
13 JUROR NUMBER 437: Here.
14 THE CLERK: Tracy Symmes.
15 JUROR NUMBER 442: Here.
16 THE CLERK: Cassandra Theodore.
17 JUROR NUMBER 449: Here.
18 THE CLERK: Latesha Todd.
19 JUROR NUMBER 455: Here.
20 THE CLERK: Ashley Tollison.
21 JUROR NUMBER 456: Here.
22 THE CLERK: Edward Turbeville.
23 JUROR NUMBER 464: Here.
24 THE CLERK: Ethan Wagner.
25 JUROR NUMBER 469: Here.

1 THE CLERK: Jason Wallace.
2 JUROR NUMBER 472: Here.
3 THE CLERK: Jill Warner.
4 JUROR NUMBER 473: Here.
5 THE CLERK: Sydney Wells.
6 JUROR NUMBER 479: Here.
7 THE CLERK: Denise White.
8 JUROR NUMBER 483: Here.
9 THE CLERK: Luke Willey.
10 JUROR NUMBER 488: Here.
11 THE CLERK: Monty Williams.
12 JUROR NUMBER 490: Here.
13 THE CLERK: Patti Willis.
14 JUROR NUMBER 493: Here.
15 THE CLERK: And then, number 301. Alan McIntyre.
16 JUROR NUMBER 301: Here.
17 THE CLERK: Okay. Here. Okay.
18 THE COURT: All right. Anybody in attendance did not
19 have their name called out? All right. Very good. Good
20 job. Everybody showed up. Thank you. All right.
21 Continuing with the questions related to this case, any
22 member of the jury panel, or any of your immediate family
23 members ever been employed by any law enforcement agency? If
24 so, please stand. Okay. All right. Okay. Name and number?
25 JUROR NUMBER 418: Shawn Slanker, 418. I'm a retired

1 police officer.

2 THE COURT: You're a retired police officer? Okay.

3 How long you been retired?

4 JUROR NUMBER 418: Four years.

5 THE COURT: Okay. The fact that you're a retired

6 police officer, would that prevent you from being fair and

7 impartial to both sides in this case?

8 JUROR NUMBER 418: No, your Honor.

9 THE COURT: Okay. And have you formed or expressed any
10 opinion about guilt or innocence in this case?

11 JUROR NUMBER 418: No, your Honor.

12 THE COURT: Thank you, sir.

13 MR. SWERLING: 418?

14 THE CLERK: Yes.

15 THE COURT: What number?

16 JUROR NUMBER 418: 418.

17 THE COURT: Okay. Thank you. All right.

18 Sir, in the white shirt?

19 JUROR NUMBER 488: Luke Willey, 488. Both my parents
20 work for the York County Sheriff's Office.

21 THE COURT: Okay. All right. Would that prevent you
22 from being fair and impartial to both sides in this case?

23 JUROR NUMBER 488: No.

24 THE COURT: Okay. Have you formed or expressed any

25 opinion about any -- about guilt or innocence in this case?

1 JUROR NUMBER 488: No.

2 THE COURT: Thank you. Have a seat. Okay. I got --
3 just stood up in the back. Yes.

4 JUROR NUMBER 110: I have a --

5 THE COURT: Name and number?

6 JUROR NUMBER 110: Michelle McDaniel, number 110. I
7 work for Greenville County public safety as a nurse here in
8 Greenville.

9 THE COURT: Okay. You -- tell me that again, and speak
10 up a little louder, please.

11 JUROR NUMBER 110: I work at the Greenville County
12 public safety at the Greenville County Detention Center.

13 THE COURT: Okay.

14 JUROR NUMBER 110: As a nurse.

15 THE COURT: As a nurse?

16 JUROR NUMBER 110: As a nurse.

17 THE COURT: Okay. All right. I think you'd be fine.
18 Would that prevent you from being fair and impartial to both
19 sides in this case?

20 JUROR NUMBER 110: No.

21 THE COURT: Thank you, ma'am. You can sit down. Okay.
22 Ma'am.

23 JUROR NUMBER 322: Sandra Moore, 322. My son currently
24 works for Greenville County investigation.

25 THE COURT: Okay. Would that prevent you from being

1 fair and impartial to both sides in this case?

2 JUROR NUMBER 322: No.

3 THE COURT: All right. Thank you, ma'am. Next.

4 JUROR NUMBER 52: (Inaudible).

5 THE COURT: Would that prevent you from being fair and
6 impartial to both sides in this case?

7 JUROR NUMBER 52: No.

8 THE COURT: Thank you.

9 MR. MEADORS: Sorry, I didn't get her number. I
10 apologize.

11 THE COURT: Number?

12 JUROR NUMBER 52: 52.

13 THE COURT: Okay. Thank you, ma'am, you have a seat.
14 Yes.

15 JUROR NUMBER 77: Sherman Carwise, 77. And my brother
16 -- my big brother is a US Customs.

17 THE COURT: US Customs?

18 JUROR NUMBER 77: Yes, sir.

19 THE COURT: Okay. Would that prevent you from being
20 fair and impartial to both sides in this case?

21 JUROR NUMBER 77: No.

22 THE COURT: Thank you. Have a seat. Sir?

23 JUROR NUMBER 8: Alexander Steven, Juror Number 8. I
24 have my son-in-law work for Pickens County Sheriff's
25 Department.

1 THE COURT: Okay. Would that prevent you from being
2 fair and impartial to both sides?

3 JUROR NUMBER 8: No.

4 THE COURT: Thank you. Have a seat. Okay.
5 Ma'am?

6 JUROR NUMBER 123: Jessica Smith, Juror Number 123. My
7 grandfather was a chief of police.

8 THE COURT: Okay. All right. Would that prevent you
9 from being fair and impartial to both sides in this case?

10 JUROR NUMBER 123: No.

11 THE COURT: Thank you. Ma'am?

12 JUROR NUMBER 66: Sheri Burnsed, number 66, and my
13 grandfather was also chief -- chief of police.

14 THE COURT: Okay. Would that prevent you from being
15 fair and impartial to both sides in this case?

16 JUROR NUMBER 66: No.

17 THE COURT: Okay. Sir?

18 JUROR NUMBER 182: James Harris, 182, and I'm former a
19 state trooper in Greenwood Police Office.

20 THE COURT: Okay. All right. The fact that you are a
21 former state trooper, would that prevent you from being fair
22 and impartial to both sides?

23 JUROR NUMBER 182: No, sir.

24 THE COURT: Okay. Thank you. Have a seat.
25 Ma'am, in the back.

1 JUROR NUMBER 382: Sonya Ridge, Juror 382, and my
2 grandfather retired from the Greenville (inaudible).

3 THE COURT: Okay. Would that prevent you from being
4 fair and impartial to both sides?

5 JUROR NUMBER 382: No.

6 THE COURT: Thank you. Okay. Sir, in the white shirt.

7 JUROR NUMBER 410: I'm George Shier, Juror 410. My son
8 works for Charleston County Sheriff's department.

9 THE COURT: All right. Would that prevent you from
10 being fair and impartial to both sides in this case?

11 JUROR NUMBER 410: No.

12 THE COURT: Thank you. Ma'am?

13 JUROR NUMBER 405: Twanna Scott, 405. My father-in-law
14 was captain -- this is Scott Hill, Greenwood County.

15 THE COURT: Okay.

16 JUROR NUMBER 405: In Greenwood City.

17 THE COURT: Okay. All right. Would that prevent you
18 from being fair and impartial to both sides?

19 JUROR NUMBER 495: No.

20 THE COURT: Thank you. All right. Ma'am, in the back.

21 JUROR NUMBER 167: Latasha Goodwin, 167. My
22 father-in-law was in (inaudible) County.

23 THE COURT: Okay. All right. Would that prevent you
24 from being fair and impartial to both sides in this case?

25 JUROR NUMBER 167: No.

1 THE COURT: Thank you. Sir, in the back.

2 JUROR NUMBER 490: Monty Williams 490, my wife
3 (inaudible).

4 THE COURT: All right. Your wife does what?

5 JUROR NUMBER 490: Works for South Carolina Department
6 of Corrections.

7 THE COURT: Okay. All right. Would that prevent you
8 from being fair and impartial to both sides?

9 JUROR NUMBER 490: No, sir.

10 THE COURT: Okay. Thank you. Have a seat.

11 All right. This next case, if you've already responded
12 by either formally being law enforcement, or having someone
13 in your -- in your family being law enforcement, you do not
14 need to respond again. Okay?

15 Any member of the jury panel, or any of your immediate
16 family members, close personal friends with anyone employed
17 by any law enforcement agency including, not limited to
18 Greenwood County Sheriff's Office, Greenville Sheriff's
19 Office, Greenwood County EMS, or South Carolina Law
20 Enforcement Division, known as SLED? If that applies to you,
21 please stand. Okay.

22 All right. Name and number?

23 JUROR NUMBER 229: James Jones, 229. My wife's best
24 friend works with SLED.

25 THE COURT: Okay. All right. Would that prevent you

1 from being fair and impartial to both sides in this case?

2 JUROR NUMBER 229: No.

3 THE COURT: Okay. Thank you. Have a seat.

4 Ma'am, in the back.

5 JUROR NUMBER 209: Paige Holley, 209. My husband's

6 best friend is a school regional officer.

7 THE COURT: Okay. Would that prevent you from being
8 fair and impartial to both sides in this case?

9 JUROR NUMBER 209: No.

10 THE COURT: Okay. Thank you, ma'am. Yes, ma'am.

11 JUROR NUMBER 137: My name is Emily Findley,
12 number 137, and my nephew, Captain Wayne Findley, works for
13 Greenwood sheriff's department.

14 THE COURT: Okay. All right. Would that prevent you
15 from being completely fair and impartial with both sides in
16 this case?

17 JUROR NUMBER 37: No.

18 THE COURT: Thank you, ma'am. Okay. In the front.
19 Yes, sir.

20 JUROR NUMBER 76: Jaxson Carter, 76. One of our next
21 door neighbors, and long term best friends works for
22 Greenwood County Sheriff's office.

23 THE COURT: Okay. Would that prevent you from being
24 fair and impartial to both sides in this case?

25 JUROR NUMBER 76: No.

1 THE COURT: Thank you. Ma'am?

2 JUROR NUMBER 248: My name is Brittany Lanier, 248. My
3 first cousin was Amy Fisher with the Greenwood Sheriff Police
4 Department.

5 THE COURT: Okay. Would that prevent you from being
6 completely fair and impartial to both sides in this case?

7 JUROR NUMBER 248: No.

8 THE COURT: Is that a no?

9 JUROR NUMBER 248: Yes. I would -- I know -- I'm
10 saying no.

11 THE COURT: Okay. All right. Thank you, ma'am. Have
12 a seat. You're good.

13 Yes, sir, in the back.

14 JUROR NUMBER 422: Joseph Smith, 422. I have a
15 (inaudible) assistant secretary director.

16 THE COURT: Okay.

17 JUROR NUMBER 422: I have a friend that I grew up with
18 still on my insurance investigation.

19 THE COURT: Okay. All right. Would -- would that
20 prevent you from being completely fair and impartial to both
21 sides in this case?

22 JUROR NUMBER 422: No.

23 THE COURT: Thank you. All right. Any member of the
24 jury panel related by blood or marriage either now, or
25 formally, or have or had a past and, close personal social

1 relationship with anyone employed with the 8th Circuit
2 Solicitor's Office, which would comprise the counties of
3 Greenwood, Laurens, Abbeville, and Newberry, and in addition
4 to anyone in the South Carolina Attorney General's Office?
5 If so, please stand. Okay.

6 All right. Ma'am. Name and number?

7 JUROR NUMBER 123: Jessica Smith, number 123. My niece
8 is married to David Stumbo's son.

9 THE COURT: Okay. You have a niece who is married to
10 Solicitor Stumbo's son?

11 JUROR NUMBER 123: Right.

12 THE COURT: All right. Would that prevent you from
13 being fair and impartial to both sides in this case?

14 JUROR NUMBER 123: No.

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

16 Ma'am?

17 JUROR NUMBER 322: Sandra Moore, 322. My son works for
18 the solicitor's office here in Greenwood.

19 THE COURT: Okay. You have a son with the solicitor's
20 office, and who is your son?

21 JUROR NUMBER 322: Blake Moore.

22 THE COURT: Okay. All right. The fact that your son,
23 Blake, works for the solicitor's office here in Greenwood,
24 that -- would that prevent you from being fair and impartial
25 to both sides in this case?

1 JUROR NUMBER 322: No.

2 THE COURT: Okay. Then have a seat. Thank you, ma'am.
3 And then the back, sir.

4 JUROR NUMBER 271: Michael Lowe, 271. My mom used to
5 work for the solicitor's office.

6 THE COURT: Okay. All right. Would that prevent you
7 from being fair and impartial to both sides?

8 JUROR NUMBER 271: No.

9 THE COURT: Thank you.

10 MR. SWERLING: Was that 271?

11 THE COURT: Okay. This next question has a little
12 explanation before the question is asked -- actually asked.
13 Okay? Jurors are often required to decide which witnesses to
14 believe and which witnesses not to believe.

15 In deciding believability, jurors may consider many
16 factors about the witness. However, you may not judge the
17 believability of a witness simply based on that person's
18 occupation or position in life. Understanding these rules,
19 is there any member of the jury panel who would not be able
20 to judge the believability of law enforcement officers, or
21 any other government witness by the same standard as any
22 other witness? So if you feel like you would be unable to
23 judge the believability, the same with respect to law
24 enforcement, government witnesses, and any other witness, if
25 you believe you cannot apply the same standard, then I would

1 need to know that, and please stand if that applies to you.

2 Okay. Okay. This next question, if you need to
3 respond to it, we need to do so privately. Any member of the
4 jury panel prior to today seen, heard, or read anything about
5 this case or about William Gray Ackerman, also known as Bud,
6 in the news, whether it be social media, television, radio,
7 newspaper, or on the internet? If that applies to you, then
8 get in a line, and I'll speak with you privately. Okay?

9 Okay.

10 JUROR NUMBER 230: Niambe Jones, 230.

11 THE COURT: Yes, ma'am.

12 JUROR NUMBER 230: I was aware of the incident when it
13 happened last May. My daughter -- my oldest daughter's going
14 to school with one of the -- the victim's son, so -- and then
15 I had read about the paper, so I heard about it from the
16 personal level.

17 THE COURT: The fact that you've heard about it prior
18 to today, have you already formed any opinion about guilt or
19 innocence in this case?

20 JUROR NUMBER 230: No.

21 THE COURT: Okay. And do you believe you can be
22 completely fair and impartial to both sides in this case?

23 JUROR NUMBER 230: I'm not sure.

24 THE COURT: You're not sure? Is that based upon what
25 you have read and learned about the case?

1 JUROR NUMBER 230: Based on what I've read, and then
2 also just the --

3 THE COURT: Okay.

4 JUROR NUMBER 230: -- from the -- the youth aspect, I
5 guess, my daughter was a good friend with the victim's son.

6 THE COURT: All right. Okay. I'll excuse you from the
7 trial of this case, but stay with us.

8 JUROR NUMBER 230: Okay.

9 THE COURT: Yes, ma'am. Name and number?

10 JUROR NUMBER 123: Jessica Smith, number 123.

11 THE COURT: Okay.

12 JUROR NUMBER 123: I've heard about it. I've talked to
13 the McClendon family, and I have read about it in the news
14 and stuff.

15 THE COURT: Okay. So you've talked to the McClendon
16 family about it, do you know them?

17 JUROR NUMBER 123: Personally, not Davis, but I -- I
18 know other members of the family.

19 THE COURT: Okay. All right. And have you already
20 formed or expressed any opinion about guilt or innocence?

21 JUROR NUMBER 123: I have not.

22 THE COURT: Okay. Do you believe you can be completely
23 fair and impartial to both sides?

24 JUROR NUMBER 123: I do -- I do.

25 THE COURT: Okay. So you feel like having a -- a

1 conversation or discussion with anybody in the McClendon
2 family would not affect your ability to be fair and
3 impartial?

4 JUROR NUMBER 123: That's correct.

5 THE COURT: Okay. Thank you, ma'am. Stay with us.

6 Ma'am, name and number?

7 JUROR NUMBER 221: Cynthia Jamison, 221.

8 THE COURT: Okay.

9 JUROR NUMBER 221: I've seen Index-Journal stories.

10 THE COURT: Get a little closer.

11 JUROR NUMBER 221: Sorry, I've seen Index-Journal
12 stories about both -- both trials.

13 THE COURT: All right. You've read some stories about
14 this?

15 JUROR NUMBER 221: Uh-huh.

16 THE COURT: Have you already formed or expressed any
17 opinion about guilt or innocence in this case?

18 JUROR NUMBER 221: No, sir.

19 THE COURT: The fact that you've read about this case,
20 would that prevent you from being completely fair and
21 impartial to both sides?

22 JUROR NUMBER 221: No.

23 THE COURT: Okay. Thank you. Stay with us.

24 MR. MEADORS: Judge, could you ask her what the -- what
25 the number --

1 THE COURT: Okay. You want me to bring her back?

2 MR. MEADORS: Yeah, I got (inaudible).

3 THE COURT: Okay. All right. Well, I guess we're
4 going to have to start back from the very first one then.
5 Okay. Move on back. All right. Those --

6 MR. MEADORS: I'm sorry, start with the first one.

7 THE COURT: Okay. Those who have already come up, your
8 first couple ones, I need for you to come back so I can ask
9 you another question or two. So I -- I think they're, like,
10 three. Is that right? Is that what you got, John? Oh, if
11 -- if I've already excused you, then you're -- you -- you're
12 good. You don't need to come up.

13 MR. MEADORS: Really 123 and 221.

14 THE COURT: Okay. You're what number?

15 JUROR NUMBER 123: 123.

16 THE COURT: Okay. What specifically had -- did you
17 read?

18 JUROR NUMBER 123: I mean, I read what was in the
19 Index-Journal.

20 THE COURT: Okay.

21 JUROR NUMBER 123: The last trial that took place.

22 THE COURT: Okay. All right. Okay. All right. You
23 good with that?

24 MR. MEADORS: What -- what do you remember?

25 THE COURT: Do you remember what you've read?

1 JUROR NUMBER 123: I remember that there was a
2 babysitter that went out to the scene, and I remember that
3 there was, like, video surveillance on a house that was
4 nearby that captured --

5 THE COURT: Okay.

6 JUROR NUMBER 123: -- what happened.

7 THE COURT: Okay.

8 JUROR NUMBER 123: On the cameras.

9 THE COURT: All right. Okay. Anything else that you
10 recall?

11 JUROR NUMBER 123: Just health issues.

12 THE COURT: Okay. All right. Okay. All right. Okay.
13 You good? Okay. Thank you, ma'am.

14 JUROR NUMBER 123: Thank you.

15 THE COURT: Stay with us. Okay. All right. 221?

16 JUROR NUMBER 221: Uh-huh.

17 THE COURT: Okay. What specifically do you recall
18 where you read something about the case, and if you remember
19 specifically what you did read?

20 JUROR NUMBER 221: I'm not sure that I remember all
21 that much from it. I think it was Index-Journal.

22 THE COURT: An Index-Journal. Okay.

23 JUROR NUMBER 221: Mainly names, and that the case was
24 being lost.

25 THE COURT: Okay. All right. Okay. Anything else

1 that you can remember?

2 JUROR NUMBER 221: No.

3 THE COURT: Okay. All right. Okay. Thank you, ma'am.

4 MR. MEADORS: Judge, number 123, I think she talked
5 about the case with the family. I'd like to maybe explore
6 that a little bit with discussion.

7 THE COURT: Okay.

8 MR. MEADORS: I just --

9 THE COURT: Okay. All right. What's -- what's 123?
10 Okay.

11 All right. Jessica Smith, come back up, please. The
12 lawyers are wanting to know specifically what was the content
13 of your discussion with a member of the McClendon family --
14 what was specifically discussed?

15 JUROR NUMBER 123: So the case was not discussed other
16 than just Davis had passed away.

17 THE COURT: Okay.

18 JUROR NUMBER 123: I went to -- I went to express my
19 condolences to the family --

20 THE COURT: Okay.

21 JUROR NUMBER 123: -- because I went to church with
22 them for almost 10 years, and so --

23 THE COURT: Okay. All right. So you didn't discuss
24 the case, you just offered your condolences.

25 JUROR NUMBER 123: Right. Yeah.

1 THE COURT: Okay. All right. Okay. You good?

2 Okay. Thank you, ma'am.

3 JUROR NUMBER 123: Thank you.

4 THE COURT: Yes ma'am. Name and number?

5 JUROR NUMBER 96: Sherry Craven, 96.

6 THE COURT: Yes, ma'am.

7 JUROR NUMBER 96: New -- good bit about the situation
8 from the day that -- the night that that actually happened.

9 THE COURT: Okay.

10 JUROR NUMBER 96: People were talking about --
11 Facebook, and then when I got to work the next day,
12 everything -- everybody was discussing --

13 THE COURT: Okay. All right.

14 JUROR NUMBER 96: -- the situation.

15 THE COURT: So you -- you -- you obtained some
16 information from -- on Facebook. Do you remember exactly
17 what you learned from Facebook?

18 JUROR NUMBER 96: Not exactly there, but from inside my
19 office more like -- likely --

20 THE COURT: Okay.

21 JUROR NUMBER 96: -- told what happened that night.

22 THE COURT: Okay. All right. Talking with coworkers?

23 JUROR NUMBER 96: Correct. And family members.

24 THE COURT: Okay. And family members?

25 JUROR NUMBER 96: Uh-huh.

1 THE COURT: Okay, you talked with some family members?

2 JUROR NUMBER 96: Yes.

3 THE COURT: Okay. Which family members?

4 JUROR NUMBER 96: Basically me and my husband.

5 THE COURT: Your husband?

6 JUROR NUMBER 96: Uh-huh.

7 THE COURT: Your husband talked with some family
8 members?

9 JUROR NUMBER 96: Yes, we talked about it together.

10 THE COURT: Oh, you and your husband talked about it?

11 JUROR NUMBER 96: Uh-huh.

12 THE COURT: I thought you talked with a member of the
13 McClendon or Ackerman.

14 JUROR NUMBER 96: Oh no, no.

15 THE COURT: Okay.

16 JUROR NUMBER 96: I don't know them personally. No, I
17 do not.

18 THE COURT: So you talked about the case with your --
19 with your husband, and talked about the case with the
20 coworkers?

21 JUROR NUMBER 96: Uh-huh.

22 THE COURT: Okay.

23 JUROR NUMBER 96: They were -- they were talking about
24 it at -- at work.

25 THE COURT: Okay.

1 JUROR NUMBER 96: Uh-huh.

2 THE COURT: All right. Okay. And everybody's offering
3 their opinion about what happened?

4 JUROR NUMBER 96: I didn't know it.

5 THE COURT: Okay. All right.

6 JUROR NUMBER 96: Everybody has their own opinion.

7 THE COURT: Okay. All right. The fact that you talked
8 with coworkers, talked with your husband about the case, has
9 that caused you to already form any opinion about guilt or
10 innocence in this case?

11 JUROR NUMBER 96: It's a possibility, yes, sir.

12 THE COURT: Okay. Okay. I will excuse you from the
13 trial of this case. Stay with us, okay?

14 JUROR NUMBER 96: Uh-huh. Thank you very much.

15 THE COURT: Yes.

16 JUROR NUMBER 41: Juror Number 41.

17 THE COURT: Yes, sir.

18 JUROR NUMBER 41: So I first heard about the case --
19 actually it was from my -- my uncle. He alerted me to it
20 (inaudible) the next morning.

21 THE COURT: Okay.

22 JUROR NUMBER 41: Didn't really have much discussion
23 about it, just more or less he mentioned it to me because I
24 -- I told you I was a family friend, I knew Davis --

25 THE COURT: Right.

1 JUROR NUMBER 41: -- really well. And so he just
2 essentially contacted me to let me know that he had passed.
3 I did read a number of articles in the Index-Journal
4 regarding, you know, just essentially the report of what had
5 happened, but as far as discussing it with, you know, other
6 family members, or coworkers, or anything like that --

7 THE COURT: Okay.

8 JUROR NUMBER 41: It wasn't really a topic of
9 discussion.

10 THE COURT: Okay. And has that caused you to already
11 form any opinion about guilt or innocence in this case?

12 JUROR NUMBER 41: No, sir.

13 THE COURT: And you can still be completely fair and
14 impartial to both sides?

15 JUROR NUMBER 41: I believe so.

16 THE COURT: Okay. Mr. Swerling, you okay?

17 MR. SWERLING: Just -- did he have any discussion with
18 members of the family or friends?

19 THE COURT: All right. Did you have any discussion
20 with either?

21 JUROR NUMBER 41: Out -- outside of the one interaction
22 with my uncle, he essentially informed me about it, you know,
23 more or less asked what happened.

24 THE COURT: Okay.

25 JUROR NUMBER 41: He just didn't really tell me what --

1 THE COURT: Okay.

2 JUROR NUMBER 41: -- he didn't know at the time. So
3 that was more or less -- it wasn't really like a family
4 discussion.

5 THE COURT: Okay. All right. You good? Okay.

6 Thank you. Stay with us.

7 Yes, ma'am. Name and number?

8 JUROR NUMBER 266: Yes. Claudia Louden, 266.

9 THE COURT: Okay. Yes, ma'am.

10 JUROR NUMBER 266: I read the article (inaudible).

11 THE COURT: Okay. Index-Journal?

12 JUROR NUMBER 266: Yes.

13 THE COURT: Okay.

14 JUROR NUMBER 266: And my brother, my sister-in-law and
15 I (inaudible).

16 THE COURT: Okay. All right. So you read about it in
17 the Index-Journal?

18 JUROR NUMBER 266: Uh-huh.

19 THE COURT: Do you remember exactly what you read?

20 JUROR NUMBER 266: I just remember there was a car
21 involved, female --

22 THE COURT: Okay.

23 JUROR NUMBER 266: If something pertains into that car.

24 THE COURT: Okay. All right.

25 JUROR NUMBER 266: It's been a little while.

1 THE COURT: Okay.

2 JUROR NUMBER 266: (Inaudible) others.

3 THE COURT: All right. And then you had a discussion
4 yesterday with some family members, do you remember what was
5 discussed there?

6 JUROR NUMBER 266: My brother was (inaudible) his --
7 his brother was my brother's dentist.

8 THE COURT: Okay.

9 JUROR NUMBER 266: And so we just started talking about
10 some work he's to do, and we started talking about
11 (inaudible).

12 THE COURT: All right. All right. The fact that you
13 read something about the case, and had some discussion with
14 some family members --

15 JUROR NUMBER 266: Uh-huh.

16 THE COURT: -- does that cause you already to form any
17 opinion about guilt or innocence in this case?

18 JUROR NUMBER 266: It has.

19 THE COURT: It has?

20 JUROR NUMBER 266: Uh-huh.

21 THE COURT: Okay. I -- I will excuse you from the
22 trial of this case. Stay with us. Okay.

23 JUROR NUMBER 266: Okay.

24 THE COURT: Yes, sir. Name and number?

25 JUROR NUMBER 301: Alan McIntyre, 301.

1 I saw an article in Index. It's been a month -- two months
2 ago about a -- the legal team getting sick.

3 THE COURT: Okay.

4 JUROR NUMBER 301: And I didn't even read the whole
5 article, I just saw the article.

6 THE COURT: Is that all you've read about this case?

7 JUROR NUMBER 301: Yeah, that's the only thing that I
8 saw in it.

9 THE COURT: Okay. And the little bit you -- read why I
10 say a little bit -- whatever you did read a couple months
11 ago.

12 JUROR NUMBER 301: I -- it's just the headline.

13 THE COURT: Does that cause you to form any opinion
14 about guilt or innocence in this case?

15 JUROR NUMBER 301: No, sir.

16 THE COURT: Okay. You can still be fair and impartial?

17 JUROR NUMBER 301: Yes, sir.

18 THE COURT: Thank you. Stay with us, sir.

19 Yes, ma'am. Your name and number?

20 JUROR NUMBER 442: Tracy Symmes, 442.

21 THE COURT: Yes, ma'am. What would you like to tell
22 me?

23 JUROR NUMBER 442: I just read the article in the -- in
24 Index-Journal -- how long after that happened.

25 THE COURT: Okay.

1 JUROR NUMBER 442: Then a couple of days ago
2 (inaudible).

3 THE COURT: Okay. All right. Anything particular you
4 remember that, what you read?

5 JUROR NUMBER 442: No.

6 THE COURT: Okay. The fact you did read something in
7 the newspaper after it happened, and then recently, has that
8 caused you form any opinion about guilt or innocence in this
9 case?

10 JUROR NUMBER 442: No, sir.

11 THE COURT: You can still be fair and impartial of both
12 sides?

13 JUROR NUMBER 442: Yes, sir.

14 THE COURT: Thank you, ma'am. Stay with us. Yes,
15 ma'am. Name and number?

16 JUROR NUMBER 382: Sonya Ridge, 382.

17 THE COURT: Okay. Yes, ma'am.

18 JUROR NUMBER 382: I have read about the case in the
19 Index-Journal of the newspaper.

20 THE COURT: Okay. How many articles you remember
21 reading?

22 JUROR NUMBER 382: I think the first article was when
23 the incident occurred.

24 THE COURT: Okay.

25 JUROR NUMBER 382: And then of course with the last

1 trial.

2 THE COURT: Okay. All right.

3 JUROR NUMBER 382: But that's about the only
4 information --

5 THE COURT: Okay.

6 JUROR NUMBER 382: -- I've received.

7 THE COURT: All right. Okay. The fact that you read
8 an article after the incident happened, and -- and recently
9 --

10 JUROR NUMBER 382: Uh-huh.

11 THE COURT: -- has that caused you to already form any
12 opinion about guilt or innocence in this case?

13 JUROR NUMBER 382: No, sir.

14 THE COURT: And you can still be fair and impartial to
15 both sides?

16 JUROR NUMBER 382: Yes, sir.

17 THE COURT: Thank you, ma'am. Stay with us.

18 MR. MEADORS: Judge, does she remember what she read?

19 THE COURT: Okay. Ma'am, come back here. Do you
20 remember specifically what you read, either the -- the early
21 article or the more recent article?

22 JUROR NUMBER 382: It was the most recent article where
23 the Defense attorney had -- had been sick.

24 THE COURT: Okay.

25 JUROR NUMBER 382: And that they of course had to

1 select a new jury.

2 THE COURT: Okay.

3 JUROR NUMBER 382: And then I think the first one was
4 just the bookings report.

5 THE COURT: Okay. All right. And that's all you
6 remember?

7 JUROR NUMBER 382: Yes, sir.

8 THE COURT: Okay. Thank you, ma'am. Stay with us.

9 You -- you're a celebrity, Jack, you know that Gee?

10 Yes, sir. Name and number?

11 JUROR NUMBER 429: Richard Steet, 429.

12 THE COURT: Yes, sir.

13 JUROR NUMBER 429: So my son's former girlfriend's
14 father was a personal friend of the deceased.

15 THE COURT: Okay.

16 JUROR NUMBER 429: And shortly after it happened, he
17 told me basically about the story.

18 THE COURT: Okay.

19 JUROR NUMBER 429: And a lot of details, what time of
20 night it was.

21 THE COURT: Okay.

22 JUROR NUMBER 429: What the circumstances were around
23 it. I haven't read anything since, but I recall --

24 THE COURT: Okay.

25 JUROR NUMBER 429: -- I recall the -- the case.

1 THE COURT: Okay. All right. The fact that you had a
2 conversation with a -- a son's former girlfriend's father,
3 has that caused you to already form an opinion about guilt
4 innocence in this case?

5 JUROR NUMBER 429: Yes.

6 THE COURT: It has? Okay. I'm going to excuse you
7 from the trial of this case, but stay with us. Okay.

8 JUROR NUMBER 429: Thank you.

9 THE COURT: Yes, sir. Name and number?

10 JUROR NUMBER 370: Robert Rains, 370.

11 THE COURT: Okay. Yes, sir.

12 JUROR NUMBER 370: So basically whenever it first
13 happened.

14 THE COURT: Okay.

15 JUROR NUMBER 370: So a year ago.

16 THE COURT: Okay. All right. Anything recent or just
17 back when it --

18 JUROR NUMBER 370: Back, first time.

19 THE COURT: Okay. Do you remember what you actually
20 read or saw on Facebook about the case?

21 JUROR NUMBER 370: (Inaudible) two weeks ago.

22 THE COURT: Okay. All right. All right. The fact you
23 did see something on Facebook after it happened, has that
24 caused you to already form an opinion about guilt or
25 innocence in this case?

1 JUROR NUMBER 370: No.

2 THE COURT: And you can still be fair and impartial to
3 both sides?

4 JUROR NUMBER 370: Yes.

5 THE COURT: Okay. Thank you, sir. Stay with us.

6 Yes, ma'am. Name and number?

7 JUROR NUMBER 479: Sydney Wells, 479.

8 THE COURT: 479. Yes, ma'am.

9 JUROR NUMBER 479: And I saw an Index-Journal article.

10 THE COURT: After the incident happened or recent?

11 JUROR NUMBER 479: Just after it happened.

12 THE COURT: Okay. Do you remember specifically what
13 you read in the article?

14 JUROR NUMBER 479: (Inaudible).

15 THE COURT: Okay. All right. The fact that you did
16 see an article early on, has that caused you to already form
17 any opinion about guilt or innocence in this case, ma'am?

18 JUROR NUMBER 479: No, sir.

19 THE COURT: Okay. And you can still be completely fair
20 and impartial to both sides?

21 JUROR NUMBER 479: Yes, sir.

22 THE COURT: Thank you, ma'am. Stay with us.

23 JUROR NUMBER 479: Uh-huh.

24 THE COURT: Sure.

25 JUROR NUMBER 479: Also, I told (inaudible)

1 Ms. McClendon was my teacher.

2 THE COURT: Okay. The mom?

3 JUROR NUMBER 479: Yes.

4 THE COURT: Okay. And how long ago is that?

5 JUROR NUMBER 479: Like, six years.

6 THE COURT: Okay. All right. Would that cause you to
7 already form an opinion about guilt or innocence in this
8 case?

9 JUROR NUMBER 479: No.

10 THE COURT: And you can still be fair and impartial to
11 both sides?

12 JUROR NUMBER 479: Yes.

13 THE COURT: Thank you, ma'am. Stay with us.

14 Yes, sir. Name and number?

15 JUROR NUMBER 418: Shawn Slanker, 418.

16 THE COURT: Okay. Yes, sir.

17 JUROR NUMBER 418: I just remember reading that article
18 when that initially happened.

19 THE COURT: Okay.

20 JUROR NUMBER 418: In the Index-Journal.

21 THE COURT: Okay. And you remember specifically what
22 you read?

23 JUROR NUMBER 418: Just that the -- the victim was hit
24 by a car.

25 THE COURT: Okay.

1 JUROR NUMBER 418: And he died from the injuries, and
2 that the Defendant was arrested and charged.

3 THE COURT: Okay. Read anything recent?

4 JUROR NUMBER 418: No, sir.

5 THE COURT: Okay. The initial article that you read,
6 has that caused you to already form an opinion about guilt or
7 innocence in this case?

8 JUROR NUMBER 418: No, sir.

9 THE COURT: Okay. And you can still be fair and
10 impartial of both sides?

11 JUROR NUMBER 418: Yes, sir.

12 THE COURT: Thank you, sir. Stay with us.

13 JUROR NUMBER 418: Okay.

14 THE COURT: Name and number?

15 JUROR NUMBER 229: James Jones, 229.

16 THE COURT: Okay.

17 JUROR NUMBER 229: When it happened, I read articles in
18 Index-Journal about it.

19 THE COURT: Okay.

20 JUROR NUMBER 229: And also talked to friends about it
21 around 96.

22 THE COURT: Okay.

23 JUROR NUMBER 229: Had some loose ties and kind of
24 talked about what happened.

25 THE COURT: Okay. Do you remember specifically what

1 you read in the early articles?

2 JUROR NUMBER 229: That it was a love triangle and, you
3 know, the Defendant hit the big one, you know, kind what --

4 THE COURT: All right. Okay. And was that as far as
5 the conversations that you had with people in 96 -- is that
6 kind of what you talked about -- or talked about?

7 JUROR NUMBER 229: Yeah.

8 THE COURT: Okay. Have you read or discussed anything
9 recently?

10 JUROR NUMBER 229: Only that the trial was delayed.

11 THE COURT: Okay.

12 JUROR NUMBER 229: Yeah.

13 THE COURT: All right. All right. Based upon what
14 you've told me, has that caused you to already form any
15 opinion about guilt or innocence in this case?

16 JUROR NUMBER 229: I don't believe so.

17 THE COURT: Okay. And you believe you can be
18 completely fair and impartial to both sides?

19 JUROR NUMBER 229: Yes.

20 THE COURT: Okay. Thank you. Stay with us.

21 MR. SWERLING: Judge?

22 THE COURT: Yeah.

23 MR. SWERLING: Wait, can you follow up with what he --
24 did he or anybody express an opinion to him, or did he have
25 --

1 THE COURT: Sir, just one more. Come back. The
2 conversations that you had --

3 JUROR NUMBER 229: Uh-huh.

4 THE COURT: -- with folks in 96 about this case, did
5 they form and tell you concerning any opinion that they may
6 have had concerning guilt or innocence in this case?

7 JUROR NUMBER 229: I'm not sure. I mean -- I -- you
8 know, it was this guy did this, and it was (inaudible) -- I
9 mean, it was --

10 THE COURT: Okay.

11 JUROR NUMBER 229: That's what was talked about.

12 THE COURT: Okay.

13 JUROR NUMBER 229: That's what I know.

14 THE COURT: Okay. All right. And again, that has not
15 caused you to already form any opinion?

16 JUROR NUMBER 229: Well, I don't -- I don't know any of
17 them. So I don't know, you know.

18 THE COURT: Okay.

19 JUROR NUMBER 229: Just going to -- that's what I was
20 told.

21 THE COURT: Right. But that is -- has that caused you
22 to form an opinion about guilt or innocence? And again, you
23 could still be fair and impartial on both sides?

24 JUROR NUMBER 229: Yes, sir.

25 THE COURT: Thank you, sir. I think that line is

1 multiplying.

2 Name and number?

3 JUROR NUMBER 172: Shanna Gray, 172.

4 THE COURT: Yes, ma'am.

5 JUROR NUMBER 172: I have read recently some article,
6 but it was early on, but I have had frequent conversations
7 with coworkers.

8 THE COURT: Okay. What was the first thing you told
9 me?

10 JUROR NUMBER 172: I've read the article.

11 THE COURT: Read. Have you read recent or back?

12 JUROR NUMBER 172: Back.

13 THE COURT: Okay.

14 JUROR NUMBER 172: I have --

15 THE COURT: Do you remember -- was that out of the
16 Index-Journal?

17 JUROR NUMBER 172: Yes.

18 THE COURT: Okay. Do you remember specifically what
19 you read from the Index-Journal?

20 JUROR NUMBER 172: The afternoon, and the after --

21 THE COURT: Okay. All right.

22 JUROR NUMBER 172: But I have a conversation with my
23 coworker that go our (inaudible) about it all the time.

24 THE COURT: Okay. You talk with coworkers about this
25 case all the time?

1 JUROR NUMBER 172: That's one of those to Cambridge
2 County.

3 THE COURT: Okay. The fact you've had conversation
4 with coworkers, has that caused you to already form any
5 opinion about guilt or innocence in this case?

6 JUROR NUMBER 172: Kind of because she knows one of
7 them.

8 THE COURT: Ma'am?

9 JUROR NUMBER 172: Kind of because she knows one of the
10 guys.

11 THE COURT: Okay. All right. I'm going to excuse you
12 from the trial of this case, but stay with us, okay?

13 JUROR NUMBER 172: Okay.

14 THE COURT: Hey.

15 JUROR NUMBER 493: Willis.

16 THE COURT: Okay.

17 JUROR NUMBER 493: Throat's struck.

18 THE COURT: Okay.

19 JUROR NUMBER 493: 493.

20 THE COURT: Okay. Ms. Willis, you've read, talked?

21 JUROR NUMBER 493: I've seen it in the paper, the
22 Index-Journal.

23 THE COURT: Okay. Was that early on or recent?

24 JUROR NUMBER 493: It was early on at the beginning,
25 and then I remember when the trial was starting in July.

1 THE COURT: Okay.

2 JUROR NUMBER 493: And I stopped reading that.

3 THE COURT: All right. The articles early on, do you
4 remember specifically what you read?

5 JUROR NUMBER 493: I just recall that there was a
6 dispute or something, and someone got --

7 THE COURT: Okay.

8 JUROR NUMBER 493: -- hit or something. I -- I don't
9 recall any details.

10 THE COURT: Okay. All right. And then the recent
11 articles, do you remember specifically what you --

12 JUROR NUMBER 493: No, I just remember --

13 THE COURT: Okay.

14 JUROR NUMBER 493: -- being sick.

15 THE COURT: Okay. All right.

16 JUROR NUMBER 493: Sorry.

17 THE COURT: All right.

18 JUROR NUMBER 493: That's -- I don't remember.

19 THE COURT: Okay. All right. The fact that you have
20 read the early-on articles -- recent articles, has that
21 caused you to form any opinion about guilt or innocence in
22 this case?

23 JUROR NUMBER 493: No.

24 THE COURT: And do you believe you can be completely
25 fair and impartial to both sides in this case?

1 JUROR NUMBER 493: Yes.

2 THE COURT: Thank you, ma'am. Stay with us.

3 JUROR NUMBER 493: Okay.

4 MR. MEADORS: Remember, him getting sick is not my
5 opening.

6 THE COURT: Yeah, yeah, yeah, yeah. Yes, sir. Your
7 name and number?

8 JUROR NUMBER 488: Luke Willey, 488.

9 THE COURT: Okay.

10 JUROR NUMBER 488: Sorry, 488.

11 THE COURT: 488. Yes, sir.

12 JUROR NUMBER 488: Yes, sir. I read an article in
13 Index-Journal about this.

14 THE COURT: Early on or recent?

15 JUROR NUMBER 488: Early. Like, maybe in the fall or
16 the winter. It's been a while.

17 THE COURT: Okay. You remember specifically what you
18 read with the article?

19 JUROR NUMBER 488: Basically that the accusation
20 happened.

21 THE COURT: Okay.

22 JUROR NUMBER 488: Or the charge happened.

23 THE COURT: Okay.

24 JUROR NUMBER 488: But that's about it.

25 THE COURT: Okay. And then have you read anything

1 recent?

2 JUROR NUMBER 488: No, sir.

3 THE COURT: Okay. The fact that you did read a -- a --
4 an article -- or articles early on, has that caused you to
5 already form an opinion about guilt or innocence in this
6 case?

7 JUROR NUMBER 488: No.

8 THE COURT: And do you believe you can be completely
9 fair and impartial to both sides?

10 JUROR NUMBER 488: Yes, sir.

11 THE COURT: Thank you, sir. Stay with us.
12 Yes, sir.

13 JUROR NUMBER 103: Mark Daniels, number 103.

14 THE COURT: Okay.

15 JUROR NUMBER 103: I mean, I read both the
16 Index-Journal online.

17 THE COURT: Okay, early on or recent?

18 JUROR NUMBER 103: I'd say probably about two weeks
19 after it happened early on.

20 THE COURT: Okay. All right. Do you remember
21 specifically what you read?

22 JUROR NUMBER 103: Well, I looked it up at work because
23 my bosses live in Hunters Creek.

24 THE COURT: Okay.

25 JUROR NUMBER 103: Went on.

1 THE COURT: Okay.

2 JUROR NUMBER 103: And I remember saying something that
3 happened on one of the back-streets --

4 THE COURT: Okay.

5 JUROR NUMBER 103: -- early in the morning, and yeah,
6 Mr. McClendon got the false side of things.

7 THE COURT: Okay. All right. Okay. The fact that you
8 read about it, heard about this case, has that caused you
9 already form an opinion about guilt or innocence in this
10 case?

11 JUROR NUMBER 103: Word of mouth and reading the
12 article, yeah.

13 THE COURT: Okay. All right. I'm going to excuse you
14 from trial of this case, but stay with us, okay?

15 JUROR NUMBER 103: Yes, sir.

16 THE COURT: Yes, ma'am. Name and number?

17 JUROR NUMBER 205: Melissa Hinzman, 205.

18 THE COURT: 205. Yes, ma'am.

19 JUROR NUMBER 205: Newspaper, social media, friends and
20 family, community.

21 THE COURT: Okay.

22 JUROR NUMBER 205: Work talk.

23 THE COURT: Okay. All right. The -- what you've read
24 as far as newspaper, social media, do you remember
25 specifically what -- what you read?

1 JUROR NUMBER 205: I don't remember specifically what I
2 read. Mostly just what community (inaudible).

3 THE COURT: Okay. So had conversations with people in
4 the community?

5 JUROR NUMBER 205: Back when that happened.

6 THE COURT: Back when it happened? You remember what
7 you all talked about, or what --

8 JUROR NUMBER 205: Just about somebody (inaudible).

9 THE COURT: Okay. All right. Okay. All right. Has
10 that caused you to already form an opinion about guilt or
11 innocence in this case?

12 JUROR NUMBER 205: (Inaudible) till today.

13 THE COURT: Okay. All right.

14 JUROR NUMBER 205: I talked to her about it.

15 THE COURT: And you believe you can be completely fair
16 and impartial to both sides?

17 JUROR NUMBER 295: Sure.

18 THE COURT: Okay. Thank you. Stay with us.

19 MR. SWERLING: I would ask you to do a follow-up
20 question about that.

21 THE COURT: Wait, ma'am. Ma'am, may -- I have to ask
22 you something else.

23 MR. SWERLING: Has anybody expressed opinions that she
24 expressed?

25 THE COURT: Okay. All right. Since you've talked

1 folks about the case, have they expressed to you any opinions
2 about guilt or innocence in this case?

3 JUROR NUMBER 205: I'm sure probably at some point
4 during conversation people did, I can't recall what's the
5 specific incident where somebody said, but I'm sure a lot of
6 people were talking about it at the time.

7 THE COURT: Okay. All right. Even though you don't
8 have specific recollection, you feel like they did, would
9 that --

10 JUROR NUMBER 205: I'm sure.

11 THE COURT: Yeah.

12 JUROR NUMBER 205: Probably did.

13 THE COURT: Would that in any way affect your ability
14 to be fair and impartial in this case?

15 JUROR NUMBER 205: No, I don't.

16 THE COURT: And once again, you have not formed any
17 opinion about guilt or innocence of --

18 JUROR NUMBER 205: I have not.

19 THE COURT: Right. Okay. Thank you, ma'am.

20 JUROR NUMBER 205: All right.

21 THE COURT: Yes, sir. Name and number?

22 JUROR NUMBER 271: Michael Lowe, 271.

23 THE COURT: Okay.

24 JUROR NUMBER 271: (Inaudible). So lot of
25 interactions, and people at work, and family lives in Hunters

1 Creek (inaudible).

2 THE COURT: Okay.

3 JUROR NUMBER 271: People always talk about it.

4 THE COURT: Okay. So you -- so you know both families?

5 JUROR NUMBER 271: Uh-huh.

6 THE COURT: You say, "You grew up with them?"

7 JUROR NUMBER 271: Yeah, we grew up at church with
8 McClendon's.

9 THE COURT: Okay. All right. Okay. And then since it
10 happened, there's been discussions -- people in town, and --

11 JUROR NUMBER 271: Oh, sure.

12 THE COURT: Okay. All right. You remember
13 specifically anything discussed?

14 JUROR NUMBER 271: Just the guilty or not guilty, and
15 --

16 THE COURT: Yeah.

17 JUROR NUMBER 271: -- just kind of --

18 THE COURT: So people have expressed a --

19 JUROR NUMBER 271: Sure.

20 THE COURT: -- feeling of guilt to you?

21 JUROR NUMBER 271: Sure.

22 THE COURT: Okay. All right. Okay. I'm going to
23 excuse you from the trial of this case, but stay with us.
24 Okay?

25 JUROR NUMBER 271: Yes, sir.

1 THE COURT: Yep. That line is definitely going. Yes,
2 sir. Name and number?

3 JUROR NUMBER 6: Brian Albon, number 6.

4 THE COURT: Yes, sir.

5 JUROR NUMBER 6: Read about Index-Journal or
6 (inaudible).

7 THE COURT: Okay. All right. Do you remember what you
8 read?

9 JUROR NUMBER 6: Vaguely there was a death involving a
10 truck.

11 THE COURT: Okay. Okay. All right. Has that caused
12 you to already form an opinion about guilt or innocence in
13 this case?

14 JUROR NUMBER 6: No, sir.

15 THE COURT: Okay. And do you believe you can still be
16 completely fair and impartial to both sides?

17 JUROR NUMBER 6: Yes, sir.

18 THE COURT: Okay. Thank you, sir. Yes, ma'am. Name
19 and number?

20 JUROR NUMBER 409: Charlotte Smith, 419.

21 THE COURT: Okay. Ms. Smith?

22 JUROR NUMBER 419: What I really know is just what I
23 read in the paper.

24 THE COURT: Okay.

25 JUROR NUMBER 419: An Index-Journal agreement today.

1 Little bit on Facebook here and there, but --

2 THE COURT: Is that early on or recent?

3 JUROR NUMBER 419: Early -- more or early on.

4 THE COURT: Okay.

5 JUROR NUMBER 419: I don't think anything recent except
6 when he got sick.

7 THE COURT: Okay. All right.

8 JUROR NUMBER 419: That's all I really know.

9 THE COURT: Okay.

10 JUROR NUMBER 419: At the beginning, you know, I was
11 reading it.

12 THE COURT: Okay. Do you remember specifically?

13 JUROR NUMBER 419: I work in -- I work in the school
14 district so...

15 THE COURT: Okay.

16 JUROR NUMBER 419: I know Bud's ex-wife, Meredith.

17 THE COURT: Okay.

18 JUROR NUMBER 419: And I know Davis's ex-wife, Kristine
19 McClendon, they were both teachers in the district school
20 so ...

21 THE COURT: Okay.

22 JUROR NUMBER 419: I knew them, but --

23 THE COURT: Okay. All right. All right. The fact
24 that you read about it --

25 JUROR NUMBER 419: Uh-huh.

1 THE COURT: -- know some of the family members, has
2 that caused you to already form an opinion about guilt or
3 innocence in this case?

4 JUROR NUMBER 419: No.

5 THE COURT: Okay. And do you believe you can be
6 completely fair and impartial to both sides?

7 JUROR NUMBER 419: Uh-huh. Yes.

8 THE COURT: All right. Thank you, ma'am.

9 MR. SWERLING: You can (inaudible).

10 THE COURT: All right. Come back.

11 MR. SWERLING: If she's discussed it or anybody
12 discussed with her.

13 THE COURT: Okay. Have you had any discussions with
14 anybody about this case?

15 JUROR NUMBER 419: No, just that he was arrested and --

16 THE COURT: Okay.

17 JUROR NUMBER 419: -- charged that sort of thing.

18 THE COURT: Okay. And that was early on?

19 JUROR NUMBER 419: Uh-huh.

20 THE COURT: And did anybody during those discussions --
21 anybody express to you that they had an opinion as to guilt
22 or innocence in this case?

23 JUROR NUMBER 419: No.

24 THE COURT: Okay.

25 JUROR NUMBER 419: (Inaudible).

1 THE COURT: Thank you, ma'am. Yes, ma'am. Your name
2 and number?

3 JUROR NUMBER 248: Brittany Lanier, I'm Juror Number
4 248.

5 THE COURT: Yes, ma'am.

6 JUROR NUMBER 248: I just seen what's shared on
7 Facebook, and the Index-Journal article, and also on both
8 sides from Ackerman (inaudible) I work at Pediatric
9 Associates Greenwood.

10 THE COURT: Okay.

11 JUROR NUMBER 248: And I don't have any personal
12 relationship to the parents, but I'm a staff member there,
13 and both of their kids --

14 THE COURT: Okay.

15 JUROR NUMBER 248: -- attend my (inaudible).

16 THE COURT: Okay. All right. Okay. So you -- you --
17 you read about -- was that early on or recent?

18 JUROR NUMBER 248: No, it was, like, when it happened.

19 THE COURT: Okay.

20 JUROR NUMBER 248: Nothing recently, I've seen.

21 THE COURT: Okay. And that was in the newspaper
22 Index-Journal, and I think you said, "Facebook?"

23 JUROR NUMBER 248: No, you know they share, you know,
24 the articles on Facebook.

25 THE COURT: Okay. All right. Do you specifically

1 remember what you read either in the newspaper articles or
2 Facebook?

3 JUROR NUMBER 248: The only thing that I can recall
4 remembering is there was maybe an altercation, and then him,
5 you know, saying that he hit somebody.

6 THE COURT: Okay.

7 JUROR NUMBER 248: But other than that --

8 THE COURT: Okay.

9 JUROR NUMBER 248: -- I don't know.

10 THE COURT: All right. Has that caused you to already
11 form any opinion about guilt or innocence in this case?

12 JUROR NUMBER 248: Oh no, not.

13 THE COURT: Okay. And you believe you can be
14 completely fair and impartial to both sides?

15 JUROR NUMBER 248: Oh, absolutely.

16 THE COURT: Okay. Thank you, ma'am. Stay with us.

17 JUROR NUMBER 248: You're welcome.

18 THE COURT: Yes, sir. Name and number?

19 JUROR NUMBER 76: Jackson Carter, 76.

20 THE COURT: Okay. Yes, sir.

21 JUROR NUMBER 76: Regarding some things I've heard at
22 home, I haven't heard much -- seen -- or seen, or heard much
23 online. I've heard more through my household.

24 THE COURT: Okay. All right. You've had discussions
25 about this case with your family members?

1 JUROR NUMBER 76: Yes, sir.

2 THE COURT: The recent or back early on?

3 JUROR NUMBER 76: More -- more back --

4 THE COURT: Okay.

5 JUROR NUMBER 76: -- than it was.

6 THE COURT: Okay. All right. You remember
7 specifically what you talked about with your family members?

8 JUROR NUMBER 76: More -- more or less just what
9 happened.

10 THE COURT: Okay.

11 JUROR NUMBER 76: Nothing really specific they've seen.

12 THE COURT: Okay. All right.

13 JUROR NUMBER 76: And it did connect a dot that my
14 family owns a family business.

15 THE COURT: Okay.

16 JUROR NUMBER 76: And he is -- he has a connection
17 through our -- like, they have -- my father and him have been
18 closer friends.

19 THE COURT: Okay. Because of business?

20 JUROR NUMBER 76: More business.

21 THE COURT: Okay. All right. Okay. All right. Okay.

22 MR. SWERLING: Which -- which -- what --

23 THE COURT: What -- what business does your dad have?

24 MR. SWERLING: Which friend? Which -- which

25 (crosstalk) oh.

1 THE COURT: Yes, sir. Okay. And what kind of business
2 does your dad have to have a business relationship with
3 Mr. Ackerman?

4 JUROR NUMBER 76: Car repair.

5 THE COURT: Car repair?

6 JUROR NUMBER 76: Yes, sir.

7 THE COURT: Okay. All right. Okay. And -- all right.
8 Has anyone expressed to you any opinion as to guilt or
9 innocence in this case?

10 JUROR NUMBER 76: No, sir.

11 THE COURT: Okay. And would that affect you to have an
12 opinion now about guilt or innocence?

13 JUROR NUMBER 76: It's going to lean more to --

14 THE COURT: Okay. All right. Okay. I'm going to
15 excuse you from the trial of this case, but stay with us.
16 Okay.

17 JUROR NUMBER 76: Yes, sir.

18 MR. SWERLING: I think that was what my point -- ideal
19 questions about whether or not anybody's expressed opinion.

20 THE COURT: Yeah.

21 MR. SWERLING: And what they have expressed.

22 THE COURT: Yeah, come on. Yes, ma'am. Name and
23 number?

24 JUROR NUMBER 270: Lindsey Lowe, 270.

25 THE COURT: Okay. Yes, ma'am. Ms. Lowe?

1 JUROR NUMBER 270: Yes. The one I told my boss that I
2 was made the jury duty (inaudible).

3 THE COURT: You told your boss you were on jury duty
4 and -- and --

5 JUROR NUMBER 270: He said, "He thought he was going to
6 be distributor."

7 THE COURT: Okay. All right. Didn't discuss anything
8 about the case?

9 JUROR NUMBER 270: Briefly, just what it was.

10 THE COURT: Okay. All right. And did you know
11 anything about the case prior to you?

12 JUROR NUMBER 270: No.

13 THE COURT: Okay. And did your boss indicate any
14 opinion as to guilt or innocence in this case?

15 JUROR NUMBER 270: No.

16 THE COURT: Is that a no or yes?

17 JUROR NUMBER 270: No, it's not. No.

18 THE COURT: Okay. All right. The fact that you talked
19 about it with your boss coming here for jury duty, that he
20 thought it was going to be this case, has that caused you to
21 form any opinion about guilt or innocence in this case?

22 JUROR NUMBER 270: No.

23 THE COURT: And do you believe you can be completely
24 fair and impartial to both sides?

25 JUROR NUMBER 270: Yes.

1 THE COURT: Okay. All right. Thank you, ma'am. Okay.

2 Yes, ma'am. Name and number?

3 JUROR NUMBER 212: Heidi Hoogstraal, 212.

4 THE COURT: Okay. Yes, ma'am.

5 JUROR NUMBER 212: Just read (inaudible).

6 THE COURT: Read about an Index-Journal?

7 JUROR NUMBER 212: Uh-huh.

8 THE COURT: Okay.

9 JUROR NUMBER 212: And then work.

10 THE COURT: Okay. All right. All right. Is -- read
11 about it, anything about it recently?

12 JUROR NUMBER 212: No.

13 THE COURT: Okay. Now, what you read early on in the
14 Index-Journal, do you remember specifically what you read?

15 JUROR NUMBER 212: (Inaudible) remember the name --
16 just remember the name.

17 THE COURT: Okay. All right. And then you've had some
18 conversations with people?

19 JUROR NUMBER 212: At work.

20 THE COURT: At work? Has those conversations been
21 early on or recent?

22 JUROR NUMBER 212: It was early on. I just -- I didn't
23 particularly have the conversation with them.

24 THE COURT: Right.

25 JUROR NUMBER 212: But there was just (inaudible).

1 THE COURT: Yeah. Okay. You remember specifically
2 what people were saying?

3 JUROR NUMBER 212: Madam had a relationship
4 (inaudible).

5 THE COURT: Okay. Did they -- any of these people at
6 work expressed to you any opinion as to guilt or innocence in
7 this case?

8 JUROR NUMBER 212: Uh-uh.

9 THE COURT: Okay. All right. The fact that you read
10 about it early on, had conversations with people at work, has
11 that caused you to form an opinion about guilt or innocence
12 in this case?

13 JUROR NUMBER 212: No.

14 THE COURT: Okay. And do you believe you can be
15 completely fair and impartial to both sides in this case?

16 JUROR NUMBER 212: Yes, sir.

17 THE COURT: Okay. Thank you. Stay with us. Okay.
18 Yes, ma'am. Name and number?

19 JUROR NUMBER 167: Natasha Goodwin, 167.

20 THE COURT: Yes, ma'am.

21 JUROR NUMBER 167: I have a coworker who's a neighbor
22 of them -- helps me.

23 THE COURT: Okay.

24 JUROR NUMBER 167: Last year asked me did I know what
25 happened in my neighborhood.

1 THE COURT: Okay.

2 JUROR NUMBER 167: And apparently she began to explain
3 to me that (inaudible) care my neighborhood.

4 THE COURT: Okay.

5 JUROR NUMBER 167: I didn't have any further discussion
6 --

7 THE COURT: Okay. All right. Okay. And did they
8 express to you any opinion as to guilt or innocence in this
9 case?

10 JUROR NUMBER 167: No.

11 THE COURT: Okay. And have you read about it in the
12 paper or on social media?

13 JUROR NUMBER 167: I've seen it on, you know, the
14 paper, but I don't (inaudible).

15 THE COURT: Okay. You knew it was in there but you
16 didn't read the articles?

17 JUROR NUMBER 167: Yes, sir.

18 THE COURT: Okay. All right. And currently, have you
19 formed any opinion as far as guilt or innocence in this case?

20 JUROR NUMBER 167: No.

21 THE COURT: And you believe you can be completely fair
22 and impartial to both sides?

23 JUROR NUMBER 167: Yes.

24 THE COURT: All right. Thank you, ma'am. Stay with
25 us.

1 Yes, sir.

2 JUROR NUMBER 134: 134.

3 THE COURT: Okay. All right. Yes, sir.

4 JUROR NUMBER 134: I read about it on Facebook.

5 THE COURT: Okay.

6 JUROR NUMBER 134: Newspaper articles -- or they had
7 their own site Index-Journal.

8 THE COURT: All right. Early on or recent?

9 JUROR NUMBER 134: That's been early on.

10 THE COURT: Early on. Do you remember specifically
11 what you read as far as on Facebook or what Index-Journal?

12 JUROR NUMBER 134: Some of the details as to, you know,
13 there was somebody that didn't make it.

14 THE COURT: Okay.

15 JUROR NUMBER 134: He was the guy that had done
16 something to --

17 THE COURT: Okay.

18 JUROR NUMBER 134: -- to cause that to happen.

19 THE COURT: Okay.

20 JUROR NUMBER 134: But I don't know of any of the
21 specifics.

22 THE COURT: Okay. And from what you have read, has
23 that caused you to form an opinion as -- as far as guilt or
24 innocence in this case?

25 JUROR NUMBER 134: Absolutely not.

1 THE COURT: And you believe you can be completely fair
2 and impartial on both sides?

3 JUROR NUMBER 134: Yes, your Honor.

4 THE COURT: Okay. Thank you, sir. Stay with us.

5 JUROR NUMBER 134: Yes, sir.

6 MR. SWERLING: Judge, you would've asked a question --
7 specifically had any discussions about the case with anybody.

8 THE COURT: Okay. Sir, come back.

9 MR. SWERLING: Well, I just thought general, if -- if
10 --

11 THE COURT: You want me to ask what now, Jack?

12 MR. SWERLING: Whether or not anybody's had discussions
13 with the -- about the case, or somebody else ,and had they
14 expressed opinions they expressed.

15 THE COURT: Okay. All right. Well, what I could do is
16 you go on back, you -- you're good. Yeah. Other -- and I'll
17 tell them if you've already indicated this to me, you do not
18 need to respond again. But has anybody else had any
19 discussions about the facts of this case, and if so, have
20 they expressed any opinion? I can ask that.

21 MR. SWERLING: Either way to them, or --

22 THE COURT: Right.

23 MR. MEADORS: You didn't just ask him something else,
24 did you?

25 THE COURT: No.

1 MR. MEADORS: Okay.

2 THE COURT: I thought he wanted me to ask him something
3 else, but he didn't.

4 MR. SWERLING: I just wanted to generally --

5 THE COURT: Name and number?

6 JUROR NUMBER 322: Sandra Moore, 322.

7 THE COURT: Okay. Yes, ma'am.

8 JUROR NUMBER 322: I just read the first article that
9 came out in the paper.

10 THE COURT: Okay.

11 JUROR NUMBER 322: I don't remember a lot about it
12 other than the names.

13 THE COURT: Okay. All right. You read any -- anything
14 recently?

15 JUROR NUMBER 322: Uh-uh.

16 THE COURT: Okay. All right. Read an article early on
17 -- has that caused you to form any opinion about guilt or
18 innocence?

19 JUROR NUMBER 322: No.

20 THE COURT: Okay. And you believe you can be
21 completely fair and impartial to both sides?

22 JUROR NUMBER 322: Yes.

23 THE COURT: Okay. All right. Thank you, ma'am.

24 JUROR NUMBER 322: Thank you.

25 THE COURT: All right. All right. Ladies and

1 gentlemen, this next question, if you've already responded
2 during our private conversations, you don't -- don't need to
3 do it again. But has anyone had any discussions with anyone
4 concerning this case? And if so, those persons expressed any
5 opinion to you about guilt or innocence in this case, or have
6 you expressed any opinion about guilt or innocence to that
7 person or persons that you've talked to about this case?
8 Does that apply to anyone who has not already discussed that
9 issue with me? Okay.

10 All right. I'm going to read out some names as it
11 relates to the Ackerman family and the McClendon family.
12 Okay. And then I'm going to ask you some questions. And now
13 if you've already specifically discussed with me about any of
14 these individuals, then you don't need to do it again. All
15 right?

16 All right. The Ackerman's parents, William Gray
17 Ackerman and Kelly Cannon Ackerman. McClendon's parents,
18 James Woodrow McClendon, Carrie White McClendon. Ackerman's
19 siblings Wilson and Lori -- Laura Ackerman, Kerry and Preston
20 Knight. McClendon's sibling -- siblings, Jay McClendon,
21 Elizabeth Mitchell. McClendon's former wife, Kristen
22 McClendon. Ackerman's former wife, Meredith, now known as
23 Hainey. McClendon children, Blair McClendon, Annabelle
24 Davis, Frederick John McClendon, and then Annabelle Davis
25 McClendon. And then the Ackerman children, Gray Ackerman

1 III, Wells Ackerman, and Cortland Ackerman. Okay. Those are
2 the various family members involved in -- on both sides.
3 Does any member of the jury panel have a close personal or
4 social relationship with any of those family members that I
5 have just named? If so, please stand.

6 Okay. Any member of the jury panel, or any of your
7 immediate family members ever attend Cambridge Academy? If
8 so, please stand. All right. Let me go ahead and ask this
9 next question because it's related to Cambridge Academy.

10 Any member of the jury panel, or any of your immediate
11 family members have as a teacher, Carrie White McClendon at
12 Cambridge Academy? If that applies to you -- that kind of
13 goes in with the first question. Okay. All right. Those
14 who have just stood, just get in line, and I'll speak with
15 you privately.

16 Name and number again?

17 JUROR NUMBER 123: Jessica Smith, 123.

18 THE COURT: Yes, ma'am.

19 JUROR NUMBER 123: So my son attended Cambridge
20 Academy, but not whenever Carrie was the teacher.

21 THE COURT: And how long ago was that when your son
22 attended?

23 JUROR NUMBER 123: Just a couple of years. He was
24 there from kindergarten until fourth grade.

25 THE COURT: Okay.

1 JUROR NUMBER 123: Or three -- fourth grade.

2 THE COURT: Okay.

3 JUROR NUMBER 123: And he's in seventh grade now.

4 THE COURT: Okay. Would that in any way cause you to
5 form an opinion now about guilt or innocence?

6 JUROR NUMBER 123: No, sir.

7 THE COURT: You can still be completely fair and
8 impartial on both sides?

9 JUROR NUMBER 123: Yes.

10 THE COURT: Thank you, ma'am.

11 MR. SWERLING: What's her number?

12 THE CLERK: 123.

13 MR. SWERLING: 123?

14 THE CLERK: Uh-huh.

15 THE COURT: Name and number?

16 JUROR NUMBER 473: Jill Warner, 473.

17 THE COURT: Yes, ma'am.

18 JUROR NUMBER 473: My two children both went to
19 Cambridge to elementary.

20 THE COURT: Okay. How long ago was that?

21 JUROR NUMBER 473: Well, my oldest is 28.

22 THE COURT: Okay.

23 JUROR NUMBER 473: My youngest is 23.

24 THE COURT: Okay. The fact that they attended
25 Cambridge Academy, would that in any way cause you now to

1 form an opinion about guilt or innocence in this case?

2 JUROR NUMBER 473: Not at all.

3 THE COURT: And you can still be fair and impartial to
4 both sides?

5 JUROR NUMBER 473: I can.

6 THE COURT: Thank you, ma'am. Stay with us. Yes, sir.
7 Name and number?

8 JUROR NUMBER 420: Griffin Smith, Juror Number 420.

9 The first part to your question does apply, the second part
10 does not. The first part, I -- a number of my cousins went
11 to Cambridge --

12 THE COURT: Okay.

13 JUROR NUMBER 420: -- Elementary school back in the
14 day, but that second part doesn't apply.

15 THE COURT: Okay. All right. And that wouldn't cause
16 you to already form an opinion about guilt or innocence?

17 JUROR NUMBER 420: No, sir.

18 THE COURT: You can still be fair and impartial to both
19 sides?

20 JUROR NUMBER 420: I think so.

21 THE COURT: Thank you, sir.

22 JUROR NUMBER 420: Yes, sir.

23 THE COURT: Name and number?

24 JUROR NUMBER 372: Amber Raspa, 372. My nephew
25 attended for a year, a few years back.

1 THE COURT: Okay.

2 JUROR NUMBER 372: And he transferred in (inaudible).

3 THE COURT: Okay. And that would not cause you to now
4 form an opinion of -- as far as guilt or innocence?

5 JUROR NUMBER 372: No.

6 THE COURT: And you can still be fair and impartial to
7 both sides?

8 JUROR NUMBER 372: Yes.

9 THE COURT: Thank you, ma'am.

10 JUROR NUMBER 372: Uh-huh.

11 THE COURT: Any member of the jury panel, or any of
12 your immediate family members have a business relationship
13 with the following: Wesley Commons, Brothers & Harrison, or
14 Grand Harbor, evidently that's where Mr. McClendon was
15 employed at one time. Does anybody have a business
16 relationship with Wesley Commons, Brothers & Harrison, or
17 Grand Harbor? If so, please stand. Okay, all right. Okay.
18 Two.

19 All right. Ma'am, name and number?

20 JUROR NUMBER 160: It's Shannon Gibert, 160.

21 THE COURT: And what is your business relationship and
22 with whom?

23 JUROR NUMBER 160: Well, it's just mostly Commons. I
24 wasn't sure (inaudible) correct, but I do -- do PRN, or as
25 needed nursing at Wesley Commons Nursing home.

1 THE COURT: Okay. And do -- did -- you remember when
2 Mr. McClendon was possibly employed there?

3 JUROR NUMBER 160: Yes.

4 THE COURT: Okay. All right. Thank you, ma'am. In --
5 in the back, name and number?

6 JUROR NUMBER 375: Christy Reid, 375.

7 THE COURT: And what is your business relationship?

8 JUROR NUMBER 375: (Inaudible).

9 THE COURT: Okay. And what -- what -- what is that
10 relationship?

11 JUROR NUMBER 375: (Inaudible).

12 THE COURT: You work there?

13 JUROR NUMBER 375: Yes.

14 THE COURT: Okay. Do you remember when Mr. McClendon
15 worked there?

16 JUROR NUMBER 375: I do.

17 THE COURT: You do?

18 JUROR NUMBER 375: Uh-huh.

19 THE COURT: Okay. And how long ago was that?

20 JUROR NUMBER 375: I know he worked at Wesley Commons
21 last year.

22 THE COURT: Ma'am?

23 JUROR NUMBER 375: I know he worked at Wesley Commons
24 last year.

25 THE COURT: Okay. He worked at Wesley Commons last

1 year?

2 JUROR NUMBER 375: Yes.

3 THE COURT: Okay. The -- did you work in, like, the
4 same department or same area?

5 JUROR NUMBER 375: Yes.

6 THE COURT: Okay. The fact that Mr. McClendon was
7 employed at Wesley Commons same time as you, would that in
8 any way cause you to form an opinion now about guilt or
9 innocence in this case?

10 JUROR NUMBER 375: No.

11 THE COURT: And can you still be fair and impartial to
12 both sides in this case?

13 JUROR NUMBER 375: Yes.

14 THE COURT: Thank you, ma'am.

15 MR. MEADORS: Can I get that number?

16 THE CLERK: 375.

17 MR. MEADORS: 375.

18 THE COURT: All right. Any member of the jury panel
19 have a child in school with any of the children of Kenneth
20 Davis McClendon? We'll go ahead and ask with respect to Bud
21 Ackerman as well, his children, children of McClendon,
22 children of Ackerman in school with them. If so, please
23 stand. Okay. All right.

24 Name and number? I should know it by now.

25 JUROR NUMBER 123: Jessica Smith, 123.

1 THE COURT: Okay. And I think maybe you've already
2 told me this, have you not -- about having some children?

3 JUROR NUMBER 123: My son is at a different school now,
4 which I believe is the same school as Bud Ackerman.

5 THE COURT: Okay. All right. Would that in any way
6 cause you to already form an opinion about guilt or
7 innocence?

8 JUROR NUMBER 123: No.

9 THE COURT: And you could still be fair and impartial
10 to both sides?

11 JUROR NUMBER 123: Yes.

12 THE COURT: Okay. Thank you. All right. In the back?

13 JUROR NUMBER 419: Charlotte Smith, number 419. My
14 son, Christopher Smith, is the same age as Brady McClendon.

15 THE COURT: Okay. And are they in school together?

16 JUROR NUMBER 419: They just graduated.

17 THE COURT: Just graduated? Would that in any way it
18 cause you to now form an opinion, or already have an opinion
19 about guilt or innocence in this case?

20 JUROR NUMBER 419: No, sir.

21 THE COURT: And you can still be fair and impartial to
22 both sides?

23 JUROR NUMBER 419: Yes.

24 THE COURT: Thank you.

25 MR. SWERLING: (Inaudible) 491 -- 419?

1 THE CLERK: No. 419.

2 THE COURT: All right. Any member of the jury panel,
3 or any of your immediate family members attend the funeral or
4 any memorial service for Kenneth Davis McClendon? If so,
5 please stand. Okay. Got one.

6 All right. Name again and number?

7 JUROR NUMBER 123: Jessica Smith, 123.

8 THE COURT: Okay. You attend the funeral?

9 JUROR NUMBER 123: Yes, sir.

10 THE COURT: Okay. Thank you. In the back?

11 JUROR NUMBER 382: Sonya Ridge, 382.

12 THE COURT: Okay.

13 JUROR NUMBER 382: And my parents (inaudible).

14 THE COURT: Okay. Thank you. All right. Any member
15 of the jury panel, or any of your immediate family members
16 make a financial contribution to any funds that were
17 established on behalf of Kenneth Davis McClendon or his
18 children? Any -- any member of the jury panel, or any of
19 your immediate family members make a contribution to such a
20 fund?

21 All right. Any member of the jury panel, or any of
22 your immediate family members have a close personal
23 relationship with Shirley family from the Hodges community in
24 Greenwood County -- the Shirley family. Okay. All right.
25 Got --

1 Yes, ma'am. Name and number?

2 JUROR NUMBER 241: Christina Knight, 4 -- 241, and my
3 husband is kin to Shirley.

4 THE COURT: All right. Your husband at what now?

5 JUROR NUMBER 241: Is kin to the Shirleys.

6 THE COURT: Husband what?

7 MR. MEADORS: Kin to the Shirley's.

8 THE COURT: Oh, your husband is kin to the Shirley's.
9 Okay. All right. Okay. We're just providing the
10 information. Thank you, ma'am.

11 JUROR NUMBER 123: Jessica Smith, 123. Personal
12 relationship with some of the Shirley family that I attended
13 church with.

14 THE COURT: Okay. All right. Thank you. Any member
15 of the jury panel, or any of your immediate family members
16 currently or in the past do business with McClendon Real
17 Estate, McClendon Tire Store, or any other McClendon business
18 in Greenwood? Done business either currently or in the past.
19 Okay. Got one.

20 Yes. Name and number?

21 JUROR NUMBER 372: Amber Raspa, 372. I'm a licensed
22 realtor, McClendon (inaudible) realtor.

23 THE COURT: All right. You're a licensed realtor,
24 therefore you have done business over the years with
25 McClendon Real Estate?

1 JUROR NUMBER 372: Yes.

2 THE COURT: You don't work for McClendon real estate?

3 JUROR NUMBER 372: I do. I'm currently licensed at
4 McClendon Estate.

5 THE COURT: Okay. All right. All right. Okay. I'm
6 going to excuse you from the trial of this case, but stay
7 with us, ma'am. Thank you.

8 All right. Any member of the jury panel, or any of
9 your immediate family members attend Rock Presbyterian Church
10 in Greenwood -- Rock Presbyterian Church in Greenwood? Okay.
11 Any member of the jury panel, or any of your immediate family
12 members attend Immanuel Lutheran Church in Greenwood?

13 Okay. Any member of the jury panel or any of your
14 immediate family members that you're aware of posted, or
15 commented concerning any post on Facebook, or any other
16 social media website concerning this case -- now, I think
17 some of my private conversations, we may have touched on that
18 a little bit, so if you've already responded about either
19 posting, or commenting concerning posts on Facebook or other
20 social media, you do not need to repeat that again, but
21 anybody else, if posted or commented concerning any post
22 about this case on Facebook or any other social media? Okay.

23 All right. This next question, if you need to respond
24 to it, you need to come down to the court reporter station,
25 and I'll just tell you, we're getting close to the end of the

1 questions. I know everybody is tired. We're getting close.

2 Not there yet, but we're getting close.

3 Any member of the jury panel, or any of your immediate
4 family members ever been the victim of a violent crime, or
5 have been accused of committing a violent crime, victim of a
6 violent crime, or accused of committing a violent crime?

7 Either you or any member of your immediate family. Okay?

8 You just get in line, please.

9 Yes, ma'am. Name and number?

10 JUROR NUMBER 73: Katherine Carlson. I -- and it's 73.

11 THE COURT: 73?

12 JUROR NUMBER 73: Yep.

13 THE COURT: Okay. What would you like to tell me?

14 JUROR NUMBER 73: I was raped.

15 THE COURT: Okay.

16 JUROR NUMBER 73: And I had a court case done in
17 Florida.

18 THE COURT: Okay. How long ago was that?

19 JUROR NUMBER 73: 10 years.

20 THE COURT: 10 years ago. Okay. The fact that you were
21 a victim of a -- of a crime --

22 JUROR NUMBER 73: Uh-huh.

23 THE COURT: -- would that any way prevent you from
24 being fair and impartial?

25 JUROR NUMBER 73: Nope.

1 THE COURT: Okay. All right. And that has not caused
2 you to already form an opinion about guilt or innocence now
3 in this case?

4 JUROR NUMBER 73: No.

5 THE COURT: Okay. All right. Thank you, ma'am. Stay
6 with us.

7 JUROR NUMBER 73: Yes.

8 THE COURT: Yes, ma'am. Name and number?

9 JUROR NUMBER 72: Kathryn Cardwell as 72.

10 THE COURT: 72?

11 JUROR NUMBER 72: Yes, sir. When I worked at
12 Dollar General two years ago, we got held at gunpoint.

13 THE COURT: Okay. All right. Okay. Would that
14 prevent you from being fair and impartial to both sides in
15 this case?

16 JUROR NUMBER 72: No, sir.

17 THE COURT: Has that caused you to already form an
18 opinion about guilt or innocence in this case?

19 JUROR NUMBER 72: No, sir.

20 THE COURT: All right. Thank you, stay with us. Yes,
21 sir.

22 JUROR NUMBER 422: Yes, sir.

23 THE COURT: Name and number?

24 JUROR NUMBER 422: Joseph Smith, 422.

25 THE COURT: Okay.

1 JUROR NUMBER 422: I was with multiple times of a -- a
2 young person of violent crimes.

3 THE COURT: Okay. You were -- when you were younger?

4 JUROR NUMBER 422: Right.

5 THE COURT: You were a victim of violent crimes, you
6 say, "Multiple times?"

7 JUROR NUMBER 422: Multiple times, yes.

8 THE COURT: Okay. All right.

9 JUROR NUMBER 422: And then as an adult, my son was
10 threatened. His wife was threatening (inaudible), the guy
11 was prosecuted, because he left the voicemails.

12 THE COURT: Okay.

13 JUROR NUMBER 422: And then, I was arrested and charged
14 with domestic violence, which I'm not guilty because I have
15 the right to use legal force, but chose to restrain --

16 THE COURT: Okay.

17 JUROR NUMBER 422: -- a jury trial for that.

18 THE COURT: Okay. All right. After you have this in
19 your -- your history.

20 JUROR NUMBER 422: Right.

21 THE COURT: Would that cause you some difficulty in
22 being fair and impartial?

23 JUROR NUMBER 422: No.

24 THE COURT: Do you believe you could be fair and
25 impartial in this case?

1 JUROR NUMBER 422: Yes, sir.

2 THE COURT: And would that cause you to already form an
3 opinion about guilt or innocence in this case?

4 JUROR NUMBER 422: No.

5 THE COURT: Okay. Thank you, sir. Stay with us -- as
6 both ways, don't it?

7 MR. MEADORS: He was a victim officer as a youth.

8 THE COURT: Okay. Name and number?

9 JUROR NUMBER 207: Chad Holcomb, 207.

10 THE COURT: Yes, sir.

11 JUROR NUMBER 207: (Inaudible) assault battery.

12 THE COURT: Okay. This is the last charge with assault
13 battery or victims of assault battery not charged?

14 JUROR NUMBER 422: Charged.

15 THE COURT: Recent, long time ago?

16 JUROR NUMBER 422: A while (inaudible).

17 THE COURT: The fact you have -- excuse me. The fact
18 you have some family members who have been charged with
19 assault and battery offenses, would that prevent you from
20 being fair and impartial to both sides on this case?

21 JUROR NUMBER 422: No.

22 THE COURT: And does that cause you to form an opinion
23 about guilt or innocence in this case?

24 JUROR NUMBER 422: No.

25 THE COURT: Thank you, sir. Stay with us. Name and

1 number?

2 JUROR NUMBER 122: Tasha Drennon, 122.

3 THE COURT: 122?

4 JUROR NUMBER 122: Uh-huh.

5 THE COURT: Okay. Yes, ma'am.

6 JUROR NUMBER 122: I have a child that had been accused
7 of (inaudible) last year. He's (inaudible).

8 THE COURT: Okay. Is he charged in Greenwood County?

9 JUROR NUMBER 122: Uh-huh.

10 THE COURT: Okay. What was he charged with?

11 JUROR NUMBER 122: He hasn't been charged with any --
12 without being charged (inaudible).

13 THE COURT: Okay. If he's wearing an ankle monitor,
14 then he's probably been charged with something.

15 JUROR NUMBER 122: He just (inaudible).

16 THE COURT: Right. Okay. So you don't know the
17 offense that he's been charged with?

18 JUROR NUMBER 122: (Inaudible).

19 THE COURT: Attempted 19? And how old is your son?

20 JUROR NUMBER 122: Nineteen.

21 THE COURT: Okay. The fact that you have a son,
22 19 years old has been charged with attempted murder in
23 Greenwood County, would that cause you any problems being
24 fair and impartial to both sides?

25 JUROR NUMBER 122: No.

1 THE COURT: And would that cause you to already form an
2 opinion about guilt or innocence on this case?

3 JUROR NUMBER 122: No.

4 THE COURT: All right. Stay with us. Thank you.

5 MR. SWERLING: Not to be (inaudible), but would you
6 consider bringing him back?

7 THE COURT: Is that --?

8 MR. SWERLING: 422. Just ask for the --

9 THE COURT: And what do you want me to ask?

10 MR. SWERLING: Well, just what he was a victim of.

11 THE COURT: Okay.

12 MR. SWERLING: I -- he said you -- he just said several
13 times there if you don't have to --

14 THE COURT: No, I will. Juror Number 422, we need for
15 you to come back up here, just a minute.

16 MR. MEADORS: That's what John just told me.

17 MR. SWERLING: I just wanted --

18 THE COURT: Joseph Smith. Oh, there you are. Back
19 there. Just need to ask you another question, sir.

20 You just indicated you were a victim of multiple
21 crimes. What were those offenses that you were a victim of,
22 do you remember?

23 JUROR NUMBER 422: It would've been if they had ever
24 gone to trial or anything like that. It would've been
25 physical violence. Just so --

1 THE COURT: So personal assault?

2 JUROR NUMBER 422: Yeah.

3 THE COURT: Is that pretty much --?

4 JUROR NUMBER 422: It's all back taking too many --

5 THE COURT: Okay.

6 JUROR NUMBER 422: -- lots of different physical
7 assaults.

8 THE COURT: Okay. All right. Sounds good.

9 JUROR NUMBER 422: Thank you.

10 THE COURT: Thank you, sir. Now, there are several
11 jurors (inaudible). We'll make sure it's clear on the
12 record, okay?

13 MR. MEADORS: Yes, sir.

14 THE COURT: I think I may be close to finish. Let me
15 take a look at my notes.

16 MR. SWERLING: Judge, you got to take a break a little
17 bit.

18 THE COURT: Huh?

19 MR. SWERLING: Take a break at some point.

20 THE COURT: We'll have to take a break because we'll
21 take them a little bit to get the strike list, don't you?

22 MR. SWERLING: Yeah.

23 THE COURT: You need a break now?

24 MR. SWERLING: Well, a few minutes.

25 THE COURT: You have -- you good for a few minutes?

1 MR. SWERLING: Yeah.

2 THE COURT: All right.

3 MR. MEADORS: Judge, can I talk to you?

4 THE COURT: You need -- need me?

5 MR. MEADORS: I heard from him to -- one gentleman that
6 (inaudible).

7 THE COURT: Oh, the exam?

8 THE MEADORS: Calculus exam.

9 THE COURT: Okay. What about the -- fellow, I think
10 goes to Carolina, has an exam? Have you had a chance to get
11 any information on that?

12 JUROR NUMBER 46: No, sir. They've not responded to my
13 email.

14 THE COURT: Okay.

15 JUROR NUMBER 46: According to school policies, they
16 should allow me to reschedule the exam.

17 THE COURT: Okay. So you're good to stay with us then?

18 JUROR NUMBER 46: Yes, sir.

19 THE COURT: Okay. Thank you very much, sir. All
20 right. Two more -- more general-type questions. Is any
21 member of the jury panel aware of any bias, or prejudice that
22 you would have either against the State of South Carolina,
23 the McClendon family, or the Defendant, Bud Ackerman, or the
24 Ackerman family? Any bias or prejudice that you feel that
25 you -- you could not shake if you were selected on the trial

1 jury? If so please stand.

2 Okay. Now, I probably have asked this 100 times, or
3 better, about being fair and impartial, and that -- that's
4 the key to having a good jury are those individuals that can
5 be completely 100 percent fair and impartial to both sides in
6 this case. But if you believe for whatever reason -- and
7 this doesn't apply if I've already excused you, do not -- do
8 not respond, but if you believe that there's something that
9 would prevent you from being completely fair and impartial in
10 this case, then I need to know that, and I need for you to
11 stand at this time.

12 Okay. All right. Okay. All right. Gentlemen, I have
13 tried to cover everything that you have requested, but I will
14 ask the State first. Are there any exceptions or additions
15 to the Court's voir dire?

16 MR. MEADORS: No, sir. Thank you, your Honor.

17 THE COURT: Okay. And from the Defense?

18 MR. SWERLING: No, your Honor.

19 THE COURT: Okay. All right. Now, what we're going to
20 do -- and we're going to take a little short break the -- the
21 clerk's office will prepare what's called a strike list, and
22 it'll have some of your names, not everybody, but some of
23 your names pulled at random by the computer, and listed on
24 that strike list. And it will be that list that will be used
25 by the lawyers in determining who's going to be on the jury.

1 And I'll explain exactly how that's done in just a minute.

2 So if you need to take a -- take a short break, then do that,
3 come right back in the courtroom. If you're good, then just
4 keep your seat, certainly stand up, move around, stretch,
5 whatever you need to do. Okay? All right. So short break.

6 (Off the record from 3:31 to 3:50 p.m.)

7 THE CLERK: Those five (inaudible) that we had. Am I
8 taking those out?

9 THE COURT: I think maybe one or more, then one of you
10 had a little question about the strike list. Again, a
11 certain number of names have been pulled out by -- random by
12 the computer, and each side has a certain number of what we
13 call strikes, which they can indicate that either one
14 somebody on the jury or they strike them, meaning that the
15 person will not serve on the jury, and each side has a
16 certain number. And that's -- that's why we refer to this
17 list right here as the strike list. So the first name on the
18 list will be called out, and you'll just come down to the
19 front, kind of stand facing the lawyers, and we'll see if
20 you're going to be accepted and seated in the jury box, or --
21 or you'll be stricken.

22 I tell jury panels, "Don't take it personally." If
23 your name is called out, and you come down to the front and
24 one side or the other does not say -- if they say, "Swear the
25 juror.", or "Accept the juror.", or that means you're on in

1 the jury, but if you're stricken, and they may say, "Excuse
2 the juror." or something to that effect, and you're not
3 selected, don't take it personally. Okay? It's -- these
4 lawyers have certain reasons for wanting some people on a
5 jury, and reasons for not wanting others to be on the jury,
6 but there's -- there's nothing personal about it.

7 Okay. So -- but they need some time to review this
8 strike list, and hopefully we can get started in a few
9 minutes. I will make one more offer for a quick break, if --
10 if anybody needs a quick break. Otherwise, just keep your
11 seat, and I'll thank you once again for your patience, and
12 we'll get started just as soon as possible.

13 If your name is called out, I originally told you to
14 come down front, I think to expedite this process a little
15 bit, just stand where you are in your spot, and we will hear
16 from the -- from the lawyer.

17 So, Madam Clerk, if you're ready to get started with
18 jury selection.

19 THE CLERK: All right. Juror Number 449,
20 Cassandra Theodore. What says the State?

21 MR. MEADORS: Please present the juror.

22 THE CLERK: What says the Defense?

23 MR. SWERLING: Please seat the juror.

24 THE COURT: Come on down, ma'am.

25 THE CLERK: Juror Number 371, Jose Ramirez. What says

1 the State?

2 THE COURT: Don't come yet.

3 MR. MEADORS: Please present the juror.

4 THE COURT: Okay.

5 THE CLERK: What says Defense?

6 MR. SWERLING: Please seat the juror.

7 THE COURT: All right. Now you can come.

8 THE CLERK: Juror Number 437, Stacey Sullivan. What
9 says the State?

10 MR. SWERLING: Can you hold one second?

11 THE CLERK: Yeah, of course.

12 MR. SWERLING: Okay.

13 THE CLERK: Okay. What says the State?

14 MR. MEADORS: Please present the juror.

15 THE CLERK: What says the Defense?

16 MR. SWERLING: Please -- I seat the juror.

17 THE COURT: Okay. Come down, ma'am.

18 THE CLERK: Juror Number 479, Sydney Wells. What says
19 the State?

20 MR. MEADORS: Please present the juror.

21 THE CLERK: What says the Defense?

22 MR. SWERLING: Oh, where is the (inaudible)?

23 THE COURT: Right back there, Mr. Swerling, in the
24 back.

25 MR. SWERLING: Oh, okay. Please excuse the juror for

1 this case.

2 THE CLERK: Okay. Juror Number 8, Steven Alexander.

3 What says the State?

4 MR. MEADORS: Please present the juror.

5 THE CLERK: What says the Defense?

6 MR. SWERLING: Please seat the juror.

7 THE CLERK: Okay.

8 THE COURT: Come down, sir.

9 THE CLERK: Juror Number 314, Amir Mims. What says the
10 State?

11 MR. MEADORS: Please excuse the juror.

12 THE CLERK: Juror Number -- you can have a seat. Juror
13 Number 394, Lauren Ross. What says the State?

14 MR. MEADORS: Please present the juror.

15 THE CLERK: What says the Defense?

16 MR. SWERLING: Please swear the juror.

17 THE COURT: Come down, ma'am.

18 THE CLERK: Juror Number 182, James Harris. What says
19 the State?

20 MR. MEADORS: Please present the juror.

21 THE CLERK: What says the Defense?

22 MR. SWERLING: Please excuse the juror.

23 THE CLERK: Juror Number 212, Heidi Hoogstraal. What
24 says the State?

25 MR. MEADORS: Please present the juror.

1 THE CLERK: And what says the Defense?

2 MR. SWERLING: Please swear the juror.

3 THE COURT: Come down please, ma'am.

4 THE CLERK: Juror Number 370, Robert Rains. What says
5 the State?

6 MR. MEADORS: Please present the jury -- juror.

7 THE CLERK: What says the Defense?

8 MR. SWERLING: Please excuse the juror.

9 THE CLERK: Juror Number 218, Mauressa Jackson. What
10 says the State?

11 MR. MEADORS: Please present the juror.

12 THE CLERK: What says the Defense?

13 MR. SWERLING: Please swear the juror.

14 THE CLERK: You can come on down, ma'am. Juror Number
15 469, Ethan Wagner. What says the State?

16 MR. MEADORS: Please present the juror.

17 THE CLERK: What says the Defense?

18 MR. SWERLING: Please excuse the juror from this case.

19 THE CLERK: You can have a seat. Juror Number 276,
20 Matthew Malone. What says the State?

21 MR. MEADORS: Please present the juror.

22 THE CLERK: What says the Defense?

23 MR. SWERLING: Please swear the juror.

24 THE COURT: Come down please, sir.

25 THE CLERK: Juror Number 85, Joann Cook. What says the

1 State?

2 MR. MEADORS: Please excuse the juror.

3 THE CLERK: Okay. Juror Number 464, Edward Turbeville.

4 What says the State?

5 MR. MEADORS: Please present the juror.

6 THE CLERK: What says the Defense?

7 MR. SWERLING: Please excuse the juror.

8 THE CLERK: Juror Number 205, Melissa Hinzman. What

9 says the State?

10 MR. MEADORS: Please present the juror.

11 THE CLERK: And what says the Defense?

12 MR. SWERLING: Please excuse the juror.

13 THE CLERK: Okay. Juror Number 410, George Shier.

14 What says the State?

15 MR. MEADORS: Please present the juror.

16 THE CLERK: And what says the Defense?

17 MR. SWERLING: Please seat the juror.

18 THE COURT: Come down please, sir.

19 THE CLERK: Juror Number 60, Lewis Brown. What says

20 the State?

21 MR. MEADORS: Please present the juror.

22 THE CLERK: And what says the Defense?

23 MR. SWERLING: Please swear the juror.

24 THE CLERK: You can come on here. You can come on

25 down. Juror Number 70, Blason Callaway. What says the

1 State?

2 MR. MEADORS: Please present the juror.

3 THE CLERK: What says the Defense?

4 MR. SWERLING: Please excuse the juror from this case.

5 THE CLERK: Okay. Juror Number 333, Latoya Norman.

6 What says the State?

7 MR. MEADORS: Please present the juror.

8 THE CLERK: What says the Defense?

9 MR. SWERLING: Please swear the juror

10 THE CLERK: Okay.

11 THE COURT: Come down please, ma'am.

12 THE CLERK: Juror Number 442, Tracy Symmes. What says
13 the State?

14 MR. MEADORS: Please present the juror.

15 THE CLERK: What says the Defense?

16 MR. SWERLING: Just indulge me one moment.

17 THE CLERK: Okay.

18 MR. SWERLING: Please excuse the juror from this case.

19 THE CLERK: Juror Number 224, Douglas Jennings. What
20 says the State?

21 MR. MEADORS: Please present the juror.

22 THE CLERK: What says the Defense?

23 MR. SWERLING: Please swear the juror.

24 THE COURT: Come down please, sir. All right. That
25 gives us 12. Now we'll go to five alternates.

1 THE CLERK: Starting with Juror Number 61, Windy Brown.

2 What says the State?

3 MR. MEADORS: Please present the juror.

4 THE CLERK: Okay. What says the Defense?

5 MR. SWERLING: Please seat the juror.

6 THE COURT: Come down please, ma'am.

7 THE CLERK: Juror Number 66, Sheri Burnsed. What says
8 the State?

9 MR. MEADORS: Please present the juror.

10 THE CLERK: What says the Defense please?

11 MR. SWERLING: Please excuse the juror.

12 THE CLERK: Juror Number 483, Denise White. What says
13 the State?

14 MR. MEADORS: Please present the juror.

15 THE CLERK: What says the Defense?

16 MR. SWERLING: Please swear the juror.

17 THE COURT: All right. Come down please, ma'am.

18 THE CLERK: Juror Number 194, Sarah Henderson. What
19 says the State?

20 MR. MEADORS: Please present the juror.

21 THE CLERK: What says the Defense?

22 MR. SWERLING: Please excuse the juror.

23 THE CLERK: Juror Number 343, Valerie Parker. What
24 says the State?

25 MR. MEADORS: Please present the juror.

1 THE CLERK: Is there any excuse for calls from the
2 Defense?

3 MR. SWERLING: No, he's not.

4 THE CLERK: Oh.

5 THE COURT: No, he's -- he's -- he's just used the one.

6 THE CLERK: Oh, okay.

7 THE COURT: Just has one more.

8 MR. SWERLING: Swear the juror.

9 THE CLERK: Okay.

10 THE COURT: Okay.

11 THE CLERK: Juror Number 3 -- wait, that's the one we
12 just said. 229, James Jones.

13 THE COURT: Okay. Was Ms. Parker -- did you strike
14 her, Mr. Swerling? I didn't hear you.

15 MR. SWERLING: No.

16 THE CLERK: No.

17 MR. SWERLING: Right.

18 THE CLERK: You sat Valerie Parker?

19 MR. SWERLING: Yeah, I said, "Swear."

20 THE COURT: Oh, okay. All right. You Ms. Parker?

21 JUROR NUMBER 343: Yes, sir.

22 THE COURT: Okay. Come on down.

23 THE CLERK: Okay. So now number 229, James Jones.

24 MR. MEADORS: Please present the juror.

25 THE CLERK: Okay.

1 MR. SWERLING: Please excuse the juror.

2 THE CLERK: Okay. Juror Number 455, Latesha Todd.

3 What says the State?

4 MR. MEADORS: Please present the juror.

5 THE CLERK: What says the Defense?

6 MR. SWERLING: Please swear the juror.

7 THE COURT: Come down please, ma'am. One more
8 alternate.

9 THE CLERK: Okay. Juror Number 67, A'miracal Burton.

10 What says the State?

11 MR. MEADORS: Please -- please present the juror.

12 THE CLERK: What says Defense?

13 MR. SWERLING: This is the last alternate?

14 THE CLERK: Yes.

15 MR. SWERLING: This is the last one?

16 THE CLERK: Yes, sir.

17 MR. SWERLING: Yeah. Please swear the juror.

18 THE CLERK: Okay.

19 THE COURT: Okay. Come around please, ma'am.

20 All right. Congratulations ladies and gentlemen. You
21 have been selected as the trial jury in this case. As I told
22 you early on this morning, I'm not going to start the case
23 till in the morning. But what I want you to do is, this is
24 our normal jury room, and you're going to go into that this
25 afternoon from starting in the morning. The bailiff will

1 show you -- you'll actually be in another jury room because
2 it's a little larger. It -- it doesn't have necessarily all
3 the -- the comforts as far as refrigerator and all that, but
4 we'll -- we'll take care of you there, okay? But go back to
5 this -- this jury room here. I want to talk with the lawyers
6 for just a minute.

7 One thing I'm going to tell you now, and you're going
8 to hear me say this throughout the entire trial, you cannot
9 begin any discussion about anything related to this case.
10 Those discussions cannot begin until I give you the case to
11 begin your deliberations in order to reach a verdict. Talk
12 about anything else, just don't talk about the case. Okay.
13 And if you'll go back, and we'll get you out in just a few
14 minutes, okay?

15 (Jury exits the room at 4:35 p.m.)

16 THE COURT: Okay. Any exceptions to jury selection by
17 the State?

18 MR. MEADORS: No, sir.

19 THE COURT: And from the Defense?

20 MR. SWERLING: No, your Honor.

21 THE COURT: Okay. Thank you very much. All right.
22 Ladies and gentlemen, it's been a long day. I know that.
23 And I -- I appreciate your -- your patience with us, and
24 hanging in there with us. And, you know, I -- I'm -- I'm
25 sure some of you are glad that you were not selected, but I

1 hope that some of you maybe are a little disappointed that
2 you were not selected.

3 Now, I'm not going to cut you loose for the remainder
4 of the week. I just got a -- I got a phobia of -- of turning
5 my -- my jury -- remaining jury panel loose early in the
6 week. So what I want you to do, on the card that you have,
7 there's a call in number, and now those who I have excused,
8 are you still here? I can't -- okay.

9 All right. Those who I've excused from the trial of
10 this case, I still want you to call in like everybody else.
11 Okay. After 6:00 this evening, more than likely, the
12 recorded message is going to say, "Call back after 6:00
13 tomorrow evening." Okay. More than likely, but be sure
14 everybody call and -- and -- and listen to that recording
15 call after 6:00. Okay? And I don't anticipate having you
16 back, but there is always that possibility. Just never know.
17 The judicial system sometimes works a little -- a little
18 funny -- a little unusual, and -- but if I don't see any more
19 this week, thank you for your presence. I know some people
20 who were served with the jury summons, and we know that they
21 received a jury summons, decided that they just weren't going
22 to show up, and we're going to have to deal with those
23 people, but you -- you honored your responsibility, and you
24 came, and I -- I thank you for that. Okay? Have a good rest
25 of your afternoon and evening, and don't forget to call in.

1 Okay? Thank you.

2 (Jury exits room at 4:38 p.m.)

3 THE COURT: Record whatever we need to do. I know we
4 got a couple of challenges for cause on -- by the Defense
5 concerning jury, and whatever else needs to go on the record,
6 we can do that at 9:30, and then be -- get the ground running
7 at 10:00 with the jury. Good with that State?

8 MR. MEADORS: Yes, sir. Thank you.

9 MR. SWERLING: Yes, sir.

10 THE COURT: Okay. All right. So we'll -- we'll be in
11 recess till 9:30 in the morning.

12 (Jury enters room at 4:41 p.m.)

13 THE COURT: Okay. Let the record reflect the jury is
14 back in.

15 Ladies and gentlemen, we're going to start back with
16 you at 10:00 in the morning. I've got some work to do with
17 the lawyers before you get here. And they -- they will show
18 you when you leave two things: One, the jury room that you
19 will be in starting in the morning, and also you're going to
20 come into the back door, and they will show you that as well
21 when you get here. So you don't have to come through the
22 front entrance. And the purpose for that is, we just don't
23 want any inadvertent contact with anybody that's connected
24 with this case. Okay?

25 Now, I've already instructed you not to talk among

1 yourselves at any point in time about this case. That also
2 applies with anybody that you come into contact with when you
3 leave here. Whether it's family, friends, neighbors,
4 coworkers, whoever. You can say, "I've been picked on a
5 jury," but leave it at that.

6 And also lastly -- and I'll go into more detail about
7 this in the morning, do not go on the internet, social media,
8 or anything like that to find out anything about this case.
9 Don't do it. And I'll explain to you why you cannot do that.
10 Okay? So keep those instructions in mind. It's real
11 important to get some good rest each evening for the next day
12 because you need to be alert and attentive, and -- and I'll
13 explain more about that as well.

14 Okay. So get you a good night's rest, and we will see
15 you in the morning, and then we'll get -- we'll get started.
16 Now, do you have any questions? Certainly not about the
17 case, but about serving on the jury, and -- and that sort of
18 thing. And I'm going to -- I'm going to go through your
19 responsibilities and duties tomorrow. I'm not going to do it
20 now, but you have any questions? Yes, sir.

21 UNKNOWN JUROR: (Inaudible) work?

22 THE COURT: Yeah, we can -- we can get that for you. I
23 think they try to have it, just give it to you at the end of
24 the week, but will the end of the week work?

25 UNKNOWN JUROR: Should I notify, like, my lead person,

1 let them know, like, I won't be there for a week?

2 THE COURT: Right. Right. I mean, we are going to go
3 -- it's definitely going to go all week. As I mentioned
4 earlier, there's that possibility that it could bleed over
5 into next week, but at least this week, yes. So -- but if
6 you need a work excuse, and cannot wait until Friday, or
7 whenever we end the case, then the clerk's office can help
8 you with that. Okay. Enough.

9 Yes, ma'am.

10 UNKNOWN JUROR: (Inaudible).

11 THE COURT: Oh, yes. Yes. And I'll explain your role
12 as an alternate tomorrow. Yes, you come every day, and just
13 because you're an alternate, your role is very important, and
14 I'll explain more about that. I'll pick the foreperson of
15 the jury in the morning, explain all that to you, and -- all
16 right. Any other questions? Yes, ma'am.

17 UNKNOWN JUROR: (Inaudible) next week we do on Tuesday.

18 THE COURT: Okay. We'll just have to kind of --

19 UNKNOWN JUROR: Wait.

20 THE COURT: -- just to kind of wait and see how it
21 goes. Okay?

22 UNKNOWN JUROR: Understood.

23 THE COURT: All right.

24 UNKNOWN JUROR: (Inaudible).

25 THE COURT: I just said, "They're going to come in

1 back." but now if you want to explain to them about parking?

2 THE CLERK: We're going to park on the side over here.

3 It's the -- I call it the recycle parking lot. It's got the

4 big blue recycle bin in it right across the -- if you'll park

5 over there, it'll just be easier for you to walk, to come

6 into the corner door. Okay? For everybody to just park over

7 there.

8 THE COURT: Okay.

9 THE BAILIFF: Does anybody need the elevator?

10 THE CLERK: Yeah, anybody need an elevator have a hard

11 time (inaudible).

12 THE COURT: Okay. All right. All right. Well, you

13 can get some exercise going up and down the steps, okay?

14 THE CLERK: But if something happens, and you do need

15 one week, you can wait that -- we have one week --

16 THE COURT: Okay.

17 THE CLERK: -- we help with that.

18 THE COURT: All right. Okay. Have a good afternoon

19 and evening, we'll see you in the morning. Let's go with the

20 bailiff.

21 THE CLERK: 10:00 -- 10:00.

22 THE BAILIFF: 10:00.

23 THE COURT: 10:00.

24 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT

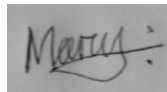
25 4:46 P.M.)

CERTIFICATE OF TRANSCRIBER

I, MARY RAGSDALE, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had, and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 8 of Greenwood County, South Carolina, on September 23, 2024.

I do further certify that I am neither of kin, Counsel, nor interest to any party hereto.

December 23, 2024

A rectangular box containing a handwritten signature in dark ink. The signature appears to be "Mary Ragsdale" written in a cursive, slightly stylized script.

MARY RAGSDALE

Transcriber

1 CONTINUATION OF PROCEEDINGS - SEPTEMBER 24, 2024.

2 THE COURT: Okay. We are back on the record in the
3 State versus William Bud Ackerman. One matter put on the
4 record yesterday -- excuse me, the Defense challenged
5 two jurors for Cause Number 479, Sidney Wells, she was a
6 young girl who -- about -- about six years ago was taught by
7 the McClendon mom. I denied that request as she stated she
8 could still be fair and impartial.

9 The other Juror Number 322, Sandra Moore. Her son,
10 Blake Moore, is an investigator with the Solicitor's Office
11 here in Greenwood, and I did grant that request. That's all
12 I have to put on the record before we bring the jury out.

13 Mr. Meadors, Mr. Conrad, does the State have anything
14 to put on the record at this time?

15 MR. MEADORS: Nothing from the State.

16 THE COURT: Okay. Mr. Swerling, anything you need to
17 put on the record?

18 MR. SWERLING: Your Honor, please. With -- as far as I
19 understand, there's no objection to bringing the record
20 forward from the initial trial. All the motions that were
21 made at that time, we'd just like to incorporate them in the
22 record today, and not reargue them, but just have them
23 incorporated.

24 THE COURT: All right. Any objection to that from the
25 State?

1 MR. MEADORS: No objection.

2 THE COURT: Okay. So ordered.

3 MR. SWERLING: And that would be the motions that --

4 THE COURT: Right.

5 MR. SWERLING: -- that were made.

6 THE COURT: And I think the plan is -- is after opening
7 statements are made, we're going to take a short break to
8 make sure that everybody is good with a couple videos that
9 the State intends to -- to put in. So we'll take a little
10 break, and let that be reviewed, and any necessary argument
11 or discussion on that. Okay?

12 Now, we're still a few minutes before 10:00. We may
13 not have the full jury here yet. So if there's no other
14 pretrial, we'll just we'll go off the record, and -- and --
15 and just take a -- a little short break, and hopefully the
16 jury will be here.

17 MR. MEADORS: Thank you, your Honor.

18 (Off the record from 9:53 to 10:00 a.m.)

19 THE COURT: All right. Let the record reflect the jury
20 is in.

21 Good morning, ladies and gentlemen.

22 THE JURY: Good morning.

23 THE COURT: Hope you got some good rest last night, and
24 ready to get to work. A couple housekeeping matters, first,
25 we need to have you sworn in as the trial jury.

1 Madam Clerk?

2 THE CLERK: Please stand and raise your right hand.

3 (Jury sworn at 10:01 a.m.)

4 THE CLERK: Thank you.

5 THE COURT: Okay. Thank you. All right. Second,
6 housekeeping matter, I need to appoint a foreman or
7 foreperson of the jury. If it is a male, it's foreman. If
8 it's a lady, or a female, it's forelady. Let me tell you the
9 role or -- or the responsibilities of a foreperson of the
10 jury.

11 First of all, I need someone to be the communicator
12 between the jury and the Court. If at any time during the
13 course of this trial, or when you begin your deliberations,
14 if there's a question -- an issue arising that needs the
15 Court's attention, then I need someone to be that
16 communicator, between the jury and the Court. All
17 communications to be in writing by the foreperson, and signed
18 by the foreperson.

19 Secondly, I need someone to make sure that all of my
20 instructions are being followed, and that's really
21 everybody's responsibility, but primarily, foreperson to make
22 sure that all of my instructions are being followed. For
23 example, I instructed you yesterday not to have any
24 discussion among yourselves about this case until I tell you
25 to. And the other instructions I have given you.

1 And thirdly, I need someone -- once I give you the
2 case, to begin your deliberations in order to reach a verdict
3 in this case, I need someone to get those deliberations
4 started, organize those deliberations, and be responsible for
5 keeping the vote counted in order to reach a unanimous
6 verdict in this case.

7 Now, I'm confident that all 17 of you would make
8 excellent forepersons, but I can only have one. So I -- I'm
9 appointing Matthew Malone. You'll be fine -- you'll be fine.
10 I've had -- I've had other jurors, when I've indicated that
11 they're the foreperson, they grimace somewhat, and you'll be
12 fine. Okay. And you'll always maintain -- and you don't
13 need to take the seat yet. Just when you come back in from a
14 break, this very front seat right here, that will be your
15 seat throughout this trial.

16 The alternates you always have the -- the back seats,
17 and everybody else can sit where you like. Okay. It's been
18 my experience doing this job that more times than not, jurors
19 like to sit in the same seat throughout the trial. And you
20 can certainly do that. You just don't have to.

21 Okay. Now, let me explain the role of the alternates,
22 and your role is very -- very important. It's not unusual,
23 especially during a -- a trial that has some length, like
24 this one -- it's not unusual for one of the 12, maybe become
25 ill, maybe an emergency at home, something of that nature.

1 And they have to be excused. Well, I need someone to fill
2 those shoes, someone who has sat through the entire trial up
3 until that point in time, and I need someone to fill those
4 shoes. So if that were to happen, then one of you five
5 alternates will be selected at random to become one of the
6 12. So understand your role is very important. If that does
7 not happen, of course, you cannot participate in the
8 deliberations. Okay?

9 All right. Now, before the lawyers make their opening
10 arguments to you, let me just explain a couple things. One
11 is, it is extremely important for you to be alert, and
12 attentive throughout this entire trial. I don't allow juries
13 to take notes. Some judges do, that is fine, I don't. I
14 have found that if you're taking notes, sometimes you're
15 paying more attention to the note-taking than you are
16 listening to the testimony from the witness stand, or maybe
17 statements made by the -- by the lawyers. So while
18 individually, you're not going to remember everything
19 presented to you at the end of this case, but collectively,
20 if you all have been very alert and attentive, then you're
21 going to have a pretty good memory of what has been presented
22 to you. So be alert, be attentive. And that's why I told
23 you yesterday, very important to get rest -- some good rest
24 every evening when you go home. There's nothing more
25 disappointing to me to look over at the jury, and see a jury

1 -- a juror nodding off, not paying attention. I've even had
2 some actually fall asleep. And so we -- we don't want that.
3 You don't want that. And so just get -- get some good rest
4 at -- at night.

5 Keep an open mind -- keep an open mind. Don't make any
6 quick decisions in this case, wait till all of the evidence
7 has been presented to you. The lawyers have made their
8 closing arguments. And what my job is, is to charge you --
9 give you the law that you are to use in this case, that you
10 are to apply the facts as you find them to the law as I give
11 you. You're the judge of the facts. I'm the judge of the
12 law. So that is your role. That is my role. Okay?

13 Now, as I told you yesterday -- and I told you
14 yesterday that I'd offer more explanation today concerning
15 going on the internet, social media, and the like. Your
16 decision in this case has to be based 100 percent on what is
17 brought to you in this courtroom. And if you're going on the
18 internet, or social media and obtaining information, while
19 chances are that information is not correct, that's
20 information that has not been presented to the 17 of you.
21 Information has -- has not been presented to you in this
22 courtroom. So that's why it is very important to refrain
23 from doing any of that while we are going through this case.
24 Stay away from the media, stay away from any news coverage
25 about this case while the case is going on. Okay.

1 And lastly, just use your common sense. You -- you are
2 all intelligent people, I'm sure. And use your intelligence,
3 but also use your -- your common sense. And lastly, just
4 keep in mind as we go through this trial, that the State of
5 South Carolina has the burden of proof. And I know these
6 lawyers are going to talk about that. They have the burden
7 of proof. Mr. Ackerman, the Defendant in this case, has no
8 burden of proof. He does not have to prove himself innocent.
9 It's the State of South Carolina's burden of proof to prove
10 him guilty beyond a reasonable doubt. And all those legal
11 terms, I'll explain to you in full at the conclusion of this
12 case.

13 Lawyers are going to make their opening arguments to
14 you. What they tell you is not evidence in this case, is
15 just what they believe this case is about, and what they
16 evidence they anticipate will show. Okay?

17 State ready for opening?

18 MR. MEADORS: May it please the Court?

19 THE COURT: Yes, sir.

20 MR. MEADORS: 1:11:34 a.m. -- 1:11:34 a.m.,
21 7,000 pounds, 25 miles an hour -- 1:11:34 a.m. 7,000 pounds,
22 25 miles an hour. That's what this case is about. On
23 May 7, 2023, at 1:11:34 a.m., the Defendant, William Bud
24 Ackerman drove his 2019 Ford F-250, 7,000 pounds, 2019 Ford
25 F-250 at 25 miles an hour into the body of Davis McClendon.

1 Bam. And that's what happened. He intentionally drove his
2 car into the body of Davis McClendon. And that's what this
3 case is about. And I submit to you, ladies and gentlemen,
4 the evidence you're going to hear, you're going to see it,
5 you're going to hear it, and you're going to feel it. As we
6 present to you, that at 1:11:34 on May 7 of 2023, the
7 Defendant intentionally -- intentionally drove his truck into
8 Davis McClendon, and murdered him.

9 Good morning.

10 THE JURY: Good morning.

11 MR. MEADORS: My name is John Meadors. I'm honored to
12 be here with Mr. John Conrad. We work for a South Carolina
13 Attorney General Allen Wilson in the Attorney General's
14 Office. Since we have the burden of proof, we have some
15 folks helping us here. Thank goodness we need it.
16 Daniel Clone, Matt Ellis, and Danielle's even got our mother,
17 Vicky, here today. But we are here today representing the
18 people of the State of South Carolina, the people of
19 Greenwood against the Defendant, William Bud Ackerman, who is
20 represented by Mr. Jack Swerling, a distinguished member of
21 South Carolina.

22 As his Honor just told you, we -- we all have roles in
23 this case. We all have roles. Mr. Swerling has his role.
24 We have our role. We're advocates. His Honor is the judge
25 of the law, he is the law. He decides what law we all abide

1 by the law. You jurors will decide this case on -- but most
2 respectfully to his Honor, to all the parties involved, your
3 role is the most important of anyone here. You're the judge
4 of the facts. You decide what's credible, what's believable,
5 and you'll use that determination, deciding what the truth is
6 -- truth is. As you apply the facts, as you so find them to
7 the law that the judge is going to give you, and you'll come
8 up with the verdict.

9 I -- I -- I've heard a judge describe it years ago. It
10 -- it -- it's like a game. It's just a basketball game.
11 It's the furthest thing from the game. I can assure you
12 there's nothing more important than this. And we have our
13 roles, this is kind of my office. We do this week in and
14 week out. We all love it, but it's almost like a -- a
15 basketball game. And we are here every week, week in and
16 week out, the referee, the other players. But a star player
17 comes in week in and week out. And that's you all.

18 The MVP who determines what the outcome of the game is,
19 but it's no game. This is the most important case that'll be
20 tried in this state, in this country this week. It's
21 important to the Defendant, it's important to Davis McClendon
22 and his family sitting here. This is both of them in court.
23 It doesn't get (inaudible) or in this case, the (inaudible).
24 This case will be over this week probably, but the shortness
25 of the case does not take away from the importance -- the

1 importance to everybody in this case.

2 His Honor just said, "Thank you for being here." I
3 want to thank you all for being here. We both chose you all.
4 Both of us chose you all because we knew, and we know that
5 you all be fair and impartial. No enemies to reward, no
6 friends -- no friends to reward, or enemies to punish.
7 You're here to decide this case based on the evidence you
8 hear that comes through the witness stand. You decide what's
9 credible, believable. And his Honor said, "Use your common
10 sense." And we submit to you, that's what will help you
11 decide this case. Just good old common sense. It's not
12 complicated, but it's important.

13 Ladies and gentlemen, what's he charged with?
14 Defendant is charged with the crime of murder. Everybody
15 knows what murder is. We see it so much on TV today. The --
16 murder is the malicious, intentional killing of another
17 living, breathing human being with malice aforethought.
18 What's malice? State must prove malice. Malice is a
19 evilness, a wickedness, or spitefulness one person chose to
20 another. It can be expressed, "I'm going to kill you." Or
21 it can be inferred under the circumstances from one's
22 conduct. Inferred by not breaking, inferred by any of your
23 truck running at somebody as they're standing, waiting to
24 talk to you. Express malice, inferred malice. We submit
25 you're going hear some express malice, but that'll be up to

1 you to decide.

2 Aforethought -- malice aforethought is a term of art.
3 We don't have premeditation in the State of South Carolina.
4 You don't have to plan, decide in advance, "I'm going to go
5 kill somebody." Law doesn't require that here in this state.
6 Premeditation is not required. Malice only has to exist at
7 the time the fatal blow is inflicted. Malice aforethought at
8 that time -- at that time when the gas is on the truck, at
9 that time when it's not on the brake. At that time where the
10 truck runs into Davis's body. Malice aforethought, that'll
11 be up to you.

12 There are different types of evidence, ladies and
13 gentlemen. There's direct evidence, evidence that you gather
14 with one of your senses. You directly -- you directly gather
15 it, you hear it, you feel it, smell it, you touch it. You
16 come in here -- and tell you, jurors -- witnesses tell you,
17 "This is what I heard, what I felt, what I smelled, what I
18 touched." There's circumstantial evidence, which is evidence
19 of a fact -- or fact, which leads to a fact in question. I
20 often give the example, I usually have ink spots on my -- on
21 my shirt where I put my pin in. If I get to close it. You
22 wouldn't have seen that, but if, you know, I have an ink spot
23 in here that I had a pin in there, that's circumstantial
24 evidence. In this case, you're going to see circumstantial
25 evidence. The Defendant's truck, after he hit Davis

1 something happened to his truck, and he left an oil spill all
2 the way from the location of the killing back to his folks'
3 house where he was living, all the way back the oil stain.
4 He didn't see it, but they followed it back. That's
5 circumstantial evidence that he drove his truck from the
6 crime scene back to his parents' house.

7 You're going to hear evidence, videos, some audios,
8 pictures, all types of evidence. The only evidence you can
9 consider in reaching your verdict is the evidence that comes
10 out of this witness stand. And the evidence his Honor
11 allows, relevant evidence to come before you. That's what
12 you're going to be able to consider.

13 What's our burden? The burden, as his Honor said, on
14 the State in this case, is the same as every saying that's on
15 every prosecution in this country, is beyond a reasonable
16 doubt. Beyond a doubt that'll make reasonable folks hesitate
17 to act. That's our burden, we have to prove that to you.
18 It's not beyond all doubt. If you had that burden, you
19 wouldn't need this courthouse. Beyond all doubt would be
20 your own video. I tape all the time -- all your actions.
21 Nobody wants that. And the law doesn't require that. It's
22 beyond a reasonable doubt, beyond a doubt that makes
23 reasonable folks hesitate to act. And that'll be up to you
24 all. And that's the beauty of this system. Folks from the
25 community come in, promise to be fair and impartial. Promise

1 to be -- listen to the evidence, and make a decision on what
2 they believe is right. Has the State met their burden of
3 proving the Defendant guilty beyond a reasonable doubt, we
4 respectfully submit. I hope you'll find at the end we have
5 it all, I think we'll go beyond that. But we only have to go
6 beyond a reasonable doubt, but that's our burden.

7 We have to prove the Defendant intentionally killed
8 Davis McClendon. And folks, that's really what it boils down
9 to. Sometimes I lose sight of the forest for the trees. My
10 wife tells me about that all the time. She says, "Keep it
11 simple." So I'm going to keep it simple. If we prove to you
12 beyond a reasonable doubt that he intentionally drove his
13 truck into Davis McClendon, he's guilty of murder. We
14 respect this (inaudible).

15 So how are we going to do that? What happened? The
16 evidence will show that Defendant, William Bud Ackerman, was
17 married to a young lady named Meredith, went by Meredith
18 Ackerman, now, Meredith Hainey. They were married, had
19 children a year before this incident, spring May of 2022,
20 they separated. It happens. It just didn't work out
21 anymore. They split up, began divorce proceedings. It
22 wasn't going to work out. Still wanted to do what was best
23 for the kids, but that relationship ended.

24 Summer goes into the fall of 2022. In the
25 December of 2022, Meredith begins a relationship with

1 Davis McClendon. And I want -- and the evidence will show it
2 had nothing to do with the breakup of the Defendant and this
3 young lady, nothing. It was over -- it was over. Well,
4 except one person who couldn't accept it exactly.

5 And as we go into fall of 2023 -- excuse me, since the
6 -- the winter of 2023 into the spring, a few weeks prior to
7 this incident, the Defendant finds out they are dating, they
8 have a relationship. And we submit to you, the evidence will
9 show he can't stand it. He doesn't want it to be over. He's
10 not going to let it be over. And as we move up to
11 May -- May 6th -- May 5th, he finds out a few weeks before
12 this relationship is going on. Doesn't understand it can't
13 -- it's not right. He -- he -- he doesn't want it to happen.
14 We go to May 6th, and this is what I want you all to focus
15 on, what the evidence will focus on on May 6th. Davis
16 McClendon is out with Meredith. They're going to a place
17 called "Break on the Lake." They failed several places here.
18 You all know them much better than I do. There's a Break and
19 -- "Break on the Lake Restaurant" at the lake. You all
20 shaking your head you, all know where that is. They were out
21 there eating. There's a place called "Key West Bar." Some
22 of you all may know where that is or may not. You'll show
23 that the Defendant was there after the victim, Davis
24 McClendon and Meredith leave Break on the Lake. And you're
25 going to hear that he -- Meredith was getting texts, phone

1 calls from the Defendant at this time. "Where are you?
2 What's going on?"

3 The Defendant leaves Key West, starts going out to
4 Break on the Lake. At that point you'll hear that the
5 decedent, Davis McClendon and Meredith go to this
6 Key West Bar. You're going to see videos from these places.
7 You're going to see videos. We're going to give you a
8 timeline. And then once the -- once the victim, Davis and
9 Meredith, are at the Key West, you're still going to see
10 phone calls coming in from the Defendant.

11 We believe we've had to argue he's looking for both of
12 them and want this to be going on, angry it was going on,
13 going to stop it. And finally, through phone calls and
14 texts, the Defendant says, "I want to meet with" -- "I want
15 to talk with Davis." And you're going to see Davis leave the
16 bar, and go to meet him. But prior to that, we're going to
17 show you evidence -- and -- and remember intent, ladies and
18 gentlemen. We going to show you intent. We -- we -- we --
19 we can't open up somebody's head and look at their brain, and
20 see what they're thinking, but we've got to prove intent to
21 you. This whole case is intent. We've got to prove it to
22 you.

23 One way we're going to prove it to you in this case is
24 through that 2019 Ford F-250. There's something in there
25 called, "The infotainment system" inside the car, and there's

1 a software called "Berla," Mr. John Conrad's going to explain
2 that through witnesses, that they take it out of the Ford
3 F-250, and you can show where a person was, what time they
4 went there, the speed they went there, when they were
5 breaking, when they were turning. And we believe we're going
6 to be able to show you that the Defendant left Key West Bar,
7 and went looking by Meredith's house, and headed out toward
8 Break on the Lake, and went by Davis's house. And then he
9 went into Break on the Lake. And we believe you're going to
10 see him circling the parking lot -- circling the parking lot,
11 looking for one, or both of them.

12 And then, he starts heading back in town. And this
13 ain't because I say it, that infotainment center says it. He
14 starts coming back into town. And he's on the phone with
15 Meredith. And then he gets on the phone with Davis, and they
16 agree to meet in Hunters Creek subdivision -- place they're
17 both familiar with, been there at the intersection of Avis
18 and Sawgrass. You're going to see pictures. They agree to
19 meet there.

20 We believe the evidence will show that
21 William Bud Ackerman's on the phone with Meredith -- excuse
22 me, that Davis McClendon is on the phone with Meredith, and a
23 call comes in from the Defendant, and he says, "Hold on."

24 And then, Davis McClendon starts stomping at
25 Bud Ackerman, that phone still active as this has happened,

1 Defendant's got her on hold, and was talking to the victim,
2 and they've agreed to meet at Avis and Sawgrass.

3 And then ladies and gentlemen, you're going to see that
4 Davis McClendon got there, parked his car with his lights on,
5 and sitting there. We believe the evidence shows waiting to
6 meet with Bud Ackerman like they planned at a place they'd
7 been to, knew it, waiting to talk, waiting (inaudible).

8 And the evidence will show the Defendant left
9 Break on the Lake, came back, rides around in the area, goes
10 back, backs up into a driveway where the folks live right
11 near there, coming down, goes down Avis and Sawgrass comes
12 into Hunters Creek.

13 And then you go here they're two people -- and just a
14 little bit. One of them is Terry Cummings who lives in that
15 neighborhood, installed a video system in his house. And
16 after this happened, law enforcement went to the
17 neighborhood, and says, "Has anybody got the cameras?"
18 Terry Cummings had the camera. And thanks to a bird, motion
19 activated, you'll see the Defendant's truck coming down.
20 You'll be able to see it passing into Davis's car with Davis
21 roadside.

22 There's another fellow you're going to meet,
23 Roderick Maceda, who lives in the neighborhood. He had a
24 camera on his door, a Ring doorbell camera, you're going to
25 -- he captured on his Ring door camera, the Defendant's truck

1 coming in, passing down in front of him. Right after that,
2 Mr. Cumming's camera catches the crash. You're going to hear
3 the crash on Roderick Maceda's camera. And you're going to
4 also hear -- and Mr. Maceda will tell you what he thought he
5 heard.

6 You're going to hear that after the crash -- listen to
7 this ladies and gentlemen, respectfully, after the crash,
8 you're going to hear some yelling. You are going to hear
9 what we believe the Defendant gets out, goes over to the
10 victim, and you're going to decide (inaudible) pretty said.

11 You're going to listen to that, and you're going to
12 decide, and we'll argue in closing what he says, but I want
13 you to listen for the words. And I want to listen to the
14 tone of what the Defendant screamed at Davis McClendon as he
15 would fear for his life. Listen to that, and you'll decide
16 if that is malicious. Is that an intentional?

17 And he hit him at 1:11:34. What happens after that?
18 He gets out, he yells, he leaves. Evidence will show he
19 left. He left. Something happened to his truck, calls that
20 oil spill. He backs up and leaves, and leaves an oil spill
21 back to his folks' house, which is just right up the road.
22 You're going to have pictures.

23 Young lady named Megan McGovern, who babysat for the
24 Ackerman's, talked to Meredith. She went and picked her up.
25 He said, "This is where they were supposed to meet." She's

1 getting concerned. She hadn't been able to get in touch with
2 Davis. She drives down there -- drives down there, and parks
3 right beside the vehicle -- right beside Davis's vehicle.
4 They don't even realize that where he is to start with, but
5 ultimately find his body off to the side. She's going to
6 testify, tell about what she found. She calls 911. Law
7 enforcement comes, and the investigation starts. And once
8 they're told law enforcement that, "Hey, the Defendant and
9 the victim was supposed to be right here," he lives right up
10 the road. Wrote on Facebook went up the road. It was an all
11 (inaudible), but they went up the road 41 minutes and 20 --
12 44 -- 41 -- 44 minutes, 21 seconds later, and found the
13 Defendant was (inaudible).

14 Ladies and gentlemen, that's what this case is about.
15 An intentional killing of Davis McClendon by Bud Ackerman.
16 Is that so? But it's important -- it's important to
17 everybody. All I'd ask you to do is just listen, use your
18 common sense, weigh the credibility and believability of all
19 the witnesses. And after you've heard all the evidence, I'll
20 be up here respectfully -- respectfully asking you, define
21 the Defendant, William Bud guilty of murder for intentionally
22 driving his 7,000 pound truck at 25 miles an hour into
23 Davis McClendon and killing him.

24 THE COURT: Okay. All right. Mr. Swerling, I think we
25 have a little adjustment we need to do.

1 You going to do it, Carson?

2 THE CLERK: Yeah.

3 THE COURT: Okay. Is that what you need done?

4 Now, Mr. Swerling, you ready to go?

5 MR. SWERLING: May it please the Court? Mr. Foreman,
6 ladies and gentleman of the jury, good morning.

7 THE JURY: Good morning.

8 MR. SWERLING: My name is Jack Swerling, and I am a
9 lawyer practicing in Columbia, South Carolina. And I've had
10 the privilege of coming up here to the Greenwood area on a
11 number of occasions over the years that I've been practicing
12 law. And again, it's a privilege to appear before you, a
13 Greenwood County jury, and represent Mr. Ackerman in this
14 case.

15 I'm a -- I am a lawyer who defends individuals who are
16 accused of crimes, and the State is prosecuting this
17 individual, and we both have as -- Mr. Meadors set a role in
18 the case. But our role is to seek justice, to make sure that
19 justice is done, and to make sure -- my role is to make sure
20 that no one is convicted of a crime unless the State has
21 evidence beyond a reasonable doubt that they committed the
22 crime that's charged.

23 In this case, the State has brought a charge of murder,
24 and of course, Mr. Meadors has pretty much defined what his
25 view of what murder is. And -- but I don't have a lot of

1 dispute about that. Mr. Meadors has said on a number of
2 occasions that, "It's an intentional killing," an intentional
3 killing with malice aforethought. And that's going to be the
4 issue in this case. Whether or not Mr. Ackerman's conduct in
5 this case amounts to intentional to go ahead, and satisfy the
6 State's burden beyond a reasonable doubt.

7 We maintain that Mr. Ackerman did not act intentionally
8 in this case, that he did not kill the individual
9 Mr. McClendon with malice aforethought or intentionally. And
10 that's going to be something you're going to have to decide
11 during the course of the trial. You're going to hear
12 evidence that's going to be presented by the State, and we're
13 going to be able to cross-examine the witnesses who offer
14 that evidence. And I just ask you to keep an open mind
15 throughout the course of the trial as to whether or not the
16 State has met its burden of proof. Excuse me I got a little
17 short of breath.

18 We spent a good bit all day yesterday, really selecting
19 the jury. And why do we go -- why do we do that? We want --
20 everybody wants -- the judge, the State, and the Defense
21 wants a jury that doesn't come to the court with any
22 preconceived opinions, has not expressed an opinion about the
23 guilt or innocence of a Defendant in a case. We want people
24 who are able to come in, have not formulated that opinion,
25 and have not taken whatever they've heard in the street, or

1 in the media, or anything else, and already formed a
2 conclusion.

3 So if you remember during yesterday, a number of people
4 would come up, and the judge would examine them, and find out
5 what they wanted to say. We had an opportunity to ask some
6 questions as well. And at the end of the process, we went
7 ahead and selected the jury.

8 Now, at that point, when we started doing the jury
9 selection, the judge was satisfied that we had a fair and
10 impartial jury out of all the members of the (inaudible) that
11 had been brought in. The Prosecution was satisfied that
12 everybody who was going to be selected out of that
13 (inaudible) was fair and impartial, and could render a fair
14 and impartial verdict in the case, and had not reached their
15 conclusion. And I was satisfied -- me and Mr. Ackerman were
16 satisfied that the people that were left were going to be
17 fair and impartial, and had not formulated an opinion, or
18 expressed an opinion about the guilt or innocence of Bud
19 Ackerman.

20 There were a number of jurors who were excused by the
21 Court. There were a number of jurors who were excused by the
22 State. There were a number of jurors excused by me. That's
23 all right to do that all -- Judge, the State, and the Defense
24 to go ahead, and bring together 12. In this case, we have
25 some -- we have five alternates, but in this case, to bring

1 together a jury who has not been influenced by outside
2 discussions, or outside media, or anybody's opinions to come
3 to court, and had not decided this case before they came into
4 court, did not have an opinion, had not expressed an opinion,
5 and sit in judgment on this case. And we are all satisfied
6 that the members of the jury that we have right now -- or
7 that jury that we can go ahead and count on being fair and
8 impartial, and listen to the evidence in the case, and then
9 decide what the appropriate verdict is.

10 Folks, you're the most important people here. The
11 judge is very important. Obviously, he's going to be
12 deciding issues of law and he keeps things moving.
13 Mr. Meadors, Mr. Conrad are advocates for the State. I'm an
14 advocate for the Defense. What we say is not evidence in the
15 case. What we are doing is asking you to look at the
16 evidence. And in some cases we may suggest what we think the
17 evidence may show, but the fact of the matter is, we are
18 advocating a position. And during the course of the trial,
19 Mr. Meadors and Mr. Conrad may object to evidence, and I
20 certainly may object to evidence, and then the judge gets to
21 rule on that. But who decides the facts of the case? You
22 do. You are the ones that decide the facts, and the judge
23 will go ahead and instruct you at the end of the case as to
24 what the law is in the case. Now, you've already heard
25 Mr. Meadors say, "It's an intentional act." The murder is an

1 intentional act, and Mr. Ackerman acted intentionally. We
2 dispute that.

3 Mr. Ackerman has pled not guilty to this charge. So
4 what does that mean? We impanel the jury, we present
5 evidence, and then you decide. Now during the course of the
6 next few days, you'll hear evidence in the case. And as
7 Mr. Meadors pointed out, which I totally agree with, we've
8 known each other a long time, that the burden is on the State
9 to prove guilt beyond a reasonable doubt. Now what that
10 means is that, that the conclusion of the case, when you go
11 back and deliberate, if you have a reasonable doubt, the law
12 requires you to find in favor of a Defendant who's charged
13 with that crime. That's the law. It's the law here, and
14 it's the law throughout our country. If you have a
15 reasonable doubt, if you hesitate to act, if something
16 bothers you that doesn't make sense, that somewhere along the
17 line, the State has really not proven that Mr. Ackerman acted
18 intentionally, then you have an obligation under the oath
19 that you just took to find person charged with the crime not
20 guilty. That's it. That is your obligation, and you're the
21 only ones that get to decide that, you are the ones who go
22 ahead and decide whether or not they've proven the case
23 beyond a reasonable doubt.

24 Now, let me talk to you a couple minutes about a couple
25 of principles of law that I'm going to ask you to consider.

1 One is: "In our country -- throughout our country, throughout
2 our state, throughout our country, we have what's called a
3 presumption of innocence." You've heard about it on TV,
4 you've talked about it, it's just, you know, everybody just
5 kind of said, "Well, we have a presumption of innocence."
6 What does it really mean? In the courts of the United States
7 and in South Carolina, the presumption of innocence means
8 this: When you look at Bud Ackerman right now, he's presumed
9 to be innocent. You have to look at him that he is innocent
10 of the charges that the State has brought against him.

11 And guess what? That presumption of innocence follows
12 him all throughout the trial. Throughout the trial, you are
13 to look at him as someone who's presumed to be innocent. The
14 only time that presumption of innocence disappears -- the
15 only time that presumption of innocence goes away is when the
16 ultimate 12 of you, who go in to deliberate, decide that the
17 State has proven the case beyond a reasonable doubt. Up
18 until that point, until 12 unanimously agree that the State
19 has met it's burden of proof beyond a reasonable doubt, that
20 he is presumed to be innocent, that follows him into the jury
21 room. We have a unique system of justice. That presumption
22 of innocence is so powerful. It's what makes us unique among
23 the civilized countries in the world. To presume that a
24 Defendant is innocent up until a jury decides that the State
25 has met its burden of proof.

1 Now, proof beyond a reasonable doubt. As I said, it
2 means that at the end of the case, if you have a reasonable
3 doubt, or if you hesitate to act, if something bothers you,
4 if the State has not proven something that you thought they
5 should prove, you have to resolve that in favor of the
6 Defendant.

7 Now, a crime such as murder requires a criminal intent.
8 So when the State has to prove that the Defendant acted with
9 criminal intent, and the criminal intent is stated in this
10 case by Mr. Meadors, is that Mr. Ackerman intentionally --
11 intentionally killed Mr. McClendon. We think at the end of
12 the case, or we submit to you that at the end of the case,
13 you'll have a substantial doubt as to whether or not Mr.
14 Ackerman killed Mr. McClendon intentionally.

15 Now -- so criminal intent's going to be very important,
16 and the judge will describe to you a definition of what
17 criminal intent means. The judge will also tell you what the
18 elements of the crime of murder are, but let me kind of
19 summarize where I believe the evidence is going to be going
20 -- or submit where the evidence is going to be going. There
21 are going to be witnesses testifying, and you are to
22 determine what the credibility of those witnesses are -- is.

23 You may hear different versions of what the facts are,
24 and who decides who's telling the truth, who's partially
25 telling the truth, who's wholly telling the truth, who's not

1 telling the truth. You do. Not me, not Mr. Meadors, not
2 Mr. Conrad, not even the judge. You decide the credibility
3 of the witnesses, and you decide that based upon whether or
4 not they have an interest, or bias, or motive in the outcome
5 of the case, whether or not they've been consistent with what
6 they've told people, or have they been inconsistent, whether
7 they've been -- are they consistent with each other? Are
8 they consistent with the evidence in the case? That's how
9 you decide the credibility of the witnesses. There -- there
10 is no school to go to -- there's no book you can read about
11 how to determine the credibility of the witnesses. Can I get
12 a little water? I'm sorry.

13 THE COURT: Yeah. Trudy -- Trudy will get you some.

14 MR. SWERLING: Yeah, I just get drawing. Mr. Meadors
15 described to you what we had here is a situation with Bud and
16 Meredith Ackerman were married -- excuse me. Thank you.
17 Excuse me. I am sure they provided water for you in the jury
18 room hopefully too.

19 So Bud and Meredith Ackerman were married. They have
20 three children. Mr. Ackerman thought they had a pretty
21 strong union -- strong marriage, but at some point,
22 Meredith Ackerman decided that she wanted to go ahead, and
23 end the marriage. Now, that does not automatically mean that
24 the person who is not wanting to end the marriage just
25 accepts that. I mean, let's face it, if you've fallen in

1 love, and you've lived together for a number of years, and
2 you're building a career together, and you have three young
3 beautiful children, not everybody's just going to go ahead
4 and agree, okay, you know, you want to end the marriage. I
5 don't want to, let's try something, let's do something.
6 Let's not just end the marriage. Bud did not want to end the
7 marriage, but he was working through, and trying to accept
8 what happened.

9 Some point, as Mr. Meadors pointed out, Meredith
10 started seeing Mr. McClendon. They were still married.
11 Okay. Let's make sure everybody understands that. Meredith
12 and Bud were still married at that time, even when she was
13 seeing Mr. McClendon. And by the way, Mr. McClendon knew
14 they were married. Okay.

15 Now, at some point going into May, Mr. Ackerman had a
16 conversation with Mr. McClendon, and expressed that he was
17 just unhappy about the fact that his wife and he -- that he
18 was seeing his wife. And they kind of tried to talk about it
19 a little bit, and see what they could do. But it really was
20 -- the marriage was over, and Bud had to go ahead, and
21 eventually accept it.

22 On May 7th, Bud is still reeling from the fact that his
23 wife wants to leave him. They got three children. I said,
24 trying to build a career, build a family, but he's still --
25 he's aching. And you can imagine that you can understand

1 that -- that he's going out with his wife, and he does not
2 want to separate from his wife. He doesn't want to divorce
3 his wife. However, people eventually have to accept that,
4 but that doesn't mean that they do it without emotion. That
5 doesn't mean they do it without longing, and caring and,
6 loving. Bud Ackerman still loved his wife.

7 May 7th, Mr. McClendon is out with Meredith --
8 Meredith Ackerman, his wife, and they go to some clubs, and
9 they were drinking. And Mr. Ackerman had been to a couple of
10 clubs as well. And during the course of the evening, there
11 had been some phone calls going back and forth between Mr.
12 Ackerman and Ms. Ackerman.

13 At some point during the evening, Mr. McClendon got on
14 the phone with Mr. Ackerman. And basically, as we understand
15 it, and I think will be presented -- I want to meet, let's
16 meet, let's talk about this thing. You know, I'm getting
17 tired of you calling your wife type of thing. And, you know,
18 we're out. Leave us alone kind of thing. Little anger
19 there, little anger. So they agreed to meet. Now, they
20 didn't agree to meet, to go ahead, and fight. They didn't
21 agree to meet, to go ahead, and destroy each other. What
22 they did is they were going to agree to meet and talk, and
23 eventually they had decided they were going to go to
24 Mr. Ackerman's house where his -- where his parents lived on
25 Old Abbeville Highway.

1 At some point, Mr. Ackerman tells Mr. McClendon, well,
2 I don't want to go there. The children are there, they're
3 staying over that night. So let's meet somewhere else.
4 Mr. McClendon agrees, let's meet somewhere else. Now again,
5 Mr. Ackerman believes that what they're going to do is meet
6 and talk about this -- talk through it, which I think any
7 wife, any husband is entitled to talk through it, find out
8 what's going on, express what I feel, express what you feel.

9 So when Mr. Ackerman goes to meet Mr. McClendon, he
10 believes they're going to talk, and try and just see whatever
11 can be resolved about this situation. So they agree to meet
12 at the end of Avid Road and at Sawgrass in the subdivision
13 right off of Old Abbeville Highway.

14 Now, Mr. McClendon got there first. He's driving a BMW
15 at the end of Avis, right after Sawgrass. There's a dead
16 end. I don't know how many feet -- it'll come out during the
17 course of the trial. How many feet from that intersection is
18 the dead end? There's a gate there. And apparently --
19 according to what I understand from people in the community,
20 that's a frequent place for people to meet.

21 So Mr. McClendon goes down there with his BMW, turns
22 around, and comes back, and parks at the corner of Sawgrass
23 and Avid Road -- Avid Road. He's got his headlights on
24 shining up Avid Road where he knows that Mr. Ackerman is
25 going to be coming down to meet him, to talk, as far as Mr.

1 Ackerman is concerned -- to just have a discussion about
2 maybe how
3 Mr. Ackerman feels about the whole thing. You look at him,
4 you -- you decide whether or not this is the person -- the
5 type of individual who wants to get into a fist fight or an
6 argument with Mr. McClendon. You decide that.

7 So he's on his way down there to talk with Mr.
8 McClendon. He comes down Avid Road, and right before -- I
9 mean -- just seconds -- seconds before he sees Mr. McClendon
10 standing out in the middle of the road, near his car, in the
11 middle of the road. But he's not just standing there looking
12 to go ahead, and get in a conversation with Mr. Ackerman.
13 He's standing there with his shirt off.

14 Now, I think everybody kind of knows what it means when
15 someone is going to meet somebody and they've taken their
16 shirt off, and he's waiting in the middle of the road for
17 Mr. Ackerman to come down there. Not only that, not only
18 does he have his shirt off, but he has a blood alcohol level
19 of 0.11, which means that he's under the influence, under the
20 law he was driving -- had been driving under the influence.
21 So there he is standing in the middle of the road, got his
22 shirt off, you decide what he had -- why he had his shirt
23 off. He's intoxicated, and Mr. Ackerman is coming to that
24 intersection. At the very last second, you will hear
25 testimony that Mr. Ackerman saw someone standing in the

1 middle of the road. Couple of seconds now, and at that point
2 you will hear testimony that he veered to the left, into the
3 BMW and hit the BMW, which was at the corner of Sawgrass and
4 Avid Road. Why did he do that? He did that to avoid hitting
5 Mr. McClendon, who is standing in the road with his shirt off
6 ready to fight.

7 Why else would you steer left coming down the road and
8 hit the BMW, which is facing you with its headlights on
9 except to avoid hitting? Unfortunately -- unfortunately --
10 tragically for everybody involved, he veered off, hit the
11 car, the BMW veered off, hit Mr. McClendon, and Mr. McClendon
12 died as a result of his injuries.

13 Now, does that sound like an intentional act on the
14 part of someone? Or are there extenuating circumstances here
15 that you didn't know when Mr. Meadors was giving his opening
16 statement that make it a little bit different. Who is the
17 aggressor here? Mr. McClendon was ready to fight.
18 Mr. Ackerman had no intention of it, and at the very last
19 second when he saw him standing in the road, he took evasive
20 action to steer away from Mr. McClendon. But as you'll hear,
21 unfortunately, he hit Mr. McClendon.

22 Ladies and gentlemen, this is not an intentional act on
23 Mr. Ackerman's car. Did he -- did he hit him and cause his
24 death? Yes, but that does not make it murder because it has
25 to be intentional. He had to intend with malice aforethought

1 to kill Mr. McClendon. Here, he took evasive action, never
2 went there with the intention of fight. He took evasive
3 action at the last second when he saw him, ran into the BMW,
4 but veered off and he actually hit Mr. McClendon accidentally.

5 That's what you're going to have to decide on this case
6 -- in this case. Was it an intentional act that he ran him
7 over and killed him, or did he take evasive action and hit
8 him by accident? That ultimately would be the decision in
9 this case, and the judge will charge you on all of those
10 principles of law at the end of the case, but I wanted to
11 kind of give you a preview of what we submit the evidence is
12 going to be.

13 So you'll understand what's happening in this case, and
14 that's a synopsis of it's not the complete story, but we're
15 satisfied at the conclusion of this case. When you go back
16 and deliberate, you will have a doubt as to whether or not
17 the State has met its burden of proof. And whether or not
18 Mr. McClendon -- Mr. Ackerman intentionally killed
19 Mr. McClendon.

20 We submit he did not -- we submit he did not. We
21 submit it was an accident. And we submit that Mr. McClendon
22 was there ready to fight clear from the evidence in the case.
23 So at the end of the case, we will have an -- we will have an
24 opportunity again to address you after the judge -- after the
25 evidence is presented, the judge will go ahead, and charge

1 you on the law. I just ask you to withhold judgment in the
2 case. All this time you have not expressed an opinion. You
3 have not formed an opinion. You told us all under oath.
4 Told the judge, told the State, told me that you have an open
5 mind about it, and have not reached to a conclusion. I ask
6 you not to reach a conclusion until you go into the jury
7 room. But remember throughout that presumption of innocence
8 goes all the way with you at the end of the case into the
9 jury room, and does not get removed from the Defendant until
10 they prove the case beyond a reasonable doubt. Thank you.

11 THE COURT: Ladies and gentlemen, I'm going to ask that
12 you go back to the jury room. I have some evidence that I
13 need to review with the lawyers. Throughout this trial,
14 there will be times that I'll ask you to go back to the jury
15 room. We'll do it only when necessary, but go back,
16 hopefully it won't be too long. We'll get you back out, and
17 we'll start with the State's case, okay?

18 MR. SWERLING: Yes, sir.

19 THE COURT: Remember my instruction, no conversation
20 between you, the jury, concerning anything about this case.
21 All right. See you in just a little bit.

22 (Jury exits room at 10: 54 a.m.)

23 THE COURT: All right. Gentlemen, I looked at my notes
24 from the first trial concerning the Manzel video, and the
25 Mejia video. My notes indicate that I ruled that the Manzel

1 video would not come in because it shows even though a short
2 period of time, it does show the EMS personnel working on
3 Mr. McClendon's body. So that was ruled not to come in, but
4 the Mejia video I did allow in. And I'm going to try to
5 remain consistent with my rulings from the first trial. But
6 I -- I think Mr. Swerling, you still want to review what the
7 State intends to offer by way of video, is that correct?

8 MR. SWERLING: Briefly.

9 THE COURT: Okay. All right. So we'll be in recess,
10 allow you all to do that. We can go back on the record, and
11 -- and discuss whatever we need to discuss. Okay.

12 MR. MEADORS: I think we can do that back in this room
13 also.

14 THE COURT: Yeah, I think that'd probably be the best.

15 (Off the record from 10:55 to 11:18 a.m.)

16 THE COURT: All right. We're back on the record. And,
17 Mr. Swerling, you want to put something on the record
18 concerning a -- I guess it would be the Mejia video -- body
19 cam video?

20 MR. SWERLING: Yes, your Honor. I've listened -- I've
21 watched the Mejia video again. And the audio part of it
22 doesn't add anything to the case. It's not probative of
23 anything, it's the visual part. I can see the State wants to
24 go ahead and walk through the scene, but the audio, there's a
25 couple of parts in there where there's -- conclusions are

1 being drawn without any proper foundation, for example, he
2 talks about wiping the hood. It appears that he was wiping
3 it -- wiping the blood. That was at 9:08 on the video.
4 There's also Megan McGovern -- was making a lot of comments
5 in the background in the beginning of the video. It's hard
6 to discern what she -- was being said -- was being said, but
7 it's not probative. It doesn't need to be played in audio if
8 they want to play the video. I -- that's not -- that's not
9 the issue. The audio -- the issue is speculating about
10 what's on the audio, and what's being said. And, you know, a
11 couple things I just pointed out. They -- just excuse me one
12 minute.

13 One specific thing I heard was Megan making a bunch of
14 comments at the beginning, when he was coming up with the
15 dash -- with the body cam, and then in the house, or when he
16 got to the house, he made some comments about it. It looked
17 like he was wiping blood here. Again, I -- I don't believe
18 that's probative of anything. I think under 403, the
19 prejudicial effect outweighs any probative value because he's
20 speculating as to what was being said, and allows the jury to
21 speculate what's being said. And the audio is just not
22 necessary. So I would object to the audio being played. I
23 don't have any objection to the video being played.

24 THE COURT: Okay. Mr. Meadors, Mr. Conrad?

25 MR. SWERLING: (Crosstalk) the witness.

1 MR. MEADORS: And, your Honor, corporal not going to be
2 taking a stand for at least a few witnesses. So if the Court
3 wants to review the video for itself, again to refresh
4 memory, there'll be -- there should be ample opportunity.
5 The only thing I would say is in terms of the -- the Megan
6 comments in the background. I -- I -- I just don't think you
7 can hear anything that she's -- other than her emotion in the
8 background, any specific factual statements that the State
9 would be submitting for the truth asserted. So I'm not sure
10 there's any -- any prejudicial value to what she's saying in
11 the background, considering you can't really understand what
12 she's saying.

13 Now, in terms of the comments around the truck, you
14 know, we can certainly mute the -- what Corporal Mejia is
15 saying on the video during that short portion.

16 THE COURT: Okay.

17 MR. MEADORS: If -- if the Court wants us to, I don't
18 think we have a problem doing that.

19 THE COURT: Okay. Let me ask you, would it be possible
20 to wait on the Mejia video after lunch? Okay. Then I'll
21 look at it. I'll -- I -- I've already seen it, and evidently
22 allowed it in. My notes indicate that -- that Megan, you
23 could hear her crying, but I didn't reflect that she was
24 making any comments. With that said, since it's been a while
25 since I've seen the video, let me look at it over lunch, and

1 then I can make an official ruling. But it appears that the
2 State is agreeing with you concerning the comment about
3 wiping the blood. They're willing to mute that portion.

4 MR. SWERLING: It is -- maybe there's a couple of
5 comments about smudges and things like that, but again during
6 the trial, actually it was objected to, and my understanding
7 -- I -- I have the transcript, but I believe your Honor ruled
8 that he couldn't make any conclusions. He didn't have no
9 proper foundation being made for him to render an opinion
10 about what caused that, the smudge or the dent in the -- in
11 the -- in the hood. So those are the things that I have some
12 concern about, and just would ask the Court to take a look at
13 it again.

14 THE COURT: I -- I will -- I'll take a look at it over
15 lunch.

16 MR. SWERLING: Judge also, one -- one other thing,
17 during Mr. Meadors, opening statement, he alluded to a
18 comment after -- on the -- on the doorbell video, whatever
19 they call it. And that may have been said by Bud Ackerman.
20 I've listened to it several times now, and apparently the
21 State contends that he made a comment that is audible on the
22 doorbell video that I would ask the Court to take a look at
23 because it's very -- first of all, I don't believe you can
24 conclude 100 percent that that is exactly what he said. So
25 it really is -- I would object under relevancy, but I would

1 also object under 403 that to allow the jury to speculate as
2 to what was being said, and allow the State to try and argue
3 that the probative value is far outweighed by the prejudicial
4 effect or vice versa, whichever way you look at that under
5 403.

6 And so I -- I'm very concerned about the jury being
7 allowed to speculate as to what they contend Mr. Ackerman
8 said after the impact -- did not hear that before. I have
9 not heard that. I can't hear that myself clearly. So that's
10 why it's just coming up now.

11 THE COURT: Mr. Meadors, do you want to address that?

12 MR. MEADORS: No, that is all due respect to
13 Mr. Swerling. Now, it -- it's -- it's been in discovery,
14 it's been there. To me, it's one of the key issues in the
15 case that after he hits him, you hear to the effect, "What
16 the" -- "what the fuck" -- "what the fuck do you want to talk
17 about now?" To that extent, which goes to the heart of the
18 case.

19 THE COURT: Okay.

20 MR. MEADORS: It's captured on the video. It shows his
21 anger, it shows the tone, it shows the words, and it's been
22 in discovery for -- for a good while.

23 THE COURT: Well, I -- I'll take a look at that too. I
24 think that is the Ring camera Maceda, is that correct?

25 MR. MEADORS: Yes, sir.

1 THE COURT: Okay. I'll take a look at that too.

2 MR. SWERLING: Thank you, Judge. I just -- again, I --
3 the -- the issue is I don't clearly hear what Mr. Meadors is
4 contending, is there.

5 THE COURT: Okay.

6 MR. SWERLING: But that -- that's the problem that I
7 don't want the jury to be allowed to speculate about it.

8 THE COURT: Okay. All right.

9 MR. MEADORS: Judge, he -- he's actually supposed to be
10 the second witness, but --

11 THE COURT: Oh, okay.

12 MR. MEADORS: It's 11:25. I don't --

13 THE COURT: Yeah, won't -- don't want to break yet.
14 Well, let's -- let's put a -- put first witness up, get
15 through that first witness, and we'll just take another
16 little break, and at least let me listen to the -- that
17 portion of the Ring camera audio. I'll make a ruling. Okay.

18 All right. Anything else?

19 MR. MEADORS: No, sir.

20 THE COURT: Okay.

21 MR. SWERLING: No, sir.

22 THE COURT: Okay. All right. Let's bring the jury
23 out, and maybe after this first witness, it'll put us up to
24 about 12:00, and then maybe we can break for lunch.

25 (Jury enters room at 11:28 a.m.)

1 THE COURT: All right. Let the record reflect the
2 jury's back in. Ladies and gentlemen, I think the -- the
3 plan is the State is going to call their first witness, and
4 that may very well put us up close to 12:00, and we'll break
5 for lunch then. I've got some work to do on some evidentiary
6 issues, which I'll do over lunch. And so that's kind of the
7 plan right now.

8 Okay. State ready to call first witness?

9 MR. MEADORS: It is, your Honor.

10 THE COURT: Okay. You may proceed please.

11 MR. MEADORS: May it please the Court? State calls
12 Terry Cummings.

13 THE COURT: Come around, Mr. Cummings. That's fine.

14 TERRY CUMMINGS,

15 being duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. MEADORS:

18 Q. Good morning, Mr. Cummings.

19 A. Good morning.

20 Q. If you would just state and spell your name for
21 the court reporter real quick.

22 A. My name is Terry Cummings. Last name is spelled
23 C-U-M-M-I-N-G-S.

24 Q. How you doing this morning?

25 A. Good, thank you.

1 Q. Mr. Cummings, I want you -- the first thing I want
2 you to do is, just tell the jury a little bit about your
3 background, where you're from, what your education is, and
4 your work history?

5 A. Okay. I was born and raised in West Virginia, and
6 actually graduated from high school in West Virginia. After
7 that, I moved with my parents to Texas, where I attended
8 Texas A&M, earned a bachelor of science in chemical
9 engineering. A week after that, I got married. A week after
10 that, I was on my way to Washington state where I worked
11 there, and lived there for 13 years, in Montana for
12 six years, and then moved to South Carolina in 2005. Latest
13 job was just the safety, environmental and security director
14 for Prisma Group, the Avid and Abbeville.

15 Q. Okay. You said, "You got married somewhere in
16 there." Are you still married, sir?

17 A. Yes, sir.

18 Q. And is your wife here today?

19 A. She is, yes.

20 Q. Is she in the crowd?

21 A. Yes, sir.

22 Q. All right. Mr. Cummings, when you moved here --?
23 And you said it was 2005, correct?

24 A. 2005. Yes, sir.

25 Q. Where did you move? What -- where did you move

1 to?

2 A. There were some apartments next to Walmart. I
3 don't recall the name of them, but I -- we lived there for a
4 couple years. And then --

5 Q. At some point, did you purchase a house here in
6 --?

7 A. We actually built a house out in Hunters Creek.
8 Yes, sir.

9 Q. All right. And what's the address of that?

10 A. It's 10 -- 103 Sawgrass Place.

11 Q. You still currently live there?

12 A. We do.

13 Q. Okay. All right. And I'm going to show you, it's
14 been marked as State's Exhibit 12. And it's a map. And I
15 just want you to see if you recognize that area.

16 A. I do. This is the area that shows Avid Road and
17 Sawgrass Place. And my house is the first on the left in
18 Sawgrass.

19 Q. Okay. And what -- what would be the closest
20 intersection to your house?

21 A. Avid Road and -- and Sawgrass.

22 MR. MEADORS: And the courts -- at this point, I don't
23 think we have any objections. The State would like to move
24 this -- this map in to evidence.

25 THE COURT: Mr. Swerling?

1 MR. SWERLING: No objection.

2 THE COURT: All right. Without objection number 12 in
3 to evidence for the State.

4 (State's Exhibit 12 was admitted in to evidence.)

5 MR. MEADORS: And the State would like to publish.

6 THE COURT: Certainly.

7 BY MR. MEADORS:

8 Q. All right. And at the -- Mr. Cummings, in the
9 middle of the screen there -- we see a -- a road that's
10 horizontal, at least on the map. And what is the name of
11 that? What is that road labelled?

12 A. That -- that's Avid Road -- Avid Road.

13 Q. Okay. And intersecting is a -- on the right-hand
14 side of the map is another road that goes up, and to the
15 right on the map as it's oriented right now, what is the name
16 of that road?

17 A. Sawgrass Place.

18 Q. Okay. And you live -- your house is on Sawgrass,
19 correct?

20 A. Yes, sir. It's the first one on the left there.

21 Q. And in fact -- is visible, correct?

22 A. It is, yes, sir.

23 Q. All right. And it's that first house as you -- if
24 -- if a car were driving left to right across the map, and
25 took a left on Sawgrass, is it the first house on the left

1 that someone would come across?

2 A. Yes, sir, it is.

3 Q. And were you living there on early morning hours
4 of May 7 of 2023?

5 A. Yes.

6 Q. All right. And tell me about -- about your house,
7 Mr. Cummings. Have you installed any cameras there?

8 A. I did. I installed a security system --
9 eight-camera system, and has 4K cameras with an on-site
10 recorder, and also records in the cloud.

11 Q. Let's -- let's explain that a little more. You
12 said, "You had a total of eight cameras at your house?"

13 A. Eight cameras. Yes, sir.

14 Q. And are they pointed at various angles pointing
15 towards the outside?

16 A. They're all on the outside, yes, sir. I have one
17 in the garage, but the -- but the other ones are all outside.

18 Q. You installed them yourself, correct?

19 A. I did.

20 Q. And you said something about 4K. What -- what --
21 what does that mean?

22 A. It's a fairly high resolution. You may -- a
23 4K camera is generally like an eight-megapixel camera.
24 That's best of my knowledge to -- how to describe it.

25 Q. And do any of your cameras face out towards

1 Sawgrass Road?

2 A. They do. They -- I have one that faces out, and
3 captures Sawgrass.

4 Q. Okay. Do any of them face towards Avid Road?

5 A. Now there is one at the -- in May 7 of 2023, there
6 was not -- although the one that faces front -- front of my
7 house is on Sawgrass, a corner of that does capture that
8 intersection of Avid Road and Sawgrass.

9 Q. And so what you're describing is, there is a
10 camera on the front of your house that's pointed back in the
11 direction of Sawgrass and the intersection of Avid Road, is
12 that correct?

13 A. Yes, sir. It's -- it's essentially pointed toward
14 Sawgrass, but it's a -- it's a wide-angle so it captures
15 clear out to Avid Road.

16 Q. Is there some vegetation between your house and
17 that intersection?

18 A. There is. There is -- I have some trees on my
19 property. There's also some vegetation next to my property.
20 And -- and at that intersection of Avid Sawgrass.

21 Q. I think this will work. You can see my pen on the
22 -- on the projection there. So this is your house, correct?

23 A. Yes, sir.

24 Q. And the camera we've been describing faces back
25 down towards the intersection of Sawgrass and Avid Road?

1 A. It captures that area. It actually faces Sawgrass
2 more than that, but it -- it captures that whole wide-angle,
3 all the way clear to Avid Road.

4 Q. Okay.

5 A. I -- I hope that was clear.

6 Q. So what you're describing is, and -- and look at
7 my pen there, it's facing towards Sawgrass, but in the field
8 of view is this intersection?

9 A. Yes, sir. That's a good way of describing it.

10 Q. Okay. So let's talk about the early morning of
11 May 7 of 2023. Were you home that morning, sir?

12 A. I was.

13 Q. And your wife was too?

14 A. Yes, sir.

15 Q. All right. And did anything occur in early
16 morning hours of that day that woke you up or was -- was
17 unusual that you experienced?

18 A. No, I slept -- slept right through it. We -- my
19 son and daughter-in-law came in on Saturday, which is the
20 6th. We went to bed, and then got up fairly early the next
21 morning on the 7th, and went down to Savannah. And I was
22 unaware of anything that had happened.

23 Q. Okay.

24 A. Until I was contacted later by law enforcement.

25 Q. And you went to -- with -- with -- your wife and

1 your -- your --

2 A. Son.

3 Q. Children or son -- excuse me.

4 A. Yes.

5 Q. To Savannah?

6 A. Yes.

7 Q. And were you -- how long were you gone?

8 A. Came back Tuesday evening.

9 Q. All right. And while you were gone, did anyone
10 make contact with you about anything that had occurred near
11 your house on the early morning hours of May 7th?

12 A. Yes, sir. I believe it was on Monday the 8th. A
13 Sergeant Murdock contacted me on my ring doorbell camera.

14 Q. Okay. You weren't home, correct?

15 A. I was not home.

16 Q. And so you also have a Ring camera, you said?

17 A. I -- I do, yes.

18 Q. And that wouldn't be part of the eight cameras
19 that you set up elsewhere in the house, correct?

20 A. It is not. It's a separate system.

21 Q. Okay. And just so the jury understands, does that
22 Ring camera face anywhere? Is it -- is the intersection of
23 Avid and Sawgrass visible in that Ring camera?

24 A. It is not, no.

25 Q. But Deputy Murdock hit your Ring camera -- or

1 Captain Murdock hit the Ring camera, and contacted you,
2 correct?

3 A. He did -- he did.

4 Q. And what did you do in response to him contacting
5 you?

6 A. He contacted me and asked me if perhaps I had any
7 -- he -- he said, "There was an incident that occurred," and
8 wondering if I had any Ring camera footage of that.
9 Subsequent to that, I -- I told him I wasn't sure, but I
10 would check. Subsequent to that call, I did check my phone
11 and there was no footage on the Ring camera during that
12 period of time. And also --

13 Q. Let me stop you, I apologize.

14 A. Yes.

15 Q. You've been talking about your Ring camera and
16 ring --

17 A. The Ring camera.

18 Q. Which -- which company owns ring that -- just for
19 the jury understands?

20 A. I thought it was -- I thought their name was Ring,
21 but I -- I don't -- I don't remember.

22 Q. And does Ring store video locally at your house?

23 A. They do not. They -- it's -- it's on their --
24 their server.

25 Q. Okay. But the system you set up does in fact

1 store video?

2 A. It stores it at my house, and also on the cloud.

3 Yes, sir.

4 Q. Okay. So it's a separate system, but your Ring
5 camera itself -- the doorbell camera didn't capture anything?

6 A. It didn't capture anything. I've actually
7 adjusted the sensitivity. It used to go off a lot, catching
8 all the cars driving by, but I adjusted the sensitivity, so
9 it only alerts to people who come on the porch. So I know --
10 know they're there.

11 Q. Okay. And after you checked your Ring camera, did
12 you check any of your other cameras?

13 A. I did -- I did. When I returned home on Tuesday
14 -- either Tuesday night or Wednesday morning, I did check the
15 camera system that I installed, and I did see some activity
16 -- primary lights at the corner of Avid and Sawgrass.

17 Q. Do you recall approximately what time you saw
18 those lights?

19 A. Sometime after 1:00 a.m., on Sunday,
20 February 7, 2023.

21 Q. And speaking of the time, the video that's
22 recorded at your house, is it time-stamped in any way?

23 A. It is time-stamped. The recorder also -- the
24 system also syncs to what's called an NTP or
25 "Network Time Protocol server." It -- it checks the -- the

1 time stamp and makes sure that it's every 24 hours to make
2 sure it stays current.

3 Q. So you're confident that the time stamp that's on
4 the video that you're talking about is accurate?

5 A. I'm very confident in that, yes, sir.

6 Q. All right. And what did you do after you noticed
7 this activity on your -- on your (inaudible) system, sir?

8 A. I did contact -- sorry calling Sergeant -- I guess
9 it's Captain Murdock, and let him know. And I did email him
10 a couple segments of that video. He and I talked subsequent
11 to that, and -- and he felt that that was important. So I
12 actually recorded, or downloaded the time period from
13 1:00 a.m., to about 1:43 a.m., when I first noticed emergency
14 services arriving on site. And I put that on a -- a memory
15 stick, which I later gave to him.

16 Q. All right. And you provided that to
17 Captain Murdock?

18 A. I did.

19 Q. Okay.

20 A. I did

21 Q. And Mr. Cummings, I'm going to show you what's
22 been marked as Exhibit -- State's Exhibits -- excuse me
23 1A, 1B, 1C, and 1D.

24 A. Okay.

25 Q. Do you recognize those -- those DVDs, sir?

1 A. Actually, I -- I don't, because I didn't -- I
2 didn't produce these -- I -- I -- what I did was the items, I
3 think the shorter duration video clips were emailed, and then
4 the full video clip was provided on a memory stick. So I
5 think those were made from it -- yeah.

6 Q. You didn't originally provide these to the --

7 A. No.

8 Q. -- sheriff's office?

9 A. No.

10 Q. But have you reviewed what's on those?

11 A. I have reviewed everything that's on those, yes
12 sir.

13 Q. Is that the video that you provided the
14 sheriff's office?

15 A. It is, yes, sir.

16 MR. MEADORS: All right. And I think without
17 objection, State would seek to move in to evidence 1A, 1B,
18 1C, and 1D.

19 MR. SWERLING: No objection.

20 THE COURT: All right. Without objection, 1A through
21 1D in to evidence for the State.

22 (State's Exhibits 1A through 1D were admitted in to
23 evidence.)

24 BY MR. MEADORS:

25 Q. And -- and, for -- for clarification's sake, this

1 video is from the early morning hours of May 7 of 2023,
2 correct?

3 A. That is correct.

4 MR. MEADORS: And at this time, State would seek to
5 publish the video.

6 THE COURT: Certainly.

7 MR. MEADORS: Your Honor. All right. Pull it. Bear
8 with us. Okay. And -- and keep a pause for a second.

9 BY MR. MEADORS:

10 Q. Now this is the camera that's on the exterior
11 house, correct?

12 A. That's the one facing Sawgrass, and the street in
13 front is Sawgrass Place. That's my front yard.

14 Q. All right. And so looking at this screen, where
15 is the intersection of Avid and Sawgrass?

16 A. Clear up at the upper right, you see a little
17 light through the vegetation. There's a streetlight on that
18 corner. And so that's -- that's the -- that's the
19 intersection.

20 Q. All right. And this video looks like it's stamped
21 at 1:00 a.m., almost exactly 1:00 a.m., in the morning, is
22 that correct?

23 A. It looks like that, yes, sir.

24 Q. All right. Go and hit play. Okay, pause video.

25 All right. And in that upper right hand corner, what -- what

1 did we just see, Mr. Cummings?

2 A. To me, it looks like a -- a vehicle has -- has
3 entered that intersection, and turned around, and faced back
4 out toward -- well, faced back out pointing (crosstalk)
5 pointing up Avid Road. Yes, sir.

6 Q. And we're going to switch back to the -- to
7 Exhibit 12, the map. And so what you described was caught in
8 your video, is a vehicle driving up Avid Road, and making a
9 U-turn back towards the way. And that's what we seen in the
10 light, sir?

11 A. I believe so, yes, sir. There's a -- there's --
12 just for clarification, there's also a gate shortly after the
13 intersection on Avid Road.

14 Q. So there is actually a gate that stops at Avid
15 Road at some point?

16 A. That's correct. Maybe 70 or 80 feet from the
17 intersection.

18 Q. Yes. And so on the map, we see the road looks
19 like it continues for a way up. You're saying there's a
20 gate?

21 A. There is a gate. Yes, sir. You can't -- unless
22 you open the gate, you can't go further up that -- that road.

23 Q. Approximately, you said, "60 -- 70 feet passes?"

24 A. I think so, yes sir. It's a guess. I've not
25 measured it.

1 Q. Okay. Go back to the video. And what -- it's
2 still paused where we just saw the vehicle turn around. And
3 what time do you see on screen at this point, Mr. Cummings?

4 A. It's hard to see, but it looks like 1:00.

5 THE COURT: Mr. Cummings, you can step down if you'd
6 like. Just be careful stepping down.

7 THE WITNESS: Let me do that up for just a second.

8 THE COURT: Be sure to speak up. Stand over there with
9 Mr. Conrad so you'll have the microphone, and --

10 THE WITNESS: I'll do that. Thank you.

11 THE COURT: Okay. Thank you.

12 THE WITNESS: I apologize.

13 THE COURT: That's okay.

14 THE WITNESS: I can see better. 1:07 -- or excuse me,
15 1:01, and then seven seconds.

16 BY MR. MEADORS:

17 Q. All right. So one minute past 1:00 a.m., in the
18 morning of --

19 A. Yes, sir.

20 Q. -- May 7th, correct?

21 A. Yes, sir.

22 Q. Okay. Keep pointing. And what -- what do you see
23 at the end of this video, sir?

24 A. I can see a headlight in the area between the
25 vegetation there. It looks like that car is completed

1 turning around, and is pointing back out along Avid.

2 Q. And does it continue to -- does it -- from what
3 you can see, continue back up Avid, or does it stop?

4 A. It stops.

5 Q. Okay. Why don't you take the stand real -- back
6 -- or head back to stand for a second. I might have you get
7 back up in a minute. Let's go to -- okay. And maybe I
8 shouldn't have you sat, but can -- can you --? I apologize,
9 Mr. Cummings, come on -- come back down.

10 A. No problem. You just want to make sure I get my
11 exercise.

12 Q. Yeah, I'm sorry. Okay. So we're now at a second
13 clip that, and this is another clip that you provided to the
14 sheriff's office, is that correct, sir?

15 A. Yes, sir.

16 Q. And what is at -- at the beginning of this video,
17 what is the time stamp?

18 A. It looks like it's 1:11 and six seconds.

19 Q. Okay. Hit play. All right. And pause it real
20 quick. And up in that -- upper right-hand corner, do you
21 still -- do you -- what do you see right now, Mr. Cummings?

22 A. Still see -- it appears that same car with the
23 same headlight in the space.

24 Q. And you in fact reviewed the time between 1:01 and
25 1:11, correct? You provided the full clip to the

1 sheriff's office, correct?

2 A. I did provide the full clip, the camera's set up
3 so that it only records on motion.

4 Q. Right.

5 A. And so if there's no motion in that period of
6 time, so it's going to -- it's going to trigger the camera --
7 it's going to record for about a minute, unless there's more
8 motion, it's going to stop recording.

9 Q. Okay.

10 A. And then when it gets motion again, it's going to
11 start recording for -- for at least a minute.

12 Q. Okay. And so there may not be a complete video
13 between 1:01 and 1:11?

14 A. Yes, sir.

15 Q. Because there was no motion setting off your
16 video, is that correct?

17 A. That's correct, yes, sir.

18 Q. Okay. Keep on. Okay, pause the video. And,
19 Mr. -- Mr. Cummings, were you in that upper right-hand
20 corner, what did you -- what did you just see in your video?

21 A. It appears to be a second vehicle or another
22 vehicle that came in, and pushed the original vehicle back.

23 Q. Okay. Let's back up about 10 seconds, and what is
24 the time stamp right now that we're looking at, Mr. Cummings?

25 A. It's 1:11 and 26 seconds.

1 Q. Okay. And we're focused on operating corner of
2 that video, is that correct?

3 A. Yes, sir.

4 Q. Okay. Hit play again. Pause video. And what --
5 and did you see that vehicle come in from the light again,
6 Mr. Cummings?

7 A. I did.

8 Q. And what is the time stamp that you see now on --
9 on your video?

10 A. It's 1:11 and 34 seconds.

11 Q. Okay. Keep playing. And let's -- let's go back
12 to the beginning, let's watch one more time. Hit play. And
13 you said, "Your video is" -- "is motion-activated," is that
14 correct, sir?

15 A. It is -- it is.

16 Q. And in watching what we seeing here, what do you
17 think activated the video for this particular recording? Or
18 do you know?

19 A. I -- I don't know. What I -- what I've
20 historically is that there is a lot of -- a lot of bugs
21 flying in front of the sensor.

22 Q. Uh-huh.

23 A. And predominantly, it's bugs that set off the
24 motion.

25 Q. Pause -- pause again.

1 A. And it potentially could be a -- the vehicle or it
2 could be a car. But I think when there's no activity visible
3 and you see the streaks coming back and forth, it's usually
4 bugs that have set off the motion activation.

5 Q. And -- and so you're saying those quick kind of
6 dots flying in the middle of the screen?

7 A. Yeah.

8 Q. Or -- or more than likely bugs?

9 A. Bugs sometimes bats, but anything that flies in
10 front of the -- the camera will sometimes trigger the motion
11 sensor to start recording.

12 Q. Okay. All right. Keep playing.

13 A. Like those.

14 Q. And once again, up -- up in the upper right-hand
15 corner at about 1:11:34, you see that other vehicle come in
16 from the right, correct?

17 A. I did, yes, sir.

18 Q. And I -- I believe you said originally, that you
19 saw it may have been the -- the original car which was facing
20 back up Avid Road.

21 A. Uh-huh.

22 Q. Looked like it got pushed a little bit. The
23 headlights you see in the video?

24 A. It did it -- I mean -- there's -- there's no
25 longer a headlight. It looked like something went back

1 further to the left.

2 Q. Let's pull up the map again, please. Going back
3 to State's Exhibit 12, the map, just -- just to -- so we can
4 keep spatially where everything is. The -- the first car was
5 -- was facing back up like my pen -- up Avid Road, correct?

6 A. Yes, sir.

7 Q. And again, your camera is --

8 A. Right there.

9 Q. -- seeing something -- direction like this,
10 correct?

11 A. Yes, sir.

12 Q. Up towards the intersection really more towards
13 Sawgrass. And what we see in your video in that upper
14 right-hand corner is a second vehicle coming back down Avid
15 Road towards that first vehicle, correct?

16 A. Yes, sir.

17 Q. And from what you can see in that, it appears to
18 push that first vehicle to some degree, is that right?

19 A. Yes, sir. That's what I -- I see.

20 Q. And what we're going to do now is looking at the
21 same State's Exhibit 1A through 1D is -- we can actually
22 zoom, it's not an enhancement or anything, but just simply
23 zoom in on the upper right-hand corner. And we'll watch it
24 one more time. And -- and this field of view is simply a
25 zoom of the previous field of view, is that correct?

1 A. It appears so. Yes, sir. Upper right -- upper
2 right corner of the screen.

3 Q. And that upper right-hand corner is still the
4 intersection of Avid and Sawgrass?

5 A. It is, yes.

6 Q. Okay. Let's -- let's watch it one more time,
7 little closer. Okay. Pause it. And we saw that vehicle
8 come in from the right, in the upper right-hand corner, is
9 that correct?

10 A. That is correct.

11 MR. MEADORS: Let's back it up 10 more seconds, and one
12 more time. Okay. Mr. Cummings, you can -- you can take the
13 stand again, sir.

14 All right. Mr. Cummings, that's all the questions I
15 have, please answer any questions Mr. Swerling might have.

16 THE WITNESS: Thank you.

17 THE COURT: Mr. Swerling, any cross-examination?

18 MR. SWERLING: Briefly, your Honor.

19 THE COURT: Okay.

20 CROSS-EXAMINATION

21 BY MR. SWERLING:

22 Q. Mr. Cummings, good morning. Jack Swerling. How
23 are you?

24 A. Morning. I'm good, thank you. And you, sir?

25 Q. Good -- good. I just want to go briefly over a

1 few things with you. This area here is where your house is
2 on this corner here, correct?

3 A. That's -- yes, that's it.

4 Q. And that's Sawgrass?

5 A. Yes, sir.

6 Q. Which subdivision is this?

7 A. That's in Hunters Creek.

8 Q. And this where I'm pointing right now, that's
9 Avid Road?

10 A. Yes, sir.

11 Q. And this is -- where I'm pointing right now, is
12 River Road.

13 A. That's Rivers -- Rivers Run. Rivers Run.

14 Q. And this is off the Old Abbeville Highway,
15 correct?

16 A. That is correct. The road furthest to the bottom
17 of the screen is Old Abbeville Highway.

18 Q. Right. So if you're coming, let's say from the
19 left over here you would make a left turn on the
20 River Road -- Rivers Run, and then make a right turn on Avid,
21 correct?

22 A. Yes, sir.

23 Q. And then to get to your house, you would make a
24 left turn on Sawgrass?

25 A. That's correct.

1 Q. That would be the first house?

2 A. It is the first house on the left. Yes, sir.

3 Q. And you have set up this system, it's not a sound
4 system, it's just a -- it's a --

5 A. It is just video only, it does not have sound.

6 Q. And you did not -- you were not awakened by what
7 happened?

8 A. I was not, no, sir.

9 Q. Now, on this corner over here, there is a
10 street-light, correct?

11 A. There's a streetlight at the corner. Yes, sir.

12 Q. And at -- we're talking about down here, this is
13 where you were referring to, there's a gate?

14 A. It's actually -- the gate is very close to the
15 intersection. Yeah, it's right in there, yeah.

16 Q. Somewhere in this area?

17 A. Yeah. It's actually very close to the
18 intersection of Avid and Sawgrass.

19 Q. Now, you saw on your video a car -- what -- which
20 apparently went down to the end of -- or somewhere in this
21 area here, before the gate?

22 A. Yes, sir.

23 Q. Correct?

24 A. Yes, sir.

25 Q. Always they would've gone from left to right?

1 A. That's -- that's the first activity I saw. Yes,
2 sir.

3 Q. And then that car turned around?

4 A. Appears so. Yes, sir.

5 Q. Appears so. And parked toward the corner, or at
6 the corner near Avid and Sawgrass?

7 A. Yes, sir. Yes, sir.

8 Q. Okay. And did the car -- the car did not turn off
9 its lights, correct?

10 A. It did not.

11 Q. All right. It had its lights on the whole time,
12 right?

13 A. It appears so. Yes, sir. That's what I saw.

14 Q. And could -- could you tell from whether or not --
15 from where your vantage point or -- your video, whether or
16 not the high beams were on or the low beams?

17 A. I -- I wouldn't know. No, sir, I couldn't tell.

18 Q. But the car itself would've activated your video
19 system?

20 A. It potentially could have -- either the car or --
21 or a bug, or something flying in front of the camera could
22 have done that. Yes, sir.

23 Q. You said that oftentimes you see bugs set it off?

24 A. Most of the time, yeah. When looking and
25 reviewing the camera, most of the time, it -- it's recording

1 bugs. It's -- it's very -- very sensitive.

2 Q. Clearly here, it picked up a car --

3 A. It did.

4 Q. -- at the corner, facing up Avid Road?

5 A. It did.

6 Q. For Rivers Run, correct?

7 A. Yes. Yes.

8 Q. And then you saw a second car come down Avid Road,
9 correct?

10 A. Yes, sir. Or a vehicle. I don't know --

11 Q. Vehicle.

12 A. -- what kind of vehicle it was.

13 Q. And at 1:11, I believe -- tell me what you -- what
14 your understanding was at 1:11 that you saw 1:11:34?

15 A. Yes, sir. It appears to me the second car came
16 down the -- down Avid, and impacted the first -- first car,
17 and pushed every -- I guess all of them went further back
18 toward the gate.

19 Q. Okay. That's all I wanted to make clear. From
20 your video system, it shows that they -- the car that was
21 coming down Avid road from left to right?

22 A. Yes, sir.

23 Q. Across the intersection of Sawgrass Road?

24 A. Yes.

25 Q. And struck the car?

1 A. It appears so. Yes, sir. That's what I -- what I
2 could see.

3 Q. And the car was moved basically from your video
4 system. You could tell the car was moved after that impact.

5 A. It was moved. Yes, sir. It's pushed back, it
6 appears so.

7 Q. Did your -- now I assume that -- did your video
8 pick up other activity vehicles coming in during the course
9 of that evening?

10 A. It -- it did some, yes, sir. Later -- later, I --
11 I know there was another vehicle that -- that came in to that
12 intersection. Don't have the time stamp in my mind. And I
13 also picked up emergency vehicle's lights, I should say.

14 Q. Okay. But these are clips of the extended video
15 that you took?

16 A. Yes.

17 Q. And shows the initial car coming down, turning
18 around, facing or turning around at the -- into the
19 intersection of Sawgrass and Avid, with the lights on facing
20 up Avid, and then another car coming down Avid, correct?

21 A. Yes.

22 Q. And at some point, hitting that vehicle, and
23 pushing it back?

24 A. Yes, sir.

25 MR. SWERLING: That's all I have, your Honor.

1 THE COURT: Mr. Conrad, any re-direct, sir?

2 MR. CONRAD: One -- one quick question, your Honor.

3 RE-DIRECT EXAMINATION

4 BY MR. CONRAD:

5 Q. Mr. -- Mr. Swerling asked you about the gate that
6 just after the intersection of Sawgrass and Avid, correct?

7 A. Yes.

8 Q. And just so it's clear for the jury, if someone
9 continues up Avid Road, all they're going to hit is that
10 gate, correct?

11 A. That's correct.

12 Q. Is it any way to get through that and up -- up --
13 further up Avid?

14 A. Not without opening the gate or -- or destroying
15 the gate. No.

16 MR. CONRAD: Beg the Court's indulgence?

17 THE COURT: Sure.

18 MR. CONRAD: No further from State.

19 THE COURT: Any re-cross?

20 MR. SWERLING: No, your Honor.

21 THE COURT: Okay. Mr. Cummings, you can step down.
22 Thank you, sir.

23 MR. CUMMINGS: Thank you.

24 THE COURT: Okay. Ladies and gentlemen, we're at the
25 12:00 noon hour. I think we're going to go ahead, and take a

1 lunch break, and I'll be back here at 1:30. So an hour and a
2 half. Hopefully that's long enough for you to get you
3 something to eat. And we'll see you back at 1:30. Have a
4 good lunch. Remember all my instructions.

5 (Jury exits room at 11:59 p.m.)

6 THE COURT: A reminder to always wait for the jury to
7 exit the courtroom before you get up. Okay. Thank you. All
8 right. We'll be in recess till 1:30. If -- if I can get the
9 Mejia video, and then if you can just put me right at the
10 point of the statement allegedly made so I don't have to look
11 at, or listen to the whole thing. Okay. Thank you.

12 (Off the record from 12:00 to 1:32 p.m.)

13 THE COURT: Okay. We are back on the record. And I
14 had an opportunity to review once again, the Mejia body cam
15 video, and there were several points that Mr. Swerling had
16 objected to the -- at the very outset. The -- I think her
17 name is Megan, right?

18 MR. MEADORS: Yes, sir. I'm sorry.

19 THE COURT: Okay. Megan crying. I think that needs to
20 come out. She can certainly testify, and I think she -- you
21 -- the State plans to call her as a witness. She can
22 certainly say she was upset, but just hearing her crying,
23 probably a little bit more prejudicial. And so that needs to
24 be muted during that short period of time. Even though it's
25 really hard to understand what she was saying that can remain

1 in, she's going to testify. So if she can certainly be asked
2 about -- about those statements. So I already agreed by the
3 State to mute the officer's speculation about trying to clean
4 the blood off the truck, State already agreed to that. So
5 that needs to be muted. I think any other statements that --
6 that law enforcement made in that 14-minute video really of
7 no prejudice to -- to the Defense, and probably maybe gives
8 the video a little context so that -- that certainly can come
9 in.

10 Concerning the Ring camera audio, the Maceda is that a
11 -- no, Maceda -- Maceda Ring camera audio, the statement that
12 the State maintains the Defendant made, certainly the State
13 can argue, "Hey, that was the Defendant." Defendant can
14 argue, "Hey, it wasn't me," but now we need to remember it
15 was made right after the bang. Two people out there, one is
16 been injured, if not already deceased. So certainly, I think
17 it would be logical for the State to argue there's only one
18 person left to make a statement of that nature. But
19 certainly the Defense can argue that it was not him, or you
20 can't understand what it is. So I'm going to let -- allow
21 that to come in.

22 And I think that was all that I needed to take a look
23 at. I know the objections were made by Mr. Swerling.
24 Anything else that I needed to consider with respect to the
25 body cam video, or the Ring camera, video, audio -- audio,

1 actually?

2 MR. SWERLING: Judge, with respect to the doorbell
3 video, my problem with the audio part of that, or as far as
4 that statement that the State contends Mr. Ackerman made I --
5 I don't think it's relevant, but even if your Honor finds
6 that it's relevant, the prejudicial effect outweighs the
7 probative value under 403 because there is no expert
8 testifying as to what was said there. That's the problem
9 with me is not that there was one person out there, two
10 people out there, it was what the State's interpretation of
11 what was said out there.

12 And if your Honor remembers that did not come out
13 during the trial we had back in June. Nobody made reference
14 to that statement. So that's one of the reasons why it's
15 just coming up now, that the State's interpretation is that
16 he -- he's made that comment. And that's what I find
17 prejudicial because we don't know what was said, we really
18 have no idea what was said because nobody has enhanced that,
19 nobody's testifying as an expert that that's what it says.
20 So that's why I think it's not admissible in 402, and -- or
21 403, the actual contents of the statement.

22 THE COURT: Okay. Now, two things before I hear from
23 the -- from the State. It's my understanding that when it's
24 played in the courtroom, the audio is going to be a little
25 louder than it is by listening to a, you know, a flash drive

1 plugged into a computer. My understanding that that audio is
2 going to be a little louder, possibly a little clearer, okay?
3 And -- and certainly the State -- all right, Mr. Meadors, the
4 probative value of getting that statement that you maintained
5 was made by the Defendant after the bang would be what?

6 MR. MEADORS: It's clearly, respectfully, more
7 probative than prejudicial. It goes directly to the heart of
8 this issue. Then it wasn't an accident that he intended to
9 do it. Our -- our version is he said basically, and of
10 course the jury will have to decide.

11 THE COURT: Right.

12 MR. MEADORS: "What the fuck" -- "what the fuck do you
13 want to talk about" -- "is there to talk about now?"
14 Something to that effect. All due respect to my friend
15 Mr. Swerling, it did come out last time. We quite frankly,
16 weren't ready on the sound last time that the soundbar wasn't
17 working. But Mr. Maceda testified last time he heard loud --
18 he heard something.

19 THE COURT: Yeah.

20 MR. MEADORS: He testified to that. And we actually
21 cleared it up a little bit from the jury, and you could hear
22 it. We've now got the soundbar working, but -- but it did
23 come out last time.

24 THE COURT: Right.

25 MR. MEADORS: It just didn't have the volume on it,

1 quite frankly.

2 THE COURT: Right. Okay. Well, I'm -- I'm going to
3 find that there's a more probative value than unfair
4 prejudice -- certainly is prejudice -- prejudicial to the
5 Defendant, but it's not unfairly prejudicial. And I'm going
6 to find that the probative value outweighs any unfair
7 prejudice to the Defendant.

8 MR. SWERLING: Judge, just to -- if I could just
9 respond, no one made that -- no one attributed that statement
10 to Mr. Ackerman before. And that's -- that's what concerns
11 me. The only thing that he testified to was that he heard
12 shouting.

13 THE COURT: Right.

14 MR. SWERLING: And that was it.

15 THE COURT: Right.

16 MR. SWERLING: So I would -- I would object to him
17 making a conclusion, or drawing any conclusions of what was
18 said now certainly.

19 MR. MEADORS: Your Honor, I don't think the witness
20 could say who it is. I'm -- we're not offering him for that.

21 MR. SWERLING: No, not saying who it is, but what it
22 is, that's my problem.

23 THE COURT: Well, the -- the witness did say that there
24 was voices arguing, or a voice arguing, and -- but since the
25 State has been able to improve the quality of the sound, I'm

1 going to allow it in. And again, they can argue that was
2 Defendant making the statement. You can certainly argue you
3 can't understand it, or it was not the Defendant. So I'm
4 going to allow it in.

5 MR. MEADORS: Thank you.

6 THE COURT: All right. So everybody clear on what --
7 my rulings and what needs to be done with Mejia body cam?

8 MR. MEADORS: The only thing I'd like to add, your
9 Honor, for the Mejia body cam, we still got at least two or
10 three witnesses before he would be up.

11 THE COURT: Sure.

12 MR. MEADORS: Today, for publishing it to the jury,
13 what we can do is we can manually mute.

14 THE COURT: Sure.

15 MR. MEADORS: What -- what -- what the Court is ruling.

16 THE COURT: That'd be the easiest thing to do.

17 MR. MEADORS: You know, when it comes to an exhibit
18 that the jury could take back at the end of the trial, I -- I
19 think we'll work on between then and now on a -- an exhibit
20 where it's muted, where they just can't go back to, and turn
21 up the volume, and hear what they didn't hear.

22 THE COURT: Sure.

23 MR. MEADORS: We can just substitute it when we get
24 that done.

25 THE COURT: That's right. And just when you do that

1 make sure Mr. Swerling has an opportunity to -- to hear that,
2 and that he's comfortable that what you have done it complies
3 with my ruling. Okay. All right.

4 MR. SWERLING: Who's -- who's going to be the next
5 witness?

6 MR. MEADORS: I -- I believe it's Mr. Maceda.

7 MR. SWERLING: Okay. Your Honor, since Mr. Maceda is
8 the next witness, just to preserve my objection under the law
9 concerning motions in limine.

10 THE COURT: Right.

11 MR. SWERLING: Would you allow or allow me to go ahead
12 and renew the objection now?

13 THE COURT: Sure.

14 MR. SWERLING: And preserve it during the course of the
15 testimony since he's the next witness anyway.

16 THE COURT: You're protected. Okay. And on a -- a
17 different note, I think -- and I don't think you guys will
18 have any problem with this, but I think we need to inform the
19 jury since they see video equipment in here, that -- that
20 court TV, and 48-hour CBS News is -- are recording these
21 proceedings. I think in fairness to the jury.

22 State, have any problems with the Court telling the
23 jury that?

24 MR. MEADORS: Your Honor, no, sir.

25 THE COURT: Okay. Mr. Swerling. Okay. All right.

1 Anything else before we bring the jury in?

2 MR. MEADORS: Nothing from the State.

3 THE COURT: Okay. Does the State feel like they can
4 pretty much fill up this afternoon with -- with witnesses
5 since we only got through one this morning?

6 MR. MEADORS: The -- the only thing I would ask for,
7 your Honor, is we -- we're going to have two or three
8 witnesses here. We can -- we're ready to go with -- before
9 we put Mejia -- Mejia up, I just ask for another break to --

10 THE COURT: Sure.

11 MR. MEADORS: -- to make sure we get that muting
12 coordinated so we don't have a slipup in front of the jury.

13 THE COURT: Not a problem -- not a problem. All right.
14 Let's bring the jury in.

15 (Jury enters room at 1:41 p.m.)

16 THE COURT: All right. Let the record reflect the jury
17 is back in. Good afternoon, ladies and gentlemen. Hope you
18 had a good lunch break, and ready to get back to work. One
19 thing I want to mention to you, and I'm sure all of you have
20 noticed we have cameras in the courtroom. Court TV, and
21 48-hours CBS News, both are recording this, and it's being
22 live streamed. So just for your -- for your information,
23 while we have this equipment in the courtroom.

24 State ready with its next witness.

25 MR. MEADORS: Can we approach?

1 THE COURT: Yeah.

2 (Bench conference at 1:43:36 to 1:43:48 p.m.)

3 THE COURT: Yeah. And -- and the lawyers reminded me,
4 and I -- I meant to tell you this, and just slipped my mind.
5 You -- at no time will be on the -- the video. When -- when
6 media comes in the courtroom, there's one restriction, and
7 these folks have been doing it a lot. And so they know
8 there's one restriction that the -- the jury cannot be
9 recorded or videod at any point in time throughout the entire
10 proceedings. Everybody else is fair game, but not the jury.
11 So just keep that in mind.

12 Thank you, Mr. Meadors, for reminding me about that.
13 Now, next witness.

14 MR. MEADORS: May it please the Court? State of
15 South Carolina now calls Roderick Maceda.

16 RODERICK MACEDA,

17 being duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. MEADORS:

20 Q. Good afternoon, Mr. Maceda.

21 A. Afternoon, sir.

22 Q. Will you please tell the ladies and gentlemen of
23 this jury about Roderick Maceda, kind about your background,
24 how long you've been in Greenwood, and -- and what do you do
25 for a living, sir?

1 A. My name is Roderick Maceda, M-A-C-E-D-A. I'm a
2 surgical technologist at the South Visual Hospital.

3 Q. A what? I'm sorry.

4 A. Surgical technologist. I work at the heart team.
5 I usually pass the instruments for the doctor. And do -- we
6 do some open-heart surgeries, and I've been doing that for
7 the past 16 years.

8 Q. You're actually in the operating room?

9 A. Yes, sir.

10 Q. Okay.

11 A. Came from Greenwood since 1999. Me and my wife,
12 she was a psychiatrist there, but now she's working now at
13 Patrick B. Harris, and up-to-date I'm still working there.

14 Q. And she is a psychiatrist?

15 A. Yes, sir.

16 Q. At Patrick B. Harris?

17 A. Yes, sir.

18 Q. And how long has she been there?

19 A. Almost a year and a half.

20 Q. Mr. Maceda, where do you live?

21 A. I live in 111 Avid Road in Hunters Creek.

22 Q. How long have you been living there?

23 A. I've been living there since 2006.

24 Q. And not to pry, Mr. Maceda, that's pretty much
25 what I do -- sorry. What's your work schedule like?

1 A. I work between 6:00 a.m., to 2:30 p.m., every day.

2 Q. Every day?

3 A. Yes, sir.

4 Q. Take the weekends off?

5 A. Take the weekends.

6 Q. All right. I'm going to show you what's been
7 entered in State's 12. Actually, Ms. Danielle is going to
8 show you, and if you need to come down with the judge's
9 permission.

10 THE COURT: If you need to step down, you certainly can
11 just be sure to stay in front of that microphone so it can
12 pick up whatever you may say.

13 BY MR. MEADORS:

14 Q. Now, you testified that you live on Avid Road?

15 A. Yes, sir.

16 Q. And what's your address?

17 A. 111 Avid Road.

18 Q. Now, if we come in -- in to the intersection --
19 excuse me, in the -- in to the subdivision of Hunters Creek,
20 you go on River Road?

21 A. That's reverse right, sir. And then you turn
22 right.

23 Q. You turn right on Avid?

24 A. Yes, sir.

25 Q. Okay. If I'm going down here, just stop me when I

1 get to your house.

2 A. That's my house.

3 Q. That's your house right there?

4 A. Yes, sir.

5 Q. 111 Avid Road. If you go down beyond that, what
6 -- what -- what road goes left?

7 A. Sawgrass.

8 Q. Sawgrass. Okay. If you went straight on Avid,
9 Mr. Maceda, what's down this way?

10 A. Right now they blocked it with a gate, before
11 it's, like, just a long street up the end.

12 Q. Do you know when that was blocked?

13 A. Almost five years, six years now.

14 Q. So is it just limited how far you can go?

15 A. Yes, sir.

16 Q. On Avid past Sawgrass?

17 A. Yes, sir.

18 Q. Is that what you're saying?

19 A. Yes, sir.

20 Q. Okay. If you'd have a seat back. Thank you.
21 Just the two of you all at your house you and your wife?

22 A. Yes, sir.

23 Q. At some point did you equip your house with those?
24 Let's refer to as a Ring camera?

25 A. Yes, sir.

1 Q. Tell these folks how'd you do that?

2 A. I just acquired the Ring camera from Amazon, and I
3 installed in my house, and I subscribed to it and it's --
4 it's in my door right now. I mean -- door -- door before.
5 And it records movement and sound if has -- if that gets one.

6 Q. So there movement and sound in front of your house
7 on Avid Road, would it potentially record what's happening on
8 that road?

9 A. Yes, sir. A few minutes.

10 Q. Now I want to take you to May 6 of 2023. And
11 again, not prying -- but well, I'll go ahead and pry. What
12 time do you go to bed?

13 A. Around 12:00 midnight.

14 Q. Do what?

15 A. Well, midnight.

16 Q. Okay. Now on the evening of May 6 of 2023, going
17 into May 7 of 2023, were you in bed asleep?

18 A. Yes, sir.

19 Q. Okay. Did anything wake you up?

20 A. Around 3:00 a.m., I was awakened by the bus --
21 there's, like -- like, I thought was patrol cars in -- on my
22 garage because it was really near. So I stood up, looked at
23 it, and I saw a couple of squad cars there.

24 Q. And I'm sorry, after that you -- you looked up,
25 and saw what?

1 A. A couple of patrol cars in the -- in the -- in
2 Avid road, but I did not look far enough.

3 Q. And that was around 3:00?

4 A. Yes, sir.

5 Q. You hear sirens?

6 A. No, sir.

7 Q. Okay. Did you see flashing lights?

8 A. Yes, sir.

9 Q. Okay. That woke you up?

10 A. Yes, sir.

11 Q. Prior to that 3:00 and from the time you went to
12 bed around 12:00, had you -- anything awakened you?

13 A. No.

14 Q. After that, you were awake, did you go outside to
15 kind of see what was happening or --?

16 A. No, sir. I went back to sleep.

17 Q. Okay. And when you woke back up, did you ever go
18 and check your Ring camera?

19 A. I did.

20 Q. Okay. And -- and you just decided to check it?

21 A. Yes, sir. Because of the commotion outside that
22 morning.

23 Q. And did you go back and look on your Ring camera,
24 and see what had led up to that commotion?

25 A. Yes, sir.

1 Q. Okay. And what did you find?

2 A. I saw -- there was one bit there. I saw that
3 there was a vehicle going across. Then a few seconds later
4 there was a big bang.

5 Q. A big bang?

6 A. Yes, sir.

7 Q. Okay.

8 A. And then a few seconds later there's, like, some
9 -- somebody yelling. And then after that, I think that clip
10 was finished. Then the rest -- I think there was another
11 clip that showed there's a vehicle going to that area. And
12 then, I think about 15 -- 20 minutes later there was fire
13 trucks.

14 Q. Okay. So you went back on your own, and -- and --
15 and looked at your own video from the Ring camera?

16 A. Yes, sir.

17 Q. And did you go back from 12:00 on till you heard
18 the sirens? What time period did you check I guess?

19 A. I checked at the time that -- when it recorded, so
20 probably around 1:00 a.m.

21 Q. So you were armed with this arm, well you had in
22 your possession this video, did you ever talk with anyone in
23 law enforcement?

24 A. No, sir.

25 Q. Did you ever talk with anybody in the police about

1 your Ring camera?

2 A. At that moment. No, sir.

3 Q. Okay. And that was a -- at some point did you
4 talk with law enforcement, or did law enforcement get in
5 touch with you about the fact you had a Ring camera?

6 A. A few days later when they asked me, I said, "I
7 think I got something."

8 Q. Okay. So you were approached by law enforcement?

9 A. Yes, sir.

10 Q. And -- and -- and I guess, it's obvious if I'm in
11 front of your house, you got a Ring camera. I mean -- you
12 could tell from the front of your house looking that you --?

13 A. When you go -- come close to the door, there was
14 another system. It's a blink, but it didn't get anything.

15 Q. Okay. Did you have an occasion to meet with law
16 enforcement, and give them the contents of your Ring camera?

17 A. I did.

18 Q. Of what you've just described?

19 A. Yes, sir. I went to the sheriff's office.

20 Q. And they downloaded the information that you
21 provided, and took it in their possession, correct?

22 A. Yes, sir.

23 Q. And you -- have you reviewed that since to
24 determine if that's the same video, and whether or not it was
25 the same contents that you observed on May 7th, when you

1 first looked at it?

2 A. I did.

3 Q. And does what you turned over to law enforcement,
4 and what you've reviewed since, accurately reflect what you
5 saw on May 7th, when you first looked at it?

6 A. I did, yeah.

7 Q. Okay. And this is what's marked as State's 2.
8 Have you reviewed this with me and/or Mr. Conrad?

9 A. I did.

10 Q. Okay. And the State's 2 accurately reflect what
11 you captured on your Ring camera?

12 A. I did, yes. Yes, sir.

13 MR. MEADORS: Okay. Your Honor, at this time we would
14 offer State's 2.

15 THE COURT: Okay. Subject to what has already been
16 noted on the record. Any further objections?

17 MR. SWERLING: Nothing further.

18 THE COURT: All right. Thank you. Number 2 in to
19 evidence for the State.

20 (State's Exhibit 2 was admitted in to evidence.)

21 MR. MEADORS: Your Honor, at this time we'd ask
22 permission to publish the State's --

23 THE COURT: Certainly.

24 BY MR. MEADORS:

25 Q. Mr. Maceda, would you -- would -- would you come

1 down again please? Is -- is this from the front of your
2 house?

3 A. Yes, sir.

4 Q. And this is what your Ring camera showed?

5 A. Yes, sir.

6 Q. On May 7, 2023?

7 A. It did.

8 Q. Mr. Maceda, when you first listened that on
9 May 7th --?

10 A. Uh-huh.

11 Q. Did you hear the crash?

12 A. Yes, sir.

13 Q. Okay. After that -- did you hear anything else
14 after that?

15 A. Yes, sir.

16 Q. What did you hear?

17 A. I heard somebody yelling.

18 Q. Can you tell the ladies and gentlemen of the jury
19 what type of tone that was based on your listening?

20 A. It looks like some angry tone.

21 MR. SWERLING: I -- I couldn't hear that. I'm sorry.

22 THE COURT: Angry tone.

23 BY MR. MEADORS:

24 Q. And that's what you heard?

25 A. Yes, sir.

1 Q. Did you know who was talking?

2 A. No.

3 Q. How long after the crash was it that you heard
4 that angry tone?

5 A. Two seconds after.

6 Q. After this, did you see a vehicle come by after
7 that on your Ring camera back the other direction? Before I
8 get through, was that vehicle that you just saw coming from
9 the top of Avid Road down towards Sawgrass?

10 A. Yes, sir.

11 Q. Okay. And can you describe Avid Road to these
12 folks? Look at them right now, and describe Avid Road.

13 A. Well, Avid Road coming from Rivers Run is hilly.
14 So from Rivers Run is up, and it goes down to Sawgrass Mill.
15 So it's not a flat road, it's a hilly road, it's going down.

16 Q. So when you get in front of your house, how would
17 you describe the road?

18 A. Out front of my house, it flattens out a little.
19 Then after my house, it goes down again. It's, like, goes to
20 a base there along Sawgrass and Avid Road. So that's the
21 lowest point of it.

22 Q. After you saw this first vehicle in the crash and
23 the yelling, did you see another car -- or did you see a
24 vehicle come back the other way?

25 A. Yes, sir. There was another one.

1 Q. And is that depicted on here?

2 A. On the first video. No.

3 Q. Okay. Is it depicted on your Ring camera after
4 that?

5 A. Yeah. Yes, sir.

6 Q. And I -- that's a terrible question. Mr. Maceda,
7 did you see that vehicle going back the opposite direction
8 than the one earlier?

9 A. Uh-huh.

10 Q. When you first looked at this video?

11 A. Yes, sir.

12 Q. Did you hear anything when that vehicle was going
13 by?

14 A. Sounds like it was dragging metal.

15 Q. Say it again.

16 A. It sounds like it was dragging metal.

17 Q. Okay. I should have done this first time, but I
18 just forgot. What -- do you know how the times are kept on
19 this Ring camera? Do you have anything to do with that?

20 A. No, sir.

21 Q. Okay. Go back to the first if we could, I'm
22 sorry. And just -- can you tell us what time is depicted.

23 Mr. Maceda, instead of you walking right in front of
24 the jury, can you come back and look on here? And that might
25 be easier. Can you tell us what time is depicted on the

1 camera?

2 A. It said 1:11 a.m.

3 Q. And -- and were you in charge of keeping that
4 time?

5 A. No, sir.

6 Q. That's from whoever the folks at Ring are doing
7 it?

8 A. Yes.

9 Q. Okay. And when it comes back by, could you tell
10 us what time it is, please?

11 A. It said, "1:13:31."

12 Q. Do you have any idea whether your Ring camera's in
13 sync with other video cameras that are in the area -- you
14 wouldn't have any idea knowing that?

15 A. No, sir.

16 Q. Okay. You can have a seat back. Do you know the
17 speed limit on Avid?

18 A. I think it's 25, sir.

19 Q. After these two vehicles, did you see another
20 vehicle -- if you'd look back, is -- if you believed that
21 1:32 at the bottom of this so you don't have to get back up
22 -- did you see another vehicle come by through your Ring
23 camera after these first two vehicles?

24 A. Yes, sir.

25 Q. Okay. And can you see from here?

1 A. Yes, sir.

2 Q. Okay. Go ahead. Do you have any idea who that
3 was?

4 A. No, sir.

5 Q. But your Ring camera captured it?

6 A. Yes. Yes, it did.

7 Q. You sleeping soundly through all this, right?

8 A. Yes, sir.

9 Q. At some point later, you said you woke up. Now
10 that said, according to the evidence, approximately 1:42 by
11 your Ring camera, did that wake you up?

12 A. No, sir.

13 Q. Still didn't wake you up?

14 A. No, sir. I'm sorry

15 Q. I misunderstood you then. What -- what did wake
16 you up?

17 A. The -- the lights of -- the lights of the patrol
18 cars in -- on my window. I saw it. There's -- there's
19 flashing lights. That's -- that's when I woke up around
20 2:00 a.m.

21 Q. So patrol lights, you saw after that, what woke
22 you up?

23 A. Yes, sir.

24 MR. MEADORS: Okay. Beg the Court's indulgence?

25 THE COURT: Sure.

1 BY MR. MEADORS:

2 Q. Mr. Maceda, and if you don't -- how many folks did
3 you hear? Who -- how many people did you hear yelling based
4 on you listening to that?

5 A. Sounds like it's one person.

6 Q. But you don't know?

7 A. No, sir.

8 MR. SWERLING: Objection.

9 THE COURT: Okay.

10 MR. SWERLING: Leading.

11 MR. MEADORS: I'm sorry.

12 THE COURT: Okay.

13 MR. MEADORS: That's all.

14 THE COURT: Leading is the last statement, but you
15 don't know?

16 THE WITNESS: Yes.

17 THE COURT: All right. Ask it. Do you know or not?

18 BY MR. MEADORS:

19 Q. I -- do you know who it was or how many people
20 know?

21 A. I don't know, sir.

22 MR. MEADORS: Thank you. That's all.

23 THE COURT: Okay. Mr. Swerling, any cross-examination?

24 MR. SWERLING: Briefly, your Honor.

25 THE COURT: Sure.

1 MR. MEADORS: Thank you, that's all.

2 THE COURT: Okay. Mr. Swerling, any cross-examination?

3 MR. SWERLING: Briefly, your Honor.

4 THE COURT: Sure.

5 CROSS-EXAMINATION

6 BY MR. SWERLING:

7 Q. Mr. Maceda, you said, "It was one person" that's
8 what you heard one person?

9 A. Yes, sir. Sounds like it.

10 Q. Okay. And can I -- could you put that -- oh, here
11 it is right here. I'm going to put the map. I don't know
12 anything about technology, sorry. Okay. Thank goodness for
13 Danielle.

14 When you heard the -- voice that you heard, you
15 described it as angry. Would you -- could you also describe
16 it as someone being upset?

17 A. Yes, sir.

18 Q. Okay. And you -- at 3:00, what actually -- when
19 did you go back and listen to --? Was it 3:00 or later on --
20 a couple days later?

21 A. I watched the video around 7:00 in the morning,
22 sir.

23 Q. Okay. All right. So it was -- you didn't do it
24 at 3:00 when you first woke up.

25 A. No, sir.

1 Q. It was the next morning?

2 A. Yes.

3 Q. Okay. And then some folks in law enforcement came
4 and asked whether or not you had a doorbell Ring camera?

5 A. Yes, sir.

6 Q. Okay. The Ring camera that you had, is that a
7 motion-activated or sound-activated?

8 A. It's -- it's mostly -- first it's motion-activated
9 and then the sound will come in with it.

10 Q. Okay. The -- does it -- was the video facing the
11 intersection of Avid and Sawgrass?

12 A. No, sir.

13 Q. Okay. So there is no image about what took place
14 down at the corner of Avid and Sawdust, is that correct?

15 A. Yes, sir.

16 MR. MEADORS: Sawgrass.

17 MR. SWERLING: Sawgrass. I'm sorry.

18 BY MR. SWERLING:

19 Q. So the only thing -- basically what you did is you
20 heard based on your video, what took place down there an
21 impact or a -- a crash?

22 A. Yes, sir.

23 Q. And clearly what you heard was a crash -- one
24 vehicle crashing into the other?

25 A. Yes, sir.

1 Q. Okay. But nothing was picked up on that video,
2 which would indicate what actually happened down at that
3 intersection between Sawgrass and Avid?

4 A. No, sir.

5 Q. Okay. The video -- you live right over here, is
6 that correct?

7 A. Yes, sir.

8 Q. Okay. And a car coming in here would go -- it was
9 coming in from Rivers Run off Old Abbeville Highway, it could
10 make a right or a left going in the Rivers Run?

11 A. Yes.

12 Q. And then in order to get on Avid Road, you would
13 make a right?

14 A. Yes.

15 Q. Okay. And that car was moving from -- based on
16 this photograph from left to right?

17 A. Yes, sir.

18 Q. Is that correct?

19 A. Yes, sir.

20 Q. You didn't see, or your -- did your camera pick up
21 the initial car that was there, the BMW?

22 A. No, sir.

23 Q. Do you know why?

24 A. I don't know, sir.

25 Q. Okay. But it did not record the other vehicle

1 that was later involved in the accident going down Avid Road
2 towards Sawgrass and then beyond?

3 A. Yes, sir. No, sir.

4 Q. Okay. But do you have no idea why it didn't pick
5 it up?

6 A. No.

7 Q. Okay. But when you looked -- and of course your
8 video does not show what happened at the intersection. Are
9 you familiar with this intersection down here between
10 Sawgrass?

11 A. Yes, sir.

12 Q. And Avid Road?

13 A. Yes, sir.

14 Q. Okay. And there's a streetlight there, sir, is
15 that correct?

16 A. Yes, sir.

17 Q. And if you go down further on Avid Road, at some
18 point there's a gate here?

19 A. It's nearer to the front, sir. It's closer about
20 -- well start -- to about -- probably about closer -- closer
21 --

22 Q. Somewhere -- somewhere in this area?

23 A. Right in the middle, about -- probably about 50
24 feet.

25 Q. How -- how long?

1 A. Fifty feet from that corner.

2 Q. Fifty feet from the intersection?

3 A. The corner.

4 Q. So again, I just want to make sure your video did
5 not pick up what the other -- the other vehicle?

6 A. No.

7 Q. Or before or after the impact?

8 A. Yes, sir.

9 Q. Okay. And then another vehicle came in that you
10 saw, and went past your house, but your video -- your
11 doorbell did pick that -- that vehicle up, is that correct?

12 A. Yes, sir.

13 Q. Okay. And that went from left to right, going
14 toward Sawgrass and beyond?

15 A. Yes, sir.

16 Q. Is that correct?

17 A. Yes, sir.

18 Q. Okay. And you heard the impact?

19 A. I did.

20 Q. And then you heard a person shouting?

21 A. Yes, sir.

22 Q. Okay. And that shouting could be described as
23 angry or upset about what just happened?

24 A. Yes, sir.

25 Q. You would not differentiate between the two?

1 A. No, sir.

2 Q. Okay. And then later on it did pick up the
3 emergency vehicles coming through?

4 A. Yes, sir.

5 Q. Is that correct?

6 A. Yes, sir.

7 Q. Coming from left to right?

8 A. Yes, sir.

9 Q. According to the diagram left to right?

10 A. Yes, sir.

11 Q. Okay. Did you go out there the next morning?

12 A. No, sir.

13 Q. Okay. And did you realize there was any value to
14 your doorbell camera until the police came to see you?

15 A. Until that morning when I went to work, and then I
16 heard the news, that's the only time I realized something
17 really happened there so...

18 Q. All right. But you did not contact the police,
19 they contacted you?

20 A. Yes, sir.

21 Q. Is that correct?

22 A. Yes, sir.

23 Q. And that was how many days later?

24 A. Two days.

25 Q. Two days later. Okay. And then you turned it

1 over to the police?

2 A. Yes, sir.

3 MR. SWERLING: Okay. That's all I have, your honor.

4 THE COURT: Any re-direct?

5 MR. MEADORS: Very briefly.

6 THE COURT: Sure.

7 RE-DIRECT EXAMINATION

8 BY MR. MEADORS:

9 Q. You had testified the gate is not far from this
10 intersection of Avid and Sawgrass?

11 A. No, sir.

12 Q. So it'd be --

13 A. Probably right on your pen, sir.

14 Q. Right there?

15 A. Yes, sir.

16 Q. Not -- not here, or here, or here, or --

17 A. No, sir.

18 Q. And -- and Mr. Swerling asked you about the other
19 car, you started checking your -- or when did you start
20 checking your Ring camera?

21 A. That morning normally I checked some of the camera
22 if it'll pick up the movement if it's, like, it's not very
23 significant, it'll not tape anything. But because of the
24 significance of that -- how fast I think, and the sound it
25 picked up that part of, you know, the whole clip there.

1 Q. I thought you testified you started checking from
2 around 1:00 on?

3 A. Yes, sir.

4 MR. MEADORS: That's all. Thank you.

5 THE COURT: Re-cross, Mr. Swerling?

6 MR. SWERLING: No, your Honor.

7 THE COURT: You can step down, sir. Thank you. You're
8 free to leave the courthouse, or you're more than welcome to
9 remain with us.

10 Next witness.

11 MR. MEADORS: May it please the Court?

12 THE COURT: Certainly.

13 MR. MEADORS: State calls Megan McGovern.

14 MEGAN MCGOVERN,

15 being duly sworn, testified as follows:

16 THE COURT: Okay. Actually -- you got some Kleenex?
17 Okay. You got some (inaudible). Okay.

18 THE WITNESS: I'm sorry.

19 THE COURT: You may proceed.

20 MR. MEADORS: Thank you, your Honor. May it please the
21 Court?

22 DIRECT EXAMINATION

23 BY MR. MEADORS:

24 Q. You are Megan McGovern?

25 A. Yes, sir.

1 Q. You go by Meg?

2 A. Yes, sir.

3 Q. Please tell the ladies and gentlemen of this jury,
4 Ms. Meg McGovern, a little bit about yourself, your
5 background, where you're from, and what you're doing right
6 now, please?

7 A. I am currently a junior at the University of South
8 Carolina. I'm getting my -- oh, sorry, I'm studying early
9 childhood education. And -- yeah. What else? I'm a nanny,
10 so I nanny for mainly one family, but I also help out with
11 another family one other day of the week so...

12 Q. So you're from Greenwood?

13 A. Yes, sir. I was born and raised in Greenwood.

14 Q. Where'd you go to high school?

15 A. I went to Greenwood High.

16 Q. Not to pry, but I can't help it. When did you
17 graduate?

18 A. 2022.

19 Q. And you went to Carolina?

20 A. Yes, sir.

21 Q. And you're now a --?

22 A. Junior.

23 Q. You got your major yet?

24 A. Yes, I'm doing early childhood education.

25 Q. You said that. I'm sorry. And are you living in

1 Columbia?

2 A. Yes, sir.

3 Q. Year round?

4 A. Yes, sir.

5 Q. And your folks are here with you?

6 A. Yes.

7 Q. Family members. You still stay in Greenwood
8 so...?

9 A. Yeah, occasionally.

10 Q. Now back during high school -- well, let me in --
11 in May -- well, May 6 of 2023. How old were you?

12 A. Nineteen.

13 Q. Okay. How old are you today?

14 A. Twenty.

15 Q. Okay. Back in high school, you mentioned
16 nannying, babysitting, or did you do some of that in high
17 school?

18 A. Yeah, I was a babysitter for the Ackermans. I was
19 there multiple times a week. I would pick them up from
20 school, take them to activities, stay there on the weekends
21 some --

22 Q. Slow down.

23 A. Sorry. I would stay there on the weekends -- some
24 I would pick him up from school. Was there multiple times a
25 week. I went on family vacations with them, so I went to

1 Florida a couple times, the Virgin Islands with them, and
2 then some other, like, beaches in South Carolina as well.

3 Q. So you would babysit for them, and would that be
4 Bud Ackerman and Meredith Ackerman at the time?

5 A. Yes, sir.

6 Q. You babysat for them?

7 A. Yes.

8 Q. Did you pick up the kids some --

9 A. Yes.

10 Q. And you went on these trips, you talk about you'd
11 actually go with them to babysit while they were vacationing?

12 A. Yeah, I'd go with the families to -- and -- but
13 with the family to the beach to babysit.

14 Q. And so you got to know them pretty well?

15 A. Yeah, I was there a lot.

16 Q. So in May of 2023 you would've been?

17 A. Nineteen.

18 Q. Okay. Where were you in school?

19 A. I had just finished my freshman year, and I had
20 just gotten home about, like, a week or two before.

21 Q. And were you going to stay home that summer?
22 Summer before that?

23 A. So I was plan -- I was kind of up in the air,
24 wasn't exactly sure if I was going to stay in Greenwood for
25 the summer, or move to Beaufort. And then I ended up

1 deciding to move to Beaufort.

2 Q. Are you familiar with Hunters Creek subdivision?

3 A. I am. I live in Hunters Creek as well.

4 Q. So you live there?

5 A. Yes.

6 Q. And where did the Ackermans live when you were
7 babysitting for them?

8 A. They lived on Tally Ho, and I lived on Palmer
9 Place, and it was about a two -- three-minute drive.

10 Q. Okay. So these folks may know, but they may not.
11 Where is Tally Ho?

12 A. If you go in the main entrance of Hunters Creek
13 with, like, the fountain, I want to say it's like the first
14 -- the road with the, like, the first left that road. It
15 might be not the first, I'm not exactly sure, but if not,
16 it's right at the front.

17 Q. It's also in Hunters Creek subdivision?

18 A. Yes.

19 Q. Let's go right to it, to May 6 of 2023. Do you
20 remember what you were doing that day or that evening?

21 A. So I was actually babysitting for a wedding that
22 night for a completely different family. And so I'd gotten
23 home kind of later or so. I was at my house, I was actually
24 taking a bath, and watching a movie, and my friend,
25 Drew Strickland calls me, and she asked me if I could pick

1 her up. So I went and picked her up from one of our friend's
2 house -- houses. And then we were going through the cookout
3 line just to get some food, and that's when I get a phone
4 call. And from Abby, and --

5 Q. Who is Abby?

6 A. She's one of Meredith's friends, but at the time I
7 was really confused because I didn't know who she, like --
8 why I had this contact in my phone. I was, like, who is
9 this? So I was really confused. So I was, like, well
10 obviously I have their contact so I'll answer it. And I
11 answered the phone, and it was Meredith, and she was really
12 upset, and was --

13 MR. SWERLING: Your Honor, I'm object to anything she
14 said. Hearsay.

15 THE COURT: Okay. Don't testify as to what someone
16 told you as a result of --

17 THE WITNESS: Okay.

18 THE COURT: --having a conversation with whomever, you
19 can testify what happened.

20 THE WITNESS: So --

21 BY MR. MEADORS:

22 Q. Can you say was -- can you describe her demeanor
23 on the phone without the words with Meredith?

24 A. What do you mean by that?

25 Q. Was she upset?

1 A. Yes.

2 Q. Okay. As a result of that phone call, what'd you
3 do?

4 A. I went to Abby's house to pick up Meredith.

5 Q. So who's -- well first of all, whose car are you
6 in?

7 A. We're in my car.

8 Q. So tell the folks what kind of car that is?

9 A. I drive a 2010 Ford Escape.

10 Q. You say, "We." Who's in the car with you when you
11 go to get -- you say, "To pick up Meredith?"

12 A. Drew Strickland.

13 Q. And Drew, that's a she. She's a friend of yours?

14 A. Yes.

15 Q. So you left the cookout line?

16 A. Yes.

17 Q. Got a call from Meredith, and went to pick her up?

18 A. Yes, sir.

19 Q. Where did you go pick her up?

20 A. From Abby's house it's in a little, like,
21 neighborhood. I don't know the exact name of it, but it's,
22 like, in the middle of, like, the road that's going, like,
23 between, like, Key West, and, like, the Blood Connection.
24 It's, like, one of those little neighborhoods.

25 Q. You said, "Key West", and what?

1 A. The Blood Connection.

2 Q. Blood Connection?

3 A. Yes, sir.

4 Q. And did -- did you get to that residence, and did
5 you see Meredith?

6 A. Yes, they were waiting outside.

7 Q. Okay. And what did you do, if anything, with
8 Meredith?

9 A. She got in the car, and we talked there for a
10 second, and she was making phone calls, and we talked to --
11 and Abby was talking to us for a little bit, and then we
12 eventually went to Hunters Creek.

13 Q. And had Meredith told you that's where you needed
14 to go?

15 A. Yes.

16 Q. And it was -- it was -- it your understanding
17 that's where the Defendant and Davis McClendon were going
18 meet?

19 A. Yes, sir. That's what I was told.

20 MR. SWERLING: Objection. Does that --?

21 MR. MEADORS: Your Honor, we're not offered.

22 MR. SWERLING: I was objecting to --

23 THE COURT: Right. I -- we'll --

24 MR. SWERLING: Move to strike it.

25 THE COURT: Okay. I'll overrule the objection. I

1 don't think it's offered for the truth of the matter

2 asserted. And I'll overrule the objection.

3 BY MR. MEADORS:

4 Q. Where did you all go?

5 A. We went to the intersection.

6 Q. Specifically.

7 A. We went to the intersection of Avid and Sawgrass.

8 Q. Had you been there before?

9 A. I have.

10 Q. Okay. And when you're coming off, can you tell
11 the ladies and gentlemen when you come in Hunters Creek, how
12 do you get there?

13 A. So because there's three entrances to Hunters
14 Creek, so I mean, you can honestly get there from multiple
15 different ways, but we came in that front entrance, like I
16 said, like where the fountain is and all of that, and --

17 Q. I'm going to show you what's State's 12. Can you
18 see it?

19 A. Yes, sir.

20 Q. And you say, "You came from the front entrance."
21 Can you depict that on State 12?

22 A. So no, you can't -- you can't see the entrance
23 from this one.

24 Q. Go ahead. You came in the front entrance where?

25 A. Yes. Of Hunters Creek. So then we came down. So

1 I came out from -- well -- I mean -- it depends on how you
2 want to look at it, but, like, the left, I would say.

3 Q. Okay.

4 A. Not the Old Abbeville side. I pulled it on the
5 other side.

6 Q. You came in from the other side?

7 A. Yes.

8 Q. Did you turn down Avid?

9 A. Yes, sir.

10 Q. Okay. You've been on Avid before?

11 A. Yes.

12 Q. As you're coming down Avid, you, Drew, and
13 Meredith in the car?

14 A. Yes, sir.

15 Q. Okay. Tell the ladies and gentlemen of the jury,
16 what did you do as you were driving down Avid Road?

17 A. When we get there, there was only one car. And so
18 I asked -- I was, like, "There's only Davis's car" --

19 Q. Let me stop you there. You're on Avid, and you
20 say there's only one car. Could you see that car?

21 A. Yes, sir.

22 Q. Can you describe -- did the car have its lights
23 on?

24 A. Yes.

25 Q. You just said, "That's Davis's car." Could you

1 tell that was his car from just looking at it?

2 A. I knew it was Davis's car because I knew it wasn't
3 Bud's truck.

4 Q. And you said, "There's just one car here?"

5 A. Yeah, I was like, so do you -- I was, like, do
6 you, like -- should we still go down? And so then we went
7 down, and I stopped right beside Davis's car.

8 Q. Let me stop you. Did you have any trouble seeing
9 Davis's car as you pulled down to that intersection?

10 A. Not at all.

11 Q. Okay. Where in relation to Davis's car did you go
12 and stop?

13 A. I stopped right beside it.

14 Q. Okay. Did you hit it?

15 A. No, sir.

16 Q. Could you see it?

17 A. Yes.

18 Q. Did you have your headlights on?

19 A. Yes, sir.

20 Q. You're now stopped. What did you do next?

21 A. So we realized that Davis wasn't in the car. So
22 they were calling -- Meredith was calling Davis to see, like,
23 where he was. And that's when I realized that the airbags
24 were out. But at the time I didn't know what -- that they
25 were airbags because I've never, like, seen that before. So

1 I was, like, there's something, like, on the side of his car,
2 and then that's when I, like, really started to pay more
3 attention to his car, and that's when I noticed that his tire
4 had been hit. So that's when we got out the car. And, like,
5 we were looking in it didn't see him, and so I started
6 looking around. Sorry. And that's when I was, like, "Guys
7 like, don't freak out, but there is a body over there." And
8 so my friend Drew ran over -- or Drew stepped up and was,
9 like, it's Davis. And so then I immediately called the
10 police, and ran over there towards him.

11 Q. When you say, "Call the police," did you call 911?

12 A. Yes, sir.

13 MR. MEADORS: An agreement between the parties,
14 your Honor, that conversation 911 was kept out the record.

15 THE COURT: Okay. So noted for the record.

16 MR. MEADORS: Beg the Court's indulgence?

17 THE COURT: Sure.

18 THE WITNESS: I am good. Thank you.

19 MR. MEADORS: May I approach, Judge?

20 THE COURT: You sure can.

21 BY MR. MEADORS:

22 Q. I'll show you what's been marked State's 3 to 11
23 -- 3 through 11, and 13, 14, and 15. And I just want to ask
24 you, do you recognize these, and do they relate to what
25 you're talking about right now? Once you look them up.

1 A. Yes, sir.

2 MR. MEADORS: Your Honor, at this time, we'd offer
3 State's 3 through 11, and State's 13, 14, and 15.

4 THE COURT: What says the Defense?

5 MR. SWERLING: Your Honor, I just want for the record
6 to reflect the photos that I -- I'm not objecting to. Were
7 based upon agreement between the State and I -- as to what
8 would be admissible in the trial.

9 THE COURT: Okay.

10 MR. MEADORS: Based upon rulings that the Court have
11 made.

12 THE COURT: Okay. All right. State's 3 through 11,
13 13 through 15 in to evidence for the State.

14 (State's Exhibits 3 through 11 and 13 through 15 were
15 admitted in to evidence.)

16 MR. MEADORS: Thank you, your Honor.

17 BY MR. MEADORS:

18 Q. And, Ms. McGovern, I think you testified initially
19 that you recognized that as Davis McClendon's car?

20 A. Yes.

21 Q. Is that the car he drove?

22 A. Yes, sir.

23 Q. And -- and how did you know that was his car? I
24 mean -- just this night. How do you know he drove that car?

25 A. Because I've -- I've been with Davis and Meredith

1 before in the past.

2 Q. So you knew what car he drove?

3 A. Yes.

4 Q. And I think you testified that you initially
5 noticed an airbag. Do you see that in this picture?

6 A. Yes, sir.

7 Q. Would it help you to come step down, and talk in
8 this microphone or not?

9 A. I think I can see fine.

10 Q. I believe you also testified you saw some damage
11 to this car, and this is -- that picture I just showed you
12 was State's Number 4. This is State's Number 5 -- State's 3,
13 I apologize. You said, "You saw some damage to Davis
14 McClendon's car," is that what you were talking about?

15 A. Yes, sir.

16 Q. State's 14, I believe you had testified earlier --
17 you came down is -- where is your car in this picture?

18 A. My car is the one on the right with both of the
19 doors open.

20 Q. State's 13. You recognize State's 13?

21 A. Yes, sir.

22 Q. As you're driving down Avid, is that what you saw?

23 A. Yes.

24 Q. State's 15 please, Ms. McGovern. Does that appear
25 to be an overhead picture of your car and Davis' car?

1 A. Yes, sir.

2 Q. If I could call your attention -- and again, not
3 prying, I don't mean this way, but are you familiar with this
4 intersection?

5 A. Yes, sir.

6 Q. Okay. I'm not prying this, but is it -- was that
7 a gathering place for some folks?

8 A. Yes.

9 Q. Or used to be?

10 A. Yes, sir. That's the main reason that the gate
11 was put up.

12 Q. Yep. That was my next question.

13 Q. Why was this -- can you tell us what this is right
14 here?

15 A. That's the gate.

16 Q. And it was put up why?

17 A. Because it was in main, like -- it was known for a
18 place that people would meet up.

19 Q. So were you and your car that night able to drive
20 past that gate?

21 A. No.

22 Q. You couldn't have gone past it?

23 A. No, sir.

24 Q. I think in your testimony now -- and I didn't want
25 to interrupt you, I want to get that out of the way, you've

1 now seen his car, the airbags. Then you didn't see a body,
2 or Drew saw a body, or something. What happened after that?

3 A. That's when I called the police, and I let them
4 know that (inaudible) where we were, and that Davis had been
5 badly injured, and I wasn't quite sure if he was alive or
6 not.

7 Q. Did you touch him?

8 A. Yeah. So the 911 operator asked for me to try and
9 wake him up. So I was having to shake his arm, and tap him,
10 and ask him, see if he would wake up to try and see if he was
11 alive, or conscious, or anything.

12 Q. And is that you in State's 11?

13 A. Yes, sir.

14 Q. Maybe you're not a doctor or paramedic, but he
15 appear to be dead to you?

16 A. Yeah.

17 Q. And again, in State's 11, can you see the gate
18 right near where you are -- where you're standing?

19 A. Yes. Yes, sir.

20 Q. And is -- is this Mr. Davis McClendon's body?

21 A. It is.

22 Q. And here is State's 10 again. Is that you in the
23 position you saw Mr. McClendon's body on the early morning
24 hours of May 7 of 2023?

25 A. Yes, sir.

1 Q. Can you describe his mouth?

2 A. He had blood coming out of his ears and his nose,
3 and I couldn't -- I'm not exactly sure if it was coming out
4 of his mouth or not. Because -- I mean -- there's just blood
5 everywhere from his nose and everything, but he was -- his
6 whole head -- face was covered in blood.

7 Q. And I'm not -- but -- but based on the time you
8 had spent with him, you knew from just looking at him, that
9 was Davis McClendon?

10 A. Oh, yes, sir.

11 Q. Okay. This -- this is State's 7. Ms. McGovern,
12 do you recognize State's 7?

13 A. Yes, sir. Davis' head was, like, laid on that
14 like a pillow.

15 Q. So his head was on top of that?

16 A. Yes.

17 Q. Just to cut other pictures -- just because we've
18 got mark State's -- State's 5. Does it show the airbag?

19 A. Yes.

20 Q. State's 9. That's Davis car, and your car is
21 already gone, correct?

22 A. Yes, sir.

23 Q. How long did you end up staying there on the
24 center?

25 A. I didn't get to go home that night until probably,

1 like, 5:00 in the morning.

2 Q. And law enforcement had taken over the scene
3 basically, correct?

4 A. Yes.

5 Q. And you weren't allowed to leave till they were --
6 told you -- you could leave, and they were finished?

7 A. Yes, sir.

8 Q. All right. And State's 8 -- and again, is this
9 just another view from the -- above view of your car in
10 Davis McClendon's?

11 A. Yes, sir.

12 Q. And finally, State's 6, I believe Davis
13 McClendon's body had already gone, but you -- did you
14 recognize or see this on the scene that night?

15 A. Yes, sir.

16 Q. What was that?

17 A. One of his shoes were off of his -- his foot, and
18 his shirt was at the bottom of it.

19 Q. So when you saw Davis McClendon that morning
20 hours, did he have a shirt off?

21 A. Yes, sir. His shirt was off.

22 MR. MEADORS: Beg the Court's indulgence?

23 BY MR. MEADORS:

24 Q. Can you describe Meredith Ackerman, and now
25 Hainey's demeanor on the scene, or how was she acting?

1 MR. SWERLING: Objection, your Honor. It's not
2 relevant.

3 MR. MEADORS: Without saying what she said.

4 THE COURT: Okay. He -- whatever she observed.

5 MR. MEADORS: Yes, sir.

6 THE COURT: I think that would be a proper question.
7 You still object, Mr. Swerling?

8 MR. SWERLING: Yes, sir. I -- I just don't think it's
9 relevant.

10 THE COURT: Okay. I -- I'll allow it for whatever it's
11 worth.

12 BY MR. MEADORS:

13 Q. Generally not saying what -- what she said. Can
14 you describe her demeanor -- condition?

15 A. She was crying a lot hysterically.

16 Q. Did you talk to law enforcement that night?

17 A. I did.

18 Q. Did you tell them your observations on the scene?

19 A. Yes, sir.

20 MR. MEADORS: Beg the Court's indulgence?

21 THE COURT: Sure.

22 MR. MEADORS: Judge, I think that's all we have now.
23 Thank you.

24 THE COURT: Okay. Cross-examination?

25 CROSS-EXAMINATION

1 BY MR. SWERLING:

2 Q. Real quick. Ms. McGovern, it's just a couple of
3 questions. How are you?

4 A. Good. How are you?

5 Q. Good. The -- you spent a lot of time with the
6 Ackerman family, correct?

7 A. Yes, sir.

8 Q. And you said, "You were kind of their nanny, and
9 picked them up from school, babysat for them, and you went on
10 vacations with them?"

11 A. Yes, sir.

12 Q. How often did you go away with them, do you
13 recall?

14 A. I just went on, like, their yearly family
15 vacation. And then, a couple other times, like, if we did,
16 like, a day trip or something, I would attend.

17 Q. It was kind of a close-knit family, correct?

18 A. It was normally just me, and Meredith, and the
19 kids. Well whenever we'd go on the day trips, but we were
20 all there on the vacations. Yeah.

21 Q. They're on the vacations?

22 A. Uh-huh.

23 Q. So -- but you observed a close-knit family? It's
24 either yes or no.

25 A. I mean -- I don't know how, like, getting kind of

1 --

2 Q. Kind of?

3 A. Yeah, I mean -- kind of.

4 Q. Okay. Did Bud go on the trips with the family?

5 A. He went to the beach, yeah.

6 Q. Yeah. And he went to the Virgin Islands?

7 A. Yes, sir.

8 Q. And wherever they went, as far as you know, he was
9 there with his children?

10 A. When?

11 Q. On these trips.

12 A. Most of them.

13 Q. Okay. I'm not talking about after they separated.

14 A. I know.

15 Q. I'm talking about before they separated.

16 A. Yeah, I think there's one trip that he didn't go
17 on though, like -- Bud.

18 Q. Okay. All right. And so the situation down there
19 at the end of Avid Road, there's a gate there, and you said,
20 "It was a well-known gathering place?"

21 A. Yeah, that's why they put the gate there.

22 Q. Okay. And who gathered there? High-school kids?
23 Just people from the neighborhood?

24 A. Mainly, like, high-school kids.

25 Q. Okay. And you said, "You were there before?"

1 A. I had just gone down there because I live in the
2 neighborhood so, like -- I'd, like, gone down, like, Sawgrass
3 and stuff, like, but, like, driving around the neighborhood,
4 but, like, I've never -- like, I never, like, hung out down
5 there, or anything like that.

6 Q. But you were aware of the area?

7 A. Yes.

8 Q. Okay. And on the evening of -- or evening of
9 May 6th, going over to the morning of May 7th, when you
10 approached the -- the end of Avid Road going toward the gate,
11 your lights were on?

12 A. Yes.

13 Q. The BMW lights were on?

14 A. Yes.

15 Q. Could you tell whether the high beams were on or
16 the low beams?

17 A. I wouldn't be able to tell you that.

18 Q. Pardon?

19 A. I wouldn't be able to tell you that.

20 MR. SWERLING: I think that's all I have.

21 THE COURT: Okay. Re-direct?

22 MR. MEADORS: Judge, I --

23 RE-DIRECT EXAMINATION

24 BY MR. MEADORS:

25 Q. What do you mean by kind of? Got along -- he

1 asked you. What do you mean by kind of?

2 A. Like, towards the end obviously -- I mean --
3 towards like the divorce there was a lot -- was, like,
4 tension that --

5 MR. SWERLING: Your Honor, I specifically asked the
6 question about before, not after they separated.

7 THE WITNESS: I said, "During."

8 THE COURT: Okay. Go ahead and answer the question.

9 THE WITNESS: There was like obvious tension between
10 them. You could tell, like, things, like, weren't going how
11 they should. So it was kind of more of a hostile -- no, I
12 wouldn't say a hostile environment. Just not always the
13 happiest at that point.

14 BY MR. MEADORS:

15 Q. And you witnessed that?

16 A. Yes.

17 MR. MEADORS: That's all. Thank you.

18 THE COURT: Any re-cross?

19 MR. SWERLING: No, sir.

20 THE COURT: Okay. You step down, ma'am. You're free
21 to leave the courthouse. You're more than welcome to remain
22 with us.

23 Okay. Next witness. Thank you.

24 MR. MEADORS: Andrew Kight.

25 ANDREW KIGHT,

1 being duly sworn, testified as follows:

2 THE COURT: You may proceed.

3 MR. MEADORS: Thank you, your Honor. May it please the
4 Court?

5 DIRECT EXAMINATION

6 BY MR. MEADORS:

7 Q. Who is Andrew Kight? Who are you?

8 A. I am a paramedic with Greenwood County.

9 Q. Where are you from?

10 A. Born and raised in Anderson, South Carolina.
11 Oakwood Christian. Went there from K-4 up to 12th grade, and
12 then spent a little time not in school, just working, and
13 started working in 2016 as a CNA monitor tech unit secretary
14 at AnMed Hospital for the neuro intensive care unit. After
15 that, I started taking EMT class at -- in 2017 at Greenville.

16 Q. You said, "AnMed" before when you did that?

17 A. Uh-huh.

18 Q. Okay. Go ahead. And what after that?

19 A. Greenville Tech, I started an EMT course to go
20 into nursing. It was kind of the bridge program from EMT to
21 paramedic to nursing, but I stopped at paramedic because I
22 liked it so much.

23 Q. Well, my daughter's a paramedic. Tell them what
24 -- what it -- what kind of training do you have to have to be
25 a paramedic?

1 A. I have an associates, it's a year and a half
2 program of where you learn basic life skills first, and then
3 you add onto that with cardiac respiratory, go further in
4 depth with OB pregnancies, respiratory, basically every way
5 to be able to try and keep someone alive, or stabilize until
6 you get to definitive care, which is the hospital. I worked
7 at Greenville County for two years, starting from 2019 until
8 2021, and then came down here in '22, and I've been here ever
9 since.

10 Q. So you're in EMT?

11 A. Uh-huh.

12 Q. More training.

13 A. Yep.

14 Q. Impairment.

15 A. Yep. There's technically four levels of EMT.
16 There's EMR, which is just, "Emergency Medical responder" and
17 then EMTB, which is basic, and then advanced, and then you go
18 to paramedic. And then from up there it's a whole lot. You
19 get -- you can do critical care, you can do flight. Actually
20 aspiring to be a flight paramedic one day, starting classes
21 next year, hopefully.

22 Q. When you respond to a scene -- when you finish, do
23 you take notes as soon as you can so you'll be able to come
24 in to court, and say what you did?

25 A. Yes, we tend to try and get the reports done

1 within that shift. I work 12 -- between 12- and 36-hour
2 shifts. We try to get it done within that 12 hours so it's
3 all fresh. We have our charting system where we take all the
4 vitals down, all the -- our assessments, primary, secondary,
5 and we have a narrative which some people like to do kind of
6 short narratives. I like short-story narratives where it's
7 several paragraphs long. So that has a lot of detail.

8 Q. And in this case, did you do your notes shortly or
9 some point as quick as you could after you responded to the
10 incident?

11 A. Yes.

12 Q. And you have your report with you?

13 A. I do.

14 Q. And it'd be hard to come in, and tell jurors, and
15 this case this year something that happened a while back with
16 many calls; is that fair to say?

17 A. That is very fair.

18 Q. Tell the ladies and gentlemen of the jury, did you
19 respond to Avid and Sawgrass on the early morning hours of
20 May 7 of 2023?

21 A. I did. We were dispatched at 1:34 a.m., initially
22 it got called out as an assault, and then as more information
23 came in, determined to be auto versus pedestrian which just
24 means that someone was standing in the road -- near the road,
25 and was struck by a vehicle. With my time in Greenville,

1 I've worked many of those usually on Whitehorse Road, but we
2 staged away from the area until it was clear for us to go in,
3 and once we were cleared, we entered the scene, and there
4 were multiple police vehicles. The fire truck had beat us
5 there, but --

6 Q. Did you say the fire truck was --?

7 A. Had beaten us there. They arrived first -- well,
8 second after the cops.

9 Q. But -- but -- but -- but does the -- the scene
10 have to be cleared before you can go in?

11 A. Not always, but with -- potentially dangerous
12 because it initially called out as an assault, if it's hands,
13 knives, guns, pepper spray, anything that could be
14 potentially harmful for us. We have the police clear the
15 scene for us before we come in.

16 Q. And when you say, "Clear," what does it sounds to
17 you?

18 A. Make it safe.

19 Q. So can you tell the ladies and gentlemen of the
20 jury what you did when you got to the intersection of Avid
21 and Sawgrass.

22 A. Once we got there, we had already gloved up, and
23 we had an initial -- the windscreen assessment. We see
24 what's going on, and determine what we need to be able to be
25 as efficient as possible. So I saw a fireman running back to

1 their truck. So I asked him real quick what they were
2 running back for, and they said, "The AED" which is the
3 "Automatic External Defibrillator" which in that case that
4 means they have determined that the patient had no pulse.
5 And so they were going to attach that device to see whether
6 it was a shockable rhythm, or if they just needed to continue
7 CPR until we got to the patient so...

8 Q. Someone had beaten you to the victim in this case,
9 Davis McClendon they got there before you did?

10 A. Yes.

11 Q. So what did you do?

12 A. We -- my partner and I -- who was an advanced EMT
13 at the time, she and I got the stretcher out. We got the
14 blue bag, which is our, "Go bag." It has a lot of materials,
15 equipment to be able to handle medical emergencies, and we
16 got it down there. We did a -- well, I got a quick report
17 from the fireman that was on scene who was also a paramedic
18 with Greenwood County at the time. He had reported that
19 major trauma to the right.

20 THE COURT: Don't testify what somebody told you, but
21 as a result of a conversation you did such and such.

22 THE WITNESS: Okay. From the report that he gave me, I
23 did my own personal primary assessment, and patient was not
24 breathing. The patient did not have a pulse. There was
25 copious amounts of blood coming from the ears, nose, and

1 mouth which we then later suctioned. His right leg was
2 unstable, both the femur, and tibia, and fibula in the lower
3 leg. His chest was unstable.

4 Q. What do you mean, "Unstable?"

5 A. With skeletons, there's rigidity, and his had been
6 compromised whether by force or of the -- by CPR. Usually
7 the -- the cartilage connecting the ribs and the sternum
8 separates. So I don't know if it was from that or if it was
9 from the person being struck by a vehicle.

10 Q. Okay.

11 A. After that, I returned to the ambulance to prepare
12 incubation equipment to be able to take control of the
13 patient's airway, and breathe for him since he was unable to
14 do so himself. My partner packaged the patient, which just
15 means put them on a long spine board, got head blocks to make
16 sure that the spine was kept in place. I believe we did a
17 C-collar.

18 Q. (Inaudible).

19 A. Cervical spine. It's the -- what you see on TV of
20 just holding it straight to maintain its integrity. Got him
21 strapped down, got him on the stretcher, and brought the
22 stretcher to the ambulance. From there we started -- we'd
23 already attached him to the monitor, and he was -- it -- a
24 pulseless rhythm asystolic, which is --

25 Q. What is asystolic?

1 A. A flat line. Which means that we are not able to
2 shock that rhythm. There's no electrical activity there to
3 be able to restart. So from there we could only give CPR
4 ventilations, and epinephrine to be able to try and start
5 back that electrical rhythm, but in the meantime, using CPR
6 to keep that physical, mechanical circulation of the blood.

7 Q. In your opinion, based on being there and looking
8 at Davis --

9 THE SWERLING: Okay. Couldn't hear you.

10 THE MEADORS: Was he deceased?

11 THE COURT: Wait a minute. I may -- I may have a -- is
12 that an objection, Mr. Swerling?

13 THE SWERLING: I just can't hear the question.

14 BY THE MEADORS:

15 Q. I'm sorry. I -- I -- was he deceased?

16 A. Yes.

17 Q. Okay. When you got there?

18 A. When I got there. He was pulseless apneic, which
19 means not breathing.

20 Q. What's that word you said?

21 A. Apneic.

22 THE SWERLING: Your Honor, he's -- he's already
23 testified that when he got there he was deceased. So I
24 object to any other measures that they took. It just not
25 relevant.

1 THE MEADORS: Judge, that's all I have.

2 THE COURT: Okay. All right. Okay.

3 Cross-examination?

4 THE SWERLING: No questions.

5 THE COURT: Okay. All right. You can step down. You
6 are free to leave the courthouse, or you're more than welcome
7 to remain with us.

8 MR. KIGHT: Thank you.

9 THE MEADORS: I think we can put up another witness
10 before we head to get to that other matter.

11 THE COURT: Okay. All right. Let -- let's do -- let's
12 do one more witness, and then we'll take a break.

13 ARSENIO LEWIS,
14 being duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. MEADORS:

17 Q. You are Arsenio Lewis?

18 A. Yes, sir.

19 Q. Please tell the ladies and gentlemen of this jury
20 about Arsenio Lewis, kind of your background, where you're
21 from, and then your training that guided you in to the
22 occupation. What we've got you here about?

23 A. I've been -- I was born and raised here in
24 Greenwood, South Carolina. I went to Emerald High School. I
25 have six years prior to law enforcement. Have 10 years in

1 the fire department from 10th grade. It's about 13 now.

2 Currently, I -- I work out of town. I'm a home builder, and
3 I was the volunteer fireman that went to the -- was first on
4 scene with my other rides.

5 Q. And -- and -- and how long had you been in with
6 the fire department or volunteer fireman, Mr. Lewis?

7 A. Say that again.

8 Q. How long had you been working as a volunteer fire
9 person or in that?

10 A. Since 10th grade.

11 Q. Tenth grade. So how long is that?

12 A. Thirteen years.

13 Q. And -- and as a part of your training, were you
14 certified in CPR and other lifesaving measures?

15 A. Yes, sir.

16 Q. And on this night -- or this morning in question,
17 May 7th of 2023, who were you working for?

18 A. I was -- repeat the question again, I'm sorry.

19 Q. Who -- who were you working for? You responded on
20 May 7th?

21 A. Northwest fire department.

22 Q. Okay. And -- and you responded to the scene
23 because you were working with Northwest fire department?

24 A. Yes, sir.

25 Q. And -- and -- and were you one of the first law

1 enforcement, or -- or -- or first responders to get there?

2 A. I was the first -- I was one of the first -- first
3 responders. I wasn't in law enforcement capacity.

4 Q. Okay. And when you got to this scene, can you
5 tell the ladies and gentlemen of the jury, what did you do?

6 A. I assessed the scene, I found the victim, I
7 removed the -- the wooden -- the wooden log that was
8 underneath his head. We started CPR. During CPR, he had no
9 structure in his chest. It was -- everything was just, like,
10 normally when you have -- normally you have, like, a -- we
11 use the example of, like, this bench right here. You have
12 that stiffness, and he had no stiffness in his chest. It's
13 like CPR had already been -- CPR had already been done on
14 him, if that makes sense.

15 Q. That was prior to you doing CPR?

16 A. Yes, sir.

17 Q. Did you observe that or felt that?

18 A. Yes, sir.

19 Q. Now you mentioned that's one reason we got you up
20 here, State's 7. You mentioned the log?

21 A. Yes, sir.

22 Q. And do you remember that log?

23 A. Yes, sir.

24 Q. And where was this piece of wood or, in relation
25 to Mr. -- the person that you were (inaudible) you assisted?

1 A. He was -- he was laying on it, the back of his
2 head to the, like, the side of his head was laying on it.
3 And then to -- to do CPR, you have to remove whatever may be
4 obstructing, like, airway so you can get certain medical
5 devices in -- inside of the throat.

6 Q. Say that last part again.

7 A. You have to clear the airway, make the airway of
8 the neck straight so you can get certain medical devices in
9 the throat to help the airway while doing CPR.

10 Q. Mr. Lewis, did you remove that log?

11 A. I did.

12 Q. And at that point, did you try to do CPR on
13 Mr. Davis McClendon?

14 A. I did CPR on Mr. McClendon.

15 Q. In your opinion, was he deceased then?

16 A. Yes, sir.

17 THE MEADORS: Mr. Lewis, thank you.

18 That's all, Judge.

19 THE COURT: Cross-examination?

20 THE SWERLING: No questions.

21 THE COURT: All right. You can step down, sir. Free
22 to leave the courthouse. More than welcome to remain with
23 us.

24 All right. Ladies and gentlemen, I think this will be
25 a good time to take an afternoon break. So I ask that you go

1 back to the -- to your jury room, remember all my
2 instructions, and we'll start back in just a little bit.

3 (Jury exits room at 2:55 p.m.)

4 THE COURT: All right. We'll be in recess.

5 (Off the record from 2:55 to 3:34 p.m.)

6 THE COURT: Back on the record. And the -- the Mejia
7 body cam video has been adjusted, I guess consistent with the
8 Court's ruling. There is one item that's still in contention
9 in the video.

10 And, Mr. Swerling, you object to what?

11 THE SWERLING: Comment about its hand print, which
12 comes right after the smudge remark about wiping it. It's
13 about four seconds, but --

14 THE COURT: Okay.

15 THE SWERLING: I just object to that -- basically it's
16 still a -- an opinion on his part, and he's not been
17 qualified to give an opinion about what that is there, or the
18 meaning of it. It's just speculation as to what it means.
19 So 402, 403 relevance, and prejudice.

20 THE COURT: Okay. Conrad?

21 MR. CONRAD: And just for clarity's sake, your Honor,
22 what we're going to do is we're going to be manually muting
23 the audio portions that we're -- we're -- we're moving later
24 on this week, we'll hopefully produce an actual exhibit with
25 the actual audio gone.

1 THE COURT: Okay.

2 MR. CONRAD: That -- that we're going to keep out. But
3 for today, what we're going to mute in a Mejia video is
4 between about 20 seconds -- starting about 20 seconds to
5 about three minutes and 15 seconds, which is when you hear
6 Ms. McGovern in the background crying which was part of the
7 Court's ruling.

8 And then, going on to when Corporal Mejia goes back to
9 the truck, and is inspecting the truck he makes a comment
10 where he says, "It looks like somebody wiped off some blood."
11 We're going to mute that. And that's between about 7:57 and
12 8:05 in the video. And directly after that is when he makes
13 a comment that says, "That looks like a palm print or" -- "or
14 something like that." And that's the other part that Jack's
15 objecting to. But if I understand the Court's ruling, as
16 soon as he's done making a comment about the blood, we're
17 going to allow the jury to hear the comment about the palm
18 print.

19 THE COURT: Right. And as I indicated back in
20 chambers, I would consider that more of an observation as
21 opposed to an opinion. So I'm going to allow that -- allow
22 that in. Okay.

23 All right. We ready for the jury, State?

24 THE MEADORS: Yes, sir.

25 THE COURT: Defense?

1 MR. SWERLING: Yes, sir.

2 THE COURT: Okay. Let's bring the jury out.

3 (Jury enters room at 3:37 p.m.)

4 THE COURT: Okay. Let the record reflect the jury is
5 back in. Ladies and gentlemen, our work during break took a
6 little longer than we had anticipate -- anticipated. And
7 thank you for your patience.

8 State ready to call the next witness?

9 MR. CONRAD: It is, your Honor, please the Court?

10 State calls Corporal Michael Mejia.

11 THE COURT: Come around please, sir.

12 CORPORAL MICHAEL MEJIA,

13 being duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. CONRAD:

16 Q. All right. Corporal Mejia, if you would just
17 state your name, and spell your last name for the court
18 reporter, please?

19 A. Michael Mejia. Last name is spelled M-E-J-I-A.

20 Q. Corporal Mejia, where do you currently work?

21 A. The Greenwood County Sheriff's Office.

22 Q. How long have you worked there?

23 A. I've been employed there since September of 2016.

24 Q. Where are you originally from?

25 A. Originally from California.

1 Q. You ended up in South Carolina, correct?

2 A. Yes.

3 Q. When was that?

4 A. First time I visited Greenwood in 2016, there was
5 a barbecue festival, and gas was under \$2 a gallon. So I
6 figured this was a pretty good place to be.

7 Q. So you came here in 2016, correct?

8 A. Yes, sir.

9 Q. And is Greenwood County Sheriff's Office your
10 first job in law enforcement?

11 A. Yes.

12 Q. And what duties or different jobs have you had at
13 the department since you've worked there?

14 A. When I first started, like I said, in
15 September of 2016, that was in the detention center. I was a
16 detention officer up until about July of 2018. Then went to
17 the academy, and --

18 Q. The academy, what -- what's that?

19 A. Excuse me, the South Carolina Criminal Justice
20 Academy with the Police Academy.

21 Q. Where is that?

22 A. Columbia, South Carolina. At that point, I
23 transferred to the Uniform Patrol Division, worked as a
24 uniform patrol deputy from --

25 Q. Okay. Can we stop you there? Just briefly

1 describe to the jurors what the day-to-day duties of a patrol
2 deputy are.

3 A. Yeah. So as a uniform patrol deputy, you respond
4 to calls for service. Uniform patrol simply means that you
5 are in the standard sheriff's office uniform driving a marked
6 patrol car. In this case I was assigned a -- a patrol zone
7 which is typical of any type of uniform patrol operations. I
8 was in that job till about May of 2020. At that point, I was
9 assigned to the crime reduction unit, still retained a
10 uniform in a marked patrol car. However, I had investigative
11 duties at the time. One thing that I specifically worked on
12 was vehicle crimes, but I also still assisted shifts for
13 calls, primarily responded to more critical-type incidents,
14 such as shootings, significant traffic collisions involving
15 significant injuries or fatalities, any other type of call
16 where more "Hands on deck" were needed. I stayed in that
17 position till June of 2021. At which point, I was assigned
18 to the K-9 unit, which is what I'm currently working in right
19 now.

20 Q. What is the K-9 unit?

21 A. We have three K-9s here in Greenwood County. Two,
22 are patrol. One is a narcotics detection K-9. When I say a
23 patrol K-9, a patrol K-9 is a -- a dual-purpose K-9. It's
24 trained to track, and find humans as well as detect narcotic
25 odors. That is what my dog does.

1 Q. What -- what's your dog's name?

2 A. Maverick.

3 Q. What kind of dog is it?

4 A. He's actually a cross between a German shepherd
5 and a Belgian Malinois. He's a pretty interesting little
6 dog. He weighs 70 pounds, and I know a lot of people say
7 that's not little, but our other dog is over 100, so...

8 Q. And -- and is he one of the dual-purpose dogs that
9 you described about?

10 A. Correct.

11 Q. And the night -- or excuse me, the early morning
12 hours of May 7, 2023, were you performing your regular duties
13 as a K-9 officer?

14 A. I was.

15 Q. What would that generally include?

16 A. So whenever I work with the uniform patrol shifts,
17 my job is to assist them in whatever they need. Usually, it
18 can be anything from a narcotics detection sniff on a traffic
19 stop to finding things like evidence. So if somebody took
20 off running, tried to discard something like a firearm, or a
21 cell phone, something like that, or if the charge is severe
22 enough, what's -- say a -- a significant felony, if somebody
23 were to try and conceal themselves either in a building, or
24 in the woods, the dog is actually able to track them down,
25 and apprehend them, should they become violent.

1 Q. So you would respond to significant calls while
2 you're on your normal shift as a K-9 officer?

3 A. Correct.

4 Q. For the clarity sake, on the morning hours of --
5 of May 7 of 2023, did you have occasion to use your dog, or
6 to sniff anything, or retract anything?

7 A. No.

8 Q. Okay. And so you were there more as a responder
9 to the incident scene at Avid and Sawgrass, is that correct?

10 A. Correct.

11 Q. All right. So let -- let's talk about that. Do
12 you recall about what time the call came out that caused you
13 to respond to the intersection of Avid and Sawgrass?

14 A. I believe it was, approximately, 1:43 in the
15 morning.

16 Q. And do you recall -- were you the first law
17 enforcement responder at that location?

18 A. I was.

19 Q. And who was there when you first arrived, if you
20 can recall?

21 A. I arrived pretty much simultaneously with other
22 first responders, to include fire and initial EMTs.

23 Q. And as part of your normal duties, do you wear a
24 body cam?

25 A. Yes.

1 Q. And is it procedure to -- or policy -- excuse me,
2 to turn that body cam on when you respond to significant
3 incidents?

4 A. Yes.

5 Q. And did you turn it on the early morning hours of
6 May 7th when you responded to Avid and Sawgrass?

7 A. Yes.

8 Q. Okay. And before -- before we go further on that,
9 let me ask you this. When you first responded, did you
10 observe a BMW vehicle?

11 A. Yes.

12 Q. Okay. And we'll talk about that more in a minute.
13 And did you also observe a -- a body?

14 A. Yes.

15 Q. Were both of those locations -- located, and are
16 they located in Greenwood County?

17 A. Yes.

18 Q. All right. So your body cam was on when you first
19 pulled up, correct?

20 A. Correct.

21 Q. It remained on for approximately how long, that
22 morning?

23 A. I would say at least four hours.

24 Q. Continuously?

25 A. Continuously.

1 Q. I'm going to show you what's been marked as
2 State's Exhibit 16. Take a look at that. It's a DVD. Do
3 you recognize that DVD, sir?

4 A. Yes, sir, I do.

5 Q. And what is contained on that DVD?

6 A. That is a copy of the body cam footage that was
7 worn on my person.

8 Q. And you've reviewed that, correct?

9 A. Yes.

10 Q. And is it the -- you said, "It was on for
11 probably, close to four hours." Is that the -- is the full
12 four hours on that DVD?

13 A. No.

14 Q. So it's been cut down for time?

15 A. Correct.

16 Q. Significantly, correct?

17 A. Yes, sir.

18 Q. And did -- we'll, get back into it -- into detail
19 what you did throughout the night, but you first responded to
20 Avid and Sawgrass, correct?

21 A. Correct.

22 Q. And then we'll talk about why in a little bit, but
23 where did you go next in that early morning hours?

24 A. After Avid and Sawgrass, I proceeded to
25 1714 Old Abbeville Highway.

1 Q. We'll talk about the significance of that. Were
2 you at that location for several hours?

3 A. Yes.

4 Q. All right. And this body cam, it recorded not
5 only you at Avid and Sawgrass, but also recorded your actions
6 at the -- what was that address again?

7 A. 1714 Old Abbeville Highway.

8 Q. Is that correct?

9 A. Yes.

10 MR. CONRAD: And, your Honor, at this time, State would
11 move to Exhibit -- excuse me, enter State's Exhibit 16 in to
12 evidence. Subject to the Defense's previous objections, this
13 --

14 THE COURT: Any -- any additional objections,
15 Mr. Swerling?

16 MR. SWERLING: No objection.

17 THE COURT: Okay.

18 MR. CONRAD: This is as -- as I stated, this is an
19 edited version in terms for -- for the Court rulings, and
20 just simply for -- for length.

21 THE COURT: Right. 16 entered in to evidence for the
22 State.

23 (State's Exhibit 16 was admitted in to evidence.)

24 MR. CONRAD: And with your permission, Judge, we'd like
25 to --

1 THE COURT: Sure.

2 MR. CONRAD: -- publish it to the jury.

3 THE COURT: Yes, sir.

4 BY MR. CONRAD:

5 Q. And -- and -- okay. Before we hit play what --
6 what do we see in the -- your camera? First of all, this is
7 your camera, correct?

8 A. Correct.

9 Q. And where are you looking right now?

10 A. So I'm standing in the intersection of Avid Road
11 and Sawgrass Place. So I'm actually standing on what would
12 be Avid Road looking towards that gate that you can see with
13 the reflectors on it.

14 Q. So you're looking straight up Avid Road towards
15 the end?

16 A. Correct.

17 Q. And I -- I see some headlights facing back towards
18 you. Do you see that, sir?

19 A. Yes.

20 Q. And -- and what are those headlights?

21 A. They're the headlights to a BMW sedan.

22 Q. And we see to the right what looks like a fire
23 truck, correct?

24 A. Correct.

25 Q. And so this is simply you walking up for the first

1 time to this -- to this incident location, is that correct?

2 A. Yes.

3 Q. Okay. Go and hit play.

4 Okay. Pause. And -- okay, so we've got to look at
5 that BMW on the left as you -- as you walked up, correct?

6 A. Correct.

7 Q. And on the right, there's another vehicle there,
8 do you see that, sir?

9 A. Yes.

10 Q. Do you recall what kind of vehicle that was?

11 A. I believe it is a Ford -- either an Escape or
12 Explorer. It's a small SUV.

13 Q. And -- and in the course of you being on the --
14 the incident location at night, did you identify whose
15 vehicle that belonged to?

16 A. Yes.

17 Q. Do you recall who that belonged to?

18 A. If I recall correctly, it was Ms. McGovern's.

19 Q. And in the distance, and -- and you'll walk closer
20 in a second, but in distance, we see a couple things to the
21 right side of the screen now, correct?

22 A. Correct.

23 Q. And -- and describe to the juror, what you see on
24 the right side from the distance beyond that Ford Escape?

25 A. So looking at the picture, if you were to look

1 just in front of the Ford Escape, it appears to be some type
2 of object on the ground. And then beyond that another larger
3 object.

4 MR. CONRAD: Keep going.

5 (Video starts at 3:51:59 p.m.)

6 CORPORAL MEJIA: And 1028 Whiskey Echo Victor 253.

7 (Video ends at 3:52:03 p.m.)

8 BY MR. CONRAD:

9 Q. All right. And we -- we saw you look back towards
10 the BMW, correct?

11 A. Correct.

12 Q. You pulled the license plate, were you reading out
13 the license plate of that vehicle?

14 A. Yes, sir.

15 Q. All right. And why were you doing that?

16 A. It's typical when arriving on scenes. You try and
17 gather as much information as you can. Usually anything
18 identifying in nature to vehicles that may or may not be
19 involved. That could be vehicles involved in a wreck vehicle
20 that somebody was driving by when they were a witness. Just
21 any type of information that could potentially be useful.

22 Q. Before we go too much further, as you walked by
23 that BMW, what did you observe about it?

24 A. I noticed there was some pretty significant damage
25 to the front left, or what would be the driver's -- the

1 driver's front wheel. So much to the point where it would be
2 extremely difficult to move the vehicle or drive it safely.

3 Q. And I'm going to show you -- it's already been
4 entered in to evidence State's Exhibit. All right. Three.
5 And would that -- would that fairly represent the damage you
6 saw on that BMW that night?

7 A. Yes.

8 Q. Okay. Let's just do that real quick. And we're
9 just showing this to the jury on the overhead, and as you
10 said, "That's the damage that you observed on the BMW as you
11 walked past it?"

12 A. Correct.

13 Q. And -- okay, now at -- you're now past the Ford
14 Escape and a BMW, correct?

15 A. Correct.

16 Q. And you're now looking at what in the distance?

17 A. So in the distance, I can see somebody standing
18 upright, and also what appears to be the body of a human
19 being laying on -- flat on -- on his -- on his back, excuse
20 me.

21 Q. And did you know them -- as you were walking up,
22 did you know the person who was standing over the body at
23 this point?

24 A. No, I had not identified them yet.

25 Q. Okay. Did you later identify them?

1 A. Yes.

2 Q. Who was that?

3 A. That would've been Ms. McGovern.

4 Q. Okay. All right. Pause, back up about
5 five seconds. Okay. That's probably good. And what time is
6 this? We'll hit play -- hit play. Pause. Okay. And we're
7 now at about 21 seconds into the video. And what do we see
8 -- we -- describe to jurors what you see in your body cam
9 here, what you observed that night as well?

10 A. So when I walk up at -- at this point, I see a
11 white male laying on his back, shirtless, he's missing one
12 shoe. It appears that he has significant injuries to what
13 would be his chest and his head. Specifically, I noted
14 bleeding from the ears. And I believe there was blood coming
15 out of his mouth too. It did not appear that he was
16 breathing.

17 Q. And -- and we see what -- I think you identified
18 as Ms. McGovern on the left-hand side of the video at this
19 point, correct?

20 A. Correct.

21 Q. And we see somebody down kneeling over the body,
22 is that correct?

23 A. Correct.

24 Q. And what is that person doing?

25 A. That is one of the first responders with -- I

1 believe the fire department, beginning to render aid.

2 Q. All right. And so describe to jurors now that
3 you've observed this body, and the damage on the vehicle,
4 what -- what are you doing at this point?

5 A. In light of the information that I had received in
6 responding, which was this is a vehicle versus pedestrian,
7 I'm trying to figure out which vehicle may have struck this
8 person, and how that possibly could have happened. I figured
9 that it was most likely not the BMW that struck him due to
10 the damage to the BMW, and also the -- the way it was facing.
11 So there was another vehicle that struck him. I was also
12 looking back at the -- the Ford SUV, noting that there was no
13 damage to it. So there's a vehicle that is unaccounted for.

14 Q. So you came to the conclusion that you didn't
15 think the -- the Ford was involved, correct?

16 A. No, not -- not in the collision.

17 Q. What -- what did you do next?

18 A. Continued to just look around more. At this
19 point, I noticed that there is oil on the ground. I'm also
20 still trying to take into account who all is present at the
21 scene, and to what extent they're involved.

22 Q. Okay. And -- and pause the video real quick, and
23 we're not going to rewind it at this point, but as you were
24 walking down Avid lane towards the BMW, did -- did you have
25 any trouble observing it?

1 A. No.

2 Q. Was the headlights on?

3 A. Bright -- bright headlights were on.

4 Q. You said, "Bright." Do you think the -- the
5 bright lights were on, or -- or do you -- or -- can you
6 recall?

7 A. Every time I've been in or around a BMW, the
8 headlights are bright, so I couldn't really tell if they were
9 the high beams or low beams, but --

10 Q. All right. Hit play. And on the right-hand side
11 of the video, we see a vehicle with flashers on, correct?

12 A. Correct.

13 Q. And what vehicle is that?

14 A. That's the BMW.

15 Q. Pause it. And, Corporal Mejia, at this point are
16 -- you -- do you -- have you identified Ms. McGovern at this
17 point? You said, "You did at some point?"

18 A. It's not at this point. I think I'm still
19 relaying information to dispatch to give to a medic unit or
20 -- or in other words, an ambulance that is staged. I'm
21 telling them they need to go ahead and come in. And then
22 also directing other law enforcement personnel to my -- my
23 location.

24 Q. And at -- at some point, did you identify who the
25 occupants of that Ford were when you first got there?

1 A. Yes, at some point I did.

2 Q. And was Ms. McGovern one of the -- the occupants?

3 A. Yes.

4 Q. Do you recall who else was in that vehicle when
5 you first showed up?

6 A. I believe Meredith Ackerman and Drew Strickland.

7 Q. Okay. And we're not going to talk about what they
8 would've -- what they told you, but did you have occasion to
9 interview Ms. McGovern?

10 A. I did.

11 Q. Did you interview any -- the other two females?

12 A. No, I did not.

13 Q. Okay. All right. Hit play. And -- and we see
14 some individuals running in your camera field of view. Who
15 are those folks?

16 A. I believe those are the personnel of the -- the
17 medic unit, or the ambulance.

18 Q. And they continued to try to render assistance to
19 the body?

20 A. Yes.

21 Q. Did you later learn who that body was?

22 A. Yes.

23 Q. Who was that?

24 A. Davis McClendon.

25 Q. Pause. Okay. As you said a few minutes ago, you

1 said you, "Interviewed Ms. McGovern" is that correct?

2 A. Correct.

3 Q. As a result of that, what next steps in your
4 actions that night did you decide to take?

5 A. I learned that --

6 Q. Where did you decide to respond next, sir?

7 A. 1714 Old Abbeville Highway.

8 Q. Okay. What's the significance of -- of that
9 location?

10 A. I learned that that's where a Mr. Bud Ackerman may
11 be located along with his vehicle.

12 Q. And do you -- did -- did you learn later, or did
13 you know that night whose actual house that was?

14 A. I ended up learning later that night.

15 Q. Whose house -- who owned that residence?

16 A. I believe that was William Gray Ackerman, if I'm
17 saying the name correctly, Bud's father.

18 Q. And so you drove -- and what was the address
19 again?

20 A. 1714 Old Abbeville Highway.

21 Q. And how far is that from the intersection of Avid
22 and Sawgrass?

23 A. Just over half a mile.

24 Q. Okay. And we see some -- some -- and did you see
25 -- or excuse me, your body cam footage is now inside your

1 patrol vehicle, is that correct?

2 A. Correct.

3 Q. Hit play.

4 (Video starts at 3:59:44 p.m.)

5 CORPORAL MEJIA: (Inaudible).

6 MR. ACKERMAN: Myself, 36 (inaudible).

7 CORPORAL MEJIA: I'll say he's supposed to be in with
8 the kids is 1714.

9 MR. ACKERMAN: 1714.

10 CORPORAL MEJIA: Are you -- in there now with --

11 MR. ACKERMAN: No.

12 CORPORAL MEJIA: Stay here. Yates and I are going to
13 be over here -- or Yates and I are going to go over there.

14 UNIDENTIFIED SPEAKER: We're going to see if the car is
15 there.

16 We're, see if we can find a vehicle there.

17 CORPORAL MEJIA: Open this off because this going to be
18 a crime scene. I'm about to pull right through there.

19 (Video ends at 4:00:35 p.m.)

20 BY MR. CONRAD:

21 Q. Pause it. And is this you leaving Avid and
22 Sawgrass at this point?

23 A. Yes.

24 Q. And responding to -- is it 1714?

25 A. Correct.

1 Q. Old Abbeville?

2 A. Correct.

3 MR. CONRAD: Hit play.

4 (Video starts at 4:00:44 p.m.)

5 CORPORAL MEJIA: (Inaudible) two cell 316373

6 1714 Old Abbeville Highway.

7 (Video ends at 4:00:47 p.m.)

8 BY MR. CONRAD:

9 Q. Pause it. And are you now pulling into the
10 driveway of 1714 Old Abbeville?

11 A. Yes, sir.

12 Q. Okay. And while parts of your footage -- you
13 know, you said, "There's four hours" there's parts that
14 aren't going to be on this -- this edited version was what
15 the jury just viewed between you driving or leaving Avid and
16 Sawgrass, and pulling into the driveway, was that a complete
17 video released between those two times?

18 A. Yes.

19 Q. And so you said that was about half a mile apart,
20 correct?

21 A. Correct.

22 Q. What -- if anything, did you observe on your way
23 driving from Avid and Sawgrass 2174 --
24 1714 Old Abbeville Highway -- excuse me?

25 A. Appeared to be a trail of fluid in the roadway.

1 Q. Okay. And where did that fluid go to?

2 A. It went into the driveway of
3 1714 Old Abbeville Highway.

4 Q. Did you continue to see that fluid all the way up
5 the driveway at that residence?

6 A. I did.

7 Q. And where did you see that fluid go to once you
8 pulled up in the driveway?

9 A. It continued to the left side of -- excuse me, the
10 driveway, continuing around the left side of the house, and
11 then ended underneath a white Ford F-250 pickup.

12 MR. CONRAD: Hit play.

13 (Video starts at 4:02:55 p.m.)

14 CORPORAL MEJIA: (Inaudible).

15 (Video ends at 4:03:23 p.m.)

16 MR. CONRAD: Pause it.

17 BY MR. CONRAD:

18 Q. And I think you just told the jury about seeing
19 the white truck, correct?

20 A. Correct.

21 Q. What else are you observing at this location as
22 you get out of your patrol vehicle?

23 A. When I exit my patrol vehicle, one of the first
24 things I always look at is potential points of danger. So
25 one thing that I do spot is a wide open garage, or -- or

1 carport. And I can see two individuals standing inside the
2 carport.

3 Q. And did you later identify who those
4 two individuals were?

5 A. Yes.

6 Q. Who were they?

7 A. It was William Bud Ackerman and
8 William Gray Ackerman, who is Bud's father.

9 Q. And so William Gray Ackerman is Bud's father?

10 A. Correct.

11 Q. And do you see Bud in the courtroom at this point?

12 A. I do.

13 Q. Okay. Can you point him out?

14 A. Seated right over there.

15 MR. CONRAD: All right. And if the record reflect it's
16 the gentleman with the blue blazer and a shirt with no tie.

17 THE COURT: So noted the witness has identified the
18 Defendant.

19 BY MR. CONRAD:

20 Q. All right. And Mr. Bud Ackerman was the
21 individual standing with his father in the garage as you
22 pulled up, correct?

23 A. Correct.

24 MR. CONRAD: Hit play.

25 (Video starts at 4:04:30 p.m.)

1 CORPORAL MEJIA: Bud Ackerman.

2 (Video ends at 4:04:55 p.m.)

3 BY MR. CONRAD:

4 Q. And are you moving towards that garage at this
5 point?

6 A. I am, yes.

7 (Video starts at 4:04:58 p.m.)

8 CORPORAL MEJIA: Are there some -- some kids here?

9 MR. ACKERMAN: Yeah. Yeah.

10 CORPORAL MEJIA: Okay. Whose kids are they?

11 (Video ends at 4:05:05 p.m.)

12 BY MR. CONRAD:

13 Q. Pause it. And -- okay, so the individual on the
14 left we see in your video, who is that?

15 A. William Bud Ackerman.

16 Q. That's the individual who you just pointed out,
17 correct?

18 A. Correct.

19 Q. And to listen in the video's perspective to our
20 right. Who is that?

21 A. His father.

22 Q. And was there anybody else leased outside at this
23 point that you observed?

24 A. Not at this time.

25 Q. Okay. And you asked -- you were asking

1 Mr. Bud Ackerman, what -- what questions did you just ask
2 him?

3 A. I was asking if there were children president --
4 present at that residence.

5 MR. CONRAD: Hit play.

6 (Video starts at 4:05:38 p.m.)

7 CORPORAL MEJIA: Yours and who?

8 MR. ACKERMAN: My wife.

9 CORPORAL MEJIA: Okay. Let me ask you this. Can I get
10 you to sit with me over here for me please? You have your ID
11 on you?

12 MR. ACKERMAN: I do not.

13 CORPORAL MEJIA: Okay. Just step over here for me.

14 (Video ends at 4:05:53 p.m.)

15 BY MR. CONRAD:

16 Q. Pause it. All right. So you asked him about the
17 children, correct?

18 A. Correct.

19 Q. Why -- why did you ask him?

20 A. I learned through Ms. McGovern that they were --
21 the children of both Meredith and Bud were at the residence
22 at 1714 Old Abbeville Highway.

23 Q. And did you determine along with your (inaudible)
24 sheriff's office state action in regard to those children?

25 A. Yes. It was relayed to us that Meredith wanted to

1 have her children with her, so we facilitated that.

2 Q. What did you do to facilitate that?

3 A. Entered the residence along with Bud's father,
4 William Gray Ackerman Senior. Who is the owner of the
5 residence, and escorted the children out.

6 Q. Okay. And where did you escort them to?

7 A. It would've been to -- I believe it was Meredith's
8 parents' vehicle. They picked them up from their residence.

9 Q. So after you did that what happened next in terms
10 of your presence at this residence on the early morning hours
11 of May 7, 2023?

12 A. Basically waited for investigators with the
13 sheriff's office to obtain a search warrant for the Ford
14 pickup and for the residence.

15 Q. And after a search warrant was obtained, what did
16 you do?

17 A. I assisted with whatever was needed by other
18 investigators as far as collecting evidence, or documenting
19 the -- that scene.

20 Q. Did you in fact go back inside the Ackerman
21 residence later on that morning?

22 A. I did.

23 Q. Was your body cam recording then too?

24 A. Yes, it was.

25 Q. Okay. Did you have a chance to go up and inspect

1 the -- the Ford -- white Ford truck closer?

2 A. I did.

3 Q. Was your body cam recording then?

4 A. It was.

5 MR. CONRAD: Okay. Hit play. And pause tape real
6 quick.

7 (Video starts at 4:07:38 p.m.)

8 CORPORAL MEJIA: (Inaudible.)

9 (Video ends at 4:07:49 p.m.)

10 MR. CONRAD: And pause tape real quick.

11 BY MR. CONRAD:

12 Q. And is this the garage where you saw the
13 two Ackerman gentlemen standing, when you first approached
14 the residence?

15 A. It was.

16 Q. Okay. Play. Pause state. And -- and we see the
17 gentleman on your left who is another deputy, correct?

18 A. Correct.

19 Q. Who -- who was that?

20 A. It's Investigator Patrick Parker.

21 Q. Okay. And we see him bending down, and -- and
22 putting something on the ground, correct?

23 A. Yes.

24 Q. What -- what is he doing?

25 A. We had located footprints that appeared to be

1 going from the area of the driveway into the residence in
2 what looked like oil. So he's putting down evidence markers
3 that contain a number, and a small ruler basically to mark
4 those -- those footprints.

5 Q. He's putting down evidence markers beside what
6 looks like footprints?

7 A. Correct.

8 Q. And they were leading inside the residence,
9 correct?

10 A. Correct.

11 Q. Play.

12 (Video starts at 4:08:02 p.m.)

13 CORPORAL MEJIA: (Inaudible) here. Yeah. There's a
14 cigarette with on (inaudible).

15 (Video ends at 4:08:18 p.m.)

16 BY MR. CONRAD:

17 Q. Pause it. You -- you made a point of observing
18 what -- a cigarette -- is that correct?

19 A. It was a cigarette butt.

20 Q. And where did you observe that?

21 A. That would've been in -- in the driveway directly
22 out front of what would be the -- where the garage door would
23 be.

24 Q. And now we've moved forward to a different part,
25 probably sometime later in your -- more of your time there,

1 correct?

2 A. Correct.

3 Q. And we now see in the left-hand field of view, it
4 looks like a white truck, is that correct?

5 A. Correct.

6 Q. And is that the white truck where you saw the
7 vehicle fluids leading to as you pulled into the driveway of
8 the Ackerman residence?

9 A. That's correct.

10 MR. CONRAD: Hit play.

11 (Video starts at 4:10:15 p.m.)

12 CORPORAL MEJIA: That's -- that's wild. Yeah, that's
13 -- that's when I walked up, and I was, like, oh yeah.

14 (Video ends at 4:10:28 p.m.)

15 BY MR. CONRAD:

16 Q. Okay. Pause it. All right. And you said
17 something about, "That's wild" as you were walking up to the
18 truck, correct?

19 A. Correct.

20 Q. What were you observing that made you say that?

21 A. There was a very significant dent. And what
22 would've been the top ridge at the very front of the hood on
23 -- you can actually see it in the video -- larger Ford
24 trucks, the F-250, and have "Super duty" written across the
25 -- and the dent is --

1 THE SWERLING: Your Honor, I'd have to object to any
2 testimony about the dent, or him reaching some conclusion, or
3 something like that.

4 THE COURT: Don't render any opinions. You can testify
5 as to what you observed, but don't render any opinions about
6 what you observed. Okay.

7 THE WITNESS: Yes, sir.

8 THE COURT: All right.

9 THE WITNESS: The dent was where the word, "Duty" was
10 written on the truck.

11 BY MR. CONRAD:

12 Q. And -- and did you observe anything on the grille
13 at this point? Just what you observed.

14 A. Just looked to be something like a circular-type
15 smudge.

16 Q. Okay. All right. Hit play. Okay. And you're
17 still looking at the front of this vehicle, right?

18 A. Correct.

19 Q. We're at 8:05 in the video. Yep. All right. Hit
20 play.

21 (Video starts at 4:11:55 p.m.)

22 CORPORAL MEJIA: Because see the video, it's -- that's
23 -- that's a palm mark like that right there.

24 (Video ends at 4:12:06 p.m.)

25 BY MR. CONRAD:

1 Q. And -- and pause. We heard you say something
2 about a palm mark. Is that -- did I understand that
3 correctly?

4 A. Yeah. Something like a palm marker.

5 Q. What do you mean by a palm marker?

6 A. Like, somebody was --

7 THE SWERLING: Your Honor, I'd like to just renew the
8 objection I made in limine about that.

9 THE COURT: Just testify as far as what you observed on
10 the truck, but don't render any opinions to follow-up.

11 BY MR. CONRAD:

12 Q. Okay. All right. And what was it? A smudge of
13 some sort?

14 A. I don't recall exactly, but I remember seeing it
15 look like a hand.

16 Q. Was in the shape of a hand?

17 A. Correct.

18 Q. Your observation?

19 A. Yes, sir.

20 Q. Okay.

21 (Video starts at 4:12:44 p.m.)

22 CORPORAL MEJIA: (Inaudible).

23 (Video ends at 4:12:51 p.m.)

24 MR. CONRAD: Pause. We're going to back up a little
25 bit here and right there. Let's -- let's see right here.

1 BY MR. CONRAD:

2 Q. And you can kind of make it out in this video, but
3 you described it a second ago, you saw a dent where the word
4 super duty was, correct?

5 A. Correct.

6 Q. And we see the word duty on the front top of that
7 hood of that truck, correct?

8 A. Correct.

9 Q. And the dent that you described a minute ago, is
10 it -- where is it where we see the letters D-U-T-Y. Where is
11 it in those letters?

12 A. If you're looking at the word reading it from left
13 to right, it would be starting about the left side of the U
14 and continuing to the T.

15 Q. Okay. Now, how tall are you, Corporal Mejia?

16 A. Six foot two.

17 Q. And I'm just asking about your observation, not --
18 not asking you to make any conclusions whatsoever. As you
19 were standing next to the truck that night and you're
20 six foot two, about where did that dent come on your -- your
21 torso?

22 A. It would've been probably just under my chin.

23 Q. Okay. All right. Hit play.

24 (Video starts at 4:14:25 p.m.)

25 CORPORAL MEJIA: But yeah, that -- that damage right

1 there is going to be the (inaudible).

2 (Video ends at 4:14:35 p.m.)

3 BY MR. CONRAD:

4 Q. Pause it. And you were just describing a what,
5 and -- and back it up just so they can see. See we are now
6 at about 8:36, and you're in the -- this body cam video. You
7 just were circling something in your flashlight, correct?

8 A. Correct.

9 Q. What were you observing at this point on that
10 truck?

11 A. That is damage located underneath the driver's
12 side headlight on the -- what would be the driver's side of
13 the bumper.

14 Q. Okay. And was it more towards the side or more
15 towards the front?

16 A. More towards the side.

17 Q. Okay. In front of the -- of the tire there?

18 A. Yes.

19 Q. And to the best of your recollection, this isn't
20 the best video, but what -- what did that damage look like?
21 Was it a scrape, a dent or what -- what was it?

22 A. It looked like it was a -- a scrape and a line.

23 Q. Okay. Play.

24 (Video starts at 4:15:33 p.m.)

25 CORPORAL MEJIA: Footprints?

1 UNINDENFIED SPEAKER: Yeah.

2 CORPORAL MEJIA: Footprint -- footprints -- footprints.

3 (Video ends at 4:15:58 p.m.)

4 BY MR. CONRAD:

5 Q. Pause it. All right. And you're now entering the
6 Ackerman residence, correct?

7 A. Correct.

8 Q. And this is sometime earlier -- early in the
9 morning of May 7th, correct?

10 A. Correct.

11 Q. And I keep hearing you say the words, "Footprints"
12 -- or excuse me, the word "Footprints." What -- why are you
13 saying that, and who are you saying it to?

14 A. I don't recall exactly which investigator is
15 behind me. It's either Investigator Durkin or
16 Investigator Parker. But I'm using my flashlight, and
17 calling out footprints as I see them on the floor.

18 Q. And earlier you described some footprints in the
19 garage, correct?

20 A. Correct.

21 Q. And you described those as potentially being in
22 some sort of oily substance?

23 A. Correct.

24 Q. Is that the same -- are the footprints that you
25 see inside, are they consistent with the footprints you saw

1 in the garage?

2 A. Yes.

3 Q. And the investigators who were behind you, who
4 you're pointing this out to, why are you pointing the
5 footprints out to -- to that person?

6 A. This would be the first time they've entered the
7 residence and are seeing them.

8 Q. Okay. To your knowledge, what do they intend to
9 do after you pointed them out?

10 A. They're going to place evidence markers and also
11 take photographs.

12 (Video starts at 4:17:05 p.m.)

13 CORPORAL MEJIA: Footprints, the door I came in, oily
14 footprints -- oily footprints. When we saw that, didn't know
15 what that was from other one.

16 (Video ends at 4:17:22 p.m.)

17 MR. CONRAD: Pause it.

18 BY MR. CONRAD:

19 Q. And you see what -- what is that laying on the
20 ground that you said, "You didn't know what it was?"

21 A. I believe it's a towel. The reason I don't call
22 it a towel is I just -- I don't know what it was used for. I
23 don't know if it was to --

24 Q. And at least in terms of your participation in
25 this case, have you ever determined exactly what that was or

1 what is used for?

2 A. No, sir.

3 MR. CONRAD: Okay. Hit play.

4 (Video starts at 4:17:44 p.m.)

5 CORPORAL MEJIA: And the -- another one right there.

6 (Video ends at 4:17:53 p.m.)

7 BY MR. CONRAD:

8 Q. Pause it. We just saw two people there. Who were
9 they?

10 A. The one in black is Investigator Patrick Parker.
11 And the one wearing the green is Investigator Patrick Durkin.

12 Q. What would their roles have been this morning in
13 -- in the house at Ackermans'?

14 A. Documentation of the scene by photographs and
15 evidence collection.

16 MR. CONRAD: Hit play.

17 (Video starts at 4:18:15 p.m.)

18 CORPORAL MEJIA: I don't know where that towel is from.

19 INVESTIGATOR PARKER: (Inaudible) it come from the
20 sink.

21 CORPORAL MEJIA: Yep. Okay.

22 INVESTIGATOR PARKER: Yeah, there's nothing.

23 CORPORAL MEJIA: So mom, is that the same?

24 INVESTIGATOR PARKER: There's a little bit of moisture,
25 a little bit of water.

1 CORPORAL MEJIA: Mom was at the sink again, but --

2 INVESTIGATOR PARKER: Okay. So was he -- I don't --
3 don't know what all he did, or she did, I should say.

4 (Video ends 4:19:04 p.m.)

5 MR. CONRAD: And pause tape.

6 BY MR. CONRAD:

7 Q. And was that Investigator Parker who was looking at
8 the sink?

9 A. Correct.

10 Q. And what we heard on the -- on the camera anyway,
11 he said, "Something about moisture in the sink."

12 A. Correct.

13 Q. And you said something about seeing somebody
14 there, or was it mama? What -- what did you say?

15 A. So when I initially entered the house for the
16 purposes of escorting the children out, I remember seeing
17 Ms. Ackerman at the sink.

18 MR. CONRAD: Okay. Hit play.

19 (Video starts 4:19:30 p.m.)

20 CORPORAL MEJIA: Did that footprint there?

21 (Video ends 4:19:34.)

22 MR. CONRAD: And pause tape.

23 BY MR. CONRAD:

24 Q. Just for clarity's sake, that would've occurred
25 probably at least a couple hours before this -- this portion

1 of -- correct?

2 A. Correct.

3 Q. Okay.

4 (Video starts at 4:17:43 p.m.)

5 CORPORAL MEJIA: Here's another one there (inaudible).

6 INVESTIGATOR PARKER: Yeah. (Inaudible).

7 CORPORAL MEJIA: Yeah. (Inaudible).

8 (Video ends at 4:19:56 p.m.)

9 MR. CONRAD: Pause tape. Thanks.

10 BY MR. CONRAD:

11 Q. And when you're pointing at the ground, you're
12 saying, "There's another one", you're referring to a
13 footprint, correct?

14 A. Correct.

15 (Video starts at 4:20:02 p.m.)

16 CORPORAL MEJIA: I don't even realize where -- all
17 there's a smudge one. All right. Here's one on the rug.

18 INVESTIGATOR PARKER: (Inaudible)?

19 CORPORAL MEJIA: Yes.

20 INVESTIGATOR PARKER: (Inaudible).

21 CORPORAL MEJIA: That one's going that way. All right.
22 So there's another one there, and one there. Yes. There's
23 those two. You almost have to shine at an angle.

24 INVESTIGATOR PARKER: There's one in here.

25 CORPORAL MEJIA: All right. Here. There you go.

1 Right there.

2 INVESTIGATOR PARKER: (Inaudible) multiple right here.

3 CORPORAL MEJIA: They're all right here.

4 INVESTIGATOR PARKER: See there the bathroom.

5 CORPORAL MEJIA: There's -- yep. Bathroom right there.

6 INVESTIGATOR PARKER: All right. And then we're here.

7 So this is the parents' room.

8 CORPORAL MEJIA: This is parents' room?

9 INVESTIGATOR PARKER: Yes. Okay. All right. Right
10 here.

11 CORPORAL MEJIA: No, they're still coming into here.
12 Yeah. So the last one I saw was a twist there in here, this
13 --

14 INVESTIGATOR PARKER: Yeah. Bunch right here.

15 (Video ends at 4:22:10 p.m.)

16 BY MR. CONRAD:

17 Q. And again, these are all footprints all -- you're
18 observing at, you're talking all about the footprints,
19 correct?

20 A. Correct.

21 (Video starts at 4:22:20 p.m.)

22 CORPORAL MEJIA: I didn't see any more in there.
23 Someone wants to see that?

24 INVESTIGATOR PARKER: I am pretty sure it's going to be
25 the shooting (inaudible).

1 CORPORAL MEJIA: Yeah. Well, we can get those in the
2 jail.

3 INVESTIGATOR PARKER: Yeah. Are -- are they checking?

4 CORPORAL MEJIA: So I guess he didn't come upstairs.

5 INVESTIGATOR PARKER: (Inaudible).

6 (Video ends at 4:23:32.)

7 BY MR. CONRAD:

8 Q. Okay. And that's the end of -- of this body cam,
9 is that correct, Corporal Mejia?

10 A. Correct.

11 Q. And at the very end there, you -- you appeared to
12 be climbing some stairs, correct?

13 A. Correct.

14 Q. And you made a comment about -- what was the
15 comment you made there at the very end?

16 A. I believe he didn't come upstairs.

17 Q. Why -- why didn't you believe that?

18 A. Initially when I went inside the house to escort
19 the children out, I had to go upstairs, which is where the
20 children were in their bedroom -- their bedrooms, excuse me.
21 I don't -- did not see any footprints at that time. And then
22 upon entering the house with investigators pursuant to the
23 search warrant -- just reiterated that I did not see any
24 footprints going up the stairs.

25 Q. Did you see any footprints going up the stairs?

1 A. No. Not going up the stairs.

2 Q. Any footprints upstairs at all?

3 A. No.

4 Q. And you saw numerous ones downstairs though,
5 correct?

6 A. Correct.

7 MR. CONRAD: Beg the Court's indulgence?

8 THE COURT: Sure.

9 BY MR. CONRAD:

10 Q. Inspector -- or excuse me, Corporal Mejia, one
11 more question. You testified earlier you're there at the
12 Ackerman residence for how many hours?

13 A. Believe at least four.

14 Q. And do you recall at some point during that
15 morning, was Mr. Bud Ackerman taken into custody?

16 A. He was.

17 Q. And did you have any further contact with him
18 after he was taken into custody?

19 A. No.

20 MR. CONRAD: I think that's all I have for now. Please
21 answer any questions Mr. Swerling might have.

22 THE COURT: Okay. Mr. Swerling any cross-examination?

23 MR. SWERLING: Yes, your Honor.

24 CROSS-EXAMINATION

25 BY MR. SWERLING:

1 Q. Well, I -- I need to hear the last question,
2 didn't hear the whole thing.

3 A. He was essentially asking how long I was on scene,
4 and then if I had any further contact with Mr. Ackerman --
5 excuse me, Mr. Bud Ackerman after he was taken into custody.

6 Q. I just could pick up the whole thing. Okay. Let
7 me -- I just have a couple of questions. When you went in
8 the house, you went in to go ahead and get the children to
9 turn them over to Meredith Ackerman, but actually it was her
10 parents were there, correct?

11 A. Correct.

12 Q. And Dr. Ackerman went in the house with you, went
13 upstairs to get the children with you?

14 A. Yes, sir.

15 Q. Ms. Ackerman was in the house as well?

16 A. Yes.

17 Q. And they cooperated with you taking the children
18 out of the house, and giving them over to the parents of
19 Meredith, correct?

20 A. Yes.

21 Q. One other thing I wanted to ask you about when you
22 got to the scene, you mentioned something about -- I think
23 it's Exhibit Number 7, the log Mr. McClendon's head was
24 resting on -- that log, is that correct?

25 A. You're specifically referring to the scene at Avid

1 and Sawgrass?

2 Q. Yes.

3 A. Yes. So initially when I arrived on scene, the
4 log was underneath his head.

5 Q. And he -- of course, you said, "He testified there
6 was bleeding coming from various parts of his ears, or his
7 mouth, or his nose?"

8 A. All of the above.

9 Q. All of the above. And so his head was resting --
10 he was on his back, and his head was on resting on the -- on
11 the log?

12 A. Correct.

13 Q. Is that correct?

14 A. Correct.

15 MR. SWERLING: That's all I have.

16 THE COURT: Okay.

17 MR. SWERLING: Oh, one other quick --

18 BY MR. SWERLING:

19 Q. Was your car equipped with a dashcam that day?

20 A. No, sir.

21 Q. And the dashcam was different than the body cam --
22 It's actually a unit that attached in the car?

23 A. Correct. The -- the patrol vehicle I was driving
24 at that time was not equipped with any such system.

25 MR. SWERLING: Thank you.

1 THE COURT: Any re-direct?

2 MR. MEADORS: Nothing from the State.

3 THE COURT: Okay. You can step down, sir. I think we
4 have one more witness for this afternoon.

5 MR. MEADORS: If you allow us.

6 THE COURT: Sure. By all means.

7 MR. MEADORS: The State would call -- the State of
8 South Carolina call Mary Poore.

9 MARY ALICE POORE,

10 being duly sworn, testified as follows:

11 THE COURT: May proceed.

12 MR. MEADORS: Thank you.

13 DIRECT EXAMINATION

14 BY MR. MEADORS:

15 Q. Could you please state your name?

16 A. My name is Mary Alice Poore.

17 Q. Ms. Poore, where are you from?

18 A. I'm born and raised in Greenwood.

19 Q. And after school, what did you do? Are you
20 married?

21 A. Yes, I am. I was -- I'm a retired school teacher
22 as that you are referring to. And I am married. My husband
23 is James Poore, and he and I have the Key West Club.

24 Q. And -- and you taught when?

25 A. I taught in '96 at the high school.

1 Q. And for how long?

2 A. Thirty-two years.

3 Q. Excuse me.

4 A. Thirty-two years.

5 Q. And then, after you retired, what did you do?

6 A. About what I wanted.

7 Q. I'm not -- I'm not trying to pry (inaudible).

8 A. Yeah.

9 Q. Go ahead.

10 A. I -- I really --

11 Q. Whatever you wanted to do.

12 A. Whatever I wanted to. That was nice, but I also
13 would help my husband with the Key West Club.

14 Q. And -- and -- and the Key West Club, how long have
15 you and or your husband owned that?

16 A. I think 21 years.

17 Q. Okay. So you already had that when you were still
18 teaching?

19 A. Yes.

20 Q. And once you retired, is it fair to say you
21 started helping out more than you did before?

22 A. I did.

23 Q. Tell the ladies and gentleman of this jury. Where
24 is the Key West Club?

25 A. Where is it?

1 Q. Yes, ma'am.

2 A. It's on the Old Abbeville Highway. I think the
3 address is 106 or something, but on the Old Abbeville
4 Highway, just past Corley's, if you may know where Corley's
5 is. And in the Gate -- the Gatewood area, Timber Lake in
6 that area residentially.

7 Q. And describe it -- the establishment for us. I
8 mean -- what is it?

9 A. It's a private club. It's a small, eclectic,
10 little club, and kind of like "A neighborhood Cheers." Very
11 small, and old music, and kind of an older clientele.
12 Regulars mainly, kind of truly like "A neighborhood Cheers
13 bar."

14 Q. And had Davis McClendon frequented that bar or
15 been at that bar prior to May 7 of 2023?

16 A. He had. Uh-huh. He was a member.

17 Q. Okay. And had William Bud Ackerman been at the
18 Key West club, either that night or prior to May 7, 2023?

19 A. Yes.

20 Q. And what about Meredith Ackerman or Darnell
21 Meredith Hainey. Had she been there?

22 A. I know that she was there that night. Uh-huh.

23 Q. You're not sure of it before then?

24 A. Well, I didn't really know her personally, and
25 prior to that event -- and so I can't really say, but I --

1 she probably had.

2 Q. But you can, and you did testify that the
3 Defendant, William Bud Ackerman, had been there before, and
4 the deceased Davis -- Defendant had been there?

5 A. Before that evening. Yes.

6 Q. Tell the ladies and gentlemen of the jury a -- a
7 little bit about the bar. I know you told us what type of
8 bar it is, but as far as the setup, when you walk in the
9 front door.

10 A. Okay. Yeah, it's not a large place, but you walk
11 in the front door, and you're in a main room. As I said,
12 "It's very eclectic." A lot of our furniture that we purge
13 from our home ends up at Key West Club. And so it's a little
14 of everything, but it's got a cozy, little sitting area to
15 the right, and some bar tables and chairs in the center. To
16 the left is another room with couch and chairs, and you can
17 watch TV, and it's an office area and storage area back
18 there.

19 And to the right of the main room is a stage where on
20 occasion we'd have karaoke or a small band, and then you step
21 up, and the -- the whole back side of the room is just a long
22 bar. To the right of that facing are two restrooms on your
23 left, and you go out that door, and there's an outdoor deck
24 area, and immediately in front of you and then to the left,
25 another sitting area on a deck, and there's a back door --

1 back entrance there as well.

2 Q. And if I'm outside looking at your bar, are there
3 any other establishments or restaurants to the left of -- of
4 -- you are connected to your building?

5 A. From the back?

6 Q. From the front.

7 A. From the front. Front -- it's -- it's in a little
8 shopping -- small -- small, shopping strip -- business strip.
9 And there are a couple other businesses right there.

10 Q. In the same strip?

11 A. In the same strip, yes. Yes.

12 Q. At some point, did you or your husband install
13 video cameras in the business?

14 A. We did about -- probably about four years ago.

15 Q. Okay. And why'd you all do that?

16 A. We just -- out of safety, and we just felt like it
17 was an important thing to have.

18 Q. And -- and can you tell the ladies and gentlemen
19 please where in your establishment Key West, the video
20 cameras were?

21 A. We have eight. There's one that we can see the
22 front entrance, and another one is directed towards the
23 sitting room to an office area to the left. Another one
24 faces from there to the -- the larger downstairs, I call it
25 area. And then up the next two, show two different angles of

1 the bar. There's one from -- from that position that shows
2 the front room from that angle, so you can see who's going
3 out the door as well as in. And then on the deck there are
4 two: One facing the immediate deck area, and one facing the
5 back deck area, and the back entrance from the parking lot.

6 Q. So a total of eight?

7 A. A total of eight.

8 Q. One of those includes the office?

9 A. Yes.

10 Q. Is there a camera showing the back of your staff?

11 A. Yes.

12 Q. Okay. And then -- and I say the back, not the
13 patio behind that. Is there a camera?

14 A. It shows the fence she would walk through to get
15 -- to park your car in the back.

16 Q. But as far as the parking lot itself in the back,
17 is there a camera back?

18 A. No.

19 Q. Okay. Now this gentleman back here,
20 Investigator Ronnie Powell -- would you stand up step, are
21 you familiar with this gentleman Ronnie Powell, with the --?

22 A. Oh, yes.

23 Q. (Inaudible)?

24 A. Yes.

25 Q. You've seen him before?

1 A. Yes.

2 Q. Now did Investigator Powell or maybe someone else
3 from the Greenwood Sheriff's department, did they come out to
4 your establishments on or after May 5 of 2023 and request to
5 look at some video?

6 A. Yes.

7 Q. And -- and you know what we're all here about on
8 May 6, 2023, up until early morning hour of May 7, 2023. At
9 some point during that time period, was the Defendant in your
10 establishment Bud Ackerman?

11 A. Yes.

12 Q. And was Davis McClendon in your establishment?

13 A. Yes.

14 Q. And was Meredith Ackerman, now Hainey, in your
15 establishment?

16 A. Yes.

17 Q. And had law enforcement asked you to review your
18 video to see if you could see any of these parties?

19 A. They did. We had already reviewed it.

20 Q. You had already reviewed?

21 A. Uh-huh.

22 Q. And why was that?

23 A. You know this is a small town, so Sunday morning,
24 it didn't take long for --

25 MR. SWERLING: Your Honor, I -- I'm going to object to

1 any discussion about why they reviewed it. I don't think
2 it's relevant. They reviewed it.

3 THE COURT: Why she looked at the videos? I -- I have
4 to agree with Mr. Swerling on that.

5 BY MR. MEADORS:

6 Q. When did you look at them?

7 MR. SWERLING: You can -- yeah, you can ask when she
8 looked at them, but the reason behind looking at them, I
9 think that we can stay away from that.

10 BY MR. MEADORS:

11 Q. When did you look at them?

12 A. I first looked at them on Sunday morning.

13 Q. Was this prior to law enforcement reaching out to
14 you?

15 A. Yes.

16 Q. And from your own observation, did you see the
17 parties I just mentioned in there?

18 A. Yes.

19 Q. How did you connect that with law enforcement?

20 A. They contacted me on Monday.

21 Q. And as a result of that, did you tell them you had
22 some video they may be interested in seeing?

23 A. Yes.

24 MR. MEADORS: May I approach?

25 THE COURT: You sure can.

1 BY MR. MEADORS:

2 Q. You testified that you turned the -- the -- your
3 video over to law enforcement?

4 A. Yes.

5 Q. Okay. And -- and you've reviewed the video with
6 investigators?

7 A. I did.

8 Q. That you turned over?

9 A. I did.

10 Q. And I'm going to show you what's marked 11 -- 17A,
11 17B, 17C, 17D, 17E, 17F, 17G, and 17H. Is the video from
12 your establishment on May 26th into May -- excuse me, May 6th
13 and May 7 of 2023, included in these exhibits?

14 A. Yes.

15 Q. Okay. Have you reviewed them and do they
16 accurately reflect what the video cameras in Key West picked
17 up that night?

18 A. I have. And they did.

19 MR. MEADORS: Your Honor, at this time we would offer
20 17A, 17B, 17C, 17D, 17E, 17F, 17G, and 17H.

21 MR. SWERLING: No objection.

22 THE COURT: Without objection. 17A through 17H in to
23 evidence for the State.

24 (State's Exhibits 17A through 17H were admitted in to
25 evidence.)

1 BY MR. MEADORS:

2 Q. And out of those, just for clarification, 17H I
3 believe is the office camera, is that correct?

4 A. Uh-huh. I think so.

5 Q. And 17G well let -- let's work here a mix. 17A is
6 camera number two?

7 A. Uh-huh.

8 Q. 17B is camera number three?

9 A. Uh-huh.

10 THE COURT: You need to verbally respond, ma'am.

11 THE WITNESS: Yes. I'm sorry.

12 THE COURT: Okay.

13 BY MR. MEADORS:

14 Q. 17C, camera number four?

15 A. Yes.

16 Q. 17D, camera number five?

17 A. Yes.

18 Q. 17E, camera number six?

19 A. Yes.

20 Q. 17F, camera number seven?

21 A. Yes.

22 Q. 17G, camera number eight?

23 A. Yes.

24 Q. And again, the office is 17H, is that correct?

25 A. Yes, that's correct.

1 Q. Okay. Were you working that night?

2 A. No.

3 MR. MEADORS: Beg the Court's indulgence?

4 THE COURT: Certainly.

5 BY MR. MEADORS:

6 Q. Ms. Danielle reminded me. What about the time
7 this depicted on these cameras?

8 A. There are two ways that we can review footage on
9 our camera system. I don't know why this is, and we didn't
10 know -- really realize it until this event, but when we play
11 it back on one section it shows a different time. There's
12 like a -- is it a six-hour? I think a six-hour lapse. I
13 can't remember now exactly how long, but one is on military
14 time, and one is on regular time. And we realized going
15 through this, that one camera wasn't in sync -- well, not one
16 camera, but one way of reviewing the camera was not in sync
17 with the correct time. It was a certain number of hours
18 different.

19 Q. And you realize that was a result of this case?

20 A. We did.

21 Q. Okay. So the time depiction -- so the time
22 depicted, I'm going to show you what's camera two.

23 THE COURT: If you need to step down, ma'am, you can.

24 THE WITNESS: Okay.

25 THE COURT: And -- but you need to locate yourself

1 right by that microphone on the railing there.

2 THE WITNESS: Okay. Thank you.

3 BY MR. MEADORS:

4 Q. I don't know if it's going to help her, but this
5 is 17A camera two. Do you recognize that as the inside of
6 your bar?

7 A. I do.

8 Q. Okay. And is the time depicted on there -- that
9 you can see it?

10 A. Yes.

11 Q. And what do you see?

12 A. I see 7, 30, and 17.

13 Q. Okay. And let's just go through -- that's camera
14 two. How much trouble does it pull up? This is 17D camera
15 three. What is that?

16 A. That's from the front door looking in.

17 Q. Okay. And what time is --?

18 A. No -- no, excuse me. I'm sorry. That's from the
19 bar facing the front door.

20 Q. Okay. And what time is on this time stamp?

21 A. 7:38:02.

22 Q. Now I'm going to show you 17C, which is camera
23 four from Key West. What camera is this?

24 A. This is the outdoor camera of the front door.
25 That red awning is right over the front door.

1 Q. And -- and -- and would this camera capture folks
2 leaving -- going in your bar out of the front door?

3 A. Yes, it does.

4 Q. That time on that -- oh, you've already said that.

5 A. Yes. 7:38:23.

6 Q. Okay. Is that actually a 7:30 -- 7:30 instead of
7 7:38?

8 A. I think so.

9 Q. If you want to come look up here. I'm sorry.
10 Come look here, please.

11 A. Okay. Yes. 7:30.

12 Q. All right.

13 A. 25.

14 Q. I apologize for --

15 A. I'm sorry.

16 Q. Now, showing you 17D, which is camera five, Ms.
17 Poore. And the time on here is 7:30 also?

18 A. 7:30:09.

19 Q. And what's this -- what does camera five depict?

20 A. This is when you step up from the front room, and
21 this is showing from the left-hand side of the bar to the
22 right-hand side. And you can see the back door going to the
23 deck straight ahead.

24 Q. 17E camera number six.

25 A. And this is another angle. This is from the

1 office area to the main room. The front door would be to the
2 right of those booths that you see there.

3 Q. Okay. That time depicted is 7:30?

4 A. Yes, 7:30. I can't tell how many seconds.

5 Q. Okay.

6 A. Two.

7 Q. 17F camera number seven?

8 A. So this is from one of the cameras -- the deck
9 area immediately outside of the side door, and it's facing
10 the larger back area of the deck.

11 Q. Can you show on -- on -- on 17F this is camera
12 seven? How would you go out the back?

13 A. Directly -- that lighted area -- you mean go out
14 to the back -- to the parking lot?

15 Q. Okay. I'm sorry. Yes. Yes, ma'am.

16 A. That -- how -- where all the lights are, just on
17 the other side of that, there's a gate and the fence.

18 Q. And the time on that was what?

19 A. 7:30:01.

20 Q. Next we'll go to 17G, camera number eight.

21 A. And this is a camera that is right in the middle
22 of the back deck -- to the right is the area that you just
23 saw. And then this is the back area that we couldn't see as
24 clearly a minute ago because of all the lights.

25 Q. So this is the area you're describing where the

1 lights were that you would exit out the back?

2 A. Yes.

3 Q. Okay.

4 A. Yes.

5 Q. And just since we've gone through them all 17H.

6 Is that your office?

7 A. This is the office area.

8 Q. The time on that is?

9 A. 7:31:01.

10 Q. You can have a seat back, please, ma'am.

11 Thank you.

12 A. Okay.

13 Q. Before you said, "Because of this case" you
14 realized that there was a time lapse on this case?

15 A. Yes. Yes.

16 Q. And you told that to Investigator Powell and law
17 enforcement, and they were able to figure out, and that
18 testimony will come later, what time this was, correct?

19 A. Yes. Yes.

20 Q. But that is your bar, and this is the video of
21 May 6, 2023, going into early morning hour of May 7, 2023?

22 A. It is.

23 MR. MEADORS: Thank you for being here. That's all we
24 have.

25 THE WITNESS: Okay.

1 THE COURT: Mr. Swerling? No cross-examination. You
2 can step down, ma'am. Thank you.

3 Okay. Ladies and gentlemen, I believe that will do for
4 today. We'll start back at 10:00 in the morning. Remember
5 all of my instructions, get some good rest, and we'll see you
6 in the morning, 10:00. Have a good evening.

7 (Jury exits room at 4:50 p.m.)

8 MR. SWERLING: Okay. Anything further from the State
9 this afternoon?

10 MR. MEADORS: No, sir. Thank you, Judge.

11 THE COURT: From the Defense?

12 MR. SWERLING: No, your Honor.

13 MR. COURT: All right. We'll be in recess till 10:00
14 in the morning. Everybody have a good evening.

15 MR. MEADORS: Thank you.

16 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT
17 4:51 P.M.)

18

19

20

21

22

23

24

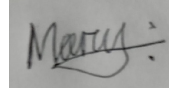
25

CERTIFICATE OF TRANSCRIBER

I, MARY RAGSDALE, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had, and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 8 of Greenwood County, South Carolina, on September 24, 2024.

I do further certify that I am neither of kin, Counsel, nor interest to any party hereto.

January 8, 2025

A rectangular box containing a handwritten signature in dark ink. The signature appears to be 'Mary' followed by a stylized flourish or surname.

MARY RAGSDALE

Transcriber

1 CONTINUATION OF PROCEEDINGS - SEPTEMBER 25, 2024.

2 THE COURT: State ready for the jury?

3 MR. MEADORS: Yes, sir.

4 THE COURT: Thank you. Defense ready for the jury?

5 MR. SWERLING: Yes, sir.

6 THE COURT: Okay. All right. Let's bring the jury
7 out, please.

8 (Jury enters room at 10:07 a.m.)

9 THE COURT: Okay. Let the record reflect that jury is
10 back in.

11 Good morning ladies and gentlemen.

12 THE JURY: Good morning.

13 THE COURT: Hope you had a good restful evening, and
14 ready to get back to work today. Okay. Good.

15 State ready to call next witness?

16 MR. MEADORS: Yes, sir, we are.

17 THE COURT: Okay.

18 MR. MEADORS: May it please the Court?

19 THE COURT: Yes, sir.

20 MR. MEADORS: The State of South Carolina would call
21 Patrick John Durkin to the stand.

22 PATRICK JOHN DURKIN,

23 being duly sworn, testified as follows:

24 THE COURT: You may proceed.

25 MR. MEADORS: Thank you, your Honor. May it please the

1 Court?

2 DIRECT EXAMINATION

3 BY MR. MEADORS:

4 Q. Can you state your name?

5 A. Patrick Durkin.

6 Q. How do you spell your last name?

7 A. D-U-R-K-I-N.

8 Q. Please tell the ladies and gentlemen of this jury
9 please, sir, a little bit about yourself, your background,
10 where you're from, and then your education, and training that
11 led you to law enforcement, please.

12 A. Okay. Originally, I -- or I was raised in
13 Connecticut. I moved down to South Carolina in 2005. I
14 attained my associates at Piedmont Technical College for
15 criminal justice or applied science, major in criminal
16 justice. I started my career in law enforcement in 2010 at
17 Laurens City Police Department in June 10 of 2010. In
18 November 7th, I believe, of 2011, I came over to
19 Greenwood City Police Department. I was --

20 Q. But if you wouldn't mind speaking into there a
21 little bit more in the microphone.

22 A. Is that better?

23 Q. (Inaudible).

24 A. I came to Greenwood City Police Department in
25 November of 2011. I was employed there until 2018 when I got

1 out of law enforcement for a year. Traveled a little bit,
2 did photography, came to Laurens County Sheriff's Office in
3 March of 2019, and was employed there until January of 2021,
4 when I came to Greenwood County Sheriff's Office. I've been
5 employed here since.

6 For the majority of my career, I was on uniform patrol
7 for approximately 10 years, and did a little bit of time as a
8 training coordinator when I was at Laurens County. When I
9 came here to Greenwood County, I was on uniform patrol until
10 November of 2022, when I moved up to criminal investigations
11 division, CID, where I've been employed since as an
12 investigator.

13 Q. And you -- you've had training at the
14 Criminal Justice Academy?

15 A. Yes, sir. And --

16 Q. Continuing legal training?

17 A. Yes, sir, I have.

18 Q. And you -- you -- you mentioned something I think
19 very briefly about photography.

20 A. Yes, sir. I --

21 Q. You mean -- the photography before law
22 enforcement, or during -- and explain that.

23 A. I began my interest in photography after traveling
24 a little bit internationally, and realizing that it would be
25 nice -- I'd be able to photograph things that I saw

1 (inaudible) because I got back, and looked at my cell phone
2 photos, and realized they were garbage. So started as an
3 amateur, as a -- as a hobby. I had a lot of friends that
4 were at a professional level. They helped guide me where --

5 Q. You can speak up a little bit, I apologize.

6 A. I apologize. So as far as photography goes, I
7 have been interested in photography for over the past decade,
8 and have done everything from macro photography, to
9 landscape, to astro photography which is --

10 Q. Not photography?

11 A. Yeah. Yes, sir. Okay.

12 Q. And -- and you're married?

13 A. I am.

14 Q. Now, in May of 2023, what was your role for
15 Sheriff Kelly at the Greenwood County Sheriff's Office? What
16 was your position?

17 A. As an investigator.

18 Q. And we're here to talk about this case. Were you
19 involved in this case as one of the crime scene
20 investigators?

21 A. Yes, sir. I was.

22 Q. Tell the ladies and gentlemen when you respond to
23 a crime scene -- well, first of all, were you on call? It's
24 May 7, 2023, in the early morning hours?

25 A. Technically I was not the on call investigator,

1 which we have -- one of our investigators is on call for an
2 entire week. We have a six-week rotation, but I am always on
3 call for major crimes. And in this case, when I was notified
4 involved -- I came out with -- for the purpose of crime scene
5 and photography, and collection of evidence.

6 Q. And do you remember about what time you responded?

7 A. I know it was early -- early morning hours. I do
8 not have the --

9 Q. Of May 17th? If you need to run notes, please.

10 A. I was notified at approximately 3:13 in the
11 morning on May 7th.

12 Q. (Inaudible)?

13 A. Yes, sir. When -- I believe your question was
14 what -- what do I do upon arrival?

15 Q. Generally, what do you do in this case? Yeah,
16 what did you do, and where did you arrive first?

17 A. The first location I rode -- arrived to was the
18 intersection of Sawgrass and Avid Road, and the Hunters Creek
19 subdivision.

20 Q. That is in Greenwood County?

21 A. It's within Greenwood County, yes. Whenever I
22 arrive to an incident, whether it be major or minor, the --
23 usually in this capacity, I'm not the first on scene, so I go
24 to somebody that was on scene prior, to find out what
25 happened, or what we know at that moment. In this case, when

1 I -- upon arrival, there was numerous emergency service
2 vehicles, fire trucks, highway patrol, Greenwood County
3 Sheriff's Office. I believe that there was some other
4 vehicles, some civilian vehicles are unmarked. And so the
5 first thing I do is ask somebody there that knows what's
6 going on, what is involved, what the potential scene is, what
7 the crime scene is, what needs to be photographed, or
8 collected in that -- in that regard.

9 Q. Get briefed on the situation by someone who's
10 there before you?

11 A. Yes, sir, I do.

12 Q. And what's your aim with that information? What's
13 your job? What did you do that night?

14 A. Initially, I tried to document everything to the
15 best of my ability so that we can reference it later, for
16 example, in this situation, if it comes to court.

17 Q. Did (Inaudible)?

18 A. Yes, sir. So I begin by taking photographs of the
19 surround -- the -- the outside of a crime scene, and then
20 work my way in, and photograph anything at that moment that
21 appears of interest. Sometimes there's things that I
22 photograph that we later determine had nothing to do with a
23 situation, but because we don't always have all the answers
24 initially, we try to -- to document it to the best of our
25 ability so that we can go back and reference. In that case,

1 I normally take a lot more photos might be needed, but it's
2 rather have more photos than intentionally not document
3 something. So I always try to document to the best of my
4 ability.

5 Q. With all due respect, you took a lot of photos in
6 this case, didn't you?

7 A. Maybe.

8 Q. Okay. And we kind of pared that down, didn't we?

9 A. Yes -- yes, sir. We did.

10 Q. And we kind -- we -- did we pare them down, and
11 put them on a separate disc?

12 A. Yes, sir, we did.

13 Q. And I'm going to show you what's marked
14 State's 18, just for these purposes. What's contained in
15 States 18? Do -- do they accurately reflect the pictures you
16 took that night initially at Sawgrass and Avid and then later
17 on -- on -- at Old Abbeville Highway?

18 A. Yes, sir, it is.

19 MR. MEADORS: Your Honor, we now offer State's 18.

20 THE COURT: Okay.

21 MR. SWERLING: No objection.

22 THE COURT: All right. Without objection, 18 in to
23 evidence for the State.

24 (State's Exhibit 18 was admitted in to evidence.)

25 MR. MEADORS: Your Honor, for the jury's sake and your

1 Honor's sake to save me going back and forth, and putting up
2 here, all the pictures are on here, and we'll be able to go
3 through it on the monitor.

4 THE COURT: Okay. All right. Very good.

5 Officer, if you need to step down to see the pictures
6 better, you can just make sure you put yourself in front of
7 that microphone. Okay?

8 THE WITNESS: Yes, sir. Thank you.

9 THE COURT: Sure. Speak up a little -- little bit
10 louder. Okay.

11 MR. MEADORS: You'll speak into that, please.

12 BY MR. MEADORS:

13 Q. And we're not going to rush, but we're going to go
14 through these as efficiently, hopefully as we can. Okay.

15 A. Yes, sir.

16 Q. And we start with number one, tell the ladies and
17 gentlemen of the jury, what is this?

18 A. This is Avid Road, just past the intersection of
19 Sawgrass Place. The -- you see obviously two vehicles. The
20 one to the left is the BMW, the one to the right is the
21 Ford Escape. You can also see the reflection of the -- of
22 the gate crossing at the road.

23 MR. SWERLING: Your Honor, can you ask the witness to
24 speak a little louder?

25 THE COURT: Okay.

1 MR. MEADORS: I know you're soft-spoken, but if you --

2 THE WITNESS: Is this? I'll just hold it. Is that a
3 little bit better?

4 MR. MEADORS: That's -- that's great.

5 THE WITNESS: Okay.

6 MR. MEADORS: That's okay, you just -- can you hold the
7 mic?

8 THE COURT: Yeah, he can hold the mic.

9 THE WITNESS: Okay.

10 THE COURT: And, Mr. Swerling, if you want to get you a
11 chair, and sit closer, you can do that too, if you'd like.

12 MR. SWERLING: That's fine either way. Let me see if
13 that works.

14 BY MR. MEADORS:

15 Q. You got the mic. Go ahead.

16 A. Okay. So just to kind of restate that, the
17 vehicle on the left is the BMW, the vehicle on the right is
18 the Ford Escape, the one that has the two doors open directly
19 in front -- well, kind of between it, but further down you
20 see reflection. That's the gate that crosses over Avid Road.

21 Q. And -- and these were taken in the early morning
22 hours of May 7th?

23 A. Yes, sir. They were.

24 Q. Shortly after you got there?

25 A. Yes, sir.

1 Q. Okay. Go ahead. Just another picture.

2 A. Yes, sir. It was after the initial photographs, I
3 realized that the -- I adjusted the setting slightly on my
4 camera so that it can collect the light a little bit better,
5 or -- or bright -- have a slightly brighter image.

6 Q. Do -- do you see the -- the lights on the BMW?

7 A. Yes, sir.

8 Q. Okay. Can you see the car to the right?

9 A. Yes sir, I can.

10 Q. All right. Go to the next one, please.

11 A. As I progressed around, I was notified that the --
12 the Ford Escape was the complainant's vehicle, so I more
13 focused on the BMW than the -- than the complainant's
14 vehicle, the -- the Ford Escape.

15 Q. When you say, "Complainant's" you mean a -- the
16 initial witness?

17 A. Yes, sir.

18 Q. We all know that was Ms. Meg McGovern's car?

19 A. Yes, sir.

20 Q. Okay. Go ahead.

21 MR. SWERLING: Mr. Meadors, are these photographs
22 numbered, if so I can --?

23 MR. MEADORS: Well, they actually are -- if you want me
24 to read the numbers.

25 MR. SWERLING: Yeah, I just --

1 MR. MEADORS: Okay.

2 MR. SWERLING: Yeah, it'd be helpful.

3 MR. MEADORS: First one is 475, 476, 477. Is that
4 where we are? Okay. Now we're on 48 -- this is 478. All
5 for the record contained in State's 18.

6 THE COURT: Okay.

7 BY MR. MEADORS:

8 Q. And I'm -- what is that? That was 478. This is
9 479. What are these pictures of?

10 A. I'm trying to document the damage to the BMW.

11 Q. And that's why you took these pictures?

12 A. Yes, sir.

13 Q. Where is the damage on the BMW?

14 A. On the front driver's side. Right where the wheel
15 is, and just behind the wheel on the fender.

16 Q. Going to 480. Is that again a picture of the
17 Mercedes -- excuse me?

18 A. The BMW. Yes, sir.

19 Q. Okay. Keep going.

20 A. And as -- as you'll see, I -- I move around a lot,
21 and take redundant photos because certain times, especially
22 as the light changes earlier in the morning when the sun
23 starts rising, you will notice things, or I might have had
24 somebody come to me and say, "Did you get a photo of that?"
25 And rather than saying, "Yes, I definitively did," I'll go

1 back and take an additional photo. So there might be --

2 Q. Quicker?

3 A. Yes, sir.

4 Q. And that -- this is 481, can you see the gate in
5 481 that you referenced earlier?

6 A. Yes, sir. And I think this might be one of the
7 first ones. You can see the --

8 Q. Slow down please. Go ahead.

9 A. This might be one of the first photos that you can
10 see the emergency flashers on the BMW, which was captured in
11 on the body camera that we saw earlier.

12 Q. 482?

13 A. And this is -- I'm standing on the other side of
14 the intersection of Sawgrass and Avid Road where you can see
15 the trail of fluids kind of come around and -- to that light
16 post.

17 MR. MEADORS: There's no way to turn the lights off
18 right up there, is there? On that part of the courtroom?

19 THE COURT: I don't think you can.

20 MR. MEADORS: They all go on --

21 THE COURT: They all go off, or they're all on.

22 MR. MEADORS: Okay. Thank you.

23 BY MR. MEADORS:

24 Q. All right. 483, Investigator, just to make sure.

25 A. This -- this is showing a more detailed photograph

1 of what I assumed at the time was oil or some type of fluid
2 from a vehicle. You can see it kind of go across the curb
3 onto the bottom of the light post. And then there's what we
4 deduced to be tire tracks.

5 A. Tire tracks and the oil?

6 A. Yes, sir.

7 Q. Okay. And you thought at the time this may be
8 significant. Is that why you took the picture?

9 A. Yes, sir.

10 Q. Okay. Go ahead. 484?

11 A. And this is just trying to pan around and show
12 more of the angle of the -- the -- the entirety of the scene.

13 Q. 485 -- excuse me, that's 486, I apologize. And
14 that appears to be the -- a South Carolina Highway Patrol
15 car, is that correct?

16 A. Yes, sir. It's a highway patrol vehicle. And
17 then also you can see one of the fire fighters on the
18 right-hand side that had both of which had -- or arrived
19 before me. And then once again, you can see the gate a
20 little bit more visible there.

21 Q. 488, another picture?

22 A. Oh, yeah, I apologize.

23 Q. I want to ask you 48 -- 488, where do those tire
24 tracks appear to be coming from?

25 A. So in -- later in the photos, you'll see a -- or a

1 larger pool, for lack of a better word, or stain in -- in the
2 asphalt of a black or dark-colored fluid. And the tire
3 tracks come back from that, which is further past where the
4 BMW, and the -- or the Escape is, and then it comes back
5 towards us, or towards the jury in this case. And then turns
6 and goes to the right.

7 Q. Back up toward --

8 A. Toward Avid --

9 Q. -- Avid Road?

10 A. -- toward Rivers Run.

11 Q. Thank you. 489?

12 A. And once again, showing the -- the gate crossing,
13 Avid Road, and -- and how close in proximity that is to the
14 intersection and to the vehicles.

15 Q. 490?

16 A. Yeah, same thing, just panning around. You can
17 start to see there's a flashlight to the left of the rear
18 tire in -- in the -- for -- or in the -- the background. And
19 that's -- that's approximately where the stain is. You'll
20 see it a little bit better as we go further on.

21 Q. Okay. You and -- you're talking about that
22 appears like somebody's had a flashlight back behind the
23 cars?

24 A. Yes, sir.

25 Q. Okay.

1 A. And you can also see the airbag deployment in the
2 BMW.

3 Q. We'll look at that.

4 A. Okay -- okay.

5 Q. 491?

6 A. And then just as we -- we will -- I'll -- I will
7 get closer, and further away depending on as -- as I go, and
8 I take additional photographs.

9 Q. 492?

10 A. And this is the trail which goes underneath the --
11 well, the -- the Escape is parked on top of it, but it
12 continues on toward the -- the gate.

13 Q. 493?

14 A. This is -- this is back -- turned approximately
15 100 degrees to the left, and that's the intersection of Avid
16 Road and Sawgrass Place.

17 Q. And again, what's depicted at your -- based on
18 your investigation?

19 A. The --

20 Q. Those things?

21 A. Something leaving -- leaving a scene.

22 Q. 494?

23 A. That's again, panning a little bit more to the
24 left. That's the stop sign for Sawgrass Place.

25 Q. So you see what appear to be tires going back, and

1 then tires going up Avid?

2 A. Correct. As if you're doing a -- a -- a
3 three-point turn, or backing up into a driveway, or to turn
4 around and go a different direction.

5 Q. Okay. 495?

6 A. Additional photographs of the tire tread.

7 Q. Okay. 496. Same thing?

8 A. Yes, sir, I apologize. Same thing.

9 Q. 501?

10 A. And that's a similar photo.

11 Q. Now, did you -- 502, is this a closer picture of
12 the --?

13 A. The damage to the BMW. You can see some of the --
14 there was some material, some plastic, some looked like
15 orange reflective material under the hood. There's part of
16 the fog light housing just under the bumper cover on the
17 driver's side, you can see that there's damage to the bumper
18 cover right where the wheel is. And then the fender, and the
19 wheel's off alignment because part of the -- the lower
20 control arm, I believe, is broken or additional parts.

21 Q. Again, we'll go through 503. Another closer
22 picture of the damage?

23 A. Yes, sir.

24 Q. Go ahead.

25 A. And then you can also see the current airbags on

1 the driver's side front and rear deployed.

2 Q. And this is 504 for the record. 505?

3 A. And these photos were to show the -- just the
4 centralized damage to -- and around the close vicinity of the
5 tire that didn't really find any damage past it.

6 Q. Had the BMW been moved as far as you knew since
7 this incident before you took the pictures?

8 A. No, sir.

9 Q. Okay. And that's what you're documenting now, how
10 it was found once law enforcement got there?

11 A. Yes, sir. As -- as far as we knew, it had not
12 been touched prior to, or prior to our arrival.

13 Q. 505. Okay. This is 506?

14 A. And I was trying to show the -- you can see the
15 lower control arm, or lower part of fixing the -- the wheel
16 was -- was broken.

17 Q. Okay. 507, same thing?

18 A. Just additional photographs of the damage.

19 Q. 508?

20 A. The same thing.

21 Q. 509?

22 A. And at this time, I wasn't entirely sure of what
23 we needed, so I was trying to hold up a measuring device or a
24 ruler to try to get some -- some sizing if we needed to
25 reference it later.

1 Q. And there are other folks that'll be coming
2 talking about this accident?

3 A. Yeah. Yes, sir.

4 Q. In the condition of the far left, correct?

5 A. Yes, sir.

6 Q. You're just trying to document it early?

7 A. That's correct.

8 Q. To capture everything you can?

9 A. Yes, sir. And once again, that's --

10 Q. 510. Go ahead. 511, same damage?

11 A. Yes, sir.

12 Q. I'm going to kind of go through these if we can.
13 512?

14 A. And -- and as stated, I -- I took a lot of
15 photographs, especially with a reflective nature. I wanted
16 to -- I would change angle, and sometimes change setting just
17 to try to capture it. Because certain aspects will be clear,
18 certain aspects will not. So if I take multiple photos, we
19 kind of gain a much better picture.

20 Q. 513?

21 A. And that's -- there was -- you see some -- some
22 scuff marks, and different colorations -- or color on the --
23 on the paint, and I wasn't entirely sure what that was. So I
24 was trying to capture that as well.

25 Q. 514?

1 A. And just said additional photos of the damage to
2 the bumper cover.

3 Q. 515?

4 A. And the fog light housing.

5 Q. Say that last part again? The -- the fog what?

6 A. Fog light housing.

7 Q. Okay. Fog light.

8 A. Or fog -- fog light grille, depending on what
9 manufacturer, and how they refer to it.

10 Q. That would show damage to that, correct?

11 A. Yes, sir.

12 Q. Is while you were taking that?

13 A. Looks like it was hit and popped out, or whatever
14 the mechanism was.

15 Q. Okay. Now we're going to go to 525. What's this?

16 A. This is to show both the current airbags, the
17 driver's side airbag from the steering wheel, and then you
18 can see the close proximity to the gate blocking Avid Road,
19 not just past.

20 Q. Okay. 528?

21 A. And this -- these are photographs of the rest of
22 the vehicle -- of rest of the BMW to show that there's no
23 apparent injury that I could tell.

24 Q. No apparent what?

25 A. Injury to the vehicle. It did not --

1 Q. No apparent damage?

2 A. No apparent damage. Correct.

3 Q. And are you trying to work around the vehicle
4 here?

5 A. Yes, sir, I am.

6 Q. And -- and take pictures to show how it was?

7 A. Yes, sir.

8 Q. Okay.

9 MR. SWERLING: And that was what?

10 BY MR. MEADORS:

11 Q. That's 528, and then we go on to 529.

12 A. And continuing around this photograph in the rear
13 of the vehicle, and seeing its position off the road. And in
14 relation to the --

15 Q. Leave there, one second. Did it appear to be any
16 damage to you on the right?

17 A. On the passenger side?

18 Q. Yes.

19 A. No, sir.

20 Q. On the back?

21 A. No, sir.

22 Q. And was the car still -- how far from the curb
23 there? Was the car still in the roadway?

24 A. It -- it was pulled off. I mean -- there's plenty
25 of room on both sides. I would -- I would think that the

1 curb actually began about where it -- it kind of looks like a
2 line of dirt. That's where I would consider the curve.
3 Because it's not a hard curve. It's -- or curb --
4 correction, curb. It's kind of one of those sloped curves.
5 So -- or curb going onto the grass. So it appears as though
6 it's maybe --

7 Q. Is slope to the -- is it to the left of the curb
8 looking at it right now? Is it to the left of the curb?

9 A. Well, it's to the left of the curb, yes, sir.

10 Q. It didn't go over the curb?

11 A. No, sir.

12 Q. Okay.

13 A. And continuing around the rear of the vehicle,
14 didn't observe any damage.

15 Q. 531?

16 A. And continuing around along onto the driver's
17 side, that's where you can see the obvious damage to the
18 front driver wheel, but no real apparent damage past that.

19 Q. Yes, sir. 532 -- oh, 533 now I apologize. How'd
20 you take that?

21 A. These are pieces of plastic and metal that I was
22 trying to document, and did not know at the time if they came
23 from the BMW, or if they came from a -- a second vehicle.
24 Some of them said, "Made in Germany" which we assumed were to
25 the BMW, but other were just -- other pieces were just

1 fragments. Some reflective, some pieces of paint matching,
2 or black plastic.

3 Q. 534?

4 A. That --

5 Q. This is a picture of what you just described?

6 A. Yes, sir.

7 Q. Okay. 535?

8 A. And that's once -- or I have that ruler down by a
9 piece of material. On the ground under the damage to the
10 vehicle.

11 Q. 537?

12 A. This is from the rear passenger C-pillar or like
13 basically where the fuel tank is looking back toward the --
14 on Avid Road toward the gate. And you can see there's a dark
15 area that protrudes kind of parallel to the gate, closer to
16 us on the far side of the road. And that's the dark kind of
17 pool-ish stain.

18 Q. And we'll get to that, right?

19 A. Yes sir.

20 Q. Now we've heard testimony about the gate, and you
21 said so that -- could you get through that gate that morning
22 -- that night?

23 A. No, sir. It was --

24 Q. Was the gate locked?

25 A. I believe so, yes, it was -- it was shut, I

1 believe it was locked.

2 Q. 548?

3 A. And this is beginning to see the -- the stain I
4 was just referring to -- just past the stain that you'll see
5 in some paper material that was what was left over from EMS.

6 Q. 549?

7 A. That's another fragment of a -- a vehicle.

8 Q. 550?

9 A. That's a close-up of the same fragment.

10 Q. Okay. Now we're going to 554.

11 A. And this is the black stain, or dark-colored stain
12 I was referring to, where the tire tread that we photographed
13 -- or that I photographed earlier, seemed to -- or originate
14 from. You'll also see multiple shoe prints in presumably the
15 -- the oil. And then, that little stain at the -- at the --
16 the bottom of the photograph to the left, there's a, like, a
17 wet area, and we did not know what that was. So we later --
18 I later did -- or took a DNA swab of that. We didn't know if
19 it was vomit or anything. It appeared as though it might
20 have had, like, a little bit of mucus in it. So we collected
21 that for a DNA after the photographs were taken.

22 MR. MEADORS: Beg the Court's indulgence?

23 THE COURT: Certainly.

24 BY MR. MEADORS:

25 Q. Well, Ms. Colon has the arrow -- did you take a

1 swab from that?

2 A. Yes sir, I did.

3 Q. Just to -- you weren't sure what it was?

4 A. That's -- that's correct.

5 Q. And you just thought it might be potentially, so
6 you took swab?

7 A. Yes, sir.

8 Q. And I'm going to show you what's marked
9 State's 20. Is that swab included in State's 20?

10 A. Yes, sir, it is.

11 Q. And for the record, the State's 20 also includes
12 another swab from a -- the 2019 Ford F-250, we'll get to
13 later.

14 A. That's correct.

15 Q. But it's just sealed, and we're leaving it sealed
16 for this moment, correct?

17 A. Correct.

18 MR. MEADORS: All right. Your Honor, State's 20, we're
19 offering.

20 MR. SWERLING: No objection.

21 THE COURT: Without objection, Number 20 in to evidence
22 for the State.

23 (State's Exhibit 20 was admitted in to evidence.)

24 BY MR. MEADORS:

25 Q. Just for the jury's sake, now, when you gather

1 evidence like this, do you take it back and -- and seal it,
2 and take it to evidence for further testing down the road?

3 A. Yes. I -- I try to seal it initially, you'll see
4 that it's in -- it's packaged in a manila envelope that has
5 green tape on it. Whenever I collect DNA I'll put on a -- an
6 additional pair of gloves -- a fresh pair of gloves so it
7 reduces the risk of contamination. And then I will collect
8 the DNA, place a swab into a -- into its respective
9 container, seal that container, and then place that container
10 in a manila -- manila envelope, and then seal both with the
11 sticky side, and a -- a tamperproof seal, which ours is
12 green. It says, "Greenwood County Sheriff's Office" on it.
13 And then I will place that in -- in my evidence collection
14 just to help further reduce the risk of contamination.

15 Q. Very good, thank you. And that's what you did in
16 this case?

17 A. Yes, sir.

18 Q. That swab is contained in State's 20 as -- as --
19 as well as the swab we went to later?

20 A. Yes.

21 Q. And we'll make that 20 at that time?

22 A. Yes, sir.

23 Q. Thank you. Okay. We're going to go through, this
24 is 555?

25 A. And this is just panning left a little bit, trying

1 to focus around this aspect of the -- of the crime scene now.

2 Q. 556?

3 A. And this, you can see kind of the -- the proximity
4 between, or distance between the -- the stain, and the -- or
5 the asphalt and the BMW.

6 Q. And is this looking back up Avid?

7 A. I -- I apologize. Yes, it's looking back up Avid
8 where the intersection of Sawgrass and Avid.

9 Q. Was that Mr. McClendon's car on the right?

10 A. Yes, sir. It is.

11 Q. McGovern's on the left?

12 A. The one without the headlights on, is Ms.
13 McGovern's.

14 Q. And the fire truck behind that?

15 A. Yes, sir.

16 Q. 557?

17 A. Beginning -- just getting a little bit closer to
18 where the deceased had been -- had been found.

19 Q. 558?

20 A. Panning a little bit left of the same photograph.

21 Q. So Mr. McClendon's body was gone when you got
22 there, correct?

23 A. Correct. And because of that I wasn't entirely
24 sure how the -- the -- how the deceased had been laying. So
25 I tried to take a lot of photographs of this because I was --

1 at the time we were not entirely sure how he was laying,
2 whether -- where his feet were, where his hands were -- where
3 his head were -- head was.

4 Q. You weren't aware because you weren't there?

5 A. That's correct. I was not aware which is why I
6 was trying to document that as thoroughly as possible.

7 Q. 558. Okay, that was 558. Go ahead. This is 566.

8 A. And this is just a photograph from essentially the
9 apex of -- or just past the -- the driver door of Ms.
10 McGovern's vehicle, the Ford Escape. Looking forward, you
11 can see the stain and the gate.

12 Q. Thank you, sir. Next it is 567.

13 A. This is just moving a little bit closer to that
14 location. Just to close the photo panning to the right, you
15 can see the -- the movement, or the curve in the stain where
16 the tire tread, and then what appears to be some type of
17 spray of the same material.

18 Q. And that's 568. All right. Okay. Go ahead.

19 A. And this is just --

20 Q. 569?

21 A. -- moving closer along the -- along the side of
22 the road.

23 Q. 570?

24 A. And this is once again just stepping a little bit
25 to the left and documenting.

1 Q. 571?

2 A. Continuing to the left of the -- now, oh --

3 Q. Stick with 571. Sorry about that.

4 A. Oh, I was just saying I was continuing to the
5 left, and documenting to the best of our ability at the time.

6 Q. 572?

7 A. And that's a photo of a Nike tennis shoe, and a
8 white t-shirt -- or a white shirt.

9 Q. And did you collect this that day at some point?

10 A. Yes, sir, I did.

11 Q. And what is that?

12 A. That is a white tennis shoe or a Nike shoe, and
13 then a white t-shirt, which we were later told that it was
14 the deceased.

15 MR. MEADORS: State's 26, your Honor, we're offering
16 at this time.

17 MR. SWERLING: No objection.

18 THE COURT: All right. Without objection, 26 in to
19 evidence for the State.

20 (State's Exhibit 26 was admitted in to evidence.)

21 BY MR. MEADORS:

22 Q. Moving along is 573.

23 A. And this is just -- once again getting a little
24 bit closer to the -- the stain and the roadway.

25 Q. Okay. And we'll move through these -- 574.

1 A. And you can start to see the -- a little bit
2 closer of the packaging material from that left by EMS. And
3 then to the -- I'm sorry, and then to the left you can see a
4 -- a darker stain in them -- in the dirt. And that was
5 consistent with blood.

6 Q. You said, "Packging material EMS were" -- were you
7 aware that EMS had been down there trying to attend to Mr.
8 McClendon initially?

9 A. Yes, sir. They oftentimes are in a rush when
10 performing lifesaving measures. They don't take the time to
11 clean up, which I completely understand that's they --

12 Q. Well --

13 A. -- their -- their priorities are trying to save
14 life.

15 Q. Okay. Well, thank you -- and thank you for that.
16 But also, are they worried about a crime scene when they're
17 sitting there trying to --

18 A. No, sir. They're worried -- their priority is
19 ensuring that they can do everything they can to save
20 somebody's life.

21 Q. So some of those footprints may be EMS's?

22 A. Correct. We were able to determine that some of
23 them were EMS, some of them were law enforcement.

24 Q. 575?

25 A. And that's just another photograph of the stain.

1 And -- and the -- the footprints.

2 Q. 576?

3 A. Panning left of the same.

4 Q. And again, just based on you being there, and
5 looking at that, what is that street down the middle?

6 A. It -- it appears to be oil, or some type of dark
7 fluid from a vehicle.

8 Q. That was 577. This is 578. You're just kind of
9 going around the stain?

10 A. Yes, sir. And this is -- this is the gate, is to
11 my back when I'm taking this photo. So the intersection is
12 ahead of us.

13 Q. So you would be looking up Avid?

14 A. Correct.

15 Q. Go ahead. 579?

16 A. Relatively same. EMS just panned up a little bit.
17 You can see the -- the stain -- the red stain, and then also
18 you can see that the log which EMS had testified to -- to
19 moving.

20 Q. Okay. So where her -- that's the log you had
21 mentioned?

22 A. No, that -- that's the -- the blood stain. Oh,
23 what was consistent with blood.

24 Q. That's 579, correct? All right. Go to the next
25 one please.

1 MR. MEADORS: We're frozen here a minute, your Honor.

2 Beg the Court's indulgence?

3 BY MR. MEADORS:

4 Q. Okay. Now we're at 582, and you mentioned the
5 log. Can you show it in this picture?

6 A. To the left of the -- for lack of a better term,
7 the bloodstain -- that log right there where the cursor is.

8 Q. And you mentioned a bloodstain, is that to the
9 right of the log?

10 A. Correct.

11 Q. 583?

12 A. And just panning around taking these photographs
13 from a different perspective.

14 Q. Next 584?

15 A. And that's looking down on that log that I just
16 referenced.

17 Q. 587?

18 A. Panning around again. You can see some of the
19 blood on that -- that log, and then the bloodstain, and then
20 the stain from the oil.

21 Q. 589?

22 A. Is panning up a little bit. One of our
23 investigators looking around -- or walking around looking to
24 see if they can locate additional evidence.

25 Q. 592, was that again a closer up of the log and the

1 bloodstain?

2 A. Yes, sir.

3 Q. 5 -- 604?

4 A. This -- this is just a photograph. I began taking
5 photographs of the surrounding area to see if there's
6 anything that caught our attention so that if we were told,
7 or went back, or to see if maybe there might have been
8 something captured on the camera that we did not notice at
9 that time, I was just documenting the scene.

10 Q. Did you find anything around the area that
11 appeared to be of evidentiary value to you?

12 A. No, sir, I did not.

13 Q. Okay.

14 A. Let's just continue taking photographs of the
15 area, and you can also see the -- the gate. This is
16 essentially the -- the incident. It would've been over my --
17 over my right shoulder. The gate is to the upper left-hand
18 side, and I -- I'm approximately probably 10 -- 15 feet off
19 the roadway just to kind of give you an idea.

20 Q. Next 605?

21 A. This is looking up a little bit, you see more of
22 the gate.

23 Q. 607?

24 A. Panning to the left.

25 Q. That has the log, and the gate right in the back,

1 correct?

2 A. Yes, sir.

3 Q. Next 610?

4 A. And this is looking down from the roadside of the
5 -- the incident.

6 Q. Next 611?

7 A. That's what appears to be a drop of blood, and --
8 and then a shoe print beside it.

9 Q. Is that a close-up?

10 A. Close-up of what we collected -- or what I had
11 collected the shoe print, or the shoe, and the white t-shirt.

12 Q. Which is included in State's --?

13 MR. SWERLING: What -- what number was that,
14 Mr. Meadors?

15 BY MR. MEADORS:

16 Q. Oh, the -- the picture is 626, and it depicts
17 what's now state's 26 in evidence, correct?

18 A. Yes, sir.

19 Q. Okay. Now I -- they're not going to believe this.
20 You love taking pictures. Did somebody offer you a chance to
21 take pictures from an elevated position?

22 A. Yes, sir.

23 Q. Then check them up on it?

24 A. Yes, sir. The fire -- the firefighters asked if I
25 needed their fire truck -- and before they left, and I asked

1 them if I could get on the ladder and take photos from an
2 elevator position, and they said, "Yes." So I climbed up on
3 the ladder and they raised it up and I was able to take
4 photos from an elevator position.

5 Q. And I didn't need (inaudible) that at all. And I
6 apologize. Why did you think that was important?

7 A. To get a better -- having a vertical straight down
8 vantage point of any scene is -- is kind of like looking at a
9 map. You can normally get a better perspective of what
10 actually happened.

11 Q. This is 633.

12 A. So you can see to the bottom left-hand corner,
13 that's where it kind of -- the road curves into the
14 intersection of Sawgrass straight ahead at the north -- or
15 the north of -- or top of the photograph is the gate.

16 Q. And these pictures appear so much lighter on our
17 screen there, and I know that's because of the lighting, but
18 -- but does this depict the tire tracks that you showed
19 earlier close-up?

20 A. Yes, sir, it does.

21 Q. Okay. 634?

22 A. And now you can -- you can see a little bit better
23 where the oil stain is closer to the gate -- perpendicular to
24 the gate on our side. You can see where the shoe and the
25 t-shirt was on the right-hand side of the curb -- or

1 right-hand side of the road. And then still the -- the
2 Escape is there. We had not moved it until I began taking
3 these photographs.

4 Q. You kept it there while you documented the -- the
5 scene initially, correct?

6 A. Yes, sir.

7 Q. Okay. Ms. McGovern wasn't allowed to leave?

8 A. Correct. We try to preserve evidence once we get
9 on scene. We try until we deem that there's a reduced risk
10 of contamination, we then -- we will begin to move things.
11 But after documenting -- or after documenting, that's when we
12 move the vehicle.

13 MR. SWERLING: Can I ask you what number that is?

14 MR. MEADORS: 634.

15 MR. SWERLING: Thirty-four. That's it.

16 BY MR. MEADORS:

17 Q. Yes, sir. Next 635 got another picture of what
18 you basically just described?

19 A. Yes, sir.

20 Q. Next 636?

21 A. I began to pan down. So you can see the movement
22 of the -- the oil, or fluid. As it -- as presumably the
23 vehicle would back onto Sawgrass, turn around and head toward
24 Rivers Run on Avid Road.

25 Q. Did it appear from when you were out there? And I

1 -- I can't remember if we had more pictures when the tire
2 tracks came back towards Sawgrass, did it hit the light post
3 or, anything in there that you -- was the light post damaged?

4 A. The light post was not it -- the light post had
5 oil or that -- that dark fluid at the bottom of it, and there
6 was tire tracks, and within a couple feet of the light post.
7 So it came very close to the light post, but did not strike
8 it.

9 Q. 637? Is that the light post? I was just one
10 ahead of you.

11 A. Yeah. Yes, sir.

12 Q. 637. Is that it?

13 A. Yes, sir, it is.

14 Q. That kind of show what you just said?

15 A. Yes, sir.

16 Q. Okay. From -- from a bird's eye view?

17 A. Yes, sir.

18 Q. Okay. 639?

19 A. And just to give an idea, it's -- or we -- we
20 assumed that it was the -- at that moment -- that it was a
21 driver's side tire that was recording the -- or leaving the
22 tire tread. If it was a passenger-side tire, then it more
23 than likely would've struck the -- the light post, but you
24 can't see it in this photo. There was some tire tread in the
25 clay kind of parallel, or parking, or continuing on where the

1 oil would've been.

2 Q. 640?

3 A. That's just another photo, just leaning -- leaning
4 further trying to continue documenting.

5 Q. 642?

6 A. I believe this is just before we moved Ms.
7 McGovern's vehicle.

8 Q. 644?

9 A. I'm zooming in a little bit to -- now, there is a
10 -- it looks like a -- to the left of the shoe and the shirt.
11 There's a little lighter area that's just an artifact.
12 That's -- that's not something that's actually there. It's a
13 -- it would've been a glare on the lens.

14 Q. 646?

15 A. Which is why it's --?

16 Q. This car is gone?

17 A. Yes, sir.

18 Q. So then do you -- do you see a clear path of what
19 appears to be tire tracks, and what you said, "You thought
20 was all now that you've moved Ms. McGovern's car?"

21 A. Yes, sir. And you can see how it kind of has a
22 slight wave to it. And then the -- the dark stain opposite
23 of -- of the BMW and the roadway that was consistent with
24 like an AC condenser dripping from Ms. McGovern's vehicle.
25 We did not think that it had anything to do with the initial

1 incident.

2 Q. Six what? Six. That was 646. Next, 648?

3 A. And this is just panning down again now that
4 Ms. McGovern's vehicle was not there.

5 Q. 649?

6 A. And just continuing to get an aerial perspective.

7 Q. 654?

8 A. Same thing.

9 Q. 657?

10 A. Zooming in on the vehicle where -- once again you
11 or the BMW -- you can see that the air -- airbag in the
12 driver's side had deployed.

13 Q. 665?

14 A. Now this is the tread I referred to that was
15 beside the light post on -- technically on Sawgrass.

16 Q. And tell me again, that's the what?

17 A. The -- the tire tread.

18 Q. Tread. Okay. Okay. Six --

19 A. And that -- that is the light post just kind of
20 panning up a little bit. And you can see in the bottom
21 right-hand side of the light post, it's got, like, a dark
22 material. And that was consistent with the spray of what we
23 assumed was oil.

24 Q. Six. That was 668. Next?

25 A. That's just looking a little --

1 Q. Sixty-nine?

2 A. Panning a little bit to the right. Same -- same
3 incident.

4 Q. And would that be consistent with the vehicle
5 backing up and going the other way?

6 A. Yes, sir.

7 Q. Six -- and again, for the record, that was 669.
8 Now this is 670.

9 A. And this is just me panning up a little bit to
10 looking at Avid Road, standing on the right side -- or
11 correction, the left side of Sawgrass.

12 Q. You still up in the air with this one?

13 A. No, sir. I'd -- I'd returned back to or --

14 Q. 671?

15 A. Panning up a little bit. You can see where the --
16 that was Ms. McGovern's vehicle that one of our investigators
17 had backed just straight up. And then you see the fire
18 truck.

19 Q. She had been moved then from -- from the previous
20 pictures we just saw, but it was still on the scene?

21 A. Yes, sir. She -- we had not released the scene at
22 this point.

23 Q. Okay.

24 A. And then this is back on Avid Road.

25 Q. Eighty-seven for the record.

1 A. This is back on Avid Road. The BMW would've been
2 off my right side -- or camera right. The -- or the -- where
3 the deceased would've been found would be back over my right
4 shoulder, that Sawgrass in front of me. And then Rivers Run
5 would be down to the left -- or up into the left.

6 Q. So that is Sawgrass to the right?

7 A. Correct.

8 Q. Okay. And that was 687. Next please. 694.

9 A. Just another photograph of the BMW with the airbag
10 deployment.

11 Q. 695?

12 A. Additional photo of the rear end -- or the rear
13 driver's side.

14 Q. And is that the airbag on this side that we see?

15 A. The driver's side front and rear curtain airbags.

16 Q. Now did you take pictures inside?

17 A. I personally did not -- I took photos through the
18 vehicle, but -- or through the glass, but I did not go into
19 it.

20 Q. 706?

21 A. Now, just -- if you look just below that bottle on
22 the seat, there's a set of keys. That's my keys on my -- on
23 my belt. So that is not in the seat. That was just a
24 reflection. But the fluid that I think is like a vape fluid,
25 and then the Apple iPhone or the cell phone on the front

1 passenger seat, those were the only items on the front
2 passenger seat.

3 Q. Okay. You got to go back and explain that to me.
4 I apologize. This is 6 -- 706. You took that picture.

5 A. This is the -- the front passenger seat of the
6 BMW. I was just noting that we did not realize -- I did not
7 realize at the time, otherwise I would've moved, and took an
8 additional photograph. But you can see a set of Ford keys in
9 a reflection. That was the --

10 Q. Those are your keys?

11 A. Those are my Explorer keys.

12 Q. And -- but the phone, and what's next to it? A
13 vape?

14 A. Which -- well, I assume it's consistent with the
15 fluid that you put in a vape. I might be mistaken though.

16 Q. That was in --

17 A. The front --

18 Q. -- McClendon's car.

19 A. The front passenger seat. Yes, sir.

20 Q. Okay. And you took that photo?

21 A. Yes, sir, I did.

22 Q. That is six what? 706. I apologize. Okay. Now
23 going back to August -- forward to 708.

24 A. Now in this photo noting --

25 Q. (Inaudible).

1 A. Correct. There's no reflection of my keys. And
2 you can see both the driver's side airbag deployment, and
3 then a on the center console there's a -- a wireless charging
4 dock.

5 MR. MEADORS: Ms. -- Ms. Colon, can you put the arrow
6 towards that?

7 BY MR. MEADORS:

8 Q. The -- the charging dock.

9 A. Right there?

10 Q. Is that what you're talking about right there?

11 A. Yes, sir.

12 Q. And -- and what is that?

13 A. That's a -- a wireless charging station where you
14 can place a phone and -- charge where you don't have to put a
15 lightning or USB C into the phone.

16 Q. But the phone is to the -- on the seat, and not on
17 the charger?

18 A. Yes, sir. It's a little -- it's a -- it's a
19 little what's called "Blown out." It's a little bright, but
20 you can see -- still see the outline of the phone in the
21 front passenger seat.

22 Q. Okay. 709?

23 A. That's just another photo panned up a little bit,
24 less of a reflection.

25 Q. 710?

1 A. A photograph of the driver's side airbag, and the
2 driver's side front curtain airbag.

3 Q. 711?

4 A. The driver's side rear curtain airbag.

5 Q. Seven --

6 A. All of -- all of the BMW.

7 Q. Sir, say the last part.

8 A. Those are all of the BMW.

9 Q. Thank you. 736?

10 A. This was once again additional photos of the
11 damage. You can also see we had marked the -- the tire
12 alignment under -- on the pavement with orange spray paint.

13 Q. You put an arrow on that. Is that where your
14 arrow is there? Is that what you're talking about?

15 A. Yes, sir.

16 Q. Okay. Next, please. Seven. All right. People
17 not believe, we cut out a lot of photos, didn't we?

18 A. Yes, sir.

19 Q. So are you about through or were those? Well, I
20 know it's not all you took, but those were all from Avid and
21 Sawgrass?

22 A. That's correct.

23 Q. Okay. Did you learn that there was another
24 potential scene that may be involved, or may be relevant to
25 this --

1 A. Yes, sir.

2 Q. -- incident? Okay. And we're now looking at
3 State's 743. Tell the ladies and gentlemen, jury why you
4 took this?

5 A. Once I had collected evidence and photographed or
6 documented the Sawgrass and Avid Road scene as thoroughly as
7 I could, I was advised that we had a search warrant for a
8 residence down the road. Approximately, I think it was just
9 over -- just under half a mile. I believe it was 1714 Old
10 Abbeville Highway.

11 Q. 1714 Old Abbeville Highway?

12 A. I believe that was the address. And this is a
13 photograph of the driving from Sawgrass and Avid. This is a
14 photograph of Old Abbeville Highway, and you can see in the
15 -- in the lane directly in front of where the camera is,
16 there's what appears to be a consistent, or a -- a black
17 stain that's consistent with what I saw on Avid Road.

18 Q. When you left the actual intersection -- look at
19 me please. Of Avid and Sawgrass, were those old stains all
20 the way up Avid?

21 A. Yes, sir. Continued up Avid Road, took a left
22 onto Rivers Run, and then took a right onto
23 Old Abbeville Highway, and led directly to the incident or
24 the -- the residence of 1714.

25 Q. So based on your observations, it was a continuous

1 stain?

2 A. Yes, sir. If -- if it had stopped at any point, I
3 did not observe anything that indicated that.

4 Q. So what -- what road are you on now?

5 A. I'm on Old Abbeville -- Old Abbeville Highway.

6 Q. The stain you've testified depicted in this
7 State's 743?

8 A. Yes, sir.

9 Q. Okay. Keep going. 744?

10 A. And this is approaching a driveway on the left.

11 Q. 745?

12 A. That's just looking down at the -- the stain I
13 just referenced.

14 Q. 746?

15 A. And that's the entrance to that residence. You
16 can see the -- the tire treads, and the stain on the -- on
17 the asphalt.

18 Q. And does it appear they're turning in the
19 residence?

20 A. Correct. It does.

21 Q. Follow the stain.

22 A. Yes, sir. I literally.

23 Q. 746, that -- that was 746. Okay. This is 747.

24 A. And this is just taking as -- or I was attempting
25 to take a photograph of the marker, or the -- the -- which is

1 a green placard, but then I observed that it was on the
2 pillar and I believe I took a photo of that. It was a little
3 -- was not as reflective, so it was easier to see.

4 Q. So you took the -- that's seven, the green part.
5 Does that say 714?

6 A. Yes, sir.

7 Q. And you've got the stains going into that
8 driveway?

9 A. Yes, sir.

10 Q. Okay. Keep going. You said, "There was" -- is
11 that okay -- there's a closer view of it?

12 A. Yes, sir. And you can see where it says, "714."

13 Q. That's 748 -- that's 748. Okay. And this is
14 where you heard there was -- they had a search warrant, and
15 you headed over there, right?

16 A. Correct.

17 Q. Okay.

18 A. Just --

19 Q. And 749?

20 A. Additional photos of the tire treads moving into
21 that driveway, or turning into that driveway.

22 Q. 750?

23 A. Panning up a little bit. Just additional stands.

24 Q. How were you taking these pictures? Were outside
25 your window or were you getting out?

1 A. I had -- my blue lights activated my vehicle, and
2 just got out of the vehicle.

3 Q. Okay.

4 A. At this time of the morning, there was -- I don't
5 remember there being much traffic at all.

6 Q. That's seven -- that was 750. 751?

7 A. That's just putting a marker down -- or a ruler
8 down to -- for later determination if we needed.

9 Q. 752. Is that the same thing?

10 A. Same thing, panned up less of a glare.

11 Q. 753, same thing.

12 A. Closer up. Yes, sir.

13 Q. 754?

14 A. And this is panning up looking into the -- the
15 driveway of 1714.

16 Q. Yes, sir. Thank you. 755?

17 A. This is standing in the driveway looking down
18 toward where Rivers Run and Hunters Creek was. It's
19 Old Abbeville Highway back toward where I came from.

20 Q. Thank you. 756?

21 A. Once again, just panning up a little bit of the
22 same shot.

23 Q. 757?

24 A. That's the entrance -- the gated entrance, and
25 some of the patrol vehicles in 1714.

1 Q. Okay. Then in 758?

2 A. That's the same photo with the flash activating
3 properly.

4 Q. 759?

5 A. Little bit closer. You can see the 714 marker on
6 the left pillar.

7 Q. And was it determined that this was the residence
8 of Defendant William Bud Ackerman's, father -- mother and
9 father?

10 A. I believe so, yes, sir. And that's the 1714. And
11 then it says "Ackerman on it. I" --

12 Q. So 1714 which is included in 761, and that's the
13 house of Ackerman?

14 A. And established, but I'm not entirely sure what
15 the date said. It was obstructed by the forage.

16 Q. Okay. Did you go down the driveway?

17 A. Yes, sir, I did.

18 Q. 762?

19 A. So this is just continuing -- continuing down the
20 driveway. You can see the patrol vehicle's dead ahead with
21 their lights on.

22 Q. Were you stopping, getting out of your car every
23 time here?

24 A. I had left my vehicle, walked a -- walked a little
25 bit, took some photographs, got back into the vehicle, and

1 then pulled -- pulled my patrol car into the grass, and off
2 the driveway, and then continued.

3 Q. 763?

4 A. That's just an additional photograph.

5 Q. Does it appear the stains are heading toward this
6 house?

7 A. Yes, sir.

8 Q. Go ahead. 764?

9 A. And this is after I parked my patrol car, and got
10 out, and was able to observe the stain in the -- on the
11 concrete or driveway that then went to the white Ford F-250
12 picture ahead.

13 Q. And was other -- was some of your fellow law
14 enforcement officers already there?

15 A. Yes, sir.

16 Q. And that was 764. Next please. 765?

17 A. And that's just as I'm -- as I'm approaching the
18 F1 -- or F-250, the -- the other law enforcement you
19 referenced was -- would've been back over my right shoulder.

20 Q. And were you informed that this potentially might
21 be relevant to this case, this vehicle?

22 A. Yes, sir.

23 Q. Okay. 760?

24 A. That's panning to the right, you can see the --
25 the garage, and -- and Dr. Ackerman's residence.

1 Q. Say that last part, I couldn't understand you.

2 A. This is the -- just panning, right this is the --
3 the garage of Dr. Ackerman's residence.

4 Q. 767?

5 A. Panning slightly to the left seeing the F-250, and
6 then you can start to see some evidence markers that were
7 placed out from going from the rear of the white Ford all the
8 way into the -- into the garage.

9 Q. 768 -- 768?

10 A. That's just showing the stain leading right
11 directly behind, or underneath the tires of the -- the white
12 truck. And then there's two evidence markers between me and
13 the truck.

14 Q. Well, that's -- what's that number say -- two?

15 A. That's correct two.

16 Q. And why was that placard -- bacard -- or placard.
17 Why was that there? What was two?

18 A. Two --

19 Q. You just showing the stains?

20 A. That they were placed for footprints, and some
21 cigarettes that were cigarette butts.

22 Q. Okay. We'll get to that. Go to next.

23 A. That's from where I -- the -- the photo I just
24 took -- just down, and -- and pan to the left a little bit.

25 Q. That's 769. Next 770?

1 A. And same footing, just looking up a little bit.

2 Q. 771?

3 A. Sidestepping to the left. Seeing now you can
4 start to see the thick, oily stain underneath the front
5 driver's side of the -- of the truck.

6 MR. MEADORS: I'm going to ask Ms. Colon as you put the
7 arrow to where --

8 BY MR. MEADORS:

9 Q. Is that what you're talking about?

10 A. Yes, sir.

11 Q. Okay. That was 771. Next 772?

12 A. Just approaching the vehicle, and trying to take
13 additional photographs of the exterior of any -- any
14 potential damage or indication.

15 Q. You going to work your way around the truck?

16 A. Yes, sir. It's just like I did with the BMW.

17 Q. 773. Do you see any damage to the back of the
18 truck?

19 A. No, sir.

20 Q. 775. Any to the back left of the truck? Any
21 damage that you see?

22 A. No, sir.

23 Q. 776?

24 A. And at this point, the only thing that I was able
25 to see is just what appeared to be oil kicked up on the

1 vehicle, on the undercarriage, and on the -- on the wheels --

2 Q. 77 --

3 A. -- or tires.

4 Q. Seven -- I'm sorry to interrupt you, I apologize.

5 777?

6 A. Just continually moving on, not seeing any
7 indication of -- of damage that I was able to observe.

8 Q. 778, it appears to be a little lower back.

9 A. Yes, there's -- you can see that there's oil or
10 that black fluid kicked up on -- on the undercarriage, and on
11 the body, and on the -- the tire and wheel.

12 Q. 770 -- 780 -- excuse me.

13 A. It's just a better photograph of what we were just
14 -- or what I was just referring to.

15 Q. Okay. 782?

16 A. That is looking down kind of toward the back of
17 the vehicle, or showing the stain on the -- on the driveway.
18 And you can see one of the cigarette butts kind of directly
19 almost in the center of the photograph.

20 Q. 784?

21 A. That's a -- a -- a placard of a -- an oily
22 footprint directly underneath the driver -- the front driver
23 door.

24 Q. 785?

25 A. Close-up of the same.

1 Q. 786?

2 A. That's a photograph of the front driver -- front
3 driver door.

4 Q. 787?

5 A. Close-up of what appears to be some type of stain
6 on the front driver door.

7 Q. 788?

8 A. And just backing up, and taking a little bit of a
9 wider shot.

10 Q. 789?

11 A. And panning up to the front of the vehicle. Still
12 staying on the driver's side.

13 Q. 791?

14 A. Photographing the front driver's tire.

15 Q. 792?

16 A. Backing off, same thing. And additional photos of
17 the -- the stain.

18 Q. 795?

19 A. Just a photo of the passenger or the driver's side
20 of the truck.

21 Q. 796?

22 A. An additional photo just showing a little bit more
23 of the -- the stain, and you can see the patrol vehicles in
24 the background.

25 Q. 799?

1 A. This is as I get closer to the front of the
2 vehicle, and start to photograph the front.

3 Q. Seven -- 800?

4 A. In this photo you can start to see some of the --
5 the damage to the front of the vehicle. There's -- if you
6 look at the top of the -- of the grille, or where the grille
7 meets the hood, it says "Super duty."

8 Q. Say what?

9 A. Super duty.

10 Q. Okay.

11 A. And in the "U" and "T" there's a rather
12 significant dent. You can see the ripple in the crease, and
13 --

14 Q. Is that where Ms. Colon has put the arrow?

15 A. Yeah. Yes, sir.

16 Q. Is that what you're referring to?

17 A. It is.

18 Q. And if you also -- which there'll be additional
19 photos you can start to see right -- just south of where that
20 is -- where your cursor was. You can see a crack in the
21 plastic grille in, like, the kind of chrome-coated grille
22 right where the cursor is.

23 Q. And that's -- that in State's -- excuse me, in
24 picture eight. Okay. Next 802?

25 A. Just panning down, seeing photograph -- or a

1 photograph of the stain.

2 Q. Okay.

3 A. And that you can see a little bit more about the
4 -- of the crack in the grille.

5 Q. Just show us where you're talking about the crack
6 -- correct?

7 A. So if you look at the forward emblem on the
8 right-hand side, just below it where the cursor is, and then
9 directly above it, there's two cracks -- or broken portions
10 of the grille, which is in line with the dent above it, and
11 where the kind of --

12 MR. SWERLING: What number is that?

13 MR. MEADORS: That is 803.

14 MR. SWERLING: Thank you.

15 BY MR. MEADORS:

16 Q. And you say, "That's in line with the dent," as
17 you said?

18 A. Relatively just kind of north south in line.

19 Q. Go ahead. 804?

20 A. And because of the reflectivity of the -- of the
21 grille, it's kind of hard to see as clearly, so there's a lot
22 of different photos from different angles. But you can see
23 once again the dent in the "U" and "T" area of duty, and then
24 directly below it, there's for lack of a better term, some
25 type of smudge, which is of interest to me.

1 Q. Okay. When you said, "It is of interest to you"
2 -- you're the investigator -- the crime scene investigator,
3 you're on the scene, you're taking numerous pictures of --
4 since it was of interest to you, what did you do?

5 A. I -- after photographing it, and when -- when I
6 say it was of interest, it's because it was the only thing
7 that was inconsistent with the rest of the grille. There was
8 a crack there, and then there was some type of smudge or
9 indication of something. So I -- I took DNA swabs from where
10 the dent was in the hood around the T area. And then of the
11 -- those indications, or smudges, or blemishes, or -- however
12 you want to refer to it of the grille itself.

13 Q. All right. So you covered two things. This is
14 the smudge on the grille that you took a -- when you say,
15 "You took a swab" tell them how you do that?

16 A. I stated before when I take a DNA swab, which we
17 refer to as a DNA swab, I did not --

18 Q. You don't know whether there's going to be
19 anything there or not?

20 A. I did not, but it's something that we then test
21 for DNA, or collect in a sterile manner, or as sterile as
22 possible, and then send off for testings.

23 Q. How do you collect? What do you do?

24 A. So in -- in this case, I always try to be as
25 consistent as possible. Once again, when I'm photographing,

1 I do everything I can to have a pair of gloves on in case I
2 have to pick something up. I'm not placing DNA or
3 fingerprints on -- on a crime scene. So whenever I go to
4 collect DNA, I will put an additional pair of gloves on or
5 change my gloves. So I have a brand new set, and then I will
6 take the DNA, which in this case is a -- a sterile swab that
7 you remove from a container that's sterile, and -- or removed
8 from the packaging. And if there's anything that appeared to
9 be damaged or tampered with, we would discard, and -- and get
10 another one. And then, we'll take that swab, place a sterile
11 fluid on it, and which is usually it's a -- comes in a
12 container -- it's sterilized water basically.

13 And then, you use that to either swab or dab or try to
14 get you to touch it to the substance or area that you're
15 trying to collect any type of substance from. So in this
16 case, I just kind of swirl it around, and tried to collect
17 any -- any potential DNA, or items of -- or transfer from the
18 smudge areas on the grille, as well as where the -- the --
19 the center of the dent was on the "T" of the hood.

20 Q. Okay.

21 A. Oh, sorry.

22 Q. So you took a swab on that?

23 A. Yes, sir.

24 Q. Okay. And you put it in here?

25 A. That's correct.

1 Q. You said it on for testing?

2 A. Yes, sir.

3 Q. And you also said, "You took a swab from thef --
4 what you've described as a dent super duty, correct?

5 A. Correct.

6 Q. Okay. Now let's -- let's -- why did you take a
7 swab of that?

8 A. So where the -- where the dent was, if you look at
9 the photo, kind of where the vertical portion of the T and
10 the cross meet on the left-hand side, there was a -- a little
11 bit of a stain and a scratch. I did not know what that was.
12 It was reddish in color. I tried to swab it. I do not
13 recall anything transferring to the swab, so I don't know if
14 that was a -- an old stain, but still it was of interest due
15 to the fact that it aligned with the damage to the grille,
16 and it was a significant dent to what is presumably super
17 duty. So in other words, supposed to be super strong. So
18 that's why.

19 Q. Besides that little stain, you said, "You tried to
20 get," and you don't even know if you got anything, how would
21 you describe that other than that -- that dent?

22 A. Other -- otherwise it was very clean.

23 Q. Clean?

24 A. Yes, sir.

25 MR. MEADORS: Okay. Your Honor, State's 19, which is

1 swab from the grille, and the super duty State's 20 -- excuse
2 me, State's 19.

3 MR. SWERLING: No objection.

4 THE COURT: Without objection 19 for the State in to
5 evidence.

6 (State's Exhibit 19 was admitted in to evidence.)

7 BY MR. MEADORS:

8 Q. Moving right along.

9 A. That's just an additional photo of the -- the
10 dent.

11 Q. Okay.

12 A. That is a close-up of the -- the scratch, and the
13 reddish material that I -- or reddish color I was referring
14 to.

15 Q. And that's what you were describing earlier?

16 A. Yes, sir. That was what I was trying to lift, but
17 I -- I don't remember anything transferring onto the swab
18 itself.

19 Q. That was 806 next.

20 A. That's a close-up or closer photograph.

21 Q. Okay. That's okay. That's 807. Go ahead.

22 A. An -- an additional photograph of the grille, you
23 can once again see the crack.

24 Q. That's 809. Go ahead.

25 A. Just --

1 Q. Pans that closer?

2 A. Yes, sir. Just panned slightly down

3 Q. Next. Go ahead. Sorry. That was 810. Next 811?

4 A. Just panning to the right a little bit. There's a
5 reflection of a child's bicycle that's not obviously attached
6 to the grille.

7 Q. Next 813?

8 A. And just panning up.

9 Q. Next 814?

10 A. An additional photograph of the hood.

11 Q. Of the super duty?

12 A. Yes, sir.

13 Q. 815?

14 A. And I -- I as stated, I took multiple photographs
15 just because of how reflective the -- the exterior of the
16 vehicle was.

17 Q. Is there damage between that U and the T in your
18 opinion? That's all yes or no?

19 A. Yes, sir.

20 Q. To the hood? Okay. 816?

21 A. Just an additional photograph.

22 Q. 818?

23 A. And that's a lower portion of the grille and the
24 kind of chrome bumper.

25 Q. 848?

1 A. That's the front-passenger side of the vehicle.

2 Q. 850?

3 A. Same front-passenger side. Just panned up a
4 little bit.

5 Q. Was there any damage from this side all the way
6 back?

7 A. Not that I recall. No.

8 Q. 854?

9 A. That's just a photograph of the rear of the
10 passenger side.

11 Q. 855?

12 A. That's the front passenger wheel and tire.

13 Q. 856?

14 A. Lower portion of the wheel and tire just showing
15 some oil or substance leaking from, or rolling over from the
16 wheel on -- on the outside of the tire.

17 Q. 859?

18 A. That's some type of mechanical device. Whether it
19 be a tire route end or --?

20 Q. That's not your department?

21 A. No, sir. That's something that appeared. It was
22 not the way it was supposed to be.

23 Q. But you took the picture of?

24 A. Yes sir, I did.

25 Q. Okay. 862?

1 A. The rear portion of -- or the -- I'm sorry, the
2 front driver tire and bumper. You can see that there's some
3 type of scrape, or something on the -- the front lower chrome
4 portion of the bumper.

5 Q. 863?

6 A. Same front driver's side tire, just.

7 Q. 864?

8 A. And this is the front-passenger side tire where I
9 -- I placed a ruler on it to indicate consistency with the
10 tire tread that we located.

11 Q. 86 -- 875?

12 A. Now this is the markers that marked oily
13 footprints, and a few cigarette butts that led to the garage
14 from the rear of the vehicle.

15 THE COURT: Mr. Meadors, you need -- the microphone on
16 your podium needs to be turned towards you.

17 MR. MEADORS: Okay. I'm sorry.

18 THE COURT: All right.

19 MR. MEADORS: Sorry about that everybody.

20 THE COURT: All right. No problem.

21 BY MR. MEADORS:

22 Q. Eight -- this was 875. And you said these are
23 what?

24 A. Evidence -- evidence placards or evidence markers
25 leading from the back of the forward, directly into the

1 residence through the -- through the garage.

2 Q. Next 879?

3 A. That is evidence marker five, which appeared to be
4 a partial shoe print. That was --

5 Q. 880?

6 A. That was one of the cigarette butts inside the
7 residence. That was an oily shoe print on one of -- or on a
8 carpet in one of the rooms.

9 Q. That is eight -- 928, correct? Next.

10 A. Might be in my --

11 MR. MEADORS: Your Honor, we now offer State's 12.

12 BY MR. MEADORS:

13 Q. State's 21 and 22 is this -- these are the
14 cigarettes butts that you collected?

15 A. Yes, sir. They are.

16 MR. MEADORS: Your Honor, State's 21 and State's 22, we
17 now offer.

18 MR. SWERLING: No objection.

19 THE COURT: Without objection 21 and 22 in to evidence
20 for the State.

21 (State's Exhibits 21 and 22 were admitted in to evidence.)

22 BY MR. MEADORS:

23 Q. This is 29. Can you tell us what that is?

24 A. This is the front driver's seat, the cushion
25 portion of the front driver's seat of the F-250. That's a

1 photograph of a reddish stain or reddish mark that I -- I
2 took a DNA swab of.

3 Q. And -- and did you also collect that, and is it
4 packaged in what's already been offered as State's 20 we
5 referred earlier?

6 A. Yes, sir.

7 MR. SWERLING: What -- what number is that?

8 MR. MEADORS: Nine oh -- excuse me. 029 -- 29.

9 THE WITNESS: Now, this is a photograph taken later in
10 the morning once the sun came up. You can see the orange
11 markings -- or the orange paint on the left-hand side of the
12 road. That's where the BMW was. You can also see the tire
13 marks which have orange spray paint periodically along the
14 path that was placed there in case the oil were to wash away.
15 BY MR. MEADORS:

16 Q. That's 96. For the record that's 96.

17 A. Oh, okay.

18 Q. Go ahead.

19 MR. SWERLING: 96?

20 MR. MEADORS: 96. That was 96.

21 BY MR. MEADORS:

22 Q. This is 125. Now why did we take this? And why
23 did I want to send you a presentation if you know?

24 A. So on the gate it had a little sign that said
25 "Video surveillance" something along those lines, and that

1 camera was on the left-hand side of the gate. Evidently it
2 probably used to work, but you can see the blue cable running
3 along the left hand side of that vertical post. It was
4 actually tied in a knot, and the camera was -- slot full of
5 spider webs. Apparently it was broken or didn't -- were not
6 operational.

7 Q. That camera was not working?

8 A. Correct.

9 Q. Okay.

10 A. And that's just a close-up of the --

11 Q. Twenty-seven showing the camera with -- just not
12 operational, correct?

13 A. That's correct.

14 Q. Now we had a whole bunch of other photos, but did
15 we decide inside the house to take them out because there was
16 a video of the inside house that's already been offered?

17 A. Yes, sir.

18 Q. Okay.

19 MR. MEADORS: Beg the Court's indulgence?

20 THE COURT: Sure, take your time.

21 BY MR. MEADORS:

22 Q. You can have a seat back, please. You attended
23 the autopsy with -- with Investigator Powell, correct?

24 A. Yes, sir, I did.

25 Q. Were you -- were you present when I -- another one

1 of your -- Greg Allison with your office, you -- you also
2 executed a search warrant, and got a swab from the Defendant,
3 correct?

4 A. Yes, sir.

5 Q. Okay. But Mr. Allison actually got swabbed?

6 A. That's correct.

7 MR. MEADORS: Judge, I think that's all we have. Thank
8 you.

9 THE COURT: Mr. Swerling, any cross-examination?

10 MR. SWERLING: I do, your Honor, can we --?

11 THE COURT: You want to take a break? Okay.

12 MR. SWERLING: Yeah, at this point I can get my notes.

13 THE COURT: All right. Okay. Ladies and gentlemen, be
14 a good time to take a morning break. So go back to your jury
15 room, and remember all my instructions, and we'll get you
16 back out shortly.

17 (Jury exits room at 11:23 a.m.)

18 THE COURT: All right. We'll be in recess about 10 --
19 15 minutes.

20 You can step down, you just can't talk.

21 (Off the record from 11:24 to 11:43 a.m.)

22 THE COURT: All right. Let the record reflect the jury
23 is back in.

24 Mr. Swerling, you ready, sir?

25 CROSS-EXAMINATION

1 BY MR. SWERLING:

2 Q. Mr. Durkin, I'm Jack Swerling. How are you today?

3 A. I'm doing well. How are you?

4 Q. Good. I have several questions I'd like to ask
5 you a follow-up on. First of all when you got there, Mr.
6 McClendon had already been removed from the scene?

7 A. That's correct.

8 Q. But your understanding was that the -- he did not
9 have a shirt on when he was found, is that correct?

10 A. That information was not known initially. Later
11 in the morning it was -- it was discovered -- or that
12 information made it.

13 Q. Well, that's -- and -- and that's why the shirt --
14 the location of the shirt became important -- or finding the
15 shirt, correct?

16 A. Correct.

17 Q. Okay. And you testified about the shirt and --
18 and the sneaker, and actually it's in evidence, but let me --
19 I just need a -- can you show me? -- just put this on, this
20 is State's Exhibit 8 -- oh, go ahead. I'm sorry. Okay.

21 All right. I'm going to try and simplify rather than
22 go back through all of those photographs because I think this
23 represents what I -- probably some of the questions I wanted
24 to ask you -- on the left-hand side over here. This is the
25 BMW, correct?

1 A. Before I answer, would it be all right if I --?

2 THE COURT: Yeah -- yeah, go -- go -- do like you did
3 during direct examination, you can step down.

4 BY MR. SWERLING:

5 Q. This is a BMW over here, correct?

6 A. Yes, sir. That's correct.

7 Q. And that's heading toward the gate?

8 THE COURT: Mr. Swerling, take that microphone right at
9 the podium there, and move it over toward in your direction.
10 Very good.

11 BY MR. SWERLING:

12 Q. Okay. Is that correct that the BMW?

13 A. Well, you said heading toward the -- the -- the
14 BMW is facing towards Sawgrass?

15 Q. No, I mean -- I'm look -- we're looking at the
16 gate.

17 A. Yes. I apologize. Yes, sir.

18 Q. The BMW is facing towards Sawgrass up Avid Road
19 toward Rivers Run?

20 A. Yes, sir. That's correct.

21 Q. Okay. And the vehicle next to that was the
22 vehicle of Ms. McGovern, correct?

23 A. Yes, sir.

24 Q. Okay. And which was eventually moved?

25 A. That's correct.

1 Q. This photograph shows the BMW when you got there,
2 the lights were on?

3 A. Yes, sir. They were.

4 Q. Did you make a determination as to whether or not
5 there were the low beams or the high beams?

6 A. I do not recall. I do know that they did not
7 interfere with me taking photos, which is -- I'm not
8 surprised that there projector headlights because I have that
9 very defined cutoff.

10 Q. Uh-huh.

11 A. As long as I was above that even in just a
12 standing position, I -- I did -- they did not -- I do not
13 recall them interfering with my ability to take a photo.

14 Q. I -- I guess basically you don't know whether or
15 not anybody ever checked to see where they were, the high
16 beams or the low beams?

17 A. Not to my knowledge, no.

18 Q. Okay. You did not?

19 A. No, sir. There -- I never went -- we did not
20 enter the vehicle until after I had left.

21 Q. Okay. But there were photographs taken on the
22 inside of the vehicle?

23 A. Through the window from the outside.

24 Q. Yeah. You did not enter it, but there were
25 photographs taken?

1 A. Yes, sir.

2 Q. Now, one of the things I have a question about,
3 you testified that you -- and it's in evidence actually now,
4 the shirt and the sneaker. I'm confused really as to where
5 you found that your report said something on the other side
6 of the BMW. And -- and could you point out where this was?
7 I believe the report said it was on the other side of the
8 BMW, about 14 feet or something from Mr. McClendon?

9 A. I apologize. I'm trying to look for the --

10 Q. Sure.

11 A. -- exact wording. It says that "The white Nike
12 brand shoe, and white shirt was collected from the edge of
13 Avid Road on the opposite side of the BMW, approximately 14
14 feet from where the victim was located."

15 Q. Okay. So where -- where would that be? When you
16 say, "The opposite side of the BMW" are we talking about over
17 here or over here?

18 A. On this -- on -- as far as the -- the photo goes
19 on the right-hand side you actually can see the white t-shirt
20 and shoe. It's -- if you're looking at the -- the Escape,
21 and you move up approximately an inch as far as what the --
22 the photo looks like, you'll see a white item on the
23 right-hand side of the road before you get to that black
24 screen.

25 Q. Okay. So that's -- that was the next question.

1 That is the shirt that we're referring to?

2 A. Yes, sir.

3 Q. Okay. And the sneaker is right there as well?

4 A. That's correct. As far as I know, that was not
5 moved prior to my -- or our arrival. I did not move it until
6 it was collected.

7 Q. And I -- I think you said, "14 feet from
8 Mr. McClendon?"

9 A. Yes, sir. We -- we did not know exactly where he
10 was, because he was gone by the time I arrived. So we were
11 approximating the distance from where this -- the stain was
12 --

13 Q. That's on the exact distance?

14 A. That's what I said, "Approximately."

15 Q. All right. I just -- I was -- just wanted to get
16 that clarified.

17 A. Yes, sir.

18 Q. So -- okay. You can go ahead and -- well, let me
19 ask you this. You took some photographs on the inside of the
20 vehicle, the BMW?

21 A. From --

22 Q. And based on -- from the outside -- in the inside
23 -- through the window?

24 A. That's correct.

25 Q. Did you -- I think the photograph is -- one is --

1 basically looking at the dashboard. I think it's 708. So I
2 don't have that up here.

3 THE COURT: You want some assistance?

4 MR. SWERLING: Yeah, I -- I just I want to make sure I
5 got the right photograph, Judge. Yeah. Seven -- it would be
6 708 I think is the picture that I was referring to. Yeah.
7 Thanks. I'm sorry.

8 THE CLERK: And what was that number again? Did you
9 say 706?

10 MR. SWERLING: Huh?

11 THE CLERK: 706?

12 MR. SWERLING: 708, I believe. 706. 708. I think
13 there's two different ones.

14 THE CLERK: Okay. This is 708.

15 MR. SWERLING: Okay. 708, yeah. This is -- this --
16 Thank you, Danielle.

17 BY MR. SWERLING:

18 Q. This is a photograph of the interior from the
19 outside, did you observe or see a beer can anywhere in the
20 front seat?

21 A. On the front seat or --

22 Q. I mean -- not in the front seat, but in the front
23 of the vehicle of the BMW?

24 A. No, sir.

25 Q. Okay. Did -- did you take one in to evidence at

1 all?

2 A. I -- I didn't collect anything from inside the
3 vehicle.

4 Q. Okay. But did you -- when you were photographing
5 that area there, did you see a beer can?

6 A. I don't recall seeing anything like that.

7 Q. That's fine. The -- you -- you testified that
8 there were -- I believe the emergency flares were on -- the
9 flashers were on.

10 A. Yes, sir.

11 Q. Do you know how -- how that would come on -- how
12 they would come on? Did somebody turn them on, or did they
13 automatically come on? You can take the seat -- you can take
14 your seat. You can take the seat back up there, brother.

15 A. I believe the emergency flashers activate on an
16 impact, but I'm not a BMW expert.

17 Q. You just don't know?

18 A. That's correct.

19 Q. Okay. But they were on along with the headlights
20 were on?

21 A. Yes, sir.

22 Q. The -- you had mentioned before that the -- the
23 vehicle was toward the curb, but the picture that I showed
24 you which was State's Exhibit Number 8, shows it's still a
25 couple of feet off the curb, correct?

1 A. Well -- the --

2 Q. Or what you call -- what you would call the edge
3 of the road?

4 A. Because of how the -- the curb is, it's not the,
5 like, very vertical 90-degree curve -- curb. It's -- it was
6 one of the ones that -- let's say, starts here and slowly
7 sweeps up. So the curb itself is wider than your typical
8 90-degree curve or curb. But from that hard line, looking at
9 the photographs, I would interpret it within that legal limit
10 of being parked right wheel to curb. And it being within the
11 -- I think it's 18 inches, I'm not 100 percent sure, but
12 because the ornamental curb is wider, I don't think that
13 negates the law by putting it further into the road. I
14 believe that's where the road actually begins. But that
15 would be something that --

16 Q. And I can impose on you one more time, and go
17 ahead and put the picture back up.

18 MR. SWERLING: I'm sorry, Judge. I have no idea how to
19 work this.

20 THE COURT: Okay.

21 MR. SWERLING: If you see it one more time. Okay. You
22 had testified before that it was not -- I think you said, "It
23 was not in the lane of traffic," but appears here, and from
24 this photograph that it is in the lane of traffic heading
25 towards -- pointed towards neighbor road heading and pointed

1 toward Rivers Run. So I mean --

2 A. Well, by --

3 Q. Doesn't it look like it's in the lane of traffic?

4 A. By South Carolina State law if a vehicle's parked
5 on the side of the road with the -- the right wheel to curb,
6 is my understanding from years of experience in law
7 enforcement that -- that would be a legally-parked vehicle if
8 it's not occupied. Just like if you pull over on a two-wheel
9 -- two-lane road, and park in front of a residence, it
10 doesn't necessarily have to be marked, but due to the fact
11 that there's a gate shortly up the road, and presumably not
12 expecting a lot of traffic, I would not -- I would not equate
13 that as being in the line -- or the lane of traffic, or in
14 the roadway.

15 Q. You would not say that was in the lane of traffic?

16 A. That's just my opinion.

17 Q. How many lanes are there? Two lanes?

18 A. Yes, sir. I would say two. If that was an
19 active, open roadway.

20 Q. McGovern's car is in one lane. And the BMW is in
21 the other lane?

22 A. In that interpretation. Yes.

23 Q. Yeah. I mean -- forget the legal issue about
24 whether it's curb or not. I'm not suggesting he was parked
25 illegally, but looking at that picture, it appears to be in

1 the lane -- the left-hand lane, looking that way toward the
2 gate.

3 A. If -- if the roadway would be considered open,
4 then I would agree with you, but personally I do not because
5 it's -- the road is closed.

6 Q. The road after the gate is closed, not the road up
7 to the gate. And that's still a road, isn't it?

8 A. It's open to your interpretation.

9 Q. Well, I mean -- what am I saying wrong? Looking
10 at the gate, there's two cars there, and there that is not
11 blocked off, correct -- that area of the road.

12 A. Of that initial area.

13 Q. Pardon?

14 A. No, in -- in that regard, no. It is not blocked.

15 Q. It was blocked off -- that's the gate. That's the
16 end of the road, correct?

17 A. Yes, sir.

18 Q. Okay. So going up to the gate, there's still
19 two lanes of traffic. Is it east and -- or west lane?

20 A. In -- in that regard then. Yes.

21 Q. Okay. And clearly from that photograph there, you
22 have one car in the right lane headed toward the gate, and
23 clearly you have the BMW away from the gate -- pointing away
24 from the gate?

25 A. Yes, sir.

1 Q. Okay. And let me ask you something. Do you know
2 where that vehicle was pre-impact the BMW?

3 A. No, sir, I do not.

4 Q. Okay. Do you know whether or not that's where it
5 came to rest after the impact?

6 A. It is our understanding that it did not, or my
7 understanding that it did not move upon or prior to our
8 arrival.

9 Q. When you say, "It did" -- so when it got impacted,
10 it did not move at all. Is that what the theory is?

11 A. Well, you asked after it impacted if it had moved,
12 unless I misunderstood you.

13 Q. No, that's what I'm saying. Yeah, I mean
14 --obviously, do you know where the location was pre-impact?

15 A. I do not know pre-impact. Post-impact, it's my
16 understanding that that's where the vehicle remained.

17 Q. That's what I'm -- that's where I was trying to
18 ask.

19 A. I -- I apologize if I misunderstood.

20 Q. No, that's all right. So that's a post-impact
21 location where the vehicle is?

22 A. That's my understanding, yes.

23 Q. And nobody ever went back to determine where the
24 pre-impact location was as far as you know?

25 A. I believe the MATE team.

1 Q. Okay.

2 A. Did I? I did not, but I'm not an
3 accident-reconstructive certifier.

4 Q. Do you know how far it was moved?

5 A. That's a question for the MATE team.

6 Q. Okay. And -- and again, I'm just asking for
7 purposes of the photography, you don't know where it was, is
8 that correct? You -- you couldn't photograph it because you
9 don't know where it was pre-impact?

10 A. Correct. I'm on -- I'm only able to photograph
11 the scene as it lies, not as it was prior -- previously.

12 Q. Okay. The log that you took a picture of, your
13 understanding was that was removed by the fire department, or
14 EMS and it had been under his head. His head was resting on
15 that?

16 A. That's what they testified to. Yes. That
17 happened prior to my arrival.

18 MR. SWERLING: Yes. I'm just looking through my notes,
19 Judge. I'll be --

20 THE COURT: Sure. Take your time.

21 MR. SWERLING: -- right with you.

22 THE COURT: Take your time.

23 MR. SWERLING: Indulge me a little bit.

24 BY MR. SWERLING:

25 Q. You collected DNA swabs from Mr. Ackerman,

1 correct? Did you collect it or somebody else?

2 A. I executed the search warrant for the DNA swab,
3 but Greg Allison was the one that actually collected it.

4 Q. Collect it?

5 A. Yes, sir.

6 Q. And you took damage -- pictures of the damage to
7 the Ford. We've gone through that. I'm not going to go back
8 through all of that as well as the damage to the BMW. And so
9 what -- and you took photographs of what appeared to be
10 footprints leading up to the garage, and to the house too.

11 A. Yes, sir.

12 Q. Is that correct?

13 A. Yes, sir.

14 Q. From what you determined to be, or what you
15 thought was an oil spill -- or oil leak?

16 A. It appeared to be consistent with oil.

17 MR. SWERLING: Okay. I think that's all I have, Judge.

18 THE COURT: Okay. Mr. Meadors, any re-direct?

19 MR. MEADORS: No, sir. Thank you.

20 THE COURT: You can step down, sir. Thank you.

21 INVESTIGATOR DURKIN: Thank you.

22 THE COURT: Next witness for the State.

23 MR. CONRAD: May it please the Court? State calls
24 Investigator Michael Bryan.

25 INVESTIGATOR MICHAEL BRYAN,

1 being duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. CONRAD:

4 Q. Mr. Bryan, if you would just state, and spell your
5 last name for the court reporter, please?

6 A. Yes, sir. My name is Michael Bryan. Last name is
7 B-R-Y-A-N.

8 Q. Where are you currently employed?

9 A. At the Greenwood County Sheriff's Office.

10 Q. Okay. And what are your current duties at the
11 Greenville County Sheriff's Office?

12 A. I guess we should make that distinction. It is
13 Greenville, not Greenwood. So I work in Greenville. I'm
14 assigned to our internet crimes against children and computer
15 crimes unit.

16 Q. What are your general duties in that role at
17 Greenville County Sheriff's Office?

18 A. To conduct forensic -- forensic examinations on
19 electronic devices, whether it's mobile devices, computers,
20 tablets, thumb drives, or vehicles.

21 Q. And you have received some training over the years
22 to perform some of this digital analysis of devices, is that
23 correct?

24 A. I have sir. Yes.

25 Q. Just -- just give your jurors, we -- we don't need

1 to get too far in this, but give the jurors some examples of
2 some of the classes you've been through over the years?

3 A. So over the history I've been doing -- I've been
4 assigned to this role for -- since 2016, and taking classes
5 continually throughout. I've taken courses, and the analysis
6 of -- of cell phones in using Cellebrite. We may hear about
7 that later, but it's through Cellebrite also from a company
8 called Magnet Forensics where taking courses and computer
9 forensics, data acquisition, mobile forensics, cloud
10 computing, in the computer world also incident response,
11 which is hacking, and malware detection, some scripting and
12 computer languages.

13 Q. And in the course of your duties of the
14 Greenville County Sheriff's Office, do you work with anything
15 to do with vehicle electronics?

16 A. Yes, sir.

17 Q. All right. And can you describe the jurors what
18 -- what that generally entails?

19 A. Yes, sir. There's a -- a company called iVe.
20 They have a software called Berla, B-E-R-L-A. And that
21 software their -- their company is designed -- built around,
22 capturing the data that's recorded inside of infotainment
23 centers. Infotainment centers are the radios really the
24 touch screen radios that we now have in vehicles that --
25 those collect data not only on -- when you connect your