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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.

SUPPLEMENTAL RECORD ON APPEAL

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STATE OF SOUTH CAROLINA
COUNTY OF GREENWOOD

EIGHTH JUDICIAL CIRCUIT
IN THE COURT OF GENERAL SESSIONS

State of South Carolina,)
Plaintiff,)
)
V)
)
William Gray Ackerman, Jr.,)
Defendant.)
_____)

2023-GS-24-00958
TRANSCRIPT OF RECORD

June 10, 2024
Greenwood, South Carolina

B E F O R E:

The Honorable, Judge Donald B. Hocker, Judge, and a Jury

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

ATTORNEY(S) FOR PLAINTIFF:
John P. Meadors, Assistant Attorney General

ATTORNEY FOR DEFENDANT:
Jack B. Swerling, Esquire

Tara T. Scott, CVR
Official Court Reporter

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(NO EXHIBITS INTRODUCED DURING THIS HEARING)

1 VOIR DIRE

2 THE COURT: Ladies and gentlemen, once again, the first
3 case that we're picking a jury on is the case that will not
4 start until the 24th. If I've already excused you for the
5 week of the 24th, all of my questions concerning this case,
6 you do not need to respond to. Okay? The first case, or
7 first jury that we're picking, the case that is going to be
8 tried the week of June 24th, is the case of State of South
9 Carolina v William Gray Ackerman, Jr.

10 Mr. Ackerman, if you just turn around just a little
11 bit, just so they can see you.

12 (WHEREUPON, the Defendant follows the instruction of
13 the Court.)

14 THE COURT: Okay, that's good. That's all you need to
15 do. Let me explain to you the one charge that has been made
16 against Mr. Ackerman. The fact that he has been charged and
17 indicted -- I have an indictment. I'll explain to you in
18 just a second what that's about -- cannot be held against
19 him whatsoever. It's not proof of guilt in any manner on
20 his part. The indictment, the charge, which contains the
21 charge against him is simply a charge, the allegations
22 contained in the indictment. It's up to the State of South
23 Carolina to prove the allegations beyond a reasonable doubt.
24 I'll explain all that later on. So, the fact that he's been
25 indicted cannot be used against him whatsoever, nor is it

1 evidence of any guilt on his part. The indictment puts the
2 defendant and his attorney on notice of the charge that the
3 State intends to try him on. And also it's the mechanism to
4 get us into court today. Okay, but I'm going to read to you
5 the indictment. And it reads as follows, "That William Gray
6 Ackerman, Jr. did in Greenwood County on or about May 7,
7 2023, did unlawfully kill with malice aforethought, either
8 expressed or implied, Kenneth Davis McClendon. To wit, by
9 driving a 2019 Ford F250 and ramming it into the body of
10 Kenneth Davis McClendon, and that Kenneth Davis McClendon
11 did die as a proximate result thereof in violation of
12 Section 16-3-10 Code of Laws for South Carolina."

13 Now, I'm going to be asking you a series of questions
14 that are specifically related to this case. Once again, if
15 I have already excused you for the week of June 24th you do
16 not need to respond to any of these questions. Any member
17 of the jury panel related by blood or marriage, either now
18 or formerly, to either William Gray -- and I think Mr.
19 Ackerman goes by Bud as a nickname. Is that correct? Some
20 of you may know him as Bud Ackerman. I'm not going to say
21 Bud every time I use his name, but his nickname is Bud.
22 William Gray Ackerman Jr. or Kenneth Davis McClendon. If
23 so, please stand.

24 (WHEREUPON, no jury panel member stood.)

25 Any member of the jury panel have or had in the past a

1 close personal or social relationship with either William
2 Gray Ackerman Jr. or Kenneth Davis McClendon. If so, please
3 stand.

4 (WHEREUPON, no jury panel member stood.)

5 Now, let me explain to you as well, ladies and gentlemen.
6 I'm going to give you another opportunity, maybe several
7 more opportunities, to speak with me privately, as we've
8 already done so thus far, concerning any of these questions
9 that I ask you. I may direct concerning some of the
10 questions that if you need respond to, to do so privately as
11 we go through this. Now, I'm going to read a list of
12 potential witnesses in this case. When I say potential,
13 they may or may not testify. If I duplicate a name or names
14 when I'm reading off the two lists that I have, place no
15 significance to that whatsoever. I've just not had an
16 opportunity to go through and match up both lists. And some
17 of the names, I will associate their names with their
18 employment. All right. Abigail -- I'm going to have to
19 spell the last name, M-O-H-A-J-E-R. Alexis Fowler with
20 SLED. Andrew, spelled K-I-G-H-T. Is that supposed to be a
21 Knight in there?

22 MR. MEADORS: Yes, sir.

23 THE COURT: Okay.

24 MR. MEADORS: No, it's Kight. I'm sorry. I apologize.

25 THE COURT: Andrew Kight with EMS. Arsenio Lewis, fire

1 department, custodian of records with AT&T. If you know of
2 anybody who is with the custodian of records at AT&T I need
3 for you to respond. Benji Baker, Bob Thompson, Brandon
4 Smith, Brian Hudak with SLED, Captain Mike Murdock with
5 Greenwood Sheriff's Office. Captain Richard Finley with
6 Greenwood Sheriff's Office. Charles Bosemond, B-O-S-E-M-O-
7 N-D. Christine Dadabo, D-A-D-A-B-O, with SLED. Daniel
8 Hayden, and Deputy Charles Rhodes with Sheriff's Office.
9 I'll go ahead and just stop right then. There's a lot more
10 names. Any member of the jury panel related by blood or
11 marriage, either now or formerly, or any member of the jury
12 panel have or had in the past a close personal or social
13 relationship with any of those names I've given you thus
14 far. If so, please stand.

15 (WHEREUPON, no jury panel member stood.)

16 THE COURT: Continuing. Deputy Drew Adams with the
17 Greenwood Sheriff's Office, Deputy Mark Davis with the
18 Greenwood Sheriff's Office, Deputy Michael Mejia, M-E-J-I-A,
19 Greenwood Sheriff's Office. Deputy Patrick Parker,
20 Greenwood Sheriff's Office. That's listed twice. Donna
21 McNeely, Dr. Kyle Shaw, Greg Allison with Greenwood
22 Sheriff's Office. Hailey Gardner with SLED. Hannah E.
23 Jefferson with SLED, Hannah Starnes with SLED. Investigator
24 Michael Dixon with Greenwood Sheriff's Office. Investigator
25 Patrick Durkin with Greenwood Sheriff's Office.

1 Investigator Matthew Womack with Greenwood Sheriff's office,
2 and Jennings Thompson. I'll stop the list right there. Any
3 member of the jury panel related by blood or marriage,
4 either now or formerly, to any of those people I just named,
5 any member of the jury panel have or had in the past a close
6 personal or social relationship with any of those people
7 I've just named? If so, please stand.

8 (WHEREUPON, no jury panel member stood.)

9 THE COURT: Continuing. Jill Boland, Kendra Garten --
10 that's G-A-R-T-E-N with SLED. Christopher Bratcher with
11 South Carolina Highway Patrol. Lindsey Mitchell with SLED.
12 Lieutenant Gilbert Yates with Greenwood Sheriff's Office.
13 Madison Willis with SLED, Mary Poore, Megan McGovern,
14 Meredith Ackerman, Michael Belcher with Greenwood Sheriff's
15 Office, Michael Bryan with Greenville Sheriff's Office,
16 Mikayla Santero, S-A-N-T-O-R-O with SLED. Nathaniel Jay
17 with Greenwood Sheriff's Office, Patrick Hensarling, Peter
18 Thurlow with the Fire Department. I'll stop the list right
19 there. Any member of the jury panel related by blood or
20 marriage either now or formerly to any of those names I've
21 just given you, or any member of the jury panel have or have
22 had in the past a close personal or social relationship to
23 any of those people I've just named. If so, please stand.

24 (WHEREUPON, jury panel member stands.)

25 THE COURT: Okay, you just need to stand. Give us your

1 name and your number.

2 JURY PANEL MEMBER: I don't know my number, but my name
3 is Rafael Jimenez.

4 THE COURT: Okay. We'll look it up for you.

5 CLERK OF COURT: 246.

6 THE COURT: Yes, sir.

7 JURY PANEL MEMBER: In my prior career in law
8 enforcement I know Mr. Murdock, know a bunch of the officers
9 also involved in the case.

10 THE COURT: Okay. All right. And how long have you
11 been out of law enforcement?

12 JURY PANEL MEMBER: About -- I think I got out in '11.

13 THE COURT: 2011?

14 JURY PANEL MEMBER: Uh-huh.

15 THE COURT: All right. The fact that you worked with
16 some of the officers I've just named, would that prevent you
17 from being fair and impartial to both sides in this case?

18 JURY PANEL MEMBER: No, I don't think so.

19 THE COURT: Okay. All right, stay with us. Thank you.
20 All right, continuing. Rachel Nguyen with SLED.

21 (WHEREUPON, additional jury panel member stands.)

22 THE COURT: I'm sorry. Okay. Name and number?

23 JURY PANEL MEMBER: Jared Pawlak. I'm not sure. I think
24 it's 354.

25 THE COURT: We'll look it up.

1 CLERK OF COURT: 353.

2 THE COURT: Yes, sir.

3 JURY PANEL MEMBER: Patrick Durkin. Friends, really
4 social.

5 THE COURT: Which witness do you consider yourself a
6 friend to?

7 JURY PANEL MEMBER: Durkin.

8 THE COURT: Okay, let me -

9 MR. MEADORS: Sheriff's Department, Your Honor.

10 THE COURT: Okay. All right. Do you consider yourself
11 having a close personal or social relationship?

12 JURY PANEL MEMBER: I just know him.

13 THE COURT: You just know him?

14 JURY PANEL MEMBER: Yeah.

15 THE COURT: Can you still be fair and impartial to both
16 sides in this case?

17 JURY PANEL MEMBER: Yes.

18 THE COURT: All right, thank you. All right,
19 continuing. Rachel Nguyen with SLED, Rachel Johnson with
20 SLED, Roderick Maceda, Ronnie Powell with Greenwood County
21 Sheriff's Office, Samantha Seldon with SLED, Samuel Stewart
22 with SLED, Sergeant Cerrior, C-E-R-R-I-O-R, Mansel, M-A-N-S-
23 E-L, with Greenwood Sheriff's Office. Sergeant David Andis,
24 with the South Carolina Highway Patrol MAIT team, Sergeant
25 Michael Rainey with Greenville County Sheriff's Office.

1 Susan Smith with SLED, Terry Cummings, records custodian
2 with Verizon, Anthony, the last name is spelled K-N-E-C-H-T,
3 Whitney Wood with SLED, and Xalri Williams with Greenwood
4 Fire Department. Any member of the jury panel related by
5 blood or marriage, either now or formerly to any of those
6 names I've just given. Any member of the jury panel have or
7 had in the past any close personal or social relationship
8 with any of those names I've just given? If so, please
9 stand.

10 (WHEREUPON, jury panel member stands.)

11 THE COURT: Okay. All right, we've got one. Yes,
12 ma'am. Name and number?

13 JURY PANEL MEMBER: Kendra Keeney, 260. Roderick
14 Maceda reported directly to me at the hospital, and now he
15 reports under my responsibility.

16 THE COURT: Okay, can you repeat that and speak up a
17 little louder, please?

18 JURY PANEL MEMBER: Roderick Maceda. He used to report
19 directly to me at the hospital, and now he reports up under
20 my responsibility.

21 THE COURT: Okay. All right. The fact that you had a
22 working relationship with that witness -- did you consider
23 yourself having a close personal or social relationship with
24 him?

25 JURY PANEL MEMBER: No.

1 THE COURT: Can you still be fair and impartial to both
2 sides in this case?

3 JURY PANEL MEMBER: Yes.

4 THE COURT: Thank you. The number again, Madam Clerk?

5 JURY PANEL MEMBER: It's 260.

6 THE COURT: All right, continuing with the list. Kelly
7 Ackerman. Did we determine Kelly is the correct name, Mr.
8 Swerling? Kelly is the correct name and not Peggy?

9 MR. SWERLING: Kelly. Yes, sir.

10 THE COURT: Kelly Ackerman, Scott Aiken, Dan Bridges,
11 William Gray Ackerman, Sr., Randy McDaniel, Jonathan Nelson,
12 Bobby Scott, Daniel Scherer, Brandon Smith, Bobby Thompson,
13 Jennings Thompson, David Torres, Frank Workman, Brian
14 Simmons, Dr. Steve Ackerman, and Kyle Taylor. Any member of
15 the jury panel related by blood or marriage, either now
16 formerly, to any of those people I've just named? Any
17 member of the jury panel have or have had the past a close
18 personal or social relationship with any of those people
19 I've just named? If so, please stand.

20 (WHEREUPON, jury panel members stand.)

21 THE COURT: Okay, I've got one. Yes. Name and number?

22 JURY PANEL MEMBER: I don't know my number. My name is
23 Thomas Bennett. I was supposed to be buying a building from
24 Mr. Ackerman, Sr., that Jr. also had ownership in, and it
25 didn't work out. I was under contract for, like, six months

1 on that deal, and I kind of got a bad end of it.

2 THE COURT: Okay. All right. So, you think you would
3 have a hard time being fair and impartial?

4 JURY PANEL MEMBER: Yes, sir.

5 THE COURT: Okay. I'll excuse you from the trial of
6 this case, but stay with us. Yes. Name and number?

7 JURY PANEL MEMBER: Mae Timmerman, 444. I knew about
8 five or six names you just gave, socially.

9 THE COURT: Names of the law enforcement, SLED, or the
10 family members? Who are we talking about?

11 JURY PANEL MEMBER: Family.

12 THE COURT: Okay. Do you consider yourself having a
13 close personal or social relationship with those family
14 members?

15 JURY PANEL MEMBER: It's not close, but it's definitely
16 social.

17 THE COURT: Okay. The fact that you have a social
18 relationship with them, would that prevent you from being
19 completely fair and impartial to both sides?

20 JURY PANEL MEMBER: No, sir.

21 THE COURT: You can still be completely fair and
22 impartial?

23 JURY PANEL MEMBER: Yes.

24 THE COURT: Thank you. Stay with us. All right. I'm
25 going to give the lawyers an opportunity now to introduce

1 themselves. I can tell you, without hesitation, that we
2 have three very, very good, excellent trial attorneys who
3 will be involved in this case starting the 24th. I will
4 allow the State to go first with their introduction.

5 MR. MEADORS: Thank you very much, and may it please
6 the Court. Ladies and gentlemen, my name is John Meadors.
7 I'm an Assistant Attorney General. I work for the South
8 Carolina Attorney General's Office.

9 MR. CONRAD: My name is John Conrad and I'm also an
10 Assistant Attorney General with the Attorney General's
11 Office.

12 THE COURT: Mr. Swerling?

13 MR. SWERLING: Good afternoon, ladies and gentlemen.
14 My name is Jack Swerling and I practice law out of Columbia,
15 South Carolina.

16 THE COURT: Any member of the jury panel ever been
17 represented by any of the attorneys involved in this case or
18 anyone in their respective office offices. If so, please
19 stand.

20 (WHEREUPON, no jury panel stands.)

21 THE COURT: Any member of the jury panel related by
22 blood or marriage, either now or formerly, or have or had in
23 the past a close personal or social relationship with any of
24 the attorneys involved in this case or anyone in their
25 respective offices? If so, please stand.

1 (WHEREUPON, jury panel member stands.)

2 JURY PANEL MEMBER: I'm 260, and Jack Swerling
3 represented my son.

4 THE COURT: Okay, all right. All right. The fact that
5 Mr. Swerling represented your son -- how long ago was that?
6 Roughly?

7 JURY PANEL MEMBER: About nine, ten months ago.

8 THE COURT: Okay. All right. Do you think that would
9 prevent you from being fair and impartial to both sides?

10 JURY PANEL MEMBER: I can be, yes. And my daughter
11 worked for the Attorney General's office.

12 THE COURT: Okay. All right. I'm going to excuse you
13 from the trial of this case, but stay with us. Okay. Is
14 there any member of the jury panel who is a member of, or a
15 contributor to, any group which has as its primary concern
16 the promotion of law enforcement or victims' rights. These
17 groups would include, certainly not limited to, some of the
18 names. I'll just give the acronym: MADD, SADD, CAVE,
19 Innocence Project, ACLU, or any other type similar
20 organizations that promote law enforcement or victims'
21 rights. If you are a member of or a contributor to. If so,
22 please stand.

23 (WHEREUPON, no jury panel member stands.)

24 THE COURT: Any member of the jury panel, any of your
25 immediate family members are, currently or in the past, been

1 employed by any law enforcement agency? Any of you the jury
2 panel members or any of your immediate family members ever
3 been employed, currently or in the past, by any law
4 enforcement agency. If so, please stand.

5 (WHEREUPON, jury panel members stand.)

6 THE COURT: Okay. All right. I think we've already
7 got you. I think 2011, you retired, so we already got you.
8 All right. All right. Now, lawyers, if I go through this
9 too fast, you just slow me down. Okay? I'm going to start
10 on the end. Give us your name and your juror number, if you
11 know it, and then you can tell me your information.

12 JURY PANEL MEMBER: Barbara Jackson. I think it's 243.
13 My nephew is a deputy.

14 THE COURT: Your nephew is who?

15 JURY PANEL MEMBER: A deputy.

16 (WHEREUPON, jury panel member points to courtroom
17 deputy.)

18 THE COURT: He's your nephew? All right. He's not
19 involved in this case? You're not involved in this case?

20 (WHEREUPON, courtroom deputy responds to the court.)

21 THE COURT: Okay. All right. All right, ma'am, stand
22 back up. You can still be fair and impartial to both sides?

23 JURY PANEL MEMBER: Oh, yes.

24 THE COURT: Okay. Thank you, ma'am. Have a seat.

25 Sir?

1 JURY PANEL MEMBER: My name is Leroy Morgan. I don't
2 know what my number was. My great uncle was Phillip Curtis
3 Anderson. He was a Sheriff.

4 THE COURT: Okay. You can still be fair and impartial
5 to both sides?

6 JURY PANEL MEMBER: Yes, sir.

7 THE COURT: Thank you.

8 MR. SWERLING: What was his number?

9 THE COURT: We need to have the number. I am going to
10 need the Clerk.

11 CLERK OF COURT: 329.

12 THE COURT: 329. Yes, ma'am?

13 JURY PANEL MEMBER: My name is Josie Clamp. My juror
14 number is 94. My father, Tony Clamp, was an officer for
15 Greenwood County Highway Patrol. My grandfather was also
16 Abner Talley who was a Highway Patrol for Greenwood County.

17 THE COURT: Okay. Can you still be fair and impartial
18 to both sides in this case?

19 JURY PANEL MEMBER: Yes.

20 THE COURT: Ma'am?

21 JURY PANEL MEMBER: Yes.

22 THE COURT: Thank you. Have a seat. Okay. All right,
23 ma'am, name and number?

24 JURY PANEL MEMBER: My name is Amy Burch. I'm juror
25 number 60. My husband works for the South Carolina

1 Department of Parole and Pardon Services. He's the Agent in
2 charge.

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

5 JURY PANEL MEMBER: No.

6 THE COURT: Is that a no?

7 JURY PANEL MEMBER: No.

8 THE COURT: Okay, have a seat. Thank you. All right,
9 start here. Right here in the middle section. Yes, sir.

10 JURY PANEL MEMBER: Danny Johnson.

11 THE COURT: Number?

12 JURY PANEL MEMBER: I don't know.

13 THE COURT: Wait just a second.

14 CLERK OF COURT: 248.

15 THE COURT: Okay. Yes, sir?

16 JURY PANEL MEMBER: My step-father was Chief of Police
17 and coroner in the City of Greenwood.

18 THE COURT: Okay. Can you still be fair and impartial
19 on both sides?

20 JURY PANEL MEMBER: Yes.

21 THE COURT: Thank you, sir. Have a seat. All right,
22 now in the back.

23 JURY PANEL MEMBER: Number 218.

24 THE COURT: What?

25 JURY PANEL MEMBER: Zachary Higginbotham. My jury number

1 is 218.

2 THE COURT: What number?

3 JURY PANEL MEMBER: 218. My grandpap used to be in law
4 enforcement in West Virginia.

5 THE COURT: Can you still be fair and impartial to both
6 sides?

7 JURY PANEL MEMBER: Yes.

8 THE COURT: Okay. Thank you.

9 MR. SWERLING: What was his juror number?

10 CLERK OF COURT: 218 is his juror number. His
11 grandfather was law enforcement in West Virginia.

12 MR. SWERLING: What was his number?

13 CLERK OF COURT: 218.

14 MR. SWERLING: Thank you.

15 THE COURT: Okay. Ma'am, on the end.

16 JURY PANEL MEMBER: My husband has in multiple
17 positions with law enforcement when we moved to
18 Pennsylvania.

19 THE COURT: Okay. All right. And your number?

20 JURY PANEL MEMBER: 334.

21 THE COURT: Okay. And can you still be fair and
22 impartial to both sides?

23 JURY PANEL MEMBER: It would depend on the situation, to
24 be honest.

25 THE COURT: Okay. All right. Well, I've already told

1 you what the charge is. You don't know any of the facts.
2 Those have not been presented yet, naturally. But with what
3 you know, do you feel like, can you be fair and impartial or
4 not?

5 JURY PANEL MEMBER: Probably not.

6 THE COURT: Okay. All right. I'll excuse you from the
7 trial of this case, but you remain with us. All right?
8 Yellow shirt.

9 JURY PANEL MEMBER: My name is Gary Dean.

10 THE COURT: Number?

11 JURY PANEL MEMBER: I'm not sure my jury number.

12 THE COURT: All right, hold it just a second.

13 CLERK OF COURT: 132.

14 JURY PANEL MEMBER: My wife was a 911 dispatcher for
15 Greenwood County for 34 years.

16 THE COURT: Okay. All right. You can still be fair
17 and impartial to both sides?

18 JURY PANEL MEMBER: Yeah.

19 THE COURT: All right. Thank you. All right. White
20 shirt.

21 JURY PANEL MEMBER: Yes, sir. Larry Davis, juror 128.
22 I had 28 years of law enforcement in Georgia. My oldest son
23 that works for the Federal Bureau of Prisons. My youngest
24 son works for the Greenwood County Sheriff's Office.

25 THE COURT: Okay. Do you think -- do you believe you

1 could still be fair and impartial to both sides?

2 JURY PANEL MEMBER: Yes, sir.

3 THE COURT: Okay. Thank you. Stay with us. All
4 right. Yes, sir?

5 JURY PANEL MEMBER: Miriam Leaman. I used to work for
6 Greenwood County.

7 THE COURT: What's your number?

8 JURY PANEL MEMBER: 286, I believe.

9 THE COURT: Okay. You worked for Greenwood County in
10 what capacity?

11 JURY PANEL MEMBER: Used to.

12 THE COURT: What?

13 JURY PANEL MEMBER: Ex-law enforcement.

14 THE COURT: Okay. How long ago was that?

15 JURY PANEL MEMBER: 2019.

16 THE COURT: All right. Do you believe you can still be
17 fair and impartial to both sides?

18 JURY PANEL MEMBER: I think so.

19 THE COURT: Sir?

20 JURY PANEL MEMBER: Yes, Your Honor.

21 THE COURT: Okay. Thank you. Have a seat. Ma'am? If
22 you don't mind just pulling your mask down. Thank you.
23 Your name and number?

24 JURY PANEL MEMBER: Kasandra Mitchell-Walker. I think
25 it's 326.

1 CLERK OF COURT: What was your name?

2 JURY PANEL MEMBER: Kasandra Mitchell-Walker.

3 CLERK OF COURT: 325.

4 JURY PANEL MEMBER: 325, okay. I retired from SCDC last
5 year in July.

6 THE COURT: Okay. You were working with the Department
7 of Corrections?

8 JURY PANEL MEMBER: Yes, sir.

9 THE COURT: Okay. But you're no longer employed with
10 them?

11 JURY PANEL MEMBER: No, sir. I retired last year.

12 THE COURT: Okay. All right. Can you still be fair
13 and impartial to both sides?

14 JURY PANEL MEMBER: Yes, sir.

15 THE COURT: Thank you. All right. Yes, ma'am. Name
16 and number?

17 JURY PANEL MEMBER: Elaine Marie Sproch, 417. My dad
18 used to be a deputy inspector in Manhattan.

19 THE COURT: Okay. All right. Give me your number
20 again.

21 JURY PANEL MEMBER: 417, I believe.

22 THE COURT: And your name?

23 JURY PANEL MEMBER: Elaine Sproch.

24 THE COURT: Is that right? 417. And give me your
25 answer again, please, ma'am.

1 JURY PANEL MEMBER: That my dad was a deputy inspector
2 in Manhattan.

3 THE COURT: Okay. All right. You can still be fair
4 and impartial to both sides?

5 JURY PANEL MEMBER: Yes.

6 THE COURT: Thank you. Any member of the jury panel
7 have a close relationship, personal relationship or social
8 relationship, with anyone involved in law enforcement? Just
9 not know, but have a close personal or social relationship
10 with anyone currently in law enforcement. If you've already
11 responded about a family member and that's it, then you
12 don't need to respond again. But any other member of the
13 jury panel who has a close personal or social relationship
14 with anyone involved in law enforcement. If so, please
15 stand.

16 (WHEREUPON, jury panel member stands.)

17 THE COURT: Okay. Name and number?

18 JURY PANEL MEMBER: Edna Anty, number 16.

19 THE COURT: And you have a close personal or social
20 relationship with somebody in law enforcement?

21 JURY PANEL MEMBER: Yes. Michael Belcher.

22 THE COURT: Who? Michael who?

23 JURY PANEL MEMBER: Belcher.

24 THE COURT: Involved in this case?

25 (WHEREUPON, deputy in the courtroom responds to the

1 judge.)

2 THE COURT: Okay. You're involved in this case? Okay.
3 All right. All right. I'm going to excuse you from the
4 trial of this case, but remain with us. Did you get the
5 juror number?

6 CLERK OF COURT: 16.

7 THE COURT: Any member of the jury panel who is
8 related, either now or formerly, to anyone who is employed
9 with the Solicitor's Office for the Eighth Judicial Circuit,
10 which includes Greenwood, Laurens, Abbeville, and Newberry
11 County? Related by blood or marriage, either now or
12 formerly, anyone with the Solicitor's Office for the Eighth
13 Circuit. If so, please stand.

14 (WHEREUPON, no jury panel member stands.)

15 THE COURT: Now, ladies and gentlemen, there may be law
16 enforcement officers who may testify in this case. More
17 likely than not that they will. But would any member of the
18 jury panel give more weight or less weight to a law
19 enforcement's testimony as opposed to any other witness?
20 Let me ask that again. More than likely there will be some
21 law enforcement personnel who will testify in this case. Is
22 any member of the jury panel likely to give more weight or
23 less weight to that witness's testimony simply because
24 they're a member of law enforcement, as opposed to any other
25 type of witness? If that applies to you, please stand.

1 (WHEREUPON, no jury panel member stands.)

2 THE COURT: Any member of the jury panel previously
3 seen, or heard, or read anything about this case involving
4 the State of South Carolina v William Gray Ackerman, a/k/a
5 Bud, in the news, whether social media, TV, radio, newspaper
6 or the internet? Any member of the jury panel has seen,
7 heard anything, read anything about this case?

8 (WHEREUPON, several jury panel members stood.)

9 THE COURT: All right. Now, what we're going to need
10 to do is I'm going to need to speak with you privately. So
11 let's form this line and take it one at a time. And the
12 only reason why we're doing that is I don't know exactly how
13 you're going to respond and so I don't want to create any
14 issues or problems. Again, if I've already excused you from
15 the 24th, the week of the 24th for this trial, you do not
16 get need to get in line. Okay. All right. I need you to
17 hold it down everybody, please.

18 (WHEREUPON, jury panel members form a line and approach
19 the bench.)

20 THE COURT: Hold it down, everybody, please. Name and
21 number?

22 JURY PANEL MEMBER: Nicole Rousey, 379. I worked with
23 Mrs. McClendon at District 50 in two different elementary
24 schools. Ms. Mitchell, I was in a group with her, and then
25 I've seen it all over Facebook too.

1 THE COURT: Do you believe that would prevent you from
2 being fair and impartial to both sides?

3 JURY PANEL MEMBER: Probably so.

4 THE COURT: I'm going to excuse you from the trial of
5 this case, but stay with us. This juror is excused but will
6 remain with us. Yes, sir. Your name and number?

7 JURY PANEL MEMBER: Graham Harrison. I'm unsure of the
8 number.

9 CLERK OF COURT: 199.

10 JURY PANEL MEMBER: My father was friends with Kenneth
11 McClendon, so I've already heard some biased statements
12 towards the case. I've heard a few details.

13 THE COURT: So, you've heard it through your father?

14 JURY PANEL MEMBER: My father. Yes. He was friends
15 with him.

16 THE COURT: The fact that you've heard some, what you
17 would consider biased statements ---

18 JURY PANEL MEMBER: Yes, biased.

19 THE COURT: Would that prevent you from being fair and
20 impartial?

21 JURY PANEL MEMBER: I would like to say no, but
22 obviously my father it would cause me to be biased.

23 THE COURT: I'm going to excuse you from the trial of
24 this case, but stay with us. This juror is excused from
25 trial this case, but will remain with us. Yes, name and

1 number?

2 JURY PANEL MEMBER: Courtney Mann. I'm not sure what my
3 juror number is.

4 CLERK OF COURT: 303.

5 JURY PANEL MEMBER: I am Facebook friends with the
6 deceased's sister.

7 THE COURT: Facebook friends with Mr. McClendon's
8 sister? Have there been postings about this case?

9 JURY PANEL MEMBER: Not recently. I just seen it last
10 year when it happened.

11 THE COURT: You saw postings last year. Do you think
12 that would prevent you from being fair and impartial?

13 JURY PANEL MEMBER: No, sir.

14 THE COURT: You're okay? Stay with us then.

15 MR. SWERLING: Judge, do you want me to go ahead and
16 make a motion now, or how do you want to?

17 THE COURT: Wait a minute. Go on back.

18 MR. SWERLING: I didn't know if you wanted to do it as
19 they come up. One of the questions I ask is about social
20 media. Some of them are pretty negative.

21 THE COURT: Well, let's wait until the end of all this.
22 I tell you what I can do, is specifically, because that
23 question I just read said social media, internet, but didn't
24 specifically say Facebook. So, what I can do is after we
25 finish with this group here I'll say okay, this also

1 includes Facebook. And we'll see what
2 kind of response.

3 MR. SWERLING: Instagram too.

4 THE COURT: Instagram?

5 MR. SWERLING: Yes.

6 MR. MEADORS: Like you and I know what that is.

7 MR. SWERLING: I know what Facebook is.

8 THE COURT: Let's get through this group here. Yes,
9 sir. Name and number?

10 JURY PANEL MEMBER: James Kevin Agner. I think I'm
11 number 5.

12 CLERK OF COURT: James Agner? Number 2.

13 JURY PANEL MEMBER: I heard about this incident from
14 friends of mine, and I am friends with a county sheriff.

15 THE COURT: You're friends with a county sheriff?

16 JURY PANEL MEMBER: I heard about it the night it
17 happened.

18 THE COURT: How did you hear about it?

19 JURY PANEL MEMBER: Friends.

20 THE COURT: Friends? The fact that you're friends with
21 a county sheriff, and you heard about this case the night it
22 happened from friends, would that prevent you from being
23 fair and impartial to both sides?

24 JURY PANEL MEMBER: I'd say he was guilty already.

25 THE COURT: You would say he's guilty already? Okay.

1 I'm going to excuse you from the trial of this case. Stay
2 with us.

3 MR. SWERLING: Judge, one other thing. If they say
4 they've heard anything about it, can you follow up with what
5 did they hear?

6 THE COURT: Yes, but see I've excused everybody so far.

7 MR. SWERLING: I know. I know.

8 THE COURT: Yeah, I'll follow up if they say yes, then
9 specifically what have you heard. Yes, sir. Name and
10 number?

11 JURY PANEL MEMBER: James P. Witt, 490. Facebook
12 mainly, but I know the Defendant's wife. She was my kids'
13 pre-school teacher. I'm not really social social, but we
14 have a lot of the same friends and stuff.

15 THE COURT: So, Mr. Ackerman's wife? Mother?

16 JURY PANEL MEMBER: It's Mr. Davis's wife. The
17 deceased's wife.

18 THE COURT: Okay. Mr. McClendon's wife?

19 JURY PANEL MEMBER: Yes.

20 THE COURT: Was a teacher of some of your kids?

21 JURY PANEL MEMBER: Yes. In pre-school.

22 THE COURT: How long ago was this?

23 JURY PANEL MEMBER: Well, the last one was probably
24 eight or nine years.

25 THE COURT: Would that alone prevent you from being fair

1 and impartial to both sides?

2 JURY PANEL MEMBER: I don't think so. Also, Dr.

3 Ackerman's brother is my kids' and wife's dentist.

4 THE COURT: Would that be Steve Ackerman, Jack?

5 MR. SWERLING: Yes.

6 THE COURT: Steve Ackerman, who is the dentist. Would
7 that prevent you from being fair and impartial in this case?

8 JURY PANEL MEMBER: I don't believe so.

9 THE COURT: Then you say you've seen some stuff on
10 Facebook?

11 JURY PANEL MEMBER: Well, just comments from the
12 deceased's kids and family, you know.

13 THE COURT: In general just comments made by Mr.
14 McClendon's side of the family. Would that, those Facebook
15 postings, prevent you from being fair and impartial to both
16 sides?

17 JURY PANEL MEMBER: No. I don't think so.

18 THE COURT: Thank you. Stay with us. I appreciate your
19 candor.

20 CLERK OF COURT: Ladies and gentlemen, if you please
21 hold it down. Our court reporter has to be able to hear, if
22 you don't mind. Just try to hold it down a little bit,
23 please.

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

25 JURY PANEL MEMBER: Kelly Ardis. I don't know my number.

1 CLERK OF COURT: 18.

2 JURY PANEL MEMBER: I've seen information about it on
3 Facebook.

4 THE COURT: The fact that you've seen information about
5 this on Facebook, just people's comments and that sort of
6 thing, would that prevent you from being fair and impartial
7 to both sides?

8 JURY PANEL MEMBER: No, sir.

9 THE COURT: Thank you. Stay with us.

10 MR. SWERLING: Judge, what about what they heard or what
11 they saw?

12 THE COURT: Okay, well, she just said general comments.
13 You want me to ask specifically what those general comments
14 are?

15 MR. SWERLING: That might determine whether or not I
16 want to strike them or move for cause, because there were
17 some.

18 THE COURT: I'm going to ask for Facebook people, or
19 Instagram people, or Snapchat people to come back up, even
20 if you have responded. So, you're more concerned about that
21 more so than newspaper or radio generally.

22 MR. SWERLING: There's just so much that has been
23 written, particularly on social media.

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

25 JURY PANEL MEMBER: Rebecca Brown. I think it's 54.

1 I just saw it on social media through the Index Journal, and
2 I guess maybe, like, the Sheriff's Office may have posted
3 when the incident happened.

4 THE COURT: The Sheriff's Office website posting?

5 JURY PANEL MEMBER: Probably on Facebook.

6 THE COURT: On Facebook?

7 JURY PANEL MEMBER: Yeah.

8 THE COURT: Do you remember exactly what was posted?

9 JURY PANEL MEMBER: I just remember the incident, and
10 then I saw, I think, a news article. It was linked on
11 Facebook.

12 THE COURT: But the details you can't remember?

13 JURY PANEL MEMBER: I mean, I remember some vague
14 details, yeah, that there was a woman involved. But I don't
15 know any more than what was posted on there.

16 THE COURT: But as far as remembering, that's all you
17 can remember as far as what was posted?

18 JURY PANEL MEMBER: I mean, I remember the name, because
19 my child went to school with someone with that last name.
20 So, I was just curious.

21 THE COURT: Okay. I don't know how what else I can ask
22 if that's all she can remember.

23 MR. SWERLING: That's good.

24 THE COURT: Whatever you did see on Facebook, would that
25 in any way prevent you from being fair and impartial?

1 JURY PANEL MEMBER: No, sir.

2 THE COURT: I'm going to ask a general question later
3 on about whether anyone has formed or expressed any opinion
4 about this case. I know that you had requested that, but
5 I'm just going to ask it to everybody later on in the voir
6 dire. Is that satisfactory?

7 MR. SWERLING: Yes, sir.

8 JURY PANEL MEMBER: I also wanted to mention I probably
9 should have stood up for law enforcement. I worked for DNR,
10 but I've never been in the law enforcement section.

11 THE COURT: All right. That's fine. Stay with us.

12 MR. SWERLING: Judge, one of the reasons why I am so gun
13 shy about the social media is because they put on there that
14 it was an intentional act, in the news media and in the
15 Sheriff's Department Facebook. An intentional act is
16 murder.

17 THE COURT: Okay. I understand your concern, and I
18 would have that same concern, but unless they volunteer
19 that, "Yes, I read that it was an intentional act." I hope
20 you don't want me to say anything about, "Did you read
21 anything about it being an intentional act."

22 MR. SWERLING: No. That's just why I'm asking to follow
23 up with what they remember.

24 THE COURT: If I need to dig deeper after they say they
25 saw something on Facebook, Instagram, or whatever, you're

1 just going to have to tell me, okay? Yes, ma'am. Name and
2 number?

3 JURY PANEL MEMBER: Summer Jones. I do not know my
4 number.

5 CLERK OF COURT: 253.

6 JURY PANEL MEMBER: So, I live in the little town of
7 Ninety-Six. My husband owns a business, so when everything
8 happened, everybody started calling him. He's friends with
9 the McClendon family. And I did go to school with Bud, but
10 we weren't, like, tight, but my husband is very good friends
11 with the McClendon family. So they started calling.

12 THE COURT: So, did you receive some information about
13 this case?

14 JURY PANEL MEMBER: Yeah. They told us everything that
15 happened.

16 THE COURT: Okay. Gave it to your husband and your
17 husband discussed it with you?

18 JURY PANEL MEMBER: Uh-huh.

19 THE COURT: Okay. Would that create some problems for
20 you being fair and impartial?

21 JURY PANEL MEMBER: Possibly.

22 THE COURT: Okay. I'm going to excuse you from the
23 trial of this case. Stay with us. Okay, this juror is
24 excused from the trial of this case, but she's going to stay
25 with us. Yes, sir?

1 JURY PANEL MEMBER: Juror 224, Matthew Hilley. Just
2 like everybody else. I heard a lot about it from friends and
3 family. I'm actually -- my family is friends with the
4 McClendons. I never knew this son that well, but James I
5 know.

6 THE COURT: The fact that you know the McClendon
7 family, would that create some difficulties with you being
8 fair and impartial?

9 JURY PANEL MEMBER: In a way it might.

10 THE COURT: I'm going to excuse you from the trial of
11 this case, but stay with us. This juror is excused. He is
12 going to stay with us. Yes, ma'am. Your name and number?

13 JURY PANEL MEMBER: Laura Lumley, 304ish.

14 CLERK OF COURT: 297.

15 JURY PANEL MEMBER: I have read about the case.

16 THE COURT: What source?

17 JURY PANEL MEMBER: The Index Journal. I mean, I've read
18 the details essentially. I do know Davis McClendon's
19 mother. She taught me in, like, middle school.

20 THE COURT: All right. So, you read about the case in
21 the Index Journal?

22 JURY PANEL MEMBER: Yes.

23 THE COURT: More than one article? One article?

24 JURY PANEL MEMBER: More than one. I did hear someone
25 that was with Davis that day, or the day before, discussing

1 kind of his -- what he knew about it, like right after.

2 THE COURT: Okay. And then Mr. McClendon's mother taught
3 you. Okay. Would any of what you've just given me would
4 any of those prevent you from being fair and impartial to
5 both sides?

6 JURY PANEL MEMBER: I mean, I hope not, but...

7 THE COURT: Well, I need for you to feel fairly
8 comfortable in telling me that you can be completely fair
9 and impartial.

10 JURY PANEL MEMBER: Probably not. I probably could not
11 be.

12 THE COURT: I'm going to excuse you from the trial of
13 this case, but remain with us. This juror is excused from
14 the trial of this case. Yes, ma'am. Name and number?

15 JURY PANEL MEMBER: Amy Young, 498.

16 THE COURT: Yes, ma'am.

17 JURY PANEL MEMBER: I saw the articles from the Index
18 Journal and Channel 4, just what was put out there. I did
19 work with the deceased's mother at Greenwood High School
20 about 16, 17 years ago. She was our secretary.

21 THE COURT: So, you read the article or articles in the
22 Index Journal, you saw a news account on Channel 4, and then
23 you worked with Mr. McClendon's mom. Would any of those
24 prevent you from being fair and impartial?

25 JURY PANEL MEMBER: No, sir.

1 THE COURT: You don't believe that anything you read in
2 the Index Journal or heard on Channel 4 would influence you
3 in any way whatsoever?

4 JURY PANEL MEMBER: It's no different than the
5 indictment that you read. No, sir.

6 THE COURT: All right. Thank you. Stay with us. Yes,
7 ma'am. Name and number?

8 JURY PANEL MEMBER: Katie Parkman. I'm not sure my
9 number.

10 CLERK OF COURT: 348.

11 JURY PANEL MEMBER: I've read several articles and have
12 several friends close to both sides of the family.

13 THE COURT: You've read several articles. In the Index
14 Journal?

15 JURY PANEL MEMBER: The Index Journal, Facebook.

16 THE COURT: You've read some things on Facebook. What,
17 specifically on Facebook, do you recall?

18 JURY PANEL MEMBER: Just I guess probably from the Index
19 Journal.

20 THE COURT: Just kind of repeating what the Index
21 Journal said?

22 JURY PANEL MEMBER: Right.

23 THE COURT: And then the next thing you told me was
24 some of the family members ---

25 JURY PANEL MEMBER: I have friends who are close to both

1 sides.

2 THE COURT: Oh, you have friends who are close on both
3 sides, and you've gotten some information from them?

4 JURY PANEL MEMBER: No.

5 THE COURT: You haven't gotten any information from
6 them?

7 JURY PANEL MEMBER: No, no information.

8 THE COURT: All right. So, whatever you knew about this
9 case has come from the Index Journal?

10 JURY PANEL MEMBER: Right.

11 THE COURT: And the Facebook, which kind of just quoted
12 the Index Journal?

13 JURY PANEL MEMBER: Right.

14 THE COURT: Can you still be fair and impartial to both
15 sides?

16 JURY PANEL MEMBER: Yes, sir.

17 THE COURT: Thank you, ma'am. Stay with us. Yes,
18 ma'am. Your name and number?

19 JURY PANEL MEMBER: Mae Timmerman, 444.

20 THE COURT: What would you like to tell me?

21 JURY PANEL MEMBER: I know a lot on both sides.

22 THE COURT: Okay, so you know a lot? Would that prevent
23 you from being fair and impartial to both sides?

24 JURY PANEL MEMBER: It would not, but oh, I would just
25 -- the whole family on the right hand side is -- they were

1 my dentist, we grew up in the church together. When I saw
2 Bud turn around -- I'm a retired school teacher, I saw his
3 sixth grade face, that innocent -- I knew the McClendons. I
4 just...

5 THE COURT: All right. Okay. You're in kind of a
6 difficult spot ---

7 JURY PANEL MEMBER: Yes.

8 THE COURT: So, I'm going to excuse you, but stay with
9 us.

10 JURY PANEL MEMBER: Thank you so much.

11 THE COURT: This juror is excused. Name and number?

12 JURY PANEL MEMBER: Labreshia Hill 220. I initially
13 heard about this I work in a hospital. I've heard all
14 things about the potential motives and everything. I do not
15 feel like I could be impartial.

16 THE COURT: I'm going to excuse you, but stay with us.
17 Thank you for your honesty. This juror is excused from the
18 trial of this case. Yes, ma'am.

19 JURY PANEL MEMBER: Tammy Evans, 158. I just heard it
20 on the news.

21 THE COURT: Heard it on, like, channel 4.

22 JURY PANEL MEMBER: I don't even remember what channel.

23 THE COURT: That's the only source you've heard anything
24 about this case?

25 JURY PANEL MEMBER: How long ago has that been?

1 JURY PANEL MEMBER: I don't even remember. I just know
2 I heard about it.

3 THE COURT: The fact that you've heard about it through
4 some sort of news source, would that prevent you from being
5 fair and impartial?

6 JURY PANEL MEMBER: No, sir.

7 THE COURT: Thank you. Stay with us. Yes, ma'am.
8 Your name and number?

9 JURY PANEL MEMBER: Amy Burch, Juror 60. I found out
10 about it early the morning right after it happened.

11 THE COURT: How did you find out about it?

12 JURY PANEL MEMBER: I was at a travel ball tournament
13 with my son and social friends were talking about it.

14 THE COURT: Friends from one side or the other, or just
15 friends?

16 JURY PANEL MEMBER: I went to school with Wilson and
17 Laura Ackerman, lived in the same neighborhood as the
18 McClendons when they were married. She still lives...

19 THE COURT: Would that create some difficulties with you
20 being fair and impartial?

21 JURY PANEL MEMBER: No.

22 THE COURT: The fact that formerly lived in the same
23 neighborhood as you ---

24 JURY PANEL MEMBER: The McClendons, when they were
25 married.

1 THE COURT: And then right after it happened you were
2 hearing some stuff, but none of that would affect your
3 ability to be fair and impartial?

4 JURY PANEL MEMBER: No.

5 THE COURT: And none of that has affected you already
6 forming or expressing any opinion about this case?

7 JURY PANEL MEMBER: No.

8 THE COURT: Thank you. Stay with us. Yes, sir. Name
9 and number?

10 JURY PANEL MEMBER: Patrick Holloway. I don't know the
11 number.

12 CLERK OF COURT: 232.

13 THE COURT: Yes, sir.

14 JURY PANEL MEMBER: I just read about it on the news and
15 also worked at Wesley Commons at one time before.

16 THE COURT: You used to work at Wesley Commons?

17 JURY PANEL MEMBER: Yeah.

18 THE COURT: So you've heard about it through Wesley
19 Commons and you've heard about it through the news?

20 JURY PANEL MEMBER: Read about it on my phone.

21 THE COURT: Okay. Is that, kind of, after it happened?

22 JURY PANEL MEMBER: Yeah.

23 THE COURT: Any information that you received, either
24 Wesley Commons, on you phone, read about it, would that
25 affect your ability to be fair and impartial to either side?

1 JURY PANEL MEMBER: Yeah.

2 THE COURT: It would? Okay. I'll excuse you from the
3 trial of this case, but stay with us. Yes, ma'am. Name and
4 number?

5 JURY PANEL MEMBER: Josie Clamp, 94. I heard it on the
6 Index Journal, from relatives and friends on the story.

7 THE COURT: You read about it from?

8 JURY PANEL MEMBER: Index Journal.

9 THE COURT: And you heard it from some friends?

10 JURY PANEL MEMBER: Yes.

11 THE COURT: Was this when it first happened or ---

12 JURY PANEL MEMBER: Yes.

13 THE COURT: Receiving any information -- what
14 information, just what you read and what did you see from
15 your friends?

16 JURY PANEL MEMBER: They were all similar. I just know
17 that I heard it was over a girl, somebody called one of them
18 to come up, and then he ran the other person over.

19 THE COURT: So, what you've heard, would that affect
20 your ability to be fair and impartial in this case?

21 JURY PANEL MEMBER: No.

22 THE COURT: And what you've heard, would that cause you
23 to already form any opinions about this case?

24 JURY PANEL MEMBER: No.

25 THE COURT: Thank you. Stay with us. Yes, sir. Name and

1 number?

2 JURY PANEL MEMBER: My name is Jonathan Creswell. I'm
3 not sure what my number is. I read just a couple of articles
4 on the Index Journal website about the allegations and some
5 of the things that went on, were alleged to have gone on.

6 THE COURT: Did you read about it early on?

7 JURY PANEL MEMBER: Yes, sir.

8 THE COURT: Okay. What you read on the Index Journal,
9 would that prevent you in any way from being fair and
10 impartial to both sides?

11 JURY PANEL MEMBER: I don't think so.

12 THE COURT: Thank you. Stay with us. Name and number?

13 JURY PANEL MEMBER: Gracen Hembree. I don't know my
14 juror number.

15 CLERK OF COURT: 212.

16 JURY PANEL MEMBER: I know Mike Murdock. His daughter is
17 marrying my brother.

18 THE COURT: Mike Murdock is related how?

19 JURY PANEL MEMBER: His daughter is going to marry my
20 brother in September.

21 THE COURT: Oh, his daughter is going to marry your
22 brother in September.

23 JURY PANEL MEMBER: And then I know Elizabeth Mitchell,
24 the sister of the guy that got killed.

25 THE COURT: Mr. McClendon's sister?

1 JURY PANEL MEMBER: Uh-huh.

2 THE COURT: Do you consider yourself having a close
3 personal relationship with Ms. Mitchell?

4 JURY PANEL MEMBER: Not now, but last year we worked
5 together, so we did talk some.

6 THE COURT: Did you talk about -- did she give you any
7 information?

8 JURY PANEL MEMBER: No. No.

9 THE COURT: And the fact that your brother is going to
10 marry into the Murdock family, have you received any
11 information about the case from that?

12 JURY PANEL MEMBER: No.

13 THE COURT: Would either situation prevent you from
14 being fair and impartial to both sides?

15 JURY PANEL MEMBER: No.

16 THE COURT: Thank you. Stay with us. Yes, ma'am. Name
17 and number?

18 JURY PANEL MEMBER: Rebecca Patrick, 352. Multiple
19 Facebook posts. Talking with friends when it all happened.
20 Just my husband's older brother grew up with Davis, so just
21 when it happened my husband remembering him.

22 THE COURT: Specifically, what information came from
23 Facebook?

24 JURY PANEL MEMBER: I don't remember. I just...

25 THE COURT: You just know that there was information

1 about the case?

2 JURY PANEL MEMBER: Yes.

3 THE COURT: But don't remember specifically what came
4 from Facebook?

5 JURY PANEL MEMBER: Not quite.

6 THE COURT: Has that been recent postings?

7 JURY PANEL MEMBER: No. When it happened.

8 THE COURT: The fact that you received some information
9 off of Facebook that you don't remember the substance of,
10 would that in any way affect your ability to be fair and
11 impartial?

12 JURY PANEL MEMBER: Possibly. Just the emotion of it.

13 THE COURT: I'll excuse you from the trial of this case,
14 but stay with us. Yes, ma'am. Name and number?

15 JURY PANEL MEMBER: My name is Kelsie Clary. I think I'm
16 number 97. I heard about the case just like on Facebook,
17 social media. Just -- of the deceased. Just small town
18 Greenwood.

19 THE COURT: Do you remember specifically what
20 information you received off of Facebook?

21 JURY PANEL MEMBER: No, sir. I heard just what you had
22 mentioned today.

23 THE COURT: Nothing else?

24 JURY PANEL MEMBER: Huh-uh.

25 THE COURT: You can be fair and impartial to both sides?

1 JURY PANEL MEMBER: Of course. Yes.

2 THE COURT: Thank you. Stay with us. Yes, ma'am. Your
3 name and number?

4 JURY PANEL MEMBER: Julia Riley. I'm not sure my number.

5 THE COURT: We are going to give it to you.

6 CLERK OF COURT: 376.

7 JURY PANEL MEMBER: I saw information on Facebook and in
8 the Index Journal.

9 THE COURT: Do you remember specifically what you read
10 off Facebook about the case?

11 JURY PANEL MEMBER: It was mostly just the Index Journal
12 probably.

13 THE COURT: Okay. Just repeated what the Index Journal
14 published?

15 JURY PANEL MEMBER: Uh-huh.

16 THE COURT: Was that when things happened or recently?

17 JURY PANEL MEMBER: Nothing recent.

18 THE COURT: The fact that you've read the Index Journal
19 and what Facebook put on there off of the Index Journal,
20 would that in any way prevent you from being fair and
21 impartial?

22 JURY PANEL MEMBER: No, sir.

23 THE COURT: Thank you. Stay with us. Yes, sir. Name and
24 number?

25 JURY PANEL MEMBER: Robert Boyd.

1 CLERK OF COURT: 45.

2 JURY PANEL MEMBER: Just what I read in the newspapers.

3 THE COURT: The Index Journal?

4 JURY PANEL MEMBER: Yeah.

5 THE COURT: Do you remember specifically?

6 JURY PANEL MEMBER: No. I don't really remember.

7 THE COURT: Would that prevent you from being fair and
8 impartial to both sides?

9 JURY PANEL MEMBER: No.

10 THE COURT: Thank you. Stay with us. Yes, sir. Name
11 and number?

12 JURY PANEL MEMBER: My name is Stewart Lollis. I'm not
13 sure of my number. I believe it was around 290.

14 CLERK OF COURT: Stewart Lollis, 293.

15 JURY PANEL MEMBER: I've read newspaper accounts, saw
16 stuff on t.v. I also have texts and shared messages with
17 teachers that I work with about the case, because I work in
18 the school Mr. McClendon's youngest daughter attends. She's
19 a former student of mine.

20 THE COURT: The information that you've received, would
21 that in any way prevent you from being fair and impartial?

22 JURY PANEL MEMBER: Yes.

23 THE COURT: I'll excuse you from the trial of this case,
24 but stay with us. Yes, sir. Your name and number?

25 JURY PANEL MEMBER: Jarrod Pawlak, 353. I received

1 information through Facebook and I have mutual friends with
2 the deceased. I don't feel that I can be an impartial juror
3 because of that.

4 THE COURT: I'm going to excuse you from the trial of
5 this case, but stay with us, okay? Name and number?

6 JURY PANEL MEMBER: Deanna Benjamin. I think I'm 28. The
7 source of information is just the rumor mill, small town, so
8 all I remember is an affair and somebody got killed. But I
9 don't know anybody. I don't know anything specific.

10 THE COURT: The fact that you heard something about
11 somebody was killed, something about an affair, through the
12 work environment, would that prevent you from being fair and
13 impartial to both sides?

14 JURY PANEL MEMBER: No.

15 THE COURT: Okay, thank you. Stay with us. Yes, sir.
16 Name and number?

17 JURY PANEL MEMBER: Randy Brock, number 48. I seen it on
18 the news. I read about it. Numerous people talking about it.
19 He's guilty.

20 THE COURT: I'm going to excuse you from the trial of
21 this case, but stay with us. Yes, sir. Name and number?

22 JURY PANEL MEMBER: Baylee Davis, 127. People at work
23 were talking about it when it first happened, and seemed to
24 think he was guilty.

25 THE COURT: So, early on -- this is through work you

1 say?

2 JURY PANEL MEMBER: Yes, sir.

3 THE COURT: You received information that tended to
4 point toward the side of guilt? Is that what you're hearing?

5 JURY PANEL MEMBER: Yes, sir.

6 THE COURT: Would that prevent you from being fair and
7 impartial, that information?

8 JURY PANEL MEMBER: I don't know the facts. It would be
9 totally dependent upon the facts, like you mentioned
10 earlier.

11 THE COURT: You can be fair and impartial and you can
12 wait until you hear the facts as presented?

13 JURY PANEL MEMBER: Yes.

14 THE COURT: So, that information that you received at
15 work, would that in any way influence your decision in this
16 case?

17 JURY PANEL MEMBER: No, sir.

18 THE COURT: Has that information caused you to already
19 form or express any opinion about any matter in this case?

20 JURY PANEL MEMBER: No, sir.

21 THE COURT: Stay with us. Thank you, sir. Yes, sir. Name
22 and number?

23 JURY PANEL MEMBER: Landon Phillips. I think I'm 357.

24 THE COURT: We're going to tell you.

25 CLERK OF COURT: 357, yes.

1 JURY PANEL MEMBER: I haven't gone into much detail. I
2 don't believe social media provides facts, but I have
3 definitely read online hearsay and things like that. Just
4 people reposting Greenwood Today and things of this sort,
5 but never gone into any detail myself.

6 THE COURT: So, the information that you've seen on
7 social media, whether Facebook, Instagram, the like, would
8 that in any way influence your decision in any way? Has it
9 caused you to already form or express any opinion about the
10 facts in this case?

11 JURY PANEL MEMBER: No.

12 THE COURT: Thank you. Stay with us. Yes, sir. Name and
13 number?

14 JURY PANEL MEMBER: Larry Davis, 128. If this is the
15 case I'm thinking about, it happened over in Hunter's Creek.
16 From what I understand, the deceased was over at my
17 neighbor's house, right beside my house, before the incident
18 occurred. And my other neighbor gave me some details about
19 what he thought happened, what he heard happened, but I
20 don't know it to be factual or anything. But there was more
21 than just what I heard on t.v.

22 THE COURT: So, you've received some information from a
23 neighbor at that place where it allegedly happened. Would
24 that influence you in any way in serving as a juror in this
25 case?

1 JURY PANEL MEMBER: No, sir. I just wanted to let you
2 know.

3 THE COURT: Has that influenced your decision making in
4 this case, or caused you to form any opinion about any issue
5 in this case?

6 JURY PANEL MEMBER: No.

7 THE COURT: You can be fair and impartial?

8 JURY PANEL MEMBER: Yes.

9 THE COURT: Thank you, sir. Stay with us. Name and
10 number?

11 JURY PANEL MEMBER: April Mauldin. 306. I know both
12 parties. I feel like I would be fair.

13 THE COURT: And impartial?

14 JURY PANEL MEMBER: Yes, sir.

15 THE COURT: So, you feel like even though you know both
16 sides, you don't consider yourself having a close personal
17 relationship with them?

18 JURY PANEL MEMBER: No. I mean, my husband was close
19 with Davis, and then ---

20 THE COURT: Okay. Your son was close to Mr. McClendon?

21 JURY PANEL MEMBER: My husband was close to Mr.
22 McClendon, his kids. And then I knew Bud growing up, so
23 tight knit, you know. Social, but not -- we didn't hang out
24 with them and stuff.

25 THE COURT: So, you believe you can be fair and

1 impartial to both sides?

2 JURY PANEL MEMBER: Yes, I do.

3 THE COURT: Thank you. Stay with us. Yes, ma'am. Your
4 name and number?

5 JURY PANEL MEMBER: It's Madison Hill. I don't know what
6 my number is.

7 THE COURT: Give us your name again.

8 JURY PANEL MEMBER: Madison Hill.

9 CLERK OF COURT: 221.

10 JURY PANEL MEMBER: I used to babysit ---

11 THE COURT: You need to speak up.

12 JURY PANEL MEMBER: I used to babysit the McClendon
13 children.

14 THE COURT: How long ago?

15 JURY PANEL MEMBER: I was a freshman in college. That
16 was 2 or three years ago.

17 THE COURT: You babysat for the McClendon's two or three
18 years ago?

19 JURY PANEL MEMBER: Yes. Also, I did theater with their
20 oldest son, and then also had details the next morning of
21 the event that somebody wouldn't have just from watching the
22 news from some of the witnesses that you ---

23 THE COURT: So, you received some information about the
24 case?

25 JURY PANEL MEMBER: Uh-huh.

1 THE COURT: Do you remember what kind of information you
2 received?

3 JURY PANEL MEMBER: It was from Meg McGovern, just
4 because she was one of the first people to arrive there and
5 was talking to the 911 operator.

6 THE COURT: Okay. All right. That information that you
7 received, has that influenced you in any way or will it
8 influence you in any way?

9 JURY PANEL MEMBER: I think, for the most part, it would
10 just be the kids, because I was responsible for them and
11 knew them on a personal level.

12 THE COURT: Okay. I'm going to excuse you from the trial
13 of this case, but stay with us. Name and number?

14 JURY PANEL MEMBER: Melinda Cox. I don't know my number.

15 THE COURT: We're going to give it to you.

16 CLERK OF COURT: 111.

17 JURY PANEL MEMBER: My daughter is friends with the
18 victim's child.

19 THE COURT: Your daughter is friends with Mr.
20 McClendon's -- one of his children?

21 JURY PANEL MEMBER: Youngest daughter, yeah.

22 THE COURT: Would that influence your ability to be a
23 fair and impartial juror in this case?

24 JURY PANEL MEMBER: Hu-uh.

25 THE COURT: Okay. Have you really received any

1 information about this case?

2 JURY PANEL MEMBER: No.

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

4 JURY PANEL MEMBER: David Burrell, 64. I found out about
5 the incident the next day at church. I heard that there was
6 alcohol involved, and that someone was lured to the back of
7 my neighborhood where I live currently, and that's where the
8 incident supposedly took place.

9 THE COURT: That information that you received, would
10 that prevent you from being a fair and impartial juror?

11 JURY PANEL MEMBER: If presented with facts, no, I don't
12 think so.

13 THE COURT: That information that you received, has that
14 caused you to already form or express any opinion about this
15 case?

16 JURY PANEL MEMBER: Not so much. More from a dad
17 standpoint.

18 THE COURT: Okay. Explain that to me.

19 JURY PANEL MEMBER: Kids not having a father.

20 THE COURT: Would that feeling, would that come into
21 play if you were on this jury and the fact that Mr.
22 McClendon has passed away and has left children? Would that
23 come in as maybe a sympathy type element for you?

24 JURY PANEL MEMBER: Yes.

25 THE COURT: I'm going to excuse you from the trial of

1 this case, but stay with us.

2 Now, you still want me to kind of hone in on this
3 Facebook, Instagram? Anybody, if I've excused them then I
4 certainly don't need to talk with them, but even if I've
5 talked with them get them back up and kind of hone in on
6 this Facebook and Instagram? You tell me what you want,
7 Jack.

8 MR. SWERLING: I think that what I'd like to pursue is
9 what they remember.

10 THE COURT: But if they've seen it on Facebook, but
11 don't remember anything.

12 MR. SWERLING: Can they be fair and impartial. You've
13 tried to cover it, and I think you have, but the Facebook
14 particularly is...

15 THE COURT: What I'll do is, if you've been excused then
16 don't respond. If you've not been excused, you've seen
17 something on Facebook about the case or Instagram, social
18 media, and you do remember what you saw, we need to know
19 that. If you don't remember what you saw, then you don't
20 need to respond.

21 MR. SWERLING: The other thing is, if the Court will
22 permit me, there seems to be a lot more people than I
23 thought have just been discussing it, and discussed the
24 facts of the case with other people, and that causes me some
25 concern. There seems to be a lot of conversation that took

1 place in the case.

2 THE COURT: We'll approach it in two ways. We may want
3 to even take another short break. So, hone in on primarily
4 the Facebook element, and then hone in on just having
5 general discussion or having discussions with other people
6 about the case?

7 MR. SWERLING: Like, this one fellow said that he was -
8 he said he could be fair and impartial, but he heard the
9 publicity about the case was about guilt. That's the kind of
10 thing that concerns me, because I think people have
11 expressed opinions about it.

12 THE COURT: Understand too at some point I'm going to
13 ask that general question. It applies to everybody that has
14 not been excused. Has anything caused you to already form or
15 express any opinion about this case, so that would be at
16 some point.

17 MR. SWERLING: That is one of our questions. Have they
18 expressed an opinion or has somebody expressed an opinion to
19 them.

20 THE COURT: Ladies and gentlemen, does anybody need to
21 take another -- because we've still got a ways to go and
22 we're trying to take care of you the best we can. I realize
23 we've passed lunchtime. I really want for us to go through
24 the entire process and get a jury selected in the case
25 starting on the 24th. So, I apologize if your stomach is

1 growling like mine. I apologize, but I really want to try
2 to get through this. Anybody need to take a break?

3 (WHEREUPON, no member of the jury panel stood.)

4 THE COURT: Everybody's good? Okay. Thank you very
5 much for your patience and understanding. So, we're going
6 to proceed forward. All right ladies and gentlemen, if I've
7 already excused you from the trial of this case, you do not
8 need to respond. But we've had some discussion with some of
9 you about reading some things about this case on social
10 media, predominantly Facebook. But of course, as we know,
11 social media includes not only Facebook, but Instagram,
12 Snapchat and all those other things.

13 So, if I've not excused you, but you have read
14 something, even if I talked to you, I need for you to get
15 back up in the line. If you've read something about this
16 case, we need to find out if you remember. Now, some of
17 y'all have said, yeah, I read some stuff about this case on
18 Facebook, but I don't remember what I read. Well, that's
19 fine. You do not need to come and talk with me. But if you
20 do remember, even though we talked before about this, if you
21 remember what you read, we need to figure out exactly what
22 that was that you read, number one. Number two, if you've
23 had discussions with anybody about this case, we need to
24 know that too. Again, if I've excused you, keep your seat.
25 Don't do anything. But if you've had some discussions with

1 anyone about this case, we need to know what you have
2 discussed, if you remember.

3 Once again, if you don't remember, then you don't need
4 to talk with us. Okay. Hopefully that's clear. So, social
5 media, primarily Facebook. If you remember what you read,
6 get in line. Talked with anybody about this case, and you
7 remember what you discussed, get in this line. Okay. Thank
8 you. Nobody?

9 (WHEREUPON, jury panel member stood.)

10 THE COURT: Okay. Got one. Even if I've kept you and
11 excused you, and we talked about it, we need to talk again.
12 Social media, primarily Facebook, and conversations with
13 anybody. And I also need Landon Phillips to get in the
14 line. I just need to talk to you about something.

15 JURY PANEL MEMBER: Larry Davis, 128. The neighbor that
16 was telling me about what he heard happened, the neighbor
17 across the street from him who said this guy was there the
18 morning of told me he had been lured there to the location
19 and when he got out that he just ran over him.

20 THE COURT: So, the information you received from the
21 neighbor, that has not caused you to form or express any
22 opinion about the case?

23 JURY PANEL MEMBER: No, sir.

24 THE COURT: It has or will not affect your ability as a
25 juror?

1 JURY PANEL MEMBER: No.

2 THE COURT: And you can still be fair and impartial?

3 JURY PANEL MEMBER: Yes, sir.

4 THE COURT: Thank you, sir. Have a seat. Yes, ma'am.

5 JURY PANEL MEMBER: Amy Young, 498.

6 THE COURT: Tell me again what we've talked about.

7 JURY PANEL MEMBER: So, I saw articles from the Index
8 Journal, WYFF, Facebook. I did talk with people about the
9 case. The deceased's children go to school in the district,
10 so it was at the time of state testing. So making sure that
11 they were going to come in. The Defendant's children also
12 were in the district. They were not in tested grades.

13 THE COURT: But as far as what you specifically read off
14 of Facebook or discussed with people, do you remember
15 exactly what was read or discussed?

16 JURY PANEL MEMBER: I mean, it was shared as to what had
17 occurred, prior communications.

18 THE COURT: But whatever information that you did
19 receive from that prevent you from being a juror in this
20 case?

21 JURY PANEL MEMBER: No.

22 THE COURT: Does that cause you to already form or
23 express an opinion about this case?

24 JURY PANEL MEMBER: I would have an opinion about the
25 case.

1 THE COURT: Based upon what you have heard prior to
2 today?

3 JURY PANEL MEMBER: Yes.

4 THE COURT: So, if you've already got an opinion, that
5 would affect your ability to be fair and impartial. Thank
6 you for your honesty. I'm going to excuse you from the trial
7 of this case. Stay with us. Name and number.

8 JURY PANEL MEMBER: Julia Riley, 376. So, I just
9 remember hearing that there were kids on both sides.

10 THE COURT: You heard from where?

11 JURY PANEL MEMBER: Just, like family and friends.

12 THE COURT: Did you have actual face to face
13 discussions with family or friends about the case?

14 JURY PANEL MEMBER: Yes.

15 THE COURT: Do you remember exactly what was discussed?

16 JURY PANEL MEMBER: Mostly I knew people who knew some
17 of the kids and just feeling sorry for the kids on both
18 sides of each family.

19 THE COURT: Whatever information you've received, has
20 that in any way influenced you being a juror in this case if
21 you are selected?

22 JURY PANEL MEMBER: No, sir.

23 THE COURT: Has that information caused you to already
24 form or express any opinion about this case?

25 JURY PANEL MEMBER: No, sir.

1 THE COURT: Do you think you can still be fair and
2 impartial?

3 JURY PANEL MEMBER: Yes, sir.

4 THE COURT: Stay with us.

5 MR. SWERLING: Judge, did she say she had discussions
6 with the family?

7 THE COURT: I took it that she had talked to people who
8 talked with the family. Did I not hear her right? Do you
9 want me to get her back up?

10 MR. SWERLING: I thought she said originally ---

11 THE COURT: The last juror, 376, back up. Thank you.
12 You talked with family members or people who talked with
13 family members, then you talked with those people. How did
14 that work with the family members as far as the information
15 about this case?

16 JURY PANEL MEMBER: So, it was my family members.

17 THE COURT: Your family? Not the family members ---

18 JURY PANEL MEMBER: Yeah, correct.

19 THE COURT: Oh, your family members.

20 JURY PANEL MEMBER: Yeah, just other people who had read
21 the same story.

22 THE COURT: I got you. I got you. Okay. Thank you,
23 ma'am.

24 MR. SWERLING: All I heard was family.

25 THE COURT: Name and number?

1 JURY PANEL MEMBER: James Witt, 490.

2 THE COURT: Yes, sir. Tell me again what you told me.

3 JURY PANEL MEMBER: We know people on both sides, so not
4 real social, just like just friends of friends of friends.
5 Things coming down through the pipeline, so that's it.

6 THE COURT: What you heard, do you remember specifically
7 what you heard?

8 JURY PANEL MEMBER: In a nutshell, basically like, they
9 got into a argument over her, the wife, and it ended up
10 escalating outside, and then basically what you read in the
11 charges hitting him with the car.

12 THE COURT: The fact that you received that information
13 prior to today, has it, will it influence you in any way
14 whatsoever as far as being a juror in this case if you are
15 selected?

16 JURY PANEL MEMBER: I don't think so.

17 THE COURT: And did that information received prior to
18 today cause you to form or express any opinion about
19 anything related to this case?

20 JURY PANEL MEMBER: Just mainly being sorry for the kids
21 involved.

22 THE COURT: Being sorry for the kids, would that cause
23 some sympathy element in your decision making if you were
24 selected on the jury in this case?

25 JURY PANEL MEMBER: I don't think so.

1 THE COURT: Well, I need ---

2 JURY PANEL MEMBER: It could.

3 THE COURT: If it could, then I need to excuse you.
4 Stay with us, but you're excused from the trial of this
5 case. Is this Landon Phillips?

6 JURY PANEL MEMBER: Yes, sir.

7 THE COURT: Were you in the restroom with a member of
8 the Ackerman family? Something was expressed to the Clerk.

9 JURY PANEL MEMBER: I have no idea. I just used the
10 bathroom.

11 THE COURT: But you didn't know who it was that was in
12 there with you?

13 JURY PANEL MEMBER: I didn't even know. I don't know who
14 that was. I just pulled up my hair and walked out and then
15 you called my name.

16 THE COURT: Oh, okay. Okay, that's fine. Something was
17 mentioned that Dr. Ackerman went around to the bathroom when
18 the jury was out there. Yes, ma'am. Name and number again.

19 JURY PANEL MEMBER: Josie Clamp, 94.

20 THE COURT: Tell me again what you told me.

21 JURY PANEL MEMBER: I said -- sorry, I'm a little
22 nervous. I said it was over a gir's relationship, like, one
23 of their wives or whatever or baby mamas they did not agree
24 on it. The man called him, told him to meet up, and when
25 they met he got out of the car and the other man ran him

1 over, shoving him in between the doors.

2 THE COURT: And that information you just gave me, it
3 came from what source?

4 JURY PANEL MEMBER: It came from all the people talking.

5 THE COURT: Just people talking in the community?

6 JURY PANEL MEMBER: Yes.

7 THE COURT: That information you received from people in
8 the community, has that or will that influence you in any
9 way whatsoever if you are a member of the jury?

10 JURY PANEL MEMBER: No.

11 THE COURT: Has that information you received in the
12 community caused you to already formed or expressed any
13 opinion about anything related to this case?

14 JURY PANEL MEMBER: No.

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

17 JURY PANEL MEMBER: Yes.

18 THE COURT: Thank you, ma'am. Stay with us. Yes, ma'am.

19 JURY PANEL MEMBER: Misty Rauton. I think it was 374.
20 So, this is not to do with knowing anything. The Bailiff
21 told me to come speak to you about a medical issue. I had a
22 kidney removed two months ago. I wanted to try to make it
23 through, but the longer I sit here, the worse it's getting.

24 THE COURT: I'm sorry. Do you think in a couple of
25 months that you'll be in better shape?

1 JURY PANEL MEMBER: Hopefully.

2 THE COURT: Well, just be on the safe side let's
3 transfer her to the fall and so hopefully by then you'll be
4 in good shape. I'm sorry that you're not feeling well.

5 JURY PANEL MEMBER: Thank you. I tried.

6 THE COURT: Okay. I know. Thank you. You're free to
7 go. This juror is excused. Here's what we're going to do,
8 ladies and gentlemen. I know some of y'all are tired and
9 hungry, and I think to be fair to you we're gonna go ahead
10 and break for lunch. And it's about 2:10. We'll be back at
11 3:30. That will give you enough time to grab a bite and
12 then we'll continue forward.

13 (WHEREUPON, a break was held 2:10 p.m. to 3:38 p.m.)

14 THE COURT: All right, ladies and gentlemen, I hope
15 that you got a little rest during your lunch break and had a
16 good lunch and are ready to start back. We still have some
17 more questions to ask. I realize a lot of the questions
18 kind of overlap to some extent, but that's just the way it
19 is. Now, the next several questions are going to be related
20 to family members of the Ackerman family and the McClendon
21 family. Now, if you've already talked with me in private
22 about having a close personal or social relationship with
23 some of the family members, then you don't need to respond
24 again. I'm going to break it down to parents on both sides,
25 children on both sides, and siblings on both sides, and then

1 just general relatives of both sides. That's how we'll
2 break this next group down. All right.

3 Any member of the jury panel related by blood or
4 marriage, either now or formerly, or any member of the jury
5 panel have or had the past a close personal relationship
6 with the parents of William Gray Bud Ackerman Jr. or Kenneth
7 Davis McClendon? These are the parents. And again, if
8 you've already responded or talked with me about that in
9 private you don't need to respond again. Anybody have a
10 close personal relationship or related by blood or marriage
11 to parents of either side? If so, please stand.

12 (WHEREUPON, no jury panel member stands.)

13 THE COURT: Any member of the jury panel related by
14 blood or marriage, either now or formerly, or have or had in
15 the past a close personal relationship with the children of
16 William Gray Bud Ackerman, Jr. or Kenneth Davis McClendon?
17 If so, please stand.

18 (WHEREUPON, several jury panel members stood.)

19 THE COURT: Okay. Probably the best thing to do if
20 anybody responds in the affirmative, as this young man is in
21 the back, at the conclusion of this set of questions, we'll
22 probably get in line and speak privately. Okay. So, you
23 get in that line. All right. We're not going to form a
24 line yet.

25 Any member of the jury panel related by blood or

1 marriage, either now or formerly, or any member of the jury
2 panel have or have had in the past a close personal or
3 social relationship with any of the siblings of William Gray
4 Bud Ackerman Jr. or Kenneth Davis McClendon. If so, please
5 stand.

6 All right. Any member of the jury panel related by
7 blood or marriage, either now or formerly, any member of the
8 jury panel have or had in the past a close personal or
9 social relationship with any other of the immediate family
10 members of either the Ackerman family side or the McClendon
11 family side. If so, please stand.

12 Any member of the jury panel related by blood or
13 marriage, either now or formerly, or any member of the jury
14 panel have or have passed a close personal or social
15 relationship with any of the spouses or former spouses of
16 either William Gray Bud Ackerman, Jr. or Kenneth Davis
17 McClendon. If so, please stand.

18 All right. So, concerning this set of questions. I've
19 got one. Come down to the Court Reporter's station. Your
20 name and your number?

21 JURY PANEL MEMBER: Zachary Higginbotham, Juror number
22 218.

23 THE COURT: Who you have a close personal relationship
24 with?

25 JURY PANEL MEMBER: Freddy McClendon.

1 THE COURT: Who is Freddy?

2 JURY PANEL MEMBER: The son of Mr. McClendon.

3 THE COURT: You have a close personal relationship with
4 him?

5 JURY PANEL MEMBER: We are friends.

6 THE COURT: Close friends?

7 JURY PANEL MEMBER: Friends. Not close friends.

8 THE COURT: Do you see each other socially on occasion?

9 JURY PANEL MEMBER: I used to.

10 THE COURT: Used to. But no longer?

11 JURY PANEL MEMBER: I haven't seen him for a while.

12 THE COURT: The fact that you were friends with his son,
13 Freddy. Even though not close friends, but friends, that you
14 used to see him, but don't any longer, would that prevent
15 you from being fair and impartial to both sides?

16 JURY PANEL MEMBER: No, sir.

17 THE COURT: Thank you. Go back and have a seat.

18 MR. SWERLING: What did he say, he didn't think so?

19 THE COURT: He says he can be.

20 MR. SWERLING: Okay. I'm sorry, Judge. My ears are
21 stopped up today.

22 THE COURT: That's fine. Not a problem. He said he
23 thinks he can be fair and impartial. Continuing on. Any
24 member of the jury panel attend in the past Cambridge
25 Academy? And I believe maybe in the course of some of the

1 private conversations I've had with some of you, maybe
2 Cambridge Academy has been mentioned. Seems like it has
3 been. Any member of the jury panel attend in the past
4 Cambridge Academy? If so, please stand.

5 (WHEREUPON, no member of the jury panel stands.)

6 Any member of the jury panel have an immediate family
7 member who has attended Cambridge Academy? If so, please
8 stand.

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

10 JURY PANEL MEMBER: Richard Heinlein. I think it's
11 211.

12 THE COURT: And you have a family member?

13 JURY PANEL MEMBER: My grandson and granddaughter both
14 go to Cambridge Academy.

15 THE COURT: Currently?

16 JURY PANEL MEMBER: Yes.

17 THE COURT: Okay. All Right. Thank you. You can have
18 a seat. Any member of the jury panel, or any of your
19 immediate family members have or have had in the past as a
20 teacher, Carrie White McClendon at Cambridge Academy? Well,
21 none of you responded that you attended Cambridge Academy.
22 Consequently, you wouldn't have Ms. McClendon as a teacher,
23 but the one. Have your grandkids had or currently have Ms.
24 McClendon as a teacher?

25 JURY PANEL MEMBER: I do not believe so.

1 THE COURT: Okay. Thank you. All right. Any member
2 of the jury panel, or any of your immediate family members,
3 have a business relationship with Wesley Commons, Brothers
4 and Harrison, or Grand Harbor? And the question is where
5 Kenneth Davis McClendon was employed at one time. Wesley
6 Commons, Brothers and Harrison, and Grand Harbor. And I
7 think there was one jury panel member who was employed or is
8 employed at Wesley Commons that I've already excused, so you
9 don't need to respond. But anybody else, any member of the
10 jury panel, any of your immediate family members with those
11 businesses?

12 (WHEREUPON, no jury panel member stood.)

13 THE COURT: Any member of the jury panel, any of your
14 immediate family members, attend the funeral or memorial
15 service for Kenneth Davis McClendon? If so, please stand.
16 Any member of the jury panel, any of your immediate family
17 members attend the funeral or any memorial service for
18 Kenneth Davis McClendon?

19 (WHEREUPON, no jury panel member stood.)

20 THE COURT: Okay. Does any member of the jury panel,
21 or any of your immediate family members, have made a
22 financial contribution to any funds that were established on
23 behalf of Kenneth Davis McClendon or his children, made any
24 sort of financial contribution. If so, please stand.

25 (WHEREUPON, no jury panel member stood.)

1 THE COURT: Any member of the jury panel, any of your
2 immediate family members, have a close personal relationship
3 with the Shirley family from the Hodges community in
4 Greenwood County? The Shirley family.

5 (WHEREUPON, jury panel member stood.)

6 THE COURT: Okay. All right. Yes, sir. Name and
7 number?

8 JURY PANEL MEMBER: Devon Shirley, 400.

9 THE COURT: Okay. And you consider yourself to have a
10 close personal relationship with a member of the Shirley
11 family in the Hodges community?

12 JURY PANEL MEMBER: All of them.

13 THE COURT: Oh, all of them. Now, probably what we
14 need to do is let me speak with you privately, because I'm
15 not sure exactly how the Shirley family factors into this.
16 So, I'll need to talk with the lawyers. So, you just stand
17 in the aisle, but don't come down yet. Lawyers, let's go to
18 the Court Reporter's station. Oh, he's a Shirley?

19 MR. MEADORS: Judge, there is a Scott Shirley that is an
20 uncle I'm being told. I don't know if this guy is related to
21 them or not.

22 MR. SWERLING: Apparently there is a relationship
23 between the Shirleys and the McClendons and some of them
24 were raised by the Shirleys. That's why I asked about a
25 relationship between them.

1 THE COURT: I didn't catch that his last name is
2 Shirley. Your hearing is rubbing off on me, Mr. Swerling. I
3 didn't catch that your last name was Shirley.

4 JURY PANEL MEMBER: Yes, sir.

5 THE COURT: Okay, so you are part of the Shirley
6 family. The Shirleys have some connections with the
7 McClendon family?

8 JURY PANEL MEMBER: I don't know about a connection to
9 them.

10 THE COURT: Okay. All right. So, you're not aware of
11 any connection between the Shirley family and the
12 McClendons?

13 JURY PANEL MEMBER: Not between mine.

14 THE COURT: Sir?

15 JURY PANEL MEMBER: Not between my immediate family.

16 THE COURT: So, you don't know anything about the
17 McClendon family that would interfere with your ability to
18 be fair and impartial?

19 JURY PANEL MEMBER: I don't believe so.

20 THE COURT: Is that satisfactory, Jack.

21 MR. SWERLING: Yes, sir.

22 THE COURT: Thank you, sir. Have a seat. Oh, we've
23 got one more. Your name and number?

24 JURY PANEL MEMBERS: Jeannie Jenkins, 244. My nephew is
25 Austin Shirley, but I don't know if he's any relation to the

1 ones in Hodges.

2 THE COURT: And don't know of any connection between the
3 McClendon family and the Shirleys?

4 JURY PANEL MEMBER: No, not that I'm aware of.

5 THE COURT: Thank you, ma'am. Any member of the jury
6 panel, any of your immediate family members ever conducted
7 business now or in the past with McClendon Real Estate,
8 McClendon Tire Store, or any other, if any, McClendon
9 business in Greenwood. Any member of the jury panel, any of
10 your immediate family members, either currently or in the
11 past, done business with McClendon Real Estate, McClendon
12 Tire Store, or any other of any McClendon business in
13 Greenwood.

14 (WHEREUPON, several jury panel members stand.)

15 THE COURT: Okay. All right. Okay. Just stand if you
16 need to respond. Okay. All right, ma'am. In the back.
17 Name and number?

18 JURY PANEL MEMBER: Rebecca Brown, 54. My sister-in-law
19 worked for McClendon Realty in the past.

20 THE COURT: Okay. All right. You have a sister-in-law
21 that works for who?

22 JURY PANEL MEMBER: She previously worked for McClendon
23 Realty.

24 THE COURT: Oh, previously for McClendon Real Estate.
25 Would that in any way affect your ability to be fair and

1 impartial?

2 JURY PANEL MEMBER: No, sir.

3 THE COURT: Thank you. Yes, sir. Name and number?

4 JURY PANEL MEMBER: Patrick Evans. I don't know my
5 number.

6 THE COURT: Okay, we're going to give it to you.

7 CLERK OF COURT: 157.

8 THE COURT: Okay. Yes, sir.

9 JURY PANEL MEMBER: I bought two houses through
10 McClendon Realty.

11 THE COURT: Okay, you bought several houses through the
12 McClendon Real Estate?

13 JURY PANEL MEMBER: Yes, sir.

14 THE COURT: Okay. And the last house that you bought
15 through them was about how long ago?

16 JURY PANEL MEMBER: Just over a year.

17 THE COURT: Over a year? The fact that you have had
18 some business relations with McClendon Real Estate, would
19 that prevent you from being fair and impartial to both sides
20 in this case?

21 JURY PANEL MEMBER: No, sir.

22 THE COURT: Thank you. Any member of the jury panel,
23 any of your immediate family members attend Rock
24 Presbyterian Church in Greenwood. If so, please stand.

25 (WHEREUPON, no jury panel member stands.)

1 THE COURT: Any member of the jury panel, any of your
2 immediate family members attend Emmanuel Lutheran Church in
3 Greenwood.

4 (WHEREUPON, jury panel members stand.)

5 THE COURT: Okay, I've got two. Okay. All right.
6 Name and number again, please?

7 JURY PANEL MEMBER: Harold Linley. I'm not sure of the
8 number.

9 THE COURT: All right. We're going to give it to you.

10 CLERK OF COURT: 292.

11 THE COURT: And what about Emmanuel Lutheran Church?

12 JURY PANEL MEMBER: I'm a member. I don't. I'm -- I'm
13 fine.

14 THE COURT: Okay. All right. All right. Thank you.
15 And sir?

16 JURY PANEL MEMBER: Michael Thomas. I don't know the
17 number.

18 CLERK OF COURT: 439.

19 JURY PANEL MEMBER: My mother runs the soup kitchen
20 there at the Lutheran church.

21 THE COURT: Your mother?

22 JURY PANEL MEMBER: Yeah.

23 THE COURT: Okay. Thank you.

24 CLERK OF COURT: Sir, were you Michael R. or Michael A.

25 JURY PANEL MEMBER: Michael R.

1 CLERK OF COURT: 439.

2 THE COURT: All right. We're going to go back to
3 Facebook again. I know several of you, we've talked about
4 it, have read some things on Facebook or other social media
5 concerning this case, but I'll ask it in a little different
6 way. Has any member of the jury panel actually posted
7 yourself or commented yourself with respect to any post on
8 Facebook or any other social media regarding this case? So,
9 it was asked just a little bit different. Anybody actually
10 posted something or commented concerning a post on Facebook
11 or any other social media website concerning this case?

12 (WHEREUPON, no jury panel member stands.)

13 THE COURT: Any member of the jury panel, any of your
14 immediate family members ever been a patient of Greenwood
15 Family Dentistry, Dr. William Gray Ackerman -- that would be
16 senior, I guess -- Dr. Steve Ackerman, or Dr. Wilson
17 Ackerman? Ever been a patient of those. Okay, just stand
18 and this is just for information. We don't need to ask you
19 any questions. Well, I'll probably ask a follow up
20 question.

21 (WHEREUPON, jury panel members stand.)

22 THE COURT: All right. You can tell me, once you give
23 name and number, you can tell me whether you currently are
24 or have in the past and then I'll ask you a question.
25 Ma'am, name and number.

1 JURY PANEL MEMBER: Andrea Callaway. I don't know my
2 number.

3 THE COURT: Okay, we'll get you the number.

4 CLERK OF COURT: 72.

5 THE COURT: Are you currently a patient or formerly?

6 JURY PANEL MEMBER: Former.

7 THE COURT: Former patient. The fact that you're a
8 former patient, would that in any way prevent you from being
9 fair and impartial in this case?

10 JURY PANEL MEMBER: No.

11 THE COURT: Okay. Have a seat. Thank you. All right,
12 ma'am.

13 JURY PANEL MEMBER: Kelsi Clary, Number 97. I am a
14 patient of Dr. Wilson Ackerman.

15 THE COURT: Okay. All right. Would that in any way
16 prevent you from being fair and impartial to both sides in
17 this case?

18 JURY PANEL MEMBER: No, sir.

19 THE COURT: Thank you.

20 JURY PANEL MEMBER: I'm Leroy Morgan, and I can't recall
21 my number.

22 THE COURT: We'll get it for you.

23 CLERK OF COURT: 329.

24 JURY PANEL MEMBER: Former patient.

25 THE COURT: Former patient? Would that in any way

1 prevent you from being fair and impartial to both sides?

2 JURY PANEL MEMBER: No, sir.

3 THE COURT: Thank you. Ma'am, in the back.

4 JURY PANEL MEMBER: Candice Foggie. I don't know my
5 number.

6 CLERK OF COURT: 162.

7 THE COURT: Yes, ma'am.

8 JURY PANEL MEMBER: Former patient.

9 THE COURT: Former patient. Would that in any way
10 prevent you from being fair and impartial to both sides in
11 this case?

12 JURY PANEL MEMBER: No, sir.

13 THE COURT: Okay, thank you. Ma'am.

14 JURY PANEL MEMBER: Marion Clark, Number 96. It was 30
15 years ago and no problem.

16 THE COURT: Okay. You can still be fair and impartial
17 to both sides?

18 JURY PANEL MEMBER: I think so.

19 THE COURT: Thank you. All right, ma'am.

20 JURY PANEL MEMBER: Melinda Cox, 111, and I'm a former
21 patient of Wilson Ackerman.

22 THE COURT: And you can still be fair and impartial to
23 both sides?

24 JURY PANEL MEMBER: Yes, sir.

25 THE COURT: Thank you. Sir, in the back.

1 JURY PANEL MEMBER: Jonathan Hines, 225. I'm a current
2 patient of Dr. Wilson Ackerman.

3 THE COURT: Okay. Would that in any way prevent you
4 from being fair and impartial to both sides?

5 JURY PANEL MEMBER: No, sir.

6 THE COURT: All right, thank you. Sir?

7 JURY PANEL MEMBER: Danny Johnson. I'm not sure my
8 number.

9 THE COURT: Okay, we'll get for you.

10 CLERK OF COURT: 248.

11 JURY PANEL MEMBER: It's been 20 years ago.

12 THE COURT: Okay. Would that in any way prevent you
13 from being fair and impartial in this case?

14 JURY PANEL MEMBER: No, sir.

15 THE COURT: Sir?

16 JURY PANEL MEMBER: No.

17 THE COURT: Okay, thank you.

18 JURY PANEL MEMBER: Rafael Jimenez. I have no idea
19 what my number is.

20 CLERK OF COURT: 246.

21 JURY PANEL MEMBER: Thank you. My wife is a current
22 patient and no, it doesn't bother me.

23 THE COURT: You can still be fair and impartial?

24 JURY PANEL MEMBER: Yes, sir.

25 THE COURT: And you're writing the number on your hand?

1 I was just going to ask how many people wrote the number on
2 the hand when they were told. Good idea. Good idea. All
3 right, ma'am, in the back.

4 JURY PANEL MEMBER: Christina Graham. I'm not sure my
5 number. I'm a current patient.

6 CLERK OF COURT: 184.

7 THE COURT: You can still be fair and impartial?

8 JURY PANEL MEMBER: Yes, sir.

9 THE COURT: And in the back.

10 JURY PANEL MEMBER: John Albright, Juror 5. Current
11 patient.

12 THE COURT: Can you still be fair and impartial to both
13 sides? ,

14 JURY PANEL MEMBER: Yes.

15 THE COURT: Thank you. Any member of the jury panel,
16 any of your immediate family members ever been a student of
17 teacher Kelly Cannon Ackerman at Cambridge Academy, Lakeview
18 Elementary, or Springfield Elementary. Any member of the
19 jury panel, any of your immediate family members ever been a
20 student of teacher Kelly Cannon Ackerman at Cambridge
21 Academy, Lakeview Elementary or Springfield Elementary. If
22 so, please stand.

23 (WHEREUPON, no jury panel member stands.)

24 THE COURT: Any member of the jury panel, any of your
25 immediate family members ever been a customer of or had a

1 business relationship with Auto Care where the Defendant,
2 Mr. Ackerman, has either been employed or been the owner of
3 that business, Auto Care. If so, please stand.

4 (WHEREUPON, jury panel members stand.)

5 THE COURT: Okay. We've got one. We got two standing.
6 Yes, ma'am. Name and number?

7 JURY PANEL MEMBER: Jennifer Ebert. I remember I'm
8 around the 160's, but I'm not sure my number.

9 THE COURT: Okay, we're going to get it for you.

10 CLERK OF COURT: 150.

11 THE COURT: Yes, ma'am. You've been a customer of Auto
12 Care?

13 JURY PANEL MEMBER: Yes, several years ago.

14 THE COURT: Okay. Would that in any way prevent you
15 from being fair and impartial in this case?

16 JURY PANEL MEMBER: No.

17 THE COURT: Okay. Thank you. And in the back.

18 JURY PANEL MEMBER: April Mauldin. I don't know my
19 number.

20 THE COURT: Okay. We're going to get it for you.

21 CLERK OF COURT: 306.

22 THE COURT: Yes, ma'am.

23 JURY PANEL MEMBER: Yeah, I was a customer at Auto
24 Care, Bud Ackerman.

25 THE COURT: At Auto Care?

1 JURY PANEL MEMBER: Yes, sir.

2 THE COURT: How long ago?

3 JURY PANEL MEMBER: I guess about three years ago.

4 THE COURT: Okay. Would that in any way prevent you
5 from being fair and impartial in this case?

6 JURY PANEL MEMBER: No, sir.

7 THE COURT: Thank you. Any member of the jury panel,
8 any of your immediate family members attend Main Street
9 United Methodist Church in Greenwood? If so, please stand
10 nice.

11 (WHEREUPON, jury panel members stand.)

12 THE COURT: All right, we've got two. Ma'am, name and
13 number.

14 JURY PANEL MEMBER: Julia Riley, 376. My sister and
15 her family attend.

16 THE COURT: Okay. All right. Thank you. And in the
17 back.

18 JURY PANEL MEMBER: Kathryn Settle, 396.

19 THE COURT: Okay. And you attend Main Street?

20 JURY PANEL MEMBER: Yes.

21 THE COURT: Thank you. Any member of the jury panel,
22 any of your immediate family members ever been represented
23 by an attorney in Greenwood, Ed McCallum, or anyone in his
24 law firm? Any member of jury panel, any immediate family
25 members ever been represented by Ed McCallum or anyone in

1 his law firm? And so please stand.

2 (WHEREUPON, jury panel members stand.)

3 THE COURT: Okay. All right. Ma'am, back.

4 JURY PANEL MEMBER: April Bush, 67. Ed is my daughter's
5 lawyer in her custody hearing.

6 THE COURT: Mr. McCallum is currently representing your
7 daughter?

8 JURY PANEL MEMBER: Uh-huh.

9 THE COURT: Okay. All right. Thank you. You can have
10 a seat.

11 THE COURT: All right, sir, in the back.

12 JURY PANEL MEMBER: 45, Robert Boyd. Ed represented me
13 in my divorce proceedings.

14 THE COURT: Okay. About how long go was that, sir?

15 JURY PANEL MEMBER: Nine years.

16 THE COURT: Okay. All right. Thank you. You can have
17 a seat. And ma'am, in the back.

18 JURY PANEL MEMBER: He represented my ex-husband.

19 THE COURT: Give me your name and number first.

20 JURY PANEL MEMBER: Tanya Capehart, 70, I think.

21 CLERK OF COURT: 77.

22 THE COURT: Okay. He represented your ex-husband, did
23 you say?

24 JURY PANEL MEMBER: Ex-husband in 2017. And no, it
25 wouldn't affect my judgement.

1 THE COURT: Okay, thank you. All right, the next
2 question -- and we're getting towards the end. Just got a
3 couple more things. But this next question, if you need to
4 respond to it, just because of the nature of the question,
5 I'll need for you to speak with me privately. And I think
6 you probably would prefer it that way. Any member of the
7 jury panel or any member of your immediate family ever been
8 a victim of a violent crime or accused of a violent crime.
9 Any member of the jury panel, any of your immediate family
10 members ever been the victim of a violent crime or accused
11 of a violent crime. If so, please stand and then get form a
12 line in the aisle, please.

13 (WHEREUPON, jury panel members stood.)

14 THE COURT: Name and number again.

15 JURY PANEL MEMBER: Jeannie Jenkins, 244. I had a couple
16 of them. I had an uncle who was murdered by his wife.

17 THE COURT: How long ago was that?

18 JURY PANEL MEMBER: Years ago. Way back. And then I had
19 another uncle that was murdered.

20 THE COURT: How long ago?

21 JURY PANEL MEMBER: Same, way back. And I had -- I'm
22 trying to remember. This is sad, but that's the two main
23 ones.

24 THE COURT: The fact that you had several relatives
25 murdered years ago, would that in any way affect your

1 ability to be fair and impartial in this case?

2 JURY PANEL MEMBER: No.

3 THE COURT: Thank you, ma'am. Stay with us. Yes,
4 ma'am. Your name and number?

5 JURY PANEL MEMBER: I don't know my number, but my name
6 is Harmony Garza.

7 THE COURT: What's your last name?

8 JURY PANEL MEMBER: Garza.

9 CLERK OF COURT: 173.

10 THE COURT: Yes, ma'am.

11 JURY PANEL MEMBER: I guess my dad was the abuser and I
12 was the victim. That was in 2019.

13 THE COURT: So, you were the victim of a abuse by your
14 dad. Is that what you're telling me?

15 JURY PANEL MEMBER: Uh-huh.

16 THE COURT: The fact that you were a victim of abuse by
17 your dad, would that affect your ability to be fair and
18 impartial in this case?

19 JURY PANEL MEMBER: No.

20 THE COURT: You're sure?

21 JURY PANEL MEMBER: Yes.

22 THE COURT: Thank you. Stay with us. Name and number.

23 JURY PANEL MEMBER: Mariam Leaman, 286. I've been the
24 victim of two crimes in the past year.

25 THE COURT: Would you consider them violent crimes?

1 JURY PANEL MEMBER: July 13th I was raped. November 20th
2 somebody drove a rollback into my truck trying to kill me.

3 THE COURT: You said that was in July?

4 JURY PANEL MEMBER: July 13th.

5 THE COURT: Of last year?

6 JURY PANEL MEMBER: This past year, 2023. And November
7 20, 2023.

8 THE COURT: The fact that you have been a victim of two
9 violent crimes, is that going to cause you any difficulties
10 in being fair and impartial?

11 JURY PANEL MEMBER: I mean, I hate to say it, but it
12 may.

13 THE COURT: I can understand that, and I'm sorry that
14 you've had to go through that. I'm going to excuse you from
15 the trial of this case, but stay with us. Name and number?

16 JURY PANEL MEMBER: Brooke Farmer, 159. I had a cousin
17 that was killed in a similar fashion. Run down, hit and run
18 on the highway.

19 THE COURT: How long ago was that?

20 JURY PANEL MEMBER: Ten or fifteen years.

21 THE COURT: The fact that you had a cousin who was the
22 victim of a hit and run, would that prevent you from being
23 fair and impartial to both sides?

24 JURY PANEL MEMBER: Possibly.

25 THE COURT: You would? You're excused from the trial of

1 this case. Stay with us. Yes, sir.

2 JURY PANEL MEMBER: William Morgan. I think it's 330.

3 Myself, pending trial for a murder case.

4 THE COURT: I thought we had already excused you. Maybe
5 we had, but you're excused. And since you have a pending
6 charge, I'm not even going to consider you for the other
7 trial. So, you are free to go, sir. This juror is excused.
8 Free to leave the courthouse. Yes, ma'am. Name and number?

9 JURY PANEL MEMBER: Keesley Drummond, 145 I think.
10 Double check me. Two or three years ago, somebody attempted
11 to murder my father.

12 THE COURT: Somebody tried to murder your father?

13 JURY PANEL MEMBER: Yes. So, we went through all that.

14 THE COURT: The fact that somebody tried to murder your
15 father several years ago, would that prevent you from being
16 fair and impartial?

17 JURY PANEL MEMBER: I think so.

18 THE COURT: I'm going to excuse you from the trial of
19 this case, but stay with us. Okay. Name and number?

20 JURY PANEL MEMBER: Michael Thomas. I think it is 439.
21 I was accused of CDV thirty years ago and simple assault 20
22 years ago.

23 THE COURT: Okay. You were accused. Were you convicted?

24 JURY PANEL MEMBER: It was expunged.

25 THE COURT: Stay with us. Okay.

1 CLERK OF COURT: You're Michael R., right?

2 JURY PANEL MEMBER: Yes, ma'am.

3 MR. SWERLING: Judge, at some point could I put up a
4 record of challenges for cause?

5 THE COURT: Well, yes. What we'll need to do then is
6 once we finish voir dire, I'll need to go ahead and excuse
7 the panel to go outside so you can do that. Then, concerning
8 your motion for change of venue, we can get that on the
9 record we get a jury sworn and picked. But how many do you
10 have?

11 MR. SWERLING: Well, I mean, a lot of them have been
12 eliminated. I'd have to go back and count them. It's just a
13 few.

14 THE COURT: Why don't you do this? If you can, once
15 you've looked at the strike list and then make a list of the
16 ones you want to challenge for cause and the reason, and
17 then maybe we won't have an issue. Maybe we can agree.

18 MR. SWERLING: That's a good idea. That would be great.

19 THE COURT: All right, ladies and gentlemen, again,
20 we're just almost at the end. If you've already responded,
21 these are kind of catch all questions. I've got three. If
22 you've already responded to these questions, I know I've
23 asked several of you in our private conversation, if you've
24 already responded to it, then certainly you don't need to
25 respond again. Once again, if you've already been excused

1 from this case, then you don't need to respond.

2 Any member of the jury panel already formed or
3 expressed any opinion about any issue or matter involved in
4 this case, if so, please stand.

5 (WHEREUPON, no jury panel member stood.)

6 THE COURT: Any member of jury panel aware of any bias
7 or prejudice towards either the State of South Carolina or
8 the Defendant, Mr. Ackerman, in this case, if so, please
9 stand.

10 (WHEREUPON, no jury panel member stands.)

11 THE COURT: And lastly, any member of the jury panel
12 feel like for whatever reason whatsoever, you cannot be
13 completely fair and impartial to both sides in this case,
14 then I need to know that. And that's the key. I've asked
15 that many times in open and in our private conversations,
16 but that's the key. That's the type of jury that we want.
17 We want people who can be completely fair and impartial to
18 both sides, but if for some reason you believe that you
19 cannot, then I need to know that. And please stand.

20 (WHEREUPON, no jury panel member stands.)

21 THE COURT: Okay. All right. Does the State have any
22 additional voir dire or any exceptions to the Court's voir
23 dire?

24 MR. MEADORS: Nothing from the State. No, sir.

25 THE COURT: Okay. And from the Defense, other than

1 what you just noted on the record that we'll need to deal
2 with it just a little bit.

3 MR. SWERLING: Nothing additional, Your Honor.

4 THE COURT: All right. Very good. All right, here's
5 what's going to happen. The computer will print out what we
6 call a strike list, and the names will be printed out at
7 random, and it's from that list that a jury will be
8 selected. And I'll explain a little bit more in just a
9 minute how that works. Okay? So, it's going to take a few
10 minutes for the strike list to be prepared, and then I'm
11 going to give the lawyers an opportunity to review that.
12 Okay, so before we start actually selecting a jury, it's
13 just going to be a little bit. If anybody needs to take a
14 short break, then I'm going to let you do that. Now, if
15 you're good, just keep a seat where you are, then that's
16 fine, too. If you need to stand up and stretch a little
17 bit, that's fine. But if you need to take a break, then
18 feel free to do that and come right back in. Okay? All
19 right. Be at ease.

20 (WHEREUPON, there was a break held 4:17 p.m. to 5:00
21 p.m.)

22 THE COURT: Ladies and gentlemen, thank you for hanging
23 in with us throughout the whole day, and I appreciate that
24 so much. If your name is called out, you'll stand where you
25 are. And each side has a certain number of strikes, which

1 means that they can say, we don't want this juror. And so
2 if you're not selected, don't take it personally, okay?
3 Nothing personal about it. These fine lawyers have certain
4 reasons for wanting certain people on the jury and reasons
5 for not wanting others to be on the jury. So, each side has
6 a certain number of what we call those strikes. So, the
7 State goes first and then the Defense. You may hear words
8 such as "present the juror", or "seat the juror", or "excuse
9 the juror" from the trial of this case, words to that
10 effect. If you are selected, then come on down and you'll
11 be seated in the jury box with the help of the bailiffs. If
12 you have any belongings, especially you ladies, your
13 pocketbook, whatever, bring whatever you have with you. If
14 you're not selected, you'll just sit back down where you
15 are. Okay? And so we're going to go ahead and get started.
16 So, Madam Clerk, if you can proceed with jury selection,
17 please.

18 CLERK OF COURT: Juror number 389, Kyle Sanford. What
19 says the State?

20 MR. MEADORS: Please present the juror.

21 CLERK OF COURT: What says the Defense?

22 MR. SWERLING: Please seat the juror.

23 THE COURT: All right. Come around, please, sir.

24 CLERK OF COURT: Juror Number 157, Patrick Evans. What says
25 the State?

1 MR. MEADORS: Please present the juror.

2 CLERK OF COURT: What says the defense?

3 MR. SWERLING: Please seat the juror.

4 CLERK OF COURT: Juror number 347, Amanda Powell. What
5 says the State?

6 MR. MEADORS: Please present the juror.

7 CLERK OF COURT: What says the Defense?

8 MR. SWERLING: Please seat the juror.

9 CLERK OF COURT: Juror number 54, Rebecca Brown. What
10 says the State?

11 MR. MEADORS: Please present the juror.

12 CLERK OF COURT: What says the Defense?

13 MR. SWERLING: Please excuse the juror.

14 CLERK OF COURT: Juror number 141, James Dodgen. What
15 says the State?

16 MR. MEADORS: Please present the juror.

17 CLERK OF COURT: What says the Defense?

18 MR. SWERLING: Please seat the juror.

19 CLERK OF COURT: Mr. Dodgen, you'll need to come down
20 here, please. Juror number 225, Jonathan Hines. What says
21 the State?

22 MR. MEADORS: Please excuse the juror.

23 CLERK OF COURT: Juror number 243, Barbara Jackson.
24 What says the State?

25 MR. MEADORS: Please present the juror.

1 CLERK OF COURT: What says the defense?

2 MR. SWERLING: Please seat the juror.

3 THE COURT: Come around, please, ma'am.

4 CLERK OF COURT: Juror number 271, Jazmine King. What
5 says the State?

6 MR. MEADORS: Please present the juror.

7 CLERK OF COURT: What says the defense?

8 MR. SWERLING: Please seat the juror.

9 CLERK OF COURT: Juror number 140, David Dixon. What
10 says the State?

11 MR. MEADORS: Please present the juror.

12 CLERK OF COURT: What says the Defense?

13 MR. SWERLING: Please excuse the juror.

14 CLERK OF COURT: Juror number 60, Amy Burch. What says
15 the State?

16 MR. MEADORS: Please present the juror.

17 CLERK OF COURT: What says the Defense?

18 MR. SWERLING: Please excuse the juror.

19 CLERK OF COURT: Juror number 350, Uashica Parks. What
20 says the State?

21 MR. MEADORS: Please present the juror.

22 CLERK OF COURT: What says the Defense?

23 MR. SWERLING: Please seat the juror.

24 CLERK OF COURT: Juror number 409, Lisa Smith. What
25 says the State?

1 MR. MEADORS: Please present the juror.

2 CLERK OF COURT: What says the Defense?

3 MR. SWERLING: Please seat the juror.

4 CLERK OF COURT: Juror number 257, Rickey Justuce.

5 What says the State?

6 MR. MEADORS: Please present the juror.

7 CLERK OF COURT: What says the Defense?

8 MR. SWERLING: Please seat the juror.

9 CLERK OF COURT: Juror number 445, Misty Timmerman.

10 What says the State?

11 MR. MEADORS: Please present the juror.

12 CLERK OF COURT: What says the Defense?

13 MR. SWERLING: Please excuse the juror from this case.

14 CLERK OF COURT: Juror number 107, Ethan Conner. What
15 says the State?

16 MR. MEADORS: Please present the juror.

17 CLERK OF COURT: What says the Defense.

18 MR. SWERLING: Please excuse the juror.

19 CLERK OF COURT: Juror number 327, Joshua Moosa. What
20 says the State?

21 MR. MEADORS: Please present the juror.

22 CLERK OF COURT: What says the Defense.

23 MR. SWERLING: Please seat the juror.

24 CLERK OF COURT: Juror number 184, Kristina Graham.

25 What says the State?

1 MR. MEADORS: Please excuse the juror.

2 CLERK OF COURT: Juror number 158, Tammy Evans. What
3 says the State?

4 MR. MEADORS: Please present the juror.

5 CLERK OF COURT: What says the Defense?

6 MR. SWERLING: Please seat the juror.

7 CLERK OF COURT: Juror number 467, Brandon Watts. What
8 says the State?

9 MR. MEADORS: Please present the juror.

10 CLERK OF COURT: What says the Defense?

11 MR. SWERLING: Please seat the juror.

12 THE COURT: Okay, we've got our 12. Now we're going to
13 go with six alternates. Two and one for each alternate.

14 CLERK OF COURT: Juror number 132, Gary Dean. What
15 says the State?

16 MR. MEADORS: Please present the juror.

17 CLERK OF COURT: What says the Defense?

18 MR. SWERLING: Please excuse the juror for this case.

19 CLERK OF COURT: Juror number 285, Oliver Lawton. What
20 does the State?

21 MR. MEADORS: Please present the juror.

22 CLERK OF COURT: What says the Defense?

23 MR. SWERLING: Please seat the juror.

24 CLERK OF COURT: Juror number 116, Jonathan Creswell.

25 What says the State?

1 MR. MEADORS: Please present the juror.

2 CLERK OF COURT: What says the Defense?

3 MR. SWERLING: Please seat the juror.

4 CLERK OF COURT: Juror number 77, Tanya Capehart. What
5 says the State?

6 MR. MEADORS: Please seat the juror.

7 CLERK OF COURT: What says the Defense?

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

9 CLERK OF COURT: Juror number 364, Rebecca Powell.

10 MR. MEADORS: Please present the juror.

11 CLERK OF COURT: What says the Defense?

12 MR. SWERLING: Please seat the juror.

13 CLERK OF COURT: Juror number 176, Terrence Gilchrist.
14 What says the state?

15 MR. MEADORS: Please present the juror.

16 CLERK OF COURT: What says the Defense?

17 MR. SWERLING: Please seat the juror.

18 CLERK OF COURT: Juror number 210, Ann Hedden. What
19 says the State?

20 MR. MEADORS: Please present the juror.

21 CLERK OF COURT: What says the Defense?

22 MR. SWERLING: Please seat the juror.

23 THE COURT: One more alternate.

24 CLERK OF COURT: Juror number 33, James Black. What
25 says the State?

1 MR. MEADORS: Please present the juror.

2 CLERK OF COURT: What says the Defense?

3 MR. SWERLING: Please excuse the juror for this case.

4 CLERK OF COURT: Juror number 5, Jonathan Albright.

5 What says the State?

6 MR. MEADORS: Please excuse the juror.

7 CLERK OF COURT: Juror number 40, Kara Boling. Any
8 excuse for cause from the State?

9 MR. MEADORS: No, ma'am.

10 CLERK OF COURT: Okay, and what says the Defense?

11 MR. SWERLING: Please seat the juror.

12 THE COURT: Congratulations, ladies and gentlemen. You
13 have been selected as the trial jury in this case. What I
14 want you to do is go back to the jury room for just a few
15 minutes. Let me talk to the lawyers about jury selection,
16 and then I'll bring you back out with some instructions, let
17 you know what time on the 24th you need to report, and then
18 I can send you on your way. Go back to the jury room.

19 And you're going to hear me tell you this multiple
20 times. You cannot begin any discussion about this case
21 among yourselves. That discussion among yourselves will not
22 begin until the case is at its end and I give you the case
23 to begin your deliberations for purposes of reaching a
24 verdict. So, you can talk about anything else you want to
25 talk about. Just don't talk about anything related to this

1 case. And I'll be giving you some other instructions when
2 we bring you back out in a few minutes, okay? And the Clerk
3 will be back there to get your phone numbers. So, if we
4 have to reach you we know how to get a hold of you. Okay,
5 so go back to the jury room, please.

6 (WHEREUPON, the trial jury exited courtroom 5:12 p.m.)

7 THE COURT: Any exceptions to jury selection by the
8 State?

9 MR. MEADORS: No, sir.

10 THE COURT: And from the Defense?

11 MR. SWERLING: No, Your Honor.

12 THE COURT: Okay, thank you very much. All right,
13 ladies and gentlemen of the remaining jury panel, I know
14 that some of you are maybe glad that you were not selected.
15 Hopefully some of you are a little disappointed that you
16 were not selected. But we've got another one that we're
17 going to go forward with this week, so what I want you to do
18 is return back in the morning. Okay, so, ladies and
19 gentlemen, what I want you to do, I want you to report back
20 here at 10:00 in the morning. We will go through basically
21 the same process. Now, we don't have to do the general
22 qualification questions because we've already done that, but
23 we will go through questions that are related to the
24 particular case that's being called for trial this week. I
25 don't anticipate the process taking quite as long as this.

1 So, have a good evening, get some rest, and we'll see you
2 back at 10:00 in the morning.

3 (WHEREUPON, remaining jury panel exited 5:15 p.m.)

4 THE COURT: All right, let's go back on record here.
5 Okay. All right, so here is what we're going to do is bring
6 the jury back out, I'll give the instructions.

7 (WHEREUPON, trial jury enters courtroom at 5:18 p.m.)

8 THE COURT: Let the record reflect the jury is back in.
9 Ladies and gentlemen, a couple things before I let you go.
10 I want you back here no later than 10:30 on the 24th. Now,
11 what the Clerk's office will do sometime towards the end of
12 next week, they'll give you a little courtesy call and just
13 remind you that you need to be back here on the 24th at no
14 later than 10:30. So, you'll get that call. When you get
15 home, write it on your calendar, or wherever you keep your
16 calendar on your phone or the old fashioned way on the
17 refrigerator or something like that. Just make sure you've
18 got it down, okay?

19 I've already told you this will apply when you come
20 back on the 24th and throughout the trial, that you cannot
21 talk about anything related to this case among yourselves.
22 And that can't happen until I give you the case at the end
23 of the case, begin your deliberations. You cannot talk with
24 family members, friends, neighbors, co workers, anything
25 about the case. You can say I've been selected as a member

1 of the jury, but leave it at that. Okay? So, no discussion
2 with anybody you come into contact with. It's a little
3 unusual to pick a jury and then wait two weeks to start the
4 case, but it was a matter of necessity and that's what I had
5 decided to do. So, you're going to have a two week period.
6 There's going to be a lot of things you can't do, and that's
7 going to apply once we even start the trial. And so, you
8 just can't talk with anyone about the case.

9 I want you to stay away from -- and I know some of you
10 probably are big on social media, but I want you to stay
11 away from it, okay? Because there may be some stuff posted
12 about this case. You know we spent a lot of time talking
13 about social media and Facebook and that sort of thing, but
14 I just need for you to stay away from that. Don't decide
15 you want to do a little independent research into this case
16 by going on Internet or social media, and that's very
17 important. When we come back together on 24th, I'll explain
18 the reason for that, okay? And you know, if anyone -- I'm
19 not suggesting this is going to happen. I doubt that it
20 will, but if anyone were to contact you, the fact that
21 you're serving on this jury, then you need to immediately
22 let the Clerk's office know so I can be informed of that,
23 okay? Again, I'm not suggesting that's going to happen.
24 More than likely it will not. But if anybody tries to
25 contact you through whatever means about this case and the

1 fact that you're on the jury, I need to know that. So, you
2 let the Clerk's office know as soon as possible, okay?

3 So, stay away from social media, any news coverage. I
4 know -- hold that thought. You're fine. I know some of you
5 may be regular subscribers to the Index Journal, and we've
6 had one of their five reporters in the courtroom with us.
7 And I don't know what sort of reporting is going to be done,
8 but stay away from that. Okay. Just please follow all my
9 instructions. Yes, ma'am.

10 JUROR: Do you mean stay off of it completely? Because
11 this is one of the ways that my family stays in touch is via
12 social media.

13 THE COURT: Okay. All right. If you get on it just
14 for purposes of contacting family members, communicating
15 with family members, and that would not be anything related
16 to the case, that will be fine. Okay. But I just didn't
17 want you to get on social media because there may be some
18 more information out there. I don't do Facebook and all
19 that is fine for people to do, but I've always been my
20 understanding that a lot of times there's a lot of false
21 information out there on social media. But the limited
22 purpose of you communicating with family members, that's
23 fine, but limit it to that. Okay. Any other questions that
24 you may have, at least to get us through these the next two
25 weeks? Any other questions?

1 If something arises during this next two weeks that
2 needs to be brought to our attention, please contact the
3 Clerk's office and we can deal with that. Okay. All right,
4 Madam Clerk, anything else I need to tell them?

5 CLERK OF COURT: I don't think so.

6 THE COURT: The lawyers for the State, anything you can
7 think of that I haven't covered with them?

8 MR. MEADORS: No, sir. Thank you, Judge.

9 MR. SWERLING: No, Your Honor.

10 THE COURT: Okay, thank you very much. All right, we
11 will see you back in two weeks. Have a good next two weeks
12 and come prepared. One thing, and I'll tell you this, too.
13 It's very important that you get some good rest. So the
14 night before you come back, get some good rest because it's
15 very important that you be alert and attentive. And I'll go
16 through all that with you why that's so important as well.
17 And leave your cell phones in your cars when you come back
18 on the 24th. When you come back, I will designate a
19 foreperson and tell you what a foreperson does. I'll
20 explain the role of the alternates. And so, I think we've
21 covered everything. See you in two weeks. You are free to
22 go. Hold on. I've got another question from this lady, so
23 you need to hear.

24 JUROR: I had plans to be out of town the first week of
25 July. Do I need to...

1 THE COURT: No. I've talked to lawyers about that and
2 they've indicated to me that we will be finished with the
3 case going into July 4th week. Okay. So, we should be good
4 there.

5 (WHEREUPON, trial jury exited courtroom 5:31 p.m.)

6 THE COURT: Let's go back on the record. One thing we
7 need to put on the record is that the defense made four
8 challenges for cause. Juror number 54, sister-in-law had
9 previously worked for the family. I can't remember which
10 business it was. The real estate business. And I denied that
11 challenge because Number 60 indicated that they knew the
12 victim and had talked about it, but just kind of in very
13 general terms. And I denied that challenge for cause. And
14 number 94, I denied that challenge for cause. Said that
15 someone had indicated that the victim had been run over. Of
16 course, that is indicated in the indictment which I
17 published to the panel. So, I denied that. Of course, all
18 three of those jurors indicated that they could be fair and
19 impartial and the general question as far as no bias or
20 prejudice and had not formed or expressed any opinion about
21 any matter related to the case. I did grant the motion for
22 challenge for cause, juror number 127, that he had some
23 conversation with whoever, and the discussion was kind of
24 pointed towards the guilt of the Defendant. So, I did grant
25 that challenge for cause. Mr. Swerling, did the Court

1 accurately state what we had at sidebar?

2 MR. SWERLING: That's correct, Judge.

3 THE COURT: Okay. All right, thank you. All right.
4 For purposes of this afternoon, is there anything else we
5 need to put on the record?

6 MR. MEADORS: I don't know if, Your Honor, the record
7 obviously reflects he still didn't use his whole 10 strikes.
8 He had five left. As we went through. Judge, as far as
9 that, that's all. That's all we have.

10 THE COURT: Okay. All right. So, Mr. Swerling,
11 anything else for this afternoon?

12 MR. SWERLING: Nothing, Your Honor. So, I don't get.
13 I mean, I'd like to make the motions we made part of the
14 record, but I don't need to argue them any further. I'll
15 stand on the two written motions.

16 THE COURT: All right. You did make several motions, I
17 think, all relating to a venue issue.

18 MR. SWERLING: Correct.

19 THE COURT: And if you want to make what you have
20 submitted to the Court and also to the State a Court's
21 Exhibit, either this afternoon or when we come back on the
22 24th, certainly the record will be protected. From all
23 indications, I think we've got a good jury. They all
24 indicated that they could be fair and impartial, not
25 influenced by anything. So, no bias or prejudice, had not

1 formed any opinion about any matter involved in the case, so
2 I think we were able to get a good jury for both sides, at
3 least from all indications from voir dire. I appreciate your
4 hard work. We've been at it all day and I know everybody is
5 tired, but I appreciate y'all's hard work. Next week I'll be
6 on vacation, but just reach out and we'll try to handle any
7 emergency that comes about. Thank you.

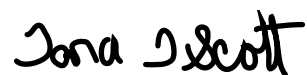
8 ***END OF REQUESTED TRANSCRIPT OF RECORD)***

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Certificate of Reporter

I, the undersigned, Tara T. Scott, CVR, Official Court Reporter for the Eighth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Court of General Sessions for Greenwood County, South Carolina, on the 10th day of June, 2024.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.



Tara T. Scott, CVR

Official Court Reporter

February 16, 2025

STATE OF SOUTH CAROLINA
COUNTY OF GREENWOOD

EIGHTH JUDICIAL CIRCUIT
IN THE COURT OF GENERAL SESSIONS

State of South Carolina,)
 Plaintiff,)
)
 V)
)
William Gray Ackerman, Jr.,)
 Defendant.)

)

2023-GS-24-00958
TRANSCRIPT OF RECORD

June 24-25, 2024
Greenwood, South Carolina

B E F O R E:

The Honorable, Judge Donald B. Hocker, Judge, and a Jury

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

ATTORNEY FOR PLAINTIFF:
 John P. Meadors, Assistant Attorney General

ATTORNEY FOR DEFENDANT:
 Jack B. Swerling, Esquire

Tara T. Scott, CVR
Official Court Reporter

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(NO EXHIBITS INTRODUCED DURING THIS TRIAL)

1 THE COURT: We are on the record. I talked to the
2 attorneys and there's really no pre-trial that we need to
3 engage in. There is one issue that I need to work on over
4 lunch, but we can go in straight into the start of the case.
5 Let me mention to the people in the courtroom, we have a lot
6 of people. Realizing, and understandably so, that there's a
7 lot of emotion in this case. I understand that, and I
8 appreciate that, but during the course of the trial there
9 are going to be things that are said and done that may not
10 be very acceptable to one side or the other. But you need
11 to refrain from commenting or showing emotion through
12 verbally or by reaction through some physical means, because
13 we don't want the jury to pick up on something that you have
14 reacted to. So please, please control your emotions and
15 just understand that, once again, there are going to be
16 things said during this trial that one side or the other is
17 not going to find it too favorable. But that's just the
18 nature of what we've got. So, just please control your
19 emotions. If I see somebody reacting to something that is
20 testified to from a witness, or something that these fine
21 lawyers may say, and if I see that you're reacting to it to
22 where it can be picked up on by the jury, I'm going to have
23 to excuse you from the courtroom. Please keep that in mind.
24 Okay? Are we ready for the jury to be brought out?

25 MR. MEADORS: The State is ready.

1 MR. SWERLING: Yes, sir.

2 THE COURT: And I think that I have already selected a
3 foreperson on the jury. Did I not two weeks ago? Lisa
4 Smith. Is that what your notes indicate, Madam Clerk?
5 That's what my notes indicate. Just make sure Lisa Smith,
6 the forelady, takes her seat on the front. Okay, let's
7 bring jury out, please.

8 (WHEREUPON, jury entered the courtroom at 10:51 a.m.)

9 THE COURT: Good morning, ladies and gentlemen. Hope
10 you have had a good two weeks since we were together last.
11 We're ready to start this case. The first order of business
12 is I need to have you sworn in as the trial jury of this
13 case. Madam Clerk.

14 CLERK OF COURT: Good morning, ladies and gentlemen.
15 If you would, please stand and raise your right hand. Do
16 you solemnly swear or affirm that you shall well and truly
17 try the issues before this court, a true deliverance make,
18 and a true verdict render, according to the evidence and the
19 law presented, so help you God? Do you?

20 (WHEREUPON, all jury members respond and affirm.)

21 CLERK OF COURT: Thank you. You may be seated.

22 THE COURT: Ladies and gentlemen, I want to make just a
23 few preliminary comments before the lawyers make their
24 opening arguments to you. If you remember two weeks ago
25 when we were together, I instructed you that you cannot

1 begin any discussion among yourselves about anything, any
2 matter related to this case. Those discussions cannot begin
3 until I tell you to begin your deliberations at the end of
4 the case. Just keep that in mind. And I'll remind you
5 throughout this trial, and also my instruction on a break,
6 lunch break, or a break at the end of the day, anybody that
7 you come into contact with, you cannot have any discussions
8 with them about anything related to this case.

9 And also I mentioned to you two weeks ago, Monday,
10 about not going onto social media, the internet, and trying
11 to do any research on this case, or looking at the media,
12 any media reporting on this case. I'm not sure exactly what
13 that would be, but you need to stay away from all of that.
14 But particularly as far as refraining from doing any
15 research into this case, the reason why you're prohibited
16 from doing that is this. Whatever information that you were
17 to receive by doing that, while that information may very
18 well be incorrect or false information is information that
19 you have received that the others on the jury have not
20 received. And your decision in this case has to be based
21 one hundred percent on what is brought out in this
22 courtroom. And if you are getting information outside of
23 this courtroom, then the others have not had the benefit
24 from getting that same information, even though that
25 information may very well be incorrect. So, stay away from

1 that. At the end of the case, you can do whatever you want
2 to, but during the course of this case, while it may be
3 tempting to go on the internet or social media and that sort
4 of thing, refrain from that. Okay?

5 Now, I don't allow jurors to take notes. Some judges
6 do, and that's fine. The reason why I don't is that I have
7 found that often times when a juror is taking notes, they're
8 focusing more on their note taking as opposed to listening
9 to what is being testified to from the witness stand or
10 something maybe one of the lawyers may tell the court. So,
11 stay away from note taking. Now, at the end of each day, if
12 you want to take some notes at home that stay at home. You
13 can't bring the notes here, but if you want to take some
14 notes and keep them at home for your future reference, you
15 can do that. You just can't bring them to the courtroom,
16 nor can you show those notes or share those notes with
17 anybody. Okay?

18 And it's very important that you get some good rest at
19 the end, at each night, at the end of each day, because you
20 need to be alert and attentive throughout this trial.
21 There's going to be a lot presented to you. And when you
22 begin your deliberations, while individually, you're not
23 going to remember everything that was brought out, but
24 collectively, you will have a good memory of everything
25 presented. But it's very important that all of you, all 18

1 of you, remain alert and attentive throughout this trial.
2 We'll try to take as many breaks as we need to. I don't
3 like going more than, say, about an hour and a half before
4 we take a break. If any time that you need to take a break,
5 and I haven't given you one yet, all you have to do is just
6 raise your hand. That will be the cue to take a break right
7 then. Okay? So, be alert, be attentive throughout this
8 trial. That's very, very important.

9 Also understand, ladies and gentlemen, that the burden
10 of proof, and I'm going to explain more about this to you at
11 the end of the case. But the burden of proof to prove this
12 case is on the State. Mr. Ackerman, the defendant in this
13 case, has no burden of proof. He is presumed innocent.
14 That presumption of innocence, again, I'll explain at the
15 end of this case, is with him and will remain with him
16 throughout this case. So, the burden is on the State, not
17 on the defendant. The defendant does not have to prove
18 anything. Even though I anticipate they may put up a case,
19 they don't have to because, again, they have no burden of
20 proof. So, keep that in mind as well.

21 And lastly, ladies and gentlemen, it is very, very
22 important to keep an open mind, starting now and throughout
23 the entire trial. Don't pass judgment early. Wait until
24 all of the evidence has been presented to you, the lawyers
25 have made their closing arguments at the end of the case.

1 And then what I do, one of my jobs, is to explain to you the
2 law that you are to apply the facts as you find them to this
3 case. You're the fact finders. I can't tell you what the
4 facts are. You are the sole fact finders in this case, and
5 I'm the sole judge of the law. So, that's your job. That's
6 my job. And so, keep that in mind as we go through this
7 case.

8 Now, the lawyers will make their opening arguments to
9 you. What they tell you is not evidence in this case. It's
10 just what they believe the evidence will show and just kind
11 of to give you a preliminary explanation of their respective
12 sides. Is the State ready?

13 MR. MEADORS: If it please the Court? Mr. Conrad, Mr.
14 Swerling.

15 THE COURT: You may proceed.

16 OPENING ARGUMENTS

17 MR. MEADORS: Seven thousand pounds. Twenty-five miles
18 per hour. Seven thousand pounds. Twenty-five miles per
19 hour. That's the weight and the speed that the defendant
20 drove his 2019 F250 into the body of Davis McClendon that
21 ended his life. Seven thousand pounds and twenty-five miles
22 per hour. That's what this case is about, ladies and
23 gentlemen. The intentional killing, the murder, of Davis
24 McClendon by William Bud Ackerman. Good morning. Good
25 morning. Thank y'all for being here. I echo the judge.

1 Thank you for being here. Being a juror is not easy, but
2 without y'all, the system could not exist and would not
3 exist. So, thank you for answering the call two weeks ago,
4 for agreeing to come back two weeks later. My name is John
5 Meadors. Sitting with me at counsel table is Mr. John
6 Conrad, Daniel Colin, Ronnie Powell with the Sheriff's
7 Department, and Matt Ellis is here, is also assisting us,
8 along with Trisha Allen from the Attorney General's Office.
9 We're here representing the people of the State of South
10 Carolina, the people of Greenwood, the McClendon family,
11 against the defendant, William Bud Ackerman, who's
12 represented by Mr. Jack Swerling, a distinguished member of
13 the South Carolina Bar.

14 I want to talk to you briefly about our roles, because
15 we're advocates, as Your Honor says. We're advocates. His
16 Honor is the law. He is the law in this courtroom. He
17 determines the law and the rules that the lawyers have to
18 abide by and the law that y'all will decide this case on.
19 But many years ago, a lawyer in Richland County -- excuse
20 me, a judge in Richland County came through, and she was
21 qualifying a jury panel like y'all did two weeks ago. And
22 she was describing the roles, and she said it's sort of like
23 a -- we finished the NBA a few weeks ago, a week or so ago.
24 Said it's sort of like a game. But I can assure you this
25 isn't a game, but it's sort of like a basketball game.

1 We're all here week in and week out. This is kind of my
2 office. I love it. There's nowhere I'd rather be. Nowhere
3 Mr. Swerling would rather be, or Mr. Conrad. This is my
4 role. The judge has his role. The reason our system is so
5 beautiful, week in and week out we get an MVP. The most
6 valuable players, you, the jurors that come in and listen to
7 the facts, listen to the law the judge gives you, and y'all
8 determine what happened, what the truth is, and whether or
9 not the State has met its burden of proof. And that's
10 beautiful. It's no game, I can assure you that. But your
11 role is as important, or more important than anybody's, with
12 all due respect to His Honor.

13 You're the judge of the facts. You decide what's
14 credible, what's believable. And that's beautiful. And
15 that's why this system is so good. You'll decide what the
16 truth is and whether we've met our burden of proof. Folks
17 from the community, you promise to be fair, you promise to
18 be impartial, you promise to listen, you promise to use your
19 common sense. And that's all any of us can ask. But thank
20 you for being here. Thank you for listening.

21 His Honor mentioned to it. What is our burden? It's
22 beyond a reasonable doubt. It's not beyond all doubt.
23 There's no way to prove something beyond all doubt. And the
24 law does not require that or demand that. It's proof beyond
25 a reasonable doubt. Beyond a doubt that makes reasonable

1 folks hesitate to act. We think the evidence will meet that.
2 It will be up to y'all. But Thursday or Friday when we're
3 up here arguing, Mr. Swirling, Mr. Conrad and I will each
4 advocate for our sides, and we will respectfully ask y'all
5 to consider convicting the defendant and that the evidence
6 does prove him guilty beyond a reasonable doubt. That'll be
7 up to y'all. But that's our burden. You'll have questions
8 about everything, and we can't answer every question. And
9 the law does not require us to answer every question. After
10 you've heard all the evidence, if you don't have a
11 reasonable doubt, the defendant is guilty. You must find him
12 guilty. That's the oath you took. If you have a reasonable
13 doubt after hearing all the evidence, you must find him not
14 guilty. That's the oath you took. You'll know it when we
15 get there, we submit.

16 What's he charged with? The defendant is charged with
17 murder. We all know what murder is. We hear it and we see
18 it on tv. You can explain it probably as well or better than
19 I can. Murder is the unlawful -- and listen, ladies and
20 gentlemen, the unlawful, the intentional killing of another
21 living, breathing human being with malice aforethought.
22 Intentional killing of another human being with malice
23 aforethought. What's malice? Just think about the word
24 malice. It's evil. It's wickedness. It's hatred one
25 person has toward the other. That's what we believe the

1 evidence will show in here. Aforethought is a term of art.
2 I really have never understood it, but it doesn't have to
3 exist for a long period of time. Malice aforethought has
4 just got to exist at the second the act is done. At that
5 instant. At the second the foot is put on the gas or at the
6 second that the foot is not put on a brake. Malice
7 aforethought. It doesn't have to exist for any particular
8 length of time. We don't have to prove premeditation in
9 this state. It's not required. We don't have to prove
10 motive in this state. It's not required. We do believe
11 there's evidence of both, which we'll ask you to consider as
12 evidence of malice in this case. But a malicious
13 intentional killing is what we believe this case is about.
14 Malice aforethought.

15 How are we going to do that? How do we prove that to
16 you beyond a reasonable doubt? Well, we call witnesses. We
17 call witnesses, and you hear different types of evidence.
18 You hear direct evidence. Direct evidence is evidence you
19 gather with one of your senses. You hear it, you smell it,
20 you feel it, you touch it, you hear it. And you come in
21 here and take the witness stand, the witness does, and they
22 say, hey, ladies and gentlemen of the jury, here's what I
23 heard, what I felt, what I smelled, what I touched. That's
24 direct evidence. You see it and you tell somebody about it.

25 Circumstantial evidence is also as powerful as direct

1 evidence. It's evidence of a fact with evidence of another
2 fact that leads to a fact in question. We've got a lot of
3 circumstantial evidence in this case. We'll explain as we
4 go through and explain at the end how we think this is
5 relevant and something you should consider. I usually have
6 an ink stain in my shirt. It will probably be there some
7 this week. I put a pen in there and forget to turn it off,
8 forget to undo it. That's circumstantial evidence I keep a
9 pen in my pocket. You didn't see it there, but you know
10 because of the ink stain I've got it. You're going to see
11 examples of that in this case of oil stains which lead from
12 the murder scene where this occurred, back to the
13 defendant's residence. Oil stains from his truck that led
14 from where Davis McClendon was left dying back to his
15 residence. You didn't see it all the way, but there are oil
16 stains, so that's circumstantial evidence the defendant was
17 at the scene and drove back to his house.

18 You're also going to see and hear evidence potentially
19 of some, maybe some body worn cameras. You'll hear and see
20 video evidence. There's evidence that some of these parties
21 involved were at the Break on the Lake restaurant out near
22 the lake here. A bar called Key West. There's a video from
23 that Key West. So, you're going to see inside Key West some
24 of the parties involved in here and their interaction.
25 We're going to offer text messages. You're also going to

1 hear and see telephone logs, people calling each other, when
2 that happened, why that happened, and witnesses explaining
3 that. And ladies and gentlemen, you're all going to also,
4 we believe the evidence will show in this case, from the
5 defendant's Ford F250, something called the infotainment
6 box, that law enforcement, through a search warrant got out,
7 downloaded, and were able to show you up here on this screen
8 where the defendant was, when he went there, how fast he was
9 going, when he was braking, when he was not braking, when he
10 opened his door. We're going to be able to show you his
11 intent through infotainment's box in his Ford 250. We're
12 going to ask you to take that into consideration as you
13 decide this case, as you decide what his intent was.

14 So, what's this case about? Why are we here? William
15 Grey Bud Ackerman was married to a lady named Meredith.
16 They're married for a while. They had children. As happens
17 in relationship, that relationship dissolved. It ended.
18 That was in May, approximately of 2022. They separated and
19 began the separation procedure that you go through in Family
20 Court. I'm going to tell everything, what we believe the
21 evidence will come out. December of that year, 2022,
22 approximately, Meredith meets Davis McClendon, starts
23 talking with Davis McClendon, starts a relationship. Six
24 months after the dissolution, the ending of the Family Court
25 -- excuse me, of the marriage between the defendant and this

1 young lady. The evidence will show he had nothing to do
2 with the breakup. That wasn't why it happened. Halfway
3 toward the end of ending the marriage, Mr. McClendon comes
4 into the -- meets Meredith. That went along for several
5 months. We're heading up to this incident, and
6 approximately a week or so beforehand, we're going to
7 present to you evidence that shows the defendant found out
8 about this relationship. That he wasn't happy about it. That
9 he was angry about it.

10 This leads to May 6, 2023, a little over a year ago.
11 You're going to see evidence of the victim, Davis McClendon,
12 in the Break in the Lake with Meredith Ackerman. Meredith
13 Haynie Ackerman. You're going see evidence of phone calls
14 between the defendant and this young lady. The victim and
15 this young lady then go to a party, then go to Key West.
16 We're going to show you evidence that the defendant was
17 trying to get in touch with them, wanted to get in touch
18 with them, was going to find them. You're then going to
19 hear evidence and see evidence that a meeting was arranged.
20 And the defendant said, I want to talk to Davis. I want to
21 talk to Davis. Getting toward the 12:30, 12:45 time frame
22 on May 7th of 2023. I want to talk to him. Davis McClendon
23 says, I'll talk to him. I'll meet with him. So, a meeting
24 was ultimately arranged, and we're going to show you this,
25 hopefully more artfully than I'm telling you right now. A

1 meeting was arranged at the intersection of Avid Road and
2 Sawgrass Road in Hunter's Creek subdivision here in
3 Greenwood County, right near the Abbeville line. You maybe
4 even see the end of the county line from some of the
5 pictures, I don't know. But a meeting was arranged there.
6 And we're going to have phone calls. And you've got a phone
7 call, the defendant is on a phone call with this young lady,
8 Meredith. They're going to be divorced in four weeks from
9 this incident. Meredith is on the phone call with the
10 defendant. Meredith is then on the phone call with Davis
11 McClendon. He's waiting down at the bottom, the
12 intersection of cull-de-sac of Avid and Sawgrass with his
13 lights on in his car. He tells Meredith, hold on. Bud is
14 calling. The defendant is calling. He then gets on the
15 phone. We're going to show you these records. And he's
16 talking. The phone is active between the victim, Davis
17 McClendon, and Bud Ackerman from 1:08 a.m. until after 1:11
18 a.m. and at 1:11 -- listen to me, please. At 1:11:34, one
19 hour, 11 minutes, 34 seconds, the defendant drives his truck
20 into Davis McClendon. The phone is still connected. Davis
21 may have put his phone down. Phone is still connected.
22 Meredith is on hold with Davis. And he rams into the body
23 of Davis McClendon as he's by his car waiting to meet with
24 him. That's what this case is about. It's not complicated.
25 You're going to decide whether he intentionally did that,

1 but that's what it boils down to. Did he intentionally run
2 into him to end his life so he couldn't be with Meredith?
3 That may be the best summary I've ever done. That's it.
4 And you'll be able to tell by words, text, actions, what his
5 intent was. We can't open up people's brains and look in
6 there and see what your brain's thinking about, but we can
7 open up their -- and talk about and show their actions
8 beforehand. Were they angry? What did they do? Did they
9 want to meet? And you know what happens after 1:11:34, the
10 evidence will show? The little infotainment box is going to
11 show the victim -- excuse me, the defendant, Bud Ackerman
12 got out of his car and a few seconds later you hear some
13 yelling. Y'all are going to decide what that is and who
14 said it and whether or not there's cussing. And then a few
15 minutes later, that door closes. The truck backs out.
16 During the collision, something had happened underneath that
17 Ford F-250 of the defendant's. Oil started spilling.
18 Defendant backs his truck out, doesn't hit his car, goes
19 down Avid Road, goes up the Old Abbeville Highway, and heads
20 to his house leaving an oil train. Oil trail, excuse me.
21 From the murder collision back to his house. 1:11:34. You
22 know who he calls when he gets out of there? Nobody. For an
23 hour and 24 minutes. An hour and 24 minutes. No 911, no
24 help. Law enforcement responds to his house approximately an
25 hour and 24 minutes later, his parents house where he's

1 staying on Old Abbeville Highway. He's placed under arrest
2 for the murder of Davis McClendon. We believe that's what
3 we can show you what happens. So what happens after that,
4 after he heads back home? The young lady, Meredith,
5 Meredith Haynie now, knew where they were meeting, we can
6 show. She knew that they were going to meet there. Starts
7 worrying, gets a young lady named Megan McGovern, 19 years
8 old at the time, used to babysit for her. Everybody had
9 been drinking in this tonight. I want to put that out there
10 too. This night there was alcohol being consumed. All
11 parties. We got pictures of it. We got pictures of them
12 drinking. We've got a toxicology report. But Meredith
13 Haynie calls Megan McGovern said, "Hey, can you come take me
14 to this intersection? That's where they were going to meet
15 to talk, maybe to fight. I don't know." Davis McClendon,
16 when they find his body, has got his shirt off. Defendant
17 didn't give him a chance to talk or fight. But they drive
18 to the intersection, and once discovering and seeing the
19 bags that have come out from the car, one of the young
20 ladies sees Davis McClendon laying on the side of the road.
21 Megan McGovern, who's sitting out there and you'll hear from
22 her in just a little bit, calls 911. Nineteen. Drove down
23 there, parked right beside his car, calls 911. And that's
24 when law enforcement is told hey, this meeting was planned.
25 Here's your suspect. They were supposed to meet here. He's

1 gone. They followed the trail. Greenwood County did an
2 excellent job. Headed by Ronnie Powell and your Sheriff
3 Kelly led back to the scene where ultimately he was
4 arrested. That's the case, ladies and gentlemen. I think
5 we can finish that by Wednesday, Thursday morning. That's
6 what we're going to ask you to consider. We don't have a
7 prudent motive. We think it's there. He didn't want
8 anybody -- well, he didn't want Davis to be with his soon to
9 be ex-wife. And he made sure that didn't happen. Thank
10 you. I'm going to sit down. And I do mean that. Thank you.
11 And I do love this. There's no other system in the world
12 where we get to do this, and I'm honored to be a part of it.
13 And at the end of this trial, Mr. Conrad and I are going to
14 argue to you that the defendant made his choice that night.
15 That affected a bunch of people, but it affected Davis
16 McClendon more than anybody. And we're going to ask you to
17 choose, based on the evidence, the choice of guilty of
18 murder and find William Gray Bud Ackerman guilty of murder
19 for running into and killing Davis McClendon at 1:11:34 on
20 May 7, 2023. Thank you.

21 THE COURT: Thank you. Mr. Swerling, are you ready for
22 your opening argument?

23 MR. SWERLING: Yes, Your Honor. May it please the
24 Court?

25 THE COURT: Yes, sir.

1 MR. SWERLING: Mr. Meadors, Mr. Conrad, Madam Forelady,
2 ladies and gentlemen, good morning. I hope everybody is
3 well. We expect this trial, I agree with Mr. Meadors,
4 probably sometime Wednesday, Thursday, or Friday. But we
5 will finish the trial this week. Let me tell you that it is
6 an honor for me to be here in Greenwood County trying this
7 case. I practice law in Columbia mostly, but over the 40
8 something years I've been practicing law I've had the
9 privilege of being in Greenwood on a number of occasions and
10 know a number of the lawyers here and the judges and just
11 have had a lot of experience in this particular area. So,
12 it's good to be back and it's good to appear in front of a
13 Greenwood County jury again.

14 Mr. Meadors kind of gave you an overview about the case
15 and I would like to go ahead and give you maybe not quite
16 the depth that he went into because they have, as he said,
17 the burden of proof. And frankly, I want to hear as well as
18 you do, exactly what evidence they're going to put up to
19 support the charge of murder. The most serious crime you
20 can possibly commit in our society. And as he said, murder
21 is the intentional killing of another individual with
22 malice, an evil heart, a wicked heart, a heart devoid of any
23 good attributes. But we submit that it is not a murder
24 case. That's why I'm here, and that's why I'm standing
25 here. And Bud Ackerman has entered a not guilty plea. He

1 has told you by that not guilty plea and by empaneling a
2 jury that he is not guilty of the crime that the State has
3 brought against him. And he is asking that you sit and
4 weigh the evidence in this case and decide the case. And we
5 are satisfied at the end of the case -- Judge, can I
6 approach the bench?

7 THE COURT: Sure.

8 MR. SWERLING: John.

9 (WHEREUPON, there was a brief bench conference off the
10 record.)

11 THE COURT: Ladies and gentlemen, we're going to take a
12 short break. One thing I want to tell you is that we're not
13 going to use that room as a jury room. I know it's kind of
14 uncomfortable for a lot of you, 18 people. So, we're going
15 to put you in another room. So, Madam Bailiff, if you would
16 escort the jury to the room. So, you'll see where you will
17 be spending your time during the course of this trial. And
18 then we'll get you back out and we will proceed forward. If
19 you have anything in this room, go ahead and get it now.
20 Ladies, if you left a pocketbook or whatever.

21 (WHEREUPON, the jury exited courtroom at 11:22 a.m.)

22 THE COURT: We'll be in a short morning recess.

23 (WHEREUPON, a recess was held from 11:22 a.m. to 11:30
24 a.m.)

25 THE COURT: Thank you very much. Have a seat. All

1 right, ladies and gentlemen, this is what I understand. So
2 far, everything checked out with Mr. Swerling, but just out
3 of abundance of caution, they want to take him to the
4 hospital and do some further testing just to make sure
5 everything is okay. And so, we need to pray that he's going
6 to be fine. So, the plan right now is, I'm going to
7 instruct the jury to call back after 6:00 this evening with
8 instructions on what to do. Certainly the hope is that we
9 can resume, start back in the morning, but certainly we've
10 got to make sure that Mr. Swerling is up to it physically.
11 So just, I guess, Mr. Meadors, Mr. Conrad, y'all will inform
12 your side of what the plan is. And then, I guess, on the
13 Ackerman side, if you want to just be in contact with the
14 Clerk of Court's Office, maybe Dr. Ackerman, you can give a
15 number and you can be the kind of the point person and you
16 can let your folks know. So, don't leave until we have your
17 phone number. All right, so that's the plan. We'll recess
18 for the remainder of the day. Everybody keep your seat,
19 because I'm going to bring the jury out and give them an
20 explanation of what we're doing, and I'm not going to go
21 into any great detail concerning Mr. Swerling. I'm just
22 going to let them know that he's not feeling well and
23 hopefully we can start back tomorrow. Okay? So, everybody
24 just keep your seat, please.

25 Madam Bailiff, if you will, get the jury back in.

1 (WHEREUPON, the jury entered the courtroom at 11:33
2 a.m.)

3 THE COURT: Let the record reflect the jury is back in.
4 Ladies and gentlemen, Mr. Swerling is not feeling well. So,
5 what we're going to do, we're going to recess for the
6 remainder of the day. What I want you to do, and you'll
7 probably need to be given those cards again with the call in
8 number. Yes, we'll give you a card that has a number on it.
9 After 6:00 this evening, I want you to call that number and
10 it will give you instructions. Hopefully the message is
11 going to say that Mr. Swerling is doing better and that we
12 can start back in the morning. That's our hope, but we'll
13 just have to wait and see. They will get the card to you
14 before you leave the courthouse. So, don't forget, call
15 after 6 o'clock this evening that recorded phone number and
16 we will give you instructions on how we're going to proceed.
17 So, I know you didn't know you were going to have the
18 afternoon off, but you're having the afternoon off and
19 hopefully we can see you back tomorrow. Okay? All right.
20 Have a good rest of your day. We'll be in recess for the
21 remainder of the day.

22 (WHEREUPON, the jury exited courtroom. Trial in
23 recess.)

24 *****

25

1 June 25, 2024

2 THE COURT: All right. Good afternoon, ladies and
3 gentlemen.

4 TRIAL JURY: Good afternoon.

5 THE COURT: I hope you all are doing well. I've got a
6 few things I need to talk with you about. Due to some
7 unforeseen circumstances, we're not going to be able to
8 proceed forward this week with this trial. And I know that
9 several of you, maybe more than several, have conflicts for
10 next week because of July 4th. So, we're going to push this
11 case to the week of July 8th. We're missing one alternate
12 because she had sprained her ankle, I think, over the
13 weekend. Went to the doctor and was told to stay off of it
14 for a few days. So, she's not here. But I want to make
15 sure that the week of July 8th, and I'll give you a little
16 bit more to that, but I want to make sure that the week of
17 July 8th is good for everybody. Does anybody have any
18 issues with that week? That would be in two weeks. Okay.
19 Yes, sir.

20 JUROR: I have a vacation.

21 THE COURT: You have vacation planned?

22 JUROR: Yes, sir.

23 THE COURT: Okay. All right. Give me your name and
24 number. Your name, sir?

25 JUROR: 116, Jonathan Creswell.

1 JUROR: I'll be on -- I'll be out of town to my
2 vacation. I come back that -- well, I come back that
3 Tuesday.

4 THE COURT: You come back that Tuesday? Okay. Your
5 name and your juror number?

6 JUROR: Uashica Parks, 350.

7 THE COURT: Okay. All right.

8 JUROR: I'll be out of town as well.

9 THE COURT: Okay, you'll be out of town? And your name
10 and number?

11 JUROR: Jazmine King. I think it's 271.

12 THE COURT: Well, what we're -- we want to stay with
13 you as our jury. Now, let me explain to you. This has
14 never happened to me before, and I've been doing this a long
15 time. To pick a jury, wait two weeks, try to start the case,
16 and then wait another two weeks before we can move forward.
17 It's just never happened. But it's just one of those things
18 that has developed. But we -- and I talked with the lawyers
19 on both sides, and they believe, and the Court believes that
20 we're not going to be able to find any better jury than what
21 I have right here. Okay. And so, in order to keep a good
22 jury that we believe that we have, that's why we don't want
23 to go through that process that we went through two weeks
24 ago. Do you remember that? It took all day to get a jury
25 qualified and picked. But we can do that. But we'd much

1 rather just stay with who we've got here. So, now we've got
2 three jurors. So, that would put us down to ---

3 JUROR: I've got a conflict as well.

4 THE COURT: Okay. Okay. Is there any of you -- is
5 there any way to change whatever plans. I know some of you
6 said vacation, but is there any way to change any plans that
7 you have?

8 JUROR: Mine is that my boss is going to be on
9 vacation. So, I mean, I may not have a problem with it.

10 THE COURT: Okay, well, I'm just trying to figure out.
11 Because now we're at, including you, if you can't, then I
12 think. Am I counting right? Five of you? Raise your hands
13 if you told me you have a problem with the week of the 8th.
14 That's three, four, five. Okay, so that puts us down to 13.
15 Okay, let me ask you this, ma'am. Would there be any way
16 that you could make a call now? I will excuse you, and find
17 out. Because that's going to have probably -- If I lose five
18 of you, that's probably going to have a big impact on going
19 forward on the 8th.

20 JUROR: I can do that.

21 THE COURT: Okay, here's what I want you to do. Go
22 back to the jury room. Thank you very much for your
23 patience, your understanding, and make a call. The bailiffs
24 will help you. I don't know if you -- is your cell phone in
25 your car?

1 JUROR: I have it.

2 THE COURT: Okay. All right. That's one thing in the
3 future, keep your cell phones in the car. But they'll give
4 you a little private room. You make a call, and then we'll
5 bring you back in and kind of see where we are. Okay, so
6 just go back to the jury room.

7 COURT REPORTER: Judge, I need to identify this juror.

8 THE COURT: I'm sorry. Can you identify yourself?

9 JUROR: It's 158.

10 THE COURT: And I don't think we identified you.

11 JUROR: It's number 40, Kara Boling.

12 THE COURT: Okay. All right. But the four of you,
13 remaining four, there's no way to change whatever plans that
14 you've got for the 8th.

15 JUROR: I can make a call as well.

16 THE COURT: Make a call. Hopefully both of you be able
17 to. That's going to make the situation a whole lot better.
18 If you would call too. Okay. All right. Just go back to
19 jury room. We'll get you back out shortly.

20 JUROR: I'm also going to need to check with my
21 employer. I don't think that would be a problem, but I do
22 need to check.

23 (WHEREUPON, the jury exited the courtroom briefly.)

24 THE COURT: Ladies and gentlemen, what I'm going to do
25 is just kind of generally go back through who cannot be here

1 on the 8th. And then some of y'all who made phone calls and
2 can be. And then the Clerk is going to call everybody's
3 name out. And the question is, are you good for the week of
4 July 8th? And you can indicate yes, I am, or no, I'm not so
5 to confirm we'll have enough. It looks like we'll have two
6 alternates. And I'll decide and explain to you later as far
7 as who will now be on the 12.

8 All right, raise your hand the three of you who have
9 vacation plans, who cannot change those plans, and I can't
10 remember which one.

11 JUROR: I can start on Tuesday.

12 THE COURT: Well, that's not going to help us. I
13 appreciate the offer. But we need to start on that Monday.
14 All right? So again, raise your hands. Three of you just
15 give your name.

16 JUROR: Uashika Parks.

17 JUROR: Jazmine King.

18 JUROR: Jonathan Creswell.

19 THE COURT: Okay. And so three of you have vacation
20 plans that you can't change. Okay. Now, I had, I think,
21 three of you make phone calls. Two are good for the 8th,
22 one is not. Ma'am, you made a phone call. You made phone
23 call in back. Okay, ma'am, your name, and are you good or
24 not?

25 JUROR: Amanda Powell. And it will be a hardship, but

1 yes.

2 THE COURT: Thank you very much. I apologize that it
3 will be a hardship. Thank you very much. Ma'am, your name?

4 JUROR: Tammy Evans. It will be okay.

5 THE COURT: Okay, you're good for the 8th. Okay,
6 ma'am, in the back.

7 JUROR: I'm Kara Boling. I won't be able to cover
8 child care.

9 THE COURT: Okay. All right, so the Clerk is going to
10 call out everybody's name, and the question is, are you good
11 for the week of July 8, beginning at 9:30 on that Monday.
12 You say, I'm good, or I'm not good. And then just FYI, the
13 one juror who's not here because of the sprained ankle, she
14 is good for the 8th. The Clerk gave her a call. So FYI,
15 she's good. All right. Madam Clerk.

16 CLERK OF COURT: Lisa Smith.

17 JUROR: Yes. I'm good.

18 CLERK OF COURT: Kyle Sanford.

19 JUROR: I'm good.

20 CLERK OF COURT: Patrick Evans.

21 JUROR: I'm good.

22 CLERK OF COURT: Amanda Pal.

23 JUROR: Yes.

24 CLERK OF COURT: James Dodgen?

25 JUROR: I'm good.

1 CLERK OF COURT: Barbara Jackson.
2 JUROR: I'm good.
3 CLERK OF COURT: Jazmine King.
4 JUROR: No.
5 CLERK OF COURT: Uashica Parks.
6 JUROR: No.
7 CLERK OF COURT: Rickey Justus.
8 JUROR: I'm good.
9 CLERK OF COURT: Joshua Moosa.
10 JUROR: I'm good.
11 CLERK OF COURT: Tammy Evans.
12 JUROR: Yes.
13 CLERK OF COURT: Brandon Watts.
14 JUROR: Yes.
15 CLERK OF COURT: Oliver Lawton?
16 JUROR: Yes.
17 CLERK OF COURT: Jonathan Creswell.
18 JUROR: No.
19 CLERK OF COURT: Rebecca Powell.
20 JUROR: Yes.
21 CLERK OF COURT: Terrence Gilchrist.
22 JUROR: Yes.
23 CLERK OF COURT: Kara Boling.
24 JUROR: No.
25 CLERK OF COURT: And Ms. Hedden said she is good.

1 THE COURT: Okay. I was counting on my fingers. A
2 total of 14, including the sprain. Okay, once again, thank
3 you very much. For those who have adjusted your schedules
4 in order to be back on the 8th and serve on this jury. And
5 once again, we just feel like we can't get a better jury
6 than y'all and that's why we did not want to go. Even
7 though it's so unusual to go another two weeks before we
8 start the trial. We wanted to do that so long as we could
9 keep this jury. And so, thank you very much and just please
10 try to, if you can at all possible, avoid anything that
11 would create a problem for you being here on the 8th. And
12 once again, the lawyers have said that they'll get this case
13 done by Friday and do their very best to have that happen.
14 And so, I hope that you have a great Fourth of July week and
15 we will see you back here at 9:30 Monday, the 8th. Probably
16 what we'll do this time is the Clerk's office will just give
17 you a reminder call. I don't think you need that, but we're
18 going to give it to you anyways. And then I'll let you know
19 on that Monday which of you will remain as an alternate,
20 which will be now part of the 12. And I'll explain how that
21 is done. Okay, we just won't do that today. Okay, thank
22 you again very much. Have a good rest of your day. And we
23 will see you on the 8th. And all those instructions, don't
24 go on the Internet, social media. Try to stay away from any
25 media coverage about this case.

1 (WHEREUPON, the jury released until July 8, 2024.)

2 THE COURT: Anything else? We're still on the record.

3 Anything else from the State?

4 MR. MEADORS: No, sir. Thank you.

5 THE COURT: And from the defense?

6 MR. SWERLING: No, Your Honor.

7 THE COURT: And I know that I had to make one pre-trial
8 ruling. Let's just wait until Monday the 8th before we talk
9 about that. I did look at the disc. Let's just deal with
10 that when we get back together on that day.

11 MR. MEADORS: Thank you, sir.

12 THE COURT: Thank you very much.

13 ***END OF REQUESTED TRANSCRIPT OF RECORD)***

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Certificate of Reporter

I, the undersigned, Tara T. Scott, CVR, Official Court Reporter for the Eighth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Court of General Sessions for Greenwood County, South Carolina, on the 24th and 25th day of June, 2024.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.



Tara T. Scott, CVR

Official Court Reporter

February 16, 2025

STATE OF SOUTH CAROLINA * GENERAL SESSIONS
COUNTY OF GREENWOOD * TRANSCRIPT OF RECORD

-----X
STATE OF SOUTH CAROLINA *
vs. * Case No. 2023-GS-24-00958
WILLIAM G. ACKERMAN, JR., *
Defendant. *
-----X

Trial Dates: July 8-10, 2024

B E F O R E:

The Honorable Donald B. Hocker, Presiding Judge;
and a jury.

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

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John Conrad, Esq.
Assistant Solicitor for the State

Jack B. Swerling, Esq.
Attorney for the Defendant

Recorded by: Court Reporter Elizabeth Harris (ret.)

Prepared by: Court Transcriber Bobbi Fisher, RPR
SC Official Court Reporter III

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COURT REPORTER LEGEND

Dash (--) Indicates an interruption in speech

Ellipses (...) Indicates trailing off in speech

(ph) Indicates phonetic word

[Verbatim] Indicates the word is said as written

(Indiscernible)[Transcription] Indicates word(s) is not
known due to audio recording quality

E X H I B I T S

(Exhibits on file in Clerk of Court's Office.)

State's Exhibit

No.	Description	ID.	REC'D
1	Security Video from Sawgrass House (1-A, B, C, D)	38	39
2	Ring Camera Video from 111 Avid Road	59	59
3	Photograph	81	84
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16	Corporal Lewis body cam Video	114	115

P R O C E E D I N G S

THE COURT: All right. We're on the record this morning. And as I indicated to the lawyers, I think we're just going to kind of start back over, since we didn't get very far two weeks ago. So, is the State ready to proceed forward?

MR. MEADORS: Yes, sir.

THE COURT: Defense ready to proceed forward?

MR. SWERLING: Yes, sir.

JUROR ISSUE

THE COURT: Thank you.

All right. We have one housekeeping matter. I have talked to the lawyers about one particular juror. We're going to bring that juror out and let me ask him a couple of questions about some information that I really think is not going to be an issue but some information he gave one of the clerks when they gave their reminder calls.

So, Madam Clerk, I don't know if I caught the name or not.

THE CLERK: Justus.

THE COURT: Mr. Justus? Yeah, just ask Mr. Justus to come out for just a second.

Chastity, if you'd swear him in.

Hi, Mr. Justus. You're not in any trouble.

Go ahead and swear him in please, Madam Clerk.

1 RICKEY JUSTUS, JR.,

2 after having been duly sworn, was examined and testified
3 to as follows:

4 THE COURT: And your name, sir?

5 MR. JUSTUS: Rick Justus.

6 THE COURT: All right. Now, Mr. Justus, it's my
7 understanding that, when one of the clerks gave a reminder
8 phone call last week, that you had indicated -- and if what I
9 say is not correct, you let me know this -- that you realized
10 that your daughter may have gone to high school with one of
11 the McClendon children; is that correct?

12 JUROR JUSTUS: I don't recall.

13 THE CLERK: Okay. Maybe it wasn't you then. That's who
14 Gabby said...

15 THE COURT: You never gave any information about a
16 daughter attending school with one of the McClendon children?

17 JUROR JUSTUS: No. My daughter went to school in
18 Illinois.

19 THE COURT: Okay. All right. Well, thank you. I
20 apologize. Apparently, we --

21 THE CLERK: You want me to find out if there's another
22 one?

23 THE COURT: Yeah, I do still -- you can go back in the
24 jury room.

25 JUROR JUSTUS: Okay.

1 THE COURT: Thank you, sir.

2 JUROR JUSTUS: Okay.

3 THE COURT: Chastity, Chastity.

4 THE CLERK: Yes, sir.

5 THE COURT: Who was it? Gabby?

6 THE CLERK: Mm-hmm.

7 THE COURT: Well, let's find out from Gabby first before
8 you go back there. Can you talk with Gabby?

9 Everybody be at ease for just a moment.

10 (Pause in the proceedings.)

11 THE COURT: All right. What I'm going to do is I'm just
12 going to bring the whole jury out and ask them if anyone
13 relayed any information to the clerk last week concerning a
14 daughter having gone to school with one of the McClendon
15 children and we'll see who that is. Because, apparently,
16 there's some misunderstanding as far as the identification of
17 this juror. So that's how I'm going to handle it.

18 Any problems with that from the State?

19 MR. MEADORS: No, sir.

20 THE COURT: All right. From the defense?

21 MR. SWIRLING: No, Your Honor.

22 MR. CONRAD: And, Your Honor, which I know you will, just
23 inquire if anybody's read or if anybody has tried to contact
24 them and all that kind of stuff.

25 THE COURT: Sure. I'm going to go back over all of that.

1 MR. CONRAD: Thank you.

2 THE COURT: All right. So let's bring the jury out. And
3 Chastity, what I'll do is go ahead and get you to swear them
4 in and then I'll question them about that.

5 (The jury entered the courtroom.)

6 THE COURT: I'm going to let you know in just a second
7 who the two alternates are, and I'll explain to you how we
8 arrived at that.

9 All right. The two alternates -- and this is all done at
10 random -- is Rebecca Powell and Terrence Gilchrist. Could you
11 raise your hands who the -- okay. All right. So what we need
12 to do is we need to -- should we switch seats?

13 THE BAILIFF: Yes, sir.

14 THE COURT: Okay. If y'all would switch.

15 THE BAILIFF: Except she needs an end seat. She can't
16 get --

17 THE COURT: You sit wherever you're most comfortable.

18 THE BAILIFF: I think what's confusing is we have a
19 second row of chairs back here and it looked like we're short
20 jurors.

21 THE COURT: All right. Okay. Are you good, ma'am?

22 JUROR: Yeah.

23 THE COURT: Thank you.

24 Okay. Secondly, Madam Clerk, if you'd swear the jury in,
25 please.

1 THE CLERK: If you'd please stand and raise your right
2 hand.

3 (The jury was duly sworn.)

4 THE COURT: And then probably ought to get you to swear
5 them in as the jury, too, in just a minute.

6 Okay. I need to ask a question. Last week when the
7 clerk's office called a reminder call about being here today,
8 one of you gentlemen -- I think it was a gentleman --
9 indicated -- we thought it was Mr. Justus, but we found out
10 that was not correct -- indicated that you realized that your
11 daughter went to high school with one of the McClendon
12 children. Did one of you gentlemen indicate that?

13 Okay. All right. Would you please stand, sir, and give
14 me your name.

15 JUROR DODGEN: James Dodgen.

16 THE COURT: And you realized that your daughter had gone
17 to school -- and how long ago was that that she went to high
18 school with one of the McClendon children approximately?

19 JUROR DODGEN: Probably about four or five months or
20 longer.

21 THE COURT: Went to school with one of the McClendon
22 children four or five months ago?

23 JUROR DODGEN: Well, last school -- when they first
24 graduated of last -- of this year.

25 THE COURT: Okay.

1 JUROR DODGEN: So, yeah, she went to school with him.

2 THE COURT: All right. Now, do you personally know one
3 of the -- this McClendon child?

4 JUROR DODGEN: No. I've heard of his name, but as far as
5 actually knowing him, I really don't.

6 THE COURT: Okay. The fact that your daughter recently
7 went to school with -- I think it's Freddie McClendon -- would
8 that in any way affect your ability to be fair and impartial
9 in this case?

10 JUROR DODGEN: No, sir, it won't.

11 THE COURT: All right. Thank you, sir, very much. Okay.

12 All right. Now, Madam Clerk, if you'd swear them in as
13 the trial jury in this case, please. And can just keep your
14 seat. You don't need to stand because I know it's difficult,
15 for the lady.

16 THE CLERK: Raise your right hands, please.

17 (The jury was duly sworn.)

18 OPENING REMARKS

19 THE COURT: All right. Thank you, ma'am.

20 All right. Ladies and gentlemen, first of all, I want to
21 thank you for taking care of yourselves during these last two
22 weeks. I know we had a little mishap, and I appreciate you
23 being here on crutches. But thank you for taking care of
24 yourselves and being able to be here today and participate in
25 this case. I thank you very much for that.

1 And what we're going to do, we're going to kind of start
2 over from scratch. We didn't really get into the case much at
3 all two weeks ago, so I'm going to kind of go back over my
4 general comments and ask you a few questions, and then the
5 State will give their opening. I understand this may be a
6 little shortened version than what Mr. Meadors gave two weeks
7 ago, and of course, Mr. Swerling will give his opening.

8 But I want you to remember all of my instructions. I'm
9 going to go back over those again with you. You cannot have
10 any discussions among yourselves about anything related to
11 this case. You can talk about anything else; just don't talk
12 about this case until I tell you to at the end of this case.

13 As equally important, not to have any discussions with
14 anybody that you come into contact with during the lunch
15 break, evening break, have any discussions with anybody about
16 this case. You can talk about anything else, just not about
17 this case.

18 And if anybody approaches you at any time -- not saying
19 it's going to happen, but if anybody approaches you at any
20 time in an effort to have a discussion about this case or
21 whatever, I need to know that. You need to let me know that
22 as soon as possible.

23 Also, if you remember that, as I told you two weeks ago,
24 don't do any research into this case, be it the internet,
25 social media, and the like. Just don't do that because your

1 decision -- your verdict in this case has to be based 100% on
2 what is brought out in this courtroom and not from any other
3 outside source.

4 Now, I also instructed you before you left two weeks ago
5 about not having any -- you know, any -- looking at any media
6 as far as newspaper coverage, any account of this case on the
7 internet, any news account on the radio, TV, whatever. And I
8 trust that all 14 of you followed that instruction, but if you
9 didn't, I need to know that. Did anybody look at the media --
10 some media account about this case during these past two
11 weeks?

12 (No response.)

13 THE COURT: Okay. Thank you.

14 I also told you that it's so important to keep an open
15 mind about this case. Don't pass judgment early on. Wait for
16 all the evidence to be presented to you and the lawyers make
17 their closing arguments. I'll give you the law that you are
18 to use to apply to the facts of this case.

19 So keep an open mind and just remember that you are the
20 sole judge of the facts. I can't tell you what the facts are
21 in this case. You are the sole judge of the facts. Okay?

22 And I also told you to make sure you get some good rest
23 at night because it's so important for you to be alert and
24 attentive to everything that's brought out in this case. So,
25 collectively, when you go back in the jury room and begin your

1 deliberations in order to reach a verdict in this case, that,
2 collectively, you'll have a really good idea of what's been
3 presented to you.

4 There's going to be a lot of information presented to you
5 this week, so be alert and be attentive. Okay? All right?

6 Now, Mr. Meadors, are you ready to give your opening
7 statement to the jury?

8 MR. MEADORS: May it please the Court?

9 THE COURT: Yes, sir.

10 MR. MEADORS: Mr. Conrad, Mr. Swerling.

11 OPENING STATEMENT ON BEHALF OF THE STATE

12 MR. MEADORS: Ladies and gentlemen, good morning.

13 June 10th, June 24th, July 8th, to echo His Honor, thank
14 you-all for being here. Thank you. That's three times
15 showing up. Thank you for answering the call. This system
16 would not work without all of you, so thank you.

17 I'm going to do a shorter version. 3115143. 3115143.
18 Do you know what the evidence is going to show that is?
19 That's the yellow tag on the autopsy bag that Dr. Kyle Shaw
20 opened that had the body of Davis McClendon in it. 3115143.

21 And this case is about how and why Davis McClendon became
22 that number; went from a living, breathing human being to
23 3115143. And it was because of the intentional act -- the
24 intentional doing of a malicious act by the defendant, William
25 "Bud" Ackerman.

1 How did that happen? He drove his 7,000-pound Ford 2019
2 F-250 at 25 miles an hour into the body of Davis McClendon.
3 Do you know what happened then? "Bam!" You're going to hear
4 that. You're going to see that. You're going to feel that.

5 And that's what this case is about, the intentional act
6 of driving a Ford F-250, the evidence will show, into the body
7 of Davis McClendon as he became 3115143, because he wanted to
8 end his life and make him a number.

9 He's charged with murder. I'm not going to go over all
10 what that is; we'll talk about it at the end: The malicious
11 intentional killing of another individual with malice
12 aforethought, meanness, evilness, wickedness.

13 How are we going to show you how he got into that body
14 bag? I'm going to try to be brief. I don't talk too much.
15 Y'all are going to be tired of hearing me already. But it's
16 going to show this case is about that the defendant, William
17 "Bud" Ackerman had a relationship with a lady named Meredith
18 Ackerman at the time -- now Meredith Haynie. That
19 relationship ended in May of '22. They began divorce
20 proceedings. It was four weeks from the final towards the end
21 of May of '23.

22 Four weeks from the date of this incident, it was going
23 to be final. Just didn't work out. Happens in life. But the
24 evidence will show that Davis McClendon had nothing to do with
25 that breakup. Nothing. Nothing.

1 He started seeing Meredith Haynie six months after the
2 breakup, sometime in December. Quietly became friends. The
3 defendant found out on approximately April 29th of 2023,
4 somewhere around there -- somewhere around that time period
5 about a week before this incident, he actually texted a
6 friend: "Man, what the hell is Davis thinking? I mean, what
7 the hell, man?"

8 And he started thinking about it. We believe we can show
9 from April 29th until 1:11:34 on May 7th when he ran and
10 struck him. One of the first times that Davis and Meredith
11 had been out publicly was on May 6th. Small Greenville
12 community. That word got out. And we believe the evidence
13 will show the defendant, Bud Ackerman, began trying to find
14 him, call him, follow him, and we argue (indiscernible) at
15 closing hunting, trying to get him, trying to find him. Went
16 from a club called Key West, which we're going to show you
17 videos and pictures of; went to where Meredith was living on
18 Tally Ho in the Hunter Creek subdivision, then went to where
19 Davis McClendon was living out near Break on the Lake. Then
20 went to Break on the Lake -- and we're going to show you a
21 video of him circling, looking for them. Then went to a bar
22 right near there called Pork. Can't remember the whole name
23 but it will come out.

24 On the phone call, calling back and forth. The evidence
25 is going to show, at this time, Meredith was actually trying

1 to call some of the family of the defendant saying, "Hey,
2 somebody needs to come do something. I'm trying to get in
3 touch with him." You're going to see records of that and
4 hear testimony of that, trying to stop him. She knew
5 something might happen.

6 Finally, the evidence will show the defendant said, "I
7 want to see Davis. I want to talk to Davis McClendon." And
8 they arranged a meeting, a meeting to talk, to fight, to meet
9 at his direction, the defendant's direction, near the
10 intersection of Avid and Sawgrass in the Hunters Creek
11 subdivision.

12 The evidence is going to tell the folks that, around 1:08
13 in the morning on May 7th of 2023, Meredith Haynie is actually
14 on the phone with Davis McClendon. He says -- puts him on
15 hold to talk to Bud Ackerman. And that phone stays active
16 until after 1:11:34.

17 The evidence will show the defendant knew where they were
18 going to meet and knew where it was, wanted to meet there.
19 And then drove his 7,000-pound F-250 into the body of Davis
20 McClendon before he had a chance to talk or fight or do
21 anything. He ended it there because he wasn't going to be
22 with Meredith and he made sure of it and he made him 3115143.

23 He made his choice, and that's all this case is about.
24 It's not that complicated, but it's so important to the
25 defendant and his family, to Davis McClendon and his family.

1 This is everybody's day in court. Everybody's day in court.

2 All we can do and all we are -- and as His Honor has done
3 -- and His Honor is the judge of the law -- I'm trying to cut
4 this short and I'm cutting out a lot, but he is the law. He
5 tells us all what the law is.

6 But when we come down to it, y'all remember the MVP.
7 There's no game, but when you've heard all the evidence, the
8 judge is going to give you that law and you're going to
9 decide.

10 And "verdict" means simply to speak the truth, to tell
11 the truth. And if you believe the facts after the judge gives
12 you the law or that the State has met its burden beyond a
13 reasonable doubt of murder, then you must find him guilty of
14 murder.

15 And when we get to the close, myself and Mr. Conrad are
16 going to ask you, respectfully -- respectfully, to find that,
17 on May 7th of 2023 at approximately 1:11:34 in the morning,
18 the defendant intentionally drove his truck into Davis
19 McClendon and made him 3115143 and we're going to find him
20 guilty. Thank you.

21 THE COURT: All right. Thank you, Mr. Meadors.

22 Mr. Swerling, are you ready, sir?

23 MR. SWERLING: Yes, sir.

24 OPENING STATEMENT ON BEHALF OF THE DEFENDANT

25 MR. SWERLING: Good morning, ladies and gentlemen.

1 JURORS: Good morning.

2 MR. SWERLING: I -- first of all, I'd like to apologize
3 for what happened a couple of weeks ago, and I appreciate your
4 patience. It seems, obviously, I did not feel well, and we
5 had to adjourn the court that day. And I appreciate you-all
6 coming back and being willing to sit in judgment on this case.

7 Hold that against me, not against Bud Ackerman. It
8 certainly was not his fault that I fell ill, but I do
9 appreciate you being here today, and I look forward to trying
10 this case with you.

11 I've come to Greenwood a number of times over my career,
12 and I've always enjoyed the experience here, the people, the
13 courtroom here, and the community sense of justice, which we
14 believe we are still in that position where we have a jury now
15 who is going to do justice in this case.

16 If you'll remember a couple weeks ago when we selected
17 the jury, the judge asked you a lot of questions about your
18 knowledge of the case, your involvement with anybody in the
19 case, people you knew, things you might have read. And a
20 number of jurors were excused by the Court because they may
21 have had some kind of preconceived opinion or some kind of
22 preconceived knowledge about the case.

23 And when we seat a jury in a case, we certainly want
24 people who have no interest, no motive, no bias, no prejudice,
25 have not formulated an opinion on the case, because we have to

1 maintain an open mind when you sit here as a jury in a case
2 because you took an oath to well and truly try the case and
3 fair deliverance make -- true verdict make in this case.

4 So if you have read about the case or talked about the
5 case and knew anybody in the case, the Court excused a number
6 of people, as you can tell. We had lines coming up here, and
7 those people were asked questions, and the judge excused a
8 number of cases [sic] for what we call cause.

9 Then we had a panel of a number of jurors -- I don't
10 remember how many exactly there were. But out of that panel,
11 you were called up one by one. And the State had an
12 opportunity to exercise strikes against jurors that they
13 thought might have had a preconceived opinion about it or
14 relationship or some kind of opinion or knowledge about the
15 case, something they may have read or whatever the reason is.
16 Lawyers have a right to go ahead and excuse jurors for certain
17 causes, what we call preemptory challenges. And they
18 exercised a number of those.

19 And then it's passed over to the defense to go ahead and
20 have that opportunity to excuse jurors that we feel, for one
21 reason or another, we don't want sitting on the case.

22 Well, guess what? The 14 of you are the collective
23 reasoning of the Court, the prosecution, and the defense,
24 myself, of people we believe who can sit in this case fairly
25 and impartially and render a true verdict just solely based on

1 the law and the evidence in the case. Basically, you won the
2 lottery by getting seated in this jury. Maybe go out and buy
3 a lottery ticket. But you are the 14 people we collectively
4 believe can be fair and impartial in this case and will be
5 fair and impartial in this case.

6 So we are now moving into the trial phase of this case,
7 and these are the opening statements. Mr. Meadors was brief.
8 Mr. Meadors and Mr. Conrad and I have known each other many,
9 many years. We have tried cases together. There's no
10 animosity between the lawyers in this case. Certainly know
11 Judge Hocker and tried cases in front of him.

12 So when you hear objections and motions and things of
13 that nature, it's not personal in any way. It's really we are
14 following the rules of evidence and the rules of law that we
15 are obliged to during the course of a trial.

16 Now, the State has charged Mr. Ackerman with murder.
17 Now, as Mr. Meadors explained to you, they're alleging that
18 this was an intentional act with malice aforethought. And
19 basically what that means is that the person, Bud Ackerman, or
20 anybody charged with murder, intentionally acted with malice.

21 And malice basically has been defined -- and the judge
22 will define it for you at the end of the case, but it's a
23 wicked heart, an evil heart, a heart devoid of any kind of
24 passion, love, or any -- or life or anything like that. It's
25 just evil. It's an evil mind. It's an evil act.

1 And the State has to prove beyond a reasonable doubt that
2 Mr. Ackerman acted intentionally in this case in order to
3 sustain a verdict of murder, because that's what they've
4 alleged. And they have to show it was intentional and it was
5 with malice -- malice aforethought.

6 Now, I'm not going to go into the definitions of all that
7 at this point more than what I already have, but I want you to
8 please, during the course of this trial, decide whether or not
9 this State has proven that Bud Ackerman acted with malice
10 aforethought, with an evil heart, a wicked heart. Or was this
11 the act of something that, unfortunately, took place and
12 became an accident where Mr. Ackerman unintentionally --
13 unintentionally killed Mr. McClendon -- Davis McClendon.

14 And we submit to you that, at the end of this trial, you
15 will see that the State does not and cannot meet its burden
16 beyond a reasonable doubt that Mr. Ackerman acted
17 intentionally with malice.

18 And I'm not going to go into all the evidence in the case
19 or all the details. You'll hear it. You're going to hear it
20 from the witness stand. The State is going to present its
21 witnesses, and I'll have a right to cross-examine them. And
22 you will hear the evidence in the case. And I say that's
23 sufficient for you -- at the end of this case, you will
24 believe that they did not prove their case beyond a reasonable
25 doubt and the allegations they're making are just not

1 sustained.

2 Now, I said -- I told you what murder was, and
3 Mr. Meadors told you what murder was: an intentional killing
4 with malice aforethought. They have the burden of proof in
5 the case. The State always has the burden in any case,
6 whether it's a shoplifting case, whether it's a robbery case,
7 or whether it's a murder case. They have to prove guilt
8 beyond a reasonable doubt. That is the standard that we apply
9 in this country. It's the most important principle of law.

10 We have two very basic principles of law that most of the
11 states in the world -- most of the countries in the world do
12 not have. One is that Mr. Ackerman is presumed innocent. You
13 have heard that on TV. You've heard that and read about it in
14 the newspaper or heard people discuss it.

15 What does it mean? It means that, in South Carolina and
16 throughout the United states, in every courtroom that's taking
17 place right now where criminal trials are being held, a person
18 who is accused of a crime is presumed to be innocent. That
19 means that, throughout the course of this trial -- throughout
20 the course of the trial and until you go in the jury room to
21 deliberate and the 12 of you, who eventually will deliberate
22 in the case, believe that the State has proven beyond a
23 reasonable doubt that Bud Ackerman is guilty, that presumption
24 of innocence stays with him. It stays with him as you go in
25 the jury room. It stays with him as you go into the jury room

1 and deliberate.

2 And that presumption of innocence alone is enough to
3 sustain a not guilty verdict in the case if you believe that
4 the State has not removed that presumption of innocence from
5 Mr. Ackerman or any other defendant who is charged with a
6 crime.

7 So when you go into the jury room, you will deliberate,
8 and until and unless you believe -- all 12 of you who
9 deliberate -- that they have proven guilt beyond a reasonable
10 doubt, then that presumption of innocence stays, and it's
11 enough to warrant an acquittal in a case of a not guilty
12 verdict. It doesn't leave him when you go into the jury room.
13 It only is removed from him when the State proves guilt beyond
14 a reasonable doubt.

15 Now, what is reasonable doubt? You use reasonable doubt
16 in your everyday decisions, important decisions in your life.
17 You may think about buying car, you may think about buying a
18 house, you may think about where you're going to send your
19 kids to school, and number of important decisions in your
20 life, you weigh that. You weigh the pros and you weigh the
21 cons, and you come up with a decision about how you're going
22 to resolve that, whether you're going to go ahead with your
23 plans or not go ahead with your plans.

24 In a courtroom, however, the standard of reasonable
25 doubt, if you have a doubt, is that you must acquit an

1 individual -- you must find that person not guilty if you're
2 not satisfied beyond a reasonable doubt that the State has
3 proven guilt to that standard.

4 So it's not like your everyday decisions to some extent,
5 but it is to some extent, because when you make important
6 decisions in your life, you do weigh all the pros and cons.
7 You may talk to your family, you may talk to your friends, but
8 you'll ultimately come up with a result, whether you're going
9 to do something or not do something.

10 In a courtroom, if you have that doubt, you must resolve
11 that in favor of the person accused of a crime if you have
12 that doubt. And we submit to you, at the end of this case,
13 you will have a doubt about whether the State has proven guilt
14 to that standard.

15 So it really does come down to the most important
16 decisions of your life, because there's a difference between
17 what you do on the outside and there's a difference between
18 what you do sitting as jurors in a case.

19 I'd like to tell you -- I'd like to say that reasonable
20 doubt is that they proved the case beyond that reasonable
21 doubt. But if you hesitate, if you're not convinced, if
22 there's a hesitation on your part that they haven't proven
23 something or they have made an allegation that has not been
24 sustained in the proof and you hesitate to act, that's enough
25 to say a reasonable doubt.

1 It's not whether it's probable or not or possible or not.
2 That's not the standard of proof. The standard of proof is
3 beyond a reasonable doubt. And they must sustain that burden
4 before they are entitled to a verdict.

5 Now, you will hear a lot of evidence in this case, as the
6 judge told you and Mr. Meadors told you, and it's a very
7 unfortunate situation. No question about it. My heart goes
8 out to the family of the McClendons because no one -- no one
9 wants to have this happen this -- this kind of thing happen to
10 them or a member of their family or a friend.

11 However, when you accuse someone of committing a criminal
12 act, we have to impanel the jury to decide whether or not they
13 can prove that, the allegation that they have made. And that
14 is what we're going to be doing over the next few days. Can
15 they prove it? We submit they cannot. We submit, at the end
16 of the case, you'll have a reasonable doubt. We submit that,
17 at the end of the case, you will hesitate to act about whether
18 or not they have proven the case.

19 You will not believe, beyond a reasonable doubt, that
20 they have made out the offense of murder, an intentional --
21 intentional acts with malice.

22 Now, you'll hear a description of what happened that
23 night. Let me say -- I'm going to be very short about the
24 presentation because I want to hear the evidence that the
25 State presents, and we intend to challenge that evidence that

1 the State presents.

2 But I do want to say this: Decide, when you're listening
3 to the case, who is really wanting to fight, if there was a
4 fight. There was supposed to be a fight that night. Was it
5 Mr. Ackerman? Did Mr. Ackerman just merely want to talk? Or
6 did Mr. McClendon want to talk or want to fight?

7 You will hear evidence, when law enforcement got there,
8 EMS got there, and the police got there, that Mr. McClendon
9 was -- had his shirt off. He had taken his shirt off.

10 Mr. Ackerman approached the end of Avid Road where it cuts off
11 Sawgrass. I don't know if any of you are familiar with it;
12 you'll see plenty of pictures about the area, maybe some
13 overheads, maybe some diagrams.

14 But when Mr. Ackerman approached the end of Avid Road,
15 Mr. McClendon's car was parked facing Mr. Ackerman with his
16 headlights on. Of course this is 1:00 in the morning. Those
17 headlights are blinding. And he is driving down the road. He
18 is going to talk to Mr. McClendon.

19 There's a little bit of an incline on Avid Road as it
20 approaches where the incident happened. You will hear
21 evidence, as I said, that Mr. McClendon had his shirt off.
22 What does that indicate to you, when he had his shirt off and
23 he was standing in the middle of the road or sort of near his
24 car with his shirt off? And that's the way he was found, with
25 his shirt off.

1 Was he looking for an argument, looking for a fight? Or
2 was Mr. Ackerman looking to go ahead and talk?

3 You'll also -- I believe you will hear evidence that at
4 the very last moment, as Mr. Ackerman was coming down the
5 road, he tried to avoid hitting Mr. McClendon when he became
6 visible in those headlights and became visible with no shirt
7 on, at the very last couple of seconds before the impact
8 happened, and that Mr. Ackerman took evasive action to avoid
9 hitting him.

10 Does that sound like someone who is trying to run
11 somebody over? I submit to you no.

12 I submit to you that there are explanations and there's
13 things that happened in this case that you will hear during
14 the direct and cross-examination that will cause you to
15 hesitate, cause you not to believe that the State has proven
16 the case beyond a reasonable doubt.

17 That's all I'm going to go into right now. I just wanted
18 to point out those things to you that this was an accident.
19 This was not an intentional act. This was someone who was
20 standing at the end of Avid Road wanting to fight, with his
21 headlights directed at Bud Ackerman as Mr. Ackerman came down
22 Avid Road. And when Mr. Ackerman saw him, he took evasive
23 action to try and not to hit him, but unfortunately,
24 unfortunately he did strike him. Unfortunately.

25 So, ladies and gentlemen, these are the facts in a

1 general sense that you will hear, I believe, are submitted to
2 you during the course of the trial.

3 Please keep an open mind. You are -- the judge is the
4 judge of the law and he'll tell you what the law is at the end
5 of the case. He's given you a little bit right now about what
6 the law is in the case and what you're supposed to apply, how
7 you're supposed to look at the case, how you're supposed to
8 evaluate the case. But he'll have an opportunity at the end
9 to go ahead and give you a full instruction on the law as well
10 as Mr. Conrad or Mr. Meadors and I will have an opportunity to
11 explain to you in what we call arguments -- it's really not
12 argument; it's really just a statement -- of what we submit
13 the evidence shows. We'll have that opportunity at the end of
14 the case.

15 Just ask you to keep an open mind throughout the case,
16 but remember throughout the case, please, that the State is
17 alleging that this is an intentional act. Murder is the
18 intentional killing of another human being with malice
19 aforethought, and we submit that the State will not meet that
20 burden, cannot meet that burden.

21 And between the presumption of innocence and the proof
22 beyond a reasonable doubt, which are two of the basic tenets
23 of American law, here in Greenwood County and throughout South
24 Carolina and throughout the United States, we believe, we
25 submit, that, at the end of the case, you will go into the

1 jury room, and you will not be convinced beyond a reasonable
2 doubt that the State has proven its case.

3 That's all I'm going to say at this point. Again, thank
4 you for being here. Again, I apologize for the delay. I
5 assure you it was not intentional. But we are back here now
6 this week and ready to try the case. Thank you.

7 THE COURT: Thank you, Mr. Swerling.

8 State ready to call its first witness?

9 MR. MEADORS: May it please the Court?

10 THE COURT: Yes, sir.

11 MR. MEADORS: The State of South Carolina now calls Terry
12 Cummings.

13 THE COURT: Okay.

14 THE CLERK: Before you sit, will you please place your
15 left hand on the Bible and raise your right hand.

16 TERRY CUMMINGS

17 after having been duly sworn, was examined and testified
18 to as follows:

19 THE CLERK: Please state your name and spell your last
20 name for the record, please.

21 THE WITNESS: My name is Terry Cummings. Last name is
22 spelled C-u-m-m-i-n-g-s.

23 DIRECT EXAMINATION

24 BY MR. MEADORS:

25 Q. Good morning, Mr. Cummings.

1 A. Good morning.

2 Q. I do this with every witness: Would you mind telling the
3 jury a little bit about yourself. You know, your background,
4 where you're from, and your education and how did you get to
5 Greenwood.

6 A. Okay. Very good. Again, my name is Terry Cummings. I
7 was raised -- born and raised in West Virginia, of all places.
8 My occupation is -- I was a chemical engineer. Mostly worked
9 in the safety and environmental field. And my career started
10 in Texas. I transferred to Washington state and then to
11 Montana. That job played out. The company was sold, and so I
12 secured another job down here actually in Abbeville.

13 Q. So the chemical and environmental field -- I know what
14 that means, but what does that mean? What were you doing?

15 A. I primarily -- well, when I came down here, I was
16 primarily working on safety and environmental procedures,
17 investigations. I did some security work for the company in
18 Abbeville and they had -- I believe I was responsible for
19 another 10 different facilities in the United States and
20 Canada.

21 Q. So when did you come to Greenwood?

22 A. In 2005.

23 Q. And specifically, when you got here, who were you working
24 for?

25 A. I worked for Prysmian Cables. It used to be Pirelli.

1 It's the outfit in Abbeville with the big tower.

2 Q. Okay. And how long did you work for Pirelli?

3 A. I retired -- I worked for them and retired in January or
4 February of 2018. Actually, I still work for them part time.

5 Q. And so you mostly retired in 2018?

6 A. I did, yes.

7 Q. And I believe your wife is here with you?

8 A. She is, yes.

9 MR. MEADORS: Would you mind standing up?

10 BY MR. MEADORS:

11 Q. That's your -- Ms. Cummings?

12 A. Yes.

13 MR. MEADORS: Thank you, Ms. Cummings.

14 BY MR. MEADORS:

15 Q. So when y'all moved to Greenwood, where did you move to?

16 A. We actually moved to the apartments; I forget what the
17 name of them is, but the apartments beside Walmart and lived
18 there about a year, a year and a half, during which time we
19 contracted to build a house in Hunters Creek.

20 Q. And for those who may not be familiar, where is Hunters
21 Creek?

22 A. Hunters Creek is, oh, probably a mile -- couple of miles
23 towards Abbeville from Greenwood. You can go along Highway 72
24 to get there or Old Abbeville Highway.

25 (State's Exhibit No. 12, Google Map, was marked for

1 identification.)

2 MR. MEADORS: May I approach?

3 THE COURT: Sure.

4 BY MR. MEADORS:

5 Q. I'm going to show you what's marked State's 12, and I
6 briefly showed you this before. Does that appear to be a
7 Google Map of where you live?

8 A. Yes, it does.

9 Q. And do you recognize your residence on this Google Map?

10 A. I do.

11 MR. MEADORS: Your Honor, we now offer State's 12 without
12 objection.

13 THE COURT: What says the defense?

14 MR. SWERLING: No objection.

15 THE COURT: Without objection, No. 12 into evidence for
16 the State.

17 (State's Exhibit No. 12 was received into evidence.)

18 MR. MEADORS: And again, Your Honor, your procedure is
19 permission to publish this?

20 THE COURT: Sure, yes, yes. If it's into evidence, you
21 automatically have the right to publish it in any manner you
22 so choose.

23 MR. MEADORS: Thank you.

24 THE COURT: Can you see that okay, Mr. Cummings?

25 THE WITNESS: Yes, I can. Thank you for asking.

1 BY MR. MEADORS:

2 Q. Now, Mr. Cummings -- and, again, this is the first time
3 I'm in this courtroom and getting used to it myself, but you
4 live on Sawgrass?

5 A. I do, yes.

6 Q. If we come down on State's 12 on Avid Road, do you take a
7 left on Sawgrass?

8 A. That's correct.

9 Q. All right. When you take a left on Sawgrass on this
10 State's 12, where is your house?

11 A. My house is the first house on the left on Sawgrass.

12 Q. Would that be it?

13 A. That's -- yes, sir.

14 Q. And is this Avid Road?

15 A. That's correct, yes, sir.

16 Q. And this is Sawgrass?

17 A. That's correct.

18 Q. And what's your address on Sawgrass?

19 A. It's 103 Sawgrass Place.

20 Q. And that's it right where my finger is?

21 A. Yes, sir, approximately.

22 Q. You're a pretty smart fellow, aren't you? You can say
23 yes to that.

24 A. I do okay.

25 Q. Okay. All right.

1 [Courtroom laughter.]

2 Q. Maybe that wasn't great but...

3 Do you like technology?

4 A. I like technology, yes. I'm a tech geek.

5 Q. Okay. And I didn't want to say that.

6 Okay. So did you equip your house with video?

7 A. I did, yes.

8 Q. Why?

9 A. That's a good question. Probably because I just like
10 knowing what's outside. There's a lot of animals and things
11 that come outside. That's probably the main reason. I don't
12 think it's so much for security but it's just for what happens
13 in the middle of the night.

14 Q. Can you describe to the ladies and gentlemen of this jury
15 what type of video system you had? Did you install it
16 yourself?

17 A. I did, yes. I bought a camera system from Costco, and
18 it's a Vertex (ph) system, it's the brand. It's a 4K high
19 resolution system. It had eight cameras all installed now,
20 and it had a local video recorder with four terabytes of
21 memory in it and a -- hard drive space, I should say. And it
22 is all hardwired so you don't have to worry about the wireless
23 inconsistencies. That's probably about it.

24 It also does a -- it also records, I think, on motion,
25 and it does record back on the server of the manufacturer. So

1 I've got a local recording and also motion records back on the
2 server of the manufacturer.

3 Q. So is it motion activated?

4 A. It is.

5 Q. What type of activity triggers it to record?

6 A. Well, almost anything. Most of my activity at night is
7 triggered by bugs. We have moths and beetles that fly around,
8 and if they get close to the sensor, it will trigger the
9 camera to record, and I think it defaults for about a minute
10 unless it's retriggered during that time.

11 Q. So if a bug flew in front of one of your cameras, it
12 could act- -- it would activate the camera?

13 A. It does. I see it all the time. Cars driving in front
14 of the house, people walking in front of the house or around
15 the house, animals, raccoons, whatever going through the yard,
16 cats, all that triggers the thing to record.

17 Q. If a vehicle is coming down Avid on State's 12 -- Avid
18 Road, if it connects with this, would it necessarily catch
19 every vehicle that's coming down?

20 A. I don't know the answer to that, on Avid. That's -- a
21 lot of vegetation is on Avid, and at the time of this
22 incident, I did not have a camera on that side of the house.
23 I do have one on the front of the house, and it will catch a
24 little bit of that intersection between Avid and Sawgrass.

25 Q. So the camera we're going to ask you to -- we're going to

1 introduce in a minute, what did the camera -- where was the
2 camera on your house in May of 2023?

3 A. The one that caught this incident was actually on the
4 front of the garage.

5 Q. And which way was it pointing?

6 A. It was pointed roughly to the north, but it's a wide
7 angle so it gets from approximately my driveway all the way
8 clear to the corner of Avid and Sawgrass.

9 Q. Now, at some point after May 7th of 2023, did law
10 enforcement get in touch with you and ask you if you had a
11 camera on your house?

12 A. They did. Actually, Investigator Murdock contacted me.
13 I was out of town, but he contacted me on my Ring camera,
14 which is another camera that I have, and asked if it had
15 recorded anything that night. And it had not because it's
16 limited as to where it looks and the sensitivity, I've got it
17 adjusted down. So it doesn't catch necessarily every car that
18 goes by.

19 But I did tell him that I would have a -- you know, I had
20 a closed circuit camera that I would check when I got back in
21 town. And I did.

22 Q. And did he give you a time -- and is that Captain Murdock
23 right over there in the maroon on the second row?

24 A. Yes, sir.

25 Q. Did he give you a time period he wanted you to look for

1 or check?

2 A. It was -- he said around 1:00 in the morning on the -- I
3 believe the 7th.

4 Q. May 7th of 2023?

5 A. Of May. May 7th of 2023.

6 Q. And, Mr. Cummings, did you do that?

7 A. I did.

8 Q. And you didn't mind doing that, did you?

9 A. No.

10 Q. And after checking your video system, did you find
11 anything that was recorded from your camera facing from your
12 front after 1:00 in the morning?

13 A. I did. And I was actually able to see some vehicles,
14 specifically lights, at the corner of Sawgrass and Avid.

15 Q. What did you do when you saw that there was something on
16 there that may be potential evidence for Captain Murdock?

17 A. I downloaded a couple of clips of those things that I
18 saw, and I emailed it to Captain Murdock. And I believe we
19 had a discussion at a later time or emails, and he said he was
20 interested in that.

21 And so I -- we discussed over a day or two various time
22 frames, and from about 1:00 to 1:43 was the period of time
23 that we agreed that I would capture and download and provide
24 him with a memory stick.

25 Q. And did you, in fact, do that and did you turn that over

1 to Captain Murdock?

2 A. I did. I did.

3 Q. Now, Mr. Conrad and I have been out to your house,
4 haven't we?

5 A. You have, yes. Both of you.

6 Q. And did you look at the contents of that video with us?

7 A. I did.

8 Q. And do those contents accurately reflect what you took
9 off your camera from May 7th between 1:00 in the morning until
10 2:00?

11 A. Roughly, yeah.

12 Q. Or 1:45. Excuse me.

13 A. Yeah, around 1:45. They look to be the same, yes, sir.

14 (State's Exhibit No. 1-A, 1-B, 1-C, and 1-D, Security
15 Video from Sawgrass House, was marked for identification.)

16 BY MR. MEADORS:

17 Q. Now, I have marked here 1-A, 1-B, 1-C, 1-D. And I hope
18 that's okay for the court reporter.

19 THE COURT: Sure. It's okay for the Court --

20 MR. MEADORS: I'm sorry. Judge, the Court, I meant to
21 say.

22 THE COURT: Sure.

23 BY MR. MEADORS:

24 Q. Is there a full video?

25 A. There is. I actually downloaded everything from the time

1 period, I believe, 1:00 to 1:43, yes, sir.

2 Q. And then are there different sections from that same 1-A
3 that you took from there?

4 A. That's correct, yes, sir.

5 Q. And why did you do that?

6 A. The recorder only records on motion. And so even though
7 I recorded from -- or I downloaded everything it had from 1:00
8 to 1:43, only certain segments in there actually had activity
9 and was recorded. And so that's why the different sections
10 are there.

11 Q. So you went through and recorded or made separate clips
12 of the recordings?

13 A. I did; however, what I gave Captain Murdock was just the
14 entire recording.

15 MR. MEADORS: Your Honor, at this time, we'd offer the
16 full video 1-A, 1-B, which depicts an incident around
17 1:01 a.m., 1-C, and 1-D.

18 MR. SWERLING: No objection.

19 THE COURT: Without objection, 1-A through 1-D into
20 evidence for the State.

21 (State's Exhibit Nos. 1-A, 1-B, 1-C, and 1-D were
22 received into evidence.)

23 BY MR. MEADORS:

24 Q. I'm going to ask Ms. Cologne if she would now publish
25 1-B. And as she's loading that up, you said a bug can

1 activate this?

2 A. Oh, yeah, yeah. When they fly close to the sensor, it
3 does trigger it for sure.

4 Q. Now, Mr. Cummings, before we start this, whose yard is
5 that?

6 A. That's my yard. That's my front yard.

7 Q. And that's facing that road down there, Sawgrass.

8 A. Straight out from it is Sawgrass. The intersection of
9 Sawgrass and Avid is that little piece in the upper right.

10 Q. Now, on here we have --

11 MR. MEADORS: If you could go back up, please, ma'am,
12 just so we can get the date on there.

13 Q. That says May 7th of '23. This is 1:00 -- I'm sorry.
14 And it's got vehicle activity at 1:01 a.m.?

15 A. Yes, sir.

16 MR. MEADORS: Please play it.

17 (Video playing.)

18 BY MR. MEADORS:

19 Q. Can you see?

20 A. It's, it's --

21 MR. MEADORS: Would you -- Your Honor, could he come
22 down?

23 THE COURT: If you need to step down, Mr. Cummings, you
24 can.

25 THE WITNESS: I will step down for just a few minutes so

1 I can accurately view the --

2 THE COURT: All right. Just make sure you speak up a
3 little louder since you're away from the microphone. Okay?

4 MR. MEADORS: Go ahead and play it, please.

5 (Video playing.)

6 BY MR. MEADORS:

7 Q. Now, what -- why did you pick this out as you were
8 reviewing it?

9 A. I didn't specifically pick it out. The camera recorded
10 this segment due to motion it detected either from something
11 flying in front of it or the car, the lights at the
12 intersection.

13 Q. Much better answer than the question.

14 So in the back right, did it appear to you to be
15 headlights?

16 A. Yes, there were headlights back there.

17 Q. So this was activated --

18 MR. MEADORS: Can you go back, please?

19 Q. Do we know why it was activated here?

20 A. It was either activated due to the light, which the
21 camera indicated it saw the motion, or something flew in front
22 of the camera. Either one, it would activate.

23 In this case, it looks like the lights triggered the
24 camera to record.

25 Q. And that was at 1:01:19; correct?

1 A. That's what -- yes.

2 Q. Now, is your time good?

3 A. Yes.

4 Q. Why do you say that?

5 A. A couple of reasons. The recorder is set up to
6 automatically sync or go out to the internet and check what's
7 called an NTP server, Network Time Protocol server. Don't
8 know all the technical details, but it is out there to make
9 sure the camera -- the local time is accurate. And it goes
10 and does that routinely.

11 Also, when I was checking the footage for Captain
12 Murdock, I did verify that the system time at that point in
13 time was accurate with my cell phone and with my computer
14 time. So I'm very certain the time was good.

15 Q. So your testimony to this jury and to this Court is that,
16 in your best belief, 1:19 -- excuse me, 01:01:19 is the
17 correct time?

18 A. Absolutely.

19 Q. Absolutely.

20 And just as a layperson, what does that appear to you to
21 be down there on the right at the top?

22 A. It looks like there's a car facing to the right in the
23 camera. That should be up toward the entrance of Avid. And
24 you can see one headlight.

25 MR. MEADORS: We're now playing 1-C.

1 (Video playing.)

2 Q. And, again, before you start it, for the record, this is
3 your house and this starts at --

4 MR. MEADORS: Can you go back to the first, please,
5 ma'am, and see what time it is?

6 Q. That says 1:11:06.

7 Now -- so between one-one we just saw, 1-B, and here,
8 there was no activity on it that you observed?

9 A. There was no activity recorded, that's correct.

10 Q. And, again, the full video is in evidence for the jury to
11 review if they want to. You saw nothing in between there?

12 A. No, I did not.

13 MR. MEADORS: Go ahead.

14 (Video playing.)

15 Q. Now a bug just flew across there?

16 A. There was one of them bugs, yep. If he's close enough,
17 that will trigger the camera.

18 (Video continues to play.)

19 Q. Did you see some activity at 1:11:34?

20 A. I did, yes.

21 MR. MEADORS: If you could go back.

22 Q. Is that why you made -- highlighted this clip if you
23 downloaded it?

24 A. Yes.

25 Q. I want you to say --

1 MR. MEADORS: Could you just go back to 30%.

2 Q. I just want you to say "stop" when you see what you
3 believe was the next activity.

4 (Video continues to play.)

5 A. Stop.

6 Q. And what did you just see on your camera and why did you
7 download it?

8 A. It appears another vehicle came into contact with the
9 first vehicle and pushed it back.

10 Q. And that's --

11 MR. MEADORS: Play it one more time.

12 (Video continues to play.)

13 A. You can see another vehicle driving in from the right.
14 And, again, it seems to contact and push back the vehicle that
15 was parked there.

16 Q. And that was at approximately 1:11:34?

17 A. Yes, sir.

18 Q. And that may have been caught on camera because of a bug?

19 A. It was -- it could have easily been caught because of
20 that bug, yes. There was also some activity which may have
21 indeed triggered it as well.

22 Q. And, finally, 1-D, for the record. And this shows the
23 time of 1:32?

24 A. Yes, sir.

25 Q. And why did you --

1 A. There appeared to be another car arrived at that
2 particular point in time at that intersection.

3 Q. So between 1:11:34 and 1:32 when we just saw this other
4 car come in, was there any activity on your -- on that camera?

5 A. There was nothing recorded -- nothing recorded on the
6 recorder, no, sir.

7 Q. So if another vehicle had left after the 1:11:34, the
8 vehicle that came down, it wasn't caught on your camera?

9 A. It was not, no.

10 Q. And was there any other activity after this that you
11 found within the time period that Captain Murdock gave you?

12 A. The last clip on the full video was emergency services
13 showing up with the -- with some lights.

14 Q. And that would be 1-A.

15 MR. MEADORS: Could we go to that?

16 (Video plays.)

17 A. As you can see, the timestamp on the bottom is not
18 flowing because it's just -- it's not recording anything
19 additional. That's the last image from the 1:32 time frame.

20 (Video continues to play.)

21 A. That's when the emergency vehicle showed up.

22 Q. 1:42:30.

23 (Video continues to play.)

24 Q. Okay, sir. You can have a seat back. Thank you,
25 Mr. Cummings.

1 MR. MEADORS: Beg the Court's indulgence.

2 THE COURT: Sure.

3 BY MR. MEADORS:

4 Q. Was there any sound that you recorded?

5 A. No. That camera -- that camera system does not have
6 audio.

7 Q. We're trying to tell the jury -- where is the camera on
8 your house? I mean, the best picture to show that.

9 A. The camera is on the very front of the house. My garage
10 actually sticks out a little farther than the main house, and
11 it's on the front of that garage.

12 Q. And that's what caught this?

13 A. And that's what caught it, yes, sir.

14 Q. Very good. And you don't -- or do you? Do you know any
15 of the parties in this case at all?

16 A. I don't, no.

17 MR. MEADORS: Judge, I think that's all we have.

18 Thank you very much.

19 THE COURT: Any cross-examination?

20 MR. SWERLING: Very briefly, sir.

21 (Mr. Swerling falls.)

22 THE COURT: Okay, ladies and gentlemen. I want you to go
23 back to the jury room for just a minute, please.

24 (The jury exits the courtroom.)

25 THE COURT: All right. We're going to take a ten-minute

1 recess.

2 (A recess was taken and then the proceedings resumed as
3 follows:)

4 THE COURT: Mr. Swerling, I understand the chair got out
5 from under you a little bit.

6 MR. SWERLING: I think so, but I like to add a little
7 drama to the...

8 [Courtroom laughter.]

9 THE COURT: All right. Okay. Do you mind if I just
10 mention to the jury that it was due solely to the chair
11 sliding?

12 MR. SWERLING: Yeah, yes.

13 THE COURT: Let me mention to the people in the gallery:
14 I've been told that some of you have cell phones out. When
15 you come back in after our lunch break, leave your cell phone
16 in the car. So don't have your cell phones out at all. My
17 bailiffs will be looking, and if they see a cell phone out,
18 then they have been instructed to take possession of it. So
19 no cell phones. Okay?

20 All right. Anything from the State before we bring the
21 jury out?

22 MR. MEADORS: No, sir, that video which -- I think we
23 found that the Mejia video, for sake of a better argument, is
24 the one that didn't show all that Your Honor was concerned
25 about.

1 THE COURT: Right.

2 MR. MEADORS: It just kind of goes up and shows the
3 position of the body and moves on. I'm assuming that's the
4 one that we're okay with, but if we want to look at that
5 before that witness, I just want to be clear -- I don't want
6 to do anything improper.

7 THE COURT: Right. And that -- okay. The Mansel video,
8 I indicated back in chambers that I'm not going to allow that
9 in because it is a close-up of the body. It indicates the
10 work that EMS was doing, and they can testify as far as the
11 treatment they were providing.

12 The Mejia video, when you gave it to me two weeks ago to
13 look at, I didn't look at the whole thing. I thought it was
14 just, when it kind of turned black, then I thought that was
15 it. So what I need to do, before I make a ruling on it, I
16 need to take a look at that.

17 So who is going to be your next witness, Mr. Meadors?

18 MR. MEADORS: Another camera witness. So we're fine on
19 that.

20 THE COURT: Okay. So we may be able to have some time
21 for me to look at that.

22 MR. MEADORS: Thank you.

23 THE COURT: So you did provide -- Mr. Conrad, you did
24 provide it to me; I just didn't look at the whole thing.

25 MR. CONRAD: Yes, sir.

1 THE COURT: All right. Now, ready for the jury? State?

2 MR. MEADORS: Yes, sir.

3 THE COURT: Defense?

4 MR. SWERLING: Yes, sir.

5 THE COURT: Okay. All right. Bring the jury out,
6 please.

7 THE BAILIFF: Your Honor, do you want the witness back on
8 the stand?

9 THE COURT: Yes, come on back, Mr. Cummings.

10 (The jury entered the courtroom.)

11 THE COURT: Okay. Let the record reflect that the jury
12 is back in.

13 Ladies and gentlemen, in Mr. Swerling's defense, nothing
14 wrong with him; just the rolling chair that he was sitting in
15 came back out from behind him and that's what caused the --
16 caused the fall.

17 I just want to remind everybody: Please be alert and
18 attentive throughout this trial. I noticed a few minutes ago,
19 before we took a break, there was one of you that maybe was
20 not paying as close attention as you need to. So please be
21 sure to do that.

22 Mr. Swerling, are you ready for your cross?

23 MR. SWERLING: Thank you, Your Honor. Yes.

24 I just wanted to get a gasp out of everybody; that's why
25 I fell back.

CROSS-EXAMINATION

BY MR. SWERLING:

Q. Mr. Cummings, I'm Jack Swerling. I just want to ask you a couple of questions about it. That's 1-A up there that we were looking at before.

A. Okay, yes.

Q. Okay. In the upper right-hand corner of the screen are what appear to be some headlights; correct?

A. That's correct.

Q. And what your testimony was, is that activated or that would have been something that was recorded, I think, at, like, 1:00?

A. I think it was 1:11 or maybe 1:03, something like that, yes, sir.

Q. Okay. But the system is activated when that car put on its headlights or when it came to that stop over there?

A. It was either activated by that or potentially a bug flying in front of the camera sensor. It happens a lot.

Q. But, clearly, what we're looking at right now are some headlights facing up Avid Road?

A. That's correct.

Q. And where that car -- where the headlights are is the actual corner of Sawgrass and Avid; is that correct?

A. Yes, it is. Yes, it is.

Q. So there's no question that that car had its headlights

1 on, from what you could see?

2 A. I would agree, yes.

3 Q. Now, let me ask you this: At the end of Avid Road, some
4 distance back from where that vehicle is, where those lights
5 are, there's a gate. It's kind of a dead end; correct?

6 A. That is correct.

7 Q. All right. And so that vehicle was not facing that
8 direction where -- I don't know how many feet there was, but
9 it wasn't facing the direction of the gate. It was facing the
10 direction up towards the exit of that subdivision?

11 A. Yes, that is correct.

12 Q. Okay. But, clearly, at the corner of Sawgrass and Avid?

13 A. That's where the light is, yes, sir.

14 Q. Okay.

15 A. The headlight.

16 Q. Okay. And so, in and of itself, the recording took the
17 image of the headlights on that vehicle before any other
18 vehicle showed up?

19 A. That's -- yes, that's what I observed.

20 Q. Okay. And then what we saw in some of these subsequent
21 clips was there's another vehicle there?

22 A. Yes. Yes.

23 Q. And then some emergency vehicles later on?

24 A. There appeared to be a third vehicle show up before the
25 emergency vehicles, yes, sir.

1 Q. Right. Correct. Okay.

2 I just wanted to make sure that that reflects that the
3 headlights of that vehicle were on, facing up Avid Road.

4 A. It does.

5 If I could make a comment...

6 Q. Sure.

7 A. During playback, if you can zoom in on that corner, it
8 will give you a lot more detail. It's a 4K camera, so it
9 actually -- if you're able to do that, it would be good for
10 you and the jury to see.

11 MR. SWERLING: Can we zoom up? Can we zoom?

12 AV TECHNICIAN: I can try.

13 (Video plays.)

14 BY MR. SWERLING:

15 Q. Can you do it, Mr. Cummings?

16 A. I don't know what program she's got, but I'll certainly
17 take a look at it.

18 THE COURT: Sure. You could step down. If you can
19 provide some technology expertise, we'll certainly welcome it.

20 THE WITNESS: I'll attempt it.

21 MR. SWERLING: I promise I won't fall again.

22 (Pause in the proceedings.)

23 THE WITNESS: Without a mouse, I don't think -- anyway, I
24 technically use a mouse and I'm actually able to zoom in just
25 in that particular upper right section. And if you're able to

1 do that for the jury later today -- actually, it probably
2 needs to be done now -- it will be helpful, I think, because
3 you get really get some more -- a lot more detail.

4 BY MR. SWERLING:

5 Q. Okay. Well, maybe we can figure out how to do that.

6 You have seen the video up close; correct?

7 A. I have, yes.

8 Q. All right. And it illustrates that vehicle facing up
9 Avid Road?

10 A. Yes, it does.

11 Q. In order to face up Avid over the headlights on, it would
12 have had to turn around; correct?

13 A. In looking at the video footage, it looks like that,
14 indeed, is what happened just before it parked in that
15 location.

16 Q. Is there any way to tell what vehicle that is?

17 A. No, not from my perspective.

18 Q. But it was the first vehicle that was on the scene
19 completely?

20 A. Yes.

21 Q. Okay. And -- but you're saying that, if we had the
22 technology, we could enlarge that and zoom in on that?

23 A. You can zoom in. It provides a lot more clarity. It's
24 certainly not going to identify the vehicle, but it gives you
25 a lot more clarity as to what's going on in that small piece

1 of this screen.

2 Q. And that vehicle was there alone for some period of time
3 before another vehicle came up?

4 A. It was, yes, sir. Ten minutes, eight minutes, something
5 like that.

6 Q. All right. Thank you. I appreciate it.

7 A. Yes, sir.

8 THE COURT: Any redirect?

9 MR. MEADORS: Very briefly.

10 THE COURT: Sure.

11 REDIRECT EXAMINATION

12 BY MR. MEADORS:

13 Q. So you have the equipment that can do that?

14 A. I do. In fact, what she has may be able to do that if I
15 had a mouse to zoom in, yes, sir.

16 Q. So based on his questions, I may call you back before we
17 rest, with the Court's permission, if you're saying you can
18 zoom in on that ---

19 A. Yes, sir.

20 Q. --- with your equipment?

21 A. Yes, sir.

22 Q. Are you willing to do that?

23 A. Yes, sir.

24 Q. Okay. Now, he asked you about the gate. Do you know how
25 far the gate is from that intersection of Sawgrass and Avid?

1 A. It will be a guess but maybe 100, 120 feet.

2 Q. And is there a street light there?

3 A. There is, on that corner.

4 Q. We'll see you later this week. Thank you.

5 A. Okay. Thank you.

6 MR. MEADORS: That's all we have.

7 THE COURT: You could step down, sir.

8 THE WITNESS: Thank you.

9 THE COURT: Thank you very much.

10 Next witness, Mr. Meadors?

11 MR. MEADORS: The State of South Carolina would call
12 Roderick Maceda.

13 THE CLERK: Before you're seated, please place your left
14 hand on the Bible and raise your right hand.

15 Roderick Maceda,
16 after having been duly sworn, was examined and testified
17 to as follows:

18 THE CLERK: Thank you. Please be seated and please state
19 your name for the record and spell it for me.

20 THE WITNESS: My name is Roderick Maceda. M-a-c-e-d-a.
21 I'm a...

22 DIRECT EXAMINATION

23 BY MR. MEADORS:

24 Q. Good -- good morning.

25 A. Good morning, sir.

1 Q. Will you tell the jury just briefly, if you don't mind,
2 about yourself, your background, your training, and when you
3 came to Greenwood, please, Mr. Maceda?

4 A. I'm a cardiovascular tech at the Self Regional Hospital.
5 I work in the heart operating room. I usually prepare the
6 instruments and help the doctor in their procedures.

7 I came to Greenwood in 1999, so I've been living here for
8 the past 22 years. I'm originally from the Philippines.
9 Basically...

10 Q. And I believe your wife is a psychiatrist?

11 A. Oh, my wife is a psychiatrist. Sorry. Yes, sir. She
12 works right now at the Patrick B. Harris Hospital.

13 Q. And I won't do this with every witness, but you were in
14 here for my last one, so I have to be fair. You're a smart
15 fellow, too, aren't you?

16 A. I try to be.

17 Q. You try to be.

18 Now, looking at State's 12 -- and if you need to come
19 down -- is your house depicted on State's 12 here on Avid
20 Road, Mr. Maceda?

21 A. Yes, sir.

22 Q. And is this your house?

23 A. Yes, sir.

24 Q. And how long have you been there?

25 A. We've been there for the past 16 years.

1 Q. Okay. You can have a seat back.

2 Now, Mr. Maceda, did you equip or have installed on your
3 house -- and what's your address?

4 A. My address is 111 Avid Road.

5 Q. Did you have equipped on your door or anywhere else any
6 type of video recording system?

7 A. At that time, I have a Ring camera on my front door.

8 Q. And when did you get that approximately?

9 A. I got that probably 2008 or '10.

10 Q. And what does that show, your Ring camera?

11 A. Usually the Ring camera doorbell will be activated
12 through motion most of the time. And with that, also it will
13 also get sound.

14 Q. So you have motion and sound?

15 A. Yes, sir.

16 Q. And do you check it periodically? How do you -- are you
17 notified if there's some motion?

18 A. I check it once a day and it notifies me on the phone.

19 Q. So if you're at work or at a restaurant and there's some
20 activity at your house, are you notified?

21 A. Yes, sir.

22 Q. Going back to the early morning hours of May 7th of 2023,
23 not to pry, but were you at home?

24 A. Yes, sir.

25 Q. And do you and -- Mr. Conrad and I came out to your

1 house; right?

2 A. Yes, sir.

3 Q. And are you a sound sleeper?

4 A. Yes, sir.

5 Q. And did you hear anything in the early morning hours of
6 May 7th, 2023, just of your own ears?

7 A. No, sir.

8 Q. And at some point after that did, you become in touch
9 with the Greenwood -- somebody with the Greenwood County
10 Sheriff's Department?

11 A. They came to my house, sir.

12 Q. And as a result of that, did you look to see if there was
13 any video footage on your Ring camera?

14 A. I already know -- I already watched it before they came,
15 sir.

16 Q. You did. And why did you do that?

17 A. Well, at the time of the incident, I was awakened around
18 3:00 a.m. because there were lights -- like police lights. I
19 thought they were in my driveway. So I just peered through my
20 window, and there was a lot of vehicles, police cars. So I
21 just -- normally, at that time, because my area is isolated so
22 I didn't think about it until after a few hours when I checked
23 it again. And that's that time I look at my video, I saw the
24 -- there's something happen.

25 Q. Okay. So it was the police lights, if you will, that

1 woke you up later that morning?

2 A. Yes, sir.

3 Q. Okay. And did you provide that video from the Ring
4 camera to law enforcement?

5 A. Yes, sir.

6 Q. And did you and Mr. Conrad and I review that video at
7 your residence?

8 A. Yes, sir.

9 Q. And does that accurately reflect what was taken from your
10 Ring camera on the morning hours of May 7th of 2023?

11 A. Yes, sir.

12 Q. Okay. And is that approximately from 1:00 in the morning
13 -- that morning, a.m.?

14 A. Around that time.

15 MR. MEADORS: Your Honor, this is State's 2, the Ring
16 camera video from 111 Avid Road.

17 THE COURT: Okay.

18 MR. SWERLING: No objection.

19 THE COURT: Without objection, No. 2 into evidence for
20 the State.

21 (State's Exhibit No. 2, Ring Camera Video from 111 Avid
22 Road, was marked for identification and received into
23 evidence.)

24 (Video playing.)

25 BY MR. MEADORS:

1 Q. With the Court's permission, would you mind stepping down
2 here, Mr. Maceda?

3 A. Sure.

4 COURT REPORTER: Mr. Meadors, he can speak directly into
5 that microphone.

6 BY MR. MEADORS:

7 Q. Will you talk in there?

8 A. Yes, sir.

9 Q. Okay. Now, before we start, we're looking out. Where is
10 this camera?

11 A. This is in my front door facing the driveway.

12 Q. Excuse me?

13 A. Facing the driveway. This is my front door, facing the
14 driveway.

15 Q. Now, there appear to be lights on that. Do you see that
16 vehicle?

17 A. Yes, sir.

18 Q. Lights in the front, lights in the back?

19 A. Yes, sir.

20 MR. MEADORS: Go ahead and play it.

21 (Video playing.)

22 MR. MEADORS: She's going to play it again briefly.

23 (Video playing.)

24 MR. MEADORS: If you can go back. Can we show the time
25 on here at this point?

1 (Video playing.)

2 Q. 1:11:31, would you dispute that or can you see that in
3 the bottom right?

4 A. I can see it, sir. It's 1:11:31.

5 MR. MEADORS: Okay. Go ahead.

6 (Video continues to play.)

7 Q. What did you hear on that? Did you hear something on
8 that?

9 A. Yes, sir. A big bang.

10 Q. A big bang? Okay. And, at that point, did you know what
11 that was about?

12 A. I -- I -- that something -- the vehicle hit something.

13 Q. Okay. That's all. I'm not asking you to be in detail.

14 Okay. Were there any other noises on this when you heard
15 it?

16 A. There was an argument. Like, voices I heard.

17 Q. Okay. So you heard a voice on here?

18 A. Mm-hmm.

19 MR. MEADORS: Can you play that again?

20 (Video continues to play.)

21 Q. Was the voice that you said you heard on there before or
22 after the bang?

23 A. It was after the bang.

24 Q. After the bang.

25 And you heard a voice on there, or voices; correct?

1 A. Yes, sir.

2 Q. And did you tell law enforcement that?

3 A. Yes, sir.

4 Q. Okay. Now, I believe that evidence is 1:13:26 on the
5 bottom right. Did your Ring camera capture something after
6 that first picture? Is this the second image you caught?

7 A. This is the second image.

8 MR. MEADORS: Go ahead. Can you come back?

9 (Video continues to play.)

10 Q. And were you able to hear anything when this truck was --
11 when the vehicle was leaving? Excuse me.

12 A. I did, like a screeching sound.

13 MR. SWERLING: Could you repeat that? I didn't hear
14 that.

15 THE WITNESS: There was a screeching sound, sir.

16 MR. SWERLING: Screeching?

17 THE WITNESS: Yeah, like something dragging.

18 MR. MEADORS: Your Honor, can we turn the speaker on in
19 the jury box? Do you mind if we do that?

20 (Video continues to play.)

21 Q. Now, this is marked at 1:32:25-ish. Do you recognize
22 another vehicle heading down?

23 A. Yes, sir.

24 Q. Do you know any of these people involved in this?

25 A. No, sir, not at that time.

1 Q. Okay. At that time.

2 (Video continues to play.)

3 Q. It's just about the time you woke up. Did you hear
4 those?

5 A. No, sir.

6 Q. Oh, you didn't hear that either? Okay.

7 [Courtroom laughter.]

8 MR. MEADORS: We're going to go back because we may have
9 corrected the sound on this, if Your Honor doesn't mind.

10 THE COURT: Sure, that's fine. Do what you need to do.

11 (Video plays.)

12 Q. What's that, the screeching you said you heard?

13 A. I don't think but I heard the screeching.

14 Q. You can have a seat back, Mr. Maceda. Thank you.

15 Thank you. That's all I have.

16 A. All right.

17 Q. No -- answer his questions.

18 THE COURT: Keep your seat. Mr. Swerling may want to ask
19 you a few things.

20 CROSS-EXAMINATION

21 BY MR. SWERLING:

22 Q. Mr. Maceda; right?

23 A. Yes, sir.

24 Q. My name is Jack Swerling. How are you today?

25 A. All right, sir.

1 Q. I'd like to go ahead and play that through and get the
2 exact times of different movements there if that's all right.
3 So could you come back down again.

4 (Video plays.)

5 Q. Okay. What was the exact time that it was activated,
6 according to that?

7 A. It's 1:11:13. 1:11:31 a.m.

8 Q. 1:11:31.

9 And that is a vehicle going past your house; is that
10 correct?

11 A. Yes, sir.

12 Q. So 1:11 and ---

13 A. 31 seconds.

14 Q. --- 31 seconds. Okay.

15 Is that vehicle headed toward Sawgrass -- I mean, Avid
16 Road and Sawgrass, going into this subdivision or away from
17 it?

18 A. No, it's going to where Sawgrass is.

19 Q. Going towards?

20 A. Sawgrass.

21 Q. Okay. And we got that at 1:11:31.

22 And that direction -- that vehicle is moving from left to
23 right or right to left?

24 A. Right to left.

25 Q. So that was coming from -- that's what? Old Abbeville

1 Highway? Is that what it's called?

2 A. Probably from Rivers Run. Old Abbeville Highway and then
3 my street is Rivers Run and then Avid Road, coming from Rivers
4 Run. Old Abbeville Highway is parallel to Avid Road.

5 Q. Okay. From your house, can you see the intersection of
6 Old Abbeville Highway and Rivers Run?

7 A. No.

8 Q. Okay. But it's coming from Rivers Run?

9 A. (Indiscernible.)

10 Q. Okay. All right. And you said you heard a sound. Can
11 we play that and determine exactly what time that was?

12 (Video plays.)

13 Q. What time is that?

14 A. It's 1:11:38.

15 Q. 1:11 and 38 seconds?

16 A. Yes.

17 Q. Okay. All right. Go ahead and play it again.

18 (Video continues to play.)

19 Q. Does it show the vehicle exiting Rivers Run?

20 A. At this point, no.

21 Q. At that point.

22 A. At this video, no.

23 Q. Okay. I misheard it then. Okay.

24 Can you identify what kind of vehicles they were?

25 A. No, sir.

1 Q. Now, you said you heard the argument? Or was it just a
2 comment or...

3 Can you tell whether it was more than one person or two
4 people or...

5 Could it have just been one person?

6 A. I heard a -- I heard shouting.

7 Q. Shouting?

8 A. Yes, sir.

9 Q. Not necessarily an argument but shouting?

10 A. Yes, sir.

11 Q. And that could have just been one person shouting?

12 A. I don't know, sir.

13 Q. And do you know about approximately what time that was
14 looking at this video that you heard the shouting?

15 A. It very -- well, I don't think that was the video that
16 she was showing right now.

17 (Video plays.)

18 Q. And that would have been at 1:11:38, that sound?

19 A. Yes, sir.

20 (Video continues to play.)

21 Q. Sir, that does not show the vehicle going in another
22 direction, that particular clip?

23 A. No, sir.

24 Q. Okay. Did the clip that you turned over to the State,
25 did it show the vehicle -- a vehicle coming out of that area,

1 going in the opposite direction?

2 A. This one?

3 Q. No. Your Ring camera ---

4 A. Yes, sir.

5 Q. --- did it show a vehicle going back toward -- or go up
6 Old Abbeville Highway?

7 A. Yes, sir.

8 Q. Did you give them that clip as well?

9 A. Yes, sir.

10 Q. Is that when it was leaving?

11 A. Yes, sir.

12 Q. And what time is that?

13 MR. SWERLING: Just back it up, I guess, just say a few
14 minutes.

15 (Video continues to play.)

16 A. 1:13:28.

17 Q. And your testimony was that the shouting you heard was
18 after you heard the impact or collision, the sound?

19 A. Yes, sir.

20 Q. Is that correct?

21 MR. SWERLING: That's all I have, Your Honor.

22 THE COURT: Okay. Thank you.

23 Any redirect?

24 MR. MEADORS: If you wouldn't mind just staying up there.

25 THE COURT: Just stay right where you were.

REDIRECT EXAMINATION

BY MR. MEADORS:

Q. Just a couple. Mr. Swerling asked you about the yelling, one voice or two voices. Could we -- I'll be quiet, and listen again to see if you hear it just right now, please.

(Video plays.)

Q. Is that what you're talking about?

A. Yes, sir. That's (indiscernible). That's the one.

Q. And Mr. Swerling asked you about some times. Did you keep up with the times on that or was that the Ring?

A. That's the Ring.

Q. So you didn't calibrate that time on your Ring camera?

A. No, sir.

Q. You can have a seat back.

And Mr. Swerling -- that's fine. He did ask you about cars leaving.

MR. MEADORS: Could you go back and just play?

(Video plays.)

Q. Avid Road connects to what road?

A. Avid Road is the whole street, and then Sawgrass starts to the left.

Q. Okay. And if you're leaving to the right of your house, you go Avid?

A. Avid and then Rivers Run and then Old Abbeville Highway.

Q. And then Old Abbeville Highway; correct?

1 A. Yes, sir.

2 Q. Going out of Hunters Creek subdivision?

3 A. Yes, sir.

4 Q. Okay. Just one last time.

5 (Video plays.)

6 Q. And is that the picture of the vehicle leaving to the
7 right of your house?

8 A. Yes, sir.

9 Q. Okay. And is that the one you said you heard screeching
10 on?

11 A. I hear it now, sir. Yes, sir.

12 Q. That's all. Thank you, sir.

13 THE COURT: Any recross?

14 MR. SWERLING: Just one question.

15 RECCROSS-EXAMINATION

16 BY MR. SWERLING:

17 Q. The -- Mr. Meadors asked you about whether it was
18 calibrated. Is it calibrated by you or is it calibrated by
19 the system -- the operator of the system?

20 A. It's from the company, sir.

21 Q. Pardon?

22 A. It's from the company. It's timestamped with the
23 company.

24 Q. The company calibrates it?

25 A. Yes.

1 Q. And were those times accurate as of that evening on May
2 7th or the morning of May 7th?

3 A. I would say, yes, sir.

4 Q. That's all I have. Thank you.

5 THE COURT: You can step down, sir. You are free to
6 leave the courthouse. You're more than welcome to remain with
7 us if you so like.

8 Mr. Meadors, do you have any other witness? I know we
9 have some evidence I need to take a look at, but do you have
10 another witness you can put up before lunch or should we eat?

11 MR. MEADORS: Judge, I probably -- beg the Court's
12 indulgence.

13 THE COURT: Sure. Take your time.

14 MR. MEADORS: Judge, I think it would be best to break
15 and then the next witness may look at that video.

16 THE COURT: All right, ladies and gentlemen. We're going
17 to go ahead and take our lunch break. It's about 10 after
18 12:00. Be back here at 1:30. That should give you an hour
19 and -- a little over an hour and 15 minutes for lunch.

20 Let me just caution you. Wait a minute, folks.
21 Everybody have a seat back. Thank you.

22 If you do decide to eat lunch at a local restaurant, if
23 you'd keep your juror badge visible. And the reason for that
24 is that there may be some of the people here -- some lawyers
25 or whoever -- that may be in that same restaurant. They may

1 be discussing the case, and certainly, they may not recognize
2 you being on the jury. But they see badge that you're
3 wearing, and they'll know not to talk loud enough to where you
4 could hear. So if you do decide to go to a local restaurant,
5 just keep that badge visible.

6 Have a good lunch and we'll see you back at 1:30.

7 (Jury leaves the courtroom at 12:10 p.m.)

8 THE COURT: Folks, let the jury exit the courtroom,
9 please, before you leave. Thank you.

10 All right. Now, you're free to leave. Have a good
11 lunch. See you back at 1:30.

12 (A lunch recess was taken and then the proceedings
13 resumed as follows:)

14 THE COURT: Okay, gentleman. We're back on the record.
15 And I've discussed with the lawyers in chambers, on the Mansel
16 video, I'm not going to allow that in, as it's the showing of
17 the body and the EMS workers. They could certainly describe
18 whatever they saw, but I'm not going to allow that video in.
19 However, the Mejia video, I will allow in. So that is my
20 ruling on those two particular issues.

21 State ready for the jury?

22 MR. MEADORS: Yes, sir, Your Honor.

23 THE COURT: Defense ready for the jury?

24 MR. SWERLING: Yes, sir.

25 THE COURT: All right. Let's bring the jury out.

1 (The jury entered the courtroom.)

2 THE COURT: All right. Let the record reflect the jury
3 is back in.

4 Ladies and gentlemen, I want to go ahead and mention one
5 thing to you -- and we'll talk more about this
6 Wednesday/Thursday. As I understand it, Greenwood has their
7 annual barbecue festival, and we've been informed that a lot
8 of roads around the square and around the courthouse are going
9 to be closed off. Y'all are from this area; you probably know
10 how to get here by going a back way, but we'll talk more about
11 that and offer you suggestions.

12 And I'm saying that not only for the benefit of the jury
13 but also for the folks on here, too, that we can offer some
14 suggestions on how to get here and avoid all that stuff going
15 on. Okay?

16 State ready to call its next witness?

17 MR. MEADORS: Yes, sir, Your Honor. May it please the
18 Court?

19 THE COURT: Yes, sir.

20 MR. MEADORS: The State of South Carolina would now call
21 Megan McGovern.

22 THE CLERK: Good afternoon. If you'd please place your
23 left hand on the Bible and raise your right hand.

24 MEGAN MCGOVERN,
25 after having been doing this work, was examined and

1 testified to as follows:

2 THE CLERK: Thank you. You may be seated. Please state
3 your name and spell your name for the court reporter.

4 THE WITNESS: Megan McGovern. M-c-G-o-v-e-r-n.

5 DIRECT EXAMINATION

6 BY MR. MEADORS:

7 Q. Good afternoon, Ms. McGovern.

8 A. Good afternoon.

9 Q. If you'd please speak into the microphone --

10 A. Sorry.

11 Q. -- so the court reporter could take it down. Thank you
12 very much.

13 Please tell the ladies and gentlemen of this jury about
14 Megan McGovern. Where are you from?

15 A. I'm from Greenwood, South Carolina.

16 Q. And were you born here?

17 A. Yes, sir.

18 Q. Raised here?

19 A. Yes, sir.

20 Q. Where did you go to school?

21 A. Greenwood High School.

22 Q. And prior to that, you had gone to the elementary and
23 middle school here?

24 A. Yes, sir.

25 Q. And what year did you graduate from Greenwood High

1 School?

2 A. 2022.

3 Q. Then where did you go?

4 A. University of South Carolina.

5 Q. And is that where you are now?

6 A. Yes, sir.

7 Q. And what are you majoring in?

8 A. I am doing early childhood education.

9 Q. Not to pry, but do you live year-round in Columbia?

10 A. Yes, sir.

11 Q. Okay. And during the summer, are you working now?

12 A. I'm nannying some for a family in Columbia.

13 Q. Say that again. You're what?

14 A. I'm nannying some for a family in Columbia.

15 Q. Nannying?

16 A. Yes, sir.

17 Q. Is that like a full-time babysitter?

18 A. Yes, sir.

19 Q. And is that how you got to know the Ackermans in this
20 case?

21 A. Yes, sir.

22 Q. Were you the babysitter for Meredith Ackerman and Bud
23 Ackerman?

24 A. Yes, sir.

25 Q. And how long had you done that?

1 A. I started babysitting for them when I was in the seventh
2 grade.

3 Q. And how long did that continue?

4 A. That continued until after -- well, when I went to
5 college and then still some when I would come home for breaks.

6 Q. Say that last part. I'm sorry.

7 A. Still some when I would come home for breaks.

8 Q. And did you ever take trips with the family?

9 A. Yes, sir.

10 Q. I want to take you to May 6th of this past year of 2023.
11 Were you already -- would you have been a freshman there?

12 A. I just finished my freshman year.

13 Q. And were you back in Greenwood for all of last summer or
14 just for a period of time?

15 A. I was planning on staying in Greenwood for all of last
16 summer and then I ended up moving to Beaufort, South Carolina,
17 a couple of weeks after.

18 Q. But on May 6th of 2023, where were you in Greenwood?
19 Where were you staying?

20 A. My parents' house in Hunters Creek.

21 Q. I'm sorry?

22 A. My parents' house in Hunters Creek.

23 Q. Now, were you -- since you babysit, I'm sure you do.

24 Where had Bud Ackerman and Meredith Ackerman lived when you
25 were babysitting for them?

1 A. When I first started babysitting for them, they lived on
2 Flatwood Road, but that was only for a little bit, because as
3 soon as I started babysitting for them, they ended up moving
4 to Hunters Creek.

5 Q. And do you know what street they were on in Hunters Creek
6 where they lived?

7 A. Yes, sir. Tally Ho.

8 Q. And do you remember the address? I haven't asked you
9 this here. And if you don't, that's fine.

10 A. I think it's 115 Tally Ho. I could be incorrect.

11 Q. But you had been at that residence numerous times?

12 A. Yes, sir.

13 Q. And that's in what subdivision?

14 A. Hunters Creek.

15 Q. And in -- or on May 6th of 2023, who was living at that
16 residence at Tally Ho?

17 A. Meredith Ackerman and the kids.

18 Q. And the kids. Okay.

19 I'm gonna take you back and take the jury back there
20 right now. Okay? It's the night of May 6, 2023. Do you
21 remember what you were doing?

22 A. Earlier in the night, I was babysitting for a wedding.
23 And then I had come home and I was at my house when I got a
24 phone call from one of my friends, who asked me to come and
25 pick them up.

1 So I drove to pick her up from another one of our
2 friends' house, and then I took her to get some food at Cook
3 Out, and that's when I got a phone call from Meredith.

4 Q. All right. And who is the friend that called you and
5 asked you to come pick them up?

6 A. Drew Strickland.

7 Q. So whose car were you in then?

8 A. We were in my car.

9 Q. Okay. What car was that?

10 A. A Ford Escape.

11 Q. So you picked Ms. Strickland and you go to Cook Out?

12 A. Yes, sir.

13 Q. Did you actually order any food from Cook Out?

14 A. Yes, sir, we did.

15 Q. And then you received a call from Meredith?

16 A. Off of Abby's phone.

17 Q. Meredith Ackerman -- now Meredith Haynie -- you received
18 a phone call from her off whose phone?

19 A. Her name was Abby, I believe.

20 Q. So was Abby in your phone?

21 A. Yes, she was.

22 Q. As a result of that phone call, what did you do?

23 A. I drove to Abby's house to pick up Meredith.

24 Q. And do you remember where Abby's house is?

25 A. It was right down -- like right beside The Blood

1 Connection in one of those neighborhoods and between, like,
2 there and Key West.

3 Q. And for sake of this, I think Abby and Meredith were
4 friends?

5 A. Yes, sir.

6 Q. You're driving. Who is in the driver's seat of your car?

7 A. Meredith was.

8 Q. And where is Ms. Strickland?

9 A. She's in the back seat at this point.

10 Q. Where had she asked you to take her?

11 A. To the subdivision in our neighborhood that was just down
12 the road from my house.

13 Q. And this is with permission of the other side.

14 Is that where Meredith knew there was a meeting to take
15 place?

16 A. Yes, sir.

17 Q. Okay. Is that why y'all went there?

18 A. Yes, sir.

19 Q. Would you have known to go there otherwise?

20 A. I would not have.

21 Q. So where was it you went?

22 A. Avid and Sawgrass Road.

23 Q. Now, we've seen some pictures earlier. Were you familiar
24 with this area?

25 A. I was.

1 Q. Okay. You've babysat there?

2 A. I haven't babysat in that particular area, but that --
3 it's in my neighborhood. I pass it to go to my house. It's
4 also just kind of like a well-known spot for people to meet
5 up.

6 Q. And again, not prying, what do you mean? Just to --
7 well, never mind. Just folks to meet?

8 A. Yes, sir.

9 Q. So when she told you where to go, you knew where to go?

10 A. Yes, sir.

11 Q. How far is Meredith's house from this Avid and Sawgrass?

12 A. Oh, gosh, it's really close. I mean, no more than two
13 minutes.

14 Q. Can you tell us now how you got from picking up Meredith
15 at Abby's to this intersection? Can you take the jury there?

16 A. I had taken a left out of Abby's neighborhood and passed
17 The Blood Connection. Went straight through that red light
18 and then took that first left, which is the road where
19 Cambridge is on. Not Cambridge, Greenwood Christian School is
20 on. And then turned in the front entrance of the
21 neighborhood, and then continue to go down straight until I
22 had to make it right and then a left into the cul-de-sac that
23 they were at.

24 Q. And this is Hunters Creek?

25 A. Yes, sir. This is on Hunters Creek.

1 Q. Let me take you back to the top of Avid, as you're
2 heading down to this intersection. You had your lights on?

3 A. Yes, sir.

4 Q. You were in the right lane or left lane?

5 A. I was in the right lane.

6 Q. And you knew where you were going?

7 A. Yes, sir.

8 Q. As you were coming down Avid Street to the intersection
9 of Avid and Sawgrass, what, if anything, did you see?

10 A. I saw Davis's car with his headlights on.

11 Q. And you say now -- whatever today is, July 8th -- Davis's
12 car. Did you know it was his car then?

13 A. Well, I knew it wasn't Bud's truck, so I kind of assumed.
14 And then Meredith informed me that that was Davis's car.

15 Q. And were the headlights on?

16 A. Yes, sir.

17 Q. You're driving down Avid.

18 A. Mm-hmm.

19 Q. Did you have -- did you, on the evening of -- or what
20 time was it then; do you remember?

21 A. I'm really not sure.

22 Q. Okay. If you're not sure, don't say.

23 It was -- was it at night?

24 A. Yes, sir, it was late at night.

25 Q. Dark?

1 A. Yes, sir.

2 Q. Did you have any trouble coming to a stop?

3 A. No.

4 Q. And were you able to stop without hitting who you've
5 described as Davis's car?

6 A. Yes, sir.

7 (Counsel confer off the record.)

8 (State's Exhibit Nos. 3 through 11 and 13 through 15,
9 Photographs, were marked for identification.)

10 MR. MEADORS: May I approach again, Judge?

11 THE COURT: You sure can.

12 BY MR. MEADORS:

13 Q. I'm showing you what's marked State's 6. Wait until I
14 get through it, please, and please look at them. State's 7.
15 I'm going to show you what's marked State's 3 through 11 and
16 State's 13 through 16. I want you to tell me if you recognize
17 these and does it accurately reflect what you observed that
18 night. Okay? Look at all of them.

19 MR. SWERLING: Mr. Meadors, could you identify those
20 again, the numbers?

21 MR. MEADORS: Oh, yes, sir. Let me just go through it.
22 I was trying to save time.

23 THE COURT: You had 3 to 11 and then what was the other
24 set?

25 MR. MEADORS: 3 through 11 and 13 through 16.

1 THE COURT: Mr. Swerling, do you want him to identify
2 each picture by number?

3 MR. SWERLING: If he could, yes, sir.

4 THE COURT: Okay.

5 BY MR. MEADORS:

6 Q. No. 7, do you recognize that?

7 A. Yes, sir.

8 Q. Does it relate to your testimony?

9 A. Yes, sir.

10 Q. No. 6?

11 A. Yes, sir.

12 Q. And your "yes, sir," do you recognize it?

13 A. I recognize it.

14 Q. And that relates to your testimony. And is that -- the
15 way it appeared that night, does that accurately reflect what
16 you saw?

17 A. Yes, sir.

18 Q. State's 9?

19 A. Yes, sir.

20 Q. State's 14?

21 A. Yes, sir.

22 Q. 13?

23 A. Yes, sir.

24 Q. 15?

25 A. Yes, sir.

1 Q. 8?

2 A. Yes, sir.

3 Q. 4?

4 A. Yes, sir.

5 Q. 5?

6 A. Yes, sir.

7 Q. 3?

8 A. Yes, sir.

9 Q. 10?

10 A. Yes, sir.

11 Q. And 11?

12 A. Yes, sir.

13 Q. And you're saying "yes, sir" to all those, and I
14 appreciate that, but is that the way they appear that night
15 and they accurately reflect what your eyes saw?

16 A. They do.

17 MR. MEADORS: Your Honor, we would now offer State's 3
18 through 11 and State's 13 through 16.

19 MR. SWERLING: No objection.

20 THE COURT: Without objection, 3 through 11 and 13
21 through 16 into evidence for the State.

22 MR. MEADORS: And my -- Ms. Cologne is correcting me and
23 I apologize, it's 3 through 15. And I apologize to everybody.

24 THE COURT: All right. 3 through 15 -- so 3 through 15,
25 that would be the total range?

1 MR. MEADORS: Yes, sir. Sorry about that.

2 THE COURT: No. Wait a minute. She's shaking her head
3 no.

4 MR. MEADORS: 3 through 11 and 13 through 15.

5 THE COURT: 15. Okay. Not 16. There you go.

6 MR. MEADORS: For the record, that is a six. I'm sorry.
7 [Courtroom laughter.]

8 THE COURT: All right.

9 (State's Exhibit Nos. 3 through 11 and 13 through 15,
10 were received into evidence.)

11 MR. MEADORS: I apologize.

12 BY MR. MEADORS:

13 Q. You've told the jury you're driving your car down. And
14 it's a what year?

15 A. A 2010.

16 Q. And this is State's 14.

17 THE COURT: Can you see that okay, ma'am?

18 THE WITNESS: Yes, sir.

19 THE COURT: Okay.

20 BY MR. MEADORS:

21 Q. Now, which car is yours?

22 A. My car is the one on the right where you can see the
23 license plate and the doors are open.

24 Q. In your testimony, when you came down, you could see the
25 car on the left?

1 A. Yes, sir.

2 Q. Did you have any trouble pulling in and parking where you
3 parked on the right?

4 A. Not at all.

5 Q. Here's State's 13. It's another angle but is that your
6 car on the right?

7 A. Yes, sir.

8 Q. Now, in the back, it looks like there's some -- a fence
9 or something. Do you know what that is based on you knowing
10 this area?

11 A. It just blocks off the rest of that cul-de-sac so people
12 can't get down there.

13 Q. So that -- you can't go beyond that?

14 A. No, sir.

15 Q. State's 15, is that a picture from up a little bit of the
16 same?

17 A. Yes, sir.

18 Q. Did you see any other vehicle when you pulled in there?

19 A. No, sir, there was only one vehicle when I arrived.

20 Q. Just so we can go through all these, State's 8, is that
21 another picture of basically the same thing?

22 A. Yes, sir.

23 Q. And, finally, State's 9. Is that how it would have been
24 before you got there; right?

25 A. Yeah, that was before I got there.

1 Q. Now, at some point, you realize that was Davis's car?

2 A. Whenever we pulled in, Meredith said that that was
3 Davis's car.

4 Q. And don't say anything else. Okay.

5 What did you do after that?

6 A. I drove down and parked beside it.

7 Q. And what did you do after that?

8 A. I looked over and I saw that the airbags were out. And
9 at first, I was kind of confused on what they were. And then
10 I kept looking around, and that's when I noticed that the
11 driver's side tire was smashed in.

12 Q. All right. Let me first go to State's -- State's No. 5.
13 You said you noticed the driver's -- the airbag was deployed?

14 A. Yes, sir.

15 Q. Now, looking at State's 5, is that what you saw?

16 A. Yes.

17 Q. Do you actually get over and go look at the car?

18 A. After we noticed that the tire was messed up, we got out
19 of the car.

20 Q. And State's No. 3, what does that show?

21 A. The driver side front tire of Davis's car.

22 Q. Is that what you noticed was messed up?

23 A. That's what that -- yes, sir.

24 Q. And then you got out and went and looked?

25 A. Yes.

1 Q. And you saw what?

2 A. That's when we started looking around, and I noticed that
3 there was a body off to the right.

4 Q. Okay. Before we -- before we get to that. This, again,
5 is a picture -- that State's 4. What do you see there on the
6 driver's side window?

7 A. The airbags.

8 Q. Now, what did you do after that?

9 A. That's when we started to look around, and that's when I
10 noticed that there was a body up to the right. So I called
11 the police from there.

12 Q. Get to the pictures in a minute.

13 You're heading over towards this body. Tell me exactly
14 what you do.

15 A. I looked over and I was -- looked at everybody and I
16 said, "Guys, I don't want to freak y'all out, but there's a
17 body over there."

18 Sorry. So then I ran over there and noticed that it was
19 Davis's body. So I called the police to ask -- to tell them
20 that there was an incident and that somebody needed to come
21 out there immediately.

22 Q. You called 911?

23 A. Yes, sir.

24 Q. And did they ask you a bunch of questions about whether
25 or not he was alive?

1 A. Yes.

2 Q. Was there any question that was Davis down there?

3 A. There was no question.

4 Q. Can you describe his face? Was there any injuries to his
5 face or blood that you observed? Because you were the first
6 responder or the first person there; correct?

7 A. Yes, sir.

8 Q. What did you observe on his face?

9 A. He had blood coming out of his nose and his ears, and
10 there was blood coming over his mouth. I wasn't quite sure if
11 it was coming from -- from coming out of his mouth or just
12 from the nose blood that it all had come out.

13 Q. So, Megan McGovern, you saw those injuries and that blood
14 when you went to Davis McClendon's body?

15 A. Yes, sir.

16 Q. How close did you get to him?

17 A. At one point, the 911 operator asked me to check and see
18 if he was breathing. So I put my finger under his nose like
19 she asked me to, to see if I could feel him breathing. And
20 then, at one point, she tried to get me to wake him up. So I
21 was tapping his arm and shaking his arm, trying to wake him
22 up.

23 Q. He didn't wake up, did he?

24 A. No.

25 Q. Now, I want you to look at State's 7 up here for the

1 ladies and gentlemen of the jury. Tell them what that is and
2 when have you ever seen that before.

3 A. That was under Davis's head. It was placed on there like
4 a pillow, how it looked to me. His head was just resting on
5 that.

6 Q. And, of course, you weren't there when it was -- or you
7 don't know how it got there?

8 A. No.

9 Q. It's your testimony Davis McClendon's head was on that?

10 A. His head was resting on that, yes, sir.

11 Q. And was his body on or off the road?

12 A. It was off the road.

13 Q. Showing you State's 10 and now State's 11. And who is
14 this person my finger's on?

15 A. That's me.

16 Q. And the body depicted to the right of you is who?

17 A. That's Davis.

18 MR. MEADORS: Beg the Court's indulgence.

19 THE COURT: Sure. Take your time.

20 BY MR. MEADORS:

21 Q. Was Meredith upset?

22 A. She was very upset.

23 Q. State's 6, what is this? Do you remember seeing that?

24 Well, you said you did. Do you know what that is or what --

25 A. That was Davis's shirt and one of his shoes.

1 Q. Did you take anything off Davis McClendon?

2 A. No, sir.

3 Q. Did you take his wallet off of him?

4 A. No, sir.

5 Q. Did you see a gun or anything around him?

6 A. No, sir.

7 Q. So you didn't touch him or anything on his -- take
8 anything off of him?

9 A. I didn't take anything off of him.

10 Q. Did anybody else, while you were there -- Drew Strickland
11 or Meredith -- take anything off of him?

12 A. No.

13 Q. What did y'all do after you called 911?

14 A. Meredith was back in my car and Drew was also back in my
15 car while I stayed up with Davis while I was on the phone with
16 911. And I stayed on the phone with them until the first
17 responders got there. That's when I hung up the phone, and
18 that's when they told me I could step away.

19 Q. Okay. Is that when -- I'm not asking you to repeat it,
20 but you gave a statement to law enforcement at that point on
21 the scene; correct?

22 A. Yes, sir.

23 Q. They took statements from everybody on the scene?

24 A. Yes.

25 Q. How long were you there that night? I mean, could you

1 move your car right away or did you have to wait a while?

2 A. I had -- I was one of the last people to leave because I
3 had -- my car was over the oil stains, and so I was not
4 allowed to leave until pictures of my car, pictures of my
5 shoes, and everything were taken.

6 Q. And you're talking about stains that were going away?

7 A. Yes, sir.

8 Q. Okay. So you were on top of one of those --

9 A. Yes.

10 Q. -- you were told.

11 What time did you leave; do you remember?

12 A. I was not allowed to leave there until...

13 Q. It doesn't matter.

14 A. It was probably 5:00 in the morning. Maybe later.

15 Q. But that body there is the way it was when you got there?

16 A. Yes, sir.

17 Q. And stayed that way until ---

18 A. Until first responders came.

19 Q. --- first responders came.

20 Thank you. Please answer anything Mr. Swerling has.

21 THE COURT: Mr. Swerling, any cross-examination?

22 MR. SWERLING: No questions.

23 THE COURT: Okay. Ma'am, you can step down. You're free
24 to leave the courthouse. You're more than welcome to remain
25 with us.

1 All right. Next witness for the State?

2 MR. MEADORS: Andrew Kight.

3 THE CLERK: Good afternoon. Place your left hand on the
4 Bible and raise your right hand.

5 THE WITNESS: Andrew Kight.

6 ANDREW KIGHT,
7 after having been duly sworn, was examined and testified
8 to as follows:

9 THE CLERK: Thank you. Please spell your last name for
10 the court reporter.

11 THE WITNESS: K-i-g-h-t.

12 DIRECT EXAMINATION

13 BY MR. MEADORS:

14 Q. And you pronounce your last name "Kite"?

15 A. "Kite."

16 Q. Can I call you Andrew?

17 A. Sure.

18 Q. Tell these folks about yourself. Where are you from?

19 A. I am born and raised in Anderson, South Carolina. I --
20 work history, I worked at Chick-fil-A through high school and
21 then I worked on the neurointensive care unit at AnMed
22 Hospital, anything head, neck, or spine, as a CNA/monitor
23 tech/unit secretary. So anything they wanted me to do, I
24 would do it.

25 I then started EMT school in 2017, went through it, and

1 then started medic school in spring of 2018 and started my job
2 as an EMT at Greenville EMS, County EMS in 2019. Was there
3 for two years, and then came down here in '22 -- March of '22.
4 And I have been here ever since as a paramedic.

5 Q. When you say "here," you mean Greenwood?

6 A. Greenwood, yes.

7 Q. And I'm going to be brief. I'm not going to take long,
8 but you start off as an EMT?

9 A. Mm-hmm.

10 Q. Is that emergency medical technician?

11 A. Technician, yes, sir.

12 Q. Do you have to do that for a certain length of time
13 before you become a paramedic?

14 A. No, I didn't --

15 Q. In general?

16 A. In general, you can, but most people spend a few years
17 gaining experience. I was actually going through the program
18 with Greenville Tech to EMT to paramedic to nursing, but
19 stopped at paramedic because I liked it.

20 Q. But is there more training to become a paramedic than an
21 EMT? I know the answer is yes.

22 A. Much. A lot.

23 Q. Okay. Intensive training?

24 A. Yes.

25 Q. And so you became a paramedic when?

1 A. I gained my certification in October of '21.

2 Q. And just tell the folks, what is the difference between
3 an EMT and a paramedic?

4 A. EMTs will help you, like, put a Band-Aid on. They can
5 take your vitals and give a certain amount of medications.
6 They can assist with EpiPen. They can give aspirin if you're
7 having chest pain. But that's the extent of their
8 qualifications. They can -- they can't do anything invasive.

9 Paramedics, we start IVs. We give a plethora of
10 medications. We intubate. We get 12-lead EKGs.

11 Q. What does "intubate" mean?

12 A. Put a tube down the throat to be able to breathe for you.

13 We interpret EKGs like a cardiologist. We then send them
14 off to the hospital to have a doctor in the ER interpret them
15 as well. We pronounce people dead.

16 Q. I got you. Okay.

17 A. That's about it.

18 Q. And you enjoy being a paramedic?

19 A. I do.

20 Q. And is it fair to say that -- is there an EMT and a
21 paramedic to a unit or bus?

22 A. Yes. Usually, it's split between an EMT and a paramedic.
23 At the time of the incident, I had advanced paramedic or
24 advanced EMT, which is kind of the bridge between. Advance
25 can start IVs. They can give even more medications than an

1 EMT can. So I had a little bit of higher level of care with
2 me that night.

3 Q. And, also, were there Fire -- Fire folks on the scene?

4 A. Yes.

5 Q. As a matter of fact, when you arrived -- and what time
6 did you arrive?

7 A. If I had a copy of my report...

8 Q. And tell the folks what this is.

9 A. This is my PCR, my Patient Care Report. It annotates
10 everything that happened that night, to my experience. It is
11 a legal document to us. So everything on it is the truth as
12 we saw it.

13 Q. And y'all -- do you try to prepare that as close as you
14 can in time to the event so you'll remember it better when you
15 produce that?

16 A. Yes. We try to do it either directly after the call or
17 before we go home at night or in the morning. I work night
18 shift.

19 Q. And does that assist you, like you're doing right now, in
20 reviewing what you did?

21 A. Yes.

22 Q. So what time did you get there?

23 A. We arrived at 1:44:02 a.m.

24 Q. Who was there before you?

25 A. The people in the Ford Explorer [sic] and Fire and law.

1 We staged away from the scene, like a block away, to be able
2 to make sure that it is safe for our entry. So we staged
3 away.

4 Q. And what -- and I know, but when you say you staged, you
5 just set up far away until it's safe to go in?

6 A. Yeah.

7 Q. So Fire was already there?

8 A. Mm-hmm.

9 Q. I didn't see him earlier, if he is here. Was Arsenio --
10 MR. MEADORS: There you are. I didn't see you back
11 there.

12 A. Yeah, he was right beside me.

13 Q. Okay. Was he there?

14 A. Yes.

15 Q. Okay. And when you came up, was he doing something to
16 the body?

17 A. He, I believe, was doing CPR.

18 Q. Is that unusual, if somebody gets there or responds
19 before you do, for somebody else to be performing CPR?

20 A. Mm-mmm.

21 Q. Okay.

22 A. No, they're supposed to.

23 Q. And then, for lack of a better term, when y'all come, do
24 you kind of hand off when it's convenient or when you can do
25 it?

1 A. Yes.

2 Q. So tell the folks what you did when you arrived.

3 A. When I arrived, I did my initial size-up, looking through
4 the windshield, what do I see, what am I going to need. I saw
5 one of the firemen running back to their truck. I had already
6 gloved up and was getting out of the truck and asking, "Hey,
7 what are you running back for?" And they said the AED, which
8 is the Automatic External Defibrillator.

9 It doesn't tell you what type of rhythm it is. It just
10 tells you whether you can shock that rhythm or not. It's only
11 used when there's not a pulse present. So, by that time and
12 from that context, I could tell that he was already dead or at
13 least pulseless.

14 I then went around --

15 Q. Did you actually go look at him, referring to Davis
16 McClendon? Did you actually go look at him on the scene?

17 A. Eventually. I was -- I went around to the back of the
18 truck and got our equipment out, put it on the stretcher, and
19 rolled it down, and then I got my first assessment of him.

20 Q. And I'm not trying to be difficult. When you have your
21 first assessment, that means you looked at him and evaluated
22 him?

23 A. Yes.

24 Q. Okay. And did you get down close to him to do that?

25 A. Yes.

1 Q. Physically touch him?

2 A. Yes.

3 Q. And based on that first observation and your first
4 touching -- and you've been a paramedic and you've been
5 around -- and I don't mean that bad, but what was your first
6 assessment?

7 A. Thought he was dead. Not very long because he was still
8 warm and rigor hadn't set in, so he was still flexible, but he
9 was dead.

10 Q. And that's based on your training and experience and you
11 being right there next to him?

12 A. Yes.

13 Q. Could you tell anything about his injuries from being
14 right there?

15 A. I could see that, from the angle of his right leg, that
16 he had a lot of trauma. And later on, I assessed his -- did a
17 secondary -- well, so primary assessment is ABCs -- Airway,
18 Breathing, and Circulation -- and we wait until further
19 injuries until later, but full assessment -- or first
20 assessment is the ABCs and any immediate life threats, like
21 expanding pools of blood, any brain matter exposed, anything
22 that is incompatible with life, that we can tell right off.

23 And he did have copious amounts of blood everywhere.
24 There was some coming from his mouth and nose and ears. When
25 we did open his mouth, there was -- it had pooled up to about

1 the mid level of his throat inside his mouth. So we had to
2 suction him to be able to get that clear so we could attempt
3 to ventilate because he was not breathing on his own.

4 Q. But you were trying.

5 A. We were trying. It's what we were trained to do.

6 Q. I think, on the video, are you seen -- or somebody is
7 putting him on the gurney, as you will, and wheeling him back?

8 A. Mm-hmm. Well, we were packaging him onto a long board --
9 a long spine board to be able to try and maintain the
10 integrity of his spine so, if we were to revive him or
11 resuscitate him, that he wouldn't be paralyzed because we
12 didn't know what type of injuries that he had sustained at the
13 time. We got called out for an assault, so that's what we
14 staged for.

15 Q. And you never know what you're going to find, do you?

16 A. No.

17 Q. And were you able to determine his right leg -- I think
18 at some point, you'll pick him up and put him on there. Were
19 you able to make an observation about his right leg?

20 A. Yes. Let's see.

21 Q. And "his" being Davis McClendon. I'm sorry.

22 A. Yeah. In my assessment column, I put to the extremities,
23 fractures of right femur, tibia, and fibula. So his whole
24 right leg was broken and mangled. I don't think it was open
25 fractures. I didn't annotate that. But it was clearly

1 deformed.

2 Q. Deformed. Excuse me.

3 A. Yes.

4 Q. So when you get Davis McClendon on the gurney back in
5 your bus, are you still working on him until you get to the
6 hospital?

7 A. Yes. We started IVs. We -- I intubated him with the
8 assistance of a video laryngoscope, which is the little piece
9 of plastic that you stick in the throat to be able to put the
10 tube in the trachea. I had to do more suctioning of the blood
11 to be able to get clear visual -- visualization of the
12 trachea, and then confirmed it with my partner.

13 She saw the tube passing through the cords -- the
14 arytenoid cords, which is the voice box. And then inflated
15 the bulb, made sure that it was secured. Check the placement
16 with a stethoscope to ensure that he was getting full
17 oxygenation. Didn't go too far, didn't go too shallow. That
18 he was getting all four lobes of the lungs to get oxygen.
19 That was confirmed. But once we -- do you need that back?

20 Q. Yeah, go ahead. I didn't mean to interrupt you. Once
21 you -- go ahead and finish your thought.

22 A. Once we got the IVs established, we did give epinephrine
23 1 to 10,000 concentration, which is what we give in cardiac
24 arrest, to try and kick start the heart back into a either
25 shockable rhythm or a rhythm with a pulse. But, at the time,

1 he was asystolic, which means flat line, for layman terms.

2 Q. Your first page of the report, I think I asked you about
3 that earlier.

4 A. Yeah.

5 Q. What is this? And it's under the --

6 A. The Glasgow coma scale?

7 Q. Yes.

8 A. You get points as to how -- what level of consciousness
9 you have. The eyes, you have four. The verbal, you have
10 five. And the motor, you have six possible points.

11 There was a typo in my report; I accidentally put 15,
12 which is a fully alert and oriented person as the secondary
13 assessment.

14 Q. But your first assessment --

15 A. The first assessment was --

16 Q. And we have informed the defendant about your typo.

17 A. Typo, yeah.

18 Q. But the first assessment was what?

19 A. Three.

20 Q. Okay. What does that mean?

21 A. It means you have -- you get one per category. You get
22 three for showing up. Anything more than that, you get more
23 points, but corpses get threes.

24 Q. And your final assessment was also a three?

25 A. Yes. It's just the buttons are right next to each other

1 on the --

2 Q. You hit the wrong button.

3 A. Yeah.

4 Q. One final question, I think.

5 MR. MEADORS: Before I do that, Your Honor, beg the
6 Court's...

7 THE COURT: Sure.

8 MR. MEADORS: Let me check with co-counsel.

9 BY MR. MEADORS:

10 Q. Did you take anything from him?

11 A. No.

12 Q. Off his body?

13 A. No, sir.

14 Q. Wallet? Any identification?

15 A. I believe, later, we cut his pants off just to get a more
16 thorough secondary assessment, but I didn't take anything.

17 Q. Did you -- there's been testimony about -- if I can find
18 it -- State's -- and, again, were you the first -- well, we
19 know you weren't. You weren't the first even police or
20 responder on the scene; correct?

21 A. Correct.

22 Q. All right. So are you -- I'm showing what State's 7.
23 Did you see this?

24 A. I did. I was shown it. It had already been moved prior,
25 but I was told that that's what his head landed on, which,

1 when doing another assessment, I felt crepitus, which is the
2 grinding of bone against bone to the back of his head. So it
3 would make sense that he landed on that.

4 Q. And that State's 7.

5 Thank you. That's all. Please answer any questions
6 Mr. Swerling has.

7 THE COURT: Mr. Swerling, any questions?

8 MR. SWERLING: No questions, Your Honor.

9 THE COURT: You can step down, sir.

10 THE WITNESS: Thank you.

11 THE COURT: You're free to leave the courthouse, but
12 you're more than welcome to remain with us, sir.

13 THE WITNESS: Thank you, sir.

14 MR. MEADORS: The State calls Arsenio Lewis.

15 THE CLERK: Good afternoon. Place your left hand on the
16 Bible and raise your right hand, please.

17 ARSENIO LEWIS,

18 after having been duly sworn, was examined and testified
19 to as follows:

20 THE CLERK: Thank you. Please state your name and spell
21 your last name for the record.

22 THE WITNESS: My name is Arsenio Lewis. Last name,
23 L-e-w-i-s.

24 DIRECT EXAMINATION

25 BY MR. MEADORS:

1 Q. Good afternoon, Mr. Lewis.

2 A. Good afternoon.

3 Q. Tell these folks about Arsenio Lewis. Just, you know,
4 where you're from, where you grew up, your background, and
5 your training in the area of Fire and/or first responders,
6 EMS, whatever.

7 A. Yes. I was born and raised here in Greenwood, South
8 Carolina. I graduated from Enoree High School in 2012. Did
9 six years of law enforcement. Started fighting fire in the
10 10th grade. Now, I'm a licensed home builder. That's what I
11 do in my time now.

12 Q. And how long were you in the -- are you still doing fire
13 work too?

14 A. Yes, sir.

15 Q. Okay. Where are you doing that now?

16 A. At Northwest Fire Department. Volunteer.

17 Q. And so you just get called out when they need more help?

18 A. Yes, sir. Whenever I'm home and I can actually answer
19 calls, I answer calls on the weekends.

20 Q. And are you trained in CPR and is that part of the
21 training to become a fireman?

22 A. It's your choice if you want to be a first responder, but
23 yes, it can be a training aid that is presented to you.

24 Q. And why did you choose to do that? I assume you did, you
25 got trained in CPR. Tell them why you did that.

1 A. I mean, I love to help people. I mean, I've been doing
2 it since 10th grade, so it's just better off my experience of
3 life and to be able to help when needed.

4 Q. And does it -- sometimes are you the first person on the
5 scene?

6 A. Yes, sir.

7 Q. And in that incident, would you go ahead and start CPR?

8 A. Yes, sir.

9 Q. And is that what you did in this case?

10 A. Yes, sir.

11 Q. You were the first person there, trained, and you started
12 trying to save Davis?

13 A. Yes, sir.

14 Q. And you've heard the officer's testimony, so I'm not
15 going to -- would you agree that Mr. McClendon was dead when
16 you got there?

17 A. Yes, sir.

18 Q. And I do want to ask you about State's 7. Did you see
19 State's 7?

20 A. I did see State's 7. I'm actually the one that moved it
21 from beneath his head.

22 Q. So you were the first person -- excuse me -- the first
23 law enforcement or medical help, and you remove State's 7?

24 A. Yes, sir.

25 Q. So where was it? It was underneath his head?

1 A. It was underneath his head.

2 Q. And this is crazy but why did you remove it?

3 A. So we could -- so we could get an airway so we can get
4 his throat clear enough, because if your chin is to your
5 chest, you can't really get any airway that way. So we had to
6 move it so he could be laying flat.

7 MR. MEADORS: Beg the Court's indulgence.

8 THE COURT: Sure.

9 BY MR. MEADORS:

10 Q. I think -- you're on video performing CPR; correct?

11 A. Yes, sir.

12 Q. As you're performing CPR, what did it -- could you tell
13 anything just by performing CPR?

14 A. Yeah. All of his ribs were broken. There was really no
15 structure to his chest when performing CPR as performing CPR
16 on a normal person.

17 Q. Did you see any weapon around?

18 A. No, sir.

19 Q. And I'm not implying anything by this question; I think
20 I've asked it of everybody. You didn't take anything there, a
21 wallet or anything else, from the scene and remove it?

22 A. No, sir.

23 Q. And nobody else did that you observed; correct?

24 A. No, sir.

25 Q. I think that's all we have. Thank you.

1 A. Okay,

2 THE COURT: Mr. Swerling, any examination?

3 MR. SWERLING: No, sir.

4 THE COURT: You can step down, sir.

5 THE WITNESS: All right.

6 THE COURT: Thank you. You're free to leave the
7 courthouse. You're more than welcome to remain with us.

8 Let's take a short afternoon break. Ladies and
9 gentlemen, go back to the jury room. Take a short afternoon
10 break, and we'll bring you back out and proceed forward.

11 (The jury exited the courtroom.)

12 THE COURT: All right. Short break.

13 (A recess was taken and then the proceedings resumed as
14 follows:)

15 THE COURT: All right. Are we ready for the jury?
16 State?

17 MR. MEADORS: Yes, sir.

18 THE COURT: Defense?

19 MR. SWERLING: Yes, sir.

20 THE COURT: Thank you. Let's bring the jury out, please.

21 (The jury entered the courtroom.)

22 THE COURT: All right. Let the record reflect the jury
23 is back in.

24 Mr. Conrad, are you ready?

25 MR. CONRAD: Yes, sir. If it please the Court, the State

1 calls Corporal Michael Mejia.

2 THE CLERK: Raise your right hand, please.

3 CORPORAL MICHAEL MEJIA

4 after having been duly sworn comma was examined and
5 testified to as follows:

6 THE CLERK: Could you state your full name and spell it
7 for the court reporter, please.

8 THE WITNESS: Michael Mejia. Last name is spelled
9 M-e-j-i-a.

10 DIRECT EXAMINATION

11 BY MR. CONRAD:

12 Q. Corporal Mejia, good afternoon, sir.

13 A. Good afternoon.

14 Q. Where are you currently employed?

15 A. I currently work for the Greenwood County Sheriff's
16 Office.

17 Q. And how long have you been working there?

18 A. I've been there since September of 2016.

19 Q. How long have you worked in law enforcement in total?

20 A. It would be eight years this September.

21 Q. So is it your entire time that you've worked at the
22 Greenville County Sheriff's Office?

23 A. Correct.

24 Q. Where are you originally from?

25 A. Originally, I'm from Fresno County, California.

1 Q. And how did you end up in the South -- why did you end up
2 in South Carolina?

3 A. The cost of living is significantly cheaper here, and I
4 just like this place a lot better than California.

5 Q. Okay. What are your current duties at the Sheriff's
6 Office?

7 A. Currently, I'm a K9 handler. My partner is a
8 dual-purpose patrol K9.

9 Q. Okay. And you've worked there eight years; correct?

10 A. Correct.

11 Q. Have you always been a K9 handler or what else -- what
12 other jobs or roles have you filled at the Sheriff's Office?

13 A. So, originally, when I was first hired with the Sheriff's
14 Office, I started in the detention center and was a detention
15 officer for a little over a year. I worked a little bit here
16 around the courthouse and security while waiting to go to the
17 academy. Became certified and went over to the Sheriff's
18 Office on uniformed patrol in October of 2018.

19 In 2020, I was selected for what we call our Crime
20 Reduction Unit, which is a proactive patrol investigative
21 unit.

22 And then, in May of 2021, I was selected to move over to
23 the K9 unit, and I've been in the K9 unit ever since.

24 Q. And you have undergone training in the past for law
25 enforcement; correct?

1 A. Correct.

2 Q. Just give the jury a brief idea of some of the training
3 you have attended in your career.

4 A. So I've been to the South Carolina Criminal Justice
5 Academy twice. The first time was for detention academy; the
6 second time was for our basic law enforcement academy. So
7 basic law academy at that time is 12 weeks. Completed 12
8 weeks of basic training down there and then about another 12
9 weeks of FTO here at the Sheriff's Office.

10 Q. And when you say "FTO," what do you mean?

11 A. Field training. I'm sorry. So you're paired with a
12 field training officer. You learn the ins and outs of the
13 job, everything from report writing to responding to calls,
14 procedures you should take at certain types of events.

15 When I was on the Crime Reduction Unit, I went to a basic
16 investigations class. Kind of detailed the ins and outs of
17 working in an investigative role. And then, also, I
18 completed -- when I went to K9 handler school, about a 16-week
19 course with my K9 partner, learning how to train him and also
20 how to work with him on the road.

21 Q. And that's what you do, you're currently a K9 officer?

22 A. Correct.

23 Q. And going back to May of last year, were you a K9 officer
24 at that point too?

25 A. Yes, I was.

1 Q. And just briefly describe to the jurors, what are your
2 day-to-day functions and roles and duties as a K9 officer?

3 A. So, as a K9 handler, I'm primarily responsible for the
4 training and deployment of dual-purpose K-9. A dual-purpose
5 K-9 is one that does narcotics detection work as well as
6 criminal apprehension, tracking.

7 So a lot of what I do is literally ride around all day
8 with a dog and more than teaching him to sit, teaching him to
9 track. We train our detection odors -- but then I also fill
10 the role as a regular patrol deputy. I respond to calls for
11 service, assist the shifts in any way I can.

12 Q. So you -- in addition to your K9 duties, you essentially
13 fill the role of a normal road deputy as well; correct?

14 A. Correct.

15 Q. And directing your attention back to May 6th and May 7th
16 of last year, 2023, were you on -- was that a normal patrol
17 night for you -- for yourself?

18 A. Yes, it was. As a matter of fact, I remember quite
19 vividly. Usually the first weekend in May is a pretty
20 significant event called the Black Cats Rally, so there's a
21 lot of law enforcement working that night. So several of us
22 would have been working that night.

23 Q. Okay. And what would your scheduled hours have been on
24 that day; do you recall?

25 A. I believe I was scheduled to come in at 5:00 p.m. and

1 then kind of just work until things either were, I guess, for
2 lack of a better term, quiet.

3 Q. Okay. And going into the early morning hours of May 7th,
4 maybe approaching about 1:00 a.m. or a little after 1:00 a.m.,
5 did you happen to have a chance to respond to a call about
6 some sort of vehicle-on-pedestrian incident?

7 A. Yes. So I was sitting in my patrol car, I think, typing
8 a report or something. Anyway, a call came in for a vehicle
9 versus pedestrian, and I remembered that the entire shift was
10 on some other type of incident. So me being the only one that
11 was available at the time decided to go ahead and head that
12 way first.

13 Q. And do recall the -- this is something you heard from
14 dispatch; correct?

15 A. Yes. It came out over the radio as a
16 vehicle-versus-pedestrian accident.

17 Q. And do you recall where this incident was supposed to
18 have occurred?

19 A. Avid Road and Sawgrass Place here in Greenwood.

20 Q. And is that where you responded?

21 A. Yes.

22 Q. And over the course of the next several hours, did this
23 incident occupy your time?

24 A. Yes.

25 Q. So what we're going to do is I want you to kind of give

1 the jurors a brief overview of your -- of those early morning
2 hours for yourself, and then we'll go back and get into more
3 details about each thing you did do. Does that make sense?

4 A. Yes, sir.

5 Q. Okay. So you first respond to the incident location;
6 correct?

7 A. Correct. That was probably at about a quarter to 2:00 in
8 the morning or thereabouts, responded to the incident
9 location. I then got some information about where the
10 potential vehicle and/or suspect in the case could be.

11 Q. And where did you respond after that?

12 A. That would have been a very short distance away at
13 1714 Old Abbeville Highway.

14 Q. And did you remain at that location for the rest of the
15 morning?

16 A. Yes.

17 Q. About how many hours were you out at that location?

18 A. I would say at least four.

19 Q. And during this time, did you have a body cam?

20 A. Yes.

21 Q. And was it on for this entire morning?

22 A. Yes. I believe total time it would have been on is
23 something like five or six hours.

24 Q. And does your car, was it equipped with a dashcam on that
25 evening?

1 A. No, that one is not.

2 Q. All right. You said this body cam was on for four to
3 five hours; correct?

4 A. Something like that, yes, sir.

5 (State's Exhibit No. 16, Corporal Lewis Body Cam Video,
6 was marked for identification.)

7 BY MR. CONRAD:

8 Q. And I'm going to show you what's been marked as State's
9 Exhibit 16, and I'm going to ask you: Do you recognize that,
10 sir?

11 A. Yes, I do.

12 Q. All right. And do you know what's contained on that CD?

13 A. That is my body worn camera footage.

14 Q. And it's edited, though; correct?

15 A. Yes.

16 Q. There's not five hours of footage on here; correct?

17 A. No.

18 Q. And, to be clear, during the large portion of the time
19 you're at the Ackerman residence, what were you doing?

20 A. There was, unfortunately, a lot of standing around.

21 Q. And waiting; correct?

22 A. Correct.

23 Q. And we'll get into what you were waiting for later.

24 A. Yes.

25 MR. CONRAD: But, at this point, the State would move to

1 introduce State's Exhibit 16 into evidence.

2 MR. SWERLING: No objection.

3 THE COURT: Without objection, No. 16 into evidence for
4 the State.

5 (State's Exhibit No. 16 was received into evidence.)

6 MR. CONRAD: And to be -- so the record is clear, so this
7 is the edited version that the Court has reviewed.

8 THE COURT: So noted.

9 MR. CONRAD: Before we start playing -- oh, excuse me.

10 THE COURT: No, go ahead. I think the officer wanted to
11 be permitted to step down, which -- if he needs to.

12 MR. CONRAD: We will in just a second, Corporal
13 Mejia.

14 BY MR. CONRAD:

15 Q. Before we start the video, give the jurors your general
16 observations and your observations as you first walked up on
17 this incident location.

18 A. So I'm actually pretty familiar with this intersection; I
19 have responded to a number of calls off of Avid Road. The
20 very dead end is actually still within Greenwood County.

21 So I was pulling in behind a fire truck. The fire truck
22 and my vehicle were the first two first responder units on the
23 scene. One of the first things I noticed was a set of
24 headlights shining back at us. And then, as I continued to
25 walk up on the scene, I see the second vehicle there, which --

1 Q. And let me stop you there real quick. Were you the first
2 person there or were there other law enforcement individuals
3 or fire department individuals or EMTs who arrived there
4 before you?

5 A. The fire truck and I were pulling up together at the same
6 moment. I believe I was the first to walk up to the actual
7 scene. The firefighters were still getting out and gathering
8 their equipment.

9 Q. And the ambulance -- was there an ambulance there when
10 you arrived?

11 A. They might have been behind me. I don't recall.

12 Q. All right. I'm going to direct your attention to the
13 video. It's not playing, but this is the very first --
14 really, this is you walking up to the scene; is that correct?

15 A. Yes.

16 Q. And we see two headlights pointing towards the jurors
17 right now out of this video. Is that -- are those the
18 headlights you just described?

19 A. Yes.

20 Q. And did you get a closer view of that vehicle?

21 A. I did.

22 Q. What kind of vehicle was that?

23 A. It's a BMW sedan.

24 Q. And those lights were on just as we see them in this
25 video as you walked up; correct?

1 A. Yes.

2 Q. And, for the record, where that BMW is sitting, what
3 county is that located in?

4 A. That is here in Greenwood County.

5 Q. All right. Let's play it for a second.

6 (Video plays.)

7 MR. CONRAD: All right. Let's stop the video.

8 Q. All right. And we see a second vehicle that's facing the
9 opposite direction. It looks like a smaller SUV type.

10 A. Correct.

11 Q. Did you identify whose vehicle or who owns that vehicle?

12 A. At that time -- and you can hear the radio traffic -- I'm
13 calling in the tag to our dispatch to attempt to get an
14 identification.

15 Q. Did you later identify it?

16 A. I did later identify that as Ms. McGovern's vehicle.

17 Q. All right. And so she was there when you got there as
18 well; correct?

19 A. Yes.

20 Q. All right. Let's continue.

21 (Video continues to play.)

22 MR. CONRAD: Pause tape.

23 Q. You said 10-28. What does that mean?

24 A. So 10-28 is what we call a ten code, and it is
25 specifically for a license plate. When we provide that code

1 to the dispatcher, they know that we're asking for the
2 information corresponding to a license plate number.

3 Q. As you're walking up, you're already trying to figure out
4 whose vehicle these are; correct?

5 A. Correct.

6 Q. And just to take a step back for a second, when you
7 respond to a scene like this, what is -- more or less as the
8 first responding officers, what would you consider to be your
9 duties to take care of when you first arrive at a location
10 like this?

11 A. Given the nature of the call, with it being a motor
12 vehicle collision and especially one involving a pedestrian,
13 you're trying to take into account everything that's on the
14 scene. Also trying to identify the vehicle that struck the
15 pedestrian and then trying to figure out where the victim is
16 in relation to trying to take in as much detail as possible
17 and then also trying to be aware of what's around for safety
18 reasons.

19 Q. All right. And is that what you're doing at this point?

20 A. Correct.

21 Q. And we see in the center of the video, it looks like a
22 person standing and potentially it might be a body laying; is
23 that correct?

24 A. Correct.

25 Q. All right. And do you recall who that person is that's

1 standing there?

2 A. I believe that's Ms. McGovern.

3 Q. And the body there, did you later identify who that body
4 is?

5 A. That would be Mr. McClendon.

6 Q. And, again, for the record's sake, where that body is
7 laying specifically, what county is that location?

8 A. Here within Greenwood County just, I'd say, shortly after
9 the intersection of Avid Road and Sawgrass Place.

10 Q. So both that BMW and that body where it's laying,
11 Mr. Davis, that's within Greenwood County; correct?

12 A. Correct.

13 MR. CONRAD: All right. Play it.

14 (Video continues to play.)

15 Q. All right. Corporal Mejia, why don't you describe to the
16 jurors what you observed on Mr. Davis's -- Mr. McClendon's
17 body there as you walked up.

18 A. One of the first things I noticed, especially since this
19 is not the first vehicle-versus-pedestrian incident I have
20 responded to, I noticed the injuries on his body. They seemed
21 pretty significant, being consistent with being struck by a
22 vehicle. One of the very telltale injuries to me was blood
23 coming from the ears. That indicated a very significant
24 amount of trauma that he took to the head.

25 Q. So this isn't the first time you have seen a body that

1 had been struck by a vehicle?

2 A. No. This would be probably about the fourth or fifth.

3 Q. And you said you observed some blood coming out of his
4 ears?

5 A. Yes.

6 Q. What else did you observe injury-wise?

7 A. It looked like a bruise starting to form on -- I believe
8 it was his collarbone area; I forget exactly which side. The
9 bruise stood out significant to me because bruising, at least
10 in my experience and from my knowledge, tends to show up a
11 little bit later. It wouldn't happen immediately.

12 Q. Okay. And we heard somebody say something about CPR on
13 there or the EMT -- excuse me, or the fire department, they've
14 already started CPR at this point?

15 A. Yes. You will see, in my body cam, they're running up
16 and immediately starting CPR.

17 MR. SWERLING: Judge, can we approach for a moment?

18 THE COURT: Sure.

19 (A bench conference was held off the record.)

20 THE COURT: Ladies and gentlemen, we've got a little
21 legal issue that I need to discuss with the lawyers. It
22 shouldn't take long, but we just need to make sure that we're
23 clear on everything. So go back to the jury room. It should
24 not be long, and we'll get you back out and proceed forward.

25 (The jury exited the courtroom.)

MATTER OF LAW

1
2 THE COURT: Okay. I think, Mr. Swerling, your concern is
3 Ms. McGovern is shown in the video for some period of time and
4 that you want to make sure that the edited version of this
5 officer's body cam does not show any part of Ms. McGovern
6 stating what she thought may have happened in the accident.
7 Is that --

8 MR. SWERLING: Correct.

9 THE COURT: -- a correct statement of your concern
10 expressed at the sidebar?

11 MR. SWERLING: Yes, sir, including any hearsay that she
12 may be aware of. Firsthand, it's a different story, but I am
13 concerned about that because we had that discussion about
14 that.

15 THE COURT: Sure, sure. And I think, up to this point,
16 it's just been Ms. McGovern crying and being upset and not
17 really stating any words. But let's go ahead and show
18 whatever is left at the scene to make sure that whatever
19 Ms. McGovern does is not stating what is concerned by the
20 defense.

21 MR. SWERLING: Judge, also, in addition to that, several
22 officers offered opinions as well. I hope that's not on there
23 as well.

24 MR. CONRAD: I'm fairly confident we have gotten most of
25 that cut out, Your Honor. We can listen here and be 100%

1 sure.

2 THE COURT: Let's do it. When I looked at the video over
3 lunch, I don't recall that being in there, but let's all make
4 sure so we're covering Mr. Swerling's concern.

5 MR. CONRAD: And we have got it turned down a little bit
6 just so the jurors don't overhear anything.

7 MR. SWERLING: Judge, can I go over there and sit?

8 THE COURT: Sure. You can go wherever you need to.

9 (Video plays.)

10 MR. CONRAD: Stop. Stop. And that's the extent of the
11 crime scene, Your Honor.

12 THE COURT: Okay.

13 MR. SWERLING: Judge, I thought you excluded the CPR part
14 of this where they were working on him.

15 THE COURT: I excluded the CPR in the Mansel video
16 because it was up very close to the body, and they indicated
17 that certainly EMS could describe whatever they saw and
18 whatever treatment that they took.

19 But on this officer's video, there was very little of the
20 CPR and it really was not that close. I think it showed the
21 body for kind of a split second. So my ruling was is that his
22 video could come in, but it was Mansel's that could not
23 because of the closeness to the body.

24 MR. SWERLING: Well, Judge, I mean, I would object to
25 that coming in as well. I thought that was out; I apologize.

1 But in addition, Your Honor, I would ask that the audio
2 be excluded so that we don't hear all this conversation going
3 back and forth as well. It could just be played through
4 silently.

5 THE COURT: Well, the only -- I don't know -- and correct
6 me if I'm wrong, I don't know if there's necessarily any
7 conversation. Certainly, this officer's voice is heard on his
8 body cam. There may be a little bit of interaction with EMS
9 out there, but I don't think there's anything that's said that
10 would be prejudicial to your side. I don't recall hearing
11 anything.

12 MR. SWERLING: Well, just note my objection.

13 THE COURT: So noted.

14 MR. SWERLING: When I did not object to it coming in, I
15 was under the impression that it had been excluded, those
16 comments that I was talking about.

17 THE COURT: Right.

18 MR. SWERLING: And her in the background expressing her
19 -- she was so upset and excited.

20 THE COURT: But I don't think you can hear -- at least I
21 couldn't -- her making any verbal statements about really
22 anything. I mean, you can hear her in the background, upset,
23 but I don't think you can hear exactly what she was saying.

24 MR. MEADORS: Your Honor, I think -- if I may be allowed
25 to speak now, but I think, Mansel's tape, you could hear her

1 saying a lot more ---

2 THE COURT: Right.

3 MR. MEADORS: --- about what had happened here. And so I
4 didn't hear anything that she said here about it.

5 THE COURT: I don't recall either.

6 But your objection is so noted, Mr. Swerling, but we're
7 going to allow -- I think it's a total of, what, 14 minutes
8 that's added to -- at the scene and then at the Ackermann
9 house, we'll allow that in. Okay?

10 All right. Let's bring the jury back out.

11 (The jury entered the courtroom.)

12 THE COURT: All right. Let the record reflect the jury
13 is back in.

14 Mr. Conrad, do you want to proceed with this
15 witness?

16 MR. CONRAD: Thank you, Your Honor.

17 CONTINUING DIRECT EXAMINATION

18 BY MR. CONRAD:

19 Q. Corporal Mejia, I think you kind of described already the
20 injuries you observed on Mr. McClendon as he was -- his body
21 was there.

22 Did you observe Mr. McClendon's head laying on anything
23 when you first approached the body?

24 A. Yes. There was a large piece of what looked like a limb
25 or a branch underneath his head.

1 Q. Okay. And I'm going to show you State's Exhibit 7. Do
2 you recognize that, sir?

3 A. Yes. That was the piece of wood underneath his head.

4 Q. Okay. All right.

5 Okay. All right. And so I think we covered your
6 interaction with EMTs and everything. And let's play the
7 video.

8 (Video plays.)

9 MR. CONRAD: Pause it.

10 Q. You just said "highway." What do you mean by "highway"?

11 A. Highway Patrol. It's standard practice, at the Sheriff's
12 Office whenever there's any type of motor vehicle collision,
13 we contact South Carolina Highway Patrol to actually do the
14 wreck investigation.

15 Q. All right. Continue.

16 (Video continues to play.)

17 MR. CONRAD: Pause it.

18 Q. And you asked for another county unit to respond as well?

19 A. I did. At this time, with there being multiple vehicles,
20 multiple people, like I said earlier, making sure that things
21 are safe and the scene is secure.

22 Q. You needed some help; correct?

23 A. Correct.

24 MR. CONRAD: Continue.

25 (Video continues to play.)

1 MR. CONRAD: And let's pause the tape real quick.

2 Q. On the right side of the screen, we see a car facing the
3 other way with its flashers on; is that correct?

4 A. Yes.

5 Q. Is that the BMW that you observed with damage on it when
6 you first walked up to the scene?

7 A. Yes.

8 Q. And, to the left, we see lots of lights, but buried in
9 that is that Ford Escape that you walk by a minute ago;
10 correct?

11 A. Yes. The lower lights would be the Ford Escape.

12 Q. And there's fire trucks and other cars behind it with
13 their lights on; correct?

14 A. Correct.

15 (Video continues to play.)

16 MR. CONRAD: Okay. Let's pause there.

17 Q. All right. And we're going to jump forward a little bit
18 in the evening, but before we do, before you left that crime
19 scene -- I think you kind of said it real quick there -- you
20 and some of the other officers did interview some of the
21 individuals. Not getting into what they said, but you-all did
22 interview some of the individuals at the scene that night;
23 correct?

24 A. Yes.

25 Q. All right. And as a result of those interviews and some

1 other information, where did you decide to respond to next?

2 A. 1714 Old Abbeville Highway.

3 Q. And what was that location?

4 A. That was the address that I was told the defen- -- or the
5 suspect may have gone to and the truck may be located at.

6 Q. And who went with you when you went to that location?

7 A. Lieutenant Yates, who was one of the shift supervisors,
8 and a former deputy that was employed here at Greenwood, Cody
9 Jay (ph).

10 Q. Okay. And this next portion of your body cam is going to
11 be what?

12 A. This is going to be our -- all of our actions at the
13 address on Old Abbeville Highway.

14 Q. Well, to be fair, not all your actions; correct? I mean,
15 not all four hours of --

16 A. No, correct, not all four hours, but...

17 Q. But you're in your car, at this point, correct, on the
18 video?

19 A. Yes.

20 Q. All right. And is this you driving to the Ackerman
21 residence?

22 A. Yes.

23 MR. CONRAD: Okay. Let's hit play.

24 Q. So you said yourself, Lieutenant Yates -- and who was the
25 third person that went to the Ackerman residence?

1 A. It would have been Deputy Cody Jay.

2 Q. All right. And there were other deputies who remained at
3 the crime scene; is that correct?

4 A. Yes.

5 (Video continues to play.)

6 Q. And was that video of you driving from the incident
7 location to the Ackerman residence?

8 A. Yes.

9 Q. Can you tell the jury approximately the distance between
10 the two locations, just an approximate distance?

11 A. Maybe half a mile at most.

12 Q. Okay. So pretty close; correct?

13 A. Pretty close.

14 MR. CONRAD: Continue to play.

15 (Video continues to play.)

16 MR. CONRAD: Pause it.

17 Q. So tell the jurors, before we keep going on the tape,
18 what your observations were when you first get out of your car
19 at the Ackerman residence.

20 A. When I pulled into the driveway, I pulled into the
21 left-hand side. I actually parked my vehicle in the grass,
22 and that was because, as I was pulling in, I could see a trail
23 of vehicle fluids and then, also, I could see the back of a
24 Ford F-250 pickup that was white.

25 Q. Okay. You say trail of vehicle fluids. What do you

1 mean?

2 A. So there's -- it looked like a very steady draining of
3 fluids, not like little drops but an actual trail of a solid
4 line of fluids. And I also remembered at that time that there
5 was a very significant amount of either oil or some other type
6 of vehicle fluid on the ground at the original scene.

7 Q. Okay. And in the trail you saw, was this in the Ackerman
8 driveway?

9 A. Correct.

10 Q. And did you see it going towards any direction?

11 A. Yes. We can actually see it as it came down or it came
12 from the roadway of Old Abbeville Highway and into the
13 driveway from the road at the residence. And then you could
14 also see it as it went around the left side of the house
15 following underneath the truck and then a large amount of oil
16 coming from underneath the truck as well.

17 Q. That white F-250 you said?

18 A. That white F-250, yes, sir.

19 Q. Did you initially approach that truck?

20 A. Yes. I started walking towards that truck, and then I
21 saw the open garage door and two people standing in it, so
22 that caught my attention.

23 MR. CONRAD: Let's keep playing.

24 (Video continues to play.)

25 MR. CONRAD: Pause it.

1 Q. And when you say, "I see it," what are you referring to?

2 A. I am referring to the truck, the white Ford F-250.

3 MR. CONRAD: Okay. Keep playing.

4 (Video continues to play.)

5 MR. CONRAD: Pause there.

6 Q. And just for clarification, you did say you were a K9
7 officer; correct?

8 A. Correct.

9 Q. Did you have -- was your dog out of the car at this
10 point?

11 A. No, not at all.

12 Q. Was your dog out of the car at any point during this --
13 this morning?

14 A. No, nope.

15 Q. And that dog we hear barking, that's, obviously, not your
16 K9; correct?

17 A. No, it is not.

18 MR. CONRAD: Okay. Keep playing.

19 (Video continues to play.)

20 MR. CONRAD: Pause there.

21 Q. Okay. Well, I didn't quite catch it, but the individual
22 you're talking to now in that polo shirt, who is that? Did
23 you later identify him?

24 A. I later identified him as --

25 MR. CONRAD: One moment, please.

(Counsel confer off the record.)

Q. Anyway, continue your answer, please.

A. I identified him as William "Bud" Ackerman.

Q. Okay. And do you see him in the courtroom today?

A. Yes, I do.

Q. All right. Can you point him out for us, please.

A. He is seated right over there in the tan jacket.

THE COURT: Let the record reflect that this witness has identified Mr. Ackerman, the defendant in this case.

Q. And that's who you just asked about some children; correct?

A. Correct.

Q. Why were you asking him about children?

A. Information I had got from people at the first scene indicated that the children were going to be in his custody or at this residence.

Q. And, specifically, whose children are we talking about?

A. Meredith and Bud's children.

Q. Okay. And you had information that they were at this location; correct?

A. Correct.

Q. And you were checking on their welfare; correct?

A. Yes.

MR. CONRAD: Okay. Keep playing.

(Video continues to play.)

1 MR. CONRAD: Keep playing. Keep playing.

2 (Video continues to play.)

3 MR. CONRAD: Pause.

4 Q. Okay. So you identify Mr. Ackerman there at that point
5 shortly thereafter; correct?

6 A. Yes.

7 Q. And you asked him to step where?

8 A. Up to the front of the residence and in front of I
9 believe it was Lieutenant Yates's patrol vehicle.

10 Q. Now, you were concerned about these children; correct?

11 A. Correct.

12 Q. And at any point later that evening, did their mother
13 respond to the Ackerman residence?

14 A. The mother's parents did.

15 Q. The mother's parents. Excuse me.

16 A. Yes.

17 Q. And that would be Ms. Ackerman's parents or, excuse me,
18 Meredith Ackerman's parents; correct?

19 A. Correct.

20 Q. And when they arrived, what actions did you take?

21 A. We went and got the children up and escorted them to her
22 parents so, this way, they could go be with their mother.

23 Q. All right. Do you recall Ms. Ackerman's parents' names?

24 A. No, I do not.

25 Q. All right. And so, for the rest of the evening -- or,

1 excuse me, the morning -- you were out there for several more
2 hours; correct?

3 A. Until the sun came up.

4 Q. And, at any point, did you have an opportunity to go and
5 look at that truck closer?

6 A. I did.

7 Q. At any point later on, did you have an opportunity to go
8 back inside the Ackerman residence?

9 A. Yes.

10 Q. And was that pursuant to a search warrant?

11 A. Yes.

12 Q. Okay. So let's keep playing the tape for now.

13 (Video continues to play.)

14 MR. CONRAD: Pause it.

15 Q. And had this search warrant -- this was a couple of hours
16 later; correct?

17 A. Yes.

18 Q. At this point in your tape?

19 A. Yes.

20 Q. And the search warrant had been obtained; correct?

21 A. Yes, it had.

22 Q. And that is why you are -- is there another officer
23 there?

24 A. Yes. I believe that's Investigator Parker.

25 Q. Okay. And that's why you-all are going into the garage

1 at this point?

2 A. Yes.

3 MR. CONRAD: All right. Keep playing.

4 (Counsel confer off the record.)

5 Q. And for clarity's sake, the children were long gone at
6 this point; correct?

7 A. I believe so, yes.

8 MR. CONRAD: All right. Keep playing.

9 (Video continues to play.)

10 Q. And we see Investigator Parker placing down markers on
11 the ground there; correct?

12 A. Yes.

13 Q. What are you and he observing?

14 MR. CONRAD: Pause there.

15 Q. What are you and he observing and why is he placing those
16 markers down?

17 A. There are footprints and oil, and he's marking those with
18 evidence markers. It's a trail going from that driveway area
19 to the back door -- or, excuse me, that garage door.

20 Q. Okay. So you see footprints on the ground; correct?

21 A. Yes.

22 Q. Through the garage, going towards that door in your
23 camera right now?

24 A. Yes.

25 Q. And, to the best of your knowledge and your experience in

1 looking at it, you believe those footprints are in what kind
2 of fluid?

3 A. Either motor oil or some other type of vehicle fluid or
4 oil.

5 MR. CONRAD: All right. Keep playing.

6 (Video continues to play.)

7 MR. CONRAD: Pause there.

8 Q. You said something about cigarettes. What did you
9 observe there?

10 A. There were, I believe, at least two cigarette butts on
11 the ground right there where the actual interior space of the
12 garage and the driveway portion would have met.

13 Q. And did you say something about oil on them or did I
14 misunderstand that?

15 A. I think we -- somebody had asked me a question or
16 somebody had asked a question, "Was there oil on the cigarette
17 butts?"

18 Q. Do you remember seeing that or -- to the best of your
19 recollection?

20 A. I recall seeing the cigarette butts on the ground. I
21 don't remember if they had oil on them or not.

22 Q. All right. So now we've skipped forward a little bit
23 further in your morning; correct?

24 A. Yes.

25 Q. All right. And what do we see in the left-hand side of

1 your body cam at this point?

2 A. I'd be standing at the front right headlight of the white
3 Ford F-250 that I saw when I first got on the scene.

4 Q. The oil trail that you testified to a minute ago;
5 correct?

6 A. Yes.

7 Q. That's what you saw leading to this vehicle; correct?

8 A. Correct.

9 MR. CONRAD: All right. Play it.

10 (Videotape continues to play.)

11 MR. CONRAD: Pause it.

12 Q. All right. You said something was "wild" and your
13 flashlight is pointed at the top of that hood. What are you
14 looking at?

15 A. Yes. So, at the very top of the hood where it would
16 begin to roll over to the flat surface of the top of the hood,
17 there is a very large dent, at least in my experience and
18 observations, consistent with the size of a human head.

19 Q. Now, let's be fair, do you have any specific training in
20 accident reconstruction or anything of that nature?

21 A. No, I do not.

22 Q. But you have been to a number of accidents in the past;
23 correct?

24 A. Yes, and specifically those involving vehicles versus
25 pedestrians.

1 MR. CONRAD: All right. Keep playing.

2 (Video continues to play.)

3 MR. CONRAD: And, okay, pause it there.

4 Q. So we discussed the dent in the top of the hood, and a
5 few seconds later, your flashlight is focused more down
6 towards the grille; is that correct?

7 A. That's correct.

8 Q. And I think you point out some sort of -- what are you
9 looking at there?

10 A. So to the -- if you're looking directly at the truck,
11 where the driver's side would now be to your right, to the
12 right side of the hood emblem, which is pretty much in the
13 dead center of the grille, there's a little bit of damage to
14 the grille, and there's also smudges, and they appear to be --
15 I think you can see I'm motioning it in the video in a
16 circular-type motion.

17 Q. And so we see the kind of Ford emblem in the middle
18 there; correct?

19 A. Correct.

20 Q. And those marks you saw were, as we're looking at it, on
21 the right or left?

22 A. On the right.

23 Q. And so, you see some smudges there; correct?

24 A. Correct.

25 Q. And you said you saw some sort of wipe or what did you --

1 explain that more to the jury. What do you mean?

2 MR. SWERLING: Well, I'm going to object, Your Honor, if
3 he has no foundation, no training in that area, that there was
4 swipes.

5 THE COURT: Okay. Ask the question again, Mr. Conrad.

6 BY MR. CONRAD:

7 Q. Without drawing any conclusions, describe the marks that
8 you see on that grille.

9 THE COURT: I think he can describe what he saw. Maybe
10 he's not qualified to render any conclusions as far as what
11 it represents.

12 Let's first hear what he says as far as specifically what
13 he observed.

14 A. So, again, looking at the -- where the hood emblem is, it
15 would be some type of smudge or mark in a circular-type
16 motion.

17 Q. All right. I think we'll move on from that.

18 MR. CONRAD: Keep playing.

19 (Video continues to play.)

20 MR. SWERLING: Objection. He's going ahead and making a
21 conclusion, Your Honor.

22 THE COURT: I would tend to agree with Mr. Swerling and
23 sustain the objection and just direct the jury, that last
24 statement that was made on the body cam that we just heard,
25 disregard that statement.

1 You may proceed.

2 MR. CONRAD: Keep playing. Keep playing.

3 (Video continues to play.)

4 Q. And your phone -- camera --

5 MR. CONRAD: Pause it.

6 Q. Your flashlight was focused on that dent up there that
7 second; correct?

8 A. Correct. It's really difficult to see with the
9 reflection from my flashlight and then the vehicle color being
10 white, but yeah, the spot where the hotspot of my flashlight
11 is is where the dent is.

12 MR. CONRAD: Okay. Keep playing.

13 (Video continues to play.)

14 MR. CONRAD: Pause tape.

15 Q. And what are you focused on there? What is your
16 flashlight focused -- when you said "more damage there," what
17 are you looking at?

18 A. So if you were looking at that headlight that's in this
19 screen and you come down to the bumper, the side that is
20 actually parallel or on the side of the wheel, there's a
21 couple of very large scrapes and other damage.

22 MR. CONRAD: Okay. Keep playing. And we'll pause one
23 more time.

24 Q. And, at this point, y'all are heading into the house;
25 correct?

1 A. Yes.

2 Q. Pursuant to a search warrant; correct?

3 A. Yes.

4 MR. CONRAD: Play the tape.

5 (Video continues to play.)

6 Q. And we can see the --

7 MR. CONRAD: Pause there.

8 Q. We can see the markers that had been previously laid
9 down; correct?

10 A. Yes.

11 Q. All right. Of those footprints?

12 A. Correct.

13 MR. CONRAD: Keep going.

14 (Video continues to play.)

15 MR. CONRAD: Pause tape.

16 Q. You keep saying, "Footprints, footprints, footprints";
17 correct?

18 A. So you can see I'm kind of directing with my light, I'm
19 using it almost as a laser pointer. I forget who specifically
20 is behind me, but I'm pointing out footprints that I can see
21 in the oil residue that are on the ground.

22 Q. Okay. You don't recall who is behind you at this moment?

23 A. Not at this moment.

24 Q. Do you recall who did come in the house with you at this
25 point, even if you're not sure who was directly behind you?

1 A. I believe it would have been Investigator Parker,
2 Investigator Powell, and Investigator Durkin.

3 MR. CONRAD: Okay. All right. Keep playing.

4 (Video continues to play.)

5 MR. CONRAD: And pause.

6 Q. Who is that in the green shirt?

7 A. That is Investigator Durkin.

8 Q. And what is his role during this search?

9 A. Crime scene, documentation, and processing.

10 Q. All right. And he's got what hanging on his hip there?

11 A. A camera. So everything that I'm pointing out
12 footprint-wise, he's taking a picture of.

13 MR. CONRAD: Okay. All right. Keep playing.

14 (Video continues to play.)

15 MR. CONRAD: Pause that.

16 Q. And when you say, "They're all right in here," you're
17 still talking about footprints; correct?

18 A. Correct.

19 MR. CONRAD: All right. Keep playing.

20 (Video continues to play.)

21 MR. CONRAD: Pause tape.

22 Q. And so you see footprints going to that bedroom; correct?

23 A. Yes.

24 Q. And could you tell which bedroom that was for the house?
25 Was it the master bedroom?

1 A. Yes.

2 MR. CONRAD: Okay. Keep playing.

3 (Video continues to play.)

4 THE COURT: Mr. Conrad, stop for just a second,
5 please.

6 MR. CONRAD: Pause that.

7 THE COURT: Ladies and gentlemen, I'm not going to point
8 anybody out in the jury, but we have one juror who is not
9 paying attention. And I remind you that it's very, very
10 important to be alert and attentive. I know it's difficult
11 sitting in the chair for extended periods of time. I realize
12 that. But you've got to be alert and you've got to be
13 attentive. And if I see this going on again with the same
14 juror, then this juror will be called out, but I'm not going
15 to do so yet.

16 Thank you. You may proceed, Mr. Conrad.

17 MR. CONRAD: Keep playing.

18 (Video continues to play.)

19 Q. Okay. And so you did not see any footprints go upstairs;
20 correct?

21 A. No.

22 Q. When you had come in the house earlier, where were the
23 children located, to take the children out?

24 A. They were in the upstairs bedrooms.

25 Q. All right. And we're almost done, Corporal Mejia, but a

1 couple of things. And I don't think the body cam captured
2 this, but when you approached that truck outside, did you
3 notice anything underneath it? Any large anything underneath
4 it?

5 A. A very large pool of oil and it actually seemed as if it
6 was still draining from the truck.

7 Q. Okay. And when you say "oil," you've had experience with
8 cars; correct?

9 A. Yes.

10 Q. Have you changed the oil in your own vehicle?

11 A. I do all my own vehicle maintenance.

12 Q. So you recognize used motor oil; correct?

13 A. Yes, sir, I do.

14 Q. And to your experience and knowledge and your
15 observation, you believe that was oil leaking underneath that
16 truck; correct?

17 A. Yes, sir.

18 Q. And you previously observed a large puddle of oil near
19 the body of Mr. Ackerman; correct?

20 A. Correct.

21 Q. Finally, I've used the term "Ackerman residence" a few
22 times, but just for clarity's sake, do you know who actually
23 owns this house that you're in at this point with your body
24 cam?

25 A. This is Mr. Ackerman, Sr., or the father of Bud Ackerman.

1 Q. All right. And so that's Bud Ackerman's parents' house;
2 correct?

3 A. Correct.

4 MR. CONRAD: One moment.

5 (Counsel conferring off the record.)

6 Q. All right. The damage that you observed on that truck
7 --- that you've shown on your body cam a few minutes ago;
8 correct?

9 A. Yes, sir.

10 Q. --- did it look consistent, from your experience, with
11 the damage of it being potentially involved in a collision
12 with the damage you saw?

13 MR. SWERLING: I would object to that with any foundation
14 and that he's qualified.

15 THE COURT: Yeah. I think, Mr. Conrad, you're going to
16 need to lay some foundation to see --

17 MR. CONRAD: I'll withdraw the question, Your Honor.

18 THE COURT: Okay. All right. Thank you.

19 MR. CONRAD: Nothing further from the State.

20 THE COURT: All right. Mr. Swerling, take a break?

21 All right, ladies and gentlemen. We're going to take a
22 short break, and then we'll pick back up with this witness and
23 go back to the jury room and we'll get you back out shortly.

24 Okay?

25 (The jury exited the courtroom.)

1 THE COURT: Okay. Short break.

2 And, State, if you just kind of give me kind of before we
3 start back kind of an idea of what we have left to do this
4 afternoon as far as your witnesses and see if we can make that
5 work. Okay?

6 (A recess was taken and then the proceedings resumed as
7 follows:)

8 THE COURT: Thank you. Have a seat.

9 All right. We're back on the record.

10 MATTER OF LAW

11 THE COURT: You wanted to put something on the record
12 that we dealt with previously concerning that one juror who
13 had a daughter who went to school with the McClendon children?
14 You wanted to put something on the record concerning that?

15 MR. SWERLING: Yes, we may need to do that, but what the
16 problem is for me is that, had that person disclosed that --
17 even a distant relationship between him and the McClendon
18 children, the fact is that his daughter, as I understand it,
19 went to school with one of the McClendon children. And I
20 would have struck that juror had I known that information when
21 we picked the jury. So I would ask that that juror be excused
22 and replaced by an alternate.

23 In addition, Judge, it's my understanding there's some
24 issue about whether or not that juror was paying attention or
25 not.

1 THE COURT: Well, the first, when he was brought out this
2 morning and he indicated that he did not know the McClendon
3 child, just the fact that his daughter went to school, and I
4 further asked him would that in any way affect his fairness
5 and impartiality, and he indicated no. So I'm going to deny
6 your motion to excuse him on that basis.

7 Secondly, Russell Scott, the bailiff, let me know real
8 quickly that he was kind of leaned back like this. I mean, I
9 can't say he was asleep, but at least he was leaned back like
10 that, and I immediately addressed that. So I don't think that
11 would be enough basis to excuse him and replace him with an
12 alternate. So that motion and request is denied.

13 MR. SWERLING: And, Judge, the record would reflect that
14 you did make a comment about that, and so I think that the
15 person was actually given some notice --

16 THE COURT: Right.

17 MR. SWERLING: -- or whoever it was.

18 THE COURT: Sure. And you know what? I typically do --
19 my common practice when something like that happens is not to,
20 the first go-around, identify the person, but if it for some
21 reason happens again or if another juror appears to be
22 inattentive, then I will call them out specifically.

23 Thank you.

24 MR. SWERLING: Judge, one other thing.

25 THE COURT: Sure.

1 MR. SWERLING: I know there's been a lot of this
2 reference to Mr. Ackerman being the suspect in the case and it
3 being the crime scene; they referred to that a number of
4 times. I object to those kind of connotations and
5 designations. I think they're prejudicial. I do think that
6 this is a trial. I think that he could be identified as
7 Mr. Ackerman or "the scene." It does not have to be referred
8 to as a crime scene or "the suspect."

9 THE COURT: All right. Does the State want to respond to
10 that argument by the defense?

11 MR. MEADORS: Judge, he was a suspect. I mean, that's --
12 his vehicle was involved. It went back, he was a suspect in
13 that incident. I just think it wasn't anything derogatory
14 about that. They're just saying he was a suspect in this
15 case. He's a defendant. It's no worse than a defendant, I
16 don't think, saying he's a defendant. I don't know how else
17 they --

18 THE COURT: I think the fact that he is a defendant, him
19 being a suspect has to be, you know, an automatic
20 identification prior to becoming a defendant.

21 MR. MEADORS: Yes, sir.

22 THE COURT: He has to be a suspect first and -- before
23 he's a defendant. So I don't think -- I don't think it's
24 really "suspect" or "defendant." If you're going to refer to
25 him as a defendant, I don't think that's any more prejudicial

1 or unfairly prejudicial than by referring to him as a suspect,
2 especially during the initial early stages of this case.

3 Referring to the Ackerman house as a crime scene, because
4 they had a crime scene tech at the house, I think the crime
5 scene -- at least the State would allege, the actual crime
6 scene would be out at the accident location as opposed to
7 necessarily the house itself.

8 MR. SWERLING: I think that's what they were referring
9 to, the scene out on Avid Road.

10 THE COURT: Okay.

11 MR. MEADORS: But if there was a potential cleaning up of
12 the truck or evidence, that is another potential crime scene,
13 if he was trying -- if he was trying to clean evidence off the
14 truck.

15 THE COURT: Yeah. I don't think those two references,
16 Mr. Swerling, would be unfairly prejudicial to your side. So,
17 you know, I'm not going to require the State not to use that.
18 If they can find other references at times, then so be it, but
19 I'm not going to necessarily require them not to refer to him
20 as a suspect because he would have been early on in the
21 investigation. But your objections are so noted for the
22 record.

23 MR. SWERLING: Thank you.

24 THE COURT: Thank you.

25 Okay. So it's my understanding we're going to finish up

1 with this witness with examination, and then we're going to
2 call it a day and start back at 9:30 in the morning. Okay?

3 MR. MEADORS: Yes, sir.

4 THE COURT: All right. Let's bring the jury out, please.

5 (The jury entered the courtroom.)

6 THE COURT: Okay. Let the record reflect the jury is
7 back in.

8 Mr. Swerling, cross-examination?

9 MR. SWERLING: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. SWERLING:

12 Q. I want to make sure I got your name pronounced right. Is
13 it "Ma-gee-ya"?

14 A. "Ma-hee-ya."

15 Q. "Ma-gee-ya." Okay. Thank you.

16 A. "Ma-hee-ya," sir, with an "H." "Ma-hee-ya" with an "H."

17 Q. "Ma-gee-ya"?

18 A. "Ma-hee-ya."

19 Q. "Ma-kee-ya." Okay.

20 [Courtroom laughter.]

21 Q. I'm going to butcher it up anyway. I'm sorry. How about
22 if I just say "officer"?

23 A. That'll work.

24 Q. That way, nobody can get offended. And I don't mean to
25 in any way.

1 Let me ask you this: When you got -- when you went to
2 the area down on Avid Road, the vehicle was -- the BMW was
3 facing the area in which you were approaching; correct?

4 A. Correct.

5 Q. Okay. And did you make a determination as to whether the
6 high beams were on? The low beams?

7 A. No, sir, I did not examine the vehicle that closely.

8 Q. Okay. You did not. Okay.

9 So, from there, you went over to the Ackerman residence?

10 A. Correct.

11 Q. And you found out that Bud Ackerman was living there
12 temporarily at that time?

13 A. That was my understanding, yes.

14 Q. Okay. And I believe that you -- there was a question
15 about going ahead and making sure that the children got to her
16 mother -- to the mother's parents; is that correct?

17 A. Yes. And then eventually to their mother.

18 Q. Okay. And their mother.

19 As a matter of fact, it was actually Mrs. Ackerman who
20 brought the children outside along with Dr. Ackerman; isn't
21 that true?

22 A. I went into the residence with Mr. Ackerman, Sr., and
23 went upstairs and then came out with the children.

24 Q. And came out with their children.

25 So there was no problem with bringing -- getting the

1 children and bringing them outside to Mrs. McClendon's --
2 Mrs. Ackerman's parents who were there; correct?

3 A. Correct.

4 Q. There was no problem with that?

5 A. I wouldn't say so, no.

6 Q. All right. And let me just ask, because you were -- you
7 got there -- how many hours do you think you spent around or
8 in the presence of Bud Ackerman during the course of that
9 morning?

10 A. I'd say at least four hours.

11 Q. At least four hours. Okay.

12 And part of that -- we see the version of the dashcam --
13 or not the dashcam but the body cam, but it's not the whole
14 thing. And we agree with that; correct?

15 A. Correct, it's been --

16 Q. But during that period of time, you were with or around
17 him most of that four-hour period?

18 A. Yes.

19 Q. Okay. All right.

20 MR. SWERLING: That's all I have, Judge.

21 THE COURT: Any redirect?

22 MR. CONRAD: Yes, Your Honor. Briefly.

23 THE COURT: Sure.

24 REDIRECT EXAMINATION

25 BY MR. CONRAD:

1 Q. Do you recall what time you got to the Ackerman residence
2 roughly, even if not exactly?

3 A. Not exactly, but it would be probably about quarter after
4 2:00 in the morning maybe.

5 Q. And what time did you originally respond to the original
6 scene?

7 A. Around 1:43 a.m.

8 Q. So approximately how much later do you think you got to
9 the Ackerman residence?

10 A. 20 to 30 minutes.

11 MR. CONRAD: Your Honor, can we approach, please?

12 THE COURT: Sure.

13 (A bench conference was held off the record.)

14 MR. CONRAD: Your Honor, nothing further from the State
15 for this witness.

16 THE COURT: Okay. You can step down, sir. Thank you.

17 THE WITNESS: Thank you.

18 THE COURT: All right. Ladies and gentlemen, that will
19 do it for today. I understand the next witness for the State
20 would be rather lengthy, so this may be a good time to go
21 ahead and break for the day and we'll start back at 9:30.

22 Try to be prompt and get here on time. Allow yourself
23 for anything that may be unexpected on your way here, so we
24 can hopefully get started promptly at 9:30.

25 Remember all my instructions, keep those in mind, and

1 have a good evening. Get some rest so you can be fresh in the
2 morning, and have a good evening. See you tomorrow.

3 (The jury exited the courtroom.)

4 THE COURT: Okay. We'll start back at 9:30 in the
5 morning. Everybody have a good evening.

6 MR. CONRAD: Thank you, Your Honor.

7 THE COURT: Let me see the lawyers for just a second.

8 (The trial adjourned for the day.)

9 TUESDAY, JULY 9, 2024

10 (The court reporter's recording starts as follows:)

11 THE COURT: -- situation. He's supposed to let us know
12 -- the lawyers in the court know as soon as he knows
13 something, and we'll go from there. So I'm going to tell the
14 jury to call back after 6:00 this evening, and we'll tell them
15 what -- what they are to do next. Okay?

16 It's unfortunate, but it's just one of those unavoidable
17 situations.

18 Let's bring the jury out, please.

19 (The jury entered the courtroom.)

20 THE COURT: All right. Let the record reflect the jury
21 is back in.

22 Good morning, ladies and gentlemen.

23 JURORS: Good morning.

24 THE COURT: I have some somewhat unfortunate news.
25 Mr. Swerling is still not feeling well. As a matter of fact,

1 he's in the emergency room as we speak. So we cannot go
2 forward today. I know you are getting a little frustrated
3 with the process, and -- but it's just one of those
4 unavoidable situations. We can't always control our health.

5 And so what I want you to do is call that call-in number
6 on the badges after 6:00 this evening with instructions on how
7 we're going to proceed forward. Okay? Please don't give up
8 on us. Okay?

9 Thank you for your patience, and don't forget to call
10 back after 6:00 this evening. Okay?

11 Thank you very much. Have a good day.

12 (The jury exited the courtroom.)

13 THE COURT: All right, ladies and gentlemen. As soon as
14 the Court and their lawyers know, they'll certainly pass
15 information on to you. Thank you very much.

16 (The trial adjourned for the day.)

17 WEDNESDAY, JULY 10, 2024

18 THE COURT: What I'm going to do is bring the jury out
19 and explain to them that a mistrial will be ordered by me in
20 this case. And I'm not going to go into a whole lot of detail
21 about it but just explain to them that the consequences of a
22 mistrial is that we'll start back over from scratch at some
23 point in time in the future and thank them for their service
24 and then I'm going to send them on.

25 And then, once that is done, then I'm going to go on the

1 record and make specific findings to justify the granting of a
2 mistrial in this case. So that's kind of how we're going to
3 handle it, and then we will adjourn for the day.

4 So we have all the jury; right?

5 THE BAILIFF: All of them.

6 THE COURT: Okay. Bring them out, please.

7 (The jury entered the courtroom.)

8 THE COURT: Let the record reflect the jury is back in.
9 Good morning, ladies and gentlemen.

10 JURORS: Good morning.

11 THE COURT: Hope you're doing well.

12 We're not going forward with the case due to
13 Mr. Swerling's health and pursuant to the direction of --
14 instructions from his doctor. At the present time, he is not
15 able to go forward with this case.

16 We can't keep you involved. We picked you on June 10th,
17 tried to start on June 24th, and then brought you back this
18 past Monday, and it's just not fair to you, because we really
19 don't know when we're going to be able to try this.

20 So what we -- I'm granting what's called a mistrial. And
21 the consequences of that, ladies and gentlemen, is that we
22 will just start over as if none of this happened. We'll start
23 over from the beginning and have another jury pool of about --
24 I can't remember the number. We had a large jury pool, and
25 we'll start back over with all those questions and everything

1 we did on that first day when you were selected.

2 I just can't thank you enough for your patience with us.
3 It's an unusual situation. This doesn't happen very often.
4 No fault of Mr. Swerling; he has some health issues he's got
5 to get over, and it's just one of those things.

6 But you have been patient with us. You've been
7 understanding. And I know you probably got a little
8 frustrated, especially when I told you on yesterday, I think
9 it was, that we weren't going to go forward yesterday. And I
10 know some of you were frustrated. I was frustrated. So
11 that's understandable.

12 But I just can't thank you enough for your presence here
13 off and on the month of June and July, and I hope that the
14 experience has been a good one in the sense that maybe you
15 learned some things that you didn't know when you got here
16 back on June 10th.

17 And for those of you who would like to serve on a jury
18 again, I hope that, at some point in time in the future, that
19 you'll be summoned to come back to this courthouse, or if you
20 were to move to another county, to another courthouse, and
21 have an opportunity to sit either on a jury in a criminal case
22 or in a civil case.

23 So, with that said, once again, thank you very much.
24 Your services are no longer needed. And if you need a work
25 excuse, as we've been doing throughout this whole process,

1 we'll provide that to you.

2 And then their compensation will be available...

3 THE CLERK: Tomorrow by 5:00. Your cards will be loaded
4 tomorrow by 5:00.

5 THE COURT: And, unfortunately, State law does not allow
6 for a lot of compensation serving on a jury, so don't make any
7 plans for the money. Okay?

8 So, with that said, you're free to leave. Once again,
9 thank you so very much and have a good rest of your day.

10 (The jury exited the courtroom.)

11 THE COURT: Okay, Elizabeth, we're going to go back on
12 the record.

13 Just for purposes of my ruling, I want to just kind of go
14 back in time for just a little bit concerning this case
15 insofar as the jury is concerned.

16 As everybody remembers, on June 10th of this year, we
17 selected the jury, but because of some discovery issues that
18 we had involved, we did not start the trial until June 24th of
19 this year. During the opening argument of the defense,
20 Mr. Swerling became ill, had to -- was taken to the emergency
21 room. And as a result of that and his condition -- and we
22 wanted to keep the same jury to avoid having to go through the
23 entire process again of qualifying and selecting a jury, so we
24 stayed with the same trial jury and ordered them back to start
25 the trial for July 8th, which was Monday of this week.

1 Consequently, Mr. Swerling's health issues were not
2 resolved, and he went back to the -- went back to the
3 emergency room once again on -- went back yesterday and was
4 treated there. And pursuant to his doctor's instructions, he
5 was advised not to continue with the trial of this case
6 because of his health issues.

7 The Court had a phone conference with the prosecution as
8 well as Mr. Swerling yesterday afternoon around 5:00, once
9 Mr. Swerling was released from the hospital, and it was with
10 his consent that, No. 1, that he and his client, Mr. Ackerman,
11 would not be in attendance this morning, and, two, it was with
12 the defense's consent that the Court grant a mistrial in this
13 case.

14 Consequently, the Court finds that it is out of manifest
15 necessity to a high degree of necessity that a mistrial be
16 granted in this case.

17 The Court further finds that a mistrial is necessary to
18 further the ends of justice and for the State and the
19 defendant to receive a fair trial in this case.

20 So a mistrial is granted. I will be in communication
21 today before I leave with Mr. Meadors and Mr. Conrad
22 concerning some potential -- [coughing] excuse me -- potential
23 dates to reschedule the trial of this case, and we'll
24 certainly do it as quickly as we can.

25 Certainly taking into consideration Mr. Swerling's health

1 situation, we need to make sure that he gets better before we
2 bring him back into the courtroom, and certainly subject to
3 the busy schedules that the lawyers and the Court has. So we
4 will try to do that just as soon as we possibly can. Thank
5 everyone for your understanding and your patience.

6 So, with that said, a mistrial is ordered in this case.

7 This hearing is adjourned. Thank you very much.

8 MR. MEADORS: Thank you, Your Honor.

9 (The trial of this case concluded.)

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Certificate of Transcriber

CASE NAME/NUMBER: State v. William Ackerman

DATE OF HEARING: July 8-10, 2024

RECORDING METHOD: Court Reporter Elizabeth Harris (ret.)

I, Bobbi Fisher, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that I was not present for the live proceeding; and that said proceedings were transcribed to the best of my ability from the audio and/or video recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case; and I have no interest, financial or otherwise, in its outcome.



/s/ Bobbi Fisher

Bobbi Fisher, SC Official Court Reporter III, RPR

Transcript Prepared: 3/28/25

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