

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Florence County

Honorable H. Steven DeBerry IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WILLIE JAMES SMITH,

APPELLANT.

APPELLATE CASE NO. 2024-000879

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT #50 (REDACTED STATEMENT OF DEFENDANT – VIDEO)**

State of South Carolina	)	Court of General Sessions
	)	Twelfth Judicial Circuit
County of Florence	)	Case No. 2023-GS-21-00480
	)	
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
Willie James Smith,	)	
	)	
Defendant.	)	
	)	

May 13-15, 2024
Florence, South Carolina

B E F O R E:

The Honorable H. Steven DeBerry IV, Judge

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Attorney for the Defendant

Krystal J. Smith
Official Circuit Court Reporter III

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20	dashes	--	intentional or purposeful interruption	
21			or change in thought	
22	ellipses	. . .	trailing off	
23	[ph]		phonetically written	
24	[sic]		written as said	
25				

1 MAY 13, 2024

2 (WHEREUPON, the proceedings began at 11:08 a.m.)

3 THE COURT: All right. And, everybody, it's five and
4 ten; right?

5 MR. WHITE: Yes, sir, Judge.

6 THE COURT: All right. Are we ready to proceed?

7 MR. EDGEWORTH: Yes, Your Honor.

8 THE COURT: All right.

9 MR. WHITE: Yes, sir, Judge.

10 THE COURT: And again, it's five and ten, and then I'll
11 ask Mr. White to call your case, to read the indictment, and
12 then I'll ask each of you to introduce yourself, your clients,
13 and then we'll go through the standard voir dire. Is that
14 fair?

15 MR. WHITE: That sounds fair, Judge.

16 MR. EDGEWORTH: Thank you, Your Honor.

17 THE COURT: All right. If we can have the jury, please?

18 (WHEREUPON, the jury panel entered the courtroom at 11:10
19 a.m.)

20 THE COURT: All right. Is that everybody?

21 All right. Thank you, ladies and gentlemen, again, for
22 your -- your patience here this morning. At this time, we're
23 going to recognize the State of South Carolina to call your
24 first case.

25 MR. WHITE: Thank you, Judge. May it please the Court.

1 At this time, the State would call the State versus
2 Willie James Smith, Indictment 2023-GS-21-00480 for one count
3 of murder, that indictment reading as follows.

4 That Willie James Smith did in Florence County on or
5 about June 9th, 2022, willfully, feloniously, and
6 intentionally kill the victim, James McNamara, with malice
7 aforethought, either express or implied, by means of stabbing,
8 and the victim did die as a proximate result thereof on or
9 about June 9th, 2022.

10 THE COURT: All right. Now, ladies and gentlemen, I need
11 to tell you that the fact that the defendant was arrested,
12 charged, and indicted in this case is not evidence in this
13 case. It can't be considered by you as evidence of guilt in
14 this case, and nor does it create any presumption or inference
15 of guilt. The document is simply the formal written
16 instrument which contains the charge made against this
17 defendant, and it's the formal document which brings this
18 court -- this case into this court.

19 Now, I'll remind you that you are still under oath from
20 earlier today, and that now there will be some further
21 questions asked upon you. And if you need to respond to those
22 questions, then we'll do it in the same way that we did it
23 before. All right? So thank you again.

24 First of all, from the reading of the indictment and the
25 calling of this case, is there any member of the jury panel

1 There is one other case that we need to select a jury on this
2 afternoon. We're going to ask that you come back at 1:30 to
3 Courtroom 3-A, which is right next door here. If you'll be
4 back at 1:30, Courtroom 3-A, then you'll hear whether or not
5 you get selected in that trial. Thank you so much for your
6 time and your patience.

7 (WHEREUPON, the jury panel was released and exited the
8 courtroom at 11:47 a.m.)

9 THE COURT: All right. Is there anything before we break
10 for lunch?

11 MR. WHITE: Judge, just so the Court's aware of what we
12 have this afternoon is the State obviously needs to do a
13 *Jackson v. Denno*. There's a videotaped confession.

14 THE COURT: Okay.

15 MR. WHITE: Usually, I won't play the whole confession
16 because it's rather lengthy. This afternoon, I think it might
17 be prudent to go ahead and play it. It's only about 30
18 minutes long. That way, the Court, State, and Mr. Edgeworth
19 can decide on redactions. There is a portion that I believe
20 needs to be redacted, and then we can take up any other
21 issues.

22 Other than that, I just wanted to make the Court aware he
23 confessed in a videotaped confession, along with on the 9-1-1
24 recording. So that is another -- I don't know if that's
25 something we need to take up, but that there is a confession

1 on that 9-1-1 tape, and then whatever pretrial motions that
2 Mr. Edgeworth may have.

3 Oh, and then the last thing, we'll make sure that I have
4 the crime scene photographs to Mr. Edgeworth for his approval
5 or what have you this afternoon.

6 THE COURT: All right. Anything, Mr. Edgeworth?

7 MR. EDGEWORTH: Nothing other than that, Your Honor.

8 THE COURT: Okay. All right. Do y'all want to do what
9 time?

10 MR. WHITE: Whatever time. I do have some witnesses
11 coming in. Do you want to start back at two? That -- that'd
12 be great.

13 And, Judge, one last thing to make you aware, this is a
14 LWOP case. Notice has been served.

15 THE COURT: All right. All right. Anything further?

16 MR. EDGEWORTH: Nothing further.

17 THE COURT: Two o'clock.

18 MR. WHITE: Thank you, Judge.

19 MR. EDGEWORTH: Thank you, Your Honor.

20 (WHEREUPON, there was a break in the proceedings from
21 11:49 a.m. until 2:00 p.m., after which the proceedings
22 resumed as follows.)

23 THE COURT: Are y'all ready?

24 MR. WHITE: Yes, sir, Judge.

25 THE COURT: All right.

1 MR. WHITE: Judge, at this time, the State would like to
2 conduct a *Jackson v. Denno* hearing. I know I mentioned
3 earlier that it was the State's intention to publish the
4 entirety of that video. I think if the Court is inclined to
5 find that the statement has been voluntarily given, at that
6 point I think Mr. Edgeworth and I are in agreement about what
7 needs to be redacted. So I don't think there's a necessity to
8 do so, but we do need to go forward with it.

9 THE COURT: Okay.

10 MR. WHITE: It needs to be done.

11 THE COURT: Okay.

12 MR. WHITE: And at this time, the State would call
13 Investigator Ben Price.

14 THE COURT: All right. If you'll just place your left
15 hand on the Bible, raise your right hand. Do you swear or
16 affirm the testimony you're about to give to be the truth, the
17 whole truth, and nothing but the truth?

18 THE WITNESS: I do.

19 THE COURT: All right. Thank you, sir.

20 MR. EDGEWORTH: Your Honor.

21 THE COURT: Yes, sir?

22 MR. EDGEWORTH: Just for purposes even for tomorrow, so
23 my angle is blocked by this thing.

24 THE COURT: All right.

25 MR. EDGEWORTH: So what shall we do?

BEN PRICE - DIRECT BY MR. WHITE

1 MR. WHITE: We can move it, but it don't move much.

2 MR. EDGEWORTH: Right. I mean, it -- literally, I cannot
3 see the witness.

4 MR. WHITE: Let's see.

5 MR. EDGEWORTH: So --

6 MR. TUCKER: Can you extend the monitor over on the arm?

7 MR. WHITE: See, it's connected right there.

8 MR. EDGEWORTH: I mean, I guess that'll do.

9 MR. WHITE: That'll be better?

10 MR. EDGEWORTH: Yeah, if we just turn it. Yeah, that's
11 perfect. We can do that.

12 MR. WHITE: Okay.

13 MR. EDGEWORTH: Thank you, Judge.

14 THE COURT: Yes, sir.

15 BEN PRICE, being first duly
16 sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. WHITE:

19 Q: Investigator Price, where are you employed?

20 A: The Florence County Sheriff's Office.

21 Q: And how long have you been employed there?

22 A: Since 2008.

23 Q: And in what capacity are you currently employed?

24 A: I'm a criminal investigator assigned to the
25 Investigations Bureau.

BEN PRICE - DIRECT BY MR. WHITE

1 Q: And now, back on June 9th of 2022, were you in a similar
2 role?
3 A: Yes, I was.
4 Q: And were you the on-call investigator called out to [REDACTED]
5 [REDACTED] Road, Room 207?
6 A: Yes, I was.
7 Q: Is that in Florence County?
8 A: It is.
9 Q: When you arrived there, was a suspect already in custody?
10 A: He was.
11 Q: And was that in regards to the death of a roommate that
12 was there in Room 207?
13 A: That's correct.
14 Q: Now, did you attempt to speak to that individual, being
15 Willie Smith, there on scene?
16 A: Briefly, for just a second. I introduced myself, asked
17 him what his name was, but didn't conduct any further
18 questioning as far as just identifying who he was.
19 Q: Was he mirandized there at the scene?
20 A: I'm not aware that he was. I did not mirandize him, so I
21 can't testify to that.
22 Q: Now, eventually, he was transported to the Florence
23 County Sheriff's Office; is that right?
24 A: That's correct.
25 Q: Now, once you guys get back there -- and you were working

BEN PRICE - DIRECT BY MR. WHITE

1 with another investigator at that time; is that correct?

2 A: That's correct. Investigator Tommy Carpenter.

3 Q: Okay. And you and Investigator Carpenter -- did you have
4 occasion to bring Mr. Smith into an interview room?

5 A: Yes, we did.

6 Q: Did you conduct or attempt to conduct an interview with
7 Mr. Smith?

8 A: We did.

9 Q: At that time -- now, I know at some point he mentions
10 that he had had a drink prior to this and that he had smoked a
11 blunt; is that accurate?

12 A: Yeah. Prior to law enforcement arriving on the scene,
13 after the incident and then before law enforcement arriving,
14 yes.

15 Q: Did he appear to be inebriated when you were speaking to
16 him?

17 A: He did not.

18 Q: Did he appear to understand the questions you were
19 asking?

20 A: Yes, he did.

21 Q: Did you then attempt to mirandize him?

22 A: Yes.

23 Q: And before turning that interview switch on, did you
24 coerce him in any way?

25 A: No, not in any way.

BEN PRICE - DIRECT BY MR. WHITE

1 Q: Did you threaten him in any way?

2 A: No.

3 Q: How do you initiate and do an advisement of Miranda
4 rights? How do you do that at the Sheriff's Office?

5 A: We have a form that is drawn up, and we get that form,
6 along with a statement form. The statement form is basically
7 the person that we're talking to, their name, address, date of
8 birth, and so forth.

9 Then the Miranda form has to do with the case number,
10 their name, and then it goes down through the specific steps
11 of Miranda. We advise them of each of those steps. After
12 that, we ask them to initial it as they go along so that they
13 are understanding of it. And then at the very end, if they do
14 voluntarily wish to talk to us, they do sign that stating that
15 they are willing to.

16 Q: I'm going to show you Court's Exhibit 2. Is this the
17 Miranda form that you're referring to?

18 A: Yes, it is.

19 Q: And is this the original document?

20 A: Yes.

21 Q: And is that your -- or the signature of Willie Smith?

22 A: That's his signature, my name as witness, and also
23 Investigator Carpenter as witness.

24 Q: And you went over his right to remain silent?

25 A: Yes.

BEN PRICE - DIRECT BY MR. WHITE

1 Q: Did you go over that anything he said could be used
2 against him in a court of law?

3 A: Yes.

4 Q: Did you go over that he had a right to speak to an
5 attorney and have them present --

6 A: Yes.

7 Q: -- if they -- if he wished? Did you go over that if he
8 could not afford an attorney, one would be appointed?

9 A: Yes.

10 Q: Did you go over that if at any time he decided to
11 exercise his rights, he could stop and not answer those
12 questions?

13 A: Yes.

14 Q: Did he initially -- initial that he understood and
15 indicate to you that he understood each and every one of those
16 rights?

17 A: He did.

18 Q: And then at that point, did he agree to speak with you?

19 A: He did.

20 Q: Now, the interview room at the Florence County Sheriff's
21 Office, if you could kind of describe it for us and for the
22 Court?

23 A: It's a -- it's not an entirely large room. I would say
24 maybe 8 or 9 feet by 10 or 11 feet. My distance could be a
25 little off, but it's not that big. There's a desk, several

BEN PRICE - DIRECT BY MR. WHITE

1 chairs, and the person that's doing the interview, which in
2 that case it was me, there's a small desk in between myself
3 and the person being interviewed, which was Mr. Smith, to
4 which we both have chairs.

5 Q: And that room -- is it well lit?

6 A: It is.

7 Q: Is there air conditioning?

8 A: It is.

9 Q: That statement in its entirety -- was it audio and video
10 recorded?

11 A: It was.

12 Q: And let's talk about the length of that statement. How
13 -- do you recall about how long that statement was?

14 A: I don't remember the exact -- it wasn't short, but I
15 mean, we weren't in there all morning either.

16 Q: Was it over an hour?

17 A: I don't believe so.

18 Q: It wasn't two hours?

19 A: No. No, sir.

20 Q: A relatively short interview in your estimation?

21 A: I'd say so. There wasn't a ton of time in there.

22 Q: Okay. The -- the questions that you asked him, were they
23 directed and pointed, or was it -- were they open ended?

24 A: They were open ended, I believe. The way that I stated
25 it was it's an open mic. I'm going to turn it over to you to

BEN PRICE - DIRECT BY MR. WHITE

1 tell me what happened.

2 Q: And did he?

3 A: He did.

4 Q: And did he confess in its entirety?

5 A: He did.

6 Q: And again, throughout that interview, I think it ends up
7 being 35, 40 minutes. Did he appear to you to be inebriated
8 or slurring his speech?

9 A: No, he did not.

10 Q: Did he seem to understand all the questions that were
11 posed?

12 A: He seemed to, yes.

13 Q: Okay.

14 MR. WHITE: I beg the Court's indulgence for one moment.

15 BY MR. WHITE:

16 Q: Did he appear to be suffering from any mental
17 infirmities? Did he appear to understand and be able to read
18 and write and understand everything that you were describing
19 to him?

20 A: He did. As far as mental incapacities, I don't really
21 know. I'm not qualified to say, but he didn't seem to be. I
22 had asked him how far he went in school. I think he did maybe
23 a year of college, if I remember correctly, in culinary
24 school, I believe. And he did state that he could read and
25 write.

BEN PRICE - DIRECT BY MR. WHITE

1 Q: Now, did you offer him water?

2 A: I did.

3 Q: At any time that he requested water, would water have
4 been provided to him?

5 A: He did. We -- we provided him water in the beginning.
6 He had asked for a cup, and he asked for water, but the only
7 way we have, we have a little water fountain thing that we
8 use. So he had the same availability that we would have.

9 Q: Okay.

10 MR. WHITE: Very good. That's all I have for you,
11 Investigator Price. Please answer any questions that Mr.
12 Edgeworth may have.

13 THE WITNESS: Yes, sir.

14 THE COURT: Mr. Edgeworth?

15 MR. EDGEWORTH: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. EDGEWORTH:

18 Q: Do you recall about what time you arrived on the scene?

19 A: The morning of the incident?

20 Q: Yes.

21 A: It was early, but I do not recall right now the exact
22 time. It was -- it was early. The sun was coming up, though,
23 so it wasn't dark still.

24 Q: Okay. And do you -- do you know when law enforcement was
25 called to the scene?

BEN PRICE - CROSS BY MR. EDGEWORTH

1 A: It was around 5, 5:30, I believe.

2 Q: In the morning?

3 A: Yes, sir.

4 Q: Okay. And so from that time period, you don't know
5 exactly when you were on the scene?

6 A: It was probably after 6.

7 Q: Okay. And do you recall when it was that -- that Mr.
8 James [sic] was taken into custody?

9 A: He was already in custody when I arrived.

10 Q: Okay. Maybe a better question is, do you recall when you
11 transported him to the detention center?

12 A: I don't know the exact times. I'd have to go back and
13 look.

14 Q: Okay. When you initiated the interrogation -- I'm just
15 making sure I'm clear on this. Did you read Miranda to him
16 off camera?

17 A: No.

18 Q: Okay. Did you read Miranda to him on camera?

19 A: Yes.

20 Q: Okay. And then you went back over those similar rights
21 based on the written document that's been presented to the
22 Court?

23 A: That would have been when I went over Miranda.

24 Q: Okay. And so then is it your statement then that those
25 are -- you're referring to going over that document as being

BEN PRICE - CROSS BY MR. EDGEWORTH

1 you reading him his Miranda rights?

2 A: That's correct.

3 Q: Okay. So at no time you read him his rights off camera,
4 then the camera comes on and then you use that document?

5 A: No.

6 Q: Okay. From the time of the incident until the time of
7 your interview, do you recall how long that took place?

8 A: I would have to go back again and look. I don't have the
9 -- the exact times, but I would say several hours.

10 Q: Okay. If I told you that it was approximately 8:15, 8:20
11 when you began your interrogation, would that sound about
12 accurate?

13 A: Probably so.

14 Q: Okay. So would you agree with me then that somewhere
15 between two, two-and-a-half hours, maybe up to three hours
16 from the time law enforcement went on scene until the time he
17 had his interrogation or you conducted the interrogation?

18 A: I'd say probably three-plus hours would be appropriate.

19 Q: Okay. And he informs you that he had smoked a blunt and
20 had been drinking prior to law enforcement getting there?

21 A: Yes. He said that he had smoked a blunt, and he had had
22 two of the -- the hard lemonade type beverages.

23 Q: Okay. And if you first witnessed him at approximately
24 two hours and -- two or plus hours from the time that law
25 enforcement was called, at that time did you notice any signs

BEN PRICE - CROSS BY MR. EDGEWORTH

1 of intoxication, whether it be under the influence of
2 marijuana or alcohol?

3 A: Well, first of all, for the intoxication of marijuana,
4 I'm not D.A.R.E. certified, so I'm not qualified to say that
5 someone is. As far as alcohol goes, when I first had an
6 interaction with him, he was in the back of a patrol car. So
7 it was just me introducing myself, telling him who I was. He
8 didn't appear to be, but we didn't really have a lengthy
9 interaction.

10 Q: Do you recall smelling the marijuana on his person at the
11 time?

12 A: No, I do not.

13 Q: Okay. Do you recall smelling alcohol on him at the time?

14 A: I don't.

15 Q: Okay. And we're talking about at the scene; correct?

16 A: Correct.

17 Q: Okay. Do you recall him having bloodshot eyes?

18 A: I do not.

19 Q: And you already testified you didn't see any other
20 symptoms associated with impairment, such as slurred speech or
21 anything like that, anything of that nature?

22 A: No, sir.

23 Q: Okay.

24 MR. EDGEWORTH: All right. I don't think I have any
25 further questions, Your Honor. Thank you.

TOMMY CARPENTER - DIRECT BY MR. WHITE

1 THE COURT: All right.

2 Anything further, Mr. White?

3 MR. WHITE: No, sir, Judge.

4 THE COURT: All right. Thank you, Investigator.

5 THE WITNESS: Thank you, Judge.

6 MR. WHITE: Judge, just briefly we're going to call Tommy
7 Carpenter.

8 THE COURT: Okay.

9 THE CLERK: Please place your left hand on the Bible and
10 raise your right hand. Do you swear or affirm the testimony
11 you give in this case to be the truth, the whole truth, and
12 nothing but the truth, so help you God?

13 THE WITNESS: I do.

14 THE CLERK: Please be seated and state your full name for
15 the record.

16 THE WITNESS: My name is Tommy Joseph Carpenter.

17 MR. WHITE: Thank you.

18 TOMMY CARPENTER, being first duly
19 sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. WHITE:

22 Q: Real brief.

23 A: Yes, sir.

24 Q: Investigator Carpenter, where are you employed?

25 A: Florence County Sheriff's Office.

TOMMY CARPENTER - DIRECT BY MR. WHITE

1 Q: Are you an investigator with the Sheriff's Office?

2 A: I am.

3 Q: And back on June 9th, 2022, were you an investigator at
4 that time?

5 A: Yes, sir. I was in training with Investigator Price at
6 that time.

7 Q: At that time, were you present during the entirety of the
8 -- the interview confession that we're discussing now?

9 A: I was.

10 Q: Did you conduct any questioning yourself?

11 A: I think the only thing I recall is when the defendant
12 stated he punched the victim in the neck, I basically asked
13 him to elaborate on that, which he was able to do.

14 Q: Now, anytime during this, did you observe the defendant
15 slurring his speech?

16 A: No, sir.

17 Q: Did you observe him exhibiting signs that he was
18 intoxicated in any way?

19 A: No, sir.

20 Q: Did he seem to understand every question that was posed
21 to him?

22 A: Yes, sir.

23 Q: Was he able to discuss what had happened and elaborate on
24 those discussions?

25 A: Yes, sir.

TOMMY CARPENTER - DIRECT BY MR. WHITE

1 Q: Okay.

2 MR. WHITE: That's all I have.

3 THE COURT: All right.

4 MR. EDGEWORTH: I have no questions for this witness,
5 Your Honor.

6 THE COURT: All right. Thank you, sir. You can step
7 down.

8 THE WITNESS: Thank you.

9 MR. WHITE: That's all for the State, Judge.

10 THE COURT: All right.

11 All right. Mr. Edgeworth, anything? Any witnesses on
12 your behalf?

13 MR. EDGEWORTH: No, Your Honor. No witnesses on behalf
14 of the defendant.

15 THE COURT: All right. So is that everything as far as
16 *Jackson v. Denno*?

17 MR. WHITE: That's correct, Judge.

18 THE COURT: All right. Does either side wish to argue
19 their position or is that it?

20 MR. WHITE: Depending on Mr. Edgeworth's argument, I
21 believe everything that law enforcement did here went above
22 board. It's clearly a voluntary statement.

23 You know, we haven't -- you haven't had a chance to -- to
24 view it yet, but Investigator Price did what he normally does
25 as he throws up these kind of softball open mic type

1 questions. At no time was he directed or -- or pressured in
2 any way, and this individual just began to confess. And so I
3 think it's -- it meets every -- every standard for
4 voluntariness.

5 THE COURT: Okay. Mr. Edgeworth?

6 MR. EDGEWORTH: Thank you, Your Honor.

7 You know, understanding that we -- we must do this
8 hearing, you know, I've communicated with my client on
9 multiple occasions, watched the video on multiple occasions.
10 We'll leave it to the Court's discretion, but I don't know
11 that there's any specific argument that I can make. I think
12 my client was making a statement because he wanted to make a
13 statement and share his side of the story, which ultimately
14 led to him being charged with -- in the incident.

15 But, you know, I don't have any -- I don't -- on behalf
16 of my client, I don't have any concerns at this time as to
17 whether or not his statement was indeed voluntary or that at
18 the time of the interview he would have been intoxicated to
19 the point that or impaired to the point that he wouldn't be
20 able to give the statement freely and voluntarily.

21 THE COURT: All right. Well, I'll tell you what I'll do.
22 I'll go ahead and make a ruling based on the totality of the
23 circumstances that I've heard thus far that certainly indicate
24 that the statement was given freely and voluntarily, and that
25 there weren't any issues as far as that goes, and I would

1 foresee it being admissible.

2 I would like to just -- I'll take the statement and take
3 a look at the video and reserve the right to make any future
4 rulings before that comes into evidence, but I don't
5 anticipate it being any different. Is that all right?

6 MR. EDGEWORTH: That's fine, Your Honor. And I think we
7 -- we've discussed before the hearing, assuming that the Court
8 would find it free and voluntary. There's only one main
9 commentary that that the State has agreed that should be
10 redacted, and it's based on prior record type information.

11 THE COURT: Okay.

12 MR. EDGEWORTH: And then I believe the State will -- I'm
13 sure we'll double check, but, you know, the tape kind of keeps
14 running beyond the interrogation, which is obviously just
15 unnecessary, and I think they're going to cut that off.

16 And as far as -- and not to jump to the point, but I
17 already discussed with the State what would have been one of
18 my motions, but it appears they're not intending to use the --
19 the evidence that was produced late, but I was informed just
20 out of an abundance of caution. So that kind of -- that
21 motion becomes inconsequential at this point, Judge.

22 THE COURT: Okay.

23 (WHEREUPON, the unredacted statement of the defendant on
24 disk was marked as Court's Exhibit Number 1.)

25 MR. WHITE: Judge, Court's Exhibit 1 is the video, if

1 you'd like to look at it.

2 THE COURT: Okay. I'll do that this afternoon, if that's
3 all right.

4 MR. WHITE: Yes, sir.

5 THE COURT: All right. Anything further?

6 MR. WHITE: Judge, the only other -- the only other
7 thing, the photos, I think, have been stipulated to. I'm
8 still going to pare those down tonight. We're at, like, 80.
9 I don't think that -- that's too much. We're going to try to
10 get that down to, like, 55, 60, somewhere in that range.

11 THE COURT: Okay.

12 MR. WHITE: But I believe those have been stipulated to.

13 MR. EDGEWORTH: Well, for clarification, it's not a
14 stipulation. I don't -- at this time, there's no objection
15 based on my -- my --

16 MR. WHITE: Sure.

17 MR. EDGEWORTH: -- review of them yet.

18 MR. WHITE: All right.

19 THE COURT: That's fine. Yeah. I mean, if y'all can,
20 get with the court reporter either today or tomorrow and, I
21 guess it'll be tomorrow, you know, maybe a little after nine.

22 Will you be here by then?

23 THE COURT REPORTER: I'll be here at 8:30.

24 THE COURT: That way maybe y'all can get some of that
25 stuff squared away.

1 MR. WHITE: That sounds good. And the last thing, Judge,
2 and then we can be adjourned for the day is the 9-1-1 call.
3 I plan to move that into evidence first thing in the morning.
4 I don't see where anything on it is objectionable. I think it
5 meets the 9-1-1 exception. I'm going to have not only the --
6 the supervisor, but also the dispatcher to the call is going
7 to be here in the morning. I think everything should be --
8 pass muster as far as the 9-1-1 call is concerned, Judge.

9 THE COURT: All right. Do you anticipate having any
10 objections to that?

11 MR. EDGEWORTH: No, Your Honor. We were provided the
12 document. We're aware of the statement. It's -- it's -- no,
13 Your Honor.

14 THE COURT: All right.

15 MR. EDGEWORTH: I don't anticipate any objection at this
16 point.

17 THE COURT: Okay. Any -- I will tell you I've got a --
18 at 12:15 tomorrow, I have to be in an appointment. So we'll
19 just have to break around 12.

20 MR. WHITE: That's perfect.

21 THE COURT: Just so you all know.

22 MR. WHITE: Yes, sir.

23 THE COURT: All right.

24 MR. WHITE: And just from a scheduling standpoint, we're
25 going to put up a bunch tomorrow. Not a lot of long

1 witnesses. We've got pathology and Investigator Price going
2 Wednesday morning. Even if things get pushed back, I don't
3 see any reason why the State can't rest by noon on Wednesday.

4 THE COURT: All right. Anything?

5 MR. EDGEWORTH: No, nothing, Your Honor. I mean, I
6 anticipated this based on the list and the nature of this
7 particular case. I don't know that there's anything other
8 than trying to convince the State about my position on -- on
9 other matters, but that's for another time.

10 THE COURT: Okay.

11 MR. EDGEWORTH: But other than that, I think the
12 scheduling is -- is appropriate, and we're happy to oblige.

13 THE COURT: All right. Sounds good. We'll start at 9:30
14 then.

15 MR. WHITE: Sounds good.

16 THE COURT: All right.

17 MR. TUCKER: Thank you, Your Honor.

18 MR. EDGEWORTH: Thank you, Judge.

19 THE COURT: Yes, sir.

20 (WHEREUPON, the proceedings adjourned for the day at 2:24
21 p.m.)

22 MAY 14, 2024

23 (WHEREUPON, the proceedings began at 9:38 a.m.)

24 THE COURT: All right. Are we ready to proceed?

25 MR. WHITE: Yes, sir, Judge.

1 MR. EDGEWORTH: Yes, Your Honor.

2 THE COURT: All right. If we could have the jury,
3 please?

4 And before they come in, my ruling is the same. We
5 looked at that video. Findings are the same. Okay?

6 MR. EDGEWORTH: Thank you, Judge.

7 MR. WHITE: Thank you, Judge.

8 (WHEREUPON, the jury entered the courtroom at 9:40 a.m.)

9 THE COURT: All right. Good morning, ladies and
10 gentlemen. Thanks so much for being back here this morning on
11 time. I hope each of you had a good evening.

12 And at this time, we're ready to begin the trial that
13 we're going to hear this week. And before we get started, I'm
14 going to ask that the clerk of court come around and swear you
15 in. So if you will, please stand up for just a moment.

16 THE CLERK: If you will, please stand and raise your
17 right hand.

18 You shall well and truly try and a true deliverance make
19 between the defendant at the bar and the State of South
20 Carolina -- well, excuse me. Let me start over.

21 You shall well and truly try and a true deliverance make
22 between the State of South Carolina and the defendant at the
23 bar, whom you shall have in your charge, and a true verdict
24 render according to the law and evidence, so help you God.

25 Please be seated.

1 THE COURT: All right. Ladies and gentlemen, before we
2 begin this trial, I want to tell you that it might be
3 different from what you expect. Many people don't have the
4 chance to attend actual court sessions as you're doing now,
5 and you might think from watching television, movies, or
6 reading books that trials are always full of high drama,
7 intense action, riveting circumstances.

8 And while sometimes all of those things might be true,
9 this trial is not for entertainment. It's a fundamental part
10 of our democracy. It's a search for what happened in an
11 effort to make sure that justice is done between the parties
12 that are before this Court. And oftentimes justice is slow,
13 deliberate, and repetitive, and it could be the opposite of
14 what you might think or expect.

15 But please understand this courtroom is a place of honor.
16 It's dedicated to the protection and preservation of citizens'
17 rights through what many people have called the greatest
18 system of justice that's ever been created. The attorneys
19 appearing before you are advocates for the parties they
20 represent, but first and foremost, they're officers of this
21 court. They're sworn to uphold the integrity and fairness of
22 our judicial system and to help you in the search for justice.
23 You should expect them to be professional, competent, and
24 ethical in the representation of their client's interests, and
25 you are also expected to be professional, reasonable, and

1 ethical in your duties. So thanks for accepting this
2 important responsibility of jury service and for your
3 contribution to our system of justice.

4 So what I'll now say is intended to serve as an
5 introduction to the trial of this case. It's merely an
6 explanation of the procedure that we will follow in the trial,
7 so that you can better understand what's happening as we move
8 along.

9 Now, the defendant is charged by an indictment filed in
10 this court, and the indictment is simply the charge by which
11 the case is brought into this court, and it's not in any sense
12 evidence of any of the allegations contained in the
13 indictment. The defendant has pled not guilty, and the State,
14 therefore, has the burden of proving each element of the
15 indictment beyond a reasonable doubt.

16 And it's your duty, ladies and gentlemen, to decide
17 whether the State has met that burden at the conclusion of
18 this trial. So your purpose as jurors is to define and
19 determine what the facts are in this case. You're the sole
20 judges of the facts.

21 And if at any time I, as the judge, make any comments
22 regarding the facts, then you must disregard that. You're to
23 determine the facts from the testimony you hear and the other
24 evidence that's introduced during this trial, and it's up to
25 you to determine the inferences that you feel are properly

1 drawn from that evidence. It's especially important that you
2 perform your duty of determining what the facts are diligently
3 and conscientiously, because ordinarily, there's no way to
4 correct an erroneous determination of the facts by a jury.

5 The same law that makes you the judges of the facts makes
6 me the judge of the law. Now, the law as given to you by the
7 Court is the only law that you can consider in this case.
8 You must accept it and follow it, even if you might disagree
9 with it.

10 I can't tell you what the facts are, and you, as the
11 jury's -- jury, cannot tell me what the law is or what you
12 think the law should be. Your job is to take the law as I
13 give it to you and apply it to the facts as you find them from
14 the testimony of the witnesses and the other evidence that's
15 introduced throughout this trial, and after doing that, to
16 render a verdict.

17 Now, you must decide this case based solely on the
18 evidence that's presented here in this courtroom. That means
19 that during the trial, again, please don't conduct any
20 independent research about any fact or witness or issue that
21 might be present in this case. You must, again, decide all of
22 the facts from the testimony and the evidence that's entered
23 in this courtroom on this record. Now, the evidence in this
24 case will be presented to you by the testimony of sworn
25 witnesses from this witness stand and/or by exhibits that are

1 introduced throughout the trial into evidence.

2 Now, in determining what the facts are in this case, you
3 must decide whether or not the testimony of the witnesses is
4 believable. In deciding whether to believe a witness, you've
5 got the right as a juror to consider the interest of that
6 witness, the bias of any witness, the prejudice of any
7 witness, the opportunity for that witness to have seen the
8 matters and the things about which that witness is testifying,
9 and the way the witness acts on the witness stand.

10 You have the right to consider anything that's in the
11 record that will help you evaluate the testimony of the
12 witnesses. So that means it's -- it's your duty as jurors to
13 play -- pay close attention to these witnesses, to observe
14 them, to listen to them, pay close attention to the attorneys
15 and the Court, and please pay close attention to the testimony
16 in this case, so that at the end of the testimony, after the
17 arguments of counsel and all the testimony, that you'll be in
18 the best position that you can be in to determine what the
19 facts are and then apply those facts to the law as I give them
20 to you.

21 Now, in just a moment, the solicitor will make what's
22 called an opening statement, in which the solicitor will
23 explain to you the issues in this case or at least what the
24 solicitor thinks the issues in this case are, and then the
25 attorney for the defendant may also make an opening statement,

1 although he's not required to do so.

2 Now, what the attorneys tell you during their opening
3 statements is not evidence in this case. It's only their
4 contention as to what the issues and the evidence will be.

5 So please pay close attention. Thank you again for your
6 time, your service, and your attention.

7 And at this time, I'll ask if there's any objections to
8 the opening charge from the State?

9 MR. WHITE: None on behalf of the State, Judge.

10 THE COURT: Any from the defense?

11 MR. EDGEWORTH: None from the defense, Your Honor.

12 THE COURT: All right. Mr. White?

13 OPENING STATEMENT ON BEHALF OF THE STATE

14 MR. WHITE: What is your greatest fear? That's not
15 rhetorical. Think about it. What is your greatest fear? Is
16 it death? You know, is it the death of a loved one? I'm
17 going to share one of mine with you, be vulnerable for a
18 second.

19 One of my biggest fears in this world, in this life, is
20 watching somebody die. I've had that fear since I was a boy,
21 and I remember it from when I was nine years old. My
22 grandfather was in the hospital, and every night my family
23 would gather and we'd go to the hospital to sit with him.

24 Now, looking back, I know that was because his days were
25 numbered, but I remember the anxiety that I felt going to that

1 hospital, afraid that I might have to watch him die. And I
2 would look for any excuse in this world to get out of that
3 room. Tell my mom, tell my dad, make up anything to get out
4 of there.

5 That's my biggest fear, and I believe that this trial
6 will unlock a new fear for you, the fear that there are those
7 among us, there are those who are walking the streets with us
8 every day, hear me when I say it, that find enjoyment in
9 watching somebody die, who actually enjoy watching the life
10 drain from another soul. They're among us, and there's one in
11 this courtroom.

12 June 9th, 2022, in a hotel right here in Florence, that's
13 what happened. The victim, James McNamara, and the defendant,
14 Willie James Smith, worked together for Charles Preece, and
15 they did asphalt work and they were working a job and they
16 were rooming together.

17 And in the early morning hours, law enforcement got a
18 call from Willie James Smith, who just confessed to stabbing
19 James McNamara three times in his neck, one severing his right
20 jugular, one severing -- severing his left jugular, and one
21 right in the middle of his neck, severing an artery. You're
22 going to hear from the pathologist who did the autopsy it
23 wasn't a quick death. It wasn't a quick death. James
24 McNamara suffered that morning.

25 When law enforcement arrives, Investigator Ben Price

1 conducts an interview, and they ask Willie James Smith about
2 what time did this happen? He tells him, and they say, well,
3 you didn't call law enforcement for about an hour or more
4 after this. Why did it take you so long?

5 And it's because he wanted to watch him die. As his
6 throat and his body filled up with blood and he was gasping at
7 his last breaths, Willie James Smith grabbed a Mike's Hard
8 Lemonade and a blunt and got a front row seat to a man who was
9 gurgling on his own blood because he wanted to watch him die.

10 You're going to hear a confession, audio-recorded,
11 videotaped confession. I'm going to tell you about
12 confessions. We deal with them all the time in our line of
13 business. I've watched more than I can count. Okay? And
14 even when somebody comes in and they tell what happened, each
15 and every time, I can promise you this. Each and every time
16 they offer a bit of mitigation, they offer an excuse as to why
17 they did it, and his excuse was this individual called him the
18 N-word. Okay?

19 And at the end of this trial, when we get up and we give
20 our closing arguments, I'm going to talk about that and I'm
21 going to talk about two things. Number one, words, no matter
22 how awful, are never justification for murder. That's number
23 one. Number two, at the end of this trial, when we put all
24 the evidence up, I am convinced you're going to leave here
25 knowing that was just an excuse that he offered. While he was

1 enjoying his Mike's Hard Lemonade and smoking his blunt and
2 watching James McNamara gurgle on his blood, he said, I've got
3 to come up with something to tell law enforcement to make them
4 think that this isn't as evil as it actually is.

5 I'm convinced of that because this is exactly what I'm
6 telling you, ladies and gentlemen. The defendant, Willie
7 James Smith, killed James McNamara on June 9th, 2022, because
8 he wanted to watch him die, because he wanted to watch him
9 suffer, and that is murder. Thank you.

10 THE COURT: Mr. Edgeworth?

11 MR. EDGEWORTH: Thank you, Your Honor. May it please the
12 Court.

13 OPENING STATEMENT ON BEHALF OF THE DEFENDANT

14 MR. EDGEWORTH: It's tough to hear all that. Right? And
15 I'm not making light of that at all, but it's not surprising
16 to me that once again in an opening statement, the State wants
17 to drive you down this road of raising up your emotions,
18 starting you off on the wrong foot so that now every single
19 time someone gets in that box, you're going to be, oh, my God,
20 he watched him die. He must be the worst person on the
21 planet.

22 That's not surprising to me because I've been here plenty
23 of times. It is surprising to me that they keep doing it and
24 know they shouldn't do it, because your job is to sit here and
25 listen to the facts coming from that box, the evidence.

1 Now, we are all human beings. I'm a human being. The
2 members prosecuting from the State are human beings. My
3 client, Willie James Smith, is a human being. We all have
4 emotions. We all have fears, even though the State's fear
5 doesn't matter here, and I would like for you to put that out
6 of your mind.

7 In fact, I want you to put your own fears out of your
8 mind because that is your emotion. It's emotional getting up
9 here talking about these things, and that's why they did it.
10 I'm asking you to sit here and listen to the evidence.

11 What else would the State do to kind of jump out in front
12 of my -- my part? Well, they just put words in -- in my
13 client's mouth or actions, I guess. They took what his
14 statement was and turned it into an excuse that I guess they
15 think he made up after the fact.

16 But again, listen to the evidence, not to the
17 prosecution. It is your job to evaluate what you hear, not
18 from the emotion, not from the prejudice, but from the facts.

19 And I find one final thing interesting. If you're really
20 going to go that far, why not tell them what he said he said?
21 He didn't just use the N-word. He called him his pet nigger.

22 THE COURT: All right. Mr. White, do you want to call
23 your first witness?

24 MR. WHITE: Yes, sir, Judge. Thank you. At this time,
25 the State would call Melissa Fletcher.

MELISSA FLETCHER - DIRECT BY MR. WHITE

1 THE CLERK: Ma'am, if you'll please place your left hand
2 on the Bible and raise your right hand. Do you swear or
3 affirm the testimony you give in this case to be the truth,
4 the whole truth, and nothing but the truth, so help you God?

5 THE WITNESS: I do.

6 THE CLERK: Please be seated and state your full name for
7 the record.

8 THE WITNESS: Melissa Fletcher.

9 MELISSA FLETCHER, being first
10 duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. WHITE:

13 Q: Good morning, Ms. Fletcher. How are you?

14 A: I'm good.

15 Q: I want to ask you a little about what you do for a
16 living. So if you could, tell the jury where do you work?

17 A: I work at Florence County 9-1-1.

18 Q: And what is your role there at 9-1-1?

19 A: I'm a telecommunicator, and I'm also an assistant shift
20 supervisor.

21 Q: When you say telecommunicator, are we talking about
22 dispatch?

23 A: Yes.

24 Q: And what is it that you all are doing? And I know you
25 all have a tough job, but let me ask you this. You've got a

MELISSA FLETCHER - DIRECT BY MR. WHITE

1 lot of calls coming in on a daily basis?

2 A: Oh, yeah.

3 Q: And are you all the ones -- when we have something going
4 wrong, we call 9-1-1. Are you the ones that are answering
5 those calls?

6 A: We are.

7 Q: And what kind of calls for service do you get?

8 A: We get emergency calls, non-emergency calls, anything
9 from murder, theft, domestics. You name it, we get it.

10 Q: Okay. And when those calls come in, are they recorded?

11 A: They are.

12 Q: Are they stored there at your center at dispatch?

13 A: Yes. They're digitally restored.

14 Q: And are you able to at a later date pull those and send
15 them to agencies who request them?

16 A: We are.

17 Q: Are some of those agencies that request them the Florence
18 County Sheriff's Office?

19 A: Yes.

20 Q: Florence Police Department?

21 A: Yes.

22 Q: And then our office, the Solicitor's Office?

23 A: Correct.

24 Q: And did that happen on this particular case? We
25 requested a call that came in for service from June 9th, 2022?

MELISSA FLETCHER - DIRECT BY MR. WHITE

1 A: Yes, sir.

2 Q: Now, were you the actual dispatcher who took that call?

3 A: I am.

4 Q: I'm going to show you State's Exhibit 1. And if you
5 could tell me if you recognize that?

6 A: I do.

7 Q: And what is that?

8 A: It's a recording of the 9-1-1 call.

9 Q: And is this the call that you took on June 9th, 2022,
10 associated to this particular case?

11 A: It is.

12 Q: Have there been any alterations or deletions made to this
13 call?

14 A: No, sir.

15 MR. WHITE: Judge, at this time, I'd move State's Exhibit
16 1 into evidence.

17 THE COURT: Is there any objection?

18 MR. EDGEWORTH: No objection, Your Honor.

19 THE COURT: All right. State's 1 is into evidence.

20 (WHEREUPON, State's Exhibit Number 1, 9-1-1 call on disk,
21 was admitted into evidence.)

22 BY MR. WHITE:

23 Q: We'll publish that in just a minute, but while I'm up
24 here, I want to also ask you about State's Exhibit 2. While
25 you're on the phone with somebody, are you -- so, obviously,

MELISSA FLETCHER - DIRECT BY MR. WHITE

1 that call is being recorded?

2 A: Uh-huh.

3 Q: Are you recording the information as it comes in and
4 reducing that to a report?

5 A: We are.

6 Q: And what is that report called?

7 A: It's called a CAD report.

8 Q: And do you do that on every single call that comes in?

9 A: We do.

10 Q: I'm going to show you State's Exhibit 2. If you'll tell
11 me if you recognize that document?

12 A: I do.

13 Q: Is that your CAD report associated with this call in this
14 case?

15 A: Yes, sir.

16 Q: Have there been any alterations or deletions made to this
17 particular document?

18 A: No, sir.

19 MR. WHITE: Judge, I'd move State's Exhibit 2 into
20 evidence.

21 THE COURT: All right. Any objection?

22 MR. EDGEWORTH: No objection, Your Honor.

23 (WHEREUPON, State's Exhibit Number 2, CAD report, was
24 admitted into evidence.)

25 MR. WHITE: And I'd ask permission to publish State's

MELISSA FLETCHER - DIRECT BY MR. WHITE

1 Exhibit 1, Judge.

2 THE COURT: Okay.

3 BY MR. WHITE:

4 Q: So in just a minute, Ms. Fletcher, we're going to hear
5 two voices. Is one of the voices your voice?

6 A: Yes, sir.

7 Q: And you're the one that took the call from the defendant;
8 is that correct?

9 A: Yes, sir.

10 (WHEREUPON, State's Exhibit Number 1, 9-1-1 call on disk,
11 was played in open court. Not transcribed herein.)

12 BY MR. WHITE:

13 Q: Was that the entirety of the call, Ms. Fletcher?

14 A: It is.

15 Q: And did you remain on the line with the defendant until
16 law enforcement arrived and the call ended?

17 A: Yes, sir.

18 Q: I want to ask you a little bit about your training and
19 your background. I assume you have to have some training to
20 become a dispatcher; is that right?

21 A: We do.

22 Q: Do you have any sort of advanced training?

23 A: We have, like, emergency medical, emergency police, and
24 emergency fire dispatch training.

25 Q: And that's exactly what I want to ask you about is

MELISSA FLETCHER - DIRECT BY MR. WHITE

1 emergency medical. Now, you're never on the scene, are you?

2 A: No.

3 Q: So what is emergency medical? How are you trained in
4 medical?

5 A: We are trained to give them pre-arrival or post-dispatch
6 instructions to help until the first responders get there.

7 Q: Is that what you were trying to do in that -- that call?

8 A: Yes.

9 Q: Did he seem willing to participate in rendering aid at
10 any time during that call?

11 A: No.

12 Q: And did -- and I -- correct me if I'm wrong. I think I
13 heard you several times trying to initiate that protocol?

14 A: Right.

15 Q: During any time did he seem willing to -- to render aid?

16 A: No, sir.

17 MR. WHITE: I beg the Court's indulgence one moment.

18 THE COURT: All right.

19 MR. WHITE: Ms. Fletcher, that's all I have for you.

20 Please answer any questions -- well, you know what? Let me
21 ask you one more question.

22 BY MR. WHITE:

23 Q: When it comes to the CAD report and the notes that you're
24 putting in there, you're not on scene; right?

25 A: Right.

MELISSA FLETCHER - DIRECT BY MR. WHITE

1 Q: And at this point, other than dispatching the call out to
2 law enforcement, you're not having discussions with law
3 enforcement, are you?

4 A: No.

5 Q: So you don't know what happened on the scene?

6 A: No.

7 Q: So anything that you're putting in the CAD report is
8 based on what Mr. Smith is telling you; is that right?

9 A: That's correct.

10 Q: Okay.

11 MR. WHITE: Nothing further. Please answer any questions
12 the defense may have.

13 THE WITNESS: Okay.

14 THE COURT: Mr. Edgeworth?

15 MR. EDGEWORTH: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. EDGEWORTH:

18 Q: Ms. Fletcher, I'm going to start with your report, I
19 guess the CAD report that we're talking about. And I've got a
20 copy, but I want you to look at -- you've got your copy?

21 A: Okay.

22 Q: Well, let's just look at the exhibit.

23 A: Okay.

24 Q: Okay. So this is information that you put in?

25 A: Yes, sir.

MELISSA FLETCHER - CROSS BY MR. EDGEWORTH

1 Q: Okay. And the call -- the call terminates, but then it
2 appears there's more information; is that correct?

3 A: We log what responders on scene are saying.

4 Q: Okay. So --

5 A: Whether it's fire department, EMS or anything law
6 enforcement says, we log it into the CAD system.

7 Q: Okay. So are you still listening to the radio traffic
8 and adding to the report?

9 A: Yes, sir.

10 Q: Okay. But up until the time that the phone call
11 terminates, that's you listening contemporaneous and adding
12 that information in?

13 A: Yes, sir.

14 Q: Okay. So they're your notes. Okay. So this call comes
15 in and if you -- if you would, where does it tell us what time
16 the phone call comes in?

17 A: At the top it says call in.

18 Q: Okay. And -- and what time is that?

19 A: 5:34:55.

20 Q: Okay. So -- and then can you tell me where in your
21 report that the phone call terminates?

22 A: At 5:47:05.

23 Q: And that -- you're -- you're referring to page 5 of 6?

24 A: Yes, sir.

25 Q: Where it says disconnected L-E-O-N-S, which I assume

MELISSA FLETCHER - CROSS BY MR. EDGEWORTH

1 means on site; is that correct?

2 A: Correct.

3 Q: Okay. And that's -- that's the end of your phone call

4 with Mr. James [sic]; correct?

5 A: Yes, sir.

6 Q: Okay. Now, during the phone call, obviously, you're

7 trained to get information; right?

8 A: Right.

9 Q: Okay. And Mr. James was willing to give that information

10 you would say; correct?

11 A: Correct.

12 Q: Okay. In fact, he gave you his name?

13 A: He did.

14 Q: In the beginning, did you misinterpret him saying Will as

15 being Bill?

16 A: I did.

17 Q: Okay. But you made a note later that it was clarified

18 that his name was Will or Willie James?

19 A: Yes, sir.

20 Q: So you got his first name and his last name?

21 A: Yes, sir.

22 Q: Okay. All right. During the phone call, you were asking

23 questions such as what are you wearing, and did he give you

24 that information?

25 A: He did.

MELISSA FLETCHER - CROSS BY MR. EDGEWORTH

1 Q: Okay. And he told you he was wearing black pants and a
2 blue shirt; correct?

3 A: Correct.

4 Q: He also told you that he had a knife; is that correct?

5 A: He did.

6 Q: Okay. And he also told you that the knife was still
7 there at the scene?

8 A: Correct.

9 Q: Okay. All right. In regards to the individual Mr.
10 McNamara, who was stabbed, he gave you his first name;
11 correct?

12 A: He did.

13 Q: And you asked whether he knew his last name?

14 A: I did.

15 Q: And Mr. James told you he did not?

16 A: Right.

17 Q: Okay. But Mr. James also told you that they work
18 together?

19 A: Correct.

20 Q: Okay. In fact, he told you that he worked for a Mr.
21 Preece?

22 A: He said Mr. Charles.

23 Q: Mr. Charles. Sorry. Yeah. Mr. Charles. Okay. So --
24 so he gave you his employer's name?

25 A: He did.

MELISSA FLETCHER - CROSS BY MR. EDGEWORTH

1 Q: And he gave you his coworkers' name?

2 A: He did.

3 Q: Okay. He expressed to you where he was at; correct?

4 A: He did.

5 Q: Okay. He told you, I think, initially the Florence Inn?

6 A: Right.

7 Q: And -- and I believe -- would it have been you that

8 interpreted it as maybe a separate place?

9 A: Right.

10 Q: Okay. And later on, it got clarified. Mr. James

11 clarified that it was the Florence Express Inn?

12 A: Right.

13 Q: Okay. And you made that notation in your report that

14 that was the actual location?

15 A: Yes, sir.

16 Q: So he told you where he was at; correct?

17 A: Correct.

18 Q: Okay. All right. Now, part of the conversation, you

19 asked him whether he had a vehicle. Do you recall that?

20 A: I do.

21 Q: And he told you no?

22 A: Correct.

23 Q: Okay. But he said that that his coworker, James, had a

24 truck?

25 A: Correct.

MELISSA FLETCHER - CROSS BY MR. EDGEWORTH

1 Q: A work truck?

2 A: Correct.

3 Q: And let's see. Do you have knowledge of whether Mr.

4 Smith was on scene when law enforcement arrived?

5 A: Yes.

6 Q: Okay. And that's noted in your report as well; correct?

7 A: Correct.

8 Q: Okay. So he didn't take the pickup truck and flee the

9 scene; right?

10 A: Not to my knowledge, no.

11 Q: Okay. And the phone call -- or you noted that the phone

12 call terminated at approximately 5:47 a.m.; is that correct?

13 A: Correct.

14 Q: Okay. Do you recall what time he told you that the

15 incident took place?

16 A: He told me it took place like an hour before he called,

17 and the call was initiated at 5:34.

18 Q: Okay. So based on what he was telling you, the incident

19 would have taken place when?

20 A: About 4:30.

21 Q: Okay. All right. Now, you asked him several times about

22 whether or not you -- he thought that Mr. McNamara was dead;

23 right?

24 A: Correct.

25 Q: Okay. And do you recall him telling you that he thinks

MELISSA FLETCHER - CROSS BY MR. EDGEWORTH

1 so, but he's not sure?

2 A: Correct.

3 Q: Okay. And he told you that -- that Mr. McNamara came at

4 him?

5 A: He did.

6 Q: Okay. And he told you that Mr. McNamara called him his

7 pet nigger?

8 A: He did.

9 Q: Okay. You didn't log that in the report, though; right?

10 A: I did not.

11 Q: Okay. He informs you during the phone call that Mr.

12 McNamara had been stabbed?

13 A: He did.

14 Q: Okay. Do you recall asking him how many times?

15 A: I did not.

16 Q: Okay. All right. So you were aware that Mr. James

17 informed you the incident took place approximately 4 o'clock;

18 correct?

19 A: Well, he said about an hour before he called.

20 Q: Four -- so what we're saying, 4:30?

21 A: Right.

22 Q: Okay. All right. And you were speaking to him around

23 5:30?

24 A: Correct.

25 Q: Okay. And he had informed you that Mr. McNamara had been

MELISSA FLETCHER - CROSS BY MR. EDGEWORTH

1 stabbed; correct?

2 A: Correct.

3 Q: Although you didn't really know how many times?

4 A: Correct.

5 Q: Okay. And you were still asking him whether or not he
6 wanted to perform CPR?

7 A: Correct.

8 Q: Did you ask Mr. James whether he knew how to do CPR?

9 A: No, sir. We give pre-arrival instructions. We're
10 trained for that.

11 Q: I'm sorry?

12 A: We're trained to give instructions over the telephone for
13 CPR.

14 Q: Okay. But did you ask him whether he knew how to do CPR?

15 A: No, sir.

16 Q: Oh, okay. Is it fair to say that during your
17 conversation and after all your questions over the period of
18 time that you talked to him that Mr. James was giving you the
19 information that you asked for?

20 A: He was.

21 MR. EDGEWORTH: No further questions.

22 MR. WHITE: Ms. Fletcher, just briefly.

23 REDIRECT EXAMINATION

24 BY MR. WHITE:

25 Q: Correct me if I'm wrong. I think that the dispatch in

MELISSA FLETCHER - REDIRECT BY MR. WHITE

1 Florence County has just received a long due designation. You
2 now are designated first responders; is that right?

3 A: That's correct.

4 Q: And appropriately so. I mean, your first priority is
5 making sure that anybody who's injured is taken care of; is
6 that right?

7 A: That's correct.

8 Q: And I --

9 MR. EDGEWORTH: Objection, Your Honor. I don't
10 understand the relevance of this line of questioning. He
11 started off by saying that they just now got this.

12 THE COURT: All right. I'll -- I'll allow the question,
13 but we'll see. Obviously, it needs to be relevant. I don't
14 think that it's not at this point, but all right.

15 BY MR. WHITE:

16 Q: And as a first responder, you're trained to render aid;
17 is that right?

18 A: That's correct.

19 Q: And regardless of whether or not he would have been
20 trained in CPR, he being the defendant, you could have walked
21 him through that; is that right?

22 A: That is correct.

23 Q: But you have to walk a person through CPR when they want
24 to render aid; is that correct?

25 A: That's correct.

MELISSA FLETCHER - REDIRECT BY MR. WHITE

1 Q: Did you try to initiate that protocol on several
2 different occasions?

3 A: I did.

4 Q: Was he resistant to it?

5 A: He was.

6 Q: Okay.

7 MR. WHITE: Thank you. I have nothing else, Ms.
8 Fletcher.

9 THE WITNESS: Okay.

10 MR. WHITE: Thank you so much.

11 THE COURT: All right. Anything further?

12 MR. EDGEWORTH: Nothing further, Your Honor.

13 THE COURT: All right. Thank you, Ms. Fletcher. You can
14 step down.

15 THE WITNESS: Okay.

16 MR. WHITE: And I'd ask that Ms. Fletcher and now Ms.
17 Robertson as well can be released from their subpoena.

18 THE COURT: All right. Is there any objection?

19 MR. EDGEWORTH: No objection.

20 THE COURT: All right. Y'all are free to go if you'd
21 like to.

22 Mr. White, do you want to call your next witness?

23 MR. WHITE: Yes, sir. Judge, at this time, the State
24 would call Richard Joyner.

25 THE CLERK: All right. Sir, if you'll please place your

RICHARD JOYNER - DIRECT BY MR. WHITE

1 left hand on the Bible and raise your right hand. Do you
2 swear or affirm the testimony you give in this case to be the
3 truth, the whole truth, and nothing but the truth, so help you
4 God?

5 THE WITNESS: I do.

6 THE CLERK: Please be seated and state your full name for
7 the record.

8 THE WITNESS: Richard Joyner.

9 RICHARD JOYNER, being first duly
10 sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. WHITE:

13 Q: Officer Joyner, I'm just going to ask you a few brief
14 questions. I'm going to try to keep it as brief as possible
15 starting with where do you work? Where are you employed?

16 A: Florence County Sheriff's Office.

17 Q: And how long have you been employed there?

18 A: A little over four years.

19 Q: And what do you do for the Sheriff's Office?

20 A: Currently, I am a corporal on patrol, and I'm also a
21 tracking dog canine handler.

22 Q: Okay. And back when this happened, which was June 9th,
23 2022, were you in a similar role?

24 A: Yes. I was just a deputy at that time.

25 Q: And deputy on patrol -- we just heard from dispatch who

RICHARD JOYNER - DIRECT BY MR. WHITE

1 calls out, you know, calls for service. Are you the officers
2 who respond to calls for service?

3 A: We are.

4 Q: And is that what you did on this date?

5 A: Yes.

6 Q: And was that address [REDACTED] -- I'm going to read it and
7 make sure I get it right -- TV Road, Florence, and that's Room
8 207?

9 A: Correct.

10 Q: Is that in Florence County?

11 A: It is.

12 Q: Is that where you responded when the call came out?

13 A: It was.

14 Q: Are you going straight to [REDACTED] Road, and then once you
15 get there, going straight to Room 207?

16 A: I am.

17 Q: Is that what you did?

18 A: I did.

19 Q: Did you encounter the defendant in this case?

20 A: I did.

21 Q: For officer safety, was he placed in custody?

22 A: He was.

23 Q: Where was he when he was placed in custody?

24 A: He was leaning against the balcony directly in front of
25 Room 207.

RICHARD JOYNER - DIRECT BY MR. WHITE

1 Q: Directly in front of Room 207? Did you have occasion --
2 well, let me ask you this just so the jury knows. Sometimes I
3 skip over stuff that I know but the jury might not know. When
4 you're arriving on scene, what are some of your duties? What
5 are -- what are you trying to accomplish when you arrive on
6 scene and you're the first responder on a murder case? What
7 are you -- what are you doing?

8 A: So in that situation, our priorities are we have to
9 secure the scene, which includes detaining any suspects we may
10 have at the time. And then after that, we have to make sure
11 that the integrity of the scene stays intact.

12 Q: Okay. So secure the scene and the suspect, and you did
13 that. Did you go into the scene, into the actual room?

14 A: I did.

15 Q: Did you see who you now know as Mr. McNamara inside?

16 A: I did.

17 Q: And where was he in -- in relation -- you know, orient us
18 to where he was in that room?

19 A: He was laying on one of the beds inside the hotel room.

20 Q: Okay. And so you walk into a hotel room door and there's
21 a bed when you first enter, and then there's a bed, another --
22 which bed are we talking about?

23 A: If I recall correctly, it was the bed directly to the
24 left as soon as you walked in.

25 Q: Okay. Let me ask you this. This will be my last

RICHARD JOYNER - DIRECT BY MR. WHITE

1 question. How close was the defendant to the victim in
2 relation?

3 A: I'd say ten feet max.

4 Q: Okay.

5 MR. WHITE: That's all I have for you, Officer Joyner. I
6 appreciate it. Please answer any questions the defense may
7 have.

8 CROSS-EXAMINATION

9 BY MR. EDGEWORTH:

10 Q: Officer Joyner, you responded to the call for service?

11 A: Correct.

12 Q: Okay. You were aware that Mr. Smith was going to be on
13 the scene?

14 A: Correct.

15 Q: Okay. He was still there when you got there?

16 A: He was.

17 Q: Okay. He had not fled in the truck?

18 A: He had not.

19 Q: Did he communicate with you?

20 A: He did.

21 Q: Did you ask him questions?

22 A: I did.

23 Q: Did he respond to those questions?

24 MR. WHITE: Your Honor, may we approach for just one
25 moment?

RICHARD JOYNER - CROSS BY MR. EDGEWORTH

1 THE COURT: Yes, sir.

2 (WHEREUPON, a bench conference was held as follows.)

3 MR. WHITE: So I wasn't -- he's got a body-worn camera,
4 and all that's -- all that is captured on there. I wasn't
5 going to move that in because it wasn't under Miranda, but --

6 THE COURT: I don't know. I mean, he hasn't -- all he's
7 done is asked if he asked some questions.

8 MR. WHITE: Yeah.

9 THE COURT: I mean --

10 MR. EDGEWORTH: How does --

11 MR. WHITE: I was -- I was just -- pardon me. I was
12 trying to stay away from it because --

13 THE COURT: I mean, it could open the door, but --

14 MR. WHITE: Right.

15 THE COURT: -- as of now --

16 MR. WHITE: Yes, sir.

17 THE COURT: -- I mean, I don't know what door it is. So
18 --

19 MR. WHITE: Yes, sir.

20 THE COURT: I don't -- I'm not familiar with it.

21 MR. WHITE: Yeah. Thank you, Judge.

22 THE COURT: All right.

23 (WHEREUPON, the bench conference ended, and the
24 proceedings resumed as follows.)

25 BY MR. EDGEWORTH:

RICHARD JOYNER - CROSS BY MR. EDGEWORTH

1 Q: All right. My apologies. All right. So just backing up
2 a minute, you spoke -- you spoke to Mr. Smith?
3 A: Correct.
4 Q: You asked him questions? You -- is that a yes?
5 A: Yes.
6 Q: And he responded to those questions?
7 A: He did.
8 Q: You viewed the scene; correct?
9 A: I did.
10 Q: Okay. Was that before or after you put Mr. James [sic]
11 in -- took him into custody?
12 A: I had seen a little bit of it as I approached Mr. James,
13 but I didn't actually enter the room until after he was --
14 Q: Okay.
15 A: -- in custody.
16 Q: And when you say he was -- when you came up, when you
17 drove up into the parking lot --
18 A: Uh-huh.
19 Q: -- you said he was standing or leaning against the rail?
20 A: Yeah, on the second floor.
21 Q: Okay. And the second floor is where the scene was;
22 correct?
23 A: Correct.
24 MR. EDGEWORTH: No further questions from this witness,
25 Your Honor.

RICHARD JOYNER - REDIRECT BY MR. WHITE

1 THE COURT: All right.

2 REDIRECT EXAMINATION

3 BY MR. WHITE:

4 Q: Now, Deputy Joyner, you weren't the investigator in this
5 case; correct?

6 A: I was not.

7 Q: But the call comes out that it's a stabbing; is that
8 right?

9 A: Correct.

10 Q: And the stabbing at the hands of another?

11 A: Correct.

12 Q: So your priority is to -- to secure the scene, and that's
13 what you did; is that right?

14 A: Correct.

15 MR. WHITE: That's all I have for you. Thank you, sir.

16 THE COURT: All right.

17 MR. EDGEWORTH: No further questions, Your Honor.

18 THE COURT: All right. Thank you, sir. You can step
19 down.

20 MR. WHITE: Judge, I would ask if Deputy Joyner could be
21 released from his subpoena so he could get back to work.

22 MR. EDGEWORTH: No objection.

23 THE COURT: All right. You're free to go. Thank you,
24 sir.

25 THE WITNESS: Thank you.

KEVIN HOLBROOK - DIRECT BY MR. WHITE

1 THE COURT: Do you want to call your next witness?

2 MR. WHITE: Judge, at this time, the State would call
3 Kevin Holbrook.

4 THE COURT: Okay.

5 THE CLERK: Sir, please place your left hand on the Bible
6 and raise your right hand. Do you swear or affirm the
7 testimony you give in this case to be the truth, the whole
8 truth, and nothing but the truth, so help you God?

9 THE WITNESS: I do.

10 THE CLERK: Please be seated and state your full name for
11 the record.

12 THE WITNESS: Kevin Holbrook.

13 KEVIN HOLBROOK, being first duly
14 sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. WHITE:

17 Q: Good morning, Mr. Holbrook. I'm just going to ask you a
18 few questions starting by -- and it's pretty obvious from your
19 uniform, but where are you employed?

20 A: Florence County EMS.

21 Q: How long have you been with Florence County EMS?

22 A: November will be 15 years.

23 Q: And what do you do for EMS?

24 A: I'm a lieutenant station supervisor. I'm in charge of my
25 ambulance and my station and the three other crews that work

KEVIN HOLBROOK - DIRECT BY MR. WHITE

1 out of that ambulance.

2 Q: Okay. So we've heard from dispatch, who called out calls
3 for service, and we heard the first responder. Where do you
4 fall in in that array, in that line up? How do you get a call
5 for service?

6 A: Same. Florence County Dispatch dispatches us when the
7 call comes out. Generally, in this type of situation, we're
8 told to stage for law enforcement to clear the scene before we
9 make entry.

10 Q: Okay. And I'm going to ask you a self-evident question,
11 but you guys are pretty busy?

12 A: Yes, extremely.

13 Q: Are you handling a lot of calls for service?

14 A: Yes.

15 Q: And in 15 years, you've -- I imagine you've handled a lot
16 of calls?

17 A: I would not count.

18 Q: Stabbing cases? Murder cases?

19 A: Uh-huh.

20 Q: Did you have occasion in this case to respond on June
21 9th, 2022, to that hotel on TV Road?

22 A: I did.

23 Q: Was Deputy Joyner there on scene when you arrived?

24 A: I don't -- there's so many different deputies, but I
25 don't -- I guess it was Deputy Joyner who was there when I

KEVIN HOLBROOK - DIRECT BY MR. WHITE

1 arrived, yes.

2 Q: Officers were all on scene when you arrived?

3 A: Yeah, there were several.

4 Q: Were you informed that the scene was cleared?

5 A: Yes.

6 Q: Did you then enter the scene?

7 A: Uh-huh.

8 Q: Now, when you enter a scene like that -- and let me ask
9 you, what did that scene look like to you?

10 A: So, for me, it's a little bit of a different situation
11 because I'm looking at the viability of the patient. I knew
12 that they said he was last talked to about an hour ago. That
13 factors into what I'm doing care-wise.

14 I bypassed them on the balcony and went into the room.
15 The patient was laying on the bed. He was cold to the touch,
16 a copious amount of blood loss around his head and on the bed
17 itself. Given the circumstance, I didn't inspect wounds. I
18 could tell he had a wound to his neck, but I didn't -- I
19 didn't check that.

20 I immediately put him on a cardiac monitor. No
21 electrical activity in his heart. So asystole found in three
22 leads. That, given the time frame of over an hour or roughly
23 an hour, and the fact that he's cold to the touch in a warm
24 environment, for us that meets the determination of death
25 protocol.

KEVIN HOLBROOK - DIRECT BY MR. WHITE

1 Q: Okay. You said leads. What are we talking about?

2 A: Cardiac leads.

3 Q: Okay.

4 A: Monitor leads.

5 Q: What do those look like?

6 A: Small stickers with a lead run into the cardiac monitor.

7 We place four of them, and it gives us any electrical

8 activity.

9 Q: So oftentimes in crime scene when -- in a crime scene
10 when forensics and crime scene shows up to photograph the
11 scene, a body may have those leads on it; is that right?

12 A: Yeah. They'll still have the sticker and stuff on it.

13 Q: And that would have been present in this case?

14 A: Yes.

15 Q: Okay. Other than that, did you have any involvement in
16 this case?

17 A: No.

18 MR. WHITE: I beg the Court's indulgence.

19 Mr. Holbrook, that's all I have for you. Please answer
20 any questions the defense may have.

21 THE WITNESS: Sure.

22 CROSS-EXAMINATION

23 BY MR. EDGEWORTH:

24 Q: Mr. Holbrook, pretty straightforward here. You walked in
25 the door after having passed Mr. James [sic], who was still on

KEVIN HOLBROOK - CROSS BY MR. EDGEWORTH

1 the scene; correct?

2 A: I believe so. I believe he was still out on the balcony
3 with deputies.

4 Q: Okay. And -- and you saw Mr. McNamara on the bed?

5 A: I did.

6 Q: I think you stated that you saw copious amounts of blood?

7 A: Yes.

8 Q: Okay. At that point in time, you did -- had you made the
9 determination, essentially, that he was deceased?

10 A: The assumption was there. He was cold to the touch. So,
11 given that and the time frame, it was just a matter of
12 confirming with the monitor.

13 Q: Okay. So, with all that information, EMS did not attempt
14 any resuscitation efforts either?

15 A: No, we did not.

16 Q: Okay.

17 MR. EDGEWORTH: No further questions.

18 THE COURT: All right. Anything further?

19 MR. WHITE: Judge, nothing further.

20 THE COURT: All right.

21 MR. WHITE: I'd ask that Mr. Holbrook be released from
22 his subpoena so he could also go back to work.

23 THE COURT: All right.

24 MR. EDGEWORTH: No objection, Your Honor.

25 THE COURT: All right. Thank you, sir, for being here.

1 You're free to go.

2 MR. WHITE: And, Judge, if the Court and Mr. Edgeworth is
3 amenable, it might be appropriate to have a brief recess.

4 THE COURT: All right. Ladies and gentlemen, we're going
5 to take a short recess. Please, as I told you before, you can
6 discuss anything you'd like to, but you cannot discuss the
7 facts of this case until we tell you it's time to do so.

8 We'll have you right back out to resume this trial as
9 soon as everybody's ready. Thank you so much for your
10 patience.

11 (WHEREUPON, the jury exited the courtroom at 10:38 a.m.)

12 THE COURT: Anything before we take a brief -- a brief
13 recess?

14 MR. EDGEWORTH: No, sir.

15 THE COURT: And let's -- what photographs are you
16 intending on introducing? Let me take a look at those.

17 MR. WHITE: Yes, sir. They're marked, and I've shown
18 them to the defense. There they are.

19 MR. EDGEWORTH: And I have reviewed the pared-down
20 version this morning, Your Honor.

21 THE COURT: Okay. Thank you. Well, we'll be at recess.

22 MR. EDGEWORTH: Okay.

23 THE COURT: All right.

24 (WHEREUPON, there was a break in the proceedings from
25 10:39 a.m. until 10:58 a.m., after which the proceedings

1 resumed as follows.)

2 (WHEREUPON, a bench conference was held off the record,
3 after which the proceedings resumed as follows.)

4 (WHEREUPON, State's Exhibits Number 7, 8, 21, 22, 23, and
5 24, photographs, were marked as Court's Exhibit Number
6 3.)

7 THE COURT: Okay. All right. For the record, I had a
8 discussion with defense counsel and the prosecution on the
9 intended crime scene photographs that were to be introduced,
10 and we talked about *State v. Nelson* and the probative versus
11 prejudicial effect of some of the pictures that I had concern
12 with.

13 Those have been marked as Court's Exhibit Number 3.
14 It's a group of pictures, and it's my understanding that the
15 State and the defense have agreed not to introduce those
16 pictures. There are a couple of pictures that depict the
17 crime scene that I don't think run afoul of *Nelson* or 403 that
18 are going to be included, but I just wanted to place that on
19 the record.

20 Is that right, Mr. White?

21 MR. WHITE: That's correct, Judge.

22 THE COURT: All right. Anything from Mr. Edgeworth?

23 MR. EDGEWORTH: No, Your Honor.

24 THE COURT: All right. Are we ready for the jury?

25 MR. WHITE: Yes, sir, Judge.

1 THE COURT: All right.

2 MR. WHITE: Mr. Edgeworth?

3 (WHEREUPON, a bench conference was held as follows.)

4 MR. WHITE: I just thought about this. So I'm going to
5 show Eric Barnes' body-worn. He enters the scene. Now it's
6 not, you know, close up and gruesome like the photographs, I
7 would imagine, but it still is a walkthrough of the scene.

8 And the only way that that is, is at some point in the
9 9-1-1 call he says the defendant came at him. So, I mean, I
10 would imagine that if that is going to have any fruit, then
11 the orientation of the room may become relevant. It just kind
12 of depends on which way the defense goes.

13 THE COURT: All right.

14 MR. WHITE: But I was intending to put that in.

15 THE COURT: I mean, honestly, you just brought this up
16 with him, and I think that was extreme violation of this law
17 when they walked through.

18 MR. EDGEWORTH: Uh-huh.

19 THE COURT: You know, I mean, it's a PCR issue if it's
20 not objected to or if it -- or if it is objected to, then
21 we've got a problem if the jury sees it.

22 MR. WHITE: You said the last case was a walkthrough?

23 THE COURT: It was a walkthrough. That was your case.

24 MR. WHITE: Yeah.

25 THE COURT: You know, that cat's out of the bag. I mean,

1 I think it's -- I think -- I mean, this law and what the
2 Supreme Court says is it's a major problem. I don't know what
3 it shows. I haven't watched it. You know what I'm saying?

4 MR. WHITE: Uh-huh.

5 THE COURT: If it -- I don't know what detail it gets
6 into.

7 MR. WHITE: Yes, sir.

8 THE COURT: You know, you can't un-show the jury.

9 MR. WHITE: Right. All right. We'll just -- I'll just
10 leave it out.

11 THE COURT: I mean, I understand what you're saying. If
12 you want to make that argument and tell me how it's an issue
13 and how it proves something, then certainly I'll consider it.
14 I'm not -- I'm not -- but I'm just telling you.

15 MR. WHITE: All right. Give me just one minute.

16 THE COURT: All right.

17 (WHEREUPON, the bench conference ended, and the
18 proceedings resumed as follows.)

19 THE COURT: If we can hold on just one minute. I'm
20 sorry.

21 MR. WHITE: Judge, I do think -- if you're amenable?

22 THE COURT: Sure.

23 MR. WHITE: I would like to be heard on State's Exhibit
24 46, which is the body-worn camera of Eric Barnes, the crime
25 scene investigator who does a walkthrough of the scene.

1 THE COURT: All right.

2 MR. WHITE: And of course, in the 9-1-1 call, you can
3 hear -- and I believe in his confession he states at one point
4 that the victim came at him. If that's the direction they're
5 going -- I'm not sure if that's the direction of going or not,
6 but certainly I believe the scene and orienting the -- the
7 jury to the scene would be, you know, probative.

8 You know, I also think that the scene paints certain
9 inconsistencies in the defendant's statement. You know, he
10 makes a statement in his confession about that he threw some
11 food down, but there's no food thrown -- thrown down. There's
12 no evidence of a big struggle or anything like that. There's
13 also evidence of the alcohol that he consumed and the blunts
14 that he consumed and things like that.

15 So I understand what you're referring to on the
16 photographs and, certainly, I understand the Supreme Court's
17 position, but at some point, you know, we have to, you know,
18 show that, you know, this -- this is probative of guilt and,
19 you know, obviously, we've got to show malice as well. So,
20 you know, I'm not sure how much evidence they want us to keep
21 out, but, you know, I'll leave it to --

22 THE COURT: No, I understand.

23 MR. WITE: -- the Court's discretion.

24 THE COURT: Mr. Edgeworth, do you have --

25 MR. EDGEWORTH: I mean, just to add briefly, Your Honor,

1 I mean, if it's the State's position that as to the purpose of
2 the video, I mean, I think it's still objectionable because of
3 the photos that the Court has already allowed in. I mean,
4 we're talking about a small room here.

5 Most -- most jurors would have experience with a hotel
6 room, and you can tell in the photos that, you know, what --
7 if they're saying the purpose of that particular video is to
8 orient the jury to the room, I mean, the photos do do that,
9 the ones that the Court has already allowed in. You have two
10 beds. Walk in the door. Victim's bed is the first bed. My
11 client's bed is the second. And you can see the orientation
12 of the defendant on his own bed. So I think that anything
13 that would be gleaned from watching the video would be, you
14 know, prejudicial and not in line with the *Nelson* case that
15 the Court has already referred to.

16 THE COURT: All right. Certainly, I think the body-worn
17 camera footage is -- is admissible, except for when it
18 violates this case, you know. So, certainly, I mean, if you
19 want to redact that video, but as far as it showing what the
20 Court's already kept out as far as gruesome, blood-soaked
21 pictures of this victim where none of that is at issue, then
22 -- then -- then I'll give you all the leave you need to do
23 that.

24 But if you tell me how a close up of that victim's wounds
25 and the blood and all that helps you prove some un -- some

1 disputed fact, then certainly I'll consider it, but -- but as
2 I understand it and as I understand the facts and what's been
3 presented, the killing is -- is not an issue, exactly what
4 happened and what took place.

5 Certainly, what is at issue is, you know, why it took
6 place. Is that -- is that a fair statement?

7 MR. WHITE: I think the issue that the State always runs
8 into, you know, it's usually this issue is taken up at the
9 front of a case, and I don't know what the defense is going to
10 be. I don't know. You know, if they were to assert self-
11 defense here, I have to disprove that, you know.

12 And so it kind of -- it cuts the State off at the legs,
13 you know, saying, okay, well, you know, we won't put this in.
14 And then as sure as I'm standing here, as the case develops,
15 I'll say, dadgum, I wish that would have been in there. I
16 could refer to it.

17 You know, I -- I'm of the opinion that being able to
18 paint the scene and see everything in the scene so the jury
19 can -- can, you know, see it is probative. I know that all of
20 that is prejudicial to the defense. This whole case is
21 prejudicial to the defense.

22 THE COURT: No, I understand. I certainly understand.
23 I'm not -- I'm -- and I'm not denying you the admission of any
24 admissible evidence. What I'm saying is, if you want to use
25 this body camera, then you're going to have to redact the

1 portions of it that might show the gruesomeness of the -- you
2 know, if -- I don't -- and I haven't seen the body camera.
3 Right? So if you want me to take a look at it and see, or if
4 you want to redact that portion of it that might show exactly
5 what the pictures showed that I've already ruled that are not
6 coming in, then we can do that.

7 MR. WHITE: Okay. Judge, I understand your ruling, and I
8 think redacting those portions out that you would have concern
9 with would be a redaction of the entire video. So we'll just
10 -- we'll leave State's Exhibit 46 out and proceed from there.

11 THE COURT: All right. He can certainly testify to
12 everything he saw and he did.

13 MR. WHITE: Yes, sir.

14 THE COURT: Okay?

15 MR. WHITE: Yes, sir.

16 THE COURT: All right. Are we ready for the jury?

17 MR. WHITE: Yes, sir, Judge.

18 THE COURT: All right.

19 (WHEREUPON, the jury entered the courtroom at 11:14 a.m.)

20 THE COURT: All right. Mr. White?

21 MR. WHITE: Thank you, Judge. At this time, the State
22 would call Eric Barnes.

23 THE CLERK: Sir, if you will, please place your left hand
24 on the Bible and raise your right hand. Do you swear or
25 affirm the testimony you give in this case to be the truth,

ERIC BARNES - DIRECT BY MR. WHITE

1 the whole truth, and nothing but the truth, so help you God?

2 THE WITNESS: Yes.

3 THE CLERK: Please be seated and state your full name for
4 the record.

5 THE WITNESS: Sgt. Eric Wayne Barnes.

6 ERIC BARNES, being first duly
7 sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. WHITE:

10 Q: All right. Eric Barnes -- Sgt. Barnes, where are you
11 employed?

12 A: With the Florence County Sheriff's Office.

13 Q: And how long have you been working for the Florence
14 County Sheriff's Office?

15 A: Close to 20 years.

16 Q: And in what capacity are you currently employed?

17 A: I'm the sergeant over the Forensic Crime Scene Unit.

18 Q: And what is the Forensic Crime Scene Unit?

19 A: We go to various crime scenes and document, photograph,
20 you know, obtain evidence and secure it.

21 Q: Okay.

22 A: Depending on the -- on the case.

23 Q: And how long have you been in that unit?

24 A: Close to 12 years now.

25 Q: And when this call for service came out June 9th, 2022,

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1 were you in that same role, that same capacity?

2 A: I was.

3 Q: And did you respond to the incident location?

4 A: I did.

5 Q: And when you arrived -- you touched on it a little bit,

6 but when you arrive on scene like this -- and the call came

7 out as a stabbing; is that right?

8 A: That's correct.

9 Q: When you arrive on scene, what are some of your duties?

10 What are your responsibilities when you arrive?

11 A: You really have to touch base with the investigators or
12 the first deputy on scene or whatever. They kind of advise me

13 what -- you know, the layout of the scene. They let me know

14 what I'm going to -- what I got, you know, what I haven't

15 seen, what I'm going to. So I know how to start processing

16 that part.

17 Q: Okay. So the first thing you do is you want to get some
18 information; is that right?

19 A: That's correct.

20 Q: And you get that by talking to those folks on scene?

21 A: That's correct.

22 Q: And would that be folks like Richard Joyner who testified
23 earlier?

24 A: That is correct.

25 Q: He was the first responder; is that right?

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1 A: That's correct.

2 Q: And another person you want to touch base with, I'm sure,
3 is the investigator assigned to the case?

4 A: That's correct.

5 Q: Who was the investigator assigned to this case?

6 A: Investigator Ben Price and Investigator Tommy Carpenter.

7 Q: Okay. And another gentleman who would be there would be
8 the coroner; is that right?

9 A: That's correct.

10 Q: And was the coroner there when you arrived?

11 A: He was.

12 Q: Okay. Who was the coroner at this time?

13 A: Deputy Coroner Danny Taylor.

14 Q: Okay. He was assigned to this case?

15 A: Affirmative.

16 Q: And did you speak to him as well?

17 A: I did.

18 Q: Okay. After you obtained some kind of cursory
19 information, then what -- what do you do? What's your
20 responsibility there on scene?

21 A: Do a walkthrough of the crime scene, try to see what I
22 have to work with, what needs to be done, so we start the --
23 start the process.

24 Q: Okay. And is that to document the crime scene for
25 investigators?

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1 A: That is correct.

2 Q: And document the crime scene for the Solicitor's Office?

3 A: Absolutely.

4 Q: And document the crime scene for the jury; is that right?

5 A: That's correct.

6 Q: Now, when you're walking through a scene and when you
7 walked through this scene, you -- how -- what's your process
8 taking photographs? Like, what -- what are you looking to
9 accomplish?

10 A: We want to be able to infuse the whole entire scene. We
11 do the 360, you know, mid-range and close up.

12 Q: Okay. And in that process, are you -- do you take a lot
13 of photographs?

14 A: We do.

15 Q: And are a lot of them kind of duplicative? Are they the
16 same thing over and over again?

17 A: That is correct.

18 Q: And when we get ready for trial, we kind of pare those
19 down so it's not an exorbitant amount?

20 A: It's not overwhelming. Yes, that's correct.

21 Q: I'm going to show you a series of photographs. And if
22 you could, that's beginning with State's Exhibit 3 and ending
23 with State's Exhibit 41. Tell me if you -- if you recognize
24 these photographs?

25 A: Exhibit 3, absolutely. That's the view from the

ERIC BARNES - DIRECT BY MR. WHITE

1 breezeway --

2 Q: Well --

3 A: -- leading to Room 207.

4 Q: Sgt. Barnes, just -- if you could, just flip through them
5 briefly --

6 A: Okay.

7 Q: -- and tell me if you recognize, you know, all the
8 photographs. You don't have to tell anything about them now.

9 A: Bear with me just a few minutes. That's correct. These
10 are all mine.

11 Q: Okay. So you took those photographs?

12 A: Yes, sir, I did.

13 Q: Are they a fair and accurate depiction of the scene as
14 you encountered it on that day?

15 A: They are.

16 Q: Have there been any alterations or deletions made to the
17 actual photographs?

18 A: Not at all.

19 MR. WHITE: Judge, I'd move State's Exhibit 3 through 41
20 into evidence, save the ones that we discussed earlier.

21 THE COURT: All right.

22 MR. EDGEWORTH: No objection, Your Honor.

23 THE COURT: All right. Into evidence.

24 (WHEREUPON, State's Exhibits Number 3 through 6,
25 9 through 20, and 25 through 41, photographs, were

ERIC BARNES - DIRECT BY MR. WHITE

1 admitted into evidence.)

2 BY MR. WHITE:

3 Q: Now, I want to ask you before --

4 MR. WHITE: And permission to publish, Judge, if I could?

5 THE COURT: Yes, sir.

6 BY MR. WHITE:

7 Q: So we're going to walk through them. If you could, just
8 explain to the jury what you're seeing as you arrive on the
9 scene. But first, before we get to that, you mentioned the
10 deputy coroner was on scene; is that right?

11 A: That's correct.

12 Q: Is he also photographing the scene?

13 A: Yes.

14 Q: And is that for his death investigation?

15 A: That is correct.

16 Q: All right. Those photographs and your photographs -- do
17 they often overlap? Are there duplicates?

18 A: Yes.

19 Q: Okay. All right. We'll start with -- Sgt. Barnes, start
20 with State's Exhibit 3. I'm going to get --

21 A: Are we going to focus?

22 Q: See if we can zoom in or zoom out here. All right.
23 State's 3. What are we looking at?

24 A: That is a picture from the outside of the breezeway on
25 the second floor going into Room 207.

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1 Q: Okay. And this is where? Where are you when you arrived
2 on scene?

3 A: I'm at the -- at the -- on the ground level, the first
4 level.

5 Q: Okay.

6 A: In the parking lot.

7 Q: And this is the location. It's a hotel in Florence;
8 right?

9 A: That's correct. Yes, sir.

10 Q: Okay. So this incident happened on the second floor; is
11 that right?

12 A: That is correct. At [REDACTED] Road.

13 Q: Okay.

14 A: At the Florence Express Inn.

15 Q: All right. And that's in Florence County?

16 A: Yes, sir.

17 Q: State's Exhibit 4?

18 A: This is the -- the breezeway right before you walk into
19 Room 207. It's just showing that as I'm walking back to walk
20 into the room and see what kind of crime scene I have.

21 Q: Okay. State's Exhibit 5?

22 A: That is a picture of the door of 207 right before as you
23 walk into the front of Room 207.

24 Q: State's Exhibit 6?

25 A: That is a picture of right when you walk into the Room

ERIC BARNES - DIRECT BY MR. WHITE

1 207. You can kind of see the entertainment center, the TV,
2 and you can see some empty bottles of alcohol.

3 Q: Okay.

4 A: Things of that nature.

5 Q: Jump ahead to State's Exhibit 9. What do we see here?

6 A: The first bed, you see the victim laying across the
7 entire bed.

8 Q: Okay.

9 A: There was a lot of blood around --

10 Q: Okay.

11 A: -- the room.

12 Q: And I'm going to ask you kind of an obvious question,
13 but, you know, I just want to make sure I cover it. Was his
14 body elevated off the floor?

15 A: It was. His --

16 Q: Where?

17 A: His head was toward the headboard and his feet was laying
18 -- his feet barely laying hanging off the side of the bed. He
19 was laid fully across.

20 Q: So no -- no part of his body was touching the ground; is
21 that right?

22 A: That is correct.

23 Q: Okay. I'll show you State's Exhibit 10.

24 A: That is a picture right there at the front of the
25 doorway. You can see an empty case of Mike's Hard Lemonade

ERIC BARNES - DIRECT BY MR. WHITE

1 where somebody had been consuming alcohol.

2 Q: Okay. State's Exhibit 11?

3 A: That is a picture of the top of the entertainment center.

4 It's right near the front of the room. You can see a couple
5 packs of cigarettes. You can see a knife.

6 Q: Okay.

7 A: A black-handled knife laying in front of the -- on top of
8 it.

9 Q: You mentioned that you -- you -- you document and you
10 collect evidence; is that right?

11 A: That is correct.

12 Q: Were you informed that this was a stabbing case before
13 you arrived?

14 A: I was.

15 Q: So did that knife become a particular item of interest?

16 A: It was a very part of interest because it was told that
17 the victim was stabbed with a knife.

18 Q: Okay. I'm going to show you State's Exhibit 12, and then
19 I'm going to show you right after that State's Exhibit 13.

20 Again, is this the knife in question?

21 A: That is the black-handled knife I saw. And then you see
22 the -- and I can see a little bit of blood around the hinge
23 area.

24 Q: And I want to ask you about that. So you've been doing
25 this and working crime scenes for how long?

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1 A: About 12 years.

2 Q: A lot of those crime scenes, do they deal with blood?

3 A: Yes, a lot of times.

4 Q: And I'm going to ask you --

5 A: Yes, sir.

6 Q: -- just kind of an obvious question here, but do you work
7 scenes that deal with blood quite often?

8 A: Quite often.

9 Q: Okay. And would you recognize blood if you saw it?

10 A: Yes, sir.

11 Q: Did you recognize blood on that item?

12 A: Yes.

13 Q: Okay. I'm going to leave that there for now, and I am
14 going to show you State's Exhibit 42. If you could, tell me
15 if you recognize that item.

16 A: That is the black-handled knife that we see in this
17 picture here.

18 Q: Okay. What, if anything, was done with that -- that
19 item? Once, you know, you're on scene, the jury sees you're
20 walking in here and you photograph it on the table?

21 A: That's correct.

22 Q: What happens to it from that point forward?

23 A: Well, after the whole scene is done, the secured scene, I
24 take a sterile paper bag out of my -- my secured unit and a
25 lockable container that has the bag, and I collect it and I

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1 seal it.

2 Q: Okay. And then what happens once you seal it there on
3 scene? You collect it, seal it. What, if anything, do you do
4 with it?

5 A: It then stays in my custody until we get to the Sheriff's
6 Office. Then it is placed into the evidence storage locker.

7 Q: Okay. And once it's placed in the evidence storage
8 locker, what, if anything, happened to it in this case?

9 A: No. It is secured, sealed, initialed, and dated.

10 Q: Okay. And it's my understanding that sometimes when you
11 have items of evidence, you know, especially when you -- to
12 the naked eye you see blood, you want to test that; is that
13 right?

14 A: That's correct.

15 Q: Did you want to do that in this particular case?

16 A: I did. I took two cotton-tipped swabs, and I swabbed the
17 area that I saw the blood.

18 Q: Okay. So let's back up just a little bit so we can
19 connect the dots for the jury. So you log it into evidence;
20 right?

21 A: That's correct.

22 Q: And then you make the decision to swab it?

23 A: Yes.

24 Q: What happens from when the time you -- you log it into
25 evidence until the time you swab it?

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1 A: That is -- in that case, I actually swabbed it while it
2 was in the evidence locker.

3 Q: Gotcha.

4 A: Then it goes into the evidence room.

5 Q: Okay.

6 A: And those both -- that -- that envelope was also sealed,
7 dated, and initialed.

8 Q: And tell me about those swabs. What are we talking about
9 when you say I swabbed it?

10 A: We take a sterile cotton-tipped swab. They're encased in
11 a -- we use the encapsulated swabs that has the plastic
12 protective tip on it. We dip it in distilled water, sterile
13 water, and we swab the -- the blood to try to obtain DNA, and
14 then they're encapsulated, sealed, signed --

15 Q: Okay.

16 A: -- and placed in evidence.

17 Q: All right. So then you placed the knife back in
18 evidence?

19 A: That's correct.

20 Q: And you placed the swabs back in evidence?

21 A: That's correct.

22 Q: And then what, if anything, happens to those swabs?

23 A: They're -- they're locked in a storage facility at the
24 Sheriff's Office.

25 Q: Until such time that they need to be tested?

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1 A: That's correct.

2 Q: Okay. And who does the testing?

3 A: SLED.

4 Q: Okay. And was that done here, to the best of your
5 knowledge?

6 A: Yes.

7 Q: All right. So again, I'm going to -- so this is Item 42.
8 This is the knife in question?

9 A: That's correct.

10 Q: Is that right?

11 MR. WHITE: I'd move State's Exhibit 42 in the evidence,
12 Judge.

13 THE COURT: Any objection?

14 MR. EDGEWORTH: No objection, Your Honor.

15 THE COURT: All right. 42 is into evidence.
16 (WHEREUPON, State's Exhibit Number 42, knife in bag, was
17 admitted into evidence.)

18 MR. WHITE: All right.

19 BY MR. WHITE:

20 Q: And you mentioned those swabs. I'm going to show you
21 State's Exhibit 44. Can you tell me if you recognize that
22 item?

23 A: I do.

24 Q: Are those the swabs that were sent to SLED?

25 A: That is correct.

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1 Q: So inside this is the knife, you swabbed them, sent them
2 to SLED, and SLED analysts do take it from there; is that
3 right?

4 A: That's correct.

5 Q: Okay. All right. If you could, I want to show State's
6 Exhibit 42. If you could, glove up for me and remove that
7 item from its container.

8 A: You want me to break the seal?

9 Q: Yes, please, sir.

10 A: That has been signed, initialed, and dated.

11 Q: If you could, just flip that -- that open and then I'll
12 take it from there, Sgt. Barnes. Is this the knife that was
13 recovered from the -- from the crime scene that you recovered?

14 A: That's correct.

15 Q: That was swabbed by you and those swabs tested for DNA by
16 SLED?

17 A: Yes.

18 Q: And is this the -- the knife that killed James McNamara?

19 A: It is.

20 Q: If you could, Sgt. Barnes, just close that up for me.
21 Put it right back in that -- that bag, and we'll move on from
22 there.

23 All right. Now, I'm going to show you State's Exhibit
24 14. What are we looking at here?

25 A: That is a picture I took of some more empty bottles and a

ERIC BARNES - DIRECT BY MR. WHITE

1 container of Mike's Hard Lemonade, where somebody had been
2 consuming alcohol in that room.

3 Q: Okay. State's Exhibit 15?

4 A: It's a bag of different blunts and cigars.

5 Q: Okay. State's Exhibit 16?

6 A: That is another picture, as you can see, the empty
7 container of Mike's Hard Lemonade. Also, you can see the
8 entertainment center where the knife was located and a half
9 bottle -- empty bottle of alcohol.

10 Q: Okay. So State's Exhibit 16, and here's the alcohol; is
11 that right?

12 A: That is correct.

13 Q: Is this the area where the knife was recovered?

14 A: Yes."

15 Q: Okay. And you see going back out that door, is that
16 Deputy Coroner Danny Taylor?

17 A: It is.

18 Q: Okay. State's Exhibit 17? What do we see here?

19 A: That is a picture of the victim, Mr. McNamara, laying
20 across the bed.

21 Q: All right. And did you have occasion to -- to get close
22 up to the victim?

23 A: I did. You can see a lot of blood around the pillow and
24 sheets.

25 Q: All right. And is that another thing? You know, you saw

ERIC BARNES - DIRECT BY MR. WHITE

1 the knife. Are you looking for evidence as it pertains to
2 blood?

3 A: Yes.

4 Q: Okay. Are you there photographing the body before it's
5 moved?

6 A: That is correct.

7 Q: As well as are you there when the body is moved or
8 contorted?

9 A: That is correct.

10 Q: Okay. So you get a good view of the body and its
11 surrounding area; is that right?

12 A: That is correct.

13 Q: Was this a particularly bloody scene?

14 A: It really was. There was a lot of blood on the
15 lampshade, the walls, the ceiling, the pictures, and a lot on
16 the sheets, the bedding area.

17 Q: Did you -- were you able to visibly inspect the body and
18 see any evidence of injury?

19 A: Yes, sir.

20 Q: Okay. And where was that located, just generally? I
21 know you're not a pathologist or anything.

22 A: No, no. Me and Deputy Coroner Danny Taylor -- we
23 examined the wounds, and we could see -- what we could see
24 visible at that time is a wound on each side of the neck and
25 also near the front of the throat.

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1 Q: Okay. Let me show you State's Exhibit 18. What are we
2 looking at here?

3 A: That's the bottom of the victim's feet hanging off the
4 bed, and also you can see an overturned trash can and empty
5 blunt wrappers.

6 Q: Okay. State's Exhibit 19?

7 A: That is blood spatter on the top of the comforter of the
8 bed.

9 Q: Okay. I want you to orient us again.

10 A: I'm sorry. Yes.

11 Q: Which bed is this as you walk in?

12 A: This is the first bed next to the front door. You can
13 see the blood next to where the victim was lying.

14 Q: State's Exhibit 20?

15 A: That is a close-up of the nightstand between the two
16 beds.

17 Q: Okay.

18 A: You can see an empty bottle of Mike's Hard Lemonade.

19 Q: Okay. State's Exhibit 25?

20 A: That is more blood drops and spatter on the -- on the
21 sheets next to the victim.

22 Q: Now, you -- you brought up a -- a term or a phrase that
23 we don't hear a lot, spatter. What is blood spatter?

24 A: Spatter is the moving location of blood.

25 Q: Okay. And is that something that you're trying to

ERIC BARNES - DIRECT BY MR. WHITE

1 document as you go through the scene?

2 A: That is correct.

3 Q: State's Exhibit 26?

4 A: That is more blood drops that came down on top of the
5 lampshade that is near the victim in between the -- as you see
6 in the other photographs near the front window, the air
7 conditioner.

8 Q: Okay. So if you walk in that front door right there
9 directly to your left, that is --

10 A: That is correct.

11 Q: State's Exhibit 27?

12 A: That's a scale version of the -- the blood spatter on the
13 lampshade.

14 Q: Okay. State's Exhibit 28?

15 A: If you look closely, you can see the blood drops on the
16 -- the picture that is located right above the headboard of
17 the bed.

18 Q: Above the headboard of which bed?

19 A: Where the victim was lying.

20 Q: Okay. State's Exhibit 29? I'm going to show you 29 and
21 30 in kind of rapid succession. There's 29, and then here's
22 State's Exhibit 30. If you could, tell me what we're looking
23 at in both of those photographs?

24 A: Like you said, the picture before and now, you see that
25 it's -- that's the ceiling located right there above the bed,

ERIC BARNES - DIRECT BY MR. WHITE

1 the bed where the victim was lying.

2 Q: Okay. And that's, as you phrase it, spatter?

3 A: Yes, sir.

4 Q: And that's a pattern? Pattern of blood?

5 A: That's correct.

6 Q: That's a -- where the victim is lying, that's right above

7 the victim; is that right?

8 A: That's correct.

9 Q: State's Exhibit 31?

10 A: That's a picture of the sheets of the blood where the

11 victim was lying on.

12 Q: Okay. More blood pattern; is that right?

13 A: That's correct.

14 Q: State's Exhibit 32?

15 A: That is a closer scale picture of the blood. You see the

16 gravity, letting it pull down.

17 Q: State's Exhibit 33?

18 A: That's a picture of the wall next to the headboard of

19 where the victim's -- close to where the victim's head was.

20 Q: Okay. So when we saw that photograph, he was lying

21 across the bed?

22 A: That's correct.

23 Q: This would be his head?

24 A: His head diagonally toward the headboard.

25 Q: Okay. State's Exhibit 34, and then State's Exhibit 35?

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1 A: Like I said, more blood spatter on the -- on the ceiling
2 above the victim's bed.

3 Q: Okay. State's Exhibit 36. So 35 -- 34, 35, and 36,
4 again, more pattern above the victim's bed; is that right?

5 A: That is absolutely correct.

6 Q: And then State's Exhibit 37?

7 A: That's a picture of the blood drops on the lampshade.

8 Q: Okay. So you documented blood in several locations; is
9 that accurate?

10 A: That is correct.

11 Q: Okay. Did -- during your walkthrough of the scene and
12 focusing on the bed where the victim was lying, did your
13 attention -- was it drawn to a pillow that was lying there?

14 A: Yes, because it was covered in blood.

15 Q: Okay. Now, I'm going to show you -- this last few
16 photographs are photographs of the defendant in this case.
17 Tell us, why would you photograph the defendant in a case like
18 this?

19 A: A lot of times in an assault or anything like that
20 matter, especially involving a knife, sometimes the victims
21 [sic] cut themselves. So we document any kind of injuries,
22 clothing, things of that nature.

23 Q: And does that become important when documenting whether
24 or not there are defensive wounds?

25 A: That is correct.

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1 Q: And those are wounds that the defendant would have had on
2 him if he was involved in some sort of struggle; is that
3 right?

4 A: That's correct.

5 Q: Let me show you State's Exhibit 38.

6 A: That is a picture of the defendant in a blue shirt.

7 Q: And then I'm going to show you these in kind of rapid
8 succession, and then I'll ask you about them. State's Exhibit
9 39?

10 A: That's a picture of the defendant's hands.

11 Q: State's Exhibit 40?

12 A: That's a picture of the top of his hand.

13 Q: And State's Exhibit 41?

14 A: That's a picture of the top of his left hand.

15 Q: Did you see any signs of injury to him or his hands?

16 A: I did not.

17 Q: Now, you were able to obtain DNA off the knife; is that
18 right?

19 A: That's correct.

20 Q: Another thing you can do is -- is try to obtain
21 fingerprints; is that accurate?

22 A: That is correct.

23 Q: Did you try and do that in this particular case?

24 A: I did.

25 Q: And is that when it pertains to the knife?

ERIC BARNES - DIRECT BY MR. WHITE

1 A: That's correct. I wasn't able to develop any.

2 Q: And what does that mean? You know, I know this isn't
3 CSI. What does it mean to not be able to develop
4 fingerprints?

5 A: Well, the process that we use, fingerprint powder to try
6 to see if there's any kind of fingerprints. A fingerprint is
7 -- a latent print is 90 percent water, 2 percent oil or
8 organic material, and when we apply powder, things of that
9 nature is applied to it, it will stick to the adhesion of the
10 moisture of the print, and it was more visible that you can
11 see with the naked eye.

12 Q: Okay. And you were unable to do that in this case?

13 A: I was not.

14 Q: But again, we got DNA; right?

15 A: That's correct.

16 Q: Now another thing that was noted in your walkthrough is
17 you noted that there were cell phones present; is that
18 accurate?

19 A: That is correct.

20 Q: Are you able to obtain information off of cell phones?

21 A: Yes.

22 Q: Okay. In this particular case, when you arrived on
23 scene, were you made aware that the defendant was in custody?

24 A: I was.

25 Q: Were you made aware that he had already confessed?

ERIC BARNES - DIRECT BY MR. WHITE

1 A: That's correct.

2 Q: Were you ultimately made aware that the DNA came back on
3 this case?

4 A: Yes.

5 Q: Okay. This wasn't a cell phone case?

6 A: This wasn't a cell phone case at all.

7 Q: Okay.

8 MR. WHITE: I beg the Court's indulgence for one moment.

9 THE COURT: All right.

10 MR. WHITE: Okay. And now I'm glad Mr. Tucker directed
11 my attention to this.

12 BY MR. WHITE:

13 Q: So anytime you have DNA -- right? When you swab an item,
14 whether it's this knife or any item, you swab it, but then you
15 have to have something to compare it to; is that right?

16 A: That is correct.

17 Q: And in this case or in any case, you want to get a
18 comparison standard from the victim and the defendant?

19 A: That's correct.

20 Q: Did you do that for the defendant?

21 A: I did.

22 Q: And how does that process work? How did you do that?

23 A: Investigator Ben Price obtained a search warrant for his
24 -- for his known standard DNA. And I went back to the jail,
25 and I obtained a known standard from Mr. Smith, the defendant.

ERIC BARNES - DIRECT BY MR. WHITE

1 Q: And when we say known standard, we're talking about
2 another swab?

3 A: Another swab.

4 Q: A swab of the inside of his cheek?

5 A: Inside of a cheek. We take a swab and rub it 15 times on
6 both sides of the cheek to obtain a good sample so it could be
7 sent to SLED.

8 Q: Okay. And you also obtain a comparison standard from
9 victims from the autopsy; is that right?

10 A: That's correct.

11 Q: In the form of a blood spot?

12 A: That's correct.

13 Q: So now in this case, you got the knife, the DNA swab from
14 the knife, and then you have something to compare it to. You
15 have the comparison from the victim, and you have the
16 comparison from the defendant; is that right?

17 A: That is correct.

18 Q: Is all that sent to SLED?

19 A: It is.

20 Q: For the analyst up there, an expert in that field, to
21 tell us if there's DNA present?

22 A: That is correct.

23 Q: Okay. Just in terms of how the body was -- was found,
24 were you present in the courtroom when Mr. Holbrook from EMS
25 testified to those leads that are placed on the body?

ERIC BARNES - DIRECT BY MR. WHITE

1 A: That's correct.

2 Q: Did you see those leads present when you were on -- on
3 scene when you documented the crime scene?

4 A: I can't recall because some of the photographs was --

5 Q: Right. And what's a lead?

6 A: It's basically a small patch, like white patches that has
7 adhesion on it. It sticks to the skin. They usually put them
8 on there for the -- to run the EKG to make sure the -- there's
9 no electronic pulses in the heart.

10 Q: Okay. And EMS has to touch the body to do that? I know
11 that's a pretty obvious question. Other than EMS touching the
12 body and performing that kind of critical, you know, step, was
13 the body contorted in any way until Deputy Coroner Danny
14 Taylor got involved?

15 A: No.

16 Q: Okay.

17 MR. WHITE: I beg the Court's indulgence for one moment.

18 That's all I have for you, Sgt. Barnes. And excuse me.

19 Please answer any questions the defense may have.

20 MR. EDGEWORTH: All right.

21 CROSS-EXAMINATION

22 BY MR. EDGEWORTH:

23 Q: Sgt. Barnes, is it fair to say that this hotel room in
24 which that's the scene is set up like a typical hotel room
25 USA?

ERIC BARNES - CROSS BY MR. EDGEWORTH

1 A: Yes.

2 Q: Okay. So you walk in the door and to the left is
3 normally a window with the air conditioning unit?

4 A: Yes.

5 Q: Okay. And then we saw off to the side a lamp?

6 A: That's correct.

7 Q: And then bed number one?

8 A: That's correct.

9 Q: Okay. And then you have a walkway with the -- I guess
10 you call it the -- the chest?

11 A: Entertainment center, yeah.

12 Q: Yeah. And then a TV?

13 A: That's correct.

14 Q: Correct? Okay. And then you have the space between the
15 two beds?

16 A: That's correct.

17 Q: And then you have the bed that's closest to the bathroom?

18 A: That's correct.

19 Q: Standard hotel?

20 A: Pretty much, yes.

21 Q: And through -- through your documentation, you identified
22 the fact that Mr. McNamara, the decedent, was laying on bed
23 number one?

24 A: That is correct.

25 Q: Closest to the door; correct?

ERIC BARNES - CROSS BY MR. EDGEWORTH

1 A: That is correct.

2 Q: Okay. And you -- I'm assuming that you took photos of
3 the personal items that were scattered throughout that room as
4 well; correct?

5 A: That's correct.

6 Q: In fact, we see clothing on Mr. McNamara's bed?

7 A: That's correct.

8 Q: Okay. And then you see some clothing and other items on
9 the other bed, which would presumably be Mr. Smith's; correct?

10 A: That's correct.

11 Q: Okay. Now, the photos that you took, obviously you're
12 doing that to document that scene?

13 A: That's correct.

14 Q: And to your knowledge, no one had disturbed any of that
15 stuff prior to your involvement?

16 A: No, not at all.

17 Q: Okay. Now, the -- you were made aware as you arrived on
18 the scene that it had been a stabbing; correct?

19 A: That is correct.

20 Q: Okay. So it didn't surprise you then that you found the
21 knife at the scene?

22 A: That's correct.

23 Q: And when you arrived, did you see Mr. James [sic]?

24 A: No. I was told he was placed in the back of a patrol
25 car.

ERIC BARNES - CROSS BY MR. EDGEWORTH

1 Q: Okay. But at the time you arrived, he was -- he was
2 still at the scene?

3 A: Yes.

4 Q: Okay. All right. Did you speak to him at all?

5 A: I didn't.

6 Q: Okay. But you did document the clothing that he had on;
7 correct?

8 A: Yes.

9 Q: And in fact, you were the one who took the photo?

10 A: That is correct.

11 Q: Okay. Let's pull that photo real quick. I'll keep these
12 in order. I'm showing you what's been entered into evidence
13 as State's Exhibit 38. You took that photo; correct?

14 A: I did.

15 Q: Okay. Now, he's wearing a blue shirt?

16 A: That's correct.

17 Q: And he's wearing black pants?

18 A: Yes.

19 Q: And were you aware that that's exactly the clothing that
20 he told 9-1-1 he was wearing?

21 A: No.

22 Q: Okay. Now, you documented the scene related to where Mr.
23 McNamara was laying; correct?

24 A: That's correct.

25 Q: Okay. And so if we're looking back at the -- the hotel

ERIC BARNES - CROSS BY MR. EDGEWORTH

1 room layout and there's the space between the two beds, Mr.
2 McNamara's bed on the left, if we're facing the wall, and Mr.
3 Smith's bed on the right; correct?
4 A: That's correct.
5 Q: Okay. So -- and this would -- we would normally call
6 this kind of some common space?
7 A: A little walkway, yes.
8 Q: Yeah. In between the two beds?
9 A: Yeah.
10 Q: All right. So when you came into the room, you
11 identified the fact that Mr. McNamara's body was laying across
12 with his head pointing towards the exit wall; correct?
13 A: Yes. At a diagonal all the way across.
14 Q: Okay. So -- but he would have been facing towards Mr.
15 Smith's bed or the bathroom area before he went back on the
16 bed?
17 A: Or either toward the TV possibly.
18 Q: Okay. Either way, his feet were in the common area?
19 A: They was hanging off the edge of the bed. He was fully
20 on top of the bed.
21 Q: Right. I'm just saying the orientation, the direction of
22 his body, head towards the wall?
23 A: Yes.
24 Q: Feet towards the common area. Okay. Now, the -- the
25 knife wounds that you identified, could you tell how many

ERIC BARNES - CROSS BY MR. EDGEWORTH

1 there were at the time?

2 A: All I saw at that time was three.

3 Q: Okay. But it was a pretty bloody scene, as you said --
4 stated?

5 A: It was.

6 Q: Okay. You would expect that the individual would pass
7 away though due to those wounds?

8 Q: Well, I'm not -- not a pathologist, I mean.

9 Q: You -- you've seen other crime scenes; right?

10 A: Oh, yeah.

11 Q: Okay. You stated there was a lot of blood?

12 A: It was.

13 Q: All right. Let's see here. Let me take a look at the
14 number. The various items that you took photos of -- you
15 mentioned that you took a DNA swab of Mr. James; correct?

16 A: That's correct.

17 Q: Okay. Did you have a sample for Mr. McNamara?

18 A: I did. When they do the autopsy, they have what they
19 call a blood spot, and they obtained it then.

20 Q: And that's what you're referring to as a known sample.
21 You know whose blood that is?

22 A: That is correct.

23 Q: Okay. Now, you were collecting or identifying evidence
24 at the scene and collecting it; correct?

25 A: That is correct.

ERIC BARNES - CROSS BY MR. EDGEWORTH

1 Q: Did you take any swabs, DNA swabs, on any of the
2 alcoholic beverages that were throughout the room?

3 A: I did not.

4 Q: Okay. Did you take any DNA swabs on any of the
5 cigarettes in the room?

6 A: I did not.

7 Q: Okay. Did you take any DNA swabs on any of the leftover
8 material or bags related to the blunts you were referring to?

9 A: No.

10 Q: Okay. All right. You mentioned that you located
11 multiple cell phones in the room; correct?

12 A: That's correct.

13 Q: And it would be three, in fact?

14 A: That's correct.

15 Q: Okay. And did you -- were you able to identify who owned
16 those phones?

17 A: I did not.

18 Q: Okay.

19 A: This wasn't a cell phone case.

20 Q: I'm sorry?

21 A: I said it wasn't a cell phone case. We knew who the
22 suspect was at the time.

23 Q: Okay. So you believed the suspect at the time was in
24 custody and, therefore, you -- you felt no need to investigate
25 what was in the phones?

ERIC BARNES - CROSS BY MR. EDGEWORTH

1 A: That is absolutely correct.

2 Q: Okay. And you did that not even knowing whose phone was
3 whose?

4 A: That's correct.

5 Q: So it's fair to say then that law enforcement did not
6 look into phone number one, which could have been Mr.
7 McNamara's?

8 A: No, we did not.

9 Q: Okay. Phone number two, which could have been Mr.
10 McNamara's?

11 A: No, we did not.

12 Q: Okay. Or phone number three, that could have been Mr.
13 McNamara's?

14 A: No, we did not.

15 Q: Or for that matter, could have been Mr. James' phones?

16 A: That is correct.

17 Q: Okay. And you didn't think it was important to try to
18 determine where those individuals may have been throughout the
19 night?

20 A: No.

21 Q: But then it's possible to get that information from the
22 phone due to the GPS in the phones?

23 A: That's correct.

24 Q: Okay. And normally that is done in many cases; correct?

25 A: Sometimes, yes.

ERIC BARNES - CROSS BY MR. EDGEWORTH

1 Q: Sometimes or a lot of times?

2 A: Sometimes. It depends on the case.

3 Q: Okay. But for whatever reasons, you decided or law
4 enforcement decided that it was unnecessary to get the
5 information off of that phone?

6 A: That is correct.

7 Q: Is it your understanding also that when you extract
8 information from a phone that you can also determine who a
9 person may have called?

10 A: That's correct.

11 Q: Okay. To include whether Mr. McNamara made some phone
12 calls that evening?

13 A: That's correct.

14 Q: Or Mr. James, for that matter?

15 A: That's correct.

16 Q: But because that wasn't done, we don't have that
17 information?

18 A: No. We still have the phones in custody though.

19 Q: Okay. Failed to do this earlier and probably should have
20 done so to orient the jury, but this was the -- this is -- I'm
21 referring to State's Exhibit Number 9 that's been entered into
22 evidence, and we were talking about Mr. McNamara's body as
23 it's oriented on his bed. That is reflected in this photo;
24 correct?

25 A: Can I see it?

ERIC BARNES - CROSS BY MR. EDGEWORTH

1 Q: Yeah. Sure.

2 A: That is correct.

3 Q: Okay. And I'm going to show -- I'll walk it to the jury,
4 but his feet are pointed towards that common lane, path lane
5 right there; correct?

6 A: That's correct.

7 Q: Okay. And his head is facing back towards the corner of
8 the wall on his side of the bed?

9 A: Yeah, diagonally across.

10 Q: Okay. And so, like -- and his side of the bed faces the
11 entrance; correct? Or is closest to the entrance?

12 A: That's correct.

13 Q: Okay.

14 MR. EDGEWORTH: Let's not get these out of order. Sorry.
15 All right. Court's indulgence, Your Honor.

16 THE COURT: All right.

17 MR. EDGEWORTH: All right. No further questions, Your
18 Honor.

19 THE COURT: All right. Anything further, Mr. White?

20 MR. WHITE: Just briefly.

21 REDIRECT EXAMINATION

22 BY MR. WHITE:

23 Q: Sgt. Barnes, I'll keep it brief. You walk into the hotel
24 room. There's a bed here. It's got the victim lying on it
25 dead; is that right?

ERIC BARNES - REDIRECT BY MR. WHITE

1 A: That is correct.

2 Q: And then you've got a bed here that had nothing on it but
3 covered bedding --

4 A: That's correct.

5 Q: -- and that sort of thing, but you noted or you told this
6 jury there was a lot of blood on this scene; is that right?

7 A: Yes.

8 Q: Was the majority of the blood over and to the left of the
9 victim?

10 A: That is correct.

11 Q: Okay.

12 A: Next to the pillow. There was a pillow close to his head
13 and there was a lot of blood on it and on the bedding.

14 Q: Okay. And there's lots of different type of spatter; is
15 that right?

16 A: That is correct.

17 Q: High velocity spatter?

18 A: Yes.

19 Q: Arterial spray?

20 A: Some, yes.

21 Q: Yeah. And so did you note that the victim is lying, the
22 door is here? Did you note that over on top and over away
23 from the bed where the defendant would have been lying?

24 A: That's correct. He was at a diagonal with his head
25 toward -- like, toward the area where the lamp was in that

ERIC BARNES - REDIRECT BY MR. WHITE

1 kind of general direction.

2 Q: Are you aware that the defendant confessed to the
3 entirety of this?

4 A: I was.

5 MR. EDGEWORTH: Your Honor, objection to the continued
6 use of confessed.

7 MR. WHITE: All right. I can rephrase it.

8 THE COURT: All right. Thank you, sir.

9 BY MR. WHITE:

10 Q: Are you aware the defendant told investigators that he
11 stabbed the victim to death?

12 A: Affirmative.

13 Q: Okay. Are you aware that he told investigators that he
14 consumed alcohol and smoked a blunt? The defendant?

15 A: That's correct.

16 Q: Are you aware that the blood of James McNamara was tested
17 by toxicology, and that he had no drugs or alcohol in his
18 system whatsoever?

19 MR. EDGEWORTH: Objection. The State is --

20 THE COURT: Sustained.

21 MR. WHITE: I have nothing further, Judge.

22 THE COURT: Okay. Anything further, Mr. Edgeworth?

23 MR. EDGEWORTH: Nothing further, Your Honor.

24 THE COURT: All right. Thank you, Mr. Barnes. You can
25 step down.

1 THE WITNESS: Thank you.

2 MR. WHITE: And, Judge, I would ask that Sgt. Barnes be
3 released from his subpoena.

4 THE COURT: Is there any objection to that?

5 MR. EDGEWORTH: No objection, Your Honor.

6 THE COURT: All right. Sgt. Barnes, thank you for being
7 here. You're free to go.

8 All right. Ladies and gentlemen, thank you again for
9 your patience and your attention. We're going to break for
10 lunch at this time. I'm going to ask that you be back here at
11 1:30.

12 Please, just remember during your lunch break, go do
13 whatever it is that you need to do. Have a good lunch and
14 don't discuss this case, and we'll see you back at 1:30 and
15 we'll resume testimony at that time. Thank you so much.

16 (WHEREUPON, the jury exited the courtroom at 11:57 a.m.)

17 THE COURT: All right. Is there anything before we
18 retire for the lunch hour?

19 MR. WHITE: No, sir, Judge.

20 MR. EDGEWORTH: None from the defense, Your Honor.

21 THE COURT: All right. We'll see y'all at 1:30. Thank
22 you.

23 MR. WHITE: Thank you.

24 MR. TUCKER: Thank you, Your Honor.

25 (WHEREUPON, there was a break in the proceedings from

TAMARA TAYLOR - DIRECT BY MR. WHITE

1 11:58 a.m. until 1:31 p.m., after which the proceedings
2 resumed as follows.)

3 THE COURT: All right. Is everybody ready?

4 MR. WHITE: Yes, sir.

5 MR. EDGEWORTH: Yes, Your Honor.

6 THE COURT: All right. Can we have the jury?

7 (WHEREUPON, the jury entered the courtroom at 1:32 p.m.)

8 THE COURT: All right. Thank you, ladies and gentlemen.
9 Mr. White, call your next witness.

10 MR. WHITE: Thank you, Judge. At this time, the State
11 would call Tamara Taylor.

12 THE COURT: Okay.

13 THE CLERK: Ma'am, if you'll please place your left hand
14 on the Bible and raise your right hand. Do you swear or
15 affirm the testimony you give in this case to be the truth,
16 the whole truth, and nothing but the truth, so help you God?

17 THE WITNESS: I do.

18 THE CLERK: Please be seated and state your full name for
19 the record.

20 THE WITNESS: Deputy -- well, actually, it's Deputy Tami
21 Taylor, but they call me Tamara Taylor.

22 TAMARA TAYLOR, being first duly
23 sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. WHITE:

TAMARA TAYLOR - DIRECT BY MR. WHITE

1 Q: Deputy Taylor, we will keep this real short, I think.

2 A: Okay.

3 Q: Where are you employed?

4 A: Florence County Sheriff's Office.

5 Q: And what do you do for the Florence County Sheriff's

6 office?

7 A: So I work in the forensics department, but I'm an

8 evidence technician.

9 Q: Okay. Are you kind of custodian of the evidence there at

10 the Sheriff's Office?

11 A: That's correct.

12 Q: How is evidence stored at the Sheriff's Office?

13 A: So the deputy or investigator, whoever has evidence,

14 they'll put it in a locker so they secure it. Once they

15 secure it, when I come in, I have keys, and I'll go to each

16 locker and I get it out and take it into my custody into the

17 evidence room, and it's secured in there with just me.

18 Q: Are there items of evidence that are secured in that

19 locker that you have to take on to SLED?

20 A: That is correct, yes.

21 Q: And when I say SLED, is that the South Carolina Law

22 Enforcement Division?

23 A: That's correct.

24 Q: And did you do that on one particular item of evidence in

25 this case?

TAMARA TAYLOR - DIRECT BY MR. WHITE

1 A: I did.

2 Q: And was that the buccal swab that was taken from the
3 defendant, Willie Smith?

4 A: That is correct.

5 Q: Okay. I'm going to show you State's Exhibit 43. Is this
6 the item of evidence that you logged out of the evidence
7 locker at the Sheriff's Office and drove yourself up to SLED?

8 A: That is correct, yes.

9 Q: When you get to SLED -- I'll take that back from you.
10 When you get -- take any items but particularly this item of
11 evidence to SLED, what, if anything, do you do with it once
12 you get there?

13 A: Well, what I do is when the deputy or investigator tells
14 me that something's got to go to SLED, then they'll tell me
15 what case number it's involving. I'll pull the evidence off
16 of the location where it's at, and then I'll get the evidence
17 out. I repackage it in another secured envelope, put the red
18 tape evidence on it, and then I have to seal it and I have to
19 initial and date it.

20 Q: Okay.

21 A: And then once I've done that and secured it, then I take
22 it to SLED in Columbia.

23 Q: Okay. And once you arrive at SLED, what do you do with
24 that particular item of evidence? How do you get it -- turn
25 it over to SLED?

TAMARA TAYLOR - DIRECT BY MR. WHITE

1 A: So once I get to Columbia at SLED, they'll call me back
2 when it's time for me to come back. And then I just go to
3 whoever the person that's going to take the evidence from me,
4 and they do basically the same thing. They'll go through my
5 evidence, make sure that I have it sealed, initialed, and
6 dated, and then they take it into their custody and they --
7 and they do their processing there.

8 Q: Okay. The next time you see those items of evidence, is
9 that on collection? When -- when SLED is done with their
10 analysis, do you go and collect those items of evidence?

11 A: That is correct, yes. When they -- when I have to take
12 more evidence, once I go do another drop off of evidence,
13 they'll let me know if they got evidence for me to pick up,
14 and then I just pick that evidence up. It's still sealed.
15 It's got their SLED tape, where we cannot open theirs once it
16 comes back with the SLED yellow tape. And then I just
17 transport it back to the office at Florence County Sheriff's
18 Office.

19 Q: Okay. Now, you were only responsible for taking to SLED
20 the buccal swab of Willie Smith; is that right?

21 A: That is correct.

22 Q: But you did collect and return back to the sheriff's
23 Office the blood spot from James McNamara, along with the
24 swabs from that knife, and bring all three items back with you
25 to the Sheriff's Office; is that correct?

TAMARA TAYLOR - DIRECT BY MR. WHITE

1 A: That is correct, yes.

2 Q: Okay.

3 MR. WHITE: Thank you so much. I have nothing further.

4 Please answer any questions the defense may have.

5 THE WITNESS: Yes, sir.

6 MR. EDGEWORTH: Just briefly.

7 CROSS-EXAMINATION

8 BY MR. EDGEWORTH:

9 Q: Ms. Taylor, I'm going to show you a document and ask if
10 you recognize it?

11 A: Okay. I do recognize it.

12 Q: Okay. Do you have any involvement in creating this
13 document?

14 A: So what I do is any time we get evidence, we have to
15 enter it in and it creates an item and we just put the
16 information in.

17 Q: Okay.

18 A: So yes.

19 Q: All right.

20 MR. EDGEWORTH: No further questions.

21 THE COURT: Anything further, Mr. White?

22 MR. WHITE: No, sir. I would just ask that Ms. Taylor --
23 Deputy Taylor -- excuse me -- could be released from her
24 subpoena.

25 THE COURT: Any objection?

MATTHEW LEE - DIRECT BY MR. WHITE

1 MR. EDGEWORTH: No, Your Honor.

2 THE COURT: All right. Ma'am, thank you for being here.

3 You're free to go.

4 THE WITNESS: Thank you.

5 THE COURT: All right. Mr. White?

6 MR. WHITE: Thank you, Judge. At this time, the State
7 would call Matthew Lee.

8 THE COURT: All right.

9 THE CLERK: Sir, if you will, please place your left hand
10 on the Bible and raise your right hand. Do you swear or
11 affirm the testimony you give in this case to be the truth,
12 the whole truth, and nothing but the truth, so help you God?

13 THE WITNESS: I do.

14 THE CLERK: Please be seated and state your full name for
15 the record.

16 THE WITNESS: Matthew Lee.

17 MATTHEW LEE, being first duly
18 sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. WHITE:

21 Q: Mr. Lee, what do you do for a living?

22 A: I am a mobile mechanic.

23 Q: Okay. And that's you probably coming joining us from
24 work; is that right?

25 A: Yes, sir.

MATTHEW LEE - DIRECT BY MR. WHITE

1 Q: But back in 2022, you were working for the Sheriff's
2 Office; is that right?

3 A: Yes, sir.

4 Q: And were you in the courtroom when Ms. Taylor just
5 testified?

6 A: Yes, sir.

7 Q: Were you in a similar role as Ms. Taylor?

8 A: Yes, sir. I was an evidence tech.

9 Q: Okay. And everything that she described, is that
10 accurate as far as how evidence is stored, collected, and
11 taken to SLED?

12 A: Yes, sir.

13 Q: Now, she had mentioned State's Exhibit 43 as an item of
14 evidence that she collected and took to SLED, and there's two
15 other items, that being the swabs from a black-handled knife
16 and the blood spot from James McNamara that was taken to SLED.
17 Were you responsible for transporting those items to SLED?

18 A: Yes, sir.

19 Q: Okay. And the way she described it as far as turning it
20 over to SLED, was that accurate?

21 A: Yes, sir.

22 Q: Is that what you did with these particular items?

23 MR. WHITE: And again, I'm sorry, Judge, for the record,
24 I'm referring to the swabs from black-handled knife, State's
25 Exhibit 44, and the blood spot from James McNamara, State's

MATTHEW LEE - DIRECT BY MR. WHITE

1 Exhibit 45.

2 BY MR. WHITE:

3 Q: Did you collect those items from your evidence locker and
4 transport those to SLED and turn them over for analysis?

5 A: Yes, sir.

6 Q: Okay.

7 MR. WHITE: Judge, I don't believe I have anything
8 further.

9 Please answer any questions the defense may have.

10 THE COURT: All right.

11 CROSS-EXAMINATION

12 BY MR. EDGEWORTH:

13 Q: Did I hear you correctly that you're a mobile mechanic
14 currently?

15 A: Yes, sir.

16 Q: Are you familiar with the terminology ECM?

17 A: Yes. Well, I know what it is, but it's kind of hard for
18 me to explain the exact definition of it.

19 Q: Do you know what it stands for?

20 A: Not right off.

21 Q: Okay. Do you know what it's used for?

22 A: Not right off.

23 Q: Okay.

24 MR. EDGEWORTH: No further questions, Your Honor.

25 THE COURT: All right. Anything further, Mr. White?

CATHERINE LEISY - DIRECT BY MR. WHITE

1 MR. WHITE: No, sir. I just ask that Mr. Lee be released
2 from his subpoena.

3 THE COURT: All right. Any objection?

4 MR. EDGEWORTH: No objection.

5 THE COURT: Thank you, Mr. Lee, for being here. You're
6 free to go.

7 Mr. White?

8 MR. WHITE: Judge, at this time, the State would call
9 Catherine Leisy.

10 THE COURT: Okay.

11 THE CLERK: If you will, please place your left hand on
12 the Bible and raise your right hand. Do you swear or affirm
13 the testimony you give in this case to be the truth, the whole
14 truth, and nothing but the truth, so help you God?

15 THE WITNESS: I do.

16 THE CLERK: Please be seated and state your full name for
17 the record.

18 THE WITNESS: Catherine Leisy, L-e-i-s-y.

19 CATHERINE LEISY, being first
20 duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. WHITE:

23 Q: I always mess it up. Sometimes I say Leisy, sometimes I
24 say Leisy, but if you could tell us where are you employed?

25 A: I work for the South Carolina Law Enforcement Division,

CATHERINE LEISY - DIRECT BY MR. WHITE

1 more commonly referred to as SLED.

2 Q: How long have you been in that -- that role at SLED?

3 A: It's been 18 years. I'm a forensic scientist assigned to
4 the DNA casework unit.

5 Q: How does one become a forensic science -- scientist in
6 the DNA casework unit?

7 A: I have a Bachelors of Science degree in genetic
8 engineering from Cedar Crest College in Allentown,
9 Pennsylvania. Prior to my employment at SLED, I spent
10 approximately four years working at a private DNA testing
11 facility in Maryland, where I did the same types of tests and
12 analyses that I perform here at SLED.

13 Once I joined SLED, I received in-house training by other
14 court-qualified analysts in all the different types of tests
15 and analyses I'm required to perform. I had to perform or --
16 excuse me. I had to pass a competency test before I could go
17 online working cases. I am required to perform annual
18 proficiency tests, which are essentially tests that we know
19 the answer to that we have to perform correctly to show that
20 we are following the protocols and that our protocols work as
21 we expect them to.

22 I also participate in continuing education, which
23 consists of keeping up to date with journal articles and
24 attending conferences and training seminars to stay up to date
25 with all the most current DNA technologies that are relevant

CATHERINE LEISY - DIRECT BY MR. WHITE

1 to us.

2 Q: And the million-dollar question. Have you ever been
3 qualified as an expert in that field in state or federal court
4 before?

5 A: Yes, sir, I have.

6 Q: About how many times?

7 A: All together, I've testified, I'd say, over 150 times,
8 and that's in general sessions courts throughout the state of
9 South Carolina, as well as jurisdictions in California,
10 Massachusetts, New Jersey, Florida, the District of Columbia,
11 Federal Court in Florence, South Carolina, as well as a
12 military court martial at Fort Jackson in Columbia.

13 Q: And specifically, in what field are you most often
14 qualified as an expert?

15 A: Most often in DNA forensic testing, occasionally in
16 serology, which is the identification of bodily fluids for
17 forensics.

18 MR. WHITE: Judge, at this time, I would move Ms. Leisy
19 as an expert in the field of DNA --

20 THE WITNESS: Forensics.

21 MR. WHITE: -- forensics.

22 THE COURT: All right. Is there any objection?

23 MR. EDGEWORTH: No, Your Honor.

24 THE COURT: All right. Ladies and gentlemen, ordinarily,
25 witnesses can't testify to their opinions, but when the

CATHERINE LEISY - DIRECT BY MR. WHITE

1 witness is qualified before the Court as an expert in a
2 certain field, such as DNA forensics, and the Court finds that
3 they're qualified as an expert, then they can give their
4 opinion as to testimony and evidence. All right?

5 MR. WHITE: Thank you, Judge.

6 BY MR. WHITE:

7 Q: Now, were you asked to analyze items of evidence in this
8 particular case?

9 A: Yes, sir, I was.

10 Q: And one of those items of evidence being swabs from a
11 knife; is that right?

12 A: That's correct.

13 Q: And did you then compare those swabs against two
14 comparison standards?

15 A: Correct. So as a forensic DNA analyst, my job is to try
16 to develop a DNA profile from biological material that's been
17 left on an item of evidence or at a crime scene location, and
18 then compare that to the DNA profile of a known individual to
19 determine whether or not that individual is potentially
20 contributing to the profile from the evidence.

21 Q: So you had DNA swabs and two comparison standards. How
22 were those received by you in your lab?

23 A: When I'm ready to perform testing on a case, I will make
24 a list of all of the items that I need to retrieve from our
25 evidence control department. I send them an email.

CATHERINE LEISY - DIRECT BY MR. WHITE

1 Everything that I need is then collected from the secure
2 evidence control location by one of our technicians. It's
3 taken into their custody physically and electronically, as we
4 maintain an electronic chain of custody. It's then
5 transferred to my physical custody, and I transfer it to
6 myself electronically so that we can follow where the evidence
7 goes and who is in possession of that evidence at any given
8 time.

9 Q: And that was done in this case?

10 A: Yes, sir.

11 Q: I'm going to show you State's Exhibit 43, which is listed
12 buccal swabs from Willie Smith, 44, which is listed as swabs
13 from black-handled knife, and 45, which is listed as blood
14 spot of James McNamara. Can you tell me if you've seen those
15 items of evidence before?

16 A: I have. All of these items have been in my physical
17 custody. I recognize the SLED case identification number on
18 the barcode sticker, as well as the item number.

19 So when an item is submitted to SLED, each case is given
20 its own unique identifier, and then each item within that case
21 is given its own identifier, and there is a barcode placed on
22 each container that we scan during our chain of custody
23 transfers. So each location and each individual within the
24 laboratory has their own barcode.

25 So I scan the barcode that is assigned to myself and then

CATHERINE LEISY - DIRECT BY MR. WHITE

1 the barcode on the evidence, and it transfers it into my
2 electronic custody. So each of these items contains my
3 initials, the date that I resealed the packaging, as well as
4 the SLED case number and the specific item number for each
5 item within the container.

6 Q: And that -- those identifying markings, those identifying
7 numbers, do they correlate to a report that summarizes your
8 findings in any particular case and in this case specifically?

9 A: Yes, they do.

10 MR. WHITE: Judge, I'd move -- I think it's 43, 44, and
11 45 into evidence.

12 THE COURT: All right. Any objection?

13 MR. EDGEWORTH: No objection, Your Honor.

14 THE COURT: All right. State's 43, 44, and 45 are into
15 evidence.

16 (WHEREUPON, State's Exhibit Number 43, buccal swabs from
17 defendant, State's Exhibit Number 44, swabs from knife,
18 and State's Exhibit Number 45, blood spot from victim,
19 were admitted into evidence.)

20 BY MR. WHITE:

21 Q: And again, I know I'm going to break this down probably
22 too many times, but you've got in your -- when you get those
23 into your lab, what you've got is a swab from a knife, an
24 item, a swab from a knife, and you've got the buccal swab from
25 the defendant, and you've got the blood spot from the victim,

CATHERINE LEISY - DIRECT BY MR. WHITE

1 and you're comparing those and making your findings; is that
2 right?

3 A: Correct. I'm comparing the profiles that I developed
4 from those items.

5 Q: And you reduce all that to writing and draft a report?

6 A: Correct.

7 Q: I'm going to show you State's Exhibit 49. If you could,
8 tell me if you recognize that that item?

9 A: This appears to be a copy of the supplemental report that
10 I issued in March of this year related to these specific
11 items.

12 Q: Okay.

13 MR. WHITE: Judge, I'd move State's Exhibit 49 into
14 evidence.

15 THE COURT: Any objection?

16 MR. EDGEWORTH: Are you talking about the report?

17 MR. WHITE: Yeah, just the DNA report.

18 MR. EDGEWORTH: Well, I would object on the grounds that
19 the best evidence would be from the testimony of the witness.

20 THE COURT: Well, I -- and she's testified that this is
21 her report; right?

22 MR. WHITE: Yes, sir.

23 THE COURT: So I'm going to allow it in. Okay?

24 (WHEREUPON, State's Exhibit Number 49, DNA report, was
25 admitted into evidence.)

CATHERINE LEISY - DIRECT BY MR. WHITE

1 MR. EDGEWORTH: Thank you, Judge.

2 MR. WHITE: Thank you, Judge.

3 BY MR. WHITE:

4 Q: Now, oftentimes these reports can be very confusing.
5 What we're dealing with in these reports is what's called
6 likelihood ratio. If you could, tell the jury when you're
7 dealing with DNA, what is a likelihood ratio?

8 A: A likelihood ratio is just a mathematical calculation
9 that compares two possible explanations for a given event, and
10 the value that's determined provides support for which one of
11 those two events more likely gives it -- well, which one of
12 those explanations is more likely to explain that event.

13 So in terms of DNA, the event in question is basically
14 the DNA profile that's developed. So in a case where you
15 have, say, a single source DNA profile or DNA from one
16 individual, your two explanations for that may be that the
17 person of interest or the suspect in a case is contributing
18 that DNA profile. Your second possible explanation is that an
19 unidentified, unrelated, or just some other individual is
20 contributing that profile.

21 So we compare those two possible explanations and
22 generate this likelihood value, likelihood ratio value. It
23 will either provide support that that individual is
24 contributing and that we're seeing the DNA profile because
25 they are the contributor or it will provide support that we

CATHERINE LEISY - DIRECT BY MR. WHITE

1 are seeing that DNA profile because someone else is
2 contributing. So it's really just giving us support for which
3 of those explanations is more likely to give us that profile,
4 and the larger the likelihood ratio value that we develop, the
5 stronger the support is.

6 Q: And here we're just dealing with one item of evidence; is
7 that right?

8 A: Correct.

9 Q: And we're dealing with three proposition sets. Now, what
10 is a proposition set?

11 A: When we perform an interpretation and calculation with
12 likelihood ratios, we develop what are called proposition
13 sets. So the first indication that we have to develop as far
14 as what this profile is, is is the profile single source or is
15 the profile consistent with being a mixture of multiple
16 individuals. So that's step one.

17 Once we've determined the number of individuals in the
18 mixture, we have to determine our possible explanations for
19 that mixture. So that first explanation would be that we're
20 seeing this profile because a certain individual contributed
21 the profile, the second explanation being that it's an
22 unidentified, unrelated individual contributing.

23 And we do a proposition set and do that calculation for
24 each known individual that we have a standard for. And then
25 if necessary, we -- necessary, we generate proposition sets

CATHERINE LEISY - DIRECT BY MR. WHITE

1 and do comparisons with multiple individuals together.

2 Q: And contrary to popular belief, now you don't issue a
3 report that says the DNA is definitively some person's DNA; is
4 that right?

5 A: That's correct. We don't make identifications. That's
6 not what this type of testing does. Again, it's just
7 providing a support for whether or not it's more likely we'll
8 see this profile if a specific individual has contributed
9 versus if it's someone else contributing.

10 Q: And that circles back to the likelihood ratio?

11 A: Correct.

12 Q: And you use a scale, and I'm going to show you page 3 of
13 State's Exhibit 49. I think it's already up. Let's see. Can
14 you see that okay?

15 A: Yes, sir.

16 Q: I'll see if I can -- I believe it will zoom in, but --
17 okay. There we go. We're looking here at a likelihood ratio.
18 What do you call that? Scale?

19 A: That's what we refer to as a verbal equivalency scale.

20 Q: Okay. And what is that? Tell us how -- what's the
21 breakdown on that?

22 A: Essentially, instead of just providing a number as we do
23 in the report, when we discuss what the numbers actually mean,
24 we can provide this verbal equivalency. So instead of just,
25 you know, saying the likelihood ratio value is 10,000, I can

CATHERINE LEISY - DIRECT BY MR. WHITE

1 look at this table. If you look at the top portion of the
2 table, it shows that the likelihood ratio value of 10,000 is
3 what we consider to be strong support. That that possible
4 explanation is more likely to explain the event than the other
5 explanation.

6 So a 1 would be uninformative, 2 to 99 we consider weak
7 support, 100 to 9,999, we consider moderate support, 10,000 up
8 to just shy of a million is strong support, and any likelihood
9 ratio value that supports that first possible explanation we
10 give that's 1 million or higher, we consider very strong
11 support, which is the highest verbal equivalency that we'll
12 give.

13 Q: Okay. Now, if you could, just kind of referring back to
14 the verbal wording on those, if you could walk us through your
15 proposition sets, and there are three of them. I'm going to
16 put those back or those up on the monitor. Proposition set 1,
17 what were your findings?

18 A: So the proposition set 1, that was the single comparison
19 that I did using the profile of James McNamara to the profile
20 that was developed from the swabs from the knife. I
21 determined that the DNA profile should be interpreted as a
22 mixture originating from two individuals.

23 I then compared Mr. McNamara and determined that the DNA
24 profile developed is approximately 5.7 septillion times more
25 likely if it is James McNamara and an unidentified, unrelated

CATHERINE LEISY - DIRECT BY MR. WHITE

1 individual contributing to the mixture than if two
2 unidentified, unrelated individuals contributed. And with
3 those possible explanations, we have to include at least one
4 unidentified, unrelated individual, because we do have a total
5 of two people. So essentially our possible explanations are
6 that it's James McNamara and someone else versus two other
7 individuals.

8 Q: So when you're talking about two unidentified
9 individuals, what does that mean?

10 A: It essentially just means any other individuals selected
11 randomly from the population.

12 Q: Okay. And if we could, proposition set 2?

13 A: That was the individual comparison I made between the
14 profile of Willie Smith with the DNA profile that was
15 developed from the item of evidence. Again, the profile was
16 interpreted as a mixture originating from two individuals, and
17 that DNA profile is approximately 440 times more likely if
18 Willie Smith and an unidentified, unrelated individual
19 contributed to the mixture than if two unidentified, unrelated
20 individuals contributed.

21 Q: So proposition set 1 and proposition set 2, you have a
22 mixture of two; right?

23 A: Correct.

24 Q: On the knife. And so you're testing separately James
25 McNamara first, and then you tested separately defendant

CATHERINE LEISY - DIRECT BY MR. WHITE

1 Willie Smith second; is that right?

2 A: That's correct.

3 Q: And then you test a combination of the both on
4 proposition set 3, and if you could, break that down for us?

5 A: So essentially based on our protocols and how we have to
6 perform this type of testing, when we have a value for both
7 individuals that is what we consider potentially inclusionary,
8 meaning it's providing support for that first possible
9 explanation, we then do a comparison using both of the
10 individuals to see if it's possible that they are both
11 contributing to this DNA profile, that that's the best
12 explanation.

13 You can think of it as trying to see if the puzzle pieces
14 fit together. So we're just looking to see if it's possible
15 that both of these people have contributed. So that is done
16 as a separate proposition set.

17 So, again, the profile being interpreted as a mixture of
18 two individuals, now my first possible explanation is that it
19 is both James McNamara and Willie Smith contributing to this
20 mixture. My second possible explanation being that it is two
21 unidentified, unrelated individuals contributing to this
22 mixture, and I determined that the DNA profile from the knife
23 is approximately 460 octillion times more likely if it is a
24 combination of James McNamara and Willie Smith contributing to
25 the mixture than if it is two unidentified, unrelated

CATHERINE LEISY - DIRECT BY MR. WHITE

1 individuals contributing.

2 Q: Okay. And on the verbal wording from your likelihood
3 ratio scale, that's the strongest support that it offers; is
4 that right?

5 A: Correct. So 460 octillion would be in that very strong
6 support category, but I do have to mention when we run
7 individuals together like that and there's a large disparity
8 in their individual likelihood ratios, as we have in this
9 case, being 5.7 septillion for Mr. McNamara and only 440 for
10 Mr. Smith, when we run them together again, that number just
11 tells us whether or not it's possible they are both
12 contributing.

13 It is appropriate to only consider that 440 for Mr. Smith
14 as an individual, because by running them together, the number
15 is being influenced by that strength of support for Mr.
16 McNamara. So the 460 octillion does indicate it's possible
17 they are both contributing, but it's appropriate to consider
18 the likelihood ratio of 440 for Mr. Smith as an individual.

19 Q: Okay. Very good.

20 MR. WHITE: I think that's all the questions I have for
21 you. Thank you so much.

22 THE WITNESS: Yes, sir.

23 MR. WHITE: Please answer any questions the defense may
24 have.

25 THE WITNESS: Yes, sir.

CATHERINE LEISY - CROSS BY MR. EDGEWORTH

1 MR. EDGEWORTH: Thank you, Judge.

2 CROSS-EXAMINATION

3 BY MR. EDGEWORTH:

4 Q: I apologize. Can you remind me how to say your last
5 name?

6 A: Leisy.

7 Q: Leisy?

8 A: Yes, sir.

9 Q: Thank you. All right. So law enforcement sent you
10 things to test; right?

11 A: Correct. We accept items of evidence from law
12 enforcement, be it local, state, even federal, anywhere
13 throughout the state of South Carolina.

14 Q: Okay. And when the case comes in, you don't have control
15 of what evidence it is that you're supposed to be testing;
16 right?

17 A: That's correct. That decision is made by the submitting
18 agency, and we test what's appropriate once it's submitted.

19 Q: Okay. Obviously, you can't test something you don't
20 have?

21 A: Correct.

22 Q: Okay. So when you were provided the samples, you had the
23 blood spot for Mr. McNamara?

24 A: That's correct.

25 Q: Okay. And do you know where that was obtained?

CATHERINE LEISY - CROSS BY MR. EDGEWORTH

1 A: All I know is that it was identified when it was
2 submitted as a blood spot for Mr. McNamara. As far as how or
3 when it was obtained, that's not something that we have
4 control over or documentation of.

5 Q: But you're not personally aware of where -- where it was
6 obtained; correct?

7 A: That's correct.

8 Q: Okay. And likewise with the buccal swab from Mr. Smith,
9 you were just simply provided that by law enforcement?

10 A: That's correct.

11 Q: Okay. And when they -- when these pieces of
12 documentation come in, are you advised at that time as to what
13 law enforcement says it is?

14 A: We are. We request information on every -- be it item of
15 evidence or a known standard from an individual, basic
16 information about what the item is and what it needs to be
17 tested for. And based on that documentation, that's how we
18 report it out.

19 Q: Okay. And the -- the piece of evidence that you tested
20 for the sample came from the knife that you were provided?

21 A: Correct. It was identified as being swabs collected from
22 the blade of a black-handled knife.

23 Q: Okay. And that -- that was the sample that you tested
24 the -- the known samples against; correct?

25 A: That's correct.

CATHERINE LEISY - CROSS BY MR. EDGEWORTH

1 Q: Okay. Now, you have experience in doing these tests on
2 -- for -- for cases such as this; correct?

3 A: Yes, I do.

4 Q: Okay. And -- and you can do tests on things like
5 clothing?

6 A: We can.

7 Q: Okay. Shirts?

8 A: Yes, sir.

9 Q: Socks?

10 A: Yes, sir.

11 Q: Hats?

12 A: Yes, sir.

13 Q: Tangible items such as keys?

14 A: Pretty much any object that you can think of, we can
15 potentially perform DNA analysis on it.

16 Q: And in this case, were you ever provided any clothing
17 from law enforcement that would have come from the scene?

18 A: I was not. The only items of evidence that were
19 submitted under this case number were the swabs from the knife
20 and the two known standards.

21 Q: Okay. If you were provided items collected from the
22 scene, would you have been able to test those in a similar
23 fashion as you tested the -- the samples that were provided?

24 A: We could have. Again, we test anything from clothing or
25 be it bodily fluids or to determine who may have worn it, any

CATHERINE LEISY - CROSS BY MR. EDGEWORTH

1 other physical object that can be swabbed or have potential
2 biological material collected from it.

3 Q: Okay. And by having the known samples, you would be able
4 to take the samples provided and identified as Mr. James
5 McNamara and the buccal swab identified as Mr. Willie Smith
6 and test those against other pieces of tangible evidence;
7 correct?

8 A: That's correct. As long as I was able to develop a
9 suitable profile from those items, a comparison could be made
10 with both individuals.

11 Q: And when you say suitable profile, are you referring to
12 the fact that if you were to receive, say, like, a shirt that
13 had a blood stain on it, you'd be able to collect the sample
14 from that shirt?

15 A: By suitable when we refer to profiles, we mean that we
16 have enough information that we can do a useful comparison,
17 that it's a suitable amount of information, a sufficient
18 amount, but not too many people forced to compare. So it's
19 really about the quality of the profile.

20 So, from items of evidence, we quite often see pretty
21 heavy mixtures of multiple people. So it just depends on
22 whether or not the profile is good enough quality for us to do
23 the comparison. But yes, we can test items of clothing for
24 blood, ownership, touch, pretty much any type of biological
25 material.

CATHERINE LEISY - CROSS BY MR. EDGEWORTH

1 Q: And would you have been able to test, say, if you took a
2 swab against a beverage that had been drank and got some DNA
3 on that swab, you would have been able to test that?

4 A: Potentially. Again, it's the amount of DNA present, the
5 quality of profile developed, but it's possible. Yes, sir.

6 Q: Okay. And -- but so that we fully understand, though, it
7 would have been up to law enforcement to provide you with
8 those samples so that you could, in fact, test them and
9 provide results like you did today; correct?

10 A: That's correct. We can only test what's submitted by the
11 agency that is processing the case.

12 Q: Okay.

13 MR. EDGEWORTH: No further questions, Your Honor.

14 THE COURT: All right. Anything further, Mr. White?

15 MR. WHITE: Well, I guess, just briefly.

16 REDIRECT EXAMINATION

17 BY MR. WHITE:

18 Q: Ms. Leisy, the investigator who is the lead on any given
19 case, especially in a murder case, would be in the best
20 position to decide which items are pertinent --

21 MR. EDGEWORTH: Objection.

22 Q: -- to the --

23 MR. WHITE: Objection to the --

24 THE COURT: What is the objection?

25 MR. EDGEWORTH: Well, first of all, he's asking a

CATHERINE LEISY - REDIRECT BY MR. WHITE

1 question that there's no way this witness would be able to
2 answer.

3 THE COURT: All right. And I agree it seems to call for
4 speculation, but if you want to rephrase your question or if
5 you're getting -- if I haven't heard it all, feel free to --

6 MR. WHITE: No, I have nothing further, Ms. Leisy. Thank
7 you so much.

8 THE WITNESS: Yes, sir.

9 THE COURT: All right. Is there any objection to this
10 witness being released from her subpoena?

11 MR. EDGEWORTH: No, Your Honor.

12 THE COURT: Any from the State?

13 MR. WHITE: No, sir, Judge.

14 THE COURT: All right. Thank you, ma'am, for being here.
15 You're free to go.

16 THE WITNESS: Thank you, sir.

17 THE COURT: All right. Mr. White?

18 MR. WHITE: Thank you, Judge. The State would call
19 Brooklyn Molina.

20 THE COURT: All right.

21 THE CLERK: Please place your left hand on the Bible and
22 raise your right hand. Do you swear or affirm the testimony
23 you give in this case to be the truth, the whole truth, and
24 nothing but the truth, so help you God?

25 THE WITNESS: I do.

BROOKLYN MOLINA - DIRECT BY MR. WHITE

1 THE CLERK: Please be seated and state your full name for
2 the record.

3 THE WITNESS: Brooklyn Molina.

4 BROOKLYN MOLINA, being first
5 duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. WHITE:

8 Q: Ms. Molina, where are you employed?

9 A: I'm employed with the South Carolina Law Enforcement
10 Division, commonly referred to as SLED.

11 Q: And what do you do for SLED?

12 A: I am a forensic toxicologist in the toxicology
13 department.

14 Q: What is forensic toxicology?

15 A: Forensic toxicology is where we analyze biological
16 specimens for the presence or absence of drugs or alcohol or
17 poisons.

18 Q: Okay. And how does one become a forensic toxicologist?

19 A: I have a Bachelor of Science degree from Ohio University
20 and a Master of Science degree in forensic toxicology, and
21 then I underwent in-house training and external training.

22 Q: Have you ever been qualified as an expert before?

23 A: Yes. I have been qualified twice.

24 Q: In the field of forensic toxicology?

25 A: Correct.

BROOKLYN MOLINA - DIRECT BY MR. WHITE

1 MR. WHITE: I would move Ms. Molina as an expert in the
2 field of forensic toxicology, Judge.

3 THE COURT: All right. Any objection?

4 MR. EDGEWORTH: No objection, Your Honor.

5 THE COURT: All right. Ladies and gentlemen, we find
6 that this witness is certified as an expert or found to be an
7 expert in the field of forensic toxicology.

8 BY MR. WHITE:

9 Q: And I'll try to keep it simple. In this case, were you
10 asked to test the blood belonging to James McNamara in your
11 purview as a forensic toxicologist?

12 A: Yes. So the way our laboratory works is we have a level
13 one and a level two sectioning. So when this case came in, it
14 would have gotten level one casework, and that would include
15 our blood volatiles analysis, as well as our preliminary drug
16 screen.

17 In this instance, per our policy, it is a homicide, and
18 the -- the preliminary drug screen was negative. So that
19 would have been written up and the case would have been
20 completed with no further testing.

21 Q: Okay. And do you reduce all of those findings to writing
22 in a report?

23 A: Correct.

24 Q: I'm going to show you State's Exhibit 48. If you could,
25 tell me if you recognize that?

BROOKLYN MOLINA - DIRECT BY MR. WHITE

1 A: Yes, I do. This is the report I issued.

2 Q: And that is your report? Has there been any alterations
3 or deletions at all?

4 A: No, there has not.

5 Q: Okay. Thank you.

6 MR. WHITE: Judge, I'd move State's Exhibit 48 into
7 evidence.

8 THE COURT: All right. Is there any objection?

9 MR. EDGEWORTH: No objection, Your Honor.

10 THE COURT: All right. State's 48 is into evidence.

11 (WHEREUPON, State's Exhibit Number 48, toxicology report,
12 was admitted into evidence.)

13 BY MR. WHITE:

14 Q: And this will be in the -- the jury room so the jury can
15 look at it, but I'll ask you. Testing for alcohol and a whole
16 laundry list of drugs, did the victim in this case, James
17 McNamara, test positive for anything?

18 A: No, he did not.

19 Q: Okay.

20 MR. WHITE: Judge, that's all I have.

21 Thank you, Ms. Molina. Please answer any questions the
22 defense may have.

23 THE WITNESS: Yes.

24 THE COURT: Mr. Edgeworth?

25 MR. EDGEWORTH: All right.

BROOKLYN MOLINA - CROSS BY MR. EDGEWORTH

CROSS-EXAMINATION

1
2 BY MR. EDGEWORTH:

3 Q: Ms. Molina, obviously, the sample that you're provided,
4 you don't draw; correct?

5 A: Correct.

6 Q: Okay. And you get that from whom typically?

7 A: Those can be submitted from coroner's offices, sheriff's
8 offices, and other law enforcement agencies.

9 Q: A variety of sources; correct?

10 A: Correct.

11 Q: Okay. Do you recall where the sample came from in this
12 case?

13 A: I do not recall, but our report is issued to a Mr. Danny
14 Taylor from the Florence County Coroner's Office.

15 Q: Okay. But you don't have any knowledge whether the
16 sample came from the coroner having collected the sample or
17 the pathologist who performed the autopsy created the sample?

18 A: I believe if we looked at a chain of custody, we would be
19 able to see who submitted the sample.

20 Q: But I'm just simply asking you, when you're performing
21 your tests, you don't know?

22 A: No.

23 Q: You didn't know where the sample came from; correct?

24 A: No. That's correct.

25 Q: Okay. And you -- and in fact, you don't really know when

BROOKLYN MOLINA - CROSS BY MR. EDGEWORTH

1 it's collected; right?

2 A: Correct.

3 Q: Okay. So when the sample comes in and you just are asked
4 to do the test, your only goal is to determine whether that
5 particular sample has some type of toxicology report at the
6 time you test it; correct?

7 A: Correct. The presence or absence of drugs, poisons, or
8 alcohol.

9 Q: Okay. And you're familiar with the fact that obviously
10 the body breaks down these intoxicants or other things that
11 you're testing for; correct?

12 A: Correct.

13 Q: And there's different periods of time in which those
14 different substances break down in the body; correct?

15 A: Correct.

16 Q: Okay. And when you do your test result, whether it be
17 alcohol, drugs, marijuana, cocaine, whatever the case may be,
18 you're asserting that your results are -- in this case doesn't
19 demonstrate the presence, at least to the thresholds, of any
20 of these intoxicants at the time you took the test; correct?

21 A: Correct.

22 Q: Okay. And so you would agree with me that this report
23 doesn't really reflect the fact whether we knew that the
24 decedent in this case had intoxicants in his body at the time
25 that he passed away; correct?

BROOKLYN MOLINA - CROSS BY MR. EDGEWORTH

1 A: The blood that we have is the blood that was drawn when
2 this decedent passed. So that would -- that is what would
3 have been acting in the individual still.

4 Q: Are you stating that from personal knowledge because
5 earlier you said you didn't know where the sample came from?

6 A: Oh, no. I'm saying at the time of test -- the time that
7 sample was drawn. I'm sorry. Not at the time of where or
8 when it was collected?

9 Q: Right. When you test the -- when you test the sample,
10 though, and you don't know where it came from and when it came
11 from, you're testing something that you received and you're
12 asserting by way of this document what you found at the time
13 that you tested it?

14 A: Correct.

15 Q: Okay. So again, you have no idea whether or not any of
16 these intoxicants were actually in the decedent's body at the
17 time he passed away; correct?

18 A: That is what my report states is what is found at the
19 samples that we received. I do not have knowledge of time or
20 when collection was. That's correct.

21 Q: Well, I want to make sure the jury understands your
22 answer, though. So let's break it down into two parts.

23 MR. WHITE: Judge, I would object. And I think -- I
24 think it's asked and answered. I think he just doesn't like
25 the answer.

BROOKLYN MOLINA - CROSS BY MR. EDGEWORTH

1 MR. EDGEWORTH: I don't know that she's answered it yet.

2 THE COURT: Overruled.

3 MR. EDGEWORTH: Thank you, Judge.

4 BY MR. EDGEWORTH:

5 Q: Okay. Once again, understanding that you get the sample
6 from someone else?

7 A: Correct.

8 Q: Correct? Okay. And you have no idea in this case where
9 the sample -- when the sample was taken; correct?

10 A: Correct.

11 Q: Okay. When it came to your facility and you tested it
12 and you present -- you produced these results; correct? Okay.
13 This document purports that at the time that you created or
14 did the test that there were no intoxicants at that time;
15 correct?

16 A: That's correct.

17 Q: Okay. But you have no idea whether or not there were
18 intoxicants in the decedent's body at the time he was killed?

19 A: Correct. Correct.

20 Q: Okay.

21 MR. EDGEWORTH: Thank you. No further questions.

22 THE COURT: Mr. White?

23 REDIRECT EXAMINATION

24 BY MR. WHITE:

25 Q: If a person had alcohol or drugs in their system at the

BROOKLYN MOLINA - REDIRECT BY MR. WHITE

1 time of death, would you expect to see it in their blood at
2 the time of autopsy?

3 A: Yes.

4 Q: Okay.

5 MR. WHITE: Nothing further.

6 THE COURT: All right. Anything further?

7 MR. WHITE: Thank you, Ms. Molina.

8 MR. EDGEWORTH: May I rebut or ask something?

9 THE COURT: I'll allow it.

10 MR. EDGEWORTH: Yeah. Thank you, Judge.

11 RECROSS-EXAMINATION

12 BY MR. EDGEWORTH:

13 Q: You were just asked about an expectation; correct?

14 A: Correct.

15 Q: Okay. Would you agree with me that that expectation
16 arises from when the sample is collected? Do you agree that
17 that's important?

18 A: I believe -- I believe that when the individual --

19 Q: Is it important?

20 A: I don't believe so, no. I believe that when the
21 individual passes and the individual has active drugs
22 circulating in their system, that at the time of autopsy when
23 that is collected, that should be shown.

24 Q: Is that your professional expert opinion?

25 A: I mean, I can find literature if I need to. I am more

BROOKLYN MOLINA - RECROSS BY MR. EDGEWORTH

1 than willing, if that's what's needed to do.

2 Q: Okay. So is it your testimony, then, that I can collect
3 blood from a person who has been dead for 15 days --

4 MR. WHITE: Judge, now it is extra evidentiary.

5 THE COURT: Well, let me hear the question.

6 MR. EDGEWORTH: Sure. It wasn't even asked yet.

7 BY MR. EDGEWORTH:

8 Q: So is it your testimony as an expert in forensic
9 toxicology that I am able to take a sample from a person who
10 has been dead for, let's say, five days and produce it to you
11 for a test, and it would give me the same results at the time
12 you do the test as if you took it immediately from the
13 decedent?

14 A: Yes, and I believe that different drugs will break down
15 different times when there is an active metabolism, but as the
16 individual passed, what's there is there.

17 Q: Okay.

18 THE COURT: All right.

19 MR. WHITE: I'm satisfied if you are.

20 THE COURT: Anything further?

21 MR. EDGEWORTH: And I didn't ask whether you're
22 satisfied.

23 Thank you, Your Honor.

24 THE COURT: All right.

25 MR. WHITE: Judge, I would ask that she be released from

LACEY MADISON - DIRECT BY MR. WHITE

1 her subpoena.

2 THE COURT: All right. Is there any objection?

3 MR. EDGEWORTH: No objection.

4 THE COURT: All right. Ms. Molina, thank you for being
5 here. You're free to go.

6 THE WITNESS: Thank you.

7 THE COURT: Mr. White?

8 MR. WHITE: We'd call Lacey Madison, Judge.

9 THE COURT: All right.

10 THE CLERK: Ma'am, if you'll please place your left hand
11 on the Bible and raise your right hand. Do you swear or
12 affirm the testimony you give in this case to be the truth,
13 the whole truth, and nothing but the truth, so help you God?

14 THE WITNESS: Yes, I do.

15 THE CLERK: Please be seated and state your full name for
16 the record.

17 THE WITNESS: My name is Lacey Madison.

18 LACEY MADISON, being first duly
19 sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. WHITE:

22 Q: Hey, Ms. Madison. I'm going to ask you a few questions,
23 starting with where do you work?

24 A: I work at Florence Express Inn.

25 Q: And is that the location where this incident occurred?

LACEY MADISON - DIRECT BY MR. WHITE

1 A: It is.

2 Q: And what is that location? Is that a hotel?

3 A: It is a hotel on TV Road.

4 Q: How long have you been working there?

5 A: About six years. Five, six years this time around.

6 Q: Okay. What do you do for the hotel?

7 A: I am a front desk clerk, also the manager.

8 Q: Okay. Back in 2022 and specifically June 9th, were you

9 working in that same role?

10 A: I was.

11 Q: Okay. And do you know James McNamara or did you know

12 James McNamara?

13 A: I did know him. Not on a personal level, but just from

14 him renting rooms from us here and there.

15 Q: Okay. And did he do that in his capacity as supervisor

16 of the asphalt paving company that would pass through?

17 A: Yes, sir. It was him, as well as Charles Preece.

18 Q: Okay. And they would -- they had stayed there on

19 occasion prior to this incident; is that right?

20 A: That's correct.

21 Q: Did you have times when you would encounter James

22 McNamara?

23 A: I have.

24 Q: And --

25 MR. EDGEWORTH: Your Honor, may we approach?

LACEY MADISON - DIRECT BY MR. WHITE

1 THE COURT: Yes, sir.

2 (WHEREUPON, a bench conference was held as follows.)

3 MR. EDGEWORTH: First and foremost, other than her name
4 being on the witness list, I have no knowledge of any evidence
5 or information procured by this individual. So I think it's
6 somewhat of a discovery violation. Also, it seems like
7 they're going down the road of, like, you know, reputation or
8 character evidence of the victim, which I think would be
9 inappropriate.

10 MR. WHITE: Well, that was put in -- that was put into
11 question when he -- they were claiming that this was all over
12 him using the N-word. So I mean --

13 MR. EDGEWORTH: Y'all -- y'all put that into evidence, I
14 believe.

15 THE COURT: All right.

16 (WHEREUPON, the bench conference ended, and the
17 proceedings resumed as follows.)

18 THE COURT: All right. Ladies and gentlemen, I'm going
19 to ask that you step to your jury room for a short break.
20 We're going to take up a matter of law outside of your
21 presence. Please don't discuss this case. We'll have you
22 right back out when we're ready. Thank you so much.

23 (WHEREUPON, the jury exited the courtroom at 2:16 p.m.)

24 THE COURT: All right. Mr. Edgeworth, do you want to put
25 your objection on the record?

LACEY MADISON - DIRECT BY MR. WHITE

1 MR. EDGEWORTH: Yes, Your Honor. Thank you.

2 First and foremost, the first notice that this potential
3 -- this person being a potential witness came on the -- on
4 Monday when I was provided a copy of the State's potential
5 witnesses. I attempted to figure out who this person was but
6 was unable to.

7 It appears that -- I'm not -- it appears that she has got
8 knowledge of the decedent, knowledge of his potentially going
9 to this particular hotel. I don't know when that information
10 was procured by the State, but I sure as heck wasn't provided
11 any -- anything, whether it be investigative reports or any
12 type of memorandum or anything related to what this witness
13 would be able to potentially testify to and, therefore,
14 potentially rebut. I think that it's -- quite honestly, it's
15 just a discovery violation and that any testimony that she --
16 she may have should be disregarded or not allowed.

17 Furthermore, it appears that maybe the basis of -- of the
18 purpose of her testimony is going to be either some type of
19 knowledge as to the decedent's reputation, which I don't think
20 is relevant as it relates to -- to the State's case. So I
21 would ask the Court to -- to strike this witness on those two
22 bases.

23 THE COURT: All right. Mr. White?

24 MR. WHITE: And, Judge, you know, she's a manager and
25 clerk at this hotel. The hotel is mentioned a million times

LACEY MADISON - DIRECT BY MR. WHITE

1 during the report. And leading up to this trial, we went out
2 there and we spoke to her. Mr. Edgeworth could have done the
3 exact same thing.

4 As far as character evidence, Judge, certainly the
5 defendant has brought the victim's character in it. He did
6 back on June 9th, 2022, the moment he made that 9-1-1 call and
7 said this was over the victim calling him the N-word. He
8 reiterated it several times, including on the confession. So,
9 I mean, this is a character case, and I should be allowed to
10 elicit testimony as to not only his character, but the
11 defendant's character.

12 MR. EDGEWORTH: Briefly, Your Honor, I know this isn't
13 the Court's fault, but it shouldn't be to the detriment of my
14 client, but I'm probably, like, the fourth attorney in the
15 line of these things. I got appointed to this not that long
16 ago. Talking about I'm supposed to have opportunity to seek
17 further investigation, where in part, part of the
18 investigation was done by the Public Defender's Office before
19 it had to be farmed out to myself.

20 So, you know, to say that, oh, just because the name of
21 the hotel is in the report, well, whopty doo. You know,
22 like, that doesn't mean that there's a potential witness.
23 There's nothing in any of these reports that says -- they
24 didn't canvass, obviously, because it's not in there. They
25 didn't speak to anybody at that time. They did not -- there

LACEY MADISON - DIRECT BY MR. WHITE

1 was no identification of, say, like, you know, security or
2 surveillance at that incident location.

3 I mean, this -- this case, as you can tell by the few
4 pieces of paper that's in the file, you know, it's -- it's
5 essentially, as the State has already attested, that, you
6 know, he's, air quotes, confessed, which, you know, so I just
7 -- I just don't think it's appropriate to have to, you know,
8 on the fly and just now learn of whatever potential testimony
9 she may have when, I mean, they're saying they went out there
10 recently. Well, where is the memorandum or information
11 related to that? I didn't get that either.

12 THE COURT: Well, I -- I don't think there's a violation
13 of discovery here. I -- certainly, they don't have to provide
14 you with their witness list prior to the term of court or to
15 the trial being called.

16 I haven't heard anything that this witness can testify to
17 based on what she's testified to so far that would -- that
18 would qualify her. I mean, she says she's met this decedent
19 once or twice. I mean, maybe we should hear what you intend
20 to elicit from this witness, but as far as what she's said so
21 far, I don't understand that she's had some great relationship
22 or some extensive relationship with the decedent to be
23 qualified to give any character evidence other than maybe has
24 he ever caused a problem.

25 Certainly, you know, I don't -- I'm not sure that elicits

LACEY MADISON - PROFFERED DIRECT BY MR. WHITE

1 character evidence anyway, but I'm not sure that she -- that
2 she can go further than that. But certainly, if you're going
3 to elicit some incident of conduct where, you know, good or
4 bad, then we'll hear it now.

5 MR. WHITE: Yes, sir. All right.

6 PROFFERED DIRECT EXAMINATION

7 BY MR. WHITE:

8 Q: During that time when they would stay there, I mean, how
9 many times did you come in contact with James McNamara do you
10 think?

11 A: I'm unsure of the amount of times, but it was -- it was
12 quite a few.

13 Q: Okay. Did he ever cause any trouble there at the hotel?

14 A: No, he did not.

15 Q: When you spoke to him, was he courteous?

16 A: He was.

17 Q: Was he polite?

18 A: He was. Very kind.

19 Q: Okay. Was he a quiet individual?

20 A: He was. Seemed very reserved.

21 Q: Okay. And it's my understanding that you've also come in
22 contact with the defendant in this case; is that right?

23 A: I have.

24 Q: And could you tell us a little bit about that
25 interaction?

LACEY MADISON - PROFFERED DIRECT BY MR. WHITE

1 A: He came up to get more towels and washcloths. Said that
2 he never had any clean by the time he got back to the room
3 because Mr. James had already used them all.

4 Q: And when you say Mr. James, are you referring to Mr.
5 James McNamara?

6 A: Yes.

7 Q: Okay. So he was complaining about the victim using his
8 towels?

9 A: Yes.

10 Q: Okay. Go ahead.

11 A: And then right before he had walked in, I had sprayed
12 some perfume for one of my friends, and he just was really
13 stuck on how good the perfume smelled. He didn't say anything
14 or do anything provocative or out of the way, but it was just
15 more of, like, a really weird gut feeling with him.

16 Q: Okay.

17 MR. WHITE: Judge, that's it.

18 THE COURT: Mr. Edgeworth?

19 MR. EDGEWORTH: Um --

20 THE COURT: I mean, you can certainly question this
21 witness as to any of that, or you can further your objection
22 on the record.

23 MR. EDGEWORTH: Yeah, I wasn't going to inquire any
24 further, Your Honor, but I would -- I would again at a bare
25 minimum object to any commentary relating to my client.

LACEY MADISON - PROFFERED DIRECT BY MR. WHITE

1 Sounds like this one incident is -- is at least trying to make
2 an implication without -- I mean, she added to the testimony
3 about the way it made her feel, and I don't think that that is
4 appropriate assessment as to my client.

5 And again, you know, with the -- what sounds like the
6 limited amount of contact and the State kind of leading in the
7 way of courtesy and politeness and reservedness, I would again
8 object to the testimony, but I will follow whatever
9 instruction the Court may give as to limiting the inquiry to
10 the -- to the witness.

11 THE COURT: All right. Mr. White, anything further?

12 MR. WHITE: No, Judge. Nothing further. I mean, that
13 goes --

14 THE COURT: All right.

15 MR. WHITE: It goes to motive here, and I think all of it
16 should be allowed.

17 THE COURT: Well, I'm going to take a quick moment, but
18 I'll tell you what I -- what I feel like is that, you know,
19 I'll probably lean towards admitting just a few limited
20 questions about her interaction with the decedent. This
21 testimony about the interaction with the defendant is
22 completely irrelevant as far as why we're here, in my opinion,
23 I mean.

24 MR. WHITE: The towel incident is mere hours before she
25 -- he's coming to --

LACEY MADISON - PROFFERED DIRECT BY MR. WHITE

1 THE COURT: Well -- and I wasn't so much -- I'll remain
2 with that under advisement, but what I was speaking of is
3 whatever this -- this information was about some perfume or
4 something, some incident between she and the defendant, I
5 don't think has any bearing on what happened between the
6 decedent and the defendant.

7 MR. WHITE: Yes, sir. And we're fine with that ruling.

8 THE COURT: All right. We're going to take a short
9 break. I'll be back.

10 Ms. Madison, please understand you can step down and use
11 the restroom, whatever you need to do, but you can't talk to
12 anybody during this break. Okay?

13 THE WITNESS: Okay.

14 THE COURT: At least not the prosecution or anybody about
15 your testimony. Okay?

16 THE WITNESS: Okay. Now, I do have my son and my husband
17 sitting out in the car waiting for me, but I'm going to have
18 to let him know to go ahead and go pick up my other kid.

19 THE COURT: That's fine.

20 THE WITNESS: Because it's 2:30.

21 THE COURT: That's fine. We'll give you about 10 or 15
22 minutes before we come back. Okay?

23 THE WITNESS: Okay.

24 THE COURT: You can do that. That's no problem.

25 THE WITNESS: Okay. Thank you.

LACEY MADISON - PROFFERED DIRECT BY MR. WHITE

1 MR. WHITE: Hey, Judge, just so you know for scheduling,
2 I don't know if you're going to go back there and discuss what
3 we got coming up. The next witness is Charles Preece. We do
4 need to discuss his NCIC. I let Mr. Edgeworth see that. I'm
5 not sure what -- what his feelings are on that.

6 THE COURT: Do you need to step down?

7 THE WITNESS: Yeah.

8 THE COURT: Go ahead.

9 THE WITNESS: Thank you.

10 THE COURT: Do y'all want to talk about that now?

11 MR. WHITE: We certainly can.

12 THE COURT: All right.

13 MR. WHITE: Judge, while Mr. Edgeworth is flipping
14 through that, I will note that he -- he also requested the
15 NCIC on the victim, James McNamara. I don't know how any of
16 that would be relevant or would come in, so I would ask to
17 exclude any of his -- his criminal history on James McNamara,
18 and then I would look for some guidance from Mr. Edgeworth on
19 what he intends to use as far as Mr. Preece.

20 THE COURT: All right. Mr. Edgeworth?

21 MR. EDGEWORTH: Yes, Your Honor. I did ask for the
22 documentation. I didn't know that there was anything, quite
23 honestly, anything too relevant as it relates to Mr. McNamara,
24 not to mention the fact that, at least at this point in time,
25 I don't plan to put up any affirmative evidence, and I don't

LACEY MADISON - PROFFERED DIRECT BY MR. WHITE

1 think there's anyone to testify to try to get that evidence in
2 one way or the other, at least right now.

3 And I think the Court would -- I didn't really see
4 anything on there that would give rise to -- most of the older
5 stuff would be -- I think it would be outdated. So I don't
6 really see anything that I --

7 THE COURT: You're talking about Mr. Preece's record?

8 MR. EDGEWORTH: Oh, I'm sorry. I was talking about the
9 decedent at first because in regards to --

10 THE COURT: Okay.

11 MR. EDGEWORTH: -- him.

12 THE COURT: So then the decedent's criminal history is
13 not an issue, is what -- is what I'm being told?

14 MR. EDGEWORTH: Yeah, I mean, I don't -- I -- I've
15 reviewed it. I don't think there's anything that -- that I
16 would use.

17 THE COURT: Okay.

18 MR. EDGEWORTH: As to Mr. Preece, I think there's some
19 relatively recent breaches of trust that I think would -- I
20 think it's within the timeframe, is it not? But again, I --
21 quite honestly, Your Honor, I mean, I don't think that there's
22 anything that I would intend to use, so I didn't bring it up
23 with the solicitor any further after having briefly reviewed
24 it. So --

25 MR. WHITE: Okay.

LACEY MADISON - PROFFERED DIRECT BY MR. WHITE

1 THE COURT: All right. Well, I appreciate that.

2 MR. EDGEWORTH: Yes, sir.

3 MR. WHITE: All right. So I'm just clear, no intention
4 to use criminal history on Charles Preece?

5 MR. EDGEWORTH: Yeah. I mean, I don't think so at the
6 moment, I mean, but I have no intentions at this point, Your
7 Honor.

8 THE COURT: All right. Well, then we'll be at recess
9 until the witness gets back and everybody's ready to go.
10 Okay?

11 MR. EDGEWORTH: Thank you, sir.

12 MR. WHITE: Thank you, Judge.

13 (WHEREUPON, there was a break in the proceedings from
14 2:29 p.m. until 2:42 p.m., after which the proceedings
15 resumed as follows.)

16 THE COURT: All right. Ms. Madison, do you want to
17 resume the stand, please?

18 All right. Mr. White, let me just make sure that what
19 we're talking about is simply evidence that this witness knows
20 or information that this witness knows as it pertains to the
21 victim.

22 And 404(a)(2) provides an exception that evidence of
23 character trait of peacefulness of the victim offered by the
24 prosecution in a homicide case if it rebuts evidence that the
25 victim was the first aggressor. I mean, that's what you're --

LACEY MADISON - PROFFERED DIRECT BY MR. WHITE

1 I mean, I would assume that's why you're asking this line of
2 questioning; is that right?

3 MR. WHITE: Yes, sir, Judge.

4 THE COURT: All right. Well -- and then the line of
5 question -- and I want to make sure this witness says this is
6 what it is, but about the incident with the towel where the
7 defendant made some remark about the victim. That -- was that
8 the same day?

9 THE WITNESS: It was.

10 THE COURT: Okay. All right. And certainly, I think
11 that is admissible in and of itself to prove maybe a motive,
12 but that's what we're going to limit this line of questioning
13 to. Do you understand that?

14 MR. WHITE: Yes, sir, Judge, I do.

15 THE COURT: And there won't be any -- any testimony
16 regarding the exchange that you spoke about between yourself
17 and maybe a friend and the defendant. Do you understand that?

18 THE WITNESS: I'm sorry. What was that?

19 THE COURT: There was a bit about the perfume or whatever
20 it was --

21 THE WITNESS: Yes.

22 THE COURT: -- in that situation. We're not going to
23 talk about that in front of the jury.

24 THE WITNESS: Okay.

25 THE COURT: Okay? Does everybody understand where we are

LACEY MADISON - DIRECT BY MR. WHITE

1 with that?

2 MR. WHITE: Yes, sir, Judge.

3 THE COURT: All right. And you -- you understand, Mr.
4 Edgeworth?

5 MR. EDGEWORTH: Oh, yes, sir.

6 THE COURT: Okay.

7 MR. EDGEWORTH: Sorry.

8 THE COURT: No. You're fine.

9 All right. Are we ready for the jury?

10 MR. WHITE: Yes, sir, Judge.

11 THE COURT: Okay. Thank you.

12 (WHEREUPON, the jury entered the courtroom at 2:46 p.m.)

13 THE COURT: All right. Mr. White?

14 MR. WHITE: Thank you, Judge.

15 RESUMED DIRECT EXAMINATION

16 BY MR. WHITE:

17 Q: Now, I think we established that you encountered Mr.
18 McNamara when he would stay at the hotel for work; is that
19 right?

20 A: That's correct.

21 Q: Do you recall how often you would encounter him?

22 A: I'm not sure of the amount of times, but it was quite
23 often.

24 Q: Okay. And what kind of person did he seem to be?

25 A: Very laid back, reserved, somewhat shy and quiet.

LACEY MADISON - DIRECT BY MR. WHITE

1 Q: Was he always polite?

2 A: He was.

3 Q: Was he ever rude?

4 A: No.

5 Q: Did he ever stir up trouble or have any trouble there at
6 the hotel?

7 A: No.

8 Q: And again, he stayed there on numerous occasions while he
9 was working for the asphalt company; is that right?

10 A: That's correct.

11 Q: Now, do you remember June 9th, 2022? I guess the day
12 before would have been June 8th, 2022, but the body and the
13 incident happened June 9th. Do you recall this incident?

14 A: I do.

15 Q: Were you working there at the hotel on June 8th?

16 A: I was.

17 Q: Do you remember what shift you were working?

18 A: I was working second shift, which is from 4 p.m. to 12
19 a.m.

20 Q: Okay. Did you have occasion to encounter the defendant
21 in this case, Willie Smith?

22 A: I did.

23 Q: Do you recall about what time that was?

24 A: It was before dark, and it had to have -- so I would
25 assume between maybe 4 p.m. and 8 p.m.

LACEY MADISON - DIRECT BY MR. WHITE

1 Q: Okay. Do you recall if it was getting dark or do you
2 remember?

3 A: No, it was still daylight out.

4 Q: Okay. And did you encounter him -- where did you
5 encounter him?

6 A: At the front desk while I was working.

7 Q: Okay. And what was he doing at the front desk?

8 A: He came in through the front doors and asked for extra
9 towels and washcloths.

10 Q: Did he make any comments about those towels and why he
11 was asking for them?

12 A: He said he needed extra ones because he never got a
13 chance to shower before Mr. James. Mr. James always used them
14 all.

15 Q: And when you -- he said he always uses them all?

16 A: Yes.

17 Q: And when you say Mr. James, are you referring to Mr.
18 James MacNamara?

19 A: Yes, I am.

20 Q: Was the defendant, Willie Smith -- was he upset that he
21 was always using his towels?

22 A: He smiled about it, but you could tell he was irritated.

23 Q: Okay. All right.

24 MR. WHITE: Thank you. I have nothing further. Please
25 answer any questions the defense may have.

LACEY MADISON - CROSS BY MR. EDGEWORTH

1 THE WITNESS: Okay.

2 THE COURT: Mr. Edgeworth?

3 MR. EDGEWORTH: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. EDGEWORTH:

6 Q: Ms. Madison, so I'm clear, on June 9th of 2022, do you
7 recall what your shift was on that day or was your shift the
8 same every day?

9 A: It was the same every day, second shift, 4 p.m. to 12
10 a.m.

11 Q: Okay. And when you came in on the 9th, you came in at
12 around 4 p.m.?

13 A: Yes, sir.

14 Q: Okay. Is -- is that when you learned of the incident?

15 A: I had learned of it before my shift because I also stay
16 there.

17 Q: I'm sorry?

18 A: I also stay at the hotel. So I had learned of the
19 incident before I came in that day.

20 Q: Okay. When you say you stay, you lived at the hotel?

21 A: That's correct.

22 Q: Okay. So when you got off shift at 12 p.m. on June the
23 8th, you actually didn't leave the property?

24 A: No, sir.

25 Q: Okay. Now, it sounds to me like the -- the only

LACEY MADISON - CROSS BY MR. EDGEWORTH

1 interaction you've ever had with Mr. Smith is the incident
2 where he just came in and asked for some more towels; correct?
3 A: That is correct.
4 Q: Okay. And so that being said, you were at the hotel on
5 the morning when law enforcement came; correct?
6 A: That is correct.
7 Q: Okay. Did you speak to law enforcement?
8 A: No, I did not.
9 Q: Did law enforcement come and talk to you?
10 A: No.
11 Q: Okay. They never came and got your statement?
12 A: No.
13 Q: Okay. When's the first time in time that you've ever
14 been part of this case?
15 A: Ever been part of what? I'm sorry.
16 Q: When was the first time that this information came out
17 that you were somehow involved in this case?
18 A: When -- I'm sorry, I forgot her name, the really nice
19 lady right there.
20 Q: Someone from the prosecutor's office?
21 A: She came up to ask some questions, and we had spoken, and
22 she came to find out that I had had interaction with him that
23 day and that I also know Mr. James and Mr. Charles Preece.
24 Q: Okay. Was that fairly recently?
25 A: I want to say about two, maybe three weeks ago.

LACEY MADISON - CROSS BY MR. EDGEWORTH

1 Q: Okay.

2 A: Somewhere in that --

3 Q: Okay.

4 A: -- time frame.

5 Q: And before that time, you had not provided a statement to
6 law enforcement about this particular interaction or your
7 knowledge of Mr. McNamara?

8 A: No.

9 Q: Okay. And it's your testimony that Mr. McNamara had
10 stayed there on numerous occasions?

11 A: Yes, he has.

12 Q: Or several occasions?

13 A: Yes.

14 Q: Okay. And did he always stay, like, in the same room?

15 A: No. Different rooms.

16 Q: Okay. Did he have -- to your knowledge, did he have
17 other roommates during that period of time?

18 A: Not that I can recall. I don't remember.

19 Q: Okay.

20 MR. EDGEWORTH: All right. No further questions.

21 THE COURT: All right. Mr. White?

22 MR. WHITE: And I would ask that Ms. Madison be released
23 from her subpoena, Judge.

24 THE COURT: All right. Any objection?

25 MR. EDGEWORTH: No objection, Your Honor.

CHARLES PREECE - DIRECT BY MR. WHITE

1 THE COURT: All right. Thank you so much for being here.

2 THE WITNESS: Thank you.

3 THE COURT: You're free to go.

4 THE WITNESS: Thank you.

5 THE COURT: Mr. White?

6 MR. WHITE: Judge, at the time, the State would call
7 Charles Preece.

8 THE COURT: All right.

9 THE CLERK: Sir, if you will, please place your left hand
10 on the Bible and raise your right hand. Do you swear or
11 affirm the testimony you give in this case to be the truth,
12 the whole truth, and nothing but the truth, so help you God?

13 THE WITNESS: I do.

14 THE CLERK: Please be seated and state your full name for
15 the record.

16 THE WITNESS: Charles Preece.

17 CHARLES PREECE, being first duly
18 sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. WHITE:

21 Q: Mr. Preece, I'm going to ask you a few questions. Okay?
22 Starting with what do you do for a living?

23 A: I'm in the asphalt paving business.

24 Q: And do you own your own business?

25 A: Yes, sir.

CHARLES PREECE - DIRECT BY MR. WHITE

1 Q: And how long have you been in that business? How long
2 have you owned that company?

3 A: I don't know. Probably -- I don't know, 35, 40 years.

4 Q: Okay. And where is it based out of? Where are you --
5 where are you from? Where are you -- where do you base that
6 company out of.

7 A: Florence.

8 Q: Okay. And I imagine you have to have a crew that works
9 with you; is that right?

10 A: Yes, sir.

11 Q: Do you know or did you know the victim in this case,
12 James McNamara?

13 A: I did.

14 Q: Did he work for you?

15 A: Yes, he did.

16 Q: Do you recall about how long he worked for you?

17 A: About six years.

18 Q: Okay. What did he do for you?

19 A: He took the crew, put jobs in for me.

20 Q: All right.

21 A: He was a foreman.

22 Q: Say it one more time?

23 A: He was -- he was, like, a lead man, the foreman.

24 Q: Okay. So he was actually the supervisor --

25 A: Right.

CHARLES PREECE - DIRECT BY MR. WHITE

1 Q: -- of the crews?

2 A: Right.

3 Q: How long was he in that position?

4 A: Well, he -- since he started, five or six years.

5 Q: Now, was he a good worker?

6 A: Yes, he was.

7 Q: Is that why you made him supervisor?

8 A: Yes.

9 Q: And would you put him up in -- and y'all travel a good

10 bit; is that right?

11 A: That's correct.

12 Q: You have jobs in Conway, Walterboro, all over?

13 A: Myrtle Beach, everywhere.

14 Q: Would you have to put your crew, including Mr. McNamara,

15 up in hotels from time to time?

16 A: That's right.

17 Q: Well, was he a good worker?

18 A: Yes.

19 Q: Now, what kind of guy was James McNamara?

20 A: He was honest, dependable. He was just a good guy.

21 Q: Okay.

22 A: Easy going. I'm the one that -- I'm the one that would

23 raise my voice, and he would -- he would calm me down and say

24 he would take care of it because he didn't like me yelling on

25 the job.

CHARLES PREECE - DIRECT BY MR. WHITE

1 Q: Okay. So he was -- he was kind of a calming influence?

2 A: Yeah.

3 Q: Is that right?

4 A: Yeah. He calmed everything down.

5 Q: Okay. He kept you under control; is that right?

6 A: Yeah, that's right.

7 Q: I hear that. He worked for you for about six years. At
8 some point, did you come to employ the defendant in this case,
9 Willie Smith?

10 A: I did.

11 Q: How long did he work for you?

12 A: I don't know, a month, six weeks.

13 Q: Okay.

14 A: Somewhere in that period.

15 Q: So not long?

16 A: Not long.

17 Q: Was he one of the individuals that you'd have to put up
18 at hotels and that sort of thing?

19 A: That's correct.

20 Q: And you had -- prior to this, you had jobs down in Horry
21 County, Walterboro?

22 A: All the time.

23 Q: Did you have issues with Mr. Smith in either of those
24 locations?

25 A: In Walterboro, he walked off the job and I thought he had

CHARLES PREECE - DIRECT BY MR. WHITE

1 quit, but he came back and we put him back to work. Came back
2 that evening or the next morning.

3 Q: Now, because of that, did you consider firing Mr. Smith?

4 A: I did.

5 Q: Did you have a conversation about firing Mr. Smith with
6 James McNamara?

7 A: I did.

8 Q: What did James McNamara tell you?

9 A: He told --

10 MR. EDGEWORTH: Objection.

11 A: He told --

12 THE COURT: Hang on one second, Mr. Preece.

13 MR. EDGEWORTH: Objection.

14 THE COURT: All right. If y'all come forward just a
15 moment?

16 (WHEREUPON, a bench conference was held as follows.)

17 THE COURT: What is your objection?

18 MR. EDGEWORTH: Well, first of all, hearsay. Second of
19 all, there's a confrontation issue. I mean, he's talking
20 about a statement from a decedent.

21 MR. WHITE: I could shore it up.

22 THE COURT: How are you going to do that?

23 MR. WHITE: I'll rephrase, you know.

24 THE COURT: It's definitely hearsay.

25 MR. WHITE: Let me see if I can work around it.

CHARLES PREECE - DIRECT BY MR. WHITE

1 THE COURT: All right.

2 MR. WHITE: Okay.

3 (WHEREUPON, the bench conference ended, and the

4 proceedings resumed as follows.)

5 BY MR. WHITE:

6 Q: All right. We can't -- we can't say what he told you,
7 but you did have a conversation -- a lengthy conversation with
8 James McNamara about firing Willie Smith; is that right?

9 A: That's correct.

10 Q: And without telling you what he said, based on that
11 conversation, did you fire Mr. Smith or did you keep him on?

12 A: I kept him on.

13 Q: Okay. Now, you've described Mr. McNamara as a calming
14 presence. I'm going to just ask you plain. Did you ever hear
15 James McNamara drop the N-word?

16 A: No, never.

17 Q: Okay. Did you ever hear him call Willie Smith the N-
18 word?

19 A: Never.

20 Q: All right. In a video/audio recorded statement, Mr.
21 Willie Smith said he came to you because Mr. McNamara was
22 constantly calling Willie Smith the N-word. Did you ever have
23 that conversation with Willie Smith?

24 A: Never.

25 Q: Okay. Would it surprise you if he did, in fact, call Mr.

CHARLES PREECE - DIRECT BY MR. WHITE

1 Smith the N-word?

2 A: That wasn't James. He wouldn't do that. He would never
3 use a word like that. He would never -- it's a disgrace.
4 Anyway, he was just an easygoing guy who got along with
5 everybody.

6 Q: And I think you described -- we've -- we've spoken
7 previously; is that right?

8 A: That's correct.

9 Q: And correct me if I'm wrong. I think you described him
10 as kind of like a hippie, a free bird; is that right?

11 A: That's correct, yeah.

12 Q: Mr. McNamara is obviously no longer with you.

13 A: Right.

14 Q: Was he a guy that's kind of irreplaceable on the job
15 site?

16 A: He was, and he was a great friend, too.

17 Q: Okay.

18 MR. WHITE: I beg the Court's indulgence one moment.

19 That's all I have for you, Mr. Preece. I appreciate it
20 so much.

21 THE WITNESS: Thank you.

22 CROSS-EXAMINATION

23 BY MR. EDGEWORTH:

24 Q: All right, Mr. Preece. Let's jump right in. You just
25 stated that he was a great friend?

CHARLES PREECE - CROSS BY MR. EDGEWORTH

1 A: Yes, sir.

2 Q: Okay. He worked for you for six years?

3 A: Yes, sir.

4 Q: Okay. Did you know him before that time?

5 A: I met him at Myrtle Beach a few times before he started

6 working for me.

7 Q: Okay. When you say you met him a couple of times before

8 that --

9 A: Well, I --

10 Q: -- in what setting did you meet him?

11 A: He was -- he was working with another paving company, and

12 we used to do work together and that's how I met James.

13 Q: So you brought him on to your crew?

14 A: Right.

15 Q: Okay. Did you guys socialize outside of work?

16 A: We have.

17 Q: Okay. Did you go out to the bar together?

18 A: We've had a couple of beers together, yeah.

19 Q: Okay. Talk about life?

20 A: Yeah.

21 Q: Okay. On the -- on the night of June 9th or, I guess,

22 the morning of, you weren't staying at the hotel, were you?

23 A: No.

24 Q: Okay. Is that pretty typical that you're not around the

25 crew when they're all doing the jobs in other towns?

CHARLES PREECE - CROSS BY MR. EDGEWORTH

- 1 A: Well, I live in Florence. We were doing Oakdale Country
2 Club. They made a church out of the place there and we were
3 doing that job, and -- and I got him a motel room there, but I
4 stayed at home, you know. But if we were out of town, like
5 Walterboro or Conway or something, I would have me a separate
6 room, but James and -- and Mr. Smith in the room together.
- 7 A: Okay. Understood. And that was going to be my next
8 question. So you had your own room if you guys were out of
9 town and you needed to stay with them; correct?
- 10 A: That's correct.
- 11 Q: Okay. So you wouldn't have been with -- with Mr. -- Mr.
12 Smith and Mr. McNamara in their rooms at times that they
13 roomed together?
- 14 A: No.
- 15 Q: Okay. And you -- is it your testimony that you have
16 knowledge that they had -- you had put them in the same room
17 together in the past before the date of this incident?
- 18 A: No. They hadn't spent any time in a room together before
19 this incident.
- 20 Q: Okay.
- 21 A: Well, yes, they had. We did a job in Conway. They spent
22 -- they had a room together in Conway. I'm sorry.
- 23 Q: How many employees were you employing at that time, if
24 you recall?
- 25 A: There was about four of us.

CHARLES PREECE - CROSS BY MR. EDGEWORTH

1 Q: Okay. Well, at the time of this particular instance, was
2 Mr. McNamara and Mr. Smith the only two people that were
3 staying in the hotel?

4 A: They were.

5 Q: Okay. Did you have anybody else on the crew other than
6 them two at the time?

7 A: Yes, I did.

8 Q: Okay. Do you recall where those individuals were
9 staying?

10 A: They were -- they were from Florence. They were staying
11 at home.

12 Q: Okay. And did -- did -- did -- excuse me. Did they work
13 on the job with Mr. Smith and Mr. McNamara while y'all were
14 here in Florence?

15 A: I can't recall. I know after this -- after this
16 happened, all the guys were on the job, but I can't recall how
17 many of us was on that job out there.

18 Q: Okay.

19 A: I know there was -- there was me. There was probably
20 three other guys besides myself. I can't remember who the
21 other guy would have been.

22 Q: Okay. At the time of the incident in June of 2022, did
23 law enforcement reach out to you at that time to discuss Mr.
24 McNamara and Mr. Smith?

25 A: I did talk to law enforcement. I was there that morning.

CHARLES PREECE - CROSS BY MR. EDGEWORTH

1 Q: Okay.

2 A: I got a call to come there.

3 Q: Did you speak to them on the scene?

4 A: I did.

5 Q: Okay. Do you recall who you spoke to?

6 A: I spoke to the coroner.

7 Q: Okay. You spoke to the coroner? Was that the only

8 individual you spoke to?

9 A: No. I talked to -- I talked to the investigator. I

10 can't remember his name.

11 Q: Understood.

12 A: I tried to find out what happened, you know.

13 Q: Absolutely. Okay. Now, did -- outside of work, were

14 there -- did you and Mr. McNamara -- other than socially, did

15 you all do anything else together?

16 A: Not really.

17 Q: Okay.

18 A: No.

19 Q: Was there any -- was there ever any time that say, like,

20 you put him up at your house because he needed a place to

21 live?

22 A: Yeah. I let -- I had a room in -- I had a condo in Conway

23 that James stayed in sometimes.

24 Q: Okay.

25 A: Yeah.

CHARLES PREECE - CROSS BY MR. EDGEWORTH

1 Q: All right.

2 MR. EDGEWORTH: All right. No further questions, Your
3 Honor.

4 THE COURT: All right. Mr. White, anything further?

5 MR WHITE: No, sir.

6 Thank you, Mr. Preece.

7 I'd ask that he be released from his subpoena, Judge.

8 THE COURT: All right. Any objection?

9 MR. EDGEWORTH: No, Your Honor.

10 THE COURT: All right. Thank you, sir. Mr. Preece,
11 you're --

12 THE WITNESS: Thank you.

13 THE COURT: -- free to go or stay, whatever you'd like to
14 do. Okay?

15 THE WITNESS: Thank you.

16 THE COURT: Thank you.

17 MR. WHITE: May we approach for just a moment, Judge?

18 THE COURT: Yes, sir.

19 (WHEREUPON, a bench conference was held as follows.)

20 MR. WHITE: I know not ideal to stop, but if we could.

21 THE COURT: What you got left?

22 MR. WHITE: I got three left. The coroner. The
23 pathologist couldn't be here until the morning. Him, Danny
24 Taylor, and Ben Price. We'll still be done by noon.

25 THE COURT: Well, why can't we do Price?

1 MR. WHITE: Because I want to end with Price and the
2 confession.

3 THE COURT: What's your position?

4 MR. EDGEWORTH: I mean, I don't -- whatever the Court
5 wants. I don't have an objection to the scheduling.

6 THE COURT: So you're okay?

7 MR. WHITE: I mean, we put up ten today at a pretty good
8 clip.

9 THE COURT: I understand. Okay. Do y'all have any idea
10 when you think maybe -- I mean, based on that, when we'll
11 argue and charge?

12 MR. WHITE: If Josh doesn't have anything tomorrow
13 afternoon, we can argue and charge right after lunch.

14 MR. EDGEWORTH: Well, I mean, that's -- that's likely
15 going to be the case.

16 MR. WHITE: Or have everyone wait until Thursday morning.
17 Whatever you want to do.

18 THE COURT: All right.

19 (WHEREUPON, the bench conference ended, and the
20 proceedings resumed as follows.)

21 THE COURT: All right. Ladies and gentlemen, due to some
22 scheduling of one or two other witnesses, we're going to break
23 for the remainder of the day. We're going to come back and
24 finish this trial tomorrow at 9:30.

25 Please remember not to do any kind of independent

1 research talking to anybody about the facts of this case, but
2 due to the scheduling and the situation, I don't want you to
3 have to sit here and wait and see what might happen the rest
4 of the day.

5 So we're going to take off for the rest of this day.
6 We're going to be back at 9:30 in the morning, and we trust
7 that you have a good evening. And thank you so much for your
8 time, your patience, and your attention. Okay?

9 (WHEREUPON, the jury exited the courtroom at 3:06 p.m.)

10 THE COURT: All right. Is there anything before we
11 retire for the day from either side?

12 MR. WHITE: No, sir, Judge.

13 MR. EDGEWORTH: No, Your Honor.

14 THE COURT: All right. Thank you, all.

15 MR. WHITE: Thank you, Judge.

16 (WHEREUPON, the proceedings adjourned for the day at 3:07
17 p.m.)

18 MAY 15, 2024

19 (WHEREUPON, the proceedings resumed at 9:49 a.m.)

20 THE COURT: All right. Are we ready?

21 MR. WHITE: Yes, sir, Judge.

22 THE COURT: All right. So before we came on the record
23 this morning, we had a meeting in chambers about some
24 pictures.

25 Mr. White, do you want to place that on the record and

1 give Mr. Edgeworth a chance to respond?

2 MR. WHITE: Yes, sir, Judge.

3 This morning, in speaking to Deputy Coroner Danny Taylor,
4 he wanted to draw my attention to a series of photographs,
5 photographs 168 to 172. I told him I didn't have those
6 photographs. I had a series of photographs from the Coroner's
7 Office, but it did not reach that number.

8 So I asked him to print those that he was referring to
9 and bring them over to me. I shared them with Your Honor and
10 Mr. Edgeworth. The photographs depict a stab mark in the
11 mattress that includes a tuft of hair that is consistent with
12 the victim's hair found on the body.

13 Judge, in discussing that with Your Honor and Mr.
14 Edgeworth, I believe the photographs would not be admissible
15 here, and I wouldn't be looking to include those in the record
16 and move those into evidence. However, I would ask that
17 Deputy Coroner Taylor be able to testify that he observed that
18 mark and that hair in the mattress when he removed the body
19 from the scene.

20 THE COURT: All right. Mr. Edgeworth?

21 MR. EDGEWORTH: Thank you, Your Honor. May it please the
22 Court.

23 On behalf of the defendant, Your Honor, I ask that -- I
24 ask that the Court strike that testimony, and the basis of
25 which, of course, is that I think that, number one, that none

1 of that information was present in the coroner's report, which
2 would have at least pointed me to the possibility that that
3 was information that -- that it was relevant evidence. Number
4 two, because of the lateness of the picture and bringing forth
5 the idea that -- that this is evidence that the State intends
6 to use, obviously I wouldn't have had notice of any -- any
7 additional information to utilize during the course of my
8 previous cross-examinations.

9 And thus my contention is, is that it limited my ability
10 to provide a complete defense for my client. And in addition
11 to that, I think that the testimony, the -- the potential
12 testimony from the assistant coroner, the -- the probative
13 value is completely outweighed by the prejudicial effect in a
14 two-fold manner.

15 One is, again, the notice factor and the ability to
16 contradict that information, but also the fact that the
17 State's contention as to malice until -- until this
18 information came to light. I think that because there has
19 always been malice, the additional evidence that they seek to
20 introduce has less probative value than it -- than it normally
21 would otherwise. And thus, the prejudicial effect outweighs
22 that, given the fact that this limited -- it would have
23 limited our defense and -- and the -- the nature of the
24 evidence.

25 So I would ask the Court to exclude -- not only I think

1 the State's not seeking to introduce the photos, but exclude
2 the testimony related to the -- what appears to be a stab
3 entry into the bedding and the tuft of the hair.

4 THE COURT: All right. Anything further from the State?

5 MR. WHITE: Judge, well, of course, it is prejudicial,
6 but it's highly probative. And, you know, I don't know that
7 we'd be in any -- let's say the coroner didn't take any
8 photographs and got up on that stand and I said, you know,
9 what did you observe after you moved the body, and he
10 testified to what he observed. We'd be in the exact same
11 position.

12 So I don't -- I don't think there's any overwhelming
13 prejudice here, and I don't think this changes the direction
14 of the defense in this case either. But I would ask that you
15 allow that testimony for him to talk about what he observed.

16 THE COURT: All right. And I certainly understand Mr.
17 Edgeworth's argument. I certainly, as indicated in chambers,
18 will not allow the -- the photographs on the basis of, you
19 know, they just not being available until the third day of
20 trial here.

21 And I -- and I don't find there's any fault on behalf of
22 the Solicitor's Office. I think that this -- that they just
23 received that information, although they should have had it
24 before then. That's neither here nor there.

25 Certainly, I understand your 403 argument. I think that

1 it is extremely probative in this matter as to the positioning
2 of the defendant and the decedent in this case, you know, and
3 what the jury might draw from that testimony. I don't know of
4 any rule that prevents the testimony itself, but I certainly
5 want the witness to understand the Court's ruling and the --
6 the photographic evidence and basically its non-existence
7 before the testimony. Okay?

8 MR. WHITE: Yes, sir, Judge.

9 THE COURT: All right.

10 MR. EDGEWORTH: And, your Honor, in a related note, while
11 I'm thinking about it, so we don't waste the jury's time. So
12 if the State intends to likewise introduce the coroner's
13 report --

14 MR. WHITE: I don't.

15 MR. EDGEWORTH: You do not?

16 MR. WHITE: I do not.

17 MR. EDGEWORTH: Okay. Well, assuming that I might intend
18 to introduce it, Your Honor, I would ask that -- there is some
19 hearsay contained within that I think should be redacted.

20 THE COURT: Okay.

21 MR. EDGEWORTH: Most importantly, Your Honor, is the
22 statement of -- hold on. Let me find it for Your Honor. I
23 believe it's on the last page, page 5 of 5, where it says in a
24 conversation with Dr. Batalis, who is the pathologist, it
25 would not have been -- death would not have been immediate.

1 However, he could put no time on it, speaking on behalf of Mr.
2 Batalis. I mean, I don't think that --

3 THE COURT: Well, if -- if the pathologist is not going
4 to come here to testify, then that evidence and that testimony
5 is completely not going to be allowed.

6 MR. WHITE: Well, the pathologist is here and ready to
7 testify.

8 THE COURT: All right.

9 MR. WHITE: But, Judge, I'm not intending --

10 THE COURT: Well, we're not going to hear that testimony
11 from the coroner.

12 MR. WHITE: Yes, sir. Right.

13 THE COURT: Okay.

14 MR. WHITE: Absolutely not. And, Judge, I -- I would
15 object to that document coming in. Not only there's hearsay
16 there, but there's a statement that he took from the defendant
17 without Miranda. I don't think that that should be coming in.

18 There's reference to drug paraphernalia, but there was
19 nothing tested. I think that's raw speculation. I think
20 there's issues in that report, and I would object to that
21 report coming in.

22 THE COURT: Well, certainly I haven't examined the
23 report. I don't know that it's being introduced into
24 evidence. That's certainly up to Mr. Edgeworth if he intends
25 to try to do that. Certainly, he's allowed to cross-examine

1 the defendant -- or not the defendant, but the -- the maker of
2 that report based on what -- what it contains, as long as it
3 doesn't run afoul of any other rules of evidence.

4 MR. WHITE: Yes, sir, Judge.

5 THE COURT: Is that --

6 MR. EDGEWORTH: Thank you, Your Honor.

7 THE COURT: All right. Anything further?

8 MR. WHITE: No, sir, Judge.

9 THE COURT: All right. Can we have the jury?

10 (WHEREUPON, the jury entered the courtroom at 9:58 a.m.)

11 THE COURT: All right. Good morning, ladies and
12 gentlemen. Thank you for being back here on time, and I
13 apologize for the brief delay this morning, but we're ready to
14 resume the trial.

15 Mr. White, you can call your next witness.

16 MR. WHITE: Thank you, Judge. The State calls Danny
17 Taylor.

18 THE CLERK: Sir, would you please place your left hand on
19 the Bible and raise your right hand? Do you swear or affirm
20 the testimony you give in this case to be the truth, the whole
21 truth, and nothing but the truth, so help you God?

22 THE WITNESS: I do.

23 THE CLERK: Please be seated and state your full name for
24 the record.

25 THE WITNESS: Danny Dean Taylor.

DANNY TAYLOR - DIRECT BY MR. WHITE

1 DANNY TAYLOR, being first duly
2 sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. WHITE:

5 Q: All right. Mr. Taylor, where are you employed? What do
6 you do for a living?

7 A: I am deputy coroner for the Florence County Coroner's
8 Office.

9 Q: And what does a deputy coroner do?

10 A: We are charged with determining the cause and manner of
11 death. So, basically, we investigate a death to determine the
12 cause and the manner of it.

13 Q: Do you get called out to crime scenes?

14 A: Affirmative. Yes.

15 Q: And on June 9th, 2022, did you get called out to this
16 crime scene?

17 A: I did, yes.

18 Q: When you arrive on scene, what are your duties? What are
19 you trying to accomplish?

20 A: Typically, when I first arrive, I'll speak with the
21 officers, kind of get some preliminary information about --
22 about the scene or about what happened. Then I typically will
23 walk through the scene to examine it. And then, once I've
24 done that, then I usually take some photographs and things of
25 that nature of the scene.

DANNY TAYLOR - DIRECT BY MR. WHITE

1 Q: And on this particular scene, was Eric Barnes there as
2 well?

3 A: I believe he arrived sometime after I did.

4 Q: And you mentioned you photographed the scene. Is that --
5 do those photographs tend to be duplicative of what Eric
6 Barnes also photographs?

7 A: Pretty much, yes.

8 Q: Okay. Now, when you arrived and walked into this scene,
9 we're talking about a hotel room; is that right?

10 A: That's correct.

11 Q: There's two beds. You arrive at a lot of scenes; is that
12 correct?

13 A: That is correct, yes.

14 Q: You deal with a lot of blood?

15 A: Yes.

16 Q: Describe to us the blood in this particular scene where
17 it was located about the room?

18 A: As you enter the room, it's a typical two-bedroom motel
19 room where it has two beds, a credenza, a dresser, a wall-
20 mounted television, and the bathroom at the rear. The very
21 first bed, which is the one closest to the door, which is
22 where the deceased was, he was kind of somewhat diagonal on
23 the bed with his head in the upper left-hand corner, and there
24 was a large pool of blood that was about his head. There was
25 also some spatter that was on -- on the wall above him, behind

DANNY TAYLOR - DIRECT BY MR. WHITE

1 him, and also on the adjacent bed at the -- at the front of
2 it.

3 Q: And was there blood on the ceiling? We saw some of that
4 in Eric Barnes's photographs as well.

5 A: There was, yes.

6 Q: Now, the majority of the blood, was that on -- on, above,
7 and kind of around the victim's bed?

8 A: All of it was for the most part. There were some -- some
9 -- some droplets that were on -- on the adjacent bed, some on
10 the nightstand in between the two beds, and then there was
11 some as far as the curtains and the air conditioning unit on
12 -- near the doorway.

13 Q: Now, on that victim's bed -- now, you -- you observe the
14 scene, you document the scene, and then do you remove the
15 body?

16 A: At some point, yes.

17 Q: Okay. And was that done here, I imagine?

18 A: Yes, it was.

19 Q: Now, once you remove the body, do you go back and inspect
20 the scene, you know, for underneath the body?

21 A: Yes, absolutely.

22 Q: Did you observe anything underneath the body on the
23 mattress where the victim was lying?

24 A: There was a -- a stab-type puncture in the -- in the
25 mattress itself, which was under the head area of where the

DANNY TAYLOR - DIRECT BY MR. WHITE

1 deceased was found. Within that stab wound in the mattress,
2 there was also some hair that was the same texture and
3 coloring in that which matched that of the deceased.

4 Q: And where was that located on the bed in relation to the
5 body?

6 A: If you're standing at the foot, it would have been in the
7 upper left corner, which would have been, like I said, up
8 under -- up under the head of the -- of the decedent.

9 Q: Now, once you removed the body from the scene, what, if
10 anything, do you do?

11 A: We usually contact MUSC, who is contracted with us to
12 perform our autopsies. We make arrangements with them to
13 perform the autopsy.

14 Q: Okay.

15 MR. WHITE: I beg the Court's indulgence for just one
16 moment.

17 Deputy Coroner, that's all I have for you. Please answer
18 any questions the defense may have.

19 THE WITNESS: Okay.

20 CROSS-EXAMINATION

21 BY MR. EDGEWORTH:

22 Q: Mr. Taylor, when you arrived on the scene, did you -- or
23 were you introduced to Mr. Smith?

24 A: Not initially, no.

25 Q: But he was there when you got there?

DANNY TAYLOR - CROSS BY MR. EDGEWORTH

- 1 A: Affirmative. Yes, he was.
- 2 Q: And -- and when you were -- when you were making your
3 observations in the hotel room, you saw -- did you see the
4 knife on the -- on the table? It was still there; right?
- 5 A: It was. It was on top of the credenza, I believe is what
6 they maybe called it. Maybe -- maybe referred to it as
7 something else.
- 8 Q: But if it wasn't thrown away?
- 9 A: No.
- 10 Q: Plain sight?
- 11 A: Yes.
- 12 Q: Okay. And when you -- when you came into the room and
13 observed that, the decedent's body was on the first bed;
14 correct?
- 15 A: That is correct.
- 16 Q: Okay. And his head was facing the -- the exit wall;
17 correct? So if I'm walking in, here's the bed. His head is
18 towards the wall; correct?
- 19 A: It would have been more toward the head of the bed, yes.
20 That's correct.
- 21 Q: Okay. And with his feet facing towards the other bed?
- 22 A: Yes.
- 23 Q: Okay. Now, you -- obviously, you didn't disturb the body
24 in any way when you went in there; right?
- 25 A: Not initially, no.

DANNY TAYLOR - CROSS BY MR. EDGEWORTH

1 Q: Okay. You observed him first?

2 A: That's correct.

3 Q: Okay. And when you're doing that, are you taking notes
4 about what you're observing?

5 A: I am, yes.

6 Q: Okay. And -- and the notes that you generate aren't just
7 as it relates to the -- the decedent's body, it's also as to
8 the room itself; correct?

9 A: That is correct. It's my observations, yes.

10 Q: Right. And one of the observations you made was that
11 there was a bag next to the first bed that contained what you
12 thought was drug paraphernalia; correct?

13 A: It was on the foot end of the first bed. That's correct.

14 Q: And you -- I think you also observed that there was some
15 alcoholic beverages in the room as well?

16 A: I did.

17 Q: And the -- the blood spatter that you observed -- I think
18 you testified to this already, but I just want to make sure
19 the jury is aware -- was essentially above the decedent's bed,
20 most of it?

21 A: That's correct.

22 Q: Okay. Now, is it your duty at all to collect any of the
23 evidence related to what you observe?

24 A: Typically, not.

25 Q: Okay. But you -- but it is one of your duties, though,

DANNY TAYLOR - CROSS BY MR. EDGEWORTH

1 to inform law enforcement and investigators on the scene what
2 you observe; correct?

3 A: Yes.

4 Q: Okay. And did you do that in this case?

5 A: Yes.

6 Q: Okay. And so you informed them about the bag with the
7 drug paraphernalia?

8 A: I don't think I spoke with the investigator, but I did
9 draw it to the attention of the forensic investigator, Mr.
10 Barnes.

11 Q: Okay. You passed along the information as you observed
12 it; correct?

13 A: That's correct, yes.

14 Q: Now, when it comes to the marking or the -- what you -- I
15 think you called it a stab-type puncture in the bed, you --
16 you identified that after the body was removed; correct?

17 A: That is correct.

18 Q: Okay. Was it noticeable from the initial appearance of
19 the body?

20 A: No, because, I mean, we -- even though we rolled him and
21 moved him to check for additional wounds and stuff, it was not
22 noticed until after the body had been moved.

23 Q: Okay. And the hair type of the decedent was kind of
24 burly; correct? Isn't that true?

25 A: His beard was, yes. His hair was -- was kind of more

DANNY TAYLOR - CROSS BY MR. EDGEWORTH

1 straight, kind of -- kind of a little bit wavy. Very similar
2 to yours.

3 Q: Okay. So long or not, not short like yours?

4 A: Correct.

5 Q: Okay. So, in this particular example, did you have a
6 conversation with -- with Mr. Smith while you were there?

7 A: I did. However, he -- I was not aware if he had been
8 mirandized at the time or not.

9 Q: Okay. But -- but you had a conversation with him?

10 A: I did.

11 Q: Okay. And one of the -- one of the comments he told you
12 was that --

13 MR. WHITE: Judge, I would object. If we could approach?

14 THE COURT: All right. Y'all want to approach for a
15 moment?

16 (WHEREUPON, a bench conference was held as follows.)

17 MR. WHITE: I mean, he wasn't mirandized. I don't -- I
18 don't know what we're getting into as far as the --

19 THE COURT: Me neither, but anything the defendant says
20 is admissible.

21 MR. WHITE: I know.

22 THE COURT: I don't know.

23 MR. EDGEWORTH: Yeah. I mean, I'm bringing it up.

24 THE COURT: All right.

25 (WHEREUPON, the bench conference ended, and the

DANNY TAYLOR - CROSS BY MR. EDGEWORTH

1 proceedings resumed as follows.)

2 BY MR. EDGEWORTH:

3 Q: All right. Sorry about that, Mr. Taylor. You had a
4 conversation with him, regardless of whether you knew he was
5 mirandized; correct?

6 A: That is correct, yes.

7 Q: Okay. And do you recall him telling you that the
8 decedent had called him a nigger?

9 A: I do, yes.

10 Q: Okay. Now, did you discuss with him at all about the
11 incident itself?

12 A: Very generally.

13 Q: Okay. Well, all right, so when you say generally, how
14 long was that conversation?

15 A: Maybe a minute and a half, two minutes.

16 Q: Okay. And was that -- were you -- what was -- what was
17 the point in having the conversation with him?

18 A: Well, initially I made contact with him to basically
19 identify him, get his name, date of birth, and that sort of
20 thing, see if he had an ID with him.

21 Q: Okay. But you didn't feel like you were interrogating
22 him, though; correct?

23 A: No.

24 Q: All right. All right. So in regards to kind of going
25 back to the stab-type puncture that you identified after the

DANNY TAYLOR - CROSS BY MR. EDGEWORTH

1 body was removed, I think your testimony was that it had a
2 tuft of hair in it?

3 A: That's correct. One end, which was the end just barely
4 inside embedded into the mattress, had sharp cut edges on it.
5 The total length of it was about three and a half, maybe four
6 inches long in length.

7 Q: Okay. Three and a half to four inches long in length,
8 meaning?

9 A: The hair -- the hair -- the grouping of hairs was.

10 Q: Was that -- was that consistent with the kind of length
11 of his hair?

12 A: Yes. He had longer hair, yes.

13 Q: Okay. So in this particular example, when you -- when
14 you observed that, was your observation or could you tell
15 whether or not that particular puncture was related to any of
16 the other punctures that you observed on the body?

17 A: As far as the size and things of that nature, the -- the
18 cutting was -- I would say would be about all the same width
19 as those on the neck. It was in the same general area as
20 where his neck was at. So I would -- I would say yes.

21 Q: Okay. So -- so would that also be consistent with the
22 individuals falling to the bed with the knife against the hair
23 and then it taking hair out?

24 MR. WHITE: Judge, that calls for speculation. He's not
25 qualified as an expert in crime scene reconstruction.

DANNY TAYLOR - CROSS BY MR. EDGEWORTH

1 THE COURT: Can you rephrase the question and see if I
2 can understand it better?

3 MR. EDGEWORTH: Sure. Thank you, Your Honor.

4 BY MR. EDGEWORTH:

5 Q: Okay. So you observed that the nature of the puncture
6 was consistent with the punctures on the actual body; correct?

7 A: That is correct, yes.

8 Q: Okay. And based on your observation, you don't believe
9 that the puncture in the bed went through his body into the
10 bed; correct?

11 A: Absolutely not.

12 Q: Okay. So based on those two observations, is that
13 consistent with the body's falling down and the knife taking
14 hair?

15 MR. WHITE: And again, that calls for speculation.

16 THE COURT: All right. I'm going to sustain the
17 objection.

18 MR. EDGEWORTH: Okay.

19 THE COURT: All right. Thank you.

20 BY MR. EDGEWORTH:

21 Q: Now, Deputy -- or excuse me, Mr. Taylor? That's right.
22 Deputy coroner; correct?

23 A: Correct, yes.

24 Q: When you make the observations about the blood spatter --

25 A: Uh-huh.

DANNY TAYLOR - CROSS BY MR. EDGEWORTH

1 Q: And you have experience in identifying blood spatter;
2 correct?

3 A: That's correct.

4 Q: Okay. And you have knowledge about how blood spatter is
5 spattered; correct.

6 A: I have had some minimal training in blood spatter
7 analysis, yes.

8 Q: Okay. And you do that through your observations or you
9 use that information in your observations at these particular
10 scenes; correct?

11 A: That is correct, yes.

12 Q: And you did that in this case?

13 A: Yes.

14 Q: Okay. The spatter that's on the wall is consistent with
15 a stab wound to the neck while standing up?

16 MR. WHITE: Judge, can we approach for just a moment?

17 THE COURT: Yes, sir.

18 (WHEREUPON, a bench conference was held as follows.)

19 MR. WHITE: I mean, this is expert testimony.

20 THE COURT: Yeah.

21 MR. WHITE: Blood spatter.

22 THE COURT: I mean, you know, I agree with that.

23 MR. EDGEWORTH: Okay.

24 THE COURT: So I have to -- I don't know if you want to
25 try to qualify him now.

DANNY TAYLOR - CROSS BY MR. EDGEWORTH

1 MR. EDGEWORTH: I won't qualify him now. I'll stand
2 down.

3 THE COURT: All right. Thank you.

4 MR. EDGEWORTH: Uh-huh.

5 (WHEREUPON, the bench conference ended, and the
6 proceedings resumed as follows.)

7 MR. EDGEWORTH: At this time, Your Honor, I don't think I
8 have any further questions.

9 THE COURT: Okay. Thank you.

10 Anything --

11 MR. WHITE: No further questions.

12 THE COURT: -- further, Mr. White?

13 MR. WHITE: No, sir, Judge. I would ask that the deputy
14 coroner be released from his subpoena.

15 THE COURT: All right. Any objection?

16 MR. EDGEWORTH: No objection, Your Honor.

17 THE COURT: All right. Thank you, Mr. Taylor. I
18 appreciate it.

19 THE WITNESS: Yeah. Thank you.

20 THE COURT: Mr. White?

21 MR. WHITE: The State would call Dr. Nicholas Batalis.

22 THE COURT: All right.

23 THE CLERK: Sir, if you'll please place your left hand on
24 the Bible and raise your right hand. Do you swear or affirm
25 the testimony you give in this case to be the truth, the whole

DR. NICHOLAS BATALIS - DIRECT BY MR. WHITE

1 truth, and nothing but the truth, so help you God?

2 THE WITNESS: I do.

3 THE CLERK: Please be seated and state your full name for
4 the record.

5 THE WITNESS: My name is Dr. Nicholas Ike Batalis.

6 DR. NICHOLAS BATALIS, being
7 first duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. WHITE:

10 Q: Dr. Batalis, where -- where do you work?

11 A: I work at the Medical University of South Carolina down
12 in Charleston.

13 Q: And what do you do for MUSC?

14 A: I'm employed there as a professor in the Department of
15 Pathology and Laboratory Medicine. I have a variety of roles
16 there in education and administration, but my main duty is as
17 a forensic pathologist.

18 Q: And is that performing autopsies?

19 A: The main role. Forensic pathology is a field of medicine,
20 which involves the medicolegal aspects of medicine, primarily
21 which includes performing autopsies to determine a cause and
22 manner of death.

23 Q: Now, what is your background and training to become a
24 forensic pathologist?

25 A: Sure. So after graduating college from Butler

DR. NICHOLAS BATALIS - DIRECT BY MR. WHITE

1 University, I went on to medical school at the Indiana
2 University School of Medicine. Following medical school, I
3 then moved to Charleston to MUSC for a four-year residency
4 training program in general pathology.

5 So general pathology would include if you have a biopsy
6 or a tumor taken out, a pathologist would be the one to work
7 with the surgeon and say it's cancer, it's not cancer, what
8 type of cancer, that sort of stuff. A pathologist also
9 oversees the clinical laboratories. If you have any blood
10 work drawn, a pathologist is behind the scenes kind of
11 monitoring that and being in charge of the laboratory.

12 So at the end of those four years of training in general
13 pathology, I passed a national examination to become board
14 certified in anatomic and clinical or general pathology. I
15 then went on to a one-year specialty fellowship training
16 program specifically regarding forensic pathology at the
17 Dallas County Medical Examiner's Office in Dallas, Texas.

18 Again, at the end of that year of training, I passed
19 another examination to become board certified in forensic
20 pathology. At that point, I then returned to MUSC to take my
21 current position.

22 Q: And have you ever been qualified as an expert before?

23 A: Yes, I have at this point over 100 times in South
24 Carolina, and I believe twice in Texas and twice in North
25 Carolina.

DR. NICHOLAS BATALIS - DIRECT BY MR. WHITE

1 MR. WHITE: Judge, at this time, I would move Dr. Batalis
2 as an expert in the field of forensic pathology.

3 THE COURT: Any objection?

4 MR. EDGEWORTH: Forensic pathology, no, Your Honor.

5 THE COURT: 'All right. He's an expert in forensic
6 pathology.

7 BY MR. WHITE:

8 Q: Dr. Batalis, I believe on June 11th, 2022, did you have
9 occasion to perform an autopsy on James McNamara?

10 A: Yes, I did.

11 Q: And how was the body received in your facility there?

12 A: So when we received the body, it had been sealed in a bag
13 by the coroner with a unique number. We then removed the seal
14 to open the body -- sorry -- to open the body bag to identify
15 the body at that point.

16 Q: And at that point, you begin your process, and what is
17 that process? What is the first step in starting an autopsy?

18 A: Sure. So I can kind of just kind of walk you through the
19 entire process.

20 So the first thing we're going to do is we receive the
21 bodies into our autopsy room. We're going to photograph the
22 body as it is before we've done any manipulations. We are
23 then going to take the -- after we've taken those photographs,
24 collect any evidence. Remove the clothing. Clean the body.
25 At that point, we'll take another round of photographs.

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1 We then will examine the body from head to toe, which is
2 our external examination. So we're looking for basic stuff,
3 like skin color, hair color, eye color, along with any
4 evidence of injury or natural disease that could explain why
5 the person had died.

6 Once we're finished with that external examination, we
7 then move to an internal examination where we use surgical-
8 type incisions to examine the internal organs of the body,
9 again looking for evidence of disease or trauma that could
10 have led to the death. And then at the completion of the
11 autopsy, we'll then format these or put these findings into a
12 report.

13 Q: And did you find evidence of injury on the body of James
14 McNamara?

15 A: Yes, I did. The major findings in this autopsy were
16 three stab wounds on the neck.

17 Q: And if you could, take us through each one of those stab
18 wounds and describe them and what the effect of those stab
19 wounds had on the body?

20 A: Sure. So again, in this case, there were three stab
21 wounds, all pretty close together, right kind of at the lower
22 part of the neck. One was just left of midline, one was in
23 the midline, and one was just to the right of midline.
24 So I've numbered these in order from 1 to 3. It doesn't mean
25 that's the order they occurred. It was just as I was looking

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1 at the body, the first one I described as number one.

2 So for that one, this would be the left side of the neck.
3 So this was just one inch to the left of midline, about nine-
4 and-a-half inches below the top of the head. So this wound,
5 after going through the skin of the neck, went through the
6 muscles of the neck and then went through the left jugular
7 vein. So the major vein that brings blood back from your head
8 down to your aorta and back to your heart, it lacerated that
9 vein. As a result of that injury, there definitely would have
10 been significant bleeding from -- from lacerating that major
11 vein.

12 The second wound was in the mid neck. So, again, this
13 one is centered ten inches below the top of the head. So,
14 again, within a half inch of the other one and straight in the
15 midline. This one had a very similar appearance to the -- to
16 the first wound. And after it went through the skin, it just
17 went into the muscles of the neck and the mid neck. So it did
18 not get any of the major blood vessels.

19 The third one then was on the right side of the neck,
20 about ten-and-a-half inches, so about that same -- they're all
21 about that same level within an inch or so and two-and-a-half
22 inches to the right. This wound was more traveling downward.
23 So after it went through the neck, it went through some of the
24 muscles and then a major artery, the subclavian artery that
25 essentially kind of runs underneath your collarbone here.

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1 And again, that is an artery. So the artery is
2 delivering blood from your heart to the rest of the body. So
3 it tends to, again, bleed faster because it's more of a
4 pulsating instead of draining back. And as a result of this
5 wound to this artery, he had two liters of blood that
6 collected around his lung.

7 And for reference, somebody at this size would have
8 roughly five liters of body -- five liters of blood in his
9 body. So close to half his blood volume had drained from the
10 injury of the neck into or surrounding his right lung.

11 Other than that, there was a single half-inch bruise on
12 the left forearm, but again, that's three stab wounds to the
13 neck. One on the left went through the jugular vein, one of
14 our major blood vessels there, and the one on the right side
15 of the neck went through that subclavian artery, which is
16 another major blood vessel.

17 Q: And you describe all those pathways as downward. What
18 does that mean? And all three wounds as downward?

19 A: Right. So when, as a forensic pathologist, we're talking
20 about a gunshot wound and a stab wound, we don't always -- we
21 don't know the position -- the exact position the bodies were
22 in, but I can say the relationship of the weapon to the body.

23 So if it's a gun, I can tell the pathway by saying, okay,
24 here's where the gun would have been related to the body when
25 it was fired. With the stab wound, we're essentially tracking

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1 that through so we can see, okay, where is the entrance wound?
2 We follow the injuries and see, okay, what direction is it
3 going and that sort of thing.

4 So the one on the left side of the neck, it was traveling
5 from his left to right. So kind of going across his body, and
6 it was also going downward and a little bit front to back. So
7 kind of about like that on me for the one on the left.

8 The one in the mid neck had a very similar pathway,
9 predominantly going downward, a little bit from his left to
10 his right and a little bit front to back. So, again, these
11 two are pretty much, again, a little bit from his left to
12 right and downward.

13 And then the final wound, the one on the right side, this
14 one was, again, predominantly going downward and a little bit
15 front to back. So all three wounds did share the fact that
16 they were going downward.

17 Q: So you say the relation from the weapon to -- to the
18 body, the weapon was -- was going down?

19 A: Correct.

20 Q: Okay. Would all three of these wounds -- standing alone,
21 would they have been fatal?

22 A: The first and third wounds would have been. The second
23 wound did not get any of the major blood vessels or the
24 airway. So, I mean, technically, any wound could be fatal if
25 it got infected and that sort of thing but would not have

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1 posed any immediate threat to his life. But certainly, the
2 one on the left side of the neck injuring that jugular vein,
3 and the one on the right side of the neck where it injured
4 that subclavian artery, both of those could have led to death
5 independently.

6 Q: And you describe this as the kind of massive blood loss
7 in that area going down into the cavity of the body; is that
8 right?

9 A: Yes.

10 Q: Could this have been, in your opinion, a prolonged death?

11 MR. EDGEWORTH: Objection. I think he would be
12 testifying outside of his -- out of his forensic pathology
13 expertise.

14 THE COURT: All right. If -- if this is within your
15 expertise and you know the answer to that question, I'll allow
16 it. I'll allow the answer.

17 BY MR. WHITE:

18 A: Could you explain what you consider prolonged?

19 Q: Could this have taken many minutes for him to -- to die?

20 A: Yes. So there's nothing that would have been immediate
21 causing the death. So, again, if we have something that goes
22 through your brainstem, you know, through your brain, we can
23 say, okay, this person died immediately. Certainly, there was
24 nothing -- no structures injured in his neck. We didn't do
25 the spinal cord or anything like that that it would have led

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1 to death immediately. So likely we're looking at a matter of
2 minutes.

3 So again, it wasn't going to be 30 seconds. It wasn't a
4 minute or two. It wasn't an hour, but so I'd say at least
5 several minutes. You know, was it five, ten minutes?
6 Was it 15, 20 minutes? I can't be that precise, but we're
7 talking about somewhere in the level in the area of minutes
8 and, again, that's based on the blood vessels that were
9 damaged and how quickly and how much they would be bleeding
10 out.

11 Q: When you are completing your work during -- during the
12 autopsy, do you use a diagram?

13 A: Yes.

14 Q: I'm going to show you State's Exhibit 47. If you could,
15 Dr. Batalis, tell me if you recognize that item?

16 A: Yes, I do recognize this.

17 Q: Is this the diagram that you completed?

18 A: Yes. So during the course of the autopsy, we use a
19 diagram that gets a lot of notes. Again, it has a lot of
20 stuff I was talking about, height, weight, hair color, eye
21 color, all sorts of stuff.

22 This specific diagram was prepared just to demonstrate
23 the injuries on the body. So this was not prepared during the
24 autopsy, but afterwards in preparation for trial to show the
25 injuries.

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1 Q: Okay. And that just references all the injuries that you
2 just described?

3 A: Yes.

4 MR. WHITE: I'd move State's Exhibit 47 into evidence,
5 Judge.

6 MR. EDGEWORTH: No objection, Your Honor.

7 THE COURT: All right.

8 (WHEREUPON, State's Exhibit Number 47, autopsy diagram,
9 was admitted into evidence.)

10 MR. WHITE: And that'll be back for the jury to view on
11 deliberation or, actually, I think they've got the Elmo
12 working now. Let's see.

13 Can you all see that just fine? Okay. Is it blurry?
14 It's not working on my computer over here. So I don't know.

15 THE CLERK: That one?

16 MR. WHITE: Nah. That's okay. I'll peek over Dr.
17 Batalis' shoulder.

18 THE WITNESS: Super blurry here. Oh, there we go.

19 THE CLERK: There you go.

20 THE WITNESS: There we go.

21 BY MR. WHITE:

22 Q: And is that the diagram you were just describing?

23 A: Yes, it is.

24 Q: And does that describe the three wounds there at the
25 neck?

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1 A: Yes.

2 Q: And the location of each?

3 A: Yes.

4 Q: Okay. Also, as part of your documentation, do you
5 complete a report?

6 A: Yes, I do.

7 Q: And you reduce all your findings to that report?

8 A: Yes.

9 Q: I'm going to show you State's Exhibit 52. Tell me if you
10 recognize that particular item?

11 A: Yes. This is a copy of the autopsy report I prepared for
12 this case.

13 Q: And is it in the same order, without any alterations or
14 deletions? Is that the same report that you -- that you
15 drafted?

16 A: Yes.

17 MR. WHITE: I would move State's Exhibit 52 into
18 evidence.

19 THE COURT: All right. Any objection?

20 MR. EDGEWORTH: Your Honor, I would object on the basis
21 that the best evidence comes from the testimony of the
22 witness.

23 THE COURT: All right. I'm going to allow 52 into
24 evidence. Thank you.

25 (WHEREUPON, State's Exhibit Number 52, autopsy report,

DR. NICHOLAS BATALIS - DIRECT BY MR. WHITE

1 was admitted into evidence.)

2 MR. WHITE: Thank you, Judge.

3 BY MR. WHITE:

4 Q: Now, I'm not sure what -- in what order this happens, but
5 at some point, you draw blood during an autopsy; is that
6 right?

7 A: Yes.

8 Q: Do you provide that -- those blood samples to SLED for
9 analysis with DNA or toxicology?

10 A: Yes. So during the course of our autopsies, pretty much
11 every autopsy, we're going to collect blood for toxicology
12 testing unless maybe they've been in the hospital for an
13 extended time and toxicology is not an issue. So, yeah, there
14 would be.

15 As far as when it occurs, it would be once we start an
16 internal exam, we open the body, we have access to the major
17 blood vessels. We draw blood out at that time. We then place
18 the blood in test tubes that have a preservative to keep the
19 blood from breaking down and keep any drugs in the blood from
20 breaking down. We would fill those tubes up, get them labeled
21 with the decedent's name and a unique number, and then they
22 would be transferred through to the State Law Enforcement --
23 the SLED toxicology lab through a chain of custody.

24 In addition to that, after we've filled up the -- the
25 test tubes of blood, we also take a small piece of filter

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1 paper and put some blood spots on it for a DNA standard. And
2 so in that case, we retain some of those, and then we also
3 typically would transfer one of those to an officer attending
4 the autopsy.

5 Q: And were both of those processes done -- processes done
6 during the course of this autopsy?

7 A: Yes.

8 Q: Now, when it comes to toxicology, are you aware of the
9 toxicology results as they came in?

10 A: Yes.

11 Q: Are you aware that the body of James McNamara at the time
12 of that blood draw at autopsy on June 11th, 2022, was negative
13 for all substances?

14 A: Yes. The toxicology lab reported there were no
15 substances detected.

16 Q: Would you expect -- if the date of death was June 9th,
17 would you expect that to be consistent with -- if you'd have
18 gone in that hotel room when he died and did the blood draw
19 right there, would that be consistent with the blood draw at
20 autopsy?

21 MR. EDGEWORTH: Objection, your Honor. He would be
22 testifying outside of his expertise. He's not a toxicologist.

23 MR. WHITE: He deals with toxicology. I mean, this is a
24 part of his -- you know, his -- his business. This is what he
25 does.

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1 THE COURT: It's not what he's been qualified as an
2 expert, and I think it is outside of the -- the field. Now,
3 if you want to try to qualify him as an expert and he give his
4 opinion on this, certainly you can do that.

5 BY MR. WHITE:

6 Q: How long have you been doing autopsies, Dr. Batalis?

7 A: I've been practicing as a board-certified pathologist,
8 forensic pathologist, for 16 years.

9 Q: Do you do toxicology blood draws on -- how many have you
10 -- think you've done over that time period?

11 A: So I don't have an exact number, but I've probably
12 performed somewhere around 4,000 autopsies. Easily perform
13 toxicology on 80 to 90 percent of those. So 3,000 to 3,500
14 toxicology reports I've interpreted in the context of my
15 autopsy findings in forming my opinion.

16 Q: And that was going to be my next point. You use those
17 findings in making your own findings and interpreting those
18 reports each and every time; is that right?

19 A: Yes.

20 Q: Do you have any training through, you know, your
21 expertise as a doctor that makes you particularly qualified to
22 -- to render these opinions?

23 A: Sure. So part of the forensic pathology fellowship,
24 again, it's focused on performing autopsies, but we also do
25 get experience in other -- other areas of the laboratory. So

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1 we did spend -- I believe there was a couple of weeks in the
2 toxicology lab learning their processes, how that worked. We
3 spent some time in the ballistics laboratory, learning about,
4 you know, gunshot testing and that sort of stuff so we could
5 interpret those things as part of the work that we do.

6 Q: And as a medical doctor, you are familiar with how the
7 body metabolizes alcohol, as well as drugs?

8 A: Yes.

9 MR. WHITE: Judge, I would move Dr. Batalis as an expert
10 in the field of forensic toxicology.

11 THE COURT: Any objection?

12 MR. EDGEWORTH: Yes, Your Honor, I mean.

13 THE COURT: All right. Please put it on record. I'm
14 sorry.

15 MR. EDGEWORTH: Yes, Your Honor.

16 I believe, as testified, he still hasn't shown an
17 expertise in what the State is trying to elicit testimony.
18 He said he's drawn blood and sent it to the lab.

19 THE COURT: Okay.

20 MR. EDGEWORTH: That's not an expertise.

21 THE COURT: All right. Well, I find at this point in
22 time that the foundation has been laid with this witness and
23 that the field of forensic pathology includes the toxicology
24 questions that are being asked and that he's qualified to give
25 his opinion based on his expertise. All right?

DR. NICHOLAS BATALIS - DIRECT BY MR. WHITE

1 BY MR. WHITE:

2 Q: Just to be clear, Dr. Batalis, what I'm asking is about
3 how that exact thing, how the body metabolizes alcohol and
4 drugs. And so, again, I'll ask you. The date of death was
5 June 9th. The autopsy was June 11th. If you'd have been
6 there with the coroner as they were moving the body and you
7 did your blood draw right then, would you expect it to be
8 consistent with those toxicology findings?

9 A: Yes. The toxicology findings we detect at autopsy would
10 be reflective of his state when he died. Again, a postmortem
11 period of roughly two days, there's not going to be any
12 significant breakdown of any drugs in the system during that
13 time period. If there was, the drug wouldn't disappear
14 altogether. We may see -- instead of the parent drug, we may
15 see some breakdown products of that. But again, in this case
16 with there being nothing detected at all, that would have been
17 where he was when he died.

18 Regarding alcohol, alcohol is actually one of the things
19 that can actually go up after a while. If you've been dead
20 for several days and start decomposing, you can actually start
21 generating alcohol within your body. But again, in this case
22 there was no alcohol detected, but it -- it would not have
23 degenerated from two days prior.

24 Q: And based on your medical expertise, were you able to
25 determine a manner and cause of death in this case?

DR. NICHOLAS BATALIS - DIRECT BY MR. WHITE

1 A: Yes, I was.

2 Q: And what was that?

3 A: So the cause of death in this case was stab wounds of the
4 neck, with the specific mechanism being exsanguination or
5 bleeding out from the damage to the blood vessels. And the
6 manner of death is homicide, which for us is death at the
7 hands of another individual.

8 MR. WHITE: Thank you, Dr. Batalis. Please answer any
9 questions the defense may have.

10 THE WITNESS: Sure.

11 MR. EDGEWORTH: All right.

12 CROSS-EXAMINATION

13 BY MR. EDGEWORTH:

14 Q: Dr. Batalis, obviously, when you receive these bodies,
15 you receive them -- you have no control over how you receive
16 them; correct?

17 A: Correct. We -- at MUSC, we perform autopsies for a
18 number of counties around the state. They're responsible for
19 transporting the bodies to us. So we -- we essentially take
20 jurisdiction once the body is in our autopsy suite.

21 Q: Okay. And after you -- during the process of performing
22 your autopsy, not only are you trying to determine, as you
23 stated, the -- the manner and cause of death, but you're also
24 looking to collect anything of other forensic value; correct?

25 A: Yes.

DR. NICHOLAS BATALIS - CROSS BY MR. EDGEWORTH

1 Q: Okay. And that could be things like anything you
2 identify that may be related to the deaths, such as if you
3 identify clothing that has blood on it, you'll set that aside
4 and maybe document that; correct?

5 A: Yes. So if there's clothing on the body, we'll document
6 what is there. It should be reflected in the overall
7 photographs. And again, that would be packaged up then for
8 the authorities to examine.

9 Q: Yeah. And all I'm asking is, is it part of your duties
10 as it -- it includes making evaluations as to what you believe
11 is otherwise forensically important to the case; correct?

12 A: I'm sorry. Could you say that again?

13 Q: Sure. Listen, I'll just get more specific. So during
14 your evaluation, you did other things other than just look at
15 the body and look at the stab wounds and things like that;
16 right?

17 A: Yes. I mean, I looked at him. I'm making detailed
18 descriptions of him and such.

19 Q: Okay. So -- so -- but you collected the clothing and the
20 personal effects related to the individual that you received,
21 Mr. McNamara; correct?

22 A: Yes.

23 Q: And you set them aside for -- for -- to be sent back to
24 law enforcement; correct?

25 A: Yes.

DR. NICHOLAS BATALIS - CROSS BY MR. EDGEWORTH

1 Q: Okay. And you also collected left and right fingernail
2 clippings; correct?

3 A: Yes.

4 Q: Okay. You also collected the blood spot that you talked
5 about; correct?

6 A: Yes.

7 Q: Okay. And you also collected pulled head hair?

8 A: Yes.

9 Q: Okay. Where did you, if you can recall, get the pulled
10 head hair?

11 Q: So our process for -- and it's just standard again for
12 practice in our office for any homicide investigation or
13 potential homicide that we'll collect fingernails and head
14 hair. So it's a standard thing we'll do. And the standard is
15 to -- I think we're supposed to get 50 hairs, and so we'll
16 tend to kind of jump around the scalp to get different areas.
17 So I can't exactly say which area of the scalp I sampled, but
18 it would have been various areas.

19 Q: Okay. So if there was -- there was evidence that -- that
20 you sent back to law enforcement, they could use -- use that
21 stuff to identify DNA that may have been part of the -- the
22 samples that you collected; correct?

23 A: Correct. Again, they have the blood sample, which would
24 be good for DNA. Hair could be used for DNA, or you could
25 have somebody comparing hair fibers. So again, analyzing the

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1 forensic evidence isn't our job. It's more to collect it and
2 provide it to the authorities.

3 Q: Right, but what I'm saying -- I guess my question to you
4 is if there's, say, like, DNA under these fingernails, you
5 know, from being scratched or whatever, it would be on those
6 fingernail clippings that you sent back to law enforcement;
7 correct?

8 A: Yes.

9 Q: Okay. Likewise with the hair that you collected, if
10 there's been hair transfer from, say, like an argument or
11 whatever, and you pull some hair and that hair could be from
12 another individual, that could be analyzed in order to
13 determine whose DNA that was; correct?

14 A: Yes. That would be the purpose for collecting hair.

15 Q: That's, in fact, why you collected hair; correct?

16 A: Yes.

17 Q: Okay. So, now, as it relates to the toxicology report,
18 obviously you're familiar with the report. I assume you got
19 it. You sent off for it, so you receive it back before you
20 make your final assessment?

21 A: Yes.

22 Q: Okay. All right. So you were, in fact, familiar with
23 State's Exhibit 48?

24 A: Yes.

25 Q: Okay. And it has a laundry list of drugs and alcohols

DR. NICHOLAS BATALIS - CROSS BY MR. EDGEWORTH

1 and things like that; correct?

2 A: Yes. Again, each laboratory has different ways of
3 reporting things, but it essentially -- no toxicology lab can
4 test for every single substance that's out there, and so
5 they've gone through and listed the specific drugs or
6 categories of drugs that they look for.

7 Q: Okay. And that was going to be my next question. So
8 that examination or that test does not include every
9 substance, including mind-altering substances, that are
10 available to an individual for testing; correct?

11 A: So, again, I'd have to refer to the laboratory to get the
12 exact every single thing they're looking for. There are mind-
13 altering substances listed on here that they've said are
14 negative. I believe it's pretty all inclusive.

15 Generally, the things that are not going to be included
16 on the standard toxicology would be some of, like, the,
17 quote/unquote, designer drugs, kind of the newer type stuff.
18 But, again, I'd have to refer you to the laboratory to tell
19 you exactly what they test for within this panel.

20 Q: Sure. But succinctly, that is not an all-encompassing
21 list of drugs that are out there that's performed on that test
22 that we have in evidence today?

23 A: No. It's a panel of the most commonly detected drugs,
24 including medications and illicit drugs.

25 Q: And truth be told -- right? -- there's many, many drugs

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1 out there that, like -- did I just take your paper?

2 A: Yeah.

3 Q: I apologize. I thought that was the exhibit. There's
4 many, many drugs out there you can't even identify through
5 these tests; correct?

6 A: You -- most things you can identify eventually, but you
7 would have to have an example of it, a standard. So then they
8 could go in and look at the blood and say, okay, here's this
9 specific peak we're looking for to match it up. Again, when
10 they -- when they do the toxicology testing, again, the
11 specifics of testing, that gets beyond my expertise with the
12 toxicology, but there are times where the general panel
13 wouldn't pick it up, but let's say they had a jar and said,
14 okay, this is drug X, is that in his blood? If you could
15 sample that, then you could go get it. So most things you can
16 -- you can ultimately detect, but you have to know what you're
17 looking for for some of those rare designer drugs.

18 Q: Right. And what you're saying, so the jury is clear, you
19 have to have the known sample in order to identify the unknown
20 component, because the test doesn't check everything?

21 A: Specifically, if we're talking about those kind of rare
22 designer drugs, yes.

23 Q: Okay.

24 MR. EDGEWORTH: Thank you. No further questions, Your
25 Honor.

1 THE COURT: All right.

2 MR. WHITE: Nothing further for Dr. Batalis. I'd ask
3 that he be released from his subpoena so he can travel back to
4 Charleston.

5 THE COURT: All right.

6 MR. EDGEWORTH: No objection.

7 THE COURT: All right. Thank you, Dr. Batalis, for being
8 here. You're free to go.

9 THE WITNESS: Thank you, Your Honor.

10 MR. WHITE: And, Judge, the next witness may be a little
11 lengthy.

12 THE COURT: All right.

13 MR. WHITE: It might be a good time for a short, short
14 bathroom break.

15 THE COURT: All right. Ladies and gentlemen, we'll take
16 just a brief recess. And as soon as we're ready, we'll come
17 back out and hear the -- the next witness. Thank you so much.

18 (WHEREUPON, the jury exited the courtroom at 10:41 a.m.)

19 THE COURT: All right. Anything before we break for a
20 short recess?

21 MR. WHITE: No, Judge.

22 MR. EDGEWORTH: No, Your Honor.

23 THE COURT: All right. Thank you.

24 (WHEREUPON, there was a break in the proceedings from
25 10:42 a.m. until 10:56 a.m., after which the proceedings

BEN PRICE - DIRECT BY MR. WHITE

1 resumed as follows.)

2 THE COURT: Okay. All right. Are we ready?

3 MR. EDGEWORTH: Yes, sir.

4 THE COURT: All right.

5 (WHEREUPON, the jury entered the courtroom at 10:58 a.m.)

6 THE COURT: All right. Mr. White?

7 MR. WHITE: Thank you, Judge. At this time, the State
8 would call Investigator Ben Price.

9 THE CLERK: Mr. Price, if you will, place your left hand
10 on the Bible and raise your right hand. Do you swear or
11 affirm the testimony you're about to give to be the truth, the
12 whole truth, and nothing but the truth, so help you God?

13 THE WITNESS: I do.

14 THE COURT: All right. Thank you, sir. If you will,
15 just state your name for the record.

16 THE WITNESS: Robert Benjamin Price.

17 BEN PRICE, being first duly
18 sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. WHITE:

21 Q: Investigator Price, tell us where are you employed?

22 A: The Florence County Sheriff's Office.

23 Q: How long have you been employed there?

24 A: Since 2008.

25 Q: And what do you do for the Sheriff's Office?

BEN PRICE - DIRECT BY MR. WHITE

1 A: I'm a criminal investigator assigned to the Criminal
2 Investigations Bureau.

3 Q: And specifically in that role, how long have you been an
4 investigator?

5 A: Since 2012.

6 Q: And back in June of 2022, specifically June 9th of 2022,
7 the date of this incident, were you an investigator?

8 A: Yes, I was.

9 Q: Are you what was called or is called the on-call
10 investigator?

11 A: I was at that time.

12 Q: And how did you get called out to the scene when this
13 occurred?

14 A: The patrol division that was out, they had received the
15 call. Since I was on call, once they realized that there was
16 a larger problem, they called and I responded to the scene.

17 Q: And once you get on scene, were there other officers
18 there when you arrived?

19 A: There was.

20 Q: Was Richard Joyner the first responder? Was he there?

21 A: He was there.

22 Q: Did you have occasion to speak with him?

23 A: I spoke with him, yes.

24 Q: And then Sgt. Barnes, who's crime scene, did you have a
25 chance to speak to him when he was on scene?

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1 A: Yes.

2 Q: And Deputy Coroner Taylor, did you have a chance to talk
3 to him?

4 A: I did.

5 Q: Did you yourself do a walkthrough through the crime
6 scene?

7 A: I did.

8 Q: Is that kind of standard protocol when you arrive on a --
9 on a case like this?

10 A: It is.

11 Q: And did you -- what did you observe when you walked in
12 the scene?

13 A: When I arrived on scene, the door was already open to
14 Room 207. It was upstairs. We had parked just under the --
15 the breezeway of where the room was. Whenever we walked into
16 the room, there was crime scene tape cordoning off the room so
17 that no one -- or should not have entered.

18 And it's a pretty standard hotel room layout. I think
19 that hotel has been there a while. So there's two beds. When
20 you walk into the door, the beds were to the left. So there
21 was a bed, a little space, another bed, followed by the
22 bathroom at the back. Then as you walk in, to the right
23 there's, like, a chest type area, a TV, and a -- and a table
24 that leads to the back area.

25 Q: And did you see the victim in this case lying on one of

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1 the beds?

2 A: Yes. He was lying on the first bed to the left whenever
3 you walk into the room.

4 Q: And were you able to identify the victim?

5 A: Yes. That's James McNamara.

6 Q: And were you able to ascertain where he was living at the
7 time of this incident?

8 A: He was to be living in Myrtle Beach at the time.

9 Q: Were you able to ascertain where he was originally from?
10 I'm just curious.

11 A: Yes. He was actually from Pennsylvania.

12 Q: Okay. Now, were you told that the suspect, who later the
13 defendant, Willie Smith, called 9-1-1 and was taken into
14 custody when officers arrived?

15 A: I was.

16 Q: When you arrived on scene, where was the defendant?

17 A: He was located in the back of a patrol car.

18 Q: Okay. Did you speak to him at all?

19 A: I did. I went to the back of the patrol car and
20 introduced myself to him and advised him that I'd like to
21 speak to him at a later time.

22 Q: Okay. Was there any questioning at that point?

23 A: Not by me. Well, I asked -- I apologize. I did ask him
24 his name, some basic identifying questions, but nothing beyond
25 that.

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1 Q: Okay. Nothing about what happened inside that room?

2 A: That's correct.

3 Q: Did you -- when you said you wanted to talk to him at a
4 later date, what -- or a later time, what did you have in
5 mind?

6 A: Usually, what we'll do is we'll go down to the Sheriff's
7 Office where there's an interview room. That room is audio
8 and visually recorded, and that's what I meant by taking him
9 there and having that statement, questioning there.

10 Q: Is that what you did?

11 A: Yes.

12 Q: When you ultimately brought him into the interview room,
13 did you threaten him or coerce him in any way?

14 A: No, not at all.

15 Q: Did he appear to be intoxicated or inebriated where he
16 couldn't understand the questions that you posed.

17 A: No, he did not.

18 Q: Did he seem to be suffering from any mental infirmities
19 that would keep him from understanding the discourse that you
20 and he had in the interview room?

21 A: No, he did not.

22 Q: Describe to us just a little bit briefly what's this
23 interview room like?

24 A: It's a -- it's a well-lighted -- it's kind of a small
25 room. Several chairs, a desk. The person that we're talking

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1 to sits on the other side of the desk than we do. It's audio
2 and visually recorded. It's climate controlled. So it's --
3 it's not a -- it's not the greatest room on Earth, but it's
4 not terrible.

5 A: Okay. Well lit?

6 A: Yes.

7 Q: Air conditioning?

8 A: Yes.

9 Q: Seats?

10 A: Yes.

11 Q: Was he provided water?

12 A: He was.

13 Q: Okay. And at that point, did you go over with him his
14 Miranda rights?

15 A: I did.

16 Q: How do you typically do that when you get someone in the
17 interview room?

18 A: We have a form at the Sheriff's Office, and it's a walk
19 through. It has the date, case number, who we're talking to,
20 and it's a step by step of each right that is under *Miranda*.
21 And then at the end they're offered to sign that form if they
22 do agree to it, and then someone witnesses it. And in this
23 case, it was myself and Investigator Carpenter.

24 Q: Okay. And you mentioned Investigator Carpenter. Who was
25 that?

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1 A: He was my partner at the time that was there on scene
2 with me.

3 Q: Was he present as well in the interview room?

4 A: He was.

5 Q: All right. I'm going to show you State's Exhibit 51. If
6 you could, tell me if you recognize that particular item?

7 A: Yes. That is the Miranda form that we went over that
8 morning.

9 Q: Is that the original copy?

10 A: That is.

11 Q: And does it contain his signature, as well as his
12 initials?

13 A: It does.

14 Q: And the witness signatures of you and Investigator
15 Carpenter?

16 A: That's correct.

17 MR. WHITE: Judge, I would move State's Exhibit 51 into
18 evidence.

19 MR. EDGEWORTH: No objection, Your Honor.

20 THE COURT: All right. 51 is into evidence.

21 (WHEREUPON, State's Exhibit Number 51, Miranda form, was
22 admitted into evidence.)

23 BY MR. WHITE:

24 Q: Okay. Is this a copy of the Miranda form we were just
25 discussing, State's Exhibit 51?

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1 A: It is.

2 Q: And did you go over with him his -- that he had the right
3 to remain silent?

4 A: Yes.

5 Q: That anything he said could be used against him in a
6 court of law in this court?

7 A: Yes.

8 Q: That he had a right to speak to an attorney and have him
9 present while you were questioning him?

10 A: Yes.

11 Q: If he could not afford an attorney, one would be
12 appointed to represent him?

13 A: Yes.

14 Q: And that he could essentially exercise his rights at any
15 time and stop questioning if he wished; is that right?

16 A: That's correct.

17 Q: Did he initial each and every one?

18 A: He did.

19 Q: Did he indicate by signature that he wanted to waive
20 those rights and speak to you?

21 A: Yes.

22 Q: And is that what you guys did?

23 A: That's correct.

24 Q: Okay. Now, you mentioned -- I think you mentioned that
25 interview room is audio and video recorded?

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1 A: That's correct.

2 Q: But there was something going on with the capability that
3 day; is that right?

4 A: Yes. We were in transition with our recording equipment.
5 So at the time we used body-worn cameras, which date and time
6 stamp the videos, and that's what we used instead.

7 Q: So you -- you still were able to kind of pivot and record
8 that -- that conversation; is that right?

9 A: Correct.

10 Q: And was that reduced to a disk and provided to our
11 office?

12 A: It was.

13 Q: Which was then provided to the defense?

14 A: Yes.

15 Q: I'm going to show you State's Exhibit 50. If you could,
16 tell me if you recognize this?

17 A: Yes, I do.

18 Q: And what is it?

19 A: It's the recording of the interview that took place.

20 Q: Okay. And it is the exact interview as recorded on June
21 9th, 2022?

22 A: Yeah. There were no alterations done by our office.

23 Q: Okay.

24 MR. WHITE: Judge, at this time, I'd move State's Exhibit
25 50 into evidence.

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1 THE COURT: All right. Any objection?

2 MR. EDGEWORTH: May we approach just briefly, Your Honor?

3 THE COURT: Yes, sir.

4 (WHEREUPON, a bench conference was held as follows.)

5 MR. EDGEWORTH: Just making sure those redactions were
6 made because I didn't --

7 MR. WHITE: It is a redaction, Judge, and the only thing
8 I would ask -- because this is noticeable, the redaction is.
9 It will be noticeable to the jury. I would ask for just a
10 brief instruction as to that fact.

11 THE COURT: When?

12 MR. WHITE: Possibly right before I publish, which is
13 going to be in the next couple of questions, but it is
14 redacted.

15 THE COURT: What is your position?

16 MR. EDGEWORTH: Well, I mean, I don't mind the Court
17 clarifying, but I just -- however the softest way possible is
18 because I don't want them to alarm --

19 MR. WHITE: Yeah.

20 MR. EDGEWORTH: -- alert them to the fact that there's
21 something redacted.

22 THE COURT: Listen. Let's just roll with it, and then
23 I'll give a jury charge for that.

24 MR. EDGEWORTH: Okay.

25 MR. WHITE: Okay. That sounds good.

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1 MR. EDGEWORTH: Thank you, Judge.

2 (WHEREUPON, the bench conference ended, and the
3 proceedings resumed as follows.)

4 THE COURT: All right. No objection?

5 MR. EDGEWORTH: Sorry, Your Honor. No objection.

6 THE COURT: All right.

7 (WHEREUPON, State's Exhibit Number 50, defendant's
8 redacted statement on disk, was admitted into evidence.)

9 MR. WHITE: Before I -- permission to publish, Judge?

10 THE COURT: Yes, sir.

11 MR. WHITE: And I'm going to publish it, Investigator
12 Price, and then we'll all watch it together.

13 I want to -- before I do, I want to switch it over, Madam
14 Clerk.

15 THE CLERK: That?

16 MR. WHITE: To the prosecutor's table.

17 BY MR. WHITE:

18 Q: I want to talk to you a little about officer
19 interrogation tactics. Are you trained on those?

20 A: I've been through basic detective. So we go over that.
21 Is it back?

22 Q: Yes.

23 A: Sorry about that. I've been through basic detective
24 through the South Carolina Criminal Justice Academy. I've
25 attended some extra training about interrogations. So . . .

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1 Q: And is one of those tactics building a rapport with a
2 suspect/defendant?

3 A: Yes.

4 Q: Is that agreeing with the defendant even when you don't
5 necessarily agree with him?

6 A: Yes.

7 Q: And is that to build a rapport for maybe later you want
8 to question him again, that sort of thing?

9 A: Possibly, yes.

10 Q: Okay.

11 MR. WHITE: Judge, at this time, I would move to publish
12 State's Exhibit 50.

13 THE COURT: All right.

14 (WHEREUPON, State's Exhibit Number 50, defendant's
15 redacted statement on disk, was played briefly and then
16 stopped.)

17 BY MR. WHITE:

18 Q: Is this the interview room that you described?

19 A: Yes, it is.

20 Q: And is that the defendant, Willie Smith?

21 A: It is.

22 Q: And behind the camera would be you, Investigator Price;
23 is that right?

24 A: That's correct. There's a chair. It's directly in front
25 of Mr. Smith, but to the left of the camera. And then you'll

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1 see a second investigator, Carpenter, who will sit in front of
2 the camera in one of the other chairs.

3 Q: Okay.

4 (WHEREUPON, State's Exhibit Number 50 resumed playing and
5 was then stopped at the end.)

6 BY MR. WHITE:

7 Q: Okay. Did that conclude your interview with the
8 defendant, Willie Smith?

9 A: It did.

10 Q: I want to talk to you a little bit about some of the
11 things he said. Were you watching when Willie Smith describes
12 the motion with which he stabbed the victim, James McNamara?

13 A: I was.

14 Q: Did you hear him describe the jugging motion?

15 A: Yes.

16 Q: Did you see his hand move in this direction [indicating]
17 when he was describing it?

18 A: I did.

19 Q: And that's an upward direction?

20 A: That's correct.

21 Q: Is that inconsistent with what we now know from the
22 pathologist that the wounds occurred in a downward striking
23 position?

24 A: Yes.

25 Q: Okay. There's also an inconsistency in the number of

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1 wounds he described; is that right?

2 A: Yes. He said at the time that he believed it was two.

3 Q: Okay. And we now know it was three, plus another
4 stabbing, you know, defect in the mattress; is that right?

5 A: Correct.

6 Q: So we know that at least four times that knife was lifted
7 and brought down in the direction of the victim?

8 A: That's correct.

9 Q: He mentioned that the victim would carry a knife or box
10 cutter. Did you find anything other than the weapon belonging
11 to the defendant inside that room?

12 A: We did not.

13 Q: Okay. He also -- you asked him about why it took him so
14 long to call 9-1-1; is that right?

15 A: That's correct.

16 Q: And do you recall about how long he said he waited before
17 he called 9-1-1?

18 A: I think he said it was around 45 minutes.

19 Q: Do you recall him saying that he waited that long for the
20 body to stop moving?

21 A: Yes.

22 Q: Were there inconsistencies in the defendant's statement
23 and the scene as it presented to you?

24 A: It appeared to be so, yes.

25 Q: Okay. Where -- the body was on the bed. Where were the

BEN PRICE - DIRECT BY MR. WHITE

1 feet in relation to the floor?

2 A: The feet were on the edge of the bed. It was close to
3 the aisle, but they were at the -- the end of the bed, but
4 closer to the side of the bed, towards the aisle. The feet
5 were barely hanging off of the bed.

6 Q: And were they completely elevated?

7 A: They were.

8 Q: If the attack would have happened while both individuals
9 were standing, would you think that the person's legs --

10 MR. EDGEWORTH: Objection. Calls for speculation.

11 Q: -- would still be on the ground?

12 MR. WHITE: I'll withdraw.

13 THE COURT: Thank you.

14 BY MR. WHITE:

15 Q: Was the majority of the blood contained on the bed of the
16 victim?

17 A: Yes, it was.

18 Q: And over the head of the victim?

19 A: Yes.

20 Q: And on the other side of the victim?

21 A: Yes.

22 Q: In your view of the crime scene -- the defendant said he
23 thought that the victim may have left the room, but that was
24 just his speculation; right? He didn't say definitively that
25 the victim left and then came back in the room; is that right?

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1 A: That's correct.

2 Q: Was the victim's shoes on?

3 A: They were not.

4 Q: And if he'd have left outside of the room, wouldn't you
5 expect when he came right back in, his shoes would be on?

6 MR. EDGEWORTH: Objection. Leading.

7 THE COURT: Sustained.

8 BY MR. WHITE:

9 Q: But his shoes weren't on, were they?

10 A: They were not on.

11 MR. WHITE: I beg the Court's indulgence.

12 BY MR. WHITE:

13 Q: And again, you and Investigator Carpenter -- you're
14 trained on how to conduct those interviews, a difficult
15 interview, but building a rapport sometimes, I imagine, can be
16 hard; is that right?

17 A: In certain types of cases, yes. It can be difficult to
18 -- to have to do that.

19 Q: At any time during that interview, did the defendant show
20 any remorse?

21 A: He did not.

22 MR. EDGEWORTH: Objection. Calls for speculation.

23 THE COURT: Sustained.

24 BY MR. WHITE:

25 Q: Did you see him multiple times laughing during the

BEN PRICE - DIRECT BY MR. WHITE

1 questioning?

2 A: He did.

3 Q: Okay.

4 MR. WHITE: I have nothing further. Please answer any
5 questions the defense may have.

6 THE COURT: Mr. Edgeworth?

7 MR. EDGEWORTH: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. EDGEWORTH:

10 Q: All right. Investigator Price, let's start with the
11 statement here. Obviously, you've conducted plenty; correct?

12 A: A few, yes.

13 Q: Okay. And during the statement with -- with my client,
14 Mr. James, when you asked him his name, he gave it to you;
15 correct?

16 A: Mr. Smith, yes.

17 Q: Uh-huh. When he gave -- when you asked him where he last
18 lived, he gave that to you; correct?

19 A: That's correct.

20 Q: All right. When you asked him what his phone number was,
21 he gave you that; correct?

22 A: He did.

23 Q: Okay. When you asked him where he worked, he told you
24 that, did he not?

25 A: He did.

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1 Q: Okay. He acknowledged to you that he smoked and --
2 smoked and drank that night; correct?

3 A: In the morning hours, yes.

4 Q: Uh-huh. Okay. And you agree with me that he said he
5 wanted to talk to you guys; correct?

6 A: I would say, yes, he did want to talk to us.

7 Q: Okay. And you felt that the statement was freely and
8 voluntarily given or you wouldn't have continued to conduct
9 that interrogation, would you?

10 A: That's correct. I wouldn't have continued if -- at any
11 time if he said that he would like to have asked a lawyer or
12 anything, had a lawyer present, we would have stopped the
13 interview immediately.

14 Q: As well you should. Okay. So when he asked -- when you
15 asked him whether or not he knew that Mr. McNamara had been
16 drinking that night, he said he didn't know, didn't he?

17 A: He said he had no idea.

18 Q: Right. Okay. He didn't try to make that up that he was
19 drinking; right?

20 A: No, he did not.

21 Q: Okay. When you asked him whether or not he knew whether
22 Mr. McNamara had a weapon on him, he said he didn't know;
23 right?

24 A: Correct.

25 Q: Okay. He told you that often they carry knives and stuff

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1 on the job and whatnot, but he didn't tell you that he
2 necessarily saw a knife -- a knife on that night; correct?
3 A: Yeah. At the time, he said he didn't know if he had one
4 in his possession, but that they do carry items that could be
5 used as weapons, I think would be --
6 Q: So he could have had one?
7 A: It's a possibility.
8 Q: Right. Okay. And when -- when you asked him what took
9 so long to call 9-1-1, he told you he was pissed off?
10 A: He did say that.
11 Q: Okay. Now, he mentioned to you guys that -- the State
12 asked you about the body stopping to move. You agree with me
13 he didn't say that he waited until the body stopped moving
14 until he called 9-1-1; correct.
15 A: I'm sorry. Can you --
16 Q: Sure. Yeah.
17 A: I didn't --
18 Q: The State asked you --
19 A: -- understand.
20 Q: -- about the --
21 A: Sorry.
22 Q: -- the comment about the body stopping to move. Do you
23 remember that question?
24 A: Yes. Okay.
25 Q: Okay. You agree with me that -- that Mr. James didn't

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1 say I waited until the body stopped moving and then called
2 9-1-1?

3 A: I believe he said that once the body stopped moving, then
4 he called 9-1-1.

5 Q: Do you agree with me that he said that he was pissed off;
6 correct?

7 A: He did say that he was upset, pissed off.

8 Q: Okay. He smoked a blunt; correct?

9 A: He did say that, yes.

10 Q: And he had two Mike's -- Mike's Hard Lemonade; correct?

11 A: That's correct.

12 Q: Uh-huh. And then he called 9-1-1; correct?

13 A: Well, also -- and what we had just stated that after he
14 had stopped moving and those other things took place, then he
15 reached out to 9-1-1.

16 Q: Okay. Well, do you not agree that he was just making the
17 comment that the body was no longer moving when he called
18 9-1-1?

19 A: I think that's speculation.

20 Q: Okay. Now, speaking of speculation, when -- your comment
21 about identifying the fact that the shoes were not on the
22 decedent's feet at the time you guys arrived?

23 A: That's correct.

24 Q: Okay. And that doesn't mean that he wasn't -- he didn't
25 come home at 4 o'clock and then took his shoes off at that

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1 time; correct?

2 A: I have no idea. I wasn't there at the time that he had

3 allegedly did or did not come in.

4 Q: Right. So you don't know when he took his shoes off?

5 A: My statement was just that during the time when we

6 arrived, he did not have shoes on.

7 Q: Right. And my statement is you agree that we don't know

8 when he took his shoes off; correct?

9 A: I don't know that he ever put them on.

10 Q: Okay. So he wouldn't have had them on when he went to

11 work?

12 A: I never met him before this, so I can't say.

13 Q: All right. All right. All right. So after you gathered

14 this information from -- from Mr. James -- and you had been in

15 the room; correct? You've been in the hotel room?

16 A: Who? Mr. James? Who are you talking about?

17 Q: I apologize. I did it again. I'm talking about my

18 client, Mr. Willie Smith.

19 A: I'm sorry. I just want to make sure we're on the --

20 because the deceased is --

21 Q: No. You're right. I think I've done that a couple of

22 times, but I'm talking about Mr. Willie James Smith.

23 A: Okay. Can you repeat the question, please, sir?

24 Q: Absolutely.

25 A: Thank you.

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1 Q: So when -- after you spoke to Mr. Smith -- sorry, we got
2 these James and James, but after you spoke -- spoke to Mr.
3 Smith, prior to that, you had viewed the hotel room; correct?
4 A: That's correct.
5 Q: Okay. And -- and did you go back out to the hotel room?
6 A: That day?
7 Q: Anytime?
8 A: I've been out there many times.
9 Q: Were you out there during the course of the investigation
10 contemporaneous with the incident?
11 A: Yes.
12 Q: Okay. Did you go back out there after you talked to --
13 to Mr. Smith?
14 A: Regarding this case?
15 Q: Right.
16 A: I went back out another time, yes.
17 Q: Okay. Well, we're in trial for this case, so I'm
18 referring to this case. Did you go out there after you spoke
19 to Mr. Smith following his -- his statement to you?
20 A: Uh-huh.
21 Q: Did you go back to the hotel room that day or the next
22 day?
23 A: Not the hotel room, no.
24 Q: Okay.
25 A: Back to the hotel itself but not the room.

BEN PRICE - CROSS BY MR. EDGEWORTH

- 1 Q: Okay. Well, speaking of that, what did you do then?
- 2 A: We attempted to obtain video surveillance evidence. We
- 3 attempted to find other witnesses, but we were unable to do
- 4 either.
- 5 Q: Okay. Well, we heard testimony earlier that there was a
- 6 witness that testified, a witness for the State, who actually
- 7 lived in the hotel that came forward. You didn't find her
- 8 back then?
- 9 A: No.
- 10 Q: Okay. All right. So, now, Mr. Smith gave you the name
- 11 of his employer?
- 12 A: That's correct.
- 13 Q: Okay.
- 14 A: Mr. Charles Preece.
- 15 Q: Did you talk to him?
- 16 A: That morning, yes.
- 17 Q: Okay. Was he on -- on the scene?
- 18 A: Yes. He drove up.
- 19 Q: Okay. And did you go out to the church that he referred
- 20 to out at Oakdale?
- 21 A: Not in reference to this case, no.
- 22 Q: Okay. Did you learn that the company vehicle was in the
- 23 parking lot, the one that Mr. McNamara, the decedent, drove?
- 24 A: Yes. Mr. Charles said that it was.
- 25 Q: Okay. And did you attempt to collect any evidence off

BEN PRICE - CROSS BY MR. EDGEWORTH

1 the truck's computer to see where he might have gone that
2 night?

3 A: No.

4 Q: Okay. So -- but you had heard Mr. Smith tell you that he
5 left and came back, but you didn't try to corroborate that by
6 -- by way of checking the information on the truck's computer,
7 no?

8 A: No.

9 Q: Okay. All right. He gave you his cell phone number, and
10 you had actually collected three cell phones at the scene;
11 correct?

12 A: That's correct.

13 Q: Did you attempt to download the information off the cell
14 phones?

15 A: Off of one, yes.

16 Q: Okay. What information, if anything, did you get?

17 A: Nothing because it was password protected and we were not
18 able to break the passcode.

19 Q: Okay. Did you attempt to go back to my client, who had
20 already given you a statement, and ask him for the passcode to
21 his phone?

22 A: No, we did not.

23 Q: Okay. All right. After having already given you the
24 information in the statement, wouldn't you -- wouldn't you
25 expect that he would give you the cell phone number to his

BEN PRICE - CROSS BY MR. EDGEWORTH

1 cell phone?

2 A: We had his cell phone number.

3 Q: Excuse me. The password.

4 A: I see no reason why he wouldn't.

5 Q: Right. Okay. So is it fair to say, then, that law

6 enforcement took essentially no steps to corroborate the --

7 the statement that my client gave them freely and voluntarily?

8 A: I think that's unfair to say.

9 Q: Okay. Well, did you guys, to your knowledge, attempt to

10 do any DNA analysis on the pair of blue shoes that you

11 collected from the scene?

12 A: No.

13 Q: Did you attempt to do a DNA analysis on the pair of black

14 socks that you picked up at the scene?

15 A: No.

16 Q: Okay. Did you do a DNA analysis on the boxer shorts that

17 you collected at the scene?

18 A: That Mr. Smith was wearing?

19 Q: Well, you collected them. Did you test them?

20 A: No.

21 Q: Okay. Did you attempt to do any DNA analysis on the

22 black ball cap that you collected?

23 A: That he came in with, no.

24 Q: Okay. You didn't do a test; right?

25 A: I'm not sure of what the test would yield, but we did not

BEN PRICE - CROSS BY MR. EDGEWORTH

1 do a test.

2 Q: Right. Okay. Did you do any tests on the black pants?

3 A: No, we did not.

4 Q: Okay. You had the keys to the truck; correct?

5 A: We did.

6 Q: Because you collected that from the scene?

7 A: That's correct.

8 Q: So you would have been able to get into the vehicle?

9 A: We could have.

10 Q: Okay. You could have gotten the data off the truck's

11 computer; correct?

12 A: Possibly.

13 Q: Okay. You could have learned where that truck went the

14 night before?

15 A: Not necessarily.

16 Q: Okay.

17 A: I'm not sure if you know how those work or not, but I

18 don't know that it's possible, but also not possible.

19 Q: You didn't even try; correct?

20 A: Well, everything that happened, counselor, was in the

21 hotel room. So if he did leave, if he did go somewhere that

22 night and he did come back that night, there was no indication

23 that anything happened outside of the hotel room. Everything

24 that did take place was inside of the hotel room.

25 Q: Well, I appreciate what you're trying to say, but you

BEN PRICE - CROSS BY MR. EDGEWORTH

1 didn't even look into it, and that's my point. So --

2 MR. WHITE: Was there a question there or is that --

3 MR. EDGEWORTH: Oh, excuse me.

4 MR. WHITE: That's fine.

5 BY MR. EDGEWORTH:

6 Q: Do you agree with me that that was my point?

7 A: I do not.

8 Q: Okay. Then let's see here. Y'all received back the
9 fingernail clippings that Dr. Batalis talked about that they
10 collected during the autopsy; correct?

11 A: Uh-huh. Yes, sir.

12 Q: Okay. You didn't send that to SLED either?

13 A: No, sir.

14 Q: Okay. And -- and if -- if Mr. McNamara would have
15 scratched my client during the argument, there would have been
16 his DNA underneath his fingernails; correct?

17 A: But there were no injuries to your client.

18 Q: According to you, but we don't know whether that was
19 investigated. So let's see here. All right.

20 MR. EDGEWORTH: Court's indulgence.

21 MR. WHITE: And, Judge, just regarding that last
22 statement, I am going to object. There wasn't a lot of
23 questioning going on. A lot of testifying. So I'd like to
24 maybe just -- I'm happy with questions. They can question all
25 they want to, but maybe leave the testimony for the

BEN PRICE - CROSS BY MR. EDGEWORTH

1 investigator.

2 THE COURT: All right. Overruled. Thank you.

3 MR. WHITE: Thank you.

4 MR. EDGEWORTH: Thank you, Judge.

5 BY MR. EDGEWORTH:

6 Q: All right. So when -- let's see. My apologies. When my
7 client gave you the statement about the mechanism in which
8 this took place, you would agree that if there was an
9 altercation that the orientation of the body would be
10 consistent with that because he's facing the other bed? Mr.
11 McNamara?

12 MR. WHITE: And this calls for speculation.

13 THE COURT: Will you ask the question again? I'm sorry.

14 MR. EDGEWORTH: Sure. And I'll just take a different
15 approach, Your Honor.

16 THE COURT: All right.

17 MR. EDGEWORTH: Make it clear. Give me one moment,
18 Judge.

19 BY MR. EDGEWORTH:

20 Q: Yeah. There was one other piece of evidence that I
21 failed to ask, kind of glaringly, was the scalp hair that was
22 collected by Dr. Batalis. You guys didn't send that off for
23 DNA analysis either; correct?

24 A: No.

25 Q: Okay. Now -- okay. All right. So you were present in

BEN PRICE - CROSS BY MR. EDGEWORTH

1 the courtroom -- or were you present in the courtroom when Dr.
2 Batalis testified?

3 A: I was.

4 Q: Okay. And -- and you heard him indicate that -- that,
5 you know, there would be -- there are times when there's drugs
6 that aren't -- that don't show up on tox screens?

7 A: I mean, I heard that line of questioning, yes.

8 Q: Okay. And you also heard him say that in order to
9 corroborate whether or not there's an unknown substance, they
10 would actually need a sample of a substance?

11 A: I did.

12 Q: Okay. Do you recall when Mr. Taylor testified that he
13 identified a bag next to Mr. McNamara's bed that had drug
14 paraphernalia in it?

15 A: I did.

16 Q: Okay. You didn't test any of those things in that bag
17 either, did you?

18 A: That was paraphernalia. There wasn't an actual drug that
19 was in there. It was paraphernalia.

20 Q: Okay. Well, you would agree with me that oftentimes
21 there is residue from drugs in drug paraphernalia; correct?

22 A: I'm not a narcotics agent. I cannot answer that.

23 Q: Okay. All right. Well, at the --

24 MR. EDGEWORTH: You know what? No further questions,
25 Your Honor.

BEN PRICE - REDIRECT BY MR. WHITE

1 THE COURT: All right. Thank you, sir.

2 Anything further, Mr. White?

3 MR. WHITE: Just briefly, Judge.

4 REDIRECT EXAMINATION

5 BY MR. WHITE:

6 Q: Investigator Price, did you collect the 9-1-1 call where
7 the defendant admitted to stabbing James McNamara in the neck?

8 A: I did.

9 Q: Is that the same one where he admitted to waiting an hour
10 before calling law enforcement?

11 A: Yes.

12 Q: And did he identify himself on that 9-1-1 call?

13 A: He did identify himself.

14 Q: Were you able to identify his boss, Charles Preece?

15 A: Yes, we were.

16 Q: Were you able to identify the vehicle that was there at
17 the scene?

18 A: Yes.

19 Q: If the defendant would have fled, would you have been
20 able to find him in short order?

21 A: Yes, we would have.

22 Q: Because he had no choice but to stay there; right?

23 A: I would say so, yes.

24 Q: Okay. And during that hour or hour and a half that he
25 waited to call law enforcement, that would have been enough

BEN PRICE - REDIRECT BY MR. WHITE

1 time to think up a story to mitigate his actions; is that
2 correct?

3 MR. EDGEWORTH: Objection. Calls for speculation.

4 THE COURT: Sustained.

5 MR. WHITE: I'll withdraw.

6 BY MR. WHITE:

7 Q: But again, James McNamara -- there was no other weapons
8 in that scene, that -- that hotel room; is that right?

9 A: None that we found, no.

10 Q: And based on your investigation and the defendant's own
11 statement, the only two people in that hotel room were the
12 defendant and the victim; is that right?

13 A: That's correct.

14 Q: And he said in his confession that he was angry, that's
15 why he waited to call law enforcement?

16 A: That's correct.

17 Q: At any time when you encountered him, did he seem angry?

18 A: He did not seem angry when we were talking to him, no.

19 Q: Now, let me ask you -- let's say we buy this story and
20 that the defendant or the victim left out the hotel room and
21 came back. Is that illegal?

22 MR. EDGEWORTH: Objection, Your Honor. He's leading the
23 witness. He's calling for speculation.

24 THE COURT: All right. I'm going to allow the line of
25 questioning. Please don't lead the witness.

BEN PRICE - REDIRECT BY MR. WHITE

1 MR. WHITE: Yes, sir, Judge.

2 BY MR. WHITE:

3 Q: If somebody leaves a hotel room and then comes back, is
4 that illegal?

5 A: It is not.

6 Q: Okay. So the fact that someone leaves out and then comes
7 back in, would that have any bearing on -- on what happened
8 inside that hotel room?

9 A: If that, in fact, had happened, no, it would not.

10 Q: Okay. So you collect the 9-1-1 call where he confessed
11 to killing James McNamara?

12 MR. EDGEWORTH: Objection. Using the terminology
13 confession.

14 MR. WHITE: Okay.

15 THE COURT: Rephrase the question, please.

16 MR. WHITE: All right.

17 BY MR. WHITE:

18 Q: Did you collect the 9-1-1 call where he said I stabbed
19 James McNamara to death?

20 A: Yes.

21 Q: Okay. Did you conduct the interview where he said I
22 stabbed James McNamara to death?

23 A: Where he said --

24 MR. EDGEWORTH: Objection. That is not what he said.

25 THE COURT: All right. Let's move on. Thank you.

BEN PRICE - REDIRECT BY MR. WHITE

1 MR. WHITE: All right.

2 BY MR. WHITE:

3 Q: Did you collect and, ultimately, your office collect the
4 knife that he plunged into James McNamara's neck? Did you get
5 that?

6 A: Yes.

7 Q: Did you test that for DNA?

8 A: Yes.

9 MR. WHITE: I have nothing further.

10 THE COURT: All right. Anything further?

11 MR. EDGEWORTH: No, Your Honor.

12 THE COURT: All right. Thank you, Investigator. You can
13 step down.

14 THE WITNESS: Thank you, Judge.

15 THE COURT: All right. Mr. White?

16 MR. WHITE: Judge, at this time, the State rests.

17 THE COURT: All right. Ladies and gentlemen, I'm going
18 to ask that you go to your jury room at this time. There's
19 matters of law that we have to take up outside of your
20 presence.

21 I'm going to ask -- I'm going to keep you back there for
22 just a few minutes while we talk about scheduling and how --
23 what -- what comes next in this matter, and then we'll either
24 let you go to lunch or give you some further instructions, but
25 we'll let you know something in just a few minutes. If you

1 will, please remember not to discuss this case until we tell
2 you it's time to do so, and thank you so much for your
3 attention.

4 (WHEREUPON, the jury exited the courtroom at 11:55 a.m.)

5 THE COURT: All right. Are there any motions?

6 MR. EDGEWORTH: Yes, Your Honor, I have a motion.

7 THE COURT: All right.

8 MR. EDGEWORTH: Your Honor, may it please the Court.

9 At this time, I would move for a directed verdict on the
10 -- on the charge of murder, most principally of which is the
11 essentially complete lack of evidence, in my view, as to
12 malice aforethought. The State has put up evidence that
13 indicates that I guess they're trying to say that he created
14 -- he had malice after the fact, but there's no testimony that
15 -- that demonstrates malice aforethought.

16 You know, had my client been standing behind the curtain
17 in the hotel room waiting on Mr. McNamara, malice
18 aforethought. Had there been evidence that Mr. McNamara was
19 asleep in his bed at the time that my client made -- jumped on
20 him and stabbed him to death, malice aforethought, but that
21 would require that -- you know, that he'd be -- he'd be
22 oriented in his bed in the way he'd be sleeping, which that's
23 not -- that's not in evidence. He's across the bed, which
24 indicates that more likely than not, there was some form of
25 altercation.

1 I think that obviously we have a dead body. We have
2 acknowledgement by my client that he was the one that stabbed
3 him, but I don't think there's any evidence that there's
4 malice aforethought, and I would ask the Court to direct a
5 verdict of not guilty on that basis.

6 THE COURT: All right. Anything from the State?

7 MR. WHITE: Not if you're inclined to deny the motion.
8 It's -- as Your Honor is well aware, malice can occur [*snaps*
9 *fingers*] like that in a split second, and I think the evidence
10 does show that this attack in its entirety happened in the
11 bed. So I would refute that point and ask you to -- to deny
12 the motion. I think there is evidence here of murder.

13 THE COURT: All right. And, respectfully, I do deny your
14 motion. I find that, you know, what -- what we're looking for
15 is just the existence of evidence that would support the
16 charge and, certainly, I find that there is evidence that
17 exists in this record that -- that would support a murder
18 charge. And so I'll respectfully deny your motion.

19 Have you had an opportunity to talk to your client about
20 testifying?

21 MR. EDGEWORTH: Well, we have, Your Honor. Not today.

22 THE COURT: Okay.

23 MR. EDGEWORTH: I'm happy to speak with him. If the
24 Court is maybe inclined, if my client does not intend so that
25 the -- if the Court is inclined to bring the jury back out or

1 -- sorry. I need to be standing.

2 THE COURT: That's fine.

3 MR. EDGEWORTH: Bring -- bring the jury back out so that
4 we can rest and go from there. I don't know what the time
5 tables may be, but I'm happy to speak with him to confer.

6 THE COURT: All right. Well, I'll tell you what. Let me
7 go ahead and have a colloquy with him now, and then we'll give
8 you a few minutes to do that, and then we'll go from there.

9 MR. EDGEWORTH: Yes, sir.

10 THE COURT: All right. Mr. Smith, will you stand up,
11 please? Will you raise your right hand, sir? Do you swear or
12 affirm the testimony you're about to give to be the truth, the
13 whole truth, and nothing but the truth?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: All right, sir. You can put your hand down.

16 All right, sir. You understand that you're exercising
17 your right to a jury trial, and now it's the point in time
18 during this trial where you have the absolute right to present
19 any defenses that you might have, and that includes you have
20 the right to testify on your own behalf, but you also have the
21 right to remain silent. You don't have to testify, and nobody
22 can make you testify. And if you choose not to testify, then
23 I'll instruct this jury that they can't even consider that in
24 their deliberations on the charge.

25 Now, if you do decide to testify, certainly you have that

1 absolute right and you have the right to present any defenses
2 that you might have, and certainly you'll have that
3 opportunity if that's what you and your attorney choose to do,
4 but again, if you do decide to testify, then you'll be treated
5 just as any other witness would be on the witness stand.
6 You'll be subject to any questions that are appropriate under
7 the law from your attorney and from the State of South
8 Carolina.

9 If you have any criminal history that might be
10 admissible, then that would come to light before the jury.
11 And again, you'll be treated just as any other witness would
12 be if they were to take the stand and testify in any criminal
13 trial.

14 Now, having said that, the -- your right to testify and
15 your right to remain silent, it has to be your decision. It
16 can't be anybody else's decision.

17 I'm going to give you an opportunity to talk to your
18 lawyer to make that decision, you know, with all the time that
19 you need, with all the questions that you need to talk to your
20 attorney, but ultimately, whether or not you testify in this
21 case is your decision.

22 Do you understand those things?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right. Mr. Smith, I appreciate that.

25 I'll give you an opportunity to speak to your -- your

1 attorney, and then we'll go from there. Okay?

2 MR. EDGEWORTH: Your Honor, is it okay if we step to the
3 conference room?

4 THE COURT: Sure. Yes, sir.

5 MR. EDGEWORTH: Thank you.

6 THE COURT: I'll tell you what. We'll -- we'll give you
7 about however long you need. Just let us know. Okay?

8 MR. EDGEWORTH: Yes, Your Honor.

9 THE COURT: All right. We'll be at recess until he comes
10 back. Thank you.

11 MR. WHITE: Thank you.

12 (WHEREUPON, there was a break in the proceedings from
13 12:01 p.m. until 12:04 p.m., after which the proceedings
14 resumed as follows.)

15 THE COURT: All right. All right. Mr. Smith, have you
16 had an opportunity to talk to your lawyer about testifying?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right, sir. Have you made a decision?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: All right. And do you need any more time to
21 make this decision?

22 THE DEFENDANT: No, sir.

23 THE COURT: All right. Have you decided whether or not
24 you wish to testify?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: What -- what's your decision?

2 THE DEFENDANT: Not to testify.

3 THE COURT: Okay. I understand.

4 Mr. Edgeworth, anything further as far as that goes?

5 MR. EDGEWORTH: No, Your Honor. I think the Court has
6 covered it in the colloquy.

7 THE COURT: You can have a seat.

8 All right. Now, do you -- Mr. Edgeworth, do you plan to
9 put up a defense at all?

10 MR. EDGEWORTH: No, Your Honor.

11 THE COURT: Okay. All right. So it's ten minutes after
12 12. Let's talk about charges.

13 Well, I'll tell you what. Is everybody in agreement to
14 try to come back say at 1:30 and argue and charge? Is that --

15 MR. WHITE: Yeah. That's fine. I'd ask for maybe until
16 two, but --

17 THE COURT: All right.

18 MR. WHITE: Thank you.

19 THE COURT: What's your position, Mr. Edgeworth?

20 MR. EDGEWORTH: I don't -- I don't have a problem with
21 whatever time, Your Honor. I just want to make sure I
22 understand or come back and discuss the charges or actually
23 come back and argue?

24 THE COURT: No, we're going to discuss the charges now.

25 MR. EDGEWORTH: Oh, okay.

1 THE COURT: And then -- but I wanted to let the jury know
2 what we're going to do.

3 MR. EDGEWORTH: Yes, Your Honor. So, yeah, I mean, we're
4 prepared to go ahead and rest. I can renew, and we'll go from
5 there.

6 THE COURT: Okay.

7 MR. EDGEWORTH: Yes, sir.

8 THE COURT: Would you prefer to do that on the record now
9 or after lunch?

10 MR. EDGEWORTH: I don't really have a -- I mean, it seems
11 like it might just be more convenient to -- to go ahead and
12 knock this out on the -- on the -- do it all together on the
13 back side.

14 THE COURT: Okay.

15 MR. EDGEWORTH: Instead of bringing them back and forth
16 and then send them to lunch.

17 THE COURT: All right. Well, I'm going to ask that they
18 be back at 1:45, and then we'll start at 2 o'clock.

19 MR. EDGEWORTH: Yes, sir.

20 MR. WHITE: That sounds good, Judge.

21 THE COURT: All right. Mary, could you tell them that
22 they can go to lunch and be back at 1:45?

23 THE BAILIFF: 1:45?

24 THE COURT: Thank you.

25 All right. So what I'll do is just kind of go over my

1 general charge, basically just general post-trial charge.
2 Then I'll charge again the arrest and indictment is not
3 evidence. Presumption of innocence. Reasonable doubt.
4 Direct and circumstantial evidence. Credibility of witnesses.
5 Expert witness. Criminal intent. And then failure of the
6 defendant to testify, and murder.

7 And then what is each of y'all's position on manslaughter
8 or voluntary manslaughter?

9 MR. WHITE: I think there's enough in the records for a
10 charge on manslaughter, Judge.

11 THE COURT: All right. Mr. Edgeworth?

12 MR. EDGEWORTH: Your Honor, I -- I respectfully, you
13 know, request the Court deny the opportunity for the State to
14 come in here and obtain the voluntary manslaughter, and let me
15 express my rationale. You know, this case -- the evidence has
16 not changed since two hours into the case, and the State chose
17 to indict my client on -- on murder.

18 And they started this case out saying worst person born
19 on earth that wants to watch somebody die. And so to me,
20 giving the State of the second opportunity, especially when
21 we're talking about LWOP, you know, is just egregious, you
22 know.

23 The -- the -- we didn't put in the evidence that they're
24 -- I guess they're using as the basis for the voluntary
25 manslaughter charge. In fact, they told the jury in opening

1 that the words weren't justification.

2 So, I mean, to me, it just -- it just runs afoul of
3 fairness when you can have a case. He was indicted as murder.
4 We could have pled this case a year ago, you know, type of
5 thing, but for the fact that they served him with LWOP notice
6 and didn't believe that it was voluntary manslaughter. And if
7 they did, they sure as heck didn't tell me about it.

8 So, you know -- you know, and he wasn't indicted on that
9 charge. So to me, to allow the State to indict a person on
10 the heightened charge, go through the entire trial, and then
11 let's, you know, save them a little bit with return serve on
12 the voluntary manslaughter, it's just not -- it's just not
13 fair play, and I think we were prejudiced by that.

14 You know, I understand my client's statement is the
15 statement, but we're here last minute, and that's -- and the
16 State's now asking for the charge. I think it's, you know,
17 unreasonable and -- and runs afoul of, you know, the essential
18 fairness of the process.

19 THE COURT: All right. Mr. White, anything you want to
20 add?

21 MR. WHITE: I think it was less than five minutes ago we
22 heard a motion to direct a verdict where he argued that there
23 was no malice here. So I don't understand how that's not un
24 -- that's unfundamentally fair. And, you know, yeah, we could
25 have pled for a year. If he wants to plead, he can plead

1 right now. There is evidence that could go either way.

2 I can't indict for voluntary and murder. Okay? I'm
3 going forward with what the evidence shows. I'm arguing
4 murder. They're setting up a case for voluntary manslaughter.
5 And just the way I've been doing it from the start, that's the
6 way they've been doing it from the start. So I -- you know, I
7 understand arguing for your client and all that, but to say
8 that it's fundamentally unfair is ridiculous.

9 MR. EDGEWORTH: May I rebut that, Your Honor?

10 THE COURT: Yes, sir.

11 MR. EDGEWORTH: It absolutely is unfair because he was
12 served with LWOP notice. We have no choice. I mean, you
13 can't -- this is what I'm talking about. You -- you indict
14 him for murder, and then you serve him with LWOP notice, and
15 -- and so then you have to try the case, and your only chance,
16 you know, at anything is to get a not guilty verdict when
17 you're on LWOP notice, no matter what they claim it to be.

18 I mean, if they -- just to say, well, I can't -- I can't
19 indict him on voluntary, well, yes, you can, you know. You
20 know, so to say -- to say, like, all of a sudden, like, now
21 I'm talking about there's no malice, well, what else am I
22 going to say? You know, that's what we're here for is murder.

23 So, you know, again, we're talking about fairness of a
24 system that is allowing the State to just, you know, piggyback
25 off of whatever happens on the back end of the trial. Well,

1 that's not fair. I mean, if they thought it was -- if they
2 thought it was voluntary manslaughter, they would have -- they
3 should have indicted him on that charge, and then if they
4 wanted to serve him with LWOP notice, be my guest, but what
5 they did was indicted him on murder, served the LWOP notice,
6 tried the case, and then asked for voluntary manslaughter.

7 And then -- so my client is screwed either way in a cell,
8 I mean, and it's -- it's -- I can't provide a complete defense
9 when you get -- you get -- you know, you get a fifth ball
10 instead of four balls, you know, or -- or four strikes. I
11 mean, it's just the fundamental unfairness of the process, and
12 I don't think that the State should be rewarded for that.

13 MR. WHITE: It's not about fairness, you know. It's not
14 about being railroaded by the State. It's what -- it's what
15 evidence is presented, what comes out at trial. And I don't
16 know -- you know, a year ago when I indict this case, I don't
17 know what's going to come out at trial.

18 If you want to talk about fundamental fairness and you
19 want to complain about the LWOP, then take it up with your
20 client. He's charged. He's been charged with one count of
21 murder and convicted in the past. He's got a murder pending
22 in North Carolina. Of course, when he stops in Florence and
23 murders somebody, I'm going to serve the LWOP notice.

24 It's not about any of that. It's about what comes out at
25 trial, and what has come out at trial could go either way

1 between murder and manslaughter, and that's the end of the
2 discussion. It shouldn't be this discussion about whether
3 it's fair, you know, and all that sort of thing. It's what
4 comes out at trial.

5 THE COURT: All right.

6 MR. EDGEWORTH: And again, I'll --

7 THE COURT: I'll tell you what. Everybody be prepared to
8 argue with both charges, murder and voluntary manslaughter.
9 And if I decide any differently, then I'll certainly let you
10 know before we reconvene at 2 o'clock.

11 MR. EDGEWORTH: Yes, Your Honor.

12 THE COURT: All right.

13 MR. WHITE: Thank you, Judge.

14 (WHEREUPON, there was a break in the proceedings from
15 12:13 p.m. until 2:02 p.m., after which the proceedings
16 resumed as follows.)

17 THE COURT: All right. Is there anything we need to take
18 up before we proceed?

19 MR. WHITE: Judge, I think it's in the standard charge,
20 but I just want to double check that there's language in there
21 that words alone are not enough for legal provocation. It's
22 usually in the standard charge, but I just wanted to double
23 check.

24 THE COURT: Yeah, it's in the voluntary manslaughter
25 charge.

1 MR. WHITE: Yes, sir.

2 THE COURT: Do you want to take a look at it?

3 MR. WHITE: Yeah. That'd be great. Thank you, sir.

4 Okay. Yep. Looks good. Thank you, Judge.

5 THE COURT: All right.

6 MR. EDGEWORTH: I guess that means my motion is denied.

7 THE COURT: Well, I was going to -- I was going to put
8 that on the -- on the record.

9 MR. EDGEWORTH: Yeah.

10 THE COURT: Y'all want to take a look at the verdict
11 form?

12 MR. WHITE: Sure.

13 THE COURT: Well, I'll tell you what. Since we're on the
14 record, I did some research over lunch, and I think the law is
15 that if there's any evidence that supports the lesser-included
16 charge and either side is requesting it, then the law is we
17 have to charge it, and that's what -- that's what we're going
18 to do. So I understand your argument is quite a good
19 argument, but I think the law is that if there's evidence and
20 it's being requested to be charged, then it has to be charged.

21 MR. EDGEWORTH: May I inquire briefly, Your Honor?

22 THE COURT: Uh-huh.

23 MR. EDGEWORTH: So does the Court have a finding as to
24 what the provocation is then? Because if the State is arguing
25 words aren't enough, then --

1 THE COURT: Well, let's -- hang on one second. Let me
2 read it.

3 MR. EDGEWORTH: Sure.

4 THE COURT: All right. So the standard as to whether or
5 not we -- whether or not the Court must charge a lesser-
6 included offense is whether or not there's any evidence
7 whatsoever. Right? Certainly, the State's contention that
8 words aren't enough is part of the manslaughter charge, but
9 it's not, in and of itself, all of it.

10 So, in other words, to prove voluntary manslaughter, the
11 State must prove beyond a reasonable doubt the defendant took
12 the life of another in the sudden heat of passion based on
13 sufficient legal provocation. Both heat of passion and
14 sufficient legal provocation must be present at the time of
15 the killing to constitute voluntary manslaughter.

16 And it goes on to say how the jury goes about making
17 those factual findings in order to find somebody guilty or not
18 of voluntary manslaughter, and it's also -- and it includes
19 that words alone, however vulgar or insulting, are not enough
20 to be legal provocation.

21 But in this matter, we also have evidence that the victim
22 may have -- or came at the defendant. So I think, certainly,
23 that, coupled with what he says he said, you know, certainly,
24 a jury could find that he's guilty of voluntary manslaughter.

25 But those are questions of fact for the jury to

1 determine. I'm just saying that I'm making a finding that
2 there is evidence in the record. There exists evidence in the
3 record. I'm not making any finding on how strong it is or the
4 weight of that evidence, but certainly it exists to where they
5 could find him guilty of either murder or voluntary
6 manslaughter, but that's in the purview of the jury as finders
7 of the facts. All right?

8 MR. EDGEWORTH: And remind me, Your Honor, then is there
9 then a self-defense charge?

10 THE COURT: Well, this is the first time it's been
11 brought up, but, no, I don't think -- you know, at this point
12 in time, there's been no evidence of the elements of self-
13 defense except for the one of, you know, that he may have been
14 coming at him.

15 There's been absolutely no evidence that your client was
16 afraid for his life. There's been no evidence in the record
17 that he thought he was armed, you know, that would -- I mean,
18 now, certainly he was in his hotel room where he had a right
19 to defend himself. He didn't have the duty to retreat. So
20 I'm not, you know, considering that element of self-defense,
21 but I don't think as we stand right now with what's in the
22 record that -- that there's the evidence -- the existence of
23 evidence that would justify a self-defense charge.

24 Mr. White? Or --

25 MR. EDGEWORTH: Well, Your Honor, I mean, I just take it,

1 as, you know, motion denied, I mean, and I just --

2 THE COURT: Well, I understand.

3 MR. EDGEWORTH: -- want to make sure for the purposes of
4 the record that -- you know, that that is made clear because I
5 know I didn't raise it earlier, but of course, I was waiting
6 to see what Your Honor's final decision would be on the -- you
7 know, without going into further detail, you know, if we're
8 talking about provocation being sufficient provocation and
9 words aren't enough, I just -- and I'm not trying to argue
10 against your ruling.

11 I just don't know how you can have both and how you can
12 have, you know, the Court -- the Court to charge the jury on
13 what the basis of the provocation is, unless there's a finding
14 in a sense that there's sufficient provocation. And if words
15 are not enough, and then the only commentary in the record is
16 that he may or may not have been coming back to him -- coming
17 at him and there's no evidence of a weapon, then that's not
18 sufficient provocation either.

19 So I'm not really sure. I just want to make sure for the
20 record purposes that that is -- that is clear because I don't
21 know how you -- this kind of circles back to the other
22 argument where if -- if words were enough in the very
23 beginning, and we knew -- and you know voluntary is coming,
24 then maybe you can produce a complete defense in a different
25 manner.

1 So, you know, I'll just leave it be because I understand
2 the Court's ruling. I'm just -- that's my rationale.

3 THE COURT: I understand. And again, so if we take the
4 charge on its face, the paragraph that seems to be at issue is
5 words alone, however vulgar or insulting, are not enough to be
6 legal provocation. Where death is caused by the use of a
7 deadly weapon, the words must be accompanied by some overt
8 threatening act which could have produced the heat of passion.

9 So, you know, how the jury decides what the facts are,
10 again, are up to the jury. I think there's the -- at least
11 the existence of evidence in the record, which is the
12 threshold for charging the jury on voluntary manslaughter.

13 MR. EDGEWORTH: Yes, sir.

14 THE COURT: All right.

15 MR. EDGEWORTH: And just for procedural purposes, so when
16 we rest, so that we don't have to send the jury back out, can
17 I just generally reraise my prior objections so --

18 THE COURT: Yeah.

19 MR. EDGEWORTH: Or is that how you want to do it?

20 THE COURT: Or you can do it now, and I'll -- we'll
21 certainly protect the record for you, if that's all you intend
22 to do is rest. And, you know, if you'd like to say at that
23 point in time, we just renew all our motions and objections,
24 then certainly we'll recognize that or however you'd like to
25 do it.

1 MR. EDGEWORTH: Yeah. Just for -- I think it would
2 probably be more efficient or more proper to just do it after
3 I rest, and then I will obviously raise the detailed motion.
4 THE COURT: I understand.
5 MR. EDGEWORTH: Thank you, Judge.
6 THE COURT: Yes, sir.
7 MR. WHITE: Judge, I can't remember. Do you charge first
8 or last?
9 THE COURT: I'll charge after y'all finish.
10 MR. WHITE: Gotcha.
11 MR. EDGEWORTH: Thank you, Judge.
12 THE COURT: And just so we don't have any
13 misunderstandings, the order of closing, what is y'all's
14 understanding?
15 MR. WHITE: The State in full and then the defense in
16 full.
17 THE COURT: All right.
18 MR. EDGEWORTH: Thank you, Judge.
19 THE COURT: All right. Can we have the jury?
20 (WHEREUPON, the jury entered the courtroom at 2:12 p.m.)
21 THE COURT: All right. Thank you, ladies and gentlemen.
22 At this time, we're going to recognize the defense for
23 your case.
24 MR. EDGEWORTH: Thank you, Your Honor. May it please the
25 Court.

1 Your Honor, the defense rests.

2 THE COURT: All right.

3 MR. EDGEWORTH: And at this time, I would like to renew
4 all previous motions and objections.

5 THE COURT: All right. Understood.

6 MR. EDGEWORTH: Thank you.

7 THE COURT: And the rulings will remain the same.

8 All right. Ladies and gentlemen, at this time, the
9 parties have presented their evidence in this case, and it's
10 time for the attorneys to now make their closing arguments.

11 The arguments of the attorneys are not evidence in this
12 case. Their statements and arguments are meant to help you
13 understand what the evidence is and apply the law to the
14 evidence, as you've heard it. You should disregard any
15 remark, statement, or argument which is not supported by the
16 evidence presented during this trial or the law that I will
17 explain to you after their arguments. Okay?

18 So, at this time, we're going to recognize Mr. White for
19 the State.

20 CLOSING ARGUMENT ON BEHALF OF THE STATE

21 MR. WHITE: For an hour or more, the defendant in this
22 case watched a gruesome death. You heard from the
23 pathologist. This wouldn't have happened in a matter of
24 seconds. Minutes went by. As he gurgled on his own blood, as
25 he coughed, as he choked, his lungs filling up, the defendant

1 smoked a blunt and drank a couple of beers and watched. After
2 stabbing James McNamara three times in his neck, the defendant
3 just sat back and for an hour watched like we would watch TV
4 on any weekday night.

5 And, ladies and gentlemen, that is murder, and murder is
6 the willful, felonious killing of a human being with malice
7 aforethought, that either being express or implied. Malice is
8 defined like this. Okay? Hatred, ill will, evil intent to
9 injure another person.

10 And malice does not necessarily mean ill will toward the
11 individual injured, but signifies rather a depraved or wicked
12 spirit. Malice may be conceived at the very moment the act
13 occurs. That's important. You know, a lot of people think
14 about premeditation and malice, and when you go home and you
15 watch television, you think murder is you plan and murder.
16 You know, you lie in wait.

17 That's not what the law says at all. Malice can arise
18 like that. If you decide in your mind to kill another person,
19 that's murder. That's murder. It can be either express
20 malice, a deliberate intention to unlawfully take the life of
21 another, or implied malice, the circumstances demonstrate a
22 wanton or reckless disregard for human life. All those are
23 important for what I'm about to tell you now. Okay?

24 Again, I'll tell you, it's not like you see on television
25 where they plan it for months and months and months. That's

1 not murder -- I mean, that's murder, but so is if -- let's say
2 you -- you're working on a long day's work. Right? And
3 you're sleeping, and you -- you pass out in your work clothes
4 and you decide to get up in the middle of the night, use the
5 bathroom, and it wakes your roommate up. Okay? And they're
6 so angered that they get up and they decide in that moment I
7 am going to kill you. That's murder all day long.

8 And I submit to you, ladies and gentlemen, that this is a
9 murder case, but how it works in South Carolina, there's
10 what's called lesser-included offenses. So there's murder,
11 and then there's voluntary manslaughter. Right? And the
12 judge is going to charge you on both.

13 And I told you why this is murder, and -- and I submit to
14 you this is murder. And I'm going to explain voluntary
15 manslaughter, and I'm going to tell you why it's not voluntary
16 manslaughter and why it's murder.

17 Voluntary manslaughter is taking the life of another in
18 the sudden heat of passion upon sufficient legal provocation.
19 That's the difference between murder and voluntary
20 manslaughter. It's that sufficient legal provocation. Okay?

21 Both heat of passion and sufficient legal provocation
22 must be present at the time of the killing to constitute
23 voluntary manslaughter. Sudden heat of passion may for a time
24 affect a person's self-control and temporarily disturb a
25 person's reason, but again, you have to have sufficient legal

1 provocation. The sudden heat of passion must be the type that
2 would make an ordinary person unable to coolly reflect on his
3 actions and would produce an uncontrollable impulse to do
4 violence. All right?

5 Here's the big one. Words are not enough, and that's
6 what we're dealing with here, ladies and gentlemen, a very
7 terrible, bad word. All right? It's not enough. Dream up
8 the worst word in your head. It is not sufficient legal
9 provocation. Okay?

10 And Mr. Edgeworth has said that word plenty of times
11 throughout this trial. I'm not going to because if my mom
12 walks in that door, she'll slap my mouth if she hears me say
13 it. Okay? I'm not going to say it. All right?

14 But here's what I submit to you, ladies and gentlemen,
15 that in that hour, that hour and a half, while Willie Smith
16 was drinking his Mike's Hard Lemonade and smoking his blunt,
17 realizing that I am done, they know I'm in here with him, they
18 -- you know, the car. The only means of escape is the work
19 truck. They're going to find me.

20 While he's smoking that blunt and drinking that beer and
21 the victim is gurgling blood and fighting for his life, he
22 says I know what I'll tell them. I'll tell them he called me
23 a terrible name. Right? I submit to you, ladies and
24 gentlemen, that's all it is, an excuse that he conjured up
25 while the victim was gurgling on his own blood. Okay?

1 And it's based on what you heard on that witness stand.
2 I mean, you heard from his boss. He never heard him say
3 anything like that. He -- what did he describe him as? A
4 hippie, a free bird, you know, from Pennsylvania, who was
5 always cool, calm, and collected, even when others weren't,
6 you know.

7 And what did I ask him about that Walterboro job?
8 Charles Preece was going to fire this defendant right here,
9 and he went and he talked to James McNamara, and they had a
10 lengthy discussion is what he said. And then what happened
11 after that? He decided not to fire him. No, that -- all that
12 does not jive.

13 (WHEREUPON, a portion of State's Exhibit Number 1, the
14 9-1-1 call on disk, was played and then stopped. Not
15 transcribed herein.)

16 MR. WHITE: No remorse, no emotion. If anything,
17 laughter. Ladies and gentlemen, I submit to you it did not
18 happen the way that Willie Smith says it happened, and based
19 on a lot of things, but look at his legs, ladies and
20 gentlemen. They are completely elevated. He says he attacks
21 him, and they have both feet on the ground. All right?

22 Think about it. If I'm standing in front of a bed like
23 this, feet on the ground, and somebody comes and we fall back,
24 your legs are still going to be hanging off the bed. No, no,
25 no, no. He attacked him when he was fully prone, laying back

1 on that bed.

2 We'll touch on it in a minute, but you heard the
3 pathologist. Downward trajectory with the knife. Downward
4 trajectory with the knife. That's different than the story
5 that Willie Smith spun in that interview room, but think how
6 long it takes to grab that knife, flip it over, and make a
7 decision to stab someone in the throat three times and miss
8 once and drive their hair from their scalp into the mattress.

9 All of the blood is on the victim's bed. It's all around
10 him. Look how high he is up on that bed, ladies and
11 gentlemen. There's blood here on the frame. There's blood on
12 the ceiling above his body. And again, in his interview, he
13 says he had the knife like this, and you'll see it, and this
14 is -- this is how Willie Smith says he stabbed James McNamara.
15 Like this. Like this.

16 That has -- that can't be. The forensic pathologist said
17 that the weapon relation to the wound in the neck is down, is
18 down, is down, and there's only one way to do that. You climb
19 on top of somebody in the bed and you're coming down on them,
20 and you're coming down on them, and you're coming down on
21 them, and then somewhere you miss and you hit hair and you
22 drive it into the mattress.

23 Upset with towels or him getting woken up, he was mad,
24 all right, but all this other, you know, he called me this
25 name, you know, he -- he shot out of bed is all mitigation.

1 While he was drinking and having himself a smoke, he came up
2 with that.

3 (WHEREUPON, a portion of State's Exhibit Number 50,
4 defendant's redacted statement on disk, was played and
5 then stopped. Not transcribed herein.)

6 MR. WHITE: Okay. Forty-five minutes to an hour later
7 when he didn't move, he finally calls 9-1-1. Under this
8 scenario, under what Willie Smith just said, that's murder.
9 Okay? If you believe that whole version, which I submit to
10 you, ladies and gentlemen, the evidence does not support, but
11 even if you do believe it, that's murder. That is murder.

12 (WHEREUPON, a portion of State's Exhibit Number 50,
13 defendant's redacted statement on disk, was played and
14 then stopped. Not transcribed herein.)

15 MR. WHITE: Well, I asked Charles Preece about that. Did
16 he ever come to you and say that James McNamara was calling
17 him the N-word. He said, no, I don't know anything about
18 that. I never heard him say the word. Willie Smith never
19 complained to me about him saying the word. Never. All of
20 this is to mitigate a heinous act.

21 (WHEREUPON, a portion of State's Exhibit Number 50,
22 defendant's redacted statement on disk, was played and
23 then stopped. Not transcribed herein.)

24 MR. WHITE: He's just pissed off. You know, I'm not
25 going to say the word. I know Mr. Edgeworth said it several

1 times. You know what I did notice when he said it? Nobody in
2 this courtroom jumped up and murdered him. I did notice that.
3 All right?

4 He said he's mad. I don't ever see him mad. I see him
5 calm, cool, collected, recounting murdering a man on 9-1-1 and
6 on this interview right here, like he's recounting how I come
7 home and tell my wife how my day was.

8 (WHEREUPON, a portion of State's Exhibit Number 50,
9 defendant's redacted statement on disk, was played and
10 then stopped. Not transcribed herein.)

11 MR. WHITE: I mean, what other clip do I have to play? I
12 mean, when I was a boy, you know, and I was in there and it
13 stuck with me. It stuck with me. It's a normal reaction.
14 Somebody is dying. You're not just going to sit back, grab
15 you a beer, and smoke you a blunt like you're watching college
16 football.

17 (WHEREUPON, a portion of State's Exhibit Number 50,
18 defendant's redacted statement on disk, was played and
19 then stopped. Not transcribed herein.)

20 MR. WHITE: That can't be true. Okay? An expert -- if
21 you don't believe that forensic pathologist is an expert,
22 check with me after the trial. That man is qualified. He's
23 been qualified as an expert -- what did he say? -- 200 times.
24 He's been doing autopsies for the better part of his life.
25 Dr. Nick Batalis, and he said each and every wound comes down,

1 it comes down, it comes down.

2 And what did the defendant say? He juggled him. He
3 juggled him. That's up. That's up. That can't be right.
4 Okay?

5 (WHEREUPON, a portion of State's Exhibit Number 50,
6 defendant's redacted statement on disk, was played and
7 then stopped. Not transcribed herein.)

8 MR. WHITE: He knew. Don't take my word for it. The
9 defendant knows it. He's telling you.

10 (WHEREUPON, a portion of State's Exhibit Number 50,
11 defendant's redacted statement on disk, was played and
12 then stopped. Not transcribed herein.)

13 MR. WHITE: The evidence only points one way. I know Mr.
14 Edgeworth is doing his job, and I'm sure he might get up here
15 and talk about all the things that law enforcement didn't do,
16 but that's a red herring. Defense attorneys do that in every
17 case. They want to say, well, you didn't test that hat over
18 there. You didn't test this over there.

19 Well, let me tell you something. They've got two
20 confessions -- okay? -- from this defendant, and they tested
21 the weapon. They got the murder weapon.

22 Ladies and gentlemen, this is murder. All right? The
23 evidence only points you in one direction. It's murder. When
24 you get back there, you can talk about murder and voluntary
25 manslaughter. That's -- that's all. That's the only

1 discussion there is to be had. It's not a whodunit. They
2 admit it's not a self-defense case. You won't hear any law
3 about self-defense.

4 This is murder or manslaughter. I'm telling you all day
5 long, twice on Sunday, this is murder because there is not
6 sufficient legal provocation. Words alone are not enough.
7 Words alone are not enough.

8 You sat with us this entire trial, and I appreciate it.
9 I know the judge does. I know the defense does. It's an easy
10 decision when you go back there. It's an easy decision when
11 you go back there.

12 And when you take that first vote, right before you raise
13 your hand -- okay? -- I want you to think about this. All
14 right? I want you to think about this. I want you to think
15 about the man who was gurgling on his own blood.

16 MR. EDGEWORTH: Objection, Your Honor.

17 THE COURT: Sustained.

18 MR. WHITE: I want you to think about James McNamara. I
19 want you to think about the victim in this case, and I want
20 you to think about the man who watched him die and find him
21 guilty of murder. All right?

22 Thank you.

23 THE COURT: Mr. Edgeworth?

24 MR. EDGEWORTH: Thank you, Your Honor. May it please the
25 Court.

CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

MR. EDGEWORTH: All right. Ladies and gentlemen of the jury, I want to start by addressing what I guess the State perceives may be me inappropriately using words that were a part of this case and, believe me, it wasn't taken lightly.

My job is to represent this man. I essentially become him in front of you. Those were the words that not only he heard, but what he told law enforcement here. So he gave me permission to use that word. So if you're going to hold it against anyone, just hold it against me, not him. But those were the facts in this case. Those were the facts in this case from the very beginning.

A deal has been made about the sequencing of these events, and -- and I ask you to consider why in the world would this man call 9-1-1, tell them what he did, not leave the scene, wait on law enforcement, tell them what happened, and then come before you and ask you not to understand that those are the facts of the case. The only people that don't believe him is the State, and they are hell bent on making sure that they come up with the evidence in this case to try to entice you into falling into the trap that it's got to be murder. It has to be murder. He didn't do this, and he didn't do that.

There are plenty of things that weren't done in this case, plenty of things that law enforcement could have done to

1 try to corroborate my client's story, as they call it. You
2 didn't hear one time -- one time during that interrogation did
3 they try to say, well, that don't make any sense? What about
4 this? What about that? Not one time.

5 They let him tell the story so they can hear the story,
6 and then you heard they didn't even go back to the scene to
7 try to corroborate it. They'd already taken the pictures, saw
8 the blood, figured that, you know, he just killed him, and he
9 confessed. They kept on saying confessed. He didn't confess
10 to murder. He just told them that he stabbed him, and he told
11 them why he stabbed him.

12 Yeah. Let's talk about this, first of all, and I
13 apologize because I'm going to go through some of these
14 witnesses with you, kind of refresh your recollection about
15 what was actually said and what was actually done.

16 First off, we have 9-1-1. They just replayed it for you.
17 He told the 9-1-1 operator what happened. He even told them
18 that he just stabbed him. He called 9-1-1 after having smoked
19 a blunt, drank the beer. He didn't say that he was waiting on
20 him to die before he called 9-1-1. That's what they want you
21 to believe.

22 They also want you to believe that him waiting for him to
23 die was what was necessary for him to die. What did the
24 pathologist actually say? He isn't saying that it would take
25 forever for him to bleed out. He said it would take minutes

1 for him to bleed out.

2 You are allowed to use your own reason and experiences
3 when making decisions in that jury room. And you know --
4 you've heard stories. You know in real life that when someone
5 hits an artery or a vein, they really only have a few minutes
6 to live and, quite honestly, they hardly ever make it to the
7 hospital even if 9-1-1 is called immediately.

8 So that, of all things, is the red herring in this case,
9 not me poking at what law enforcement didn't do because I say
10 they didn't do because they already made up their mind as to
11 what happened. He was indicted on murder, not voluntary
12 manslaughter. Murder. They already made up their mind. No
13 reason to investigate.

14 No reason to go to the car, get information off of the
15 vehicle. They learned these things. They had the keys. They
16 knew -- they knew from speaking to Mr. Preece, the owner of
17 the company, that that was the pickup truck for work. They
18 could have gone in there and got the data, find out if he'd
19 even left that night. Did he? I don't know. They didn't do
20 anything. Right? I mean, if we had that information, we'd
21 know whether or not my client's story was accurate?

22 In their mind, they want you to get the negative image.
23 We don't have information. So, therefore, he killed in cold
24 blood, waited for him to die, called 9-1-1, make up a story.
25 Pretty fanciful story, by the way, because when you think

1 about it, what else was Mr. Preece going to say when he was up
2 there? He said that that guy was his friend. They hung out
3 together. They drank beers together. Is he going to come up
4 here and talk trash about a dead guy? No. He's certainly not
5 going to admit that he uses the N-word. Right? No.

6 Plus, my client told you -- told them his initial
7 complaints were to the wife, who was the administration lady
8 at the company. Did you see her get up there? No. No.
9 Instead, they found somebody 11th hour, who was there working
10 at the time and randomly there was a complaint about some
11 towels. Mark my word. This case ain't about no towels.
12 Okay?

13 They just wanted to, again, send somebody up here who may
14 or may not have had some interaction with Mr. McNamara, the
15 decedent, trying to make y'all think he was a nice guy. We
16 don't know because they didn't do an investigation about it.
17 They had the opportunity. They said we went back out there
18 and couldn't find anybody. The end.

19 But what would have -- more information could we have
20 gotten that they could have done would tell us? Okay.
21 Laundry list of evidence they collected. Didn't do tests on
22 anything except for the things they already knew. The knife,
23 he told them, was compared to his blood and the decedent's
24 blood. They already knew that. They didn't even have to test
25 that. That's the only test they did.

1 What about the clothes? What about the hat? What about
2 the phones? The easiest thing in the world. Law enforcement
3 does it all the time. You take it into the office, plug it
4 into a machine, bing bang boom, they know everything about
5 you. They do it all the time.

6 They just chose not to do it. We could have seen whether
7 there were text messages between the two. We could have found
8 out from the phone whether or not he actually left without
9 even going to the truck. Maybe there was text messages
10 between Mr. Preece and Mr. McNamara calling our guy the pet
11 nigger. Because mark my word, he'd know. What does that tell
12 you? That it was absolutely true. He was the superintendent.
13 He was the boss. Mr. McNamara. Damn right I want my man
14 back. We're going to run him into the ground. Don't fire
15 him. He does all the work. He's my you know what. Right?

16 That -- that makes sense. Not I'm smoking and drinking
17 and coming up with a story to tell law enforcement. If that
18 was -- if that was it, he should have just left, got in the
19 car and go. No reason to tell a story. He should have just
20 left.

21 There's been a huge deal made about the orientation of
22 this body. And I swear, I know you've all been in a hotel
23 room. I mean, everybody's been in a hotel room. There is no
24 way -- okay? -- that that man was sleeping at an angle, and my
25 client jumped on top of his head and stabbed him. Right?

1 There ain't no way. No one sleeps at an angle with their legs
2 across the bed.

3 His bed was the one closest to the wall. What does that
4 really tell you? At some point in time, he was up or near up
5 in between the two beds because either he was calling him a
6 you know what or there was some form of argument that caused
7 Mr. Smith to react.

8 And bringing up this nonsense about the feet not being on
9 the ground, I mean, what do we do, blow him over? No. If you
10 got into an argument, you most definitely would be on the bed
11 and you most definitely would end up possibly with what they
12 want -- what they're saying to you via the evidence that there
13 was a hole in the bed. That means the knife was at -- the
14 testimony was it wasn't that the knife went through the body
15 and went into the bed, it was just out and went into the bed
16 and caught some hair. That's consistent with falling to the
17 bed. To fall to the bed, you'd have to be up or at least
18 partially up.

19 This isn't -- what they want to do in dramatic fashion
20 where they just get down on the ground and start stabbing,
21 talk about impossible. That's impossible. Let me tell you
22 why. How in the world -- how in the world did the blood
23 splatter get on the ceiling if you land in the bed and sat on
24 top? It don't go straight up.

25 Now, if I'm standing up or even bent over and stabbed or

1 stabbed and you stand up, blood spatter goes up. It would
2 have been all behind him. If I'm laying back on this table
3 and I'm stabbed, blood spatter goes that way.

4 So use your common sense. You are free to do that. In
5 fact, you're encouraged to do that. They're telling you a
6 story that they want you to believe because, as you heard,
7 apparently, they didn't believe it from the beginning, and so
8 much so, they didn't even decide to do any investigation to
9 confirm or deny what happened, and it's your job as jurors to
10 look through that. I hope you do.

11 You heard from the evidence technician who took in 24
12 pieces of evidence. One was looked into. One, the knife.

13 All right. The toxicologist and the forensic pathologist
14 told you that there was no drugs in the system, but let's
15 think about that for a moment. Maybe there was, maybe there
16 wasn't. Does that excuse what happened either way? That is
17 your -- another red herring from the State.

18 If he was sober and calling him a pet nigger, then that's
19 worse than being drunk, I think, or on some other drug. It
20 doesn't really matter, but they didn't investigate it. They
21 said that they -- I mean, they found a bag with drug
22 paraphernalia right next to Mr. McNamara's bed. Did they test
23 it? No. Oh, he's the victim. Don't need to test it.

24 Talking about all the blood on the bed, he kept saying
25 it. It doesn't make it any more heinous or less heinous. You

1 already knew that. He got stabbed in the jugular and the
2 subclavicle [sic] artery. You heard the pathologist. It
3 would have been fairly quick. Maybe a few minutes, maybe a
4 little bit longer, but certainly not an hour.

5 So now it comes to where we sit today. Until you go back
6 there and deliberate, this man is innocent of this murder. I
7 submit to you it is no murder. The State wants you to focus
8 on things that weren't really in play, but I'll redirect.
9 Behind the curtain? Murder. In the bathroom waiting for him
10 to sleep? Murder. Argument and using the N-word? Not
11 murder. Not murder.

12 You can use your common sense. The judge will tell you
13 to do that. Of all the components in this case, even though
14 the law says that malice can be created at the moment, I think
15 your common sense can tell you that when you, who have been
16 called that word probably during your life and according to
17 him during this employment, and even though bossman said he
18 ain't heard about that, that don't mean it didn't happen. I'm
19 sure you know that from your experience.

20 And when he gave him the opportunity, he said that there
21 was going to be an argument. It went bad, and that's what he
22 said. He understood that. He said it. Why would you think
23 otherwise? He could have ran. He could have hid. He could
24 have not called 9-1-1 at all, but he didn't.

25 He was so pissed off from what happened, they say there's

1 no remorse. So pissed off from what happened probably how it
2 happened, that he had smoked a joint or a blunt and drank a
3 couple of beers to come down off of that emotion. They're
4 trying to make that look like he's just not remorseful, some
5 bad seed, somebody who can just kill at will and sit there and
6 watch it like it's a cartoon.

7 The judge is going to tell you words alone are not
8 provocation, and I guess we just can't disagree with the law,
9 but we also didn't make it. I'd ask you to go back there and
10 consider all of these facts. Truly look at what is said and
11 done and come back with not guilty. Thank you.

12 THE COURT: All right. Ladies and gentlemen, all there
13 is left to do at this point is for me to charge you on the
14 law. I take -- I think it will take about 15 minutes, maybe a
15 few more. Is everybody in good enough shape to make it
16 through that?

17 All right. Thank you again for your attention.

18 CHARGE ON THE LAW

19 THE COURT: So I remind you that during this trial, you
20 and I have certain duties to perform. And as the trial judge,
21 it's been my responsibility to preside over this -- the trial
22 of this case, and I also have the duty to have ruled on the
23 admissibility of the evidence that's been offered during this
24 trial, and you're to consider only the evidence that's in the
25 record before you.

1 So if there was any testimony ordered stricken from the
2 record during this trial, you must disregard it. You are to
3 consider only the testimony which has been presented from this
4 witness stand and any exhibits which have been made part of
5 the record in this case and also any stipulations of counsel.

6 I have the additional duty to charge you the law
7 applicable to this case, and it's your duty as jurors to
8 accept and apply the law as I now state it to you. If you
9 think you have any idea as to what the law is or what the law
10 should be and it doesn't agree with what I tell you the law
11 is, then you must disregard that idea because you're sworn to
12 accept the law and apply the law exactly as I give it to you
13 now.

14 In every case tried in this court before a jury, the jury
15 becomes the sole and exclusive judges of the facts. A trial
16 judge can't comment or make any statement about the facts in
17 the case. And since you're the sole judges of the facts in
18 this case, please don't think that by anything I've said or
19 done during this trial that I have any opinion about the facts
20 of this case, because the law simply does not allow me as the
21 judge to have any opinion about the facts of this case.

22 Now, I remind you that the fact that the defendant was
23 arrested, charged, and indicted in this case is not evidence
24 in this case. It can't be considered by you as evidence of
25 guilt in this case, and it doesn't create any presumption or

1 inference of guilt. It's simply the document which is the
2 formal written instrument which contains the charge made
3 against the defendant, and it's the formal document by which
4 this case is brought into this court for resolution.

5 The defendant has pled not guilty to the indictment, and
6 the plea puts the burden on the State to prove the defendant
7 guilty. A person charged with committing a criminal offense
8 in South Carolina is never required to prove themselves
9 innocent. So I charge you that it's an important rule of law
10 that the defendant in a criminal trial, no matter what the
11 seriousness of the charge may be, is always presumed to be
12 innocent of the crime for which the indictment was issued
13 unless -- unless guilt has been proven by evidence satisfying
14 you of that guilt beyond a reasonable doubt.

15 Now, this presumption of innocence does not end when you
16 begin your deliberations. It accompanies the defendant
17 throughout the trial and until you reach a verdict of guilt
18 based on evidence satisfying you of that guilt beyond a
19 reasonable doubt.

20 The presumption of innocence is not just a mere legal
21 theory, but it's a -- it's like a robe of righteousness placed
22 about the shoulders of the defendant, which remains with the
23 defendant until it's been stripped from the defendant by
24 evidence, again, satisfying you of the defendant's guilt
25 beyond a reasonable doubt. Again, presumption of innocence is

1 a substantial right which every defendant is entitled to
2 unless you, the jury, are satisfied from the evidence of the
3 defendant's guilt, again beyond a reasonable doubt.

4 Now, what is a reasonable doubt? A reasonable doubt is
5 the kind of doubt that would cause a reasonable person to
6 hesitate to act. The State has the burden of proving the
7 defendant guilty beyond a reasonable doubt.

8 Some of you may have served as jurors in civil cases,
9 where you were told that the -- it's only necessary to prove
10 that a fact is more likely than not, such as by the greater
11 weight or the preponderance of the evidence, but in criminal
12 cases, the State's proof must be more powerful than that. It
13 must be beyond a reasonable doubt.

14 Now, proof beyond a reasonable doubt is proof that leaves
15 you firmly convinced of the defendant's guilt. So there's
16 very few things in this world that we know with absolute
17 certainty, and in criminal cases the law does not require
18 proof that overcomes every possible doubt.

19 If, based on your consideration of the evidence, you're
20 firmly convinced that the defendant is guilty of the crime
21 charged, then you must find the defendant guilty. If, on the
22 other hand, you think there's a real possibility that the
23 defendant is not guilty, then you must give the defendant the
24 benefit of the doubt and find him not guilty.

25 Now, there's two types of evidence which are generally

1 presented during a trial. We have direct evidence and
2 circumstantial evidence. And direct evidence is the testimony
3 of a person who claims to have actual knowledge of a fact,
4 such as an eyewitness. Circumstantial evidence is proof of a
5 chain of facts and circumstances indicating the existence of a
6 fact.

7 Now, the law makes absolutely no distinction between the
8 weight or value given to either direct or circumstantial
9 evidence, nor is a greater degree of certainty required of
10 circumstantial evidence than that of direct evidence, and you
11 should weigh all the evidence in the case. And after weighing
12 all the evidence, if you're not convinced of the guilt of the
13 defendant beyond a reasonable doubt, then, again, you must
14 find the defendant not guilty.

15 Now, necessarily, you must determine the credibility of
16 the witnesses who have testified in this case. Now,
17 credibility simply means the believability. It becomes your
18 duty as jurors to analyze and evaluate the evidence and
19 determine which evidence convinces you of its accuracy.

20 In determining the believability of the witnesses who
21 have testified in this case, you can believe one witness over
22 several witnesses, several witnesses over one witness. You
23 may believe a part of the testimony of a witness and reject
24 the remaining part of the testimony of that very same witness.
25 You may believe the testimony of a witness in its entirety or

1 reject the testimony of a witness in its entirety. You may
2 consider whether any witness has exhibited to you any
3 interest, bias, prejudice, or other motive in this case, and
4 you can also consider the appearance and manner of the witness
5 while the witness testified on the witness stand.

6 Now, ordinarily, the rules of evidence do not permit
7 witnesses to testify to their opinions or conclusions. An
8 exception to this rule exists for witnesses we call expert
9 witnesses. A witness who, by education and experience, has
10 become expert in some art, science, profession, or calling may
11 state an opinion as to relevant material matter in which the
12 witness claims to be an expert, and may also state the reasons
13 for their opinion.

14 Now, you should consider any expert opinion received in
15 evidence in this case and, like any other evidence, give it
16 the weight you think it deserves. If you decide that the
17 opinion of an expert witness is not based on sufficient
18 education and experience, or if you conclude that the reasons
19 given in support of the opinion are not sound, or that the
20 opinion is outweighed by other evidence, then you can
21 disregard that -- that opinion entirely.

22 An expert witness's testimony is to be given no greater
23 weight than that of other witnesses simply because that
24 witness is an expert. Further, you're not required to accept
25 an expert's opinion, even though it might be uncontradicted.

1 Now, in order to establish criminal liability, criminal
2 intent is required. For example, the mental state required to
3 be proven by the State for a particular crime might be
4 purpose, intent, knowledge, recklessness, or criminal
5 negligence. So criminal intent must be proven by the State --
6 by the State beyond a reasonable doubt, and criminal intent is
7 always a matter that must be determined by the jury from the
8 circumstances surrounding the situation.

9 There's no way to prove intent to a mathematical
10 certainty. There's no way medical science can dissect a
11 person's brain and determine what that person had in mind. So
12 the law says that criminal intent may be inferred from the
13 circumstances shown to have existed.

14 Now, this is how you make a determination of whether or
15 not the element requiring intent was present. It's not
16 necessary to establish intent by direct and positive evidence,
17 but intent can be established by inference in the same way as
18 any other fact by taking into consideration the acts of the
19 parties and all the facts and circumstances of the case.

20 Criminal intent is a mental state. It's a conscious
21 wrongdoing. It's up to you to determine what the defendant
22 intended to do based on the circumstances shown to have
23 existed.

24 Criminal intent can arise from an action or a failure to
25 act. It may arise from negligence, recklessness, or an

1 indifference to duty or consequences that is considered by the
2 law to be the equivalent of criminal intent.

3 Now, ladies and gentlemen, I instruct you and emphasize
4 that the fact that the defendant did not testify in this case
5 is not a factor that can be considered by you in any way in
6 your deliberations and in consideration on the question of the
7 guilt or the innocence of this defendant. It must not be
8 considered by you in any manner whatsoever.

9 A defendant has a constitutional right to remain silent,
10 and the assertion of that right must not be considered by you
11 in your deliberations. So I repeat, under your oath, you are
12 to draw no conclusion as a jury as to the fact that the
13 defendant did not testify in this case. The fact that the
14 defendant did not testify should not even be discussed in the
15 jury room.

16 The burden of proof, as I've stated to you, is on the
17 State, and the defendant is not required to prove his
18 innocence. The burden of proof remains on the State to prove
19 guilt beyond a reasonable doubt.

20 Now, ladies and gentlemen, the defendant is charged with
21 murder. The State must prove beyond a reasonable doubt that
22 the defendant killed another person with malice aforethought.

23 Malice is hatred, ill will, or hostility towards another
24 person. It is the intentional doing of a wrongful act without
25 just cause or excuse, and with an intent to inflict an injury,

1 or under circumstances that the law will infer an evil intent.

2 Malice aforethought does not require that the malice
3 exist for any particular time before the act is committed, but
4 malice must exist in the mind of the defendant just before and
5 at the time the act is committed. Therefore, there must be a
6 combination of the previous evil intent and the act.

7 Malice aforethought may be express or inferred, and these
8 terms express and inferred do not mean different kinds of
9 malice, but merely the manner in which the malice may be shown
10 to exist, that is either by direct or by inference from the
11 facts and circumstances which are proved.

12 Express malice is shown when a person speaks words which
13 express hatred or ill will for another, or when the person
14 prepared beforehand to do the act which was later
15 accomplished. For example, lying in wait for a person or any
16 other acts of preparation going to show that the deed was
17 within the defendant's mind would be express malice.

18 Malice may be inferred from conduct showing a total
19 disregard for human life. If facts are proved beyond a
20 reasonable doubt sufficient to raise an inference of malice to
21 your satisfaction, this inference would be simply an
22 evidentiary fact to be considered by you, the jury, along with
23 the other evidence in the case, and you may give it the weight
24 you decide it should receive.

25 Now, if you find that the State has failed to prove

1 beyond a reasonable doubt that the defendant committed murder,
2 you may consider whether the State has proved beyond a
3 reasonable doubt that the defendant committed voluntary
4 manslaughter.

5 Now, to prove voluntary manslaughter, the State must
6 prove beyond a reasonable doubt that the defendant took the
7 life of another in the sudden heat of passion, based on
8 sufficient legal provocation. Both heat of passion and
9 sufficient legal provocation must be present at the time of
10 the killing to constitute voluntary manslaughter.

11 Sudden heat of passion may for a time affect a person's
12 self-control and temporarily disturb a person's reason. The
13 sudden heat of passion must be the type that would make an
14 ordinary person unable to coolly reflect on his actions and
15 would produce an uncontrollable impulse to do violence.
16 Sufficient legal provocation must be the type that would make
17 a person of ordinary reason and caution become enraged and to
18 lose control temporarily.

19 The provocation needed for voluntary manslaughter must
20 come from some act of or related to the victim. Words alone,
21 however vulgar or insulting, are not enough to become legal
22 provocation. Where death is caused by the use of a deadly
23 weapon, the words must be accompanied by some overt
24 threatening act which could have produced the heat of passion.
25 The exercise of a legal right, no matter how offensive it is

1 to another, is never sufficient legal provocation for
2 voluntary manslaughter.

3 If the heat of passion had cooled or if there was enough
4 time between the provocation, if any, and the killing for the
5 passion of a reasonable person to cool, the killing would not
6 be voluntary manslaughter. In deciding whether a reasonable
7 person would have had enough time to cool off, then you should
8 consider all the circumstances surrounding the killing, and
9 you may consider the nature of the provocation, if any, the
10 defendant's mental and physical state, and the circumstances
11 and relationships between the parties.

12 Now, ladies and gentlemen, as you retire to the jury
13 room, the very first thing that I'm going to ask you to do
14 among the twelve jurors -- and we'll bring the two alternates
15 out before you do this. Okay? But the very first thing for
16 you to do, now that you've spent some time together, you may
17 know each other somewhat, is to elect among yourselves a
18 foreperson of the jury.

19 Now, what that is simply is a person that will preside
20 over the deliberations in this case. You have, as the
21 foreperson, no greater power than any other juror. Basically,
22 you would just be the person that fills out the verdict form
23 and the person who presides over the deliberations. And also,
24 if there's any questions at all, then you would just relay
25 those to the Court through the bailiff. Okay?

1 So as soon as you get back in your jury room and can
2 decide who that person would best be, then just send us a note
3 with the name or the jury number of that person, and then
4 we'll send you the evidence in this case. All right?

5 And at the point in time when the jury receives the
6 evidence, which will only be momentarily, at that point in
7 time, you can begin your deliberations. Okay?

8 Now, when you begin deliberating, there will be a verdict
9 form, and the -- the verdict form is -- is very
10 straightforward. Okay? There's two questions, and all you do
11 is follow the directions. Okay?

12 The very first question is as to the charge of murder,
13 we, the jury, unanimously find the defendant either guilty or
14 not guilty. Please don't infer by the order of guilty and not
15 guilty that that means anything. One simply has to come
16 before the other.

17 And also understand that unanimously means all twelve of
18 you have to agree in order to reach a verdict. All right?

19 But if you find the defendant not guilty as to murder,
20 then you would go to question two. And question two simply is
21 as to the charge of voluntary manslaughter, we, the jury,
22 unanimously find the defendant either guilty or not guilty.

23 And after you answer either one of those according to the
24 directions of this jury verdict form, then you would just
25 date, sign the verdict form, whoever the foreperson is, and

1 then make sure you let us know. Knocking on the door is all
2 you need to do. The bailiff will be there and we'll -- and
3 we'll get right to you.

4 Thank you again for your time, your patience, and your
5 attention. And at this time, I'm going to excuse you to the
6 jury room, and then we'll be right back with you. Please
7 don't elect the foreman or the foreperson just yet. Okay?
8 Wait until we bring the alternates out. Thank you so much.

9 (WHEREUPON, the jury exited the courtroom at 3:14 p.m.)

10 THE COURT: All right. Are there any objections to the
11 charge given to the jury of the law by the State?

12 MR. WHITE: No, sir, Judge.

13 THE COURT: Any from the defense?

14 MR. EDGEWORTH: None as to the charges, Your Honor.

15 THE COURT: All right. Any objection to releasing the
16 alternates at this time?

17 MR. WHITE: No, sir.

18 MR. EDGEWORTH: No, Your Honor.

19 THE COURT: All right. I'm going to ask the bailiff.

20 Will you, Mr. Johnny, go ask the two alternates to come
21 out? And when you do that, if you'll tell them to go ahead
22 and choose the foreperson, that would be great.

23 THE BAILIFF: Okay.

24 THE COURT: Thank you, sir.

25 Now, I'll ask the -- well, we'll just wait until we

1 dismiss the alternates.

2 (WHEREUPON, the two alternate jurors entered the
3 courtroom at 3:16 p.m.)

4 THE COURT: Right there is just fine. I just wanted to
5 thank you all very much for your time and your service and
6 your attention this week. I know that you paid close
7 attention. You were here every time we asked you to be, and
8 I'm sure you would rather have done something else this week,
9 but it's -- it's so important to our system of justice and to
10 what we do in resolving these -- these issues, and I just
11 wanted to thank you.

12 And I know you'll get paid something, but please don't
13 hold that against us or me. I -- we don't have anything to do
14 with how much that might be. Okay? All right. But you're
15 free to go or you're free to hang out, whatever you'd like to
16 do. I don't know how long this process lasts. We never do,
17 but we'll see, you know? But thank you so much. All right.

18 AN ALTERNATE JUROR: Thank you.

19 THE COURT: So if y'all want to come back, you just come
20 back around and come into 3 -- 3-B is where we are.

21 (WHEREUPON, the alternate jurors were released and exited
22 the courtroom.)

23 THE COURT: All right. If the attorneys will come and
24 make sure we've got all the evidence in order. And here's the
25 verdict form.

1 (WHEREUPON, there was a pause in the proceedings, after
2 which the proceedings resumed as follows.)

3 MR. EDGEWORTH: All right. We're good, Judge.

4 THE COURT: All right. Mr. Johnny, if you'll take all
5 the evidence back and make sure.

6 (WHEREUPON, the jury deliberations began at 3:19 p.m.)

7 THE COURT: All right. Well, we'll be at recess until we
8 hear something. Okay?

9 MR. EDGEWORTH: Thank you, Judge.

10 MR. TUCKER: Thank you, Your Honor.

11 MR. WHITE: Thank you, Judge.

12 (WHEREUPON, there was a break in the proceedings from
13 3:19 p.m. until 3:52 p.m., after which the proceedings
14 resumed as follows.)

15 THE COURT: I understand we've got a verdict. Is there
16 anything before we bring the jury?

17 MR. WHITE: Not on behalf of the State, Judge.

18 MR. EDGEWORTH: None from the defendant, Your Honor.

19 THE COURT: All right. If we can have the jury, please?

20 (WHEREUPON, the foreperson note was marked as Court's
21 Exhibit Number 4.)

22 (WHEREUPON, the jury entered the courtroom at 3:54 p.m.)

23 THE COURT: All right. Ms. Seeber, you're the forelady;
24 is that right?

25 THE FOREPERSON: Yes, sir.

1 THE COURT: Congratulations. Thank you so much. Has the
2 jury reached a verdict?

3 THE FOREPERSON: We have.

4 THE COURT: All right. And is it unanimous? Do all
5 twelve agree?

6 THE FOREPERSON: We do.

7 THE COURT: All right. Please hand that to the clerk.

8 THE CLERK: Thank you.

9 THE COURT: Madam Clerk?

10 VERDICT

11 THE CLERK: State of South Carolina, County of Florence,
12 in the Court of General Sessions in the Twelfth Judicial
13 Circuit, Indictment Number 2023-GS-21-480, State of South
14 Carolina versus Willie James Smith.

15 As to the charge of murder, we, the jury, unanimously
16 find the defendant guilty.

17 Signed Talitha Seeber, foreperson, dated May the 15th,
18 2024.

19 Members of the jury, if this is your verdict, please
20 raise your right hand.

21 (WHEREUPON, the jurors complied.)

22 THE CLERK: That's everyone, Judge.

23 THE COURT: All right. All right, ladies and gentlemen.
24 Thank you so much for your -- again for your service this
25 week, for your time, your attention, just your dedication to

1 -- to being a juror. I know, you know, sometimes there's
2 other things that we would rather do, certainly.

3 At this time, you're free to go. You will receive some
4 compensation from the County. Please don't blame that on me.
5 I don't have anything to do with how much that might be. But
6 again, at this time, you're free to talk to anybody you'd like
7 to about this trial or nobody at all.

8 If you have any issues whatsoever, you can let us know
9 and we'll certainly take care of those for you. I don't think
10 that you will. But again, at this time, you're free to speak
11 to whoever it is that you might want to speak to or -- or,
12 again, you can talk to nobody at all. That's up to you.

13 What remains in this matter at this point in time is to
14 sentence this defendant. You're more than welcome to stay, if
15 you'd like to see that. If you -- if you don't want to see
16 that, we understand that as well, but what we'll do is we'll
17 give you a few minutes if you want to go back to the jury
18 room, gather your belongings. If you do want to come back
19 around, you just come back around to the front hall, come into
20 Courtroom 3-B, and -- and we'll give you a few minutes if
21 there's anybody that would like to -- to observe that.

22 But thank you again for your -- for your service this
23 week, and that's all we have for you. And you'll certainly
24 gain that privilege of not having to serve for your exemption
25 for the next three years. If -- if you get lucky enough to

1 get chosen to come again, and then if you get -- get picked,
2 you can certainly exercise that exemption if you choose to.
3 But thank you again and you're free to go.

4 (WHEREUPON, the jury was released and exited the
5 courtroom at 3:57 p.m.)

6 (WHEREUPON, the sentencing documents from the Clerk of
7 Superior Court were marked as Court's Exhibit Number 5.)

8 THE COURT: Let me first ask before we get started, the
9 -- is there any objection or is there any issue as to the
10 predicate offenses that are -- that exist that qualify for the
11 life without parole?

12 MR. EDGEWORTH: I have a motion on that, Your Honor.

13 THE COURT: Okay. What -- what are the predicate
14 offenses?

15 MR. WHITE: Judge, there's actually two on his record.
16 One is second-degree murder, and the other is armed robbery,
17 Judge, in North Carolina, and the second-degree murder carries
18 life. The armed robbery -- it carries 40 in -- in North
19 Carolina.

20 THE COURT: So both of them are in North Carolina?

21 MR. WHITE: Yes, sir, Judge, and they are both qualified
22 as most serious here in South Carolina, which is what we're
23 looking for, Judge, and I marked as a Court's exhibit the --
24 the true copies from the Clerk of Superior Court of Durham
25 County, which has all of the necessary information, including

1 the sentencing sheets on this.

2 It was, like, July 17th of '94 he was convicted of
3 second-degree kidnapping, robbery with a dangerous weapon, and
4 second-degree murder. Robbery with a dangerous weapon, it
5 states on this sentencing sheet, carries 40 years, a max term
6 of 40 years. Second-degree murder carries a max term of life.
7 Again, both of which would be qualifying offenses because they
8 would be most serious offenses under South Carolina law.

9 THE COURT: All right. Let's -- let me have the -- let's
10 make a Court's exhibit of the prior record.

11 MR. WHITE: And, Judge, I can make the actual prior
12 record a Court's exhibit, but the thing that I marked a
13 Court's exhibit here is the sentencing sheets on those
14 offenses that I just listed.

15 THE COURT: Okay.

16 MR. WHITE: Would you like for both of those to be marked
17 as Court's exhibits?

18 THE COURT: I think so.

19 MR. WHITE: Okay. That'd be fine.

20 (WHEREUPON, the defendant's NCIC prior record was marked
21 as Court's Exhibit Number 6.)

22 MR. WHITE: So Court's Exhibit 5, Judge, is going to be
23 the sentencing sheets as to kidnapping, armed robbery, and
24 second-degree murder. And then the Court's Exhibit 6 is going
25 to be your NCIC, Judge.

1 THE COURT: Okay. All of these prior offenses occurred
2 in a single setting; is that right?

3 MR. WHITE: That -- that's the way it appears from
4 reading the indictments, along with the sentencing sheets from
5 Durham.

6 THE COURT: Mr. Edgeworth?

7 MR. EDGEWORTH: Thank you, Your Honor. May it please the
8 Court.

9 I'm asking the Court to set aside the notice of intent to
10 seek sentence of life without parole under the statute, the
11 South Carolina Code 17-25-45, the basis of which is as
12 follows.

13 Number one, the notice that was filed on or about May
14 4th, 2023, with this Court only refers to the crime of robbery
15 with dangerous weapon on Indictment Number 94-CRS-23273 as the
16 predicate offense, and that was filed with the Court in May.
17 It doesn't refer to the convictions for the second-degree
18 kidnapping and the second-degree murder.

19 As it -- as it were in regards to the conviction as
20 noticed, robbery with a dangerous weapon, I think, first and
21 foremost, I would argue that it is not a predicate offense
22 under the most serious offenses as applied for a couple of
23 reasons, Your Honor.

24 One, so dangerous -- robbery with a dangerous weapon.
25 This conviction was made on June 1st, 1995, as the Court may

1 be able to see on the documents in its possession. My client
2 pled guilty to that offense in the court of North Carolina.
3 Robbery with a dangerous weapon as codified at North Carolina
4 General Statute 1487, it says that it's a robbery with a
5 firearm or with some other, air quotes, dangerous weapon under
6 their case law.

7 Of course, I think the State probably contends that this
8 -- this particular offense would -- would be considered the
9 same offense as armed robbery in South Carolina, which would
10 be a most serious offense. However, the statute that -- that
11 he pled under on this particular offense does not necessarily
12 require a firearm or a deadly weapon, but rather a dangerous
13 weapon.

14 That statute specifically says -- or our statute
15 specifically says armed robbery using a pistol, a dirk, a
16 slingshot, metal knuckles, razor, or other deadly weapon. The
17 -- the -- the statute that he pled under, robbery with a
18 dangerous weapon, doesn't necessarily require that particular
19 type of weapon and thus may more appropriately be considered
20 common-law robbery under our statute, which would not be a
21 most serious offense.

22 If the Court is inclined -- is not inclined to accept the
23 defendant's argument, we would ask that there be a finding
24 pursuant to *State v. Phillips* as to whether or not the offense
25 of robbery with a dangerous weapon under North Carolina

1 statute is a -- would -- would be a most serious offense in
2 South Carolina.

3 THE COURT: Well, what do you say about the attempted
4 kidnapping?

5 MR. EDGEWORTH: I'm sorry, Judge?

6 THE COURT: Is there an attempted kidnapping?

7 MR. WHITE: That's second-degree kidnapping. Yes, sir.

8 MR. EDGEWORTH: Well -- and, Your Honor, I'm relying --
9 my argument is relying on -- on the notice that was filed with
10 the Court. The notice only refers to robbery with a dangerous
11 weapon. It doesn't refer to the -- the -- the second-degree
12 kidnapping, nor the second-degree murder. It's specifically
13 limited to -- it says the State intends to rely on the
14 defendant's prior conviction for the crime of robbery with a
15 dangerous weapon on Indictment Number 94-CRS-23273 and to
16 statutorily enhance his punishment. It doesn't refer to the
17 other offenses.

18 THE COURT: Do you have a copy of the -- of the notice?

19 MR. EDGEWORTH: Yes, Your Honor. I can present it if
20 you'd like.

21 THE COURT: Yep.

22 There's some question as to -- I mean, I've pulled the
23 North Carolina statute for a second-degree murder, and I'm not
24 sure it's not analogous with our involuntary manslaughter
25 charge, to be honest with you. The kid -- but that's not --

1 that's not part of your argument. I understand that.

2 What -- what's the State's position? I mean, do we have
3 to look to the actual facts of the case from -- from the
4 robbery or --

5 MR. WHITE: No, it's just -- it's just based on the
6 statute, Judge. I mean, what -- what he pled to, if it's
7 analogous to what is in South Carolina, then it fits.

8 And the language that Mr. Edwards just read is -- I mean,
9 save that North Carolina uses dangerous weapon and South
10 Carolina uses deadly weapon, it's exactly the same. In fact,
11 the sentencing is more severe, 40 years, where it's 30 years
12 here.

13 Furthermore, that -- that document, although it doesn't
14 include second-degree murder on the notice document, it was
15 just a notice document. And Mr. Edgeworth and I discussed
16 that I would be seeking under either armed robbery or second-
17 degree murder, second-degree murder under that statute
18 carrying life at that time.

19 So they would -- both of those offenses would be
20 considered most serious offenses in South Carolina, and that's
21 all we're looking for. Would they be considered most serious
22 offenses? And yes, yes, they would, and that's -- that's all
23 that is needed to seek and serve notice for life without the
24 possibility of parole.

25 THE COURT: Anything further, Mr. Edgeworth?

1 MR. EDGEWORTH: Your Honor, none other than, I mean, I'm
2 relying on the case law. I mean, *State v. Phillips* says --
3 and I'll hand it up.

4 You know, that if the offense is not a South Carolina
5 offense, then there has to be an inquiry and finding as to
6 whether or not it would be considered a most serious offense
7 in South Carolina, which would require the facts of that
8 offense to be presented to the Court.

9 And my argument is that in this particular example, I
10 don't think it's -- to me, it's disingenuous to say it's only
11 a notice document. Well, I'm put on notice of LWOP because
12 you filed the document. Otherwise, we wouldn't have LWOP. So
13 I can only rely on what's been noticed.

14 And I think this particular offense, number one, I don't
15 know that it applies, but if it does, it needs to be a finding
16 from the Court that it is -- would be considered a most
17 serious offense in South Carolina.

18 THE COURT: Has the State seen the *Phillips* case?

19 MR. WHITE: No, I haven't been provided anything from Mr.
20 Edgeworth. And, Judge, the -- the -- in these -- the
21 documents, I mean the arrest warrants are in here. The
22 indictments are in here. There's more than enough to find
23 everything that -- that you would need to find by just looking
24 at these documents.

25 THE COURT: And I -- and I -- I mean, Mr. Edgeworth, what

1 do you say? I mean, here's a -- I mean, certainly, this is
2 the warrant. I mean, do you have any information as to
3 whether or not this was a guilty plea or a trial?

4 MR. EDGEWORTH: Yes, Your Honor, and I don't have a copy
5 of the warrant. I only have the notice document that I handed
6 up to Your Honor. And if you -- if you look on the document
7 itself, it just -- it just indicates that it was a guilty
8 plea. So we don't know whether it was an *Alford* plea or he
9 didn't consent to the facts. We don't know whether -- whether
10 ultimately -- I don't know what the allegations are
11 specifically in the warrant.

12 THE COURT: Well, for the record, the warrant reads that,
13 the defendant committed -- well, a gold -- the defendant did
14 steal, take, and carry away another person's personal
15 property, U.S. currency of the value of \$35, and two gold
16 earrings and a gold necklace valued at \$200 from a Devane
17 Williams. The defendant committed this act by means of an
18 assault consisting of having in his possession and threatening
19 the use of a pistol, whereby the life of Devane Williams was
20 threatened and endangered.

21 You say the notice document indicates this was a guilty
22 plea?

23 MR. EDGEWORTH: Yes, Your Honor. If you look on the
24 sentencing sheet, I think it's on the notice document.
25 There's a -- there's a judgment in the case where he was

1 sentenced to 19 years, and at the top portion of that, it
2 indicates it was a guilty plea.

3 And of course, there were other charges involved. So we
4 don't know what type of negotiations were had. We don't know
5 whether, you know, the facts were in dispute, whether it was a
6 negotiated plea to plead all charges for a certain number. We
7 don't know anything about it.

8 THE COURT: I'll also note that there's an indictment for
9 kidnapping. I know that that's not the notice of the crime
10 that you were noticed for, and then the second-degree murder.

11 All right. Let's proceed with the -- let's proceed with
12 sentencing, and I'll -- and I'll make my decision. Okay?

13 MR. EDGEWORTH: Yes, Your Honor.

14 THE COURT: All right.

15 MR. WHITE: Judge, as -- as you see from the documents
16 that I've passed up, back in '94, Mr. Smith was convicted of
17 second-degree kidnapping, second-degree murder, and armed
18 robbery with a dangerous weapon.

19 Judge, he has a lengthy criminal history. He also, as it
20 stands right now, has a pending murder charge out of North
21 Carolina, that to my understanding was committed just a short
22 time before this murder that brings us here today. He also
23 has assault and battery of a high and aggravated or attempted
24 murder type charge pending out of North Carolina as well.

25 So more than enough here, Judge, to -- to warrant a life

1 sentence, and that's why we have sought life without the
2 possibility of parole, and we believe it's warranted. I'm
3 going to pass up the sentencing sheet and ask that you
4 sentence him accordingly.

5 THE COURT: All right. Mr. Edgeworth?

6 MR. EDGEWORTH: Your Honor, simply, you know, I
7 understand, understanding that the jury has spoken by way of
8 its verdict, but my client still contends the facts that he,
9 you know, reported to law enforcement was the provocation for
10 the incident.

11 He contends that he had spoken up to his employer in the
12 past and nothing was done about it. And then on this
13 particular occasion, you know, whether it's heat of passion or
14 otherwise and whether it's legal provocation or otherwise, it
15 was the precipice for the event.

16 I think that that should be taken into consideration,
17 especially the use of -- of the N-word by a Caucasian of whom
18 that individual was the admitted supervisor in an employment
19 setting in a closed environment, which they were put up by an
20 employer who purportedly -- or, you know, doesn't acknowledge
21 it, but who may have had knowledge of these complaints and --
22 and didn't really do anything about it.

23 So I would ask the Court to consider that, if the Court
24 is inclined to disregard the -- the LWOP because I understand
25 that the Court would have --

1 THE COURT: All right.

2 MR. EDGEWORTH: -- nothing to do there.

3 THE COURT: All right. Is there anything your client
4 would like to say?

5 MR. EDGEWORTH: No, Your Honor.

6 SENTENCE

7 THE COURT: All right. All right. I do believe that
8 there is enough evidence in the record for the Court to make a
9 finding that the section of law in South Carolina 17-25-45,
10 dealing with the provisions therein concerning life without
11 the possibility of parole, I find those are -- that the notice
12 document for the armed robbery in North Carolina, be it some
13 time ago, on the face certainly is enough for this Court to
14 make a finding that -- that it triggers the statute, but I'm
15 going to decline to sentence him under that section of law.

16 But I do find that the facts of this case and
17 circumstances and his criminal history warrant the imposition
18 of a life sentence otherwise, and so that's going to be the
19 sentence of the Court.

20 And I wish you good luck, sir. All right?

21 MR. EDGEWORTH: Thank you, Judge.

22 MR. WHITE: Thank you, Judge.

23 MR. TUCKER: Thank you, Your Honor.

24 (WHEREUPON, the proceedings ended at 4:16 p.m.)

25 --- END REQUESTED TRANSCRIPT ---

Willie James Smith
5/13/2024

Florence Co. Judicial Center

RANDOM STRIKE SHEET

Judge Name: DeBerry H Steven

Sorted By Random Nbr

Trial Type: Criminal

Panel ID: 2023GS2100480

Description: ST VS WILLIE JAMES SMITH

Trial

38

Courtroom:

	NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF CRT	REMARKS
1	Bell, Kristin H	8	W	F	()	() ()	1
2	Mckenzie, Alexis S	110	B	F	()	() ()	2
3	Mcgilvray, Craig A	109	W	M	()	() ()	3
4	Abate, Hareg G	1	O	F	()	() ()	4
5	Clover, Emily E	29	W	F	()	() ()	
6	Neighbors, Thomas A	124	W	M	()	() ()	5
7	Seeber, Talitha A	152	W	F	()	() ()	6
8	Henneghan, Quandreka I	73	B	F	()	() ()	
9	Lee, Clinton L	96	W	M	()	() ()	
10	Hucks, Lauren S	80	W	F	()	() ()	7
11	Cain, Hakeem R	23	B	M	()	() ()	
12	Mccutcheon, Joshua J	105	W	M	()	() ()	8
13	Quann, Katherine M	142	W	F	()	() ()	
14	Stricklin, Jessica N	157	W	F	()	() ()	
15	Keefe, Lynn S	89	W	F	()	() ()	9
16	Ellis, Salimah C	49	B	F	()	() ()	10
17	Neddham, Ka'vernus N	176	B	M	()	() ()	
18	Parson, Melanie H	130	W	F	()	() ()	11
19	Mcneil, Wanda S	114	B	F	()	() ()	12
20	Brown, Walter F	20	B	M	()	() ()	alt 1
21	Eilferbe, Talika L	48	B	F	()	() ()	alt 2
22	White, John S Jr.	166	W	M	()	() ()	
23	Young, Dawn M	175	W	F	()	() ()	
24	Patel, Kiranbhai C	131	A	M	()	() ()	
25	Beasley, Georgia C	6	W	F	()	() ()	
26	Prince, Tina M	140	W	F	()	() ()	
27	Mcmillan, Yvonne	112	B	F	()	() ()	
28	Prosser, Jack W	141	W	M	()	() ()	
29	Lee, Audrey M	95	W	F	()	() ()	
30	Mcgee, Barry D	108	W	M	()	() ()	
31	Hendrick, Cynthia A	72	W	F	()	() ()	
32	Brown-quillin, Jenny A	21	B	F	()	() ()	

Print Date: 5/13/2024 11:26:59 AM

File: RandomStrike

1 of 2

WITNESSES

Robert B Price

Florence County Sheriff

Ryan White

ARREST WARRANT NUMBER

2022A2110200289

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2023-GS-21-00480

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

MARCH

TERM

2022

THE STATE

vs.

WILLIE JAMES SMITH

Indictment for

MURDER

2023 MAR -9 PM 4:41
DORIS POULOS O'HARA
CCJP & GS
FLORENCE COUNTY, SC

FILED

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

INDICTMENT FOR

MURDER

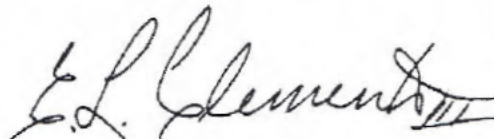
At a Court of General Sessions, convened on MARCH 9, 2022 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE – MURDER

CDR: 0116 16-03-0010,0020

That Willie James Smith did in Florence County, on or about June 9, 2022, willfully, feloniously, and intentionally kill the victim, James McNamara, with malice aforethought, either express or implied, by means of stabbing, and the victim did die as a proximate result thereof on or about June 9, 2022 in Florence County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Florence

STATE

VS.

Willie James Smith

AKA:

Race: Black Sex: M Age: 55DOB: [REDACTED]City, State, Zip: Florence, SC 29506DL# SID# INDICTMENT/CASE#: 2023-GS-21-00480AW#: 2022A2110200289Date of Offense: 6/9/2022S.C. Code §: 16-03-0010; 16-03-0020CDR Code #: 0116

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Murder / Murder (30-LIFE)In violation of § 16-03-0010; 16-03-0020 the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature]
Solicitor102584
SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of LIFE IN PRISON days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with **probation** for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOD. days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Willie James Smith INDICTMENT/CASE#: 2023-GS-21-00480

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

		\$
§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 128.75

Clerk of Court/Deputy Clerk: W. B. Smith
Court Reporter: R. SmithPresiding Judge: W. J. DePaul
Judge Code: 2771
Sentence Date: 5/15/2024

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

 for: _____
Kathrine H. Hudgins
Senior Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 1st day of October, 2025.

RECEIVED

Oct 01 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County

Honorable H. Steven DeBerry IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WILLIE JAMES SMITH,

APPELLANT.

APPELLATE CASE NO. 2024-000879

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon MacKinnon G. Westraad, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 1st day of October, 2025.

Kathrine H. Hudgins for:

Kathrine H. Hudgins
Senior Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT