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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRANDON LEE CORDER,

APPELLANT,

APPELLATE CASE NO. 2023-001543

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**[THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
STATE’S EXHIBIT 7—(AUDIO OF CREECH BWC) FROM THE AUGUST 22, 2023
HEARING.]**

1 item number and my initials.

2 Q. Okay. And going through State's Exhibit 30, can you
3 publish for the record what exactly that is? What SLED
4 item number is that?

5 A. State's Exhibit 30 is SLED Item Number 4.

6 Q. And State's Exhibit 31?

7 A. State's Exhibit 31 corresponds to SLED Item Number 5.

8 Q. And State's Exhibit 33?

9 A. Corresponds to SLED Item Number 6.

10 Q. And Item Number 6 would be that blood spot from
11 autopsy, correct?

12 A. That's correct.

13 Q. And SLED Item 4 and 5 were the two swabs from the gun,
14 correct?

15 A. Yes.

16 Q. Were you able to develop a DNA profile from the blood
17 spot submitted at the time of autopsy from Joanie?

18 A. Yes, I was.

19 Q. And regarding SLED items 4 and 5 from the swabs from
20 the gun, were you able to determine a DNA profile suitable
21 for comparison?

22 A. Yes. For both sets of swabs taken from the firearm,
23 I was able to develop a profile that was suitable for
24 comparison based on our protocols.

25 Q. Okay. So I'm gonna simplify DNA analysis as much as

1 I can. It is not convoluted, but there's a lot to it,
2 correct?

3 A. It can be. It depends on the case and the items
4 involved.

5 Q. Okay. But in terms of explaining it, making it
6 appetizing, it is what it is, correct?

7 A. Correct.

8 Q. So what exactly is DNA?

9 A. So DNA stands for deoxyribonucleic acid. It's the
10 genetic material found in all our body cells with the
11 exception of our red blood cells, and DNA is packaged into
12 structures called chromosomes, which contain our genes.
13 And genes are simply strands of DNA that code for our
14 physical characteristics, such as our height or our eye
15 color. We inherit one copy of DNA from our mother and one
16 from our father and, therefore, have two copies of every
17 gene. And approximately 99.9 percent of an individual's
18 DNA is identical to that of everyone else's and it's by
19 testing the variation in that remaining .1 percent that we
20 are able to try and tell different people apart.

21 Q. Okay. So in this case you were able to isolate and
22 identify a DNA profile for Joanie in this case, correct?

23 A. Correct. When we receive what we refer to as a known
24 standard, so in this case a blood spot from autopsy from
25 Joanie Youmans, we attempt to develop a DNA profile from

1 that item so that if we are able to develop profiles from
2 items of evidence we can do a direct comparison between the
3 profile from that known individual to the profile from the
4 item of evidence to try and determine whether or not that
5 individual could have contributed to the evidence.

6 Q. Okay. And when I first started to how you guys
7 explain DNA now is different, correct, in terms of saying
8 it's a match versus a statistical proposition set; is that
9 correct?

10 A. Correct. It was approximately five years ago SLED
11 changed the method of interpretation and statistical
12 analysis that we perform. At this point when we do a
13 comparison, we are calculating what is referred to as a
14 likelihood ratio, and a likelihood ratio is just a
15 comparison between two possible explanations for the DNA
16 profile that was developed, and the likelihood ratio value
17 that is determined provides support for which of those
18 two possible explanations is more likely to give us that
19 profile.

20 So just as a basic example, if I had a single source
21 DNA profile from one individual and I needed to like
22 compare it to myself to see if it was my DNA, my two
23 possible explanations would be that I am the contributor
24 of DNA to that profile. The second possible explanation
25 would be that it was an unidentified unrelated individual

1 that contributed. Essentially anyone other than me. And
2 the likelihood ratio value would provide support for which
3 of those two possible explanations was more likely, and
4 if it were consistent with my profile that result would
5 be something along the lines of the DNA was approximately
6 one billion times more likely if I contributed than if I
7 didn't and the larger that likelihood ratio value number
8 is, the stronger the support is for that particular
9 explanation.

10 Q. Okay. So back in the day you can say this DNA
11 matched. I can argue it, but you guys can't say it
12 anymore, correct?

13 A. Correct. It's just a different type of calculation.
14 It's what most forensic DNA laboratories are moving
15 towards and it's just a different measure and a different
16 calculation, so we no longer use the word "match" under
17 any circumstance using likelihood ratios. It's just not
18 an appropriate expression of the statistics.

19 Q. For the statistics, but there's nothing wrong with
20 arguing, correct?

21 A. I don't make that argument. Again, my job is to just
22 report the statistics.

23 Q. Okay. Thank you so much.

24 So now let's talk about the results as simple as we
25 can. As it relates to the SLED Item 4, which is the first

1 swab from the handle of the firearm in this case, was there
2 presumptive testing done for blood?

3 A. Yes, there was.

4 Q. And was it positive or negative?

5 A. That particular test was positive, indicating the
6 possible presence of blood on the swabs.

7 Q. And were you -- you testified that you were able to
8 develop a DNA profile suitable for comparison. Were you
9 able to determine if that was a mixture or a single source?

10 A. I determined that that DNA profile was a mixture
11 originating from two individuals.

12 Q. And were you able to include Joanie in that mixture?

13 A. When I compared the profile from Joanie Youmans
14 to the mixture, it was determined that the DNA profile
15 is approximately 840 septillion times more likely if
16 Joanie Youmans and an unidentified unrelated individual
17 contributed to the mixture than if it's two unidentified
18 unrelated individuals.

19 Q. And so how many zeros is that?

20 A. One septillion would be a one with twenty-four zeros
21 behind it.

22 Q. Okay. And in your report, SLED normally reports out
23 a likelihood ratio in terms of uninformative to very strong
24 support, correct?

25 A. Correct. We have what we refer to as a verbal

1 equivalent scale. So when a likelihood ratio falls within
2 a certain range, we assign a verbal equivalent to it and
3 help provide some weight as to the strength and just the
4 meaning of the actual value itself.

5 Q. And so for 840 septillion, which is plus twenty-four
6 zeros; is that correct?

7 A. Yes, ma'am.

8 Q. What level of support is that?

9 A. Based on our verbal equivalent, the highest level of
10 support that we will provide is very strong and that is any
11 likely ratio value that is one million or greater.

12 Q. Okay. And then as it relates to SLED Item 5, which
13 is the swabs from other parts of that Smith & Wesson .357,
14 you testified that you were able to develop a DNA profile
15 suitable for comparison. Was that a mixture or a single
16 source?

17 A. That profile was also interpreted as a mixture
18 originating from two individuals.

19 Q. And were you able to include Joanie as well in that
20 mixture?

21 A. Based on the comparison with Joanie Youmans's profile,
22 it was determined that the DNA profile is approximately
23 2.2 quintillion times more likely if Joanie Youmans and
24 unidentified unrelated individual contributed to the
25 mixture than if two unidentified unrelated individuals

1 contributed.

2 Q. And how many zeros is that?

3 A. In a quintillion, that's eighteen zeros.

4 Q. And what level of support?

5 A. That, again, would be very strong support that we
6 would see this profile because it is a contribution of
7 Joanie Youmans and another unidentified unrelated
8 individual.

9 MS. FULLER: Thank you so much. I beg the Court's
10 indulgence.

11 I believe that's all the questions I have for now.
12 Thank you so much.

13 THE COURT: Thank you, Ms. Fuller.
14 Mr. Stitely.

15 MR. STITELY: May it please the Court?

16 CROSS-EXAMINATION

17 BY MR. STITELY:

18 Q. Agent, is that good?

19 A. Yes, sir.

20 Q. And Leisy?

21 A. Yes, sir.

22 Q. Okay. Agent Leisy, how are you today?

23 A. Well, sir. And yourself?

24 Q. Doing well. Thank you.

25 I guess I just have a couple of questions. So what

1 you tested in this case was two DNA samples that were
2 provided to you, correct?

3 A. That's correct.

4 Q. And you compared them to a third sample which you
5 called a blood dot from an autopsy?

6 A. Correct. I compared the blood spot from autopsy to
7 the profiles developed from the swabs from the gun.

8 Q. Okay. You had nothing to do with the collection of
9 the swabs, correct?

10 A. That's correct.

11 Q. You have nothing to do with what items are sent to
12 SLED, correct?

13 A. That's correct.

14 Q. I guess I'm asking just for clarification so the jury
15 understands. Your job as an analyst is to do just that,
16 analyze what you're given, correct?

17 A. That's correct.

18 Q. Okay. And you tell us with -- or what were the words
19 you used? Strong --

20 A. Very strong support.

21 Q. Very strong support that two swabs that you received
22 in this case had DNA that strongly supported it coming from
23 Joanie Youmans?

24 A. Correct. And, again, the wording does become
25 important. We have to words things in a specific manner,

1 but it is more likely we would see this profile if Joanie
2 Youmans was one of the contributors.

3 Q. Okay. The long and the short of it, it's strong
4 support that Joanie Youmans was likely one of the
5 contributors of the DNA swabs that you got?

6 A. Again, it's the wording. It's likely that we are to
7 see this profile if she is a contributor versus if she is
8 not.

9 Q. Now you indicated that they were two swabs coming from
10 a firearm because that's what written on them when they
11 come to you, correct?

12 A. Correct. Our report is based on the information
13 that's provided in the submission paperwork. We are always
14 working under the assumption that the description we're
15 provided is correct.

16 Q. Okay. But you -- you can't say where they came from
17 aside from what's written on what's provided to you?

18 A. That's correct, sir.

19 Q. Okay. Now if a swab was taken from a doorknob, but
20 not sent to you, you obviously wouldn't have tested it
21 because you wouldn't have been in charge of it getting to
22 you, correct?

23 A. Correct. All we can do is test what's provided to
24 us and what's requested by the submitting agency or the
25 solicitor.

1 Q. Okay. Now you said on Item 4 it was presumptive
2 positive for blood, correct?

3 A. Yes, sir.

4 Q. Now would you explain to the jury -- that means that
5 you did a separate test to determine what likely the
6 substance was, correct?

7 A. Correct. The preliminary test for blood that we use
8 tests for a component of blood called heme. There are
9 other materials that can cause a false-positive and the
10 test is not human specific. It's just a very quick and
11 easy way for us to preliminarily try to determine if it's
12 worth running the sample, if there may be something of
13 probative value or something that's going to be informative
14 to us. But, again, it means to us that there is the
15 possible presence of blood.

16 Q. Okay. Now in your analysis of the DNA from Number 4,
17 did it have to be the DNA from specifically blood or could
18 it have been other DNA that you found in that swab?

19 A. We can't specifically assign a biological material
20 to that profile that is developed. And, again, it is a
21 mixture, so it's possible that it is a mixture of two blood
22 sources, assuming there is blood present. It could be
23 blood and touch. And when we refer to touch DNA, we mean
24 DNA that's just transferred to an item through physical
25 contact with an individual, so basically the transfer of

1 skin cells or sweat. We can't say specifically which
2 biological material that profile is being developed on.

3 Q. So it's entirely possible the blood wasn't Joanie
4 Youmans's blood. You didn't do that test specifically?

5 A. There's no way for us to determine that specifically,
6 no, sir.

7 Q. Okay. And I know you didn't see it, and this is a
8 safety-protected firearm, but I just wanted to ask. Now
9 you don't ever get involved in the collection of any of the
10 samples, correct?

11 A. I do not swab firearms. There are times that our
12 evidence processing department will swab it if requested
13 to do so. I believe I've swabbed one firearm in the last
14 twenty years. That's not typically what I do.

15 Q. Okay. Now if I was to pick this gun up and hold it
16 and someone was to swab it later, what possible elements
17 could you pick up off of it?

18 A. There are quite a few factors that go into determining
19 whether or not just picking up a gun would be enough DNA
20 to provide a profile and that can be based on how long
21 you're in contact with that item, do you pick it up very
22 briefly lightly and then set it back down, do you grip it
23 as tightly as you can and hold it for twenty minutes, are
24 you sweating, how recently have you washed your hands,
25 are there other DNA sources present on the item. There

1 are just a lot of factors that go into it and the only
2 way to know for sure would be to test it and actually run
3 the sample to determine if there's a profile.

4 Q. How long is DNA good? Like if you'd gotten a sample,
5 and I don't know if you -- it's been testified that they
6 collected the DNA about a month later. How long is DNA
7 good?

8 A. It depends on the sample, the quality of the sample
9 when it's left, as well as how it's stored. I've tested
10 cases from the 70's. It can be viable for quite a long
11 time.

12 Q. So it is possible for the DNA that you got off that
13 gun to have been deposited even before the alleged incident
14 date?

15 A. It is and there's no way for us to determine based on
16 our testing exactly when the DNA was deposited.

17 Q. Okay. You said that there was at least a mixture.
18 Was it a defined two-person mixture or was it at least two
19 or more people?

20 A. My interpretation is based on a defined mixture of
21 two individuals. That is a requirement to the type of
22 analysis that we're performing. You can never absolutely
23 know the number of contributors. You could have a low
24 level contributor that shares with one of the stronger
25 contributors and it's just not seen, but based on my

1 training and experience I believe this to be a mixture of
2 two people and had to make that decision to perform the
3 calculation and interpretation.

4 Q. Okay. And you didn't perform a calculation on the
5 other major or at least present contributor that you're
6 aware of?

7 A. Well, the calculation actually takes into
8 consideration the entire profile. So it is comparing the
9 profile from Joanie Youmans to all of the information that
10 is present. So it would be the entire two-person mixture
11 that it's comparing to.

12 MR. STITELY: Thank you, ma'am. I appreciate it.

13 THE WITNESS: Yes, sir.

14 THE COURT: A brief redirect?

15 MS. FULLER: I apologize, Your Honor. Yes.

16 REDIRECT EXAMINATION

17 BY MS. FULLER:

18 Q. Were you able to assign a percentage in terms of
19 Joanie's DNA, what portion of the mixture she accounted
20 for or contributed to?

21 A. When the computer software performs a calculation,
22 the initial step is what we refer to as a deconvolution.
23 It essentially breaks the profile down into the possible
24 contributions made by each individual and it gives us a
25 general idea of what percentage Contributor 1 gave versus

1 Contributor 2. We don't report which contributor is most
2 consistent with an individual. The weight and the support
3 that we provide is through the likelihood ratio value.

4 Q. But the number does exist, correct?

5 A. It does. Yes.

6 Q. And for SLED Item 4, what was Joanie's contribution to
7 the one that tested positive for blood?

8 A. Based on the breakdown of the initial step,
9 Contributor 1 donated approximately 98 percent of the DNA
10 that was present in the profile. Contributor 2 donated
11 approximately 2 percent and the comparison indicated that
12 it was more appropriate that Joanie Youmans would be
13 consistent with the contribution from Contributor 1, but,
14 again, the weight to that comparison is through the
15 likelihood ratio that I had mentioned.

16 Q. And so -- and I know per SLED protocol you have to
17 testify the way you're testifying, but I just to want to
18 make sure it's clear. So in terms of assigning Joanie to
19 the mixture, the system indicated that she was -- that
20 tested positive for blood was 99 percent, correct?

21 A. Again, it tested positive for the possible presence
22 of blood and any time we do a comparison it assigns that
23 individual to one of the basically datasets for these two
24 contributors. It's not saying, you know, it's matching
25 that dataset. What it's saying is it is most closely

1 aligned with that set and that dataset is what it uses
2 to perform the calculation and that's how it generates
3 this likelihood ratio value. That's why, you know, we
4 use the likelihood ratio as the level of support, but,
5 again, based on comparison her profile was more consistent
6 with Contributor 1 than Contributor 2 and it estimated
7 Contributor 1 at 98 percent.

8 Q. 98 percent. I apologize. I clearly understand that.
9 And the reason why I was asking is because I think defense
10 on cross said another major contributor. Would less than
11 2 percent be considered a major contributor?

12 A. We don't really label major versus minor anymore,
13 but it does, again, break down -- it appeared to be
14 approximately a 98 percent contribution from one individual
15 and a 2 percent contribution from the other for that
16 particular item.

17 Q. And the other -- and that specific analysis was for
18 blood and the other one was for touch, correct?

19 A. Well, the request for analysis for Item 4, which was
20 the swab from the handle, was for blood, which is why I
21 ran that preliminary screening test. The request for the
22 additional swabs, which was basically the swab from the
23 rest of the firearm was just for touch, meaning it could
24 be any type of DNA that may be present on that item.

25 Q. Okay. To include blood, touch, what you described as

1 skin cells, whatever's left behind based on other factors,
2 correct?

3 A. Correct. So it doesn't change the way that we
4 perform the actual DNA test, it just helps us decide what
5 preliminary test may be required, if any.

6 Q. And what was the percentage breakdown for the second
7 item?

8 A. The percentage breakdown for the swab from the
9 remaining portion of the firearm was approximately
10 63 percent contribution for Contributor 1 and approximately
11 37 percent contribution for Contributor 2.

12 Q. And which one was Joanie?

13 A. Based on the calculation, her profile was deemed
14 to be more consistent with Contributor 1. Again, the
15 likelihood ratio value is the support that we use for that
16 comparison, but that is the contributor kind of designated
17 as more consistent with her profile.

18 Q. And like you testified on cross, you can't isolate
19 whether that's touch DNA or actual blood DNA, correct?
20 Or -- I think that's the right way to say it. Is that
21 correct?

22 A. That's correct. All I can say is that this DNA was
23 present on these swabs when I tested them.

24 MS. FULLER: Okay. Thank you so much.

25 MR. STITELY: I do have some follow-up actually.

1 RECROSS EXAMINATION

2 BY MR. STITELY:

3 Q. What did it indicate Number 5 came from? Where or --
4 where did it indicate?

5 A. Based on the description received in the submission
6 paperwork, SLED Item 5 was identified as Item 1.0B, swabs
7 from handle, hammer, cylinder, release and trigger of the
8 .357 handgun.

9 Q. So you're -- once again, you're just saying the
10 computer spits out a presumptive, but the presumptive on
11 trigger, barrel and barrel and hammer was 67 {sic} percent
12 Youmans?

13 A. I'm saying that the breakdown of that initial
14 step with the deconvolution of that profile showed
15 Contributor 1 to be approximately 63 percent. Again,
16 we're not assigning it saying that is Youmans's. We're
17 saying that that DNA profile more closely aligns with
18 Contributor 1 at 63 percent, than Contributor 2 at 37.

19 Q. Okay. And you are not getting up here to say that
20 Number 4 was Joanie Youmans's blood; is that correct?

21 A. That's correct.

22 MR. STITELY: Nothing further. Thank you.

23 THE COURT: Thank you.

24 May I let this witness be excused?

25 MS. FULLER: Please, Your Honor. Thank you.

1 THE COURT: Thank you.

2 THE WITNESS: Thank you.

3 (Witness excused.)

4 THE COURT: Madam Forelady, does the jury need a
5 break?

6 THE FOREPERSON: We're okay.

7 THE COURT: You can call your next witness.

8 MR. McNAIR: Thank you, Your Honor. The State calls
9 Suzanne Cromer.

10 (Whereupon, Suzann Cromer was duly sworn by the
11 Clerk of Court.)

12 THE CLERK: If you'll have a seat on the witness
13 stand. If you'll state your full name and spell your
14 last name for the record.

15 THE WITNESS: My name is Suzann Cromer.
16 C-R-O-M-E-R.

17 SUZANN CROMER,

18 having been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. McNAIR:

21 Q. Agent Cromer, will you please tell the jury where
22 you're employed.

23 A. I'm employed at the South Carolina Law Enforcement
24 Division, commonly referred to as SLED, in the forensic
25 services laboratory.

1 Q. All right. And how long have you been with SLED?

2 A. It will be twenty-five years in December.

3 Q. All right. And are you in the -- are you also in the
4 firearms department?

5 A. Yes, sir, I am.

6 Q. And how long have you been in that department?

7 A. It will be twenty-five in December. I started in
8 different positions, but all of my time at SLED has been
9 in the firearms department.

10 Q. Okay. And as part of your job, do you do what's known
11 as firearm identification?

12 A. Yes, sir, I do.

13 Q. And what education and background do you have in that
14 regard?

15 A. First I have a bachelor's degree from Clemson
16 University. I did some graduate work at the University
17 of South Carolina in criminal justice. I did an internship
18 in the SLED firearms department. I was hired on at SLED
19 and then moved into the firearm and tool mark examiner
20 training program. Our training program is a multiyear
21 program. It's more of an apprenticeship, if you will,
22 where we take written tests, oral tests, prepare cases
23 for other examiners. When we complete each module of our
24 training program, it's graded and then we can move to the
25 next. Once we finish the whole training program, we're

1 given a comprehensive final exam that includes mock
2 casework that is graded by our training officer and our
3 lieutenant before we are deemed competent to handle our own
4 casework. We do have to take proficiency tests every year
5 to make sure that we stay competent to do our casework.

6 I have taken classes with the Association of Firearm
7 and Tool Mark Examiners, which is an international
8 organization for our profession. They meet every year
9 for a week to discuss relevant issues in our field. I've
10 attended several of those week long seminars. I've also
11 taken extra workshops there such as machine gun conversion
12 and Glock firearm familiarization, firearm barrel making,
13 ethics in forensics, just to name a few. I've taken
14 classes with the Bureau of Alcohol, Tobacco, Firearms
15 and Explosives, commonly referred to as the ATF, on serial
16 number restoration, and the National Integrated Ballistics
17 Identification Network, which is -- we call it NIBIN.
18 It's a digital searchable database for images of cartridge
19 cases, whether they're evidence or from the scene. I have
20 been SLED's NIBIN program administrator for many years. I
21 have represented North and South Carolina at several user
22 group meetings for NIBIN operations.

23 I have toured numerous firearm manufacturing plants
24 such as Smith & Wesson, Ruger, Para USA, FN, Daniel
25 Defense, just to name a few. I have toured tool

1 manufacturing plants such as Mayhew Tools, Ontario Knife
2 Factory, Kbar, Cutco, Case, just to name a few.

3 Q. That's impressive you can remember all of that.

4 A. Sorry.

5 Q. All right. Have you been qualified as an expert in
6 the field of firearm identification in court before?

7 A. Yes, sir, I have.

8 Q. How many times?

9 A. Between 138 and 140 times.

10 MR. MCNAIR: Your Honor, at this time we'd offer
11 Agent Cromer as an expert in the field of firearm
12 identification.

13 THE COURT: Any objection?

14 MR. STITELY: I do have a question or two, if you
15 don't mind, Judge.

16 THE COURT: Sure. Go ahead.

17 VOIR DIRE EXAMINATION

18 BY MR. STITELY:

19 Q. What actual certifications do you receive and from
20 what agency?

21 A. We get deemed competent by SLED to conduct casework
22 and, like I said, we are given proficiency tests every year
23 to make sure that we keep that competency.

24 Q. Now is that all through SLED though?

25 A. That's all through SLED.

1 Q. So the only certifications you have are internal and
2 monitored internally?

3 A. Correct.

4 MR. STITELY: No other questions.

5 No objections, Judge.

6 THE COURT: All right. And she's gonna be a
7 firearm expert?

8 MR. McNAIR: Yes, ma'am.

9 THE COURT: I'll tell the jury that this witness
10 is a firearm expert. She can give her opinion and you
11 give her testimony the weight you see fit.

12 Go ahead.

13 MR. McNAIR: Thank you, Your Honor.

14 CONTINUED DIRECT EXAMINATION

15 BY MR. McNAIR:

16 Q. Agent Cromer, I guess let's start with just explaining
17 in general what makes firearm identification possible.

18 A. Okay. Well, first let me start with what is
19 firearms identification. Firearms identification is a
20 discipline of forensic science where we look at ammunition
21 components; bullets, cartridge cases, shotgun shells,
22 unfired ammunition sometimes, to see whether they were
23 fired by or loaded into and extracted from a specific
24 weapon. If we do not have a specific weapon, we can look
25 at those ammunition components from a crime scene and

1 give investigators an idea of how many firearms or even
2 potential down to a particular make and model firearm that
3 they are looking for. What makes that possible is the
4 markings from the firearm itself. When you are looking at
5 a fired bullet, typically it goes down the barrel, which
6 is rifled, and rifling is what the gun manufacturer puts
7 in that barrel of a -- of a firearm to put rotary motion
8 on that bullet. It's very similar to a quarterback who
9 throws a football. When they throw that football, they
10 want it go into a tight spiral so it will go more
11 accurately towards its receiver or target. When I throw a
12 football, it lobs end over end, so you want it to go into
13 that rotary motion. Well, that's what the rifling does.
14 It's made up of land and grooves, raised and depressed
15 areas, and it be several in number. There's some with
16 three, there's some with five, six, seven, eight, nine.
17 It just depends on the manufacturer and what they decide to
18 do. And when that rifling is put into that gun barrel, it
19 passes on defects that can be imprinted on that projectile
20 when it's fired down that barrel.

21 Q. Okay. So you can potentially match projectiles to a
22 firearm?

23 A. That's correct.

24 Q. Can you match cartridge cases to a firearm?

25 A. Yes, we can match cartridge cases to a firearm.

1 There's several places that a cartridge case can be marked
2 by a firearm. Most prevalently is the firing pin. When
3 it strikes the primer of the cartridge, it causes an
4 indentation which crushes that priming mixture in between
5 an anvil and causes ignition. Those little sparks go
6 through a flash hole which starts the burning of the
7 gunpowder which pushes that bullet down the barrel, but
8 it also could push that cartridge case back into what we
9 call the breechface of the firearm and any imperfections
10 on that breechface of the firearm could be imprinted on
11 the head of that cartridge case. So we have firing pin,
12 breechface. We also have on semiautomatics ejectors and
13 extractors. The ejector is what kicks the cartridge case
14 out of the firearm after firing. The extractor is what
15 holds that cartridge case in the chamber. And then also
16 there's chamber marks.

17 Q. So essentially every firearm can leave unique marks
18 that can be compared to that particular firearm, correct?

19 A. That's correct.

20 Q. Is the simple way to put it?

21 A. (Nods head.)

22 Q. Now did you receive some items of evidence in this
23 case that related to a shooting that occurred on
24 December 27th of 2019?

25 A. Yes, I did.

1 Q. And did that include a Smith & Wesson .357 revolver?

2 A. Yes, it did.

3 Q. One fired .357 cartridge?

4 A. Yes, it did.

5 Q. Six unfired .357 cartridges?

6 A. That's correct.

7 Q. And one lead fragment from autopsy?

8 A. That is correct.

9 Q. I'm gonna show you what's already in evidence as
10 State's 35, 37, 38 --

11 MR. McNAIR: I beg the Court's indulgence.

12 THE COURT: Take your time.

13 Q. -- and State's 34 which was in this bag.

14 A. Can I leave this in the box?

15 Q. Yes, ma'am.

16 A. State's Exhibit 35 was my Item 1, which is the
17 Smith & Wesson revolver. State's Exhibit 37 was my Item 2,
18 which is the fired cartridge case. State's Exhibit 38,
19 which was my SLED Item 3, is the six unfired .357 Magnum
20 caliber cartridges. And State's Exhibit 34 was my Item 7,
21 which is the lead fragment that I received from autopsy.
22 And these are all still sealed with my initials and seal
23 date.

24 Q. All right. Those were all items that were received by
25 you and analyzed in connection with this case, correct?

1 A. That is correct.

2 Q. Let's start with Exhibit 35, which is SLED 1, which is
3 the revolver. Can you tell the jury what type of gun that
4 is?

5 A. This is a Smith & Wesson 686-6 double action revolver.

6 Q. Okay. And did you test that gun to determine whether
7 or not it was in working order?

8 A. Yes, I did.

9 Q. And how did you do that?

10 A. So when we get a gun like this, we take two pages
11 of notes. We look at -- the first thing we do is we open
12 up the box, I'll photograph it in the box, I look at the
13 markings on it, make sure I have the correct item of
14 evidence, check the manufacturing markings, check how --
15 the condition of the gun as I receive it. To double-check
16 the serial number of this firearm, I had to take off these
17 rubber grips because there's another serial number that's
18 on the frame just below these grips, and then I'll
19 photograph that. Any time I see any what we call trace
20 material, possible trace evidence such as blood, hair,
21 fibers, I will swab that. In this case, I saw some
22 reddish-brown debris that I swabbed. We don't do
23 presumptive tests for blood. I just swab it, preserve it
24 and let the submitter know in my report. So then I put
25 that back on and then I start testing the safeties, how the

1 gun works, how it functions, how many chambers are in the
2 cylinder.

3 Q. All right. And did you test fire that weapon as well?

4 A. Yes, I did.

5 Q. Okay. And it fired?

6 A. Yes. I test fired it.

7 Q. All right. For those that don't know, can you just
8 describe in general how a revolver works?

9 A. Okay. So how this revolver works -- and, again, it's
10 safe, it's unloaded, it's got this lock through it. So how
11 this revolver works is you can fire it two ways. That's
12 what the double action means. So once you load these
13 little holes in this -- this is the cylinder.

14 Q. And let me stop you right there. How many rounds does
15 that hold?

16 A. Seven.

17 Q. Seven. Okay.

18 A. So you can load your cartridges into the chambers
19 in the cylinder and then you close it. So then you can
20 shoot this gun. All you'd have to do to shoot it double
21 action is pull the trigger. Then if you wanted to shoot
22 it single action, you would cock the hammer and then pull
23 the trigger. So you can fire it one of two ways. So when
24 you cock the hammer, it rotates the cylinder a little bit
25 this way to make sure that the chamber is in line with the

1 firing pin and the firing pin comes out of a little hole
2 here called a firing pin aperture.

3 Q. All right. And after you fire a particular cartridge
4 case, what happens to that cartridge case?

5 A. It stays in the cylinder.

6 Q. And what does the cylinder do?

7 A. The cylinder will rotate with each pull of the
8 trigger.

9 Q. And single action would be if I -- I could pull hammer
10 back --

11 A. That's correct, and pull the trigger.

12 Q. -- and pull the trigger or I could just pull the
13 trigger and that's double action?

14 A. That's correct.

15 Q. Okay.

16 A. And the main difference is how much weight it takes.

17 Q. Okay. Let's talk about that. The trigger pull is
18 different if it's double action versus single action?

19 A. That's correct. It's heavier to pull the trigger
20 double action than it is single action because double
21 action you're moving this hammer as well with the pull of
22 the trigger.

23 Q. All right. And did you test or did you get a weight
24 associated with the trigger pull on double action versus
25 single action?

1 A. Yes. We do trigger pull test weight testing.

2 Q. Trigger pull weight testing.

3 Okay. What was the weight for single action?

4 A. The weight of single action was four and a half
5 pounds.

6 Q. All right. So that's in the cocked position if you
7 fire it's a four and a half pound trigger pull?

8 A. Right.

9 Q. And what is the trigger pull if it was just double
10 action?

11 A. Ten and a quarter pounds.

12 Q. Ten and a quarter. That's pretty significant for a
13 firearm, isn't it?

14 A. Well, for a double action revolver those are typical
15 weights.

16 Q. Okay. Now did you actually weigh the gun itself when
17 it was loaded?

18 A. I did not weigh it when it was loaded. We have strict
19 rules that firearms are only supposed to be loaded in the
20 range area. So the weight of the gun when it was unloaded
21 was 2.45 pounds.

22 Q. Okay.

23 A. And the weight of seven .357 Magnum cartridges was
24 .25 pounds. So it was approximately 2.7 pounds of weight
25 for a loaded weapon.

1 Q. Okay. All right. Now does that gun have any
2 particular safety functions?

3 A. Yes, it does. One of the main ones on this type of
4 firearm is called a hammer block safety and what it does is
5 it looks like a little flag where it blocks. This hammer
6 has a notch in it, so while this gun is at rest that hammer
7 block is actually preventing the firing pin from going
8 through the firing pin aperture because it's sitting in its
9 way. Once you pull the trigger, that hammer block drops
10 down in line with a recessed notch in the hammer so that
11 way it will allow the hammer to fly forward. Revolvers use
12 that inertia movement because this hammer is under spring
13 tension. So when you cock the hammer and then pull the
14 trigger, it releases it and the hammer flies forward so it
15 will go forward further through the firing pin aperture,
16 hit that primer and ignite that cartridge case.

17 Q. Okay. So to be clear, you have to fully depress the
18 trigger in order to release hammer block?

19 A. Yes.

20 Q. So if I was pulling the hammer back and it slipped,
21 would that hammer block safety prevent it from hitting the
22 cartridge case?

23 A. Yes, it would.

24 Q. So you actually have to pull the trigger to do that?

25 A. Yes. And I did testing on this. So typical testing

1 with a hammer -- exposed hammer revolver is we try to push
2 the hammer off to see if it will fire. If that doesn't
3 work, I'll actually get a mallet and tap the hammer until
4 it will fly forward and see if it will fire and it would
5 not fire because of that hammer block was still in its
6 correct location.

7 Q. All right. So you actually forced the hammer forward
8 with a mallet and it still wouldn't fire because you didn't
9 pull the trigger?

10 A. That's correct.

11 Q. All right. Now have you previously provided us with
12 a video that shows or explains how that hammer block
13 function works?

14 A. I did.

15 Q. And do you believe that would assist the jury in
16 understanding what you just described?

17 A. I do.

18 Q. Let me show you State's Exhibit 2 and is this the disk
19 that you had previously provided to us?

20 A. Yes.

21 MR. McNAIR: Your Honor, we'd offer State's 2 into
22 evidence at this time.

23 MR. STITELY: No objection.

24 THE COURT: It's admitted.

25 (State's Exhibit Number 2, a firearm video

1 demonstration, was admitted into evidence.)

2 BY MR. MCNAIR:

3 Q. And I'll just play it and you just tell me when to
4 stop.

5 A. Okay.

6 (State's Exhibit Number 2 playing.)

7 A. If you can go back just a second.

8 Q. Okay.

9 (State's Exhibit Number 2 playing.)

10 A. Okay. That is the hammer block. It actually looks
11 like a flag with a little hook on the end.

12 Okay. You can go ahead.

13 (State's Exhibit Number 2 playing.)

14 A. Now if you'll pause it right here. That is the inside
15 of the firearm without this side plate right here. So that
16 is the whole hammer right behind its chisel if you can see
17 it.

18 Q. I think you have a laser pointer up there. It might
19 be under something.

20 A. Okay. So this is the whole hammer right here and you
21 can see how the hammer block kind of fits on top and you
22 see how it's blocking the forward motion of the top of
23 the hammer. You can't really see the firing pin that's
24 attached to the hammer here, but this is that little notch
25 that I was talking about.

1 Okay. You can go ahead.

2 (State's Exhibit Number 2 playing.)

3 A. Okay. Pause it right there. So he's pulling the
4 trigger back and you can see how the hammer block is
5 dropping.

6 Go ahead. And then he's actually -- all right. If
7 you'll go back, then let it go. Pause right there. Can
8 you go back like a fraction of a second? Okay. Right
9 there. So you see that his finger's on the trigger, the
10 hammer block is actually in the recessed area of the hammer
11 and the hammer is allowed to come fully forward so the
12 firing pin can go through.

13 Q. Okay. So, again, you have to actually pull the
14 trigger to release that hammer block?

15 A. That's correct.

16 Q. Let's talk about SLED 2, which is Exhibit 37, which
17 is a fired cartridge case. Did you analyze that item at
18 all?

19 A. I did no microscopic exam on this. We have a policy
20 at SLED when you receive ammunition indicated as from the
21 cylinder, there's no real typical exam that we do because
22 most people do not try to cram fired evidence back into the
23 cylinder. It's kind of common to assume that the gun that
24 the fired ammunition was in was what fired it because when
25 you fire this round, as you can see it gets -- that burning

1 of gunpowder will cause the walls of the cartridge case to
2 expand a little bit. And when you're talking about the
3 mechanics of firearms identification, everything is in tiny
4 increments, millimeters, so it expands a little bit so it
5 will make it harder to put back into a firearm after it's
6 already been fired in that cylinder. So if it was
7 indicated as being removed from the gun fired, we don't
8 examine that.

9 Q. Okay. And that actually was recovered from the
10 cylinder of that firearm?

11 A. It was indicated that it was removed.

12 Q. Okay. Which would indicate it was fired from that
13 gun?

14 A. Yes.

15 Q. Okay. And that obviously -- is that ammo consistent
16 with what would be used in this firearm, a .357?

17 A. Yes.

18 Q. And is that the same ammo and caliber as the six
19 unfired cartridges that you received in this case?

20 A. They're all same type and construction.

21 Q. All .357 Magnums?

22 A. .357 Magnum Hornaday brand.

23 Q. Okay. And SLED 7, which is Exhibit 34, lead fragment
24 from autopsy, were you able to determine anything regarding
25 that item?

1 A. No. This was a very tiny lead fragment. I think I
2 weighed it at 1.6 grains. A grain is a unit of measurement
3 that we use where 7,000 grains equal one pound, and this
4 was only 1.6.

5 Q. So it's just a small fragment of a projectile?

6 A. Yes, it's a small piece of lead.

7 Q. And it's not enough to say anything about it or to
8 compare it to anything?

9 A. Correct. It was unsuitable for identification.

10 Q. Now have you also -- well, I guess is there something
11 that you've used before to help explain trigger weight to a
12 jury?

13 A. Once, yes.

14 Q. Okay. And have you weighed buckets of sand in this
15 case that correlate to the trigger pull of that firearm in
16 single action mode and double action?

17 A. Yes, I did.

18 Q. I'm sure "mode" is not the right word, but I'm
19 gonna show you State's 40 and 41. Can you tell us what
20 State's 40 is?

21 A. State's 40 is a bucket of sand that weighs
22 approximately four and a half pounds, which is the single
23 action trigger pull weight of this firearm. And if you
24 think about it, it's with one finger usually.

25 Q. Okay. And State's 41?

1 A. State's 41 is ten and a quarter pounds of weight and,
2 again, double action amount of weight that's needed to fire
3 this firearm, and when you think about firing a firearm,
4 you usually do it with one finger, so.

5 Q. All right. And would those help the jury understand
6 the weight of a trigger pull?

7 A. Yes, it would.

8 MR. McNAIR: Your Honor, we'd offer State's 40 and
9 41 into evidence.

10 THE COURT: Any objection?

11 MR. STITELY: No, ma'am.

12 THE COURT: It's admitted.

13 (State's Exhibit Number 40 and 41, buckets of sand,
14 were admitted into evidence.)

15 BY MR. McNAIR:

16 Q. And is there a particular way we should -- or the jury
17 should hold it?

18 A. Like I said, I would take your trigger finger,
19 whichever -- if you've ever fired a gun, whichever finger
20 that you would do that, and with one finger pick it up and
21 see how heavy it is.

22 Q. And let's -- the last thing I want to talk about I
23 think is what you refer to as the cardinal rules of gun
24 safety.

25 A. That's correct.

1 Q. What are those?

2 A. We have four cardinal rules of firearm safety that we
3 kind of live by because we do work with guns every day.
4 The first one is to treat all guns as if they're loaded.
5 Whenever you pick up a gun, always assume it's loaded until
6 you have checked it yourself. Second, if you are going to
7 fire, keep your finger off the trigger until you are ready
8 to shoot that gun. Don't be walking around with your
9 finger on the trigger of a firearm. Third is know -- be
10 very much conscious, don't point the muzzle of the gun at
11 anything you don't intend to kill or destroy. And the
12 fourth one is be very conscious of what is beyond your
13 target. You don't want to shoot something and you miss or
14 the projectile go through your target and hit something
15 else.

16 Q. All right. And the last question, based on your
17 examination is there any way that gun could have accidentally
18 fired absent somebody pulling the trigger?

19 A. What we call an accidental shooting is probably
20 different from other people, but in the firearms
21 identification world we say an accidental shooting is one
22 where the firearm or the ammunition malfunctioned. So
23 this firearm I deemed was in working order, so I would not
24 say that it was accidental.

25 MR. MCNAIR: All right. Thank you. That's all the

1 questions I have.

2 THE COURT: Mr. Stitely.

3 MR. STITELY: If it please the Court?

4 CROSS-EXAMINATION

5 BY MR. STITELY:

6 Q. Okay. I'm gonna go backwards and then we'll jump to
7 the beginning.

8 A. Okay.

9 Q. Accidental discharge in your world means a gun firing
10 in a way other than it was intended to fire, correct?

11 A. No. Accidental means -- well, it could be that, but
12 it means that there was a malfunction with the gun. You
13 dropped it and the drop safety wasn't working, something
14 like that.

15 Q. But it's not to say I couldn't have non-intentionally
16 fired a gun?

17 A. Right. The other type is unintentional. You didn't
18 mean to, but you weren't following the four cardinal
19 rules of firearm safety. You were being flippant with the
20 firearm.

21 Q. Negligently handling it?

22 A. Negligent I would believe is more of a legal term.

23 Q. But handling it recklessly as far as you would be
24 concerned as a gun expert?

25 A. Correct.

1 Q. Okay. And guns don't come automatically with the
2 assumption that everyone knows your four rules, correct?

3 A. Usually they are written in the owners manual when you
4 buy a firearm.

5 Q. Okay. So let's talk about trigger pulls. You said
6 that that one in single action is four and a half. What
7 is the standard trigger pull on a revolver generally
8 speaking?

9 A. I don't know what the standard is, but that's pretty
10 typical.

11 Q. Okay. That's not outside the realm of a normal
12 revolver's trigger pull?

13 A. No, that's not.

14 Q. Okay. And it would be brand specific, gun specific?

15 A. Right.

16 Q. Okay. If you were defining something as a hair
17 trigger, what would you define that trigger at?

18 A. We would say a hair trigger is anything less than two
19 pounds.

20 Q. Okay. And in a pistol, what is your standard fire --
21 or trigger pull?

22 A. It depends on the firearm. There's many different
23 models of guns that have different trigger pull weights.

24 Q. Sure. And I'm asking this because the jury can't go
25 back there and pull the trigger of that gun to feel if it

1 feels different, but if they've shot another gun, is there
2 anything about that gun that would be dissimilar in the
3 amount of force it takes to activate that trigger than
4 another similarly structured firearm?

5 A. No. Those trigger pull weights were pretty much in
6 the realm of a Smith & Wesson revolver.

7 Q. What about a rifle, a .22?

8 A. Again, it depends on the actual gun and how it's made.

9 Q. How about a BB gun? What's the trigger pull?

10 A. Again, it depends on that particular BB gun and how
11 it's made.

12 Q. Okay. But there's nothing about this gun that would
13 make you think it would be harder to activate the trigger
14 than another normal firearm in either pull? It wouldn't
15 be any different than a normal gun at double action or in
16 single action?

17 A. It was along the lines of normal for a revolver -- a
18 double action revolver, yes.

19 Q. May I touch the gun?

20 A. Yes.

21 Q. Okay. Now when you're describing the hammer function
22 -- I'll put it this way so the jury's not anywhere near.
23 What you were -- did this gun have hammer pull though?

24 A. No. It did when I whacked it with a mallet
25 repeatedly.

1 Q. All right. So -- and the gun in the picture is not
2 this gun. That's just a stock video?

3 A. Yes.

4 Q. So to pull this trigger do you have to physically have
5 your finger all the way around it and pull it or could you
6 do it from the side?

7 A. It depends on how strong your hand is.

8 Q. All right. Well, if you were in single action, hammer
9 back, is it possible theoretically to trigger the gun by
10 pulling the trigger back by pulling the gun this way?

11 A. It would depend on the person.

12 Q. Possible though?

13 A. Could be.

14 Q. Okay. But you don't have to --

15 A. You'd have to get enough pressure to pull it all the
16 way back to the rear.

17 Q. Okay. But you could do that without sliding your
18 finger all the way through?

19 A. It would be difficult, but, again, I can't say that
20 somebody couldn't just try. But it's four and a half
21 pounds or ten and a quarter pounds. That would be a lot
22 with just pushing the side of trigger. I've never seen it
23 and I couldn't do it that way myself.

24 Q. When you watch those old western videos of them
25 fanning a hammer, can this gun do that?

1 A. What do you mean fanning a hammer?

2 Q. Like when they sit there and they would -- you know
3 in the western -- I'm gonna put it down so I can do -- you
4 know, they're kind of holding it and they're going like
5 this and it keeps firing?

6 A. No.

7 Q. Can that gun do that?

8 A. No.

9 Q. So it doesn't work like one of those old west styled
10 ones?

11 A. No.

12 Q. Okay. You can't tell who was shooting the gun when it
13 happened?

14 A. No, I can't.

15 Q. That's not even part of your realm with the testing?

16 A. No.

17 Q. Now you described kind of how a bullet's discharged
18 from a gun and you've talked about a primer strike and
19 that's the little part on the back of a completed bullet,
20 correct -- or completed cartridge?

21 A. Yes.

22 Q. I'm gonna show you Number 23. Maybe. I might show
23 it to you. Thank you.

24 All right. So from this picture can you tell which of
25 the cartridges, bullets, was fired?

1 A. Yes.

2 Q. Can you point to it with your laser pointer for me?

3 A. This one is the fired round.

4 Q. Why is the one on the right? What's unique about it?

5 A. That is a very light -- I don't even -- I can't
6 definitively say that that's a primer strike, but it's just
7 a very light indentation as it appears.

8 Q. Okay. Well, we've got the bullets up there, don't we?
9 Is there any way you can look at them without -- or do you
10 have to open them up?

11 A. I would have to open them up, but I don't do
12 examinations unless I'm asked.

13 Q. Okay. Well, if you were asked to, could you have
14 examined that other one to see if that was a strike?

15 A. I could have. It's not unusual to see light
16 indentations in cartridges from a cylinder.

17 Q. Okay. But if you had a hammer that was punch happy,
18 is it possible it could have generated a mark on one of the
19 other bullets by accidentally coming down?

20 A. What you mean by punch happy?

21 Q. Well, I mean, you said that it punches a firing pin
22 through an aperture which leaves a mark, but you said this
23 gun couldn't generate an accidental one, but there's one
24 that looks like it was half struck. Is it possible the gun
25 did that?

1 A. First off, I don't know where that came from. It
2 could have been from just resting in the chamber, it could
3 have been before it was even loaded into this gun. I do
4 not know where that mark came from.

5 Q. Okay. Well, I'll put that one back up and I'm gonna
6 show you a box of other bullets and ask if you see the same
7 anomaly on any of those, okay? Now these -- you commented
8 before and you called them Hornaday and that's what it says
9 on them, correct?

10 A. Right.

11 Q. That's I'm guessing a manufacturer of bullets?

12 A. That's the brand of ammunition.

13 Q. Ammunition. Sorry. Bad word. And this is Number 26.
14 It might not be close enough for you to see if they say
15 Hornaday or not on them, but do you notice any of those
16 strikes -- or small indentations on any of those?

17 A. I can't really see it clear enough.

18 Q. Understood. It's not the best picture.

19 MR. STITELY: I beg the Court's indulgence.

20 THE COURT: Take your time.

21 BY MR. STITELY:

22 Q. Just, once again, just for clarity's sake, you can't
23 say how the gun was -- who shot it that day, correct?

24 A. That's correct.

25 Q. You can't say where it was located?

1 A. No, I can't.

2 Q. You can't say whose DNA is on it?

3 A. No, I can't.

4 Q. You can't say if there is whose blood would be on it?

5 A. No, I can't.

6 Q. Can you tell me how many times that gun's been fired
7 in general?

8 A. No, I can't.

9 Q. Can you tell me who fired the gun ever?

10 A. I've fired this gun.

11 Q. Yes, ma'am. Aside from you.

12 A. No, I can't.

13 MR. STITELY: Thank you, ma'am. No further
14 questions.

15 MR. McNAIR: Nothing further, Your Honor.

16 THE COURT: Thank you.

17 You can step down. Thank you for coming.

18 (Witness excused.)

19 THE COURT: All right. Let me see the lawyers just
20 for a second.

21 (Proceedings held at the bench; not reported.)

22 THE COURT: All right. Madam Forelady, let's take a
23 quick break. We'll come back at noon. We're gonna work
24 until 1:00 and then go to lunch, okay?

25 So, remember, no talking about this case just yet,

1 FOREPERSON: Yes.

2 THE COURT: Okay. I'm gonna tell you again you
3 cannot discuss this case even amongst yourselves.
4 You're gonna have to wait to listen to all of the
5 testimony.

6 So I am not going to read this or -- because
7 you're not supposed to be talking about this case at
8 all. Period. If so, I need to know about it, okay?

9 All right. Anything else from the State?

10 MS. FULLER: None from the State, Your Honor.

11 THE COURT: Anything else from the defense?

12 MR. STITELY: No, ma'am.

13 THE COURT: Okay.

14 All right. Call your next witness.

15 MR. McNAIR: Your Honor, the State calls Fred Wine.

16 (Whereupon, Frederick Wine was duly sworn by the
17 Clerk of Court.)

18 THE CLERK: If you'll have a seat in the witness
19 stand. State your name and spell your last name for the
20 record.

21 THE WITNESS: My name's Frederick Wine. Last name
22 W-I-N-E.

23 FREDERICK WINE,

24 having been duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MR. McNAIR:

2 Q. All right. Mr. Wine, let's tell the jury a little bit
3 about yourself. Where -- where did you grow up?

4 A. Right here in West Columbia.

5 Q. Did you go to high school here?

6 A. Yes.

7 Q. Where did you go to high school?

8 A. Brookland-Cayce.

9 Q. Are you married?

10 A. Divorced.

11 Q. Do you have kids?

12 A. Yes.

13 Q. Are you currently working?

14 A. Yes.

15 Q. What do you do for a living?

16 A. I do home construction, remodeling.

17 Q. Okay. Now just remember to speak up so we can all
18 hear you, okay?

19 A. Okay.

20 Q. Tell the jury how you knew Joanie Youmans.

21 A. We had met -- we were next door neighbors for years
22 and that's how we met.

23 Q. All right. At some point did you-all, I guess, start
24 dating or have a relationship?

25 A. Yes, sir.

1 Q. Approximately when was that do you think?

2 A. 2018.

3 Q. In 2018?

4 A. Uh-huh.

5 Q. And were you-all still in a relationship at the time
6 of her death?

7 A. Kind of. It -- it was back and forth.

8 Q. Okay. On again, off again?

9 A. Yes.

10 Q. During the time you-all were dating, did you become
11 aware she was also seeing Mr. Corder, Brandon Corder?

12 A. Yes.

13 Q. And how did you learn that?

14 A. She told me.

15 Q. Do you remember when they started dating?

16 A. It was somewhere around June.

17 Q. Of 2019?

18 A. Yeah, 2019.

19 Q. Okay. So about six months prior to her death?

20 A. Yes, sir.

21 Q. Now during times when you were with Joanie, would
22 Mr. Corder call Joanie in your presence or call you?

23 A. Yes.

24 Q. And can you tell the jury what was the nature of those
25 calls?

- 1 A. Just angry, mad, I guess, because she was with me.
- 2 Q. Do you recall him saying anything in particular when
- 3 he would call?
- 4 A. He would threaten to blow her head off and all kind of
- 5 threats.
- 6 Q. Did that happen one time or more than one time?
- 7 A. It happened more than once.
- 8 Q. Multiple times?
- 9 A. Yes.
- 10 Q. When was the last time you heard a call like that when
- 11 he called Joanie and threatened to blow her head off?
- 12 A. I think maybe a month prior to her death.
- 13 Q. A month prior to her death?
- 14 A. Uh-huh.
- 15 Q. Now when you heard him say that, how did you take
- 16 that?
- 17 A. Oh, I thoroughly believed it. I mean, he -- he was
- 18 serious.
- 19 Q. When was the last time that you saw Joanie?
- 20 A. Christmas Eve. Two days prior to her being shot.
- 21 Q. Two days prior to her death?
- 22 A. Yes, sir.
- 23 Q. Where were you when you saw her?
- 24 A. We were at my house.
- 25 Q. Okay. How did she leave your house?

1 A. I'm not sure how she had gotten -- she had walked from
2 the house, I guess, somewhere and caught a ride. I didn't
3 actually see her leave. I was in my shop.

4 Q. And do you know where she went?

5 A. I was just assuming she went to her son's house.

6 Q. Okay. What was the last thing that you told Joanie?

7 A. I told her to not go back over to Brandon's house
8 because he meant what he said.

9 MR. MCNAIR: That's all the questions I have.
10 Please answer any questions Mr. Stitely has.

11 THE COURT: Mr. Stitely.

12 CROSS-EXAMINATION

13 BY MR. STITELY:

14 Q. Mr. Wine, you didn't like it that she had left you for
15 Brandon, did you?

16 A. She didn't leave me for Brandon. We were already
17 broke up.

18 Q. Okay. When did you break up?

19 A. About -- it was probably two months before I learned
20 about her meeting Brandon.

21 Q. Okay. Then what was she doing back at your house all
22 those times?

23 A. She would just come back and forth I guess when she
24 wanted to get away from him.

25 Q. Okay. So you -- obviously when you heard these

1 reports, you called them into the police back then?

2 A. No, I didn't.

3 Q. You didn't mention anything to the police until almost
4 a month after the incident when you were interviewed; is
5 that correct?

6 A. Excuse me? I didn't understand.

7 Q. You didn't bring this to the police's attention until
8 almost a month -- well, I guess, three weeks after it
9 happened, did you? After she -- she was deceased.

10 A. Yeah, whenever they called me in.

11 Q. Okay. Well, you didn't make any reports prior,
12 correct?

13 A. No.

14 Q. And you didn't like it that she would go over to his
15 house, correct?

16 A. No.

17 MR. STITELY: Nothing further. Thank you.

18 THE COURT: Any redirect?

19 MR. McNAIR: Nothing further, Your Honor.

20 THE COURT: Thank you, Mr. Wine, for coming. You
21 can be excused.

22 THE WITNESS: Thank you.

23 (Witness excused.)

24 THE COURT: Call your next witness.

25 MR. McNAIR: Your Honor, the State calls Mariah

1 Erickson.

2 (Whereupon, Mariah Erickson was duly sworn by the
3 Clerk of Court.)

4 THE CLERK: If you'll have a seat up there. If
5 you'll state your name and spell your last name for the
6 record.

7 MR. STITELY: Judge, may we approach for a moment?

8 THE COURT: Yes.

9 (Proceedings held at the bench; not reported.)

10 THE COURT: Okay. Go ahead.

11 MARIAH ERICKSON,

12 having been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. McNAIR:

15 Q. Ms. Erickson, can you state your name and spell your
16 last name?

17 A. Mariah Erickson. E-R-I-C-K-S-O-N.

18 Q. Tell the jury where you grew up.

19 A. I grew up in Irmo, South Carolina, with my father
20 and then moved to Lexington with my mom a few years after.

21 Q. And where did you go to high school?

22 A. Pelion High School.

23 Q. Do you still live in this area?

24 A. Yes, sir.

25 Q. Are you currently working?

- 1 A. No, sir. I'm a stay-at-home mom.
- 2 Q. Are you in relationship?
- 3 A. Yes.
- 4 Q. Who are you in a relationship with?
- 5 A. I am engaged to Joanie Youmans's son.
- 6 Q. And what's his name?
- 7 A. Corey Youmans.
- 8 Q. Now were you and Corey in a relationship in 2019?
- 9 A. Yes, sir.
- 10 Q. And were you-all living together at that time?
- 11 A. Yes, sir.
- 12 Q. And did you have the opportunity to meet Joanie?
- 13 A. Yes, sir.
- 14 Q. And would Joanie stay with you-all sometimes?
- 15 A. Yes, sir. She lived with us.
- 16 Q. Did you ever meet Brandon Corder?
- 17 A. Yes, sir, I did.
- 18 Q. Do you remember when the first time you met him was?
- 19 A. It was June the 13th when Karen Youmans, which is her
- 20 sister, died in my arms in my house.
- 21 Q. All right. That was the day she died?
- 22 A. Yes, sir.
- 23 Q. Is that why you remember that date?
- 24 A. Yes, sir.
- 25 Q. And that was June 13th of 2019?

1 A. Yes, sir. We were all sitting at the table in my
2 kitchen.

3 Q. All right. Is that about the time that Joanie started
4 dating Brandon or what was the status of their relationship
5 at that time?

6 A. It was about the time that we had heard about Brandon
7 and it was the first day we had met Brandon Corder at our
8 house the previous week.

9 Q. All right. So you met him in person. Did you talk to
10 him?

11 A. Yes, sir.

12 Q. And you heard his voice?

13 A. Yes, sir.

14 Q. And did you have opportunities to hear his voice after
15 that when you were with Joanie?

16 A. Yes, sir.

17 Q. And you're familiar with the way he talked?

18 A. Yes, sir.

19 Q. And obviously are you familiar with the way Joanie
20 talked?

21 A. Yes, sir, I am.

22 Q. Now during the course of her relationship with
23 Mr. Corder, would she confide in you about things that were
24 going on? I'm not asking you for any details, but tell you
25 about her relationship with Mr. Corder?

1 A. Yes, sir, she would.

2 Q. At some point did Joanie play a recording for you?

3 A. Yes, sir, she did.

4 Q. And who was on that recording?

5 A. It was Joanie Youmans and Brian Corder.

6 Q. All right. And you recognized both of the voices on
7 that recording?

8 A. Yes, sir, I did.

9 Q. And how did she play that for you?

10 A. We were outside and she had told me to listen to
11 something and she had played a recording that she recorded
12 and I just became very suspicious.

13 Q. Okay. Now what was your understanding of when that
14 recording had taken place?

15 A. It was --

16 MR. STITELY: I'd object to hearsay.

17 THE COURT: Rephrase the question. Tell me what it
18 was that you asked again.

19 MR. McNAIR: I said what was your understanding of
20 when Joanie had made that recording.

21 MR. STITELY: It's gonna rely on testimony of --
22 it's not an impression. She's asking what she was told
23 about when it was made.

24 THE COURT: She was there, right, is what I heard.

25 MR. McNAIR: She was there when Joanie Youmans

1 played the recording.

2 MR. STITELY: But not when it was created, Judge.
3 That's the problem.

4 MR. McNAIR: I'll ask more questions.

5 THE COURT: Okay.

6 BY MR. McNAIR:

7 Q. Where had Joanie been prior to playing this recording
8 for you?

9 A. She was at Brandon Corder's house.

10 Q. All right. The night before?

11 A. Yes, sir.

12 Q. And she came to your house the next day?

13 A. Yes, sir.

14 Q. And she played this recording for you?

15 A. Yes, sir.

16 Q. And you recognized Brandon Corder's voice on there,
17 correct?

18 A. Yes, sir.

19 Q. And Joanie Youmans's?

20 A. Yes, sir.

21 Q. And what did you ultimately do with this recording?

22 A. I had recorded it off of my cell phone.

23 Q. You recorded it on your cell phone?

24 A. Yes, sir.

25 Q. Okay.

1 A. And I recorded it off my fiance's as well.

2 Q. And have you -- did you provide our office with a copy
3 of that recording?

4 A. Yes, sir.

5 Q. I'm gonna show you State's Exhibit 1 and do you
6 recognize this disk?

7 A. Yes, sir, I do.

8 Q. Are those your initials on that disk?

9 A. Yes, sir.

10 Q. And is that a true and accurate copy of the recording
11 you heard on Joanie Youmans's phone?

12 A. Yes, sir, it is.

13 Q. Has it been altered or deleted in any way?

14 A. No, sir.

15 Q. That's the full conversation that you heard that
16 Joanie played for you?

17 A. Yes, sir.

18 Q. And do you remember approximately when she played that
19 recording for you? Like what date?

20 A. It had to be around June 28th, June 29th.

21 Q. Towards the end of June?

22 A. Yes, sir.

23 MR. McNAIR: Your Honor, we'd offer State's Exhibit 1
24 at this time.

25 MR. STITELY: I have a matter of law to take up

1 regarding this exhibit.

2 THE COURT: Okay.

3 Madam Forelady, let me ask the jury to return to the
4 jury room. Please do not discuss this case even amongst
5 yourselves. It is not time, okay?

6 I'll have you back in as soon as we finish.

7 (Whereupon, the jury retires to the jury room at
8 12:26 PM.)

9 THE COURT: All right. Let me hear your motion.

10 MR. STITELY: Judge, I honestly didn't think we
11 were going here, but I'm gonna have several objections.
12 Besides the foundation, the authenticity. I want to go
13 through the entire analysis of 403 evidence dealing with
14 the time and place of this recording and being some
15 six months before.

16 And I do apologize. I will bring the case law back.
17 I just didn't think we were gonna go down this route
18 right before lunch, but I will have a number of cases
19 that I will want to cite, so I'm gonna ask for a break
20 to get an opportunity to prepare all of those to make
21 sure the record is evidently clear as to my position
22 regarding the timeliness of this as it relates to an
23 event in question some six months later if those dates
24 are even reliable as she says she can't even say, but
25 she guesses it was around some time.

1 Additionally, the item that Mr. McNair showed her
2 is a DVD or a CD. I don't believe it's the original
3 recording. Her testimony was she recorded it off her
4 phone and on his phone. Two different phones. We don't
5 know which phone it was recorded from, where it came
6 from. I wasn't provided an opportunity to have it
7 examined. All I get is a recording. I would like to
8 see the actual phone where it came from as well. I would
9 like an opportunity to address that. I'd like to have it
10 played as an actual original recording off of the phone,
11 which she said it could have been two different phones it
12 was made on.

13 I'm gonna have a litany of -- once again, I'll
14 start going through it all. I didn't expect to do it
15 right before lunch as I was told it would be two short
16 witnesses, so that's my bad on that one, but I'll be
17 ready to come back for a full hearing on it because
18 there's a number of things that I'm objecting to.

19 THE COURT: I'll be glad to hear from you.

20 MR. McNAIR: Judge, I think it's as simple as a
21 witness with knowledge can authenticate a piece of
22 evidence. I mean, he can -- what he's questioning is
23 the weight maybe that -- he can argue the weight that
24 the jury should give it, but the admissibility, I mean,
25 she's a witness with knowledge. You've heard her testify

1 to it's a full and accurate recording of what she heard.
2 That's no different than any other piece of evidence.
3 He may not like what's on it and he may argue -- he can
4 argue oh, it came off this phone or that phone, but she's
5 testified to it's a full and accurate recording. So he's
6 challenging the weight, but that doesn't go towards the
7 admissibility.

8 MR. STITELY: I'm actually challenging where is
9 the phone. I have never been provided this phone in
10 discovery, Judge. Where is the phone? That's what I'm
11 asking.

12 THE COURT: This is a recording that she made is
13 my understanding.

14 MR. STITELY: This is the Solicitor's office
15 recording on disc. This is not coming from the phone.
16 Where is the phone?

17 MR. McNAIR: Judge, what's the difference in this
18 and a jail call on a disc that a witness authenticates as
19 being a conversation they heard. There's no difference.
20 We don't bring in the software where they recorded the
21 recording. We don't have to do that.

22 MR. STITELY: But I have a right to inspect the
23 phone, Judge. I would like to know where the phone is
24 that this allegedly was recorded off of.

25 MR. McNAIR: That's cross-examination all day long.

1 MR. STITELY: It's Rule 5, Judge. It's discoverable.
2 And not to say we brought this up last time, but I would
3 like to have an opportunity to examine where this recording
4 actually came from.

5 And then I still have the 403 arguments and the time
6 and place arguments down the road.

7 I mean, her testimony was she recorded it onto two
8 different phones, so there should be two phones I should
9 have been provided with an opportunity to have examined
10 and I didn't get either of them.

11 MS. FULLER: It's not required.

12 MR. STITELY: Of course it's required. I can read
13 in my discovery if you want where it says all electronic
14 devices to include -- I mean, my Rule 5 is pretty darn
15 extensive.

16 THE COURT: I'm just gonna tell you under Rule 901,
17 testimony of a witness with knowledge, testimony that
18 an item is what it is claimed to be. In this case,
19 there is testimony that she made the recording on, my
20 understanding, her phone.

21 MR. McNAIR: Correct.

22 THE COURT: The recording came from somebody else's
23 phone, the source, but she recorded it onto her own phone.

24 MR. STITELY: And that's not what they're offering.
25 They're offering yet a third, fourth, fifth recording.

1 Where is the phone it was recorded on?

2 THE COURT: I don't understand. Is it not the same
3 recording?

4 MR. McNAIR: It's the same recording. We're not
5 required to bring in the actual phone to play the
6 recording. We can play a disc of the recording.

7 THE COURT: You are not required to do that.

8 MR. STITELY: But they're required to provide me
9 the opportunity to examine it and that's what I argued
10 last time and I still have not --

11 THE COURT: Did you not give him a copy of the
12 recording?

13 MR. McNAIR: He has a copy of the recording.

14 MR. STITELY: But I don't have a copy of the
15 original. They copied -- on purpose or not they will
16 not provide me where the source came from, and I will
17 call -- I can call about a hundred experts to talk about
18 the reliability.

19 THE COURT: Well, the source came from the victim's
20 phone, right?

21 MR. McNAIR: Her phone that she saved.

22 THE COURT: Her phone and she's deceased.

23 MR. STITELY: Where is that? They didn't preserve
24 that, they didn't preserve the phone they recorded it to,
25 they didn't preserve the third phone they recorded it to,

1 and all I got is a fourth recording.

2 MS. FULLER: The phone that he broke and destroyed
3 and she filed a police report on?

4 THE COURT: All right. So explain to me what he's
5 talking about, Mr. McNair.

6 MR. McNAIR: My understanding is the phone that
7 Joanie recorded this on initially was a phone that
8 belonged to her sister that Mr. Corder broke on or about
9 October 8th or something, I can't remember, but this --
10 Ms. Erickson recorded it, that recording, on her phone,
11 but she's had a couple of phones since then. She no
12 longer has that phone but she kept the recording, but
13 she doesn't have the original phone she used to record
14 it. But the rules don't require us to produce the
15 original phone to play the recording that she can
16 authenticate.

17 MR. STITELY: But here's -- and let me just follow
18 this logically as to how, I guess, we're -- and I don't
19 have the date when they received it in the Solicitor's
20 office, but then that testimony would be it was recorded
21 over countless times on countless different phones without
22 ever procuring -- it becomes an impossible standard for
23 the defense to be able to analyze it and have someone
24 review it. Giving me -- and I guess in listening to
25 Solicitor McNair's comment, it's been rerecorded yet

1 more and more times. I still have not been provided
2 the original source material that I can review, have an
3 expert analyze, have anyone review in any way, shape or
4 form. That is problem. That is subverting.

5 MR. McNAIR: Your Honor, 901 is probably the lowest
6 evidence standard there is; the evidence -- that the
7 evidence item is what it purports to be, and that's what
8 she's testified to. All -- everything he's saying right
9 now is cross-examination.

10 THE COURT: Well, I tend to agree, Mr. McNair,
11 because this is the deal. She's the one who recorded
12 it. Regardless of where it came from, she recorded the
13 conversation. On top of that, she identified the parties;
14 one of them being a friend of hers. She's already
15 testified that she met Mr. Corder earlier and then she
16 ID'd both of their voices and that she had listened to
17 it. I think she's properly authenticated it. While she
18 wasn't a participant in the conversation itself, she's
19 saying she heard it, she took it upon herself to make a
20 recording of it and she ID'd the voices.

21 MR. STITELY: Okay.

22 THE COURT: I am assuming that next is we're coming
23 with the contents.

24 Let me hear from you on that, Mr. Stitely.

25 MR. STITELY: The first one is then we're gonna

1 go to hearsay because the State is offering it for the
2 truth of the matter asserted.

3 MR. McNAIR: It's a statement of the defendant.
4 It's a prior threat of the defendant, which is clearly
5 admissible under State v. Beck that we talked about
6 during the last trial.

7 THE COURT: Okay. Well, let me tell you what. This
8 isn't the last trial. This is a new trial.

9 MR. McNAIR: Your Honor, I'll go with that State v.
10 Beck, 243 SC 129. That was a murder case out of Richland
11 that Judge Tommy Cooper presided over. That's where the
12 defendant murdered an escort. Four months prior to the
13 murder, the defendant told his roommate that he planned
14 to call escort services for dates to have sex and rob
15 them. The Court said that was highly probative as a
16 statement of intent. It's -- concerning the four month
17 time period, the Court said the temporal attenuation
18 between the making of the statement and the crime in
19 this case is of no moment in assessing its admissibility.
20 The four month lapse at most is a matter bearing on
21 the weight of the evidence, which was for the jury to
22 determine. The Court said the probative value far
23 outweighed any possibility of undue prejudicial effect.
24 I think in any case like this where the defendant
25 may claim accident or he didn't mean to or whatever,

1 intent is even more relevant, and that makes this prior
2 threat even more relevant to show his intent.

3 MR. STITELY: And, Judge, I'd like to have it played
4 for the Court so the Court can hear it and I'd to have an
5 opportunity to bring my case law on this. Honestly, like
6 I said, I was prepared for this one, but I did not think
7 we were doing a quick witness after lunch. I would like
8 to lay out why -- other arguments aside, there is a gap
9 in time, the threat is different and nonspecific, and I
10 think that one a very specific I am going to go get an
11 escort and do this and it was an escort he went and got.

12 MR. MCNAIR: Let me address that real quick. It
13 was less specific. He said he was gonna have sex and
14 rob escorts and he murdered one. The statement on this
15 disk says I'm gonna murder that stupid ass bitch. That
16 was the statement. It's more -- more specific.

17 MR. STITELY: And I think we need to listen to it
18 again because that's -- if that's the exact statement,
19 there's no point of who he's talking to. If his comment
20 is I'm gonna murder that person, we need to know who he's
21 talking about, and that's --

22 MR. MCNAIR: You. Excuse me. I shouldn't have used
23 that. It doesn't say that. I'm gonna murder you stupid
24 ass bitch.

25 MR. STITELY: And then we also don't have a context.

1 In the other case, they had someone who could come and
2 testify as to the exact context of the conversation.

3 THE COURT: All right. Let -- let me do this
4 because it's like twenty till one. I'm gonna let
5 Mr. Stitely play his tape, make his argument for the
6 record. I mean, this is an important case. It's a
7 very serious charge. I'm gonna let him make his record.
8 I'm gonna call the jury back in, I'm gonna send them to
9 lunch, and we will listen to this until 1:00.

10 Let's bring the jury back in.

11 (Whereupon, the jury return to the courtroom at
12 12:40 PM.)

13 THE COURT: All right. Ladies and gentlemen, of
14 the jury, I'm gonna tell you, I'm gonna let you go to
15 lunch. There's a matter that I need to take up with the
16 lawyers and instead of making you sit back in the jury
17 room, I'm gonna let you go ahead and go to lunch.

18 If you will be back in the jury room at 1:45, we
19 will start promptly at 2:00, okay?

20 Thank you. Have a good lunch. And, remember, no
21 talking about this case.

22 (Whereupon, the jury was excused for lunch at
23 12:41 PM.)

24 THE COURT: I am also gonna let Ms. Erickson step
25 down from the stand.

1 Ms. Erickson, I'm gonna tell you, you are in the
2 middle of your testimony and you are under oath, so I am
3 ordering you not to speak to anyone period about this
4 case, whether it's the State or the defense or any
5 officers. You are not allowed to talk about this case.

6 Do you understand?

7 THE WITNESS: Yes, ma'am, I do.

8 THE COURT: Thank you.

9 (Whereupon, the witness steps down from the witness
10 stand.)

11 THE COURT: Okay. You need time to go to your office
12 to get case law?

13 MR. STITELY: I have some, Judge. If you want to
14 go ahead and listen to the tape now so we have a fresh
15 thought about it --

16 THE COURT: All right. Well, let's go ahead and
17 listen to the tape. We'll come back a little early and
18 I'll let you put your case law on the record.

19 He has a problem with foundation. I said as long
20 as we lay the foundation, he can object to this. He
21 wants to object and that's what we're gonna do. I'm
22 gonna hear him out.

23 MR. STITELY: I think you've now said that you're
24 okay with the foundation and we're onto the 403, 404 and
25 timeliness questions.

1 THE COURT: Right.

2 MS. FULLER: And hearsay.

3 MR. STITELY: And hearsay, but she said she doesn't
4 think it's hearsay.

5 THE COURT: I haven't ruled on the hearsay yet.

6 MR. McNAIR: I'm gonna play this so everybody can
7 hear it.

8 (State's Exhibit Number 1 was played.)

9 THE COURT: That was really hard for me to hear.

10 MR. McNAIR: Yeah.

11 MS. FULLER: It may have been too loud. I turned it
12 all the way up max.

13 THE COURT: Yeah, I think you've got to replay it
14 and if you tone it down little bit, maybe I can make some
15 sense out of it.

16 MR. McNAIR: I'm gonna defer to the expert's
17 technology.

18 (State's Exhibit Number 1 was replayed.)

19 THE COURT: Okay. That's what you-all want to play?

20 MR. McNAIR: Yes, ma'am.

21 MR. STITELY: And I still -- when you look at it,
22 you can't tell what that is. Like -- and that's going
23 back to the first part, but as you've actually now seen
24 it, it doesn't look like a recording of a cell phone,
25 you can't see a cell phone. And, once again, I'm just

1 -- I have problems with foundation, I have problems
2 with authenticity and I have problems with how many
3 times it was recorded and I have problems with the fact
4 I wasn't given it. I'll make the other arguments at the
5 appropriate time.

6 THE COURT: All right. Is there anything else we
7 can do? Or I'm gonna have you-all come back, let's say,
8 in exactly one hour, a quarter till two, and let's get
9 this done so we can start this trial at 2:00.

10 MR. STITELY: Yes, ma'am.

11 (Whereupon, a luncheon recess was taken at
12 12:46 PM.)

13 (Back on the record at 1:55 PM.)

14 BAILIFF: Court is back in session. Please keep
15 your seats.

16 THE COURT: Stay seated, please.

17 All right. Are we ready to go back on the record?

18 MR. McNAIR: Yes, ma'am.

19 MS. FULLER: Yes, Your Honor.

20 THE COURT: All right. Let me hear from you,
21 Mr. Stitely.

22 MR. STITELY: Okay. Sorry. I was reviewing an
23 updated rap sheet to maybe save problems later.

24 THE COURT: Okay.

25 MR. STITELY: So you've heard my first couple of

1 situational problems. I have a rule of completeness
2 problem as well. There is no way to state what the
3 entire recording was. I have the evidentiary problem.
4 We can elicit testimony, but it looks like it wasn't
5 provided until January of 2023, which is some four and
6 a half years after the alleged scene or the initial
7 recording of it.

8 And then as far as the actual content, I would
9 argue that -- and I'll give you State v. Wallace.
10 State v. Wallace is a case where they allowed testimony
11 and it's particularly relevant from the way Solicitor
12 McNair phrased it.

13 So there are two ways to think about it. You can
14 think about it as a possible threat or a threat to do
15 violence or have done violence. In Wallace, they let a
16 sister get up and testify to something else someone had
17 done to their deceased sister -- or a sexually-assaulted
18 sister, and the Court said well, you have a Lyle problem
19 if the Solicitor is gonna try to offer it to say well,
20 they did this before, it fit some pattern.

21 When you look at 404 it, of course, talks about
22 motive, plan or scheme, identity or accident. So if the
23 theory is -- and I would argue that they are using it to
24 try to dispel a theory, they would have to make some
25 kind of showing that it disproves that, and Mr. McNair

1 even said he can't say this because he's gonna argue it
2 was an accident, that puts a Lyle theory into question
3 as well.

4 And in State v. Wallace, and I'll past it up, it's
5 384 South Carolina 428. They said just exactly that.

6 MR. MCNAIR: What's the date?

7 MR. STITELY: 384 SC 428, 2009 Supreme Court. They
8 actually were okay with the 403 side, but had a problem
9 with the 404(b) side, and it was exactly that. You
10 couldn't use it to say well, we know it wasn't an accident
11 because they had said this to so and so before. It wasn't
12 a mistaken identity because of this, that and the other.
13 One of the things that Mr. McNair said in his is we can't
14 say it wasn't an accident because he had made a threat to
15 do it in the past.

16 This is the exact same akin nature. You would have
17 to have a far further, substantial and then you have
18 to actually make a circumstantial -- excuse me -- a
19 compelling decision that it's substantially similar in
20 the nature and characteristics of what was alleged.
21 Then we can go through an entire analysis that through
22 testimony from one of the other witnesses he didn't even
23 own the gun until two weeks prior, so how could we make
24 the argument that some six months allegedly if we're to
25 believe that was the date that the actual recording was

1 made and there's been no testimony to one way or another
2 because she even said I don't know when she recorded it,
3 but I know she was in his house yesterday, but that's not
4 to say it was recorded that day.

5 There's been no testimony to verify that so that
6 the time and place and circumstances run so far afoul
7 and afield I have 403, I have a 404, as well as all the
8 others ones.

9 I did pull Beck and read Beck and as Your Honor said
10 they talk about -- that's the four months earlier he made
11 the comment. In that one it wasn't they didn't discuss
12 it as Lyle in the same setting, but I think Wallace is
13 interesting because Wallace happens nine years later and
14 they are very worried about it, so I'd ask you --

15 THE COURT: Well, this isn't nine years, this is
16 six months.

17 MR. STITELY: No, no, no. The Wallace case happens
18 nine years after Beck.

19 THE COURT: Okay.

20 MR. STITELY: So that they kind of gloss over and
21 I think that was before we were having fun with 404
22 evidence and Wallace gets very concerned about using prior
23 statements without proving that they're substantially
24 similar and especially, as I think Your Honor knows, we
25 haven't gotten there of course, ours is a defense of an

1 unintentional act and/or not -- affirmatively defensive
2 accident, but an accident in the -- akin to a layperson
3 would say the words.

4 THE COURT: Okay. Anything else?

5 MR. STITELY: No, I'm good. Thank you.

6 THE COURT: Okay. I'll be glad to hear from you,
7 Mr. McNair or Ms. Fuller.

8 MR. McNAIR: Your Honor, he said a lot of things.
9 I think obviously at this point we don't know what
10 his defense is going to be. We're offering this as a
11 statement of intent, which is at issue any time that you
12 have to prove malice in a murder case. The Beck case
13 said that the prior threat was probative as a statement
14 of intent. It was not Lyle evidence because Lyle concerns
15 bad acts and other crimes, not statements of intent.

16 So at this point we're offering that as a statement
17 of his intent. Obviously it becomes more probative and
18 more relevant if he is gonna claim accident, but it still
19 -- it's still relevant as a statement of his intent and
20 his malice.

21 Concerning the rule of completeness, she --
22 Ms. Erickson testified that was the complete recording,
23 so I don't know what that argument means. I mean, she
24 testified that that was the full, complete and accurate
25 recording. The fact that he may have not owned a gun at

1 the time he made that statement, well, you don't need a
2 gun to murder somebody. He threatened to throw her out
3 the window during that same recording, too, so I don't
4 think that -- that argument carries weight.

5 And the testimony in this record is that they
6 started dating in June. That Mr. Corder and Joanie
7 Youmans started dating in June. Ms. Erickson testified
8 to that and so did Fred Wine. So whenever this recording
9 was made, she can't put the exact date on it, it was
10 sometime in June or after that, which is within that six
11 month period, which as stated in Beck is admissible.

12 THE COURT: Okay. Anything else?

13 MR. STITELY: No. Just reaffirming that I think
14 you still have a necessary finding of some form because
15 it's not a charge or a convicted criminal act. I think
16 you have to go through a full Lyle analysis I think at
17 best.

18 MR. McNAIR: It's outside of 404. It's not being
19 offered as that. It's being offered as a statement of
20 intent. That's not Lyle evidence.

21 THE COURT: Okay.

22 All right. I think it is well-settled law that
23 evidence of threats by the defendant are admissible to
24 show malice. That's in State v. Lee.

25 Also State v. Alford. I don't believe the threat

1 was so remote as to make it irrelevant because the time
2 between the threats and the death relates to the weight
3 of the evidence rather than its admissibility.

4 And I think the probative value of this evidence is
5 not outweighed by any danger of unfair prejudice. I mean,
6 obviously it's prejudice to the defendant, but I think
7 it's also very -- the past threats are highly probative
8 of his intent, and that is under Rule 403.

9 And I've also read State v. Beck. That's four
10 months prior to this event in that case. That defendant
11 fatally attacked the victim and that Court ruled that
12 neither threat was so remote as to make it irrelevant
13 between the time and the threats, and I think that it's
14 true in this case. I've already ruled that I think
15 they've laid a foundation. She's ID'd both people.
16 She's told us where -- both voices. She said she made
17 the recording herself. There's certainly -- when somebody
18 authenticates something, there's certainly no chain of
19 evidence to be established at all.

20 So I'm gonna allow the playing of the tape.

21 I will tell you, Mr. Stitely, I think you've made an
22 excellent argument and will be good for cross-examination.

23 So are we ready to proceed?

24 MR. McNAIR: One additional thing, Your Honor.

25 As far as Ms. Erickson's rap sheet, she has a

1 shoplifting from 2023 that we agree is fair game.

2 THE COURT: It is.

3 MR. McNAIR: There's an unlawful communication
4 conviction from 2021 and the testimony from the last
5 trial concerning that was that was a situation where
6 she had --

7 THE COURT: I don't want to hear about the last
8 trial. This is a new trial.

9 MR. McNAIR: Well, I know. I'm just telling you
10 what was said.

11 THE COURT: Okay.

12 MR. McNAIR: That it was -- she had called an
13 officer on the phone and had cussed them out. I don't
14 think that is a crime of dishonesty that should be --
15 that Mr. Stitely should be able to use on impeachment or
16 for impeachment.

17 THE COURT: Let me hear from you, Mr. Stitely.

18 MR. STITELY: So initially my argument -- my argument
19 on this as far as unlawful communication of a telephone,
20 and I think we'd actually probably -- and I would like
21 them to produce into the record if they can, proof of
22 that report, but my argument would be as far as using
23 it as impeachment, I'm going to call in question the
24 authenticity of something on a communications device
25 and she has a conviction for unlawful communications

1 using electronic devices. I don't know what that means.
2 I think it's something we can argue at its merit.

3 There was something else, but -- there was an old
4 DUI that I don't think is relevant as far as conduct and
5 an old CDV, which I also don't think is within the window.

6 MR. McNAIR: Well, Judge, if he's not offering it
7 to impeach her as a crime of dishonesty, then that's 403.
8 That's highly confusing to this jury to allege that
9 because she unlawfully used the telephone she somehow
10 manipulated this recording that we're trying to play in
11 evidence.

12 THE COURT: I agree. I'm not -- I'm not real sure
13 unlawful communication -- what's so dishonest about it?

14 MR. McNAIR: I don't think it is a crime of
15 dishonesty.

16 THE COURT: I don't believe that it is either,
17 Mr. Stitely, unless you've got some kind of case law that
18 tells me that it's a crime of dishonesty.

19 MR. STITELY: No, ma'am. And I don't intend to use
20 it, so I don't think it's a --

21 THE COURT: All right. Then no need for me to go
22 there and we're not gonna mention it.

23 Anything else?

24 MS. FULLER: Your Honor, just so you're clear on
25 the State's schedule, we have to finish up this witness

1 and cross and then we have -- the State will call one more
2 witness and then we intend to rest. So I wanted you to
3 know and defense counsel know and he's already told me
4 he's prepared to start his case should he intend to put
5 one up.

6 THE COURT: All right. Well, let's talk about that
7 because I need to read him his rights if they want to put
8 up something.

9 Do you want to put it up tomorrow morning?

10 MS. FULLER: The State's ready to go forward today.

11 THE COURT: I understand you are.

12 MS. FULLER: Okay.

13 THE COURT: I'm asking, Mr. Stitely.

14 MR. STITELY: I don't know yet. I honestly did not
15 anticipate we'd be -- I have some possible legal arguments
16 I may have to make.

17 THE COURT: I'm just trying to think of what I -- I
18 like to keep the jury informed and what I was thinking if
19 the State plans to rest this afternoon, I would like to
20 read Mr. Corder his right to testify or not, let him think
21 about it overnight like I usually do in every case that I
22 try.

23 MR. STITELY: I think that would be absolutely
24 appropriate in this case.

25 THE COURT: And then you can let me know in the

1 morning whether you-all want to put up a case or not.
2 Again, you don't have to. And I'm -- I'm not asking
3 you to tell us, but what I'm saying is, if so, we'll
4 deal with that in the morning.

5 MR. STITELY: Yes, ma'am.

6 THE COURT: Just so I can let the jury kind of know
7 what we're gonna do.

8 MR. STITELY: Yes, ma'am. I agree.

9 THE COURT: Any objection?

10 MS. FULLER: No, Your Honor. I just wanted to --
11 I know I sent an e-mail. I just want it to be clear on
12 the record. Defense counsel suggested he was caught off
13 guard in his response, but I did inform via e-mail, and I
14 think in chambers as well, that I intended to rest today.
15 So I don't want the Court to think that I was trying to
16 blind side anybody.

17 THE COURT: Oh, no, no. I don't think that at all.

18 MS. FULLER: Okay. I just wanted to make sure it's
19 clear for the record.

20 MR. STITELY: No, and I didn't mean to -- I just
21 -- I honestly did not anticipate the State resting after
22 one more witness and I will need some time to talk to him
23 about it.

24 THE COURT: And I got you. By the time we make
25 motions, I read him his right to testify, it is gonna be

1 well into -- probably past 4:00 and I'd probably like to
2 start in the morning.

3 MR. STITELY: That's fine.

4 THE COURT: Okay.

5 MR. STITELY: And I didn't mean to imply that she
6 did anything because she did say she'd be done by
7 tomorrow.

8 THE COURT: Yeah, no, and it's not taken that way
9 by no means.

10 All right. Let's bring the jury in and let me put
11 the witness back on the stand, please.

12 (Whereupon, the witness retakes the witness stand.)

13 THE COURT: Now, Ms. Erickson, have you talked to
14 anyone about this case?

15 THE WITNESS: No, not at all.

16 THE COURT: Okay.

17 I am forwarding the jury charges that I have for
18 this case just so you-all can look at them overnight for
19 homework.

20 (Whereupon, the jury return to the courtroom at
21 2:12 PM.)

22 THE COURT: Madam Forelady, the jury ready?

23 FOREPERSON: Yes, ma'am.

24 THE COURT: Okay.

25 I'm going to remind you, Ms. Erickson, that you

1 are still under oath.

2 THE WITNESS: Yes, ma'am.

3 THE COURT: Okay. Go ahead.

4 MR. McNAIR: Thank you, Your Honor.

5 CONTINUED DIRECT EXAMINATION

6 BY MR. McNAIR:

7 Q. Ms. Erickson, I think we left off with you talking
8 about a recording that you recorded off of Joanie Youmans's
9 phone; is that correct?

10 A. Yes, sir.

11 Q. And you recognize those voices on that recording as
12 being Mr. Corder and Joanie?

13 A. Yes, sir.

14 Q. And she played this for you, I guess, the day after
15 she had got back from Mr. Corder's house?

16 A. Yes, sir.

17 Q. And that was sometime in late June you said?

18 A. Yes, sir.

19 Q. And State's 1, is that the disc that contains that
20 recording?

21 A. Yes, it is.

22 Q. And has it been altered or deleted in any way?

23 A. Not at all.

24 Q. Is that the full conversation?

25 A. Yes, sir.

1 MR. McNAIR: Your Honor, we offer State's 1 into
2 evidence at this time.

3 THE COURT: Any objection?

4 MR. STITELY: The prior objection, Your Honor.

5 THE COURT: Prior objection noted for the record.

6 (State's Exhibit Number 1, an audio recording, was
7 admitted into evidence.)

8 (State's Exhibit Number 1 played.)

9 BY MR. McNAIR:

10 Q. Was that Mr. Corder's voice on that recording?

11 A. Yes, sir, it was.

12 Q. And what did you hear Mr. Corder to say?

13 A. He told her to walk home and she didn't because it
14 was 3:30 in the morning and he said that if she didn't
15 he'd pick her up by the back of the hair and throw her out
16 the window and then got mad and proceeded to tell her --
17 while she was trying to deescalate the problem and crying
18 and he proceeded to tell her that I'll murder your stupid
19 ass, bitch.

20 Q. I'll murder your stupid ass, bitch?

21 A. (Nods head.)

22 Q. I'm gonna play it back again and slow it down a little
23 bit and see if that helps us.

24 (State's Exhibit Number 1 was replayed.)

25 BY MR. McNAIR:

1 Q. When was the last time that you saw Joanie?

2 A. On Christmas day.

3 Q. Christmas day?

4 A. Yes, sir.

5 Q. Did you-all go somewhere Christmas day or did she go
6 somewhere?

7 A. I went to my mom's and she left walking.

8 Q. Do you have any idea where she went?

9 A. No, sir.

10 MR. McNAIR: That's all the questions I have.

11 Please answer any questions Mr. Stitely has.

12 THE WITNESS: Yes, sir.

13 CROSS-EXAMINATION

14 BY MR. STITELY:

15 Q. You weren't there when that tape was made, were you?

16 A. No, sir.

17 Q. You don't know what day that tape was made, do you?

18 A. I know after June 29th because she still had Karen's
19 phone and that's the foundation that it was recorded on
20 before he broke it.

21 Q. Okay. When were they in California?

22 A. They were never in California. He was dating a female
23 that he wanted Joanie to look like in California.

24 Q. What was the mess on the floor?

25 A. I wasn't at the house.

1 Q. Well, I mean, the tape says what's that mess on the
2 floor. What's the mess on the floor?

3 A. It wasn't my house. It was something she recorded.

4 Q. Okay. And what about the threats that she was making?
5 What were the threats that she made to him?

6 A. I mean, every time she said that she was leaving was
7 met with some threat because he didn't want her to go
8 nowhere because he was controlling her.

9 Q. Well, what were the threats she was making?

10 A. On the tape, I don't recall any threats that she made.
11 She's crying and trying to deescalate the problem.

12 Q. Okay. What was the mess on the floor? You don't
13 know?

14 A. I just said I don't know.

15 Q. Okay. Have you known her to make threats to you?

16 A. Who?

17 Q. Joanie.

18 A. Joanie, no, she didn't make any threats.

19 Q. You didn't make a police report specifically on 9-22
20 of 2019?

21 MR. McNAIR: Objection to relevance on this, Your
22 Honor.

23 THE COURT: Excuse me. What's the objection?

24 MR. McNAIR: Relevance.

25 MR. STITELY: Can we approach?

1 (Proceedings held at the bench; not reported.)

2 THE COURT: Go ahead.

3 BY MR. STITELY:

4 Q. Do you remember making a police report back on 9-22
5 of '19 of an actual threat from Ms. Joanie to you?

6 A. I remember making a police report about her kicking me
7 in my stomach when I was pregnant, but she didn't threaten
8 to do it. It's something she did do.

9 Q. Okay. So you had previous problems with her?

10 A. I mean, several accounts, yes. Two females in one
11 house. I mean --

12 Q. Okay. And you actually had her on trespass notice as
13 well, correct?

14 A. Yes, sir, but I always told Corey that I would never
15 ever deny his mom coming to his house just in case
16 something happened to her, I couldn't live with that
17 regret, so I made the trespasses so she could leave at
18 night, sober up in the morning and come back and we could
19 talk about it, but I just needed her to leave my property
20 at them times when the police was called.

21 MR. STITELY: May we approach real quick? Robbie.

22 (Proceedings held at the bench; not reported.)

23 THE COURT: I'll be back.

24 (Pause in proceedings.)

25 THE COURT: Okay. Go ahead, Mr. Stitely.

1 BY MR. STITELY:

2 Q. Just to clarify your last statement, you said you had
3 in theory called law enforcement to get her to leave after
4 you'd asked her to leave and she wouldn't?

5 A. Yes, because she had nowhere --

6 THE COURT: Okay. Just answer yes or no.

7 THE WITNESS: Yes, ma'am.

8 BY MR. STITELY:

9 Q. And that was that summer as well, correct?

10 A. Yes, sir.

11 Q. Okay.

12 MR. STITELY: Nothing further from her. Thank you,
13 ma'am.

14 THE COURT: Any redirect?

15 MR. MCNAIR: No, ma'am.

16 THE COURT: May I let Ms. Erickson be excused?

17 MR. MCNAIR: Yes, ma'am.

18 (Witness excused.)

19 MS. FULLER: May I call my next witness?

20 THE COURT: You may.

21 MS. FULLER: Thank you, Your Honor.

22 The State calls Brad Beeler.

23 (Whereupon, Brad Beeler was duly sworn by the Clerk
24 of Court.)

25 THE CLERK: Have a seat on the witness stand. If

1 you'll state your full name and spell your last name for
2 the record.

3 THE WITNESS: It's Bradley -- Brad Beeler. The last
4 name is spelled B-E-E-L-E-R.

5 BRAD BEELER,

6 having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. FULLER:

9 Q. Let's go ahead and introduce yourself to the jury.
10 Where are you employed?

11 A. I'm a special agent with the United States Secret
12 Service.

13 Q. And so, Special Agent Beeler, I'm just gonna ask you
14 a few questions here. In your role and capacity, do you
15 assist local law enforcement agencies with interviews
16 occasionally?

17 A. I do.

18 Q. Okay. And is this something -- a service that
19 the United States Secret Service offers to local law
20 enforcement in South Carolina and across the country?

21 A. It is.

22 Q. How long have you worked in this capacity?

23 A. Twenty-four years.

24 Q. Okay. And do you also train on doing interviews as
25 well?

1 A. I do.

2 Q. As it relates to this case, were you contacted by my
3 office following a request to, I guess -- mutually, I
4 guess, from the defendant to be interviewed in this case?

5 A. I was.

6 Q. And did you have occasion to actually interview the
7 defendant, Brandon Corder, in this case?

8 A. I did.

9 Q. I'm gonna show you what's been premarked as State's
10 Exhibit 28 and ask if you recognize this document?

11 A. I do.

12 Q. And how do you recognize this document?

13 A. This is a standard Miranda warning that we provide
14 individuals prior to interviewing them.

15 Q. Okay. And what date did you actually interview
16 Mr. Brandon Corder in this case?

17 A. December 17, 2021.

18 Q. Okay. And you're aware that the incident in this case
19 took place in 2019, correct?

20 A. Yes, ma'am.

21 Q. And so you were contacted approximately two years
22 later; is that correct?

23 A. That's correct.

24 Q. And do you recognize this to be the form -- you said
25 this was Miranda warnings that you provided to Brandon

1 Corder on this day?

2 A. That's correct.

3 Q. Does it appear to be altered?

4 A. No.

5 Q. Okay.

6 MS. FULLER: Your Honor, at this time the State
7 seeks to introduce into evidence State's Exhibit 28.

8 MR. STITELY: No objection.

9 THE COURT: It's admitted.

10 (State's Exhibit Number 28, Advisement of
11 Rights/Waiver Form, was admitted into evidence.)

12 BY MS. FULLER:

13 Q. Now explain to the jury where were you when this
14 interview took place?

15 A. This interview took place at the Lexington County
16 Sheriff's Office. I believe Interview Room Number 1.

17 Q. And publishing now State's 28, it's titled up there
18 Warning of Rights and Consent to Speak. Is that what you
19 were referring to as Miranda?

20 A. Yes.

21 Q. And can you explain to the jury how did you provide
22 these rights and review this document with the defendant,
23 Brandon Corder?

24 A. The first portion of the form I read out loud with
25 Mr. Corder. I asked him if he understood what his rights

1 were. The second part of the form where you see his
2 initials affixed are what he read out loud to me after
3 that.

4 Q. Okay. And for the record can you go ahead and publish
5 the rights? And if I need to zoom in, please let me know.

6 A. Yeah, you might need to zoom in. I apologize.

7 Q. Okay. Is that good enough?

8 A. Yeah, that will work.

9 Q. Okay. Thank you so much.

10 A. Before I ask you any questions, you must understand
11 your rights. You have the right to remain silent.
12 Anything you say can be used against you in court or other
13 proceedings. You have the right to talk to a lawyer for
14 advice before I question you and have him with you during
15 questioning. If you cannot afford a lawyer and want one,
16 a lawyer will be appointed to you by the Court. If you
17 decide to answer questions now without a lawyer present,
18 you will still have the right to stop questioning at any
19 time.

20 And then the next form is I asked him if he had any
21 questions, he did not, and I asked him if he would read the
22 following two statements that he affixed his initials to.

23 Q. Okay. And his initials are indicated on the left side
24 of the document on those two sentences, correct?

25 A. Correct.

1 Q. And so he acknowledged that he understood his rights
2 and that he waived his rights and agreed to talk to you,
3 correct?

4 A. Yes, ma'am.

5 Q. And now there's some -- it's the third from the
6 bottom. There's some dashes underneath. Who made those
7 pen marks or those strokes with the pen?

8 A. Yeah, I made those pen marks because I want the
9 individual -- whoever I'm speaking with to understand that
10 even after they sign that form that they can reassert their
11 rights at any point.

12 Q. Okay. And that's something he acknowledged and he
13 understood, that at any point in your interview with him
14 that he can stop the interview, correct?

15 A. Correct.

16 Q. And did he actually go ahead and speak to you about
17 what happened on December 27th of 2019?

18 A. He did.

19 Q. I'm gonna show you now what's been premarked as
20 State's 32 and ask if you recognize this document?

21 A. Yes.

22 Q. And how do you recognize this document?

23 A. This is a summary of the verbal interaction that I had
24 with Mr. Corder.

25 Q. Okay. And was your interaction with him that day

1 recorded?

2 A. It was not.

3 Q. And that's per your policy?

4 A. That's correct. Secret Service policy.

5 Q. But this document is a summary of some of the comments
6 of what he stated to you during that interview, correct?

7 A. That's correct.

8 MS. FULLER: At this time, Your Honor, the State
9 seeks to introduce into evidence State's Exhibit 32.

10 THE COURT: Any objection?

11 MR. STITELY: Yes, ma'am. The same one, that this
12 is just kind of like a bolstering of his actual testimony.
13 He hasn't testified as to what was said yet, so I think
14 it would be premature to put it in.

15 The first one is I still don't like using a
16 printed out reproduction of a summation of what the
17 witness's testimony is and, secondarily, I don't think
18 he's testified yet as to what is gonna be on there.

19 MS. FULLER: Your Honor, for the record, this is
20 a summary of defendant's statement. Not exactly his
21 entire testimony. I just want that to be clear.

22 THE COURT: I'm gonna allow it. Go ahead.

23 MS. FULLER: Thank you, Your Honor.

24 BY MS. FULLER:

25 Q. And looking at State's 32, I want to start from the

1 top and we'll elaborate was we go. And so in that
2 interview did he indicate to you that the previous account
3 of how the victim was shot was not true?

4 A. Correct. He said it was true not.

5 Q. And that's what's on the first line there, correct?

6 A. Correct.

7 Q. And did he discuss his frustrations with you?

8 A. He did. He stated he was upset or mad that Joanie had
9 been seeing an individual named Fred.

10 Q. And he mentioned Fred, you did not suggest Fred,
11 correct?

12 A. Correct.

13 Q. And prior to that day did you know Brandon Corder?

14 A. I did not.

15 Q. Did you know Fred?

16 A. I probably heard the name from law enforcement
17 possibly, but did not bring it up during the interview
18 prior to him.

19 Q. But you didn't know the parties personally involved,
20 correct?

21 A. Correct.

22 Q. But he mentioned to you that he was frustrated that
23 Joanie had been seeing another man named Fred essentially,
24 correct?

25 A. Yes, ma'am.

1 Q. And then what did he express about how the shooting
2 occurred?

3 A. He stated he went into his vehicle, he grabbed a gun
4 that was in a holster, walked back around his vehicle, back
5 around the trailer, he removed the gun from the holster, he
6 pointed it at the deceased, pulled back the hammer on the
7 revolver, at which point he said he was flexing. I tried
8 to get a little bit of clarification on that and he said it
9 was more of a posture, that he wanted to scare her and kind
10 of let her know not to mess around with him -- or not to
11 play around with him so to speak.

12 Q. Okay. Now the word "flex", whose word was that?

13 A. That was his word and then I think after he said it
14 about five seconds, he goes that sounds bad, it was more of
15 a posture.

16 Q. Okay. Did he demonstrate by body movement what he
17 meant?

18 A. Yeah, he said posturing was more of like a -- kind of
19 a flaring out of the shoulders and kind of puffing the
20 chest out a little bit.

21 Q. Okay. But he did indicate to you that he pulled the
22 hammer back on the revolver?

23 A. That's correct.

24 Q. And he indicated to you that he hoped to signal to her
25 to stop playing with him, correct?

1 A. Correct.

2 Q. And that was -- was your understanding that was in the
3 context of Fred?

4 A. Yes, that was around the discussion regarding Fred.

5 Q. Okay. Did he indicate to you where exactly he was
6 when he pointed the gun at Joanie in terms of the vehicle
7 and the trailer?

8 A. Yeah, I believe it was on the far right side of the
9 trailer where he was approximately ten or fifteen feet away
10 from the deceased.

11 Q. Okay. I'm gonna show you the crime scene diagram
12 that's already admitted into evidence as State's Exhibit --

13 MS. FULLER: I beg the Court's indulgence.

14 What number was it? I'm not seeing it.

15 I apologize, Your Honor.

16 BY MS. FULLER:

17 Q. Looking at State's 14, if you recall, can you use that
18 laser pointer that's up there, and here we've already had
19 testimony as to the car and the trailer near where Joanie's
20 body was found. Using the laser pointer, can you point for
21 the jury where in that interview he indicated he was when
22 he shot Joanie?

23 A. Approximately right about there.

24 Q. Okay. Did he indicate where he got the gun from?

25 A. It was on the driver's side and he walked around here

1 to that point.

2 Q. And so during the interview he indicated that he
3 was on -- just so I'm clear as well, that he was on the
4 driver's side of the car and he walked around the trailer
5 that's connected to the car?

6 A. Correct.

7 Q. And then stood there when he pointed the firearm at
8 Joanie; is that correct?

9 A. That's correct.

10 Q. And did he -- let me check my notes and make sure I'm
11 not wrong here. Did he indicate to you that he actually
12 removed the gun from the holster prior to pointing it at
13 her?

14 A. He did.

15 Q. Now did he initially indicate that he pulled the
16 hammer back or how did that conversation go?

17 A. Yeah, initially he said he did not pull the hammer
18 back on the gun and then about five or ten minutes later he
19 said he actually did pull the hammer back. He was wearing
20 a pair of, I think, Mechanix brand gloves, and he said he
21 placed his finger on the trigger at that point.

22 Q. Okay. So at first he said he didn't pull the hammer
23 back and then later in the interview he indicated that he
24 did pull the hammer back and that he was wearing gloves
25 when he did so, correct?

1 A. Correct.

2 Q. During that interview did he -- I'm not gonna ask you
3 that. Never mind.

4 MS. FULLER: I believe that is it. The last thing
5 to do is make sure to publish this.

6 I beg the Court's indulgence.

7 THE COURT: Okay.

8 BY MS. FULLER:

9 Q. Let me make sure this is clear and I didn't miss it.
10 When he talked -- during the interview when he talked about
11 being frustrated with the victim that day, did he indicate
12 that they had had an argument about it that day?

13 A. I don't believe we got into that, about what the
14 frustration was. I think it was regarding him seeing --
15 her seeing Fred.

16 Q. Okay. So just generally frustrated with her seeing
17 Fred?

18 A. Correct.

19 Q. Okay. And going back to this document, looking at
20 State's 32, I know we talked about it, but looking at that
21 last point that's typed there, and it's in quotes, that
22 last, I guess, two sentences, the second part says he was
23 trying to flex in quotes, posture in quotes, and scare in
24 quotes Joanie. Whose words were "posture"?

25 A. Those were his words.

1 Q. And then whose word was scare?

2 A. The defendant's as well.

3 Q. And that's why it's in quotations?

4 A. Correct.

5 Q. It's not your words?

6 A. Not my words.

7 Q. Not in your vernacular?

8 A. No.

9 Q. Okay. The word "flex", I guess?

10 A. No.

11 Q. And that he wanted to know -- he wanted her to know
12 that he was mad and hoped to signal to her to stop playing
13 with me, correct?

14 A. Correct.

15 MS. FULLER: No further questions at this time.

16 THE COURT: Mr. Stitely.

17 CROSS-EXAMINATION

18 BY MR. STITELY:

19 Q. Is it agent?

20 A. Yeah, that's fine.

21 Q. Agent Beeler, just a couple of questions. You said
22 per policy it's not recorded, correct?

23 A. Correct.

24 Q. Per policy also I wouldn't be allowed in the interview
25 room, correct?

1 A. Correct.

2 Q. I being a defense -- none of the other attorneys would
3 have been allowed in that room?

4 A. No, sir.

5 Q. Okay. You said on your little sheet that he did
6 describe a holster, correct?

7 A. Correct.

8 Q. You didn't make that word up, you didn't put that?

9 A. No.

10 Q. You said he was wearing work gloves?

11 A. He said Mechanix gloves. I didn't know if it was the
12 brand or gloves that mechanics would wear, so.

13 Q. I'm gonna show you Number 11 real quick. It's a
14 picture. I mean, would something along those lines match
15 kind of what was described potentially?

16 A. I mean, those look like the Mechanix brand gloves. I
17 think I actually have a pair of those, so.

18 MR. STITELY: Thank you. That's all the questions
19 I have.

20 THE COURT: May I let --

21 MS. FULLER: No redirect, Your Honor.

22 THE COURT: May I let the agent down?

23 MS. FULLER: Yes, Your Honor.

24 THE COURT: Agent Beeler, thank you.

25 THE WITNESS: Thank you.

1 having been duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. STITELY:

4 Q. Good morning, Ms. Corder.

5 A. Good morning.

6 Q. Where are you from?

7 A. I graduated from Irmo.

8 Q. Okay. And where do you live?

9 A. Lexington.

10 Q. Okay. Where were you living in December of 2019?

11 A. Lexington.

12 Q. Okay. Can you tell me the address?

13 A. [REDACTED] Valley Lane, Lexington, South Carolina, 29073.

14 Q. And the jury's heard that address before because
15 something significant happened there that day, correct?

16 A. Correct.

17 Q. All right. Who are you in relationship to Brandon?

18 A. I'm his mother.

19 Q. Okay. And who lives at [REDACTED] Valley Lane?

20 A. Myself and my son at the time.

21 Q. Okay. Did you know Ms. Youmans?

22 A. Yes, I did.

23 Q. How would you say you knew Ms. Youmans?

24 A. I had met her working -- when she was working at the
25 -- I don't know if it was a 7-Eleven down the street from

1 the house. Years ago.

2 Q. Okay. How long before 2019?

3 A. I guess a couple of years maybe.

4 Q. All right. How old was Ms. Youmans? If you don't
5 know specifically, just around.

6 A. I do believe she was like forty-two.

7 Q. Okay. So significantly older than Brandon?

8 A. Yes.

9 Q. Okay. At some point did they develop a relationship?

10 A. Pardon me?

11 Q. At some point did Joanie and Brandon develop a
12 relationship?

13 A. Yes. I felt like they had a good friendship myself.

14 Q. Okay. Now we're not gonna talk about a lot of other
15 things. We're gonna simply focus in on December 27, 2019,
16 okay?

17 A. Yes.

18 Q. Tell me about your day. How did your day start that
19 day?

20 A. I got up. It was after 11:00. That day I woke up
21 late and I went over there to make a cup of coffee and
22 Brandon and Joanie comes to the house. I didn't realize
23 Joanie was at my home at the time. And Brandon went to
24 the refrigerator to get something to drink and Joanie was
25 standing there and I asked her how was her Christmas. She

- 1 said that she got to see her grandchildren.
- 2 Q. Okay. At some point did they leave?
- 3 A. Yes, they left directly after that.
- 4 Q. Okay. And if you don't know, say you don't know, but
- 5 do you know what they were going to do?
- 6 A. They said they were going to work.
- 7 Q. Okay. And what kind of work did you know that to be?
- 8 A. Tree service.
- 9 Q. Okay. Like taking limbs?
- 10 A. Cutting trees and cutting limbs.
- 11 Q. Okay. And what would happen when they would finish go
- 12 cutting those limbs?
- 13 A. Most of the time Brandon would bring them back to the
- 14 burning pile and sometimes he'd sell them.
- 15 Q. All right. I'm gonna show you a couple of pictures
- 16 as we're going on. Do you know what kind of car Brandon
- 17 drove?
- 18 A. A Honda.
- 19 Q. Okay. What did it look like?
- 20 A. It had a hatchback.
- 21 Q. All right.
- 22 A. I do believe it was an '89, '88.
- 23 Q. And you talked about a burn pile?
- 24 A. Yes, sir.
- 25 Q. Was that in your yard?

- 1 A. Correct.
- 2 Q. I'm gonna show you Number 43. Was that the Civic?
- 3 A. On the other side of that --
- 4 Q. No, no. Sorry. The car?
- 5 A. Yes, sir.
- 6 Q. And that over here, is this the burn pile?
- 7 A. On the other side of the rocks.
- 8 Q. Okay. In this picture --
- 9 MR. STITELY: May I approach her, Judge?
- 10 THE COURT: You may.
- 11 BY MR. STITELY:
- 12 Q. There's a little pointer thingy here like this. Push
- 13 this button. Can you show me where is your house?
- 14 A. This is my home.
- 15 Q. Okay. And where would Billy live? Mr. Dowd.
- 16 A. Billy lives right behind this building. His trailer
- 17 is (indicating).
- 18 Q. Okay. And is there a fence between that you can't
- 19 see on that picture between your yard and Billy's yard?
- 20 A. Correct.
- 21 Q. Okay. Where is your room as it relates to that house?
- 22 A. My room is right behind this white truck. I was
- 23 having a roof job done at the time.
- 24 Q. Okay. Where is your bedroom window?
- 25 A. Right behind that truck.

- 1 Q. All right. Where is the back door to your house?
- 2 A. Right there, sir.
- 3 Q. All right. And I don't know if you can see it here,
- 4 but if you were gonna tell the jury where is the side door
- 5 to your house?
- 6 A. The side door is on this side over here.
- 7 Q. Okay. And that -- I'm gonna show you Number 7 real
- 8 quick. Where's the side door to your house?
- 9 A. Right there.
- 10 Q. Okay. Are those doors operational?
- 11 A. Yes, sir.
- 12 Q. Okay. Did you keep them locked however?
- 13 A. I did. They had padlocks on them. Well, the back
- 14 door didn't, but the side door did.
- 15 Q. So you kept the side door locked?
- 16 A. Yes, sir.
- 17 Q. Okay. We're gonna kind of jump forward a little bit.
- 18 At some point were you woken up or what was going on about
- 19 3:00 that afternoon?
- 20 A. I was asleep at 3:00.
- 21 Q. Okay. What woke you up?
- 22 A. The sound of them throwing wood on the wood pile.
- 23 Q. Okay.
- 24 A. I looked out the window.
- 25 Q. All right. And who is they?

1 A. Brandon Corder and Joanie Youmans.

2 Q. Okay. And they were actively throwing wood on a wood
3 pile?

4 A. Yes, they were actively throwing wood on the wood
5 pile. That's what woke me up. The sound of the wood
6 hitting the wood pile.

7 Q. All right. What's the next thing you remember?

8 A. Going back to sleep.

9 Q. Okay. And then what happened next?

10 A. I heard a gunshot. It woke me up.

11 Q. All right. Did you see what happened?

12 A. No, sir.

13 Q. Okay. What happened next?

14 A. Brandon was yelling oh, my God, momma, oh, my God,
15 momma, something like that, and he banged on the back -- my
16 bedroom window.

17 Q. Okay. So what happened after you heard the banging on
18 your window?

19 A. I didn't realize -- the sound, the tone of his voice,
20 scared me so bad I just jumped up and ran to the back door
21 and let him in.

22 Q. Okay. So you opened the back door. I'll go ahead and
23 show the picture. The back door?

24 A. Correct.

25 Q. And you said you keep that locked typically?

- 1 A. It was locked, yes, sir.
- 2 Q. All right. What happened next?
- 3 A. He come running to that, door banging on that door,
- 4 and I jumped -- I jumped out of the bed and opened it for
- 5 him.
- 6 Q. Okay. Who called 9-1-1?
- 7 A. Brandon.
- 8 Q. Okay. What phone did he call 9-1-1 from?
- 9 A. On my home phone.
- 10 Q. Why did he use your home phone?
- 11 A. I didn't realize where -- I just woke up. I didn't
- 12 realize where my cell phone was at and I guess he didn't
- 13 realize where his was at.
- 14 Q. Okay.
- 15 A. So I had -- my home phone was unplugged, I had to plug
- 16 it back up and it takes a while to reboot, so I ran back
- 17 and put on a robe and a bra and that's when Brandon and I
- 18 went out the side door. I said Brandon, you know, you need
- 19 to call 9-1-1. I think that was the time he was calling
- 20 9-1-1 at that point.
- 21 Q. Okay. And then you exited the side door of the house?
- 22 A. Yes.
- 23 Q. Okay. When you exited the side door, did any of your
- 24 neighbors come over?
- 25 A. Billy was standing outside and Lee Bowerman was

1 standing at the end of my sidewalk.

2 Q. Okay. We haven't heard about a Lee Bowerman. He
3 wasn't by the side door, but who is Lee Bowerman?

4 A. Lee Bowerman is another neighbor three doors down.

5 Q. All right. And I don't think I have a good picture,
6 but you say he was standing on the sidewalk. Is there a
7 sidewalk in front of your house?

8 A. It's right directly beside -- on this corner right
9 here.

10 Q. Okay. So Lee wasn't by the back door --

11 A. He was right there at that corner, Lee Bowerman was,
12 and Billy was standing somewhere in this area, and that's
13 where Brandon and I had come and the first responder drove
14 up in that area.

15 Q. Okay. And you say first responder. Was that
16 Detective Gietz, the gentleman we saw?

17 A. I do believe that's his name.

18 Q. Okay. But for sure you didn't see out back aside from
19 the throwing of the wood?

20 A. For sure.

21 Q. And the 9-1-1 call was actually placed by Brandon,
22 correct?

23 A. Correct.

24 Q. And he placed that call from your home phone?

25 A. From my home phone.

1 Q. How would you describe Brandon's demeanor at that
2 point?

3 A. They were just fine. I mean, at which point are you
4 talking about?

5 Q. Well, when they were throwing wood, how was his
6 demeanor?

7 A. They were fine. They were just fine.

8 Q. Okay. And how would you describe him when he's on the
9 9-1-1 call?

10 A. He was upset. He was just -- he was -- I thought he
11 was upset. He just had that same tone in his voice like
12 before. Very upset.

13 Q. Is it fair to say he was struggling with even getting
14 the right words out?

15 A. I would think so. Yes. Yes, sir.

16 Q. Lot of mumbling, crying, yelling combined?

17 A. There was a lot of crying and a lot of vomiting and he
18 was very upset.

19 Q. Did he seem coldhearted and angry?

20 A. No, he wasn't. He was not.

21 Q. And whose idea was it to call 9-1-1?

22 A. My idea.

23 Q. Okay. And who made that call?

24 A. Brandon Corder.

25 Q. How long after the gunshot do you think it was that

1 that phone call was made.

2 A. Oh, goodness. However long it took that phone to boot
3 up. It don't take like maybe two or three minutes maybe
4 to boot up. Sometimes longer because I'm with a different
5 phone service.

6 Q. So as soon as you could get your phone working, he
7 called 9-1-1?

8 A. Correct. I brought the phone out to the living room
9 and he took the phone and called 9-1-1.

10 Q. How many police officers showed up at out at your
11 house that day?

12 A. A lot. I do remember Officer Sherban.

13 Q. Who's Officer Sherban?

14 A. This gentleman right here. I do remember him. And
15 the first responder, was it Creech? Is it Creech?

16 Q. I can't answer those. You have to tell me what you
17 recall.

18 A. I don't remember what his name is.

19 Q. Do you remember the detective yesterday we saw with
20 the beard? If you don't, you don't. That's fine.

21 A. I don't remember.

22 Q. Okay. But were there a lot of officers out there?

23 A. Right.

24 Q. Some of them in uniforms?

25 A. Yes.

1 Q. Dressed like these guys?

2 A. Yes, sir.

3 Q. Okay. And then some that weren't wearing uniforms,

4 correct?

5 A. Correct.

6 Q. Some that might have been wearing just plain clothes

7 like, say, a shirt and jeans?

8 A. Correct.

9 Q. But they probably would have had like badges around

10 their neck?

11 A. Yes, sir.

12 Q. Some that may have been dressed like the two

13 detectives?

14 A. Correct.

15 Q. Okay. How long were the police out at your house that

16 day?

17 A. Until -- it was after 7:00 PM. Sometime after

18 7:00 PM.

19 Q. Okay. And at some point they took your son away?

20 A. Yes, sir.

21 Q. Okay. Were you present when the officers asked him

22 questions?

23 A. They separated us.

24 Q. Okay. When you say separated us, you mean separated

25 you and Brandon?

1 A. Correct.

2 Q. Okay.

3 A. We were standing on the side and he asked us to -- I
4 went and sat on the front porch.

5 Q. Okay. So you didn't actually overhear the
6 questioning?

7 A. I didn't, no, sir. I don't think I heard anything.

8 Q. Okay. Do you know where the gun went?

9 A. After the fact.

10 Q. Okay. So you don't have personal knowledge until
11 you've heard about all of that?

12 A. Correct. I didn't know where was at.

13 MR. STITELY: Okay. I don't have any further
14 questions. Please answer any questions the solicitors
15 have.

16 THE WITNESS: Yes, sir.

17 CROSS-EXAMINATION

18 BY MR. McNAIR:

19 Q. How are you doing, Ms. Corder?

20 A. Fine. How are you doing?

21 Q. So after the gunshot you opened the back door for
22 Brandon?

23 A. Yes, sir.

24 Q. Did you not see the gun in his hand?

25 A. I'm not sure. I was so upset myself. I thought --

1 Q. Was he hiding the gun from you?

2 A. I'm -- I'm also upset, sir. I don't remember if he
3 had a gun.

4 Q. You don't remember if he had a gun in his hand?

5 A. I don't remember that.

6 Q. Well, he went in your house, right?

7 A. He sure did.

8 Q. And you were in there, too, right?

9 A. Yes, sir.

10 Q. Do you remember him going to that bedroom where they
11 found that gun?

12 A. I wasn't in that bedroom. I went straight back to my
13 bedroom, sir, to put on a bra and a robe because I was in
14 my pajamas.

15 Q. Whose phone did he use to call 9-1-1?

16 A. I plugged the phone up in my bedroom. That's where
17 the base was at. I plugged it up and brought that phone
18 back out to the -- I saw him in the living room when I come
19 back out my bedroom.

20 Q. So you went to your bedroom to put on a bra and get
21 your phone?

22 A. And get a robe.

23 Q. And then you came back out and gave the phone to him
24 to call 9-1-1?

25 A. I plugged the phone in, yes, sir, and came back out

1 and gave the phone to Brandon.

2 Q. And before that I guess he went in that bedroom and
3 hid the gun?

4 A. He must -- I don't know.

5 Q. And you told him to call 9-1-1?

6 A. I did.

7 MR. McNAIR: All right. Thank you.

8 THE COURT: Anything else? Any redirect?

9 MR. STITELY: No, ma'am.

10 Thank you, Ms. Corder.

11 THE COURT: May I excuse Ms. Corder?

12 MR. STITELY: I have nothing further.

13 THE COURT: Ms. Corder, you can step down.

14 (Witness excused.)

15 THE COURT: You can call your next witness.

16 MR. STITELY: Detective Sherban, please.

17 (Whereupon, Cameron Sherban was duly sworn by the
18 Clerk of Court.)

19 THE CLERK: If you'll have a seat up there. If
20 you'll state your name and spell your last name for the
21 record.

22 THE WITNESS: My name is Cameron Sherban.

23 S-H-E-R-B-A-N.

24 CAMERON SHERBAN,

25 having been duly sworn, testified as follows:

1 DIRECT EXAMINATION

2 BY MR. STITELY:

3 Q. Detective Sherban, how are you this morning?

4 A. I'm well.

5 Q. Just for the jury's sake, what do you do for a living?

6 A. I am an investigator -- senior investigator at the
7 Lexington County Sheriff's Department.

8 Q. Okay. And what is the job of a senior investigator?

9 A. I'm the assistant supervisor for an investigative team
10 in the major crimes unit, specifically the special victims
11 unit.

12 Q. Okay. Back in 2019, what role did you have?

13 A. I was an investigator with the special victims unit.

14 Q. Okay. So just let's run out a normal scene. Not
15 specific to this case. A 9-1-1 call is made. What
16 happens?

17 A. It's really gonna completely depend on what is being
18 alleged. If the 9-1-1 call is made, the call goes to
19 dispatch, dispatch will take down any of the information
20 that they receive from those calls and then they will
21 dispatch accordingly the number of officers or depending
22 on what the call is the type of response that needs to be
23 made.

24 Q. Okay. Let's narrow it down a little bit. Say a call
25 comes in of shots fired or someone was shot. Either or.

1 Typically let talk about sheriff's office procedures. What
2 happens? So dispatch would take the call and they would
3 inform who?

4 A. So I'll -- I want to just clarify. You want based on
5 a gunshot wound?

6 Q. Or just shots fired, a gunshot wound call.

7 A. Because shots fired is a little bit different. If a
8 shots fired is in the area and there's a patrol vehicle,
9 we'll go patrol the area and see.

10 Q. How about a gunshot wound?

11 A. A gunshot wound would be much different. So in a case
12 where somebody is calling in saying that somebody has been
13 shot, whether they're conscious and breathing or not, they
14 are going to -- and they talked about this early in the
15 case -- they're gonna tone it out; meaning, that there's
16 gonna be some loud beeps that go through everybody's radio.
17 It's the same sound that goes for all of our emergency
18 calls like this, but it's an everybody listen up, anybody
19 that's available that's in the area, please get to this.
20 It doesn't matter if you're on the road in that area, if
21 you're just working in that area, listen up, there's
22 something going on, and we will dispatch to that scene
23 usually as fast as we can. That's when you might see us
24 with lights and sirens for a case kind of like that, maybe
25 a life-threatening situation.

1 Q. Okay. So specifically when you hear that tone, it's
2 kind of like -- I hate to say an all-call, but it's like
3 officers in the area, the first person who can get there,
4 get there?

5 A. Yes, that's correct. Everybody that's listening. A
6 lot of our investigators may not have a vest on. If you
7 don't have your vest on, go put that on and get over there
8 as fast as you can. If you're a uniform patrolman, you've
9 already got your vest on, that's easy enough, just get
10 there as quick as you can.

11 Q. Okay. So it could be a guy running traffic detail or
12 as in this case Investigator Gietz, who was doing whatever
13 else his job entailed, just happened to be close?

14 A. Yes, that's correct. I mean, I've done the same
15 thing. We've been driving down the road, heard somebody
16 calling out or heard a tone and stop the car, put on a vest
17 and get out there.

18 Q. Okay. Now in your role you don't necessarily --
19 you're not always out on patrol. You're one of the
20 investigators, so you have an actual office, correct?

21 A. That's correct.

22 Q. Okay. So your response to this was a little later
23 probably because you were coming from the sheriff's
24 department or wherever else you were?

25 A. So this is a little bit of a different case.

1 Sometimes it will take a little bit longer, but in this
2 case I think somebody had a radio on up at headquarters
3 where I was actually at at the time and my sergeant,
4 Sergeant Creech, he kind of overheard everything that was
5 going on. We kind of knew we're gonna need to go out to
6 this and we were on call anyway, so he came to me and said
7 hey, you need to get down there, so I pretty much -- I
8 responded almost immediately after they started the radio
9 callout for it.

10 Q. Okay. But in the interim, there may have been other
11 officers who arrived before you who could have been closer?

12 A. Absolutely.

13 Q. Okay. Let's go specific to this case. I'm just gonna
14 ask you -- I mean, I'm not gonna ask you for everyone's
15 name, but in this case, what is your role as it relates to
16 this case?

17 A. To this case I'm the lead detective. So for a case
18 like this, I may not do everything that's involved as
19 you've heard testimony of CSI and different people, they
20 help out, but I'm the one that kind of puts the whole
21 case together, make sure that the Solicitor's office has
22 everything that they need for a case like this, and I do
23 make the charges on this case.

24 Q. So you're the one who, in theory, runs point?

25 A. Yes.

1 Q. Okay. So even those who could potentially be a
2 higher up rank than you, this is your case and you're kind
3 of assigning tasks out?

4 A. The supervisor will still do a lot of the assigning
5 of tasks that are there. I may corroborate -- collaborate,
6 excuse me, with the sergeant as what I think might be
7 necessary based on what I'm learning in this case, but a
8 lot of times it's just you're the one person that puts it
9 all together at the very end. A lot of supervisors do
10 help with cases like this because there's a lot of moving
11 pieces, different agencies, different things going on in a
12 case like this.

13 Q. It's fair to say that you have a touch though of all
14 of the reports, all of the cameras, all of -- all of that
15 stuff goes through you as the lead detective as you're
16 putting the case together, correct?

17 A. Yes. When I put a case together, I find any bit of
18 evidence that was a part of the case to send it over for
19 the Solicitor's office as a part of the case.

20 Q. Okay. And in your duties, you would have observed
21 the body cam footage of officers who would have been
22 equipped, one specifically, an Officer Mackinson; is that
23 correct?

24 A. Yes.

25 Q. And you've reviewed it, correct?

1 A. Yes.

2 Q. And it's fair to say that you don't wear a camera on
3 you, correct?

4 A. No, we don't all have cameras. And at this time I
5 don't think that every single uniformed officer had them,
6 but almost all of them did, but our investigators generally
7 do not wear body-worn cameras. It more because we just
8 don't have the resources for them.

9 Q. Okay. But if there was a body cam, it's a normal
10 camera that's kept in the line of duty, the business
11 procedures, it's how the sheriff's department does it on
12 a uniformed deputy, correct?

13 A. Yes.

14 Q. Okay. So if I was to show you a body camera that
15 purports to be from Officer Mackinson, that would be his
16 Lexington County body cam and you've reviewed that footage,
17 correct?

18 A. Yes.

19 Q. Okay. Let me just ask you real quick. Was he one of
20 the officers on the scene?

21 A. Yes, he was. He was a uniformed officer on the scene.

22 Q. And as a uniformed officer, he would have been
23 probably just one of those who was close enough in the area
24 that he showed up to do whatever other tasks were required
25 of him, but show up because he was close?

1 A. This was Detective -- he's Detective Mackinson now.
2 I'm sorry. It would have been Deputy Mackinson at the
3 time. This was his area, so this would have been the area
4 that he was patrolling anyway. So everybody in his region,
5 his area, would have been coming to this anyway.

6 Q. Okay. And that's why he's there. Not necessarily --
7 but all officers who can get there?

8 A. Yes.

9 Q. Okay. And I'll ask you this. Were you able to
10 observe Mr. Corder's demeanor early on when Mr. Mackinson
11 -- Detective Mackinson would have first arrived?

12 A. Yes.

13 Q. Okay. I'm gonna show you something.

14 MR. STITELY: Can we approach for one second?

15 THE COURT: Okay.

16 (Defendant's Exhibit Number 1 was marked for
17 identification.)

18 (Proceedings held at the bench; not reported.)

19 THE COURT: If you-all would work that out, that
20 would be good.

21 MR. STITELY: Thank you.

22 THE COURT: Thank you.

23 BY MR. STITELY:

24 Q. Now do you recognize this format?

25 A. Yeah. This is an older format, but, yes, I do. And

1 by older, I'm talking about the watermark up at the --

2 Q. I'm gonna show you the very beginning of this and then
3 ask if you can identify what this is. And this has been
4 marked as Defense 1.

5 But this would have been -- Officer Mackinson would
6 have had a camera similar to this on him at the time?

7 A. Yes.

8 Q. Okay. Have you watched this video?

9 A. I have.

10 Q. And would you say this is a fair and accurate
11 depiction of Officer Mackinson's body cam at the time?

12 I'll play it in a minute. I just want to make sure
13 I lay the foundation.

14 A. Yes, I believe so. I will know for certain when I
15 see the -- because I know I can see the house in that one.
16 Right now I'm just looking at the road, but I -- I believe
17 so.

18 Q. Okay. Let me make sure I back up a little bit so you
19 can see the house as he pulls up and walks up and make sure
20 this is a valid --

21 A. I believe here he's walking back to his vehicle, which
22 is away from the residence.

23 Q. Okay. Sorry. Let me at least get to where you can
24 identify the individual in it.

25 A. Yes, this is --

1 Q. Deputy Mackinson's?

2 A. Yes. That is the house.

3 Q. Okay.

4 MR. STITELY: Your Honor, at this time we'd offer
5 Defendant's 1 and ask permission to publish to the jury.

6 THE COURT: Any objection?

7 MR. McNAIR: I don't object to playing this. I
8 don't know if there's any statements on here. I mean, I
9 assume there's voices on here that could be potentially
10 hearsay or something of that nature. I don't know the
11 extent of what all's on there.

12 THE COURT: Are you planning on playing it with the
13 audio?

14 MR. STITELY: The intent of using this video is just
15 -- and I guess I could lay the foundation. This officer
16 didn't have a body cam. I just gonna show the demeanor
17 that appeared the same to him through another officer. I
18 don't have any conversations. Just about the demeanor of
19 Mr. Corder at the time when they arrived.

20 MR. McNAIR: I guess my issue is if it's going into
21 evidence and there are conversations on there, even though
22 he doesn't intend to play it this time --

23 MR. STITELY: We can redact anything out.

24 MR. McNAIR: Okay.

25 THE COURT: Okay. I want it redacted out then.

1 And you-all are in agreement, right, Mr. McNair?

2 MR. McNAIR: Yes, ma'am.

3 THE COURT: Okay. Then go ahead.

4 (Defendant's Exhibit Number 1, a body cam video,
5 was admitted into evidence.)

6 BY MR. STITELY:

7 Q. Now you would -- at this time you were at the scene as
8 well?

9 A. I'm not certain if I was at the scene by now. I was
10 -- I was very close to about this time.

11 Q. Okay. Who do you recognize in the -- in that video
12 from being there that day?

13 A. I do see Ms. Sandra Corder there sitting on the
14 sidewalk and then that is Brandon Corder there on the
15 sidewalk walking towards her.

16 Q. Okay. And I'm just gonna play this. Not with any
17 sound or anything, but I'm gonna ask if this is a fair and
18 accurate representation of how Mr. Corder appeared when you
19 saw him early that evening.

20 (Defendant's Exhibit Number 1 was played.)

21 BY MR. STITELY:

22 Q. Without getting into anything Mr. Corder said to you,
23 how would you describe his demeanor?

24 A. Well, he appeared upset.

25 Q. Okay. Was he crying?

1 A. Yeah, some -- some crying.

2 Q. Lots of incoherent mumbling at times?

3 A. I don't remember incoherent mumbling. That is
4 possible. I know he was laying on the ground in a similar
5 fashion.

6 Q. Okay. And not to sound gross, but snotty, crying face
7 and all of that at some points?

8 A. Yes, at some points.

9 Q. Got sick at least more than once?

10 A. He did. He vomited while he was on-scene.

11 Q. Okay. Detective Sherban, there was a 9-1-1 call made
12 in this case. At least one, correct?

13 A. Yes.

14 Q. And as part of the investigation, have you listened
15 to those?

16 A. Yes.

17 Q. And can you confirm or deny that Mr. Corder made a
18 9-1-1 call?

19 A. Yes, one of the 9-1-1 calls we received Brandon
20 Corder's voice is on it.

21 Q. Okay. Do you know the time of that 9-1-1 call?

22 A. I don't think I have that time right in front of me.

23 Q. Not a problem.

24 MR. STITELY: Thank you for the questions. Answer
25 anything from the solicitors.

1 CROSS-EXAMINATION

2 BY MR. McNAIR:

3 Q. Detective Sherban, we just saw, I guess, one portion
4 of Mr. Corder on-scene. Did you have other opportunities
5 to observe him while you were there?

6 A. Yes.

7 Q. Did you see, I guess, what you would consider demeanor
8 changes while you were on-scene?

9 A. Yes, I did.

10 Q. And when would those typically occur?

11 A. He changed his demeanor a few times while he was
12 speaking with me. Mainly whenever he would speak about
13 Fred Wine.14 Q. And did you see him at times when he wasn't directly
15 talking to law enforcement or around law enforcement?

16 A. Yes.

17 Q. And did his demeanor change during those times?

18 A. Yes, it would.

19 MR. McNAIR: Thank you.

20 THE COURT: Any redirect?

21 MR. STITELY: Nothing in redirect. I would ask
22 that the detective stay in case he's needed for recall.23 THE COURT: I'm not gonna excuse you, Detective.
24 I'll ask you to hang on.

25 (Witness excused.)

1 THE COURT: Madam Forelady, is the jury okay?

2 FOREPERSON: Yes, ma'am.

3 MR. STITELY: Judge, if it please the Court, we have
4 a witness from communications. It's different from the
5 one that you read initially, but this is a custodian of
6 records. So we're just verifying the name.

7 MS. FULLER: And just for the record, to inquire of
8 the jury, her name is Sharmel Miller.

9 THE COURT: All right. Let me ask the members of
10 the jury. Does anyone know a Sharmel Miller? She works
11 with the 9-1-1 communications center.

12 Okay.

13 MR. STITELY: So the defense would call Ms. Miller.

14 THE COURT: Thank you.

15 (Whereupon, Sharmel Miller was duly sworn by the
16 Clerk of Court.)

17 THE CLERK: If you'll have a seat on the witness
18 stand. If you'll state your name and spell your last
19 name for the record.

20 THE WITNESS: First name is Sharmel. Miller,
21 M-I-L-L-E-R.

22 SHARMEL MILLER,

23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. STITELY:

1 Q. Ms. Miller, hi. My name is Ben Stitely. How are you?

2 A. Good. How about yourself?

3 Q. Good. Thank you.

4 What do you do for a living?

5 A. I'm the chief the communications with Lexington County
6 9-1-1.

7 Q. Okay. And in that capacity, do you serve as a --
8 what we like to call a custodian of records for the 9-1-1
9 center?

10 A. That is correct.

11 Q. And a fancy way of saying that you don't necessarily
12 -- are gonna be the person on the phone calls that come
13 in, but you can at least verify what calls came in and
14 procedurally how they're maintained?

15 A. That is correct.

16 Q. How does the Lexington County Communications Center
17 take a call and maintain it?

18 A. So the call comes in, of course, from the phone
19 companies and then the 9-1-1 dispatcher, of course,
20 processes the call and documents what is said on that
21 9-1-1 call and then it is saved and maintained by the
22 backup procedures that we have in place.

23 Q. Okay. And is there a document created as it
24 associates with an incident, a set of calls or whatever?

25 A. So what happens, when a call comes in the call-taker

1 will create a call for service and document each call, and
2 on the dispatch side any time that the responders relay any
3 information on the radio, that is all also documented and
4 maintained in that report.

5 Q. Okay. Also included in the report would be -- it's
6 not a direct recording of what's said, but a summation from
7 the operator as to what the general concept was?

8 A. That's correct. We do not document word for word
9 because we have so many calls that come in that would just
10 take a lot of time, so we just basically document the main
11 points that the caller is relaying to us.

12 Q. Okay. And on the back end of that, they're almost
13 double -- doubling down and at the same time letting the
14 sheriff's department know what's going on as quick as
15 possible?

16 A. That is correct.

17 Q. And we could have a ten minute 9-1-1 call, but you've
18 also had to dispatch officers while it's happening?

19 A. That's correct. There's certain code calls that we
20 at once fast ship those to the dispatch so that it could be
21 dispatched as the call is continuing to be processed.

22 Q. So let's take the example of a call that comes into
23 9-1-1 that says someone was shot. That will jump pretty
24 high up on the priority queue?

25 A. Yes, that is correct.

1 Q. And you'll shoot something to dispatch really quick
2 saying we've got a call for service, gunshot wound?

3 A. Yes.

4 Q. And do you know what they do from there or is that
5 outside your knowledge?

6 A. That's outside.

7 Q. Okay. Do you also document in your reports officers
8 who are dispatched and when they arrive at the scene
9 typically?

10 A. That is correct.

11 Q. You weren't here, but we had a Ms. Snelgrove earlier
12 who identified herself with a number and you're able to
13 actually track which officers by number are sent when --
14 when they're notified and when they arrive?

15 A. That's correct, yes.

16 Q. And they're -- they can also -- they can document when
17 they leave, but that wouldn't necessarily be on your side?

18 A. Correct.

19 Q. Okay. I'm gonna -- I'm just gonna --

20 MR. STITELY: I'm not gonna offer it for an exhibit
21 obviously.

22 May I approach?

23 THE COURT: You may.

24 BY MR. STITELY:

25 Q. Obviously you were not the dispatcher who took the

1 call on December 27, 2019; is that correct?

2 A. That's correct.

3 Q. But you are able to bring records to indicate that
4 there were phone calls made to the county that day,
5 correct?

6 A. Yes.

7 Q. Okay. If I was to -- and you have not -- I don't
8 believe you've heard this, but if I was to play something
9 that was provided from 9-1-1 communications, would you be
10 able to tell immediately in the first couple of seconds if
11 it is the form and format that you would have received and
12 recorded through 9-1-1 communications?

13 A. Yes.

14 MS. FULLER: You don't have to provide foundation.
15 I'm fine.

16 MR. STITELY: All right.

17 I'm gonna play you just the first real quick and
18 I'm gonna ask you if you can identify this.

19 THE WITNESS: Uh-huh.

20 MR. STITELY: And this is -- also I would ask that
21 this be marked as Defense 1B -- or 2.

22 THE COURT: Okay. Because all of this is on one
23 disc?

24 MR. STITELY: I have this on one disc at this time
25 and I will separate it as needed.

1 THE COURT: So this is 1B?

2 MR. STITELY: B.

3 THE COURT: Okay. Got you.

4 MS. FULLER: Let's just mark it as 2.

5 MR. STITELY: I'll provide a separate disk.

6 THE COURT: Then you want to make it Defense

7 Exhibit 2?

8 MR. STITELY: Let's do it 2 then, Judge.

9 THE COURT: Okay. Any objection?

10 MS. FULLER: I have none, Your Honor.

11 THE COURT: It's admitted.

12 (Defendant's Exhibit Number 2, a 9-1-1 call, was
13 marked and admitted into evidence.)

14 (Whereupon, Defendant's Exhibit Number 2 was played.)

15 BY MR. STITELY:

16 Q. Just from hearing that, can you identify this as --
17 and I know it's in evidence, but it's something you guys
18 would record?

19 A. That is correct, yes.

20 Q. And this is maintained by your office, standard
21 business practice?

22 A. Correct.

23 Q. Okay.

24 MR. STITELY: Permission to publish?

25 MS. FULLER: I'm fine. No foundation is needed.

1 THE COURT: You may.

2 (Whereupon, Defendant's Exhibit Number 2 was played.)

3 BY MR. STITELY:

4 Q. He read a number really fast. [REDACTED]-6404. Can you tell
5 from your logs when that call came in?

6 A. What was the number again?

7 Q. [REDACTED]-6404.

8 A. Is there gonna be an additional CAD report for that?

9 MS. FULLER: These two.

10 MR. STITELY: May I approach?

11 THE COURT: You may.

12 A. So there was a 9-1-1 call that did come in, and this
13 is from [REDACTED]-6404, and that was at 15:12.

14 Q. 15:12, so 3:12?

15 A. 3:12, yes.

16 Q. Okay. And what time does it indicate that you
17 dispatched your first batch the officers to the scene?

18 A. They were initially dispatched at 15:14.

19 Q. Okay. So within two minutes of this call officers are
20 dispatched?

21 A. That is correct.

22 MR. STITELY: No other questions. Thank you, ma'am.

23 THE COURT: Ms. Fuller.

24 CROSS-EXAMINATION

25 BY MS. FULLER:

1 Q. I'm gonna show you what's been premarked as
2 State's 44 and ask if you recognize this or have you had
3 an opportunity to review this document?

4 A. Yes.

5 Q. And is this document a summary of the Lexington County
6 Communications calls and arrival times at [REDACTED] Valley Lane?

7 A. That is correct.

8 Q. And you're able to verify the accuracy?

9 A. That is correct.

10 MS. FULLER: At this time, Your Honor, the State
11 seeks to introduce into evidence State's 44.

12 THE COURT: Any objection?

13 MR. STITELY: No objection.

14 THE COURT: It's admitted.

15 MS. FULLER: Thank you.

16 (State's Exhibit Number 44, a 9-1-1 call summary,
17 was admitted into evidence.)

18 BY MS. FULLER:

19 Q. Going now through the document, State's 44, starting
20 from the top, is this the -- what is -- we call it a CAD.
21 Is that computer-aided dispatch? Is that correct?

22 A. That is correct, yes.

23 Q. And that is maintained by Lexington County
24 Communications, correct?

25 A. Correct.

1 Q. And Lexington County Communications keep logs for law
2 enforcement, fire and EMS, correct?

3 A. That is correct.

4 Q. For the entire county?

5 A. Yes.

6 Q. And in reviewing the records for your testimony today,
7 what time on this document and based on your records was
8 the first 9-1-1 call made?

9 A. At 15:09.

10 Q. And that's 3:09 PM, correct?

11 A. 3:09 PM.

12 Q. And that was the report of the shooting made by an
13 individual named Lee Bowerman, correct?

14 A. That's correct.

15 Q. And in the CAD it indicated that someone's girlfriend
16 has committed suicide and shot herself; is that correct?

17 A. Yes.

18 Q. And the next call was at 3:12 PM, correct?

19 A. Yes.

20 Q. So that's approximately three minutes after the
21 initial 9-1-1 call, correct?

22 A. There was one from the [REDACTED]-6404 at 15:12.

23 Q. And so that's three minutes after 3:09, correct?

24 A. Correct.

25 Q. And there was another call at 3:15 reporting the

1 shooting by another individual, correct?

2 A. There was. Initially I believe this one come in as
3 a hang-up call and then they called back and got them back
4 on the line.

5 Q. Okay. Now going back to -- we just heard Brandon
6 Corder's 9-1-1 call. What's typed on this exhibit, he
7 indicated my friend Joanie, there's a bullet, there's a
8 gunshot, she got hit in the head and I don't know where
9 the bullet came from, she's laying there dead. That's what
10 we just listened to, correct?

11 A. Uh-huh. Right.

12 Q. And now the next call indicated I heard my male
13 neighbor shoot his gun; is that correct?

14 A. Yes.

15 Q. And law enforcement arrived on-scene at 3:15 PM,
16 correct?

17 A. Correct.

18 Q. And Brandon Corder was officially detained at 5:43 PM
19 based on the CAD report, correct?

20 A. Yes, in that initial CAD report that come in at 15:09.

21 Q. Okay. And on those records it shows that he was
22 detained at 5:43 PM and actually taken into custody at
23 7:36 PM, correct?

24 A. Correct.

25 MS. FULLER: No further questions.

1 THE COURT: Thank you.

2 Any redirect?

3 MR. STITELY: Just briefly.

4 REDIRECT EXAMINATION

5 BY MR. STITELY:

6 Q. So, again, what we have written down in the CAD report
7 is a quick summation of what the officer or the -- I don't
8 want to call them officer. What are the persons who answer
9 the phone called?

10 A. Call-takers.

11 Q. The call-takers kind of hears or can write down real
12 quick?

13 A. Yes.

14 Q. So when they write these up, that's just a summation?

15 A. Exactly, yes. And sometimes just based upon, you
16 know, it could be just a small delay in the timestamp
17 just for the simple fact that they have other duties that
18 they're having to do. They're having -- it could be where
19 the dispatcher was asking a question and then they had to
20 go back in and document and that's where that timestamp
21 comes from.

22 Q. Absolutely. Like call dispatch and say someone go.
23 There could be a lag before they can type it in?

24 A. That's correct, yes.

25 Q. So if Lee Bowerman says someone shot herself, that's

1 probably because Lee Bowerman said that?

2 A. Yes.

3 MR. STITELY: No other questions.

4 Thank you.

5 RECROSS EXAMINATION

6 BY MS. FULLER:

7 Q. Let's be clear on the times though. The times the
8 calls were placed, that is generated by the system,
9 correct?

10 A. Yes. Up at the very top that is when they come in --

11 Q. So --

12 A. -- and that cannot be changed. That -- that's
13 initialled. If you're referring to the -- up at the very
14 top?

15 Q. Correct.

16 A. That is when this call card was generated.

17 Q. Right. And so the details typed in the CAD by the
18 call-taker or the dispatcher, those are the comment section
19 and that's a different log? That's a different portion of
20 the CAD report, correct?

21 A. Well, that is part of the CAD report.

22 Q. It's part of the CAD, but not -- does not necessarily
23 mean that that's the time the call was placed, correct?

24 A. I can't answer that because it could -- it could very
25 well match. It just really depends --

1 Q. It depends.

2 A. -- on the situation that's going on.

3 Q. But the time the call was placed cannot be altered?

4 A. That is correct.

5 Q. And the time that Brandon Corder called 9-1-1 was at

6 3:12 PM, correct? That second call was at 3:12 PM?

7 A. That says Sandra Corder is the caller?

8 Q. Uh-huh.

9 A. Okay.

10 Q. That was at 3:12 PM, correct?

11 A. That's correct.

12 Q. And that can't be changed?

13 A. No.

14 Q. Okay.

15 MR. STITELY: One in follow-up?

16 MS. FULLER: No, your witness.

17 It was his witness, Your Honor.

18 THE COURT: It is.

19 MR. STITELY: Okay.

20 THE COURT: May I excuse the witness, please?

21 MS. FULLER: Yes, Your Honor.

22 MR. STITELY: Yes.

23 THE COURT: You may step down. Thank you for coming.

24 THE WITNESS: Thank you.

25 Where would you like me to place these?

1 Q. Okay. So make sure if we touch them touch them with
2 gloves?

3 A. Yes, sir.

4 MR. STITELY: No other questions. Thank you, ma'am.

5 THE WITNESS: Uh-huh.

6 MS. FULLER: No questions, Your Honor.

7 THE COURT: May I let the witness be -- step down?

8 MS. FULLER: Yes, Your Honor.

9 THE COURT: Thank you.

10 (Witness excused.)

11 THE COURT: You can call your next witness.

12 MR. STITELY: The defense calls Brandon Corder.

13 (Whereupon, Brandon Lee Corder was duly sworn by
14 the Clerk of Court.)

15 THE CLERK: If you'll have a seat up there. If
16 you'll state your name and spell your last name for the
17 record.

18 THE WITNESS: Brandon Corder. C-O-R-D-E-R.

19 BRANDON LEE CORDER,

20 having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. STITELY:

23 Q. Brandon, can you just briefly tell us a little bit
24 about yourself? How old are you and where were you born?

25 A. I'm thirty-two. I was born in Lexington County.

1 Q. Did you go to high school?

2 A. Yes.

3 Q. Where did you go to high school?

4 A. I went to White Knoll High School.

5 Q. White Knoll High School. And when did you graduate?

6 A. 2009.

7 Q. What did you do after graduation?

8 A. I continued to Midlands Tech for three semesters.

9 Q. Okay. What kind of work did you do routinely,
10 specifically back in 2019?

11 A. In 2019, I was working for myself cutting trees.

12 Q. Okay. I'm gonna ask you, you've been convicted twice
13 of shoplifting in your life; isn't that true?

14 A. That is true.

15 Q. Okay. In 2019, where were you living?

16 A. Living at [REDACTED] Valley Lane.

17 Q. Okay. Where is that?

18 A. That is in Lexington County.

19 Q. Okay. If I was to drive there, I mean, generally
20 speaking, where is it?

21 A. It is --

22 Q. Leaving the courthouse, how would you get there?

23 A. You would leave the courthouse, take a left on
24 Number 6 Highway and then go down until you come to Platt
25 Springs crossroad and Number 6 and then you'd take a left

1 on Platt Springs going toward the airport and my road is
2 probably -- after you make that left on Platt Springs,
3 probably two miles.

4 Q. All right. Now whose house -- who's the owner of that
5 house?

6 A. That would be my mother.

7 Q. All right. And we heard from her earlier. What's her
8 name?

9 A. Sandra Corder.

10 Q. Do you know how long your mom's lived there?

11 A. She's lived there ever since her and my dad got
12 married.

13 Q. Okay. When was that? Before your time?

14 A. Four years before I was born, so I'd say 1986.

15 Q. All right. Did you have some neighbors there?

16 A. Yes.

17 Q. Okay. Who was your direct next door neighbor on the
18 side where the side door would have come out?

19 A. At the time they were the Stones, but now Mr. Stone
20 has passed, so now it's the Dowds, which would be Billy
21 Dowd and his daughter, which is Elyse Stone, and was
22 Eddie's wife.

23 Q. Okay. And Billy and Lee lived there back in 2019?

24 A. Yes.

25 Q. Okay. And we heard another name. Who is Lee

1 Bowerman?

2 A. Lee Bowerman is another neighbor that lives at the
3 end of the dirt road approximately three houses down, four
4 houses down.

5 Q. So on the opposite side however from the Dowds?

6 A. That's correct.

7 Q. Okay. It's gonna be hard to talk about, but who is
8 Joanie Youmans to you?

9 A. From the beginning she was a friend. She was always
10 a friend. We were romantically involved from time to time
11 and sometimes we were not.

12 Q. Well, let's go back. When did you-all first meet? If
13 you don't know specifically, just around when?

14 A. We met in April of 2019.

15 Q. Okay. So your mom said she knew her before, but you
16 didn't know her before?

17 A. If I had run across her, I didn't know who she was.
18 I may have seen her before. I'm not sure.

19 Q. Okay. And at some point you had a romantic
20 relationship, correct?

21 A. Correct.

22 Q. And you said some times it was, some times it wasn't?

23 A. Correct.

24 Q. All right. In the summer, June of 2019, did you have
25 a dog?

1 A. Yes.

2 Q. Okay. What kind of dog?

3 A. A Labrador.

4 Q. A female one?

5 A. Female. Yes, sir.

6 Q. Okay. And that was one that was staying at the house
7 when Joanie would come over there at night?

8 A. Yes.

9 Q. Let's fast-forward to December, specifically the 27th,
10 of 2019. What were you doing that day earlier in the day?

11 A. 2019? June 20th?

12 Q. No, December 27th.

13 A. Earlier that day, do you mean in the AM or --

14 Q. Sure.

15 A. I was asleep around probably midnight.

16 Q. Okay. Did you get up and go to work?

17 A. Yeah, I did that day.

18 Q. Okay. Who went with you to work that day?

19 A. Joanie.

20 Q. All right. What kind of car were you driving that
21 day?

22 A. The red Honda Civic.

23 Q. All right. What kind of work were you doing?

24 A. I was in the process of cutting down a tree for a
25 client.

1 Q. Okay. At some point did you return to your house?

2 A. Yes.

3 Q. Can you tell me exactly what time?

4 A. I can say between 2:00 and 2:15.

5 Q. Okay. What were you doing back at the house at 2:15?
6 What did you guys start doing?

7 A. Okay. Well, when we pulled up, at the time the
8 little aisle that I normally pull through, there's a kennel
9 right there, and we had the dog outside. It was a puppy.
10 Well, not quite a puppy, but five, six months old. And
11 so we pulled up. I had to stop the car. I was gonna move
12 the kennels. It was suggested that we go inside and get
13 refreshments, use the restroom. So we did do that. Then
14 afterwards we came outside. I moved the kennels, I pulled
15 up my car to where the burn pile is and we began to unload.

16 Q. Okay. At some point did you have a gun on you?

17 A. Not on my person, no.

18 Q. Okay. Do you own or did you own a firearm?

19 A. I did.

20 Q. Okay. What kind of gun was it?

21 A. It was a Smith & Wesson .357 Magnum.

22 Q. I'm gonna show you something that's already in
23 evidence. It's marked as Number 35. Do you recognize it?

24 A. I do.

25 Q. Whose Smith & Wesson gun is that?

- 1 A. It belonged to me.
- 2 Q. All right. When had you gotten it?
- 3 A. Two months prior to the day of the incident.
- 4 Q. Okay. Did you buy it from a store?
- 5 A. No, I did not.
- 6 Q. Let me ask you this. Did you think you were allowed
- 7 to buy it from a store?
- 8 A. No.
- 9 Q. Okay. Did you think there would have been a problem
- 10 with you owning a firearm?
- 11 A. Yes.
- 12 Q. All right. Had you shot the gun before?
- 13 A. Several times.
- 14 Q. Okay. Now I live in a little bit of an area, but I
- 15 lived in a neighborhood before. Can you shoot a gun in
- 16 your backyard where you lived? Is that allowed?
- 17 A. Where I lived it would not be a problem.
- 18 Q. Okay. Would you kind of describe it as a little bit
- 19 country?
- 20 A. Yes.
- 21 Q. Okay. You said the gun was not on your person that
- 22 day initially?
- 23 A. Initially, no, it was not.
- 24 Q. Okay. Where was it?
- 25 A. It was underneath the back seat of my vehicle.

1 Q. Okay. At some point did you retrieve it from the car?

2 A. Yes.

3 Q. Okay. Tell us what happened.

4 A. I initially went to the vehicle in search of
5 cigarettes, okay? I got in there, I looked on the dash,
6 could not see anything, looked on the floorboard, could not
7 see anything. I told Ms. Youmans, Joanie, I said I don't
8 know where they are. Around the time I was searching on
9 the floorboards, I looked on the side where -- you know,
10 where the door opens up at, you know? At that moment or
11 somewhere around that moment, I came to realize that I had
12 left the firearm in my vehicle the night before. So I
13 retrieved it from underneath the seat, the holster and the
14 weapon separately, and I exited the vehicle. While doing
15 so, she had come to the vehicle and she was in search of
16 the cigarettes. So I'm walking away. I intend to go put
17 the firearm up inside in a safe location. While I'm
18 walking away, I attempt to holster the firearm and it
19 discharges.

20 Q. Okay. Did you have it stored with the hammer back at
21 the time?

22 A. I believe the hammer was back.

23 Q. Okay. Did you intend to shoot the gun that day?

24 A. I did not intend to shoot the gun that day.

25 Q. All right. Now let's be straight, Brandon. You lied

1 when you initially made a phone call and talked to the
2 police; isn't that true?

3 A. That is true.

4 Q. We heard you on the call a few minutes ago, correct?

5 A. Correct.

6 Q. And we'll get to that in a second, but tell me as soon
7 as the shot goes off, what did you do?

8 A. Initially, I was -- I was disoriented. I -- I didn't
9 understand. I couldn't -- I didn't know what happened at
10 that moment, so I was just standing there dumbfounded for a
11 moment and then I come to my -- I don't know if you want to
12 say my senses at some point and I looked in her direction
13 and I realized that she was on the ground.

14 Q. Okay. Did you scream anything out at that point?

15 A. Yes. I ran to her and by the time I realized her --
16 that she was injured, I began screaming.

17 Q. Okay. Well, what did you yell? Anything specific
18 that you recall?

19 A. I just remember screaming no at the top of my lungs
20 and screaming help, help, I need help, oh, God, momma,
21 please, you know, things of that nature.

22 Q. Okay. We've put into evidence what's been marked as
23 Number 3. Do you -- did you recognize -- did you see them
24 pulled out?

25 A. I seen them pulled out, but I could not see them

1 clearly.

2 Q. There's some gloves there if you need to hold them,
3 but I'll let you look in it. Can you see what's in this
4 bag?

5 A. I see the fingers of a set of gloves -- one particular
6 glove. I can see it.

7 Q. Were you wearing gloves that day?

8 A. Yes, I was.

9 Q. What kind of gloves were you wearing?

10 A. They were work gloves. They were the gloves that are
11 in the package.

12 Q. Why were you wearing work gloves?

13 A. Because that's what you do when you're working to keep
14 your hands from getting injured.

15 Q. That sounds like a silly question, but...

16 Okay. So when you ran over to her, were you still
17 wearing your gloves?

18 A. Yes, I was.

19 Q. What did you do next?

20 A. I got down on my knees on the ground and I -- I
21 grabbed her and -- and kind of cradled her in my arms there
22 on the ground and when I did, I pick her up, her head had
23 hit the rocker panel of the passenger side door and then I
24 seen the actual wound and -- excuse me -- that's when blood
25 and everything else just started gushing out. It got all

1 over me and got wherever else it got.

2 Q. Okay. I'm gonna show you a picture that's been
3 previously marked and put into evidence. Number 13. I'm
4 not trying to be graphic, Brandon, but what is that all
5 over your legs and all over your boots?

6 A. That would be blood and I'm guessing maybe some stuff
7 off the ground.

8 Q. How about on your left forearm?

9 A. That is blood.

10 Q. Can you tell me why you can imagine that there wasn't
11 blood specifically all over your hands?

12 A. That would be because I was wearing the gloves when I
13 went to her.

14 Q. Okay. So you got up and then what happens?

15 A. I did not get up immediately. While I was yelling and
16 all that and trying to ask for help from anybody that could
17 hear me, I took my gloves off and threw them, I guess they
18 landed in the vehicle, and I checked for a pulse.

19 Q. Okay. Then what?

20 A. Then I ran to the house and --

21 Q. Okay.

22 A. -- and banged on the back door. Not the back door.
23 I tried to enter the back door and it was locked. I then
24 went to my mother's bedroom window and banged on it so she
25 could come and unlock the door.

- 1 Q. Okay. So your mom came and unlocked which door?
- 2 A. She unlocked the back door.
- 3 Q. Okay. At some point did you call 9-1-1?
- 4 A. Yes, I did.
- 5 Q. How did you call 9-1-1?
- 6 A. Off of a land line.
- 7 Q. Okay. Why did you use land line?
- 8 A. Because in my state of mind I was in, I could not
- 9 locate another phone --
- 10 Q. Okay.
- 11 A. -- so I had to use that phone.
- 12 Q. And then you -- did you go back outside or did you
- 13 stay in the house?
- 14 A. I stayed in the house until the phone was in working
- 15 condition. Like it was said, it was not -- when I
- 16 initially tried to use it, there was no dial tone because
- 17 the base was not plugged in. And that base takes I'd say
- 18 approximately a minute before a dial tone pops up on the
- 19 phone and then I was able to call.
- 20 Q. All right, Brandon. Who put the gun up in the closet?
- 21 A. I did.
- 22 Q. Okay. Why?
- 23 A. I honestly -- I didn't know what I was doing at the
- 24 time. I was not in a state of mind where I can even say
- 25 I -- I was competent. I didn't know what I was doing. I

1 was --

2 Q. Okay. Did you try to get in a car and drive away
3 right away?

4 A. No, I never tried to do that.

5 Q. Did you run away on foot?

6 A. No, I did not.

7 Q. Did you call 9-1-1, you saw the times earlier, within
8 three minutes of a gun discharging?

9 A. Yes.

10 Q. Did you wait for law enforcement?

11 A. I did.

12 Q. Do you remember talking to law enforcement initially?

13 A. I don't recall much of anything that was said to me
14 or that I replied. I was just in a state of shock and I
15 just -- I was not in a state of mind where I can remember
16 what was going on at that moment when I initially came in
17 contact with law enforcement.

18 Q. Do you have any idea what you were saying?

19 A. I -- I can recall nothing really what I said. I was
20 probably just screaming and was hollering. Random things.
21 I don't know.

22 Q. Okay. Eventually were you able to calm down enough to
23 tell what happened?

24 A. I was.

25 Q. And I don't want you to necessarily say, but how many

1 detectives if you can even remember did you talk to that
2 day?

3 A. To the best of my recollection, I would say maybe four
4 or five.

5 Q. Okay. Anyone in this courtroom you can recognize
6 speaking to?

7 A. Yes.

8 Q. Who's that?

9 A. 100 percent the man sitting right there. His name's
10 Creech.

11 Q. Okay. Where did you talk to him?

12 A. Inside of his vehicle.

13 Q. Okay. Do you remember that conversation?

14 A. I do.

15 Q. Did you tell him the truth at first?

16 A. I think I was at first still, you know, possibly, you
17 know, not saying a hundred percent what happened, but I did
18 eventually.

19 Q. Okay. Did you eventually tell them where the gun was
20 located?

21 A. I did.

22 Q. Did you eventually tell them what happened?

23 A. Yes, I did.

24 Q. Did you try to run from him?

25 A. No, sir.

1 Q. Did you sit and answer his questions as he asked them?

2 A. I did do that, yes.

3 Q. Not to sound kind of gross, but had you been laying
4 on the ground being sick and all kinds of other manner of
5 things for about the two hours before that?

6 A. I recall the time. They say it was multiple times. I
7 recall once or twice possibly. I do.

8 Q. Okay. If I told you that you didn't talk to Agent
9 Creech until around 5:15, some two hours later, would that
10 sound about right?

11 A. I was not -- at that point I was not keeping track of
12 the timeline. If that's what the paper says.

13 Q. Okay. It could have been two minutes, it could have
14 been two hours? You can't recall?

15 A. I cannot recall.

16 Q. Okay. At any point did you try to hide from the cops?

17 A. No.

18 Q. Run?

19 A. No.

20 Q. You called 9-1-1, correct?

21 A. Yes, I did.

22 Q. All right. And eventually once you calmed and had
23 a convo -- where was that conversation by the way with
24 Detective Creech?

25 A. Inside his vehicle.

1 Q. Okay. What kind of car?

2 A. It was a Tahoe.

3 Q. Like a police car?

4 A. Yes, a police SUV.

5 Q. Okay. And you told him where the gun was?

6 A. Yes.

7 Q. And you told him the whole story?

8 A. At the time I told him what he asked me.

9 Q. Okay. And eventually you were arrested, correct?

10 A. Correct.

11 Q. Now we heard some testimony that you talked to another
12 officer some years later. Do you recall that?

13 A. Yes.

14 Q. And they put up some statements that -- do you recall
15 that?

16 A. Yes.

17 MR. STITELY: Mark these as 4 and 5, please.

18 (Defendant's Exhibit Number 4 and 5 were marked for
19 identification.)

20 BY MR. STITELY:

21 Q. Do you believe that the exhibit the State put up is a
22 fair and accurate representation of your conversation with
23 that officer?

24 A. Absolutely not.

25 Q. I'm gonna show you what's been marked as Number 4 and

1 Number 5 by the defense and ask if you can recognize them?

2 A. Yes, I do.

3 Q. What are they? Don't read them yet, but just tell me
4 what they are.

5 A. It was the statement made on the date that I talked
6 to this man.

7 Q. Okay. And what's the other one?

8 A. The other one is a rough diagram drawing of the scene.

9 Q. Okay.

10 MR. STITELY: I'd offer Defendant's 4 and 5 into
11 evidence.

12 THE COURT: Any objection?

13 MR. McNAIR: No, Your Honor.

14 THE COURT: It's admitted.

15 (Defendant's Exhibit Number 4, a statement, and
16 Defendant's Exhibit Number 5, a diagram, were admitted
17 into evidence.)

18 BY MR. STITELY:

19 Q. Let's look at Number 4, Brandon, and I'll put it up
20 there I guess.

21 A. Okay.

22 Q. Whose signature is on that?

23 A. That's my signature at the bottom.

24 Q. Number one, what did you tell him?

25 A. I did not intend to aim that gun at her that day.

1 Q. Number 2?

2 A. I did not intend to shoot her with that gun.

3 Q. Number 3?

4 A. I was placing the gun in the holster when it went off.

5 Q. Exhibit Number 5. I'm gonna zoom out a little bit.

6 Who drew this?

7 A. Me and him together drew it.

8 Q. Okay. And I think we can tell, but what is this
9 supposed to be?

10 A. That is supposed to be the vehicle. That would be the
11 trailer.

12 Q. And this?

13 A. That would be the burn pile.

14 Q. Okay. And there's a little mark right here. What was
15 that?

16 A. That is the mark indicating where I told him that I
17 was approximately in that area when the firearm discharged.

18 Q. Okay. And you said that you pulled it -- when you
19 went to the front seat looking for the cigarettes you saw
20 it?

21 A. No, I did not see it. I just -- it came back to me
22 that I had had it on me the night before and I -- I wanted
23 to get it out of the car.

24 Q. Did you want to hurt Joanie that day?

25 A. Absolutely not.

1 Q. Was it your intent to cause her harm in any way, shape
2 or form?

3 A. No.

4 Q. Did you lie initially about what happened?

5 A. Yes, I did.

6 Q. Did you do that on purpose?

7 A. I don't think it was on purpose, no.

8 Q. But you admit you did?

9 A. I do admit that I did.

10 Q. Did you deliberately point the gun at her?

11 A. No, it was inadvertently.

12 Q. Did you pull the trigger on purpose?

13 A. No, I did not.

14 Q. Were you wearing those work gloves when you were
15 handling that gun?

16 A. Yes, I was.

17 Q. Is it fair to say that you probably weren't handling
18 it in the proper manner a firearm should be handled?

19 A. That would be a fair statement.

20 Q. Do you have any official training like that other lady
21 on the proper use of a firearm?

22 A. No, I don't.

23 Q. And you said you didn't think you should have a gun at
24 all?

25 A. No. No, I did not -- I did state that I did not think

1 I should have a gun.

2 Q. Brandon, are you telling the jury the truth today?

3 A. Yes, I am.

4 MR. STITELY: Please answer any questions Mr. McNair
5 has.

6 THE COURT: Mr. McNair.

7 CROSS-EXAMINATION

8 BY MR. McNAIR:

9 Q. Mr. Corder, was blowing Joanie's head off more
10 gruesome than you expected?

11 A. The way you phrased that makes it sound very -- makes
12 it sound like -- I don't know what you're -- just repeat
13 the question.

14 Q. Was blowing Joanie's head off more gruesome than you
15 expected?

16 A. I never expected to see that.

17 Q. You told her you would do it, didn't you?

18 A. I did not.

19 Q. You told her you would murder her stupid ass, didn't
20 you?

21 A. I did not. No, I did not.

22 Q. That's not your voice and that recording?

23 A. No, it is not.

24 Q. Whose voice is it?

25 A. I have no clue.

1 Q. You're denying that's your voice?

2 A. Yes, I am denying that's my voice.

3 Q. Well, the jury can hear that for themselves. It
4 sounds just like you.

5 MR. STITELY: Objection, Your Honor.

6 MR. McNAIR: You're denying that's you?

7 THE COURT: What's the objection?

8 MR. STITELY: It's a statement, not a question.

9 THE COURT: It is a statement. I'm gonna ask the
10 jury to disregard the statement. Just put it out of
11 your minds. You are not to consider it.

12 Go ahead, Mr. McNair.

13 BY MR. McNAIR:

14 Q. And now your testimony -- you're testifying to the
15 very same thing you told Agent Beeler was a lie?

16 A. I don't understand your question.

17 Q. What you just testified to is what you told Agent
18 Beeler was a lie?

19 A. I did not tell Agent Beeler that. No, I did not say
20 that was a lie.

21 Q. Well, you heard Agent Beeler testify, right?

22 A. I did hear him testify.

23 Q. He has no reason to lie, does he?

24 A. I don't know. That's -- I have no idea what he has
25 reason to do.

1 Q. Oh, so Agent Beeler from the Secret Service is lying,
2 but you're not?

3 A. I am not lying. I cannot --

4 Q. Are you denying that --

5 A. I cannot say whether he's lying. That's his
6 prerogative.

7 Q. You told Agent Beeler the holster story was a lie?

8 A. I did not tell him that.

9 Q. You told him what really happened is you pointed the
10 gun at her head, pulled the hammer back with your finger on
11 the trigger and it went off.

12 A. I did not tell him that.

13 Q. Wow. Agent Beeler from the Secret Service, who you've
14 never met before, correct?

15 A. No, I've never met him.

16 Q. And he was a nice guy, wasn't he?

17 A. I don't know him.

18 Q. Well, he was nice when you talked to him, wasn't he?

19 A. Not in particularly. About like you.

20 Q. How am I?

21 A. You're not nice.

22 Q. Well, I don't like lies.

23 A. Neither do I.

24 Q. Well, then don't tell them.

25 THE COURT: All right. Let's ask a question.

1 BY MR. McNAIR:

2 Q. So you're going back to story number five because
3 initially you told Officer Gietz it was a suicide, correct?

4 A. I did not say that, no.

5 Q. Well, Lee Bowerman heard it. Lee Bowerman, who called
6 9-1-1, he heard you say it.

7 MR. STITELY: Objection, Your Honor. That's not in
8 evidence.

9 MR. McNAIR: It's on this exhibit.

10 MR. STITELY: Your Honor, if I may clarify, what's
11 on the exhibit is Lee Bowerman said that. Nowhere in
12 there does it say where Lee Bowerman got that information.
13 He's not been called as a witness.

14 THE COURT: Let me see the lawyers for a second.

15 (Proceedings held at the bench; not reported.)

16 THE COURT: All right. Let's move on, Mr. McNair.

17 BY MR. McNAIR:

18 Q. You told Officer Gietz you did not know where the shot
19 came from, right?

20 A. I did say that.

21 Q. You told 9-1-1 you didn't know where the shot came
22 from, correct?

23 A. If that's what it says.

24 Q. That's what it says. You told Billy Dowd the shot
25 came from the woods, right?

1 A. (Nods head.)

2 Q. You told Detective Sherban and the coroner, and I'll
3 give you credit and combine these two, that the shot came
4 from down the road or through the woods somewhere, correct?

5 A. I don't recall everything I said. Like I stated
6 earlier, I was not in a state of mind where I was coherent
7 or -- or, you know, I don't know what I said specifically.
8 I don't -- I don't recall verbatim everything I said.

9 Q. You weren't in state of shock two years later when you
10 told Agent Beeler this holster story was a lie?

11 A. I didn't tell him that.

12 Q. Okay. So you don't recall telling Sherban and the
13 coroner that the shot came from down the road or through
14 the woods?

15 A. I don't recall.

16 Q. All right. Specifically, do you remember saying,
17 quote, I'm thinking maybe the bullet came from somewhere
18 down the road or through the woods or something. I don't
19 know. That's the only thing I can think of. Do you recall
20 making that statement?

21 A. I do -- I do not recall making that statement. If
22 that's what they said, I cannot argue that.

23 Q. All right. Do you recall telling Officer Creech
24 initially, quote, I was pulling it out to take it off me
25 and it went off in my hand?

1 A. Well, I believe I said that, but you may be taking it
2 out of context.

3 Q. I was pulling it out to take it off of me. You're
4 pulling it out when it goes off?

5 A. Out of the car. I was taking it out of the car to get
6 it off of my possession. It's not on my possession, but
7 inside of my car is my possession still. I would be in
8 possession of it. That's what I recall.

9 Q. So you told him as you were pulling it out of your
10 car, that's when it went off and hit Joanie in the head?

11 A. No, that's not what I said.

12 Q. Okay.

13 A. That's not what I meant by that.

14 Q. Well, then this -- your statement here means what it
15 says. I was pulling it out to take it off of me and it
16 went off in my hand. Do you remember saying that?

17 A. I do remember saying that.

18 Q. Okay. Then you told Creech this holster story. You
19 said you were pushing it into a holster when it went off,
20 correct?

21 A. I did not give him a second for second account of
22 every step of events that happened. I did pull it out of
23 my car to get it off of me and I did go put it up and when
24 I tried to holster it, it went off. I did not say it all
25 happened simultaneously at the same time.

1 Q. Yes. The fifth story you gave to law enforcement is
2 when you were putting it back in the holster that's when it
3 accidentally went off, correct? Right?

4 A. Repeat the question, please.

5 Q. That was the fifth story you told Creech. That when
6 you were putting it back into the holster, pushing it back
7 in, that's when it went off?

8 A. No, that was not the fifth story. That was the fifth
9 account of the story. I may have recalled different things
10 and, like I said, before that I don't know what I said.

11 Q. And now after speaking to Agent Beeler and telling him
12 this story about pointing the gun at her head, you now know
13 that if that happened that would still make you guilty of
14 murder?

15 MR. STITELY: Objection, Your Honor. That calls
16 for a legal answer.

17 THE COURT: I agree. You need to rephrase that,
18 Mr. McNair.

19 BY MR. McNAIR:

20 Q. So three and a half years later you are now realizing
21 that story is not a good story so you're going back to this
22 holster story that you told Agent Beeler was a lie?

23 A. It is not three and a half years later. Your
24 timeframe is wrong.

25 Q. Three and a half years after the incident.

1 A. What I told Agent Beeler was for the bullet to strike
2 her it had to have been pointing at her. I did not say I
3 did it intentionally or anything of that nature. The way
4 he phrased it in this statement, that's the way he phrased
5 it. I'm up here to give my account.

6 Q. Let's talk about your story, this holster story. So
7 you're saying as you're throwing limbs into this burn pile
8 you just -- you happen to remember that this gun was in
9 your car?

10 A. I did not say that. I said that I went to find
11 cigarettes and then I could not find the cigarettes.

12 Q. That's what you said today, but you told Creech back
13 then that we were throwing wood on the pile and I said oh,
14 I got to put this up. I said I don't need to be riding
15 with this. Do you recall saying that?

16 A. Yeah, I can recall saying that.

17 Q. Okay.

18 A. But then, again -- may I explain? May I explain? I
19 did not say exactly everything that happened at that time.
20 So, I mean, now what I'm saying is this is not a different
21 story, it is the same story. I'm just telling you exactly
22 what happened.

23 Q. Well, Mr. Corder, this says -- you're quoting here --
24 if you acknowledging you said that, that you were throwing
25 wood on the pile when you realized you needed to put the

1 gun up, right?

2 A. I don't know if -- I don't know if that's exactly the
3 way I said it, but, I mean, once again, I was still in a
4 state of shock and -- and I may have mis-said something.
5 If -- I mean, if I said it like that, I apologize, but
6 that's not what I went.

7 Q. Okay. Well, you acknowledge that's what you said?

8 A. Yeah.

9 Q. And you're saying your gun was in your car behind the
10 back seat?

11 A. Not behind the back seat, under it.

12 Q. Under the back seat. And your holster was in your
13 car?

14 A. Exactly. I said that.

15 Q. But the gun was not in the holster?

16 A. No, it was not.

17 Q. Had you pulled that gun out earlier that day?

18 A. No, I had not. That was from the night -- the
19 previous night when I was at somebody else's house that's
20 totally unrelated to this.

21 Q. Oh, you had pulled it out then?

22 A. I normally when I'm out somewhere and I -- I don't --
23 when I was there, yes, I had the gun out. I normally have
24 it on me and I took it off me when I get in my car because
25 I was going home. I had no use to have it on me.

1 Q. So you had the gun on you even though you're not
2 supposed to have a gun, right?

3 A. Correct.

4 Q. So you're carrying a gun around unlawfully?

5 A. Correct.

6 Q. And then you get in the car and you separate the
7 holster from the gun and put it under the back seat?

8 A. Correct.

9 Q. Why?

10 A. That's just the way I do it.

11 Q. Oh, you like toting them separate?

12 A. No, I like laying them in my car separate because it's
13 -- first of all, it's difficult to take the holster off of
14 you when the gun is in the holster because it just makes it
15 tight up against your -- your pants line or your belt where
16 it connects to, so I take the gun out and then I take the
17 holster off separately. So that's how I do it -- or did
18 it.

19 Q. Okay. And then rather than put the gun back in the
20 holster in your car, you like to transport them separately?

21 A. That is the way I did it.

22 Q. Okay. Now you said Joanie, she was standing in the
23 apex of the vehicle with a pack of Newport cigarettes,
24 correct?

25 A. I did not say she had them. I believe she was looking

1 for them.

2 Q. Well, you told Sergeant Creech back then she was
3 standing. She had got the cigarettes. It was a pack of
4 Newports. Do you remember saying that?

5 A. I was under the impression she had them.

6 Q. Can you acknowledge anything you said back then?

7 A. I can acknowledge what I said, but, I mean, the way
8 you -- the way you're presenting it is just not correct.

9 Q. I'm quoting your words.

10 A. I know, but you're adding implication to it. I don't
11 -- I don't know how you're trying to make it sound. You're
12 trying to make it sound different than what it was.

13 Q. I'm reading your words. That's what it says. She was
14 standing. She got the cigarettes. You said that, correct?

15 A. Okay. Yes, I said that.

16 Q. Okay. Now you're right-handed, right?

17 A. I am.

18 Q. So will you demonstrate for us how you were holstering
19 this -- this gun when it went off?

20 A. Do I need to stand up?

21 Q. Yeah.

22 A. Okay. I had the holster -- do I have to hold that?

23 Q. Yeah. Use it.

24 A. Okay. I'm holding the holster in my left hand,
25 holding the gun in my right hand. I go to insert the gun

1 into the holster -- and it's not a holster like police
2 carry. This is a different type of holster, so.

3 Q. Okay.

4 A. So that's how I did it. Now I went just like this.

5 Q. Just like that?

6 A. Yeah. And you see -- you see how I was like this?

7 Okay. There you go.

8 Q. And you had the -- you said -- you testified you had
9 the hammer pulled back when you were holstering it?

10 A. The hammer had been pulled back previously. It was
11 not pulled back that day.

12 Q. Oh, so you had hammer pulled back when you put it back
13 in your car the night before?

14 A. Yes.

15 Q. Why?

16 A. Because where I was at, I was going to shoot it for
17 somebody, somebody wanted to hear a gun, but the owner of
18 the house came outside while we were about to shoot it off
19 and said no, do not do it, it's too late and I don't want
20 nobody calling the police. So once the hammer was pulled
21 back, it was back. What am I supposed to do?

22 Q. Release it.

23 A. How? I don't know how to do that. How -- how do you
24 release the hammer? Pull the trigger?

25 Q. You know how to pull it back, right?

1 A. Yeah.

2 Q. So you pulled back the hammer on a loaded firearm
3 the night before and put it in your car separate from the
4 holster?

5 A. I did.

6 Q. Okay. And you're putting it back in the holster like
7 this?

8 A. No.

9 Q. Right-handed holding the holster in your left hand?

10 A. I was holding the holster in my left hand, correct.

11 Q. Right. I mean, you put it at your waist. You were
12 holding it at your waist.

13 A. Not the way your hands are doing it. So, no. Yet
14 again another misrepresentation of how --

15 Q. The angle may be a little different, but you were
16 holstering it at your waist is what you just demonstrated,
17 right?

18 A. Correct.

19 Q. Now you told Sergeant Creech that you were standing
20 on the other side of the burn pile halfway to your back
21 door when you were holstering and it went off, didn't you?

22 A. I said that at the time. If that's what the record
23 says, that's what I said. I can't argue that.

24 Q. So you were halfway to your back door, somewhere --
25 which would be somewhere in this area. Would you agree?

- 1 A. I was not in that area, no.
- 2 Q. Well, where's halfway to your back door?
- 3 A. The diagram we seen from whenever I was speaking with
- 4 Agent Beeler shows where I was.
- 5 Q. Oh, so Agent Beeler is truthful on that diagram, but
- 6 not on any of the other stuff?
- 7 A. He did not mark that spot. I marked that spot.
- 8 Q. Well, you said -- you said you-all did it together.
- 9 A. We did.
- 10 Q. Okay. But --
- 11 A. He asked me questions. He asked me where things were
- 12 and I drew them.
- 13 Q. Okay. So he's -- he's truthful on things you like,
- 14 but he's untruthful on things you don't like?
- 15 A. I'm not saying that at all.
- 16 Q. On State's 14 -- you've got a laser pointer up there?
- 17 A. Yeah.
- 18 Q. Where's your back door?
- 19 A. It would be hard to tell from this diagram or from
- 20 that whatever you call this exhibit. It would be hard to
- 21 tell. I can't see the house.
- 22 Q. That's your roof right there at the bottom, isn't it?
- 23 A. I believe so, but, I mean, I can't say exactly where
- 24 the back door is. You're asking me to be specific.
- 25 Q. In general, where is the back door? You don't have

1 to be exact.

2 A. In general, the back door would be about right here.

3 Q. All right. And point halfway between the burn pile
4 and your back door.

5 A. Somewhere around here.

6 Q. So if you're holstering your gun at your waist with
7 your back to Joanie, how does it hit her in the head?

8 A. I didn't say my back was to Joanie. If Joanie's
9 standing in the apex of the door right there and she is
10 turned around, her left side would be facing me and I'm
11 walking towards my house and wherever -- right in here
12 somewhere, and I'm using my right arm to holster the weapon
13 into my left hand, it would be pointing towards her, okay?

14 Q. If you're halfway towards your house, your back would
15 have been towards her.

16 A. If I'm walking towards my house, my back is not
17 towards her unless I get way down here.

18 Q. You keep talking about you were in shock, but you
19 weren't too much in shock to think about hiding that gun,
20 were you?

21 A. I'm not an expert. I can't speculate on that.

22 Q. I'm asking you personally. I'm not asking you to
23 speculate. You're the one who knows your feelings better
24 than anybody.

25 A. Sir, say your question one more time, please.

1 Q. You weren't in too much shock to hide the gun, were
2 you? You were thinking about that.

3 A. I don't know why I did it. I don't know why I made
4 that statement. I don't know why I did it.

5 Q. And where's this holster?

6 A. I don't know where the holster is. Right now I don't.

7 Q. So after you fired the gun trying to holster it, you
8 then separated the two and you put the gun somewhere
9 separate from the holster?

10 A. Not to my knowledge. I -- at the time I thought I
11 had put them together. It would make sense. That's what
12 I said.

13 Q. Well, there was no holster ever found. Where did you
14 put it?

15 A. There was a holster found.

16 Q. By law enforcement?

17 A. I don't know if the man was law enforcement or not,
18 but...

19 Q. Your holster was not with your gun, was it?

20 A. That's what you-all say.

21 Q. So what do you mean that's what we say?

22 A. I said I put them together in that closet and that's
23 what I'm standing by.

24 Q. All right. And we saw -- we saw --

25 A. If they weren't located there, I don't know. I can't

1 say why it wasn't. I was in custody at this time.

2 Q. Or maybe it just doesn't exist, right?

3 A. That's not true.

4 Q. Just like these Newport cigarettes don't exist.

5 A. That's not true either.

6 Q. Well, where were they?

7 A. They were found in the house.

8 Q. By who?

9 A. Well, I could say that my mother found them, but it's
10 also clear to say that if the -- Snelgrove, the woman who
11 was taking all the photos, was taking photos, that -- that
12 there probably is a photo of where the cigarettes were
13 found at.

14 Q. But you said Joanie had the Newport cigarettes and she
15 was shot and she died right there, so where are they?

16 A. I did not say she had them. I was under the
17 impression she had them. If I said that, then that's what
18 I said, but I was under the impression.

19 Q. You were under the impression, but you specifically
20 said --

21 A. I told her I could not find the cigarettes. She came
22 and searched for them. I was under the impression maybe
23 she had found them. I didn't know. I wasn't thinking
24 about it right then. I was walking toward my house to put
25 the firearm away.

1 Q. That's fine, but you -- you told Sergeant Creech that
2 she was standing there with the Newport cigarettes and
3 we've already been through that. I've already read your
4 statement.

5 A. Okay. Well, you asked me that question five times.
6 If that's what I said, that's what I said.

7 Q. Now let's talk about your relationship with Joanie.
8 She was going back and forth between you and Fred Wine,
9 right?

10 A. I was aware that she still was in contact with him.
11 I don't -- when you say going back and forth, that -- that
12 may imply something else.

13 Q. Well, you told Officer Sherban she goes back and
14 forth. She knows this other dude named Fred that she's
15 been dating, too. I guess she just didn't know what she
16 wanted. You said that. Do you remember?

17 A. Yes, I do.

18 Q. All right. And you didn't like that, did you?

19 A. I mean, I wasn't pleased with it, but I -- I can't
20 say I didn't like it. We weren't exclusive, so, no. I
21 mean, I --

22 Q. You told Sergeant Creech that I wanted her to love me
23 instead of him, right?

24 A. Well, I did.

25 Q. Okay.

1 A. Who wouldn't? She was a -- she was a wonderful woman.

2 Q. And you would beg her not to go to Fred's, right?

3 A. I wouldn't say beg, no.

4 Q. All right. Well, you told Sergeant Creech and I told
5 her every time, I said please, don't go back to Fred. Why
6 are you leaving me to go back to him? Do you remember
7 saying that?

8 A. Yes, I recall that.

9 Q. Okay. And she broke up with you about a week prior to
10 this and you assumed she went back to Fred, right?

11 A. I wouldn't say she broke up with me. I'd say we came
12 to a mutual understanding.

13 Q. All right. Do you recall telling Officer Seboe she
14 left a week ago and said she didn't want to be with me?
15 She left and I'm assuming she went back to Fred.

16 A. If I said that, I said that. I don't -- you said I
17 said that to Officer Seboe?

18 Q. Seboe.

19 A. I do not recall that. I recall my -- my conversation
20 with Creech like I said earlier.

21 Q. You don't recall saying that to Seboe?

22 A. I don't know who Seboe is. I --

23 Q. Okay. Well, do you recall --

24 A. If he was sitting in the courtroom right now, I would
25 not be able to recognize him.

1 Q. All right. Do you recall telling Detective Sherban
2 she left about a week ago, you know, she knows this guy
3 named Fred that she'd been with or that she was seeing?
4 She told me and, you know, she left. I guess she went back
5 to him.

6 A. I don't recall saying that, no.

7 Q. But you don't deny you said that?

8 A. I can't deny it. I don't know.

9 Q. And when she came back after being gone for a week,
10 she wouldn't tell you where she had been?

11 A. I didn't ask her where she had been.

12 Q. Well, you-all talked about it, didn't you?

13 A. No, we did not. We talked about her Christmas and my
14 Christmas and things --

15 Q. You didn't talk about where she had been?

16 A. No, we did not talk about where she had been. I
17 wasn't concerned with that.

18 Q. Well, do you remember -- do you recall telling Officer
19 Seboe she didn't say whether she went back to him or not,
20 she told me she came back from West Columbia last night
21 when we talked?

22 A. I don't recall talking to Seboe.

23 Q. Do you recall telling the coroner when he asked you
24 about where Fred Wine lived in West Columbia, he asked you
25 if that's where she came from and your response was more

1 than likely, yeah. She didn't tell me. She just said she
2 did come from West Columbia, but she didn't tell me where
3 she came from.

4 A. I can't argue if that's what I said. I don't recall.
5 I don't recall saying that, but if that's what I said, then
6 that's what whoever -- you said the coroner said I said
7 that? If it's recorded, I can -- I can say I did, but if
8 not, I don't know.

9 Q. And Fred lived in West Columbia, right?

10 A. To my knowledge.

11 Q. Okay. And when she came back she just wanted to be
12 friends, correct?

13 A. We wanted to be friends.

14 Q. You-all both wanted to be friends?

15 A. Yes.

16 Q. But you wanted her to love you?

17 A. Like I said earlier, yes.

18 Q. So you wanted to be more than friends, right?

19 A. I mean, yeah, that -- that would be something that I
20 would want, yeah. I did at the time, yes.

21 Q. And it made you mad when she would talk to Fred,
22 right?

23 A. No, not mad. It annoyed me I'd say, but no there was
24 no anger.

25 Q. You told Agent Beeler it made you mad, didn't you?

1 A. No, I did not say that either.

2 (State's Exhibit Number 45 was marked for
3 identification.)

4 BY MR. McNAIR:

5 Q. I'm gonna show you State's 45 and is that a picture
6 of your car and your trailer and where you left it on
7 December 27th of 2019?

8 A. It appears so.

9 MR. McNAIR: All right. Your Honor, we'd offer
10 State's 45 into evidence.

11 MR. STITELY: No objection.

12 THE COURT: It's admitted.

13 (State's Exhibit Number 45, a photograph, was
14 admitted into evidence.)

15 BY MR. McNAIR:

16 Q. This is another picture of what we already talked
17 about and you said, I guess, based on the diagram that you
18 said you drew for Agent Beeler you put yourself over here,
19 right?

20 A. Somewhere close to there I'd say approximate.

21 Q. So --

22 A. Somewhere approximate.

23 Q. So if you're holstering the gun like you said, like
24 this, how is it shooting that way?

25 A. Let me explain something. If she's standing there, if

1 she is turned around facing this direction and I'm walking
2 this direction holstering a firearm with my right hand into
3 the holster that's in my left hand, that is a direct line
4 right there.

5 Q. Well, I'll let the jury look at that and determine
6 that.

7 A. I'm sure you will. Thank you.

8 Q. So you admit you lied to the 9-1-1 dispatcher?

9 A. Yes.

10 Q. You lied to Officer Gietz?

11 A. I don't recall talking to Gietz.

12 Q. Okay. You lied to Billy Dowd?

13 A. Yes.

14 Q. You lied to Officer Sherban?

15 A. I don't recall me and Sherban's conversation either.
16 Not a hundred percent.

17 Q. I thought you said you recalled him?

18 A. I do. I remember him, but I don't recall our
19 conversation a hundred percent. I mean, what specifically
20 are you saying I lied about?

21 Q. Well, you told him the shot came from down the road or
22 in the woods.

23 A. If I said that, then I said that.

24 Q. Okay. So you lied to him. You lied to Officer Beeler
25 -- Agent Beeler?

1 A. About what?

2 Q. Because now you're saying you didn't point the weapon
3 at Joanie like you told him.

4 A. I told him the weapon had to have been pointed
5 inadvertently for the bullet to strike her is what I said
6 to him. I never said I pointed it and I never said I
7 intentionally did anything.

8 Q. Okay. So you lied to multiple people over a two-year
9 period, right?

10 A. Yes, I did.

11 Q. All right. But you assured those people you talked to
12 that you were telling the truth, didn't you?

13 A. It depends on who you're talking about specifically.
14 Who -- who are you talking about?

15 Q. You told -- you told Creech. He asked you if that
16 was everything you had to say. Now's the time to tell the
17 truth. You told him you were telling the truth?

18 A. I -- as far as what I told him, it was the truth. I
19 mean --

20 Q. You told Agent Beeler what you were telling him was
21 the truth, right?

22 A. What I told Agent Beeler -- what are you trying to get
23 at? I don't understand the question. I do not understand
24 what you --

25 THE COURT: All right. Let me tell you something.

1 You don't get to ask questions.

2 THE WITNESS: Okay. I'm sorry.

3 THE COURT: You answer.

4 THE WITNESS: I apologize.

5 THE COURT: So repeat your question, Mr. McNair,
6 please.

7 BY MR. McNAIR:

8 Q. You told these folks you were telling them the truth,
9 but you lied, right?

10 A. I did not lie to Beeler and I -- I may have lied to
11 some people in the beginning, but I did not lie to Beeler.

12 Q. So you can lie to multiple people over an extended
13 period of time. Like how do we know when you're telling
14 the truth, Brandon?

15 A. The lies were not an extended period of time. That
16 was time before I was taken into custody, which was the
17 same day.

18 Q. Well, the truth is what you told Officer Booth and you
19 said, quote, the strong will survive and the weak will die.
20 Do you remember saying that?

21 A. No.

22 MR. STITELY: I'm gonna object, Your Honor.

23 THE COURT: What's the objection?

24 MR. STITELY: There's no context and it's not
25 related to the case. He's just making an emphatic

1 statement.

2 THE COURT: I'm gonna let you continue, Mr. McNair.

3 Go ahead.

4 BY MR. McNAIR:

5 Q. And the other thing you told Booth that really struck
6 me as being true is that Joanie --

7 MR. STITELY: I'm gonna object to that, Judge. The
8 Solicitor just said what I think to be true.

9 MR. McNAIR: I'll rephrase it.

10 THE COURT: Thank you, Mr. McNair. Please rephrase.

11 BY MR. McNAIR:

12 Q. The other thing you told Officer Booth is that Joanie
13 was in the wrong place at the wrong time.

14 A. I don't recall talking to Booth. If -- if I can say
15 that -- I was in custody and I'd been told the nature of
16 my charges and at that time I -- I lost it because I -- I
17 didn't understand what was going on and if I -- I don't
18 know. I don't know what I said.

19 Q. You don't remember saying that, that Joanie was in the
20 wrong place at the wrong time?

21 A. I may have said that and that would be the truth. If
22 she was standing there and she got struck by the bullet,
23 that was in the wrong place at the wrong time. That
24 doesn't imply anything besides that.

25 Q. And being with you, right? Because it was your gun --

1 A. Being with me was not wrong, no.

2 Q. It was your gun, your finger on the trigger that blew
3 her head off, correct?

4 A. I don't like the way you're saying --

5 Q. That's what happened, right?

6 A. Her head did not get blown off, no.

7 Q. Her brains got blown out, didn't they?

8 A. I'm not -- I don't know. I mean, I know she got shot
9 in the head. I can say that much.

10 MR. MCNAIR: That's all I have, Your Honor.

11 THE COURT: Any redirect?

12 MR. STITELY: Yes, ma'am.

13 REDIRECT EXAMINATION

14 BY MR. STITELY:

15 Q. Brandon, I'm looking at Number 45. I want you to
16 stand right there. Stay right there. If we are to assume
17 that you were at the corner of the car -- and let's go
18 ahead and position it. I'm gonna be you for this scenario.
19 This is which hand of mine?

20 A. Your right hand.

21 Q. What hand is this?

22 A. That is your left hand.

23 Q. All right. If I'm standing here, where's your house?
24 If I'm at your driver's door?

25 A. If you're at my driver's door?

1 Q. Yeah.

2 A. The house is -- from where you're standing right here,
3 the house would be directly in front.

4 Q. Okay. So if I was to walk around the car to the side
5 and to the burn pile, if the judge was the person, would
6 she be at the passenger side of the car?

7 A. Yes.

8 Q. And if I'm walking to my house, right hand holding
9 left hand, sadly where is the gun pointing?

10 A. At the judge.

11 Q. As I continue to walk towards my house, which
12 direction is it pointing?

13 A. Still at the judge.

14 MR. STITELY: I'm gonna show you a picture I'm
15 gonna mark as Number 6.

16 THE COURT: Are you showing all of those pictures?

17 MR. STITELY: No. I'm gonna cut it out later.

18 (Defendant's Exhibit Number 6 was marked for
19 identification.)

20 BY MR. STITELY:

21 Q. If I showed you a picture, could you recognize the
22 location of where it was?

23 A. I'm sure I could.

24 Q. I'm gonna show you what I've marked as Number 6. Do
25 you recognize the area?

1 A. Yes, I do.

2 Q. Where is this picture taken? Don't tell me what the
3 contents are yet, but where is this picture taken?

4 A. That is the foyer right before you get to the hallway
5 in my -- in my house.

6 Q. And would that be a fair and accurate portrayal of
7 what that would have looked like on the day they took all
8 these pictures?

9 A. Yes.

10 MR. STITELY: Permission to offer Number 6 into
11 evidence?

12 THE COURT: Any objection?

13 MR. MCNAIR: Is that what you showed me? No
14 objection.

15 THE COURT: No objection. It's admitted.

16 (Defendant's Exhibit Number 6, a photograph, was
17 admitted into evidence.)

18 BY MR. STITELY:

19 Q. Brandon, what's in Number 6?

20 A. That is a pack of cigarettes.

21 Q. What did you say was the first thing you guys did when
22 you got back to the house when you got back?

23 A. We went inside to use the restroom and get something
24 to drink and -- and a snack and then after that we went
25 back outside.

1 Q. Is it possible that Joanie put the pack of cigarettes
2 right there inside the door when you-all walked in?

3 A. Absolutely.

4 Q. You told the officer you thought she was going for the
5 cigarettes, correct?

6 A. Yes.

7 Q. You thought she had them, correct?

8 A. Yes.

9 Q. Because you knew you did not have them?

10 A. I did. I knew I did not have them.

11 Q. Were you trying to make up a reason for her to be back
12 in the car?

13 A. I was not.

14 Q. You've told me that you don't recall some of what you
15 told the Solicitor. You don't recall every conversation,
16 correct?

17 A. Correct.

18 Q. But if there was a recording they could play them to
19 confirm what you said, correct?

20 A. That is correct.

21 Q. Any questions could be resolved if they wanted to play
22 those recordings, couldn't they?

23 A. Absolutely.

24 MR. STITELY: No other questions.

25 MR. McNAIR: Nothing further, Your Honor.

1 THE COURT: Thank you.

2 Mr. Corder, you can step down and return to the
3 table, please.

4 THE WITNESS: Thank you.

5 (Witness excused.)

6 THE COURT: You can call your next witness.

7 MR. STITELY: The defense rests.

8 THE COURT: Okay. Ladies and gentlemen of the jury,
9 there's some matters that I need to take up with the
10 attorneys. Your lunch is also here. It is not time to
11 deliberate. I've got two alternates. I'm gonna let you
12 go back and have lunch. And we've got closing arguments
13 to do, so we'll do that after lunch. So please do not
14 talk about this case just yet, okay?

15 Go back, enjoy your lunch, and we'll have you back
16 in here for closings.

17 (Whereupon, the jury retires to the jury room for
18 lunch at 12:56 PM.)

19 THE COURT: All right. Anything from the State?

20 MS. FULLER: Yes, Your Honor. We have just one
21 reply witness. It won't be long.

22 THE COURT: Okay. Anything from the defense?

23 MR. STITELY: Your Honor, at this time the defendant
24 would make a motion for directed verdict, any and all
25 other grounds, as well as renewing any previous motions.

1 Additionally, now stating that the evidence as a
2 whole -- well, I guess it's not completely as a whole,
3 is insufficient as a matter of law to proceed forward to
4 the jury.

5 THE COURT: Okay. So noted for the record and I'm
6 -- and I'm denying your directed verdict motion.

7 MR. STITELY: Thank you, ma'am.

8 THE COURT: All right. Let's be in recess. We'll
9 have lunch. Please look over the jury charges.

10 MR. STITELY: Your Honor, I guess we need to speak
11 about that.

12 MS. FULLER: Did you send a newer version or -- so
13 I guess for the record we would not request a defendant's
14 statement charge pursuant to new case law. And then the
15 only thing I noticed was under the indictment -- just so
16 there's not confusion, in the indictment section it has
17 it plural, like plural, as if it's more than one language.

18 THE COURT: Okay. More than one indictment?

19 MS. FULLER: Yeah. Sometimes that gets confusing,
20 but it's not a big deal.

21 THE COURT: Okay. We'll fix that.

22 MR. STITELY: I'm asking for an involuntary
23 manslaughter.

24 THE COURT: I know you are. I'm doing research on
25 it right now.

1 MR. STITELY: I think now that we've put into
2 evidence sufficient testimony to warrant that, both
3 combinations of knowing the possession of firearm may
4 have been unlawful and the conduct being non-intentional
5 with an otherwise act, does qualify for involuntary
6 manslaughter.

7 MS. FULLER: And I still stand by it does not.

8 THE COURT: We've been up here researching it.

9 MR. STITELY: Judge, real quick I guess. We have
10 a copy of Mackinson's body cam with no footage, so I'm
11 gonna switch that's as Number 1. I will bring just the
12 9-1-1 call on a CD as Number 2. And Number 6 I've cut
13 out. There is a picture of a Christmas tree on the
14 back. I can either tape something over it or I don't
15 think anyone cares if there's a picture of a Christmas
16 tree on the back, but I've cut out just the picture of
17 Number 6.

18 THE COURT: All right. Now let me make sure before
19 you go. Thank you. I saw you do that.

20 You're saying that the involuntarily is under
21 Number 1 or Number 2?

22 MR. STITELY: I'll have to look at it, Judge. I'm
23 not in front of my stuff.

24 THE COURT: Well, Number 1 is the unintentional
25 killing of another without malice but while engaged in

1 THE COURT: Thank you.

2 All right. Does the State have any reply?

3 MS. FULLER: Yes, Your Honor. We have a brief
4 reply.

5 THE COURT: You can call your witness.

6 MR. McNAIR: Your Honor, the State calls Sergeant
7 Adam Creech.

8 (Whereupon, Anthony Adam Creech was duly sworn by
9 the Clerk of Court.)

10 THE CLERK: Have a seat on the witness stand. If
11 you'll state your name and spell your last name for the
12 record.

13 THE WITNESS: Sergeant Anthony Adam Creech. Creech
14 is C-R-E-E-C-H.

15 ANTHONY ADAM CREECH,

16 having been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. McNAIR:

19 Q. Sergeant Creech, will you tell the jury where you work
20 and how long you've worked there?

21 A. Yes. I'm employed with the Lexington County Sheriff's
22 Department where I've been employed approximately fourteen
23 years. My hire date was August 24, 2009.

24 Q. And what department or section of the sheriff's
25 department do you work in?

1 A. Since July of 2014, I've been in the major crimes unit
2 in criminal investigations and since October of 2017 I've
3 been a sergeant within that same division.

4 Q. All right. I'll get right to the point. Did you
5 respond to the scene in this case on December 27th of 2019?

6 A. I did.

7 Q. And did you have the opportunity to speak to
8 Mr. Corder?

9 A. Yes, I did speak with Mr. Corder that -- that evening.

10 Q. And he had spoken to multiple officers, I guess, prior
11 to you?

12 A. He had.

13 Q. Do you remember what time you got on-scene?

14 A. I don't remember the exact time. It wasn't real long
15 after the -- the call came in over the radio.

16 Q. And I'll just get right to the point. Did you
17 specifically -- he told you about this holster story; is
18 that correct?

19 A. That is correct.

20 Q. Did you specifically ask him where that holster was?

21 A. I did. I asked him very -- very clearly where the
22 holster was because he told us where the gun was as well
23 and we located the gun rather easily based on that
24 information, but we combed thoroughly through that house
25 and the property and could not find the holster, so I went

1 back to him several times to get clarification on where
2 this holster allegedly was.

3 Q. And do you recall where he told you it was when you
4 looked for it?

5 A. He very clearly explained that it would be in a piece
6 of furniture in the foyer area of the residence just inside
7 the front door.

8 Q. And you searched that area?

9 A. Repeatedly. Very thoroughly.

10 Q. And did you find a holster?

11 A. We did not locate a holster.

12 Q. And did you search the entire house for a holster?

13 A. We did. We searched the entire interior of the house,
14 we searched the external property, we searched the vehicles
15 on the property, we searched like the shed/carport area on
16 the property, we checked the wood line, and I believe we
17 even ended up checking underneath the crawl space to the --
18 I believe it would be to right of the back door.

19 Q. And no holster was ever found?

20 A. We never located a holster.

21 Q. Now did you also talk to Mr. Corder about where he
22 said he was when he was trying to holster this weapon and
23 it fired?

24 A. I did. When we spoke, we were speaking in the front
25 seat of my unmarked Tahoe and we -- I drew a very crude

1 picture. I'm no artist, so I apologize for what's probably
2 about to be shown, and then he indicated in that picture
3 based on our mutual understanding of what the scene looked
4 like where he would have been when that holster incident
5 allegedly took place.

6 Q. All right. Do you have one up there with you? I
7 apologize.

8 I'm gonna show you State's 14, which is a crime scene
9 diagram. Can you point out on here where he told you he
10 was when he was holstering this -- this weapon and it
11 fired?

12 A. Certainly. This is a much better picture than the one
13 we referenced, but he was indicating to me that he would
14 have been in this rough approximate vicinity about halfway
15 between the vehicle and the back door of the residence.

16 Q. And based on what he told you, what was your
17 understanding of the position of his body where he would
18 have been in relation to Joanie Youmans?

19 A. It was my under -- impression that his back would have
20 been to her.

21 Q. Okay. Now were you present when Agent Beeler
22 interviewed Mr. Corder?

23 A. I was outside of the interview room when the interview
24 took place.

25 Q. Now after Agent Beeler interviewed Mr. Corder, were

1 you present when Mr. Corder admitted or acknowledged that
2 this holster story was not true?

3 A. I was. Following their interaction, Special Agent
4 Beeler brought me into the room with himself and Mr. Corder
5 and Mr. Beeler then summarized what had been told to him by
6 Mr. Corder which contradicted the previous holster story.

7 Q. Okay. He acknowledged the holster story he had
8 previously told you was not, in fact, true?

9 A. He did.

10 (State's Exhibit Number 46 was marked for
11 identification.)

12 BY MR. McNAIR:

13 Q. I'm gonna show you State's 46, which is a larger
14 version of Defendant's Exhibit 6. Do you recognize that
15 photo?

16 A. I do.

17 Q. Is that a photo taken from inside of Mr. Corder's
18 residence on the day of the incident?

19 A. It is and this would actually be the area he indicated
20 the holster would be located.

21 Q. All right.

22 MR. McNAIR: Your Honor, we'd offer State's 46 into
23 evidence.

24 THE COURT: Any objection?

25 MR. STITELY: No.

1 THE COURT: It's admitted.

2 (State's Exhibit Number 46, a photograph, was
3 admitted into evidence.)

4 BY MR. McNAIR:

5 Q. And this is the area he described where the holster
6 would be?

7 A. Yes. He specifically indicated it would be inside
8 this piece of furniture right here, which the front door
9 is just to the right of that.

10 Q. And I'm gonna show you Defendant's 6. That's the same
11 photo essentially, just bigger?

12 A. Correct. It does appear to be.

13 Q. And what type of cigarettes are those?

14 A. It's a pack of Marlboro cigarettes.

15 Q. They're not Newports?

16 A. They're not Newports.

17 MR. McNAIR: That's all the questions I have.

18 Thank you.

19 THE COURT: Any, Mr. Stitely?

20 MR. STITELY: Just briefly.

21 CROSS-EXAMINATION

22 BY MR. STITELY:

23 Q. Sergeant Creech, how are you today?

24 A. Well. How about yourself?

25 Q. Good. Thank you.

1 Your initial conversation -- let me rephrase that.
2 Your interview with Mr. Corder was recorded, correct?

3 A. Yes, it was.

4 Q. Okay. And do you have a recording of this second
5 alleged conversation?

6 A. Where we were asking for clarification about the
7 holster?

8 Q. No, no. When you were talking to Beeler.

9 A. No, because it was conducted by Agent Beeler and
10 Secret Service policy doesn't let them record those
11 interviews.

12 Q. Okay. And...

13 MR. STITELY: No other questions. Thank you,
14 Sergeant.

15 MR. McNAIR: Nothing further.

16 THE COURT: All right. Can I excuse Sergeant Creech?

17 MR. McNAIR: Yes, ma'am.

18 THE COURT: Thank you, Sergeant.

19 (Witness excused.)

20 THE COURT: Do you have another witness?

21 MS. FULLER: Yes, Your Honor. Just briefly.

22 The State would recall Special Agent Beeler.

23 (Whereupon, Brad Beeler was duly sworn by the
24 Clerk of Court.)

25 THE CLERK: Have a seat up there. If you'll state

1 your name and spell your last name for the record.

2 THE WITNESS: Special Agent Brad Beeler. The last
3 name is spelled B-E-E-L-E-R.

4 BRAD BEELER,

5 having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. FULLER:

8 Q. And you testified yesterday?

9 A. Yes, ma'am.

10 Q. Okay. Sorry. My days are running together.
11 Yesterday we introduced you to the jury, but just for the
12 record again just reintroduce yourself. You're employed
13 with the United States Secret Service, correct?

14 A. I am for the last twenty-four years.

15 Q. And this is the office of investigations?

16 A. Yes. I also did a stint in the office of protection
17 for Former President Bush.

18 Q. Okay. And in terms of -- generally speaking about
19 your training in terms of interviews, for how long have you
20 been, I guess, conducting interviews, teaching others how
21 to interview? How long has that been going on?

22 A. I've probably conducted five to ten thousand
23 interviews over the past seventeen years. The last seven
24 years I've been a subject matter expert teaching thousands
25 of special agents and intel officers from thirty-one

1 Federal agencies, and that's my current role is to teach
2 ethical, empathetic interviewing techniques.

3 Q. And when you talk about ethical and empathetic
4 interviewing techniques, what would that entail in -- would
5 that entail being hostile or rude to the interviewee?

6 A. Not absolutely not. That would be completely
7 counterproductive to what I feel and definitely what I
8 teach.

9 Q. Okay. Do you raise your voice at any point when
10 you're interviewing a person?

11 A. I speak just the way I'm speaking right now.

12 Q. Okay. And when you're -- you indicated that you
13 trained, I guess, thirty-one different agencies? Say that
14 again.

15 A. Thirty-one Federal agencies or who falls under our
16 umbrella.

17 Q. And you said thousands of interviews, correct?

18 A. Yes, ma'am.

19 Q. And I think yesterday you testified that you assist
20 local agencies as well?

21 A. Yes.

22 Q. State and local agencies in interviews as well,
23 correct?

24 A. Very commonly.

25 Q. And when you're doing this -- I'm just gonna ask. Do

1 you have a dog in the fight when you're conducting these
2 interviews?

3 A. I do not.

4 Q. Okay. I didn't know the intellectual way to ask the
5 question, so I apologize. And prior to this interview, had
6 you met Brandon Corder?

7 A. I had no.

8 Q. Did you know his mom -- did you know his mother?

9 A. I did not.

10 Q. His father?

11 A. No.

12 Q. His sister?

13 A. No.

14 Q. I don't know if he has a sister. Do you know any of
15 his family?

16 A. I do not.

17 Q. Did you know Joanie?

18 A. No.

19 Q. Did you know her family?

20 A. I did not.

21 Q. Okay. And so when you were contacted to conduct this
22 interview, what, if anything, did you know about the case?

23 A. Very little. My understanding is defense counsel had
24 reached out to the prosecution and they wanted a third
25 party to conduct an interview with Mr. Corder.

1 Q. Okay. And prior to the interview did law enforcement
2 share with you just a general background?

3 A. Yeah, general background.

4 Q. And following the interview, did you create a report?

5 A. I did. That evening I started on the report.

6 Q. And so I'm gonna be very pointed. Looking at your --
7 do you have a copy of your report with you?

.. 8 A. I do not.

9 Q. (Handing.) I want to talk to you about -- I guess
10 this would be considered the second paragraph technically
11 of the report?

12 A. Yes.

13 Q. Would that be the information -- a summary of the
14 information that you were provided and that you would have
15 been aware of about the case?

16 A. That's correct.

17 Q. And what exactly is contained there? What did you
18 know?

19 A. This case originated in December 2021. Detective
20 Adam Creech was requesting assistance in reference to a
21 death investigation that occurred in December of 2019.
22 Detective Creech stated the individual, Brandon Corder,
23 called 9-1-1 to report a shooting that occurred at his
24 residence. When law enforcement arrived on the scene,
25 they discovered a deceased female victim shot in the

1 head. When questioned by law enforcement following the
2 incident, Corder provided several different explanations
3 as to how the victim was shot. Ultimately Corder stated
4 he accidentally shot the victim when he was placing a
5 Smith & Wesson .357 in its holster.

6 Q. Okay. When you -- when you began speaking with
7 Brandon Corder, did he acknowledge those prior statements
8 and confirm that they were made or confirm that they were
9 true?

10 A. He stated that that's what happened. That was the
11 nature of the shooting.

12 Q. Okay. I'm gonna display what's already in evidence
13 as Defendant's Exhibit Number 4. Do you recognize what's
14 titled Today's Statement 12-17-21?

15 A. I do.

16 Q. And how do you recognize that?

17 A. That was what was authored by the defendant almost at
18 the very start of my interaction with him.

19 Q. Okay. And he indicated that I did not intend to aim
20 the gun, did not intend to shoot her, I was placing it in
21 the holster when it went off, correct?

22 A. That's correct.

23 Q. And once he -- I'm going through your report to make
24 sure I didn't miss anything. Did he also indicate after
25 the shooting what he did with the -- the gun?

1 A. Yeah, I believe he stated he placed it in a spare
2 bedroom with the alleged holster.

3 Q. Okay. And so he indicated both the gun and the
4 holster were placed in the spare bedroom together, correct?

5 A. Correct.

6 Q. And then he provided this statement?

7 A. Yeah.

8 Q. And was this statement then discussed?

9 A. Yes, we discussed it. We discussed several
10 inconsistencies and then in my training and experience I
11 believed that it was not accurate.

12 Q. Okay. And following that, yesterday we talked -- we
13 started with after this statement, correct?

14 A. Correct.

15 Q. And yesterday we moved into evidence -- oh, it's in
16 here. Looking at State's 28, we discussed this yesterday,
17 correct?

18 A. Correct.

19 Q. And these rights were provided and waived prior to
20 writing this statement?

21 A. Yes, they were.

22 Q. Okay. And then we also discussed State's 32, correct?

23 A. Yes.

24 Q. And the first line said previous story about how the
25 victim was shot was not true, correct?

1 A. Correct.

2 Q. Did that essentially summarize everything that took
3 place to include this statement?

4 A. The three bulleted point parts of that statement and
5 his previous statements as well.

6 Q. Okay. And all of that was indicated as not being true
7 by him, correct?

8 A. Correct.

9 Q. His words?

10 A. His words.

11 Q. And then he told you what happened, correct?

12 A. Correct.

13 Q. After he indicated that the written statement and
14 everything else was not true, is that when he talked about
15 his frustration about Fred?

16 A. Yes.

17 Q. And what do you recall him saying?

18 A. I recall him stating he was frustrated that she was
19 seeing an individual named Fred, at which point they had
20 done some type of activity earlier in the day, cutting
21 down some trees, clearing up some brush, he retrieved a
22 .357 firearm from under the seat, walked back around the
23 vehicle, withdrew it from the holster, pointed it at her,
24 and then in his words stated that he was flexing. He
25 later changed that to posturing and that he was trying to

1 scare her to let her know to quit playing games with him.

2 Q. Okay. And I'm actually going in the order of your
3 report. That's how it written in your report as well,
4 correct?

5 A. Correct.

6 Q. And that's the sequence in terms of when that written
7 statement, Defendant's 4, was drafted and the subsequent
8 statement, correct?

9 A. Correct.

10 Q. Now in that interview room, do you recall Sergeant
11 Creech stepping into that room?

12 A. He did.

13 Q. And did you relay to him the changed statement that
14 the -- and also that Mr. Corder indicated that he was not
15 being truthful prior to?

16 A. Correct.

17 Q. And was that all done in front of Mr. Corder?

18 A. It was all done in front of Mr. Corder. Mr. Corder
19 nodded in agreement as I was speaking and he also verbally
20 stated that he did not agree with the word "flex" and
21 he verbally stated no, it was more of a posture with
22 Mr. Creech in the room.

23 Q. Okay. Did he ever talk about malice aforethought
24 with you?

25 A. Yeah, as -- as we were wrapping up, he -- he made

1 the statement, which I though was kind of odd, it was very
2 legalistic in nature, but he said there was no malice
3 either of forethought or malice or forethought. He just
4 kept repeating that before he utilized the restroom.

5 Q. Okay. And you said he used the restroom. Was he
6 given water as well?

7 A. On at least two occasions he was given water.

8 Q. Okay. And he asked for access to the bathroom,
9 correct?

10 A. He used the bathroom before he came to see me, he used
11 it after he saw me, correct.

12 Q. Okay. I'm gonna show you what's already in as
13 Defendant's 5. You weren't present when Mr. Corder
14 testified and I had a specific question. He indicated
15 that -- and correct me, and I'll let the record stand for
16 itself, I think he indicated that you guys drafted this
17 together. Is that accurate?

18 A. I -- I asked if he'd provide a visual representation,
19 so a topdown view, and that's his topdown view of what
20 happened.

21 Q. Okay. And this topdown view, and I don't believe
22 you've seen these photographs before, but looking at
23 State's 45, this would be a photograph already in evidence
24 from the scene, we're talking -- does this appear to be
25 similar to what's attempting to be drawn in this?

1 A. Yes.

2 Q. Okay. And when we were looking at this, there is a --
3 it looks like a pen mark or something here. What did that
4 represent?

5 A. I believe that was an arrow mark made by the defendant
6 as he was walking in that direction. I followed up with
7 him well, where did you end up, and that's when he -- I
8 don't know if he pulled his pen tip up or what, but where
9 he ended up on the back side of that trailer is where he
10 stated that this took place.

11 Q. And can you use that laser pointer and identify that
12 for me?

13 A. (Witness complies.)

14 Q. Okay. And so I believe his testimony suggested
15 something about this mark and him pointing that out. Did
16 he indicate anything about this is where he was when he was
17 holstering his firearm?

18 A. No.

19 Q. Okay. And so where this ends -- this stroke ends is
20 where he indicated he was?

21 A. That's correct.

22 Q. Okay.

23 MS. FULLER: I beg the Court's indulgence.

24 I believe that's all I needed to clear up.

25 Thank you.

1 THE COURT: Okay. Mr. Stitely.

2 CROSS-EXAMINATION

3 BY MR. STITELY:

4 Q. Very briefly, Special Agent. Again, there's no
5 recording of it per policy, correct?

6 A. Correct.

7 Q. And I wouldn't have been allowed in the room while you
8 were conducting the interview, correct?

9 A. Correct.

10 MR. STITELY: Nothing further. Thank you.

11 THE COURT: Thank you.

12 May I excuse the agent?

13 MS. FULLER: Yes, Your Honor.

14 THE COURT: Thank you.

15 (Witness excused.)

16 MS. FULLER: The State rests. No further witnesses.

17 THE COURT: Okay.

18 All right. Are you ready to move into closings?

19 MS. FULLER: I do. I just need ten seconds.

20 THE COURT: Okay. Mr. Stitely, are you ready?

21 MR. STITELY: Yes, I am.

22 MS. FULLER: Maybe thirty. I apologize. It may be
23 like a minute.

24 THE COURT: Take your time.

25 MS. FULLER: Okay.

1 THE COURT: -- in the room at the same time.

2 Please make sure you grab the gun.

3 BAILIFF: I will.

4 THE COURT: Thank you.

5 (Court's Exhibit Number 3 was marked for
6 identification.)

7 THE COURT: And tell them I am making them a copy
8 of the entire jury charge and I'll send that back.

9 All right. If the lawyers don't mind, I'm gonna
10 make sure we've got twelve copies and we'll give it to
11 them.

12 MR. STITELY: Yes, ma'am.

13 THE COURT: I'm going to do it front and back on the
14 same paper if you don't mind.

15 MR. McNAIR: No objection, Your Honor.

16 (Recess taken at 5:51 PM.)

17 (Back on the record at 6:31 PM.).

18 BAILIFF: Court is back in session.

19 THE COURT: All right. The jury has a verdict.
20 Everybody ready?

21 MR. STITELY: Give me one more second to make sure
22 I give the don't react instruction to his mom.

23 THE COURT: Yes. There is no reaction in this
24 courtroom.

25 MR. STITELY: I always give that instruction.

1 THE COURT: One way or the other. If for some
2 reason you can't control yourself, I'm gonna give you
3 the opportunity to leave the courtroom now.

4 All right. Let's bring the jury in.

5 (Whereupon, the jury return to the courtroom at
6 6:33 PM.)

7 THE COURT: All right. Madam Forelady, the jury
8 have a verdict?

9 FOREPERSON: Yes, ma'am.

10 THE COURT: Is it unanimous?

11 FOREPERSON: Yes, ma'am.

12 THE COURT: If you'd hand it to the bailiff, please.

13 FOREPERSON: (Handing.)

14 THE CLERK: Publish the verdict.

15 Mr. Corder, if you'd please stand. I'm gonna have
16 the clerk read the verdict.

17 THE CLERK: On indictment 2020-GS-32-01854, the
18 State versus Brandon Corder, we, the jury, unanimously
19 find Brandon Corder guilty of murder, dated September 27,
20 2023, so signed by the foreperson.

21 THE COURT: Anybody like the jury polled?

22 MR. STITELY: Please.

23 THE COURT: Poll the jury please by jury number.

24 THE CLERK: Yes, ma'am.

25 When I call your juror number, I will ask you is

1 this your -- was this your verdict and is it still your
2 verdict. If you'll respond by saying yes or no.

3 Juror Number 196. Is --

4 JUROR NUMBER 196: Yes.

5 THE CLERK: Juror Number 102, is this your verdict
6 and still your verdict?

7 JUROR NUMBER 102: Yes.

8 THE CLERK: Juror Number 3. Is --

9 JUROR NUMBER 3: Yes.

10 THE COURT: Juror Number 237.

11 JUROR NUMBER 237: Yes.

12 THE CLERK: Juror Number 94.

13 JUROR NUMBER 94: Yes.

14 THE CLERK: Juror Number 2.

15 JUROR NUMBER 2: Yes.

16 THE CLERK: Juror Number 224.

17 JUROR NUMBER 224: Yes.

18 THE CLERK: Juror Number 291.

19 JUROR NUMBER 291: Yes.

20 THE CLERK: Juror Number 181.

21 JUROR NUMBER 181: Yes.

22 THE CLERK: Juror Number 39.

23 JUROR NUMBER 39: Yes.

24 THE CLERK: Juror Number 255.

25 JUROR NUMBER 255: Yes.

1 THE CLERK: Juror Number 281.

2 JUROR NUMBER 281: Yes.

3 THE CLERK: All jurors polled, Your Honor.

4 THE COURT: We didn't miss anybody, did we? Okay.

5 All right. I'm gonna give you five minutes and then
6 we're gonna go straight into sentencing.

7 Ladies and gentlemen of the jury, I'm gonna ask you
8 to return to your jury room. I will be back to dismiss
9 you.

10 Thank you so much for your service. I know that you
11 paid attention in this case and the State appreciates it.

12 Thank you.

13 (Whereupon, the jury retires to the jury room at
14 6:35 PM.)

15 THE COURT: All right. I'm gonna walk out and talk
16 with the jury, then I'll come back for sentencing.

17 MS. FULLER: Thank you, Your Honor.

18 (Recess taken at 6:36 PM.)

19 (Back on the record at 6:43 PM.)

20 THE COURT: The clerk is getting the forelady to
21 sign some paperwork and I think some of the jurors would
22 like to come in.

23 Let me ask you this, Mr. Stitely. Do you know how
24 many days he's already served?

25 MR. STITELY: It's right around 1200, Judge. He

1 was out for a brief period of time, but as best I can
2 tell it's right around 1200.

3 THE COURT: Then why don't I -- I'll just check the
4 box that SCDC will decide.

5 MR. STITELY: That's fine.

6 And I would make a -- renewing all previous
7 objections. I would also make a motion to set aside the
8 verdict of the jury, that the evidence was insufficient
9 for that particular finding.

10 THE COURT: Thank you.

11 MR. STITELY: And it's a motion for new trial and
12 to set aside the verdict.

13 THE COURT: And that motion -- those motions are
14 denied.

15 MR. STITELY: Yes, ma'am.

16 THE COURT: If you-all will just give us one second.

17 All right. Ms. Fuller, let me hear from you as to
18 sentencing.

19 MS. FULLER: Thank you, Your Honor.

20 First we'll hear from -- I believe Mariah would like
21 to address the Court and then I'll speak after Mariah.

22 MS. ERICKSON: My name's Mariah Erickson.

23 E-R-I-C-K-S-O-N. My name's Mariah. Joanie Law -- or
24 I'm sorry -- mother-in-law. I'm sorry. That's my
25 mother-in-law. I've been with Corey for over ten years.

1 The jury made their finding, but I'll carry -- I'll carry
2 it to my last day that I'm not guilty of murder.

3 THE COURT: Anything else?

4 MR. STITELY: No, ma'am.

5 THE COURT: All right. First off, let me thank
6 law enforcement. I think you did a good job in this
7 case. And I'm gonna tell you, I think the lawyers in
8 this case, you-all worked hard. Both of you-all were
9 zealous for both of your sides, and that's exactly what
10 you're supposed to do.

11 But I'm gonna tell you, Mr. Corder, I believe this
12 jury got it right. The last thing this victim saw was
13 you. The last thing she saw was you.

14 All right. The sentence of the Court is you be
15 committed to the State Department of Corrections for a
16 period of forty-five years.

17 Thank you. Court's adjourned.

18 MS. FULLER: Thank you, Your Honor.

19 (Whereupon, the proceedings were concluded for
20 September 27, 2023, at 7:01 PM.)
21
22
23
24
25

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF LEXINGTON	)	ELEVENTH JUDICIAL CIRCUIT
	)	
STATE OF SOUTH CAROLINA,	)	INDICTMENT: 2020-GS-32-01854,
	)	2020-GS-32-1857
	)	
V.	)	
	)	
BRANDON LEE CORDER,	)	ORDER RECONSTRUCTING THE
	)	RECORD
Defendant.	)	
	)	

This matter was first tried to mistrial before the undersigned and a jury from February 27 to March 2, 2023. The Court of Appeals remanded this case for reconstruction of the record by order dated June 18, 2025 (Appellate Case No. 2023-001543). A hearing to reconstruct the record was held on August 22, 2023. Present were Brandon Corder, appellate counsel for the defendant, the Attorney General's Office, and the solicitor and trial counsel. By chance, the court reporter assigned to the hearing was one of the reporters assigned to the trial.

The parties and the Court had available for review the current transcripts from Legal Eagle, Stacy Johnson, and Lisa Amick. The parties and the Court also had available the audio recordings from the trial. All parties agree, and this Court so finds, that the record can be adequately reconstructed for appellate purposes as no witness testimony or argument of counsel is missing.

In Corder's motion in the Court of Appeals to remand he asserted four purposes requiring the reconstruction. This Court will address each in turn:

1. Corder asserted three hours of the proceedings from March 1, 2023, *appear* to be missing from the transcript. It is the memory of the Court, the solicitor, and trial counsel that nothing of material substance occurred on the record during those three hours. The original court reporter assigned to that day of trial was Bethanie Creppon. She had multiple personal emergencies that day which required Stacy Johnson to serve

as a substitute court reporter for most of that day. After reviewing those portions of the transcript, the Court finds there is nothing material missing from the transcripts. 2: 56

2. Corder asserted two official transcripts were created for the proceedings on March 2, 2023. There in fact were two transcripts for that day: one by Lisa Amick, a certified court reporter present on that day, and one by Legal Eagle. This Court finds the transcript by Lisa Amick is the official transcript and should be used as necessary for inclusion in the Record on Appeal. The transcript Legal Eagle produced for March 2 is to be disregarded.
3. Corder asserted State's Exhibit 43 at the trial was not kept by the Lexington County Clerk's Office and therefore could not be included in the Record on Appeal. The solicitor has produced a copy of that exhibit retained by her office, and appellate counsel for Corder is satisfied this represents the exhibit admitted at the trial. At the reconstruction hearing, the state offered a memo outlining the situation and which was marked as Court's Exhibit 1. It included as "Exhibit 7" a disc with that audio recording. This Court finds that recording is an adequate copy of State's Exhibit 43 from trial.
4. Corder asserted the transcripts created by Legal Eagle are replete with "inaudible" and "simultaneous speaker" notations. This Court hereby orders Court Administration and Legal Eagle to create a new transcript of the proceedings for which Legal Eagle was responsible on February 27, February 28, and March 1 of 2023. For clarity: the transcript from March 1 which Legal Eagle must recreate concerns only just over eighteen minutes of a single audio recording produced by Bethanie Creppon. It is not necessary for Legal Eagle to recreate the transcript for the remainder of March 1. It is also not necessary for Legal Eagle to recreate the transcript for March 2 in light of the

transcript produced by Lisa Amick. In addition, when Legal Eagle recreates this transcript, its attention is directed to the following specific errors to be corrected: 2025 SEP 15 PM 2:56

- a. On March 1, the transcript refers to a "Morton" case being discussed is *State v. Wharton*, 381 S.C. 20. The references should be to "Wharton" instead.
 - b. Also on March 1, there are references to *State v. Brewton*, 437 S.C. 44, 876 S.E.2d 141 (Ct. App. 2022). Legal Eagle should carefully review this portion of the transcript for accuracy in referencing *Brewton*. For example, on page 387, line 18, the Court stated, "I'm reading the Brewton case." This was incorrectly transcribed as, "I'm reading the brief to the case."
 - c. Also on March 1, beginning on page 391, there are some references to "DB 3rd" and the like which should instead be "DV" as in "domestic violence."
5. Corder also asserted the headings and index Legal Eagle created are inadequate. Legal Eagle is instructed it must follow the instructions and rules for transcripts provided in the Court Reporter's Manual. If the transcript Legal Eagle produces is not satisfactory to the parties, they are instructed to address that with the Court of Appeals, as that Court wrote in its order remanding the case.

With the foregoing findings, and expecting Legal Eagle to comply with this order, this Court finds the record can be adequately reconstructed.

General Sessions Court,
Eleventh Judicial Circuit

15
September 10, 2025.

WITNESSES

Lexington County Sheriffs Department

Cameron D Sherban

Law Enforcement Case #: 19025280

SF

ARREST WARRANT NUMBER

2019A3210202482

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: 9/8/20

VERDICT

Guilty

Barbara A. Tignor
Foreperson of Petit Jury
Date: 9-22-23

DOCKET NO. 2020GS3201854

The State of South Carolina
County of Lexington

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2020

THE STATE

vs.

Brandon Lee Corder

CDR #: 0116

Indictment for

Murder

§ 16-03-0010

S.R. Hubbard III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Murder

§ 16-03-0010

At a Court of General Sessions, convened on September 2020, the Grand Jurors of Lexington County present upon their oath:

That Brandon Lee Corder did, in Lexington County, South Carolina, on or about December 27, 2019, commit the offense of murder in that he did unlawfully kill one Joanie Youmans with malice aforethought, either express or implied, to wit: by means of shooting the victim with a firearm, in violation of section 16-3-10 of the Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Sutania A. Fuller
ASSISTANT SOLICITOR

Jul 06 2026

CERTIFICATE OF COUNSEL FOR APPELLANT

SC Court of Appeals

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,



W. Chandler Norville
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 6th day of July, 2026.