

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Kershaw County
Honorable Daniel D. Hall, Circuit Court Judge

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SC Court of Appeals

THE STATE,

V.

CLINTON WARREN BEEBE,

RESPONDENT

APPELLANT

APPELLATE CASE NO. 2022-000627

RECORD ON APPEAL

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PEGGY DANIELLE BEEBE - REDIRECT BY MS. SAMPSON

1 react.

2 Q: And on December 29th --

3 A: Especially when he was drinking.

4 Q: Especially when he was drinking?

5 A: Yes.

6 Q: On December 29th, who was being nice to you in front of

7 C.W.?

8 A: Adam was.

9 Q: Who was taking up for you?

10 A: Adam was.

11 Q: Who was laughing and watching videos with you?

12 A: Adam.

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

14 No further questions.

15 THE COURT: Any recross?

16 MR. TETTERTON: Very briefly.

17 RECROSS-EXAMINATION

18 BY MMR. TETTERTON:

19 Q: Dani, you got -- you got arrested when?

20 A: In 2018.

21 Q: I beg your pardon?

22 A: In 2018.

23 Q: Do you remember the date?

24 A: It was the day before my mother's birthday. So I'm

25 assuming [REDACTED], 2018.

PEGGY DANIELLE BEEBE - RECROSS BY MR. TETTERTON

1 Q: And at the time you got arrested, you were denied bond
2 and stayed in jail for about six or seven months?

3 A: Eight months.

4 Q: Eight months? And during that time you had retained the
5 services of Mr. Swerling sitting over there; right?

6 A: Yes.

7 Q: During the time you were in jail for those eight months,
8 did you talk to -- did C.W. have any conversations with you
9 about what to say?

10 A: No. I mean we --

11 Q: Did that --

12 A: The story didn't change.

13 Q: At that period of time, you were no longer under the
14 influence of C.W. about telling the truth, were you?

15 A: Me and C.W. were still together.

16 Q: I beg your pardon?

17 A: We were still together.

18 Q: Not in jail you weren't.

19 A: Huh?

20 Q: Y'all weren't together in jail. You were there eight
21 months by yourself, isolated from each other.

22 A: Oh, no. He still made -- he still made sure he got in
23 contact with me. So no, you are correct. If I had went eight
24 months without talking to him, I might would have let go and
25 been able to and it may have happened sooner, but no, he still

PEGGY DANIELLE BEEBE - RECROSS BY MR. TETTERTON

1 made sure he got in contact with me every day while I was in
2 jail.

3 Q: And you had every opportunity --

4 A: He continued to have that hold on me.

5 Q: You had every opportunity from the time you hired Jack
6 Swerling to tell the truth, and you didn't do it, did you?

7 MS. SAMPSON: Objection, Your Honor.

8 THE COURT: All right. Yeah. Sustained. I sustain the
9 objection.

10 MR. TETTERTON: All right.

11 THE COURT: Thank you. All right. Lawyers approach.

12 Ms. Beebe, you can step down.

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

15 THE COURT: All right. Ladies and gentlemen of the jury,
16 we're going to break for lunch. If you'll be back -- it's
17 1:24. Be back at 20 -- at 20 minutes until three. That'll be
18 about an hour and 20 minutes or so.

19 Again, do not discuss the case. Do not discuss any
20 testimony you've heard. Don't be using your electronic
21 devices to look up people, places, or things, anything related
22 to the case. If anybody should try to talk to you about the
23 case, then you need to let the bailiffs know as soon as you
24 get back here to the courthouse.

25 With that, everyone remain seated while this jury panel

JUSTIN DILL - DIRECT BY MR. SCOTT

1 you give in this case will be the truth, the whole truth, and
2 nothing but the truth, so help you God?

3 THE WITNESS: I do.

4 THE CLERK: Thank you. State your full name for the
5 record, please.

6 THE WITNESS: Justin Dill. D-i-l-l, like the pickle.

7 JUSTIN DILL, being first duly
8 sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. SCOTT:

11 Q: Okay. Justin, you work -- you're employed with my
12 office; is that correct?

13 A: Yes.

14 Q: And that would be the Office of the Fifth Circuit
15 Solicitor?

16 A: Correct.

17 Q: You are assigned as an investigator with our office;
18 correct?

19 A: Yes.

20 Q: When did you start working for the Fifth Circuit
21 Solicitor's Office?

22 A: The beginning of 2019, I believe.

23 Q: Okay. And just prior to that, you had been working with
24 whom?

25 A: Kershaw County Sheriff's Office.

JUSTIN DILL - DIRECT BY MR. SCOTT

1 Q: Okay. So December of 2016 up until 2019, you were with
2 the Sheriff's Office?

3 A: Yes.

4 Q: Probably sometime before that, but just during this
5 particular case we're here for, you were employed by the
6 Kershaw County Sheriff's Department?

7 A: Correct.

8 Q: And you eventually became assigned as the lead
9 investigator?

10 A: Yes.

11 Q: Okay. But it didn't begin that way?

12 A: No. I wasn't originally assigned to this case.

13 Q: There's been a lot of testimony about Bethune and it
14 being this small town and everybody knows one another, kind of
15 a close-knit community. Is that fair to say?

16 A: Yes. A tight-knit community.

17 Q: And you're not from Bethune?

18 A: No, sir.

19 Q: Who was the first investigator assigned to this case?

20 A: Chuckie Baxley.

21 Q: Chuckie Baxley is from Bethune?

22 A: Yes.

23 Q: Okay. But he didn't last too long as an investigator on
24 this case?

25 A: No, because of his relationship to the people involved.

JUSTIN DILL - DIRECT BY MR. SCOTT

1 Q: As a matter of fact, I think I heard some testimony that
2 he was pretty close with the defendant, Mr. Beebe, but he also
3 knew the victim, Adam Davis. Is that your understanding?

4 A: I believe they were all friends in some way or another.

5 Q: Okay. So probably pretty early on a conflict was
6 discovered and another investigator was assigned?

7 A: Yes.

8 Q: And the next investigator was who?

9 A: Investigator Rick Bailey.

10 Q: Okay. But he's from Cassatt; is that right?

11 A: The upper -- upper part of Cassatt. Rick was also
12 assigned to work the Bethune area, as well as the Cassatt
13 area. So he was familiar with a lot more people than I am.

14 Q: Okay. So he worked it for a little bit, and then the
15 sheriff at the time thought it prudent to assign you as lead
16 investigator?

17 A: The sheriff and Chief Brown.

18 Q: Okay. But even prior to that, you were involved in this
19 case; is that fair to say?

20 A: Probably as soon as a couple of days in, I was involved.

21 Q: Okay. So I guess just to kind of summarize, we've heard
22 a lot of testimony about how this case kind of gets going, but
23 December 29th we've heard was the last time Adam Davis was
24 seen by anyone other than Dani Beebe and Clinton Beebe. Is
25 that your understanding?

JUSTIN DILL - DIRECT BY MR. SCOTT

1 A: Correct.

2 Q: Okay. And at what point are you involved in the case?

3 A: I believe the day that Dani Beebe's original interview
4 took place, I felt like things were kind of going in a circle.
5 So I told somebody to call Chief Cobb from Bethune and go pick
6 Dani Beebe up and bring her to the office so we could talk to
7 her.

8 Q: Okay. But just to summarize and we heard testimony
9 December 30th of 2016, people close to Adam began being
10 concerned because he wasn't answering phone calls, he wasn't
11 answering texts --

12 MR. TETTERTON: I'm going to object to leading.

13 THE COURT: Yeah. I sustain the objection.

14 MR. SCOTT: All right.

15 BY MR. SCOTT:

16 Q: Would you summarize how this case came to be an
17 investigation?

18 A: I recall personally I saw on Facebook during the weekend
19 that I saw posts and it was a picture of Adam Davis. Of
20 course, I don't know Adam Davis, and it was his photo. It
21 said -- it was showing that he was missing. If anybody had --
22 you know, knew about his whereabouts, contact, you know, the
23 Sheriff's Office or the family. And I believe I texted the
24 chief that weekend and I said, hey, I'm sure you know who this
25 guy is, what's going on? Well, unbeknownst to me, the family

JUSTIN DILL - DIRECT BY MR. SCOTT

1 had contacted law enforcement. I wasn't aware of what was
2 going on really until the beginning of that next week.

3 Q: Okay. And were you involved in any of the initial
4 searches?

5 A: I was.

6 Q: Okay. And tell me how -- were you there whenever C.W.
7 was first interviewed by Chuckie Baxley?

8 A: I was not.

9 Q: Did you become aware of the substance of their
10 conversation?

11 A: I did.

12 Q: Did you become aware of Mr. Beebe's account of what
13 happened that night?

14 A: I did.

15 Q: And what was his account?

16 A: That they had been to the bar, they watched the Carolina
17 game. Carolina lost. They ended up back at their house.
18 They went and got some beer. They came back home. C.W.
19 passed out. Dani and Adam had smoked a cigarette outside and
20 had a conversation. Dani asked if he needed a ride to get
21 back to the bar. He said no. She went inside, and that was
22 the last time that they had seen him. They woke up and he was
23 gone.

24 Q: That was it?

25 A: Correct.

JUSTIN DILL - DIRECT BY MR. SCOTT

1 Q: And did this leave a lot of questions for you?

2 A: Absolutely.

3 Q: And were you there or did you -- were you involved with
4 going to the Exxon? C.W. Beebe talked about going to the
5 Exxon to get beer?

6 A: Yes.

7 Q: And what was your purpose in going to the Exxon?

8 A: I just wanted to see who showed up to the Exxon and what
9 the interaction was like on the cameras. I was familiar that
10 they had the cameras outside.

11 Q: Okay. Were you trying to trace backwards the steps that
12 they're talking about to see what you could verify?

13 A: That's right.

14 Q: And then State's 3?

15 A: Yes.

16 Q: You were there when that was obtained; correct?

17 A: Yes. I tried multiple times to get the actual video on a
18 thumb drive. There was a lot of grease buildup in the hard
19 drive of the computer, and Investigator Davis and I ultimately
20 had to record it with another device.

21 Q: I mean this is the last known image of Adam Davis; is
22 that right?

23 A: Yes.

24 Q: And this is him I guess going into the Exxon. Is that
25 your understanding?

JUSTIN DILL - DIRECT BY MR. SCOTT

1 A: Yes.

2 Q: And then State's 4?

3 A: Coming out with some beer, Bud Light.

4 Q: Okay. Do you remember what time that was?

5 A: I believe that was around -- let me refer to my notes.

6 It was between 7:09 p.m. and 7:11 p.m. on the 29th of

7 December, 2016.

8 Q: So the last image I guess of Adam Davis is at the Exxon

9 station, and that video is from 7:09 p.m. to 7:11 p.m.?

10 A: Yes, sir.

11 Q: So you were able to confirm that part of it?

12 A: Yes.

13 Q: And were you able to observe the clothing that he was

14 wearing?

15 A: Yeah. I believe he had on a Carolina hat, like a bluish

16 gray T-shirt, jeans, duck boots, and then some type of, like,

17 a Carhart jacket.

18 Q: Okay. What, if anything, was done in order to I guess

19 research his phone and his whereabouts using his cell phone

20 information?

21 A: A search -- I did a search warrant for his phone.

22 Q: Okay.

23 A: Well, his phone records. Excuse me.

24 Q: Okay. And was there any effort to use cell site location

25 to find his last whereabouts?

JUSTIN DILL - DIRECT BY MR. SCOTT

1 A: I believe there was, but that was before I was involved.

2 Q: Okay. Well, but you went out there to where his phone

3 last pinged; is that fair to say?

4 A: I did. I walked about a mile through the swamp, and I

5 called 9-1-1 from my phone on the edge of Little Lynches River

6 in the middle of nowhere until I was standing in the exact

7 spot that it said that the phone pinged.

8 Q: Okay. And -- and where was that?

9 A: In Bethune in Kershaw County.

10 Q: Okay. But I heard something about a Lynches River?

11 A: Lynches River. Highway 1 crosses it just before you get

12 into Bethune.

13 Q: Okay. So you made efforts to find the phone where it was

14 last pinged, but you couldn't find it?

15 A: No. Several -- a number of us trekked through the woods

16 at the same time.

17 Q: Okay. What happens next in the -- in the search to find

18 out during the initial stages of this investigation where Adam

19 Davis was? Because at this point he's just a missing person;

20 correct?

21 A: Correct.

22 Q: So what happens next?

23 A: We start to interview people from the area and people

24 familiar with Adam or people that may have had contact with

25 him last on the 29th.

JUSTIN DILL - DIRECT BY MR. SCOTT

1 Q: Okay. And were you getting a lot of information in the
2 beginning stages of this investigation?

3 A: Not really.

4 Q: Okay. What about -- I cut you off earlier, but you
5 talked about looking at Mr. Davis's phone records. Were you
6 able to find his last text message?

7 A: I was. Well, I was actually able to just confirm. I
8 believe Investigator Baxley had already talked to a Darryle
9 Coe that testified previously. I was just able to confirm
10 that he did have contact with Darryle Coe based on the phone
11 numbers in the -- in the records, and then I could see where
12 -- I couldn't read the substance of his text messages at the
13 time, but I could see that there were a few text messages back
14 and forth between he and Ms. Gullledge or Ms. Amerson, and then
15 I could see where his phone just stopped having activity, and
16 that I believe he had around 39 missed calls by the next
17 morning.

18 Q: Okay. Were you part of interviewing Darryle Coe?

19 A: Not originally. I don't -- I think Mr. Coe came in
20 twice, both times with his girlfriend at the time, wife now.
21 I arranged for someone to interview him a second time just to
22 clear up his story, but I wasn't actually present in the room
23 I don't believe.

24 Q: Okay. But Mr. Coe could account for Adam Davis being
25 with C.W. Beebe and Dani Beebe the last he saw him?

JUSTIN DILL - DIRECT BY MR. SCOTT

- 1 A: Yes.
- 2 Q: Okay. There's been a lot of talk about January 11th of
- 3 2017, and Dani Beebe come into the Sheriff's Department for an
- 4 interview?
- 5 A: She --
- 6 Q: Were you part --
- 7 A: I'm sorry.
- 8 Q: Were you part of that interview?
- 9 A: I thought you asked if she did. Yeah, she did.
- 10 Q: Okay. And were you a part of that interview?
- 11 A: I was.
- 12 Q: Okay. Did she come in alone?
- 13 A: She did.
- 14 Q: Where was C.W.?
- 15 A: I have no idea.
- 16 Q: Were efforts made to have C.W. come in and speak?
- 17 A: I'm not sure if it was that same day, but at some point
- 18 we made efforts to have C.W. come in.
- 19 Q: Was he compliant? Did he come in and speak with you?
- 20 A: No.
- 21 Q: Did he say he would and then didn't show up or did he
- 22 just flat out --
- 23 A: It was relayed to me that he would make a time to come
- 24 and speak with us, but he never did.
- 25 Q: He stood you up?

JUSTIN DILL - DIRECT BY MR. SCOTT

1 A: Not necessarily stood us up. I mean he didn't make an
2 appointment, but he didn't come.

3 Q: Okay. But Dani came in on January 11th and generally
4 what was the substance of her version of events?

5 A: That she had been at work that day. She wasn't feeling
6 good. I think she mentioned having a stomach bug of some
7 sort. She got off work. C.W. and Adam had been at the bar.
8 They were at the house.

9 When she got home, she could tell that they were a little
10 intoxicated. She did say at the time I believe that C.W. was
11 more intoxicated than Adam. At some point I want to say she
12 said Adam wanted to go get some more beer. She -- they'd both
13 been drinking. She didn't want them to drive.

14 So she drove them to Mays Exxon is what we refer to it
15 as. She pumped some gas, and Adam went inside and bought
16 beer. I think she said she handed Adam \$20 to pay for gas.
17 He went inside. He came out with beer, and that C.W. was with
18 them at the time and then they went back to their home on
19 Waters Road.

20 Q: Okay.

21 A: She also said that -- I think her words were C.W. was
22 going down, and everybody knows when he's going down what that
23 means, insinuating that he was going to crash or pass out.
24 That she and Adam joked around about maybe some YouTube
25 videos, and they walked outside to smoke because they don't

JUSTIN DILL - DIRECT BY MR. SCOTT

1 smoke in the home.

2 She was very precise about the fact that when they went
3 outside, she stood at the top of the stairway to the home, he
4 stood at the bottom, and that they talked about buying
5 Christmas gifts for the children, and Adam discussed buying a
6 telescope for his daughter to look at the stars. They joked
7 about the northern star. I think she said that she actually
8 pointed out the wrong star and said look how bright the
9 northern star is, and he picked on her because it wasn't the
10 northern star.

11 And then she asked him if he needed a ride back to his
12 car. He said he was good. She retired into the home for the
13 evening and laid on top of C.W. on the couch, and that when
14 they got up Adam was gone. She did mention that she figured
15 Adam had been outside for a while because she saw a pile of
16 Camel crushed cigarette butts on the ground, and he was the
17 one that smoked Camel crushed cigarette butts or cigarettes.

18 Q: Okay. How did you feel about this explanation of events?

19 A: At that time, in my professional opinion, I felt like she
20 was being deceitful, other than maybe the part she talked
21 about the conversation that they had because she was very
22 vague about every question I asked her except for the detail
23 of the conversation about Christmas gifts.

24 Q: Okay. But -- but essentially, they're out there one
25 minute, she goes inside and never sees him again?

JUSTIN DILL - DIRECT BY MR. SCOTT

1 A: That's what she says.

2 Q: And was this typical of Mr. Davis from people you had
3 spoken with in your investigation?

4 A: Like I said, I'm not familiar with Mr. Davis, but
5 everyone was adamant that, you know, maybe he went out to
6 party, but when it comes to work, even if -- even if he had
7 some BS excuse, he would call in to work and tell them because
8 he was reliable.

9 Q: Okay. When you're looking at the Exxon video and I guess
10 you're speaking with Dani, did you -- did you understand that
11 the car in that video was an Acura SUV?

12 A: Yes.

13 Q: And at the time, did y'all know where the SUV was?

14 A: I had no idea.

15 Q: Okay. Did you eventually get information on where the
16 SUV had been taken?

17 A: We did. Chief Brown came in and asked me to locate a VIN
18 for an Acura that belonged to Ms. Beebe. So I did. I believe
19 we got SLED Fusion Center to run it through the DMV database.
20 I believe scrapyards have to comply and they have to enter
21 whatever VIN of whatever vehicle they have through DMV. SLED
22 is able to look into that, and they gave us a response and
23 said that that vehicle had been sold at Darlington Shredding
24 by Michael Gene Williams.

25 Q: Okay. Did you go to Darlington Shredding?

JUSTIN DILL - DIRECT BY MR. SCOTT

1 A: No, I didn't. Other investigators went straight out
2 there.

3 Q: This is State's No. 23. Were you able to review this?

4 A: Yes.

5 Q: And I guess scrapyards document who brings in the cars,
6 and on the left -- it's kind of grainy, but do you agree
7 that's Mike -- Big Mike's truck with the Acura on the bed of
8 the trailer?

9 A: Correct. At the time, he was driving a lifted burgundy
10 -- I believe it was a Ford F-250.

11 Q: Okay. And then on the right I guess they get you when
12 you're leaving and there's his trailer and it appears to be
13 empty; right?

14 A: Yes.

15 Q: And did you have a chance to go view the Acura after it
16 was seized?

17 A: The investigators that went obtained paperwork. The car
18 was turned over to us because it actually belonged to the
19 scrapyard at that point, and they followed it back on a tow
20 truck to Kershaw County Sheriff's Office.

21 Q: Okay. That's State's No. 6. Is that how you first --
22 that's how the Acura appeared when you first saw it?

23 A: Yes, but it was in the sally port.

24 Q: Okay. Well, let me show you State's No. 12 then.

25 A: That's it.

JUSTIN DILL - DIRECT BY MR. SCOTT

1 Q: That's how it appeared when you saw it?

2 A: Yes, sir. I actually put that tape on the door for the
3 seals.

4 Q: Okay. And we've -- I guess we've all got eyes here.
5 What were your observations when you were looking at the car
6 in person?

7 A: My intuition was that someone made this car appear as
8 junk so they could get rid of it.

9 Q: Okay. Describe that. I mean I see the big, you know,
10 gouges in the car, but you said something about when you get
11 up close to it. What were some of the other observations you
12 saw?

13 A: When you look at the car, you can -- you can tell. I
14 mean there's personal items still in the car. The keys are in
15 the car. There's a hitch still in the back of the car.
16 There's sand poured inside of the car. I understand we heard
17 testimony about a tractor causing damage to the car, but
18 there's squiggly lines scratched into the side. I'm not sure
19 how a tractor does that.

20 Q: I'm not sure what you're talking about. What squiggly
21 lines scratched all over?

22 A: I believe you can see them -- I believe you can see them
23 better on the other side, but it looks like somebody took a
24 Dremel tool or something and just drew lines, just made marks
25 on the side of the car.

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1 Q: Can you think of any reason you'd need to do that if
2 you're going to total a car, scrap a car?

3 MR. TETTERTON: Objection, Your Honor.

4 THE COURT: Yeah. Sustained.

5 MR. SCOTT: Okay.

6 BY MR. SCOTT:

7 Q: But it appeared to you that somebody was trying to make
8 this car -- how did you describe it?

9 A: It looked like junk.

10 Q: Okay. You're describing the inside of it. I've got
11 State's No. 8. Is down here what you were describing?

12 A: I mean there's nearly a foot of sand mostly in the
13 passenger side of the vehicle and also in the center. It just
14 -- it looks like somebody got straight out of the car, beat it
15 up, and took it to the scrapyard. I mean there's still a
16 drink in the cup holder. There's still new parts in the back
17 of it.

18 Q: And then dumped a bunch of sand in it?

19 A: That's what it appears.

20 Q: Okay. What next? What was the next thing you remember
21 doing as part of your investigation?

22 A: I attended while we obtained a search warrant for SLED to
23 come and process this vehicle, and I attended that time when
24 they were processing it. Chief Brown actually sent us out to
25 buy a brand-new shop vac, a large shop vac, so that we could

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1 -- we actually vacuumed up all of the sand out of the car for
2 the most part and saved it in a bag in case there was some
3 evidentiary value. I was also present when they tested the
4 car with the Blue Star so that I could see what areas that
5 were showing up.

6 Q: Okay. So February 6th, is that when the original search
7 of the car was done?

8 A: I believe so. I believe so. I can't find the timeline.

9 Q: Okay. There was some testimony -- well, that seat over
10 there. There's been testimony about that. Did you go to the
11 O'Reilly's in Darlington?

12 A: No.

13 Q: Okay. But you were privy to that information that a can
14 of vinyl spray paint had been sold to C.W. Beebe in
15 Darlington?

16 A: Yes. I was privy to the information that someone had
17 contacted the Sheriff's Office and said that C.W. had come
18 into O'Reilly's in Hartsville, and other investigators went
19 over there to follow up on that.

20 Q: And this seat -- is this how you observed it February 6th
21 or February 7th whenever they did the initial search?

22 A: Yeah. I actually made a comment that it looked like it
23 had been painted because of the marks on the right-hand side
24 are where Ryan Matthews actually scratched it with a tool to
25 show that the paint would come off.

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1 Q: That's State's 89. But you said you made a comment what?

2 A: I could -- it wasn't in such bad condition at the time.
3 There wasn't as much paint missing, but I could see where the
4 seatbelt buckles came out, you know, kind of the edges and
5 near the headrest and in a few spots where there was overspray
6 and you could tell that there was tan underneath it.

7 Q: Okay. And then were you involved in tracing it back to
8 that Southern Auto Parts?

9 A: Correct.

10 Q: This is State's No. 19. So y'all were able to see where
11 Mr. Beebe had gone and taken that seat out of that gold Acura
12 and attempted to match it with the upholstery of Dani Beebe's
13 Acura?

14 A: Yeah. During review of all, I search warranted numerous
15 individuals' cell phone records from the Bethune area that
16 were potentially involved in this case. During review of Mr.
17 Beebe's phone records, I actually noticed that he was dialing
18 1 before the area code in some numbers, which was unusual for
19 the pattern that I was looking at. So I just googled what the
20 first number was, and it was an auto salvage yard.

21 Because I've taken a FBI course and a geocell course on
22 simple cell phone investigations, I kept googling the numbers.
23 I think I googled the number to nine different scrapyards, and
24 with the call you also have the tower that the call is being
25 received through. And by looking on the tower map, I could

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1 tell that he was moving while he was calling the scrapyards
2 and moving towards Darlington at the time. I believe Southern
3 Auto Parts was the last one that he called, and he called it
4 twice.

5 Q: When was that?

6 A: The same day that Dani was in the -- it was actually the
7 same time that Dani was in the interview room on January the
8 11th.

9 Q: All right. Let me make sure I'm clear on this. While
10 Danny is in speaking with the Sheriff's Department, you look
11 at C.W. Beebe's cell phone records and he's calling used car
12 auto parts places and heading towards Darlington the whole
13 time?

14 A: Correct.

15 Q: And how many different auto parts stores did he call?

16 A: I believe there were nine different ones.

17 Q: While Dani was being interviewed?

18 A: The same time.

19 Q: Did you talk to Big Mike, the guy that dropped off the
20 car at the Darlington Shredders?

21 A: I talked to him during one of his two interviews I
22 believe.

23 Q: Okay. And did -- who did he say he was taking -- who
24 told him to take the car to Darlington Scrap?

25 A: C.W.

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1 Q: Okay. Did he say why C.W. wanted him to take it?

2 A: He said that something was wrong with the vehicle, that
3 C.W. asked him to take a look at it, and that something with
4 the transmission was wrong and then C.W. just decided can you
5 just scrap it for me. So he borrowed a tractor from an
6 neighbor, attempted to crush the car because he wanted to put
7 another one on top of it to take two at the same time, but he
8 was unable to do so.

9 Q: Okay. Did you make efforts to determine whether or not
10 the transmission was, in fact, bad?

11 A: To the best of my ability.

12 Q: Okay. What's the guy's name yesterday?

13 A: It was Bobby Johnson.

14 Q: Yeah. Bobby Johnson?

15 A: Yeah. He's -- Johnson's Transmission is probably the
16 most well-known transmission shop in the county. I'm a
17 lifelong resident. I knew that Mr. Johnson had worked -- had
18 owned this business for a number of years. So naturally I
19 went to ask him if he could take a look.

20 Q: Okay. Did he find anything wrong with the transmission?
21 Y'all had dipstick testing. Was he able to determine whether
22 if anything was wrong with the transmission?

23 A: He indicated that he couldn't see from what he had done
24 that anything was wrong with it.

25 Q: And you watched the video at the Exxon. I mean the car

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1 seemed to pull into the Exxon okay and then leave okay on the
2 night that Adam Davis went missing?

3 A: Right. It pulls up, it gets gas, and it drives away.

4 Q: What happened next in the investigation, Investigator
5 Dill? I'm trying to remember. Was the -- when did y'all do
6 the second search warrant of the Acura?

7 A: So during the original search warrant of the Acura, the
8 Blue Star chemical indicated a fairly large area where it
9 supposedly tested positive for either blood or whatever type
10 chemical was explained. When you're working a case and you
11 take samples to submit to SLED, I think in a murder case
12 they'll test three, three samples, and they had taken a number
13 of swabs from the interior of this car. So we just kind of
14 awaited the results of that, and we got the results back that
15 were no blood present or no human blood present.

16 And I figured that nobody got rid of this perfectly good
17 car. There had to be something in it. So we did a subsequent
18 search warrant and actually pulled the interior. We took the
19 seats out. We unbolted the seats and lifted the carpet. I
20 believe it was myself, Investigator Taylor, Investigator
21 Bailey, and I believe Capt. -- or Capt. Knafelc was there at
22 the time. And as soon as I popped the trim from the edge of
23 the doorframe where the back door opens, I could visually see
24 a drop of blood right there and you could -- you could
25 immediately smell the blood.

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1 Q: Tell me about that. What do you mean smell the blood?

2 A: Blood when it has been sitting for a while has a very
3 distinct metallic smell. As soon as we lifted that carpet and
4 pulled that trim up, you could smell the blood.

5 Q: That's State's 58. Does that depict the Acura after
6 y'all pulled up the carpet?

7 A: This -- this picture is actually from a different search
8 warrant that we did where we were looking for any kind of
9 imperfection in the metal or a projectile, but as you can see,
10 it looks like the car has been sitting in the weather for a
11 while. It was tarped for -- for a few years. I'm not sure of
12 the status of it now, but yes, that's after we took the seats
13 out. We pulled the carpet and the liner out.

14 Q: And then State's 56?

15 A: Yeah. That's from the day that we did it.

16 Q: Is that -- does that kind of -- is that depicting what
17 you're talking about observing once y'all pulled the carpet
18 up?

19 A: Yes.

20 Q: And then we heard y'all took swabs of that, forwarded
21 them to SLED. We heard Maryann Boehm say it was Adam Davis's
22 blood?

23 A: Correct. We actually -- we sent swabs and we actually
24 packaged the material, like a piece of the duct work and some
25 of the carpet that had blood on it, and we sent that too. She

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1 said that the swabs would be sufficient.

2 Q: Okay. What next? Were you involved with the search

3 warrant of the home on Waters Road?

4 A: I was.

5 Q: Anything of evidentiary value obtained? Well, let me ask

6 you this. When was that search warrant performed? I've got

7 April 7th. Does that sound right?

8 A: What was the date?

9 Q: April 7th sound right? Couldn't hear me?

10 A: Sure. I apologize. I lost my timeline.

11 Q: Well, was anything of evidentiary value obtained from the

12 search?

13 A: You know, in my own professional opinion, you know, the

14 photographs that we took, here we are with what appears to be

15 a perfectly good car that's been damaged and taken to the

16 scrapyard because something was wrong with the transmission.

17 I think the photographs of the shop, there's a restored Jeep

18 in the shop and then the transmission is actually pulled out

19 of it.

20 Q: Okay.

21 A: There was also several other vehicles in different stages

22 of mechanical condition in the yard.

23 Q: Okay. Yeah. I didn't have that pulled, but now that you

24 mention it, it's State's No. 49.

25 A: That's it.

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1 Q: Okay. And would that be the shop he had?

2 A: Yes.

3 Q: And so how are you just linking the Acura and the shop
4 he's got here?

5 A: Well, they disposed of this Acura because the
6 transmission was supposedly torn up, and there's a Jeep in the
7 shop. I mean that's a legit mechanics lift in the shop, and I
8 believe the transfer case and the transmission are pulled out
9 of that restored Jeep.

10 Q: Okay. This is State's 50. I think you showed it to me,
11 but --

12 A: Correct. There's a transmission laying on the floor on
13 the left bottom of the picture.

14 Q: So somebody in that shop was doing work involving
15 transmissions?

16 MR. TETTERTON: Your Honor, we object to leading.

17 THE COURT: Sustained.

18 BY MR. SCOTT:

19 Q: Did you draw any inference from a lift in the shop and
20 the transmission on the ground in that shop?

21 A: Someone apparently knows how to work on something.

22 Q: Okay. What about the burn pile? Did you look at the
23 burn pile?

24 A: We did. The burn pile was actually -- the main objective
25 of going out there because of some turned-out-to-be-false

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1 information, we were looking for some items of evidentiary
2 value that were allegedly burned in that burn pile, to include
3 maybe the cans of the paint from O'Reilly's and the back seat
4 from the vehicle.

5 Q: Okay. At what point is C.W. and Dani Beebe arrested for
6 the murder of Adam Davis?

7 A: I believe it was October of 2018.

8 Q: Okay. So we've got a homicide that we believe occurs
9 sometime the late hours of December 29th, 2016, and the early
10 morning hours of December 30th, 2016, and we have an
11 investigation that takes place pretty much all of 2017 and
12 then eventually an arrest in late 2018?

13 A: Correct. I think it was 22 months' worth of
14 investigation.

15 Q: Twenty-two months' worth of investigation, and during
16 that time were there -- were there a lot of leads would you
17 say?

18 A: A lot of false leads, yes, sir.

19 Q: Well, that's what I mean. There were times when people
20 were saying I think I saw Adam Davis hitchhiking and stuff
21 like that; is that fair to say?

22 A: Yeah. I think -- I think investigators went to Lancaster
23 for a potential sighting. They went to Forest Acres or
24 somewhere in Richland County for a potential sighting.
25 Potential sightings of people on the side of the road with

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1 shovels and any kind of rumor, we followed up on it.

2 Q: And a lot of this time you knew Adam Davis was dead and
3 you still followed up on these leads; correct?

4 A: You have to.

5 Q: But 22 months later, there's an arrest made, and what is
6 the explanation? Is it just that the investigation takes as
7 long as an investigation takes?

8 A: I mean at a certain point I felt there was sufficient
9 probable cause to make an arrest, and I arranged a meeting
10 with the solicitor at that time and I presented my case to
11 him, and he told me that he wasn't willing to prosecute my
12 case.

13 MR. TETTERTON: Your Honor, objection.

14 THE COURT: I sustain the objection.

15 MR. SCOTT: Okay.

16 BY MR. SCOTT:

17 Q: He was arrested in 2018?

18 A: Correct.

19 Q: And you've been involved in this case now as an
20 investigator for the Solicitor's Office?

21 A: Somewhat, yes, sir.

22 Q: Okay. And somewhat?

23 A: I mean there's been a few people call in that said they
24 wanted to give some information that I went out with current
25 investigators from Kershaw County to interview, and I've

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1 collected what I feel to be some more evidence in this case.

2 Q: That was an inartful question. What I meant was you've
3 been involved with the preparation of this case for trial?

4 A: Yes.

5 Q: And there was a time I guess last month when Dani Beebe
6 decided to give an interview?

7 A: Correct.

8 Q: Okay. And were you present during that interview?

9 A: No, I was not.

10 Q: Okay. Were you privy to the information that she
11 provided during that interview?

12 A: I was. I listened to the majority of a recording, an
13 audio copy of it.

14 Q: Okay. And there was a time after speaking with her --
15 well, you heard her testimony?

16 A: I did.

17 Q: Okay. Was that essentially the information she gave when
18 she spoke with the Solicitor's Office and Jack Swerling's
19 office?

20 A: Yes, sir.

21 Q: What, if anything, did you do to corroborate the
22 information she gave?

23 A: She indicated that Mr. Davis had been shot in the living
24 room. She indicated that the bullet had traveled through the
25 living room wall into the kitchen, through the cabinet and

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1 across the kitchen. And that there had been some alterations
2 done to the home to cover up those areas, and we got
3 permission from Ms. Beebe to come out, Investigator Davis and
4 I, and we actually were able to recover the pieces of the wall
5 that had been repaired. You couldn't exactly tell from the
6 outside because it was painted, but once you cut the wall
7 open, you could clearly see the repairs to the wall.

8 Q: All right. Let me see if I can walk you through the
9 pictures to help explain. Do you remember what date you went
10 out there?

11 A: I do not.

12 Q: This is State's No. 43.

13 A: That's the living room. At the time the front door would
14 have walked right into it.

15 Q: This particular -- can you see it, Justin?

16 A: I'm looking at it right here. Go ahead.

17 Q: This particular area, why is that relevant after you
18 spoke with Dani Beebe?

19 A: Ms. Beebe says that at the time of the incident that Mr.
20 Davis was sitting in that oversized chair. When he was shot,
21 that the bullet passed through his head and through that wall
22 just above that chair.

23 Q: Okay. And did she -- well, I don't see a bullet hole.
24 Did she have an explanation for why we don't see a bullet
25 hole?

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1 A: She said that C.W. had cut a square out around the hole
2 and the patched it on that wall, as well as the wall in the
3 kitchen.

4 Q: Okay. This is State's 47.

5 A: Okay. It's looking down that wall where the bullet would
6 have passed through. You can see the kitchen side of it.

7 Q: All right. Can you see generally this area that she said
8 it exited?

9 A: Yes.

10 Q: All right. Did she indicate the projectile after it
11 passed through that wall where it went?

12 A: She said that there are -- she said there used to be -- I
13 believe the way she explained it, there used to be a cabinet,
14 another piece of cabinet kind of where that shadowbox is
15 hanging. It connected to the cabinets that you see in the
16 photograph, but that that had been removed and altered by Mr.
17 Beebe and it had been replaced on the other side of the
18 kitchen because that's where the bullet stopped, and he wanted
19 to get that replaced as well because you could see the
20 blemish.

21 Q: Okay. You're talking about right about here there used
22 to be a cabinet you said?

23 A: That's my understanding.

24 Q: And can you see the pointer there? Do you see where my
25 laser printer -- or laser pointer is right here?

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1 A: Correct.

2 Q: What, if anything, is relevant about that corner of the
3 cabinetry in the kitchen?

4 A: She says that was originally where the final resting
5 point or what stopped the bullet was the actual wood of that
6 cabinet. She said that the projectile had actually fallen on
7 the floor because she saw him pick it up. But that -- that
8 piece of cabinet right there, those hinges don't line up
9 anymore. We actually took some measurements. She says that
10 used to be on the other side of the kitchen, but he moved it
11 over there to cover up the blemish in the busted cabinet.

12 Q: Okay. Did she say what he did with the cabinet that was
13 struck by the bullet?

14 A: I believe she said he burned it.

15 Q: All right.

16 MR. SCOTT: I'm going to show Mr. Tetterton first.

17 MR. TETTERTON: May I have a moment, Judge?

18 THE COURT: Yes. Take your time.

19 (WHEREUPON, there was a pause in the proceedings, after
20 which the proceedings resumed as follows.)

21 MR. TETTERTON: No objection, Your Honor.

22 THE COURT: All right. Thank you.

23 MR. TETTERTON: Sixty -- I'm sorry. Sixty what?

24 MR. SCOTT: Your Honor and Mr. Tetterton, this is 69
25 through 86, Your Honor.

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1 THE COURT: All right. Are each one of them numbered?

2 MR. SCOTT: Yes, sir.

3 THE COURT: Okay. Exhibits -- State's Exhibits 69
4 through 86 are all introduced into evidence without objection.

5 (WHEREUPON, State's Exhibits No. 69 through 86,
6 photographs, were admitted into evidence.)

7 BY MR. SCOTT:

8 Q: This is -- and I just want to -- the colors are dark in
9 the room right now, but just to orient everybody, can you look
10 up here real quick and just look at the pictures? Is it fair
11 to say that's the chair that Mr. Davis -- well, Dani Beebe
12 said Davis was sitting in?

13 A: Yes.

14 Q: And she said there was some sheet rock on that side of
15 the wall and that side of the wall?

16 A: Correct.

17 Q: And I'm pointing to the corner of the cabinetry right
18 there?

19 A: Correct.

20 Q: Okay. And I want to go through some pictures with you.
21 You said when you went over there, you actually got the sheet
22 rock?

23 A: I cut it out.

24 Q: Okay. Were you attempting to corroborate the story she
25 told you about the bullet hole?

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1 A: That's the only reason we were there.

2 Q: All right. I want to show you State's No. 78. Okay.

3 What does that say?

4 A: Kitchen side exit.

5 Q: Okay. This was done April 5th it looks like?

6 A: Yeah. It hadn't been long ago.

7 Q: Huh?

8 A: It hasn't been that long ago. I mean April 5th, but it

9 was recently.

10 Q: Okay. Let's go to the next one. This is State's 79. Is

11 that how it appeared after you cut out the section that said

12 kitchen side exit?

13 A: Yes. The hole at the top was essentially a peep hole.

14 We didn't want to damage what we were trying to recover. So

15 we cut a small area out above it so we could look down in the

16 wall and see the patch that we were trying to collect.

17 Q: Okay. Can you look up here? What is this we're looking

18 at on the living room side? So we're looking through the

19 kitchen side through the sheet rock and through the wall, and

20 now we're looking at the back of the living room side. What

21 is this right here, the white section?

22 A: That's another patch that's actually on the living room

23 side of the wall.

24 Q: Okay. This is State's No. 88, and is that the actual

25 sheet rock you cut out?

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1 A: It is. We labeled it.

2 Q: So this is the kitchen side now, and what is this?

3 A: It's where you can actually see the patch that was made
4 on the painted side.

5 Q: Okay.

6 MR. SCOTT: Your Honor, the State offers 88 for admission
7 into evidence.

8 MR. TETTERTON: No objection.

9 THE COURT: State's Exhibit 88 is into evidence without
10 objection.

11 (WHEREUPON, State's Exhibit No. 88, sheet rock, was
12 admitted into evidence.)

13 BY MR. SCOTT:

14 Q: That's State's 87?

15 A: Yes.

16 Q: And what's that one?

17 A: That's the living room section of wall.

18 Q: So if you're looking at it on there, it's pretty much
19 that?

20 A: That's what we cut out.

21 Q: And what did you observe?

22 MR. SCOTT: The State would offer 87 for admission, Your
23 Honor.

24 THE COURT: Mr. Tetterton?

25 MR. TETTERTON: No objection, Your Honor.

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1 THE COURT: State -- State's Exhibit 87 is being offered
2 into evidence.

3 MR. SCOTT: And then just to document State's --

4 THE COURT: Hold on just a second. No -- without
5 objection?

6 MR. TETTERTON: Without objection.

7 THE COURT: All right. Thank you.

8 (WHEREUPON, State's Exhibit No. 87, sheet rock, was
9 admitted into evidence.)

10 BY MR. SCOTT:

11 Q: State's No. 80?

12 A: That's where we labeled it before we cut the section out.

13 Q: All right. And you can't really see it. I think you
14 might can see it better in State's No. 81.

15 A: That's the same area that we marked and labeled before we
16 cut it.

17 Q: And there it is before you cut it. So Dani says in the
18 cover-up pasted over this and you decide maybe I'll believe,
19 but it might be safer to verify?

20 A: That's exactly what we were doing.

21 Q: She said if you cut that wall, you're going to find
22 patchwork on there, where the entry of the bullet passed
23 through that wall, and you're going to find the exit too?

24 A: Yeah. We asked permission to do so.

25 Q: So you cut the sheet rock, which is 82.

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1 A: That's the patch on the back side of the living room side
2 of the wall.

3 Q: Lo and behold, there's two patches like she said there
4 would be?

5 A: Yes.

6 Q: This is State's 86. What are we looking at there? Why
7 is that picture taken?

8 A: If you -- based on Ms. Beebe's testimony, as well as what
9 she provided to the State, was that Mr. Beebe had been sitting
10 in the recliner just inside the front door. That Adam had
11 been in the oversized chair with his back to that wall, and
12 that the path of the bullet that went through Adam's head
13 would have gone through that wall. And when you back up and
14 look through that hole where we cut those two patches out, you
15 can see the corner of the cabinet where she says that bullet's
16 resting place was.

17 Q: Let's put up 85. That's not a good picture, but what is
18 that?

19 A: It's basically the same viewpoint, just zoomed in.

20 Q: If you look, you can that entry hole and you line up with
21 the exit hole, lo and behold, there's the corner of those
22 cabinets right there?

23 A: And the cabinets are mismatched.

24 MR. TETTERTON: Objection, Your Honor.

25 THE COURT: Yeah. I sustain the objection.

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1 MR. SCOTT: All right.

2 BY MR. SCOTT:

3 Q: Why is this picture relevant again?

4 A: It would -- it would show the path of the bullet that she
5 indicated happened that night, and it lines right up with
6 where the cabinets appear to be altered as well.

7 Q: Now tell me more about that. What do you mean the
8 cabinets appear to be altered?

9 A: I can't really -- well, I can see it in my picture, but
10 the --

11 Q: This is State's 71. Does that help you?

12 A: Yeah. The hinges of the two cabinets don't line up and
13 neither do the doors.

14 Q: Okay.

15 A: The hinges on -- I mean if you walk into your home and
16 you look at the hinges on your cabinets, they all line up.
17 These don't line up. Now, we measured the distance. You
18 know, she said that this one cabinet had been replaced from
19 across the room. So Investigator Davis and I measured where
20 that would line up on the cabinet area where she said it was
21 gone from, and it lined up exactly.

22 Q: This is State's 74. Does that -- does that seem to show
23 when you were measuring the cabinets?

24 A: Yes.

25 Q: What's that look like from the bottom of -- which --

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1 which cabinet did you understand was replaced?

2 A: The one to your right when you're looking at the picture.

3 Q: Okay. So the hinges on the cabinet on the right of the
4 picture drop. From the bottom of that hinge to the bottom of
5 the cabinet looks like about how much?

6 A: I pick on Chris about his smart tape measure. It looks
7 like three and a quarter.

8 Q: About three and a quarter? Okay. So did you attempt --
9 was there an effort made to look at three and a quarter and
10 how that would apply to the cabinets on the other side where
11 apparently that cabinet came from?

12 A: Yes, sir.

13 Q: Here's State's 75. What are we looking at there?

14 A: That's where the cabinet alleged that -- the cabinet that
15 we viewed previously allegedly came, it was originally lined
16 up with this cabinet, which also measures three and a quarter.
17 That's on the kitchen side of the wall where we cut that piece
18 of sheet rock out.

19 Q: All right. And then State's 77?

20 A: That's just a better view. That's the cabinet just to
21 the left of where we cut that hole. Also, that piece of trim
22 work that looks like a line that covers up a seam between the
23 cabinet and the hole, that's also been altered.

24 Q: Okay. Look here. Why is this particular area of the
25 wall relevant?

JUSTIN DILL - DIRECT BY MR. SCOTT

- 1 A: Apparently, there allegedly was a cabinet there.
- 2 Q: Used to be a cabinet there, and what was your
3 understanding of what happened to this cabinet?
- 4 A: It was moved to the other side of the room.
- 5 Q: Okay. So why was that hinge at the bottom of the cabinet
6 tell -- what was the measurement again?
- 7 A: I believe it was three and a quarter.
- 8 Q: Okay. Did you notice any other evidence that would
9 corroborate Dani Beebe's story that that cabinet had been
10 removed and moved to the other side of the room?
- 11 A: You can see the trim next to the cabinet. It looks like
12 the yellow strip between the hole and the cabinet is cut just
13 below at the bottom edge of the cabinet, and a piece has been
14 placed above it. And then also at the top corner of the
15 cabinet are some wood screws holding it to the wall.
- 16 Q: That's State's 76. Right there, is that what you're
17 describing?
- 18 A: Yes, sir.
- 19 Q: That was 72. I'm sorry. All right. Did those screws
20 match any other screws that you found in the cabinetry of the
21 kitchen?
- 22 A: No. They're just common wood screws.
- 23 Q: Does it appear to be how you would secure a cabinet to
24 the wall?
- 25 A: Not in my opinion.

JUSTIN DILL - DIRECT BY MR. SCOTT

1 Q: You'd use deck screws; right?

2 A: You can use them for any number of wood product or wood
3 projects.

4 Q: And tell me why this couldn't be resolved?

5 A: Apparently, it wasn't there and it got put there.

6 Q: Okay. What about this particular line right here? Is
7 that relevant? Do you know?

8 A: I believe it's the seam where the cabinet used to be
9 there and there was no strip. It lines up with the top and
10 the bottom of the cabinet.

11 Q: This is State's 69. What's relevant to you in that
12 picture? If you'll look at my -- what are we looking at right
13 here?

14 A: The screws coming through the side.

15 Q: Okay. Somebody didn't use the right screws when they
16 were putting the cabinet up?

17 MR. TETTERTON: Objection, Your Honor.

18 THE COURT: Yeah. I sustain the objection.

19 BY MR. SCOTT:

20 Q: Do the cabinets in your house have screws coming through
21 the wall?

22 MR. TETTERTON: Again, Your Honor.

23 THE COURT: All right. I sustain that objection as well.

24 BY MR. SCOTT:

25 Q: This is State's 92. This is State's 92. Do you

JUSTIN DILL - DIRECT BY MR. SCOTT

- 1 recognize what that exhibit is?
- 2 A: That's essentially a map of the Bethune area or most of
3 the Bethune area.
- 4 Q: Okay. But it does label various I guess locations that
5 have come up in this particular investigation?
- 6 A: Yes.
- 7 Q: Does it show Kelly's Bar?
- 8 A: It does.
- 9 Q: Kelly's Bar is relevant because why?
- 10 A: That's where Adam and C.W. had been previously in the
11 evening.
- 12 Q: Okay. And does it show the Exxon in Bethune?
- 13 A: It does. It's right down the street from the bar.
- 14 Q: And why is that relevant?
- 15 A: They had gone there to get gas and get beer, and they
16 were on video there.
- 17 Q: And does it show what we understand from Dani to be the
18 first burial of Adam Davis at McGougan?
- 19 A: McGougan Mill Pond Road.
- 20 Q: And that's C.W.'s grandma's property?
- 21 A: I believe it's all family property.
- 22 Q: Okay. Does it show that location?
- 23 A: It does.
- 24 Q: And does it show where Mr. Davis was ultimately found?
- 25 A: It does. Post Road over in Lee County.

JUSTIN DILL - DIRECT BY MR. SCOTT

1 Q: Okay. You can walk to the Exxon gas station from Kelly's
2 Bar; is that fair to say?

3 A: If you can throw a rock pretty hard, you could hit it.

4 Q: Okay. How long do you think it would take you to go from
5 -- I don't know. Does it have the Beebe's residence on it?

6 A: It does.

7 Q: What do you think how long it would take you to get from
8 the Beebe's residence up to the Exxon?

9 A: Five minutes.

10 Q: Okay. How long do you think it would take to get from
11 Beebe's residence to the McGougan property?

12 A: Five minutes or less. I believe it's a little closer.

13 Q: Okay. How long would it take to get from the Beebe's
14 residence on Waters Road out to Post Road where Mr. Davis was
15 ultimately found?

16 A: Between seven and ten minutes.

17 Q: Well, how long do you think it would get -- or take to
18 get from the Waters Road house out there to Family Road where
19 they met with Darryle Coe?

20 A: Ten to twelve maybe.

21 Q: Every one of these locations are relevant here. This is
22 all in a pretty -- is there any direct distance that was tried
23 in these situations?

24 A: No. As the crow flies, everything is really close
25 together. It's just depending upon which direction the road

JUSTIN DILL - DIRECT BY MR. SCOTT

1 travels.

2 MR. SCOTT: Your Honor, the State does offer this map for
3 admission into evidence. It's going to be State's No. 92.

4 THE COURT: Mr. Tetterton?

5 MR. TETTERTON: No objection.

6 THE COURT: State's Exhibit 92 is into evidence.

7 (WHEREUPON, State's Exhibit No. 92, map, was admitted
8 into evidence.)

9 MR. SCOTT: I think that's all, Investigator Dill.
10 Please answer any questions the defense may have.

11 THE COURT: All right. The lawyers approach.

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

14 THE COURT: Ladies and gentlemen, we're going to take
15 another quick break. This will give you an opportunity to
16 refresh yourselves before we start the next section of the
17 trial. Again, I exhort you the charge to have no comments, no
18 discussion about the case at all while during the break.

19 Everyone remain seated while this jury is excused.

20 Thank you. Y'all can be excused.

21 (WHEREUPON, the jury exited the courtroom at 3:39 p.m.)

22 THE COURT: All right. Investigator Dill, I remind you
23 that you're under oath. While we take a break, you can step
24 down from the stand, but you're not allowed to have any
25 conversation with anyone about your testimony that you've

JUSTIN DILL - CROSS BY MR. TETTERTON

1 given or any potential testimony. Do you understand that?

2 THE WITNESS: Yes, sir.

3 THE COURT: All right. Thank you. We'll be at ease.

4 (WHEREUPON, there was a break in the proceedings from
5 3:40 p.m. until 3:55 p.m., after which the proceedings
6 resumed as follows.)

7 THE COURT: All right. Is the State ready to proceed?

8 MR. SCOTT: The State is ready, Your Honor.

9 THE COURT: Are you ready, Mr. Tetterton?

10 MR. TETTERTON: Yes, sir.

11 THE COURT: All right. Let's bring the jury in.

12 (WHEREUPON, the jury entered the courtroom at 3:56 p.m.)

13 THE COURT: All right. Thank you, ladies and gentlemen.
14 Mr. Tetterton, this is your witness.

15 MR. TETTERTON: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. TETTERTON:

18 Q: Justin Dill?

19 A: Yes, sir.

20 Q: How are you doing?

21 A: Doing well.

22 Q: We've known each other a long time too, haven't we?

23 A: My whole life.

24 Q: Justin, you were lead investigator on this case pretty
25 much the whole time, were you not?

JUSTIN DILL - CROSS BY MR. TETTERTON

1 A: For the most part, yes, sir.

2 Q: And you took pretty copious notes?

3 A: Yes, sir.

4 Q: Made a lot of interviews?

5 A: Yes, sir.

6 Q: Chased a lot of ghosts?

7 A: A lot.

8 Q: A lot of leads?

9 A: Yes, sir.

10 Q: That were false?

11 A: Yes, sir.

12 Q: Interviewed a lot of people?

13 A: A lot.

14 Q: Justin, you, of course, had an interview with Dani on

15 January the 11th, 2017; right?

16 A: Yes, sir. Myself and Investigator Miller.

17 Q: Justin, that was 13 days after it was reported that Adam

18 went missing?

19 A: Yes, sir.

20 Q: Only 13 days?

21 A: Yes, sir.

22 Q: You also mentioned that you were aware of an interview

23 that Dani had with the Solicitor's Office and her lawyer, Jack

24 Swerling, in Columbia --

25 A: Yes, sir.

JUSTIN DILL - CROSS BY MR. TETTERTON

- 1 Q: -- in March. Were you invited to that?
- 2 A: No, sir.
- 3 Q: And you were the lead investigator?
- 4 A: I was told about it, but I intentionally didn't go over.
- 5 I excluded myself.
- 6 Q: You did?
- 7 A: Yes, sir.
- 8 Q: Any particular reason you didn't want to hear what she
- 9 said at that time when she was giving a statement?
- 10 A: I was interested. I believe that I was involved in a
- 11 trial at the time in Richland.
- 12 Q: But you would have been interested if you didn't have a
- 13 trial in going to see what she had to say five and a half --
- 14 five years later; right?
- 15 A: Of course.
- 16 Q: Well, let's go back to January the 11th. That was a
- 17 pretty inclusive interview; right?
- 18 A: Sir?
- 19 Q: Two hours? About two hours?
- 20 A: I believe so, yes, sir.
- 21 Q: And she came voluntarily?
- 22 A: Yes, sir.
- 23 Q: Nobody forced her to come?
- 24 A: No, sir.
- 25 Q: The chief of police drove her there?

JUSTIN DILL - CROSS BY MR. TETTERTON

- 1 A: Gave her a ride, yes, sir.
- 2 Q: And when she got there, y'all put her in the interview
3 room?
- 4 A: Yes, sir.
- 5 Q: And it was videotaped?
- 6 A: Yes, sir.
- 7 Q: Did you tell her it was going to be videotaped?
- 8 A: I don't recall. I mean you can see the camera in the
9 corner in the room.
- 10 Q: But normally you do tell them it's going to be
11 videotaped; right?
- 12 A: I generally don't.
- 13 Q: You don't?
- 14 A: No, sir. It's pretty obvious.
- 15 Q: Okay. And of course, you tried to make her comfortable,
16 did you?
- 17 A: I mean we all have the same type of chair I believe.
- 18 Q: I'm not talking about sitting down comfortable. I'm
19 talking about at ease and getting talking to you.
- 20 A: Oh, yeah. She was voluntarily there. I didn't -- you
21 know, we didn't ask her to put her cell phone away, nothing.
22 She came on her own.
- 23 Q: And describe to the jury, if you would, Justin, her
24 demeanor at the beginning of this interview and during this
25 interview.

JUSTIN DILL - CROSS BY MR. TETTERTON

1 A: Pretty nonchalant to begin with. I think everybody is
2 nervous when they walk in.

3 Q: You described her as being nonchalant, and this was 13
4 days after Adam went missing?

5 A: Yes, sir.

6 Q: Wouldn't you say she was fairly jovial?

7 A: I guess so.

8 Q: Was she sort of indifferent?

9 A: Yes, sir.

10 Q: And that was until you decided to ask her some tough
11 questions, wasn't it?

12 A: Yes, sir.

13 Q: And then she got kind of sort of feisty with you; is that
14 fair to say?

15 A: I wouldn't necessarily say that she got feisty. She did
16 give some visible indications that she was uncomfortable about
17 the questions.

18 Q: And you had told her you was going to ask her some tough
19 questions?

20 A: Yes, sir. I let her tell her story to begin with before
21 I asked her really anything.

22 Q: And did she hesitate to give you that story or did she
23 just tell you the story like it was an everyday occurrence?

24 A: She was -- honestly, she was pretty vague about the whole
25 thing. She didn't really give a lot of detail.

JUSTIN DILL - CROSS BY MR. TETTERTON

1 Q: But she didn't seem reluctant to give you a story though;
2 right?

3 A: She seemed nervous, but no, she told me a story.

4 Q: During that interview, I believe there was some test --
5 some testimony about y'all offering her a polygraph?

6 A: Yes, sir.

7 Q: During that interview after you offered the polygraph,
8 did she make a phone call?

9 A: Yes, sir.

10 Q: Who did she call?

11 A: I believe it was Keith Arnold's phone, I believe, from
12 the meat market.

13 Q: Keith Arnold was her boss?

14 A: Yes, sir. I believe that's her mom's boyfriend or
15 husband.

16 Q: And as a result of that phone call with Keith Arnold, she
17 refused to take the polygraph?

18 A: I don't think she refused. She just said she needed to
19 get back to the meat market.

20 Q: And did she ever get back with you about taking the
21 polygraph?

22 A: No, sir.

23 Q: And I believe the polygraph operator was on the way to
24 the Sheriff's Department; right?

25 A: Yes, sir.

JUSTIN DILL - CROSS BY MR. TETTERTON

- 1 Q: Okay. He was on the way?
- 2 A: Yes, sir. He, at the time, I believe was the assistant
3 county administrator, and he was our polygrapher. He was on
4 the way from over in Camden.
- 5 Q: You've heard some testimony about the transmission;
6 right?
- 7 A: Yes, sir.
- 8 Q: And I believe you heard the testimony of Mr. Johnson
9 about he tested the transmission with a dipstick?
- 10 A: Yes, sir.
- 11 Q: A dipstick test we call it?
- 12 A: Yes, sir.
- 13 Q: Did you hear testimony from Dani which says she was
14 having trouble with that car before December 29th, 2016?
- 15 A: No, because I don't think we had the car yet.
- 16 Q: No, I'm talking you were sitting right here when she
17 testified.
- 18 A: Oh, yes, sir, I did.
- 19 Q: And you recall her testimony was that she was having
20 problems with the car way prior to December 29th, 2016?
- 21 A: She did indicate something was wrong with it.
- 22 Q: And you also heard Big Mike Williams saying that he drove
23 the car and gave it the driving test and had some problems
24 with the transmission?
- 25 A: That's what he said.

JUSTIN DILL - CROSS BY MR. TETTERTON

1 Q: During your interviews with all these people -- let's
2 just tell the jury. How many people did you interview?

3 A: Maybe ten, 15.

4 Q: And you were chasing -- I'm going to call it chasing
5 ghosts?

6 A: A lot of them, yes, sir.

7 Q: A lot of different rumors; right?

8 A: Yes, sir.

9 Q: And all the people -- the 15 people you talked to, did
10 any one of them give you any indication or any evidence of a
11 motive for why C.W. would have shot Adam?

12 A: Not that wasn't speculation.

13 Q: A lot of false rumors I said; right?

14 A: A lot of things that I have no factual basis on.

15 Q: So nothing you can prove?

16 A: No, sir.

17 Q: And none of those people, 15 people you investigated,
18 indicated to you that he intentionally shot Adam?

19 A: No, sir.

20 Q: Or that he had any malice or ill will or hatred towards
21 Adam?

22 A: I mean none of the -- none of the people that I
23 interviewed, no, sir.

24 Q: So when you concluded your investigation, was it your
25 opinion that in this case there was no motive, no intent, and

JUSTIN DILL - CROSS BY MR. TETTERTON

1 no malice aforethought between Adam and C.W.?

2 A: Well, Mr. Tetterton, in your sense of using the word

3 malice, it's a legal term, and if I'm --

4 Q: Well, let me -- I'll change that to hatred. Did you see

5 any hatred between C.W. and Adam?

6 A: I can't say hatred.

7 Q: Okay. They were the best of friends?

8 A: It's my indication from people that I interviewed they

9 were friends, yes, sir.

10 Q: You interviewed, did you not, Christi, Adam's girlfriend?

11 A: Yes, sir.

12 Q: And I believe -- I believe your interviews showed and she

13 testified to that during that day of December 29th, she had

14 had lunch with Adam in Hartsville?

15 A: Yes, sir.

16 Q: With her kids?

17 A: Yes, sir.

18 Q: And continuing on from the time they had lunch until

19 later that night, they were texting back and forth to each

20 other?

21 A: Yes, sir.

22 Q: Do you recall the testimony that -- or the story that she

23 gave you on January the 11th? Do you recall that?

24 A: For the most part, yes, sir.

25 Q: All right. Do you recall her telling you that Adam had

JUSTIN DILL - CROSS BY MR. TETTERTON

1 smoked a cigarette on the front porch and they had talked
2 about the kids' Christmas?

3 A: Yes, sir.

4 Q: Do you recall her telling you that it was Adam's idea to
5 go buy the cocaine?

6 A: Yes, sir, I do.

7 Q: And she indicated that they had been drinking. When she
8 got home, she realized they had been drinking; right?

9 A: When -- yes, when she got home from work, yes, sir.

10 Q: But she didn't say that either one of them was highly
11 intoxicated, did she?

12 A: I believe her words were you could tell they had been
13 drinking.

14 Q: And that's all?

15 A: I believe so, yes, sir.

16 Q: She didn't say anything about either one of them being
17 very, very drunk or wasted?

18 A: Not that I recall, no, sir.

19 Q: After -- after Adam got shot and I think they was in the
20 process of doing something with the body, do you recall her
21 telling you then we drove around and he kept asking me where,
22 where, and I told him I don't know where to go put the body?

23 A: I'm sorry. Can you repeat that one more time?

24 Q: Yes, sir. In her -- in her transcript of her testimony,
25 she said then we drove around and he kept asking me where,

JUSTIN DILL - CROSS BY MR. TETTERTON

1 where, and I told him I don't know?

2 A: I do recall that, yes, sir.

3 Q: And she told you that?

4 A: She didn't tell me that.

5 Q: I beg your pardon?

6 A: She didn't tell me that.

7 Q: Are you sure?

8 A: As far as her in her March testimony or in her March

9 interview?

10 Q: Yeah. In her January interview.

11 Q: This past March? Oh, the January?

12 Q: Yeah.

13 A: Talking about where the body is?

14 Q: Yes, sir.

15 A: No, I don't recall us talking about where the body is.

16 Q: No, I'm talking about after they attempted to move the

17 body. Do you recall her telling you then we drove around and

18 he kept asking me where, where, and I told him I don't know

19 about moving the body? I can show it to you if you want me

20 to.

21 A: That would be fine because I don't -- I didn't -- I

22 wasn't privy to that interview. I wasn't at that interview.

23 Q: No, sir. I'm talking about the -- I'm sorry. Okay. In

24 the -- in the March interview.

25 A: Yes, sir. I wasn't there. No, sir.

JUSTIN DILL - CROSS BY MR. TETTERTON

1 Q: You didn't hear that part of it?

2 A: I just listened to --

3 Q: Okay.

4 A: -- the majority of the audio. I didn't get into the Q

5 and A.

6 Q: In the audio do you recall her saying that?

7 A: I do. Yes, sir, I do.

8 Q: That he asked her where, where, and she said I don't

9 know?

10 A: It was more of he had the audacity to ask me where we

11 should put the body, like I would know where to put it.

12 Q: Do you recall in your January interview whether or not

13 she actually saw the gun before Adam was shot?

14 A: Which gun are you referring to?

15 Q: Well, the one that supposedly shot Adam.

16 A: In the January interview, we never talked about a gun

17 that shot Adam.

18 Q: You never asked her if she saw a gun?

19 A: In January? My original first interview with her?

20 Q: Yes.

21 A: Not that I'm aware of, sir. I don't think there was any

22 implication that anything bad happened to Adam during that

23 initial interview.

24 Q: And during that interview she had every opportunity in

25 the world to tell you the truth; right?

JUSTIN DILL - CROSS BY MR. TETTERTON

1 A: Yes, sir.

2 Q: In fact, I believe you told her be honest with you?

3 A: I always tell everybody. Yes, sir.

4 Q: And you did tell her that?

5 A: Yes, sir.

6 Q: And would you tell this jury that she refused to be

7 honest with you?

8 A: It's obvious that she wasn't honest with me.

9 MR. TETTERTON: Court's indulgence just a moment.

10 BY MR. TETTERTON:

11 Q: Can I take a look at those photos?

12 A: Yes, sir.

13 Q: Justin, you've seen all of these photographs, haven't

14 you?

15 A: Yes, sir.

16 Q: There was about 80-something of them. Is there anything

17 in these photographs that you reviewed that would give you an

18 indication that there was a motive for C.W. to kill Adam?

19 A: Not in those photographs, no, sir.

20 Q: In any of your interviews, was there anything -- I mean

21 in your view of these photographs, was there anything that

22 would indicate in these photographs that there was malice

23 towards Adam by C.W.?

24 A: Not in those photographs, no, sir.

25 Q: And in your interviews with some 15 witnesses, you found

JUSTIN DILL - CROSS BY MR. TETTERTON

1 no motive, intent or malice or hatred or ill will?

2 A: Only through the interview with Ms. Beebe.

3 Q: I'm sorry?

4 A: Only through review of the interview with Ms. Beebe.

5 Q: I'm sorry?

6 A: Only through the review of the interview with Dani Beebe.

7 Q: With Dani Beebe?

8 A: Yes, sir.

9 Q: And that's the only testimony -- well, in the original

10 testimony, there was nothing about motive, intent, or malice,

11 was there?

12 A: Not in the original testimony, no, sir.

13 Q: You interviewed her more than once?

14 A: No, sir. I just reviewed the interview the second time.

15 Q: Okay. But the second time you're talking about the March

16 interview?

17 A: Yes, sir.

18 Q: Five years, three months later after 90 minutes -- after

19 90 minutes being with her lawyer and the Solicitor's Office?

20 A: Yes, sir.

21 Q: Okay. And that's when she changed her story?

22 A: I think she actually -- she kind of told the rest of the

23 story.

24 Q: But she also said she lied when she met -- met with you;

25 right?

JUSTIN DILL - CROSS BY MR. TETTERTON

- 1 A: She did say she lied.
- 2 Q: And as an investigator, isn't it important that you try
3 to find a motive for somebody getting shot?
- 4 A: I mean you would -- I think you would like to find the
5 motive, but you don't necessarily have to have motive.
- 6 Q: But the motive would help you solve the case?
- 7 A: Oh, all the time.
- 8 Q: And you didn't find one in this case?
- 9 A: No, sir, not in this one.
- 10 Q: I'm going to give you these photographs back. I don't
11 want to get them confused. Did you determine whether or not
12 Spencer Gardner had come around to visit with Adam and C.W. at
13 C.W.'s house that night?
- 14 A: It's my understanding that we were originally told that
15 Spencer Gardner came by the house that night and that Adam sat
16 in his car, but I believe that we debunked that, that it was
17 actually a different --
- 18 Q: I'm sorry?
- 19 A: I believe that that was disproven, that it was a
20 different day, if I remember correctly.
- 21 Q: So Mr. Gardner would have the absolute truth of when that
22 happened; right?
- 23 A: Yes, sir. He was -- if he was there, he was there. If
24 he wasn't, he wasn't.
- 25 Q: And I believe Dani might've told you it might've been the

JUSTIN DILL - CROSS BY MR. TETTERTON

1 night before?

2 A: I believe so, yes, sir.

3 Q: But Mr. -- Mr. Gardner would be the best witness as to
4 when he was there; right?

5 A: Absolutely.

6 MR. TETTERTON: Thank you. I have nothing further.

7 THE COURT: Any re -- any redirect?

8 MR. SCOTT: Yes, sir, Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. SCOTT:

11 Q: You indicated to Mr. Tetterton that Dani seemed
12 uncomfortable with some of your questions back in January of
13 2017?

14 A: I did.

15 Q: Do you remember what some of the questions were that made
16 her uncomfortable?

17 A: It's when I started to ask if she was afraid of her
18 husband or if he had put his hands on her or also I kind of
19 was just throwing softballs. I asked if -- why she made the
20 mysterious call at 10 p.m. after she had already told me that
21 he was passed out inside.

22 Q: Okay. So she became uncomfortable when you began asking
23 her about feeling threatened by the defendant?

24 A: Yeah. I believe I even notated that she got really
25 bright red splotches on her neck and her chest at that point.

JUSTIN DILL - REDIRECT BY MR. SCOTT

1 Q: Okay. When you asked her about some of the physical
2 abuse, she became uncomfortable answering your questions?

3 A: She appeared to be, yes, sir.

4 Q: Okay. And she was -- you said vague in her recollection
5 or her version of events at the time it happened?

6 A: Yeah. I think I also notated that the only real -- she
7 became really detailed when she talked about walking out on
8 the porch and talking about the stars, but everything else was
9 a little evasive, very vague answers.

10 Q: And she initially said she'd take the polygraph and then
11 declined?

12 A: She said that she would take the polygraph to clear
13 herself of the incident. She made a phone call because, like
14 I said, she was voluntarily there. I didn't take her phone
15 from her or ask her not to answer her phone. I think she even
16 asked to make a phone call. Whoever she talked to on the
17 phone, which I believe was either her mom or Keith, told her
18 to get back to Bethune, and I believe that they were going to
19 reschedule but didn't.

20 Q: And then, of course, you heard today and then in her
21 interview in March she said, well, pretty much everything I
22 told Dill about what happened that night was a lie?

23 A: Yeah. The denial was a lie. There were some things that
24 were true. And now that we know the whole story, she just
25 didn't complete the story.

JUSTIN DILL - REDIRECT BY MR. SCOTT

1 Q: Let me ask you something. Whenever you get a witness
2 telling you a version of events, do you make every effort to
3 verify and corroborate whether or not their story makes sense
4 and whether or not it can be corroborated with evidence?

5 A: We try to do so, yes, sir.

6 Q: All right. The story she was giving you back in 2017,
7 January 2017, did you look for a friend that could have
8 potentially picked him up and driven him away from the Beebe's
9 house?

10 A: We looked for any avenue that could have -- anywhere he
11 could have been, anybody that could have come. We interviewed
12 multiple people.

13 Q: And you never found any evidence of any of his friends
14 picking him up?

15 A: No. I even think during that interview she said that,
16 you know, he knew that he could have taken the car if he
17 needed to. And if he'd have walked off, the dogs would have
18 followed him, but they were still there. So he must not have
19 walked off.

20 Q: Okay. And I think C.W. from the testimony he said, well,
21 maybe he went off with some girls?

22 A: There was -- there was testimony of that.

23 Q: Okay. And did you find any evidence that he had gone off
24 with girls?

25 A: Not that I could find, no, sir.

JUSTIN DILL - REDIRECT BY MR. SCOTT

1 Q: Okay. So you were unable to find any corroboration
2 really of C.W. and Dani's story back in January of 2017 other
3 than they went to the Exxon and they met with Darryle Coe?
4 A: Which was the last person besides the two of them to see
5 Adam.
6 Q: As far as anything that happened after that, you were
7 unable to corroborate?
8 A: No, sir.
9 Q: Now, the story she gave last month. Okay? Adam was
10 sitting in that particular chair, and she even described where
11 C.W. was when he fired the shot that went through Adam Davis's
12 forehead and exited the rear of his head, went through the
13 living room wall and exited the kitchen wall and went to the
14 cabinet. Did you make any effort to corroborate that story?
15 A: As soon as we could, yes, sir.
16 Q: And did you find evidence that that particular story held
17 water?
18 A: It absolutely --
19 Q: Or that corroborated that particular story?
20 A: Yeah. You're holding it.
21 Q: What am I holding?
22 A: The cover-up of the bullet hole --
23 MR. TETTERTON: Objection.
24 Q: -- through the wall.
25 MR. TETTERTON: Your Honor, I'm going to object to this

JUSTIN DILL - REDIRECT BY MR. SCOTT

1 line of testimony. That wasn't brought out in my direct -- I
2 mean my cross.

3 THE COURT: Yeah. I sustain the objection. You're
4 limited to what he brought up on cross.

5 BY MR. SCOTT:

6 Q: The first story in January, she had the opportunity to
7 tell you the truth, didn't she?

8 A: She did.

9 Q: But did she tell you the truth at that time?

10 A: No.

11 Q: Well, he did ask her second story changed. I think you
12 said, no, she more clarified her story in March?

13 A: In my opinion, she told the rest of the story.

14 Q: The rest of the story? And were you able to corroborate
15 the rest of the story after she told it in March?

16 A: Yes.

17 Q: Did you ever have a case where -- a killing or any kind
18 of case where motive isn't readily discernible?

19 A: Most of them, it's not. Most that I've worked. I'm
20 sorry.

21 Q: I mean have you ever had a case where you just don't know
22 why a person killed another person?

23 A: Plenty.

24 Q: Have you ever had a case where jealousy was the motive?

25 A: I have.

JUSTIN DILL - REDIRECT BY MR. SCOTT

1 Q: Have you ever had a case where intoxication was a motive
2 or just a reason?

3 A: I have.

4 Q: I think Mr. Tetterton asked you all of those witnesses
5 you talked to, none of them expressed any history of hatred,
6 malice, ill will, or any kind of intent; is that correct?

7 A: None of the ones that I talked to, no, sir.

8 Q: Were you privy of any witnesses that did testify to prior
9 physical altercations between the two, Adam and C.W.?

10 A: No, no others. No.

11 Q: I just want to show you something. Do you recognize --
12 don't testify to it, but just tell me if you recognize what
13 I'm showing you just to refresh your memory? And the answer
14 is, yes, I do remember or, no, I don't know what that's about.

15 A: I do know what that's about.

16 Q: Were you privy to that information? Did you identify
17 witnesses that were asked about prior instances of ill will
18 between C.W. and Adam Davis?

19 A: On one, yes, sir.

20 Q: Okay.

21 MR. SCOTT: I beg the Court's indulgence for a moment.

22 MR. TETTERTON: Your Honor, I object to any questions on
23 this matter.

24 THE COURT: The lawyers approach.

25 (WHEREUPON, a bench conference was held off the record,

JUSTIN DILL - REDIRECT BY MR. SCOTT

1 after which the proceedings resumed as follows.)

2 BY MR. SCOTT:

3 Q: Okay. Just to be clear though, motive, ill will, intent
4 is not readily evident in a lot of cases you've investigated?
5 Is that safe to say?

6 A: That's correct.

7 Q: You don't have answers to a lot of people killing people
8 a lot of the time; is that true?

9 A: No, sir.

10 Q: And I think Mr. Tetterton asked a lot of witnesses about
11 malice. What do you understand malice to be?

12 A: I think malice is --

13 MR. TETTERTON: Your Honor, that's a legal term. I don't
14 think he's qualified to answer that.

15 THE COURT: I sustain the objection.

16 MR. SCOTT: Okay.

17 BY MR. SCOTT:

18 Q: Let me ask you did you see malice a lot of times in these
19 -- this case?

20 A: Yes, sir.

21 Q: Did you see any cases of malice?

22 A: I did.

23 Q: Okay. You reviewed the case, you did see malice?

24 A: Yes, I did.

25 Q: Okay.

1 MR. SCOTT: I think that's all the questions I have for
2 you, Mr. Dill.

3 THE COURT: Any recross?

4 MR. TETTERTON: No, sir. Thank you, Your Honor.

5 THE COURT: All right. Thank you, Investigator. You can
6 step down.

7 THE WITNESS: Thank you.

8 THE COURT: State, call your next witness.

9 MS. SAMPSON: I beg the Court's indulgence.

10 MR. PAULING: Your Honor, at this time the State rests.

11 THE COURT: All right. Thank you.

12 Will the lawyers approach?

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

15 THE COURT: Ladies and gentlemen of the jury, we're at
16 the point in the trial where the State has indicated that they
17 are resting, which simply means at this point they have
18 introduced all of the evidence that they intend to introduce
19 at this point in the trial.

20 Where that -- what that means procedurally is we have
21 some issues that we will need to take up outside of your
22 presence, some matters of law that's going to take some time
23 the rest of the evening. And again, we did start earlier this
24 morning and the days have -- it ends up -- these days end up
25 being long and a lot to absorb.

1 THE COURT: All right. Thank you. Any motions that we
2 need -- that the Court needs to hear at this point?

3 MR. TETTERTON: May it please the Court.

4 On behalf of the defendant, Your Honor, at this time I
5 would move for a directed verdict of not guilty. We
6 understand, Your Honor, that the Court is not concerned with
7 the weight of the evidence or whether or not there has been
8 insufficient or competent evidence to tend to prove the
9 defendant's guilt.

10 All the evidence so far has been absolutely zero
11 testimony of any malice aforethought. That is one of the
12 requirements of the elements of murder. That there must be an
13 unlawful killing. It must be with malice aforethought, and
14 we've not heard any testimony whatsoever, Your Honor, that
15 there was motive, intent, hard will, or anything that would
16 show that this defendant -- or the State hasn't produced any
17 evidence, competent evidence, to show that there has been any
18 unlawful killing with malice aforethought.

19 THE COURT: All right. Thank you.

20 Does the State wish to be heard?

21 MR. PAULING: Your Honor, may it please the Court.

22 Of course, viewing the evidence in the light most
23 favorable to the State, it's our position that there is
24 sufficient evidence for this to go to the jury. There's been
25 testimony -- testimony today, Your Honor, eyewitness testimony

1 that the defendant did shoot Mr. Davis, that he had this evil
2 look in his eye. Malice aforethought is that malice can be --
3 comes about even just before the fatal action in this
4 particular case. Malice is even shown through the disregard
5 of human life.

6 I mean there is the evidence of the cover up, the
7 disposing of the body, burning the evidence, moving the body
8 on two different occasions. I think that all goes to malice,
9 Your Honor. There is ample evidence for this to go to the
10 jury and for those reasons the State would respectfully
11 request that defense counsel's motion be denied, Your Honor.

12 THE COURT: All right. Thank you.

13 I deny the motion for a directed verdict, and here are
14 the reasons why. There -- in this -- and again, as Mr.
15 Pauling stated, the standard is that the Court must consider
16 the evidence that's been presented in a light most favorable
17 to the nonmoving party, and that's the State in this case.

18 There is direct evidence, testimony, that Dani Beebe was
19 present and saw C.W. Beebe, the defendant in this case, with a
20 pistol that shot and killed the victim in the case while they
21 were all in the same room. There's also circumstantial
22 evidence involving issues around the case.

23 I find that that is evidence that taken in a light most
24 favorable there is evidence in which it is proper for a
25 directed verdict to be -- motion for directed verdict to be

1 denied and the case will go forward and go to a jury.

2 Anything else?

3 MR. PAULING: No. Thank you, Your Honor.

4 THE COURT: All right. Then I think, Mr. Tetterton, we
5 discussed up here at the bench a little bit about where we are
6 tomorrow, some witnesses in the morning, and then I need to
7 have you -- if you don't mind having your client stand up, I
8 need to go over his right to testify or his right to remain
9 silent. And as I go through these questions, I'm going to
10 give him until tomorrow morning to come -- when you come back
11 tomorrow morning, then he should be able to answer the
12 question about whether he's going to testify.

13 So we need to place Mr. Beebe under oath. Madam Clerk,
14 if you would place him under oath.

15 And again, Mr. Beebe, I'm simply going to ask you some
16 questions about your right to testify.

17 Let's go ahead and swear him.

18 MR. TETTERTON: Him?

19 THE COURT: Just place him under oath.

20 THE CLERK: Mr. Beebe, do you swear or affirm the
21 testimony you give -- the evidence you give in this case will
22 be the truth, the whole truth, and nothing but the truth, so
23 help you God?

24 THE DEFENDANT: I do.

25 THE COURT: All right. Thank you.

STEVE MOONEYHAM - DIRECT BY MR. TETTERTON

1 MR. TETTERTON: Thank you.

2 THE COURT: Okay. All right. Then let's bring the jury
3 in.

4 (WHEREUPON, the jury entered the courtroom at 9:04 a.m.)

5 THE COURT: All right. Thank you, ladies and gentlemen.
6 Appreciate your promptness. We're ready to begin the next
7 phase in this trial. At this point, we'll ask Mr. Tetterton
8 to call his first witness.

9 MR. TETTERTON: Your Honor, may it please the Court? We
10 would call Steve Mooneyham.

11 THE CLERK: Do you swear or affirm the evidence you give
12 in this case will be the truth, the whole truth, and nothing
13 but the truth, so help you God?

14 THE WITNESS: I do.

15 THE CLERK: Thank you. State your full name for the
16 record.

17 THE WITNESS: Steven Elliot Mooneyham.

18 STEVEN MOONEYHAM, being first
19 duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. TETTERTON:

22 Q: Steve, I'm going to ask you to tell the jury where you
23 live?

24 A: Cassatt.

25 Q: And how long have you lived in Kershaw County?

STEVE MOONEYHAM - DIRECT BY MR. TETTERTON

1 A: Basically my whole life.

2 Q: And are you employed?

3 A: Yes, sir. I'm a general contractor.

4 Q: And are you in the National Guard?

5 A: I was.

6 Q: How long were you in the National Guard?

7 A: Six years.

8 Q: I'm sorry?

9 A: Six years.

10 Q: Are you in the reserves now or are you through

11 with that?

12 A: No, sir. That was a while back. I've been out for a

13 while.

14 Q: And what did you do in the National Guard?

15 A: I was air crew life support at an F-16 unit.

16 Q: Are you married?

17 A: Yes, sir.

18 Q: Do you have any children?

19 A: I have four.

20 Q: Tell us a little bit about your education?

21 A: I graduated in Florida. I moved down there when I was

22 in the 8th grade. My dad flies for American. And then I

23 moved back up here. I joined the Guard, and I went to

24 Midlands for a little while, but that's about it.

25 Q: And you say Midlands. Was that A-Tech?

STEVE MOONEYHAM - DIRECT BY MR. TETTERTON

1 A: No. Midlands Technical College in Columbia.

2 Q: All right. And did you have any other education other

3 than Midlands Technical College?

4 A: No, sir.

5 Q: Did at one time you run Hard Times Cafe or have

6 something to do with Hard Times Cafe?

7 A: I tried, yes, sir.

8 Q: Okay. Did you get that from Mr. Robinson?

9 A: Yes, sir.

10 Q: Did Dani work with you while you owned Hard Times Cafe?

11 A: She did.

12 Q: What period of time was that?

13 A: She worked for about four or five months. I'm not

14 exactly sure of the year.

15 Q: Was that prior to Adam going missing?

16 A: Yes. Way before then.

17 Q: And did you have daily contact with her?

18 A: Sir?

19 Q: Did you have daily contact with her when she worked for

20 you?

21 A: I did.

22 Q: And she worked for you about four or five months?

23 A: Yes, sir.

24 Q: Okay. Was that during the time she was married to C.W.?

25 A: That's correct, yes, sir.

STEVE MOONEYHAM - DIRECT BY MR. TETTERTON

1 Q: Would you see them in there together?

2 A: Not too often. Not together, no. She came to work,
3 basically.

4 Q: Were you friends with C.W.?

5 A: I -- I am.

6 Q: And how long have you been friends with C.W.?

7 A: About 15 years.

8 Q: And how did you come to know C.W.?

9 A: I play music, and I'd go to their house and play some
10 music with them. And he had old Jeeps and I did as well, and
11 we just kind of clicked and became good friends.

12 Q: You had a band?

13 A: Yes, sir.

14 Q: And you'd go to his house and play some music?

15 A: That's right.

16 Q: How often was that? Periodically?

17 A: Yes, sir.

18 Q: And would Dani be there?

19 A: She was.

20 Q: I'm going to ask you did you ever -- at any time, when
21 you saw Dani working for you at Hard Times Cafe or when you
22 played music at their house, did you ever see any signs
23 whatsoever of physical abuse?

24 A: No, sir.

25 Q: None?

STEVE MOONEYHAM - DIRECT BY MR. TETTERTON

1 A: None at all.

2 Q: At any time during that period of time when she worked
3 with you at Hard Times Cafe right there in Cassatt -- downtown
4 Cassatt; right?

5 A: That's right, yep.

6 Q: At the crossroads?

7 A: The big city of.

8 Q: At the time she worked there, you never saw any physical
9 abuse?

10 A: No, sir.

11 Q: Did she ever complain to you that C.W. had physically
12 abused her in any way whatsoever?

13 A: No, sir.

14 Q: No black eyes, no broken nose, no bruises or anything?

15 A: No, sir.

16 Q: All right. And were you friends with Adam?

17 A: I was. I didn't know him as well, but I met him through
18 C.W., actually.

19 Q: How would you describe the relationship between Adam and
20 C.W. as you observed it?

21 A: He referred to him as his brother. They were very
22 close.

23 Q: Did Dani -- did Adam refer to C.W. as his brother or did
24 C.W. refer to Adam as his brother?

25 A: It was mutual.

STEVE MOONEYHAM - DIRECT BY MR. TETTERTON

1 Q: I beg your pardon?

2 A: It was mutual. Both of them, it was about the same,
3 yes.

4 Q: And from your observation of their relationship, you
5 observed that each of them considered each other their
6 brother?

7 A: Yes, sir.

8 Q: Did any member of Dani's family ever come to you and,
9 knowing your relationship with -- if they did know your
10 relationship with Adam and C.W. and Dani, complain to you
11 about C.W. abusing his wife?

12 MS. SAMPSON: Objection, Your Honor. That calls for
13 hearsay.

14 THE COURT: Yeah. Sustained.

15 BY MR. TETTERTON:

16 Q: If you had seen any physical abuse of C.W. toward his
17 wife at any time, what would you have done?

18 A: I would have called him out on it, and I probably
19 wouldn't be friends with him.

20 Q: Okay. Did you know Ross Beebe?

21 A: I know Ross very well.

22 Q: And that was C.W.'s brother?

23 A: Yes, sir.

24 Q: Have you ever known C.W., in your 15 years of being his
25 friend, as being a violent person?

STEVE MOONEYHAM - DIRECT BY MR. TETTERTON

1 A: I have not. We worked together on the road. I'm pretty
2 aggravating a lot. He's never raised his voice to me or
3 anything like that. So no -- no, sir.

4 Q: Have you -- were you ever in the presence of Adam and
5 C.W. when they were together?

6 A: Yes, sir.

7 Q: Did you ever see any evidence whatsoever of any ill
8 will, hatred, malice from C.W. towards Adam?

9 A: No, sir.

10 Q: None?

11 A: None.

12 Q: In the 15 years y'all were friends?

13 A: Yes, sir.

14 Q: Never saw any?

15 A: Never saw anything like that.

16 MR. TETTERTON: Thank you. Answer any questions that
17 the prosecution may have.

18 MS. SAMPSON: May I proceed, Your Honor?

19 THE COURT: Yes. Solicitor?

20 CROSS-EXAMINATION

21 BY MS. SAMPSON:

22 Q: So, Mr. Mooneyham, you stated that you never saw any
23 physical signs of abuse?

24 A: That's correct.

25 Q: Did you ever see Dani's broken nose that she had?

STEVE MOONEYHAM - CROSS BY MS. SAMPSON

1 A: I did not.

2 Q: How about the black eye that she had?

3 A: I did not.

4 Q: Were you there when he put her head through the wall?

5 A: I was not.

6 Q: Okay. How about when he put the gun to her face? Were
7 you there for that?

8 MR. TETTERTON: Your Honor, I'd object to that.

9 THE COURT: I'll sustain the objection.

10 Lawyers approach.

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

13 THE COURT: All right. I sustain the objection. Ask
14 your next question.

15 BY MS. SAMPSON:

16 Q: And, Mr. Mooneyham, you saw them together, but you
17 weren't there with them every night, were you?

18 A: No, ma'am.

19 Q: You weren't there when the two of them were just alone
20 together?

21 A: No, I wasn't.

22 Q: You weren't there when they were having arguments?

23 A: No. I did not live with them.

24 Q: And you stated that she never told you anything. You're
25 C.W.'s friend; right?

STEVE MOONEYHAM - CROSS BY MS. SAMPSON

1 A: I'm Dani's friend as well.

2 Q: But you're not her close confidant?

3 A: We're just friends.

4 Q: You're just friends?

5 A: Yes.

6 Q: You would not say you're her best friend?

7 A: No, absolutely not.

8 Q: And you said you saw Adam and C.W. together?

9 A: Yes, ma'am.

10 Q: And you never saw any animosity between them?

11 A: No, ma'am.

12 Q: You weren't there with them on December 29th; correct?

13 A: No, ma'am.

14 Q: You weren't there at the house at 8 o'clock?

15 A: No, ma'am.

16 Q: You weren't there at 9 o'clock?

17 A: No, ma'am.

18 Q: You weren't there at 10 o'clock?

19 A: Or 11.

20 Q: So if they had animosity that night, you wouldn't have

21 seen it?

22 A: That's correct.

23 MS. SAMPSON: No further questions, Your Honor.

24 THE COURT: Thank you.

25 Any recross?

MARTHA STOKES - DIRECT BY MR. TETTERTON

1 MR. TETTERTON: Nothing further, Your Honor. Thank you.

2 THE COURT: Mr. Mooneyham, you can step down. Thank
3 you.

4 THE WITNESS: Thank you.

5 THE COURT: Call your next witness.

6 MR. TETTERTON: Your Honor, we'd call Martha Stokes.

7 THE CLERK: Do you swear or affirm that the evidence you
8 give in this case will be the truth, the whole truth, and
9 nothing but the truth, so help you God?

10 THE WITNESS: I do.

11 THE CLERK: State your full name for the record.

12 THE WITNESS: I am Martha Cantrell Stokes.

13 MARTHA STOKES, being first duly
14 sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. TETTERTON:

17 Q: Mrs. Stokes, where do you live?

18 A: I live about eight miles outside of Bethune.

19 Q: And how long have you been a resident of Kershaw County?

20 A: Since August of 2014.

21 Q: And will you just tell are you married?

22 A: Yes, I am married.

23 Q: Okay.

24 A: My husband and I are retired and we have been buying his
25 family farm, and we built a house down here in 2014.

MARTHA STOKES - DIRECT BY MR. TETTERTON

1 Q: And do you have any children?

2 A: No children.

3 Q: No grandchildren, no children?

4 A: No, no. Lots of nieces and nephews.

5 Q: Tell the jury a little bit about your educational

6 background?

7 A: I graduated from Boiling Springs High School in

8 Spartanburg County with honors. I graduated from Winthrop

9 College in three-and-a-half years with honors, and I have my

10 master's degree from South Carolina.

11 Q: A master's degree?

12 A: Yes, sir.

13 Q: And what was the master's degree in?

14 A: Early childhood and elementary education.

15 Q: Early childhood and development education?

16 A: Elementary education.

17 Q: Elementary education. Okay. And when you lived in

18 Bethune or right outside of Bethune, did you attend a church?

19 A: Yes, I do. I attend Sandy Grove United Methodist

20 Church, right at the crossroads there where we live.

21 Q: Sandy Grove Baptist Church?

22 A: Methodist. Methodist.

23 Q: Methodist church. Okay. And did you have some active

24 participation in that church?

25 A: I am a volunteer at the church, I am youth director, I'm

MARTHA STOKES - DIRECT BY MR. TETTERTON

1 over the social committee, and I am now full-time pianist and
2 organist.

3 Q: You're still there?

4 A: Still there.

5 Q: Did you happen to notice whether or not Ms. McGougan,
6 C.W.'s grandmother, attended that church too?

7 MS. SAMPSON: Your Honor, I'm going to start -- I've let
8 this go, but I don't know the time frame and whether or not
9 any of that is even relevant to this case.

10 THE COURT: All right. I'll overrule the objection.

11 BY MR. TETTERTON:

12 Q: Well, let's -- let's go ahead. Did you ever notice C.W.
13 and Dani attending that church?

14 A: Yes, I did. I sat behind them many times.

15 Q: And what did you observe about their behavior towards
16 each other?

17 A: They were -- they came in and sat down, and oftentimes
18 C.W. would put his arm around the back of the pew around Dani,
19 and they sat together. Sometimes there might be a child
20 between them or Dani would be holding a child in her lap, one
21 of her nieces or nephews or something, and they participated
22 at church.

23 Q: How about the children?

24 A: Zoei and C.J. were members of my youth group, and they
25 came and they participated. And C.J., their son, was the one

MARTHA STOKES - DIRECT BY MR. TETTERTON

1 that asked us to build a basketball goal out there, and my
2 husband and I worked hard and we got the basketball goal built
3 out there. I mean the basketball court. We have a court.

4 Q: When the children came to church and participated in
5 church activities, did C.W. bring them?

6 A: Sometimes he did and sometimes it was Dani, and
7 sometimes it was either Vicky or Doris.

8 Q: During that time they were attending church, how soon
9 was that before December 9th -- December 29th, 2016?

10 A: They were in church when I was -- when I started in
11 2014. My husband and I visited there while we were building
12 our house, but I saw them the whole time.

13 Q: Do you remember when C.J., the son, graduated from high
14 school?

15 A: Yes, I do.

16 Q: Did the church have any special occasion to celebrate
17 that graduation?

18 A: We did. We had a baccalaureate and a recognition
19 service for him, and he gave him a Bible engraved with his
20 name.

21 Q: Did you have the occasion to take any photographs of
22 C.J.'s graduation there at the church?

23 A: I sure did. We -- we made some inside the church and we
24 were all wearing masks, and we had some outside the church
25 too.

MARTHA STOKES - DIRECT BY MR. TETTERTON

1 MR. TETTERTON: May I approach, Your Honor?

2 THE COURT: Yes, you may.

3 BY MR. TETTERTON:

4 Q: Ms. Stokes, I'm going to show you these two photographs
5 there. Can you identify those for me, please?

6 A: This was made in the front of our church, and it's Dani;
7 C.J.; our pastor, Mike Ray; and C.W.

8 Q: And who took those photographs?

9 A: I did.

10 Q: Both of them?

11 A: Both of them. I took both of them, yes, sir. This one
12 is Vicky, C.W.'s mother; his grandmother, Doris; C.J.; Dani;
13 and his other grandmother, Gayle.

14 Q: Can I enter these?

15 A: You most definitely can.

16 MS. SAMPSON: Your Honor, I'm going to object as to
17 relevance of the photographs. These were taken after all of
18 this happened.

19 THE COURT: Number one, let's identify the photos.

20 There appears to be a marking on the back. What are they?

21 MR. TETTERTON: Your Honor, these are Defendant's
22 Exhibit No. 1 -- it's a little bit blurry, but that's the best
23 we had -- and Defendant's No. 2.

24 THE COURT: And there's an objection as to when they
25 were taken as far as it appears that they were taken after

MARTHA STOKES - DIRECT BY MR. TETTERTON

1 this. What's your -- is that where we are?

2 MS. SAMPSON: Yes, sir. It's 2000 and either
3 '19 or -- it's 2020 is when the photograph was taken and
4 everybody was wearing masks, on Exhibits 20 and 21. And,
5 also, I don't know why it's relevant since that's got to be
6 explained.

7 THE COURT: All right. Mr. Tetterton?

8 MR. TETTERTON: Your Honor, C.W. testified that there
9 were problems between the family after the incident happened,
10 and this would be the photographs more explicit showing that
11 there is no problem between this family between Dani and C.W.

12 THE COURT: All right. I'm going to sustain the
13 objection. I'm not going to allow them in. They're not
14 relevant as far as this time frame of everything that's been
15 couched in this case. I'm not going to allow them in. Thank
16 you.

17 MR. TETTERTON: Your Honor, just for the record, can I
18 get her to sketch a time frame or a year?

19 THE COURT: All right. I'll allow you to ask her a
20 couple more questions.

21 BY MR. TETTERTON:

22 Q: Did you know Adam?

23 A: No.

24 Q: You didn't know Adam?

25 A: I did not know him.

MARTHA STOKES - DIRECT BY MR. TETTERTON

1 Q: But during the time they attended church, which would
2 have been before December 29 -- December 29, 2016; is that
3 correct?

4 A: Before and after.

5 Q: And they attended church after December 29, 2016?

6 A: Yes, they did.

7 Q: And how often did they -- how long did they continue to
8 come to church?

9 A: It was in and out. I mean, it wasn't -- it wasn't every
10 Sunday, and it wasn't even once a month. They were part of
11 our church.

12 Q: And did Dani attend church with C.W. up until the time
13 two years later when she got arrested?

14 A: And I think afterwards.

15 Q: And afterwards?

16 A: Uh-huh.

17 Q: Okay. If you would, for the jury, describe what you
18 observed about C.W.'s personality?

19 A: One Sunday in church --

20 MS. SAMPSON: Your Honor, I'm going to object again.

21 THE COURT: All right. Lawyers approach.

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

24 THE COURT: All right. Thank you.

25 Mr. Tetterton, ask your next question.

MARTHA STOKES - DIRECT BY MR. TETTERTON

1 BY MR. TETTERTON:

2 Q: My question to you was, in your close association with
3 C.W. there at church, what did you observe about his
4 character?

5 A: One Sunday, our minister was talking about the ravage of
6 age on the body, and he mentioned hair thinning, and C.W. put
7 his hand up on his head and rubbed his head. And so we got
8 outside after church and I told C.W. -- I said you made me
9 giggle in church, and he said what did I do?

10 And I said you rubbed your head when John, our minister,
11 mentioned the losing hair, and he said I knew the man's pain.
12 That was his response. And then we laughed, and we went on
13 about our way.

14 He always had a smile and recognized us and spoke to us,
15 and there was no animosity between us and we were happy to see
16 him.

17 Q: All right.

18 MR. TETTERTON: Thank you. I have no further questions.
19 Answer any questions that Ms. Sampson may have.

20 THE COURT: Any cross-examination?

21 MS. SAMPSON: Very briefly.

22 THE COURT: Yes, ma'am.

23 CROSS-EXAMINATION

24 BY MS. SAMPSON:

25 Q: Ms. Stokes, you stated you only saw them at church; is

MARTHA STOKES - CROSS BY MS. SAMPSON

1 that correct?

2 A: Usually, but we -- we bought a new car one night and
3 brought it home and it drug on the driveway, and we got C.W.
4 to come out to the house, redesign my driveway, and he was in
5 and out of our house and yard and stuff, and we saw him for
6 about three weeks when he was doing my driveway.

7 Q: You didn't socialize with him?

8 A: No.

9 Q: You didn't hang out with him when he was drinking?

10 A: No. I do not drink.

11 Q: You didn't hang out at their house with C.W. and Dani?

12 A: I picked up the children a couple of times for church
13 events, but that's the only time I was at their house.

14 Q: All right.

15 MS. SAMPSON: Thank you. No further questions.

16 MR. TETTERTON: No further questions.

17 THE COURT: All right. Thank you, Ms. Stokes. You may
18 step down.

19 THE WITNESS: Thank you.

20 THE COURT: All right. Call your next witness.

21 MR. TETTERTON: Thank you, Your Honor. We'd like to
22 call Spencer Gardner.

23 THE CLERK: Place your left hand on the Bible and raise
24 your right hand. Do you swear or affirm the evidence you give
25 in this case will be the truth, the whole truth, and nothing

26

GLENN SPENCER GARDNER - DIRECT BY MR. TETTERTON

1 but the truth, so help you God?

2 THE WITNESS: I do.

3 THE CLERK: Have a seat and state your name for the
4 record.

5 THE WITNESS: Glenn Spencer Gardner.

6 GLENN SPENCER GARDNER, being
7 first duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. TETTERTON:

10 Q: Mr. Gardner, where do you live?

11 A: Bethune.

12 Q: How long have you lived in Bethune?

13 A: All my life, 53 years.

14 Q: Fifty-three years?

15 A: Yes, sir.

16 Q: And where do you work, sir?

17 A: At Cal-Maine Foods.

18 Q: And what is your job at Cal-Maine Foods?

19 A: I am a mechanic.

20 Q: How long have you been a mechanic at Cal-Maine Foods?

21 A: I have been there over ten years.

22 Q: Okay. And your job as a mechanic, is it to work on
23 vehicles there, Cal-Maine's trucks and whatever?

24 A: Heavy-duty vehicles, as well as automotive.

25 Q: Okay. On the night of December 29, 2016, do you

GLENN SPENCER GARDNER - DIRECT BY MR. TETTERTON

1 remember that night?

2 A: Yes, sir.

3 Q: What did -- what did you do that afternoon?

4 A: I was -- I deer hunt, and I was taking care of a

5 friend's home while they were gone out of town. And when I

6 got done hunting, I went to C.W.'s house.

7 Q: And when -- about what time was that, Mr. Gardner?

8 A: It would be very shortly after dark.

9 Q: And was C.W. there?

10 A: Yes, sir.

11 Q: Did you see Adam there?

12 A: And -- yes, sir.

13 Q: And tell this jury what you and C.W. and Adam did, if

14 anything?

15 A: When I got there, they were in the front yard, and we

16 were just talking and they wanted to ride to the store to get

17 beer.

18 Q: When you were there, they asked you to do that?

19 A: Yes, sir.

20 Q: What did you say?

21 A: They -- Adam got in the backseat, C.W. got in the front

22 seat, and we were fixing to go to the store. Dani arrived

23 home, and C.W. said, well, we won't -- we're not leaving now.

24 Q: All right. But they sat in the truck with you?

25 A: Yes, sir.

GLENN SPENCER GARDNER - DIRECT BY MR. TETTERTON

1 Q: Did you observe -- did you observe their condition?
2 Were they drunk?

3 A: No, sir.

4 Q: Could you tell they had been drinking?

5 A: Slightly.

6 Q: Was C.W.'s speech slurred?

7 A: No, sir.

8 Q: Was Adam's speech slurred at that time?

9 A: No, sir.

10 Q: Did you form an opinion of whether or not they were
11 impaired to any extent?

12 A: No, sir. They were -- they were -- they were not drunk.

13 Q: Did you ever have the occasion to talk to Dani about the
14 problems she was having with her Acura car?

15 A: On three different occasions that I can remember.

16 Q: Tell the -- tell the jury about those three different
17 occasions?

18 A: On two occasions, C -- I believe C.W. was out of town,
19 and the car would leave her stranded. And by the time I could
20 get to where she was broken down, the vehicle had started back
21 up and the transmission was having issues. It was electrical
22 issues that came and went.

23 Q: Did you have some sort of computer you could analyze
24 that car with?

25 A: Yes, sir, I do.

GLENN SPENCER GARDNER - DIRECT BY MR. TETTERTON

1 Q: Did you have one at that time?

2 A: I -- not at the two times that I went to get her from
3 breakdowns.

4 Q: And when her car broke down, where would that be? What
5 would she be doing?

6 A: She was at the Dollar General parking lot in Bethune one
7 time, and one time it left her beside the road on 341.

8 Q: And who was with her?

9 A: I don't recall who was with her at the Dollar General.

10 Q: How about on the side of 341?

11 A: And by the time I had gotten to the side of the road,
12 the vehicle had already corrected itself.

13 Q: How did you know to go see her at the Dollar General?

14 A: I believe C.W. called and told me that she was broke
15 down there.

16 Q: Did he ask you to go assist her and help her?

17 A: Yes, sir.

18 Q: How about 341? How did you happen to know she was broke
19 down there?

20 A: I was called again by either her or C.W.

21 Q: And you went there to help?

22 A: Yes. I was on the way and by the time I got there, the
23 vehicle started up and was -- she was on her way.

24 Q: When they sat in your truck, did you see anything
25 unusual about their behavior toward each other?

GLENN SPENCER GARDNER - DIRECT BY MR. TETTERTON

1 A: There was nothing abnormal. It was --

2 Q: When you say "abnormal," what would be normal about

3 their --

4 A: They were very good friends.

5 Q: Did you hear any words of provocation by Adam towards

6 C.W.?

7 A: No, sir.

8 Q: Did you hear or see anything that would indicate to you

9 some hard feelings between the two of them?

10 A: No, sir.

11 Q: Any ill will or hatred from C.W. towards Adam on that

12 particular afternoon of December 29th?

13 A: No, sir.

14 Q: Were you friends also with Adam?

15 A: Yes, sir, we were. We were around each other a few

16 times, not a whole lot, but the times that I was around him is

17 mainly when he and C.W. were together.

18 Q: How long have you been friends with C.W.?

19 A: Well in excess of 20 years.

20 Q: How did y'all happen to get together 20 years before

21 this happened or 20 years ago?

22 A: Our -- my father and his mother were married for many

23 years.

24 Q: Okay. During that relationship, did you ever notice

25 anything that would -- in your mind would cause C.W. to harm

GLENN SPENCER GARDNER - CROSS BY MR. PAULING

1 Adam?

2 A: No, sir.

3 MR. TETTERTON: Thank you. I have nothing further.

4 THE COURT: All right. Cross-examination?

5 CROSS-EXAMINATION

6 BY MR. PAULING:

7 Q: Good morning, Mr. Gardner.

8 A: Good morning.

9 Q: Now, what time was it again that you -- you say that you
10 got to the Beebe home December 29th?

11 A: I deer hunt up until dark, so roughly 45 minutes after
12 sunset.

13 Q: Okay.

14 A: I don't recall.

15 Q: Which would have been when at that time?

16 A: I would guess 6:30. I don't remember.

17 Q: 6:30?

18 A: I'm going to say 6:30, 45 minutes after sunset, whatever
19 that was that day.

20 Q: So you think around 7:15?

21 A: Possibly earlier.

22 Q: Possibly earlier?

23 A: Yes, sir.

24 Q: 7 o'clock? But you weren't there at 8 o'clock, were
25 you?

GLENN SPENCER GARDNER - CROSS BY MR. PAULING

- 1 A: No, sir.
- 2 Q: How about 9 o'clock?
- 3 A: No, sir.
- 4 Q: 10 o'clock?
- 5 A: No, sir.
- 6 Q: Okay. So between 9 o'clock and 10 o'clock, if you were
- 7 there on December 29th, would you have been able to observe
- 8 anything between Adam and C.W.?
- 9 A: I was not there.
- 10 Q: You weren't there. Okay. And you're not telling this
- 11 jury you were there; is that correct?
- 12 A: I was there briefly that evening.
- 13 Q: How briefly?
- 14 A: Fifteen -- 20 minutes.
- 15 Q: At best?
- 16 A: Thirty at most.
- 17 Q: Okay. And was Dani there during that time period?
- 18 A: As we were in the yard, Dani came home from work.
- 19 Q: And why do you remember this specifically that it was
- 20 December 29th?
- 21 A: I do believe that's the day that there was a Carolina
- 22 ball game, a bowl game, and I do believe that was the 29th.
- 23 Q: You remember because of the bowl game or because you
- 24 went hunting?
- 25 A: Because I was house-sitting for this couple, and they

GLENN SPENCER GARDNER - CROSS BY MR. PAULING

1 were gone to the game in Birmingham.

2 Q: Okay. Who were you house-sitting for?

3 A: Leroy and Joy Stephens.

4 Q: Okay. And how long had you been house-sitting for them?

5 A: Not house-sitting. I took care of their pets.

6 Q: Well, I'm just asking. You said you were house-sitting.

7 Now you're taking care of the pets. Are you house-sitting or

8 are you taking care of the pets?

9 A: I take care of their pets every evening while they're

10 out of town.

11 Q: When they're out of town?

12 A: Yes.

13 Q: And when were they out of town?

14 A: They -- I don't know how many days they were gone to

15 Alabama.

16 Q: Well, when did they leave to go out of town?

17 A: Probably the day before.

18 Q: The day before? Which would have been -- which would

19 have been when?

20 A: The 28th.

21 Q: The 28th. Where were they for Christmas?

22 A: Where were they at Christmas?

23 Q: The individuals you were house-sitting or pet-sitting

24 for, where were they on Christmas?

25 A: Most likely, home.

GLENN SPENCER GARDNER - CROSS BY MR. PAULING

1 Q: Okay. So you were house-sitting and hunting the same
2 day?
3 A: When I say house-sitting --
4 Q: Or pet-sitting. I'm sorry.
5 A: Yes. Taking care of their pets in the evening. I did
6 not stay at their home. I hunted his property.
7 Q: So you weren't house-sitting. You were pet-sitting in
8 the evening. So when would you go to their house?
9 A: An hour to two hours before dark.
10 Q: I thought you were hunting before dark. When would you
11 go to their house?
12 A: I hunted behind their house.
13 Q: You hunted behind their house?
14 A: Yes. On their property.
15 Q: Okay. And where was that?
16 A: In Bethune.
17 Q: Where in Bethune?
18 A: At Bethune Pottery about one mile.
19 Q: You hunted behind Bethune Pottery? Is that what you're
20 saying?
21 A: I hunted behind their home on their property. The
22 pottery is directly across Highway 1.
23 Q: Okay. And the only reason I'm asking this, Mr. Gardner,
24 is because I'm trying to just understand your timeline. When
25 did you go hunting?

GLENN SPENCER GARDNER - CROSS BY MR. PAULING

- 1 A: I try to be in a deer stand two hours before dark.
- 2 Q: Which would have been when back in December of 2016?
- 3 A: I do not -- I do not know the sunset time for that day.
- 4 Q: Okay. But you remember, at best, that you believe you
- 5 were at the Beebe home somewhere around seven and you were
- 6 there 15 to 30 minutes at best?
- 7 A: I do not know what time the sunset was for that day, but
- 8 usually 45 minutes after sunset, it is too late to hunt, and I
- 9 would be getting out of the deer stand.
- 10 Q: Did you kill anything that day?
- 11 A: No, sir.
- 12 Q: Okay. And so when you finished hunting, you went
- 13 directly to the Beebe home?
- 14 A: Yes, sir.
- 15 Q: Okay. Why is that?
- 16 A: Because I -- I go by to see C.W. sometimes.
- 17 Q: Sometimes. How often?
- 18 A: On average, twice a month.
- 19 Q: Twice a month?
- 20 A: On average.
- 21 Q: On average? Okay. Do you recall seeing him any other
- 22 day that month in December?
- 23 A: I can't recall.
- 24 Q: Would this have been the first time or the second time?
- 25 A: It could very well have been the second time.

GLENN SPENCER GARDNER - CROSS BY MR. PAULING

1 Q: It could have been the second time? Did you check on
2 those pets before you went to C.W.'s house? The pets?
3 A: Yes, yes.
4 Q: And what pets were these? What kind of animals were
5 these?
6 A: It was a cat.
7 Q: It was a what?
8 A: A cat.
9 Q: A cat? Indoor or outdoor?
10 A: Indoor.
11 Q: Indoor cat because you were pet-sitting. All right.
12 But, again, you weren't there at 8 o'clock, at the Beebe home
13 I mean.
14 A: As I say, I don't recall what time sunset is or was on
15 that day.
16 Q: Okay. So we have to rely upon when sunset was. You
17 don't know what time you were there.
18 A: Forty-five minutes after sunset, whatever that is.
19 Q: Forty-five minutes after sunset? Okay. But you would
20 agree with me that wouldn't have been 9 o'clock?
21 A: I do not think it was even seven.
22 Q: You don't even think it was seven? Okay. All right.
23 So if not seven, then definitely not eight, not nine, not ten;
24 correct?
25 A: Correct.

GLENN SPENCER GARDNER - CROSS BY MR. PAULING

1 Q: Okay. So you wouldn't have been able to observe
2 anything that was going on in the Beebe home during that time
3 if you were there on December 29th of 2016?

4 A: I -- after I left, I have no idea what was going on.

5 Q: Well, let me ask you this. You left the home at some
6 point; is that correct?

7 A: I did.

8 Q: Whether it was sunset, 45 minutes after sunset, but you
9 left that home; correct? Did you leave the Beebe home or did
10 you stay?

11 A: I did. I did.

12 Q: Did you return to the home?

13 A: I did not.

14 Q: You did not? Mr. Gardner, for any particular reason do
15 you remember discussing your visit with anyone? Your visit
16 that day, that night.

17 A: Yes, sir. An investigator from the County.

18 Q: Okay. Do you remember your conversation?

19 A: I do.

20 Q: Do you remember specifically what you told him?

21 A: When I left Leroy and Joy Stephens' home, I went
22 directly to C.W.'s house. C.W. and Adam were in the front
23 yard. They wanted to go to the store. They got in my
24 vehicle. Dani got home from work. They got out of the
25 vehicle and went into the home.

GLENN SPENCER GARDNER - CROSS BY MR. PAULING

1 Q: Do you recall ever telling anyone that they were
2 partying pretty good over there, Adam and C.W.?

3 A: I did not see them partying at all.

4 Q: Do you remember telling anyone that you saw them, Adam
5 and C.W., partying pretty good over there?

6 A: No, sir.

7 Q: You don't?

8 MR. PAULING: May I approach the bench, Your Honor? May
9 I approach the bench, Your Honor?

10 THE COURT: Yes, you may.

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

13 BY MR. PAULING:

14 Q: Mr. Gardner, you indicated that you talked to
15 Investigator Bailey. Did you discuss this -- your visit with
16 anyone else?

17 A: (No audible response.)

18 Q: Did you speak to an Ashley Blackwell about your visit to
19 the Beebe home?

20 A: I don't know an Ashley Blackwell.

21 Q: Ashley Oakley. Excuse me.

22 A: I cannot -- I can't think of who Ashley Oakley would be.

23 Q: Did you discuss --

24 THE COURT: I'm going to ask that you speak up, please,
25 Mr. Gardner.

GLENN SPENCER GARDNER - CROSS BY MR. PAULING

1 MR. PAULING: I'm sorry.

2 BY MR. PAULING:

3 Q: Did you discuss your visit to the Beebe home with anyone
4 else?

5 A: I don't recall ever discussing that with anyone.

6 Q: Do you recall having a discussion with anyone at Clark's
7 Bar?

8 A: I have been to a bar two times in over three years. I
9 haven't -- I haven't spoken to anyone about this.

10 Q: You haven't spoken to anyone about this?

11 A: (No audible response.)

12 Q: You don't recall that?

13 A: No, sir.

14 Q: Okay. All right. But, most importantly, you weren't
15 there at the Beebe home at 8 o'clock, 9 o'clock, 10 o'clock?

16 A: No, sir.

17 Q: Okay. So you don't know what happened during that time,
18 do you?

19 A: No, sir.

20 MR. TETTERTON: Asked and answered, Your Honor.

21 THE COURT: I'll overrule the objection.

22 BY MR. PAULING:

23 Q: You don't know what happened during that time?

24 A: No, sir.

25 Q: And you didn't return to the Beebe home either, did you?

GLENN SPENCER GARDNER - REDIRECT BY MR. TETTERTON

1 A: No, sir.

2 MR. PAULING: No further questions, Your Honor.

3 THE COURT: All right. Thank you.

4 Any redirect?

5 REDIRECT EXAMINATION

6 BY MR. TETTERTON:

7 Q: Mr. Gardner, how long have you been deer hunting?

8 A: Twenty-five years or more.

9 Q: And are you familiar with the Department of -- DNR about
10 the rules and regulations of the times you can deer hunt?

11 A: Yes, sir.

12 Q: Tell the jury what time as you understand them to be?

13 A: An hour before sunrise and an hour after sunset.

14 Q: And on this particular December night, did it get dark
15 early? Did it get dark fairly early?

16 A: I don't know what time it was getting dark then. I can
17 usually hunt up to 45 minutes after sunset. I have never
18 pushed the one-hour limit.

19 Q: Was it dark when you got out of the stand?

20 A: Yes, sir.

21 Q: And you walked back to your truck?

22 A: Yes, sir.

23 Q: Got in your truck and went to C.W.'s house?

24 A: Yes, sir.

25 Q: He had asked you how many times you had seen C.W. I

GLENN SPENCER GARDNER - REDIRECT BY MR. TETTERTON

1 think you said a couple of times a month. Was there any other
2 reason you'd go by C.W.'s house?

3 A: Yes, sir. I own the property.

4 Q: You own the property that C.W. lives on?

5 A: Yes, sir.

6 Q: Okay.

7 A: The utilities are in my name. I would go by to get the
8 money for the utilities.

9 Q: As I understand it, you own the property that their
10 house was on; right?

11 A: Yes, sir.

12 Q: You didn't own their home, did you?

13 A: No, sir.

14 Q: And the utilities is in your name?

15 A: Yes, sir.

16 Q: And you'd go by and get payment for the utilities?

17 A: Yes, sir.

18 Q: And when you went by there, would you see Dani or would
19 you see C.W. or both of them?

20 A: Sometimes both.

21 Q: And how long have you been doing that?

22 A: Over ten years, I believe.

23 Q: Okay. And for over ten years, you've been going by
24 their house how often to get the utility payment or make sure
25 the utilities were paid or get money for utilities?

GLENN SPENCER GARDNER - REDIRECT BY MR. TETTERTON

1 A: On average, twice a month.

2 Q: Did you ever see anything unusual about their behavior
3 towards each other during the ten years you went by to get the
4 utility payments?

5 A: No, sir.

6 Q: And you were able to observe Dani when you went by
7 there?

8 A: Yes, sir.

9 MR. PAULING: Objection, Your Honor. Mr. Tetterton is
10 going beyond the scope of cross.

11 THE COURT: Yeah. I sustain the objection.

12 MR. TETTERTON: I have nothing further. Thank you,
13 Mr. Gardner.

14 THE COURT: Thank you. You can step down.

15 THE WITNESS: Thank you.

16 THE COURT: Lawyers approach.

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

19 THE COURT: All right. Mr. Tetterton, call your next
20 witness.

21 MR. TETTERTON: We'd call Christy Roberts. Doris
22 McGougan.

23 THE CLERK: Place your left hand on the Bible and raise
24 your right hand. Do you swear or affirm the evidence you give
25 in this case will be the truth, the whole truth, and nothing

26

DORIS MCGOUGAN - DIRECT BY MR. TETTERTON

1 but the truth, so help you God?

2 THE WITNESS: I do.

3 THE CLERK: Have a seat in the witness chair.

4 THE COURT: All right. Mr. Tetterton?

5 THE CLERK: State your name for the record.

6 THE WITNESS: I started to say you didn't tell me that.

7 My name is Doris Knight McGougan.

8 DORIS MCGOUGAN, being first duly
9 sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. TETTERTON:

12 Q: And I'm going to ask you to speak up. I can hear you,
13 but I'm hard of hearing. But I think I can hear you. So, if
14 you would, just continue speaking up loudly for me.

15 A: Okay.

16 Q: Your name is Doris McGougan?

17 A: Yes.

18 Q: And, Ms. McGougan, where do you live?

19 A: I live at [REDACTED] McGougan Mill Pond Road in Bethune.

20 Q: And how long have you lived there? A long time?

21 A: Probably 62 years.

22 Q: Okay. And you were married at one time?

23 A: I'm still married.

24 Q: And how long have you been married?

25 A: Sixty-two years.

DORIS MCGOUGAN - DIRECT BY MR. TETTERTON

1 Q: And I believe your -- I believe your husband's name is
2 Hayward?

3 A: Yes, sir.

4 Q: And what does Hayward do?

5 A: He's retired from the S.C. Forestry Commission. He was
6 a fire suppressant warden.

7 Q: A fire suppressant warden?

8 A: Yes, sir.

9 Q: And as a fire suppressant warden, he had a Caterpillar,
10 did he not?

11 A: Yes, sir.

12 Q: And would you describe that as his toy?

13 A: Yes, sir.

14 Q: He loved it, didn't he?

15 A: Yes, he did. He loved the forestry.

16 Q: Okay. Ms. McGougan, do you have children?

17 A: Yes, I do.

18 Q: Which children do you have?

19 A: I have Victoria Denise Steen and Baron H. McGougan, Jr.

20 Q: Do you have grandchildren?

21 A: Yes, sir.

22 Q: And is C.J. one of your grandchildren?

23 A: Yes, sir.

24 Q: Do you remember back when Dani and C.W. took -- got
25 custody of C.J.?

DORIS MCGOUGAN - DIRECT BY MR. TETTERTON

1 A: I remember about the time.

2 Q: Okay. And the other grandchild is Zoei?

3 A: Yes, sir.

4 Q: And that's -- that's Dani's and C.W.'s child?

5 A: Yes, sir.

6 Q: Do you attend church?

7 A: Yes, sir.

8 Q: Where do you attend church?

9 A: Sandy Grove United Methodist.

10 Q: Do you attend church with Martha Stokes?

11 A: Yes, sir.

12 Q: Would you ever see Adam -- excuse me, C.W. and Dani at

13 church?

14 A: Yes, sir.

15 Q: And what did you observe about their behavior there in

16 church?

17 A: They were always running kind of late and, you know,

18 they were just like any other person that came to church.

19 Seemed to enjoy being there and participating in the services.

20 Q: Were their children involved in church?

21 A: Yes, sir.

22 Q: How were they involved?

23 A: They were in my -- I did -- I do a morning children's

24 church, and then during the preaching, I take the children to

25 the rec building and have classes with them.

DORIS MCGOUGAN - DIRECT BY MR. TETTERTON

1 Q: Did you take -- did you do that with C.J.?

2 A: Uh-huh. Yes, sir. I'm sorry.

3 Q: Ma'am?

4 A: I said yes, sir.

5 Q: Okay. And did you do that with your granddaughter,

6 Zoei?

7 A: They all -- any child that was there, no matter what

8 their age, they went with me.

9 Q: Did you know Adam?

10 A: Yes, I did.

11 Q: Tell the jury how long you have known Adam Davis?

12 A: Maybe ever since he was in kindergarten.

13 Q: I'm sorry?

14 A: Maybe ever since he was in kindergarten.

15 Q: Okay. And how did you know him back then? Did you

16 teach kindergarten or --

17 A: I was at Bethune Elementary.

18 Q: Beg your pardon?

19 A: I was at Bethune Elementary.

20 Q: Okay.

21 A: In one capacity or another, but the thing I did the most

22 was when I taught kindergarten. Actually, I was a

23 kindergarten assistant.

24 Q: And how long -- how often would you see Adam after you

25 saw him in kindergarten?

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1 A: Whenever he would come to the house with C.W. or I might
2 see him. His -- his wife's mother lived not too far from us,
3 and I had several occasions to go over to that house and visit
4 connected to school.

5 Q: His wife was Brandy Davis?

6 A: Yes.

7 Q: Okay. And you'd go visit there. Would you see Adam
8 there then?

9 A: No. That was when they were -- they were young.

10 Q: Okay.

11 A: Adam and her were young.

12 Q: Did Adam and C.W. have the occasion to come to your
13 house a couple of days before -- between Christmas 2016 and
14 when Adam went missing?

15 A: Yes, sir. I'm not sure. I want to say it was around
16 December 19th.

17 Q: Okay.

18 A: And I don't recall what day that was.

19 Q: Shortly before Christmas? Or was it?

20 A: Yes, sir.

21 Q: Okay. And why did Adam and C.W. come to your house?

22 A: Because C.W. was going to put me in a new dishwasher for
23 my Christmas present, and he and Adam came over that morning
24 to take the old dishwasher out and put the new one in.

25 Q: Was C.W. in Seagull [ph]? I can't --

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1 A: Yes, sir.

2 Q: Okay. Back in the younger days?

3 A: Yes, sir.

4 Q: Was Adam in Seagull? Do you remember? Do you know?

5 A: I have no idea.

6 Q: So sometime before Christmas in 2016, Adam and C.W. came

7 to your house to install a dishwasher?

8 A: Yes, sir.

9 Q: And were you able to observe their relationship between

10 each other and their interaction between each other while they

11 were installing your dishwasher?

12 A: Yes, sir. Mostly Adam was doing the work and C.W. was

13 getting him what he needed.

14 Q: Okay. And how long did that take to do the dishwasher?

15 A: They were there most of the morning because I fixed

16 lunch for them.

17 Q: And they sat and had lunch with you?

18 A: Yes, sir.

19 Q: Did you see anything unusual about the relationship or

20 interaction between Adam and C.W. while they were installing

21 your dishwasher the morning -- at the morning before

22 Christmas -- sometime before Christmas?

23 A: No, just, you know, C.W. -- Adam would ask for

24 something, and C.W. would joke and say, well, I know it will

25 be in one of these drawers Grandma's got around here somewhere

DORIS MCGOUGAN - DIRECT BY MR. TETTERTON

1 in this kitchen.

2 Q: While they were having lunch together, did you observe
3 any ill will between the two of them?

4 A: No, sir. You know, we just had general conversation
5 while we were at the table and, of course, because I knew
6 Adam's parents and, you know, his entire family, his -- in
7 fact, his grandmother and grandfather, when the children were
8 young, were Hayward's -- one of Hayward's and my best friends,
9 and we visited them quite often, as they did us.

10 Q: Was that unusual for Adam -- excuse me, C.W. to come
11 over and help you around the house?

12 A: No.

13 Q: What all would he do to help his grandmother?

14 A: He would -- any kind of yard work or, like, you know,
15 building me an up-above-the-ground planter or cutting tree
16 limbs.

17 Q: Would he bring Adam with him on other occasions also to
18 help him?

19 A: Not to help him. They -- they came a lot I guess when
20 they were just out riding around.

21 Q: How would you describe to this jury, as you observed it,
22 the relationship between Adam and C.W.?

23 A: Like people have said, they treated each other like
24 brothers.

25 Q: During the times you were able to observe them when they

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1 treated each other as brothers, did you ever see any malice
2 towards -- C.W. towards Adam? Any ill will or hatred toward
3 him?

4 A: No. Like I said, you know, they treated each other like
5 brothers, only C.W. and Ross, you know, had their little
6 arguments and things, "nya-nya" and that kind of thing, but I
7 never had occasion to see that with Adam and C.W. because it
8 was always about what we were doing.

9 Q: And you knew C.W. was married to Dani?

10 A: Oh, yes.

11 Q: And was your door always open to Dani to come see you?

12 A: I'm sorry?

13 Q: Was your door always open for Dani to come see you?

14 A: Oh, yes, sir.

15 Q: And would she sometimes come visit with you?

16 A: Not -- not a lot by herself. Usually, you know, she
17 came with C.W. or maybe Zoi and her, but I really don't
18 recall a lot of times that they were there without it being
19 the -- you know, C.W. and Dani.

20 Q: Would you ever have the occasion to keep Zoi and C.W.
21 [sic] overnight at your house?

22 A: Zoi and C.J. stayed with me many times on the weekends
23 or if we had something special going on.

24 Q: And would C.W. bring him or Dani or both of them?

25 A: Sometimes I would pick them up. Sometimes they would

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1 drop them off.

2 Q: Okay. Thank you. Oh, well, let me finish. Let's pick
3 up in your career. What did you do? Did you work during your
4 lifetime?

5 A: I worked from the time I was 13 years old. As a
6 teenager, I worked in a department store. I was -- back then,
7 I was too young to have a social security card, so they didn't
8 pay me. Because it was a dry goods store, I just got goods
9 from the store to help support my brothers.

10 Q: And later on, did you hold a position with the County or
11 either the government?

12 A: After Hayward and I got married, I -- and I got married
13 at 16. I did not finish high school. I was in the 11th
14 grade, so I started taking courses with the American School,
15 but before I finished that, I saw where they were giving the
16 GEDs at a school in Charleston, Chicora High School, and I
17 applied to go there and take the GED. So once I got that, I
18 didn't continue with the American School things.

19 Then I think the first job I had was at the Ken -- no,
20 it was at the Warner's sewing room in Bethune. Then later, I
21 worked at the Kendall Company in Bethune. Then later, I was
22 the Baptist church secretary. At that point, I went to
23 school. I always loved old people and I always loved young
24 people, and my mother-in-law said, I'll help send you to
25 school. You can, you know, do whichever you want. I know

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1 you're interested in nursing, and I know you're interested in
2 teaching. And at that point, practical -- there was a
3 practical nursing program in Hartsville where she worked, and
4 I decided to do that because, you know, we could ride back and
5 forth, and it was a two-year program, only this time if you
6 went for a year without any vacation or anything, then you
7 could complete it in a year, and that's what I did.

8 But I never worked -- I think I might -- once -- before
9 I got -- actually got my nursing degree, the school was having
10 some problems and our principal attended my church, and he
11 asked me if I would be willing to go and work in the
12 kindergarten to help that get straightened out, and I did.

13 Q: Did you ever work for the Coroner's Office?

14 A: Yes, sir. I worked for the Coroner's Office.

15 Q: Was that Kershaw County Coroner's Office?

16 A: Yes, sir.

17 Q: Who was the coroner at that time?

18 A: Johnny Fellows, when I got the job.

19 Q: And what was your job with the coroner's office?

20 A: A deputy coroner.

21 Q: How long did you do that?

22 A: Twenty -- at least 20 years.

23 Q: So you were the deputy coroner for Kershaw County for 20
24 years?

25 A: And at -- when I first started, I was still working at

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1 school.

2 Q: Yes, ma'am.

3 A: Only I had -- instead of kindergarten, I had a hands-on
4 discovery lab, and it wasn't, you know, as rigid as the
5 kindergarten was. So he had talked to the superintendent of
6 the Kershaw County Schools and got it okayed that, if we had a
7 call that they needed me on, I could leave school to go.

8 Q: Ms. McGougan, after all that, you finally retired?

9 A: After three jobs -- three real jobs.

10 Q: Okay. And your only job now is at the church?

11 A: Yes, sir. And, of course, you know, Hayward is a good
12 bit older than I am, so --

13 Q: Okay.

14 A: -- he's my job too.

15 MR. TETTERTON: Answer any questions that the
16 Solicitor's Office may have.

17 THE WITNESS: Okay.

18 MR. TETTERTON: I think Ms. Allard is going to ask you
19 some questions.

20 THE COURT: Cross-examination?

21 MS. ALLARD: Thank you, Your Honor. Just very briefly.

22 CROSS-EXAMINATION

23 BY MS. ALLARD:

24 Q: Good morning, Mrs. McGougan. How are you?

25 A: I'm fine. Thank you. And you?

DORIS MCGOUGAN - CROSS BY MS. ALLARD

1 Q: I believe that you testified that you observed Adam and
2 C.W.'s relationship to be like brothers; is that right?
3 A: Yes, ma'am.
4 Q: Okay. And you also said that you had seen C.W. and
5 Ross, his actual biological brother, argue like brothers
6 before?
7 A: Well, just, you know, scrappy little things that
8 brothers do.
9 Q: Right. Because brothers fight; right?
10 A: Well, they -- they don't always get along.
11 Q: Right. Right. I have a brother. I know how that is.
12 I also just wanted to clarify, you live on McGougan's Mill
13 Pond Road; is that right?
14 A: Yes, ma'am.
15 Q: Does your family own that property?
16 A: We own a large portion of McGougan Mill Pond Road.
17 Q: Do you know how large the property is?
18 A: 630-something acres.
19 Q: And you said you've owned that for how many years?
20 A: Sixty-two at least.
21 Q: Okay. So it's fair to say that C.W. grew up on that
22 property? He's familiar with it?
23 A: Yes, ma'am.
24 Q: Okay. And is there a pipeline that runs through the
25 property?

DORIS MCGOUGAN - CROSS BY MS. ALLARD

1 A: On the upper edge.

2 Q: Okay. And did your family have four-wheelers, things
3 like that, that you could ride the property with?

4 A: Yes, ma'am.

5 Q: Okay. And I just want to confirm, your family owns that
6 large tract of land on McGougan Mill Pond Road that the
7 pipeline runs through; is that correct?

8 A: Well, at this point, I'm not sure we own the property
9 that the pipeline runs through because when the property was
10 divided, that part of it belonged to my brother-in-law.

11 Q: But in your -- in your family, your family has owned
12 that area for quite some time? That's right; correct?

13 A: Yes, ma'am. But now --

14 Q: Okay. That's all.

15 A: -- not at that point.

16 Q: That's all. In 2019?

17 A: No.

18 Q: I mean in 2016?

19 A: We did not own the part that the power line was on.

20 Q: Okay. I didn't say the power line. The pipeline?

21 A: The pipeline.

22 Q: Okay. But you live on McGougan Mill Pond Road?

23 A: Yes, ma'am.

24 Q: And your family has owned that property or, you know,
25 that area?

DORIS MCGOUGAN - CROSS BY MS. ALLARD

1 A: Yes, ma'am.

2 Q: You've always been in that area?

3 A: It was actually entailed property.

4 Q: Okay. But C.W. grew up there? He grew up --

5 A: Yes. I mean --

6 Q: -- visiting that property?

7 A: -- he was familiar with the property --

8 Q: Okay.

9 A: -- because, you know, he was there.

10 MS. ALLARD: That's all. Thank you, ma'am.

11 THE WITNESS: You're welcome.

12 MR. TETTERTON: Nothing further, Your Honor.

13 THE COURT: All right. Thank you, Ms. McGougan. You

14 can step down. Thank you.

15 Ladies and gentlemen, we're going to take about a

16 ten-minute break at this point. Again, don't discuss

17 any -- the testimony you have heard today or any other time

18 this week. You can return to your jury room. We'll have you

19 back out here in about ten minutes.

20 Everyone remain seated while this jury is excused.

21 (WHEREUPON, the jury exited the courtroom at 10:15 a.m.)

22 THE COURT: All right. We'll be at ease.

23 The lawyers approach.

24 (WHEREUPON, there was a break in the proceedings from

25 10:15 a.m. to 10:31 a.m., after which the proceedings

CLANCY TALBERT - DIRECT BY MR. TETTERTON

1 resumed as follows.)

2 THE COURT: Is the State ready?

3 MR. PAULING: The State is ready, Your Honor.

4 THE COURT: All right. Let's bring the jury in.

5 (WHEREUPON, the jury entered the courtroom at 10:32 a.m.)

6 THE COURT: All right. Call your next witness.

7 MR. TETTERTON: Your Honor, at this time we'd like to
8 call Clancy Talbert.

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

13 THE WITNESS: Yes, ma'am.

14 THE CLERK: Thank you. State your full name for the
15 record.

16 THE WITNESS: Clancy Fitzgerald Talbert.

17 CLANCY TALBERT, being first duly
18 sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. TETTERTON:

21 Q: Good morning, Mr. Talbert.

22 A: How you doing?

23 Q: I'm going to ask you if you would speak directly into
24 that mic so we can hear you back here. Okay?

25 A: Okay.

CLANCY TALBERT - DIRECT BY MR. TETTERTON

1 Q: Thank you, sir. And just try to speak slowly enough so
2 this court reporter can get everything you say. Okay? I know
3 we all have accents, but I think you might have a deep accent.
4 Okay? Thank you. Mr. Talbert, where do you live?
5 A: In Cassatt -- North Cassatt, [REDACTED] Cassatt.
6 Q: You live in Cassatt?
7 A: Yes.
8 Q: Approximately how far is Cassatt out of the town of
9 Camden -- city of Camden?
10 A: Probably six miles, I think.
11 Q: And actually, Cassatt is between Camden and Bethune?
12 A: Yes, sir.
13 Q: Approximately halfway?
14 A: Probably a little less.
15 Q: Okay. And is Cassatt the home of the famous restaurant
16 there, Hard Times?
17 A: Yes, sir.
18 Q: Everybody knew what Hard Times was, didn't they?
19 A: Yeah.
20 Q: Mr. Robinson used to own Hard Times?
21 A: Yeah.
22 Q: And then I think did Spencer Gardner take over Hard
23 Times after Mr. Robinson? Do you know?
24 A: I'm not sure.
25 Q: Did you ever eat at Hard Times?

CLANCY TALBERT - DIRECT BY MR. TETTERTON

1 A: Oh, yes, sir.

2 Q: Did you ever see Dani Beebe there working there?

3 A: I don't recall.

4 Q: Okay. What do you do, Mr. -- first of all, are you

5 married?

6 A: Yes, sir.

7 Q: How long have you been married?

8 A: Well, September 12th will be 40 years.

9 Q: Forty years?

10 A: Yeah.

11 Q: Do you have children?

12 A: Yes.

13 Q: Grandchildren?

14 A: Yes, sir.

15 Q: And, Mr. Talbert, what do you do?

16 A: Brick mason.

17 Q: You're a brick mason?

18 A: Uh-huh.

19 Q: And how long have you been a brick mason?

20 A: Probably 30 years.

21 Q: Do you have your own company?

22 A: Yes, sir.

23 Q: And you have employees that help you?

24 A: Yes, sir.

25 Q: Okay. I'm going to ask you to go back to a couple of

CLANCY TALBERT - DIRECT BY MR. TETTERTON

1 days right after Christmas, and that would be December 29,
2 2016. Do you remember that day?

3 A: Yeah, somewhat.

4 Q: Do you remember it being a day of the bowl game?

5 A: Yes, sir.

6 Q: And were you listening to the bowl -- were you at home
7 that day? That afternoon?

8 A: I don't know if we was home or if I was at the bar.

9 Q: I beg your pardon?

10 A: I don't know if I was home or at the bar.

11 Q: Okay. When you were at home, were you listening to the
12 ball game before you went to the bar?

13 A: Yes, sir.

14 Q: And when we're talking about the bar, we're talking
15 about Kelly Clark's Bar?

16 A: Yes, sir.

17 Q: In Bethune?

18 A: Yes, sir.

19 Q: Okay. And do you recall listening to the ball game
20 there at your home?

21 A: At my home, yeah.

22 Q: Yes, sir. And did -- at any time, while you were there
23 listening to the ball game, did C.W. Beebe come there?

24 A: Yes, sir.

25 Q: And did y'all listen to the ball game together?

CLANCY TALBERT - DIRECT BY MR. TETTERTON

1 A: Yes, sir.

2 Q: Did y'all eventually leave your home, listening to the
3 ball game, and go to Kelly's Bar?

4 A: Yes, sir.

5 Q: And while y'all were there listening to the ball game, I
6 believe Carolina was losing; right?

7 A: It's been so long, I don't know. I don't really get
8 into the football. I just usually hang out.

9 Q: All right. And what did y'all -- what did you and
10 C.W. -- was anybody else there at your home besides you and
11 C.W.?

12 A: I wasn't -- I don't believe that I was alone. I think
13 it was C.J. I know C.J. was there, and I can't remember who
14 all was there.

15 Q: But C.W. was there?

16 A: C.W. was there. Usually there's a bunch of us that hung
17 out together.

18 Q: I'm sorry?

19 A: There was usually a bunch of us that hung out together.

20 Q: There listening to the ball game?

21 A: Yeah.

22 Q: All right. And then did y'all eventually go to the bar?

23 A: Yes, sir.

24 Q: Kelly -- how did you get to Kelly's Bar?

25 A: I rode with C.W.

CLANCY TALBERT - DIRECT BY MR. TETTERTON

1 Q: You rode with C.W.?

2 A: Yeah.

3 Q: At that time, had you seen Adam?

4 A: I don't know if Adam was already there or if he showed
5 up later at the bar.

6 Q: Okay. But he wasn't there at your home?

7 A: No.

8 Q: And while y'all were listening to the ball game, did
9 y'all pitch horseshoes?

10 A: Yeah. We always pitched horseshoes or corn hole.

11 Q: Y'all would do corn hole and horseshoes?

12 A: And horseshoes, yes, sir.

13 Q: And did C.W. participate in that with you all and all
14 the people there?

15 A: Yes.

16 Q: All right. And so you rode from your home in Cassatt
17 back to -- toward Bethune to Kelly's Bar; right?

18 A: Yes, sir.

19 Q: And was the game over at that time or was it in
20 overtime?

21 A: I can't remember that.

22 Q: And what was the reason for going to Kelly's Bar?

23 A: Well, a lot of times we just went there and hung out.

24 Q: So --

25 A: I'm a member. It's a private club, and we're members.

CLANCY TALBERT - DIRECT BY MR. TETTERTON

1 Usually we just go there to hang out.

2 Q: And C.W. drove there?

3 A: Yes, sir.

4 Q: And you rode with him?

5 A: Yes, sir.

6 Q: Did you see anything about his driving that would alarm

7 you?

8 A: No, sir.

9 Q: Did you consider him to be an impaired driver?

10 A: No. He wasn't -- he wasn't -- we wasn't drunk.

11 Q: Was -- was he able to drive okay?

12 A: Oh, yeah.

13 Q: Were you afraid to ride with him?

14 A: No.

15 Q: And when you got to the bar, you went into the bar?

16 A: Yes, sir.

17 Q: And stayed there for a while?

18 A: Yep.

19 Q: How did you eventually leave there?

20 A: I had to get my niece to come get me.

21 Q: Do you remember how long y'all stayed there?

22 A: I stayed a lot longer than they did.

23 Q: I beg your pardon?

24 A: I stayed a lot longer than they did.

25 Q: You stayed a lot longer than they did?

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1 A: Yes, sir.

2 Q: I'm sorry. I'm having a hard time hearing you.

3 A: I'm sorry.

4 Q: That's okay. So you stayed there a lot longer than they

5 did. Did you see Adam come into the bar?

6 A: Yes, I did.

7 Q: Did you see how much he had to drink by any chance?

8 A: I mean just like the normal.

9 Q: Okay. Did Adam appear to be impaired when they left,

10 sir?

11 A: No, sir.

12 Q: He didn't?

13 A: Huh-uh.

14 Q: He didn't appear to be drunk?

15 A: No.

16 Q: And C.W., did he appear to be drunk at the bar?

17 A: No, sir.

18 Q: None whatsoever?

19 A: No, sir.

20 Q: How long after you all got there did you observe C.W.

21 and Adam leaving? About how long? I know it's been six years

22 ago, but --

23 A: I'd say it wasn't probably an hour. Maybe an hour and a

24 half.

25 Q: So within about an hour, hour and a half, C.W. and Adam

CLANCY TALBERT - DIRECT BY MR. TETTERTON

1 left the bar?

2 A: Yes, sir. Well, I didn't actually see them leave, but I

3 know they was gone. I didn't have a ride home.

4 Q: You had to get -- you had get somebody to come get you;

5 right?

6 A: Yes. My niece come and picked me up.

7 Q: It would be fair to say they left you stranded?

8 A: Well, you ain't never getting stranded in Bethune.

9 Q: But you knew when -- you knew when you went there,

10 you're going to probably have to get a ride home later on?

11 A: Yes, sir.

12 Q: All right. While you were there at the bar, you saw --

13 you saw Adam there; right?

14 A: Yes, sir.

15 Q: And you saw C.W. there?

16 A: Yep.

17 Q: Did you see any altercation between Adam and C.W.?

18 A: No, sir.

19 Q: Did you see any ill will between -- or did you observe

20 any ill will between Adam and C.W.?

21 A: No, sir.

22 Q: Did you see any hostility there?

23 A: No, sir.

24 Q: No fussing? No fighting?

25 A: No, sir. I ain't never seen them fuss or fight.

CLANCY TALBERT - DIRECT BY MR. TETTERTON

1 Q: I beg your pardon?

2 A: I've never seen them fuss or fight.

3 Q: You have never seen who fuss and fight?

4 A: C.W. and Adam.

5 Q: How long have you known them?

6 A: Long time. I don't know exactly how long.

7 Q: I mean --

8 A: I'll be -- I've have been in my house for 17 years, and

9 I knew them before that. I knew them when I lived in a little

10 yellow house across from old Miller Lumber Company in Bethune.

11 Q: So you knew them over 17 years; right?

12 A: Yes, sir.

13 Q: And how would you describe their relationship?

14 A: They was buddies, I mean just like what -- I was friends

15 with both of them.

16 Q: And would sometimes Adam come to your house for the --

17 A: Well, he wouldn't ever come to my house. We'd usually

18 go to my brother's house or, you know, different places like

19 that, whoever had the best horseshoe pit.

20 Q: I beg your pardon?

21 A: Whoever had the best horseshoe pit.

22 Q: Whoever had the best horseshoe pit?

23 A: Yes, sir.

24 Q: That's where you went?

25 A: Yeah.

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1 Q: And did y'all have a competition between all you
2 friends?
3 A: Oh, yeah.
4 Q: Okay. And would Adam participate in those?
5 A: I have played with Adam, yeah.
6 Q: And C.W. would too?
7 A: Yes, sir.
8 Q: And about how many times would you say you saw Adam and
9 C.W. together over the 17 years you've known them? Was it
10 frequently?
11 A: It was until the last, I don't know, year or so because
12 he was working up in North Carolina, and they wouldn't come
13 back but about once every month.
14 Q: Okay. When you say he was working in North Carolina,
15 are you speaking of C.W. working in North Carolina?
16 A: No, I'm talking about Adam.
17 Q: Adam worked in North Carolina?
18 A: Yes, sir.
19 Q: So you wouldn't see Adam with C.W. during that period of
20 time he was working in North Carolina?
21 A: No, because he didn't come into town but about, I think,
22 once a month. Sometimes he wouldn't even come into town then.
23 Q: So if I understand your testimony in front of this jury,
24 you have never seen any hostility between Adam and C.W.?
25 A: No.

CLANCY TALBERT - DIRECT BY MR. TETTERTON

1 Q: You've never heard any words of provocation between the
2 two of them, have you?

3 A: No, sir.

4 Q: Have you ever observed any ill will from Adam
5 towards -- Adam towards C.W. or C.W. towards Adam?

6 A: No, sir.

7 Q: Of course, you were not there on the night of December
8 29 -- I'm sorry. You didn't know where they went when they
9 left Clark's, do you?

10 A: No, sir, I didn't.

11 Q: After that, you didn't see Adam or C.W. after that, did
12 you?

13 A: No, sir.

14 Q: All right.

15 A: I was shooting pool. I turned around, and the next
16 thing I know, they was gone.

17 Q: Okay. And when they're gone, is it your opinion they
18 were not drunk?

19 A: No, sir.

20 Q: Okay.

21 A: We just drink beer. We wasn't drinking liquor or
22 nothing like that.

23 Q: Just drinking beer?

24 A: Yes, sir.

25 Q: Do you know what kind of beer C.W. drank?

CLANCY TALBERT - DIRECT BY MR. TETTERTON

1 A: Usually Bud Lite, but he -- I have got him switched over
2 to the red ones.

3 Q: To what?

4 A: I got him switched over to the red Budweisers.

5 Q: Okay. The regular Bud Lite?

6 A: Yeah -- no, sir. He drinks Bud Lite. I drink
7 Budweiser, but now he drinks Budweiser.

8 Q: All right.

9 A: Well, not now, but he did.

10 Q: All right. Do you know of any reason in your
11 mind -- you know why we're here; right?

12 A: Yes, sir.

13 Q: You know that C.W. is charged with the unlawful killing
14 of his best friend, Adam?

15 A: Yes, sir.

16 Q: Do you know of any reason in your association or
17 relationship with Adam or C.W. in your mind that you formed an
18 opinion as to why he would unlawfully kill Adam?

19 MR. PAULING: Objection, Your Honor.

20 THE COURT: I'll sustain it.

21 BY MR. TETTERTON:

22 Q: As far as you can tell this jury, in your years of
23 experience with both of them, they were good friends?

24 A: Yes, sir.

25 Q: And you have observed them together in a lot of

CLANCY TALBERT - DIRECT BY MR. TETTERTON

1 situations?

2 A: A lot of situations.

3 Q: And never any hostility?

4 A: Never.

5 MR. TETTERTON: Thank you. Answer any questions that
6 the solicitor may have.

7 THE COURT: Cross-examination?

8 MR. PAULING: Just briefly.

9 CROSS-EXAMINATION

10 BY MR. PAULING:

11 Q: Mr. Talbert?

12 A: Yes, sir.

13 Q: You were at Clark's Bar that evening?

14 A: Yes, sir.

15 Q: Okay. And you said your niece picked you up?

16 A: Yes, sir.

17 Q: Okay. And did she take you home?

18 A: She took me to Adam -- or to C.W.'s house or to my
19 brother's house to get my truck.

20 Q: Well, which was it?

21 A: I can't remember if it was there or if it was at my
22 brother's or his house.

23 Q: Well, when would --

24 A: It would probably be his house because she's the one who
25 come pick me up.

CLANCY TALBERT - CROSS BY MR. PAULING

1 Q: C.W.'s house?

2 A: No, my brother's house.

3 Q: Your brother's house?

4 A: Yeah.

5 Q: Okay. And all I'm just trying to understand is -- so
6 you weren't at C.W.'s house that evening?

7 A: No, sir.

8 Q: Okay.

9 MR. PAULING: No further questions, Your Honor.

10 THE COURT: Thank you, Mr. Talbert. You can step down.
11 Call your next witness.

12 MR. TETTERTON: Your Honor, we'd call John Mangum.

13 THE CLERK: Place your left hand on the bible and raise
14 your right hand. Do you swear or affirm the evidence you give
15 in this case will be the truth, the whole truth, and nothing
16 but the truth, so help you God?

17 THE WITNESS: Yes, ma'am.

18 THE CLERK: State your full name for the record, please.

19 THE WITNESS: My name is John Allen Mangum.

20 JOHN MANGUM, being first duly
21 sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. TETTERTON:

24 Q: Mr. Mangum, where do you live?

25 A: In Bethune.

JOHN MANGUM - DIRECT BY MR. TETTERTON

1 Q: How long have you lived in Bethune?
2 A: A little over 40 years.
3 Q: Sorry?
4 A: Forty years.
5 Q: Forty years? That's a small town, isn't it?
6 A: Yes, sir.
7 Q: Is it fair to say not a lot of secrets in Bethune?
8 A: No.
9 Q: And, no, there's not a lot of secrets or, no, it's not
10 fair to say that?
11 A: No, it's not -- not a lot of secrets.
12 Q: Everybody pretty much knows everybody; is that correct?
13 A: Yes, sir.
14 Q: How long have you known -- well, let me ask you first of
15 all are you married?
16 A: Yes, sir.
17 Q: How long have you been married?
18 A: Thirty-one years.
19 Q: Have children?
20 A: Two boys.
21 Q: Grandchildren?
22 A: Nope.
23 Q: Just children?
24 A: Right.
25 Q: And your boys are grown, of course?

JOHN MANGUM - DIRECT BY MR. TETTERTON

1 A: (No audible response.)

2 Q: You have to say yes or no.

3 A: Yes, sir.

4 Q: All right. And what do you do for a living?

5 A: I work at Sunoco Products Company in Hartsville.

6 Q: How long have you --

7 A: IT department.

8 Q: In the IT department?

9 A: Yes, sir.

10 Q: How long have you worked at Sunoco?

11 A: Thirty years.

12 Q: Thirty years?

13 A: Yes, sir.

14 Q: Do you know C.W. Beebe?

15 A: Yes, sir.

16 Q: Do you know or did you know Adam Davis?

17 A: Yeah, I know him. Not like C.W., but, yeah, I knew

18 Adam.

19 Q: How long have you known C.W.?

20 A: Since he was young. I mean I --

21 Q: Did y'all go to school together?

22 A: No, I'm older than he is.

23 Q: And how long have you known Adam?

24 A: I knew Adam from C.W. and my nephew, and I've seen him a

25 few times. He's come out to the house once with C.W.

JOHN MANGUM - DIRECT BY MR. TETTERTON

1 Q: So when you say Adam, he was always -- he would always
2 be with C.W.?
3 A: When I seen him? Yes.
4 Q: Primarily mostly?
5 A: Yes, sir.
6 Q: Okay. During the time that you saw C.W. with Adam, were
7 you able to observe their relationship?
8 A: Oh, yeah. They were -- to me, they were like C.W. and
9 myself. I mean we were friends.
10 Q: Close friends?
11 A: Oh, yeah. Definitely.
12 Q: Did you see anything when the times you observed them
13 together that would alarm you about any hostility between the
14 two of them?
15 A: No, sir.
16 Q: Any ill will?
17 A: Not that I seen, no, sir.
18 Q: Any hatred?
19 A: No, sir.
20 Q: Did you see, in your opinion, any intent for C.W. to
21 harm Adam?
22 A: No, sir.
23 Q: Do you remember the night of December 29, 2016? Let me
24 ask you this way. Do you remember the night that Carolina
25 played in the Birmingham bowl game?

JOHN MANGUM - DIRECT BY MR. TETTERTON

1 A: I do.

2 Q: And did you have the occasion that night to go to

3 Clark's Bar in Bethune?

4 A: No, sir, I did not.

5 Q: You didn't go there?

6 A: No.

7 Q: Okay. What did you do that night? Did you watch the

8 ball game?

9 A: At home.

10 Q: Did you watch the ball game?

11 A: Yes, sir.

12 Q: All right. Have you ever known C.W. to be a man

13 of -- no, let me ask you this. So, in your opinion, you've

14 never seen anything hostile between the two of them, Adam and

15 C.W.?

16 A: No, sir.

17 Q: Did you know Dani?

18 A: Yes.

19 Q: How often would you see Dani?

20 A: If I stopped by their house, I would see them -- see

21 her.

22 Q: Okay.

23 A: Primarily when -- when I would go by their house.

24 Q: When would you go by their house?

25 A: I'd ride out there with old cars and stuff and work in

JOHN MANGUM - DIRECT BY MR. TETTERTON

1 the shop out there with C.W.

2 Q: You worked in his shop? You didn't own a Jeep, did you?

3 A: No, but I had four-wheelers and all I always needed his

4 help with.

5 Q: Four-wheelers?

6 A: Yes, sir.

7 Q: He was able to help you with those?

8 A: Oh, yeah.

9 Q: When you went by the house and both Adam -- excuse me,

10 both C.W. and Dani were there, did you see anything unusual

11 that would alarm you about their relationship?

12 A: No, sir.

13 Q: How did they appear?

14 A: Last time I was by their house, we actually had a fire

15 going and we were all sitting around the fire, talking.

16 Q: About when was that? Was that prior to Christmas 2016?

17 A: Probably after.

18 Q: Okay. And who all was around the fire?

19 A: It was C.W., myself, Dani. I'm not sure if C.J. was

20 there at that time. Just I think that was it, maybe one more

21 person, but I can't recall really who it was.

22 Q: And during the time you all were sitting around the

23 fire, what were y'all doing?

24 A: Just sitting around the fire. We had -- I think we did

25 have dinner. C.W. had cooked supper, I think.

JOHN MANGUM - DIRECT BY MR. TETTERTON

1 Q: Again, I ask you did you see anything abnormal about
2 that time between C.W. and Adam -- Dani?

3 A: No, sir.

4 Q: Anything that would have alarmed you about their
5 relationship?

6 A: No, sir.

7 Q: How did she appear? I mean what -- describe what you
8 observed about Dani that particular night?

9 A: I was sitting next to her most -- you know, at the fire.
10 We just were talking. Everything seemed to be fine.

11 Q: All right, sir.

12 MR. TETTERTON: Thank you, Mr. Mangum. Answer any
13 questions that the Solicitor's Office may have.

14 THE COURT: Cross-examination?

15 CROSS-EXAMINATION

16 BY MS. SAMPSON:

17 Q: To be clear, you weren't at their house on December
18 29th?

19 A: No, ma'am.

20 Q: And he asked you about seeing them at a fire pit, but
21 you don't remember when that was?

22 A: No, ma'am, not really.

23 Q: Was that before or after Adam went missing?

24 A: I think it was after.

25 Q: Okay. And you were never in their home when they were

JOHN MANGUM - CROSS BY MS. SAMPSON

1 having any kind of arguments, were you?

2 A: No. I have been in their home.

3 Q: If Dani and C.W. were having any arguments, you were
4 never there for that?

5 A: No, ma'am.

6 Q: And you said you never saw any animosity between Adam
7 and C.W. You weren't there on December 29th?

8 A: No, ma'am.

9 MS. SAMPSON: No further questions.

10 THE COURT: Thank you.

11 MR. TETTERTON: Nothing further.

12 THE COURT: Thank you, Mr. Mangum. You can step down.

13 THE WITNESS: All right.

14 MR. TETTERTON: Your Honor, we would like to call
15 Christy Boykin Roberts.

16 THE CLERK: Place your left hand on the Bible and raise
17 your right hand. Do you swear or affirm the evidence you give
18 in this case will be the truth, the whole truth, and nothing
19 but the truth, so help you God?

20 THE WITNESS: I do.

21 THE CLERK: State your full name for the record, please.

22 THE WITNESS: Christy Boykin Roberts.

23 CHRISTY ROBERTS, being first
24 duly sworn, testified as follows:

25 DIRECT EXAMINATION

CHRISTY ROBERTS - DIRECT BY MR. TETTERTON

1 BY MR. TETTERTON:

2 Q: Ms. Roberts, where do you live?

3 A: I live in Camden.

4 Q: In Camden?

5 A: Uh-huh.

6 Q: Did you ever live in Bethune?

7 A: I did.

8 Q: And where did you live in Bethune?

9 A: I lived in the little yellow house -- the little yellow

10 house that Mr. Talbert lived in, and I lived in a little

11 trailer owned by the Huckabees.

12 Q: How long did you live in Bethune?

13 A: Maybe five years. I went to high school in Bethune, but

14 during my high school years, I lived in Cassatt.

15 Q: Okay. I'm sorry. You went to high school with who?

16 A: I went to high school in Bethune.

17 Q: Okay.

18 A: But during my high school years, I lived in Cassatt.

19 Q: Did you go to high school with either Adam or C.W.?

20 A: I went to high school -- no, they had graduated. They

21 graduated the year before, the last year Bethune was open I

22 believe, maybe '98 or '97. I think I was there until -- from

23 '98 to '99, and then I was at the charter school.

24 Q: How long have you known C.W.?

25 A: Since then. Since about '99.

CHRISTY ROBERTS - DIRECT BY MR. TETTERTON

1 Q: Since '99?

2 A: Uh-huh.

3 Q: How long had you -- or did you know Adam?

4 A: About the same time. Like I said, small town.

5 We -- well, I didn't say that today, but small town. We grew

6 up together. I was acquainted with C.W. through a friend of

7 mine, who was actually in school with me that he was together

8 with at the time, but we all hung out together.

9 Q: And, of course, you are -- you are the mother of Ava;

10 right?

11 A: I am.

12 Q: All right. And Ava is your child by C.W.?

13 A: Yes, sir.

14 Q: Born in [REDACTED] of 2010 maybe?

15 A: Yeah. Yes, sir.

16 Q: Okay. Since that -- since Ava was born, have you

17 allowed Ava to go around to C.W. and Dani's house to visit?

18 A: Yes, sir.

19 Q: How often do you let Dani and C.W. visit with your

20 child, Ava?

21 A: Since she was about three years old, she goes over there

22 every other weekend.

23 Q: Every other weekend?

24 A: Uh-huh.

25 Q: Would you let Ava go around and spend the night there?

CHRISTY ROBERTS - DIRECT BY MR. TETTERTON

1 A: Yes, sir.

2 Q: On the weekends?

3 A: Yes, sir.

4 Q: Would you let Ava go around there and spend holidays

5 with them?

6 A: Yes, sir.

7 Q: Would that be Christmas?

8 A: Yes, sir.

9 Q: How long at Christmastime would you let Ava stay with

10 them?

11 A: From Christmas Day until New Year's Day. We always had

12 a very set holiday schedule. So she was there for a week for

13 holidays.

14 Q: Okay. I'm having -- I'm sorry?

15 A: She was there for a week during the holidays.

16 Q: Okay. That's fine.

17 A: Yep. Uh-huh.

18 Q: Sometimes that microphone has reverberation. It's hard

19 for me to hear.

20 A: Sorry.

21 Q: So you let Ava go around and stay with Dani and C.W.?

22 A: Yes, sir.

23 Q: At least a week during the holidays?

24 A: Yes, sir.

25 Q: Christmas holidays? And would you take C.W. -- would

CHRISTY ROBERTS - DIRECT BY MR. TETTERTON

1 you take Ava there?

2 A: Yes, sir.

3 Q: All right. And would you pick Ava up?

4 A: Yes, sir.

5 Q: At any time you went around there -- well, let me ask

6 you did you ever feel uncomfortable during that time you let

7 them visit?

8 A: I tried to keep everything very brief, but no. Very in

9 and out.

10 Q: Did you have any -- any problem letting Ava go visit

11 with them for a week at a time during Christmas or either

12 during --

13 A: Well, no, sir. I didn't see any danger at all for her.

14 Q: Did you feel like your daughter was safe being there

15 with them?

16 A: Yes, sir.

17 Q: Tell me about how C.W. -- or tell the jury about how

18 C.W. supported Ava?

19 A: Well, as I stated before, for the first three years of

20 her life, she wasn't really -- they didn't have any kind of

21 interactions much as all. But even still, he supported me. I

22 never had to ask for anything. He would just give it to me.

23 Q: Did he support you and Ava?

24 A: Yes, sir.

25 Q: Okay. On a regular basis?

CHRISTY ROBERTS - DIRECT BY MR. TETTERTON

1 A: Yes, sir.

2 Q: Did you ever -- did he ever deny Ava any support?

3 A: Never.

4 Q: Or you any support?

5 A: Never.

6 Q: Tell us about -- tell the jury about C.W.'s ability as a

7 handyman?

8 A: Well, he's -- he's a good handyman.

9 Q: I beg your pardon?

10 A: He's a good handyman.

11 Q: Would he ever fix anything for you?

12 A: He has several times.

13 Q: When you -- did you ever observe Adam and C.W. together?

14 A: Yes, sir.

15 Q: How often would you observe them together?

16 A: How often? Through the years? I mean, a lot.

17 Q: How would you describe to this jury Adam and C.W.'s

18 relationship?

19 A: Like brothers.

20 Q: All right. Did you --

21 A: I know y'all get tired of hearing that, but --

22 Q: I beg your pardon?

23 A: I said I know everybody's probably tired of hearing

24 that, but that's the truth. They were very close.

25 Q: During -- during the times that you visited with C.W. or

CHRISTY ROBERTS - DIRECT BY MR. TETTERTON

1 visited with Dani -- well, first of all, did you and Dani have
2 a very good friendship?

3 A: Dani and I were very, very good friends in her younger
4 years. We did have some falling out, obviously, since I had a
5 baby with her husband, but with time that was resolved as
6 well.

7 Q: During the years after Ava was born up until presently,
8 has C.W. ever physically abused you?

9 A: No.

10 Q: None whatsoever?

11 A: No.

12 Q: Have you ever had the occasion to go get an order of
13 protection from him from the magistrate court or the family
14 court?

15 A: No.

16 Q: During the time that you saw Adam and C.W. together,
17 which I said -- which I think you told this jury was quite
18 frequently; is that right?

19 A: Well, over the years a lot, yeah.

20 Q: During that time, I think you described their
21 relationship like brothers?

22 A: Yes, sir.

23 Q: At any time, Ms. Roberts, did you ever observe any
24 hostility between C.W. and Adam?

25 A: No, sir.

CHRISTY ROBERTS - DIRECT BY MR. TETTERTON

1 Q: Did you ever observe any hatred or ill will from C.W.
2 towards Adam?

3 A: No, sir.

4 Q: Any malice?

5 A: No, sir.

6 Q: No hard feelings?

7 A: No, sir.

8 Q: Did you ever observe in your mind what you considered to
9 be an intent to harm Adam?

10 A: No, sir.

11 MR. TETTERTON: Thank you. I have no further questions.
12 Thank you.

13 THE COURT: Cross-examination?

14 MS. SAMPSON: Thank you, Your Honor. Just briefly.

15 CROSS-EXAMINATION

16 BY MS. SAMPSON:

17 Q: Ms. Roberts, good morning.

18 A: Good morning.

19 Q: You said that you were friends with Dani until --

20 A: Well, yes. As bad as it sounds, I was -- like, we all
21 grew up together. We'd all been very close, all been friends.
22 I did have a sexual relationship with her husband while they
23 were together.

24 Q: Okay. And Ava came from that?

25 A: Yes, ma'am.

CHRISTY ROBERTS - CROSS BY MS. SAMPSON

1 Q: All right. And Mr. Tetterton asked has C.W. physically
2 abused you, and you said no.

3 A: No, yeah.

4 Q: You weren't married to him; correct?

5 A: No.

6 Q: You didn't live with him; correct?

7 A: Nope.

8 Q: All right. And you said you never saw any hostility or
9 malice or ill will with Adam?

10 A: No, ma'am.

11 Q: You weren't there on December 29th?

12 A: No, I was not.

13 Q: You have no idea what happened that night?

14 A: I have no idea.

15 MS. SAMPSON: No further questions, Your Honor.

16 MR. TETTERTON: Just briefly to clarify something.

17 REDIRECT EXAMINATION

18 BY MR. TETTERTON:

19 Q: When Ava was born, was C.W. married to Dani?

20 A: Dani and C.W. -- Ava was born on [REDACTED]. Dani and
21 C.W. got married on October 1st, shortly after.

22 Q: So C.W. and Dani got married after Ava was born.

23 A: Well, yeah, but they were in a very long relationship
24 beforehand. So -- yeah.

25 MR. TETTERTON: No further questions.

CLINTON WARREN BEEBE - DIRECT BY MR. TETTERTON

1 (WHEREUPON, the jury entered the courtroom at 11:18 a.m.)

2 THE COURT: All right. Thank you, ladies and gentlemen.

3 Mr. Tetterton, call your next witness.

4 MR. TETTERTON: May it please the Court. At this time,
5 we'd like to call Clinton W. Beebe, also known as C.W. Beebe.

6 THE CLERK: Place your left hand on the Bible. Raise
7 your right hand. Do you swear or affirm the evidence you give
8 in this case will be the truth, the whole truth, and nothing
9 but the truth, so help you God?

10 THE DEFENDANT: Yes, ma'am.

11 THE CLERK: State your name for the record, please.

12 THE DEFENDANT: Clinton Warren Beebe.

13 CLINTON WARREN BEEBE, being
14 first duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. TETTERTON:

17 Q: Mr. Beebe, I believe you go by C.W.; right?

18 A: Yes, sir.

19 Q: Been going by C.W. all your life; is that correct?

20 A: Yes, sir.

21 Q: Mr. Beebe, where do you -- what's your home address?
22 What's your residence address?

23 A: [REDACTED] Waters Road, Bethune, South Carolina.

24 Q: C.W., who owns that property?

25 A: The property? Spencer Gardner owns it. I own the

CLINTON WARREN BEEBE - DIRECT BY MR. TETTERTON

1 house -- the trailer. We bought the trailer.

2 Q: Who paid the utilities there?

3 A: I did.

4 Q: And did you pay them to Spencer Gardner?

5 A: I was on the road a lot. I had direct deposit. And
6 when I was on the road, Dani would pay him, or if I was home,
7 I would pay him.

8 Q: Okay. But -- but Mr. Gardner would come by there at
9 times and make sure you paid the utility bill?

10 A: He came to pick it up.

11 Q: I beg your pardon?

12 A: If it hadn't been brought to him and he was out and
13 about, he'd come pick it up.

14 Q: I'm going to ask you to go back to your childhood, if
15 you would. You grew up in Bethune?

16 A: Yes, sir.

17 Q: And tell the jury where you went to school.

18 A: Bethune High School. Bethune Elementary School first
19 and then Bethune High School.

20 Q: And were you in Seagull?

21 A: Yes, sir. That was in Camden. We went, I think, like
22 every other Tuesday, we came to Camden for Seagull.

23 Q: Y'all bussed from Bethune to Camden for Seagull?

24 A: That or your parents could bring you.

25 Q: And you got a diploma from Bethune High School?

CLINTON WARREN BEEBE - DIRECT BY MR. TETTERTON

1 A: Yes, sir. And I graduated in '98.

2 Q: '98?

3 A: Yes, sir.

4 Q: If you would, tell the jury some of the guys or some of

5 the people you graduated with.

6 A: I graduated with Dusty Horton, Don Horton, Russell

7 Horton, Lee Bracy, Everett Mumford, Tony Butler, Whitney

8 Robinson, Codell Edmond.

9 Q: After your high school diploma, did you further your

10 education?

11 A: No, sir. I went to work.

12 Q: Where did you go to work?

13 A: First, I was working for my aunt and uncle. They owned

14 Central Mobile Homes. It was in Lugoff next to Gadgets there,

15 and I ran the setup crew. We set up mobile and modular homes.

16 Q: How long did you work with them?

17 A: I think probably until -- from, say, '99 or so until

18 2004, something like that.

19 Q: Were you married during that period of time?

20 A: No, sir.

21 Q: Doris McGougan is your grandmother?

22 A: Yes, sir.

23 Q: All right. And your mother is Vicky Steen?

24 A: Yes, sir.

25 Q: Living in Bethune, did you know where the meat market

CLINTON WARREN BEEBE - DIRECT BY MR. TETTERTON

1 was?

2 A: Yes, sir.

3 Q: Did you know who ran the meat market?

4 A: Yes, sir.

5 Q: Who did you know to run the meat market?

6 A: Keith Arnold.

7 Q: Anybody else that you know that worked there?

8 A: My wife worked there, her mother, her sister. Joel

9 Gainey; his daughter, Erin Gainey; a guy named Billy. I'm not

10 sure what his last name was.

11 Q: And after you left working in 2004 with the mobile home

12 company owned by your relatives, where did you go and what did

13 you do?

14 A: My dad had some contracting. We did some commercial

15 cleaning, stuff like that. He had a commercial cleaning

16 company. We did that sort of thing. And then, after that, I

17 got into construction.

18 Q: Into what?

19 A: Construction.

20 Q: When you say you got into construction, what particular

21 kind of construction did you do?

22 A: To begin with, I was doing iron work, you know, heavy

23 iron.

24 Q: Did you qualify or were you certified as an iron worker?

25 A: Yes, sir.

CLINTON WARREN BEEBE - DIRECT BY MR. TETTERTON

1 Q: And tell the jury how you got to be certified as an iron
2 worker?

3 A: Well, we did training. They had us -- it was through
4 the work -- through the company I worked for. It was classes
5 we had to take, and then the rest was on-the-job experience.

6 Q: What company did you work for when you were trained to
7 be an iron worker?

8 A: CCC Group.

9 Q: And where were they located?

10 A: They were -- they had a Columbia office, but they
11 were -- my home office was based out of Texas.

12 Q: How long had you worked for them training to be an iron
13 worker?

14 A: I'd say until certification, like about a year, and then
15 I worked for them on and off, you know, for years.

16 Q: It took you about a year to get certified?

17 A: Yes, sir.

18 Q: And their home office was where? Columbia?

19 A: San Antonio, Texas, I believe, but they had a -- had an
20 office off of Clemson Road in Columbia.

21 Q: Okay. Did you ever go to Texas and work some jobs
22 there?

23 A: Yes, sir.

24 Q: What type of jobs would these companies have?

25 A: We did a lot of conveyor stuff. A lot of it was -- they

CLINTON WARREN BEEBE - DIRECT BY MR. TETTERTON

1 got a product they called coke. It's basically like charcoal.
2 They make huge anodes, and that's what they heat up to make,
3 like, the Alcoa aluminum wheels, stuff like that, and that
4 coke is -- I guess it's maybe acidic. It eats away the steel,
5 and we'd have to go in and repair that. And some of it was
6 new construction.

7 Q: So you worked for them for about a year?

8 A: That's how long it took me to get certified. And then,
9 like I say, I worked for them for years and years after.

10 Q: Off and on?

11 A: Yes, sir.

12 Q: Did you work for -- what other kind of work did you do
13 after 2005 when you got certified?

14 A: I did some pipefitting through LTM out of Kershaw, South
15 Carolina.

16 Q: Do you have to be certified as a pipefitter?

17 A: Well, they -- it's -- it all depends on -- on the job.

18 Q: Depends on what you do around the pipes?

19 A: Right, right.

20 Q: Okay. So the times you weren't working for the company
21 out of San Antonio, you were working for a pipefitting
22 company?

23 A: Yes, sir.

24 Q: Did you always maintain -- did you always maintain
25 employment?

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- 1 A: Yes, sir.
- 2 Q: Always employed?
- 3 A: Yes, sir. If I -- you know, construction, you have
- 4 jobs. You know, they -- they're hit and miss, but, you know,
- 5 between the companies I worked for, I always was able to find
- 6 work.
- 7 Q: Okay. Most of the time, you tried to stay actively
- 8 employed?
- 9 A: Yes, sir.
- 10 Q: Okay. So in 2005, did you have the occasion to see
- 11 Christy Roberts?
- 12 A: Yes, sir.
- 13 Q: And had a child named Ava by her?
- 14 A: Well, that was in 2010.
- 15 Q: I'm sorry. 2010.
- 16 A: My daughter was born in '05.
- 17 Q: All right. So you kept on working construction work; is
- 18 that right?
- 19 A: Yes.
- 20 Q: And where were you living during that period of time?
- 21 A: On Best Road in Bethune.
- 22 Q: Best Road? B-e-s-t Road?
- 23 A: Yes. [REDACTED] Best Road.
- 24 Q: Were you pretty much living by yourself?
- 25 A: Well, no, actually, I'm wrong there. I was living on

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1 Wheeler Road then. We're talking about what years?

2 Q: Right after 2005, after you got certified as an iron
3 maker.

4 A: Okay. Yeah. I was -- in 2005, I would have been at
5 [REDACTED] Best Road.

6 Q: Best Road?

7 A: Uh-huh.

8 Q: And where did you move to after that?

9 A: To [REDACTED] Waters Road in Bethune.

10 Q: So the only two places you really lived was Best Road
11 and also Waters Road?

12 A: After -- after I left -- when I worked for my aunt and
13 uncle, we -- I stayed in a rental house that they had on
14 Wheeler Road, and then I purchased a mobile home from the
15 company, and it was on Corbett Road off of Old Camden Highway.

16 Q: Okay. Who did you first start -- which -- who did you
17 first start living with?

18 A: I stayed at [REDACTED] with my son's mother for a little while
19 and her mom.

20 Q: And, eventually -- that was C.J.?

21 A: Uh-huh.

22 Q: You're going to have to say yes or no, please.

23 A: Yes, sir. Yes, sir.

24 Q: And, eventually, you got custody of your son C.J.?

25 A: Yes, sir. I got him when he was three, and he lived

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1 with me the entire time. And I think it was around
2 2010 -- 2009 or '10, my mom told me that it was going -- I
3 needed to do it through the courts in case anything, you know,
4 with his mother trying to --
5 Q: You wanted court-ordered custody?
6 A: Right. And I got it myself. It was just me.
7 Q: Did you, yourself, petition the family court in Kershaw
8 County to get custody of your son C.J.?
9 A: Yes, sir.
10 Q: And did the Court, in 2010, award you custody of C.J.?
11 A: Yes, sir.
12 Q: And did you raise C.J. ever since then?
13 A: I raised him from the time he was three, so that would
14 have been from 2005 on. He was with me from -- he was born in
15 '02, [REDACTED] of '02, and I got him when he was three and he
16 stayed with me ever since until he graduated and moved up.
17 Q: He graduated -- and I believe he graduated -- I'm sorry.
18 I believe that Sandy Grove Methodist Church celebrated his
19 graduation?
20 A: Yes, sir.
21 Q: Were you there?
22 A: Yes, sir. I was there for his formal graduation as well
23 at the school.
24 Q: And who else was with you at C.J.'s graduation at Sandy
25 Grove Methodist Church?

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1 A: My wife was with me on both occasions at the school and
2 the church.

3 Q: And did you know Martha Stokes at that time?

4 A: Yes, sir.

5 Q: Do you recall y'all's picture being taken there at
6 graduation?

7 A: Yes, sir.

8 Q: And were you given copies of that picture?

9 A: Yes, sir.

10 Q: Now, that was -- what year did he graduate?

11 A: 2020 or '21, was it?

12 Q: Okay. At that time, was Dani there present at the
13 celebration at the church?

14 A: Yes, sir.

15 Q: And was she -- was she photographed along with you
16 and --

17 A: Yes, sir.

18 Q: -- and your family members?

19 A: Yes, sir.

20 Q: Okay.

21 MR. TETTERTON: Again, Your Honor, I'm going to offer
22 these. I'm going to ask him can he identify these.

23 THE COURT: All right.

24 BY MR. TETTERTON:

25 Q: Tell the jury what that is?

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1 A: This is a photograph of us at the church. The preacher,
2 Mike; myself; my son; and Dani, my wife.

3 Q: Does that photograph accurately depict all of you there
4 at your son's graduation at the church?

5 A: Well, it was the ceremony that they had at the church as
6 far as after his graduation.

7 Q: Was that the same church that you and Dani and your
8 children attended?

9 A: Yes, sir.

10 MR. TETTERTON: Your Honor, that's Defense No. -- just
11 for identification purposes, that's Defendant's Exhibit No. 2.

12 THE COURT: All right.

13 BY MR. TETTERTON:

14 Q: I'm also going to show you what for identification
15 purposes will be marked Defense Exhibit No. 1. Can you
16 identify that for the record?

17 A: Yes, sir. This was the same day. It depicts my mother,
18 myself, my grandmother, my son, my wife, and my son's other
19 grandmother on his mother's side.

20 Q: And that was approximately the year 2020 or 2021?

21 A: Yes, sir.

22 Q: And your wife, Dani, was at that celebration?

23 A: Yes, sir.

24 Q: How were y'all getting along at your son's graduation?

25 A: Fine.

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1 MR. TETTERTON: Your Honor, we'd offer these into
2 evidence.

3 MS. SAMPSON: Same objection as before, Your Honor.

4 THE COURT: All right. I'll overrule the objection.
5 I'll admit State's -- Defense Exhibit 2 and 3 [sic] into
6 evidence.

7 MR. TETTERTON: Admitted?

8 THE COURT: Admitted into evidence.

9 MR. TETTERTON: Thank you.

10 (WHEREUPON, Defendant's Exhibits No. 1 and 2,
11 photographs, were admitted into evidence.)

12 MR. TETTERTON: May I publish to the jury?

13 THE COURT: Yes, you may.

14 BY MR. TETTERTON:

15 Q: Mr. Beebe, you have identified this photograph,
16 Defendant's Exhibit No. 2, that shows you and your family?

17 A: That's our preacher, myself, my son, and my wife.

18 Q: Defendant's Exhibit No. 1, are those family members?

19 A: That's my mother, myself, my grandmother, my son, my
20 wife, and my son's grandmother on his maternal side.

21 Q: While they're looking at those, tell the jury when you
22 first met Adam?

23 A: Adam was, I think, a year younger than me, but it was
24 probably mid to late, I'd say, '80s, '87, '88 or so, because
25 we all -- it was, like, four blocks in Bethune, and I lived on

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1 the front one. His cousin, Josh Allen, lived on the same
2 street that I did on two blocks over -- two or three blocks
3 over. And then Adam stayed straight down from the opposite
4 street -- the side street that he lived on, on that block.
5 And then my -- right behind Adam was two of our other close
6 friends.

7 Q: Did you and Adam finish high school together?

8 A: Well, like I say, I think he was a year behind me.

9 Q: Did you and Adam grow up together?

10 A: Yes, sir.

11 Q: Did you and Adam play together growing up?

12 A: Yes, sir.

13 Q: Would that have been in elementary and high school?

14 A: Yes, sir.

15 Q: Tell this jury about how you and Adam grew up together.

16 A: Like I say, it was -- we all kind of lived, you know, in
17 the same few-block area, and we were all about the same age,
18 all the people I just told you about. And we all -- you know,
19 we'd go shoot squirrels and stuff, BB guns, and ride our bikes
20 and things like that, you know, in the neighborhood. It
21 was -- that's, like, little small-town deal. You know, just
22 those guys, when you get up, especially during the summertime,
23 you know, you get up and run to one of the two. We'd all meet
24 at somebody's house and hang out there or go in the woods.
25 Like I say, just being kids.

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1 Q: While y'all were growing up together, before y'all went
2 your separate ways -- y'all did go your separate ways later;
3 right?

4 A: Yeah. Like I say, I worked on the road, and Adam
5 had -- I think he was working some type of construction. I
6 think it was through military -- on military installations or
7 something. But he was -- you know, we were working different
8 -- different places. You know, we always gravitated back
9 towards Bethune at some point.

10 Q: When you and Adam were growing up together, before y'all
11 went your separate ways working construction, did y'all form a
12 bond?

13 A: Oh, yes, sir. I mean, we -- all of that group of guys,
14 I told you, we were all like -- like brothers.

15 Q: And then Adam went his separate way in construction
16 work?

17 A: Yeah. Like I say, he -- he went -- I -- my mother's
18 boyfriend, he was a superintendent, so I kind of went with
19 him, and we stayed off more, I think, than Adam. He went to
20 Nashville Auto Diesel when he graduated, I think, in '99.

21 Q: That's a diesel school?

22 A: Yeah, in Nashville, Tennessee. So he -- he went that
23 way, and then, like I say, we -- we would see each other, you
24 know, from time to time, but he was -- like I say, we weren't
25 working in the same areas.

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1 Q: How often would you see Adam during the course of years
2 after -- after he went to diesel school?

3 A: When he -- I stayed -- right after I graduated, I stayed
4 in my great-grandmother's house in Bethune for about a year,
5 and they were -- he would come -- everybody would come over
6 there and hang out. So I mean I saw him a great deal after he
7 got back from Nashville Auto Diesel.

8 Q: Hanging out?

9 A: Yes, sir.

10 Q: Okay. Let's fast-forward a little bit. C.W., let's
11 fast-forward. And did you continue that same close
12 relationship with Adam up until he -- until he went missing?

13 A: Yes, sir.

14 Q: And how often would you see Adam?

15 A: Over the entire time?

16 Q: Yes, sir.

17 A: Pretty frequently. Like I say, sometimes I'd be on jobs
18 that were two, three months or even, you know, six months or a
19 year. But, like I say, every time that we were in Bethune at
20 the same time, we'd always find each other, you know, and hang
21 out.

22 Q: Did y'all continue that bond like brothers, continued
23 all during those years?

24 A: Yes, sir. Actually, in -- I went to work at
25 Georgia-Pacific, I think, the end of '14 -- 2014, and --

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1 Q: I was going to ask you, is that when you got off the
2 road?

3 A: Yes, sir.

4 Q: In 2014, you got off the road?

5 A: Yes, sir.

6 Q: You went to work for Georgia-Pacific?

7 A: Yes, sir. In Alcolu. We made particle board. It's
8 like a plywood but it's the OSB. And Adam had spoken with me.
9 I was working maintenance there as a millwright, and he had
10 spoken with me about getting a job, and I actually turned in
11 his resume and had him an interview set up.

12 Q: To get a job at GP?

13 A: Yes, sir.

14 Q: Did he get a job there?

15 A: No, sir. This happened in between.

16 Q: Okay. So when did you meet Dani?

17 A: I guess '04 -- '03, '04.

18 Q: And she lived there in Bethune?

19 A: Yes, sir.

20 Q: Who were her parents?

21 A: Tina Porter, at the time, was her mother, but she never
22 knew her father.

23 Q: And what relationship did you have with Dani sometime in
24 '04?

25 A: We -- we became involved romantically.

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- 1 Q: And did y'all live together?
- 2 A: Yes, sir. After Zoei was born, we ended up getting the
3 house on Best Road.
- 4 Q: Y'all got the house on Best Road together?
- 5 A: Uh-huh.
- 6 Q: You've got to say yes or no, please.
- 7 A: Yes, sir. Yes, sir.
- 8 Q: And y'all took up residence there on Best Road?
- 9 A: Yes, sir.
- 10 Q: Now, when was Zoei born?
- 11 A: [REDACTED] of '05.
- 12 Q: Okay. And y'all lived there for a while, and she was
13 born -- Zoei was born?
- 14 A: Yes, sir. We stayed -- I purchased the house on Waters
15 Road, I think, in '10, in 2010. And then the house was
16 badly -- it had been vandalized and they left -- locked
17 animals up in it and stuff, so I had to tear all the carpet
18 out of it and fumigate it several times. I worked on it for
19 about a year before we would ever -- before we ever even, you
20 know, would consider moving into it.
- 21 Q: All right. And tell me again, I think Zoei was born in
22 2005?
- 23 A: Yes, sir. [REDACTED].
- 24 Q: [REDACTED], 2005?
- 25 A: Yes, sir.

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- 1 Q: And you and Dani got married October 2010?
- 2 A: Yes, sir.
- 3 Q: In 2010, some five years later?
- 4 A: Yes, sir.
- 5 Q: So Zoei would have been five years old before y'all got
- 6 married?
- 7 A: Yes, sir, I believe so.
- 8 Q: All right. But y'all lived together, and after Zoei was
- 9 born, lived together continuously?
- 10 A: Yes, sir.
- 11 Q: Okay. And where did -- after Zoei was born, where did
- 12 Dani work?
- 13 A: She worked at MAR-MAC Wire. She worked at -- she did
- 14 waitressing for a while.
- 15 Q: Was that at Hard Times in Cassatt?
- 16 A: She worked there, and she worked at Sam Kendall's for a
- 17 while downtown here, and then she ended up going to work at
- 18 MAR-MAC Wire.
- 19 Q: That was in McBee?
- 20 A: Yes, sir. And I actually put her through school for
- 21 phlebotomy. She was going to night school and went to school
- 22 for phlebotomy.
- 23 Q: Where did she go to school for phlebotomy?
- 24 A: I think that was Florence-Darlington Technical College.
- 25 Q: And when you say -- do you remember what year that was?

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1 A: I -- I don't.

2 Q: Was that after Zoei was born?

3 A: Yes, sir.

4 Q: Was that after --

5 A: That was while we were on Best Road.

6 Q: Okay. When did y'all move to Waters Road?

7 A: I'd say '11, somewhere in there. I'm pretty sure I

8 bought it in '10, but it was a lot of work. It was

9 badly -- in bad shape, bad disrepair.

10 Q: Okay. So when you tell this jury you put your wife,

11 Dani, through phlebotomy school, just tell the jury what you

12 -- what you did?

13 A: I paid for everything and, you know, supported her

14 throughout. And she actually graduated at the top of her

15 class. And I -- she had -- was offered a week-long clinical

16 at a doctor's office where she would have -- she would have

17 probably gotten a job at that doctor's office, but she was

18 going to have to be out of work for a week, and her mom had

19 just gotten a good bit of money from me and she didn't want

20 to -- she didn't do it because I was on the road and she

21 didn't want the -- she didn't tell me about it until

22 afterwards, but she didn't -- she didn't want to be out of

23 work for a week.

24 Q: Now, just to make sure the jury is clear on this, Ava

25 was born [REDACTED] of 2005?

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1 A: No. Zoei was born in '05. Ava was born in '12, I
2 think.
3 Q: No, I'm talking about -- Ava, I'm talking about, your
4 child by Christy Roberts.
5 A: Yeah, she was born in 2010. Is that right?
6 Q: Okay.
7 A: Yeah, 2010.
8 Q: Okay. I'm with you.
9 A: She's 12.
10 Q: And make sure that I get --
11 A: [REDACTED] 2010.
12 Q: -- this correct. Your child by Christy Roberts was born
13 when you were not married to Dani; is that correct?
14 A: Yes.
15 Q: All right. And that would have been in 2010?
16 A: Yes.
17 Q: [REDACTED] of 2010, and you and Dani didn't get married until
18 October 2010; is that correct?
19 A: Correct.
20 Q: Okay. When she did not pursue a career with
21 lobotomy -- not lobotomy, but what do you call it?
22 A: It's phlebotomy.
23 Q: Phlebotomy. That's the study -- that's the use of
24 drawing blood, is it?
25 A: Correct.

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1 Q: She did not pursue that educated career, did she?

2 A: No, sir.

3 Q: And tell me again why she didn't do that?

4 A: It was something -- it was something to the effect it

5 was -- her mother had borrowed some money from me and --

6 Q: Her mother, Tina?

7 A: Yeah. And didn't pay it back. And she didn't -- it

8 was -- you know, that was, I guess, a sore subject. She

9 didn't want to miss a week of work, but she didn't even tell

10 me about it.

11 Q: Who didn't?

12 A: Dani.

13 Q: She didn't tell you what?

14 A: That she had the opportunity and why --

15 Q: At a doctor's office?

16 A: Yeah. She didn't tell me about it until afterwards.

17 Q: Okay. But where did she go to work?

18 A: MAR-MAC.

19 Q: Wait a minute. Did she go to work after Zoi was born?

20 A: Yes, sir. She always worked. As long as -- as long as

21 we've been together, she's always worked. She worked at the

22 Exxon as a short order cook in the beginning.

23 Q: Okay.

24 A: She's always worked. You know, that's -- she

25 doesn't -- she always liked to be working. She didn't like

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1 doing nothing.

2 Q: And after -- after Ava was born and Zoei was born, for a
3 period of time there, were you allowed to visit with Ava?

4 A: Yes. I -- Dani was -- she didn't want me to have
5 anything to do with it until it was DNA proven that Ava was my
6 daughter, but I still would go to Jessica Stevens' house and
7 see her. That's one of Christy's good friends, and she stayed
8 with her, like, on weekends and things like that, and I'd go
9 -- I'd go see her there.

10 Q: What was -- what was Adam's relationship with your
11 daughter?

12 A: He always -- they were actually -- Brandy and Adam were
13 actually the first place that Zoei ever spent the night away
14 from us that wasn't family.

15 Q: Now, Brandy is Adam's -- was that --

16 A: That's his wife.

17 Q: That's still his wife; right?

18 A: Yes.

19 Q: He's not divorced?

20 A: No.

21 Q: But Christi is his girlfriend, the one that testified?

22 A: Brandy.

23 Q: I know. Brandy was Adam's wife. He's still married to
24 her?

25 A: Yes.

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1 Q: Is that correct?

2 A: Yes.

3 Q: And I believe Christi was his -- is his girlfriend or

4 was his girlfriend?

5 A: Christi Amerson?

6 Q: Yeah.

7 A: Yes.

8 Q: And she testified Monday?

9 A: Yes.

10 Q: Okay. All right. During the time --

11 A: Well, you were asking me about them. Whenever -- she

12 was the first person -- they were the first people she was

13 allowed -- you know, that she ever went, because my wife was

14 always real protective over Zoi, so she let them -- she let

15 her go stay the night with them. And Adam always kidded her

16 because when they were giving her a bath, she pooped in his

17 tub, and like, the whole way up, that was what -- he would

18 always razz her about that.

19 Q: He would always razz Zoi about that?

20 A: (No audible response.)

21 Q: You've got to say yes or no, please.

22 A: Yes, sir.

23 Q: This machine doesn't pick up a nod.

24 A: Yes, sir.

25 Q: And then, eventually, you got -- you and Dani got to be

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1 able to visit with Ava every other weekend?

2 A: Yes, sir. I think she was three. We did the DNA test
3 and it was proven that she was my daughter, and that's when
4 Dani loosened up and accepted it.

5 Q: And Ava would spend a week at Christmastime with your
6 daughter there with Dani and C.J.?

7 A: Yes, sir. And Zoi.

8 Q: Tell this jury about your relationship with Dani during
9 the years y'all lived together as far as the Christmas
10 holidays, Christmas days, Thanksgiving holiday. Did y'all
11 celebrate those?

12 A: Yes, sir. We always -- we had to do both because her
13 family -- her mother and sisters, they all cooked -- do a
14 big -- do a big Thanksgiving especially. And then my
15 grandmother and all, they do as well. So we'd always have to
16 go to two different places.

17 Q: Do you recall or have you ever heard Dani say or either
18 Adam say that he was considered the uncle of your children?

19 A: Absolutely.

20 Q: Was that true, that he was considered an uncle?

21 A: Yes, sir.

22 Q: And did you appreciate that relationship?

23 A: Absolutely. Adam was great with kids. He was an
24 amazing father.

25 Q: Right before -- well, let's just talk about Christmas of

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1 2016. What did you and Dani do to prepare for Christmas?

2 A: We went Christmas shopping at Magnolia Mall in Florence

3 and bought gifts for everybody.

4 Q: For everybody?

5 A: Uh-huh.

6 Q: You're going to have to say yes or no.

7 A: Yes, sir. Yes, sir. I'm sorry.

8 Q: For C.J.?

9 A: Yes, sir.

10 Q: For Ava?

11 A: Ava.

12 Q: And Riley?

13 A: And Zoi.

14 Q: Zoi, I mean. Okay. Okay.

15 A: Yeah.

16 Q: Was that a common occurrence, that you and Dani would go

17 Christmas shopping each year and buy presents for each other

18 and the kids?

19 A: Yes, sir. We would -- we would -- we would do that. I

20 didn't -- her and her sisters and her mother, they always did

21 the Black Friday shopping, but I never wanted any part of any

22 of that. That's madness to me.

23 Q: Okay. But that would be a common occurrence that you

24 and Dani went Christmas shopping together?

25 A: Yes, sir. Yes, sir.

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1 Q: All right. Now, let's go back to the time that you were
2 on the road. That was just before you went to work for
3 Georgia-Pacific; right?

4 A: Yes, sir.

5 Q: And I think that year was 2014 when you worked for them?

6 A: Yes, sir.

7 Q: All right. When you worked on the road, did Dani bring
8 the children to see you?

9 A: Yes, sir. I remember we were in Louisiana. That was
10 the first place that -- that she brought them. I actually had
11 a co-worker that -- she was scared to -- scared to drive. She
12 didn't like driving at night, and she was young then. I think
13 Zoi was either two or three, because I can remember her and a
14 co-worker of mine, they were drawing on the coffee table, and
15 they were drawing SpongeBob, and he drew SpongeBob and she
16 drew it upside-down, like opposite of the way she was looking.
17 She drew it the same way that he was looking at it, and he was
18 like, man, that's -- you know, she's pretty bright, you know.

19 Q: How about when you were working out of state in Ohio?
20 Would she bring the kids there to visit with you?

21 A: She never came to Ohio. I think what you're referring
22 to would be Oak Island, when I was at Oak Island.

23 Q: In North Carolina?

24 A: In North Carolina.

25 Q: I'm sorry.

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1 A: She came to there. She came to Oak Island. I rented a
2 house in Oak Island, and she came every weekend and brought
3 the kids without fail. She brought them to Georgia when I was
4 in Georgia working. I believe that was Port Wentworth. She's
5 brought them. You know, if it wasn't too far, she would be
6 there, you know, quite regularly. And if it was something
7 that I was going to be there for an extended period of time,
8 she would at least make one trip.

9 Q: Port Wentworth is just a suburb of Savannah; is that
10 right?

11 A: Yes, sir.

12 Q: Okay. What did you do there?

13 A: I was working at a paper mill there doing a shut-down.

14 Q: Okay. Did you primarily work shut-downs?

15 A: When I went to work for JLM Advanced Technical Services,
16 that's -- that's what we did was either emergency or scheduled
17 shut-downs. And what that consisted of is basically at a
18 certain point of the year, they figure out how much money they
19 can allocate for certain things, and it's usually, you know,
20 right after the first of the year when they figure out how
21 much they've got and then it lasts on.

22 Q: When you were working out of state up to 2014, you got
23 paid, of course; right?

24 A: Yes, sir. I got paid well.

25 Q: You got paid well?

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- 1 A: Yes, sir. I made -- when I was working for JLM, I made
2 \$25 an hour for the first eight hours of every day, and then
3 time and a half, which was 37.50 per hour for anything over
4 the first eight hours, and we always worked at least 12-hour
5 shifts. Plus I made a hundred a day per diem, 200 in and 200
6 out and 150 for travel expenses.
- 7 Q: And, C.W., tell the jury what happened to your earnings,
8 your income?
- 9 A: I lived off the per diem, and I'd send -- like I say, I
10 had direct deposit, and all of my money went home or into the
11 bank.
- 12 Q: Into a bank account?
- 13 A: Yes, sir.
- 14 Q: And who had access to that money in the bank account?
- 15 A: Dani and I both had debit cards.
- 16 Q: Debit cards?
- 17 A: Yes, sir.
- 18 Q: Did she keep a checking account, do you know?
- 19 A: No, sir. She just used a debit card.
- 20 Q: And did she pay her bills and buy groceries and buy
21 clothes for the kids and stuff?
- 22 A: Yes, sir. And she -- she wanted to do something, so I
23 let her pay the water bill out of her money.
- 24 Q: All right.
- 25 A: She always --

CLINTON WARREN BEEBE - DIRECT BY MR. TETTERTON

1 Q: Is that about the only thing she paid?

2 A: Yes, sir.

3 Q: How about her transportation?

4 A: I always bought everything. I bought all our cars.

5 Q: Okay. And gas?

6 A: Yeah. I mean it's -- like I say, she had her money, but

7 she knew that whatever she needed.

8 Q: And after 2014, when you worked for Georgia-Pacific up

9 until December -- I'm sorry, the first part of 2017, that

10 money was going into the same account?

11 A: Yes, sir.

12 Q: And both of y'all still had debit cards?

13 A: Yes, sir.

14 Q: And she had complete use of that debit card?

15 A: Yes, sir.

16 Q: Did you and she sometime before 2014 when you were

17 having your earnings -- your income direct-deposited, did

18 y'all have some sort of disagreement about how that money was

19 being spent?

20 A: Yes, sir. I was -- I was working seven 12s, seven

21 12-hour shifts every time that I was on the road. You know,

22 shut-downs, you work it straight through until it's over. And

23 every bit of the money -- like I say, I lived off the per

24 diem, which would have been \$700 per week. And all of the

25 cash earnings, hourly earnings, went to my checking or the

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1 checking account. And I get back and I noticed that, you
2 know, over the amount of time I was on the road, there should
3 have been a large amount of money in checking or savings,
4 whichever one at that point, and it was -- there was nothing
5 basically.

6 Q: No money in the account?

7 A: Just what had just been deposited really.

8 Q: The outgoing -- the incoming was your earnings, and you
9 lived off the per diem?

10 A: Uh-huh.

11 Q: Say yes or no, please.

12 A: Yes, sir. Yes, sir.

13 Q: And all the money went into that account?

14 A: Yes, sir.

15 Q: And anybody else have any debit cards besides Dani?

16 A: No, sir, not to my knowledge.

17 Q: After you got home, you found out what?

18 A: I found out that -- I didn't know what she was spending
19 the money on at that point. I had no idea, but --

20 Q: But the money wasn't there?

21 A: The money wasn't there.

22 Q: And y'all had some disagreement about that?

23 A: Yes, sir.

24 Q: And once you got off the road, that ended that
25 disagreement about missing -- about the money not being in the

CLINTON WARREN BEEBE - DIRECT BY MR. TETTERTON

1 account; right?

2 A: Yes, sir.

3 Q: Okay. Both of y'all pretty much drew out of the same

4 account?

5 A: Yes, sir.

6 Q: Both of y'all had debit cards?

7 A: Yes, sir.

8 Q: All right. Were there or was that a group of young men

9 that got together frequently to cook out?

10 A: Yes, sir.

11 Q: Who would that be?

12 A: Before my buddy Josh moved to -- and he was Adam's

13 cousin -- moved to Conway, it would have been Josh, Adam,

14 myself, and Benji and Casey Spradley.

15 Q: All got together and cooked out?

16 A: Yes, sir, at one house or the other, whoever was --

17 Q: And would Dani join you in those cookouts?

18 A: Yes, sir.

19 Q: All right. Most of the time?

20 A: Yes, sir.

21 Q: She was one of the boys?

22 A: Yes, sir. I mean, at that point, Josh was with his

23 wife, Laura, and Adam and his wife were together, so, you

24 know, we would be outside doing the outside cooking most of

25 the time, and the girls would be inside, handling the inside

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1 cooking.

2 Q: All during that time, did you love your wife, Dani?

3 A: Yes, sir.

4 Q: Did you love your daughter, Coey -- Zoei, I mean?

5 A: Yes, sir.

6 Q: And your son C.J.?

7 A: Yes, sir. And Ava as well.

8 Q: I beg your pardon?

9 A: Ava as well.

10 Q: I mean Ava, yeah.

11 MR. TETTERTON: Court's indulgence just one moment.

12 BY MR. TETTERTON:

13 Q: What was the -- and I want to be truthful and I'm sure
14 you will be with this jury. What was, as you observed it,
15 Adam's use of drugs?

16 MS. SAMPSON: Objection, Your Honor.

17 THE COURT: Yeah. The lawyers approach.

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

20 THE COURT: All right. Mr. Tetterton, ask your
21 question.

22 BY MR. TETTERTON:

23 Q: C.W., I'm going to ask you to, if you would, tell this
24 jury what you knew about Adam's drug use during the
25 year -- during the month of December 2016?

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1 A: Well, I know that he liked speed, cocaine, and
2 methamphetamine.

3 Q: Okay. Any marijuana?

4 A: Possibly. I think he probably smoked a little, but I
5 mean with work, I don't -- I don't think you -- you kind of
6 can't smoke pot because it stays in your system so long.

7 Q: And in all fairness to this jury, would you tell the
8 jury about your use of drugs during the month of December
9 2016?

10 A: I -- I did some cocaine.

11 Q: Some cocaine?

12 A: Yes, sir.

13 Q: And was that your preference or was beer your
14 preference?

15 A: I just -- I -- the job that I had gotten, I got random
16 drug tested frequently.

17 Q: Okay.

18 A: And I have mainly just -- just drank beer.

19 Q: Were you -- were you concerned about being random drug
20 tested?

21 A: Yes, sir.

22 Q: What would happen if you were random drug tested and it
23 had cocaine in your system?

24 A: I'd be terminated.

25 Q: Terminated?

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1 A: Yes, sir.

2 Q: And that way, you'd lose income for you and your family?

3 A: Yes, sir.

4 Q: Okay. Was that an occasional use of cocaine?

5 A: It was the holidays, so I was off for a few.

6 Q: Holidays?

7 A: It was the holidays, so I was off for a little while. I

8 figured cocaine is only supposed to stay in your system three

9 -- three days or so, so I figured I'd -- it would be out of my

10 system before I went back to work.

11 Q: Okay. And -- all right. On December 29th, 2016, did

12 you own a semiautomatic pistol?

13 A: Yes, sir, I did.

14 Q: And what kind of semiautomatic pistol did you own?

15 A: It was a Smith & Wesson MP Shield.

16 Q: All right. And when did you purchase that?

17 A: A couple of weeks before.

18 Q: A couple of weeks before December 29th?

19 A: Yes, sir.

20 Q: And tell the jury who you purchased it from?

21 A: Curtis Wright.

22 Q: And why did you purchase it?

23 A: Curtis and I were working together, and he told me that

24 he had a bill come up that he wasn't anticipating and he

25 needed some money to be able to get it paid, and he asked me

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1 if I'd be interested in buying the gun. And it was kind of
2 with -- he said, you know, he'd like to be able to purchase it
3 back --

4 MS. SAMPSON: Objection, Your Honor.

5 THE COURT: Yeah. I sustain the objection.

6 BY MR. TETTERTON:

7 Q: I'm sorry? You purchased it from him?

8 A: Yes, sir.

9 Q: And where did that purchase take place?

10 A: At his house.

11 Q: Okay. You went to his house to see it?

12 A: Yes, sir.

13 Q: And how much did you pay him for it?

14 A: \$250.

15 Q: And while you were there, describe to the jury what you
16 did, if anything, to purchase the gun?

17 A: When I got there, he was out there sitting on the back
18 of his truck with the tailgate down, and he had the gun in the
19 case beside him. He had some cans set up, and he got it out
20 and handed it to me. I shot three times. I missed the first
21 two times. I hit it the second one, and he got -- he took it
22 from me and he shot it three times, and he hit all three times
23 to show me that it was me. It wasn't the gun, I guess, the
24 accuracy.

25 Q: All right. Was the gun in a case at that time?

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1 A: Yes, sir. It was in a blue case, the one he purchased
2 it in. It's like a hard case with foam inside it.

3 Q: Who was the -- were you the last person to shoot that
4 pistol?

5 A: No. Whenever he shot, you know, he said what do you
6 think, and I said that's --

7 MS. SAMPSON: Objection, Your Honor.

8 BY MR. TETTERTON:

9 Q: No, you can't say what he said.

10 A: Okay.

11 Q: You can't say what he said, but --

12 A: Whenever he shot it, he put the gun back in the case.

13 Q: He put the gun back in the case that was sitting on the
14 tailgate?

15 A: Yes.

16 Q: And you have described that case as being a Smith &
17 Wesson case that it came in?

18 A: Yes, sir.

19 Q: And what caliber was that?

20 A: It's a 9 millimeter.

21 Q: Okay. Did you ever -- I mean, after you got the pistol
22 and put the semiautomatic pistol, 9 millimeter Smith & Wesson
23 Shield, it went back in the box?

24 A: Yes, sir. He -- he put it back in the box.

25 Q: And you took it home with you?

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1 A: Yes, sir. I took it home and put it in my nightstand,
2 the drawer of my nightstand.

3 Q: And what were your intentions of doing with that?

4 A: I was -- if I went hog hunting, I would have probably
5 have taken it with me, but I hadn't been hog hunting. So I
6 was just basically going to keep it and give him the time.
7 Like I say, he wanted to purchase it back once he got
8 straightened back out.

9 Q: Sort of like a pawnshop?

10 A: Correct.

11 Q: All right. Now, was -- you mentioned that you shot it a
12 couple of times, missed the cans, but he shot it three times
13 and hit the cans?

14 A: Yeah. I missed twice and then hit it once, and then he
15 hit it all three times.

16 Q: And he was the last one to fire that weapon?

17 A: Yes, sir.

18 Q: Or fire that pistol?

19 A: Yes, sir.

20 Q: And did you look at it before it went back into the box?

21 A: No, sir.

22 Q: It just went back into the box?

23 A: Yes, sir. He placed it back in the box.

24 Q: At some time prior to that, had you purchased a pistol
25 for Dani?

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1 A: I had. Dani purchased one in her name for herself.
2 Her -- a girl that she -- when she was working in McBee, there
3 was a girl that worked at the gas station, and she
4 got -- there was some interaction with a -- with a gentleman.
5 He followed her, ran her off the road, and beat her and killed
6 her, raped her, and I know she was murdered and beaten
7 unmercifully. And I told her, you know, it happened at the
8 gas station that she went to every day on her way to work, so
9 I said, you know, you need to get some protection.
10 So she went to -- we went to Ace Hardware in
11 Bishopville, and she purchased a Kel-Tec .380, which is a
12 small -- very small automatic pistol.
13 Q: C.W., did you ever have any thought in your mind that
14 Dani and your best friend, Adam, was having an affair?
15 A: Absolutely not.
16 Q: Or with anybody else?
17 A: (No audible response.)
18 Q: Don't just shake your head. You have got to --
19 A: No, sir.
20 Q: All right. Well, let's go, as we're all waiting for,
21 the day of December 29th, 2016. Do you remember that day?
22 A: Yes, sir.
23 Q: And you had been off work for a while; right?
24 A: Yes, sir.
25 Q: Where did you go sometime later that afternoon? First

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1 of all, was that -- was that the day of the -- not the
2 Carolina/Clemson game, but the Carolina -- I'm not a Carolina
3 fan. Carolina and somebody in the Birmingham game?
4 A: Yeah, it was the Birmingham Bowl. It was South Florida.
5 Q: South Florida?
6 A: I want to say.
7 Q: All right. And what were your intentions about watching
8 that game?
9 A: I started out watching the game at the house by myself.
10 Like I say, Dani was at work, and I was just watching the game
11 and we were getting whipped pretty good, so I -- I was like,
12 ah, this isn't worth watching. So I went down to the end of
13 the street to Clancy's. It's actually Clancy's brother's
14 house, Shawn Talbert, and --
15 Q: The game came on at 2 o'clock?
16 A: I believe so.
17 Q: And how long had you -- how many quarters did you
18 actually watch?
19 A: I watched the first half. And like I say, we were down
20 by maybe 20 points or something, 21 points.
21 Q: Okay. And then you left your house?
22 A: Yes, sir.
23 Q: And went where?
24 A: I went down to the end of the street to Shawn Talbert's
25 house.

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- 1 Q: And about what time do you think that you arrived there?
- 2 A: At halftime. It would have probably been 3:30,
- 3 somewhere in there.
- 4 Q: During halftime?
- 5 A: Yes, sir. I watched the first -- the entire first half
- 6 at my house.
- 7 Q: And that was the house in Cassatt, or where is this
- 8 house?
- 9 A: No. His house is -- it was his brother's house,
- 10 Shawn -- Clancy's brother's house, Shawn Talbert. He
- 11 stayed -- it was -- when you come down Waters Road to No. ■,
- 12 it's a mile from my driveway to No. ■, and he's maybe a
- 13 hundred yards right there. He's directly across from -- I'm
- 14 not sure if you -- but Sullivan's Grocery.
- 15 Q: C.W., had you been at Kelly's Bar prior to going to
- 16 Talbert's house?
- 17 A: No, sir.
- 18 Q: When you got to Talbert's house, what was going on?
- 19 A: I think Clancy and Shawn were there, maybe a couple more
- 20 people, and there was some horseshoes being thrown.
- 21 Q: Did he have a pretty good horseshoe pit?
- 22 A: He had the best one in town.
- 23 Q: He had the best one in town?
- 24 A: Yes, sir.
- 25 Q: All right. And what did you do when you got there?

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1 A: I got out. I rolled my windows down in my car and
2 turned the radio up on 107.5, The Game, which was what was
3 there, the bowl game.

4 Q: 107.5 is The Game -- called The Game?

5 A: Yes, sir. It's 107.5, The Game. It's the ESPN station.

6 Q: And that's the radio station where Gamecock games are
7 broadcast?

8 A: Yes, sir.

9 Q: And were you able to listen to the game?

10 A: Yes, sir.

11 Q: Did you pitch any horseshoes?

12 A: Yes, sir.

13 Q: And were you drinking beer?

14 A: Yes, sir.

15 Q: Did you take the beer with you or did you have it
16 already there? Was it already there?

17 A: I took -- I think I had a partial 12-pack or something
18 like that. I threw -- I threw a few in there, but Shawn and
19 Clancy both always have a cooler full of beer. I mean it's --

20 Q: Okay. So how long --

21 A: They don't go without it.

22 Q: How long did you stay at Clancy Talbert's house?

23 A: I was there until -- I would say the game started -- we
24 made a comeback. We made a miraculous comeback, and the game
25 started getting close in the fourth quarter, and I was like,

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1 man, you know, I got to go watch this. So I said I'm going to
2 go up to the bar and watch it. And Clancy and -- he said,
3 well, I'd ride up there with you.

4 Q: Clancy and who?

5 A: Clancy -- it's just Clancy.

6 Q: So you and Clancy left, I guess, his brother's house,
7 and drove to Kelly's Bar?

8 A: Yes, sir.

9 Q: Did you feel like you were okay to drive?

10 A: Yes, sir.

11 Q: Did Clancy ever complain about you being impaired or not
12 being able to drive safely?

13 A: No, sir.

14 Q: None whatsoever?

15 A: No, sir.

16 Q: At that time, you had not seen Adam, had you?

17 A: No, sir. Hadn't heard from him.

18 Q: And when you got to Kelly's Bar, would that have been
19 around the fourth quarter?

20 A: Yes, sir.

21 Q: And tell the jury what you did or you and Clancy did
22 when y'all got to Kelly's Bar?

23 A: Clancy -- he doesn't care about football at all. I'm a
24 die-hard Carolina fan. So as soon as I go in, I find a seat
25 closest to the TV, and Jimmy Don Benton was in there, and he's

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1 my equivalent but a Clemson fan, and we always go back and
2 forth razzing each other about the games and stuff. And I
3 have never had him really say anything positive about the
4 Gamecocks ever. We would, a lot of times, bet on the
5 Clemson/Carolina game. Whoever won would have to wear -- I've
6 had to wear Clemson jerseys all year long several times, and
7 he's had to a couple of times as well. But I do remember him
8 telling me after that game, you know, you guys --

9 MS. SAMPSON: Objection, Your Honor.

10 BY MR. TETTERTON:

11 Q: Yeah, don't say what he told you about the riff between
12 Carolina and Clemson. So about how long did you stay at the
13 bar?

14 A: We watched -- the game went into overtime. I think it
15 went to -- it was either two or three overtimes, and we lost
16 by -- they scored in the -- in the second or third overtime,
17 and we lost it. And Adam came in just before the end of the
18 game. He sat down. We were, you know, watching the game.

19 And it was shortly after -- shortly after the game
20 ended, Kevin Horton came in. And Kevin Horton was dating
21 Adam's -- I guess you'd say estranged wife at the time,
22 Brandy. And he come --

23 Q: Let me make sure I understand you. You and Adam and
24 Clancy were all at the bar?

25 A: Clancy was shooting pool. Clancy's in the pool area,

CLINTON WARREN BEEBE - DIRECT BY MR. TETTERTON

1 which is on the other side of the bar. He's in there shooting
2 pool. Like I say, he doesn't care about football at all.

3 Q: So you and Adam were there sitting and had watched the
4 game?

5 A: Yes, sir.

6 Q: Or watched the end of the game or sometime watched the
7 end of the game. And Kevin Horton came in?

8 A: Yes, sir.

9 Q: And tell me who Kevin Horton is?

10 A: Kevin Horton was dating Adam's -- they were separated at
11 the time, but his wife, Brandy.

12 Q: That's Brandy Davis?

13 A: Yes, sir.

14 Q: So Adam and Brandy were married, separated, and Kevin
15 Horton was seeing Adam's wife?

16 A: Correct.

17 Q: Is that fair to say? Okay. And tell me what happened
18 when Kevin walked in?

19 A: He came in, and he didn't come directly to us. He
20 stayed down for a little bit. Like I say, Jimmy Don and I
21 were having little conversations about the game. And
22 eventually, he made his way down there and offered to buy Adam
23 a shot, you know, I guess. I'm not sure, but Adam -- I think
24 he may have appeased him by taking it, but, like, right after
25 that, he said, man, let's get out of here, you know, because

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1 he didn't want to be around Kevin.

2 Q: He didn't want to be around Kevin, who was dating his
3 wife?

4 A: Correct.

5 Q: Okay. And did y'all leave?

6 A: Yes, sir.

7 Q: And where did y'all go?

8 A: We got into my car. I had a -- I think it was a '94
9 Nissan Maxima, green, a little four-door. We got in the car.
10 As soon as we got in the car, Adam always -- he took his
11 pistol and stuck it in my glove box.

12 Q: Did you know Adam to always carry a pistol?

13 A: Yes, sir.

14 Q: And what kind of pistol was that?

15 A: He carried a Glock 9.

16 Q: A Glock 9? Okay. You knew him to carry it at all
17 times?

18 A: Always.

19 Q: Had you and he talked about his Glock 9 before?

20 A: Yes, sir.

21 Q: Okay. What --

22 A: He would -- I mean he would -- he was always shooting
23 it. You know, we were always -- we live in rural Kershaw
24 County. I mean there's always shooting targets and different
25 things.

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1 Q: Did y'all have -- during that time, did y'all have a lot
2 of conversations about different kind of guns?

3 A: Yes, sir. Whenever he put his gun in my glove box, it
4 reminded me of -- that I had just purchased the Smith &
5 Wesson.

6 Q: A couple of weeks earlier? A couple of weeks earlier?

7 A: Yes, sir. I'd say two weeks prior I had purchased the
8 Smith & Wesson. So I said, you know, I just got a 9
9 millimeter myself. And I was telling him that whenever I
10 purchased it, I was informed that it was -- the action on the
11 slide was supposedly, like, really easy because it was
12 designed so that women and the arthritic and elderly would be
13 able to use it as well. And he said, you know, I'd like to
14 take a look at that.

15 Q: But you didn't have it with you?

16 A: No, sir.

17 Q: And did y'all go back to your house?

18 A: When we left the bar, we went to Stacey Ferrington's.

19 Q: Stacey Ferrington?

20 A: Yes, sir.

21 Q: Just you and Adam?

22 A: Yes, sir.

23 Q: Any particular reason?

24 A: Adam said that, you know, let's go by Stacey's.

25 Q: Was he a friend of y'all's?

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1 A: Yes. He went to school with us and we grew up together
2 as well. He was from the Lucknow area, but I think around
3 high school, maybe freshman year, something like that, he
4 stopped going to Bishopville High School whenever it
5 consolidated to Lee Central, and he came to Bethune High
6 School.

7 Q: So if I -- did y'all see -- y'all go by Stacey's house.
8 Did you see him?

9 A: He wasn't home.

10 Q: Did Dani go with you?

11 A: Not at that time, no, sir.

12 Q: Just the two of y'all?

13 A: Yes, sir.

14 Q: Okay. And you drove that little green car?

15 A: Yes, sir.

16 Q: Was there a discussion between you and Adam that you
17 intended to show him the pistol when y'all got home, your
18 newly purchased pistol?

19 A: No, not -- he just said, you know, he'd like to see it
20 whenever -- that, and we didn't discuss it anymore at that
21 point.

22 Q: Okay. All right. So you didn't -- you went back to
23 Stacey's house, and then where did you go? Your house?

24 A: Yes, sir. We went back to the house. Whenever I was
25 pulling in the yard, a buddy of mine that I worked on the road

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1 with from Arkansas called me and was -- we were conversing
2 about the bowl games, about their game and about Carolina's.
3 And he was --
4 Q: You can't say what he said, of course. Y'all just
5 talked about the game?
6 A: Right.
7 Q: And Dani -- I mean -- excuse me. Adam was with you?
8 A: Yes, sir. We were in the front yard.
9 Q: At that time, Dani had not come home from work?
10 A: No, sir.
11 Q: And what did you and Adam do there before Dani got home?
12 A: We had just -- we had just pulled up, and I was -- like
13 I say, I was standing there talking on the phone, and Spencer
14 Gardner was pulling in. And I ended the -- finished with the
15 phone call, and we walked over and was talking to Spencer.
16 Q: Did y'all sit in the truck with him?
17 A: Yes. I can't remember if -- I think it was Adam. I
18 can't remember if it was he or I, you know, said we needed
19 some more beer. And Spencer said, well, I'll run y'all up
20 there to the Exxon to get some. And as we got in the truck,
21 that's when Dani came home and --
22 Q: That's when Spencer left?
23 A: Well, whenever she came home, I told him, I said, well,
24 you know, I'm not going anywhere now. The boss is home.
25 Q: All right.

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1 A: And we got out and went inside, and that's when Adam I
2 believe said, yeah, we're going to go get some beer. And she
3 said, well, I'll drive y'all.

4 Q: Okay. I'm going to show you what's been marked as a
5 couple of exhibits.

6 MR. TETTERTON: May I approach, Your Honor?

7 THE COURT: Yes, you may.

8 BY MR. TETTERTON:

9 Q: I want to show you State's Exhibit No. --

10 MS. SAMPSON: Your Honor, may I see what he's got?

11 MR. TETTERTON: I beg your pardon?

12 MS. SAMPSON: I haven't seen what you're showing him.

13 THE COURT: These are -- these are exhibits that have
14 already been introduced.

15 MR. TETTERTON: Yeah.

16 MS. SAMPSON: Thank you. It's fine. I just thought
17 that -- I didn't know they were already in.

18 BY MR. TETTERTON:

19 Q: I'm going to ask you to look at State's Exhibit No. 42.
20 Describe for the jury what that shows?

21 A: That's my living room if you're standing as you just
22 come in the -- the front door.

23 Q: Was that the configuration of your living room in your
24 house on December 29th, 2016, when Dani got home?

25 A: Yes, sir.

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1 Q: Is that the exact location of the chair in the living
2 room?

3 A: Looks like it.

4 Q: And I'm going to show you Exhibit No. 47. Anything
5 different about that photograph and what the house was like
6 when you got to Dani's house?

7 A: No, sir.

8 Q: I beg your pardon?

9 A: No, sir.

10 Q: It's the same?

11 A: Yes, sir.

12 Q: How about 43?

13 A: Yes, sir. Same.

14 Q: Okay. Look at those photographs, if you would. Just
15 look at State's Exhibit No. 47. Can you describe -- first of
16 all, let me just ask when Dani got there, were you and Adam
17 outside?

18 A: Yes, sir. We were actually -- when she pulled in, we
19 were actually still sitting in Spencer's truck.

20 Q: Sorry?

21 A: When she pulled in, we were still in Spencer's truck.

22 Q: And when Spencer left, did y'all go inside?

23 A: Yes, sir.

24 Q: And you and Adam went inside?

25 A: Yes, sir.

CLINTON WARREN BEEBE - DIRECT BY MR. TETTERTON

1 Q: And Dani went inside behind you or before you or
2 whatever?

3 A: She went in first because, like I say, we were still
4 sitting -- we sat in -- we finished talking to Spencer. It's
5 not like we just jumped out right at the time. We sat there
6 and finished our conversation.

7 Q: When y'all went in the house, do you remember a note
8 being on the TV about this is being -- this is being recorded?

9 A: Yes, sir.

10 Q: What did that note say?

11 A: Don't change the channel. I'm recording the bowl game.

12 Q: Okay. And did you -- did you overhear any conversation
13 between Adam and Dani at that time?

14 A: Yes, sir. They were -- Adam was laughing about it, you
15 know. I think he asked Dani. He was, like, you know, did you
16 put that there, you know, or was it him?

17 Q: Okay. Did you -- did you overhear any conversation or
18 did you see Dani and Adam looking at a video on a telephone or
19 something?

20 A: I think that he was showing her a funny video on YouTube
21 or something or one of the two was.

22 Q: About grandpa having no dentures?

23 A: Yes.

24 Q: Was that it?

25 A: I believe so.

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1 Q: Okay. You didn't join in that conversation, did you?

2 A: No, sir. I was -- I think there was another game on,
3 and I was watching. I watch every team that's on TV,
4 basically.

5 Q: During bowl season?

6 A: All of college football.

7 Q: Okay. Now, I'm asking you to look at State's Exhibit
8 No. 47.

9 MR. TETTERTON: Your Honor, may he step down?

10 THE COURT: Yes.

11 BY MR. TETTERTON:

12 Q: Step down.

13 A: Yes.

14 Q: I'm going to ask you to take Exhibit No. 47 and stand
15 here. So, eventually, you sat down and eventually Adam sat
16 down; is that right?

17 A: Yes, sir.

18 Q: Point out where Adam sat down and --

19 A: He was sitting here. He was sitting in this chair.
20 Myself was in this chair and my wife on the couch here.

21 Q: I guess I need to ask you were y'all sitting down before
22 Dani drove y'all to get beer??

23 A: No. I was sitting -- I was sitting there. Yeah, I sat
24 down beside him and watched TV. And I believe -- yeah,
25 because they were down there. That's probably the same.

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1 Q: Does that photograph, State's Exhibit No. 47, also
2 reflect the location of the chair, the recliner, the ottoman,
3 the couch? Does it accurately reflect how that stayed all
4 night?

5 A: Yes, sir.

6 Q: When Dani was there with y'all?

7 A: Yes, sir.

8 Q: And I think -- would you describe yourself as being at
9 an angle to where the settee is?

10 A: Yes, sir.

11 Q: So after Dani and Adam started joking about the note on
12 the -- note on the TV, about changing the channel, and
13 watching the video about grandpa's dentures, what happened?

14 A: That's when the conversation about getting more beer
15 occurred and --

16 Q: Whose idea was it?

17 A: Adam's, I believe.

18 Q: Adam said to Dani or he said to you or who?

19 A: Well, he and I had already discussed it. We had gotten
20 in Spencer's truck and were going to go. And whenever Dani
21 came, I said, well, the boss is here. You know, better check
22 with her, make sure that that's okay. And I just told
23 Spencer, you know, we'll go. We won't bother you with taking
24 us since she's back.

25 Q: All right.

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1 A: But that -- at the point you're talking about, Adam and I
2 said -- or one of the two said, you know, Dani, we're going to
3 go get some more beer.

4 Q: Prior to that time, going back a little bit, was it
5 unusual for Adam or any of your friends to come to your house
6 and spend the night?

7 A: No, sir. All -- all of my friends knew that the door
8 was always open no matter -- no matter what. If you needed
9 somewhere to stay or if you needed anything, just come or
10 call.

11 Q: Okay. And this particular night was no different than
12 any other night?

13 A: No, sir.

14 Q: And Adam was welcome to spend the night there if he
15 wanted to?

16 A: Yes, sir.

17 Q: His car was still at Clark's; right?

18 A: Yes, sir.

19 Q: All right. So who did -- did Adam ask Dani to take you
20 all to get more beer?

21 A: I believe it was we were going to go get more beer, and
22 she said you guys have been drinking, I'll drive you.

23 Q: Okay. Did you feel like at that time you could have
24 driven?

25 A: Yes.

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1 Q: All right. Is that what happened? Y'all went to the
2 Exxon station in Bethune?
3 A: Yes, sir.
4 Q: Is that the old Mays Exxon station?
5 A: Yes, sir.
6 Q: The Mays no longer rent it.
7 A: Right.
8 Q: Okay. So did y'all actually go there?
9 A: Yes, sir.
10 Q: Dani was in the front seat?
11 A: Yes, sir.
12 Q: Adam was in the front seat?
13 A: Yes, sir.
14 Q: And you were in the backseat of that black Acura?
15 A: Yes, sir.
16 Q: Okay. And you got there, and you heard the testimony
17 that Adam goes in, buys a 12-pack; is that right?
18 A: Yes, sir.
19 Q: With his money?
20 A: Yes, sir.
21 Q: Did Dani get out and pump some gas?
22 A: Yes, sir. And then she came around the front of the car
23 and got some trash out of the passenger floorboard and threw
24 it in the trash.
25 Q: Did you see Kelly Clark come up?

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1 A: Yes, sir.

2 Q: Did you have any animosity or any issues with Kelly at
3 that time?

4 A: No, sir. Kelly and my older brother were best friends
5 growing up.

6 Q: And you knew Kelly well?

7 A: Yes, sir.

8 Q: And so you didn't have any problem with Kelly driving
9 up. You wasn't going to get out and whip him, were you?

10 A: No, sir. I have known Kelly. Like I say, they moved to
11 Bethune in 1987, and Kelly's younger brother is Benji, who is
12 another one of my very close friends, and I grew up over at
13 their house. I actually used to go to their house in the
14 mornings. I always would get up at sunlight. They'd sleep
15 around. Well, I'd go over there and sit with their mother and
16 father while they drank their coffee in the morning, waiting
17 on the boys to get up. I mean, I have known Kelly ever since
18 he came -- moved to Bethune.

19 Q: Did you wife, Dani, at that time, tell you not to get
20 out of the car and have any confrontation with Kelly Clark?

21 A: No, sir.

22 Q: She didn't say that to you?

23 A: No, sir. She was outside of the car.

24 Q: Well, when she got back in the car when Kelly was over
25 there, did she ever express some concern that you were going

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1 to get out and do something to Kelly?

2 A: Not a word.

3 Q: Didn't happen?

4 A: No, sir.

5 Q: You heard her say that?

6 A: No, sir. She didn't say --

7 Q: I'm talking about you heard her say it yesterday?

8 A: Oh, yes, sir.

9 Q: And that's not true?

10 A: Not at all.

11 Q: Didn't happen?

12 A: No, sir.

13 Q: All right. So you got the beer, y'all went back home?

14 A: No. We come -- when we were coming back, Adam -- I

15 think he said see if Stacey's home. So she went on out and we

16 went by Stacey's again, and he wasn't home again. She

17 stated --

18 Q: Dani drove you at that time?

19 A: Correct.

20 Q: He wasn't home, so y'all went back to your house?

21 A: Yes, sir.

22 Q: And when you got back to your and Dani's house, what did

23 you all do?

24 A: Adam got the call back from Darryle Coe.

25 Q: And when you say call back, had he called Darryle Coe?

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1 A: He called him as we -- right before we left the bar.

2 Q: Okay. For what reason?

3 A: He wanted some cocaine.

4 Q: Adam wanted some cocaine?

5 A: Yes, sir.

6 Q: How about you?

7 A: He told me to call him, and I said you call him. You

8 got the number. I don't -- you know what I mean? I'm not the

9 one that wants it.

10 Q: Okay.

11 A: You know?

12 Q: So you left Stacey's. Nobody was home. Came back to

13 the house; right?

14 A: Yes, sir.

15 Q: Did y'all put the beer in the refrigerator or you

16 just --

17 A: I believe so. He -- I didn't have it. He had the beer.

18 But I think he did.

19 Q: Well, who drank the beer?

20 A: I guess, you know, he did. He may have offered me one.

21 Probably did.

22 Q: Do you remember drinking any of his 12-pack?

23 A: I may have had one.

24 Q: Do you remember what kind of beer it was?

25 A: He got Bud Lite. I drink Budweiser. I used to drink

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1 Bud Lite, but, as Clancy said earlier, he got me converted to
2 Budweiser.

3 Q: So Adam drinks Bud Lite, you drink Budweiser, and Adam
4 bought a 12-pack of Bud Lite?

5 A: Yes, sir.

6 Q: Which, at this particular time in December, you weren't
7 drinking Bud Lite?

8 A: No, sir. I drank Budweiser. More bang for the buck, I
9 guess you'd say.

10 Q: Do you recall whether or not you and Adam at that
11 time -- or did Adam -- how many beers did Adam drink?

12 A: Adam had just gotten off of work, as far as I know. He
13 hadn't -- I mean, he wasn't in the bar very long at all. So
14 he couldn't have had more than -- I would say he probably only
15 had one there, possibly two.

16 Q: You wouldn't -- or would you have any knowledge of his
17 girlfriend, Christi Amerson, calling him earlier that day?

18 A: No, sir. As far as I know, he was at work. I didn't
19 see him until he came in the bar. I didn't talk to him until
20 he came in the bar.

21 Q: Do you recall or do you have any knowledge of Christi,
22 his girlfriend, calling him later on that evening or texting
23 him?

24 A: He was texting throughout the evening. I mean I didn't
25 ask -- I didn't ask him who it was or anything like that.

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1 Q: So at some point -- I mean when y'all were in the bar,
2 Adam had already made the phone call to the drug dealer?
3 A: Yes.
4 Q: Darryle Coe?
5 A: Yes.
6 Q: All right. And so did he ask Dani at that time, say
7 take me to get my cocaine?
8 A: He said that that -- that's Darryle. He's ready to meet
9 me. And she said, well, you know, I'll drive y'all.
10 Q: Did you make Dani drive you to the Exxon station -- let
11 me finish -- drive you to the Exxon station so Adam could buy
12 some more beer?
13 A: No, sir.
14 Q: Did you make Dani drive you to the drug dealer's
15 location?
16 A: No, sir.
17 Q: Did she voluntarily drive y'all to the Exxon station so
18 Adam could buy a 12-pack of Bud Lite?
19 A: Yes, sir.
20 Q: Did she voluntarily drive you and Adam to the drug
21 dealer's location in whatever county it was in?
22 A: Yes, sir.
23 Q: Did you give Adam any money to buy the cocaine?
24 A: No, sir.
25 Q: That was Adam's money?

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1 A: Yes, sir.

2 Q: And describe, if you would, what happened at the
3 location where the drug deal went down?

4 A: We pulled up. I think that he was already there. I'm
5 not real clear on that, but I believe he was already there.
6 Whenever we pulled up, I needed to urinate. So I got out. I
7 thought he was alone and I kind of turned a little bit, but
8 his car was right here. And whenever I started -- he said,
9 oh, my wife's in the car. So I turned on around and walked to
10 the back of the car.

11 Q: Was it dark then?

12 A: Yes, sir.

13 Q: About what time was it?

14 A: I'm not real sure.

15 Q: Well, let me just try to get some time frame for the
16 jury to understand.

17 A: Maybe -- maybe 8 o'clock.

18 Q: Okay.

19 A: Maybe a little later. Between 8 and 9, I'd say.

20 Q: You don't remember what time the game was over, do you?

21 A: It was a 2 o'clock game, so probably -- it went into
22 overtime a couple of times. Probably a little after 5,
23 between 5 and 6.

24 Q: Okay. So y'all were at the drug dealer's location.
25 Adam had his money. He got out?

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1 A: Yes, sir. He got out. We got out the same time. I
2 finished urinating. I walked around, and he and Darryle were
3 talking. And I said, you know, what's going on, man, to
4 Darryle. And, you know, we exchanged pleasantries or whatever
5 you want to call it. And then they had finished -- they
6 finished their --

7 Q: They finished their transaction.

8 A: -- transaction.

9 Q: They finished their drug deal.

10 A: Yes, sir. And then we both got back in the vehicle.

11 Q: Dani is in the driver's seat?

12 A: Yes, sir. She never got out.

13 Q: You in the passenger seat? I'm sorry. Adam in the
14 passenger seat?

15 A: Uh-huh.

16 Q: And you in the backseat?

17 A: Yes, sir.

18 Q: And y'all returned back to Camden -- I mean, excuse me,
19 back to Bethune?

20 A: Yes, sir.

21 Q: Did y'all return back to Waters Road?

22 A: Yes, sir. We were coming down 341 going towards
23 Bethune, and I told Dani -- I said, you need to go to the bar,
24 and she starts -- she starts fussing about that because she
25 thought that I wanted to go to the bar. I wasn't saying I

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1 wanted to go to the bar. I was telling her that Adam's car
2 was at the bar. But whenever -- when Dani starts, there's no
3 talking over her or any of that, and she's always going to get
4 the last word. But I recall Adam saying, Dani, my car is at
5 the bar. And I don't even -- like I say, she was talking over
6 us. So she went on back to our house.

7 Q: So in the meantime, where was Adam's 9 millimeter Glock?
8 A: In her glove box.

9 Q: It had gotten out of your vehicle?
10 A: Yes. Whenever we got out of mine, he put it on his
11 person.

12 Q: Where did he normally keep it?
13 A: In his back of his pants.

14 Q: Back of his pants?
15 A: Yes, sir.

16 Q: Did he walk in the house with it?
17 A: Yes, sir. I mean it -- it wasn't like he was
18 brandishing it at all times. You know, he just -- you knew he
19 always had it on him.

20 Q: Okay.
21 A: But he was real -- he was real specific about how he did
22 it in vehicles because that's the law. He'd always put it in
23 the glove box.

24 Q: On the way back, Adam had his \$50 bag of cocaine. Was
25 that about a gram?

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1 A: That's -- yeah, a gram, yes.

2 Q: That's the going price for a gram?

3 A: It was then.

4 Q: Okay. And he had it up front with him?

5 A: Yes, sir.

6 Q: Did you or Adam, either one, snort any of that cocaine

7 on the way back to the house?

8 A: I think I may have. I think I may have done a bump,

9 what you call it, off a key.

10 Q: You may have?

11 A: He did and then handed it back to me.

12 Q: And did a bump?

13 A: Yes, sir.

14 Q: And then you handed it back to him?

15 A: Yes, sir.

16 Q: Is that the only bump y'all did?

17 A: Yes, sir.

18 Q: That's the only time you used anything -- any of that

19 cocaine out of that bag?

20 A: Yes, sir.

21 Q: You got back to the house; right?

22 A: Yes, sir.

23 Q: And was beer still in the refrigerator?

24 A: Yes, sir.

25 Q: And what happened to the cocaine back at the house?

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1 A: When we got back to the house, Adam and I got out, Dani
2 got out, and she was smoking a cigarette. So Adam walked in
3 ahead of me, and I walked in behind him. She stayed out on
4 the porch, smoking a cigarette. We walked in, closed the
5 door. And I told him, you know, man, I'm sorry about her.
6 The key's in my car. You know, whenever you're ready to
7 leave, just leave it at the bar. You know what I mean?

8 Q: You offered to let him take your car to go back to the
9 bar and go home?

10 A: Right. And he said all right. That's cool. And then
11 he said, hey, man. Grab that Shield and let me check it out.

12 Q: Okay. Before that happened, though, tell the jury did
13 you and Adam get in any argument about who won the game?

14 A: No. We're both Carolina fans, I mean.

15 Q: Did you and Adam get into any argument about sharing the
16 beer?

17 A: No, sir.

18 Q: Did you and Adam get into my kind of disagreement or
19 argument about sharing the cocaine?

20 A: No, sir.

21 Q: None whatsoever?

22 A: No, sir.

23 Q: Was there any hostility between you and Adam before
24 y'all went back to the house or after you got back to the
25 house?

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1 A: Absolutely not.

2 Q: Zero?

3 A: Adam and I never got in -- Adam -- he was like my little
4 brother. We never got in -- you know, I looked out for Adam.
5 We never got in any -- we never had any problems.

6 Q: Adam --

7 A: Ever.

8 Q: So to make sure we get the picture of what happened
9 there when y'all got back, he went inside and --

10 A: I followed -- I followed him in.

11 Q: I beg your pardon?

12 A: I followed him in.

13 Q: Did he go back out and smoke on the deck with Dani?

14 A: No. Any of that was done before -- before we left.

15 Q: So y'all go into the house and was Dani watching TV?

16 A: When we went in initially, Adam sat down on what you're
17 calling the settee.

18 Q: Let me -- I'm sorry. Let me make this more graphic for
19 the jury.

20 MR. TETTERTON: May I approach, Your Honor?

21 THE COURT: Yes, you may.

22 BY MR. TETTERTON:

23 Q: I'm going to show you Defense Exhibit No. 47, put into
24 evidence by the prosecution.

25 THE COURT: We call that the State's Exhibit.

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1 MR. TETTERTON: I'm sorry?

2 THE COURT: You said defense. That's the State's

3 Exhibit.

4 MR. TETTERTON: I'm sorry. State's Exhibit.

5 BY MR. TETTERTON:

6 Q: State's Exhibit No. 47, I'm going to ask you to look at

7 that.

8 A: Yes, sir.

9 Q: Could you just stand up there and just take my pen and

10 sort of show the jury. Y'all went back in -- excuse me. Did

11 y'all go -- were y'all all back there after everybody got

12 through smoking?

13 A: I went in my bedroom.

14 Q: Okay. And where did Adam -- or where did Adam go?

15 A: Adam came in and sat right here.

16 Q: Is it fair to call that a settee?

17 A: Yes.

18 Q: And where did Dani go?

19 A: Dani sat back here.

20 Q: All right. So you went into the bedroom?

21 A: And then I went in my bathroom -- bathroom back there.

22 Q: When you got back from using the bathroom -- that's the

23 master bathroom?

24 A: Yes, sir.

25 Q: Back there in your bedroom? Were they seated in the

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1 same place?

2 A: Yes, sir. Well, she was -- I believe she had come in
3 right before and had just sat down.

4 Q: Was she watching TV?

5 A: Yes, sir.

6 Q: Was Adam watching TV?

7 A: Adam was -- when I walked back in, Adam was untying the
8 bag of cocaine.

9 MS. SAMPSON: I'm sorry. I could not hear.

10 THE COURT: You're going to have to speak louder.

11 BY MR. TETTERTON:

12 Q: When you got back from going to the bathroom in the
13 master bathroom and were walking out of the master bedroom,
14 what was Adam doing?

15 A: He was untying the bag of cocaine.

16 Q: And what did he do with it?

17 A: I mean he -- he was in the process.

18 MR. TETTERTON: May we approach?

19 THE COURT: You may.

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

22 THE COURT: Ladies and gentlemen of the jury, we'll take
23 a quick 10-minute break. Don't discuss the case.

24 Everyone remain seated while the jury panel is excused.

25 (WHEREUPON, the jury exited the courtroom at 12:43 p.m.)

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1 THE COURT: One of the jurors has indicated that they
2 needed to take a break. We had been at it for about an hour
3 and a half or something more. We'll take a very fine
4 10-minute break.

5 I'm going to allow Mr. Beebe to step down if he needs to
6 refresh. I will instruct those in charge to be sure that the
7 jury's door is closed when he goes out and back in.

8 Mr. Beebe, you're under oath. You're not allowed to
9 discuss your testimony with anybody during the break.

10 THE WITNESS: Yes, sir.

11 THE COURT: Don't talk to anybody.

12 THE WITNESS: Yes, sir.

13 THE COURT: All right? Ten minutes.

14 (WHEREUPON, there was a break in the proceedings from
15 12:44 p.m. to 12:54 p.m., after which the proceedings
16 resumed as follows.)

17 THE COURT: If you'll return to the stand. Yes, sir.
18 All right. Let's bring the jury in.

19 (WHEREUPON, the jury entered the courtroom at 12:54 p.m.)

20 THE COURT: All right. Thank you, ladies and gentlemen.
21 Mr. Tetterton?

22 MR. TETTERTON: Thank you. May it please the Court.

23 BY MR. TETTERTON:

24 Q: C.W., when we broke before that break, I think you were
25 telling me or telling the jury that Adam was untying the bag

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1 of cocaine; is that correct?

2 A: Yes, sir.

3 Q: If you would, just show me -- I'm not familiar

4 with -- how much is a gram?

5 A: The way that he got, you take, like, a sandwich baggy

6 and cut the corner out of it and it's -- you know, in that,

7 it's probably about the size of my thumbnail.

8 Q: About the size of a thumbnail?

9 A: Yeah. I mean it's not very much.

10 Q: \$50?

11 A: Yeah. But I mean it weighs one gram.

12 Q: Okay. So he was untagging -- excuse me -- he was

13 untying the bag of cocaine. What did he do with it after

14 he --

15 A: That's -- I mean that's -- we didn't get past that

16 point.

17 Q: I beg your pardon?

18 A: He didn't get past that point.

19 Q: Okay. And you were -- you had gone into your bedroom to

20 do what, other than go to the bathroom in the master bathroom?

21 A: Like I said, whenever I -- we came in, I told him I

22 was -- that he could use the car. The keys were in the car,

23 you could go back to the bar, and that's when he said, you

24 know, grab that Shield you were talking about and let me take

25 a look at it.

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1 Q: Did you hear him say anything to Dani about getting his
2 gun out of --
3 A: Yeah.
4 Q: I'm sorry.
5 A: Whenever -- whenever --
6 Q: Excuse me. Let me finish my question so we won't cross
7 each other. Did you hear him say anything about going to get
8 his gun out of the glove box?
9 A: Yes, sir. Whenever I came out of the bathroom and I
10 went to my nightstand to get the box with the pistol in it so
11 he could see it, I heard him say to her, hey, don't let me
12 forget to get my gun out of your glove box, I'm assuming
13 because he was going to be driving my car from there.
14 Q: You're assuming what?
15 A: Because he would be -- would have been driving my
16 vehicle --
17 Q: Oh, yeah, yeah.
18 A: -- from there.
19 Q: Okay. And you have already pointed out to the jury
20 where you were sitting, Dani was sitting, and Adam was
21 sitting; right?
22 A: Yes, sir.
23 Q: Was where you were sitting at an angle to where Adam was
24 sitting?
25 A: Yeah, it's kind of -- I'm back a little bit. I'd say he

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1 was probably like where this gentleman is here.

2 Q: Okay.

3 A: He's a little forward and to my right.

4 Q: What was your -- tell this jury what your intention was

5 when you went in there to the master bedroom to get the

6 9 millimeter Smith & Wesson?

7 A: I was just going to show it to him.

8 Q: Was it in the same box that it was returned to by Curtis

9 Wright?

10 A: Yes, sir.

11 Q: Had you opened that box or played with that -- not

12 played with it but shot that pistol since Curtis Wright shot

13 it last?

14 A: No, sir.

15 Q: All right. When you got back out into -- I'll call it

16 the sitting area. Did you sit in the recliner?

17 A: Living room. Yes, sir.

18 Q: And tell this jury, if you would, C.W., what you did to

19 that pistol after you -- after you got back. First of all,

20 did you take it out of the box?

21 A: As soon as I sat down, I placed the case in my lap. I

22 opened it. I reached in. I grabbed the pistol. I hit the

23 button that releases the clip.

24 Q: If you would, show the jury how you held it to release

25 the button?

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1 A: The button is on the handle. Like right here. So
2 whenever I picked it up, I just hit the button, and the clip
3 dropped into the case with the other [inaudible].

4 Q: Did the clip or what --

5 A: Magazine.

6 Q: Did the clip or what some people call the magazine drop
7 into your lap?

8 A: Yes, sir, into the box.

9 Q: Then what did you do?

10 A: He was still fumbling -- you know, he was still
11 trying -- those -- the bag was hard for him to untie, I'm
12 assuming, and he was sitting there fumbling with it, so I said
13 to myself, I'll just set the gun -- you know, we could have
14 both reached to the center of the ottoman. So I said, you
15 know, to myself I'd do that.

16 But whenever I did that, I racked it back so it would
17 eject a bullet if it was in the chamber, and then, as I was
18 going down, I squeezed the trigger because that's what -- you
19 know, whenever you clear the chamber, you squeeze it to get it
20 off of where it's not cocked.

21 Q: Is that -- is that meaning to drop the hammer -- release
22 the hammer or whatever?

23 A: Yes, sir.

24 Q: All right. Would the hammer on a semiautomatic 9
25 millimeter Smith & Wesson, after it's been shot, be live or

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1 active?

2 A: I'm sorry?

3 Q: The hammer. The internal hammer, would it -- after it's
4 shot, would it -- would it be active?

5 A: If you -- if you still -- if you've got the clip in the
6 gun and you shoot it, then it's ready to be shot again.

7 Q: Okay. And tell the jury what you did to try to make
8 that a safe gun?

9 A: I took the clip out and chucked -- you know, racked it
10 back so that -- to see, if nothing came out, then there was
11 nothing -- that was mean there was nothing in the chamber.
12 And if, you know, it does, then it's going to eject it if
13 there's one in the chamber. Whenever I did that, nothing came
14 out, so I was sure that there was nothing in it. So as I was
15 sitting -- going to sit the gun down, I pulled the trigger.

16 Q: Were you attempting to hand that pistol to Adam to look
17 at?

18 A: Well, I was going to sit it on the ottoman in between
19 us, because, like I say, it's the same distance pretty much
20 between us. He could reach over and grab it when he got done
21 untying the bag.

22 Q: It's your testimony is you're attempting to sit it on
23 the ottoman for him to reach over and get?

24 A: Yes, sir.

25 Q: And what happened?

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1 A: Whenever I racked it back and pulled the trigger, the
2 gun went off. It was a loud pop in an enclosed area. I
3 thought my ears had -- I immediately dropped the gun and
4 looked over, and it -- he was slumped. I jumped up and said,
5 oh, my God. No, Adam. And I went there and I -- pardon my
6 language -- I said, oh, fuck, oh, fuck. And Dani was yelling,
7 and I went towards him and when I saw him, I got nauseous, so
8 I doubled over, and she was yelling, you know, oh, my God.
9 Oh, my God.

10 And I looked back up and I -- I saw him again and
11 immediately felt nauseous again, so I went and grabbed a bag
12 and put over his head. And she looked at me and said why did
13 you do that? And I told her -- I said, Dani, it was an
14 accident.

15 And that's when I grabbed the gun, and I said, look,
16 there's no clip in it. The clip, I took out. Whenever I
17 racked it, the bullets should have come out. There never
18 should have been a gun -- a bullet in that chamber. I would
19 have never -- I would have never pulled the trigger if I'd
20 have known there was a bullet in it.

21 Q: At that time, did you consider the gun to be unloaded?

22 A: Yes, sir. I thought -- I would never, in a million
23 years, thought there was anything in it. I thought it
24 was -- I thought I had done made sure it was unloaded.

25 Q: C.W., I'm going to ask you, at that moment -- first of

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1 all, about what time did that happen? Was it about nine to
2 ten?

3 A: It was as soon as we got back, I mean just as soon as we
4 got back.

5 Q: Okay. Tell this jury, C.W., at that time, did you have
6 any animosity towards --

7 A: No. We had no problems whatsoever. None. I mean we
8 were having a good time. I mean there was no problems
9 whatsoever.

10 Q: No ill will?

11 A: No.

12 Q: No hatred?

13 A: No, sir.

14 Q: No malice?

15 A: No, never.

16 Q: Did the gun -- did the gun go off accidentally?

17 A: Yes, sir. I thought it was empty.

18 Q: Did Dani panic?

19 A: Yes. We were -- we were both panicked. Like I said, I
20 showed her what I had done, and I could look at her and see
21 she was just looking right through me. She was -- she
22 wasn't -- nothing that I was staying was registering with her
23 whatsoever. I mean she was just completely -- completely
24 panicked and just flustered, just -- I mean in shock, I'd say.
25 We both were. Like I say --

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1 Q: Were both of you --

2 A: It was like -- it was like everything just -- when that
3 pop went off, it was like it was just everything was in slow
4 motion. It was like the world had just turned upside-down.
5 It was like it wasn't real.

6 And like I say, it was like she -- I could hear her.
7 You know, it was like she was in a distance almost. It
8 was -- it was just -- it was like it wasn't real. It was like
9 a bad dream or something. It was -- it was the absolute worst
10 experience of my life.

11 Q: Did you go -- did you go into shock?

12 A: Yes, sir. I mean I -- I felt -- like I said, as soon as
13 I saw him, I immediately just felt nauseous, like I was going
14 to pass out. And I just was -- just dumbfounded. You know,
15 I -- I had killed my best friend. I don't know how to
16 describe it. It's just -- I was just dumbfounded. You know,
17 how did this happen? I was just, oh, God. You know, why?
18 What happened? You know, I have thought about it a million
19 times since, you know. It's -- I don't know. I just thought
20 that I had done everything to make sure the gun was unloaded.

21 Q: So let's pick up there. Let's describe to the jury what
22 you and Dani did after this.

23 A: Whenever I explained to her what I did, she just kind of
24 kept mumbling, you know, that you shot him, you shot him. And
25 I -- that's -- you know, I realized she wasn't comprehending

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1 what I told her. And I don't really think that she
2 understands the mechanics of a pistol and what I was
3 explaining to her, that I, you know, tried to unload the gun.
4 And I took my phone out, and I started scrolling and she said,
5 what are you doing?

6 And I said, well, I'm going to call Chuckie, who was
7 Investigator Baxley at the time with Kershaw County. He's a
8 friend. And she said, no, you know, I don't want you -- she
9 started crying hysterically. And she said I don't want you to
10 go to jail. I can't -- I can't do this on my own. You know,
11 what about the kids? Meaning, you know, she couldn't I guess
12 support our children and go forward without my being there and
13 all that.

14 Q: Were you able to call Chuckie --

15 A: No, like I say, she -- she started saying that, and she
16 was just, you know, like, I don't want -- you know, you'll go
17 to jail. I don't want you to go to jail. Me and the
18 kids -- you know, think about us.

19 And that -- that's when I made this absolute stupidest
20 mistake in my life other than thinking that gun was unloaded.
21 And I said, well, we need to get him out of here then, and
22 that's what we did.

23 Q: Of course, you have heard what the prosecution has done
24 throughout their investigation after that; right?

25 A: Yes, sir. I mean I'm not denying any of that.

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1 That's -- I -- you know, I made a horrible decision, and then
2 once I got to the point where I had done it, I felt like it
3 was too late, you know, that nobody would believe me.

4 Q: So the jury has got a pretty good grasp of what happened
5 after that now. Did you and Dani together decide what to do
6 with Adam?

7 A: Well, it wasn't really a decide. We just -- I -- we got
8 to get him out of here then. And I grabbed his -- under his
9 arms, and she grabbed his feet and we put him in the back of
10 her car. And we were both, you know, begging him for mercy
11 and forgiveness and God as well. It was just -- you know,
12 forgive us.

13 We put him in the car, and we're still, you know, just
14 saying I'm sorry, you know. We -- you know, I crank up the
15 car, and I'm going down the road, and I don't even know where
16 we're going or anything like that. And I looked at her and I
17 said what are we doing? What are we doing? We don't have any
18 anything. You know what I mean? How are -- what are we going
19 to do?

20 And she told me that when we were at Stacey's she saw a
21 shovel leaned up against his porch when we went inside. So we
22 go to Stacey's, and I mean, what if Stacey would have been
23 home? You know what I mean? That's how out of it we were.
24 What would we have said if this man was at home and we pull up
25 like this?

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1 Q: Y'all both went? You were driving?

2 A: Yes, sir.

3 Q: And what did you do at Stacey's?

4 A: Went up and got the shovel and left. And when we were

5 leaving there, the -- the first place -- that's right down

6 from my grandparents' land. I mean I know that place, so I

7 turned on to that road and we went down and we went to the gas

8 line, and I pulled down there and we got out and she helped me

9 carry him over.

10 Q: Did Dani help you?

11 A: Yes, sir.

12 Q: And during the time that y'all left the house with Adam,

13 did at any time she try to talk to you into going to the

14 police at that time?

15 A: No, sir.

16 Q: Did -- at any time during that, did she ever try to call

17 the police herself?

18 A: No, sir.

19 Q: I beg your pardon?

20 A: No, sir.

21 Q: Did she help you lift the body -- lift Adam out of

22 y'all's house and put him in the car?

23 A: Yes, sir.

24 Q: Did she help you when y'all went down the pipeline to

25 bury Adam?

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1 A: Yes, sir.

2 Q: And so y'all left there after you buried Adam?

3 A: Yes, sir.

4 Q: And then y'all went back home?

5 A: Yes, sir.

6 Q: Now, you've heard a lot of testimony about what happened

7 in the house, about the cabinets, about the wall? All that's

8 true?

9 A: Yes, sir.

10 Q: All that's true about --

11 A: Yes, sir, but I didn't -- I didn't force her into

12 anything. We both painted the entire living room and the

13 entire kitchen. There was never any -- it was a mutual thing.

14 There was -- it wasn't any -- like, you're going to help me

15 with this or anything like that. It was just -- it really

16 wasn't even spoken on. I just repaired it, and she got the

17 paint, and we started -- you know, we painted it.

18 I did take the -- she actually helped me carry that

19 chair down and burn it. But the cabinet didn't -- I didn't

20 move it until later.

21 Q: And she helped you do that?

22 A: No.

23 Q: Did you hear her testimony when I asked her about being

24 scared of you and I asked her are you scared of him? Do you

25 remember her saying on the stand under oath on Tuesday and she

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1 said no? Do you remember that?

2 A: Yes, sir. She said -- she said that she told them no,
3 but --

4 Q: I'm sorry? I'm sorry?

5 MS. SAMPSON: Objection, Your Honor, to --

6 THE COURT: Yeah, I sustain the objection. Go ahead.

7 BY MR. TETTERTON:

8 Q: Was she scared of you?

9 A: No, sir.

10 Q: Did she -- did you, in any way, intimidate her that
11 night?

12 A: No, sir. We were both scared to death. I mean we were
13 both scared to death and we both felt horrible, but I just
14 couldn't -- she -- when she told me that, I just -- all I
15 could think about was her and my kids losing every -- you
16 know, losing everything and not -- not being able to survive.

17 Q: You said something about losing her kids?

18 A: I didn't say anything, but she said think about the
19 kids.

20 Q: Y'all were not charged the next day, were you?

21 A: No, sir.

22 Q: In fact, it was over two years later before y'all were
23 arrested and charged with murder?

24 A: Yes, sir.

25 Q: She was charged also with murder?

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1 A: Yes, sir.

2 Q: And you were charged?

3 A: Yes, sir.

4 Q: And after she was arrested, she engaged Jack Swerling to
5 represent her?

6 A: Yes, sir.

7 Q: Picking up between the time y'all first went down the
8 pipeline to bury Adam, did y'all go back later? Well, no, let
9 me ask you this.

10 A: Before we got off the dirt road, before we even got out,
11 I said -- I remembered that his phone was in his pocket. So I
12 went back and got his phone, and I tossed it in the river as
13 we went by.

14 Q: And what happened to the Smith & Wesson pistol?

15 A: I melted it down with a torch.

16 Q: Okay. There at the shop?

17 A: Yes, sir.

18 Q: All right. Now, at some point in time after Adam was
19 buried on the pipeline, did you and she talk about what y'all
20 were going to do next?

21 A: We -- afterwards, we really didn't even talk. It was
22 like we were just -- you know, it was really just like we were
23 in shock. And she said she didn't ever want to talk about it
24 again.

25 Q: All right. She never mentioned again -- or did she ever

CLINTON WARREN BEEBE - DIRECT BY MR. TETTERTON

1 mention again about the fact of she may lose her daughter

2 Zoei?

3 A: No, sir.

4 Q: At some point in time, did you -- did this bother you?

5 Was this on your conscious for a period of time?

6 A: Every day. I couldn't -- I couldn't sleep. There's not
7 a day that goes by that I don't think about, you know, what if
8 she would have just listened and took him straight on? What
9 if I would have done more? How -- you know, if I would have
10 just dropped the box there instead of taking it out? You
11 know, a million different things. I have run every scenario
12 through my head, but -- and I have prayed to God over and over
13 to wake up from this nightmare, but it's -- it happened. It's
14 reality. This is my life now.

15 Q: Do you understand this is your day in court to tell the
16 jury?

17 A: (No audible response.)

18 Q: And are you being truthful about what happened?

19 A: Yes, sir. One hundred percent.

20 Q: At some point in time, Adam's body was moved to a
21 different location?

22 A: Yes, sir. You called me and told me that -- asked me to
23 come in, and I came in to your office, and you said that
24 Marvin Lee Brown had gotten in touch with you and said
25 that -- that he wanted to just know if there's anything you

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1 could do to help him out with finding the body because the
2 family needed closure.

3 Q: This was about -- was this about less than -- about
4 60 -- about two months later?

5 A: Yes, sir, I believe so.

6 Q: And did I tell you that I had been visited by Marvin Lee
7 Brown, the chief deputy, and Steve Knafelc and Justin Dill at
8 my office?

9 A: Yes, sir.

10 Q: And did I tell you that they wanted to try to find out
11 where the body was?

12 A: Yes, sir.

13 Q: And that the family wanted some closure?

14 A: Yes, sir.

15 Q: Did I tell you anything else about what happened?

16 A: No, sir. You just asked me if I could see if I could
17 find out anything about where -- you know, where the body was.

18 Q: And did -- was Dani with you when y'all --

19 A: No, sir.

20 Q: You was by yourself?

21 A: Yes, sir.

22 Q: Did you go back and discuss with Dani that the family
23 wanted closure on where the body was?

24 A: Yes, sir.

25 Q: And what was that discussion?

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1 A: She didn't want -- she didn't want me to give --

2 Q: I beg your pardon?

3 A: She didn't want me to give the coordinates. She thought

4 it was a bad idea.

5 Q: She didn't want you to disclose where Adam was buried?

6 A: No. She thought it was a bad idea, you know, that that

7 would somehow end up incriminating us.

8 Q: Did that bother -- did that play on your mind?

9 A: Yes, sir. I -- I had a -- I'd wrestled with it a lot.

10 I wanted to -- I had to get him closure, and I didn't -- Adam

11 was the best father I -- I know. He was just so good with his

12 kids, and his kids adored him so much. I couldn't stand the

13 thought of those babies thinking that he'd abandoned them any

14 longer. I wanted them to know that he didn't abandon them.

15 Q: During that time, did you feel some compassion for Adam?

16 A: Absolutely. I mean it -- he's my -- my best friend, my

17 brother. And I feel, you know, that what I did afterwards was

18 just -- it's completely unacceptable. That it was an

19 accident. I should have just called right then, and then

20 people wouldn't be thinking I'm a murderer.

21 Q: You're not a murderer, are you?

22 A: No, sir. No, sir. I never wanted anything to happen to

23 him ever.

24 Q: And when the gun went off, which you say went off

25 accidentally, did you have any malice in your heart? Any

CLINTON WARREN BEEBE - DIRECT BY MR. TETTERTON

1 ill -- let me finish -- any ill will, any hatred towards your
2 best friend?

3 A: No, sir. No, sir.

4 Q: Do you often look back and wish it never happened?

5 A: Yes, sir. I thought we would get to watch our kids grow
6 up together. And really, like I say, at that point, he was
7 getting on work with me. I figured we'd be car-pooling to
8 work. I mean I figured we'd spend the rest of our lives the
9 same way we had, just good friends and watch the kids grow up.

10 Q: During that period of time before you disclosed the
11 location of Adam, did you feel compassionate for his family?

12 A: Yes. I felt horrible I mean, and I felt like a
13 complete -- sorry for my language -- but piece of shit for
14 being able to -- try to cover up -- to hide what -- his body
15 and stuff. The accident -- I should have just come forward
16 right then and all this would be over now.

17 Q: Is that why you wanted to disclose -- is that why you
18 wanted to disclose where Adam was buried so there would be
19 some closure between you and Adam, you and Adam's children and
20 Adam's family?

21 MS. SAMPSON: Your Honor, I'm going -- I haven't, but
22 I'm going to object to the leading.

23 THE COURT: Yeah, I sustain the objection. Don't lead
24 him.

25 MR. TETTERTON: Okay. I'm sorry.

CLINTON WARREN BEEBE - DIRECT BY MR. TETTERTON

1 BY MR. TETTERTON:

2 Q: How did you feel about bringing closure to Adam's kids,
3 his family, and you now?

4 A: Like I say, that was -- that was what weighed the
5 heaviest on my mind was them, especially his kids. His mom
6 and his sisters and his entire family, everybody deserved to
7 know the truth. Everybody deserved closure. The thing that
8 weighed the heaviest on me was his children, and I just
9 couldn't -- I just did not -- I didn't want them to think that
10 he had walked out on them. You know, when it was a missing
11 person's report there was a lot of people saying, oh, he might
12 have just done this and done that, left, you know, and went
13 here and went there and whatever, but Adam was a great father.
14 He would never, never abandon his kids.

15 Q: Other than disclosing to me the coordinates, did you
16 ever tell me anything about how it happened or anything else?

17 A: Not at that point, no, sir.

18 Q: And then, here recently, I think you told me what
19 happened?

20 A: Yes, sir.

21 MR. TETTERTON: Court's indulgence a minute.

22 THE COURT: All right.

23 BY MR. TETTERTON:

24 Q: Once again, C.W., you're not telling this jury that
25 you're denying the chair --

CLINTON WARREN BEEBE - DIRECT BY MR. TETTERTON

1 A: No, I did all that.

2 Q: And was Dani part of that? Was she aware of that?

3 A: Yes, sir.

4 Q: Was she aware of what you did in the house about taking

5 the cabinet down?

6 A: Yes, sir.

7 Q: Did she ever try to tell you, no, I want to go talk to

8 the police?

9 A: No, sir.

10 Q: Was she aware of the fact that you puttied up the hole

11 and replaced the wall and all that?

12 A: Yes, sir. She helped with everything.

13 Q: And did -- at any time, C.W., did you make her to do any

14 of that?

15 A: Absolutely not.

16 Q: In fact, I don't believe you could make Dani do

17 anything; right?

18 MS. SAMPSON: Objection, Your Honor.

19 THE COURT: Sustained.

20 MR. TETTERTON: Okay.

21 BY MR. TETTERTON:

22 Q: No way in the world did you make her do anything in

23 concert with you --

24 A: No, sir.

25 Q: -- to do anything that's been described and put into

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1 evidence?

2 A: No, sir.

3 Q: And you admit to this jury, do you not today, going and
4 finding the chair; right? Finding the seat, rather.

5 A: Yes, sir.

6 MR. TETTERTON: Court's indulgence a moment.

7 THE COURT: All right. Thank you.

8 Ladies and gentlemen, this is a good place for us to
9 break for lunch --

10 MS. SAMPSON: Your Honor, he begged your indulgence.

11 THE COURT: I'm sorry.

12 MR. TETTERTON: It won't take but a second.

13 THE COURT: I'm sorry. I thought you were finished.

14 MR. TETTERTON: No further questions.

15 THE COURT: All right. Thank you.

16 Well, ladies and gentlemen, this is a good point for us
17 to take our lunch break. It is almost 1:30. I'm going to ask
18 that you be back ready to go at 3 o'clock, at 3 o'clock, and
19 we'll resume.

20 Well, let me ask the lawyers approach.

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

23 THE COURT: All right. Ladies and gentlemen, again,
24 this is a good place for us to break for -- break for lunch
25 and be back at 3 o'clock, ready to go at 3 o'clock. Again, do

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

1 not discuss the case at all with anyone, even among
2 yourselves. Enjoy your lunch. Be back at 3 o'clock.

3 Everyone remain seated while this panel is excused.

4 (WHEREUPON, the jury exited the courtroom at 1:26 p.m.)

5 THE COURT: Can the lawyers approach again?

6 (WHEREUPON, a bench conference held off the record, after
7 which the proceedings resumed as follows.)

8 THE COURT: All right. We'll be at ease until 3
9 o'clock.

10 (WHEREUPON, there was a break in the proceedings from
11 1:28 p.m. to 3:00 p.m., after which the proceedings
12 resumed as follows.)

13 THE COURT: All right. Is the State ready to proceed?

14 MS. SAMSON: Yes, sir.

15 THE COURT: Defense ready?

16 MR. TETTERSON: Yes, sir.

17 THE COURT: Let's bring the jury in.

18 (WHEREUPON, the jury entered the courtroom at 3:01 p.m.)

19 THE COURT: All right. Thank you, ladies and gentlemen.

20 I believe we're at the point now that, Solicitor, your
21 opportunity for cross-examination.

22 MS. SAMPSON: Thank you, Your Honor. May it please the
23 Court.

24 CROSS-EXAMINATION

25 BY MS. SAMPSON:

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

- 1 Q: So, Mr. Beebe, during your direct you talked about your
2 relationship with Dani; correct?
- 3 A: Yes, ma'am.
- 4 Q: And, in fact, you've been with -- in a relationship with
5 her since she was 15; correct?
- 6 A: Yes, ma'am.
- 7 Q: And you were 23?
- 8 A: Yes, ma'am.
- 9 Q: In fact, she had a baby that's your baby at 16; correct?
- 10 A: Yes, ma'am.
- 11 Q: And you were 24?
- 12 A: I guess so.
- 13 Q: Okay. And at that point, you all start living together?
- 14 A: Yes, ma'am.
- 15 Q: And you stayed living together from then on; right?
- 16 A: Yes, ma'am.
- 17 Q: And while you're in that relationship with her, you then
18 have an affair with Christy Roberts; correct?
- 19 A: Yes, ma'am.
- 20 Q: Even though you love your wife, you had an affair;
21 correct?
- 22 A: Yes, ma'am.
- 23 Q: And you all had a baby, Ava?
- 24 A: Yes, ma'am.
- 25 Q: And on direct, the -- Mr. Tetterton asked you about your

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

1 children. Who's Riley?

2 A: Riley is my daughter, my three-year-old.

3 Q: Your three-year-old, who you had after this; correct?

4 A: Yes, ma'am.

5 Q: Because you had another affair; correct?

6 A: Yes, ma'am.

7 Q: All right. With the one -- even though you love Dani?

8 A: Yes, ma'am.

9 Q: All right. And even though Dani's the boss; right?

10 A: Yes, ma'am.

11 Q: All right. And you stated that you made more money than

12 Dani; right?

13 A: Yes, ma'am.

14 Q: But she worked every day?

15 A: Well, not every day. I mean she worked 40-hour weeks or

16 whatever.

17 Q: I'm sorry? What?

18 A: Forty-hour weeks or whatever. Not every day.

19 Q: Forty-hour weeks all the time? She always had a job?

20 A: Yes, ma'am.

21 Q: Wasn't a stay-at-home mom?

22 A: No, ma'am.

23 Q: All right. And you talked about this gun that you

24 purchased two weeks before the -- Adam was killed?

25 A: Yes, ma'am.

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

- 1 Q: You've owned guns before; correct?
- 2 A: Yes, ma'am.
- 3 Q: Tell the jury what kind of guns?
- 4 A: Shotguns. Rifles. I had a .38 revolver.
- 5 Q: So you had a handgun before?
- 6 A: A revolver, yes.
- 7 Q: You're experienced with guns?
- 8 A: I mean I've had guns.
- 9 Q: This wasn't your first time holding a gun?
- 10 A: No.
- 11 Q: And you went hunting with them?
- 12 A: Yes.
- 13 Q: In fact, you wanted this gun for when you went hunting?
- 14 A: Yes.
- 15 Q: So you also said that you asked Dani to get a gun?
- 16 A: Correct.
- 17 Q: For her own safety?
- 18 A: Correct.
- 19 Q: Did you show her how to use a gun?
- 20 A: Yes. I showed her the fundamentals of how it worked,
- 21 yes.
- 22 Q: You showed her the fundamentals. You showed her how to
- 23 load it?
- 24 A: Yes.
- 25 Q: You showed her how to unload it?

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

1 A: Yes.

2 Q: You showed her how to check and make sure it was
3 unloaded?

4 A: Correct.

5 Q: Because you know how to do all of that?

6 A: Yes.

7 Q: So I want to talk to you about December 29th. You
8 stated that you started off at home watching the game.

9 A: Yes.

10 Q: Were you drinking at home?

11 A: I had a couple of beers.

12 Q: Had a couple of beers. Then you went to Clancy's?

13 A: Uh-huh.

14 Q: Yes?

15 A: At Shawn's --

16 THE COURT: I'm sorry. I'm sorry. You need to answer
17 up loudly enough that the court reporter can pick it up and
18 that everybody can hear your answer.

19 BY MS. SAMPSON:

20 A: Yes, I went to Shawn's, his brother's.

21 Q: His brother's?

22 A: Correct.

23 Q: And you all drink there?

24 A: I had a beer or two, yes.

25 Q: All right. Then you go to the bar?

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

1 A: Yes.

2 Q: And you drink there?

3 A: Yes. I had a beer there.

4 Q: Okay. And while at the bar, you see Adam?

5 A: Yes.

6 Q: Who's your best friend?

7 A: Yes.

8 Q: And you guys drink at the bar?

9 A: I mean, yes. We drank beer at the bar.

10 Q: In fact, he had a shot; is that correct?

11 A: Yes.

12 Q: All right. And you said that the reason you left the

13 bar was because of Kevin Horton?

14 A: Correct.

15 Q: All right. And Kevin Horton is dating Adam's estranged

16 wife?

17 A: Correct.

18 Q: But Adam's also dating somebody else; correct?

19 A: Correct.

20 Q: All right. Both of your cars were operable; correct?

21 Your car worked?

22 A: Yes.

23 Q: His car worked?

24 A: Yes.

25 Q: But you left in only your car; correct?

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

1 A: Yes.

2 Q: All right. He could have driven his car?

3 A: Yes.

4 Q: But didn't?

5 A: Correct.

6 Q: All right. When you got home, Spencer comes over?

7 A: Yes.

8 Q: And you all get in Spencer's truck to talk to him?

9 A: Well, Adam said he wanted some beer, and Spencer was

10 going to take us.

11 Q: Spencer was going to take you?

12 A: Yes.

13 Q: Your car is working?

14 A: Yes.

15 Q: But Spencer was going to drive y'all to the bar to get

16 beer?

17 THE COURT: Hold on a minute.

18 A: That's correct.

19 THE COURT: We still have -- I don't know whether this

20 microphone is off. We're having some difficulties.

21 All right. You're going to have to speak up. One of

22 the jurors indicated they're not able to hear the answers.

23 BY MS. SAMPSON:

24 Q: All right. So I'll ask the question again. You were at

25 your house? Spencer comes to your house?

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

1 A: Correct. Correct.

2 It's not working.

3 MS. SAMPSON: It's not working.

4 THE COURT MONITOR: Test one, test one, test one.

5 BY MS. SAMPSON:

6 A: Correct.

7 Q: And Adam wants to go get beer. That's what you're

8 saying now?

9 A: Correct.

10 Q: Okay. And so you guys get in Spencer's truck. You

11 don't drive your car?

12 A: That's correct.

13 Q: You get in Spencer's truck, and then Dani comes home?

14 A: Yes.

15 Q: And because she's the boss, you get out of Spencer's

16 truck and go in the house?

17 A: Yes.

18 Q: You could have gotten in your car and driven to go get

19 beer; correct?

20 A: Yes.

21 Q: But you don't?

22 A: No.

23 Q: You go in the house. And once Dani speaks to you -- she

24 speaks to you and Adam?

25 A: Yes.

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

- 1 Q: You all sit around?
- 2 A: Yes.
- 3 Q: Then you then want to go get beer. She wants to drive
- 4 you all?
- 5 A: Yes.
- 6 Q: Because you had been drinking?
- 7 A: Yes.
- 8 Q: Okay. At some point, you guys go to get cocaine from
- 9 Darryle; correct?
- 10 A: Yes.
- 11 Q: Darryle is your friend first before he was Adam's;
- 12 correct?
- 13 A: Yes.
- 14 Q: All right. You've bought cocaine from him before?
- 15 A: Yes.
- 16 Q: All right. And let's talk about this cocaine usage.
- 17 You know how much a gram looks like; correct?
- 18 A: Uh-huh. Yes.
- 19 Q: You even demonstrated it before the jury?
- 20 A: Yes.
- 21 Q: On the day this happened, you said you did a bump of
- 22 cocaine?
- 23 A: Yes.
- 24 Q: Can you tell the jury how you do a bump?
- 25 A: Take a key, stick it in the bag, get a little on there.

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

1 (Witness indicated sniffing.)
2 Q: So you snorted it?
3 A: Yes.
4 Q: And you'd agree with me that cocaine affects you?
5 That's the point of taking it?
6 A: Yes.
7 Q: Okay. So does alcohol?
8 A: Yes.
9 Q: So does beer?
10 A: Correct.
11 Q: Okay. That's why you're not supposed to drink and
12 drive.
13 A: Correct.
14 Q: All right. And you did the cocaine on the way back to
15 the house?
16 A: Yes.
17 Q: And you stated to the jury that, during this time, you
18 wanted to take Adam back to the bar so he could get his car?
19 A: Yes.
20 Q: But Dani, the boss, said no?
21 A: Yes.
22 Q: Correct?
23 A: Correct.
24 Q: So when you get to the house, you could have got in your
25 car; correct?

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

- 1 A: Yes.
- 2 Q: You could have taken Adam?
- 3 A: Yes.
- 4 Q: In fact, you guys go in the house instead of staying
5 outside; correct?
- 6 A: Yes.
- 7 Q: She's outside smoking?
- 8 A: Yes.
- 9 Q: You could have got in your car and driven off?
- 10 A: Correct.
- 11 Q: She's not stopping you, is she?
- 12 A: It would have been -- it would have been a problem.
- 13 Q: She could physically stop you from getting in your car?
- 14 A: Not physically.
- 15 Q: Okay. So you could have got in your car?
- 16 A: Yes.
- 17 Q: All right. But you didn't?
- 18 A: No. It would have caused an argument.
- 19 Q: It would have caused -- because you two have a
20 relationship, y'all don't ever argue?
- 21 A: I think every relationship has arguments.
- 22 Q: That's right. And so to avoid that, you just don't take
23 him home?
- 24 A: That's correct.
- 25 Q: All right. So y'all are in the house at this point, and

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

1 you've been drinking; correct?

2 A: Yes.

3 Q: You've done cocaine?

4 A: Yes.

5 Q: And he wants to see your gun?

6 A: Yes.

7 Q: And it's a new gun to you?

8 A: Yes.

9 Q: And the only time you've ever shot this gun is two weeks

10 prior?

11 A: That's correct.

12 Q: All right. And I just want to go over -- he's sitting

13 in that striped chair when this happens?

14 A: The settee or whatever, yes.

15 Q: And I want to call it a chair, but it's a large chair;

16 is that correct?

17 A: Yes.

18 Q: And you're in the brown recliner?

19 A: Yes.

20 Q: And Dani's in the other -- I'm going to call it a sofa?

21 A: Behind us on the couch.

22 Q: Okay. And what you told this jury is that you checked

23 the gun?

24 A: Yes.

25 Q: You pulled the magazine out?

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

1 A: Yes.

2 Q: And explain to us again what you do to make sure there's

3 no bullet in the chamber?

4 A: You rack the slide back.

5 Q: Did a bullet eject?

6 A: No.

7 Q: Did you look to see if there was one in there?

8 A: No. When it didn't eject, I didn't think there was one

9 in there.

10 Q: And as a person who uses guns, you're supposed to do

11 that; correct?

12 A: I guess so. I mean the gun is supposed to eject it.

13 Q: So isn't it kind of -- would you agree it's kind of

14 reckless to drink and mess with a gun?

15 A: That's based on opinion, I would say.

16 Q: So you didn't think it was reckless to have drank, did

17 cocaine, and then put your finger on the trigger of a gun?

18 A: I didn't think it was anything out of the ordinary.

19 Q: Okay. So while you're doing this and it's not out of

20 the ordinary, did you look and see if there was a bullet in

21 the chamber?

22 A: No.

23 Q: But that's you (indiscernible) you didn't pull the

24 trigger?

25 A: No, because when you rack the slide back, it's supposed

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

1 to eject any -- the bullet in the chamber.

2 Q: But you just said it didn't eject one.

3 A: I said it didn't, correct.

4 Q: And it would only hold one bullet; correct?

5 A: Yes.

6 Q: And nothing ejected when you slid it back?

7 A: That's correct.

8 Q: And you didn't check to look and see if there was one in

9 there?

10 A: I did not.

11 Q: All right. But that's not reckless?

12 A: That's your opinion.

13 Q: Would you say it was careless?

14 A: I would say that I thought that the gun would have

15 worked as it should and ejected the bullet that was in the

16 chamber.

17 Q: But you didn't see a bullet eject?

18 A: No.

19 Q: And then, having not seen a bullet eject, you put your

20 finger on the trigger; correct?

21 A: Yes.

22 Q: With it pointed at another person.

23 A: I was in the process of putting it on the ottoman.

24 Q: So it shot him in the head. It wasn't pointed at him?

25 A: It had to be.

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

1 Q: Okay. So, again, you put your finger on the trigger
2 with the gun pointed at his head?
3 A: I guess so.
4 Q: You guess so? He got shot in the head? Yes?
5 A: Yes.
6 Q: He's dead? Yes?
7 A: Yes.
8 Q: As a result of that?
9 A: Yes.
10 Q: Okay. So according to what you told this jury, after
11 that happens, you put a bag over his head?
12 A: Correct.
13 Q: Because you can't look at him?
14 A: That's right.
15 Q: Was there blood?
16 A: Yes.
17 Q: Okay. And so you put a bag over his head?
18 A: Yes.
19 Q: And you talked about how hard this was for you. You
20 were able to carry him to the car?
21 A: Yes.
22 Q: You were then able to go get a shovel?
23 A: Yes.
24 Q: And you were then able to go bury him on your family's
25 property?

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

- 1 A: Yes.
- 2 Q: It wasn't Dani's family's property?
- 3 A: Correct.
- 4 Q: It was yours?
- 5 A: Yes.
- 6 Q: Okay. And then you went back and got the phone out of
- 7 his pocket; correct?
- 8 A: Yes.
- 9 Q: Dani didn't do that?
- 10 A: No.
- 11 Q: Even though she's the boss, you did that; right?
- 12 A: Yes.
- 13 Q: And even though she's the boss, you threw the phone in
- 14 the river; correct?
- 15 A: Yes.
- 16 Q: She didn't do that?
- 17 A: No.
- 18 Q: And you -- I think today you said you and her put the
- 19 chair in the burn pile?
- 20 A: Yes.
- 21 Q: But you all did that?
- 22 A: Yes.
- 23 Q: Okay. You repaired the wall?
- 24 A: Yes.
- 25 Q: You have that skill? She doesn't; right?

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

1 A: Right.

2 Q: And changing out the cabinets, you did that?

3 A: Yes.

4 Q: She doesn't have that ability, does she?

5 A: Right.

6 Q: All right. And the next day, when people start calling

7 you about where your very best friend is, did you tell them?

8 A: No, I didn't.

9 Q: And you talked about how bad you felt about this because

10 you didn't want his children to think he was abandoned. Who

11 said he walked off? You?

12 A: I said I didn't know.

13 Q: Didn't you say to law enforcement that when you got up,

14 he wasn't there? You thought somebody came and got him?

15 A: Yes.

16 Q: He just left?

17 A: Yes.

18 Q: You didn't tell them you buried him?

19 A: No.

20 Q: You didn't tell them you shot him?

21 A: No.

22 Q: You never told them where he was the first time, did

23 you?

24 A: No.

25 Q: Okay. And you said the reason you didn't do this is

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

1 because Dani told you not to?

2 A: It's because she said that she didn't want me to go to
3 jail and she couldn't take care of the children and the
4 household without me.

5 Q: She's taking care of the household now; right?

6 A: She's not living at my house anymore.

7 Q: Not now, but for the last few months she was, wasn't
8 she?

9 A: Yes.

10 Q: And she was taking care of Zoi just fine, wasn't she?

11 A: Yes.

12 Q: Because she works every day; correct?

13 A: Yes.

14 Q: All right. So you didn't tell because she told you not
15 to. You met with the family with Chuckie Baxley; correct?

16 A: Yes.

17 Q: At his office; correct?

18 A: Yes.

19 Q: They didn't ask you to come, did they?

20 A: No.

21 Q: You just showed up?

22 A: Yes.

23 Q: And when you showed up, when they are asking where Adam
24 is, you told them; right?

25 A: No.

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

1 Q: No. In fact, you lied; right?

2 A: Yes.

3 Q: Okay. And let's go over that for a minute. What you
4 told them was you went to sleep and Adam was outside with Dani
5 smoking?

6 A: Yes.

7 Q: Is that true?

8 A: No.

9 Q: All right. You told them that you thought something was
10 wrong when Adam didn't show up for work the next morning?

11 A: That's when I started getting calls.

12 Q: And you told them that they -- meaning you and
13 Dani -- started thinking something was wrong when Adam didn't
14 show up for work?

15 A: Yes.

16 Q: You knew why he didn't show up for work, didn't you?

17 A: Yes.

18 Q: Because you had shot him?

19 A: Yes.

20 Q: Okay.

21 A: Accidentally.

22 Q: So you lied.

23 A: To law enforcement.

24 Q: Yes. You didn't just lie to law enforcement. You lied
25 to his mother; correct?

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

1 A: Yes.

2 Q: You lied to Heather, his sister?

3 A: Yes.

4 Q: You lied to the entire family that was there that day?

5 A: Yes.

6 Q: Okay. And this is your very best friend?

7 A: Yes.

8 Q: All right. So you also told them it seemed like Adam

9 had somebody coming to get him?

10 A: Yes.

11 Q: That was a lie; correct?

12 A: Yes.

13 Q: All right. During direct, you talked about how this is

14 on your conscience every day?

15 A: Yes.

16 Q: So it was on your conscience when you lied to them?

17 A: Yes.

18 Q: All right. And you said that you're being truthful now.

19 You lied back then --

20 A: Correct.

21 Q: -- when you said this story about him walking off?

22 A: Correct.

23 Q: That's not the first time you've talked about this and

24 told a different story, is it?

25 A: I'm not sure what you're --

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

- 1 Q: Oh, you're not sure? Didn't you talk to --
- 2 A: -- what you're talking about.
- 3 Q: Didn't you talk to Theodore Roy Wilson about this?
- 4 A: Yes.
- 5 Q: And didn't you tell him the story was -- let me
- 6 see -- that this must have been a drug deal? That you just
- 7 found him dead at your house?
- 8 A: Yes.
- 9 Q: And that that was the story you were going to give the
- 10 jury when it came to that?
- 11 A: Yes.
- 12 Q: In fact, didn't you write a letter to your wife saying
- 13 that?
- 14 A: Yes.
- 15 Q: I'm going to show you what's been marked as State's
- 16 Exhibit 93 and ask if you recognize that?
- 17 A: Yes.
- 18 Q: What is that?
- 19 A: That's the letter I wrote her.
- 20 Q: That's the letter. Is that your handwriting? I need
- 21 you to speak up.
- 22 A: Yes.
- 23 Q: Is that a fair and accurate copy of what you wrote?
- 24 A: Yes.
- 25 MS. SAMPSON: At this time, Your Honor, I'd ask to

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

1 introduce State's Exhibit 93 into evidence.

2 MR. TETTERTON: No objection.

3 THE COURT: State's Exhibit 93 is in evidence without
4 objection.

5 (WHEREUPON, State's Exhibit No. 93, letter, was admitted
6 into evidence.)

7 BY MS. SAMPSON:

8 Q: So let's go over that letter. In that, you said that
9 you told Roy about the truth about what happened.

10 A: Yes.

11 Q: Okay. And that you need to tell her, Dani?

12 A: Yes.

13 Q: Because this letter is to Dani?

14 A: Yes.

15 Q: Okay. And it says that you got a call that Adam didn't
16 come home to work; right? I mean, didn't go in to work. I'm
17 sorry.

18 A: Yes.

19 Q: Okay. And that Adam had told you that he needed to use
20 the shop the night before?

21 A: Yes.

22 Q: Is that true?

23 A: No.

24 Q: Okay. And that you went to check and found him dead,
25 shot in the head?

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

- 1 A: Yes.
- 2 Q: That's the story that you told in this letter; correct?
- 3 A: Yes.
- 4 Q: That's also the story you told Roy?
- 5 A: Yes.
- 6 Q: All right. And that you didn't -- you made a huge
7 mistake instead of calling the police; right?
- 8 A: Yes.
- 9 Q: But that you had just found his body dead?
- 10 A: Yes.
- 11 Q: And that was the story that you were going to tell in
12 court?
- 13 A: Yes.
- 14 Q: But that's not the story you just told to this Court, is
15 it?
- 16 A: No.
- 17 Q: Okay.
- 18 A: Because that's not the truth.
- 19 Q: Oh, that's -- you're right. That's not the truth. So
20 you told one story to law enforcement that he just left and
21 went missing; correct?
- 22 A: Yes.
- 23 Q: You told Roy that you found his body shot in the head,
24 dead?
- 25 A: Yes.

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

1 Q: So Story No. 2. And then today you told the jury that
2 you accidentally shot him just a second ago?
3 A: The truth. Yes, I told them the truth.
4 Q: Three. But you lied two other times?
5 A: Correct.
6 Q: All right. And you told this jury that the reason --
7 that -- that you felt compassion for the family; right?
8 A: Yes.
9 Q: And they needed to have the body?
10 A: Yes.
11 Q: Did you tell them -- let me see. On January 1st of
12 2017, did you tell them where the body was?
13 A: No.
14 Q: How about January 15th?
15 A: No.
16 Q: January the 30th?
17 A: No.
18 Q: How about when you were at the candlelight vigil for him
19 with this family? Did you tell them then?
20 A: No.
21 Q: When his kids are crying because they don't know where
22 he is, did you tell them then?
23 A: No.
24 Q: In fact, you lied; correct?
25 A: Yes. And that's what started eating at me the most.

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

- 1 Q: I'm sorry?
- 2 A: I said that's what started -- his children, that's what
3 started eating at me the most.
- 4 Q: In fact, you went to a birthday for one of his children?
5 Didn't tell them then, did you?
- 6 A: No.
- 7 Q: You said they deserve to know the truth?
- 8 A: Yes.
- 9 Q: And when you said that, you still didn't go tell them;
10 correct?
- 11 A: Correct.
- 12 Q: And these coordinates that we got, you didn't give them
13 to anybody, did you?
- 14 A: No.
- 15 Q: In fact, you went searching for the missing Adam, didn't
16 you?
- 17 A: Yes.
- 18 Q: You knew exactly where he was?
- 19 A: Correct.
- 20 Q: But you have searched for him?
- 21 A: Yes.
- 22 Q: And before you let your lawyer give coordinates, you
23 moved the body?
- 24 A: Correct.
- 25 Q: Dani didn't make you do that?

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

1 A: No.

2 Q: You did that?

3 A: That's correct.

4 Q: And you moved it to the middle -- I'm going to call it

5 the middle of nowhere, because I can't get the coordinates

6 straight, but the middle of nowhere?

7 A: Yes.

8 Q: All right. You did that?

9 A: Yes.

10 Q: And y'all had to go back twice; right? Once to move it

11 and once to get -- clean it?

12 A: That was to get the tarp, yes.

13 Q: Right, to get the tarp. And you bought those chairs?

14 A: Yes.

15 Q: You painted those chairs?

16 A: Yes.

17 Q: You put those chairs in her car?

18 A: Yes.

19 Q: Dani didn't do that, did she?

20 A: No.

21 Q: It wasn't even her idea, was it?

22 A: No.

23 Q: And you had Mike go take the car to the shredder place;

24 right?

25 A: Yes.

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

- 1 Q: Dani didn't do that?
- 2 A: No.
- 3 Q: It wasn't even her idea?
- 4 A: No.
- 5 Q: And Chuckie Baxley, the law enforcement, is your friend?
- 6 A: Yes.
- 7 Q: You never once told Chuckie, I accidentally shot him?
- 8 A: No.
- 9 Q: Even though Chuckie is your friend?
- 10 A: Correct.
- 11 Q: And, in fact, the one time you did talk to Chuckie was
- 12 because you were mad about how they talked to Dani; correct?
- 13 A: I talked to him a few -- a couple of times.
- 14 Q: You talked to him the first time with the family. After
- 15 Dani gets interviewed, you talked to him again at his house?
- 16 A: Yes.
- 17 Q: You had every opportunity to tell him what happened,
- 18 didn't you?
- 19 A: Yes.
- 20 Q: Every opportunity to tell him the truth?
- 21 A: Yes.
- 22 Q: Every opportunity to tell him it was an accident?
- 23 A: Yes.
- 24 Q: You didn't do it?
- 25 A: No.

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

1 Q: In fact, the only thing you talked about is you were mad
2 how he interviewed your wife?
3 A: She was upset, so it upset me.
4 Q: It upset you. Not the fact that Adam is rotting in a
5 hole?
6 A: No.
7 Q: Your very best friend; correct?
8 A: Yes.
9 Q: Not the fact that you shot him?
10 A: No.
11 Q: Okay. Just that your wife is upset?
12 A: Yes.
13 Q: All right. And you actually went another time and met
14 with law enforcement to give them a handwriting sample, didn't
15 you?
16 A: Yes.
17 Q: Dani is not with you?
18 A: We went together.
19 Q: You went together. You could have told them what
20 happened then, didn't you?
21 A: Yes.
22 Q: That's in October of 2017?
23 A: Yes.
24 Q: Correct? Didn't tell them then either, did you?
25 A: No, ma'am.

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

1 Q: And Dani wasn't making you not tell them at that point?

2 A: No, ma'am.

3 MS. SAMPSON: I beg the Court's indulgence.

4 BY MS. SAMPSON:

5 Q: And this letter -- this letter that we talked about,

6 Exhibit 93, you mailed that recently; correct?

7 A: It was --

8 Q: This year?

9 A: Yeah, I believe it was this year.

10 Q: So it was after the arrest, after the body has been

11 found, after all that --

12 A: Yes.

13 Q: -- you made this story up?

14 A: Yes.

15 Q: And I didn't ask you about this. I want to talk

16 about -- you talked about that you burned the chair. We

17 talked about that you redid the wall. We talked about the

18 cabinet. The gun that you -- did not eject a bullet,

19 according to you?

20 A: Yes.

21 Q: Where is it?

22 A: I melted it down.

23 Q: So we don't have it here to tell us what's wrong with

24 it, do we?

25 A: No.

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

1 Q: Or if anything was wrong with it, do we?

2 A: No.

3 Q: Because you chose to melt it down?

4 A: Yes.

5 Q: How do you melt a gun down?

6 A: With a torch.

7 Q: With a torch. So you had to do that yourself?

8 THE COURT: I'm sorry. You're going to still need to

9 lean over if you can't speak louder, just where everybody can

10 hear your answers. Thank you.

11 BY MS. SAMPSON:

12 Q: So you had to melt it with a torch yourself?

13 A: Yes.

14 Q: Where did you do that at?

15 A: My shop.

16 Q: In your shop?

17 A: Yes.

18 Q: Dani didn't make you do that, did she?

19 A: No, ma'am.

20 Q: Okay. What happened to Adam's gun?

21 A: It's in the runoff of a pond.

22 Q: So you threw it away too?

23 A: Yes.

24 Q: Dani didn't make you do that?

25 A: No.

CLINTON WARREN BEEBE - CROSS BY MS. SAMPSON

1 MS. SAMPSON: I beg the Court's indulgence real quick.
2 BY MS. SAMPSON:
3 Q: So just to be clear, you didn't tell that it was an
4 accident at all in 2017?
5 A: No.
6 Q: How about in 2018?
7 A: No.
8 Q: 2019?
9 A: No.
10 Q: All 365 days in 2020?
11 A: No.
12 Q: 2021?
13 A: No.
14 Q: So not until the eve of trial did you tell anybody what
15 happened?
16 A: It wasn't just the eve of trial. It was -- I told my
17 lawyer before.
18 Q: Recently; right?
19 A: Yes.
20 Q: In 2022?
21 A: Yes.
22 MS. SAMPSON: Nothing further, Your Honor.
23 THE COURT: All right. Any redirect?
24 MR. TETTERTON: May it please the Court.
25 REDIRECT EXAMINATION

CLINTON WARREN BEEBE - REDIRECT BY MR. TETTERTON

1 BY MR. TETTERTON:

2 Q: Very briefly, C.W. After this incident happened,
3 Chuckie Baxley was known in the community, was he not?

4 A: Yes.

5 Q: Did Dani know Chuckie Baxley?

6 A: Yes.

7 Q: To your knowledge, did Dani ever reach out to Chuckie
8 Baxley and tell her what -- tell him what happened?

9 A: Not to my knowledge.

10 Q: Marvin Lee Brown was also the chief deputy for Kershaw
11 County Sheriff's Department and lived in Bethune?

12 A: Yes, sir.

13 Q: Did Dani know Marvin Lee Brown?

14 A: Yes, sir.

15 Q: To your knowledge, did she ever reach out to Marvin Lee
16 Brown to tell him -- to give her side of the story?

17 A: No, sir.

18 Q: In fact, she gave the same side of the story that you
19 gave; right?

20 A: Yes, sir.

21 Q: And y'all got together and made that story up?

22 A: Yes, sir.

23 Q: You didn't make it up by yourself, did you?

24 A: No, sir.

25 Q: All during the time -- let me ask you. Ms. Sampson said

CLINTON WARREN BEEBE - REDIRECT BY MR. TETTERTON

1 all during the time "you" did this. Was it "you" did it or
2 "we" did it?

3 A: We.

4 Q: We did it?

5 A: Yes, sir.

6 Q: From the time y'all -- Dani helped you pick up Adam's
7 body out of the house to put it in her car, she helped you?

8 A: Yes, sir.

9 Q: And the first time that y'all took Adam to the pipeline,
10 did she help you?

11 A: Yes, sir.

12 Q: Did she ever resist and not tell you she didn't want to
13 do that?

14 A: No, sir.

15 Q: Was she an active participant?

16 A: Yes, sir.

17 Q: And from the time the body was moved -- Adam's body was
18 moved, was she an active participant?

19 A: Yes, sir.

20 Q: Did she ever tell you not to do anything?

21 A: No, sir.

22 Q: And when you did the repairs on the wall, was she an
23 active participant?

24 A: Yes, sir.

25 Q: And during that time, I believe she worked with her

CLINTON WARREN BEEBE - REDIRECT BY MR. TETTERTON

1 mother and daddy -- I mean -- excuse me -- her mother and her
2 mother's boyfriend?

3 A: Yes, sir.

4 Q: During that time, would she have had an opportunity to
5 tell her mother?

6 A: Yes, sir.

7 Q: Did she ever tell you that she did tell her mother?

8 A: No, sir.

9 Q: Did she ever tell you that she told any of her friends?

10 A: No, sir.

11 Q: So she kept -- she kept it a lie as long as you did?

12 A: Yes, sir.

13 Q: And the body wasn't discovered until about 60 days
14 later?

15 A: Yes, sir.

16 Q: And did she suggest to you that you shouldn't do that?

17 A: Yes, sir.

18 Q: She didn't want you to do that?

19 A: No, sir.

20 Q: And why did you want to do it?

21 A: For the family to get closure.

22 Q: And you were asked about -- a big deal was made about
23 how much you had to drink that day?

24 A: Yes, sir.

25 Q: You can drink beer pretty regularly, can't you?

CLINTON WARREN BEEBE - REDIRECT BY MR. TETTERTON

1 A: Yes, sir.

2 Q: Big fella?

3 A: Yes, sir.

4 Q: Been drinking beer a long time?

5 A: Yes, sir.

6 Q: Construction worker?

7 A: Yes, sir.

8 Q: Do you have a high tolerance for beer?

9 A: Yes, sir.

10 Q: And when you drove from Clancy's to -- back to Clark's

11 to watch the last quarter of the ball game in overtime, were

12 you able to drive?

13 A: Yes, sir.

14 Q: And when you -- when you got ready to go get more beer,

15 was Adam sober? Or not sober. Was he okay?

16 A: Yes, sir.

17 Q: At any time that night, do you feel like you was out of

18 control of your senses?

19 A: No, sir.

20 Q: When you tried to rack the gun -- you did try to rack

21 it?

22 A: Yes, sir.

23 Q: And you tried to rack it for what reason?

24 A: To clear the chamber if there was a round in it.

25 Q: And does that make it a fairly safe gun?

CLINTON WARREN BEEBE - REDIRECT BY MR. TETTERTON

- 1 A: Supposed to, yes, sir.
- 2 Q: And then do you pull the trigger to make it a safer gun?
- 3 A: Yes, sir.
- 4 Q: At that point in time -- C.W., I want you to look at
- 5 this jury. At that point in time, did you intend to kill your
- 6 best friend?
- 7 A: Absolutely not.
- 8 Q: You loved him like a brother, didn't you?
- 9 A: Yes, sir.
- 10 Q: There was no malice between you and Adam at that time?
- 11 A: None whatsoever.
- 12 Q: No hatred, no hard feelings?
- 13 A: No, sir.
- 14 Q: Nothing whatsoever?
- 15 A: None whatsoever.
- 16 Q: Before that night, there was no prior disagreement or
- 17 anything?
- 18 A: No, sir.
- 19 Q: Was there any reason that you wanted to kill your best
- 20 friend?
- 21 A: No, sir. Absolutely not.
- 22 Q: There was a reason you didn't want to kill him, wasn't
- 23 it?
- 24 A: Yes, sir.
- 25 Q: And you're telling this jury that, are you not, C.W.,

CLINTON WARREN BEEBE - REDIRECT BY MR. TETTERTON

1 that you're not a murderer?

2 A: Yes, sir.

3 Q: There was no malice aforethought when you pulled that

4 trigger?

5 A: No, sir.

6 Q: None whatsoever?

7 A: None whatsoever.

8 Q: Hated that happened?

9 A: Yes, sir.

10 Q: And, truthfully, you came here today and told this jury

11 you tried -- you and Dani tried to cover it up?

12 A: Yes, sir.

13 Q: And Dani lied? You lied?

14 A: Yes, sir.

15 Q: On many occasions?

16 A: Yes, sir.

17 Q: That was because -- was it because Dani wanted to

18 protect the children?

19 A: Yes, sir. When she said it, then, you know, I wanted to

20 protect them as well.

21 Q: I'm sorry?

22 A: I wanted to protect them as well I mean, once she said

23 it to me.

24 Q: You all wanted to protect the children?

25 A: Yes, sir.

CLINTON WARREN BEEBE - REDIRECT BY MR. TETTERTON

1 Q: Did it weigh heavily on your heart?

2 A: Yes, sir.

3 MR. TETTERTON: Thank you. I have nothing further.

4 THE COURT: Any recross?

5 MS. SAMPSON: Briefly, Your Honor.

6 RECROSS-EXAMINATION

7 BY MS. SAMPSON:

8 Q: You just told Mr. Tetterton that both of you did this.

9 She wasn't there when you melted the gun, was she?

10 A: No, ma'am.

11 Q: She wasn't there when you threw the phone into the
12 river?

13 A: She was there then.

14 Q: Did she throw it with you?

15 A: No.

16 Q: Did she --

17 MR. TETTERTON: Your Honor, that was not brought out in
18 the redirect.

19 THE COURT: I overrule the objection.

20 BY MS. SAMPSON:

21 Q: Did she make you throw it?

22 A: No, ma'am.

23 Q: And he said that you guys did everything together. She
24 couldn't repair the wall, could she? Only you?

25 A: We painted it together.

CLINTON WARREN BEEBE - RECROSS BY MS. SAMPSON

- 1 Q: You painted it, but you repaired it?
- 2 A: Yes.
- 3 Q: And you changed the cabinets out and not her?
- 4 A: Correct.
- 5 Q: And you spoke to law enforcement with the family when he
- 6 was missing, not her; correct?
- 7 A: Correct.
- 8 Q: And you told them he walked off; correct?
- 9 A: Correct.
- 10 Q: And that letter was the second story you told; correct?
- 11 A: Correct.
- 12 Q: She didn't come up with that story, you did; correct?
- 13 A: Correct.
- 14 Q: Even though she's the boss?
- 15 A: Yes.
- 16 Q: Okay. You said just now that you tried to rack the gun
- 17 to clear the chamber because that makes it safe to use;
- 18 correct?
- 19 A: Yes.
- 20 Q: Nothing ejected from the chamber, did it?
- 21 A: No.
- 22 Q: So the gun wasn't safe to use, was it?
- 23 A: The way that the gun works, when you rack it, it should
- 24 eject the shell.
- 25 Q: Did it eject the shell?

CLINTON WARREN BEEBE - RECROSS BY MS. SAMPSON

1 A: It did not.

2 Q: So it was not safe to use; correct?

3 A: Well, it was supposed to be.

4 Q: Was it safe to use?

5 A: Obviously not.

6 Q: Obviously not. Because Adam was shot?

7 A: Correct.

8 Q: So you didn't see it eject; correct?

9 A: No, ma'am.

10 Q: And then you put your finger on the trigger?

11 A: Yes, ma'am.

12 Q: With a gun pointed in his direction?

13 A: Yes, ma'am.

14 Q: After you're drinking and doing cocaine?

15 A: Yes, ma'am.

16 MS. SAMPSON: I've got nothing further. Nothing

17 further, Your Honor.

18 THE COURT: All right. Thank you.

19 Mr. Beebe, you can step down.

20 All right. Call your next witness.

21 MR. TETTERTON: Your Honor, may we approach for a

22 moment?

23 THE COURT: Yes.

24 MR. TETTERTON: May I have a minute with the witness?

25 THE COURT: I'm sorry?

1 MR. TETTERTON: May I have a moment with the witness?

2 THE COURT: Approach the bench first.

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

5 THE COURT: Ladies and gentlemen, just the way that the
6 case is flowing and what we think we need to deal with next,
7 this is the appropriate time to take another ten-minute break.
8 I'll give you 10 minutes for y'all to take a break, and we'll
9 have you back here in the courtroom. Don't talk about the
10 case at all.

11 Everyone remains seated while this jury is excused.

12 (WHEREUPON, the jury exited the courtroom at 3:39 p.m.)

13 THE COURT: All right. We'll be at ease for 10 minutes.

14 (WHEREUPON, there was a break in the proceedings from
15 3:40 p.m. to 3:50 p.m., after which the proceedings
16 resumed as follows.)

17 THE COURT: All right. Do you have another -- the
18 lawyers approach.

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

21 THE COURT: All right. Let's bring the jury in.

22 (WHEREUPON, the jury entered the courtroom at 3:56 p.m.)

23 THE COURT: All right. Thank you, ladies and gentlemen.
24 Mr. Tetterton, call your next witness.

25 Your Honor, at this time, the defense, Clinton "C.W."

1 Beebe, respectfully rests.

2 THE COURT: All right. Thank you.

3 Any reply from the State?

4 MR. PAULING: None from the State, Your Honor.

5 THE COURT: All right. Thank you.

6 Ladies and gentlemen of the jury, we're now at the stage
7 of the trial where you have heard all of the evidence in the
8 case. The defense has indicated that they have called their
9 last witness and have no other witnesses to call. The State
10 has indicated that they have no witnesses in reply.

11 And so, therefore, the next part of the trial is for you
12 to hear closing arguments from the attorneys and for the Court
13 to read the law that applies in this case. That whole process
14 will take probably a couple of hours. We're not going to
15 start that today.

16 I'm going to ask that you be back tomorrow morning at 9
17 o'clock. We will have arguments and charge and -- and then,
18 hopefully, at that point, we'll be able to -- then you'll be
19 able to retire to your jury room and deliberate when we get
20 through with that process.

21 I do instruct you again, as I've done throughout the
22 trial even yet, even though you've heard both sides in the
23 case, you have not heard the law that I'm going to give to you
24 in the case. So you're still not allowed to discuss the case
25 with anyone, to form any opinions about the case, until

1 you -- on the ultimate issues in the case until you have the
2 law as I give that to you, and that will be tomorrow morning.

3 So when you go home tonight, don't be reading anything
4 on your personal electronic devices. Don't be talking or
5 discussing with anyone about the case. However, you will be
6 able to do that at the appropriate time tomorrow.

7 With that, I'm going to allow you to leave for the
8 evening. Be back and ready to go at 9 o'clock tomorrow
9 morning.

10 Everyone remained seated while this jury panel is
11 excused.

12 (WHEREUPON, the jury exited the courtroom at 3:59 p.m.)

13 THE COURT: All right. Any motions, Mr. Tetterton?

14 MR. TATTERTON: Thank you, Your Honor. May it please
15 the Court.

16 Your Honor, the defense would renew its motion for a
17 directed verdict for acquittal or either directed verdict for
18 not guilty with the understanding perfectly, Your Honor, the
19 -- for the judge -- that the Court has to consider the
20 existence versus weight.

21 I would add to my previous argument, Your Honor, that,
22 in this case, there has been no absolute zero evidence of any
23 malice aforethought. There has been zero evidence of malice
24 aforethought, ill will, hatred, or anything that would
25 complete the elements of the charge of murder.

1 Further, I'd argue, Your Honor, that the defense has
2 raised the defense of accident, and the burden is on the State
3 to prove beyond a reasonable doubt that the killing was not
4 accidental. There has been absolutely zero evidence that the
5 State has provided for the jury to consider that this
6 case -- that this matter was not accidental.

7 For those reasons, Your Honor, I'd ask the Court to
8 direct a verdict of not guilty.

9 THE COURT: All right. Does the State wish to be heard?

10 MS. SAMPSON: Yes, sir, Your Honor. We'll stand -- we
11 will stand on the same arguments that we made at the directed
12 verdict motion earlier. There was ample evidence from Mrs.
13 Beebe -- Dani -- about what happened that night.

14 As far as the accident goes, Your Honor, the only
15 evidence is from his client, and there was some evidence, as
16 far as we're concerned, that it did not happen as an accident;
17 that it was not -- he was not using due care and that he was
18 reckless.

19 And so, therefore, Your Honor, we would think -- ask
20 that you deny their motion at this time.

21 THE COURT: All right. I deny the motion for directed
22 verdict. There is evidence. Evidence has been presented here
23 in court from one witness, the wife, who indicated that, at
24 the time of the killing, that she saw the defendant sitting in
25 a chair with his arm in the air, pointed at the -- at the

1 victim in which the gun was fired. He was killed.

2 Taking the totality of the circumstances of the evidence
3 that's been presented, that's a jury issue on whether there's
4 sufficient basis for a verdict of guilty on murder or at least
5 go to the jury, and so I deny that motion for a directed
6 verdict.

7 Anything else?

8 MR. TETTERTON: If we can hand up our requests to charge
9 the jury.

10 THE COURT: All right. Let's -- y'all come up to the
11 bench here, and let's talk a little bit, see if we need to put
12 any of that on the record today or in the morning, just
13 briefly where we are with the charge right now.

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

16 THE COURT: All right. Those of you that are remaining
17 in the courtroom, the next step that will take place tomorrow
18 morning is that the lawyers will have an opportunity to give
19 closing arguments to the jury, and then I will charge or
20 instruct the jury on the law. And so the conversation we're
21 having up here at the bar and that we're going to have briefly
22 here on the record, because it needs to be on the record now,
23 is what -- what the particular law is that the Court will
24 charge tomorrow.

25 And so the discussion that I want to put on the record

1 but I think we understand the rules and we'll apply them the
2 best we can.

3 All right. Now let's bring the jury in.

4 (WHEREUPON, the jury entered the courtroom at 9:30 a.m.)

5 THE COURT: Thank you, ladies and gentlemen. We're now
6 at the point in the trial where you will hear closing
7 arguments by the attorneys, and the procedure that we'll
8 follow is that the State will be given the first opportunity
9 to speak to you about their case, then the defense will have
10 an opportunity to present their closing, and then the State
11 will then have another opportunity to give what we call reply
12 argument.

13 So with that, Mr. Scott, I'll be glad -- glad to hear
14 from you.

15 MR. SCOTT: Thank you, Your Honor. May it please the
16 Court.

17 CLOSING ARGUMENT ON BEHALF OF THE STATE

18 MR. SCOTT: Ladies and gentlemen, why do people do evil
19 things? Why do men do things that only create suffering?

20 (WHEREUPON, the microphone was relocated.)

21 MR. SCOTT: Is that good?

22 What's the answer to that? Why do people do things to
23 others that only creates suffering. Why do men do things to
24 shatter families? Why do men kill others without just cause?
25 Why does a brother kill a brother?

1 Why do people do evil things? Is it original sin? Is it
2 upbringing? Is it drink or drug? Is it mental defect? Is it
3 rage? Is it jealousy? Is it just plain meanness? Can it be
4 any of these things? Yes.

5 The fact is we think we understand and we know our fellow
6 man. The fact is we don't. The average person is probably
7 capable of far more good than you give them credit for, but
8 then there's other men who can do things that you can't
9 imagine.

10 And the fact of the matter is, these are people behind
11 you in the grocery store. These are people who pass by in the
12 Wal-Mart. It's just sometimes people who sit on the same pew
13 with you at church. Until we are able to transport ourselves
14 into another man's brain, we can't fully understand what
15 motivates them, what angers them, what makes them tick, what
16 keeps them awake at night, what bothers them.

17 And I imagine you've had this belief conversation with
18 maybe your kids. Dad, Mom, why did that man on the news do
19 that thing? Why did he kill that person? Why did this have
20 to happen? And what is your answer? I mean, probably more
21 often than not, it's "I don't know."

22 Sometimes people do bad things. Sometimes there's not an
23 answer for it. Sometimes there are clues, sometimes not. In
24 a murder case, motive is not required because the law
25 recognizes sometimes killings just happen for no good

1 justified reason.

2 There is no good reason for us to be here this week to
3 spend five days here in this courtroom. There's no real good
4 reason that family should be suffering, a whole community be
5 suffering. There's no good reason that Adam Davis drew his
6 last breath on December 29th of 2016.

7 I never knew the guy. We heard a lot of testimony about
8 his friendly nature. It sounded like he had a good sense of
9 humor. It sounded like he liked to drink beer and he liked
10 Carolina. Sounded like a good guy to me.

11 The noteworthy thing was Adam, on the last night of his
12 life, was doing his best to comfort and reassure somebody who
13 was being bullied, somebody who was being put down, somebody
14 who was being berated. That's what he was doing up to the
15 very end and -- and that was -- that was noteworthy.

16 We know Adam was last seen alive with C.W. Beebe and Dani
17 Beebe. We can account for Adam being with C.W. Beebe at
18 Kelly's Bar on December 29th, 2016. We can check the calendar
19 and see that South Carolina was involved in a bowl game. Lost
20 that bowl game we heard. We know they were seen at the Exxon
21 in Bethune from 7:09 p.m. to 7:11 p.m. We know Adam was last
22 seen with C.W. and Dani when Darryle Coe sold them cocaine
23 sometime around 8:45. Okay? Remember 8:45.

24 It was the next morning when people started worrying.
25 Adam had failed to send Christi his customary good morning

1 text. It was unlike him not to show up to work. When people
2 were calling him and texting him, he wasn't responding.

3 On January 2nd, 2017, some three days later, officers met
4 with friends and family. Okay? That was that Chuckie Baxley
5 testimony, Bethune police officer who's good friends with
6 C.W., somebody C.W. would have trusted.

7 This is when C.W. tells the story of, yeah, Adam, he was
8 with us. You're right. He came back to the house. I went
9 inside, went to sleep. The last I saw of him, he was on the
10 porch. I have no clue what happened. This to Chuckie Baxley,
11 his friend, somebody he would have trusted. From the very get
12 go, he's lying, even to somebody who's friendly with him. I
13 don't know where Adam Davis went. That's what he's telling
14 him.

15 And that was noteworthy because January 2nd, 2017, was
16 the last time C.W. would talk with anybody about what
17 happened. You know, he would talk with officers who wanted to
18 question him. He'd make appointments, but then he wouldn't
19 keep them and then he just stopped answering their phone
20 calls.

21 Over the next several days you heard about C.W.
22 pretending to be just as concerned as everybody else. He was
23 attending those candlelight vigils. He was talking with
24 others and pretending like he was trying just as hard as they
25 were to figure out what happened to Adam. He was

1 participating in those manned walks and those searches. He
2 was pretending to grieve like the rest of Bethune, but it was
3 all fake.

4 Can you imagine? He's walking around with these people
5 who are taking off work, who are spending all their free time
6 driving fields, going through woods, trying to find Adam,
7 trying to get some justice for Adam, trying to let that family
8 know what happened to him. And here's C.W. walking alongside
9 of them, pretending like he's trying to help too, all the
10 while knowing exactly where Adam is, knowing exactly what
11 happened to Adam.

12 January 11th, 2017. That's when Dani comes in. She's
13 brought in for questioning. That same time you heard Justin
14 Dill say that C.W.'s phone records -- he's burning up the
15 phones trying to find an automobile part. He's trying to find
16 a very specific seat to an Acura MDX. She tells the same
17 story as C.W., you know, we were at the house. I was smoking
18 cigarettes outside with Adam. I went inside and I have no
19 clue what happened to him.

20 Meanwhile, C.W. is picking up that seat. He's getting
21 some black vinyl spray paint. He's trying to cover up what
22 he's done. It just doesn't work though. As you can see, he's
23 not happy with the cover up. He's scared he's going to get
24 caught. So he has the entire car scrapped, and that's on
25 January 26th.

1 By some stroke of luck -- I mean I don't know. Was it
2 fate? Law enforcement got wind of that car being there. Just
3 -- it was there to be shredded at any moment. They caught it
4 just in time. They seized the car. They did the search.
5 They pulled up the carpet. They find Adam's blood. Okay?
6 That's January 26th, 2017.

7 What is done in the dark will eventually come to light.
8 That was the first big break. March 8th, Adam's body was
9 recovered from a shallow grave in Lee County. He had a
10 gunshot wound that entered above his left eyebrow and exited
11 out the right back of his head. Turns out Adam had been
12 buried and reburied four times.

13 All of this time, the whole town of Bethune is looking
14 for him. His family is looking for answers. C.W. took part
15 in those searches and stuck to his story that Adam just walked
16 off in the dead of night. That whole community searched for
17 justice for Adam. Finally, in November of 2018, warrants were
18 obtained for the arrest of C.W. Beebe. Dani continued to
19 stick with the story just as C.W. had instructed her to.

20 We talk about what makes people tick. What is the psyche
21 of somebody who is 15 years old and is seduced by a 23-year-
22 old man? That man impregnates you. Dani Beebe lost all of
23 her formative years. You know, she missed the proms. She
24 missed the Friday night football games. While other people
25 her age were getting their driver's licenses and trying to

1 figure out what concert to go to, she's worried about diapers
2 and formula.

3 Fifteen years old. You know, at age 15, that's an eight-
4 year gap, but when you're that young, you're 15, he's 23, he's
5 an authority figure. You put on top of that she never had a
6 dad. When you think about this, the dynamics of their
7 relationship and how it developed, it kind of becomes clear.
8 Right?

9 The much older C.W., he quickly became the iron fist. He
10 became the "what I say goes" kind of a husband. They're not
11 on equal footing. Add to this that she would have been
12 completely dependent on C.W. He was the breadwinner. He was
13 -- he was very clear when he testified. He was the one who
14 earned the money around there.

15 The subordinate Dani would have to deal with having her
16 head slammed against the wall. She's just going to have to
17 put up with getting kicked around. She's going to have to get
18 used to being called a bitch, being called trash, being called
19 fat, being called worthless. It just kind of comes with the
20 territory, and you get used to it because that's what a
21 manipulator does.

22 Someone like C.W., he grooms you. He takes a vulnerable
23 15-year-old girl without a dad. He grooms her up and he
24 breaks her down, and it puts them in fear and makes them
25 completely dependent on him. Then while you're with her, you

1 impregnate not one, but two different women. Then insult to
2 injury, you make her take care of these other kids you have
3 with other women.

4 Who's the boss? Does she sound like the boss in that
5 relationship? I mean in some ways, C.W. sounds like the
6 ultimate megalomaniac. It almost seemed like he was hell bent
7 on testing the outer limits of his power and his control over
8 Dani. I mean, Dani, not only am I going to verbally abuse
9 you, not only am I going to beat the hell out of you, I'm
10 going to go with two separate women, have two separate kids
11 with them. I'm going to bring these kids over and you're just
12 going to have to deal with it, aren't you? Who's the boss?

13 But I thought it was noteworthy too when she testified to
14 show how strong this kind of grooming is and what the psyche
15 is of somebody in her position. He had done all of these
16 things to her over the years, but she testified I still have
17 love for him. And she made the comment you can't always pick
18 who you love. I mean that's the power of that kind of grip
19 someone like C.W. has on her her whole life. That is the only
20 man she's been with. The poor girl was just a child when she
21 got pregnant.

22 She stood before you in full view of all of your
23 judgements, and credibility is an issue pretty much in any
24 trial. It's certainly one here. She was called a liar over
25 and over by the defense. She bared it all. You saw it. She

1 told you how she had reacted when she was first questioned.
2 She admitted over and over that she had lied to investigators
3 in 2017. She had mirrored C.W.'s story, and she told you why.

4 She continued the story that they go to bed. Adam was on
5 the porch. When they get up, he's gone. She said she was
6 terrified of C.W. She admitted the story didn't make a lot of
7 sense, but that's what C.W. told her to stick to.

8 Not only had she seen the unspeakable, I mean we now know
9 she watched this man get shot right in front of her, but C.W.
10 said, if I go down, you're going down with me. So she sees
11 what this man is capable of. At the same time he's
12 threatening her I'm going to take you down with me if you say
13 a damn word. And perhaps the most sinister of threats, if you
14 tell, I'll tell on you. You're never going to see your
15 daughter again. You're going down with me.

16 And that's really the one thing Dani had. I mean the
17 girl doesn't have a lot. She said she probably has one
18 friend. Otherwise, she hangs out with C.W.'s friends all the
19 time. But she has Zoei, and he weaponized her daughter
20 against her. If you tell, you'll never see Zoei again.

21 So Dani went with that story for months and months in
22 jail. I mean she spent months in jail sticking to this story
23 because she's in fear of what would happen if she told the
24 truth. And while she's in jail, she's really not free of C.W.
25 He continues to contact her almost as if to say, you might not

1 see me, but I'm still here. You'd better stick to that story.

2 It wasn't until Dani was out on bond and she was able to
3 live apart from C.W. that she could tell the truth. And she
4 did. C.W. is testing out other theories. Okay? So story
5 number one. Adam was with us. He's on the porch. He doesn't
6 have a car there. I go to bed. We live out in rural Bethune.
7 We wake up, he's mysteriously gone.

8 But now he finds out, well, Dani is starting to talk.
9 I'm going to need to get her back on my side. So he tells
10 another story. Y'all remember that letter yesterday he had to
11 admit to writing? That's story number two.

12 Dani, I need to go on and tell you that I told Roy the
13 truth about what happened. So I need to tell you too. The
14 day after I got a call on Facebook from Ashley Oakley telling
15 me that Adam didn't come into work, I noticed that your car
16 had been moved down to my shop. Adam had told me he needed to
17 use the shop the night before. I thought he was still down
18 there. I went to check and found him dead, shot in the head.
19 You were asleep. I freaked the hell out. I found out that he
20 was using the shop to make meth that night. All the materials
21 were still there, but no meth. I also found his gun under
22 some stuff on the sheet of plywood he had put on the lift to
23 use as a table.

24 All I could think about was how his family hated me and
25 that they would think that I did it. So I made a huge mistake

1 and, instead of calling the police, I took his body and buried
2 it and threw the gun in the creek. I used your SUV since it
3 was at the shop, and I didn't want to wake you up. I thought
4 I was protecting you by not telling you. I'm so sorry. I
5 told him you didn't know anything about it and why I didn't
6 tell you.

7 I eventually told my lawyer I didn't want Adam's family
8 living with the pain of not knowing if he was dead or alive.
9 So he sent the coordinates so they could find Adam's body.
10 I'm so sorry for everything you have had to go through. I
11 should have called the police, and I should have never lied to
12 you or anyone else about any of it. I was just scared I was
13 going to be wrongly accused. A lot of good it did me.

14 Anyway, Roy's sorry ass apparently told the solicitor and
15 investigators everything. At least now they know you didn't
16 know or have anything to do with any of it. I'm sorry for
17 everything. I'm going to testify to everything I've told you
18 in this letter. I'm sure I'll get some time in prison.

19 I know you already hate me and will even more now. A
20 cellmate told me you can divorce me for free since I'm locked
21 up. Maybe you should go on and do that. Move on with your
22 life and try to forget all the hurt I caused.

23 Please try to make Zoi know that I love her dearly. I'm
24 so very sorry for all of this. I guess it's time I start
25 being unselfish and take responsibility for what I did. I'll

1 love you long after I'm gone and once you get this letter and
2 read it, I'm going to leave you alone. I knew it's what you
3 want, what you already want. Again, I'm sorry. I love you
4 and always will.

5 That's story number two. That makes no sense either, but
6 he's working with it. You know, he's trying different
7 theories there.

8 Then comes the time where he hears what Dani told law
9 enforcement. Now it's time to try to figure something else
10 out. He gets to read -- you know, when we get something like
11 that, we've got to immediately turn it over to him. So he's
12 reading her statement and you can almost see the gears turning
13 in his head. I got to figure out another story now because
14 law enforcement heard her story. They went to the trailer.
15 They pulled that sheetrock out of the wall, and they got
16 corroboration. So now we've got to figure something out --
17 else out.

18 And so finally, just this very week in court, you heard
19 it the same time everybody else did because that was the first
20 time it was ever mentioned. It was his third version of
21 events. What he did was he took Dani's story and what had
22 been confirmed by law enforcement and the evidence, and he
23 attempted to twist it in forming a new version of facts for
24 him, one that he desperately hopes you all will believe.

25 It was an accident, the last desperate attempt to shirk

1 responsibility. Number one, he just walked off into the
2 night. Number two, he just shows up dead in Dani's car. I
3 have no idea how it happened, but I was scared they'd blame
4 me, so I had to get rid of the body. Number three in front of
5 you all, it was an accident.

6 Let's talk about this version. Okay? Because he spent
7 quite a bit of time yesterday trying to convince you all. He
8 was forced to admit on cross he had been drinking at the
9 house, then at Shawn's house, and then more beers at Kelley's
10 bar. Then he had some beer he bought at the Exxon.

11 He's laid out in the backseat of the car while Dani is
12 driving him around. He gets out and urinates in front of
13 Darryle Coe's wife when they're buying cocaine. I think it's
14 fair to say he was pretty sauced up. I mean he's laid out in
15 the back of the car. You know, he's -- he's peeing on the
16 side of the road. He just left his house. He's drinking all
17 day.

18 But did you catch Dani's testimony regarding their drive
19 to the Exxon? C.W. was being his mean usual self. That's
20 what she said. He insulted her, called her dumb, yelled at
21 her for the way she was driving. Y'all remember that? If
22 C.W. is mean to her sober, imagine how he is after drinking
23 all day.

24 C.W. tells her to drive to Stacey Farrington's house.
25 She was describing kind of -- Stacey's got, like, a gate

1 across his road, and it's sort of a narrow squeeze to one side
2 where you could drive the car around it. And he's giving her
3 hell the whole time. You dumb, stupid bitch, you can't drive.
4 But did you catch what Adam was doing? Quietly, calmly
5 reassuring her. She said he said, it's okay, Dani. You got
6 it. You're fine. Wonder how that sat with C.W. laid out
7 drunk in the back? The gall of this guy talking to my wife
8 like that.

9 Remember how she described C.W.'s continuous rants and
10 insults on the way to meet Darryle Coe? Again, it was the --
11 Adam. Just don't worry about it, Dani. What's wrong with
12 him? Don't worry about him. You're fine. You're fine.

13 C.W. had enough at this point. This fat, dumb, stupid
14 bitch needs to stay in her place, and I understand that she is
15 a fat, dumb, stupid bitch. Right? And this man better
16 understand. I tell my wife how she needs to feel, and I tell
17 her what her worth is, not you.

18 So C.W. has been drinking all day. Now he takes some
19 cocaine, and I thought that was probably the most accurate,
20 easily understandable demonstration he did all day. The way
21 he snorts coke off of a key of a car. They go home. Dani
22 sits on the porch and smokes a cigarette. She said Adam and
23 C.W. go inside the house.

24 I wonder what they were talking about. I mean maybe Adam
25 told C.W. he should go easier on Dani. We don't know. Dani's

1 kind of the story was vivid and full of genuine emotion. What
2 about C.W.'s when he told his new version? He was flat and
3 vague. He was crocodile tears. Did y'all see those crocodile
4 tears? Crocodile tears is a false, insincere display of
5 emotions, such as a hypocrite crying fake tears of grief.

6 Were y'all able to remember Dani's testimony? Can you
7 see it in your mind's eye? Can you compare it to C.W.'s
8 testimony yesterday? Credibility. That's going to be a
9 component that y'all are going to use in judging this case.

10 Now, less clear is C.W.'s version of how the accident
11 happened. You remember he describes getting this gun.
12 Now, on one hand, Adam's in a hurry to leave. He was going to
13 borrow the keys to C.W.'s car and go back to the bar to get
14 his car. On the other hand, he wanted to see his pistol.
15 According to C.W., he goes to the room, which I don't really
16 understand why Adam wouldn't go to the room and look at the
17 pistol where it was, but C.W. goes to the room. Adam sits
18 down.

19 C.W. comes back out with the pistol, sits on the couch
20 directly in front of Adam, and unzips the case, takes the gun
21 out, and ejects the magazine, racks it. According to him,
22 there's a live round in that pistol at the time. So he is
23 unable to explain why it wasn't ejected when he racked the
24 gun. He didn't look in to see if there was a round in it. He
25 was clear on that. Is that carelessness -- you're handling a

1 gun -- not to check to see if there's a live round in it? I
2 submit to you that it's reckless, that's careless, and that's
3 negligent.

4 But if it did happen that way, he went on to describe how
5 he attempted to pass the gun to Adam or attempted to sit on
6 the ottoman rather with the barrel pointed at Adam, and the
7 gun inexplicably went off. He had his finger on the trigger
8 as he pointed the gun at Adam and laid it on the ottoman.

9 He demonstrated that. I'd like to demonstrate that. I'd
10 like to see how this would happen. So let's see.

11 Justin, can you come with me just a minute?

12 Solicitor, could I borrow you for just a minute?

13 We saw the layout of the room. He described the chair he
14 was sitting in. He described the ottoman in between. He
15 described the chair that Adam was sitting in. Okay? And he
16 described how he passed the gun off, how he tried to set it on
17 an ottoman, and it went off.

18 We know Adam was shot over his left eyebrow. Right? In
19 a slightly upward trajectory that left out of the back of the
20 right-hand side of his head. You saw that trajectory in the
21 pictures of the gun or the bullet going through the walls and
22 lodging in that cabinet. Let's see how this will look. Okay?
23 How you hand a gun over to achieve this result.

24 Now, for our purposes, this is going to be an ottoman.
25 Okay? We're going to have Justin Dill sit in this chair.

1 This is going to be the chair for demonstration purposes of
2 where C.W. was sitting. Okay? I've got a laser because I
3 don't have a gun, but we're going to pretend this is a gun for
4 our purposes. Okay?

5 The solicitor is going to Adam. All right? Now, I want
6 you to take this, and I want you to lay it flat on that
7 ottoman. Okay? And activate -- activate the laser. His --
8 well, that's unfortunate, but it is hitting the solicitor
9 right in the crotch area. So in order for it to work the way
10 he's describing, he's hitting right between his legs. Okay?

11 Now, for it to go in the solicitor's head, go into Adam's
12 head, how would you have to hand over the gun with your finger
13 on the trigger to achieve that? Does that in any way look
14 like a natural way to set a gun down on an ottoman? I mean
15 you almost have to get creative in how you're handing the gun,
16 butt down first in order to achieve that trajectory.

17 Does it make any sense whatsoever? Any of you who have
18 ever touched a gun, can you imagine handing the gun to
19 somebody that way or setting it on the ottoman with your
20 finger on the trigger? Does it make any sense? That's what
21 he wants you to believe though.

22 Thank you, guys.

23 He sets it down flat. It's hitting on the legs or on the
24 belly. In order to achieve that trajectory that he describes,
25 he's going to have to set it down butt down first, hand up

1 like that, with his finger on the trigger. Who does that?

2 Nobody does that because that's not what happened.

3 And directly after this accident, did he behave like
4 somebody who had just accidentally shot somebody in the head?

5 No. He immediately goes to action swiftly. First thing he
6 did was grab that Dollar General bag, put it over Adam's head.
7 You've got to stop the bleeding. You can't get blood
8 everywhere. He -- he's fucked. He's fucked. Does that sound
9 like somebody who just made a terrible accident, somebody
10 who's in a panic? He set immediately out to action, tells
11 Dani get his feet, carries him out to the Acura immediately.
12 Got to get him off the property.

13 He gets a shovel and goes straight to his grandmother's
14 property. He buries poor Adam in the sand. He leaves but
15 comes back. He left Adam's phone in his pocket. He has to
16 remove the sand again and get the phone, go down to the
17 Lynches River, throw the phone in the water. Does that sound
18 like somebody who's panicking? He runs home and cleans up.
19 The cleanup begins.

20 By the way, we know again, like I said, the 8:45 call to
21 Darryle Coe. We're in C.W.'s car. That was on the way to
22 meet Darryle Coe. So he would have called Darryle Coe before
23 he met him, gotten the cocaine, gone back to the house, the
24 killing would have happened. He would have had to have gone
25 and buried Adam, and then he comes back home because at 10:07,

1 we've got that call from Dani to him, and Dani explained that
2 was C.W. panicking, saying, where's my phone? And so she had
3 to call it, and it turns out it was in the house somewhere,
4 but he was panicking that he left it at the scene.

5 But I say that to say this. This wasn't somebody
6 wracking their head going, oh, my God, this is what happened,
7 what do we do, what do we do? He did all this in less than an
8 hour. He took Adam, transported out to the property, dug a
9 hole, buried him in less than an hour.

10 This is quick, decisive thinking. This is not somebody
11 who's shocked about something that accidentally happened that
12 you didn't intend to do. He spends the rest of the night
13 cleaning blood, patching the wall, painting the wall, burning
14 the chair, puttying up that cabinet. He takes that wood putty
15 and tries to cover that bullet hole. Melts down the guns.
16 Are these actions of somebody who accidentally shot somebody?
17 It makes no sense.

18 And that's what I'm talking about when I said Chuckie
19 Baxley, a police officer, Chief Marvin Brown, police officer.
20 These are his friends. If anybody was going to understand him
21 and trust him and believe him, it would have been these
22 people, people he grew up with, people who lived around the
23 corner from him, people whose house he goes to.

24 Chuckie, something terrible happened. Why would they
25 have any reason not to believe him? I mean, after all, Adam

1 was his friend. They would believe that he didn't mean to do
2 it. Why wouldn't he go to them and say a terrible accident
3 has just occurred?

4 Later, when search parties start looking near his
5 grandmother's property, he digs Adam back up, wraps him in a
6 tarp, moves him to another location. He decides he's got to
7 get rid of the Acura. He's got to burn the cabinet and move
8 another one over. He's got to go back to the grave, remove
9 the tarp, dump ammonia on poor Adam trying to cover up the
10 last of the evidence that maybe he didn't get rid of.

11 Are these actions of somebody involved in an accident?
12 What done in the dark will eventually come to light. No, it
13 doesn't make sense, and it's his third version of the story.
14 And when you heard it yesterday, like I said, that was the
15 first time anybody heard it. That was a shock to everybody in
16 this courtroom. You wait until your own trial to say I've
17 been meaning to tell you all that it was just an accident.
18 Never mind my first two stories. I don't know why I told
19 y'all those, but believe me now, it was an accident.

20 Dani told you what happened. You know, she could have
21 stuck to either one of those stories. And this one, I mean if
22 she jumped on board with this, he's cutting her out of it.
23 You know, he's saying I told them you didn't know. The truth,
24 the story she told you yesterday, she has admitted to criminal
25 responsibility. She admitted to being an accessory who helped

1 hide the body.

2 Why would she do that? She expressed unbelievable guilt
3 and she talked about, you know, as a mother to a mother how
4 sorry she was for Adam's mother and how sorry she was for her
5 actions during the time that Adam was missing and so sorry
6 that she didn't come forward. And she told you until you've
7 been through abuse, this chronic persistent abuse, this
8 brainwashing, you can't understand what it's like. She said
9 I'm free now. I'm away from him. I realize I don't need him.
10 Zoei and I are doing just fine.

11 This is the truth. There's so much information, and I'll
12 tell you people, you know, who tried this case with me and
13 worked it up with me, like, how are we going to really put
14 them in the house and how are we going to describe a lot of
15 how everything happened?

16 And I've never sat on the jury and, you know, it just --
17 it occurs to me it'd be a difficult way to learn something
18 piece by piece by piece and trying to connect the dots and
19 trying to remember this and that and how that correlates to
20 that and how that's relevant to this, but if you bear with me,
21 I do want to just briefly show you some of the evidence that
22 came out. It's going to be back there with you guys, and I
23 just want to remind you why some of it was relevant, if I
24 could.

25 That is the last known image of Adam Davis. We know 7:09

1 to 7:11 p.m. he was at the Bethune Exxon. They testified all
2 these locations are very close to one another. Up here,
3 that's Clark's Bar. We can account for him being there.
4 Again, there's the Exxon. This is C.W. Beebe's residence.
5 This is where they met Darryle Coe. This is where on the
6 McGougan Pond Road address, his grandmother's property, where
7 he first buried Adam. Down here is where he ultimately buried
8 Adam, where Adam was found by law enforcement.

9 That's how the Acura looked. That was an -- that was a
10 car that on December 29th had no trouble whatsoever pulling up
11 to the Exxon and had no trouble whatsoever leaving. There was
12 no reason that particular car had to be completely scrapped,
13 but it's a key piece of evidence in this case. It's really
14 what broke the case.

15 Again, I can't stress to you it was just sheer stroke of
16 luck that law enforcement was able to get that car before it
17 was completely demolished. Had that car been shredded, I
18 don't know how we'd ever connect Mr. C.W. Beebe to Adam's
19 death.

20 Here we have Big Mike's trailer. He told you, C.W. said
21 I need you to get rid of this car. I need you to scrap it.
22 Never mind there's a Camden Scrapping place right here in town
23 that pays more money. I need you to get this the hell out of
24 town. I need you to take it up to Darlington, shred it
25 quickly. So here we have it on the trailer. On the right,

1 we've got the empty trailer after he dropped it off with the
2 sand all in it, you know.

3 I submit to you, you know, is that typical that you dump
4 buckets of sand in a car before you took it get shredded?
5 Just the -- the effort to conceal. I mean he really tried to
6 conceal this thing, and he went to great effort. This is that
7 gold Acura he was able to track down there. You know, Dani is
8 getting interviewed and he's going, oh, hell, I got to do
9 something.

10 There's that seat that they tested. I don't know. I
11 cleaned it really good, but they might find some blood.
12 So he's burning up the phone. Who's got a used -- or who's
13 got a car seat for an Acura MDX? He finally finds one, and
14 there it is. That's where that seat came from. Of course, it
15 had tan-colored upholstery. He needed black, but hey, beggars
16 can't be choosers. I'll make it work. I'll get some vinyl
17 spray paint, I'll spray it, and we'll continue this cover up.

18 He says the transmission was bad, so he had to completely
19 scrap the car. You heard from the transmission man say I
20 couldn't find anything wrong with the transmission and
21 everything checked out. I mean I couldn't drive it. It
22 wasn't in driving condition, but I can't see anything wrong
23 with the transmission. And again, we've got her driving it
24 December 29th.

25 So what happened in the next few weeks to make it where

1 it had to be completely scrapped? Why not just sell it? It
2 just appears that it was a rush job. You get it the hell out
3 of my yard. You got to get rid of this thing and leave
4 sweatshirts and leave just various items and have a hitch on
5 the back that they didn't even bother to get rid of.

6 You've got to give a law enforcement credit. They did
7 the Blue Star. They thought they had blood. It turns out it
8 was just cleaning solutions. It was a false positive.
9 They could have given up, but they just knew and knew C.W.
10 Beebe was involved. They knew there's got to be some evidence
11 in that Acura.

12 So people like Justin Dill were persistent and rip up the
13 carpet. This was after, like, the second or third time that
14 car was searched. They said why don't we just tear up the
15 floor and look down there. Lo and behold, something C.W.
16 Beebe in all his efforts to conceal neglected to do. I know
17 that blood -- they carried around Adam with a gunshot wound to
18 his head. It's leaking out the whole time, and it might be
19 some on the surface, but some of it pools down around, like,
20 the different crevices in the car and some of it seeps down up
21 under the carpet. He didn't account for that, and law
22 enforcement swabbed that and they sent it to SLED. It turns
23 out it was Adam Davis's blood.

24 Here's the general timeline, and there we got December
25 29th, the last time Adam was seen. The next day, he misses

1 work. He's finally reported missing or he's listed as a
2 missing person December 31st. January 2nd, that's that first
3 meeting with C.W. He tells Chuckie Baxley that first version
4 of events. January 5th, search parties and SLED looking for
5 Adam.

6 January 11th, that's when he sends Dani. Dani says they
7 want to talk to me. He goes, okay, so you go in and you stick
8 to our story. I'm going to find a new seat. I'm going to
9 continue trying to cover up if you stick to our story on
10 January 11th.

11 January 13th, he finally gets that paint to go ahead and
12 paint this chair or the seat. It wasn't quite a match to his
13 black interior.

14 January 6th. Okay? So not a month's time he's driving
15 around in that car. He's at the Exxon, but by February 6th,
16 it's just a hopeless cause. We've got to completely demolish
17 the thing. February 7th, the next day, is when we get that
18 Blue Star and looking at false positive.

19 March 8th, there's coordinates that come in. They find
20 Adam's body. March 9th, SLED excavates the scene. March
21 10th, that's all about the gunshot wound. April 4th is the
22 search that we just showed you where the blood samples are
23 collected and they end up being Adam's.

24 April 7th, they execute a search warrant at the Beebe
25 residence. You can just see that this -- this was a very

1 involved investigation. Pieces of information come in.
2 They're checked out. I mean it was a 22-month long
3 investigation leading to his ultimate arrest November 19th of
4 2018.

5 This is a general layout of the house. This was a SLED
6 sketch, and we've got some pictures. I think this is -- this
7 is something I want to show you guys, and we just did the
8 little demonstration of what we're looking at.

9 This would be the couch that Dani said she came in and
10 sat on. All right? Here's the -- here's the steps of the
11 door going into the living room. This would be the seat that
12 Adam would have been sitting on, the solicitor in our case.

13 Down here is where C.W. claims he was sitting. This
14 would represent the ottoman that he set the gun on. This over
15 here is the bedroom that apparently he retrieved the gun from.

16 So, again, Adam Davis in this seat. C.W. Beebe in this
17 seat. The chair. This would be the chair that C.W. claims he
18 was sitting in, and there's the ottoman in this picture. This
19 right here would have been where the bullet would have entered
20 the wall. And again, we've got it. Remember this? Cut it up
21 and it confirms Dani's story, and she was the first to tell it
22 and the evidence supports her story.

23 Again, just another view. C.W. Beebe and the chair
24 against the window. Adam Davis would have been sitting here.
25 This particular area would have been where the bullet exited.

1 Again, that's this piece.

2 So Dani tells the story first. We go out there and we
3 cut the walls and we see, just like she said, there's a defect
4 in this wall and there's a defect in that wall. It's just
5 today or yesterday that C.W. jumped on board, but yeah, yeah,
6 yeah. He was shot in there.

7 This particular cabinet is where the bullet lodged right
8 there. Now, there was testimony that he tried to cover that
9 up. Like I said, he tried to put some wood putty over it, but
10 just like that seat, when things started getting hot, he says
11 we've got to get rid of that tape. I'm not going to even take
12 my chances. So what he ultimately does, the cabinet that used
13 to be there, he took it down and burned it, the cabinet with
14 the bullet defect in it.

15 When law enforcement gets there after Dani tells her
16 story, it's corroborated. The hinges are offset. Clearly,
17 that wasn't how it was originally installed.

18 Right here was where the cabinet used to be that he took
19 off to put over there where the other one was. There used to
20 be a cabinet right there. He took that off to replace the
21 damaged cabinet. So what he did was he took the cabinet from
22 that left side of the screen and moved it over here in an
23 effort to conceal what he had done.

24 Chris Davis, our investigator, went out there. Just to
25 demonstrate, the bottom of the hinge on the replaced cabinet

1 measured about three-and-a-quarter inches. If you go where
2 the cabinet used to be, three-and-a-quarter inch, perfect
3 match, Dani's story corroborated.

4 And then just the efforts to conceal this particular seam
5 right there, he would have had to replace this entire seam
6 because this used to be covered by cabinet, and you can see
7 where he's used the X-screws to support the cabinet after he
8 ripped the other one out.

9 This would be the angle. We're talking about that upward
10 trajectory, bullet going through the wall and you know it was
11 a slightly back -- or front to back upward trajectory in
12 Adam's head and then for it to lodge up here in the cabinet.

13 Here's Dani's story, here's how it happened. And I've
14 got a little key here that cut off it. The blue would be
15 Adam. The green is Dani. Yellow is C.W. in the room. Dani
16 describes coming in, sitting on the couch as C.W. is coming
17 out of the bedroom with the gun in the case in his hand, sits
18 on the chair and immediately fires the gun. She don't talk
19 about him ejecting the magazine and racking the gun and trying
20 to set it on the ottoman.

21 She said it was just like watching a movie right in front
22 of her. Had the clearest vision in the world. This happens
23 right in front of her. She said he very clearly -- and he had
24 that look, that look he would get when he would get mean, when
25 he'd get abusive with her. He very deliberately pointed it at

1 Adam and pulled the trigger.

2 That's the burn pit. There's where a lot of our evidence
3 goes. There's where he destroyed the cabinet. There's where
4 he destroyed the chair that Adam had been sitting in. The
5 coverup. Is this somebody who just was involved in an
6 accident?

7 And then there was a fingernail on top of the grave and
8 law enforcement couldn't figure out how did that fingernail
9 get up there. And it wasn't until Dani told the story that it
10 made sense. He had been buried somewhere else, and he had
11 been left in the dirt for weeks until he was moved again. So
12 there'd been some decomposition, there'd been some breakdown.
13 That's -- that would account for the fingernail up there. It
14 certainly wasn't C.W. coming forward with that story. She
15 described C.W. wrapping him in the tarp and taping him up.
16 When they find Adam, he has tape on him, her story
17 corroborated once again.

18 This, ladies and gentlemen, is malice. This is ill will.
19 This is hatred. This is a complete lack of respect, lack of
20 dignity, lack of value of human life. That's malice. That's
21 not an accident.

22 They're just going to tell you the State must prove
23 beyond a reasonable doubt that C.W. Beebe killed another
24 person with malice aforethought. That term was thrown around
25 a lot by the defense because ultimately he wants you to know

1 and he wants you to understand there was no malice. No
2 malice.

3 What is malice? Justin Dill said, you know, that's a
4 legal term when he was asking them, like, if you're uncovering
5 malice. What is malice? Malice can be described as hatred,
6 ill will or hostility towards another person. It is the
7 intentional doing of a wrongful act without just cause or
8 excuse and with an intent to inflict an injury under
9 circumstances that the law will infer an evil intent.

10 What is your intent when you aim a pistol at somebody's
11 head and pull the trigger? Is that not ill will? Do you not
12 wish bad on the person when you pull the trigger with a gun
13 aimed at their head?

14 Well, when does malice need to form? Other states talk
15 about premeditation. We've got malice aforethought. So when
16 does that malice need to form in your head? The judge is
17 going to tell you it does not require that it exists for any
18 particular time before the act is committed, but malice must
19 exist in the mind of the defendant just before and at the time
20 of the act committed. Therefore, there must be a combination
21 of the previous evil intent and the act.

22 The intent can be shown going into the bedroom,
23 retrieving the gun, sitting down, and aiming the gun at Adam's
24 head and pulling the trigger. That is hatred. That is ill
25 will. That is intent to do harm to somebody.

1 How can it be shown? It can be shown expressly or it
2 could be implied. The judge is going to tell you this. They
3 don't mean two different kinds of malice, but the manner in
4 which malice can be shown to exist. That is either by direct
5 evidence or by inference from facts and circumstances which
6 are proved.

7 Expressed malice is shown when a person speaks words
8 which express hatred or ill will. I'm going to kill you.
9 You're dead. That's expressed malice. Or when they prepared
10 beforehand to do the act, maybe going into your room to
11 retrieve a gun and shooting. That could be preparing
12 beforehand.

13 It can also be inferred, like I was saying, from conduct
14 showing a total disregard for human life. The use of a deadly
15 weapon could be inferred malice. Certainly, when you aim a
16 deadly weapon at somebody's head, that's reckless disregard
17 for human life. I think we can all agree on that.

18 The judge is going to say we've got to prove this case
19 beyond a reasonable doubt. So what does that mean? Does it
20 mean beyond all doubt? No. It means that if you have a doubt
21 that is reasonable and based on logic, if you do, you should
22 find the defendant not guilty.

23 I tell you this, and if you believe his story is logical,
24 if you can attach a reasonable doubt that, well, maybe the
25 accident did occur that way, you know, never mind that he told

1 other stories in the past, never mind that if he'd gone to law
2 enforcement initially and told that story, everything would
3 have worked out there if that had truly happened, if you
4 really think that the accident occurred the way he said it
5 did, that he was clearing the gun and he just didn't see the
6 live round in there and he always passes guns to people with
7 the barrel pointed at them with his finger on the trigger and
8 it was just an accident, never mind his cover up, never mind
9 that he's told several different stories and the accident
10 story has only been told to you all at trial, if you believe
11 that, you have to find him not guilty. That's just what the
12 law says if you believe the accident story, if that sounds
13 reasonable.

14 If your doubt is not reasonable or your doubt is not
15 really logical, you should find the defendant guilty. Does it
16 mean you have to be 100% certain to find beyond a reasonable
17 doubt? No. The judge is going to tell you there are very few
18 things in this world we know with absolute certainty. In
19 criminal cases, the law does not require proof that overcomes
20 every possible doubt. If based on your consideration of the
21 evidence, you are firmly convinced -- he's going to say that
22 word twice or that term twice -- firmly convinced the
23 defendant is guilty of the crime, you must find him guilty.

24 It's been four days of testimony -- five days of
25 testimony. I was shorting Monday. You've had to take in a

1 lot. There's been a lot, and the bulk of it was all the
2 covering up he was doing trying to explain all that. He
3 called -- I don't know -- six or seven witnesses and asked
4 them, did you ever see C.W. beating on Dani. That kind of
5 stuff is done behind doors. Nobody beats people in front of
6 other people. That's part of the whole game. That's part of
7 the whole cycle. That's part of the whole manipulation.

8 You have six or seven people -- seven or eight people
9 asked questions and say I don't remember him beating her in
10 front of me -- beat her in front of me, but did you notice how
11 he never asked C.W. that?

12 Dani was somebody who was forced to go along with with
13 C.W.'s coverup. She had no say. I think you all were paying
14 close attention when she was testifying. Credibility is just
15 a big component in any criminal case. You remember her
16 testimony, and she was crossed extensively. I submit she held
17 up.

18 I would ask you to compare that to C.W.'s testimony. I
19 would ask you to compare her version of events compared to the
20 evidence with his version of events compared to the evidence
21 and the whole coverup. What's done in the dark eventually
22 comes to light.

23 There's a French philosopher. You didn't expect that,
24 did you? Voltaire. He had a quote, which it seems apropos in
25 this case. It says to the living we owe respect, but to the

1 dead we owe only the truth.

2 Today is the day the truth will be decided. Today is the
3 day that Adam Davis, father, brother, son, his truth will be
4 known. His truth will be spoken. That's what the verdict is,
5 to speak the truth, and you all are going to speak the truth
6 and Adam's death will be put to light because what was done in
7 the dark is finally seeing the light of day, and there's been
8 a community waiting a long time for that truth.

9 But I ask you, when you go back and consider these
10 things, consider the evidence, I submit to you the evidence
11 leaves you firmly convinced. I submit to you there's only one
12 verdict that does speak the truth. I ask you to go deliberate
13 after you've heard the defense closing and the State's reply.
14 I ask you to go back and find Clinton Beebe guilty of the
15 murder of Adam Davis. Thank you.

16 THE COURT: All right. Thank you.

17 Ladies and gentlemen, we'll take -- we'll take a
18 10-minute break. Go take your 10 minutes and do not discuss
19 the case among yourselves at all during the break.

20 Everyone remain seated while this jury is excused.

21 (WHEREUPON, the jury exited the courtroom at 10:32 a.m.)

22 THE COURT: All right. We'll be at ease for 10 minutes.

23 (WHEREUPON, there was a break in the proceedings from
24 10:32 a.m. until 10:42 a.m., after which the proceedings
25 resumed as follows.)

1 THE COURT: Mr. Tetterton, are you ready?

2 MR. TETTERTON: Yes, sir.

3 THE COURT: All right. Let's bring the jury in.

4 (WHEREUPON, the jury entered the courtroom at 10:44 a.m.)

5 THE COURT: All right. Thank you, ladies and gentlemen.

6 Mr. Tetterton?

7 MR. TETTERTON: May it please the Court.

8 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

9 MR. TETTERTON: Members of the jury, on the night of
10 December 29, 2016, Adam Davis was not murdered. C.W. Beebe is
11 not a murderer. Having said that, let me tell you what this
12 case is all about.

13 The burden of proof is on the Solicitor's Office on
14 behalf of the State of South Carolina to prove to you all each
15 and every element of the crime of murder. His Honor is going
16 to charge you as to the elements of those at the end of this
17 case, and I'm going to ask you all -- and I know you would --
18 to pay particular attention to each and every element of what
19 they have got to prove beyond a reasonable doubt before y'all
20 can find a verdict of guilty.

21 They've got to find that there was an unlawful killing
22 with malice aforethought. They've got to find that beyond a
23 reasonable doubt. Let's see what the State has done to try to
24 convince you that there was an unlawful killing with malice
25 aforethought.

1 You've heard Mr. Scott say that it has to be ill will,
2 hatred, some reason to kill him. If you don't find that there
3 is evidence of hatred, ill will, malice aforethought before
4 Adam died, then you must -- under your oath you took to be a
5 fair and impartial jury, you must find him not guilty.

6 If that chain of evidence is broken, you've got to use
7 that as reasonable doubt. If any link in that chain between
8 what happened before that shot was fired, if that chain is
9 broken and there's no link in there, if there's a link that is
10 missing, then you've got to find him not guilty.

11 Let's look at what the State has attempted to do to prove
12 under their burden of proof beyond a reasonable doubt they
13 have brought you before you to try to prove to you malice, ill
14 will, hatred, something that he had against Adam Davis. They
15 have brought 17 witnesses in here, 17.

16 Justin Dill had six years to work on this case. Law
17 enforcement had six years to work on this case. Did Rick
18 Bailey bring you any evidence of malice? Did Rick Bailey
19 bring you the evidence of ill will, hatred between C.W. and
20 Adam? No.

21 Chuckie Baxley, a resident there in Bethune who knows
22 everybody and could put his -- or go out into the vicinity
23 there and say, look, give me some proof. Give me some proof
24 that there was ill will or hatred between C.W. and Adam.
25 Chuckie Baxley lived there. Did he bring you any evidence in

1 the past six years that there was any ill will or hatred
2 between C.W. and Adam? No.

3 Marvin Brown, the resident chief deputy there in Bethune,
4 knows everybody. Everybody knows him. Did the State have him
5 testify as to any ill will or hatred between Adam and C.W.?
6 No.

7 Chris Davis works for the Solicitor's Office. He had six
8 years to work on this case. Have they brought any witness
9 before this Court before you to look at and say, yes, he hated
10 him, he had an altercation before that, they had a fight
11 before that, they didn't like each other? Did they bring
12 anything through Chris Davis to say that there was any ill
13 will or hatred between his two men? Absolutely not.

14 Justin Dill, six years to work on this case, interviewed
15 15 witnesses. He could not find one witness out of that 15 to
16 tell you -- to bring before this Court for you men and women
17 to help the State prove what they had to prove to you under
18 their burden of proof beyond a reasonable doubt. It's not
19 there yet. It's still not there.

20 But David Miller, Kershaw County Sheriff's Department,
21 had six years to work on this case. Did he find any witness
22 whatsoever in that community that could bring to you something
23 you could say, yes, they have met their burden of proof, they
24 have proved they can prove to you beyond a reasonable doubt
25 that there was malice, ill will, hatred between these two men?

1 Zero.

2 Maryann Boehm from SLED. Is she saying things about ill
3 will or malice? No.

4 Matthews from SLED. Did he bring you any evidence of any
5 effort to help them meet their burden of proof beyond a
6 reasonable doubt that there was something aforethought, malice
7 aforethought between these two men? Zero, not there.

8 Daniel Adams [sic], the boss, did he give any evidence to
9 the State that they could bring to you as reasonable men and
10 women to say, yes, there was ill will between them. Yes, they
11 had a fight, just fighting over the cocaine, just fighting
12 over the beer, just fighting over a girlfriend and fighting
13 over whatever.

14 There's no evidence whatsoever to help you or help them
15 meet their burden of proof beyond a reasonable doubt. So far,
16 we have a link -- we have a link missing in that chain, the
17 chain being from the time it happened until they can convince
18 you, ladies and gentlemen, by all twelve of you all that there
19 was malice aforethought, ill will, hatred. That link in that
20 chain is missing.

21 If that link in that chain is missing, you've got to
22 consider that as reasonable doubt. If you find that to be
23 reasonable doubt for that link in that chain is missing,
24 you've got to -- have the duty to find C.W. not guilty because
25 they have not met their burden of proof. The burden of proof

1 is on them, not on C.W., to come here and prove that he had no
2 malice between those two.

3 He did testify, but the burden of proof is not on C.W.
4 He doesn't have to present any kind of defense. He doesn't
5 have to go out there and get all these witnesses to say there
6 was no malice between or there's no hard will or there's no
7 ill feeling between me and Adam, but he did.

8 Kelly Clark. Kelly Clark testified on behalf of the
9 State. They brought him in here as one of the 17 witnesses.
10 Did Kelly Clark give you any evidence whatsoever? Did Kelly
11 Clark -- excuse me. Did Kelly Clark supply the missing link
12 in the chain of evidence, the chain of malice aforethought?
13 Did any of these witnesses so far supply that missing link?
14 None of them so far.

15 Darryle Coe, drug dealer, admitted it. Y'all remember
16 this testimony about how Darryle Coe said C.W. and Adam came
17 there and bought the gram of cocaine? Did he give the State
18 any evidence to supply that missing link in the chain to show
19 a chain and to prove to you all beyond a reasonable doubt that
20 there was malice aforethought, there was ill will, there was
21 hatred between these two men? No.

22 Bobby Johnson, the transmission guy. He didn't know
23 anything about these two men. He didn't know them. He just
24 knows what he was asked by the Sheriff's Department to come
25 out and look at the dipstick in the car, but he didn't provide

1 any evidence that there was any ill will or hatred between
2 Adam and C.W.

3 Heather Kelly, the sister of Adam Davis, who would have
4 known if there was any ill will, malice, hatred, provocation,
5 fighting. Zero. Again, the missing link in the chain has not
6 been supplied to you all. They can't supply that missing link
7 because there is no -- there is no proof of malice.

8 Michael Williams. Again, these are their witnesses to
9 try to convince you all beyond a reasonable doubt, all twelve
10 of y'all, in a unanimous verdict that there was something
11 going on between these two men that would make C.W. shoot him
12 on the night of October 29th -- of December 29th, 2016.

13 Valentin. He didn't know anything about it. He didn't
14 supply them with any evidence of any ill will.

15 Dr. Ross, the pathologist. Well, I asked her. I asked
16 her if any motive? No. Any intent? No. Any malice, ill
17 will? No.

18 His Honor is going to charge you, as I told you, and I
19 agree with Mr. Scott that he's going to charge you on the
20 elements of murder. He's going to say it has to be willful.
21 Willful. He's going to tell you there has to be criminal
22 intent. It has to be intentional in the state of mind of C.W.
23 on the night of October -- December 29th, 2016. It has to be
24 intentional killing of his best friend.

25 Has the State met that burden of proof that there was an

1 intentional killing of his best friend? No. If you find that
2 that link -- that missing link in that chain of reasonable
3 doubt is there, you must say he's not guilty.

4 I don't want to talk to you too much about the evidence
5 because y'all will have all this in here. I will ask you pick
6 up each piece of evidence and examine it in the jury room.
7 Does that piece of evidence right there prove malice? Does
8 that piece of evidence prove intent? Does it prove ill will?
9 Hatred? At that moment on December 29th, 2016, sometime that
10 night, does any one of these documents, any one of these
11 photographs prove to you that C.W. hated Adam? Not one single
12 one of these documents will give you all enough evidence to
13 get beyond a reasonable doubt.

14 And the defense. We've raised the defense of accident.
15 His Honor will charge you that C.W. does not have to prove
16 accident. He will -- the judge will charge you they have to
17 prove that an accident did not happen. The burden is on them
18 to prove to you all beyond a reasonable doubt that it actually
19 did not happen. Again, I tell you that C.W. does not have to
20 prove that it happened, but he did. He came and explained to
21 you how it happened.

22 You heard several times about motive. I think Mr. Scott
23 mentioned it to you in his comments a few minutes ago. Motive
24 is always an investigative tool to try to determine if a crime
25 has been committed. Did a person have a motive to shoot his

1 wife's boyfriend? That's a motive.

2 Was there any motive in this case? Even though it's not
3 an element of the charged elements of murder, it's not one of
4 the elements, but it's an investigative tool that Justin Dill
5 didn't find, none of these other law enforcement people found.
6 They found -- in their investigation using all of the
7 investigative tools, they could find zero motive.

8 And I'm not saying -- I'm not going to tell you that
9 that's one of the elements of the charge of murder, but it was
10 definitely, I would submit to you, a lack of motive here. No
11 motive. Lack of motive. So why would he kill his best friend
12 he had played ball with out in the yard ever since they were
13 growing up in that little small corner of Bethune?

14 You know, a doubt is a possibility that something else
15 happened. Has the State brought to you -- they don't admit
16 this -- that there is a possibility that something else
17 happened? If there is a possibility that something else could
18 have happened, they have to get rid of that possibility that
19 something else happened.

20 They have not brought any witnesses or any evidence
21 before you that there was a possibility something else
22 happened. They've got to show you that nothing else could be
23 possible. Nothing else could be possible. They've got to
24 exclude every other possibility of something happening.

25 Again, I tell you that the burden is on them to convince

1 you and to bring evidence that an accident did not happen.
2 The judge will charge you that. That's their -- that's their
3 burden of proof. Again, that's the missing link in that
4 chain.

5 Did the Solicitor's Office, the prosecution, rule out
6 every possibility? Did they rule out every possibility? Did
7 they rule out the possibility of an accident? No, they did
8 not. The burden is on them to rule out every other
9 possibility, particularly that possibility of an accident.

10 You know, in this case, the prosecution knows and has
11 known for six years that they could not prove malice. They
12 could not prove with all their resources, all their deputies,
13 everybody, all the witnesses they could interview. I think
14 Justin said he interviewed 15 witnesses and not a single one
15 of them could prove hard feelings between these two men. They
16 know and they knew then they could not convince you, ladies
17 and gentlemen, that they could present evidence to you to
18 carry their burden of proof beyond a reasonable doubt.

19 They have spent three days trying to do that, three days,
20 17 witnesses. All that evidence that took place when? After
21 December 29th, 2016. Ladies and gentlemen, you have to focus
22 on the night of December 29th, not what happened afterwards.
23 What happened afterwards was a serious mistake of judgment by
24 a man and his wife, a serious mistake in judgment. They made
25 -- they made some bad choices and they made some bad

1 judgments, but all this does not prove what the state of mind
2 was, what the intent was of C.W. towards Adam at 8:00, 9:00 on
3 December 29th.

4 Where is the evidence? When Ms. Sampson replies to some
5 of the comments I make, ask her what evidence did you bring
6 before you all to show there was hatred between C.W. and Adam?
7 Ask her that and remind when you go back to jury room and say
8 what did Ms. Sampson tell us? What did she prove to us that
9 there was any hard feelings between them?

10 So they spent three days trying to show you what happened
11 after about 9 or 10 o'clock. That's not what we're here
12 about. We're here about what happened and the state of mind
13 of C.W. at that point in time he and his best friend sit
14 across each other.

15 There's evidence that they had been talking about guns.
16 Adam had a gun and he had put it in the glove box. C.W.'s
17 testimony was that, yes, the guy told him that just recently
18 in a couple weeks he bought a gun, and Adam said I want to
19 look at it. So the intent that night was for Adam to look at
20 C.W.'s newly purchased gun.

21 You know, C.W. testified. He didn't have to testify. He
22 didn't have to testify. He waited until this day to give you
23 y'all what he says is the truth of this case.

24 Now, let's look at the credibility of the witnesses. All
25 during this trial for the last three days, the prosecution has

1 tried to dirty up C.W. Three children. Does that prove
2 malice? No. What does it prove?

3 You heard everybody testify that C.W. worked, worked
4 hard, sent his money to Dani, supported for three children.
5 Dani never lacked for anything. You heard that he raised his
6 son, C.J., since he was three years old. They eventually got
7 custody of his son to raise his son.

8 You heard him testify that he wanted closure for Adam's
9 children. He wanted closure for the family. He wanted
10 closure for himself so C.W.'s [sic] body would be found. You
11 heard him testify that it was his idea to give the location of
12 Adam to law enforcement so they would have -- everybody would
13 have closure. That was an act of compassion.

14 Did he come forward at that time and tell law
15 enforcement, well, it was accident and this is what happened?
16 No, and here's why. His wife was so afraid of losing a
17 relationship with Zoei, her daughter, that she encouraged him
18 not to say anything. Now, did she have the opportunity?
19 Absolutely. Let's look at what she did.

20 She gave Justin Dill a statement, a videotaped statement
21 on January 11th, 2017. On cross-examination I asked her,
22 well, did you tell Justin Dill you were afraid of C.W.? I did
23 not. Did he ever intimidate you or were you afraid of him?
24 Not no, but hell, no. Did he ever make -- did he ever abuse
25 you? No.

1 She had every opportunity to say something then. She
2 wasn't under the influence of C.W. then. She was under the
3 influence of not wanting to lose her child, knowing eventually
4 that if it came out, she would be charged with murder too.
5 She was charged with murder in 2018. What did she do? She
6 hired a lawyer. From 2018 until March of 2022, she had a
7 lawyer. Did she say anything? No.

8 When did she start changing the story and saying
9 something? When she gave a 96-minute interview with these
10 gentlemen -- ladies and gentleman here. And then she --
11 that's when it came out. That's when she wanted to convince
12 you that she was an abused spouse. It's all C.W.'s fault, and
13 he's the meanest person in the world.

14 Five years later in that 96 meeting [sic] with the
15 Solicitor's Office and her lawyer, she wanted to bring her
16 story forward. She wanted to show you that she had been
17 abused or was an abused spouse. Where's the evidence? Where
18 is -- where is Keith Arnold that she worked with? Where's her
19 mother to come tell you my daughter was abused?

20 There is absolutely no evidence before this Court before
21 you, ladies and gentlemen, that this young lady was abused by
22 C.W. Zero. She had eight months away from him. She could
23 have said something. Didn't do it. Never did it. There are
24 no medical records where she's been abused. Zero. There are
25 no police reports. There are no -- there is no order of

1 protection from the magistrate's court or the family court
2 protecting her from this alleged abuse of C.W.

3 She came forward and tried to make y'all believe
4 everything happened was C.W.'s fault to try to get y'all to
5 believe that sometime -- this is all after the fact, but y'all
6 can't go to what happened after the fact. Y'all got to
7 concentrate -- I'm going to ask you to concentrate on December
8 29th, 2016. That's what you've got to concentrate on. That's
9 what the State has to prove at that moment in time, not years
10 later, not five years later, not two or three months later.
11 On that moment in time, December 29th, 2016, was there an
12 intentional act with the state of mind that I'm going to kill
13 my best friend?

14 Let's look at what Dr. Ross said. Dr. Ross said, yes, it
15 was at an angle. That's consistent with what C.W. said. He
16 was laying the gun on the ottoman so his best friend could
17 look at it, and it went off accidentally.

18 What did Dani say? What did Dani say? No, he just
19 walked out of her bedroom, walked up, and shot him in the
20 head. That's what I heard her say. That's not consistent
21 with what the evidence showed. It's not consistent with the
22 bullet being -- an entry bullet here high, coming out even
23 higher in the back.

24 Why did Dani say that? She wanted to throw her husband
25 under the bus, make it like his fault so you would say, hey,

1 C.W., you're lying, but it being a night where she didn't say
2 he was lying about it being an accident. She just said he
3 walked out of the room, pointed a gun at him, shot it, shot
4 his best friend. Cold-blooded murder.

5 C.W. is not a cold-blooded murderer. He did not murder
6 Adam on the night of December 29th. You heard evidence that
7 their relationship started when they were young. They were
8 like brothers. You heard evidence and testimony that he was
9 an uncle to their children. Why would anybody kill --
10 intentionally kill -- why would anybody intentionally kill the
11 uncle of the children. It didn't happen. It was not an
12 intentional act.

13 Mr. Scott alluded to the fact it might have been a
14 reckless act. If it was a reckless act, it was not an
15 intentional act. It can't be both. If you find that it was
16 not an intentional act, then you cannot find him guilty of
17 murder.

18 You heard testimony from Martha Stokes, the church lady.
19 She was there and took pictures of C.W. and Dani, C.J., the
20 pastor and others after December 29th to show what? Was Dani
21 afraid of him then? No. Did she want to participate in the
22 ceremony, graduation ceremony? Yes. She said C.W. brought
23 his kids to church. She said C.W. participated in church. Is
24 that the mindset of someone who would intentionally kill his
25 best friend on December 29th, 2016? No.

1 Doris McGougan, his grandmother. She testified he took
2 her to church a couple -- I don't say a couple days, but a few
3 days, maybe a week or so before December 29th, 2016. What did
4 she say? Adam and C.W. came around to her house together and
5 installed a dishwasher for grandma. She fed him lunch. Did
6 she say there were the hard feelings, any ill will, any
7 fights, anything between C.W. and Adam? Zero. No.

8 Steven Mooneyham. Steven Mooneyham came and testified.
9 He said all these witnesses knew Adam, some of them longer
10 than others. All these witnesses knew C.W., and all of them
11 knew the relationship between C.W. and Adam. Not one of them
12 said -- and they were subject to cross-examination by these
13 gentlemen -- ladies and gentlemen here. They could have been
14 asked did they fight? You know what the answer would have
15 been? No. Was there any hard feelings? No. On cross-
16 examination, they could have asked each and every one of these
17 witnesses give us something to tell the jury about something
18 they fought over the Carolina game, they fought over the
19 whatever, whatever, or whatever.

20 They had every opportunity to bring out to you that there
21 was some ill will, hatred, malice between these two people.
22 It wasn't there. They couldn't do it. They couldn't bring it
23 out in their case with 17 witnesses. Fifteen of them talked
24 to Justin Dill, and they couldn't bring it to you with any one
25 of their witnesses that on December 29th, 2016, if there was

1 any malice. None. They couldn't bring it out on cross-
2 examination of our witnesses.

3 Christi Amerson. She was the first person they called.
4 She was -- let me get it straight. She was Adam Davis's
5 girlfriend at the time while he was still married to Brandy
6 Davis. Let's look at what they did. They had -- on this
7 particular date, they had lunch in Hartsville together with
8 the children. They left. She said he thought -- she thought
9 he went back to work.

10 Text messages between she and Adam the rest of the
11 afternoon, and I asked her during those text messages, did you
12 see any evidence of him being impaired? No. Was his speech
13 slurred? No. No evidence of him being impaired, but yet they
14 want to have -- Dani would have you to believe that he was
15 drunk.

16 Mooneyham said if I thought that my best -- one of my
17 best friends, C.W., had abused his wife, I'd have taken care
18 of it. A member of the National Guard, well disciplined, a
19 man of honor. Nothing there.

20 Spencer Gardner. Now, here's what they tried to do.
21 Here's what they tried to do. They tried. When they failed
22 -- when they failed to meet their burden of proof to prove
23 malice, where do they go? They go to the -- they go to the
24 transmission man who smelled the dipstick and said the
25 transmission is not working.

1 Did Justin Dill ever ever talk to Mr. Gardner about the
2 number of times he had to go get -- pick up Dani off the side
3 of the road? Did he talk to Mike Williams about the condition
4 of the car? No. They were rushing to judgment. They already
5 had it fixed in their mind that we're going to make C.W. a
6 murderer of his best friend. That's what they did.

7 Christy Morgan Roberts, the mother of Ava. Absolutely
8 nothing bad about C.W. Christy Morgan Roberts, the mother of
9 Ava, said he was a good daddy, he took care of Ava, and she
10 let C.W. and Dani visit with Ava every other weekend. She had
11 no fear whatsoever of her daughter going over there being with
12 C.W. and Dani. And ladies and gentlemen, if she had any idea
13 that her daughter wouldn't be safe over there with what Dani
14 said all went on between she and C.W., she would not have let
15 her daughter go over there.

16 Clancy Talbert. They would have you believe that C.W.
17 was at the bar all afternoon drinking. That's not true. An
18 untruth. One of the few -- one of the few certainly untruths
19 that she told. Clancy Talbert said no. He came around to the
20 house and we pitched horseshoes. He came around to my
21 brother's house. We pitched horseshoes because we had the
22 best -- my brother had the best horseshoe pit. And when it
23 looks like Carolina might be pulling the game out of the fire,
24 we all went to watch it on TV at the bar.

25 Again, what did he say? C.W. was not impaired. Not

1 impaired to drive him to the bar. He was not afraid to ride
2 in the same vehicle with C.W. Unfortunately, C.W. and Adam
3 left him stranded, and he had to call his sister to come pick
4 him up.

5 John Mangum, the same thing. They had every opportunity
6 to cross all these witnesses. Mr. Mangum, tell us something
7 bad about C.W. Clancy Talbert, tell us something bad about
8 C.W. Give us something I can tell the jury so I can meet my
9 burden of proof beyond a reasonable doubt that there was
10 malice, ill will, hatred, anything. Give -- give us -- give
11 us something. They couldn't even cross not one of these
12 witnesses. Not only did their witnesses not bring you any
13 evidence of ill will, hatred, or anything that would help them
14 prove the charge of murder, they couldn't even bring it out on
15 cross-examination.

16 So what did they try to do? The cover up? Sure. That
17 was the worst decision that C.W. and his wife made. That was
18 the worst decision a wife and a -- a husband could ever make.
19 Why they did it? Not to prove malice the night it happened
20 because they were panicking. They were fearful. She was
21 afraid. Dani was afraid she was going to lose her child.

22 At the time she went to Columbia with the prosecution and
23 her lawyer and spent 96 minutes with them, she had been
24 charged with murder. And on the eve of trial, when they were
25 getting ready to try -- probably try her, all of a sudden she

1 came out and said he made me do it.

2 Ladies and gentlemen, that's not true. Nobody made her
3 do anything. She had every opportunity to disclose it to
4 Heather, Adam's -- Adam's sister. She had every opportunity
5 to disclose it to Tina, her mother. She had all these
6 opportunities and didn't do it.

7 Ladies and gentlemen, this couple is going to have to
8 live with -- Dani, C.W. is going to have to live with the fact
9 undeniable that he was their -- Adam was their best friend.
10 They're going to have to live with the fact that he's no
11 longer with them. Living with that the rest of their life,
12 with the anger and emotion they have themselves, is punishment
13 enough for these two, but finding C.W. guilty of murder when
14 this prosecution cannot prove to you all, cannot meet their
15 burden of proof beyond a reasonable doubt, shouldn't be
16 punishment added on to C.W. as punishment.

17 You've got to stay focused. When they knewed that --
18 when they knew they couldn't with their 17 witnesses, 15 of
19 them interviewed by Justine Dill, all these prosecution and
20 law enforcement people, when they knew they could not prove
21 malice aforethought, ill will, hatred, they turned to all of
22 this. They tried to arouse your sympathy for Adam and tried
23 to say this proved that.

24 Again, ladies and gentlemen, there is a link in that
25 chain before it ever got to this, the link in the chain being

1 no witnesses they brought, none of the witnesses I brought
2 that was cross-examined by them can tell you that they've met
3 their burden of proof beyond a reasonable doubt.

4 You're going to have a jury -- a verdict form in this
5 case that the judge is going to present to you. One of them
6 is that the first part is, number one, we, the jurors, or we,
7 the jury, find that the defendant is guilty of the murder of
8 Adam Davis. I don't -- I'm not the exact words, but we find
9 him guilty. We, the jury, find the defendant not guilty.

10 Again, I tell you as they argued -- as he argued to you,
11 if there's going to be recklessness, that can't be murder
12 aforethought. That's recklessness, if there is recklessness,
13 and even recklessness has got to be proved beyond a reasonable
14 doubt. They have -- they have got to meet their burden of
15 proof on that.

16 And then you're going to have on the -- on the verdict
17 form we find the defendant not guilty of involuntary
18 manslaughter. We find the defendant guilty of voluntary -- we
19 find him guilty of involuntary manslaughter. In order to find
20 that, you listen to the charge of the judge is that he's got
21 to have a knowing -- knowing consciousness -- knowing
22 consciousness of the consequences of his act, knowing.

23 You're going to be charged with what criminal intent is.
24 Like I told you earlier, the crime of murder is defined as a
25 willful -- willful -- willful, intentional killing with malice

1 aforethought.

2 I only ask you to carefully consider the evidence in this
3 case. Consider what the 17 witnesses brought and what they
4 did not bring. Consider what the defense witnesses told you
5 and what they did not give the defense -- I mean the
6 prosecution on their cross-examination. Did any evidence come
7 before you?

8 And consider, ladies and gentlemen, the demeanor of the
9 witnesses. Demeanor means how they presented to you. You
10 have the ability -- and the judge will charge you with this --
11 to look at the credibility of the witnesses. Credibility only
12 means believability. Believability. You sitting there got to
13 look in that -- in that witness chair and you saw C.W.
14 testify. You saw him pour his heart out so y'all would know
15 what happened on December 29th. You saw he answered every
16 question specifically. Yes, we covered it up. Yes, it was
17 compliant. Yes, we did it together. Yes, we took his body
18 out of the house together. Yes, we did everything together.

19 Then you got to watch the demeanor of Dani on the stand,
20 and you've got to decide whether or not she -- was she being
21 entirely truthful -- entirely truthful in her testimony before
22 y'all. On cross-examination, she admitted she told Justin
23 Dill, no, I was not afraid of him. Not only that, but hell
24 no. No, he did not intimidate me.

25 That was only on cross-examination when she got a little

1 nervous about that, and you can consider whether or not five
2 years later when she met for 96 minutes with the prosecution
3 and Jack Swerling why she all of a sudden tried to save her
4 own hide, but she knew she was being charged -- well, she is
5 charged with murder too.

6 I appreciate your attention. C.W. and I appreciate y'all
7 coming here and doing your civic duty. We only ask that you
8 honor the oath you took to carefully consider the evidence in
9 this case and the lack of evidence in this case and come back
10 with a verdict that speaks the truth and only the truth.
11 Thank you.

12 THE COURT: Thank you, Mr. Tetterton.

13 I believe Ms. Sampson will reply.

14 MS. SAMPSON: Yes, sir. I beg the Court's indulgence for
15 just one minute.

16 REPLY CLOSING ARGUMENT ON BEHALF OF THE STATE

17 MS. SAMPSON: A real man -- a real man will be honest, no
18 matter how hard it is, but a coward hides the truth behind
19 lies and deceit. Sitting at the defense table is a coward.

20 Mr. Tetterton just told you that you shouldn't believe
21 what Dani said. You just shouldn't believe her because she
22 waited to tell you until the eve of trial. Did you hear
23 anybody testify that she was about to go to trial or did you
24 hear her tell you as she sat there in that box with the same
25 rights as he has to not say a word, to -- to use her right to

1 remain silent? She got up there facing the same murder charge
2 as he is and implicated herself in this murder, and she didn't
3 just do that today, this week.

4 When he cross-examined her, she reminded him I told you
5 the truth. She didn't wait until the eve of trial. Did she
6 finally tell us? Yes, she did. Did she tell us when she had
7 a different lawyer? Yes, she did. But who waited 1,945 days
8 to tell you a story? The defendant.

9 Mr. Tetterton says that there's no evidence of malice,
10 that you should just believe this accident story that he told
11 you yesterday, but what I ask you to remember is he didn't
12 tell this to anyone until he heard every piece of evidence
13 against him, not until after Dani got up there and told you
14 the truth. He had overnight to come up with an answer for
15 each piece of evidence and everything that she said, and then
16 he told you a story because the first one was that Adam just
17 walked away.

18 And who started that? He wants you to believe -- Mr.
19 Patterson said it was Dani and the defendant together, but
20 remember what Darryle Coe told you. The morning after on
21 December 30th, the defendant called him saying Adam's missing.
22 We don't know where he is. He knew where he was, buried on
23 his grandmother's property, but he wasn't telling anybody
24 that. He started the first story.

25 Then he gave a second one. My co-counsel read you the

1 letter. No need to go over that. This would have taken Dani
2 out of the picture altogether. So if she wanted to tell a
3 story that didn't get her in trouble, how about just stick to
4 that? Because he told her I'm going to come in there and tell
5 this jury that that's what happened, but that's not what he
6 did.

7 Now, Mr. Tetterton just told you that we have the burden
8 of proof, that we must prove every element, and as the State
9 we do. And Mr. Tetterton challenged me -- and I love a
10 challenge -- to prove to you how we showed malice. And as the
11 State, we have the burden of proof, and I'm telling you right
12 now, bring it.

13 And we brought it because you want to know what shows
14 malice? A bullet through his best friend's head. You want to
15 know what shows malice? Burying him not once, not twice, not
16 three times, but four. What shows malice? The day after you
17 bury him, you don't bother to tell anybody.

18 If it is an accident, as he now wants you to believe,
19 then why would his good friend, Chuckie Baxley, a man whose
20 children he plays with, not believe him? If it's an accident
21 and you have absolutely no reason to kill your very good best
22 friend, why would anybody doubt that? Why would Marvin Brown,
23 whose daughter went to school with you, who is the chief of
24 police and again knows your entire family, if you accidentally
25 shot your friend, just tell him. It's that simple. Isn't

1 that what we tell our children? Just tell the truth. A
2 coward lies, and there sits a coward.

3 Now, he brought up here seven witnesses, eight if you can
4 include the defendant. Right? We heard from most of them
5 yesterday. And every witness he asked is there any malice,
6 any ill will? Did you see any problem between Adam and C.W.?
7 He also asked them did you see any abuse while you were at
8 church?

9 Now, ladies and gentlemen, the one thing you did not do
10 when you walked in here is check your common sense at the
11 door. Does it make any common sense that you're going to beat
12 somebody at church? Have we ever heard of that? Or is this
13 something that's done in the dark? No, he wasn't hitting
14 nobody at church. No, they didn't see any evidence of abuse
15 because that's what you do.

16 Dani came in here and she told you about it. And
17 remember, he keeps saying, oh, well, she didn't tell
18 Investigator Dill. In fact, he asked her, and she denied it.
19 But what did Investigator Dill tell you? That was the one
20 time she got uncomfortable. It was the one time she started
21 turning red. It is the one thing she didn't want to talk
22 about was the abuse, because that's what abused women do.

23 He wants you to believe today that she's the boss of him.
24 That little Dani Beebe is the boss of that big old man over
25 there, the man who started having sex with her when she was

1 15, impregnated her, had a baby with her at 16.

2 MR. TETTERTON: Your Honor, that's not responsive to what
3 I've brought out in argument.

4 THE COURT: All right. I'll overrule the objection.

5 MS. SAMPSON: He wants you to believe that that girl that
6 grew into an abused woman at the hands of him is suddenly now
7 the boss.

8 These are his friends he could have told this accident
9 story to if it was the truth, but he didn't. He wants you to
10 focus solely -- he just asked you, Mr. Tetterton, to focus
11 solely on -- and I wrote it down so that I wouldn't forget --
12 on the actions of December 29th, not on what was told to you
13 1,945 days later. Who waited 1,945 days? The defendant. So
14 if you can't believe Dani because she waited, you can't
15 believe him either.

16 So how do you guys decide? You look at the things that
17 are beyond change. The hole in the wall, the immediate cover
18 up. He said, oh, don't look at the cover up. That was just
19 the -- he wrote -- again, I wrote it down. The worst decision
20 they ever made was to cover it up. The worst decision that
21 man ever made was shooting at him in the head because he chose
22 to do that. How do you know? He pulled the trigger? Dani
23 didn't. He went in that bedroom and got a gun. Dani didn't.
24 He came out and aimed at Adam, aimed it at Adam and shot him.

25 Now they want you to believe this accident, and they told

1 you -- Mr. Tetterton just told you that we have to prove
2 beyond a reasonable doubt that it wasn't an accident. What he
3 didn't tell you is we don't have to disprove all three
4 elements. We don't.

5 I want you to think about accident because it has three
6 elements. Think about a three-legged stool. Right? With
7 three legs. One leg was we have to prove the act happened.
8 Nobody is disputing that. Right? So we can prove that the
9 act happened. No -- no problem there.

10 We'd have to prove or disprove that it was unintentional.
11 I think we've done that, but let's say that you think, okay,
12 it was unintentional when he was sitting that gun down with
13 the butt up -- butt down for it facing up, which would have
14 normally shot him in the chest, but instead somehow managed to
15 shoot him in the head. If you believe that, then the next
16 step is we have to show that he didn't use due care.

17 So if you want to believe his accident story that he came
18 up with after he saw all of the evidence, what you have to
19 then believe is that when you've smoked cocaine or snorted
20 cocaine, as he showed you like with a key up your nose, drank
21 beer all day and then gone and gotten a gun, that you
22 miraculously drop the magazine. It doesn't go on the floor.
23 It just goes directly into the box. And then you rack the
24 gun, but don't check for it to make sure a bullet ejected out
25 of a gun that you've only used once. You don't check? And

1 then you point it at someone and pull the trigger. That's due
2 care? Because that's what you'd have to ignore and decide to
3 find him guilty -- find him not guilty based on accident.

4 Now, we asked y'all some questions before you came as
5 jurors to see what you knew about guns and CWPs. Remember
6 that? And some of y'all are ex-military. He wants you to
7 believe accident, but what I want you to think about is during
8 your training, when you get a gun, what's the one thing they
9 tell you to do? It's to always assume it's loaded, but they
10 also tell you don't put your finger on the trigger unless you
11 plan to use the gun, and that's what he did.

12 Ladies and gentlemen, that's malice. He says we didn't
13 show him malice. Yes, we did. We showed you malice when Dani
14 got up there and told you how he pulled the trigger while
15 pointing a gun at his friend. We don't have to show you that
16 malice happened all day, every day, that it happened two weeks
17 before, two days before.

18 In the moment. You're going to hear the charge, and it's
19 going to tell you malice can occur in a second. We don't have
20 to show you that they had a fight. And if I could open
21 people's heads and show you why they do stuff, I would be a
22 millionaire and I promise you I wouldn't be up in here, but I
23 cannot do that. No one can, and we're not required to do it.

24 You're allowed to look at their actions and make that
25 determination. And in that case -- in this case, his action.

1 What is his first action after shooting his very best friend
2 in the head? Within seconds, within seconds, he is getting a
3 plastic Dollar General bag and putting it over his very best
4 friend's head. That is malice.

5 Ladies and gentlemen, I do want you to stay focused. I
6 do want you to look at all this evidence. I want you to
7 remember the reasons for why people said what they said. And
8 if you remember nothing else, just think about what all the
9 witnesses said. Think about the ones they called. Think
10 about -- he says he just bought this gun from this Curtis
11 Wright and he didn't even know how to use it or it might not
12 have been shooting right or whatever.

13 The defense wants you to think about all the witnesses.
14 I want you to think about who's not here because if he just
15 bought a gun from Curtis Wright that may or may not be
16 working, where's Curtis Wright? They could have called him.

17 The last thing I want you to think about is this. The
18 defense just told you you shouldn't believe Dani, you should
19 believe him, you know, because it's an accident and it's his
20 very best friend and we didn't prove malice and all of these
21 other things that didn't happen.

22 But he had and did at every opportunity ask every one of
23 those witnesses about the abuse that he's now denying
24 happened. Right? He asked all seven of his witnesses, all
25 seven, did you ever see any signs of abuse? Oh, no, not at

1 church. Spencer, did you see any when you were looking at her
2 car? Which, by the way, Spencer never said it had
3 transmission problems. He said that they were electrical.
4 Anybody see anything?

5 Nobody sees any signs of abuse, but think about the one
6 person he never asked, the one person who could have told you
7 I never hit my wife. The coward sitting over there at that
8 table never said it, never asked him. If she wasn't an abused
9 woman, ask the one person who'd be able to tell you that.

10 Ladies and gentlemen, I'm about to be finished. The
11 judge is going to give you some instructions. And as you
12 think about reasonable doubt -- because he says there's all
13 kind of doubt, there's not. But as you think about reasonable
14 doubt, I want you to think about this example, because we
15 don't give y'all instructions really. Right? We've all been
16 to school. We've been to law school. He's been to judge
17 school. All of us have been to school to do what we do. We
18 just bring y'all here and say go be jurors. We don't give you
19 juror's school. Right? But he's going to give you some
20 instruction, some charges on what to do, and then you're going
21 to be able to go back in there.

22 But I want to give you a concrete example of reasonable
23 doubt. It's not all doubt, like he said, like Mr. Scott told
24 you earlier. He wants you to think you've got to find this
25 beyond all doubt. Oh, no, it's reasonable doubt. I want you

1 to think about this example.

2 We've all heard that tomorrow isn't promised to us.
3 Right? Tomorrow isn't promised, but when you go to bed and
4 you have to be somewhere in the morning like we had to be
5 here, don't you set an alarm clock? Because despite the fact
6 that tomorrow isn't promised, you don't have a reasonable
7 doubt in your mind that you're going to wake up. So you set
8 the alarm.

9 There's no reasonable doubt that C.W. Beebe shot Adam in
10 the head. There's no doubt -- no reasonable doubt that he did
11 it with malice when he went and got that gun out of the house
12 -- got that gun out of the bedroom, came and sat down, like
13 everybody said, and then shot him in the head. The only two
14 people who could have told you that, Dani and C.W., both said
15 that's what happened. That's malice. It's that simple. It's
16 not an accident. It's not involuntary because he was
17 reckless.

18 You're going to hear a charge about voluntary
19 intoxication. If you voluntarily intoxicate yourself, if you
20 drink, if you snort cocaine and then do something afterwards,
21 it's not an excuse. It's not a defense. And in this case,
22 it's murder.

23 Based on all of the evidence we've put in front of you,
24 because we've met our burden, I'm asking that you find the
25 defendant, Clinton Beebe, guilty because what happens in the

1 dark comes out in the light, and what happened in this case is
2 we've shown you that that coward shot his best friend in the
3 head, and he needs to be convicted for that. Thank you.

4 THE COURT: All right. Thank you.

5 Ladies and gentlemen, the next part of the trial is when
6 I'm going to instruct you and simply read you the law. That's
7 going to take about 20 or 30 minutes to do that.

8 Would y'all be more comfortable taking a quick break
9 before we start that process?

10 All right, let's do this. Let's take a quick ten-minute
11 break, a short ten-minute break.

12 (WHEREUPON, the jury exited the courtroom at 11:42 a.m.)

13 (WHEREUPON, there was a break in the proceedings from
14 11:42 a.m. until 11:51 a.m., after which the proceedings
15 resumed as follows.)

16 THE COURT: Y'all come up and look at the verdict form.

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

19 THE COURT: All right. As soon as everyone is in place,
20 we will resume.

21 (WHEREUPON, the jury entered the courtroom at 11:53 a.m.)

22 CHARGE ON THE LAW

23 THE COURT: All right. Thank you.

24 Ladies and gentlemen, we're now at the -- at the end of
25 the trial. I'm going to instruct you on the law, which simply

1 means I'm going to read you the law that applies in this case.
2 This will take about 20 minutes.

3 I apologize for the mint in my mouth. I have some
4 allergies in the spring that it's very helpful. So my wife
5 says it's -- it's not proper, but I tell her it's necessary.

6 Ladies and gentlemen of the jury, I remind you that
7 during this trial, you have certain duties to perform. As the
8 trial judge, it is my responsibility to preside over the trial
9 of this case, and I also have the duty to rule on the
10 admissibility of the evidence offered during this trial.

11 You are to consider only the competent evidence before
12 you. If there was any testimony ordered stricken from the
13 record in this case during this trial, you must disregard that
14 testimony. You're to consider only the testimony which has
15 been presented from this witness stand and any exhibits which
16 have been made a part of the record in this case.

17 I have the additional duty to charge you the law
18 applicable to this case. As the presiding judge, I'm the sole
19 judge of the law of this case, and it is your duty as jurors
20 to accept and apply the law as I now state it to you. If you
21 already have an idea as to what the law is or what the law
22 ought to be and it does not agree with what I now tell you the
23 law is, you must abandon this idea because you are sworn to
24 accept the law and apply the law exactly as I give it to you.

25 In every case tried in this court before a jury, the jury

1 becomes the sole and exclusive judge of the facts in the case.
2 A trial judge cannot intimate, state, comment on, or make any
3 statement to a trial jury about the facts in the case. Since
4 you, the jury, are the sole judge of the facts in this case,
5 you are not to infer from what I have said during the progress
6 of this trial in ruling upon the admissibility of evidence or
7 otherwise or anything that I say now during the course of this
8 instruction to you that I have any opinion about the facts of
9 the case.

10 The law does not allow me to have an opinion about the
11 facts in this case. This is a matter solely for you, the
12 jury, to determine. As jurors, it is your duty to determine
13 the effect, value, weight, and truth of the evidence presented
14 during this trial.

15 The indictment charges the defendant, Clinton Warren
16 Beebe, with murder. I remind you that the fact that the
17 defendant -- that the defendant was arrested, charged, and
18 indicted in this case is not evidence in this case and cannot
19 be considered by you as evidence of guilt in this case, nor
20 does it create any presumption or inference of guilt.

21 This document, the indictment, is simply the formal
22 written instrument which contains the charge made against the
23 defendant. It is the formal document by which this case is
24 brought into this court. The defendant has pled not guilty to
25 this indictment, and that plea puts the burden on the State to

1 prove the defendant guilty.

2 A person charged with committing a criminal offense in
3 South Carolina is never required to prove his innocence. I
4 charge you that it is an important rule of the law that the
5 defendant in a criminal trial, no matter what the seriousness
6 of the charge may be, will always be presumed to be innocent
7 of the crimes for which the indictment was issued unless guilt
8 has been proven by evidence satisfying you of that guilt
9 beyond a reasonable doubt.

10 This presumption of innocence does not end when you begin
11 your deliberation, but it accompanies the defendant throughout
12 the trial until you reach a verdict of guilt based on evidence
13 satisfying you of that guilt beyond reasonable doubt. The
14 presumption of innocence is like a robe of righteousness
15 placed about the shoulders of the defendant, which remains
16 with the defendant until it has been stripped from the
17 defendant by evidence satisfying you of the defendant's guilt
18 beyond a reasonable doubt.

19 The presumption of innocence is not mere legal theory.
20 It is not just a legal phrase. It is a substantial right to
21 which every defendant is entitled unless you, the jury, are
22 satisfied from the evidence of the defendant's guilt beyond
23 reasonable doubt.

24 So what is a reasonable doubt in the law? A reasonable
25 doubt is the kind of doubt that would cause a reasonable

1 person to hesitate to act. The State has the burden of
2 proving the defendant guilty beyond a reasonable doubt.

3 Some of you may have served as jurors in a civil case
4 where you were told that it is only necessary to prove that a
5 fact is more likely true than not true, such as the greater
6 weight or preponderance of the evidence. In criminal cases,
7 the State's proof must be more powerful than that. It must
8 prove every element of a crime beyond a reasonable doubt.
9 Proof beyond a reasonable doubt is proof that leaves you
10 firmly convinced of the defendant's guilt.

11 There are very few things in this world that we know with
12 absolute certainty, and in criminal cases the law does not
13 require proof that overcomes every possible doubt. If, based
14 on your consideration of the evidence, you are firmly
15 convinced that the defendant is guilty of the crime charged,
16 you must find the defendant guilty. If, on the other hand,
17 you think there is a real possibility that the defendant is
18 not guilty, you must give the defendant the benefit of the
19 doubt and find him not guilty.

20 Now, there are two types of evidence which are generally
21 presented during a trial: direct evidence and circumstantial
22 evidence.

23 Direct evidence directly proves the existence of a fact
24 and does not require deduction. Circumstantial evidence is
25 proof of a chain of facts and circumstances indicating the

1 existence of a fact.

2 Crimes may be proven by circumstantial evidence. The law
3 makes no distinction between the weight or value to be given
4 to either direct or circumstantial evidence. However, to the
5 extent the State relies on circumstantial evidence, all of the
6 circumstances must be consistent with each other and when
7 taken together point conclusively to the guilt of the accused
8 beyond a reasonable doubt. If these circumstances merely
9 portray the defendant's behavior as suspicious, the proof has
10 failed.

11 The State has the burden of proving the defendant guilty
12 beyond a reasonable doubt. This burden rests with the State,
13 regardless of whether the State relies on direct evidence,
14 circumstantial evidence, or some combination of the two.

15 Necessarily, you must determine the credibility of
16 witnesses who have testified in this case. Credibility simply
17 means believability. It becomes your duty as jurors to
18 analyze and to evaluate the evidence and determine which
19 evidence convinces you of its truth.

20 In determining the believability of witnesses who have
21 testified in this case, you may believe one witness over
22 several witnesses or several witnesses over one witness. You
23 may believe a part of the testimony of a witness and reject
24 the remaining part of the testimony of that same witness. You
25 may believe the testimony of a witness in its entirety or

1 reject the testimony of a witness in its entirety. You may
2 consider whether any witness has exhibited to you any
3 interest, bias, prejudice, or other motive in this case. You
4 also may -- you also -- you may also consider the appearance
5 and manner of a witness while on the witness stand.

6 The rules of evidence ordinarily do not permit witnesses
7 to testify to opinions or conclusions. An exception to this
8 rule exists for witnesses we call expert witnesses. A witness
9 who by education and experience has become an expert in some
10 art, science, profession, or calling may state an opinion as
11 to the relevant material matters in which the witness claims
12 to be an expert and may also state the reasons for the
13 opinion.

14 You should consider any expert opinion received in
15 evidence in this case and, like any other evidence, give it
16 the weight you think it deserves. If you decide that the
17 opinion of an expert witness is not based on sufficient
18 education and experience or if you conclude that the reasons
19 given in support of the opinion are not sound or that the
20 opinion is outweighed by other evidence, you may disregard the
21 opinion entirely.

22 An expert witness's testimony is to be given no greater
23 weight than that of other witnesses simply because the witness
24 is an expert. Further, you -- further, you are not required
25 to accept an expert's opinion, even though it is not

1 contradicted.

2 In order to establish criminal liability, criminal intent
3 is required. For example, the mental state required to be
4 proven by the State for a particular crime might be purpose,
5 intent, knowledge, recklessness, or criminal negligence.
6 Criminal intent must be proven by the State beyond a
7 reasonable doubt. Criminal intent is always a matter that
8 must be determined by the jury from the circumstances
9 surrounding the situation.

10 There's no way to prove intent to a mathematical
11 certainty. There's no way medical science can dissect a
12 person's brain and determine what the person had in mind. So
13 the law says that criminal intent may be inferred from the
14 circumstances shown to have existed. This is how you make a
15 determination of whether or not the element requiring intent
16 was present.

17 It is not necessary to establish intent by direct and
18 positive evidence, but intent may be established by inference
19 in the same way as any other fact by taking into consideration
20 the acts of the parties and all the facts and circumstances of
21 the case. Criminal intent is a mental state, a conscious
22 wrongdoing. It is up to you to determine what the defendant
23 intended to do based on the circumstances shown to have
24 existed.

25 Criminal intent can arise from action or a failure to

1 act. It may arise from negligence, recklessness, or an
2 indifference to duty or to consequences that is considered by
3 the law to be the equivalent of criminal intent.

4 There has been evidence presented that witnesses made
5 prior statements which are not consistent with the witness's
6 present testimony. You may use this evidence to decide
7 whether to believe the witness. You may also use evidence of
8 the earlier contradictory statements to determine the truth of
9 those statements. It is up to you to decide whether to
10 believe the earlier statements or the testimony given at
11 trial.

12 If a witness is shown to have knowingly testified
13 untruthfully concerning any material matter, you may consider
14 this in determining whether to trust the witness's testimony
15 as to other matters. You may reject all testimony of that
16 witness or give all or part of the testimony the weight you
17 think it deserves.

18 Statements alleged to have been made by the defendant
19 have been admitted into evidence in the case. While the Court
20 has determined that the statement is admissible, I instruct
21 you that you make the ultimate decision of whether or not the
22 defendant made the statement.

23 If the defendant did make the statement, you must
24 determine whether the statement was made by the defendant
25 voluntarily and of his own free will. This means that the

1 statement was not caused by pressure, force, fear, threats,
2 coercion, or intimidation, or by hope or promise of leniency
3 or a reward of any kind.

4 In determining whether the statement was voluntary, you
5 should consider both the characteristics of the defendant and
6 the details of the questioning. Some of the factors that you
7 must consider are the age of the defendant, the defendant's
8 education or lack of education, the defendant's mental ability
9 or capacity, the defendant's IQ or intelligence, the
10 defendant's background and environment, the place and length
11 of detention, the nature of the questioning, and the advice or
12 lack thereof to the defendant of his constitutional rights,
13 including but not limited to the right to remain silent, that
14 any statement could be used against him in a court of law, the
15 right to have a lawyer present, that if he could not afford a
16 lawyer, a lawyer would be appointed to represent him without
17 any cost, and that he could stop making a statement any time.
18 You must consider all of the surrounding circumstances before
19 you give any weight to an alleged statement.

20 The State has the burden of proving beyond a reasonable
21 doubt that the alleged statement was voluntary. If you
22 determine it was, you may give the statement any further
23 consideration that you deem proper. You must decide what
24 weight, if any, should be given to the alleged statement. If
25 you determine that the alleged statement was not the free and

1 voluntary statement of the defendant, you should not consider
2 the statement at all.

3 The defendant is charged with murder. The State must
4 prove beyond a reasonable doubt that the defendant killed
5 another person with malice aforethought.

6 Malice is hatred, ill will, or hostility towards another
7 person. It is the intentional doing of a wrongful act without
8 just cause or excuse and with an intent to inflict an injury
9 or under circumstances that the law will infer an evil intent.

10 Malice aforethought does not require that malice exist
11 for any particular time before the act is committed, but
12 malice must exist in the mind of the defendant just before and
13 at the time of the act -- the act is committed. Therefore,
14 there must be a combination of the previous evil intent and
15 the act.

16 Malice aforethought may be expressed or implied. I'm
17 sorry. Expressed or inferred. These terms, expressed and
18 inferred, do not mean different kinds of malice, but merely
19 the manner in which the malice may be shown to exist. That is
20 either by direct evidence or by inference from the facts and
21 circumstances which are proved.

22 Expressed malice is shown when a person speaks words
23 which express hatred or ill will for another, or when the
24 person prepared beforehand to do the act which was later
25 accomplished. For example, lying in wait for a person or any

1 other acts of preparation going to show that the deed was
2 within the defendant's mind -- was within the defendant's mind
3 would be expressed malice. Malice may be inferred from
4 conduct -- conduct showing a total disregard for human life.

5 If you find that the State has failed to prove beyond a
6 reasonable doubt that the defendant committed murder, you may
7 consider whether the State has proven beyond a reasonable
8 doubt that the defendant committed involuntary manslaughter.
9 To prove involuntary manslaughter, the State must prove beyond
10 a reasonable doubt that the defendant unintentionally killed
11 the victim without malice while engaged in a lawful activity
12 with reckless disregard for the safety of others.

13 Unintentional means that the defendant did not intend for
14 anyone to be killed or seriously injured. Reckless disregard
15 for the safety of others is more than mere negligence or
16 carelessness. Mere negligence or carelessness is the failure
17 to use the care that a person of ordinary reason would use
18 under the same circumstances.

19 Recklessness is a conscious failure to use ordinary care.
20 Reckless disregard for the safety of others means that you are
21 not interested in the consequences of your acts or the rights
22 and safety of others. If a person who knows or should know
23 that ordinary care requires certain precautions be taken for
24 the safety of others when using a dangerous instrumentality
25 such as a gun or car but that person fails to use those

1 precautions without concern, the person's actions are
2 considered reckless.

3 The State must also prove beyond reasonable doubt that
4 the defendant's act was the proximate cause of death.
5 Proximate cause is the direct cause. It is the immediate
6 cause. It is the efficient cause. It is that cause without
7 which the death of the victim would not have resulted. There
8 must be a chain of causation from the time of the injury
9 inflicted by the defendant until the time of the victim's
10 death. Proximate cause does not necessarily mean that it
11 occurred immediately prior to death.

12 The defendant has raised the defense of accident. An act
13 may be excused on the ground of accident if it is shown that
14 the act was unintentional, that the defendant was acting
15 lawfully, and that reasonable care was used by the defendant
16 in the handling of the weapon. For example, if a person is
17 lawfully armed in self-defense and the gun accidentally
18 discharges, the defense of accident would apply.

19 The burden is on the State to prove beyond a reasonable
20 doubt that the act was not an accident but was caused by the
21 negligence or carelessness -- carelessness on the part of the
22 defendant or by unlawful activity by the defendant.

23 Voluntary intoxication is not an excuse for or defense to
24 a crime, regardless of whether the crime is one involving
25 general or specific intent. This rule also extends to the

1 voluntary ingestion of drugs. A person who voluntarily
2 ingests alcohol or drugs and thereby becomes intoxicated is no
3 less responsible for his acts while in such condition.

4 If one voluntarily drinks intoxicating liquors, wine, or
5 beer or ingests drugs and becomes intoxicated to whatever
6 degree and if while in that condition commits an act which
7 would be a crime if it had been committed by a sober person,
8 the fact of intoxication would not relieve the intoxicated
9 person from responsibility.

10 Ladies and gentlemen, in just a moment I'm going to send
11 you back to your jury room. When I send you back, I'm going
12 to ask that you not start deliberating or discussing the case
13 until we send all of the evidence back to the jury room. Once
14 we send the evidence and the -- the verdict form back, the
15 bailiff will tell you that you can then begin deliberating.

16 Under the constitution of this state, your verdict must
17 be unanimous. Unanimity is mandated. Every single juror must
18 agree on the jury verdict. There cannot be any split or
19 divided vote -- vote in any form or fashion, such as 11 to 1,
20 10 to 2, or 9 to 3.

21 When you're in your jury room and you're discussing the
22 case, if at any time one of the twelve jurors leaves the room
23 and has to go to the restroom or for whatever reason they need
24 to leave, Madam Forelady, you are to cease deliberations until
25 all twelve of you are back in the room together. So all

1 twelve jurors must be present all the time when deliberations
2 are going on.

3 There is a verdict form that I will send back with you.
4 It's pretty self-explanatory.

5 The first under number one is murder. And the way I say
6 these does not hold any significance. I just have to put one
7 in front of the other. But on this particular form, we, the
8 jury, find the defendant, Clinton W. Beebe, guilty of murder.
9 If the jury finds the defendant guilty of murder, do not
10 proceed to number two. If that's your verdict, Madam
11 Forelady, you would check the appropriate line by that
12 verdict.

13 On the other hand, we, the jury, find the defendant,
14 Clinton W. Beebe, not guilty of murder. If that is your
15 unanimous decision, then you would check beside that
16 appropriate place.

17 And if you find him not guilty of murder, then you must
18 go down to number two, which is involuntary manslaughter.
19 There are options there. We, the jury, find the defendant,
20 Clinton W. Beebe, guilty of involuntary manslaughter, or we,
21 the jury, find the defendant, Clinton W. Beebe, not guilty of
22 involuntary manslaughter.

23 When you've reached a unanimous verdict, I'm going to ask
24 that you sign the appropriate place where it says the
25 signature of the foreperson and put today's date on there.

1 When you reach your verdict, if you'll knock on the door, keep
2 the verdict form in your hand, tell the bailiff that you've
3 reached a verdict. We will get everybody assembled in the
4 courtroom and bring you back out.

5 You will then -- when you're seated, then you'll hand the
6 verdict form -- I'll ask if you've reached a verdict. If you
7 -- whatever the answer is, you'll hand the verdict form to the
8 bailiff, who will then pass that up to the Court.

9 You can leave the -- a lot of evidence you can -- well,
10 let's bring -- hand it to the bailiff with -- when you get --
11 when you reach your verdict, hand all the -- or allow the
12 bailiff to come in and get all that evidence. I think it even
13 also includes this seat over here.

14 We have made arrangements to have Chick-Fil-A delivered
15 somewhere around 1 o'clock. I hope Chick-Fil-A will at least
16 keep -- hold you until your next meal. That's the way we do
17 things here in Camden. And so when we send you back to your
18 jury room and you start deliberating, you can begin to
19 deliberate. Lunch will be provided to you in the form of
20 Chick-Fil-A.

21 With that, I'm going to allow you to go back to your jury
22 room. Again, don't start discussing the case until the
23 bailiff brings the verdict form and the evidence back with
24 you.

25 If -- the alternates, if you'll keep your seats. And if

1 you twelve would -- you're excused to the jury room.

2 Everyone else remain seated.

3 (WHEREUPON, the jury exited the courtroom at 12:18 p.m.)

4 THE COURT: All right. If we could have the two
5 alternates step right outside the door of the courtroom, but
6 they're -- they're not to go in the jury room. I'll talk to
7 you all in just a moment.

8 (WHEREUPON, the alternate jurors exited the courtroom.)

9 THE COURT: All right. Anything further as far as
10 instructions from the State?

11 MR. PAULING: None from the State, Your Honor.

12 THE COURT: From the defense?

13 MR. TETTERTON: No, sir.

14 THE COURT: All right. If you all would look and let's
15 make sure the -- to go over the evidence there and make sure
16 everything's in place. I'm going to dismiss these alternates.

17 If we'll bring the two alternates back in the jury --
18 back into the courtroom. You can bring the two alternates
19 back in.

20 (WHEREUPON, the alternate jurors entered the courtroom.)

21 THE COURT: Y'all can come on up and be looking at that.
22 I'm just going to talk to them just a little bit and give them
23 some instructions.

24 All right. Thank y'all, y'all two alternates. We had
25 twelve people who made it from the beginning of the trial to

1 the end of the trial. You are free to leave.

2 You can discuss the case with anybody you want to. You
3 can talk about it as much as you want to. Sometimes the
4 lawyers may want to call you. It helps them to understand
5 your view of the case. You can do that if you want to, and
6 that's proper for them to call you. On the other hand, you
7 don't have to talk to them at all.

8 That's a choice you have to make. You don't have to
9 discuss the case with anybody if you don't want to. On the
10 other hand, you're free to discuss it with anybody you wish.

11 You're welcome to stay with us if you want. I'm sorry
12 y'all don't get Chick-Fil-A. You missed out on that, but if
13 you want to come back in the courtroom, you can come back in
14 and stay with us as long as you want. On the other hand,
15 you're free to leave as well. All right. Thank you all for
16 your service. Thank you.

17 (WHEREUPON, the alternate jurors were released and exited
18 the courtroom.)

19 THE COURT: I also have just the original stipulation on
20 chain. Let's -- I'm going to have that marked a Court's
21 exhibit. It needs to be part of the record as well. Just
22 mark it. I think we had another Court's exhibit. Did we have
23 another one? I don't know what -- this may be Court's Exhibit
24 2. That'll be Court's Exhibit 2.

25 (WHEREUPON, the stipulations were marked as Court's

1 Exhibit No. 2.)

2 THE COURT: I'm just going to have the bailiff save the
3 seat. It's in the courtroom. If they would like to see it,
4 they need to knock on the door and let them know.

5 MR. PAULING: Yes, sir.

6 THE COURT: And I'm also getting the bailiff to tell them
7 if they have any questions for the Court, they need to write
8 it on a piece of paper.

9 (WHEREUPON, there was a pause in the proceedings to check
10 the evidence, after which the proceedings resumed as
11 follows.)

12 THE COURT: All right. Is that it? Any questions at
13 all, they can write it on a piece of paper.

14 THE BAILIFF: They can start?

15 THE COURT: They can start.

16 All right. Let me put this on. I appreciate y'all's
17 professionalism. Y'all have done a well-tried case. Thank
18 you. It's a pleasure to work with y'all as lawyers.

19 MR. TETTERTON: Thank you.

20 MR. PAULING: Thank you, Judge.

21 MS. SAMPSON: Thank you.

22 THE COURT: All right. We'll be at ease while the jury
23 is deliberating.

24 MS. SAMPSON: Thank you, Your Honor.

25 (WHEREUPON, the jury deliberations began and there was a

1 break in the proceedings from 12:26 p.m. until 1:06 p.m.,
2 after which the proceedings resumed as follows.)

3 THE COURT: A note from the jury says they want a -- it
4 says copy of Dani's statement. The answer simply is there is
5 no written statement.

6 Then secondly, does anyone know if the gun will fire
7 without clip? And what I'm going to write is you have all the
8 evidence in the case. That's how I intend to answer that.

9 MR. TETTERTON: What was your response to the first one?
10 There is no statement or there is no statement in evidence?

11 THE COURT: There is no written statement in evidence.

12 MR. TETTERTON: Yes, sir.

13 THE COURT: Are y'all satisfied with the way --

14 MR. TETTERTON: Yes, sir.

15 MR. PAULING: Yes, Your Honor.

16 MS. SAMPSON: Yes, Your Honor.

17 (WHEREUPON, the jury note was marked as Court's Exhibit
18 No. 3.)

19 (WHEREUPON, there was a break in the proceedings from
20 1:07 p.m. until 2:04 p.m., after which the proceedings
21 resumed as follows.)

22 THE COURT: Okay. We're back on the record. We've got a
23 note from the jury, Court's Exhibit 5. We want to hear her
24 testimony from the State regarding the moment Adam was shot
25 from Dani's testimony. So they want to hear the direct

1 examination of Dani to begin from when she -- regarding the
2 moment Adam was shot.

3 And so what we're going to do is he's going to find --
4 he's going to try to pull that up for us. We'll bring the
5 jury in, the court reporter will play that, and then I will
6 tell them to just give us a signal to when they want to stop.

7 And my notes would indicate, if we agree, that when she
8 stated that C.W. was coming out of the bedroom. That's what
9 my notes indicated would be probably where we need to start.

10 MR. PAULING: Adam sleeping in the chair and C.W. coming
11 out of the bedroom.

12 THE COURT: All right. Tell me -- tell me where you
13 intend to start. Go ahead and play. Go ahead and play where
14 you intend to start. We want to hear it.

15 During this trial, we have a -- this is a digital
16 recording of the courtroom proceedings. We are now at the
17 point where the court transcriber has -- or a court reporter
18 has pulled up Dani Beebe's direct examination. He is going to
19 begin playing that recording at the 11:09 mark into her direct
20 examination. And -- and the Court will instruct the jury that
21 when they believe they've heard sufficient amount, if they
22 would just signal to the Court that they're ready to stop.

23 All right. Now, you can flip back to the recording.
24 We'll bring the jury in.

25 All right. While he's doing that, let's bring the jury

1 in.

2 (WHEREUPON, the jury note was marked as Court's Exhibit
3 No. 5.)

4 (WHEREUPON, the jury entered the courtroom at 2:09 p.m.
5 and the requested portion of the testimony was played.)

6 (WHEREUPON, the jury exited the courtroom.)

7 THE COURT: All right. The jury did come into the jury
8 -- into the -- to the courtroom. The digital recording was
9 started at their -- at his 11:09 mark and was played to the
10 11:12 mark and 38 seconds. And the jury -- foreman of the
11 jury -- foreperson of the jury indicated that they'd heard
12 enough and at that point they were allowed to return to the
13 jury room.

14 All right. Thank you. We'll be at ease.

15 (WHEREUPON, there was a break in the proceedings from
16 2:16 p.m. until 2:52 p.m., after which the proceedings
17 resumed as follows.)

18 THE COURT: All right. We're back on the record. The
19 jury has a question. The question is, Court's Exhibit 6, we
20 would like to hear the audio transcript of C.W.'s account of
21 when Adam was shot.

22 The court reporter located that in the recording. We're
23 going to bring the jury panel in and start the recording at
24 the 12:57 mark during this testimony.

25 All right. Thank you. Let's bring the jury in.

1 (WHEREUPON, the jury note was marked as Court's Exhibit
2 No. 6.)

3 (WHEREUPON, the jury entered the courtroom at 2:52 p.m.)

4 THE COURT: All right. Thank you, ladies and gentlemen.

5 I have what has now been marked Court's Exhibit 6, which
6 is a question from you, the jury. We would like to hear the
7 audio transcript of C.W.'s account of when Adam was shot. The
8 court reporter has that cued up, and he will begin playing
9 that.

10 Again, Madam Forelady, at the appropriate time when
11 you've heard enough, let us know.

12 (WHEREUPON, the requested portion of testimony was played
13 and then stopped when indicated by the fore person.)

14 THE COURT: Stop.

15 All right. Thank you. You can return to your jury room.

16 (WHEREUPON, the jury exited the courtroom at 3:01 p.m.)

17 THE COURT: All right. We're back on the record. The
18 jury has left the courtroom.

19 We did play -- the court reporter played the recording of
20 C.W. Beebe's testimony at the 12:57 mark, down to the 1:03:38
21 mark, at which time the forelady indicated that they had heard
22 what they needed to hear. They've now been returned to the
23 jury room.

24 All right. We'll be at ease.

25 (WHEREUPON, there was a break in the proceedings from

1 3:02 p.m. until 3:41 p.m., after which the proceedings
2 resumed as follows.)

3 (WHEREUPON, the jury entered the courtroom at 3:41 p.m.)

4 THE COURT: All right. Thank you, ladies and gentlemen,
5 I have the question from the jury that says can we get a
6 definition of reasonable doubt again? What I'm going to do is
7 I'm going to read you the particular charge that I charged you
8 on reasonable doubt.

9 So what is a reasonable doubt in the law? A reasonable
10 doubt is the kind of doubt that would cause a reasonable
11 person to hesitate to act. The State has the burden of
12 proving the defendant guilty beyond a reasonable doubt.

13 Some of you may have served as jurors in civil cases
14 where you were told that it is only necessary to prove that a
15 fact is more likely true than not true, such as by the greater
16 weight or preponderance of the evidence. In criminal cases,
17 the State's proof must be more powerful than that. It must
18 prove every element of a crime beyond a reasonable doubt.
19 Proof beyond a reasonable doubt is proof that leaves you
20 firmly convinced of the defendant's guilt.

21 There are very few things in this world that we know with
22 absolute certainty, and in criminal cases the law does not
23 require proof that overcomes every possible doubt. If, based
24 on your consideration of the evidence, you are firmly
25 convinced that the defendant is guilty of the crime charged,

1 you must find the defendant guilty. If, on the other hand,
2 you think there is a real possibility that the defendant is
3 not guilty, you must give the defendant the benefit of the
4 doubt and find him not guilty.

5 That's the charge on reasonable doubt. Thank you.

6 (WHEREUPON, the jury exited the courtroom at 3:43 p.m.)

7 THE COURT: All right. We'll be at ease.

8 (WHEREUPON, the jury note was marked as Court's Exhibit
9 No. 7.)

10 (WHEREUPON, there was a break in the proceedings from
11 3:44 p.m. until 3:55 p.m., after which the proceedings
12 resumed as follows.)

13 THE COURT: All right. It appears we have everybody in
14 place. Let's bring the jury in.

15 MS. SAMPSON: For what, Your Honor?

16 THE COURT: Yeah, I'm sorry. We had received word the
17 jury had reached a verdict.

18 MS. SAMPSON: Nobody told us.

19 THE COURT: Okay. All right.

20 MS. SAMPSON: They just told us to come in here.

21 THE COURT: Okay. All right. I thought that had been
22 communicated to you.

23 MS. SAMPSON: Sorry.

24 THE COURT: All right.

25 (WHEREUPON, the jury entered the courtroom at 3:57 p.m.)

1 THE COURT: Thank you. Madam Forelady, has the jury
2 reached a verdict?

3 THE FORELADY: Yes, Your Honor.

4 THE COURT: If you'd pass the verdict form to the
5 bailiff, and he'll pass that up to the Court.

6 All right. Thank you.

7 Madam Clerk, would you publish the verdict?

8 VERDICT

9 THE CLERK: State of South Carolina, County of Kershaw,
10 versus Clinton Warren Beebe in the Court of General Sessions,
11 Fifth Circuit Court, Verdict Form, Docket Number 2019-GS -- it
12 should be 28. It's 38.

13 THE COURT: 28?

14 THE CLERK: Yes, sir.

15 00132. We, the jury, find the defendant, Clinton W.
16 Beebe, guilty of murder.

17 THE COURT: I'm going to ask that you keep your --
18 maintain your emotions.

19 All right. I'm going to -- I'm going to edit 28 with my
20 initials on it.

21 THE CLERK: Yes, sir.

22 THE COURT: All right. Madam Clerk, I need you to ask
23 the jury would this be their verdict.

24 THE CLERK: Madam Forelady and ladies and gentlemen of
25 the jury, if this is your verdict, please signify by raising

1 your right hand.

2 THE COURT: Thank you. Let the record reflect that all
3 twelve jurors answered in the affirmative.

4 Anything further from the State?

5 MS. SAMPSON: No, sir.

6 THE COURT: Anything from the defense?

7 MR. TETTERTON: No, sir.

8 THE COURT: All right. Ladies and gentlemen of the jury,
9 we're going to allow you to be excused at this point. Thank
10 you for your service this week. Y'all have been a very
11 attentive jury. We thank you for doing your job serious and
12 taking it very seriously.

13 You can -- you can stay with us if you wish. I'm going
14 to allow you to go out. If you want to come back in, we have
15 some matters that we'll take up, but you're free to come back
16 in and observe any of the rest of what we do here today. On
17 the other hand, you can leave.

18 You can talk to anybody about the case if you wish.
19 You're not required to. Sometimes attorneys will give you a
20 call and find out -- try to get information. Sometimes that's
21 very helpful to them going forward. That's not wrong for them
22 to do that. On the other hand, you're not required to talk to
23 them at all. You don't have to talk to anybody about the
24 case. On the other hand, you're free to talk to whoever you
25 wish about the case.

1 Thank you again for your hard work this week. We're
2 going to allow you to be excused and the bailiff will show out
3 -- show you out the door.

4 Everyone remain seated while this jury is excused.

5 (WHEREUPON, the jury was excused and exited the courtroom
6 at 4:01 p.m.)

7 THE COURT: All right. Anything we need to put on the
8 record before sentencing from the defense?

9 MR. TETTERTON: Nothing from the defense.

10 THE COURT: All right. Do we have a -- do you have a
11 sentencing sheet? Have you got a sentencing sheet?

12 MR. PAULING: I do, Your Honor.

13 THE COURT: All right. Let's pass that up.

14 All right. Mr. Pauling, I'd be glad to hear from the
15 State as far as sentencing, and then I'll come back to --

16 MR. PAULING: Yes, Your Honor.

17 THE COURT: -- Mr. Tetterton.

18 MR. PAULING: If I can defer to my [inaudible]. Your
19 Honor, if it please the Court, if you would hear from Kathy
20 McCaskill, the mother of Adam Davis.

21 THE COURT: Yes, ma'am, Ms. -- is it Ms. McCaskill?

22 MS. MCCASKILL: Yes, sir.

23 THE COURT: If you would state your full name for us.
24 And they may need to provide you with a microphone back there.

25 MS. MCCASKILL: They did, yeah.

1 THE COURT: All right.

2 MS. MCCASKILL: I'm Kathy McCaskill.

3 THE COURT: Yes, ma'am. I'd be glad to hear from you.

4 MS. MCCASKILL: Today, April 29th, 2022, is exactly five
5 years and four months since Adam was taken from us. I just
6 have to say that by what Mr. Tetterton kept saying throughout
7 this whole trial of how C.W. was Adam's best friend or they
8 were best friends, I just have to let everybody here know that
9 -- that Mr. Tetterton and I have a very different definition
10 of what a best friend is.

11 Best friends don't shoot their best friends in the head
12 and then try to cover it or cover it up by burying him three
13 different times, looking me in the eye and saying I don't
14 know. Well, you left him. He -- he went somewhere. He just
15 left.

16 Since I have time -- since I've got a time now to speak,
17 I could stand up here for hours, Your Honor, and talk about
18 all kinds of things, but I'm not going to do that. I'm going
19 to -- first of all, you'd probably tell me to sit down, but
20 secondly, I'm going to spare you all that.

21 So -- so I will be brief in saying that nothing is going
22 to bring Adam back. This is what I said to Judge Lee at the
23 very first bond hearing. I told her that -- that the Beebes'
24 arrest didn't bring Adam back, nor was her going to deny bond
25 or if she denied bond, that wouldn't bring Adam back. This

1 guilty verdict is not going to bring Adam back.

2 So what I would like to say to you is I just implore you
3 to please give him the maximum sentence that is allowable by
4 law to pay for what he did to his so-called best friend.

5 His -- one -- one last thing I'd like to say is Joseph,
6 Adam's son who will be 11 in November, just told his mother a
7 couple of weeks ago, Mommy, I don't remember what Daddy's face
8 looked like. That's what Adam's children have to live with is
9 remembering what his face looked like because they can't see
10 him. They can't go to visitation at the prison and see daddy.
11 They go to a gravestone and know that that's -- that's where
12 Daddy is buried.

13 So, again, I just ask that that you will give the maximum
14 punishment that is allowable for this charge of murder. Thank
15 you.

16 THE COURT: Thank you.

17 All right. Let me do this. If -- if -- if she's unable
18 to keep herself composed, we understand that. However, it
19 would be best if she were not in the courtroom during
20 sentencing.

21 All right. Yes, Solicitor?

22 MR. PAULING: Thank you, Your Honor. Again, may it
23 please the Court.

24 Your Honor, you've heard the facts, the evidence, the
25 testimony. You've also heard the jury. The jury has spoken.

1 Your Honor, this is a situation that was tragic and it
2 was senseless. Your Honor, it was tragic not only because a
3 life was taken, but the defendant took several steps to cover
4 this up, to keep it hidden, to keep the truth from coming to
5 light. Your Honor, Mr. Beebe doesn't have a prior criminal
6 record as far as convictions are concerned, but, Your Honor,
7 there are some things you just can't come back from.

8 Adam Davis was 35 years of age. He was senselessly taken
9 from this earth. The State requests respectfully -- this
10 Court is aware this charge carries a minimum 30 years up to
11 life. Respectfully, Your Honor, we request a life sentence.

12 THE COURT: All right. Thank you, Solicitor. Anything
13 else from the State?

14 MR. PAULING: Not from the State, Your Honor.

15 THE COURT: All right, Mr. Tetterton, I'll be glad to
16 hear from you.

17 MR. TETTERTON: Thank you, Your Honor.

18 Of course, we know that the sentence here is a mandatory
19 minimum of 30 years up to life. Your Honor, you've heard all
20 the testimony from the family members, also from Dani Beebe
21 and other members about the life he lived with Adam up until
22 Adam died.

23 He's married, had three children, worked hard, took care
24 of all of the children, provided for their support, and
25 carries them to church and, Your Honor, I don't think, in my

1 opinion, that this case does warrant a life imprisonment in
2 prison.

3 He's going to have to live with the fact that the jury
4 has spoken. The jury has found that he killed Adam and he
5 will have to live with that also. That's going to put on top
6 of whatever sentence the judge -- Your Honor gives him. I
7 would ask, Your Honor, respectfully, that you give him the
8 minimum sentence of 30 years.

9 THE COURT: All right. Thank you.

10 Mr. Beebe, anything you want to say?

11 THE DEFENDANT: I'd just like to apologize to everybody
12 for not being forthright up front, and I just hate it
13 happened. I wish I could change it.

14 THE COURT: All right. Thank you.

15 (WHEREUPON, there was a pause in the proceedings, after
16 which the proceedings resumed as follows.)

17 SENTENCE

18 THE COURT: The jury -- the Court certainly respects the
19 jury's verdict in the case. Circumstances around this case
20 were very -- the nature of this offense is very heinous.
21 Certainly, the actions that took place for a number of years
22 afterwards also contribute to the heinous nature of the whole
23 set of circumstances.

24 Based upon that sentence of 2019-GS-28-00132, Clinton
25 Warren Beebe, having been convicted of murder after a jury

1 trial, the sentence of the Court is he be committed to the
2 Department of Corrections for a determinate term of life.

3 Thank you.

4 MR. TETTERTON: Thank you, Your Honor.

5 THE COURT: All right. Court is adjourned.

6 (WHEREUPON, the proceedings ended at 4:11 p.m.)

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8 --- END REQUESTED TRANSCRIPT ---

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DOCKET NO. 2019GS280132

The State of South Carolina

County of

Kershaw

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2019

K26

THE STATE
vs.

Clinton Warren Beebe

FILED FOR RECORD
2019 FEB 13 PM 2:54

JANET C. HASTY
CLERK OF COURT
KERSHAW COUNTY, S.C.

WITNESSES

(S) Justin L Dill
- Kershaw County Sheriff

ARREST WARRANT NUMBER

2018A2810101016

ACTION OF GRAND JURY

FEB 13 2019

[Signature]
Foreperson of Grand Jury
Date:

VERDICT

TRUE BILL

Foreperson of Petit Jury
Date:

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

Indictment for
MURDER / MURDER

SC Code: 16-03-0010
CDR Code: 0116

STATE OF SOUTH CAROLINA)
COUNTY OF KERSHAW)

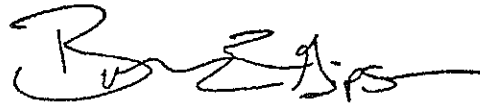
INDICTMENT

At a Court of General Sessions, convened on February 13, 2019,
the Grand Jurors of Kershaw County present upon their oath:

MURDER

That Clinton Warren Beebe did in Kershaw County, on or about December 29, 2016, kill the victim, Adam Davis, with malice aforethought, either express or implied, by means of shooting the victim, and the victim did die as a proximate result thereof, all in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



BYRON E. GIPSON, SOLICITOR

886
STATE OF SOUTH CAROLINA)
COUNTY OF Kershaw)
STATE VS.)
Clinton Warren Beebe)
AKA:)
Race: WHITE Sex: M Age: 41)
DOB: -1980 SS)
Address: Waters Rd)
City, State, Zip: Bethune, SC 290099605)
DL#: SID#:)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS280132
A/W#: 2018A2810101016
Date of Offense: 12/29/2016
S.C. Code § : 16-03-0010
CDR Code #: 0116

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Murder / Murder

in violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

Pauling, Curtis 68671 SC Bar# Defendant Tetterton, William S. SCB05509 SC Bar#
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,

for a determinate term of LIFE days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
_____ days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or §
16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **PTUP** after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp. ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
- ☐ Other: _____

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____	\$	
§14-1-206 (Assessments 107.5 %)	\$	
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 128.75

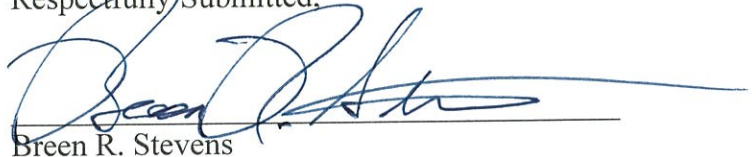
Clerk of Court/ Deputy Clerk: Janet Hasty
Court Reporter: John Cordi / DCR

Presiding Judge: G. J. H.
Judge Code: 2753
Sentence Date: 4-29-22

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Breen R. Stevens

Appellate Defender

South Carolina Commission on Indigent Defense

Division of Appellate Defense

PO Box 11589

Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 14th day of August, 2023.

RECEIVED

Aug 14 2023

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

SC Court of Appeals

Appeal from Kershaw County

Honorable Daniel D. Hall, Circuit Court Judge

THE STATE,

RESPONDENT

V.

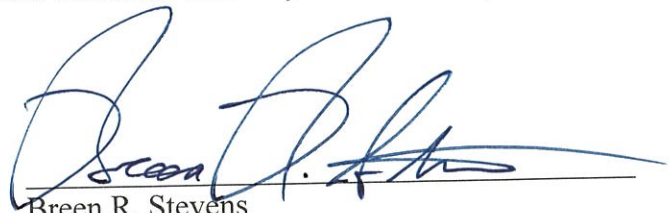
CLINTON WARREN BEEBE,

APPELLANT

APPELLATE CASE NO. 2022-000627

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary email address listed within the Attorney Information System (AIS), this 14th day of August, 2023.



Breen R. Stevens

Appellate Defender

South Carolina Commission on Indigent Defense

Division of Appellate Defense

PO Box 11589

Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT