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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Georgetown County

Honorable Roger M. Young, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JODY LYNN WARD,

APPELLANT

APPELLATE CASE NO. 2025-002597

RECORD ON APPEAL

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1 A: No.

2 Q: I'm going to show you a document and ask if you can
3 identify that.

4 A: Yes, sir.

5 Q: What is that?

6 A: This appears to be page 14 of my case file.

7 Q: Okay, and on that does it state what the groove
8 impression width was of that projectile?

9 A: Well, this, this was pertaining to State's Exhibit 38
10 to the, to the bullet jacket fragment and I measured it as
11 having a groove impression width of 129 thousandths, plus
12 or minus 10 because of ---

13 Q: In excess of .127; correct?

14 A: Yes.

15 Q: So, this range was not put into your search; correct?

16 A: Well, I didn't do a computer search on this bullet.
17 I only did it on State's Exhibit 26. I didn't do it on
18 State's Exhibit 38 because I couldn't even be sure what
19 caliber it was.

20 Q: Yes, sir, and in fact you said that this could have
21 been a fragment of a nominal 38 caliber bullet; correct?

22 A: Any nominal 38 or even of a larger caliber.

23 Q: Could have been a 380 auto; correct?

24 A: Could have been, yes, sir.

25 Q: Could have been a 38 super; correct?

1 A: Yes, sir.

2 Q: Could have been a 38 special; correct?

3 A: Correct.

4 Q: Could have been a 357 Magnum; correct?

5 A: Yes, sir.

6 Q: Or a larger caliber weapon; correct?

7 A: Or any, any larger caliber, yes.

8 Q: And you stated that the fired bullet that you -- that
9 was recovered from the vehicle weighed 114.8 grains;
10 correct?

11 A: Correct.

12 Q: And the normal weight for a nine millimeter Luger is
13 115 grains; correct?

14 A: Well, the nominal weight, like when you buy a box of
15 115 grain nine millimeter Luger caliber cartridges, the
16 bullet might only have ever weighed 114.8 or 114 and a half
17 or it might weigh slightly more than 115 because they don't
18 weigh exactly.

19 Q: Would it be fair to say it'd probably be around 113
20 to 117 grains when you bought it new?

21 A: Surely within that range, probably a little closer,
22 probably between 114 and 116.

23 Q: Well, if you analyzed a nine millimeter Luger bullet
24 and it weighed 114.8 grains, in your expert opinion would
25 you assume that that bullet has struck any hard object?

1 A: It could have struck a hard object, yes.

2 Q: Would there have been deformity or loss of weight?

3 A: There would have been deformity I would expect, but
4 there may or may not have been loss of weight.

5 Q: Was there a deformity on this bullet?

6 A: Yes.

7 Q: How extensive was it?

8 A: It wasn't real bad, but it's up on the nose or on the
9 ojive. On the side of the bullet it's got a rather deep
10 indentation on it which may or may not be consistent with
11 having struck a hard object. It obviously struck something
12 because it wasn't manufactured that way.

13 Q: But it would be usual for a bullet that struck
14 something to lose only a couple of tenths of a grain?

15 A: You never know. It, it might have lost weight to the
16 extent of a couple of tenths of a grain. It might have
17 lost no weight. It might have never weighed anymore than
18 that.

19 Q: All right, and the two projectiles, when you compared
20 them, you said they could have been fired by one or two
21 guns; correct?

22 A: Correct.

23 Q: The bullet jacket fragment that you found you only
24 were able to determine that there were parts of five land
25 and groove impressions; correct?

1 A: Assuming it was 38 caliber or a nominal 38 caliber,
2 but if it were a larger caliber it may have had more lands
3 and grooves that were missing.

4 Q: But you couldn't determine to a reasonable degree of
5 scientific certainty that it was six lands and grooves and
6 a nine millimeter Luger projectile.

7 A: No, I couldn't say that. It could have been but I
8 couldn't say that it was.

9 Q: But it could have been 38 auto, 38 super, 38 special,
10 357 or a larger caliber.

11 A: Or a larger caliber, that's correct.

12 Q: Thank you. That's all I have, Your Honor.

13 THE COURT: All right, redirect.

14 MR. HEMBREE: Very briefly on redirect, Your Honor.

15 REDIRECT EXAMINATION

16 BY MR. HEMBREE:

17 Q: Let me give you a hypothetical. If a bullet, if a
18 nine millimeter projectile -- would that -- let me ask this
19 question, too. Would that be considered a nominal 38
20 caliber?

21 A: Yes.

22 Q: Okay, because it's real close in size.

23 A: Yes, sir, actually what we refer to as 38 calibers
24 are almost always pretty close to 36. 357, nine
25 millimeter, a 38 auto, 38 super, all those things shoot a

1 bullet that's just under 36 calibers if you were to measure
2 them.

3 Q: Got you. Now, giving you the hypothetical if the
4 bullet, the nine millimeter Luger is fired through a car
5 seat, a padded car seat, would you expect it to lose
6 velocity?

7 A: Yes.

8 Q: And could it -- would you be surprised to learn that
9 based on that loss of velocity it was somewhere stuck in
10 the seat?

11 MR. LOCKLAIR: Objection, Your Honor, leading
12 question.

13 MR. HEMBREE: It's a hypothetical question for a
14 qualified expert.

15 THE COURT: Let me have you come forward, please.

16 (Whereupon, a Bench conference was held in the
17 presence, but out of the hearing, of the jury.)

18 THE COURT: All right, the objection is withdrawn.

19 BY MR. HEMBREE:

20 Q: Senior Agent DeFreese, I'll wrap this up. My
21 question to you was based on that loss of velocity would it
22 surprise you that the bullet was actually found in the car
23 seat?

24 A: No.

25 Q: All right, I have no further questions. Thank you.

Kevin Holt - Direct by Mr. Bryan

1 MR. HEMBREE: I'd ask that this -- unless there are
2 any questions on ---

3 THE COURT: Anything further?

4 MR. LOCKLAIR: No, ma'am, Your Honor. We have no
5 objection to him being excused.

6 THE COURT: You may step down and you are free to go.

7 A: Thank you.

8 MR. HEMBREE: Thank you, Your Honor.

9 THE COURT: Call your next witness, please.

10 MR. HEMBREE: The next witness is Deputy Kevin Holt.

11 AT THIS TIME KEVIN WAYNE HOLT WAS CALLED TO THE STAND, DULY
12 SWORN BY THE CLERK AND TESTIFIED AS FOLLOWS:

13 THE CLERK: Please be seated.

14 MR. HOLT: Thank you.

15 THE CLERK: Please state your full name for the
16 record.

17 MR. HOLT: Kevin Wayne Holt.

18 DIRECT EXAMINATION

19 BY MR. BRYAN:

20 Q: Who do you work for, Deputy Holt?

21 A: Georgetown County Sheriff's Office.

22 Q: And back on September the 13th of 2002 were you
23 working for the Sheriff's Department?

24 A: Yes.

25 Q: And what did you do at that time? What was your --

Kevin Holt - Direct by Mr. Bryan

1 what were your duties and responsibilities?

2 A: I was a patrol deputy.

3 Q: And you were -- were you working on the day of
4 September the 13th ---

5 A: Yes, sir.

6 Q: --- 2002? Were you aware that there were outstanding
7 warrants for Jody Ward for two counts of murder on that
8 day?

9 A: Yes, sir.

10 Q: All right, tell the, tell the jury just briefly how
11 you came to be aware of that fact.

12 A: I was in the patrol room. I think I was doing a
13 report, and I noticed the SERT team was all getting set to
14 go attempt to serve those warrants on Jody Ward, and at
15 that time we were not, you know, we were shorthanded. So,
16 we had to continue to be on patrol. So, that's where I
17 left the Sheriff's Office and went back on routine patrol.

18 Q: Okay, and did you come into contact with Jody Ward on
19 that day?

20 A: Yes, sir, I did.

21 Q: All right, tell the jury how you came into contact
22 with Jody Ward.

23 A: I was traveling routine patrol on South Island
24 towards South Island Ferry. When I rounded the curve there
25 almost to the bait house I noticed a white male standing in

- 1 front of the, either a Coca-Cola or Pepsi machine. I can't
2 remember what it is, but it was a vending machine and ---
- 3 Q: Let me, let me stop you right there. Did you know
4 Jody Ward?
- 5 A: Yes, I do know Jody Ward.
- 6 Q: All right, how did -- before that date, before you
7 arrested him how did you know him?
- 8 A: High school.
- 9 Q: Where did you go to high school?
- 10 A: Georgetown High School.
- 11 Q: And where did Jody Ward go to high school?
- 12 A: Georgetown High School.
- 13 Q: At the same time?
- 14 A: Well, he was probably a year or more behind me, but
15 he was in the same school when I was there.
- 16 Q: So, you knew him from as far back as high school?
- 17 A: Yes, sir.
- 18 Q: All right, and had you seen him since high school?
- 19 A: I've seen him randomly in town, but you know, not
20 ever spoken with him or stopped and talked with him. I've
21 seen him in town various places.
- 22 Q: But you recognize him when you see him?
- 23 A: Yes, sir.
- 24 Q: All right, you were -- you said you were on routine
25 patrol at South Island Road?

1 A: Yes, sir.

2 Q: All right, go ahead.

3 A: And like I said when I, when I saw a male subject
4 standing in front of the Coca-Cola machine I thought it was
5 Jody Ward, and when I was trying to get a better look at
6 him I noticed that he had put his left arm up in front of
7 his face almost as if to stop me from getting a good look
8 at him, but I could, I could tell right before he put his
9 arm up that he actually was Jody Ward, and when I passed
10 him, you know, I wanted to make sure and I still was trying
11 to get a better look to make sure it was Jody Ward, and as
12 I passed him he kind of rotated the left arm down because I
13 was traveling south and I was passing him and he rotated
14 the right arm up and kind of looked back to see if I was
15 going to stop.

16 Q: What kind of vehicle were you in?

17 A: I was in a marked police car, one of our Georgetown
18 County Sheriff's patrol units ---

19 Q: Did it have a ---

20 A: --- with blue lights on the top and yellow stripe
21 says Georgetown County Sheriff's Office down the side.

22 Q: Okay, what happened next?

23 A: At that time he looked very suspicious with him
24 raising his right arm not wanting me to see him. So, I
25 took for granted that it was, indeed, Jody Ward, and if not

1 something was going on. So, I turned the car around, and
2 as I hit the brakes and started to turn the car around Jody
3 left the vending machine and walked very fastly, he wasn't
4 at a run at that time, but he walked very fastly to the
5 corner of the building. So, I drove my car real fast to
6 the corner of the building, and when I got to the corner of
7 the building he was, he was a good hundred yards from the
8 corner, hundred to 125 yards from the corner of the
9 building. So, he had to have run to get to that point as
10 fast as I was ---

11 MR. LOCKLAIR: Objection, Your Honor, speculation.

12 THE COURT: Sustained.

13 Q: How long, how long a period of time between when you
14 saw him at the corner of the building and you saw him a
15 hundred, 125 yards form the building, how long a period of
16 time was that?

17 A: About three to four seconds, just as fast as I could
18 turn my car around, you know, and drive it straight to the
19 corner of the building and I was probably 35 yards from the
20 corner of the building when I went to turn my car around.

21 Q: Is there any way that somebody walking at a normal
22 pace could have traveled that distance?

23 MR. LOCKLAIR: Objection, Your Honor, calls for an
24 expert opinion.

25 MR. BRYAN: I don't think you have to have an expert

1 to know that, Judge.

2 THE COURT: I'm going to -- I'm going to allow you to
3 rephrase that question. If you'll come over here I think
4 we can handle it.

5 (Whereupon, a Bench conference was held in the
6 presence, but out of the hearing, of the jury.)

7 BY MR. BRYAN:

8 Q: Let me ask you this way. Could you have walked from
9 the corner of the building to where you saw Jody Ward in
10 that period of time?

11 A: No.

12 Q: All right, what happened next?

13 A: At that time I pulled about as far as I wanted to
14 drive my vehicle because it was up in someone's front yard.
15 So, I stopped and was going to get out of the vehicle.
16 Soon as I put the car in park and opened the door I told
17 Jody Ward to stop, which his back was turned to me. He was
18 still walking away from me. He did not listen the first
19 time. So, I hollered louder for him to stop, and at that
20 time he did turn around and had his hands or one of his
21 hands in his pocket. I can't remember if it was one or two,
22 but he did have one hand in his pocket. At that time I
23 told him to take his hands out of his pocket, that I wanted
24 to see his hands. He did not do what I asked him to do.
25 So, at that time I did draw my weapon down on him to tell

1 him to take his hands out of his pocket due to the fact
2 that I knew that he was supposedly had or did have two
3 warrants for double murder and, you know, I was concerned
4 for my safety. At that time when I pulled, drew the weapon
5 on him he pulled his hands out and said, "What, what", as
6 if he didn't know what was going on and was asking me what
7 was going on. I told him that to keep his hands up and to
8 get on his knees. He told me he was not going to get on
9 his knees. He said, "Well, what have I done? What have I
10 done?" I said, "Just do as I say and get on your knees,"
11 and he says, "What's going on, Kevin," and because he knows
12 who I am and I know who he is, and I says, "Jody, I just
13 need for you to do what I'm asking you to do and once I get
14 you secure and I feel that we're both safe I'll explain
15 everything to you."

16 At that time he did get on his knees. I told him to
17 lay on his, flat on his belly, and I walked from his -- to
18 around the back of him to my -- so that I would be behind
19 him. I told him to place his hands on his back at his
20 waist, palms up, which he did, and at that time I holstered
21 my weapon and I, and I put the restraints on him, and I
22 told him that he was wanted, we had two warrants for him
23 and that I would be transporting him to the Sheriff's
24 Office and that the Sheriff and Assistant Sheriff and the
25 other guys was going to ---

Kevin Holt - Direct by Mr. Bryan

1 Q: Place him under arrest?

2 A: Yeah, I'm trying to figure out the right word for ---

3 Q: Well, that's good. Let me just ask you this ---

4 A: Serve the warrants on him is what I'm trying to
5 figure out.

6 Q: Did you, did you -- you had him in custody at that
7 point. You put him in your car ---

8 A: Yes, sir.

9 Q: --- and did you transport him to the Sheriff's
10 Department?

11 A: Yes, sir, I -- when I, I stood him up, I walked him
12 to my vehicle. I patted him down for weapons. He had no
13 weapons on him. I put him in the back seat of my car and I
14 transported him to the Sheriff's Office.

15 Q: And who did you turn him over to at the Sheriff's
16 Department?

17 A: To the, to the Assistant Sheriff, Carter Weaver.

18 Q: Okay, I don't have any other questions. Please
19 answer any questions that the Defense has.

20 MR. LOCKLAIR: May it please the Court, Your Honor.

21 THE COURT: Yes, sir.

22 CROSS EXAMINATION

23 BY MR. LOCKLAIR:

24 Q: If Mr. Ward was a hundred, 125 yards from the corner
25 of the building and you stop at the corner of the building

1 he was probably what, 150, 200 by the time you got out of
2 your car?

3 A: No, because he was -- it was 125 when I first saw
4 Jody Ward but I drove another 30, 20, 20 to 30 yards past
5 the corner of the building.

6 Q: Okay, so, he was -- so, how far would you say when
7 you stopped he was?

8 A: When I stopped probably still, probably about a
9 hundred yards.

10 Q: Okay, and it's fair to say a hundred yards is a
11 pretty good distance; correct?

12 A: Yes.

13 Q: It's hard to hear somebody talk to you from a hundred
14 yards if they're not yelling pretty loud; correct?

15 A: Well, I was yelling pretty loud because my adrenaline
16 was pumped up pretty good.

17 Q: Well, you testified earlier that you asked him to
18 stop the first time and when he didn't you then had to
19 yell.

20 A: Okay, when I said I asked my normal voice is pretty
21 loud.

22 Q: Okay, but you had to increase it for him to hear you
23 from that distance.

24 A: Exactly.

25 Q: And he had no gun on his person; correct?

Kevin Holt - Cross by Mr. Locklair

1 A: No.

2 Q: And you searched the car that he had driven up there
3 that day; correct?

4 A: Yes.

5 Q: And there were no weapons in that; correct?

6 A: Yes.

7 Q: And you said he was at a vending machine; correct?

8 A: Yes.

9 Q: Is that one where you have to put quarters or a
10 dollar in it?

11 A: I didn't pay close attention which one it was.

12 Q: Is it one where you've got to push the buttons to get
13 your drink?

14 A: I didn't pay close attention to that.

15 Q: So, your hands might be near your face while you're
16 getting something out of the vending machine, is it one of
17 those types of machines? I mean, it wasn't a machine where
18 you've got to put your money in down here or anything;
19 right?

20 A: No, it wasn't, but you don't normally put money in
21 the vending machine like this where you tucked your head
22 closest is what he was doing.

23 A: Okay, Jody had actually spoken to police prior to
24 September 13th; correct?

25 Q: Well, I assume that he did.

Kevin Holt - Cross by Mr. Locklair

1 Q: You weren't aware of that, okay, and the warrant had
2 just come out on September 13th; right?

3 A: Exactly.

4 Q: That was the first time you found out about it;
5 correct?

6 A: Exactly.

7 Q: So, nobody had called Jody or gone to his house yet
8 that you know of when you saw him and you said, "Jody,
9 we've got a warrant."

10 A: Not that I know of.

11 Q: Right, thank you.

12 MR. LOCKLAIR: That's all I have, Your Honor.

13 REDIRECT EXAMINATION

14 BY MR. BRYAN:

15 Q: Did he have a Coca-Cola or any other type of drink
16 that would have come out of that machine when you arrested
17 him?

18 A: No.

19 Q: Thank you. No further questions.

20 THE COURT: You may step down, sir. You want this
21 witness released?

22 MR. BRYAN: Yes, ma'am.

23 MR. LOCKLAIR: No objection.

24 THE COURT: For scheduling purposes I'll need to see
25 you.

1 (Whereupon, a Bench conference was held in the
2 presence, but out of the hearing, of the jury.)

3 THE COURT: We've come to a breaking point. As I had
4 indicated to you yesterday today would be a shorter day
5 because of a funeral that needs to be attended. My
6 apologies to you for any delay it may cause. We will
7 resume here tomorrow at ten o'clock. I'm moving it back
8 just a bit but I'm moving it to ten o'clock tomorrow
9 morning. We will work all day tomorrow and keep moving
10 this case along. I thank you for the attention that you
11 have paid thus far. I've been watching you and you've been
12 paying close attention to the evidence and testimony. I
13 ask you once again this afternoon and tonight and until we
14 see you again tomorrow please do not discuss the case with
15 anyone. Also, refrain from reading and you may want to
16 have a spouse or loved one read the paper for you and cut
17 -- you might -- your paper will have holes in it, cut out
18 anything that's remotely -- you can, you can tell the name
19 of the case, it's remotely associated with the case, but be
20 very cautious about what you may be viewing or hearing and
21 I'll ask you about that in the morning.

22 Have a good afternoon and we will see you tomorrow at
23 ten o'clock. You're free to go.

24 (Whereupon, the following takes place outside the
25 presence of the jury.)

1 THE COURT: All right, please be seated.

2 Anything from the State at this time?

3 MR. HEMBREE: Nothing from the State, Your Honor.

4 THE COURT: Anything from the Defendant?

5 MR. LOCKLAIR: No, ma'am, Your Honor.

6 THE COURT: If there are matters of law that need to
7 be addressed in the morning I ask you to be here a little
8 bit earlier, but I have given us ample time to deal with
9 any of those matters should they arise since we do not have
10 them coming in until ten o'clock. Thank you so much and I
11 will see you here tomorrow morning then at ten o'clock
12 unless there are matters of law that need to be addressed
13 and I'll see you earlier. Have a good afternoon.

14 MR. LOCKLAIR: Thank you, Your Honor.

15 MR. HEMBREE: Thank you, Judge Thomas.

16 ***** OFF THE RECORD *****

17 (On the record, Thursday, March 18, 2004.)

18 (Whereupon, the following takes place outside the
19 presence of the jury.)

20 THE COURT: Thank you. Please be seated. Is there
21 anything from the State prior to bringing the jury out?

22 MR. HEMBREE: Nothing from the State, Your Honor.

23 THE COURT: Anything from the Defendant?

24 MS. KNEECE: Nothing from the Defense.

25 THE COURT: Very well. We're ready for them.

1 (Whereupon, the following takes place in the presence
2 of the jury.)

3 THE COURT: All rise, please.

4 Please be seated.

5 Good morning, ladies and gentlemen of the jury. First
6 of all let me ask you -- let me look around you -- let me
7 ask you if you had any problem in refraining from
8 discussing this case with spouse, loved ones, neighbors,
9 friends, anyone or if you have come across it in any type
10 of media; if so, raise your hand.

11 (No response.)

12 THE COURT: Very good. Let me ask you also have you
13 chosen a foreperson of the jury? Has that decision been
14 made? Yes, and are you sitting, that's you, sir?

15 MR. GRIFFIN: Yes.

16 THE COURT: All right, if you would state your name
17 and juror number.

18 MR. GRIFFIN: Paul Griffin, 141.

19 THE COURT: All right, well, you've made your first
20 decision in this case. Very good.

21 We remain in the phase of the case where the State is
22 presenting evidence and testimony. Call your next witness,
23 please.

24 MR. BRYAN: Thank you, Your Honor. May it please the
25 Court, the State recalls Latrese Rutledge.

1 AT THIS TIME LATRESE RUTLEDGE WAS CALLED TO THE STAND, DULY
2 SWORN BY THE CLERK AND TESTIFIED AS FOLLOWS:

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

5 MS. RUTLEDGE: Latrese Rutledge.

6 DIRECT EXAMINATION

7 BY MR. BRYAN:

8 Q: Ms. Rutledge, I'm going to show you two objects I've
9 taken out of State's evidence 39. I'm going to show you
10 these two objects. Can you identify those?

11 A: Yes; those were Elton's shoes.

12 Q: Did you ever see Elton in these shoes?

13 A: Yes, I have.

14 Q: Okay, is there any question in your mind that those
15 are his shoes?

16 A: No, there are not.

17 Q: I don't have any other questions. Please answer any
18 questions the Defense has.

19 MR. LOCKLAIR: No questions, Your Honor.

20 THE COURT: Counsel, could I see you up here just one
21 moment please.

22 (Whereupon, a Bench conference was held in the
23 presence, but out of the hearing, of the jury.)

24 THE COURT: Is that it with this witness?

25 MR. LOCKLAIR: Yes, ma'am.

1 THE COURT: Okay, you may step down, ma'am.

2 Call your next witness, please.

3 MR. BRYAN: The State recalls Elton Rutledge, Sr.

4 AT THIS TIME ELTON NATHANIEL RUTLEDGE, SR., WAS CALLED TO

5 THE STAND, DULY SWORN BY THE CLERK AND TESTIFIED AS

6 FOLLOWS:

7 THE CLERK: Please be seated. Please state your full
8 name for the Court.

9 MR. RUTLEDGE: Elton Nathaniel Rutledge, Sr.

10 DIRECT EXAMINATION

11 BY MR. BRYAN:

12 Q: Reverend Rutledge, I'm going to show you two items out
13 of State's 39 and ask you if you can identify these items:

14 A: Yes, sir.

15 Q: What are they?

16 A: They are Elton's Jr.'s sneakers.

17 Q: Okay, did you ever see him wear these sneakers?

18 A: Yes, sir.

19 Q: All right, do you remember any particular occasions
20 that you saw him in this -- in these sneakers?

21 A: It was the week before he become missing on the roof
22 that we were working on.

23 Q: How do you remember that?

24 A: Just, just because of the relationship that we have.
25 I'm very observant with he at that point in time.

1 Q: Did you say anything to him about the shoes?

2 A: I told him that his -- those sneakers on the type of
3 roof that we were working on that it would probably cause
4 him to fall and break his behind.

5 Q: I don't have any other questions.

6 THE COURT: Cross.

7 MR. LOCKLAIR: No questions, Your Honor.

8 THE COURT: You may step down, sir.

9 Call your next witness, please.

10 MR. BRYAN: Thank you, Your Honor. The State calls
11 Kenny Owens.

12 AT THIS TIME KENNETH EARL OWENS WAS CALLED TO THE STAND,
13 DULY SWORN BY THE CLERK AND TESTIFIED AS FOLLOWS:

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

16 MR. OWENS: Kenneth Earl Owens.

17 DIRECT EXAMINATION

18 BY MR. BRYAN:

19 Q: Where do you work?

20 A: I work in the Georgetown County Detention Center.

21 Q: And what is your rank?

22 A: I am the captain, chief of operations.

23 Q: All right, and what exactly do you do at the detention
24 center?

25 A: Well, I answer all requests from the inmates whether

Kenneth Owens - Direct by Mr. Bryan

1 they want to contact family, use the telephone, they've got
2 a complaint against an officer or whatever, sort of keep
3 the lid on the building.

4 Q: All right, are you basically the complaint department
5 for the people incarcerated?

6 A: That's correct.

7 Q: Okay, were you ---

8 MR. BRYAN: The Court's indulgence, Your Honor.

9 BY MR. BRYAN: . . .

10 Q: Were you employed at the detention center on January
11 the 8th of 2003?

12 A: Yes, I was.

13 Q: And were you in that same capacity?

14 A: That's correct.

15 Q: All right, did you speak to Jody Ward on that day?

16 A: Yes, I did.

17 Q: All right, tell the jury how it was that you came to
18 speak to Mr. Ward on the 8th of January?

19 A: I got a request from Mr. Ward and wishing to come to
20 my office. So, you know, I called and brought him down,
21 you know, to see, you know, what he wanted.

22 Q: All right, had you spoken to Mr. Ward previous to
23 that?

24 A: I had probably spoken to Mr. Ward 10 or 12 times
25 before, you know, this over a period of time.

1 Q: Where did these conversations take place?

2 A: Always in my office.

3 Q: All right, and did you ever initiate contact with Mr.
4 Ward?

5 A: No, sir.

6 Q: All right, on January the 8th, 2003, did you initiate
7 contact with Jody Ward?

8 A: No, sir.

9 Q: All right, what happened when he came into your
10 office?

11 A: He asked to speak to Sheriff Carter Weaver.

12 Q: Okay, what did you do when he did that?

13 A: I followed policy and referred that message upstairs
14 to Chief Michael Schwartz.

15 Q: Okay, and did you threaten him in any way or coerce
16 him to give a statement to Carter Weaver?

17 A: No, sir.

18 Q: Did you make any promises to him?

19 A: No, sir.

20 Q: All right, did you suggests that he talk to law
21 enforcement?

22 A: No, sir.

23 Q: And after he requested to speak to Assistant Sheriff
24 Carter Weaver you simply contacted Mike Schwartz and made
25 that information known to him; is that correct?

1 A: That's correct.

2 Q: What did you do with Mr. Ward after that?

3 A: After that, you know, we probably talked -- it's
4 possible we talked a few minutes and then he returned to
5 his cell.

6 Q: Did he ever ask you to have his lawyer present?

7 A: No, sir.

8 Q: Do you remember if he made any phone calls?

9 A: I did not remember until I was shown my phone records
10 where he did make a phone call from my office.

11 Q: Okay, do you know who he called?

12 A: No, sir.

13 Q: After he made that phone call did he ever say that he
14 changed his mind and didn't want to speak to Mr. Weaver?

15 A: No, sir.

16 Q: All right. I don't have any other questions. I don't
17 have any other questions. Please answer any questions the
18 Defense has.

19 THE COURT: Cross.

20 MR. LOCKLAIR: May it please the Court, Your Honor?

21 THE COURT: Yes, sir.

22 CROSS EXAMINATION

23 BY MR. LOCKLAIR:

24 Q: Do you recall if that phone call was made at 2:45 p.m.
25 on January 8th of 2003?

1 A: According to the records that I was shown it was made
2 then.

3 Q: Do you recall if it was to the telephone number 357-
4 6454?

5 A: That's correct.

6 Q: And are you aware that that's the telephone number to
7 my office?

8 A: Yes, sir.

9 Q: After Jody met with you he was taken back to his cell;
10 correct?

11 A: That's correct.

12 Q: And isn't it correct on one date that you actually had
13 to cut shackles off of Jody's legs because they couldn't be
14 removed?

15 A: That's correct. The key broke off in them.

16 Q: But you can't remember if that was this date or not..

17 A: I'm not sure of what date, but I did cut the shackles
18 off his legs.

19 Q: Okay, and isn't it true that Jody made the telephone
20 call to my office after he asked to speak to Carter Weaver;
21 correct?

22 A: As far as I remember that's correct.

23 Q: Thank you. That's all I have, Captain Owens.

24 THE COURT: Yes, sir. Wait just a minute.

25 MR. BRYAN: I just have one, one more question.

1 REDIRECT EXAMINATION

2 BY MR. BRYAN:

3 Q: With regard to cutting the handcuffs off why is it
4 that you had to cut handcuffs off or someone had to cut
5 handcuffs off of Jody Ward?6 A: They weren't handcuffs. They were leg shackles but
7 the officer broke his key off in there; and so, for this
8 reason we had to cut the shackles off.9 Q: To your knowledge did it have anything to do with them
10 being too tight or making him uncomfortable?

11 A: No, sir.

12 Q: No further questions.

13 THE COURT: You may step down.

14 You want this witness released?

15 MR. BRYAN: Please, Your Honor.

16 THE COURT: All right, any objection?

17 MR. LOCKLAIR: Without objection.

18 THE COURT: All right, you're free to go.

19 A: Thank you.

20 THE COURT: Call your next witness, please.

21 MR. BRYAN: The State calls Chief Mike Schwartz.

22 AT THIS TIME MICHAEL AARON SCHWARTZ WAS CALLED TO THE
23 STAND, DULY SWORN BY THE CLERK AND TESTIFIED AS FOLLOWS:24 THE CLERK: Please be seated. Please state your full
25 name for the record.

1 MR. SCHWARTZ: Michael Aaron Schwartz.

2 DIRECT EXAMINATION

3 BY MR. BRYAN:

4 Q: Where do you work?

5 A: Georgetown County Sheriff's Office.

6 Q: All right, did you work there January 3rd or January
7 8th, 2003?

8 A: Yes, sir.

9 Q: All right, and what do you -- on that date what were
10 your duties and responsibilities at the jail?

11 A: I am the jail administrator and my responsibilities
12 are the total operations of the detention center.

13 Q: Okay, and do you still work in that capacity?

14 A: Yes, sir, I do.

15 Q: Okay, did you have a conversation with Captain Kenny
16 Owens on that day?

17 A: Yes, sir.

18 Q: As a result of that conversation what did you
19 do?

20 A: I called Carter Weaver.

21 Q: And what did you tell Assistant Sheriff Weaver?

22 A: That Jody Ward wanted to talk to him.

23 Q: Did you ever speak to Jody Ward on that day?

24 A: No, sir.

25 Q: I don't have any other questions. Please answer any

1 questions the Defense has.

2 THE COURT: Cross.

3 CROSS EXAMINATION

4 BY MR. LOCKLAIR:

5 Q: Chief Schwartz, you have no knowledge of Jody trying
6 to call my office prior to talking to Carter Weaver; do
7 you?

8 A: No, sir.

9 Q: Thank you. No more questions, Your Honor.

10 THE COURT: You may step down, sir.

11 Do you want this witness relieved?

12 MR. BRYAN: Please, Your Honor.

13 MR. LOCKLAIR: No objection.

14 THE COURT: All right, all right, you're free to go.

15 A: Thank you.

16 THE COURT: Call your next witness.

17 MR. BRYAN: The State calls Assistant Sheriff Carter
18 Weaver.

19 AT THIS TIME CARTER WEAVER WAS CALLED TO THE STAND, DULY
20 SWORN BY THE CLERK AND TESTIFIED AS FOLLOWS:

21 THE CLERK: Please be seated. Please state your full
22 name for the record.

23 MR. WEAVER: Carter Weaver.

24 DIRECT EXAMINATION

25 BY MR. BRYAN:

1 Q: Assistant Sheriff Weaver, who do you work for?

2 A: Georgetown County Sheriff's Office.

3 Q: How long have you been employed with the Sheriff's
4 Department?

5 A: Approximately three years.

6 Q: And what do you do there?

7 A: I supervise the day-to-day operations of the Sheriff's
8 Office.

9 Q: Who is your supervisor?

10 A: Sheriff Lane Cribb.

11 Q: Do you answer to anybody else?

12 A: No, sir.

13 Q: Okay, did you take a statement from Jody Ward on
14 January the 8th of 2003?

15 A: Yes, sir.

16 Q: Can you tell the jury how you came into contact with
17 Mr. Ward?

18 A: On January the 8th of 2003 I was in my office
19 approximately 2:15, 2:30 p.m. in the afternoon and Jail
20 Administrator Mike Schwartz called me on my phone and
21 advised me that Jody Ward wanted to talk to me.

22 Q: What did you do as a result of that conversation?

23 A: Of course, I asked him -- I said, "What would he like
24 to talk to me about?" He stated that Jody would like to
25 tell his story. So, at that point I got a tape recorder,

1 some fresh batteries and some paperwork that I would need
2 to take a statement and went to the detention center.

3 Q: What did you do when you got to the detention center?

4 A: I met with Mr. Ward and Mr. Schwartz in the
5 administration area of the detention center on the second
6 floor and made contact with Mr. Ward, asked him, in fact,
7 "Did you call me here?" He said yes and then at that point
8 I began to generally talk with Mr. Ward at that point.

9 Q: What time was it that you first spoke to Jody Ward?

10 A: Probably would have arrived there approximately 3:25,
11 3:30 p.m. on that afternoon and that would, that would have
12 been my initial contact at that point just walking in the
13 door.

14 Q: And you said that was at the Georgetown County
15 Detention Center; correct?

16 A: Yes, sir.

17 Q: Who was there -- initially you said that you were with
18 Chief Schwartz and Jody Ward. Did you take -- where did
19 you meet with the two of them?

20 A: On the second floor, the administration level of the
21 detention center.

22 Q: And is that where you ultimately took a statement from
23 Jody Ward?

24 A: Yes, sir.

25 Q: Okay, who was present during the actual statement that

1 the Defendant gave?

2 A: It would have just been myself and Jody Ward.

3 Q: Okay, and was he in custody at that time?

4 A: Yes, sir.

5 Q: Okay, and did he have handcuffs on him when you took
6 the statements from him?

7 A: I don't recall, I don't recall him having handcuffs
8 but he may have been shackled.

9 Q: Okay, what's the reason for him to be shackled?

10 A: Just policy at the detention center, my safety and
11 his.

12 Q: Did you threaten Jody Ward in any way to get him to
13 give you a statement?

14 A: No, sir.

15 Q: Did you coerce him in any way to get him to give you a
16 statement?

17 A: No, sir.

18 Q: Did you make him any promises of a reward in order to
19 get him to give you a statement?

20 A: No, sir.

21 Q: Do you know of anybody who did threaten, coerce or
22 promise him anything to get him to give a statement?

23 A: No, sir, I don't.

24 Q: Tell the jury when you began the process of taking a
25 statement from Mr. Ward what was the first thing that you

1 did?

2 A: I read him his Miranda warnings or his rights.

3 Q: All right, and did you have -- did you have a form
4 that you used in administering those rights to him?

5 A: Yes, yes, sir.

6 Q: All right, I'm going to show you what's been marked
7 State's 40 for identification purposes. What is that?

8 A: It's a standard Miranda warning or a Miranda rights
9 form.

10 Q: All right, and is that the form that you used on that
11 day?

12 A: Yes, sir, it is.

13 Q: All right, what did you tell Jody Ward?

14 A: I basically read him the Miranda warnings as they're
15 written on this page.

16 Q: All right, I'm going to get you to go ahead and tell
17 the jury exactly what you told him.

18 A: You have the right to remain silent, anything you say
19 can and will be used against you in a court of law, you
20 have the right to talk to a lawyer and have him present
21 with you while you are being questioned, if you cannot
22 afford to hire a lawyer one will be appointed to represent
23 you before any questioning if you wish one, if you desire
24 to make a statement or answer questions you have the right
25 to stop at any time during the statement or questioning.

1 Q: Is there anything else written on that document?

2 A: Yes, sir, there is.

3 Q: What else is on there?

4 A: There's signatures and then there's a phrase or a
5 sentence written on there as well.

6 Q: Did you sign it?

7 A: Yes, sir, I did.

8 Q: All right, and did Jody Ward sign it?

9 A: Yes, sir.

10 Q: And is there a date on there?

11 A: Yes, sir.

12 Q: What's that?

13 A: January the 8th of 2003.

14 Q: And what else is written on that form?

15 A: "I called Mr. Weaver to jail."

16 Q: Who wrote that?

17 A: Jody Ward.

18 Q: Tell the jury, kind of explain to them why he wrote
19 that on the form:

20 A: It was just very important for me to get the message
21 out that he was the person who initiated contact, not
22 myself or law enforcement.

23 Q: And why is that?

24 A: Because he had been incarcerated. He was -- already
25 been arrested. He was already incarcerated, which means

1 he's already in jail, and I'm sure he had contact with an
2 attorney during that incarceration period.

3 Q: So, are you able to initiate contact with a Defendant
4 who's represented?

5 A: No, sir, I cannot.

6 Q: Are you -- I'm sorry. Are you allowed to talk to a
7 Defendant who is represented if they initiate contact with
8 you?

9 A: Yes, sir.

10 MR. BRYAN: We'd ask that State's 40 be moved into
11 evidence, Your Honor.

12 MR. LOCKLAIR: No objection, Your Honor.

13 THE COURT: All right, without objection.

14 (Whereupon, State's Exhibit Number 40 [Miranda Form]
15 introduced into evidence and appropriately marked.)

16 BY MR. BRYAN:

17 Q: After you advised Mr. Ward of his Miranda rights and
18 he signed the form and wrote on there that he had contacted
19 you, what happened -- what did you do next?

20 A: At that point I was preparing to begin the taped
21 statement. Mr. Ward advised he would like to go to the
22 rest room. So, I took him personally to the rest room
23 which is still on the second floor of the detention center
24 and he went to the rest room and on the way back through we
25 either got a cup of coffee or a cup of water from the -- a

1 little canteen area. He then proceeded back to the
2 victim's advocate's office and that's where the statement
3 took place.

4 Q: Let me back up for just a second. Did he ask -- after
5 you read him his Miranda and he signed did he ask for a
6 lawyer?

7 A: No, sir.

8 Q: What would you have done if he had?

9 A: It would have -- the interview would have stopped. I
10 would have left.

11 Q: Okay, did he appear to understand his rights when you
12 read them to him?

13 A: Yes, sir, he did.

14 Q: Did he appear to be under the influence of any drugs
15 or alcohol?

16 A: No, sir.

17 Q: All right, and was he responsive?

18 A: Yes, sir.

19 Q: Okay, and did he agree to talk to you?

20 A: Yes, sir.

21 Q: I'm going to show you what's been, I'm going to show
22 you what's been marked for identification purposes as
23 State's 41. Can you reach into the contents of that bag
24 and identify what that is?

25 A: It is a micro-cassette of the interview between myself

1 and Jody Ward taken on January the 8th of 2003.

2 Q: And have you had a chance to review that tape since it
3 was made?

4 A: Yes, sir a transcription of the tape, yes, sir.

5 Q: All right, and does it fairly and accurately reflect
6 your conversation with Jody Ward on that time?

7 A: . Yes, sir.

8 MR. BRYAN: At this time, Your Honor, we would ask for
9 permission to publish the tape.

10 THE COURT: Yes, sir.

11 MR. LOCKLAIR: Subject to our previous objections,
12 Your Honor.

13 THE COURT: And objection is so noted. It will be
14 published at this time.

15 MR. BRYAN: Thank you, Your Honor. We're going to
16 need just a minute to set up the equipment.

17 THE COURT: Certainly. All right, and let me have
18 counsel approach so we can discuss that.

19 (Whereupon, a Bench conference was held in the
20 presence, but out of the hearing, of the jury.)

21 THE COURT: You just take them and pass them down,
22 please. I'll note for the record the parties have agreed
23 that a transcript would assist this jury as they listen to
24 the tape. Let me ask the jury if you would follow through
25 on that transcript. It is there to assist you as you

1 listen to the tape. Please do not read ahead, and once we
2 have completed, once you have heard the tape we will take
3 back up those transcripts, those copies so you can just
4 begin to pass those down and we'll take those back up from
5 you.

6 You may begin.

7 (Whereupon, State's Exhibit Number 41 played in open
8 court.)

9 THE COURT: All right can we stop? We need to stop
10 now. I've gotten an indication of a need for a break.
11 All right, we'll begin back, if you will put your
12 transcripts in your seat I'll just have it open to page 32.
13 We'll begin back at that point at the beginning of that, at
14 the top of that page. I had gotten an indication of a need
15 for a break. I'll allow you to go back with a reminder
16 please do not discuss the case. Just put your transcripts
17 in the seat and you may go back at this time. All rise,
18 please.

19 (Whereupon, the following takes place outside the
20 presence of the jury.)

21 THE COURT: To the State if you don't mind cuing it
22 up, getting it back to the, to the proper point which would
23 be the top of 32 which was what you all were arguing about.
24 We'll begin there. Other than that, anything from the
25 State at this time?

Carter Weaver - Direct by Mr. Bryan

1 MR. HEMBREE: Nothing from the State, Your Honor.

2 THE COURT: Anything from the Defendant?

3 MR. LOCKLAIR: No, ma'am.

4 THE COURT: All right, we will take a 10-minute break.
5 See you back in ten minutes.

6 ***** OFF THE RECORD *****

7 (On the record.)

8 (Whereupon, the following takes place outside the
9 presence of the jury.)

10 THE COURT: Thank you. Please be seated.

11 MR. BRYAN: We're ready, Your Honor.

12 THE COURT: You cued up?

13 MR. BRYAN: Yes, ma'am.

14 THE COURT: Okay, very good. All right, anything from
15 the State prior to bringing the jury out?

16 MR. HEMBREE: No, Your Honor.

17 THE COURT: Anything from the Defendant?

18 MR. LOCKLAIR: No, ma'am, Your Honor.

19 THE COURT: All right, very well, we're ready for
20 them.

21 (Whereupon, the following takes place in the presence
22 of the jury.)

23 THE COURT: All rise, please.

24 Please be seated.

25 We're continuing now on page 32, beginning on the top

1 of that page. '

2 (Whereupon, State's Exhibit Number 41 played in open
3 court.)

4 THE COURT: All right, if you will pass those down,
5 please, we'll take those up. Thank you. Yes, sir.

6 MR. BRYAN: Thank you, Your Honor.

7 . At this time we'd like to move State's 41 into
8 evidence.

9 MR. LOCKLAIR: Subject to our previous objection, Your
10 Honor.

11 THE COURT: All right, in evidence over objection.

12 (Whereupon, State's Exhibit Number 41 [Taped
13 Statement] introduced into evidence and appropriately
14 marked.)

15 MR. BRYAN: Thank you, Your Honor. I don't have any
16 further questions of Assistant Sheriff Weaver. Please
17 answer any questions the Defense has.

18 THE COURT: Cross.

19 MR. LOCKLAIR: May it please the Court, Your Honor?

20 THE COURT: Yes, sir.

21 CROSS EXAMINATION

22 BY MR. LOCKLAIR:

23 Q: Assistant Sheriff Weaver, isn't it true that you
24 called the Solicitor's Office prior to going to speak to
25 Jody Ward at the detention center?

1 A: That's correct.

2 Q: Did Captain Owens ever tell you that he had tried to
3 call my office prior to calling you out there?

4 A: No, sir, he did not.

5 Q: And at no point other than when you read the Miranda
6 warnings did you ever go back over his right to a lawyer on
7 the tape; did you?

8 A: I read it to him at 3:36 and then we went back over it
9 again on tape.

10 Q: But on the tape when you go back over all the things
11 continuously about it being voluntary and not being coerced
12 and no promises you never ask, "Are you sure you don't want
13 me to call your lawyer?"

14 A: No, sir, I read the required Miranda warnings.

15 Q: Okay, but you knew he had a lawyer; right?

16 A: I assumed he had a lawyer, yes, sir.

17 Q: And this was the biggest case going on in Georgetown
18 County at the time; right?

19 A: Yes, sir.

20 Q: And you're the assistant sheriff, the second in charge
21 of law enforcement in Georgetown County and you want this
22 jury to believe that you didn't know Jody Ward had a
23 lawyer.

24 A: Yes, sir, I assumed he had a lawyer, yes, sir.

25 Q: You're assuming, but you're saying you didn't know?

1 A: I didn't know who his lawyer was, no, sir.

2 Q: Okay, you hadn't been around attending preliminary
3 hearings or bond hearings or anything else?

4 A: No, sir.

5 Q: And you hadn't bothered to talk to the chief
6 investigator at the Solicitor's Office either about that?

7 A: Not, not about who his attorney was no, sir.

8 Q: Okay, and you and the sheriff personally had tried to
9 interrogate him back in September of 2002 at the detention
10 center; correct?

11 A: Yes, sir.

12 Q: And he didn't want to give a statement at that point;
13 correct?

14 A: No, sir.

15 Q: And you've received a lot of phone calls from the jail
16 regarding Jody; correct?

17 A: No, sir.

18 Q: Have you ever received phone calls regarding Jody?

19 A: I received a phone call January the 8th of 2003.

20 Q: That's the only one?

21 A: Yes, sir.

22 Q: You've never testified before that you had, calls kept
23 coming about Jody Ward from the jail.

24 A: No, sir. I had information about Jody Ward at the
25 jail, but I only received one phone call in particular

Carter Weaver - Cross by Mr. Locklair

1 reference to Jody Ward which was January the 8th.

2 Q: Okay, and you do recall them having to cut the
3 shackles off of him that day?

4 A: No, sir.

5 Q: Were you aware of the people at the detention center
6 spitting in his food?

7 A: No, sir.

8 Q: Isn't it true that when you first came out there he
9 said that he wanted to talk to his attorney and you said no
10 need for that, you'd already called the Solicitor's Office?

11 A: No, sir, I did not.

12 Q: Isn't it true you said that none of the deals or
13 anything you all talked about or the mention of the
14 attorney couldn't be included once you started playing the
15 tape?

16 A: No, sir, we never had a conversation about the
17 attorney.

18 Q: You don't recall opening the window, lighting a
19 cigarette and saying, "Jody, you're not going to waste my
20 time like you wasted our time before?"

21 A: No, sir.

22 Q: And you asked him to write on there that, "I called
23 Carter Weaver"; correct?

24 A: Yes, sir, I did.

25 Q: Beg the Court's indulgence.

1 THE COURT: Yes, sir.

2 MR. LOCKLAIR: No more questions, Your Honor.

3 MR. BRYAN: Nothing further, Your Honor.

4 THE COURT: All right, you ---

5 MR. BRYAN: Could Assistant Sheriff Weaver be excused?

6 THE COURT: Any objection?

7 MR. LOCKLAIR: No objection, Your Honor.

8 THE COURT: All right, you may step down, sir, and
9 you're free to go.

10 Do you need to see me for scheduling? This -- where
11 are we?

12 MR. HEMBREE: This witness should be very short, Your
13 Honor.

14 THE COURT: All right, very well, call your next
15 witness, please.

16 MR. HEMBREE: The State calls Melissa Elliott to the
17 witness stand.

18 AT THIS TIME MELISSA LOUISE ELLIOTT WAS CALLED TO THE
19 STAND, DULY SWORN BY THE CLERK AND TESTIFIED AS FOLLOWS:

20 THE CLERK: Please be seated. Please state your full
21 name for the record.

22 MS. ELLIOTT: Melissa Louise Elliott.

23 DIRECT EXAMINATION

24 BY MR. HEMBREE:

25 Q: Mrs. Elliott?

- 1 A: Yes, sir.
- 2 Q: Where do you live, what county do you live in, ma'am?
- 3 A: Georgetown.
- 4 Q: And where do you work?
- 5 A: Healthcare Business Resources in Pawleys Island.
- 6 Q: And what sort of job do you have?
- 7 A: I code medical charts for the hospital.
- 8 Q: I know it's -- this -- the acoustics in this courtroom
9 are very bad, and I know you have a kind of a soft voice.
10 Let me ask you to speak into that microphone as best you
11 can.
- 12 A: Okay.
- 13 Q: Mrs. Elliott, are you familiar with an individual by
14 the name of Brian Elliott?
- 15 A: Yes, sir, that's my husband.
- 16 Q: How long have you all been married?
- 17 A: Six years coming up April but we've been together for
18 ever since I been 15.
- 19 Q: Now, do you know an individual by the name of Jody
20 Ward?
- 21 A: Yes, sir.
- 22 Q: Is he in this courtroom today?
- 23 A: Yes, sir.
- 24 Q: Seated at the Defense table?
- 25 A: Yes, sir.

1 Q: How long have you known Mr. Ward?

2 A: Years, not personally, but I've known, you know,
3 because I've lived in Georgetown so and he's worked with
4 Brian.

5 Q: Okay, tell us about that. In what, in what way? You
6 said he worked with Brian. What sort of work do they do
7 together?

8 A: Commercial fishing, crabbing, going out and checking
9 crab pots.

10 Q: Were they partners in a crabbing operation at one
11 point?

12 A: Yes, sir.

13 Q: Do you recall about what time, what time frame this
14 would fall in?

15 A: Probably because Brian had lost his license for a
16 year.

17 Q: His crabbing license?

18 A: Yeah, and I think it started like in that June when he
19 got them back until sometime in August of that year.

20 Q: 2002?

21 A: Uh-huh (affirmative response)..

22 Q: The year that Wilfred and Elton -- Wilfred Brown,
23 Elton Rutledge were killed.

24 A: Yes, and I think they might have crabbed before
25 together before that maybe a year ago but I'm, I'm not sure

1 about the time.

2 Q: Got you. So, they may have crabbed at one point, then
3 Brian Elliott lost his license to do crabbing and then he
4 got it back in June of 2002?

5 A: Uh-huh (affirmative response).

6 Q: And worked with ---

7 A: Because he had lost them for a year.

8 Q: --- worked with Mr. Ward there for a -- at least a
9 couple of months, something like that.

10 A: Yes, sir.

11 Q: Now, I want to take you back to August of 2002.

12 A: Okay.

13 Q: Specifically the time frame of Friday the 2nd,
14 Saturday the 3rd, Sunday the 4th, Monday the 5th.

15 A: Yes, sir.

16 Q: Do you recall that time period?

17 A: Yes, sir.

18 Q: Now, tell us about, if you know, the whereabouts of
19 Brian Elliott on Friday, August the 2nd.

20 A: He come in Friday morning before I left to go to work.
21 I was getting ready to go to work. He had been out all
22 night.

23 Q: What was his condition when he returned home?

24 A: He had been doing drugs and probably drinking and all
25 and he come in and got something to eat and then went and

1 laid down on the couch like he always does, and when he
2 goes out and stays out like that for a long time his body
3 has to recuperate and he was home the whole weekend until
4 that Monday morning when he went back crabbing.

5 Q: Was he, was he -- he had a hangover? I mean, a ---

6 A: Yes, sir.

7 Q: --- a bad one.

8 A: Yeah.

9 Q: How long does -- have you seen him in this condition
10 before?

11 A: Oh, yeah, several times.

12 Q: And you said that when he gets like that he has to
13 take a -- several days to recover?

14 A: Yeah, I tell him he hibernates in the house because, I
15 don't know, he feels bad the next day and he just lays
16 around because he's spent his money and don't have nowhere
17 to go. So, he stays locked up in the house.

18 Q: Now, did Mr. Elliott have a vehicle at this point in
19 time?

20 A: Not one of his own. If he was driving a vehicle it was
21 his father's.

22 Q: He'd borrow his dad's car sometime?

23 A: Uh-huh (affirmative response).

24 Q: Where does his dad live?

25 A: Right next door.

1 Q: And, okay, what time did you leave that Friday morning
2 to go to work?

3 A: Probably between seven, eight o'clock. It just
4 depends. If I bring home work over the weekend and I've
5 got a lot of overtime I'll go in, be to work about 7:30 or
6 eight.

7 Q: You left for work. Now, was anybody else at home with
8 Mr. Elliott that Friday?

9 A: No, nothing but our black lab.

10 Q: So, you can't testify from your own knowledge where --
11 what his whereabouts were on that Friday.

12 A: Not during the day. When I got home he was still at
13 home.

14 Q: All right, where was he located when you -- well, what
15 time did you return home?

16 A: I leave work about 3:30. So, I get home about four.

17 Q: And when you got home that Friday afternoon where did
18 you find Mr. Elliott?

19 A: On the couch.

20 Q: What was his condition?

21 A: Just he was probably sleep, and I don't remember but
22 usually that's what he'll do, sleep, get up and eat, go
23 back to sleep, watch TV because he'll stay in the house
24 when he goes on those little binges, as I call them, and
25 then he'll hibernate.

1 Q: Let me take you to -- did you all go anywhere that
2 night, that Friday night that you recall?

3 A: No, sir.

4 Q: Now, I'll take you to Saturday, the 3rd of August.
5 Did you work that day?

6 A: No, sir.

7 Q: Did you go anywhere that day?

8 A: If I did it was only to run uptown if we got something
9 to eat from uptown because I don't remember if I cooked or
10 if I went and bought something. I'm not sure.

11 Q: How long from home would you have been gone if you had
12 left home that day?

13 A: To town?

14 Q: Uh-huh (affirmative response).

15 A: Not, not long, maybe ten minutes because we live right
16 outside the city limits.

17 Q: And otherwise you stayed at home all day?

18 A: Yes, sir.

19 Q: Where was Mr. Elliott while you were at home during
20 the day?

21 A: On the couch watching TV or either sleeping, and
22 usually sometimes I'd go in my bedroom and watch TV because
23 a lot of stuff, he watches westerns and all that I don't
24 watch. So, I go watch what I want to on my TV in the
25 bedroom.

1 Q: So, he's not sitting in your presence the entire day?

2 A: No, he's in the house, but I mean, I would know if he
3 left.

4 Q: Did he ever leave?

5 A: No.

6 Q: Did anybody ever come to visit him that Saturday?

7 A: No, not that I ---

8 Q: Did anybody ever call him that day that you recall?

9 A: I don't recall.

10 Q: Did you all go anywhere that night?

11 A: No.

12 Q: Do you all go out a lot?

13 A: No.

14 Q: Now, taking you to Sunday, the following Sunday did
15 you all go to church that day?

16 A: No, sir.

17 Q: What did you all do?

18 A: Nothing. I usually sleep late when I'm off. I like
19 to sleep on my days off. So, I probably slept in late, and
20 usually his dad cooks Sunday dinner and he'll call us to go
21 over there, fix a plate or whatever, and I did go fix a
22 plate that afternoon and brought it back to the house, and
23 when I was coming back across the yard a vehicle was in the
24 yard and Jody was in the house talking with Brian.

25 Q: Do you remember about what time of the day that was on

1 Sunday?

2 A: It was somewhere afternoon. I don't remember what
3 time, maybe six. It was somewhere in the afternoon time.

4 Q: Okay, or later, maybe even late, kind of late in the
5 afternoon?

6 A: Yeah, because his daddy was probably getting ready to
7 go to church and all.

8 Q: Now, when you came in anybody else in the house other
9 than Jody Ward and Brian Elliott?

10 A: No.

11 Q: Did you overhear any of the conversation from Mr.
12 Ward?

13 A: Something to do with going crabbing, whether they were
14 going crabbing that Monday.

15 Q: Which is the following day?

16 A: Uh-huh (affirmative response).

17 Q: How long was Mr. -- how long was the Defendant, Jody
18 Ward, there after you returned?

19 A: Not long.

20 Q: How long had you been gone from the house?

21 A: Not long, long enough to fix me and Brian a plate of
22 food which maybe 10, 15 minutes.

23 Q: After Mr. -- did you see Mr. Ward leave?

24 A: Yes, sir.

25 Q: After he left did you see anybody else, anybody else

1 come by the house that night, that Sunday evening?

2 A: No, sir.

3 Q: You remember what time you all went to bed?

4 A: Probably late. We usually go around 11 or 12.

5 Q: Now, did -- Monday did you have to work?

6 A: Yes, sir.

7 Q: I'm talking about Monday, I guess that would be the
8 5th of August.

9 A: Yes, sir.

10 Q: What time did you go to work?

11 A: Around about the same time, between about seven or
12 eight.

13 Q: And did Mr. Elliott go to work that day or to your
14 knowledge did he leave that morning?

15 A: Yes, sir; yes, sir.

16 Q: Tell this jury the circumstances of his departure that
17 morning. What time did he leave?

18 A: He left before I left to go to work and went and got
19 the boat or whatever, pulled out the yard. So, I just
20 assumed that they was going crabbing.

21 Q: Was anyone with him?

22 A: Jody.

23 Q: Whose vehicle were they in?

24 A: I think it was Brian's daddy's truck. I'm not
25 positive but that's what they were driving, and I'm not

1 sure if it was the brown and white one, but I'm sure Brian
2 would know which one it was they were driving. I can't
3 remember exactly.

4 Q: Have you seen Jody Ward since that time, since that
5 Monday morning?

6 A: No, sir.

7 Q: Talk to him?

8 A: No, sir.

9 Q: Please answer any questions Defense counsel might have
10 for you.

11 THE COURT: Cross.

12 MR. LOCKLAIR: May it please the Court.

13 CROSS EXAMINATION

14 BY MR. LOCKLAIR:

15 Q: You stated you dated Brian since you were 15?

16 A: Uh-huh (affirmative response).

17 Q: How old are you now?

18 A: I'm 31. I'll be 32 October 14th.

19 Q: How old is Brian?

20 A: Brian will be 32 April 26th.

21 Q: You say that he came in Friday morning. He had been
22 out all night doing drugs and drinking; correct?

23 A: Yes, sir.

24 Q: What kind of drugs would your husband normally do?

25 A: Crack cocaine.

1 Q: Crack cocaine?

2 A: Uh-huh (affirmative response).

3 Q: And then he stayed home all weekend after that?

4 A: Yes, sir.

5 Q: And you've seen him in this condition before; correct?

6 A: Yes.

7 Q: And there's been a lot of times you've seen him like
8 this; correct?

9 A: Yes, sir.

10 Q: Because crack's real addictive; right?

11 A: Yes, sir.

12 Q: And once people start using crack they want to keep
13 going back and getting more crack; right?

14 A: Yes, sir.

15 Q: Almost to the point where all they think about is
16 getting more crack.

17 A: I suppose. I've never been addicted.

18 Q: Well, in fact, your husband went out and used all the
19 crack he could until he had no money and had no means of
20 getting any more crack and that's when he decided to come
21 home; correct?

22 A: I suppose. I can't speak for him, but usually.

23 Q: But you said he came home with no money; correct?

24 A: Uh-huh (affirmative response).

25 Q: Has he ever come home after these big old crack

1 benders before with a bunch of money left over?

2 A: No.

3 Q: He normally spends it all; doesn't he?

4 A: Uh-huh (affirmative response).

5 Q: Because he loves his crack cocaine; doesn't he?

6 A: I guess.

7 Q: Now, so, you've dated or been married to Brian for

8 over 16 years; correct?

9 A: Yes.

10 Q: And you love him very much; correct?

11 A: Yes.

12 Q: And you would do anything you could to help him out;

13 wouldn't you?

14 A: I would not lie or purger myself for him, no.

15 Q: If your husband was in some sort of serious trouble

16 you wouldn't do anything possible to help him out?

17 A: No, I would not lie.

18 Q: How long has he been using crack?

19 A: It's been years now. I don't really know when he

20 started.

21 Q: Does he use other drugs?

22 A: He smoked marijuana before, but other than that I

23 don't know of any other drugs he's used.

24 Q: Okay, you said he had lost his fishing license. What

25 was that for or his crabbing license?

1 A: He fishing after dark or after the time when you're
2 supposed to be out there in the boat.

3 MR. LOCKLAIR: Beg the Court's indulgence?

4 THE COURT: Yes, sir.

5 MR. LOCKLAIR: That's all we have, Your Honor.

6 THE COURT: Redirect.

7 MR. HEMBREE: Nothing on redirect, Your Honor. We'd
8 ask that Mrs. Elliott be excused.

9 THE COURT: Any objection?

10 MR. LOCKLAIR: Without objection, Your Honor.

11 THE COURT: You may step down and you're free to go.
12 Call your next witness.

13 MR. HEMBREE: Your Honor, in the case of State versus
14 Jody Lynn Ward the State of South Carolina rests.

15 THE COURT: All right, we have come, then, to a good
16 breaking point. Ladies and gentlemen of the jury, I'm
17 going to allow you to go to lunch. I'm going to ask you
18 once again if you would please wear your juror sticker.
19 That puts everybody on alert that you are in fact serving
20 as a juror in this case. We will have you come back at two
21 o'clock. We will see you back here at two o'clock at which
22 time we will continue in the trial of this matter. Have a
23 good lunch. Please do not discuss the case. See you back
24 here at two o'clock.

25 (Whereupon, the following takes place outside the

1 presence of the jury.)

2 THE COURT: Please be seated.

3 All right, anything from the State at this time?

4 MR. HEMBREE: Nothing from the State, Your Honor.

5 THE COURT: I'll be glad to hear from the Defendant.

6 MR. LOCKLAIR: Your Honor, at this time we would make
7 a motion for a directed verdict of judgment of acquittal.
8 We feel that the State has failed to carry their burden
9 such that a reasonable jury could find the guilt of the
10 Defendant. We would make this separately as to each
11 indictment, and specifically as to Elton Rutledge's
12 indictment we would say they have failed to establish where
13 a reasonable jury could identify that as the body of Elton
14 Rutledge and we would argue they have failed to meet their
15 burden and would request a directed verdict of a judgment
16 of acquittal. Thank you.

17 MR. HEMBREE: May it please the Court, Your Honor.

18 THE COURT: Yes, in response.

19 MR. HEMBREE: The State would contend that there is
20 more than sufficient evidence establishing the identity of
21 Elton Rutledge based on several factors. One is the
22 Defendant's own statement identifies Elton Rutledge as the
23 victim and having been shot, that he did meet his death at
24 the hands of another. He was last seen alive in the
25 company of Wilfred Brown and the Defendant at approximately

Motion

1 3:30 in the afternoon. Mrs. Brown, Mrs. Indria Brown
2 testified to that fact. They were -- the bones were
3 actually located in the same bag, in the same burial site
4 of the two, of the two victims in this case. Mr. Brown was
5 positively identified. Mr. Brown was determined to be a
6 victim of murder due to the gunshot wound to the back of
7 the head. Again, Mr. Rutledge's bones were there in the
8 same location, and certainly there is circumstantial
9 evidence that he may have met the same fate as his friend,
10 Wilfred Brown.

11 There was a confession, of course, to Denise Langston.
12 There was a confession to Kevin Cooper. The bones were
13 identified as that, even though they weren't identified by
14 the pathologist as being the bones of Elton Rutledge, they
15 were identified as the bones of an adult male, and finally
16 Your Honor, in sort of looking at this case, almost
17 studying it like a no body case; we look to the pattern of
18 life of Elton Rutledge, and that was the reason that we
19 offered that testimony was to establish the circumstantial
20 evidence that he met his death untimely. His sudden
21 disappearance was testified to by his father and his
22 sister. He was making plans. He had things to do that
23 day. He never reported back to work with his father. He
24 never went back to church. He was a regular and active
25 member in his church. He never -- he has never been seen

1 nor heard from since August the 3rd of 2002. He was
2 planning to go to the mall and on that very Saturday,
3 wasn't intending to be gone for a long period of time and
4 actually had asked his father's permission to leave and
5 wanted to know a time frame because his father had some
6 work for him to do in moving the equipment out of the
7 house. So, his departure, he had commitments and
8 obligations and plans to carry out later on in the day and
9 he never, never, of course, was available to go forward
10 with that, never returned home, never returned to work,
11 never returned to church.

12 Your Honor, the case on this issue is State versus
13 Alvin Owens is the leading case in South Carolina. That
14 was the -- kind of the famous no body case that was tried
15 by Jim Dunn in 1987 in Horry County. In that case the
16 Court found that the fact that he just suddenly -- that --
17 that the victim in this case, in Owens just suddenly
18 disappeared and he had obligations that he never met and
19 that he was, you know, was the kind of person who would
20 meet his obligations, found that his unlikely -- that there
21 was an unlikelihood of his voluntary departure and his
22 sudden disappearance was sufficient, standing alone, was
23 sufficient to stand as circumstantial evidence that the
24 victim is dead by the criminal act of another. So, Your
25 Honor, we would contend that for many, many, many reasons

1 there is more than sufficient evidence to submit this case
2 to the jury.

3 THE COURT: The Court determines and respectfully
4 denies the motion, that there is substantial circumstantial
5 evidence as to, and I'm talking as to each of these
6 indictments.

7 MR. LOCKLAIR: Thank you, Your Honor.

8 THE COURT: And therefore, sufficient to present the
9 issue to the jury for its determination. Again, I'm
10 looking at the evidence most favorable to the non-moving
11 party at this point.

12 MR. HEMBREE: Thank you, Your Honor.

13 THE COURT: Is there anything else that we can address
14 at this particular time? I need for you to talk to Mr.
15 Ward about the -- his decision of whether or not he intends
16 to testify in the trial of this case.

17 MR. LOCKLAIR: Yes, ma'am.

18 THE COURT: Have you had an opportunity to do that?

19 MR. LOCKLAIR: Yes, ma'am, we have. We would like
20 the break to further speak with him just due to some of the
21 nature of some of the witnesses that have come up and some
22 of the evidence that has been brought out or not been
23 brought out.

24 THE COURT: All right, would a -- would a ---

25 MR. LOCKLAIR: And we'd just like the time to ---

1 THE COURT: --- five-minute break be sufficient?

2 MR. LOCKLAIR: Yes, ma'am.

3 THE COURT: All right, we'll give you a five-minute
4 break. See you back in here in five minutes.

5 ***** OFF THE RECORD *****

6 (On the record.)

7 . (Whereupon, the following takes place outside the
8 presence of the jury.)

9 THE COURT: Thank you. Please be seated.

10 Have you had an opportunity to talk with the
11 Defendant, Mr. Ward, about his intention to testify in the
12 case?

13 MR. LOCKLAIR: Yes, we have, Your Honor.

14 THE COURT: All right, Mr. Ward, if you would please
15 stand.

16 (Complies with request.)

17 THE COURT: Raise your right hand, please.

18 (Whereupon, the Defendant was sworn by the Court.)

19 THE COURT: All right, Mr. Ward, you may be called as
20 a witness to testify on your own behalf. I advise you that
21 you have the right to invoke the protections given to you
22 by the Fifth Amendment to the Constitution of the United
23 States and a similar counterpart provision of the
24 Constitution of the State of South Carolina. The Fifth
25 Amendment to the Constitution of the United States provides

1 in part that no person shall be compelled in any criminal
2 case to be a witness against himself. This provision of
3 constitutional law means that you cannot be compelled or
4 required to testify in this case. This is a right and a
5 privilege which the law extends to you. This is a personal
6 privilege and no one can waive this right except you. Now,
7 you have the right not to testify but you also have the
8 right to testify. The Court will grant you the right to
9 further consult with your attorney before you make a final
10 decision. If you elect not to testify your failure to
11 testify cannot be used by the State as an inference of
12 guilt, and your failure to testify cannot be considered by
13 the jury in its deliberations.

14 Now, if you elect to testify and waive this privilege
15 that's extended to you by the Fifth Amendment to the
16 Constitution of the United States, I advise you that you
17 will then assume the role of a witness in this case and you
18 waive or give up your constitutional privilege against
19 self-incrimination. This means that if you voluntarily
20 take that witness stand you'll subject yourself to the same
21 rules that govern other witnesses and you may be examined
22 and cross examined on any relevant issue in this case and
23 you may be impeached to the same extent as any other
24 witness, subject, however, to our rules of law and court.

25 I further advise you that if you elect to take the

1 witness stand and testify that this decision on your part
2 must be made freely and voluntarily, intelligently and with
3 knowledge of the protections that are given to you by the
4 Fifth Amendment to the Constitution of the United States,
5 and with knowledge of the consequences of your election to
6 testify. Do you need to further consult with your
7 attorney?

8 MR. WARD: No, ma'am.

9 THE COURT: Have you discussed with your lawyer
10 whether you should or should not testify? Have you
11 discussed that matter with him?

12 MR. WARD: Well, we talked, yes.

13 THE COURT: Or with them?

14 MR. WARD: Yes.

15 THE COURT: Do you understand what I've just explained
16 to you?

17 MR. WARD: Yes, ma'am.

18 THE COURT: All right, do you have any questions about
19 what I've explained to you?

20 MR. WARD: No, ma'am.

21 THE COURT: Do you wish to testify?

22 MR. WARD: No, ma'am.

23 THE COURT: All right, I'll note for the record that
24 the Defendant in this has made the decision not to testify,
25 that he has made this decision freely and voluntarily,

1 intelligently and knowingly, with the advice of counsel as
2 well. Thank you. You may be seated.

3 We will take ourselves a lunch break. We will be back
4 here at two o'clock and resume the trial of the case at
5 that time. We will see you then. Have a good lunch.

6 ***** OFF THE RECORD *****

7 (On the record.)

8 (Whereupon, the following takes place outside the
9 presence of the jury.)

10 THE COURT: All right, anything from the State at this
11 time?

12 MR. HEMBREE: Nothing from the State, Your Honor.

13 THE COURT: Anything from the Defendant?

14 MR. LOCKLAIR: No, ma'am, Your Honor. Are we going to
15 do the charge conference prior to bringing the jury back
16 out?

17 THE COURT: Are you ready to go into the closing
18 arguments and the charge at this time?

19 MR. LOCKLAIR: Well, Your Honor, we ---

20 THE COURT: Are you presenting testimony?

21 MR. LOCKLAIR: We would propose that we would like to
22 have the charge conference at this point in time prior to
23 us putting up our case.

24 THE COURT: All right, I'll be glad to see you in
25 chambers briefly. I'll talk to you there.

1 MR. LOCKLAIR: Yes, ma'am. Thank you.

2 ***** OFF THE RECORD *****

3 (On the record.)

4 (Whereupon, the following takes place outside the
5 presence of the jury.)

6 THE COURT: Thank you. Please be seated.

7 We were in chambers and going through the charge,
8 making sure that the charge was all in order so that both
9 the State and the Defendant are aware of what will be in
10 the charge.

11 Now, rather than bring the jury out and me turn to you
12 and -- well, what will happen is when we do bring the jury
13 out I'll turn to you and you'll indicate that the -- that's
14 the Defendant's case. We will move on at that time.

15 What I'd like to do is go ahead with those, with any
16 motions or any matters that would need to be addressed so
17 that we can move right from bringing the jury out right
18 into the closing arguments and the charge on the law. Is
19 there any objection to that?

20 MR. HEMBREE: Not from the State, Your Honor.

21 MR. LOCKLAIR: None from the Defense, Your Honor.

22 THE COURT: All right, I'll be glad to hear then.
23 Anything from the State?

24 MR. HEMBREE: No, Your Honor.

25 THE COURT: Anything from the Defendant?

1 MR. LOCKLAIR: No, ma'am, Your Honor.

2 THE COURT: All right.

3 MR. LOCKLAIR: The Defense is going to rest.

4 THE COURT: Okay, I'm going to allow you to do that
5 when they come back out.

6 MR. LOCKLAIR: Yes, ma'am.

7 THE COURT: And you are prepared to go right into the
8 closing?

9 MR. LOCKLAIR: Yes, ma'am.

10 THE COURT: All right, now, anything you want to note
11 in regard to the charge? Of course I'll have you do it
12 after the charge as well but you may note it at this time.
13 Anything you want to make of -- put in the Court's record?

14 MR. LOCKLAIR: Your Honor, we would just ask that it
15 be noted that and we'll submit these for a court record,
16 we'll file them with the court, that we had requested a
17 charge on addict testimony that Your Honor felt was covered
18 through other things and would be a comment on the facts by
19 Your Honor and that's why you denied it, but we just note
20 that for the record. Thank you.

21 THE COURT: And I do tell the jury in this charge to
22 gauge and weigh credibility and believability and that may
23 be a factor they would consider in that and I'll allow you
24 to argue that but I refuse then to comment on those facts.

25 MR. LOCKLAIR: Thank you, Your Honor.

1 THE COURT: And if you want to make that part of the
2 record you certainly may.

3 Is there anything else?

4 MR. HEMBREE: No, Your Honor.

5 MR. LOCKLAIR: No, ma'am.

6 THE COURT: All right, very well. We're ready for
7 them.

8 (Whereupon, the following takes place in the presence
9 of the jury.)

10 THE COURT: Please be seated.

11 Welcome back, ladies and gentlemen of the jury. I
12 hope that you had a good lunch. We have now come to the
13 phase of the case where the Defendant has an opportunity to
14 present evidence and testimony.

15 Yes, sir.

16 MR. LOCKLAIR: Your Honor, at this time the Defense
17 would rest our case.

18 THE COURT: All right, we have now then moved into the
19 phase of the case where you'll be hearing closing arguments
20 of the attorneys. I will then charge you as to the law.
21 We'll begin at this time. Yes, sir.

22 MR. BRYAN: Thank you, Your Honor. If it please the
23 Court.

24 \$525 apiece is the value of human life to Jody Ward.
25 These two murders that Jody Ward committed on August 3rd of

Closing Argument by Mr. Bryan

1 2002 to Jody Ward they were nothing but a bad business
2 transaction, that's all it amounted to to him, that's all
3 it was ever about. In fact he said it out of his own
4 mouth. In his statement which you heard Jody Ward said
5 that this whole thing was over a drug deal gone bad.
6 That's Jody Ward's take on the whole situation of him
7 taking the life of two innocent people.

8 I want to go through some of the testimony with you.
9 Now, this is summation. So, what I say is not in evidence.
10 If what I say is different from your recollection of the
11 facts then you go with your recollection of the facts.
12 That's your job in this case. You are the judges of the
13 fact, the facts of the case. Ultimately, the facts in the
14 case are whatever you determine that the facts are. So, if
15 your recollection differs from mine then obviously it's
16 your recollection that prevails and the same is said for
17 Defense counsel. What they say in argument is also not
18 evidence. It is simply summation. It's our opportunity to
19 point out to you what we think is important and our
20 opportunity to draw your attention to certain facts.

21 Also, in determining the facts you're going to take
22 your facts from the witness stand and from the evidence
23 that's been placed into evidence in the case. As far as
24 the witness stand goes, you're going to determine whether
25 you believe all of what a witness says, none of what a

1 witness says or part of what a witness says. The way you
2 do that is through your common everyday experience. The
3 bottom line is do you believe what is said by the
4 witnesses? Use your common sense, use your everyday
5 experience. You know when somebody's telling the truth,
6 when they're telling a lie.

7 Also, you can use other tools like the fact that a
8 witnesses's testimony is corroborated or not corroborated
9 or whether they have an incentive to lie or whether they do
10 not have an incentive to lie. Basically, you judge their
11 demeanor and you determine for yourself if they're telling
12 the truth, and I want to start with the first witness,
13 Denise Langston.

14 Denise Langston stated that on the morning of August
15 3rd, 2002, Jody Ward, the Defendant, came over to her house
16 driving a black and red truck. She stated that he wanted
17 her to go buy him some or she needed -- he needed her to go
18 with him to buy some drugs. She stated she didn't have
19 time to do it, she couldn't go with him, he left at which
20 time they began a series of phone calls back and forth, six
21 phone calls, I believe.

22 The first phone call he makes he's riding around. He
23 says, "I'm with Wilfred Brown. We're just riding around
24 smoking some weed. Everything's fine."

25 The second phone call made a little while later

Closing Argument by Mr. Bryan

1 they're at the park, and at this point he says that they
2 are there to make a drug deal and says that there's a drug
3 deal for a pound of weed and about -- for \$1050. He states
4 that -- basically she states that she's in the car, and
5 that he gets. -- she takes it that Wilfred has gotten out
6 of the car and that Jody is talking to her about the drug
7 deal being transacted with some third-party. At that point
8 she says he's in a pretty good mood, everything is okay.

9 Sometime later she gets a third call from Jody Ward.
10 At this point he's not in a good mood. He's mad. He says
11 he's been ripped off for \$1050, he's going to get his
12 money, get his weed or he's going to take care of it.

13 Subsequently he's at Wal-Mart. Now, she says that he
14 calls and says that he's at Wal-Mart buying bullets and
15 he's going to take care of it. She says, "Jody, don't do
16 anything stupid." I'll submit to you that Wal-Mart is a
17 crucial fact in this situation because later on you're
18 going to hear from two other people who say that Wal-Mart
19 is involved.

20 Kevin Cooper later on is going to say that the
21 Defendant actually asked him to go to Wal-Mart and buy
22 bullets and Jody Ward in his own statement knows that he's
23 been seen at Wal-Mart. So, he says in his statement he was
24 there buying spark plugs.

25 Subsequently, she gets another call sometime in the

1 evening. He says something to the effect that he is there
2 with Wilfred Brown playing with his dogs or showing him his
3 puppies or some such thing, and finally at 11:45 he calls
4 again, he asks her or she asks, excuse me, he asks her to
5 come pick him up from his house on Sirfield Street and
6 Highmarket or just up the street from his house. She picks
7 him up. They go back to the house where the Defendant
8 confesses to Denise Langston. He states that he shot
9 Wilfred Brown and a man named Elton who he didn't know as
10 well. He stated that he dumped the car in Dawhoo Lake. He
11 told her that he used the TEC-9 which is a weapon that she
12 had seen him fire at least ten times, maybe 10 to 25
13 times in the past, that he disposed of that weapon in Green
14 Pond and sometime later he tells her that he had not only
15 disposed of the gun in Green Pond but then he goes back and
16 says that he retrieved it again and never told her where he
17 put it. Never does he mention in his statement to her
18 anything about Brian Elliott. There's only one time that
19 you hear anything about Brian Elliott and that's in
20 Defendant's statement four months later after the discovery
21 had been given to him and he knows who has said what and
22 when.

23 In addition to the confession she also testifies about
24 the gun. She described the gun. She said it was a nine
25 millimeter and she said it was a TEC-9. She then talks a

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1 little bit about some threats that were made and what is
2 the importance of the threats? The reason that the threats
3 are important is because the Defense is going to get up
4 here when I sit down and say, "You can't believe Denise
5 Langston. She lied to the police two times. You can't
6 believe her when she tells the truth." The reason that the
7 threats are important is because this lady is somebody who
8 knows that Jody Ward has confessed to brutally murdering
9 two people. He then threatens her and says, "I'll not only
10 kill her," but he'll kill her children. He keeps her on a
11 string. He keeps coming back by her house. He'll stop by
12 every so often. In fact, he'll stop by when she's not
13 there, wait for her in the dark in her own house. She gets
14 home and Jody is there, has a little talk as he's leaving.
15 He says, "Don't forget what I said." He comes by and he
16 does that periodically.

17 Now, the reason that's important is because it's only
18 two weeks after Jody Ward is incarcerated, locked up in the
19 county jail that she comes -- that when police approach her
20 a third time she tells them everything.

21 Now, how else do you know that she's telling the
22 truth? Now, Denise Langston you may not approve of
23 everything that she does, few people would. She admitted
24 some stuff that wouldn't make you proud if you were her
25 parent, but I'll submit to you that she was credible.

1 First of all you judge her demeanor, did she look like she
2 was lying, did she look like she was hiding something or
3 did she appear to be telling the truth? Secondly, did she
4 tell the whole truth? In other words there were things
5 that she admitted on that witness stand that nobody would
6 be proud of, the fact that she was riding around with Jody
7 Ward getting high all the time, that she was involved with
8 law enforcement on several occasions. There were several
9 embarrassing things that Denise Langston admitted to that
10 nobody would be proud of saying, but she told the truth and
11 she told the whole truth.

12 Finally, you know that she told the truth because her
13 testimony was corroborated. Her testimony was corroborated
14 by the fact that they found Jody Ward's wife's green Suzuki
15 Sidekick in Dawhoo Lake right where she said Jody Ward told
16 her he put it. Jody told Denise, "I sunk the car in Dawhoo
17 Lake." Now, this is important because I believe Chris
18 Doerr, who was the diver who discovered the vehicle, he
19 testified that they had dived in Dawhoo Lake three times.
20 They dove once they found nothing. They dove again they
21 found nothing. The third time they dive again because
22 Denise Langston came forward on September the 13th, I
23 believe.

24 Let me show you this calendar. September the 13th,
25 September the 12th Jody Ward -- I'm sorry, Louis Bazen

1 comes forward. That's when the bodies are found. On the
2 13th he's arrested. Two weeks later that's when Denise
3 Langston feels free to give her statement. As a result of
4 that statement they then dive Dawhoo Lake a third time on
5 September the 30th, the third time. They had already dove
6 twice unsuccessfully, and based on her statement they dive
7 again. Low and behold, Jody Ward's green Suzuki Sidekick.
8 There it is.

9 She was also corroborated by the statement of Kevin
10 Cooper. It's more than mere coincidence that she says that
11 he called her from Wal-Mart where he bought the bullets and
12 Kevin Cooper says, "Jody Ward came by. He asked me to go
13 buy some bullets." Where? From Wal-Mart. Now, is that a
14 coincidence?

15 Also, finally, corroborated by Beverly Ward. Now,
16 Beverly Ward was what could be easily described as a
17 reluctant witness for the State. There's no question that
18 she did not want to be here when she was testifying.
19 However, she did come in and she testified and she
20 corroborated Denise Langston's statement in a number of
21 ways. She stated that Jody Ward left that morning in the
22 black and red truck, which corroborates Denise's story that
23 he showed up over there in a black and red truck, said he
24 came back, they took the truck, left it in the garage. A
25 short time later he left in her green Sidekick, the Suzuki

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1 sidekick, which is obviously very important. That also
2 corroborate the statements of Indria Brown and Nadine
3 Brown.

4 She came home. She stated that he was supposed to be
5 gone about 15 minutes. "Well, for Jody Ward," she says,
6 "15 minutes could turn into three or four hours." Well, in
7 this case apparently it turned into more like 12 hours.
8 She stated that he came home around ten or 10:30 that
9 evening. It's interesting that she didn't know how he got
10 home. He didn't have the car anymore. He shows up. She
11 doesn't know how he gets home. Not only that, they have an
12 argument. She confirms that, again corroborating Denise
13 Cox. Says he goes outside, makes a bunch of phone calls
14 and disappears again, again corroborating Denise Cox who
15 says -- Denise Langston Cox who says, "He called me. I
16 went and picked him up from Sirfield and Highmarket."

17 Then we get to the testimony of Nadine Brown. Nadine
18 Brown is the mother of Wilfred Brown. Her testimony is
19 important because she says that between 11 and 12 o'clock
20 on August the 3rd, 2002, she was home. She lived a few
21 blocks away from where Wilfred lived and Jody Ward, the
22 Defendant, came by her house asking, "Where is Wilfred?"
23 She goes in to make a call to see if she could find
24 Wilfred. Jody said, "Here he comes now." She testified
25 she saw him drive up in the green Suzuki Sidekick. She

1 heard him say that here comes Wilfred and off they go.
2 They're gone, and I'm going to come back to something about
3 Nadine Brown a little later, too.

4 Then Kevin Cooper testifies. He says that on a
5 Saturday early in August, a Saturday early in August, he
6 saw Wilfred Brown in the company of Jody Ward. That's
7 August the 3rd, a Saturday. He says they came out of the
8 house between 11 and one o'clock. He asked him, Jody Ward
9 asked him to buy some nine millimeter bullets from Wal-
10 Mart. He also testified later that he overheard Jody Ward
11 tell Jody Owens that, "He took care of them boys that got
12 his money," bragging about it. Basically what he's doing
13 there is he's putting the word out on the street that if
14 you mess with Jody Ward you're going to get the business
15 end. This is a business transaction to Jody Ward and what
16 he's doing is he's bragging about it. He's telling his
17 good buddy Jody Owens, he's letting Kevin Cooper know to
18 put the word out that if you rip Jody Ward off you're going
19 to pay and you're going to pay with your life. He's
20 bragging about it.

21 Then Indria Brown testifies. Indria Brown is
22 obviously a crucial witness because she sees Wilfred Brown
23 and Elton Rutledge, Jr., the last time that anybody ever
24 saw them that we know of besides Jody Ward. She testifies
25 that she's over there taking care of her grandmother when

1 her husband calls, I think around noon, and says, "What do
2 you want to do about lunch? Do you want me to bring some
3 lunch?" "Yeah, please bring me some lunch." Calls back
4 around two and says, "What do you want?" "Get me some
5 Tony's." He brings by Tony's pizza and subs for his wife
6 at his wife's grandmother's house on 123 Feather Drive.
7 That's the last place that anybody ever saw Wilfred Brown
8 and Elton Rutledge and they were in the company of Jody
9 Ward. She testified not only did she see them drive up
10 together with Jody Ward driving the Suzuki Sidekick but
11 that she saw them leave together. They brought the lunch
12 in, Jody ran an errand, Jody came back, they all got in the
13 Suzuki Sidekick with Jody Ward driving and they left the
14 house. I'm going to come back to Indria Brown, too. That
15 was the last time that she saw her husband.

16 Now, in the opening Mr. Hembree talked a little bit
17 about malice, that malice can be formed in an instant, and
18 malice means a black heart, evil intention, and I want to
19 talk to you a little bit about evil intention. Jody Ward
20 called the mother of the man he knew he had just murdered
21 and told her that they had stolen his wife's car, knowing
22 that he had just shot Wilfred Brown in the back of the head
23 and left him in a field to die. He probably wasn't even
24 cold yet when he's calling his mother to report that her
25 son had stolen from him and that's a lie and he knew it was

1 a lie. Did the same thing to Wilfred Brown's wife, spoke
2 to Wilfred Brown's wife, Indria Brown, and accused the
3 person he had just murdered of stealing from him. Now, is
4 that testimony corroborated?

5 Danny Watson came in and stated that the next day,
6 August the 4th, Jody Ward came in with his wife. She was
7 listed as the victim because it was her car but Jody did
8 all the talking and Jody said that Wilfred Brown and Elton
9 Rutledge had stolen his wife's Suzuki Sidekick, knowing he
10 had left them in a field to die. He threw a little dirt on
11 top of them. He didn't even dig a hole. He left them on
12 top of the dirt for the buzzards to eat them. Knowing
13 that, he calls the wife and tells her that they've stolen
14 his car. I submit to you that's a black heart.

15 Chris Doerr testified, as I said first or earlier,
16 that it took them three times to dive in Dawhoo Lake. It
17 was the worst conditions he has ever dived in his life, 18
18 feet of water Jody Ward sunk this Suzuki Sidekick in.

19 Rod Greene testified about the crime scene. He stated
20 that there was a presumptive test for blood in the back
21 seat next to the baby seat. Now, the baby seat is a
22 crucial piece of evidence, absolutely crucial. The Defense
23 is going to get up here and argue, I assume, they may or
24 may not, but I firmly believe they're going to get up here
25 and tell you that Brian Elliott was driving around with

1 Jody Ward and Elton Rutledge and Wilfred Brown in the
2 Suzuki Sidekick. Now, if you know what a Suzuki Sidekick
3 looks like it is the -- I don't know if you can call it an
4 SUV. It's more like a jeep. It is a small vehicle. If
5 you have a baby seat strapped in the back there is no way
6 on earth that that man and three other grown men were
7 driving around smoking marijuana in the back of a Suzuki
8 Sidekick with a baby seat in it strapped in.

9 Rod Greene testified that the baby seat was strapped
10 in when it was found in Dawhoo Lake, and I submit to you
11 that it's ridiculous for them to assert that they had four
12 grown men in that tiny little car driving around with the
13 baby seat strapped in. If it had been in there you would
14 assume that they would have the sense to take it out and
15 put it in the trunk if they're going to be driving around
16 in the Sidekick. That's just simply not believable because
17 it's not the truth.

18 Tracy Collins testified. I think she was a very
19 credible witnesses who stated that she had fired a nine
20 millimeter weapon which she described as being about this
21 long with a big clip in it that you had to hold like this
22 (indicating). She stated that that gun belonged to Jody
23 Owens, that Jody had just gotten it, asked her to come fire
24 his nine millimeter. On cross, the Defense asked her, "You
25 ever seen Wilfred Brown with a gun?" Never in her life.

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1 She's seen Jody with a gun.

2 Louis Bazen testified. Louis Bazen, of course, is
3 another critical, absolutely critical witness to the
4 State's case. Louis Bazen testified that he was living
5 with Jody Ward because he was married to his sister,
6 Beverly Ward. He was having some trouble at home and he
7 was staying with his sister, Beverly Ward, and her husband.
8 He states that on August the 29th or thereabouts Jody Ward
9 asked him to drive him around. He said he had a driver's
10 license. Jody Ward didn't have a driver's license. Jody
11 Ward corroborated that same statement in his statement,
12 said he didn't have a driver's license. He was getting
13 Louis Bazen to drive him around. He didn't tell Louis what
14 it was. He said it was something about a reefer plant or
15 something or Louis said that he assumed that's what it was
16 about. Jody said in his statement that's what he told him.
17 So, Louis knew not what was going on, had no clue what he
18 was about to get himself into. He just knows his good time
19 buddy, Jody Ward has got some marijuana to smoke and some
20 marijuana to go move. So, he hops in the car, Jody's car,
21 because Jody doesn't have a license, and they start off
22 here at Sirfield Street.

23 They first go by Chavis Landing where they get a
24 shovel. Then they go by his sister Buffy's house where
25 they get a bag or vice versa. They get a -- the sack from

1 Chavis Landing and get a shovel from Buffy's house. That
2 all takes place right here on this tiny little area of
3 Sirfield Street right by Jody Ward's house. Then they take
4 off and at his direction, I said, "Where, where were you
5 going? How did you know where to go?" "Wherever Jody told
6 me, take a right, take a left, turn on Highmarket, turn
7 down Indian Hut, turn down Gapway." He says that Jody has
8 him drive him around from Jody's house. After they get
9 those they then go to what I want to call crime scene one.
10 They drive this way up the Georgetown Highway, take a right
11 on Gapway Road and drive past the crossroads and get to
12 what I'm going to call crime scene one. That's where he
13 says, showed you the picture which is in evidence it's a
14 little Hunt Club Road off of Gapway Road that has a picture
15 of a fence there. He says the fence was closed. He drops
16 him off there. He disappears, Jody Ward with a shovel and
17 a bag. He asks Louis to ride around for 15 minutes. He
18 does so. He comes back. When he's there Jody's not there
19 yet. He waits a couple of minutes. Here comes Jody down
20 this long road, Hunt Club Road.

21 He sees Jody coming down with a bag. He doesn't know
22 what's in the bag. He's carrying a little bag behind him.
23 He gets in the car. He asks him to pop the trunk. He puts
24 the evidence in the -- he puts the bag in the -- the shovel
25 in the trunk. Jody then directs him to crime scene two.

1 This is right off of Indian Hut Road. It's a Walker Farm
2 Hunting Club, all in this small little area. This is, I'll
3 point out to you, this is Deer Springs Loop right here.
4 Now, Deer Springs Loop is the former home of Jody Ward.
5 That's not a coincidence. Jody Ward knew this area. He
6 knew he had -- he started getting antsy. That's what he
7 said in his statement. He knew that somebody was going to
8 say something. So, he got antsy. He wanted to move the
9 bodies. Why did he move the bodies? He was getting
10 nervous. They were going to go to crime scene one. So,
11 where does he take the bodies? It's no coincidence that
12 it's one street over from where Jody Ward used to live.
13 Now, that corroborates Louis's statement. I don't think
14 there's any question about that. He takes him there.
15 Louis says he does the same thing. He drives off, drives
16 around, comes back and low and behold Jody comes back.
17 He's got a shovel and no bag now.

18 Louis then tells law enforcement what had happened.
19 They ask him where he took him to the second time where
20 Jody disposed of the bag. It's no coincidence that they
21 find a bag of bones at that location. That obviously
22 corroborates Louis Bazen's story. Now, Louis Bazen also
23 and I'm going to come back to the bag of bones. Louis also
24 made some statements or said that Jody made some
25 statements. He said that a couple of days later Jody said,

1 quote, "I got rid of those boys." Jody, all throughout the
2 course of August, from August 3rd of 2003, 2002, until
3 today or the time when he gave a statement to Carter Weaver
4 he has been hiding evidence and obstructing your ability

5 ---

6 MR. LOCKLAIR: Objection, Your Honor. That's a
7 misstatement of the defense and it's uncharacteristic of
8 the Defendant and counsel and we would ask for a curative
9 instruction or in the alternative a mistrial.

10 THE COURT: Let me have you, let me have you come
11 forward.

12 (Whereupon, a Bench conference was held in the
13 presence, but out of the hearing, of the jury.)

14 THE COURT: Ladies and gentlemen of the jury, I want
15 you just to disregard that last statement. It's -- he's
16 going to rephrase and clarify. I also want to remind you
17 that what the attorneys say in these closing arguments is
18 not evidence. You will recall the evidence as you heard it
19 from witness stand and as you see it in the exhibits.
20 We'll continue.

21 MR. BRYAN: Thank you, Your Honor.

22 I'm going to come back to Jody Ward's attempt to hide
23 the evidence and the fruits of his crime and the evidence
24 thereof. I want to focus on the statements Louis Bazen
25 said. He said, "I got rid of those boys." He said, Louis

1 testified one of the last things that he said was that on
2 February the 26th that he had called his sister Buffy's
3 house. I'm sorry, his sister Beverly's house, Jody's wife
4 to speak to Beverly and that the Defendant told him that he
5 should -- when he's called to testify ---

6 MR. LOCKLAIR: Objection, Your Honor. I believe he's
7 commenting on facts not in evidence.

8 THE COURT: All right, I'm going to -- and I'd have to
9 hear what he -- I think you're anticipating something.

10 MR. LOCKLAIR: Yes, ma'am.

11 THE COURT: All right, I want to caution you to make
12 sure that you testify about what has been -- that you
13 actually argue as to what's in evidence and remind, ladies
14 and gentlemen of the jury, to recall the evidence as you
15 heard it from the witness stand. If you'd continue.

16 MR. BRYAN: Thank you, Your Honor.

17 At the end of his testimony I asked Louis Bazen, "Why
18 did you come forward," and he stated that it was his
19 conscience, that his conscience was working on him," and I
20 submit to you that Louis Bazen was a very credible witness,
21 that he didn't try to hide anything, that he didn't do
22 anything but tell the truth as he knew it, and he told all
23 the truth. There's one more statement that Jody Ward made
24 to Louis Bazen as they're driving around town a little
25 while after he's moved the bag of bones. He tells Louis

1 Bazen, "That's where them boys were." They're driving
2 around some field out near where crime scene one was. He
3 says, "That's where them boys were. There was buzzards
4 everywhere," and I'll submit to you that Louis Bazen did
5 have his conscience work on him, and I think the thought of
6 that statement was too much for Louis Bazen and because
7 Louis Bazen could not deal with his conscience and the
8 actions of what he knew that Jody Ward had done he came
9 forward. As a result of that the State was able to collect
10 the rest of this evidence.

11 I told you that Rhett Holden, as I said, he's a SLED
12 agent and he discovered, he went to the crime scene right
13 where Louis Bazen told him to go. They took the cadaver
14 dogs out there and they found a bag of bones with some
15 other items in it, including Elton Rutledge's shoes, also
16 including some large bird feathers.

17 Steve Lambert testified that the bloodstains in the
18 back of the car were not conclusive but there was a
19 presumptive test and that two months sitting under water
20 could be enough to destroy the bloodstains or any value
21 that it would have as far as a conclusive blood test would
22 be in the back of the Suzuki Samurai. He said in fact that
23 he would not expect to get a conclusive result after that.
24 He also testified that they were unable to get enough
25 material to do a DNA test on the two subjects.

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1 However, Kim Collins came in and she was able to
2 identify from the jawbone of Wilfred Brown that it was, and
3 his dental records, that it was, in fact, Wilfred Brown.
4 She stated that from the remains they found she could tell
5 that there were two people in that bag or the remains of
6 two people in that bag, that there wasn't a complete body
7 between them. She also testified, and this is absolutely
8 crucial, that the gunshot that killed Wilfred Brown was to
9 the back of his head.

10 Dan DeFreese's testimony, essentially the importance
11 of that is he does not exclude a nine millimeter caliber
12 from being the caliber fired from the weapon that killed
13 Wilfred Brown. In other words, the Defense may get up here
14 and say there's 37 weapons that could have. Well, one of
15 those 37 weapons or more was the one that Jody Ward was
16 firing all over Georgetown County and ultimately the one
17 that he took and used to kill Wilfred Brown and Elton
18 Rutledge.

19 Now, I want to talk a little bit about Elton Rutledge
20 because I'm anticipating the Defense's case is because
21 there's no medical evidence to say that Elton Rutledge has
22 been -- was killed by Jody Ward or was killed at all that
23 we haven't proven our case, but that's simply not true.
24 This is a circumstantial case but it is a strong
25 circumstantial case, and long before there was ever a

1 concept called DNA there were murderers and there were
2 murderers who were convicted by jurors, and there is still
3 cases where no body is recovered and murderers are
4 convicted based on circumstantial evidence, and in this
5 case there is a lot of circumstantial evidence that this
6 Defendant killed Elton Rutledge, Jr.

7 First of all as I just pointed out, the testimony of
8 Dr. Kim Collins who said in her opinion Wilfred Brown was
9 murdered. Now, his bones and his remains were found in the
10 same bag that other bones were found in. So, there was a
11 second person. Elton Rutledge, Jr., was last seen in the
12 company of two people, the person who was murdered and the
13 person who murdered him. Since then, August 3rd, 2002, he
14 has not been seen by his father, Elton Rutledge, Sr., who
15 he worked with everyday, or his sister, who he was supposed
16 to go shopping with later that afternoon, and not only
17 that, but also in evidence is the shoes that belonged to
18 Elton Rutledge, Jr. His dad testified and his sister
19 testified that those were those shoes, and they were found
20 in the bag with the skull of Wilfred Brown where he had
21 been shot in the back of the head and also his own, his own
22 bones.

23 Now, there's also the fact that, of course, this
24 Defendant had made prior threats to Wilfred Brown, and the
25 fact that he bragged about having killed them, and probably

1 need not remind you, that the Defendant gave a statement to
2 Assistant Sheriff Carter Weaver that he was present at the
3 scene when Elton Rutledge was killed. I'm going to get to
4 that statement and his assertion of Brian Elliott's self
5 defense but there is no question but that if you believe
6 that that Defendant, Jody Ward, murdered Wilfred Brown that
7 he also murdered Elton Rutledge.

8 I want to talk just briefly about Jody Ward's
9 statement, and I think it bears mentioning that he had four
10 months between the time of this crime and the time that he
11 gave his statement to get his story straight, and in that
12 time he knew according to his statement that Denise
13 Langston Cox had talked to law enforcement and he knew that
14 Louis Bazen had talked to law enforcement and he knew what
15 they said. I think one of the most critical things about
16 the statement of Jody Ward is not necessarily what he said
17 but how he said it. His demeanor on that tape is almost
18 unbelievable. It is simply cold and calculated. It is --
19 there is not a hint of emotion at any point on that tape.
20 He talks about going back to retrieve the bodies and
21 Assistant Sheriff Weaver asked him about digging the hole
22 and he said, "Well, no, no, I didn't dig a hole. I just
23 threw some dirt on them." He says, "That's two grown men
24 you couldn't, you couldn't, couldn't dig a hole for them.
25 You just" -- he just threw some dirt on them, not a bit of

1 emotion. Jody Ward is concerned about nothing but Jody
2 Ward. Protecting Jody Ward is his only interest, not, not
3 the least bit of remorse, not the least bit of concern
4 about the fate of the two people that he had killed.

5 He admits on the tape, and I have said this, he
6 admitted he picked up Wilfred Brown, that they were with
7 Elton Rutledge. He admitted that he went by Wal-Mart.
8 Now, that's not a coincidence. He knows that he's been
9 seen in Wal-Mart where he was buying bullets. He admitted
10 that there was blood on the back seat. He made some
11 statements. You know, again, his cold and calculated
12 nature after he says that Brian Elliott had really killed
13 these fellows in self defense, albeit, what does he do?
14 He's driving around Georgetown looking for something to
15 eat, I mean, not a second thought about it. That's what he
16 testifies that he was doing. He's driving around thinking
17 about McDonald's. He's not sure where they ate, but he
18 knows him and Candy, I believe, they went and got something
19 to eat or him and Denise.

20 He's also caught lying a couple of times on the tapes,
21 a couple, you heard it. You can judge for yourself whether
22 he was credible. I just point out a couple of things to
23 you. On some point in there he starts talking about the
24 shovels and he makes a mistake and Carter Weaver says, "So,
25 you changed a little bit," and he admitted it, "Yeah, yeah,

1 I got mixed up about the shovels."

2 Then he says, just a little while later, he says, I
3 think he was talking about where to dump the Suzuki
4 Sidekick, and he says, "So, I talked to Denise, I mean, I
5 talked to Brian Elliott," because Brian Elliott is his
6 scapegoat. He's decided that he's going to pin it on Brian
7 Elliott, but he slips up and he says, "I talked to Denise,"
8 I mean, "I talked to Brian Elliott." Shortly thereafter,
9 he just goes to stammering and stuttering about just
10 completely unbelievable statement.

11 Another thing he's lying about is Carter Weaver says,
12 you know, the whole statement is poor Jody. You know, can
13 you imagine Jody's fate? Poor Jody. He just happens to be
14 there in the middle of this robbery when Brian Elliott
15 manages to wrangle this gun away from two individuals who
16 are trying to kill him. Barehanded he takes the gun away
17 from them, shoots them, and then as fate would have it
18 Brian Elliott he's done with it. He kills them. He goes
19 home and he's watching TV. He's taking a shower and gets
20 something to eat and he isn't heard from again. It's all
21 Jody's bag now. He's left holding the bag.

22 Well, so, he's pinning it on Brian Elliott and Denise
23 Langston who he's mad at because Denise has come forward
24 and told what she knows. So, now he's going to point at
25 Brian Elliott. Why Brian Elliott? He basically admits it

1 at the end of the statement. He says they argued about
2 crab traps. Now, how unbelievable is it that they have
3 this knock down, drag out argument about crab traps between
4 he and Brian Elliott after Brian Elliott has murdered two
5 people and left Jody Ward to hide the bodies, move the
6 bodies, dump the Suzuki Sidekick, dispose of the gun and
7 clean up the whole operation. He's done with it. Brian
8 didn't really, he didn't really argue with Brian about
9 that. He didn't really have any problem with all that, but
10 the crab traps he was mad at him about. They got in this
11 little argument about the crab traps. Basically, Jody Ward
12 doesn't like Brian Elliott and he's pinning it on him, but
13 that's all he's got, that's all he's got.

14 He says -- so, he's being told the whole time by Brian
15 Elliott what to do and also Denise Langston because she
16 gave a statement. At some point Carter says, "Where's the
17 gun," and he says, "In a creek where Denise told me to
18 throw it." Well, Carter rightfully points out, "You know
19 that area like the back of your hand. You know what creek
20 it's in, what creek is it?" "I don't, I don't know what
21 creek it is." Do you know why he's not saying what creek
22 it is it's because it's not a gun belonging to Wilfred
23 Brown or a gun belonging to Elton Rutledge or anybody else.
24 It's a TEC-9 that people have seen Jody Ward fire all over
25 Georgetown County. So, of course he's not going to tell

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1 law enforcement where it is. "Oh, geeze, I don't -- I mean
2 just some creek Denise told me. I don't know."

3 One more thing he gets caught in a lie as far as he
4 goes out there to move the bodies. He gets a little antsy.
5 He goes out there to move the bodies and he takes with him
6 just a croaker sack. Now, this is two grown men he's going
7 to put in a croaker sack. So, Carter Weaver knows he must
8 know what the condition of the bodies are. So, Carter
9 says, "Well, well, you must have been out there." "No, no,
10 no, I never went out there, just the two times, the one
11 time when I drug them out there, the one time when I moved
12 them. No, that's it."

13 Carter says, "Well, how were you going to fit two
14 grown men into a croaker sack? You must have known what
15 condition they were in, that it was just a pile of bones at
16 this point." "Yeah, yeah, I guess I did go back." He just
17 plain admits that he's lying. There's no question about
18 that. I won't say anything more about it.

19 I want to talk to you briefly about the Defense's
20 case. I don't, I don't know what they're going to argue.
21 I just ask you, obviously, after I sit down there's going
22 to be some things that I'd like -- I'm probably going to
23 forget and there's also going to be some things that they
24 address that I wish that I could readdress to you. I'm not
25 going to have that opportunity. All I ask for you to do is

1 use your common sense when you're listening to the
2 Defense's closing argument.

3 I assume that based on the opening argument that they
4 say that there's some pieces missing to the puzzle, that
5 you're going to have to fill in the details about what
6 really happened. So, I assume that they're going to talk
7 about a lack of evidence and I want to talk to you a little
8 bit about the lack of evidence. I think there is a great
9 deal of evidence and there is no question the State has
10 carried the burden, absolutely no question, but what
11 evidence there isn't is as a direct result of Jody Ward
12 hiding it.

13 Let's talk about the evidence he destroyed. He said
14 -- first he left the bodies out there, August. So, you
15 know what the conditions are like 2002 in August. It was
16 obviously pretty hot in Georgetown County. He leaves them
17 out there in a field not even covered up. He goes back,
18 puts them in a croaker sack, buries them in the swamp.

19 Then he dumps the car in Dawhoo Lake, which is
20 according to Corporal Doerr, was the most difficult place
21 he had ever dove to try to recover the -- they dove three
22 times to try to find the car. He says he threw the weapon
23 in Green Pond, then he retrieved it. Now it's in a creek
24 somewhere who knows where.

25 He threatened to kill Denise Langston if she came

1 forward, threatened to kill her children, and then and this
2 is just plain offensive, he calls up the victim's wife and
3 the victim's mother and tries to sell this phony story
4 about them stealing the car in order to thwart law
5 enforcement from looking for these two dead bodies. "Oh,
6 they've gone, they've gone off somewhere else. They've
7 just stolen my car and absconded. Don't" -- then he files
8 a false police report as if calling the victim's mother and
9 wife isn't enough. I submit to you that's malice. That's
10 a black heart.

11 Now, the Defense, I assume, also is going to talk
12 about self defense and third-party guilt. Now, these I
13 think they're going to have to separate because I don't
14 think Jody Ward's statement ever said that he defended
15 himself. So, that's not self defense. If you believe Jody
16 Ward's statement it's not a matter of self defense. It's a
17 matter of Brian Elliott. If you believe Brian Elliott was
18 driving around in the back of that Suzuki Sidekick sitting
19 in a, sitting in a baby car seat, I guess -- I don't know
20 if that's going to be their argument or not, but I submit
21 to you that as far as this theory goes he says that Brian
22 Elliott is acting in self defense. Wilfred Brown is shot
23 in the back of the head. Now, I do not know how you could
24 shoot somebody in the back of the head in self defense, and
25 I believe the Judge will charge you that if the threat is

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1 alleviated, in other words if you're acting in self defense
2 and you're in the right as far as defending yourself, that
3 once the threat has been alleviated you don't have a right
4 to kill somebody, and if somebody has got their back to you
5 and you have taken their weapon, according to the
6 testimony, if you believe that Brian Elliott, Jody Ward,
7 whoever has got the gun from these two -- from Elton
8 Rutledge and Wilfred Brown, plus he's got the gun, there's
9 no threat. There's no need to shoot them, but even that
10 being said he shot him in the back of the head. That's not
11 self defense. It's just not.

12 Finally, as far as Brian Elliott is concerned, Melissa
13 Elliott testified, again, you know, it's nothing that
14 anyone would want to brag about that their husband is
15 addicted to crack and tends to go on benders and not really
16 leave the house, kind of sleeps it off for days at a time,
17 but she came in here. She told the truth. She admitted
18 that Brian Elliott had been out doing what Brian, what
19 Brian Elliott does and that he was sleeping it off for that
20 entire day, that he wasn't outside. The next time she saw
21 Jody Ward was Monday or Sunday night when he came by
22 looking to go crabbing with Brian.

23 Now, if Brian Elliott had killed these fellows in Jody
24 Ward's presence, it must have probably been very
25 frightening for Jody, I'm sure. Now he's charged with the

1 responsibility of destroying all the evidence or getting
2 rid of all the evidence and burying the bodies, but then he
3 threatens to, according to Jody Ward he says he threatens
4 to kill, kill his kids and drink their blood. Now, if he
5 had said that why in the world is he going crabbing with
6 him on Monday morning? Does that make any sense? She said
7 that he came by and they loaded up the boat and went off
8 crabbing together the next Monday morning. I think that
9 pretty much is all I need to say about Brian Elliott's
10 involvement.

11 Now, self defense, I don't even -- I'm going to
12 address it. I think it's coming, maybe it won't be, but it
13 seems absurd, it's ridiculous, but I guess the theory on
14 self defense would be that if you don't believe that Brian
15 Elliott was involved and then somehow insert Jody Ward into
16 his stead and then he was acting in self defense the day
17 that Wilfred Brown, Wilfred Brown and Elton Rutledge had
18 attacked him that he's acting in self defense, not Brian
19 Elliott, that he had just made up the Brian Elliott part of
20 it, that's the only thing that I can assume they're talking
21 about about self defense because, otherwise, you're talking
22 about a third-party guilt of Brian Elliott, but again, self
23 defense isn't an issue. He was shot in the back of the
24 head. There's, there's no self defense there.

25 Finally, reasonable doubt. The State has the burden

1 of proof and you heard the Defense open and say that the
2 Defendant is cloaked in a robe of righteousness. Well, he
3 is at the beginning of the trial, and it's up to the State
4 to remove that robe of righteousness.

5 A Defendant is presumed to be innocent until proven
6 guilty. That's the State's burden. Now, reasonable doubt
7 is the burden. It's the highest burden in the law. It's
8 not beyond any doubt. It's not beyond a crazy doubt. You
9 can have a doubt about anything. You can have a doubt
10 about whether there's salt in the ocean. That's not a
11 reasonable doubt. The Judge is going to charge you that a
12 reasonable doubt is a doubt that would cause a reasonable
13 person to hesitate to act.

14 Now, hesitate to act does not mean that you are not to
15 deliberate. That is your job as jurors. You are to go
16 back in the jury room after all the evidence, the closing
17 and the Judge charges you, you're going to go back in the
18 jury room and you're going to deliberate. You're going to
19 talk about the case and things may come up.

20 Now, hesitate to act means that after you have gone
21 over the evidence in its entirety, if you still have a
22 reasonable doubt the Defendant is not guilty you must let
23 him go, but if after you look at the entirety of the
24 evidence you believe he's guilty your obligation as jurors
25 is to convict him.

1 Now, the pieces of the puzzle, as I see it, are this.
2 Jody Ward threatened Wilfred Brown, who was coincidentally
3 in the company of Elton Rutledge when he killed him. He
4 threatened him. Denise Langston said that, said he's going
5 to get his money, his weed or he's going to take care of
6 it. Kevin Cooper said, "He asked me to go buy bullets for
7 him, and he said he was going to take care of those boys."

8 They were last seen, Elton Rutledge, Wilfred Brown,
9 never been seen since August 3rd of 2002. The medical
10 evidence, Wilfred Brown is deceased, last seen in the
11 company of Jody Ward. Jody Ward confessed to Denise
12 Langston. He made incriminating statements to Louis Bazen
13 and he also told Kevin Cooper he took care of those boys
14 that got his money.

15 Then there's the obstruction. For Jody Ward it's all
16 self preservation. That's all it is to him. He lies to
17 his wife. He lies to the victim's mother. He lies to the
18 victim's wife. Finally, his last lie is to Carter Weaver,
19 the assistant sheriff who he gave the statement to.

20 Now, in his statement he throws off on Brian Elliott.
21 He had four months to come up with Brian Elliott. All of a
22 sudden Brian Elliott is the guy who did it. Where was
23 Brian Elliott when Jody Ward was burying the bodies, moving
24 the bodies, disposing of the evidence, sinking the car,
25 disposing of the weapon. It's simply ridiculous. The fact

1 is Jody Ward is a cold-blooded killer and that he murdered
2 Wilfred Brown and Elton Rutledge, Jr., on August the 3rd of
3 2002 and that the man you heard on that tape giving you
4 that ridiculous story had killed those two in cold blood,
5 and you can tell not only from what he said but how he said
6 it, and we ask only that you do justice in this case and
7 convict Jody Ward with the murders of Elton Rutledge, Jr.,
8 and Wilfred Brown. Thank you.

9 THE COURT: Thank you, sir. Yes, sir.

10 MR. LOCKLAIR: May it please the Court, Your Honor.

11 THE COURT: Yes, sir.

12 MR. LOCKLAIR: Ladies and gentlemen of the jury, once
13 again my name is Wesley Locklair. I just want to once
14 again thank each of you for your time and the careful
15 attention you've been paying during this case.

16 As the Judge told you earlier and she'll tell you
17 again, Jody Ward still sits there presumed innocent, as he
18 has been throughout this entire trial. Throughout this
19 trial the State carries the burden of proof and they must
20 prove his guilt to every element of the crime beyond a
21 reasonable doubt to each and every one of your
22 satisfactions.

23 Now, I want to go ahead and tell you if either myself
24 or Ms. Kneece have done anything to offend or bother you
25 please don't hold it against Mr. Ward. Please give him his

1 fair and just day in court and weigh the case based on what
2 the State has and has not proven.

3 I'm going to go back through some of the evidence with
4 you and as Mr. Bryan said what I say and what he says is
5 not evidence. If you remember different from what I said
6 you use your recollection of what occurred on that witness
7 stand and you base it on that.

8 Now, there are some things that I want to point out
9 about what Mr. Bryan said that kind of go back towards the
10 prosecution, too. He says, "Well, why would Jody Ward be
11 riding around with Brian Elliott if Brian Elliott
12 threatened him?" Well, why would Denise Langston be riding
13 around with Jody Ward if Jody Ward had threatened her? Why
14 would she ride six hours through rural South Carolina down
15 to Ridgeland, South Carolina, and come back in the dark
16 late at night with somebody who has threatened to kill her?
17 Why would she go to the police and wear a body wire and go
18 and approach somebody who has threatened to kill her? I
19 would submit the reason she did those things is because he
20 never made those threats to her. That's something that she
21 invented and the facts show otherwise. If you look at her
22 testimony and she says, "Well, Jody told me that he shot at
23 Wilfred from the front of the truck and then Elton jumped
24 in the back seat and he shot at him," well how does that
25 explain the bullet hole in the back of the vehicle which

1 their own witnesses said traveled inward from behind the
2 vehicle? Obviously Denise didn't know all the facts and
3 the physical evidence; and so, her story couldn't match up
4 to the things that can be proven through direct evidence.
5 There's proof positive that a bullet went in the back of
6 that truck, and Denise's story does not line up with the
7 physical evidence.

8 She further stated that Jody Owens at one time had
9 owned some guns, and when she went in for her interview
10 there conveniently happened to be a warrant for her arrest
11 sitting on the officer's desk in front of her as she's, as
12 she told you all for obstruction of justice. She's facing
13 prison. The Judge has signed the warrant. The officer has
14 signed the warrant. It's sitting right there. "Come on,
15 Ms. Langston, tell us what you know. I'm going to serve my
16 warrant on you," and then miraculously they never served
17 the warrant on her because they got the story that they
18 wanted. So, they decided, "Even though this judge has
19 signed this warrant saying we should arrest you we're not
20 going to serve it on you. We're going to choose not to do
21 that because you're going to say what we want to hear."

22 I would argue that Louis Bazen, also, cannot be
23 believed on certain points. He has selective memory as you
24 heard on cross examination. He remembered what he wanted
25 to remember, didn't remember what he didn't want to

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1 remember. He talked about how he had been prepared time
2 and time again for his testimony here in court. He had
3 gone over that testimony with the Solicitors. He had met
4 with the police on several times, and in fact he said he
5 was mad because the cops thought he was lying. Their own
6 police force did not believe Louis Bazen. They thought he
7 was a liar. They didn't trust him. I would submit you
8 cannot trust everything he said either.

9 Next you had Kevin Cooper. You heard him talking
10 about Wilfred Brown was joking and laughing. He didn't
11 seem like anything was wrong. If somebody was really
12 sitting there seriously threatening somebody's life do you
13 think they're going to hang out with them laughing and
14 joking? Do you think they're going to go into Wal-Mart
15 with him while somebody says they're buying bullets, and
16 let me ask you this, why did they not subpoena anybody from
17 Wal-Mart? Why did they not put in proof of what was
18 purchased on August 3rd of 2002 to show if any bullets were
19 even bought from that store? They offered no evidence that
20 there were any nine millimeter bullets even purchased from
21 Wal-Mart. Yet they want you to believe that when they
22 could have easily marched in a witness to offer you direct
23 proof, but they chose not to do that, ladies and gentlemen.
24 They chose not to bring that witness in, and if you want to
25 talk about witnesses that they chose not to bring in, let's

1 go ahead and speak about Brian Elliott. Where was Brian
2 Elliott to testify? Where was he to say Jody's lying?
3 They bring in his wife to say, "Oh, he had been on a crack
4 bender. So, he had to stay in bed for three days. He
5 couldn't get up. He was out doing drugs," which is
6 something he always does. I mean, he goes out and spends
7 all his money till he's done with it and then she said,
8 "You know, crack addicts they want more crack and more
9 crack and more crack until they just can't get anymore."

10 Well, I would submit to you that she has an incentive
11 to lie because if Brian Elliott was involved then obviously
12 he's going to face punishment. They've been together since
13 she was 15 years old, since she was a little girl she knows
14 of nobody other than Brian Elliott and her father is the
15 men in her lives who are there to protect and guide her.
16 For 16 years she's been at his side. I would submit to you
17 that she has every incentive to lie.

18 In fact, you heard from Jody's statement that Brian
19 was doing crack the day that they were out there, that he
20 was looking for crack, and as she said, you know, obviously
21 that's something we could probably believe because he
22 always does crack cocaine unless he doesn't have any money,
23 and isn't it funny how out of all these times that he goes
24 out and does so much crack that he can't even function or
25 move that she happened to remember the details of this very

1 specific weekend when asked about them later by law
2 enforcement? You would think if you've got somebody going
3 out and doing crack all the time it'd kind of start to blur
4 together when they're laying there as a diseased blob on
5 the couch in their drug state, probably not even half
6 knowing what's going on in his life at the time.

7 You heard Carter Weaver ask Jody on the tape something
8 about the bodies being chopped up. Dr. Collins testified
9 there was no evidence to that. There's no evidence that
10 the bodies were chopped up. We would submit to you the
11 condition of the bodies is due to the fact that it was
12 August in South Carolina and the bodies were outside.
13 There's obviously going to be decomposition and other
14 things such as that.

15 You heard testimony from Robert [sic] Greene. He was
16 the agent at SLED who went out and examined the vehicle
17 after it had been pulled from Dawhoo Lake. Well, first off
18 he testified, yes, there is a bullet hole in the back of
19 the vehicle. So, that discounts Denise's whole theory
20 about what she says is the truth, and then he says there's
21 a driver's door with a bullet mark and it's at a shallow
22 angle, something quick, not wide, but he doesn't know any
23 more about that, you know, that's pretty much all he can
24 say. He can't say if the door is open, can't say if the
25 door was shut, but it's pretty fair to say if there's a

1 bullet on the driver's door and somebody was standing at
2 the front of the car it's going to be pretty hard to come
3 down into it at some sort of a shallow angle, further
4 evidence to discredit Denise Langston's story.

5 Denise Langston, as you know, was a drug user,
6 admittedly. So, I submit to you that her testimony is
7 suspect. Her memory is suspect. Her credibility is
8 suspect. You further heard that Jody was the one who ended
9 their relationship, that he left. I would submit to you
10 that that is another motive for her, the fact that Jody had
11 broken up and ended their relationship.

12 You heard testimony from Indria Brown who talked about
13 Jody Owens's number being on caller ID, Jody Owens has
14 called Wilfred earlier, and you heard that Denise said Jody
15 Owens owned guns. We didn't hear from him either.

16 They want to talk about a drug deal gone bad and \$525
17 is the value of human life and that's good rhetoric to play
18 to your emotions, but the simple fact of the matter is that
19 the testimony shows that Wilfred went to a park and gave
20 somebody money and this other person stole the money, this
21 Hamilton guy who they also didn't bring in to testify. So,
22 if Jody was supposedly going to be mad at somebody for
23 having their money he knew this Hamilton guy from the park
24 had it. That's who Wilfred supposedly gave it to, one of
25 Wilfred's suppliers for his many drug deals, but you don't

1 hear Mr. Hamilton come in and testify for the State. They
2 fail to call him.

3 You heard Tracy Collins. She testified how she bought
4 drugs from Wilfred. She denied she ever seen him with a
5 gun, but she was good friends with him, would ride around
6 with him, get drugs from him. Obviously she has an
7 incentive to come in here and tell her story how she wants
8 to tell it, but what she says does go to the facts of that
9 Wilfred was a drug dealer, which corroborates that he's
10 trying to get drugs from Wade Hamilton and that Jody was
11 involved in this. I mean, it's obvious that this did
12 involve drugs, but the way the Prosecution wants you to
13 believe it is not what they've proven. When they tell you
14 their theory of the case, that's just their theory of the
15 case and you have to weigh each and every element of that
16 theory and say, "Have these facts been proven to me beyond
17 any reasonable doubt," and if they haven't then you have to
18 discount those facts, and if they don't prove the elements
19 of the crime you must come back with a verdict of not
20 guilty.

21 Now, ladies and gentlemen, there was certain evidence
22 out of Jody's statement and you all will be the ones to
23 decide what to believe out of his statement and what to
24 believe out of the witness stand, what to believe out of
25 everybody, but there was evidence that Wilfred Brown had

1 tried to rob them, rob him and Brian Elliott, that he had
2 fired into the car. At that point there was evidence,
3 testimony from his statement, that Brian Elliott got the
4 gun and there was some sort of tussle and the gun went off.
5 They want to say, "How can there be a tussle between Brian
6 Elliott and Wilfred with him being shot towards the back of
7 the head," and I believe her testimony was it was towards
8 the back of the ear, towards the back of the head, not
9 directly in the back of the head, but we don't have to
10 prove how he got shot. They have to prove how he got shot.
11 If it's reasonable to believe that there was a tussle and
12 people were fighting over a weapon and it went off and
13 somebody got shot in the back of the head then you need to
14 understand that that is not enough to convict somebody of
15 murder if the person who was shot was the original attacker
16 and aggressor trying to shoot them first.

17 Now, the evidence from Jody's statement about them
18 shooting into the car I would submit that is corroborated
19 by the physical evidence. The fact that there is a bullet
20 hole in the back of the car, the fact that he said the
21 passenger door and the front driver door were open where a
22 bullet could travel and hit the driver's door that way, the
23 fact that there was a bullet, which I know they say it
24 could have misfired and gone this slow, but a bullet that
25 managed to penetrate the back of foam seating, they never

1 said anything about it hitting anything inside the seat,
2 yet it did not have enough speed to penetrate the fabric in
3 the front of the seat. The bullet was traveling that slow
4 when it hit that seat.

5 I would submit to you that that bullet had to be fired
6 from some distance away to be going that slow and not
7 penetrate through a piece of cloth, a piece of fabric. It
8 just doesn't make sense, ladies and gentlemen, if
9 everything occurs as the State wants you to believe that it
10 occurred.

11 You'll also -- you heard a lot of talk from Mr. Bryan
12 about everybody saw Jody around Georgetown County with a
13 gun. Well, I believe the evidence was maybe that he shot
14 at a stop sign and maybe shot in Ackerman's front yard.
15 He's not all over Georgetown County, but it says, it sounds
16 a lot better to say that he's shooting a gun all over
17 Georgetown County and everybody has seen him than it does
18 to say there's two specific instances where people have
19 seen him with a gun and you've heard evidence that he dealt
20 drugs and Wilfred dealt drugs. They're all drug dealers
21 and your common sense tells you, of course, drug dealers
22 are going to have guns around which is why it's a
23 reasonable thing Wilfred Brown would have a gun around him,
24 too. I mean, it's admitted. This was over drugs. They
25 were trying to buy marijuana. There's no way around that.

1 I mean, these are not the best citizens of Georgetown
2 County, unfortunately. We're not dealing with, you know,
3 lawyers and bankers and teachers and preachers and things
4 like that. These are drugs dealers. The witnesses they've
5 put up a lot of them are drug users, which is why you
6 should be suspect about their testimony. It affects their
7 ability to remember what's going on, to observe events as
8 they happen and to later recall them and tell them to you
9 accurately. I mean, you heard Louis Bazen. He quit
10 smoking marijuana, but he smoked it for a while and your
11 common sense will tell you you don't need an expert to come
12 in here to know that marijuana is bad for people. It's an
13 illegal drug that affects people's memory.

14 Now, one other thing was they say why would Jody not
15 be mad with Brian Elliott after he said he was going to
16 quote, "Kill him and drink his baby's blood," if he told
17 anybody? Well, I would submit to you, number one, they're
18 all using drugs that weekend. So, they're scared and
19 Jody's scared, and that might have a lot to do with why he
20 reacted how he did, and Mr. Bryan wants to talk a lot
21 about, "Well, he spoke with Wilfred Brown's mother and his
22 wife and said the car had been stolen. That makes him cold
23 hearted." Well, maybe that does make him cold hearted for
24 helping cover up for something but he's not on trial for
25 having a cold heart for doing that. He's on trial for

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1 whether the State has proven beyond a reasonable doubt that
2 he unlawfully killed Elton Rutledge and Wilfred Brown with
3 malice aforethought. He's not on trial for being a good or
4 bad person, and if you all don't like Jody Ward I can
5 understand that, but he's not on trial today for being a
6 likeable or not likeable person. He's charged with a
7 crime, a very serious crime which we submit the State has
8 failed to prove each element of beyond a reasonable doubt.

9 Now, I want to go back to some of the law. As I said
10 Jody sits there innocent, and until you go back in that
11 jury room and get word from the Judge that you can begin
12 deliberating you must sit here and look at him and presume
13 him innocent, and it's a hard thing to do.

14 We all watch TV, and we see something like the recent
15 snipers up in Ohio and that he's arrested and people are
16 like, "Good, put him in jail. Lock him up. That guy needs
17 to go away," but you know what, every single one of us goes
18 against the most fundamental principles in our country when
19 we do that and it's okay to do that at home with the TV
20 set, you know, because you hadn't sat here, you hadn't
21 raised your right hand and taken an oath before this
22 Court to follow the law as the Judge instructs it, and if
23 she's going to instruct you you can't jump to those
24 conclusions like you can at home. You took an oath today
25 and nobody said this is going to be an easy job for you

1 all. There's going to be disagreements about what the
2 evidence was, and you all are the ones who have to decide
3 the facts. You all are the sole judges of the facts. If I
4 do something wrong, if they do something wrong or if the
5 Judge happened to do something wrong, there are higher
6 courts that can take care of that. Your decision is final.
7 There are no appeals from your decision on the facts, which
8 is why when you go back there to weigh the evidence I want
9 each of you to think about that oath you took. You might
10 be the one person who has a reasonable doubt about his
11 guilt. You might be one of six who has a reasonable doubt
12 about his guilt, but you must stick to your convictions if
13 you have a reasonable doubt.

14 Now, I'm not telling you to ignore what your other
15 jurors have to say and not deliberate the case but do not
16 be swayed if you individually have a reasonable doubt about
17 the guilt or innocence of Jody Ward, and if you do you must
18 stick to your vote of not guilty and it's more important in
19 a jury your vote than it is in any other situation in our
20 country. We have national elections coming up where you
21 might be one of millions who get a vote for a president.
22 In a local election you might be one of ---

23 MR. HEMBREE: Your Honor, there was a portion there
24 that I've got to object to. If we could approach at side
25 bar.

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1 THE COURT: Yes.

2 (Whereupon, a Bench conference was held in the
3 presence, but out of the hearing, of the jury.)

4 MR. LOCKLAIR: Ladies and gentlemen, once again, I just
5 want to tell you when you go back there and you deliberate,
6 as I told you before, I want you to listen to your other
7 jurors, and if you have what you believe is a reasonable
8 doubt at the beginning or maybe at the beginning you don't
9 have any reasonable doubt, you still should listen to the
10 other jurors and what they have to say, and if they can
11 change your mind and persuade you that there's no longer a
12 reasonable doubt or that there is a reasonable doubt then
13 you should listen and you should base that on the evidence
14 and the law that the Judge is going to give you.

15 And the Judge is going to talk to you some about
16 third-party guilt, and I'm going to get to that in a
17 second, just like the Solicitor talked about self defense
18 and third-party guilt a little, but that's going to be
19 something you all have to decide. He says, "Well, how can
20 a jury decide this, how can a jury decide that?" Well,
21 that's why we have you all here because you all have heard
22 the evidence, you all have weighed the evidence. We
23 obviously represent different sides. So, we're definitely
24 going to have different views of the evidence, and that's
25 why it's so important that we can have 12 neutral, detached

1 individuals that can come in here and be fair and
2 impartial.

3 Now, I mentioned earlier that nobody actually saw Jody
4 with a gun that day, and as he mentioned Dan DeFreese said
5 that the TEC-9 was one of 37 possible firearms. Well, he
6 said it was limited, but not included to those 37 firearms.
7 So, at least 37 firearms could have fired the bullet that
8 they found in the car.

9 Now, when they compared the two projectiles they had
10 found Dan DeFreese said it could have been fired by one
11 gun, it could have been fired by two guns. That right
12 there obviously shows that they have failed to prove beyond
13 a reasonable doubt that those guns and those -- the
14 projectiles would match one single gun, and in fact, they
15 don't have any conclusive testimony that it was, in fact,
16 fired specifically by a TEC-9. It's just one of many
17 possibilities.

18 You heard Agent DeFreese say that the other bullet
19 could have been from a 38 special, a 38 super, a 380 auto,
20 a 357 magnum or any number of larger caliber guns. So,
21 there's a lot of questions out there that still remain
22 unanswered just as far as the facts go.

23 Now, if you believe Jody's statement that was given to
24 Carter Weaver and the Judge charges you on third-party
25 guilt I would submit to you that you would then have to

1 find Jody not guilty.

2 Now, Mr. Bryan wants to argue, this is a Suzuki
3 Sidekick and there was a baby seat in it when they found
4 it. Well, there's no evidence that they offered, and
5 remember we have to offer no evidence, we do not have a
6 burden of offering anything. It rests with them because as
7 you know nobody can come in and prove their innocence.
8 That's why our constitution is designed the way it is, but
9 they offered no evidence that that baby seat was in there
10 prior to it being sunk, that it had not been moved to the
11 back and was later put back.

12 Furthermore, I would submit to you that these are
13 people going out to smoke marijuana, smoke the crack
14 cocaine, probably doing other drugs, clearly breaking the
15 law. They're probably not going to have a big problem
16 being a little uncomfortable as they ride out to do some
17 illegal activity. I mean, you certainly don't want to take
18 a five-person car pool to go smoke crack, you know, park on
19 the side of the road and make it a little obvious. You
20 know, these people were using drugs. They were probably
21 using drugs before they all got in the car together, each
22 of them individually, and then they started using them
23 together. These are not people who have the greatest
24 judgment, ladies and gentlemen. It's not unreasonable to
25 think that four people would get into a Suzuki Samurai to

1 go out and do their illegal activities.

2 Furthermore, they offered no testimony about the
3 weights or heights of Elton or Wilfred or Brian Elliott to
4 prove to you that it couldn't have happened. They didn't
5 come in and say, "These are super tall people." They could
6 be super short skinny people. We don't know because they
7 failed to offer that evidence. They could have excluded
8 that possibility. They could have had other people come in
9 here and testify to clear those items up but they chose not
10 to. There's a lot of evidence they chose not to present to
11 you all, and I submit to you that a lot of the evidence
12 they didn't present does create a reasonable doubt; and so,
13 when you go back there it's just as important to look at
14 the evidence they have presented, but it's also important
15 to look at the evidence they have not presented. Why has
16 the State not presented this? Why have they not presented
17 that? Why is there nobody from Wal-Mart? Why was Brian
18 Elliott not called to the stand, if for nothing more than
19 to say, "Jody Ward is a liar. I was not there." Why did
20 they not put him on that stand to say that?

21 Ladies and gentlemen, the evidence in this case is all
22 circumstantial. There's obviously not a lot of direct
23 evidence. There's no direct evidence for them to link Jody
24 directly to the killings of Wilfred and Elton.

25 Now, if you don't believe Jody's statement the Judge

1 is going to charge you on self defense, and at that point
2 it's going to be your job to figure out what really
3 happened out there if Brian Elliott was not there. Why are
4 there bullet holes in different parts of the car? You
5 know, if he just took them out there like they want to say
6 for \$525 each, you know, why are there these various bullet
7 holes in different parts of the car? It doesn't add up,
8 ladies and gentlemen.

9 The State would like to make this be an easy puzzle
10 where all the pieces just slide right together. When you
11 start deliberating you're going to see that's just not the
12 case, ladies and gentlemen. There are too many holes in
13 their case and there are too many unanswered questions.

14 You might ask, you know, why did Jody do a lot of
15 things he did if Brian Elliott was the one who did it? And
16 I would submit to you he admitted on the tape they were
17 smoking drugs. He was scared, you know. If he's under the
18 influence of illegal narcotics it's probably fair to assume
19 that he wasn't in his right state of mind.

20 Ladies and gentlemen, the evidence in this case does
21 not prove their case beyond a reasonable doubt. They have
22 failed to meet their burden of proof to prove that Jody
23 Ward killed them with malice aforethought, and when they
24 talked about the black, depraved heart you notice how Mr.
25 Bryan kept saying, "Oh, well, he lied to these people's

1 parents. He lied to his wife." Well, that doesn't go to
2 his malice at the time of the alleged crime. You know, it
3 might be mean. It might be a bad person who did something
4 like that and it happened, but that does not mean that
5 there was malice aforethought at the time this crime was
6 allegedly committed, and the State has failed to prove that
7 there was malice and that's why they want to come back and
8 say, "Oh, he's a bad person. He did this. He did that.
9 He's heartless. He didn't care about their families,"
10 because they can't show evidence from when the crime was
11 committed to prove that Jody had malice aforethought, and
12 the Judge is going to tell you that if they can't prove
13 that beyond a reasonable doubt, no matter how much you
14 might dislike Jody personally or the decisions he's made as
15 far as drugs or cheating on his wife that you heard about
16 you're still going to have to find him not guilty. This
17 isn't a popularity contest, ladies and gentlemen. It's a
18 court of law. I would just ask you to go back and
19 carefully deliberate the evidence in this case. Carefully
20 look at what the State did present, but carefully look at
21 what they did not present as well.

22 Also want you to carefully look at the credibility of
23 the witnesses. People like law enforcement and experts
24 they get no more credibility than any other witness. Every
25 single witness who comes into this courtroom their

Closing Argument by Mr. Locklair

1 credibility is judged by you all and the jury. I would
2 submit to you that people like Denise and Louis who use
3 drugs should be trusted less than other witnesses. People
4 like Louis who have been convicted of breaking and entering
5 into a motor vehicle, a crime of dishonesty, stealing from
6 somebody, I think that should make you question somebody's
7 credibility.

8 Ladies and gentlemen, what this case boils down to is
9 it is a sad situation. I mean, there are families here who
10 are hurting and we don't want you to hold that against us
11 that we have to do our job, but the point is they have
12 failed to do their job. They have failed to prove each and
13 every element of this crime beyond a reasonable doubt, and
14 once you go back and deliberate and have had a chance to
15 weigh the evidence and weigh the credibility we believe you
16 will come back with a verdict of not guilty. Thank you.

17 THE COURT: Thank you, sir.

18 Ladies and gentlemen of the jury, the indictments
19 charge the Defendant, Jody Lynn Ward, with two counts of
20 murder. I remind you that the fact that the Defendant was
21 arrested, charged and indicted in this case is not evidence
22 in this case and cannot be considered by you as evidence of
23 guilt in this case, nor does it create any presumption or
24 inference of guilt. The documents, that is these
25 indictments, are simply the formal written instruments

Charge

1 which contain the charges that are made against the
2 Defendant. It's the formal document by which this case is
3 brought to court.

4 Now, the indictments in this case allege two offenses
5 against the Defendant. These charges are under indictment
6 03-GS-22-1030, murder, that is as to Wilfred Brown, as to
7 indictment 03-GS-22-103 [sic] murder, as to Elton Rutledge,
8 Jr. Each indictment charged is a separate and distinct
9 offense. You must decide each indictment separately on the
10 evidence and the law applicable to it uninfluenced by your
11 decision as to any other indictment. The Defendant may be
12 convicted or acquitted on one or both of the offenses
13 charged. You will be asked to write a separate verdict of
14 guilty or not guilty for each indictment.

15 The Defendant has pled not guilty to these indictments
16 and that plea puts the burden, puts the burden on the State
17 to prove the Defendant guilty. A person charged with
18 committing a criminal offense in South Carolina is never
19 required to prove himself innocent. I charge you that it
20 is an important rule of law that the Defendant in a
21 criminal trial, no matter what the seriousness of the
22 charge may be, will always be presumed to be innocent of
23 the crime for which he has been indicted unless guilt has
24 been proven by evidence satisfying you of that guilt beyond
25 a reasonable doubt. This presumption of innocence doesn't

1 end when you begin your deliberations, but it accompanies
2 the Defendant throughout the trial until you reach your
3 verdict of guilt based on evidence satisfying you of that
4 guilt beyond a reasonable doubt.

5 The presumption of innocence is like a robe of
6 righteousness placed around the shoulders of a Defendant,
7 which remains with the Defendant until it's been stripped
8 from the Defendant by evidence satisfying you of the
9 Defendant's guilt beyond a reasonable doubt.

10 The presumption of innocence is not mere legal theory.
11 It's not just a legal phrase. It's a substantial right to
12 which every Defendant is entitled unless you, the jury, are
13 satisfied from the evidence of the Defendant's guilt beyond
14 a reasonable doubt.

15 Now, what is a reasonable doubt in the law? A
16 reasonable doubt is the kind of doubt that would cause a
17 reasonable person to hesitate to act. The State has the
18 burden of proving the Defendant guilty beyond a reasonable
19 doubt. Now, some of you may have served as jurors in civil
20 cases where you were told that it was only necessary to
21 prove that a fact is more likely true than not true, such
22 as by the greater weight or the preponderance of the
23 evidence.

24 In criminal cases the State's proof must be more
25 powerful than that. It must be beyond a reasonable doubt.

1 Proof beyond a reasonable doubt is proof that leaves you
2 firmly convinced of the Defendant's guilt. Now, there are
3 very few things in this world that we can know with
4 absolute certainty and in criminal cases the law doesn't
5 require proof that overcomes every possible doubt. If
6 based on your consideration of the evidence you are firmly
7 convinced that the Defendant is guilty of the crimes
8 charged you must find the Defendant guilty. If on the
9 other hand you think there is a real possibility that the
10 Defendant is not guilty you must give the Defendant the
11 benefit of doubt and find him not guilty.

12 Now, I remind you that during this trial you and I
13 have certain duties to perform. As the trial judge it's my
14 responsibility to preside over the trial of this case and I
15 also have the duty to rule on the admissibility of evidence
16 offered during the trial. You are to consider only the
17 competent evidence before you. If there was any testimony
18 ordered stricken from the record in this case during the
19 trial you must disregard that testimony. You are to
20 consider only the testimony which has been presented from
21 the witness stand and any exhibits that have been made part
22 of the record in this case.

23 Now, I have the additional duty to charge as to the
24 law that's applicable in this case. As the presiding judge
25 I am the sole judge of the law. It's your duty as jurors

1 to accept and apply the law as I state it to you. If you
2 already have an idea as to what the law is or what you
3 think the law ought to be and it does not agree with what I
4 tell you the law is you must abandon this idea because you
5 are sworn to accept the law and apply the law exactly as I
6 state it to you.

7 Now, in every case tried in this court before a jury
8 the jury becomes the sole and exclusive judge of the facts
9 of the case. A trial judge cannot intimate, state, comment
10 on or in any way make a statement to the trial jury about
11 the facts of a case. Since you, the jury, are the sole
12 judge of the facts of the case you are not to infer from
13 what I have said during the progress of this trial or in
14 ruling upon the admissibility of evidence or otherwise or
15 anything that I say to you now during the course of this
16 instruction to you that I have any opinion about the facts
17 of the case. The law doesn't allow me to have an opinion
18 about the facts of this case. This is a matter solely for
19 you, the jury, to determine. As jurors it's your duty to
20 determine the effect, the value, the weight and the truth
21 of the evidence presented during this trial.

22 Now, there are two types of evidence which are
23 generally presented during a trial, direct evidence and
24 circumstantial evidence. Direct evidence is the testimony
25 of a person who claims to have actual knowledge of a fact,

1 such as an eyewitness. It is evidence which immediately
2 establishes the main fact to be proved.

3 Circumstantial evidence is proof of a chain of facts
4 and circumstances indicating the existence of a fact. It
5 is evidence which immediately establishes collateral facts
6 from which the main fact may be inferred. Circumstantial
7 evidence is based on inference and not on personal
8 knowledge or observation.

9 Now, the law makes absolutely no distinction between
10 the weight or value to be given either direct or
11 circumstantial evidence, nor is a greater degree of
12 certainty required of circumstantial evidence than that of
13 direct evidence. You should weigh all of the evidence in
14 the case and after weighing all of the evidence if you are
15 not convinced of the guilt of the Defendant beyond a
16 reasonable doubt you must find the Defendant not guilty.

17 Now, necessarily you must determine the credibility of
18 witnesses who have testified in this case, and credibility
19 simply means believability. It becomes your duty as jurors
20 to analyze and to evaluate the evidence and determine which
21 evidence convinces you of its truth.

22 Now, in determining the believability of witnesses who
23 have testified in this case, you may believe one witness
24 over several witnesses or several witnesses over one
25 witness. You may believe a part of the testimony of a

1 witness and reject the remaining part of the testimony of
2 that same witness. You may believe the testimony of a
3 witness in its entirety or reject the testimony of a
4 witness in its entirety. You may consider whether any
5 witness has exhibited to you any interest, bias, prejudice
6 or other motive in this case. You may consider whether a
7 particular witness may gain some other reward or personal
8 advantage or vindication through his testimony.

9 The testimony of a police officer is not entitled to
10 more weight than that of any other witness. You are the
11 sole judge of the credibility of the witness and you are
12 not to give more credence to a police officer's testimony
13 solely because he's a police officer. Rather you should
14 judge an officer's testimony by the same standards that you
15 would apply to other witnesses. You may also consider the
16 appearance and manner of a witness while on the witness
17 stand.

18 Now, the rules of evidence ordinarily do not permit
19 witnesses to testify to opinions or to conclusions. An
20 exception to this rule exists for witnesses we call expert
21 witnesses. A witness who by education or experience has
22 become an expert in some art, science, profession or
23 calling may state an opinion as to relevant and material
24 matters on which the witness claims to be an expert and may
25 also state the reasons for that opinion. You should

1 consider any expert opinion received in evidence in this
2 case and like any other evidence give it the weight you
3 think it deserves. If you decide that the opinion of an
4 expert witness is not based on sufficient education,
5 experience or if you conclude that the reasons given in
6 support of the opinion are not sound or that the opinion is
7 outweighed by other evidence you may disregard the opinion
8 testimony entirely. The expert witness's testimony is to
9 be given no greater weight than that of any other witness
10 simply because the witness is an expert. Further, you are
11 not required to accept an expert's opinion even though it
12 is not contradicted.

13 Now, a statement alleged to have been made by the
14 Defendant has been admitted into evidence in this case.
15 While the Court has determined that this statement is
16 admissible I instruct you that you make the ultimate
17 decision of whether or not the Defendant made the
18 statement, and if the Defendant did make the statement you
19 must determine whether the statement was made by the
20 Defendant voluntarily and of his own free will. This means
21 that the statement was not caused by pressure, force, fear,
22 threats, coercion or intimidation or by hope or a promise
23 of leniency or a reward of any kind.

24 In determining whether the statement was voluntary you
25 should consider both the characteristics of the Defendant

1 and the details of the questioning. Some of the factors
2 that you must consider are the age of the Defendant, the
3 Defendant's education or lack of education, the Defendant's
4 mental ability or capacity, the Defendant's IQ or
5 intelligence, the Defendant's background and environment,
6 the place and length of detention, the nature of the
7 questioning and the advice or lack thereof to the Defendant
8 of his constitutional rights, including, but not limited
9 to, the right to remain silent, that any statement could be
10 used against him in a court of law, the right to have a
11 lawyer present, that if he could not afford a lawyer a
12 lawyer would be appointed to represent him without any cost
13 and that he could stop making a statement at any time. You
14 must carefully consider all of the surrounding
15 circumstances before you give any weight to an alleged
16 statement.

17 The State has the burden of proving beyond a
18 reasonable doubt that the alleged statement was voluntary.
19 It's for you determine if it was. You may give that -- if
20 you determine that it was you may give the statement any
21 further consideration that you deem proper. You must
22 decide what weight if any should be given to the alleged
23 statement. If you determine the alleged statement was not
24 the free and voluntary statement of the Defendant you
25 should not consider the statement at all.

1 Now, I instruct you and emphasize the fact that the
2 Defendant did not testify is not a factor to be considered
3 by you in any way in your deliberation and in your
4 consideration on the question of the guilt or innocence of
5 the Defendant. It must not be considered by you in any
6 manner whatsoever. A Defendant has the constitutional
7 right to remain silent and the assertion of this right must
8 not be considered by you in your deliberations. I repeat
9 under your oath you are to draw no conclusions whatsoever
10 from the fact that the Defendant in this case did not
11 testify. The fact that this Defendant did not testify
12 should not even be discussed in the jury room. The burden
13 of proof as I have stated to you is on the State. The
14 Defendant is not required to prove his innocence. The
15 burden of proof remains on the State to prove guilt beyond
16 a reasonable doubt.

17 Now, in order to establish criminal liability criminal
18 intent is required. For example, the mental state required
19 to be proven by the State for a particular crime might be
20 purpose, intent, knowledge, recklessness or criminal
21 negligence. Criminal intent must be proven by the State
22 beyond a reasonable doubt. Criminal intent is always a
23 matter that must be determined by you the jury from the
24 circumstances surrounding the situation. There's no way to
25 prove intent to a mathematical certainty. There's no way

1 medical science can dissect a person's brain and determine
2 what that person had in mind. So, the law says that
3 criminal intent may be inferred from the circumstances
4 shown to have existed. This is how you will make a
5 determination of whether or not the element requiring
6 intent was present.

7 It is not necessary to establish intent by direct and
8 positive evidence but intent may be established by
9 inference in the same way as any other fact by taking into
10 consideration the acts of the parties and all the facts and
11 circumstances of the case.

12 Criminal intent is a mental state, a conscious
13 wrongdoing. It is up to you to determine, it is up to you
14 to determine what the Defendant intended to do based on the
15 circumstances shown to have existed. Criminal intent can
16 arise from an action or a failure to act. It may arise
17 from negligence, recklessness or indifference to duty or to
18 consequences. That is considered by the law to be the
19 equivalent of criminal intent.

20 Now, if a crime is committed by two or more people who
21 are acting together in committing a crime the act of one is
22 the act of all. A person who joins with another to
23 accomplish an illegal purpose is criminally responsible for
24 everything done by the other person which occurs as a
25 natural consequence of the acts done in carrying out the

1 common plan and purpose. For example, two people can be
2 guilty of killing another person when only one of the two
3 had a knife, there was only one knife and only one of the
4 two inflicted the deadly wound. If two or more people are
5 together acting together assisting each other in committing
6 the offense the act of one is the act of all or as it is
7 sometimes said the hand of one is the hand of all. Prior
8 knowledge that the crime is going to be committed without
9 more is not sufficient to make a person guilty of that
10 crime. Mere knowledge that another person is going to
11 commit a crime, even if the Defendant is present when the
12 crime is committed, is not sufficient to convict the
13 Defendant as a principal. Guilt as a principal is shown by
14 actual or constructive presence at the scene as a result of
15 prior arrangement. Therefore, a finding of a prior
16 arranged plan or common scheme is necessary for a finding
17 of guilt as a principal. The State must prove beyond a
18 reasonable doubt by competent evidence the theory of the
19 hand of one is the hand of all. A principal in a crime is
20 one who either actually commits the crime or who is present
21 aiding, abetting or assisting in committing the crime.
22 When a person does an act in the presence of and with the
23 assistance of another the act is done by both. Where two
24 or more acting with a common plan or intent are present at
25 the commission of a crime it doesn't matter who actually

1 commits the crime. All are guilty. The hand of one is the
2 hand of all. Present at the commission of a crime means to
3 be sufficiently near to aid and abet and assist in the
4 commission of the crime. However, mere presence at the
5 scene of a crime is not sufficient to convict one as a
6 principal on the theory of aiding and abetting. Intent is
7 also a necessary element, for there must have been a common
8 design or intent to commit the crime and the crime must
9 have been committed pursuant thereto with a person aiding
10 and abetting by some overt act. Intent means intending the
11 result which actually occurs, not accidentally or
12 involuntarily. Intent may be shown by acts and conducts of
13 the Defendant and other circumstances from which you may
14 naturally and reasonably infer intent. The State must
15 prove these elements beyond a reasonable doubt.

16 Now, the Defendant is charged with murder. The State
17 must prove beyond a reasonable doubt that the Defendant
18 killed another person with malice aforethought. Malice is
19 hatred, ill will or hostility towards another person. It
20 is the intentional doing of a wrongful act without just
21 cause or excuse and with an intent to inflict an injury or
22 under circumstances that the law will infer an evil intent.
23 Malice aforethought does not require that malice exist for
24 any particular time before the act is committed, but malice
25 must exist in the mind of the Defendant just before and at

1 the time the act is committed. Therefore, there must be a
2 combination of the previous evil intent and the act.

3 Malice aforethought may be expressed or inferred.
4 These terms expressed and inferred don't mean different
5 kinds of malice, but merely the manner in which malice may
6 be shown to exist, that is direct, either by direct
7 evidence or by inference from the facts and circumstances
8 which are proved. Expressed malice is shown when a person
9 speaks words which express hatred or ill will for another
10 or when the person prepared beforehand to do the act which
11 was later accomplished. For example, lying in wait for a
12 person or any other acts of preparation going to show that
13 the deed was within the Defendant's mind would be expressed
14 malice.

15 Malice may be inferred from conduct showing a total
16 disregard for human life. Inferred malice may also arise
17 when the deed is done with a deadly weapon. A deadly
18 weapon is any article, instrument or substance which is
19 likely to cause death or great bodily harm. Whether an
20 instrument has been used as a deadly weapon depends on the
21 facts and circumstances of each case. The following are
22 examples of instruments which may be deadly weapons: a
23 pistol, a shotgun, a rifle, a dagger and a knife. Now,
24 these are simply examples.

25 The Defendant has raised the defense of self defense.

1 Self defense is a complete defense, and if it is
2 established you must find the Defendant is not guilty. The
3 State has the burden of disproving self defense by proof
4 beyond a reasonable doubt. If you have a reasonable doubt
5 of the Defendant's guilt after considering all of the
6 evidence, including the evidence of self defense, then you
7 must find the Defendant not guilty. On the other hand if
8 you have no reasonable doubt of the Defendant's guilt after
9 considering all of the evidence, including the evidence of
10 self defense, then you must find the Defendant guilty.

11 The following elements are required to establish self
12 defense. First, the Defendant must be without fault in
13 bringing on the difficulty. If the Defendant's conduct was
14 the type which was reasonably calculated to and did provoke
15 a deadly assault the Defendant would be at fault in
16 bringing on the difficulty and would not be entitled to an
17 acquittal based on self defense.

18 The second element of self defense is that the
19 Defendant was actually in imminent danger of death or
20 serious bodily injury or that the Defendant actually
21 believed he was in imminent danger of death or serious
22 bodily injury. If the Defendant was actually in imminent
23 danger it must be shown that the circumstances would have
24 warranted a person of ordinary firmness and courage to
25 strike the fatal blow to prevent death or serious bodily

1 injury. If the Defendant believed he was in imminent
2 danger of death or serious bodily injury it must be shown
3 that a reasonably prudent person of ordinary firmness and
4 courage would have had that same belief. In deciding
5 whether the Defendant actually was or believed that he was
6 in imminent danger of death or serious bodily injury you
7 should consider all the facts and circumstances surrounding
8 the crime, including the physical condition and
9 characteristics of the Defendant and the victim.

10 The Defendant does not have to show that he was
11 actually in danger. It is enough if the Defendant believed
12 he was in imminent danger and a reasonably prudent person
13 of ordinary firmness and courage would have that same
14 belief. The Defendant has the right to act on appearances
15 even though the Defendant's beliefs may have been mistaken.
16 It is for you to decide whether the Defendant's fear of
17 immediate danger, of death or serious bodily injury was
18 reasonable and would have been felt by an ordinary person
19 in the same situation.

20 Evidence of prior difficulties between the Defendant
21 and the victim may be considered in deciding whether a
22 threat existed, whether the Defendant had a reason to
23 believe the threat existed and how serious that threat was.
24 The relative sizes and ages and weights of the Defendant
25 and the victim may be considered in deciding the apparent

1 or actual need for force in self defense and the amount of
2 force needed.

3 The reputation of the victim as a violent person may
4 be considered in deciding whether there was a need for
5 force, whether the Defendant had reason to believe there
6 was a need for force and whether deadly force was
7 reasonably necessary. Prior instances of violence by the
8 victim may be considered in deciding whether the Defendant
9 actually believed he was in imminent danger of health or
10 serious bodily injury or was actually in imminent danger.
11 The intoxication of the victim may be considered in
12 deciding whether the Defendant's fear of death or bodily
13 harm was reasonable.

14 The final element of self defense is that the
15 Defendant had no other probable way to avoid the danger of
16 death or serious bodily injury than to act as the Defendant
17 did in this particular instance. The Defendant had no duty
18 to retreat if by doing so the danger of being killed or
19 suffering serious bodily injury would increase. A person
20 cannot be required to make an exact calculation as to the
21 degree or amount of force which may be needed to avoid
22 death or serious bodily harm. Therefore, in self defense
23 the Defendant has the right to use the force needed to
24 avoid death or serious bodily harm. The force used in self
25 defense does not have to be limited to the degree or amount

1 of force used by the victim. The Defendant has the right
2 to use so much force as appeared to be necessary for
3 complete self protection and which a person of ordinary
4 reason and firmness would have believed to be needed to
5 prevent death or serious bodily harm.

6 If the Defendant is justified in defending himself or
7 others in firing that first shot then the Defendant is also
8 justified in continuing to shoot until it is apparent that
9 the danger of death or serious bodily injury has completely
10 ended.

11 Now, evidence offered by accused as to the commission
12 of a crime by another person must be limited to such facts
13 as are inconsistent with his own guilt and to such facts as
14 raise a reasonable inference or presumption as to his own
15 innocence. There must be such a connection with the crime
16 and such a chain of facts or circumstances as tends to
17 clearly point to the other person as the guilty party.

18 Now, there are two possible verdicts which you may
19 find in this case as to each of the charges in the case.
20 There is no significance whatsoever in the order in which I
21 state these possible verdicts. It's simply that one must
22 be stated first and I'll step down in just a moment and
23 introduce you to these verdict forms. I'll be focusing
24 primarily on you as the foreman of the jury as you will be
25 the one who will be responsible for filling out these forms

1 based on what the unanimous decision is of the jury.

2 Now, your verdicts must not be based on passion or
3 prejudice or on public opinion, but must be based on the
4 law and the evidence, and when you base your verdicts on
5 the law and the evidence no one will find fault with your
6 verdict and you will have fully discharged your duty as
7 jurors.

8 I'm going to step down. It's pretty simple. See that
9 each one of these has the indictment number that's been
10 referred to right up here, also here. It's very clear as
11 to which charge you are dealing with. We have on the
12 charge of murder as to Elton Rutledge, Jr., we, the jury by
13 unanimous consent find the Defendant, Jody Lynn Ward, and
14 you will check off either guilty or not guilty.

15 Once again there is nothing -- I'm not telling you
16 anything. I'm not making any insinuations as to the order,
17 simply one must proceed the other. It is for your
18 determination, whatever your determination is must be a
19 unanimous one and you will either check off guilty or not
20 guilty. Mr. Foreman, based on that unanimous decision you
21 will check it off, you will fill in the date and you will
22 sign the verdict form. You can take these in whatever
23 order, and in actuality the first one, the first indictment
24 is 03-GS-22-1030, that is the charge of murder as to
25 Wilfred Brown and you can make that determination, the next

1 indictment as to 1031, which is the indictment for murder
2 as to Elton Rutledge, Jr.

3 Once you have made your unanimous decision as to each
4 of these you will, there's a button in there that you can
5 push that the bailiffs will show you, let us know that you
6 have reached a verdict. You will press that button and it
7 will notify us all that you have, in fact, reached a
8 verdict.

9 Now, if at any time during your deliberations you have
10 a question, a matter of law or something along those lines,
11 Mr. Foreman it will be your responsibility to write that
12 down if you do have a question. There is another button, a
13 yellow button that you can push that says, that indicates
14 that there is a question. We will then make sure that that
15 question gets to me. The bailiffs will bring that question
16 to me. I will either respond in writing or be able to
17 bring you out if that is a question that we can respond to
18 in that fashion. If that is necessary that will be the
19 procedure you'd use for that. Once again, all of that will
20 go through you, Mr. Foreman, that will be your
21 responsibility.

22 Let me tell you some of your additional
23 responsibilities or remind you of those. It's going to be
24 your responsibility to see to it that each and every member
25 of the jury has an opportunity to be heard when you begin

Charge

1 deliberations.

2 Now, speaking of deliberations I'm getting ready to
3 send you back. You've heard all of the evidence and
4 testimony. You have heard the charge on the law and yet
5 one more time I'm going to ask you please do not begin
6 deliberations. Your signal that you may begin
7 deliberations are when you receive these verdict forms as
8 well as the exhibits in the case. Please do not begin
9 deliberations until then.

10 Madam Alternate, we're going to pull you aside now and
11 make sure that all of our jurors are well and able to go
12 forward with deliberations. We will hold you there, but
13 once they have begun deliberations then I will come and get
14 you and release you. You will no longer be needed. I want
15 to thank you, though, for your most difficult role, that is
16 to sit through all of the testimony and evidence and the
17 charge and then be released before you are able to
18 deliberate with your fellow jurors. We will put you aside
19 but when your jurors go back into that jury room if there's
20 anything that you have in there we'll make sure that they
21 get that for you but we'll put you in another location and
22 do not let me forget her. I will release her as soon as
23 deliberations begin. I will not forget you.

24 All right, I'm going to send you back to the jury room
25 at this time. Please do not begin deliberations.

Charge

1 (Whereupon, the following takes place outside the
2 presence of the jury.)

3 THE COURT: Please be seated.

4 I heard the door, all right. Anything from the State?

5 MR. HEMBREE: No exceptions to the charge from the
6 State, Your Honor.

7 THE COURT: Anything from the Defendant?

8 MS. KNEECE: Your Honor, if I could, this came up in
9 another trial just that they could be instructed that they
10 must all be present. I know there is some smokers on the
11 jury. I have seen them all there, that they must all be
12 present at all times when they deliberate is the only
13 additional thing I would like to clarify.

14 THE COURT: All right, you just want a charge that
15 deliberations will cease while anyone is -- exits from the
16 room?

17 MS. KNEECE: Yes, ma'am.

18 THE COURT: All right, let's see if we can bring them
19 back out and I'll give them that additional charge.

20 Anything in addition that needs to be addressed?

21 MR. LOCKLAIR: We just note our other exception on the
22 bias charge that we noted earlier, yes, ma'am.

23 THE COURT: All right, and you -- are you going to
24 mark that charge to make it, preserve it for the record?

25 MR. LOCKLAIR: Yes, ma'am.

State v. Ward

1 THE COURT: I'd advise you to do so.

2 MR. LOCKLAIR: I am. Thank you.

3 THE COURT: Are they coming? Oh, okay. All rise,
4 please.

5 (Whereupon, the following takes place in the presence
6 of the jury.)

7 THE COURT: All right, you may be seated.

8 Very quickly, there's one more thing I did want to let
9 you know. If anyone is away and had gone to the rest room
10 or some of you have been taken away for a smoke break, that
11 type of thing, deliberations cease until you have all
12 reconvened at the table. Deliberations need to go on when
13 you are all there. So, be mindful smokers that the smoke
14 breaks will delay your deliberation. Be mindful of that.
15 Of course, you can have your sodas and your crackers or
16 whatever you need that you want right there at the table
17 during deliberations, but Mr. Foreman, if you'd be aware to
18 cease any deliberations until all have returned. We don't
19 want anyone to miss the other points and we want you to be
20 listening to everybody. That's necessary.

21 Thank you very much for coming back and for your
22 patience. I'm going to send you back at this time. The
23 evidence and the verdict forms will be following shortly
24 thereafter. You may go back at this time. All rise, and
25 let me clarify, the exhibits and the verdict forms will be

Charge

1 coming back.

2 (Whereupon, the following takes place outside the
3 presence of the jury.)

4 THE COURT: Thank you. Please be seated.

5 Anything further from the State?

6 MR. HEMBREE: Nothing from the State, Your Honor.

7 THE COURT: Anything from the Defendant?

8 MR. LOCKLAIR: Nothing at this time, Your Honor.

9 THE COURT: All right, please come forward, look at
10 those exhibits, make sure nothing goes back to that jury
11 that has not been entered into evidence, take another look
12 at the verdict forms, make sure they are in order.

13 MR. LOCKLAIR: We would have one issue on evidence
14 already, Your Honor.

15 THE COURT: All right, let me hear from you on it.

16 MR. LOCKLAIR: We would just object to Exhibit Two
17 coming in. It was admitted into evidence. After it was
18 admitted into evidence it was altered by various witnesses.
19 It was never readmitted into evidence.

20 MR. HEMBREE: Your Honor, the appropriate time to
21 object to the altering of it -- it's a map and what
22 happened every, every sticker that's on here, every
23 alteration came directly from testimony and a witness that
24 placed, physically placed the sticker on there indicating
25 the area that they were discussing on the map. Certainly

1 if there was an objection to the alteration of that exhibit
2 that was in evidence it should have been made
3 contemporaneous with the alteration. To do that and wait
4 till the conclusion of the trial and say, "Well, by the way
5 we object," I mean it's -- it's just the wrong time. There
6 may have been an appropriate objection. It just wasn't
7 raised at the appropriate time.

8 THE COURT: All right.

9 MS. KNEECE: It's not our job to tell them what they
10 can and can't alter. The rules are you can't alter
11 evidence once it's been admitted and it was altered, it was
12 entered as a plain chart. They should have stuck the
13 stickers on beforehand. They didn't do it. They stuck
14 them on and it's altered from when it was admitted and we'd
15 object to that coming back.

16 MR. HEMBREE: But it is their job, it is their job to
17 make their objections contemporaneous with the -- their
18 issues. They can't wait till the conclusion.

19 MR. LOCKLAIR: That's, that's actually not in this
20 case ---

21 THE COURT: I agree, and I agree and here, first of
22 all let me let you know that I do think you should have
23 timely objected to any alteration of something that had
24 been admitted into evidence. You're now at a point in time
25 where they, the jurors, recall that that had been admitted

1 into evidence and I think it would prejudice the State not
2 to have that come forward when it's been admitted into
3 evidence with no objection and nothing that could be dealt
4 with during the course of the trial. Now, you tell me how
5 the Defendant is prejudiced by what has happened.
6 Obviously you felt no prejudice or concern during the
7 course of the trial enough to object.

8 MR. LOCKLAIR: Well, Your Honor, we didn't feel we had
9 to object because when they admitted it into evidence it
10 was fine. There was no objection to the document coming
11 into evidence. We understand your position but we would
12 argue that ---

13 THE COURT: But with, but with each of -- with each of
14 the witnesses they added the sticker and testified as to
15 that and there was no objection made to that. How, how now
16 are you prejudiced when you didn't see or didn't think you
17 were prejudiced at that time?

18 MR. LOCKLAIR: Well, we're not arguing prejudice and
19 we don't think the rule requires prejudice. We think the
20 law is that once they alter an exhibit, whether we've
21 allowed it in or not, whether we make a contemporaneous
22 objection to the alteration of that exhibit it is not the
23 exhibit that was entered into evidence and is therefore
24 excluded under the rules.

25 THE COURT: All right, we'll look at that. The rest

1 can go back. I'll hold that one and we'll send it back
2 after I've had an opportunity to review.

3 Cite for the record your case law and your rule,
4 please.

5 MR. LOCKLAIR: I don't have a case. I haven't looked
6 for specific case law, but I know contemporaneous
7 objections in the appellate law goes to at the time
8 evidence is admitted in as well as the rules on evidence.

9 MR. HEMBREE: And Your Honor, I would submit that that
10 was the time the evidence came in. The evidence is, the
11 alteration it became evidence -- it became evidence was
12 crime scene one is located here, and that's when the
13 evidence is ---

14 MR. LOCKLAIR: We just want to note it for the record,
15 Your Honor.

16 THE COURT: I'm going to -- I'll take a look at it.
17 We're going to hold it back. We can allow it to go back in
18 just a moment. I'll take a look at it, but ---

19 MR. LOCKLAIR: Just for appeal and PCR issues, it will
20 be one or the other obviously at this point.

21 THE COURT: There would need to be a contemporaneous,
22 in the Court's opinion, objection to any modification of
23 the ---

24 MR. LOCKLAIR: And we'd like to put on the record that
25 we should have made one if that's your ruling and that we

1 were ineffective for not doing so, not ineffective, but we
2 erred by -- we did not make the objection.

3 MR. HEMBREE: And Your Honor, if I could be heard on
4 that.

5 THE COURT: The testimony came out of those witnesses
6 as to this exhibit. I want to make that real clear.
7 Whether this exhibit goes in or not that testimony is in
8 evidence.

9 MR. LOCKLAIR: Yes, ma'am.

10 THE COURT: It may be clarifying but that testimony is
11 in evidence absent that exhibit, but I'll look into the
12 actual exhibit going back. I'll look at that very
13 carefully.

14 Is there any objection to the rest of the exhibits
15 going back other than the one that is in dispute?

16 MR. HEMBREE: We haven't been through. We're still
17 ---

18 THE COURT: Going back through?

19 MR. LOCKLAIR: Yes, ma'am.

20 THE COURT: Okay, let me let you do that.

21 (Exhibits reviewed and approved by counsel for the
22 State and counsel for the Defendant.)

23 THE COURT: There are the verdict forms. Look at
24 those as well.

25 (Verdict forms reviewed by counsel for the State and

1 counsel for the Defendant.)

2 THE COURT: The tape is going back. Is the tape
3 recorder going back with it? We have -- if the tape is
4 going back then a tape recorder needs to go with it or it's
5 not a helpful piece of evidence. So, you want to take a
6 look at that tape recorder and make sure that that's okay
7 and that there's nothing else on the tape? Any objection
8 to the tape recording going back so they can ---

9 MR. LOCKLAIR: No, ma'am, we take their word.

10 MR. HEMBREE: Not from the State, Your Honor.

11 THE COURT: Very well, very good.

12 MR. BRYAN: We're getting a tape recorder, Your Honor.

13 THE COURT: You're getting the tape recorder, okay.
14 We can send that back later.

15 All right, I will look and I'll look at matters in
16 regard to this last exhibit. We will be at ease until we
17 hear further. Either I'll come out and rule on that
18 exhibit or we'll hear from the jury.

19 MR. HEMBREE: Thank you, Your Honor.

20 MR. LOCKLAIR: Thank you, Your Honor.

21 ***** OFF THE RECORD *****

22 (On the record, question from jury at 4:39 p.m. Answered
23 by Court at 4:42 p.m.)

24 (Whereupon, the following takes place outside the
25 presence of the jury.)

1 THE COURT: I received a note from the jury. It says,
2 "Can we have the written transcript of the tape?" The
3 written transcript of the tape is not in evidence. The
4 tape itself is in evidence. I believe that it would be
5 appropriate for me just to simply put that in writing to
6 the jury. Is there any objection to that?

7 MR. LOCKLAIR: No, ma'am.

8 THE COURT: All right, now, what we'll need to do then
9 is make sure they do have that tape player. Do you have
10 that? They do have it? Okay, all right. So, no objection
11 to my responding ---

12 MR. HEMBREE: No objection, Your Honor.

13 THE COURT: --- the written transcript is not in
14 evidence. The actual tape is in evidence. Well, I'm going
15 to put the written transcript is not an exhibit. The
16 actual tape is an exhibit. What exhibit is it?

17 (Court and reporter confer.)

18 THE COURT: Mark this Court's 12 and let the attorneys
19 take a look at this and make sure that they are satisfied
20 with what's being written on it. Also, I need to hear from
21 each of you. Normally a Court's Exhibit would not go back.
22 I'd like to mark it though because it gives it some
23 importance to that jury. Any objection to that Court's
24 exhibit going back to the jury?

25 MR. LOCKLAIR: None from the Defense, Your Honor.

1 MR. HEMBREE: No, Your Honor, not from the State.

2 (Whereupon, Court's Exhibit Number 12 [Question from
3 Jury] appropriately marked.)

4 THE COURT: All right, very well. We will be at ease
5 until we hear further.

6 ***** OFF THE RECORD *****

7 (On the record, 5:12 p.m.)

8 (Whereupon, the following takes place outside the
9 presence of the jury.)

10 THE COURT: I'm dealing with the matter that is an
11 exhibit in this case and I've looked at case law and there
12 has been case law where there has been alterations of
13 exhibits during the closing argument, but in that
14 particular case there was a contemporaneous objection. In
15 this case there was not. I find that there should have
16 been a contemporaneous objection, it is untimely, that it
17 is in evidence as altered without objection and it was
18 altered through numerous witnesses without objection.

19 I'll take it a step further. Also would find that all
20 of the matters that are on this exhibit have been testified
21 to, that here would be -- that no prejudice for the
22 Defendant whatsoever for this exhibit to go back to the
23 jury room because everything has been testified to. Once
24 again I'll note testified to also without objection. That
25 exhibit will go back at this time. The bailiffs will take

1 that final exhibit back.

2 MR. HEMBREE: Thank you, Your Honor.

3 ***** OFF THE RECORD *****

4 (On the record, verdict reached at 5:50 p.m.)

5 (Whereupon, the following takes place outside the
6 presence of the jury.)

7 THE COURT: Thank you. Please be seated.

8 I understand that the jury has reached a verdict in
9 this case. Is there anything from the State prior to
10 bringing the jury out?

11 MR. HEMBREE: No, Your Honor.

12 THE COURT: Is there anything from the Defendant?

13 MR. LOCKLAIR: No, ma'am, Your Honor.

14 THE COURT: All right, let me admonish you when we
15 bring the jury out whatever the verdicts may be I don't
16 want any show of emotion. If you think that you cannot
17 follow those instructions I ask you to leave at this time.
18 So, I don't want to hear any outbursts, any show of
19 emotions at all. If you cannot follow those instructions I
20 ask you to exit at this time.

21 Very well then, we're ready for them.

22 All rise, please.

23 (Whereupon, the following takes place in the presence
24 of the jury.)

25 THE COURT: Please be seated.

1 Mr. Foreman and ladies and gentlemen of the jury, I
2 understand the jury has reached a verdict in this case; is
3 that correct?

4 FOREPERSON: Yes.

5 THE COURT: All right, if you would hand it to the
6 bailiff, please.

7 (Complies with request and Court reviews.)

8 THE COURT: It is correct as to its form. It would be
9 published, please. If the Defendant would please rise.

10 (Complies with request.)

11 THE CLERK: State versus Jody Lynn Ward, indictment
12 number 2003-GS-22-1030, indicted for charge of murder as to
13 Wilfred Brown, we, the jury, by unanimous consent, find the
14 Defendant guilty.

15 State versus Jody Lynn Ward, indictment number 2003-
16 GS-22-1031, indicted for charge of murder as to Elton
17 Rutledge, Jr., we, the jury, by unanimous consent, find the
18 Defendant guilty, signed and dated March 18th, 2004, signed
19 by Mr. Foreman, Paul Griffin.

20 THE COURT: You may be seated.

21 Let me turn to the jury.

22 Ladies and gentlemen of the jury, if this is your
23 verdict please indicate so by raising your right hand.

24 (All jurors raise right hand.)

25 THE COURT: I'll note for the record all the jurors

1 have, in fact, raised their hand.

2 Are there any motions that need to be -- you may put
3 them down. Any motions that need to be addressed in the
4 presence of the jury? Anything from the State?

5 MR. HEMBREE: Nothing on behalf of the State, Your
6 Honor.

7 THE COURT: Anything from the Defendant?

8 MR. LOCKLAIR: Your Honor, we would move to poll the
9 jury.

10 THE COURT: All right, the jury will be polled at this
11 time.

12 THE CLERK: Ladies and gentlemen of the jury, as I
13 call your name would you please stand and answer the
14 question I'm about to ask you by saying yes or no.

15 Robert Myers, are these your verdicts and still are
16 your verdicts?

17 MR. MYERS: Yes, they are.

18 THE CLERK: Please be seated.

19 Judy Harper, are these your verdicts and still are
20 your verdicts?

21 MS. HARPER: Yes, ma'am.

22 THE CLERK: Please be seated.

23 Paul Griffin, are these your verdicts and still are
24 your verdicts?

25 MR. GRIFFIN: Yes.

1 THE CLERK: Ronald Altman, are these your verdicts and
2 still are your verdicts?

3 MR. ALTMAN: Yes, they are.

4 THE CLERK: Reta Simpson, are these your verdicts and
5 still are your verdicts?

6 MS. SIMPSON: Yes, it is.

7 THE CLERK: Daphne Ray, are these your verdicts and
8 still are your verdicts?

9 MS. RAY: Yes.

10 THE CLERK: Marisa Cooper, are these your verdicts and
11 still are your verdicts?

12 MS. COOPER: Yes.

13 THE CLERK: Sydney O'Neil, are these your verdicts and
14 still are your verdicts?

15 MS. O'NEIL: Yes, ma'am.

16 THE CLERK: Virgil Spivey, are these your verdicts and
17 still are your verdicts?

18 MR. SPIVEY: Yes.

19 THE CLERK: Kelly Polen, are these your verdicts and
20 still are your verdicts?

21 MS. POLEN: Yes.

22 THE CLERK: Carl Chatman, are these your verdicts and
23 still are your verdicts?

24 MR. CHATMAN: Yes.

25 THE CLERK: And Carol McCann, are these your verdicts

1 and still are your verdicts?

2 MS. MCCANN: Yes.

3 THE COURT: The jury has been polled. Thank you.

4 Anything further in the presence of the jury?

5 MR. LOCKLAIR: Nothing at this time, Your Honor.

6 THE COURT: Okay.

7 Mr. Foreman, and ladies and gentlemen of the jury, I
8 thank you for your service. I watched you during the
9 course of this week and you paid close attention to the
10 evidence and testimony. On behalf of both the State and
11 the Defendant I wish to thank you for your service and let
12 you know that this will conclude your service for this
13 week, also let you know that you've earned yourself a
14 three-year exemption. If you get called within the next
15 three calendar years, asked to serve, you remember this
16 term of court and let them know that you have served within
17 the three years and you will be exempt from service.
18 Thanks once again and you're free to leave.

19 (Whereupon, the following takes place outside the
20 presence of the jury.)

21 THE COURT: Please be seated.

22 Any further motions at this time?

23 MR. LOCKLAIR: Your Honor, we would just renew our
24 motion for a directed verdict, a judgment of acquittal and
25 a motion for a new trial.

1 THE COURT: All right, are you requesting ten days or
2 you want to go ahead and make your arguments at this time?

3 MR. LOCKLAIR: Your Honor, we would just make the
4 motion and leave it in your discretion just for the record.

5 THE COURT: Let me ask you to specify if you would,
6 please, the grounds for your motion.

7 MR. LOCKLAIR: The renewal of our directed verdict is
8 based on the previous grounds. Our motion for a new trial
9 we would base that on the admission of his statement and
10 the other objections that we had previously made to
11 evidence that had been noted for the record.

12 THE COURT: All right, let me let you know in regard
13 to the directed verdict would you state your grounds once
14 again?

15 MR. LOCKLAIR: Just that the State had failed to prove
16 to a reasonable jury that each element of the case.

17 THE COURT: All right, all right, and once again the
18 Court had ruled that there was substantial circumstantial
19 evidence upon which the verdict could be, could be based;
20 and therefore, I respectfully deny as to that matter.

21 MR. LOCKLAIR: Thank you.

22 THE COURT: As to the new trial?

23 MR. LOCKLAIR: Your Honor, we would just base that on
24 our previous evidentiary objections and that would be the
25 only basis we would have for that motion.

1 THE COURT: All right, all right, find no error of law
2 in regard to any grant of a new trial as to the objections
3 that were made. There was a ruling in regard to the
4 statement that was previously made. The Court stands by
5 that previous ruling that there was a finding by a
6 preponderance of the evidence. The jury obviously found
7 the standard of beyond a reasonable doubt as to the
8 statement. They made a finding in that regard. I see -- I
9 find no error; and therefore, respectfully deny.

10 MR. LOCKLAIR: Thank you, Your Honor.

11 THE COURT: There's sufficient evidence and the
12 Court's determination is that the Defendant has received a
13 fair and impartial trial.

14 Anything further?

15 MR. HEMBREE: Your Honor, we're prepared to go forward
16 at a sentencing hearing at this time.

17 THE COURT: All right, if you'll come forward for
18 sentencing.

19 (Complies with request.)

20 MS. KNEECE: If I could beg the Court's indulgence,
21 please.

22 We're ready to proceed. Thank you.

23 THE COURT: All right, yes, sir, I'll hear from the
24 State.

25 MR. HEMBREE: May it please the Court, Your Honor, to

1 review the Defendant's prior criminal history, he has a
2 conviction for a failure to stop for a blue light, January
3 22nd of 1992; resisting arrest, December the 10th of 1991,
4 as well as driving under suspension, open container, all
5 growing out of the same series of events; 1998, July 12th,
6 excuse me, July 12th, 1999, the Defendant was convicted of
7 criminal domestic violence; May, excuse me, June 20th of
8 2002, driving under suspension and disregarding a stop
9 sign.

10 Your Honor, I have inquired as to the victims' family
11 and friends. There is a sizeable or a large number of
12 folks here. I don't think that they have anything that
13 they need to say to the Court to add. I would at this
14 point just ask those that are friends and family of Elton
15 Rutledge, Jr., or Wilfred Brown to please stand up.

16 (Complies with request.)

17 MR. HEMBREE: Thank you very much.

18 THE COURT: Thank you.

19 MR. HEMBREE: As I say, Your Honor, I think that I
20 could call a number of folks up here but -- and I think you
21 know what they would probably say and they've had an
22 opportunity previously at some bond hearings to share their
23 feelings about this case on a number of occasions. Your
24 Honor, this was a cold-blooded act. It was, it was
25 gruesome in the steps that were undertaken by the Defendant

1 to cover up this awful crime. The State would ask that the
2 Defendant be sentenced to life without the possibility of
3 parole.

4 THE COURT: Yes, be glad to hear from you.

5 MS. KNEECE: Thank you, Your Honor, may it please the
6 Court.

7 Jody Ward is 29 years of age. He has three children.
8 He has a son, Ashton, who is eight; a daughter, Chelsie,
9 who is five; and another daughter, Victoria, who is two.

10 You've heard his criminal history. Your Honor, it's
11 obviously minimal in comparison to what has transpired here
12 today and we ask that you take that into consideration. If
13 you give him 30 years the statutory minimum, he still has
14 to do day for day. He would be close to 60 when he got out
15 and we would just ask that you have as much mercy as you
16 deem appropriate.

17 THE COURT: All right, anything that you'd like to
18 say?

19 MS. KNEECE: Actually I do want to address the Court
20 on that. We've advised him and discussed with him that it
21 would probably not be in his best interest to address the
22 Court.

23 THE COURT: And that's fine. That's his right.
24 Anything further?

25 MR. LOCKLAIR: No, ma'am.

1 THE COURT: As to 03-GS-22-1030, the sentence of the
2 Court is life.

3 As to 03-GS-22-1031, the sentence of the Court is
4 life.

5 Good luck, sir.

6 MS. KNEECE: Thank you.

7 MR. LOCKLAIR: Thank you, Your Honor.

8 MR. HEMBREE: Thank you, Your Honor.

9 MR. BRYAN: Thank you, Your Honor.

10 (Adjourned.)

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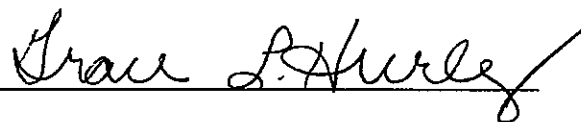
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C E R T I F I C A T E

I, the undersigned Grace L. Hurley, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the Hearing held in the case of The State versus Jody Lynn Ward, held in the Court of General Sessions for Georgetown County, Georgetown County Courthouse, Georgetown, South Carolina, on March 15th, 2004, through March 18th, 2004.

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



Grace L. Hurley, CVR-CM

Official Reporter

July 20, 2004.

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Weaver: Today's date is January 8, 2003, the time is 3:50 P.M. This statement is being taken at the Georgetown County Detention Center, Georgetown, South Carolina. The persons present are Jody Ward, who is currently incarcerated at the Georgetown County Detention Center and charged with murder in the death of Wilford Brown and Elton Rutledge. Other persons present are myself Carter Weaver, Assistant Sheriff for the Georgetown County Sheriff's office. Mr. Ward do you understand that this statement is being tape-recorded?

Ward: Yes sir.

Weaver: Do you have any objection to this statement being tape-recorded?

Ward: No sir.

Weaver: Ok. Let me do one thing before we get started. I have read you your Miranda warning previously is that correct?

Ward: Yes sr.

Weaver: About ten minutes ago.

Ward: yes sir.

Weaver: And you signed thoughts?

Ward: Yes sir.

Weaver: Alright. I'd like to read them to you. You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish one. If you desire to make a statement or answer question, you have the right to stop at any time during the statement or questioning. Do you understand them?

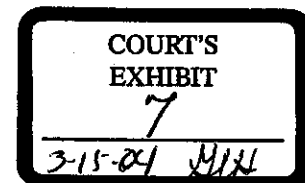
Ward: Yes sir.

Weaver: Ok. Is this your signature Jody L. Ward that's on the Miranda Warning form?

Ward: Yes sir.

Weaver: And I witnessed it Carter Weaver, January 8, 2003?

Ward: Yes Sir.



Weaver: At 3:36 P.M.

Ward: Yes sir.

Weaver: In the fourteen minutes from the time I read you your Miranda Warning until now which was 3:50 when we started the tape what occurred during that time? Did we just have a general conversation about why I was here?

Ward: Yes sir.

Weaver: About the fact was you called me to come to the jail?

Ward: Yes sir.

Weaver: Ok. Then we went and took you to the bathroom. Is that correct?

Ward: Yes sir.

Weaver: And got you some water?

Ward: Yes sir.

Weaver: Did anything else happen in that time?

Ward: No sir.

Weaver: Anybody else have any contact with you at that time?

Ward: No sir.

Weaver: Jody has anybody threatened you in any way? Today or any time you've been incarcerated here to give us a statement?

Ward: No sir.

Weaver: Ok and is this statement of your own free will?

Ward: Yes sir.

Weaver: Ok and you understand that you can stop at any time?

Ward: Yes sir.

Weaver: Ok. If you will in regards to Wilford Brown and Elton Rutledge you know both those gentlemen is that correct?

Ward: Yes sir.

Weaver: And you have been charged you have been served and charged with murder? Is that correct?

Ward: Yes sir.

Weaver: Ok. If you can just while the statement here is on tape and you have no objections to it being tape-recorded?

Ward: That's right.

Weaver: Just give me a statement as to what occurred during this incident as far as what led to their death.

Ward: Sigh. I called I called Wilford Brown on August 3 of the morning from Denise Langston's house. He called me back. I told him I told him to buy some marijuana. I went ah I called him and he told me to come to come to Georgetown. When I got to Georgetown I called him back and he told me to pick him up at the store that's in front of Eckerd Speedway I think. I went to Speedway and he wasn't over there. I went back to his Mom's house and I asked her where was Wilford. She said she didn't know that he had just left. I went back over went back over to Eckerd wait I called him on the cell phone again he told me he was over at Eckerd. I went over to Eckerd's, I picked him up, and we went down to Prince Street. Went down to a park. Wilford said he had to get out and talk to this boy. He got out and went and talked to this boy which I didn't know the boy but later I found his name was Hamilton. He got out and went to a little park. The boy had a little small child with him and talked for two or three minutes. He come back and got in the truck and we left. He had we rode around a little while smoked some marijuana smoked a couple of joints. Went by Jody Owens house and Jody Owens was putting roof coating on top of his trailer. While we were there Kevin Cooper came by there. We talked smoked a blunt blunt on the back porch. We left from there we went out to I run Wilford around a couple of places in Georgetown. Then we went

Weaver: What time did all this start? About what time?

Ward: It was around ten that morning.

Weaver: Ok go ahead.

Ward: I did leave out the part my wife had I took my truck to the shop where dude that works on my truck. I got to back up man I done went by

Weaver: Just take your time, just take your time.

Ward: I went by Wilford Wilford told me to go by his girlfriend house or his wife Miss Andrew Brown and get his keys. I brought his keys to him when I came.

Weaver: What are you riding in?

Ward: I my wife's Isuzu Rodeo.

Weaver: Ok.

Ward: Again I brought him his keys when I came. We rode around went to a few places I didn't know we went. We went by Tony's Famous Pizza. He got a pizza and subs something for his wife. We went by Elton's house which I didn't know Elton went by his house and picked him up then we went to Elton's old ladies house I mean not Elton's old lady Wilford's old lady's house which is Andrea out in Sampit. We went there I went inside with them I his mother-in-law or what ever called us inside me and Elton was sitting in the truck or Rodeo. We went inside and talked for a few minutes. I told I told Wilford I had to go down and check on my truck. I went down to the man who was it was just a block down the road I went down there I talked with the man about my truck and he said he was working on it that he was going to try a few things for me to come back. I went back and picked them up, Elton and Wilford, went back into Georgetown went back into Georgetown by Brian Elliott's house. Brian was wanting to buy some crack. I went inside Wilford and Elton sat in the truck. I told Brian the boys had some that Wilford had some crack on him and that he serve him. Brian came out he got in the tracker with us and we went out to the dirt road we turned off the Gapway dirt road we went on straight on the dirt road. Brian got the crack and he did some of it. We smoking Wilford rolled another blunt, we smoked another blunt. We went on down until we got to the fork of the road down there just before the fork of the road there a little dirt road. We turned down there Wilford me, Brian and Elton got out the truck. I was driving, Wilford was in the driver's seat, Elton and Brian was in the back. There was also a baby my wife's baby seat back there my little baby seat was in back of her vehicle. Brian we all got out the vehicle and we all started smoking weed and the next thing I know Wilford pulls out a gun and he said "Give me the money, Give me the money" cause he seen I showed him earlier when I went by Wal-Mart and bought some spark plugs. I showed him he seen I had that money large amount of money it was like \$1000.00/\$1200.00 some dollars \$82.00 I believe. And he told me give him my money and told Brian to give him his money. And then he fired we was standing at the back end of the vehicle that passengers back and both the front door and back door was open on the passengers side. I don't know exactly what happened but there was a tussle going on between Brian made a run for the gun and he shot it a couple of times into the vehicle.

Weaver: Wilford?

Ward: Wilford did. Brian grabbed the gun and spun it around and when he did it shot it shot Wilford in the head and he went down on the ground. And he just turned right back around and shot Elton. Both of them dead. Then he starts tripping out and I told him to give me the gun, give me the gun and finally I talked he started crying and stuff I talked him out I talked him into giving me the gun. I put the gun I took the clip out of it. And this particular weapon was a weapon that Wilford was trying to sell me. It was a 9mm pistol and it had a clip in it. Well ... Brian.. I helped Brian drag both of them into the woods. We then left we left from there Brian told me to take him to cause blood got on the back seat of the vehicle.

Weaver: How blood get on the back seat of the vehicle?

Ward: When he shot Elton.

Weaver: So Elton was still in the car?

Ward: No he was standing in front the door.

Weaver: Which door do you remember?

Ward: But I mean he was the passenger the back passenger and whenever he shot him blood squirted across the back seat. And then we left from there and he told me he told me to take him home. Take him home. I told him I wasn't taking him home because the front windshield was shot out and there was blood on the back seat. Well then he told me to take him and drop him off at Roger Dale's. I took him and dropped him off at Roger Dale Ackerman's house on Gapway Road. I then went back from there to Denise Langston's house. I went over to Denise I called Candice. Candy Cox. She came over she Denise come across the yard cause they live right beside one another. Denise came over there and she told me what happen, what happened. I told her its bad, don't even look in the back seat there was blood on the back seat. She said what happened with the front window and I told her it was just a bunch of stuff that happened.

Weaver: This is who now?

Ward: Denise.

Weaver: Denise Langston?

Ward: Yea. Well then she went over to

Weaver: About what time is it now?

Ward: It's probably around probably around five. Between four and five.

Weaver: About what time did the shooting happen you thing?

Ward: I'd say probably four thirty cause I just run Brian back I run Brian back to Roger Dale's and later told by Brian on Monday that either Jason Ackerman or Josh Ackerman is the one that took him home in the evening hour around five o'clock.

Weaver: Ok go ahead.

Ward: Alright we went to I told Denise that I didn't know what I was gonna do and everything was crazy and I told her I was gonna call the police. And she said they was gonna lock me up. I told why I hadn't did nothing I didn't do nothing so then we took the tracker over behind Candy's house and parked behind a shed in their backyard. Then her

Weaver: That's Candy who?

Ward: Candy Cox.

Weaver: Ok

Ward: Her husband was there his name's Roger, Roger Cox Jr. He didn't Roger he didn't know anything about it. Candy and Denise told him that I needed to get the shovel that I needed to borrow the shovel cause the because I'd shot a dog I think was what they told him. Also Amber Ackerman she was there. That's Candy's niece.

Weaver: And this is at Candy's house?

Ward: Yea at Candy's house. And Amber's boyfriend was there.

Weaver: What's his name?

Ward: I don't know what his name is. He's from Trio. But ah I had a little bit of splatters of blood on my shirt that you cause it splattered when he shot him. It got on my shirt. I took Candy took my shirt, put in the washing machine and washed it along with my shoes cause I had two or three drops on my shoes.

Weaver: Where were you standing when Brian shot em?

Ward: Right beside him at the back of the vehicle.

Weaver: Go ahead.

Ward: Then ah Denise took me took me back down there cause after Brian did that he wanted to get away he didn't want nothing to with any of it and I told him I

said I don't know them girls talked really, Candy and Denise, is ones that talked me into not calling the police. I was gonna call them cause I was just scared and Brian told me he would kill me and my children and my wife and drink my baby's blood if I told anybody about this and that's the reason I hadn't told so far.

Weaver: So Denise you're with Denise now and what are you fixing to do?

Ward: Denise takes me down and drops me off.

Weaver: Where?

Ward: At scene.

Weaver: Back at Gapway?

Ward: Off Gapway.

Weaver: What was she driving?

Ward: The turquoise green Caliver whatever it is the little car it was her car.

Weaver: And you're got a shovel now? From Roger Cox Jr. house?

Ward: Yea.

Weaver: Ok.

Ward: I then I went ... I went down there and I was gonna, I was gonna try to bury them but I couldn't cause the dirt was real hard.

Weaver: What else did you have with you other than a shovel?

Ward: That's all I had. I left uh the gun was still in the tracker that was down at Denise. Candy's house.

Weaver: Behind the shed?

Ward: Behind the shed.

Weaver: So yawl go in the green Cavalier just you and Denise and nobody else?

Ward: She dropped me off.

Weaver: This is that same night?

Ward: That same day.

Weaver: An hour or so later, how much later?

Ward: She she she didn't drop me off but about thirty minutes.

Weaver: After it happened?

Ward: I started walking back I started walking back after the shovel broke and Barry Barry Watford picked me up and took me back and give a ride back

Weaver: Well how she didn't so she just dropped you off?

Ward: She dropped me off and told me to call her on my cell phone.

Weaver: Ok. How does Barry Watford get into the picture?

Ward: He was driving down the road when I was walking back down the dirt road and I asked him to give me a ride. I asked him to give me a ride back to Denise's house.

Weaver: So she left you and you were gonna do whatever you she knew you were gone to bury them?

Ward: yes sir.

Weaver: And when you got through you were just gonna call her and she was going come pick you up?

Ward: yea

Weaver: Then you come out.

Ward: I come out

Weaver: You got the shovel with you or not?

Ward: No I broke the handle broke on the shovel

Weaver: What did you do with the shovel?

Ward: I throwed in the woods right there.

Weaver: Ok. This is that little hunting club road where it's got the gate on it.

Ward: yea

Weaver: Ok right down from the intersection about fifty yards or so

Ward: yea

Weaver: I guess that would be north or kinda NorthEast or whatever?

Ward: um um (yes)

Weaver: When you get to Gapway intersection on Indian Hut you take a right

Ward: yea

Weaver: Then you go down about 100 yards and that little hunting club

Ward: Yea

Weaver: Pass that power station and stuff

Ward: yea

Weaver: Ok. Shovel breaks the grounds too hard

Ward: yea

Weaver: Throw the shovel in the woods

Ward: yea

Weaver: Now where's Wilford and Elton?

Ward: They dead.

Weaver: I understand that but where are they?

Ward: They just they just drug off in the woods right there

Weaver: How far from the hunting club road are they drug off in the woods?

Ward: It ain't a real lot.

Weaver: Cause you know the ditch is on the right side. Remember the ditch?
You go down the hunting club road

Ward: I don't know no ditch

Weaver: Which it's not a long road, it's a short road. There's a ditch on the right. So where did you drag them off to?

Ward: They was drug right in the woods right there

Weaver: But going down the road, which side?

Ward: I guess that would be on the left side

Weaver: Ok. Now how far in the woods were they drug in there?

Ward: Ah..

Weaver: When yawl when you and Brian first drug in there I mean yawl carried them one at a time, yawl carried both of you had to carry one or both of you grabbed one and drug it?

Ward: We ah he grabbed one and I grabbed one.

Weaver: Ok. Yawl grabbed them by the hand, by the feet or what?

Ward: Grabbed him by the feet and it pulled his shirt off.

Weaver: Which one?

Ward: Whenever we drug them.

Weaver: Both of them shirt off?

Ward: Yea.

Weaver: Ok. How far did yawl have to drag them?

Ward: It wasn't real far.

Weaver: So the shirt comes off so you had to go back and get the shirt?

Ward: Yea.

Weaver: What did you do with the shirts?

Ward: They was back there in the woods with them.

Weaver: So you went and got the shirts, what I'm saying is what did you do with the shirts after you had to go back and get the shirts?

Ward: I put out beside them.

Weaver: Ok. So you carried brought the shirts back in there where they were?

Ward: Brian was flipping out he said let's go, let's go.

Weaver: Did you take anything else off of them or did anything else drop off them or did yawl try to cover where they had been drug?

Ward: no

Weaver: Ok. So yawl go back get in the car and go to Denise?

Ward: No I took I took him to I took him to Roger Dale's house.

Weaver: Yea, ok.

Ward: He got took home by Josh or Jason.

Weaver: That's right. Now she brings you up there, Denise brings you up there in the Cavalier, the shovel was broke, throw the shovel in the woods

Ward: Barry I started walking back Barry picked me up and took me back to Denise. When he pulled in the yard he needed to use the water hose because his truck was running hot. He used the water hose he used the water hose on his truck because it was running hot we were standing in the back yard then ah then we back over to Candy's house.

Weaver: So this truck was hot?

Ward: Yea. His truck was running hot.

Weaver: So he got some water for it?

Ward: yea

Weaver: Then you and Denise went to Candy's?

Ward: Yea

Weaver: How far does she live away?

Ward: Just right next door?

Weaver: Ok. So what yawl go there for?

Ward: We went back over there cause she washing my shoes and shirt.

Weaver: What what you put on?

Ward: She give me one of Rogers shirts and I got a pair of boots from that Denise's ex-husband had left over at the shed.

Weaver: The shoes you washed, was that the same shoes you had on here at the jail?

Ward: um-um(yes)

Weaver: You came in that day?

Ward: Yea

Weaver: So you had on some of Rogers's clothes, then what do ya'll do? You still got Wilford and Elton just laying there. You got to do something will them.

Ward: Yep. Amber Amber and that boy stays there for a little while and they left. Well then Denise, me and her rode to Georgetown.

Weaver: You and Denise rode to Georgetown?

Ward: yea.

Weaver: What did yawl do that for?

Ward: We went to Georgetown. I don't know we might have grabbed something to eat.

Weaver: Obviously yawl were talking about all this mess too.

Ward: Yea

Weaver: I mean it had just happened.

Ward: Brian is her cousin. She knowed she knowed Brian was involved in it.

Weaver: What was the plan while yawl were eating while yawl were driving to town and eating? Cause she already carried you one time to try bury them and that didn't work.

Ward: Yea

Weaver: So what was the plan?

Ward: When I went back actually the shovel I got the first time was from Denise house. Then I went back and she said we would have to make up something to tell Roger to get a shovel from over there and they told him they had parked that I parked the tracker in the backyard so my wife didn't see it.

Weaver: So we changed a little bit. You got the shovel from Denise first.

Ward: Yea the shovel was

Weaver: Then you went and got Rogers.

Ward: She went over there and got one from over there at his house.

Weaver: Roger Cox?

Ward: Yea.

Weaver: Alright. So then yawl go to eat?

Ward: yea

Weaver: I know yawl went back and got the shove from Roger Cox, but what else was the plan while yawl driving to town while, where did you go to eat?

Ward: I'm not exactly sure.

Weaver: So anyway yawl go eat.

Ward: We just grabbed something in Georgetown it might have been McDonald I believe.

Weaver: But yawl talking though. What yawl talking about? (Beep-Beep)

Ward: No I told her I actually, I actually didn't tell her that I just told her I had to go back I did (Beep-Beep) I stopped by Brian's with her. I did I stopped back by Brian's house and went inside and talked with him.

Weaver: What was happening?

Ward: He was sitting on the I just went by there and talked to him I asked him he told me to put the ah

Weaver: Hold on just a second. (Beep) Go ahead. Sheriff I'm at the jail in a meeting.

Weaver: Alright go ahead. I had to step out in the hall just now didn't I?

Ward: yea

Weaver: Ok. I didn't cut the tape off did I?

Ward: No

Weaver: Nobody came in the room or said anything to you while I was gone?

Ward: no

Weaver: You still understand it's being recorded? Is that correct?

Ward: yea

Weaver: You still under your own free will and no one has threatened or coerced of any kind to get you give a statement? Is that correct?

Ward: That's right.

Weaver: Alright yawl stop by Brian house.

Ward: Denise sat in the car. I went inside.

Weaver: What yawl driving?

Ward: Still driving Denise's car.

Weaver: Alright.

Ward: I went in there and talked to Denise I mean I talked to Brian for a few minutes and he just told me it would be better that I just stayed away from there a little while. And he come up with the plan for me that he told me to get to wait to dark take the Jeep to Dawhoo Lake

Weaver: It's close to dark now ain't it?

Ward: Yes it's almost dark then. He told me to take the Jeep to Dawhoo Lake and he told me to take the Jeep to Dawhoo Lake and for me to tell the police that he wasn't even with with with with me completely at all and that I was at Money Savers and they took my ride.

Weaver: So they stole your car?

Ward: yea

Weaver: Ok. I guess let me ask you this, I mean I don't what was his mood then. I mean what's it been an hour then an hour and half for yawl to go eat?

Ward: yea he had already took a shower he was sitting in chair watching TV and

Weaver: Who else was there when yawl got there?

Ward: There wasn't anybody there.

Weaver: So he was by himself?

Ward: His daddy was in the back yard over next door.

Weaver: So he had showered and done everything else.

Ward: yea

Weaver: He was just sitting there watching TV?

Ward: And that's when he told me Josh he Josh or Jason Ackerman had brought him home in that little white car of Roger Dale's girlfriend.

Weaver: Then he came up with the story about you going to Dawhoo Lake?

Ward: yea He didn't want to have anything else to do with it.

Weaver: Well you didn't have a problem with that?

Ward: I did. I asked him why couldn't he he said he didn't have no ride which he didn't and I told him I'd get Denise

Weaver: But he's the one that shot them?

Ward: I know'd after he did that he didn't want nothing else to do with it.

Weaver: So he's gonna put you in the middle. So now you got the gun, you got the car

Ward: yea

Weaver: And you got the bodies. Basically.

Ward: I don't have the bodies. The bodies is in the woods.

Weaver: But you know what I mean. Basically it's now your responsibilities.

Ward: Yep

Weaver: He ain't doing nothing.

Ward: He ain't having nothing to do with it and if I said anything he'd kill my youngums. If he went to jail he have someone to kill my family.

Weaver: How well do yawl know each other?

Ward: Basically all my life.

Weaver: Yawl been together awhile.

Ward: And I do know Brian is crazy.

Weaver: I understand that but yawl been there done that with a lot of things in life. You didn't get kinda of upset with him or tell him that's a bunch of crap or what's that conversation like

Ward: Not really not really

Weaver: He sitting there watching he sitting there watching the Flintstones or whatever, showered, sitting in his house and you ain't even had no shower. You got another man's shirt on, another man's shoes on

Ward: yea

Weaver: You got Denise sitting out there in the yard, he looking at you and saying hey brother I ain't got nothing else to do with this.

Ward: That's basically what he did.

Weaver: Now that made you kinda angry didn't it.

Ward: Yea it made me angry but what's I suppose to do.

Weaver: So what did you do then?

Ward: I went I got Denise to take me back down there and I went there I went in there and I buried them.

Weaver: ?????

Ward: She got me back up.

Weaver: Yawl at Brian, Denise is in the car, yawl get in the car and what do you do? Yawl get in the car from Brian's. What do you do?

Ward: We drove back done the dirt road the shovel's already in the back and she dropped me off.

Weaver: So when did you get the shovel?

Ward: It was from Rogers. The shovel was from Rogers.

Weaver: So ya'll got the shovel before you went to eat?

Ward: Before we went to eat.

Weaver: Ok. So yawl go back down to Gapway

Ward: um-um(yes)

Weaver: Ok tell me exactly what happens now.

Ward: I went in the woods and I buried them.

Weaver: Where is she?

Ward: She went back down to Candy's and I called her on my cell phone.

Weaver: That was the plan again. To drop you off with the shovel.

Ward: Yep

Weaver: And you call her when you get ready. She knew what you were going to do.

Ward: yep

Weaver: You weren't going to bury no dog.

Ward: yep

Weaver: You were going to bury those two boys.

Ward: That's right.

Weaver: Alright.

Ward: She knowed it.

Weaver: Alright she drops you off

Ward: And I told yep whenever I got whenever I got finished I called I called her on the cell phone and I went back down and she come back down there and picked me up. Then I went back down to her house and I got the I got the gun and she took me and I throwed it away. It was in some creek where she took me to I don't I don't even know the name of it.

Weaver: All right you buried them?

Ward: um-um(yes)

Weaver: Now the ground was hard before the first time

Ward: Yea

Weaver: So hard you broke the shovel

Ward: Yea I had a round nose shovel that time

Weaver: The second time you've got a round nose shovel that's got a sharp point on it.

Ward: Yea

Weaver: Ok. So do you move them or do you bury them right there where they are laying?

Ward: I buried them right there where they was at.

Weaver: Right there where they lay. And how did you bury them?

Ward: With the shovel.

Weaver: How long do you think it it how long were you there?

Ward: I didn't bury them real good. I didn't bury them real you know what I'm saying.

Weaver: It's kinda hard to bury two grown men though in a hole.

Ward: One was buried right here. One was buried over there.

Weaver: So you buried them in two different holes?

Ward: yea

Weaver: About how far apart?

Ward: Probably ten-foot.

Weaver: So you bury them, they still got their clothes with them or do you strip them or do you do anything else to them.

Ward: No they still had their shirt was off.

Weaver: It's pretty dark at this point.

Ward: It was doubly dark still.

Weaver: How did you even go. You just walked right to them?

Ward: Yea

Weaver: And they still got their clothes on except the shirt?

Ward: Yea

Weaver: Is that right? You take the shovel, the pointed shovel

Ward: um-um(yes)

Weaver: And you start digging.

Ward: yep

Weaver: And that's all that happens?

Ward: Yea

Weaver: Ok. And you bury them

Ward: yea

Weaver: How deep you think you dug?

Ward: Actually I didn't dig I throwed dirt on top of them. You know what I'm saying.

Weaver: You didn't dig no hole.

Ward: I didn't dig no hole I kinda dug a hole

Weaver: While you were digging the dirt to throw on them.

Ward: Yea. And then I went back after she took me and we I throwed the gun away.

Weaver: Ok wait a minute now.

Ward: And his cell phone.

Weaver: Wait a minute now. So you cover them up.

Ward: Yea

Weaver: And you what do you do with you've got the shovel and you. That's it.

Ward: Yea

Weaver: Is that correct? You don't have nothing else with you?

Ward: No

Weaver: Ok

Ward: Other than his other than his cell phone I got his cell phone and his beeper.

Weaver: Why did you take that?

Ward: Because it was laying on the ground it was ringing and I cut it off.

Weaver: You take that and you come walking out

Ward: Yea

Weaver: You got a cell phone, a pager. Who did you take that off of?

Ward: Wilford

Weaver: Alright. A cell phone, an a pager, and a shovel

Ward: Yea

Weaver: And you walking out. Right

Ward: Yea

Weaver: Then what happened. What do you do?

Ward: She picked me back up.

Weaver: You call her?

Ward: Yea I called her.

Weaver: On your cell phone?

Ward: I waited a few minutes and she came back and picked me back up and then I went then I went I told you I got rid of the gun. I stopped back by and got it out of the truck.

Weaver: Wait a minute now. Denise picked you up. Look we got we got to be real meticulous in what we say now. She picks you up on Gapway

Ward: Yep

Weaver: And yawl go where?

Ward: Back down to Candy's house.

Weaver: She driving the green Cavalier?

Ward: yea

Weaver: Denise?

Ward: yea

Weaver: Langston?

Ward: yea

Weaver: Alright. So yawl went back to Candy's.

Ward: Yea

Weaver: And what do you do?

Ward: I went

Weaver: You're dirty damn you you're dirty

Ward: I ain't all that dirty.

Weaver: You not all that dirty?

Ward: I ain't all that dirty. No.

Weaver: Alright. So you got the pager, and the phone with you still?

Ward: yea

Weaver: Back at Denise Candy's?

Ward: I put it in the floorboard of car with the gun.

Weaver: Where was the gun?

Ward: It was in it was in the truck?

Weaver: So you took it out the truck. The truck that's got the windshield your wife's truck that was behind the shed at Roger Cox's/

Ward: Yea

Weaver: You put it in the floorboard of her car. What do you do?

Ward: We took it we took it and got rid of it.

Weaver: Where?

Weaver: If you leave Candy's house which way do you go?

Ward: Some some creek I don't know it's off Gapway Road. Somewhere Denise took me.

Weaver: Now Jody you know that area better than I do

Ward: That's what I'm saying. I don't know the name of the creek.

Weaver: Yea but you know that area better than I do. You could that's your back yard.

Ward: Not necessary.

Weaver: You know what I mean.

Ward: It's somewhere she took me. I don't know.

Weaver: Was there a landing?

Ward: No. Just a black water creek.

Weaver: But you could draw a map to it.

Ward: Yea if I had to.

Weaver: Alright. So yawl go to the creek. What do you throw out?

Ward: I took the well the clip was already out of the gun and throwed it I throwed that in the water along with the beeper and the cell phone.

Weaver: Where was the clip?

Ward: The clip? I'd took it out of the gun. I throwed it too.

Weaver: So it's thrown in there too. Was there any bullets left in the clip?

Ward: I don't know if there was or not. There might have been.

Weaver: You took the clip out for a reason.

Ward: Yea I think there was bullets in it.

Weaver: Why'd you take the clip out?

Ward: I took that out whenever Brian when I took the gun from Brian.

Weaver: Why's that?

Ward: Why did I take the clip out the gun? Cause he'd just killed two people and he scared me.

Weaver: But you got the gun. You got the gun though.

Ward: I took it down to Roger Dale's.

Weaver: Then you took the clip out.

Ward: I got the gun from him

Weaver: Don't you think it would have been a little better to keep the clip in in case he came after you?

Ward: No he wasn't in a violent rage at me he just really protected his own life and mine.

Weaver: That's because Wilford pulled a gun.

Ward: Wilford pulled it and shot into the vehicle.

Weaver: Alright. So yawl throwed the stuff out in the creek. Then what do you do?

Ward: Left from there and come back and I got into the tracker and she followed me to she followed me to Dawhoo Lake. That's where Brian told me to put it.

Weaver: And you ain't got no windshield.

Ward: No it didn't put nothing but a hole in it.

Weaver: Ok I just wanted ask. So you got a windshield just with a hole in it.

Ward: Just a hole in it. That's how I knowed Amber seemed the hole in it there when I drove it in the backyard.

Weaver: So Denise is following you. Which way to yawl go to Dawhoo?

Ward: Turnt down Kent Road. Come straight across the road to right on out to Sampit, then I turnt that road right there.

Weaver: 17A

Ward: Um-um(yes)

Weaver: You went straight there?

Ward: Um-um(yes)

Weaver: Alright when yawl get to Dawhoo. Did yawl stop anywhere on the way to Dawhoo?

Ward: No

Weaver: Did you call her on the phone or make any phone calls to each other?

Ward: No

Weaver: Yawl communicates your truck working fine other than for the hole in the windshield.

Ward: Yea

Weaver: Alright.

Ward: I drove down to Dawhoo Lake and runned it in the Lake. After they found the car

Weaver: Well how did you do that?

Ward: What you mean?

Weaver: How you'd get you didn't drive it in the lake.

Ward: Yea I did.

Weaver: You drove it

Ward: I jumped out of it.

Weaver: That's what I'm saying how did you do it.

Ward: I stepped out of it and let it roll in the lake.

Weaver: From the top of the hill?

Ward: Yea. That was before she even pulled down there.

Weaver: Did you get some speed going or how you do it? You just

Ward: Not really. It kinda floated.

Weaver: Did you take anything out of the car before you did that?

Ward: No

Weaver: How about the baby seat. Did you take the babyseat out?

Ward: No. I didn't take nothing out other than there was a couple of papers in there I took out. It wasn't much of nothing. It was in the glove compartment.

Weaver: Did you try to burn it?

Ward: No.

Weaver: Did you try to do anything else to the car?

Ward: No.

Weaver: How about the blood in the seat? Did you try to do anything with the blood in the seat before you sunk it?

Ward: Yea I did spray it out with the water hose.

Weaver: Where did you do that at?

Ward: At Denise's house.

Weaver: While it was where behind the shed?

Ward: That was before I put it behind the shed

Weaver: Who watched you do that?

Ward: Denise and I think Candy was over there too.

Weaver: So you were at Dawhoo Lake, you dumping it in the lake/

Ward: yea

Weaver: You drove it down, picked up a little bit of speed, not much and you jumped out.

Ward: Yea

Weaver: And what did the vehicle do?

Ward: It kinda floated. Look like it turned upside down or something. I didn't stay there but a second I got in the car.

Weaver: But you made sure it sunk?

Ward: No I didn't.

Weaver: You didn't make sure it sunk?

Ward: No

Weaver: Did you take the tag off it or anything. Do anything to modify the car in any other way?

Ward: No

Weaver: Alright. Then Denise drives up.

Ward: Yea

Weaver: Did you wait to see if it was her first or were you just walking down the road. What are you doing?

Ward: Well I knew it was her she wasn't far behind me.

Weaver: Ok but it was already in the water by the time she got there?

Ward: Yea

Weaver: So just you in the road you don't have anything in your hand, nothing in your pockets, you just walking?

Ward: Well I didn't walk a long ways now she pulled up to the landing where I was at.

Weaver: You get in the green Cavalier

Ward: Yea

Weaver: She by herself

Ward: Yea then we went to back to Candy and Dickey's.

Weaver: What did yawl take about?

Ward: What we talk about? Not really too much too much of nothing.

Weaver: Yawl were quiet riding back.

Ward: Yea

Weaver: Yawl go straight home?

Ward: Yea straight back to Candy's house.

Weaver: What did yawl do when you got there?

Ward: We went side and by then she'd already dried my shoes and my shirt and I got my shirt and shoes back.

Weaver: Who else was there when you got there?

Ward: Just her and her husband and her kids.

Weaver: Her husband is who?

Ward: Roger Cox.

Weaver: He still don't know what's going on.

Ward: No

Weaver: And he ain't asking no questions while she washing shoes and a shirt?

Ward: Not really he just got in he just got in from work.

Weaver: Ok

Ward: He was really out in the back yard. One of his

Weaver: And he don't know nothing

Ward: No he really out there drinking beer with another boy that had come up Sherman Wilson.

Weaver: Alright. So you put your stuff back on

Ward: Yea. We then went over to Denise's house for a little while. And probably about 10 o'clock that night she took me home and dropped me off.

Weaver: What yawl do at Denise's?

Ward: We just went over there and sit sit around.

Weaver: Did you smoke anymore dope?

Ward: Probably. Probably did.

Weaver: Drink any liquor?

Ward: No I don't drink.

Weaver: Did you call anybody?

Ward: Did I call anybody?

Weaver: Did any buzz come up? Did you call anybody? Did you see anybody else?

Ward: No

Weaver: Did you call Brian?

Ward: No I didn't call him.

Weaver: That night you didn't call him?

Ward: I didn't call him no more until

Weaver: Wait a minute now

Ward: I called him back on my cell phone I think it was I might have called him on my house no Sunday.

Weaver: Let's don't go to Sunday yet.

Ward: Uh?

Weaver: Don't get to Sunday yet. So yawl back at her house and you might have smoked a little bit more dope.

Ward: Yea

Weaver: And ah you stay there about how long?

Ward: I told you I stayed there till about 10:00, 10:00-10:30 and she took me home dropped me off at the end of my road.

Weaver: And what road is that?

Ward: Surffield Street

Weaver: And you walked to your house?

Ward: Yep.

Weaver: Straight home?

Ward: Yep.

Weaver: Who was there when you got home?

Ward: My wife.

Weaver: And your wife's name?

Ward: Beverly Ward.

Weaver: Ok. You go in the house obviously and she's there.

Ward: Yea

Weaver: Is she up?

Ward: Yea.

Weaver: Is anybody else there?

Ward: Just my kids.

Weaver: They up or in the bed?

Ward: They up no they in the bed they in the bed.

Weaver: What else is going on at the house. Yawl talk or she wants to know where you been or what?

Ward: She wants to know where I was at. I told her

Weaver: Cause Denise couldn't just drive up there and drop you off.

Ward: Yea she dropped me off at the end of the road.

Weaver: That's what I'm saying. She had to drop you off at the end of the road and walk in.

Ward: um-um(yes)

Weaver: Cause that wouldn't have been good.

Ward: I went there and I called I called Jody Owens and he said Wilford's momma was calling called there looking for him

Weaver: Why would she call Jody Owens house looking for him?

Ward: Because Wilford had used the phone whenever me and him was there earlier that day.

Weaver: So he's on the call ID or something?

Ward: It must have been on the caller ID and she called back there.

Weaver: Ok.

Ward: And he give me her telephone number and I called her on my cell phone and told her that Wilford and Elton had stole my stole my truck.

Weaver: You called her and told her. Then what did you do?

Ward: I told my wife the same story.

Weaver: Jody called you and told you Momma had called?

Ward: Either he called me or I called him I'm not

Weaver: Did you tell him anything at that point what had happened?

Ward: No. I never told him or nobody anything.

Weaver: So he tells you Momma's called and you at the house at Surffield with your wife.

Ward: I called her and then is girlfriend called me back in a few minutes.

Weaver: Wilford's girlfriend.

Ward: Yea his girlfriend or his wife.

Weaver: And what was that conversation like?

Ward: She just said he ain't never did nothing like that and that wasn't like him and that all kinda stuff like that.

Weaver: You told Momma he stole the car and wife called and said that ain't like him.

Ward: yea

Weaver: Ok

Ward: And then uh I went outside and used the telephone on my cell phone and called Denise and she came back and picked me up probably like around one o'clock cause

Weaver: NA

Ward: I was probably like 11:30 or 12:00 my wife and me had kinda argued.

Weaver: What were yawl arguing about?

Ward: She was mad cause uh she said I let the boys take the truck.

Weaver: Ok. That's her only transportation isn't it?

Ward: Yep

Weaver: Ok.

Ward: Well then

Weaver: You had just had a car stole just prior to this. /

Ward: Yea.

Weaver: Reportedly stolen.

Ward: Yea.

Weaver: Ok. So it's getting later you go out in the yard and you call Denise.

Ward: um-um(yes)

Weaver: And she gonna come pick you back up.

Ward: Yep

Weaver: You got on the same clothes Candy had washed or you changed.

Ward: No, no I took a shower, I did take a shower when I come in the house.

Weaver: What did you do with them clothes? Did you do anything special to them? What about your pants?

Ward: No.

Weaver: You weren't worried about blood on you pants?

Ward: I had on shorts I didn't have no blood on my shorts.

Weaver: Ok

Ward: I uh

Weaver: So you took those clothes off and threw them on the floor, put them in the dirty clothes, where did you do with them?

Ward: Yea. But then I left there when she picked me back up; she picked me up back up at the end of the road. I was waiting at the end of the road and she picked me back up and I went to her house and spent the night until the next morning until about 6 o'clock. About 7 o'clock in the morning I got her to take me home which was Sunday.

Weaver: Alright the tape just cut off? Is that correct?

Ward: Yea.

Weaver: What did I do during that time? I took the tape out and turned it from side A to side B. Is that correct?

Weaver: About how long was the tape recorder off?

Ward: Just a couple a couple of seconds.

Weaver: Alright in that couple of seconds that tape recorder was off did anybody come or out of this room?

Ward: No

Weaver: It's still just Jody Ward and Carter Weaver. Is that correct?

Ward: Yep

Weaver: You still understand that statement is being tape-recorded?

Ward: Yea.

Weaver: And you are well aware of your Miranda Rights.

Ward: Yep

Weaver: Ok and uh nobody has threatened you to give a statement and nobody has promised you to give a statement?

Ward: That's right.

Weaver: Alright. You go back to Denise's house; you spend the night and its Sunday morning.

Ward: I got her to take me back and drop me off at the end of the road.

Weaver: Ok Surffield?

Ward: Yep. I went home called my Mom and told my Moma I needed to use her car. I needed her to come over there. I might have called the man and see if he had fixed my truck.

Weaver: Which truck?

Ward: And he wasn't

Weaver: The other truck you had gone to buy spark plugs for?

Ward: Yea

Weaver: Ok.

Ward: Well uh he might have been working or didn't answer the phone, well anyway my Moma came. And me and my wife went down to City Police Department.

Weaver: Why did you go to the city?

Ward: Why did I go to the city?

Weaver: um-um(yes)

Ward: I just did. Because

Weaver: Because to say

Ward: Because to say it was in the city of Georgetown because it was at Money Savers N/A

Weaver: Ok

Ward: Brian had said where

Weaver: And your Momma went with you?

Ward: No my wife.

Weaver: Your wife. She don't know nothing

Ward: No. She don't know anything about it

Weaver: Yawl go to the city and file a police report saying Wilford and Elton had stolen your car your wife's car.

Ward: Yep

Weaver: And it was last and that had been the day the night before at the Money Savers.

Ward: Yep.

Weaver: Ok and a so you to the police department and you do that then what do you do?

Ward: I just left from there

Weaver: You talk to Brian anymore?

Ward: No I didn't talk to him anymore until he come and picked me up that Monday morning.

Weaver: So the way I see it now Brian knows the car wasn't stolen, Brian Elliott, you know the car wasn't stolen

Ward: What car?

Weaver: Your wife's car.

Ward: Yea.

Weaver: Candy knows the car wasn't stolen

Ward: Yea and Denise knows.

Weaver: Candy Cox, and Denise. That's everybody that knows what happened at this point.

Ward: Yea.

Weaver: That these boys had been shot and killed in that car or near that car.

Ward: Yea.

Weaver: Till you go home you with wife just trying to live normal now

Ward: Yep.

Weaver: No trying to raise no suspicious or nothing.

Ward: That's right.

Weaver: And you don't talk to Brian anymore.

Ward: No. That Monday that Monday we went crabbing he went out in the river and it was Charles Lamb, Paula Lamb, Eric Grantham, which is Mr. Grantham's son, his wife, and Jerry Poston came around our boat cause we went crabbing that day. That was on that Monday and Brian told them they was dead talking to St. Peters and the truck was in Dawhoo Lake. I don't know why he made that statement but you can you can ask them.

Weaver: I mean why in the world would he make that statement?

Ward: That what he made.

Weaver: You're the one ain't done none of that .You had to do all that.

Ward: Yea but he told me where to put it that's why. I know he's the one that stole may red car after they found my car. I didn't expect them to find that car in that lake.

Weaver: The red car or your wife's car?

Ward: My red car.

Weaver: At some point the police is coming to your house. The sheriff's office.

Ward: Yea that was weeks down the road.

Weaver: That right

Ward: Yea

Weaver: And they starting turn towards Jody Ward. Now what's going on during that time. We wanting to talk to you we're stirring your friends up we're going door to door. Obviously you got to be feeling something. You feel we are getting close to something. You getting worried, Brian run his mouth, according to you Brian he ain't done nothing he ain't got no business to be running his mouth.

Ward: Yep. I thought he would end up telling where it was at and all that.

Weaver: The truck?

Ward: Yea. And ah

Weaver: He also knew where the bodies were too.

Ward: And when I went where the bodies were at that's when

Weaver: But at some point you went back to them bodies.

Ward: Yes that what was getting to.

Weaver: Ok.

Ward: I got Lewis to take me.

Weaver: Lewis who?

Ward: Lewis Bazen.

Weaver: Ok. Why did you do that?

Ward: Why'd I do that? Because I was scared either Brian or ah ever Brian or Denise was going to end up telling.

Weaver: You knew we had searched Denise's car?

Ward: Yea.

Weaver: You knew that.

Ward: I even knew she the day that they come ah the day she come with the wire on her. She told me she was wearing a wire before she even came.

Weaver: Ok. So you knew we'd searched her car and you saying that we'd put a wire on her.

Ward: Yea.

Weaver: So obviously you start to feel we getting a little close.

Ward: um-um(yes)

Weaver: So you feel like you've got to do something with them boys. So what do you do?

Ward: I moved I moved what I found.

Weaver: You called Lewis Bazen

Ward: Yea.

Weaver: Who is he and how did you know to call him.

Ward: He was staying with us and he working

Weaver: On Surffield?

Ward: He was crabbing with me.

Weaver: Staying with you and your wife.

Ward: Yea

Weaver: Ok. Was he has transportation obviously.

Ward: No it was a rental car. I don't have driver's license so I got him to drive me.

Weaver: That's what I'm saying he's got transportation so he got you've got the rent a car you got for your car being missing.

Ward: um-um-(yes)

Weaver: So yawl drive down to where these bodies are?

Ward: Yep.

Weaver: What you gonna do? What's the plan?

Ward: I went in there and was gonna I went there and was gonna just cover them up but the dirt was so hard and stuff I couldn't I just gathered up what I found which wasn't it was just bones.

Weaver: But it ain't been there but a couple of weeks now.

Ward: What you mean?

Weaver: Would it have been a month?

Ward: It's been a long time.

Weaver: I'm talking about from the time they were buried

Ward: There wasn't nothing left but bones.

Weaver: From the time you went and moved it

Ward: There wasn't nothing left but bones.

Weaver: How do you recollect how long of a time difference was it.

Ward: It was probably a month I'd done come to jail and got out on bond for the car for shots fired over the vehicle.

Weaver: I understand.

Ward: For false information.

Weaver: So what you does Lewis know what you're gonna do? When did Lewis find out? That day or you had told him before that these boys had been killed while you were there.

Ward: No I told Lewis he didn't know anything about it.

Weaver: But you got to have something with you to pick them up.

Ward: I had gloves in the bag.

Weaver: In the bag.

Ward: um-um(yes)

Weaver: How did you what kinda of bag did you take with you?

Ward: It was a croaker bag and a burlap bag.

Weaver: Ok these weren't no big bags.

Ward: No

Weaver: It's almost like crabbing something you would use crabbing or whatever?

Ward: No really I use them gathering oysters.

Weaver: Ok like a bushel bag for oysters.

Ward: Yea

Weaver: Alright and you had a shovel with you?

Ward: Yea

Weaver: Now you leave there had you been back to that site since you buried them?

Ward: No

Weaver: To check on or look at or the see if anybody had been down there to find them?

Ward: No

Weaver: Cause you knew we were riding that area?

Ward: Yea

Weaver: You ain't been to check or see if we had found anything or moved them?

Ward: No

Weaver: So you all you knew is that you had two bodies down there that you had covered up.

Ward: I heard they had found some marijuana plants or something

Weaver: I understand but as far as the bodies are concerned all you knew when you left with Lewis is that you had two bodies you had covered up.

Ward: Yea

Weaver: So all you carry with you is two-bushel croaker sacks and a shovel.

Ward: Yea

Weaver: Now how you in your mind that day how you gonna fit these two boys in them croaker sacks?

Weaver: You didn't know what kinda of conditions they was in.

Ward: I may have went back I may have went back and seen that there wasn't nothing just bones that I saw.

Weaver: Well you'd remember that Jody?

Ward: I don't mean I don't exactly

Weaver: Jody these are two these are two you know whether what happened

Ward: I guess I did go back

Weaver: These are two dead guys that been shot, that you had to drag in the woods and bury.

Ward: That's why I believe that's why I believe

Weaver: You'd remember that.

Weaver: Did you chop them up?

Ward: No I didn't chop them up.

Weaver: when you buried them the first time?

Ward: No

Weaver: Did you chop them up when you went back now that you recollect when you went back a second time?

Ward: No there wasn't nothing but bones. I told you that. When I went back there wasn't knowing but bones.

Weaver: The third time.

Ward: Yep.

Weaver: You go back the third time and you got two croaker sacks

Ward: Yep

Weaver: and a shovel?

Ward: Yep

Weaver: You get there, he drops you off, does he go with you?

Ward: No

Weaver: What does he do?

Ward: He went down the road and come back and picked me up.

Weaver: Ok. So you go down the road, you got the sacks and the shovel you go back to where you buried them when you get there what do you see? 911

Ward: I didn't I didn't see too much of nothing just

Weaver: You have to uncover

Ward: Just bones.

Weaver: them somewhat.

Ward: No I didn't have to uncover them or nothing. Just what was there was just a little bit of bones.

Weaver: So there are exposed?

Ward: Yea

Weaver: The dirt's kinda or straw or whatever you had covering them is kinda off them.

Ward: Yea

Weaver: So what do you do?

Ward: I just gathered up what I seen that was left of them and took it and moved it.

Weaver: Ok. How did you take it and move it? What did you do with them?

When you got there with your sacks and shovel what did you do?

Ward: Moved them moved them down the road.

Weaver: You shoveled them up what was there

Ward: um-um(yes)

Weaver: you put them in a sack or both sacks. Did you keep the sacks separate?

Ward: Put in one sack then put it in the other sack cause there wasn't hardly nothing there.

Weaver: Ok. So you had two sacks but you didn't end up using really but one sack to put the bones in.

Ward: Yea

Weaver: So then you took that sack and put it inside the other one.

Ward: um-um(yes)

Weaver: Ok. Why did you do that?

Ward: I didn't see no reason to leave a sack in the woods

Weaver: Alright

Ward: around that area.

Weaver: So you take you finish your job there then what do you do?

Ward: I went ah

Weaver: Do try to cover up the site or you got holes there now or is everything kinda normal looking?

Ward: Just looks normal.

Weaver: Alright. So leave out you on that little hunting club road what do you do? Do you call him on the cell phone; do you flag him down?

Ward: No he just he was he was backed up at he was backed up at that road when I got back out.

Weaver: Ok you got a sack in your hand and shovel in your hand.

Ward: Yep.

Weaver: Right, ok you walk up to his car the rental car

Ward: um-um(yes)

Weaver: What do you do?

Ward: I told him to pop the trunk. I put them in the back with the shovel.

Weaver: Ok, so close you the trunk, you walk around to the passenger side on the front and you get in. Is that right?

Ward: um-um(yes)

Weaver: Then what do you do?

Ward: I told him to go home to drive

Weaver: Did it still just Lewis in the car ain't nobody else he ain't picked up nobody.

Ward: no

Weaver: Just you and Lewis Bazen?

Ward: Yep

Weaver: Alright so yawl sitting facing Gapway Road you pull out of the hunting club road which way do you turn?

Ward: Took a left on to Indian Hut?

Weaver: Alright

Ward: Went down to ah dirt road Walker Farm dirt road

Weaver: Near the store across from the store almost on Indian Hut

Ward: There ain't on store down there.

Weaver: Alright so what do you do—Walker Road?

Ward: Turn down that road and he dropped me off and I got out took it to the woods with the shovel and kinda put straw over left it in there.

Weaver: Kinda tell me about the area. What does it look like? Was it daylight when you did this?

Ward: It was just woods yea.

Weaver: About what time of day was it?

Ward: Probably about 12:00 o'clock.

Weaver: Mid-day

Ward: Yea

Weaver: Go into anything you remember about them woods. Was it wet, was it hilly, was it

Ward: I wasn't wet it was dry.

Weaver: Was it shrubs I mean

Ward: It was just woods it was

Weaver: You go in there and you just cover them up with just straw?

Ward: I kinda tried to dig but it was kinda hard so

Weaver: Do you remember about how far off the dirt road you were?

Ward: It wasn't that far

Weaver: You just walked in and did it and came back on what did he do?

Ward: He went down the road and turned around

Weaver: The dirt road so he kinda went deeper in the woods and just turned around and come back

Ward: yea

Weaver: When he got back where were you?

Ward: I was standing there.

Weaver: So you were already through by the time he went turned around you were done through.

Ward: Yea

Weaver: Did you have anything in your hand when you come back out of the woods waiting on him

Ward: I had the shovel.

Weaver: Still had the shovel. When he drives up what do you do?

Ward: I put the shovel in the back of the car

Weaver: In the back seat or the trunk?

Ward: In the trunk.

Weaver: Ok and you get in

Ward: yep

Weaver: Then what do yawl do then?

Ward: Went to ah went back to his sister's house took the shovel back

Weaver: Now who's his sister?

Ward: Buffy Lynn Parsons

Weaver: Where does she live?

Ward: On Surffield Road

Weaver: Do you remember what the shovel look anything about the shovel do you remember?

Ward: It had a wooden handle

Weaver: Did it have a point on it or was it flat?

Ward: It was a flat nose shovel.

Weaver: Like something you dig sod up with or something.

Ward: Just a shovel man.

Weaver: It didn't have no point on it?

Ward: No

Weaver: Ok. This one didn't. Did he ask you what you were doing? How much time had passed that you can remember from the day they were shot till the time you moved them?

Ward: Probably a month.

Weaver: Ok. There's no other day about month after they've been shot

Ward: um-um(yes)

Weaver: You get in the car with Bazen, Lewis Bazen,

Ward: Yea

Weaver: Where do yawl go. Yawl go back and take the shovel back. He ain't ask you no questions? He's living with you.

Ward: He didn't ask me anything about it. I just told him I was gonna to get some marijuana and

Weaver: You were going to dig up some marijuana.

Ward: um-um(yes)

Weaver: You kinda smelled bad didn't you?

Ward: That's he said

Weaver: Wasn't there an odor?

Ward: That' s what it says on the statement.

Weaver: So anyway he don't ask no questions?

Ward: No

Weaver: He was yawl to back to the house on Surffield?

Ward: No I went back I went by my Momma's and picked up some clothes I had there cause me and my wife had just got back together.

Weaver: Then you go back home evidentially.

Ward: Yea I went back home right then.

Weaver: Then what happened after that? As far as this incident is concerned. You got to skip a few days what kinda transpired next.

Ward: No too much he went out to his dad's and quit living with us.

Weaver: Why do you think that was?

Ward: I don't know. He went back to his dad's and built some anchors.

Weaver: Alright

Ward: Now he could afford his trip cause he bails.

Weaver: At some point law enforcement the sheriff's office contacts you. Is that correct?

Ward: Yea

Weaver: About all this.

Ward: um-um(yes)

Weaver: And you you don't really tell us anything?

Ward: I said I didn't want to make no statement without my attorney present.

Weaver: Not now but at that point. Is that correct?

Ward: um-um(yes)

Ward: You didn't want the names of the ones Brian said that in front of at the river?

Weaver: I've got those on tape.

Ward: Oh

Weaver: You talking about when yawl were crabbing that Monday?

Ward: Charles Lamb, Paula Lamb, Eric Grantham, and Connie Grantham and Jerry Poston. I'm not sure if Jerry really heard it cause he was just pulling up there.

Weaver: And you ain't talked with Brian since then?

Ward: He went to three different people, he was on crack, and went to three different people the next day which was on a Tuesday and he sold he got on crack that night and sold traps to three different people in the same night. And when I found out about it I got my wife to take me got my wife to take me by his house and I went inside and we had a argument and I told him that I wanted I told him I wanted my traps I bought all them traps and I got him I got him to write a paper out so I could go get my traps and I borrowed Mr. Juniors boat and went and got the traps back. Brian called him Mr. Junior and made a threat to him and told him that he was gonna get me and Mr. Junior for what we did to him. We got rid of his traps.

Weaver: He ain't worried about the killings he just worried about traps now.

Ward: Yea

Weaver: That doesn't make any sense does it?

Ward: He still N/A

Weaver: When you dropped N/A

Weaver: Think back to when you at Dawhoo Lake. You fixing to drop that car in the lake, you got the bullet hole in the windshield, that correct

Ward: um-um(yes)

Weaver: You got some blood on the back seat

Ward: um-um(yes)

Weaver: that you tried to wash out. Is that right?

Ward: Yep

Weaver: You remember anything else about the car that stands out? Anything else damaged in the car any other bullet holes in the car anything else?

Ward: I mean it shot he shot in it the door was shot I mean he shot a couple times during the little tussle they had.

Weaver: Were all the windows in tact in the car?

Ward: Yea

Weaver: So the driver's window was there

Ward: yea

Weaver: the passenger's side window was there

Ward: all of them every window in there it just

Weaver: It was a four-door vehicle. Right

Ward: Yea

Weaver: The two door windows. Then the hatch back hatch.

Ward: Yea

Weaver: And all that was in tact.

Ward: Yea

Ward: Why you ask all that? Not in tact now?

Weaver: Would there been would anything have happened did you hear any glass break or anything when you drove it in the lake?

Ward: No

Weaver: Would there have been any reason why the passenger window would be out?

Ward: No it isn't

Weaver: You don't remember anything about that?

Ward: No

Weaver: There was a lot gonna on that night there's ain't no doubt about that from what you told me here today.

Ward: Yea

Weaver: It was kinda kinda scary.

Ward: The window was not broke. No windows.

Weaver: They were sitting kinda close in that backseat with that babyseat back there.

Ward: Yea

Weaver: Do you remember a lot of blood in the baby seat?

Ward: Not necessarily. There was blood all across the back seat.

Weaver: And that would have come from who?

Ward: Elton.

Weaver: Cause he was standing outside the vehicle I want you to think now

Ward: He was standing outside the door.

Weaver: But was he in the vehicle or out the vehicle?

Ward: He might have fell into the truck whenever he shot him and kinda fell out onto the side.

Weaver: Which door would he have fallen which door would he have been standing by.

Ward: The back passenger.

Weaver: That's the side the baby seat was on.

Ward: No the baby seat was on the driver's side.

Weaver: Alright. So he may have fell in a little bit

Ward: Yea

Weaver: Which would have put some blood in there.

Ward: Yea

Weaver: You know how many times he was shot?

Ward: I thing once or twice.

Weaver: Do you know where he was shot?

Ward: He was shot in the head.

Weaver: In it both times?

Ward: I ain't sure exactly man.

Weaver: How far were you and Brian when Elton was shot?

Ward: Kinda close I kinda jumped out the way.

Weaver: Wilford and Brian according to you had been struggling, some shots going off during the struggle and I guess they went in the air or the ground or wherever they went. Right.

Ward: Yea

Weaver: Cause you weren't hit.

Ward: Nah they didn't uh

Weaver: You weren't hit and Brian wasn't hit

Ward: The only shot that was fired when they started tussling was the one shot that shot Wilford.

Weaver: So no shots went off when they were tussling.

Ward: No. Wilford shot into the vehicle. I don't know if he deliberately shot into to it to mean business or what, but he shot into the vehicle.

Weaver: Right before the tussle.

Ward: yea

Weaver: Then Brian

Ward: grabbed him grabbed the gun and spun it around and it shot him. And it was over drug money cause I was gonna buy dope from him.

Weaver: Did he shot him just one or two times? Do you remember how many times Wilford was shot?

Ward: He just shot him one time.

Weaver: You know where he was shot?

Ward: He was shot in the head.

Weaver: He was shot in the head too.

Ward: um-um(yes) At close range.

Weaver: How tall is Brian?

Ward: How tall is he?

Weaver: Is he about the same height as Wilford.

Ward: Yea

Weaver: There standing at the truck holding a gun on him

Ward: Maybe they may be squatted down a little bit.

Weaver: Did you threaten Denise in any way not to come to the police?

Ward: No

Weaver: How about Candy?

Ward: No

Weaver: How about Lewis?

Ward: Nope

Weaver: The Ackerman boys didn't know nothing.

Ward: No they didn't know anything about it.

Weaver: That you know of

Ward: That I know of unless Brian told them.

Weaver: Is there any reason why they wouldn't come to law enforcement and tell about yawl washing trying to wash blood out the truck and all that stuff?

Ward: Who?

Weaver: Candy, Denise and you?

Ward: I guess they just didn't want to tell, I don't know. Later she did write a statement saying that I told her that I killed Wilford and it was over dope money but that wasn't the case. I was being robbed at gunpoint.

Weaver: Why would why would you put your self in a position that its your wife's car that you were driving and you the one that been calling Wilford, you the one that's been riding around with him all day, everybody's seen you with him, yawl go to pick Elton up, not Brian and yawl get with Brian later on

Ward: um-um(yes)

Weaver: And then a shooting take place where Elton and Wilford it killed and you just let Brian walk away. You one that's been seen with them all day.

Ward: He told me

Weaver: Listen me to me though you the one that's been seen with them all day not Brian. According to you Brian shoots after an argument, after a tussle then you the one that's got to bury them, you the one that's got to dump the car, you one that's got to clean the blood up, you one that's got to wash clothes, you the one that's got to report the truck stolen, now you've got to do a lot of things to cover Brian's tracks. Why would you put yourself in that position?

Ward: I didn't want to have I didn't want to have anything else to do with it

Weaver: But this is a N/A

Ward: He you talk about threatening my family and kill my family and I do believe I'm scared if you go out there and just question him I rather you not even go do that if if gonna you do something arrest him because he probably would kill my family. I do believe that. Yawl know he's violent.

Weaver: But you talking about murder Jody. That night why would you be running around you the only one doing the work to cover up what happened. You, Denise, and Candy. Brian ain't drug them into this. You drug them into this.

Ward: I drove I done what Brian told me to do. He was in violent and enraged and he told me to take him home right now. That's what I was told to do. I told him I wasn't driving the car

Weaver: You had the gun

Ward: I didn't have no gun

Weaver: You had but you ended up with the gun.

Ward: I had got the gun from Brian

Weaver: Brian's gone and you got the gun, you got the truck, you got the blood you got everything, you one having to wash clothes, I mean it ain't good for Jody Ward when you stuck doing all that. You're one that has to move them Brian don't go back to move them.

Ward: He didn't want to have nothing else to do with it

Weaver: You're one that has to bury the first time, you remember sitting here today that you went back the second time and they were nothing but bones. And now you've got to go back the third time because supposedly Brian is telling everybody that they're buried.

Ward: He didn't say they were buried he just said they was talking with St. Peters

Weaver: And the truck was in Dawhoo Lake

Ward: And the truck was in Dawhoo Lake that was on August the 5th on Monday when we was in the river and Connie used my telephone to call her house on my cell phone.

Weaver: Don't you think that it would help if you to call the law enforcement that night if you had nothing to do with this?

Ward: I wish I would have now. I mean I was scared I'm telling you I was really scared about everything. I'm still scared about it. I'm scared for my family and my children.

Weaver: What did Elton say, what was Elton saying before he was shot?

Ward: It happened fast man he didn't say anything.

Weaver: Cause Elton wasn't trying to rob nobody?

Ward: Oh he went after he went on the Brian.

Weaver: But he was standing at the car door.

Ward: He was trying to get the gun from Brian.

Weaver: But he was standing at the car door.

Ward: Well where do you think Brian was standing at. All of us was standing at the back or the rear of the vehicle. The vehicle was right here right at the back of the vehicle.

Weaver: But there was a little bit of distance where Elton was supposed to be standing when he got shot. Cause the two that was struggling was Wilford and Brian, according to your statement

Ward: In front of the door.

Weaver: Well they couldn't all three be standing in front of the door struggling

Ward: We was; we was just that

Weaver: All four of you

Ward: And we was standing there smoking the joint, the blunt and it was just about to go out

Weaver: Then according to you now Wilford even shoots into the truck or something.

Ward: He does

Weaver: Well that kinda makes you back up a few steps.

Ward: Yep, I did back out of it

Weaver: Ain't no doubt about that anybody gonna away from that Whoa now we don't need to do all this. So everybody is getting a little distance between them

Ward: It's a little bit too late for all that. I called you to tell you the truth about everything.

Weaver: I understand

Ward: That's what I feel like I've done always

Weaver: How many times you been interviewed about this case asked to get a statement on this case?

Ward: A couple of times.

Weaver: Ok and you hadn't done that have you?

Ward: No

Weaver: Not until today.

Ward: That's right

Weaver: At any time has anybody asked you tell to tell us anything other than the truth.

Ward: No that's all you've asked me.

Weaver: Just tell the truth. And you feel like this is the truth.

Ward: That is the truth. Why you don't feel like that ain't the truth?

Weaver: I'm just asking Jody if you feel like that this is the truth?

Ward: That is the truth.

Weaver: Did you do anything else? Did you get rid of anything anything else that belongs to Wilford or Elton? Are did you

Ward: No

Weaver: Did you get rid of any clothing or did you get rid of anything else other than a clip, gun, a pager, and a cell phone and a vehicle. That was the only things you got rid of

Ward: Yep that was it

Weaver: And obviously you attempted to get rid of Wilford and Elton

Ward: Their bodies that right.

Weaver: But you didn't take nothing else from them

Ward: No

Weaver: Or keep nothing

Ward: No

Weaver: Cause that's important now. You don't know where anything is that belongs to either one of these two poor fellows.

Ward: No not that I know of or already told.

Weaver: You got anything else you want to add to your statement?

Ward: No sir.

Weaver: Is this statement the truth and the whole truth, and nothing but the truth

Ward: Yes sir

Weaver: Has anybody threatened any in way to give us a statement?

Ward: No sir

Weaver: And you understand this statement has been tape-recorded.

Ward: Yep

Weaver: And today which is January 8th, 2003 you contacted somebody at the Georgetown County Detention did you not?

Ward: yea

Weaver: Who was that?

Ward: Captain Owens.

Weaver: Captain Owens, Captain Kenneth Owens.

Ward: Yea

Weaver: And what did you tell him when you contacted him?

Ward: I told him I wanted to tell you what happened?

Weaver: Tell who?

Ward: Carter Weaver

Weaver: Ok so you contacted Captain Owens

Ward: Yea

Weaver: Did he try to take a statement from or get information from you?

Ward: No

Weaver: All you know is that I show up out here.

Ward: Yea

Weaver: You're moved from downstairs, you're brought up stairs in administration to an office and I show up. Is that correct?

Ward: Yea

Weaver: At that point I read you your Miranda Warning. Is that correct?

Ward: um-um(yes)

Weaver: We turn on a taped statement and I asked you if you want to give me a statement. Is that correct?

Ward: Yea

Weaver: I haven't threatened you in any way have I?

Ward: No

Weaver: I ain't tricked or coerce you in any way have I?

Ward: No

Weaver: Have I promised you anything for a statement?

Ward: No

Weaver: Have I asked you for anything other than the truth?

Ward: That's all you asked me

Weaver: Is there anything you'd like to add to this statement?

Ward: No

Weaver: This will be the end of the statement taken on January 8th, 2003, the time is 5:11 P.M.

Jody Lynn Ward, #300644
 Evans Covr. Inst. F-3-B-126
 610 Hwy 9 West
 Bennettsville, S.C. 29512

April 17, 2023

To:

Georgetown County Clerk of Court
 Attn: Clerk for General Sessions

P.O. Box 479

Georgetown, S.C. 29442

To:

Chief Administrative Judge Georgetown County
 Attn: Honorable Benjamin H. Culbertson

P.O. Box 479

Georgetown, S.C. 29442

To: Georgetown County Solicitors Office

Attn: Jimmie Richardson And/or Alicia Richardson

P.O. Box 1688

Georgetown, S.C. 29442

RE: Case Number: 2003-GS-22-1030 & 1031 / (1) Footnote
 Prose Motion Compelling Discovery Motion / (1) Footnote

Dear Clerk for General Sessions,

Please find here an Original Courts copy and a copy
 for Defendant to be returned clocked stamped this motions
 is to Compel Solicitors office to adhere to Discovery request

FILED
 GEORGETOWN COUNTY, SC
 ALMA Y. WHITE
 CLERK OF COURT

2023 MAY 12 PM 2:47

Pursuant to S.C. & U.S. Constitution and Due Process & Equal Protection of Law, and Due Diligence, I thank you all for all your time and help with this matter, May God Bless you all.

(1) Footnote — (1.) This is a Pro-se filings!

Dear Honorable Benjamin Culbertson,

As we are all aware that there's a Conflict of Interest with you and Judge Seals, I'm respectfully asking that you forward these Motions for a Hearing Scheduling. I thank you for all your time and help with this matter, Sorry I'm writing to you, But you are the Chief Administrative Judge for Georgetown County. Thank you once again and God Bless.

Verbatim Copy / File
Jimmie Richardson, Solicitor
Honorable Benjamin Culbertson 2. of 2.

Respectfully Submitted,
/s/ Jody Lyn Ward, #300644
Jody Lyn Ward, #300644
Pro-se

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF GEORGETOWN) FOR THE 15th JUDICIAL CIRCUIT
) C/A NO. 2003-GS-22-1030 F1031
State of South Carolina)
Respondents,) MOTION TO COMPEL DISCLOSURE
- vs -) OF SUPPLEMENTAL DISCOVERY
Jody Lynn Ward, #300644) MOTION & DISCLOSURE OF PLEA
Defendant, Rose) BARGAINS AND DEALS
_____)

FILED
GEORGETOWN COUNTY, S.C.
2023 MAY 12 PM 2:47
ALMA Y. RILEY
CLERK OF COURT

TO: The 15th Circuit Solicitor's office; ATTN: MR. Jimmie Richardson And/or Ms. Alicia Richardson

COMES NOW, the defendant, herein respectfully request the Government pursuant to the Constitutional mandates of Due Process, and specifically recognized and Ordered in Brady vs. Maryland, 373 U.S. 83 (1963); United States vs. Agurs, 427 U.S. 97 (1976); Davis vs. Alaska, 415 U.S. 308 (1974); and Banks vs. Dretke, 540 U.S. 664 (2004); Brady/Giglio issues held where the State suppressed "material" evidence. A rule that issues prosecution may "Hide" and Defendant must seek is not "Tenable" in a system, The Constitution is Bound to afford Due Process of law. see: Haines vs. Kerner, (1972) case, And Equal Protection to all.

The Defendant filed on January 19, 2023 a Supplemental Discovery Motion & Disclosure of Plea Bargains and Deals, after information and Belief from Attorney Tristan Shaffer, who represents the Defendant in other matters, that a witness by the name of Rhonda Jones Hairthcock gave a taped statement to Solicitors office in Georgetown County Solicitors office that is Exculpatory Evidence that is favorable to the Defendants guilt in 2003-GS-22-1030F/1031

In Criminal Law, exculpatory evidence is evidence, such as a statement, tending to excuse, justify, or absolve the alleged fault or guilt of a Defendant. In other words, the Evidence is favorable to the Defendant, and its Being Withheld.

The Defendant herein is Compelling this Court to issue a Order demanding Solicitors Jimmie Richardson And/or his wife Alicia Richardson to comply with the mandates set-forth in Brady vs. Maryland, supra; Giglio vs. U.S.; United States vs. Agurs, supra; Davis vs. Alaska, supra; Banks vs. Dretke, supra and its progeny; and the Constitution of the State of South Carolina & United States Constitution, as there is a (1) one year Statue for filing S.C.R.Crim.P. Rule 29(B) and states attempting to try and make Defendant miss his Deadline.

Respectfully Submitted,

15/ Jody Lynn Ward, #300644

2 of 2.

Jody Lynn Ward, #300644
Pro-se

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
 COUNTY OF GEORGETOWN) FOR THE 15th JUDICIAL CIRCUIT
)
 State of South Carolina) C/A Numbers: 2003-GS-22-1030 & 1031
 Respondents,)
 - vs-)
 Jody Lynn Ward, #300644)
 Defendant Pro-se)
)
) REQUEST FOR
)
) A HEARING

The Defendant, Pro-se, respectfully request a Hearing on Both Motion for Discovery & Motion Compelling the Discovery Sought, if the Respondents does not comply with requested Discovery, which clearly would exonerate the Defendant, Exercise of Due Diligence herein Sought, And S.C. & U.S. Constitution, Due Process & Equal Protection.

Time Needed: 30 minutes

Court Reporter: Is Needed

Respectfully Submitted,
 /s/ Jody Lynn Ward, #300644
 Jody Lynn Ward, #300644

FILED
 GEORGETOWN COUNTY, SC
 2023 MAY 12 PM 2:47
 ALMA Y. WHITE
 CLERK OF COURT

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
 COUNTY OF GEORGETOWN) FOR THE 15th JUDICIAL CIRCUIT
)

State of South Carolina)
 Respondents,)

VS)

Jody Lynn Ward, #300644)

Defendant)

Pro-se)

C/A Numbers: 2003-GS-22-1030 & 1031

CERTIFICATE

OF

SERVICE

FILED
 GEORGETOWN COUNTY, SC
 2023 MAY 12 PM 2:47
 ALMA Y. WHITE
 CLERK OF COURT

Defendant, pro-se respectfully files his (1) Motion to Compel Supplemental Discovery Motion & Disclosure of Plea Bargains & Deals; (2) Request for Hearing; (3) Certificate of Service. A True & Correct Copy has been served by way of U.S. Postal services Postage Prepaid On This 17th Day of April, 2023 to the following Addresses Below:

1.) Georgetown County Solicitor's Office
 Attn: Mr. Jimmie Richardson, Solicitor
 P.O. Box 1688
 Georgetown, S.C. 29442

3.) Honorable Benjamin Culbertson
 Chief Admin. Judge Georgetown
 P.O. Box 479
 Georgetown, S.C. 29442

2.) Georgetown County Clerk's Office
 Attn: Clerk of Court General Sessions
 P.O. Box 479
 Georgetown, S.C. 29442

Respectfully Submitted,
 /s/ Jody Lynn Ward, #300644
 Jody Lynn Ward, #300644
 Pro-se

NO. 184; 1995 Act NO. 7; FRAUDULENT GRAND JUROR Scott McKenzie; Actual AND Factual Innocent; Investigative and Prosecutorial Misconduct to get a WRONGFUL Conviction, that was not discovered and could not have been discovered through the exercise of Due Diligence at the time of TRIAL; Conspiracy to commit FRAUD By Both TRIAL Counsels.

see: State vs. Quattlebaum, 338 S.C. 441, 527 S.E.2d 105 (2000) [Integrity whole Judicial system All over again.]

1.) Missing Great Seal on S.C. Code Ann § 16-3-10 on 1993 Act NO. 184; 1995 Act NO. 7 see: Attached Exhibit - A -
 2.) FRAUD upon the Court By officers of the Court; FRAUD;
 3.) Lack Personal AND Subject Matter Jurisdiction; 5.) Ex Post Facto violation. see: Hazel-Atlas Glass Co. vs. Hartford Empire Co, SUPRA; Chewning vs. Ford Motor Company Inc. SUPRA; In re Genesys Data Techs Inc., 204 F. 3d 124, 130 (4th Cir. 2000)

Fraud upon the Court includes FRAUD by an officer of the Court including Attorneys. [S.C. Const. Art. 3 § 18 violation, violations of S.C. Code Ann § 2-7-230 & 240; U.S. Const. 14th Amend.]

2.) FRAUD upon the Court By Solicitor Robert Beau BRYAN in getting an illegal Indictment / Grand Jury Proceeding. see: Exhibit - B see: Above referenced Fraud cases and Costello vs. United States, 350 U.S. 359, 76 S. Ct. 406 (1956) [S.C. Const. Art. 1, sec. 11] violation as well as 6th Amend. to U.S. Const. on intentional AND deliberate Prosecutorial AND Investigative Misconduct. 2. of 3,

S.C.A.C.R. Rule 407 3.8 (g); (h) Amended 2021/Prosecutor Misconduct

3.) Newly Discovered Evidence of Actually And Factually Innocence / Wrongful conviction; Intentional spoliation of Alleged Crime Scene By Fraud upon Court By Both Attorneys ^(Ex-Solicitor) MARGARET ANN MUFFY KNEECE; AND now DisBARRED John Wesley Locklair. Affidavit of Tape Statement of Rhonda Jones Haithcock in the possession By now Solicitor Jimmie Richardson, who failing to disclose it But Exhibit - C Affidavits/ Statement gotten By Private Investigator of Jamie David Ward; AND Rhonda Jones Haithcock that clearly Exonerates the Defendant. See: Schlup vs. Delo, supra; HERRERA vs. COLLINS, supra Exhibit - D - Affidavit of Defendant / Due Diligence.

CONCLUSION

Therefore, Defendant respectfully requests this Court to Convene a Hearing after they have Appointed the Defendant who is a Incapitated Mental Health Patient without Funds For Counsel; And/OR GRANT New Trial. Respectfully Submitted,

/s/ Jody Lyn Ward, #300644
Jody Lyn Ward, #300644

EXHIBIT

A

Missing Great Seal on S.C. Code
Ann § 16-3-10 / 1993 Act No. 184;
1995 Act No. 7
violations of S.C. Const. Art. 3, Sec. 18
S.C. Code Ann § 2-7-230 and § 2-7-240
violation of 14th Amendment to U.S. Const



21 April 2021

Mr. Jody L. Ward #300644
Kirkland Correctional Institution MSU-A-High-11
4344 Broad River Road
Columbia, SC 29210

Dear Mr. Ward:

I checked the following acts that you requested but could not locate a visible impression of the Great Seal: 1993 Act No. 184; 1995 Act No. 7; and 1996 Act No. 317.

Sincerely,

Steven D. Tuttle
Deputy Director
Archives & Records Management

No. B275
CLERK OF THE SENATE

No. 184
CODE COMMISSIONER

AN ACT

TO AMEND SECTION 16-1-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FELONIES, SO AS TO PROVIDE A CLASSIFICATION SYSTEM FOR ALL FELONY AND MISDEMEANOR CRIMES AND OFFENSES AND EXCEPTIONS; TO AMEND SECTION 16-1-20, RELATING TO CLASSIFICATION OF OTHER CRIMES, SO AS TO PROVIDE THE MAXIMUM TERM OF IMPRISONMENT, TO EXEMPT OFFENSES WHICH REFER TO A MANDATORY MINIMUM TERM OF IMPRISONMENT, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 16-1-30, RELATING TO CLASSIFICATION OF NEW OFFENSES, SO AS TO REQUIRE ALL NEW OFFENSES TO BE CLASSIFIED PURSUANT TO SECTIONS 16-1-10 AND 16-1-20; TO AMEND SECTIONS 16-1-40 AND 16-1-50, RELATING TO ACCESSORIES BEFORE THE FACT AND INDICTMENT AND CONVICTION OF ACCESSORIES, SO AS TO MAKE GRAMMATICAL CHANGES; TO AMEND THE 1976 CODE BY ADDING SECTION 16-1-55 SO AS TO CLASSIFY THE OFFENSE OF ACCESSORY AFTER THE FACT; BY ADDING SECTION 16-1-57 SO AS TO PROVIDE FOR CLASSIFICATION FOR A THIRD OR SUBSEQUENT CONVICTION FOR CERTAIN PROPERTY OFFENSES; TO AMEND SECTION 16-1-60, RELATING TO THE LIST OF VIOLENT CRIMES, SO AS TO ADD CRIMINAL SEXUAL CONDUCT WITH MINORS AND ASSAULT WITH INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT; TO AMEND THE 1976 CODE BY ADDING SECTION 16-1-80 SO AS TO CLASSIFY AN ATTEMPT; TO AMEND THE 1976 CODE BY ADDING SECTIONS 16-1-90 AND 16-1-100 SO AS TO PROVIDE A LIST OF EACH CRIME AND OFFENSE AND ITS CLASSIFICATION; TO AMEND THE 1976 CODE BY ADDING SECTION 16-1-110 SO AS TO PROVIDE FOR CRIMES OR OFFENSES INADVERTENTLY OMITTED FROM CLASSIFICATION; TO AMEND THE 1976 CODE BY ADDING SECTION 16-11-325 SO AS TO PROVIDE THAT COMMON LAW ROBBERY IS A FELONY AND TO SET THE MAXIMUM TERM OF IMPRISONMENT; TO AMEND SECTIONS 7-25-50, 7-25-60, 7-25-80, 7-25-190, 8-1-20, 12-7-2750, 12-9-840, 12-21-2716, 12-27-50, 12-29-610, 12-31-670, 12-45-110, 16-5-10, 16-7-160, AS AMENDED, 16-9-320, AS AMENDED, 16-9-340, 16-11-20, 16-11-170, 16-11-617, 16-11-740, AS AMENDED, 16-13-160, 16-13-170, 16-13-290, 16-15-140, 16-15-385, AS AMENDED, 16-17-410, 16-17-430, 16-17-600, AS AMENDED, 16-21-10, 16-21-40, 16-21-130, 16-21-140, 16-23-220, AS AMENDED, 16-23-230, AS AMENDED, 16-23-240, AS AMENDED, 16-23-260, AS AMENDED, 16-23-410, 16-23-420, 16-23-430, AS AMENDED, 16-23-440, AS AMENDED, 16-23-480, 16-23-490, 16-23-520, 17-13-50, 17-15-90, 20-7-50, 20-7-60, 20-7-80, 23-31-340, AS AMENDED, 23-31-360,

I Certify that the Within Originated in the House of Representatives.

Andrea L. McLinn
Clerk of the House

Correctly Enrolled

Peden B. McLeod
Peden B. McLeod, Director
Legislative Council

Delivered to the Governor this JUN 15 1993

day of _____, A. D. 19____
Jim Milos
Clerk of the Senate

Delivered to the Secretary of State this _____
FILED
day of JUN 21 1993, A. D. 19____
AM _____ PM _____
7 8 9 10 11 12 1 2 3 4 5 6

S E L E C T

C O D E S

AS AMENDED, 24-1-270, 24-13-410, 24-13-420, 27-32-120, 34-13-90, 38-9-150, 38-13-170, 39-22-90, 39-23-80, 43-29-41, 43-30-100, AS AMENDED, 44-23-1150, 44-52-165, 44-53-40, 44-53-375, AS AMENDED, 44-53-390, 44-53-445, AS AMENDED, 44-55-1510, 46-41-30, 47-19-120, 55-1-30, 56-1-1100, 56-5-1030, 57-1-60, 58-13-740, 58-15-820, AND 58-17-4100, RELATING TO VARIOUS CRIMES AND OFFENSES, SO AS TO CHANGE PORTIONS FROM MISDEMEANORS TO FELONIES AND THE MAXIMUM TERM OF IMPRISONMENT TO CONFORM TO THE CLASSIFICATION SYSTEM ESTABLISHED IN SECTIONS 16-1-10 AND 16-1-20; TO AMEND SECTIONS 12-54-40, AS AMENDED, 16-3-410, 16-9-10, 16-9-20, 16-11-140, 16-11-700, AS AMENDED, 16-11-920, AS AMENDED, 16-11-940, AS AMENDED, 16-14-40, 16-14-60, AS AMENDED, 16-14-70, 16-17-470, 20-7-2660, AS AMENDED, 47-3-760, AS AMENDED, 47-21-80, AND 48-43-550, RELATING TO VARIOUS CRIMES AND OFFENSES, SO AS TO CHANGE PORTIONS FROM FELONIES TO MISDEMEANORS, TO CONFORM TO THE CLASSIFICATION SYSTEM ESTABLISHED IN SECTIONS 16-1-10 AND 16-1-20 AND TO PROVIDE FOR PENALTIES; TO AMEND SECTIONS 16-11-510, AS AMENDED, 16-11-520, AS AMENDED, 16-13-10, 16-13-30, AS AMENDED, 16-13-40, 16-13-50, AS AMENDED, 16-13-70, 16-13-110, AS AMENDED, 16-13-180, AS AMENDED, 16-13-210, 16-13-230, AS AMENDED, 16-13-240, AS AMENDED, 16-13-260, AS AMENDED, 16-13-420, AS AMENDED, 16-13-425, AS AMENDED, 16-13-430, 16-21-80, 38-55-170, AS AMENDED, 46-1-20, 46-1-40, 46-1-60, 46-1-70, AND 49-1-50, AS AMENDED, RELATING TO VARIOUS CRIMES AND OFFENSES INVOLVING PROPERTY, SO AS TO CREATE A THREE TIER CLASSIFICATION BASED UPON THE VALUE OF THE PROPERTY INVOLVED THAT SPECIFIES WHETHER THE OFFENSE IS A MISDEMEANOR OR FELONY AND MAXIMUM TERM OF IMPRISONMENT; TO AMEND SECTIONS 2-17-140, 4-11-130, 4-17-70, 5-21-30, 5-21-40, 6-7-800, 6-7-1080, 6-7-1110, 7-25-10, 7-25-20, 7-25-70, 7-25-100, 7-25-110, 7-25-120, 7-25-160, 7-25-170, 8-1-30, 8-9-10, 8-11-30, 8-13-320, AS AMENDED, 8-13-540, AS AMENDED, 9-1-1160, 10-11-360, 11-1-20, 11-1-40, 11-9-20, 12-2-70, 12-21-2540, 12-21-2714, 12-21-3070, 12-54-40, AS AMENDED, 16-3-50, 16-3-60, 16-3-70, 16-3-75, 16-5-40, 16-5-130, 16-7-170, 16-9-30, 16-9-410, 16-11-30, 16-11-190, 16-11-330, 16-11-380, 16-11-390, 16-11-560, 16-11-570, 16-13-150, 16-13-385, 16-14-80, 16-14-100, 16-15-50, 16-15-130, 16-15-250, 16-15-405, 16-15-425, 16-16-20, 16-17-510, 16-17-560, 16-17-700, 16-21-60, 16-23-50, AS AMENDED, 16-23-465, 16-23-470, 17-7-510, 17-15-150, 22-5-120, 22-9-140, 23-1-20, 23-17-110, 23-31-190, 23-35-130, 24-3-910, 25-1-150, 25-7-20, 25-7-50, 25-15-20, 27-29-150, 30-15-50, 34-19-110, 37-13-50, 38-7-140, 38-13-140, 38-25-330, 38-37-930, 38-37-1650, 38-43-190, 38-43-240, 38-47-60, 38-55-80, 38-55-150, 38-55-160, 38-59-50, 39-15-170, 39-15-470, 39-17-340, 40-5-320, 40-5-350, 40-5-360, 40-6-170, 40-11-300, 40-41-220, 40-43-140, AS AMENDED, 40-43-320, 41-15-50, 43-5-40, 43-33-40, 44-31-360, 44-53-370, AS AMENDED, 46-17-460, 46-19-270, 46-25-80, 48-27-230, 48-27-250, 48-49-60, 50-1-136, 50-13-350, 50-13-1460, 50-13-1470, 50-21-710, 54-1-40, 56-5-750, 56-5-2945, 56-29-30, 58-13-10, 59-25-250, 59-63-450, AND 61-13-810 RELATING TO CRIMES AND OFFENSES, SO AS TO CHANGE THE MAXIMUM TERM OF IMPRISONMENT TO CONFORM TO THE CLASSIFICATION ESTABLISHED FOR EACH OFFENSE; TO AMEND SECTION 12-7-1680, AS AMENDED, RELATING TO VIOLATION OF SECRECY OF INCOME INFORMATION, SO AS TO CHANGE THE OFFENSE TO A MISDEMEANOR; TO AMEND SECTION 16-3-615, RELATING TO SEXUAL BATTERY, SO AS TO CHANGE THE TERM OF IMPRISONMENT TO TEN YEARS; TO AMEND SECTION 16-3-1070, RELATING TO STALKING, SO AS TO PROVIDE THAT THE OFFENSE IS A MISDEMEANOR; TO AMEND SECTION 22-3-550, AS AMENDED, RELATING TO MAGISTRATE'S JURISDICTION OVER CRIMINAL OFFENSES, SO AS TO INCREASE THE JURISDICTION AND TO ALLOW RESTITUTION; TO AMEND SECTION 22-3-570, AS AMENDED, RELATING TO MAGISTRATES' JURISDICTION, SO AS TO PROVIDE THAT PETIT LARCENY AND ALL OTHER OFFENSES INVOLVING PERSONAL PROPERTY IN WHICH THE VALUE IS TWO HUNDRED DOLLARS OR LESS IS WITHIN THE MAGISTRATE'S JURISDICTION; TO AMEND SECTION 50-17-1190, RELATING TO PENALTIES FOR VIOLATIONS OF THE COASTAL FISHERIES LAWS, SO AS TO PROVIDE THAT THE OFFENSE IS A MISDEMEANOR; AND TO REPEAL SECTIONS

733

6 1 5 0 3

16-1-15 RELATING TO ALL DEGREES OF BURGLARY BEING A FELONY, 16-9-40 RELATING TO ADDITIONAL PERMISSIBLE PUNISHMENT FOR PERJURY, 16-13-20 RELATING TO PRIVILY STEALING FROM PERSON OR HOUSE AS GRAND LARCENY, 16-13-90 RELATING TO THEFT OF BEDDING AND OTHER FURNISHINGS FROM LODGING, 16-13-190 RELATING TO STEALING TIRES OR TUBES, 16-13-200 RELATING TO RECEIPT OF STOLEN TIRES AND TUBES, 16-15-30 RELATING TO ABDUCTING A MAID UNDER SIXTEEN YEARS OF AGE, 16-15-40 RELATING TO CONTRACTING MATRIMONY WITH AN ABDUCTED MAID UNDER THE AGE OF SIXTEEN, 24-5-40 RELATING TO SEPARATE LODGING FOR DEBTORS, 39-23-90 RELATING TO PENALTIES FOR VIOLATING SECTION 39-23-80, AND 54-9-80 RELATING TO IMPRESSING SEAMEN; TO AMEND CHAPTER 25, TITLE 2, RELATING TO THE JOINT LEGISLATIVE COMMITTEE TO STUDY THE CRIMINAL LAWS OF THE STATE, SO AS TO REVISE THE MEMBERSHIP, AND BY ADDING SECTIONS 2-25-20 AND 2-25-30 SO AS TO EXPAND THE POWERS, DUTIES, AND SCOPE OF THE COMMITTEE; TO PROVIDE AN EFFECTIVE DATE FOR THE JOINT LEGISLATIVE COMMITTEE TO STUDY THE CRIMINAL LAWS; TO PROVIDE FOR THE PROSPECTIVE AND RETROSPECTIVE APPLICATION OF THE PROVISIONS OF THIS ACT; AND TO AUTHORIZE THE CODE COMMISSIONER TO PLACE CERTAIN CRIMES ON THE LIST OF CLASSIFICATIONS AS NECESSARY.

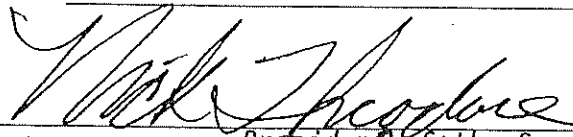
accounts of the judicial department for the judicial appointees, and from funds appropriated to the Office of the Governor for gubernatorial appointees.

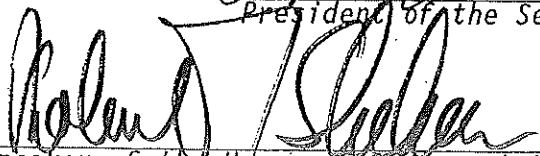
SECTION 268. Section 267 of this act takes effect July 1, 1993.

SECTION 269. This act, other than Sections 267 and 268, takes effect January 1, 1994.

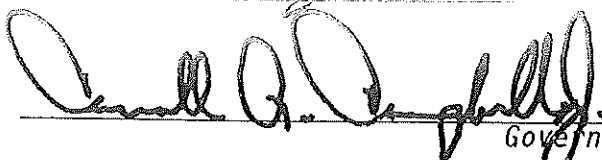
-----XX-----

In the Senate House JUN 15 1993


President of the Senate


Speaker of the House of Representatives

Approved by the Senate on 2/2 day of June, 1993.


Governor

EXHIBIT

B

- 1.) Affidavit From Grand Jury Foreman
Scott McKenzie
- 2.) Affidavit From Ernest Hampton the
Lead Investigator over case
- 3.) Affidavit From Gary Todd the
2nd in Command Investigator over case
- 4.) Affidavit From Donald Ray Poston Jr.
of Conflict of Interest Scott McKenzie

SOUTH CAROLINA

AFFIDAVIT

COUNTY OF GEORGETOWN

SCOTT MCKENZIE

RE: JODY WARD (Trial 3/2004)

PERSONALLY appeared before me, the undersigned Notary Public, the Affiant,

NICOLE WARD who being duly sworn stated as follows:

1. My name is Scott McKenzie. And I am over the age of eighteen years.
2. I am a resident of Georgetown County, South Carolina.
3. That this affidavit is true and correct and it is based on my own personal knowledge and information provided to me by those persons named.
4. I currently reside at 45 Daffodil Rd, Georgetown, and I currently am self-employed in the trucking business, hauling logs. I was previously worked with my father for a number of years involved in the Towing business known as Winston Wrecker Service
5. Some time ago, possibly August 2002 while I was still working with Winston Wrecker Service our company received a call from the Georgetown Sheriff's Office for wrecker service at a lake near Andrews.
6. I was told that another wrecker service had been called but was unable to do the job and the Sheriff's Office needed a larger wrecker. They indicated at the time that a vehicle needed to be pulled out of the lake.
7. Upon receiving the call I took one of our wreckers known as "Big Bertha" and proceeded to the lake. When I arrived there were a number of law enforcement personnel there. One of the officers informed me that there was a vehicle in the lake and due to the steep embankment another service was unable to do the job.
8. With the assistance of divers and law enforcement personnel I was able to pull a jeep from the lake along with another vehicle. At the time I did not realize who belonged to the vehicles but after towing the Jeep to the impound lot at the County Jail I learned the Jeep belonged to Jody Ward, whom I knew for many years having grown up in Georgetown. I knew him and his family. Our company was paid for the Wrecker service.

- 9 Sometime later possibly in 2002 or 2003 I had been called upon to serve on the Grand Jury For General Session s court. Somehow I was called upon to serve a second year. During one of the terms I was either elected or appointed to be the foreman.
10. I have been shown a portion of the indictment of Jody Ward on charges of murder and dated 7/8/2003. The signature appears to be my signature as "Foreman of Grand Jury."
(See attached)
11. I do not specifically recall hearing the testimony presented. Many time the indictments are signed at the end of the day or at the end of the session.
- 12 That I make these true and accurate statements of my own free will and that I am not under the influence of any drugs either prescribe, over the counter, or illegal, or alcohol or duress of any type.

FUTHERMORE THE AFFIANT SAYETH NOT.

Scott McKenzie

Scott McKenzie

12:20 pm 5/21/14

SWORN TO AND SUBSCRIBED

Before me this 21 day of May 2014

Notary Public

STATE OF SOUTH CAROLINA

My commission expires: _____

DOCKET NO. 03 GS22 1030^x
The State of South Carolina,

WITNESSES:

SHERIFF'S OFFICE

County of Georgetown

18616 RBB
 COURT OF GENERAL SESSIONS

JULY TERM 2003

ARREST WARRANT NUMBER:

H-248669

0116 16-03-0110, C/L

D/LH:

THE STATE

DOI: On or about 8-3-02

vs.

SID:

JODY LYNN WARD
 183 Sirfield Street
 Georgetown, SC 29440
 DOB: 5-14-74
 SS#: 249-43-3569

ACTION OF GRAND JURY

True Bill

7-8-03

Date

James McElroy

Foreman of Grand Jury

VERDICT

Foreman of Petit Jury

J. GREGORY HEMBREE, SOLICITOR

INDICTMENT FOR

MURDER

CERTIFIED A TRUE
 AND CORRECT COPY
James McElroy
 DEPUTY/CLERK OF COURT
 GEORGETOWN COUNTY, SC

DOCKET NO. 03 GS22 1031 ✓

The State of South Carolina,

County of Georgetown

18616

RBB

COURT OF GENERAL SESSIONS

JULY TERM 2003

THE STATE

vs.

JODY LYNN WARD

183 Sirfield Street
Georgetown, SC 29440

DOB: 5-14-74

SS#: 249-43-3569

J. GREGORY HEMBREE, SOLICITOR

INDICTMENT FOR

MURDER

WITNESSES:

SHERIFF'S OFFICE

ARREST WARRANT NUMBER:

14-248670

01116 16-03-0110, C/L

D-1/R:

DOF: On or about 8-3-02

SID:

ACTION OF GRAND JURY

True Bill

7-8-03

Date

Scott McKeage

Foreman of Grand Jury

VERDICT

Foreman of Petit Jury

CERTIFIED A TRUE
AND CORRECT COPY*Deborah D. Wheeler*
DEPUTY CLERK OF COURT
GEORGETOWN COUNTY, SC

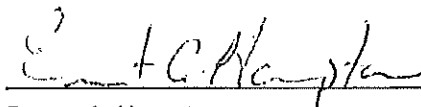
AFFIDAVIT OF ERNEST A. HAMPTON

RE: JODY WARD (TRIAL 3/2004)

PERSONALLY APPEARED BEFORE ME:

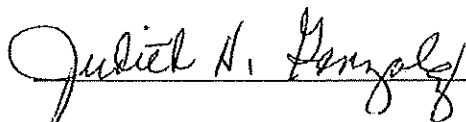
1. My name is Ernest A. Hampton. I am over 18 years of age.
2. I am a resident of Georgetown County, S. C.
3. That this affidavit is true and correct and is based on my own personal knowledge and information provided to me by those persons named.
4. I am currently employed with the Georgetown County Sheriff's office. I was formerly with the South Carolina Highway Patrol for over 9 years. I have served in the sheriff's office as the lead criminal investigator since leaving the patrol.
5. Sometime ago, possibly in 2002 or 2003 while I was working as the lead criminal investigator I received information that two persons had been reported missing in Georgetown County, S. C. At the same time a Jeep had been reported stolen from a local convenience store. Information had been developed by me that the stolen Jeep had possibly been located in Lake Dawhoo near Andrews S. C.
6. Myself along with investigator Gary Todd and other law enforcement officials from SLED and several divers went to the lake and determined that indeed a Jeep was in the lake. A call was made to the dispatcher and asked for the next wrecker service on rotation to respond to this attempt to recover the Jeep from Lake Dawhoo.
7. I recall that when this wrecker arrived on the scene it was unable to pull the Jeep out of the water due to the steep embankment, and at that time we called for another wrecker owned by Winston's Wrecker service. That was a larger wrecker service which would be able to handle this particular job. A short time later Scott McKenzie driver of his father's wrecker which was known locally as, "big bertha" arrived on the scene at Lake Dawhoo, and was assisted by law enforcement personnel on the scene. It was determined that this Jeep was registered to Jody Ward.
8. My investigation continued along with Gary Todd and subsequently information was developed that Jody Ward may have been responsible for the disappearance of the two reported missing persons.

9. At a later point in time this matter was presented to the grand jury by me and Gary Todd. We make all the presentations to the grand jury on behalf of the Georgetown County Sheriff's office. I have known Scott McKenzie for a short period of time and did recall that he was on the grand jury for about two years some time. I do not recall whether or not that it was at this point in time nor do I recall whether he was just on the grand jury or the foreman when I presented the Jody Ward case in 2003.
10. I have known Jody Ward since he was 15 years of age. I do recall that he was indicted by the grand jury on charges of murder.
11. I do not recall whether the name of Scott McKenzie as the driver of the wrecker service was ever reported to the Georgetown County solicitor's office, or Greg Hembree or Bo Bryant. That information would be in the report that I made to the solicitor's office.
12. Over the years, having made presentations to the grand jury, I have known several members of the grand jury, however, that has never precluded my testimony or altered information that was presented to the grand jury by me. I presented the facts as they were known to me at the time I made the presentation.



Ernest A. Hampton

SWORN TO AND SUBSCRIBED

Before me this 11th day of June 2014

NOTARY PUBLIC

STATE OF SOUTH CAROLINA

My commission expires on 4/06/14

SOUTH CAROLINA COUNTY OF GEORGETOWN

AFFIDAVIT: GARY TODD

RE: JODY WARD (TRIAL 3/2004)

PERSONALLY APPEARED BEFORE ME, the undersigned Notary Public, the affiant, Gary Todd who being duly sworn stated as follows;

1. My name is Gary Todd and I am over 18 years of age. I am a resident of Georgetown County, S. C.
2. That this affidavit is true and correct and is based on my own personal knowledge and information provided to me by those persons named.
3. I am currently employed with the Georgetown County Sheriff's office as a training officer and have been so employed with this office as a training officer for the last two years. I have been in law enforcement for the past 20 years. I previously served with the Georgetown City Police for two years.
4. In 2002 or 2003 I was an investigator with the Georgetown County Sheriff's office and was called upon to work a homicide case with another investigator, Ernest Alexander Hampton. Information had been developed regarding two persons who were missing and reports filed with the Sheriff's Office. About the same time a Firebird had also been reported missing or stolen from a local convenience store. The owner, Jody Ward or his wife was the owner of the vehicle and was also a suspect in the homicide case. Ward's other vehicle a Suzuki Sidekick had been observed with the two missing persons in the vehicle about the same point in time the persons were reported missing.

5. Information had been obtained that the Sidekick maybe located at Lake Dawhoo near Andrews, SC and was registered to our suspect Ward. I along with deputy sheriff Earnest Hampton and other personnel from SLED and several divers went to that location and confirmed that a Sidekick had been in fact located in the water.
6. I recall that we contacted the dispatcher who sent a local wrecker service on rotation who was unable to pull the vehicle out of the lake due to other vehicles in the same water. Therefore, another wrecker service known to me as, Winston's Wrecker service. Sometime later a larger wrecker knows as "Big Bertha" arrived on the scene and was operated by Scott McKenzie who was the owner's son. Within a short period of time McKenzie who was assisted by others at the scene was able to pull the Sidekick from the lake and then it was taken to the Georgetown County Sheriff's office. It was determined that this Sidekick and the Firebird belonged to Jody Ward, who was the last individual known to be in contact with the two missing persons who had been reported to the Georgetown County sheriff's office.
7. I along with Earnest Hampton completed the investigation and then made a presentation to the Grand Jury sometime in 2003. I was not present at the time that grand jury presentation was made. Investigator Hampton usually made all the presentations to the grand jury on behalf of the Georgetown County sheriff's office on most criminal cases.

8. I am not personally acquainted with Scott McKenzie; however I did know that he did work for his father in the wrecker service business known as Winston's Wreckers in Georgetown, S. C. I do not know whether Scott McKenzie served on a grand jury at any point in time especially in 2003 or 2004. I am not aware whether the wrecker driver Scott McKenzie was ever in the sheriff's office report that was given to the solicitor's office in regard to the Sidekick recovery at Lake Dawhoo.
9. That I make these true and accurate statements on my own freewill and that I am not under the influence of any drug either prescribed or over the counter or illegal, or alcohol or under duress of any kind.

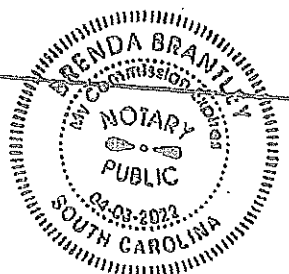
AFFIANT SAYETH NOT:

Gary Todd
GARY TODD

SWORN TO AND SUBSCRIBED

Before me this 12th day of June 2014

Brenda Brantley
NOTARY PUBLIC



STATE OF SOUTH CAROLINA

My commission expires on

State of South Carolina
County of Georgetown

Affidavit of Donald Ray Poston, Jr.

Personally appeared before me, the undersigned Notary Public, the affiant, Donald Ray Poston Jr., who being duly sworn states as follows:

- 1.) My name is Donald Ray Poston Jr. and I am over 18 years of age and a resident of Georgetown County.
- 2.) This affidavit is true and correct and it is based on my own personal knowledge, information, and belief. I am fully competent to make this affidavit. I am not under the influence of drugs, alcohol, or inducement of any kind or nature.
- 3.) Jody Lynn Ward is my cousin. My grandmother and his grandfather are brother and sister. I know Scott McKenzie because we grew up in the same area. I lived on Gapway Road and he lived on Garrison Road.
- 4.) On or about March-May 2002, I was at my cousin Kevin Carter's house with Donald Ray Poston J., Jackie Lynn Cribb, Denise Langston Cox, Jerry Causey, Jody Lynn Ward and Scott McKenzie. On this same day, my uncle Roger Dale Ackerman Sr. was burning some tires and the woods caught on fire. There were police, fire trucks, and heavy equipment called out to make fire lines to stop the fire.
- 5.) On this same day, I recall Ward getting in to a heated argument with Scott McKenzie who was in a truck with Jackie Lynn Cribb. There was a lot of arguing and cussing. My cousin Kevin Carter asked the both to leave so they did not fight in his yard. I do not remember why they were arguing.
- 6.) I do not have any further information related to the Jody Ward case.

Sworn to before me this

4th Day of MARCH 2015

George W. Hawkins
NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES: 7/27/2019

Donald R. Poston

Donald Ray Poston, Affiant

EXHIBIT

C

- 1.) Affidavit of Jamie David Ward
- 2.) Statement from Rhonda Jones
Haithcock / (Also Solicitor Jimmie
Richardson withholding Tape Statement
violation of S.C.A.C.R. Rule 407 3.8(g))
(h) new Amended Rule for Over 1 yr (FRAUD)

STATE OF SOUTH CAROLINA

COUNTY OF Georgetown**AFFIDAVIT**

Before the undersigned as officer duly commissioned by the laws of South Carolina
 On this 30 day, of March, 2024 personally appeared before me

Jamie Ward, who having been first duly sworn depose and say:

1. during November of 2003. I was contacted by muffy kneece about my brother Jody Ward. Attorney Kneece and Attorney locklair Wanted me to show them some dirt Roads off of Gapway Road in Georgetown.
2. I did show them different areas upon there request 1 1/2 hours. Attorney kneece and Attorney locklair asked me have I seen any human bones or bullets and shotgun shells.
3. Attorney kneece and locklair was questioning me about human and bullets. I saw Attorney kneece and locklair Gathering bones and bullet shells
4. Attorney kneece was questioning me about what type of bones and the shells are. I told them I do not know

Sworn to before me this

30th

Day of

March

, 2024

Notary Public for South Carolina

My Commission Expires:

7-20-2026Jamie Ward

Page # 1 of 2

STATE OF SOUTH CAROLINA

COUNTY OF Georgetown**AFFIDAVIT**

Before the undersigned as officer duly commissioned by the laws of South Carolina
On this 30 day, of March 2024, personally appeared before me

Jamie Ward, who having been first duly sworn depose and say:

5. They continued on collecting bones and shells.

6. Approximately 1.5 hours later, Attorney Kneecce and Attorney dropped me off at home.

7. I shared this information with my brother Jody Ward during the early year of 2024.

Sworn to before me this 30th

Day of MARCH, 2024

Charles Lawling
Notary Public for South Carolina

My Commission Expires: 7-20-2026

Jamie Ward

Page # 2 of 2

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

STATEMENT OF RHONDA JONES HAITHCOCK

Before the undersigned as officer duly commissioned by the laws of South Carolina

On this 30TH day, of MARCH, 2024 personally appeared before me

1. Ms. Rhonda J. Haitcock was in North Carolina on March 30, 2024. Ms. Haitcock indicated that Bryan Elliot from Georgetown, South Carolina, whom is deceased, reported to Denise Cox saying, "Y'all know who the real trigger man is."

EXHIBIT D

Affidavit of Reasonable Due
Diligence of Defendant in
Support of S.C.R. Crim. P. Rule
29(b)

STATE OF SOUTH CAROLINA)
 COUNTY OF GEORGETOWN)

AFFIDAVIT

RE: Jody WARD Trial)
 03/15-18/2004)

OF

AFFIDAVIT OF)
 REASONABLE DUE)
 DILIGENCE OF)
 DEFENDANT PRO-SE)
INSUPPORT OF Rule 29(B))

JODY LYNN WARD
 PRO-SE DEFENDANT
 OF REASONABLE
 DUE DILIGENCE

PERSONALLY APPEARED BEFORE ME, the undersigned Notary Public, the Affiant, Defendant Pro-se Jody Lynn WARD Inmate # 300644 who being duly SWORN stated as follows:

- 1.) My NAME is Jody Lynn Ward; SCDC # 300644, I am over the age of 18 yrs old.
 - 2.) That this Affidavit is True AND Correct AND is Based on my own personal Knowledge AND information AND Belief.
 - 3.) That I file S.C.R.Crim.P. Rule 29(B) with Supporting Exhibits obtained within (1) year
1. of 3.

And filed within of all Attorneys' that
 ever Been involved in this Case ARE Fraud
 upon the Court By officers of the Court/
 Attorneys to Continue Fraud and/or to
 Continue Conspiracy to violate my S.C.
 And U.S. Constitutional Rights under
 6th Amendment to include Trial Attorneys
 MARGARET ANN MUFFY KNEECE; DisBARRED
 JOHN WESLEY LOCKLAIR III; All collateral
 Attorneys.

4.) I recieved Affidavit And Statement of
 Jamie David WARD And Rhonda Jones
 HATHCOCK By Private Investigator ON/OR
 about MARCH 30, 2024 that Exhibit-C
 in support of S.C.R.Crim.P. Rule 29(B) Motion
 For New TRIAL And discovered within the
 (1) year, But Fraud upon Court there's
 no Statute of Limitation Any way, But
 I'm still within (1) year per Rules.
 2. of 3.

of Actual AND Factually Innocence.

5.) FRAUD upon Court on Missing Great Seal on S.C. Code ANN § 16-3-10 1993 Act No. 184; 1995 Act No. 7 Exhibit-A - Attached to 29(B)

6.) MARGARET ANN KNEECE AND John Westley Locklair committed OBstruction of Justice / Spoilation of Crime scene / FRAUD and was a Conflict of Interest that was never waived, See: Exhibit-C Attached of Wrongful Conviction.

7.) FRAUD upon Court By Robert Beau BRYAN Ex-Solitor over CASE on Grand Jury Proceedings, to include Investigator Ernest Hampton and Gary Todd.

8.) That I make these true & correct statements and I'm not under influence of DRUGS and/or Alcohol.

AFFIANT SAYETH NOT

SWORN TO AND SUBSCRIBED before /S/ Jody Lynn Ward
me; On this 10 Day of September, 2024 /S/ Ashley Vanaene
Notary Public for South Carolina

Jody Lynn Ward
Affiant / Defendant

PRO-SE

MY COMMISSION EXPIRES ON :

9/9/32

3. of 3.



STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

Jody Lynn Ward, #300644
Defendant Pro-Se

Vs.

State of South Carolina
Respondents.

IN THE COURT OF GENERAL SESSIONS
FOR THE 15th JUDICIAL CIRCUIT

C/A No. 2003-GS-22-1030 & 1031

CERTIFICATE OR SERVICE

I certify that I have served the below named Respondents a true and Correct Copy of Defendant Pro-se Amended 29(b) with attached Exhibits E On This 3rd Day of October, 2024 by placing it in the US Postal Mail; Postage Prepaid and Addressed below:

1.) Georgetown County Solicitor's Office
Attn: Mr. Jimmie Richardson
P.O. BOX 1688
Georgetown, SC, S.C. 29442

FILED
GEORGETOWN COUNTY, S.C.
2024 OCT -9 PM 2:26
ALMA Y. WHITE
CLERK OF COURT

Respectfully Submitted,

/s/ Jody Lynn Ward, #300644
Jody Lynn Ward, #300644
Defendant Pro-Se

Jody Lynn Ward, #300644
 Allendale Corr. Inst. F-4-B-#13
 1057 Revolutionary trail
 Fairfax, S.C. 29827

October 3, 2024

Georgetown County Clerk of Court
 Attn: Clerk of General Sessions
 P.O. Box 479
 Georgetown, S.C. 29442

Re: Filing of Amended Motion for New Trial based upon After
 Discovered Evidence that was filed on September 11, 2024
 C/A No. 2003-GS-22-1030 & 2003-GS-22-1031 w/Attached Exhibit/
 Affidavit in support of Amended 29(b)

Dear Clerk of General Sessions.

I filed a Motion for new trial based upon After discovered evidence 29(b) with attached exhibits and (a)(B)(C)(D) and now (E). I never received a clocked stamped copy back yet I mailed a copy to be returned to me, unless Ms. Jennifer Lawrence, Clerk is still continuing to violate my Due Process and Equal Protection and Misconduct in office as a Clerk of Court Employee who alleged to be one of alleged victims family members, which I have over a Decade of Evidence to prove her Misconduct in office. State Vs. Cooper . S.C. Supreme Court Ruled on the Duties of Clerks and their responsibilities. I just want my Pro-Se filings filed and send me a clocked Stamped Copy I'm not trying to put nobody on T.V. or the News. I thank you and God Bless you all Abundantly.

Respectfully Submitted.

/s/ *Jody Lynn Ward*, #300644
 Jody Lynn Ward, #300644
 Defendant Pro-Se

cc. File
 Georgetown County Solicitors Office
 Attn: Mr. Jimmie Richardson, Esq.

STATE OF SOUTH CAROLINA)
)
 CCUNTY OF GEORGETOWN)

Jody Lynn Ward.#300644
 Defendant Pro-Se

VS.

State of South Carolina,
 Respondents

IN THE COURT OF GENERAL SESSIONS
 FOR THE 15th JUDICIAL CIRCUIT
 C/A No. 2003-GS-22-1030 & 1031

AMENDED MOTION FOR NEW TRIAL
 BASED ON AFTER DISCOVERED EVIDENCE
 PURSUANT TO S.C.R.Crim.P. RULE 29B
 with attached Exhibit-E/Affidavit
 of Reasonable Due Diligence

AFFIDAVIT OF FACTS/DUE DILIGENCE OF DEFENDANT

Defendant respectfully Submits his Amended Motion For New Trial based upon After Discovered Evidence pursuant to S.C.R.Crim. Rule 29 (b). The grounds for this motion are that the Defendant has discovered the following evidence related upon violation of State Vs, Quattlebaum, 338 S.C. 441, 527 S.E. 2d 105 (2000) Integrity whole Judicial sysyem been called into question once again of Georgetown County Detention Center/Chief Michael Swartz; and Capt. Kenneth Owens Listened to a Attorney/Client Conversation On January 08,2002 on the upstairs Phone/Visitation due to the Attoney/Client Room downstairs was occupied and Defendant was instructed to meet with his only Attorney at that time John Westly Locklair, Esq"/NOW DISBARRED ",after that meeting on that phone conversation with his Attorney he was taken back to his Cell and removed several times before taken upstairs in office of Chief Michael Swartz on a Saturday all along and beaten and thereafter met with Assitant Sheriff Carter Weaver who took a Statement from Defendant taken to bathroom upstairs beaten again by Chief Michael Swartz Leg Shackles placed so tight that the KEY BROKE OFF IN BOTH LEG SHACKLES AND WAS CUT OFF BY CAPT. OWENS. See;R.O.A. at the Jackson Vs. Denno hearing Defendant was purposely not placed on the stand to keep it off the Record and to protect Illegal Tactics used in order to get an False/illegal Confession paperwork used so defendant could write to his brother in S.C.D.C. Jamie D. Ward who was incarcerated at that time.by Chëef Swartz who stated on the Stand he could not recall ever seeing defendant on the day of statement,yet Assist. Carter Weaver testified that Defendant was in Chief Michael Swartz office upstairs alone when he got to the jail and made Contact,See:R.O.A. as evidence. 1.) on or about April 2024 daughter/Victoria Pearce who was an ex-employee with G.C.D.C. said vistation/phone did record all conversations with whoever on them even if it was an Attorney.

SWORN TO AND SUBSCRIBED BEFORE ME

ON THIS 2 DAY OF October, 2024

/S/ Asheey Vanacore
 Notary Public for South Carolina

My Commission Expires: 9/9/32

/S/ Jody Lynn Ward, #300644
 Jody Lynn Ward, #300644
 Defendant/Affiant

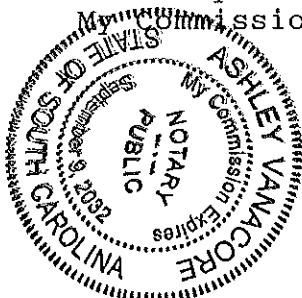


EXHIBIT _ E

TRIAL TRANSCRIPT OF CHIEF MICHAEL SWARTZ: CAPT. KENNETH OWENS
And Sheriff Carter Weaver
PAPERWORK HELD BY CHIEF MICHAEL SWARTZ OF JAMIE DAVID WARD
SIGNED ON DAY OF STATEMENT JANUARY 08, 2002, LEE C.I. RECEIVED
ON JANUARY 10, 2002.

1 Lambert's statement differs from that and said that
2 Lewis Bazen specifically told him different things.

3 Your Honor, this is the main basis for our
4 motion. My co-counsel, Ms. Kneece, is going to go
5 through a whole litany of other discovery violations
6 that have occurred, Your Honor. The list is quite
7 long, so we've broken it down into two parts, but as
8 Your Honor looks at all these discovery violations, I
9 think Your Honor needs to reflect back and look at
10 State v. Quattlebaum, 338 S.C. 441, 527 S.E.2d 105, a
11 2000 case from the South Carolina Supreme Court.
12 While the facts differ, we think some of the language
13 of Quattlebaum is very applicable, specifically that
14 the integrity of the entire judicial system is called
15 into question by conduct such as that engaged in by
16 the Solicitor's Office and investigating officers in
17 this case.

18 Prosecutors are ministers of justice and not
19 merely advocates. The Prosecutor has special
20 responsibilities to do justice and is held to the
21 highest standards of professional ethics. A
22 prosecutor has the responsibility of a minister of
23 justice and not simply that of an advocate.

24 This responsibility carries with it
25 specifically obligations to see that the Defendant

1 obviously know if we want to offer an expert and we've not
2 provided that or we're supposed to provide that's going to
3 be excluded. So ---

4 THE COURT: All right, very well.

5 MR. HEMBREE: Thank you, Your Honor.

6 MR. LOCKLAIR: The last thing, Your Honor, I guess,
7 before we get to the Jackson v. Denno I just wanted to put
8 on the record that the State has said they do not intend to
9 offer any scientific evidence under Council.

10 MR. HEMBREE: We are not offering any DNA evidence,
11 Your Honor.

12 THE COURT: All right.

13 MR. LOCKLAIR: Then I think we would like to move for
14 a Council hearing on any scientific evidence that they
15 would offer if it's applicable, but since we don't know
16 what they're offering I don't know what to go -- what to
17 move to have the hearing on because he said DNA and not
18 scientific. If they're offering scientific evidence then
19 we would ---

20 THE COURT: He said DNA, that's right.

21 MR. LOCKLAIR: We would like a Council hearing on any
22 scientific evidence.

23 MR. HEMBREE: We intend to offer evidence -- I don't
24 know if this -- I don't know -- I wouldn't consider this
25 scientific evidence, I don't believe, but I'll -- just to

1 didn't do," and why.

2 MR. HEMBREE: We're not going to go into DNA at all
3 through Steve Lambert.

4 THE COURT: All right.

5 MR. HEMBREE: We're not even going to talk about DNA.

6 THE COURT: Okay.

7 MR. HEMBREE: We don't intend to raise that issue at
8 all.

9 I guess the last thing and Mr. Bryan reminded me of
10 this, perhaps, I mean the pathologist will certainly
11 testify. I don't know if that's what you're contemplating
12 with a Council hearing.

13 MR. LOCKLAIR: I don't think a pathologist, I don't
14 think their findings in an autopsy fall under Council.

15 MR. HEMBREE: I don't think so either, but just to be,
16 just to be on the safe side.

17 THE COURT: All right.

18 MR. LOCKLAIR: That would bring us up to the Jackson
19 v. Denno hearing, Your Honor.

20 THE COURT: All right, all right, do you just want to
21 note what your motion is and then go ahead and allow him to
22 call his first witness?

23 MR. LOCKLAIR: That'd be fine, however the Court
24 wishes to proceed. I believe it's their burden.

25 THE COURT: Yes, you just note what the motion is and

1 DULY SWORN BY THE CLERK AND TESTIFIED AS FOLLOWS:

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

4 MR. OWENS: Full name is Kenneth Earl Owens.

5 EXAMINATION

6 BY MR. BRYAN:

7 Q: All right, you work at the Georgetown County Detention
8 Center?

9 A: That's correct.

10 Q: And what is your -- what are your duties there?

11 A: I'm the captain. I'm chief of operations. When the
12 inmates, you know, send me a request whether they want to
13 talk to their family or just have problems with the staff
14 or, you know, any reason I just sort of keep the lid on, on
15 the jail.

16 Q: All right, and were you -- were you employed at the
17 detention center in that capacity on January the 8th of
18 2003?

19 A: That's correct.

20 Q: All right, and did you ever have any conversations
21 with Jody Ward? Did you ever talk to him?

22 A: Yes, sir.

23 Q: All right, and tell me how those conversations would
24 come about.

25 A: Any time I get a request from an inmate, whether it's

1 jail, and told him that Mr. Ward would like to talk to Mr.
2 Weaver.

3 Q: All right, tell me about that conversation that you
4 had with Jody Ward. Where did that take place? When he
5 sent you a request what did you do?

6 A: That took place in my office.

7 Q: All right, did you ---

8 A: The captain's office.

9 Q: All right, and did you have him brought to your
10 office?

11 A: Yes, I did.

12 Q: All right, and was that customary for you to do
13 whenever he made the request?

14 A: Yes.

15 Q: All right, and was anybody else present at that time
16 besides you and Jody Ward?

17 A: No.

18 Q: Okay, and what did he, what did he tell you while he
19 was in your office or what if anything did he tell you?

20 A: The only thing that, you know, he requested to see
21 Sheriff Carter Weaver.

22 Q: All right, and did he -- when you say Sheriff Carter
23 Weaver, did he call him by name or did he just say he
24 wanted to speak to an officer?

25 A: No, he specifically said Mr. Weaver.

1 Q: All right, I don't have any other questions. Please
2 answer any questions that the Defense has.

3 THE COURT: Yes, sir. Yes, ma'am.

4 EXAMINATION

5 BY MS. KNEECE:

6 Q: I know you said you had some trouble with
7 recollection. Do you remember what time this call came in
8 or this request came in from Jody?

9 A: I can't answer that truthfully. I'm not sure.

10 Q: And when he was in your office did he request to make
11 any phone calls?

12 A: Not that I recall. In the past I have let him make
13 calls but I don't recall him asking to make a phone call.

14 Q: And is your extension out at the detention center
15 3415?

16 A: That's correct.

17 Q: And you don't recall whether or not he asked to call
18 his lawyer?

19 A: On certain days he did, but I can't recall. If he
20 asked -- anytime he requested to call his attorney I let
21 him.

22 Q: Would you be surprised if a call was made at 2:44 to
23 his lawyer's office from your office? Would that surprise
24 you?

25 A: No.

1 MS. KNEECE: Your Honor, if I could, from what I
2 understand there's no objection from the State, if I could
3 offer as an exhibit these are phone records from the
4 detention center from Captain Owens's extension 3415, which
5 shows a telephone call January 8th, '03, at 2:44 p.m. to
6 843 ---

7 MR. BRYAN: Is she testifying, Your Honor, or does she
8 seek to offer it?

9 MS. KNEECE: I'm just trying to lay a foundation for
10 the Court, Your Honor, on what's on here.

11 THE COURT: And there -- it's without objection, be a
12 Court's exhibit?

13 MS. KNEECE: Just -- yes, ma'am.

14 THE COURT: Okay, it's Court's Exhibit Number?

15 REPORTER: Five.

16 THE COURT: Five, Court's Exhibit Number Five.

17 (Whereupon, Court's Exhibit Number Five [Telephone
18 Records] appropriately marked.)

19 MR. HEMBREE: Your Honor, I'd just like to -- I'd like
20 to say it's, it's without objection but this was not
21 provided to us in discovery and it may not needed to be
22 provided to us in discovery but I'm really, really
23 concerned that I've been listening to for months about how
24 the State was trying to play hide the ball, and now it's
25 today the Defense hasn't provided documents that they want

1 A: Yes.

2 Q: And what number is listed there?

3 A: 357-4454.

4 Q: And is -- does that refresh your memory at all as to
5 whether or not Jody called and requested to speak to his
6 lawyer on the 8th?

7 A: That doesn't refresh my memory. I mean, the records
8 show that it took place and I'm -- certainly I let him but
9 it's like I said, you know, I saw Jody on numerous
10 occasions. I have, like I say, 15, 20 inmates a day. So,
11 I don't remember, but if it's on the phone records and he
12 was in my office I'm sure that if he requested a phone call
13 I let him because, you know, that's what I'm there for.

14 Q: And you stated that you did not get another request
15 after Jody was taken back to his cell for him to speak to
16 Carter Weaver?

17 A: Not that I remember, not that I recall.

18 Q: And did you say that you took him up there or how did
19 he get up there?

20 A: If I recall I took Jody upstairs.

21 Q: And do you know if he was shackled during the
22 statement?

23 A: No, he was ---

24 Q: Do you recall if you took the shackles off of him?

25 A: If I recall Jody was not shackled because while I was

1 MS. KNEECE: Nothing further from this witness.

2 THE COURT: Anything further?

3 MR. BRYAN: Just briefly, Your Honor.

4 REEXAMINATION

5 BY MR. BRYAN:

6 Q: Did Jody Ward ever tell you that he wanted his lawyer
7 present when he spoke to Mr. Weaver?.

8 A: No.

9 Q: Did he ever request that his lawyer be present for any
10 of your conversations?

11 A: No.

12 Q: After this phone call was made do you have any
13 recollection of him saying, "Never mind. Don't send the
14 Sheriff out here?"

15 A: No.

16 Q: All right.

17 MR. BRYAN: Nothing further.

18 THE COURT: You may step down, sir.

19 A: Thank you.

20 THE COURT: Call your next witness please.

21 MR. BRYAN: The State calls Chief Mike Schwartz.

22 AT THIS TIME MICHAEL AARON SCHWARTZ WAS CALLED TO THE
23 STAND, DULY SWORN BY THE CLERK AND TESTIFIED AS FOLLOWS:

24 THE CLERK: Please be seated and state your full name
25 for the record.

1 Carter Weaver?

2 A: That Jody Ward wanted to speak to him.

3 Q: Okay, what else did -- was your conversation with
4 Carter Weaver?

5 A: That was it.

6 Q: Okay, did you have any contact with Jody Ward with
7 respect to him attempting to contact Assistant Sheriff
8 Weaver?

9 A: No, sir.

10 Q: All right, did you threaten or coerce in any way Jody
11 Ward to get him to make a statement?

12 A: No, sir.

13 Q: Did you make him any promises?

14 A: No, sir.

15 Q: Did you ever have any conversation -- well, let me ask
16 you this first. Did you hold paperwork that would allow
17 this Defendant, Jody Ward, to correspond with his brother
18 who was incarcerated at the Department of Corrections? Did
19 you ever withhold any paperwork to that effect?

20 A: Not that I'm aware of, sir.

21 Q: All right, and did you have any conversation at any
22 time with Jody Ward about holding paperwork that would
23 allow him to correspond with his incarcerated brother?

24 A: No, sir.

25 Q: Do you know about any paperwork ---

1 Q: Were you present during the conversation between Jody
2 Ward and Assistant Sheriff Weaver?

3 A: No, sir.

4 Q: I don't have any other questions. Please answer any
5 questions the Defense has.

6 THE COURT: Yes, sir.

7 EXAMINATION

8 BY MR. LOCKLAIR:

9 Q: Chief Schwartz, did you see Jody Ward at all on
10 January 8th of 2003?

11 A: I don't recall, sir.

12 Q: You don't remember seeing him coming over talking to
13 Carter, anything like that?

14 A: No, sir; no, sir.

15 Q: Okay, thank you.

16 MR. LOCKLAIR: No more questions, Your Honor.

17 THE COURT: Anything further?

18 MR. BRYAN: No, ma'am.

19 THE COURT: You may step down.

20 Call your next witness.

21 MR. BRYAN: The State calls Assistant Sheriff Carter
22 Weaver.

23 AT THIS TIME CARTER WEAVER WAS CALLED TO THE STAND, DULY
24 SWORN BY THE CLERK AND TESTIFIED AS FOLLOWS:

25 THE CLERK: Please be seated. State your full name

1 A: Yes, sir.

2 Q: All right, was anybody else there?

3 A: Initially, yes, sir, there was.

4 Q: Who else was there?

5 A: Chief Schwartz.

6 Q: All right, and what did he do?

7 A: He basically waited with Mr. Ward until I arrived at
8 the detention center and then he left.

9 Q: All right, how was it that you came about to -- that
10 you responded to the detention center to speak to Jody
11 Ward?

12 A: I received a phone call at my office.

13 Q: Who was the phone call from?

14 A: Chief Michael Schwartz.

15 Q: All right, what did he tell you?

16 A: He advised me by telephone that Jody Ward wanted to
17 sit down and talk with me and give me a statement as to
18 what happened.

19 Q: What did you do as a result of that
20 conversation?

21 A: I gave your office a call, sir, and also got
22 some equipment such as a tape recorder, a pad and a
23 pen.

24 Q: Did you respond?

25 A: Yes, sir.

1 A: Yes, sir, it does.

2 Q: Thank you.

3 MR. BRYAN: Your Honor, we'd ask this be made a
4 Court's exhibit.

5 THE COURT: That's been provided previously.

6 MR. LOCKLAIR: No -- yes, ma'am, and no objection.

7 THE COURT: All right.

8 (Whereupon, Court's Exhibit Number Seven [Statement of
9 Defendant] appropriately marked.)

10 BY MR. BRYAN:

11 Q: When, when you responded to the jail and spoke with
12 Jody Ward on this occasion did you use any physical force
13 to get him to give you a statement?

14 A: No, sir.

15 Q: Did you threaten him in any way?

16 A: No, sir.

17 Q: Did you coerce him in any way?

18 A: No, sir.

19 Q: Did you make him any promises of favor if he would
20 give a statement?

21 A: No, sir.

22 Q: Do you know of anybody else who made any threats,
23 coercion, promises in any way to Jody Ward to get you to --
24 or get him to make this statement?

25 A: No, sir, I do not.

1 to stop at any time during the statement or questioning.

2 Q: Did Mr. Ward appear to be under the influence of
3 illegal alcohol or drugs or under the influence of anything
4 at all when you gave him his Miranda warning?

5 A: No, sir.

6 Q: Did he appear to understand the warning?

7 A: Yes, sir.

8 Q: All right, on that document, is it signed by anybody?

9 A: Yes, sir, it is.

10 Q: Who signed it?

11 A: Jody L. Ward.

12 Q: Anybody else?

13 A: Myself, Carter Weaver.

14 Q: Did Mr. Ward date and put a time on it?

15 A: I dated it and I put the time on it.

16 Q: Okay, what day and time is it?

17 A: January the 8th, 2003, at 3:36 p.m.

18 Q: Is there anything else written on that form other than
19 Miranda warnings and you all's signature, date and time?

20 A: Yes, sir.

21 Q: What is that?

22 A: It's written, "I called Mr. Weaver to jail."

23 Q: And who wrote that?

24 A: Mr. Ward.

25 MR. BRYAN: At this time Your Honor, we'd offer this

1 Q: You said the statement you began taking it about 3:50
2 p.m.?

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

4 Q: And he signed his Miranda form at 3:36 p.m.

5 A: Yes, sir.

6 Q: Why did you not start the tape recorder at 3:36 when
7 you initially spoke with him?

8 A: He stated that he needed to go to the rest room after
9 he was mirandized..

10 Q: Okay, why didn't you tape record when you were talking
11 to him and mirandizing him?

12 A: I believe the Miranda was done later on the tape. The
13 Miranda form was done and I took Mr. Ward to the rest
14 room.

15 Q: And you did a separate Miranda on the tape?

16 A: That's my recollection.

17 Q: Okay, you said initially Chief Schwartz was there but
18 he left before you and Jody started talking?

19 A: He left at some point -- he left prior to the
20 interview beginning on tape.

21 Q: Okay, did you stay for any point in time after the
22 interview or as soon as they took Mr. Ward back down did
23 you leave?

24 A: I left the building, yes, sir.

25 Q: Were you there or did you happen to see Captain Owens

1 A: Yes, sir.

2 Q: And were you aware that it was me?

3 A: I'm not sure if I was aware if you were his particular
4 lawyer or not, sir.

5 Q: Okay, did Captain Owens make you aware that Jody had
6 tried to contact me at approximately 2:45 p.m. that day?

7 A: No, sir.

8 Q: And at no point in the transcript did you ever
9 specifically say, "Jody, if you want me to call your lawyer
10 he can come right out here?"

11 A: No, sir, I'd never use those words, no, sir.

12 Q: You just used the general Miranda language from the
13 Miranda form?

14 A: Yes, sir.

15 Q: Is that correct? How long did the statement take?

16 A: Approximately an hour, hour and a half.

17 Q: There was a previous time when Jody had spoken to you;
18 isn't that correct?

19 A: Yes, sir, it was.

20 Q: And he had asserted his right to counsel?

21 A: Yes, sir.

22 Q: Who else was with you at that point in time during
23 that interview as far as law enforcement would be
24 concerned?

25 A: Sheriff Cribb.

1 somebody said he wanted to get a hold of you what did they
2 say that was about? He just wanted a friendly chat with
3 his assistant sheriff?

4 A: I never received a call from Chief Schwartz to this
5 nature except on January the 8th.

6 Q: Well, what were all the other calls about regarding
7 Jody?

8 A: I'm unsure, sir.

9 Q: You're unsure. So, you're not sure who initiated
10 those calls or ---

11 A: That's correct.

12 Q: --- on the subject or anything? And you didn't
13 follow up with those?

14 A: No, sir, I did not.

15 Q: You all have any other other double murder trials
16 pending in Georgetown County right now?

17 A: No, sir, we do not.

18 Q: And you didn't think it was important that one of the
19 biggest cases you all have and the suspect wants to talk to
20 you?

21 A: Any information I received on this case was passed on
22 to the Solicitor's Office and/or the investigators.

23 Q: All those 20 other times that he -- somebody tried to
24 get in touch with you did you call the Solicitor's Office
25 and tell them that you had received those calls?

1 Q: And Captain Owens had stated that Mr. Ward wished to
2 speak to you?

3 A: Yes, sir.

4 Q: Okay, how long after you got this phone call from
5 Chief Schwartz did you go out to the detention center?

6 A: Probably took me approximately 45 minutes to an hour
7 to arrive at the detention center.

8 Q: And that would include the driving time, calling the
9 Solicitor ---

10 A: Yes, sir.

11 Q: --- getting the tape recorder and all that ready?

12 A: Yes, sir.

13 Q: Okay, and you're saying the 14 minutes from 3:36 to
14 3:50 was when Jody was in the bathroom?

15 A: That's correct. I believe we may have got a cup of
16 coffee or water and also went to the rest room.

17 Q: Okay.

18 MR. LOCKLAIR: Beg the Court's indulgence.

19 BY MR. LOCKLAIR:

20 Q: When you arrived at the jail where was Mr. Ward?

21 A: He was on the second, administration floor of the
22 detention center.

23 Q: Was he in the lobby, was he in a holding cell, was he
24 in an office?

25 A: No, sir, he was, he was in the general administration

1 He wasn't physically present when he asked to speak to him.
2 He asked to speak to Mr. Weaver by name. Mr. Weaver
3 responded within an hour later at his request, and it seems
4 to me to be kind of an absurd semantical argument to say
5 that because he wasn't there when he asked to speak to him
6 that that was re-initiating contact to respond in a timely
7 manner in a period of about 50 minutes at the Defendant's
8 request. So, under that argument it would really be
9 impossible for a Defendant to re-initiate contact if he was
10 incarcerated unless the officer happened to be on the site
11 and in his presence at the time. It just makes no sense
12 whatsoever. Assistant Sheriff Weaver responded promptly
13 within an hour. He brought with him a Miranda form, which
14 as far as the -- his attorney being present I'll point you
15 to number three on the Court's Exhibit Number Eight, I
16 believe, the Miranda warning says, "Three, you have the
17 right to talk to a lawyer and to have him present with you
18 while you are being questioned." It's on its face. He
19 read it to him. He had him read it and sign it. In
20 addition he took the further precautionary measure of
21 having Mr. Ward write in his own handwriting on the same
22 exhibit, "I called Mr. Weaver to the jail." We would
23 suggest or submit that that suggests that he had, in fact,
24 called, re-initiated contact with law enforcement.

25 As far as him calling his lawyer, I point you to the

1 there the Defendant complained about any threats, coercion,
2 intimidation, promises nor did he ever say, "Geez, these
3 cuffs are awful tight." He never complained about the
4 cuffs at all during the hour-long period. It's a 50
5 something page transcript and never does he make the first
6 reference to him being uncomfortable or in shackles or
7 being coerced or intimidated.

8 Finally, the argument that the cuffs were cut off I
9 think is a mischaracterization of, I believe, Kenny Owens's
10 testimony who stated that, he may have stated that the
11 cuffs were cut off. I'm not sure if I missed that or not.
12 If he did I'm sure that he didn't testify that they were
13 cut off because they were so tight that they were causing
14 discomfort to the Defendant. What happens is sometimes
15 the cuffs lock up. It has nothing to do with how tight
16 they are or not and routinely they have to be cut off, but
17 it's no -- I don't believe he testified or gave any
18 indication that Jody was in any pain as a result of that,
19 the cuffs.

20 So, Your Honor, we think the case law is clear. The
21 controlling case is obviously Arizona versus Edwards, and
22 it states that the -- once counsel has been or Miranda has
23 been invoked or counsel has been requested law enforcement
24 can't speak to the Defendant unless the Defendant re-
25 initiates contact. I think that there is ample evidence

1 Your Honor.

2 THE COURT: The Court finds by a preponderance of the
3 evidence that this, this interview was initiated by the
4 Defendant. The evidence is this, that there is a note, in
5 fact, some recollection of a call, but the note that
6 indicates the call is indicating, "I want to speak, I'm
7 going to speak to the sheriff," is basically the indication
8 on it. It sounds as if it's -- that he's not saying,
9 "Please come here and be with me. I want an attorney
10 present," it's simply that, "I'm going to speak to the
11 sheriff."

12 It's further evidence, and I say by the preponderance
13 of the evidence, further evidence that he continued in that
14 desire and that he signed on a document saying that, "I, I
15 ask you to be here," before ever giving the statement.
16 There is evidence, also, and I'll just go through this.
17 The Court has carefully considered the evidence that's been
18 presented by the State and the Defendant, and the Court
19 finds by a preponderance of the evidence that it was
20 initiated by the Defendant, and that before this alleged
21 incriminating statement or confession was obtained from the
22 Defendant the Defendant was fully advised of his rights
23 under the Fifth and Sixth Amendments to the Constitution of
24 the United States, that the Defendant was advised of his
25 constitutional safeguards required under Miranda versus

Motions

1 without promise or hope of reward, without promise of
2 leniency, without threat of injury or without impulsion or
3 inducement of any kind and that this alleged incriminating
4 statement or confession was the voluntary product of a free
5 and unconstrained will of the Defendant.

6 Once again I'll note that under Edwards v. Arizona,
7 also, he was in the Court's, based on the preponderance and
8 the standard will be higher before the jury, but he was the
9 one who initiated the contact with law enforcement.

10 Is there anything further that needs to be addressed
11 at this time?

12 MR. LOCKLAIR: Nothing from us, Your Honor.

13 THE COURT: Will note that this is admissible into
14 evidence. The jury will be charged though in regards to
15 the standard.

16 MR. LOCKLAIR: Thank you, Your Honor.

17 THE COURT: I have one outstanding matter and that is
18 dealing with the prior bad act, and I am looking at case
19 law in regard to that. Let me clarify a few points.

20 Did I hear it correctly when I was told that the first
21 car, that incident happened about two weeks prior? I need
22 a time frame and let me make sure I'm clear.

23 MR. HEMBREE: Your Honor, my recollection it was about
24 four to five days prior.

25 THE COURT: Four or five days prior, okay.

page from Brief Filed By Defendant Kneec

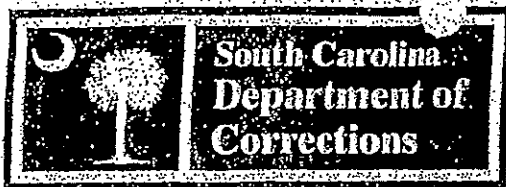
conduct of the accused." Johnson v. Zerbst, 304 U.S. 464 (1938).

An involuntary confession is one in which the suspect lacks "free" and "unconstrained" choice, leaving his "capacity for self-determination" critically impaired. Culombe v. Connecticut, 367 U.S. 568, 602 (1961). The admissibility of a confession turns in part "on whether the techniques for extracting the statements, as applied to *this* suspect, are compatible with a system that presumes innocence and assures that a conviction will not be secured by inquisitorial means." Miller v. Fenton, 474 U.S. 104 (1985). Thus, the totality of the circumstances surrounding the confession are relevant, including the setting in which the statement is made, the details of the interrogation and the characteristics of the accused, such as mental state, age, education, experience, and intelligence. United States v. McCray, 928 F.2d 400 (4th Cir. 1991); United States v. Carroll, 710 F.2d 164 (4th Cir. 1998).

The presence of physical brutality is neither the only, nor the most common, form of cognizable police misconduct. Awareness and exploitation of a defendant's incapacity to protect his own interests is also impermissible. Here, the law enforcement officer knew Mr. Ward was represented by an attorney. Mr. Ward tried to contact his attorney less than an hour before the interrogation. Additionally, Chief Schwartz was holding paperwork that would allow Ward to write to his brother, who was incarcerated in the South Carolina Department of Corrections. Schwartz used this paperwork to induce Ward to talk, telling him he could only write his brother if he talked to the police. The detention center had received this paperwork at least several weeks prior to the date of Ward's statement.

Ward was also brought to the interrogation room in shackles and was forced to wear shackles during the entire interrogation. The shackles were extremely tight on Ward, and they eventually had to be literally cut from his person.

Support Jackson v. Dennis Hearing / Newly Discovered



JIM HODGES, Governor
GARY D. MAYNARD, Director

WARDEN

Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina 29010

JAN 10 2003

LEE C

December 12, 2002

Georgetown County Detention Center
2394 Browns Ferry Road
Georgetown, South Carolina 29440

Dear Warden:

Our Inmate, Jamie Ward, Agency #256139, has requested the opportunity to correspond with your Inmate Jody Ward, who is reportedly an inmate at your facility. Current policy dictates to approve correspondence between inmates only when they are immediate family members, or when there are legal actions in which both inmates are involved and the correspondence is related to the legal action. Their relationship is brothers.

Please indicate your decision in the space below and return this form to Lee Correctional Institution at the above address. If you approve this request, please advise your mail office and your inmate.

CA/lmj

(☒) APPROVED
(☐) DISAPPROVED

cc: Mailroom
Offender Record
Institutional Record
Concerned Inmate
File

s/ Calvin Anthony
Calvin Anthony

s/ Michael M. Hunt
Warden (Georgetown CDC)

RECEIVED

JAN 10 2003

JAN 10 2003

RECEIVED

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF GEORGETOWN) FOR THE 15th JUDICIAL CIRCUIT
)
Jody Lynn Ward, #300644) C/A NO. 2003-GS-22-1030 & 1031
)
Defendant Prose,)
)
vs,)
)
State of South Carolina)
)
Respondents.)

CERTIFICATE

OF

SERVICE

ALMA Y. WHITE
CLERK OF COURT

2024 OCT 18 AM 11:08

FILED
GEORGETOWN COUNTY, S.C.

I certify that I have Served the below named & Addressed Respondents a True & Correct copy of the Defendant Prose Amended S.C.R.Crim.P. Rule 29(B) with Attached Exhibit-(F)^{(G)(H)} Trial Transcripts of Forensic/Musc Pathologist; ON This 17th Day of October, 2024 By placing it in the U.S. postal mail; Postage Prepaid.

1.) Georgetown County Solicitor's Office
Att'n: Mr. Jimmie Richardson, Solicitor
P.O. Box 1688

Georgetown, S.C. 29442

Respectfully Submitted,
/s/ Jody Lynn Ward #300644
Jody Lynn WARD, #300644
Defendant Prose

Jody Lynn Ward, #300644
Allendale Corr. Inst. F-4-B #13
1057 Revolutionary Trail
Fairfax, S.C. 29827

783

October 16, 2024

Georgetown County Clerk of Court
Attn: Clerk, of General Sessions
P.O. Box 479
Georgetown, S.C. 29442

FILED
GEORGETOWN COUNTY, S.C.
2024 OCT 18 AM 11:09
ALMA Y. WHITE
CLERK OF COURT

RE: C/A NO. 2003-GS-22-1030 & 1031 Filing of Pro-se
Amended 2nd Time Issue #5 with attached Exhibit (F)(G)(H)
AND (I) copy to Be Returned Clocked Stamped Please

Dear Clerk,

I hope this letter finds you all well, Please
Clock-stamp AND file my above Referenced AND
Also hereto Attached, This is Pro-se Filings.
Please send me a Clocked-stamp Copy BACK.
Thank you all & God Bless.

Respectfully Submitted,

/s/ Jody Lynn Ward, #300644
Jody Lynn Ward, #300644
Defendant Pro-se

1. of 1.

Footnote (1)

of S.C.A.C.R. Rule 407 3.8 (g)(h) Amended Rule 3021

And State vs. Quattlebaum; Riddle vs. Ozmint;

6th Amend. to U.S. Const. on Intentional AND

Deliberate Prosecutorial Misconduct would

VACATE this Case without Reindictment AND

Release the Defendant as soon as possible.

See: Exhibit (F) Trial Transcript (G) Complaint Filed

(H) Affidavit of
Due Diligence

CONCLUSION

Against Kimberly
Collins / DHEC

I Respectfully ask this Court to GRANT
AND VACATE Convictions AND Sentence AND/OR
Reverse Conviction AND Sentences AND/OR
GRANT AN Evidentiary Hearing.

Respectfully submitted,

Jody Lynn Ward, #300644

Jody Lynn Ward, #300644
Defendant Pro-se

*Footnote (1)

S.C. Supreme Court Ruled
Solicitor must Correct
Wrongful Conviction

2nd of 2.

EXHIBIT

F

TRANSCRIPT of Testimony of Kimberly Collins / MUSC
 Forensic Pathologist as Proof to Support
 Fraud; Fraud upon the Court; Knowingly
 Perjured Testimony; Trial Transcripts pages
 665-684 lines as (Evidence Supporting Issue #5)
 (Bate stamp) Steve Lambert / SLED; Locklair; Hembree
Judge Paula Thomas, says never Be D.N.A. Evidence

1 to allow them to go. We'll pull you to the side for right
2 now. You may step back at this time.

3 (Whereupon, the following takes place outside the
4 presence of the jury.)

5 THE COURT: You can -- she can stay right here. You
6 can call her from here when they return.

7 We'll take a 10-minute break. See you back in here in
8 10 minutes.

9 MR. LOCKLAIR: Your Honor, could we put our objection
10 on the record prior to taking?

11 THE COURT: This would be an appropriate time.
12 Certainly, yes, sir.

13 MR. LOCKLAIR: Thank you. Are they all in?

14 THE COURT: Make sure that door is closed. You may be
15 seated.

16 MR. LOCKLAIR: Your Honor, we would just object to the
17 pictures of the bones and items, they're State's Exhibits
18 34, 35 and 36 coming into evidence. We don't feel that the
19 State has laid a proper foundation to identify those bones
20 as an actual part of this crime scene. There was no
21 testimony to establish even that they were human bones and
22 no link to the alleged deceased victims in this case.

23 THE COURT: All right, any response?

24 MR. HEMBREE: Well, Your Honor, they're, they are
25 photographs of the actual crime scene as they -- as it

Objection

667 458

1 MR. LOCKLAIR: I believe we said a foundation based
2 on DNA, but ---

3 MS. KNEECE: I recall.

4 MR. LOCKLAIR: --- but we would object to foundation.
5 I mean, DNA was our basis for that.

6 THE COURT: All right, well, it's been entered into
7 evidence now based on that, that limited objection that you
8 said at bar. Once again, that's a situation where I would
9 have pulled it and we can pull those and we can just keep
10 them out until such time as the foundation is laid that
11 these are, in fact, human remains.

12 MR. HEMBREE: Well, my concern, Your Honor, is I don't
13 know how you -- how we can pull it.

14 THE COURT: Yeah.

Bingo
15 MR. HEMBREE: Once it's been -- I mean, it's been
16 published. It's been testified about.

17 THE COURT: I need to note for the record that the
18 objection that was stated to this Court prior to putting it
19 on the record was there was no DNA evidence. There will
20 not be DNA evidence in this.

21 MR. LOCKLAIR: Yes, ma'am.

22 THE COURT: It was nothing more but the DNA having not
23 been established. That will not happen in this case. So,
24 I have ruled based on that.

25 MR. LOCKLAIR: Yes, ma'am, because they -- they're

1 Dr. Kim Collins to the stand.

2 AT THIS TIME KIMBERLY ANN COLLINS WAS CALLED TO THE STAND,
3 DULY SWORN BY THE CLERK AND TESTIFIED AS FOLLOWS:

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

6 MS. COLLINS: Kimberly Ann Collins, C-O-L-L-I-N-S.

7 DIRECT EXAMINATION

8 BY MR. HEMBREE:

9 Q: Dr. Collins, where do you work?

10 A: Medical University of South Carolina in Charleston.

11 Q: And in what capacity?

12 A: I'm a professor of pathology and laboratory medicine.
13 I'm also director of the forensic pathology service and the
14 autopsy service.

15 Q: What is the -- what is the specialty or sub-specialty
16 of forensic pathology? What does that deal with?

17 A: Well, pathology is the study of diseases and we use
18 the laboratory to diagnose and treat patients, such as
19 biopsies, blood work, etcetera. All of you have had
20 experience with the pathology laboratory. Forensic
21 pathology is the investigation of unnatural death or
22 trauma; and so, predominantly we use the autopsy in our
23 investigation. That's our number one tool; and so, we
24 examine bodies postmortem and we perform autopsies to
25 determine how they died, what manner and all such as to

1 Q: All right, and when did you conduct or what, what were
2 you asked to do in this case?

3 A: We were notified by the coroner that they had found
4 some remains, some bones. So, first of all, he wanted to
5 know if they were human remains and then he wanted to know
6 if we could identify the individual and also try to
7 determine the cause and manner of death; and so, the bones
8 were transported to the Medical University.

9 Q: Did you conduct an autopsy on these bones?

10 A: Yes, we did. There was not much tissue left. So, we
11 did conduct an examination, a postmortem examination of the
12 bones.

13 Q: And on what date did you conduct this autopsy?

14 A: September 14th, 2002, and we started the examination
15 at nine o'clock in the morning.

16 Q: If you will describe to the jury the extent of your
17 examination of these remains.

18 A: The remains were received in a bag and within the bag
19 there was also some clothing and there were white Adidas
20 sneakers, a sock and multiple bones with these clothes.

21 Also, there was a pair of plaid boxer shorts, and ---

22 Q: Let me stop, let me stop you right there, Dr. Collins.

23 A: Yes.

24 Q: And I want to show you what's been marked for
25 identification as State's 39. These are in a biohazard

1 A: Well, before we started really examining the bones, as
2 I mentioned earlier, to determine whether they're human or
3 not we didn't want to move the contents too much before we
4 x-rayed the contents, and we do this on all of our cases of
5 any skeletonized remains or even a decomposed individual.
6 So, we did x-ray the entire contents and we did find that
7 there was a radiopaque, or it showed up white on the x-ray,
8 projectile within part of these remains. So, we did that
9 first and then we took out each individual bone, determined
10 what bone it was, left or right, such as left or right arm,
11 and then we examined the skull and the different parts of
12 the bones, skeleton, excuse me, to determine also male
13 versus female, black versus white.

14 Q: Can you within a reasonable degree of medical
15 certainty offer an opinion as to how many individuals or
16 how many people's bones were in these bags?

17 A: At least two different people because we have two
18 mandibles, which is your jaw bone, the lower jaw bone, also
19 we have two right collar bones and the other bones are not
20 duplicated. Would you like for me to go over the bones
21 that were present?

22 Q: Certainly, if you would, Doctor.

23 A: There was a skull that was intact, two mandibles as I
24 mentioned, one went with the skull and one was -- did not
25 match up with the skull. We had a right shoulder blade.

1 on the left side toward the back of the skull, and it was a
2 gunshot wound defect, and within the skull was the piece of
3 bullet that I mentioned that we saw on the x-ray; and so,
4 the skull had the hole from the bullet wound, as well as
5 some fractures around it.

6 Q: Let me show you State's 38 for identification purposes
7 and ask if you can identify that. If you'll open that up.

8 A: It has on the outside "FA". That stands for forensic
9 autopsy, 02 for 2002, and 481, that is the case number that
10 I'm reading off here from the skeletonized remains, and it
11 is a metal fragment consistent with what we found at
12 autopsy. It's grey and also copper-colored, and we turned
13 this over also to the Sheriff's Office.

14 Q: Thank you.

15 MR. HEMBREE: Your Honor, we'd move this bullet
16 fragment into evidence at this time as State's 38.

17 MS. KNEECE: Without objection.

18 THE COURT: Without objection.

19 (Whereupon, State's Exhibit Number 38 [Bullet
20 Fragment] introduced into evidence and appropriately
21 marked.)

22 BY MR. HEMBREE:

23 Q: And Dr. Collins, tell me again, or I don't know if you
24 described it already, where was the entrance wound on the
25 skull?

1 could do DNA extraction for identification.

2 Q: And -- but you were not able to determine the identity
3 from your investigation of the second body ---

4 A: That's correct. We ---

5 Q: --- the second mandible?

6 A: We just have this individual listed as unknown male.

7 Q: Were you able, within a reasonable degree of medical
8 certainty, to determine the cause of death of the second
9 male?

10 A: No, not just looking at that one jaw, no.

11 Q: You can certainly offer the opinion that he was
12 deceased.

13 A: He's definitely deceased. He was with the homicide
14 victim and my conclusion would be that he was also a victim
15 of homicide. I cannot tell you the exact cause of his
16 death, though, just looking at what little we have of the
17 skeletal remains on this individual.

18 Q: All within a reasonable degree of medical certainty?

19 A: That's correct, yes.

20 Q: Thank you, Dr. Collins. If you would answer any
21 questions Defense counsel might have for you.

22 MS. KNEECE: No questions, Your Honor.

23 THE COURT: You may step down, ma'am. You want this
24 witness released?

25 MR. HEMBREE: We would ask that Dr. Collins be

Steve Lambert - Direct by Mr. Hembree

1 excused.

2 THE COURT: All right, and you are free to leave.

3 Call your next witness.

4 MR. HEMBREE: Thank you, Your Honor, the State calls
5 Agent Steve Lambert to the witness stand.

6 AT THIS TIME STEVE LAMBERT WAS CALLED TO THE STAND, DULY
7 SWORN BY THE CLERK AND TESTIFIED AS FOLLOWS:

8 THE CLERK: Please be seated. Please state your full
9 name for the record.

10 MR. LAMBERT: Steve Lambert, L-A-M-B-E-R-T.

11 DIRECT EXAMINATION

12 BY MR. HEMBREE:

13 Q: Good morning, Agent Lambert.

14 A: Good morning.

15 Q: Who do you work with?

16 A: The South Carolina Law Enforcement Division also known
17 as SLED.

18 Q: In what capacity?

19 A: I'm assigned to the DNA laboratory where I perform DNA
20 and forensic serology analysis.

21 Q: And if you would give the jury the benefit of your
22 experience and training in DNA and serology.

23 A: Okay, I've got a degree in chemistry in 1983. I've
24 got a doctorate in biochemistry from the University of
25 South Carolina in 1990. At that point I went to work at

1 information.

2 THE COURT: All right, very well, without objection.

3 MR. LOCKLAIR: Thank you, Your Honor.

4 MR. HEMBREE: Thank you, Your Honor.

5 BY MR. HEMBREE:

6 Q: Senior Agent Lambert, if you would tell us how you got
7 involved in this death investigation.

8 A: In this particular case I received some items that
9 were submitted to the lab for DNA analysis.

10 Q: And did you conduct a DNA analysis on any of these
11 items?

12 A: Yes, I did.

13 Q: What was turned over to you for analysis?

14 A: The first item that I received was a jaw bone for DNA
15 testing.

16 Q: What type of DNA testing did you conduct?

17 A: I attempted to conduct what's called STR analysis.
18 That stands for short tandem repeat analysis. That's the
19 kind of testing we perform in our lab and virtually every
20 forensic lab in the country does the same test. To do this
21 test what we do is we extract DNA from the item to be
22 tested and attempt to perform DNA analysis on it. However,
23 we were unable to extract high molecular weight, high
24 quality DNA from the jaw bone. It just decayed too far and
25 we were unable to get any DNA from that.

1 confirmatory test.

2 Q: Your test just said that it was below the threshold of
3 detection. What factors would effect that threshold that
4 would inhibit or prevent it from reaching that threshold?

5 A: When I looked at the stain and these stains in
6 particular they appeared to be very diffuse, very dilute,
7 and if they had been diluted by water, for instance, it
8 could be that the sample had just dissolved into the water
9 and we weren't able to pick up enough blood to do the
10 testing.

11 Q: Let me give you a hypothetical. If this vehicle or if
12 these cuttings came from a vehicle, these stains came from
13 a vehicle and that vehicle was at the bottom of a lake from
14 August the 3rd of 2002 until September, excuse me, October
15 the 1st of 2002, nearly two months, could that have an
16 impact or an effect on the ability to secure a bloodstain
17 that's testable?

18 A: Absolutely because there's material in the, in the
19 water that is going to degrade the DNA. There is bacteria.
20 There's a whole lot of things that go on that are going to
21 break down that blood. It's going to diffuse into the
22 water. It's going to be chewed up by the bacteria and
23 that's the reason quite often in these cases that we don't
24 get a result. I'd be surprised to get a result off of a
25 sample that had been stored under those conditions.

EXHIBIT

G

Complaint Filed with DHEC Against
MUSC Forensic Pathologist Kimberly Collins
who gave knowingly Perjured Testimony
in March 15-18, 2004 Jury Trial
of Defendant Jody Lynn Ward

Jody Lynn Ward, #300644
Allendale CORR. Inst. F-4-B-#13
1057 REVOLUTIONARY TRAIL
Fairfax, S.C. 29827

797

October 16, 2024

South Carolina Dept. of
Health and Environmental Control
Attn: Complaint / Investigation Dept.
2600 Bull St.
Columbia, S.C. 29201

RE: Complaint / Investigative Dept. against Kimberly Collins
Forensic Pathologist License to Be Suspended for giving
Knowingly Perjured Testimony on/or about March 15-18,
2004 in State of S.C. vs. Jody Lynn Ward 2-murder
case TRIAL; Misconduct in office as Forensic Pathologist,
S.C. Code ANN § 44-1-10 / MUSC Forensic Pathologist March 15-18, 04,

To Whom it may Concern,

This is a Complaint Being Filed against MUSC/
Kimberly Collins Forensic Pathologist License to Be
Suspended for Fraud upon Court / Giving Knowingly
Perjured Testimony on D.N.A. of Alleged Elton
Rutledge Jr. & Wilford Brown in March 15-18, 2004 TRIAL.

1. of 1.

Respectfully submitted
1st Jody Lynn Ward, #300644
Jody Lynn Ward, #300644
Defendant

EXHIBIT

(H)

Affidavit of Due Diligence of
the Defendant on Fraud upon
Court of Forensic Pathologist
Kimberly Collins.

STATE OF SOUTH CAROLINA)
 COUNTY OF GEORGETOWN)
)
 RE: Judy Lynn Ward/Trial) OF
 03/15-18/2004)
) JODY LYNN WARD
 AFFIDAVIT OF)
 REASONABLE DUE) REASONABLE DUE
)
 DILIGENCE OF) DILIGENCE
)
 DEFENDANT PRO-SE)
In support of Rule 29(B))

PERSONALLY APPEARED BEFORE ME, the undersigned Notary Public, the Affiant, Defendant Pro-se, Jody Lynn Ward, #300644 who being duly SWORN stated as follows:

- 1.) My name is Jody Lynn Ward, #300644, and I am over the age of (18) yrs of age and I give Affidavit of Reasonable Due Diligence in support of S.C.R.Crim.P. Rule 29(B),
- 2.) That this Affidavit is True And Correct and it is Based on my own personal knowledge and information and Belief.
- 3.) I filed a Motion for new Trial Rule 29(B) with Supporting Exhibits A; B; C; D clocked - stamped on Oct. 04, 2024; and Amended issue #4 on Oct. 03, 2024 not yet recieved Back clock - stamped, and I file my 2nd Amendment, Fraud upon Court; Prosecutorial Misconduct
 1. of 2.

Due to MUSC / Forensic Pathologist gave knowingly Perjured Testimony; AND Solicitor Gregory Hembree, Honorable Paula Thomas; AND SLED / Steve Lambert over D.N.A. Department.

4.) I was going over some Legal Documents on a visit on another matter on D.N.A. Hearing on/or about April, 2024 with Attorney Tristan Shaffer, when we Both discovered it was Perjured Testimony of Solicitor; Judge; Forensic Pathologist; Attorney Wesley John Locklair; AND ^{Kimberly Collins / MUSC} SLED/DNA / Steve Lambert

5.) State vs. Quattlebaum; Riddle vs. Ozmint; 6th Amend.
to the U.S. Const., 14th Amend. on Due Process and Equal Protection, Clearly Been violated By Fraud upon the Court By officers of the Court.

6.) That I make these TRUE & CORRECT Statements, and I am not under the influence of Drugs AND/OR Alcohol or under Duress of any kind AND/OR NATURE.

AFFIANT SAYETH NOT

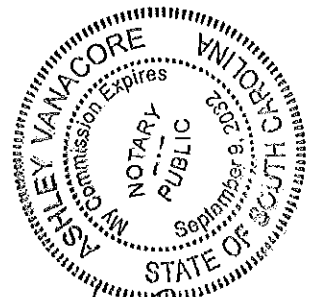
SWORN TO AND SUBSCRIBED before me

ON This 17 Day of October, 2024

/s/ Ashley Vanacore
Notary Public for South Carolina

/s/ Jody Lynn Ward, #300644
Jody Lynn Ward, #300644

MY Commission Expires: 9/9/32 AFFIANT/ DEFENDANT
PRO - SE



STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

Jody Lynn Ward, #300644

Defendant Pro-se,

vs.

State of South Carolina

Respondents.

) IN THE COURT OF GENERAL SESSIONS
)
) FOR THE 15th JUDICIAL CIRCUIT
)

) C/A NO. 2003-GS-22-1030, 1031
)
)

CERTIFICATE

OF

SERVICE

FILED
GEORGETOWN COUNTY, S.C.
2025 FEB 24 PM 4:17
CLERK OF COURT

I certify that I have Served a True And Correct Copy of Defendant's Pro-se; 1.) 3rd Amendment to Original filed Motion for a New Trial S.C.R.Crim.P. Rule 29(B); 2.) Certificate of Service; 3.) with Attached Exhibit - Affidavit of Due Diligence, ON This 18th Day of February, 2025. It was mailed By way of U.S. Postal Mail; Postage Prepaid and Addressed Below: 4.) Request For 15th Circuit solicitor's office to turn over Taped C.O. of Pre-Trial Detainee while in G.C.D.C.

1.) Georgetown County Solicitor's Office
Attn: Mr. Jimmie Richardson, Solicitor
P.O. Box 1688
Georgetown, S.C. 29442

Respectfully Submitted,
1/ Jody Lynn Ward, #300644
Jody Lynn Ward, #300644
Defendant Pro-se

Jody Lynn Ward, #300644

Tyger River Corr. Inst.

200 Prison Road

Enoree, S.C. 29335

February 18, 2025

FILED
GEORGETOWN COUNTY, S.C.

2025 FEB 24 PM 4:17

CLERK OF COURT

Georgetown County Clerk of Court

Attn: General Sessions Clerk

P.O. Box 479

Georgetown, S.C. 29442

RE: [This is a Pro-se Filing] Pro-se Amendment to Original Pro-se filing on September 11, 2024; Motion for a New Trial Based on After Discovered Evidence, S.C.A.Crim.P. Rule 29 (B) with Attached -/ Exhibit/ Affidavit of Reasonable Due Diligence.

CASE # 2003-GS-22-1030 & 1031; This is (3rd) Third Amendment to this filing on September 11, 2024; Defendant's request for 15th Circuit solicitor's office to turn over C.O. from 2003

Dear Clerk,

Please clock-stamp AND file AND return to me my Clocked-Stamp copy provided, this is a Pro-se filing. I thank you for all your time & help with this matter. May God Bless You. I close with following scriptures.

Proverbs 11:1 - A false Balance is Abomination to the Lord; But a Just weight is his delight.

Proverbs 16:1 - A Just weight and Balance are the Lord's: all the weights of the Bag are his work.

Respectfully Submitted,
/s/ Jody Lynn Ward, #300644
Jody Lynn Ward, #300644
Defendant Pro-se

cc./ File

Solicitor Jimmie Richardson

1. of 1.

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
 COUNTY OF GEORGETOWN) FOR THE 15th JUDICIAL CIRCUIT

Jody Lynn Ward, #300644) C/A NO. 2003-GS-22-1030 / 1031

Defendant Pro-se,)
 vs.) DEFENDANT'S (3rd) THIRD
) AMENDMENT TO MOTION

State of South Carolina) FOR A NEW TRIAL BASED
 Respondents.) UPON AFTER DISCOVERED EVIDENCE,
) PURSUANT TO S.C.R. Crim.P. Rule 29(B)
) WITH ATTACHED AFFIDAVIT OF DUE DILIGENCE/
) EXHIBIT

COMES NOW THE DEFENDANT PRO-SE, respectfully
 this Court for an Order Granting the Defendant a
 Trial in the above-caption matter. This is the Defendant's
 Third (3rd) Amendment to his Original Notice of Motion AND
 Motion for a New Trial Based upon After Discovered Evidence,
 Pursuant to S.C.R. Crim.P. Rule (29)(B) that was filed originally
 on September 11, 2024, and thereafter it was Amended
 Twice. The grounds for this Motion are that the Defendant
 has recently discovered the following Evidence that is related to
 "Conflict of Interest" and "Fraud upon the Court By Officer/
 Attorney of Record of the Court", in a violation of the 6th
 Amendment to the United States Constitution; as well as the
 14th Amendment and Clearly Established Federal Law.

FILED
 GEORGETOWN COUNTY, SC
 2025 FEB 24 PM 4:17
 JESSIE J. BROWN, CLERK

See: Cuyler vs. Sullivan, 100 S. Ct. 1708 (1980); and U.S. vs. Swanson,
U.S. vs. Nicholson, 611 F. 3d 191, 205 (4th Cir. 2010); U.S. vs. Dehlinger,
 740 F. 3d 315 And a violation of the South Carolina Appellate
 Court Rules; Rules of Professional Conduct Rule 407; And
 407 3.8 (g); (h) Amended Rule 2021 of this wrongful
 conviction. [Conflict of Interest of Trial Counsel Margaret
 Ann "Muffy" Kneece], see also cases on Fraud upon the
 Court, see: Hazel-Atlas Glass Co. vs. Hartford-Empire Co.,
 332 U.S. 238, 64 S. Ct. 997, 88 L. Ed. 1250 (1944);
Chewning vs. Ford Motor Company Inc., 354 S.C. 72, 579
 S.E. 2d 605 (2003). [That's Both U.S. And S.C. Supreme
 Court controlling cases on Fraud]. See also: In Re Genesys
Data Techs Inc., 204 F. 3d 124, 130 (4th Cir. 2000) "Fraud
upon the Court" includes Fraud by an officer of the
Court includes Attorneys, This is way beyond a
Conflict of Interest and "Fraud", what Margaret Ann
 "Muffy" Kneece did only days before Defendant's Trial of
 MARCH 15-18th 2004. "If I would've known this she never been my
TRIAL ATTORNEY." ISSUE #6

6.) Margaret Ann Muffy Kneece, Trial Counsel did join with
 Georgetown County Sheriff Lane Cribb on or about December
 2003 - to - February 2004, to open up a Government Facility
 for Abused; / Sexual Assaulted Battered woman for Georgetown
 And Horry County against S.C.A.C.R. Rule 407 Rules of
 Professional Conduct during the Course of being my
 Court Appointed Trial Counsel only...

days before the Trial of March 15-18th, 2004, which is a "Conflict of Interest", against her License as a Public Defender Attorney, S.C.A.C.R. Rule 407; And the "6th Amendment to the U.S. Constitution," It's clearly a violation to the Defendant, being it was less than (1) one year her leaving the Georgetown county Solicitors office, as a Solicitor. This Conflict has "never Been Waived" And was Discovered on/or About January 01, 2025. This is clearly a "Conflict of Interest" and a violation for his Trial Counsel to be Acting and Concerting as a "Government Agent," outside the Scope of a Trial Attorney Triggering Cuyler vs. Sullivan, Supra; U.S. vs. Swanson; U.S. vs. Nicholson, supra; U.S. vs. Dehlinger, Supra; S.C.A.C.R. Rule 407; 6th & 14th Amendment to the U.S. Constitutional violations; In Re Geneys Data Techs Inc. supra; Hazel-Atlas Glass Co. vs. Hartford-Empire Co., supra; Chewing vs. Ford Motor Company Inc., supra; Strickland vs. Washington; Its also against the "Integrity of whole Judicial System", as Trial Attorney. S.C.A.C.R. Rule 407 3.8.(g);(h) Amended 2021, Wrongful conviction must Be Corrected.

CONCLUSION

Therefore, Defendant respectfully ask this Court to Grant him a New Trial with a "Conflict Free" "Trial Attorney"; And/or Conduct a Evidentiary Hearing to give the Defendant an Opportunity to Prove this "Conflict of Interest" did happen.

Respectfully Submitted, Jody Lynn Ward, #300644
Jody Lynn Ward, #300644
 Defendant Pro-se

EXHIBIT

Affidavit of Reasonable Due Diligence of the
Defendant in Support of his 3rd Amendment to
his Original September 11, 2024 Filing of a
Motion for a New Trial Based on After
Discovered Evidence, Pursuant to S.C.R.Crim.P.
Rule 29(B)

STATE OF SOUTH CAROLINA,

COUNTY OF GEORGETOWNC/A No. 2003-GS-22-1030 & 1031Exhibit - Supporting Amendment to S.C.R.Crim.P.
Rule 29(B) / 3rd AmendmentAFFIDAVIT
OF DUE DILIGENCE

PERSONALLY APPEARED BEFORE ME, Jody Lynn Ward, #300644 Pro-Se, who, after being duly sworn, deposes and states that: I am the Defendant Pro-se in the above Case And I'm over the age of (18) yrs. of age and I am fully competent to make this Affidavit in support of Defendants 3rd Amendment to S.C.R.Crim.P. Rule 29(B). The Defendant Pro-se did Discover on/or About January 01, 2025 That his Trial Counsel Margaret Ann "Muffy" Kneze, Trial Counsel of March 15-18, 2004 Did on/or About January 2004 Prior to Defendants Trial Commit a "Conflict of Interest" By opening up / Sponsoring with the Georgetown County Sheriff Lane Caibb a Government Facility for Abused And/or Sexual Assaulted Battered Woman, and this Facility is Located in Horry County / 15th Circuit which includes Georgetown County. It was discovered within the last (1) year Pursuant to S.C.R.Crim.P. Rule 29(B); It's also Fraud upon the Court By officer/Attorney of Record of Court to Act as a Government Agent And Be my Trial Counsel at the Sametime its Against Rules of Professional Conduct S.C.A.C.R. Rule 407, Acting outside the Scope of a Trial Counsel And this "Conflict of Interest" has never Been Waived And could not have Been Discovered during the exercise of Reasonable Due Diligence. I am not under the influence of Drugs or Alcohol or inducement of Any Kind. Had I known this she never Been my Trial Attorney.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: February 18th, 2025

151 Jody Lynn Ward
(Signature)

Jody Lynn Ward, #300644 Pro-se
Tyger River CORR. Inst.
200 Prison Road
Enoree Georgetown
City State Zip Code

State of South Carolina

THE COUNTY OF SPARTANBURGSWORN or affirmed to and subscribed before me this
18 day of Feb., 2025

151 Paul Allen Carr
Notary Public

My Commission Expires: JAN. 24, 2035

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF GEORGETOWN) FOR THE 15th JUDICIAL CIRCUIT
))
Jody Lynn Ward, #300644) C/A NO. 2003-GS-22-1030 & 1031
Defendant Pro-se,) MOTION FOR NEW TRIAL 29(B) AND
- vs -) DEFENDANT'S REQUEST FOR
) 15th Circuit Solicitor's Office
State of South Carolina) to turn over C.D. of Recorded
Respondents,) G.C.D.C. phone conversations of
Defendant and his wife while he
was in Georgetown County Jail
on/or About 2003 to Prove
"Conflict of Interest" of Attorney
Margaret Ann "Muffy" Kneese
Brady vs. Maryland, Cuyler vs. Sullivan

FACTS &
Issue # 7

GEORGETOWN COUNTY, S.C.
FEB 24 2004
PM 4:18

7.) The Solicitor's office Recorded a C.D. of the Defendant and his wife Pre-Trial while detainee in the Georgetown County jail on/or About 2003, and it's Been alleged that during those conversations between Defendant and his wife Beverly K. Ward, that a "Conflict of Interest" was created, that Margaret Ann "Muffy" Kneese said that the Defendant and his wife was talking About her.

And that's the reason that she made sure he lost his TRIAL ON MARCH 15-18, 2004. The Defendant has never heard or seen this C.D. As of Date February 18, 2025, see: Cuyler vs. Sullivan, 100 S. Ct. 1708 (1980); And Brady vs. Maryland; "State must Produce C.D."

The Defendant is entitled to hear the Contents of this C.D. and play it to the Court to support his claim of "Conflict of Interest", where Trial Counsel Margaret Ann "Muffy" Kneece, Bragging that, that's why she made sure Defendant lost his TRIAL ON MARCH 15-18, 2004 and for this reason the Defendant should be granted a New TRIAL. [Her words were] "Him and his wife should've been talking about me, and maybe he would've lost his TRIAL."

CONCLUSION

The Defendant respectfully request the 15th circuit Solicitors' office to turn over Taped conversations of the Defendant and his wife Beverly F. WARD on/or about 2003 while he was a Pre-Trial Detainee, this is also Newly Discovered Evidence. GRANT A NEW TRIAL.

Respectfully submitted,
Jody Lynn Ward, #300644
Jody Lynn Ward, #300644
Defendant PRO-se

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA
PLAINTIFF

CASE FILE: 18616-1

INDICTMENT(S): 2003GS2201030, 2003GS2201031

WARRANT(S): H248669, H248670

v.

JODY LYNN WARD
DEFENDANT

STATE RESPONSE TO DEFENDANT'S
MOTION FOR NEW TRIAL
AND ALL AMENDMENTS

FILED
GEORGETOWN COUNTY, S.C.
2025 MAY -1 AM 8:48
CLERK OF COURT

The State of South Carolina, by and through undersigned counsel, hereby responds to the defendant's Motion for New Trial filed October 4, 2024, along with amendments to that motion filed on October 9, 2024, October 18, 2024, and February 24, 2025. Motions for new trials are governed by South Carolina Rule of Criminal Procedure 29. The defendant is proceeding specifically under subsection (b), which governs motions based on after-discovered evidence. Because none of the grounds qualify as after-discovered evidence, the defendant's motion should be denied.

After-discovered evidence must satisfy each of five different requirements. Specifically, that the evidence "(1) is such that it would probably change the result if a new trial were granted; (2) has been discovered since the trial; (3) could not in the exercise of due diligence have been discovered prior to the trial; (4) is material; and (5) is not merely cumulative or impeaching." *State v. Spann*, 334 S.C. 618, 619-20, 513 SE 2d 98, 99 (1999)(citing *State v. Prince*, 316 S.C.

57, 447 S.E.2d 177 (1993))(emphasis added). If the “after-discovered” evidence does not meet each of these five requirements, a new trial is not warranted.

The South Carolina Court of Appeals discussed motions for new trials based on after-discovered evidence in *State v. Harris*, 391 S.C. 539, 545, 706 S.E.2d 526, 529 (Ct.App. 2011), where it noted that “[a] motion for new trial based on after-discovered evidence must be made within a reasonable period of time after the discovery of the evidence....” Rule 29(b), SCRCrimP. The Court of Appeals further noted that “The granting of a new trial because of after-discovered evidence is not favored.” *State v. Irvin*, 270 S.C. 539, 545, 243 S.E.2d 195, 197-198 (1978).

None of the issues raised by the defendant have been raised in a reasonable period of time and do not satisfy the requirements of after-discovered evidence. As such, the defendant’s motion should be denied. The State will address each filing and each item in turn.

Defendant’s Initial Motion for New Trial filed October 4, 2024

A. “Missing Great Seal on §16-3-10; 1993 Act No. 184; 1995 Act No. 7”¹

The defendant first seems to argue that he is entitled to a new trial because an Act in 1993 and an Act in 1995 are missing the Great Seal of the State. This argument is based on Art. III, § 18 of the South Carolina Constitution (1895 as amended) that requires that, *inter alia*, the Great Seal of the State be affixed to any bill or joint resolution before it “shall have the force of law.” The defendant attached a letter from the Deputy Director of Archives & Records Management of the South Carolina Department of Archives and History indicating that he could not find the Great Seal of the State on either Act cited by the defendant. This does not qualify as after-discovered evidence and cannot, therefore, be the basis for the grant of a new trial.

¹ Defendant’s Motion for New Trial filed October 4, 2024, pp.1-2.

In order to provide a complete record from which a decision can be rendered, the State will address each of the five requirements of after-discovered evidence, despite the fact that the defendant's argument fails with the first – whether the lack of the “Great Seal” on the attached Act would change the trial's result. The defendant attached only an Act filed on June 21, 1993, and none from 1995; thus, the only Act that should be considered herein is the Act from 1993. Nowhere in this Act is SC Code Annotated §16-3-10 mentioned. It is clear, therefore, that, regardless of the validity of the 1993 Act, the trial result would not be changed.

The second and third requirements are logically related. The defendant must allege that this “new” evidence was discovered after his trial *and* that it could not have been discovered prior to trial. Again, the Act was filed on June 21, 1993. This was some nine years before the defendant killed Elton Rutledge, Jr. and Wilfred Brown, and nearly eleven years before he was convicted of those killings at trial on March 18, 2004. No sound argument can be made that due diligence would not have revealed this issue prior to trial.

Turning to the fourth requirement – whether the Act is material – this must also be answered in the negative as the Act does not mention the statute under which the defendant was convicted - SC Code Annotated §16-3-10. The lone requirement on which the defendant succeeds is the last, as the Act is not cumulative nor impeaching; it is simply irrelevant. Because the defendant cannot satisfy each of the five requirements for this “after-discovered evidence,” his motion for new trial fails.

B. “Fraudulent Grand Juror Scott McKenzie”²

The defendant alternately words this “after-discovered evidence” as “Fraud upon the Court By Solicitor Robert Beau Bryan in getting an illegal Indictment/Grand Jury Proceeding.”

² Id. at p. 2.

Scott McKenzie was the foreman of the grand jury that issued the indictments against the defendant. The defendant provided an affidavit from McKenzie establishing that they had known each other for years and that McKenzie may have been the tow truck driver who pulled the Suzuki Sidekick from the lake. Again, this issue fails on the first requirement. The defendant's motion makes no assertion as to how McKenzie's service as grand jury foreman or tow truck driver would change the result of his trial. Even assuming, for the sake of argument, that McKenzie voted to true bill the indictments because of some perceived disagreement with the defendant prior to trial, the defendant was convicted by a jury of his peers, of which McKenzie was not a part. Clearly, McKenzie's service as grand jury foreman had no effect on the defendant's trial. If, instead, the defendant means to assert that McKenzie's service as foreman would render the indictment facially invalid, this argument must fail as it was not raised before trial. *SC Code Ann. §17-19-90*.

As with the missing Great Seal, this issue also fails on the second and third requirements as the defendant was or easily should have been aware that Scott McKenzie served on the grand jury that issued the indictments in this case well before his trial. According to the indictment that the defendant himself attached, the grand jury issued true bills of indictment on July 8, 2003, more than eight months before his trial. If McKenzie knew the defendant for "many years," as he states in his affidavit, it stands to reason that the defendant knew him, as well. This is clearly an issue that could have been raised prior to trial.

The defendant does not even attempt to address the fourth requirement regarding materiality. Nowhere in his motion or in McKenzie's affidavit is it alleged that McKenzie acted improperly or was unduly influenced by the fact that he knew the defendant. Further, as stated above, the defendant was convicted by a jury of which McKenzie was not a part. Clearly,

McKenzie's service as grand jury foreman is immaterial. As to the fifth requirement, this evidence is not merely cumulative or impeaching; it is simply, again, irrelevant. It would be improper to grant a new trial based on this argument.

It should also be noted that this issue has already been litigated during the defendant's first appeal. The defendant filed a timely appeal after his conviction. The assigned Assistant Appellate Defender filed an *Anders* brief on August 29, 2005, raising only one issue, which is not relevant here. The defendant then supplemented that *Anders* brief, both times on October 12, 2005. The first time, he raised eight additional claims, including the issue of McKenzie's service on the grand jury; the second time raising two additional claims that are not relevant here. This is clear evidence that the defendant was aware of McKenzie's position as grand jury foreman in October 2005, approximately nineteen and a half years ago. Despite having this knowledge, the defendant did not raise the issue at the time of his trial, nor in his 2012 motion for a new trial, or even his 2014 motion for a new trial. It cannot now be the basis for the grant of a new trial.

C. "Actual and Factual Innocent (*sic*); Investigative and Prosecutorial Misconduct to get a Wrongful Conviction³"

This argument seems to center around two issues – one relating to the defendant's trial attorneys and one to the State. The defendant first alleges that his trial attorneys, Margaret Ann Kneece and J. Wesley Locklair "gathered bones and bullet, shells⁴" sometime in November 2003. This claim is wholly uncorroborated; the defendant offers only the word of his brother. The defendant makes no argument that these items would change the result of his trial. Indeed, there is no assertion that these alleged bones and bullets have any relevance to the defendant's case, whatsoever.

³ *Id.* at p. 2.

⁴ *Affidavit of Jamie Ward.*

Again, to meet the second and third requirements, the defendant must allege, not only that this evidence was discovered after his trial, *but also* that it could not have been discovered before trial, even with the exercise of due diligence. Absent proof to the contrary, he can satisfy the second requirement by merely asserting that he just discovered the evidence. It is unreasonable to believe, however, that the defendant could not have discovered this prior to his trial as is necessary for the third requirement. Neither the defendant nor his brother claims that there was some breakdown in their relationship that prevented his brother from sharing this information earlier. In fact, the defendant attached a letter dated October 12, 2002, from the Department of Corrections indicating that he and his brother were allowed to communicate with each other. This approval was spurred by a request from the very brother who the defendant now claims withheld this information from him. Notably, in his attached affidavit, Jamie Ward does not explain why he withheld this information from the defendant⁵.

Further, there is no evidence that this “evidence” would be material as there is no assertion that the bones were human bones, that they were in the area where the defendant initially buried the victims, or where he buried them the second time. There is no assertion that the bullet/shells have any connection to this case – no information as to where, specifically, they were found or what caliber they were. Thus, the defendant fails on the fourth requirement. Because there is absolutely no evidence of their relevance, it is impossible to determine whether they were merely cumulative or impeaching – the fifth requirement.

The defendant next asserts that a statement by Rhonda Haithcock is after-discovered evidence and should serve as the basis for a new trial. Once again, this evidence does not qualify as “after-discovered” and should not be the basis on which to grant a new trial. The defendant

⁵ If James Ward were to testify at any hearing or trial, the State would seek to impeach him based on his criminal record, which spans nearly 30 years with approximately 30 convictions.

attaches a “statement” purporting to be from Haithcock, but it is written in the third-person by an unknown individual. The “statement” is not notarized, nor is it signed by *anyone*, much less Haithcock.

Haithcock *did* speak with both the defendant’s attorney and the State in 2022. She claimed that Brian Elliot implied that he was the real triggerman. Conveniently, she did not reveal this information until after Elliot died in the summer of 2021. In any event, this information is not such that it would change the result of the trial. The defendant, himself, attempted to cast blame on Elliott in his statement to (then) Assistant Sheriff Weaver. This statement was played to the jury, which clearly rejected this fabrication in light of the overwhelming evidence of the defendant’s guilt, including his confession to Denise Cox, his statements to others that he had gotten rid of the victims, and that the defendant alone, by his own admission, moved the bones to their final resting place. Haithcock’s uncorroborated statement would not change the defendant’s guilt.

Defendant’s First Amendment to Motion for New Trial filed October 9, 2024

The defendant filed an amendment to his Motion for New Trial on October 9, 2024. Although it is difficult to discern the specific grounds alleged in this amendment, they seem to center around the statement he made to (then) Assistant Sheriff Carter Weaver of the Georgetown County Sheriff’s Office. This issue was fully addressed in a pretrial motion to suppress that statement. *Trial Transcript*, pp. 86-125. As such, it is clearly not after-discovered evidence and cannot be grounds for a new trial⁶.

⁶ The defendant also seems to allege something about the Georgetown County Detention Center recording phone calls, but there is no information as to what, if any, phone call was recorded or how it would be the basis for a new trial.

Defendant's Second Amendment to Motion for New Trial filed October 18, 2024

In this filing, the defendant alleges as a basis for a new trial “Intentional and Deliberate Prosecutorial Misconduct.” *Defendant's Amendment to Motion for New Trial filed October 18, 2024*. The defendant seems to assert that Dr. Kimberly Collins of the Medical University of South Carolina gave perjured testimony. As with the other “evidence,” this issue does not qualify as after-discovered evidence. Looking to the first requirement, the defendant does not argue how this would change the result of his trial. He does not specify which part of her testimony is “perjured;” he, therefore, utterly fails to allege how this would affect his trial. He certainly does not explain how this would qualify as after-discovered evidence as he was present at his trial for her testimony. He does not explain when he “discovered” the perjury, nor does he explain it could not have been discovered with due diligence. Because he does not point to a specific part of her testimony, he cannot establish that this new “evidence” is material and is not merely cumulative or impeaching. This uncorroborated allegation cannot be the basis on which to grant a new trial.

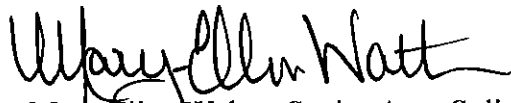
Defendant's Third Amendment to Motion for New Trial filed February 24, 2025

In his most recent amendment, the defendant alleges that a new trial should be granted based on a perceived “conflict of interest” and “fraud upon the court” by Margaret Ann Kneece. He alleges that Kneece and the Georgetown County Sheriff's Office jointly opened a shelter for abused or battered women sometime between December 2003 and February 2004. Given that the defendant's trial took place in March 2004, this allegation fails on its face to qualify as after-discovered evidence because it fails the third requirement – that it could not have been discovered before trial if the defendant acted with due diligence. Further, the defendant does not provide any evidence to support that there was, in fact, a shelter founded during that time, much

less that one was founded in cooperation with Kneece or the Georgetown County Sheriff's Office. He offers no argument as to how this affected his trial or how it is material to his guilt. As such, this baseless allegation cannot form the basis for the grant of a new trial.

WHEREFORE, for all of the foregoing reasons, the State respectfully requests that this Court deny the defendant's Motion for New Trial, along with all amendments thereto.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mary-Allen Walter", with a stylized flourish at the end.

Mary-Allen Walter, Senior Asst. Solicitor
Fifteenth Judicial Circuit

Dated: April 29, 2025

Aug 25 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA

CASE FILE: 18616-1

PLAINTIFF

INDICTMENT(S): 2003-GS-22-01030, 1031

WARRANT(S): H248669, H248670

vs.

JODY LYNN WARD

DEFENDANT

ORDER DENYING DEFENDANT'S
MOTION FOR NEW TRIAL

FILED
GEORGETOWN COUNTY, S.C.
2025 JUL 15 PM 12:10
ALMA Y. WHITE
CLERK OF COURT

This matter is before the Court on Defendant Jody Lynn Ward's Motion for New Trial filed on October 4, 2024, and subsequent amendments filed on October 9, 2024; October 18, 2024; and February 24, 2025. The State filed a written response on May 1, 2025, objecting to the relief requested. After reviewing the motion, amendments, attachments, applicable law, the record in this matter, and hearing from all parties, this Court finds that Defendant's application is barred as it satisfies neither the requirements for after-discovered evidence under Rule 29(b) of the South Carolina Rules of Criminal Procedure nor controlling case law.

Accordingly, the Defendant's Motion for a New Trial, along with all amendments thereto, is **DENIED.**

I. PROCEDURAL HISTORY

Defendant was convicted by a Georgetown County jury on March 18, 2004, for two counts of Murder on Indictments 2003-GS-22-01030 and 2003-GS-22-01031. He was sentenced by the Honorable Paula Thomas to two concurrent terms of life in prison. The Defendant has since filed numerous post-trial motions and collateral actions as well as appeals from those motions and actions,

R

which include, but are not limited to, Defendant's assigned Assistant Appellate Defender filing an *Anders* brief on August 29, 2005, and the Defendant then filing two *pro se* supplemental briefs on October 12, 2005, raising numerous issues, including Scott McKenzie's service as foreperson of the grand jury. Subsequent motions for a new trial were also filed by the Defendant in 2012 and 2014.

On October 4, 2024—more than twenty years after his conviction—the Defendant filed the instant Motion for New Trial, raising multiple issues, including an attempt to relitigate the issue of Mr. Scott McKenzie's service as the foreman of the grand jury. The Defendant then filed amendments on October 9, 2024; October 18, 2024; and February 24, 2025. The State filed a written response, arguing that the Defendant's claims do not meet the standard for after-discovered evidence and that the motion should be dismissed without a hearing.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Under Rule 29(b) of the South Carolina Rules of Criminal Procedure, a motion for a new trial based on after-discovered evidence must be made within a reasonable time after the discovery of the evidence. To warrant a new trial, the Defendant must demonstrate that the evidence: "(1) would probably change the result if a new trial were granted; (2) has been discovered since the trial; (3) could not have been discovered prior to trial through the exercise of due diligence; (4) is material to the issue; **and** (5) is not merely cumulative or impeaching." *State v. Spann*, 334 S.C. 618, 619-620, 513 S.E.2d 98, 99 (1999) (citing *State v. Prince*, 316 S.C. 57, 447 S.E.2d 177 (1993)). The granting of a new trial on such grounds is not favored and rests within the sound discretion of the trial court. *Id.*; *See also State v. Irvin*, 270 S.C. 539, 545, 243 S.E.2d 195, 197-198 (1978). Failure to satisfy any one of these requirements is fatal to the motion. The Defendant raises several legally insufficient arguments in support of his motion for new trial. Each claim is addressed in turn.



A). Missing Great Seal Argument

Defendant first argues that certain legislative acts from 1993 and 1995 are void because they do not bear the Great Seal of South Carolina and that, as a result, S.C. Code Ann. §16-3-10 is invalid. The 1993 Act submitted by Defendant does not reference §16-3-10, and no Act from 1995 has been provided. Thus, this argument does not advance Defendant's quest for a new trial. Even assuming, *arguendo*, that the referenced acts referenced §16-3-10 and lacked the Great Seal, such would not render § 16-3-10 void, nor would it affect the outcome of Defendant's trial.

While Article III, § 18 of the South Carolina Constitution states that no bill or joint resolution shall have the force of law until the Great Seal of the State is affixed, the South Carolina Supreme Court has held that substantial, not literal, compliance with constitutional provisions is sufficient to validate legislation. *See Smith v. Jennings*, 67 S.C. 324, 45 S.E. 821 (1903). Further, proper codification of an act will cure a constitutional defect and is part of the general statutory law of the state. *See S.C. Tax Comm'n v. York Elec. Co Op., Inc.*, 275 S.C. 326, 270 S.E.2d 626 (1980). Section 16-3-10 was codified prior to Defendant's trial and, thus, any constitutional defect was cured.

Additionally, this alleged defect was publicly available well before the Defendant's trial and could have been discovered through the exercise of reasonable diligence. Moreover, the absence of the Great Seal—assuming it occurred—is not a material defect and bears no relation to the statute under which Defendant was indicted and convicted.

This Court hereby finds that Defendant's argument concerning the Great Seal lacks merit and fails to satisfy any of the five requisite elements for relief under Rule 29(b). The statute under which Defendant was indicted and convicted was properly codified and substantially complied with the relevant constitutional requirements. Any purported constitutional defect was cured upon the statute's codification and this claim does not support the granting of a new trial. Accordingly, no relief is warranted.



B) Allegations Regarding Grand Jury Foreperson and Indictment Validity

The Defendant next contends that the grand jury foreperson, Scott McKenzie, was either not properly empaneled or had a conflict of interest based on alleged prior contact with the Defendant. This matter was previously raised and rejected on direct appeal and is, therefore, clearly not newly discovered evidence. Further, the grand jury's role is limited to determining probable cause to issue an indictment and does not affect the validity of the subsequent jury trial or verdict. There is no evidence, indeed there is not even an allegation, that McKenzie served on the petit jury or that his involvement prejudiced the Defendant's constitutional rights.

This Court hereby finds that these allegations do not satisfy the five required elements of after-discovered evidence under Rule 29(b). The allegations are speculative, immaterial, and insufficient to meet the standard for a new trial. Accordingly, no relief is warranted.

C) Allegations of Actual Innocence and Evidentiary Misconduct

This argument seems to center around two issues – one relating to the defendant's trial attorneys and one to the State. The defendant first alleges that his trial attorneys, Margaret Ann Kneece and J. Wesley Locklair “gathered bones and bullet, shells¹” sometime in November 2003. This claim is wholly uncorroborated; the defendant offers only the word of his brother. The defendant makes no argument that these items would change the result of his trial. Indeed, there is no assertion that these alleged bones and bullets have any relevance to the defendant's case, whatsoever.

Defendant must allege, not only that this evidence was discovered after his trial, *but also* that it could not have been discovered before trial, even with the exercise of due diligence. It is unreasonable to believe, however, that the defendant could not have discovered this prior to his

¹ Affidavit of Jamie Ward.

trial. Neither the defendant nor his brother claims that there was some breakdown in their relationship that prevented his brother from sharing this information earlier. In fact, the defendant attached a letter dated October 12, 2002, from the Department of Corrections indicating that he and his brother were allowed to communicate with each other. This approval was spurred by a request from the very brother who the defendant now claims withheld this information from him. Notably, in his attached affidavit, Jamie Ward does not explain why he withheld this information from Defendant².

Further, there is no evidence that this “evidence” would be material as there is no assertion that the bones were human bones, that they were in the area where the defendant initially buried the victims, or where he buried them the second time. There is no assertion that the bullet/shells have any connection to this case – no information as to where, specifically, they were found or what caliber they were. Because there is absolutely no evidence of their relevance, it is impossible to determine whether they were merely cumulative or impeaching. This “after-discovered evidence” does not meet the requirements for the grant of a new trial.

The statement by Rhonda Haithcock likewise is insufficient to warrant the grant of a new trial. Defendant attached a “statement” purporting to be from Haithcock, but it was written in the third-person by an unknown individual. The “statement” is not notarized, nor is it signed by *anyone*, much less Haithcock.

In any event, this information is not such that it would change the result of the trial. The defendant, himself, attempted to cast blame on Elliott in his statement to (then) Assistant Sheriff Weaver. This statement was played to the jury, which clearly rejected this fabrication in light of the overwhelming evidence of Defendant’s guilt, including his confession to Denise Cox, his

² If James Ward were to testify at any hearing or trial, the State would seek to impeach him based on his criminal record, which spans nearly 30 years with approximately 30 convictions.

statements to others that he had gotten rid of the victims, and that Defendant alone, by his own admission, moved the bones to their final resting place. Haithcock's uncorroborated statement would not change Defendant's guilt and cannot serve as the basis for a new trial.

This Court hereby finds that these allegations do not satisfy the five required elements of after-discovered evidence under Rule 29(b). They are not new, are not material, could have been discovered earlier with reasonable diligence, and would not likely have changed the result of the trial. Accordingly, no relief is warranted.

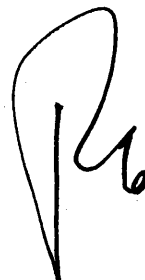
D) October 9, 2024, Amendment: Renewed Challenge to Suppressed Statement

In the amendment filed on October 9, 2024, the Defendant challenges the admissibility of a statement he made to Assistant Sheriff Weaver. However, the admissibility of this statement has already been litigated at a pretrial suppression hearing and addressed during trial. *Trial Transcript*, pp. 86-125.

This Court hereby finds that this issue does not constitute after-discovered evidence and does not satisfy any of the five required elements for relief under Rule 29(b), including the requirement that the evidence be newly discovered and likely to change the outcome of the trial. Accordingly, no relief is warranted.

E) October 18, 2024, Amendment: Allegation of Perjury by Dr. Kimberly Collins

In the amendment dated October 18, 2024, the Defendant alleges that Dr. Kimberly Collins, a forensic pathologist from the Medical University of South Carolina who testified at trial, committed perjury. However, the Defendant does not identify any specific false statement or present any evidence substantiating this allegation. He also does not indicate when or how the alleged misconduct was discovered or explain why it could not have been discovered earlier through the exercise of reasonable diligence.



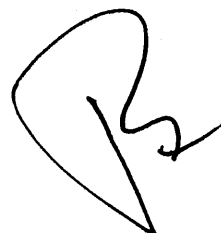
This Court hereby finds that the Defendant's allegation is vague, conclusory, unsupported by the record, and does not meet any of the five required elements for after-discovered evidence under Rule 29(b). Accordingly, no relief is warranted.

F) February 24, 2025, Amendment: Alleged Conflict of Interest of Trial Counsel

In the amendment filed on February 24, 2025, the Defendant alleges that one of his trial attorneys, Margaret Ann Kneece, had a conflict of interest due to her purported involvement with the Georgetown County Sheriff's Office in efforts to establish a domestic violence shelter. Specifically, he alleges that Kneece and the Georgetown County Sheriff's Office jointly opened a shelter for abused or battered women sometime between December 2003 and February 2004. Given that the defendant's trial took place in March 2004, this allegation fails on its face to qualify as after-discovered evidence as it could certainly have been discovered before trial if the defendant acted with due diligence.

Defendant presented no evidence or explanation as to how this alleged conflict of interest adversely affected his legal representation. Moreover, the Defendant has not demonstrated that the information is newly discovered, material, or likely to produce a different result at trial.

This Court hereby finds that Defendant's claim does not satisfy any of the required elements for after-discovered evidence under Rule 29(b). Accordingly, Defendant is not entitled to relief.

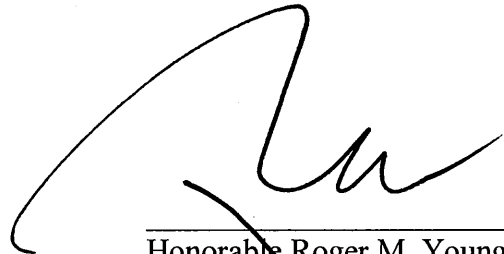


III. CONCLUSION

Having carefully reviewed Defendant's filings, the applicable law, the entire record, and hearing from all parties, this Court finds that none of Defendant's claims satisfy the five-part test for after-discovered evidence set forth in Rule 29(b) and South Carolina precedent. No evidentiary hearing is warranted and Defendant is not entitled to relief.

Therefore, it is hereby **ORDERED** that Defendant's Motion for New Trial, along with all amendments thereto, is **DENIED**.

IT IS SO ORDERED.



Honorable Roger M. Young, Sr.
Presiding Judge

Chambers, South Carolina
Dated: 7/7/25

WITNESSES:

SHERIFF'S OFFICE

ARREST WARRANT NUMBER:

H-248669

0116 16-03-0110, C/L

D/L#:

DOI: On or about 8-3-02

SID:

ACTION OF GRAND JURY

True Bill

Date

*7-8-03**Street McElroy*
Foreman of Grand Jury

VERDICT

Foreman of Petit Jury

DOCKET NO. 03 GS22 1030^x**The State of South Carolina,**

County of Georgetown

18616

RBB

COURT OF GENERAL SESSIONS

JULY TERM 2003

THE STATE

vs.

JODY LYNN WARD183 Sirfield Street
Georgetown, SC 29440

DOB: 5-14-74

SS#: 249-43-3569

J. GREGORY HEMBREE, SOLICITOR

INDICTMENT FOR**MURDER**

STATE OF SOUTH CAROLINA

INDICTMENT FOR

COUNTY OF GEORGETOWN

MURDER

At a Court of General Sessions, convened on July 8, 2003, the Grand Jurors of Georgetown County present upon their oath:

COUNT ONE: MURDER

(CDR: 0116, 16-03-0010, C/L)

That Jody Lynn Ward did in Georgetown County on or about August 3, 2002, willfully, feloniously, and intentionally, with malice aforethought, kill Wilfred Brown by shooting Wilfred Brown; and Wilfred Brown did die as a proximate result thereof in violation of §16-03-0010, South Carolina Code of Laws (1976), as amended, and the Common Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



SOLICITOR

RBB

829

WITNESSES:

SHERIFF'S OFFICE

DOCKET NO. 03 GS22 1031 ^v

The State of South Carolina,

County of Georgetown

18616

RBB

COURT OF GENERAL SESSIONS

JULY TERM 2003

ARREST WARRANT NUMBER:

H-248670

0116 16-03-0110, C/L

D/L#:

DOI: On or about 8-3-02

SID:

ACTION OF GRAND JURY

True Bill

Date

7-8-03

Scott McInnes
Foreman of Grand Jury

J. GREGORY HEMBREE, SOLICITOR

INDICTMENT FOR

JODY LYNN WARD

183 Siftfield Street
Georgetown, SC 29440

DOB: 5-14-74

SS#: 249-43-3569

vs.

THE STATE

VERDICT

MURDER

Foreman of Petit Jury

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF GEORGETOWN)

MURDER

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COUNT ONE: MURDER

(CDR: 0116, 16-03-0010, C/L)

That Jody Lynn Ward did in Georgetown County on or about August 3, 2002, willfully, feloniously, and intentionally, with malice aforethought, kill Elton Rutledge, Jr. by shooting Elton Rutledge, Jr.; and Elton Rutledge, Jr. did die as a proximate result thereof in violation of §16-03-0010, South Carolina Code of Laws (1976), as amended, and the Common Law of South Carolina.

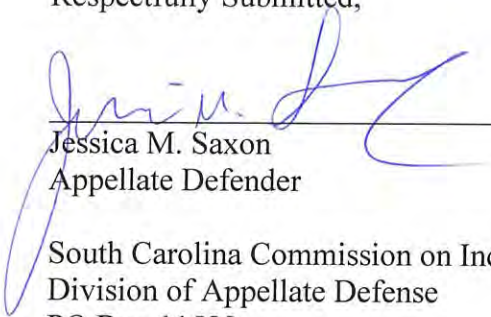
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR
RBB

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,

RECEIVED**Sep 08 2026****SC Court of Appeals**

Jessica M. Saxon
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 8th day of September, 2026.

RECEIVED
Sep 08 2026
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Georgetown County

Honorable Roger M. Young, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JODY LYNN WARD,

APPELLANT

APPELLATE CASE NO. 2025-002597

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 e-mail address listed in the Attorney Information System (AIS); and on Jody Lynn Ward, #300644, at Tyger River Correctional Institution, 200 Prison Road, Upper Yard, Enoree, SC 29335-9308, this 8th day of September, 2026.



Jessica M. Saxon
Appellate Defender

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ATTORNEY FOR APPELLANT