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No Respondent's Brief Filed

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM DARLINGTON COUNTY

Thomas A. Russo, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DOUGLAS GREGG, III,

APPELLANT

APPELLATE CASE NO. 2012-213545

RECORD ON APPEAL

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SC Court of Appeals

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	)	
COUNTY OF DARLINGTON	)	FOURTH JUDICIAL CIRCUIT
	)	
The State of South Carolina	)	
	)	December 3, 2012
Plaintiff	)	December 4, 2012
	)	December 5, 2012
Versus	)	
	)	2012-GS-16-875
Douglas David Gregg, III	)	
	)	
Defendant	)	

BEFORE

THE HONORABLE THOMAS RUSSO

APPEARANCES

John Woodrow Holt, Iv, Esquire
Patti Parker, Esquire
ATTORNEY FOR THE STATE

Richard Jones, Esquire
Julie Wooten, Esquire
Christy Wise, Esquire
ATTORNEYS FOR THE DEFENDANT

Pamela Ozment-Cartee
Circuit Court Reporter

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JACKSON VERSUS DENNO HEARING

NAME	DIRECT	CROSS	REDIRECT
Eric A. Hodges	049	056	None

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for Jackson v Denno Hearing

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WITNESSES

NAME	VOIR DIRE	DIRECT	CROSS	REDIRECT	RE-CROSS
Alex Gainey		088	095		
Jessie King		099	103		
Druscilla S. Hunter		108	116	135	136
Ella Graham		138	142		
Jim Goins		149	154		
Janice E. Ross M.D.	158	160	163		
Miranda Wilds		165	None		
A. Deloris Tigernia		172	175	176	
Michael B. Bell		176	None		
Kenneth B. Peavy		180	None		
Michael McInville		187	None		
David B. Young		192	None		
Michael A. Crowley		196	203		
Patricia Ray		208	None		
Joseph E. Peavy		211	None		
Gary Billiott		214	228		
<u>END OF DAY ONE OF TRIAL</u>					

NAME	VOIR DIRE	DIRECT	CROSS	REDIRECT	RE-CROSS
Russ Harrell		243	259		
Lynn Black	262	263	268		
Paul Meeh	269	270	281	282	
Robert Sears	284	286	288		
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VOIR DIRECase No.: 2012-GS-16-00875Date: December 3, 2012Plaintiff: The StateAttorney John HoltDefendant: Douglas D. Gregg, IIAttorney Richard JonesPresiding Judge: Thomas RussoReporter: Pamela Ozment-Cartee

* * * * *						* * * * * STRIKES * * *					
JUROR #	NAME	RACE	SEX	STATE	DEFEN DANT.						
042	William Ensign	W	M	✓	x						
020	Landin Brown	B	M	✓	✓						
060	Bob Harris	W	M	✓	✓						
002	Gregory Allison	B	M	✓	✓						
036	Richard Davis	W	M	✓	x						
033	Denita Davis	B	F	✓	✓						
010	Daniel P. Bishop	W	M	✓	x						
040	Stacy N. Dubose	B	F	✓	✓						
103	Jon C. Norton	W	M	✓	x						
069	Ricky James	B	M	x	--						
102	Kathy B. Norris	W	F	✓	✓						
045	Owanda W. Floyd	W	F	✓	✓						
057	Donna L. Hall	W	F	✓	x						
125	Frederick W. Choler	W	M	✓	✓						
113	Kelvin K. Pooler	B	M	✓	✓						
101	Chris C. Norman	W	M	✓	✓						
134	Douglas K. Stevenson, II	W	M	✓	✓						
070	Nikita S. Jenkins	B	F	✓	x						
068	Francine Jacobs	B	F	✓	x						
139	Vivian D. Townsend	B	F	✓	x						
091	Jackie Mashack	B	F	✓	✓						
ALTERNATES											
008	Shannon R. Benjamin	B	F	✓	x						
082	Edwin E. Legg	W	M	✓	✓						
063	Lonnie O. Howle	W	M	✓	x						
044	Kenneth N. Floyd	W	M	✓	x						
144	Johnny L. Walters	W	M	✓	✓						

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THE STATE VERSUS DOUGLAS DAVID GREGG, III

11

1 (Whereupon, this case was called to order at
2 10:55 a.m. on Monday, December 3, 2012.)

3 **THE COURT:** Mr. Holt, Mr. Jones, let me get you to
4 step up here just briefly, if I could please.

5 (Whereupon, a bench conference was held.)

6 **THE COURT:** All right. Ladies and gentlemen, we are
7 ready to proceed. We are going to recognize the State for
8 their first case.

9 **MR. HOLT:** Thank you, very much, Judge. May it
10 please the Court.

11 The State would like to call the following indictments,
12 2012-GS-16-0879, The State versus Douglas David Gregg, III,
13 and that indictment is for murder.

14 08-76, for possession of a weapon during a violent
15 crime.

16 08-77, for petit larceny.

17 08-75, for kidnapping.

18 08-78, for grand larceny.

19 08-80, for armed robbery.

20 08-81, for possession of a weapon during a violent
21 crime.

22 08-85, for petit larceny.

23 08-84, for assault and battery of a high and aggravated
24 nature.

25 08-83, for another ABHAN.

THE STATE VERSUS DOUGLAS DAVID GREGG, III

12

1 08-82, for failure to stop for a blue light.

2 The defendant is represented by Mr. Rick Jones, Your
3 Honor.

4 **THE COURT:** All right. Ladies and gentlemen, if I
5 could have your attention. You have heard the Solicitor
6 call the case of The State of South Carolina versus Douglas
7 David Gregg, III.

8 Now, Mr. Gregg has been charged under these various
9 indictments, and let me explain briefly, if I could.

10 Ladies and gentlemen, an indictment is kind of a big
11 word just to basically refer to a piece of paper. This is
12 the piece of paper, the formal piece of paper that brings
13 this charge into this Court.

14 To these indictments or to these charges or
15 allegations, Mr. Gregg had plead not guilty. And, so, that
16 plea of not guilty does a couple of things.

17 First, it places upon him the presumption of innocence.
18 As Mr. Gregg sits here, he is presumed innocent of these
19 charges to which he has plead not guilty to. And the other
20 thing that plea of not guilty does is that it places upon
21 the State the burden of proof. The State must then proceed
22 to attempt each of the elements of these crimes that are
23 charged against Mr. Gregg, and has the burden of proving
24 these facts beyond a reasonable doubt.

25 There are several charges here. I am basically going

THE STATE VERSUS DOUGLAS DAVID GREGG, III

13

1 over these indictments with you. If you would please
2 listen. I am not going to let's see --- well, I may. I was
3 going to say I am not going to take them in any particular
4 order, but what I may try to do is just do them in numerical
5 order, just so you will --- Okay. So, the order that I am
6 going to go over these with you is simply in numerical order
7 pursuant to their indictment number.

8 Indictment 2012-GS-16-875, alleges that Mr. Gregg ---
9 that David --- excuse me. That Douglas David Gregg, III,
10 did, in Darlington County, on or about June 12, 2011,
11 unlawfully seized, confined, inveigle, decoy, kidnap,
12 abduct, or carry away one Druscilla Suggs without authority
13 of law in violation of Section 16-3-910 of The South
14 Carolina Code of Law as amended.

15 Indictment 2012-GS-16-876, charges that the defendant
16 Douglas David Gregg, III, with the charge of possession of a
17 weapon during the commission of a violent crime. And
18 alleges that David --- Excuse me, I kept saying David first.
19 Douglas David Gregg, III, did in Darlington County, on or
20 about June 12, 2011, possess a firearm, or visibly displayed
21 what appeared to be a firearm, or visibly displayed a knife
22 during the commission or the attempted commission of a
23 violent crime to wit, murder, in violation of Section 16-23-
24 490 of The South Carolina Code of Laws as amended.

25 Indictment 2012-GS-16-877, charges the defendant

THE STATE VERSUS DOUGLAS DAVID GREGG, III

14

1 Douglas David Gregg, III, with the offense of petit larceny,
2 and alleges that Douglas David Gregg, III, did in
3 Darlington County, on or about June 12, 2011, take and carry
4 away the personal goods of Levi Gregg, valued at two
5 thousand dollars or less, and described as follows.

6 Approximately a hundred and forty dollars in cash with the
7 intent to deprive the owner permanently of such property,
8 and to convert the goods to his own use in violation of
9 Section 16-13-30 of The South Carolina Code of Laws as
10 amended.

11 Indictment 2012-GS-16-878, charges the defendant with
12 the offense of grand larceny, and alleges that Douglas David
13 Gregg, III, did in Darlington County, on or about June 12,
14 2011, take and carry away the personal goods of Druscilla
15 Suggs, valued at more than two thousand dollars, but less
16 than ten thousand dollars, and is described as follows. A
17 2001 Honda Accord, with the intent to deprive the owner
18 permanently of such property, and to convert the goods to
19 his own use, in violation of Section 16-13-30(b) of The
20 South Carolina Code of Laws.

21 Indictment 2012-GS-16-879, charges the defendant,
22 Douglas David Gregg, III with the offense of murder. And
23 alleges that Douglas David Gregg, III, did in Darlington
24 County, on or about June 12, 2011, willfully, feloniously,
25 and intentionally kill the victim, Levi Gregg, with malice

THE STATE VERSUS DOUGLAS DAVID GREGG, III

15

1 aforethought, either express or implied by means of
2 stabbing, and the victim did die as a proximate result
3 thereof on or about June 12 2011, in Darlington County, in
4 violation of Section 16-3-10 of The South Carolina Code of
5 Laws, as amended.

6 Indictment 2012-GS-16-80, charges the defendant Douglas
7 David Gregg, III, with the offense of armed robbery, and
8 alleges that Douglas David Gregg, III, did in Darlington
9 County, on June 12th --- on or about June 12, 2011, while
10 armed with a deadly weapon to wit a knife, take and carry
11 away personal property of the Markette Number 14, from/or in
12 the immediate presence of Miranda Wilds, the clerk at the
13 Markette 14, with intent to deprive the Markette Number 14
14 of possession by use of force, threats, or intimidation to
15 wit, did take approximately a hundred and twenty-five
16 dollars from the register, in violation of Section 16-11-
17 330(a) of The South Carolina Code of Laws.

18 Indictment 881, charges the defendant with possession
19 of a weapon during the commission of a violent crime. And
20 alleges that Douglas David Gregg, in Darlington County, on
21 or about June 12, 2011, possess a firearm, or viably
22 displayed what appeared to be a firearm, or visibly
23 displayed a knife during the commission or attempted
24 commission of a violent crime to wit, armed robbery, in
25 violation of Section 16-23-490 of The South Carolina Code of

THE STATE VERSUS DOUGLAS DAVID GREGG, III

16

1 Laws.

2 882 --- indictment 882 charges the defendant with the
3 offense of failure to stop for a blue light or a siren, and
4 alleges that Douglas David Gregg, III, did in Darlington
5 County, on or about June 12, 2011, while operating a motor
6 vehicle on a road, street, or highway of The State of South
7 Carolina, failed to stop his motor vehicle when signaled to
8 do so by law enforcement vehicle by means of a sirens and/or
9 flashing light, in violation of Section 56-5-750(b)(1) of
10 The South Carolina Code of Laws as amended.

11 883, charges the defendant with assault and battery of
12 a high and aggravated nature. And alleges that Douglas
13 David Gregg, III, did in Darlington County, on or about June
14 12, 2011, unlawfully injured Michael Crawley, and the act
15 was accomplished by means likely to produce death or great
16 bodily injury to whit, did attempt to hit the victim with a
17 car while fleeing from law enforcement, in violation in
18 Section 16-3-600(b) of The South Carolina Code of Law as
19 amended.

20 884 --- Indictment 884, charges the defendant with
21 assault and battery of a high and aggravated nature, as
22 well, and alleges that Douglas David Gregg, III, did in
23 Darlington County, on or about June 12, 2011, unlawfully
24 injure John Jackson, and the act was accompanied by means
25 likely to produce death or great bodily injury to whit, did

THE STATE VERSUS DOUGLAS DAVID GREGG, III

17

1 attempt to hit the victim with a car while fleeing from law
2 enforcement, all in violation of Section 16-3-600(b) of The
3 South Carolina Code of Laws.

4 And, 885, charges the defendant again with a charge of
5 petit larceny, alleging that Douglas David Gregg, III, did
6 in Darlington County, on or about June 12, 2011, take and
7 carry away the personal goods of the Markette Number 14,
8 valued at two thousand dollars as less, described as
9 follows, that he did take approximately a hundred and
10 twenty-five dollars in cash with the intent to deprive the
11 owner permanently of such property, and to convert the goods
12 to his own use, in violation of Section 16-3-30(a) of The
13 South Carolina Code of Laws as amended.

14 Now, ladies and gentlemen, as I indicated to you
15 earlier, to each of these charges, and the allegations that
16 are contained in these indictments, the defendant Mr. Gregg
17 has plead not guilty.

18 Is there any member of the jury panel after hearing the
19 charges or the allegations that has been made, is there any
20 member of the jury panel who knows anything about any of
21 these charges, or anything about the facts and circumstances
22 surrounding this case; if so please stand.

23 All right. What I am going to do is, I am going to get
24 y'all to come around, and I will get you to come up
25 individually if I could please.

THE STATE VERSUS DOUGLAS DAVID GREGG, III

18

1 **THE COURT:** Ms. Lunn, I am going to get you to kind
2 of step around and face me.

3 **MS. LUNN:** The deceased victim is my cousin. Third
4 cousin.

5 **BAILIFF:** Juror Number 86.

6 **THE COURT:** Would that affect your ability --

7 **MS. LUNN:** -- Yes. Yes. I would say so.

8 **THE COURT:** I am going to excuse you from the trial
9 of this case. And what I am going to ask you to do if you
10 would, is I am going to ask you to have a seat. Don't speak
11 with anyone on the jury panel at all about this case. Thank
12 you, very much, I will excuse you. I am going to get you to
13 hang with us, but I will give further instruction.

14 **BAILIFF:** Juror Number 139.

15 **THE COURT:** All right. Ms. Townsend, what?

16 **MS. TOWNSEND:** I know Miranda. And I worked at the
17 Markette, I worked at Store Number 2.

18 **THE COURT:** You worked at Store Number 2? Would that
19 in any way affect your ability to be fair?

20 **MS. TOWNSEND:** No. No, it would not effect my ability
21 at all.

22 **THE COURT:** That is fine. I am going to have you
23 remain in the jury pool. But don't have any conversation
24 with anybody about the case.

25 **MR. TOWNSEND:** Oh, I know that.

THE STATE VERSUS DOUGLAS DAVID GREGG, III

19

1 THE COURT: Thank you, very much.

2 BAILIFF: Number 70.

3 THE COURT: Yes, Ms. Jenkins.

4 MR. JENKINS: I don't know specifically, Number 19.

5 And I know Miranda Wilds, and she was mentioned.

6 THE COURT: Let me ask you this. The fact that you
7 work in store Number 19, as you do with Ms. Wilds, would
8 that affect your ability to be fair and impartial, to give
9 both sides a fair trial?

10 MS. JENKINS: No.

11 THE COURT: Okay. Go have a seat, and just don't
12 have any conversation with anybody about the case. Thank
13 you, ma'am.

14 BAILIFF: Juror Number 131.

15 THE COURT: Mr. Smith. What is it that you know?

16 MR. SMITH: My father was stabbed back in 2008, and
17 this David Gregg, they said he was responsible. But it
18 never did come to a judge or to a trial.

19 THE COURT: Let me ask you this. The fact that you
20 have experienced this, would that affect your ability to be
21 fair and impartial?

22 MR. SMITH: No.

23 THE COURT: Now, I want to make sure that I
24 understand. What went on. Your father back in 2002 was
25 murdered allegedly by this defendant? Mr. Gregg was charged

THE STATE VERSUS DOUGLAS DAVID GREGG, III

20

1 with it?

2 MR. SMITH: That is what I was told.

3 THE COURT: Did it ever come to trial?

4 MR. SMITH: They did not contact me for trial.

5 MR. HOLT: Was your father his uncle?

6 MR. SMITH: (No response.)

7 THE COURT: Mr. Smith, I am going to excuse you from
8 the trial of this case. I am going to ask you to have a
9 seat. Don't have any conversation with anyone about
10 anything that we have discussed about Mr. Gregg and all.
11 But, I am going to excuse you from this trial. But, if you
12 will have a seat, I will deal with you when I deal with the
13 rest of the jurors. Thank you, sir.

14 BAILIFF: Number 84.

15 THE COURT: Be careful, because he knows all that
16 other stuff.

17 BAILIFF: Okay. Number 84.

18 THE COURT: All right.

19 MR. RUSSELL: I know the defendant and the Plaintiff.
20 And I am --- I live in the Dovesville Community.

21 THE COURT: Let me ask you, ma'am. The fact that you
22 know these folks, and you have these relationships, would
23 that in anyway affect your ability to be fair and impartial?

24 MR. RUSSELL: Yes.

25 THE COURT: Here is what I am going to do. I am

THE STATE VERSUS DOUGLAS DAVID GREGG, III

21

1 going to excuse you from serving on this case. But I am
2 going to get you to stay with us, because we may need your
3 help on another case. But, I am going to ask you to return
4 to your seat, and please don't have any conversation with
5 anybody on the jury panel, Okay? Thank you, very much.

6 **THE COURT:** Ladies and gentlemen, Mr. Holt is
7 prosecuting on behalf of the State. Mr. Jones is defending
8 the case on behalf of Mr. Gregg. I am going to have them
9 stand and introduce themselves, and let you hear from them
10 regarding that.

11 **MR. HOLT:** Thank you very much, Judge. My name is
12 John Holt. I am one of the Assistant Solicitors in the
13 Fourth Circuit. This is Ms. Patti Parker, she is my mentor
14 and mostly my boss. You will probably see her holler at me
15 some. This is Mr. Jones, and I will let him introduce
16 himself.

17 **MR. JONES:** Thank you, Your Honor.

18 **THE COURT:** Mr. Jones.

19 **MR. JONES:** My name is Rick Jones, and I work with
20 the Fourth Circuit Public Defender's Office, and I am
21 representing Mr. Gregg, along with Christy Wise, and Julie
22 Wooten.

23 **THE COURT:** Thank you, sir. And, Mr. Gregg, I am
24 going to get you to stand and face the members of the panel,
25 and just for a brief moment, and then have a seat. All

1 right. Thank you, very much, sir.

2 Ladies and gentlemen, I am going to begin with Mr. Holt
3 and Ms. Parker. Is there any member of the jury panel who
4 is related by blood, connected by marriage, or has any close
5 business or personal relationship with either Mr. Holt or
6 Ms. Parker; if so, please stand.

7 Thank you, there is none.

8 You met Mr. Jones, Ms. Wise, and Ms. Wooten, are there
9 any members of the jury panel who are related by blood,
10 connected by marriage, or who has any close business or
11 personal relationship with any of thee attorneys, or who has
12 been represented by them; if so, please stand.

13 All right. And, ma'am, what is your name, please?

14 **MS. BROWN:** Geneva Brown.

15 **THE COURT:** All right. Ms. Brown. You are juror
16 number nineteen. And who is it that you know, ma'am?

17 **MS. BROWN:** Mr. Jones.

18 **THE COURT:** All right. The fact that you know Mr.
19 Jones in whatever capacity that might be, would that in
20 anyway affect your ability to be fair and impartial, giving
21 both the State and the defendant a fair trial?

22 **MS. BROWN:** I don't think so.

23 **THE COURT:** Well, do you think it might?

24 **MS. BROWN:** (Affirmative response.)

25 **THE COURT:** Well, let's go ahead and err on the side

THE STATE VERSUS DOUGLAS DAVID GREGG, III

23

1 of caution, and I am going to excuse you from participating
2 in this case. But, I would ask you to stay with us, have a
3 seat. There may be another case down the road that we may
4 need your help on. All right? Thank you, ma'am.

5 Ladies and gentlemen, I am going to call out --- Before
6 I do that, you have briefly met Mr. Gregg. Is there any
7 member of the jury panel who is related by blood, connected
8 by marriage, or who has any close business or personal
9 relationship with the defendant in this case, Mr. Gregg; if
10 so, please stand.

11 All right. And, sir, your name, please?

12 **MR. FLYNN:** Ronald Flynn.

13 **THE COURT:** Juror number 46. All right. Mr. Flynn,
14 how do you know Mr. Gregg?

15 **MR. FLYNN:** I use to be his --- And have two kids by
16 his first cousin.

17 **THE COURT:** The fact that you have that relationship,
18 sir, would that effect your ability to be fair and
19 impartial?

20 **MR. FLYNN:** Yes, I think it would.

21 **THE COURT:** All right. Mr. Flynn, I am going to
22 excuse you from this trial, sir. If you would remain with
23 us, but for purposes of this trial I am going to excuse you.
24 Thank you very much. Juror number 46 has been excused.

25 Ladies and gentlemen, I am going to call out some

1 names. These names are folks, who are potential witnesses
2 that may appear during the course of this trial. These
3 folks may or may not testify, I don't know who all is going
4 to appear during the course of this case. But, these are
5 folks that have been identified as possible witnesses. The
6 question that I just asked you regarding Mr. Gregg, that is,
7 are you related by blood, connected by marriage, or have any
8 close, business, or personal relationship; those are the
9 questions that I am going to be asking you as they relate to
10 these witnesses. So, keeping that question in mind as I go
11 through these names. If that question applies to any of
12 these folks, I am going to ask you to stand. And please
13 stand as soon as you hear a name where that question may
14 apply to you. If you do stand, and I am not done going over
15 the names, please continue to listen, because it may be that
16 you know more than one of the folks on this list.

17 All right. The possible witnesses who may appear
18 during the course of this case. Alex Gainey, Druscilla
19 Hunter formally known as Suggs, Ella Graham, Jim Goins,
20 Michael Bell, Brandon Peavy, Miranda Wilds, Delors Tigrina,
21 Michael Crowley, Captain Street, Chad McInville, David
22 Young, Tony Baird, Gary Billiott, Russ Harrell, Patricia
23 Ray, Paul Meeh, Robert Sears, Lyn Black, Eric Hodges, and
24 Dr. Janice Ross. All right.

25 Let me ask, ma'am, here, your name, please?

THE STATE VERSUS DOUGLAS DAVID GREGG, III

25

1 **MS. BRUNSON:** Sharon Brunson.

2 **THE COURT:** Ms. Brunson, this is Juror Number 21.

3 And, who on that list did you know Ms. Brunson?

4 **MS. BRUNSON:** Brandon Peavy.

5 **THE COURT:** All right. And are you related to Mr.
6 Peavey, or do you know him?

7 **MS. BRUNSON:** I know him and his family.

8 **THE COURT:** Ma'am, the fact that you know Mr. Peavy,
9 or have whatever relationship that is with his family. If
10 he were to appear as a witness in this case, would that in
11 any way affect your ability to be fair and impartial?

12 **MS. BRUNSON:** It could.

13 **THE COURT:** All right. Ms. Brunson, I am going to
14 excuse you from the trial of this case, ma'am.

15 Juror 21 is excused.

16 Yes ma'am, your name.

17 **MS. TOWNSEND:** Vivian Townsend.

18 **THE COURT:** Ms. Townsend, who on that list?

19 **MS. TOWNSEND:** Miranda Wilds.

20 **THE COURT:** And, ma'am, the fact that you know Ms.
21 Wilds, would that in anyway affect your ability to be fair
22 and impartial?

23 **MS. TOWNSEND:** No.

24 **THE COURT:** Okay. Thank you, very much, Ms.
25 Townsend.

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1 Is there any member of the jury panel, or a member of
2 your immediate family who is related by blood or connected
3 by marriage to any law enforcement officer, state constable,
4 investigator, or any other person having the authority to
5 enforce the laws of South Carolina; if so, please stand?

6 All right.

7 MR. FLOYD: Mr. Wood.

8 THE COURT: Your name, sir?

9 MR. FLOYD: Kenneth Floyd.

10 THE COURT: Juror Number 44. Mr. Floyd, you have a
11 relative who is involved in law enforcement?

12 MADAME COURT REPORTER: I can't hear him.

13 THE COURT: I need for you to speak up, please.

14 MR. FLOYD: In Bishopville.

15 THE COURT: Sir, the fact that you had that
16 relationship to someone who is involved in law enforcement,
17 would that in anyway effect your ability to be fair and
18 impartial?

19 MR. FLOYD: No.

20 THE COURT: Thank you, very much, sir. Yes, your
21 name, please?

22 MS. JACOBS: Francine Jacobs. Eric Hodges.

23 THE COURT: And, Ms. Jacobs, do you have someone in
24 your family, or close friend?

25 MS. JACOBS: Eric Hodges.

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1 **THE COURT:** And, the fact that you know --- are you
2 related to Mr. Hodges?

3 **MS. JACOBS:** Yes.

4 **THE COURT:** Would that in anyway affect your ability
5 to be fair and impartial if you were selected on this jury?

6 **MS. JACOBS:** No, sir.

7 **THE COURT:** Thank you, very much. You may have a
8 seat. Your name, please?

9 **MS. HALL:** Donna Hall.

10 **THE COURT:** All right. Ms. Hall. Relative, or --

11 **MS. HALL:** I have a brother that works with the
12 Florence County Sheriff's Department.

13 **THE COURT:** Ms. Hall, would that in anyway affect
14 your ability to be fair and impartial?

15 **MS. HALL:** No, sir.

16 **THE COURT:** Thank you, ma'am. You may have a seat.
17 Over here.

18 **MS. VALDALISO:** Dawn Valdaliso.

19 **THE COURT:** All right. Juror number 142. And is it
20 a member of your family or someone you know?

21 **MS. VALDALISO:** My ex-husband.

22 **THE COURT:** All right. And where are they involved
23 in law enforcement?

24 **MS. VALDALISO:** He was shot in the line of duty in
25 Marlboro County.

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1 **THE COURT:** Ma'am, would that in any way affect your
2 ability to be fair and impartial?

3 **MS. VALDALISO:** I believe it would, sir.

4 **THE COURT:** All right, ma'am. I am going to excuse
5 you from the trial of this case.

6 Yes ma'am, your name?

7 **MS. DOLFORD:** Latray Dolford.

8 **THE COURT:** All right. Juror Number 38, no, 39, I'm
9 sorry. Ms. Dolford, a member of your family or someone you
10 know?

11 **MS. DOLFORD:** Someone in my family, in North Carolina.

12 **THE COURT:** And where are they employed?

13 **MS. DOLFORD:** In Mecklenburg County.

14 **THE COURT:** And ma'am, the fact that you have those
15 relations in your family, would that in any way affect your
16 ability to be fair and impartial?

17 **MS. DOLFORD:** No, sir.

18 **THE COURT:** Thank you, very much, ma'am, you may have
19 a seat.

20 Is there any member of the jury panel, or a member of
21 your immediately family who has ever been a victim of an
22 armed robbery, a larceny, kidnapping, or murder; if so,
23 please stand.

24 Now, if I have excused you already, you don't need to
25 stand for this information.

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1 All right. Yes, sir. Your name, please?

2 MR. DAVIS: Richard Davis.

3 THE COURT: Mr. Davis, a member of your family?

4 MR. DAVIS: My wife's sister was murdered.

5 THE COURT: And sir, the fact that you have had that
6 experience in your family, would that in any way affect your
7 ability to be fair and impartial?

8 MR. DAVIS: No, sir.

9 THE COURT: Thank you, sir. You may have a seat.
10 And Juror 139, Ms. Townsend.

11 MS. TOWNSEND: My brother.

12 THE COURT: And, ma'am, would that affect your
13 ability to be fair and impartial?

14 MS. TOWNSEND: No, sir.

15 THE COURT: Thank you, Ms. Townsend. Sir, your name
16 please?

17 MR. DOLFORD: Larry Dolford.

18 THE COURT: All right. 38. Mr. Dolford, the fact
19 that you have had that experience occur in your family,
20 would that in anyway affect your ability to be fair and
21 impartial if you were selected in this case?

22 MR. DOLFORD: It probably would.

23 THE COURT: All right. I am going to excuse you from
24 service in this matter, sir.

25 Sir, your name please?

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1 **MR. BISHOP:** Travis Bishop.

2 **THE COURT:** This is our juror number 11. Mr. Bishop,
3 the fact that you have had that experience in your family,
4 would that sir, in any way affect your ability to be fair
5 and impartial if you were selected as a juror in this case?

6 **MR. BISHOP:** I don't think so.

7 **THE COURT:** I'm sorry?

8 **MR. BISHOP:** It could.

9 **THE COURT:** All right. I am going to excuse you from
10 service in this case, Mr. Bishop.

11 Ma'am, your name again. I'm sorry.

12 **MS. DOLFORD:** Latray Dolford.

13 **THE COURT:** Ms. Dolford, 39. And, Ms. Dolford, the
14 fact that you have had this experience in your family, would
15 that in anyway affect your ability to be fair and impartial?

16 **MS. DOLFORD:** Yes, sir.

17 **THE COURT:** All right. Ms. Dolford, I am going to
18 excuse you from service in this matter.

19 **(PAUSE.)**

20 **THE COURT:** Is there any member of the jury panel who
21 has either been a contributor either financially, or through
22 the volunteering of your time, been involved or engaged in
23 any activities such as a neighborhood watch group, volunteer
24 firefighters, volunteer ambulance workers, contributed to
25 organizations such as MADD, mothers against drunk driving,

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1 SADD, students against drunk driving. Let's see, there is
2 one, CAV, citizens against violence. South Carolina
3 Troopers Association. South Carolina Sheriffs' Association.
4 Any of these types of organizations, any member who has
5 either been either a contributor financially, or by the
6 volunteering of your time; if so, please stand. Sir, your
7 name, please?

8 MR. BISHOP: Daniel Bishop, Number 10.

9 THE COURT: And Mr. Bishop, the fact that you have
10 been a contributor in one form or another to any of those
11 organizations, would that in anyway affect your ability to
12 be fair and impartial?

13 MR. BISHOP: No, sir.

14 THE COURT: Thank you, Mr. Bishop, you may have a
15 seat, sir.

16 (PAUSE.)

17 THE COURT: Is there any member of the jury panel or
18 a member of your family who has either attended law school,
19 engaged in the practice of law, or worked in a law office;
20 if so, please stand. Thank you, there are none.

21 Ladies and gentlemen, I have gone through several
22 questions with you. And, if you haven't already picked up
23 on it, you probably understand now the reason for asking
24 these questions, and the purpose of asking these questions
25 is so that in this case, in every case tried here, both in

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1 general sessions court as well as in common pleas court, the
2 whole purpose, the whole reason we go through a process is
3 so that we can impanel a jury that can be fair and
4 impartial; giving both the State and the defense a fair
5 trial. In other words, you try to impanel folks who can
6 take anything or any experiences that have occurred in your
7 lives outside of this courtroom, put those things aside, and
8 listen to the facts and the evidence of this case, and base
9 your decision solely on the facts and the evidence, and not
10 on anything external. That is the reason we go through
11 these questions, and ask these questions. Now, I could
12 probably ask questions all afternoon and try to determine
13 that. But, maybe one good way to do it is to simply say
14 this. Understanding that that is the purpose of trying to
15 empanel folks that can give both the State of South Carolina
16 and the defense a fair and impartial trial. Is there any
17 member on the jury panel who knows of any reason that you
18 would not be able to be fair and impartial if you were
19 selected to serve on this jury; if so, please stand.

20 All right. I am going to get y'all to come forward
21 please.

22 (PAUSE.)

23 **THE COURT:** Mr. Gallishaw, come over and I will
24 speak with you.

25 **MR. GALLISHAW:** I have a son in prison.

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1 **THE COURT:** And you think that would affect your
2 judgment to be fair?

3 **MR. GALLISHAW:** Yes.

4 **THE COURT:** I am going to excuse you from serving.
5 But, let me ask you this, Mr. Gallishaw. Do you believe
6 that would probably impact your ability in any criminal
7 cases?

8 **MR. GALLISHAW:** I believe it would. I'm sorry.

9 **THE COURT:** That's okay. I understand. But, I
10 think what we might ought to do is to transfer you to a
11 civil term of court.

12 **MR. GALLISHAW:** Okay.

13 **THE COURT:** You don't want to be on any criminal
14 matters. I am going to excuse you for this week. What they
15 will do is, sometime next year is to transfer you to a civil
16 term of court, and that way it won't have that affect.
17 Okay? Thank you very much, sir.

18 **MR. GALLISHAW:** Thank you.

19 **THE COURT:** Ms. Brown.

20 **MS. BROWN:** Yes, sir. Because of my religion, I
21 don't think that I can judge another person.

22 **THE COURT:** What is your religion?

23 **MS. BROWN:** Jehovah's Witness.

24 **THE COURT:** Let me ask you this. Do you understand
25 that no one is asking you to judge anyone's faith?

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1 MS. BROWN: I know.

2 THE COURT: But clearly, you stand in judgment. It
3 is wrong to break into somebody's house. You know right
4 from wrong.

5 MS. BROWN: Yes.

6 THE COURT: Well, then you can judge that. You can
7 judge a person's actions being legal or not legal; correct?

8 MS. BROWN: Yes. But people lie so much you can't
9 tell who is telling the truth or not.

10 THE COURT: Well, that is everyday life isn't it?

11 MS. BROWN: Yes.

12 THE COURT: I do not excuse people for that reason,
13 because I do not feel it is appropriate.

14 MS. BROWN: I understand that too.

15 THE COURT: But I certainly respect your faith.
16 But, I am going to have you stay with us.

17 MS. BROWN: Okay.

18 THE COURT: Thank you, ma'am.

19 (PAUSE.)

20 THE COURT: Scott, can you go ahead and prepare --

21 CLERK OF COURT: We've got it ready.

22 THE COURT: All right. Ladies and gentlemen, let me
23 explain to you, if I may, how we go about drawing juries in
24 general sessions court. Those of you that I have excused,
25 of course your names have been removed. But, for the

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1 remaining members of the panel, your names appear on our
2 roster here, and, of course, they appear on a roster in
3 alphabetical order. What the clerk does, once we have gone
4 through the qualifications as we have done now, they have
5 eliminated those names of the people that the Court has
6 excused. So, those that are remaining, they have a program,
7 and they can just hit a button, and it will take your names
8 and it will completely place them on a new list in random
9 order. So, for example, if I was on the jury pool, and I
10 was juror number 134, I may show up on this new list as
11 juror number 14, because it would just randomly take Russo
12 and pull it from 134 to 14. So, what it does is, it does
13 that. So, then they take that list, and from that list Mr.
14 Suggs will start at the top of that list, and he will just
15 call out a name, the first name on there. If he calls your
16 name, I would ask that you please come forward. And, if you
17 would come and stand right here in front of these young
18 ladies and just face the back of the courtroom as I am
19 standing now. Just come up here and face the back. And you
20 will just stand there. It makes you a little uncomfortable
21 standing there and having everybody stare at you, but don't
22 worry about that. Anyway, Mr. Suggs will then first inquire
23 of the state something along the lines of, what say you for
24 the state, or whatever words he chooses to use. And the
25 state they can either excuse you, and if they do that, then

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1 you just go and have a seat back in the jury pool, or they
2 can present you. If they present you, then you will remain
3 standing and they will inquire of the defense something
4 along the lines of what say you for the defense. Then the
5 defense has two options. They can also excuse you if they
6 choose to, and if they do you will go have a seat or they
7 can seat you. And if they seat you, then you will come
8 around and you will have a seat in the jury box. We will go
9 through that process until we have selected our jury.

10 Now, if your name is called, please bring with you
11 anything that you brought with you to the courtroom today,
12 your pocketbook, a jacket, whatever you may have, any
13 personal belongings. Bring them with you. You may turn
14 right around and go back, and have a seat in your seat.
15 But, if you are selected, you won't be returning to your
16 seat, so it is important that you bring your personal
17 belongings with you. Okay. So, is the state ready to
18 proceed to jury selection?

19 MR. HOLT: We are, Your Honor.

20 THE COURT: Is the defense ready?

21 MR. JONES: Yes, sir.

22 THE COURT: All right. Mr. Suggs.

23 CLERK OF COURT: Thank you, Your Honor. Juror Number
24 42, William Ensign. If you would come over here for me.
25 What says the State?

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1 MR. HOLT: Please present this juror.

2 CLERK OF COURT: What says the defense?

3 MR. JONES: Please excuse this juror.

4 CLERK OF COURT: You have been excused from this
5 particular case. Have a seat back out in the audience for
6 me.

7 Juror Number 20, Landin Brown. What says the state?

8 MR. HOLT: Please present this witness.

9 CLERK OF COURT: What says the defense?

10 MR. JONES: Please seat the juror.

11 CLERK OF COURT: Please have a seat in the jury box
12 for me, Mr. Brown.

13 Juror Number 60, Bob Harris. What says the state?

14 MR. HOLT: Please seat Mr. Harris.

15 CLERK OF COURT: What says the defense?

16 MR. JONES: Please seat the juror.

17 CLERK OF COURT: Please have a seat in the jury box
18 for me, Mr. Harris.

19 MR. JONES: Please have a seat in the jury box for me
20 please, Mr. Harris.

21 Juror Number 2, Gregory Allison. What says the state?

22 MR. HOLT: Please present Mr. Addison.

23 CLERK OF COURT: What says the defense?

24 MR. JONES: Please seat the juror.

25 CLERK OF COURT: Please have a seat in the jury box

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1 for me, Mr. Addison.

2 Juror Number 36, Richard Davis. What says the state?

3 MR. HOLT: Please present Mr. Davis.

4 CLERK OF COURT: What says the defense?

5 MR. JONES: Please excuse the juror.

6 CLERK OF COURT: You have been excused from this
7 particular case, Mr. Davis. Thank you.

8 Juror Number 33, Denita Davis. What says the state?

9 MR. HOLT: Please present Ms. Davis.

10 CLERK OF COURT: What says the defendant?

11 MR. JONES: Please seat the juror.

12 CLERK OF COURT: Please have a seat in the jury box
13 for me please, Ms. Davis.

14 Juror Number 10, Daniel Bishop. What says the state?

15 MR. HOLT: Please present Mr. Bishop.

16 CLERK OF COURT: What says the defendant?

17 MR. JONES: Please excuse the juror.

18 CLERK OF COURT: You have been excused in this
19 particular case, Mr. Bishop. Thank you.

20 Juror Number 40, Stacy DuBose. What says the state?

21 MR. HOLT: Please present Mr. DeBose.

22 CLERK OF COURT: What says the defendant?

23 MR. JONES: Please seat the juror.

24 CLERK OF COURT: Please have a seat in the jury box
25 for me please, Mr. DeBose.

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1 Juror Number 103, Jon Norton. What says the state?

2 MR. HOLT: Please present Mr. Norton.

3 CLERK OF COURT: What says the defendant?

4 MR. JONES: Please excuse the juror.

5 CLERK OF COURT: You have been excused in this
6 particular case, Mr. Norton. Thank you.

7 Juror Number 69, Ricky James. What says the state?

8 MR. HOLT: Please excuse Mr. James.

9 CLERK OF COURT: You have been excused from this
10 particular case, Mr. James. Have a seat back out in the
11 audience. Thank you.

12 Juror Number 102, Kathy Norris. What says the state?

13 MR. HOLT: Please present Ms. Norris.

14 CLERK OF COURT: What says the defendant?

15 MR. JONES: Please seat the juror.

16 CLERK OF COURT: Please have a seat in the jury box
17 for me please, Ms. Norris. Thank you.

18 Juror Number 45, Owanda Floyd. What says the state?

19 MR. HOLT: Please present Ms. Floyd.

20 CLERK OF COURT: What says the defendant?

21 MR. JONES: Please present the juror.

22 CLERK OF COURT: Please have a seat in the jury box
23 for me please, Ms. Floyd. Thank you.

24 Juror Number 57, Donna Hall. What says the state?

25 MR. HOLT: Please present Ms. Hall.

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1 CLERK OF COURT: What says the defendant?

2 MR. JONES: Please excuse this juror.

3 CLERK OF COURT: You have been excused from this
4 particular case, Ms. Hall. Please have a seat back out in
5 the audience, please.

6 Juror Number 125, Frederick Shuler. What says the
7 state?

8 MR. HOLT: Please present Mr. Shuler.

9 CLERK OF COURT: What says the defendant?

10 MR. JONES: Please seat the juror.

11 CLERK OF COURT: Please have a seat in the jury box
12 for me please, Mr. Shuler.

13 Juror Number 113, Kelvin Pooler.

14 CLERK OF COURT: What says the defendant?

15 MR. JONES: Please present the juror.

16 CLERK OF COURT: Please have a seat in the jury box
17 for me please, Mr. Pooler.

18 Juror Number 101, Chris Norman. What says the state?

19 MR. HOLT: Please present Mr. Norman.

20 CLERK OF COURT: What says the defendant?

21 MR. JONES: Please seat the juror.

22 CLERK OF COURT: Please have a seat in the jury box
23 for me please, Mr. Norman.

24 Juror Number 134, Douglas Stevenson. What says the
25 state?

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1 MR. HOLT: Please present Mr. Stevenson.

2 CLERK OF COURT: What says the defendant?

3 MR. JONES: Please seat the juror.

4 CLERK OF COURT: Please have a seat in the jury box
5 for me please, Mr. Stevenson. Thank you.

6 Juror Number 70, Nikita Jenkins. What says the state?

7 MR. HOLT: Please seat Ms. Jenkins.

8 CLERK OF COURT: What says the defendant?

9 MR. JONES: Please excuse the juror.

10 CLERK OF COURT: You have been excused from this
11 particular case, thank you.

12 Juror Number 68, Francine Jacobs. What says the state?

13 MR. HOLT: Please present Ms. Jacobs.

14 CLERK OF COURT: What says the defendant?

15 MR. JONES: Please excuse the juror.

16 CLERK OF COURT: You have been excused from this
17 case, Ms. Jacobs.

18 Juror Number 139, Vivian Townsend. What says the
19 State?

20 MR. HOLT: Please present Ms. Townsend.

21 CLERK OF COURT: What says the defense?

22 MR. JONES: Please excuse the juror.

23 CLERK OF COURT: You have been excused from this
24 case, Ms. Townsend. Thank you.

25 Juror Number 91, Jackie MaShack. What says the state?

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1 MR. HOLT: Please present Ms. MaShack.

2 CLERK OF COURT: What says the defendant?

3 MR. JONES: Please seat the juror.

4 CLERK OF COURT: Please have a seat in the jury box
5 for me please, Mr. MaShack.

6 Juror Number 8, Shannon Benjamin. What says the state?

7 MR. HOLT: Please present Ms. Benjamin.

8 CLERK OF COURT: What says the defendant?

9 MR. JONES: Please excuse the juror.

10 CLERK OF COURT: You have been excused from this
11 case, Ms. Benjamin. Thank you.

12 Juror number 82, Edwin Legg. What says the state?

13 MR. HOLT: Please present Mr. Legg.

14 CLERK OF COURT: What says the defendant?

15 MR. JONES: Please present the juror.

16 CLERK OF COURT: Please have a seat in the first
17 chair outside of the jury box for me please, Mr. Legg.
18 Thank you.

19 Juror Number 63, Lonnie Howle. What says the state?

20 MR. HOLT: Please present Mr. Howle.

21 CLERK OF COURT: What says the defendant?

22 MR. JONES: Please excuse the juror.

23 CLERK OF COURT: You have been excused in this
24 particular case, Mr. Howle. Thank you.

25 Juror Number 44, Kenneth Floyd. What says the state?

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1 **MR. HOLT:** Please present Mr. Floyd.

2 **CLERK OF COURT:** What says the defendant?

3 **MR. JONES:** Please excuse the juror.

4 **CLERK OF COURT:** You have been excused from this
5 case, Mr. Floyd.

6 Juror Number 144, Johnny L. Walters. What says the
7 state?

8 **MR. HOLT:** Please present Mr. Walter.

9 **CLERK OF COURT:** Is there any show for cause from the
10 defense?

11 **MR. JONES:** There is not.

12 **CLERK OF COURT:** Please have a seat in the second
13 chair outside of the jury box for me please, Mr. Walter.

14 **THE COURT:** All right. Are there any Motions
15 regarding jury selection from the State?

16 **MR. HOLT:** There are none, Your Honor.

17 **THE COURT:** Anything from the defense regarding jury
18 selection?

19 **MR. JONES:** No, sir.

20 **THE COURT:** All right. All right.

21 (Whereupon, a bench conference was held.)

22 **THE COURT:** Ladies and gentlemen, those of you who
23 remain on the jury panel, I am going to excuse you for the
24 balance of the day and for tomorrow. You have that phone
25 number that you have been given. I am going to ask you to

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1 please call that number after six o'clock tomorrow evening.
2 Okay. We won't need you for the rest of the day, won't need
3 you for tomorrow, and I don't know when we will need you
4 again if we do at all. But, if you would please, call that
5 number after six o'clock tomorrow evening, and if you get a
6 busy signal just try back, because there are several of you
7 that will be calling. If you do like me sometimes, and you
8 settle down in a easy chair and watch a late movie, and you
9 fall asleep in your chair, and you wake up at 2:30 in the
10 morning and go, oh, man, I didn't call. Don't worry about
11 it. Pick up the telephone and call the number. It is a
12 recording. It will be there. And just whatever they ---
13 whatever the message is. Everyone else please remain
14 seated. For the members of the jury panel, you are excused
15 and call that number after tomorrow night.

16 **CLERK OF COURT:** Give your buttons to the bailiffs
17 when you go by.

18 (Whereupon, the jury panel is excused at
19 12:03 p.m. on December 3, 2012.)

20 **THE COURT:** THE COURT: Now, ladies and gentlemen,
21 let me speak with y'all while the jury panel leaves. In
22 just a moment I am going to excuse you for the balance of
23 the day as well, because we will begin this trial tomorrow
24 morning. So, I will need you back tomorrow morning and we
25 will start the trial at that time. So, I need to give you

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1 some instruction before I release you though. You will be
2 the members of the jury for this case. So, it is vitally
3 important that you do everything in your power to protect
4 your ability to be fair and impartial. And the way to do
5 that is to have no conversation with anybody about this
6 case. And that is incredibly important. When you come back
7 tomorrow, you should not know anything more about this case
8 than you know right now. Okay? And, we are in a day and
9 age now where we have to tell the jury this, we used to not
10 have to worry about it. But, I tell juries now that you are
11 also not to do any investigation on your own. Okay?
12 Because, as jurors, you are under your oath --- you will be
13 sworn to decide this case based on the facts and the
14 evidence that is presented to you during the course of this
15 trial. So, it is important --- We have all kinds of things,
16 internet, and all this other stuff, and it would just be
17 inappropriate. Your role as a fair and impartial juror is
18 to listen to the evidence that is presented, based on that
19 evidence, and you will then make your decision in this case.

20 Now, obviously, when you leave here you will be going
21 back into your regular life. If not when you leave here, at
22 some point this afternoon. But, this evening you will go
23 back home and, of course, friends, family, or loved ones
24 will be curious as to whether or not you have been selected
25 to serve on a jury. And you can tell them that you have

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1 been selected, and that you have to be back here tomorrow.
2 Well, of course the next question they are going to ask you
3 is, what kind of case is it? Well, who does it involve, or
4 some other questions about the case. And I can just imagine
5 the questions my wife would have for me if I told her I was
6 on a jury, and they would be numerous. And the way you need
7 to answer those questions is simply this. I can't tell you
8 anything about the case. I can't even tell you what the
9 person is charged with. Saying something as innocent as
10 saying this is a fellow charged with a murder, their
11 response right there could --- even though it is something
12 given by you, could illicit a response that could possibly
13 taint your ability to be fair and impartial. So, what I
14 tell juries all the time is to tell friends, family, and
15 loved ones that you are not allowed to discuss anything
16 about the case. The charge, whether it is a man or a woman
17 on trial, nothing. But, to tell them, if they will just be
18 patient, when the case is over, then you can tell them
19 everything that they want to know. So, it is important that
20 you do that, and that you let folks know that you must not
21 ask me any questions, because I am not able to answer
22 anything. Now, if anyone tries to approach you, or talk to
23 you about the case, you need to let them know you are a
24 juror and you cannot talk about it. If they continue to, or
25 continue to try to speak with you or whatever, if you will

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1 let me know who that is, I will get law enforcement on them,
2 and we will make sure that stops. It is vitally important
3 that your ability to remain fair and impartial is protected.
4 So, I am going to excuse you now for the balance of the day.
5 But, I am going to ask that you go with the bailiff, and
6 then when you report back in the morning, you will report
7 straight back to your jury room. I am going to ask you if
8 you will be here tomorrow morning --- be here at 9:30. And
9 as soon as we have everybody gathered back, we will begin
10 the trial of the case.

11 Everyone else just remain seated, and members of the
12 jury, if you will --- We will see you back at 9:30 tomorrow
13 morning.

14 **BAILIFF:** Come this way, please.

15 (Whereupon, the jury exits the courtroom at
16 12:10 p.m. on Monday, December 3, 2012.)

17 **THE COURT:** Now, are we ready to proceed with the
18 Jackson v Denno?

19 **MR. HOLT:** Judge, Yes, sir. At some point during the
20 hearing though, I will have to take a minute and get the
21 audio/visual component straight so that you can watch the
22 video. But I think we can go ahead and get started.

23 **THE COURT:** Okay. Now, I don't mind taking a
24 moment, if you need time to set something up. Do you want
25 to take five?

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1 All right. We are going to take a little short
2 bathroom break.

3 Let me, to the folks in the audience. And, I don't
4 want to mess up, Rick, if there are any clients of the
5 Public Defender's Office of anything. But, I was going to
6 say, we are going to do this hearing, and then we are going
7 to break for lunch. Is there any problems, Solicitor, with
8 having these folks return after --

9 MR. HOLT: -- No, sir, Your Honor. They can all go.

10 THE COURT: Ladies and gentlemen, I am not releasing
11 you for the rest of the day, because that will be up to your
12 lawyer and the Solicitor's Office. But, for at least
13 purposes of this hearing, unless you want to stay you are
14 certainly welcome to, you are going to be released for lunch
15 at this time. We are going to start back --- We are
16 probably going to start back at 2:15. So, make sure you
17 double check with your lawyer, if you are here pursuant to
18 the roll call or the term of court. But, if you have to be
19 back, we will see you back at 2:15. If you don't have to be
20 back, we will see you whenever.

21 MR. JONES: Can I get my clients to sign in before
22 they go?

23 (PAUSE.)

24 (Whereupon, a recess was taken from 12:15
25 p.m. until 12:29 p.m.)

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JACKSON V DENNO HEARING

1
2 MR. HOLT: The State is ready, Judge.

3 THE COURT: Rick, are you ready?

4 MR. JONES: Yes, sir.

5 THE COURT: All right. We will go ahead and proceed,
6 and deal with the Jackson v Denno now.

7 MR. HOLT: Your Honor, at this time the State would
8 call Officer Eric Hodges -- Deputy rather.

9 THE COURT: Deputy Hodges, if you will come around
10 and be sworn, sir.

WHEREUPON, ERIC HODGESAFTER BEING DULY SWORN TESTIFIES AS FOLLOWS

11
12
13 MR. HODGES: I do.

14 THE COURT: All right. Please have a seat, sir. And
15 if you would just give your name and your position for the
16 record, sir.

17 MR. HODGES: Lieutenant Eric Anthony Hodges, Criminal
18 Investigation Division, Detention Center, Sheriff's Office.

19 THE COURT: Thank you, sir.

DIRECT EXAMINATION BY MR. HOLT

20
21 Q. Lieutenant Hodges, how long have you been in law
22 enforcement?

23 A. About twenty-three and a half years.

24 Q. And, how long have you been with Darlington County
25 Sheriff's Office?

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1 A. Probably about seventeen of those years.

2 Q. With your current rank of Lieutenant, about how many
3 cases are you involved in, or you oversee, or
4 participate in, statements with defendants?

5 A. I can't really --- several.

6 Q. Would you say greater or less than fifty a year?

7 A. Greater.

8 Q. Okay. And when we talked about the defendant in this
9 case, Mr. Gregg, exactly how and on what date did you
10 become involved in this case?

11 A. On June 11, --- June 12, 2011, I was the investigator
12 on call. I received a phone call that afternoon from
13 dispatch advising me that there had been a murder in
14 the Dovesville Area of Darlington County.

15 Q. And what date was that?

16 A. June the 12th.

17 Q. And, why did you wait until June 13th before you took
18 the video statement?

19 A. Because, at the time that Mr. Gregg was arrested, he
20 had been under the influence of crack cocaine, and we
21 were not going to interview him at that time.

22 Q. And, the interview that you made the next day, about
23 what time was it taken?

24 A. It was about 2:26 p.m. that Monday afternoon.

25 Q. And who was present during the questioning?

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1 A. Sergeant Kenneth Peavy and myself.

2 Q. And did the defendant appear to have any physical or
3 mental disability that would have impaired his ability
4 to understand?

5 A. No, sir.

6 Q. And how about --- did he appear to be so greatly under
7 the influence of drugs and alcohol that he could not
8 understand?

9 A. No, sir.

10 Q. And, the physical surroundings of the room in this
11 place, can you describe that for the Judge, please?

12 A. We have an interview room that has a camera mounted in
13 the room. There is a chair at one end of the table
14 that we use for the defendant. And there is two other
15 chairs at the table. And there is an older chair that
16 is in the corner of the interview room.

17 Q. And did you Mirandize the defendant?

18 A. Yes, sir. I did.

19 Q. At the beginning of the interview?

20 A. Prior to talking about this case, we advised him of his
21 Miranda rights.

22 Q. And was he under arrest at the time?

23 A. Yes, sir.

24 Q. Okay. And about how long did you question him before
25 you started taking video statements?

1 A. Well, after we Mirandized Mr. Gregg, he asked was the
2 camera on, which we told him that it wasn't on, and
3 that we wanted to talk with him first. And he said,
4 and I can't remember word-for-word, but go ahead and
5 cut the camera on, because I want to go ahead and tell
6 you what happened.

7 Q. So, it was the defendant's idea to go ahead and cut the
8 camera on?

9 A. Yes, sir.

10 MR. HOLT: And, if I could approach, Your Honor?

11 THE COURT: Yes, sir.

12 (PAUSE.)

13 Q. If I can show you for identification purposes, State's
14 Exhibit Number 1 in your hand, can I ask you, have you
15 ever seen that before?

16 A. Yes, sir.

17 Q. And has there been any changes, alterations, or
18 deletions been made since you last you saw them?

19 A. No, sir.

20 Q. And is it in essentially the same condition?

21 A. Yes, sir.

22 Q. And can you tell the Judge what that is?

23 A. This is a copy of the Darlington County Sheriff's
24 Office Statement of Rights, Miranda Warning Form.

25 Q. And did you go over each and every right individually

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1 with Mr. Gregg?

2 A. Yes, sir.

3 Q. And this was at the beginning of the?

4 A. Yes, sir.

5 Q. And previously you mentioned that it was Mr. Gregg that
6 said to turn the video statement on?

7 A. Yes, sir.

8 Q. And if I could approach and put number two in your
9 hand. Have you seen that before?

10 A. Yes, sir.

11 Q. And has there been any changes, alterations, or
12 deletions been made since you last looked at it?

13 A. No, sir.

14 Q. And is it in essentially the same condition as it was
15 before?

16 A. Yes, sir.

17 Q. And, could you explain to the Judge exactly what that
18 is?

19 A. This is an Introduction of Video/Audio Recorded
20 Statement form that we use. And basically it has the
21 individual's name, address, race, sex, age, date of
22 birth, telephone number, social security number,
23 driver's license number if they have one, their
24 educational level, and telling them what the statement
25 is in reference to. And, also on the form it advises

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1 them that this statement is being video recorded. Do
2 they have any objections to the statement being video
3 recorded? Have they been advised of their Miranda
4 rights; previously advised of their Miranda rights?
5 Have they been furnished a copy of the signed Waiver of
6 Rights form. And, then we advise them of their rights
7 again, before we talk with them.

8 Q. And Lieutenant Hodges, at the very beginning of the
9 interview you Mirandize the defendant. And then also
10 once he suggested you turn the video camera on, you
11 basically Mirandized him again with that statement?

12 A. Yes, sir.

13 Q. Okay. And, if I can show you what has been marked as
14 State's Exhibit Number 3. Have you ever seen that
15 before?

16 A. Yes, sir.

17 Q. And without telling the Judge or anybody else what that
18 is, has there been any changes, alterations, or
19 deletions made since the last time you saw it?

20 A. No, sir.

21 Q. And whose handwriting is that on there?

22 A. That is mine.

23 Q. And did you create that?

24 A. Yes, sir.

25 Q. And, can you tell us what it is?

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1 A. This is a DVR that contains Mr. Gregg's video
2 interview.

3 MR. HOLT: And, Your Honor, at this time the State
4 would ask if Exhibits 1, 2, and 3 be placed into evidence,
5 and if we can publish Number 3 to Your Honor right now.

6 MR. JONES: If I can just look at them just to make
7 sure.

8 THE COURT: All right.

9 (Whereupon, Mr. Jones inspects State's
10 Exhibit Numbers 1, 2, and 3.)

11 MR. JONES: For purposes of this hearing without
12 objection.

13 THE COURT: All right. Without objections for the
14 purpose of this hearing.

15 WHEREUPON, STATE'S EXHIBIT
16 NUMBERS 1, 2, AND 3 WAS
17 ADMITTED INTO EVIDENCE.

18 (Whereupon, State's Exhibit Number 3 was
19 published to the Court.)

20 Q. And, briefly, Lieutenant Hodges, did you promise the
21 defendant anything in order to get him to make that
22 statement?

23 A. No, sir.

24 Q. And did you coerce him in any way to get him to make
25 that statement?

1 A. No, sir.

2 Q. And did you coerce him in any way, promise to free him,
3 promise not to beat him, anything along those lines in
4 order to get him to make that statement?

5 A. No, sir. I did not promise him nothing.

6 Q. And, toward the end of the video, what was the
7 questions that you asked him?

8 A. Do you know of anything else you can add to this
9 statement? Is this statement true and accurate to the
10 best of your knowledge? Has anyone promised you
11 anything to make this statement?

12 Q. What did he answer to that last question?

13 A. He said, no.

14 Q. The video was around forty-seven minutes. About how
15 long was the entire interview?

16 A. I don't know. An hour at the most.

17 MR. HOLT: Mr. Hodges, if you would answer any
18 questions Mr. Jones might have.

19 MR. JONES: I just have a few, Lieutenant Hodges.

20 CROSS EXAMINATION BY MR. JONES

21 Q. The Solicitor just asked you about the video being
22 forty-something minutes long. The one that I have is
23 about seventeen or eighteen minutes long.

24 A. Okay, yes, it started on the introduction of
25 Video/Audio Statement. It started --- We have 2:39 and

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1 the interview ended at 2:55.

2 Q. Okay. It is considerably less than forty-five minutes?

3 A. Now, with the Miranda Form that we read to him the
4 first time, he was advised of his Miranda Rights at
5 initially 2:26 p.m.

6 Q. All right. The video we just watched is the only video
7 of this interview that we are dealing with today?

8 A. On that particular day. On that particular day, yes,
9 sir.

10 Q. Okay. And I did not hear the answer. Did you or
11 anyone associated with law enforcement threaten Mr.
12 Gregg in any way in order to get him to speak?

13 A. No, sir.

14 Q. All right. You mentioned that on the 12th, when he was
15 arrested that he was under the influence. Did you
16 personally observe him under the influence on the 12th?

17 A. No, sir. Sergeant Peavy did.

18 Q. Okay. And do you have any idea what time his arrest
19 was on the 12th?

20 A. Not without looking at the incident report.

21 Q. Okay. When you interviewed him, or began speaking with
22 him on the 13th, was there anything that you noticed
23 about his demeanor that was out of the ordinary?

24 A. No, sir.

25 Q. Did he appear to be hung over in any way, for lack of a

1 better term?

2 A. No, sir. He appeared to be pretty calm.

3 Q. He appeared to be fairly animated during the interview.
4 Did you attribute anything to his animation during that
5 interview?

6 A. No, sir.

7 Q. All right. Did you or anybody in law enforcement
8 deprive him of anything, food or drink, restroom
9 facilities, sleep, anything of that nature prior to
10 taking that statement?

11 A. No, sir.

12 Q. Tell me again about when you were speaking or when you
13 and Officer Peavy were speaking with him, you said
14 something about him asking to turn the tape on. Tell
15 me that again?

16 A. Yes, sir. When we took Mr. Gregg into an interview
17 room, we read him the Miranda Form, and he asked, was
18 this tape on, and I can't tell you verbatim what he
19 said. He asked was the tape on, and we said no. And
20 he said, well, cut it on, I want to tell you what
21 happened.

22 Q. Did you not think that was odd?

23 A. No, sir. We were going to tell him we were going to
24 video the interview anyway.

25 Q. Of the prior fifty people that you had interviewed, had

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1 anybody asked you to turn the tape on, let me talk?

2 A. I can't say. I have had people willing to tell me
3 stuff.

4 Q. I understand that. But the statement about turning the
5 tape on, did that not strike you as perhaps a statement
6 that somebody under the influence might make?

7 A. No, it is no different than an individual wanting to
8 write us a statement out..

9 Q. All right. And I think you have already answered this.
10 But, did you or anyone in law enforcement talk about
11 the defendant begin confused in anyway as a result of
12 the drugs that he had taken on the 12th of June?

13 A. No, sir. I didn't.

14 Q. Prior to that statement being videoed, how long did you
15 and Detective Peavy speak with Mr. Gregg? How many
16 minutes would you estimate?

17 A. Probably two minutes. But long enough to fill the form
18 out, and he told me --- I advised him of his Miranda
19 Rights.

20 Q. Was there any time that you or Detective Peavy was
21 actually with the defendant as he was smoking a
22 cigarette outside? Did you promise him any reward in
23 order to get him to speak with you on the videotape?

24 A. No, we didn't promise him anything.

25 Q. Did y'all in fact give him a cigarette prior to

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1 testifying --- prior to being interviewed? Do you
2 remember that?

3 A. No. I can't remember that. It is not uncommon for us
4 if somebody smokes, we will let them smoke a cigarette.

5 Q. But, that is not a reward for talking to you on the
6 interview? During the interview?

7 A. No, sir. If somebody doesn't say anything and they
8 want a cigarette, I have cigarettes in my office for
9 people who smoke. I don't smoke, but --

10 MR. JONES: One second, please, Your Honor.

11 (PAUSE.)

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

13 THE COURT: Anything further Mr. Holt, for this
14 witness?

15 MR. HOLT: No records, Judge. The state rests.

16 THE COURT: Thank you, sir. You may step down.

17 MR. HODGES: Thank you.

18 THE COURT: Mr. Jones.

19 MR. JONES: Your Honor, I know it is very thin, but
20 we would ask you to suppress the statement as being given
21 under the influence. We feel that the amount of drugs that
22 Mr. Gregg testified to during the interview that he took on
23 the 12th, we feel would have probably have left him in such
24 a state on the 13th, that he could not have voluntarily have
25 given up his rights in order to give that statement. And,

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1 for that reason, we would ask you to suppress it.

2 **THE COURT:** All right. I am going to respectfully
3 deny that. I don't think there is any evidence to support
4 that. The officers gave testimony regarding their
5 observations of Mr. Gregg at the time. The video, I think,
6 is also indicative and speaks for itself. I think the
7 statement was --- it appeared to be a statement that was
8 giving knowingly, freely, voluntarily, and intelligently.
9 And he had been advised of his Miranda Warnings. And it
10 appears from the evidence, it has been represented to the
11 Court that it was a knowing and voluntary statement. I am
12 going to deny the motion.

13 **MR. JONES:** Thank you, sir.

14 **THE COURT:** Anything further, ladies and gentlemen?
15 Now, I am assuming --- what we will do --- let's do this.
16 This afternoon things could come up, or you may think of
17 something.

18 **MR. JONES:** Yes.

19 **THE COURT:** The jury is coming in at 9:30. Why
20 don't we for the purpose of this trial, why don't we
21 reconvene at nine.

22 **MR. JONES:** Yes, sir.

23 **THE COURT:** And we will take up anything that may
24 come up between now and then. If it does, if there is
25 nothing, then we will just wait until all of the jury

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1 members are assembled, and we will get started in the
2 morning. Okay?

3 **MR. JONES:** Yes, sir.

4 **THE COURT:** All right. So, we will be at ease then
5 for purposes of this case.

6 Now, for court personnel, we have that plea coming in
7 at about ten minutes till two. So, we are going to get
8 about a fifty or fifty-five minute lunch, and we will be
9 back at ten minutes till two to take that plea.

10 All right. Court will be in recess until that time.

11 (Whereupon, day one of this trial was
12 concluded at 1:07 p.m. on Monday, December 3, 2012.)

13 -- END OF DAY ONE --

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1 (Whereupon, the Court begins day two of these
2 proceedings at 9:40 a.m. on Tuesday, December 4, 2012.)

-- DAY TWO OF TRIAL --

3
4 THE COURT: Is the State ready to proceed?

5 MR. HOLT: We are, Your Honor. There are two matters
6 before the jury comes out that the State would like to
7 address.

8 THE COURT: All right, sir.

9 MR. HOLT: The first is Docket Number 2012-GS-16-
10 0885, charging the Defendant Douglas Gregg with petit
11 larceny, at the time of the armed robbery at the Markette in
12 Society Hill. The State is going to, I guess, nolle
13 process, or cease to proceed on that matter.

14 THE COURT: All right. And that is 885, Indictment
15 885?

16 MR. HOLT: Yes, sir.

17 THE COURT: All right, sir.

18 MR. HOLT: The second matter is, Your Honor, on the
19 witness list that we provided Mr. Jones, there was a name of
20 a Jessie King. That name was for some reason omitted from
21 the witness list that Your Honor called out. Also the name
22 of Joe Peavy was read in the reports, and was believed to be
23 Brandon Peavy, they are of course brothers that work in the
24 same office. This is not the first time that something like
25 this has happened. And, we apologize. We would ask the

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1 court if you could question the jury if there by any problem
2 with calling both of them today.

3 THE COURT: All right. Thank you, sir. Mr. Jones, I
4 am assuming you have no objection to not proceeding on the
5 petit larceny?

6 MR. JONES: None whatsoever, sir.

7 THE COURT: And then with regards to calling those
8 two names to this jury, to see if anyone knows or has any
9 relationship with those witnesses. Any objection to that,
10 sir?

11 MR. JONES: Again, none whatsoever. As the Solicitor
12 said, I had knowledge that they were potential witnesses.

13 THE COURT: All right. Let's bring the jury out, and
14 we will get started.

15 BAILIFF: All right, sir.

16 (Whereupon, the jury enters the courtroom at
17 9:43 a.m.)

18 THE COURT: All right. Ladies and gentlemen, I want
19 to welcome everyone back.

20 I have just one matter that I need to take up with you.
21 Yesterday when we were qualifying you for your role as
22 jurors in this case, I had called out several names of
23 potential witnesses, of people who are going to be possible
24 witnesses. I left two names off of that list, so I am going
25 to ask you now, and if you will recall --- I am sure you

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1 will recall the question is, whether you are related by
2 blood, connected by marriage, or have any close business or
3 personal relationship with any of these folks. That is the
4 question that I am posing. And the two names that are
5 possible witnesses in this case that I didn't ask you about
6 yesterday; one is Jessie King, and the other is Joe Peavy.
7 Is there any member of the jury panel who is related by
8 blood, connected by marriage, or has any close business or
9 personal relationship with either Jessie King or Joe Peavy;
10 if so, raise your hand? Anyone? All right. Thank you,
11 very much, ladies and gentlemen. I just wanted to take care
12 of that little matter of housekeeping..

13 Now, if I could get you to give Madame Clerk your
14 attention, we are going to place you under your oath as
15 jurors in this trial. So, if you would please stand --- I
16 am sorry, Mr. Suggs is going to place you under that oath.

17 (Whereupon, the jury is placed under oath.)

18 **THE COURT:** All right. Thank you, ladies and
19 gentlemen. Before we begin this case, I want to share some
20 things with you. This trial, ladies and gentlemen, may be -
21 -- may be very different from what you might expect. I
22 don't know your history with regard to jury trial, actually
23 sitting in and being involved in a jury trial. Most folks
24 never have the opportunity to observe a real jury trial.
25 Most folks experience regarding jury trials is limited to

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1 what they have seen on television, or what they have seen in
2 the movies, or what they have read in books. And, of
3 course, those trials are always full of high drama, intense
4 action, and riveting circumstances, because those trials are
5 Hollywood. They are created to entertain you.

6 Now, while any number of those things may occur during
7 the course of this trial, what is really important for you
8 to understand is that this trial is a real trial. It is not
9 for your entertainment. This trial is a fundamental part of
10 our democracy. It is a search for the truth, in an effort
11 to make sure that justice is done between the parties that
12 are before the Court. Searching for the truth, and making
13 sure that justice is done often time can be slow, sometimes
14 repetitive, very deliberate. In other words, quite the
15 opposite of what you have seen on television, or books, or
16 read in books, or seen in the movies.

17 This courtroom is a place of honor that is dedicated to
18 the protection and to the preservation of citizen's rights,
19 who many people have called the greatest justice system ever
20 created. The attorneys that appear before you represent the
21 interest of their client, or their side. The first and
22 foremost, they are officers of the Court sworn to uphold the
23 integrity of our system. They are here to help you in your
24 search for the truth. You should expect them to be
25 professional, competent, and ethical in the performance of

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1 their duties. Now, you have just taken an oath to try this
2 case, and to reach a fair and a just verdict. So, you are
3 also expected to be professional, reasonable, and ethical in
4 the performance of your duties, and I have absolutely no
5 doubt you will do just that. And I want to thank you for
6 accepting this important responsibility and for your
7 contribution to our justice system here this week in
8 Darlington.

9 Now, what I am going to share with you for the next
10 minute or two what is meant to serve as an introduction to
11 the trial of this case. These remarks are not a charge on
12 the law. I will charge you and instruct you on the law that
13 is applicable to this case at the end of the trial, before
14 you retire to decide your verdict. What I am going to do
15 right now is go through with you and kind of explain the
16 procedures that we are going to follow as this case unfolds,
17 so that you may better understand what is going on and where
18 we are at.

19 The -- Do you have the indictments?

20 **CLERK OF COURT:** I do.

21 **THE COURT:** Ladies and gentlemen, the defendant in
22 this case, Mr. Douglas David Gregg, III, is charged by
23 Indictments that were filed with this Court, and I went
24 through those charges with you yesterday. The elements of
25 these charges against Mr. Gregg, I will explain those

1 elements to you later when I charge you on the law. What is
2 important for you to understand is that these Indictments
3 are simply the charges by which this case is brought into
4 court. And that the words --- the things that I read to you
5 yesterday that are contained in these indictments are not in
6 any way evidence of any of the allegations that are
7 contained in these papers. The Indictment, as I said
8 earlier, just merely the allegation the State is making
9 against this defendant.

10 To these indictments --- to these charges, Mr. Gregg
11 has plead not guilty. And, therefore, the State has the
12 burden of proving each of the elements in these Indictments
13 beyond a reasonable doubt. It will be your duty, ladies and
14 gentlemen, to decide whether or not the State has met that
15 burden. Your purpose as jurors is to find and to determine
16 the facts in this case. You are the sole judges of the
17 facts. If at any time I make any comment about the facts,
18 and I probably won't. But, if I were to make any comment
19 about the facts, you would need to just disregard those
20 comments, because no one has any authority to determine the
21 facts in this case other than you, the members of the jury.
22 You are to determine the facts from the testimony that you
23 hear, and then any other evidence that may be produced
24 during the course of this case. It is up to you, ladies and
25 gentlemen, to determine the inferences which you feel may be

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1 properly drawn from that evidence. It is especially
2 important that you perform your duty in determining the
3 facts of this case diligently and contentiously, because
4 ordinarily there is no way that we can correct an erroneous
5 determination of facts by a jury.

6 Now, on the other hand but with equal emphasis, the
7 same law that makes you the judges of the facts, make me the
8 Judge of the law. The law is given to you by the Court is
9 the only law that you may consider. You must accept and
10 follow it even though you may disagree with it. I am not
11 allowed to tell you what I think about the facts, or what
12 the facts are in this case. And you are not allowed to
13 disagree with me about what the law is, or what you think
14 the law should be. Your job is to take the law as I give it
15 to you, and apply it to the facts as you find the facts to
16 be from the testimony of the witnesses, and any other
17 evidence that is introduced.

18 Now, until I tell you that it is appropriate to begin
19 your deliberations, you must not discuss this case with
20 anyone. And that includes even amongst yourselves.
21 Sometimes when I tell juries that, they look at me a little
22 weird, because typically your thought process is, well, I
23 thought that is our job. I thought we are suppose to
24 deliberate and talk about the case. And you are, but you
25 are not to do that until it is appropriate. Okay? So, when

1 you are in the jury room as we take breaks and do various
2 things, you can talk about anything you wish to talk about,
3 but you are not allowed to talk about this case. That would
4 be inappropriate. There will be --- There will come a time
5 when you will discuss the case, but it will not be until the
6 end of the trial, and I will certainly let you know, and
7 make it very clear when that time is appropriate. It is
8 important, ladies and gentlemen, that during the course of
9 this trial that you keep an open mind, and that you do not
10 decide any issue in this case until all of the evidence has
11 been presented, the parties have had an opportunity to
12 address you with their closing arguments, and I have
13 instructed you on the law that is appropriate in this case.
14 It is your solemn responsibility, ladies and gentlemen, to
15 determine the guilt or the innocence of the defendant. And
16 your verdict must be based solely on the evidence that is
17 presented to you in this trial, and on the law as I instruct
18 you at the end of the case.

19 Now, in just a moment the Solicitor will have an
20 opportunity to make what we call an opening statement. In
21 that statement he will explain to you what the issues in
22 this case are, or at least what he believes the issues in
23 this case are. Once he has concluded his opening remarks,
24 then the attorney for the defense will have an opportunity
25 to also make an opening statement to you, although he is not

THE STATE VERSUS DOUGLAS DAVID GREGG, III

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1 required to do so. What is important for you to understand,
2 ladies and gentlemen, about these opening statements, is
3 that they are not evidence. What the lawyers say to you is
4 not evidence. They are not placed under oath. They are not
5 testifying from the witness stand. So, what they have to
6 say to you is not evidence. The evidence, as I indicated to
7 you, will be presented to you by way of testimony from
8 witnesses who are placed under oath, and then take this
9 witness stand and testify from the stand. And then any
10 other exhibits that may be introduced during the course of
11 this trial. That is where the evidence will come from.
12 Now, during the case, from time to time you may hear one of
13 the attorneys say something like, Judge, can we approach the
14 bench, or Your Honor, we have a matter of law that we need
15 to take up with the Court. This may occur where there is a
16 matter of law that we need to take up, and I may ask you to
17 step back into your jury room while I do that. If I were to
18 ask you to do that, the reason I would ask you to do that is
19 simply for this purpose. As I told you earlier, I am not
20 allowed to have any influence over you with regard to the
21 facts, because that is solely for you to decide. However,
22 sometimes if I am taking up a matter of law with the
23 attorneys, depending on what that issue is, it may be
24 necessary for me to make some comment on the facts as it
25 relates to a matter of law that I have to make a ruling on.

1 In an effort to protect you from those comments, I may ask
2 you to step back into your jury room so that I don't
3 interfere with your role as the fact finders. So, if I ask
4 you to do that, that will be the reason. There may be times
5 that the attorneys can just approach the bench, and we can
6 just go over to the side and discuss it without asking you
7 to leave the room. But, if it is something that is going to
8 be more extensive, I may ask you to do that, just so that I
9 can protect you from any comments that I may make in
10 connection with a ruling that I have to make.

11 Now, in determining what the true facts are in this
12 case, you must decide whether or not the testimony of a
13 witness is believable. It is going to be my responsibility
14 to rule as a matter of law as to whether certain testimony
15 is admissible at all in this Court. However, once testimony
16 is admitted into this trial, whether or not you believe it,
17 is solely for you to decide. In deciding whether to believe
18 a witness, you have the right to consider the interest of
19 the witness. The bias of any witness. The opportunity for
20 the witness to have seen the matters and the things about
21 which that witness has testified. And the way that a
22 witness acts on a witness stand. You have the right, ladies
23 and gentlemen, to consider anything that is in this record
24 that will help you in evaluating the testimony of the
25 witnesses. So, that means that it is important that you pay

THE STATE VERSUS DOUGLAS DAVID GREGG, III

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1 close attention to the witnesses as they are testifying.
2 Observe the witnesses. Listen carefully to the witnesses,
3 as well as to the attorneys and to the Court. Please do not
4 let your thoughts wonder. But give strict attention to all
5 the testimony in this case so that at the end of the
6 testimony, after all of the arguments of counsel have been
7 made, and I have given you the charge on the law, you will
8 then be in a position to go into your jury room and to
9 decide this case, and to render a verdict in this case.

10 Now, before I recognize the attorneys for their opening
11 statement, let me make this comment to you, ladies and
12 gentlemen. It is vitally important that you as jurors are
13 comfortable. So, if at any time during the course of this
14 trial any one of you, and it doesn't have to be a group, it
15 can be one person. If you need a break, if you need for the
16 Court to stop, then if you will get my attention, raise your
17 hand, if I'm looking at something over here, and you need to
18 get my attention, just speak up, but get my attention. And
19 what we will do is, we will stop, regardless of where we are
20 in the trial, we will stop and we will take a break. It is
21 important that you are comfortable. So, I don't want anyone
22 sitting there, for example, if you have to use the restroom,
23 and you are trying to wait until the witness is over, and
24 the witness may be a lengthy witness. If you need to stop,
25 you let me know, we will stop and we will take a break. All

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1 right? That is very important. If you can't hear a
2 witness, or if you can't hear or see certain testimony,
3 please stop us and we will make sure that either they repeat
4 their response, or we will get whatever item it is that you
5 can't see, and we will get it and make sure that you can see
6 it. Okay? So, it is very important that you are
7 comfortable, and that you can hear and see everything that
8 is going on. Okay?

9 Now, if I may, let me ask of the State, are there any
10 objections or exceptions to the Court's opening remarks?

11 **MS. PARKER:** There are none, Your Honor.

12 **THE COURT:** And, from the defense?

13 **MR. JONES:** No, sir.

14 **THE COURT:** Ladies and gentlemen, if you would please
15 listen carefully as the Attorneys give you their opening
16 remarks. Solicitor.

17 **MS. PARKER:** Thank you, Your Honor, may it please the
18 Court?

19 **THE COURT:** Yes ma'am.

OPENING STATEMENT BY THE STATE

21 **MS. PARKER:** Mr. Jones, ladies and gentlemen of the
22 jury. Good morning. I am going to try to be brief. But,
23 there is one thing that keeps ringing over in my head, over
24 and over again. More money. More crack. That is the
25 underlying thing throughout this case that you are going to

OPENING STATEMENT BY THE STATE

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1 hear as the State presents the evidence throughout the
2 course of this trial. More money. More crack. The
3 defendant Douglas David Gregg, III, seated over there at
4 that table, it was his decision on June 12, 2011, that put a
5 whole series of events into motion. The State's theory is
6 that one of those things that started that series of events
7 is the defendant being high. You are going to hear a lot
8 throughout the course of this trial about the defendant
9 being high. It was a Sunday afternoon, June 12, 2011. The
10 Defendant Douglas David Gregg, and I will go ahead and say
11 this. A lot of people in this trial calls him David. Some
12 people may even call him Gregg. His legal name is Douglas
13 David Gregg. The State is going to refer to his as Douglas
14 Gregg. But just in case you hear those names, Douglas David
15 or as a nickname, his last name Gregg, we are all referring
16 to the defendant. He knew the victim in this case, Levi
17 Gregg. Notice that is the same last name. They were family
18 members. Levi Gregg, I believe, was the defendant's third
19 cousin, cousins with the defendant's father. The defendant
20 lived right across the road from Levi Gregg. And Levi Gregg
21 would take the defendant to church with him. This was
22 common. On June 12, 2011, they went to church, Pleasant
23 Grove Baptist Church. They got home from church. I imagine
24 Levi Gregg got home, changed into some comfortable clothes,
25 talked to his girlfriend Druscilla, Druscilla Suggs. They

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1 talked on the phone. They had plans to meet up that
2 afternoon. Druscilla was going to come over to his house.
3 They were going to relax, cook some steaks. Do what normal
4 people do on Sunday afternoon, just try to relax and have a
5 nice time. That is what they were going to do on that day.
6 The plans had been made, Druscilla told him, I'm going to
7 take a nap, and when I wake up from my nap, I will be over
8 at the house. This is what the defendant did after church.
9 Let's go back to church. The defendant went with the victim
10 to church that Sunday. At church the defendant receives
11 twenty dollars from the church lady. Money that was suppose
12 to be used for something else. He takes that twenty
13 dollars, and he goes and buys a small crack rock. He gets
14 high. Where he smokes the crack, I'm not sure. I'm not
15 really worried about that. I do know that at some point he
16 is in Levi Gregg's home. Levi Gregg asked him to leave. My
17 girlfriend is coming over. You have got to go. It is time
18 for you to go. And, what I do know is that the defendant
19 took a knife, and stabbed him, and stabbed him, and stabbed
20 him, the victim sixteen times with a butcher knife from this
21 man's kitchen. The victim was left laying there in the
22 floor bleeding. The defendant goes to a back bedroom, finds
23 the victim's wallet and takes money out of his wallet.
24 Leaves a cigarette burning right there on the night stand.
25 His cigarette, the State can prove that. Takes that money

OPENING STATEMENT BY THE STATE

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1 and goes and buys more crack cocaine. See the small crack
2 rock wasn't enough. He goes and buys more cocaine. He goes
3 back to the house where the dead body is. Smokes some more.
4 While he is smoking that crack cocaine, there is a knock on
5 the door. See now, Druscilla is coming over like I told you
6 earlier, they had planned to meet up. She comes to her
7 boyfriend's house and she knocks on the door. No one comes
8 to the door. She calls him on the phone. He won't answer
9 his phone. She sees his car in the yard. She is a female.
10 You know how females are. She is thinking, oh, no. I see
11 his car. He is in the house. I hear somebody in the house.
12 He is not answering the phone. He has a woman in that
13 house, and that is what she is thinking. She knocks on the
14 door and eventually she yells into the person in the house,
15 who she thinks is Levi, to open the front door. She goes
16 around in front of the door and the front door opens.
17 Druscilla walks in the house. When that door closes, she
18 sees the defendant standing there holding a butcher knife, a
19 bloody butcher knife, him standing there, her boyfriend's
20 body lying lifeless on the floor, and he tells her he is
21 going to need her money, he is going to need her car, he
22 needs her keys, and he needs her to take off her clothes.
23 He is standing there holding a knife. Druscilla complies
24 with all he asks her to do. She unclothes herself
25 completely. Gives him her cell phone, her money, her car

OPENING STATEMENT BY THE STATE

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1 keys. He tells her, you are going with me. They leave the
2 trailer, but before they leave, she does put on a robe that
3 belongs to the victim, a bathrobe type thing. They get in
4 her car and go down the road. When they get down the road,
5 Druscilla fears for her life, believes that her life is in
6 danger. And as soon as the defendant goes to make a left
7 turn, the car slows down good enough to where she thinks she
8 has a chance. She jumps out. And she makes it out of that
9 car, even though the defendant pulled her hair and some of
10 her hair was ripped out. And she runs for her life. And
11 she runs, and witnesses will say that she was stark naked,
12 not a stitch of clothes on her. Through the yard of a
13 residence, and gets to a lady, who you will hear from
14 momentarily, that saw this lady was in need. That she was
15 unclothed. She was naked, and she was hysterical, screaming
16 and crying, and this lady helps her, and 911 is called. So,
17 now Darlington County deputies are aware that there is a
18 murder in the county. Druscilla was able to get that much
19 out, that her boyfriend was dead. Now, what does the
20 defendant do after Druscilla flees from the car? Well, he's
21 got Druscilla's money now, because Druscilla gave him some
22 money. He goes and buys more crack cocaine. Smokes that
23 crack cocaine. He is in the Society Hill area. He goes to
24 The Markette in Society Hill. He still has that knife that
25 he made Druscilla get into the car with. He still has that

OPENING STATEMENT BY THE STATE

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1 bloody knife. He walks into the Markette in Society Hill,
2 as most of you know --- you may have probably been to that
3 store, or driven past it. It is a nice Markette, it is in
4 the fork of the road right there at Society Hill. He walks
5 into The Markette, banishing that knife. He tells the clerk
6 that he is going to need the money. He jumps over the
7 counter, presses the cash register button so the drawer will
8 open. He grabs the cash and leaves. He is still driving
9 Druscilla's car. At this time there is a description of the
10 car, the authorities are involved. You will hear from the
11 Society Hill police officer that they saw a car matching the
12 description of a white Honda Accord out in the cornfield.
13 Ladies and gentlemen, the defendant was once again smoking
14 crack. He had gotten the money from the Markette, he went
15 and bought more crack, and is now smoking it in a cornfield
16 when authorities closed in on him. There was a chase. He
17 eventually abandoned the car and ran into the wooded area,
18 where once again he was found and he was smoking crack
19 cocaine. I don't know if you followed all of that story,
20 but I will go back over it again. The church lady's money,
21 and he smoked a crack rock. He was at Levi Gregg's house,
22 killed him, took his money, bought more crack. Druscilla
23 came over, got her money, and when she jumped out of the car
24 he bought more crack. Robbed The Markette, and then with
25 The Markette's money bought some more crack. By the time

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1 law enforcement had zeroed in on him and the car, they found
2 two dollars on him. All the money was gone. More money,
3 more crack.

4 Ladies and gentlemen, this case is a tragedy. And I
5 find myself here for these reasons that I just stated.
6 Because this event happened.

7 I work for the Solicitor's Office. I will go back and
8 introduce myself. My name is Patti Parker. I work for the
9 Fourth Circuit Solicitor's Office here in Darlington County.
10 We are called Solicitors. We are prosecutors. Different
11 states call them different things. We are prosecutors. So,
12 I will be able to prove this case along with Mr. Holt,
13 beyond a reasonable doubt. Evidence that convinces you that
14 the defendant is guilty, beyond a reasonable doubt --- that
15 is what you are looking for during the course of this trial.
16 For that evidence. Just like the judge just said. What I
17 just told you is evidence as I see it. The state's theory
18 of what the evidence is going to show you. The state's
19 theory of the facts. Ladies and gentlemen, you are the sole
20 fact finders. It is not what I think are the facts. It
21 does not matter what Mr. Gregg's attorney thinks. What
22 matters is after the conclusion of this trial is what you
23 believe happened on that day, June 11, 2012, on that
24 dreadful Sunday afternoon.

25 Our jury system is the best in the world. Our system

OPENING STATEMENT BY THE STATE

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1 of justice, the fact if you get charged with a crime, you
2 get tried in front of a jury of your peers. If you are
3 accused of something like this, you can request a jury
4 trial. We all have constitutional rights. And the
5 defendant is certainly entitled to this trial this week.
6 But you are the fact finders. It is up to you to decide
7 what really happened on that day. What the evidence shows.
8 And you remember, you bring to the table your common sense.
9 When you checked in downstairs this morning, you may have
10 had to leave some coins in the box, or some of you may have
11 even had to take your belt off, or the metal detector buzzed
12 you and he may have had to scanned your shoes. But, you
13 didn't leave your common sense down there. Ladies and
14 gentlemen, you brought that up here with you today. I like
15 to call it, your collective common sense. Each of you have
16 different backgrounds, different life experiences, different
17 education, you all have what I call, collective common
18 sense. And that is what I ask that you throughout the
19 course of this trial, use your most powerful tool,
20 collective common sense. Ladies and gentlemen, I am asking
21 three things from you during the course of this trial.
22 Three things. Your careful attention, your collective
23 common sense, I just talked about, and your careful
24 consideration of the facts as this case is presented to you.
25 Ladies and gentlemen, I ask that at the conclusion of this

OPENING STATEMENT BY MR. JONES

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1 trial you find the defendant Douglas David Gregg, III,
2 guilty --- guilty of murder, kidnapping, of armed robbery.
3 There are a whole slew of charges, I will not call them all
4 out. There are a whole series of events. I just say this
5 to you, we are going to ask that you find him guilty,
6 because we believe that is what the evidence will show.
7 Thank you.

8 THE COURT: Mr. Jones.

9 MR. JONES: Yes, sir. Thank you. Solicitor.

OPENING STATEMENT BY MR. JONES

11 MR. JONES: Ladies and gentlemen, I am going to start
12 off by introducing myself. I know yesterday as a group
13 everyone was out there, and it is a little confusing,
14 perhaps a little bit intimidating. My name is Rick Jones.
15 I am here along with Christy Wise and Julie Wooten, we
16 represent Mr. Douglas David Gregg.

17 I am going to review a couple of things that His Honor
18 said, and probably that the Solicitor said. I agree pretty
19 much with what the Solicitor said, but let me start off by
20 reviewing one thing. The evil in this room, the evil on
21 June 12th of last year, at Mr. Levi Gregg's house, the evil
22 began with crack cocaine. There is no question about that.
23 I will agree with that. I think at the end of the
24 presentation of all we know, every one of you will agree
25 with that. What I do not agree with that the Solicitor

OPENING STATEMENT BY MR. JONES

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1 said, and I hope that you will take the challenge that His
2 Honor has given to you as triers of the fact, is that at the
3 end of the presentation, of the presentation of the evidence
4 in the case --- let me stop a minute. Everyone knows what
5 evidence is what you hear from people who are going to sit
6 in that witness stand that are going to tell the truth.
7 That testimony is evidence. We are going to have some
8 things that you can put in your hands, physical evidence
9 that will be introduced. That is evidence. Again, what the
10 Solicitor says and what I say is not in any way evidence.
11 What that is, that is going to be our interpretation, or our
12 theory of this case. And we are not going to dispute a lot
13 of the evidence that the Solicitor says is going to be
14 presented. What we are going to do is, we are going to ask
15 you and challenge you to keep an open mind, and to make the
16 determination as to what happened after everything has been
17 presented, not before. One of the reasons His Honor says,
18 when you go back to your room during a break, don't talk
19 about this case. Well, that would be the natural thing to
20 do. Well, we are going to be hearing this, let's go back
21 and talk about it. You can't, because your job is to listen
22 to the evidence, review the evidence, go over the evidence,
23 weigh everything that has been presented to you before you
24 go back and talk.

25 Let me repeat a couple of the things that the judge

OPENING STATEMENT BY MR. JONES

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1 said, because it is very very important. They are very
2 important. Everyone has from the start of court yesterday
3 until right this minute, I think we will all agree that the
4 system of justice that we have in the United States is
5 probably the best in the world. What makes it the best in
6 the world are the twelve of you, and the two of you as
7 alternates. That sets apart from most other jury systems in
8 the world. The twelve of you. You have been chosen from a
9 fairly large group yesterday. The Solicitor's Office and
10 the defense team as well went through a process as you
11 walked up, we chose you. Mr. Gregg is very happy that you
12 are here. This case is not going to be over with in sixty
13 minutes minus commercials as it is on tv. As His Honor
14 said, not close. Not close at all. It is vastly different.
15 You are going to hear from a number of witnesses who are
16 going to have an awful lot to say concerning the events of
17 June the 12th of last year. One of the things that I am
18 going to agree with the Solicitor on, is that this is a very
19 tragic situation. Mr. Levi Gregg is no longer living as a
20 result of the events that took place on June 12th of last
21 year. What is tragic is how that situation came about, and
22 how it ended up. The state will ask you to listen to the
23 evidence, and they have already asked you to make a
24 determination that the defendant is guilty. We are not even
25 close yet. One of the things in addition to your service

OPENING STATEMENT BY MR. JONES

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1 that makes our system of justice in the United States much
2 much more different than anywhere else in the world, is that
3 Mr. Douglas David Gregg, sitting at the table with us, he
4 walked in here yesterday morning, he walked in here today,
5 and he is going to stay at that table, presumed to be
6 innocent. You heard it. It has been book titled, it has
7 been movie titled, and it is not just something that we made
8 up. Mr. Douglas David Gregg today is presumed to be
9 innocent of a myriad of charges that have been made against
10 him. His Honor said it much more eloquently than I can.
11 But I am going to repeat it, because it bears repeating.
12 Mr. Douglas David Gregg is today presumed to be innocent.
13 Mr. Douglas David Gregg has absolutely nothing that he has
14 to prove to you. As His Honor has said, and the state has
15 said, The State of South Carolina, represented by the
16 Solicitor's Office, has the burden of proof. Another one of
17 those phrases that is important. The state has the burden
18 of proving to each and every one of you unanimously that
19 anyone charged with a crime in this situation, Mr. Douglas
20 David Gregg is guilty. And the standard that you must hold
21 them to is that standard, is that they must make that proof
22 to you beyond a reasonable doubt. He is presumed to be
23 innocent from a burden of proof is on the state, and the
24 standard that you have to hold him to is, they must prove to
25 you beyond a reasonable doubt. Until and unless the

OPENING STATEMENT BY MR. JONES

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1 defendant, Mr. Douglas David Gregg, stands presumed to be
2 innocent throughout this trial. I am not going to repeat
3 all of the evidence that you are probably going to hear,
4 because we will start hearing it in a couple of minutes.
5 What I will ask you to do though is to remember how it
6 happened. The evil in this room, and the evil in the house
7 of Levi Gregg on June 12, 2011, began with crack cocaine. A
8 mind altering drug. What it does not do though is distort
9 your perception. What I ask you to do is to listen as each
10 one of them testifies about what happened that day. And not
11 take the perspective of the state over the defense. Let me
12 say it again, at the conclusion of this case when we all
13 come back and talk about what we think just happened, or
14 talk about what we thing has been presented, that it will
15 hopefully enthrall you into a conversation about the fact
16 that the facts that are presented may or may not prove what
17 the state claims is the truth. Mr. Gregg has plead not
18 guilty to each of the charges. I am going to take the
19 murder charge, Mr. Douglas David Gregg is charged with
20 feloniously taking the life of Mr. Levi Gregg, a person to
21 whom he was related, and to whom he was visiting in his
22 house --- with him, he was visiting in his house. There are
23 a number of defenses to crimes. The defense that Mr. Gregg
24 will rely on as to that charge is self-defense. I am going
25 to say it, and then I am going to ask you to listen to all

OPENING STATEMENT BY MR. JONES

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1 of the evidence, and when this has been completed I will
2 come back and tell you how that defense to that charge
3 applies. And I will do that to each one of the charges.
4 But, if you will, remember that His Honor has told you that
5 we all have jobs. The Solicitors represent The State of
6 South Carolina. They will be presenting evidence on behalf
7 of The State of South Carolina. Ms. Wiles, Ms. Wooten, and
8 myself represent Mr. Gregg, and we will be asking questions,
9 and be talking to you about the situation in light of Mr.
10 Gregg. His Honor has told you, he is in charge of the law.
11 And make no mistake about it, he is in charge of the law.
12 He is going to tell you what it is. What he can't tell you,
13 what I can't tell you, and what the Solicitor can't tell
14 you, is what the facts are. That is your job. Nobody can
15 take that job away from you. That is why I will ask you
16 again very, please don't make your mind up until you have
17 heard everything. Because, after the presentation of all of
18 the evidence, that is when your job really starts.

19 Mr. Gregg is very happy that you are here. I am very
20 happy that you are here, that you have been chosen. You may
21 not be very happy that you are here. As His Honor said,
22 there may be times --- there may be some excitement, and
23 there is going to be a lot of time when this is going dry,
24 and you will wonder when will this thing be over.

25 This is the most important day in the life of Mr. David

ALEX GAINNEY - DIRECT EXAMINATION

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1 Douglas Gregg. And we are going to ask you as the Solicitor
2 did, please pay close attention, because at the end of the
3 situation, you guys have to a burden. You have to figure
4 this out. Then you have to take the law that the judge is
5 going to tell you and apply it to what you think happened.
6 You will have to come back with a verdict.

7 I will talk to you again at the close of the evidence.
8 What I am going to do now is ask you to pay very close
9 attention and hopefully we can get started and get finished.
10 Thank you.

11 THE COURT: Thank you, Mr. Jones. All right.
12 Solicitor, you may call your first witness.

13 MR. HOLT: Thank you very much, Your Honor. If it
14 pleases the Court, the state would like to call Deputy Alex
15 Gainey to the stand.

16 THE COURT: Deputy Gainey, if you would come around
17 and be sworn.

18 WHEREUPON, ALEX GAINNEY

19 AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS

20 MR. GAINNEY: Yes, sir, I do.

21 DIRECT EXAMINATION BY MR. HOLT

22 Q. Deputy, would you give the jury your whole name?

23 A. My full names is Miles Alexander Gainey, II.

24 Q. And, where are you currently employed?

25 A. Right now I am currently employed with Darlington

ALEX GAINNEY - DIRECT EXAMINATION

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1 County Sheriff's Office.

2 Q. And how long have you been with Darlington County?

3 A. I have been with Darlington County Sheriff's Office
4 since December of 2009.

5 Q. And, how long have you been in law enforcement?

6 A. I have been in law enforcement prior to December 2009,
7 as a state constable for eight years. That is
8 basically where you volunteer your time to help assist
9 other agencies in the area with traffic, and whatever
10 they need.

11 Q. And, were you working another full time job at that
12 time?

13 A. Yes, sir. Most of that time I worked at Nucor Steel.
14 And up until 2007 I worked at Nucor, and then I left
15 Nucor to go to work for myself full time.

16 Q. Let me ask you this. Your current position in the
17 Sheriff's Office, can you explain to the jury what you
18 do, and how you do the type of things that you do?

19 A. My current position is, I am a corporal on patrol. My
20 job is to basically respond to calls, and assist the
21 scene, and make whatever decisions needs to be made.
22 And basically serve the community, and do everything to
23 keep things safe.

24 Q. And how about June 12, 2011, were you working with the
25 Sheriff's Office then?

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1 A. Yes, sir.

2 Q. And, can you tell me how you became involved in the
3 matter at hand?

4 A. That particular incident, I was the first responding
5 officer.

6 Q. And what are the duties of the first responding
7 officer?

8 A. Basically, we take the call as dispatch gives it to us.
9 We again respond to the call. Get the facts, see what
10 is going on, and make the decisions that need to be
11 made to act appropriately.

12 Q. And on June 12, 2011, where were you dispatched to?

13 A. On June 12, 2011, originally I was dispatched to the
14 residence at drive, to the residence of
15 Ms. Ella Graham.

16 Q. And, what did you discover when you got there?

17 A. Whenever I arrived on the scene, Ms. Ella Graham, she
18 came outside, and told me that she had had a female,
19 Ms. Druscilla Suggs who came running up to the
20 residence, was unclothed, and was begging for help,
21 hollering for help. Stated her boyfriend had been
22 stabbed -- that her friend had been stabbed. So, we
23 proceeded inside. She told me that she had given Ms.
24 Suggs some clothes to put on. As we walked inside the
25 residence, Ms. Suggs was coming out of a back room.

ALEX GAINNEY - DIRECT EXAMINATION

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1 She did have clothes on. She was very hysterical. She
2 was, of course, upset as to what she had just
3 witnessed, or what she had just seen. We talked to
4 her, tried to get some information. And like I said,
5 she was very hysterical, shaken up --- shaken up, and
6 she was not able to give us a lot of information at
7 that time, but she did tell us that the incident did
8 take place on Charles Drive, and tried to get some
9 information which trailer it was, and what she had
10 actually seen.

11 Q. At that time, did you have a numerical address for
12 Charles Drive?

13 A. No, sir, we did not have a numerical address.

14 Q. And just so the jury is clear, when we say --- When you
15 keep saying we, we, we, who was with you that day?

16 A. At that time I had a reserve --- excuse me. He was a
17 state constable, basically what I had served full time,
18 and his name was Reservist Jessie King.

19 Q. And was he riding in the car with you?

20 A. Yes, sir. He was in the car with me.

21 Q. Okay. All right. So, when y'all realized something
22 had happened at Charles --- you said Charles Drive?

23 A. Charles Drive, yes, sir.

24 Q. What did you do then?

25 A. At that time, like I said, we got all the information

ALEX GAINNEY - DIRECT EXAMINATION

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1 that we could possibly get, but she was a victim. But
2 we also needed to get over to Charles Drive to see
3 exactly what we had. So, after we got the information
4 that we needed from her, she gave us the description of
5 the residence. We proceeded around to Charles Drive.
6 At that time we had notified my Lieutenant as to what
7 we had, and asked him to go ahead and head in my
8 direction.

9 Q. Why did you do that?

10 A. Well, it is standard protocol whenever we have an
11 incident like that, you know, the supervisor needs to
12 be notified so they can head in that direction.

13 Q. Okay.

14 A. I also notified dispatch as to what we had. We were
15 given a brief description of the vehicle that Mr. Gregg
16 had left in. I gave the information that I had on
17 that, which was the white Honda Accord, and started
18 looking for that vehicle. I notified dispatch to get
19 in touch with the on-call investigator, and have them
20 go ahead and start heading in that direction, and also
21 to have EMS to go ahead and get in that direction. So,
22 we went around to Charles Drive. With the description
23 that she gave us for the residence, there were actually
24 two residences there real close by that kind of fit the
25 description. But, as we were looking for the

ALEX GAINES - DIRECT EXAMINATION

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1 residence, Ms. Suggs and Ms. Graham actually came up
2 behind us, and Ms. Suggs --- Excuse me, Ms. Graham's
3 vehicle I think it, was and told us which residence to
4 go to, which one it was. So, we went to the residence.
5 I knocked on the door a couple of times just to make
6 sure that no one was in the residence. Nobody came to
7 the door. So, at that point I again contacted my
8 Lieutenant, told him again what we had, and asked his
9 permission to make forced entry into the residence,
10 since we couldn't get anybody in there due to the
11 circumstances of the case. I was granted permission
12 to, you know, make forced entry. We made forced entry
13 into the residence. Once entering the residence, I saw
14 Mr. --- our victim Douglas Gregg --- Excuse me, Levi
15 Gregg, I saw him laying on the floor face down with
16 multiple stab wounds. I checked for a pulse in his
17 left ankle, I believe it was, and didn't get a pulse.
18 So, there again I notified dispatch as to what we did
19 have. That it was confirmed. And, at that point we
20 went ahead and started securing the scene. We roped it
21 off with crime-scene tape, and started a crime-scene
22 log.

23 Q. What is a crime-scene log?

24 A. A crime-scene log is a log that we have once we have
25 roped it off for a crime scene that anyone who enters

ALEX GAINES - DIRECT EXAMINATION

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1 into that residence or into the crime-scene, once they
2 step into the crime-scene they have to sign that log so
3 that we have a record as to who goes in, and what their
4 capacity, and what their reason for going into that
5 crime-scene is. Basically take control of it and make
6 sure that we only have authorized personnel inside the
7 crime-scene.

8 Q. All right. You are there, your reserve officer is
9 there with you, you have already alerted your superior.
10 Did they eventually arrive at the scene?

11 A. Yes, sir. Yes, sir.

12 Q. And, when they arrived, what did you do?

13 A. Well, like I said, once we started, we secured the
14 scene. And it wasn't just a few minutes after we
15 actually started the crime-scene log and got it taped
16 off that the other officers started responding.
17 Actually there was another officer, a supervisor, that
18 will filling in from the Hartsville side, he was
19 actually closer than my Lieutenant was. He actually
20 got there first. He was the first supervisor on the
21 scene.

22 Q. What was his name?

23 A. That was Jim Goins. Jim Goins responded, and he
24 started assisting me. Like I said, we made sure the
25 scene was secured. Didn't allow anyone that didn't

ALEX GAINNEY - CROSS EXAMINATION

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1 need to be in there. And basically assisted with the
2 investigation once they arrived, and do whatever they
3 needed help doing.

4 **MR. HOLT:** Deputy Gainney, thank you so much for your
5 time for being here today. And please answer any kind of
6 questions the defense might have.

7 **CROSS EXAMINATION BY MR. JONES**

8 Q. Mr. Gainney, I just have a couple. You first went to
9 Ms. Graham's house?

10 A. Yes, sir.

11 Q. Okay. And what was that address?

12 A. That address was

13 Q. All right. And they directed you to Charles Street?

14 A. Sir?

15 Q. They directed you to Charles Street; is that correct?

16 A. They directed us to Charles Drive.

17 Q. Okay. And what was that address?

18 A. They didn't originally give us a numeric on Charles
19 Drive, they just gave us a description of the
20 residence.

21 Q. All right. And, when you arrived at that address, or
22 that was described as a mobile home?

23 A. Yes, sir.

24 Q. Okay. When you arrived there did you arrive at the
25 right one, or did they have to direct you to another

ALEX GAINNEY - CROSS EXAMINATION

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1 one?

2 A. As we pulled up there were two residences that met the
3 description. But, like I said, within seconds after we
4 pulled up at the residence, or in front of the
5 residence, Ms. Ella Graham and Ms. Druscilla Suggs
6 pulled up in Ms. Graham's vehicle, and Ms. Suggs
7 directed me to the residence that the incident took
8 place.

9 Q. Okay. I assume that you went to the front door?

10 A. Yes, sir.

11 Q. Was the door locked?

12 A. Yes, sir. The door was locked.

13 Q. And when you said you got permission to make a forced
14 entry, what did you do? How did you gain entry?

15 A. Kicked the door in.

16 Q. All right. And that was the front door?

17 A. Yes, sir.

18 Q. And was there a screen door or a storm door on the
19 residence; do you recall?

20 A. I do believe there was a storm door there, yes, sir.

21 Q. When you kicked open the door, do you remember if it
22 swung right or left?

23 A. It swung to the right.

24 Q. Okay. Did you enter the house?

25 A. Did I enter the house?

ALEX GAINNEY - CROSS EXAMINATION

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1 Q. Yes, sir. Was Mr. King right behind you, or did he
2 stay in the car?

3 A. He was behind me.

4 Q. Okay. Did both of you enter the house?

5 A. Yes, sir.

6 Q. All right. What was --- How would you describe the
7 interior of that house when you first arrived, when you
8 first entered?

9 A. The interior of the house when you walk in, if I
10 remember correctly, there was a plate of some food or
11 something that was sitting on the coffee table in front
12 of the couch and chair. The furniture was moved around
13 a little bit, but I mean, it wasn't --- I noticed ---
14 Of course you could tell the house had been lived in.

15 Q. Nothing too much ordinary about the house?

16 A. I wouldn't say it was that much out of the ordinary.

17 Q. Was it clean or messy?

18 A. It was --- It was lived in. I mean, it wasn't ---
19 there was a lot of stuff in the house.

20 Q. Okay. Once you determined that --- Did you know Mr.
21 Levi Gregg; had you ever met him before?

22 A. No, sir.

23 Q. Okay. So, the person lying on the floor you determined
24 was deceased? You could not get a pulse; is that what
25 you said?

ALEX GAINNEY - CROSS EXAMINATION

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1 A. Yes, sir.

2 Q. Okay. After that did you disturb anything else in the
3 house?

4 A. No, what?

5 Q. Disturb anything else in the house?

6 A. No, sir.

7 Q. Did Mr. King?

8 A. No, sir.

9 Q. All right. So, other than you walking in, observing,
10 touching Mr. Gregg, the two of you turned right around
11 and secured the house; is that correct?

12 A. Yes, sir.

13 Q. Okay.

14 MR. JONES: If I can have one second please, Your
15 Honor.

16 (PAUSE.)

17 Q. Corporal Gainney, the crime scene log, if I can show you
18 --- Can you tell me if that is what you were talking
19 about, or do you have a copy of it?

20 A. I do not have a copy of it. This would be the crime
21 scene log.

22 Q. Thank you. I would like to ask you a couple of
23 questions about it. Your name is at the top. Is that
24 correct?

25 A. Yes, sir.

JESSIE KING - DIRECT EXAMINATION

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1 Q. I am going to go down this list. Did you supervise
2 this?

3 A. No, sir. Actually what I did, once we got the crime-
4 scene log started, I asked my State Constable, Jessie
5 King, to make sure that anyone who entered that crime-
6 scene, they were to sign that crime-scene log. So, I
7 gave that to him on the clip board and asked him to
8 make sure everybody signed it.

9 Q. So, after you signed it, you turned it over to him?

10 A. Yes, sir.

11 MR. JONES: All right. Thank you. That's all.

12 THE COURT: Anything on redirect?

13 MR. HOLT: None, Your Honor.

14 THE COURT: Thank you very much, sir. You may step
15 down.

16 Please call your next witness.

17 MR. HOLT: Yes, sir, Judge. The state would like to
18 call Jessie King to the stand.

19 THE COURT: All right. Officer King, if you would
20 come around and be sworn.

21 WHEREUPON, JESSIE KING

22 AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS

23 MR. KING: I do.

24 DIRECT EXAMINATION BY MR. HOLT

25 Q. Mr. King, would you please give your whole name and

JESSIE KING - DIRECT EXAMINATION

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1 your occupation for the jury?

2 A. Jessie Leverne King, Sr., I work at Georgia Pacific
3 Dixie Cup here in Darlington.

4 Q. And, are you still a Constable, or are you now a
5 reserve officer, and how does that work?

6 A. I am not a reserve officer. I transferred --- I
7 resigned as a State Constable, and began reserve a year
8 and four months ago.

9 Q. Constable, is that a paid position?

10 A. No, it isn't.

11 Q. And about how many hours a year do you think you worked
12 as a Constable, when you were a Constable?

13 A. As a constable I worked estimate probably about eight
14 hundred, nine hundred hours a year.

15 Q. Okay. And, that was on top of a full time job at
16 Georgia Pacific?

17 A. Yes.

18 Q. About how long were you a Constable?

19 A. I was a Constable from --- I started that procession
20 January 2007, and I resigned July of 2011.

21 Q. And now you are a reserve deputy. What --- How does
22 that job differ from being a Constable?

23 A. Well, it basically I became a basic Constable, and
24 became an advanced Constable, which is really about the
25 same thing as a reserve. As a Constable, you work with

JESSIE KING - DIRECT EXAMINATION

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1 different departments, and as a reserve you work with
2 that --

3 Q. Just with the Sheriff's Office?

4 A. Yeah, one that you are a member of.

5 Q. I understand. Now, June 12, 2011, you were still a
6 Constable?

7 A. Yes, sir.

8 Q. And what were you doing that day?

9 A. I was riding in the car with Officer Gainey.

10 Q. And how do you know Officer Gainey?

11 A. I met Officer Gainey the first time --- We both got a
12 City of Darlington fireman.

13 Q. And y'all were working together that day, June 12,
14 2011?

15 A. Yes, sir.

16 Q. All right. And how did you become involved in the
17 case, and what did you witness?

18 A. Well, I was involved in it because I was in the car
19 with Officer Gainey when he was dispatched on Gee
20 Money.

21 Q. When you got to , what were some of the
22 things that you witnessed?

23 A. Well, when we first got there we spoke to the caller,
24 the complainant. The first complaint which was Ms.
25 Ella Graham. And she stated --

JESSIE KING - DIRECT EXAMINATION

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1 **MR. JONES:** Objection, hearsay, Your Honor.

2 **THE COURT:** Sustained as to the hearsay.

3 Q. All right. And without telling us exactly what
4 somebody told you, when you got to Ms. Ella Graham's
5 house, who was there?

6 A. Where we seen Ms. Ella Graham came out, and Ms.
7 Druscilla was inside of the house.

8 Q. And after you spoke with them, where did you go then?

9 A. After we spoken, gotten the information we needed, we
10 headed to Charles Drive.

11 Q. All right. And, on Charles Drive, did you happen to
12 enter a home?

13 A. Sir?

14 Q. Did you enter th home on Charles Drive?

15 A. Yes, sir.

16 Q. And, inside the home, what did you witness?

17 A. Well, once we got in, we witnessed Mr. Levi Gregg
18 laying on the floor face down. He appeared to have
19 stab wounds.

20 Q. All right. Was he breathing at the time?

21 A. Well, Officer Gainey checked for a pulse, and he told
22 me he didn't feel a pulse on him.

23 Q. All right. And, after you realized that he was most
24 likely dead, what did y'all do then?

25 A. Officer Gainey --- he started securing the scene with

JESSIE KING - CROSS EXAMINATION

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1 crime scene tape, and he also began --- he started a
2 crime scene log. And he signed it and he handed it
3 over to me, and I signed it. And he told me anybody
4 that crossed that crime scene have them sign that board
5 --- that crime scene log.

6 Q. And did you insure that that happened?

7 A. Yes.

8 Q. And when it was over with who did you give the crime
9 scene log to?

10 A. I can't. --- I think I gave it back to Officer Gainey.

11 MR. HOLT: Deputy King, thank you very much for your
12 time. Please answer any questions that Mr. Jones may have;
13 all right?

14 CROSS EXAMINATION BY MR. JONES

15 Q. And, I am bad with ranks. Tell me --- you are a
16 deputy?

17 A. I am a reserve deputy.

18 Q. Okay. Can I call you deputy?

19 A. Yes, sir.

20 Q. All right. I asked Corporal Gainey about the crime
21 scene log. Do you have a copy?

22 A. No, sir, I don't.

23 Q. If I show you this, can you tell me if that is what we
24 are talking about?

25 A. Yes, it is.

JESSIE KING - CROSS EXAMINATION

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1 Q. Okay. After Deputy Gainey signed, you signed second?

2 A. That's correct.

3 Q. You were kind of the gate keeper, making sure whoever
4 went inside was on that piece of paper?

5 A. I got them to sign it.

6 Q. Did you do anything else other than that?

7 A. That is all I done. Just kept the crime scene log and
8 make sure everybody who came through signed that log.

9 Q. Can you tell me how many people went in that house
10 while you were the gate keeper?

11 A. There are twelve names on here.

12 MR. JONES: Thank you.

13 Q. When you and Corporal Gainey got to that residence,
14 that is 3421 Charles; is that correct?

15 A. No. No, sir. The address we went to first was
16

17 Q. But when you got to where Mr. Levi Gregg was, was that
18 3421 Charles?

19 A. I am not sure what the address was.

20 Q. Okay. All right. But when you got that --- to that
21 residence where Mr. Gregg was --

22 A. -- Right.

23 Q. You were the second person to enter the residence for
24 law enforcement; is that correct?

25 A. That's correct. I went in behind Officer Gainey.

JESSIE KING - CROSS EXAMINATION

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1 Q. Can you describe the residence for me? The interior,
2 I'm sorry.

3 A. Well, all I know we walked in. Once we went in, he
4 kicked the door in and we check to make sure no one
5 else was in the house. And we seen Mr. Levi Gregg
6 laying kind of to the left when we went into the door,
7 on the door at the bar. And he was face down.

8 Q. Did you notice anything else about the interior?

9 A. No, it was --- it was --- the interior it was to me
10 kind of normal. It didn't look like anything was, you
11 know, messed up or anything like that.

12 Q. So, the only thing out of the ordinary, obviously, was
13 Mr. Gregg laying in the floor?

14 A. Near that I can tell.

15 MR. JONES: Thank you. That's all I got.

16 MR. HOLT: There is no redirect.

17 THE COURT: All right. Thank you very much, sir.

18 You may step down.

19 MR. HOLT: Your Honor, if we could, Reserve Officer
20 King and Deputy Gainey would like to leave if that's okay?

21 MR. JONES: I have no objection.

22 THE COURT: All right. No objection. Gentlemen,
23 thank you very much. You may be excused.

24 Please call your next witness.

25 MS. PARKER: Your Honor, the state calls Druscilla

DRUSCILLA SUGGS HUNTER - DIRECT EXAMINATION

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1 Hunter, formally known as Suggs.

WHEREUPON, DRUSCILLA SUGGS HUNTER**AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS**

4 **MR. HUNTER:** Yes, ma'am.

5 **MS. PARKER:** Your Honor, I guess to make this a
6 little more brief, can I publish the exhibits the state and
7 the defense are in agreement with as far as pictures, to
8 limit my questioning?

9 **THE COURT:** That is fine, if you would list those in
10 the record. Those are without objection, Mr. Jones, what
11 she is referring to?

12 **MR. JONES:** Your Honor, there were two that I have
13 objections to, the rest of them I did not.

14 **MS. PARKER:** It is four, five, six, seven, nine.

15 **THE COURT:** Four, five, six, seven, and nine?

16 **MS. PARKER:** Yes, sir. I am skipping eight.

17 **THE COURT:** All right. And those are without
18 objection, Mr. Jones?

19 **MR. JONES:** Yes, sir.

20 **MS. PARKER:** And then ten through --- ten, eleven,
21 twelve, and thirteen.

22 **THE COURT:** That is correct, Mr. Jones?

23 **MR. JONES:** Yes, sir.

24 **THE COURT:** All right. Why don't you get them in
25 order, and then you start and call the ones. And, Mr.

DRUSCILLA SUGGS HUNTER - DIRECT EXAMINATION

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1 Jones, you note the ones she calls out and we will see if
2 there are any objections to those.

3 **MR. JONES:** Yes, sir.

4 **(PAUSE.)**

5 **MS. PARKER:** And he is objecting to fourteen, Judge.
6 And then it is fifteen through --

7 **THE COURT:** -- All right. Hold on. I am going to
8 let you give them in order so the record is clear. Start
9 with the start of your list, and then call them out all the
10 way through.

11 **MS. PARKER:** Okay. Will this make it more simple.
12 Four through twenty-four, excluding eight and fourteen.

13 **THE COURT:** All right. Is that correct, Mr. Jones?

14 **MR. JONES:** Yes, sir.

15 **THE COURT:** All right. State's Exhibits 4 through
16 24 excluding eight and fourteen are in without objection.

17 **MS. PARKER:** Yes, sir. I apologize for that.

18 **THE COURT:** That is alright. I just want to make
19 sure that we are clear and everything is good.

20 **WHEREUPON, STATE'S EXHIBITS**

21 **NUMBERS 4, 5, 6, 7, 9, 10, 11,**

22 **12, 13, 15, 16, 17, 18, 19,**

23 **20, 21, 22, 23, 24 ARE**

24 **ADMITTED INTO THE RECORD**

25 **WITHOUT OBJECTION.)**

DRUSCILLA SUGGS HUNTER - DIRECT EXAMINATION

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DIRECT EXAMINATION BY MS. PARKER

1 Q. Good morning.

2 A. Good morning.

3 Q. Would you please state your full name for the Court's
4 record?

5 A. Druscilla Hunter.

6 Q. What do you go by now?

7 A. Druscilla Hunter.

8 Q. Druscilla Hunter.

9 A. Uh'huh.

10 Q. And, Ms. Hunter, where are you from?

11 A. Darlington.

12 Q. And where do you live?

13 A. In Mechanicsville.

14 Q. Are you employed?

15 A. Yes.

16 Q. And where do you work?

17 A. I work for Lance Auto Parts, and I work part time.

18 Q. And, Ms. Hunter, do you know the victim in this case,
19 Levi Gregg, did you know him?

20 A. Yes.

21 Q. And, how did you know Mr. Gregg?

22 A. He was my friend.

23 Q. And how long were y'all friends?

24 A. Three years.

DRUSCILLA SUGGS HUNTER - DIRECT EXAMINATION

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1 Q. How would you describe y'all's relationship? Were you
2 friends like casual friends or close friends?

3 A. Close friends.

4 Q. And, I want to take you back to June 12, 2011. Did you
5 speak to Mr. Levi Gregg that day?

6 A. Yes, I did.

7 Q. Tell us what you were doing earlier that day?

8 A. Well, I called Levi about one o'clock. I talked to him
9 on the phone, and I asked him what he wanted to have
10 for dinner. He said, we are going to have some steaks.
11 So, I told him I was going to take a nap, and then I
12 was going to come on over. So, I took a nap, and I got
13 up, and I gone over to his house.

14 Q. And, where did Levi live?

15 A. In Dovesville.

16 Q. Do you know the address?

17 A. No, not really. I just know it is Dovesville.

18 Q. Dovesville. That is close enough. Did anyone live
19 with Levi?

20 A. No. He live alone.

21 Q. And, about what time did you get to his house on that
22 day?

23 A. Um, around four o'clock, three o'clock.

24 Q. Tell us what you did when you arrived at his place?

25 A. When I got there I called into the house, and I did not

DRUSCILLA SUGGS HUNTER - DIRECT EXAMINATION

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1 get any answer, so I looked into the door. I still
2 didn't get an answer. So, I called into the house
3 again. So, I drove around the house and he had his car
4 parked around the house. So, I went around the house
5 and called him there. So, I knocked on the backdoor.
6 And I thought it was Levi. I said, Levi is this Drew,
7 and he opened the door. He was always opening the
8 door. So, I went back around front and the door was
9 open. So, I got out of my car and went into the house.
10 When I went into the house the door closed. And then
11 it was David standing behind the door with a knife.

12 Q. Ms. Hunter let me stop you. Let's just take a break
13 right there and talk about --- go back to when you
14 first got to the house. Was it common for you to call
15 Levi and tell him you were there?

16 A. Yeah, I always called him.

17 Q. What was the purpose of that?

18 A. To let him know it was me.

19 Q. So, when you called and there wasn't an answer, finally
20 you went to the front door. Describe what you mean by
21 it was opened. Was it unlocked, or was it physically
22 opened?

23 A. The door was physically opened.

24 Q. Physically opened.

25 A. Yes.

DRUSCILLA SUGGS HUNTER - DIRECT EXAMINATION

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1 Q. Did you see anyone before you walked in?

2 A. No, he always opened the door, so I didn't think
3 nothing about it.

4 Q. Do you recall when you walked into the house --- the
5 moment you walked into the house, what happened next?

6 A. Like I said, when I walk into the house the door
7 closed. When the door closed David was standing behind
8 the door with a knife.

9 Q. You said David. Do you know Douglas David Gregg?

10 A. Not really. I just know that he go to church with
11 Levi, that Levi would take him to church.

12 Q. So, you didn't know him well --

13 A. -- Not well.

14 Q. Could you recognize him?

15 A. Yes.

16 Q. Is David --- Who you refer to as David, who was there
17 that day seated in the courtroom today?

18 A. Yes, he is.

19 Q. And would you point him out?

20 A. Over there.

21 Q. All right. What happened after you saw him standing
22 there with the knife?

23 A. He closed the door --- I closed the door back and he
24 told me to sit on the floor, I did. And he told me to
25 take off my clothes, which I did. He followed me in

DRUSCILLA SUGGS HUNTER - DIRECT EXAMINATION

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1 the room and told me to put on Levi rob, which I did.
2 And he took my keys and my money. Then he took me in
3 my car went down a dirt road, and that is when I jumped
4 out and I ran for my life.

5 Q. Ms. Hunter, prior to him taking you into the car and
6 still in the house, did you see Levi?

7 A. Yes, I did.

8 Q. And where was Levi?

9 A. Laying on the floor face down, and was stabbed in the
10 back.

11 Q. You were just talking about when you jumped out of the
12 car. What was going through your mind right before you
13 jumped out of the car?

14 A. I seen what happened to my friend laying in the floor
15 it was like, Lord just let me get up out of here. And,
16 whatever I just need to get out of here and I just
17 jumped out and ran. Because I know he was going to
18 take my life, because I am --- I am a living witness.

19 Q. Ms. Hunter, when you jumped out of the car, did the
20 defendant in any way try to prevent you or stop you
21 from jumping out of the car?

22 A. Yes. Which I had some braids at that time. He pulled
23 my hair in the back, he pulled out a spot in the back
24 of my head when I was trying to get out.

25 Q. What happened after you were able to get out of the

DRUSCILLA SUGGS HUNTER - DIRECT EXAMINATION

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1 car, what did you do next?

2 A. I ran to --- I don't know her name. I ran to her house
3 and she helped me. She called the police and gave me
4 clothes.

5 Q. Ms. Hunter, when y'all left Levi's residence, did the
6 defendant have a knife?

7 A. Yes, he did.

8 Q. Did he put that knife down before leaving the
9 residence?

10 A. No, he took it with him.

11 Q. So, do you recall the knife being in the car?

12 A. Yes.

13 Q. And after you received help from that lady, do you
14 recall the police showing up?

15 A. Yes they did.

16 Q. Okay. And tell us a little about that?

17 A. They came up --- showed up, talking to --- I don't know
18 her name, like I said. I came out of the room and they
19 were talking to her. I came out of the room and they
20 were asking me like, what happened. I really couldn't
21 say anything because I was hysterical, I was upset.

22 Q. Ms. Hunter, do you recall what your cell phone number
23 was at the time on this date --- what your number was?

24 A. Yes, ma'am. It was 843-319-4139.

25 Q. If you will bear with me just a moment while I show you

DRUSCILLA SUGGS HUNTER - DIRECT EXAMINATION

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1 some pictures.

2 (PAUSE.)

3 **MS. PARKER:** Permission to approach the witness,
4 Your Honor?

5 **THE COURT:** Yes, ma'am.

6 **MS. PARKER:** For the Court's record, I am showing
7 Ms. Hunter State's Exhibits 4 and 6.

8 **THE COURT:** All right.

9 Q. What are those pictures of?

10 A. Levi house --- mobile home.

11 Q. Ms. Hunter what type of car did you drive back in June
12 2011?

13 A. A 2002 white Honda Accord.

14 **MS. PARKER:** I am showing the witness State's
15 Exhibit 16 and 18.

16 Q. What do these two show?

17 A. My car.

18 Q. So, that is a picture of your car?

19 A. Uh'huh.

20 Q. And the last thing I am going to show you is State's
21 Exhibit 23. Do you recognize what is in this picture?
22 And also it is a closer up, State's Exhibit 22.

23 A. The knife and blood.

24 Q. Ms. Hunter, at any time from when you left the
25 residence with Mr. Gregg and you jumped out of that

DRUSCILLA SUGGS HUNTER - DIRECT EXAMINATION

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1 car, did you feel free to leave?

2 A. No, not really.

3 Q. Tell us how it makes you feel to have that knife and
4 what he had asked you to do?

5 A. It make me feel very scared. I was just scared for my
6 life. I really was. I never, never had to go through
7 anything like that, never. It was just something very
8 scary --- very scary. Fear of life.

9 Q. Yes, ma'am. If you had had a choice, would you have
10 gotten in that car?

11 A. No, I would not. I did not have a choice.

12 MS. PARKER: Beg the Court's indulgence.

13 MS. PARKER: All right.

14 (PAUSE.)

15 Q. Ms. Hunter, we just showed you a picture of the car ---
16 a picture of your car. I don't know, State's Exhibit
17 16 shows the hood of the car. There is some front end
18 damage. Was that there prior to this day?

19 A. Are you asking me when I had it?

20 Q. Yes, ma'am.

21 A. No, ma'am.

22 Q. What exactly do you see --- describe for the jury?
23 What do you see on the front end of the car?

24 A. (No response.)

25 Q. Ms. Hunter, I am going to ask you a little bit about

DRUSCILLA SUGGS HUNTER - CROSS EXAMINATION

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1 Mr. Gregg. What kind of housekeeper was Mr. Gregg?

2 A. Levi?

3 Q. Tell us about his housekeeping abilities?

4 A. It wasn't bad. It wasn't bad. It was okay. It was
5 okay.

6 Q. Did he at least know how? Was everything in place, or
7 was it lived in?

8 A. It was lived in. I always told him he was like Fred
9 Sanford. But that what I always joke him about. But
10 it was decent.

11 MS. PARKER: That is all the questions I have for
12 you right now. Please answer any questions the defense may
13 have for you.

14 THE COURT: Mr. Jones.

15 MR. JONES: Yes, sir. Thank you. I do have a couple
16 of questions.

17 CROSS EXAMINATION BY MR. JONES

18 Q. And, I apologize, your name now is Ms. Hunter; is that
19 correct?

20 A. Yes, sir.

21 Q. Thank you. Ms. Hunter, tell me again, how long did you
22 and Mr. Levi Gregg were good friends?

23 A. Three years.

24 Q. Okay. And during those three years, how often would
25 you go to his house?

DRUSCILLA SUGGS HUNTER - CROSS EXAMINATION

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1 A. I use to go every Sunday.

2 Q. Okay. And, let me show you State's Exhibit 4 and 6.

3 Do you recognize those?

4 A. Levi house.

5 Q. Okay. I am going to show you State's Exhibit 7. Do
6 you recognize those numbers?

7 A. I really don't pay numbers no attention on the door,
8 sir.

9 Q. All right. Okay. So, you didn't know the address, but
10 you knew how to get there?

11 A. Yes, sir.

12 Q. Okay. And it is on Charles Drive, Charles Avenue; is
13 that correct?

14 A. Charles Drive.

15 Q. And that is in the Dovesville area; is that correct?

16 A. Yes, sir.

17 Q. All right. Now, during the three years that you and
18 Mr. Levi Gregg were close friends, how many times did
19 you see Mr. Douglas David Gregg?

20 A. Um, he comes over there ever now and again for Levi to
21 get cigarettes or something like that.

22 Q. More than two or three times during those three years?

23 A. I don't recall.

24 Q. You have no idea how many times?

25 A. Uh'huh.

DRUSCILLA SUGGS HUNTER - CROSS EXAMINATION

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1 Q. Okay.

2 A. It's not that often.

3 Q. Were there ever any times when Mr. Douglas David Gregg
4 would be in the house when you and Mr. Levi Gregg were
5 there?

6 A. No, sir.

7 Q. All right. And you said he came over to --

8 A. -- He would come over and get a cigarette. When it
9 comes to getting a cigarette, Levi don't usually really
10 never have.

11 Q. All right. Were there ever any times that you had a
12 meal together?

13 A. Say again?

14 Q. Were there ever any times when you and Mr. Levi Gregg,
15 and Mr. Douglas David Gregg would have a meal together?

16 A. No, sir.

17 Q. Never. Okay. Now, on June 12th of last year. Would
18 you describe that as a normal Sunday afternoon visit
19 that you were going to make to Mr. Levi Gregg's house?

20 A. Yes, sir.

21 Q. Okay. And I understood you to say that when you got
22 there, the front door was closed or locked?

23 A. That ain't what I said.

24 Q. Excuse me. Tell me what you said. When you pulled up
25 to the house --

DRUSCILLA SUGGS HUNTER - CROSS EXAMINATION

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1 A. When I got there I called into the house and I knocked
2 on the door.

3 Q. That would be the front door?

4 A. The front door.

5 Q. And did you try the handle?

6 A. No, sir.

7 Q. So, you don't know if it was locked or not?

8 A. No, sir.

9 Q. Okay. And, you did not get an answer?

10 A. No, sir.

11 Q. All right. What did you do next?

12 A. I called him again, and I knocked on the door, and I
13 went to the back door. And that is when I knocked on
14 the back door.

15 Q. And I apologize, but I understood you to say that you
16 drove around.--

17 A. -- I drove my car to the back.

18 Q. You got back in your car and drove back around?

19 A. Yes, sir.

20 Q. And did you do the same thing, you got out of the car
21 and tried the handle?

22 A. No, I knocked on the backdoor.

23 Q. You didn't have that handle either?

24 A. No.

25 Q. All right. You didn't get an answer at either one.

DRUSCILLA SUGGS HUNTER - CROSS EXAMINATION

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1 But I believe you said that you heard something; is
2 that right?

3 A. Yes, I did.

4 Q. All right. And would you describe what you heard
5 again. Did it sound like someone in the house?

6 A. Yes, sir.

7 Q. All right. What did you do then?

8 A. I heard somebody, and I said, Levi this is Drew.

9 Q. Were you at the front door or the back door?

10 A. I was at the back door.

11 Q. Tell me what happened next?

12 A. I drive back and forth to the back of the house, drove
13 back to the front of the house and blow the horn.

14 Q. You got back in the car, you drove back to the front
15 door?

16 A. Yes, sir.

17 Q. Okay. When you drove back that second time, which
18 direction was your car facing?

19 A. Facing like into the house.

20 Q. All right. Would the driver's door have been closer to
21 the front door or would the passenger door be closer to
22 the front door?

23 A. The driver's door.

24 Q. Okay. And when you got out, how far away would you say
25 you parked away from the steps? And I will show you a

DRUSCILLA SUGGS HUNTER - CROSS EXAMINATION

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1 picture, back to Exhibit Number 4. Specifically, that
2 is the front door we are talking about, that area right
3 there?

4 A. Uh'huh.

5 Q. How far would you say you parked away from that front
6 entrance area?

7 A. Probably about the side of the steps.

8 Q. And would the distance have been farther than from me
9 to you?

10 A. I don't recall. Maybe not.

11 Q. About this far?

12 A. Maybe.

13 Q. Closer?

14 A. Maybe.

15 Q. For talking purposes, let's say it is about this far.

16 All right? You got out of your car, you went to the
17 front door, and by that time I believe you said it was
18 open?

19 A. Yes, sir.

20 Q. And you went inside; is that correct?

21 A. Yes, sir.

22 Q. And, did anyone pull you inside, or did you enter the
23 house of your own volition?

24 A. I just walked in.

25 Q. Okay. And, I believe you said the door closed and

DRUSCILLA SUGGS HUNTER - CROSS EXAMINATION

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1 there Mr. Douglas David Gregg was holding a knife; is
2 that right?

3 A. Yes, sir.

4 Q. Did you have a conversation with him?

5 A. I don't recall.

6 Q. You don't recall any words being spoken?

7 A. He told me to sit on the floor and that's about it.

8 Q. How about to take your clothes off?

9 A. Yes. He told me to take off my clothes.

10 Q. Before or after you sat on the floor.

11 A. Once I sat on the floor he told me to take off my
12 clothes.

13 Q. Okay. Did he ask you for any money or for your cell
14 phone?

15 A. Yes, he did.

16 Q. Was that before or after he asked you to take your
17 clothes off?

18 A. Before.

19 Q. All right. Were you able to produce your cell phone?

20 A. What do you mean by that?

21 Q. How did he get your cell phone?

22 A. He took it from me.

23 Q. And where was it?

24 A. It was in my hand.

25 Q. All right. And as you are sitting on the floor, he

DRUSCILLA SUGGS HUNTER - CROSS EXAMINATION

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1 took your cell phone; is that correct?

2 A. Yes, sir.

3 Q. How about your money? Where was your money?

4 A. It was in my pocketbook.

5 Q. And where was that?

6 A. He told me to take it out and give it to him, so I did.

7 Q. Were you holding your pocketbook?

8 A. I had it sitting down on the floor beside me.

9 Q. Okay. And other than those few phrases, telephone,
10 money, clothes, did you have any other conversation
11 with Mr. Douglas David Gregg?

12 A. No, sir.

13 Q. All right. How did you get back to the car to leave
14 with him?

15 A. How did I get back to the car? Because he had a knife
16 and he told me to give him the car.

17 Q. All right. Describe how the two of you exited the
18 house?

19 A. We just left.

20 Q. Who went first?

21 A. He had me out of the door first.

22 Q. Did you stop and lock the door?

23 A. Yeah, he locked the door. I didn't.

24 Q. Were you on the porch, or had you already gone down the
25 steps?

DRUSCILLA SUGGS HUNTER - CROSS EXAMINATION

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1 A. We were both still on the porch.

2 Q. All right. Did he have his hands on you in anyway?

3 A. No, he didn't.

4 Q. Now, let me go back to Number 4, again. The mobile
5 home with the tape around it, that is Mr. Levi Gregg's
6 house; is that correct?

7 A. Uh'huh.

8 Q. And do you know who lived in that house right there?

9 A. No, sir.

10 Q. Do you know if anybody lived in that house right there?

11 A. No, I didn't.

12 Q. Okay. And during the three years that you were there,
13 did you ever notice any activity around that house?

14 A. No, sir. I don't never go --- I just go and visit
15 with Levi.

16 Q. During your three years, did you notice anybody else
17 living in the neighborhood?

18 A. There are a lot of people that live in there.

19 Q. The houses are pretty close together out there aren't
20 they?

21 A. Uh'huh.

22 Q. Were most of them the distance between those two? Were
23 most of the houses about that far way, or were most of
24 them farther away?

25 A. Some of them were farther.

DRUSCILLA SUGGS HUNTER - CROSS EXAMINATION

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1 Q. Quite a few houses on that road?

2 A. Yes, sir.

3 Q. All right. Now, when you got down the steps, did you
4 get in the car first, or did Mr. Douglas David --- I'm
5 sorry, do you call him David?

6 A. Yes, sir.

7 Q. All right. Did David get in the car first, or did you
8 get in the car first?

9 A. We both got in the car at the same time.

10 Q. Did he walk you around to the passenger side?

11 A. No, he told me to get in.

12 Q. Did you say the driver's door was the closest to the
13 step? Is that right?

14 A. Uh'huh.

15 Q. Did you walk around the front or the back of the car?

16 A. I don't recall. I don't know.

17 Q. Okay. During the time that you were walking around
18 either the front or the back of the car, did you ever
19 think about running?

20 A. Yeah. I mean --

21 Q. But he wasn't holding onto you?

22 A. No, sir.

23 Q. All right. Did he have the knife in his hand the whole
24 time?

25 A. Yes, sir.

DRUSCILLA SUGGS HUNTER - CROSS EXAMINATION

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1 Q. Did he say, get in the car or I'm going to kill you?

2 A. He said, get in the car.

3 Q. Okay. Did he say I'm going to hurt your, or I'm not
4 going to hurt you?

5 A. I don't recall.

6 Q. All right. When you left the house with David driving
7 the car, how far was it --- Wasn't it Gee Money Street
8 where he dropped that --- Do you know the name of the
9 road?

10 A. I didn't know anything about the name of it.

11 Q. Was it right around the corner?

12 A. I didn't think so.

13 Q. All right. Do you remember a fellow coming out to the
14 car?

15 A. No, sir.

16 Q. Do you know what you were doing there on that street?

17 A. We went down a dirt road.

18 Q. Did he stop the car?

19 A. He stopped.

20 Q. Did somebody come to the door?

21 A. (No response.)

22 Q. Do you recall anybody coming to either side of that
23 car?

24 A. No, sir.

25 Q. All right. Could that have happened and you just don't

DRUSCILLA SUGGS HUNTER - CROSS EXAMINATION

127

1 remember?

2 A. Could have.

3 Q. Okay. Had you ever been down that road before?

4 A. No.

5 Q. All right. When you went to Charles Street, how did
6 you get there? You didn't drive down that road?

7 A. Um.

8 Q. Do you remember what road you drove down to get to
9 Charles Street?

10 A. I would not --- it was a main highway turning down
11 Charles. I don't know.

12 Q. Do you know what that burned down store is right there
13 at the intersection?

14 A. Yes.

15 Q. Okay. When you went to the residence --- were you
16 coming, did you have to pass that store to get to the
17 road that you turned on?

18 A. Yes, sir.

19 Q. And then you would turn to the right to go past that
20 burned out store?

21 A. Yes, sir.

22 Q. All right. And you went straight down that dirt road,
23 and it kind of wound around and it got to Charles
24 Street; is that right?

25 A. No, straight down a paved road.

DRUSCILLA SUGGS HUNTER - CROSS EXAMINATION

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1 Q. All right. Tell me how far it was?

2 A. Sir, I don't recall that.

3 Q. You have been going there for three years?

4 A. Yes, I have, but I can't recall.

5 Q. All right. When you got out of the car, I believe your
6 testimony was that your hair got grabbed?

7 A. Yes, sir.

8 Q. Were you injured in any way?

9 A. Skinned my knee up.

10 Q. And how did that happen?

11 A. When I ran out of the car.

12 Q. Did you skin it on the door, or did you fall down?

13 A. On the pavement and that's it.

14 Q. Did you have to run in front of the car to run towards
15 the residences?

16 A. Yes, sir.

17 Q. All right. Do you recall anything about that
18 neighborhood? Can you describe that neighborhood to
19 me?

20 A. No, sir.

21 Q. Not at all. All right. How did you happen to run into
22 the residence that you ran to?

23 A. People were outside --- people were outside.

24 Q. You saw people?

25 A. Well, she was outside back at the swimming pool.

DRUSCILLA SUGGS HUNTER - CROSS EXAMINATION

129

1 Q. All right. And that is where you ended up at Ms.
2 Graham's house; is that correct?

3 A. Yes.

4 Q. During the three years that you and Mr. Levi Suggs were
5 friends, did he tell you anything about David Gregg?

6 A. No, sir. Not really.

7 Q. Then how do you know that they were going to church
8 together?

9 A. Because Levi tells me he takes him to church. He goes
10 to the same church Levi goes to.

11 Q. All right. So, let's start that question again.
12 During those three years, he did tell you a little
13 something about David Gregg?

14 A. That David goes to church where he goes to; yes, sir.

15 Q. Okay. All right. And during those three years you saw
16 him every so often come over and ask for a cigarette?

17 A. Yes, sir.

18 Q. All right. Did he tell you anything about Mr. David
19 Gregg coming to his house fairly regularly?

20 A. No, sir.

21 Q. Didn't know that? Don't know anything about that?

22 A. No, sir.

23 Q. All right. Did he tell you anything about Mr. David
24 Gregg smoking crack at his house?

25 A. No, sir.

DRUSCILLA SUGGS HUNTER - CROSS EXAMINATION

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1 Q. All right. Did you see any evidence in the house at
2 any time that anyone other than Levi Gregg had been
3 living in the house?

4 A. No, sir.

5 Q. Would it surprise you if Mr. David Gregg was in fact
6 smoking crack at Levi Gregg's house?

7 A. You say would it --- what now?

8 Q. Would that fact surprise you if it were true?

9 A. It's not true.

10 Q. That's not what I asked you. I said, would it surprise
11 you if it was true?

12 A. Yes.

13 Q. Okay. All right. Now, a couple more questions. When
14 you got to the house that day. Let me show you State's
15 Exhibit Number 15. Does that accurately depict what
16 you saw when you got to the house?

17 A. No, sir.

18 Q. Why not?

19 A. Because --

20 Q. -- Tell me what it looked like?

21 A. There was stuff all over the floor.

22 Q. That is all that you saw when you got to that house?

23 A. Uh'huh.

24 Q. Who did that?

25 A. I have no idea.

DRUSCILLA SUGGS HUNTER - CROSS EXAMINATION

131

1 Q. What you are telling me is that State's Exhibit 15
2 doesn't look anything like the house that you saw that
3 day?

4 A. It wasn't like that. No, sir.

5 Q. How about State's Exhibit Number 11. Do you have any
6 idea where that is in the house?

7 A. No idea.

8 Q. Do you know if that is even in the house?

9 A. I don't know, sir.

10 Q. All right. How about State's Exhibit 10, any idea
11 where that is?

12 A. Uh'huh.

13 Q. You don't know if that is in the house or not?

14 A. No, sir.

15 Q. All right. Do you recognize that counter right there;
16 yes or no?

17 A. That is the kitchen counter.

18 Q. In Mr. Levi Gregg's house?

19 A. Uh'huh.

20 Q. Okay. I am going to show you State's Exhibit 9. Do
21 you recognize that?

22 A. It looks like a kitchen.

23 Q. Of Mr. Levi Gregg's house?

24 A. Uh'huh.

25 Q. So, if show you again Number 10 and 11, do you now

DRUSCILLA SUGGS HUNTER - CROSS EXAMINATION

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1 recognize those two as being in Mr. Levi Gregg's house?

2 A. Yes, that is his house.

3 Q. Okay. Is there a cassette player around, do you know?

4 There are a lot of cassette tapes on --

5 A. -- It might have.

6 Q. Okay. Do you have any idea if that is what it looked
7 like on June 12, 2011?

8 A. I wasn't looking around, I don't know.

9 Q. You are not sure?

10 A. Uh'huh.

11 Q. All right. Let me show you a couple more. Let me show
12 you State's Exhibit 19, Number 24, and Number 23.
13 Let's go in order. Exhibit 19, 23 and 24. Can you
14 tell me what those are pictures of?

15 A. That is my car.

16 Q. All right. Now, on June 12, 2011, when you exited the
17 car, were those two items, that pair of scissors, the
18 knife, and whatever that white thing is, were those in
19 your car?

20 A. The knife was.

21 Q. How about the scissors and the white thing? Do you
22 recognize either one of those?

23 A. The scissors.

24 Q. Are they yours or somebody else's?

25 A. I don't know.

DRUSCILLA SUGGS HUNTER - CROSS EXAMINATION

133

1 Q. Are they yours?

2 A. I had some in there, I don't know if those are mine or
3 not.

4 Q. Okay. But, you did have a pair of scissors in your car
5 on June 12, 2011?

6 A. I keep a pair of scissors.

7 Q. All right. So, those could have been, but you are not
8 sure?

9 A. Uh'huh.

10 Q. How about State's Exhibit Number 24, which is the same
11 question. Does that look like your car when you exited
12 your car on June 12, 2011?

13 A. You trying to ask me was that cups and stuff in there?

14 Q. Yes.

15 A. I don't know about the cups, sir.

16 Q. How about the blue thing. What is that?

17 A. I have no idea.

18 Q. It is not yours?

19 A. I'm not trying to be --- but I keep my insurance cards
20 in. It must have been in my glove compartment.

21 Q. Do you know what that is there on the bottom that looks
22 like string? Any idea what that is?

23 A. It looks like a seat --- a thread from the seat cover.

24 Q. So, those seat covers were in the car, no question
25 about that?

DRUSCILLA SUGGS HUNTER - CROSS EXAMINATION

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1 A. Yes, sir.

2 Q. All right. Before --- Let me phrase it this way. From
3 the time that you and David Gregg got into your car at
4 Mr. Levi Gregg's house, until the time when you were
5 able to jump out of the car, was there any conversation
6 between you and David Gregg?

7 A. No, sir.

8 Q. He didn't say a word?

9 A. (No response.)

10 Q. Was there at anytime after you got into the residence
11 on June 12th, into Mr. Levi Gregg's residence on June
12 12th, did you and Mr. David Gregg have a conversation
13 about buying crack cocaine?

14 A. No, sir.

15 Q. No mention whatsoever about the word crack cocaine?

16 A. No, sir.

17 Q. Okay.

18 MR. JONES: One second, Your Honor.

19 (PAUSE.)

20 Q. I am sorry if I asked this. You said that you had some
21 braids in your hair on June 12th of last year?

22 A. Uh'huh.

23 Q. Okay. And I think you said that Mr. David Gregg
24 grabbed your hair?

25 A. Uh'huh.

DRUSCILLA SUGGS HUNTER - REDIRECT EXAMINATION

135

1 Q. If I asked I apologize. Were you injured as a result
2 of the braids being grabbed?

3 A. He pulled some of my hair out of the back.

4 Q. Okay. And I apologize, I don't know. Does that hurt?

5 A. You pulling it from the scalp, yes, sir.

6 Q. Does that damage your hair? Would there have been a
7 cut or a tear in your hair?

8 A. There was a spot in the back of it.

9 Q. Did you have to receive any medical attention? Do you
10 remember?

11 A. Not from that, no.

12 **MR. JONES:** That is all I have. Thank you.

13 **THE COURT:** Anything on redirect?

14 **MS. PARKER:** Just briefly, Your Honor.

15 **REDIRECT EXAMINATION BY MS. PARKER**

16 Q. Ms. Hunter, how would you describe your state of mind
17 as of the moment you walked in the front door of that
18 house and that door closed? In other words, what is
19 your ability to remember the details, the condition of
20 the house was, and where things were, and etcetera?
21 Do you remember how it was?

22 A. No.

23 Q. What kind of state of mind do you think you were in to
24 notice all of the details that Mr. Jones was asking you
25 about?

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1 A. I don't recall it looking like that.

2 Q. What about when y'all got in the car, and on the way to
3 the car? What kind of state of mind were you in is
4 what I am asking?

5 A. I was in a terrible state of mind. I was just
6 thinking about my life. Like I said, I was afraid he
7 was going to do the same to me.

8 Q. Would it be correct to describe that maybe you were in
9 fight or flight mode?

10 A. Yes.

11 Q. Do you know what that is? Fight or flight? That
12 terminology, flight or fight?

13 A. Yes.

14 Q. Do you think you were in that state of mind?

15 A. Yes.

16 **MS. PARKER:** No further questions.

17 **MR. JONES:** I have one.

18 **THE COURT:** All right.

19 **RE-CROSS EXAMINATION BY MR. JONES**

20 Q. What does that mean to you, fight or flight?

21 A. Just like how to save your life.

22 Q. All right. Were you fighting him?

23 A. No, sir.

24 Q. All right. Were you trying to flee?

25 A. What do you mean? No, sir.

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1 Q. All right. But you got out of the car and ran?

2 A. Yeah. I was running for my life. Yes.

3 Q. Why didn't you run for your life when you walked down
4 the stairs, when Mr. Gregg got in the car and you had
5 to walk around to the other side?

6 A. Because I had to do what he says, he had a knife.

7 Q. Did he not have a knife in the car when you jumped out
8 and ran?

9 A. Yes, he did.

10 Q. What changed?

11 A. Nothing changed. I just ran for my life.

12 Q. Okay.

13 MR. JONES: Thank you.

14 THE COURT: Thank you very much, ma'am. You may
15 step down.

16 We are going to take a short break at this time.

17 Ladies and gentlemen, I am going to ask you to step into
18 your jury room. If you need anything, please let the
19 bailiffs know. Please have no conversation about the case.
20 You can talk about anything else, but you are not to talk
21 about the case. And we will get started back in just a
22 little bit.

23 (Whereupon, the jury exits the courtroom at
24 11:30 a.m.)

25 THE COURT: All right. We will be in recess for

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1 about five to ten minutes.

2 (Whereupon, a recess was taken from 11:30
3 a.m. until 12:10 p.m.)

4 THE COURT: All right. Is the state ready to
5 proceed?

6 MR. HOLT: We are, Your Honor.

7 THE COURT: Is the defense ready?

8 MR. JONES: Yes, sir.

9 THE COURT: All right. Bring the jury out.

10 BAILIFF: All right, sir.

11 (Whereupon, the jury enters the courtroom at
12 12:14 p.m.)

13 THE COURT: Call your next witness, please.

14 MS. PARKER: Thank you, Your Honor. At this time
15 the state calls Ms. Ella Graham.

16 THE COURT: Ms. Graham, please come forward.

17 WHEREUPON, ELLA GRAHAM

18 AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS

19 MS. GRAHAM: I do.

20 DIRECT EXAMINATION BY MS. PARKER

21 Q. Good afternoon. It is now afternoon. Would you please
22 state your full name for the record?

23 A. Ella Maria Graham.

24 Q. And, Ms. Graham, where do you live?

25 A. , Darlington.

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1 Q. And what area of Darlington County is that in?

2 A. Dovesville.

3 Q. And, I want to take you back. Do you recall June 12,
4 2011?

5 A. Yes, ma'am.

6 Q. What day of the week was that? What were you doing
7 that Sunday?

8 A. We was just out in the yard playing basketball. The
9 kids were in the swimming pool. Just all around doing
10 yard activities type of things.

11 Q. Okay. How many people would you say were over at your
12 house that day?

13 A. There were a lot of them. I can't recall exactly the
14 amount, but there was probably more than about ten.

15 Q. Was there anything special going on that particular
16 Sunday?

17 A. One of my nephews is in the military, in the Navy, and
18 he had came home from being on the war for maybe six or
19 seven months. So, we were all just grilling out.

20 Q. Grilling out. Okay. Now, you just described the scene
21 where you all were out in the yard; doing things that
22 you commonly do in the summer, grilling out on a Sunday
23 afternoon. Was there anything out of the ordinary that
24 happened that afternoon?

25 A. Yes, ma'am.

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1 Q. And please tell the jury and tell the Court a little
2 bit about what happened?

3 A. We looked up and coming through the path of the yard
4 was a lady running hysterically with no clothes on
5 whatsoever.

6 Q. Ms. Ella, I am going to ask you to speak up just a
7 little bit.

8 MS. PARKER: Is she good?

9 MADAME COURT REPORTER: Yes..

10 MS. PARKER: I am having a little bit of trouble
11 hearing you all the way back here.

12 Q. Okay. So, describe again what you saw. What direction
13 was she coming from?

14 A. She was coming from where the mailbox is at the end of
15 the road, and came through the yard just a running and
16 she was hollering. But, I didn't know what she was
17 saying at the time, because like is said, she was
18 coming to where we were at.

19 Q. Okay. Was she wearing any clothes?

20 A. No clothes.

21 Q. What --- What kind of state was she in? How did she
22 act, ma'am? What did you observe?

23 A. She was hysterical. She was just hollering.

24 Q. Did you understand her to say anything?

25 A. I couldn't make out what she was saying, but she was

ELLA GRAHAM - DIRECT EXAMINATION

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1 saying something. It took a lot to understand what she
2 was saying.

3 Q. Okay. Eventually, did you understand what she said?

4 A. Yes, ma'am.

5 Q. What was it that she said?

6 A. She kept screaming Gregg killed Levi.

7 **MR. JONES:** Hearsay, Your Honor.

8 **THE COURT:** Sustained to the hearsay.

9 Q. And, describe what you did. What did you do for her
10 after she approached you in the yard?

11 A. Well, first I took her in the house and I tried to find
12 something to put on for her, to calm her down. But,
13 she grabbed hold to me and she had such a stone grip.
14 And once I got her to let loose, I got her a top and a
15 pair of pants.

16 Q. What did she cling a hold of?

17 A. She clinged to my shoulders, and wouldn't let go.

18 Q. Okay. And after you got her some cloths?

19 A. It kind of calmed her down a little bit. Because like
20 I say, she was out of it.

21 Q. And after she calmed down a little bit, did y'all call
22 911?

23 A. Yes, ma'am.

24 Q. Who called 911?

25 A. I did.

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1 Q. Okay. And after 911 was called, what happened next?

2 A. We continued to try to talk to her, try to calm her
3 down. And she managed to give me her mother's phone
4 number, and I was just trying to call somebody for her.

5 Q. Do you recall --- Did the police respond to your
6 residence?

7 A. Yes, ma'am, they did.

8 Q. And, what happened after they got there?

9 A. When the police got there and I explained to them what
10 she told us, and after they wrote down what she said,
11 we went to the trailer park where the attacking at, but
12 she wasn't sure of the address. And I wanted to make
13 sure they knew which trailer she was talking about, so
14 we followed the police over. The next street over.

15 MS. PARKER: Beg the Court's indulgence. That is
16 all the question from the state. Please answer any
17 questions the defense may have?

18 CROSS EXAMINATION BY MR. JONES

19 Q. Hi, Ms. Graham.

20 A. Hello.

21 Q. Ms. Graham, tell me your address again?

22 A.

23 A. And Gee Money is how far away from Charles?

24 A. Probably one street over.

25 Q. And to get to Charles, how do you go from your house?

ELLA GRAHAM - CROSS EXAMINATION

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1 A. Well, I don't need to get to Charles for anything.

2 Q. Well, for instance that day, when you went from your
3 house to around there with --

4 A. I proceed down Gee Money Drive onto the Dovesville
5 Highway down to Charles Street.

6 Q. All right. And I referenced that burned out building
7 right there.

8 A. That is Jim Keith's Store.

9 Q. And you went by that?

10 A. No, sir. No, I don't have to go out there. You figure
11 my house is behind the burnt building like on a back
12 street.

13 Q. So, you went out to the left and went down?

14 A. Yes, sir.

15 Q. Okay. Now, from your house to Gee Money, how far is
16 that, would you say? The actual road to your house?

17 A. To Gee Money?

18 Q. Yes, ma'am.

19 A. My house probably sit maybe a hundred feet from Gee
20 Money.

21 Q. And between your house and Gee Money, is there a line
22 of either occupied or empty homes?

23 A. My sister-in-law in one house and my brother-in-law in
24 another.

25 Q. Okay. And is there a barn --

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1 A. -- A shop or a garage.

2 Q. A shed. Okay. So, if I am on Gee Money, to get to
3 your house, I have to pass down either a driveway past
4 those mobile homes?

5 A. You have to drive through one sister's yard in order to
6 get to my house.

7 Q. Okay. Is your house the closest, except for those two
8 houses, is there another house closer to Gee Money than
9 yours?

10 A. Yes, sir.

11 Q. Whose house is that?

12 A. Jabo's house is on the corner right by the mailbox.
13 His name is Lester Sharper.

14 Q. And I'm not sure where that mailbox is. Tell me where
15 we are talking about?

16 A. It is on the intersection where Cedar Ridge Road and
17 Gee Money meets.

18 Q. Cedar Ridge is the road that goes by that burned out
19 store?

20 A. No, sir. That would be Dovesville Highway. You got it
21 on both sides. You got one road here and one road
22 there, and the store is like on the front of the mail -
23 -- highway, 52.

24 Q. Okay.

25 A. So, you have two road on both that you can take on this

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1 side of the house.

2 Q. And the mobile home you said, your sister or sister-in-
3 law lives in one of them?

4 A. Yes, sir.

5 Q. Was she at home that day?

6 A. I don't think so.

7 Q. Okay. And don't you have a brother that lives close?

8 A. Yes, sir.

9 Q. Where does he live in relationship to your house?

10 A. Well, at the time the house was there, but him and his
11 wife was living in Bennettsville. The house was just a
12 vacant house that was sitting there.

13 Q. Okay. And what is his name?

14 A. Matthew Graham.

15 Q. Matthew. Okay. Who is Pappy?

16 A. That is my nephew.

17 Q. That is your nephew. Okay. Does he live closer to you
18 or --

19 A. -- he would be in the house where my husband sister
20 stays, that first house.

21 Q. Okay. Would his house have been closer to Gee Money
22 than your house?

23 A. Yes, sir.

24 Q. Okay. What is his real name?

25 A. Randy.

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1 Q. Is he a Brown?

2 A. Yes, sir.

3 Q. And who is Wutang?

4 A. He is just a person in the neighborhood.

5 Q. And where does he live?

6 A. He lives down the road, probably about four or five
7 miles.

8 Q. He doesn't live in that shed sometimes? He doesn't
9 stay in that shed?

10 A. He may, I mean.

11 Q. Do you know his real name?

12 A. Wallace George.

13 Q. Say that again, please?

14 A. Wallace George.

15 Q. Wallace George. Okay. Did you see either Pappy or
16 Wutang that day?

17 A. Yes, sir. They were all out in the yard.

18 Q. Okay. They were at your house?

19 A. When I say my house, there is like a basketball court
20 in the front yard. So, you know, we are generally
21 around the basketball area.

22 Q. Were either of those two people closer to the road than
23 you were?

24 A. I'm not sure.

25 Q. Except for the gathering around your house, was there

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1 any other activity on that street?

2 A. I'm not sure, I was at my house, so you know, I don't
3 know about what was going on anyplace else.

4 Q. Now, I visited your house, have I not?

5 A. Yes, sir.

6 Q. Okay. And do you have a different house now than when
7 I was there?

8 A. Yes, sir.

9 Q. When did you change houses?

10 A. September of this year.

11 Q. All right. That answers that question. Thank you. Is
12 there a swimming pool around your house?

13 A. Yes, sir.

14 Q. Is it still there?

15 A. Yes, sir.

16 Q. In relation to the street and then your house?

17 A. It is behind my house.

18 Q. It is behind your house?

19 A. Yes, sir.

20 Q. And, where is the basketball court?

21 A. In the front yard.

22 Q. And tell me again who you think was all around --- you
23 said about ten people?

24 A. Or better.

25 Q. And tell me who they were?

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1 A. There was me, my husband, my grandson, I have custody
2 of a little girl, like I said, Pappy, Wutang, Marcus.

3 Q. Who is Marcus?

4 A. That is my nephew from the Navy who was home. His wife
5 and kids.

6 Q. How many children?

7 A. He has two. And I think his brother was there with his
8 wife and kids, and they have three kids. It was just
9 like a family gathering.

10 Q. Now, did any of those --- Were any of those people
11 there when Ms. Hunter came running through the yard?

12 A. They were all there when she came up.

13 Q. All right. Did any of them have interaction with her,
14 or just you?

15 A. I don't believe any of them had anything to do with
16 her.

17 Q. Do you remember what time of day it was?

18 A. It was after church, so it had to be after two or
19 three.

20 **MR. JONES:** One second please, Your Honor.

21 **THE COURT:** Yes, sir.

22 **(PAUSE.)**

23 Q. I think I have asked this. Tell me how far is it from
24 your house it is to Levi Gregg's house where you took
25 Ms. Hunter?

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1 A. You have to pass by --- it is one street over, so I am
2 not sure about how far it is, but it is not on the same
3 street.

4 MR. JONES: Thank you, that is all I have.

5 THE COURT: Is there any redirect?

6 MS. PARKER: No redirect, Judge.

7 THE COURT: Thank you very much. You may step down.

8 MR. HOLT: Your Honor, at this time the state would
9 like to call Deputy Jim Goins.

WHEREUPON, JIM GOINS**AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS**

12 MR. GOINS: I do.

DIRECT EXAMINATION BY MR. HOLT

14 Q. Please give your whole name and occupation for the
15 jury.

16 A. Jim Goins, I am a Patrol Lieutenant now with the
17 Darlington County Sheriff's Office.

18 Q. How long have you been in law enforcement?

19 A. Twenty-three and a half years.

20 Q. How long of that has been with Darlington?

21 A. Seventeen years.

22 Q. Now, on June 12, 2011, what was your rank, what were
23 your duties, and what kind of work did you do for
24 Darlington County Sheriff's Office?

25 A. On that day I was a Sergeant with the patrol division,

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1 and I was assisting the shift that was working that
2 day. I was working the Hartsville area.

3 Q. Were Alex Gainey and Jessie King working for you that
4 day?

5 A. No, they were not.

6 Q. And, did you somehow become involved in Charles Street,
7 in this murder right here, the murder of Levi Gregg?

8 A. When the call came out to Deputy Gainey, Lieutenant
9 Leonard was the shift supervisor. He was busy on
10 another call. And when the --- when Gainey arrived on
11 the scene, he called the information out to myself and
12 several other units proceeded to Charles Drive to
13 assist him.

14 MR. HOLT: And, Your Honor, if I could approach with
15 some maps that are strictly going to be used for
16 identification by the officer, not placed into evidence.

17 Q. Now, Mr. Goins, if you could just stand up and show us,
18 on June 12, 2011, what location did you get called out
19 to by Alex Gainey?

20 A. The address on Charles Drive, right here.
21 Drive.

22 Q. And you were there basically filling in for their shift
23 supervisor who was not there?

24 A. That's correct.

25 Q. Okay. So, what did you start doing when you arrived

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1 there?

2 A. When I arrived on the scene, Ms. Suggs was there, and I
3 got the information from Ms. Suggs, the description of
4 her vehicle. The information who the vehicle was
5 registered to. At that point, I went online to our
6 member services to obtain the vin number, and tag
7 number, and a description of her vehicle. At that time
8 I informed dispatch to bolo the information out with
9 the tag number.

10 Q. Mr. Goins, hold on. When you say bolo, can you tell
11 the jury what that means?

12 A. Well, yeah, it is dispatching all the information out
13 pertaining to the vehicle. Any information of the
14 suspect, or who is in the vehicle, or maybe in the
15 vehicle, they send out that information. If they also
16 send out information if the person is dangerous, or
17 armed, or that nature. Basically to let the officers
18 know if they come encounter with the vehicle to be
19 aware of.

20 Q. All right. What does B-O-L-O stand for?

21 A. Right off --

22 Q. I don't know either if that makes you feel better. So,
23 once you put the bolo out, all local law enforcement is
24 looking for what you described as a what; a white
25 Honda?

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1 A. Yes, that is correct.

2 Q. All right. So, did you eventually get a call back, or
3 did somebody alert you --- what happened next?

4 A. Well, I --- at point we notified Lieutenant Hodges, who
5 was the investigator on call, and also Kevin Street who
6 was the staff officer on call. The bolo was sent out.
7 Society Hill units observed a vehicle and became
8 involved in chase with the vehicle. Several units
9 through myself proceeded to set up perimeter to the
10 vehicle. And that would be this here. Myself and --
11 - we went and it is not on here, but we went to an area
12 of Bethlehem and Old Camden, which is here. We came up
13 to Bethlehem and Old Camden and waited, because we
14 could hear Society Hill units calling it in to us.
15 When the vehicle passed, the Society Hill unit was
16 behind him, and the subject was in the vehicle, at that
17 time turned and looked at our vehicles. And he turned
18 off the roadway, went behind in the exact location ---
19 stopped on the wood-line right here. Stopped on the
20 wood-line.

21 Q. Where he turned at, what is right there?

22 A. That is two mobile homes right here..

23 Q. Okay.

24 A. When he turned and went toward the wooded area, as I
25 turned in I seen him run into the wood-line here. At

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1 that point we stopped. The dog --- the K-9 was on the
2 way. We waited for the K-9 Unit. We did not proceed
3 into the wood-line area.

4 Q. Why did you not proceed into the wood-line at that
5 time?

6 A. The dog is also a tracking dog, and we did not want to
7 interfere with the dog tracking who exited that
8 vehicle.

9 Q. And, just once again on the map right there behind you.
10 Can you just point for the jury and show them where you
11 started at.

12 A. Where we started at was --

13 Q. Where you first became involved.

14 A. Right here at Drive is actually where I
15 was at.

16 Q. Where you said the vehicle --- You said you were at
17 Bethlehem and Old Camden.

18 A. Yeah.

19 Q. Can you kind of show us on that map approximately ---
20 just approximately where that would be?

21 A. Bethlehem and Old Camden is somewhere up in this area
22 here.

23 Q. And, after you said you saw him run into the woods,
24 what did you do then?

25 A. We did not proceed in until the K-9 Unit got there.

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1 And once K-9 got there, myself, I just patrolled around
2 the area. Units called and said they had recovered the
3 subject that was in the wooded area. At that point I
4 drove into a old lumber road that comes all the way in,
5 and I picked up the subject that they had in custody,
6 which at that time they secured him in my vehicle, and
7 I transported him to the jail. Nothing was said to
8 him. He never said anything on the way to the jail,
9 and he was turned over to the jail personnel.

10 **MR. HOLT:** Thank you, very much. Please answer any
11 questions Mr. Jones may have.

12 **CROSS EXAMINATION BY MS. WISE**

13 Q. Yes, Deputy Goins, did you enter the house of Mr. Levi
14 Gregg's residence?

15 A. No, I did not.

16 **MS. WISE:** No further questions, Your Honor.

17 **THE COURT:** Thank you very much. You may step down.

18 **MR. GOINS:** Thank you, sir.

19 **THE COURT:** Ladies and gentlemen, we are going to
20 break for lunch at this time. If you will recall from my
21 instructions now, please have no conversations with anyone
22 about the case. Just enjoy your lunch break. I am going to
23 ask you to be back here at two o'clock, and that gives you
24 about an hour and twenty-five minutes. So, please be back
25 here in your jury room at two o'clock, and we will get

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1 started after everyone assembles.

2 So, everyone else remain seated. Ladies and gentlemen,
3 see you back at two o'clock.

4 (Whereupon, the jury exits the courtroom at
5 12:36 p.m.)

6 **THE COURT:** All right. Anything we need to take up
7 before we break for lunch?

8 **MR. JONES:** No.

9 **THE COURT:** All right. Start back at two o'clock.
10 The Court will be in recess until that time.

11 (Whereupon, a lunch recess was taken from
12 12:36 p.m. until 2:07 p.m.)

13 **THE COURT:** Anything from the state?

14 **MR. HOLT:** Just briefly, Judge, before the jury comes
15 out. The state would ask that Ms. Ella Graham and Ms.
16 Druscilla Suggs be allowed to leave.

17 **MR. JONES:** We have no objections.

18 **THE COURT:** All right. The Court will allow them to
19 leave.

20 Let me bring something to y'all's attention that was
21 brought to Mr. Suggs' attention.

22 First of all, Mr. Legg, the first alternate, he let Mr.
23 Suggs know that he didn't realize it until he actually saw
24 his face, but he does in fact know Joe Peavy. I think they
25 --- He said they had gone to church together about fifteen

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1 years ago. He said he doesn't have a relationship with him,
2 he doesn't know him, and he really has not had any contact
3 with him. He just recognized him as someone he went to
4 church with about fifteen years ago. He said it would have
5 absolutely no effect on his ability to be fair and
6 impartial. But he just felt like we needed to know that,
7 because he didn't stand up about knowing him. So, I am
8 happy to allow you to question him further on that. But
9 that is what he has conveyed to the clerk.

10 MR. JONES: Your Honor, I think we ought to put that
11 on the record.

12 THE COURT: All right.

13 MR. JONES: Yes, sir.

14 THE COURT: Do you want him to be put that on the
15 record --

16 MR. JONES: No, if you will question him concerning
17 that.

18 THE COURT: All right. Well, let's get Mr. Legg to
19 step out. Mr. Legg?

20 MR. LEGG: Yes, sir.

21 THE COURT: Mr. Suggs brought to my attention that
22 prior to you viewing Mr. Peavey, you do remember him from
23 some time back?

24 MR. LEGG: Yes, sir.

25 THE COURT: I think y'all attended church together?

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1 **MR. LEGG:** Yes, sir.

2 **THE COURT:** All right. And that was about fifteen
3 years ago; is that correct?

4 **MR. LEGG:** Approximately ten to fifteen years ago.

5 **THE COURT:** Okay. And, do you have any further
6 relationship with him?

7 **MR. LEGG:** No, sir.

8 **THE COURT:** And that fact that you recall attending
9 church with Mr. Peavy, would that in any way have any affect
10 on your ability to be fair and impartial?

11 **MR. LEGG:** No, sir.

12 **THE COURT:** Thank you, very much. I appreciate
13 that.

14 **MR. LEGG:** Thank you.

15 **THE COURT:** All right. Anything else from the
16 defense that we need to take up before we bring in the jury?

17 **MR. JONES:** No, sir.

18 **THE COURT:** All right. Let's go ahead and bring the
19 jury in.

20 **BAILIFF:** All right, sir.

21 **THE COURT:** Yes, sir.

22 (Whereupon, the jury enters the courtroom at
23 2:11 p.m.)

24 **THE COURT:** All right. Ladies and gentlemen, I hope
25 everyone enjoyed their lunch. Had a nice break there and

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1 are ready to start back to work.

2 If you will recall when we broke for lunch, we were
3 still on the state's case... So, I recognize the Solicitor
4 for your next witness.

5 **MR. HOLT:** Thank you, very much, Your Honor. If it
6 pleases the Court, the state would like to call Doctor
7 Janice Ross to the stand.

8 **THE COURT:** Doctor, if you would come around and be
9 sworn please.

10 **WHEREUPON, JANICE EDWARDS ROSS, M.D.**

11 **AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS**

12 **DR. ROSS:** I do.

13 **VOIR DIRE EXAMINATION BY MR. HOLT**

14 Q. Dr. Ross, could you please state your name and
15 occupation for the jury?

16 A. Janice Edwards Ross, R-O-S-S. I am a forensic
17 pathologist, and work in Newberry, South Carolina.

18 Q. And how long have you been in the practice of forensic
19 pathology?

20 A. Thirty-six years.

21 Q. And are you presently engaged in that profession?

22 A. Yes.

23 Q. And can you just briefly give me a rundown of where you
24 went to undergrad, any post-graduate work, and where
25 you received your training in forensic pathology?

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1 A. Yes. I received a bachelor's degree from the
2 University of South Carolina. And then I received my
3 M.D. from Upstate Medical Center in Syracuse, New York,
4 where I also did my training in pathology. My training
5 in pathology there was in anatomic and clinical
6 pathology, which is hospital pathology. We are trained
7 to do hospital autopsies. We are trained to identify
8 diseases by looking at tissue under the microscope if
9 necessary, and diagnose diseases, cancers, etcetera.
10 We are further trained in using the laboratory, and
11 again the microscope, and identify blood cells and
12 diagnosing things like leukemia.

13 I have been further trained in the area of
14 forensic pathology. The word forensic means
15 legal, so we use our pathology training on legal
16 situations like homicides, suicides, rapes,
17 accidents. And we are trained to do a specific
18 kind of autopsy, a more thorough autopsy, which is
19 a forensic autopsy. So, I am board certified
20 nationally in all those three areas of pathology.

21 Q. And during your experience as a forensic pathologist,
22 how many autopsies do you think you have performed.
23 And I realize it will be an estimate.

24 A. Over six thousand.

25 Q. Exactly, and I think you have answered already what

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1 exactly forensic pathology involves. And are you on
2 any boards or in any organizations?

3 A. Just in the state medical societies, and the National
4 Association of Medical Examiners.

5 **MR. HOLT:** Your Honor, at this time the state would
6 move to have Dr. Ross admitted as an expert in the field of
7 forensic pathology?

8 **MR. JONES:** Judge, I stipulate to her qualifications.

9 **THE COURT:** All right. Dr. Ross is so qualified.

10 **DIRECT EXAMINATION BY MR. HOLT**

11 Q. Dr. Ross, I am going to show you --

12 **MR. HOLT:** Permission to approach, Judge?

13 **THE COURT:** Yes, sir.

14 Q. What has been previously marked as State's Exhibit 60,
15 for identification purposes only. And, just briefly,
16 have you ever seen that document before; without
17 telling me what it is?

18 A. Yes, I have.

19 Q. And since the last time you saw it, has there been any
20 alterations or deletions, or has there been any
21 additions made to it?

22 A. No, sir.

23 Q. All right. Did you, in the course of your career, have
24 the time to do the autopsy on Levi Gregg?

25 A. Yes.

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1 Q. And, in your estimation, and in your expert opinion,
2 how did Levi Gregg die?

3 A. He died from bleeding out, and it is called
4 exsanguination due to multiple stab wounds that
5 perforated his left lung and liver.

6 Q. And about how many stab wounds did he receive, and what
7 were those locations?

8 A. He had a total of sixteen stab wounds. Seven of those
9 were in the chest, two in the abdomen --- the stomach
10 area, and five in the back.

11 Q. And in your expert medical opinion, did you rule his
12 death a suicide or a homicide?

13 A. Homicide.

14 Q. And, I guess what I wanted to ask you is, during the
15 course of a normal autopsy, and in your experience,
16 what would you classify as defensive wounds?

17 A. I usually, when we see a person, a victim who is trying
18 to defend themselves we see wounds on his hands, or arms,
19 forearms, and I did not see those in this victim.

20 Q. So, there were no defensive wounds?

21 A. Correct.

22 Q. And it was a homicide?

23 A. Yes.

24 MR. HOLT: Thank you. Beg the Court's indulgence.

25 THE COURT: Yes, sir.

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1 (PAUSE.)

2 MR. HOLT: Please answer any questions that --- Hold
3 on.

4 At this time, Your Honor, I would like to move State's
5 Exhibit 60 into evidence.

6 MR. JONES: If I can look at it.

7 (PAUSE.)

8 MR. HOLT: And to clarify, I think It is State's
9 Exhibit 61.

10 MR. JONES: It says 60.

11 MR. HOLT: Sixty, I was correct.

12 MR. JONES: Without objection, Your Honor.

13 WHEREUPON, STATE'S EXHIBIT

14 NUMBER 60 WAS MARKED AND

15 ADMITTED INTO THE RECORD

16 WITHOUT OBJECTION.

17 Q. Dr. Ross, what did you say this report was?

18 A. That is the report --- the findings on the autopsy of
19 Levi Gregg, performed June 13, 2011.

20 Q. Okay. And one more question. Did you collect anything
21 from all of these findings, off his person that you
22 sent for further examination?

23 A. Yes. Part of a forensic autopsy is collecting fluids
24 and materials for evidence, and for examination for
25 instance drugs and alcohol.

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1 Q. Who collected those specimens from your office?

2 A. Investigator Joe Peavy.

3 MR. HOLT: Thank you very much, Dr. Ross. At this
4 time I promise I am leaving. Please answer any questions
5 Mr. Jones may have.

6 MR. JONES: Thank you.

7 CROSS EXAMINATION BY MR. JONES

8 Q. Dr. Ross, you mentioned that you found no defensive
9 wounds on either hands or arms; is that correct?

10 A. Correct.

11 Q. Did you examine the hands and arms for other than cuts,
12 for instance did you examine the hands for abrasions or
13 any other things?

14 A. Yes, sir.

15 Q. And did you find any?

16 A. No, sir.

17 Q. And on page --- The first page number three, left
18 inguinal hernia with trapped intestine. What
19 significance, if any, does that have to do with the
20 death of Mr. Gregg?

21 A. It doesn't have anything to do with the death, but it
22 is just a finding --- a medical problem that he had
23 that is part of the findings of the autopsy.

24 Q. Yes, ma'am. And a person in that condition, would they
25 have been suffering any discomfort, or pain, or

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1 anything as a result of that injury?

2 A. They could have some pain on and off, yes.

3 Q. Is that condition generally repaired with an operation?

4 A. Yes, sir.

5 Q. And it is a fairly --- I won't say any operation is
6 simple, but that is a fairly easy repair is it not?

7 A. Well, superficial. It is just underneath the skin.

8 Q. Okay. And does your report, or did your findings
9 indicate how old that condition might have been? Is
10 there a way to determine that?

11 A. There is no way to tell that.

12 MR. JONES: One second, please.

13 (PAUSE.)

14 Q. Dr. Ross, when you collected the fluids which were
15 picked up by Mr. Peavy, does your order entail any
16 examination of those fluids, or any study of those
17 fluids whatsoever?

18 A. We draw blood and fluid from the eye, and tissue from
19 the liver and brain, and we put those in containers,
20 and seal them up, and that material is sent to the
21 toxicology lab in SLED. The only thing we do on site
22 is we take some of the fluid from the eye, and run it
23 through a chemistry machine in our laboratory just to
24 look for electrolytes and alcohol.

25 Q. Would that also show any substance that may have been

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1 ingested by the victim?

2 A. If you test for it, and the test that we run locally at
3 our laboratory are just very simplified, very few. It
4 is just like the glucose, and the alcohol, and
5 electrolytes.

6 Q. Yes, ma'am. Let me ask you a question about -- Are
7 you familiar with the term contact high?

8 A. Not really.

9 MR. JONES: Thank you. That's all I have. Thank
10 you.

11 THE COURT: Is there any redirect?

12 MR. HOLT: There is no redirect, Your Honor. And the
13 state would ask that this witness be released from her
14 subpoena?

15 THE COURT: Any objection?

16 MR. JONES: No, sir.

17 THE COURT: Thank you very much, doctor.

18 DR. ROSS: Thank you.

19 THE COURT: Call your next witness.

20 MS. PARKER: Your Honor, at this time the State calls
21 Ms. Miranda Wilds.

22 WHEREUPON, MIRANDA WILDS

23 AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS

24 MS. WILDS: I do.

25 DIRECT EXAMINATION BY MS. PARKER

MIRANDA WILDS - DIRECT EXAMINATION

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1 Q. Ms. Wilds, please state your full name for the record?

2 A. Miranda Patrick Wilds.

3 Q. Ms. Wilds, where are you employed?

4 A. At the Markette in Society Hill.

5 Q. What is your position there at the Markette?

6 A. I am a store manager.

7 Q. Were you working there in June of 2011?

8 A. Yes ma'am.

9 Q. And, did you happen to be working on June 12, 2011?

10 A. Yes ma'am.

11 Q. Now, on that date in question, who was working with you
12 at the Markette?

13 A. It was me and a cook, Ms. Deloris.

14 Q. What time did you get to work that day?

15 A. Like 4:02. Like a couple of minutes after four.

16 Q. Is that a.m. or p.m.?

17 A. P.M.

18 Q. P.M. Now, I want you to start --- Was it a normal
19 workday? And what did you first do when you got there?

20 A. Well I clocked in, talked with Ms. Deloris, and that
21 was basically it.

22 Q. Did anything unusual occur that day that you recall?

23 A. I was robbed.

24 Q. You were robbed. Tell us a little bit more about
25 that. What were you doing right before that occurred?

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1 A. Me and Ms. Deloris was out front, and there is a trash
2 can right by the front door. We was outside smoking.
3 I didn't see when they guy came in -- Well, he came in
4 through the back door.

5 Q. Let me stop you right there, Miranda. Describe those
6 doors for anyone who has not been to that Markette.
7 What does that store look like?

8 A. We have a front entrance and a back entrance. It is
9 double doors.

10 Q. That is glass?

11 A. Glass door.

12 Q. Customers come in the back or the front?

13 A. Uh'huh.

14 Q. Okay. You were standing there taking a smoke break
15 with Ms. Deloris. What did you see?

16 A. I see a guy, he came in through the back. We got a
17 lottery case like right by the first register, the
18 front register. By the time he got by the lottery case
19 I walked in. I asked him could I help him, and he
20 pulled out a knife.

21 Q. Okay. And, describe that individual you saw walk in
22 the markette; old, young, male, female? What was his
23 description?

24 A. It was a male, brown skinned, he had on a white tee-
25 shirt, and he had on khaki pants, like it was --- I

MIRANDA WILDS - DIRECT EXAMINATION

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1 don't know if he was sweating, but his shirt was like
2 real wet.

3 Q. Okay. You said he had a knife. Describe what that
4 knife looked like; if you can recall?

5 A. It was like this. It was a big knife.

6 Q. What did he do with the knife?

7 A. He pulled it out and told me to open the register.

8 Q. Is that all he said to you?

9 A. When I walked in as soon as we passed each other, he
10 like grabbed at me. And when he grabbed at me it is
11 like, I jumped back and I saw the knife. It was like,
12 "B" open the register, and I was like, okay, wait a
13 minute. It was like a little ramp that you got to go
14 up to get behind the register. And I went up the ramp,
15 went to my register. And he was like, do you think I'm
16 playing with you. It was like, you better open this
17 register. On the cash register it is a no sale button
18 you have to hit in order to open the register. I
19 thought that I did hit it, but I didn't. When I went
20 to go hit it I went to go jump across the counter, but
21 the register didn't open, so he ran back around and he
22 was like, I'm not playing with you and he like held the
23 knife up at me again. So, I was like, wait a minute,
24 wait a minute, so I got down off the counter, opened
25 the register. It was like, as soon as I opened the

MIRANDA WILDS - DIRECT EXAMINATION

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1 register he ran back around, came up, and I jumped
2 across the counter and out the door.

3 Q. You keep referencing this counter, about how high is
4 it? If you need to stand up to show us that's okay.

5 A. Well, our register is like a little up off the ground.

6 Q. At least to your waist?

7 A. The counter, uh'huh.

8 Q. Or possibly higher?

9 A. Right at my waist or a little higher.

10 Q. Right at your waist. You said a second ago that you
11 recalled what he said to you, "B" I'm not playing. For
12 the Court's record, what did he really say? I think
13 you are abbreviating. What was his exact words to you?
14 It is okay.

15 A. It was like bitch, open the register.

16 Q. After you opened the register, cleared the counter and
17 jumped out, what happened after that? Did you see him
18 take any money out of the register?

19 A. He went in the register, took the money out, ran out
20 the backdoor, and he left in like, a white Honda.

21 Q. Did he grab all the bills, did he leave the change, or
22 what did he take?

23 A. No, he left the change, he just grabbed the bills.

24 Q. How much do you usually keep in the registers?

25 A. We start off with a hundred dollars. I wasn't at my

MIRANDA WILDS - DIRECT EXAMINATION

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1 register twenty minutes. I probably rung up one or two
2 customers.

3 Q. Not much over a hundred?

4 A. Uh'huh.

5 Q. Now, I wanted to ask you, you work for the Markette
6 Store, does that store have a surveillance camera
7 system?

8 A. Yes, ma'am.

9 Q. And, would you describe to the Court a little bit how
10 that works; how the camera works?

11 A. We have surveillance in the inside and out, front
12 entrance, back entrance.

13 Q. To your knowledge was the system working this day?

14 A. Yes, ma'am.

15 Q. And, did you assist or were you present when law
16 enforcement recovered the video that was on the
17 surveillance system?

18 A. Yes.

19 Q. And have you had an opportunity to review that
20 surveillance video that law enforcement received that
21 day?

22 A. Yes.

23 Q. Is that video an accurate depiction of the robbery as
24 it occurred?

25 A. Yes, ma'am.

ALBERTA DELORIS TIGERNIA - DIRECT EXAMINATION

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1 Q. What happened to you that day?

2 A. Uh'huh.

3 Q. Do you believe it has been altered in any way?

4 A. No, ma'am.

5 MS. PARKER: Beg court's indulgence, Your Honor, for
6 just a moment.

7 (PAUSE.)

8 Q. Ms. Wiles, I am going to put you on the spot. Can you
9 pick out who robbed you in the Markette that day? Is
10 he in the courtroom? If you are not sure, I want you
11 to do the best you can to identify him?

12 A. Yes, ma'am.

13 Q. And where is he seated?

14 A. Right over there.

15 MS. PARKER: Thank you, Ms. Wiles. Please answer
16 any questions the defense may have at this time?

17 MR. JONES: One second, Your Honor, please.

18 (PAUSE.)

19 MS. WISE: No questions, Your Honor.

20 THE COURT: Thank you very much, ma'am. You may step
21 down.

22 Please call your next witness.

23 MS. PARKER: Your Honor, at this time we call Ms.
24 Deloris Tigernia.

25 WHEREUPON, ALBERTA DELORIS TIGERNIA

ALBERTA DELORIS TIGERNIA - DIRECT EXAMINATION

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AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS

MS. TIGERNIA: I do.

DIRECT EXAMINATION BY MS. PARKER

Q. Good afternoon.

A. Hi.

Q. Would you please state your name for the Court's record?

A. Alberta Deloris Tigernia.

Q. And, Ms. Deloris, where do you currently live?

A. Charlotte, North Carolina.

Q. And, where do you work?

A. I am an associate at WalMart.

Q. And, where did you live back in June of 2011?

A. In Mechanisville, in Darlington.

Q. And, back in 2011, where were you employed?

A. At the Markette in Society Hill.

Q. And what was your position at the Markette?

A. Cook.

Q. Yes ma'am. Were you working on the Sunday afternoon of June 12, 2011?

A. Yes.

Q. What time did you go into work that day?

A. I think it was six in the morning, I am not sure.

Q. It was earlier that day?

A. Yes.

ALBERTA DELORIS TIGERNIA - DIRECT EXAMINATION

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1 Q. And, of course, you know the matter of hand, the reason
2 you are here. Please tell the Court what you remember
3 from that afternoon?

4 A. Well, there was no one in the store, so me and Miranda
5 the cashier decided to take a smoke break while there
6 was nobody inside. So, we went out front. And, while
7 we were standing out front standing, David walked in
8 the back door.

9 Q. And, describe for us when you first saw him. What was
10 he --- Do you remember what he was wearing?

11 A. I saw a little white tee-shirt, but I can't remember
12 the color of his pants. I am not sure.

13 Q. And, at what point --- where were you at when you first
14 saw him?

15 A. Walking in the back door.

16 Q. And you were standing outside the front door?

17 A. Yes.

18 Q. With all that glass, is there any visibility issues
19 from standing in front of the store and seeing to the
20 back of the store?

21 A. No.

22 Q. And what happened after you first saw him?

23 A. Well, I realized that it was him, and it seemed that
24 one of his eyes was swollen or something. And, I
25 almost opened the door to ask him what happened to your

ALBERTA DELORIS TIGERNIA - DIRECT EXAMINATION

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1 eye. But, he pulled up this knife, and I started
2 running.

3 Q. Okay. And, Ms. Deloris, I know you called the
4 defendant by his middle name, David. Did you know him?

5 A. Yes.

6 Q. And how is it that you know the defendant?

7 A. We're the same family.

8 Q. And what is that family relation?

9 A. We are the McNeil family.

10 Q. Okay. Is there any question in your mind that it was
11 him?

12 A. No.

13 Q. And, explain to the jury, where exactly did you run to?

14 A. I ran behind the trash dumpster.

15 Q. And why exactly did you run like that? What was going
16 through your mind?

17 A. In my mind is, I was thinking if he recognized me he
18 would probably run me down and kill me; I'm not sure.

19 Q. You are confident that the defendant knows you as well,
20 like you know him?

21 A. He knows me.

22 Q. Now, this man that you have identified as David, and as
23 being a member of your family, is he present in the
24 courtroom today?

25 A. Yes.

ALBERTA DELORIS TIGERNIA - CROSS EXAMINATION

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1 Q. Would you please point him out for the jury?

2 A. There.

3 MS. PARKER: Please answer any questions the defense
4 may have.

5 MS. TIGERNIA: Okay.

6 THE COURT: Any cross?

7 MS. WISE: Yes, Your Honor.

8 CROSS EXAMINATION BY MS. WISE

9 Q. Yes ma'am. You explained that you ran behind the
10 dumpster after you saw --- allegedly saw Mr. Gregg come
11 into the store; is that correct?

12 A. I ran behind the dumpster after I saw the knife that he
13 pulled out.

14 Q. Yes ma'am. And did you see anything that went on in
15 the store after you were behind the dumpster?

16 A. No.

17 Q. You did not see inside the store?

18 A. No.

19 Q. Did you see Mr. Gregg come out of the store?

20 A. I saw the car when it left.

21 Q. Okay. But you never saw anything in the store?

22 A. No.

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

24 THE COURT: Is there any redirect?

25 MS. PARKER: Just briefly, judge.

ALBERTA DELORIS TIGERNIA - REDIRECT EXAMINATION 176**REDIRECT EXAMINATION BY MS. PARKER**

Q. When, you first saw the knife, who was there with you?
You said you were working with Miranda. Where exactly
was Miranda?

A. She had gone inside, because once he passed the food
counter, it was her customer, so she had to go in. And
she was like --- they were like right there.

Q. So, you saw the knife after she went into the store?

A. Yes.

MS. PARKER: No further questions.

THE COURT: All right. Thank you very much, ma'am.
You may step down.

Any objections to this witness being excused?

MR. JONES: No, sir.

MS. PARKER: No, sir.

THE COURT: All right. Call your next witness.

MR. HOLT: Your Honor, at this time the State would
like to call Michael Bell.

THE COURT: Please come forward and be sworn.

WHEREUPON, MICHAEL BENJAMIN BELL

AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS

MR. BELL: I do.

DIRECT EXAMINATION BY MR. HOLT

Q. Michael, could you please give your whole name and your
occupation for the jury?

MICHAEL BENJAMIN BELL - DIRECT EXAMINATION

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1 A. Michael Benjamin Bell, deputy Sheriff for Darlington
2 County.

3 Q. And, how long have you been a deputy Sheriff for
4 Darlington County?

5 A. A little over two years.

6 Q. How about how long you have been in law enforcement?

7 A. Five-years.

8 Q. Where did you work before?

9 A. The jail.

10 Q. All right. And, what are your duties as a deputy?

11 A. To patrol the community and answer 911 calls.

12 Q. So, are you what someone would call a first responder?

13 A. Yes.

14 Q. All right. And on June 12, 2011, where were you
15 working and what were your duties?

16 A. I was working around Hartsville on patrol.

17 Q. All right. And, how did you become involved in this
18 incident at hand?

19 A. The call was given to me when it was dispatched, when I
20 signed on.

21 Q. And, where did you proceed to then?

22 A. The Markette in Society Hill.

23 Q. All right. And if you could use that map to my right,
24 and just stand up. Can you show the jury in relation
25 to things we have already seen, where the Markette in

MICHAEL BENJAMIN BELL - DIRECT EXAMINATION

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1 Society Hill is.

2 A. Right there.

3 Q. And that is at the corners of what roads?

4 A. Hartsville Highway and North Governor Williams.

5 Q. All right, Thank you. From the time you stepped in the
6 store, what did your duties entail? How did you
7 proceed once you got the call?

8 A. Once I got on scene, I made sure that no body else
9 entered the store. I talked with the clerk and other
10 witness there.

11 Q. All right. And, did you find out anything, if that
12 location had a video camera system?

13 A. Yes, I did.

14 Q. And what did you find out?

15 A. I seen the video, I seen a black male come into the
16 store wearing a white shirt, tan pants, and come
17 around the cash register. You could see the cashier
18 coming into the store. You could see there was
19 something in his hand, and it was long. It appeared to
20 be a knife. He then ran around the counter. The
21 clerk jumped over the counter, and then he went out the
22 backdoor after messing with the cash register.

23 Q. All right. And, in relation --- You said you spoke to
24 some witnesses.

25 A. Yes.

MICHAEL BENJAMIN BELL - DIRECT EXAMINATION

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1 Q. Did you speak to any other witnesses at all for any
2 other information?

3 A. I spoke to another witness after speaking to them. I
4 was informed that the male had left in a white Honda.
5 I was also informed that the white Honda went down
6 Hartsville Highway to East Old Camden, and turned right
7 onto Old Camden.

8 Q. And what did you do with that information?

9 A. I let the other units in the area know so they could be
10 on the look out for the car.

11 Q. And just give the jury an approximate idea, could you
12 look at the map again, and try to tell us where East
13 Old Camden is, and where you were informed where the
14 defendant was going?

15 A. The defendant turned down right here. This would be
16 Old Camden, right there.

17 Q. So, you say he was heading east?

18 A. Yes.

19 Q. And that is the information --- What did you do with
20 that information?

21 A. I then gave it to other officers so they could look in
22 the area he was headed.

23 Q. And did you stay on scene at the Markette?

24 A. Yes, I did.

25 Q. And did you turn the scene over to anybody, or how does

MICHAEL BENJAMIN BELL - DIRECT EXAMINATION

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1 that work?

2 A. Yes, I turned the scene over to Investigator Chad
3 McInville and Brandon Peavy.

4 Q. And, what did you do after that; do you remember?

5 A. I stayed on scene until they cleared.

6 Q. And then you just took off?

7 A. Uh'huh.

8 Q. All right.

9 **MR. HOLT:** Deputy, thank you so much for your time.
10 Please answer any questions that Mr. Jones might have.

11 **MR. JONES:** No questions, Your Honor.

12 **THE COURT:** Thank you, sir. You may step down. Call
13 your next witness.

14 **MS. PARKER:** Your Honor, at this time we call
15 Sergeant Brandon Peavy.

16 **WHEREUPON, KENNETH BRANDON PEAVY**

17 **AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS**

18 **MR. PEAVY:** I do.

19 **MS. PARKER:** Your Honor, we ask that Michael Bell be
20 released?

21 **THE COURT:** Any objection?

22 **MR. JONES:** No, sir.

23 **THE COURT:** Officer Bell may be released.

24 **DIRECT EXAMINATION BY MS. PARKER**

25 Q. Please state your full name for the record.

KENNETH BRANDON PEAVY - DIRECT EXAMINATION

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1 A. Kenneth Brandon Peavy.

2 Q. And, what is your position at the Sheriff's Office?

3 A. I am a Sergeant assigned to the Criminal Investigation
4 Division.

5 Q. And, what all does that entail? What is your day to
6 day like?

7 A. We deal with victims of anything, property crimes,
8 crimes against people, typically any type of crime that
9 comes in we deal with as far as an investigation goes,
10 contacting the victims and investigating the crime.

11 Q. And were you working on June 12, 2011?

12 A. No, ma'am. I was not. I was off that day.

13 Q. You were off that day?

14 A. Yes.

15 Q. Were you called out to the Markette?

16 A. Yes. Yes, I was.

17 Q. On your day off?

18 A. Uh'huh.

19 Q. And tell the Court what was happening at the Markette
20 when you got there?

21 A. First dispatcher called me and told me they needed me
22 to respond to the Markette in Society Hill. That they
23 had a robbery. I went and proceeded up to the Markette
24 where I met with Deputy Bell, Officer Crowley with
25 Society Hill, and Investigator Chad McInville. They

KENNETH BRANDON PEAVY - DIRECT EXAMINATION

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1 told me that the store had been robbed by a black male
2 by knife point. At this time we blocked off the two
3 entrances, the main entrances to the Markette to keep
4 traffic from coming into the Markette. I spoke with
5 two witnesses that Mr. Crowley had that described a
6 white Honda that left the store, and they lost it
7 somewhere around the Farm House Road, New Hope Road
8 area, that believing to be the suspects vehicle. They
9 were able to get statements. I spoke with Ms. Wiles
10 who told me that a black male had come in and robbed
11 the store at knife point. At this time we went in and
12 looked at the security video.

13 Q. Tell me a little bit about the security system at the
14 Markette?

15 A. It is a pretty good system. It is full color. They
16 have camera that overlook the parking lot. They have
17 different angles inside of the store from your typical
18 security system.

19 Q. In processing the scene, was it important to you that
20 you get that surveillance video?

21 A. Yes, I did.

22 MS. PARKER: Permission to approach the witness,
23 Your Honor?

24 THE COURT: Yes.

25 Q. I am going to show you what has been marked as State's

KENNETH BRANDON PEAVY - DIRECT EXAMINATION

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1 Exhibit Number 59. Without saying too much, what is
2 that, and do you recognize it?

3 A. Yes. That is the security video from the inside of the
4 Markette.

5 Q. And whose handwriting is on that? I mean, is this a
6 DVD or a CDR?

7 A. Yes, that is my handwriting?

8 Q. This is a disc?

9 A. Yes.

10 Q. And, is that what you --- Explain a little bit of how
11 you took possession of that. A little bit about that
12 process.

13 A. Myself and Investigator McInville reviewed the video
14 from the security system. It was tracked back to the
15 time when the video was taken. We inserted a disc and
16 burned it on to the disc from the points where he
17 entered the store until he left. That disc was placed
18 into an evidence bag, taped, and then dropped back at
19 the Sheriff's Office.

20 Q. Okay. Does it appear to be changed or altered in
21 anyway since the last time?

22 A. No, it doesn't.

23 MS. PARKER: Your Honor, at this time, the State
24 would offer State's Exhibit Number 59, the surveillance
25 video of the Markette into evidence.

KENNETH BRANDON PEAVY - DIRECT EXAMINATION

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1 THE COURT: Any objection?

2 MR. JONES: One second.

3 (PAUSE.)

4 MR. JONES: Without objection, Your Honor.

5 THE COURT: All right. Without objection, it is in
6 evidence.

7 WHEREUPON, STATE'S EXHIBIT

8 NUMBER 59 WAS ADMITTED INTO

9 EVIDENCE WITHOUT OBJECTION.

10 MS. PARKER: Your Honor, at this time, permission to
11 publish it to the jury.

12 THE COURT: You may do so.

13 (Whereupon, State's Exhibit Number 59 was
14 published to the jury.)

15 Q. And, Sergeant Peavy, was there anything else you did
16 after you recovered the video at the scene?

17 A. We also took the cash register drawer for possible
18 fingerprints, That was also collected and bagged. After
19 that, we also got a statement --- And I can't pronounce
20 her last name, Ms. Deloris, who told me at the scene
21 that she actually recognized Mr. Gregg. She gave me a
22 statement as it being Mr. Douglas Gregg. She gave a
23 written statement on that. As the statements were
24 collected, myself, Deputy Crowley, Investigator
25 McInville, and Bell, we cleared the scene. I was headed

KENNETH BRANDON PEAVY - DIRECT EXAMINATION

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1 down Highway 15, back towards Hartsville, heading -
2 toward the Farm House Lane area, with that being the
3 last known location of the vehicle. Probably about a
4 mile before I got to Farm House Lane, I heard Deputy
5 Crowley call in that he had spotted the vehicle off of
6 Farm House Lane and New Hopewell Road matching the
7 description, a white Honda.

8 Q. A description for a white Honda?

9 A. Yes.

10 Q. What model?

11 A. I don't believe there was model that he gave out. It
12 was a white Honda parked in the cornfield off of
13 Bethlehem Road.

14 Q. What did you do?

15 A. At this time I proceeded --- headed towards Farm House
16 Lane. As soon as I turned on Farm House Lane, Deputy
17 Crowley called in saying the vehicle was running. He
18 took off on them. Headed back down Farm House toward
19 New Hopewell Road. Stated that the vehicle turned on
20 New Hopewell Road, headed toward Old Camden. At this
21 time I was trying to make it through Farm House Lane,
22 it is a dirt road trying to get back to New Hopewell.
23 My vehicle had bottomed out, and Deputy Crowley called
24 in and said that the white Honda had made a left onto
25 East Old Camden heading back toward the Hartsville's

KENNETH BRANDON PEAVY - DIRECT EXAMINATION

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1 area. At this time, I proceeded down New Hopewell
2 Road, toward 15 to try to intersect --- to cut back on
3 Center Road, to get to that part of Old Camden a little
4 bit quicker. The vehicle overheated. At that time I
5 pulled off the side of the road. Deputy Bell was
6 behind me. I got in the car with Deputy Bell, and we
7 proceeded to Bethlehem Road after Officer Crowley
8 called out that the vehicle had stopped at a residence
9 off Old Camden and Bethlehem, and he had ran into the
10 woods. And at this time we went down Bethlehem Road,
11 and took a position around parameter and waited for the
12 k-9 unit to come out.

13 Q. What does set up a parameter -- what does that mean?

14 A. Generally, when you set up a parameter, the last known
15 location of a suspect or a person you are looking for,
16 you set up a parameter. Basically, you try to get a
17 circle around the last known area to block off any
18 routes of escape or them getting by law enforcement.

19 Q. Did you work the parameter or did you go into the
20 wooded area?

21 A. I was part of the parameter. I went in the wooded area
22 after the units had called in that they had located Mr.
23 Gregg.

24 MS. PARKER: Okay. At this time, please answer any
25 questions that the defense may have.

MICHAEL CHAD MCINVILLE - DIRECT EXAMINATION

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1 **MR. JONES:** No questions, Your Honor.

2 **THE COURT:** You may step down. Call your next
3 witness.

4 **MR. HOLT:** At this time the State calls Investigator
5 Chad McInville.

6 **THE COURT:** All right. Investigator Mcinville, come
7 around and be sworn please.

8 **WHEREUPON, MICHAEL CHAD MCINVILLE**

9 **AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS**

10 **MR. MCINVILLE:** I do.

11 **DIRECT EXAMINATION BY MR. HOLT**

12 Q. Investigator, could you please give your whole name for
13 the jury?

14 A. Michael Chad McInville.

15 Q. And where are you employed?

16 A. Darlington County Sheriff's Office.

17 Q. And how long have you been with the Sheriff's Office?

18 A. A little over thirteen years.

19 Q. And, about how long have you been with law enforcement?

20 A. The entire time at the Sheriff's Office.

21 Q. The entire time at the Sheriff's Office?

22 A. Yes, sir.

23 Q. What are your current duties? What is your level?
24 What do you do?

25 A. I am a First Sergeant assigned to The Investigation

MICHAEL CHAD MCINVILLE - DIRECT EXAMINATION

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1 Unit.

2 Q. And, what city do you operate out of?

3 A. Hartsville area mainly.

4 Q. And what does an investigator typically do?

5 A. Basically investigates any and all cases involving any
6 type of crime.

7 Q. But you are not a first responder are you?

8 A. No, sir.

9 Q. People are generally there when you get there; correct?

10 A. Yes, sir.

11 Q. How did you become involved in what happened on June
12 12, 2011?

13 A. My supervisor, which is Lieutenant Eric Hodges,
14 actually called me out that day, because of everything
15 that was going on. They needed additional help.

16 Q. And where was the first place that you went once you
17 got called out?

18 A. To the Markette, Society Hill.

19 Q. And when you got to the Markette, what did you do?

20 A. Once I got there, I met with Investigator Peavy, and we
21 basically talked with the clerks, and reviewed the
22 tape.

23 Q. When you looked at the tape, what did you do after you
24 reviewed the tape?

25 A. After we reviewed the tape, we just spent a few more

MICHAEL CHAD MCINVILLE - DIRECT EXAMINATION

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1 minutes talking with them and we cleared the scene.

2 Q. All right. And when you cleared the scene, where did
3 you head to then?

4 A. Looking for the white Honda that was last spotted up on
5 Farm House.

6 Q. And what happened next?

7 A. We heard the Society Hill officer start chase. He gave
8 chase with the vehicle. I was out in the area

9 A. I tried to cut across and get to the vehicle. And, I
10 never made it to the chase. But, I went to the Old
11 Camden Road where the suspect got out and ran from the
12 vehicle.

13 Q. All right. And, can you show me using the map on the
14 left where you got out of your car, and what you did
15 then? Use the map to the left. What road is that?

16 A. Old Camden Road --- East Old Camden. He basically
17 pulled back here and jumped out of the car, and ran
18 into the wooded area here.

19 Q. And did you give chase into the wooded area?

20 A. Yes, myself, Investigator Young, and Deputy Brad
21 Lawson, which he has the k-9. We man-tracked and
22 tracked with the k-9. We basically tracked several
23 hundred yards in the woods. There is an old dirt road
24 here. You can see it in the white. We could see his
25 running footprints and stuff here.

MICHAEL CHAD MCINVILLE - DIRECT EXAMINATION

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1 Q. Shoe prints you mean?

2 A. I want to say he was barefoot.

3 Q. Okay.

4 A. I don't recall for sure. But I remember seeing what we
5 call a toe-dig. And a toe-dig is when you can tell
6 that somebody is running, and you can see the toe and
7 not the heel. And we were basically running into a
8 wooded area right up in here where the car was at.

9 Q. And you can go ahead and sit down. When you ran up on
10 him, what happened next?

11 A. When we ran up on him, we were giving him commands and
12 stuff. To put his hands up and stuff. And he had a
13 can to his mouth with a lighter up to it, which is
14 typically what people use to smoke crack cocaine.

15 Q. All right. And, did he comply with your instructions?

16 A. No, he did not comply. He kept trying to light the
17 can, and we basically took the can from him and
18 handcuffed him.

19 Q. Did he put up much of a fight?

20 A. No, sir. He did not put up a fight.

21 Q. Did he say or do anything to you?

22 A. Not that I recall.

23 Q. All right. And, what did y'all do with him then?

24 A. Actually, we walked him back out to that little dirt
25 road that you can see up in the woods, and we ended up

MICHAEL CHAD MCINVILLE - DIRECT EXAMINATION

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1 getting the vehicle to come to where we were at to
2 completely secure him and to pick him up.

3 Q. And the individual that you found in the woods that
4 night, is he here in the courtroom today?

5 A. Yes, sir. The defendant.

6 MR. HOLT: Let the record reflect that he named the
7 defendant.

8 Q. And who all was with you in the woods exactly? I know
9 you told us one other time, but I just want to make
10 sure.

11 A. It started out when we first left the vehicle with the
12 traffic --- It started out myself, David Young which is
13 an investigator here with the Sheriff's Office, and
14 Deputy Brad Lawson, and the k-9. During the track
15 through the woods, I remember Officer Tony Baird joined
16 us. He was there when we made the arrest.

17 MR. HOLT: All right. Investigator McInville, please
18 answer any questions that the defense may have.

19 MS. WISE: No questions, Your Honor.

20 THE COURT: All right, sir. Thank you very much.

21 MR. HOLT: And would it be alright with you, Your
22 Honor, if he was released from his subpoena?

23 THE COURT: All right. Call your next witness,
24 Solicitor.

25 MR. HOLT: The state would call David Young to the

DAVID BRIAN YOUNG - DIRECT EXAMINATION

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1 stand.

2 WHEREUPON, DAVID BRIAN YOUNG

3 AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS

4 MR. YOUNG: I do.

5 DIRECT EXAMINATION BY MR. HOLT

6 Q. And, Investigator Young, would you give your whole name
7 to the jury, please?

8 A. David Brian Young.

9 Q. And, where are you from?

10 A. I am from Darlington.

11 Q. And what relation are you to Chad McInville?

12 A. Myself and Chad both are criminal investigators with
13 the Sheriff's Office. We are assigned to the
14 Hartsville area of the county.

15 Q. And how long have you been a criminal investigator with
16 the Sheriff's Office?

17 A. I have been assigned to the investigation division for
18 let's see about five years.

19 Q. On this particular day in question, how did you become
20 involved with the case at hand?

21 A. I was off. I was called in by my supervisor,
22 Lieutenant Eric Hodges. I got a call from dispatch
23 that he was calling me out. I did get dressed. Once I
24 got in the vehicle and got rolling, I did call him on
25 the phone. He explained to me what he had, and he

DAVID BRIAN YOUNG - DIRECT EXAMINATION

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1 asked me to prepare a search warrant for the residence,
2 so the crime scene unit could process the scene.

3 Q. And did you do that?

4 A. I did.

5 Q. What location did you go to first?

6 A. Once I got rolling, I did go prepare the search
7 warrant. I did meet with one of the county
8 magistrates, and get the warrant signed. Then, I
9 responded to the actual incident location, and met with
10 Lieutenant Hodges, and actually gave him the search
11 warrant.

12 Q. Okay. And when you say incident location, do you mean
13 the incident location of the murder?

14 A. On Charles Drive, yes.

15 Q. Okay. And, after you gave him the search warrant,
16 where did you go then?

17 A. Briefly, as soon as I got there, I would say within
18 minutes of my arrival, I handed him the search warrant.
19 We were talking about the incident, and within minutes,
20 we heard on the radio about the chase with the Society
21 Hill officer with the suspect vehicle. And I
22 immediately ran and jumped into my vehicle and
23 proceeded to that direction.

24 Q. And using the map on the right, can you give me an
25 approximation of the route you took and where you went?

DAVID BRIAN YOUNG - DIRECT EXAMINATION

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1 A. I would say I --- I came back out to 15, that would be
2 here. I remember crossing over 15 and taking New
3 Hopewell to --- I can't hardly see the highway over
4 here. But I took New Hopewell Road to Bethlehem, I
5 recall, and then I got on Old Camden and the location
6 where the vehicle was in the field was just at
7 Bethlehem and Old Camden.

8 Q. And is that on the map on the left?

9 A. Yes. I would say Bethlehem would be somewhere back
10 here. I took a left on Old Camden, and then come in
11 behind the trailer and the vehicle.

12 Q. All right. And who was in the car with you while you
13 were involved in the chase?

14 A. I was by myself.

15 Q. Okay. Chad McInville wasn't with you?

16 A. No, he was not.

17 Q. When did you hook up with Chad McInville?

18 A. Well, when I arrived on this scene, I could see the
19 vehicle at the edge of the woods. There was a couple
20 of other officers there. Society Hill unit being one
21 of the vehicles, and Investigator McInville was one of
22 the other vehicles.

23 Q. All right. And were you part of the party that tracked
24 the defendant through the woods?

25 A. I did. Myself, and Sergeant McInville, and Brad Lawson

DAVID BRIAN YOUNG - DIRECT EXAMINATION

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1 who is the k-9 officer, as soon as he arrived on the
2 scene with the dog, we made a decision that once we got
3 the dog there, we made a decision to go in and see if
4 we could locate the individual.

5 Q. And, did you locate the individual?

6 A. We did.

7 Q. And what was he doing when you caught up with him?

8 A. He was kneeled down beside a tree, and he had what
9 appeared to be a can up to his face.

10 Q. Did y'all take that can into evidence?

11 A. I did not. I don't know if someone else did, but I
12 know I did not.

13 Q. All right. And, did he say or do anything to you when
14 y'all arrested him?

15 A. Not that I recall. No.

16 Q. And the individual that you arrested in the woods, is
17 he in the courtroom here today?

18 A. Yes, he is.

19 Q. And where is he?

20 A. He is sitting at the table.

21 **MR. HOLT:** And can the record reflect that he is
22 pointing at the defendant.

23 **THE COURT:** All right, sir. So reflected.

24 **MR. HOLT:** Investigator Young, please answer any
25 questions the defense might have.

~~MICHAEL A. CROWLEY -- DIRECT EXAMINATION~~

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1 MR. JONES: We have no questions, Your Honor.

2 THE COURT: Thank you, sir. You may step down. Any
3 objection?

4 MR. HOLT: No, sir.

5 MR. JONES: No, sir.

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

7 MS. PARKER: Your Honor, at this time the state
8 calls Officer Michael Crowley.

9 THE COURT: Officer Crowley, if you would come
10 around and be sworn.

11 WHEREUPON, MICHAEL A. CROWLEY

12 AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS

13 MR. CROWLEY: I do.

14 DIRECT EXAMINATION BY MS. PARKER

15 Q. Good afternoon. Would you please state your full name
16 for the record?

17 A. My name is Michael Andrew Crowley.

18 Q. And where are you employed?

19 A. Society Hill Police Department.

20 Q. What is your position with the Society Hill Police
21 Department?

22 A. I am a Lieutenant.

23 Q. All right. Lieutenant Crowley, what are your daily
24 duties as an officer with Society Hill?

25 A. Just patrol, answer calls, answer wrecks, and anything

MICHAEL A. CROWLEY - DIRECT EXAMINATION

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1 that comes up that we need to do.

2 Q. And, were you employed with them back in June of 2011?

3 A. Yes, ma'am, I was.

4 Q. And did you answer a call that had any involvement with
5 this case that occurred on June 12, 2011?

6 A. Yes, ma'am.

7 Q. And tell us where you working when that happened?

8 A. I was working in Society Hill.

9 Q. And were you working patrol?

10 A. Yes, ma'am.

11 Q. And, at what point did you become aware of what had
12 occurred at the Markette?

13 A. When dispatched give the call and said there was a
14 armed robbery out at the Markette. And the county unit
15 asked dispatch to go ahead and notify the Society Hill
16 units, so we could be on the lookout. So, I headed out
17 that way, and there was a caller telling dispatch which
18 way the vehicle was going. They said it was on fifteen
19 headed towards Hartsville. And I was headed that way.
20 Then they was telling me the --- the caller said the
21 vehicle was making a right on East Old Camden, and I
22 made a right on East Old Camden also. I went down East
23 Old Camden probably about five miles. I was unable to
24 locate any vehicle. It was a white Honda.

25 Q. Okay. So, you were looking for a white Honda. Did you

1 ever see a white Honda that day?

2 A. Yes, ma'am, later on I did.

3 Q. Later on. Tell us about what you did --- You can go
4 in chronological order if you did something in between
5 when you saw that vehicle --- you can go ahead and talk
6 about if you saw the vehicle.

7 A. When I went about five miles, I came back and asked if
8 I could go around that area to see if I can locate it.
9 I went back to the markette. The deputies were there
10 already. And I talked with them for a little while.
11 And they asked if we didn't mind could we help look for
12 the vehicle. I told them that Sergeant Jackson was
13 with me. I picked him up at the Markette and we were
14 together. So, me and Sergeant Jackson went riding
15 down East Old Camden onto New Hopewell. We was going
16 down and I looked to my right and I seen a white
17 vehicle that looked like a Honda. And I told Sergeant
18 Jackson that, so we backed up. We were on a dirt road,
19 and we went down the dirt road and made a right, and it
20 was like a cornfield. And at the back, back there we
21 seen the white Honda.

22 Q. So, was he behind the cornfield or in the cornfield?

23 A. Yes, ma'am. He was on the other side of the cornfield
24 in like --- there is a cornfield here and like a
25 cornfield, and he was back there on the opposite side

MICHAEL A. CROWLEY - DIRECT EXAMINATION

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1 where we were at.

2 Q. Was the car parked?

3 A. It was parked at that time.

4 Q. It was parked. Okay. When you saw that vehicle that
5 matched the description, what did you do?

6 A. Me and Sergeant Jackson, we got on the radio and we was
7 trying to call county units. I guess at that time the
8 radio wasn't getting out or whatever. So, we called
9 and we was just parked there. And all of a sudden the
10 vehicle just took off real fast and was coming around,
11 and we was like this and it was coming at us. And we
12 were afraid that the vehicle was going to hit us. So,
13 Sergeant Jackson opened the door as I was backing up,
14 because the vehicle was getting real close. He shot
15 four rounds at the tire. Missing all four times.

16 Q. Who shot?

17 A. Sergeant Jackson.

18 Q. Okay. How close did the white Honda get to your car?

19 A. It was probably from here to maybe the first row over
20 there. He was that close. I threw it in reverse and
21 we started backing up.

22 Q. Do you mean he was coming straight at you?

23 A. Yes, ma'am. Like a head on. Like a head on. Like, we
24 was parked and he was coming at us head on.

25 Q. Did you feel threatened in anyway by that?

MICHAEL A. CROWLEY - DIRECT EXAMINATION

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1 A. Yes, ma'am.

2 Q. What were you thinking at that time?

3 A. That he was going to hit us.

4 Q. So, you put your car in reverse?

5 A. Yes, ma'am. As we was backing as the car was passing.
6 Sergeant Jackson shot four rounds at the vehicle.

7 Q. Now, when those four rounds were fired, did it appear -
8 -- did any of them hit anything or what?

9 A. No, ma'am. Because the vehicle kept going.

10 Q. Okay. When you say the vehicle kept going, which
11 direction?

12 A. Headed by toward the dirt road that we came in on. I
13 don't know the name of the dirt road. Family Farm or
14 whatever it is.

15 Q. Okay. Somewhere out in the middle of nowhere?

16 A. Yeah. I don't know the county part. I just know the
17 town of Society Hill. When I get in the county, I
18 don't know the roads out there.

19 Q. So, y'all were out in the county?

20 A. Yes, ma'am. We in the county and the roads I don't
21 know too well.

22 Q. Now, after the vehicle pulled back out, you said it was
23 a dirt road, and you are not sure of the name; what did
24 you do?

25 A. We called dispatch, and finally the county units heard

MICHAEL A. CROWLEY - DIRECT EXAMINATION

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1 us. I activated the blue lights and sirens, and told
2 them we was in a chase with the vehicle, and that the
3 vehicle was on the Fruit Farm Road or whatever it was.
4 Took a left and it was behind the vehicle. Sergeant
5 Jackson was calling in the chase as I was driving. And
6 whenever we got to a road --- We had like a little GPS
7 telling us what roads were coming up, and he'd tell
8 them where we were at. And, so, we kept going for a
9 while. I don't know exactly how far. Then eventually
10 we passed two deputies that were to the left. We
11 probably went about another half a mile and the vehicle
12 went in to the yard to the back of the field, and we on
13 the other side, and the other units come in the way he
14 went in. He jumped out and ran into the wooded area.

15 Q. So, you chased after the white Honda until it stopped?

16 A. Yes, ma'am.

17 Q. Now, was your blue light activated that whole time?

18 A. Yes, ma'am. My blue lights and sirens were activated
19 the whole time.

20 Q. Was there any other cars between your patrol car and
21 the white Honda that the defendant was driving?

22 A. No, ma'am. We were right behind him. 0

23 Q. You were right behind him?

24 A. Yes, ma'am, the whole time.

25 Q. How fast were you having to go to keep up with him?

MICHAEL A. CROWLEY - DIRECT EXAMINATION

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1 A. Around seventy or eighty miles per hour.

2 Q. And how many miles did this go on, or for how long;
3 just approximate?

4 A. I'd say around five to ten miles. Like I say, I don't
5 know the area, but probably five or ten miles.

6 Q. And what did you see when the car came to a stop?

7 A. That a subject ran around the car and ran into the
8 woods as we pulled in on the other side.

9 Q. Were county units present by that time?

10 A. Yes, ma'am. There were two behind us. We went on one
11 side and they went in on the other side.

12 Q. Okay. Do you recall if their blue lights were
13 activated?

14 A. Yes, ma'am, they were. Because, I was fixing to get
15 ready to pull over and let them pass me, because we
16 were in the county. But, as soon as we were trying to
17 arrange it, that is when he just darted off behind the
18 houses into the field.

19 Q. Okay. And why were you going to let them get in front
20 of you? Just explain that to the jury..

21 A. Because it is a county call, and we were in the county,
22 and it is their jurisdiction. So, we was going to let
23 them take over the chase.

24 MS. PARKER: Okay. Officer Crowley, I appreciate
25 you answering my questions. And answer anything the defense

MICHAEL A. CROWLEY - DIRECT EXAMINATION

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1 may have.

2 CROSS EXAMINATION BY MS. WISE

3 Q. Good morning, Officer Crowley?

4 A. Hay.

5 Q. And I apologize if you have answered some of these
6 already. It was you and Sergeant Jackson; correct?

7 A. Yes, ma'am.

8 Q. And were y'all just in one car?

9 A. Yes, ma'am.

10 Q. At what point did you turn on your blue lights?

11 A. Whenever the vehicle came by and he shot by, and we got
12 in pursuit, and we turned on the blue lights and siren
13 at that time.

14 Q. And can you describe a little more in detail the road
15 and the area that y'all are in? About how wide is the
16 road? About how --

17 A. -- Well, it was a dirt road --- It was like a little
18 road, but I mean, the grass --- it was grass around it.
19 It wasn't like a tree --- there was a tree line on this
20 side, but I mean, it was more area that you could
21 drive, but we was on the dirt road part where we were
22 at.

23 Q. And, I know this will just be an estimate. But, can
24 you estimate about how wide the road was?

25 A. Probably from there to right here, about this area

1 here.

2 Q. Okay. And, have you been involved in any car chases,
3 or had you been involved in any vehicle chases prior to
4 this?

5 A. I have.

6 Q. You have?

7 A. Yes, ma'am.

8 Q. Can you describe the road? What was the road like?

9 A. It was a clear day.

10 Q. Was it still daylight out?

11 A. Yes, ma'am.

12 Q. Okay.

13 MS. WISE: Your Honor, may I have a moment please?

14 THE COURT: Yes, ma'am.

15 (PAUSE.)

16 MS. WISE: Thank you, sir. No further questions,
17 Your Honor.

18 THE COURT: Any redirect?

19 MS. PARKER: No redirect, Your Honor.

20 THE COURT: Thank you very much, sir. You may step
21 down.

22 MR. CROWLEY: Thank you, sir.

23 THE COURT: Ladies and gentlemen, we are going to
24 take short break. On this break I am actually going to give
25 y'all a task to do if you would, please. I am going to ask

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1 you during this break to elect amongst yourself a foreperson
2 for the jury. And let me tell you a little bit about what
3 the foreperson does. Ladies and gentlemen, a foreperson is
4 an individual who is the person who communicates between the
5 jury panel and the Court. If the jury has any questions
6 about anything, or whatever, the foreperson would write
7 those questions out on a sheet of paper and pass them on to
8 the Court. Depending on what the question is, I may just
9 write my answer on that paper and pass it back to you. I
10 may have the foreperson come out and respond to the
11 question. Or, I may have you come out as an entire panel
12 and respond. It all depends on the nature of the question.
13 But, that is one of the main roles of the person is to be a
14 communicator between the jury panel and the Court. The
15 other role that the foreperson does is, when you do have the
16 case and it is ready for your deliberation, then the
17 foreperson would be the one who would start and stop the
18 deliberations. In other words, anytime you get a group of
19 folks together to discuss a topic, someone needs to begin
20 the deliberations. I will tell you now that when you are
21 deliberating, all of you must be present for those
22 deliberations so that if someone excuses themselves, for
23 example, to use the restroom or whatever, then the
24 foreperson would stop those discussions until that person
25 returns. And then upon their return, you would start back.

1 There is also be will be verdict forms in this case.
2 The foreperson will fill out the verdict form, and reflect
3 whatever verdict your verdict is. And the foreperson will
4 then put that verdict onto the verdict form and sign as the
5 foreperson.

6 I would tell you this, in the jury room you are all
7 equal members of the jury. One person carries no more
8 authority than the other person. Your verdict in this case,
9 whatever if it may be, must be unanimous. You must all
10 agree on the verdict, so the foreperson's vote doesn't carry
11 anymore weight than anyone else's. The foreperson's
12 thoughts and opinions carry no more weight than anyone
13 else's. You are all equal individuals on the jury panel.
14 But, it is just whenever you have a group of folks, you just
15 need to have one person to communicate with the Court, and
16 do that with regards to the deliberation. Okay?

17 So, I will tell you this. All of you are eligible to
18 serve as the foreperson, except for the two alternates.
19 Everyone else is eligible for that. I use to appoint the
20 foreperson, but I just think it is better if it comes from
21 the jury panel. So, do that for me while we are on this
22 break.

23 Now, whoever ends up being foreperson, if you would
24 then write your name on a piece of paper and then pass that
25 out to the bailiff, they will bring that to me so that I

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1 will have that information. Then when you return to the
2 courtroom, I would ask whoever the foreperson is to occupy
3 this first seat, and then the rest of you can sit wherever
4 you are comfortable. Okay? So, if y'all will do that for
5 me while we are on this break, I will appreciate that. And,
6 have no conversation about the case.

7 (Whereupon, the jury exits the courtroom at
8 3:21 p.m..)

9 **THE COURT:** All right. We will be in recess.

10 (Whereupon, a recess was taken from 3:52 p.m.
11 until 3:53 p.m.)

12 **THE COURT:** All right. Just for y'all's
13 information, Juror Number 60, Bob Harris, has been elected
14 as the foreman of the jury, just for your information,
15 ladies and gentlemen.

16 And, is the state prepared to proceed?

17 **MS. PARKER:** We are, Judge.

18 **THE COURT:** Is the defense ready to proceed?

19 **MR. JONES:** Yes, sir.

20 **THE COURT:** All right. Bring the jury out, please.

21 (Whereupon, the jury enters the courtroom at
22 3:53 p.m.)

23 **THE COURT:** All right. Mr. Harris, thank you for
24 your willingness to serve as the foreman of the jury. I
25 appreciate that. And, ladies and gentlemen, if you will

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1 recall the state was on their case when we took that break,
2 and I will recognize the state for their next witness.

3 **MS. PARKER:** Thank you, Your Honor. At this time
4 the state calls Patricia Ray.

5 **THE COURT:** All right, ma'am, if you would please
6 come around and be sworn.

7 **WHEREUPON, PATRICIA RAY**

8 **AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS**

9 **MS. RAY:** I do.

10 **DIRECT EXAMINATION BY MS. PARKER**

11 Q. Good afternoon.

12 A. Good afternoon.

13 Q. Please state your full name for the Court's record?

14 A. Patricia White-Ray.

15 Q. And, Ms. Ray, where are you currently employed?

16 A. Darlington County Sheriff's Office.

17 Q. And, were you employed at the Sheriff's Office in June
18 of 2011?

19 A. Yes, I was.

20 Q. And, I want to take you back to June 13, 2011. What
21 was your involvement with this case?

22 A. I was a Sergeant in investigations, and I was assisting
23 my Lieutenant, Eric Hodges with this investigation.

24 Q. Okay. And what was going on, on the thirteenth?

25 A. The suspect was being interviewed, and I got consent

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1 from him to do a swab for DNA purposes.

2 Q. What kind of swab was that? When you do the swab, what
3 is the procedure?

4 A. Well, it is a stick with cotton on the top of it, and
5 it come in a container. And what you do is you get
6 consent --- a consent form has to be signed that agree
7 to it. And, you swab the inside of the cheek of the
8 mouth and seal it, and put in evidence to go to
9 Columbia.

10 MS. PARKER: Permission to approach the witness,
11 Your Honor?

12 THE COURT: Yes, ma'am.

13 Q. I am showing you what is marked State's Exhibit 70.
14 And do you recognize that?

15 A. Yes, I do.

16 Q. And, would you --- Is it sealed on the back?

17 A. It is.

18 Q. And what is the number that appears on the back?

19 A. It is the case number.

20 Q. Okay. If you would go ahead and open that envelop up,
21 and tell what is inside?

22 A. Inside is a copy --- is the original DNA consent form.

23 Q. Okay. And tell us a little bit about that form. What
24 does it say?

25 A. This form states that, I Douglas Gregg, III, to consent

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1 freely and voluntarily samples of blood, head hair,
2 pubic hair, urine, and saliva to be taken by a medical
3 facility.

4 Q. Now, were all those types of samples taken?

5 A. Yes.

6 Q. Or just a swab?

7 A. Just a swab was taken by me. Yes.

8 Q. Did the defendant consent to those swabs?

9 A. He did consent by his signature with the date, and it
10 was also witnessed by an investigator and myself.

11 MS. PARKER: Your Honor, at this time the state
12 would move State's Exhibit Number 70 into evidence.

13 MS. WISE: Your Honor, can we look at the evidence
14 as well?

15 THE COURT: Sure.

16 (PAUSE.)

17 THE COURT: Any objections?

18 MS. WISE: No objections, Your Honor.

19 THE COURT: All right. Without objection, State's
20 Exhibit 70.

21 WHEREUPON, STATE'S EXHIBIT
22 NUMBER 70 WAS MARKED AND
23 ADMITTED INTO THE WITHOUT
24 OBJECTION.

25 Q. Ms. Ray, was the defendant lured into anything?

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1 A. No, ma'am.

2 Q. Was it a voluntary consent?

3 A. Yes, ma'am.

4 Q. And what did you do with those samples after they were
5 taken?

6 A. Sealed them to be placed into evidence.

7 Q. Okay. Did you place them into evidence?

8 A. Yes, ma'am.

9 MS. PARKER: Okay. Please answer any questions if
10 the defense has any.

11 MS. WISE: No questions, Your Honor.

12 THE COURT: Thank you very much, ma'am. Any
13 objection to this witness being excused?

14 MR. JONES: No, sir.

15 THE COURT: All right.

16 MS. PARKER: At this time the state calls Joseph
17 Peavy.

18 THE COURT: All right. Mr. Peavy, come up and be
19 sworn please.

20 WHEREUPON, JOSEPH EUGENE PEAVY

21 AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS

22 MR. PEAVY: I do.

23 DIRECT EXAMINATION BY MS. PARKER

24 Q. Please state your name for the record.

25 A. Joseph Eugene Peavy.

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1 Q. And where do you work?

2 A. I work with Darlington County Sheriff's Office.

3 Q. And what is your position?

4 A. Currently, I am a criminal investigator with the
5 Sheriff's Office.

6 Q. Okay. And your involvement with this case, real brief.
7 What did you do?

8 A. On Sunday, I believe, the date of the incident, I was
9 contacted by my Lieutenant, Lieutenant Eric Hodges. He
10 gave me a brief synopsis of what had happened in the
11 Dovesville area, and informed me that I had to attend
12 the autopsy on Monday morning.

13 Q. Is that customary procedure, standard procedure?

14 A. If the coroner orders an autopsy, then one of us has to
15 go.

16 Q. Did you, in fact, go to the autopsy?

17 A. Yes, ma'am, I did.

18 Q. And where was it?

19 A. Newberry.

20 Q. And at the conclusion of that autopsy, were there any
21 samples?

22 A. Yes, ma'am, there was.

23 Q. Evidence?

24 A. Yes, ma'am, there was.

25 Q. And, what exactly usually goes along with that --- At

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1 the conclusion of an autopsy is there for you to take
2 with you?

3 A. The pathologist takes all the fluids that they
4 collected from the body that has to be submitted to
5 SLED, and they will bag them and seal them in a bag. I
6 will sign for that bag. I transport those items and
7 any other items --- the victims clothing also. The
8 evidence that was collected --- the fluid evidence that
9 was collected at the --- in Newberry was taken to SLED
10 headquarters. And I signed them over to SLED
11 headquarters.

12 Q. Okay. And when did you take those fluid samples to
13 SLED?

14 A. The same day. It was a Monday, it was the 13th.

15 Q. The same day?

16 A. The same day.

17 Q. You stopped by SLED on your way back home?

18 A. Yes, ma'am.

19 MS. PARKER: Okay. Please answer any questions the
20 defense may have.

21 MS. WISE: No questions, Your Honor.

22 THE COURT: Thank you very much, sir. You can step
23 down.

24 Please call your next witness.

25 MR. HOLT: Thank you, very much, Judge. May it

GARY STEVEN BILLIOTT - DIRECT EXAMINATION

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1 please the Court? The state would call Gary Billiott.

WHEREUPON, GARY STEVEN BILLIOTT**AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS**

4 **MR. BILLIOTT:** I do.

DIRECT EXAMINATION BY MR. HOLT

6 Q. Could you please give your whole name for the jury?

7 A. Sure. My name is Gary Steven Billiott.

8 Q. And, what is your position with Darlington County
9 Sheriff's Office?

10 A. I am a Sergeant Investigator with the Crime Scene Unit.

11 Q. And how long have you been doing that Gary?

12 A. I have been doing that for about two and a half years
13 presently.

14 Q. And, before that, what did you do? How long have you
15 been in law enforcement?

16 A. This will be going into my tenth year with this
17 department, a total of eleven years in law enforcement.

18 Q. All right. How did you become involved in the case at
19 hand?

20 A. I was initially contacted by my partner, Sergeant Russ
21 Harrell. He had notified me by phone that there was a
22 stabbing incident in the Dovesville area. We went ---
23 in fact, he actually picked me up in the crime scene
24 vehicle, and we went together to the scene.

25 Q. And when you say the scene, will you point to the jury

GARY STEVEN BILLIOTT - DIRECT EXAMINATION

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1 on the map and give the exact address where y'all were
2 at?

3 A. Okay. We actually went to --- were directed to go to
4

5 Q. And, when you were inside the house, what did you work
6 on? What were your duties?

7 A. Well, initially, before the search warrant was signed,
8 Investigator David Young was actually working on that.
9 I took initial photos of the outside parameter, the
10 exterior of the residence. Once Investigator Young
11 brought the search warrant, and it was actually served,
12 we actually went ahead and then I let Sergeant Russ
13 Harrell finish taking the photos. Pretty much like I
14 said, we went in and we processed the scene together.
15 In fact collecting a lot of the evidence --- pretty
16 much assisting one another.

17 Q. All right. And then after you left --- When you
18 collected evidence from the house, what were you
19 looking for, what did you find?

20 A. Okay. Initially when we entered into the residence, in
21 the livingroom, the first thing that I noted was the
22 livingroom appeared to be in disarray. I mean, there
23 was paperwork, mail scattered about the floor. I think
24 there was a lamp on one of the tables were askew. The
25 coffee table was moved. And, I think there was a

1 barstool or something that had been flipped over, it
2 was lying on its side. And, that was pretty much in
3 the living room.

4 Q. Did you see the body?

5 A. Yes, sir. I noted a black male subject laying face
6 down on the floor. Blood pretty much in various areas.
7 It appeared pretty much multiple stab wounds. And,
8 like I said, that was --- like I said, that was in the
9 livingroom.

10 Q. Who collected the evidence you or Deputy Harrell?

11 A. I collected most of the evidence, but I mean, we kind
12 of both collected together. It was kind of one of
13 those joint efforts. A lot of times when we process a
14 scene together, we try to help each other out, because
15 there are many duties that are involved when you are
16 processing a large scene sometimes.

17 Q. All right. And, after you left the home, what were
18 your duties then?

19 A. After we left the home, I obtained a search warrant in
20 reference to the car, after the car had been seized and
21 actually secured at The Darlington County Sheriff's
22 Office. Like I said, I obtained that search warrant,
23 and I processed that vehicle the next day.

24 Q. All right. Now, I want to show you ---

25 MR. HOLT: Beg the Court's indulgence.

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1 **THE COURT:** Yes, sir.

2 **(PAUSE.)**

3 **MR. HOLT:** And I am going to go through these for
4 Madame Court Reporter so there is no problem. I am going to
5 show you what has been previously marked as State's Exhibit
6 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30,
7 as well as 31, 32, 33, 34, 35, 36, 37. Now, I am going to
8 show you these exhibits.

9 Permission to approach, Your Honor.

10 **THE COURT:** Yes, sir.

11 Q. And, I want you to just look at them, and I don't want
12 you to tell me what they are. Without telling the jury
13 exactly what they are, can you tell me; Number one.

14 Have you ever seen those before?

15 A. Give me a minute to look through theses?

16 Q. Yes, sir.

17 A. Okay. Thank you.

18 **(PAUSE.)**

19 A. All right.

20 Q. Have you ever seen them before?

21 A. Yes. Yes, I have.

22 Q. And since the last time you have seen them, has there
23 been any changes, alterations, or deletions?

24 A. No, there have not.

25 Q. They are essentially the same since the last time you

1 saw them?

2 A. That is correct.

3 Q. And can you tell the jury what they are?

4 A. They are photographs that I had taken when I processed
5 a 2002 Honda Accord.

6 MR. HOLT: And, Your Honor, at this time the state
7 would ask for those photos to be admitted into evidence.

8 THE COURT: Any objection?

9 MS. WOOTEN: No objections, Your Honor.

10 THE COURT: All right. Without objection.

11 WHEREUPON, STATE'S EXHIBIT
12 NUMBERS 16, 17, 18, 19, 20,
13 21, 22, 23, 24, 25, 26, 27,
14 28, 29, 30, as well as 31, 32,
15 33, 34, 35, 36, 37. WERE
16 MARKED AND ADMITTED INTO THE
17 RECORD WITHOUT OBJECTION.

18 MR. HOLT: Judge, would it be alright at this time if
19 Deputy Billiott could come down here with me in front of the
20 jury.

21 THE COURT: Just if you would, please keep your
22 voice up so the Court reporter can hear you.

23 MR. BILLIOTT: Okay. That will be fine.

24 THE COURT: Thank you, sir.

25 MR. BILLIOTT: Just let me know if I am having

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1 trouble.

2 **MADAME COURT REPORTER:** Thank you.

3 Q. And, Deputy, I will hand you these photographs, and
4 through each photograph you just tell me, and say it
5 loud enough so the jury can hear you, exactly what this
6 is a photograph of.

7 A. All right. This is State's Exhibit 16. It is the
8 front of a white 2002 Honda Accord, that I processed.

9 Q. The date again that you processed --

10 A. This would have been 6/13/2011, the very next day.

11 Q. All right. And this is Number 17.

12 A. Okay. This is State's Exhibit Number 17, this is the
13 driver's side bumper. I noted some damage to the
14 bottom here of the bumper. Also some grass stains, but
15 basically noted the damage.

16 Q. And Number 18.

17 A. State's Exhibit 18, this is the driver's side long view
18 of the driver's side of the same vehicle.

19 Q. Number 19.

20 A. State's Exhibit 19, this is the driver's side door
21 opened so you can see pretty much the opened door, and
22 a little bit --

23 Q. And can you tell us exactly what is in Number 20, and
24 what it signifies?

25 A. State's Exhibit Number 20, is a closeup of the driver's

1 side door. I noted on top here there is some dark
2 reddish stain in a couple areas. Most notable in this
3 area here, which to me appeared to be blood. I
4 actually did swab this area with two swabs from this
5 area. And pretty much after I was done, I went ahead
6 and removed my gloves. Put them to the side and took a
7 photograph of this. After that I did put on a fresh
8 pair of gloves. This helps us from cross-
9 contamination. So, that the next thing that we are
10 going to, I am wearing a fresh pair of gloves. I am
11 not wearing the same gloves.

12 Q. Did you send this to SLED?

13 A. This I did send to SLED for analysis.

14 Q. All right. Did you take it to SLED yourself?

15 A. Yes. Yes, I did.

16 Q. All right. And, Number 21.

17 A. Number 21, is a closeup of that area which I swabbed.

18 Q. And let's take just one or two out of order. I think
19 if you would explain to the jury what these several are
20 all at the same time.

21 A. Let me use my usual approach. Normally, when I take
22 the photographs I start from a far off view, so that
23 you can get kind of a general overall view. Then I
24 will basically come in and focus a little more onto the
25 actual item that I am looking at.

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1 This is State's Exhibit 24. This is the
2 passenger side front compartment of that vehicle.
3 In this picture I noted there was actually a large
4 butcher type knife, and I think there are some
5 scissors here, and a piece of paper, and I think
6 there is a piece of plastic here.

7 This is State's Exhibit Number 25, it is a
8 closer of it --- of the knife, scissors, plastic
9 bag, piece of paper.

10 This is State's Exhibit Number 26, further
11 closup of it. And then finally pretty much the
12 same identical picture. This is State's Exhibit
13 Number 24.

14 Q. And what three things are those photographs of?

15 A. I was actually photographing, like I said, a knife,
16 there is a plastic baggie, a pair of scissors, and like
17 I said, I don't know what the white part --- there was
18 a white piece of paper.

19 Q. In your experience in law enforcement, what was the
20 plastic baggie used for?

21 A. Actually it had a white powdery substance, inside there
22 was a small pouch, and I went ahead and collected that
23 for possible evaluation later.

24 Q. Okay. All right. And, if I were to ask you what
25 Number 37 is a photograph of?

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1 A. Number 37, this is a photograph behind the driver's
2 side seat. This would be in the rear compartment. I
3 had seen on the floorboard there was a Zaxby's name
4 tag. It had the name Drew, D-R-E-W, and then there was
5 a black cell phone sitting out from underneath the
6 seat.

7 Q. All right. And if you can tell us what that is, and
8 why you took a photograph of it?

9 A. Okay. While I was actually lining it up, this is
10 State's Exhibit Number 36, and I said, oh, I took this
11 photo, and it said, "you have a new voice mail." So,
12 like I said, I went in and took a photo of it, and of
13 course, like I said, there was a voice mail on it.

14 Q. And finally in regard to Number 35..

15 A. This is Exhibit 35. After that went off, this was on
16 the screen, I guess it was on a home screen on the
17 phone at the time. You will notice that there is the
18 name Douglas right at the top. And this was actually
19 taken at 12:18 p.m. on 6/13/11, and it was actually
20 this gentlemen on the phone.

21 Q. All right. And what is this right here?

22 A. This is State's Exhibit Number 34. Normally when we
23 first take a phone, the first thing that happens is if
24 there is anything that is on the screen present, we
25 will take a photo of it, document that. Then what we

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1 will do is go ahead and remove the battery from the
2 phone, and take any photos of the information including
3 the serial number, model number, the phone, and that is
4 all this is. That includes the battery, and you can
5 see the back part.

6 Q. All right. And these six photos.

7 A. Okay. This is --- These six photos are all --- This is
8 State's Exhibit 29, which is a measurement of the knife
9 that was recovered from the vehicle. I think it
10 measured approximately thirteen inches, and that was
11 including the handle as well.

12 The same thing with this one, this is State's Exhibit
13 31. That is just documenting that.

14 State's Exhibit Number 32 is a little bit
15 closer up of it.

16 Q. Can you read the name on there?

17 A. I think it said Mackie Steel, yeah, Mackie Steel.

18 Q. Okay.

19 A. And the last exhibit is the State's Exhibit Number 27,
20 which is just the width of the blade, which I think it
21 was around 1.75 inches wide at the base.

22 Q. And, Number 22.

23 A. State's Exhibit Number 22, this is what I noted a
24 closeup on the blade surface. It appeared to be a dark
25 reddish stain, which appears to be blood.

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1 Q. Okay. And the significance of Number 33.

2 A. Number 33. State's Exhibit Number 33, because I went
3 ahead and actually swabbed it, this is a swab from that
4 area which appear to be blood. Again, I did the same
5 thing. After I took the photo, I went ahead and took
6 off my gloves and put on a fresh pair. Documenting
7 again that I am using a fresh pair of gloves to prevent
8 cross-contamination of any of the samples that I
9 collected. And after that was done I actually sealed
10 up the knife in the box, and taped it up.

11 Q. And you sent the swab?

12 A. Yes.

13 Q. Did you send the swab to SLED?

14 A. Yes, I did.

15 Q. Did you also send the knife to SLED?

16 A. At a later time.

17 Q. All right. At this time, if you would have a seat back
18 on the stand, and I will follow you up there. I am
19 going to show you what has been marked as State's
20 Exhibit 61. And, without telling the jury what it is,
21 have you seen State's Exhibit Number 61 before?

22 A. Yes, I have.

23 Q. And since the last time you saw it, has there been any
24 alterations or deletions made to it?

25 A. No.

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1 Q. All right. And, can you tell me what State's Exhibit
2 Number 61 is?

3 A. State's Exhibit 61 is a knife storage box --- an
4 evidence storage box containing a knife. In the box is
5 actually --- this is my handwriting here that I filled
6 out. This is the large butcher knife with a wooden
7 handle that I collected from the passenger side vehicle
8 of the 2002 Honda Accord.

9 Q. And from looking at the tape and the writing, can you
10 explain to the jury how you know it is that knife, and
11 where that knife has been since last you saw it?

12 A. Okay. I know this is my knife --- Well, at least that
13 I packaged this box. The red tape is my tape that I
14 actually put on this box to seal it. It does have my
15 initials right here on the tape. Also the date that I
16 sealed it, 6/13/2011. And the yellow tape as well as
17 this yellow sticker, that is what SLED has obviously
18 analyzed the knife. And once they reseal the box, they
19 reseal it with their own tape.

20 Q. And, at this time can you crack that open and see what
21 is inside of it?

22 A. Do you have a --- I am not carrying a knife blade on me
23 at the moment.

24 THE COURT: Here you go.

25 MR. BILLIOTT: Thank you, Judge.

1 **THE COURT:** You are welcome. I grew up in
2 Edgefield, South Carolina. I have had that since I was six
3 years old. Not that particular one, but I have been
4 carrying one --

5 A. Bear with me, there is a lot of tape on this thing.

6 There we go.

7 Here you go, Your Honor.

8 **THE COURT:** Thank you, sir.

9 Q. All right. Deputy, would you take that out of the
10 packaging, and let's look and see what you have got
11 there?

12 A. I have a package that has been wrapped in white paper,
13 taped up. It has a lab number, which corresponds to
14 the same lab number that is on the box. Usually when
15 SLED handles or processes a case for us, they will
16 assign an individual lab number for that case for any
17 evidence that we send to them. And they have actually
18 labeled it Item Number 14, and there is a date on it
19 8/6/2012. Thank you. Do you want me to open this up?

20 Q. Yes, sir.

21 **(PAUSE.)**

22 Q. All right. Can you raise that up and show it to the
23 jury?

24 A. Okay.

25 Q. Now, Deputy Billiott, is that the knife that you

GARY STEVEN BILLIOTT - DIRECT EXAMINATION

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1 recovered from Druscilla Suggs' car?

2 A. Yes, it is. Yes, it is.

3 Q. Is that also the knife that you found in the same car
4 with the Defendant's cell phone?

5 A. That is correct. Yes, I did.

6 Q. And, is that the knife that you sent off to get tested
7 for blood?

8 A. Yes. We wind up sending it up; that is correct. Do
9 you want me to just leave it out?

10 Q. If you would just package it back up.

11 A. Package it back up.

12 (PAUSE.)

13 Q. Deputy, earlier when Ms. Ray testified with your
14 office, she talked about some buccal swabs that she
15 collected from the defendant.

16 A. That's correct.

17 Q. Did you at any time have an occasion to handle those
18 buccal swabs?

19 A. Yes, I did. They were dropped into evidence. One of
20 my many duties being in crime scene, I also work in the
21 evidence room. We are responsible for logging in
22 evidence. I went ahead and logged those in. I placed
23 those aside with some other evidence to be sent up to
24 SLED to be analyzed.

25 Q. All right. And, the phone that you found in the car,

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1 did you check it for fingerprints?

2 A. No, I did not.

3 Q. Okay. How about the small bag that you collected from
4 the car. Did you send that to SLED as well?

5 A. Yes. That was sent to SLED to be analyzed. That's
6 correct.

7 MR. HOLT: Deputy, please answer an questions that
8 the defense may have.

9 MR. BILLIOTT: Thank you.

10 CROSS EXAMINATION BY MS. WOOTEN

11 Q. Detective Billiott?

12 A. Yes.

13 Q. You responded to Drive on June 12th; is
14 that correct?

15 A. That's correct, in 2011.

16 Q. Let me show you State's Exhibit 4 and 6. Can you
17 describe what these are?

18 A. Okay. State's Exhibit 4 and 6, these were photographs
19 that I had taken of the outside of the exterior of a
20 beige and white single wide mobile home trailer.

21 Q. Is that Drive?

22 A. That's correct.

23 Q. There is something yellow surround that trailer. Can
24 you tell me what that is?

25 A. That is crime scene tape.

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- 1 Q. And what is the purpose of crime scene tape?
- 2 A. Basically to secure or block off any entrance, only for
- 3 basic law enforcement to come into the area. In fact,
- 4 I can see one of the deputies standing at the --- there
- 5 are steps there. Basically where we roped off the
- 6 trailer to secure it.
- 7 Q. And, when you arrived at the residence, was it secured?
- 8 A. Yes, it was.
- 9 Q. I have another picture, State's Exhibit 15. Do you
- 10 recognize this photo?
- 11 A. Yes, I do.
- 12 Q. Can you describe what is in that photo?
- 13 A. State's Exhibit 15, this was the livingroom. As I
- 14 noted when I came into the residence, pretty much
- 15 describing some of what I seen in reference to the
- 16 disarray to the paperwork. There were clothes on the
- 17 floor. A chair knocked over. And victim's body off to
- 18 the left of the photograph.
- 19 Q. You described that as being in disarray; correct?
- 20 A. That is correct.
- 21 Q. So, is this a fair and accurate depiction of how the
- 22 scene looked when you arrived?
- 23 A. That is correct.
- 24 Q. Did you take this photo?
- 25 A. No, I did not.

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1 Q. And, you said, that you were in charge of taking photos
2 and collecting evidence?

3 A. No, I was in charge of taking photos. The initial
4 photos of the exterior of the residence until the
5 search warrant, the signing completed, once it was
6 actually served on the residence, my Sergeant, Sergeant
7 Russ Harrell finished taking the photos inside the
8 residence.

9 Q. And the search was done when?

10 A. The next day.

11 Q. Are you familiar with this document?

12 A. Give me a minute.

13 (PAUSE.)

14 A. This is a search warrant of the --- Yes, I am. I am
15 familiar with it.

16 Q. And, on the last page, what is that?

17 A. This is a search warrant return. This was a search
18 warrant for the residence. This is a search warrant
19 return document where items of evidence were collected
20 from the residence, and actually was executed by
21 Sergeant Russ Harrell.

22 Q. Was there anything not listed on that list that was
23 collected into evidence?

24 A. Let's see. This appears to be pretty much what we
25 collected from the residence.

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1 Q. Thank you, very much. I have another one for you to
2 look at as well.

3 A. Okay.

4 Q. Could you please tell us what this is, and are you
5 familiar with it?

6 A. Give me a second again.

7 (PAUSE.)

8 A. This is a search warrant that I obtained in reference
9 to processing a 2002 Honda Accord EX, white in color,
10 which was registered to a Druscilla Suggs.

11 Q. Thank you. If I could have you read for us the
12 description of property sought?

13 A. Description of property sought, blood, fibers, shell
14 casings, firearms, electronic devices, ammunition,
15 latent prints, DNA, money, knife, or similular pointed
16 sharp instrument, or any other evidence to be found ---
17 evidence bearing value in reference to a
18 homicide/stabbing of a victim Levi Gregg, and the
19 robbery of the Society Hill Markette.

20 Q. Thank you. Now, I want to show you State's Exhibit 23
21 and 25.

22 A. Okay.

23 Q. You have previously identified these. Would you tell
24 me what is in those two photos?

25 A. What is in these two photos is the knife with the

1 wooden handle that is in this box here. And, a white
2 plastic baggie, containing some white powdery
3 substance, a pair of scissors, and a white piece of
4 paper.

5 Q. Thank you. On the search warrant that you just read it
6 says that what the items sought were a knife or similar
7 pointed sharp instrument. Would you describe the
8 scissors as a pointed sharp instrument?

9 A. Actually, the ends of the scissors look to be sort of
10 dull. But, if you want to say that you could, but they
11 actually appear to be dull.

12 Q. Thank you.

13 A. You are welcome.

14 Q. And what is that?

15 A. That is a search warrant return that I completed and
16 returned back to the judge.

17 Q. And, was there anything collected not listed on that
18 paper?

19 A. Let's see? Everything here is everything that I
20 collected from the vehicle.

21 Q. Can you tell me why you did not collect the scissors
22 from the photos?

23 A. I did not feel that they were pertinent.

24 MS. WOOTEN: Just one moment, Your Honor.

25 THE COURT: Yes, ma'am.

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1 (PAUSE.)

2 MS. WOOTEN: That's all. Thank you.

3 THE COURT: Thank you, ma'am. Any redirect?

4 MR. HOLT: Nothing on redirect, Your Honor.

5 THE COURT: All right. Thank you very much, sir.

6 You may step down.

7 MR. BILLIOTT: Thank you.

8 MR. HOLT: Judge, at this time could me and Mr. Jones
9 have a sidebar?

10 THE COURT: Yeah.

11 (Whereupon, a bench conference was held.)

12 THE COURT: All right. Ladies and gentlemen, we are
13 going to quit early today. For scheduling purposes it is
14 about twenty minutes till five. The next witness may ---
15 I'm not sure. May take us a little later than we want to
16 go. So, we are going to go ahead and recess for the day.

17 Please maintain your ability to remain fair and
18 impartial. Tell your family, friends, and loved ones, that
19 you need to be back in the morning. For them to remain
20 patient. You will share things with them when this is over
21 if they are still interested. But, at this point do not
22 have any conversation with anyone about the case.

23 I am going to ask you, if you would please, to be back
24 here in your jury room ready to go at nine o'clock. We will
25 start a little bit early tomorrow. We are not sure. We are

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1 in hopes that maybe we can get the case to you tomorrow.
2 So, we are going to start a little bit earlier, so maybe we
3 can facilitate that.

4 So, having said that, have a wonderful evening. Try to
5 get some rest. As you can probably tell from today, that
6 jury service is not necessarily taxing from a standpoint and
7 muscular, but mentally it can be taxing.

8 So, try to get a good nights rest, and we will see you
9 back here --- Please be here at nine o'clock, and we will
10 get started.

11 Everyone else please remain seated.

12 (Whereupon, the jury exits the courtroom at
13 4:40 p.m.)

14 **THE COURT:** All right. Anything else before we
15 adjourn for the evening?

16 **MR. JONES:** No, sir.

17 **MR. HOLT:** Not from the state, Your Honor.

18 **THE COURT:** We will start back at nine o'clock in
19 the morning.

20 **MR. HOLT:** Thank you, Judge.

21 (Whereupon, the Court concludes day two of
22 this trail at 4:42 p.m. on Tuesday, December 5, 2012.)

23 -- END OF DAY TWO OF TRIAL --

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1 (Whereupon, the Court begins day three of
2 these proceedings at 9:10 a.m. on Wednesday, December 5,
3 2012.)

4 -- DAY THREE OF TRIAL --

5 THE COURT: All right. Is there anything that we need
6 to take up before we get started?

7 MS. PARKER: Your Honor, we may need to take up a few
8 pictures. Mr. Jones and I have looked at them and there is
9 some disagreement on some.

10 THE COURT: All right.

11 MS. PARKER: And we just wanted to take them up. It
12 will get easier to get through them if I just come and stand
13 here.

14 THE COURT: Okay.

15 MS. PARKER: Judge, if I may. I know that all of those
16 will not be admissible. But, due to the Court's record,
17 these pictures are what we had to choose from.

18 (PAUSE.)

19 THE COURT: All right. And, I haven't heard from
20 either one of y'all on either one of these yet. I just
21 pulled these out as likely that I would not let them in, even
22 though it may be that you didn't care to have any of them
23 anyway. But, I just chose the ones that at initial glance --
24 - But, if you look through them, and you feel like you have,
25 you know, a good legal argument for, I will hear it. I am

1 just trying to maybe cut them down a little bit to see ---
2 And I will hand these to you, and then you can go over and
3 tell me which ones you object to.

4 **MS. PARKER:** These right here?

5 **THE COURT:** No. Those are the ones that I just looked
6 at and said at first blush I would be inclined to maybe not
7 Motion to be relieved, unless there is a good legal argument.
8 Those, I was just going to hear from y'all on those and tell
9 me what y'all thought.

10 **MS. PARKER:** Your Honor, instead of taking argument on
11 these, the ones that you picked out at your first glance.

12 **THE COURT:** Okay. Unless you --- I don't even think
13 you need to give them to the court reporter, if you are not
14 going to use them. I mean, they have been marked for
15 identification. But, if you don't use them, that is fine.

16 **MS. PARKER:** Your Honor, State's Exhibit Number 14
17 shows the placement of the body. Your Honor, it may be the
18 State's theory that his final resting place, you can see it
19 in that corner of the wall and the kitchen counter. And it
20 also shows the stab wound --- one of the stab wounds
21 particular to the back. This may be important to the
22 defense. The defense is going to assert self-defense.

23 **THE COURT:** What is your position on that?

24 **MR. JONES:** Judge, two things. Number one. The
25 prejudicial value outweighs the probative value. Number two.

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1 I think Dr. Ross has very accurately covered the position of
2 the wound, or the area that the wound on the body was seen,
3 and is qualified to -- And I think one-by-one characterizes
4 which wound on the body is located where. And for that
5 reason we do not feel this would be appropriate, again
6 because of the prejudicial value greatly outweighs the
7 probative value.

8 THE COURT: That is on fourteen now?

9 MR. JONES: Fourteen, yes, sir.

10 THE COURT: Let me hold it again.

11 MS. PARKER: Your Honor, it is not particularly close
12 up, 92, 93, 94 are close ups.

13 THE COURT: I am going to allow 14.

14 MR. JONES: Yes, sir.

15 THE COURT: And note your exception to that.

16 WHEREUPON, STATE'S EXHIBIT

17 NUMBER 14 WAS ADMITTED INTO

18 EVIDENCE OVER OBJECTION.

19 MS. PARKER: Nine-two, 93, and 94 --

20 THE COURT: Hold on a second, and let me write this
21 down.

22 (PAUSE.)

23 MS. PARKER: Your Honor, 14 coming in, we think to be
24 sufficient. So, 80, 78, 80, and 91 those pictures were taken
25 in that same area, from that corner after the body was moved.

1 And, Your Honor, the State would offer these to show where
2 the blood stains were. The blood stains on the carpet. And
3 Your Honor, the State would also argue these show the
4 approximation of the blood, just in that one area was the
5 only blood found in the residence. It shows the blood in
6 this area of the room, and that also goes to establish our
7 case.

8 **THE COURT:** Okay.

9 **MR. JONES:** And, again, Your Honor, we think these are
10 high prejudicial. The main reason is that the body has been
11 moved, so it is not as it was when law enforcement got there.
12 The prejudicial value greatly outweighs the probative value.
13 And, again, the information that the Solicitor is talking
14 about these photographs proving, has already been testified
15 to, or I think according to SLED agent's testimony is about
16 to be testified to. I think with 14 in, I don't have any
17 question that if he was in that position, if you move him
18 there is going to be blood underneath the carpet. Again we
19 feel the prejudicial value greatly outweighs the probative
20 value. Mr. Ritner, which is your Motion to be Relieved.

21 **THE COURT:** Solicitor, the battery has been taken
22 away. So, what is your purpose of --- what would be your
23 purpose for these? I let 14 in because I think it was
24 relevant, because it does show the scene as they found it.
25 But, now, and I am not saying no photographs of the scene

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1 that has been compromised, I am not saying that. But, I
2 don't know what the purpose is.

3 **MS. PARKER:** It shows that that was the only location
4 that they had blood. But, he can certainly testify to all
5 fourteen. I would use 14 for that purpose.

6 **THE COURT:** I am going to sustain the objection to 78,
7 80, and 91. I will sustain your objection to those.

8 **MS. PARKER:** This one too, in that same group. 82,
9 83, and 84 are similar shots of the house, in the house, in
10 the bathroom, two shots in the bathroom, a shot of the
11 defendant's bedroom. Yesterday on cross examination, there
12 was a discussion about -- and I asked Ms. Druscilla Suggs on
13 direct about how good of a housekeeper the defendant was.
14 The messiness of the house --- there was a roughness or a
15 fight. I would intend to show the jury what kind of
16 housekeeper the victim was, what every room in his house
17 looked like, so they could see if it was clean --- If your
18 house needed cleaning. One person may think the house is
19 clean, and another person may think it is very disorderly and
20 disgusting. That is a matter of opinion. I would show the
21 jury how kept his house was.

22 **MR. JONES:** Your Honor, there was testimony from at
23 least Ms. Hunter-Suggs, I think the two first officers that
24 testified said the house was messy. I think Lieutenant
25 Billiott is the only one that said was in disarray.

1 We will stipulate that he was a messy housekeeper. I
2 don't think any of those photos --

3 **THE COURT:** -- Well, let me ask, and I was going to
4 ask the Solicitor --- And, I understand where you are coming
5 from, and I would agree. I don't know what the defense is
6 going to do, and neither do you. But, if they are going to
7 try to allege a ruckus, a scrap, a fight --- But, what these
8 pictures are depicting would --- Also, that would go to any
9 of those issues. This is just messy. It is not like things
10 are knocked over and like a fight ensued. This is just a
11 nasty house. So, I don't know. And I wonder involving the
12 bedroom, I don't know. It is kind of the same thing. It is
13 messy.

14 So, your concern is that if they try to assert that
15 there was some type of a fight, or a conflict between the
16 two, I don't think photographs of the area where the body was
17 found would be more indicative rather than --

18 **MS. PARKER:** -- My concern is, if they allege there
19 was a scrap or a fight, and the only photos of the house that
20 the jury would see are of that livingroom. I think they
21 would give more weight and more credit to just the messiness
22 of the way it looks. When in fact his whole house was messy.

23 **THE COURT:** Okay. All right. I am going to allow,
24 83, --- I am going to allow 83, 84, and 82. I think they are
25 --- I don't know --- I also don't know that they're

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1 prejudicial at all. I agree with you, Mr. Jones, you know,
2 you can agree that somebody is messy, but -- I will allow it
3 over objection and certainly note your exception.

4 WHEREUPON, STATE'S EXHIBIT

5 NUMBERS 82, 83, AND 84 WERE

6 ADMITTED INTO EVIDENCE OVER

7 OBJECTION.

8 MS. PARKER: And we have an agreement on 74 and 75.
9 I told you about 73, 76, and 77.

10 (PAUSE.)

11 MS. PARKER: That is 73 through 77.

12 THE COURT: All right. State's Exhibits 73 through 77
13 admitted into evidence.

14 WHEREUPON, STATE'S EXHIBIT

15 NUMBERS 73, 74, 75, 76, AND 77

16 WERE ADMITTED INTO EVIDENCE.

17 MS. PARKER: State's 81, would be the last one, this
18 is a picture of the victim's certificate of licenses for the
19 ministry, Your Honor. It shows --- You can see on the
20 certificate, this is Pleasant Grove, that is the church they
21 attended the Sunday the victim was killed. And Druscilla
22 Suggs has already testified that the deceased did take the
23 defendant to church. Your Honor, I also think that explains
24 a little bit to the jury about what the victim's involvement
25 would have been to the defendant, that he was trying to help

1 him. It is just a photograph --- that was just found in his
2 house, Your Honor. Also, there were Bibles all over the
3 house, and a lot of them were opened to scripture that was
4 showing under the leg of the body. And we would certainly
5 are offering all of those that we would like to offer.

6 **MR. JONES:** And, Your Honor, we have a number of
7 objections regarding relevancy. There has been no testimony
8 that he was a member of the clergy. There was plenty of
9 testimony that he was attending church. But I would to bear
10 in mind that they all went to church. I don't think there is
11 any testimony that he was actually a member of the clergy.
12 We think it would be highly prejudicial, and relevance, and
13 bolstering of the --- We just have a number of objections on
14 that.

15 **THE COURT:** I am going to sustain the objection to 81.
16 I don't know that there is any relevance that that depicts
17 beyond the testimony that has already been --

18 **MS. PARKER:** Thank you, Judge. That's all.

19 **THE COURT:** Have you got 81?

20 **MS. PARKER:** That was 81 that was just --

21 **THE COURT:** Would you let Pam mark that, because that
22 was subject to your motion. She needs to mark it as I.D.

23 **WHEREUPON, STATE'S EXHIBIT**

24 **NUMBER 81 WAS MARKED FOR**

25 **IDENTIFICATION ONLY.**

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1 **THE COURT:** Okay. Anything else from the State before
2 we bring the jury out?

3 **MS. PARKER:** No, Your Honor.

4 **THE COURT:** Anything from the defense before we bring
5 the jury out?

6 **MR. JONES:** No, sir.

7 **THE COURT:** All right. Let's get the jury in.

8 **BAILIFF:** All right.

9 (Whereupon, the jury enters the courtroom at
10 9:29 a.m.)

11 **THE COURT:** All right. Welcome back. Ladies and
12 gentlemen. I hope you had a good evening. Let's go ahead
13 and get started. I appreciate y'all being here at nine
14 o'clock. I did end up having some matters that I needed to
15 take up. So, we have done that, and now we are ready to
16 proceed with the testimony.

17 As you will recall, we ended court yesterday in the
18 State's case, and we will continue now.

19 **MS. PARKER:** Thank you, Your Honor. The State would
20 now call Russ Harrell.

21 **THE COURT:** Deputy Harrell, come forward please.

22 **WHEREUPON, RUSS HARRELL**

23 **AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS**

24 **MR. HARRELL:** I do.

25 **DIRECT EXAMINATION BY MS. PARKER**

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1 Q. Good morning, please state your full name.

2 A. Russ Harrell, H-A-R-R-E-L-L.

3 Q. Thank you. Russ Harrell, where do you work?

4 A. Darlington County Sheriff's Office.

5 Q. And what is your position with the Sheriff's Office?

6 A. I am a forensic investigator.

7 Q. Was that also your position in June of 2011?

8 A. That's correct.

9 Q. Were you the evidence custodian in June of 2011?

10 A. I was.

11 Q. Okay. And just explain to the Court --- Excuse me, you
12 said Forensic Crime Scene? What you do in that
13 position, and also explain a little bit about the duties
14 of the evidence custodian -- tell us kind of --- let us
15 know.

16 A. Sure. A forensic investigator basically is a person who
17 goes to assorted crime scenes and collects evidence, and
18 helps the investigators assigned to find the facts
19 through forensics. And as far as evidence collection
20 and maintaining the evidence room goes, that is a
21 secondary job that goes along with that, where you
22 maintain the chain of custody. You will probably hear
23 that. And that is basically keeping documentation of
24 every person that handles it from when you took it to
25 where it finally lands up at.

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1 Q. So, you secure it, it is locked up?

2 A. We keep it secured in a jail cell where the keypad entry
3 with three locks, and walls about a foot thick.

4 Q. Okay. And that is where the evidence goes?

5 A. That is where the evidence goes after it is secured and
6 bagged.

7 Q. Okay. Now, as far as the forensic crime scene and
8 processing the crime scene. What integral part does
9 SLED --- and SLED is a term that has been used a little
10 bit this week. Explain the role of SLED and what you do
11 and how you work with them?

12 A. Sure. In the past SLED use to come to our county before
13 we had a Crime Scene Division, and they would do the
14 processing work. But, now they serve more of a support
15 role where items that we are not capable of, since we
16 are a small rural county, such as DNA, drugs, firearms,
17 and other various things that we do not have the
18 capability of handling here, will go to the State Law
19 Enforcement Division Lab where they have the equipment,
20 and the training, and the personnel to handle certain
21 forensic items that we can't --- that we cannot test
22 here.

23 Q. So, we don't have a DNA Lab on Harry Byrd Highway?

24 A. We do not have a DNA lab.

25 Q. Were you working on June 12, 2011?

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1 A. Yes.

2 Q. And, were you called out to Charles Drive?

3 A. I was.

4 Q. And, just for the record, so that the record can
5 reflect, what county is that residence in,
6 Drive?

7 A. It is in Darlington County.

8 Q. And, about what time did you arrive on the crime scene?

9 A. I would have to check but --

10 Q. You can give me approximate.

11 A. I think on the crime scene log, I believe, it is around
12 three o'clock, I believe.

13 Q. Now, when you arrived, whose home was this, from your
14 understanding?

15 A. It was the residence of Mr. Levi Gregg.

16 Q. Mr. Levi Gregg. And, when you walked in the front door
17 of that residence, what is the first thing that you
18 noticed or saw?

19 A. As we entered the front door, you enter the residence
20 into the living area. And, we noticed that the living
21 area had various items scattered about. And over to the
22 left hand side, we observed that there was a black male
23 laying face down in front of like a bar area of the
24 kitchen --- this is a mobile home. And he had apparent
25 wounds that would be consistent maybe with a sharp

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1 object.

2 Q. Okay. When you walked into the front room of that
3 residence, what room do you walk into when you enter the
4 front door?

5 A. You walk into the living area.

6 Q. How many bedrooms are in the home?

7 A. There is one on the right hand side immediately off the
8 livingroom, and one at the far side to the left past the
9 kitchen on that end.

10 Q. Okay. When you arrived, what was the condition of the
11 house?

12 A. It was messy. It is hard to determine --- When you
13 first walk in, there is paper scattered about. And as
14 we walked through the rest of the house, it was fairly
15 consistent with the living area. I would take a guess
16 to be more of a bachelor pad. I don't think he lived
17 with anybody, and that is kind of common for people that
18 live by their self sometime.

19 Q. Did you take pictures?

20 A. I did.

21 Q. Did you --- Were there any items or any evidence that
22 you recovered from the house?

23 A. Yes.

24 Q. Okay.

25 **MS. PARKER:** Beg court's indulgence, Your Honor, for

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1 just a moment, Your Honor.

2 THE COURT: Yes.

3 (PAUSE.)

4 MS. PARKER: Your Honor, permission for the witness
5 to step down.

6 Mr. Harrell, if you would step down over here in front
7 of the jury.

8 Q. I am showing you State's Exhibit Number 4. What's that
9 picture show?

10 A. State's Exhibit Number 4, those are pictures of the
11 residence on Charles Drive.

12 Q. State's Exhibit Number 15, where was that shot taken
13 from? What is that a view of?

14 A. State's Exhibit Number 15 would be from the door looking
15 toward the kitchen. The door being right about in here.
16 So, you would be looking at it that way going to the
17 left.

18 Q. You be standing in the front door --

19 A. -- In the front door with a hallway going to the other
20 bedroom.

21 Q. Okay. And, Mr. Harrell, is the body visible in that
22 picture?

23 A. Yes.

24 Q. Point that out.

25 A. The body is visible in State's Exhibit Number 15, and it

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1 is right over here in front of the bar area.

2 Q. And now I am going to show you State's Exhibit Number
3 74.

4 A. State's Exhibit Number 74 is shifted over a little bit
5 from a slightly different vantage point, so you can see
6 more of the room. And I did note in this photo that the
7 chair was knocked over, and it appears that the coffee
8 table had been slightly moved. And you can also see
9 where he is lying.

10 Q. State's Exhibit Number 75, what does that show in
11 relation to the body?

12 A. State's Exhibit Number 75 is --- would be from the
13 hallway in the right-hand bedroom, and it would be
14 looking down --- down the house toward the kitchen. And
15 you can also see a better angle of the position of the
16 coffee table, and a chair appears to be knocked over.
17 And a different angle of how he is actually lying.

18 Q. And what would be right there just above the head of the
19 deceased? What is that object right there?

20 A. That's off of the --- That is the bar area.

21 Q. State's Exhibit Number 14.

22 A. State's Exhibit Number 14 finally is other pictures, we
23 have moved over to where the body is actually lying. As
24 you can see in this photo that the bar is here, the bar
25 area is here and facing the wall, it would have been the

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1 front of the house. And as you can see the leg of the
2 chair here, and that he is lying in a corner position.

3 Q. Deputy Harrell, do you recall was the body --- was the
4 head of the body touching the wall right there or was --
5 - I can't tell from the picture, I'm just seeing if you
6 recall.

7 A. This is pretty much close to the wall. It might be a
8 inch off, but it was hard to tell from this photo.
9 Apparently, something has fallen off of the top cabinet
10 there.

11 Q. State's Exhibit Number 83.

12 A. State's Exhibit Number 83 would be the photo of Mr.
13 Gregg.

14 Q. Levi Gregg?

15 A. Levi Gregg.

16 Q. I am going to rewind back to State's Exhibit Number 14,
17 where we talked about the defendant's bedroom, and go
18 back. Was there any evidence collected right there from
19 that picture, from his body or right there at the body?

20 A. Yes.

21 Q. Tell us what you took?

22 A. My partner and I, Sergeant --- collected another swab
23 from the blood stain on the floor.

24 Q. While we are talking about blood, did you and your
25 partner, Mr. Billiott, who testified yesterday, did you

RUSS HARRELL - DIRECT EXAMINATION

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1 find blood anywhere else in the residence?

2 A. We did not.

3 Q. Was there blood in any other area of the living other
4 than right there under the deceased?

5 A. Blood stains were located in this one area.

6 Q. State's Exhibit Number 83, you just said was Mr. Levi
7 Gregg's bedroom?

8 A. That's correct.

9 Q. And I am going to show you State's Exhibit Number 11,
10 which I believe is going to be a closeup. Tell us what
11 that photo shows?

12 A. State's Exhibit Number 11 was just shown in the bedroom
13 prior --- this is an end table over on the left-hand
14 side as you enter the bedroom.

15 Q. Was there any evidence that you collected off of that
16 end table?

17 A. Yes.

18 Q. Tell us what you took.

19 A. There were several items on this end table. Number one,
20 is the cigarettes on the edge of the table. As you can
21 see here, it is by the ashtray. It has just simply laid
22 down, and it had burned out, which is unusual when
23 someone is laying down. It is either going to come back
24 or was in a hurry.

25 Q. So, it wasn't put out?

RUSS HARRELL - DIRECT EXAMINATION

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1 A. It was not put out in the ashtray, it was just laying
2 there and just extinguished itself. Also, there is a
3 wallet which was laying next to this cigarette that had
4 extinguished itself, and it was opened.

5 Q. Did you determine who the wallet belonged to?

6 A. The wallet was determined to belong to the victim.

7 Q. And, did you take the wallet?

8 A. Yes.

9 Q. Did you drop it into evidence?

10 A. Yes.

11 Q. Did you take the cigarette?

12 A. Yes.

13 Q. What was the purpose of taking the cigarette?

14 A. We later found out -- As you work these scenes, you get
15 information, you work them slow and very methodical.
16 And as you are working and the investigators are out
17 investigating, you get further information, and we found
18 out that money had been removed from his wallet and
19 there is a burnt out cigarette. So, it is very likely
20 that further testing might be needed, especially on a
21 cigarette because that is a good source of DNA from what
22 we have been told.

23 Q. DNA?

24 A. Yes.

25 Q. State's Exhibit Number 13.

RUSS HARRELL - DIRECT EXAMINATION

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- 1 A. This is a photo of the right hand bedroom as you enter
2 the door, this would be State's Exhibit Number 13. This
3 is far away.
- 4 Q. That is the other bedroom?
- 5 A. That is the other bedroom.
- 6 Q. Did you collect any evidence out of that bedroom?
- 7 A. Yes.
- 8 Q. Tell us what you found in there, and I am sure we can
9 use State's Exhibit Number 12.
- 10 A. State's Exhibit Number 12 is a photo of a lighter and a
11 diet Pepsi can, which has been made into a makeshift
12 smoking device typically used for crack cocaine.
- 13 Q. That was found lying on the bed?
- 14 A. Lying on the bed.
- 15 Q. We have a picture of the can. Why did you take the can?
- 16 A. For multiple reasons. Anything that is related to
17 narcotics on a scene, you don't want to leave it in the
18 house. It is typical protocol for anything that is
19 narcotics related to be taken from there. And also
20 found out through information that there had been drug
21 use possibly from the defendant.
- 22 Q. Now, what can the can be tested for?
- 23 A. The can, can be tested for DNA and the presence of
24 whatever drug was smoked.
- 25 Q. State's Exhibit Number 13.

RUSS HARRELL - DIRECT EXAMINATION

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1 A. This is another --- State's Exhibit Number 13 is another
2 shot of the door and defendant. The lighter is here
3 toward the end of the bed, and the can is in the middle,
4 and there is a pair of sunglasses there.

5 Q. Tell me about the sunglasses. Did you take those?

6 A. Yes.

7 Q. What for?

8 A. Possibly for DNA, because someone could have --- you can
9 find out if they have been in that room.

10 Q. Okay. State's Exhibit Number 9 and 10.

11 A. They are essentially the same shot.

12 Q. Explain to the jury what that picture shows?

13 A. State's Exhibit Number 9, this is the same bar area that
14 we have been speaking of, and it shows the one drawer
15 that is open, which was determined after I checked, and
16 taken photos, it appeared it was --

17 **MADAME COURT REPORTER:** I'm sorry, I can't hear you,
18 Deputy Harrell.

19 A. State's Exhibit Number 9, was the only drawer that I
20 found opened in the kitchen, and it was determined to be
21 a drawer with knives in it. I noted that into the
22 photo.

23 State's Exhibit Number 10, is a little bit
24 closer. And it came out a little bit blurry. That
25 was used --- Oh, great. I was also taking a

RUSS HARRELL - DIRECT EXAMINATION

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1 picture of the --- because there was a lot of ---
2 you don't see this a lot, and I did not know if it
3 was -- they were significant or anything.

4 Q. I am going to show you State's Exhibit Number 77, and
5 just describe the condition that picture is depicting.

6 A. State's Exhibit Number 77 shows the top of the bar area.
7 And this would be directly above where the victim was
8 lying.

9 Q. Did the kitchen look clean?

10 A. The kitchen is not very clean at all.

11 Q. Thank you, Mr. Harrell. You just mentioned several
12 pieces of evidence which you took from the scene. What
13 did you do with all of them?

14 A. They were taken to the Darlington County Sheriff's
15 Office evidence room.

16 Q. Okay. And, from there, did certain items go anywhere
17 else?

18 A. They went to the State Law Enforcement Division Lab,
19 otherwise known as SLED.

20 Q. Okay. Did you send the wallet to SLED?

21 A. We did not.

22 Q. Let me show you that. I am showing you what has been
23 marked as State's Exhibit Number 68, it is not in
24 evidence. I want you to look at it, and do you
25 recognize it?

RUSS HARRELL - DIRECT EXAMINATION

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1 A. Yes.

2 Q. Does that appear to be the wallet that you took from the
3 victim's bedroom?

4 A. This is the wallet that Sergeant Billiott and I did
5 collect.

6 Q. Together?

7 A. Together.

8 MS. PARKER: Your Honor, at this time the State would
9 move to have Exhibit 68 entered into evidence.

10 MS. WOOTEN: Can I see it?

11 Q. And where was that item found?

12 A. It was found on the table on the lefthand corner of the
13 bedroom.

14 MS. WOOTEN: No objection.

15 THE COURT: No objection.

16 WHEREUPON, STATE'S EXHIBIT
17 NUMBER 68 WAS ADMITTED INTO
18 EVIDENCE WITHOUT OBJECTION.

19 A. Which was next to the cigarette butt. Or, excuse me,
20 half burned out cigarette.

21 Q. And, was proper procedure and protocol followed during
22 the collection of all the items and evidence, and their
23 transport to SLED?

24 A. Yes.

25 Q. Did you personally take some of the items to SLED?

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1 A. I did.

2 Q. I want to ask you a few questions about the knife. I am
3 showing you State's Exhibit Number 61. And how that was
4 initially processed. Tell us a little bit about what
5 happened with the knife?

6 A. Sure. The knife was collected from the Honda Accord by
7 Sergeant Billiott. And there were cotton swabs
8 collected from the brown-reddish stains which we
9 believed to be blood on the knife. All you do is take
10 a little bit that is dried, take a little bit of water
11 and put it on a cotton tip, and that moistens it, and it
12 soaks it into the cotton swab. It is a real simple
13 process. And those were bagged up and sealed, and those
14 were sent to SLED ahead of the knife. That is usually
15 done --- You try to take the best evidence first. And
16 naturally any evidence that appeared to be blood would
17 be the best evidence. At times the analysis will call
18 us and say that they would like to look at an item
19 further.

20 Q. Okay. On a later date, was the knife sent to SLED?

21 A. It was.

22 Q. Okay. And who took the knife to SLED?

23 A. I took the knife to SLED.

24 Q. And what was the purpose of taking the knife itself?

25 A. The anal --

RUSS HARRELL - DIRECT EXAMINATION

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1 Q. -- To Columbia.

2 A. The analysis wanted to have a closer look at the knife
3 itself as a whole.

4 Q. Now, was there any other evidence that you collected
5 that was not at the crime scene, did you collect any
6 personal property of the defendant?

7 A. I did.

8 Q. And, tell us about that.

9 A. On the first of August I went over to the jail and
10 collected a crack pipe from his personal property.

11 Q. I am showing you State's Exhibit Number 66, do you
12 recognize that?

13 A. Yes.

14 Q. And what is that?

15 A. This is Best Kit number B226588, which was logged into
16 our evidence room by me. And it was later sent to SLED,
17 I think on the second for analysis.

18 Q. And why would you want them to analyze that?

19 A. Those would be --- Anything other than marijuana cannot
20 be done by --- we don't have the capabilities for it.
21 So, that would be a item that would have to go to a SLED
22 lab for testing.

23 Q. To look for narcotics?

24 A. To look for narcotics.

25 Q. Mr. Harrell, I think I have already asked you this. Did

RUSS HARRELL - CROSS EXAMINATION

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1 you personally take that piece of evidence to SLED
2 yourself?

3 A. I did, it was on August 2, 2012.

4 **MS. PARKER:** Okay. That is all the questions I have
5 for you at this time. Please answer any questions the
6 defense has.

7 **THE COURT:** All right. Ms. Wooten.

8 **MS. WOOTEN:** Thank you.

9 **CROSS EXAMINATION BY MS. WOOTEN**

10 Q. Good morning, sir.

11 A. Good morning.

12 Q. Are you Mr. Harrell or --

13 A. Sergeant.

14 Q. Sergeant Harrell. Thank you. Do you recognize this?

15 A. Yes.

16 Q. And do you see your name present?

17 A. Yes.

18 Q. And, what time did you arrive on the scene?

19 A. It was 5:25. I didn't have a copy of that with me.

20 Q. I would like to show you State's Exhibit Number 4, which
21 has previously admitted. Do you recognize this?

22 A. Yes.

23 Q. And what is that?

24 A. State's Exhibit Number 4 is the residence of Levi Gregg.

25 Q. And the crime scene tape around the home, was that

RUSS HARRELL - CROSS EXAMINATION

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1 present when you arrived on the scene?

2 A. Yes, it was.

3 Q. Thank you, sir. State's Exhibit Number 15, which has
4 also been identified. That is what exactly?

5 A. State's Exhibit Number 15 is from the doorway of the
6 residence of Levi Gregg looking toward the kitchen
7 area.

8 Q. Is that an accurate depiction of how the scene looked
9 when you arrived?

10 A. Yes.

11 Q. And you noted earlier that there was a chair in the
12 photo?

13 A. Yes.

14 Q. And, it has been knocked over?

15 A. Yes.

16 Q. Did you notice anything else in the livingroom which was
17 out of place or disturbed?

18 A. The table in front of the couch is kind of turned, and I
19 can't say for certain that it was not like that
20 beforehand. But based on the position of how he is
21 lying, it would have more than likely have been shifted
22 because of where he is laying. If not, he would be
23 lying on top of it.

24 Q. Did you happen to notice any lamps knocked over?

25 A. The whole room was kind of a mess. Those were the two

RUSS HARRELL - CROSS EXAMINATION

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1 most noticeable things. It is hard to say what was and
2 what wasn't, but those two things stood out.

3 Q. How many rooms was there in this mobile home?

4 A. You have a bedroom on the right, a living area, kitchen,
5 bathroom, and then a left bedroom, so I believe that
6 would be five.

7 Q. And which room was Mr. Levi Gregg's?

8 A. It would be on the lefthand side.

9 Q. The other bedroom, did you notice that anybody had been
10 living in there?

11 A. It was a whole lot neater than the rest of the house. I
12 can't say if someone stayed there for certain or not.

13 Q. State's Exhibit Number 13, is this the bedroom that you
14 referred to, the spare room?

15 A. Correct. State's Exhibit Number 13 is the other
16 bedroom.

17 Q. If you were comparing the livingroom to the rest of the
18 house, the spare room, the master bedroom, the kitchen,
19 did you happen to notice any other area of the house,
20 chairs turned over, tables moved, lamps knocked over?

21 A. Just all in the living area of the room. That was the
22 only room out of the house that is clean.

23 MS. WOOTEN: Just one moment, Your Honor.

24 THE COURT: Yes, ma'am.

25 (PAUSE.)

LYNN BLACK - VOIR DIRE EXAMINATION

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1 MS. WOOTEN: Thank you, very much. No further
2 questions.

3 THE COURT: Anything on redirect?

4 MS. PARKER: No, Your Honor.

5 THE COURT: Thank you very much, sir.

6 MS. PARKER: Your Honor, at this time the State calls
7 Ms. Lynn Black.

8 WHEREUPON, LYNN BLACK

9 AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS

10 MS. BLACK: I do.

11 VOIR DIRE EXAMINATION BY MS. PARKER

12 Q. Good morning.

13 A. Good morning.

14 Q. Please state your full name for the Court's record?

15 A. Lynn Black.

16 Q. And, Ms. Black, where are you employed?

17 A. I work for the State Law Enforcement Division, commonly
18 known as SLED. I am in the Crime Laboratory.

19 Q. Okay. And what is your position there?

20 A. I am a drug chemist. I work in the Drug Analysis
21 Laboratory, where I analyze substances and determine
22 whether they are controlled substances or not.

23 Q. And tell us a little about your educational background?

24 A. I have a bachelor's of science degree in chemistry from
25 Kentucky Wesleyan College. A Certificate of Medical

LYNN BLACK - VOIR DIRE EXAMINATION

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1 Technology from the University of Louisville, and a
2 Master of Science in Forensic Science from Marshall
3 University. Prior to my job at SLED, I also worked for
4 The Georgia Bureau of Investigation also as a drug
5 chemist. And, I have been at SLED for about four years.

6 Q. And tell us a little bit about your training provided by
7 SLED; the training program there?

8 A. I successfully completed the training program in drug
9 analysis at SLED. It was about a four or five month
10 training program. And as I said, I had previously been
11 at The Georgia Bureau of Investigation, where I also
12 completed their drug training program.

13 Q. And have you testified in state courts such as this
14 prior to today as an expert in various chemical analysis
15 for purposes of drug identification?

16 A. Yes, I have.

17 Q. How many times would you say?

18 A. I have testified over a hundred times, and in South
19 Carolina ten times.

20 MS. PARKER: Your Honor, at this time, I would offer
21 Ms. Black as an expert in the field of chemical analysis,
22 forensic chemistry analysis for drug identification purposes.

23 MS. WISE: We have no objections, Your Honor.

24 THE COURT: No objection.

25 DIRECT EXAMINATION BY MS. PARKER

LYNN BLACK - DIRECT EXAMINATION

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1 Q. Speaking about the case at hand, did you receive
2 evidence to look at in this particular case?

3 A. Yes, I did.

4 Q. I am going to show you State's Exhibit Number 67, what
5 does that contain, and do you recognize it?

6 A. Yes, I recognize it. This is a seal, what we call a K-
7 Pack bag, a plastic bag that contains another plastic
8 bag that's actually a Best Kit that was submitted to us
9 from the Darlington County Sheriff's Office, and it is a
10 diet Pepsi can.

11 Q. Are there any other items in the bag other than the can?
12 And, feel free to open it.

13 A. That's correct. Yes ma'am, there is also a red Bic
14 lighter, and I believe there is another bag in there
15 that has some powdered substance in there as well.

16 Q. And tell us, what kind of analysis did you perform on
17 those three items, on the bag, the can, the lighter?

18 A. On this particular item, I performed analysis on the
19 can, and also on the bag that contained the powdered
20 substance. I did not do anything with the Bic lighter.

21 Q. Very well.

22 A. Would you like for me to go into more detail about the
23 analysis?

24 Q. You can go right to the results, if you have a copy of
25 your report that we can mark as a Court's Exhibit?

LYNN BLACK - DIRECT EXAMINATION

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1 A. I do.

2 Q. Ms. Black, I am going to show you State's Exhibit Number
3 105, which I'm --

4 MS. WISE: No objections.

5 THE COURT: All right. Without objection.

6 WHEREUPON, STATE'S EXHIBIT

7 NUMBER 105 WAS ADMITTED INTO

8 EVIDENCE WITHOUT OBJECTION.

9 MS. PARKER: I am showing Ms. Black State's Exhibit
10 Number 105.

11 Q. Is that your report, excluding the stray blue mark that
12 I made?

13 A. Yes, it is.

14 Q. Go ahead, and let's tell the Court what your results
15 were of your analysis of the can and the baggie?

16 A. On the silver diet Pepsi can, it contained residue. I
17 found cocaine base, also known as crack was found. On
18 the plastic bag that contained powdered substance, again
19 cocaine base, also known as crack was found, and the
20 weight was less than 0.1 grams.

21 Q. So, with a low count like that, is it in other words
22 residue?

23 A. Well, residue for us is if we can't get a weight at all.
24 And this had a weight, but it is less than the
25 readability of the biops that we use, so we routinely

LYNN BLACK - DIRECT EXAMINATION

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1 then report that as less than 0.1 grams.

2 Q. That is 0.1?

3 A. Correct.

4 Q. Okay. All right. Ms. Black, I am going to show you
5 what has been marked ---

6 **MS. PARKER:** Before I skip this piece of evidence,
7 Your Honor, at this time the State would offer Exhibit 67,
8 the bag containing the can and the Ziplock bag into evidence.

9 **MS. WISE:** Without objection.

10 **THE COURT:** So admitted.

11 **WHEREUPON, STATE'S EXHIBIT**
12 **NUMBER 67 WAS ADMITTED INTO**
13 **EVIDENCE WITHOUT OBJECTION.**

14 **MS. PARKER:** Beg court's indulgence, Your Honor. One
15 moment.

16 **(PAUSE.)**

17 Q. Ms. Black, let me show you what has been marked as
18 State's Exhibit Number 66. First, do you recognize that
19 item?

20 A. Yes, I do.

21 Q. And, did you do a criminal analysis on that item?

22 A. I did.

23 Q. Okay. I am showing you State's Exhibit Number 106, do
24 you recognize that?

25 A. Yes, I do.

LYNN BLACK - DIRECT EXAMINATION

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1 Q. And has it been changed or altered in any way since you
2 last saw it?

3 A. This is an accurate representation of the report that I
4 did do on this particular piece of evidence.

5 Q. Okay. So, that is your report. Tell us what you
6 analyzed, and what your results were?

7 A. In this Exhibit Number 66 is a glass pipe. And, I
8 performed an analysis on it and found cocaine base, also
9 known as crack was in the residue, and no weight was
10 obtained for that.

11 Q. So, crack was also found on that?

12 A. Correct.

13 Q. Okay.

14 MS. PARKER: Your Honor, at this time the State would
15 offer the pipe, 66, and the report corresponding report 106
16 into evidence.

17 MS. WISE: No objections.

18 THE COURT: All right. No objections.

19 WHEREUPON, STATE'S EXHIBIT
20 NUMBER 66 AND 106 WERE
21 ADMITTED INTO EVIDENCE
22 WITHOUT OBJECTION.

23 MS. PARKER: Thank you, Your Honor. Ms. Black, that
24 is all the questions that I have for you. Please answer
25 anything the defense may have.

LYNN BLACK - CROSS EXAMINATION

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CROSS EXAMINATION BY MS. WISE

Q. Ms. Black.

A. Yes.

Q. You did testing on the silver diet Pepsi can, the glass pipe, and also the baggie?

A. Correct.

Q. Did you test for crack?

A. I was testing for controlled substances, and I found crack cocaine, yes.

Q. And in your testing, would you happen to notice what color the crack was, or do you remember?

A. I normally do not denote the color, unless it is usually. Normally crack is kind of off white to white. I will look real quick here on my notes. No, I did not say a color.

MS. WISE: Thank you, Ms. Black. Nothing further.

MS. PARKER: That's all, Your Honor. We would ask Ms. Black be released from her subpoena.

THE COURT: Any objection to Ms. Black being released?

MS. WISE: No objection.

THE COURT: Thank you very much.

MS. PARKER: Your Honor, at this time the State calls, Paul Meeh.

WHEREUPON, PAUL MEEH

AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS

PAUL MEEH - VOIR DIRE EXAMINATION

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1 MR. MEEH: Yes, I do.

2 VOIR DIRE EXAMINATION BY MS. PARKER

3 Q. Good morning, sir. Please state your name for the
4 record.

5 A. My name is Paul Meeh, that is M-E-E-H.

6 Q. And where are you employed?

7 A. I am also employed at SLED.

8 Q. What is your position there?

9 A. I am a forensic scientist in the DNA Department.

10 Q. And how long have you worked in that position?

11 A. About four and a half years.

12 Q. And, tell us a little bit about your educational
13 background?

14 A. I have a bachelor's in science from The University of
15 South Carolina, that was in 2001. I have a Master's
16 from South Carolina, that was in 2003. Then I did three
17 years of Ph.D. work, but I did not graduate with a Ph.D.
18 I was hired away from the Ph.D. Program by SLED. I have
19 a year and a half of training in SLED in the DNA
20 Department there.

21 Q. And, have you testified in state courts such as this?

22 A. Yes.

23 Q. Prior to today?

24 A. Yes, I have.

25 Q. Have you been qualified as an expert?

PAUL MEEH - DIRECT EXAMINATION

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1 A. Yes.

2 Q. How many times would you say?

3 A. Approximately twenty. I don't have an exact count,
4 fifteen to twenty.

5 MS. PARKER: Your Honor, at this time, the State
6 would go ahead and ask that he be offered --- we are offering
7 him to be qualified as an expert witness in the field of DNA.

8 MS. WISE: No objections, Your Honor.

9 THE COURT: All right. Without objection.

10 DIRECT EXAMINATION BY MS. PARKER

11 Q. Tell us a little about what a DNA analysis at SLED does,
12 and what in fact you do in that job?

13 A. I try to identify items, or body fluids, and tell people
14 who --- where it came from. So, I try to answer the
15 question, if you have blood, whose blood is that, or who
16 touched that item, if it is a shirt or something like
17 that. DNA is in every cell of your body except for your
18 red blood cells. So, anytime you touch something you
19 shed skin cells. Most of the dust in your house is made
20 up of skin cells. Anytime you bleed on something, I try
21 to identify where those items came from.

22 Q. And, I know we are all a little familiar with DNA, but
23 what is unique or special about DNA?

24 A. Well, it is individual to each person. I mean, yours is
25 very individual, and we can tell how individual it is.

PAUL MEEH - DIRECT EXAMINATION

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1 We can estimate how rare that is. And, unless you are a
2 twin, you have DNA that is not like anyone else's in the
3 entire world, and probably in several worlds worth of
4 people would not ever have the same DNA.

5 Q. And you have already touched on this a little bit.
6 Where do you commonly find it?

7 A. It is in blood, it is in your skin cells, it is in
8 saliva, it is in every cell of your body. As long as
9 you are shedding something, we can try to tell who it is
10 from.

11 Q. I am going to show you what has been marked State's
12 Exhibit Number 67, already in evidence.

13 A. Okay. So, I would not have actually gotten this can.
14 What I would get either in evidence processing section
15 which is for --- too much evidence that comes in,
16 shirts, and cans like this, and all sorts of things.
17 What I would have gotten would have been a swab from the
18 mouth of the can to try to identify who used it. And it
19 is just a cotton swab. I heard it described earlier in
20 testimony. That is just from someone who wets a swab
21 and takes it around the mouth or any areas that may have
22 been touched. And what that does, is takes up the
23 cells, it takes the cell up into the cotton swab, and
24 then I process it from there and see whose cells those
25 were.

PAUL MEEH - DIRECT EXAMINATION

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1 Q. Did you look at the swabs from that can?

2 A. Yes, I did process the swabs from this can.

3 Q. Okay.

4 A. Yes. Do you want me to read from my report?

5 Q. Yes, sir.

6 A. That was on my second report. It is Item 15.1.1.

7 MS. PARKER: I apologize. Let me get a little more
8 organized here.

9 A. That's okay.

10 Q. I kind of skipped ahead to the can. I need to go back
11 to an appropriate place. Did you receive --- I know you
12 received several items of evidence to look at in this
13 case. Did you receive any standards from individuals?

14 A. Yes, I did. A standard is what you compare. You have
15 to have a standard from an individual if you want to
16 compare it to an unknown. So, if we find something on a
17 can, we need DNA from who we want to compare it to. And
18 I received standards from Levi Gregg, and Douglas Gregg,
19 III.

20 Q. Now, we are going to go through each piece of evidence,
21 and I will try to go through as we go through by your
22 item number. The can, Item Number 15.1.1, and I am
23 showing you State's Exhibit Number 108. Do you
24 recognize that?

25 A. Just to make doubly sure. Yes, that is my report. This

PAUL MEEH - DIRECT EXAMINATION

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1 is a copy of my report.

2 Q. Is it an accurate representation of your report?

3 A. Yes, that's correct.

4 MS. PARKER: I am going to move State's Exhibit
5 Number 107 and 108 into evidence.

6 MS. WISE: May I look at it a moment, please?

7 (PAUSE.)

8 MS. WISE: No objections.

9 THE COURT: Without objection.

10 WHEREUPON, STATE'S EXHIBIT
11 NUMBERS 107 AND 108 WERE
12 ADMITTED INTO EVIDENCE
13 WITHOUT OBJECTION.

14 MS. PARKER: So, that is 107 and 108, Madame Court
15 Reporter?

16 MADAME COURT REPORTER: Yes ma'am.

17 Q. Mr. Meeh, you had two reports in this case; is that
18 right?

19 A. That's correct.

20 Q. Okay. Now, let's discuss the can. 15.1.1. Were you
21 able to make any identification from swabs taken from
22 that can?

23 A. Yes, I was.

24 Q. Whose DNA was on the can?

25 A. The DNA profile developed from Item 15.1.1, which was

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1 the can, matches the DNA profile of Douglas Gregg, III.

2 Q. Okay. Let me show you State's Exhibit Number 52. What
3 items are in that bag?

4 A. It is a cigarette butt, and swabs from blood on the
5 floor.

6 Q. Okay. So, you have a cigarette butt, did you perform an
7 analysis on that?

8 A. Yes, I did. That would be Item 17. And that also
9 matched the DNA profile of Douglas Gregg, III.

10 Q. And, you mentioned some swabs, also in that bag. Was
11 that in the same bag? Is that your Item 16?

12 A. I believe that is. Without a container --- I think so.
13 Yes, the description would match. We control it in a
14 chain of custody, but I think that is. And, Item 16,
15 matches the DNA profile of Levi Gregg.

16 Q. And, were you able to identify that blood?

17 A. Give me one --

18 Q. -- That's okay.

19 A. Okay.

20 Q. Let's look at State's Exhibit Number 63, is a biopsy.
21 If you need to open it to identify it, I think there may
22 be two items in there. Is there an item in that box
23 that you looked at?

24 A. There is a description on the outside that says a pair
25 of sunglasses and a blue bandanna.

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1 Q. Did you analyze the pair of sunglasses?

2 A. Yes. I analyzed the swab from the sunglasses and a swab
3 from the bandanna, which I --- see the results. Item
4 18.1 is the sunglasses, and the DNA profile developed
5 from Item 18.1 was a mixture of at least two
6 individuals. Douglas Gregg, III, could not be excluded
7 as a possible contributor to that mixture.

8 Q. Okay. And explain to the jury a little bit what that
9 means when you have a mixture. That a individual cannot
10 be excluded as a contributor.

11 A. Say, there is a pen in the bank, or something that is
12 used by a couple of people --- I mean, for example, if
13 you swabbed one of the cups at my house, I guarantee
14 you, you would find probably my DNA on it and one of my
15 children, because they constantly drink after me, even
16 though I tell them not to. So, when that is swabbed,
17 you will get the skin cells from both people. And when
18 you generate that profile, you can see all the people
19 that contributed to it. And, you can sort of match
20 standards against that mixture. So, whether or not
21 someone could have contributed to that. Then you can
22 measure statistically, or you can estimate statistically
23 how likely it would be that if you were to randomly
24 select someone. Like, if I were to go to the mall and
25 see if that person's DNA could have contributed to the

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1 cup at my house, it is pretty unlikely, but that would
2 be the case. But, if I did the standards of the people
3 in my house, that is pretty likely that it would be.
4 So, in this case, in this item you can say that it was a
5 mixture of two individuals, Douglas Gregg, III, could
6 not be excluded. And the probability of randomly
7 selecting an unrelated individual who could have
8 contributed to that mixture is one in two hundred and
9 eighty-thousand. So, what that means is, we have this
10 mixture of DNA, and if we want to go out into the
11 general public, and just try to find someone with a DNA
12 profile who could have contributed it, you would have to
13 go through approximately two hundred and eighty-thousand
14 people to find that person. That is the estimate.

15 Q. Okay. So, does that mean he is more than likely
16 contributed to that mixture?

17 A. Reasonably, yes. I mean, that --- it is likely.

18 Q. Okay. Let me show you what has been marked State's
19 Exhibit Number 65.

20 A. This is swabs taken from the knife blade. The swabs
21 from a knife handle. And swabs from the driver's side
22 door.

23 Q. Okay. I am going to ask you about the driver's side
24 door first.

25 A. That is on my initial report, the first one.

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1 Q. Is that your Item 11?

2 A. Correct. It says, blood indicated. So, that means I
3 did serology on it too. That is a blood test in our
4 lab. It is a presumptive blood test that is a really
5 quick test, it is not --- it is not exactly definitive
6 for blood. It just test for the presence of red blood
7 cells. And, it says blood indicated on that swab. And
8 then that was Item 11. And that DNA profile matched the
9 DNA profile of Douglas Gregg, III.

10 Q. Okay. Those were the swabs from the car door?

11 A. Yes. Correct.

12 Q. Talking about your initial report, you initially
13 analyzed swabs from a knife; is that correct?

14 A. Yes. Items 9 and 10 were from a knife blade and the
15 knife handle.

16 Q. Okay. I am going to show you what has been marked as
17 State's Exhibit Number 61.

18 A. It is labeled Item 14 on the outside, and that was a
19 label. Yes, Items 14.1 and 14.2 were swabs from this
20 knife also. They were initially submitted as nine and
21 ten.

22 Q. So, did you initially receive a number or did you just
23 receive the two swabs?

24 A. Initially we receive swabs from the local agency, I
25 guess, from Darlington County that they had done.

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1 Q. And tell us about your results when you first looked at
2 these swabs?

3 A. I didn't get a DNA profile from Items 9 or 10, in that
4 case.

5 Q. Did you have an occasion to process the knife? Or take
6 a sample and look at the knife?

7 A. Yes, evidence processing did. It was resubmitted, and
8 evidence processing went through it a little more
9 thoroughly. They also did that presumptive blood test,
10 which was positive. So, blood was indicated,
11 phenolphthalein testing. They gave me Items 14.1 and
12 14.2, which is from the blade and the handle.

13 Q. Okay. And what were your results of those?

14 A. I got a partial DNA profile from 14.1, which was from
15 the blade. And that also matched the profile of Levi
16 Gregg. 14.2, which is the swab from the handle, I did
17 not do a DNA profile.

18 Q. Okay. Just to make sure that we understand you. You
19 have Levi Gregg's DNA off the blade?

20 A. Correct.

21 Q. And can you tell by any markings on the box or whatever,
22 is that your item number you just referenced, and did
23 your agency handle it?

24 A. Yes, correct. And that label would indicate that is
25 Item Number 14, and that is where sub-items 14.1 and

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1 14.2 would have come from that.

2 MS. PARKER: And that is State's Exhibit Number 61.
3 Your Honor, at this time the State would offer this item into
4 evidence.

5 MS. WISE: Can I see that one moment, please?

6 MS. PARKER: The knife.

7 MS. WISE: No objections, Your Honor.

8 THE COURT: Without objection. State's Exhibit Number
9 61.

10 WHEREUPON, STATE'S EXHIBIT
11 NUMBER 61 WAS ADMITTED INTO
12 EVIDENCE WITHOUT OBJECTION.

13 Q. Now, Mr. Meeh, I want to ask you about the fingernail
14 clippings, which would be Item 7. It is written down as
15 Item 7.1 and 7.2. Can you tell me about your work with
16 those items? Where did those come from?

17 A. From Levi Gregg.

18 Q. Okay.

19 A. And I separated them into left and right hand. And,
20 there was no DNA profile foreign to Levi Gregg,
21 developed from either of those items.

22 Q. No DNA foreign to --- exactly what does that mean?

23 A. It means the skin cells or whatever was recovered from
24 under his nails, I guess in this case the coroner, I'm
25 not sure, whoever it was. It matched his standard.

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1 There wasn't anybody else, or any other skin cells under
2 his fingernails. What we are looking for there, I
3 guess, is often times when people fight, or fight back,
4 they will get and in lay cases and things, they will get
5 in rape cases and things, they will get skin cells from
6 the perpetrator under their fingernails. So, it is a
7 way to identify who they were fighting with.

8 **MS. PARKER:** I have finished my questions, Your
9 Honor. I do want to move State's Exhibit Number --- He
10 testified about his analysis, 62, which contains the baggie
11 with the cigarette butt, and the swabs from the carpet; 65,
12 swabs from the knife and car into evidence.

13 **MS. WISE:** No objections, Your Honor.

14 **THE COURT:** All right. Without objections.

15 **WHEREUPON, STATE'S EXHIBIT**

16 **NUMBER 62 AND 65 WAS ADMITTED**

17 **INTO EVIDENCE WITHOUT**

18 **OBJECTION.**

19 **MS. PARKER:** That is all the questions I have.
20 Please answer anything the defense may have for you.

21 **THE COURT:** Ms. Wise.

22 **CROSS EXAMINATION BY MS. WISE**

23 Q. Mr. Meeh, I will try to be very brief. One question, if
24 you could clarify. I believe you said on your initial
25 report, swabs from the knife blade and swabs from the

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1 knife handle were submitted, and they were then
2 resubmitted again. What was going on there? Can you
3 explain that?

4 A. The swabs from the knife blade and the knife handle was
5 submitted as Items 9 and 10 were processed. I mean, we
6 just didn't get a lot of DNA off of them. And, I don't
7 recall if we got any DNA off of them. We attempted to
8 develop a profile and we didn't get one. So, I guess I
9 spoke with one of the prosecutors, and I asked them if
10 they would like to resubmit it, because our evidence
11 processing unit is really thorough. You know, they are
12 very experiences in the area, and they are extremely
13 thorough and trained in that way. So, I asked them to
14 resubmit it so that we could at least attempt again to
15 develop a DNA profile.

16 Q. And on this second re-submission, there was no DNA
17 detected off of the knife handle?

18 A. Correct.

19 Q. No one's DNA?

20 A. Correct.

21 MS. WISE: No further questions, Your Honor.

22 THE COURT: Redirect?

23 MS. PARKER: Yes, Your Honor.

24 REDIRECT EXAMINATION BY MS. PARKER

25 Q. Just two questions. Mr. Meeh, in your opinion, the fact

1 that initially there was not any DNA and then there was
2 DNA, is that just merely a difference in the swabbing.
3 Maybe a better technique. You got a better swab the
4 second time?

5 A. That is the most likely reason. You know, on the blade
6 there is probably a notch. I haven't seen the knife
7 myself. But, I am assuming there is probably a notch up
8 near the handle that needed to be swabbed better for the
9 presence for blood. If you used it to stab someone and
10 you wiped it off, you could easily wipe off enough to
11 cause me not to be able to get a profile, if you took
12 any time to do that. And, if you didn't swab correctly,
13 if you left the swabs wet and put them into a box where
14 it could degrade the DNA too. So, the swab 14.1 from
15 the blade probably came to me quicker, and it did
16 develop a profile.

17 Q. And was there any blood on the knife handle?

18 A. Not indicated from what I recall. Let me double check.
19 I don't want to tell you the wrong thing. That would be
20 14.2, and no, no blood on the handle.

21 MS. PARKER: Okay. Thank you.

22 THE COURT: Thank you, sir. We are going to take a
23 short break at this time.

24 Ladies and gentlemen, if you need anything while you are
25 back there, if you would let the bailiffs know. We are going

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1 to take a short recess and let everybody stretch.

2 Please have no conversation about the case. And we will
3 start back shortly.

4 (Whereupon, the jury exits the courtroom at
5 10:35 a.m.)

6 **THE COURT:** All right. We will be in recess.

7 (Whereupon, a recess was taken from 10:36 a.m.
8 until 11:02 p.m.)

9 **THE COURT:** Can you give me an idea of what the State
10 has left?

11 **MR. HOLT:** Judge, I think we have one more witness
12 from SLED who is going to take about five or six minutes, and
13 nothing at all. And then Eric Hodges, which will take about
14 ten minutes plus playing of the confession. And then we are
15 going to rest. So, it is 11:04 now, by 11:40.

16 **THE COURT:** It is nice that you are trying to
17 estimate, you are a good lawyer, which means you are not
18 being difficult. Don't worry about the estimate. I am just
19 trying to get an idea of what we are going to --- we are
20 going to go until we end, so it doesn't matter.

21 **MR. HOLT:** Yes, sir.

22 **THE COURT:** Just trying to get an idea. Anything we
23 need to take up before we bring the jury out?

24 **MS. PARKER:** No, sir.

25 **MR. JONES:** No, sir.

ROBERT MICHAEL SEARS - VOIR DIRE EXAMINATION

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1 **THE COURT:** All right. Bring the jury in.

2 **BAILIFF:** All right, sir.

3 (Whereupon, the jury enters the courtroom at
4 11:05 a.m.)

5 **THE COURT:** All right. State, call your next witness,
6 please.

7 **MS. PARKER:** Thank you, Judge. At this time, the
8 State calls Mr. Robert Sears.

9 **THE COURT:** All right. Please come forward, Mr.
10 Sears.

11 **WHEREUPON, ROBERT MICHAEL SEARS**

12 **AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS**

13 **MR. SEARS:** I do.

14 **VOIR DIRE EXAMINATION BY MS. PARKER**

15 Q. Please state your name for the record.

16 A. My name is Robert Michael Sears.

17 Q. And, Mr. Sears, where do you work?

18 A. I am employed by the State Law Enforcement Division more
19 commonly referred to as SLED.

20 Q. Okay. What do you do at SLED?

21 A. I am a forensic toxicologist at SLED, and serve as the
22 technical leader for our Department.

23 Q. And how long have you worked as a toxicologist?

24 A. About twenty-four years and eight or nine months. So, I
25 am coming up on twenty-five-years.

ROBERT MICHAEL SEARS - VOIR DIRE EXAMINATION

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1 Q. Congratulations. Tell us a little bit about your
2 educational background?

3 A. I have a bachelor's degree in chemistry from Frances
4 Marion College. Upon being hired by SLED, I went back
5 and got a master's degree in medicinal chemistry through
6 the School of Pharmacy at USC. I am also a certified
7 police officer in the State. A data master operator,
8 and have attended numerous outside schools, learning how
9 to operate the equipment that we utilize in the
10 laboratory. How to maintain that equipment, and how to
11 interpret the findings that we come up with as far as --
12 - in cases where there is a death investigation, or a
13 DUI, or an assault.

14 Q. Okay. And have you testified in state courts such as
15 this, in the field of toxicology before?

16 A. I have. Both in this state and in the State of Georgia.

17 Q. How many times would you say you have been qualified as
18 an expert witness?

19 A. In excess of a hundred and fifty times.

20 MS. PARKER: Okay. Your Honor, at this time the
21 State would move to have him qualified as an expert witness
22 in the field of forensic toxicology.

23 MS. WISE: No objection, Your Honor.

24 THE COURT: Without objection, so qualified.

25 MS. PARKER: Thank you, Your Honor.

DIRECT EXAMINATION BY MS. PARKER

Q. Mr. Sears, did you have an opportunity --- Let me show you what has been marked as State's Exhibit Number 109. Do you recognize that?

A. Yes, ma'am, I do.

Q. And what is it?

A. I am going to compare it with the copy that I have, but it appears to be --- This is a formal report on the case of a deceased, Levi Gregg, that was generated by me, and signed by me, and submitted out to the Darlington County Sheriff's Office.

Q. Okay. So, this is your report. Did SLED receive samples from the deceased Levi Gregg?

A. Yes, we did.

MS. PARKER: Okay. And, Your Honor, we would offer State's Exhibit Number 109 into evidence.

MS. WISE: No objection, Your Honor.

THE COURT: Without objection.

WHEREUPON, STATE'S EXHIBIT

NUMBER 109 WAS ADMITTED INTO

EVIDENCE WITHOUT OBJECTION.

Q. Okay. Now, who did you determine as belonging to that your agency received?

A. The samples were labeled with the name Levi Gregg, and that was the name that was provided with all of the

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1 documentation that was submitted with the case.

2 Q. And what type of samples were received? What types of
3 fluids?

4 A. In this particular case we had both femoral blood and
5 aorta blood, we had urine, ocular fluid, bile, and
6 gastric fluid.

7 Q. And what was tested --- Let's talk a little bit about
8 what was tested and what the results are?

9 A. In this particular case we actually analyzed the femoral
10 blood and the ocular fluid. Both samples were tested
11 for the presence of alcohol and other volatile. So,
12 ethanol or the alcohol found in drinking alcohol as well
13 as well as Ethanol, Methanol, Acetone, Isopropanol,
14 those were all negative. And then the blood was also
15 tested for the presence of various different drugs. We
16 do a presumptive drug screen on all the samples that
17 comes into our lab, or most of the samples that come
18 into our lab looking for about seven classes of drugs,
19 or seven different assays. In this case, the blood was
20 tested for the presence of Amphetamine, Benzodiazepines,
21 Methamphetamine, Oxycodone, Cannabinoids, Cocaine
22 Metabolite, and Opiates, and they were all found to be
23 negative.

24 Q. Okay. And explain to me about the cocaine metabolite.
25 Is that the same test for cocaine?

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1 A. Well, parent cocaine is metabolized relatively quickly
2 in the body. You can actually test the parent cocaine
3 out to about seven or eight hours. The Benzodiazepine
4 is the primary metabolite in the blood. Often times
5 when you take a drug, whether it is a prescribed drug or
6 an illicit drug, your body changes it so that it can
7 eliminate it. So, that it can get rid of it. In this
8 case the Benzodiazepine is the primary metabolite. It
9 is the way the body tries to eliminate the cocaine.
10 Because it last a lot longer, or sticks around a lot
11 longer, we test for it, to get us a better indication if
12 cocaine has been used.

13 Q. Okay. Were there any cocaine metabolites present?

14 A. It was negative.

15 MS. PARKER: Thank you. Please answer any questions
16 Mr. Jones may have.

17 CROSS EXAMINATION BY MS. WISE

18 Q. Good morning, Mr. Sears.

19 A. Good morning.

20 Q. You said that only two samples, I want to make sure, two
21 samples were tested?

22 A. That is correct. We did not test the urine or the
23 gastric fluid. We tested the femoral blood, because it
24 is the --- There are drugs that undergo postmortem
25 redistribution. The femoral blood tends to not be as

ROBERT MICHAEL SEARS - CROSS EXAMINATION

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1 susceptible to that. So, we looked at the femoral blood
2 and the ocular fluid.

3 Q. Can you explain why you did not test the urine, the
4 aortic blood, the bile, or the ocular fluid. I
5 apologize to re-ask it.

6 A. Because we test the sample that is going to provide the
7 most value as far as showing a use or an exposure to the
8 drug. For a drug to have activity in the body,
9 generally it has to be circulating in the blood stream,
10 or had reached the brain, in which case you are going to
11 be able to see it in the femoral blood as well. So, we
12 choose the samples that provides us the most information
13 about recent use and/or impairment.

14 **MS. WISE:** Thank you, sir.

15 Q. And, with the femoral blood, you said that Mr. Levi
16 Gregg tested negative for all drugs?

17 A. For the drugs that we screened for, that's correct. It
18 was a negative drug screen?

19 Q. And what did you screen for again?

20 A. Amphetamine, Benzodiazepines as a class,
21 Methamphetamine, Oxycodone, Cannabinoids, Cocaine
22 Metabolite, and Opiates.

23 **MS. WISE:** Thank you. May I have one moment, Your
24 Honor?

25 **(PAUSE.)**

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1 MS. WISE: Thank you, sir. No further questions.

2 THE COURT: Redirect?

3 MS. PARKER: No redirect.

4 THE COURT: Thank you very much, sir. You may step
5 down. Is there any objection to the release of this witness?

6 MR. JONES: No, sir.

7 MS. PARKER: No, sir.

8 THE COURT: You are free to go. Thank you very much,
9 sir.

10 MR. HOLT: Your Honor, at this time the State would
11 like to call Eric Hodges, please.

12 WHEREUPON, ERIC ANTHONY HODGES

13 AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS

14 MR. HODGES: I do.

15 DIRECT EXAMINATION BY MR. HOLT

16 Q. Lieutenant, would you please give your whole name to the
17 jury, where you work, and how long you have worked
18 there?

19 A. Eric Anthony Hodges, I am employed with the Darlington
20 County Sheriff's Office. And I have been with the
21 Sheriff's Office off and on for approximately seventeen
22 years.

23 Q. And before the Sheriff's Office, where did you work?

24 A. I spent about approximately six and a half years with
25 the Darlington Police Department.

ERIC ANTHONY HODGES - DIRECT EXAMINATION

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1 Q. So, you have been in law enforcement for probably how
2 many years?

3 A. Twenty-three and a half years.

4 Q. And the case in hand here, the murder of Levi Gregg, the
5 robbery of the Markette, the kidnapping of Druscilla,
6 how are you involved in this case?

7 A. On June 12, 2011, I was the investigator on call. I
8 received a phone call from dispatch advising me that
9 there had been a murder, and where I needed to respond
10 to.

11 Q. All right. And what did you do when you got there?

12 A. Upon arrival, I spoke with Alex Gainey, and Jim Goins,
13 who gave me a brief synopsis of what was going on.
14 After that, I notified dispatch to have crime scene
15 dispatched out there. I also notified dispatch to have
16 Sergeant David Young, who was the backup investigator to
17 arrive also.

18 Q. All right. And what other activities did you partake
19 in, in working this case?

20 A. Out at the scene, Ms. Druscilla Suggs, she was out
21 there, and I was told that she was involved in this as a
22 victim. I spoke with her briefly out there. And she
23 agreed to meet me out at the Sheriff's Office to give me
24 a statement.

25 Q. Did you speak with her at the Sheriff's Office?

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1 A. Yes, I did.

2 MR. HOLT: All right. Permission to approach, Your
3 Honor?

4 THE COURT: Yes, sir.

5 Q. I am going to show you what has been marked as State's
6 Exhibit Number 104. Just quickly, without telling me
7 what it is, have you ever seen it before?

8 A. Yes, I have.

9 Q. And since the last time you saw it, has there been any
10 changes, alterations, deletions, or additions?

11 A. No, sir.

12 Q. And can you tell the jury what that is?

13 A. Okay. There are three sheets. The first sheet is
14 called the Darlington County Sheriff's Office photograph
15 lineup form. The second sheet is the actual photo
16 lineup. And the third sheet is the lineup information
17 sheet that we give to --- gives the information of each
18 individual on the lineup form.

19 Q. All right. Tell the jury briefly how a lineup works?
20 They may be more familiar with the TV version, where a
21 bunch of people walk into a room. But, how in reality
22 does a lineup work?

23 A. Okay. Well, what we do is, we go in the computer and we
24 pick the suspect that we are looking for along with five
25 individuals who are similar to this individual. We

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1 place them on a photo lineup sheet, and we read the
2 Darlington County Sheriff's Office photograph lineup
3 form to the person who is looking at the photo lineup.

4 Q. And did you read that to Ms. Druscilla?

5 A. Yes, I did.

6 Q. Okay. And out of all of the people in the lineup, who
7 did Druscilla pick out as the person who attacked her?

8 A. She picked out the defendant, Douglas David Gregg, III.

9 Q. Now, that third sheet, and correct me if I am wrong, but
10 that is the sheet with all the people's names on it that
11 is on the lineup sheet; right?

12 A. Yes, sir.

13 Q. Now, Druscilla did not have access to that sheet when
14 you were showing you the lineup did she?

15 A. No, sir.

16 Q. That would have defeated the purpose wouldn't it?

17 A. That's correct.

18 Q. All right. So, once again, who did Druscilla pick out?

19 A. Douglas David Gregg.

20 Q. Okay. And she picked out the person who attacked her;
21 right?

22 A. Yes, sir.

23 Q. All right. Now, I am going to ask you, that is not the
24 only thing you did in this?

25 A. No, sir.

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1 Q. Did you have on any occasion the ability to speak with
2 the defendant in this case, Douglas Gregg?

3 A. Yes, I did.

4 MR. HOLT: All right. Permission to approach, Your
5 Honor?

6 THE COURT: Yes, sir.

7 Q. And, I am going to show you what has been marked as
8 State's Exhibit Number 1, 2, and 3. And I am going to
9 ask you. Have you ever seen those before?

10 A. Yes, sir.

11 Q. And, have there been any changes, alterations, or
12 deletions in any of those?

13 A. No, sir.

14 Q. And on that Number 30, whose handwriting is that on
15 that?

16 A. This is my handwriting.

17 Q. And who placed the labels on there?

18 A. I did.

19 Q. All right. And when you had a chance to interview the
20 defendant, what did you do?

21 A. Prior to speaking with Mr. Gregg, we advised him of his
22 Miranda rights. And what we do is, we have a form, it
23 is call the Darlington County Sheriff's Office Statement
24 of Rights, Miranda Warning Form. We fill out his name,
25 social security number, date of birth, the place where

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1 the individual is being held at, the date and the time
2 that we advised him of the Miranda rights. We read this
3 form to him. The first part of the form is the actual
4 Miranda rights. The second part is called waiver of
5 rights; we read that to him also. We then let him look
6 at it, he in turn reads it and signs it.

7 Q. All right. And did the defendant do that in this case?

8 A. Yes, he did.

9 Q. That is not the only time they get read their Miranda
10 rights during the course of the interview is it?

11 A. No, sir.

12 Q. And what is the second time they get their Miranda
13 rights?

14 A. If we do a video statement from an individual, we have a
15 form called Introduction to Video/Audio Recorded
16 Statement forms. And on this form it says, the
17 following is a statement of the individual. Gives his
18 race, sex, his address, date of birth, social security
19 number, telephone number, driver's license number if
20 they have one, educational level. What the statement is
21 in reference to. The date that it occurred, the
22 location the incident occurred and the where the
23 statement is being taken at, and who is present for the
24 interview. Before we actually ask him questions he is
25 advised of his Miranda rights again. It is on this.

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1 **MR. HOLT:** All right. Your Honor, at this time the
2 State would like to place into evidence, 1, 2, 3, and 104.

3 **MS. WISE:** May I see all three exhibits?

4 **MR. HOLT:** You may.

5 **(PAUSE.)**

6 **MS. WISE:** Your Honor, the only exhibit that we
7 object to is Exhibit 4, and we renew our prior objections to
8 State's Exhibit Number 4.

9 **THE COURT:** All right. And it is the --

10 **MR. HOLT:** -- Yes, sir.

11 **THE COURT:** All right. I am going to overrule that
12 objection, and allow it in, and note your objection for the
13 record.

14 **WHEREUPON, STATE'S EXHIBIT**
15 **NUMBERS 1, 2, 3, 4, AND 104**
16 **WERE ADMITTED INTO EVIDENCE**
17 **OVER OBJECTION TO STATE'S 4.**

18 **MR. HOLT:** And at this time, Your Honor, the State
19 would like to publish it to the jury.

20 **THE COURT:** All right.

21 (Whereupon, State's Exhibit Number 4 was published to
22 the jury.)

23 **Q.** Lieutenant Hodges, you took that interview on the 13th
24 of June 2011. Why didn't you take it on the 12th?

25 **A.** Because he was under the influence at the time of his

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1 arrest, and that wouldn't be fair to him.

2 Q. All right. And the video was about eighteen minutes,
3 nineteen minutes. About how long was the complete
4 interview, do you think?

5 A. We first brought Mr. Gregg into the interview room, and
6 he signed a Miranda Warning form, that was at 2:26 p.m.,
7 and the conclusion of the interview was at 2:55 p.m.
8 So, you are talking about twenty-nine minutes.

9 Q. And the majority of that interview was on the camera;
10 correct?

11 A. About sixteen minutes of it was on camera.

12 Q. All right. And, let me ask you something. There was a
13 couple of times in that video where maybe the audio
14 would get seven or eight seconds ahead of the video, or
15 vice versa, it wasn't that great of a quality. Was that
16 a true and accurate representation of the interview that
17 you had with the defendant?

18 A. Yes, sir.

19 Q. And have you added anything or deleted anything, or try
20 to make it sound like he said something when he didn't?

21 A. No, sir.

22 Q. Did you engage in any type of activity that would have
23 enforced yourself to get the answers that you want?

24 A. No, sir.

25 Q. Or were you simply just looking for the truth, whatever

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1 it may be?

2 A. Yes, sir.

3 Q. Whose idea was it to turn the video camera on?

4 A. It was Mr. Greggs. Normally, whenever we interview an
5 individual, and do a recorded statement, before we do
6 the recorded statement, we advise them of their Miranda
7 rights, and we will talk with them first to try to get a
8 feel of what is going on. Then ask them if they are
9 willing to give a video statement. Well, Mr. Gregg,
10 after we advised him of his Miranda rights, he asked was
11 that camera on? We said, no. He said, well, go ahead
12 and cut it on, because I want to tell you what happened.

13 MR. HOLT: All right. Lieutenant Hodges, please
14 answer any questions the defense may have.

15 MR. HODGES: Yes, sir.

16 THE COURT: Cross examination.

17 CROSS EXAMINATION BY MS. WEST

18 Q. Hi, Lieutenant Hodges.

19 A. How are you.

20 Q. Good, how are you?

21 A. Fine.

22 Q. I want to go first to the photo lineup that you talked
23 about with Ms. Druscilla Suggs, how was that conducted?

24 A. That was done on the 12th, June the 12th.

25 Q. After he had been arrested, Mr. Douglas Gregg?

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1 A. Yes, I am pretty sure it was.

2 Q. Okay. And did Ms. Hunter-Suggs tell you at the time
3 that she had known Mr. Gregg prior to these events
4 happening?

5 A. Yes, ma'am.

6 Q. Okay. Thank you, sir. And going to the video that we
7 just watched, you just told Mr. Holt that you did not
8 conduct this interview on the 12th, because Mr. Gregg
9 seemed under the influence?

10 A. When the officers arrested Mr. Gregg on the 12th, he was
11 smoking crack.

12 Q. He was pretty out of it wasn't he?

13 A. I assume he was. I wasn't there.

14 Q. I believe as we heard in the interview, he smoked a
15 couple of hundred dollars worth of crack, in fact, the
16 last being when he was arrested. And, then to my
17 understanding, the interview was then conducted at 2:39
18 the next day, in the afternoon?

19 A. The actual interview started at 2:26 p.m., when he was
20 first notified of his Miranda rights. The video
21 statement started at 2:39 p.m.

22 Q. Okay. And, did it appear to you that Mr. Gregg was
23 under the influence at this time?

24 A. No, ma'am.

25 Q. He didn't seem animated to you in a way that seemed odd,

1 or offbeat; didn't seem to have any odd facial
2 expressions?

3 A. No, ma'am. I mean, some people that you talk with, some
4 people are very animated. I know if I get upset, or if
5 I get real excited I become animated.

6 Q. Yes, sir. And it didn't seem odd to you that this
7 gentlemen, who had smoked as I said, hundreds of dollars
8 worth of crack, asked you to turn the video cameras on
9 himself?

10 A. No, ma'am. It is not uncommon to have people willing to
11 tell us what happened.

12 Q. Yes, sir. Okay.

13 MS. WISE: Just one moment, please sir.

14 (PAUSE.)

15 Q. And did it seem odd to you the way Mr. Gregg relayed to
16 you these events that he said happened. He said, I
17 stabbed him. I stabbed him, and I stabbed, him, and I
18 stabbed him, and I stabbed him. He said, I smoked, and
19 I smoked, and I smoked, and I smoked, and I smoked. Did
20 that strike you odd at all that he sort of --- His odd
21 behavior. Didn't that seem odd to you?

22 A. Well, I mean, for somebody to say that he stabbed
23 somebody several times, I mean, that is not common.
24 But, he was just being animated when he was giving his
25 interview.

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1 **MS. WISE:** Okay. Thank you, sir. May I have one
2 moment please, Your Honor?

3 **THE COURT:** Yes, ma'am.

4 **(PAUSE.)**

5 **MS. WISE:** Thank you, sir. We have no further
6 questions, Your Honor.

7 **THE COURT:** Any redirect?

8 **MR. HOLT:** None at all, Your Honor.

9 **THE COURT:** All right. You are free to step down,
10 Lieutenant.

11 **MR. HOLT:** Your Honor, at this time the State would
12 rest.

13 **THE COURT:** All right. Ladies and gentlemen, the
14 State has rested their case. What I need to do now is to go
15 over some matters of law with the attorneys at the close of
16 the State's case.

17 I am going to ask you to step back into your jury room,
18 and have no conversation about this case, because we are not
19 at that point yet. Let me take up a few matters of law, and
20 then I am going to speak with the attorneys, and then I will
21 have more information to you, either bring you back out, or
22 send word in by the clerk. I will let you know. Okay? But,
23 if you would please return to your jury room.

24 (Whereupon, the jury exits the courtroom at
25 12:16 p.m.)

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1 **THE COURT:** All right. At this time, I will take up
2 any motions at the close of the State's case.

3 **MR. JONES:** Your Honor, on behalf of the defendant, we
4 would make a motion for a directed verdict as to all charges.
5 We feel that the State has failed to present competent
6 evidence as to guilt of Mr. Gregg, as to all of the charges;
7 with particular emphasis on the kidnapping, and the assault
8 and battery of a high and aggravated nature. And I will
9 address that one first, Your Honor.

10 The assault and battery of a high and aggravated nature,
11 my understanding is that the State contends that the
12 defendant's act of driving the car on the dirt road in the
13 direction of the two officers constitute the assault and
14 battery of a high and aggravated nature..

15 First, there is absolutely no injury. Second, I think
16 that Mr. Gregg, as a driver of a vehicle on what I assume is
17 a public road, had as much right to be on the road as the
18 officers did, particularly as I recall, and I will get his
19 name. I think the officer testified at least on cross that
20 he didn't have his blue lights on. That was Officer Crowley,
21 I believe, did not have blue lights or sirens on at the time.
22 His testimony, as I recall, was that the car came out of the
23 cornfield, was on the road coming at them, and he backed up
24 and let the car go by and shot at it --- or his partner shot
25 at the car as it went by. We just feel that the State has

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1 failed to present really any credible evidence of assault and
2 battery of a high and aggravated nature.

3 Secondly, as to kidnapping, Your Honor, there is
4 testimony, obviously, Ms. Hunter-Suggs testified that as she
5 got into the residence, and saw her boyfriend on the floor,
6 my recollection is about the only thing else that she
7 testified that she really remembered was that there was a big
8 knife in the hand of David Gregg. Mr. Gregg's statement
9 that was just played, indicated that he spoke with Ms.
10 Hunter-Suggs, told her that he was not going to harm her. In
11 fact, basically said, I want you to tell the police about the
12 drugs that has caused --- I don't recall his exact words, but
13 basically screwed his life up completely. I want you to go
14 with me. That, Your Honor, I believe falls short of the
15 requirements of our kidnapping statute, and for those reasons
16 we would ask that the Court find that the State has not met a
17 burden of proof as to all charges, but particularly to the
18 kidnapping and the ABHAN.

19 THE COURT: All right, sir. Solicitor.

20 MR. HOLT: If I could address those in reverse order,
21 Your Honor.

22 THE COURT: Sure.

23 MR. HOLT: Specifically to the kidnapping. And, I
24 believe to get past a directed verdict, I need a scintilla of
25 evidence. I am open to be corrected on that. I think I have

1 enough evidence with just the defendant's confession. He
2 says, you know, Druscilla walks into the room to see her
3 boyfriend dead, stabbed. Looks over, Douglas Gregg with a
4 thirteen inch knife. Puts the knife in her face. Tells him
5 to give up her phone. You know, he leaves out ---
6 conveniently leaves out in his statement how he told her to
7 strip. Druscilla remembers it, that he told her to take her
8 clothes off. He remembers it as asking her to take her
9 clothes off, to look for her cell phone. You know, he
10 confined her in the house. He took away her chance to call
11 people. And, the idea that Druscilla didn't run away right
12 at the time they got out of the door when she was confused,
13 naked, and scared, is honestly kind of belittling to the
14 victim in this case. There was certainly more than enough
15 evidence to get past the kidnapping. Not only do I have
16 Druscilla's personal statement, along with the defendant's
17 confession; I have two police officers who testified to the
18 state of mind she was in when the first responders arrived.
19 I have Ella Graham's testimony of a woman running naked up to
20 a crowd of people she didn't know. If there was no cause for
21 concern, I don't know what would make a normal, reasonable
22 woman, run naked into a group of people she didn't know.
23 That goes against everything I have ever know about every
24 woman I have ever know.

25 And, if I can talk lastly about the assault and battery,

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1 which I will freely admit by far is my weakest case. Judge,
2 but once again I believe that my burden here at this motion
3 is a scintilla of evidence. This was not a public highway.
4 I wish I had pictures, but I don't. This was a cornfield
5 coming off of a dirt road in which there was only a narrow
6 means of escape. Plus a little bit of --- I think the
7 testimony from Officer Crowley, there was room enough on the
8 side for the defendant to drive past him. But, instead he
9 pointed his car directly at him in such a hostile manner that
10 one of the officers had to issue shots from his sidearm. He
11 was in threat like that, you know. And, if that is not an
12 act accomplished by means likely to produce death and great
13 bodily injury, is a 2002 white stolen Honda Accord, driven by
14 a madman with a butcher knife coming at you wide open, I
15 don't know else you could call it.

16 **THE COURT:** Here is the concern that I've got on all
17 of these charges. There is no battery. There may be assault
18 with a high and aggravated nature. But, I don't see there is
19 a battery here.

20 **MR. HOLT:** And, Your Honor, I think the initial
21 battery when they started to work these charges was the
22 result of one of the officers climbing out of the door, and I
23 guess bruising himself for unconvincing himself as he
24 released the bullets.

25 **THE COURT:** I am going to respectfully deny the motion

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1 as it relates to kidnapping charge. I think there is
2 evidence in the record whereby the jury can find.

3 I am going to grant your motion as it relates to assault
4 and battery of a high and aggravated nature. I don't find
5 there is any evidence to support that, whereby a jury could
6 determine a verdict in support of those charges, absence of
7 any battery. I am going to grant your motion as to those
8 charges.

9 As to the remaining charges involved in this case, I am
10 going to deny your motion as to those charges. They will go
11 to the jury.

12 Anything further, Mr. Jones?

13 MR. JONES: No, sir. Your Honor, I don't know if now
14 is the appropriate time. We have spoken with Mr. Gregg about
15 testifying. He has chosen not to testify. I don't know if
16 you want to --

17 THE COURT: -- Do you have any other witnesses?

18 MR. JONES: We are going to rest, Your Honor.

19 THE COURT: Before I do this, is there anything
20 further from the State? Anything?

21 MR. HOLT: The only concern I think I have going
22 forward at all is, what Mr. Jones intends to do with self-
23 defense. I believe he is going to ask you to put that in. I
24 don't see it in the charge.

25 THE COURT: We are not doing that. Let's wait until

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1 we get there.

2 MR. HOLT: Okay.

3 THE COURT: Let me go ahead and speak with Mr. Gregg.
4 Mr. Gregg, Mr. Jones has indicated that y'all have discussed
5 your constitutional right to remain silent, as well as your
6 right to testify; is that correct?

7 MR. GREGG: Yes, sir.

8 THE COURT: All right. And, have you made the
9 decision as to your right to remain silent or to testify?

10 MR. GREGG: Yes, sir.

11 THE COURT: And, what is that decision?

12 MR. GREGG: To remain silent.

13 THE COURT: Okay. Now, and I will certainly honor
14 that decision. But, I want to ask you first, so that I make
15 sure that you understand and you are clear, that you do have
16 a right to testify, if you chose to do so; do you understand?

17 MR. GREGG: Yes, sir.

18 THE COURT: You also have the right to call any
19 witnesses, if you chose to do that as well. Do you
20 understand that?

21 MR. GREGG: Yes, sir.

22 THE COURT: Obviously, if you were to take the stand,
23 however, it is also important to know or to understand that
24 other than just answering the questions from your counsel,
25 you would also be required to answer questions from the

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1 Solicitor's Office. Do you understand that?

2 MR. GREGG: Yes, sir.

3 THE COURT: Okay. I have not --- We haven't talked
4 about it, we are just now reaching that point. I don't know
5 if you would have any criminal record that would be open to
6 being discussed, or questioned during that testimony. I
7 don't know if you do or not.

8 But, do you understand if you did have any criminal
9 history, there would be some discussion as to whether or not
10 the State could ask you about that, and we would have to make
11 a decision based on whatever that criminal history might be.
12 But, do you understand that there is a possibility that they
13 could ask you about prior criminal matters?

14 MR. GREGG: Yes, sir.

15 THE COURT: Okay. Now, you have indicated that you
16 wish to exercise your right to remain silent. Do you
17 understand that by doing that, that I would instruct the jury
18 that that is your constitutional right. That they cannot
19 hold that against you in any way. Do you understand that I
20 would tell them that?

21 MR. GREGG: Yes, sir.

22 THE COURT: And, I would go further to instruct them
23 that the fact that you remain silent is not even to be
24 discussed in the jury room. It is not to be considered in
25 their deliberations. The State has the burden of proof, and

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1 you don't have to prove anything. And I will instruct them
2 in that. Do you understand, sir?

3 **MR. GREGG:** Yes, sir.

4 **THE COURT:** Has anyone, Mr. Gregg, I tell people all
5 the time, you have --- In this case you have three
6 outstanding lawyers, and sometimes people call or refer to a
7 lawyer as counsel, because they give counsel, they give
8 advice, and that is what they are suppose to do. But, do you
9 understand anytime it involves a person's decision as to
10 whether to exercise a constitutional right, they can advise
11 you and talk to you about it, but the bottom line is, it must
12 be your decision. Do you understand that?

13 **MR. GREGG:** Yes, sir.

14 **THE COURT:** Has this been your decision, sir?

15 **MR. GREGG:** Yes, sir.

16 **THE COURT:** I realize that you have discussed it with
17 your attorneys, but the final call is yours. And, is that
18 what you have done here in this case?

19 **MR. GREGG:** Yes, sir.

20 **THE COURT:** And, has anyone in any way threatened you,
21 or coerced you, or put any pressure on you to exercise or not
22 exercise this constitutional right?

23 **MR. GREGG:** No, sir.

24 **THE COURT:** It has been made by you of your own free
25 will?

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1 **MR. GREGG:** Yes, sir.

2 **THE COURT:** All right. Well, I am certainly going to
3 honor that request, Mr. Gregg, and I appreciate your
4 responses. Thank you.

5 **MR. GREGG:** Thank you.

6 **THE COURT:** Now, here is what I intend to do. I
7 anticipate that --- I am going to ask Mr. Suggs to step back
8 to the jury room.

9 **(PAUSE.)**

10 (Whereupon, a bench conference takes place
11 between the Judge and the Clerk.)

12 **THE COURT:** All right. Now, what I would propose at
13 this point, and I know I gave them to you, and you have been
14 involved in the trial. Do you need any more time to look
15 over the charge? There is one thing that I believe I didn't
16 put in there. I don't know if the State is going to ask for
17 it or not. But, there is a charge regarding voluntary
18 intoxication that has been a theme apparently in this case.
19 Whether or not it is ever raised, I didn't put it in there.
20 I didn't know if the State was going to be asking for that.

21 **MR. HOLT:** The State is going to be asking for that,
22 Your Honor.

23 **THE COURT:** I know we are going to alter that charge
24 that you have got in some fashion. So, that is not a final
25 form, obviously. But, let's talk a little bit about --- and

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1 let's do it from the State's standpoint first. Other than
2 that request on a charge regarding voluntary intoxication.
3 Is there anything else regarding the charge that we need to
4 look at, or adjust?

5 MR. HOLT: No, sir, Your Honor.

6 THE COURT: Okay.

7 MR. HOLT: Well, it doesn't apply in this case. I
8 think the petit larceny needs to be updated from a thousand
9 dollars to two thousand dollars. I saw that.

10 THE COURT: It is two thousand?

11 MR. HOLT: Yes, sir.

12 THE COURT: Anything under two thousand is --

13 MR. HOLT: Anything under two thousand. I guess that
14 is just for your future benefit. Nothing comes close in this
15 case.

16 THE COURT: Yeah. All right. And, obviously, based
17 on my ruling, I am going to remove the assault and battery of
18 a high and aggravated nature language.

19 MR. HOLT: Right.

20 THE COURT: Let's see. Anything else then regarding
21 the State's position on the charges?

22 MR. HOLT: No, sir, Your Honor.

23 THE COURT: Mr. Jones, how about on behalf of the
24 defense? Anything we need to look at?

25 MR. JONES: As to the charges that you submitted,

1 Judge, just obviously the ABHAN charge is coming out.

2 On behalf of the defendant, we would ask for a self-
3 defense charge. And, Your Honor, as well as a voluntary
4 manslaughter charge. It is a very last piece of evidence in
5 the defendant's interview, and we have to listen very
6 closely, but he starts off by telling Investigator Hodges
7 that he and Mr. Gregg --- Mr. Levi Gregg, had an argument
8 about him leaving. And then he goes on to say, that they
9 began pushing and shoving. And then he's got his left arm in
10 the video --- he points this part of his arm toward the
11 camera. He begins pulling a bandage off, and he says, Levi
12 nicked me with the knife. He pulls it off and you can't see
13 it very well, but he has a wound on the left --- this part of
14 his left arm. Then, a little bit later as he is talking
15 about Druscilla Hunter-Suggs coming up, he says that he told
16 her that me and Levi got into it. Then I believe, almost
17 towards the end, he tells Investigator Hodges again that he
18 and Levi got into a tussle. We feel that those, at least
19 four phrases, if I counted correctly, do give the defendant -
20 -- does give the defendant the opportunity to ask the Court
21 for a self-defense charge, as well as a voluntary charge,
22 Your Honor.

23 Again, I understand if His Honor may want to listen to
24 the video again, because it does take some pretty good
25 concentration to pick those four phrase out. But those

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1 phrases are the basis for our motion, Your Honor.

2 THE COURT: All right. The State's position on that?

3 MR. HOLT: We are against both of them, Judge. I
4 think the defendant's own admission starts off with he wanted
5 me to leave and I didn't want to leave. You know, from there
6 I don't think he deserves a self-defense argument, being the
7 fact that he was the individual that started the ball rolling
8 towards the scuffle to begin with. I don't think we have any
9 evidence whatsoever of a heat of passion lesser included type
10 situation. I think exactly what he told Druscilla was, me
11 and Levi got into it, and that's the results right there.
12 And, I think it was an intimidation tactic to kidnap her
13 without much fuss. I don't think it was somehow to explain
14 away heat of passion.

15 And, herein is my main problem with this, Your Honor.
16 And, you may want to address this at this time. But, whether
17 you allow in a self-defense argument charge or not, I think
18 Mr. Jones' line of questioning towards some witnesses, and
19 undoubtedly his closing is going to hint towards that no
20 matter what. I would like to be able in my closing to
21 explain the jury why self-defense does not apply here. And
22 why -- you know --- Juries are often times ignorant, if you
23 don't charge them, you can't really use it. They are liable
24 to go back there and say, well this could have been self-
25 defense and that could be reasonable doubt. And there is

1 absolutely no evidence on the record to support either one of
2 those conclusions. And, I am scared I am going to have a
3 misinformed jury here no matter what we do.

4 **THE COURT:** I am just looking at the reasonable ---
5 excuse me --- self-defense charge on the law. How do you get
6 around, Mr. Jones, the fact that according to the only
7 evidence in this case that deals with their encounter,
8 because no one else is there. It comes from the statement of
9 the defendant himself, where he says, he wanted me to leave
10 and I didn't want to. And it is his house.

11 **MR. JONES:** That condition, Item --

12 **THE COURT:** -- The defendant must be without fault in
13 bringing on the difficulty.

14 **MR. JONES:** Well, Judge, that is evidence presented by
15 the State, even though it is his statement. He says, he
16 wanted me to leave and he didn't want to leave. They argued,
17 and then Mr. Levi Gregg is the one that brought the knife to
18 the fight. That in addition, I think it is Item Number 15,
19 is the picture of the livingroom that I questioned almost
20 everybody who went to the house about. The livingroom has
21 lamps knocked over. It's got chairs knocked over. And it
22 has a table askew. It's got an indication that that is not
23 a messy housekeeper, there was a major struggle going on in
24 the livingroom. Mr. Levi Gregg ended up dead on the floor.
25 In addition to that, the nick as Mr. Douglas Gregg calls it

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1 on his arm, is corroborated by the report showing blood on
2 the driver's side door panel, where Mr. Gregg's DNA is
3 indicated on that blood. And that is where, I guess, Mr.
4 Gregg as the driver of the car, would be leaned up against
5 the door panel with blood coming out of what he claims Mr.
6 Levi Gregg put on his arm. Again, for that reason, Your
7 Honor, I think we are entitled to that self-defense charge.

8 **THE COURT:** All right. Well, you know, another
9 element of self-defense is that the defendant had no other
10 way to avoid the danger. But, I guess that just goes towards
11 to State's argument. It doesn't go towards his right to have
12 the charge.

13 **MR. JONES:** Yes, sir. And, again, defending himself
14 against the other man with a knife.

15 **THE COURT:** Well, you leave the man's house. But,
16 again that goes to argument.

17 **MR. JONES:** Yes, sir.

18 **THE COURT:** All right. Let's look here. All right.
19 I'm inclined to charge the self-defense, but there is so many
20 things that accompanies self-defense, and we are going to
21 need to eliminate those things that don't apply. So, my
22 thought process is to give you the charge as I have it. Let
23 you look at it to determine what needs to be in it and what
24 doesn't. Now, and in light of that, I am inclined to give
25 the charge on voluntary manslaughter. So, here is what I'm

1 going to do. And before we stop at this, is there anything
2 else from the defense?

3 MR. JONES: No, sir.

4 THE COURT: All right. Let me --- let me take my
5 computer, step back here. Let me put together what I believe
6 to be an appropriate self-defense charge, and voluntary
7 manslaughter charge, and then I'll get y'all back and we will
8 look at it, and we will come up with that.

9 All right. And, however, I was going to let them come
10 out and let you rest on the record, and then send them back
11 out. But, I think what we will do is, we will get this
12 charge finalized and everything, and then I will bring them
13 out and let you rest on the record, and then we will proceed
14 to closing arguments.

15 So, the Court will be at ease while I go through this.

16 (Whereupon, a recess was taken from 12:20 p.m.
17 until 1:05 p.m.)

18 THE COURT: All right. Here is the new final charge.
19 All right. Just for the record, the attorneys and myself
20 have gone into chambers and we have gone over the jury
21 charge. I have added some things that we have talked about.
22 I have removed the assault charges based on my ruling. And,
23 I think we have a charge that is --- I think both sides agree
24 on. Is that correct?

25 MR. HOLT: That is, Your Honor.

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1 MR. JONES: Yes, sir.

2 THE COURT: All right. So, we have taken care of
3 that. Now, I have already discussed and spoken with Mr.
4 Gregg about his rights to put up a defense, and he has
5 indicated that he does not intend to testify, or put up any
6 witnesses. So, and Mr. Jones has indicated that the defense
7 will rests. What I propose ladies and gentlemen, is to bring
8 the jury out, and explain to them, that I took up matters of
9 law. And then what I would do, Mr. Jones, I would just
10 recognize you on behalf of Mr. Gregg. Let you then announce
11 to the jury and let the jury know that the defense has rested
12 in this case. Then I will tell the members of the jury that
13 typically this would be a time that I would send them back
14 out and take up matters of law, but we did that, which is why
15 we had this lengthy break. Then we are going to proceed on
16 to the closing arguments.

17 But, and that does bring up what I just remembered and
18 that is this. So, while the jury is still out, I am going to
19 let you officially on the record, but outside of the jury's
20 presence rest, Mr. Jones, and then I am going to take up
21 motions at the close of all of the evidence.

22 So, go ahead, sir.

23 MR. JONES: And Judge, on behalf of the defendant, we
24 would rest.

25 THE COURT: All right. So, at this time I will hear

1 from you with regards to any motions at the close of all of
2 the evidence, and keeping in mind that I have granted a
3 directed verdict as to the assault and battery charge.

4 **MR. JONES:** And we would just renew our motion as to
5 all the other charges that were not granted.

6 **THE COURT:** All right, sir. And I am going to
7 respectfully deny those motions. I think it is just a matter
8 of facts for the jury, and not a matter of law for the Court.
9 So, therefore I am going to respectfully deny those motions.
10 All right. Is the State ready to proceed with closing
11 arguments?

12 **MR. HOLT:** We are, Your Honor.

13 **THE COURT:** Is the defense ready?

14 **MR. JONES:** Yes, sir.

15 **THE COURT:** All right. Let's bring the jury out,
16 please.

17 (Whereupon, the jury enters the courtroom at
18 1:09 p.m.)

19 **THE COURT:** All right. Ladies and gentlemen,
20 sometimes I will bring the jury out and I will thank them for
21 their patience, and for all I know is, maybe you haven't been
22 patient, and you have been back there cussing me. I hope
23 that isn't the case. I hope you have been patient. I do
24 want you to know and understand is a lot of work has happened
25 while you have been back there that was going to have to

1 happen anyway. And to the extent that I can minimize y'all
2 having to get up go out of the room, come back, get up and go
3 out of the room, I try to do that. So, the law requires at
4 the end of the State's case that I take up legal matters with
5 the attorneys, and I did that. Then, there are other matters
6 that I needed to take up. But, before I get into all of
7 that, because I am going to lead into that in just a minute.
8 As you recall when we broke, the State had rested their case,
9 and I excused you to take up those legal matters. So, now we
10 are at the stage where I am going to recognize Mr. Jones on
11 behalf of the defendant.

12 **MR. JONES:** Your Honor, on behalf of the defendant,
13 the defense rests.

14 **THE COURT:** All right. Thank you, sir. And that
15 brings me to my next explanation to you on why that break was
16 as long as it was.

17 Mr. Jones was kind enough to let me know at the close of
18 the State's case, after I took up those matters of law, that
19 the defense intended to rest their case as well. So, the law
20 also requires that I take up matters of law at the close of
21 all of the evidence. So, at the close of the defenses case I
22 was required then to take up matters of law, and I went ahead
23 and took care of that. And I needed to have a conference
24 with the attorneys to discuss my jury charge to you, the
25 charge on the law. And we took care of all of that. So, now

1 we are ready to just move forward and go into closing
2 arguments. The reason I did it that was is, because if I had
3 done it exactly by the book, I would have taken up those
4 matters of law at the State's case, brought you back out,
5 recognized Mr. Jones, he would have rested. I would have
6 sent you back out, taken up those matters, and rather than do
7 that, we just took care of everything while you were out.

8 So, we are at the portion of the trial now where the
9 attorneys are going to have an opportunity to address you
10 with what we call, basically we call it closing argument.
11 Sometimes it is called final summation. But this is their
12 opportunity to argue to you what they believe the evidence in
13 this case has shown. As I told you with regard to their
14 opening statement, what the lawyers tell you in their closing
15 argument is the same as I told you on their opening
16 statement. It is not evidence. The evidence is closed.
17 Okay? The evidence that you are going to decide this case on
18 came from the evidence and the testimony that you heard from
19 the witness stand, and any of the exhibits that were entered
20 into the course of the trial. That is the evidence. But, it
21 is important that you listen carefully to the attorneys,
22 because they are going to at least give you their take on
23 what the evidence was in this case, and what it has shown.

24 So, if you would, I want you to give them your undivided
25 attention. And once they conclude their comments to you,

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1 what I anticipate is by that time your food will be here. I
2 am going to then let you eat. And then once you have
3 completed eating, then I will bring you back out and give you
4 the charge on the law, and then you are ready to decide the
5 case. Okay? So, we are nearing the end, but we are not
6 there yet. So, please, ladies and gentlemen, if you would,
7 please give the attorneys your undivided attention as they
8 address you with their closing arguments.

9 All right. Mr. Holt.

10 **MR. HOLT:** Thank you, very much, Your Honor. May it
11 please the Court.

12 **THE COURT:** Yes, sir.

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14 **MR. HOLT:** Mr. Jones, Ms. Wooten, Ms. Wise. I am as
15 tired, and I am as hungry, and I am as bored as each and
16 every one of y'all, and I can promise you that. But, before
17 I get in I just want to go over one time what happened on
18 January 12, 2011.

19 Douglas Gregg, walked in to the home of a sixty-three
20 year old Levi Gregg, and he stabbed him sixteen times. And
21 you only heard one piece of what happened in there and it
22 came from him. And after that, he stole his money, Okay?
23 After he killed him, he takes his money; he goes and buys
24 drugs, comes back to that home with the body right there.
25 The only uncle who had anything to do with him left. Smokes

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1 the drugs right there. When that man's friend, possibly a
2 girlfriend comes over to see him on Sunday after church,
3 Sunday afternoon, going to eat some steaks. Okay? He
4 kidnaps her. He puts a knife in her face. He makes her take
5 her clothes off, and he puts her in her own car and he drives
6 her, she knows not where. Okay? Now, after that is over
7 with, somehow another she makes an escape. Runs naked into a
8 neighbor's yard. Somebody she didn't know until this day.
9 You heard --- How many times did you hear her say, she didn't
10 know who Ella Graham was. She was just a woman that saved
11 me.

12 Now, once she gets away, he buys more crack with
13 Druscilla's money. Then he goes and smokes that. Then he
14 runs out, and then he is left. What is he going to do?
15 Well, I'll tell you what he's going to do. I think what he
16 did in his confession. I done screwed up, so I might as well
17 go all out. And he takes that knife into a Markette, and he
18 scares another young woman half to death, forcing her to jump
19 over a counter. A relative of his works there. She sees
20 him. Says, instinctively, I felt like he was going to kill
21 me, if he recognized me, because I'd be able to tell who he
22 was. She runs and hides behind the dumpster. Gets more
23 money. Gets more drugs, for the fourth time. Runs off into
24 the woods. Police finds him. Pulled the blue lights on him,
25 he don't stop, he runs from police. Runs through two homes,

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1 and I think that was clear from the map up here. Those are
2 two trailers. Two people live there. Drives through their
3 yard and runs into the wilderness. He is apprehended. At
4 each and every step along the way, we gave you a witness who
5 told you exactly what happened, because they saw it. This
6 isn't --- you were bored up there, and I understand that.
7 Okay? But, let me tell you why? And let me tell you why,
8 even though you continue to be bored and hungry, we have to
9 give this your utmost, because it is your burden to decide
10 here today what happened. And it is my burden to prove it to
11 you. And I forced you through the last two days of the
12 boringest testimony you have ever heard. I'm sure you are
13 thinking, armed robbery, car chases, it at least ought to be
14 interesting but sad. Instead it was just sad and bored. He
15 killed that person, he took his money. He kidnaped that
16 young lady and he took her money. He went to that Markette,
17 and you saw it on video clear as day, and he took their
18 money.

19 Now, here is the first thing that I want you to know.
20 Okay. Me and Ms. Parker, if we ever gave you any indication
21 that we were personally against David, the defendant, or that
22 we even believe that he is evil, okay, let me take that away
23 from you right now, because we don't. I am not up here to
24 prove somebody is evil, or wrong, or wicked. I can't do
25 that. And in this particular case, I don't think it is true.

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1 I don't think the defendant is a bad person. I think the
2 defendant is a person with some addictions that got out of
3 hand. That he couldn't stop. And that he made a bunch of
4 choices. And those choices fit what our elected officials
5 have created as laws. Those choices fit that. And that
6 brings me into the most important for you that I want to tell
7 you right now, then we will get into it. I am not going to
8 go over every witness. I am not going to go over piece of
9 evidence. I am not going to do it. I am just going to give
10 you some things to think about. And the most important thing
11 you need to think about is this. You swore an oath, and it
12 was two parts. Do y'all remember what the first part was?
13 Judge the facts. You are the Judge of the facts, and only
14 you. And the second part is to uphold the law. And what
15 that means is, and this is what is most important. Y'all are
16 going to learn about reasonable doubt, but you are also going
17 to learn about upholding the law. That means that when you
18 go back there in that room, you don't sit there and use your
19 own moral code of what is right and wrong, and go through it
20 how you think it ought to be gone through. You go by what
21 the law says. And it is as plain and simple, and it is
22 written down. And if I say anything that goes against the
23 Judge, judge of the facts, Judge of the law. He will tell
24 y'all what the law is, and if I disagree, then you go with
25 him. But what I have in this case is the burden. That is

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1 why you had to be so bored, because I have the burden of
2 proving it. They don't have to prove innocence, Okay? And
3 that is what makes America great. Every other country in the
4 world; they have to get up here and prove that they didn't do
5 it. America, the only country in the world, that the State
6 has to prove you did it. Because, the government can't just
7 come down and tell people they did something. That is one
8 thing that we still got in America. You are going to decide.

9 Now, this is what I tell people when I have cases that
10 there is a lot of contention in. He said, she said. You
11 have a log of contended facts. Somebody gets shot in a club,
12 and everybody says it was somebody else that did it. This is
13 what I tell the people. I don't want you to just say, this
14 side is right, or this side is right. You know --- Patti
15 Parker talked about it in her opening, collective common
16 sense. It is not what you think, or you think, or you think,
17 or you think, or y'all have learned, or just your common
18 sense, it is going to be twelve of y'all, collectively, what
19 you know. And what you ought to have learned by now in life
20 is that the truth is where? It is usually somewhere in the
21 middle. It is not --- Very rarely in life are you going to
22 get somebody completely wrong or completely right. I want
23 you to start in the middle. I want you to start with the
24 uncontested facts. And I want you to apply that to the law.
25 And after I have explained it to you, there is going to be no

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1 way that you can go with anything except guilty.

2 Now, let's talk about the first thing, murder. Murder
3 is the killing of any person with malice aforethought either
4 expressed or implied, so you have got to have two things.

5 And every law has chapters --- has characteristics, and has
6 to have all of them or you don't get it. Okay? You have to
7 have a killing. And you have to have malice aforethought.

8 If I am running on the beach with my best friend and I have a
9 big knife in my hand, and I trip and stab him, he dies, you
10 don't have a murder. You got a killing, but you don't have
11 malice aforethought. And I don't want anybody to think that
12 malice is the general term of malice like, evil, or malign
13 heart, somebody who is mean. Malice is simple and is defined
14 by the law, and it is not an evil heart that the common use
15 is providing it. But in the legal sense, the term malice
16 indicates a formed purpose and a design to do a wrongful act
17 under the circumstances that exclude any legal right to do
18 so. Okay?

19 Now, going back to my example of running on the beach
20 with my friend. If I am thinking in my head for the last
21 three years how jealous I am because his wife looks better
22 than mine, she is nicer than mine, and I stab him, that is
23 three years I have been breeding that malice aforethought.
24 Okay. But, if are running down the beach, and he bumps into
25 me and I get mad, and I just stab him. In the time it took

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1 for my brain to tell my hand to stab my best friend because I
2 hate his face, that is malice aforethought. And that is what
3 you have with a murder. Why is that important? We know that
4 when the defendant stabbed Levi Gregg to death, we know
5 because he told us, we know because the murder weapon had the
6 victim's blood on it, and the defendant had it in his hand
7 throughout the string of the other burglaries, and robberies,
8 and kidnappings that he committed. We know because we saw
9 the knife in his hand on camera. We know because it was in
10 the getaway car that he used. Okay? We know even because of
11 his confession. All right? That he stabbed him. That is
12 not in contention. Nobody is doubting that. They are going
13 to make their arguments off of the law when I sit down. And
14 it is going to be one of these three things that they are
15 going to say. The defendant was out of his mind on drugs.
16 And I am going to shoot that one down right now, and the
17 judge is going to charge you the law. And the buzz word you
18 are going to be looking for is involuntary intoxication. And
19 if you voluntarily put something, liquor, beer, crack, into
20 your system, whatever you do after that is on you. It is
21 your fault. It is a personal responsibility 101. The
22 defendant wasn't going to leave Levi's house. Now, I want
23 you to think about that. If you have a nephew, a cousin,
24 somebody in your family, in the house that you pay rent or
25 the mortgage on, walk in and they are smoking some crack, you

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1 say, you need to get out of my house. Levi's own admission -
2 -- I mean Douglas' own admission was that I ain't leaving
3 this house. That ain't our arrangement. Essentially, I am
4 going to tell you what you can do in your own home. I am
5 going to sit over here and get high, and you are going to
6 shut up about it. That is what he is telling him. Okay?
7 And that could be an argument. I am going to tell you in
8 just a minute why that ain't so. Because there is not a
9 legal right for him to be there. The only other possibility
10 is self-defense. You are going to get a charge on self-
11 defense, and I want you to know this. Just like I have to
12 prove in murder both things, a killing and malice. Somebody
13 who wants self-defense, you have to have these four things.
14 All right.

15 The defendant must not be at fault in bringing about
16 this situation.

17 Levi, I ain't leaving. This ain't our arrangement. I
18 get to smoke crack in here. Okay? Then it got out of hand,
19 and then I killed him. He told Druscilla that me and Levi
20 got into a fight, and there is the results. All right.
21 Right off the bat, I don't need to talk about the other
22 three.

23 Self-defense is for when somebody bust into your home.
24 Somebody bust after your daughter or your child, and you have
25 to react, and you have to punish them to keep yourself safe.

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1 It is not so that you can smoke crack in somebody else's
2 home. It is crazy. This is the law. He is going to charge
3 it to you. Just pay attention.

4 You know, the defendant must have been in imitate
5 danger. Levi Gregg, sixty-three years old. You are going to
6 see the photos in here of how he was killed in a corner. Of
7 how all of the blood that was found in that house was in that
8 corner, and how some of those stab wounds was in his back.

9 Now, am I sitting here telling you exactly how it
10 happened? No. Will we ever know? No. But, do we need to?
11 No. Okay? At anytime the defendant could have done what
12 Levi said and left the house, and it would have been over
13 with and Levi Gregg would be here with us today. So, you
14 don't get the second element either.

15 Third element. The defendant must prove a sane and
16 reasonable person would have done the same thing to escape
17 danger. You can argue a sane and reasonable person wouldn't
18 have been aggravating people and smoking crack in their
19 house. You can also argue that a sane and reasonable person
20 would have just left once the argument became physical.

21 The defendant must show no other means to avoid a
22 danger. Well, how about get up out of the man's house when
23 he tells you to. If he had been nice and let you in, it
24 don't matter. That is his home, and he has the legal right
25 to make you leave.

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1 I have already shown y'all how murder, by the law,
2 applies to this case. The only way you can get off of murder
3 is to go with this self-defense, and this doesn't apply.

4 Now, you can go down to manslaughter, and we are going
5 to talk about that in just a second. But, I want y'all to
6 know that murder and that self-defense doesn't apply.

7 Voluntary manslaughter, killing of another without
8 malice aforethought in a sudden heat of passion with
9 sufficient legal provocation. You ain't got nothing. Well,
10 you got this one. Okay? He killed him. All right. He
11 might argue I didn't have malice. You know, but do you have
12 these two, a sudden heat of passion? No. Okay? Sufficient
13 legal provocation to stay in a house where a man doesn't want
14 you there? No. All right. Y'all, and this is the most
15 important thing. This case is sad. All right? And I don't
16 want it to be anything that is not. But, we can't let our
17 feelings come in and make decisions based on that, that don't
18 apply to the law. And I am reminding you of the oath that
19 you swore, but I am also reminding you of the law, and I
20 don't want you to think that I am being ugly or cold hearted
21 about it. We have all sworn our oaths. We have all been
22 here. These are the things that we have to discuss. All
23 right. The only possible outcome is guilty. It is just ---
24 it just is.

25 Kidnapping. You know, unlawfully seize, confine,

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1 inveigle, I've never seen that word. Decoy, kidnap, abduct,
2 or carry away any other person by any means whatsoever
3 without the authority of law. Come into the house. We are
4 going to spend a nice lazy Sunday with the guy you kind of
5 like. Instead, you find him on the ground. And there is
6 another man in the house right up next to you. And he throws
7 this into your face. All right. There has been a lot of
8 talk --- a lot of back and forth, and remember I talked to
9 y'all about coming from this end and this end, and meeting in
10 the middle. Druscilla says, I don't think he told me
11 anything. In his confession video, the defendant says, I
12 talked to her calmly. I told her that I wasn't going to kill
13 her. That we needed to report these drug dealers. And she
14 needed to take her clothes off and come with me. When you
15 walk into a house, the person you want to see is dead in a
16 pool of blood with stab wounds on his back, and there is
17 another man with a knife, pointing it at your face. Maybe
18 Druscilla just blanked on that. All right. Or, maybe the
19 defendant was so high that he just said those things into his
20 head. We will never know. And, it doesn't matter. Don't
21 get back there talking about things that don't matter. What
22 matters is, did Druscilla have any say in the world over
23 whether she got in that car with that man. And, I am telling
24 you she didn't. And I am telling you that you don't have to
25 take Druscilla's word for it. Everything he said in his

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1 confession backs that up too. You don't have to take the
2 first responder's word for it, when they said she was in a
3 disturbed state of mind. What I want you to think about is
4 Ella Graham, the savior. Druscilla goes running through the
5 yard naked. So scared a woman ain't worried about her
6 clothes. Okay? That is how scared she is. That she don't
7 care who is going to see her, as she runs into this yard and
8 says, help me. Ella Graham don't have no dog in this fight.
9 She didn't sit on no side of this courtroom. She came and
10 sat up here, and she just told y'all the truth. It has been
11 my experience in life that somebody who doesn't have a dog in
12 a fight is going to tend to be your most un-bias witness. I
13 believe Ella Graham a hundred percent. I believe Druscilla a
14 hundred percent. Even if all you want to believe is what you
15 saw on the video, Douglas Gregg is guilty of kidnapping. And
16 there is no way around that.

17 That is all the testimony that we just talked about.
18 The use of the Honda Accord, and all the following crimes.
19 Do you think Druscilla would have just got in her car to go
20 commit crimes to get drugs? You know? The testimony of Ella
21 Graham is the most important, I believe. All right?

22 Robbery while armed with deadly weapon. A person who
23 commits robbery while armed with -- action or words is armed
24 while using the representation of a deadly weapon. That just
25 means that he is like lying, and like hey, I got a gun, but

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1 you ain't got no gun, but you rob me anyway --- during the
2 commission of a robbery. All right. Now, let's think about
3 that evidence. You have the testimony of two witnesses.
4 Pretend it is twenty-five-years ago and nobody has security
5 tapes. Now how are you going to prove this. Well, you have
6 his own cousin who says, I saw Levi --- saw Douglas walking
7 up to the store. Went to say hay. He pulled out a knife.
8 This is how she did it. She said, he pulled it out like
9 this. What would you do Deloris? I went running to the
10 trash can. She left and ran there. She left that part out.
11 Where other people would have been standing, you just take
12 off running. Why? Instinctively, I felt like he was going
13 to kill me, because he knew who I was. Now, think about what
14 Miranda Wiles said. Miranda Wiles came up here. These are
15 two more people y'all, without a dog in the fight. She
16 picked Douglas --- she looked at him, and said that is him.
17 That is the one who did it. What did he look like? He
18 looked like somebody had thrown water all over him. He came
19 running in. I was so scared I couldn't hit the right button.
20 All right. Finally, I got no sale. And, anybody who has
21 worked a cash register before, you know that no sale is what
22 you hit to pop the cash drawer open. And his mind just
23 focused away from me to the money. She said, then I made my
24 getaway. All right. Now, I want you to think about what
25 those two women told you, these are two of my witnesses, and

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1 then I want you to think about the un-bias video recording
2 that you saw. And you will have it. It is in evidence. I
3 don't think it is this one. It's not. But, you will have it
4 back there, and feel free to watch it. It is Douglas. There
5 is a long object in his hand. He is running around like
6 this, demanding money. He takes that money out of the
7 register. She didn't offer him that money, y'all. But, just
8 think about her testimony, Deloris' testimony, completely
9 matched what that video was you saw. And I don't know how
10 anybody can say he didn't rob that store. And then if that
11 doesn't --- I mean, if you don't believe it like that, just
12 go by his video confession. What does he say? Well, I
13 didn't threaten her, but I did put the knife in her face, so
14 I guess that was a threat. Well, she didn't think he was
15 going to use harsh language on her if she didn't open that
16 register. She opened the register, because she knew what was
17 coming if she didn't produce that money. And that is an
18 armed robbery. What do we have next?

19 Just simple investigation principles. There is going to
20 be a lot of talk from the defense's side about a lot of
21 things. Okay? Things like I told you about. I want you to
22 remember this. When this whole thing started on the 12th of
23 2011, Eric, Russ, Brandon, none of these guys knew who was
24 guilty or what was going on. They went out and collected
25 statements, and collected evidence. And not each and every

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1 statement, and piece of evidence that you collect is going to
2 contribute to the final product. You have to cast a wide
3 net. You can't just pick out who you think is guilty, and
4 then just look at all of the evidence you think would be
5 important. You have to cast a wide net. You have to look at
6 a lot of things. All right? You have to take a lot of
7 photos that you might not think are important, but that are
8 important. Think about the photos of the cameras of --- in
9 here --- I'm not going to go through, because I am ready ---
10 But in here there are pictures of the phone. And think to
11 yourself, what do the pictures of the phone prove? Druscilla
12 testified that she called a couple of times, right. She
13 called and said she was coming over. She called and said she
14 is here. She called and said hey, I can't get in. All
15 right? Look at the phone calls on there, and look at the
16 times, and they will show you. Look who called a little bit
17 before that, Douglas Gregg. So, just think about that.

18 Now, reasonable doubt, this is what you are going to
19 hear a lot of. You are going to hear a lot of reasonable
20 doubt. All right. And, I just want to go over this. Proof
21 beyond a reasonable doubt is proof that leaves you firmly
22 convicted of the defendant's guilty. Very few things in this
23 world that we know with absolute certainty. And in criminal
24 cases, the law does not require that proof overcomes over
25 possible doubt. All right. When you are back there with the

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1 reasonable doubt, you are going to think about two things.
2 The facts you have seen, and the law you as you know it. If
3 you think that Douglas Gregg was set up by some CIA type
4 conspiracy, I mean, that is just unreasonable. Okay? You
5 are not going to overcome everything. Think about what you
6 know. Douglas Gregg and Levi alone in the house. Levi,
7 sixty-three years old, the only one who has taken up any more
8 time with his cousin/nephew is like a cousin who is younger.
9 You look after them like a nephew. The only one who has
10 taken up any time with him. Levi gets stabbed sixteen times.
11 The only one who talks about is the story of Douglas'
12 confession. All right?

13 Now, think about this. There is no legal reason for
14 anything that could have gone on in that house that leads to
15 anything other than murder. No reason that you can come up
16 with leads to anything but murder. He stabbed him sixteen
17 times, because he was trying to get a fly off of him because
18 he was out of his mind on crack. Voluntary intoxication
19 doesn't apply. Malice, the stabbing. These are the things
20 that you have to think about. And you can't come back with
21 anything other than guilty. The kidnapping, and I don't want
22 to get into repeating myself. But, I do want you to know
23 just briefly, all the DNA evidence, and what that was for,
24 you got to see his wallet. Cigarettes are not always smoked.
25 Let me tell you what you can apply freely to that. Smoking a

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1 cigarette and all of his brain saw money, lost focus on the
2 cigarette and left it there, and took off with the money.
3 What does that tell you? That fits the exact way that
4 Miranda Wiles described him. Maybe Levi walked in and he was
5 steeling his money. Okay? Either way I'm telling you, it
6 doesn't matter. It was murder. And it was beyond a
7 reasonable doubt. And I never want you to forget this one
8 quote, if you don't remember anything else from what I said,
9 and I took this when I watched his confession. I done
10 screwed up, so I might as well go all out. A man who kills
11 another man in self-defense doesn't then kidnap that man's
12 girlfriend, and goes on a crime spree. A man who does that
13 figures out what to do next, and it doesn't involve
14 committing more crimes. Any time you corner somebody and you
15 have got them, they are going to give you some type of
16 confession that suits everything that they want you to say.
17 Levi got mad at me. He leaves out the part where Levi got
18 mad because he wouldn't leave his house and he was smoking
19 crack. And maybe you want to believe that Levi let him smoke
20 crack in there. Or maybe you think, which is the more
21 reasonable answer, that Levi kicked him out because he found
22 him in that back room smoking crack. But, even if you
23 believe Douglas' statement, he killed him. And I have showed
24 you that with the law. Even if you believe everything that
25 he says, he is guilty of everything. And look back over all

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1 of the evidence, and think about what it means. And look
2 back over that confession, and think about what the Judge
3 tells you when he charges you the law.

4 Hopefully we get out of here and eat lunch soon. I took
5 a little bit longer than I wanted to, but I appreciate your
6 time. And I thank you for listening, and putting up with us
7 all this week. Thank you, so much.

8 **THE COURT:** Thank you, Mr. Holt. Mr. Jones

9 **MR. JONES:** Thank you, Your Honor. Solicitor. Let me
10 take just a minute to get myself together here.

11 CLOSING ARGUMENTS BY MR. JONES

12 **MR. JONES:** All right. We are on the home stretch. I
13 want to do a couple of things before I really get started and
14 tell you what I really need to tell you. I want to go back
15 and remind you of what I said yesterday morning, which seems
16 like a lot longer ago than yesterday morning.

17 Three things that I really want you to remember right
18 now when you go back to your room, and really the rest of
19 your life, because it is the basis of the criminal justice
20 system. In Darlington County, and in South Carolina, and in
21 the United States of America.

22 Number one. Douglas David Gregg is presumed to be
23 innocent. I said that many times yesterday. I say it again.

24 Number two. That presumption stays with him throughout
25 the course of this trial, even when you go back into that

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1 room, unless you find that the Solicitors, who have the
2 burden of proof, have met that burden of proof, and proved to
3 each and every one of you beyond a reasonable doubt that his
4 is guilty as charged.

5 Now, the other thing, I am looking around, and nobody I
6 don't think is as old as I am on the jury. But, there was a
7 fellow for years, and years, and years, who around noon on
8 the news gave a very interesting story, and then he had a
9 pause for a commercial, and when he came back he said, now,
10 here is the rest of the story. His name is Paul Harvey, you
11 may or may not remember him. I remember him. I am going to
12 tell you the rest of the storey.

13 First of all, let me tell you that you are the trier's
14 of the facts. Your deep responsibility is to figure out what
15 the devil happened on June 12, 2011. His Honor is going to
16 give you the law that you have to go back to your room and
17 apply to whatever facts you find happened on June 12, and
18 that is how you reach your decision. The Solicitor doesn't
19 do that. He wants to tell you it is open and shut. There is
20 no such thing as reasonable doubt. You have got to go back
21 there and find him guilty; just because. That is not how we
22 work.

23 The other thing I want to tell you is the interesting
24 part about this whole situation. Yesterday I told you that
25 the evidence that is presented comes from people who sit on

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1 that witness stand and tell you things, and from things that
2 you are going to pick up and carry with you to your room that
3 you can touch. You have got to look at it all, and you have
4 to consider it all.

5 Also in evidence is this piece right here, Number 3,
6 which is a video. The Solicitor kept saying, this is the
7 defendant's confession. It is his confession. What he
8 forgot to tell you is that he was picking little things out
9 of that video interview, and he was forgetting other things.
10 And the reason I say that is, I am going to come back to this
11 in a few minutes. Because, you heard it one time. It lasted
12 about after the Miranda Warning, it last about twelve,
13 thirteen, fourteen minutes. In that one time you may or may
14 not have heard everything that is on here. But, I want to
15 tell you, I have listened to it, I can't tell you how many
16 times, and every time I listen to it, I hear another cry from
17 Douglas David Gregg about what happened on June the 12th.
18 You are going to take this back to the room with you. If you
19 want to take a look at it, all you have to do is say, bring
20 me the machine and let me look at it. And I urge you to do
21 that. Because, right here is the essence of this case.

22 Now, let me tell you a story. A story you heard. One
23 of the things that I said yesterday is that there is a evil
24 in the room, and there is a evil in society, and that evil
25 has us here. And that is crack cocaine. It can be a

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1 prescription drugs, it can be marijuana, it can be anything
2 that people use and abuse in order to alter their state of
3 mind. Crack cocaine has us here today.

4 Mr. Gregg, and it is on that interview, and it is right
5 up at the start, he admits to everybody in the room, and
6 everybody here today that he has battled with crack cocaine
7 on and off. In that battle, he has --- he lost. There is no
8 question about it. He lost that battle. I think that is why
9 we are here today. And a lot of things that I heard, and I
10 am sure you heard, when you try to process it, doesn't make a
11 lot of sense. Mr. Levi Gregg, sixty-three years old.
12 Steward member of his church. He's got Douglas going to
13 church with him. In fact, that morning, like he said, they
14 opened the doors early in the morning, and they closed them
15 after service. Which means, they spent the whole Sunday
16 morning at church. One thing in the story that you heard,
17 even in the video right here, Mr. Levi was letting Douglas
18 come to his house to smoke crack cocaine. I call that an
19 enabler. I don't know what the purpose of that was. You
20 heard Douglas say it. There are pictures of the bedroom that
21 he describes off to the right of the mobile home where the
22 bed --- it is the only room in the house that wasn't messy.
23 And, I think you are going to see that when you take it back.
24 And there is a bed, and there is a can, and there is evidence
25 that crack cocaine was being smoked in that house.

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1 During that activity you are going to hear Douglas say,
2 Mr. Levi came back to the room that he doesn't normally do,
3 and he said, you've got to leave. My girlfriend is coming
4 over, you've got to leave. That point of contention, while
5 Mr. Douglas David Gregg was smoking crack, resulted
6 ultimately in the death of Mr. Levi Gregg. Again, on the
7 video, that wasn't our agreement. I'm going to just finish.
8 I'm going to be out of her --- I think they call her Drew.
9 I'm going to be out of here before Drew comes. Just let me
10 finish. No, you have to leave right now. As I remember the
11 statement, Douglas David Gregg walks into the kitchen and Mr.
12 Levi Gregg follows him. You have got to leave right now.
13 Just let me finish. Just let me finish, I'll be out of here
14 before she comes. From there, pushing and shoving began.
15 That was the start on the statement. And you have to listen
16 real closely, because it is right at the front. Pushing and
17 shoving started, and right after that --- and this part was a
18 little bit confusing, because I think as we all heard, the
19 video and the audio were a few seconds off. But, very
20 clearly, Mr. Gregg says he had a knife and he nicked me on
21 the arm. He peels his bandage off, and you can't see real
22 clearly, because it is a little fuzzy. But he pointed to the
23 injury that he received from a knife. From a deadly weapon.
24 He was a visitor in the home. He was being asked to leave.
25 He refused. And he was attacked by --- What in the world

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1 would make Mr. Levi, I don't know. I have no --- I have
2 struggled with that more than anything in this case. What
3 would Mr. Levi Gregg, who was paying more attention to Mr.
4 Douglas David Gregg, probably more than anybody had ever done
5 in his life. What would make him go from it is okay, you can
6 come over, you can smoke crack in my room. I am going to
7 take you to church. I am going to try to cure you. To you
8 have got to leave, and not only do you have to leave, I am
9 coming at you with a knife. Don't know, never will know.
10 But, this pushing, shoving, argument, escalated immediately
11 to an attack with a deadly weapon. You are going to hear
12 from the Judge about self-defense. And you have got to
13 listen real closely to that, because there are elements of
14 self-defense that His Honor is going to tell you has to apply
15 in order for you to find that this act was committed on self-
16 defense. But, what you can't forget, is the evidence that
17 the State doesn't want you to pay any attention to. We want
18 to gloss over that. Oh, don't worry about that. That is
19 self-serving. That is not --- What we really want you to get
20 to is the other stuff. Well, you can't just take part of it.
21 You have got to take it all, and you have got to listen to
22 it. And, I think I heard it somewhere on a television show,
23 but it is a good thought for this case, is you have got to
24 follow the evidence, and you have got to follow it all.
25 Douglas said, he was nicked on the arm. He was cut. Mr.

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1 Levi nicked me on the arm with the knife. Okay? He has a
2 bandage. He rolls it off of there. But, what else in the
3 evidence that the State presented corroborated that, or backs
4 that up? Well, photo number 21 does, which was taken of the
5 interior of the Honda and it shows some little blood stains
6 on the panel, if you will, on the driver's side of the car.
7 And I don't remember, I think it was Mr. Meeh from SLED. He
8 took a look at it, it was sent over to him. He analyzed it.
9 And he found Mr. Douglas Gregg's DNA. Well, of course it is.
10 He told you on the video that he got cut on the arm, and he
11 bled. Where did he bleed? He bled in the car. Follow the
12 evidence. You have got a knife. You have got a cut. If you
13 will remember to listen for this statement also, and
14 hopefully you will replay that confession, as the State calls
15 it. I snapped and I stabbed him. Well, at some point in
16 time, Mr. Levi Gregg and Mr. Douglas Gregg, they fought in
17 that mobile home. And I am going to show you picture number
18 15, number 76, number 74, and number 75. Remember yesterday
19 we heard oh, he is messy. He doesn't keep a good house.
20 He's like Fred Sanford, he is just messy. This is not mess
21 ladies and gentlemen, this is a struggle that occurred in the
22 livingroom of Mr. Levi Gregg's home between two adults
23 struggling for their life. Beginning when Mr. Levi Gregg
24 pulls a knife on Mr. Douglas Gregg, and Mr. Douglas Gregg
25 reacts in self-defense. You take a look at that. Follow the

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1 evidence from here to statement number --- Excuse me, Exhibit
2 Number 3 to here. When that mobile home that was sealed up
3 by the officers that got looked at by all of the officers who
4 came in here. A couple of them said, oh, it is a little bit
5 messy. Yeah, it was. I don't think it was until Lieutenant
6 Billiott testified yesterday that the place was in disarray.
7 Well, yeah it was. You had furniture knocked over. You had
8 tables knocked over. You had papers all over the house. My
9 girlfriend is coming over to cook steaks, let's knock over a
10 few chairs. Let's push the tables out of the way, and let's
11 throw crap all over the floor. No. We had a struggle going
12 on, a life and death struggle in the home which began when
13 Mr. Levi Gregg pulled a knife on Mr. David Douglas Gregg.

14 Now, as a result of that struggle, Mr. Levi Gregg was
15 killed. He was stabbed. You heard Dr. Ross testify about
16 the stab wounds. You have a picture of him laying on the
17 floor. There is no question about that. That is an
18 undisputed fact that Mr. Levi Gregg is no longer with us.
19 And that, ladies and gentlemen, is the tragedy that we are
20 facing here today.

21 However, when you take the evidence that you heard
22 yesterday, and you listen and review all of it. Don't just
23 pick out the good parts. Review it, and follow that
24 evidence, you will find out that well, Mr. Douglas David
25 Gregg told that story. He didn't tell it that day, because

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1 he was too high. So, they waited. They got him the next
2 day, and he said, turn on that tape. I want to tell you what
3 happened. That is what Lieutenant Hodges said. Mr. Gregg
4 said, turn on the tape. I want to tell you what happened,
5 and he did. The State doesn't want you to listen to all of
6 it, they just want you to listen to, I stabbed him, and then
7 I did this.

8 Now, if the occurrence on June 12th had stopped right
9 there, and Mr. Douglas David Gregg had picked up the
10 telephone and called 911, this would be a easy, easy case.
11 However, the evil in the room was still there. And not only
12 had he been smoking crack, but he got some more money, and
13 there is no question. He told you where he got the money.
14 He went into the bedroom, took out Mr. Levi's wallet, and
15 then he went to buy crack. And you know the interesting part
16 about where he went to buy crack, and you really have to pay
17 attention to this statement, and what was said on that stand
18 to figure that out. But, and I had to go out there and look,
19 because the maps that were used are good, but you have to
20 almost walk the distances to find out. But right around the
21 corner from Charles Drive is Gee Money Drive. That is where
22 Douglas Gregg and Druscilla drove in her car. And it's --- I
23 won't even estimate the distance, but it is maybe a block or
24 so. And when they drove around that corner, that is where
25 Ms. Druscilla jumped out of the car and took off running.

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1 But, the very, very interesting part about that, because she
2 had no idea where she was, nor had she been listening to
3 anything, because all she could see, as the Solicitor said,
4 was this. But the real interesting part about that is Ms.
5 Ella Graham, who did come in here and testify. And the
6 Solicitor said, she didn't have a dog in the fight.
7 Everybody has a dog in this fight. And let me tell you what
8 her dog was. In this statement right here that you will
9 hopefully will listen to, towards the end. Douglas David
10 Gregg says, did you arrest that guy that sold me that crack?
11 Do you mean Druscilla didn't tell you? He started naming
12 names, and guess who the names were? One was Pappy, last
13 name Graham. One was name WuTang, and I don't know what kind
14 of name that is, but those were the two names that he gave.
15 Well, the dog that Ms. Ella Graham had in the fight is, when
16 I asked her if she knew Pappy, she said, oh, yes. He is ---
17 I don't remember if he is a cousin or if he is nephew. I
18 believe she said, Pappy is my nephew. He lives two doors
19 down. And WuTang, he lives off somewhere, but he hangs
20 around there too. Yeah, they do. They sell drugs. Because,
21 Mr. Douglas David Gregg told you that that is where he went
22 to buy drugs. And while he was doing that, Ms. Druscilla
23 jumped out of the car and took off running to Ella Graham's
24 house. Pappy's Aunt.

25 All right. Let's go back a minute and get back to that

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1 house. At that house, with dead Mr. Levi laying on the
2 floor, Douglas David Gregg is doing nothing but smoking
3 crack. And smoking, and smoking, and smoking. I think that
4 is what he said. And all of a sudden, here comes Druscilla.
5 And y'all heard Druscilla, and she is a victim in this case,
6 just like Mr. Levi is a victim in this case. But, bless her
7 heart, when she walked into that door, and for the life of me
8 I can't figure out why she was driving back and forth between
9 the back door and the front door. I didn't understand.
10 There are a lot of things I don't understand, but that is
11 what was said, and that is what we have got to take as
12 evidence. But she drove up to the front door, and nobody
13 came to the door. She got back in the car and drove around
14 to the back of the mobile home and did the same thing, and
15 nobody came to the door. But she heard somebody, so she
16 drove back around to the front door and parked driver's side
17 facing the door, and it was open. So, she walked up and
18 walked in. The door closed behind her and there is Mr.
19 Douglas David Gregg with this. And if I remember her
20 testimony, except for that knife, she doesn't remember much
21 else that happened until she jumped out of that car and took
22 off running. But, if you go back to the statement that you
23 heard, and you pay very close attention to it, Mr. Douglas
24 David Gregg filled in some gaps, and he said, I was looking
25 for money. I was looking for a cell phone. And he made her

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1 take her shirt off, and he made her take her pants off, and
2 the phone ended up on the floor, and he gets the phone. He
3 says, go back in the bedroom and get a robe, and she came
4 back around. Then he said, I'm not going to hurt you, but I
5 want you to ride. Okay? And again, I'm not going to
6 minimize. This was around. Okay. But, Ms. Druscilla didn't
7 hear anything else that happened after that. But, they
8 walked out of the house. And if I remember what one of the
9 officers said, he had to kick the door in, which means that
10 Mr. Gregg had to stop and lock the door. And she walked out
11 and he walked to the passenger side, which is facing the
12 door. And she walked around, and she had been to that
13 neighborhood for three years, and there were houses all
14 around there. And, again, I don't know what I would have
15 done. But instead of taking off running, she gets in the car
16 and rides a few hundred feet, around the corner where Douglas
17 gets preoccupied buying drugs, then she jumps out of the car.
18 Now, is that kidnapping? After you hear what the Judge tells
19 you about the law, you have to apply those facts, and you
20 decide whether that is kidnapping. I submit that it is not.
21 I submit that Ms. Druscilla was scared out of her mind.
22 There is no question about that. But that her activities
23 after that were just as irrational, possibly as Mr. Gregg's
24 was after that.

25 All right. So, we have her jumping out of the car and

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1 running. If I remember the statement, we got money back in
2 the car, and what does Mr. Gregg do, he takes off, because he
3 knows someplace else to buy crack. And he goes and he buys
4 some more, and he smokes it. And that is not enough. Then
5 he says, I went to the Markette. Ladies and gentlemen, I am
6 going to submit to you that I've got nothing on the armed
7 robbery at the Markette that I can tell you. If you look at
8 that video, and you think that is him, and you believe the
9 testimony, he is guilty. I have nothing on that. But I've
10 got something on everything else. On the murder and the
11 kidnapping.

12 Listen and remember what you listened to from that
13 stand, and please review this evidence before you start
14 talking, or as you start talking, and follow the evidence.
15 Don't just pick out what the Solicitor would have you pick
16 out, and forget everything else. Don't worry about all that
17 other stuff. Just get the good stuff. Okay? Mr. Levi Gregg
18 is dead. He got stabbed by Douglas Gregg, and all of a
19 sudden that is murder. No. You have got to take everything
20 else that you have heard, and that you will see that
21 corroborates what Douglas David Gregg told you, and that is
22 when you make your decision. Don't skip over all of that.
23 That is your unfortunate --- fortunate for Mr. Gregg,
24 unfortunate for you, because you have a heavy burden ahead of
25 you. You have got to figure out what happened. But, don't

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1 forget to follow that evidence.

2 You heard from a number a witnesses. Take this
3 statement, and I keep pointing to the screen, because that is
4 where this Number 3 got shown to you. Don't forget about
5 video number three when you are back there talking. If you
6 need to look at it, listen to phrases. And they come
7 quickly, and you have got to listen. It started with an
8 argument. It escalated to pushing and shoving. It then
9 escalated to Levi nicked me with a knife. I told Drew that
10 me and Levi got into it. And then later on, as he is telling
11 the officer, we got into a tussle. Yeah. And here is the
12 result. A torn up room where two grown men fought, and Mr.
13 Levi Gregg dead on the floor after pulling a knife and
14 cutting Mr. Douglas David Gregg.

15 Ladies and gentlemen, I am not going to go over all of
16 the law. That is the Judge's job. He has got to give it to
17 you. You have got to pay attention to it. And you have got
18 to apply it to the facts that you have heard, and that you
19 decide when you go back to deliberate.

20 Douglas David Gregg knows that you take your
21 responsibility very seriously. That is why you were chosen
22 from that big group that appeared on Monday morning. That is
23 your job. I submit to you that when you go back there, you
24 will find Douglas David Gregg, not guilty of murder, not
25 guilty of kidnapping. If you believe the video at the store,

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1 and you have got to find him guilty of armed robbery. And, I
2 am serious about that. I don't often tell people that. I
3 usually say, please find some reasonable doubt. I can't find
4 much reasonable doubt with that if you believe that video.

5 But murder and kidnapping, yes, ladies and gentlemen. I
6 submit to you that it is not open and shut. There is
7 reasonable doubt every which way, and you will find it when
8 you go back in there.

9 Thank you very much.

10 **THE COURT:** Thank you, Mr. Jones. Let me get some
11 information for us, ladies and gentlemen.

12 (PAUSE.)

13 **THE COURT:** Ladies and gentlemen, the word I have is
14 that your lunch is about here. So, I am not going to start
15 my charge on the law, because my charge on the law will
16 probably take about fifteen minutes of so, maybe twenty.
17 But, I don't want to hold up your lunch when it gets here. I
18 want you to be able to go ahead and eat.

19 So, we are going to break right now for you to do that.
20 Now, what I need to ask you to do is, you are ninety-five
21 percent of the way there, but you are not there yet. So
22 please, no conversation about the case, or about anything
23 that you have heard in this courtroom. Just enjoy your
24 lunch. And when you are finished eating, Mr. Harris, if you
25 will just let me know that the jury has completed their

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1 lunch, whenever you do that, they will then bring you out and
2 I will give you the charge on the law, and then you will be
3 ready to proceed to your deliberations.

4 So, if you would please retire to your jury room, and
5 have no conversation. And I will wait until I hear from you
6 as to when y'all are done eating.

7 (Whereupon, the jury exits the courtroom at
8 2:10 p.m.)

9 **THE COURT:** All right. We are just going to be at
10 ease while the jury gets their lunch and eats. I don't know
11 how long it is going to take them. But, if you are going to
12 leave the courthouse, if you would just leave us a cell
13 number of something so we can call you, if they get done
14 early.

15 (Whereupon, a lunch recess was taken from 2:11
16 p.m. to 2:44 p.m.)

17 **THE COURT:** Thank you, ladies and gentlemen. Is the
18 State ready for the jury to come back?

19 **MR. HOLT:** Yes, sir, Your Honor.

20 **THE COURT:** Defense ready?

21 **MR. JONES:** Yes, sir.

22 **THE COURT:** Let's bring them out.

23 **BAILIFF:** All right, sir.

24 (Whereupon, the jury enters the courtroom at
25 2:45 p.m.)

CHARGE ON THE LAW

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CHARGE ON THE LAW

1
2 **THE COURT:** All right. Ladies and gentlemen, I am
3 going give you the charge on the law. I am going to give it
4 to you verbatim so that I don't leave anything out, or skip
5 anything. And, I will send this back with you into the jury
6 room, so that you will have it with you when you are back
7 there deliberating.

8 Mr. Foreman and members of the jury, you have heard all
9 of the evidence and arguments of both parties. I will now
10 explain to you the law which applies to this action. These
11 indictments charge the defendant, Douglas David Gregg, III,
12 with the offenses of murder, armed robbery, two counts of
13 possess of a weapon during the commission of a violent crime,
14 grand larceny, kidnapping, failure to stop for a blue light,
15 and petit larceny. I remind you that the fact that the
16 defendant was arrested, charged, and indicted in this case is
17 not evidence in this case, and it cannot be considered by you
18 as evidence of guilt in this case.. Nor, does it create any
19 presumption or inference of guilt. The indictments are
20 simply the formal written instruments which contain the
21 charges made against the defendant. They are the formal
22 documents by which this case is brought into court.

23 Now, I will give you a copy of these instructions, as I
24 said earlier, in written form to have with you in the jury
25 room. During your deliberations you may refer to these

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1 instructions to guide your decision making. However, you
2 must consider the instructions as a whole, and not follow
3 some and ignore others.

4 The defendant has plead not guilty to these indictments
5 and these charges, and that plea puts the burden on the State
6 to prove the defendant guilty. A person charged with
7 committing a criminal offense in South Carolina is never
8 required to prove him or herself innocence. I charge you
9 that it is an important rule of law that a defendant in a
10 criminal trial, no matter what the seriousness of the charge
11 may be will always be presumed to be innocent of the crime
12 for which the indictment was issued, unless guilt has been
13 proven by evidence satisfying you of that guilt beyond a
14 reasonable doubt. This presumption of innocence does not end
15 when you begin your deliberations, but it accompanies the
16 defendant throughout the trial, until you reach a verdict of
17 guilt based on evidence satisfying you of that guilt beyond a
18 reasonable doubt. The presumption of innocence is not a mere
19 legal theory, it is not just a legal phrase, but it is a
20 substantial right to which every defendant is entitled unless
21 you, the jury, are satisfied from the evidence of the
22 defendant's guilt beyond a reasonable doubt.

23 So, what is a reasonable doubt in the law. The State
24 has the burden of proving the defendant guilty beyond a
25 reasonable doubt. Some of you may have served as jurors in

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1 civil cases, where you were told that it is only necessary to
2 prove that a fact is more likely true than not true, such as
3 by the preponderance or the greater weight of the evidence.
4 In criminal cases the State's proof must be more powerful
5 than that. It must be beyond a reasonable doubt. Proof
6 beyond a reasonable doubt is proof that leaves you firmly
7 convinces of the defendant's guilt. There are very few
8 things in this world that we know with absolute certainty.
9 And in criminal cases the law does not require proof that
10 overcomes every possible doubt. The State's burden simply
11 requires that they prove guilt beyond any reasonable doubt.

12 I remind you that during this trial you and I have
13 certain duties to perform. As the trial judge, it is my
14 responsibility to preside over the trial of this case. And I
15 also have the duty to rule on the admissibility of the
16 evidence offered during this trial. You are to consider only
17 the competent evidence before you. You are to consider only
18 the testimony which has been presented from the witness
19 stand, any exhibits which may have been made part of the
20 record in this case, as well as any stipulations or
21 agreements of counsel.

22 I have the additional duty to charge you the law
23 applicable to this case. As the presiding judge, I am the
24 sole judge of the law in this case. And it is your duty as
25 jurors to accept and to apply the law as I now state it to

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

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

21 Now, there are two types of evidence that are generally
22 presented during a trial. There is direct evidence, and
23 there is circumstantial evidence.

24 Direct evidence is the testimony of a person who claims
25 to have actual knowledge of a fact, such as an eye witness.

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1 It is evidence which immediately establishes the main fact to
2 be proved.

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

9 Now, the law makes absolutely no distinction between the
10 weight or the value to be given to either direct or
11 circumstantial evidence. Nor, is there a greater degree of
12 certainty required of circumstantial evidence than of direct
13 evidence. You should weigh all of the evidence in this case,
14 and give it whatever consideration you find appropriate.

15 So, necessarily, you must determine the credibility of
16 the witnesses who have testified in this case. And ladies
17 and gentlemen, credibility simply means believability. It
18 becomes your duty as jurors to analyze and to evaluate the
19 evidence, and determine which evidence convinces you of its
20 truth. In evaluating eye witness testimony, you should
21 remember that the State must prove the identity of the
22 defendant as the person who committed the crime, and must do
23 so beyond a reasonable doubt. In determining the
24 believability of witnesses who have testified in this case,
25 you may believe one witness over several witnesses, or

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1 several witnesses over one. You may believe a part of the
2 testimony of a witness, and reject the remaining part of the
3 testimony of that same witness. You may believe the
4 testimony of a witness in its entirety or reject that
5 testimony in its entirety. You may consider whether any
6 witness has exhibited to you any interest, bias, prejudice,
7 or other motive in this case. You may consider whether a
8 witness is seeking a personal gain, as well as the appearance
9 and the manner of a witness while on the witness stand.

10 Now, the rules of evidence ordinarily do not allow a
11 witness to testify to opinions or conclusions. There is an
12 exception to this rule that exists for witnesses that we call
13 expert witnesses. A witness, who by education and experience
14 has become an expert in some art, science, profession, or
15 calling, may state an opinion as to relevant and material
16 matter in which the witness claims to be an expert, and may
17 also state the reasons for that opinion. You should consider
18 any expert opinion received into evidence in this case, and
19 like any other evidence, give it the weight you think it
20 deserves. An expert witness' testimony is to be given no
21 greater weight than any other witness, simply because the
22 witness is an expert. Furthermore, you are not required to
23 accept an expert's opinion, even though it is not
24 contradicted.

25 Now, a statement alleged to have been made by the

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1 defendant has been admitted into evidence in this case.
2 While the Court has determined that the statement is
3 admissible, I instruct you that you, the jury, make the
4 ultimate decision of whether or not the defendant made that
5 statement. If the defendant did make the statement, you must
6 determine whether the statement was made by the defendant
7 voluntarily, and of his own free will. This means that the
8 statement was not caused by pressure, force, fear, threats,
9 coercions, or intimidation, or by hope or promise of
10 lenience, or a reward of any kind. In determining whether
11 the statement was voluntary, you should consider both the
12 characteristics of the defendant and the details of the
13 questioning. The State has the burden of proving beyond a
14 reasonable doubt that the alleged statement was made by the
15 defendant, and that it was voluntarily given. You must
16 carefully consider all of the surrounding circumstances
17 before you give any weight to an alleged statement.

18 Now, I instruct you, and I emphasize that the fact that
19 the defendant did not testify is not a factor to be
20 considered by you in any in your deliberation, and in your
21 consideration on the question of guilt or innocence of the
22 defendant. It must not be considered by you in any manner
23 whatsoever. A defendant has a constitutional right to remain
24 silent. And the assertion of this right must not be
25 considered by you in your deliberations. I repeat. Under

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1 your oath, you are to draw no conclusion whatsoever that the
2 defendant in this case did not testify. The fact that this
3 defendant did not testify should not even be discussed in the
4 jury room. The burden of proof as I have stated to you, is
5 on the State. The defendant is not required to prove his
6 innocence. The burden of proof remains on the State to prove
7 guilt beyond a reasonable doubt.

8 Now, there are multiple indictments or charges in this
9 case. Each charge is a separate crime. You must consider
10 each charge separately. That is, you must decide separately
11 what the evidence in the case shows about each crime that is
12 charged. Your decision on one charge should not affect your
13 decision on the other charge. You take each indictment or
14 charge on its own merit. The defendant may be convicted or a
15 acquitted on any or all of the offenses charged. You will be
16 asked to write a separate verdict of guilty or not guilty for
17 each charge.

18 Now, the defendant is charged with the crime of murder.
19 The following are the elements that must be proved beyond a
20 reasonable doubt to prove murder.

21 First, that the defendant killed another person, and
22 second, that it was done with malice aforethought.

23 Malice is hatred, ill will, or hostility toward another
24 person. It is the intentional doing of a wrongful act
25 without just cause or excuse, and with the intent to inflict

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1 an injury under circumstances that the law will infer an evil
2 intent.

3 Malice aforethought does not require that malice exist
4 for any particular time before the act is committed. But,
5 malice must exist in the mind of the defendant just before
6 and at the time the act is committed. Therefore, there must
7 be a combination of a previous evil intent, and the act.
8 Malice aforethought may be expressed, or inferred, or
9 implied. Inferred or implied mean the same thing. These
10 terms expressed and implied do not mean different kinds of
11 malice, but merely the manner in which malice may be shown to
12 exist. That is, either by direct-evidence, or by inference
13 from facts and circumstances which are proved. Expressed
14 malice is shown when a person speaks words which express
15 hatred or ill will for another. Or when the person prepared
16 beforehand to do the act which was later accomplished. For
17 example. Lying in wait for a person, or any other act of
18 preparation going to show that the deed was within the
19 defendant's mind would be expressed malice. Implied malice
20 may be found to exist when circumstances demonstrate a wonton
21 or a reckless disregard for human life. Or when a reasonably
22 prudent person would have know that according to common
23 experience there was a plain and strong likelihood that death
24 would follow the contemplated act.

25 Now, if you find that the State has failed to prove

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1 beyond a reasonable doubt that the defendant committed
2 murder, you may consider whether the State has prove beyond a
3 reasonable doubt the defendant committed voluntary
4 manslaughter. To prove voluntary manslaughter, the State
5 must prove beyond a reasonable doubt that the defendant took
6 the life of another person in the sudden heat of passion
7 based upon sufficient legal provocation. Both heat of
8 passion and sufficient legal provocation must be present at
9 the time of the killing to constitute voluntary manslaughter.
10 Sudden heat of passion may for a time affect a person's self-
11 control, and temporarily disturb a person's reason. The
12 sudden heat of passion must be the type that would make an
13 ordinary person unable to coolly reflect on his actions, and
14 would produce an uncontrollable impulse to do violence.
15 Sufficient legal provocations must be the type that would
16 make a person of ordinary reason and caution to become
17 enraged and to loose control temporarily. The provocation
18 needed for voluntary manslaughter must come from some act of
19 or related to the victim. Words alone, however vulgar or
20 insulting, are not enough to be legal provocation. Where
21 death is caused by the use of a deadly weapon, the words must
22 be accompanied by some overt threatening act which could have
23 produced the heat of passion. The exercise of a legal right,
24 no matter how offensive it is to another, is never sufficient
25 legal provocation for voluntary manslaughter. If the heat of

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1 passion had cooled, or if there was enough time between the
2 provocation, if any, and the killing for the passion of a
3 reasonable person to cool, the killing would not be voluntary
4 manslaughter. In deciding whether a reasonable person would
5 have had enough time to cool off, you should consider all of
6 the circumstances surrounding the killing. You may consider
7 the nature of the provocation, if any. The defendant's
8 mental and physical state, and the circumstances and
9 relationships between the parties.

10 Now, the defendant is also charged with the charge of
11 armed robbery. In order to prove this offense, the State
12 must first prove beyond a reasonable doubt that the defendant
13 took the personal property from the person or presence of
14 another person. Property is in the presence of a person, if
15 it is within the person's reach, inspection, observation, or
16 control, so that the person could, if not overcome by
17 violence or prevented by fear, could keep possession of the
18 property. The State must also prove beyond a reasonable
19 doubt that the defendant carried the property away intending
20 to permanently deprive the owner of the property, and to keep
21 the property for his own use. The slightest removal of
22 property, or the complete possession of the property for even
23 an instant by the defendant, is sufficient to show a taking
24 and a carrying away of the property. The taking and carrying
25 away of the property must have been done with violence, or by

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1 putting the owner of the property in fear of violence.

2 Finally, the State must prove beyond a reasonable doubt
3 that the defendant was armed with a deadly weapon during the
4 robbery. A deadly weapon is any article, instrument, or
5 substance which is likely to cause death or great bodily
6 harm. Whether an instrument has been used as a deadly weapon
7 depends on the facts and circumstances of each case.

8 As I instructed to you earlier --- Well, I didn't
9 instruct you earlier, this is in another case.

10 But I am going to give you some examples of instruments
11 which may be deadly weapons. A pistol, a shotgun, a rifle, a
12 knife, a dirk, or a dagger, these are examples of deadly
13 weapons. The defendant is charged with possession of a
14 weapon during the commission of a violent crime. The State
15 must prove beyond a reasonable doubt that the defendant was
16 in possession of a firearm, a dirk, a dagger, or a knife, or
17 visibly displayed what appeared to be a firearm, a dirk, a
18 dagger, or knife, during the commission of a violent crime.
19 In order to find the defendant guilty of possession of a
20 weapon during the commission of a violent crime, you must
21 find that the defendant is either guilty of either committing
22 a violent crime, or attempting to commit a violent crime.

23 Under South Carolina law, murder, first degree burglary,
24 and armed robbery are all classified as violent crimes.

25 Now, the defendant is also charged with kidnapping. The

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1 State must prove beyond a reasonable doubt that the defendant
2 knowingly and unlawfully seized, confined, inveigled,
3 decoyed, kidnaped, abducted, or carried away another person
4 without the authority of law. To do a thing unlawfully, is
5 to do it willfully against the law. Knowingly, means with
6 knowledge, consciously and not accidentally. Seize means to
7 take hold of suddenly or forcibly. Confine means to limit,
8 restrict, or enclose within bounds, imprisoned, or shut, or
9 keep in. Inveigled means to lure, entice, or lead astray by
10 false representations, promises of other deceitful means.
11 Decoy means to lure by or as if by decoy. A decoy is
12 something to entice a person into a trap. Kidnap is to
13 remove a person against his will by unlawful force or by
14 thought. Abduct means to carry off secretly or by force for
15 an illegal purpose. And carry away means to remove. The
16 State does not have to prove that the defendant did all of
17 these things. Instead, if you find beyond a reasonable doubt
18 that the defendant did any of these things, then you may find
19 the defendant guilty of kidnapping. Something done without
20 the authority of law, is something which the law does not
21 sanction, permit, allow, condone, or provide justification
22 for. The kidnapping does not have to be for any personal or
23 monetary gain, or for any illegal purpose. But, may be for
24 any reason whatsoever.

25 Now, the defendant is also charged with grand larceny in

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1 an amount valued at over two thousand dollars, but less than
2 ten thousand dollars. The State must prove beyond a
3 reasonable doubt that the defendant took and carried away the
4 property of another against the will or without the consent
5 of the other person. The slightest removal of the property,
6 or the complete possession of the property for even an
7 instance by the defendant is enough to show a taking and a
8 carrying of the property.

9 The State must also prove beyond a reasonable doubt that
10 the defendant intended to permanently deprive the owner of
11 that property.

12 And finally, the State must prove that the value of the
13 thing taken was over two thousand dollars, or valued at over
14 two thousand dollars but less than ten thousand dollars.

15 The defendant is also charged with petit larceny, in an
16 amount valued at less than two thousand dollars. The State
17 must prove beyond a reasonable doubt that the defendant took
18 and carried away the property of another against the will or
19 without the consent of the other person. The elements of
20 petit larceny are the same as those for grand larceny, with
21 the exception of the value of the item or items taken. With
22 regards to the element of the value of the item or items
23 taken, petit larceny requires proof that the value of the
24 item or items taken was less than two thousand dollars.

25 The defendant also is charged with failing to stop for a

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1 blue light or siren. In order to prove this crime, the State
2 must prove beyond a reasonable doubt that the defendant was
3 driving a motor vehicle.. That the defendant was driving the
4 motor vehicle on a road, a street, or highway of this state,
5 and that the defendant was signaled to stop by a law
6 enforcement vehicle by means of a siren or flashing light,
7 and that the defendant did not stop. In determining whether
8 or not there are mitigating circumstances, which would
9 justify the defendant's failure to stop for a blue light, you
10 may consider actual road conditions, actual roadside
11 conditions, other conditions such as lighting and weather,
12 officer, driver, and/or passenger safety, and any other
13 circumstances you believe to reasonably mitigate the alleged
14 violation. An official sign requiring a motorist to stop may
15 be a siren or flashing light, but both are not required. An
16 attempt to increase the speed of a vehicle, or in the same --
17 or in some other manner avoid the pursuing law enforcement
18 vehicle when signaled by a siren or a flashing light may be
19 considered as evidence of failure to stop for a blue light.
20 However, it is merely an evidentiary fact to be taken into
21 consideration by you, along with all the other evidence in
22 this case, and is to be given whatever weight that you decide
23 it should receive.

24 Now, insanity caused by the use of drugs or alcohol may
25 be a defense, if the insanity is permanent and destroys the

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1 defendant's ability to know right from wrong. However, when
2 voluntary intoxication has not produced permanent insanity,
3 then it is not a defense to a crime. A person who
4 voluntarily becomes intoxicated is just as responsible for
5 the acts committed while intoxicated as when the person is
6 not intoxicated.

7 Now, the defense has raised the defendant of self-
8 defense. Self-defense is a complete defense, and if it is
9 established, you must find the defendant not guilty. The
10 State has the burden of disproving self-defense by proof
11 beyond a reasonable doubt. If you have a reasonable doubt of
12 the defendant's guilty after considering all of the evidence,
13 including the evidence of self-defense, then you would find
14 the defendant not guilty. On the other hand, if you had no
15 reasonable doubt of the defendant's guilt after considering
16 all of the evidence, including the evidence of self-defense,
17 then you would find the defendant guilty. The following
18 elements are required to establish self-defense.

19 First. That the defendant was without fault. The
20 defendant must be without fault in bringing on the
21 difficulty. If the defendant's conduct was the type which
22 was reasonably calculated to and did provoke a deadly
23 assault, then the defendant would be at fault in bringing on
24 the difficulty, and would not be entitled to an acquittal
25 based on self-defense.

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1 The other element which must be shown is emanate danger.
2 The second element of self-defense is that the defendant was
3 actually in emanate danger of death or serious bodily injury,
4 or that the defendant actually believed he was in emanate
5 danger of death or serious bodily injury. If the defendant
6 was actually in emanate danger, it must be shown that the
7 circumstances would have warranted a person of ordinary
8 firmness and courage to strike the fatal blow to prevent
9 death or serious bodily injury. If the defendant believed he
10 was in emanate danger of death or serious bodily injury, it
11 must be shown that a reasonably prudent person of ordinary
12 firmness and courage would have the same belief. In deciding
13 whether the defendant was or believed he was in emanate
14 danger of death or serious bodily injury, you should consider
15 all the facts and circumstances surround the crime, including
16 the physical condition and characteristics of the defendant
17 and the victim. The defendant does not have to show that he
18 was actually in danger. It is enough if the defendant
19 believed he was in emanate danger, and a reasonably prudent
20 person of ordinary firmness and courage would have had the
21 same belief. The defendant has the right to act on
22 appearances even though the defendant's beliefs may have
23 been mistaken. It is for you to decide whether the
24 defendant's fear of emanate danger of death or serious bodily
25 injury was reasonable. And that it would have been felt by

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1 an ordinary person in the same situation.

2 And the third element, the final element of self-defense
3 is that the defendant had no probable way to avoid the danger
4 of death or serious bodily injury other than to act as the
5 defendant did in this particular instances. A lawful guest
6 in another's home has no duty to retreat before using deadly
7 force in self-defense against an intruder. A lawful guest is
8 a person who enters the premises of another by either
9 expressed or implied invitation. However, a guest does have
10 a duty to retreat where possible if the attacker is the owner
11 or occupier of the property. Now a person cannot be required
12 to make an exact calculation as to the degree or amount of
13 force which may be needed to avoid death or serious bodily
14 harm. Therefore, in self-defense, the defendant has the
15 right to use the force needed to avoid death or serious
16 bodily harm. The force used in self-defense does not have to
17 be limited to the degree or the amount of force used by the
18 victim. The defendant has the right to use so much force as
19 appeared to be necessary for the complete self-protection, in
20 which a person of ordinary reason and firmness would have
21 believed needed to prevent death or serious bodily harm.

22 Now, Mr. Foreman and ladies and gentlemen of the jury,
23 as you retire to begin your deliberations, I want to express
24 to you the hope that each of you will be mindful of the
25 importance of your responsibility. You are not called upon

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1 to serve as jurors very often. And the proper performance of
2 the duty requires each of you to reach the height of freeing
3 your mind of all improper influences. As the presiding
4 officer of this Court, I am vitally concerned that whatever
5 verdict you find will be the result of your going into the
6 jury room, confining your consideration to the evidence and
7 to the law that you have heard in this courtroom, weighing it
8 fairly and impartially as I have every confidence you will
9 do. Your verdict in this case cannot be based on sympathy,
10 compassion, prejudice, or emotion, or some other
11 consideration that is not found in the evidence. And
12 remember, Mr. Foreman, the verdict of the jury must be
13 unanimous on each count. You will consider each count
14 individually, and your verdict must be unanimous on each
15 count.

16 Now, as I said, I am going to send this notebook back in
17 the jury room with you, so you will have these instructions.

18 In the front cover of the notebook is the verdict forms.
19 There is one verdict forms for each charge, and they are very
20 simple. It will have the caption of the case on the top, and
21 then it will have what the charge is. Then, you will go
22 through and once you have considered all the charges, and you
23 have made your decision on the various charges, Mr. Harris,
24 you will mark each form with the appropriate verdict. And,
25 each charge the options that you will have will be that the

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1 defendant is either not guilty or guilty. Those are the
2 forms of verdict, and you will just mark the jury's verdict
3 for each charge, and then sign your name as foreperson.

4 When you have reached the unanimous decision on each of
5 the --- When you have completed your deliberations and you
6 have reached a decision on each of the charges, then if you
7 will just knock on the door and let the bailiff know that you
8 have completed your verdicts, and then we will bring you back
9 out and receive your verdict.

10 Now, I am going to get you to step into the jury room,
11 but don't start deliberations yet. I just want to confer
12 with the attorneys to make sure I didn't leave anything out.
13 If I missed anything, I'll call you back out and I will give
14 you whatever I might have missed or whatever. But, if
15 everything is good, then we will gather the evidence that was
16 admitted in the case, put it with this notebook. When you
17 receive this notebook and the evidence, that will be your cue
18 to begin your deliberations. If you wish to view either one
19 of the discs, just let us know and we will make that
20 available to you. Okay? So, if you would please go back and
21 wait until you get these items to begin your deliberations.

22 (Whereupon, the jury exits the courtroom at
23 3.22 p.m.)

24 **THE COURT:** All right. Are there any exceptions or
25 objections to the charge from the State?

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1 **MR. HOLT:** No, sir, Your Honor.

2 **THE COURT:** Anything from the defense?

3 **MR. JONES:** No, sir.

4 **THE COURT:** Okay. If y'all would, let's get up here
5 and get with the clerk, and look at the items and make sure
6 that everything is here that needs to go back, and then we
7 will send it back.

8 Whenever we take this stuff back, if you would ask the
9 alternates to step out.

10 **(PAUSE.)**

11 **THE COURT:** All right. Hold on guys. Mr. Legg, Mr.
12 Walters, I want to thank y'all for your service this week.
13 It appears that everyone is healthy and can complete the
14 deliberations. So, I tell the alternates all the time, it is
15 a real crappy position to be in. It is kind of --- I relate
16 it in football. You have practiced all week, you have hit
17 heads, you have bumped up, and you have knocked everybody
18 down, and now here it is Saturday afternoon, and we are
19 getting ready to kick off and the coach is telling you, you
20 can't play. Unfortunately, that is the role of an alternate.
21 But, it is really important that you were here for
22 everything, that you saw everything, that you heard
23 everything, because we have had cases where we have lost a
24 juror to either a family emergency or an illness, and then
25 one of the alternates would have to step in. And obviously,

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1 if you weren't present for all the stuff -- So, it is kind of
2 one of those necessary evils that we have alternates. You
3 did as much work as the rest of the folks, but you are not
4 able to participate in the deliberations. But, I do want to
5 thank you for your service. This will conclude your service
6 this week. The jury is excused for the balance of the week;
7 is that correct?

8 **CLERK OF COURT:** Yes, sir.

9 **THE COURT:** So, you have completed your service, and I
10 just want to thank you for that, and you are free to go.

11 Thank y'all.

12 All right. We will remain at ease then while the jury
13 is deliberating.

14 (Whereupon, the jury begins deliberations at
15 3:25 p.m.)

16 **THE COURT:** All right. We have a note from the jury.
17 Was there anything else on those disc that was not admitted.

18 **MS. PARKER:** There is.

19 **MR. JONES:** His statement, and there were to other
20 things on that statement.

21 **MS. PARKER:** Ms. Druscilla Suggs had a video recorded
22 statement, and also the entire case file --

23 **THE COURT:** We would probably need to bring them out
24 to control it.

25 Pam, let me give you this. This is their note.

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1 WHEREUPON, COURT'S EXHIBIT
2 NUMBER 1 WAS MARKED FOR THE
3 RECORD.

4 THE COURT: All right. The jury is coming back out.

5 CLERK OF COURT: Are you ready for them, Judge?

6 MR. HOLT: I need just another minute.

7 THE COURT: All right. Come to order now.

8 (Whereupon, the jury enters the courtroom at
9 3:54 p.m.)

10 THE COURT: Guys, can y'all see from --- Do you need
11 to angle it? You might need to angle it a little bit. Okay.
12 If you have any problems seeing it let me know, if you have
13 any problems hearing, let me know.

14 Which one are you playing first?

15 MS. PARKER: The defendant's statement.

16 THE COURT: Okay. You indicated you wanted to see
17 them both; correct

18 MR. FOREMAN: Yes, sir.

19 (Whereupon, State's Exhibit Number 3 was
20 published to the jury.)

21 THE COURT: Is that it?

22 MS. PARKER: Yes, sir.

23 THE COURT: Ladies and gentlemen, if you would go and
24 return to your jury room, and continue your deliberation.

25 (Whereupon, the jury returns to the jury room

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1 to continue deliberations at 4:43 p.m.)

2 (Whereupon, the jury announced a verdict at
3 4:50 p.m.)

4 **THE COURT:** All right. Ladies and gentlemen, I have
5 been informed that the jury has reached a verdict. I sit
6 here as all of you do, I don't know what their decision is.
7 I don't know what their verdicts are. But, I do know this,
8 and I tell this to courtrooms every time I try a case,
9 whether it be a criminal case or a civil case. And that is,
10 I am not naive. I realize that these are real people, real
11 folks that we are dealing with, both on the defendant's side
12 and the victim's side. And that it is understandable that
13 there may be emotions involved. But, I will ask you to
14 please keep those emotions under some degree of control. The
15 jury, whatever their verdict is, they deserve to have it
16 received in a professional manner. So, I don't tolerate any
17 outburst, or anything once the jury's verdict is read. If
18 you do not believe you can control your emotion or whatever,
19 then I would suggest that you step out. Because, if there is
20 any type of an outburst or any type of a disruption, then
21 whoever creates that, I will hold you in contempt of court,
22 and I will lock you up. I have never had to do that, and
23 don't want to do that. So, please keep that in mind. I have
24 had time where people have excused themselves, and just
25 received the verdict later on outside the presence.

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1 I say this only because I think the jury deserves that
2 respect. I don't ever ask anyone to agree with the jury's
3 verdict. You can agree or disagree, it is immaterial. But,
4 whether you agree or disagree they still deserve to have
5 their verdict received in a professional manner. So, please
6 keep that in mind.

7 Is the State ready to receive the verdict?

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

9 THE COURT: Is the defense ready?

10 MR. JONES: Yes, sir.

11 THE COURT: All right. If you would please ask the
12 members of the jury to join us.

13 (Whereupon, the jury enters the courtroom at
14 4:53 p.m.)

15 THE COURT: All right. Mr. Harris, has the jury
16 reached a unanimous verdict, sir?

17 MR. HARRIS: Yes, sir.

18 THE COURT: If you would please, if you would pass
19 that to the clerk.

20 (PAUSE.)

21 THE COURT: Mr. Clerk, if you would publish the
22 verdict.

23 CLERK OF COURT: Your Honor, this is indictment number
24 2012-GS-16-877, The State of South Carolina versus Douglas
25 David Gregg, III. For petit larceny, we the jury find the

THE STATE VERSUS DOUGLAS DAVID GREGG, III

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1 defendant Douglas David Gregg, III; guilty. Signed the
2 Foreperson, Bob Harris, December 5, 2012.

3 If this is your verdict, would you so signify by raising
4 your right hand, please? All twelve have.

5 Indictment number 2012-GS-16-882, failure to stop for a
6 blue light. We the jury find the defendant Douglas David
7 Gregg, III; guilty for failure to stop for a blue light.
8 Signed the Foreperson, Bob Harris, December 5, 2012.

9 If this is your verdict, would you so signify by raising
10 your right hand, please? All twelve have.

11 Case number 2012-GS-16-878, grand larceny over two
12 thousand but less than ten thousand. We the jury find the
13 defendant Douglas David Gregg, III; guilty for grand larceny.
14 Signed the Foreperson, Bob Harris, December 5, 2012.

15 If this is your verdict, would you so signify by raising
16 your right hand. Okay. All twelve have.

17 Indictment number 2012-GS-16-881, possession of a weapon
18 during the commission of a violent crime, armed robbery. We
19 the jury find the defendant Douglas David Gregg, III; guilty
20 of possession of a weapon during the commission of a violent
21 crime. Signed the Foreperson, Bob Harris, December 5, 2012.

22 If this is your verdict, would you so signify by raising
23 your right hand, please? Okay. All twelve.

24 Indictment number 2012-GS-16-880, armed robbery. We the
25 jury find the defendant Douglas David Gregg, III; guilty for

THE STATE VERSUS DOUGLAS DAVID GREGG, III

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1 armed robbery. Signed the Foreperson, Bob Harris, December
2 5, 2012.

3 If this is your verdict, would you so signify by raising
4 your right hand, please? Okay. All twelve have.

5 Indictment number 2012-GS-16-875, kidnapping. We the
6 jury find the defendant Douglas David Gregg, III; guilty of
7 kidnapping. Signed the Foreperson, Bob Harris, December 5,
8 2012.

9 If this is your verdict, would you so signify by raising
10 your right hand, please? Okay. All twelve have.

11 Indictment number 2012-GS-16-876, possession of a weapon
12 during the commission of a violent crime, murder. We the
13 jury find the defendant, Douglas David Gregg, III; guilty of
14 possession of a weapon during the commission of a violent
15 crime. Signed the Foreperson, Bob Harris, December 5, 2012.

16 If this is your verdict, would you so signify by raising
17 your right hand, please? All twelve have.

18 Indictment number 2012-GS-16-879, murder. We the jury
19 find the defendant Douglas David Gregg, III; guilty of
20 murder. Signed the Foreperson, Bob Harris, December 5, 2012.

21 If this is your verdict, would you so signify by raising
22 your right hand, please? Okay. All twelve have.

23 **THE COURT:** Anything further from the State?

24 **MR. HOLT:** No, sir, Your Honor.

25 **THE COURT:** Defense?

THE STATE VERSUS DOUGLAS DAVID GREGG, III

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1 **MR. JONES:** Your Honor, we would ask that the jury be
2 polled.

3 **THE COURT:** Would you require a polling as to each
4 individual charge, as to the charges as a whole?

5 **MR. JONES:** As a whole will be fine.

6 **THE COURT:** All right. Mr. Suggs, if you would do
7 that for me, please.

8 **CLERK OF COURT:** Mr. Foreman, ladies and gentlemen of
9 the jury. The verdict that I just published was the verdict
10 that you reached in the jury room. When I call your name, if
11 you would please stand and respond to two questions. The
12 first being. Was it your verdict then? And, is it your
13 verdict now? We will start with the foreperson, Mr. Bob
14 Harris.

15 Was it your verdict then?

16 **MR. HARRIS:** Yes.

17 **CLERK OF COURT:** And is it your verdict now?

18 **MR. HARRIS:** Yes.

19 **THE COURT:** Okay. Thank you. Landin Brown, was it
20 your verdict then?

21 **MR. BROWN:** Yes.

22 **CLERK OF COURT:** And is it your verdict now?

23 **MR. BROWN:** Yes.

24 **THE COURT:** Okay. Thank you. Gregory Allison, was it
25 your verdict then?

THE STATE VERSUS DOUGLAS DAVID GREGG, III

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1 MR. ALLISON: Yes.

2 CLERK OF COURT: And is it your verdict now?

3 MR. ALLISON: Yes.

4 THE COURT: Okay. Thank you. Denita Davis, was it
5 your verdict then?

6 MS. DAVIS: Yes.

7 CLERK OF COURT: And is it your verdict now?

8 MS. DAVIS: Yes.

9 THE COURT: Okay. Thank you. Stacy Debose, was it
10 your verdict then?

11 MS. DEBOSE: Yes.

12 CLERK OF COURT: And is it your verdict now?

13 MS. DEBOSE: Yes.

14 THE COURT: Okay. Thank you. Kathy Norris, was it
15 your verdict then?

16 MS. NORRIS: Yes.

17 CLERK OF COURT: And is it your verdict now?

18 MS. NORRIS: Yes.

19 THE COURT: Okay. Thank you. Owanda Floyd, was it
20 your verdict then?

21 MS. FLOYD: Yes.

22 CLERK OF COURT: And is it your verdict now?

23 MS. FLOYD: Yes.

24 THE COURT: Okay. Thank you. Frederick Shuler, was
25 it your verdict then?

THE STATE VERSUS DOUGLAS DAVID GREGG, III

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1 MR. SHULER: Yes.

2 CLERK OF COURT: And is it your verdict now?

3 MR. SHULER: Yes.

4 THE COURT: Okay. Thank you. Kelvin Pooler, was it
5 your verdict then?

6 MR. POOLER: Yes.

7 CLERK OF COURT: And is it your verdict now?

8 MR. POOLER: Yes.

9 THE COURT: Okay. Thank you. Chris Norman, was it
10 your verdict then?

11 MR. NORMAN: Yes.

12 CLERK OF COURT: And is it your verdict now?

13 MR. NORMAN: Yes.

14 THE COURT: Okay. Thank you. Douglas Stevenson, was
15 it your verdict then?

16 MR. STEVENSON: Yes.

17 CLERK OF COURT: And is it your verdict now?

18 MR. STEVENSON: Yes.

19 THE COURT: Okay. Thank you. Jackie Mashack, was it
20 your verdict then?

21 MR. MASHACK: Yes.

22 CLERK OF COURT: And is it your verdict now?

23 MR. MASHACK: Yes.

24 CLERK OF COURT: Okay. Thank you. Is there anyone
25 whose name was not called? Thank you.

THE STATE VERSUS DOUGLAS DAVID GREGG, III

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1 **THE COURT:** Anything further, Mr. Jones?

2 **MR. JONES:** No, sir.

3 **THE COURT:** Ladies and gentlemen, I want to thank you
4 for your service this week. You can see from your time here
5 that jury service is not necessarily a easy service to give
6 to your community, but it is certainly important. It is so
7 important as a matter of fact, that there are many people
8 that will tell you that your service as jurors, or your jury
9 service to your community is second only to service that
10 folks give in the military to their country, and I tend to
11 agree with that. We do live in a country that we are blessed
12 to have this type of system in place, where people who are
13 accused of criminal offenses are not required to prove their
14 innocence, but the State the people who accuse them of a
15 crime are required to prove their guilt.

16 You have earned an exemption now for the balance of this
17 year, which is pretty much gone, but also for the next two
18 years, as I told you. If you recall on Monday, I told you
19 that state law only requires that you serve on jury duty once
20 every three calendar years. So, you have earned that
21 exemption. So, if you get a summons for jury service here in
22 circuit court over the next couple of years, and you wish to
23 exercise that exemption, you certainly have that right to do
24 that. But, I tell juries all the time it is just an
25 exemption. It does not mean that you are not qualified to

THE STATE VERSUS DOUGLAS DAVID GREGG, III

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1 serve. And if you do get a summons again, and you wish to
2 serve, I would encourage you to do so.

3 I want to thank you again. Your service is now
4 concluded for the week. We have other cases that we need to
5 deal with this week, but they are guilty pleas and probation
6 matters. So, we don't need the jury for those matters. So,
7 your service has been concluded. You will be getting a check
8 in the mail for your service this week. Please, when you get
9 that, do not look at that amount and think that is what we
10 think of you, we think much more highly of you than that.
11 Jury service is not -- We could not possibly tell you what
12 your time is worth. Your time is very valuable, and we
13 understand that. But, there is a little something that you
14 get for being here this week and serving.

15 If you need a work excuse, is that with their checks?

16 **CLERK OF COURT:** Yes, sir.

17 **THE COURT:** Mr. Clerk will send you a check out, and
18 there will be a work excuse if you need that for your
19 employer, just let them know that you will bring that to
20 them, and they are going to send those out this week. So,
21 you will probably have them, you know, in a day or two. But,
22 thank you again. I am going to proceed to a sentencing in
23 just a moment. You are welcome to stay for that, if you
24 choose to stay for that. But you are also excused to go if
25 you would like to leave. I tell the jury that you do have

THE STATE VERSUS DOUGLAS DAVID GREGG, III

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1 that option. Some we thank them for their service and tell
2 them they are free to go, and they leave. Then, I later hear
3 they left because they thought they had to, and they wanted
4 to stay. So, I have started letting the jury know you are
5 welcome to stay, if you would like to, but you are also free
6 to go. So, thank you very much for your service. I
7 appreciate it.

8 (Whereupon, the jury was excused at 5:04 p.m.
9 on Wednesday, December 5, 2010.)

10 **MR. JONES:** Judge, just for the record, I would make a
11 motion for a new trial, that there was insufficient evidence
12 for the jury to reach the verdict that they did.

13 **THE COURT:** Thank you, Mr. Jones. I am going to
14 respectfully deny that. I think the issues here were all
15 factual issues, and I believe that there was at least the
16 existence of the evidence whereby the jury could find as they
17 did, so I will respectfully deny that. Anything further?

18 **MR. JONES:** No, sir.

19 **THE COURT:** Solicitor, let me ask. Do you need any
20 time before we proceed to sentencing, or are we prepared to
21 go forward?

22 **MR. JONES:** We are ready, Your Honor.

23 **THE COURT:** Solicitor?

24 **MR. HOLT:** We are ready, Your Honor. I put these
25 together. I don't think the defendant has signed them. Does

THE STATE VERSUS DOUGLAS DAVID GREGG, III

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1 Mr. Jones, have to sign them, I can never remember.

2 THE COURT: They are the sentencing sheets?

3 MR. HOLT: Sentencing sheets.

4 THE COURT: I don't ever require a defendant to sign
5 them, but as Mr. Jones can sign for him as lawyer.

6 (PAUSE.)

7 SENTENCING HEARING

8 THE COURT: All right. Solicitor, is there anything
9 further from the State before we proceed to sentencing?

10 MR. HOLT: No, sir, Your Honor.

11 THE COURT: Does the defendant have any prior criminal
12 history?

13 MR. HOLT: Your Honor, the defendant does. I think
14 in 1996 he was sentenced to eighteen years for an armed
15 robbery. He did that time and was released.

16 Judge, certainly nothing that anybody else is charged
17 with is a conviction. But there is another pending murder.
18 In 2003, after the defendant was caught on this and made that
19 video, shortly thereafter he made another video where he
20 confessed to the murder of an eighty-one year old man under
21 very similar circumstances, and he stabbed him to death.
22 That case is yet to be resolved, but there is a video
23 confession of that.

24 THE COURT: All right, sir. But as far as a prior
25 criminal history, he does have prior conviction for armed

1 robbery?

2 MR. HOLT: Yes, sir. Armed robbery and an ABHAN.

3 THE COURT: And aggravated assault?

4 MR. HOLT: Yes, sir.

5 THE COURT: All right. Mr. Jones, I will be happy to
6 hear from you sir, and if there is anyone who would like to
7 speak on behalf of Mr. Gregg, or whatever, I will be happy
8 to hear from anyone who would like to speak.

9 MR. JONES: Your Honor, you have certainly heard the
10 evidence. I have known Mr. Gregg for quite sometime. I
11 think that I can say as to this event, what I mentioned to
12 the jury, I believe that the evil in the house was indeed
13 crack cocaine. It had him in a position if he did commit
14 these acts, we would certainly ask you to be merciful as to
15 sentencing him.

16 THE COURT: Thank you, sir.

17 MR. JONES: And he would not like to say anything.

18 THE COURT: All right. On --- I don't know. I have
19 sat here with the members of the jury, and listened to all of
20 the evidence in the case. One of the things about doing what
21 I do is even though I have never had the opportunity to serve
22 on jury duty myself, I feel fortunate that I get to be
23 involved in trials, and I kind of sit, even though I am not
24 on the jury, I sit the way the juries do, because I don't
25 know anything about the cases when I first come in. And, in

THE STATE VERSUS DOUGLAS DAVID GREGG, III

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1 hearing the facts, I can't help but believe --- I agree with
2 Mr. Jones, one hundred percent. Crack cocaine is all over
3 this thing, and I would venture to say, although I don't know
4 --- I don't know Mr. Gregg at all, but you know, it could be
5 a situation but for that, we would not see you here. I don't
6 know.

7 But, I just can't help but believe there is more here
8 than what we have heard over the last couple of days.
9 Because the conduct of the --- and the voluntariness of which
10 the victim was killed, I think it was what, nineteen
11 different stab wounds?

12 **MR. HOLT:** Sixteen, Your Honor.

13 **THE COURT:** Sixteen. Then the victim with kidnapping,
14 taking her. I don't know what the reason for having her
15 strip down, and then giving her a robe, and then taking her
16 away in the car. There is just --- it's just bazaar. There
17 is so much here that just doesn't make any sense. And then
18 to proceed to rob a convenient store and do the things --

19 On indictment 2012-GS-16-878, as to grand larceny, the
20 sentence of the Court is that you will be committed to The
21 State Department of Corrections for a period of five-years.

22 On indictment 875, the kidnapping, that you be committed
23 to The State Department of Corrections for a period of thirty
24 years.

25 On possession of a weapon of a weapon during the

THE STATE VERSUS DOUGLAS DAVID GREGG, III

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1 commission of a violent crime. That charge as it relates to
2 the armed robbery, the sentence of the Court is five-years.

3 On 880, the armed robbery, the sentence of the Court is
4 that you be committed to The State Department of Corrections
5 for a period of thirty years.

6 On 882, failure to stop for a blue light. The sentence
7 of the Court, three years.

8 Petit larceny, the sentence of the Court is thirty
9 days.

10 The charge under 876, which is the possession of a
11 weapon during the commission of a violent crime as it relates
12 to the murder charge, that sentence into the murder charge.
13 The sentence of the Court on that, which is indictment 879 on
14 the murder charge is that you are to be committed to The
15 State Department of Corrections for the remainder of your
16 natural life, without the possibility of parole.

17 All of these charges are to run consecutive to each
18 other. You are to be given credit obviously --- Obviously,
19 that is not an issue.

20 To anyone who is here on behalf of the victims, I am
21 very sorry for your loss and you having to be here.

22 To those members of Mr. Gregg's family, I am terribly
23 sorry for you and for your loss as well.

24 Good luck to you, sir.

25 MR. JONES: Thank you, sir.

THE STATE VERSUS DOUGLAS DAVID GREGG, III

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1 MR. GREGG: I love y'all.

2 THE COURT: All right. Solicitor, let me say this,
3 for purposes of this case. The Court is adjourned for this
4 case.

5 (Whereupon, hearing was concluded at 5:19 p.m.
6 on Wednesday, December 5, 2012.)

7 -- END OF TRANSCRIPT --

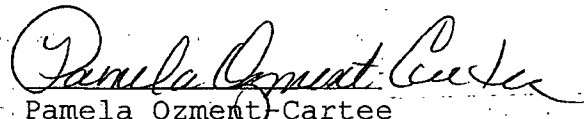
CERTIFICATE OF REPORTER

392

I, the undersigned, Pamela Ozment-Cartee, official Court Reporter for the Fourth Judicial Circuit of South Carolina, do hereby certify, that the foregoing is a true, accurate and complete Transcript of Record in the above captioned case, relative to appeal, in The Court of General Sessions in Darlington County, South Carolina, on the 3rd, 4th, and 5th days of December 2012.

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

February 19, 2013


Pamela Ozment-Cartee
Circuit Court Reporter

WITNESSES

Eric Hodges

Darlington County Sheriff

Law Enforcement Case #: 201106-0317



495

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
M830280

ARRESTED ON: 2011-06-14

ACTION OF GRAND JURY

TRUE BILL

Grand Jury Foreperson

Date

JUL 28 2012

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:

2012-GS-16-0875

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:

July 2012

THE STATE

vs.

Douglas David Gregg III

INDICTMENT FOR

Kidnapping / Kidnapping

§16-03-0910

CDR Code: 0095

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
COUNTY OF DARLINGTON)

INDICTMENT FOR
Kidnapping / Kidnapping

§16-03-0910

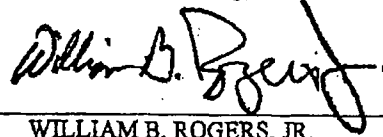
At a Court of General Sessions, convened on July 26, 2012, the Grand Jurors of Darlington County present upon their oath:

KIDNAPPING

CDR: 0095 16-03-0910

That Douglas David Gregg III did in Darlington County on or about June 12, 2011, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away one Drusilla Suggs, without authority of law, in violation of Section 16-03-0910, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WILLIAM B. ROGERS, JR.
SOLICITOR

WITNESSES

Eric Hodges

Darlington County Sheriff

Law Enforcement Case #: 201106-0317

495

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I
hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and
plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
M830281

ARRESTED ON: 2011-06-14

ACTION OF GRAND JURY

TRUE BILL

Grand Jury Foreperson

Date JUL 26 2012

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2012-GS-16-0876

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:
July 2012

THE STATE

vs.

Douglas David Gregg III

INDICTMENT FOR

Weapons / Poss. weapon during violent crime

§16-23-0490

CDR Code: 0549

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
COUNTY OF DARLINGTON)

INDICTMENT FOR

Weapons / Poss. weapon during violent crime

§16-23-0490

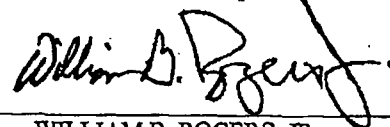
At a Court of General Sessions, convened on July 26, 2012, the Grand Jurors of Darlington County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME

CDR: 0549 16-23-0490

That Douglas David Gregg III did in Darlington County, on or about June 12, 2011, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, to wit: Murder, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WILLIAM B. ROGERS, JR.
SOLICITOR

WITNESSES

Eric Hodges

Darlington County Sheriff

Law Enforcement Case #: 201106-0317

 495

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

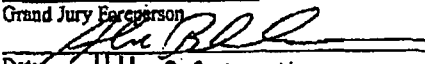
ARREST WARRANT NUMBER
M830282

ARRESTED ON: 2011-06-14

ACTION OF GRAND JURY

TRUE BILL

Grand Jury Foreperson



Date JUL 26 2012

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2012-GS-16-0877

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:
July 2012

THE STATE

vs.

Douglas David Gregg III

INDICTMENT FOR

Larceny/Petit or simple larceny - \$2,000 or less

§16-13-30(A)

CDR Code: 3419

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
COUNTY OF DARLINGTON)

INDICTMENT FOR

Larceny/Petit or simple larceny - \$2,000 or less

§16-13-30(A)

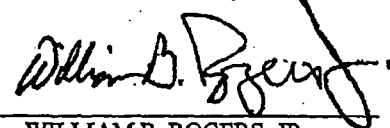
At a Court of General Sessions, convened on July 26, 2012, the Grand Jurors of Darlington County present upon their oath:

PETIT LARCENY

CDR: 3419 16-13-0030(A)

That Douglas David Gregg III did in Darlington County on or about June 12, 2011, take and carry away the personal goods of Levi Gregg, valued at two thousand (\$2,000.00) dollars or less, described as follows: approx. \$140.00, with intent to deprive the owner permanently of such property, and to convert the goods to his own use, in violation of Section 16-13-0030(A), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WILLIAM B. ROGERS, JR.
SOLICITOR

WITNESSES

Eric Hodges

Darlington County Sheriff

Law Enforcement Case #: 201106-0317

 WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I
hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and
plead guilty to the within indictment or to:

Defendant

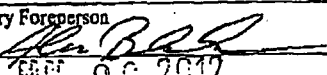
ARREST WARRANT NUMBER
M830283

ARRESTED ON: 2011-06-14

ACTION OF GRAND JURY

True Bill

Grand Jury Foreperson

Date  06-08-2012

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2012-GS-16-0878

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:
July 2012

THE STATE

vs.

Douglas David Gregg III

INDICTMENT FOR

Larceny/Grand Larceny, value more than
\$2,000 but less than \$10,000

§16-13-0030(B)

CDR Code: 3420

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON) Larceny/Grand Larceny, value more than \$2,000 but
 less than \$10,000

§16-13-0030(B)

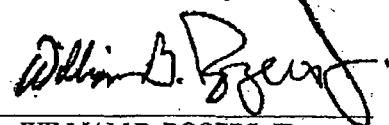
At a Court of General Sessions, convened on July 26, 2012, the Grand Jurors of Darlington County present upon their oath:

GRAND LARCENY
(VALUE OVER \$2000 BUT LESS THAN \$10000)

CDR: 0478 16-13-0030(B)

That Douglas David Gregg III did in Darlington County on or about June 12, 2011, take and carry away the personal goods of Drusilla Suggs, valued at more than two thousand (\$2,000.00) dollars, but less than ten thousand (\$10,000.00) dollars, described as follows: a 2002 Honda Accord, with the intent to deprive the owner permanently of such property and to convert the goods to his own use, in violation of Section 16-13-0030(B), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


WILLIAM B. ROGERS, JR.
SOLICITOR

WITNESSES

Eric Hodges

Darlington County Sheriff

Law Enforcement Case #: 201106-0317

 WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I
hereby waive presentment to the Grand Jury.

 Defendant

I hereby appear in my own proper person and
plead guilty to the within indictment or to:

 Defendant

 ARREST WARRANT NUMBER
 M830284

ARRESTED ON: 2011-06-14

ACTION OF GRAND JURY

TRUE BILL

Grand Jury Foreperson

Date

JUL 26 2012

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:

2012-GS-16-0879

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:

July 2012

THE STATE

vs.

Douglas David Gregg III

INDICTMENT FOR

Murder / Murder

§16-03-0010; 16-03-0020

CDR Code: 0116

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

INDICTMENT FOR

Murder / Murder

§16-03-0010; 16-03-0020

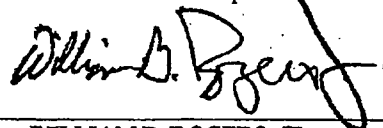
At a Court of General Sessions, convened on July 26, 2012, the Grand Jurors of Darlington County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Douglas David Gregg III did in Darlington County, on or about June 12, 2011, willfully, feloniously, and intentionally kill the victim, Levi Gregg, with malice aforethought, either express or implied, by means of stabbing, and the victim did die as a proximate result thereof on or about June 12, 2011 in Darlington County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WILLIAM B. ROGERS, JR.
SOLICITOR

WITNESSES

K B Peavy

Darlington County Sheriff

Law Enforcement Case #: 201106-0318

 WAIVER OF PRESENTMENT
 495

After being fully advised as to my legal rights, I
hereby waive presentment to the Grand Jury.

 Defendant

I hereby appear in my own proper person and
plead guilty to the within indictment or to:

 Defendant

 ARREST WARRANT NUMBER
M825496

ARRESTED ON: 2011-06-14

ACTION OF GRAND JURY

Grand Jury Foreperson

Date

JUL 26 2012

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2012-GS-16-0880

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:
July 2012

THE STATE

vs.

Douglas David Gregg III

INDICTMENT FOR

Robbery / Armed Robbery, robbery while
armed or allegedly armed

§16-11-0330(A)

CDR Code: 0139

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF DARLINGTON)

Robbery / Armed Robbery, robbery while armed or
allegedly armed

§16-11-0330(A)

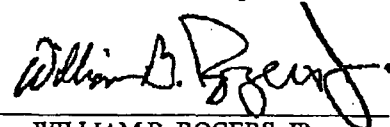
At a Court of General Sessions, convened on July 26, 2012, the Grand Jurors of Darlington County present upon their oath:

ARMED ROBBERY

CDR: 0139 16-11-0330(A)

That Douglas David Gregg III did in Darlington County on or about June 12, 2011, while armed with a deadly weapon, to wit: a Knife, take and carry away personal property of The Markette #14 from or in the immediate presence of, Miranda Wilds, clerk at The Markette #14 with intent to deprive The Markette #14 of possession by use of force, threats or intimidation, to wit: did take approx. \$125.00 from the register, in violation of Section 16-11-0330(A), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



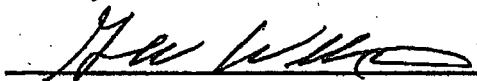
WILLIAM B. ROGERS, JR.
SOLICITOR

WITNESSES

K B Peavy

Darlington County Sheriff

Law Enforcement Case #: 201106-0318



495

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I
hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and
plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
M825497

ARRESTED ON: 2011-06-14

ACTION OF GRAND JURY

True Bill

Grand Jury Foreperson

Date

JUL 26 2012

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2012-GS-16-0881

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:
July 2012

THE STATE

vs.

Douglas David Gregg III

INDICTMENT FOR

Weapons / Poss. weapon during violent crime

§16-23-0490

CDR Code: 0549

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF DARLINGTON)

Weapons / Poss. weapon during violent crime

§16-23-0490

At a Court of General Sessions, convened on July 26, 2012, the Grand Jurors of Darlington County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME

CDR: 0549 16-23-0490

That Douglas David Gregg III did in Darlington County, on or about June 12, 2011, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, to wit: Armed Robbery, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

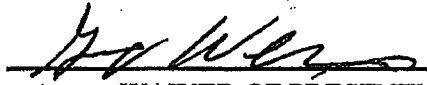

WILLIAM B. ROGERS, JR.
SOLICITOR

WITNESSES

K B Peavy

Darlington County Sheriff

Law Enforcement Case #: 201106-0318



495

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I
hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and
plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
M825498

ARRESTED ON: 2011-06-14

ACTION OF GRAND JURY

True Bill

Grand Jury Foreperson

Date

JUL 26 2012

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2012-GS-16-0882

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:
July 2012

THE STATE

vs.

Douglas David Gregg III

INDICTMENT FOR

Traffic / Failure to stop for a blue light, no
injury or death

§56-05-0750(B)(1)

CDR Code: 0065

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF DARLINGTON)

Traffic / Failure to stop for a blue light, no injury or death

§56-05-0750(B)(1)

At a Court of General Sessions, convened on July 26, 2012, the Grand Jurors of Darlington County present upon their oath:

FAILURE TO STOP FOR BLUE LIGHT/SIREN

CDR: 0065 56-05-0750(B)(1)

That Douglas David Gregg III did in Darlington County on or about June 12, 2011, while operating a motor vehicle on a road, street, or highway of the State of South Carolina, fail to stop his motor vehicle when signaled to do so by a law enforcement vehicle, by means of a siren and/or flashing light, in violation of Section 56-05-0750(B)(1), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

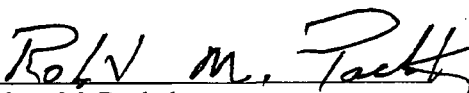


WILLIAM B. ROGERS, JR.
SOLICITOR

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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

April 26, 2013


Robert M. Pachak
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED

APR 26 2013

Appeal from Darlington County

Thomas A. Russo, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DOUGLAS GREGG, III,

APPELLANT

APPELLATE CASE NO. 2012-213545

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Donald J. Zelenka, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 26th day of April, 2013.

Brandon Hall

Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 26th day of April, 2013.

Paula McKay (L.S.)
Notary Public for South Carolina

My Commission Expires: July 24, 2022.