

VOLUME ONE OF THREE

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Berkeley County

Roger M. Young, Circuit Court Judge

RECEIVED
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S.C. Supreme Court

DERRICK GRANT,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-000563

APPENDIX

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State of South Carolina)
County of Berkeley)

In the Court of General Sessions
The Ninth Judicial Circuit

State of South Carolina)
vs.)
Derrick Grant,)
Defendant.)

Case No. 03-GS-08-0499

Transcript of Record

June 11, 2003

Moncks Corner, South Carolina

B E F O R E:

The Hon. Markley Dennis, Judge

A P P E A R A N C E S:

Blair Jennings, Esq.
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Derrick Grant
Pro Se

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EXHIBITS

(There were no exhibits.)

1 (On Wednesday, June 11, 2003, the defendant being present
2 pro se, the hearing convenes at approximately 2:00 p.m., and the
3 following proceedings were had:)

4 THE COURT: All right. Solicitor.

5 MR. JENNINGS: Thank you, Your Honor. May it please the
6 Court.

7 THE COURT: Yes, sir.

8 MR. JENNINGS: We're back on the record on indictment
9 2003-GS-08-0499 in the matter of The State vs. Derrick Grant. He's
10 charged with murder.

11 As Your Honor recalls, April 30th of 2002, that there was a
12 hearing regarding his motion to fire his attorney who at that time was
13 Mr. George Bishop. We had the hearing. You granted his motion.
14 He also -- at that time you had provided him the option of having the
15 Public Defender's Office appointed. He declined that, said that he
16 was going to make his own -- would retain an attorney.

17 THE COURT: Yes, sir.

18 MR. JENNINGS: I also inquired if I should deal with him as if
19 he was representing himself until I was notified by an attorney that
20 they were representing him, and you said that the State should. And
21 I've done that.

22 THE COURT: All right.

23 MR. JENNINGS: On April the 30th, I provided Mr. Grant with
24 a copy of his file at the Charleston County Detention Center.

25 THE DEFENDANT: A copy of what?

1 THE COURT: Excuse me. Mr. Grant.

2 MR. JENNINGS: A copy ---

3 THE COURT: Hold on just a second. I'll give you an
4 opportunity to speak, sir.

5 Let the record reflect that Mr. Grant is present.

6 As soon as the solicitor finishes, I'll give you an opportunity
7 to speak.

8 THE DEFENDANT: Thank you, sir.

9 THE COURT: Solicitor.

10 MR. JENNINGS: And today, Your Honor, we're present to
11 seek an order to have blood and hair sample taken pursuant to the
12 Schirmer case.

13 THE COURT: All right, sir.

14 First of all, Mr. Grant, let me inquire before I hear from you.
15 The last time we were here you asked me to dismiss your attorney
16 Mr. Bishop, and I did that. You also advised the Court that you did
17 not wish to have a public defender appointed to represent you, and
18 that if you did have -- if you did desire counsel, you would obtain
19 counsel yourself. Is that correct, sir?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And have you hired counsel at this point?

22 THE DEFENDANT: No, sir.

23 THE COURT: You are proceeding, representing yourself
24 then?

25 THE DEFENDANT: Yes, at this present time.

1 THE COURT: For the purpose of this motion?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right, sir. And you are -- you want to go
4 forward with this motion today with you handling the matter on your
5 behalf?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Okay. All right.

8 There's been a motion filed to seek, under what we call a
9 Schirmer order, blood samples and -- and hair samples.

10 Solicitor, what's -- what's the State's position? Why is it
11 necessary that I do that?

12 MR. JENNINGS: Your Honor, I'm prepared to call
13 Captain Ollic.

14 THE COURT: Okay.

15 MR. JENNINGS: If you would like to hear testimony.

16 THE COURT: Yeah, I think that -- I assume that you don't
17 -- do not agree to do this, Mr. Grant?

18 THE DEFENDANT: No. Because they -- they have already
19 taken three tubes of blood from me when I first got arrested and
20 hair samples, pubic hair, fingerprints, etc.

21 THE COURT: All right. All right.

22 You may proceed.

23 MR. JENNINGS: Thank you, Your Honor. The State calls
24 Captain Rick Ollic.

25 THE COURT: Okay. Captain Ollic, if you would, just take the

1 stand.

2

CAPTAIN RICK OLLIC,

3

being first duly sworn by the clerk, is examined and testifies as

4

follows:

5

THE CLERK: Have a seat and state your name for the Court,

6

please.

7

THE WITNESS: Rick Ollic. That's O-L-L-I-C.

8

DIRECT EXAMINATION

9

BY MR. JENNINGS:

10

Q. Captain Ollic, you are with the Berkeley County Sheriff's

11

Office?

12

A. I am.

13

Q. And you're the captain over in the detective's division?

14

A. That is correct.

15

Q. And were you notified on December the 26th of 2002 that a

16

body had been found?

17

A. I was.

18

Q. Whose body was that?

19

A. It was the body of Rachel Sottile.

20

Q. Can you describe where she was found within Berkeley

21

County?

22

A. She was located off of Lemon Lane which is located in the

23

Cainhoy section of Berkeley County.

24

Q. And as a result, when her body was found, was an autopsy

25

performed?

1 A. An autopsy was performed at the Medical University of
2 South Carolina.

3 Q. Can you describe for Judge Dennis the injuries that she had
4 sustained?

5 A. She had -- she had a -- her neck was slashed. She had
6 some severe lacerations to her head, multiple lacerations and cuts to
7 her throat, back, abdomen, and hands. She also had lacerations to
8 her legs, and her left hand was fractured.

9 Q. And were those injuries consistent with having been made by
10 some type of sharp object?

11 A. They were.

12 Q. In addition to there -- these documentation about the
13 injuries that she had suffered and as well as her cause of death, did
14 they also take scraping from her fingernails?

15 A. Yes, sir. Fingernail scrapings and also a sexual -- excuse me
16 -- sexual assault kit was performed and submitted to the State lab at
17 the South Carolina Law Enforcement Division.

18 Q. And the Berkeley County Sheriff's Office submitted both of
19 those items?

20 A. We did.

21 Q. Okay. As you began to conduct your investigation, were you
22 able to sort of backtrack and determine some of Ms. Sottile's -- the
23 last actions she took while she was alive?

24 A. Yes. We -- we know that she was residing in the
25 Hillridge section of Cainhoy which is located off Highway 98 close

1 to Clements Ferry Road. She was staying there with a
2 Mr. Shawn Elkins (phonetic). She was leaving that morning
3 somewhere around between 5:30 and 6:30 that morning. She
4 worked at the Atlanta Bread Company located in Mount Pleasant.
5 And she would have been leaving that location and then going toward
6 526 to go to the Atlanta Bread Company where she was employed.

7 Q. Captain Ollic, let me ask you this. As part of the autopsy,
8 was a known blood sample of Ms. Sottile also taken?

9 A. Yes, it was.

10 Q. And was that also forwarded to SLED?

11 A. It all has been forwarded to the State Law Enforcement
12 Division.

13 Q. Are you familiar with a man by the name of Derrick Grant?

14 A. I am.

15 Q. Do you see him in the courtroom today?

16 A. He is sitting right there with the gray outfit on.

17 MR. JENNINGS: If the record can reflect he identified the
18 defendant.

19 THE COURT: It so reflects.

20 BY MR. JENNINGS:

21 Q. Were you able to place, through your investigation, Mr. Grant
22 in the vicinity of Ms. Sottile's neighborhood on that morning of the
23 26th?

24 A. We're able through a witness to identify Mr. Grant being in
25 the Hillridge area looking for a ride.

1 Q. And approximately what time was that?

2 A. Approximately 5:30 a.m.

3 Q. And Ms. Sottile's body was found on the afternoon of the
4 26th. When -- when were you able to locate her vehicle?

5 A. The vehicle was located on -- on 12/27/2002 in the early
6 morning hours. It was located at the intersection of Hanover and
7 Line Street which is in downtown Charleston. It was located within a
8 block away from Mr. Derrick Grant's girlfriend where he has children
9 in common.

10 Q. Were you able to confirm that that was in fact where his
11 girlfriend lived?

12 A. We have. And we have interviewed her at that location
13 within approximately a block of where the victim Ms. Rachel Sottile's
14 vehicle was found.

15 Q. Once that car was in your custody, was the State Law
16 Enforcement Division -- were they given the opportunity to process
17 the interior?

18 A. We asked for assistance from the State Law Enforcement
19 Division, along with Berkeley -- the Berkeley County Sheriff's Office
20 forensic unit, process that car for any forensic evidence in this case.

21 Q. And are you aware if they found any?

22 A. There was evidence found within the vehicle. There was
23 multiple areas of blood inside the vehicle. There was a fingerprint on
24 the back of the mirror which was also in blood. And all of that was
25 taken as evidence and submitted to the State lab for further

1 identification.

2 Q. And do you know whose fingerprint that -- that is that was in
3 blood in Ms. Sottile's car?

4 A. The fingerprint has been identified by the State Law
5 Enforcement Division as being that of one of Derrick Grant.

6 Q. And I believe they said that that one had -- the blood that
7 the fingerprint was left in is a mixture?

8 A. That is correct. They have identified the blood of Ms. Sottile,
9 and there's also another mixture within that fingerprint that has not
10 been identified at this time.

11 Q. Now, as to the fingernail scrapings, the sexual assault kit,
12 and the blood that was on the interior of Ms. Sottile's car, as well as
13 the blood that was mixed in Mr. Grant's fingerprint, does SLED need
14 a sample from Mr. Grant to do their comparison with those samples?

15 A. In order to conclude the -- the findings of all the evidence as
16 submitted to the State Law Enforcement Division, it will be
17 imperative that they have a sample of Mr. Grant's blood in order to
18 compare it to the evidence that they have obtained.

19 Q. And when was Mr. Grant taken into custody?

20 A. He would have been taken into custody about 10:00 p.m.,
21 between 10:00 and 11:00 p.m., on 12/30/2002. He was arrested by
22 Berkeley County Sheriff's Office on a Family Court bench warrant that
23 was issued by the Charleston County Family Court.

24 Q. And at that time, had he been charged with the murder of
25 Rachel Sottile?

1 A. He had not been charged. He was picked up only on the
2 Family Court bench warrant that was issued by the Charleston
3 County Family Court.

4 Q. And when you came into contact with Mr. Grant, did you note
5 any injuries that he had on his person?

6 A. There was a -- he had a severe cut to his left wrist -- wrist at
7 the time of his arrest.

8 Q. And you're familiar with injuries? Did this appear to be a
9 recent injury or an injury that had -- had begun to heal?

10 A. It was not a healed. It was a still open wound. It was a
11 very fresh injury. It was deep. It was a deep injury to his left wrist.
12 It -- it appeared to have been done by some sharp object that would
13 have caused that cut.

14 Q. Did that appear to be similar to the type of wounds that
15 Ms. Sottile had suffered?

16 A. That is correct.

17 Q. And I believe on December the 31st of 2002 you had an
18 opportunity to take a statement from a Travis Middleton?

19 A. Correct. We were notified by the Berkeley County Detention
20 Center that Mr. Travis Middleton who was being housed at the
21 detention center was a cellmate of Mr. Derrick Grant. He provided a
22 written statement to detectives of the Berkeley County Sheriff's
23 Office of information he had learned from Mr. Grant regarding the
24 death of Rachel Sottile.

25 Q. And if you could, describe for the Court what relevant

1 information Mr. Middleton provided to you.

2 A. In Mr. Middleton's statement, he provided information that
3 Mr. Grant provided to him that the victim was 18 years of age; that
4 he killed her with a sharp object; his blood, Mr. Grant's blood, would
5 be in her car. He admitted -- admitted to having sex with her, he
6 abandoned her car in downtown Charleston, and he said that he
7 committed this crime around 6:00 a.m. within proximity of the time
8 Ms. Sottile would have left the Hillridge area to go to work.

9 Q. As the captain then in the detective's unit, did you have a
10 integral role in monitoring what -- what information was released to
11 the local media?

12 A. We -- I was.

13 Q. And was the manner in which Ms. Sottile was killed, was that
14 ever released to the media?

15 A. All the information that was provided by Travis Middleton
16 would be only information the killer could have provided to
17 Mr. Middleton, where none of this information was released to news
18 media for the protection and the integrity of the investigation in the
19 death of Ms. Rachel Sottile.

20 Q. And in that, Mr. Grant admitted he -- admitted killing her
21 with a sharp object, admitted that his blood would be in her car,
22 admitted having sexual relations with her?

23 A. That is correct.

24 Q. And he was arrested on the 31st?

25 A. After the statement was obtained, he was charged with the

1 murder of Ms. Rachel Sottile.

2 Q. And based on that, on the information that we've covered
3 up to this point, was the probable cause for the arrest?

4 A. There was -- there was certainly probable cause for the
5 arrest of Mr. Derrick Grant.

6 Q. And he's subsequently been indicted by the Berkeley County
7 grand jury?

8 A. He has been indicted for the murder of Rachel Sottile by the
9 Berkeley County grand jury.

10 Q. And at that time, the Sheriff's Office also executed a search
11 warrant based on that same probable cause?

12 A. We did.

13 Q. And obtained a sample of -- of his blood and hair?

14 A. We did.

15 Q. After his arrest, now, so in addition to that probable cause
16 that existed at that time, you've also received additional information?

17 A. I have.

18 Q. That has corroborated that?

19 A. We have. We also had information that another individual
20 that was being held at the Berkeley County Detention Center,
21 Mr. Danny Maples (phonetic), happened to be in contact with
22 Mr. Grant at some point at the detention center. He gave a
23 statement provided to us that he in fact -- Mr. Grant told him that he
24 admitted to killing the victim. He admitted to having sex with the
25 victim. That was within the -- in his statement, and that came

1 directly from Mr. Grant to him.

2 Further, he was -- at some point after he was arrested and
3 charged with the murder, he was to be moved to the Charleston
4 County Detention Center to handle the Family Court issue and
5 because of some of our witnesses in this case, and he was placed
6 down there to be held until such time of trial.

7 He was moved there on January 31st of 2003 at which time
8 he in fact gave a confessional statement to Mr. Robert Clark, another
9 inmate that was located at the Charleston County Detention Center.

10 And all these information that was provided by each one of
11 these defendants -- excuse me -- the witnesses to the defendant
12 could only be directly from the defendant because none of this
13 information was provided to anyone.

14 Q. Were you also able to talk to a Eddie Washington?

15 A. Well, we -- we spoke with Mr. Eddie Washington. He
16 provided a statement to us, through our investigation, that he in fact
17 had seen Mr. Grant on 12/26 of 2003 approximately 10:30 a.m.

18 He encountered Mr. Grant at the intersection of Highway 41
19 and 17A in Mount Pleasant at a gas station at which Mr. Grant was
20 asking for a ride. He gave him a ride back to the Huger area.

21 And he provided information that at 10:30 a.m. that morning
22 when he saw Mr. Grant he had a severe cut to his left wrist that was
23 -- was bleeding badly. It was very fresh cut.

24 Q. And is that the same area that you witnessed Mr. Grant
25 having a cut on the 30th when you came into contact with him?

1 A. That is correct.

2 Q. And all that information is consistent with the time when
3 Ms. Sottile was killed?

4 A. It is all consistent.

5 Q. If there is -- Judge Dennis orders that a -- a sample be
6 taken, is there a qualified medical professional at the Berkeley
7 County Detention Center that can take that sample?

8 A. Yes. If -- if the Court decides to issue an order allowing us
9 to have that sample removed from Mr. Grant, he will be taken over to
10 our facility, and a medical person will be standing by to take care of
11 that.

12 Q. And, again, this -- the sample is necessary to compare with
13 the evidentiary samples that are at SLED?

14 A. That is correct.

15 MR. JENNINGS: Thank you, Your Honor.

16 THE COURT: Mr. Grant, do you care to examine the witness?

17 THE DEFENDANT: No, sir. No questions.

18 THE COURT: No questions.

19 Mr. Ollic, thank you very much.

20 THE WITNESS: Thank you, Your Honor.

21 (The witness is excused from the witness stand.)

22 THE COURT: Any additional testimony?

23 MR. JENNINGS: No, sir.

24 THE DEFENDANT: I have something I want to say.

25 THE COURT: Sure.

1 THE DEFENDANT: I have some documents that I want to
2 present to the Solicitor's Office, requesting some information
3 pertaining to my case.

4 THE COURT: All right, sir. Hold on just one second,
5 Mr. Grant. Not that I'm -- I'll be happy for you to discuss that with
6 them. The first issue I need to deal with is the State's motion.
7 That's not pertinent to that motion, because this motion deals with
8 matters that are pertaining to their request for -- for body fluids from
9 you. Do any of those documents pertain to -- to that motion?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay.

12 Solicitor, do you want to look at those ---

13 MR. JENNNIGS: Sure.

14 THE COURT: --- and see if you can respond to those.

15 THE DEFENDANT: No, I don't want no verbal...

16 THE COURT: I need ---

17 THE DEFENDANT: Okay. Okay.

18 THE COURT: I need to find out whether they're pertinent to
19 my decision here.

20 (The defendant tenders documents to Mr. Jennings.)

21 (Mr. Jennings reviews documents.)

22 MR. JENNINGS: This is -- this is a Rule Five, right?

23 THE DEFENDANT: Yes.

24 MR. JENNINGS: This is general discovery.

25 THE COURT: Okay.

1 MR. JENNINGS: And this is -- you'll have an opportunity to
2 subpoena any witnesses for the trial.

3 THE DEFENDANT: This one?

4 MR. JENNINGS: Well, yeah, we'll deal with that at the
5 appropriate time. You'll have the ability to subpoena witnesses.

6 THE DEFENDANT: Okay.

7 MR. JENNINGS: And a change of venue?

8 THE DEFENDANT: Yeah.

9 MR. JENNINGS: And you'll be able to make that at the
10 appropriate time.

11 THE DEFENDANT: So you don't want to take this?

12 MR. JENNINGS: Yeah, I'll take it.

13 THE DEFENDANT: Well, will you sign for it? Sign this?

14 MR. JENNINGS: Sure. That's your Rule Five?

15 THE DEFENDANT: Rule Five motion, yes. Motion for
16 discovery.

17 (The solicitor complies.)

18 MR. JENNINGS: Your Honor, what he's handed me is a Rule
19 Five motion, which we have complied with up to this point.

20 THE COURT: Very well.

21 MR. JENNINGS: We will certainly, as we receive any SLED
22 reports, provide those. We'll also provide him an opportunity to
23 review all the evidence, any photographs.

24 THE COURT: Okay.

25 THE DEFENDANT: Okay.

1 MR. JENNINGS: And the other is a list of people he wants
2 subpoenaed, and I've informed him he'll have the opportunity to
3 issue subpoenas.

4 THE COURT: And I assume the subpoena is for the purpose
5 of a trial. Is that correct, Mr. Grant?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Not for the purposes of this motion?

8 THE DEFENDANT: No, sir.

9 THE COURT: Okay.

10 THE DEFENDANT: I also want to bring to the Court's
11 attention ---

12 THE COURT: Mr. Grant, I appreciate this, but -- and I -- and
13 I understand you're -- you're not familiar with all these proceedings.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: You're not a lawyer, as I understand it.

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Let me just point out something again today
18 by your actions. Because at some point in time, I'm going to have to
19 make -- I or some judge is going to have to make a determination as
20 to whether or not they're going to permit you to proceed pro se; but
21 there has to be a hearing to make that determination, that is,
22 represent yourself.

23 Unfortunately, what you're demonstrating right now -- it's
24 not your fault, because you don't have any -- you don't have any
25 training in this area, and you don't have any independent study in

1 this area. Apparently, you have done some research, and I commend
2 you for that, by preparing your motions. That's good. But just like
3 bringing the subpoena here today, we are probably months away
4 from a trial in this case.

5 And I can't really advise you because that would be -- I'd be
6 practicing law, and the canons of ethics that govern my activity won't
7 let me practice law. I'm a lawyer. I practiced law for 21 years. I've
8 been trained in that profession.

9 But I will make an observation, and I'm not advising you, but
10 there's plenty of time to subpoena. You don't subpoena witnesses
11 until you get to the point where you know the trial is coming up.

12 So, obviously, that's a little bit premature because we don't
13 even know what the trial -- I mean, what date you're going to ask
14 them to report. We don't know.

15 The motion for Rule Five, that's a very pertinent motion, and
16 certainly the solicitor will do that. He's apparently given you and
17 you've received some -- some information from the solicitor, have
18 you not?

19 THE DEFENDANT: Yes.

20 THE COURT. Okay. And that motion is ongoing. That
21 means you don't have to file it again because it's already been filed
22 for you one time. There is a duty under the rule for him, that
23 whenever he gets anything, to give that to you. So you don't have to
24 keep filing it. That -- that covers it now until the time of trial. Okay?

25 I really hope that you'll seriously consider hiring an attorney

1 or re-thinking and allowing the Court to appoint one for you.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You really -- the seriousness of this and the
4 gravity of this -- and you've made that comment about my
5 dismissing Mr. Bishop. Because you said, "You don't understand. It's
6 my life we're talking about," basically, and I'm paraphrasing you.
7 And I understand that. But that's why it's so imperative, sir, that you
8 make -- you really ought to give serious consideration to having
9 someone other than yourself looking at this for you, because it's very
10 difficult to be objective about your own situation. I just make that
11 observation for you.

12 Do you have anything else now that you want to present on
13 the issue of whether or not a blood sample should be obtained from
14 you?

15 THE DEFENDANT: No, sir. But I have something that I
16 wanted to say.

17 THE COURT: All right. All right. Well, let me -- let me take
18 care of this one first, and then I'll be happy to hear from you. It
19 doesn't pertain to this issue, though?

20 THE DEFENDANT: No, sir.

21 THE COURT: Okay.

22 All right. I find, first of all, from the testimony and the
23 record that, number one, under -- and this is the case of Register.
24 Let me give the cite to you. It's State vs. Register, 419 S.E.2d 771,
25 1992 case -- that, first of all, this request is made under Schirmer vs.

1 California, 384 U.S. 757. It's a Supreme Court decision out of
2 -- dated 1966. It's clearly proper to be brought before this Court.

3 I find also, first of all, that there -- there has been testimony
4 that as the State is required to show probable cause to believe that a
5 crime has been committed, and further that -- that -- and, again, this
6 is probable cause. I'm not suggesting you are that person.
7 "Probable cause" has a significant meaning. It just means that there
8 is some indication that you're probably the person that did that, for
9 purposes of the hearing, and that you are -- that the -- was
10 committed by you.

11 There has further been a showing from the testimony that,
12 number one, there is a clear indication that material evidence
13 relevant to the question of Mr. Grant's guilt will be found by this
14 study.

15 And as I've noted before, it also serves to benefit you.
16 Because if -- if it's someone else and there's -- there's another blood
17 sample, then that's very valuable for your defense. So it will be
18 helpful for you, as well, but it certainly would be pertinent to the
19 material elements relevant to the question of your guilt.

20 I further find that the method to be used is a safe and
21 reliable method, and the intrusion is very limited, and it's one that's
22 been recognized by Schirmer and the cases that have followed
23 that have been decided following Schirmer.

24 So, therefore, I think it's appropriate for you to submit to
25 and -- and --- and to the intrusion and to deliver to the State for

1 analysis samples of hair and blood as requested.

2 Do you have an order to that effect?

3 MR. JENNINGS: Yes, sir.

4 THE COURT: I'll be happy to sign the order.

5 (Mr. Jennings tenders document to the Court.)

6 THE COURT: Thank you, sir.

7 I have this day -- and if you'll make sure that Mr. Grant
8 obtains a copy of this order for his files, too.

9 MR. JENNINGS: Yes, sir. We'll go down and file it right now.

10 THE COURT: Thank you.

11 I've signed an order memorializing that decision complying
12 with the Court's ruling.

13 MR. JENNINGS: Thank you.

14 THE COURT: All right. Mr. Grant, having made that decision
15 now, I'll be happy to hear from you.

16 THE DEFENDANT: I gave a written statement to the
17 detective, pertaining to my case, on the 5th day of -- of last month.

18 THE COURT: Yes, sir.

19 THE DEFENDANT: And I want to bring to the Court's
20 attention that I gave a written statement. And I want to know how
21 can I go about presenting a copy of the statement to you, or can I
22 present a statement -- a copy of the statement to the solicitor.

23 THE COURT: For what? For what purpose?

24 THE DEFENDANT: It's pertaining to my case by -- it pertains
25 to my case. I've written a statement.

1 THE COURT: Well, Solicitor?

2 MR. JENNINGS: I have a copy of it.

3 THE COURT: You have a copy of it?

4 The solicitor has a copy. Okay? So that's been taken care
5 of.

6 THE DEFENDANT: Can I get a copy of this transcript today?

7 THE COURT: You'll have to order that from the court
8 reporter, and that'll have to be -- what's the process? He has to
9 submit it to you in writing?

10 THE COURT REPORTER: In writing.

11 THE DEFENDANT: Okay. Can I get the address then?

12 THE COURT: She has a card.

13 You can provide him with a card?

14 THE COURT REPORTER: Yes, sir.

15 THE COURT: Thank you very much.

16 She'll provide you with a card, and you'll have to make that
17 request in writing.

18 THE DEFENDANT: Okay.

19 THE COURT: And that's -- she is here. She hears that.

20 That's just the procedure that has to be followed, and I need for you
21 to follow that procedure. I'm not trying to make work for you. That's
22 just the...

23 THE DEFENDANT: Okay.

24 Well, Your Honor, I would like to apologize for the attitude I
25 had the last time I was here, too.

1 THE COURT: That's fine. I thank you for the apology. It's
2 not necessary. Sometimes -- you're human, and I am, too, and I say
3 things sometimes I wish I hadn't said, but I have to acknowledge my
4 humanity, and I appreciate your doing the same thing.

5 And, again, sir, I would again encourage you to please
6 rethink your position on getting a lawyer.

7 THE DEFENDANT: The Lord will ---

8 THE COURT: Thank you.

9 THE DEFENDANT: The Lord will send me a lawyer sooner or
10 later.

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

12 MR. JENNINGS: Thank you.

13 THE COURT: Mr. Grant, let me just tell you something. And
14 I can't -- I can't let that go, because I think it applies in this
15 situation. Because I had a minister share this with me one time, and
16 somebody else told me this story; and that is, a person made the
17 same comment, and he was sitting there, and he was in his house,
18 and the rains were coming.

19 And there was a law enforcement officer that came by and
20 said, "You need to leave, sir. You need to evacuate because the rains
21 are going -- we think the rains are going to continue, and you're in a
22 dangerous position. You can have a flood."

23 He said, "That's all right. I prayed to the Lord, and the Lord
24 is going to take care of me."

25 The floodwaters kept rising. Filled the first floor. He got to

1 his second floor.

2 A wildlife agent came by in a boat and said, "Sir, you better
3 get in the boat. You need to come on. Please get in the boat
4 because the waters are going to keep rising."

5 "That's all right, sir. I prayed, I prayed to the Lord, and the
6 Lord is going to take care of me."

7 The water kept rising. He crawled out on the chimney. The
8 water was just below him.

9 A helicopter came by. And he said, "Sir, you've got to grab
10 hold. The water is going to continue to rise. You're going to drown."

11 "No, sir. I prayed to the Lord. He's going to take care of
12 me."

13 The water kept rising. He drowned.

14 He got to heaven, got to Saint Peter. He said, "I don't
15 understand. I prayed. And you said you'd take care of me, and I
16 trusted you to do that."

17 He said, "Well, I sent a law enforcement agent, a wildlife
18 agent, and a helicopter to try to take care of you, and you turned
19 them down."

20 Be careful that you don't turn -- turn down the Lord's
21 response to your prayer.

22 THE DEFENDANT: Thank you.

23 THE COURT: Thank you, sir.

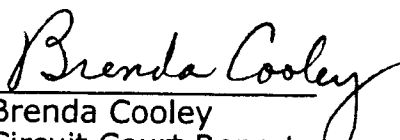
24 (Whereupon, the hearing is concluded at approximately
25 2:30 p.m.)

CERTIFICATE OF THE COURT REPORTER

I, the undersigned, Brenda Cooley, Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true and accurate transcript of record of the proceedings had and the evidence introduced in the hearing of the captioned case, pages 3 through 25, inclusive, relative to appeal, in the Court of General Sessions for Berkeley County, Moncks Corner, South Carolina, on the 11th day of June 2003.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

September 30, 2005


Brenda Cooley
Circuit Court Reporter

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF BERKELEY	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 03-GS-08-0499
	)	
Derrick Grant,	)	
	)	
Defendant.	)	

TRANSCRIPT OF STATUS CONFERENCE

The within status conference was held in the above-captioned case on November 21, 2003, before The Honorable R. Markley Dennis, Jr. in Courtroom E of the Berkeley County Courthouse, 300 California Street, Moncks Corner, South Carolina; attended by Counsel, as follows:

APPEARANCES:

Blair Jennings, Deputy Solicitor
 9TH JUDICIAL CIRCUIT SOLICITOR'S OFFICE
 300-B California Avenue
 Moncks Corner, SC 29416
 Appearing for State of South Carolina

Derrick Grant
 Appearing *Pro Se*

Patti Kennedy, Public Defender

DEBORAH GARRISON
Circuit Court Reporter - 9th Judicial Circuit
 Post Office Box 901
 Johns Island, South Carolina 29457
 (843) 768-1438
dGarrison@sccourts.org

1 NOVEMBER 21, 2003 9:20 A.M.

2

3 (DEFENDANT PRESENT)

4 THE COURT: Yes, sir, Mr. Jennings?

5 MR. JENNINGS: Your Honor, before
6 you is Derrick Grant. He is charged by two
7 indictments, 03-GS-08-0499 with the offense of
8 murder and 03-GS-08-0500 with possession of a
9 stolen pistol.

10 If I could, I would just like to
11 summarize sort of the procedural history that
12 has gotten us to where we are today?

13 THE COURT: Sure.

14 MR. JENNINGS: He was arrested in
15 December 2002. At that time he retained George
16 Bishop as his attorney. Mr. Bishop filed
17 Motions for discovery in January 2003 and we
18 provided him a complete copy of our file at that
19 time, on March the 4th of 2003.

20 Subsequently, as Your Honor remembers,
21 on April 30th, 2002 (sic), Motions were held in
22 which Mr. Grant asked that -- essentially fired
23 Mr. Bishop as his attorney and at that time
24 requested to proceed *pro se*. Your Honor made
25 that determination and we've proceeded from that

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1 time forward with him representing himself.

2 We have provided him with a complete
3 copy of discovery as it existed, at the
4 Charleston County Detention Center.

5 Today we have brought him back. We
6 have another stack of discovery responses.
7 What this entails is:

8 All the SLED testing that has been
9 done up to this point, a complete copy of SLED's
10 forensic file, where they have tested -- which
11 contained blood evidence.

12 Berkeley County's forensic file
13 from processing the scene.

14 SLED's fingerprint reports, DNA
15 reports, chain of custody reports, toxicology
16 reports, all the paperwork generated by SLED up
17 to this point.

18 The State's intention at this point --
19 there are a few final items being tested for DNA
20 at SLED. We anticipated that testing will be
21 completed either by end of December, start of
22 January. When that testing is completed, it is
23 our intention to call Mr. Grant's case for trial
24 either at the January term or during the
25 February term of court.

1 I have not been -- the State has not
2 been notified of any attorney that may be
3 representing Mr. Grant. We will proceed
4 assuming that he is representing himself. We
5 would just like to make sure that is still the
6 case.

7 THE COURT: Mr. Grant, -- do you
8 (Mr. Jennings) want to ahead and hand him the
9 information that you have?

10 MR. JENNINGS: Yes, sir, (tender-
11 ing). There is a letter dated today's date
12 documenting all the items that we have given
13 him.

14 THE COURT: Good morning, Mr. Grant.

15 DEFENDANT GRANT: Good morning, sir.

16 THE COURT: When we were last
17 together we talked about some of the problems
18 associated with representing yourself and you
19 indicated that you wanted, as I recall, that you
20 were desirous of representing yourself. Did not
21 want me to appoint someone to represent you.
22 Are you still desirous of representing yourself?

23 DEFENDANT GRANT: Yes, sir.

24 THE COURT: That is, of course, your
25 decision. You've now had an opportunity to

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1 review the material that had been given you.

2 DEFENDANT GRANT: Yes.

3 THE COURT: The solicitor is looking
4 at a February date, probably, realistically; end
5 of January, February week of trial. At this
6 point do you anticipate that you will need any
7 further, longer period of time before we call
8 the case for trial?

9 DEFENDANT GRANT: Yes, sir.

10 THE COURT: All right. Why?

11 DEFENDANT GRANT: Well, I don't know
12 how long that it is going to take me to go
13 through this paperwork. I have Motions that I
14 want to present to the court. Also, ---

15 THE COURT: You need to go ahead and
16 start filing those.

17 DEFENDANT GRANT: I have the Motions -
18 - I had no notice that I was coming here today.
19 I had no notice of this Hearing, so this is ---

20 THE COURT: Well, this is not a
21 Hearing. This is just a status conference, not
22 a hearing. Nothing is being done other than
23 giving you that material. This is really just
24 to accommodate you, to make sure that you've got
25 all the materials; to put that on the record.

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1 Whatever Motions that you need to file,
2 whatever Motions that you want heard, you need
3 to go ahead and file those Motions now.

4 DEFENDANT GRANT: Can you ---

5 THE COURT: Sir?

6 DEFENDANT GRANT: Can you give me the
7 procedure?

8 THE COURT: Sir, that is precisely --
9 I'm glad you asked that question, because that
10 is precisely one of the reasons that I have been
11 telling you all along that you really need to
12 hire an attorney or have an attorney appointed
13 for you, because you don't know how. You are
14 not going to be able to learn that within the
15 time that you have.

16 You really are doing yourself a great
17 disservice by representing yourself. It is your
18 right to do that and I will not argue that, I
19 will defend that right. If you insist, I will
20 be happy to allow you to represent yourself.

21 I don't know what access that you have
22 to newspapers where you are now but there was
23 recently a trial in Beaufort that showed exactly
24 what I am talking about, the problems associated
25 in that he represented himself.

1 One of the problems that rises -- I
2 practiced law for twenty-one years before
3 becoming a judge and I was trained, I had
4 experience, but I am human and sometimes I would
5 get upset during a trial. One thing my daddy
6 always told me, something that his daddy told
7 him, when you get mad you lose your battle
8 because you quit thinking. You start reacting
9 instead of acting. I've found that to be true a
10 lot of times. Apparently that is what happened
11 down in Beaufort.

12 It could happen in a trial. It is an
13 adversarial proceeding and it's easy to -- it's
14 easy to get emotional in a trial. Once you get
15 emotional, the problems are that you don't have
16 anybody to sit there that is objective. I mean,
17 you can't. It's impossible because it's you
18 that they are talking about. You know better
19 than anybody the importance of all of this.

20 But the problem is that you can't be
21 that objective person who is needed. That guy
22 wasn't either, and did you see what happened in
23 that case? He got upset and that showed -- one
24 thing for sure, I want to make clear, you've
25 been nothing but courteous with me and I

1 appreciate that. I thank you for that. You've
2 demonstrated each time that you've been in here
3 -- and I think you and I got off on the wrong
4 foot but we've remedied that, and I appreciate
5 that. You've been very respectful to this court
6 and I appreciate that.

7 But that has to be -- that sort of
8 approach has to be provided. If during the
9 trial, for instance, you got upset and were
10 unable to control it -- and I am not suggesting
11 that you would, but if you did and you represent
12 yourself, I don't have any option but to exclude
13 you from the courtroom. What happens then?

14 See, there's all kinds of problems that
15 could be associated with self representation.
16 But -- and you've already asked me the threshold
17 question.

18 Now, I could probably -- it's been
19 almost ten years since I practiced law, so it
20 would probably be dangerous if I were to engage
21 in it. I did do it for twenty-one years, but
22 there's a lot that I would have to bone up on,
23 so to speak. Learn, read. Of course, there are
24 some things that I know. But I am not allowed
25 to do that. See, I am prohibited from doing

1 that. All judges are prohibited.

2 That means that if we try this case, I
3 can't help you. I can't give you advice. I
4 can't say, 'Mr. Grant, you don't need to ask
5 that question.' Or, 'Mr. Grant, you need to ask
6 this question.' You have to make those
7 decisions.

8 Here is a book (displaying). I assume
9 that you have access to the Rules of Court.
10 There are rules of evidence that you will need
11 to do. It has the procedural rules, which you
12 will need to know. When you represent yourself,
13 you have to know these things.

14 These lawyers that are here, they've
15 studied this -- they've gone to school, they
16 have taken tests and then they've had to take
17 the biggest test of all, the test of life, the
18 test of the client. They have to learn how to
19 use these. They are useful tools, they really
20 are. But you don't know all of this.

21 Having said all of that, if you tell me
22 'I know that, I understand that, I still don't
23 want a lawyer, I want to represent myself', then
24 -- but that is what you have to understand.

25 When you ask me what is the procedure,

1 my response has to be, 'Friend, you're going to
2 have to look at the book, figure it out.'

3 Most importantly, and this is the
4 reason that I really wanted to do this because
5 I need to impress upon you two things:

6 Number one, I don't think it is in
7 your best interest to represent yourself.

8 Number two, the clock is ticking.
9 The day is going to come -- (pause).

10 I will entertain a Motion or if it is
11 another judge, that judge will hear, too, a
12 Motion to continue. But, you see, the problem,
13 you can't automatically continue it. There has
14 to be a reason for the continuance. If the
15 reason is, 'I haven't had enough time', the next
16 question will be, 'How long have you had this
17 material?' A lot of this material is just not
18 something that is going to grant you that
19 extended period.

20 That is why I say that you need to
21 start moving now. If you wait, for instance,
22 until January or February to start filing these
23 Motions. Some of these motions we could
24 probably hear the week before trial, and that
25 wouldn't be a problem. What is the nature of

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1 your ---

2 DEFENDANT GRANT: Motion to dismiss,
3 Motion for discovery of ---

4 THE COURT: The disclosure has been
5 done this morning, so that one has been done.

6 DEFENDANT GRANT: Motion to suppress.

7 THE COURT: Suppress evidence?

8 DEFENDANT GRANT: Right.

9 THE COURT: You need to have that
10 filed as quickly as you can now that you have
11 everything. There is no reason now that you --
12 if you need anything else to help you prepare,
13 you need to get that Motion filed so that we can
14 have it heard. Then you will know whether or
15 not the court is going to suppress the evidence.

16 The Motion to dismiss, you can file it.

17 DEFENDANT GRANT: That's about a ten-
18 page Motion.

19 THE COURT: It doesn't matter if you
20 -- let me explain something to you. You
21 understand -- you've read the law and understand
22 that in considering a Motion to dismiss, you
23 take the evidence in the light most favorable to
24 the State? That means that I could -- I could
25 give the State all the benefits of the doubt, if

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1 there is any evidence. Based on what I've heard
2 discussed thus far, there is probably some
3 evidence that is going to warrant me denying
4 that Motion. That Motion should not take very
5 long. You can file it, but it will not take very
6 long to consider and that's why you have a jury
7 trial. You need to get it filed, though. Okay?

8 DEFENDANT GRANT: Yes, sir.

9 THE COURT: Do you still want to
10 represent yourself?

11 DEFENDANT GRANT: Yes, sir.

12 THE COURT: Do you have access to
13 some law library where you are?

14 DEFENDANT GRANT: I've got access to
15 some law ---

16 THE COURT: Law books?

17 DEFENDANT GRANT: Yes, sir.

18 THE COURT: All right. Do you have
19 access to a book called the South Carolina Rules
20 of Court?

21 DEFENDANT GRANT: No, sir.

22 THE COURT: Solicitor, do you have an
23 extra copy of one of those books? Do we have
24 one? Patti, do you'all have one?

25 MS. PATTI KENNEDY: Your Honor, I

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13

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1 have one that I brought that I'll be happy to --
2 we have some in the office, this is just one
3 that I'd brought over.

4 THE COURT: If we could just -- you
5 need to check and see if you can get this book.
6 It has the rules of evidence and you are going
7 to really need the rules of evidence.

8 MR. JENNINGS: To facilitate a lot
9 of this, we're going to transport him back to
10 Berkeley County Detention Center at the end of -
11 - towards the end of this month, probably.

12 THE COURT: Okay. So he will be
13 available.

14 MS. KENNEDY: Your Honor, I will
15 make arrangements to get him a copy of this
16 book.

17 THE COURT: Thank you very much. Ms.
18 Kennedy is a public defender. This is the lady
19 that just stood. She is not appointed but she
20 has been kind enough to say that she will share
21 some of her materials with you, some books for
22 you to read. I would suggest that you read
23 them. There are rules that apply to criminal
24 court, there are rules that may apply
25 specifically as to how the court runs on the

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1 civil side but some of them will cross over into
2 the criminal. Then there's the rules of
3 evidence. Okay?

4 DEFENDANT GRANT: Yes, sir.

5 THE COURT: Right now you need to
6 file those Motions. Please understand that from
7 this point that you are looking at a projected
8 trial date of the end of January or the term in
9 February. Okay?

10 DEFENDANT GRANT: Thank you.

11 THE COURT: Yes, sir.

12 MR. JENNINGS: Since we are going
13 to use our term January 5th for a lot of
14 procedural things, administrative, we could hear
15 those Motions that week.

16 THE COURT: That would be great. Get
17 the Motion filed quickly, then we -- we'll have
18 a term of court the first week in January, after
19 the New Year's holiday, and that's -- that is
20 the week that we are doing administrative
21 matters and we will give you notice what date
22 that we are, but you need to get those Motions
23 filed.

24 DEFENDANT GRANT: Yes, sir. Could you
25 ask the solicitor to inform me of the next type

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1 of proceeding here?

2 THE COURT: We are, that's what I
3 just did.

4 DEFENDANT GRANT: Okay.

5 THE COURT: You've got to file your
6 Motions by that time.

7 DEFENDANT GRANT: Okay. I just didn't
8 know nothing about this hearing.

9 THE COURT: I've told you that this
10 is not a hearing.

11 DEFENDANT GRANT: Right.

12 THE COURT: A hearing is when we hear
13 something and I make a ruling. I am not making
14 a ruling on anything.

15 DEFENDANT GRANT: I am just scared out
16 of my mind, not knowing nothing about nothing.

17 THE COURT: Mr. Grant, again, I
18 appreciate that. See why, again, you need to
19 have a lawyer?

20 DEFENDANT GRANT: I understand.

21 THE COURT: All of these things that
22 you people are alluding to is why you need a
23 lawyer. If -- you know what the solicitor does?
24 He calls Ms. Kennedy and he says, 'Ms. Kennedy,
25 I want to talk about this case.' Seriously,

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1 that is how it will happen. She comes prepared
2 to talk about the case. That's why he called
3 you, because you are your lawyer.

4 DEFENDANT GRANT: Could I say some-
5 thing?

6 THE COURT: Sure.

7 DEFENDANT GRANT: The main reason why
8 I wouldn't hire an attorney or, I mean, ask to
9 be appointed a public defender to represent me
10 is the simple fact that to me it seems the same
11 person writes their checks.

12 THE COURT: No, sir.

13 DEFENDANT GRANT: Well, ---

14 THE COURT: The Public Defender and
15 the Solicitor work hand-in-hand.

16 DEFENDANT GRANT: --- I am just saying
17 ---

18 THE COURT: Let me just address
19 something before you do that. I have a bad
20 habit of cutting people off but I want to throw
21 something else into the mix that is very
22 important. Unless you've been there and done
23 it, you really don't realize how significant it
24 is. You see, the check part really doesn't make
25 any difference. It is the same check that pays

1 me. I mean, you know, the State.

2 But the State doesn't pay the Public
3 Defender, I don't think. I believe that the
4 County pays it.

5 MS. KENNEDY: Yes, Your Honor,
6 that's correct.

7 THE COURT: There may be some funds
8 but most of it's not from the State. But most
9 importantly -- we had a trial this week, both
10 sides were represented fully and every person
11 that you see in this courtroom that is a lawyer,
12 and I am one, too, -- when I passed the Bar, I
13 went to Columbia, to the Supreme Court, and I
14 put my hand on the Bible. I raised my hand and
15 I swore to do something. For twenty-one years I
16 did it as a lawyer.

17 I swore several things: Number one, I
18 would -- in a nutshell, I am paraphrasing -- use
19 my ability and my knowledge to represent my
20 client diligently, that I would commit to that
21 adversarial process that I would never, ever
22 perpetrate a fraud on the court. I would never
23 put forth something that I knew was wrong, that
24 was not correct, simply for the benefit of the
25 client but that I would always, always, fight

1 for my client. That is what I see happening
2 with lawyers every day. There are tons of times
3 that I didn't agree with my client's decisions,
4 but that didn't stop me from fighting for them.
5 I laid it on the line. It's their fault.

6 But the bottomline is, don't ever --
7 when you talk about that, don't ever, ever
8 remove that oath. Because, you know why?
9 Because if they violate that oath, if I violated
10 that oath, I would lose my license to practice
11 law. So that oath is very, very important. It
12 is probably the most beautiful part of what
13 happens as a lawyer. When I say -- and you will
14 hear me say it at your trial -- that the
15 attorneys are officers of this court. That's
16 what they are. They are officers of this court.
17 They, just like me, just like the jury, have
18 taken an oath. That oath means something.

19 I appreciate your perspective but
20 unfortunately it is a perspective that is
21 somewhat tainted with your -- again, your own --
22 and I am not being critical of you, I have
23 prejudices, biases, too, we all do, we are
24 human, and it is all generally related to how we
25 feel about something. I don't fault your right

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1 to feel that way but I would just tell you that
2 your trust is misplaced, or your lack of trust
3 is misplaced. You really do (sic).

4 I mean, without some specific problem,
5 just generalizing and saying that all public
6 defenders are bad ---

7 DEFENDANT GRANT: Not all ---

8 THE COURT: No, I can't say that they
9 are. I've had too many good ones. There are
10 two of them sitting right over there (indicating
11 Patti Kennedy and Debi Littlejohn, Public
12 Defenders) that I have dealt with a ton of
13 times. Right now. Those two. I watched that
14 one sit there and argue with me right to the
15 bitten end in a trial. That is what you find --
16 that is what she should do for her client(s).

17 DEFENDANT GRANT: Your Honor, I would
18 like to say the Solicitor and the detectives in
19 this case, they have lied so much that -- all of
20 that will come to light.

21 THE COURT: You know what? I don't
22 know whether they did or they didn't but ---

23 DEFENDANT GRANT: Oh, man, I'd say.

24 THE COURT: Just a second, Mr. Grant.
25 I don't know whether they did or didn't, but

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1 that is the beautiful process that we have.

2 DEFENDANT GRANT: Yes, sir.

3 THE COURT: That's why we have jury
4 trials.

5 DEFENDANT GRANT: Yes, sir.

6 THE COURT: That's why we have a
7 judge. I will be the judge of the law if I
8 happen to try it, the jury will be over there
9 and they will be the judge of the facts and they
10 will make those decisions.

11 DEFENDANT GRANT: Yes, sir.

12 THE COURT: But the bottomline is,
13 remember -- remember -- don't ever forget --
14 that you have to be the advocate for yourself.

15 DEFENDANT GRANT: Yes, sir.

16 THE COURT: Okay.

17 DEFENDANT GRANT: I feel comfortable
18 in what I am doing, sir.

19 THE COURT: Very well. Mr. Grant,
20 have a good day, sir. Thank you.

21 (STATUS CONFERENCE CONCLUDED)

22

23

24

25

CERTIFICATE OF REPORTER

I, the undersigned, Deborah Garrison,
official court reporter for the 9TH Judicial
Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true,
accurate and complete transcript of the status
conference held before The Honorable R. Markley
Dennis, Jr., on November 21, 2003;

I further certify that I am neither kin nor
counsel to any of the parties and have no
interest in the outcome of this action.

Deborah Garrison

Deborah Garrison
Circuit Court Reporter
9th Judicial Circuit

Charleston, South Carolina

March 24, 2008

STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
COUNTY OF BERKELEY)

STATE OF SOUTH CAROLINA)
)
 vs.) Case No. 03-GS-08-0499
)
 DERRICK GRANT,)
)
 Defendant.)

TRANSCRIPT OF HEARING

The within Hearing was held on January 7th, 2004, before The Honorable R. Markley Dennis, Jr., in Courtroom E of the Berkeley County Courthouse, 300 California Avenue, Moncks Corner, South Carolina; attended by Counsel, as follows:

APPEARANCES:

Blair Jennings, Deputy Solicitor
Ralph Hosington, Solicitor
9TH JUDICIAL CIRCUIT SOLICITOR'S OFFICE
300-B California Avenue
Moncks Corner, South Carolina 29461
(843) 719-4496
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Appearing for State of South Carolina

Derrick Grant, *Pro Se*

Patricia Kennedy, Assistant Public Defender
Appointed by Court to assist Defendant

DEBORAH GARRISON
Circuit Court Reporter - 9th Judicial Circuit
Post Office Box 901
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dGarrison@scccourts.org

1 MR. JENNINGS: Do you want to take a
2 few minutes?

3 THE COURT: I am ready if you're ready.

4 MR. JENNINGS: Yes, sir.

5 THE COURT: Solicitor, do you have the
6 case number?

7 MR. JENNINGS: Yes, sir. State
8 versus Derrick M. Grant, Case No. 03-GS-08-0499.

9 COURT REPORTER: Thank you.

10 (DEFENDANT PRESENT)

11 THE COURT: Let the record reflect that
12 Mr. Grant is present. Good morning, Mr. Grant.

13 MR. GRANT: Good morning, sir.

14 THE COURT: Mr. Grant, the purpose of
15 this today, your being here, you had requested and
16 I've received copies and I'm assuming that the
17 file contains the originals of these, as well,
18 although one of these appears to be an original.
19 That's the one -- yeah, December 9th, that you --
20 did you file this letter that you addressed to me,
21 as well?

22 MR. GRANT: Yes, sir.

23 THE COURT: So you sent me the original
24 and you filed another one?

25 MR. GRANT: Yes, sir.

1 THE COURT: Well, I am going to file
2 this, just out of an abundance of caution, just so
3 that the file is complete; is that acceptable with
4 you?

5 MR. GRANT: Yes, sir.

6 THE COURT: And there are attachments
7 to that document, and I brought it this morning to
8 verify that. I am not sure that I understand them
9 but you'll explain them in a minute. I just want
10 to be sure that is contained within the file.
11 Solicitor, do you have the document dated December
12 9th, a two-page document?

13 MR. JENNINGS: Yes, sir.

14 THE COURT: Okay, very well.

15 MR. GRANT: Your Honor?

16 THE COURT: Yes, sir?

17 MR. GRANT: Can I request that
18 these handcuffs be off so that I can be able to
19 handle the papers?

20 THE COURT: Yes, sir. Would you
21 please accommodate Mr. Grant?

22 OFFICER LAWRENCE: (Removes cuffs).

23 THE COURT: Mr. Grant, ---

24 MR. GRANT: Thank you.

25 THE COURT: Thank you very much. I \

1 certainly expect, and I don't have any reason not
2 to, that you will conduct yourself in a proper
3 manner, with proper courtroom decorum.

4 MR. GRANT: Thank you, sir.

5 THE COURT: All right, generally there
6 has been a Motion -- the first -- well, I don't
7 know that it was the first but I have a document
8 that is captioned Motion To Dismiss or in the
9 alternative Motion to Quash Indictment. Do you
10 have any preference as to the order in which you
11 hear your Motions, Mr. Grant?

12 MR. GRANT: No, sir.

13 THE COURT: Solicitor, do you have any
14 preference?

15 MR. JENNINGS: No, sir.

16 THE COURT: All right. Why don't we
17 deal with the Motion to Dismiss or in the alter-
18 native Motion to Quash the Indictment. It would
19 seem to me that if that is granted then the other
20 becomes moot. So for the purposes of order, let
21 me hear you -- and, Mr. Grant, what I am going to
22 do is -- since you have filed this document, is
23 there anything else since you've filed this that
24 you wish to add to the record to supplement your
25 position?

1 MR. GRANT: (Laughs).

2 THE COURT: I mean, you have given a
3 very extensive document, which has been filed, and
4 I assume that that contains your position and
5 argument, to a large extent, of why you believe
6 your indictment should be either quashed or the
7 case dismissed.

8 MR. GRANT: No, sir.

9 THE COURT: No, it does not or 'no',
10 that you don't wish to add anything to it?

11 MR. GRANT: No, sir.

12 THE COURT: You do not wish to add
13 anything?

14 MR. GRANT: No, sir.

15 THE COURT: All right. What I am going
16 to do them is to allow the Solicitor to argue
17 concerning that Motion. And as you may or may not
18 know, when a person brings a Motion generally they
19 have to present their position and then the other
20 side responds to that and then the person that
21 filed the Motion has an opportunity to reply to
22 any argument that the State makes. I think that
23 this document contains your position, as you have
24 just stated, and I will now allow the Solicitor to
25 argue his position and then, if you wish to make

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1 any respond to that, I will give you an
2 opportunity to do that; is that agreeable with
3 you?

4 MR. GRANT: Yes, sir.

5 THE COURT: While the Solicitor is
6 arguing, I would ask that you wait to make any
7 statement until he has completed his entire
8 argument. Okay?

9 MR. GRANT: Yes, sir.

10 THE COURT: I am the world's worst for
11 interrupting people sometimes, so I understand how
12 difficult that may be, but it will help me and it
13 will certainly help the court reporter if we can
14 do it in that fashion. Solicitor, I will be
15 happy to hear from you now in response to this.

16 MR. JENNINGS: Thank you, Your Honor.
17 May it please the Court, ---

18 THE COURT: Yes, sir.

19 MR. JENNINGS: --- as far as the
20 Motion to Dismiss, I would submit to the Court
21 that it is not a proper time for that Motion.
22 The items that he lays out would be items that
23 would be raised at the time that the State rests
24 its case during trial if he were to make a Motion
25 to direct a verdict that the State has not met its

1 burden as to the charge of murder.

2 As this point, the case was presented to
3 the Grand Jury in the March 2003 term, at which
4 time Lieutenant Mason with the Berkeley County
5 Sheriff's Office testified to the Grand Jury, and
6 the Grand Jury did return a True Bill indictment
7 on that charge. The indictment was signed as a
8 True Bill by the Foreman. At this point, I think
9 procedurally the case is in the proper mode to go
10 forward to trial.

11 THE COURT: There has been some
12 question raised as to whether or not it was
13 actually signed. Is the original indictment
14 present?

15 MR. JENNINGS: Yes, sir, and it has
16 been signed.

17 THE COURT: If I could view the
18 original indictment, please. And I am not
19 disputing what you're saying, Solicitor, I just
20 need to review it for purposes of the record, I
21 think.

22 MR. JENNINGS: (Tenders), yes, sir.

23 THE COURT: Thank you, sir. All right,
24 I have now been handed the original indictment in
25 this case charging or accusing Mr. Grant of

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1 committing the offense of murder. The stamp
2 indicates that it was filed on March 13th, 2003.
3 The Grand Jury -- it appears on the face of the
4 indictment that it has been signed by the
5 foreperson of the Grand Jury and the words "True
6 Bill" appears on the face of the indictment
7 itself, as is required by law.

8 Mr. Grant, do you wish to see this -- to
9 view that, as well?

10 MR. GRANT: Yes, sir, if you would let
11 me see it.

12 THE COURT: If you (bailiff) will, let
13 Mr. Grant see the reverse side of the indictment.

14 DEPUTY: (Tenders to Mr. Grant).

15 MR. GRANT: (Reviewing).

16 BAILIFF: It's on the other side.

17 MR. GRANT: (Upon review), thank you
18 (returns indictment to bailiff).

19 THE COURT: All right, let the record
20 reflect that Mr. Grant has had an opportunity to
21 review the original indictment. All right.

22 MR. JENNINGS: I think that on Mr.
23 Grant's Motion -- on the Motion to quash the
24 indictment that he used the term that it has not
25 been stamped "True Bill". Case law from our

1 Supreme Court says that it can either be stamped
2 or noted on the face of the indictment, which
3 clearly in this case it has.

4 As far as his Motion -- Mr. Grant has
5 admitted being at the scene of the crime, he has
6 admitted to having sexual intercourse with the
7 victim on the day that she was killed. So that
8 fact puts him at the scene. And I would submit to
9 the Court that there is other evidence that will
10 presented in our case in chief, which will be the
11 evidence tying him to her murder.

12 Then at that point, it would be -- if he
13 made a Motion at that time to dismiss or later on
14 he made a Motion to have the charge reduced to
15 manslaughter, I think under the misguided notion
16 that the State has to prove motive or
17 premeditation; which, as Your Honor knows, is not
18 an element of murder. That would be the time, at
19 the time that the State rests its case, for Mr.
20 Grant to make those motions; one to have a
21 directed verdict if the State had not met its
22 burden or, two, to have the lesser-included
23 offense included in the charge. That would be the
24 appropriate time for those Motions.

25 THE COURT: Thank you. All right,

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1 thank you. Mr. Grant, I'll be happy to hear from
2 you now in response?

3 MR. GRANT: Your Honor, I have no
4 remarks as far as the Motion to Dismiss. Every-
5 thing is written down.

6 THE COURT: All right, thank you, sir.
7 How about the Motion to Quash?

8 MR. GRANT: (Negative gesture).

9 THE COURT: Nothing else?

10 MR. GRANT: Nothing else, Your Honor.

11 THE COURT: Very well. I find that
12 the Motion to Dismiss should be denied at this
13 point. Certainly that, Mr. Grant, is without
14 prejudice. It means that you at a later stage may
15 renew this Motion. But the Motion to Dismiss
16 would not be timely made at this point because the
17 State, because the Grand Jury has acted and a True
18 Bill has been reported. That means that now the
19 matter needs to be presented in court.

20 The State, of course, has the burden of
21 proof. At the conclusion of the State's case, you
22 would have the right at that point to move for
23 direction of a verdict of acquittal if the State
24 fails to meet its burden of proof and fails to
25 meet the standard that it is required to meet with

1 competent evidence.

2 At this point, I would be required to
3 rule on matters that really are not in evidence
4 before the Court and therefore I must respectfully
5 dismiss or deny your Motion to dismiss.

6 With regard to the Motion to Quash the
7 indictment, clearly that -- likewise, the
8 indictment is proper in its form and it appears
9 on its face to be correct. Therefore, I think
10 that it meets all the requisite tests and warrants
11 this matter being continued to be presented before
12 a petit jury of your choice to resolve the issues
13 in this matter as set forth and framed by that
14 indictment.

15 Clearly there is an indication or was an
16 indication before the Grand Jury for a True Bill
17 to be rendered. Likewise, the information
18 contained now in your Motion, which you have
19 signed as your lawyer and which is verified by
20 that signature, is further indica of facts to
21 support the issuance of the indictment and,
22 therefore, your having to appear in response to
23 the charge.

24 And that's all that the indictment says.
25 It doesn't mean anything other than that. I will

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1 instruct the jury, once it's qualified, once it is
2 picked, that an indictment is nothing more than a
3 mere accusation. It is not evidence, can't be
4 considered as evidence. The evidence comes forth
5 during the trial of the case. I will certainly
6 instruct the jury accordingly if I happen to be
7 the trial judge when this case is heard. Any
8 judge will do that.

9 So your Motions to dismiss and/or quash
10 are denied at this point.

11 Okay, let's look now at the other
12 issues. There are issues contained and set forth
13 in your December 9th letter asserting materials
14 which you have requested. They are numbered one
15 through twelve, I believe.

16 Are there any additional matters that
17 have come to your attention, Mr. Grant?

18 MR. GRANT: There is one more.

19 THE COURT: What is that?

20 MR. GRANT: I would like to have DNA,
21 under the DNA conducted by Steven J. Lambert, as
22 listed under Table 1 and 2 as being the results of
23 evidence tested, the DNA results, and the Motions
24 that Deputy Solicitor Blair presented to me at my
25 last Hearing, these tables were not presented in

1 the Motions or in the copies of the medical
2 reports.

3 THE COURT: Solicitor, I'll be happy
4 to hear from you.

5 MR. JENNINGS: Yes, sir, I believe
6 that I can address all of them. I have that for
7 him. It should have been contained in the DNA
8 report, but I have that, (tendering).

9 THE COURT: Okay.

10 MR. JENNINGS: As to number two, the
11 photographs. I have copies of photographs from
12 the scene, all photographs from the scene, all the
13 photographs of the victim's car, the photographs
14 that were taken of Mr. Grant, his possessions and
15 photographs that were taken at his home.

16 We are still waiting on -- Berkeley
17 County and SLED both took photographs of the
18 victim's car. I anticipate that they are going
19 to be duplicative of each other, but we will
20 also provide him with SLED's photographs.

21 THE COURT: Okay.

22 MR. JENNINGS: That's eleven rolls
23 of photographs, (tendering).

24 THE COURT: Very well.

25 MR. JENNINGS: I have not at this

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1 time provided him with copies of the victim at her
2 autopsy. We do not intend to introduce those
3 photographs and I am not aware of any probative
4 value that they would have to Mr. Grant's defense.
5 If he can provide Your Honor with some proof that
6 he needs them, I will be happy to comply with an
7 Order.

8 THE COURT: All right.

9 MR. JENNINGS: As far as number
10 three, we have provided him with all medical
11 expert reports. That's limited to the autopsy
12 report.

13 MR. GRANT: Excuse me?

14 MR. JENNINGS: We provided all the
15 medical experts' reports that exist in this case.

16 THE COURT: All right, sir.

17 MR. JENNINGS: As to number four, at
18 this time I am not aware of any notes that were
19 taken by law enforcement relating to their
20 conversations with Mr. Grant. But if I find any,
21 I will certainly provide them to him.

22 THE COURT: Have you talked with
23 persons who ---

24 MR. JENNINGS: Yes, sir, I have.
25 I talked to Lieutenant Ollick, Captain Ollick,

1 yesterday.

2 THE COURT: And there are no notes?

3 MR. JENNINGS: No notes.

4 THE COURT: Okay. All right.

5 MR. JENNINGS: As to number five,
6 all investigative reports, information and
7 material which tends to establish the defendant's
8 innocence, to discredit or contradict the
9 testimony of any witness the State will call or
10 may call at trial. I've provided him with a
11 complete copy of my file.

12 THE COURT: Okay.

13 MR. JENNINGS: So everything that
14 exists, he's got a copy of it.

15 THE COURT: All right.

16 MR. JENNINGS: As to number six,
17 a copy of the Grand Jury hearings, there's no
18 transcript of the Grand Jury.

19 THE COURT: And one is not required.

20 MR. JENNINGS: Correct. Number
21 seven, copy of the Order attached to the document
22 ordering the defendant to give samples of blood
23 and hair on June 11th, 2003. He was provided with
24 that on the date of the Hearing, but I will also
25 have another copy for him.

1 THE COURT: Very well.

2 MR. JENNINGS: Names and addresses
3 and statements of all witnesses interviewed by
4 the Sheriff's Department and/or law enforcement
5 agencies, whether or not the witness may testify
6 at trial. He's been provided with all witness
7 statements.

8 THE COURT: Okay.

9 MR. JENNINGS: All records of
10 criminal ---

11 THE COURT: Let me ask you. He's been
12 provided all statements. Has he been provided
13 with the name and address of any witness that was
14 mentioned or that was talked to but a statement
15 not obtained?

16 MR. JENNINGS: Every witness who was
17 spoken to was documented in the investigative
18 reports and he has all that.

19 THE COURT: So there is a statement
20 made of every witness that was talked to?

21 MR. JENNINGS: Correct, even if
22 their information was later ruled not relevant
23 or something, a statement was taken.

24 THE COURT: Okay.

25 MR. JENNINGS: Criminal records of

1 the defendant and all state witnesses. He's got
2 a copy of his record and when we run all the
3 witnesses we will provide theirs to him.

4 THE COURT: Okay.

5 MR. JENNINGS: Readable copies of --
6 what it is, is the SLED report documenting all the
7 evidence that was inventoried at SLED, five pages
8 of that, and I have a readable copy of that for
9 him today, (tendering).

10 THE COURT: All right.

11 MR. JENNINGS: All photos taken of
12 the victim's vehicles, interior and exterior.
13 We have provided that to him.

14 THE COURT: All right.

15 MR. JENNINGS: And all photos of
16 where the victim was found at the crime scene.
17 We have also provided that to him today.

18 THE COURT: Okay.

19 MR. JENNINGS: And I've prepared a
20 letter narrating the items that we are providing
21 to him. I provide that to him with the
22 photographs as well as all other documents.

23 THE COURT: All right. And I would
24 ask that you, just for the purposes of the record,
25 that you make sure a copy of that letter is filed

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1 with the Clerk's office.

2 MR. JENNINGS: What I will do, I will
3 clock in a copy of what we've provided -- I have
4 kept track of all the items that we have provided
5 so far, and I will clock all that in.

6 THE COURT: Very well. Thank you.
7 All right, Mr. Grant. You've been provided now
8 with a number of matters. I think that addresses
9 one through 12. Obviously you've just received
10 that information and have not had a chance to
11 review it, so after you've had a chance to review
12 that, if you need to file further Motions, I will
13 be happy to accommodate you and to make
14 arrangements to hear from you further as soon as
15 you make that request, if it becomes necessary.

16 Is there anything else that you need
17 from me today?

18 MR. GRANT: No, sir, Your Honor.

19 THE COURT: And you are still pro-
20 ceeding *pro se* in this matter; is that correct?

21 MR. GRANT: No, sir, I would like to
22 ask the Court to be appointed a public defender
23 co-counsel, where I will do the opening and they
24 can ---

25 THE COURT: Well, Mr. Grant, let me

1 just tell you this. I am not going to appoint a
2 co-counsel. That's a hybrid representation and
3 the Supreme Court has said that we don't have
4 such. It's not recognized in this State, where
5 you serve as your lawyer and they serve as your
6 lawyer. We are not going to do that.

7 If you want someone appointed to assist
8 you, then I will entertain that Motion and may
9 appoint someone with certain limitations and
10 restrictions.

11 MR. GRANT: Yes, Your Honor.

12 THE COURT: Do you want someone to
13 assist you?

14 MR. GRANT: I would like to have
15 someone to assist me, but I would like to give
16 my opening statement.

17 THE COURT: Tell me tell you the
18 parameters. This person who will be appointed
19 to assist you will be appointed to give you
20 information. They will not be your lawyer, they
21 will not be subject to post-conviction relief
22 applications should that become necessary, because
23 they are not your lawyer. They are here to serve
24 only as to give you professional guidance and
25 assistance, but you will handle your case. You

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1 will try your entire case. They will give you
2 advice, and you can take it or not. But until
3 and as long -- unless you are removed from
4 representing yourself, and I don't anticipate that
5 if you continue to represent yourself that that
6 will happen.

7 The only one that comes to mind is a
8 case recently tried in Beaufort County where the
9 defendant became -- was unable to conform his
10 conduct consistent with requirement of courtroom
11 decorum and had to be removed. In that case an
12 attorney was appointed to represent or an attorney
13 served as his representative.

14 At this point, am not going to do that.
15 I am not going to appoint a counsel that will be
16 your counsel of record. You're either going to
17 have an attorney and you can work with your
18 attorney or you're going to represent yourself.
19 I am not going to have this hybrid representative.

20 You need to think about, I guess, what I
21 just said. If you want me to appoint someone to
22 assist you, I will consider that.

23 MR. GRANT: If you would take that
24 into consideration, Your Honor.

25 THE COURT: Well, if you want me to do

1 it, I am prepared to do that.

2 MR. GRANT: Yes, Your Honor.

3 THE COURT: All right, I am going to
4 appoint the Public Defender's office of Berkeley
5 County to assist. The Public Defender, however,
6 is not to be considered -- and I think we need an
7 Order, please, Ms. Kennedy, that sets forth the
8 parameters that you're not the attorney of record,
9 you are not to be subject to any post-conviction
10 relief application stating ineffective assistance
11 of counsel. Do you understand that, Mr. Grant?

12 MR. GRANT: Yes, Your Honor.

13 THE COURT: Now, please understand that
14 I don't know what is going to happen and I am not
15 being so presumptuous as to assume the results of
16 a jury trial. That's not for me. As I stated
17 throughout, and I'll state to you today, I respect
18 and I took an oath to uphold the Constitution of
19 this state and the United States. According to
20 the Constitution, you are an innocent man. I view
21 you as an innocent man. You have been accused of
22 something but you have not been convicted of that.
23 However, I also need to address things -- and I am
24 not suggesting what is going to happen by doing
25 that. I am just simply saying, if you should be

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1 convicted one -- one application that some persons
2 may have is to file an application called post-
3 conviction relief where they claim that their
4 attorney was ineffective. You're not going to
5 have that option because the Public Defender is
6 not your attorney. Okay?

7 MR. GRANT: Yes, sir.

8 THE COURT: They are giving you
9 advice. You make the call as to whether you use
10 it or not. Okay?

11 MR. GRANT: Yes, Your Honor.

12 THE COURT: They are just -- they're
13 really serving as experts to assist you in your
14 case. They are experts in the sense that they are
15 trained in this area, they have knowledge in this
16 area, they know the law, they know the procedure.
17 But whatever happens is your decision as your
18 attorney. Are we clear?

19 MR. GRANT: Yes, Your Honor.

20 THE COURT: Ms. Kennedy, if you could
21 draw me an Order.

22 MS. KENNEDY: Yes, Your Honor. And may
23 I ask if we also could be provided with a copy of
24 the Rule 5 materials? Also, Mr. Grant requested a
25 copy of the Rules book, which I have for him but

1 he hasn't been brought back to Berkeley County.
2 We can expedite that as soon as he is brought
3 back.

4 THE COURT: All right. When do we
5 anticipate him being returned?

6 MR. JENNINGS: Next week.

7 THE COURT: Next week, is that
8 sufficient?

9 MS. KENNEDY: Yes, sir. Thank
10 you.

11 THE COURT: At that point, why don't we
12 do this -- I hear you, why don't you meet with Mr.
13 Grant first ---

14 MS. KENNEDY: Yes, sir.

15 THE COURT: --- and then if you need
16 further requests from this Court as his assistant,
17 expert assistance, I will be happy to entertain
18 that and maybe the Solicitor can accommodate him.

19 But before we reproduce something that
20 may be there, maybe we could check on that.

21 MS. KENNEDY: Yes, sir.

22 THE COURT: Thank you very much.

23 THE COURT: Are we okay now, Mr.
24 Grant?

25 MR. GRANT: Yes, sir, on that.

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1 THE COURT: On that issue?

2 MR. GRANT: Yes, sir.

3 THE COURT: Anything else?

4 MR. GRANT: Yes, Your Honor. I think
5 that I misunderstood exactly what you said, will
6 you be hearing my other Motions today?

7 THE COURT: What other Motions do you
8 have?

9 MR. GRANT: Motion to suppress ---

10 THE COURT: Yes, sir, I am going to
11 hear any Motion that you have. Motion to suppress
12 the -- what -- was that in that Motion to Quash?

13 MR. GRANT: No, sir.

14 THE COURT: Okay, I see it. I'm with
15 you. I didn't address those. Motion to disclose
16 -- let me go through that. Thank you very much,
17 Mr. Grant, I appreciate you bringing that to my
18 attention. I failed to address those.

19 The next Motion that I have is a Motion
20 for disclosure between prosecution and state
21 witnesses. You've set forth your position in that
22 particular Motion, Mr. Grant?

23 MR. GRANT: Sir?

24 THE COURT: You had set forth your full
25 position in that particular Motion?

1 MR. GRANT: Yes, Your Honor.

2 THE COURT: Do you wish to supplement
3 it in any fashion?

4 MR. GRANT: No, Your Honor.

5 THE COURT: Solicitor, do you want to
6 respond to that Motion?

7 MR. JENNINGS: Yes, sir, there were
8 no deals or agreements made with any witnesses by
9 the State.

10 THE COURT: Okay. At this point the
11 State indicates that there are no deals. Of
12 course, Mr. Grant, if you -- one of the things
13 your appointed legal assistant will tell you is
14 that if you should discover through your efforts
15 in preparing -- and, as you know, you don't have
16 anything to prove. But if in preparing for your
17 trial you should discover anything that
18 contradicts what the State has mentioned, you
19 bring that to my attention. Okay?

20 MR. GRANT: Yes, sir.

21 THE COURT: And then we will address
22 that. But when the State says, for instance, --
23 just as an example, when the State says there are
24 no notes of any interviews, no notes of your
25 interview, if you should find some notes, then we

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1 will deal with that issue. But at this point,
2 once the State represents that there are none, the
3 Court assumes that there are none until you raise
4 the -- until you present it to me otherwise.

5 Okay?

6 MR. GRANT: Yes, sir.

7 THE COURT: So at this point there are
8 no deals, so that Motion has been addressed.

9 The next Motion that I have is a Motion
10 to suppress. It's a Motion to address the pulled
11 pubic hairs, saliva, the blood and head hair --
12 head hair, is that correct?

13 MR. JENNINGS: Head hair.

14 THE COURT: Four items?

15 MR. GRANT: Yes, Your Honor.

16 THE COURT: And your position is set
17 forth specifically in your motion to suppress?

18 MR. GRANT: Well, Your Honor, I have
19 amended to suppress -- my Motion to Suppress.

20 THE COURT: Okay. Go okay and tell me
21 -- state your position.

22 MR. GRANT: My Motion to suppress was
23 amended to the ring, bracelet and jacket that I
24 had on at the time of my arrest, that was placed
25 into evidence ---

1 THE COURT: There's nothing in
2 evidence, yet. It's only been taken/seized.

3 MR. GRANT: Yes, but my suppression
4 is that I was -- I can't say "arrested", because
5 I was took into -- I was brought from Berkeley
6 to the Berkeley County Detention Center for a
7 Charleston County Family Court bench warrant.
8 So there would be legal procedures used by the
9 detectives to either arrest me or -- I was
10 arrested in Berkeley County for a Charleston
11 County bench warrant. The clothes that I had on
12 and the jewelry that I had on should never been
13 given to the detectives to be placed in evidence
14 because I never was arrested on the charge until
15 two days later. They never should have had it in
16 their possession, in the possession of the
17 Berkeley County jail.

18 THE COURT: All right. And ---

19 MR. GRANT: So that is my suppression
20 on that.

21 THE COURT: Solicitor? Anything else?

22 MR. GRANT: Yes, sir. The suppression
23 on the clothes, pubic hair, saliva, blood and head
24 hair, on December 31st, 2002, without a court
25 order, ---

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1 THE COURT: That's contained in your
2 written Motion. You don't have to read that
3 because it is already part of the record.

4 MR. GRANT: Okay, well, my suppression
5 is, Your Honor, that it is -- that on 12/31st '02
6 that I was ordered to give blood samples, pulled
7 hair, head hairs, pulled head hairs, pulled pubic
8 hairs, and saliva, on 12/31/02. But at the bottom
9 of the sheet wasn't sworn to a judge until January
10 10th, 2003. I would like to know why -- that's
11 not legal. It don't make sense, because on
12 12/31/02 they took blood, pulled head hair, pulled
13 pubic hair and saliva but they didn't took it to a
14 judge to get it signed until January 10th.

15 THE COURT: Okay. Solicitor?

16 MR. JENNINGS: The search warrant,
17 under the statute, there is ten days to make the
18 return back to the magistrate. That's what he is
19 talking about. It was issued on the 31th, so the
20 ten days was for the return. But as Your Honor
21 will recall, we had a hearing on June 11th, 2003,
22 in which ---

23 THE COURT: Yes.

24 MR. JENNINGS: --- we presented
25 testimony that supported probable cause to take

1 blood, another blood sample, from him. At that
2 time, blood was taken and sent to SLED and that
3 was the blood that has been used for DNA
4 comparison. So the blood taken pursuant to the
5 search warrant is a moot point at this point.

6 THE COURT: So that blood has never
7 been analyzed?

8 MR. JENNINGS: Right, it's not part
9 of the DNA report doing the comparison to blood
10 found in the car or semen on the victim.

11 THE COURT: Okay, sir.

12 MR. GRANT: But, Your Honor, when
13 Detective, Captain Rick Ollick testified in Court
14 on June 11, '03, he said the blood was used, that
15 SLED ran out of blood, so they had to use it.
16 What Solicitor Blair Jennings is saying now is
17 that he never was used.

18 THE COURT: Well, Mr. Grant, of course
19 you will have a chance to cross examine the person
20 who tested the blood and you will have an
21 opportunity to explore that. Insofar as the
22 Solicitor's statement, the blood that was taken
23 pursuant to the search warrant has never been
24 analyzed. Therefore, if that's the case, then
25 your motion is granted and that blood is not going

1 to be used.

2 You were addressing the blood. What
3 about the pubic hair and the head hair and salvia?

4 MR. JENNINGS: They didn't use them
5 to break down on the DNA, it was based on the
6 blood.

7 THE COURT: It was based on the blood?

8 MR. JENNINGS: Yes, sir.

9 THE COURT: So the blood is the sole
10 source of the DNA report?

11 MR. JENNINGS: That's correct.

12 THE COURT: Very well. Then you would
13 agree, then, that those matters have not been used
14 and will not be used with reference to DNA?

15 MR. JENNINGS: Correct.

16 THE COURT: Very well. So your Motion
17 is granted as to all of those items.

18 MR. JENNINGS: As to the ring,
19 bracelet and jacket, Mr. Grant's name had surfaced
20 in the investigation based on that he had a
21 significant cut to his wrist which was consistent
22 with the wound that the victim had suffered. When
23 they found him, he had a -- they searched his name
24 under NCIC, which is common practice in law
25 enforcement, and found that he had an outstanding

1 warrant from Charleston County on a child support
2 violation and he was taken into custody on that,
3 brought to the Berkeley County Detention Center.
4 Then, as a common practice, his items are
5 inventoried as part of his personal belongings
6 when he is taken into custody pursuant to arrest.
7 He had a ring, bracelet and jacket, I think were
8 the three items that he objected to.

9 He also, in one of his Motions, I think
10 his amended Motion, had objected to photographs
11 that were taken of his wrist. Clearly he has no
12 expectation of privacy in the photograph that was
13 taken.

14 As to the ring, bracelet and jacket, I
15 think there were a number of issues. One, they
16 were itemized pursuant to his arrest; two, they
17 were in plain view.

18 Based on the autopsy that had been
19 conducted on the victim, in addition to having her
20 neck cut she had also suffered significant blood
21 force trauma from a linear type of wound, which I
22 think was -- that could be consistent with the
23 ring that he was wearing.

24 Of course, at that point there was
25 probable cause to believe that could be evidence

1 connected with the crime, which authorized the
2 seizure of that evidence. So I think that if you
3 look at it from a search perspective and from a
4 seizure perspective, the search is covered under
5 numerous: plain view, having been taken incident
6 to arrest; and then seizure, that it was evidence
7 of a crime, which law enforcement was lawfully
8 able to retain.

9 THE COURT: Okay. Mr. Grant?

10 MR. GRANT: Yes, Your Honor. When
11 Berkeley County Detention Center -- Berkeley
12 County detectives came to arrest me for the
13 Charleston County Family Court -- when I got
14 arrested, I was informed that I was arrested for,
15 that I had an active bench warrant in Charleston
16 County. I was not informed that I was a suspect
17 in this homicide. Once I got down to Berkeley
18 County Detention Center, I was -- I was not taken
19 to Berkeley County Detention Center. I was taken
20 to Berkeley County detectives office. I was read
21 my rights and I was questioned about the homicide.
22 I was read my rights when -- when you're reading
23 -- when you are read your rights, that means that
24 you are being charged.

25 THE COURT: No, it doesn't.

1 MR. GRANT: Okay. Well, my mistake.

2 After questioning, ---

3 THE COURT: It means that you may be
4 considered a suspect. It means that you basically
5 -- all the reading of rights does is let you know
6 that they are interviewing you concerning the
7 issue and you're informed that you don't have to
8 say anything.

9 I'm summarizing it dramatically but in
10 general you don't have to say a word. It is a
11 requirement by law -- that once you're in custody,
12 and there's no question that you were in custody,
13 and there is no question that they were inter-
14 rogating you concerning the issue. They gave you
15 your rights but that doesn't mean that you were
16 being charged.

17 MR. GRANT: Oh, I see.

18 THE COURT: You're charged when you are
19 served with a warrant.

20 MR. GRANT: Okay, my mistake.

21 THE COURT: Okay?

22 MR. GRANT: So after questioning, I was
23 taken over to Berkeley Count Detention Center.
24 There I was -- photographs were taken of my
25 person, I was ordered to give my clothes -- the

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1 clothes that I had on, I was ordered to give that
2 up. For all I knew, I was being booked in at
3 Berkeley County Detention Center. I did not know
4 the -- the photos, I didn't have no problem with
5 the photos being used as evidence. I have no --
6 once I was booked into Berkeley County Detention
7 Center, I was not served a warrant for murder
8 until two days later.

9 THE COURT: Well, you just stated
10 that you were arrested for an outstanding bench
11 warrant.

12 MR. GRANT: Yes, sir, but I was not
13 charged -- for all I know, I was arrested for the
14 Family -- what I am saying, Your Honor, if you
15 will give me time to get it out, is ---

16 THE COURT: Well, Mr. Grant, I haven't
17 heard any challenge to the bench warrant. You're
18 saying that you -- you don't disagree that there
19 was a bench warrant?

20 MR. GRANT: No, I am not challenging
21 that there was a bench warrant. I am challenging
22 my ring, my bracelet and my jacket that I had on
23 when I got arrested.

24 THE COURT: I appreciate that but you
25 have to get them separated because you were

1 arrested -- and you agree that you were arrested
2 -- for the outstanding bench warrant.

3 MR. GRANT: Yes, Your Honor.

4 THE COURT: So therefore we get into
5 then what happens when you were arrested? They
6 inventoried -- you haven't presented any evidence
7 that shows they treated you any differently than
8 other people arrested.

9 If you present something that says that
10 they departed from a normal process, ---

11 MR. GRANT: I am about to give you
12 that.

13 THE COURT: All right, well, let's get
14 there.

15 MR. GRANT: If you would give me a
16 little time, please.

17 THE COURT: No, sir, I don't want you
18 to 'give me a little time', I want you to get to
19 that point.

20 MR. GRANT: Being arrested, when I gave
21 them my bracelet, my jacket and my ring, for all I
22 know that was to be in Berkeley County Detention
23 Center property. That was supposed to be with my
24 personal property. I was not served a warrant for
25 murder at that time, so the -- so this evidence,

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1 this items that I had on to be placed in evidence,
2 being that I was served a warrant two days later
3 for the charge of murder, the ring, bracelet and
4 jacket that I had on should not have been placed
5 as evidence on the charge that I -- that I was
6 charged two days later after my arrest.

7 Berkeley County Detention Center should
8 have never gotten -- should have never let my
9 ring, my bracelet and my jacket -- the detectives
10 should have never had my ring, bracelet and jacket
11 in their possession anyway because it was placed
12 in my private property.

13 I never signed no release paper giving
14 them consent to it. I signed some paperwork
15 stating that my ring, my bracelet and my jacket
16 was supposed to be placed in my private property.
17 That's a violation of the fourth amendment.

18 THE COURT: All right.

19 MR. GRANT: From what I read -- what I
20 read.

21 THE COURT: All right, sir, anything
22 else?

23 MR. GRANT: No, sir.

24 THE COURT: Very well, your Motion to
25 suppress is denied for the reasons stated. Okay?

1 THE COURT: All right.

2 MR. GRANT: I would like for you to
3 hear my Motion for an evidentiary Hearing.

4 THE COURT: All right. Well, first
5 of all, I have a Motion for a preliminary hearing.
6 What is that?

7 MR. GRANT: Well, -- you can go ahead
8 and deny it, Your Honor.

9 THE COURT: Once you are indicted, I
10 don't think that that it is required by law, so
11 therefore it is a moot issue. All right?

12 Motion to subpoena. That Motion -- talk
13 with your lawyers, they will be able to assist you
14 with that. You don't -- there is a process for
15 subpoenaing witnesses. I assume that's what you
16 are asking for.

17 MR. GRANT: Yes, Your Honor.

18 THE COURT: They can assist you with
19 advising you, giving you advice on what documents
20 that you need to prepare for that, to accomplish
21 that. That really doesn't need to be heard at
22 this point. Okay.

23 Motion for an evidentiary hearing.
24 You've stated your position in your Motion, do you
25 wish to supplement it? The one that you filed on

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1 November 30th?

2 MR. GRANT: Yes, Your Honor.

3 THE COURT: You wish to supplement it?

4 MR. GRANT: No, Your Honor.

5 THE COURT: All right. Solicitor, do
6 you want to respond to that?

7 MR. JENNINGS: Yes, sir, I don't
8 know what an evidentiary hearing is but he's been
9 provided with all the discovery. With his legal
10 training, he can read through the materials and
11 discern from that what we are going to be
12 presenting as evidence of his guilt.

13 THE COURT: Are any of these persons
14 under your control, listed in his Motion for
15 evidentiary Hearing?

16 MR. GRANT: Well, Your Honor, ---

17 THE COURT: Just one second, Mr. Grant.
18 I told you that there is an order to this process.
19 I will come back to you.

20 MR. JENNINGS: They are out in the
21 community.

22 THE COURT: I mean, you don't have
23 them under restriction? They are not ---

24 MR. JENNINGS: Oh, no.

25 THE COURT: They are not expert

1 witnesses or they are not somebody who is solely
2 under your control?

3 MR. JENNINGS: No.

4 THE COURT: He is free to talk to these
5 people if he wants to?

6 MR. JENNINGS: And these are the
7 people that he talked to, Mr. Middleton, Mr.
8 Maples and Mr. Clark are the people that he spoke
9 to in the Detention Center.

10 THE COURT: All right.

11 MR. JENNINGS: They're free to
12 contact any of those people.

13 THE COURT: Sure. Okay. All right,
14 now Mr. Grant.

15 MR. GRANT: Okay. I think I was mis-
16 understanding the word when you said "supplement"
17 my hearing. Upon an evidentiary hearing, I would
18 personally like to review all items listed as
19 evidence.

20 THE COURT: At this point, Mr. Grant,
21 -- you will have an opportunity. Solicitor, I
22 assume that you don't have your evidence list at
23 this point?

24 MR. JENNINGS: No, sir. What we
25 will do -- we will treat Mr. Grant as any other

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1 attorney. A lot of items are still in Columbia,
2 at SLED. We will go get those, bring them back
3 here and we will arrange a time with him and
4 whoever, which- ever attorney is assisting him,
5 and provide them the opportunity to come and
6 review all the physical evidence.

7 THE COURT: All right. There is a
8 procedure for that and typically it is done --
9 and we will approach it in this case as we have
10 done in any case. I am not trying to -- I will
11 hear any Motions that you want, but you may want
12 to just hold some of these other things, except
13 the Motion for a continuance, until you've had a
14 chance to talk with them. Maybe they can give you
15 some input that will answer some of your concerns.
16 A lot of these -- for instance, the evidentiary
17 hearing, the witnesses -- the people that you have
18 listed, you're free to talk to them. They are
19 free to talk to you or not talk to you. That's
20 their choice.

21 But these aren't persons that are under
22 the sole control of the state and, therefore, they
23 are available to you.

24 You've been given all of the information
25 that the state has concerning these persons and

1 what they -- and I assume any statements that they
2 have.

3 I assume if there are statements, that
4 you have those as well for your review.

5 The list of exhibits, the State is
6 agreeable once it has determined what they intend
7 to introduce into evidence, they will make that
8 available to you or the assistants that you have
9 for review. Then you can discuss it if necessary.

10 If there is further information that you
11 are needing, then I will be happy to hear that at
12 that time.

13 MR. GRANT: I would like to bring two
14 more Motions to your attention at this time.

15 THE COURT: All right, sir.

16 MR. GRANT: I would like to bring a
17 Motion for change of venue.

18 THE COURT: Based on what?

19 MR. GRANT: Based on that I have had
20 several altercations with the Berkeley County
21 Sheriff's Department, with police officers. I
22 believe that they have fabricated evidence
23 illegally to convict me. Evidence has been
24 tampered with by SLED and/or the Sheriff's
25 Department. Printed the criminal record and non-

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1 convictions (sic) in the local newspaper, printed
2 past activity has been printed in newspaper ads
3 that incriminates him. Society has made its own
4 opinion that the plaintiff (sic) is guilty as
5 charged from the media and the newspaper.

6 THE COURT: Okay. Well, Solicitor,
7 do you wish to respond to the Motion for change
8 of venue?

9 MR. JENNINGS: Yes, sir. At this
10 point, I don't think that there is any evidence
11 to support that. 17-21-80 requires an affidavit
12 be submitted, which has not been done. But, in
13 addition, case law has held that -- unless it's
14 a case where there is such overwhelming evidence
15 that a fair trial can't be had, it requires that
16 a jury be attempted to be pulled. And that if
17 potential jurors have heard something about the
18 case, if they say that they can put that aside and
19 be fair and impartial jurors, then they are
20 capable of being seated. I would submit to the
21 Court that we would have to get to the point of
22 jury selection before this would become an issue.

23 THE COURT: Mr. Grant, any response?

24 MR. GRANT: No, Your Honor.

25 THE COURT: I agree with the State.

1 Your Motion for change of venue at this point is
2 denied. There is no affidavit to support that
3 position. Of course you, and any other defendant,
4 are free to make a Motion for change of venue if
5 it appears during the qualification of the jury
6 that there has been -- that we can't draw a jury
7 from the venire selected.

8 You just can't assume that everybody has
9 read something about it or that what they've read
10 that they can't set it aside. That's -- just
11 because it was published in the newspaper does not
12 in and of itself taint the jury panel. Okay?
13 There is no legal position to grant that Motion on
14 that basis alone, so I deny your Motion at this
15 time. If it becomes necessary for you to make
16 this Motion at a later date, sir, feel free to do
17 so. All right, sir. Anything else?

18 MR. GRANT: Yes, I would like to make
19 a Motion to have the jurors sequestered and
20 witnesses sequestered.

21 THE COURT: I certainly -- the point
22 regarding the witnesses, we will probably -- I
23 will go ahead and say now that all witnesses will
24 be sequestered with the exception that the State
25 may have its chief investigating officer present

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1 at all times. Fact witnesses on both sides have
2 to be sequestered, so your Motion to sequester
3 witnesses is granted as to all witnesses. Okay.

4 MR. GRANT: How about my Motion to
5 sequester ---

6 THE COURT: I am not going to sequester
7 the jury at this point. No, sir. That Motion is
8 denied.

9 MR. GRANT: May I ask why?

10 THE COURT: Because there is no reason
11 to sequester the jurors at this point. I don't
12 even have a jury at this point.

13 MR. GRANT: Okay. Well, will you hear
14 my Motion again ---

15 THE COURT: I will hear your Motion at
16 any time but what's your reason for sequestering
17 the jury?

18 MR. GRANT: My reason, Your Honor, is
19 because I wouldn't want a juror to go back among
20 the population where they talk to one of the
21 victim's family members, they could watch TV, read
22 the newspapers or -- there's no way to tell who
23 all they could get in contact with.

24 THE COURT: Mr. Grant, we try cases
25 every day in this court and there are very limited

1 sequestrations. I will entertain that at another
2 -- if you want to raise it at a later date. I
3 have no reason at this point to suspect nor
4 believe that the jury will not follow the
5 instruction that this court gives. They take an
6 oath and I will -- if I am trying this case, I
7 will probably do what I typically do in a case.
8 If it has coverage, I will ask the jury again
9 under oath every morning if they have honored
10 their instruction not to watch anything, not to
11 talk with anyone. I have no reason to believe
12 that -- jurors are intelligent, sensible people,
13 who take their job very seriously.

14 What it does, Mr. Grant, if you find
15 later that jurors were doing that, it gives you
16 the basis for a new trial -- or it could provide
17 that.

18 Sequestration without something to
19 suggest that the jurors aren't going to comply
20 with requests, that Motion -- first of all, it is
21 premature. Secondly, I don't have anything in the
22 record to support that Motion. Just your
23 speculation or supposition or conclusary remarks
24 that they are going to listen to somebody else or
25 read something is not supportive of that. So

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1 those are the reasons that I deny your Motion.

2 Okay?

3 MR. GRANT: Yes, Your Honor.

4 THE COURT: Anything else?

5 MR. GRANT: I have a lot of questions
6 that I wanted to ask you but ---

7 THE COURT: As I told you, I can't be
8 your advisor.

9 MR. GRANT: No, that's not it.

10 THE COURT: I can respond to Motions,
11 and I respond to Motions by ruling. You have one
12 other Motion that we haven't addressed, a Motion
13 for continuance. Do you wish to argue that Motion
14 or do you withdraw that Motion?

15 MR. GRANT: I withdraw that Motion.

16 THE COURT: Very well. Any other
17 Motions that have been filed that we haven't
18 addressed?

19 MR. JENNINGS: No, sir. As a
20 scheduling matter, we intend to call Mr. Grant's
21 case for trial during the week of February 23rd.

22 THE COURT: Will it be the first case
23 for trial?

24 MR. JENNINGS: It will.

25 THE COURT: All right. Mr. Grant,

1 your case is now docketed for trial February 23rd.

2 MR. GRANT: I would like to have the
3 final witness list and ---

4 THE COURT: I am not setting a deadline
5 on that. The State is going to provide you with a
6 list of evidence and they'll provide you with a
7 list of witnesses.

8 MR. GRANT: I would like to know -- I
9 would like to have the Solicitor present me with
10 whatever evidence that he intends to use at trial.

11 THE COURT: He is going to do that.
12 He is going to give you a list of his exhibits,
13 an exhibit list.

14 MR. GRANT: When will ---

15 THE COURT: And that exhibit list, if
16 there are exhibits that are introduced, you will
17 have them in advance now or you have the subject
18 matter for the testimony. Again, Mr. Grant, I
19 would suggest to you -- you've asked me to do
20 something and now what you're asking me suggests
21 that what I have done for you, you are ignoring.
22 I've appointed you someone as an expert to give
23 you advice. You need to talk to these people
24 because they prepare for trials, they know what it
25 takes, they know what you need, you need to talk

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1 with the persons who have been appointed to assist
2 you.

3 MR. GRANT: Your Honor, I understand
4 everything that you just said.

5 THE COURT: If you do, then I think
6 your next statement is, 'Your Honor, thank you
7 very much. There's nothing further and I guess
8 I need to -- I'm looking forward to coming back
9 so that I can talk with my experts.'

10 MR. GRANT: Not quite.

11 THE COURT: All right, what else do
12 you want to talk about?

13 MR. GRANT: As far as my evidentiary
14 Hearing, do I get to put another request in for
15 that to be ---

16 THE COURT: What evidentiary hearing?
17 Have I not clearly stated that there is no such
18 thing as an evidentiary hearing?

19 MR. GRANT: I am asking the court to
20 review all evidence ---

21 THE COURT: The Court reviews the
22 evidence as it is submitted, unless there is a
23 legal basis to exclude it before its submission.
24 You can make that Motion to exclude beforehand,
25 you can object to its admission during the trial

1 of the case. If the Court grants your objection,
2 it is not admitted. It is that simple. Again,
3 Mr. Grant, you're asking the Court questions that
4 your lawyers, who are trained, can answer.

5 The questions are further supported by
6 the fact -- and again, I am going to suggest to
7 you that you're making a serious mistake
8 representing yourself.

9 MR. GRANT: No, I ---

10 THE COURT: But if you want to do that,
11 go for it. Okay. Thank you, sir.

12 MR. GRANT: Your Honor?

13 THE COURT: Yes, sir?

14 MR. GRANT: I would like to ask a
15 question.

16 THE COURT: Sure.

17 MR. GRANT: I am only asking you a
18 question, why are you getting hostile?

19 THE COURT: Mr. Grant, to be honest
20 with you, I have gone beyond what I am required
21 to do. I am required to hear Motions. I am not
22 required to have a simple discussion with you.

23 MR. GRANT: Thank you, Your Honor.
24 Thank you.

25 THE COURT: And let me say something

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1 to you, sir. I am not hostile with you.

2 MR. GRANT: Thank you, Your Honor.

3 THE COURT: Do you have any other
4 Motions that you wish to make at this time?

5 MR. GRANT: No, Your Honor. Thank you.

6 THE COURT: Thank you, sir. This
7 matter is concluded.

8 MR. JENNINGS: Thank you, Judge.

9 --- HEARING CONCLUDED ---

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2 STATE OF SOUTH CAROLINA)

3 COUNTY OF CHARLESTON)

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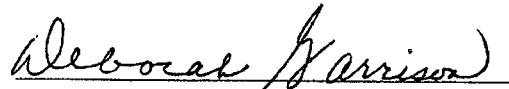
5 CERTIFICATE OF COURT REPORTER

6 I, the undersigned, Deborah Garrison, Circuit
7 Court Reporter for the 9th Judicial Circuit of the
8 State of South Carolina, do hereby certify that the
9 foregoing is a true, accurate and complete transcript
10 of the Hearing before The Honorable R. Markley Dennis,
11 Jr., on January 7th, 2004;

12 I do further certify that I am neither kin nor
13 counsel to any of the parties and have no interest in
14 the outcome of this action.

15

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Deborah A. Garrison

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25 Charleston, South Carolina

STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
 COUNTY OF BERKELEY)

STATE OF SOUTH CAROLINA)
)
 vs.) Case No. 03-GS-08-0499
)
 DERRICK GRANT,)
)
 Defendant.)

TRANSCRIPT OF HEARING

The within Hearing was held on February 13, 2004, before The Honorable R. Markley Dennis, Jr., in Courtroom E of the Berkeley County Courthouse, 300 California Avenue, Moncks Corner, South Carolina; attended by Counsel, as follows:

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Derrick Grant, *Pro Se*

Patricia Kennedy, Assistant Public Defender
 Appointed by Court to assist Defendant

ATTORNEY GENERAL'S OFFICE

RECEIVED 10/20/09

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DEBORAH GARRISON
 Circuit Court Reporter - 9th Judicial Circuit
 Post Office Box 901
 Johns Island, South Carolina 29457
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1 (DEFENDANT PRESENT)

2 THE COURT: Let the record reflect that
3 Mr. Grant is present. This is the matter of the
4 State of South Carolina versus Derrick Grant, Case
5 No. 03-GS-08-0449.

6 The purpose of this Hearing is to
7 consider any pretrial matters that may be still
8 pending and to go over the status of exchange of
9 discovery thus far. Solicitor, I will be happy to
10 hear from you, sir.

11 MR. JENNINGS: Thank you, Your
12 Honor. We have a few housekeeping ---

13 THE COURT: And let the Court reflect,
14 if I haven't said it, that Mr. Grant is physically
15 present. Good morning, Mr. Grant.

16 MR. GRANT: Good morning.

17 MR. JENNINGS: We have a few items,
18 Your Honor. We've continued to supplement any
19 discovery that we've received and I've provided
20 it directly to Mr. Grant over at the detention
21 center. Most recently on February 6th, I had the
22 opportunity to give him some materials. At that
23 time, I also provided him with the list of
24 potential evidence that Your Honor had requested
25 that we provide: physical items that may be

1 submitted as evidence during this trial.

2 Of course, if we discover any others
3 during the course of next week, we will provide
4 a supplemental list to him.

5 THE COURT: All right.

6 MR. JENNINGS: At that time, I
7 had an opportunity to talk to Mr. Grant. He asked
8 me at that time for another copy of a State's
9 exhibit by Gilbert Scott, and I will provide that
10 to him at this time, (tendering).

11 THE COURT: Okay.

12 MR. JENNINGS: At that time I asked,
13 as I have every time that I have seen him, just
14 checking to make sure that he is getting every-
15 thing that he needs at the detention center, that
16 they are providing him with any materials. He
17 affirmed to me that they have, and I think that
18 they've made 120 copies of some items that he had
19 requested. Based on what he has represented to
20 me, he's had no problems with the detention
21 center.

22 He informed me that he is proceeding
23 with his subpoenas. I asked him if he'd had
24 contact with the Public Defender's office or
25 needed any assistance. He wouldn't tell me who

1 is doing it for him but told me that is being
2 taken care of.

3 THE COURT: Okay.

4 MR. JENNINGS: And he has -- he
5 requested that the detention center place him in
6 "A" pod, which they have done at his request. So
7 as far as I know, he's being provided everything
8 that he needs.

9 The State will be ready on the 23rd and
10 we anticipate proceeding with the trial at that
11 point.

12 THE COURT: Very well. Thank you
13 very much, Solicitor. Mr. Grant, are there any
14 preliminary matters that you need to resolve this
15 morning?

16 MR. GRANT: (No verbal response).

17 THE COURT: Have you received all that
18 the State has indicated that they have given to
19 you?

20 MR. GRANT: Yes, Your Honor.

21 THE COURT: Very well, and you're --
22 the working arrangement with the detention center
23 is going all right, sir?

24 MR. GRANT: Yes, Your Honor.

25 THE COURT: Ms. Kennedy is available

1 to you if you need her, and you've been able to
2 communicate with her; is that correct?

3 MR. GRANT: Everything is going pretty
4 smooth, Your Honor.

5 THE COURT: Very well. Do you have any
6 matters that you need to bring to my attention by
7 way of Motions this morning?

8 MR. GRANT: No, Your Honor.

9 THE COURT: Okay. Thank you, sir.
10 Does the State have any matters?

11 MR. JENNINGS: Yes, sir. The State
12 has filed, and I will provide Mr. Grant with a
13 clocked copy. We filed a Motion barring any
14 third-party guilt testimony or evidence in this
15 trial.

16 THE COURT: Okay.

17 MR. JENNINGS: And I will provide
18 him with a copy of that Motion, (tendering to
19 defendant). I anticipate that the majority of the
20 witnesses that he will subpoena will fall within
21 this Rule. At that time, if he does present
22 evidence, we would ask the Court to hear those
23 witnesses in-camera before allowing them to
24 testify in front of the jury.

25 THE COURT: All right. I am sure that

1 you probably know what that means since you've
2 been studying. But third-party guilt -- there is
3 a strict structure for how third-party guilt is
4 allowed in these proceedings.

5 The State has provided me a copy of that
6 which they have just given you. Those cases cited
7 give you an outline of what he is talking about.

8 At this point, I am not going to hear
9 from you because the matter is not before me, but
10 that would be a matter that you need to discuss
11 with your attorney concerning the testimony of any
12 persons who -- and I don't know what you -- and I
13 don't want you to tell me either -- what you are
14 calling witnesses to testify to. But anybody who
15 is going to testify to possibly someone being
16 responsible for this, this sets forth the guide-
17 lines that you are going to have to follow.

18 Okay?

19 MR. GRANT: Thank you, Your Honor.

20 THE COURT: You bet. Any other
21 matters from the State?

22 MR. JENNINGS: Yes, sir. We
23 anticipate at this time that we will be seeking to
24 introduce some photographs from the autopsy. Those
25 are being copied for us now and should be provided

1 at the start of next week. A copy is being made
2 for Mr. Grant and we will supply those to him.

3 As I said earlier, when I was making
4 copies of the photographs that Berkeley County
5 obtained, we'd withheld photographs from the
6 autopsy. I will provide him at this time the one
7 autopsy photograph that they had, which depicts
8 the wounds to victim's head, which are the wounds
9 that we will be exploring during the trial.

10 THE COURT: Okay.

11 MR. JENNINGS: I am providing him
12 with that photograph now, (tendering to
13 Defendant).

14 THE COURT: Okay.

15 MR. JENNINGS: And as soon as we get
16 the photographs next week, we will also provide
17 those to him.

18 THE COURT: Okay, let's talk for a
19 moment. The jury is coming in on the 23rd.
20 That's Monday?

21 MR. JENNINGS: Yes, sir.

22 THE COURT: We will select the jury on
23 that day but we will not take testimony, though,
24 before Tuesday; is that correct?

25 MR. JENNINGS: Correct.

11 We call that Motions in limine. It
12 doesn't bind anybody, it's just to give you an
13 idea of what may happen if certain evidence is
14 offered by the State or by you. It allows each
15 side to say, 'Well, I am going to object to that
16 for this reason.' I can listen to that and then
17 give you some indication. Of course, it is not
18 binding. As your lawyer will tell you, anything
19 that we talk about before trial, you still have to
20 raise an objection if you object to it during the
21 trial and state on the record at that time. But
22 at least we will have some indication for you, so
23 that for planning purposes you will know how to
24 proceed.

25 At that time, Solicitor, I would like to

1 review those photographs that you plan so that we
2 can make a preliminary determination as to whether
3 or not there is any possible prejudice that might
4 outweigh the probative value of those photographs.

5 MR. JENNINGS: Yes, sir.

6 THE COURT: Okay. Anything else, Mr.
7 Grant?

8 MR. GRANT: No, Your Honor.

9 THE COURT: Thank you. Have a good
10 day. I'll see you on the 23rd.

11 MR. JENNINGS: Your Honor, I have
12 two more ---

13 THE COURT: Oh, I'm sorry, Solicitor.
14 Excuse me, I beg your pardon, I didn't mean to cut
15 you off.

16 MR. JENNINGS: I assume that Mr.
17 Grant wants to view the physical evidence that we
18 have.

19 MR. GRANT: The defense waives the
20 hearing (sic).

21 THE COURT: You do not wish to view any
22 physical evidence at this point?

23 MS. KENNEDY: (Looks to Defendant).

24 MR. GRANT: Yes, Your Honor.

25 THE COURT: Okay. That's fine. And

1 let me just tell you something, Mr. Grant. After
2 this, you can of course confer with Ms. Kennedy.
3 If later you chose not to, that's your call. But
4 at this point, let's hold that in place. And when
5 will that be made available to him?

6 MR. JENNINGS: Next week, I will
7 bring the items and we'll make arrangements to
8 have a conference room at the detention center.
9 We will bring the items over and allow him to view
10 them.

11 THE COURT: And you will coordinate
12 that, as well, with Ms. Kennedy so that she can
13 be present?

14 MR. JENNINGS: Yes, sir.

15 THE COURT: Okay.

16 MR. JENNINGS: And, finally, Your
17 Honor, we have served -- when we provided Mr.
18 Grant with the initial discovery, he was in the
19 Charleston County Detention Center, -- I beg the
20 Court's indulgence ---

21 THE COURT: Take your time.

22 MR. JENNINGS: On April 30th, 2003, we
23 provided him with a reciprocal Rule 5 Motion.

24 THE COURT: Yes, sir.

25 MR. JENNINGS: As of this date, we

1 have received no notice under Rule 5 of the
2 Criminal Rules of Civil Procedure, that he has
3 established any type of alibi or notice of an
4 insanity defense.

5 THE COURT: Okay. And, of course, Mr.
6 Grant, again, this matter is still ongoing. If
7 you do intend to raise any of those defenses, and
8 as I'm sure your lawyer can discuss with you, it's
9 necessary that you bring that and respond to the
10 Rule and comply with that Rule. Okay?

11 MR. GRANT: Yes, Your Honor.

12 THE COURT: Anything else, Solicitor?

13 MR. JENNINGS: No, sir.

14 THE COURT: Anything else, Mr. Grant?

15 MR. GRANT: No, sir, Your Honor.

16 THE COURT: Anything else, Ms Kennedy?

17 MS. KENNEDY: Your Honor, I
18 would just like to say for the record that Mr.
19 Grant provided a list of things that he wants us
20 to assist him in, in terms of the process. I will
21 have most of those ready for him this afternoon,
22 certainly no later than Monday morning.

23 THE COURT: Okay. Thank you very
24 much. See you on the 23rd.

25 --- HEARING CONCLUDED ---

1 STATE OF SOUTH CAROLINA)

2 COUNTY OF CHARLESTON)

3

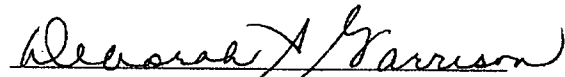
4 CERTIFICATE OF COURT REPORTER

5 I, the undersigned, Deborah Garrison, Circuit
6 Court Reporter for the 9th Judicial Circuit of the
7 State of South Carolina, do hereby certify that the
8 foregoing is a true, accurate and complete transcript
9 of the Hearing before The Honorable R. Markley Dennis,
10 Jr., on February 13th, 2004;

11 I do further certify that I am neither kin nor
12 counsel to any of the parties and have no interest in
13 the outcome of this action.

14

15



16

Deborah A. Garrison

17

18

19

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21

22

23

24 Charleston, South Carolina

25

STATE OF SOUTH CAROLINA)
) COURT OF COMMON PLEAS
COUNTY OF BERKELEY)

STATE OF SOUTH CAROLINA,)
)
 vs.) Case No. 03-GS-08-0499
)
 DERRICK GRANT,)
)
 Defendant.)

TRANSCRIPT OF JURY TRIAL

The within jury trial was held February 23-27, 2004, before The Honorable R. Markley Dennis, Jr., in Courtroom E of the Berkeley County Courthouse, 300 California Avenue, Moncks Corner, South Carolina; with the parties represented, as follows:

APPEARANCES:

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Blair Jennings, Deputy Solicitor
9TH CIRCUIT SOLICITOR'S OFFICE
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Moncks Corner, South Carolina 29461
Appearing for State of South Carolina

Derrick Grant, *Pro Se*

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Appearing as Court-appointed Advisor to *Pro Se* Defendant

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State of South Carolina v. Derrick Grant
Case No. 03-GS-08-0499
Jury Trial of February 23-27, 2004
Before The Honorable R. Markley Dennis, Jr.

11 121

1 FEBRUARY 23, 2004 9:00 A.M.

2

3

(DEFENDANT PRESENT)

4

(ROLL CALL)

5

THE COURT: Please let the record re-

6

flect that Mr. Grant is present. We're here, the

7

jury is assembling. Mr. Grant, the jury is in the

8

jury assembly room. Mr. Grant is present with his

9

assistant, Ms. Kennedy.

10

Again, the Court has appointed Ms. Kennedy

11

as his assistant. She is not co-counsel.

12

Mr. Grant, good afternoon, sir.

13

DERRICK GRANT: Good afternoon, Your

14

Honor.

15

THE COURT: How are you today, sir?

16

DERRICK GRANT: Okay, sir.

17

THE COURT: Good. I noticed that Ms.

18

Kennedy has moved you from the middle chair to that

19

chair. We call that the First Chair. The First Chair

20

is occupied by your lead counsel. You are your lead

21

counsel. You understand that?

22

DERRICK GRANT: Yes, Your Honor.

23

THE COURT: And that is what you wish to

24

be?

25

DERRICK GRANT: Yes, Your Honor.

1 THE COURT: Do you have any change in
2 your approach or in your thought process about your
3 representing yourself, sir?

4 DERRICK GRANT: No, Your Honor.

5 THE COURT: You are prepared to represent
6 yourself?

7 DERRICK GRANT: Yes, Your Honor.

8 THE COURT: I have been advised -- in
9 fact, there was a consultation today with Ms. Kennedy
10 and I'm sure that she has probably shared with you,
11 there are a number of the witnesses that you had
12 subpoenaed; is that correct?

13 DERRICK GRANT: (Affirmative nod).

14 THE COURT: We told those witnesses,
15 some of them, that we might not get to them until
16 Wednesday. They asked my permission whether they
17 could be released until Wednesday. I assured them
18 that yes, we would, but that if something happened
19 then we would adjourn court until they could be
20 present. You had subpoenaed a number of witnesses,
21 is that correct, sir?

22 DERRICK GRANT: Yes, Your Honor.

23 THE COURT: So you've been able to do
24 your preparation without any problems?

25 DERRICK GRANT: Yes, Your Honor.

1 THE COURT: Okay. All right. Mr. Grant,
2 are there any Motions that you have before we bring in
3 the jury panel?

4 DERRICK GRANT: Yes, I would like to ask
5 for the witnesses to be sequestered.

6 THE COURT: Okay. Very well. I will
7 grant that request, Mr. Grant. I will allow each side
8 to -- I will allow the State to have one person that
9 they designate as their chief investigating officer.
10 That person will be permitted, but all other witnesses
11 will be sequestered.

12 DERRICK GRANT: Okay. Also, I ask if
13 I could not be handcuffed when I walk into the court
14 tomorrow.

15 THE COURT: Yes, sir. That's a very
16 reasonable request, Mr. Grant. I will tell you, as
17 I told someone -- I had a trial years ago in Columbia
18 that involved a problem that started at Broad River
19 involving a number of inmates and there were
20 legitimate concerns, because it was a very violent
21 occurrence. There were some legitimate concerns from
22 security about the safety of court personnel because
23 of the potential. I had that request from one of them
24 and I looked at him, as I am looking at you, and I
25 said, 'You are sitting there, as I have indicated to

1 you before, charged with a crime, as I will indicate
2 to the jury, but under the Constitution, and that's
3 how I view you, you're innocent.'

4 You are a human being, you're representing
5 yourself and I've advised you that that is not a good
6 idea but it is your decision to continue to go forward
7 -- is that correct?

8 DERRICK GRANT: Yes, Your Honor.

9 THE COURT: Very well, sir. I will honor
10 that request, sir, and I will treat you with the same
11 professionalism that I extend to all the attorneys
12 that appear in this courtroom.

13 You will be, of course, expected to conduct
14 yourself as the attorneys who are officers of this
15 court are required to do when they try cases in this
16 courtroom. Is that fair?

17 DERRICK GRANT: Yes, Your Honor.

18 THE COURT: Okay. As long as you conduct
19 yourself in that manner, I will respect that, sir, and
20 respect you as a human being and ask that you not have
21 to be handcuffed or shackled in any way.

22 DERRICK GRANT: Thank you, Your Honor.

23 THE COURT: All right, sir.

24 DERRICK GRANT: Will I be able to move
25 around inside the courtroom?

1 THE COURT: To some extent you will. I
2 would ask, of course, that you not -- and this is for
3 two reasons. Number one, first of all, from the
4 jury's perspective -- and this also, if you went to
5 trial advocacy school, and I am not advising you but
6 they would tell you, as I could tell -- I've been
7 working with high school kids for twenty-something
8 years with mock trials and I tell them, 'You have to
9 remember that people have their space.' And you know
10 what I mean.

11 DERRICK GRANT: (Affirmative nod), I was
12 reading that last night.

13 THE COURT: And, you know, if somebody
14 invades your space, you begin to get a little
15 uncomfortable. Well, juries are that way. You need
16 to respect that space.

17 DERRICK GRANT: Yes, sir.

18 THE COURT: I would say to you that,
19 sure, you're free to walk around in the courtroom if
20 you need to. However, we don't permit lawyers to get
21 next to the jury, you can't have individual conversa-
22 tions with the jurors or interact with the jurors.
23 That would be inappropriate.

24 But insofar as your space, this is your work
25 area. You'll be free to work, again, as long as you

1 conduct yourself with that professionalism that we've
2 talked about that I expect of all parties.

3 DERRICK GRANT: Thank you, Your Honor.

4 THE COURT: Okay. Anything else?

5 DERRICK GRANT: Not at this time.

6 THE COURT: Very well, thank you.

7 Anything from the State, Solicitor?

8 MR. JENNINGS: I know that there's a
9 number of witnesses who have shown up that Mr. Grant
10 has subpoenaed. If we need the space, if Your Honor
11 could instruct them to be back at the same time.

12 THE COURT: Mr. Grant, these witnesses,
13 you will not be calling them or have an opportunity to
14 call them until we get to your case. Of course, as
15 you know, when I say that, you know that you aren't
16 required to prove anything. The State has the burden
17 of proving your guilt. You have the opportunity to
18 present witnesses if you choose to. You aren't
19 required to. I am not saying by virtue of any
20 knowledge of the witnesses that that is indicating
21 that you have any requirement to present witnesses,
22 because you don't have to prove a thing. You
23 understand that?

24 DERRICK GRANT: Yes, Your Honor.

25 THE COURT: I would anticipate, according

State of South Carolina v. Derrick Grant
Case No. 03-GS-08-0499
Jury Trial of February 23-27, 2004
Before The Honorable R. Markley Dennis, Jr.

1 to what I've had insofar as scheduling conferences,
2 it's my understanding that the State's witnesses, they
3 believe, will taken probably at least until Wednesday
4 before we can complete the State's case. So I don't
5 see any realistic chance of getting to your witnesses
6 before then. I am going to ask all persons who have
7 been subpoenaed by Mr. Grant to appear, would you
8 please stand? (Number of people stand).

9 Your subpoenas are still in effect. I would
10 ask that you please return to this courtroom -- you
11 think by midday, Solicitor?

12 MR. JENNINGS: I think by about 3:00 o'clock
13 Wednesday.

14 THE COURT: All right. I am going to ask
15 that you be back at 2:00 o'clock on Wednesday. Come
16 back to this courtroom on Wednesday and be present at
17 that time.

18 At that time we will deal with -- hopefully
19 we will have completed the State's case and we can
20 start with calling the witnesses in Mr. Grant's case.

21 You are released until Wednesday but you are
22 not released from your subpoena. Thank you very much.
23 You may remain or you -- well, you can't remain once
24 the case starts because we are going to sequester all
25 witnesses. That will be on both sides, Mr. Grant.

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1 DERRICK GRANT: Yes, sir.

2 THE COURT: So those persons that wish,
3 to leave, you may do so at this time. Anything else,
4 Solicitor?

5 MR. JENNINGS: Not at this time.
6 After we select the jury, I believe that you wanted
7 to address some issues about the photos and things.

8 THE COURT: I do. We will do that.
9 Mr. Grant, there are some photos -- of course the
10 Solicitor -- and I believe that at our last
11 conference, I mentioned to you that there were some
12 questions. He's going to submit those photos for us
13 on the record, for you and I to see them, and we will
14 hear any objections at that time you may have to any
15 of those photos.

16 DERRICK GRANT: Thank you, Your Honor.

17 MR. JENNINGS: I will place on the
18 record that we attempted to provide him with a copy
19 but he refused.

20 THE COURT: Okay, well, that's ---

21 MR. JENNINGS: Friday.

22 THE COURT: --- his -- sir?

23 DERRICK GRANT: I did not refuse -- Your
24 Honor, I did not refuse the copies. I didn't have --
25 at that time I didn't want the copies in my presence

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1 at the jail.

2 THE COURT: I understand.

3 DERRICK GRANT: So that anyone could get
4 ahold of them, but I do want the copies.

5 THE COURT: No problem. But you've had a
6 chance to view them and you've had a chance to see
7 them in advance?

8 DERRICK GRANT: No, sir.

9 THE COURT: Well, you'll have a chance
10 to view them in just a few moments.

11 DERRICK GRANT: Thank you, Your Honor.

12 THE COURT: Thank you, sir. Anything
13 else from the State?

14 MR. JENNINGS: No, sir.

15 THE COURT: Anything else, Mr. Grant?

16 DERRICK GRANT: No, sir, Your Honor.

17 THE COURT: Let's bring in our jury,
18 please. Mr. Grant, do you have any specific *voir dire*
19 questions? That's questions that you want me to ask
20 of the jury?

21 DERRICK GRANT: Yes, Your Honor.

22 MR. JENNINGS: Do you have a copy of that
23 for us?

24 COURT REPORTER: Mr. Jennings, I have
25 your witness list. Mr. Grant, do you have a witness

1 list or anything to hand up to the Court?

2 MS. KENNEDY: No, but we'll write them out
3 for you.

4 COURT REPORTER: Write quick, the jury's
5 coming in. Thank you.

6 DERRICK GRANT: Your Honor, can I have
7 the appropriate amount of time to write down the names
8 of the witnesses?

9 THE COURT: Okay. Well, you're not
10 required to do that, if you don't want to. If you
11 want to, that's fine, but you aren't required to do
12 that.

13 DERRICK GRANT: Okay. Thank you, then.

14 THE COURT: Very well. I mean, some-
15 times it is a help to announce them but it's not a
16 requirement.

17 DERRICK GRANT: Okay. Thank you, Your
18 Honor.

19 THE COURT: Okay.

20 (JURY PANEL ENTERS COURTROOM)

21 THE COURT: Is this all the jurors?

22 BAILIFF: We're bringing in about
23 twelve more. They're coming up now.

24 THE COURT: Okay, just let me know when
25 we have them all.

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1 BAILIFF: Yes, sir.

2 (JURY PANEL ENTERS COURTROOM)

3 BAILIFF: That's all of them, Your
4 Honor.

5 THE COURT: Thank you, Mr. Pontiff.
6 Thank you, Ladies and Gentlemen. Good afternoon.
7 My name is Markley Dennis. I've been assigned this
8 week to conduct a term of General Sessions court,
9 criminal court, in which we will be resolving --
10 really there is just one dispute with which we need
11 your assistance.

12 Also, we're going to pick a jury today to
13 help resolve a method of dispute resolution which
14 really, as I've been seeing it, begun in the last two
15 or three years called a summary jury trial. It's
16 probably been around a little bit longer than that but
17 we've just started using it. It's a very creative way
18 of resolving disputes. Some of you will be selected
19 today to help resolve that.

20 How many of you have ever served on a jury
21 before? (Number of potential jurors raise hands).
22 Okay. A number of persons have. I don't know whether
23 it was in Circuit Court, Family Court, or Magistrate's
24 Court. I would tell you that the process is very much
25 the same.

1 If you haven't, I hope that you will find
2 this experience -- I won't say pleasurable, because it
3 is not. I hope that you will find it such that when
4 you leave you will feel good about your participation.
5 Because that's the way that I feel every time that you
6 come, because it really does restore my faith and
7 belief in this country. I have the great pleasure in
8 my job of working with jurors frequently. So to that
9 extent, thank you for giving me a boost every week; a
10 healthy boost every week to realize that it is really
11 not so bad after all.

12 Sometimes you read things in newspaper and
13 hear things on the news, and you begin to feel bad.
14 And I'm not talking against the news or the newspaper,
15 I'm glad to have that. But clearly when you have an
16 opportunity to see that you live in a community where
17 people take their responsibilities seriously, that
18 gives you a good feeling. To me, that's what juries
19 do and, to me, that's what you represent.

20 It's probably one of the most important
21 parts of our system of dispute resolution, is your
22 service. It really is.

23 You know, we're not the only country in the
24 world that has jury trials. There are other countries
25 that -- some, in fact, have professional jurors. When

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1 you get your check, you'll know that you're not a
2 professional juror.

3 And, please understand something, and let me
4 say this now, that Mrs. Brown, who sent you that
5 wonderful little "invitation", our Clerk of Court --
6 please don't hold that against Mrs. Brown. She
7 happens to be one of those persons that the statute
8 has designated as responsible for pulling the names.
9 So when you received that invitation, and I know that
10 you all were delighted to get it, this is the lady
11 that sent it.

12 Mrs. Brown is responsible for this court's
13 operation, the operation of the building for that
14 matter. She has the responsibility of this court,
15 Family Court, an office to manage, with all the
16 associated problems. So I thank her for her partici-
17 pation and her being here. Clearly the check that
18 she sends you, that is not what she would like to send
19 you. I am sure that, like me -- I'd love to send you
20 a check but, to be candid with you, I don't know how
21 we would arrive at an amount because your service
22 really and truly is priceless, as far as talking about
23 what you mean to this process.

24 So just remember that when you get your
25 check. Just say, 'okay, that's what Mrs. Brown had to

1 pay because that's what the statute says.' I thank
2 Mrs. Brown for all that she does. She has -- Mrs.
3 Brown, obviously, can't be in this courtroom all the
4 time because, as I said, she has other things. She
5 has persons here working with her. You've met
6 several. These very cordial persons here in the red
7 coats, they are bailiffs. They are here to help you,
8 to help me, to help this court operate. Mrs. Brown
9 has authorized those persons. You have assistants
10 that will be in here for Mrs. Brown, that you will
11 hear from later today. So I appreciate that, I
12 appreciate what she does for us. Thank you, Mrs.
13 Brown.

14 MRS. BROWN: Thank you, Judge.

15 THE COURT: In just a few moments, we
16 are going to start the qualification process. Before
17 doing that, let me just tell you something that I just
18 mentioned. Under our system, you can only be made to
19 do this once every three years. In fact, probably the
20 most valuable thing that you will receive this week,
21 including your check, is the exemption that you will
22 earn that entitles you to be excused from jury service
23 for the next three years. It is your exemption.
24 Whether you claim it or not, that's up to you.

25 Or exempt five years if you've been on a

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1 Grand Jury. Do we have any persons who have served on
2 a Grand Jury in the last five years? (No response).
3 Thank you. That's another part of the process, but
4 the exemption earned is five years.

5 Your service is, really and truly, for the
6 majority -- and I say majority -- we will probably
7 draw fourteen jurors to assist in the criminal dispute
8 which we have going on. They will be twelve jurors
9 and two alternates.

10 And I am going to draw eight jurors to
11 assist in this summary jury trial. The summary trial
12 starts tomorrow in Courtroom C and we will give you
13 the specific information on that when you're selected.
14 The trial in this courtroom will also start tomorrow.

15 And those will be the only juries that we
16 are going to draw. And I tell you that because if you
17 had to pick a week to serve, the good thing about it
18 is that you will know whether you're to serve or not
19 this week when we finish the process this morning.
20 If you are not drawn to be on either of these two
21 juries, you will be finished for the week.

22 I say that because some of you may have some
23 personal business or business reasons that you want to
24 share with me, or you need a postponement. I will be
25 happy to talk with you about that after we conclude

1 this process of qualification. So hold onto that if
2 you have something that you need to share, and I'll
3 give you an opportunity to do that. You may want to
4 think about going ahead and doing it this week. If
5 you had to pick a week to do it, like I say, this week
6 we're really going to have a pretty good idea of
7 whether you're going to be involved when we finish
8 here this morning.

9 Let me also just tell you now that I would
10 anticipate that both trials would be concluded this
11 week, so we're not talking about a long, extended
12 stay. We are not talking about going into next week
13 or that sort of thing.

14 Also, I would tell you that in both
15 situations I do not anticipate that there will be any
16 sequestration. Jurors will be able to go home each
17 evening.

18 Hopefully those remarks address some of your
19 initial concerns. I know that probably if we took a
20 poll and said, 'How many jurors really want to be
21 here?' 'How many jurors don't want to be here?',
22 we'd probably have a good number that went from one
23 end to the other. Maybe there would be some that
24 really don't care and there would be some that really
25 don't want to, and some that fall in between. I

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1 think that's really what is necessary to constitute a
2 good jury. So we will talk about that more in just a
3 moment.

4 We will go through a roll call. The Clerk
5 will have some questions that she will ask of you.
6 Please answer loudly. This room is a wonderful room
7 as far as courtrooms go but the acoustics from the
8 back to the front are not very good. If you would,
9 help us by speaking loudly. We would very much
10 appreciate that. All right, Mrs. Tucker, I turn it
11 over to you.

12 (ROLL CALL)

13 THE COURT: Thank you, Mrs. Tucker.
14 Ladies and Gentlemen, now we will start with the
15 qualification process. Before qualifying you, I
16 mentioned that some persons -- that there are some
17 persons who are exempted. We've already talked about
18 one, persons who have served on a Circuit Court jury.
19 That would not include Federal Court or Magistrate's
20 Court. If you have served in the last three years,
21 you have an exemption if you wish to claim it. Are
22 there members of the jury panel that have served in
23 the last three years in the Circuit Court as a juror?
24 If so, please stand. (No response). Thank you, there
25 are none.

1 Are there any members of the jury panel
2 remaining who have reached their 65th birthday and
3 wish to claim their exemption and be excused. If
4 so, please stand. (No response). Thank you, there
5 are none.

6 I didn't hear any of these, but are there
7 any members of the jury panel who are officers or
8 employees of the Department of Corrections. If so,
9 please stand. (No response). Thank you, there are
10 none.

11 Are there any members of the jury panel who
12 have the care, custody and control of a child or
13 children under the age of seven years, you do not work
14 outside of the home or have not been able to make
15 suitable arrangements to provide for the necessary
16 care for your child or children to permit you to serve
17 on a jury panel; and you wish to claim that exemption,
18 please stand. Yes, ma'am, what is your name?

19 POTENTIAL JUROR: I have a five-year-old.

20 THE COURT: What is your name and number,
21 please?

22 POTENTIAL JUROR: My name is Toni Ford.
23 I am not sure of the number.

24 THE COURT: Toni Ford?

25 POTENTIAL JUROR: Um-humm.

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1 CLERK: Number 52.

2 THE COURT: And you wish to claim that
3 exemption, Ms. Ford?

4 POTENTIAL JUROR: Yes, sir.

5 THE COURT: You are free to leave.
6 Have a good day. Yes, ma'am?

7 POTENTIAL JUROR: I have an eleven-year-
8 old son, but I home-school him.

9 THE COURT: That wouldn't fall into that
10 category.

11 POTENTIAL JUROR: But there is no one to
12 care for him. He'd have to sit in court with his
13 lessons until I would be done.

14 THE COURT: Ma'am, I will talk to you
15 about that. That's one of those catch-alls. If you
16 want to come forward, I will be happy to talk with
17 you about it. Yes, ma'am?

18 POTENTIAL JUROR: I am Julie Benton, No.
19 12, and I have a six-year-old son.

20 THE COURT: All right, do you wish to
21 claim the exemption?

22 POTENTIAL JUROR: Yes, Your Honor.

23 THE COURT: You are free to leave. Thank
24 you. That's Juror No. 12. Are there others? (No
25 response). Thank you, there appear to be none.

1 I heard a couple of these. Are there any
2 members of the jury panel who are students, teachers
3 or necessary employees with institutions of learning?
4 That would be K through 12 and institutions of higher
5 learning, including technical college, and your duties
6 as a teacher, necessary employee or student would
7 conflict with your responsibilities as a juror and you
8 wish to claim the exemption. Please stand. Ma'am,
9 that would not include you. Hang on, I'll give you a
10 chance to come forward. Yes, ma'am?

11 POTENTIAL JUROR: I am Juror No. 76, I am
12 a full-time student at Charleston Southern University
13 and I work at the elementary school, as well.

14 THE COURT: You're in class now, aren't
15 you?

16 POTENTIAL JUROR: Yes, sir, until August.

17 THE COURT: And you want to claim your
18 exemption?

19 POTENTIAL JUROR: Yes, sir.

20 THE COURT: And you are Ms. Jones?

21 POTENTIAL JUROR: (Affirmative nod).

22 THE COURT: You are free to leave.

23 Thank you. Good luck in your academics. Yes, ma'am?

24 POTENTIAL JUROR: My name is Barrie Hinson
25 and I believe that my juror number is No. 62.

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1 THE COURT: That's correct.

2 POTENTIAL JUROR: I am a teacher. I teach
3 Grades 6-12.

4 THE COURT: Do you want to claim the
5 exemption?

6 POTENTIAL JUROR: Yes, sir.

7 THE COURT: Very well, you are excused.
8 Thank you. Juror No. 62. Are there others? (No
9 response). Thank you, there are none.

10 Those are all of the exemptions, Ladies and
11 Gentlemen. The next questions, unlike the previous
12 questions, deal with your qualifications to serve.
13 So if you fall into any of these categories, it's
14 necessary that you share the information with the
15 Court because you will not be eligible to serve if
16 you do.

17 Before asking these questions, let me ask of
18 each juror if you do solemnly swear or affirm that
19 your responses to the questions that I will now ask
20 of you will be the truth. Please indicate that by
21 saying, 'I do'. (Jurors respond audibly).

22 Are there any members of the panel who could
23 not make that commitment to the Court, please stand.
24 (No response). Thank you, there are none.

25 The first one -- and all of these questions,

1 Ladies and Gentlemen, are required by statute. I have
2 to ask it of you, but I know that you have at least
3 one of these items. Because if you didn't have it,
4 you wouldn't be here. It is the only way that we
5 could have obtained your name to send you a subpoena.
6 But I have to ask the question not withstanding that.

7 Are there any members of the jury panel who
8 do not presently have -- and you don't have to have
9 them with you, you don't have to have them in your
10 possession, you don't have to have all of these but
11 only one -- either a Highway Department identification
12 card or a driver's license or a voter's registration
13 certificate. If so, please stand. (No response).
14 There are none.

15 Are there any members of the jury panel who
16 have not reached their eighteenth birthday? If so,
17 please stand. (No response). There are none.

18 Are there any members of the jury panel
19 who are clerks of court, deputy clerks of court,
20 constables, sheriffs, probate judges, county
21 commissioners, magistrates, county officers or any
22 person employed within the walls of any courthouse?
23 If so, please stand. (No response). There are none.

24 Are there any members of the jury panel that
25 hold a law enforcement commission? That could be with

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1 or without pay. In other words, you are empowered to
2 arrest someone, generally. If so, please stand. (No
3 response). Thank you, there are none.

4 Are there any members of the jury panel who
5 presently are not now citizens of the United States or
6 residents and citizens of the County of Berkeley? If
7 so, please stand. Yes, ma'am?

8 POTENTIAL JUROR: I live in Charleston
9 County now.

10 THE COURT: You have moved?

11 POTENTIAL JUROR: Yes, sir.

12 THE COURT: What is your number?

13 POTENTIAL JUROR: [REDACTED] Drive
14 in ---

15 THE COURT: No, no. Your juror number?

16 POTENTIAL JUROR: Oh, my juror number? I
17 believe that it is either 118 or 119.

18 THE COURT: What is your name?

19 POTENTIAL JUROR: Margaret M. Pye, P-y-e.

20 THE COURT: Ms. Pye, Juror No. 118, you
21 -- you used to live in Huger?

22 POTENTIAL JUROR: Yes, sir. I actually
23 own a house out there but my elderly mother lives
24 there. The bills are all in my name because I have
25 to pay ---

1 THE COURT: But you don't live there?

2 POTENTIAL JUROR: No, sir.

3 THE COURT: You live in Charleston
4 County?

5 POTENTIAL JUROR: Yes, sir, in Mount
6 Pleasant.

7 THE COURT: Very well. I will excuse
8 you. Maybe I will see you when I am in Charleston
9 sometime.

10 POTENTIAL JUROR: Thank you.

11 THE COURT: Have a good day. Are there
12 others? (No response). Thank you, there appear to
13 be none.

14 The next questions, Ladies and Gentlemen,
15 are questions that maybe you would prefer to share the
16 response with the court reporter here. I will give
17 you an opportunity to come forward. If any of these
18 questions apply to you, it is important that you share
19 the information with the Court.

20 The first one, are there any members of the
21 jury panel who have ever been convicted in a court of
22 record -- and that would be a state court or a federal
23 court -- of a crime that carried the potential or
24 potential sentence of more than a year? You wouldn't
25 have actually have had to receive a sentence of more

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1 than a year, only the potential for that sentence and
2 you have not had your civil rights restored by pardon
3 or amnesty. If so, then you need to come forward and
4 share that information because you will not be
5 eligible to serve. And it doesn't matter how long
6 ago it was.

7 Also, if there are members of the jury panel
8 remaining who are unable to read, write, speak or
9 understand the English language, I will be happy to
10 talk with you about it.

11 Quite honestly, I didn't want to press the
12 issue but I'm not sure how he (excused juror during
13 roll call) could respond to my question did he under-
14 stand if he didn't understand. But be that as it may,
15 I accept what he said as truthful.

16 I understand that there are situations when
17 it is not your native language and you're not
18 comfortable with all the nuances of our language and
19 therefore I understand that there may be situations
20 where that should be done, and you should be excused.
21 But I always find that to be an interesting question.
22 How in the world can they respond if they can't
23 understand the question? But, anyway, again, I'm
24 required to ask it by law.

25 Also, if there are any members of the jury

1 panel who have some physical or mental infirmity that
2 they believe would prevent them from serving on the
3 jury, I will be happy to talk with you about that as
4 well in just a few moments.

5 If there are members of the jury panel who
6 have less than the equivalent of a sixth grade
7 education, I will be happy to discuss that with you
8 as well.

9 Also, now if there are jurors who have some
10 other compelling reason -- and, ma'am, I will be happy
11 to talk with you about your situation now -- that they
12 wish to share with me about possibly postponing this
13 service, transferring to another term, I will be
14 delighted to talk with you about that, as well. Are
15 there persons now that have matters to discuss with
16 the Court? Please come forward.

17 BAILIFF: Juror No. 154, Elizabeth
18 Turner.

19 SIDEBAR:

20 THE COURT: Hi, Ms. Turner.

21 MS. TURNER: I wasn't sure but I got a
22 misdemeanor coming up, ---

23 THE COURT: How long ago?

24 MS. TURNER: It's been over a year since I
25 was charged with it.

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1 THE COURT: In Magistrate's court?
2 MS. TURNER: (Affirmative nod), yes --
3 magistrate's. I didn't know
4 whether it would count or
5 not.

6 THE COURT: No, you're doing the right
7 thing and that's why I
8 believe in the system. Thank
9 you, Ms. Turner.

10 (SIDEBAR CONCLUDED)

11 THE COURT: No. 154 is qualified.

12 BAILIFF: Juror No. 85, Irish Levine.

13 SIDEBAR:

14 THE COURT: Hello, Ms. Levine. How are
15 you today?

16 MS. LEVIN: Fine. Thank you.

17 THE COURT: Good.

18 MS. LEVINE: I take care of a seven-year
19 old, and I have no one to
20 take care of him. I have to
21 get him at 2:00 o'clock today
22 from school.

23 THE COURT: That would not be an ex-
24 emption, Ms. Levine. I can
25 excuse or transfer you to

1 another term, so that you
2 can make arrangements.

3 MS. LEVINE: Well, I don't know.

4 THE COURT: You're going to have the same
5 situation whenever. But you
6 can be transferred so you can
7 make arrangements or you can
8 take your chances here today.
9 What do you want to do?

10 MS. LEVINE: I'll stay.

11 (SIDEBAR CONCLUDED)

12 THE COURT: All right, Ms. Levine will
13 remain with us.

14 BAILIFF: Juror No. 100, Allen McGrew.

15 SIDEBAR:

16 THE COURT: Mr. McGrew, how are you, sir?

17 MR. MCGREW: I own the ice cream truck
18 where the fellow fell off the
19 back of the ice cream trunk
20 and I got charges on it.

21 THE COURT: But you have not been
22 convicted?

23 MR. MCGREW: No, not convicted.

24 THE COURT: That wouldn't be a problem.
25 Thank you, sir.

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1 MR. MCGREW: Thank you.

2 (SIDEBAR CONCLUDED)

3 THE COURT: Mr. McGrew will remain.

4 BAILIFF: Juror No. 94, Patricia

5 Martin.

6 SIDEBAR:

7 THE COURT: Hello, Ms. Martin.

8 MS. MARTIN: I am not opposed to serving.

9 THE COURT: That's good. I'm glad.

10 MS. MARTIN: But, like I said, I do a

11 lesson plan for him and

12 unless he could sit in the

13 courtroom and do it, I don't

14 see how I could ---

15 THE COURT: Ma'am, he can sit anywhere

16 that he wants. That's up to

17 you.

18 MS. MARTIN: Well, I don't know what kind

19 of case it is. So I don't

20 know that I'd want him ---

21 THE COURT: Well, ma'am, I can't promise

22 you which case you might ---

23 MS. MARTIN: --- to -- I don't want to

24 expose him to ---

25 THE COURT: Well, you don't have to bring

1 him.

2 MS. MARTIN: There is no one to watch him

3 but me.

4 THE COURT: You're going to have to make

5 arrangements. You're either

6 going to have to make

7 arrangements this week or

8 you'll have to make

9 arrangements later. Whatever

10 you want to do.

11 MS. MARTIN: Later.

12 THE COURT: Later?

13 MS. MARTIN: Yeah.

14 THE COURT: So you want to transfer to

15 when?

16 MS. MARTIN: Maybe summer or something --

17 summer.

18 THE COURT: I will transfer you to June.

19 We will look forward to

20 working with you then.

21 MS. MARTIN: You'all will send me a

22 notice?

23 THE COURT: Yes, ma'am.

24 MS. MARTIN: Thank you.

25 (SIDEBAR CONCLUDED)

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1 THE COURT: Ms. Martin will be trans-
2 ferred until June. Ms. Martin, that will be your
3 term then.

4 MS. MARTIN: I know.

5 THE COURT: I know! You will, for sure.

6 BAILIFF: Juror No. 185, Willie Green.

7 SIDEBAR:

8 THE COURT: Mr. Green, how are you, sir?

9 MR. GREEN: Fine, Your Honor. I am
10 involved in a case and the
11 trial starts next week.

12 THE COURT: You have already been
13 transferred one time.

14 MR. GREEN: All right.

15 (SIDEBAR CONCLUDED)

16 THE COURT: Mr. Green will remain.

17 BAILIFF: Juror No. 43, Elaine Dotson.

18 SIDEBAR:

19 THE COURT: Good afternoon, Ms. Dotson.

20 MS. DOTSON: Hi.

21 THE COURT: How are you?

22 MS. DOTSON: Fine. Thank you. I don't
23 know how you handle this but
24 the doctor that I work for
25 wrote a letter that he really

1 needs me to be in the office.

2 THE COURT: I can transfer you to a later
3 time but you're going to have
4 to make arrangements.

5 MS. DOTSON: Okay.

6 THE COURT: Please understand that you're
7 taking a chance. You may not
8 have to serve.

9 MS. DOTSON: Right. I will just let him
10 know.

11 THE COURT: So do you want to be trans-
12 ferred?

13 MS. DOTSON: No.

14 (SIDEBAR CONCLUDED)

15 THE COURT: Ms. Dotson will remain with
16 us.

17 BAILIFF: Juror No. 177, Gregory
18 Bowden.

19 SIDEBAR:

20 THE COURT: Mr. Bowden, how are you, sir?

21 MR. BOWDEN: Fine, sir. Yourself?

22 THE COURT: All right, sir.

23 MR. BOWDEN: I work as a consultant and I
24 am supposed to be out of town
25 this week.

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1 THE COURT: You were transferred once.

2 MR. BOWDEN: Yes, sir. Okay.

3 (SIDEBAR CONCLUDED)

4 THE COURT: Mr. Bowden will remain.

5 BAILIFF: Juror No. 135, Richard Sings.

6 SIDEBAR:

7 THE COURT: Mr. Sings, how are you, sir?

8 MR. SING: I got two felony convictions.

9 THE COURT: What are they?

10 MR. SING: One for possession with
11 intent to distribute and one
12 for ---

13 THE COURT: You haven't had that
14 expunged?

15 MR. SINGS: No.

16 THE COURT: No. 135?

17 MR. SINGS: Yes, sir.

18 (SIDEBAR CONCLUDED)

19 THE COURT: No. 135 is excused for
20 statutory reasons. Have a good day, sir.

21 BAILIFF: Juror No. 6, Delia Ayen.

22 SIDEBAR:

23 THE COURT: Good afternon, how are you?

24 MS. AYEN: I'm fine. Thank you. I got
25 a problem with my hearing, I

1 don't hear very good. I did
2 it before but I have some
3 difficulty with it.
4 THE COURT: Did it affect your service
5 before?
6 MS. AYEN: I think that it did.
7 THE COURT: So you feel hearing would be
8 a problem?
9 MS. AYEN: (Affirmative nod).
10 THE COURT: You can sit right here.
11 MS. AYEN: I can't hear, I can't put
12 together the case like that.
13 THE COURT: Do you feel that you could or
14 couldn't serve?
15 MS. AYEN: (Shrug).
16 THE COURT: Do you feel like you would be
17 able to serve?
18 MS. AYEN: I would be able to but the
19 problem is that I don't hear.
20 THE COURT: Well, if you don't hear, just
21 say 'I can't hear.' We can
22 have them repeat it.
23 MS. AYEN: Okay. And I work also in my
24 own business and I'm having
25 problems with -- and I work

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1 day and night.

2 THE COURT: Do you feel like your hearing
3 would be a problem?

4 MS. AYEN: Yes, sir.

5 (SIDEBAR CONCLUDED)

6 THE COURT: No. 6 will be excused for
7 statutory reasons.

8 BAILIFF: Juror No. 113, Dennis C.
9 Pinckney, Jr.

10 SIDEBAR:

11 THE COURT: Good afternoon, Mr. Pinckney.
12 How are you, sir?

13 MR. PINCKNEY: Good.

14 THE COURT: Yes, sir.

15 MR. PINCKNEY: Well, I have a felony
16 conviction and I also am
17 having panic attacks.

18 THE COURT: Are you treated by a
19 physician?

20 MR. PINCKNEY: Well, I haven't for a year
21 because I just got back down
22 here. I was extradited ---

23 THE COURT: Extradited? For what?

24 MR. JENNINGS: He has a record.

25 THE COURT: He does?

1 MR. JENNINGS: Yes, sir. Use of vehicle
2 without the owner's consent.

3 THE COURT: That means you can't serve.
4 Thank you.

5 (SIDEBAR CONCLUDED)

6 THE COURT: No. 113 is excused for
7 statutory reasons.

8 BAILIFF: Juror No. 91, Christopher
9 Lowell.

10 SIDEBAR:

11 THE COURT: Good afternoon, Mr. Lowell.
12 How are you, sir?

13 MR. LOWELL: Good, sir. And you, sir?

14 THE COURT: Good, sir.

15 MR. LOWELL: You know, I got a medical
16 condition. When I was
17 younger I got carjacked, and
18 I judge people poorly by how
19 they look.

20 THE COURT: We will talk about that in
21 one of the cases, so you'll
22 have to be excused.

23 MR. LOWELL: I just wanted to be clear on
24 it.

25 THE COURT: That's all right.

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1 (SIDEBAR CONCLUDED)

2 THE COURT: Mr. Lowell will remain with
3 us. There will be another qualification. What
4 number was he? No. 93?

5 COURT REPORTER: No. 91.

6 BAILIFF: Juror No. 32, Larry Compton.

7 SIDEBAR:

8 THE COURT: Mr. Compton, how are you,
9 sir?

10 MR. COMPTON: Doing good. Your Honor, I
11 got dyslexia and I get
12 confused and I don't remember
13 a lot of stuff that I read,
14 can't comprehend.

15 THE COURT: Do you work?

16 MR. COMPTON: I am a security guard. I
17 just park cars.

18 THE COURT: You would just be listening
19 to what people say. Would
20 that be a problem for you?

21 MR. COMPTON: And I was arrested twice.

22 MR. JENNINGS: He had a simple possession of
23 controlled substances in '94,
24 in California.

25 THE COURT: Okay. Did they convict you?

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1 MR. COMPTON: Yes, sir.

2 (SIDEBAR CONCLUDED)

3 THE COURT: No. 32 is excused for
4 statutory reasons. Have a good day, sir. Thank
5 you.

6 BAILIFF: Juror No. 11, Victoria
7 Bennett.

8 SIDEBAR:

9 THE COURT: Hello, Ms. Bennett. How are
10 you today?

11 MS. BENNETT: Fine.

12 THE COURT: Yes, ma'am?

13 MS. BENNETT: I'm mentally ill and I don't
14 want to do this.

15 THE COURT: Are you treated by a doctor?

16 MS. BENNETT: Yes, sir. Dr. Hovenoff
17 (phonetic).

18 THE COURT: If you can bring a letter to
19 the clerk from your doctor
20 that says that you need to be
21 excused, they will help you
22 with that. I will transfer
23 you and that will give you a
24 chance to get the letter and
25 get it to the clerk.

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1 MS. BENNETT: Thank you. She was supposed
2 to fax one.

3 (SIDEBAR CONCLUDED)

4 THE COURT: No. 11 will be transferred to
5 June. There is a situation where she may be sending a
6 letter. If you receive the letter, then she will be
7 excused. Thank you very much. Have a nice day.

8 BAILIFF: Juror No. 155, Anthony R.
9 Tyler.

10 SIDEBAR:

11 THE COURT: Mr. Tyler, how you are?

12 MR. TYLER: Pretty good. I have a five-
13 month old at home and I'm the
14 only person in the house with
15 him.

16 THE COURT: That would be the same any
17 time that you're called,
18 wouldn't it?

19 MR. TYLER: Okay.

20 THE COURT: So you just want to stay with
21 us?

22 MR. TYLER: Yeah.

23 (SIDEBAR CONCLUDED)

24 THE COURT: Mr. Tyler will remain with
25 us.

1 BAILIFF: Robert Early, and I don't
2 find his number. Oh, No. 186. Sorry.

3 SIDEBAR:

4 THE COURT: Mr. Early?

5 MR. EARLY: Who do I give this to? It
6 shows that I'm behind on
7 everything and I can't be
8 short five days pay. My boss
9 won't ---

10 THE COURT: Unfortunately you've been
11 transferred before.

12 MR. EARLY: I know but ---

13 THE COURT: Sorry. This is it. Thank
14 you, sir.

15 (SIDEBAR CONCLUDED)

16 THE COURT: Mr. Early will remain.

17 BAILIFF: Juror No. 22, Alma S.

18 Burden.

19 SIDEBAR:

20 THE COURT: Ms. Burden, how are you
21 today, ma'am?

22 MS. BURDEN: Good.

23 THE COURT: Yes, ma'am?

24 MS. BURDEN: I have a 91-year-old mother
25 and I take care of her. I

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1 don't really have anybody
2 that can sit with her if I am
3 here.

4 THE COURT: Well, I appreciate that but
5 we can't -- there's a Bill
6 that has been sent to the
7 Governor's Office, that has
8 been proposed but it's not
9 passed yet, but ---

10 MS. BURDEN: Can I ---

11 THE COURT: All I can tell you is that
12 you have to make arrangement
13 if we transfer you to another
14 term because you will have to
15 serve at that time. Or, you
16 can go ahead and take a
17 chance and serve now.

18 MS. BURDEN: Do we know how long it will
19 be?

20 THE COURT: Don't know. It depends on
21 whether you are picked or
22 not. If you aren't, then
23 this will be it. If you are,
24 then the case will be however
25 long that case goes.

1 MS. BURDEN: Okay.

2 THE COURT: Okay, what? Do you want to
3 be transferred or are you
4 going to stay with us?

5 MS. BURDEN: I don't understand the being
6 transferred.

7 THE COURT: If I transfer you -- there's
8 been a number of people who
9 have been transferred because
10 they needed to make arrange-
11 ments. I can postpone it so
12 that you can come that week,
13 but that's the week that you
14 will have to stay with us. I
15 don't know if the situation
16 would be the same.

17 MS. BURDEN: I think that might be better.

18 THE COURT: Yes, ma'am, I understand.

19 (SIDEBAR CONCLUDED)

20 THE COURT: Transfer Ms. Burden to June.
21 They will send you another notice, Ms. Burden. Make
22 arrangements for June.

23 BAILIFF: Juror No. 136, Billy W.
24 Slaughter.

25 SIDEBAR:

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1 THE COURT: Mr. Slaughter?

2 MR. SLAUGHTER: I just need to tell you
3 that I'm under treatment
4 for strep throat.

5 THE COURT: Thank you.

6 (SIDEBAR CONCLUDED)

7 THE COURT: Mr. Slaughter will remain.

8 BAILIFF: Juror No. 37, William Day.

9 SIDEBAR:

10 THE COURT: Hello, Mr. Day.

11 MR. DAY: How are you?

12 THE COURT: I'm fine. How are you, sir?

13 MR. DAY: I am doing pretty good.

14 THE COURT: Good. You look like you are.

15 MR. DAY: My wife's doctor called from
16 Trident Hospital this morning
17 and said that they don't
18 expect her to make it through
19 the day. I'd like to be with
20 her.

21 THE COURT: I'm sorry. We will transfer
22 you to June or August. Is
23 that okay?

24 MR. DAY: Yes, sir. Then I can get by,
25 because I'll be 65.

1 THE COURT: I noticed. If you're
2 transferred beyond April, do
3 you want to go ahead and
4 claim that exemption and be
5 excused?

6 MR. DAY: No, no. I'll be happy to do
7 it. I don't mind doing it.

8 THE COURT: I know. Good luck today,
9 sir.

10 MR. DAY: Thank you.

11 (SIDEBAR CONCLUDED)

12 THE COURT: Are there others? (No
13 response). Thank you very much, Ladies and Gentle-
14 men. I do find that you're qualified to serve this
15 week, some of you. I look forward to working with all
16 of you.

17 As I mentioned to you, I am truly proud to
18 be a part of this process of dispute resolution that
19 really is the envy of the world. And the reason for
20 it is not because I have a role, or the lawyers have
21 a role, quite honestly in my humble opinion it is
22 because of you. Because, you see, our system works
23 with two judges working together to help resolve
24 disputes.

25 Now, if I sit on what we call a bench trial,

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1 I have the responsibility of deciding the law and the
2 facts. But with a jury present, I don't have any
3 responsibility to decide the facts because the law
4 says that is your responsibility.

5 I promise you, Ladies and Gentlemen, that
6 you are extremely qualified to serve as a judge of the
7 facts in any dispute that you will hear this week.
8 Why do I say that? Because all that you will be asked
9 to do is to apply your commonsense, your sense of
10 logic and reason that you rely on every day of your
11 life to assist you.

12 Each one of you have made, probably -- I'd
13 hate to guess how many times in our lives that we've
14 made decisions with what we call commonsense.
15 Think about it. Every day we hear something or we
16 read something and we decide whether we believe it or
17 not. If we do, how strongly do we believe it?

18 That's exactly what you will be doing as
19 jurors. Nothing more. Nothing less. You will make a
20 decision based on the evidence, and that's -- that's
21 an important part. What is evidence? Evidence
22 consists of testimony of witnesses and exhibits.
23 Nothing else. An exhibit is a tangible item that is
24 introduced as evidence, which you will have an
25 opportunity to consider when you begin your

1 deliberations. Again, using your commonsense.

2 You will, at the appropriate time, apply
3 that reasoning and commonsense that serves you so
4 well in life -- and I say that sincerely. You truly
5 represent a cross-section of this community. You
6 have heard, as I did, the different work experiences,
7 the age differences. We all bring that to this
8 process, and it's a beautiful process because of that.
9 You will decide, at a point after you've had an
10 opportunity to hear all the testimony, receive all the
11 exhibits, receive the law, when we have gone through
12 the entire trial, to make a decision whether you
13 believe or not.

14 Once you decide the facts, that will be the
15 facts. No one will make that determination but you.
16 Once you decide the facts -- as I have said, our
17 system works by the two of us working together, my
18 responsibility is that I've been assigned by the Chief
19 Justice to hold this term of Court.

20 My responsibility is to preside over the
21 trial and to give you the law at the conclusion of the
22 trial. Of course, it is your responsibility and duty
23 to accept the law as I give it to you and apply that
24 law fairly and impartially to the facts as you
25 ultimately find them.

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1 When we go through this process, and I am
2 confident that this will happen, if you and I both do
3 one thing in performing our tasks. If you and I will
4 do our best to be fair and impartial in the
5 performance of our responsibilities, then I will
6 commit to you that the results to be obtained will be
7 those results that were contemplated when this system
8 was devised: a fair, just and reasonable verdict.
9 That's all that anyone could ask.

10 Now, is it perfect? Absolutely not. I will
11 tell you right now that it probably is not. But is it
12 better than the next-best thing? By far, it is.
13 Why do I say that? Well, you and I have all read
14 about cases and sometimes maybe you've scratched your
15 head and maybe you've said, 'Can you believe that?'
16 And every time that I find myself making that state-
17 ment, I quickly remind myself of something. I didn't
18 sit there, I wasn't present in that trial, I didn't
19 hear all the evidence that that judge and that jury
20 heard. That's very important to remember, that the
21 case is decided on the evidence and that the evidence
22 is everything. Not just certain portions. That's
23 important to remember in this process.

24 I heard a statistic years ago and it
25 probably, I think, sums up best why I believe in the

1 system as being certainly better than any other I know
2 of. I am sure that there are many, many more now but
3 in 1994 there was a survey done, and I think that it
4 all arose out of our Supreme Court, the United States
5 Supreme Court, that there were over 140,000 jury trial
6 in this country that year. Think about it. How many
7 did you hear about? How many did you read about?
8 Does that no indicate that the system works pretty
9 well? I think that it does.

10 I am confident that each one of you will
11 make this process, of dispute resolution, one that
12 we can be proud of. I am. I appreciate your
13 participation.

14 Let me just tell you now that if you are
15 selected as a juror, of course one of the trials that
16 I mentioned to you is a summary jury trial. That will
17 take place in another courtroom; Courtroom C, I think.
18 You will hear the evidence -- and that will be
19 completed, I am certain, by tomorrow. It is my
20 understanding, and I will remind you of this once
21 you're selected, that the summary trial will start
22 tomorrow at 10:00 o'clock. You probably will finish
23 that trial tomorrow.

24 For this case, we will start taking
25 testimony tomorrow. We start the case when we select

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1 you here very shortly, and I am thinking that this
2 case will go probably at least through Thursday and it
3 could go into Friday. We will just have to see how it
4 unfolds. If you are selected on this jury, each day I
5 will tell you when you need to return. We will
6 generally work until somewhere between 5:00 and 6:00,
7 and then you get to go home at night. We will start
8 about 9:30 each morning. We will take a break for
9 lunch, generally about an hour or an hour and a half
10 during the day, around 12:00 or 1:00. After your
11 lunch break, you'll come back. You'll also have what
12 I call the mid-morning break and a mid-afternoon
13 break. Generally I like to go for about an hour to an
14 hour and a half and then we'll take breaks. That way
15 it gives you a chance to stretch and relax for a
16 minute. That's how we will work each day. I hope
17 that you will find it workable. There may be times
18 when we have to tweak that a little bit, just to
19 accommodate testimony and we have to start earlier,
20 run a little later. But, I assure you, you will be
21 going home.

22 I look forward to working with you and I
23 appreciate your patience. Now I am going to give you
24 about five minutes to stretch, five or ten minutes.
25 I would ask that you be back at twenty minutes of.

1 At that time, we will start with the selection for the
2 first dispute.

3 Each case -- some of you mentioned some
4 things -- there will be an individual overview of each
5 case, tell you about what's involved, -- what does
6 that do, how does that affect you? Well, there may be
7 some disputes -- it is not uncommon that sometimes
8 there is a dispute that is either close to something
9 that has occurred in your life or in the life of a
10 friend of yours that you think, 'I am not sure that I
11 can sit on such a case, I am not sure that I could be
12 totally fair and impartial on a case like that.' So
13 if you hear something of that nature, all you need to
14 do is just stand and share that with me and you will
15 be excused.

16 The bottomline is that we're trying to get
17 a pool of jurors from which the parties can select
18 twelve fair and impartial jurors. Simply 'fair and
19 impartial' means that there is nothing about the case
20 that would give you any concern about your ability to
21 be fair and impartial in considering the evidence.

22 So the questions that you hear, there are no
23 'right' or 'wrong' answers. They are just asking you
24 if you can be fair and impartial.

25 We will start that about twenty 'til. We'll

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1 be at-ease.

2 (BRIEF RECESS)

3 (DEFENDANT PRESENT)

4 THE COURT: All right, Ladies and
5 Gentlemen, the first dispute -- Solicitor, are you
6 ready to get started?

7 MR. JENNINGS: May it please the Court at
8 this time, ---

9 THE COURT: Yes, sir.

10 MR. JENNINGS: --- the State of South
11 Carolina calls the State versus Derrick Grant.
12 Charged by Indictment 03-GS-08-0499, with the offense
13 of murder.

14 THE COURT: Thank you. Would you present
15 the Indictment, please.

16 MR. JENNINGS: (Tenders).

17 THE COURT: Thank you, sir. Ladies and
18 Gentlemen, the Solicitor has handed me a document
19 which is what it appears to you -- it's a piece of
20 paper. That's all. It's not evidence. It merely
21 contains the accusations against Derrick M. Grant.

22 I am going to share some information that
23 is contained in this document to help you answer some
24 questions that I will have of you. By this document,
25 and we call this an Indictment, Mr. Grant is accused

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1 of committing the offense of murder in this fashion:

2 It is alleged that on or about December
3 26th, 2002, he willfully and unlawfully, with malice
4 aforethought, killed and murdered Rachel Sottile by
5 means of an incision wound to her neck and a blunt
6 force trauma to the head, and that as a result Miss
7 Sottile died on December 26th, 2002.

8 It is alleged that this action violates a
9 section of our Code, Section 16-3-10, which provides
10 for the offense of murder.

11 I share that with you to find out if any
12 members of the jury panel have heard anything, read
13 anything, talked to anyone or had anyone talk to you
14 about this dispute. If so, please stand. Okay, I am
15 going to ask those persons to come forward, please.
16 Solicitors, Mr. Grant, Ms. Kennedy, please approach.

17 BAILIFF: Juror No. 160, Marilyn Walker.

18 SIDEBAR:

19 THE COURT: Hi, Ms. Walker. You've heard
20 something?

21 MS. WALKER: The only thing is that I read
22 it in the paper this morning.

23 THE COURT: Would that affect or influ-
24 ence you in this matter?

25 MS. WALKER: It would have to, because I

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1 didn't know anything about it
2 until I read it.

3 THE COURT: Thank you, and I appreciate
4 that. But could you set that
5 aside and decide the case
6 based the evidence?

7 MS. WALKER: I think so.

8 THE COURT: In other words, you would try
9 this case based on the
10 evidence presented in this
11 courtroom, notwithstanding
12 what you read?

13 MS. WALKER: I believe so, yes.

14 THE COURT: And you would make that
15 commitment to both the State
16 and to Mr. Grant?

17 MS. WALKER: Yes.

18 THE COURT: Thank you.

19 (SIDEBAR CONCLUDED)

20 BAILIFF: Juror No. 159, Margaret
21 Vincent.

22 SIDEBAR:

23 THE COURT: Ms. Vincent, give me your
24 full name please.

25 MS. VINCENT: Margaret D. Vincent.

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1 THE COURT: Juror No. 159?
2 MS. VINCENT: Yes, sir.
3 THE COURT: What is it that you ---
4 MS. VINCENT: I vaguely recall reading
5 something in the paper about
6 it when it happened.
7 THE COURT: Would that affect or influ-
8 ence you in this trial?
9 MS. VINCENT: No.
10 THE COURT: Would you decide this case
11 based on the evidence you
12 hear in this trial?
13 MS. VINCENT: Yes.
14 THE COURT: And you would not be in-
15 fluenced what you read in
16 the paper?
17 MS. VINCENT: No, sir.
18 THE COURT: And you could make a
19 commitment to Mr. Grant and
20 to the State that you would
21 be fair and impartial?
22 MS. VINCENT: Yes, sir.
23 THE COURT: Thank you, you may take your
24 seat.

25

(SIDEBAR CONCLUDED)

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1 BAILIFF: Juror No. 74, Edward Johnson.
2 SIDEBAR:
3 THE COURT: Mr. Johnson, how are you?
4 MR. JOHNSON: Good. I was looking through
5 the paper this morning and I
6 started to read it and I said
7 to myself, 'Oh, goodness, I
8 might be a juror.' So I
9 decided to stop reading.
10 THE COURT: Would that affect you in this
11 case?
12 MR. JOHNSON: No.
13 THE COURT: Would you be able to try this
14 case based on the evidence
15 and testimony presented
16 during the trial?
17 MR. JOHNSON: Sure.
18 THE COURT: And you could make that
19 commitment to the State and
20 to Mr. Grant?
21 MR. JOHNSON: Oh, yes. I stopped reading
22 it.
23 THE COURT: So you have not drawn any
24 conclusions or opinions from
25 what you read?

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1 MR. JOHNSON: No, no.

2 THE COURT: Very well. Thank you, sir.

3 You may take your seat.

4 (SIDEBAR CONCLUDED)

5 BAILIFF: Juror No. 176, Mary Beaufort-
6 Cutner.

7 SIDEBAR:

8 THE COURT: Hi, Ms. Beaufort-Cutner.

9 MS. CUTNER: I live in the Huger area and
10 I either read something or
11 heard something. I don't
12 recall the details.

13 THE COURT: Would that affect you in this
14 case?

15 MS. CUTNER: No, sir.

16 THE COURT: You would decide it based on
17 the evidence presented during
18 the trial?

19 MS. CUTNER: I would.

20 THE COURT: And you would make a
21 commitment to the State and
22 Mr. Grant to be fair?

23 MS. CUTNER: I would.

24 THE COURT: You may take your seat.

25 (SIDEBAR CONCLUDED)

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1 THE COURT: What was her number?

2 COURT REPORTER: Juror No. 176.

3 BAILIFF: Juror No. 107, Robert P.

4 Nance.

5 THE COURT: Mr. Nance, how are you, sir?

6 MR. NANCE: I remember this whole thing
7 about ---

8 THE COURT: I am going to excuse you from
9 this case. You may be able
10 to assist you in the next
11 case.

12 MR. NANCE: Thank you.

13 (SIDEBAR CONCLUDED)

14 THE COURT: Mr. Nance, Juror No. 107,
15 is to be excused from participation in this dispute.
16 Thank you.

17 BAILIFF: Juror No. 114, Robert H. Porter.

18 SIDEBAR:

19 THE COURT: Mr. Porter, how are you, sir

20 MR. PORTER: Fine. I remember reading in
21 the newspaper about the
22 situation. I remember that
23 someone was arrested. This
24 morning I was looking at the
25 newspaper and read the

1 article about it.

2 THE COURT: Would that affect you in this
3 case?

4 MR. PORTER: I have no earthly idea. I
5 guess I would have to hear
6 what the evidence is.

7 THE COURT: The question is this, having
8 heard or having read what you
9 read, would you decide this
10 case based on what you hear
11 in the courtroom and put
12 aside, lay aside all that
13 you've heard and read?

14 MR. PORTER: I would hope that I could.

15 THE COURT: I appreciate that but I need
16 a commitment. Mr. Grant and
17 the State have a right to
18 hear you say, 'Yes, I will.'

19 MR. PORTER: Well, I definitely will. I
20 would -- yes, I will listen
21 to and decide ---

22 THE COURT: Would you be influenced by
23 what you read?

24 MR. PORTER: I can't say that I wouldn't.

25 THE COURT: All right.

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1 (SIDEBAR CONCLUDED)

2 THE COURT: Mr. Porter will be excused
3 from this dispute. Mr. Porter, thank you very much.
4 If you will remain, maybe you can assist us in the
5 next case.

6 THE COURT: Thank you, sir.

7 POTENTIAL JUROR: Sure.

8 BAILIFF: Juror No. 178, Benjamin DuBois.

9 SIDEBAR:

10 THE COURT: What number? 178.

11 MR. DuBOIS: I just saw the article in the
12 paper today, but that would
13 not affect my judgment.

14 THE COURT: It would not?

15 MR. DuBOIS: No, sir.

16 THE COURT: You would decide the evidence
17 based on the evidence you
18 heard and not be influenced
19 by what you read?

20 MR. DuBOIS: Right, not at all, sir. I'm
21 a pilot, you got to prove
22 stuff to me.

23 THE COURT: I understand. Thank you,
24 sir.

25 (SIDEBAR CONCLUDED)

1 BAILIFF: Juror No. 79, William M. Kirk.

2 SIDEBAR:

3 THE COURT: Mr. Kirk.

4 MR. KIRK: How are you, sir?

5 THE COURT: I'm fine. How are you doing?

6 MR. KIRK: Pretty good, sir. There was

7 something in the paper this

8 morning, sir. My girlfriend

9 looked at it and said that

10 they were picking a jury and

11 I might be on the jury. I

12 just glanced at it.

13 THE COURT: Would that affect you in any

14 way?

15 MR. KIRK: No, it wouldn't.

16 THE COURT: You would decide the case

17 based on the evidence and ---

18 MR. KIRK: Yes, sir.

19 THE COURT: Thank you, sir. You may take

20 your seat, sir. Appreciate

21 it.

22 (SIDEBAR CONCLUDED)

23 BAILIFF: Juror No. 19, Sarrah Bridge.

24 SIDEBAR:

25 THE COURT: Ms. Bridge, how are you?

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1 MS. BRIDGE: Fine. I work with the
2 funeral home that handled
3 the service. I work in the
4 District Office, so I was not
5 involved.
6 THE COURT: You were not directly
7 involved?
8 MS. BRIDGE: No, sir.
9 THE COURT: Would that affect you in any
10 way?
11 MS. BRIDGE: No, sir.
12 THE COURT: Your decision would be based
13 on the evidence presented in
14 this courtroom?
15 MS. BRIDGE: Yes, sir.
16 THE COURT: Your decision would be fair
17 to both the State and to Mr.
18 Grant?
19 MS. BRIDGE: Yes, sir.
20 THE COURT: Thank you very much, Ms.
21 Bridge. You may take your
22 seat.
23 (SIDEBAR CONCLUDED)
24 BAILIFF: Juror No. 85, Irish Levine.
25 SIDEBAR:

1 THE COURT: Ms. Levine. How are you?

2 MS. LEVINE: Fine. I heard about it on
3 the news and from the paper
4 this morning.

5 THE COURT: Would that in any way affect
6 your ability to be fair ---

7 MS. LEVINE: It might, yes.

8 THE COURT: Thank you.

9 (SIDEBAR CONCLUDED)

10 THE COURT: Juror No. 85 will be excused
11 from participation in this dispute. If you will
12 remain, maybe you can assist us in the next one.

13 Are there any others? (No response).

14 Thank you, there appear to be done.

15 Are there any members of the jury panel that
16 feel that given the nature of this charge that because
17 of some philosophy you may have, something that might
18 have occurred in your life, to a family member, to a
19 good friend, anything that you can think of that would
20 affect or influence you in any way in being fair and
21 impartial in deciding the true facts in this case, and
22 that would be either from the State's standpoint or
23 from Mr. Grnat's standpoint? (No response). Thank
24 you, there are none.

25 As I mentioned to you, Mr. Grant, Derrick

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1 Grant, has been accused in this document. Mr. Grant
2 is seated here at the table to my left. Mr. Grant,
3 good afternoon, sir. If you would, please stand and
4 face the jury panel for me.

5 DEFENDANT: (Complies)

6 THE COURT: This is Mr. Derrick Grant.
7 Thank you, sir. You may take your seat, Mr. Grant.
8 Are there any members of the jury panel who may be
9 related by blood or marriage to Mr. Grant, have any
10 business dealings with Mr. Grant, are socially or
11 casually acquainted with him, have any connection at
12 all, please stand. (No response). Thank you, there
13 are none.

14 In this matter, Mr. Grant, as he has every
15 right to do, is representing himself. He is being
16 assisted in this matter by Ms. Kennedy. If you would,
17 just stand and identify yourself, Ms. Kennedy.

18 MS. KENNEDY: I am Patricia Kennedy. I'm
19 with the Public Defenders Office for Berkeley County.

20 THE COURT: Thank you, Ms. Kennedy. Are
21 there any members of the jury panel who are related by
22 blood or marriage to Ms. Kennedy, have any business
23 dealings with her, socially or casually acquainted
24 with her, have any connection at all, please stand?
25 (No response). Thank you, there are none.

1 The State is being represented in this
2 matter by the Solicitor. Mr. Jennings, if you would
3 identify yourselves, please, and anyone that may be
4 sitting with you.

5 MR. JENNINGS: Good afternoon, Ladies and
6 Gentlemen. My name is Blair Jennings. I am the
7 Deputy Solicitor for Berkeley County. My boss, Ralph
8 Hoisington, is the Solicitor for both Charleston and
9 Berkeley counties. Together, we will be trying this
10 case.

11 THE COURT: Thank you very much. Are
12 there any members of the jury panel related by blood
13 or marriage, have any business dealings with, are
14 socially or casually acquainted with Mr. Jennings or
15 Mr. Hoisington, ever been represented by either or
16 both of them, have any connection at all, please
17 stand. (No response). Thank you, there are none.

18 Are there any members of the jury panel
19 related by blood or marriage, have any business
20 dealings with, now or formerly, anyone employed with
21 the Solicitor's office for the 9th Judicial Circuit?
22 It has offices in Berkeley and Charleston counties.
23 If so, please stand. As to either one? (No
24 response). Thank you, there are none.

25 I am going to identify a number of persons,

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1 Ladies and Gentlemen. If you are related by blood or
2 marriage to any of these persons, have any business
3 dealings with them, are socially or casually
4 acquainted with any of them, you need to stand and
5 share that information with the Court:

6 Coy Watson

7 Heather Browder

8 Fred Lincoln

9 Sgt. Michael Arnette, with the Berkeley
10 County Sheriff's Office

11 Vonda Victory Youngberg

12 Officer Theodore Favero with the Mount

13 Pleasant Police Department

14 Detective Tim Buchanan with Berkeley County

15 Sheriff's Office

16 Eddie Washington

17 Bobbie Lawrence

18 Captain Rick Ollic with the Berkeley County

19 Sheriff's Office.

20 Danny Maples

21 Tavis Middleton

22 Annette Moore or Sgt. Dean Kokinda, both of

23 whom are employed with the Berkeley

24 County Sheriff's Office

25 Agent Phillip Coonfield, with South Carolina

1 Law Enforcement Division
2 Detective John Dunn,
3 Paula Brodie, and
4 Crystal Diess, -- all three of whom are with
5 the Berkeley County Sheriff's Office
6 Bill Salisbury who is with the Berkeley
7 County Coroner's Office
8 Agent Janice Bryson and
9 Agent Stephen Lambert, both with the
10 South Carolina Law Enforcement Division
11 Dr. S.E. Presnell with MUSC
12 Lt. John Plitsch with the Berkeley County
13 Sheriff's Office
14 Robert Clark
15 Henry Middleton, with the Charleston Police
16 Department
17 Mary Brown, Berkeley County Clerk of Court
18
19 If you know any of those persons, please
20 stand. Yes?
21 POTENTIAL JUROR: I know Dean Kokinda from
22 the past.
23 THE COURT: From the past?
24 POTENTIAL JUROR: Yes, sir.
25 THE COURT: What is your name and number,

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1 sir?

2 POTENTIAL JUROR: No. 56, my name is Neal
3 Haga.

4 THE COURT: You had a casual relationship
5 with -- you knew him casually?

6 POTENTIAL JUROR: Yeah.

7 THE COURT: The fact that you knew him,
8 would that affect or influence you in this case?

9 POTENTIAL JUROR: No, it wouldn't.

10 THE COURT: If Mr. Kokinda should
11 testify, would you consider his testimony the same
12 as any other witness that testifies in this matter?

13 POTENTIAL JUROR: Yes, I would.

14 THE COURT: And would your decision be
15 based on the evidence and the law and would it be fair
16 to the State and be fair to Mr. Grant?

17 POTENTIAL JUROR: Yes, it would.

18 THE COURT: And your number again?

19 POTENTIAL JUROR: 56.

20 THE COURT: Thank you, sir. You may take
21 your seat. Yes, sir?

22 POTENTIAL JUROR: Juror No. 30, Mary Clark
23 -- excuse me, Mary Brown and I used to be neighbors.

24 THE COURT: The fact that you had that
25 experience, would that affect or influence you in this

1 case?

2 POTENTIAL JUROR: No, sir.

3 THE COURT: If Mary Brown should testify,
4 would you consider her testimony the same as any other
5 witness?

6 POTENTIAL JUROR: Yes, sir.

7 THE COURT: Would your decision be based
8 on the evidence and the law and would it be fair to
9 both sides?

10 POTENTIAL JUROR: Yes, sir.

11 THE COURT: Thank you. If you would,
12 please stand if you have some connection. Yes, ma'am?

13 POTENTIAL JUROR: I have met with Bill
14 Salisbury for business reasons.

15 THE COURT: For business reasons in
16 connection with your business that you shared with
17 us?

18 POTENTIAL JUROR: Yes, sir.

19 THE COURT: Would that affect or influ-
20 ence you in this matter?

21 POTENTIAL JUROR: No, it would not.

22 THE COURT: And if Mr. Salisbury were to
23 testify, would you consider his testimony the same as
24 any other witness?

25 POTENTIAL JUROR: Yes, sir.

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1 THE COURT: And would your decision be
2 based on the evidence and the law and would it be
3 fair to the State and to Mr. Grant?

4 POTENTIAL JUROR: Yes, sir.

5 THE COURT: Your name, again?

6 POTENTIAL JUROR: Sarrah Bridge.

7 THE COURT: Thank you, Ms. Bridge. Any
8 others? (No response). Thank you, there appear to be
9 none. Also, I am going to identify some other persons
10 that I failed to include:

11 Issac Grant,
12 Janie Grant,
13 Somonia Asbury,
14 Tiffany Grant,
15 Steven Grant,
16 Monike Green,
17 Lasheena Green,
18 Mary Johnson, and
19 Tannis Grant.

20 Any of those persons? (No response).

21 Thank you, there appear to be none.

22 As I mentioned to you, Ladies and Gentlemen,
23 this document which contains the accusation or charges
24 against Mr. Grant is not evidence. It is simply the
25 process or simply how we bring this matter to trial or

1 bring the parties here in the courtroom.

2 I would charge you that in connection with
3 that, that persons who are accused of criminal
4 offenses in this state -- and in this country, for
5 that matter -- as Mr. Grant is today -- first of all,
6 our law says that persons so charged have no responsi-
7 bility to prove or disprove anything.

8 The law says that when a person is accused
9 that the party that makes the accusations, and in this
10 case the State of South Carolina, that party has the
11 burden of proving its case. That means that they have
12 to prove every element to a standard that we call
13 "beyond a reasonable doubt".

14 I will define that term for you in much
15 greater detail when we start the trial of this case
16 and I give you the charge on the law. But a reason-
17 able doubt is simply that doubt that would cause an
18 honest, sincere, conscientious juror to hesitate to
19 act or to take some action. That's the standard that
20 you will be asked to apply if you're selected on this
21 jury.

22 Basically what you will be doing when you
23 begin this process of deciding the facts of this case,
24 you will be asking yourself as to each element of the
25 crime -- and I will define those elements for you.

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1 You will be asking, 'Am I convinced from the evidence
2 that the State has met its burden beyond a reasonable
3 doubt?'

4 If your answer is yes as to each element,
5 then under the oath that you took you will return a
6 verdict of Guilty because the State would have met
7 its burden of proof.

8 If on any one of those elements your answer
9 should be, 'Well, I don't think that they did, or I
10 know that they didn't, or I am not sure they did',
11 then you would be instructed to return a verdict of
12 Not Guilty because the State would have failed to meet
13 its burden of proof as to that particular element.

14 That's what this trial is about. Persons
15 who are accused are presumed innocent until and unless
16 the State brings in enough evidence to convince a jury
17 beyond a reasonable doubt that they are guilty of the
18 offense charged.

19 Is there any juror that because of some
20 philosophy you have, something that has occurred in
21 your life, any feelings that you have that would
22 prohibit or affect your ability to fairly and
23 impartially apply that law and follow that law if
24 you were selected to help resolve this dispute? If
25 so, please stand. (No response). Thank you, there

1 are none.

2 Of course, a part of that -- and it goes
3 without saying, but I will say it in this fashion:
4 You would never look to Mr. Grant to prove anything.
5 Because I would tell you now that he has absolutely
6 nothing to prove or explain, because that burden rests
7 solely on the State.

8 Is there any juror that feels that they
9 would have any problem applying that principle of law?
10 That is that you would never expect Mr. Grant to
11 answer anything, explain anything. He has no burden
12 whatsoever. Is there a juror that feels, because of
13 something that has occurred in your life, some
14 philosophy that you may have that would affect your
15 ability to follow or apply that principle of law; if
16 so, please stand. (No response). Thank you, there
17 are none.

18 One of the things that I hear jurors say
19 from time to time, I didn't hear any today, but I
20 assure you that what you are called upon to do, of
21 course, is to decide what you believe to be the truth.
22 Obviously that means that you, at the appropriate
23 time, will consider the evidence which consists of
24 testimony of all witnesses that may testify and any
25 exhibits which may be introduced. It would be your

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1 responsibility and your commitment that you will make
2 to both sides that you would carefully, methodically
3 apply your commonsense and evaluate that evidence and
4 decide what you find to be believable, what you find
5 to be credible.

6 And, once deciding that, take that law and
7 apply that fairly and impartially to the facts that
8 you determine.

9 Is there anything -- and insofar as this
10 case, and while it is a case of a criminal dispute,
11 that is that someone is being accused of committing a
12 crime, you will not be imposing any sentence. People
13 sometimes are concerned about judgment. Judgment is
14 not what you're doing. You're deciding facts, taking
15 the law, putting them together and reporting a
16 decision. Is there any juror that feels because of
17 some philosophy that you may have that you would have
18 difficulty honoring a commitment that you would have
19 to make to both the State and to Mr. Grant that you
20 could, and would, fairly apply your commonsense and
21 logic and you would also take the law as I give it to
22 you, apply that law to the facts and report your
23 decision? If you feel that you could not do that for
24 any reason, please stand. (No response). Thank you,
25 there are none.

1 Are there any members of the jury panel or
2 member of your immediate family, or close personal
3 friends, that have ever been involved in law enforce-
4 ment? Either now or formerly, in any capacity? If
5 so, please stand. (Jurors stand). Please remain
6 standing and we will just work our way across. Yes,
7 sir?

8 POTENTIAL JUROR: My wife's uncle works
9 for the Sheriff's Department in Kershaw County.

10 THE COURT: Where?

11 POTENTIAL JUROR: Kershaw County.

12 THE COURT: Would that affect or influ-
13 ence you in this case?

14 POTENTIAL JUROR: No, sir, it would not.

15 THE COURT: Your name and number,
16 please?

17 POTENTIAL JUROR: Robert Hodge, No. 63.

18 THE COURT: Yes, sir?

19 POTENTIAL JUROR: Wilbur Alvarez, Juror
20 No. 4, I assisted in the training and evaluation of
21 Federal law enforcement personnel.

22 THE COURT: Okay. Would that affect or
23 influence you in this case, Mr. Alvarez?

24 POTENTIAL JUROR: No, sir.

25 THE COURT: Thank you, sir. You may be

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1 seated. Yes, sir?

2 POTENTIAL JUROR: Billy Slaughter, my
3 father is a retired Highway Patrolman.

4 THE COURT: Would that affect or influ-
5 ence you in this case, sir?

6 POTENTIAL JUROR: No, sir.

7 THE COURT: And your number, Mr.
8 Slaughter?

9 POTENTIAL JUROR: No. 136.

10 THE COURT: Thank you, sir. Yes, ma'am?

11 POTENTIAL JUROR: Juror No. 7, Sandra
12 Badgett. I have a second cousin who works with North
13 Charleston City Police.

14 THE COURT: Would that affect or influ-
15 ence you in this case?

16 POTENTIAL JUROR: No, sir.

17 THE COURT: Thank you, you may be seated.
18 Yes, ma'am?

19 POTENTIAL JUROR: Juror No. 97, Jennifer
20 Maynard. My husband used to be a corrections officer
21 in Chattanooga and my grandfather also worked for
22 Berkeley County.

23 THE COURT: Would that affect or influ-
24 ence you in this matter?

25 POTENTIAL JUROR: No, sir.

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1 THE COURT: And your number again?

2 POTENTIAL JUROR: Number 97.

3 THE COURT: Thank you. Yes, ma'am?

4 POTENTIAL JUROR: Sonya Enderez, No. 50,
5 my best friend's husband is Captain McElroy
6 (phonetic).

7 THE COURT: Would that affect or influ-
8 ence you in this case?

9 POTENTIAL JUROR: No, sir.

10 THE COURT: Thank you, ma'am, you may be
11 seated. Yes, ma'am?

12 POTENTIAL JUROR: Nancy Nazier, Juror No.
13 180. My brother was in the police department.

14 THE COURT: Would that affect or
15 influence you in this matter?

16 POTENTIAL JUROR: No, sir.

17 THE COURT: Your number again?

18 POTENTIAL JUROR: 180.

19 THE COURT: Thank you, ma'am. Yes,
20 ma'am?

21 POTENTIAL JUROR: My husband worked with
22 the NYC Transit Police.

23 THE COURT: Would that affect or
24 influence you in this matter?

25 POTENTIAL JUROR: No, sir.

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1 THE COURT: Thank you ma'am, you may be
2 seated. Yes, sir?

3 POTENTIAL JUROR: I am Juror No. 177. I
4 worked for two summers, 1991 and 1992, for the FBI.
5 My mother is retired from a career with the FBI.

6 THE COURT: Would that affect or influ-
7 ence you in this matter?

8 POTENTIAL JUROR: I don't believe so.

9 THE COURT: And you would apply that
10 knowledge fairly and impartially to both sides?

11 POTENTIAL JUROR: Yes.

12 THE COURT: And your decision would be
13 fair to the State and to Mr. Grant?

14 POTENTIAL JUROR: Yes.

15 THE COURT: Thank you, sir. Yes, ma'am?

16 POTENTIAL JUROR: Juror No. 151, my best
17 friend's husband is with the police department.

18 THE COURT: Would that affect or influ-
19 ence you in this dispute?

20 POTENTIAL JUROR: No, sir.

21 THE COURT: Your decision would be fair
22 to both sides?

23 POTENTIAL JUROR: Yes, sir.

24 THE COURT: Are there any members of the
25 jury panel, a member of your immediate family or close

1 personal friend, that have ever been involved with a
2 crime of violence, either as a victim, as a person
3 accused, as a witness, or any involvement at all? If
4 so, I ask those persons to please stand. (Jurors
5 stand). Okay, I will ask those persons to come
6 forward. You may approach.

7 BAILIFF: Juror No. 154, Elizabeth Turner.

8 SIDEBAR:

9 THE COURT: Good afternoon, Ms. Turner.

10 MS. TURNER: I have a neighbor that lives
11 up the street from me and she
12 and her husband had a
13 domestic dispute.

14 THE COURT: Were you involved in that?

15 MS. TURNER: Not professionally. Just to
16 be there, as a neighbor --
17 and got all the kids out.

18 THE COURT: Would that affect you in this
19 case? Could you decide this
20 case based on the testimony
21 and the evidence?

22 MS. TURNER: I could.

23 THE COURT: Thank you.

24 (SIDEBAR CONCLUDED)

25 BAILIFF: Juror No. 4, Wilfred Alvarez.

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1 SIDEBAR:

2 THE COURT: Hello, Mr. Alvarez, how are
3 you today?

4 MR. ALVAREZ: Fine. My best friend's
5 sister and her husband were
6 murdered.

7 THE COURT: Would that affect you in this
8 case?

9 MR. ALVAREZ: No.

10 THE COURT: You would set that aside and
11 decide this case fairly on
12 the evidence presented in
13 this case?

14 MR. ALVAREZ: Yes, sir.

15 THE COURT: Thank you, sir. You may take
16 your seat.

17 (SIDEBAR CONCLUDED)

18 BAILIFF: Juror No. 160, Marilyn
19 Walker.

20 SIDEBAR:

21 THE COURT: Hello, Ms. Walker.

22 MS. WALKER: My best friend's sister was
23 killed when she was a
24 teenager. Pretty brutally
25 murdered and thrown in three

1 different lakes. It was a
2 pretty brutal murder.

3 THE COURT: How long ago was that?

4 MS. WALKER: It's been about twenty years
5 ago.

6 THE COURT: Would that affect you in this
7 case?

8 MS. WALKER: No.

9 THE COURT: It would not influence you at
10 all and you would determine
11 the facts from the evidence?

12 MS. WALKER: Right.

13 THE COURT: You would base your decision
14 on the evidence presented in
15 this case?

16 MS. WALKER: Yes, sir.

17 THE COURT: Thank you, ma'am. You may
18 take your seat, Ms. Walker.

19 (SIDEBAR CONCLUDED)

20 BAILIFF: Juror No. 100, Allen McGrew.

21 SIDEBAR:

22 THE COURT: Mr. McGrew.

23 MR. MCGREW: My son grew up with one of
24 them boys that shot that
25 patrolman over there on

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1 College Park Road, Jessie
2 Sapp.
3 THE COURT: Would that affect you in this
4 case?
5 MR. MCGREW: No, sir.
6 THE COURT: And your decision would be
7 based on the evidence
8 presented in this case?
9 MR. MCGREW: Yes, sir.
10 THE COURT: Thank you.
11 MR. MCGREW: Yes, sir.
12 (SIDEBAR CONCLUDED)
13 BAILIFF: Juror 30, Frank Cole, III.
14 THE COURT: Mr. Cole, how you are today?
15 MR. COLE: Fine. How 'bout you, sir?
16 THE COURT: Fine, thank you.
17 MR. COLE: I have to tell you that my
18 ex-girlfriend was shot.
19 THE COURT: Would that affect you in any
20 way?
21 MR. COLE: No, sir.
22 THE COURT: Thank you, sir.
23 (SIDEBAR CONCLUDED)
24 BAILIFF: Juror No. 71, John Janney.
25 THE COURT: Mr. Janney.

1 MR. JANNEY: Fine, thank you. About seven
2 years ago, I was the victim
3 of a hit-and-run DUI driver.
4 I don't think that would
5 affect my judgment.

6 THE COURT: If there was testimony in-
7 volving the use of drugs or
8 alcohol, you would consider
9 all the evidence and you
10 would not be influenced by
11 what's occurred in your
12 background?

13 MR. COLE: Right.

14 THE COURT: So you would make a decision
15 based on the evidence in this
16 case and that decision would
17 be fair to both Mr. Grant and
18 to the State?

19 MR. COLE: Yes, sir.

20 THE COURT: Thank you.

21 (SIDEBAR CONCLUDED)

22 BAILIFF: Juror No. 176, Mary Beaufort-
23 Cutner.

24 SIDEBAR:

25 THE COURT: Hello, Ms. Cutner.

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1 MS. CUTNER: My husband was committed --
2 was found guilty of a felony
3 in New York State.
4 THE COURT: Were you involved in that
5 proceeding?
6 MS. CUTNER: No, sir, I was not.
7 THE COURT: Would you affect you in this
8 case?
9 MS. CUTNER: It would not affect me.
10 THE COURT: You would decide this case
11 based on the evidence
12 presented in this case?
13 MS. CUTNER: Right.
14 THE COURT: Thank you, ma'am. You may
15 take your seat.
16 (SIDEBAR CONCLUDED)
17 BAILIFF: Juror No. 28, Pamela K.
18 Cincotta.
19 SIDEBAR:
20 THE COURT: Ms. Cincotta.
21 MS. CINCOTTA: My husband was charged with
22 assault and battery.
23 THE COURT: Would that influence you at
24 all in this case?
25 MS. CINCOTTA: No, sir.

1 THE COURT: You would make a decision
2 based on the evidence and
3 testimony presented in this
4 case?

5 MS. CINCOTTA: Oh, yes, sir.

6 THE COURT: And you would decide this
7 case based on the evidence
8 presented in this case?

9 MS. CINCOTTA: Yes, sir.

10 THE COURT: Thank you, ma'am.

11 (SIDEBAR CONCLUDED)

12 BAILIFF: Juror 136, Billy Slaughter,
13 Jr.

14 SIDEBAR:

15 THE COURT: Good afternoon, Mr.
16 Slaughter.

17 MR. SLAUGHTER: My mother-in-law was
18 beaten to death in the
19 late '90s and her house
20 was set on fire.

21 THE COURT: Would that affect you or
22 influence you in deciding
23 this case?

24 MR. SLAUGHTER: No, sir.

25 THE COURT: You would decide this case

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1 based on the evidence that
2 you hear in this case?
3 MR. SLAUGHTER: Yes, sir.
4 THE COURT: And that decision would be
5 fair to both Mr. Grant and to
6 the State?
7 MR. SLAUGHTER: Yes, sir.
8 THE COURT: Thank you, Mr. Slaughter.
9 (SIDEBAR CONCLUDED)
10 BAILIFF: Juror No. 101, Cliff McLeod.
11 SIDEBAR:
12 THE COURT: Mr. McLeod, how are you, sir?
13 MR. McLEOD: Fine, sir. And you?
14 THE COURT: Yes, sir.
15 MR. McLEOD: I was the victim of sexual
16 abuse as a minor.
17 THE COURT: Would that affect you or
18 influence you in this case?
19 MR. McLEOD: No, sir.
20 THE COURT: You would make your decision
21 based on the evidence
22 presented in this case?
23 MR. McLEOD: Yes, sir.
24 THE COURT: And that decision would be
25 fair to both Mr. Grant and to

1 the State?

2 MR. MCLEOD: Yes, sir.

3 THE COURT: Thank you, sir.

4 (SIDEBAR CONCLUDED)

5 THE COURT: Are there others? (No
6 response). Thank you, there are none. Okay.

7 From time to time, Ladies and Gentlemen, and
8 sometimes -- it may not have happened, but sometimes
9 it does, there are occasions when persons may testify
10 and a question may be asked of that person about a
11 prior criminal record.

12 The purpose of that question simply deals
13 with our rules of evidence that allow that to be
14 introduced. It's considered for one source only, and
15 that is that it's a factor that you may consider in
16 evaluating the credibility and the believability of
17 that person.

18 Just because someone is charged with a crime
19 does not necessarily make that persons's testimony not
20 believable, it's just simply a factor that you would
21 consider.

22 Is there any juror that feels that they
23 would have any problems following the instruction of
24 the court that you may consider that only for that
25 purpose and that, as I stated, it may or may not

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1 affect how you may -- what your ultimate decision is.
2 It's just one factor that you may consider but it
3 doesn't prohibit you from considering that testimony
4 and finding it to be credible. If any juror feels
5 that they have difficulty in following that instruc-
6 tion, please stand. (No response). Thank you, there
7 are none.

8 Another principle of law that you could hear
9 in this case that says that -- it's called "mere
10 presence". If one is merely present at the scene of a
11 crime and the State does not prove anything other than
12 just merely present, then that would not be enough to
13 convict a person because the State has to prove more
14 than just merely being present at the scene of a
15 crime.

16 Is there anything about the nature of that
17 law or anything about your philosophies that you would
18 feel that you would have any difficulty, should that
19 law be charged, applying that law in this case? If
20 so, please stand. (No response). Thank you, there
21 are none.

22 One of the parts of this proceeding that
23 will occur, probably first thing in the morning before
24 we start, is something that you will do that I did
25 when I took this job. I took an oath. You will take

1 an oath, as a judge, that you will apply your common-
2 sense, your sense of logic and reasoning fairly and
3 impartially and that you will then make those
4 decisions that only you can make about what you find
5 to be credible and believable.

6 Once you decide those true facts, you will
7 take the law as I give it to you even if you should
8 hear a principle of law with which you may differ. I
9 respect your right to feel that way but part of this
10 process, this wonderful process of two judges working
11 together, is that you will decide the facts -- and I
12 have nothing to do with that -- and then, once having
13 decided those facts, you will take the law as I give
14 it to you and set aside your personal feelings about
15 the law and apply that law fairly and impartially to
16 the facts, then report your decision.

17 And you will make a commitment to the State
18 and to Mr. Grant that you will honor that oath. If
19 there is any juror who feels, based on what we have
20 talked about thus far, if you haven't already been
21 excused, that feels that they could not make that
22 commitment, for any reason, please stand. (No
23 response). Thank you, there are none.

24 Any additional questions from the State?

25 MR. JENNINGS: No, sir.

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1 THE COURT: Mr. Grant, I have what --
2 you have submitted your *voir dire*. I think that I
3 have covered the nature of them but I will make them
4 Court's Exhibit 1. Any additional questions that you
5 have other than those contained on your written
6 request?

7 DERRICK GRANT: No, Your Honor.

8 (SO ENTERED AS COURT'S EXHIBIT 1)

9 THE COURT: Very well. Thank you. All
10 right, do we have a list?

11 CLERK: Yes, sir.

12 THE COURT: Ladies and Gentlemen, your
13 names have been drawn at random and placed on a list.
14 That list is numbered sequentially. The order in
15 which it will be published means nothing. In just a
16 moment the Clerk is going to call your name. If you
17 made this list, it just simply means that you may be
18 on this jury. You see, from this list we will select
19 a jury. Each side can excuse jurors in this process.
20 Once we go through the process the twelve jurors that
21 are selected, and then the alternates, will be called
22 forward.

23 To assist us -- rather -- there are two ways
24 of doing that. One is to have you come forward and
25 stand here -- and maybe some of you have participated

1 in that, and that is one way of doing it. Another way
2 is to do it by this list.

3 I would simply ask that when your name is
4 called that you stand just where you are and tell us
5 again what you -- you don't have to tell us if you're
6 married or not or what your spouse does, but just what
7 you personally do. If you're retired, tell us what
8 you did before retiring. If you're presently
9 unemployed, tell us what you did before becoming
10 unemployed.

11 Again, if your name is called that just
12 means that you are on the list but does not neces-
13 sarily mean that you are going to serve. Madame
14 Clerk, if you will call the list.

15 CLERK: Yes, sir. Juror No. 54, Marion
16 Gibbs, Sr.

17 MR. GIBBS: (No response).

18 THE COURT: What do you do, sir?

19 MR. GIBBS: I am Marion Gibbs. I work
20 for the Town of Mount Pleasant.

21 THE COURT: That's fine. Thank you, sir.

22 CLERK: No. 69, Ivy C. Hugley.

23 MS. HUGLEY: Behr Corporation.

24 THE COURT: I'm sorry, I didn't hear you.

25 MS. HUGLEY: I work at Behr as an

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1 administrative assistant.

2 THE COURT: Thank you.

3 CLERK: Juror No. 101, Cliff H.

4 McLeod, Jr.

5 MR. McLEOD: I am a Presbyterian minister.

6 CLERK: Juror No. 175, Marianne L.

7 Yates.

8 MS. YATES: Teller/clerk.

9 CLERK: Juror No. 171, Richard L.

10 Wincenciak.

11 MR. WINCENCIAK: I am a supervisor for

12 Cummins Engine Company.

13 CLERK: Thank you. Juror No. 7, Sandra L.

14 Badgett.

15 MS. BADGETT: I am a stay-at-home mom.

16 CLERK: Juror No. 48, Ray R. Ellington,

17 Jr.

18 MR. ELLINGTON: I work as a general

19 contractor, remodeling schools.

20 CLERK: Juror No. 100, Allen L. McGrew.

21 MR. MCGREW: I drive an ice cream truck.

22 CLERK: Juror No. 182, Mary A. Steele.

23 MS. STEELE: Housewife, I worked in a

24 factory for a few years and quit to raise my children.

25 CLERK: Juror NO. 91, Christopher P.

1 Lowell.

2 MR. LOWELL: Guy's Heating & Air
3 Conditioning.

4 CLERK: No. 178, Benjamin W. DuBois, II.

5 MR. DuBOIS: Airline pilot, U.S. Air.

6 CLERK: Juror No. 20, Dorothy Bridges.

7 MS. BRIDGES: Housewife.

8 CLERK: Juror No. 86, Patrice D.J. Lime-
9 house.

10 MR. LIMEHOUSE: Employed by Burger King
11 as a cashier.

12 CLERK: Juror No. 177, Gregory S. Bowden.

13 MR. BOWDEN: Fund raiser for a nonprofit
14 organization.

15 CLERK: Juror No. 180, Nancy A. Nazer.

16 MS. NAZER: MUSC transcriptionist.

17 CLERK: Juror No. 66, Eugene M. Horne, Jr.

18 MR. HORNE: Ports Authority.

19 CLERK: Juror No. 173, Marie B. Woodruff.

20 MS. WOODRUFF: Medicaid Eligibility, DHEC.

21 CLERK: Juror No. 167, Iris L. Williams.

22 MS. WILLIAMS: I work at Bank of America as
23 a receptionist.

24 CLERK: Juror No. 176, Mary Beaufort-
25 Cutner.

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1 MS. CUTNER: Certified nurse's assistant,
2 I work for Berkeley County.

3 CLERK: Juror No. 132, Christopher R.
4 Schultz.

5 MR. SCHULTZ: I work for Bomar.

6 CLERK: Juror No. 172, Ronald Witmer.

7 MR. WITMER: Lead tire technician at Wal-
8 Mart.

9 CLERK: Juror No. 114 was on the list, but
10 he's been excused; is that correct?

11 THE COURT: Correct.

12 CLERK: Juror No. 93, Dion L. Martin.

13 MR. MARTIN: An Engineer with Scientific
14 Research Corporation.

15 CLERK: Juror No. 160, Marilyn M. Walker.

16 MS. WALKER: I own and operate Castle
17 Cleaning Services.

18 CLERK: Juror No. 4, Wilfred B. Alvarez.

19 MR. ALVAREZ: Studio mechanic.

20 CLERK: Juror No. 142, Tiffany Stolarick.

21 MS. STOLARICK: I work for Bechtel, as a
22 training manager.

23 CLERK: Juror No. 124, Carlos Rivers, Jr.

24 MR. RIVERS: Machinist, Robert Bosch.

25 CLERK: Juror No. 145, Geraldine P.

1 Taylor.

2 MS. TAYLOR: I am a cook at Alice's
3 Restaurant..

4 CLERK: Juror No. 134, James M. Shirar.

5 MR. SHIRAR: Small business owner of a
6 marine business.

7 CLERK: Juror No. 155, Anthony R. Tyler.

8 MR. TYLER: I am a sailboat mast builder.

9 CLERK: Juror No. 9, Scott Bays.

10 MR. BAYS: Registered Nurse, at St.
11 Francis ER.

12 CLERK: Juror No. 136, Billy W. Slaughter,
13 Jr.

14 MR. SLAUGHTER: Transportation.

15 CLERK: Juror No. 92, Rebecca E. Mallon.

16 MS. MALLON: Medical office assistant.

17 CLERK: Juror No. 50, Sonya R. Enderez.

18 MS. ENDEREZ: Bell South, Customer Service
19 Representative.

20 CLERK: Juror No. 129, Ben N. Rogers.

21 MR. ROGERS: General Manager of Alpha
22 Spine, Inc.

23 CLERK: Juror NO. 15, Dora A. Bowen.

24 MS. BOWEN: I work at Mead Westvaco, and
25 I'm a widow.

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1 CLERK: Juror No. 156, Georgia D. Van
2 Nice.

3 MS. VAN NICE: I am a bank teller with First
4 Citizens Bank.

5 CLERK: Juror No. 95, Patricia A. Mason.

6 MS. MASON: I keep my grandchildren.

7 CLERK: Juror No. 26, Brandon A. Chambers.

8 MR. CHAMBERS: Water Commission.

9 CLERK: Juror No. 186, Robert W. Irvan.

10 MR. IRVAN: Detailer.

11 CLERK: Juror No. 79, William Kirk.

12 MR. KIRK: Mechanic, Mead-Westvaco.

13 CLERK: That's all, Judge.

14 THE COURT: Do you all need a few moments
15 to review your list?

16 MR. JENNINGS: Yes, sir.

17 THE COURT: All right, why don't we do
18 this? You all can step out if you would like to for
19 a minute -- we will give the attorneys and Mr. Grant
20 an opportunity to review the list.

21 While they are doing that, we will go ahead
22 and select the jury in the next case, as well. We can
23 qualify them for that.

24 (QUALIFIED JURY IN UNRELATED CIVIL ACTION)

25 (JURY SELECTION IN UNRELATED CIVIL ACTION)

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1 THE COURT: Ladies and Gentlemen, the
2 numbers that you will hear in this process are not
3 your juror numbers. Those are numbers that appear
4 on the list and we will be striking from those
5 numbers. Let's take just a brief break and then we
6 will start, at about ten minutes of 5:00.

7 (BRIEF RECESS 4:35 - 4:50 P.M.)

8 (DEFENDANT PRESENT)

9 THE COURT: All right, we have all our
10 jurors. Please let the record reflect that the
11 Defendant, Mr. Grant, is present. Gentlemen, please
12 refer to the numbers on the left.

13 (JURY STRIKES)

14 THE COURT: All right. Are there any
15 Motions from the State at this time?

16 MR. JENNINGS: No, sir.

17 THE COURT: From Mr. Grant?

18 DERRICK GRANT: No, Your Honor.

19 THE COURT: All right, thank you. As
20 the Clerk calls your name, please come forward and
21 have a seat in the jury box.

22 CLERK: As I call your name, please bring
23 your personal belongings with you:

24 Marion Gibbs, Sr.

25 Ivy C. Hugley

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1 Cliff H. McLeod, Jr.
2 Marianne L. Yates
3 Sandra L. Badgett
4 Mary A. Steele
5 Christopher P. Lowell
6 Gregory S. Bowden
7 Marie B. Woodruff
8 Iris L. Williams
9 Marilyn M. Walker
10 Wilfred D. Alvarez
11 James M. Shirar
12 Anthony R. Tyler

13 THE COURT: Thank you, Ladies and Gentle-
14 men. Mr. Shirar and Mr. Tyler, you are the alter-
15 nates in this case. Those two chairs are reserved for
16 our Alternates.

17 Being an alternate juror at this time -- you
18 are very much a part of the jury panel. A juror --
19 you may participate and you may not. Neither you nor
20 I know what the status of the other twelve will be at
21 the end of this case. At the end of this case, twelve
22 persons will decide the case. If the first twelve are
23 able to continue, then you will not participate. But
24 if something should happen to one of them, then you
25 will participate. So until you're excused by the

1 Court, please know that you are very much a part of
2 this jury and that you should pay the same attention
3 that every juror will pay throughout the process, and
4 I know that you will do that.

5 The only other designated seat, Mr. Alvarez
6 is occupying that seat right now. He's eligible for
7 this role, as are any of you. You need to select your
8 presiding juror. We also know those persons as
9 Foreman, Forelady, Forewoman. I call them a "presiding
10 juror" because that's what, in essence, you will do.
11 At the end of the trial there has to be somebody that
12 actually signs the verdict form on behalf of all
13 jurors. That's the role of the presiding -- the
14 presiding juror takes care of that responsibility.
15 Also, if there are any exhibits that are introduced,
16 it would be the responsibility of the presiding juror
17 to receive those exhibits. Once a jury has completed
18 its deliberations, returning those exhibits to the
19 court.

20 Other than that, other than from time to
21 time that it may be necessary for some written
22 communication from the jury, it would be your
23 responsibility to write that on behalf of the jury.
24 Other than that, there really are not other additional
25 functions. It doesn't change your status or give you

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1 any greater power. You're not going to get any more
2 money for your service either. I used to say, 'well,
3 it gives you a designated seat' but there's plenty of
4 seats there for everybody, so that's really no benefit
5 either.

6 Please take care of that at some time. It
7 doesn't have to be done right away. During one of the
8 times that you're together, if you would, select your
9 presiding juror. I would just simply ask that once
10 you've selected that person that that individual will
11 occupy that chair for the balance of the trial.

12 As I stated, any of the first twelve jurors
13 are eligible to be the presiding juror. Alternates
14 are not.

15 Thank you for your participation in this
16 process and attention to the matters thus far. We
17 will start this case tomorrow morning. We have some
18 matters of housekeeping that we need to take up out-
19 side of your presence this evening.

20 I would ask that during this recess that you
21 not discuss this case with anyone or allow anyone to
22 discuss it with you. Of course, you haven't heard any
23 testimony or received any evidence at this point but
24 it would be a violation of the commitment that you
25 will make to the parties to discuss the case with

1 anyone. Please refrain from watching any news reports
2 or reading any newspaper articles about this case.

3 I look forward to seeing you at 9:30 in the
4 morning. You are now free to leave. I would ask you
5 to exit through the door here to your left and the
6 bailiffs will show you where to return tomorrow
7 morning. I hope you have a good evening. Thank you.
8 You are excused.

9 (JURY OUT @ 5:20 P.M.)

10 (BRIEF RECESS)

11 (DEFENDANT PRESENT)

12 THE COURT: At this point, I know that
13 there are some matters that we need to take up.
14 Maybe you can show some exhibits. There's a plea that
15 I think that they've asked that I try to do. While
16 you are doing that, I can do the plea and then we can
17 come back on the record to discuss any Motions that
18 the State may have or that Mr. Grant may have. Okay.

19 MR. JENNINGS: Yes, sir.

20 DERRICK GRANT: Yes, Your Honor.

21 (BRIEF RECESS)

22 (DEFENDANT PRESENT)

23 THE COURT: Gentlemen, are we ready?

24 MR. JENNINGS: Yes, sir. Your Honor, I hand
25 up to you three photographs. These are three photos

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1 from the autopsy that the State intends to offer
2 during Dr. Presnell's testimony. As you can see,
3 the pictures show that the victim in this case
4 suffered severe blunt force trauma to her head as well
5 as having had her throat cut. The picture showing her
6 throat, we changed to a black-and-white photograph as
7 opposed to a color photograph. The significant of
8 that photograph, the doctor will indicate or will
9 testify that in her opinion that the knife wound
10 began on the left side of her throat and continued
11 to the right where it culminated.

12 The two pictures of her head are extremely
13 important to the State's case. It will be our
14 submission in Dr. Presnell's testimony that the wounds
15 to her head are consistent with being caused by a ring
16 that Mr. Grant was wearing.

17 SLED also will testify that a mixture of the
18 victim's blood and Mr. Grant's blood was found on that
19 ring.

20 In particular the picture showing the 90-
21 degree angle wounds to the forehead, Dr. Presnell will
22 testify, is consistent with being caused by the ring.

23 THE COURT: Okay. Mr. Grant, any
24 objections?

25 DERRICK GRANT: Yes, Your Honor.

1 THE COURT: Okay, let's take them one at
2 a time so that the record is clear. What is your
3 objection to State's Exhibit 1?

4 DERRICK GRANT: Yes, Your Honor. The
5 photos that I have are not marked as they are being
6 submitted in to evidence.

7 THE COURT: That's fine. Solicitor, show
8 them to Mr. Grant so that he can mark them. That's
9 not a problem.

10 MR. JENNINGS: (Indicating numbers on
11 photographs to Mr. Grant).

12 THE COURT: Thank you.

13 DERRICK GRANT: Thank you, Your Honor.

14 THE COURT: Sure. What's your objection
15 to State's Exhibit 1?

16 DERRICK GRANT: I object, Your Honor,
17 because of due to the fact that it is prejudicial and
18 my -- that it is prejudicial to the jury. This is, no
19 more no less, my opinion. My opinion don't mean too
20 much to the Court, but this is just a strategy to
21 alter the jurors' mind's decision. This picture --
22 they are, are, -- are very severe, and I feel that the
23 jury will make a decision from these pictures. This
24 is no more, no less a strategy that the Solicitor is
25 using to manipulate, to, uh, to convince the jury.

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1 And the jurors who look at these pictures, no matter
2 what the evidence shows, will come with a verdict of
3 Guilty.

4 THE COURT: Okay.

5 DERRICK GRANT: In my opinion.

6 THE COURT: Okay, sir. As to State's
7 Exhibit 1, the shot, the angle of that shot, just the
8 affect of the picture itself, I believe that number
9 one -- while I understand certainly the probative
10 value, I think the prejudice outweighs the probative
11 value. I think that it is more shocking than it is
12 probative. So, I would exclude State's Exhibit 1.

13 What says Mr. Grant as to Number 2?

14 DERRICK GRANT: That's acceptable, Your
15 Honor.

16 THE COURT: That one is acceptable?

17 DERRICK GRANT: Yes, sir.

18 THE COURT: Yes, I think that number
19 two is more probative. It shows -- I believe that you
20 indicated that there was an angle that you wanted to
21 depict of the wounds, which I assume State's Exhibit 3
22 -- are those two wounds that I see on the forehead?

23 MR. JENNINGS: Yes, sir.

24 THE COURT: All right. So you do not
25 object to photograph number two?

1 DERRICK GRANT: No, Your Honor.

2 THE COURT: Very well. State's Exhibit
3 2 would be without objection, assuming that it is
4 otherwise qualified.

5 What about number three, Mr. Grant?

6 DERRICK GRANT: Yes, Your Honor.

7 THE COURT: That is acceptable?

8 DERRICK GRANT: Yes, Your Honor.

9 THE COURT: Very well, State's Exhibit
10 Number 3 will be also without objection at this point,
11 assuming that it is otherwise qualified. Okay.

12 MR. JENNINGS: Yes, sir.

13 THE COURT: Thank you very much. So we
14 have excluded number one. You may proffer number one
15 if you wish to.

16 MR. JENNINGS: The only other thing that I
17 would like to put in on the evidence is that we met
18 with Mr. Grant last Thursday and allowed him to review
19 all the physical evidence. At that time, as I
20 explained to him and to Ms. Kennedy, we did not have
21 all the swabs and DNA things back from Columbia. We
22 now have those. I told him that and he's informed me
23 that he does not desire to review those.

24 THE COURT: Do you wish to review those
25 tonight for any reason?

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1 DERRICK GRANT: No, Your Honor.

2 THE COURT: Thank you, Mr. Grant.

3 Anything else from the State at this point?

4 MR. JENNINGS: I would like to put on the
5 record that the only witnesses that were here this
6 morning, Ms. Kennedy was present, after conferring
7 with Your Honor, were Daniel Wynham, Jason Watson,
8 Tracy Maloney and Dwayne Benton. They were present
9 and told to be back at 3:00 o'clock on Wednesday.

10 THE COURT: Okay. Those would be --
11 and we will certainly await their return if it becomes
12 necessary. They have been subpoenaed. Anything else,
13 Mr. Solicitor?

14 MR. JENNINGS: That's all from the State,
15 Your Honor.

16 THE COURT: Mr. Grant, anything from the
17 defendant or defense?

18 DERRICK GRANT: Yes, Your Honor.

19 THE COURT: Sure.

20 DERRICK GRANT: During the jury
21 selection, I think while the jury was on the stand,
22 I think the victim's family was present in the
23 courtroom at that time. And, uh, I just -- I just
24 feel that that was appropriate (sic) at that time.

25 THE COURT: Okay.

1 DERRICK GRANT: I don't know really how
2 to go about that as far as -- I can't say how I feel,
3 about my personal feelings, but you know that -- but
4 if the family knows who the jurors are, there's no
5 telling what could happen.

6 THE COURT: There was no question asked
7 about the family. The family was not identified. The
8 family was not selected, and there was no attention
9 called to the family. In fact, other than mentioning
10 the name of the deceased, which is contained in the
11 indictment, there was no other reference to the
12 family.

13 DERRICK GRANT: But it is obvious that they
14 were sitting here.

15 THE COURT: They are entitled to be
16 present, sir.

17 DERRICK GRANT: Okay.

18 THE COURT: They are victims in this
19 case, as well. Victims are entitled to be present in
20 this process, just as family members that you may have
21 present. I don't know whether you will have or won't,
22 but the only -- of course the only catch would be if
23 any member of the family was to be a witness, then of
24 course they could not be present. But if they are not
25 witnesses, they are entitled to be present in the

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1 courtroom.

2 DERRICK GRANT: Yes, Your Honor.

3 THE COURT: Okay.

4 DERRICK GRANT: And, Your Honor, at the
5 jail I am having some dilemmas.

6 THE COURT: Yes, sir?

7 DERRICK GRANT: I don't know how much
8 power you have over there, but ---

9 THE COURT: Probably very little. If I
10 can help you, I will try.

11 DERRICK GRANT: Being that I am *pro se*,
12 I need to speak with my parents, I need to speak with
13 my family members, I need my visitation like after I
14 leave here today. How can I go about getting contact
15 with -- my father came to see me today and he's a
16 family member of mine who has helped me throughout my
17 case. Like communication, I only get thirty minutes
18 during the daytime to use the telephone, thirty
19 minutes at night. It's very inconvenient.

20 THE COURT: I realize that. That's
21 unfortunately one of the problems one encounters when
22 they represent themselves. The problem is going to be
23 what sort of visitation can they allow?

24 MR. JENNINGS: Part of the problem, Your
25 Honor, is that he's made the decision to be placed in

1 the A Pod, which is restricted from general population
2 and they have much more restricted visitation than the
3 general population does.

4 THE COURT: Right.

5 DERRICK GRANT: A Pod, Your Honor, is
6 considered discipline action.

7 THE COURT: Well, ---

8 DERRICK GRANT: I am not over there on
9 discipline action.

10 THE COURT: I understand, but you asked
11 to be moved there.

12 DERRICK GRANT: Yes, sir. I did, for
13 population purposes. So I could get my mind right.

14 THE COURT: Well, -- no problem. But
15 the problem is that it's a regulation. I can't
16 change those.

17 DERRICK GRANT: At least -- what I am
18 saying is that being I'm in disciplinary pod, I'm not
19 there for disciplinary acts.

20 THE COURT: I understand that. But the
21 question is apparently what triggers your visitation
22 is where you are actually located. So, -- and you
23 can imagine what the problems that would be that if
24 somebody there saw that you were getting out and
25 going. Then there's a great problem. So being there

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1 puts you subject to all of the regulations that
2 applies. I understand, of course, that you're not
3 there because of anything that you did or didn't do.
4 I understand that.

5 DERRICK GRANT: Can you help me just a
6 little?

7 THE COURT: The only thing I can suggest
8 is that you move your location again, but you may not
9 want to do that because of the ability to collect
10 yourself. Just have to work around it.

11 DERRICK GRANT: But ---

12 THE COURT: That's what you have Ms.
13 Kennedy for. She can be your helper but you need to
14 rely on her a little bit.

15 DERRICK GRANT: But, sir, ---

16 THE COURT: Anything else?

17 DERRICK GRANT: Yes, Your Honor. Would
18 you please give me just a second, Your Honor?

19 THE COURT: Sure. Take your time.

20 DERRICK GRANT: Your Honor?

21 THE COURT: Yes, sir?

22 DERRICK GRANT: I would like to make a
23 Motion to get a copy of every photo that was taken of
24 me from the time, uh, SLED and that was taken from the
25 crime scene. Blair Jennings did provide me with those

1 photos, that was while I was housed at Charleston
2 County Detention Center, and I was not allowed -- it
3 was not allowed for me to take it into population, so
4 he kept it. So when I got moved over to Berkeley
5 County, someway down the line it got misplaced.

6 THE COURT: Well, the photos -- do you
7 (Mr. Jennings) have any photos about which he is
8 talking -- about which he's addressing?

9 MR. JENNINGS: I've got -- I think we can
10 give him -- I think that we have an extra picture of
11 the cut that he had on his wrist, the scratch he had
12 on his neck. But as far as if he wants all the
13 pictures from the scene and everything, we can't --
14 I've provided those.

15 THE COURT: No, he said him.

16 MR. JENNINGS: We've provided him a
17 copy of every photograph that was taken in the case.

18 THE COURT: You've been given that.

19 DERRICK GRANT: Could you provide me
20 with pictures of my wrist and cut on my neck, the so-
21 called scratch on my neck, today?

22 MR. JENNINGS: Yeah, I can go down and get
23 that.

24 THE COURT: All right, he will give it to
25 you. Anything else?

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1 DERRICK GRANT: No, sir.

2 THE COURT: That's it?

3 DERRICK GRANT: That's it, Your Honor.

4 THE COURT: Okay, we will see you at --

5 let's plan to get together -- let's start at 9:15,

6 please, if we could, just in case there are some

7 matters that we need to discuss beforehand. Okay.

8 Have a good evening. Thank you.

9 (COURT IN RECESS @ 6:10 P.M.)

10 (TRANSCRIPT CONTINUED NEXT PAGE)

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1 FEBRUARY 24, 2004

9:15 A.M.

2

3

(DEFENDANT PRESENT)

4

THE COURT: Approach, please. Mr. Grant,

5

as well. I need to talk to the lawyers.

6

SIDEBAR:

7

THE COURT: Good morning, Mr. Grant.

8

There is a formal process

9

called an arraignment where

10

they read the indictment to

11

you and ask how you plea.

12

Do you want to have a formal

13

arraignment or do you waive

14

the formal arraignment?

15

DERRICK GRANT: I don't know.

16

THE COURT: Know what?

17

DERRICK GRANT: (No response).

18

THE COURT: That's where I -- you can

19

deal with the indictment.

20

You know what you're charged

21

with. But under the formal

22

process, and it is a mere

23

formality, you have a right

24

to have that done in open

25

court. I will ask you how

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1 you plead, Guilty or Not
2 Guilty. You would respond.
3 Then I would ask, How will
4 you be tried? You'd answer,
5 'By God and my country.' I
6 believe is the old response.
7 It is not something that is
8 customarily done anymore. It
9 can be required or it can be
10 waived. What is your desire?

11 DERRICK GRANT: Waive it.

12 THE COURT: Your desire is to waive it?

13 DERRICK GRANT: Yes, sir.

14 THE COURT: All right. Yes, sir?

15 DERRICK GRANT: Yes, sir.

16 THE COURT: Okay.

17 (SIDEBAR CONCLUDED)

18 THE COURT: All right, we have had a
19 bench conference with the attorneys and Mr. Grant,
20 of course with his assistant, discussing the formality
21 of an arraignment. It is my understanding, Mr. Grant,
22 from our bench conference -- and we discussed that it
23 is a formality but it can be waived because as the
24 case of *State v. Arial*, 426 S.E. 2nd 751, 1993 case,
25 the Court held that an arraignment is neither a

1 Constitutional nor statutory right but merely a
2 formality. Therefore, an arraignment is subject to
3 waiver. It is my understanding that you would like
4 to waive a formal arraignment; is that correct, Mr.
5 Grant?

6 DERRICK GRANT: Yes, Your Honor.

7 THE COURT: Thank you, sir. I appre-
8 ciate that. All right, any matters from the State
9 before we bring in the jury?

10 MR. JENNINGS: Nothing from the State.

11 THE COURT: Mr. Grant, any matters before
12 we bring in the jury?

13 DERRICK GRANT: No, Your Honor.

14 THE COURT: Thank you very much. And
15 let the record reflect, of course, that Mr. Grant
16 is present. Mr. Grant, the reason I do that -- all
17 proceedings, the defendant has to be present. Of
18 course, we can't proceed without you either because
19 you're the lawyer. But when I make that statement,
20 it's just the formality of letting the record know
21 that Mr. Grant as the lawyer and Mr. Grant as the
22 defendant are present. Okay, sir?

23 DERRICK GRANT: All right.

24 THE COURT: Thank you. All right, let's
25 bring in our jury.

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1 BAILIFF WIGGINS: Your Honor, we need two
2 more.

3 THE COURT: Then we will be at-ease. We
4 are still awaiting two jurors.

5 (JURY IN @ 9:33 A.M.)

6 THE COURT: Good morning, Ladies and
7 Gentlemen. I hope that you had a good evening. We
8 are ready to continue. Before continuing, I would ask
9 each of you would solemnly swear or affirm that since
10 we adjourned yesterday insofar as your involvement
11 that you have not discussed this matter with anyone,
12 allowed anyone to talk with you, you've not viewed any
13 newspaper accounts or any TV accounts. If you make
14 that commitment, please signify that by saying "I
15 will". (Jurors respond).

16 Is there any juror that could not make that
17 commitment? (No response).

18 Thank you very much.

19 I mentioned to you yesterday that one of the
20 very important parts of this proceeding would be a
21 commitment that you would make to the parties in this
22 dispute. That will now occur. I ask the Clerk to
23 please administer your oath.

24 (WHEREUPON JURY SWORN)

25 THE COURT: Probably not terms that you

1 would customarily use but nevertheless in a very neat
2 package that oath summarizes what this whole process
3 is about, if you think about it. Very beautifully, I
4 might add. "Well and truly try", that's what judges
5 do. We try cases. Now you are a judge with me and we
6 will work together to resolve this dispute. It's an
7 honor to serve with each one of you in that capacity.

8 We talked yesterday about the distinction in
9 our respective roles. One, when I mentioned to you
10 that there are occasions that I may sit and have what
11 is known as a bench trial. On those occasions it
12 would be my responsibility to rule on matters of law
13 and matters of fact.

14 But when a jury is empaneled and sworn as
15 you have been, now that responsibility for the factual
16 determination rests solely upon you. No one in this
17 room has that duty or responsibility but you. I have
18 nothing to do with that, and you have nothing to do
19 with the law. That's the beauty of how this systems
20 work and, I think, one of the reasons it works very,
21 very well.

22 Because at the end of this process, what
23 will happen is very much like a math equation, if you
24 will. You take the facts and the law and put them
25 together and what is the "equal"? Your verdict, a

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1 just and true verdict that speaks the truth in this
2 controversy.

3 As we talked yesterday, one of the important
4 aspects of our job or our role is to use our knowledge
5 fairly and impartially. That's what you just promised
6 that you would do. I am confident that you will honor
7 that commitment to the State and to Mr. Grant.

8 Now, one very important aspect that really
9 was not really mentioned in that oath but which was
10 very much a part of that commitment is something that
11 we went through -- and it's a part of that process
12 where we discussed a number of things yesterday before
13 you were selected.

14 And remember I told you all of that was to
15 help you make that decision, as to whether or not you
16 could be a fair and impartial judge in this case.

17 Each one of you, by answering the question
18 -- and you probably tired of my constantly saying,
19 'Would that affect your ability to be fair and
20 impartial to either side?' 'Would your decision be
21 fair to both sides?' But that's so critical to this
22 process. And each one of you has indicated that,
23 either by responding or not responding, that 'No,
24 there is nothing about this case that would cause me
25 any problem in applying my commonsense, my sense of

1 logic and reason fairly and impartially.'

2 Another way of saying that is that you have
3 also committed to the State and to Mr. Grant that you
4 haven't predetermined anything about this case. You
5 have made no decision and -- in other words, when you
6 walked in this courtroom, you brought with you an open
7 mind. You brought with you your commonsense, your
8 life's experience and an open mind about this dispute.
9 Please remember that it is very, very important in
10 this process of dispute resolution, as we go through
11 this trial, that you at all times -- at all times --
12 maintain that open mind.

13 For, you see, you have promised the State,
14 you've promised Mr. Grant, that you will well and
15 truly try this dispute. That means that you will
16 reserve that determination or await that determination
17 until -- and you will hold onto that until I tell you
18 that you may begin your deliberations.

19 Ladies and Gentlemen, the last instruction
20 that I give to you before you leave this room to
21 commence that process is when you may begin. So until
22 you receive that charge to commence the deliberations,
23 do not -- do not conclude any issue.

24 Now, what does that mean? It means that
25 during this process, you will constantly make those

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1 mental notes that will assist you in making those
2 determinations of what you find to be credible and
3 believable. But, again, it's just simply an outline
4 that you will be following when you do commence that
5 process. In going through, 'Yes, I remember this,
6 this and this. That is important to me.' But do not
7 predetermine anything.

8 The reason that that is so critical is that
9 there are four stages of this process. One, we call
10 opening statement; the other, the evidentiary portion;
11 closing arguments; and, then, the charge portion.

12 Now, two of the parts are very similar.
13 Both in opening statements and closing arguments, the
14 attorneys have an opportunity to address you and speak
15 to you about this case.

16 Opening statement precedes the evidence,
17 before you have heard any testimony or received any
18 evidence in this case, the attorneys have a chance to
19 discuss this case with you and basically in opening
20 statements they will discuss some of the issues that
21 will be presented to you during this trial, give you
22 an overview of the dispute. They may discuss some of
23 the evidence that they expect that you will hear.
24 That opening statement will be very helpful to you as
25 you go through the evidentiary portion.

1 Closing arguments occur after you have heard
2 the evidence, and it's at that time that it is proper
3 for the attorneys to discuss the evidence with you,
4 and to suggest reasonable inferences that you may draw
5 from that evidence.

6 You will find that their opening statements
7 and closing arguments will be very beneficial when you
8 begin your deliberations, both in the analyses of the
9 facts and in the applicable of the law.

10 They will speak to you in their capacity as
11 attorneys, as officers of this court. So their
12 remarks are very important and will certainly deserve
13 your undivided attention. But remember something,
14 never consider their remarks, like my remarks, never
15 should be considered evidence in this case because the
16 evidence will come during the evidentiary portion when
17 you will hear from the witnesses. They will come
18 forward and testify for you and there may be exhibits
19 that will be introduced through that testimony. It's
20 that evidence and those exhibits that you will
21 ultimately consider to determine the true facts in
22 this dispute and nothing else. Nothing else.

23 Now, during that evidentiary portion, let
24 me -- I think that it is probably one of the greatest
25 examples that I can give of how we work together in

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1 resolving a case. Maybe some of you have participated
2 as jurors before, maybe you have observed proceedings,
3 maybe you have seen them on television. But you've
4 heard, and it is not uncommon for you to hear during a
5 trial an attorney says 'Objection, Your Honor'. What
6 is that? It is simply saying, 'Your Honor, there is a
7 matter of law which we need for you to resolve.'

8 Now, typically those matters of law will be
9 resolved outside of your hearing. Either we will have
10 what is called a sidebar when I talk to all the
11 attorneys here or there may be occasions when I may
12 have to excuse you from the courthouse because it has
13 to be argued fully on the record. There will be
14 times that we do it before you come into the court-
15 room. Again, all of that is for a reason. You're not
16 to be concerned with those legal issues. They are for
17 my decision, mine alone.

18 And it's very similar to when you decide the
19 factual issues, if you will. That will be done in
20 your jury room and no one will be present to hear
21 that.

22 Again, we work separately in deciding our
23 respective issues that we have to resolve.

24 Most of the time you will hear my rulings,
25 because I will either sustain that objection or I will

1 overrule it. If I sustain it, I've said as a matter
2 of law that I am going to permit the witness to give
3 that answer or the question to be asked. Certainly
4 you should place no weight or emphasis on that ruling.
5 You shouldn't even consider it. Because if you
6 allowed yourself to engage in the thought process of,
7 'well, I wonder what the objection -- why they made it
8 it or -- I wonder what the witness would have said?'
9 If you start that line of thinking, you have just
10 stepped over into my area of responsibility and would
11 have violated your oath.

12 On the other hand, if I overrule the
13 objection, then I am going to permit you to hear the
14 question and answer. Please understand that's all
15 that it means, nothing more. Don't put any greater
16 weight on that either. If you were to engage in this
17 process if I overruled it and said, 'Well, you know,
18 the judge allowed it. I guess I have to accept that.'
19 If you do, then what you've done is allowed me to step
20 over into your area of responsibility. Again, we
21 would -- you would have violated the commitment that
22 you've made to the parties.

23 Quite honestly, it's at that occasion when
24 I overrule an objection that the line is very well-
25 defined. You see, I've said as a matter of law that

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1 I am going to permit that question and answer. But
2 that's where my duty, my responsibility, ends. Now,
3 it passes to you. You decide whether you believe it
4 or not. If so, how strongly you believe it.

5 So, you see, that's how we will work toget-
6 her. I will decide the legal issues. You decide
7 those factual issues.

8 Now, remember during this evidentiary
9 process, during this entire proceeding -- we talked
10 about this yesterday, there is only one party, only
11 one, that has any burden of proof. There are really
12 -- the procedure or the format is very similar in a
13 civil dispute resolution, civil trial. There are two
14 major distinctions.

15 One deals with the burden of proof. In a
16 civil proceeding, sometimes a defendant may have a
17 burden. But, again, that's only in civil proceedings.
18 As I mentioned to you yesterday, Mr. Grant has
19 absolutely nothing to prove in this process. He has
20 no duty, no burden, nothing and you should never ever
21 look to him for any explanation of anything. If you
22 do, you will have violated your commitment that you've
23 made. The State, the party that makes the claim, has
24 the only burden of proof.

25 The other major difference is in this burden

1 of proof, the level that is required. In a civil
2 proceeding, a typical burden of proof is called the
3 "preponderance or greater weight of the evidence".
4 What does that mean? It's a probability standard.

5 In this case the burden of proof is beyond
6 a reasonable doubt. It's greater than a probability
7 standard. It's that proof, that level of proof that
8 as I mentioned yesterday in a brief -- and I will give
9 you a full discussion and definition of "reasonable
10 doubt" during the charge, but if you were trying to
11 think 'well, what does it mean?', it means simply
12 this: it is that doubt that would cause a honest,
13 conscientious juror who is searching for the truth in
14 a case to hesitate to take some action or to make some
15 statement. That's the doubt -- that's the standard
16 that the State has to meet. That means that on every
17 element -- and at the end of this trial I will define
18 for you the offense of murder.

19 As you know, I published the indictment, the
20 charge, to you. And it is nothing more than that,
21 just an accusation. But I will define those elements
22 for you. And when you go through the process of
23 analyzing this case, you will be just simply address-
24 ing each element and you will be saying to yourself,
25 'Am I convinced beyond a reasonable doubt that the

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1 State has met its burden of proof as to that element?'

2 You go methodically, one at a time.

3 If at any point you reach the conclusion
4 that 'nope', you've come to the conclusion, 'well,
5 they might have' or 'they probably did', that wouldn't
6 be sufficient. It has to be more than 'might be' or
7 'probably', it has to be beyond a reasonable doubt.

8 If you reach that point on any one element,
9 then you would have a duty to return a verdict of Not
10 Guilty. That would be consistent with the oath that
11 you just took.

12 On the other hand, if your answer to each
13 one of those questions on each element is, 'Yes, I am
14 convinced beyond a reasonable doubt', then your duty
15 would be to return a verdict of Guilty. Why? Because
16 the State would have met its burden of proof.

17 So that's what the proceeding is about, to
18 determine whether or not the State can meet its burden
19 of proof to establish the offense of murder.

20 Now, during the charge portion, which is the
21 last portion, it will follow the argument portion from
22 the attorneys, I will discuss with you those legal
23 principles. I will discuss further that presumption
24 of innocence, which I have already indicated to you
25 applies to Mr. Grant. We will go through all of the

1 legal parts that you will need to consider. Then
2 after hearing the charge, it is at that time that you
3 will retire to begin your deliberations.

4 I appreciate your attention to my remarks.

5 I ask you now to give that same attention to the
6 attorneys as they give their opening statements.

7 MR. HOISINGTON: May it please the Court?

8 THE COURT: Yes, sir, Mr. Hoisington.

9 MR. HOISINGTON: Good morning. I've
10 already been introduced to you'all. I'm Ralph
11 Hoisington. It is my responsibility to prosecute the
12 cases in Charleston and Berkeley counties. In this
13 particular case, I will be assisting Deputy Solicitor
14 Blair Jennings, to who you have been introduced as
15 well. Mr. Jennings is the Deputy Solicitor for
16 Berkeley County. He's been involved in the case, the
17 tragic murder of Rachel Sottile, since its inception;
18 December 26th, when her body was discovered off
19 Clements Ferry Road in Berkeley County.

20 The man that you see sitting here (indicat-
21 ing Defendant), Derrick Grant, is charged with this
22 murder. When the evidence is in and you've had a
23 chance to review all the testimony, you will find
24 that this man, Derrick Grant, is in fact the brutal
25 murderer of Rachel Sottile.

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1 As he sits there, you will also notice one
2 thing that is a little bit out of the ordinary in
3 these types of cases. He is also his own attorney.
4 Sitting next to him is Ms. Patricia Kennedy, who is
5 the Chief Public Defender for Berkeley County. She
6 has been assigned to assist him, if he requires it or
7 if he requests help. She is not his co-counsel. She
8 is a legal advisor.

9 Now, in our society, a person charged with
10 murder, or with crime for that matter, has the right
11 to an attorney. They can get them in one of three
12 ways: They can hire an attorney of their own
13 choosing. If they cannot afford one, the State will
14 pay for their attorney and appoint an attorney to
15 represent them. Or, if they choose, they can decide
16 to represent themselves in Court and be their own
17 attorney.

18 But let me emphasize something to you that's
19 very important in this case. This is a choice, this
20 is nothing that was imposed on Derrick Grant. It is
21 what he chose to do, for whatever reason.

22 Now, as his own attorney, he's going to be
23 held to the same standard that any other attorney
24 would be held to in this Court. He will be given the
25 same courtesies by the Court and by the lawyers that

1 any other attorney would be given. We will treat him
2 with the same -- with all the respect that he earns by
3 being an attorney. But don't confuse those courtesies
4 for our feelings. Our feelings are very consistent
5 with those of a person who knows what he has been
6 involved in.

7 When it comes time if there are any
8 objections or if there is anything that is
9 inadmissible, we're going to take the same position
10 that any attorneys would have to do. We will make
11 those objections. The difficult thing is for you to
12 focus on what is going on here. What Mr. Grant would
13 hope occurs during the process is that you will look
14 over there and see him as the attorney for Derrick
15 Grant and not for who he really is, which is the
16 brutal murderer of eighteen-year-old Rachel Sottile.

17 Now, how we are going to prove this, this
18 is what the State's evidence will show. On the
19 morning of December 26th, 2002, Rachel Sottile was to
20 go to work at the Atlanta Bread Company in Mount
21 Pleasant.

22 Somewhere near the Hillridge community where
23 she was living, Derrick Grant caught up with her. In
24 what fashion and under what circumstances, we may
25 never know because the principal witness in this case

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1 is, as you know, deceased.

2 They ended up in an area called Lemon Lane,
3 which is behind Mikasa off of Clements Ferry Road.
4 Sex of some nature occurred. Pay attention to the way
5 that I described it. If we had evidence as to exactly
6 what it was, that charge would be before you. We do
7 have evidence that Mr. Derrick Grant had sex with this
8 woman, this eighteen-year-old girl that was on her way
9 to work that morning.

10 Lemon Lane is a rural area, dirt road, as I
11 said behind Mikasa off of Clements Ferry.

12 After this sexual activity, she was
13 murdered. She was brutally beaten about the head to
14 such an extent that her scalp was torn open. She was
15 killed by having her throat slashed, probably from
16 behind, basically from ear to ear. Her body was left
17 out there.

18 Her car was moved from the scene. It was
19 found in downtown Charleston. I think the next day
20 actually, after a BOLO report had been put out that
21 the car was missing. During the processing of that
22 car, her blood was found in the car, Derrick Grant's
23 blood was found in the car, a mixture of their blood
24 was found in various parts of the car. His bloody
25 fingerprint was found inside the car.

1 On the morning of the 26th, the next time
2 that anybody saw Derrick Grant, several of his friends
3 saw him, he was trying to get a ride back into the
4 community of Berkeley County. He had blood all over
5 his pants, he had a severe cut to his wrist. A severe
6 cut, and you will see pictures of that.

7 He has given several versions to various
8 witnesses on how that cut came about. He gave at
9 least two versions of Rachel's death on his arrest.

10 This is how we will prove this particular
11 case, by witnesses -- there will be in excess of
12 twenty witnesses. Most of them will not be
13 particularly long. This case, the State's case, could
14 resolve itself by Wednesday afternoon. Those
15 witnesses will be grouped into, roughly, these
16 categories:

17 The people that saw her that morning or that
18 were expecting to see her that morning, that knew
19 Rachel Sottile.

20 The people that were involved in finding her
21 body, discovering her body, and the police officers
22 that took part in the investigation of this, process-
23 ing the scene for evidence, compiling the evidence.

24 There are several witnesses that saw Derrick
25 Grant that morning, and will tell you what he said to

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1 them about the cut on his wrist and what he had been
2 involved in.

3 After he was arrested, there are witnesses
4 that spoke to him in the jail that will testify as to
5 what statements that he made at that time, and that
6 will be very instructive to you.

7 There is one police officer that will
8 testify as to the statement that he gave them.

9 You are going to hear varying, conflicting
10 stories that Derrick Grant tells about what happened
11 that morning. Obviously the truth has one story to
12 it.

13 There will be numerous fairly short
14 witnesses to prove what is called the chain of custody
15 for the evidence. It is given from one person to
16 another and transported to SLED, and goes through what
17 is called "the chain of custody". That is put in to
18 show the reliability of the evidence.

19 Following that, there will be a number of
20 SLED witnesses that will testify as to findings from
21 this evidence: fingerprints that were in the car, the
22 DNA tests that were done to match Mr. Grant's blood
23 and the victim's blood the smudges and smears that
24 were in her vehicle. You will hear all that evidence.

25 The State will finish up -- probably the

1 last witness will be the pathologist, Erin Presnell
2 from the Medical University. She will tell you about
3 what a brutal beating this was and how this woman had
4 her throat cut and how she died on that spot in
5 Berkeley County on December 26th.

6 When the evidence is in, I submit to you
7 that there will be no doubt in your mind that Derrick
8 Grant, the defendant, not Derrick Grant the lawyer is
9 responsible for the death of eighteen-year-old Rachel
10 Sottile. Thank you. Thank you, Judge.

11 THE COURT: Thank you, Solicitor.
12 Mr. Grant.

13 DERRICK GRANT: I wrote down -- may it
14 please the Court?

15 THE COURT: Yes, sir.

16 DERRICK GRANT: Judge Dennis, Counselor
17 for the prosecution, members of the jury, the Court,
18 and most importantly the family of the deceased,
19 Rachel Sottile. My name is Derrick Grant, and I
20 represent myself. I am the defendant in this case.

21 I wrote down an opening statement but, at
22 the same time, I have a verbal statement that I want
23 to say. I will just speak it. The prosecutioner's
24 job is to prosecute. His job is not to show my
25 innocence, his job is to prosecute. His job is to

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1 take the truth and twist it, turn it, do whatever he
2 has to do to get a conviction.

3 As I stand here today, do any of you'all
4 have in your minds that I am guilty already? Do you
5 look at me as a cold-bloodied murderer? Do you have
6 in your mind that I am a killer?

7 I am nervous, yeah, but I am going to get
8 this done. Yesterday, after my jury selection,
9 something said, 'Boy, you got a hard thing on your
10 hands to deal with.' This is true.

11 Something also tells me that you cannot
12 plead guilty for something that you did not do, for a
13 crime that you did not commit. So as I stand here
14 today, I will prove that once this trial -- that I am
15 and that I was a victim also in this case. I never
16 denied being with Rachel at the unfortunate -- at her
17 unfortunate death.

18 The prosecution said that they've got
19 statements of witnesses that I gave confessions that
20 I did commit this crime. These confessions, these
21 inmates, these witnesses are inmates that was in
22 Berkeley County Detention Center and that was in
23 Charleston County Detention Center. A person would
24 do anything to come out of jail, to get out of jail,
25 to even try to get out of jail.

1 Some of the guys, some of the inmates, I did
2 speak to them. One guy, I did tell him the truth. I
3 should have never done it, but I did. But he took the
4 truth around and gave it to the Berkeley County
5 Sheriff or officers/deputies to get himself out of a
6 bind. The evidence will prove that, I will prove that
7 throughout the trial.

8 I wasn't going to bring -- to be honest with
9 you, I had written down everything that I was going to
10 say. But today is different, I am just letting it
11 come as it comes.

12 I wasn't going to bring -- I have to be
13 careful how I say this. I wasn't going to bring race
14 into this case, racism into this case. I wasn't. And
15 I am not going to use racism as a crutch in this case.
16 But I would not try to hide or close my ears to the
17 fact that racism do exist in this case, which I will
18 prove.

19 Like I said, evidence will show -- evidence
20 that will be shown to you will prove that I was a
21 victim also. The evidence will prove that I was a
22 victim also in this case.

23 Evidence will show that Rachel Satell
24 (phonetic) was found with hairs in her hand at the
25 crime scene. You know what? Evidence will prove that

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1 those hairs was not hairs from me, neither Rachel
2 Satell (Sottile). Nor does the Berkeley County
3 Sheriff's office know the owners of the hairs that was
4 found in Rachel Satell's (Sottile) hands at the crime
5 scene.

6 The evidence will show that unknown blood
7 was on a ring of mine that the Berkeley County
8 Sheriff's Office do not know whose blood it is. It
9 is not my blood, it is not the victim's blood. But
10 the victim's blood is on my ring, but there is a third
11 party's blood that was on my ring that Berkeley County
12 Sheriff's Office does not know whose blood that is, or
13 the name of the person who that blood belongs to.

14 Again, I never denied being with Rachel
15 Satell (Sottile). I never -- evidence will show that
16 I did touch her, Rachel Satell (Sottile). I did check
17 on Rachel Satell (Sottile) at the crime scene. That
18 is how my blood and her blood got mixed -- got
19 together. The evidence will prove that.

20 The evidence will prove that, yes, Rachel
21 Satell (Sottile) was schedule to go to work at 6:00
22 o'clock, A.M., in Mount Pleasant on December 26th,
23 2002. But I will prove that Rachel Satell (Sottile)
24 was seen at 6:30 or 6:45 a.m., December 26th, 2002, in
25 a place, going toward Huger, where I live.

1 Evidence will show that I did make some bad
2 decisions throughout this situation, throughout the
3 incident. I live with the incident every day; these
4 bad decisions, I live with those.

5 Evidence will prove that drugs played no
6 role in this case, that Rachel Satell (Sottile) blood
7 type was negative for cocaine or any illegal drugs; as
8 well as my blood was negative for cocaine or illegal
9 drugs.

10 The areas of the vehicle where my blood and
11 Rachel Satell (Sottile) was located simply demonstrate
12 me getting into her car and driving her car. Evidence
13 can't prove that blood was on the seat, on the floor,
14 on the backseat. It was on the steering wheel, it was
15 on the left door interior handle. Evidence will prove
16 that this crime did happen outside of the victim's
17 vehicle.

18 Off Lemon Lane Road where the deceased was
19 discovered, where me and the deceased were at at that
20 time, I will prove that it's a known area for people
21 to park their car and do -- (pause).

22 The State, their job, they want to act like
23 I never knowed Rachel Satell (Sottile). That she just
24 all of a sudden -- I don't even know what they -- I
25 don't even know what their plans are. He said the

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1 evidence showed that 'he did have sex.' I will prove
2 that evidence -- I will prove that there was no rape
3 involved, by medical reports.

4 I will prove that there was no robbery.

5 As far as me representing myself, my family
6 did hire an attorney for me. My family lost a huge
7 amount of money with this attorney but I ended up
8 firing this attorney. My family and I spoke of
9 getting an attorney to take on my case and I had
10 difficulty throughout communicating with different
11 attorneys, -- I'd heard it all. One said, 'Man, ---

12 MR. HOISINGTON: Judge, I have been
13 letting it go pretty far but ---

14 THE COURT: Yeah. Opening statements,
15 Mr. Grant, have to be confined ---

16 DERRICK GRANT: Thank you, Your Honor.

17 THE COURT: --- to the case. Thank you,
18 sir. I sustain the objection.

19 DERRICK GRANT: Thank you.

20 THE COURT: You're welcome.

21 DERRICK GRANT: That's all that I have.

22 THE COURT: Okay. The State may call
23 its first witness.

24 MR. HOISINGTON: The State calls Coy
25 Watson.

1 (WITNESS TAKES STAND)

2 COY WATSON, being duly
3 sworn to tell the truth, the whole truth and nothing
4 but the truth, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. HOISINGTON:

7 Q. Mr. Watson, how old are you, sir?

8 A. Thirty-three (33).

9 Q. Where do you live?

10 A. In Mount Pleasant.

11 Q. Are you married?

12 A. Yes.

13 Q. Where do you work?

14 A. Atlanta Bread Company.

15 Q. Tell the jury a little bit, if you will, about
16 what the Atlanta Bread Company is.

17 A. We are a bakery/café, we serve sandwiches, soups,
18 pastries, salads. We're open for breakfast, lunch and
19 dinner.

20 Q. Where is it located?

21 A. It's in Mount Pleasant Towne Center. That's a
22 shopping center in Mount Pleasant.

23 Q. How many employees do you have there?

24 A. It fluctuates between thirty and forty.

25 Q. And you said that your employees work responsi-

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1 bilities there vary?

2 A. Yes, sir. Ideally most of them get trained to
3 learn every position but it depends on how long
4 they've been there and how quickly they turn over.
5 Some are better than others. Some know more than
6 others.

7 Q. Did you have an employee by the name of Rachel
8 Sottile?

9 A. I did.

10 Q. How did you first meet her?

11 A. We opened in August of '99. Her mother started
12 working for us right at the end of 1999. I met her
13 through her mom, from just coming in to see her.
14 Probably a year later she started working for us.

15 Q. Let me show you this photograph that has been
16 marked as State's Exhibit 40 -- let me see if we can
17 get this (projector) up and running.

18 THE COURT: Has that been admitted yet,
19 formally, Solicitor?

20 MR. HOISINGTON: Pardon?

21 THE COURT: State's Exhibit 1?

22 MR. HOISINGTON: Uh, no, sir. This is
23 State's Exhibit 40.

24 THE COURT: Has it been admitted yet?

25 MR. HOISINGTON: It has not been admitted

1 but it is without objection.

2 THE COURT: Very well. Is that correct,
3 Mr. Grant?

4 DERRICK GRANT: No, Your Honor.

5 THE COURT: You have no objection?

6 DERRICK GRANT: Yes, Your Honor.

7 THE COURT: You have an objection?

8 DERRICK GRANT: No, Your Honor.

9 THE COURT: All right. Without
10 objection, State's Exhibit 40 is admitted.

11 (SO ENTERED AS STATE'S EXHIBIT 40)

12 DIRECT EXAMINATION CONTINUED

13 BY MR. HOISINGTON:

14 Q. How long was she working for your restaurant?

15 A. About two years.

16 Q. Can you tell us what her duties were?

17 A. She had been there long enough to learn every-
18 thing, from working on a register to the different
19 positions that -- prep food, calling out customer
20 numbers, she knew how to do everything except for bake
21 -- which is a separate position. Our bakers come in
22 at night and work. But other than that, she knew how
23 to do everything.

24 Q. Tell us, if you can, something about her
25 personality and her work habits.

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1 A. She was a high school student for most of the
2 time that she worked for us, so she worked nights and
3 weekends. She probably worked close to 40 hours a
4 week because she just liked to work. She was a great
5 employee, she got along great with everyone there.
6 She was trustworthy. She never didn't show up late
7 for a shift until the last shift that she didn't show
8 up for. Got along well with management, which is
9 myself, my brother and my sister, and employees too.
10 I never really had any inkling of any trouble between
11 her and any coworker.

12 Q. During the time that she was there, did you have
13 an occasion to meet any of her friends?

14 A. In passing. I met a few of her friends who would
15 come -- maybe they were meeting her because she was
16 about to get off and go somewhere. Or we'd have
17 company functions, like Christmas parties and things
18 like that, and sometimes she would bring friends to
19 that.

20 Q. How about the Defendant, Derrick Grant, did you
21 ever meet him in conjunction with her?

22 A. I did not.

23 Q. You said that the -- that there was a time in
24 December when she didn't show up for work. Let's go
25 back to that period just before Christmas. When was

1 the last time that she worked, to your knowledge?

2 A. We had a Christmas party, I want to say that it
3 was two days before Christmas. We closed early that
4 day. She had come to that Christmas party and brought
5 a fellow who I think was her boyfriend at that time.
6 I am pretty sure that she had worked that morning.
7 It was a shorter shift because by closing early, we
8 divided the day kind of in half. Instead of working
9 like an eight-hour day, since she was out of school,
10 she probably worked like a six-hour shift.

11 She wasn't scheduled again until the day after
12 Christmas. We were closed for Christmas Day.

13 Q. So she was to work on December 26th?

14 A. Yes, sir.

15 Q. Let me show you State's Exhibit 40 and ask if you
16 can identify that, please.

17 A. That's Rachel.

18 Q. Now, were you working on the morning of December
19 26th?

20 A. I was.

21 Q. What happened?

22 A. We open at 7:00 every day except for Sunday, when
23 we open at 8:00. What happens is that the opening
24 manager, which that day was myself, and one other
25 employee will get there at 6:00 and we will start

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1 brewing coffees and just kind of getting prepared to
2 open at 7:00. We also have another employee that
3 comes in at 6:30 and starts on the sandwich line,
4 getting the food items ready.

5 At 6:10, 6:15, you don't really worry because
6 being an early morning shift a lot of times people
7 are five or ten minutes later; didn't get out of bed
8 or whatever. Then about 6:20, I started to kind of
9 wonder if something had happened -- maybe her alarm
10 didn't go off or something. So I tried to call the
11 two numbers that I had, which were I want to say her
12 mom's number and then another number that I had that
13 was an old out-of-date number. Just to try to find
14 out if she was on her way, if there was a problem, if
15 I needed to try to cover it or whatever. But I didn't
16 get ahold of anybody. So I called a person in who was
17 supposed to have come in later in the day. They came
18 in about 8:00 o'clock and kind of helped cover it a
19 little bit.

20 Q. When were you informed of her fate?

21 A. Later that night, myself, my brother and sister
22 and some other of my family members were out eating
23 dinner and we got a phone call. Actually my brother
24 was working at the store and someone had called him
25 and told him that they had found someone that they

1 believed to be Rachel. He called us on our cells and
2 we went to meet at the Mount Pleasant Police
3 Department. It went from there.

4 Q. How did this affect your business, if at all?

5 A. Well, I mean, she was -- the fact that she was
6 liked by so many people and that everybody there kind
7 of gets along, it was very hard on us. We'd known her
8 and her mom for years. It was hard on many of the
9 employees who knew her. Mostly because a lot of them
10 were friends and a lot of them are younger, so they
11 weren't used to -- they'd never been in a situation
12 like that and didn't know how to respond. We actually
13 closed the day of her funeral so that everybody could
14 go to that.

15 It was -- it's (pause) -- it still bothers
16 some people. We probably have twenty employees now
17 that worked with her and of course they know that the
18 trial is this week, that we're here now, so it stirs
19 it up again.

20 Q. One thing that I didn't ask you, I don't believe,
21 is what type of -- do people wear uniforms in the
22 restaurant?

23 A. They do. Every employee wears the same exact
24 uniform. That's a logo of the Atlanta Bread Company,
25 a hat, an apron, a name tag. Then the bottom half is

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1 khaki. It can be long pants, a skirt, or shorts just
2 as long as it is khaki. Then comfortable shoes.

3 Q. Are they expected to come to work dressed that
4 way?

5 A. Most of them do. You will see some high school
6 kids that may come straight from school and they will
7 bring a duffle bag with their work clothes and change
8 at work. But most people come dressed. It's easier.

9 Q. But nonetheless you would expect them to be
10 dressed when they are on the job?

11 A. Correct.

12 MR. HOISINGTON: If you would, answer any
13 questions that Mr. Grant may have.

14 BY WITNESS: Yes, sir.

15 THE COURT: You may cross-examine, Mr.
16 Grant. Any questions?

17 DERRICK GRANT: Yes, Your Honor.

18 THE COURT: Okay.

19 CROSS EXAMINATION

20 BY DERRICK GRANT:

21 Q. Did you give a voluntary statement December 27th,
22 2002, in reference to this case?

23 A. I did.

24 Q. At what time was Rachel Satell (Sottile) to open
25 on December 16th, 2002?

1 A. 6:00 a.m.

2 Q. 6:00 a.m.?

3 A. (Affirmative nod).

4 Q. You say Rachel Satell (Sottile) never had any
5 problems with anyone that was working at the Atlanta
6 Bread Company?

7 A. To the best of my knowledge. I don't know of any
8 incidents where she had a run-in with anyone that
9 worked there while she was working there.

10 Q. Did she have problems with her mother in the year
11 2002?

12 MR. HOISINGTON: I object to that on
13 relevance.

14 DERRICK GRANT: He just said, Your
15 Honor, ---

16 THE COURT: Appreciate it, Mr. -- I
17 will sustain the objection at this point. If you
18 want to lay a foundation as to why it would have any
19 relevance, you may do so. I sustain the objection at
20 this point.

21 CROSS EXAMINATION RESUMED

22 BY DERRICK GRANT:

23 Q. At the Christmas party, did Rachel introduce her
24 date?

25 A. Not to me personally. I saw her with a fellow

1 there and it was explained to me that was her boy-
2 friend or a person that she was out with, at least for
3 that party. But I had never seen him before.

4 Q. Can you describe that person?

5 A. Blond hair, maybe six feet tall, and -- (shrug).

6 Q. A week earlier, did Rachel show you another guy?

7 A. No, not me personally. I don't know that she ---

8 Q. She did not?

9 A. I don't know that she was seeing anyone else.
10 She didn't introduce anyone to me as being her boy-
11 friend or anything.

12 Q. Did Rachel tell you about having problems with
13 any of her boyfriends in 2002?

14 A. There was an incident several months earlier, I
15 want to say that it was even back in the summertime,
16 that she ---

17 MR. HOISINGTON: We would object to this
18 also as hearsay.

19 THE COURT: I will allow just this --
20 insofar as the problem, just as to that. Overruled.
21 Thank you.

22 BY WITNESS: She was -- I don't know the
23 fellow's name but she had been dating a person that --
24 everything seemed to be doing well. Then my only
25 recollection of it going bad was that they had split

1 up for whatever reason and she had his jacket in her
2 car. He had made several phone calls to the store
3 while she was working there to get ahold of her to
4 arrange getting his jacket back. At one point, he
5 came up to the store and -- I wasn't there, but I'm
6 relying this story via my brother telling me this.
7 He came to the store and asked Rachel about his
8 jacket. So she went out to her car, took the jacket
9 out of the car and gave it to him. But there weren't
10 any -- there wasn't really an argument or anything.
11 It was more of somebody collecting their stuff back.

12 CROSS EXAMINATION CONTINUED

13 BY DERRICK GRANT:

14 Q. So you're saying that Rachel did not tell you
15 about having problems with someone, one of her
16 boyfriends?

17 A. (Negative gesture), she didn't tell me anything
18 about it.

19 Q. This guy that came to Rachel's job, did he call
20 her the "B" word?

21 A. I never met the guy. Like I said, this story is
22 coming from my brother. I ---

23 MR. HOISINGTON: Objection, Your Honor.

24 THE COURT: Hold on just a minute. It
25 would be hearsay, Mr. Grant, what somebody said. I

1 sustain the objection.

2 CROSS EXAMINATION CONTINUED

3 BY DERRICK GRANT:

4 Q. So you are saying that Rachel Satell (Sottile)
5 did not tell you about having problems with someone
6 else?

7 A. No.

8 Q. But you did give a statement on December 27th,
9 2002?

10 A. I'm sorry? Say that again.

11 Q. You did give a statement on December 27th, 2002,
12 with reference to this case?

13 A. Correct.

14 DERRICK GRANT: No further questions, Your
15 Honor.

16 THE COURT: Redirect, Solicitor?

17 MR. HOISINGTON: You may come down.

18 THE COURT: You may come down, Mr.
19 Watson.

20 (WITNESS STEPS DOWN)

21 MR. HOISINGTON: May he be released from
22 his subpoena?

23 THE COURT: Any objection to his being
24 released from the subpoena, Mr. Grant?

25 DERRICK GRANT: Yes, Your Honor. I will

1 call him back to the stand.

2 THE COURT: All right. You are still
3 under subpoena, Mr. Watson. I would ask you, sir, to
4 remain outside the courtroom with the other witnesses.
5 Call your next witness, please.

6 MR. JENNINGS: Your Honor, the State calls
7 Heather Browder.

8 (WITNESS TAKES STAND)

9 HEATHER BROWDER, being
10 duly sworn to tell the truth, the whole truth and
11 nothing but the truth, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. JENNINGS:

14 Q. Are you nervous about being up here today?

15 A. (Affirmative nod).

16 Q. I want you to speak into the microphone, okay?

17 A. Okay.

18 Q. Where do you live, Ms. Browder?

19 A. [REDACTED]

20 Q. In what area of Berkeley County is that?

21 A. Huger.

22 Q. You're married?

23 A. Yes.

24 Q. How old are you?

25 A. Twenty-two (22).

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1 Q. Did you have a friend named Rachel Sottile?

2 A. Yes.

3 Q. Let me show what is marked as State's Exhibit 40,
4 which is in evidence, do you recognize that photo-
5 graph?

6 A. Yes.

7 Q. Who is that?

8 A. Rachel Sottile.

9 Q. How did you know Rachel?

10 A. I went to school with her.

11 Q. What school?

12 A. Wando High School.

13 Q. How long were you'all in school together?

14 A. Maybe three or four years.

15 Q. And you developed a friendship then?

16 A. Yes. I mean, I wasn't like her best friend or
17 anything. I knew of her.

18 Q. And if you saw her ---

19 THE COURT: Just a moment, Solicitor.

20 Mrs. Browder, you're going to need to sit up so that
21 you can speak into that microphone.

22 BY WITNESS: Yes, sir.

23 THE COURT: Thank you very much.

24 DIRECT EXAMINATION CONTINUED

25 BY MR. JENNINGS:

1 Q. If you saw her out, would you recognize her?

2 A. Yes.

3 Q. I want to turn your attention to December 26th,
4 2002. That was the day after Christmas.

5 A. (Affirmative nod).

6 Q. Do you remember what you did that morning?

7 A. Yes.

8 Q. Tell the jury where did you take your husband?

9 A. I took him to Detyens Shipyard, across the street
10 to the Shell gas station and that's where we wait for
11 his ride to work.

12 Q. And what highway is that gas station on?

13 A. (Highway) 41.

14 Q. Is there a bridge right here?

15 A. Yes.

16 Q. That goes over the Wando River?

17 A. Yes, sir.

18 Q. Then if you continue on Highway 41 you could go
19 to Mount Pleasant?

20 A. Yes.

21 Q. Or if you go the other direction, across the
22 bridge, you head back to Huger and Cainhoy?

23 A. Yes.

24 Q. What time did you get to the Shell station that
25 morning?

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1 A. Between 6:30 and 6:45.

2 Q. Did you have an opportunity that morning to see
3 Rachel at that gas station?

4 A. Yes.

5 Q. Did you see what kind of car that she was
6 driving?

7 A. Yes.

8 Q. What color was the car?

9 A. Red.

10 Q. Was it two-doors, four-door?

11 A. Two-door.

12 Q. Do you remember what kind of car that it was?

13 A. Pontiac Sunfire.

14 Q. I show you what is marked as State's Exhibit 4,
15 do you recognize that vehicle?

16 A. Yes.

17 Q. Whose car was that?

18 A. Rachel Sottile's.

19 Q. Is that the car that you saw her in on the
20 morning of December 26th?

21 A. Yes.

22 MR. JENNINGS: We would offer State's
23 Exhibit 4 into evidence.

24 THE COURT: Any objection?

25 DERRICK GRANT: No, Your Honor.

1 THE COURT: Without objection, State's
2 Exhibit 4 is admitted into evidence, a photograph.

3 (SO ENTERED AS STATE'S EXHIBIT 4)

4 DIRECT EXAMINATION CONTINUED

5 BY MR. JENNINGS:

6 Q. And that's the vehicle, that is shown in State's
7 Exhibit 4, that you saw Rachel driving?

8 A. Yes.

9 Q. And what was she -- as you can see, the windows
10 are dark. Did you note that that morning?

11 A. Yes.

12 Q. Could you see if anybody was with her?

13 A. No.

14 Q. Nobody was with her or you couldn't see?

15 A. I couldn't see.

16 Q. What did Rachel do at the gas station?

17 A. She pulled up to the pump and started pumping
18 gas. She waved to me. After she left/finished
19 pumping gas, she went into the gas station and paid
20 for the gas. Then got back into her car and drove
21 away.

22 Q. In which direction did you see her driving?

23 A. Back over the bridge on, going towards Cainhoy
24 or Huger.

25 Q. Okay. So driving away from Mount Pleasant?

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1 A. Yes.

2 MR. JENNINGS: That's all that I have.

3 Please answer any questions that the defendant has.

4 THE COURT: Cross examine?

5 DERRICK GRANT: Yes, Your Honor.

6 CROSS EXAMINATION

7 BY DERRICK GRANT:

8 Q. Hello, Mrs. Browder.

9 A. Hello.

10 Q. When you seen Rachel Satell (Sottile) on December
11 26th, 2002, what color pants did she have on?

12 A. Bluejeans.

13 Q. Excuse me?

14 A. Bluejeans.

15 Q. Blue jeans?

16 A. Um-humm.

17 COURT REPORTER: Was that a "yes"?

18 BY WITNESS: "Yes."

19 COURT REPORTER: Thank you.

20 CROSS EXAMINATION CONTINUED

21 BY DERRICK GRANT:

22 Q. When she left the parking lot of the gas station,
23 did she take a left or did she take a right?

24 A. She took a right.

25 Q. And if you took a right, what direction would you

1 be going to -- toward?

2 A. Going toward Cainhoy.

3 Q. Cainhoy?

4 A. Um-humm.

5 Q. And if you take a left, what direction would you
6 be going toward?

7 A. Towards Mount Pleasant.

8 Q. And she was supposed to be at work at 6:00
9 o'clock?

10 MR. JENNINGS: Objection, Your Honor.

11 DERRICK GRANT: Thank you, Your Honor.

12 Thank you.

13 THE COURT: Withdrawn?

14 DERRICK GRANT: No more questions.

15 THE COURT: Okay. Redirect?

16 MR. JENNINGS: No questions.

17 THE COURT: You may come down.

18 (WITNESS STEPS DOWN)

19 THE COURT: Do you wish for her to be
20 excused.

21 MR. JENNINGS: Yes, sir.

22 THE COURT: Do you object to her being
23 excused?

24 DERRICK GRANT: Yes, Your Honor.

25 THE COURT: You do?

1 DERRICK GRANT: No, that's okay. I
2 still have her on my subpoena.

3 THE COURT: You have her on your
4 subpoena?

5 DERRICK GRANT: Yes, sir.

6 THE COURT: All right, Mrs. Browder, you
7 are still under subpoena. We will need for you to
8 wait outside.

9 BY WITNESS: All right.

10 MR. JENNINGS: Does she need to be here
11 the entire day or can she ---

12 THE COURT: What we will do at the first
13 break, we'll talk about that. Thank you.

14 MR. HOISINGTON: The State calls Fred
15 Lincoln.

16 (WITNESS TAKES STAND)

17 FRED LINCOLN, being
18 duly sworn to tell the truth, the whole truth and
19 nothing but the truth, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. HOISINGTON:

22 Q. Mr. Lincoln, where do you live?

23 A. [REDACTED]. That's in Wando.

24 Q. Can you tell the jury basically where that is?
25 That's in Berkeley County?

1 A. Yeah, that is in Berkeley County.

2 Q. Describe for them how you get there.

3 A. Okay. If you're coming from this direction, you
4 go to Highway 41 and turn on Clements Ferry Road,
5 approximately five miles and you'll find a Shell
6 station, the only traffic light in the area at Mikasa.
7 You make a right turn and three-quarters of a mile
8 would be the community which is commonly called Jack
9 Primus.

10 Q. Jack Primus?

11 A. Yes.

12 Q. When you say a community, what is that comprised
13 of? Who lives back there, mostly?

14 A. It's about 200 acres of ancestries from right out
15 of slavery. The first settlement was a hundred
16 percent black that live in that area.

17 Q. How long have you lived there?

18 A. I was born there. Left for a while and have been
19 back for about twenty-one years.

20 Q. Did you say approximately how many people live
21 back there in that community?

22 A. I think that you have about forty homes, and
23 about an average of about three to a home; about, I'd
24 say about 140.

25 Q. Tell me something about yourself. Do you work at

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1 the present?

2 A. No, I am a retired firefighter.

3 Q. Do you have any other occupations or do you
4 volunteer for anything?

5 A. Yeah, I'm a volunteer fireman, Chairman of the
6 Cainhoy Volunteer Fire Department.

7 Q. Now, on the day of December 26th, did anything out
8 of the ordinary happen on that day?

9 A. Yes, I was -- I was visiting some family members
10 on Lemon Lane and I was approached by English Green, I
11 was adjacent to his home about twenty-five feet away
12 from his home, and he came up to me hurriedly and
13 stated that there was a body in the woods. It was
14 about a three-minute walk from where I was to, going
15 towards Jack Primus Road, we went to a side road and
16 upon approaching the scene, I saw a red jacket lying
17 in the middle of a path. On the left, standing about
18 ten feet from this path, we, uh, saw a body that he
19 stated was a male. But from further looking at the
20 body, I could see a brassiere and we summarized that
21 it was a female.

22 Q. What did you do in respond to that?

23 A. We came back to the house to call 911. I
24 proceeded back to the scene, because we also had
25 volunteer fire department personnel coming in also.

1 We wanted to make sure that we secured the scene and
2 not to compromise the scene. So I stayed until a
3 member of the Fire Department came, about twenty
4 minutes later. I had a previous engagement, so I
5 left the area.

6 Q. You said that Mr. English Green came to you and
7 told you about the jacket that he saw?

8 A. He didn't mention the jacket. He mentioned the
9 body.

10 Q. How old is English Green?

11 A. English is seventy-six (76) years old.

12 Q. I am going to show you State's Exhibit 34.

13 MR. HOISINGTON: Which is without
14 objection, I believe, Your Honor.

15 THE COURT: State's Exhibit 34, without
16 objection?

17 DERRICK GRANT: No objection, Your
18 Honor.

19 THE COURT: Very well, State's Exhibit
20 34 is admitted.

21 (SO ENTERED AS STATE'S EXHIBIT 34)

22 DIRECT EXAMINATION CONTINUED

23 BY MR. HOISINGTON:

24 Q. Is that (a photograph of) the red jacket that
25 you were referring to?

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1 A. Yes, it looks like the red jacket.

2 Q. Is that the basic way the road in that area looks
3 like?

4 A. Yes.

5 Q. So it is not paved?

6 A. No.

7 Q. I am going to show you State's Exhibit 30, with-
8 out objection, and ask if you can identify that?

9 DERRICK GRANT: No objection.

10 THE COURT: It is admitted.

11 (SO ENTERED AS STATE'S EXHIBIT 30)

12 DIRECT EXAMINATION CONTINUED

13 BY MR. HOISINGTON:

14 Q. Can you identify that?

15 A. Yes, this is what I saw.

16 Q. And that's substantially as she was laying there?

17 A. Yes.

18 Q. And you made sure, at least while you were there,
19 that nobody touched her?

20 A. Yes. Then when the firefighter, the volunteer
21 firefighters came in they was instructed not to allow
22 anybody to come back until the police arrive on the
23 scene.

24 Q. All right. Would you answer any questions,
25 please, that Mr. -- do you know Mr. Grant?

1 A. No. I know his family.

2 DERRICK GRANT: Your Honor, objection.

3 THE COURT: What is the basis of the
4 objection?

5 DERRICK GRANT: Knowing me? What
6 relevance does that have to the case?

7 THE COURT: Sustained.

8 CROSS EXAMINATION

9 BY DERRICK GRANT:

10 Q. Good evening, Mr. Lincoln.

11 A. Good evening.

12 Q. That area where the victim was found in the
13 driveway, do you live in that area?

14 A. Yes.

15 Q. How long have you lived in that area?

16 A. For the past twenty-one years.

17 Q. Mr. Lincoln, that driveway, do cars park there?

18 A. (No response).

19 Q. For whatever reason? Lots of times? Do you ever
20 pass by and see cars parked in this area?

21 A. Yes, sometimes during the day you'll have people
22 that would park in the front.

23 Q. So the answer is?

24 A. At the entrance to the road, yes.

25 Q. Not in the driveway where the victim was found?

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1 In that area, not too far from that area, right in
2 that area right there, do you see cars or have you
3 ever seen cars parked there? Have you ever seen cars
4 parked there in the past twenty years of living in
5 that area?

6 A. Only to the entrance of Lemon Lane.

7 Q. So the victim was found in the entrance, you're
8 saying? Or exactly what are you saying?

9 A. From what I seen, the victim was about maybe
10 seventy-five yards away from Jack Primus Road.

11 Q. Did you see a weapon when you discovered the
12 deceased?

13 A. No, no weapon.

14 Q. On the ground around her, did you see a weapon at
15 the time at the scene of the crime?

16 A. No.

17 Q. Did you see objects around the scene of the
18 crime?

19 A. Debris.

20 Q. Okay. Can you name the things you seen?

21 A. (No response).

22 Q. Did you get close up to the victim?

23 A. About ten feet.

24 Q. Thank you, sir.

25 DERRICK GRANT: No further questions,

1 Your Honor.

2 THE COURT: Redirect, Solicitor?

3 MR. HOISINGTON: No, sir. Thank you,
4 Judge. We would move to release him. I don't know
5 if he wants to keep him.

6 DERRICK GRANT: Yes, Your Honor, he can
7 be.

8 THE COURT: He can be released?

9 DERRICK GRANT: Yes, Your Honor.

10 THE COURT: All right, Mr. Lincoln, thank
11 you very much. You're free to leave. You may come
12 down, sir.

13 (WITNESS STEPS DOWN)

14 THE COURT: Call your next witness.

15 MR. HOISINGTON: Officer Michael Arnett.

16 (WITNESS TAKES STAND)

17 MICHAEL ARNETT, being
18 duly sworn to tell the truth, the whole truth and
19 nothing but the truth, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. HOISINGTON:

22 Q. Officer Arnett, I can tell from your uniform that
23 you work for the Sheriff, is that right?

24 A. Yes, sir.

25 Q. How long have you been working for them?

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1 A. Seventeen years with the Sheriff's Department.

2 Q. Roughly what are your duties?

3 A. I am a road sergeant, supervisor for the first
4 shift.

5 Q. What does a road sergeant do?

6 A. I am assigned to the north end of the county,
7 which I supervise the units on that end. We answer
8 calls.

9 Q. Did your duties call you out to the Lemon Lane
10 area on December 26th, 2002?

11 A. Yes, sir.

12 Q. What was the nature of the call?

13 A. A found body in the woods.

14 Q. When you got there, what were the circumstances?

15 A. Upon arrival we -- there was a complaint that had
16 called us, that had directed us down the road on Lemon
17 Lane and I observed on a small cut-off road the body
18 of a white female laying there. From the condition it
19 was obvious that she was deceased. At that point, we
20 backed out and secured the location and called the
21 detectives.

22 Q. This Lemon Lane area is in Berkeley County, is
23 that correct?

24 A. Yes.

25 Q. State's Exhibit 30, I show you a picture -- is

1 that substantially how her body was when you arrived?

2 A. Yes, this is almost the view that I saw from
3 Lemon Lane when I first arrived.

4 Q. Describe for the jury if you would the topography
5 of the Lemon Lane area. Is it paved, is it rural, is
6 it ---

7 A. It is a wooded road. The road that she was more
8 or less laying on was more of a path, an old road.
9 It's a completely wooded area, dirt.

10 Q. Are there houses anywhere near there?

11 A. Not right here. At the very end of Lemon Lane
12 there's quite a few houses.

13 Q. Do you remember anybody else who was on the scene
14 when you first got there or that came on the scene
15 before you left?

16 A. As far as other responding officers?

17 Q. Yes.

18 A. Yeah, myself along with two other patrol officers
19 and our Captain, Captain File, were enroute at the
20 same time and arrived within a few minutes of each
21 other. At the time that I left, several detective
22 units and the Coroner's Office had arrived.

23 Q. So your responsibility was just to secure the
24 scene?

25 A. Yes, sir.

1 Q. Once that is done, what is the next level of
2 police involvement in the case?

3 A. That would be crime scene investigators and
4 detectives.

5 Q. So you stayed there until they came?

6 A. Yes.

7 MR. HOISINGTON: Please answer any ques-
8 tions that Mr. Grant may have.

9 THE COURT: You may cross examine.

10 CROSS EXAMINATION

11 BY DERRICK GRANT:

12 Q. How are you doing, Mr. Arnett?

13 A. All right.

14 Q. When you arrived at the scene of the crime, were
15 there any signs of struggling on the ground, on the
16 grass or on the scene?

17 A. I didn't approach close enough to see anything
18 like that. My job was to secure the area for other
19 investigators. I got about as close as what that
20 photograph shows, probably about fifteen to twenty
21 feet away. That's as close as I got to the body.

22 DERRICK GRANT: Thank you. No further
23 questions, Your Honor.

24 THE COURT: Redirect?

25 MR. HOISINGTON: No, sir. We would

1 release him, as well.

2 THE COURT: Any objection?

3 DERRICK GRANT: No, Your Honor.

4 THE COURT: Mr. Arnett, you are free to
5 come down and free to leave, sir.

6 (WITNESS STEPS DOWN)

7 THE COURT: Solicitor, you may call your
8 next witness.

9 MR. JENNINGS: Your Honor, the State
10 calls Vonda Youngberg.

11 (WITNESS TAKES STAND)

12 VONDA V. YOUNGBERG,
13 being duly sworn to tell the truth, the whole truth
14 and nothing but the truth, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. JENNINGS:

17 Q. Good morning, Ms. Youngberg. Where do you live,
18 ma'am?

19 A. In Green Bay, [REDACTED].

20 Q. In Green Bay, that's an area where?

21 A. Huger.

22 Q. In Berkeley County?

23 A. Yes, sir.

24 Q. Who do you live at [REDACTED] with?

25 A. My husband and my children.

1 Q. Do you know Derrick Grant?

2 A. Yes.

3 Q. You know him from that community?

4 A. Yes, sir.

5 Q. Do you see him in the courtroom today?

6 A. Yes.

7 Q. Can you point him out to the jury, please?

8 A. Right there (indicating Defendant).

9 MR. JENNINGS: Let the record reflect that
10 she identified the Defendant, Your Honor.

11 THE COURT: It shall so reflect.

12 DIRECT EXAMINATION CONTINUED

13 BY MR. JENNINGS:

14 Q. I show you what has been marked as State's
15 Exhibit 41. Do you recognize the person in that
16 photograph?

17 A. Yes, sir.

18 Q. Who is that?

19 A. Derrick Grant.

20 Q. I turn your attention to December 25th of 2002 at
21 about 9:00 o'clock that night. At this time in 2002,
22 I believe that you had -- were using crack cocaine?

23 A. Yes, sir.

24 Q. And at about 9:00 o'clock on that evening, did
25 you go to purchase some crack cocaine?

1 A. Yes, sir.

2 Q. At some point during that night did you come into
3 contact with the Defendant?

4 A. Yes, sir.

5 Q. At what location was that?

6 A. On the corner of Charity Church and Cainhoy Road.

7 Q. I show you what is marked as State's Exhibit 27,
8 do you recognize the area that is shown in that photo-
9 graph?

10 A. Yes, sir.

11 Q. What intersection is that?

12 A. Cainhoy and Charity Church.

13 Q. Does this picture fairly and accurately depict
14 how that intersection looks?

15 A. Yes, sir.

16 MR. JENNINGS: We would offer State's
17 Exhibit 27 into evidence.

18 THE COURT: Without objection?

19 DERRICK GRANT: No objection, Your
20 Honor.

21 THE COURT: State's Exhibit 27 is
22 admitted.

23 (SO ENTERED AS STATE'S EXHIBIT 27)

24 DIRECT EXAMINATION CONTINUED

25 BY MR. JENNINGS:

1 Q. The main road that comes through this way is
2 which road?

3 A. Cainhoy Road.

4 Q. And the road that intersects it where the stop
5 sign is, what road is that?

6 A. Charity Church.

7 Q. And this is a light pole?

8 A. Yes, sir.

9 Q. What is about halfway up that light pole?

10 A. A light.

11 Q. And at night is that intersection illuminated?

12 A. Yes, sir.

13 Q. So when you saw Mr. Grant on the evening of
14 December 25th, did you have any problem seeing who it
15 was?

16 A. No.

17 Q. Because of the rules, we can't talk about what
18 you'all talked about or what you did. But when you
19 saw him that night, at 9:00, did he have anything
20 with him that could be used as a weapon?

21 A. Yes, sir.

22 Q. What did he have?

23 A. A knife.

24 Q. Can you describe the knife to the jury?

25 A. It was about that long (indicating) closed.

- 1 Q. So that the court reporter can -- how long would
2 you estimate that the knife was?
- 3 A. I'd believe you'd say ---
- 4 Q. About three inches?
- 5 A. Well, yeah, I'd say. However how long that
6 (indicating with fingers apart) is, approximately
7 that long.
- 8 Q. Was it open or closed?
- 9 A. It was closed, uh, -- open.
- 10 Q. Okay. How long was the blade of the knife?
- 11 A. About as long as the knife.
- 12 Q. So about three inches long, the blade?
- 13 A. Yeah, it's made about like that long.
- 14 Q. Can you describe what it looked like or what
15 color that it was?
- 16 A. It was a red knife with kind of a bone-looking,
17 like an Old-Timer. Like the bone with tinted red.
- 18 Q. You mentioned Old-Timer, that's a brand of knife?
- 19 A. Right. Right.
- 20 Q. And that is similar to what it looked like?
- 21 A. Right.
- 22 Q. In going from -- Christmas Day would have ended
23 at midnight?
- 24 A. Yes, sir.
- 25 Q. And the 26th of December would have started at

1 12:01?

2 A. That's right.

3 Q. At about 3:20 or 3:30 on the morning of the 26th,
4 did you leave your house again?

5 A. Yes, sir.

6 Q. When you got to the intersection of Charity
7 Church Road and Cainhoy Road, did you come into
8 contact with somebody?

9 A. Yes.

10 Q. Who did you come into contact with?

11 A. Derrick Grant.

12 Q. Explain to the jury what happened when you saw
13 him at about 3:30 that morning.

14 A. He come to the passenger side of the car, wanting
15 a ride to Hillridge. He was going to offer me three
16 dollars to take him to Hillridge.

17 Q. Are you familiar with Hillridge?

18 A. Yes, sir.

19 Q. From the intersection, is that to the left of the
20 picture or to the right of the picture?

21 A. What do you mean?

22 Q. If you were coming off of Charity Church Road,
23 looking to turn onto Cainhoy, would you turn left to
24 head down towards Clements Ferry Road or would you
25 have turned right?

1 A. You would turn left.

2 Q. And what did he say to you about getting a ride
3 to Hillridge?

4 A. That he would give me three dollars if I would
5 give him a ride to Hillridge.

6 Q. And did you agree to give him a ride?

7 A. No, I did not.

8 Q. What was he trying to do as he was talking to
9 you?

10 A. He was trying to get into the vehicle.

11 Q. And when he was trying to get into the vehicle,
12 what ---

13 DERRICK GRANT: Your Honor, objection.

14 THE COURT: What is the objection?

15 DERRICK GRANT: That's okay, Your Honor.

16 THE COURT: Withdrawn.

17 DIRECT EXAMINATION CONTINUED

18 BY MR. JENNINGS:

19 Q. When he was trying to get into your vehicle,
20 could you see if he had anything in his hand?

21 A. He had the knife in his hand but it was not open.

22 Q. The same knife that you'd seen ---

23 A. The same knife that I saw the night before.

24 Q. When he was trying to get into your vehicle, did
25 you see his hands?

1 A. Just the one hand.

2 Q. When you saw Derrick Grant on the night of the
3 25th and on the morning of the 26th, did he have any
4 injuries, any blood on him?

5 A. No.

6 Q. Where did you pull off once you had stopped at
7 the stop sign?

8 A. I went to the right.

9 Q. Did you see where Mr. Grant went or what he did?

10 A. He just started walking across the road, like
11 headed towards -- towards the, like, left.

12 Q. And that was the last time that you saw him?

13 A. Yes.

14 Q. That's all that I have. Please answer any
15 questions that Mr. Grant has.

16 THE COURT: You may cross-examine, Mr.
17 Grant.

18 CROSS EXAMINATION

19 BY DERRICK GRANT:

20 Q. Hello, how are you doing, Ms. Youngberg?

21 A. (No response).

22 Q. Did you smoke crack before you got here today?

23 A. No, sir.

24 Q. Did you know the victim?

25 A. Yes, sir, I did.

1 Q. Did you know Rachel Satell (Sottile)?

2 A. Excuse me?

3 Q. Did you know Rachel Satell (Sottile)?

4 A. Rachel Sottile, yes, I did.

5 Q. You did?

6 A. (Affirmative nod).

7 Q. When you left your house on December 26th, 2002,
8 at approximately 3:00 o'clock or 3:30, how did you get
9 to CC Road, Charity Church Road?

10 A. In my husband's truck.

11 Q. Did you ask your husband for the truck?

12 A. No, I didn't.

13 Q. So you stole the truck?

14 A. Yes.

15 MR. JENNINGS: Objection, Your Honor.

16 THE COURT: Sustained. That calls for
17 a legal conclusion.

18 CROSS EXAMINATION CONTINUED

19 BY DERRICK GRANT:

20 Q. On December 26th, 2002, about 3:30 in the morning,
21 where were you going?

22 A. I was going down by French Quarter Creek.

23 Q. May I ask for what?

24 A. To purchase drugs.

25 Q. Are you getting paid to give this testimony?

- 1 A. No.
- 2 Q. You claim that you seen me at 3:30 in the morning
- 3 at Charity Church Road, correct?
- 4 A. Yes.
- 5 Q. You spoke to me?
- 6 A. Yes.
- 7 Q. Can you describe what I had on?
- 8 A. Dark clothing. It looks like jeans and a sweat-
- 9 shirt, to me.
- 10 Q. Jeans and a sweatshirt?
- 11 A. I mean, I am just saying that it was dark. I
- 12 didn't really look at what you were wearing. But you
- 13 had a hood on.
- 14 Q. You just said that there was a light post right
- 15 at CC Road, that you could observe and know that I was
- 16 there.
- 17 A. Once I pulled up there, yes, I could see that it
- 18 was you. At first I didn't know who it was. That's
- 19 why I locked my doors.
- 20 Q. Were you high at the time?
- 21 A. No.
- 22 Q. Are you sure?
- 23 A. Positive.
- 24 Q. Did you give a statement on December 30th per-
- 25 taining to this case?

1 A. Yes.

2 Q. Did you give the detective a telephone number
3 where he could reach you, where you can be contacted
4 at?

5 A. I believe that I gave them my neighbor's number.

6 Q. Why did you give them your neighbor's number?

7 A. Because I don't have a phone.

8 Q. But you can buy drugs?

9 MR. JENNINGS: Objection, Your Honor.

10 BY WITNESS: I don't need a phone to buy
11 drugs.

12 THE COURT: Sustained. That is not
13 relevant, whether or not she has a phone.

14 CROSS EXAMINATION CONTINUED

15 BY DERRICK GRANT:

16 Q. Do you know who attacked me December 26th, 2002,
17 on Lemon Lane Road?

18 A. Excuse me?

19 Q. Do you know who attacked me December 26th, 2002,
20 on Lemon Lane Road?

21 A. No, I sure don't.

22 Q. Can it be confirmed that you bought drugs on
23 December 26th?

24 MR. JENNINGS: Objection, Your Honor.

25 Irrelevant.

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1 THE COURT: Sustained. She has already
2 testified to it. You can ask her another question.
3 That question is argumentative, Mr. Grant. You can
4 rephrase your question if you want to ask further
5 questions.

6 DERRICK GRANT: All right.

7 CROSS EXAMINATION CONTINUED

8 BY DERRICK GRANT:

9 Q. Can you give me the full name of the person from
10 whom you bought drugs from on December 26th, around
11 3:30 a.m.?

12 A. I didn't buy any drugs on that night.

13 Q. So you ---

14 A. That morning.

15 Q. So you can't confirm that you were even in that
16 -- that you bought drugs?

17 A. Nobody was out.

18 Q. Can anyone confirm that you were in Huger around
19 3:00 or 3:30 that morning, December 26th? You had to
20 see someone or someone had to see you.

21 A. Only you.

22 Q. So it's just your word against my word?

23 A. I guess so.

24 DERRICK GRANT: Thank you, Your Honor.

25 THE COURT: Redirect?

1 MR. JENNINGS: Yes, sir.

2 REDIRECT EXAMINATION

3 BY MR. JENNINGS:

4 Q. Did you receive any benefit for your testimony
5 here today?

6 A. No, sir.

7 Q. Do you have any reason to come in and testify
8 other than to what you saw?

9 A. No, sir.

10 Q. Or to what he told you?

11 A. No.

12 Q. What you told the police and what you've
13 testified to before the jury today is what you saw
14 that night?

15 A. Yes, sir.

16 Q. And that morning?

17 A. Yes.

18 Q. Although you can't recall exactly what he was
19 wearing, what clothing that he was wearing, did you
20 have any problem that morning seeing the knife that
21 was in his hand?

22 A. No.

23 MR. JENNINGS: That's all that I have,
24 Your Honor. Thank you.

25 THE COURT: Recross?

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1 DERRICK GRANT: Yes, Your Honor.

2 THE COURT: Okay. Now, it is limited to
3 direct. Excuse me, to redirect, Mr. Grant. Sorry.

4 DERRICK GRANT: Yes, sir.

5 RECROSS EXAMINATION

6 BY DERRICK GRANT:

7 Q. Do you know the seriousness of the charge ---

8 MR. JENNINGS: Objection, Your Honor.

9 THE COURT: Hold on a second. The
10 question was did she know the seriousness of the
11 crime?

12 DERRICK GRANT: Yes.

13 THE COURT: That's improper redirect.
14 Excuse me, recross. That was not addressed in the
15 redirect examination.

16 RECROSS EXAMINATION CONTINUED

17 BY DERRICK GRANT:

18 Q. Did you know that I am charged with murder?

19 MR. JENNINGS: Objection, Your Honor.

20 THE COURT: Sustained.

21 BY WITNESS: Yes.

22 THE COURT: It is not proper recross.

23 DERRICK GRANT: Thank you. No further
24 questions.

25 THE COURT: Very well. You wish the

1 witness to be excused?

2 MR. JENNINGS: May she be excused?

3 THE COURT: Do you object?

4 DERRICK GRANT: No, Your Honor.

5 THE COURT: Very well. You are free to
6 come down and free to leave.

7 (WITNESS STEPS DOWN)

8 THE COURT: All right. At this point,
9 Ladies and Gentlemen, we are going to take a break
10 and let you go to your jury room. Do not begin your
11 deliberations, don't discuss the case among your-
12 selves. We will be with you in about ten or fifteen
13 minutes.

14 (JURY OUT @ 10:56 A.M.)

15 THE COURT: Is there anything from the
16 State before we recess?

17 MR. JENNINGS: No, sir.

18 THE COURT: Anything, Mr. Grant, before
19 recessing?

20 DERRICK GRANT: No, Your Honor.

21 THE COURT: All right, we will be at-ease
22 for about ten or fifteen minutes.

23 (BRIEF RECESS 10:57 - 11:12 A.M.)

24 (DEFENDANT PRESENT)

25 THE COURT: Let the record reflect that

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1 Mr. Grant is present. Mr. Grant, there are a number
2 of witnesses that you have indicated that you have
3 subpoenaed. That's fine. Are those witnesses ones
4 that you anticipate needing with the other group that
5 we are having to come back on Wednesday at 2:00?

6 DERRICK GRANT: Yes, Your Honor.

7 THE COURT: Would it be permissible then
8 that we could excuse those witnesses that you have
9 retained until Wednesday at 2:00?

10 DERRICK GRANT: Yes, Your Honor.

11 THE COURT: At some point, Ms. Kennedy,
12 if you could advise those persons that they are free
13 to leave but must report back here at 2:00 o'clock on
14 Wednesday.

15 MS. KENNEDY: Yes, sir.

16 THE COURT: Thank you very much. And
17 with your -- and unless I hear from you otherwise, if
18 you do object to a witness being excused, I am going
19 to assume that it is for that purpose and I will
20 instruct the witness that they are free to leave today
21 but need to return to the courthouse by 2:00 o'clock
22 Wednesday.

23 DERRICK GRANT: Thank you.

24 THE COURT: All right. Thank you. Is
25 the defense ready to continue now?

1 DERRICK GRANT: Yes, Your Honor.

2 THE COURT: Is the State ready?

3 MR. JENNINGS: Yes, sir.

4 THE COURT: Bring in our jury, please.

5 (JURY IN @ 11:12 A.M.)

6 THE COURT: Thank you very much, Ladies
7 and Gentlemen. We are ready to continue. Please give
8 your attention to the next witness. Solicitor, you
9 may call your next witness.

10 MR. JENNINGS: The State calls Officer
11 T. J. Favero.

12 (WITNESS TAKES STAND)

13 T.J. FAVERO, being duly
14 sworn to tell the truth, the whole truth and nothing
15 but the truth, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. JENNINGS:

18 Q. Good morning, Officer Favero. As you said,
19 you're employed with Mount Pleasant?

20 A. Yes, sir.

21 Q. How long have you been with that agency?

22 A. I've been with that agency approximately four
23 years now.

24 Q. In what capacity do you work with them?

25 A. I am a traffic officer. At the time of this, I

1 was a patrol officer.

2 Q. Can you describe for the jury what some of the
3 differences are in your duties as a patrol officer
4 than a traffic officer?

5 A. Patrol officers handle day-to-day calls; anything
6 that comes into 911, they are generally dispatched to.
7 Traffic officers handle anything involving motor
8 vehicles occurring on the highway or the byways.

9 Q. Were you employed with Mount Pleasant in December
10 of 2002?

11 A. Yes, sir.

12 Q. Most specifically on the 26th, the night of the
13 26th into the morning of the 27th, were you working
14 that day?

15 A. Yes, sir.

16 Q. Do you recall what shift that you were working?

17 A. Yes, sir.

18 Q. What shift was that?

19 A. I was working third shift.

20 Q. What time did that begin?

21 A. At the time, I believe that shift went from 10:00
22 at night until 8:00 in the morning.

23 Q. You would have started at 10:00 on the night of
24 the 26th?

25 A. Yes, sir.

1 Q. And would have been scheduled to get off at 8:00
2 in the morning on the 27th?

3 A. Yes, sir.

4 Q. Do you recall during that shift what is called a
5 BOLO being issued for a vehicle?

6 A. Yes, sir.

7 Q. What is a BOLO?

8 A. BOLO is 'be on the lookout for'. It is typically
9 given for stolen vehicles, vehicles involved in a
10 crime or a person is missing, a runaway that is
11 missing, endangered folks. Anything that maybe we
12 need to talk to someone about or need to talk to
13 someone about or we need to find a vehicle.

14 Q. In our tri-county area of Berkeley, Dorchester
15 and Charleston counties, is it unusual for one agency
16 to issue a BOLO for the whole area?

17 A. No, sir.

18 Q. Being an officer, how would you have received
19 notice that that BOLO had been issued?

20 A. That BOLO would have been either advised to us
21 during the shift change, the shift briefing when we
22 come in at the beginning of the shift, the -- the
23 supervisor handling the road has an admin log and they
24 go over the BOLO's, things that we need to be brought
25 up to speed on and beware of during our shift. If

1 anything goes out during our shift, a dispatcher will
2 advise us over the operations channel.

3 Q. And during your shift on the 26th, were you
4 advised of a BOLO involving a red Pontiac Sunfire?

5 A. Yes, sir.

6 Q. I believe that the tag was 846 PDJ.

7 A. I am not sure of the tag. I would have to review
8 a report but that sounds correct.

9 Q. Did you issue a report associated with this case?

10 A. Yes, sir.

11 Q. Would that assist you in your testimony?

12 A. Yes, sir.

13 MR. JENNINGS: If I could get this marked
14 for identification.

15 COURT REPORTER: State's Number 42.

16 THE COURT: State's 42, for ID Only.

17 COURT REPORTER: Yes, sir.

18 DIRECT EXAMINATION CONTINUED

19 BY MR. JENNINGS:

20 Q. I show you what is marked as State's Exhibit 42.
21 Do you recognize that document?

22 A. Yes, sir, that's the report that I generated.

23 Q. And did you document in that report a description
24 of the vehicle that the BOLO was issued for?

25 A. Yes, sir, that's the vehicle the BOLO was for.

1 Q. What was the tag?

2 A. The tag was 846 PDJ for South Carolina.

3 Q. I ask you to turn your attention to about 4:50
4 on the morning of the 27th. You were still on patrol
5 at that time?

6 A. Yes, sir.

7 Q. What area were you patrolling?

8 A. I would have been -- I was on the old bridges, so
9 that would have put me somewhere down in the southern
10 end of Mount Pleasant, Neighborhoods 1, 2 or 3. I am
11 not exactly sure what neighborhood that I would have
12 been assigned to.

13 Q. And the bridges are the bridges that connect
14 Mount Pleasant with downtown Charleston?

15 A. Right.

16 Q. Whose jurisdiction does that fall under?

17 A. The bridges are under a concurrent jurisdiction
18 agreement. We split the jurisdiction of the bridges
19 between us and the City of Charleston. As far as
20 accidents or whatnot, they are generally divided
21 between the first half of the month Mount Pleasant
22 would hand it and the last half of the month the City
23 of Charleston handles the last half. But as far as
24 patrols during shifts, it is handled by both agencies.
25 We have jurisdiction on the old bridges down into the

1 City of Charleston, on I-26, Romney Street, King
2 Street and I believe as you continue 17-South onto
3 the crosstown.

4 Q. During a shift, would it unusual for you to drive
5 over the bridge and back over to Mount Pleasant?

6 A. No, sir, do it several times each shift.

7 Q. And about 4:56 that morning, describe to the jury
8 what happened when you were patrolling the bridge.

9 A. On the 27th of December, at approximately 4:56 in
10 the morning, I was patrolling the area of the Old
11 Cooper River Bridges. As I exited the old bridge,
12 onto 17-South, I was down in the area of Lee Street
13 and Hanover Street to turn around to head back onto
14 the new bridge, which would be 17-northbound to
15 return to the town of Mount Pleasant.

16 As I was coming down off of the bridge into
17 the area of Lee and Hanover Streets, I observed a red
18 in color Pontiac Sunfire with a front tag that's was
19 an air-brushed style front tag. I recognized that as
20 being part of the BOLO from earlier in the night.

21 At which time, I stopped my vehicle and
22 confirmed through the tag that that was the vehicle.
23 I advised Mount Pleasant, who in turn notified
24 Berkeley County, because as you stated there was a
25 BOLO out from Berkeley County. I knew that they had

1 an ongoing investigation.

2 I confirmed that the vehicle was the vehicle
3 in question, checked the inside -- a cursory check of
4 the inside to make sure that no one was occupying the
5 vehicle, for my safety. At which point, the City of
6 Charleston was notified to assist since the vehicle
7 was down in the Lee and Hanover streets area.

8 I placed crime scene tape around the vehicle
9 and maintained the crime scene, with the assistance of
10 the City of Charleston, until Detective Buchanan from
11 the Berkeley County Sheriff's Office responded to the
12 scene. The crime scene was turned over to him at that
13 time, which time I returned to the town of Mount
14 Pleasant and continued patrolling on my shift.

15 Q. I show you what has been marked as State's
16 Exhibit 38, do you recognize that area?

17 A. Yes, sir, this is the area that the vehicle was
18 located in.

19 Q. Does that accurately depict the area where you
20 found the car?

21 A. Yes, sir.

22 Q. I show you what is marked as State's Exhibit 4.
23 Do you recognize that photograph?

24 A. Yes, sir, that is the vehicle that Berkeley
25 County had issued a BOLO for.

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1 Q. And that is taken of the scene where you saw it?

2 A. Yes, sir.

3 Q. State's Exhibit 5?

4 A. That is the same vehicle in the same location.

5 Q. It shows the tag of the vehicle as being what?

6 A. 746 Paul-David-John -- or PDJ.

7 Q. Okay. And another picture, State's Exhibit 6.

8 A. Yes, sir.

9 Q. Do those pictures fairly and accurately depict
10 how the car looked the morning that you came into
11 contact with it?

12 A. Yes, sir.

13 MR. JENNINGS: Your Honor, we offer State's
14 Exhibit 38, State's Exhibit 5 and State's Exhibit 6
15 into evidence.

16 THE COURT: Very well. Without
17 objection, Mr. Grant?

18 DERRICK GRANT: No objection, Your
19 Honor.

20 THE COURT: State's Exhibits 38, 5 and 6
21 are admitted into evidence; each being a photograph.
22 Without objection.

23 MR. JENNINGS: And I believe that four is
24 already in evidence; is that correct?

25 COURT REPORTER: Yes, sir.

1 THE COURT: That is correct.

2 MR. JENNINGS: Thank you.

3 (SO ENTERED AS STATE'S EXHIBIT 38)

4 (SO ENTERED AS STATE'S EXHIBIT 5)

5 (SO ENTERED AS STATE'S EXHIBIT 6)

6 DIRECT EXAMINATION CONTINUED

7 BY MR. JENNINGS:

8 Q. I hand you this pointer, and you can just hit the
9 button there. Can you describe to the jury what they
10 are seeing in State's Exhibit 38, please?

11 A. As you look here, this is the old bridge or 17-
12 South approaching the city of Charleston. I would
13 have been coming down -- you can see the vehicle right
14 there. I would have been following approximately just
15 about where that vehicle was going, and I would come
16 down through here on this lane of travel. There'd be
17 a stop sign that would be back towards where the
18 photographer is at, where I'd make a left-hand turn
19 and return back to the town of Mount Pleasant -- where
20 that vehicle was traveling right there.

21 As I came down, there were several cars
22 parked through this area. One of them was the red in
23 color Pontiac Sunfire in question with the tag. At
24 which point, I stopped. I blocked off back here with
25 my patrol car and crime scene tape was placed up

1 through here, blocking off this area coming back
2 towards us, to prevent anyone from going in there
3 and contaminating the crime scene any further.

4 Q. Thank you. State's Exhibit 4 shows the vehicle
5 as you found it parked on the street?

6 A. Yes, sir.

7 Q. Did you have an opportunity to look at the
8 exterior of the car?

9 A. I observed the exterior as I was approaching it
10 and as I was confirming that it was the vehicle in
11 question; yes, sir.

12 Q. As you look at State's Exhibit 4, there appears
13 to be a substance on the left front of the vehicle.
14 Did you observe that substance?

15 A. Yes, sir, I observed a red-in-color substance
16 consistent with what I believed to be possibly blood
17 on the vehicle. You can see some of it right in that
18 area right there (indicating with laser light).

19 Q. Okay. State's Exhibit 6, did you also see some
20 areas of blood on the left front fender?

21 A. Yes, sir, right through there.

22 Q. At this point, did you make any attempts to enter
23 the vehicle, to look inside?

24 A. No, sir. Using a flashlight, I observed the
25 vehicle from the exterior, shining my light through

1 the windows, like I said, just to make sure -- for
2 officer safety -- that there was no one in the
3 vehicle. And to make sure that if anyone were in
4 the vehicle that they did not need assistance.

5 Q. Okay. Looking at State's Exhibit 4, on the hood
6 of the vehicle, on the roof and on the windshield, did
7 you note any material or substance that was on there
8 due to the weather?

9 A. There appeared to be frost on it. If I remember
10 correctly, I do believe that frost had been on the
11 vehicle.

12 Q. You notified the City of Charleston Police
13 Department?

14 A. Our dispatch did. Yes, sir.

15 Q. Okay. Had they been aware of the BOLO that had
16 been issued for this vehicle?

17 A. The police officer that I spoke to was not aware
18 of the BOLO.

19 Q. I believe that you turned over the scene to
20 Detective Buchanan?

21 A. Yes, sir.

22 Q. With the Berkeley County Sheriff's Office?

23 A. Yes, sir.

24 Q. And had no other involvement with the car?

25 A. No, sir.

1 Q. Working with the Mount Pleasant Police Depart-
2 ment, are you familiar with the East Cooper Hospital?

3 A. Yes, sir.

4 Q. Have you had occasion in the past, in times that
5 you've been working, to be notified by the hospital
6 when people have shown up with injuries and they've
7 asked you to come and investigate?

8 A. Yes, sir. If a doctor feels that we need to be
9 notified, East Cooper will notify Mount Pleasant
10 Police Department and we will dispatch or send a
11 patrol unit over to check on something that just
12 raised the doctor's curiosity.

13 MR. JENNINGS: Thank you very much. Please
14 answer any questions that Mr. Grant has.

15 THE COURT: You may cross-examine.

16 CROSS EXAMINATION

17 BY DERRICK GRANT:

18 Q. Officer Favero, did you see me downtown December
19 27th, 2002?

20 A. No, sir.

21 DERRICK GRANT: No further questions, Your
22 Honor.

23 THE COURT: Very well. Redirect?

24 MR. JENNINGS: No, sir.

25 THE COURT: Do you wish for him to be

1 excused?

2 MR. JENNINGS: Yes, sir.

3 THE COURT: Any objection?

4 DERRICK GRANT: No, Your Honor.

5 THE COURT: You are free to come down

6 and free to leave, sir.

7 (WITNESS STEPS DOWN)

8 THE COURT: You may call your next

9 witness, Solicitor.

10 MR. JENNINGS: Your Honor, we would call

11 Bobbie Lawrence.

12 (WITNESS TAKES STAND)

13 BOBBIE LAWRENCE,

14 being duly sworn to tell the truth, the whole truth

15 and nothing but the truth, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. JENNINGS:

18 Q. Good morning, Mr. Lawrence.

19 A. Good morning.

20 Q. Where do you live, sir?

21 A. Huger.

22 Q. What ---

23 A. [REDACTED].

24 Q. [REDACTED]?

25 A. Yes.

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- 1 Q. How long have you lived in the Huger area?
- 2 A. My lifetime.
- 3 Q. You were born out there?
- 4 A. Yes.
- 5 Q. Who do you live with?
- 6 A. I live with -- me and my family, wife, children.
- 7 Q. Where are you employed, sir?
- 8 A. State's Ports Authority.
- 9 Q. What are your duties and responsibilities there?
- 10 A. I am a container handler, Container Handler III.
- 11 Q. How long have you worked with the Ports
- 12 Authority?
- 13 A. Twenty-five, I'm into my twenty-sixth year.
- 14 Q. Do you know a gentleman by the name of Eddie
- 15 Washington?
- 16 A. Yes.
- 17 Q. How do you know him?
- 18 A. Well, we're friends. We grewed up in the same
- 19 community, hunt and be together.
- 20 Q. Has he also lived down in Cainhoy most of his
- 21 life?
- 22 A. Yeah. Yes, sir.
- 23 Q. Do you know a gentleman by the name of Derrick
- 24 Grant?
- 25 A. Yes.

1 Q. How do you know him?

2 A. Grow up in the community, we been together. Yes.

3 Q. I show you what is marked as State's Exhibit 41,
4 do you recognize the person in that photograph?

5 A. Yes, that's Derrick.

6 Q. Do you see Derrick in the courtroom today?

7 A. Yes.

8 Q. Can you point him out, please?

9 A. (Points to Derrick Grant).

10 MR. JENNINGS: We'd ask that the record
11 reflect that he pointed to the Defendant, Your Honor.

12 THE COURT: It so reflects.

13 DIRECT EXAMINATION CONTINUED

14 BY MR. JENNINGS:

15 Q. I would like to turn your attention to December
16 26th of 2002. Do you remember that morning?

17 A. Yes.

18 Q. The day after Christmas?

19 A. The day after Christmas, yes.

20 Q. What did you have planned for that day?

21 A. Well, I leave home and I went to Guy Lee Building
22 Supply to pick up some material. I was working on my
23 wife's church on Highway 41. I went there, leave from
24 there, stop back by -- it was a Texaco at that time,
25 at 17 and 41. I met Eddie and ---

1 Q. I show you a photograph, what is marked as
2 State's Exhibit 57, do you recognize that?

3 A. Yes, that's the station.

4 Q. It's an Amoco now?

5 A. It's an Amoco now but it was a Texaco at the
6 time.

7 Q. And what roads is that the intersection of?

8 A. 17 and 41.

9 Q. And this is in Mount Pleasant?

10 A. Yeah.

11 Q. Does that accurately show what the gas station
12 looks like?

13 A. Pretty much, yeah.

14 MR. JENNINGS: We would offer State's
15 Exhibit 57 into evidence, without objection I believe.

16 THE COURT: Any objection?

17 DERRICK GRANT: No, Your Honor.

18 THE COURT: Without objection, State's
19 Exhibit 57 is admitted.

20 COURT REPORTER: Your Honor, that's 37.

21 THE COURT: State's Exhibit 37, a photo-
22 graph, is admitted without objection.

23 (SO ENTERED AS STATE'S EXHIBIT 37)

24 DIRECT EXAMINATION CONTINUED

25 BY MR. JENNINGS:

1 Q. This road as you're coming down from Rivertown
2 and Dunes West, into Mount Pleasant, this is Highway
3 41?

4 A. 41, (affirmative nod).

5 Q. And the highway on the opposite side is?

6 A. Highway 17.

7 Q. I'd ask that you use this pointer -- just press
8 it like that (illustrating) and you can point on the
9 picture. Please point out where you and Mr.
10 Washington stopped and were talking.

11 A. Okay. I was parked more over here and Eddie was
12 parked right next to me. We were talking almost right
13 in front of the door there, because I had went in to
14 get a cup of coffee and Eddie got a soda. Right in
15 that area (indicating with laser light).

16 Q. What time of the morning on the 26th was this that
17 you all were at the gas station?

18 A. Now, to give a specific time, -- it was early,
19 but to give a specific time I really can't tell you
20 as to the hour. But it was the early part of the
21 morning.

22 Q. Did you see Mr. Grant when you were at the gas
23 station talking to Mr. Washington?

24 A. Yeah, I bump into Derrick. Me and him had a few
25 words, talked. He asked me if I was going back home

1 and I told him that I was going to do some work on 41
2 but that he could catch Eddie because Eddie would be
3 going back that way and that Eddie would probably give
4 him ride.

5 Q. Can you point out on the photograph where around
6 the store was it that you talked to Mr. Grant?

7 A. It was right in the front, right around the front
8 there. It was right behind that truck right here,
9 there should be like an ice machine and we was right
10 next to that, in that area.

11 Q. Now, as you saw Mr. Grant approach you, was he
12 already at the store or did he pull up in a car and
13 get out and come in?

14 A. No, he was already there.

15 Q. Did you see him standing by any vehicle?

16 A. No.

17 Q. I show you what is marked as State's Exhibit 4.
18 Was this vehicle at the gas station?

19 A. To be truthful, I didn't see it. I didn't pay
20 attention to any of the vehicles that were there.

21 Q. You did not see Mr. Grant get out of this
22 vehicle?

23 A. No.

24 Q. And there is no question that he was already at
25 the store when he approached you?

- 1 A. He was already there.
- 2 Q. You testified that he asked you if you were going
3 home and you said that you were going to ---
- 4 A. Yeah, he asked if I were going home could he
5 catch a ride. I told him that I was going on Highway
6 41, to the church, but that Eddie probably would give
7 him a ride.
- 8 Q. Did you ask Mr. Grant what he was doing at the
9 gas station?
- 10 A. No. Me and him -- well, I call him 'Derrick'.
11 You know, me and him were just there and I -- I saw
12 his hand and I figured he'd been out that night, you
13 know. Just normal talk like we usually do.
- 14 Q. You said that you noticed his hand?
- 15 A. (Affirmative nod).
- 16 Q. What did you notice about his hand?
- 17 A. Well, his hand was banded (sic) -- and me and him
18 joked about it. He said that he and his girlfriend
19 had been having a little scrape, you know.
- 20 Q. Was it his left hand or his right hand?
- 21 A. His left hand.
- 22 Q. And it had a bandage on it?
- 23 A. Well, I wouldn't say -- not a bandage. I'd say a
24 wrap or a piece of cloth on it.
- 25 Q. That he had wrapped?

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1 A. I don't know if he wrap it or who wrapped it,
2 now.

3 Q. And you asked what had happened to him?

4 A. Yeah, just jokingly. Yeah.

5 Q. And what did he tell you had happened?

6 A. He and his girlfriend had been in a little
7 scrape.

8 Q. Did he tell you where he was coming from?

9 A. No. No, he didn't say where he was coming from.

10 Q. Did he tell you where they had gotten into what
11 you'd call a scrape?

12 A. Well, I -- not really. But I know that he'd
13 told me that this girlfriend lived in Charleston.

14 Q. Downtown?

15 A. I don't know. Just 'Charleston'. Could be
16 downtown. I don't know.

17 MR. JENNINGS: I beg the Court's indulgence.

18 THE COURT: Sure. Take your time.

19 MR. JENNINGS: That's all that I have.

20 Please answer any questions that the Defendant has for
21 you.

22 THE COURT: You may cross-examine.

23 CROSS EXAMINATION

24 BY DERRICK GRANT:

25 Q. How you doing, Mr. Lawrence?

1 A (Affirmative nod). How you doing?

2 Q. On December 26th, 2002, at the gas station, did
3 I show you a cut or did you observe it?

4 A. I observed it.

5 Q. Okay. Did I tell you that I killed anyone?

6 A. No.

7 Q. Did you smell alcohol on my breath?

8 A. No.

9 Q. Can you say for a fact that I had drove -- did
10 you see me in a red vehicle?

11 A. I didn't see you in no vehicle. You were
12 standing on the outside.

13 Q. You can state for a fact that you did not see me
14 in no vehicle.

15 A. I did not see you in a vehicle.

16 Q. So you don't know either/or -- you don't know --
17 are you saying that you don't know if I had -- were
18 driving -- you can't tell that I was driving or that
19 I was not driving. Are you saying that?

20 A. I am saying that at the point when I seen you
21 that you was not in a vehicle. I didn't ask you how
22 you get to that point. You just asked me whether I
23 was going down 41 and I told you -- I mean going home,
24 and I told you that I was going down 41 but Eddie
25 probably would give you a ride. I did not see you in

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1 any vehicle.

2 Q. Did I tell you that I killed someone that day?

3 A. No.

4 Q. Thank you.

5 A. All right.

6 THE COURT: Redirect?

7 REDIRECT EXAMINATION

8 BY MR. JENNINGS:

9 Q. Did Mr. Grant tell you that he had been the
10 victim of a vicious attack?

11 A. No, he just -- he didn't tell me that.

12 Q. Did he tell you that he was lucky to be alive?

13 A. No.

14 MR. JENNINGS: Nothing else, Your Honor.

15 THE COURT: Recross?

16 DERRICK GRANT: No other questions, Your
17 Honor.

18 THE COURT: Very well, you may come down.
19 Do you wish the witness to be excused?

20 MR. JENNINGS: Please.

21 THE COURT: Any objection, Mr. Grant?

22 DERRICK GRANT: No, sir.

23 (WITNESS STEPS DOWN)

24 THE COURT: You are free to leave, sir.

25 Thank you. You may call your next witness.

1 MR. JENNINGS: The State calls Eddie
2 Washington.

3 (WITNESS TAKES STAND)

4 EDDIE WASHINGTON,
5 being duly sworn to tell the truth, the whole truth
6 and nothing but the truth, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. JENNINGS:

9 Q. Good morning, Mr. Washington.

10 A. How you doing?

11 Q. Very well. I want to make sure -- you're kind of
12 soft spoken. What you have to say is important, so I
13 want you to talk into the microphone so that all the
14 jurors at the end can hear you. Okay?

15 A. Okay.

16 Q. How old are you, sir?

17 A. Sixty-three -- no! Sorry. Sixty seven (67).

18 Q. Make sure that you speak up so that everybody can
19 hear you.

20 A. All right.

21 Q. Where do you live?

22 A. I live in Huger.

23 Q. What is your address?

24 A. [REDACTED].

25 Q. How long have you lived in Huger?

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- 1 A. Since, uh, fifteen -- uh, since I came back home.
- 2 Q. Were you born there?
- 3 A. Yeah, I was born in South Carolina.
- 4 Q. Where did you move to?
- 5 A. I was living in Detroit.
- 6 Q. What did you do in Detroit?
- 7 A. I was a factory worker.
- 8 Q. Then you moved back here?
- 9 A. Right, I moved back home.
- 10 Q. Where do you work now?
- 11 A. I work Snee Farms golf course.
- 12 Q. How long have you been there?
- 13 A. Since I came -- fifteen years.
- 14 Q. Who do you live with at your house on [REDACTED]
- 15 [REDACTED]?
- 16 A. Now?
- 17 Q. Yes, sir, who lives with you?
- 18 A. I living in my own place now.
- 19 Q. Who lives in that house with you?
- 20 A. My mom.
- 21 Q. Okay. I want to turn your attention to
- 22 December the 26th of 2002, do you remember that day?
- 23 A. Um-humm.
- 24 Q. The day after Christmas?
- 25 A. Yeah.

1 Q. Describe to the jury what you were doing that
2 morning?

3 A. Well, I had went -- I had went to Mount Pleasant
4 to get some money because I had -- I had put my
5 trailer in and I had to get some dirt that the guy was
6 supposed to bring for me and spread it, they were
7 going to bring the trailer that day. And on the way
8 coming back, I saw Bobbie down on 17. He was coming
9 home. And I ---

10 Q. When you say "Bobbie", that's Bobbie Lawrence.

11 A. Bobbie Lawrence.

12 Q. Who just testified?

13 A. Yeah, and that's -- I blow at him and he pull
14 into the gas station and I pulled in behind him.

15 Q. As you were leaving Mount Pleasant, how were you
16 going to get back to Huger?

17 A. 41.

18 Q. Highway 41?

19 A. Yes, sir. 17 and 41.

20 Q. That is where the gas station is?

21 A. Yeah.

22 Q. I show you State's Exhibit 37. Do you recognize
23 that photograph?

24 A. Yeah.

25 Q. What gas station is that?

- 1 A. That's the one on 41 and 17, that gas station
2 right there.
- 3 Q. That's the one that you stopped at?
- 4 A. Yeah.
- 5 Q. Do you remember about what time it was in the
6 morning that you were heading home?
- 7 A. Well, where I went the place opened up at 9:00,
8 so I guess it was around 10:30 or maybe pretty close
9 to 11:00. Pretty close to -- I am not sure what time
10 it was.
- 11 Q. So you weren't really paying attention to the
12 clock?
- 13 A. No, I wasn't paying attention to the clock.
- 14 Q. But you think that it was about 10:30?
- 15 A. Yeah, it had to be because I had to went down and
16 get some money, so it had been a little while.
- 17 Q. Then you ran into Bobbie.
- 18 A. (Affirmative nod).
- 19 Q. Did you'all have an opportunity to talk at the
20 gas station?
- 21 A. Well, we talked while we were in the gas station
22 because I ain't seen him during the holidays, so me
23 and him talked as we was going into the gas station.
- 24 Q. You were just going to get something to drink?
- 25 A. Yeah.

1 Q. Do you know a man by the name of Derrick Grant?

2 A. Yeah, I know Derrick.

3 Q. How do you know him?

4 A. Well, just since I came home I knowed him, you
5 know. Know his family.

6 Q. So you've known him for about fifteen years?

7 A. No, I don't ---

8 DERRICK GRANT: Objection.

9 THE COURT: What is the objection?

10 DERRICK GRANT: Why he know me, what's
11 the relevance?

12 THE COURT: Well, the relevance is --
13 whether he knows you or not, I will overrule the
14 objection on relevance. Thank you.

15 DERRICK GRANT: About the fifteen years.

16 THE COURT: Thank you.

17 DIRECT EXAMINATION CONTINUED

18 BY MR. JENNINGS:

19 Q. How long would you guess that you have known Mr.
20 Grant?

21 A. I seen him around. I don't know him as good as
22 I know the rest of the kids, but -- I'll put it like
23 that.

24 Q. Okay. I show you what is marked as State's
25 Exhibit 41, do you recognize the person in that

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1 photograph?

2 A. Yeah, it's Grant over there. I see him right
3 there. Yeah, I know him.

4 Q. He's seated at that table (indicating Defendant)?

5 A. Yeah.

6 MR. JENNINGS: Please let the record
7 reflect that he identified the Defendant, Your Honor.

8 THE COURT: It will so reflect.

9 DIRECT EXAMINATION CONTINUED

10 BY MR. JENNINGS:

11 Q. Do you have an opportunity to see Mr. Grant that
12 morning at the gas station?

13 A. Yes, I saw him at the gas station.

14 Q. When you saw him, was he already at the gas
15 station?

16 A. Yeah, he was the gas station when we walked up
17 to it.

18 Q. And what did you'all talk about?

19 A. Me and Grant didn't talk.

20 Q. Did he ask you for anything?

21 A. Yeah, he asked Bobbie for a ride and Bobbie told
22 him that he wasn't going on. So he said, 'Eddie's
23 back there.' He know me and he asked me for a ride
24 and I said, 'Yeah, I give you a ride home.'

25 Q. Okay. So you'all got in your truck?

1 A. (Affirmative nod).

2 Q. And how were you headed home, what highway?

3 A. 41.

4 Q. Did you have an opportunity to look at Mr. Grant
5 when he was sitting in your truck?

6 A. I didn't pay him no attention before he got in
7 the truck.

8 Q. Okay.

9 A. The reason that I paid attention to him was
10 because I saw that he had his hand -- I looked down
11 and I -- I looked over on the passenger side and I
12 saw some blood coming in. I said, 'What happened?'
13 to him. I asked him what happened to him and he said
14 that he didn't want to talk about that, you know.
15 And I wasn't ---

16 Q. You saw blood?

17 A. Yeah, I seen it. I said, 'You got a cut on your
18 hand. Why you going home? You need to go to a
19 doctor.' And he said, 'I don't have to go to a
20 doctor.' And I said, 'No, you don't have to if you
21 don't wanna go.' Then, you know, -- and me and him
22 was talking and he said that he didn't want to go to a
23 doctor. So I didn't say no more to him. He didn't do
24 no talking.

25 Q. I show you what is marked as State's Exhibit 28,

1 and ---

2 A. Yeah, that's Derrick. I give him a napkin.

3 Q. That was the wrist that he had a cut on?

4 A. Yeah.

5 Q. And you said that you gave him a napkin?

6 A. Yeah, because I didn't want the blood to ---

7 Q. Did you ask him what happened to his wrist?

8 A. He said that he didn't want to talk about it.

9 I asked him what happened and he said that he didn't
10 want to talk about it. So I leave it, you know. I
11 went back to him again and I said, 'Man, you need to
12 see' -- I see the blood was still coming out and I
13 said, 'You need to go a doctor and see about that.'
14 And he didn't want to go to a doctor.

15 Q. Okay. As you're driving down Highway 41 back
16 towards Huger -- are you familiar with the housing
17 developments like Rivertown and Dunes West?

18 A. Yeah.

19 Q. Describe to the jury -- did you see a police car
20 at some point?

21 A. Yeah, we saw a police car. That was when I got
22 kinda shaken up. We saw a police car, one of the
23 Mount Pleasant police cars, it was parked -- parked
24 over here, and he got down. I see Grant starting to
25 slide down in the seat, you know. That's when I went

1 back to him again, you know, he was kinda shaken up a
2 little bit, you know, and he said -- so I just decided
3 to take him on home.

4 Q. You said that he started to slide down?

5 A. Yeah.

6 Q. Can you demonstrate?

7 A. He just slide down (demonstrating) in his seat a
8 little bit, down in the seat.

9 Q. He slid down in the seat?

10 A. Like, you know, like something had happened, and
11 he didn't want to tell anybody, and I didn't want to
12 get into any of it, you know. So I speeded up a
13 little, tried to get on home and get him out of my
14 truck.

15 (GENERAL LAUGHTER)

16 THE COURT: Order, please.

17 BY WITNESS: He knows me, he knows I'm
18 telling the truth.

19 DIRECT EXAMINATION CONTINUED

20 BY MR. JENNINGS:

21 Q. The fact that he slumped down in the seat, ---

22 A. He slump down, yeah.

23 Q. --- did that strike you as odd?

24 A. Yeah. For him, yeah.

25 Q. What if anything did he do to the rearview

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1 mirror?

2 A. He was checking -- he was checking -- he was
3 checking it out a little, he was looking back to see
4 what was coming up on us and all. I don't know for
5 what reason, you know, but he was checking it out.

6 Q. He was watching the cars behind you?

7 A. Yeah.

8 Q. At some point did you pass like a dark-colored
9 Ford car?

10 A. No, I think he passed me. I am not sure, but I
11 think that he passed me. A black Ford. Yeah.
12 That's when I got a little scared, a little.

13 Q. What did he do when that car passed you?

14 A. He slide way -- he was checking the mirror, he
15 was checking the mirror.

16 Q. Where did you take Mr. Grant?

17 A. I took Grant to his home.

18 Q. Did he tell you anything that ---

19 A. Yeah, I took him home and he tell me that he
20 didn't want -- he told me when he get out -- when he
21 opened the door to get out the truck, he told me "I
22 don't want you to tell nobody you bring me home."
23 And, "I don't want you telling nobody you saw me."
24 And he said, "I mean it, now. I don't want you to
25 tell nobody." And I was, like, 'Derrick?' It was

1 like he wanted to make me lie for him or something,
2 you know.

3 Q. Yes, sir.

4 A. That's the last thing that he told me. He
5 didn't say nothing until he get home. Everything
6 that he said, I had to ask him and then he would say
7 something. He didn't say nothing, you know, until I
8 got him home.

9 MR. JENNINGS: Thank you, Mr. Washington.
10 If you would, please answer any questions that the
11 Defendant has for you.

12 THE COURT: You may cross-examine.

13 CROSS EXAMINATION

14 BY DERRICK GRANT:

15 Q. How are you doing, Mr. Washington?

16 A. Fine, sir. How you doing?

17 Q. On that morning, did I act nervous?

18 A. To me, you didn't act like you're acting now. I
19 mean, I don't know for what reason but you didn't act
20 like you're acting now.

21 Q. Did I act nervous that morning, yes or no?

22 A. You was pretty quiet, you was pretty quiet.

23 Q. Nervous? Like I was scared?

24 A. No, I don't know about that. You was just real
25 quiet.

1 Q. You just said just now that I was looking in the
2 rearview mirror, that ---

3 A. Yeah, you was.

4 Q. --- I was ---

5 A. Yeah, you were checking the mirrors.

6 THE COURT: Hold on just a second. Mr.
7 Washington, Mr. Grant, the lady seated between you is
8 taking down what you're saying.

9 MR. WASHINGTON: Uh-huh.

10 THE COURT: Both of you can't talk at
11 the same time.

12 MR. WASHINGTON: Oh, okay. All right.

13 THE COURT: So let one finish talking,
14 then you can finish. And let him finish answering
15 before you ask him a question.

16 DERRICK GRANT: Yes, Your Honor.

17 CROSS EXAMINATION CONTINUED

18 BY DERRICK GRANT:

19 Q. Did I act nervous, yes or no?

20 A. Yeah, he acted a little nervous.

21 Q. Did I tell you that I cut myself on my wrist?

22 A. No, you didn't.

23 Q. Did you see me with a knife?

24 A. No.

25 Q. Did you see me with a sharp object?

1 A. No.

2 Q. Did you give me a ride home?

3 A. Yes.

4 Q. Did I tell you that I killed anyone that day?

5 A. No.

6 DERRICK GRANT: Thank you, sir. No
7 further questions, Your Honor.

8 THE COURT: Redirect?

9 MR. JENNINGS: Thank you, Your Honor.

10 REDIRECT EXAMINATION

11 BY MR. JENNINGS:

12 Q. Did Mr. Grant tell you that he had been attacked
13 by some mysterious person?

14 A. No.

15 Q. Did he tell you, 'Mr. Washington, I need your
16 help. I need for you to take me to the police so
17 that I can tell them what happened'?

18 A. No, he didn't. Grant didn't say two words after
19 he got in my truck. I did the talking. I'd ask him
20 something and he didn't say nothing. The only time
21 that he said was the one words that he said when he
22 got out, when he told me not to tell nobody that I
23 bring him -- that he brought me home, I mean that I
24 brought him home.

25 Q. Did he ever tell you anything about how he was

1 injured?

2 A. Nothing. I asked him and he said that he didn't
3 want to talk about it, and that was it.

4 Q. In fact, what was Mr. Grant's reaction when you
5 passed the police officer on the side of the road?

6 A. He just slide down a little, for what reason I
7 don't know.

8 Q. Could you see when he was sitting in your truck
9 that in addition to the blood on his left wrist that
10 he had blood on his clothes?

11 A. Say that again. I didn't understand you.

12 Q. Did he have blood on his clothes?

13 A. Yeah, he had a little blood on him, on his shirt,
14 on his pants and shirt and all.

15 Q. On his pants?

16 A. Yeah, it wasn't much but he had blood on him.
17 A little blood.

18 MR. JENNINGS: That's all that I have,
19 Your Honor. Thank you.

20 THE COURT: Recross, Mr. Grant?

21 DERRICK GRANT: Just a moment.

22 THE COURT: Take your time.

23 RECROSS EXAMINATION

24 BY DERRICK GRANT:

25 Q. Mr. Washington, did I have fresh scratches on my

1 face that morning?

2 A. Did you have fresh?

3 Q. Did I have fresh scratches on my face?

4 A. I didn't see none, Derrick. No, I didn't see no

5 scratches on your face.

6 Q. Did you see any fresh scratches on my neck?

7 A. I didn't pay no attention to your neck.

8 Q. Yes or no?

9 A. No, no. No.

10 DERRICK GRANT: Thank you.

11 THE COURT: Do you wish for the witness

12 to be excused, Solicitor?

13 MR. JENNINGS: Please.

14 THE COURT: Any objection, Mr. Grant?

15 DERRICK GRANT: None.

16 (WITNESS STEPS DOWN)

17 THE COURT: Thank you, Mr. Washington.

18 You are free to leave, sir. Call your next witness,

19 please.

20 MR. JENNINGS: Your Honor, the State calls

21 Detective Tim Buchanan.

22 (WITNESS TAKES STAND)

23 TIMOTHY BUCHANAN, being duly

24 sworn to tell the truth, the whole truth and nothing

25 but the truth, testified as follows:

1 DIRECT EXAMINATION

2 BY MR. JENNINGS:

3 Q. Good morning, Detective Buchanan. Where are you
4 employed, sir?

5 A. Berkeley County Sheriff's Office.

6 Q. In what capacity?

7 A. I am a detective.

8 Q. What are your duties and responsibilities as a
9 detective?

10 A. I am assigned to the persons crime unit, violent
11 crimes.

12 Q. What kind of things do you investigate in that
13 unit?

14 A. We look at any kind of aggravated assaults,
15 homicides and the like.

16 Q. Are you aware that Miss Sottile's body was found
17 the afternoon of December 26th, 2002?

18 A. Yes, sir, I was notified of that.

19 Q. Were you involved in the investigation?

20 A. Yes, sir.

21 Q. During this investigation, how many investigators
22 did the Sheriff's Office have involved?

23 A. Actually it would be our whole unit, approxi-
24 mately ten.

25 Q. Would some people be doing other things while you

1 were -- another detective might have been working on
2 another angle?

3 A. Yes, sir, that's correct.

4 Q. And I believe that Miss Sottile's body was found
5 at about 4:00 p.m.?

6 A. That would be correct.

7 Q. Was there any identification on her?

8 A. No, sir, there was -- excuse me. There was none
9 at all.

10 Q. Any wallet or purse found at the scene?

11 A. No, sir.

12 Q. You started trying to develop who she was at the
13 time?

14 A. Yes, sir, I was tasked with identifying who she
15 was.

16 Q. When you had an opportunity to look at the
17 clothes that she was wearing, was she wearing a
18 particular shirt from a local business establishment?

19 A. Yes, sir. She was wearing -- it was a white
20 shirt, it was blood saturated, it had an Atlanta
21 Bakery & Bread Company logo on the chest.

22 Q. So you attempted to talk to the people at the
23 Mount Pleasant store?

24 A. Yes, sir, I did. I actually made several calls
25 and spoke to the owners.

1 Q. Were you able to ultimately confirm her identity?

2 A. Yes, sir, I was.

3 Q. And, obviously, her name was Rachel Sottile?

4 A. Yes, sir, that's correct.

5 Q. Later on during the night of the 26th, did you
6 have an opportunity to notify her parents?

7 A. Yes, sir. Myself and Chaplain Ross Ritcher, we
8 went to the home of the Sottiles and made a death
9 notification.

10 Q. During this time, were you able to determine what
11 type of vehicle Miss Sottile drove?

12 A. After we made the notification, I spoke with her
13 father and her mother and they said that they had just
14 purchased a new red Pontiac Sunbird for Rachel.

15 Q. Were any vehicles found at the scene?

16 A. No, sir. None.

17 Q. And at the time the death notification had been
18 made, had Miss Sottile's vehicle been found?

19 A. No, sir, it had not.

20 Q. So what investigation tool -- or what do you
21 commonly do when you are looking for a vehicle?

22 A. We put out what is called an all points bulletin,
23 put out a BOLO, we'll send a statewide notification
24 that we are looking for this particular vehicle. If
25 we have a tag, we'll put the tag information. At that

1 point, we placed a BOLO for the vehicle with its
2 description.

3 Q. Was that done in this case?

4 A. Yes, sir, it was.

5 Q. I show you what is marked as State's Exhibits 4
6 and 5, do you recognize the vehicle in those pictures?

7 A. (Upon review), yes, sir, I do.

8 Q. Is that the vehicle that the BOLO was issued for?

9 A. Yes, sir, it was.

10 Q. Whose vehicle was that?

11 A. That's Rachel Sottile's.

12 Q. Were you notified at some time of the early
13 morning of December 27th that her vehicle was found?

14 A. Yes, I was. I was notified that a Mount Pleasant
15 police officer had located it at Line and Hanover
16 Street.

17 Q. What did you do once you found out that the car
18 had been recovered?

19 A. We made sure that the scene was secured. That
20 is, we made sure that -- Mount Pleasant assisted and
21 we put up crime scene tape to secure the area, at
22 which point in time I notified my Captain and we went
23 ahead and notified our forensics and we went ahead and
24 notified Charleston City to go ahead and document the
25 car in the original location with photographs only.

- 1 Q. Did you actually go downtown?
- 2 A. Yes, sir, I did.
- 3 Q. I put up what is State's Exhibit 38. Do you
4 recognize that area?
- 5 A. That's the area where the car was left.
- 6 Q. Let me show you State's Exhibit 5. See that
7 storm drain?
- 8 A. Yes, sir, I do.
- 9 Q. Can you see that in State's Exhibit 38?
- 10 A. Yes, sir, just before the person that is walking,
11 just in front of him to the left.
- 12 Q. You can point using that, (tendering laser pen).
13 If you could, point out where the car was parked.
- 14 A. The car was parked right in this area right here.
- 15 Q. Did you have an opportunity to observe the
16 vehicle?
- 17 A. Yes, sir, I did.
- 18 Q. And was somebody present from the Charleston
19 Police Department that made the photographs?
- 20 A. Yes, sir, one of their forensic officers was
21 there.
- 22 Q. Based on your observation of the car, did you
23 note any foreign substances on the exterior?
- 24 A. Yes, sir, I did.
- 25 Q. I show you what has been marked as State's

1 Exhibit 4. If you could, point out to the jury what
2 on State's Exhibit 4 that you noted ---

3 A. When I originally went down there, we noted that
4 there was what appeared to be blood on the outside of
5 the vehicle in this area here on the quarter-panel
6 area.

7 Q. I show you State's Exhibit 6, does that further
8 document some of the blood?

9 A. Yes, sir. It does.

10 Q. Can you point out to the jury where the blood was
11 located?

12 A. There is blood up at the top, right in here and
13 it shows some here and here.

14 Q. I show you what is marked as State's Exhibit 7,
15 do you recognize that?

16 A. Yes, sir, I do.

17 Q. And State's Exhibit 8?

18 A. Yes, sir.

19 Q. State's Exhibit 11?

20 A. Yes, sir.

21 Q. State's Exhibit 10?

22 A. Yes, sir.

23 Q. State's Exhibit 9?

24 A. Yes, sir, I recognize it.

25 Q. And State's Exhibit 12?

1 A. Yes, sir.

2 Q. Do all of those -- were all of those photographs
3 taken that night?

4 A. Yes, sir, by Charleston Forensics.

5 Q. And does each of those fairly and accurately
6 depict how Miss Sottile's car looked that morning that
7 it was found?

8 A. Yes, sir.

9 MR. JENNINGS: Your Honor, we offer
10 State's Exhibits 7, 8, 9 10, 11, and 12 into evidence.

11 THE COURT: Any objection, Mr. Grant?

12 DERRICK GRANT: No objection, Your Honor.

13 THE COURT: Very well, State's Exhibit
14 7, 8, 9, 10, 11 and 12 are admitted without objection;
15 each being a photograph.

16 (SO ENTERED AS STATE'S EXHIBIT 7)

17 (SO ENTERED AS STATE'S EXHIBIT 8)

18 (SO ENTERED AS STATE'S EXHIBIT 9)

19 (SO ENTERED AS STATE'S EXHIBIT 10)

20 (SO ENTERED AS STATE'S EXHIBIT 11)

21 (SO ENTERED AS STATE'S EXHIBIT 12)

22 DIRECT EXAMINATION RESUMED

23 BY MR. JENNINGS:

24 Q. I show you what has been marked as State's
25 Exhibit 7 in evidence, and is that just a closer up

- 1 view of the left headlight?
- 2 A. Yes, sir, that's correct. You can see the --
- 3 these are areas of blood splatter that are on the
- 4 vehicle.
- 5 Q. State's Exhibit 8?
- 6 A. That would be the driver's door, again another
- 7 series of blood in the area.
- 8 Q. I show you what is marked as State's Exhibit 10.
- 9 That's the interior?
- 10 A. That's correct. There were several areas of
- 11 blood inside the interior of the vehicle.
- 12 Q. If you look on the running board there on the
- 13 sill of the driver's door, was there a substance
- 14 there on the running board?
- 15 A. Right here on the running board there was some
- 16 blood right in this area here.
- 17 Q. How would you characterize -- was this picture
- 18 taken as the car was found?
- 19 A. It wasn't moved at all. This is exactly the way
- 20 that it was found.
- 21 Q. Was the seat adjusted in any way?
- 22 A. The seat -- we didn't adjust the seat when we
- 23 went in there. The seat was in the farthest-most
- 24 position back, which would indicate to us that someone
- 25 -- whomever drove the vehicle was taller in nature

1 than -- we knew, in speaking with the parents and in
2 finding Rachel's body, that she was very short. This
3 seat was fully moved to the back.

4 Q. I show you what is marked as State's Exhibit 11.
5 What does that photograph show?

6 A. That's the driver's seat. There is a handle area
7 here. It had blood on it. That's the handle. These
8 weren't power seats. You had to actually grab the
9 handle to move the seat, and we noticed that there was
10 blood on the handle as someone had moved the seat in a
11 backwards position.

12 Q. And that was a photograph documenting it?

13 A. Yes, sir.

14 Q. I show you what is marked as State's Exhibit 9,
15 which door on Miss Sottile's car is that?

16 A. That's the interior driver door. Right here,
17 additionally there is more blood right here. That's
18 the handle that you would grasp to close the door
19 with.

20 Q. And finally State's Exhibit 12?

21 A. That would be the driver's steering wheel.
22 There was a series of blood all throughout the
23 steering wheel area.

24 Q. What time were these photos taken, roughly?

25 A. It was early morning. I believe that we got

1 down there somewhere around 4:59 or 5:00 o'clock in
2 the morning.

3 Q. How did you -- obviously the pictures have been
4 developed now. Were you given the developed photo-
5 graphs or just the canisters of film?

6 A. Just the canisters. When the officer from the
7 Forensics Department with Charleston City Police
8 Department -- when he finished with the photographing,
9 I took the evidence and brought it directly to our
10 Forensics office and entered it into evidence.

11 Q. Was the vehicle tampered with in any way that
12 morning?

13 A. No, sir.

14 Q. At that time did you have any way of knowing
15 whose blood that may or may not be?

16 A. No, sir. We had no idea.

17 Q. On -- you were present when Mr. Grant was
18 arrested on the morning of December 30th?

19 A. Yes, sir, I was.

20 Q. After the autopsy was performed on Rachel, you
21 had an opportunity to review the results?

22 A. Yes, sir.

23 Q. Were the detectives aware of injuries that she
24 had suffered to her head?

25 A. We weren't initially aware of any blunt trauma

1 injury at the time.

2 Q. But after the autopsy was complete?

3 A. After the autopsy was completed, we knew that
4 there was a series of blunt trauma injury to the
5 forehead and to the upper part of her head.

6 Q. On January 9th, 2003, did you have an opportunity
7 to go to the Berkeley County Detention Center and take
8 custody of some of Mr. Grant's possessions?

9 A. Yes, sir, I did.

10 Q. What ---

11 MR. JENNINGS: I would like to get this
12 marked.

13 COURT REPORTER: State's Exhibit 43.

14 DIRECT EXAMINATION CONTINUED

15 BY MR. JENNINGS:

16 Q. I show you what is marked as State's Exhibit 43.
17 See if you recognize those items?

18 A. (Upon review), yes, sir. Those are his jewelry.

19 Q. If you would just describe the items of jewelry.

20 A. One is like a bracelet/necklace, gold chainlink.
21 The other is a square, large square diameter gold-type
22 ring.

23 Q. Did Mr. Grant have these in his possession when
24 he was arrested?

25 A. Yes, sir, he did. He was wearing them that

1 night.

2 Q. And did you take State's Exhibit 43 into your
3 possession on January 9th, 2003?

4 A. Yes, sir, I did.

5 MR. JENNINGS: Your Honor, we would offer
6 State's Exhibit 43 into evidence.

7 THE COURT: Any objection?

8 DERRICK GRANT: No, Your Honor.

9 THE COURT: Without objection, State's
10 Exhibit 43, a bag containing jewelry, is admitted into
11 evidence.

12 (SO ENTERED AS STATE'S EXHIBIT 43)

13 DIRECT EXAMINATION CONTINUED

14 BY MR. JENNINGS:

15 Q. When you got this in your custody, was it
16 tampered with in any way?

17 A. No, sir, it was in a secure package.

18 Q. Any items or any substance added to Mr. Grant's
19 ring in any way?

20 A. No, sir. No, sir, not at all.

21 Q. And what did you do with it once you took it and
22 placed it into a sealed packet?

23 A. Placed it into our Forensics office for Sgt.
24 Kokinda to have it sent to SLED for any kind of
25 analysis for DNA.

1 MR. JENNINGS: I beg the Court's
2 indulgence.

3 THE COURT: Sure.

4 MR. JENNINGS: Please answer any ques-
5 tions that the Defendant may have for you.

6 BY WITNESS: Yes, sir.

7 THE COURT: You may cross-examine, Mr.
8 Grant.

9 DERRICK GRANT: Yes, sir.

10 CROSS EXAMINATION

11 BY DERRICK GRANT:

12 Q. Hello.

13 A. Hey.

14 Q. Detective Buchanan, did you see me downtown
15 December 27th, 2002, when the victim's vehicle was
16 recovered?

17 A. No, sir, I didn't see you downtown.

18 Q. On December 30th, 2002, in the early morning did
19 you and Lt. Plitsch escort me to the Berkeley County
20 Detention Center from the CID building?

21 A. Yes, we did.

22 Q. Exactly how did you'all escorted me from the CID
23 building to the Berkeley County Detention Center?

24 A. To the detention center?

25 Q. (Affirmative nod).

1 A. If I recall correctly, like we normally would do,
2 we would walk you over.

3 Q. Excuse me?

4 A. Walk. We'd walk you over.

5 Q. Did you observe fresh scratches on my face at
6 that time?

7 A. I don't recall.

8 Q. Did you observe fresh scratches on my neck at
9 that time?

10 A. Anything on your neck?

11 Q. (Affirmative nod).

12 A. I don't recall any.

13 Q. What color pants did the victim, did Rachel, was
14 wearing at the time?

15 A. I don't know. I would have to look at a photo-
16 graph to recall the color. I don't recall that.

17 Q. Was there blood on the victim's front driver's
18 seat when you discovered the victims car on December
19 27th, 2002?

20 A. On the front driver's seat?

21 Q. Yes.

22 A. Yes. Yes, sir, it was.

23 Q. There was blood on the front driver's seat?

24 A. On and about the area where you take the latch
25 and pull the seat to move it, (affirmative nod), there

1 was blood on that.

2 Q. Was there blood on the seat where you sit down
3 on?

4 A. On top of the seat?

5 Q. On top of the seat.

6 A. I don't recall if there was or not.

7 Q. Yes or no? Yes or no?

8 A. I don't know, I can't give you an answer. I'd
9 have to look at the photographs to be able to tell
10 you whether there was or not.

11 Q. Was there blood on the passenger seat of the
12 victim's vehicle?

13 A. I don't know. If you want to show me a photo-
14 graph, I can give you an answer.

15 Q. Due to my inconvenience, I don't have the
16 photographs at this time.

17 THE COURT: Mr. Grant, hold on a second.
18 I am going to ask you, sir, to just ask questions.
19 Save the argument until a more appropriate time.

20 DERRICK GRANT: Yes, Your Honor.

21 THE COURT: Thank you very much, sir.

22 CROSS EXAMINATION CONTINUED

23 BY DERRICK GRANT:

24 Q. Was there blood on the victim's left window on
25 the driver's side?

1 A. I don't recall. I don't remember if there was.

2 There could have been, Mr. Grant. I don't know. I

3 would have to look at the crime scene photographs.

4 Q. Was there blood on the victim's right window?

5 A. Like I said, I don't know. I'd have to look at

6 the photographs to tell you. There was a series of

7 blood throughout the car, so specifically where

8 they're at, I'd have to see the photographs to give

9 you that answer.

10 Q. On what date did you take my ring and bracelet

11 into custody?

12 A. I believe that it was the 9th.

13 Q. The 9th of what?

14 A. January 2003.

15 Q. On what date was my ring and bracelet entered

16 into evidence?

17 A. I don't know. I'd have to look at the paperwork

18 to see. It is entered under my forensic evidence log.

19 Q. On December 30th, 2002, when you and Lt. Plitsch

20 walked me over to the Berkeley County Detention

21 Center, did I tell you that I killed anyone?

22 A. No.

23 DERRICK GRANT: Thank you, Your Honor.

24 No further questions.

25 THE COURT: Redirect?

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1 MR. JENNINGS: Yes, sir.

2 REDIRECT EXAMINATION

3 BY MR. JENNINGS:

4 Q. You had an opportunity to observe Mr. Grant on
5 December 30th, the morning he was arrested?

6 A. Yes, sir, I did.

7 Q. Did you note an injury to his left wrist?

8 A. Yes, sir, I did.

9 Q. I show you what is marked as State's Exhibit 28.

10 A. Yes, sir.

11 Q. Do you recognize that?

12 A. Yeah, I do recognize that.

13 Q. And a photograph was taken that morning?

14 A. Yes, sir, we took one.

15 Q. And does that fairly and accurately depict the
16 injury to his wrist?

17 A. Yes, sir, it does.

18 MR. JENNINGS: We would offer State's
19 Exhibit 28 into evidence, Your Honor.

20 THE COURT: Any objection?

21 DERRICK GRANT: No objection, Your Honor.

22 THE COURT: Very well, State's Exhibit
23 28, a photograph, is admitted without objection.

24 (SO ENTERED AS STATE'S EXHIBIT 28)

25 REDIRECT EXAMINATION CONTINUED

1 BY MR. JENNINGS:

2 Q. That was the cut to his wrist?

3 A. Yes, sir. It was a rather large gash.

4 Q. Did you see his hands, did he have any scratches
5 or any other abrasions on either his right or his left
6 hand?

7 A. Not that I recall anything.

8 Q. The ring, State's Exhibit 43, -- when you took
9 that on the 9th, I believe that you testified that you
10 locked that into evidence the same day?

11 A. Yes, sir.

12 Q. I show you what is marked as State's Exhibit 10,
13 which is a photograph of the front seat area.

14 A. Yes, sir.

15 Q. Do you recall seeing any blood on the actual
16 front seat?

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

18 Q. I show you State's Exhibit 8, which is the blood
19 on the passenger side door. Do you recall any other
20 blood, in addition to that, being on the passenger
21 door, on the exterior or interior window?

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

23 Q. State's Exhibit 9 was blood, you testified, that
24 was on the handle of the interior driver's side door?

25 A. That's correct.

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1 Q. I believe that there is also some blood down
2 below?

3 A. Down below, yes.

4 Q. Mr. Grant asked you if he told you that he'd
5 murdered anybody, is that correct?

6 A. That's correct.

7 Q. Did he tell you, 'I'm glad that you'all got me.
8 I know Miss Sottile was killed and I've got the person
9 you need to go and talk to.' Did he tell you that?

10 A. I don't recall him telling us anything like that.

11 Q. Would you have noted that in your report?

12 A. Yes, I would have.

13 Q. Did he tell you, 'I was attacked at the scene
14 when she was killed'?

15 A. No.

16 Q. Did he tell you that he was present when she was
17 killed?

18 A. No, he did not.

19 MR. JENNINGS: That's all that I have,
20 Your Honor.

21 THE COURT: Recross?

22 DERRICK GRANT: Yes, Your Honor.

23 RECROSS EXAMINATION

24 BY DERRICK GRANT:

25 Q. Did I tell you how I obtained the cut to my

1 left wrist, on December 30th or throughout the
2 investigation?

3 A. No, you didn't.

4 DERRICK GRANT: Thank you, Your Honor.

5 THE COURT: All right. You may come
6 down.

7 (WITNESS STEPS DOWN)

8 THE COURT: Do you wish for the witness
9 to be excused?

10 MR. JENNINGS: Please.

11 THE COURT: Any objection to Detective
12 Buchanan being excused?

13 DERRICK GRANT: No, sir.

14 THE COURT: You are free to leave.
15 Thank you, sir.

16 BY WITNESS: Yes, sir.

17 THE COURT: Call your next witness,
18 please.

19 MR. JENNINGS: Your Honor, I believe
20 that we have a matter to take up outside the presence
21 of the jury, a matter of law.

22 THE COURT: All right. Then let's go
23 ahead and take our recess, given the hour. Ladies
24 and Gentlemen, at this point I am going to let you go
25 to lunch. Please do not begin your deliberations, do

1 not discuss this case and of course do not allow
2 anyone to talk about it in your presence or talk to
3 you about serving on the jury. During your lunch
4 break, do not read any newspaper accounts, do not
5 watch any television accounts of this.

6 There are some matters that we have to take
7 up, so I am going to give you a little bit longer. I
8 ask that you please be back in your jury room, please,
9 by 1:45 and we will resume the trial at that time.

10 Have a good lunch.

11 (JURY OUT @ 12:14 P.M.)

12 MR. JENNINGS: The next witness is
13 Captain Rick Ollic. Mr. Grant intends to provide a
14 written statement which the State contends would be
15 self-serving hearsay. We do not intend to offer that
16 written statement into evidence. We would rely on
17 *State v. Reyes-Pinta*, which is 350 S.E. 517, a 2002
18 Opinion which -- obviously self-serving hearsay could
19 not be explored by the defendant on cross-examination
20 of another witness. He could introduce that state-
21 ment in his own case. We move for an *in limine* ruling
22 from Your Honor instructing him that he would not be
23 able to question Captain Ollic about that written
24 statement that was given in June.

25 THE COURT: Mr. Grant, do you wish to be

1 heard on that issue?

2 DERRICK GRANT: No, Your Honor.

3 THE COURT: Very well. Then the Court
4 will restrict the examination of Mr. Ollic, at this
5 point, to those matters -- any matter that is
6 otherwise relevant but may not -- you may not examine
7 him relative to any statements which he may have given
8 which may contain the self-serving hearsay as
9 identified by the State.

10 Of course, at a different stage the Court
11 may permit that to be disclosed, assuming that it is
12 otherwise admissible.

13 MR. JENNINGS: We would also just like to
14 place in the record that Mr. Grant has never made a
15 Motion to contest either the voluntariness of his oral
16 statements or the fact that he was advised of his
17 *Miranda* rights.

18 THE COURT: Thank you. Mr. Grant, do you
19 wish to have what we call a *Jackson v. Denno* hearing?
20 That is for the Court to make a determination as to
21 the voluntariness of the statement as to whether or
22 not you were given your *Miranda* warnings and issues of
23 that nature, before we allow Mr. Ollic to testify?

24 DERRICK GRANT: No objection.

25 THE COURT: Very well, the Defendant has

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1 had an opportunity -- and let the record reflect that
2 he's had an opportunity to confer with his legal
3 advisor, Ms. Kennedy, concerning this issue and the
4 Defendant has stated freely -- this is a decision that
5 you make, Mr. Grant, for yourself, sir? To waive this
6 *Jackson v. Denno* hearing?

7 DERRICK GRANT: Yes, Your Honor.

8 THE COURT: Very well. And the Defendant
9 has elected not to participate in or require a *Jackson*
10 *v. Denno* hearing before the testimony given of the
11 witness concerning any alleged statements that he may
12 or may not have made. Thank you very much. Anything
13 further from the State?

14 MR. JENNINGS: No, sir.

15 THE COURT: Anything further from the
16 Defendant at this point?

17 DERRICK GRANT: No, Your Honor.

18 THE COURT: Very well, we will be in
19 recess until 1:45. Thank you.

20 (LUNCH RECESS 12:30 - 1:45 P.M.)

21 (DEFENDANT PRESENT)

22 THE COURT: Let the record reflect that
23 the Defendant, Mr. Grant, is present. Is the State
24 ready to proceed?

25 MR. JENNINGS: Yes sir.

1 THE COURT: Mr. Grant, is the defense
2 ready to proceed?

3 DERRICK GRANT: Yes, Your Honor.

4 THE COURT: Very well, bring in the jury,
5 please. I assume that we have all of them.

6 BAILIFF: Yes, sir.

7 (JURY IN @ 1:45 P.M.)

8 (WITNESS TAKES STAND)

9 THE COURT: Thank you very much, Ladies
10 and Gentlemen. I hope that you had a good lunch. We
11 are ready to continue. Mr. Alvarez, I've noticed that
12 you have continued to occupy that seat. Has there
13 been an election or do you just like ---

14 JUROR: No, sir.

15 THE COURT: There has not been an
16 election?

17 JUROR: No, sir.

18 THE COURT: Thank you very much, Ladies
19 and Gentlemen. It's not a matter that has to be done
20 right away. I would just appreciate it if at some
21 point that you take care of that. Again, it is not
22 imperative that it be done immediately. Thank you.
23 Please give your attention now to the next witness.
24 Solicitor, you may call your next witness.

25 MR. JENNINGS: May it please the Court,

1 the State calls Captain Rick Ollic.

2 (WITNESS TAKES STAND)

3 RICK OLLIC, being duly
4 sworn to tell the truth, the whole truth and nothing
5 but the truth, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. JENNINGS:

8 Q. Good afternoon, Captain Ollic.

9 A. Good afternoon.

10 Q. Where are you employed, sir?

11 A. I am currently employed with the Berkeley County
12 Sheriff's Office.

13 Q. In what capacity?

14 A. I am the Captain over investigations.

15 Q. And as Captain, what are your duties and
16 responsibilities?

17 A. I oversee the day-to-day operations of the
18 Investigation division, property, persons and crimes.

19 Q. Your detectives would handle any investigations
20 of crimes that take place in Berkeley County?

21 A. They do.

22 Q. Was your division in charge of the investigation
23 in the death of Rachel Sottile?

24 A. It was.

25 Q. Were you the Captain in December of 2002?

1 A. I was.

2 Q. And did you oversee that investigation?

3 A. I did.

4 Q. As far as Miss Sottile's body, there has already
5 been testimony it was found on December 26th.

6 A. That is correct.

7 Q. But between December 26th through the 29th, had
8 the Sheriff's Office been able to develop many leads
9 concerning who might have been responsible for her
10 murder?

11 A. We had no suspect at that time. We were looking
12 at everyone.

13 Q. And as far as people that you were interviewing,
14 you were interviewing friends, acquaintances?

15 A. We were interviewing everyone in the area of the
16 incident and also friends, neighbors, acquaintances,
17 anyone that knew anything about Rachel Sottile.

18 Q. Did anybody that you talked to have any idea
19 about where she had gone that morning of the 26th?

20 A. (Negative gesture), other than that she was
21 supposed to go to work at the Atlanta Bread Company.

22 Q. From the time that she had left the home where
23 she was living until the time that her body was found,
24 had you spoken with anybody that could account for her
25 whereabouts?

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1 A. No one.

2 Q. Other than Mrs. Browder, who testified that she'd
3 saw her at the gas station?

4 A. That is correct.

5 Q. And Miss Sottile was living in Hillridge?

6 A. She was.

7 Q. And I believe that you'd spoken with the people
8 that she had lived with?

9 A. Yes, I did.

10 Q. What time had she left the home that morning?

11 A. Approximately 6:00 a.m. that morning is when
12 she'd left.

13 Q. During the course of the investigation,
14 especially the day that her body was found, how would
15 you characterize the interest by local media into her
16 death and the details of it?

17 A. It was -- they were very interested, beginning
18 with the discovery of her body.

19 Q. Were you, as Captain of the Detective Division,
20 charged with whatever information was released to the
21 Press?

22 A. That's correct.

23 Q. What information regarding her death did you
24 release either to the newspaper or to news channels?

25 A. There was no specific information regarding

1 anything about her death other than that she was found
2 off of Lemon Lane.

3 Q. Any information as to the manner in which she was
4 killed?

5 A. There was no information provided regarding the
6 manner of her death.

7 Q. Any information about injuries that she had
8 suffered?

9 A. No. Nothing was passed on to the media.

10 Q. Anything about her age?

11 A. No.

12 Q. On the 27th of December, Detective Kokinda has
13 already testified about the car being found -- and
14 you have an opportunity to view the car?

15 A. Yes, I did.

16 Q. Where was it brought once it was found in down-
17 town Charleston?

18 A. It was brought to our forensics building, which
19 is adjacent to the courthouse, where we processed the
20 vehicle.

21 Q. Photographs that were taken -- State's Exhibits 7
22 through 12 are photographs that were taken of her car
23 that morning when it was found, do those pictures
24 accurately reflect the things that you saw on the car
25 when it was brought up here?

1 A. Yes.

2 Q. At the time that her car was found, did you have
3 any way as the investigative agency to know whose
4 blood that was in the car?

5 A. We had no idea whose blood was in the vehicle.

6 Q. Any way of knowing when her body was found that
7 the person who had killed her had had sex with her?

8 A. No, there's no way to tell.

9 Q. During the investigation, were you able to
10 develop a suspect?

11 A. We were ---

12 Q. Without going into the exact information that
13 led to that, was somebody identified?

14 A. Yes, there was.

15 Q. Who was that?

16 A. Derrick Grant.

17 Q. Were you familiar with Mr. Grant?

18 A. Vaguely. Didn't know a lot about him.

19 Q. Early morning of December 30th, did you have an
20 opportunity to come into contact with Mr. Grant?

21 A. We did.

22 Q. How was -- under what vehicle did you take him
23 into custody?

24 A. We went out to Huger. We had an outstanding
25 bench warrant from Charleston County Sheriff's Office

1 for a child support bench warrant. We located him at
2 Ms. Carrie Bennett's place in Huger.

3 Q. That is at [REDACTED]

4 A. Yes, it is.

5 Q. And he was taken into custody?

6 A. He was.

7 Q. I show you what has been marked as State's
8 Exhibit 41, do you recognize the person in that
9 picture?

10 A. That is Derrick Grant.

11 Q. And that was a picture taken of him that morning?

12 A. Yes, it was.

13 Q. Does that fairly and accurately depict how he
14 looked?

15 A. Yes, it does.

16 MR. JENNINGS: We would offer State's
17 Exhibit 41 into evidence, Your Honor.

18 THE COURT: Any objection, Mr. Grant?

19 DERRICK GRANT: (Upon review), yes, sir,
20 Your Honor. This picture was not taken ---

21 THE COURT: All right, approach.

22 SIDEBAR:

23 THE COURT: What is your ---

24 DERRICK GRANT: This picture was not
25 taken -- you said that

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1 this picture was taken
2 December 30th, but this
3 picture was not taken
4 December 30th, 2002.
5 THE COURT: Based on what?
6 DERRICK GRANT: (No response).
7 THE COURT: He has testified to that and
8 you can cross-examine him.
9 He has testified that that
10 is how you looked, that the
11 picture depicts you
12 accurately, that the picture
13 shows that. You are entitled
14 to challenge that ---
15 DERRICK GRANT: I know that you can't
16 give me legal advice but
17 I am going to subpoena
18 the officers ---
19 THE COURT: You can do whatever you want.
20 DERRICK GRANT: They can assert that
21 they did not take any
22 picture of me, but if
23 you want to say that
24 they did, you can go
25 ahead.

1 THE COURT: Let me explain something. I
2 appreciate that but this
3 isn't playing a game. This
4 is how he presents evidence.
5 Now, you may not agree with
6 it and you can raise objec-
7 tions like you're doing.
8 That's fine. I will be
9 delighted to hear them and I
10 will rule on them. But --
11 and I assume that Ms. Kennedy
12 has told you this, that a lot
13 of times objections are made
14 and they go to what I call
15 the weight of the evidence;
16 that's the value that it is
17 to be given rather than the
18 admissibility. It is very
19 appropriate for you to raise
20 the objection. By my saying
21 that I am going to overrule
22 the objection doesn't mean
23 that you're not free to
24 challenge those things.
25 Okay?

1 DERRICK GRANT: Okay.

2 THE COURT: I just want to be clear. I
3 am not saying that you're not
4 entitled to ask him questions
5 about that. It goes to the
6 weight and not to the
7 admissibility. So your
8 objection is noted. I will
9 admit it as State's Exhibit
10 41. State's Exhibit 41 is
11 admitted subject to the
12 objection of Mr. Grant.

13 DERRICK GRANT: May I have a copy of it?
14 I never received a copy
15 of it before. I had not
16 received a copy.

17 THE COURT: Do you have a copy of it?

18 MR. JENNINGS: We can make a copy at the
19 first break.

20 DERRICK GRANT: Okay.

21 (SIDEBAR CONCLUDED)

22 THE COURT: State's Exhibit 41 is
23 admitted subject to objection of Mr. Grant, said
24 objection placed on the record and overruled during
25 the sidebar. Thank you, Ladies and Gentlemen.

1 (SO ENTERED AS STATE'S EXHIBIT 41)

2 THE COURT: You may continue.

3 DIRECT EXAMINATION RESUMED

4 BY MR. JENNINGS:

5 Q. Were you present when Mr. Grant was arrested?

6 A. I was.

7 Q. Is it part of your normal procedure when someone
8 is placed under arrest that you pat them down and
9 check for weapons?

10 A. Yes, we do.

11 Q. You've heard the testimony of Miss Vonda Vickery
12 (Youngberg) earlier this morning?

13 A. Yes.

14 Q. Did Mr. Grant have any knife on him at that time
15 which matched her description?

16 A. He did not.

17 Q. I show you what is marked as State's Exhibit 43,
18 the Defendant's ring, was he wearing that when he was
19 taken into custody?

20 A. When he was arrested, he was wearing that ring.

21 Q. At the scene when you arrest somebody, what
22 rights will you typically advise them of?

23 A. We advise them of their *Miranda* warnings.

24 Q. And was Mr. Grant advised of those warnings?

25 A. He was.

1 Q. Can you tell the jury exactly what rights you
2 would have read to him that morning?

3 A. When he was taken into custody, I would have
4 taken out the card that has the *Miranda* warnings on
5 it and I would have read it to him:

6 You have the right to remain silent.
7 Anything that you say can be used
8 against you in court. You have the
9 right to talk to a lawyer for advice
10 before we ask you any questions and to
11 have him with you while answering
12 questions if you wish. If you cannot
13 afford a lawyer, one will be appointed
14 for you before any questioning if you
15 wish. If you decide to answer questions
16 now without a lawyer present, you will
17 still have the right to stop answering
18 at any time. You also have the right to
19 stop answering at any time until you
20 talk to a lawyer.

21
22 Then, further, you ask them do they
23 understand the rights as explained and, 'With these
24 rights in mind, do you wish to talk to us now?'

25 Q. And those are the rights that you read to Mr.

1 Grant?

2 A. That's correct.

3 Q. Where was he taken once he was taken into
4 custody?

5 A. He was transported from the location where he
6 was arrested, transported to the Berkeley County
7 detectives' offices.

8 Q. Did you have the opportunity to readvise him of
9 his rights?

10 A. I did.

11 Q. I show you what is marked as State's Exhibit 60,
12 do you recognize that document?

13 A. This is the *Miranda* warnings that I read to Mr.
14 Grant that night when he was in our custody.

15 Q. That is the actual form?

16 A. It is.

17 MR. JENNINGS: We would offer State's
18 Exhibit 60 into evidence.

19 THE COURT: Any objection?

20 DERRICK GRANT: No, Your Honor.

21 THE COURT: State's Exhibit 60 is
22 admitted into evidence without objection.

23 (SO ENTERED AS STATE'S EXHIBIT 60)

24 DIRECT EXAMINATION CONTINUED

25 BY MR. JENNINGS:

1 Q. Did you advise him of the same rights?

2 A. Yes, these rights are written on a form. It's
3 got Berkeley County Sheriff's Office and has "MIRANDA"
4 on the top and has the name of the Defendant, Derrick
5 Grant, on it. We read each one of the rights and
6 after each one is read, he has the opportunity to
7 initial each one of those rights that he understands
8 them.

9 Right number one, "You have the absolute
10 right to remain silent, you do not have to answer any
11 questions or give a statement and this fact cannot be
12 used against you." He signified understanding that by
13 initially it to the left of it.

14 The second one, "If you do answer questions
15 or give a statement, anything that you say can and
16 will be used against you in a court of law." He also
17 acknowledged it by initially it beside number two.

18 Number three, "You have a right to consult
19 with a lawyer of your choice before you answer
20 questions or give a statement and to also have them
21 present while you are being questioned." He signified
22 that he understood that by initialing it beside number
23 three.

24 The fourth one, "If you wish to talk to a
25 lawyer or have one present but are unable to afford to

1 hire a lawyer, one will be appointed to represent you
2 free of charge." He signified that he understood that
3 by initialing beside number four.

4 Number five, "If you decide to answer ques-
5 tions or to give a statement without having a lawyer
6 present representing you, you have the absolute right
7 during this interview to stop answering questions and
8 remain silent." He signified he understood that right
9 by initialing besides the number five.

10 The next line on the form says, "I have read
11 this *Miranda* form, my signature below represents my
12 understanding of the contents within."

13 After each one of the initials, he had
14 another opportunity not to go forward. He acknow-
15 ledged it by signing it and it was dated at 12/30/02
16 at 12:47 a.m. in the presence of myself and Lt. John
17 Plitsch.

18 Q. What did you tell him that you were interested in
19 talking to him about?

20 A. The death of Rachel Sottile.

21 Q. At this time had he been charged with her murder?

22 A. He had not been.

23 Q. Did he indicate to you that he had any problems
24 talking to you about her death?

25 A. He had no problem at all speaking with us.

1 Q. When you were talking to him, did you have an
2 opportunity to observe his body and any injuries that
3 he may have?

4 A. I did.

5 Q. Did you note any injuries?

6 A. There was a severe cut to his left wrist. He
7 also had a mark on the back of his neck.

8 Q. I show you what has been marked as State's
9 Exhibit 28, do you recognize that?

10 A. That would be the cut on his wrist.

11 Q. State's Exhibit 29?

12 A. That would be the scratch mark on the back of
13 his neck.

14 DERRICK GRANT: No objection.

15 THE COURT: No objection?

16 DERRICK GRANT: No objection, Your
17 Honor.

18 MR. JENNINGS: I believe that State's
19 Exhibit 28 is already in.

20 THE COURT: It is.

21 MR. JENNINGS: We would offer State's
22 Exhibit 29 into evidence.

23 THE COURT: Very well, State's Exhibit 29
24 admitted into evidence, as well, without objection.

25 (SO ENTERED AS STATE'S EXHIBIT 29)

1 DIRECT EXAMINATION CONTINUED

2 BY MR. JENNINGS:

3 Q. As you see in State's Exhibit 28, and the jury
4 has already seen, he had a severe cut to his left
5 wrist.

6 A. Right.

7 Q. Did you notice any other scratches or abrasions
8 on either of his hands?

9 A. I did not.

10 Q. How long have you been in law enforcement?

11 A. Approximately seventeen and a half years.

12 Q. During that time have you had the opportunity
13 to observe people who have had defensive wounds from
14 fighting with somebody with a knife?

15 A. I have.

16 Q. Did Derrick Grant have anything that you would
17 characterize, based on your experience, as defensive
18 wounds?

19 A. He did not.

20 Q. And did you have a chance to see Rachel Sottile's
21 body when it was found in those woods?

22 A. I did.

23 Q. Did you have an opportunity to see her hands?

24 A. I did.

25 Q. How would you characterize the wounds that she

1 had on her hands?

2 A. She had multiple laceration and cuts, defensive
3 mode.

4 Q. Based on your experience, were the injuries that
5 she had sustained consistent with defensive wounds?

6 A. They were.

7 Q. Did you have an opportunity to talk to Mr. Grant
8 about the injuries shown in State's Exhibit 28?

9 A. Yes.

10 Q. Did you -- what was his explanation for how he
11 had suffered that cut?

12 A. He did not remember how he got it.

13 Q. State's Exhibit 28, the injury to his left wrist,
14 he told you that he did not know how he received that
15 cut?

16 A. He stated that he did not remember how he
17 received that cut.

18 Q. Did you provide him with the opportunity to get
19 treatment for that?

20 A. We did. He refused any medical treatment.

21 Q. During the time of your conversation, did you
22 have an opportunity to talk to Mr. Grant and ask him
23 if he had any information regarding who had killed
24 Rachel Sottile?

25 A. I asked him who did it. I asked him if he killed

1 her or if he knew who killed her and he said, "I
2 couldn't tell you."

3 Q. In response to your question to who killed her?

4 A. Yeah. I asked him and he said, "I couldn't tell
5 you."

6 Q. Did you ask him if he was familiar with the area
7 of Jack Primus Road where her body was found?

8 A. Yes.

9 Q. What were his responses to those questions?

10 A. He is familiar with that area but he did not
11 remember how he got there, to Jack Primus Road.

12 Q. Did he indicate how often he might go to that
13 area?

14 A. He goes there almost every day.

15 Q. Based on your conversation with him, did he
16 indicate to you that he knew anything about the
17 circumstances surrounding the death of Rachel Sottile?

18 A. He did not.

19 Q. What time did your interview with Mr. Grant
20 conclude?

21 A. We concluded that interview with him at 2:30 a.m.

22 Q. Were you aware, as the Captain of the Detective
23 Division, that a search warrant was subsequently
24 served at his home?

25 A. Yes.

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1 Q. Was a knife matching the description that Ms.
2 Vickery gave, was a knife found at his home, in his
3 bedroom?

4 A. No, there wasn't.

5 Q. To this day has such a knife ever been found?

6 A. Has not.

7 Q. When he left the meeting with you and Lt.
8 Plitsch, had he been charged with Miss Sottile's
9 murder?

10 A. He had not been. He was being held on a
11 Charleston County Family Court bench warrant.

12 MR. JENNINGS: That's all that I have.
13 Please answer any questions that the Defendant has
14 for you.

15 THE COURT: You may cross-examine, Mr.
16 Grant.

17 CROSS EXAMINATION

18 BY DERRICK GRANT:

19 Q. Good evening.

20 A. Good afternoon.

21 Q. Captain Ollic, how many suspects did Berkeley
22 County Sheriff's Office have in reference to this
23 case?

24 A. We looked into everybody in the area, trying to
25 identify a suspect.

1 Q. Did -- (pause) -- did a -- did a guy by the name
2 of Donald Lynch supply the Berkeley County Sheriff's
3 Office with blood samples with reference to this case?

4 A. Yes, he did.

5 Q. So he was a suspect?

6 A. No, he -- basically what we did was we took a
7 sample because he was a former boyfriend of Miss
8 Sottile and we were looking to anybody in the area
9 that could be responsible for her death.

10 Q. He was a suspect, correct?

11 A. No, he was just a former boyfriend.

12 Q. He provided the Berkeley County Sheriff's Office
13 with blood samples?

14 A. Yes, he consensually provided us a blood sample.
15 Yes, he did.

16 Q. But was he a suspect? Was he a suspect?

17 A. He was never a suspect.

18 Q. Why did he supply Berkeley County Sheriff's
19 Office with his blood?

20 A. He was a former boyfriend of hers, there was
21 information that they had dated in the past and we
22 decided to -- because there was blood found in the
23 vehicle, we took not only his blood sample but her
24 other boyfriend's, Shawn Elkins, we took a blood
25 sample from him also. All of that was submitted ---

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1 Q. Thank you. Thank you.

2 MR. JENNINGS: Objection, Your Honor. He
3 didn't let the witness finish his answer.

4 THE COURT: Hold on just a second.

5 DERRICK GRANT: I can ask him all that.

6 THE COURT: Mr. Grant -- no, sir, Mr.
7 Grant. Under the Rules, you're correct when you've
8 asked that -- the witness must first, if possible,
9 give a yes or no answer. But under our Rules, they
10 are permitted to then explain that answer.

11 DERRICK GRANT: Thank you, Your Honor

12 THE COURT: That's okay.

13 DERRICK GRANT: Excuse the Court.

14 THE COURT: That's okay, Mr. Grant.

15 Again, it is not a problem. Just allow the witness
16 to, please, finish the answer.

17 BY WITNESS: Both Shawn Elkins, a former
18 boyfriend, and Mr. Donald Lynch, a former boyfriend,
19 submitted blood samples to us for comparison with the
20 evidence found in Miss Sottile's vehicle at the crime
21 scene. That evidence was submitted. It came back
22 that neither one of those persons were responsible for
23 any of the blood and that no DNA evidence was left by
24 either of those persons. The only DNA evidence found
25 to support whose blood was in that vehicle,

1 unfortunately, was yours, Mr. Grant. Everything
2 pointed and everything identified to you.

3 CROSS EXAMINATION CONTINUED

4 BY DERRICK GRANT:

5 Q. Was Donald Lynch a suspect in the homicide of
6 Rachel Satell (Sottile)?

7 MR. JENNINGS: Asked and answered.

8 THE COURT: I will allow the witness to
9 answer one more time.

10 BY WITNESS: I have answered that. Mr.
11 Lynch was a former ---

12 CROSS EXAMINATION CONTINUED

13 BY DERRICK GRANT:

14 Q. Yes or no. Just yes or no.

15 A. No, he was not. He was one of the witnesses, of
16 many witnesses, that we interviewed in this case.

17 Q. Do you know a Shawn Elkins?

18 A. I do know Mr. Elkins, yes.

19 Q. Yes or no, did Shawn Elkins ---

20 THE COURT: Mr. Grant, hold on a second.
21 I know what you -- again, let me remind you, that he
22 will answer yes or no in responding but you can't
23 restrict it to yes or no.

24 DERRICK GRANT: Thank you, Your Honor.

25 THE COURT: Thank you. That's okay.

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1 CROSS EXAMINATION CONTINUED

2 BY DERRICK GRANT:

3 Q. Did Shawn Elkins supply Berkeley County Sheriff's
4 Office with blood samples with ---

5 A. Yes, he did.

6 Q. --- reference to this case?

7 A. He did.

8 Q. What race is Shawn Elkins?

9 A. Mr. Shawn Elkins is a white male.

10 Q. What race is Donald Lynch?

11 A. He is a white male also.

12 Q. Exactly did Shawn Elkins and Donald Lynch supply
13 to Berkeley County Sheriff's Office with blood
14 samples?

15 A. I answered that. They both supplied a blood
16 sample to our office for comparison in this case to
17 DNA evidence.

18 Q. Thank you.

19 A. And it did not match either one of them. All
20 of the evidence matched you.

21 Q. Okay. On June 11th, 2003, did you testify that
22 SLED needed blood and hair samples in order to do a
23 comparison analyses with the evidence supplied -- the
24 evidence that the Berkeley County Sheriff's Office had
25 in its presence in reference to this case?

1 A. I don't quite understand your question, Mr.
2 Grant.

3 Q. Did you testify that SLED needed blood and hair
4 to do the comparative analyses?

5 A. Yeah, I testified ---

6 Q. On June 11th, 2003 -- excuse me.

7 A. Go right ahead, sir.

8 Q. Did you testify June 11th, 2003, that SLED needed
9 blood and hair samples in order to do comparative
10 analyses?

11 A. If you're referring to the Hearing before Judge
12 Dennis, I testified that we needed a sample of your
13 blood to send to the SLED laboratory for DNA
14 comparison.

15 Q. You say a sample of my blood. But in Court on
16 June 11th, 2003, you testified some hair and blood
17 samples.

18 A. I did testify to taking your blood and whatever
19 samples were necessary to do DNA. Whatever is
20 necessary when you are -- when they take that sample
21 from you, whatever is necessary for SLED's require-
22 ments, we will take it and submit it to the South
23 Carolina Law Enforcement Division. They will analyze
24 it to determine whatever results come out of that
25 sample that they've taken.

22 THE COURT: For purposes of the record,
23 we need to mark this as
24 Defendant's Exhibit 1 for
25 identification only. The

1 reason that we have to do
2 that is so that the record
3 can reflect what we are
4 talking about. So that is
5 why we do that. What is the
6 portion that you want him to
7 read?

8 DERRICK GRANT: I want him to testify to
9 this right here where he
10 said that he did not
11 testify for the hair and
12 the blood. And here I
13 will show you ---

14 COURT REPORTER: Mr. Grant, I can't hear
15 you. If you could start
16 back with "here I will
17 show you".

18 DERRICK GRANT: Okay. And right here he
19 testified. I wanted him
20 to testify that SLED
21 needed blood and hair in
22 order to test.

23 THE COURT: The problem is that's an
24 Order, not a transcript
25 of his testimony.

1 That's just want the
2 Order says. It doesn't
3 necessarily mean that --
4 it may mean that he did
5 and it may mean that he
6 did not say this. You
7 have to have a tran-
8 script of the testimony
9 under the law in order
10 for it to be used in the
11 manner which you
12 attempting to use.

13 DERRICK GRANT: I can't ask that?

14 THE COURT: He has identified it as
15 an Order, but you cannot
16 impeach him based on
17 that because it may or
18 may not be consistent
19 with his testimony.

20 You have to have his
21 testimony transcript
22 and not just the Order.

23 DERRICK GRANT: I've got it. I know
24 where to get that.

25 THE COURT: When you finish with

1 this, Defendant's
2 Exhibit 1, you need to
3 make sure that you leave
4 it with the court
5 reporter as part of the
6 record, please.

7 DERRICK GRANT: Yes, sir.

8 THE COURT: Thank you.

9 (SIDEBAR CONCLUDED)

10 THE COURT: For purposes of the record,
11 we need to mark this as Defendant's Exhibit 1, for
12 identification only. Objection is sustained at this
13 point.

14 (SO ENTERED AS DEFENDANT'S EXHIBIT 1)

15 CROSS EXAMINATION RESUMED

16 BY DERRICK GRANT:

17 Q. Captain Ollic, were you there for every DNA that
18 was taken from me in the records of this case?

19 A. Mr. Grant, I could not -- I didn't take the
20 samples. I couldn't testify as to exactly what was
21 taken from you.

22 Q. Was there at least a third person in the attack
23 of me and Miss Satell (Sottile) in this case?

24 A. Repeat your question for me. I couldn't hear
25 you.

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1 Q. Was there at least a third unknown assailant in
2 reference to this case?

3 A. There was not.

4 Q. Did the victim have numerous hairs in her hands
5 when she was found at the crime scene?

6 A. Based on the information provided by the crime
7 scene technicians, there was some hairs taken from
8 her hand. Yes.

9 Q. Have you confirmed the name or the names of the
10 person's hairs who was found in her hand?

11 A. Those hairs were collected by Sgt. Kokinda of our
12 crime scene division and submitted to the South
13 Carolina Law Enforcement Division for analysis. I do
14 not -- I cannot testify to those, because I did not
15 retrieve those.

16 Q. But you're the Captain of the investigation.

17 A. I know that they were taken, I know that they
18 were analyzed, and that they were submitted to SLED.
19 I know that there were some long white caucasian hairs
20 that appeared to be Miss Sottile's. That's from the
21 information that was provided to me.

22 Q. Are you testifying that the hairs found in the
23 victim's hands were her hairs?

24 A. That was the information that Sgt. Kokinda
25 provided to me. You can certainly ask him in more

1 detail. I just have what was provided to me.

2 Q. Thank you.

3 A. You're welcome.

4 Q. The ring that was taken from Mr. Grant, from me,
5 was there third unknown blood on that ring?

6 A. I am not aware of any third/unknown blood, no.

7 Q. When you came to arrest me on December 30th, 2002,
8 did you have a handgun in your hand?

9 A. I may have. I don't recall exactly. I know that
10 you were taken into custody without incident. I don't
11 recall whether my handgun was in my hand or not.

12 Q. You don't recall?

13 A. I don't recall.

14 Q. Is that a 'yes' or a 'no'?

15 A. I do not recall.

16 Q. You do not recall having a handgun in ---

17 THE COURT: Hold on a second. Mr.
18 Grant, under our Rules of Evidence, Rule 602, it says
19 the witness must testify to matters of their own
20 knowledge. If he doesn't recall, then he doesn't
21 recall. That's an answer. He would have to speculate
22 and we don't permit speculation.

23 DERRICK GRANT: Thank you, Your Honor.

24 THE COURT: Thank you, sir.

25 CROSS EXAMINATION CONTINUED

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1 BY DERRICK GRANT:

2 Q. When you arrested me on December 30th, 2002, did
3 you take me straight to the Berkeley County detention
4 center?

5 A. No, sir. You were transported by two of the
6 people that work for me, Lt. Plitsch and Cpl. Tim
7 Buchanan. You were transported directly to the
8 Berkeley County Detectives Division office.

9 Q. Did you observe a cut on my wrist on December
10 30th, 2002?

11 A. I did.

12 Q. You testified that the cut to my wrist that you
13 observed was not one of defense.

14 A. It did not have the characteristics of a
15 defensive wound, no.

16 Q. Are you a professional doctor to determine that?

17 A. No, sir. I am not. But based on my experience
18 in law enforcement and the many cases that I have
19 investigated, your wound did have the characteristics
20 of a defense wound.

21 Q. You said that -- you testified that I had a cut
22 on my neck on December 30th, 2002.

23 A. No, sir, I did not say it was a cut. I said a
24 scratch.

25 Q. A scratch?

1 A. (Affirmative nod).

2 Q. Excuse me.

3 A. That's certainly different, a scratch ---

4 Q. Oh, yeah. Did that appear to be fresh?

5 A. It appeared to be fresh on the back of your neck.

6 The picture that we have identifies that scratch that
7 we observed.

8 Q. As being the Captain, do you know everything
9 about this case?

10 A. I believe that I know the entire case, yes.

11 Q. I just asked you was there unknown blood on my
12 ring.

13 A. And I testified that I am not aware of any
14 unknown blood samples in this case. I didn't do the
15 testing, the SLED people did it. I didn't do the
16 test, so maybe you could ask them.

17 Q. Being the Captain, shouldn't you know?

18 A. I am telling you that I am not aware of any
19 unknown samples, Mr. Grant.

20 Q. On the night of -- the morning of 2002, December
21 26th, December 30th, 2002, when questioned, when you
22 were questioning me, do you remember saying, "If you
23 did not kill Rachel, we got you now. We got you now.
24 We got you now, buddy." Do you remember saying that?

25 A. No, sir. I did not. I asked you simply if you

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1 knew who killed her or if you were responsible for it
2 and your response to me was, "I couldn't tell you."

3 Q. So you are saying that you did not tell me that,
4 "If you did not kill Rachel, we're going to pin it on
5 you. We got you now, we got you now, we got you now,
6 buddy." You did not say that?

7 A. Absolutely not, Mr. Grant. At this time you
8 were merely a suspect. You were not charged with her
9 death at this time.

10 Q. Has it been confirmed that I was downtown on
11 December 26th, 2003 (sic)?

12 A. I don't know where you were, if you were downtown
13 or not. I don't know if you were downtown or not.

14 Q. Did the Berkeley County Sheriff's Office have any
15 statements or witnesses that could testify of me being
16 downtown on December 16th, 2002?

17 A. No, sir.

18 Q. Did I tell you how I obtained the cut to my wrist
19 on December 30th, 2002?

20 A. When I spoke to you, you said that you did not
21 remember.

22 Q. Did I tell you how I got it, how I obtained the
23 cut to my wrist?

24 A. You told me, "I do not remember."

25 Q. Are there any unknown DNA in reference to this

1 case?

2 A. None that I am aware of.

3 Q. On December 30th, 2002, when you came to Carrie
4 Bennett's garage, was the door shut to the garage?

5 A. Mr. Grant, I did not go to Miss Carrie Bennett's
6 garage. I can't testify to that. I didn't go to her
7 garage except -- oh, are you talking about the morning
8 that you were arrested?

9 Q. Yeah.

10 A. Oh, okay. I thought you were talking about
11 later. Yes, I was there with Lt. Plitsch. I came in
12 after, so I don't know if the door was open or shut.

13 Q. You came in afterward?

14 A. Lt. Plitsch came in, myself came in and then you
15 were sitting on a couch where we took you into
16 custody.

17 Q. You came in after? You were not first?

18 A. I recall coming in after Lt. Plitsch. That's all
19 that I can tell you, Mr. Grant.

20 Q. Is the Berkeley County Sheriff's Office looking
21 for any other perpetrators in this case?

22 A. We are not.

23 Q. Do you know who attacked me December 26th, 2002?

24 A. I don't recall you ever talking about that. You
25 told me that you did not remember.

1 Q. Okay.

2 DERRICK GRANT: Your Honor, could I ask
3 you a question?

4 THE COURT: No, sir. If you want to
5 approach, you may do so.

6 SIDEBAR:

7 DERRICK GRANT: I would like to get a
8 copy of that transcript,
9 the June 11th.

10 THE COURT: No, sir. Those are things
11 that -- first of all, what
12 is the relevance of that
13 testimony? You have already
14 asked what is the
15 significance of it.

16 DERRICK GRANT: The significance is that
17 I am showing that they
18 took blood and hair.

19 THE COURT: So what?

20 DERRICK GRANT: They testified that they
21 took -- he is saying
22 that he took blood from
23 Shawn Elkins. The tests
24 will show that they took
25 blood, pubic hair and

1 saliva from me. The
2 three of us were
3 suspects, but of the
4 three of us why would
5 the one ---

6 THE COURT: But he denies having any part
7 in taking it, specifically,
8 so his knowledge of it -- if
9 he did not actually perform
10 it, it has to be the person
11 that did -- it is not a
12 matter of his own personal
13 knowledge what was taken from
14 you.

15 DERRICK GRANT: But he ---

16 THE COURT: You have already asked him
17 and he has already answered
18 that question.

19 DERRICK GRANT: He said that ---

20 THE COURT: Now, you can testify. You
21 can present any other
22 evidence that you want. You
23 don't have to testify, of
24 course. You have the right
25 to remain silent, and you

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1 understand that.

2 DERRICK GRANT: Yes, sir.

3 THE COURT: But there are other ways that
4 you can do that.

5 DERRICK GRANT: But I want to ---

6 THE COURT: Mr. Grant, if Mr. Ollic does
7 not have any independent
8 recollection then you have to
9 impeach him through others.
10 But the request of a tran-
11 script should have -- the
12 transcript should have been
13 done before being here today.

14 DERRICK GRANT: Is it too late now?

15 THE COURT: Yes, it is. The trial is
16 ongoing.

17 DERRICK GRANT: But I have him under
18 subpoena on this.

19 (SIDEBAR CONCLUDED)

20 CROSS EXAMINATION RESUMED

21 BY DERRICK GRANT:

22 Q. Would you please state the race of Shawn Elkins?

23 A. Shawn Elkins is a white male.

24 Q. Could you please state the race of Donald Lynch?

25 A. He is a white male.

1 Q. Thank you.

2 DERRICK GRANT: No further questions at
3 this time.

4 COURT REPORTER: Mr. Grant, may I have
5 the exhibit?

6 THE COURT: Yes. We need to keep
7 Defendant's Exhibit 1, which is for identification
8 purposes only.

9 DERRICK GRANT: Thank you.

10 THE COURT: Thank you. Redirect,
11 Solicitor?

12 MR. JENNINGS: Thank you, Your Honor.

13 REDIRECT EXAMINATION

14 BY MR. JENNINGS:

15 Q. Captain Ollic, when Rachel Sottile's body was
16 found murdered, as a law enforcement officer what
17 was your primary objective?

18 A. To seek out anybody that was responsible for her
19 death.

20 Q. Would you care if that person was white, black,
21 any color, any ethnicity?

22 A. Didn't matter as long as the proper person was
23 brought to justice for what they'd done.

24 Q. Had the evidence in your investigation led you
25 to a person who was white, had that person been

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1 responsible for her death, what would have happened to
2 that person?

3 A. That person would have been charged and prosecut-
4 ed like Mr. Grant is being.

5 Q. Unfortunately for Mr. Grant, every piece of
6 evidence in this case pointed to whose guilt?

7 A. It points directly at Derrick Grant.

8 Q. During the course of your investigation, was any
9 evidence found that supports his claim that a third
10 person was present at that scene?

11 A. There is no evidence other than the evidence
12 directly indicating that he is responsible.

13 Q. Any evidence indicating that anybody else other
14 than Derrick Grant killed Rachel Sottile?

15 A. None.

16 Q. During the investigation, one purpose obviously
17 of submitting known fingerprints or known blood
18 samples is, obviously, to link somebody to a crime?

19 A. Absolutely.

20 Q. Another purpose in doing that, an investigative
21 purpose, you would seek to know who might have been
22 in her car or had touched her car?

23 A. Correct.

24 Q. So in other words, if fingerprints were found,
25 you'd have a better chance of knowing whose prints

1 those were?

2 A. Correct.

3 Q. Shawn Elkins' and Donnie Lynch's blood and
4 fingerprints were taken for what purpose?

5 A. Elimination purposes.

6 Q. You knew that she had been dating Shawn Elkins
7 at that time and ---

8 A. Correct.

9 Q. --- had dated Donnie Lynch in the past?

10 A. Correct.

11 Q. If at the time when those blood samples were
12 found, did you even know if samples taken during Miss
13 Sottile's autopsy had tested positive for the presence
14 or absence of semen?

15 A. No, we wouldn't have had any knowledge until the
16 DNA process had been completed by the South Carolina
17 Law Enforcement Division.

18 Q. And the purpose of having Mr. Lynch's and Mr.
19 Elkins' blood was that if there was a sample that
20 you'd have a greater pool of possible matches, to
21 determine whose semen or blood that was?

22 A. That's correct.

23 Q. Being the Captain over this investigation and
24 having reviewed the file, whose semen was it a match
25 to?

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1 A. Derrick Grant.

2 Q. When you talked to Mr. Grant on the morning of
3 the 30th, did you provide him every opportunity to
4 answer the questions that you posed to him?

5 A. Yes, I did.

6 Q. You specifically asked him how he got that cut
7 to his wrist?

8 A. I asked him specifically. It was very severe.

9 Q. And his response to you was what?

10 A. "I do not remember."

11 Q. You specifically asked him if he knew anything
12 about the death of Rachel Sottile?

13 A. Yes.

14 Q. And what was his response?

15 A. "I couldn't tell you."

16 Q. Did he tell you any story about being attacked?

17 A. No.

18 Q. Did he admit being with her?

19 A. No.

20 Q. Had he told you any of those things, would you
21 have noted that in your investigative report?

22 A. Absolutely.

23 MR. JENNINGS: That's all that I have, Your
24 Honor.

25 THE COURT: Recross?

RECROSS EXAMINATION

1

2 BY DERRICK GRANT:

2

3 Q. Captain Ollic, do you understand that you are
4 under oath?

3

4

5 A. Yes, sir.

5

6 Q. You know the definition of perjury?

6

7 A. Yes, sir.

7

8 Q. Did I tell you that I killed Rachel Satall
9 (Sottile)?

8

9

10 A. You didn't tell me anything. You didn't
11 remember.

10

11

12 Q. Did I tell you that I killed Rachel Sottile?

12

13 A. You didn't tell me anything about it. You didn't
14 remember and you couldn't tell me anything about it.

13

14

15 Q. I take that as a "no".

15

16 A. (No response).

16

17 Q. When I ask you questions, you can't remember.

17

18 But when Solicitor Blair Jennings ---

18

19 MR. JENNINGS: Objection.

19

20 THE COURT: Sustained. Mr. Grant, ---

20

21 DERRICK GRANT: Thank you.

21

22 THE COURT: That's an ---

22

23 DERRICK GRANT: Thank you.

23

24 THE COURT: --- argumentative question.

24

25 You can bring that up again at another stage, sir.

25

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1 DERRICK GRANT: Thank you.

2 THE COURT: Thank you, sir.

3 RECROSS EXAMINATION RESUMED

4 BY DERRICK GRANT:

5 Q. Are you and Solicitor Blair Jennings friends,
6 aside -- out of the courtroom?

7 A. No, we just work -- we work together.

8 Q. Did you testify June 11th ---

9 MR. JENNINGS: Objection, Your Honor.

10 Beyond the scope of redirect. He's trying to go back
11 in on ---

12 THE COURT: I sustain the objection.

13 There was no redirect testimony concerning the June
14 11th Hearing.

15 RECROSS EXAMINATION CONTINUED

16 BY DERRICK GRANT:

17 Q. Captain Ollic, in order to get comparative
18 analyses, what type of DNA -- exactly what type of
19 DNA did SLED need from persons?

20 A. We always submit blood.

21 Q. So just blood can determine one's DNA?

22 A. Sir, I am not an expert in DNA. I could not
23 testify what that makeup is. There's people that do
24 that.

25 Q. You testified a little while ago to the fact that

1 the cut to my wrist was not cuts of defense, you used
2 your what I'd say doctor-like then. How come you
3 can't use it now?

4 A. I can tell you what we submit, Mr. Grant. We
5 submitted blood and whatever was necessary for a DNA
6 comparison. I can't testify as to how that breaks
7 down or how that comparison ends up. That's not my
8 field of expertise.

9 Q. Did you take a statement from a Travis Middleton?

10 MR. JENNINGS: Objection, Your Honor.

11 THE COURT: Sustained, not proper
12 recross. Wait a minute. I beg your pardon, Mr.
13 Grant. He was asked about "all persons". I will
14 allow it. You may ask that question. I beg your
15 pardon. I overrule the objection.

16 DERRICK GRANT: Thank you.

17 THE COURT: You're welcome, sir.

18 RECROSS EXAMINATION RESUMED

19 BY DERRICK GRANT:

20 Q. Did you take a statement from a Travis Middleton
21 on December 31st, 2002?

22 A. Yes, there was a statement taken of Mr.
23 Middleton.

24 Q. Did Travis Middleton write that statement
25 personally on December 30th (sic), 2002, or did an

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1 agent/detective write it?

2 A. If you will provide me with the statement, I will
3 be more than happy to look at it and see if he wrote
4 it or if it was written by one of my investigators. I
5 didn't bring that up here with me.

6 THE COURT: You are to testify to your
7 knowledge, please, Mr. Ollic.

8 BY WITNESS: I am not aware who wrote it
9 that day.

10 THE COURT: You need to mark it, Mr.
11 Grant, so that the record will be complete. It will
12 be Defendant's Exhibit 2, for purposes of identifica-
13 tion only.

14 COURT REPORTER: Yes, sir.

15 RECROSS EXAMINATION CONTINUED

16 BY DERRICK GRANT:

17 Q. Do you recognize this statement?

18 A. Yes, this would be the statement of Mr. Travis
19 Middleton taken by myself and Detective Freeman.

20 Q. Did Travis Middleton write this statement?

21 A. (Upon review), I am not aware -- that is not my
22 handwriting. I don't know if it is Mr. Middleton's
23 or not.

24 Q. Were you present when Travis Middleton gave his
25 statement?

1 A. Yes, I was present when he provided that
2 statement to us, yes.

3 Q. Where was Travis Middleton when he gave this
4 statement?

5 A. He was currently an inmate at the Berkeley County
6 detention center.

7 Q. On what type of charge was Travis Middleton in on
8 in Berkeley County detention center when he gave the
9 statement? What was he charged with?

10 A. I'm not exactly sure. I believe a Family Court
11 bench warrant but I'm not sure of any other charges.

12 Q. Did you coerce Travis Middleton to write this
13 statement?

14 A. No. He came forward, contacted us that he needed
15 to speak with us. We didn't even speak with him until
16 he notified us that he wanted to speak with us.

17 Q. Did Travis Middleton state that ---

18 THE COURT: Hold on, now. Mr. Grant, I
19 have allowed you to go a little far afield on this.

20 DERRICK GRANT: Thank you. Thank you.

21 THE COURT: There will be another time
22 maybe to defend that.

23 DERRICK GRANT: Thank you. No further
24 questions at this time.

25 THE COURT: Very well, you may step

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1 down.

2 (WITNESS STEPS DOWN)

3 THE COURT: Solicitor, you may call your
4 next witness.

5 MR. JENNINGS: The State calls Danny Maples.

6 (WITNESS TAKES STAND)

7 DANNY MAPLES, being
8 duly sworn to tell the truth, the whole truth and
9 nothing but the truth, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. HOISINGTON:

12 Q. Danny, are you a little bit nervous?

13 A. I'm all right now.

14 Q. If you need a drink of water or anything else,
15 we will get it for you.

16 A. All right. Thank you.

17 Q. How old are you, Danny?

18 A. Forty-four (44).

19 Q. How far did you go in school?

20 A. 12th grade.

21 Q. Where did you grow up?

22 A. Here in Charleston.

23 Q. Did you live out of the Charleston area at any
24 time?

25 A. Just about four years, up in Boston.

1 Q. What did you do when you were up there?

2 A. I worked for GTE.

3 Q. What is that?

4 A. I did internetworking, computers. And I worked
5 for the VA. Sorry.

6 Q. Were you ever in any of the Armed Forces?

7 A. Yes, sir, in the United States Navy. Honorable
8 discharge.

9 Q. Now, you don't have to give me your address but
10 what area of the county do you live in?

11 A. Hanahan.

12 Q. How long have you been living there?

13 A. Close to my whole life.

14 Q. Where did you go to high school?

15 A. R.B. Stahl High.

16 Q. Now, there was an unfortunate time in late
17 December of 2002 when you had a run-in with the
18 police, with the law; is that right?

19 A. Yes, sir.

20 Q. Tell us about that just briefly.

21 A. I had an argument with my sister, my younger
22 sister, over a drink. We kept pulling on the glass,
23 I threw the glass and it hit her arm. In turn, she
24 called the police and I was arrested for criminal
25 domestic violence.

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1 Q. Did you spend some days in jail?

2 A. Yes.

3 Q. How many, do you remember?

4 A. From December 28th until December (sic) the 6th.

5 Q. During that period of time that you were in
6 there, what jail were you in?

7 A. I was in Berkeley County jail.

8 Q. I call your attention to the day of December 30th.
9 At that particular time, had you ever met Derrick
10 Grant before?

11 A. No, sir.

12 Q. Did you have an occasion on December 30th to run
13 into him?

14 A. Yes, sir.

15 Q. Do you see him in court today? That same person
16 that you ran into?

17 A. Yes, sir.

18 Q. If you could point him out.

19 A. That's the man right over there (indicating
20 Defendant).

21 Q. And before that, never?

22 A. Never.

23 Q. During the period of time that you were in jail
24 were you aware that a woman had been murdered in
25 Berkeley County, at all?

- 1 A. No, sir.
- 2 Q. Did you'all have access to television in there?
- 3 A. No, sir, I was in the middle part of the jail.
- 4 Isolation.
- 5 Q. Tell us about your first meeting with Derrick
- 6 Grant.
- 7 A. That would be the morning of the 30th. I was
- 8 moved out of the middle facility into Room 3, getting
- 9 ready to go back to C Block. They had decided that I
- 10 was no longer suicidal. I was pretty upset over
- 11 throwing a glass at my sister. We love each other a
- 12 lot. It was an accident. We still live together
- 13 harmoniously and that was a never-happen-again kind
- 14 of thing. I met him that morning.
- 15 Q. Tell us about that. If you go into detail and
- 16 tell us what he said, I would like for you to say his
- 17 exact words if you can remember them. I know that
- 18 might be a little bit coarse.
- 19 A. That's okay if I can repeat those coarse words,
- 20 just like he said.
- 21 Q. Yeah, as long as ---
- 22 A. So no one has a problem with the language that he
- 23 used?
- 24 Q. Right, I would rather you say it as he used it.
- 25 A. Okay. I got into Block C, which was a holding

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1 block, waiting to go back to Cell Block C. That was
2 kind of -- in the old days, they used to call them the
3 'drunk tank'. I don't know if you remember those.
4 It was the intent that you were held there until you
5 were moved -- either released or moved back to Cell
6 Block C.

7 When I got into that tank, there was like six or
8 seven of us there. We were still in our skivvies.
9 The only person that was different in that block was
10 Derrick Grant. He had his orange coveralls on, so he
11 kind of stood out.

12 Being in that room, there are no windows, steel
13 tables, one phone, an open urinal. It's not a nice
14 place to be.

15 It was a tedious moment for us. To break up that
16 tedious moment, we were laughing, telling each other
17 our names, what we were in there for, that kind of
18 thing. We went around the room telling each other's
19 names. I came to Derrick and asked Derrick what his
20 name was. And he happened to yell that back at me
21 while he was kind of laying there, "Grant!" Boldly.

22 So it must have been a few minutes later. He was
23 fidgety, -- if I can explain Derrick, his mood was
24 agitated, he was sticking his hands in his pants and
25 up through this shirt. I don't know if you know what

1 clothes are like in jail. They were like scrubs, if
2 you know what scrubs are. And he was sticking his
3 hands up through his scrubs like that (demonstrating).
4 And when he was sticking his hands up through his
5 scrubs, I happened to notice a wound there. It looked
6 like a big gash.

7 So after that, he pulled his hands back down. He
8 got up and he walked over to me and he got eye-to-eye
9 with me and he said, 'You look like a pretty smart
10 fellow. Do you know anything about DNA?' I had no
11 idea what he was talking about. He says, he says,
12 'If I don't give them blood, they can't -- they can't
13 hold me.' He said, 'If I don't give them blood, they
14 can't hold me.' He said, 'They can't get a court
15 Order. They can't get a court Order. They can't make
16 me give blood. I don't have to give them blood. I
17 got 'em! I got 'em!' And he was screaming. It was
18 like, 'I GOT THEM!!!', you know. This was in a very
19 small block here and he was screaming this. It kind
20 of scared us. We either thought that he was high on
21 crack or was very anxious, but he had totally scared
22 all of us in that block.

23 Q. Did he say anything further than that?

24 A. Yes, sir. After that, he backed off for a
25 second. Then he asked me, he said, 'Do you know how

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1 to make a three-way call?' I had no idea what a
2 three-way call was. So he grabbed the phone -- and at
3 that time I thought that he was going to do something
4 with the phone.

5 I should explain further how the block looks.
6 The phone is on one side of the block and on the other
7 side is the urinal. So we went from where the phone
8 was, all six or seven of us, to the other side of the
9 block and stayed there. He got back up and was
10 walking around the block again.

11 Then he got eye-to-eye with me again, 'So what if
12 I killed the bitch?! So what if I fucking killed the
13 white bitch?! I got my nut off!'

14 THE COURT: Order, please.

15 BY WITNESS: Thank you, I appreciate it,
16 I would like to have some.

17 THE CLERK: (Tenders cup of water to
18 witness.)

19 DIRECT EXAMINATION CONTINUED

20 BY MR. HOISINGTON:

21 Q. What did you say in response to something like
22 that?

23 A. I had no idea what this man was talking about.
24 I mean, -- so he went back over to his side of the
25 room. And again he said, 'So what if I killed the

1 fucking bitch!?' And, again, he was sticking his
2 hands up through his top, scrubs.

3 Q. And at that time you had no idea what he was
4 talking about?

5 A. None of us had no idea.

6 Q. When did you decide to call the authorities and
7 give a statement?

8 A. That was the 30th and -- so when he finished that,
9 he said that, then two minutes later the correctional
10 officer and another man came and got him out. We
11 thought that they come and got him out because of all
12 the noise that he was making. Right? So we kind of
13 played it off.

14 So from the 30th to the 1st, 2nd and 3rd, I couldn't
15 sleep. It bothered me so much that I couldn't sleep.
16 I couldn't get ahold of my family members, and I have
17 three sisters. All that I could think about was what
18 if this was one of my sisters and this man had told
19 the truth in that cellblock. If that had been one of
20 my sisters, and I needed to know if it had been one of
21 my sisters. So I asked one of the correctional
22 officers could I talk to somebody, please. I needed
23 to know what was going on.

24 Q. Did they send somebody to talk with you?

25 A. Yes, sir.

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1 Q. And did you tell them basically what you've told
2 us today?

3 A. Yes, sir.

4 Q. Was anything promised to you in return for that?

5 A. No, sir.

6 MR. HOISINGTON: If you would, please
7 answer any questions that Mr. Grant may have.

8 THE COURT: You may cross-examine, Mr.
9 Grant.

10 CROSS EXAMINATION

11 BY DERRICK GRANT:

12 Q. Mr. Danny Maples, I ought to give you an Oscar.
13 You're good.

14 MR. HOISINGTON: I object to that, Your
15 Honor.

16 THE COURT: Sustained. Mr. Grant, again,
17 you'll have an opportunity in closing argument to make
18 a statement.

19 DERRICK GRANT: Thank you, Your Honor.
20 Excuse me.

21 THE COURT: That's okay. Thank you, sir.

22 CROSS EXAMINATION RESUMED

23 BY DERRICK GRANT:

24 Q. Hello, Mr. Maples.

25 A. How you doing?

1 Q. Do you know the type of crime that I am charged
2 with?

3 A. Yes, sir, I do.

4 Q. Do you know the seriousness, the severity of this
5 crime?

6 A. Yes, sir.

7 Q. And yet you're going to get on this stand and
8 lie?

9 MR. HOISINGTON: Judge, that's improper.

10 THE COURT: Yes, sir. That's argumenta-
11 tive.

12 BY WITNESS: No, sir. You're lying.

13 THE COURT: No, sir, Mr. Maples. I have
14 sustained the objection. There was no question asked.

15 BY WITNESS: Okay. Sorry.

16 THE COURT: Thank you.

17 CROSS EXAMINATION RESUMED

18 BY DERRICK GRANT:

19 Q. What town do you live in?

20 A. I live in Hanahan.

21 Q. What type of crime was you charged with on
22 December 28th, 2002?

23 MR. HOISINGTON: Judge, he has already
24 answered that.

25 THE COURT: I will allow it.

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1 DERRICK GRANT: I didn't ask it, Your
2 Honor.

3 BY WITNESS: Criminal domestic violence.

4 CROSS EXAMINATION RESUMED

5 BY DERRICK GRANT:

6 Q. Criminal domestic violence?

7 A. (Affirmative nod), first offense.

8 Q. You fought your sister?

9 A. It was my sister, (affirmative nod).

10 Q. Why did the officers place you in Holding Cell 2?
11 Exactly what did you tell the officers?

12 A. I don't understand the question. Would you
13 repeat that for me, please?

14 Q. Are you under any type of drugs today, sir?

15 A. No, sir. No, sir.

16 Q. Mr. Maples, exactly what did you tell the
17 officers at the Berkeley County detention center --
18 exactly what did you tell the officers December 28th
19 (sic), 2002, at the Berkeley County detention center?

20 A. (No response).

21 Q. Why were you in Holding Cell 2 at the Berkeley
22 County detention center?

23 A. Because I was depressed and I felt guilty about
24 doing what I did to my sister, because I have never,
25 never thrown a glass at my sister before.

1 Q. Did you tell the officers that you felt suicidal?

2 A. I told them that I felt depressed and that I was
3 ashamed of myself, and because of that he thought that
4 it might be best to put me in Cell No. 2, to watch me.
5 And, yes, maybe suicidal did come up. I don't recall
6 that but maybe it did.

7 THE COURT: Hold on just a second. Mr.
8 Grant, Solicitor, you'all approach for a moment.

9 SIDEBAR:

10 THE COURT: Mr. Grant, I've noticed your
11 expressions. I have allowed
12 it to happen a couple of
13 times because you are human.
14 But one of the things that we
15 have to do as lawyers is that
16 we have to refrain from
17 facial expressions, snicker-
18 ing or doing things like that
19 because it demeans the whole
20 process. I know that I felt
21 that way sometimes, too, when
22 I was a lawyer and I used to
23 get upset when somebody said
24 something. But you have to
25 use all of your ability to

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1 maintain even the appearance
2 -- because, you see, what
3 happens by those remarks and
4 snickers is that you are
5 arguing. You are making a
6 statement to the jury and
7 that has to be preserved
8 until the conclusion. So
9 that has no place in your
10 questioning of witnesses.
11 I would ask that you not do
12 that anymore.

13 DERRICK GRANT: I appreciate your
14 patience.

15 THE COURT: You're welcome. I am trying
16 to be. Please understand
17 that I am not trying to
18 interfere with your cross-
19 examination. I have just
20 observed it and I would
21 appreciate it. You're doing
22 a tremendous job in being
23 professional about your
24 approach and I thank you for
25 that.

1 DERRICK GRANT: Thank you, sir.
2 THE COURT: Yes, sir.
3 (SIDEBAR CONCLUDED)
4 THE COURT: You may continue.
5 CROSS EXAMINATION RESUMED
6 BY DERRICK GRANT:
7 Q. Do you drink alcohol, Mr. Maples?
8 A. No, sir.
9 Q. Do you use illegal drugs?
10 A. No, sir.
11 Q. Do you live with your sister in Hanahan?
12 A. Yes, sir.
13 Q. How old are you?
14 A. Forty-four (44).
15 Q. And you live with your sister?
16 A. Yes, sir.
17 Q. How many people were in the cell, Cell 3, when
18 you say that I supposedly confessed to killing Rachel?
19 A. Six or seven.
20 Q. Are there any witnesses who could verify that I
21 supposedly said that?
22 A. That's up to them.
23 Q. Excuse me?
24 A. That is up to them to come forward. I came
25 forward.

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1 Q. Do you know the names of any of the guys that
2 were in that cell?

3 A. That was fourteen months ago. Sorry, I don't
4 remember.

5 Q. You remember what I said. Supposedly said,
6 excuse me, for the record.

7 A. I think I would remember what you said compared
8 to somebody's name.

9 Q. You remember then?

10 A. No, I said that I would remember what you said
11 over somebody's name.

12 Q. But there were six to seven people in the holding
13 cell when I supposedly confessed to killing the
14 victim, but yet there is only one statement by one
15 person.

16 A. Derrick, you got in my face with anger. I shall
17 never forget that. Okay? With anger.

18 Q. Do I know you? Okay. Do you know me, Mr.
19 Maples?

20 A. No, sir, I don't know you.

21 Q. Why would I pick you to confess to something that
22 I didn't do? What makes you so different than the
23 other six or seven inmates that were in the holding
24 cell. What makes you so different, what makes you so
25 special?

1 A. I can't really answer that for you. I'm sorry.

2 I don't have that answer for you.

3 Q. There were six or seven people in the holding
4 cell before you came to the holding cell?

5 A. I can't answer that for you, as to why you picked
6 me. Why did you pick her?

7 THE COURT: No, Mr. Maples, just answer
8 the questions.

9 BY WITNESS: Sorry.

10 DERRICK GRANT: Did I ---

11 THE COURT: Mr. Grant, let's refrain from
12 that, sir.

13 DERRICK GRANT: Excuse me, Your Honor.

14 CROSS EXAMINATION RESUMED

15 BY DERRICK GRANT:

16 Q. But were this six or seven people in the holding
17 cell before you supposedly came in the holding cell?

18 A. I believe, Derrick, that I was closest to you at
19 that time.

20 Q. I didn't ask you that question.

21 A. Okay, I'm sorry. Rephrase it.

22 Q. Mr. Maples, was there six or seven people in the
23 cell when you supposedly came in the cell?

24 A. It was probably because I spoke to you first.

25 THE COURT: No, sir, he didn't ask you --

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1 he asked you were there -- just listen to his question
2 and answer the question.

3 BY WITNESS: Okay. But I can't understand
4 him.

5 THE COURT: Well, ---

6 CROSS EXAMINATION RESUMED

7 BY DERRICK GRANT:

8 Q. Are you racist?

9 A. No, sir. Yes, there were six or seven people in
10 there when I came in and I spoke to you first.

11 Q. So there were six or seven people in the cell
12 before you came in the cell, correct?

13 A. No. No, there weren't. There were two or three.
14 Then after, then after, then after bond hearings the
15 other ones showed up. That was after the 9:30 bond
16 hearings that the rest showed up.

17 Q. You remember everything down to the time.

18 MR. HOISINGTON: Is that a question,
19 Your Honor?

20 THE COURT: I don't know.

21 DERRICK GRANT: Excuse me, Your Honor.

22 CROSS EXAMINATION CONTINUED

23 BY DERRICK GRANT:

24 Q. So there were two or three people in the cell
25 when you supposedly was transported to the cell?

1 A. I was transported to the cell.

2 Q. So there were two or three people in the cell?

3 A. Two or three, and then after that more came in.

4 Then the conversation started. Then after that we
5 started talking about names, crimes, and then I asked
6 you your name and you yelled at me, "Grant!".

7 DERRICK GRANT: Excuse the Court for
8 what I am about to say.

9 MR. HOISINGTON: If it is not a question,
10 I am going to object to it before he says it.

11 THE COURT: Well, I don't know what his
12 question is, Solicitor, so I can't rule.

13 CROSS EXAMINATION RESUMED

14 BY DERRICK GRANT:

15 Q. You testified that I looked you in your eye, I
16 supposedly looked you in your eye and said, "I killed
17 that f-b" ---

18 DERRICK GRANT: Can I do it that way,
19 Your Honor?

20 THE COURT: That's fine. He's already
21 testified to it, it's not necessary to say it again.

22 DERRICK GRANT: Excuse me.

23 CROSS EXAMINATION RESUMED

24 BY DERRICK GRANT:

25 Q. And I just wanted to get my "nuts off"? Is that

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1 something that a black man would say? "I just wanted
2 to get my nuts off?"

3 DERRICK GRANT: Excuse the Court, Excuse
4 the Court, please.

5 BY WITNESS: I don't know how your
6 vernacular is.

7 CROSS EXAMINATION CONTINUED

8 BY DERRICK GRANT:

9 Q. Mr. Maples, when you left -- when you left the
10 Berkeley County detention center, did you go home?

11 A. Yes.

12 DERRICK GRANT: Excuse me, Your Honor.
13 Your Honor, this is a copy of the Berkeley County
14 detention center Inmate Location Report. Are you
15 familiar with this?

16 THE COURT: Have it marked, Mr. Grant,
17 as Defendant's Exhibits 3, please.

18 COURT REPORTER: Defendant's Exhibit 3.
19 Thank you.

20 CROSS EXAMINATION CONTINUED

21 BY DERRICK GRANT:

22 Q. Mr. Maples, when you was released from Berkeley
23 County Detention Center, did you go home?

24 A. Yes. Oh, excuse me. Did I go home after I left
25 Berkeley County detention center, was that what you

1 were asking me?

2 Q. Yes, sir.

3 A. No.

4 Q. Where did you go after you left Berkeley County

5 Detention Center?

6 A. Charleston County Detention Center.

7 Q. So you left Berkeley County Detention Center and

8 you went to another detention center?

9 A. Correct. Over a bond dispute, that was

10 corrected.

11 Q. Are you getting paid for this testimony today?

12 A. No.

13 Q. Can you tell me about your background, your past

14 criminal record history?

15 A. Yes. I wrote some bad checks.

16 Q. Some bad checks?

17 A. Yeah.

18 Q. How many?

19 MR. HOISINGTON: Objection.

20 THE COURT: Sustained. That is not

21 proper. You've already asked the question. Move

22 on. That is not allowed under the Rules.

23 CROSS EXAMINATION CONTINUED

24 BY DERRICK GRANT:

25 Q. On December 30th, 2002, when you said that I

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1 supposedly confessed to you, did you observe any
2 scratches on my face when I supposedly looked you in
3 the eye?

4 A. No. I noticed a long gash down your wrist.

5 Q. Do you have a job?

6 A. Yes, I work for a dot.com and Yahoo, and the VA.

7 Q. Do you have your own place?

8 A. No. Yes. Yes.

9 Q. Do you live with your sister?

10 THE COURT: You have already asked that
11 question. Let's move on, please. That's been
12 covered.

13 CROSS EXAMINATION CONTINUED

14 BY DERRICK GRANT:

15 Q. Do you remember the name of the detective that
16 you gave the statement to?

17 A. Nations.

18 Q. Did he show you a photo of a black male?

19 A. He showed me a photo of you, Derrick.

20 Q. Did he show you a photo of a black male?

21 A. He showed me a photo of you, Derrick.

22 Q. Did you identify the black male that was on that
23 photo?

24 A. I identified you, Derrick.

25 Q. But did the detective tell you the name of the

1 person who was on the photo?

2 A. The detective showed me a photo that proved to be
3 you, Derrick.

4 Q. Did the detective tell you the name of the black
5 male -- the name of the black male on the photo?

6 A. Derrick, -- the picture that I was shown was you,
7 Derrick.

8 THE COURT: Hold on just a second.

9 DERRICK GRANT: Your Honor, ---

10 THE COURT: No, no, just one second. Mr.
11 Maples, the question was did the detective tell you
12 the name of the person in the photo. That's the
13 question.

14 BY WITNESS: No, the detective never told
15 me a name.

16 DERRICK GRANT: Thank you, Mr. Maples.
17 Thank you, Your Honor.

18 THE COURT: All right. Do you have the
19 document that you showed the Solicitor? The question
20 was never asked, but the record will have to contain
21 that.

22 DERRICK GRANT: (Tenders to Court
23 Reporter).

24 COURT REPORTER: Thank you, sir.

25 MR. HOISINGTON: Nothing further. We

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1 would release him.

2 THE COURT: Very well. Do you object to
3 his being released, Mr. Grant?

4 DERRICK GRANT: Yes, sir.

5 THE COURT: You object to him being ---

6 DERRICK GRANT: On, no, thank you. No.

7 THE COURT: Mr. Maples, you may come down
8 and you're free to leave.

9 BY WITNESS: Thank you, Your Honor.

10 (WITNESS STEPS DOWN)

11 THE COURT: All right. At this point,
12 Ladies and Gentlemen, we will take a break for about
13 ten minutes. Please retire to your jury room. Don't
14 begin your deliberations, don't discuss the case among
15 yourselves.

16 (JURY OUT @ 3:09 P.M.)

17 THE COURT: Anything from the State
18 before recessing?

19 MR. JENNINGS: No, sir.

20 THE COURT: Mr. Grant, anything before we
21 recess?

22 DERRICK GRANT: No, Your Honor.

23 THE COURT: Thank you, sir, we will be
24 at-ease.

25 (BRIEF RECESS 3:10 - 3:20 P.M.)

1 (DEFENDANT PRESENT)

2 THE COURT: Before we bring the jury in,
3 Ladies and Gentlemen, I need to caution you.

4 At times the testimony may be humorous,
5 sometimes it may be shocking, and it's -- I realize
6 how extremely difficult that is and how much I am
7 asking of you but I ask that you please refrain from
8 any outbursts, any comments, any reaction to any
9 testimony. It will help us insofar as this trial is
10 proceeding. Most importantly, as we have been telling
11 this jury throughout, we want this case to be decided
12 on the evidence and not to be influenced by anything
13 that occurs inside this courtroom.

14 I have also been advised, and I am not going
15 to go into any great detail but I have been advised of
16 a situation that apparently has arisen concerning a
17 person who has been accused of, and I stress accused
18 of, threatening a witness.

19 Let me just say to you that that is a very
20 serious offense and I -- I would suggest that anyone
21 present, it would not be in your best interest to
22 comment to anyone who testifies in this proceeding,
23 either for the State or for Mr. Grant. That would be
24 not a proper thing to do. It can be easily mis-
25 construed or it could be -- obviously if a person is

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1 convicted of that, it is a very serious crime,
2 threatening a witness. So please remember that as you
3 leave this place. And if you happen to -- I don't
4 know where these persons live, insofar as individuals
5 who are here watching may live. But during this
6 trial, I don't think it would be appropriate to have
7 any discussion with a witness who has testified or is
8 about to testify because of the problems associated
9 with that. I would caution you strongly against
10 making any such contact or taking any such action.
11 All right, is the State ready to proceed?

12 MR. JENNINGS: Yes, sir.

13 THE COURT: Mr. Grant, are you ready to
14 continue?

15 DERRICK GRANT: Yes, Your Honor.

16 THE COURT: Thank you. Let's bring in
17 the jury, please.

18 (JURY IN @ 3:20 P.M.)

19 THE COURT: Uh-oh, looks like Mr.
20 Alvarez is giving up his chair. Mr. Bowden, you
21 have been selected as the presiding juror, sir?

22 FOREMAN: Yes, Your Honor.

23 THE COURT: Very well. Ladies and
24 Gentlemen, thank you for that. I appreciate you
25 taking care of that piece of business. Mr. Bowden,

1 that will be your seat now for the balance of the
2 trial. Thank you, Ladies and Gentlemen, we are ready
3 to continue. If you would, please give your attention
4 to the next witness. Solicitor, you may call your
5 next witness.

6 MR. JENNINGS: If it please the Court, we
7 call Mr. Travis Middleton.

8 (WITNESS TAKES STAND)

9 TRAVIS MIDDLETON, being duly
10 sworn to tell the truth, the whole truth and nothing
11 but the truth, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. JENNINGS:

14 Q. Mr. Middleton, I want you to make sure that you
15 sit up and talk into the microphone so that all the
16 jurors can hear you. You live in Goose Creek, sir?

17 A. Yes, sir.

18 Q. And you're not particularly happy about being
19 here today, are you?

20 A. No.

21 Q. We issued you a subpoena?

22 A. Yes, sir.

23 Q. So you're required to be here, correct?

24 A. Yes, sir.

25 Q. Do you know Derrick Grant?

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1 A. Yes, sir.

2 Q. Do you see him in the courtroom today?

3 A. Yes, sir.

4 Q. Could you point him out to the jury, please?

5 A. (Complies by indicating Defendant).

6 MR. JENNINGS: If the record could reflect
7 that he identified the Defendant, Your Honor.

8 THE COURT: It so reflects.

9 DIRECT EXAMINATION CONTINUED

10 BY MR. JENNINGS:

11 Q. How long have you known Mr. Grant?

12 A. Since '99.

13 Q. Since 1999?

14 A. (Affirmative nod).

15 Q. Make sure that you speak up. Okay?

16 A. 1999.

17 Q. Okay. And as far as July 18th, 2002, you received
18 a one-year sentence; correct?

19 A. Yes, sir.

20 Q. That was from the Family Court here in Berkeley
21 County?

22 A. Yes, sir.

23 Q. And that was ---

24 THE COURT: Solicitor, hold on a second.
25 Mr. Middleton, you notice that when you lean forward

1 that the microphone can pick you up.

2 BY WITNESS: All right.

3 THE COURT: Thank you, sir.

4 DIRECT EXAMINATION CONTINUED

5 BY MR. JENNINGS:

6 Q. That was in Berkeley County when you received the
7 sentence in Family Court for not paying child support?

8 A. Yes, sir.

9 Q. How much of that sentence did you have to serve?

10 A. I did day for day.

11 Q. No "good time" credits?

12 A. No, sir.

13 Q. None of that?

14 A. (Negative gesture).

15 Q. When you went in on July 18th, 2002, did you get
16 out of jail on July 18th of 2003?

17 A. Yes, sir.

18 Q. And, in addition, in your past, in 1994, I think
19 that you had two counts of assault and battery?

20 A. Yes, sir.

21 Q. December 30th, 2002, is the day that I want to
22 turn your attention to. Do you remember that day?

23 A. Yes, sir.

24 Q. Where were you? Over in the detention center?

25 A. Yes, sir.

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1 Q. I believe that you had just gotten out of the

2 A Pod; is that correct?

3 A. Yes, sir.

4 Q. What day had you gotten out of the A Pod?

5 A. It was, I believe, on the 29th or so.

6 Q. So -- and when had you gone in there, how long
7 had you been in there?

8 A. Since December the 3rd.

9 Q. And that is a more secured area of the detention
10 center?

11 A. Yes, sir.

12 Q. Did you have access to TV?

13 A. No, sir.

14 Q. To newspapers?

15 A. No, sir.

16 Q. So when you came out on the 29th into general
17 population on the 30th, did you have any idea that
18 Rachel Sottile had been killed?

19 A. No, sir.

20 Q. Any idea that a murder investigation was ongoing?

21 A. No, sir.

22 Q. On the 30th, did you have an opportunity to see
23 Derrick Grant?

24 A. Yes, sir.

25 Q. Where did you see him?

- 1 A. In B-1.
- 2 Q. What is B-1?
- 3 A. That's in general population.
- 4 Q. The cell that you'all were in?
- 5 A. Yes, sir.
- 6 Q. Describe to the jury what happened when you first
7 saw him, what kind of encounter did you'all have?
- 8 A. When I first saw him he was putting his things
9 up. Like, I knew him so I asked him what was he in
10 there for. He like brushed me off like he didn't want
11 to talk about it. Later on, he came -- he came and
12 talked to me about it. He said that they were trying
13 to pin a murder rap on him.
- 14 Q. Did you have an opportunity later to see him in
15 the bathroom and see any injury that he had to his
16 wrist?
- 17 A. Yes, sir.
- 18 Q. I show you what is marked as State's Exhibit 28,
19 do you recognize that injury?
- 20 A. Yes, sir.
- 21 Q. Whose wrist was that that was injured?
- 22 A. Derrick Grant's.
- 23 Q. And you saw Mr. Grant with that cut on his wrist?
- 24 A. Yes, sir.
- 25 Q. Did you have any conversation with him about how

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1 he had gotten that cut?

2 A. I asked him how he got it and he said by barb-
3 wire.

4 Q. A barb-wire?

5 A. (Affirmative nod).

6 Q. Have you worked with barbed wire before?

7 A. Yes, sir.

8 Q. Have you had cuts from barb-wire?

9 A. Yes, sir.

10 Q. Did the cut that he had to his wrist look
11 consistent with a cut that you would get from barb-
12 wire?

13 A. Not really.

14 Q. What about that cut was different that a cut that
15 you would get from barb-wire?

16 A. Because with barb-wire you get little bumpies,
17 like scrapes, thin lines, you know. It's not that
18 deep.

19 Q. How was his cut?

20 A. It was deep and like a gash. I noticed that
21 first, you know.

22 Q. And then later on you had a chance to talk with
23 him, right?

24 A. Yes, sir.

25 Q. Tell the jury about that conversation, if you

1 would?

2 A. After he settled down, he came in and he told me
3 'they trying to pin a murder rap on me'. And I told
4 him -- I asked him what evidence do they got on him.
5 And he said, 'Well, they're going to find my blood on
6 her body and they're going to find my blood in her
7 car, but I didn't kill her.'

8 Q. What did he -- did he tell you anything about
9 whether or not he'd had sex with Rachel?

10 A. Yeah.. And he said, 'They'll find my semen, my
11 semen will be in her body.'

12 Q. Later on that night when you were in your room,
13 did you have an opportunity to see him writing some-
14 thing down on paper?

15 A. Yeah, he was talking to another inmate. He was
16 writing on a piece of paper, you know, I guess what
17 happened, allegedly, and I told him, I said, 'You
18 better throw that piece of paper away.' And he came
19 over to me and he asked me, 'How does this sound?
20 Two men came up to the car with something sharp in
21 their hands. One of them pulled him out of the car
22 and took him in the woods and afterwards, when he
23 came back out, that's when he found the body. And he
24 checked the body and that's how his blood get on the
25 body. So he got scared and he got in the car and he

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1 drove downtown, and that's how the blood get in the
2 car.'

3 Q. He told you or at first he asked, 'How does this
4 sound?'

5 A. Yeah, he asked me how that sounded.

6 Q. What did you tell him after he told you that?

7 A. I said, 'Sure, kid, it's your lie. You tell it
8 anyway that you want to tell it.'

9 Q. You said, "Sure, kid, it's your lie. Tell it" --
10 why did you say that "it's your lie"?

11 A. Because, number one, when you telling a story, I
12 mean -- I mean, you don't ask a person how does this
13 sound. You know? Number one, you know. It didn't
14 sound -- (shrug).

15 Q. Did you have the opportunity again to talk to Mr.
16 Grant later on in the detention center?

17 A. Yes, later on. He came back and he told me that
18 they wanted his blood and all. I said -- we talked a
19 few times. He came back and said that they wanted his
20 blood and he said that they could get a court Order to
21 get it. I told him, 'Yeah, they can get it.' And he
22 said that -- he keep on saying that, 'they're about to
23 come for me.' You know? About to come and get him.

24 Q. Did you have an opportunity -- and, please scoot
25 up to the microphone so that the jurors can hear you,

1 Mr. Middleton.

2 A. Okay.

3 Q. Did you have an opportunity later to ask him some
4 questions about the victim?

5 A. Yes. I asked him, one, what did -- I mean, was
6 she pretty. And he told me, 'yeah.' I asked him if
7 he had sex with her and he said 'yes'. I said, 'What
8 happened?' And he said, 'Man, I just flip out, you
9 know, we'd been doing some cocaine and I just flipped.
10 She ain't did nothing to me at all. I just flipped
11 out. She didn't do nothing to me.' He just keep
12 repeating, 'She didn't do nothing to me.' She didn't
13 do anything to him at all, he just flipped out.

14 Q. Did he tell you how old that she was?

15 A. He told me that she was eighteen.

16 Q. Did you ask him what time that it happened?

17 A. Yes, sir. He told me about 6:00 o'clock.

18 Q. Later on did you have another chance when you
19 were talking to him, did he make some comments to you
20 about how his mom would feel about him?

21 A. Yeah, he asked me did I think his mom will still
22 love him and all. I told him -- he asked me, 'Do you
23 think my mom will still love me?'

24 He said, 'I can't go to prison, because if I go
25 to prison I'll kill myself. You know, I got a family.

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1 I got a little daughter.' And I say, you know, 'She
2 was somebody's daughter, too.' He said, 'Man, don't
3 preach to me, you know, I know I fucked up. A dead
4 woman can't talk.'

5 Q. Who said that?

6 A. Derrick Grant.

7 Q. And what was the story that he had made up, the
8 fact that a dead woman can't talk, what impact was
9 that going to have on his story?

10 A. That mean that nobody can verify it.

11 Q. Did the detectives come and contact you or did
12 you contact the detectives with the information that
13 you knew?

14 A. Number one, you know, I thought me and him were
15 pretty tight, you know, and really, you know, I ain't
16 never been in no situation like that. I mean, I
17 couldn't handle that. You know? You know? Because
18 I got a daughter, too. So I told them, you know. I
19 went to them.

20 Q. You went to the detectives?

21 A. Yes, sir.

22 Q. Did they provide you with any information to put
23 in your statement?

24 A. No, sir.

25 MR. JENNINGS: Let's have this marked,

1 please.

2 THE COURT: Is that Mr. Middleton's
3 statement?

4 COURT REPORTER: State's Exhibit 66.

5 MR. JENNINGS: For identification.

6 THE COURT: We already have one for
7 identification. Defendant's Exhibit 2 is Middleton's
8 statement.

9 MR. JENNINGS: All right.

10 THE COURT: You are welcome to use yours
11 but we just need to make sure that they are the same.

12 MR. JENNINGS: Yes, sir.

13 THE COURT: Okay.

14 DIRECT EXAMINATION CONTINUED

15 BY MR. JENNINGS:

16 Q. I show you what is marked as State's Exhibit 66,
17 for identification. Do you recognize that?

18 A. Yes, sir.

19 Q. Whose statement is that?

20 A. Mine, Travis Middleton.

21 Q. Did you write this statement or did the
22 detectives?

23 A. The detectives did.

24 Q. Whose words were they writing down?

25 A. Mine.

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1 Q. So as you were talking, they were writing it down
2 for you?

3 A. Yes, sir.

4 Q. Did they read the statement back to you?

5 A. I did to make sure that everything that I said
6 was correct.

7 THE COURT: You're -- hold on just a
8 second. Mr. Middleton, please keep your voice up.
9 Speak into that microphone, please.

10 BY WITNESS: Yes, sir.

11 THE COURT: Thank you, sir.

12 DIRECT EXAMINATION CONTINUED

13 BY MR. JENNINGS:

14 Q. Did you have an opportunity to read your
15 statement?

16 A. Afterward, yes, sir.

17 Q. Did the detectives put anything in the statement
18 that you had not told them?

19 A. No. Everything that I'd said was on it.

20 Q. The things that you were detailing in this state-
21 ment was the conversation that you had with who?

22 A. Derrick Grant.

23 Q. And the things that Derrick Grant told you about
24 the murder of Rachel Sottile, whose words were those?

25 A. Derrick Grant's.

1 Q. Did you receive any benefit for giving this
2 statement?

3 A. No, sir.

4 Q. Did you anticipate receiving anything?

5 A. No, sir, because I still had seven months on my
6 time to go.

7 Q. In fact from the day that you gave your state-
8 ment, you did seven more months; didn't you?

9 A. Yeah. That happened at the end of December and I
10 got out in July.

11 Q. When your year was up?

12 A. Yes, sir.

13 Q. A year to the day when you reported?

14 A. Yes, sir.

15 MR. JENNINGS: That's all that I have.

16 Please answer any questions that Mr. Grant may have.

17 THE COURT: We need to leave that on the
18 table, Solicitor.

19 MR. JENNINGS: (Returns State's Exhibit
20 66 to table), yes, sir.

21 THE COURT: Thank you, sir. You may
22 cross examine, Mr. Grant.

23 CROSS EXAMINATION

24 BY DERRICK GRANT:

25 Q. How you doing today, Mr. Middleton?

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1 A. Fine.

2 Q. You look good.

3 A. Thank you, Derrick.

4 Q. You testified just now that I told you that a
5 dead woman can't talk.

6 A. Yes.

7 Q. Was that in your statement?

8 A. Is it in my statement?

9 Q. Yes, sir.

10 A. That's what you told me.

11 Q. Is it in your statement?

12 A. (No response).

13 Q. Do you want me to show you the statement so that
14 you can read it?

15 A. I don't recall offhand.

16 THE COURT: Sir, I didn't hear your
17 answer.

18 BY WITNESS: I don't recall offhand.

19 THE COURT: Please show him -- you have
20 Defendant's Exhibit 2 for identification. Just show
21 him that.

22 DERRICK GRANT: Yes, sir.

23 CROSS EXAMINATION CONTINUED

24 BY DERRICK GRANT:

25 Q. Would you take the time out to read this

1 statement and see if you said I supposedly said "a
2 dead woman can't talk". 'A dead girl can't talk.'
3 A. (Upon review), I don't know.
4 Q. Excuse me?
5 A. I don't see it.
6 Q. You don't see that?
7 A. No.
8 Q. But you testified that I did say it.
9 A. You did say it.
10 Q. But it is not in the statement?
11 A. (No response).
12 Q. It's not in the statement?
13 A. (No response).
14 THE COURT: You need to answer the ques-
15 tion. He's asking the question: It was not in the
16 statement?
17 BY WITNESS: Oh. No, sir.
18 CROSS EXAMINATION CONTINUED
19 BY DERRICK GRANT:
20 Q. Mr. Middleton, how long were you in the A Pod at
21 the Berkeley County detention center in 2002 when you
22 gave this statement?
23 A. I didn't give my statement in A Pod in 2002, I
24 gave it when I was in B Pod.
25 Q. How long were you in A Pod before you gave this

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1 statement?

2 A. How long was I in A Pod before I gave my
3 statement?

4 Q. Yes, sir.

5 A. I went in there December 3rd and I think that I
6 got out the 29th or -- so that's about what? Twenty-
7 seven days.

8 Q. Do the math. How many?

9 A. Twenty-seven days, or almost thirty. From the
10 3rd to the 29th, yeah, that's twenty-six days.

11 Q. Would you describe A Pod to us?

12 A. Describe A Pod?

13 Q. (Affirmative nod).

14 A. It's got a bed, got a toilet with a sink
15 connected to it, and -- it's real small.

16 Q. Mr. Middleton, do you get to come out of your
17 room in A Pod?

18 A. Every three days for thirty minutes.

19 Q. How long do you get to come out of your room in
20 A Pod? An hour? Thirty minutes?

21 A. About thirty to fifteen minutes.

22 Q. And you get to come out every three days for
23 thirty or fifteen minutes?

24 A. Yeah.

25 Q. Do you like it over there?

- 1 A. No.
- 2 Q. What type of offense were you charged with at
3 that time when you were in the Berkeley County
4 detention center in 2002?
- 5 A. Family Court.
- 6 Q. When you are sentenced to Family Court, what part
7 of the jail are you --- do you go to? What part of
8 the jail does a child support inmate go to?
- 9 A. First you go into general population. Then you
10 got a choice if you want to become a trustee and work
11 or you can stay in B Pod.
- 12 Q. Did you -- before you went to A Pod, did you go
13 to C Pod in the Berkeley County detention center?
- 14 A. Before I went to A Pod?
- 15 Q. Before you went to A Pod?
- 16 A. Yes.
- 17 Q. Now, C Pod is for trustees; right?
- 18 A. Yes.
- 19 Q. And in C Pod, do you have a choice to go outside?
20 Is that an option?
- 21 A. Yeah, you can ---
- 22 Q. For work details?
- 23 A. Yes.
- 24 Q. And smoke cigarettes? When you get through
25 with your work detail you can smoke cigarettes also,

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1 outside?

2 A. Yes.

3 Q. Did you have a work detail?

4 A. Yes.

5 Q. When you left A Pod, what part of the jail did
6 you go to?

7 A. You start back all over, you go to B Pod.

8 Q. In B Pod, do you get to go outside?

9 A. No.

10 Q. Do you get to smoke cigarettes?

11 A. No.

12 Q. Do you get work details?

13 A. No.

14 Q. But you were there for child support, but you
15 didn't have child support privileges at that time?

16 A. Right.

17 Q. But you had it before?

18 A. Right.

19 Q. So you'd do anything to get back over there,
20 right?

21 A. (No response).

22 THE COURT: Was that a question, Mr.
23 Grant?

24 CROSS EXAMINATION CONTINUED

25 BY DERRICK GRANT:

1 Q. Would you do anything to get back over there?

2 A. No.

3 Q. Mr. Middleton, exactly why were you in A Pod
4 before you gave your statement in 2002?

5 A. Why did I went to A Pod?

6 Q. Yes, sir.

7 A. I was in a fight.

8 Q. You were in a fight?

9 A. Yes, sir.

10 Q. You say that you was in a fight before you gave
11 this statement?

12 A. (No response).

13 Q. You were in a fight before you gave your state-
14 ment in 2002?

15 A. I was in a fight. That's how I ended up in the
16 A Pod, because something that had came up.

17 Q. And this was prior to you giving your statement?

18 A. Yeah, way before that.

19 Q. When did you get out of A Pod again?

20 A. On the 29th.

21 Q. When did you give your statement?

22 A. (No response).

23 Q. Excuse me. Could you speak a little louder,
24 please?

25 A. I saw you on the 29th.

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1 Q. When did you get out of A Pod?

2 A. The 29th.

3 Q. When did you give your statement?

4 A. About the 29th.

5 Q. You gave your statement on the 29th?

6 A. Yeah. Matter of fact, to be exact, I think that
7 I got out of A Pod a few days before the 29th. I am
8 not sure, I can't be exact but I was there before you
9 came.

10 Q. I understand. Did you break an inmate's arm by
11 the name of Tommy ---

12 MR. JENNINGS: Objection, Your Honor.

13 THE COURT: Sustained. It is not
14 relevant as to what occurred.

15 DERRICK GRANT: Your Honor, I ---

16 THE COURT: Approach, Mr. Grant,
17 Solicitor.

18 SIDEBAR:

19 THE COURT: Okay, what is the relevance
20 of it?

21 DERRICK GRANT: The reason that I am
22 saying did he break the
23 inmate's arm is because
24 I want to know why he
25 was in A Pod.

1
2 THE COURT: He has already testified
3 that he had gotten into
4 a fight and that's all
5 that you need to have,
6 because your point is
7 that he got called up to
8 give his statement. So
9 the reason for being
10 there is not relevant.
11 That's why I asked you
12 that.

13 DERRICK GRANT: Okay.

14 THE COURT: That's fine. I sustain
15 the objection.

16 (SIDEBAR CONCLUDED)

17 THE COURT: I sustain the objection.

18 CROSS EXAMINATION RESUMED

19 BY DERRICK GRANT:

20 Q. How many fights were you in, Mr. Middleton, at
21 Berkeley County detention center within your year's
22 time?

23 A. I don't recall.

24 Q. Five? Ten? Twenty?

25 A. No.

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- 1 Q. Ten?
- 2 A. No.
- 3 Q. Give me a number, was it that much?
- 4 A. I don't think it was any more than ---
- 5 Q. Did you fight more than three times?
- 6 A. No.
- 7 Q. Did you fight more than one time?
- 8 A. I don't think that I had a fight during that
- 9 summer or during 2003 -- 2002 to 2003. I don't even
- 10 recall.
- 11 Q. You just said that you were in A Pod for a fight?
- 12 A. Yes.
- 13 Q. I don't know what ---
- 14 THE COURT: Be careful, Mr. Grant.
- 15 Remember what we talked about. Thank you, sir.
- 16 DERRICK GRANT: Yes, sir.
- 17 CROSS EXAMINATION CONTINUED
- 18 BY DERRICK GRANT:
- 19 Q. Let's try this again.
- 20 A. The fight that you're talking about is from a
- 21 year ago or something like that, so I -- so, I mean,
- 22 you gotta be -- get your facts right. I don't think
- 23 that I was in no fight in 2003. 2002 to 2003.
- 24 Q. Why was you in A Pod in 2002?
- 25 A. I just stated why I was in A Pod.

1 Q. Would you state it one more time?

2 A. From a past fight that I'd had, a past fight
3 that I'd had. Okay?

4 Q. Okay.

5 A. All right.

6 Q. Calm down.

7 A. I am calm.

8 Q. Have you ever been to prison before?

9 MR. JENNINGS: Objection, Your Honor.

10 THE COURT: Sustained. You can phrase
11 the question properly under the Rules, but that
12 question is inappropriate.

13 CROSS EXAMINATION CONTINUED

14 BY DERRICK GRANT:

15 Q. Do you have a criminal record?

16 MR. JENNINGS: Objection, Your Honor.

17 THE COURT: Sustained. You have to
18 phrase the question properly under Rule 609.

19 CROSS EXAMINATION CONTINUED

20 BY DERRICK GRANT:

21 Q. Mr. Middleton, in the year 1999, were you at the
22 Berkeley County detention center for Family Court?

23 A. Yes.

24 Q. Was I at the Berkeley County detention center in
25 1999 for Family Court also?

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1 A. Between '99 and 2000. Yeah.

2 Q. And 2000?

3 A. Yeah.

4 Q. Did the judge refer you to a drug class?

5 MR. JENNINGS: Objection, Your Honor.

6 THE COURT: Sustained. Not relevant.

7 CROSS EXAMINATION CONTINUED

8 BY DERRICK GRANT:

9 Q. Do you use drugs?

10 A. Do I use drugs?

11 Q. Um-humm.

12 A. I used to.

13 Q. What type of drugs did you use to use?

14 MR. JENNINGS: Objection, Your Honor.

15 THE COURT: Sustained. It's not

16 relevant.

17 CROSS EXAMINATION CONTINUED

18 BY DERRICK GRANT:

19 Q. Would you do anything to try to get out of jail
20 early?

21 A. No, sir.

22 Q. You know the seriousness of the crime that I am
23 charged with?

24 A. Yes.

25 Q. Did I tell you that I was attacked?

1 A. Repeat the question?

2 Q. Did I tell you that I was attacked by a
3 perpetrator?

4 A. Yes.

5 Q. Would you answer that question again?

6 A. You told me that a guy came up with a blunt
7 object or something to your car.

8 Q. Did I tell you that I was attacked, Mr.
9 Middleton? Yes or no?

10 THE COURT: I think he's answered the
11 question. If you want to rephrase it to elicit more,
12 you can.

13 BY WITNESS: Yeah, because you're con-
14 fusing me with the questions. If you got a direct
15 question, just say it and I'll give you your answer.

16 CROSS EXAMINATION CONTINUED

17 BY DERRICK GRANT:

18 Q. Mr. Middleton, did I tell you that me and Rachel
19 Satell (Sottile) was attacked?

20 A. You were getting your story right and you ---

21 Q. No, no, that's not the question that I asked you.

22 A. Well, if you want to know what you ---

23 Q. Did I ---

24 MR. JENNINGS: Objection, Your Honor. He
25 can answer the question.

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1 THE COURT: He can answer the question.
2 Sometimes questions cannot be answered in a yes or no
3 fashion, Mr. Grant.

4 BY WITNESS: When you were getting your
5 story together, you asked me how did it sound. You
6 say, 'Travis, two men came up to the car. One took me
7 and I went into the woods with one of them. And when
8 I came back, I found her body on the ground and all.'

9 CROSS EXAMINATION CONTINUED

10 BY DERRICK GRANT:

11 Q. Mr. Middleton, did I tell you that me and Rachel
12 Satell (Sottile) were attacked?

13 A. I just answered your question.

14 Q. Thank you for answering it. Did I tell you that
15 I was attacked?

16 MR. JENNINGS: Objection, Your Honor.

17 THE COURT: You have covered that, Mr.
18 Grant. Let's move on, sir.

19 CROSS EXAMINATION CONTINUED

20 BY DERRICK GRANT:

21 Q. Did I tell you that me and Rachel Satell
22 (Sottile) had sex?

23 A. Yes.

24 Q. Did I tell you that I raped her?

25 A. No.

1 Q. Did I tell you that I robbed her?

2 A. No.

3 Q. You said that I was writing down notes of what I
4 was trying -- or that I was putting together a story?

5 A. You had a piece of paper that you were -- you
6 were leaning against the back wall. My bed was like
7 the third bed from the wall and you were talking to
8 another inmate and you were getting into whatever you
9 were writing on this paper and writing it down, and I
10 was -- you know, I could hear your conversation.

11 That's when I told you, 'Derrick, you need to get rid
12 of that paper.' Then you came over to my bed and
13 that's when you started asking me 'how do this sound?'
14 You know, that two guys come up to the car, took
15 you'all into the woods and, you know, like that.

16 Q. Do you have a copy of that paper?

17 A. No.

18 Q. Did you see exactly what was on that paper?

19 A. You balled it up and threw it in the trashcan.

20 Q. I take that as a 'no'?

21 A. I take that as -- after I told you to throw it
22 away, you balled it up and you started on me how did
23 it sound to me, you know.

24 Q. Did you see what was on the paper?

25 A. You balled it up.

1 Q. What was the name of the inmate that I was
2 supposedly writing this paper to?

3 A. I don't know anybody's name there at the jail.

4 Q. Did this paper say that I confessed to -- to your
5 knowledge?

6 A. Not to my knowledge.

7 Q. You said that you heard when I was sitting down,
8 supposedly sitting down writing a story, you say that
9 you heard it.

10 A. (Affirmative nod).

11 Q. Approximately how far away from where I was
12 staying at to where you were sitting?

13 A. About from right here to about that cabinet right
14 here or probably even closer to the officer.

15 Q. So the other inmates probably should have heard
16 the same thing?

17 A. Probably.

18 Q. But you're the only one that gave a statement.

19 A. Because you came and you told me, yourself, face
20 to face.

21 Q. If you heard it from a distance, I'm pretty sure
22 that somebody else would have given a statement.

23 MR. JENNINGS: Objection, Your Honor.

24 THE COURT: Sustained. That's argumenta-
25 tive.

1 DERRICK GRANT: Excuse me.

2 THE COURT: Um-humm.

3 CROSS EXAMINATION CONTINUED

4 BY DERRICK GRANT:

5 Q. Did I tell you that I touched the victim after
6 we was attacked?

7 A. Yes.

8 Q. And you said that I told you that we was doing
9 drugs? Cocaine?

10 A. Yes.

11 Q. It's amazing.

12 MR. JENNINGS: Objection.

13 THE COURT: No, sir. Please, Mr. Grant.

14 CROSS EXAMINATION CONTINUED

15 BY DERRICK GRANT:

16 Q. How old are you, Mr. Middleton?

17 A. Thirty-four (34).

18 Q. I did tell you that you look good today.

19 A. Thank you.

20 Q. Where do you live?

21 A. Goose Creek.

22 Q. Do you have a job now? Working?

23 A. Yes.

24 Q. Do you live with your parents, your mother?

25 A. Yes.

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1 DERRICK GRANT: No further questions,
2 Your Honor.

3 THE COURT: Very well. Redirect,
4 Solicitor?

5 MR. JENNINGS: Yes, sir.

6 THE COURT: Okay.

7 REDIRECT EXAMINATION

8 BY MR. JENNINGS:

9 Q. I show you Defendant's Exhibit 2. This is the
10 statement that you read or looked at. This was your
11 statement?

12 A. (Affirmative nod).

13 Q. The pages are actually out of order?

14 A. Yes.

15 Q. This is 1 of 3, the second page is 3 of 3 and
16 the third page is 2 of 3?

17 A. Right.

18 Q. But this was your statement?

19 A. Yes.

20 Q. If you would look at this line, starting right
21 there and read that line right there.

22 A. (Reading): "He say, how they gonna know this
23 ain't the truth? A dead woman can't talk." I was
24 looking for it and I couldn't find it. I looked on
25 the back page, but it's mixed up.

- 1 Q. That's what who told you?
- 2 A. Derrick Grant.
- 3 Q. And you put that in your statement?
- 4 A. Yes. I couldn't find it on the paper that he
- 5 had. It was mixed up.
- 6 Q. And when he was saying 'how are they going to
- 7 know that this ain't the truth', he was talking about
- 8 the story that he'd made up and was telling you?
- 9 A. Yes, sir.
- 10 Q. Because "a dead woman can't talk"?
- 11 A. Yes, sir.
- 12 Q. What is the date on your statement when you gave
- 13 that?
- 14 A. This is December 31st, 2002.
- 15 Q. Whose signature is under that?
- 16 A. "Travis Middleton", mine.
- 17 Q. So the 31st was the day that you gave the
- 18 statement?
- 19 A. Yes.
- 20 Q. If you would look to refresh your memory, did you
- 21 put in the first paragraph of your statement when you
- 22 got out of A Pod?
- 23 A. Right.
- 24 Q. What date did you get out?
- 25 A. The 27th.

1 Q. The 27th of what month?

2 A. December.

3 Q. And you gave your statement on what day?

4 A. The 31st.

5 Q. So you have been out of A Pod for four days?

6 A. Yes, sir.

7 Q. You weren't scheduled to go back to A Pod, were
8 you?

9 A. No, sir.

10 Q. Did you come forward and give your statement --
11 was that at all created by your desire to get out of
12 A Pod?

13 A. No, sir. I was already out of A Pod.

14 Q. Did you receive any benefit for giving this
15 statement?

16 A. No, sir.

17 Q. Did you get a day off, get out of jail a day
18 early?

19 A. No, sir.

20 Q. And all the things that you put in that statement
21 that you testified to today, who told those things?

22 A. Derrick Grant.

23 MR. JENNINGS: That's all that I have,
24 Your Honor. Thank you.

25 THE COURT: Very well. Recross? Any

1 questions, Mr. Grant?

2 RECROSS EXAMINATION

3 BY DERRICK GRANT:

4 Q. Mr. Middleton, you say that I told you that a
5 dead woman can't talk.

6 A. Yes, sir.

7 Q. And Solicitor Blair showed you a copy of your
8 statement and you showed it to him? Pointed it out
9 to him?

10 A. Yes.

11 Q. Can you point out to me, too, please?

12 A. If I can find it, yeah, Derrick, I'll show you.

13 Q. (Tenders to witness)

14 MR. JENNINGS: Your Honor, I don't know
15 what he is showing him.

16 THE COURT: Mr. Grant, we have to use the
17 exhibit. That's one of the reasons, Mr. Grant, ---

18 DERRICK GRANT: Okay. Thank you, Your
19 Honor.

20 THE COURT: You may use your exhibit,
21 Defendant's Exhibit 2.

22 DERRICK GRANT: (Tenders to witness)

23 BY WITNESS: (Upon review), okay. Do you
24 want to see it?

25 DERRICK GRANT: Do I -- (gestures to

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1 court reporter).

2 THE COURT: No, sir, this has been marked
3 as Defendant's Exhibit 2. That is what was previously
4 shown to a witness, and that's your copy.

5 BY WITNESS: (Reading): "How are they
6 going to know this ain't the truth? A dead woman
7 can't talk."

8 DERRICK GRANT: Okay.

9 RECROSS EXAMINATION CONTINUED

10 BY DERRICK GRANT:

11 Q. Did you write this statement, Mr. Middleton?

12 A. No, sir.

13 DERRICK GRANT: Thank you, Your Honor.

14 THE COURT: Very well, sir.

15 DERRICK GRANT: Thank you, Mr. Middleton.

16 THE COURT: Do you wish for Mr. Middleton
17 to be excused?

18 MR. JENNINGS: Yes, Your Honor.

19 THE COURT: Any objection, Mr. Grant?

20 DERRICK GRANT: No objection, Your Honor.

21 THE COURT: Mr. Middleton, you may come
22 down. You're free to leave.

23 (WITNESS STEPS DOWN)

24 THE COURT: Call you next witness,
25 please, sir.

1 MR. JENNINGS: Thank you, Your Honor.

2 We call Sgt. Dean Kokinda.

3 (WITNESS TAKES STAND)

4 DEAN KOKINDA, being duly
5 sworn to tell the truth, the whole truth and nothing
6 but the truth, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. JENNINGS:

9 Q. Good afternoon, Sgt. Kokinda. Where are you
10 employed, sir?

11 A. With the Berkeley County Sheriff's office.

12 Q. In what capacity do you work with the Sheriff's
13 Office?

14 A. I am a sergeant in the Forensic Services
15 division.

16 Q. How long have you held that position?

17 A. As sergeant since 1999, but I've worked in the
18 Crime Scene Unit since 1991.

19 Q. What are your duties and responsibilities working
20 in the Crime Scene Unit?

21 A. To process crime scenes, as directed. To process
22 evidence, store evidence until it can be analyzed or
23 transported to the State lab for analyses.

24 Q. Like if you have a case involving blood evidence,
25 who actually would do that DNA comparison?

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1 A. The South Carolina Law Enforcement Division in
2 Columbia.

3 Q. You would collect the items and sent them up to
4 Columbia, provide them with samples for comparison?

5 A. Yes, sir.

6 Q. How long did you tell me that you have been
7 working in the Forensics unit?

8 A. Since 1991.

9 Q. If you had to guess, how many times have you had
10 the opportunity to process crimes scenes looking for
11 fingerprints? Can you put a number on it?

12 A. It would be over a thousand.

13 Q. Would it be a similar number of crime scenes that
14 you've worked involving blood evidence, taking swabs
15 and those kinds of things?

16 A. Yes, sir.

17 Q. And you have worked how many homicide investiga-
18 tions, would you estimate?

19 A. 120, 130.

20 Q. For this time period while you have been
21 sergeant, any homicide that's occurred in Berkeley
22 County, have you been involved in processing those
23 crime scenes?

24 A. Yes, sir.

25 Q. I want to turn your attention to December 26th,

1 2002. Were you notified that a body of a female had
2 been found in the Cainhoy/Huger area of Berkeley
3 County?

4 A. Yes, sir, off of Lemon Lane.

5 Q. And did you respond to the scene?

6 A. Yes, sir.

7 Q. What -- when you come to a crime scene, what are
8 some of the first things that you would try to do at
9 that scene?

10 A. Review the scene and then document what we have
11 there with photography.

12 Q. Did you do that in this situation?

13 A. Yes, sir. I did.

14 Q. Was it documented by photographs?

15 A. Yes, sir.

16 Q. As well, were there diagrams created?

17 A. Yes, sir.

18 Q. I show you what is marked as State's Exhibit 39.
19 Do you recognize that?

20 A. Yes, sir. That's a diagram of the layout of
21 Lemon Lane and the crime scene.

22 Q. Does that accurately depict where items of
23 evidence were that you have taken custody of?

24 A. Yes, sir.

25 Q. I show you what is marked as State's Exhibit 36.

1 Do you recognize that?

2 A. Yes, sir. That's a photograph that I took of
3 the entrance to the drive off of Lemon Lane.

4 Q. And State's Exhibit 35?

5 A. That's Lemon Lane.

6 Q. State's Exhibit 33?

7 A. That's a photograph of a tire impression that was
8 taken from the entrance to the driveway.

9 Q. State's Exhibit 32?

10 A. That is another tire impression in that same
11 area.

12 Q. And State's Exhibit 31?

13 A. That's a photograph of the victim, showing an
14 arrow pointing to the jewelry items that were on the
15 ground beside her.

16 Q. State's Exhibit 39, as well as 36, 35, 33, 32 and
17 31. Do those accurately depict the scene that evening
18 when you went there?

19 A. Yes, sir.

20 MR. JENNINGS: We would offer these into
21 evidence, Your Honor.

22 THE COURT: Very well. Any objection,
23 Mr. Grant?

24 DERRICK GRANT: No, Your Honor.

25 THE COURT: Okay. State's Exhibits 31,

1 32, 33, 35, 36 and 39 are admitted into evidence
2 without objection.

3 (SO ENTERED AS STATE'S EXHIBIT 31)

4 (SO ENTERED AS STATE'S EXHIBIT 32)

5 (SO ENTERED AS STATE'S EXHIBIT 33)

6 (SO ENTERED AS STATE'S EXHIBIT 35)

7 (SO ENTERED AS STATE'S EXHIBIT 36)

8 (SO ENTERED AS STATE'S EXHIBIT 39)

9 MR. JENNINGS: Is Exhibit 34 in evidence
10 already?

11 COURT REPORTER: Yes, sir, it is.

12 DIRECT EXAMINATION CONTINUED

13 BY MR. JENNINGS:

14 Q. I show you State's Exhibit 39, a diagram which
15 was created.

16 A. Yes, sir.

17 Q. If would please, use this pointer and point out
18 to the jury -- originate (sic) them, point out what
19 they're looking at.

20 A. At the bottom of the screen is Jack Primus Road,
21 the paved road. Lemon Lane is a dirt road off of Jack
22 Primus. This area is kind of a two-lane driveway that
23 goes back to a trailer, probably three twenty yards
24 off of Lemon Lane.

25 Q. When you were at the scene, did you measure the

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1 distance from Jack Primus Road to the entrance of that
2 little cut where the victim was found?

3 A. Yes, sir.

4 Q. How far as it from -- you have it labeled as
5 Point A?

6 A. Yes, sir. I believe that it is approximately
7 twenty feet.

8 Q. There are numbers and some letters on that
9 diagram. Could you explain to the jury what those --
10 not in detail, but what do the numbers represent?

11 A. The numbers represent items of evidence that were
12 collected and the letters are just reference points
13 for measurements to the items collected.

14 Q. And there's an object farther up the path, beyond
15 8 and 9, what does that represent?

16 A. Are you referring to this?

17 Q. Yes, sir.

18 A. That's a depiction of the victim.

19 Q. We will begin at the front part with Items 1, 2,
20 3 and 4. Can you describe the surface of that area?

21 A. It's kind of a rocky area with pinestraw. There
22 were a couple of areas that were sandy.

23 Q. Okay. I am going to put up what has been marked
24 as State's Exhibit 36. What is shown in that photo-
25 graph?

1 A. That's Items 1 thru 4. Item 1 in this area is an
2 area where I took two tire impressions, photographing
3 and casting.

4 Area 2 is also another tire impression, photo-
5 graph and cast.

6 Q. Let's deal with just those two for a second. Did
7 you examine this entire area for any possible tire
8 tracks?

9 A. Yes, sir.

10 Q. Were there are cars at the scene?

11 A. At the time of our arrival?

12 Q. Yes.

13 A. No, sir.

14 Q. What do Items 1 and 2 represent?

15 A. They're tire impressions.

16 Q. Were there any other tire impressions in this
17 area?

18 A. No, sir.

19 Q. I show you what is marked as State's Exhibit 33,
20 does that show the impression that you took with
21 number one?

22 A. Yes, sir.

23 Q. And I believe that you said that you actually
24 made two molds of that?

25 A. Yes, sir.

1 Q. Can you explain to the jury what process that you
2 did to get a representation of that tire print?

3 A. Yes, sir. In documenting a tire impression,
4 first you photograph it with a scale. That way if
5 you need to use the photograph to make comparisons,
6 you can. Then you -- we use dental stone, which is
7 the same thing that your dentist uses. We used to use
8 plaster of Paris. You mix the dental stone, then you
9 pour it into the tire impression and it will make an
10 exact replicate of what you have there on the ground.

11 Q. Did you do that with this tire impression?

12 A. Yes, sir.

13 Q. You made two impressions. Can you explain why
14 that was necessary?

15 A. Well, you try to get as much of the tire
16 impression as you can. It's better for the examiner
17 to have more area to examine. That particular area
18 was very rocky and -- I had two sandy areas that were
19 side by side, so I cast both areas.

20 Q. I show you what is marked as State's Exhibit 45
21 and State's Exhibit 46. Do you recognize those?

22 A. Yes, sir. These are tire impressions taken from
23 the area designated in the diagram as "1", and we
24 designated them as 1.1 and 1.2.

25 Q. In this case, who ended up making the comparison

1 between these casts and the victim's tire?

2 A. The South Carolina Law Enforcement Division.

3 MR. JENNINGS: Your Honor, we offer State's
4 Exhibits 45 and 46 into evidence.

5 THE COURT: Any objection, Mr. Grant?

6 DERRICK GRANT: No, Your Honor.

7 THE COURT: State's Exhibits 45 and 46
8 into evidence without objection.

9 (SO ENTERED AS STATE'S EXHIBIT 45)

10 (SO ENTERED AS STATE'S EXHIBIT 46)

11 DIRECT EXAMINATION CONTINUED

12 BY MR. JENNINGS:

13 Q. I will show you what has been marked as State's
14 Exhibit 32. Would you please explain that photograph
15 represents?

16 A. That photograph is of a tire impression in the
17 Number 2 area of the diagram.

18 Q. I show you what has been marked as State's
19 Exhibit 44.

20 A. Yes, sir, that is the cast of that tire
21 impression.

22 MR. JENNINGS: We offer State's Exhibit 44
23 into evidence, as well.

24 THE COURT: Any objection, Mr. Grant?

25 DERRICK GRANT: No, Your Honor.

1 THE COURT: Without objection, State's
2 Exhibit 44 is admitted into evidence.

3 (SO ENTERED AS STATE'S EXHIBIT 44)

4 DIRECT EXAMINATION CONTINUED

5 BY MR. JENNINGS:

6 Q. I believe that you testified that those were the
7 only tire tracks that you noted in the vicinity of
8 where the victim's body was found?

9 A. Yes, sir. Those are the two tire tracks that
10 were at the front of that driveway.

11 Q. Now, in general theory, when you're processing a
12 crime scene like this, just having a person's body
13 there, do you have any way at this time of knowing
14 what items may be relevant or what items later may be
15 irrelevant?

16 A. Some items you know are relevant. Some you don't
17 know. Some you think might be. Generally at a scene
18 like this, you collect as much as you can.

19 Q. Is that what you did?

20 A. Yes, sir.

21 Q. We've discussed one and two. What was Item 3?

22 A. Item 3, I believe, is a Dasani water bottle.

23 Q. I show you what is marked as State's Exhibit 56.
24 Do you recognize that item?

25 A. Yes, sir. That's Item 3, the Dasani water

1 bottle.

2 MR. JENNINGS: We would offer this into
3 evidence, Your Honor, State's Exhibit 56.

4 THE COURT: Any objection, Mr. Grant?

5 DERRICK GRANT: No, Your Honor.

6 THE COURT: Without objection, State's
7 Exhibit 56 is admitted.

8 (SO ENTERED AS STATE'S EXHIBIT 56)

9 DIRECT EXAMINATION CONTINUED

10 BY MR. JENNINGS:

11 Q. We'll sort of cover each item as we go over it.

12 Later when you were back at your office, were you able
13 to process Exhibit 56 for any fingerprints?

14 A. Yes, sir.

15 Q. Were any found?

16 A. No, sir, not on that water bottle.

17 Q. Item 4 is what?

18 A. That's a Budweiser brand beer can.

19 Q. I show you what is marked as State's Exhibit 54.
20 Do you recognize that?

21 A. Yes, sir, that's the item that I collected.
22 Item 4.

23 MR. JENNINGS: We would offer State's
24 Exhibit 54 into evidence, Your Honor.

25 THE COURT: Any objection?

1 DERRICK GRANT: No, sir, Your Honor.

2 THE COURT: Without objection, State's
3 Exhibit 54 is admitted into evidence.

4 (SO ENTERED AS STATE'S EXHIBIT 54)

5 DIRECT EXAMINATION CONTINUED

6 BY MR. JENNINGS:

7 Q. And when you processed State's Exhibit 54, I
8 believe that you were able to lift several latent
9 fingerprints?

10 A. Yes, sir.

11 Q. I show you what is marked as State's Exhibits 60,
12 61 and 62. Do you recognize those?

13 A. Yes, sir, those are latent lifts from the
14 Budweiser beer can.

15 Q. Who did you turn those over to for any
16 comparisons?

17 A. To the South Carolina Law Enforcement Division.

18 MR. JENNINGS: Your Honor, at this time we
19 would offer State's Exhibits 60, 61 and 62 in
20 evidence.

21 THE COURT: 60, 61 and 62?

22 MR. JENNINGS: Yes, sir.

23 THE COURT: Any objection?

24 DERRICK GRANT: No objection, Your
25 Honor.

1 THE COURT: State's Exhibits 60, 61 and
2 62 are admitted into evidence without objection.

3 (SO ENTERED AS STATE'S EXHIBIT 60)

4 (SO ENTERED AS STATE'S EXHIBIT 61)

5 (SO ENTERED AS STATE'S EXHIBIT 62)

6 DIRECT EXAMINATION CONTINUED

7 BY MR. JENNINGS:

8 Q. I believe that concludes the items that you found
9 at that entrance to that path?

10 A. Yes, sir.

11 Q. Correct?

12 A. Yes, sir.

13 Q. I show you State's Exhibit 34. What does this
14 photograph show?

15 A. That shows the actual driveway. That view is
16 from Lemon Lane going back towards where the residence
17 was and towards where the victim was.

18 Q. And a number of items are marked in this photo-
19 graph?

20 A. Yes, sir.

21 Q. I show you what has been marked as State's
22 Exhibit 57. Do you recognize that?

23 A. Yes, sir, that's the jacket that is depicted in
24 the photograph.

25 MR. JENNINGS: We would offer State's

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1 Exhibit 57 into evidence, Your Honor.

2 THE COURT: Any objection, Mr. Grant?

3 DERRICK GRANT: I have an objection,
4 Your Honor.

5 THE COURT: Okay. Approach.

6 SIDEBAR:

7 THE COURT: What is the objection?

8 DERRICK GRANT: This item, that red
9 jacket, was Item 57,
10 was Item 21.

11 THE COURT: That number doesn't have
12 anything to do with the
13 exhibit number. State's
14 Exhibit 57.

15 DERRICK GRANT: Sorry for the incon-
16 venience. Thank you.

17 THE COURT: Some times they may
18 correspond, but sometimes
19 they don't. But "57" is the
20 exhibit number and that is
21 the victim's red jacket
22 according to the list.

23 MR. JENNINGS: Right, Exhibit 57.

24 DERRICK GRANT: Okay. Excuse me.

25 THE COURT: That's okay.

1 (SIDEBAR CONCLUDED)

2 THE COURT: Is the objection withdrawn,
3 Mr. Grant, based on the sidebar?

4 DERRICK GRANT: Yeah.

5 THE COURT: Sir?

6 DERRICK GRANT: Yes, sir, Your Honor.

7 THE COURT: Very well. State's Exhibit 57
8 is admitted without objection.

9 (SO ADMITTED AS STATE'S EXHIBIT 57)

10 DIRECT EXAMINATION CONTINUED

11 BY MR. JENNINGS:

12 Q. And Item 6 -- can we focus that any clearer?
13 The object to the right of the coat, Item 6, I show
14 you what is marked as State's Exhibit 49. Do you
15 recognize that?

16 A. Yes, sir. Item 6, which is located right here in
17 the diagram or in the photograph, is a Brad Paisley
18 audio CD in its case.

19 MR. JENNINGS: We would offer State's
20 Exhibit 49 into evidence, Your Honor.

21 THE COURT: Any objection to the CD?

22 DERRICK GRANT: No, Your Honor.

23 THE COURT: Admitted without objection
24 as State's Exhibit 49.

25 (SO ENTERED AS STATE'S EXHIBIT 49)

1 DIRECT EXAMINATION CONTINUED

2 BY MR. JENNINGS:

3 Q. Did you also have an opportunity to process this
4 CD for any fingerprints?

5 A. Yes, sir.

6 Q. I show you what is marked as State's Exhibit 63.

7 A. Yes, sir, this is a latent lifted from the CD
8 case.

9 Q. And that was also turned over to the South
10 Carolina Law Enforcement Division?

11 A. Yes, sir, it was.

12 MR. JENNINGS: We would offer State's
13 Exhibit 63 into evidence, Your Honor.

14 THE COURT: Any objection?

15 DERRICK GRANT: No, Your Honor.

16 THE COURT: State's Exhibit 63 is in
17 evidence, without objection.

18 (SO ENTERED AS STATE'S EXHIBIT 63)

19 DIRECT EXAMINATION CONTINUED

20 BY MR. JENNINGS:

21 Q. The item to the right of Item 6, what was that?
22 Item 7?

23 A. It was a Dr. Pepper bottle that was half full.

24 Q. I show you what has been marked as State's
25 Exhibit 55. Do you recognize that?

1 A. Yes, sir, that is Item 7.

2 Q. You processed this and no fingerprints were
3 lifted off of this either?

4 A. Correct.

5 MR. JENNINGS: We would offer State's
6 Exhibit 55 into evidence, Your Honor.

7 THE COURT: Any objection to the Dr.
8 Pepper bottle?

9 DERRICK GRANT: No, Your Honor.

10 THE COURT: The Dr. Pepper bottle is
11 admitted without objection as State's Exhibit 55.

12 (SO ENTERED AS STATE'S EXHIBIT 55)

13 DIRECT EXAMINATION CONTINUED

14 BY MR. JENNINGS:

15 Q. On the left there are two items in the picture,
16 8 and 9. What was Item 8?

17 A. Item 8 was a white sock.

18 Q. I show you what is marked as State's Exhibit 53.

19 A. Yes, sir, that's the white sock depicted in the
20 pictures that I made.

21 Q. And State's Exhibit 52?

22 A. That is Item 9 in the photograph, a red plastic
23 cup which is broken.

24 MR. JENNINGS: Your Honor, we would offer
25 State's Exhibits 52 and 53 into evidence.

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1 THE COURT: Any objection?

2 DERRICK GRANT: No objection, Your
3 Honor.

4 THE COURT: State's Exhibits 52 and 53
5 are admitted into evidence without objection.

6 (SO ENTERED AS STATE'S EXHIBIT 52)

7 (SO ENTERED AS STATE'S EXHIBIT 53)

8 DIRECT EXAMINATION CONTINUED

9 BY MR. JENNINGS:

10 Q. Were you able to lift any fingerprints off of
11 these items?

12 A. No, sir.

13 Q. Put the main diagram up again, please. Approxi-
14 mately how far was -- from Point A, which is the
15 entrance off the path, how far back was the victim's
16 body?

17 A. Approximately a hundred feet.

18 Q. Did you take photographs to document the area
19 where the victim was found and any items that were
20 around her?

21 A. Yes, I did.

22 Q. I show you what is marked as State's Exhibit 30.

23 A. Yes, that's a photograph of the victim.

24 Q. And State's Exhibit 31? I believe that you have
25 already identified that one.

1 A. Yes, sir, that's a photograph of the victim and
2 this photograph depicts jewelry that was found beside
3 her.

4 Q. When you had an opportunity to examine her body
5 and location, was there any blood on the ground?

6 A. Yes, sir.

7 Q. How would you describe the amount?

8 A. It was a fairly large amount.

9 MR. JENNINGS: Is Exhibit 31 in evidence?

10 THE COURT: Yes, sir.

11 DIRECT EXAMINATION CONTINUED

12 BY MR. JENNINGS:

13 Q. State's Exhibit 30 shows the victim as you found
14 her.

15 A. (Affirmative nod).

16 Q. Based on your examination of her, would you -- it
17 is obvious from the picture, what position was her
18 body?

19 A. She was lying face down, her left arm was under-
20 neath her, her head was turned to the right.

21 Q. Did you note any injuries that she had sustained?

22 A. Yes, sir. She had injuries to the head and neck
23 area and to the hands and wrist area.

24 Q. What type of wounds?

25 A. Lacerations.

1 Q. Did you note any injury to her throat?

2 A. Yes, sir.

3 Q. What injury was that?

4 A. There was a large laceration across the throat.

5 Q. And you described lots of blood on the ground
6 around her?

7 A. Yes, sir.

8 Q. Based on your experience, where did you -- where
9 did it appear to you, based on the evidence, that she
10 had been killed?

11 A. (Affirmative nod), in that area right there.

12 Q. In your examination of the entire area, as you
13 have testified, you were looking for anything that
14 could have possibly been relevant?

15 A. Yes, sir.

16 Q. Did you find any signs -- either in the grouping
17 of Items 1, 2, 3, 4 were, or where Items 5, 6 and 7
18 were -- any indication of any struggle having taken
19 place?

20 A. No, sir.

21 Q. Other than where Miss Sottile's body was, were
22 there any other areas of blood?

23 A. No, sir.

24 Q. Had any of those been apparent, would you have
25 noted those in your report?

1 A. Yes, sir, I would have.

2 Q. Showing you what has been marked as State's
3 Exhibit 31, those arrows by her body, did you find
4 items in close proximity to where she lay?

5 A. Yes, sir.

6 Q. I show you what is marked as State's Exhibit 58A,
7 do you recognize that?

8 A. Yes, sir. That's a ring with the letter "R" on
9 it, that was located next to the body.

10 Q. State's Exhibit 58B?

11 A. It's a post-earring with a clear stone, also
12 found next to the body.

13 Q. State's Exhibit 58C?

14 A. A cross or pendant which was located next to the
15 body.

16 Q. Exhibit 58D?

17 A. That's a broken chain, gold in color, that was
18 found next to the body.

19 Q. And State's Exhibit 58E?

20 A. Another ring, with a heart on it and clear
21 stones, that was found next to the body.

22 MR. JENNINGS: We would offer these five
23 items into evidence, Your Honor.

24 THE COURT: Any objection?

25 DERRICK GRANT: No objection, Your

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1 Honor.

2 THE COURT: What are the numbers again?

3 MR. JENNINGS: 58-A through 58-E.

4 THE COURT: 58A, B, C, D and E are
5 admitted into evidence without objection.

6 (SO ENTERED AS STATE'S EXHIBIT 58A THRU E)

7 DIRECT EXAMINATION CONTINUED

8 BY MR. JENNINGS:

9 Q. The rings had fallen off of her hands, did she
10 also have rings on her hands?

11 A. Yes, sir, she did.

12 Q. What did you do at the scene, if anything, to
13 those?

14 A. Swabs were taken from them because they had blood
15 on them, or what appeared to be blood.

16 Q. I show you this large packet. Do you recognize
17 something like this?

18 A. Yes, sir. This is a State Law Enforcement
19 Division package for evidence.

20 Q. And you will individually package items and
21 submit them to SLED in this larger package?

22 A. Yes, sir.

23 MR. JENNINGS: (Tenders documents to be
24 marked as exhibits).

25 COURT REPORTER: State's Exhibits 67 and

1 68 for identification.

2 DIRECT EXAMINATION CONTINUED

3 BY MR. JENNINGS:

4 Q. If you would, describe for the jury how you go
5 about taking a swab of an item?

6 A. Taking a sample?

7 Q. (Affirmative nod).

8 A. You basically use a sterile cotton swab with
9 distilled water. You put some of the distilled water
10 on the cotton swab if it's a dried sample. If it is a
11 liquid sample, you can just use the cotton swab. You
12 air dry it, package it, seal it.

13 Q. I show you what has been marked as State's
14 Exhibits 67 and 68, do you recognize those items?

15 A. Yes, sir. These are two swab samples that I took
16 from the left ring and left index finger.

17 Q. Who would these have been submitted to for any
18 testing?

19 A. To the South Carolina Law Enforcement Division
20 for DNA testing.

21 MR. JENNINGS: Your Honor, we would offer
22 State's Exhibit 67 and 68 into evidence.

23 THE COURT: Any objection, Mr. Grant?

24 DERRICK GRANT: No objection, Your Honor.

25 THE COURT: Without objection, State's

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1 Exhibits 67 and 68, bags containing swabs, are
2 admitted into evidence.

3 (SO ENTERED AS STATE'S EXHIBIT 67)

4 (SO ENTERED AS STATE'S EXHIBIT 68)

5 DIRECT EXAMINATION CONTINUED

6 BY MR. JENNINGS:

7 Q. At the time that you took these swabs, would you
8 have placed them into these envelopes?

9 A. Yes, sir.

10 Q. Would they have been tampered with in any way?

11 A. No, sir.

12 Q. Were the rings that she had on, other than items
13 marked as State's Exhibit 58A through 58E which were
14 retained as evidence, -- were the rings on her fingers
15 returned to the family?

16 A. Yes, sir.

17 Q. Was there any identification on the victim?

18 A. As far as -- are you talking like an ID card?

19 Q. Yes, sir.

20 A. No, sir.

21 Q. Any wallet? Any purse?

22 A. No, sir.

23 MR. JENNINGS: I beg the Court's indulgence.

24 THE COURT: Take your time.

25 DIRECT EXAMINATION CONTINUED

1 BY MR. JENNINGS:

2 Q. When you had an opportunity to examine the victim
3 at the scene, did you find anything in her hands?

4 A. Yes, sir. There were several hairs in her hand.

5 Q. I show you what has been marked as State's
6 Exhibit 69, two packets of hair.

7 A. (Upon review), these are the hair that was
8 removed from her hands.

9 MR. JENNINGS: Your Honor, we would offer
10 State's Exhibit 69 into evidence.

11 THE COURT: Any objection?

12 DERRICK GRANT: No objection, Your
13 Honor.

14 THE COURT: State's Exhibit 69, a bag
15 containing hair, into evidence without objection.

16 (SO ENTERED AS STATE'S EXHIBIT 69)

17 DIRECT EXAMINATION CONTINUED

18 BY MR. JENNINGS:

19 Q. Did you have an opportunity to see what type of
20 hair and what color hair that Miss Sottile had?

21 A. Yes, sir.

22 Q. Did you have an opportunity to see the hairs
23 represented in State's Exhibit 69?

24 A. Yes, sir.

25 Q. Whose hair were those consistent with?

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1 A. The hair in those exhibits is Caucasian hair
2 similar in color and length as the victim's.

3 Q. In viewing the victim, in addition to the wounds
4 that you noted to her head and to her hands, did she
5 have wounds to her head?

6 A. Yes, sir.

7 Q. How would you describe those wounds?

8 A. Lacerations, across the top.

9 Q. Based on your experience, would it have been
10 unusual for the victim to have been grabbing her head
11 when those wounds were taking place?

12 A. No. It's been my experience that when people are
13 attacked that they tend to go into a fetal position
14 and try to hide their head. Yes, sir.

15 Q. And State's Exhibit 69 was forwarded to SLED?

16 A. Yes, sir.

17 Q. For any testing that they felt was appropriate?

18 A. Yes, sir.

19 Q. You removed the body. Where did you take Miss
20 Sottile?

21 A. To the Forensic Services building.

22 Q. At that point, was her name known or who she was?

23 A. No, sir, not initially.

24 Q. I show you what is marked as State's Exhibit 30.
25 Do you recognize that?

1 A. Yes, sir, those are the pants of the victim.

2 Q. What, if anything, did you do with her pants?

3 A. I removed them to send them for analysis at SLED.

4 Q. That's Exhibit 48?

5 A. Yes, sir.

6 Q. And you removed those?

7 A. Yes, sir.

8 MR. JENNINGS: We would offer those into
9 evidence, Your Honor.

10 THE COURT: Any objection?

11 DERRICK GRANT: No objection, Your Honor.

12 THE COURT: Very well, State's Exhibit
13 48, a bag containing pants, admitted into evidence
14 without objection.

15 (SO ENTERED AS STATE'S EXHIBIT 48)

16 DIRECT EXAMINATION CONTINUED

17 BY MR. JENNINGS:

18 Q. Did her pants have any substance on them or what
19 appeared to be a substance to you?

20 A. Yes, sir. There were several areas that had what
21 appeared to be blood, also transfer from like a hand
22 to the pants.

23 Q. Was there -- when you say it appeared to be from
24 a hand, was there any way to -- did you attempt to see
25 if there were fingerprints on that impression.

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1 A. Not on the pants. But on the ankle of the victim
2 there was also a transfer of what appeared to be blood
3 and those areas were processed for latent finger-
4 prints, with negative results.

5 Q. Did you have any way of telling whose handprint
6 that was on her pants?

7 A. No, sir.

8 Q. On December 27th, Miss Sottile's car was found?

9 A. Yes, sir.

10 Q. And you were notified that it was found downtown?

11 A. Yes, sir.

12 Q. Did you actually go to the scene?

13 A. No, sir, I did not.

14 Q. I show you what is marked as State's Exhibits 4,
15 5, 6, 7, 8, 9, 10, 11 and 12. Those are photographs
16 taken by the Charleston Police Department. I believe
17 that the cannisters or the film was turned into you by
18 Detective Buchanan?

19 A. Yes, sir. These are photographs that we
20 developed in our photo lab.

21 Q. And you have a lab actually here?

22 A. Yes, sir.

23 Q. Is there a way to tell by those photographs when
24 you printed them out?

25 A. December 27th, 2002.

1 Q. What happened with her car when it was found
2 downtown?

3 A. It was towed to the Forensic Services building.
4 We've got an enclosed bay where we can process cars.

5 Q. And what was one of the first things that you did
6 once her car -- once you had access to it?

7 A. Photographed it.

8 Q. Since the Charleston Police Department had
9 already photographed it, why did you go and duplicate
10 those photographs?

11 A. It's just normal protocol.

12 Q. I show you what is marked as State's Exhibits 13,
13 14, 15, 16, 17, and 18. Do you recognize those photo-
14 graphs?

15 A. Yes, sir. These are the photographs that I took
16 of the vehicle in my bay.

17 Q. Did your photographs correspond with the photo-
18 graphs taken by the City of Charleston?

19 A. Yes, sir.

20 Q. To the best of your knowledge, had any items or
21 substances been added to the car since it had been
22 photographed in Charleston?

23 A. No, sir.

24 MR. JENNINGS: Your Honor, we would offer
25 State's Exhibits 13, 14, 15, 16, 17 and 18 into

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1. evidence.

2. THE COURT: Any objection, Mr. Grant?

3. DERRICK GRANT: No objection, Your Honor.

4. THE COURT: State's Exhibits 13 through
5 18 are admitted into evidence without objection, each
6 being a photograph.

7 (SO ENTERED AS STATE'S EXHIBIT 13)

8 (SO ENTERED AS STATE'S EXHIBIT 14)

9 (SO ENTERED AS STATE'S EXHIBIT 15)

10 (SO ENTERED AS STATE'S EXHIBIT 16)

11 (SO ENTERED AS STATE'S EXHIBIT 17)

12 (SO ENTERED AS STATE'S EXHIBIT 18)

13 DIRECT EXAMINATION CONTINUED

14 BY MR. JENNINGS:

15 Q. You noted in your photographs a significant
16 amount of blood on the vehicle?

17 A. Yes, sir. There are some blood droplets across
18 the left side of the hood and on the left door, on the
19 outside of the vehicle.

20 Q. I show you what is marked as State's Exhibit 13.
21 Is some of the blood shown in this picture, that you
22 documented in your report?

23 A. Yes, sir. You can't hardly see it in the photo-
24 graph but it's across the front hood area.

25 Q. State's Exhibit 14?

1 A. This photograph shows it better. There are blood
2 droplets in this area in front of the tire, over the
3 tire and just right behind the tire.

4 Q. I show you what is marked as State's Exhibit 16.

5 A. That is a photograph of the interior of the door.
6 It shows an area of what appears to be blood on the
7 inside door handle.

8 Q. When you refer to the left door, is that the
9 driver's side door or the passenger's side?

10 A. That would be the driver's side.

11 Q. How would you describe that blood? You've used
12 "blood drops" and blood "transfer"?

13 A. That would be transfer.

14 Q. Can you explain to the jury, briefly, the
15 difference?

16 A. Blood droplets is blood that drops, from either a
17 wound or an object. A transfer is blood that has been
18 either -- that is on a surface and either a hand or
19 clothing picks it up and it is then rubbed against
20 another surface.

21 Q. I show you what is marked as State's Exhibit 17.

22 A. That is a photograph of the left, the driver's,
23 side of the vehicle showing the driver's seat.

24 Q. Is there any blood noted in that photograph?

25 A. The left door sill area and on the side of the