

STATE OF SOUTH CAROLINA

 ORIGINAL

In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

R. Keith Kelly, Circuit Court Judge

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THE STATE,

SC Court of Appeals

RESPONDENT,

V.

RODERICK JERMAINE WYNN,

APPELLANT

APPELLATE CASE NO. 2014-001887

RECORD ON APPEAL

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE'S EXHIBIT NOS. 1 THROUGH 7 (PHOTOGRAPHS);
DEFENDANT'S EXHIBIT NOS. 1 – 3 (PHOTOGRAPHS)**

COURT OF GENERAL SESSIONS

2014-GS-42-0313

The State of South Carolina

-VS-

Roderick Germaine Wynn,

Defendant.

TRANSCRIPT OF RECORD

August 27 & 28, 2014
Spartanburg, South Carolina

Ordered: September 14, 2014

Delivered: November 9, 2014

BEFORE:

The Honorable R. Keith Kelly, Presiding Judge, and a jury.

APPEARANCES:

Mr. Derrick Balsa, Esquire
Deputy Solicitor for the State

Ms. Mary Stuart Lyall, Esquire
Public Defender for the Defendant

Pamela Faucette
Circuit Court Reporter

1 them around.

2 (Whereupon, the jury panel was summoned and entered the
3 courtroom at 9:43 a.m.)

4 Voir Dire

5 **THE COURT:** All right. Thank you, ladies and gentlemen.
6 We've waited a little bit here for some jurors that were tardy. We're still
7 missing one, but we can't wait any longer. And, once again, I've had to do
8 something that's unpleasant for me, and that is to send the County for that
9 individual. But it must be done.

10 Nonetheless, we are here and ready to try the next case, the case of
11 *The State of South Carolina vs. Roderick Germaine Wynn*. Mr. Wynn is
12 charged by indictment with the offense of murder. And he is seated at
13 counsel table with his attorney, who will be introducing herself momentarily.

14 I'll remind you that you are under oath. You were placed under oath
15 earlier this week. You remain under oath and, once again, I have the same
16 series of questions that I must ask that I have asked previously in this
17 courtroom two mornings.

18 Again, we are about to begin the trial of *The State of South Carolina*
19 *vs. Mr. Roderick Germaine Wynn* charged with murder by the indictment. I
20 remind you, once again, the indictment is merely a piece of paper.

21 It is the charging instrument that brings Mr. Wynn before the Court for
22 a trial. And in no way is it evidence of any guilt against him.

23 Mr. Wynn has pled not guilty to the indictment and that puts the
24 burden on the -- on the State of South Carolina to prove his guilt beyond a
25 reasonable doubt as to each and every element in the indictment.

1 **THE COURT:** Give your attention, ladies and gentlemen, to the
2 Solicitor.

Opening Statements**10:45 A.m.**

3
4 **MR. BULSA:** Ladies and gentlemen, just over a year ago, on
5 August the 14th, 2013, Curtis Goldsmith died in the Money Tree parking lot.

6 He was there. He had driven his vehicle there. He was in the parking
7 lot and he was confronted by the Defendant, a person he knew.

8 They had words and a fight broke out. And the Defendant killed Curtis
9 Goldsmith.

10 The police were called. The case was investigated. The Defendant
11 was not at the scene. He was found about four (4) days later and charged
12 initially with aggravated assault and battery because of the autopsy pending
13 on the victim.

14 The victim was about 56 years old. And you'll hear from his wife,
15 Ernestine Goldsmith, about his physical condition and basically his daily
16 routine.

17 The autopsy revealed that he was killed by blunt force trauma, a blow
18 to the head. And, therefore, the charges were up — upgraded to murder.
19 And that's what he stands trial for today.

20 This is more than just a fight. It's about a man dying here in
21 Spartanburg County at the hands of the Defendant.

22 Please, listen to the witnesses, witnesses that saw the incident, they
23 saw parts of the incident, where — where they saw those — those things
24 from their perspective that they had.

25 And I submit to you that there are people that were there that you

1 will not hear from because everybody didn't stay and talk to the police. And
2 everybody didn't come back and talk to the police.

3 And the police did what they could and they found the witnesses they
4 could and they put this case together and they identified the culprit that
5 committed this crime. And that's the Defendant.

6 And, at the close of this case, I'll ask you to convict him of the crime of
7 murder. Thank you.

8 **THE COURT:** Ms. Lyall?

9 **MS. LYALL:** Thank you, Your Honor.

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

11 **(Ms. Lyall's opening statement began at 10:47 a.m.)**

12 **MS. LYALL:** Good morning. Again, my name is Mary Stuart
13 Lyall and I have the privilege today of representing Mr. Roderick Wynn.

14 As you heard from the Solicitor, this was a fight. This isn't a normal
15 murder case where you would come in and we would hear, you know, a
16 drastically different version of events from the Solicitor, from the Defense.

17 We're not saying that Roderick was not there. We're not saying they
18 didn't get into a fight. In fact, from most of the witnesses that you're going to
19 hear from, from the State and the Defense, most people are going to say the
20 same thing.

21 The alleged victim in this case and Roderick came to this parking lot.
22 They got into a disagreement, everyone agrees they were screaming at each
23 other.

24 The only reason that most people came to attention to this
25 is because loud words were exchanged by both parties.

1 This is not a great area. You're going to hear from a lot of these
2 people. A lot of these people have criminal histories. It's the area of the
3 Money Tree on the corner of Magnolia and Asheville Highway.

4 They've knocked down the Sunshine Inn, but at the time, the Sunshine
5 Inn was still standing. In this area, there's a lot of prostitutes hanging out, a
6 lot of drug dealing going on. And you'll hear that fights in this area and bad
7 things happening is a normal occurrence.

8 On this day, Curtis Goldsmith pulled up in his Jeep, you'll hear from
9 different witnesses, and Roderick Wynn and Curtis Goldsmith got into an
10 argument.

11 This got very heated. And you'll hear from witness on both sides that
12 they started swinging at each other.

13 Most of the witnesses are going to tell you that Curtis Goldsmith threw
14 the first punch at Mr. Roderick Wynn. He got out of his car, threw a punch,
15 one, two, and Mr. Roderick Wynn, what was he supposed to do?

16 You'll hear that yes, Roderick Wynn did start punching, but it was in
17 self defense.

18 These two men, middle aged men — Roderick Wynn, as you'll hear, is
19 45 years old. You'll hear — as you heard from the Solicitor, that Curtis
20 Goldsmith is 55 years old. They're both middle aged men.

21 You'll also hear they're approximately the same size. You'll hear that
22 Roderick Wynn is 5'9" and in his 170s and that Curtis Goldsmith was 5'9" and
23 in his 170s.

24 At this point, they're just fighting. You'll hear that they started rolling
25 on the ground, punching each other,

1 and that people, even though they noticed the fighting, kept walking.

2 They said, "Oh, two men fighting," normal occurrence. "We noticed
3 the fight, but no big deal." And kept walking.

4 You'll hear that, during this fight — you'll see pictures and you'll hear
5 from witnesses, that next to the car where they were fighting, there was a
6 huge trash dumpster, one of those huge metal ones.

7 And, as they're fighting, Curtis Goldsmith hit his head against it. This
8 is not murder. You will hear that Roderick Wynn, as he is fighting in self
9 defense and rolling on the ground with this man, that this man's head
10 accidentally hit that dumpster.

11 You'll hear that there were not broken bones on this man. He doesn't
12 have broken bones on his face. That it is simply what the Solicitor said, that
13 he had head trauma from hitting that garbage can.

14 This is a tragic accident. And it is very unfortunate, but what — at the
15 end of all the evidence and testimony, we hope that you will find Mr. Roderick
16 Wynn not guilty of murder. Thank you.

17 **(Ms. Lyall's opening statement concluded at 10:53 a.m.)**

18 **THE COURT:** Solicitor?

19 **MR. BULSA:** The State calls Jeffrey Holt.

20 **(Off-the-Record Comments)**

21 **(The witness stepped forward to be sworn.)**

22 (Whereupon,

23 **MR. JEFFREY HOLT**

24 having been first duly sworn, testified as follows:)

25 **THE COURT:** Mr. Holt, tell us who you are and spell

1 your last name for my court reporter, please.

2 **THE WITNESS:** My name is Jeffrey Holt. I'm a paramedic with the
3 Spartanburg County EMS. Last name "Holt," H-o-l-t.

4 **THE COURT:** Thank you. Solicitor?

5 **Direct Examination by Mr. Bulsa:**

10:54 A.m.

6 **Q.** Mr. Holt, How long have you been with EMS?

7 **A.** About ten years.

8 **Q.** Okay. And what are your actual duties with them?

9 **A.** I'm a C-degree (phonetic) paramedic, which means I'm a lead
10 paramedic on an ambulance that works throughout the county.

11 **Q.** Okay. And back on August the 14th, 2013, did you get a call to go to
12 the Money Tree off South Church Street?

13 **A.** Yes, sir, I did.

14 **Q.** And it's just right down the street, isn't it?

15 **A.** Yes, sir.

16 **Q.** In fact, the — the Money Tree sits sort of between Magnolia Street and
17 South Church Street?

18 **A.** Yes, it's like a corner.

19 **Q.** Okay. And what was the nature of that call?

20 **A.** We were called out for a subject unconscious.

21 **Q.** And, when you arrived, what did you observe?

22 **A.** There were several people in the parking lot pointing toward a vehicle.
23 I observed a black male in the vehicle slumped over. He had blood running down
24 his face.

25 We opened the door and on exam we found him pulse-less

1 and not breathing.

2 Q. All right.

3 (Brief pause while exhibits retrieved.)

4 Q. Let me show you what's been marked as State's Exhibit Number 7.

5 MR. BULSA: And I believe we're offering this without objection.

6 MS. LYALL: That's correct.

7 THE COURT: Without objection.

8 (Whereupon, State's Exhibit Number 7 was admitted into evidence
9 without objection.)

10 (Exhibit shown to the witness.)

11 Q. Would that be the vehicle that you found him in?

12 A. Yes, sir, it would be.

13 Q. And the driver's door is open?

14 A. I opened the driver's door.

15 Q. Okay. And the victim was what kind of a subject?

16 A. Appeared to be a male probably in his 50s at the time. He was in the
17 driver's seat with his head slumped down. There was blood on his face and he had
18 vomited.

19 And, then, I went to obtain a pulse, did not find one, saw that he wasn't
20 breathing. We, then, extricated him from the vehicle onto our stretcher and began
21 CPR.

22 Q. Okay. And were there any other individuals around the vehicle?

23 A. Yes, sir, there were several bystanders that had pointed --
24 pointed to the vehicle when we pulled in.

25 Q. Was anybody there at the vehicle trying to attend to this victim?

1 A. Not really, not trying to attend to. They were -- I think there were a
2 couple calling names, trying to call his name, trying to get his attention. I didn't see
3 anybody doing actually anything else.

4 Q. When you put him on the stretcher, what did you, then, do with him?

5 A. We began CPR. I began chest compressions. My partner began
6 trying to secure him to the -- to the back board.

7 I was holding the ventilator mask on his face and I actually had one of
8 the bystanders to squeeze the bag for me when I instructed them to do so.

9 Q. Okay. Did the wound to his head appear visible to you?

10 A. He had a deformity to his left temporal forehead area that appeared to
11 be a -- a fairly small contusion with a laceration above it. It seemed to have a
12 curved indentation to it on exam.

13 Q. Did you pay any attention to the surrounding area to determine if there
14 was anything that might have caused that wound?

15 A. Not at that time, no, sir.

16 Q. Okay. Your focus was on ----

17 A. On the patient, yes, sir.

18 Q. Okay. And how long were you actually on scene?

19 A. From the time we made contact till the time we were at the hospital, it
20 was 20 minutes, I believe, almost exactly.

21 Q. Okay. Did you ever resuscitate him?

22 A. No, sir, we did not.

23 Q. Did you later learn that he was declared deceased at the hospital?

24 A. Yes, sir.

25 Q. Okay.

1 (Brief Pause)

2 MR. BULSA: Thank you. Answer any questions Ms. Lyall may
3 have.

4 Cross Examination by Ms. Lyall:

10:55 A.m.

5 Q. He was in his vehicle, right?

6 A. Yes, ma'am, in the driver's seat.

7 Q. And the door was closed?

8 A. Yes, ma'am.

9 Q. Was the car on or off when you got there?

10 A. I believe it was off.

11 Q. Okay. And you said there was a contusion on his head and it was a
12 little indented with a scrape in it?

13 A. Yeah, it had a laceration above just at the hairline. And a fairly small
14 contusion, a hematoma on the left side just above his eye. And it was kind of ---
15 looked like a curved indentation into the hematoma itself.

16 Q. In your opinion, could that have been caused by slamming your head
17 into a big metal trash can?

18 A. No, ma'am. It would have had to have been a curved surface.

19 Q. Okay. The side of it?

20 A. It would — I — I couldn't comment on that. I really don't know.

21 Q. Okay. But it was just that one area?

22 A. That's the only injury that I noted.

23 Q. Okay. He didn't have a broken nose?

24 A. I didn't — I didn't pay a lot of attention to the nose.

25 I was too busy just trying to make sure — trying to get him back.

1 Q. You didn't notice a broken nose?

2 A. I noticed blood on his face, but I didn't know -- I didn't ----

3 Q. Okay.

4 A. I really couldn't tell you where it came from.

5 Q. Didn't have broken eye sockets?

6 A. Not -- no way I could tell.

7 Q. Broken cheek bones?

8 A. No way for me to tell.

9 Q. His face wasn't destroyed?

10 A. No, no.

11 Q. So what you noticed was that one ----

12 A. That was -- that was the initial -- that was the initial impression that I
13 got was just the injury above the eye.

14 Q. Just that one area?

15 A. That's the only thing I saw that I really remember that I recall.

16 Q. Okay. And you would make -- if there were other things severely
17 wrong with his face, you would make note of that?

18 A. Yes.

19 Q. And you would attend to those injuries?

20 A. No, ma'am.

21 Q. Well, as best as you could if ----

22 A. Well, if he's -- if he's pulse-less and not breathing, that's going to be
23 where my attention would fall. And any secondary injuries would be after the
24 resuscitation attempt.

25 Q. But you made note of that injury because it was what was

1 wrong with his face?

2 A. That was the first thing I noticed, yes.

3 Q. Okay. And you didn't make note of any other injuries to his face?

4 A. No. Mostly we were — my thought process was the fact that he had
5 vomited and was not breathing and had a visible — there was possible head injury
6 that had caused something.

7 Q. In that one area?

8 A. That was only thing I noted at that time.

9 MS. LYALL: Thank you.

10 MR. BULSA: Just briefly.

11 Redirect Examination by Mr. Bulsa:

10:59 A.m.

12 Q. She — she's roughly saying your notations. Did you prepare a report?

13 A. Yes, sir, I did.

14 Q. And, in that report, you had a narrative. Describe what — to the folks
15 what that narrative is.

16 A. The narrative is just a brief statement from the time I arrived on scene
17 until I discharged the patient to the hospital.

18 Q. And you're noting your initial observations?

19 A. Yes, sir.

20 Q. And — and what you did?

21 A. Yes, sir.

22 Q. Okay. And the thing that stood out, in your observations, is that one
23 on the forehead?

24 A. That was — that was the most obvious thing to me.

25 Q. Okay. And you weren't there to examine him for any other injuries?

1 A. No.

2 MR. BULSA: Thank you. That's all I have.

3 MS. LYALL: Nothing further, Your Honor.

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

5 Please, be careful.

6 (The witness complied with the request.)

7 MR. BULSA: We ask that he be excused?

8 THE COURT: Any objection?

9 MS. LYALL: No, Your Honor.

10 THE COURT: You may stay or go, sir.

11 THE WITNESS: Thank you, sir.

12 (Whereupon, the witness was excused.)

13 MR. BULSA: Officer Adorina -- Adorina?

14 (Brief pause while the witness is summoned.)

15 (The witness stepped forward to be sworn.)

16 (Whereupon,

17 Officer Sandra Adorina

18 having been first duly sworn, testified as follows:)

19 THE COURT: Officer, tell us who you are and where you're
20 employed and spell your last name for my court reporter, please.

21 THE WITNESS: My name is Sandra Adorina;
22 A-d-o-r-i-n-a, is my last name. And I work for the Spartanburg City Police
23 Department.

24 THE COURT: Thank you. Solicitor?

25 Direct Examination by Mr. Bulsa:

11:00 A.m.

1 Q. Officer, how long have you been with the Spartanburg Police
2 Department?

3 A. A little over three (3) years.

4 Q. And have you been employed with any other departments?

5 A. I was with Animal Services for Spartanburg City before I became a
6 police officer.

7 Q. Okay. And what do you do for the police department?

8 A. I'm a patrol officer.

9 Q. Okay. And were you a patrol officer back in August of last year?

10 A. Yes, sir.

11 Q. On August the 14th, 2013, did you receive a call to go to the Money
12 Tree on South Church Street?

13 A. I received a call there was one man down at the Money Tree.

14 Q. Okay. Were the first officer to arrive?

15 A. I arrived shortly after EMS.

16 Q. What did you observe taking place?

17 A. Well, when I arrived, EMS had just loaded a -- a black male into the
18 ambulance. And there was two females around the ambulance.

19 I got out and started asking the -- the females at the ambulance what
20 was going on and went from there.

21 Q. Okay. Were other officers called to the scene?

22 A. Shortly after I arrived, it seemed like the whole -- the whole city
23 arrived.

24 Q. Okay. And did you know which females you spoke with?

25 Did you note their names?

1 (Brief pause while the witness reviews document.)

2 A. I spoke with — what was her name — Ms. Blanchard — I believe she
3 was the first one — and Ms. Price.

4 Q. Okay. And did they tell you who might have been involved in this
5 incident?

6 A. Yes. They said that the — it was a black male. They believed his
7 name was — they knew him as...

8 MS. LYALL: Well, objection to hearsay.

9 THE COURT: What's the question?

10 MR. BULSA: Well, she was the first officer on the scene, Your
11 Honor. This is immediately after it occurred. I believe there's a hearsay
12 exception; present (phonetic) sense impression.

13 THE COURT: What's the question again, Mr. Bulsa?

14 MR. BULSA: Who did they identify was involved in the incident,
15 the two females that she was speaking with. And, Your Honor, they're both
16 here and they're going to testify as well.

17 THE COURT: I'm going to allow it subject to them testifying.

18 MR. BULSA: Yes, sir.

19 Q. (By Mr. Bulsa) Did you see who they noted was involved?

20 A. They noted — they said that it was a black man by the name as Curtis
21 Goldsmith.

22 Q. Okay. Curtis Goldsmith being the victim?

23 A. Yeah. They knew him as a gentleman that worked at the Fremont
24 School.

25 Q. Okay. Did they indicate who else might have been involved?

1 (Brief pause while witness examines documents.)

2 A. Someone by the name of Roger. It was a black man by the name of
3 Roger. They believed his last name to be Wynn.

4 Q. Okay. Was that -- was that person on scene?

5 A. No, sir.

6 Q. Okay. All right. And did you put out information to have the police
7 look for Mr. Wynn?

8 A. I was given a description and a name and I put a BOLO out. Then, I
9 went on.

10 Q. Okay. And the vehicle that was there, was that registered to Mr.
11 Goldsmith's wife?

12 A. Yes, uh-huh (affirmative).

13 Q. Okay. All right. Did you participate in any other investigation of this
14 case?

15 A. I helped take written statements of the two females that were there on
16 scene. And I transported them to City Hall to speak with Investigator Porter.

17 Q. Okay.

18 MR. BULSA: All right. Thank you. That's all I have. Answer
19 any questions Ms. Lyall may have.

20 MS. LYALL: I have no questions.

21 THE COURT: Officer, you may step down. Please, be careful.

22 THE WITNESS: Thank you.

23 (The witness complied with the request.)

24 MR. BULSA: We ask that she be excused.

25 THE COURT: Any objection?

1 MS. LYALL: No objection.

2 THE COURT: You may stay or go, Officer.

3 THE WITNESS: Thank you.

4 (Whereupon, the witness was excused.)

5 MR. BULSA: I'd call Ernestine Goldsmith.

6 (The witness stepped forward to be sworn.)

7 (Whereupon,

8 ERNESTINE GOLDSMITH

9 having been first duly sworn, testified as follows:)

10 MS. LYALL:: Your Honor, may we approach for a moment?

11 THE COURT: Certainly.

12 (Whereupon, a bench conference was had with all attorneys
13 present.)

14 THE COURT: Has she — has she been sworn?

15 MADAM CLERK: Yes, sir.

16 THE COURT: Ma'am, tell us your name and --- and spell your
17 last name, please.

18 THE WITNESS: My name is Ernestine Goldsmith, spelled G - O - L
19 - D - S - M - I - T - H.

20 THE COURT: Thank you. Solicitor?

21 Direct Examination by Mr. Bulsa:

11:07 A.m.

22 Q. Good morning, Ms. Goldsmith. I know this is a tough day for you. You
23 were married to Curtis Goldsmith?

24 A. I was.

25 Q. How long were you all married?

1 A. 25 years.

2 Q. And where did you all live?

3 A. We lived — currently we live in Woodruff, South Carolina.

4 Q. And how old was he when he died?

5 A. Curtis was 56.

6 Q. Okay. And what was his physical condition, his health?

7 A. Curtis was in very good physical condition. I had only known him to go
8 to the doctor twice since I've known him.

9 Q. And, when he died, he had no ailments that you knew of?

10 A. Not that I know of.

11 Q. Okay. What was his business?

12 A. Curtis' business, he has always been self-employed/maintenance
13 man. That's always been his desire to own his own business so that's what we did.
14 At the time of his death, we did own a franchise. And he was also maintenance at
15 several apartment complexes.

16 Q. Okay. Did he used to work at the Fremont Apartments there near the
17 Money Tree?

18 A. He did.

19 Q. Okay. And the day in question, do you remember when he left the
20 house?

21 A. Curtis left the house about 7 o'clock that morning.

22 Q. And did you know what he was -- had on his schedule that day?

23 A. The same as usual, to go to property to go paint apartments and later
24 on that day, start cleaning businesses.

25 Q. Was it his normal course of practice to be --- to --- to take

1 the Magnolia Street route?

2 A. He worked in that area. I would say yes because he did work in some
3 apartments in that location.

4 Q. Okay. So it wasn't unusual for him to be in that area?

5 A. No.

6 Q. And that -- that -- in particular, you didn't know why he was at the
7 Money Tree, did you?

8 A. No, I don't.

9 Q. Okay. And when were you notified of this incident?

10 A. I was notified that afternoon. And, at the time, I had gotten a cell
11 phone that didn't get good reception at my job. So I wasn't notified until like at 5
12 o'clock that afternoon.

13 Q. And you responded to the hospital?

14 A. I went to the police department. My sister went -- found me at my job
15 and took me to the police department.

16 MR. BULSA: All right. Thank you, ma'am. That's all I have.

17 THE WITNESS: Thank you.

18 THE COURT: Yes, ma'am?

19 MS. LYALL: Thank you, Your Honor.

20 Cross Examination by Ms. Lyall:

11:09 A.m.

21 Q. As part of this investigation, your family had -- you and your family had
22 to answer some questions to the coroner's investigator; is that true?

23 A. I -- as far as what kind of questions are you referring to?

24 Q. About his previous health and what kind of physical condition
25 he was in prior to the death, kind of like you've been in court today.

1 A. I don't recall that. I was in disarray that day so I -- I remember the
2 corner talking more to me, telling me what had happened vs. asking me questions.

3 Q. Okay. Well, the coroner's investigator, do you remember talking to
4 someone named Mr. Traxler?

5 A. I do. I remember that name.

6 Q. Okay. And do you remember Mr. Traxler asking you about the
7 physical health and you saying you're not sure what kind of physical health he was
8 in because he was afraid of going to the doctor?

9 A. I don't remember saying that.

10 Q. You don't remember telling the doctor [sic] that?

11 A. As I said, I was in disarray. I don't remember saying that at the time.

12 Q. Okay. But you could have said it?

13 A. I don't -- maybe, but I don't recall it. I don't -- I don't remember ever
14 saying something like that about my husband.

15 Q. Okay. But if Doctor -- if Mr. Traxler said you said it, it's -- it's possible?

16 A. As I said, I was in disarray so I guess it's possible.

17 Q. Okay. What about the fact that you told the investigator that your
18 husband has been a heroin abuser all of his life?

19 MR. BULSA: Objection.

20 A. I've never said that about my husband.

21 MR. BULSA: Objection, Your Honor.

22 A. Never.

23 THE COURT: Let me see the lawyers.

24 (Whereupon, a bench conference was had with all attorneys
25 present.)

1 Q. Are you aware that your husband tested positive for hydrocodone that
2 day?

3 A. Yes.

4 Q. Are you aware that he tested positive for hydrocodeine that day?

5 A. I don't know, whichever one is the pain medicine. The coroner did tell
6 me there was a small amount that he found in his system, but it was not enough to
7 do anything.

8 Q. Are you aware he tested positive for alcohol that day?

9 A. No, I was not. The coroner did not mention that.

10 Q. Okay. But you say he was just going to work?

11 A. He went to work.

12 Q. Okay.

13 (Brief Pause)

14 MS. LYALL: I have no further questions.

15 THE COURT: Thank you. Anything, solicitor?

16 Redirect Examination by Mr. Bulsa:

11:19 A.m.

17 Q. Ma'am, do you know the Defendant?

18 A. No, sir.

19 Q. Okay. How many people did Mr. Goldsmith have employed with him?

20 A. It's hard to say because we had a lot of businesses and Curtis would
21 pick up people really as needed. So, on a given day, if I had to guess, 5 to 10
22 people on any given day.

23 Q. Okay. And where would he know these people?

24 A. We were — different — I worked with a group at certain buildings and
25 he would work with groups at certain buildings. So we were kind of spread out.

1 Q. Did he sometimes get people from the neighborhood?

2 A. He always got people from the neighborhood because Curtis believed
3 in going back into the neighborhood and helping people. That's what he did. That's
4 what he did.

5 Q. Would that be how he knew the Defendant?

6 A. More than likely that's how he got to — he got in touch with -- with him,
7 yes.

8 MR. BULSA: Thank you, ma'am.

9 THE COURT: Anything?

10 MS. LYALL: No, Your Honor.

11 THE COURT: Thank you. Ma'am, you may step down. Please,
12 be careful.

13 (Witness complied with the Court's request.)

14 MR. BULSA: Freddie Young.

15 (Brief pause while the witness is summoned.)

16 (The witness stepped forward to be sworn.)

17 (Whereupon,

18 Freddie Young

19 first being duly sworn, testified as follows:)

20 THE COURT: Sir, slide up just a little to that microphone and tell
21 us your name, please, and spell your last name for my court reporter.

22 THE WITNESS: Freddie Young, Y - O - U - N - G.

23 THE COURT: Thank you, sir. Solicitor?

24 MR. BULSA: Thank you, Your Honor.

25 Direct Examination by Mr. Bulsa:

11:23 A.m.

- 1 Q. Mr. Young, how old are you, Sir?
- 2 A. Fifty-three (53).
- 3 Q. Where do you currently live?
- 4 A. [REDACTED] (phonetic).
- 5 Q. Is that a hotel?
- 6 A. Yes, sir.
- 7 Q. And did you currently [sic] live at a hotel on church Street?
- 8 A. Yes, sir.
- 9 Q. Where did you formerly -- formerly live?
- 10 (No Response)
- 11 Q. Is that the one they tore down?
- 12 A. Yes, sir.
- 13 Q. What was that called?
- 14 A. Sunshine Inn.
- 15 Q. Sunshine Inn? And how long did you live there?
- 16 A. Probably about three to four months.
- 17 Q. Okay. And, sir, do you know a man by the name of Curtis Goldsmith?
- 18 A. No, sir.
- 19 Q. Do you know a man by the name of Roderick Wynn?
- 20 A. I just saw him briefly. I really didn't know him like that.
- 21 Q. Okay. So you knew who he was?
- 22 A. Just by seeing him, yeah, a face.
- 23 Q. And where did you see this person?
- 24 A. Well, he was just around the motel. And every once in a while I saw
- 25 him there.

1 Q. Okay. And what name did you know him by?

2 A. Rod (phonetic).

3 Q. Okay. And you knew him when you saw him?

4 A. No, I didn't know him. I mean, me and him got introduced to each
5 other. I mean, he, you know...

6 Q. But, if you saw him on the street, would you know his name? Would
7 you know who it is?

8 (No Response)

9 Q. Would you recognize him?

10 A. Yeah, if I saw him on the street from seeing him around the motel,
11 yeah.

12 Q. Okay. And do you remember the day something occurred at the
13 Money Tree last August?

14 A. Well, little incidents, right.

15 Q. Okay. This is the day a man died. Do you remember that day?

16 A. Yes, sir.

17 Q. Okay. Could you tell us what you were doing that day? That was
18 August the 14th, 2013.

19 A. Well, I was at the back side of the motel where the -- where the wood
20 fence is at in the motel. I was working on a car. And basically I just heard a
21 conversation, you know.

22 I don't know who it was. It was just two people walking up the alley.
23 And, I don't know, it's like, when I came around, went to my room, got my bicycle
24 and started out ----

25 Q. Let me stop you right there. The conversation you heard,

1 did you recognize one of the voices to be the Defendant's, Roger?

2 A. I heard a girl call his name and that was it. You know, I didn't actually
3 see him or the female. I just heard the conversation.

4 Q. Okay.

5 A. I didn't actually see anybody until I got around to the other side.

6 Q. Well, did you know the voices you heard?

7 A. Well, I had heard one of the voices and everything.

8 Q. Whose voice was it that you heard?

9 A. It was the female's voice that I heard, Megan or something like that;
10 that was her name.

11 Q. Okay. Did you know the man that she was speaking to?

12 A. No, not right off because I didn't see him. I mean, I just heard her, you
13 know, briefly talking to him and telling him don't do this and don't do that or
14 whatever.

15 Q. What kind of emotions did you hear between the two of them? How
16 did they appear to be talking about this?

17 A. I mean, I — I just heard the female just saying, you know,
18 basically, you know, just leave the situation alone or something like that.

19 I don't know what they was talking about. I just heard her say, "Just
20 leave the situation alone," or whatever.

21 Q. Okay.

22 A. And, then, it's like I kept continuously working on the car and
23 everything.

24 Q. Mr. Young, you actually met with the police, didn't you?

25 A. Yes, sir.

1 Q. You actually wrote a written statement yourself?

2 A. Right.

3 Q. With your own hand?

4 A. Right.

5 Q. And that would have been the day of the incident?

6 A. Right.

7 Q. Okay. And...

8 **(Brief pause while document is retrieved and shown to Ms. Lyall.)**

9 Q. Mr. Young, I want you to --- I'm going to hand you the statement and
10 just read over it to yourself and see if that refreshes your memory, okay?

11 **(Document handed to the witness.)**

12 **(Brief pause while witness examines document.)**

13 A. All right.

14 Q. Okay. You actually referenced in your statement the male voice; is
15 that right?

16 A. Right.

17 Q. And whose male voice was it?

18 A. We'll, obviously, it had to have been Roger that she was talking to
19 because, when I got around to the other side of the motel, after on the bicycle,
20 I mean, he was like in a confrontation with -- with, you know, the guy ---

21 Q. Okay.

22 A. --- that was there.

23 Q. All right. And, in your statement, did you reference his response to the
24 lady's pleading?

25 A. Well, I mean, I heard a conversation that, you know, she's

1 saying, "Leave the situation alone," and he said he was going to take care of
2 business or whatever.

3 Q. Okay. So she was -- and you actually use the word pleading, did you
4 not? The lady was pleading with the guy?

5 A. Right.

6 Q. And he insisted he was going to take care of business, right?

7 A. Right.

8 Q. And, then, you got your bike and went around to the parking lot?

9 A. Right.

10 Q. Okay. And what part of the Money Tree parking lot did you go to?

11 A. I was up in the upper end close to the highway when I first got around
12 there.

13 (Brief pause while documents retrieved and shown to Ms. Lyall.)

14 (Off-the-Record Comments)

15 Q. Now, you and I -- you met with me in my office, right?

16 A. Yes, sir.

17 Q. Remember we looked at some overhead pictures?

18 A. Correct.

19 Q. Show the parking lot and the surrounding buildings?

20 A. Right.

21 Q. Would you look at these exhibits, State's 1, 2, and 3.

22 (Exhibits handed to the witness.)

23 MR. BULSA: Your Honor, these are offered without objection, I
24 believe.

25 MS. LYALL: That's correct, Your Honor.

1 **THE COURT:** Without objection.

2 **(Whereupon, State's Exhibits Numbers 1, 2, and 3 were admitted**
3 **into evidence without objection.)**

4 **(Exhibits handed to the witness.)**

5 **Q.** (By Mr. Bulsa) Look at those while I set up this machine and see if
6 you recognize that area, okay?

7 **A.** Yes, sir.

8 **(Witness complied with the request.)**

9 **Q.** Okay. Do you recognize the area?

10 **A.** Yes, sir.

11 **Q.** If you would, I'm going to display these on this -- this screen, and you
12 need to remember to continue to speak loudly, okay?

13 **A.** Okay.

14 **Q.** State's Exhibit Number one ---

15 **(Brief pause while State's 1 placed on overhead.)**

16 **Q.** I'm going to hand you a pointer, Mr. Young. Do you see the red
17 button?

18 **A.** Right.

19 **Q.** Point to the motel where you would have been.

20 **(Witness complied with the request.)**

21 **A.** Well, I would have been right here (indicating).

22 **Q.** Okay.

23 **A.** That's the main highway. I would've been right here (indicating).

24 **Q.** And that's where you drove your -- rode your bike going to?

25 **A.** Right.

1 Q. Let's back up a minute, and using this picture, show the jury where you
2 would've been when you heard that conversation.

3 A. I would've been on this side of the motel right here (indicating).

4 Q. Okay.

5 A. That's where the wooden fence is at, right here (indicating).

6 Q. So the wooden fence is just off of the sidewalk?

7 A. Right. I mean, it's on this side of the sidewalk here (indicating).

8 Q. Okay. And, then, the voices you heard were walking in which
9 direction?

10 A. They were walking this way (indicating), up towards the Money Tree.

11 Q. All right. And where would you have gone to get your bicycle?

12 A. To the front side of the motel, on this side (indicating) over here
13 (indicating).

14 Q. Okay. So, on the picture on the right side of the building, and you
15 would've have ridden that down the sidewalk?

16 A. No.

17 Q. No?

18 A. No, because you can't go down the sidewalk. From here (indicating), I
19 went through the corridor and went to this side of the motel (indicating). And, then, I
20 went up this side (indicating) of the street ----

21 Q. Okay.

22 A. --- to right over here (indicating)..

23 Q. All right.

24 (Brief Pause while State's 2 placed on overhead.)

25 Q. State's Exhibit Number 2 is a closer view of the parking lot.

1 And whereabouts did you come in?

2 A. I came in from this area here (indicating),

3 Q. Okay.

4 A. Right up in here (indicating).

5 MR. BULSA: For the record, Your Honor, these are — State's 1
6 and 2 are pictures pulled from the Internet. They do not depict the day in
7 question of the incident location.

8 Q. (By Mr. Bulsa) And, then, State's 3, is sort of a street view looking
9 down the parking lot?

10 A. Right.

11 Q. Okay. Now, tell us what you observed.

12 A. I mean, when I got right here (indicating) from -- from this side of the
13 motel, when I started riding the bicycle, I got right up in here (indicating), I just saw
14 a confrontation that was going on here (indicating). And it appeared like they was
15 arguing or whatever.

16 And, then, it got into a — a physical confrontation where they was just,
17 I guess, fighting as you would say.

18 Q. Okay.

19 (Off-the-Record Comments)

20 Q. Did you see --- you referenced in your statement, who did you
21 reference throwing the first punch?

22 A. I mean, when I pulled up on the situation, they pretty much was
23 already engaged in as fight.

24 Q. Okay. But you write in your statement, sir, that "When I came
25 around the motel front, I saw Roger, the suspect, pull a punch at the victim

1 not him." (Phonetic).

2 A. Well, when I saw it, when I came around this side here (indicating), I
3 mean, both of them was out -- outside of the -- the vehicle. And the first punch I
4 saw was, you know, Roger.

5 I don't know if the guy threw a punch first or whatever. I'm just
6 saying what I saw when I came around the building.

7 Q. I understand that. But what you referenced in your report to the
8 police ----

9 A. Right.

10 Q. -- is that what you wrote?

11 A. Right.

12 Q. "I saw Roger pull a punch to the victim."

13 A. Right.

14 Q. And then you wrote, "They started to argue at that time."

15 A. Right.

16 Q. Right?

17 A. I mean, after they had a little fistfight, I mean, it's like they just started
18 verbally -- you know, a little verbal confrontation with each other. And, then, I guess,
19 it started back to fighting again.

20 Q. All right. And what did you do?

21 A. I mean, I sit and watched for a few minutes, but, then, I kind of like
22 rode closer and I just asked him what was going on, you know.

23 And the only thing I heard was like, you know, "He owes me some
24 money," and, you know, I just left the situation and went on.

25 Q. Who said that?

1 A. Well, Roger told me that the guy owed him some money.

2 Q. Okay. What was the victim doing in this fight?

3 A. I mean, he was basically fighting too.

4 Q. Okay.

5 A. Both of them was.

6 Q. Was he trying to cover-up and protect himself?

7 A. I mean, normally, naturally, I mean, if somebody is throwing a punches
8 at you, that's what you do.

9 Q. Do you need to reference your statement again, sir?

10 (No Response)

11 Q. Do you need to reference your statement again?

12 A. No. I mean, I'm — I'm just saying, I mean, usually, when people are
13 fighting, I mean, they're going to pretty much so try to defend themselves or be the
14 -- the aggressor or whichever one.

15 Q. "I saw Roger throwing punches to the victim's head and the victim was
16 trying to cover up." And, then, you actually addressed or spoke to Roger, didn't
17 you?

18 A. Well, I rode up ---

19 Q. Right.

20 A. --- on the situation ---

21 Q. Right.

22 A. --- and I asked him what was going on, you know.

23 And he just said the guy owed him some money.

24 Q. And ----

25 A. And that was the end of the conversation.

1 Q. Were you trying to stop him?

2 A. No. No, I really didn't have anything to do with it. I mean, I was just
3 trying to figure out what was going on, why they was fighting.

4 Q. You wrote in your statement that, "The guy responded that the victim
5 owed him money and that he was going to get his money." Is that what Roger told
6 you?

7 A. Well, he said he was going to get his money, yeah, uh-huh
8 (affirmative).

9 (Brief Pause)

10 Q. What caused Roger to stop hitting the victim?

11 (Brief Pause)

12 A. I really --- I really couldn't tell you what caused him to stop or whatever.
13 I mean, I don't know if it was just the conversation I had with him briefly or whatever
14 that maybe he thought about it, why he was doing this incident or whatever, but I
15 don't know; it continued.

16 Q. But it stopped after you confronted him?

17 A. Right, it stopped for a second.

18 Q. Then what happened?

19 A. I mean, him and the guy just kept verbally, you know, going at each
20 other that way. And, then, they started back fighting again.

21 Q. Okay. Where was the victim when he was getting hit?

22 A. I mean, he was ---

23 Q. Was he's standing up or on the ground?

24 A. He was standing up at first, but, then, he went to the ground.

25 Q. Okay. The victim went to the ground?

1 A. Yes, sir.

2 Q. Was the Defendant over the top of him?

3 A. I mean, yeah, he was -- they was down on the ground fighting, yeah. I
4 mean, I guess him being an older guy ---

5 Q. Who was getting the better of who in the fight?

6 A. Well, I -- from the way it looked to me,, I mean, not to say it that way,
7 but, I mean, it seemed like Roger had kind of the advantage, though, when he went
8 down on the ground.

9 I don't know if the guy lost his balance or whatever during the fight or if
10 he just got knocked out or whatever. But, I mean, when I approached them, like I
11 say, he was on top of him again and, when I said something to him, he got up.

12 Q. Okay.

13 A. He stopped.

14 Q. And, then, the victim got up?

15 A. Both of them got up.

16 Q. Roger got off the victim?

17 A. He got off of him.

18 Q. And the victim got up. And how was he acting, the victim?

19 A. I mean, he was still verbally -- you know, they was still having verbal
20 conversations at that time. And, then. it's just like, I don't know, they started back at
21 it again.

22 Q. You write in your statement that, "The victim was kind of woozy
23 when he stood up "?

24 A. Yeah. I mean, he was -- he was kind of dizzy.

25 Q. Okay. And did the Defendant strike him again after he got

1 up, after the victim got up?

2 A. I mean, when he got up off the ground, I mean, they started verbally
3 arguing with each other again and they kind of both kind of met each other.

4 And I just saw Roger pick him up and, you know, he slammed him
5 down to the ground pretty much so that was -- I figured that was pretty much so the
6 end of it then.

7 Q. You saw Roger pick up this older man and ---

8 A. I mean ----

9 Q. ---- slam him on the ground?

10 A. ---- when they was duking and everything, the guy was just throwing
11 punches I mean I guess; I don't know what he was trying to do. Then, he just
12 grabbed him by the legs and got him back down on the ground

13 Q. How many times did he do that?

14 A. I only saw it once.

15 Q. Okay. And when, if at all, did the victim hit the dumpster?

16 A. That was like the -- when he picked him up, you know. I guess his
17 head just hit or whatever when he picked him up because they started over near the
18 truck.

19 But, then, the conversation ended up over there near the dumpster.
20 And, when they started duking it out again, that's when he just grabbed him in the
21 legs and stuff and I guess his head just hit the trash can, I mean....

22 (Brief Pause)

23 Q. Okay. Where were you actually when you were watching this at that
24 point?

25 A. I was basically about right in this area here (indicating).

1 Q. Okay.

2 A. Because I was talking to people over in here (indicating). And -- and
3 there was people all around, all around this area here (indicating). So there were
4 several people in the area.

5 (Exhibit shown to witness)

6 Q. Do you recognize that?

7 (No Response)

8 Q. State's Exhibit 5?

9 A. Right.

10 MR. BULSA: Your Honor, this is being offered without objection
11 as well.

12 MS. LYALL: That's correct.

13 THE COURT: Without objection, it's admitted.

14 (Whereupon, State's Exhibit Number 5 was admitted without
15 objection.)

16 Q. (By Mr. Bulsa) Okay. So where would you have been in relation to
17 that vehicle when you were watching this going on?

18 A. About right over here (indicating).

19 Q. Okay.

20 A. But that vehicle wasn't that close to that trashcan. That vehicle was
21 over here (indicating).. I don't know how it got here, but it was over here (indicating),
22 close to a parking space.

23 Q. Was it in a parking space?

24 A. It was in a parking space right here (indicating).

25 Q. Okay.

1 A. That's why I say I don't know how it got right here (indicating) unless
2 the guy got in it and moved it backwards or whatever. I don't know. I was gone at
3 that particular time because after, you know, I saw him -- when he hit his head right
4 here (indicating), then, they got up and they continue arguing, I went ahead and left
5 on my bicycle and went down toward the north side.

6 Q. All right. What did the Defendant holler at you when he saw you
7 there?

8 A. What he hollered at me?

9 Q. Yes, sir. You wrote in your statement -- can you read the second
10 page?

11 A. Well, he said that the guy owed him some money. That's ---

12 Q. All right.

13 A. That was basically it.

14 Q. Let me refresh your memory with your statement.

15 **(Brief pause while the statement is retrieved by Mr. Bulsa.)**

16 Q. And after you said, "He fell up against the trash dumpster ---"

17 **(Brief Pause)**

18 A. Well, yeah. I mean he -- I mean, basically he was just telling him, you
19 know, that, you know, I guess while he was in the confrontation, to just call the
20 police or whatever because that's what he needed to do. And, whenever you get in
21 a confrontation with somebody, you obviously ----

22 Q. Wait a minute. This reads, "Roger then hollered, "Call the police
23 because that's what you do anyway," is that right?

24 A. No, not referring to me. I mean, he was talking to the -- the -- the
25 victim. He was telling him to call the police, not me.

1 Q. Okay. And what did Roger do, the Defendant?

2 A. I mean, they both got up and I guess the victim started walking toward
3 his car or whatever. And they had another little confrontation and I just saw him hit
4 him one last time.

5 And, I mean, he went down. I don't know if he got back up or
6 whatever. Like I say, I had already exited after I saw him hit him the last time. I left,
7 and when I came back, that's when everybody was telling me that the guy had died.

8 Q. So, when the victim was leaving to go back to his vehicle ---

9 A. They was still ---

10 Q. ---- the Defendant struck him again?

11 A. --- hit him in the face again.

12 Q. Struck him again?

13 A. Right. And they ----

14 Q. And he threw him on the ground again?

15 A. He turned around toward Roger and he said something. And I just
16 saw Roger hit him that last time. Then, he went down on the ground, but -- but,
17 when I left, had went down, like I say, toward the north side, I mean, he was up and
18 he was getting back into his vehicle. So, I didn't see anything else after that.

19 Q. And where did the Defendant go?

20 (No Response)

21 Q. Where did Roger go?

22 A. I --- I think he went toward the north side or whatever.

23 Q. The same direction you did?

24 A. Right.

25 Q. Okay. And when did you later learn that this was more serious

1 | than ----

2 | A. After I had went to a -- a soup kitchen and I was looking for
3 | somebody. When I rode back up, there was a guy that approached me down at the
4 | end of the apartment section and he said, "Hey, you was the guy that was on the
5 | bicycle and you saw everything. I'm just letting you know that guy died. And they're
6 | looking for the other guy that that did the beating," or whatever.

7 | I said, "Well, I hadn't saw him." I said, "When I left, I left on the bicycle
8 | and he was behind me going towards the school."

9 | Q. How did you come to go to the police station?

10 | A. Well, after I got back and everybody was crowded up at the Money
11 | Tree, there was a -- a lady officer who came over that said, "Was you riding a
12 | bicycle? " I said, "Yes, ma'am." And she was like, "Well, everybody say that you
13 | saw the incident," And, then, I was like, "Yeah, I did."

14 | And she was like, "Can you go downtown and make a statement?"
15 | And I said, "Well, I'll go down and write what I know of it, what I saw."

16 | Q. Well, you not only saw the incident, you heard the conversation before
17 | the incident ----

18 | A. Right, but like I said ----

19 | Q. — comments by Roger about getting some money?

20 | A. Right. I mean, just — I couldn't really visually see anybody between
21 | me and the fence, you know what I'm saying.

22 | Q. Yes, sir, I do. When you got ----

23 | A. I just heard the conversation.

24 | Q. Listen to me, when you got around the corner, at the end of the
25 | parking lot, is that when you realized it was Roger that you heard; Roger's

1 voice you heard talking to the female?

2 A. Right.

3 Q. Okay. And so you heard him talking to the female about getting his
4 money. And, then, you also --- Roger also told you yourself, while he was beating
5 the man, that he was going to get his money?

6 A. Right.

7 (Brief Pause)

8 Q. So you went to the police station --- department and gave your
9 statement?

10 A. True.

11 Q. What is your line of work, sir?

12 A. I'm a mechanic.

13 Q. Have you got your own business?

14 A. Yes, sir.

15 Q. How long have you been doing that?

16 A. About 23 -- 23 years or whatever.

17 Q. Did you happen to see where the girl was during this?

18 A. She was standing on the other side of the road. I mean, she didn't
19 even come into the parking lot. She was standing over closer to the church looking
20 over that way.

21 Q. And did you know her name?

22 A. I know her as Megan. That's --- I don't know her correct name; that's
23 all I know of her is Megan, a heavysset woman.

24 Q. You didn't know her full name?

25 A. No, sir.

1 Q. Is she a white lady or a black lady?

2 A. White.

3 Q. Did you see anybody else out there?

4 A. I mean, it was several -- several people out there. The parking lot was
5 basically full.

6 Q. Full of what?

7 A. Just people.

8 Q. People watching this?

9 A. Right.

10 Q. Okay. So, when you went to the police station, did you see any of
11 those people at the police station?

12 A. I mean, I saw a couple of the -- the girls that was -- was out there.

13 Q. Two -- two girls, Ms. Blanchard and Ms. Price?

14 A. Right.

15 Q. Anybody else from the people that you saw?

16 A. I mean, really, while the confrontation was going on, I mean, you just
17 look around; you know what I'm saying? It's not like you just pick somebody out
18 individually.

19 I just saw a crowd of people that was watching. And my thing was
20 everybody was seeing this, why did nobody get involved? You know what I'm
21 saying?

22 Q. But you actually tried to?

23 A. Well, I just asked what was going on because I thought that was the
24 proper thing to do. I just asked him what was going on to see if I could kind
25 of intervene or stop the situation or whatever before it escalated. But I didn't

1 know it was going that ----

2 Q. And your intervention sort of worked, right?

3 A. Sir?

4 Q. It sort of worked?

5 A. Well, it worked briefly at least, you know what I'm saying, before they
6 got back into a verbal confrontation or got back into the physical part of it.

7 Q. Right.

8 MR. BULSA: Thank you, sir.

9 THE COURT: Yes, ma'am?

10 MS. LYALL: Thank you, Your Honor.

11 **Cross Examination by Ms. Lyall:**

12 Q. Mr. Young, we've talked before, right?

13 A. Right.

14 Q. Okay. And I've asked you a few questions about what happened?

15 A. (Nods affirmatively.)

16 Q. Okay. I'm going to go over a little bit over what Mr. Bulsa just did, so
17 try to bear with me.

18 So you were on the other side of the fence from where you say that a
19 female and a male were walking up the Street?

20 A. True.

21 Q. And you said you don't know who those -- those people were; you
22 think it was a girl named Megan?

23 A. Right.

24 Q. Okay. And you're just assuming it was Mr. Wynn from what you saw
25 later?

1 A. Right.

2 Q. Okay. But you can't be sure because you don't know the voice; you
3 don't really know him, just kind of from around this area?

4 A. (Nods affirmatively.)

5 Q. You've got to answer out loud. Sorry.

6 A. True.

7 Q. Okay. Thank you. And, after you heard that conversation -- and when
8 we're talking about a fence, the picture is still up. It's a tall wooded fence. You can't
9 actually see over it if you're on one side or the other?

10 A. No.

11 Q. Okay. And you were on one side of that fence?

12 A. True.

13 Q. And, after you heard that conversation, you went down that parking lot
14 on that side of the fence to the other side of the motel?

15 A. I went through a corridor.

16 Q. Okay.

17 A. Where I was walking through was the corridor of the ----

18 Q. Okay. But you were still on this side of the fence (indicating)?

19 A. Right.

20 Q. And you went through a corridor to the other side of the motel?

21 A. True.

22 Q. So you couldn't see anything happening at the Money Tree when you
23 were on that other side of the ----

24 A. Yeah.

25 Q. ---- motel?

1 A. No.

2 Q. And you went into where you lived at that time?

3 A. True.

4 Q. And you got your bike, got ready for whatever you were going to do?

5 A. True.

6 Q. And you said you came out. About how long do you think that took
7 you?

8 A. Probably about five, ten (10) minutes.

9 Q. Okay. So, when you came out, you came out on the Asheville
10 Highway side?

11 A. True.

12 Q. And where this fight occurred, that's on the Magnolia Street side?

13 A. True.

14 Q. And, when you came around, you said you saw a fight occurring, but it
15 could have already been happening; you just saw a punch being thrown?

16 A. Right.

17 Q. But you're not sure when that fight started?

18 A. No, I didn't know when it got started.

19 Q. Okay.

20 A. I just come around while --

21 Q. While the fight is happening?

22 A. Right.

23 Q. Okay. So you're not sure who threw the first punch?

24 A. Right.

25 Q. You're not sure how the fight started?

1 A. No.

2 Q. Okay. You come around to see two middle-aged men fighting each
3 other?

4 A. True.

5 Q. And they're about the same size, right?

6 A. True

7 Q. Each 5'9" 175?

8 A. Around that.

9 Q. Okay. And you're still pretty far away so you can't hear -- you can
10 here, as you described to him, them yelling at each other, fussing with each other,
11 but you can't hear exactly what they're saying?

12 A. No.

13 Q. So you don't know what they were fighting about?

14 A. No.

15 Q. You just see two middle-aged man swinging at each other?

16 A. True.

17 Q. And, while they're swinging at each other, they're both getting punches
18 in?

19 A. True.

20 Q. And they're -- you said the car was parked closer to the middle?

21 A. Yes, ma'am.

22 Q. And they started fighting in the middle?

23 A. Right.

24 Q. Each punching each other standing up?

25 A. True, yeah.

1 Q. Did you see where they were punching each other; face, stomach, just
2 kind of wildly punching?

3 A. It was just wild.

4 Q. Okay.

5 A. I mean, they was just fighting.

6 Q. Just two man fighting?

7 A. Right.

8 Q. And, then, they punched --- pushed each other towards that garbage
9 can at some point?

10 A. I guess the fight started there, but it eventually ended up near the trash
11 can.

12 Q. Okay. Pushing each other ----

13 A. Right.

14 Q. ---- and stuff like that?

15 A. Yes, ma'am.

16 Q. And you said, at some point, you yelled over to them?

17 A. Well, I -- you know, me seeing Roger just briefly over at the motel, you
18 know, me and him just kind of talked. We didn't really know each other. I just asked
19 him what was going on.

20 Q. So you were concerned for him and the other man?

21 A. I was concerned for both of them because I didn't understand what --
22 what they was fighting about.

23 Q. Two middle-aged man fighting?

24 A. Yeah.

25 Q. Okay.

1 A. I just wanted to see if I could stop it, you know.

2 Q. And it wasn't that you were concerned for one or the other ---

3 A. No, no.

4 Q. --- you were just concerned two men were fighting in a parking lot?

5 A. I did know either one of them like that ---

6 Q. Yeah.

7 A. --- I just wanted them to resolve whatever issues they had and just
8 kind of ---

9 Q. Go their separate ways?

10 A. Right.

11 Q. You didn't want the police to come because two men were fighting?

12 A. I mean, I just figured that it was just like normal people, they had a
13 confrontation with each other. And I figured it would be resolved just really by a
14 verbal thing before it got to a physical thing.

15 Q. Okay. But you didn't ever ride your bike up to them, did you?

16 A. I rode past them.

17 Q. But you didn't -- while you were talking, you said you were in this part
18 (indicating) of the parking lot?

19 (Brief Pause)

20 A. No, I wasn't that far back. I had rode on up closer ---

21 Q. Like there (indicating)?

22 A. --- when I approach them about the fight.

23 Q. Okay.

24 A. I was pretty much up close of the vehicle itself.

25 Q. Okay. But, when -- did they just stop fighting and stand

1 there while you were talking to them?

2 A. I mean, he stopped ---

3 Q. But they were still arguing with each other?

4 A. They're still arguing, but he stopped ---

5 Q. And still tussling?

6 A. --- and just listened to what I was saying. And, then, I guess, they

7 just ----

8 Q. Okay.

9 A. The argument started back and, then, they started back again.

10 Q. But they didn't just stop and have a conversation with you?

11 A. No, they didn't just stop to have a conversation like that. I mean, they
12 was arguing with each other.

13 Q. Right.

14 A. I just asked him, you know, what was going on with the situation and
15 He stopped briefly.

16 Q. So he is semi-talking to you but still arguing with that ---

17 A. Right.

18 Q. --- with him? So some of what he's saying to you may have just been
19 that argument?

20 A. That's right.

21 Q. You know, he's arguing with ----

22 A. He's arguing with the guy.

23 Q. ---- Mr. Goldsmith and having to defend himself against punches.

24 He's not actually turning to you and talking?

25 A. No. I mean, they were still facing each other when I asked him ---

1 Q. He's not going to turn to you and get punched in the back of the neck?

2 A. I would hope not. I mean, I would hope not.

3 Q. Okay. So it's not -- some of what he said might not have been

4 interpreted correctly?

5 (Brief Pause)

6 A. Correct.

7 Q. Okay. Because he's in the midst of a fight?

8 A. Correct.

9 Q. Okay. And you said, at certain points -- you had said in your
10 statement that the victim had to cover up at one point?

11 (Brief Pause)

12 A. I mean, that's a natural thing.

13 Q. Right.

14 A. When you're fighting with somebody, you're going to cover up. If
15 somebody is getting the best of you or you're getting the best of them or whatever,
16 it's a natural ---

17 Q. So it would be natural if Mr. Wynn had to cover up at certain points?

18 A. I am sure he did.

19 Q. So, at each point, you saw one of them getting the best of the other?

20 A. True.

21 Q. Okay. So it wasn't that Mr. Wynn, during this whole fight, got the best
22 of Mr. Goldsmith and he was just getting a beat down?

23 A. No, it was pretty much even before he hit the trash can.

24 Q. Okay. So it was a even fight up until a punch made Mr. Goldsmith hit
25 the trash can?

1 A. Basically.

2 Q. And Mr. Wynn did not take Mr. Goldsmith by the throat and shoved
3 him into the trash can; it was a punch that he fell into the trash can is what you
4 testified to?

5 A. Right.

6 Q. Okay. So, up until the point where he hit the trash can, they're just
7 getting the best of each other, fighting like two individuals?

8 A. True.

9 Q. True? And Mr. Goldsmith accidentally hit this trash can during -- when
10 he fell from a punch?

11 A. True.

12 Q. Okay. And you have described to Mr. Balsa that Mr. Goldsmith -- and
13 you did this (indicating) -- he was punching -- he had turned to get back in his car,
14 he was walking away.

15 Then, something was said and he turned around and started punching
16 really fast. And so Mr. Wynn sort of grabbed him by his feet -- his knees and he
17 fell; is that accurate?

18 A. Yes, ma'am.

19 Q. Okay.

20 A. Because, when he started back to his vehicle, he got right at
21 his door. They were still in a -- I guess a argumental confrontation, and I -- I guess,
22 you know, when he just took the last swing or whatever, and I just saw him go down
23 to his knees after he hit him

24 Q. Okay. So the reason you left --- and we have discussed this earlier --
25 is because you saw the victim get back up, get in his car, close the door?

1 A. True.

2 Q. And the whole time, what you had seen, is two men ---

3 A. Just basically a normal fight.

4 Q. --- a normal fight?

5 A. And it was over with.

6 Q. It was over?

7 A. It was over. I left, then, I came back, and that's when they told me the
8 man had died.

9 Q. And what I had discussed with you is that what you saw -- you were a
10 main witness in this case -- I asked if you thought that this ---

11 MR. BULSA: Objection as to what he thought.

12 MS. LYALL: Okay.

13 THE COURT: Sustained.

14 Q. (By Ms. Lyall) Was this an intentional murder?

15 MR. BULSA: Objection, Your Honor. That's just another way of
16 asking that same question.

17 THE COURT: Sustained.

18 Q. (By Ms. Lyall) This entire time, this was a mutual fight?

19 A. True.

20 Q. Do you see it as anything other than that?

21 MR. BULSA: Objection, Your Honor.

22 THE COURT: Sustained.

23 (Brief Pause)

24 Q. (By Ms. Lyall) This was two men fighting?

25 A. True

1 MS. LYALL: Thank you.

2 Redirect Examination by Mr. Bulsa:

3 Q. Mr. Young, do you remember going to the police station and talking to
4 this man right here (indicating)?

5 A. Yes, sir.

6 Q. Investigator Porter?

7 A. Yes, sir.

8 Q. And you have your statement in front of you?

9 A. Yes, sir.

10 Q. And you can read it, can't you?

11 A. Yes, sir.

12 Q. Okay. It says the time the interview began is when?

13 A. 3:10 P.m.

14 Q. Okay. And the time it was completed?

15 A. 3:45 P.m.

16 Q. 3:45? Okay. So you're standing there talking to Mr. Porter for about
17 35 minutes; am I right?

18 A. True.

19 Q. And, then, he gave you these pieces of paper and it had -- handed it to
20 you and said, "Freddie, please write your statement out." Is that what you did?

21 A. Yes, sir.

22 Q. Okay. And, in this statement, do you at any time reference the victim
23 hitting the Defendant?

24 (Brief Pause)

25 A. No.

1 Q. Read over it.

2 (Brief Pause while the witness reviews document.)

3 A. No, no.

4 Q. You reference no -- no blows being thrown by the victim, do you?

5 A. No, sir.

6 Q. But you referenced the Defendant striking the victim on several
7 different occasions, don't you?

8 A. Yes, sir.

9 Q. "I saw Roger throw a punch at the victim."

10 "I saw Roger throwing punches to the victim's head. The victim was trying to cover
11 up." "Roger stopped hitting the victim and stood up. The victim was ---"

12 MS. LYALL: Objection. Is there a question?

13 MR. BULSA: Yes.

14 A. True.

15 Q. (By Mr. Balsa) Isn't that what your statement says?

16 A. Yes, sir.

17 Q. Okay. "Victim was kind a woozy when he stood up, then, Roger --
18 suspect threw one last punch to the victim's head."

19 A. True.

20 Q. So you referenced several times the Defendant striking the victim, but
21 you never referenced the victim striking the Defendant; is that right?

22 A. True.

23 Q. In fact, you only referenced the victim trying to cover up and protect
24 himself ----

25 A. I mean, I -- I wrote the statement ---

1 Q. ---- is that right?

2 A. True, true.

3 Q. And the statement is in your own written hand?

4 A. True. I wrote this statement, but, you know, I'm writing this statement
5 in reference to it being a fight, a confrontation between two guys. I mean, I'm just
6 saying because it was like -- the situation was -- was who was more or less the
7 aggressor or whatever in this fight.

8 I mean, when you got two people fighting, both people are going to be
9 throwing punches obviously.

10 Q. Mr. Young, in your own hand, you never said the victim threw a
11 punch, did you?

12 A. No, I didn't.

13 Q. And you're describing this as a flight?

14 A. A fight.

15 Q. But the man you said threw all the punches was the Defendant; is that
16 right?

17 A. True.

18 Q. Okay. Right?

19 A. True.

20 Q. And the conversation you heard behind the fence was about a man
21 getting his money?

22 A. True.

23 Q. And that's the exact same comment the Defendant made to you when
24 you asked him what was going on, right?

25 A. True.

1 (Brief Pause)

2 MR. BULSA: Thank you. That's all I have.

3 THE COURT: Anything?

4 Recross Examination by Ms. Lyall:

5 Q. You don't know Mr. Wynn ----

6 A. No, ma'am.

7 Q. ---- personally?

8 A. No, ma'am.

9 Q. And you have no reason to lie for him?

10 A. No.

11 MS. LYALL: Thank you

12 THE COURT: Sir, you may step down. Please, be careful.

13 (Witness complied with the Court's request.)

14 (Off-the-Record Comments)

15 THE COURT: Let me see the lawyers.

16 (Whereupon, a bench conference was had with all attorneys
17 present.)

18 MR. BULSA: Kerri Blanchard?

19 (Brief pause while the witness is summoned.)

20 (The witness stepped forward to be sworn.)

21 (Whereupon,

22 Kerri Blanchard

23 first being duly sworn, testified as follows:)

24 THE COURT: Ma'am, will you tell us your name and spell your
25 last name, please.

1 **THE WITNESS:** Kerri Blanchard, B - L - A - N - C - H - A - R - D.

2 **THE COURT:** Thank you. Solicitor?

3 **Direct Examination by Mr. Bulsa:**

12:01 P.m.

4 **Q.** Ms. Blanchard, tell us how old you are.

5 **A.** I'm 32.

6 **Q.** Where do you live?

7 **A.** Roebuck.

8 **Q.** With whom?

9 **A.** Mom and dad.

10 **Q.** And were you living there back in August of 2013?

11 **A.** No, sir.

12 **Q.** Where were you living back then?

13 **A.** Just from here to there, wherever.

14 **Q.** Okay. You didn't have a regular address?

15 **A.** (Shakes head negatively.)

16 **Q.** You have to answer "yes" or "no."

17 **A.** No, sir.

18 **Q.** Okay. And do you know the Defendant?

19 **A.** Yes.

20 **Q.** How do you know him?

21 **A.** He's been a good friend of mine for about 10 years.

22 **Q.** Ten (10) years?

23 **A.** Yes.

24 **Q.** Okay. And did you know the man that died ---

25 **A.** Yes, sir.

1 Q. ---- Curtis Goldsmith?

2 A. Yes, sir.

3 Q. By what name did you know him?

4 A. Curtis.

5 Q. How did you know him?

6 A. When I was living at the Fremont Apartments, he was the
7 maintenance manager.

8 Q. And how long were you at those apartments?

9 A. I lived there about — about a year and a half give or take.

10 Q. So you knew both of these men when you saw them on sight?

11 A. Uh-huh (affirmative).

12 Q. Do you remember the day Curtis died?

13 A. Yes, sir.

14 Q. You actually saw part of it, didn't you?

15 A. I didn't see nothing what happened. I was just, you know, trying to
16 help.

17 Q. You're the one that called 911, right?

18 A. Yes, sir.

19 Q. How is it that you came to call 911?

20 A. I seen what state he was in and I just thought I needed, you know, to
21 get him some help

22 Q. Okay. How did you happen to find him?

23 A. Sir?

24 Q. How did you find him at the parking lot at the Money Tree?

25 A. My friend, Roger, came and let me know they had been...

1 Q. Came and let you know what?

2 A. That he needed some help, that the man needed help.

3 Q. How -- tell us about that. How did he come to you?

4 A. He just walked to me on the sidewalk and said that Curtis had swung
5 at him and that he had hit him back. And that...

6 (Brief Pause)

7 A. And I went -- I walked with him to -- to the parking lot to check on him.

8 Q. He said more than that, didn't he?

9 A. He said that he had hit him, yeah.

10 Q. How hard?

11 A. Sir?

12 Q. How hard?

13 A. I don't recall.

14 (Brief Pause)

15 Q. He didn't tell you he hit him so hard that he can't move?

16 A. He said he wasn't, yes, sir. He said he wasn't moving.

17 Q. Okay. And where were you when he came and told you this?

18 A. I was walking up the sidewalk on Magnolia Street.

19 Q. Okay.

20 (Brief pause while exhibit placed on overhead.)

21 Q. States Exhibit Number 1, do you remember what --- can you look at
22 that and do you remember what you had been -- you would have been near;
23 whereabouts you would have been walking up Magnolia?

24 A. Yes. I was almost to the Money Tree parking lot, but...

25 (Off-the-Record Comments)

1 Q. You have to speak up, okay? The court reporter needs to hear you,
2 okay?

3 A. I was ----

4 Q. If you need to step down, you can step down, okay?

5 A. I was about -- wait a minute. Is this -- is this the motel?

6 Q. It used to be, yes, ma'am.

7 A. Okay. I was about around about here (indicating) — wait a minute.

8 Q. Were you able to see ----

9 A. I'm not sure where the parking lot begins, sir.

10 Q. Okay. Right here (indicating), this is the motel (indicating).

11 A. Uh-huh (affirmative).

12 Q. And here's the fence (indicating).

13 A. Okay.

14 Q. Okay. I believe there's a chain link (phonetic) right here (indicating).

15 A. Yes, sir.

16 Q. Where is —

17 A. Well I was - - -

18 Q. And this would be the Money Tree (indicating).

19 A. Okay. I would have been around about here (indicating) then.

20 Q. Okay. So you -- could you see into the Money Tree parking lot from
21 where you were?

22 A. No, sir.

23 Q. Okay. Was anybody walking with you?

24 A. Not on the same side with me, no, sir. There were people across the
25 street on the other side of the parking lot.

1 Q. Who were those folks?

2 A. I'm only really sure of one, and that was Katina Price.

3 Q. Katina Price?

4 A. Yes, sir.

5 Q. Okay. And you're walking towards the Money Tree and the Defendant
6 comes up to you?

7 A. Yes.

8 Q. Was he running or walking?

9 A. He was walking pretty fast.

10 Q. Walking pretty fast?

11 A. Yes.

12 Q. And he ran into you?

13 A. Uh-huh (affirmative).

14 Q. You weren't expecting to meet him, were you?

15 A. No, sir.

16 Q. And, then, what happened?

17 A. He just told me that Curtis had swung at him and that he hit him and
18 that he wasn't moving.

19 Q. And what did you do?

20 A. I walked back with him to the Money Tree parking lot to check on him.

21 Q. Okay. And what did you find?

22 A. I was — when I got there, he was still breathing, but he wasn't
23 breathing normally. I mean, his heart was beating extremely fast.

24 Q. Where was Curtis?

25 A. In his car.

1 Q. Okay.

2 (Brief Pause)

3 Q. Oh, it's right there in front of you. Is that the truck he was in?

4 A. Yes, sir.

5 Q. Okay. State's Exhibit Number 7, do you know — do you recall if the
6 door was open or closed?

7 A. The door was open.

8 Q. It was open?

9 A. Uh-huh (affirmative).

10 Q. Did you close it at any time?

11 A. No, sir — no, sir.

12 Q. Was the car running?

13 A. Yes, sir.

14 Q. So the car was running.

15 (Brief pause while exhibit placed on overhead.)

16 Q. And, in State's Exhibit Number 5, do you see that right there
17 (indicating)?

18 A. Yes, sir.

19 Q. Does that appear to be where it was positioned
20 when you came upon it?

21 A. Yes, sir.

22 Q. And how was Curtis seated in that car again?

23 A. He was in the driver's seat. And he was kind of — his head was down.

24 Q. And what did you do when you saw him like that?

25 A. I checked him. I kept listening to him breathing and I

1 checked his heart rate and pulse.

2 Q. All right. And, then, what did you do?

3 A. I dialed 911.

4 Q. Okay. And what did you tell 911?

5 A. That something had happened at Money Tree. I believed there was a
6 fight and that the ambulance needed to come.

7 Q. And, when you called 911, what did the Defendant do?

8 A. Well, after I called 911, he left (phonetic).

9 Q. Okay. Well, how did he leave?

10 A. Sir?

11 Q. How did he leave?

12 A. He —

13 Q. Did he run away?

14 A. Pretty much, yeah.

15 Q. So he ran off?

16 A. Yes, sir.

17 Q. Right?

18 A. But he did have something to do with me calling 911. He — he did ask
19 me to call them.

20 Q. In fact, you had to call 911 twice, didn't you?

21 A. Uh-huh (affirmative).

22 Q. The first time what did you tell them?

23 A. I told them that I really didn't know what was going on, but someone
24 just needed help.

25 Q. Right. And, then, you called back a second time?

1 A. Yes.

2 Q. Was that after Roger had ran away that you called back the second
3 time?

4 A. Yes, sir.

5 Q. And what did you tell 911 the second time?

6 A. That — I don't know, that it wasn't looking good. That Curtis — that
7 they needed to hurry up and get there.

8 Q. And that you did know what happened, right?

9 A. Yes — well, that I —

10 Q. And you, then, called it a fight?

11 A. Yes.

12 Q. But the first time, when Roger was with you, you didn't say there was
13 anything serious about it, anything that needed the police, right?

14 A. Well, I didn't ask for the police because I — the — they asked — they
15 told me that they were going to send the police.

16 Q. The first time you didn't talk — you didn't say anything about how he
17 might have gotten hurt?

18 A. No, sir. I was just trying to get the man help.

19 Q. You said that there might be somebody passed out in his car?

20 A. Right.

21 Q. But the second time you shared with 911 that it was actually an
22 assault, and it was more serious than you led on the first time?

23 A. Yes, sir.

24 Q. Is that right?

25 A. Yes, sir.

1 Q. Okay. The difference between those calls is the Defendant was with
2 you one time and not the second time ----

3 A. Okay.

4 Q. — right?

5 (No Response)

6 Q. Is that right?

7 A. I — I guess.

8 Q. You were there?

9 A. I don't — sir, I wasn't in my right mind.

10 Q. Why not?

11 A. I was using drugs myself. I just knew the man needed help. I mean,
12 regardless of whether he was there or he wasn't there, I was trying to get the man
13 help.

14 (Brief Pause)

15 Q. And how long did you say you've known the Defendant?

16 A. About ten (10) years.

17 Q. And he's a good friend of yours?

18 A. Yes, sir..

19 (Brief Pause)

20 Q. Did the Defendant tell you about Curtis owing him some money?

21 A. Yes, sir.

22 Q. Okay. And did he leave you to believe that's what the incident was
23 about?

24 A. Yes, sir.

25 (Brief Pause)

- 1 Q. I believe you actually turned the car off, didn't you?
- 2 A. Yes.
- 3 Q. And you waited there for the police?
- 4 A. Yes, sir.
- 5 Q. And you spoke with the police when they got there?
- 6 A. Yes, sir.
- 7 Q. And you actually went to the police department with them, right?
- 8 A. Yes, sir.
- 9 Q. And Ms. Price came into the parking lot too, right?
- 10 A. Yes, sir.
- 11 Q. Did she try to help as well?
- 12 A. Yes, sir.
- 13 Q. Who was it that helped try to assist EMS with reviving Mr. Goldsmith?
- 14 A. Me.
- 15 Q. That was you?
- 16 A. (Witness nods affirmatively.)
- 17 Q. Okay. So you were trying — you were squeezing the pump?
- 18 A. (Witness nods affirmatively.)
- 19 Q. Okay.
- 20 (Brief Pause)
- 21 Q. Between the time of this incident and the time that Mr. Wynn was
- 22 arrested, did you speak to him?
- 23 A. I don't — I don't think so. I think I tried to call his home a few times,
- 24 but I don't...
- 25 Q. You do know there was a four-day window?

1 A. Yes -- welll, whatever it was. I couldn't remember what it was.

2 Q. And there was a good time before he eventually was arrested?

3 A. Yes, sir.

4 MR. BULSA: Okay. Thank you, ma'am.

5 THE COURT: Yes, ma'am?

6 MS. LYALL: Thank you, Your Honor.

7 Cross Examination by Ms. Lyall:

8 Q. Hi, Ms. Blanchard.

9 A. Hi.

10 Q. We spoke before; you remember that?

11 A. Yes, ma'am.

12 Q. You said that you had heard some commotion up the road, but you
13 didn't see any of it?

14 A. No, ma'am.

15 Q. And all of a sudden Roger came walking past you. And, then, he
16 actually — the first time went back up the road?

17 A. I didn't hear the commotion until he had walked past me the first time.
18 And, then, turned around and went back to him. That's when I heard the
19 commotion, yes.

20 Q. Okay. And, then, he came walking back past you?

21 A. (Nods affirmatively.)

22 Q. And he told you, "Curtis swung at me"?

23 A. Yes, sir — Yes, ma'am..

24 Q. "And I hit him back and he's not moving"?

25 A. Yes, ma'am.

1 Q. And the two of you all walked back up to the Money Tree together
2 pretty fast?

3 A. Yes, ma'am.

4 Q. Because Mr. Wynn was upset at this point?

5 A. Yes.

6 Q. And you were concerned as well?

7 A. Yes, ma'am.

8 Q. So he took you right over to Mr. Goldsmith's vehicle; is that correct?

9 A. Yes, ma'am.

10 Q. And the two of you started checking for a pulse and trying to figure out
11 if he was okay?

12 A. Yes, ma'am.

13 Q. And the two of you did that together?

14 A. Yes, ma'am.

15 Q. And who --- you and Mr. Wynn together decided to call 911?

16 A. Yes, ma'am.

17 Q. And you all are actually the person that called 911?

18 A. Yes, ma'am.

19 Q. But Mr. Wynn was standing there with you?

20 A. Uh-huh (affirmative), yes, ma'am.

21 Q. And he wanted Mr. Goldsmith to get help?

22 A. Yes, ma'am.

23 Q. And the two of you together did what you could while you were
24 standing there?

25 A. Yes, ma'am.

1 Q. But you're not medical personnel obviously.

2 A. Right.

3 Q. And do you remember Mr. Wynn also --- you all discussed whether or

4 not you all could -- the two of you could take him to the hospital?

5 A. I can't recall that.

6 Q. But you all decided that calling 911 was a better idea?

7 A. Yes, ma'am.

8 Q. And between -- you all had to wait a long time for 911 to get there?

9 A. Yeah. I actually had to call them back a second time.

10 Q. And that's why you called them back a second time because they

11 weren't coming?

12 A. Yes, ma'am.

13 Q. And so you told them it was a more serious situation than when you

14 called the first time?

15 A. Yes, ma'am.

16 Q. The first time, you didn't want to give them your name or really get

17 involved?

18 A. No, ma'am.

19 Q. But you did want the man to get help?

20 A. Yes.

21 Q. You were very concerned about his situation?

22 A. Yes, ma'am.

23 Q. But, the second time 911 had not come, an ambulance had not come;

24 no one was arriving?

25 A. Right.

1 Q. So you decided you needed to give them more information and tell
2 them how serious it was?

3 A. Yes, ma'am.

4 Q. And, at that time, you did give them your name?

5 A. Yes, ma'am.

6 Q. You did tell them, "You need to come; this is very serious"?

7 A. Uh-huh (affirmative).

8 Q. And they did come at that point?

9 A. Yes, ma'am.

10 Q. And you stayed around?

11 A. Yes, ma'am.

12 Q. And you told them what you knew?

13 A. Yes.

14 Q. At that point, Mr. Wynn, he got scared and ran off?

15 A. Yes. He — he actually had left before I called the second time.

16 Q. Okay.

17 A. But he — he was there when I placed the first phone call.

18 Q. And he stayed to make sure that Mr. Goldsmith was going to get help?

19 A. Yes, ma'am..

20 Q. And you said that Mr. Wynn came down the side of the road where the
21 fence line goes around where Sunshine Suites was — Sunshine Inn?

22 A. Yes, ma'am.

23 Q. And that's where you were walking?

24 A. Yes, ma'am.

25 Q. And you saw him come down the road and walk next to you

1 and he talked to you?

2 A. Yes, ma'am.

3 Q. And, then, the two of you walked back up together and dealt with Mr.

4 Goldsmith?

5 A. Yes, ma'am.

6 Q. And you said across the street, on the other side of Magnolia, was

7 Katina Price?

8 A. Yes, ma'am.

9 Q. At any point, did you see Mr. Wynn cross the road and go talk to

10 Katina Price?

11 A. No, ma'am.

12 Q. At any point, did Katina Price join the two of you and go deal with Mr.

13 Goldsmith?

14 A. No, not — I really can't recall.

15 Q. So Ms. Price actually joined the crowd after Mr. Wynn had already

16 left?

17 A. Yes, ma'am.

18 Q. So you and Ms. Price were there together after Mr. Wynn had already

19 left and when 911 was en route?

20 A. Yes, ma'am.

21 Q. So you never saw Mr. Wynn talk to Katina Price?

22 A. No, ma'am.

23 Q. It would have been physically impossible for him to go talk to Katina

24 Price because he ran into you and the two of you went up together?

25 A. Yes, ma'am.

1 Q. Did you ever see Freddie Young there?

2 A. I don't recall — no, ma'am.

3 Q. And do you know him?

4 A. Yes, ma'am, I do.

5 Q. Okay.

6 A. I don't recall ----

7 Q. Did — did you see a lot of people there?

8 A. I don't know him like personally, but I've — I've seen him around, yes.

9 Q. Okay. But, Katina Price, you know her and you know where she was?

10 A. Yes, ma'am.

11 MS. LYALL: Thank you.

12 THE COURT: Solicitor, anything further?

13 MR. BULSA: Yes, sir.

14 Redirect Examination by Mr. Bulsa:

15 Q. Ms. Blanchard, I want to make sure the jury understands this that
16 you're telling us that Mr. Wynn actually came down Magnolia Street twice?

17 A. Yes, ma'am — I mean, sir.

18 Q. Okay.

19 (Brief Pause)

20 Q. And the first time he came by he didn't say anything to you?

21 A. No.

22 Q. But — but, when he walked past you the first time —

23 A. He walked a little past me and, then, turned around and went back.

24 Q. And went back?

25 A. Yes. And, then ---

1 Q. Okay. So where you --- where would you have been the first time?

2 A. More up towards Rich Street (phonetic) like.

3 Q. This is Rich Street (indicating).

4 A. Yeah, it would have been in that area.

5 Q. You would've been further down this way (indicating)?

6 A. Yeah.

7 Q. Okay. So he had come all the way down here (indicating), saw you,
8 walked past you, and went back this way (indicating)?

9 A. Yes.

10 Q. Okay. Did you see him go into the Money Tree parking lot?

11 A. No. At that time, I don't know if Curtis was in the parking lot. I don't
12 know what made him come around. I don't know any of that.

13 Q. Right.

14 A. I just know he had walked past me, he didn't say nothing, then, he
15 turned around and walked back in that direction.

16 Q. I understand. So you — so you don't know where he came from this
17 first time, do you?

18 A. No, sir.

19 Q. He just walked past you, turned, and, then, walked the opposite
20 direction?

21 A. Yes, sir.

22 Q. And I think you told the officer that that's when you — you used the
23 word "commotion," but in your statement you said you heard a scream or a noise
24 coming from the parking lot ---

25 A. Yeah.

1 Q. ---- and went to see ----

2 A. It wasn't like yelling, like you could tell someone was in — you know,
3 having a confrontation.

4 Q. I just wonder why you used the word "scream."

5 A. I don't know; I couldn't tell you.

6 Q. And it was after that is when Mr. Wynn came back down Magnolia?

7 A. Yes.

8 Q. And that's when he told you that he hit him so hard that he can't
9 move?

10 A. Yes.

11 Q. Okay. And, then, the both of you went back —

12 A. Yes, sir.

13 Q. — to check on him?

14 A. Yes, sir.

15 Q. But you stayed and he ran off?

16 A. Yes, sir.

17 Q. Okay.

18 (Brief Pause)

19 MR. BULSA: Thank you.

20 THE COURT: Anything?

21 MS. LYALL: Just one thing, Your Honor.

22 Recross Examination by Ms. Lyall:

23 Q. I know this is a little unpleasant, but you've been arrested before,
24 right?

25 A. Yes, ma'am.

1 Q. And that's — you have been arrested before for forgery?

2 A. Yes, ma'am.

3 Q. You been arrested before for unlawful neglect of a child?

4 A. Yes.

5 (Brief Pause)

6 MS. LYALL: I have nothing further.

7 THE COURT: Thank you, ma'am. You may step down. Please,
8 be careful.

9 THE WITNESS: Sir, may I say something?

10 THE COURT: No, ma'am. It's not in response to a question.
11 Please, step down.

12 (Witness complied with the Court's request.)

13 THE COURT: Is she excused or do you need her to stay?

14 MR. BULSA: I'd — I'd like her to stay.

15 THE COURT: Okay. You are not excused from your subpoena
16 ma'am, but you may have a seat in the back of the courtroom.

17 (Witness complied with the Court's request.)

18 THE COURT: All right, ladies and gentlemen ---

19 Mr. Foreman, ladies and gentlemen of the jury, it's a little after 12:00.
20 We try to break for lunch somewhere around 12:30, no later than 1:00 if
21 possible. And it's 12:20, so it's probably a good time to take a break.

22 I'm going to instruct you that you are not to begin deliberating about
23 this matter. You have not heard all of the evidence in this case. So don't
24 even consider it within your own mind.

25 I've had some people after juries ask me about that and ---

1 (Whereupon, a luncheon recess was taken from 12:21 p.m.until
2 1:34 p.m..)

3 (Off-the-Record Comments)

4 (Ms. Lyall steps out of the courtroom.)

5 (Brief Pause)

6 THE COURT: Everybody ready?

7 (Off-the-Record Discussion)

8 THE COURT: Ready everybody?

9 MR. BULSA: Yes, sir.

10 THE COURT: Okay.

11 (Off-the-Record Discussion)

12 (Whereupon, the jury was summoned and entered the courtroom
13 at 1:36 p.m.)

14 THE COURT: Mr. Foreman, is the jury okay? Need anything?

15 MR. JACKSON: We're good right now.

16 THE COURT: Anything is good? Okay. Thank you. All right.

17 Solicitor?

18 MR. BULSA: The State calls Katina Price.

19 (Brief pause while the witness is summoned
20 and entered the courtroom.)

21 (The witness stepped forward to be sworn.)

22 (Whereupon,

23 Katrina Price

24 first being duly sworn, testified as follows:)

25 THE COURT: Ms. Price, pull close to that microphone,

1 please, and tell us your full name and spell your last name for my court
2 reporter.

3 **THE WITNESS:** It's Katina Renée Price, P-R-I-C-E.

4 **THE COURT:** Okay. And you can move that microphone. There
5 you go. Thank you. Solicitor?

6 **Direct Examination by Mr. Bulsa:**

1:36 P.m.

7 **Q.** Ms. Price, I'm over here, okay?

8 **A.** Okay.

9 **Q.** Ma'am, how old are you?

10 **A.** Forty (40).

11 **Q.** And where do you live?

12 **A.** I live at — I'm presently in Una, but I've been staying at my mother's.

13 It's [REDACTED] (phonetic), Lyman, South Carolina.

14 **Q.** Okay. And, ma'am, do you know the Defendant, Mr. Wynn?

15 **A.** Yes, I do.

16 **Q.** How long have you known him?

17 **A.** Probably about seven (7) years.

18 **Q.** Do you consider him a friend?

19 **A.** Yeah, I do.

20 **Q.** Did you know Curtis Goldsmith?

21 **A.** Yes, sir., I did.

22 **Q.** How long have you known him?

23 **A.** About four (4) years.

24 **Q.** And where do you know Mr. Goldsmith from?

25 **A.** He used to be the maintenance guy at the Fremont building. I

1 had met him through my sister. She had knowed him and her ex-husband had
2 knowed him and everything. And I met him through him, Bruce Little (phonetic).

3 Q. You said at the Fremont building? That's the Fremont Apartments
4 down Magnolia Street?

5 A. Yes, sir.

6 Q. Right near the Money Tree?

7 A. Yes, sir.

8 Q. Were you there the day he died?

9 A. Yes, sir.

10 Q. That was August 14th, 2013.

11 A. Yes.

12 Q. Can you tell us what you remember about that incident?

13 A. That day me and a friend of mine, Kerri Blanchard, we was walking
14 coming up Magnolia towards the Money Tree on the — coming up from that way, it
15 would be on the left-hand side of the road.

16 And I heard Mr. Wynn, he was — he had been arguing. And he come
17 down through there and Kerri had went across the street. And she went over and
18 she had talked to him.

19 And he was pretty mad and everything, you know. And I really didn't
20 catch and caught what he was saying and everything. I didn't know who it was or if
21 it was actually him or somebody had just flared him up and everything like that just
22 got him started or what the deal was.

23 And Kerri had said some things. I guess she asked him what had
24 happened or whatever, and I heard him say, "I lit his ass up." I didn't know what he
25 was talking about, you know.

1 I figured that Roger done got into a fight, you know, or something like
2 that. I wasn't for sure because I didn't see nothing.

3 Q. Okay. But ----

4 A. And ----

5 Q. All right. But you were actually — you were across the street and he
6 was loud enough for you to hear that?

7 A. Yes, sir.

8 Q. Okay. Continue.

9 A. Me and — Kerri had already turned around and she was trying to calm
10 Roger down. And they went back up on the right-hand side of the sidewalk and
11 went around the fence because the motel was there. I don't know, if the fence is still
12 there, but you couldn't see into the Money Tree parking lot still.

13 Another female, by the name of Megan, had come down the
14 sidewalk and had met us right there. And she was also talking about stuff that she
15 had seen. And ----114

16 Q. Okay. You can't go into what she said, because that would be
17 hearsay, but what happened after you saw her?

18 A. I just know that, when I — when we walked on up and everything like
19 that, Kerri was standing on the opposite side of — of where Curtis' car was parked
20 in the parking lot. And Roger was on the same side with her. And they was talking.

21 I don't know really what was said or anything like that.

22 And she — all I know is that Roger went to talk to her and, I don't know, Roger --
23 Roger left right after that. He — he had left.

24 And ----

25 Q. How did he leave? Did he walk off or run off?

1 A. He — I seen him -- when I seen him leaving, he was — he was
2 walking. He was walking off.

3 And I still — I still didn't know what had happened, you know, or
4 anything else. And Kerri was looking at me. She said, "I think he's dead." I said,
5 "No, he ain't."

6 And I walked up to her and that's when I just — you know, I got
7 hysterical because he was — he was — his head was down like this (demonstrates)
8 and just he was drooling everywhere. There wasn't no response out of him or
9 nothing.

10 I could barely feel a pulse. It was very faint.

11 Q. Okay. And, then, what happened?

12 A. I'm not sure exactly what it was, but Kerri called 911 and someone
13 else did I think. She's out here now. And, when the ambulance come there, we
14 assisted them in trying to help them try to save him.

15 And after that, we — that's when the detectives and the investigators
16 and all come.

17 Q. Do you remember Mr. Wynn still being there when Ms. Blanchard
18 called 911?

19 A. I don't really recall. But I don't think so.

20 Q. You're not sure of the sequence as to when he left and when 911 was
21 called?

22 A. No, I don't know. Then, I hadn't seen Kerri pick up the phone. I —
23 and, when Kerri --- when I realized that Kerri was on the phone, he was nowhere
24 around.

25 (Brief Pause)

1 Q. Did you stay there until the police arrived?

2 A. Yes, sir.

3 Q. And did you speak to the police?

4 A. Yes, sir. We was took downtown to the City Police Department where
5 we all had to give written statements and interviews and stuff.

6 Q. Okay.

7 (Brief Pause)

8 MR. BULSA: Thank you, ma'am. That's all I have.

9 THE COURT: Yes, ma'am?

10 MS. LYALL: Thank you, Your Honor.

11 Cross Examination by Ms. Lyall:

12 Q. You didn't see any of the fight?

13 A. No, ma'am.

14 Q. So you don't know what happened?

15 A. No.

16 Q. And you don't know how Curtis got into his vehicle?

17 A. No.

18 Q. And, as you said, you were on the other side of Magnolia —

19 A. Yes.

20 Q. — when Mr. Wynn came walking down?

21 A. Yes.

22 Q. And Kerri Blanchard was on the same side with him?

23 A. No, she was on the side with me when Roger come down through
24 there. She was asking him what was wrong and he said the words, "I lit his ass up."
25 And Kerri and him was talking real low then because Kerri and him are

1 real good friends and she could always calm Roger down with anything ----

2 Q. And ----

3 A. ---- and he could do the same for her.

4 Q. ---- they were talking on the other side of of Magnolia?

5 A. Yeah, she went across to him, yes.

6 Q. Okay. And you said, from the other side of the street, you could hear
7 what they were saying?

8 A. I ---- I could ---- no, I didn't say I could hear. I heard them ---- you know,
9 they was talking and everything like that, which Roger was pretty well upset. He
10 wasn't talking low.

11 I don't know what she asked him, but undoubtedly she said or might
12 have asked him, what's ---- you know, what happened ----

13 Q. What happened?

14 A. Or what ---- you know, what was what. And Roger just ---- he spoke up
15 in a very loud voice. I mean, everybody could hear, "I lit his ass up."

16 Q. Would you say that Ms. Blanchard would be the best person to say
17 what he actually said?

18 A. Yes, ma'am. Because I can't say. I ---- that would be like me, you
19 know, just putting words and some hearsay because I did not hear what she asked
20 him; I just heard his response.

21 Q. Okay. Because she was the one actually with him?

22 A. Yes.

23 Q. And she's the one that actually walked up the street with him?

24 A. Yes.

25 Q. You stayed on the other side of the road?

1 A. Yes, me and the other lady, Megan.

2 Q. Okay.

3 A. We -- we continued to walk on up very slow. And, as I got into view, I
4 realized -- you know, I seen -- I still didn't know who it was yet. I didn't know it was
5 Curtis yet --

6 Q. But you weren't concerned enough to walk fast up the street with
7 them?

8 A. Well, we had -- no, at that point in time, I didn't really think nothing
9 about it. I know he was -- he was having some problems --

10 Q. Right. So ----

11 A. -- recently, Mr. Wynn was. So I -- I just figured he was being --

12 Q. Okay.

13 A. So, but ----

14 Q. So, you just continued to walk slowly, mind your own business?

15 A. Yeah. And, when I got on up through there, that's when I seen him on
16 the side of -- the way Curtis' car was parked. And I seen Curtis in there. And --

17 Q. So you don't know what Ms. Blanchard and Mr. Wynn did when they
18 they got on up there first?

19 A. No, I don't because I couldn't see that fence -- you can't see because
20 the --

21 Q. You can't see into the parking lot?

22 A. No, you can't.

23 Q. So you don't know what happened when they got there?

24 A. No, I don't.

25 Q. Are you aware that Ms. Blanchard called 911 twice?

1 A. She said afterward she did. I know she did call once, but I know there
2 were several other people that had called —

3 Q. But you're saying you found out afterwards she called 911 twice?

4 A. I know of one time. I didn't — I didn't know of twice.

5 Q. So you don't know, if the first time when she called 911, if Mr. Wynn
6 was sitting there with her?

7 A. No, he wasn't there. He wasn't right there with her the first time she
8 picked up the phone, no.

9 Q. Well, you said you don't know that she called tries, so you don't —

10 A. I don't know that she called twice. The first time she ever called, the
11 second time I don't know of. The first time I do know —

12 Q. How do you know if it was the first or the second time?

13 A. Because —

14 Q. You said you don't even know.

15 A. — she pulled the phone out of her pocket and the whole time, when I
16 seen her, she was never on the phone.

17 Q. You didn't see what was going on up the road. You just told everyone
18 that.

19 A. Okay, I'm telling you what —

20 Q. You have no idea if she called 911 the first time?

21 A. That was the first time she said she had called them. She told me in
22 the parking lot that was the first time she had called. I said, "Have you called
23 them?" She said, "I've done called them once."

24 Q. But you just told everyone you had no idea until afterwards that she
25 called twice?

1 A. No, you just told me that. You said she called twice. I don't know
2 about the second time. The first time that -- it came out of her mouth. She said, "I
3 called them once." She didn't say twice, she said once.

4 Q. So you only saw one?

5 A. Uh-huh (affirmative).

6 **(Brief Pause)**

7 Q. And you didn't see anything that happened when they walked up the
8 road?

9 A. (Shakes head negatively.)

10 Q. Ms. Price, you've gotten into a little bit of trouble before, haven't you?

11 A. Plenty.

12 Q. Plenty?

13 A. Uh-huh (affirmative).

14 Q. You've been convicted of trafficking cocaine?

15 A. Uh-huh (affirmative).

16 Q. Is that a "yes"?

17 A. Yes, ma'am.

18 Q. You've been convicted of possession of meth or cocaine base?

19 A. Yes, ma'am.

20 Q. You been convicted of financial transaction card fraud?

21 A. Yes, ma'am.

22 Q. Actually two times?

23 A. Yes, ma'am.

24 **(Brief Pause)**

25 MS. LYALL: I don't have any other question at this time.

1 THE COURT: Mr. Bulsa?

2 MR. BULSA: Just briefly.

3 Redirect Examination by Mr. Bulsa:

4 Q. Ms. Price, what was your state of mind when you saw Mr. Goldsmith in
5 the car?

6 A. Well, at first I thought he was dead. There was no movement or
7 nothing. When I felt the pulse, I knew then, and I figured — I just lost hope when I
8 felt the pulse because, when I felt it, the pulse was faint, I knew it wasn't much time.

9 I mean I've had experience. I used to work in a nursing home and all
10 and I pretty well know. I just didn't know whether --- I wanted to take him up — pick
11 him up, but, I mean, as little as I am compared to Mr. Goldsmith, there wasn't no
12 way.

13 I didn't know where to move him. I just --- I didn't know really what to
14 do because I just --- I was thinking all --- everything was running through my head.
15 If I move him, maybe there's going to be trouble, you know, or save him or --- I just
16 didn't know what to do.

17 Q. So, after you felt his pulse, your attention was pretty much on him?

18 A. Yes.

19 Q. And how long did you say you knew Mr. Wynn?

20 A. About seven (7) years --- seven (7), eight (8) years, around there.

21 MR. BULSA: Thank you, ma'am.

22 MS. LYALL: Nothing further, Your Honor.

23 THE COURT: Thank you, ma'am. You may step down. Please,
24 be careful.

25 (Witness complied with the Court's request.)

1 MR. BULSA: Joyce Brewton.

2 (Brief pause while the witness is summoned and steps into the
3 courtroom.)

4 (The witness stepped forward to be sworn.)

5 (Whereupon,

6 Joyce Brewton

7 first being duly sworn, testified as follows:)

8 (Off-the-Record Comments)

9 THE COURT: Ma'am, you can adjust that microphone anywhere
10 you'd like. Tell us your name and spell your last name, please.

11 THE WITNESS: Joyce Ann Brewton; Brewton, B-R--E-W-T-O- N.

12 THE COURT: Thank you. Solicitor?

13 Direct Examination by Mr. Bulsa:

1:53 P.m.

14 Q. Ms. Bruton, can you tell us how old you are?

15 A. Forty-three (43).

16 Q. And where do you live now?

17 A. [REDACTED] (phonetic), Spartanburg.

18 Q. Are you married?

19 A. No.

20 Q. Do you have any children?

21 A. Five (5).

22 Q. Do they still live with you?

23 A. I'm about to put two of them out this weekend. They're gone.

24 Q. Ms. Brewton, do you do use the Money Tree to pay your bills?

25 A. Yes, sir, I do.

1 Q. How does that work?

2 A. Excuse me?

3 Q. Do you just go in and give them money and they send it off to ----

4 A. Oh, no, I've got to take the bill to them.

5 Q. Okay. And how long have you been using their services?

6 A. Forever.

7 Q. So back in August of 2013, you would been using their ----

8 A. Yes, sir.

9 Q. ---- their services?

10 A. Uh-huh (affirmative).

11 Q. Now, on August 14, 2013, when you were coming out of the money

12 — actually, when you were going into the Money tree, did you notice something

13 happening in the parking lot?

14 A. Yeah. Some people was having an altercation down by the dump can.

15 Q. Okay. Did you tell who those persons were?

16 A. I wasn't really looking. I was going to pay my bills.

17 Q. You called it an altercation. What do you mean?

18 A. They were arguing, but I ain't — couldn't hear what they were saying.

19 Q. Okay. So you went on inside and about how long did it take you to pay
20 your bills?

21 A. Well, I always pick at the girl in the store, so it took me about a couple
22 of minutes because I'll be talking to her and stuff.

23 Q. Okay. When you came back out, what — what did you see?

24 A. They was fighting.

25 Q. The two men were fighting?

- 1 A. Uh-huh (affirmative).
- 2 Q. Okay. So you didn't actually see the beginning of any blows, did you?
- 3 A. No.
- 4 Q. You just saw the argument had turned into a fight?
- 5 A. No, I seen — I heard the argument when I went in, and when I came
6 out, they was fighting.
- 7 Q. All right. Okay. You don't know when the argument turned into a fist
8 fight?
- 9 A. I was in the store.
- 10 Q. Okay. All right. And what did you do when you saw the fight going
11 on?
- 12 A. Excuse my language. I said, "Damn, they fighting."
- 13 Q. Did you just sit there and watch it?
- 14 A. Yeah, for a few minute — well, I watched them until I got to the truck I
15 was in.
- 16 Q. Okay. So you drove the vehicle —
- 17 A. Nope, I didn't no vehicle; I was in that vehicle.
- 18 Q. Okay. Somebody drove you?
- 19 A. Uh-huh (affirmative).
- 20 Q. Okay. And I think that person was waiting in the parking lot for you?
- 21 A. Yes, sir, he was.
- 22 Q. So you walked to where your ride was?
- 23 A. Uh-huh (affirmative).
- 24 Q. Okay. At any time did you realize who the two men were?
- 25 A. I didn't know one of the men, but I knew Roger.

1 Q. Okay. You knew Roger?

2 A. Yeah.

3 Q. Was he the younger of the two?

4 A. Say what?

5 Q. Did he appear to be the younger of the two men?

6 A. I don't know.

7 Q. You don't know? Okay. What was Roger doing when you saw him?

8 A. Fighting.

9 Q. How? Can you describe what he was doing?

10 A. When I came back to the car, I looked and I said, "They fighting." I
11 seen whoever the other person swing and he whooped his ass — whooped him; I
12 mean, jumped on him, Roger.

13 Q. Roger jumped on the other guy?

14 A. I mean, I seen the other guy hit him and he hit him back. They was,
15 you know....

16 Q. Did you see either one of them on the ground?

17 A. No.

18 (Brief Pause)

19 Q. What was going on when you left the parking lot?

20 A. Well, I don't know. I don't know.

21 I had told one of the girls, I said, "You all need to call the police because I think the
22 man dead." She said, "How do you know?" I said, "I've watched enough CSI to
23 know."

24 And he was. I mean — and I called in the store and told the girl there. I
25 said, "You need to call the police because I think the man is dead." But she said, "I

1 can't see it from the camera (phonetic) store. So I guess she called and Officer
2 Porter called me on coming up to the store.

3 Q. So the — the people inside could not see --- were in no position to see
4 what was happening outside?

5 A. No, she was behind glass.

6 Q. Okay. Okay. So what caused you to call in and tell them to check on
7 whether he was dead or not?

8 A. Because he was — after he was fighting, then he went back and fell in
9 the car and just did like this ((demonstrating), slumped down. And I told the girl that
10 was out there, on the other side of the car, when he got in the car, I said, "He looks
11 dead to me." And that's what it was.

12 Q. Okay.

13 (Brief Pause)

14 Q. Did you see anybody else out there that might've seen what was going
15 on?

16 A. Yeah, there was three white girls.

17 Q. Did you know any of them?

18 A. I knew one of them.

19 Q. Which one?

20 A. I think her name is Mindy (phonetic).

21 She go with my niece baby daddy. But I haven't seen her since then.

22 Q. Okay.

23 (Brief Pause)

24 Q. Now, you left and called the Money Tree and told them they needed to
25 check on him?

1 A. No, I didn't leave. I was talking to her -- I was still at the store when I
2 called her. I got down by -- in front of the truck and I called her in the store.

3 Q. So did you leave out the -- the exit of the driveway from the parking lot
4 where the car was?

5 A. Uh-huh (affirmative).

6 Q. Okay. So you drove past him and saw how he was?

7 A. Uh-huh (affirmative). I was like --- well, when he was -- he was pulling
8 out, we was right here (indicating) and they was right there (indicating) by the
9 garbage can. And he was slumped over.

10 Q. What happened to Roger?

11 **(Brief Pause)**

12 A. I don't know. I left.

13 Q. Was he still there when you left?

14 A. Yes.

15 Q. He was?

16 A. Yes.

17 Q. Was he doing anything?

18 A. Yeah, he was talking about the man, he was over him. Him and the
19 other girl was over there by the man that was slumped over in the car. And he was
20 like, "I knocked him out. He all right. He all right." And I kept saying, you know,
21 "That man dead."

22 Then, we left. And, then, about ten minutes later, the girl from the
23 store called. She said she gave the police -- she said, "I gave the police your
24 phone number."

25 And I said, "Why the hell did you do that for?" She

1 said, "They want to talk to you." I said, "I ain't getting into that stuff." And I came
2 back up to the store and him (indicating) and some other officers were there and I
3 told them the exact same thing. "I ain't got nothing to do with it."

4 Q. And you didn't want to be involved?

5 A. No, because it wasn't my business

6 Q. Okay. And you didn't write a written statement?

7 A. Sure didn't.

8 Q. Okay. And you did not know the man that you saw in the truck?

9 A. Huh-uh (negative).

10 Q. But you knew Roger. How well did you know Roger?

11 A. I went to school with him. He used to cut my kids' hair.

12 (Brief Pause)

13 Q. Just so that the jury understands, you're telling us there was a girl
14 nearby when you were driving past the truck?

15 A. Yeah.

16 Q. And what was her name?

17 A. I don't know her name. I ain't -- I didn't know -- I've never seen that
18 girl until that -- until that day of the incident.

19 Q. Okay. Now, you've been outside in the lobby with these women.

20 A. And that's -- that's the girl that I was telling to call the police.

21 Q. So one of the girls out there is the one that you saw ----

22 A. Yeah.

23 Q. ---- up at the truck? Okay.

24 A. And, as we was pulling out, the other one with the curly hair, her and
25 another girl was on the other side by the church.

1 Q. Okay. Did you happen to catch the name —

2 A. No, I didn't ----

3 Q. — of the girl on the other side?

4 A. No.

5 Q. Okay.

6 (Brief Pause)

7 Q. All right.

8 (Brief Pause)

9 MR. BULSA: Thank you, Ms. Brewton. That's all I have.

10 THE COURT: Yes, ma'am?

11 MS. LYALL: Thank you, Your Honor.

12 Cross Examination by Ms. Lyall:

13 Q. Ms. Brewton, I'll try and keep this short. So, when you went in the
14 store, you could just hear some men arguing?

15 A. Yeah.

16 Q. And, when you came out the store, you saw two men fighting?

17 A. Yes.

18 Q. And you didn't really notice anything about them other than you said
19 later you realized you knew one of them because they used to cut your
20 children's hair?

21 A. Uh-huh (affirmative).

22 Q. And you said it was just basically two men fighting?

23 A. Fighting, like (demonstrating) back and forth fighting.

24 Q. Back and forth fighting? And you didn't call the police at that time
25 because it was just two men fighting?

1 A. I didn't call the police period.

2 Q. Okay.

3 A. I told the girl in the Money Tree to do it.

4 Q. Okay. And, at the end of it, you said you thought the guy was dead
5 because he's slumped over in his car?

6 A. Uh-huh (affirmative).

7 Q. But, before that, there was nothing out of the ordinary; just two men
8 fighting?

9 A. That's it.

10 Q. And that's all you saw?

11 A. That's all.

12 Q. And, then, at the end, when the man was slumped over in the car, you
13 saw one of those ladies outside?

14 A. Yeah.

15 Q. And Mr. Wynn over at his car kind of messing saround with him?

16 A. Yeah.

17 Q. Maybe trying to see if he was okay?

18 A. Yeah, because he was like, "Get up, man, get up. He all right. I just
19 knocked him out," because they was fighting.

20 Q. Okay. And, you know, trying to wake him up to see if he's all right;
21 maybe checking his pulse or something like that?

22 A. I don't -- I haven't been to medical school. I didn't say that. I just said
23 he was over by him.

24 Q. Okay. And, then, you told them to call 911 and —

25 A. I told the girl

1 Q. You told the girl to call 911?

2 A. Uh-huh (affirmative).

3 Q. And you don't know what they did at that point?

4 A. I didn't care.

5 Q. But Mr. Wynn was still there at that point?

6 A. Yeah, he was there when we pulled off.

7 Q. Okay. And you didn't — you never saw him on the ground?

8 A. Who?

9 Q. Either of them?

10 A. No, huh-uh (negative).

11 Q. No? Just two men fighting?

12 A. (Nods affirmatively.)

13 MS. LYALL: Your Honor, I don't have any other questions.

14 Redirect Examination by Mr. Bulsa:

15 Q. Did you hear Roger say anything?

16 A. Like what?

17 Q. When you were driving by, did he say anything to the girls?

18 A. If he did, I didn't hear it. He probably — I think he told them to move,
19 the other two girls across the street. I can't remember; it was so long ago. But he — I
20 think he might have told them to go across the street or something or leave or
21 something.

22 But I know one of the girls stayed over there was messing with the
23 phone calling the police — I mean, the rescue squad.

24 Q. You saw Roger talking to the other ones telling them go leave?

25 A. To go across the street or move or something. I can't

1 remember. But I know it was the man that was fighting him, two more — three more
2 white girls.

3 But, when everything was going on, two was across the street. When I
4 pulled out, they were standing right in front of the church. And the other girl was — I
5 guess she was on the phone calling the emergency squad.

6 Q. How was the victim, the man in the truck, able to get away from him?

7 A. They was struggling (phonetic) and, then, they broke loose. I guess it
8 was over. He just walked on and got in his car and sat down.

9 Q. Okay. Are you telling us at that point Roger stayed there?

10 A. Yeah, he didn't leave. He went up —

11 Q. He didn't — he didn't walk down the street and come back?

12 A. If he did, I didn't see him leave. But he didn't — he was there when I
13 left.

14 Q. And the other girl was there also?

15 A. Yeah, and the two was across the street.

16 MR. BULSA: Okay. Thank you.

17 THE COURT: Ma'am, you may step down. Please, be careful.

18 (Witness complied with the Court's request.)

19 MR. BULSA: I ask that she be excused.

20 THE COURT: Any objection?

21 MS. LYALL: No, Your Honor.

22 THE COURT: Ma'am, you may stay or go. You — you're
23 excused.

24 (Off-the-Record Comments)

25 (The witness stepped forward to be sworn.)

1 (Whereupon,

2 **Officer Chris Banks**

3 first being duly sworn, testified as follows:)

4 **THE COURT:** Officer, tell us who you are and spell your last
5 name, please.

6 **THE WITNESS:** My name is Christopher Banks,
7 B - A - N - K - S.

8 **THE COURT:** Thank you. Solicitor?

9 **Direct Examination by Mr. Bulsa:**

2:04 P.m.

10 **Q.** You work for whom?

11 **A.** For the City of Spartanburg Police Department.

12 **Q.** How long have you been with the police department?

13 **A.** I was hired October, 1988

14 **Q.** So almost 26 years?

15 **A.** Twenty-six (26) years, yes, sir.

16 **Q.** Okay. And back in August of 2013, what were your duties?

17 **A.** Well, I've currently been assigned since '09 to the investigation
18 division, burglary task force. At that time I was motor officer in the area.

19 **Q.** You were a what officer in the area?

20 **A.** A motorcycle officer.

21 **Q.** Okay. And, on August 14th of 2013, did you go to the Money Tree after
22 this incident?

23 **A.** Yes, I did.

24 **Q.** On a motorcycle?

25 **A.** Yes, I did.

1 Q. Okay. And just for the record, the Money Tree, that's located within
2 the City of Spartanburg, is that right?

3 A. Yes, it's on North Church Street.

4 Q. Okay. And what was taking place when you arrived?

5 A. When I pulled up, there was just several officers in the parking lot, an
6 assault had occurred.

7 The last I heard, the suspect ran towards the Fremont School
8 Apartments (phonetic) on Magnolia Street. I left that area and went towards the
9 apartments.

10 Q. Okay. And did you assist in trying to locate this person?

11 A. Yes, I did. Several minutes later, I was informed on the radio that a
12 possible location of the suspect's girlfriend was at 700 West Main Street., which is
13 Main Street Motel, room number I believe 29.

14 Q. Where is that? Does that motel still exist?

15 A. Yes, it is. It's pretty much right at the corner of Baltimore and West
16 Main Street.

17 Q. So that's not the Sunshine Inn; that's been destroyed?

18 A. Yeah..

19 Q. Okay. So did you go to that motel looking for Mr. Wynn?

20 A. Yes. At that time, I located a female in room number
21 29.

22 (Brief Pause)

23 A. A Gina Blackston (phonetic).

24 Q. Okay. And did you speak with Ms. Blackston?

25 A. Yes, I did.

1 Q. Was the Defendant there?

2 A. No, he was not. Ms. Blackston did inform me, though, that she had
3 talked to him on the phone and he had requested her to get him a cab.

4 Q. Okay. And did you — what happened after she told you that?

5 A. After several minutes, her phone rang again. She started talking to a
6 person that she said was Mr. Roderrick Wynn. And I asked her to ask him just a
7 few questions.

8 At that time, he wouldn't talk to her where he was located, so I got on
9 the phone and asked him if he would come talk to me in person at the apartment ---
10 at the motel.

11 Q. And was that the person you were looking for?

12 A. Yes, it was, the name was.

13 Q. Okay. And did he identify you on the phone as being Roderick Wynn?

14 A. Yes, he did.

15 Q. And where did you tell him to meet you?

16 A. At the Main Street Motel where he had been staying with her.

17 Q. Did he acknowledge that he would do so?

18 A. Yes. He said he would respond to my location. And that was around
19 1:10 in the afternoon p.m. And I did not leave the motel room until approximately
20 3:45 in the p.m. the same day.

21 Q. And he did not -----

22 A. He did not show up.

23 Q. What did you do when he didn't --- well ,why did you leave at that
24 point?

25 A. Ms. Blackston was taken to City Hall to talk to investigation

1 then. And we assumed that he would not show up so we left then.

2 Q. Okay. And did you continue to assist in trying to locate him?

3 A. Yes, until my shift was over.

4 Q. Okay. And, at any time, was he found at that —

5 A. Not to my knowledge, not --- not by 5 o'clock.

6 MR. BULSA: Okay. All right. Thank you, Officer Banks.

7 THE COURT: Yes, ma'am?

8 MS. LYALL: Thank you, Your Honor.

9 Cross Examination by Ms. Lyall:

10 Q. Mr. Banks, you talked about the conversation you had with Mr. Wynn
11 on the telephone?

12 A. Yes.

13 Q. And you actually were not honest with him, were you?

14 A. No, I was not.

15 Q. And you told him you wanted to talk to him about a dispute with his
16 girlfriend?

17 (Brief Pause)

18 A. You said earlier you didn't want us to discuss his prior incidences.

19 Q. Well, I'm asking specifically about this.

20 A. Okay, yes.

21 Q. You wanted — you were calling from his girlfriend's phone?

22 A. No, he called her.

23 Q. Well, you were talking to him on —

24 A. Yes.

25 Q. — his girlfriend's phone. And you asked him about a dispute

1 with his girlfriend?

2 A. Yes. At the time, we used a ploy to try to get him to show up at my
3 location.

4 Q. You wanted him to come talk to you, at his girlfriend's house ----

5 A. Yes.

6 Q. --- about a dispute with his girlfriend?

7 A. Yes.

8 Q. Why weren't you just honest with him?

9 A. At the time, we assumed that he was in flight from this incident that
10 had occurred.

11 Q. You wanted him to come to a place where he was fighting with his
12 girlfriend and talk to him about that when he has just gotten into a fight with a man?

13 A. Yes.

14 Q. Why do you think he would come talk to you about that? Why do you
15 think he would be interested in talking with you about a dispute with his girlfriend?

16 A. It's just a ploy that I tried to apply at the time.

17 Q. Maybe he would've come if you had been honest with him and said,
18 "We need to talk with you about a fight you've had with a man."

19 A. Well, I gave the phone number that he called from to investigations
20 and they tried to call him and he wouldn't answer after that.

21 (Brief Pause)

22 Q. No one actually talked to him about this. You have him on the
23 phone -----

24 A. Uh-huh (affirmative).

25 Q. ----- and you decided to lie to him?

1 A. Yes.

2 Q. And to tell him, "We want to talk to you about a dispute you've had with
3 your girlfriend. Come to your girlfriend's house and let's figure this out"?

4 A. Yes.

5 Q. I certainly wouldn't come either.

6 A. I'm sorry.

7 Q. What makes you think he would come to talk to you about that at a
8 time like this?

9 A. At the time, I knew, if he knew I knew what happened at the other
10 location, he definitely wouldn't come. So I thought, since he had already been in
11 reference to this other case, I would be able to try to use that.

12 (Brief Pause)

13 Q. But you never once told him you wanted to talk to him about this
14 incident?

15 A. No.

16 Q. So you never gave him the chance to come talk to you about this
17 incident?

18 A. I just said I used a ploy to talk to him about something else and he
19 refused to come to me about that.

20 Q. So he never refused to come talk to you about this incident; he
21 refused to come talk to you about an incident with his girlfriend?

22 A. That had already occurred, yes.

23 MS. LYALL: Thank you. I have no other questions.

24 THE COURT: Mr. Bulsa?

25 Redirect Examination by Mr. Bulsa:

1 Q. And he actually agreed to come over, didn't he?

2 A. Yes, he did.

3 Q. And he did not?

4 A. No, he did not. He'd already been arrested for the other charge. He
5 had nothing to worry about coming in for that.

6 Q. So he agreed to come, but, then, he didn't?

7 A. No, he did not.

8 MR. BULSA: Thank you.

9 THE COURT: Thank you, officer. You may step down. Please,
10 be careful.

11 (Witness complied with the Court's request.)

12 MR. BULSA: The State calls Russell Porter.

13 (The witness stepped forward to be sworn.)

14 (Whereupon,

15 Investigator Russell Porter

16 first being duly sworn, testified as follows:)

17 THE COURT: Officer, tell us your name and spell your
18 last name, please.

19 THE WITNESS: Russell Porter, P-O-R-T-E-R.

20 THE COURT: Thank you. Solicitor?

21 Direct Examination by Mr. Bulsa:

22 Q. Officer Porter, who are you employed with?

23 A. I'm employed with the Spartanburg City Police Department.

24 Q. How long have you been with the police department?

25 A. This May it'll be twenty — 22 years.

1 Q. Back in August of last year, what were your duties?

2 A. I was a criminal investigator.

3 Q. How long had you been an investigator?

4 A. Fourteen (14) years.

5 Q. Were you the lead investigator in this case?

6 A. I was.

7 Q. Did you respond to the scene?

8 A. I did.

9 Q. At the time of the incident?

10 A. At the time — just shortly after the incident occurred, yes.

11 Q. And what was taking place at that point?

12 A. Once I arrived on scene, of course, the ambulance had been there.

13 The scene was already secured by other officers, you know, established the crime
14 scene. And witnesses were being, you know, gathered or rounded up to talk to.

15 Q. Okay. When you arrived, did there seem to be a lot of other
16 individuals around, bystanders?

17 A. Yes. At that time, the hotel was out there, the store was open. Just
18 general people walking up and down, you know, the streets.

19 Q. And how did you go about trying to identify witnesses?

20 A. Some of the witnesses were pointed out to me
21 by patrol officers. Some actually just walked to me and talked to me.

22 And the store itself, you know, there were a couple of ladies from the
23 actual store itself as well.

24 Q. So how did you find Ms. Brewton?

25 A. The employee in the store told me that she had been by

1 and had known Ms. Brewton for several years. So I -- I gave her a call.

2 Q. And she came down and spoke with you?

3 A. Yes, that's correct.

4 Q. But didn't want to write anything down?

5 A. That's correct.

6 Q. In fact, she was kind of colorful in her interview with you, was she not?

7 A. She was.

8 Q. Okay. And how did you find Mr. Young?

9 A. Mr. Young was on -- on a bicycle. One of the patrol officers had made
10 a note that he had came by or was seen there. And somebody pointed him out and
11 gave his name. And I located him.

12 Q. Okay. And he came down to the police station that day?

13 A. Yes, he did.

14 Q. And gave his statement?

15 A. He did.

16 Q. And we've got the two ladies that were Ms. Price and Ms. Blanchard?

17 A. That's correct.

18 Q. Okay. Did you identify or locate the lady by the name of Megan I think
19 whose name was mentioned?

20 A. Megan? I don't think I talked to a Megan.

21 Q. You remember Ms. Price said that there was a Megan ----

22 A. Right.

23 Q. ---- that met up with her?

24 A. Right.

25 Q. Okay. But you weren't able to find anybody by that name?

1 A. That's correct.

2 Q. Okay. It doesn't mean she doesn't exist; it just means you couldn't
3 find her?

4 A. That's correct.

5 Q. To your knowledge, is that common in these investigations, people
6 don't want to get involved?

7 A. That's — that's correct. They don't want to get involved.

8 Q. Okay. I believe we saw a little bit of that today here in court, right?

9 A. That's correct.

10 Q. What efforts were made to try to find Mr. Wynn?

11 A. On the initial — the initial day of the incident, a K-9, a couple of tactical
12 officers, we received information that he had fled from the scene and went across
13 the street to the Magnolia Street Townhome Apartments (phonetic).

14 He had a prior address at 620 Magnolia Street (phonetic), which were
15 apartments. So the K-9 guys and a couple of tactical guys actually went to that
16 apartment, surrounded it, and we began to search it. And they actually used a K-9
17 to try pick up a scent and, then, try to track the north side (phonetic) area.

18 Q. Were they successful?

19 A. They were not.

20 Q. Okay. What other efforts were made to try to locate him?

21 A. Information put in the media, flyers were made up with just a picture
22 and information on it. And, as Officer Banks stated, we were actually passing out
23 flyers; you know, going to different areas passing out flyers, wanted posters, as I
24 say, with his information on it.

25 Q. Did you try — try to locate family members that might know

1 where he is?

2 A. Yes. The only family members that we could find was his mother by
3 accident. I didn't talk to her about what -- what was going on, but just was aware
4 that he had a mother.

5 Q. Did you put out information that you were looking for him?

6 A. Yes.

7 Q. Okay. When was he actually found?

8 A. Four (4) days later.

9 Q. Do you know where he was found?

10 A. He was found in a house, an abandoned house. Apparently, a citizen
11 or a crime stopper called in, a tip call, saw -- someone saw him going into an
12 abandoned house there on Asheville Highway.

13 Once again, a K-9 and several tactical guys were called out and -- and
14 went to that house and located him.

15 Q. Now -- so he was arrested there? Was he brought to City Hall?

16 A. Yes.

17 Q. All right. Did you meet with him at City Hall?

18 A. I did.

19 Q. Okay. And did -- did you notice any injuries about him?

20 A. I didn't note any -- any -- didn't note any injuries about his hands
21 or his face or anything about him.

22 Q. Did anything about his appearance indicate that he had been in a
23 altercation recently?

24 A. No.

25 (Brief Pause)

1 Q. And was he arrested and taken to jail after that?

2 A. He was after -- after the interview, yes.

3 MR. BULSA: Okay. Thank you. Answer any questions Ms.
4 Lyall has.

5 THE COURT: Yes, ma'am?

6 MS. LYALL: Thank you, Your Honor.

7 (Brief Pause)

8 Cross Examination by Ms. Lyall:

9 Q. You're pretty familiar with this area, right?

10 A. I am.

11 Q. The area around the Money Tree and Asheville Highway, Magnolia,
12 and the Sunshine Inn that's no longer there, but -- but it was there?

13 A. Uh-huh (affirmative).

14 Q. Can you tell me a little bit about the area?

15 A. What about the area? What do you want? The business is located in
16 the -- in the island located between Magnolia and Church Street.

17 Q. Okay.

18 A. The motel is right behind that.

19 Q. We've talked previously, right?

20 A. You and I?

21 Q. Yes.

22 A. I don't think so. I don't remember talking to you.

23 Q. We talked on the phone. There's a lot of prostitutes in this area, drugs
24 going on?

25 MR. BULSA: Your Honor, I'm going to object. I'm not

1 sure of the relevance of this in this case.

2 **THE COURT:** Let me see the lawyers.

3 **(Whereupon, a bench conference was had with both attorneys**
4 **present.)**

5 **THE COURT:** I sustain.

6 **Q.** (By Ms. Lyall) You've heard testimony today that there were a lot of
7 witnesses in the area that didn't happen to stay and talk to the police. Is that normal
8 in this area?

9 **A.** It's normal anywhere in — in the city.

10 **Q.** Okay. And you also talked to a —

11 **(Brief Pause)**

12 **Q.** I had asked you previously about if fights were — are prevalent in this
13 area?

14 **MR. BULSA:** Objection, Your Honor, unless it's — just an
15 objection. I don't know why that's relevant in this matter as to what any other
16 fights have to do with this one.

17 **MS. LYALL:** It's something people — people normally see in
18 this area.

19 **(Brief Pause)**

20 **MS. LYALL:** I'll move on.

21 **THE COURT:** Thank you.

22 **Q.** (By Ms. Lyall) You said that Mr. Wynn was found in a house on
23 Asheville Highway?

24 **A.** That's correct.

25 **Q.** So he didn't go far from this area?

1 A. No.

2 Q. And he was arrested four days after this?

3 A. That's correct.

4 Q. So it wasn't a significant period of time later?

5 A. (No Response)

6 Q. It wasn't months later, weeks later?

7 A. No, days later, yes.

8 Q. Days later?

9 A. Yes.

10 Q. And you didn't note any injuries on his hands?

11 A. That's correct.

12 Q. He didn't have bruised knuckles? He didn't have open wounds on his

13 knuckles?

14 A. No.

15 Q. He had no injuries on his hands or his face is what you said?

16 A. Not that I noted, no.

17 Q. Okay. And it was only four (4) days later?

18 A. That's correct.

19 (Brief Pause)

20 Q. When I spoke to you previously, you stated to me that,

21 on the way to the jail, Mr. Wynn kept stating something to you. Can tell me what

22 that was?

23 (Brief Pause)

24 A. Stated something -- he was trying to tell us about what happened.

25 Q. He kept telling -- trying to tell you, "Get the video. We need

1 to get — you need to get the video. It'll show you what happened”?

2 A. Okay. Yes, he did.

3 Q. Did he keep saying that to you?

4 A. That's correct.

5 Q. “Please get the video from the Money Tree”?

6 A. That's correct.

7 Q. “It'll show what happened. It'll show — it'll show you what happened.

8 Please, get the video”?

9 A. That's correct.

10 Q. And can you tell me what the result of that was?

11 A. Prior to talking to him, I had already did that. There was no video
12 available. The owner of the business had removed that camera from his business.
13 So there was no camera; there was no video to show at all.

14 Q. Okay. When you go up to the Money Tree, there actually is a camera
15 up in the corner; is that correct?

16 A. The corner of...?

17 Q. The Money Tree?

18 A. Once again, the camera system was not working.

19 Q. Right.

20 A. The owner had removed that system from the building.

21 Q. So there's a camera there that would make someone think it's
22 recording, but nothing is actually happening?

23 A. That's correct.

24 Q. So there would be a reason that Mr. Wynn, being in that parking lot,
25 would be begging you to get the video, get the video, help me out, get the video?

1 A. Which was pointed out to me when I got there; "I'll be glad to go look."

2 But it wasn't there when I got there.

3 Q. There's no working video, but there is a camera?

4 A. Once again, it had been stated and pointed that camera out to me
5 when I got there.

6 Q. Who are you saying ----

7 A. When I arrived on the scene of the incident, he was not there to point
8 that camera out ----

9 Q. Okay.

10 A. ----- and say that.

11 Q. But, on the ride to the jail, he kept telling you ----

12 A. After he was arrested, he said that, yes.

13 Q. ---- "Please get the video. Please get the video"?

14 A. Yeah, after he was arrested, yes, that's what he told me.

15 Q. And there would be a reason that he would think there was a video
16 there?

17 A. He must have just remembered it. He had four (4) days to tell me.

18 Q. Okay. And, as you stated, you did try to get the video, but there is no
19 video available?

20 A. That's correct.

21 (Brief Pause)

22 Q. Working on the street, you hear about issues between people; is that
23 correct?

24 A. In twenty-two (22) years, yes, I've heard a lot of issues.

25 Q. Okay. What have you heard about -- between Freddie Young

1 and Mr. Wynn?

2 A. I haven't heard a thing on them.

3 MR. BULSA: Your Honor ----

4 A. I haven't heard anything about it.

5 THE COURT: Hang on -- hang on a second.

6 MR. BULSA: I think she was asking for hearsay.

7 MS. LYALL: I was asking for word on the street.

8 (Brief Pause)

9 MR. BULSA: That's hearsay.

10 THE COURT: Well, word on the street doesn't ----

11 MR. BULSA: May we approach?

12 (Whereupon, a bench conference was had with both attorneys

13 present.)

14 MS. LYALL: All right. I have no further questions.

15 THE COURT: Yes, sir?

16 MR. BULSA: Your Honor, just briefly.

17 **Redirect Examination by Mr. Bulsa:**

18 Q. Investigator Porter, there was reference about the video. In the course
19 of this investigation, you had already looked to see if there was any video?

20 A. That's correct.

21 Q. In fact, did you look at any other locations around to see if there was
22 any video?

23 A. The motel didn't have any available at all. Those are the only two
24 locations that would have had any. The church was no longer occupied.

25 So the only place was the Money Tree that had a video. And

1 the other church just the opposite of it didn't have any camera either.

2 Q. Okay. So that was part of your investigation?

3 A. Yes.

4 Q. So you weren't surprised when the Defendant was talking about it?

5 A. Right.

6 MR. BULSA: Thank you.

7 THE COURT: Thank you, Officer. You may step down. Please,
8 be careful.

9 (The witness complied with the request.)

10 (Off-the-Record Comments)

11 MR. BULSA: The State calls Dr. Wren.

12 (Brief pause while the witness is summoned.)

13 (The witness stepped forward to be sworn.)

14 (Whereupon,

15 Dr. David Wren

16 having been first duly sworn, testified as follows:)

17 THE COURT: Doctor, tell us who you are and spell your last
18 name, please.

19 THE WITNESS: John David Wren, W-R-E-N.

20 THE COURT: Solicitor?

21 Direct Examination by Mr. Bulsa:

2:26 P.m.

22 Q. Good afternoon, Dr. Wren. Can you tell what your occupation is?

23 A. I'm a medical doctor with a degree and specialty in pathology.

24 Q. And where do you work?

25 A. I work for Carolinas Pathology Group. And as such I work

1 with a group under contract with Spartanburg Regional Medical Center. I'm the
2 medical --- laboratory medical director there and for Spartanburg Hospital
3 Restorative Care.

4 Q. Could you give us the benefit of your education, sir?

5 A. I have a bachelors degree, a master's degree, and a Doctor of
6 Philosophy degree from Clemson University in chemical engineering.

7 I have an M.D. degree from the Medical University of South Carolina.
8 I graduated in 1979. I graduated early with my class because I took courses
9 together rather than separately with vacation.

10 I started a pathology residency at the Medical University in February of
11 1979. With research and --- with research that I've done on my doctorate degree, I
12 was able to complete five years of pathology training in three years and 10 months,
13 qualifying for a combined anatomic and clinical pathology boards.

14 While I was there, I was chief resident in both anatomic
15 and clinical pathology. I --- also, while I was there, I started, in June of 1980, as
16 assistant medical examiner for Charleston County.

17 And, about four or five months later, I started doing forensic pathology
18 autopsies for the Medical University on bodies that were sent from all over the state,
19 at that time one weekend a month, and filling in from --- for the clinical --- for the
20 forensic pathologists that were there.

21 While I there, I did over a hundred autopsies in
22 forensic pathology under the supervision of forensic pathologists. And I became
23 qualified to take boards in forensic pathology.

24 I passed my first anatomic board in pathology, in anatomic pathology,
25 on my first try in Sept --- in November of 1984. And I did my clinical

1 pathology boards in November of 1987. That was the first try there.

2 Although I've never taken the boards in forensic pathology, I've been
3 qualified as a — an expert in forensic pathology in probably half the counties in this
4 state.

5 I also — when I came here, I started doing coroners' cases. And I've
6 done probably — well, we counted up a couple of months ago and I'd done between
7 four thousand, five hundred (4,500) and five thousand (5000) autopsies since I
8 started my training.

9 **Q.** And you've testified before as an expert approximately how many
10 times?

11 **A.** At least 200. I've testified in Dillon, Marion County, Orangeburg,
12 Berkeley, Beaufort, George — not George — Fairfield, Anderson, Greenville,
13 Spartanburg, and Cherokee, Chester, Union, Greenwood, and several others in the
14 lower part of the state.

15 I — it — I'd have to think a few minutes to — to remember those.

16 **MR. BULSA:** Your Honor, we'd offer Dr. Wren as an expert in
17 the area of forensic pathology.

18 **THE COURT:** Any objection?

19 **MS. LYALL:** No, sir.

20 **THE COURT:** Ladies and gentlemen, a person normally cannot
21 give an opinion when a person testifies. They must testify as to what they
22 either saw, heard, sensed by smell, or something of that nature.

23 But there is an exception when someone is qualified because of their
24 education, experience, knowledge, skill, and training. That person is
25 permitted to give an opinion in certain areas if the Court so qualifies them.

1 This Court qualifies this witness as an expert in forensic pathology.

2 This means that he is allowed to give an opinion or testimony in that area.

3 That does not mean that you must accept his opinion, but it is
4 evidence for you to use in any way you see fit and give the weight and
5 credibility that you believe is appropriate. Solicitor?

6 **MR. BULSA:** Thank you.

7 **Q.** (By Mr. Bulsa) Dr. Wren, did you perform an autopsy on the body of
8 Curtis Goldsmith back on August the 14th, 2013?

9 **A.** Yes. I did an autopsy on an individual identified as Curtis Edward
10 Goldsmith on Aug — August the 14th, 2013, in SRMC emergency --- I mean,
11 autopsy room beginning at 4:15 p.m.

12 **Q.** And before he was given to you for the autopsy, did medical personnel
13 attempt to resuscitate him?

14 **A.** Yes, they did.

15 **Q.** And was there actually evidence of that, that you found during your
16 autopsy?

17 **A.** Yes. He had — well, the clothing he had on had been cut away to
18 expose the anterior portion of the body. There were no defects on the clothing other
19 than some paint stains on the pants that were dried.

20 And, as I said previously, they had been cut away to expose the body
21 for resuscitation. They had put in test tubes in the lateral chest bilaterally to make
22 sure he didn't have any bleeding into his thoracic cavities where the lungs are.

23 And I'm not sure he — he had a little bit of hemorrhage in the
24 precardial area. That means underlying the heart where they had done chest
25 compressions.

1 Q. Okay. So those efforts failed and he was pronounced dead. And,
2 then, he was given to you for the autopsy. What -- when you begin an autopsy, do
3 you measure his size and weight?

4 A. Yes. This individual was 69 inches long, which can vary plus or minus
5 two (2) inches depending on relaxation of the body and how a person stands. But
6 he was measured 69 inches in length and he weighed a hundred and seventy-three
7 (173) pounds.

8 Q. Did he appear to be in normal physical shape?

9 A. Yes. Yes, he -- he was in reasonable physical shape.

10 Q. Okay. And did you examine his extremities?

11 A. Yes. He had -- he had some abrasions and with a little bit of
12 hemorrhage along his elbow, more towards the medial surface, which is on the side.
13 If you hold your palms out, it's toward the -- the inside of the arm.

14 He also add a little vulgarius (phonetic) skin, like the skin was torn up
15 on -- on the distal right ulnar area.

16 The ulnar bone is on the -- the side where the little finger is. And the
17 -- the radius is on the side where the thumb is. So it was on the opposite side where
18 it had torn the skin a little bit there.

19 He also had some abrasions on his knees bilaterally.

20 Q. The wounds to his forearm, would that be consistent with a defensive
21 wound?

22 A. It could have been, but more likely falling, falling against something.

23 Q. Okay. Is that the same with the knees?

24 A. Yes.

25 Q. Okay. So based on the examination of his legs and arms

1 it appeared that he had fallen on the ground or up against something?

2 A. He had probably fallen against something, yes.

3 Q. Okay. And what wounds, if any, did he have to his head?

4 A. Well, that was a little bit more severe. He had a one-centimeter
5 diameter area of hemorrhage on the vertex of the scalp. He had a three-centimeter
6 diameter area of hemorrhage on the left parietal area, which is a part of the skull
7 that sort of overlies the ear.

8 It's divided into frontal, parietal, and the occipital, meaning the back of
9 the head. And he had a lot of hemorrhage in his temporalis muscle, which is
10 underneath that — the muscle that's just over the ear.

11 And I took sections of those two areas to look at under the microscope
12 and see how long they had been there.

13 Q. And how long? Could you determine ----

14 A. There was no vital (phonetic) reaction meaninging that there's no
15 evidence of a healing response starting. So it would have had to have occurred
16 within no more than 30 minutes, before he passed away, and could be up to an hour
17 or two hours maybe.

18 Q. Okay.

19 A. Depending on the blood flow.

20 Q. What type of — how could that wound have been inflicted?

21 A. From a blunt force to the head.

22 Q. Meaning an object or....?

23 A. Either — some flat object, yes.

24 Q. Okay. Could it have been striking him or falling into something?

25 A. Either, it could have been either.

1 Q. Okay.

2 A. Him falling or -- or -- what -- what you look for to try to find out what
3 you have or whether it is falling or an object, of course, is the -- the wound itself.

4 If you have a fracture -- if one has a fractured skull, if they hit them
5 with something that's round and relatively sharp, you'll probably leave a -- a fracture
6 in the skull. If they fell against something, the fracture will be more lineal usually.

7 Also, if you -- if your -- your head is moving and you hit something
8 relatively hard enough, then, you'll get what is called a contrecoup contusion. That
9 means the contusion is not what where the blow happened, but on the opposite side
10 of the brain.

11 So the best way of thinking about it is, if you hit somebody and you
12 fracture their skull, and it pressed the bone in a little bit, you'll see a --
13 a bruise on the brain underneath that blow. That's called a contusion.

14 On the other hand, if you were riding in a car, if one was riding in a car,
15 a body in motion tends to remain in motion, as everybody knows. If the car hit a
16 brick wall, and you weren't restrained well enough, your head would keep going
17 forward maybe and hit something.

18 When that hits, the -- the brain itself is a gelatinous -- it's gelatinous
19 tissue; it doesn't have much structure and it can move around in the head.

20 And so, when it -- it continues to keep moving even though your head
21 stops because it -- it won't go any further when it hits something. The brain pushes
22 up against there and, then, it recoils.

23 When it recoils, it often causes a contusion where -- from the opposite
24 of where the blow was. In other words, if my head hit something, the bruise would
25 be in the back. So you look for that to see if the head was in motion

1 or whether it wasn't.

2 He didn't have either a contusion or a contrecoup contusion that I
3 could see, but that doesn't — it doesn't always happen. That's what — what a
4 pathologist looks for to try to — to try to get further information.

5 Q. Okay. So, before you issued a cause of death, did you have some
6 blood testing done?

7 A. Yes, but I need --- I guess I need to tell you what I found inside the
8 head.

9 Q. All right.

10 A. He didn't have a contusion and he didn't have a contrecoup
11 contusion, but he did have bleeding beneath the dura. Now, the --- the head --- the
12 --- the cranial vault has a space between the inside of the bone and what's called
13 the dura, which is almost like a sheet of --- it's a sheet of tissue that's real thin, but
14 it's real tight and not very stretched --- I mean, you can't stretch it very well.

15 It's just --- it's real firm like you'd have a --- a little thin piece of metal in
16 there.

17 And so, what happens is, if you fracture the skull, you can get fractures
18 that bleed above that area, which is called an epidural hemorrhage, meaning above
19 the dura. Or you can have a subdural hemorrhage, which is beneath the dura.

20 And that's between the dura, that little thin lining that covers all of --- all
21 of the brain and the surface of the brain itself, which has a thin transparent
22 membrane on it that's called a arachnoid membrane.

23 So you have an epi -- an epidural above it, subdural below it, and,
24 then, you can have subarachnoid hemorrhage meaning it's --- it's bleeding beneath
25 that little thin membrane.

1 Now, he had subdural hemorrhage, which — what happens to get a
2 subdural hemorrhage is that the brain moves and there are little vessels that run
3 between the surface of the brain and that dural that collects the blood and channels
4 it back into the base of the skull and, then, down through the internal and external
5 jugular veins and back into the heart for re-oxygenation.

6 Those little veins are very thin and very pliable (phonetic), so, if you
7 have a — if you head moves, it can stretch those veins and cause those — those
8 veins to tear and you bleed very slowly. On the other hand, an epi-dural
9 hemorrhage occurs from — from arterial blood and one bleeds much faster from
10 that.

11 He did not have an epidural hemorrhage because he didn't have a
12 skull fracture. But he did have an sub-dural hemorrhage and a subarachnoid
13 hemorrhage that was concentrated; some along the circle of Willis (phonetic), which
14 is the base of the brain, the cerebral part, which is upper part of the brain, and the
15 brain stem and cerebellum, which is more interior.

16 He had some subarachnoid hemorrhage and a little bit of
17 intraventricular (phonetic) hemorrhage, which means in the ventricles where the
18 spinal fluid resides.

19 So he had — actually had internal hemorrhage in the brain.
20 And he also had microscopically — I looked at sections and he had what's called
21 rotational injuries, which one can see under the microscope, disruption of — of the
22 nerve fibers and — where they have been twisted and can cause death very easily.

23 Q. How hard of a blow would it take — would it take to cause that kind of
24 an injury?

25 A. Well, it — it doesn't take a lot. It's just some people are

1 more susceptible than others. It's — you know, as — as everyone knows, some
2 people can fall and hit their head and they get up and walk away; others are
3 unconscious, so...

4 And they've — they've fallen the same distance. Some people are just
5 more susceptible than others, particularly if they have underlying diseases or they
6 bleed easier or they --- they have atrophy where the brain can move more.

7 It's just a lot of factors that could go into what can cause it. But one
8 can get it from falling from four (4) or five (5) feet if they fall hard enough.

9 Q. How about a blow by a fist?

10 A. I don't think a blow by a fist would cause something like that.

11 Q. In your opinion, if — what did it appear to have happened to Mr.
12 Goldsmith?

13 A. Well, without knowing anything about it, I — I would say that he was
14 either thrown up against something or he fell and hit something; lost his balance,
15 was moving and fell or something hit him that was swung and hit — hit him, not —
16 not a fist.

17 A fist would have probably not caused any internal injuries like that.

18 Q. So that wound was the ultimate cause of death?

19 A. Yes. I signed out the cause of death as closed head trauma
20 with subdural, subarachnoid; and a intraventricular hemorrhage secondary
21 to a witnessed altercation. That's what I was told; he had, had an altercation.

22 Q. So, in your expert opinion, he died as a result of that al — that
23 altercation?

24 A. Yes. I found nothing else that could have — could have caused it.
25 I mean, there were no other injuries. He did have some — some pathology

1 which I can go through all of it, if anyone wants me to, but....

2 Q. What was the purpose of some drug testing?

3 A. Just to make sure. We always do that in a homo — well, every death
4 in Spartanburg County is examined for toxicology.

5 He did have hydrocodeine, which was point oh six (.06) milligrams per
6 liter. That's six one hundredths. A therapeutic level is eighteen hundredths to fifty-
7 one hundredths.

8 So it was below therapeutic; much below toxic and much — even more
9 below lethal levels — lethal limits. Lethal limits is two hundred (200) to one
10 thousand, six hundred (1,600) milligrams per liter.

11 Q. And there was no evidence of any drug-related ---

12 A. No, he didn't have any other drugs on board that were identified by
13 SLED. And he could have -- you know, hydrocodone is a pretty normal drug
14 people give if they have pain or something like that.

15 Q. All right.

16 (Brief Pause)

17 Q. I know we talked about the extremities, but I failed to ask you:
18 Did he have any marks on his hands?

19 A. Pardon?

20 Q. Did he have any marks on his hands?

21 A. I don't think he did, no. I don't think he did. I don't recall. I read over
22 this, "The hands were without injuries. No splintering of the fingernails."

23 Q. Okay.

24 MR. BULSA: All right. Thank you, Dr. Wren.

25 THE COURT: Yes, ma'am?

1 **MS. LYALL:** I have no questions.

2 **THE COURT:** All right. Dr. Wren, you may step down. Thank
3 you. And, please, be careful, sir.

4 **(Witness complied with the Court's request.)**

5 **MR. BULSA:** And we, of course, ask that he be excused.

6 **THE COURT:** Any objection?

7 **MS. LYALL:** No, Your Honor.

8 **THE COURT:** Doctor, you may stay with us or go, whichever you
9 choose.

10 **THE WITNESS:** I got to go do an autopsy.

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

12 **MR. BULSA:** May we approach?

13 **THE COURT:** Yes, sir.

14 **(Whereupon, a bench conference was had with both attorneys**
15 **present.)**

16 **THE COURT:** Mr. Foreman, ladies and gentlemen, it's -- we've
17 been running about an hour and 20 minutes now. I don't like to keep
18 anybody sitting for -- for more than about an hour and 20 minutes to an hour
19 and a half if I can.

20 This is a good time, after that witness' testimony, to take a little break.
21 So let's take 15 minutes and let everybody use the facilities, get a drink of
22 water.

23 I remind you the case is not at an end, so, therefore, please, do not
24 begin to deliberate within your own mind, much less speaking with someone
25 else about it.

1 Mr. Foreman, if you would, take your jury to the jury room, please.

2 **(Whereupon, the jury exited at 2:50 p.m.)**

3 **THE COURT:** All right. Let's take — let's take 15 minutes. And,
4 then, we'll — before we bring the jury back, then, we'll take up any matters
5 that we might have.

6 **MR. BULSA:** Yes, sir.

7 **MS. LYALL:** Okay.

8 **(Whereupon, an afternoon recess was taken from 2:50 p.m. until**
9 **3:07 p.m.)**

10 **(Off-the-Record Comments)**

11 **(Whereupon, a bench conference was had with both attorneys**
12 **present.)**

13 **THE COURT:** Okay. Before we bring the jury in, Solicitor, do you
14 have the next witness or are we ----

15 **MR. BULSA:** No. The State is prepared to rest and at a bench
16 conference I referenced two photographs that had previously been marked
17 but hadn't been discussed. I'd like to introduce those into evidence so the
18 jury can have them with respect to the — the location.

19 **THE COURT:** I understand that's without objection?

20 **MS. LYALL:** Yes, Your Honor.

21 **THE COURT:** Okay. They're admitted without objection. They
22 are numbers ----

23 **MR. BULSA:** They're numbers 4 and 6.

24 **(Whereupon, State's Exhibits 4 and 6 were admitted into evidence**
25 **without objection.)**

1 **THE COURT:** Anything else from the State?

2 **MR. BULSA:** No, sir.

3 **THE COURT:** The State has now rested.

4 **(Brief Pause)**

5 **THE COURT:** Ms. Lyall, is the Defense ready to go?

6 **MS. LYALL:** She's marking photos ----

7 **THE COURT:** Oh, I'm sorry.

8 **MS. LYALL:** ---- but other than that, yes, Your Honor.

9 **THE COURT:** Okay.

10 **(Whereupon, Defendant's Exhibits 1 through 3 were marked for**
11 **identification.)**

12 **(Off-the-Record Comments)**

13 **THE COURT:** Any matters before we bring the jury?

14 **MR. BULSA:** No, sir.

15 **MS. LYALL:** (No Response).

16 **THE COURT:** Are there any matters ----

17 **MS. LYALL:** Oh, I'm sorry. No, Your Honor.

18 **THE COURT:** Okay. We'll have the jury.

19 **MR. BULSA:** Your Honor?

20 **THE COURT:** Sir?

21 **MR. BULSA:** Is he going to testify? Are we going to address
22 that now?

23 **MS. LYALL:** We might as well go ahead and address it. We're
24 not sure if he's going to testify, but...

25 **THE COURT:** Well, I just sent for the jury.

1 MS. LYALL: That's fine. I didn't know that -- I mean, we can
2 take a break before that.

3 THE COURT: We'll take a break before that.

4 MR. BULSA: Okay.

5 THE COURT: Do you anticipate -- I'm not pinning you down,
6 two, three, four witnesses?

7 MS. LYALL: We're going to have three (3) witnesses.

8 THE COURT: Okay.

9 MS. LYALL: Three, maybe four.

10 THE COURT: I was just looking at the clock, okay?

11 MS. LYALL: Okay.

12 THE COURT: Got you.

13 (Off-the-Record Comments)

14 (Whereupon, the jury was summoned and entered the courtroom
15 at 3:12 p.m.)

16 THE COURT: Mr. Foreman, anything from the jury?

17 MR. JACKSON: No, sir.

18 THE COURT: Everything is good?

19 MR. JACKSON: Yes, sir.

20 THE COURT: All right. Yes, ma'am?

21 MS. LYALL: Thank you, Your Honor. The Defense calls
22 Donald Stepp.

23 THE COURT: All right.

24 (Brief pause while the witness is summoned.)

25 (The witness stepped forward to be sworn.)

(Whereupon,

Donald Stepp

having been first duly sworn, testified as follows:)

THE COURT: Mr. Stepp, tell us who you are and spell your last name for my court reporter, please.

THE WITNESS: I'm Donald Stepp. The last name is spelled S-T-E-P-P.

THE COURT: Thank you.

THE WITNESS: And I'm the senior investigator with the public defenders office.

THE COURT: Thank you.

THE WITNESS: Yes, sir.

THE COURT: Yes, ma'am?

Direct Examination by Ms. Lyall:

3:15 P.m.

Q. Mr. Stepp, in the investigation of this case, you had a chance to go to the Money Tree; is that ----

A. Correct.

Q. And that's where the incident in this case took place?

A. Correct.

Q. And we actually went there together; is that true?

A. We did.

Q. And, when we were there, we were looking for a camera?

A. Correct.

Q. And did we -- did -- did you find a camera?

A. We found one camera on the front corner of the building on

— on the North Church Street side that was aimed toward Magnolia Street.

Q. Okay. And, when we found the camera, what did you do next?

A. We made some -- well, we went inside first and talked to the clerk about whether the camera was functioning or not. She told us it did not work. It was not -- upon further questioning, she said it was not working at the time this occurred.

Q. So it was not working at the time it occurred?

A. Huh-uh (negative).

Q. This incident occurred about a year ago and it was not working now?

A. Correct.

Q. And did we have the opportunity to take some photos of that camera?

A. We did.

(Brief Pause)

Q. I'm going to show you a few photos. I'm going to hand you Defendant's Exhibit Number 1.

(Exhibit handed to the witness.)

Q. Do you recognize this photo?

A. Yes, ma'am. That's the camera that's on the front corner of the building on the North Church Street side and it's aimed toward Magnolia Street.

Q. And how do you recognize that photo?

A. It's the one I made a picture of last Friday afternoon.

Q. Okay. So you took it?

A. Yes, ma'am.

Q. And does this photograph, marked as Defendant's Exhibit 1, accurately depict the Money Tree and the camera as it stands today?

A. It does.

1 Q. And, after speaking with the person inside, does it accurately depict
2 that camera as it — as it was a year ago?

3 A. Yes, ma'am. That is the only camera on the building.

4 Q. Okay. And what is that a picture of?

5 A. It's the camera that's mounted on the corner of the North Church
6 Street side of the Money Tree building.

7 MS. LYALL: At this time, I would ask that Defendant's Exhibit
8 Number 1 be moved into evidence.

9 THE COURT: Any objection?

10 MR. BULSA: No, sir. And I probably won't object to any other
11 that were shown to me.

12 MS. LYALL: Okay. It's the same ones.

13 (Brief pause while exhibits shown to Mr. Bulsa.)

14 MR. BULSA: Your Honor, we have no objection to any of these
15 photos.

16 THE COURT: All right. You moving them all in at this time?

17 MS. LYALL: Yes, Your Honor, I'm — I'm moving all three into
18 evidence.

19 THE COURT: They're into evidence without objection.

20 (Whereupon, Defendant's Exhibits 1, 2, and 3 were admitted into
21 evidence without objection.)

22 Q. (By Ms. Lyall) I'm just going to ask you a question about Number 2
23 and 3.

24 (Exhibits shown to the witness.)

25 Q. Number 2, is that a picture stepping back a few feet towards

1 where the incident occurred?

2 A. It is.

3 Q. And Number 3, is that going all the way back to past swere the
4 incident occurred?

5 A. It is.

6 Q. And, from that angle where the incident occurred, can you — is the
7 camera pointing directly at that?

8 A. It is, but you really can't — Number 3 you really can't see it's so far
9 back from the security camera. It just,----

10 Q. Okay.

11 A. ----- looks over the apartments (phonetic).

12 Q. But, if the camera was working, it would have been videotaping what
13 was happening?

14 A. Yes, ma'am.

15 (Brief Pause)

16 MS. LYALL: I have no more questions for this witness.

17 THE COURT: Solicitor?

18 MR. BULSA: Thank you, Your Honor.

19 Cross Examination by Mr. Bulsa:

20 Q. Mr. Stepp, before you took these pictures, did you review
21 the photographs that the police had made?

22 A. I did not.

23 Q. So do you — do you have any idea where the incident occurred in the
24 parking lot?

25 A. Just what Ms. Lyall told me.

1 Q. And where was that to your knowledge?

2 A. Back near the trash — in picture number 3 where the trash dumpster
3 is visible, back in that area, back right in here (indicating).

4 Q. All right. We're showing — depicted on State's Exhibit...

5 **(Brief pause while exhibit is retrieved.)**

6 Q. ...Number 5?

7 **(Exhibit shown to the witness.)**

8 A. Yes, sir.

9 Q. Okay. Now, you said you went inside and spoke with a clerk ----

10 A. I did.

11 Q. ---- is that correct? While you were in there, did you look out the
12 window to see what you could — if it was possible to see anything occurring out in
13 the parking lot?

14 A. Well, depending on what angle you were looking at, you could, and
15 depending upon how much traffic was actually parked in the parking lot.

16 Q. Well, I got State's Exhibit 2. It shows several signs in that window.
17 Where would the clerk be?

18 A. Where the clerk is back down this way (indicating), across there
19 (indicating).

20 Q. So your -- so your picture doesn't show where the clerk would have
21 been?

22 A. No, sir.

23 Q. Okay.

24 **(Brief Pause)**

25 Q. How far away from the window was the clerk positioned?

1 A. Well, the clerk -- the clerk's window is not directly in front of the door.
2 It's probably 15 to 18 feet from the actual door where she's behind another glass
3 partition and the counter.

4 Q. So she's some distance away from the front glass?

5 A. Yes, sir.

6 Q. So it would have been difficult for anybody behind that -- where she
7 was to see out?

8 A. I would think so, yeah. They -- they have a lot of advertisement for
9 cigarettes and the like posted in the windows and you can't.

10 Q. And especially could not see the location depicted in State's 3 where
11 this incident occurred?

12 A. I wouldn't think so, but again, depending on how much traffic was
13 parked and how much was in the parking lot because there are two lines of traffic
14 and parking spaces between her and where that occurred.

15 Q. As well as what was taking place in the store?

16 A. Exactly.

17 Q. Okay. And they confirmed with you that, while there appears to be a
18 camera, it wasn't working or recording?

19 A. That's what we were told.

20 MR. BULSA: Thank you.

21 THE WITNESS: Yes, sir.

22 THE COURT: Yes, ma'am?

23 MS. LYALL: No other questions.

24 THE COURT: Thank you, sir. You may step down. Please, be
25 careful.

1 (The witness complied with the request.)

2 (Off-the-Record Discussion)

3 THE COURT: Yes, ma'am?

4 MS. LYALL: The Defense calls Matthew Teamer.

5 THE COURT: Okay.

6 (Brief pause while the witness is summoned.)

7 (The witness stepped forward to be sworn.)

8 (Whereupon,

9 Matthew Teamer

10 having been first duly sworn, testified as follows:)

11 THE COURT: Sir, pull that microphone close to you and tell us

12 who you are and spell your last name for my court reporter, please.

13 THE WITNESS: Okay. My name is Matthew Teamer.

14 THE COURT: And the spelling?

15 THE WITNESS: Spelling, T-E-A-M-E-R.

16 THE COURT: Thank you. Yes, ma'am?

17 MS. LYALL: Thank you, Your Honor.

18 Direct Examination by Ms. Lyall:

3:20 P.m.

19 Q. Mr. Teamer, you happened to be in the parking lot of

20 the Money Tree when this incident occurred; is that correct?

21 A. Yes, ma'am.

22 Q. And you were driving through there. You were actually in a vehicle?

23 A. Yes, ma'am.

24 Q. And you were present when the fight started?

25 A. Yes, ma'am.

1 Q. And you don't know why the fight started?

2 A. No, ma'am.

3 Q. Because you were in a car with the windows rolled up?

4 A. Yes, ma'am.

5 Q. But tell me a little bit about what you saw.

6 A. I pulled into the -- into the parking lot. And I looked over there; it was
7 two men was over there arguing.

8 So I really wasn't thinking too much of it. So -- and I -- and I looked
9 again, I seen the older gentlemen hit Mr. Wynn.

10 Q. Okay.

11 A. And, when I seen that, this -- that's when both of them had fell to the
12 ground.

13 Q. Okay.

14 A. And, after that, they had got -- they was both getting back up,
15 scuffling. And -- and that's when -- that's when Mr. Wynn had -- was punching.
16 And -- and he was throwing -- and he was kneeing the other gentleman.

17 Q. Okay.

18 A. After that, that was over with, Mr. Wynn had grabbed his book bag
19 and he was leaving the -- he was leaving out the parking lot.
20 And the other gentleman, he was going to his vehicle.

21 Q. Okay. So what you saw was you saw some sort of argument and,
22 then, you saw the other gentleman -- you don't -- you don't know who he is?

23 A. No, ma'am, I don't.

24 Q. You saw him throw a punch at this gentleman (indicating)?

25 A. Yes, ma'am.

1 Q. And, then, you saw them start fighting?

2 A. Yes, ma'am.

3 Q. I'm not sure I remember what words you used, but you saw them
4 fighting?

5 A. Yes, ma'am.

6 Q. Then, you saw them fighting on the ground?

7 A. Yes, ma'am.

8 Q. And, then, you saw them get back up and fight?

9 A. Yes, ma'am.

10 Q. And, then, you saw them get away from each other?

11 A. Yes, ma'am.

12 Q. And you saw the other gentlemen go to his car?

13 A. Yes, ma'am.

14 Q. Did you see him get in his car or did you just see him go towards his
15 car?

16 A. I seen him go -- not as far as getting in; I didn't see him get in. But I
17 see him open it up.

18 Q. Okay.

19 A. You know, open up the door.

20 Q. And you saw this gentleman (indicating) walking away?

21 A. With -- with his book bag.

22 Q. With his book bag? Okay. But all you saw was just two people
23 fighting?

24 A. Yeah -- yes, ma'am. To be honest with you, it didn't look that serious.

25 Q. Okay. Is that why you didn't call the police?

1 A. Yes, ma'am. And, to be honest with you, from my looks of it, couldn't
2 neither one of them couldn't even fight. And I basically don't call it a fight.

3 Q. Okay. So it wasn't that serious of a fight; to you it didn't appear to be
4 that serious of a fight?

5 A. They was both on the ground scuffling, grabbing each other.

6 Q. Scuffling on the ground and grabbing each other?

7 A. Uh-huh (affirmative). You know, like — you know, but that's really not
8 a fighti ----

9 Q. To you, did it look like two middle-aged men fighting?

10 A. Two -- two older men fighting.

11 Q. Two older men fighting? Okay. And did you continue driving? Did
12 you leave the parking lot?

13 A. Yes, ma'am.

14 Q. And, if it had looked — looked really serious to you, do you think you
15 would have stopped to help or called 911?

16 A. Honestly, I would have dialed 911.

17 Q. Okay.

18 (Brief Pause)

19 Q. Did you ever hear what they were saying?

20 A. No, ma'am.

21 Q. So it wasn't loud enough for you to hear what they were saying through
22 your car?

23 A. No, ma'am.

24 Q. You could just tell they were fighting and, then, you saw the fight?

25 A. Yes, ma'am.

1 Q. Okay.

2 MS. LYALL: I don't have any other questions right now.

3 THE COURT: Thank you. Solicitor?

4 Cross Examination by Mr. Bulsa:

5 Q. How long have you known Mr. Wynn?

6 A. Years ago, I guess, when I was probably about nine (9) or 10 years
7 old, his — my mother and my father used to carry me to his barber shop and to get
8 my hair — hair cut. But, then, after that, I probably haven't seen him in probably 15
9 years or more.

10 Q. Did you know it was him when you saw him out there in the parking
11 lot?

12 A. To be honest with you, no, I didn't. I didn't know who he was until
13 probably three days after they say someone had got killed at the Money Tree..

14 Q. Okay. So when did you realize it was him?

15 A. I realized it was him when they had him in the newspaper.

16 Q. Okay. Was that before he was arrested, when they were looking for
17 him?

18 A. Yeah. Yeah, I think he was still wanted I think. I'm — I'm really not for
19 sure.

20 Q. Okay. So you were an average citizen saw that he was wanted for
21 this, right?

22 A. Yes.

23 Q. Okay. All right. Now, what kind of car were you in?

24 A. I was in an F-350 Ford truck, a '95.

25 Q. A big truck?

1 A. Yes, sir.

2 Q. Okay. Do you use it at work?

3 A. Yes, sir.

4 Q. What kind of work do you do?

5 A. I recycle pallets. That's what I was doing during that time.

6 Q. Okay. And what took you to the Money Tree?

7 A. What -- what took me to the Money Tree, I was -- I was riding by
8 there and I thought that I seen my cousin's SUV, but it wasn't her.

9 Q. All right. And explain what road were you on before you turned into
10 the Money Tree?

11 A. I was on Church Street.

12 Q. On Church Street going which direction going towards Wofford College
13 or away from Wofford College?

14 A. I was going towards Boiling Springs.

15 Q. Towards Boiling Springs? So you would have been on the other
16 side ----

17 A. I was on the right, yes.

18 Q. Okay. And you were driving past the motel?

19 A. Yes.

20 **(Brief pause while exhibit shown on overhead.)**

21 Q. State's Exhibit 1, this is the motel (indicating) and here's Church
22 Street ----

23 A. Yes.

24 Q. ---- and the Money Tree (indicating). You would have been driving
25 over here (indicating)?

1 A. Yes, sir.

2 Q. Okay. And you said you saw somebody's truck in this area

3 (indicating)?

4 A. Yes.

5 Q. And which part of the parking lot did you pull into?

6 A. I — I pulled in on the left side.

7 Q. The left side? Okay. So the jury understands. All right. Was anybody

8 with you?

9 A. No, sir.

10 Q. Okay. Where did you think you saw your — the person's car?

11 A. In the parking lot.

12 Q. In what part of the parking lot? I'm not sure it's there. Point it out to

13 me on this one.

14 (Exhibit shown on overhead.)

15 A. Okay. I kind of thought it was like right in there, right there (indicating).

16 Q. Okay. About midway down?

17 A. Yes, sir.

18 Q. Now, this isn't a picture of the day ----

19 A. No.

20 Q. ---- of the incident. This is just showing ----

21 A. Yeah.

22 Q. ---- the area.

23 (Brief Pause)

24 Q. Did you pull into a parking space and stop?

25 A. No, ma'am — no, sir.

1 Q. Okay. You just pulled through?

2 A. Yes, sir.

3 Q. How long would you estimate you were -- it took you to drive through
4 that parking lot?

5 A. I guess about -- I guess -- I guess, when that happened, it was a
6 little longer. I looked because, you know. I really can't specifically tell you how
7 long.

8 Q. Okay. So you didn't actually see the start of the fight?

9 A. No. No, and I seen -- when the lick was -- was -- was actually taken
10 part of. Now, as far as what it was about, I don't know.

11 Q. Right. So you don't know what had been said or done before ----

12 A. No.

13 Q. ----- you drove in ----

14 A. No, sir.

15 Q. ---- is that right? Okay. And, when you -- did you stay and watch the
16 whole thing till they broke up and went their separate ways?

17 A. I mean, it was -- it was actually -- it was actually real quick.

18 Q. Real quick?

19 A. Yeah.

20 Q. Really?

21 A. I mean, like I say, one lick was throwed and -- and both of them --
22 both of them fell on the ground.

23 Q. So you're telling me the victim -- did you know the victim?

24 A. No, sir.

25 Q. After you heard his name, did you recognize the name?

1 A. No, no, sir.

2 Q. Okay. So you saw one guy. How do you know which of the two threw
3 the blow?

4 A. Because with the guy that — that took — that — that passed the lick,
5 he had a on like a brownish shirt.

6 Q. A brownish shirt?

7 A. Yes, sir.

8 Q. And you're telling this jury he threw one blow and it knocked both men
9 to the ground?

10 A. Yes, but they was -- was — started grabbing each other, and, then ---

11 Q. Okay. And, after that, what happened?

12 A. They both was on the ground. Somehow Mr. Wynn was able to get
13 up.

14 Q. On top of him?

15 A. Yeah. And, then -- and then — and, then, the other guy was coming
16 at him, and he -- and he used his knee to -- to — to get him off of him.

17 Q. Who used his knee to get off of whom?

18 A. Mr. Wynn did.

19 Q. Used his knee to get the dead guy off of him?

20 A. Yeah.

21 Q. Were they still on the ground?

22 A. No, Mister — Mr. Wynn was up, but the other guy was — was — was
23 kind of slumped over coming towards Mr. Wynn.

24 Q. All right. So, at what point did you leave the parking lot? What was
25 going on?

1 A. Well, when I was leaving the parking lot, he, Mr. Wynn, had his book
2 bag going this — going that way (indicating).

3 Q. Uh-huh (affirmative).

4 A. And the other guy was going towards his — his vehicle.

5 Q. And where was his vehicle?

6 A. His vehicle was on the other — it was on the other side of the parking
7 lot.

8 Q. Okay.

9 A. In other words, right in there (indicating).

10 Q. Was it in a parking space?

11 A. No, sir.

12 Q. It wasn't?

13 A. (Shakes head negatively.)

14 Q. Okay.

15 **(Exhibit shown on overhead.)**

16 Q. All right. I'm showing you this one first, then, I'm going to a different
17 one, okay?

18 A. Okay.

19 Q. You pointed to me, at the witness box, that you were driving
20 down South Church Street this way?

21 A. Yes, sir.

22 Q. Okay. I don't know when it becomes North Church Street, but you're
23 driving down this way (indicating) going towards Boiling Springs, which meant you
24 would have been taking a right?

25 A. Yes, sir.

1 Q. Okay. And instead you said you saw a vehicle somewhere over here
2 (indicating).

3 A. Yes.

4 Q. And you said, "Hey, let me check this out." And you drive in here
5 (indicating)?

6 A. Yes.

7 Q. And realize it's not the person you thought it was?

8 A. Yes, sir.

9 Q. And you're going to just drive through?

10 A. Yes, sir.

11 Q. Was there a point in driving there and, then, get back on and go this
12 way?

13 A. Sir?

14 Q. Was it your plan to come through here ----

15 A. Yeah, yeah.

16 Q. ----- and go back here (indicating) and around?

17 A. Yes, sir.

18 Q. But you said instead something caught your eye?

19 A. Two men fighting.

20 Q. Two men fighting. And, then, you positioned -- where was the victim's
21 car? Somewhere here over by the trash dump?

22 A. Yes.

23 Q. Okay. Let me show you another picture.

24 (Exhibit shown on overhead.)

25 Q. State's Exhibit Number 5. Does that look like about where it was?

- 1 A. Yes.
- 2 Q. It didn't look like it had been moved anywhere?
- 3 A. No.
- 4 Q. Okay. So it wasn't actually parked ----
- 5 A. No.
- 6 Q. ---- in a space?
- 7 A. No.
- 8 Q. Okay.
- 9 A. It was -- it was not -- not in a -- a parking space.
- 10 Q. Okay. But it wasn't moving?
- 11 A. No, it was sitting ----
- 12 Q. And you don't know what caused that car to stop in an odd position
- 13 like that, do you?
- 14 A. No, sir.
- 15 Q. Okay. So you don't know if some words were said from some guy
- 16 walking up to the man driving and that might have made him stop, do you?
- 17 A. I don't know.
- 18 Q. Okay. You just say -- let's look at this closer picture here, State's
- 19 Number 2.
- 20 **(Exhibit shown on overhead.)**
- 21 Q. You would have driven in -- and whereabouts along the building were
- 22 you?
- 23 A. (No Response)
- 24 Q. When you stopped your truck to look?
- 25 A. I ----

1 Q. Were you past the Money Tree building?

2 A. I guess like at that little bump right there (indicating). I was -- I was --

3 I was like coming over there.

4 Q. Okay. And you would have seen it over here (indicating), right?

5 A. Uh-huh (affirmative).

6 Q. That's what you're telling us?

7 A. Yes.

8 Q. Are you being honest with us?

9 A. Yes, I'm being honest.

10 Q. Well, a few times you said, "to be honest with you." And you didn't
11 say that this time.

12 A. I ----

13 Q. I mean, you said that a couple of times on your direct. You would
14 answer a question and, then, you said, "To be honest with you" about that.

15 A. Yeah.

16 Q. So are you being honest with me now?

17 A. Yeah.

18 Q. I hope you're honest all the time.

19 A. Yeah, I'm honest. That's -- I mean, that's one of my
20 -- a term that I use a lot.

21 Q. But you've been convicted of assault and battery of a high and
22 aggravated nature, haven't you?

23 A. (No Response)

24 THE COURT: No, sir, answer the question.

25 A. Yes, I have.

- 1 Q. And you've been convicted of petit larceny, haven't you?
- 2 A. Yes, sir.
- 3 Q. You've been convicted of drug charges, haven't you?
- 4 A. Yes, sir.
- 5 Q. And another petit larceny, haven't you?
- 6 A. Yes, sir.
- 7 Q. Okay. Now, you said you stopped and you saw this altercation. You
- 8 claim it's the start of it. And, then, it lasts a few seconds?
- 9 A. I kind of believe.
- 10 Q. Huh?
- 11 A. Yes, sir.
- 12 Q. And, when you were driving off, you said the man you know to be Mr.
- 13 Wynn was walking off — look at the picture — walking this way (indicating)?
- 14 A. No, he was — he was ----
- 15 Q. Walking this way (indicating) towards Fremont Apartments?
- 16 (Brief Pause)
- 17 A. By that church.
- 18 Q. Toward the church?
- 19 A. Uh-huh (affirmative).
- 20 (Brief Pause)
- 21 Q. This church here (indicating)?
- 22 A. Yes.
- 23 Q. Okay.
- 24 MR. BULSA: And, for the record, that's depicted on State's
- 25 Exhibit Number 1.

1 (Brief Pause)

2 Q. (By Mr. Bulsa) All right. Did you look back and see anything
3 afterwards?

4 A. No, sir.

5 Q. Did you see any girls with him, any ladies?

6 A. No, sir.

7 Q. No?

8 A. (Shakes head negatively.)

9 Q. Okay. You say it was over in a matter of seconds?

10 A. Yes.

11 Q. All right.

12 (Brief Pause)

13 MR. BULSA: That's all have.

14 THE COURT: Anything?

15 MS. LYALL: No, Your Honor.

16 THE COURT: Sir, you may step down. Please, be careful.

17 (The witness complied with the request.)

18 THE COURT: Do you need him to stay/leave?

19 MS. LYALL: (No Response)

20 THE COURT: Go right outside, sir.

21 (The witness complied with the request.)

22 MS. LYALL: The Defense calls Marion Bridges.

23 THE COURT: Marion Bridges.

24 (Brief pause while witness is summoned.)

25 (The witness stepped forward to be sworn.)

1 (Whereupon,

2 **Marion Bridges**

3 having been first duly sworn, testified as follows:)

4 **THE COURT:** Mr. Bridges, tell us who you are, please,
5 and spell your last name.

6 **THE WITNESS:** Marion Hill Bridges (phonetic), B-R-I-D-G-
7 E-S.

8 **THE COURT:** Thank you. Yes, ma'am?

9 **MS. LYALL:** Thank you, Your Honor.

10 **Direct Examination by Ms. Lyall:**

3:37 P.m.

11 **Q.** Mr. Bridges, who — you were up at the Money Tree on the day this
12 incident occurred in August of last year; is that true?

13 **A.** Yes, ma'am, I was.

14 **Q.** And who were you up there with?

15 **A.** I was up there with a sister-in-law of mines and my granddaughter.

16 **Q.** And who is your sister-in-law?

17 **A.** Joyce Ann Brewton.

18 **Q.** Okay. And we heard from her earlier today?

19 **A.** (No Response)

20 **Q.** Is that true?

21 **A.** Right.

22 **Q.** And she act — you drove her up there?

23 **A.** Yes, I did.

24 **Q.** But you waited in the car for her?

25 **A.** Yes, ma'am.

1 Q. So you were actually outside the whole time?

2 A. Right.

3 Q. And you had your special needs granddaughter in the car?

4 A. That's right.

5 Q. And what drew your attention -- or did something draw your attention?

6 A. Yes, ma'am, it did.

7 Q. And what was that?

8 A. My granddaughter told me to look -- look behind me. There were two
9 -- two guys back there arguing.

10 Q. Okay.

11 A. And whenever I looked back there, I seen Mr. Goldsmith jump out of
12 the vehicle.

13 Q. Okay.

14 A. And slam on Roger and there was a little tumble then, so -- I mean, I
15 never know the guy was hurt that serious, you know?

16 Q. Okay. Well, let's -- let's slow down a bit.

17 A. Okay.

18 Q. Your special needs granddaughter told you to look over because two
19 guys were arguing?

20 A. Right.

21 Q. And you turned around. That's what drew your attention to these two
22 gentlemen?

23 A. That's correct.

24 Q. And, when you turned around and started paying attention, you said
25 you saw Mr. Goldsmith get out of his car ----

1 A. Right.

2 Q. --- and they were arguing?

3 A. Right.

4 Q. And, then, you saw him take a swing at Mr. Wynn?

5 A. Right.

6 Q. What happened after he took -- took a swing at Mr. Wynn?

7 A. They scuffled a little bit and Mr. Goldsmith got back in his vehicle and
8 slumped over to the right.

9 Q. Let's -- let's slow that down a -- a little bit. By scuffling and fighting,
10 do you mean they were punching at each other?

11 A. Yes, I mean, you know ---

12 Q. Scuffling?

13 A. Right.

14 Q. Wrestling?

15 A. Right.

16 Q. They got rolling around on the ground ---

17 A. I never seen them on the ground.

18 Q. Never saw them on the ground?

19 A. No, ma'am.

20 Q. But you did see them punching each other?

21 A. Yeah, I seen them get out in a fight. Roger maybe hollered or
22 something. And, as a matter of fact, I pulled over, you know, naturally with it going
23 on. And, he -- then, I mean, "He owes me some money and he took a swing on
24 me," you know.

25 Q. Okay. "He owe me some money and he took a swing ---

- 1 A. Yeah.
- 2 Q. --- on me," is what he said?
- 3 A. Yeah.
- 4 Q. And, then, you said Mr. Goldsmith got back in his car?
- 5 A. Yes, ma'am, he did.
- 6 Q. And it looked like he might be injured is what you said?
- 7 A. Right.
- 8 Q. He was slumped over?
- 9 A. Right.
- 10 Q. And, then, what happened?
- 11 A. Well, I -- I asked Roger, I said, "What's going on?" He said, "Man, I
- 12 just knocked the 'H' out of him," you know.
- 13 Q. Okay.
- 14 A. And so I -- I just pulled on off, you know. Like I say I didn't know the
- 15 guy was really that injured, you know.
- 16 Q. And before you pulled off, did -- did you all talk about calling 911 or
- 17 anything like that?
- 18 A. No, my sister-in-law done that, yeah.
- 19 Q. Okay. That was your sister-in-law?
- 20 A. Right.
- 21 Q. And you all talked about Curtis swinging on him, which you -- you
- 22 saw?
- 23 A. Yes.
- 24 Q. And did you all talk about anything esle?
- 25 A. No, ma'am.

1 Q. What about telling him to stay?

2 A. Well, I did tell him, I said, "Don't walk off. I mean you got — you got a
3 right to stand your ground," you know. And so I guess he panicked or whatever. So
4 he was walking across the street so I went on about my business.

5 Q. So you told him to stay because he had a right to stand his ground?

6 A. Yes.

7 Q. I believe you also told me he — you told him, "Stay, you have a right to
8 defend yourself"?

9 A. You do.

10 Q. Okay. And so you feel like you saw the whole fist fight; maybe not the
11 whole argument,, but you feel like you saw the whole ---

12 A. Not — not the whole argument, but I seen the scuffle and I also seen
13 Mr. Goldsmith get back in his vehicle and slump over to the right.

14 Q. Okay.

15 A. Yeah.

16 Q. And would you characterize it as a fist fight between two middle-aged
17 men?

18 A. Yes, it was.

19 MS. LYALL: Okay. I don't think I have any other
20 questions at this time.

21 THE COURT: Thank you. Solicitor?

22 Cross Examination by Mr. Bulsa:

23 Q. You know him, don't you?

24 A. Yeah, I knew him through the years.

25 Q. How long have — how long do you all go back?

1 A. Probably, ten (10), 15 years off and on.

2 Q. And how old are you?

3 A. I'm 60 -- 59 years old at this time.

4 Q. Okay. And, now, I didn't hear you tell us where you were positioned in
5 the parking lot when you say you saw this.

6 A. Sitting -- sitting looking -- looking in the door. And, then, my
7 granddaughter told me that they was back there arguing and I looked over my
8 shoulder like that (demonstrating), beside the trash bin. There's a trash bin sitting
9 there.

10 Q. And ----

11 **(Exhibit shown to the witness.)**

12 Q. Okay. On State's 1, where were you?

13 **(Brief Pause)**

14 A. Let's see, Magnolia Street is -- is right in there and I was right at that
15 vehicle (phonetic).

16 Q. Let me put it on the big screen.

17 A. Okay.

18 **(Exhibit shown on overhead.)**

19 Q. State's 1 on the big projector. Turn around this way.

20 **(The witness complied with the request.)**

21 Q. Which road did you pull into the Money Tree off of?

22 A. Pulled off of what?

23 Q. Which road did you pull in off of, Church Street or Magnolia Street?

24 A. From Magnolia.

25 Q. Which direction had you come up Magnolia, toward the

1 courthouse or away from the courthouse?

2 A. I come off of Church Street into Magnolia, in front of — in front of the
3 — of the — in front of the Money Tree.

4 Q. So you pulled off of Church?

5 A. I come around the building into the parking lot.

6 Q. I'm confused, around the building. This way (indicating)?

7 A. (No Response)

8 Q. Here's the Money Tree (indicating). Do you see that?

9 A. (Nods affirmatively).

10 Q. And this would be Church Street (indicating). And this would be
11 Magnolia Street (indicating).

12 A. That's right.

13 Q. So were you on Magnolia and pulled in here (indicating)?

14 A. Right. I come off — I come off of Church Street into Magnolia,
15 between the front of the — the Money Tree, yeah.

16 Q. Uh-huh (affirmative). So, which of these parking lot entrances did you
17 turn into?

18 A. I come into the parking lot right there at the Money Tree.

19 Q. This one right here (indicating), off of Magnolia Street?

20 A. Uh-huh (affirmative), coming around in front of the building.

21 Q. Right here (indicating)?

22 A. Right.

23 Q. This way (indicating)?

24 A. Yeah.

25 Q. Okay. You — you say you had to turn around in your car

1 to see this, okay? That's why I'm trying to get this jury to understand where you
2 were actually located in that parking lot, sir.

3 (Exhibit shown on overhead.)

4 Q. Here's a closer picture, State's Number 2. So you didn't go to the
5 police and tell them what you knew?

6 A. I didn't do what?

7 Q. You didn't go to the police and tell them what you knew, did you?

8 A. No, I did not report it.

9 Q. Okay. So where would you have been parked in this parking lot?

10 A. That's my vehicle right there (indicating).

11 Q. No, it's not. This was taken off the computer. Here's the dumpster
12 (indicating), okay? Where were you in relation to the dumpster?

13 A. Right across from the dumpster.

14 Q. Over here (indicating)?

15 A. Yeah, right there in front of the door going into the -- into the building
16 there.

17 Q. Up this side (indicating)?

18 A. (No Response)

19 Q. So you got the Money Tree building and I don't what this business
20 is right here (indicating). Do you know what it is?

21 A. Know what, what is?

22 Q. The one right next to the Money Tree building?

23 A. Well, you got the motel and, then, you've got the fire station behind the
24 Money Tree, the old fire station behind the Money Tree.

25 Q. Uh-huh (affirmative). If I'm standing in the parking lot looking

1 at the Money Tree door ----

2 A. Right.

3 Q. ---- going into the left ----

4 A. Right.

5 Q. ---- what is that building?

6 A. The building to the left?

7 Q. Yes, sir, this one right here (indicating)?

8 (Brief Pause)

9 A. The only building — the building to the left would be — I'm saying like
10 that right there would be the church across Magnolia.

11 Q. Okay.

12 A. Right.

13 Q. So were you towards — closer to Church Street in the parking lot or
14 closer to Magnolia?

15 A. No, I was closer to Magnolia.

16 Q. You were closer to Magnolia?

17 A. Right.

18 Q. Looking at the building?

19 A. Right.

20 Q. Okay. And where was your granddaughter?

21 A. She was sitting in the back seat behind me.

22 Q. In the back seat?

23 A. Right.

24 Q. Okay. And what kind of car were you in?

25 A. It's an Explorer, a Ford Explorer.

1 Q. A Ford Explorer?

2 A. Right.

3 Q. And Ms. Brewton, then, left and went inside?

4 A. She was in the store.

5 Q. Okay. Do you recall anything going on when she got out to go inside?

6 A. No, it didn't. When she got out, wasn't nothing going on.

7 Q. You didn't see anything ----

8 A. As a matter of fact, Ms. Brewton — Ms. Brewton didn't even see it.

9 Ms. Brewton was in the store and, when she come out, I told her what had
10 happened.

11 And she told me, she said, "Look, man, that man hurt." And she
12 picked the phone up to called back in the store and told them, said "I think
13 somebody hurt in the parking lot."

14 Q. Uh-huh (affirmative).

15 A. And they called the detective, police or whoever, you know.

16 So I went on — I had to get home so I went on about my business.

17 Q. And you're telling this jury that all this happened while Ms. Brewton
18 was in the Money Tree?

19 A. Yeah.

20 Q. How long did all of this take place?

21 A. How long did it take place?

22 Q. Yes, sir.

23 A. I guess she probably been in there for 25 — 25, 30 minutes.

24 Q. Okay.

25 (Brief Pause)

1 Q. Ms. Brewton was in the store 25 to 30 minutes?

2 A. Yeah, she went in to get some money or -- or something; I mean, pay
3 her rent or something. I've done forgot what it was, you know.

4 Q. Okay. And, then, how long did this altercation that you claim you
5 witnessed occur?

6 A. Well, I guess, when she come out and got in, I pulled up. She was in
7 the truck and I pulled up and asked Roger what was going on. And he told me what
8 was happening.

9 And I said, "Well, you know, I just don't -- you know, I seen the -- I
10 said "well..." and, then, my sister-in-law said, "Somebody's hurt. I'm going to call
11 back in the store. So I -- I went on about my business.

12 As a matter of fact, I went to -- I brought her back up there to see Mr.
13 Porter. When she called me and asked me to bring her back, I brought her back up
14 there.

15 Q. You're telling me you brought Ms. Brewton ----

16 A. Yeah.

17 Q. ---- to talk to Mr. Porter about ----

18 A. Yeah.

19 Q. ---- an incident that she didn't even see?

20 A. Yeah. Yeah, she -- she called saying Mr. Porter might call her on her
21 phone and ask her to come back up there. She didn't have a vehicle at that time so
22 I drove her back up there. She only lives six, seven houses from me. So I carried
23 her back up there.

24 Q. Well, we appreciate you doing that, but you're telling this jury that she
25 didn't even see anything.

1 A. Who told you that?

2 Q. Didn't you say she didn't ----

3 A. No, she wasn't out there.

4 Q. Okay.

5 A. Yeah, she was in the store when it happened.

6 Q. All right. Well why, when you brought her up to the police department,

7 why didn't you walk in there and say, "Hey, she didn't see it, I did"?

8 A. It — that wasn't for me to do. It wasn't my problem.

9 Q. In fact, you knew Roger.

10 A. Yeah, I know Roger, but Roger wasn't there. I mean, if it had been Mr.

11 Goldsmith, I mean, I — I would have done the same thing that I'm up here helping

12 him. I would have told the same thing for Mr. Goldsmith, you know.

13 Q. Do you know Mr. Goldsmith?

14 A. I didn't know him, but I would have told — done this right here.

15 Q. You didn't know him?

16 A. Huh?

17 Q. You didn't know him from Adam, did you?

18 A. No, I didn't know him from Adam, but I would have done this for him

19 the same way, however you put it, you know. I'd told what I seen, I'd told the

20 detective; I mean, you, whatever, I seen there.

21 Q. Well, you had that opportunity back in 2014 [sic], didn't you?

22 A. 2014?

23 Q. 2013?

24 A. What?

25 Q. A year ago, when you brought Ms. Brewton into City Hall, you

1 didn't go in there and tell them.

2 A. Yeah, I -- I brought her to City Hall. I didn't go to City Hall.

3 Q. Okay.

4 A. I dropped her off at City Hall.

5 Q. Okay. Mr. Bridges, isn't it true you've been convicted of two counts of
6 drugs offenses in 2011?

7 A. Yeah, I was.

8 Q. Okay.

9 MR. BULSA: Thank you, sir.

10 THE COURT: Anything?

11 Redirect Examination by Ms. Lyall:

12 Q. You said you didn't call the police because you thought he had been
13 drinking. You didn't know he was dead; is that true?

14 A. No, I sure didn't.

15 MS. LYALL: Okay. Nothing else.

16 THE COURT: Thank you, sir. You may step down. Please, be
17 careful.

18 (The witness complied with the request.)

19 (Off-the-Record Comments)

20 THE COURT: Yes, ma'am?

21 MS. LYALL: Your Honor, may we approach a moment?

22 THE COURT: Certainly.

23 (Whereupon, a bench conference was had with both attorneys
24 present.)

25 THE COURT: All right. Mr. Foreman, ladies and gentlemen

1 of the jury, I've been asked to take about a five- or seven-minute, just a very
2 short recess, for a little administrative matter that the lawyers need to attend
3 to. So, Mr. Foreman, I'm going to ask you to take the jury out.

4 It'll be a very short — I'm told it'll be a very short break here and we'll
5 have you back. Please, do not begin to deliberate. You're not at the end.
6 Thank you.

7 (Whereupon, the jury exited the courtroom at 3:54 p.m.)

8 THE COURT: Okay. You need to ----

9 MS. LYALL: Just a moment in the jail room.

10 THE COURT: Okay.

11 MS. LYALL: Thanks.

12 THE COURT: I'm going to stay on the bench.

13 (Whereupon, a brief recess was taken while Ms. Lyall speaks with
14 the Defendant.)

15 THE COURT: Yes, ma'am?

16 (Off-the-Record Comments)

17 MS. LYALL: We are done with our defenses.

18 He is not going to testify.

19 THE COURT: Okay. Do I need to — do you want to put all that
20 on the record?

21 MS. LYALL: Yes, Your Honor. You're going to need to
22 inquire -----

23 THE COURT: I will.

24 MS. LYALL: ---- on the record.

25 THE COURT: I will.

1 (Brief Pause)

2 THE COURT: Mr. Wynn, if you would, stand and be sworn,
3 please?

4 (The witness complied with the request.)

5 (Whereupon,

6 Roderick Wynn

7 having been first duly sworn, testified as follows:)

8 THE COURT: Mr. Wynn, I'm going to ask you to speak loudly, in
9 a clear and audible voice. This lady is a court reporter, as you well know, and
10 she's taking down what we say. So I'm going to ask you to be clear in your
11 answers.

12 At this time, I'm going to explain to you certain rights that you have. If
13 you do not understand anything I say, please, let me know.

14 If you want me to explain anything in detail, I will do so. And also, sir,
15 at any time, if you wish to speak with your lawyer, I will stop and allow you to
16 speak to your lawyer; do you understand that?

17 MR. WYNN: Yes, sir.

18 THE COURT: We have reached the stage in this trial where
19 you may present your defense. You have a right to claim the protections
20 given to you by the Fifth Amendment to the Constitution of the United States.
21 And this Amendment states in part: "No person shall be compelled, in any
22 criminal case, to be a witness against himself."

23 Also, you have the right to claim the protections given to you by Article
24 I, Section (12) of the South Carolina Constitution which states in part: "No
25 person shall be compelled, in any criminal case, to be a witness

1 against himself.”

2 This means that you cannot be required to testify in this case. You
3 have the right to testify, on your own behalf, but no one can make you testify.
4 This is a personal right and no one can waive this right except you.

5 If you decide to testify, you will be subject to the same rules that
6 govern other witnesses. And you may be examined and cross examined on
7 any relevant issue in this case.

8 In addition, if you have any convictions involving dishonesty or false
9 statements or for crimes punishable by imprisonment for more than one year,
10 and this Court determines that the probative value of admitting this evidence
11 outweighs its prejudicial effect to you, the Solicitor will be able to introduce
12 your record to attack your credibility.

13 If you decide to testify, this decision on your part must be freely,
14 intelligently, and voluntarily made with knowledge of the protections given to
15 you by the Constitutions of the United States and the State of South Carolina,
16 and the consequences of your decision to testify.

17 If you decide not to testify, I will instruct the jurors that they
18 cannot give the fact that you did not testify any consideration whatsoever.
19 And that there is to be absolutely no prejudice to you because you did not
20 testify.

21 It is left entirely up to you whether or not you testify. You may speak
22 with your lawyer, your family and friends, or anyone else, but the final
23 decision must be left entirely up to you.

24 Sir, do you understand what I have explained?

25 **MR. WYNN:** Yes, sir.

- 1 **THE COURT:** Do you have any questions about what I have
2 explained?
- 3 **MR. WYNN:** No, sir.
- 4 **THE COURT:** Have you discussed with your lawyer whether you
5 should or should not testify?
- 6 **MR. WYNN:** Yes, sir, I have.
- 7 **THE COURT:** Do you wish to -- to talk with your lawyer
8 anymore?
- 9 **MR. WYNN:** No, sir.
- 10 **THE COURT:** Do you wish to testify?
- 11 **MR. WYNN:** No, sir.
- 12 **THE COURT:** Do you voluntarily, intelligently, and freely waive
13 your right to testify?
- 14 **MR. WYNN:** Yes, sir, I do.
- 15 **THE COURT:** Have you had plenty of time to speak with your
16 lawyer about this matter?
- 17 **MR. WYNN:** Yes, sir, I have.
- 18 **THE COURT:** Has she answered all of your questions?
- 19 **MR. WYNN:** Yes, sir, she has.
- 20 **THE COURT:** Have you understood all the answers?
- 21 **MR. WYNN:** Everything she said, sir.
- 22 **THE COURT:** Are you completely satisfied with her legal
23 representation of you up to this point?
- 24 **MR. WYNN:** Yes, sir, I am.
- 25 **THE COURT:** And, again, sir, the decision is yours not to testify?

1 MR. WYNN: Yes, sir.

2 THE COURT: All right. Thank you, sir. You may be seated.

3 (The witness complied with the request.)

4 THE COURT: Yes, ma'am, Defense rests?

5 MS. LYALL: The Defense rests, Your Honor.

6 THE COURT: All right. For planning purposes here, ladies and
7 gentlemen, I think I'm going to call the jury back, release them for the day,
8 and have them return at 9:00 tomorrow.

9 My law clerk has already worked on a jury charge. If you want to talk
10 about that a little bit this afternoon, or if you want to think about it overnight
11 and email something to her, that's fine.

12 But I would love for us to meet in the morning, 8:00, 8:15 or something
13 like that about the jury charge. So, when the jury gets here, I'd like to move
14 right into closing and charging. Sound good?

15 MR. BULSA: If we could just see what you've got?

16 THE COURT: Yeah, you can. Let's get the jury back in so I can
17 release them for the day. We can go back in chambers or we can do it right
18 here ----

19 MR. BULSA: Yes, sir.

20 THE COURT: ---- after we release everybody.

21 (Off-the-Record Comments)

22 (Whereupon, the jury was summoned and entered the courtroom
23 at 4:03 p.m.)

24 THE COURT: Mr. Foreman and ladies and gentlemen of the jury,
25 the -- the State rested previously. The Defense has now rested its case,

1 which means that we are now at the end of the trial, at the end — ended all
2 the testimony in this trial.

3 So, mechanically, there will be no more testimony put up for your
4 consideration. It's a little after 4:00 p.m. at this point, we lawyers — the judge
5 and the lawyers have a — have a couple of housekeeping matters that we'll
6 have to take care of and get ready for the next stage, which is called the
7 closing arguments and the charge on the — on the law, which will be coming
8 to you.

9 Also, the lawyers have to review all of the exhibits and make sure
10 everything is accounted for up here. Quite honestly, that takes about an hour
11 to an hour and fifteen minutes.

12 So what we're going to do is, we are going to recess you; not us, but
13 we're going to recess you for the day since it is a little after 4:00 p.m. and ask
14 for you to be back tomorrow morning 8:50, 8:52, 8:55, whatever it might be.
15 But we intend to begin at 9:00 tomorrow morning.

16 Now, when I say we intend to begin at 9:00 tomorrow morning, that
17 would mean that our work will be done with the mechanical things that we
18 have to do.

19 So we would expect that you would begin — you would begin listening
20 to the closing arguments of the lawyers, if any; they're not required to make
21 them, but they generally do. And, then, I am required to give you the charge
22 on the law.

23 And I — and we all anticipate being read to go by 9 o'clock tomorrow
24 morning. That way, as soon as you get here, we can go to work with that.

25 With that, I remind you, you are charged not to read any

1 news account of this trial whatsoever. I don't know, if there will be a news
2 account of it or not, but, if there is, please, have your loved one, family
3 member, or friend to place that aside and you can read after the end of the
4 trial is over.

5 Do not begin deliberating this. Do not try to learn anything outside of
6 this courtroom. Remember my — my previous instructions; all — everything
7 must come from inside the courtroom and nothing in news accounts or
8 internet.

9 Do not begin to deliberate within your mind, much less with anybody
10 else. And with that, Mr. Foreman, if you — where do you want them released
11 from, the jury room?

12 **BAILIFF:** Yes, sir.

13 **THE COURT:** If you'll go with the bailiff to the jury room and be
14 released from there. And, please, please, be back there timely in the
15 morning and we'll start at 9 o'clock sharp. Thank you.

16 **(Whereupon, the jury was excused from the evening and**
17 **exited at 4:06 p.m.)**

18 **THE COURT:** Anything from the State or the Defense regarding
19 the jury?

20 **MR. BULSA:** No, sir.

21 **MS. LYALL:** No, Your Honor.

22 **THE COURT:** Okay. We'll be in recess until 9:00 tomorrow
23 morning.

24 **(Off-the-Record Comments)**

25 **(Whereupon, Court was adjourned at 4:07 p.m. and**

1 reconvened on October 28, 2014, at 9:03 a.m.)

2 October 28, 2014

9:03 A.m.

3 (Brief Pause)

4 (Off-the-Record Comments)

5 THE COURT: Okay. There's — there's a couple of things in here
6 that I'd like — there's a punishment paragraph I'm not going to read.

7 MS. LYALL: Okay.

8 THE COURT: Yeah, and there's a paragraph about me giving —
9 sometimes I give a copy to the jury for their deliberation; I'm not going to do
10 that ----

11 MS. LYALL: Okay.

12 THE COURT: ---- in this case, a couple of things like that. But
13 it's substantially what I'm going to read though.

14 (Draft of jury charge given to Counsel for review.)

15 (Off-the-Record Comments)

16 (Brief pause while Counsel review proposed jury charge.)

17 MS. LYALL: Your Honor, would you like me to go ahead with
18 my motions? What — what are we doing right now?

19 THE COURT: Yeah, I was just giving you some time there if you
20 were...

21 MS. LYALL: He's going to read these.

22 THE COURT: Okay. All right. Yes, ma'am?

23 (Off-the-Record Comments)

24 THE COURT: Okay. We're ready. Yes, ma'am.

25 MS. LYALL: Your Honor, at this time, I have a motion

1 for a directed verdict in this case.

2 Mr. Wynn is only charged with murder in this case. And murder —
3 specifically, the indictment in this case says:

4 The Defendant is charged with murder, specifically that
5 Roderick Germaine Wynn did, in Spartanburg County, on or about
6 August 14th of 2013, kill Curtis Edward Goldsmith with malice
7 aforethought, either expressed or implied, in that he beat the victim
8 about the head and body resulting in the death of the victim, in
9 violation of the Code of Laws of South Carolina.

10 You've now heard all of the testimony in this case from the witnesses;
11 specifically from Freddie Young, Joyce Brewton, Kerri Blanchard, Katina
12 Price, Matthew Teamer, and Marion Bridges.

13 Each one of the people in this case stated that -- in their different
14 ways, that it was a simple fight between two middle-aged men; that none of
15 them thought was a big deal.

16 They all said that Mister — the victim is the one that threw the first
17 punch. And that Mr. Wynn did throw punches back, but they were engaged
18 in a fight.

19 Testimony was also brought out that Mr. Goldsmith was actually in the
20 process of throwing punches and Mr. Wynn grabbed him by the legs to get
21 him to stop throwing punches. And that, at that point, Mr. Goldsmith fell
22 backwards onto a trash can.

23 That is not the intentional killing of another person, which is a required
24 element of murder.

25 This also says that he died by beating the victim about the head

1 and body. You specifically heard from Dr. Wren, who stated that this
2 kind of injury cannot be obtained by punches.

3 So Dr. Wren, their own witness, stated that it was impossible for this to
4 happen by what they have charged him with. They have specifically charged
5 him with an intentional beating about the head and body, which goes strictly
6 against what their own pathologist said; that, that is impossible, not how he
7 died.

8 Dr. Wren stated that you can get this from falling into something. You
9 can get this from falling four (4) to five (5) feet; that it doesn't take a very hard
10 hit to the head, but you 100% cannot get this from a punch to the head.

11 **(Brief Pause)**

12 **MS. LYALL:** Mutual fighting, self defense, being hit and, then,
13 hitting someone back, any of these things that could be obtained from what
14 the testimony was heard from every single witness does not amount to
15 murder in this case.

16 There's not a single person that testified that he intentionally hit this
17 man and caused his death.

18 Every single person testified that it was either him hitting this guy back
19 because he hit him first or, if you'd like to infer that they got into a mutual
20 fight, that he was grabbing his legs to keep from the guy punching him at the
21 time and that the guy fell back, not that Mr. Wynn took him and threw him into
22 the trash can, which is an intentional act;

23 Not that he beat him in the head which caused his death. None of
24 those things, which are intentional acts, which would be required in murder.

25 This is at most a manslaughter. And that is not what the State

1 chose to charge him with. So, at this time, I would ask for a directed verdict.

2 Even, in the light most favorable to the State, this is not a murder and I
3 would ask for a directed verdict at this time.

4 **THE COURT:** Mr. Bulsa?

5 **MR. BULSA:** Well, one, Your Honor, murder is not the
6 intentional killing of a person. It's the killing of a -- a person, but it does not
7 have to be intentional. It can be an unintentional killing if it's accompanied by
8 malice aforethought.

9 And clearly from the facts in this case malice can be inferred by the
10 actions of the Defendant. The jury can believe that he went there with the
11 intention of confronting the -- the victim and getting his money no matter
12 what cause (phonetic) it took him.

13 Your Honor, the -- the victim died as -- as a result of the beating he
14 took from the Defendant, whether it was by his own hand or by an object that
15 he threw him into.

16 Clearly, the jury could find that the Defendant murdered Mr. Goldsmith.
17 And that's a factual issue for the jury.

18 **THE COURT:** Yes, sir. I -- I agree with that. The motion is
19 denied. I don't know whether or not picking him up, as the witness testified --
20 I think Mr. Freddie Young testified that picking him up or attacked him around
21 the knees or legs and picking him up is what he said, whether -- whether that
22 became a defensive or a -- or a offensive move, but that's a matter for the
23 jury to decide.

24 Anything else?

25 **MS. LYALL:** No, Your Honor.

1 THE COURT: Okay.

2 (Off-the-Record Comments)

3 (Brief Pause)

4 THE COURT: Okay. All right. We're ready.

5 (Whereupon, the jury was summoned and entered the courtroom at
6 9:21 a.m.)

7 THE COURT: Good morning, Mr. Foreman and ladies and
8 gentlemen. Any issues for the jury before we proceed?

9 MR. JACKSON: No, sir.

10 THE COURT: All right. We are now ready to go to closing
11 arguments. Pay -- please, pay close attention to the lawyers. Yes, ma'am?

12 (Ms. Lyall's closing argument began at 9:22 a.m.)

13 MS. LYALL: Good morning. Again, my name is Mary Stuart
14 Lyall and I appreciate your attentiveness in this matter for the last day.

15 As I spoke to you yesterday morning, I told you that, as you listened
16 to the witnesses in the trial, that there wouldn't be much conflict in what they
17 were saying. And I think that was true as you heard from each of them.

18 First you heard from Freddie Young. He testified that he heard
19 someone walking up the street. He didn't know who it was; he still doesn't
20 know who it was. He just heard a woman talking to someone saying, "Let it
21 go. Let it go."

22 And later he assumed -- he still doesn't know who it was, but he
23 assumes it might have been Mr. Wynn because something happened later.
24 But he, at that time, went back to his house, on the other side of the motel, he
25 got ready, he got on his bike, and he came around Asheville Highway

1 side, and he saw a fight happening.

2 He stated, when he pulled up, there was already a fight happening.

3 He didn't see what it was — he didn't see why it started. He didn't see who
4 started it, but he saw two men fighting.

5 He said nothing out of the ordinary. There was nothing crazy about it.

6 It was just two men taking some punches at each other.

7 He said, and I quote, "it was a little incident." He didn't call the police
8 because he said, "It was just two men fighting. There was nothing big about
9 it. I — I didn't think anything was going to happen. It — it was just normal."

10 So he went on his way. He said he did talk to the men, before he went
11 on his way, and tried to get them to stop.

12 But he didn't see a need for an ambulance or anything like that
13 because they were just throwing a few punches. And so he left and went on
14 his way. But, before he did, he did see them breaking up.

15 Next you heard from Joyce Brewton. Excuse my language, but all she
16 said was, "Damn, they fighting." She was in the store when it started. She
17 didn't see how it started. But, when she came out of the store, she just said
18 she saw two middle-aged men fighting, just throwing a few punches.

19 Again, she said nothing out of the ordinary. It wasn't serious, nothing
20 serious happening. But, again, "Damn, they fighting." And she went on her
21 way.

22 She said she called out to them and said, "Maybe you should call 911."
23 And they did. She didn't want to get involved because she didn't think it was
24 that serious. So she left.

25 Next you heard from Ms. Blanchard. She didn't see anything.

1 She didn't hear anything because she wasn't there.

2 But she did meet up with Mr. Wynn afterwards. Mr. Wynn told her,
3 "Curtis hit me. I hit him back. He's not moving; come help me."

4 They went up to the Money Tree. They tried to see if he was okay.
5 You heard her testify they checked his pulse. They called out to him. They
6 messed with him. They both decided to call 911.

7 They sat there and waited. They messed with him a little more, but
8 they're not medical personnel. They were trying to see if he was okay.

9 Kerri said they just sat there and waited for a little while. And, at that
10 point, Mr. Wynn panicked and he left.

11 911 was called again. Ms. Blanchard said, at that point, Ms. Price
12 joined her. She said Ms. Price was across the street at this time, was not
13 present when any of his happened, couldn't have seen anything and couldn't
14 have heard anything.

15 She wasn't even on the same side of the street as the Money
16 Tree. She was down the street and across the street with another woman.

17 You did hear from Ms. Price. She said she heard a few things; she
18 couldn't hear much, but she did hear. But we've already heard from Ms.
19 Blanchard who said where she was.

20 She couldn't have heard anything. She didn't even show up until the
21 second 911 call was made and the police and paramedics were almost there.

22 She admitted to you herself she didn't even come on scene until Mr.
23 Wynn was already gone. How is she supposed to testify to anything?

24 (Brief Pause)

25 MS. LYALL: You heard from Mr. Teamer, Matthew Teamer.

1 He testified that he witnessed this whole alt -- altercation. Now, he was in a
2 car, so he could not hear what it was about, but he saw Mr. Goldsmith throw
3 the first punch. He saw Mr. Goldsmith punch Mr. Wynn and, then, Mr. Wynn
4 punched him back defending himself.

5 And, then, they ended up in I believe he said a tussle, wrestling. He
6 used a couple of different words. But he said it looked like two old men
7 fighting; nothing serious.

8 He laughed about what they looked like. He said it wasn't much of a
9 fight; two old man just pushing each other around.

10 He didn't even stop. He said he paused because it looked like
11 something was going on. So he looked over, saw what he thought was two
12 old men trying to fight.

13 And so he looked over and looked at it for a little while and, then, just
14 kept going. He said he would have stopped if he thought something was
15 serious and would have gotten in the middle of it or called 911. But it was so
16 ridiculous that he didn't think he needed to do anything.

17 You also heard from Marion Bridges. Marion Bridges told you that he
18 was sitting in his car with his special needs granddaughter. He had driven
19 Ms. Brewton, who you also heard from, up to the store.

20 While she was in there, paying her bills — she had to take her bills up
21 there as you heard. They would give checks to her, then, they would send off
22 the checks. So he had to sit in his car and wait for her.

23 While he was waiting for her, his special needs granddaughter said,
24 "Look, look." And he looked over and two men were verbally arguing.

25 A few seconds later, he said Mr. Goldsmith punched Mr.

1 Wynn, punched him in the face.

2 And, after Mr. Goldsmith punched Mr. Wynn in the face, they started
3 fighting. If someone punches you in the face, you have the right to defend
4 yourself.

5 You heard from Marion Bridges that he sat there and watched them
6 fight for a few minutes before his sister-in-law, Joyce Brewton, came out.
7 And he sat there and told Mr. Wynn, "You have the right to defend yourself.
8 Stand your ground," because that's what he saw.

9 He saw Mr. Goldsmith take a swing at Mr. Wynn. And he saw Mr.
10 Wynn defending himself. So he told Mr. Wynn, "Stand your ground. You
11 have the right to defend yourself. Don't leave this parking lot scared.

12 "I saw what you did. Stand your ground. You have the right to defend
13 yourself in this situation."

14 You heard him testify to that. He saw the whole thing as he was sitting
15 there for Ms. Brewton to come out.

16 Now, you heard from Investigator Porter, who did this whole
17 investigation. He heard him say that, when he arrested Mr. Wynn, Mr. Wynn
18 said, "Please get the tape. Please get the tape. It will show what happened
19 in this circumstance. It'll show everything."

20 You saw the pictures, which you'll have back in evidence with you. It
21 shows there was a video camera, a video camera pointing directly to where
22 this happened. Now, unfortunately, they have a video camera, but it's not in
23 operable condition.

24 Mr. Wynn hoped it had been. He was begging for them to get that
25 tape because he was hoping there was a tape of what happened to show

1 that he was defending himself.

2 He was punched first as you heard from witnesses. He was punching
3 back when someone punched him in the face.

4 You also heard that he had no injuries on his hands. He wasn't
5 beating someone mer -- mercifully (phonetic). He didn't have cuts on his
6 knuckles where he was beating someone in the face.

7 You also heard from the pathologist that the victim didn't have any
8 other injuries. He didn't have a broken nose, a broken face. He just had a
9 few scratches on his arms and his legs where you heard witnesses say these
10 two men rolled on the floor, cuffed (phonetic) up with each other; you know,
11 tumbling, fighting.

12 There were no injuries to his hands or his face either. That shows
13 how not serious this fight was. Neither man had injuries to their hands.
14 Neither man had injuries to their face. And all the witnesses told you how not
15 serious this fight actually was.

16 You did hear from Freddie Young when he said, "I saw one part of the
17 fight. I saw Mr. Goldsmith punch, punch, punching Mr. Wynn in the face.
18 And Mr. Wynn grabbed him by his knees to try and stop him. And Mr.
19 Goldsmith fell backwards. And I think he hit his head on that dumpster."

20 (Brief Pause)

21 MS. LYALL: You have a right to defend yourself. If someone is
22 punching you in the face, it is a normal reaction and a legal reaction to
23 defend yourself against being punched in the face.

24 Mr. Wynn grabbed this man by the knees to try to take him to the
25 ground so he would stop punching him in the face. He did not take

1 his head and slam it into a trash can.

2 He did not take his head and slam it into the ground.

3 As he was being punched in the face by this man, he grabbed him by
4 the knees to try and attempt to get him to stop punching him in the face.
5 And, unfortunately, Mr. Goldsmith fell backward and, because they were
6 fighting near a trash can, he hit his head on that trash can.

7 You heard from the State's witness, the pathologist in this case, Dr.
8 Wren. I know you learned a lot about brain injury in this case and a lot of it
9 had nothing to do with this case, but what did have to do with this case was
10 the fact that this was a subdural hemorrhage.

11 He says, to get a subdural hemorrhage, it doesn't take a very hard hit
12 to the head. It doesn't take a very hard blow.

13 I think one of the examples he used was some people trip and fall and
14 they die. Some people trip and fall and they get back up. That's what a
15 subdural hemorrhage is.

16 It's a very unfortunate way to die. He said some people are more
17 susceptible to this kind of death. He said you can get this from falling four (4)
18 to five (5) feet. It's a very, very small distance to fall to die.

19 He said that it's from blunt force to the head with a flat object, which
20 would be the trash can. He said it could be from falling into something.
21 However, he said you cannot get this from a punch to the head; impossible.

22 It would have to be from falling into something or being hit with
23 something hard. But it's not possible for this death to occur from being
24 punched in the head. The only logical thing to have happened in this case is
25 exactly what the witnesses testified to.

1 Dr. Wren also testified there were no other injuries to the body
2 except the injuries that were occurred from them putting a trach in him. He
3 said there was no — nothing on his clothes other than some paint stains, no
4 blood. And nothing else was injured on him except that internal injury, that
5 blow on this side of his head (indicating).

6 He didn't have a broken nose. In fact, nothing on him was fractured.
7 Neither of these men, according to any evidence, were injured in this fight.
8 It's -- everyone has said it was a simple fist fight and unfortunately he fell and
9 hit his head.

10 Not a single person has said that he intentionally hurt this man. What
11 people have said is that Mr. Goldsmith punched him first and he punched him
12 back. And they continued to fight until the fight was over.

13 Mr. Goldsmith got back up, got in his car, and, then, the — his head
14 injury caused him to slump over and he died later en route to the hospital.

15 This is a very, very unfortunate accident. But it is not something that
16 this man (indicating) intended to do. And it's not something this man started.

17 He was punched by Mr. Goldsmith. And, unfortunately, he had to
18 return these punches and the fight continued until both men walked away.

19 To be convicted of murder in this state, it has to be that Mr. Wynn
20 killed another person with malice aforethought. Malice is hatred, ill will, or
21 hostility towards another person.

22 It's the intentional doing of a wrongful act without just cause or excuse
23 and with an intent to inflict an injury or under circumstances that the law will
24 infer an evil intent.

25 He certainly did not intend to cause this act. You've heard that

1 from all of the witnesses.

2 (Brief Pause)

3 MS. LYALL: You will also hear from the Judge instructions for
4 what's called voluntary manslaughter. Voluntary manslaughter is the unlawful
5 killing of another without malice, expressed or implied, in the sudden heat of
6 passion upon suff — sufficient legal provocation.

7 The State must prove that the Defendant unlawfully killed another
8 without malice in sudden heat of passion based on sufficient legal
9 provocation.

10 Heat of passion alone will not suffice. Both heat of passion and legal
11 provocation must be present. "Heat of passion must be such as would
12 nationally disturb the sway of reason and render the mind of an ordinary
13 person incapable of cool reflection."

14 What all of this says is that he basically lost his mind and caused the
15 death in the middle of this fight. That is not what anyone has said. Everyone
16 has said that a man hit him first and he continued to punch back, while he
17 was being punched.

18 And, then, as he's being punched in the face, he grabs the guy by the
19 knees to stop being punched in the face. And the guy falls back and hits his
20 head.

21 That is not heat of passion killing. If it was a heat of passion killing,
22 you would have him, in the middle of the fight, slamming the guy's head into
23 the trash can. That would mean he was provoked enough to actually kill him.

24 That is not what we have here. Heat of passion killing is not a guy
25 falling back and hitting his head on a trash can.

1 Heat of passion would be this man actually doing something to kill him;
2 taking him and slamming him, hitting him in the head until he died, punching
3 him until his skull fractured. That is not what we have here.

4 You'll also get an instruction on involuntary manslaughter. Involuntary
5 manslaughter is the unintentional killing of another without malice while
6 engaged in an unlawful activity that is not a felony and does not naturally tend
7 to cause death or great bodily harm.

8 In this case, yes, they were involved in an unlawful activity if you
9 believe that they were fighting each other because they agreed to. This
10 would have been — if you believe they agreed to fight each other, this would
11 have been an assault and battery.

12 And, second, fighting each other, and an assault and battery, would
13 not naturally tend to cause the death of another. When you go out and
14 decide to fight another person, two men just punching each other, that does
15 not naturally tend to cause the death of another.

16 (Brief Pause)

17 MS. LYALL: So, on first look, you would think that involuntary
18 manslaughter might fit this case. It's the only one that might fit this case.
19 However, you have to consider that he came to this situation and yes, they
20 were speaking about money.

21 They were arguing. Everyone has said that they were arguing. That is
22 not against the law. People have arguments every single day. People have
23 arguments — I would assume everyone in this room as had argument this
24 week of some sort.

25 Having an argument with someone does not mean they can

1 punch you in the face. If someone punches you in the face, you have the
2 right, in South Carolina, to meet force with force.

3 You will be given an instruction on self-defense. Self-defense is a
4 complete defense to every single charge that you will be given.

5 If you find that he acted in self-defense, you will have to find him not
6 guilty of every single charge.

7 You will have to find that he is not — he is without fault in bringing
8 about the situation. What that means is he did not start the fight.

9 You have heard from every single person that saw the beginning of the
10 fight that Mr. Goldsmith threw the first punch. That would mean he did not
11 start the fight. If he did not start the fight, he can meet force with the same
12 force.

13 And everyone has testified that he did not use any more force than Mr.
14 Goldsmith did. Everyone that has testified has said Mr. Goldsmith threw the
15 first punch, and, then, he punched back and, then, it just kept going.

16 Mr. Goldsmith punched him. And you can continue with force until
17 force is no longer needed.

18 You certainly don't have to stand there and get punched in the face.
19 And you certainly do not have to — if it is not reasonable to do so, you do not
20 have to run away.

21 We would not have this situation if, once Mr. Goldsmith had punched
22 Mr. Wynn, and Mr. Wynn had punched him back, if Mr. Goldsmith had just
23 curled up in a ball or something and he was punching back.

24 That's not the situation we have. You've heard from everyone
25 that Mr. Goldsmith continued punching Mr. Wynn. He had the right

1 to continue punching until the fight was over.

2 (Brief Pause)

3 MS. LYALL: You will have the full self-defense instruction when
4 the judge gives it to you. And there is no burden upon the Defendant to
5 prove self-defense.

6 All of the witnesses that have testified have testified that the other guy
7 threw the first punch. That is enough to prove that he was acting in self-
8 defense.

9 Another thing that you will have to consider is that one has a right to
10 use force in repelling another person's force; a punch for a punch, or in
11 protecting oneself.

12 And one cannot be required to make a nice calculation as to the
13 degree or quantity or amount of force which may be necessary for one's
14 complete protection from serious bodily injury or death.

15 "One may continue to use force until such time one is safe from
16 danger." That's what I've been talking about this whole time. Until the fight
17 was over, he could continue to use the same amount of force, punching, that
18 was used.

19 (Brief Pause)

20 MS. LYALL: I know, at the beginning of this, I told you that we
21 would not disagree on much because all of the witnesses would pretty much
22 say the same thing, which I think you see they did.

23 But what we do disagree on is the fact that Mr. Wynn is not guilty
24 of murder. He is not guilty of voluntary manslaughter. He is not guilty of
25 involuntary manslaughter.

1 And the reason is he was acting in self-defense at the time this
2 happened. And I hope that you find him not guilty. Thank you.

3 (Ms. Lyall's closing argument ended at 9:48 a.m.)

4 THE COURT: Thank you. Mr. Bulsa?

5 MR. BULSA: Thank you. May it please the Court?

6 THE COURT: Yes, sir.

7 MR. BULSA: Ladies and gentlemen, let me take you back to
8 August 14th, 2013. You met the victim's wife, Ernestine Goldsmith. She told
9 you a little bit about her husband.

10 How he was a business man that used to work at Fremont Apartments
11 as a maintenance man. They had a business themselves cleaning up
12 apartments.

13 He had apartments in the area where this occurred. So he had every
14 right to be in that area.

15 This occurred around 12 o'clock noon August the 14th at a local
16 business, the Money Tree, in the parking lot. I submit to you that the victim
17 was going about his business when confronted by the Defendant. That's
18 important.

19 I submit to you he was going about his business when this man
20 (indicating) confronted him because what reason did Mr. Goldsmith have to
21 go to this man on that day in question?

22 We don't know how they knew each other. Mrs. Goldsmith testified
23 that perhaps Mr. Goldsmith had him do some work for him in the past
24 because Mr. Goldsmith was about giving back to his community, inviting
25 people to work with him in his business of cleaning up apartments.

1 Perhaps that was the situation. We don't know. Maybe that's why he
2 thought he owed him more money.

3 I think that's about the only thing that's clear is that this guy (indicating)
4 thought the victim owed him some money. And he, seeing Mr. Goldsmith in
5 the area, he, as was told by Mr. Young, was talking to a girl about going and
6 getting his money. And what was that girl telling him?

7 She was pleading with him to leave it alone. So this man (indicating)
8 went and confronted Mr. Goldsmith in the parking lot of a local business.

9 That's important because the Defense attorney told you about self
10 defense. Well, the first element of self-defense that must exist before you
11 can excuse him of this homicide is that he must be without fault.

12 I submit to you that he cannot be without fault if he went there to
13 confront the victim with the attitude that caused a lady to plead with him to
14 leave the situation alone.

15 His attitude was one of anger and confrontation. He was going to take
16 care of business and get his money. He created this situation. He brought
17 this about.

18 **(Brief Pause)**

19 **MR. BULSA:** Everybody, ladies and gentlemen, did not tell you
20 who started this fight. And I submit to you to think about what you consider a
21 fight. Is a fight argument or it is only a fight when a blow is thrown?

22 You have fights, as she says, in your everyday lives. And I ask you to
23 use your every day commonsense and world
24 experiences. People fight verbally. They fight physically.

25 This man (indicating), I submit to you, started the verbal fight

1 if — and I submit to you it's a big if because is not been shown — none of
2 these State's witnesses; Ms. Blanchard, Ms. Price, and Mr. Young, Ms.
3 Brewton, none of them said they saw who threw the first blow; none of them.

4 Yet, Ms. Lyall wants you to say that everyone, all the witnesses said
5 that. Well, I'll submit to you only two witnesses came in and told you that Mr.
6 Goldsmith threw the first blow. And that was — and that was Mr. Teamer and
7 Mr. Bridges.

8 The State called all the witnesses that stayed in the area, that were
9 identified by the police that they could find and came to the police station to
10 speak to them. We put all those up to you.

11 Mr. Teamer didn't go to the police. Mr. Bridges sounds like he went to
12 the police dropping Ms. Brewton off who he says didn't even see what
13 happened. Does that make sense?

14 Use your common day life experiences and your commonsense and
15 you judge the credibility of those witnesses. Are they believable? Was what
16 they said believable?

17 Mr. Teamer, "The victim threw a punch and both men tumbled to the
18 ground." Does that make sense?

19 You look at their past history, whether that shows if they're reliable or
20 believable.

21 **(Brief Pause)**

22 **MR. BULSA:** And you look at their actions, look at how they
23 testified, and look at the bias they have.

24 Everyone, even the State's witnesses, they all know this man
25 (indicating). Mr. Young has known him for the least amount of time. Mr.

1 Teamer and Mr. Bridges I believe testified they knew him for years and years.

2 The two ladies knew him for years.

3 The two ladies are the only two that, from what I recall, knew Mr.

4 Goldsmith. And now did they know Mr. Goldsmith? He was the

5 maintenance man at Fremont Apartments.

6 He was a man that had a job, a clean-up business, who employed

7 people in the community to give back.

8 This man (indicating) brought about the confrontation, the argument,

9 and I submit to you — I'll go back to this point --- if -- if Mr. Goldsmith threw

10 the first blow, one, it doesn't matter. But if he did, who provoked him?

11 **(Brief Pause)**

12 **MR. BULSA:** The judge will charge you on the law of self-

13 defense. He's going to charge you on four elements. I submit to you that the

14 two main ones that are not going to be shown in this case, the evidence

15 essentially disproves, is that he is not without fault.

16 Number two, he had a duty to retreat because you cannot fight in

17 public. Now, you have a right to defend yourself, but, if you have an ability to

18 leave the situation and walk off, as Mr. Wynn did — we know he walked off

19 one time past Ms. Blanchard, then, went back. And, then, she heard the

20 commotion and, then, he comes back.

21 You have a right -- you have a duty to retreat. We live in a civilized

22 society, ladies and gentlemen. You can't just get involved in a fist fight out in

23 public, in the community.

24 You saw where the victim's car was positioned. It gives the

25 appearance as if he was trying to drive off when confronted by this man.

1 It would have been nice if we had a video of what happened. The
2 police did their job and checked. Unfortunately, the business didn't have any.

3 But, you can look at the overall circumstances, the time of day, the
4 relationship of the parties, the — the apparent dispute they had over some
5 money, the positioning of the vehicle. It all I submit to you infers that Mr.
6 Goldsmith wasn't looking for a fight.

7 He wasn't looking for a confrontation. He left the house that day to go
8 about his business and do his job. Not so with the Defendant.

9 Now, this wasn't a big case about CSI and all this forensic evidence.
10 Usually that stuff comes into play when they're trying to prove who did
11 something; trying to prove the identity of the person who did it.

12 Well, we have witnesses who saw who did this. But we did have a
13 pathologist who talked about the injuries. And it's clear that the cause of
14 death was the blow to the head which was the result of the altercation with
15 the Defendant.

16 So he caused the death of Mr. Goldsmith. But what was also
17 important is that Mr. Goldsmith had abrasions to his knees, an abrasion to his
18 right arm, which is consistent with him being on the ground.

19 The dumpster was there. And, as Mr. Young testified,
20 the Defendant picked him up and slammed him either into the ground or into
21 the dumpster.

22 You are responsible for your actions and whatever natural and
23 probable consequence is of your action. You are responsible.

24 This man entered into a confrontation, into a fight, and he killed a man.
25 And he is responsible for that death. And he needs to be held accountable.

(Brief Pause)

MR. BULSA: He is guilty of murder. I submit to you, when he went to confront Mr. Goldsmith, his state of mind and the victim's unwillingness to bend, shown by the argument, that the malice existed in his mind.

Murder is not premeditated in South Carolina. It's based upon the malice. It doesn't have to actually be intentional. It's the killing of another person with malice aforethought and that malice is either implied or expressed.

You can imply the malice. You can find the malice from the circumstances; from the actions of the person, the picking up and slamming of someone. And it only has to exist in your mind a split second (snaps fingers) before the actual deadly blow is inflicted, okay?

The judge, however, will charge you with lesser included offenses, lesser included offenses Ms. Lyall went over with you. And I'll go over them briefly again.

Voluntary manslaughter is the first step down. Voluntary manslaughter is the unlawful killing of a person without malice. Essentially that malice is negated by sufficient provocation by the victim, which sufficiently enraged the Defendant into killing the man.

So, if you believe that the victim somehow provoked this man, which led him to beat him and slam him into an object hard enough to kill him, then, you can find him guilty of voluntary manslaughter.

The next step down is involuntary manslaughter. That's the unintentional killing of someone who is involved -- who is not involved in an

1 illegal activity not likely to cause death or great bodily injury. And I submit to
2 you, when you engage in a fight, you're not considering the consequences.

3 When you pick somebody up like he did and slam them into an — an
4 object, that can cause great bodily injury or death, as it did in this case. So
5 he was not involved in an unlawful activity not causing death because it did
6 cause death. So I submit to you it's not involuntary manslaughter.

7 The diff — the question you have I submit is it murder or is it voluntary
8 manslaughter? Those are what I would propose to you.

9 And, in reaching those, the judge will charge you those elements of
10 self-defense. And I submit to you that at least two do not -- are not there. If
11 all four aren't there, you can't rely on it.

12 But there's another concept of law that you may have heard of and
13 may actually have a -- a -- an idea of what it is, but may actually not
14 understand how it applies. And that is the concept of mutual combat.

15 Mutual combat is when two people enter into essentially an agreement
16 to fight, okay? And something bad usually happens when that — when that
17 mutual combat occurs.

18 If you think this was a fight that both men were willingly involved in,
19 over a pre-existing dispute, which would have been apparently some dispute
20 over money, then, you can find they were engaged in mutual combat.

21 Mutual combat does not mean he shouldn't be convicted of anything.
22 What it means is, is both parties willingly entered into a fight. That means
23 neither one of them is without fault.

24 So self-defense doesn't apply. So mutual combat actually negates or
25 takes out the self-defense.

1 So that removes self-defense from the equation. And we're back to
2 the question I posed to you: Is it murder or voluntary manslaughter? Okay?

3 You're going to have a lot of law that's going to be read to you here in
4 a few minutes. I submit to you listen closely, take it all in.

5 You'll have the exhibits, which are essentially just pictures. You're not
6 going to have the statements of witnesses. You're going to have your
7 memory of their testimony.

8 Now, if you think you heard something different, you have a right to
9 ask that testimony be replayed. And I bring this up because I told you earlier
10 the State called the four people that willingly came to the police department
11 and met with the detectives and gave statements.

12 And you probably sensed it yesterday when Mr. Young was testifying.
13 I had to keep going back and bring him back to his statement that he wrote in
14 his own hand.

15 People are more free to talk and put things on paper when they're not
16 around the person they're talking about. Then, when they come into court,
17 and they have to sit here and see a man that they know, an acquaintance, a
18 friend, they tend to want to back away from what they wrote down.

19 Mr. Young, I submit to you, had the best overall information to give you
20 to help you understand what actually took place because he's the one that
21 heard the discussion as they were coming up along the fence.

22 He knew the voice. He said it was Roger and a girl that he knew as
23 Megan. He did know who was talking. He wrote it in his statement.

24 Then, after speaking with the detective for about 35 minutes, he writes
25 out his statement.

1 And he told you, you know, when he heard that, he got on his bike and
2 rode around and came up into the parking lot and he realizes, "Hey, the guy
3 is really doing what he told the girl. He's going to get his money." And he
4 sees something going on.

5 Now, he testified — he talks about Mr. Goldsmith striking the
6 Defendant. That was perplexing. But, in his own handwritten statement —
7 and I didn't — we couldn't introduce as a Rule of Evidence because he
8 admitted to the inconsistencies between his testimony to his statement.

9 But, in his own handwritten statement, not one time — not one time ---
10 did he reference Mr. Goldsmith swinging during the blows.

11 When he talks about blows being thrown in his statement, I went
12 through with you, is was this man (indicating), he was doing all the punching.
13 The victim was covering up.

14 The victim got up woozy. The victim is the one walking back to his
15 truck. The victim was the one trying to remove himself from the situation.

16 This is the man (indicating) who caused the confrontation, engaged in
17 the fight, assaulted the victim, and killed him by his actions.

18 And, then, what did he do? He went and saw Ms. Blanchard
19 and said, "I — I popped him good," loud enough — he made that sort of
20 comment loud enough that Ms. Price, on the other side of the street, could
21 hear him.

22 And Ms. Blanchard walks up to see what he's talking about. He
23 comes with her. She realizes it's Curtis, someone she knows. She goes to
24 call 911, and what does he do? He gets out of there; consciousness of guilt.
25 He flees the scene.

1 The police talk to him that afternoon. They go to his girlfriend, talked
2 to him, "Hey, come here. I need to talk to you." Yeah, they didn't tell him
3 about what — specifically what it was about.

4 But he said, "Okay. I'll come over." Didn't come over. They put up
5 flyers in the neighborhood, put out information in the community. Mr. Teamer
6 said he heard it. He saw it in the paper before he was arrested.

7 It took a tip from Crimestoppers to locate him in an abandoned house
8 on Asheville Highway. The man knew he did wrong. He was hiding out from
9 the police. He fled from his misconduct, from his actions.

10 **(Brief Pause)**

11 **MR. BULSA:** I ask you, ladies and gentlemen, to use your
12 common sense, the logic behind the situation, common world experiences.
13 Listen to the judge's charge on the law, apply it to the facts which you can
14 glean as a collective group, and decide which offense it was: murder,
15 manslaughter? You'll have involuntary, but I submit to you the decision is
16 one of the first two.

17 The State will respect your verdict. It's the nature of what we have
18 here. We rely on witnesses that come forward, witnesses that cooperate,
19 not the witnesses who don't make sense who come to court as a friend of the
20 Defendant who sound — their story sounds kind of weird.

21 Certainly not a man who drives a lady up to the police station to give a
22 statement who he says didn't see anything. I submit to you, you can't rely on
23 that kind of evidence.

24 Please rely on the evidence that the State brought to you and reach a
25 verdict of guilty. Thank you.

(Mr. Bulsa's closing argument concluded at 10:10 a.m.)

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Jury Charge

10:11 A.m.

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2 **THE COURT:** Thank you, Solicitor. Mr. Foreman and ladies and
3 gentlemen of the jury, you have seen and heard the evidence presented, as
4 well as the arguments of Counsel. And it is now my duty and obligation to
5 instruct you on the law in this case.

6 It will, then, be your solemn duty and obligation to begin your
7 deliberations through which process you will decide the facts, apply the law
8 as I instruct it, and render a fair and impartial decision.

9 It is your exclusive duty to determine what the facts are in this case.
10 You do that based on your own common sense examination and evaluation
11 of the testimony and other evidence received during the trial of the case.

12 You 12 jurors alone will decide what effect, value, and weight is to be
13 given to any particular testimony or other evidence received. Quite simply,
14 ladies and gentlemen, your ultimate goal is to find the truth in this case.

15 And by doing so you will have fulfilled your obligations as jurors in
16 giving both the State and the Defendant a fair and impartial trial based on the
17 evidence presented and the law applicable to this case.

18 The indictment charges the Defendant with the offense of murder. I
19 remind you that the fact the Defendant was arrested, charged, and indicted in
20 this case is not evidence in the case and cannot be considered by you as
21 evidence of guilt.

22 Nor does it create any presumption or inference of guilt. This
23 document, the indictment, simply is a formal written instrument which
24 contains the charge made against the Defendant. It is the formal document
25 by which the case is brought before the Court.

1 The Defendant has pled not guilty to the indictment. And that puts the
2 burden on the State of South Carolina to prove the Defendant guilty.

3 A person charged with committing a criminal offense in South Carolina
4 is never required to prove himself innocent.

5 I charge you that is a cardinal, important, and vital rule of law that, in a
6 criminal trial, no matter what the seriousness of the charge may be for which
7 he stands charged, the defendant will always be presumed to be innocent of
8 the crime for which the indictment was issued unless guilt has been proven
9 by evidence satisfying you of that guilt beyond a reasonable doubt.

10 This presumption of innocence does not end when you begin your
11 deliberations, but it accompanies the Defendant throughout the trial until you
12 reach a verdict of guilt based on evidence satisfying you of that guilt beyond a
13 reasonable doubt.

14 The presumption of innocence is like a — is like a robe of innocence
15 placed about the shoulders of the Defendant which remains with him from the
16 moment of his arrest and continues until it has been stripped from his
17 shoulders by evidence satisfying you of his guilt beyond a reasonable doubt.

18 The presumption of innocence is not mere legal theory. It is not just a
19 legal phrase, but a substantial right to which every defendant is entitled
20 unless you 12 jurors are satisfied from the evidence of his guilt beyond a
21 reasonable doubt.

22 I remind you that, during the trial, you and I have certain duties to
23 perform. As the trial judge, it is my responsibility to preside over the trial of
24 this case and I also have the duty to rule the admissibility of evidence offered
25 during the trial.

1 You are to consider only the competent evidence before you. You are
2 to consider the testimony which has been presented from the witness stand,
3 any exhibits which have been made a part of the record, and any stipulations
4 of Counsel.

5 I have the additional duty to charge you the law in this case. As the
6 presiding judge, I am the sole judge of the law of this case and it is your duty
7 as jurors to accept and apply the law as I now state it to you.

8 If you have any idea as to what the law is or what the law ought to be
9 or what the law should be, and it does not agree with what I now tell you the
10 law is, you must abandon your idea because you are sworn to accept the law
11 and apply it exactly as I state it to you.

12 In every case tried in this court before a jury, you, the jury, become the
13 sole and exclusive judge of the facts in this case. A trial judge cannot
14 intimate, state, comment on, or make any statement to a jury about the facts
15 in a case.

16 You, the jury, are the sole judge of the facts in this case. You are not
17 to infer from what I have said, during the progress of this trial in ruling upon
18 the admissibility or — of evidence or otherwise, or anything that I say now
19 during the course of my instructions to you, that I have an opinion about the
20 facts in this case.

21 The law of this state does not allow me to have an opinion about the
22 facts in this case. This is a matter solely for you, the jury, to determine.

23 As jurors, it is your duty to determine the effect, value, weight, and
24 truth of the — of the evidence presented during this trial.

25 The State has the burden of proving the Defendant guilty

1 beyond a reasonable doubt. In criminal cases, the State's proof must be
2 beyond a reasonable doubt.

3 Ladies and gentlemen proof, beyond a reasonable doubt, is proof that
4 leaves you firmly convinced of the Defendant's guilt. There are very few
5 things in this world that we know with absolute certainty, and in criminal
6 cases, the law does not require proof that overcomes every possible doubt.

7 A reasonable doubt may also be described as the kind of doubt that
8 would cause a reasonable person to hesitate to act. If you have such a
9 doubt, as to the guilt of the Defendant, then, he would be entitled to a verdict
10 of not guilty.

11 Reasonable doubt may arise from evidence which is in the case or
12 from the absence or lack of evidence in the case. If, based on your
13 consideration of the evidence, you are firmly convinced that the Defendant is
14 guilty of the crime charged, you must find him guilty.

15 If, on the other hand, you think there is a real possibility that he is not
16 guilty, you must give him the benefit of the doubt and find him not guilty.

17 You alone must make the determination of whether or not reasonable
18 doubt exists as to the guilt of the Defendant.

19 There are two types of evidence which are generally presented during
20 a trial: Direct evidence and circumstantial evidence.

21 Direct evidence is the testimony of a person who claims to have actual
22 knowledge of a fact, such as an eyewitness. It is evidence which immediately
23 establishes the main fact to be proved.

24 Circumstantial evidence is proof of a chain of facts and circumstances
25 in -- indicating the existence of a fact.

1 It is evidence which immediately establishes collateral facts from which
2 the main fact may be inferred. Circumstantial evidence is based on inference
3 and not on personal knowledge or observation.

4 The law makes absolutely no distinction between the weight or value
5 to be given to either direct or circumstantial evidence. Nor is a greater
6 degree of certainty required of circumstantial evidence than of direct
7 evidence.

8 You should weigh all of the evidence in this case. And, after weighing
9 all the evidence, if you are not convinced of the guilt of the Defendant,
10 beyond a reasonable doubt, you must find him not guilty.

11 Under the Constitution of South Carolina, you are the finder of facts in
12 this case. Necessarily, you must determine the credibility of witnesses who
13 have testified.

14 Credibility simply means believability. It becomes your duty as jurors
15 to analyze and to evaluate — and to evaluate the evidence and determine
16 which evidence convinces you of its truth.

17 In determining the believability of witnesses who have testified, you
18 may believe one witness over several or several over one. You may believe
19 a part of the testimony of a witness and reject the remaining part of that
20 witness' testimony.

21 You may believe the testimony of a witness in its entirety or reject the
22 testimony of a witness in its entirety. You may consider whether any witness
23 has exhibited to you any interest, bias, prejudice, or other motive in this case.

24 You may also consider the appearance and manner of a witness while
25 on the witness stand.

1 Simply put, do you believe the witness was telling the truth?

2 You may consider how the witness came to know the facts to which he
3 or she testified and whether or not the witness had an opportunity to hear,
4 observe, or perceive a fact by means of their senses.

5 Whatever your good judgment and common sense tells you is the
6 most believable testimony, is the testimony that you should accept and reject
7 that testimony which you find not to be credible or believable.

8 The Rules of Evidence ordinarily do not permit witnesses to testify to
9 opinions or conclusions. An exception to this rule exists for witnesses we call
10 expert witnesses.

11 A witness, who by education and experience has become an expert in
12 some art, science, profession, or calling, may state an opinion as to relevant
13 and material matters in which the witness claims to be an expert and may
14 also state the reason for his or her opinion.

15 You should consider any expert opinion received in evidence in this
16 case and, like any other evidence, give it the weight you think it deserves.

17 If you decide that the opinion of an expert witness is not based on
18 sufficient education and experience, or if you conclude that the reasons given
19 in support of the opinion are not sound or that the opinion is outweighed by
20 other evidence, you may disregard the opinion entirely.

21 And expert witness's testimony is to be given no greater weight than
22 that of other witnesses simply because the witness is an expert. Further, you
23 are not required to accept an expert's opinion even though it is not
24 contradicted.

25 I instruct you, ladies and gentlemen, and emphasize that the fact

1 that the Defendant did not testify is not a factor to be considered by you in
2 any way in your deliberations and in your consideration of the question of
3 guilt or the innocence of the Defendant.

4 It must not be considered by you in any manner whatsoever. A
5 defendant has the constitutional right to remain silent. And the assertion of
6 this right must not be considered by you in your deliberations.

7 I repeat, under your oath, you are to draw no conclusion whatsoever
8 from the fact that the Defendant in this case did not testify. The fact that this
9 Defendant did not testify should not be discussed in the jury room.

10 The burden of proof, as I have stated previously, is on the State of
11 South Carolina. The Defendant is not required to prove his innocence. The
12 burden of proof remains on the State to prove guilt beyond a reasonable
13 doubt.

14 Criminal intent is a necessary element of each crime that must be
15 proved by the State beyond a reasonable doubt. Criminal intent is always a
16 matter that must be determined by the jury from the circumstances
17 surrounding the situation.

18 There's no way to prove intent to a mathematical certainty. There is
19 no way medical science can dissect a person's brain and determine what he
20 had in mind.

21 So the law says that criminal intent may be inferred from the
22 circumstances shown to have existed. This is how a jury makes a
23 determination whether or not the element requiring intent was present.

24 Criminal intent is a state of mind, which operated jointly with an act, is
25 the commission of a crime. Criminal intent is a state of mind, a conscious

1 wrongdoing, so it is up to you, the jury, to determine what the Defendant
2 intended to do based on the circumstances shown to have existed.

3 I tell you that the State must prove criminal intent beyond a reasonable
4 doubt, just as the state must prove every element beyond a reasonable doubt
5 as I previously explained.

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

10 While the state may prove motive, it is unnecessary that the State do
11 so, but the State must prove intent.

12 I have instructed you that the Defendant is charged with the offense of
13 murder. I will now read to you, in part, Section 16-3-10 of the South Carolina
14 Code of laws which says, "Murder is the killing of any person with malice
15 aforethought either expressed or implied."

16 The Defendant is charged with murder; specifically that he did, in the
17 County of Spartanburg, State of South Carolina, on or about August —
18 August 14, 2013, kill Curtis Edward Goldsmith with malice aforethought,
19 either expressed or implied, in that he beat victim about the head and body
20 resulting in the death of the victim, all in violation of the Code of Laws of this
21 State.

22 The State must prove, beyond a reasonable doubt, that the Defendant
23 killed another person with malice aforethought.

24 Malice is hatred, ill will, or hostility towards another person. It is the
25 intentional doing of a wrongful act without just cause or excuse and with

1 an intent to inflict an injury or under circumstances that the law
2 would infer an evil intent.

3 Malice aforethought does not require that malice exist for any
4 particular time before the act is committed, but malice must exist in the mind
5 of the Defendant just before and at the time the act is committed.

6 Therefore, there must be a combination of the previous evil intent and
7 the act.

8 Malice aforethought may be expressed or inferred. These terms,
9 "expressed" and "inferred," do not mean different kinds of malice, but merely
10 the manner in which malice may be shown to exist; that is, either by direct
11 evidence or by inference from the facts and circumstances which are proven.

12 Expressed malice is shown when a person speaks words which
13 express hatred or ill will for another or when the person prepared beforehand
14 to do the act which was later accomplished.

15 Malice — malice may also be inferred from conduct showing a total
16 disregard for human life.

17 Should you find that the State has not proved murder, beyond a
18 reasonable doubt, you must, then, consider the lesser included offenses of
19 voluntary manslaughter and involuntary manslaughter.

20 Voluntary manslaughter is the unlawful killing of another without malice
21 expressed or implied. It is the unlawful killing of a human being without
22 malice in sudden heat of passion upon sufficient legal provocation.

23 The State must prove, beyond a reasonable doubt, that the Defendant
24 unlawfully killed another without malice in sudden heat of passion based on
25 sufficient legal provocation.

1 Heat of passion alone will not suffice. Both heat of passion and
2 legal provocation must be present at the time of the killing to constitute
3 voluntary manslaughter.

4 Heat of passion must be such as would naturally disturb the sway of
5 person. And render the mind of an ordinary person incapable of cool
6 reflection and produce what may be called an uncontrollable impulse to do
7 violence.

8 The passion need not be so overwhelming as for a time to shut out
9 knowledge and destroy violation (phonetic).

10 **(Brief Pause)**

11 **THE COURT:** To constitute sufficient legal provocation, the
12 provocation must come from some act or be — or related to the victim ---
13 some act of or related to the victim.

14 The provocation must be such as naturally and instantly produces, in
15 the mind of the person ordinarily constituted, the highest degree of
16 exasperation, rage, anger, sudden resentment, or terror rendering the mind
17 incapable of cool reflection.

18 If sufficient legal — if sufficient legal provocation does not exist, the
19 killing, even if committed during the heat of passion, is not voluntary
20 manslaughter.

21 The provocation must deprive one of the powers of self control, but it
22 need not entirely dethrone (phonetic) reason.

23 In determining whether the act which caused death was impaled by
24 heat of passion, all the surrounding circumstances and conditions are to be
25 taken into consideration, including previous relations

1 and conditions connected with the tragedy, as well as those existing at the
2 time of the killing.

3 In determining whether a reasonable time for cooling off had elapsed,
4 you should consider all of the circumstances surrounding the event, the
5 nature of the provocation, the Defendant's -- the Defendant's physical and
6 mental condition, the Defendant's conversation throughout the entire incident,
7 and the circumstances and condition in life, the Defendant's education,
8 habits, conduct, manner, and relationship between the parties.

9 Involuntary manslaughter is the unintentional killing of another without
10 malice, while engaged in an unlawful activity that is not a felony and does not
11 naturally tend to cause death or great bodily harm, or the unintentional killing
12 of another without malice while engaged in a lawful activity with reckless
13 disregard for the safety of others.

14 Unintentional means the Defendant did not intend for anyone to be
15 killed or seriously injured. A reckless disregard for the safety of others
16 signifies an indifference to the consequences of one's act.

17 It means something more than mere negligence or carelessness,
18 which indicates inadvertence; that is, the failure to exercise due care,
19 sometimes called ordinary care, meaning such care as a person of ordinary
20 reason and prudence would exercise in the same circumstances.

21 Recklessness, willfulness, and wantonness, which convey the same
22 general idea, mean a conscious failure to exercise due care or ordinary care.

23 Wilfulness is the fact or quality of acting purposely or by design.

24 Recklessness exists where one, who is aware that ordinary care or prudence
25 requires him to use certain precautions for the safety of others, with

1 unconcern or indifference, fails to do so or who, aware that a course of
2 conduct or act is negligent, with unconcern or indifference, follows such
3 course or does such act.

4 This signifies an indifference to the consequences of one's acts.

5 A person engaged in the commission of an unlawful activity is legally
6 responsible for all the consequences which naturally or necessarily flow from
7 the act as one of its probable and natural consequences, even though what
8 was done was not intended as part of the original design.

9 I tell you that self-defense is a complete defense. If established, you
10 must find the Defendant not guilty. There are four elements required by law
11 to establish self defense. First, the Defendant must be without fault in
12 bringing on the difficulty.

13 Second, the Defendant must have been in actual imminent danger of
14 losing his life or sustaining serious bodily injury or he must have actually
15 believed he was in imminent danger of losing his life or sustaining serious
16 bodily injury.

17 Third, if his defense is based upon his belief of imminent danger, a
18 reasonably prudent person of ordinary firmness and courage would have
19 entertained the same belief.

20 If the Defendant actually was in imminent danger, then, the
21 circumstances were such as would warrant a person of ordinary prudence,
22 firmness, and courage, to strike the fatal blow in order to save himself from
23 serious bodily harm or losing his own life.

24 Fourth, the Defendant had no other probable means of avoiding the
25 danger of losing his own life or sustaining serious bodily injury than to

1 act as he did in this particular instance.

2 These are the elements of self defense. A Defendant, in a self-
3 defense case, has the right to act on appearances.

4 A Defendant must have believed he was in imminent danger, not that
5 he was actually in such danger, because he had the right to act on
6 appearances and, under the circumstances, as they appeared to him, he
7 believed he was in such danger and a reasonable, prudent man of ordinary
8 firmness and courage would have entertained the same belief.

9 Words accompanied by hostile acts may, depending on the
10 circumstances, a plea of self-defense (phonetic) if the Defendant is justified in
11 striking a blow, the Defendant is justified in — in continuing until it is apparent
12 that the danger to his life and body has ceased.

13 Ordinarily, a Defendant is not justified in striking blows after the
14 adversary has been disarmed or disabled. One has a right to use force in
15 repelling force or in protecting oneself.

16 And one cannot be required to make a nice calculation as to the
17 degree or quantity or amount of force which may be necessary for one's
18 complete protection from loss of life or serious bodily harm to oneself.

19 One may continue to use force until such time as one is safe from
20 danger.

21 There is no burden upon the Defendant to prove self-defense. The
22 Defendant is not required to prove any element of self-defense. The burden
23 is on the State to disprove self-defense beyond a reasonable doubt.

24 If you have a reasonable doubt of the Defendant's guilt, after
25 considering all of the evidence, including evidence of self-defense,

1 then, you must find the Defendant not guilty.

2 On the other hand, if you have no reasonable doubt of the Defendant's
3 guilt, after considering all of the evidence, including the evidence of self-
4 defense, then, you must find him guilty.

5 If the Defendant voluntarily participated in mutual combat,
6 for purposes other than protection, he cannot justify or excuse the killing of
7 the victim in the course of such conflict on the ground of self-defense,
8 regardless of what extremity or imminent peril he may be reduced to in the
9 progress of the combat, unless before the killing was committed, he withdrew
10 and endeavored in good faith to decline further conflict and, either by word or
11 act, made that fact known to the victim.

12 Mutual combat exists when there is mutual intent and willingness to
13 fight. Mutual intent is a manif -- is manifested by the acts and conduct of the
14 parties and the circumstances attending and leading up to the combat.

15 Further, it must be shown that both parties....

16 **(Brief Pause)**

17 **THE COURT:** Mutual combat bars a claim of self-defense
18 because it negates the element of being at fault.

19 The mutual combat doctrine is triggered when both parties contribute
20 to the resulting fight. Self-defense is available only when the Defendant is
21 without fault in bringing on the difficulty.

22 Ladies and gentlemen, Mr. Foreman, you have been selected as fair
23 and impartial jurors sworn to impartially try and determine the facts of this
24 case. And, when you comply with your oath to do so, no one will have a right
25 to criticize your verdict and you will have fully discharged your duty as jurors.

1 You are to decide this case, according to the testimony that you heard
2 from the sworn witnesses, along with other evidence that has been
3 introduced.

4 During your deliberations, you may only discuss the case in the jury
5 room with your fellow jurors because they have seen and heard the same
6 evidence you have seen and heard; however, you must not discuss this case
7 with anyone else until you have returned a verdict and the case is at an end.

8 I further tell you, Mr. Foreman, ladies and gentlemen, when you are in
9 the jury room deliberating, in the event that a juror needs to take a break, go
10 to a restroom facility, get a drink of water, that is outside of the deliberations,
11 all deliberations must cease until that juror has — juror or jurors have
12 returned and all 12 of you are together.

13 Now, Mr. Foreman, I told you, at the very beginning of this trial, and
14 explained to you that you would be — it would be your duty to write the verdict
15 in this case. And I'm now going to instruct you on that.

16 I'm holding in my hand what is known as a jury verdict form. This form
17 has the caption of the case and the case number. And it says, "We, the jury,
18 unanimously find the Defendant, Roderick Germaine Wynn, on the charge of
19 murder, not guilty or guilty."

20 If you answer "guilty" to the first question, you would stop at question
21 one. And that is written on this form.

22 If you find him not guilty to question one, you'll proceed to question
23 two. Question two is, "We, the jury, unanimously find the Defendant, Mr.
24 Wynn, on the charge of voluntary manslaughter, not guilty or guilty."

25 The instructions are the same. If you find him guilty of

1 question number two, on voluntary manslaughter, you would stop there and
2 sign your name and not go any further.

3 In the event that you answered not guilty to question two, you would
4 proceed to question three: "We, the jury, unanimously find the Defendant, Mr.
5 Wynn, on the charge of involuntary manslaughter, not guilty or guilty," and
6 sign your name.

7 Finally, it says, "I certify this decision was unanimous decision —
8 was a unanimous decision." As I told you, it must be all 12, a unanimous
9 decision.

10 Mr. Foreman, I'm — in just a minute, I'm going to ask you to take your
11 jury and go to the jury room. The two alternates will go with you. Please, do
12 not begin any discussion of the case or deliberation of the case.

13 All of these exhibits that are here belong to you, the jury. Also this
14 form (indicating). When this form comes back to you, I'm going to — let me
15 tell you what I'm going to do.

16 When you go out, I'm going to ask the lawyers to come up. Madam
17 Court Reporter keeps a record of the exhibits. They are going to review
18 those exhibits, one through however many they've introduced, and ensure
19 that they're all present and that there's nothing in there that should not come
20 to your attention and everything is there that should come to your attention.

21 Once the lawyers agree that those are the documents, I will, then, put
22 this on top of those exhibits for you, this verdict form,. The bailiff will, then,
23 bring this form and the exhibits to you.

24 That is your signal that you are free to begin your deliberations.

25 At the same time, for my two alternate jurors, my bailiff will retrieve

1 you from the jury room because it's only proper for those 12 to begin the
2 deliberations.

3 He will, then, segregate both of you all just in case — in the event that
4 we would to need one of you.

5 **(Brief Pause)**

6 **THE COURT:** And I think that's it. All right. Mr. Foreman, at this
7 time, if you would, take all 14 of you, but do not begin deliberations, but go to
8 the jury room.

9 **(The jury charge concluded at 10:37 a.m.)**

10 **(Whereupon the jury and the two alternates exited the courtroom**
11 **at 10:37 a.m.)**

12 **THE COURT:** Anything from the State?

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

14 **THE COURT:** Anything from Defense?

15 **MS. LYALL:** No, Your Honor.

16 **THE COURT:** All right. If you both, lady and gentleman, would
17 look at the exhibits, please. And here is the jury verdict form.

18 **(Whereupon, Counsel checked all exhibits.)**

19 **(Off-the-Record Comments)**

20 **THE COURT:** Get my two alternates. They are to begin their
21 deliberations.

22 **(Whereupon, the jury began deliberating at 10:40 a.m.)**

23 **THE COURT:** Okay. We're going to be in recess for a few
24 minutes here. And I think there might be a plea or two. I don't know.

25 **(Off-the-Record Comments)**

1 (The jury had a question at 10:53 a.m.)

2 THE COURT: The jury has written a note here, which I'll make a
3 Court's exhibit. It says, "Def voluntary versus involuntary." It's my
4 understanding from the bailiff he believes that they want it in writing.

5 I'll do either one. I'll — I'll do what the lawyers want me to do. I'll give
6 it to them in writing or I will — by cutting and pasting, or I'll bring them in and
7 recharge them.

8 MR. BULSA: In writing is fine with me, Your Honor.

9 MS. LYALL: In writing is fine with me.

10 THE COURT: Okay. Give us a second and we'll.... They've
11 agreed to in writing, so, I'll just give it to them in writing since they've agreed
12 and let Kim print it.

13 (Off-the-Record Comments)

14 THE COURT: Okay. Both lawyers come and look at this.

15 (Counsel complied with the Court's request.)

16 THE COURT: All right. Let's make this a Court's exhibit.

17 (Whereupon, Court's Exhibits 1 and 2 were marked for
18 identification and admitted into the record.)

19 THE COURT: (To Bailiff) And, then, you can ask them if that's
20 what they want. And, if they would rather hear it from me, I'll be happy to do
21 that. And I'll wait for you to come back.

22 (Brief Pause)

23 BAILIFF: That was fine.

24 THE COURT: That was fine? Okay. All right.

25 (A verdict was reached at 12:10 p.m.)

1 (Pause while parties re-assemble in courtroom.)

2 (Verdict taken at 12:31 p.m.)

3 **THE COURT:** I understand we have a verdict. Solicitor, I — I
4 understand we have a — have a verdict, and I want you to take just a minute,
5 if you've not already done so, to talk to assorted personnel in the courtroom.

6 There will be no emotional outbursts, no cheering. If there is, these
7 officers will take somebody into custody, okay?

8 No celebrating one way or the other. If you can't control your
9 emotions, I would ask you to, please, please leave now or these officers will
10 take you into custody if that happens.

11 Are we good to go? All right. Let's have our jury. Everybody has
12 been warned.

13 (Whereupon, the jury was summoned and entered the courtroom
14 at 12:27 p.m.)

15 **THE COURT:** Mr. Foreman, has the jury reached a verdict?

16 **MR. JACKSON:** We have, Your Honor.

17 **THE COURT:** If you would, hand that to my bailiff, please?

18 (The foreman complied with the request.)

19 **THE COURT:** Madam Clerk?

20 **MADAM CLERK:** The State of South Carolina, County of
21 Spartanburg, *The State of South Carolina vs. Roderick Germaine Wynn*,
22 indictment number 2014-GS-42-0313. We, the jury, unanimously find the
23 Defendant, Roderick Germaine Wayne — Wynn, on the charge of murder,
24 not guilty.

25 We, the jury, unanimously find the Defendant, Roderick

1 Germaine Wynn, on the charge of voluntary manslaughter, guilty. Signed by
2 the foreperson, Alan Jackson, and dated today's date, August 28th, 2014.

3 Ladies and gentlemen of the jury, is this your verdict and still your
4 verdict? If so, please, raise your right hand.

5 **(Jurors complied with the request.)**

6 **MADAM CLERK:** So say you all.

7 **THE COURT:** Polling of the jury, Solicitor?

8 **MR. BULSA:** No, sir.

9 **THE COURT:** Polling of the jury?

10 **MS. LYALL:** No, Your Honor.

11 **THE COURT:** Okay. Mr. Foreman, if you would, come forward,
12 please, and sign the indictment.

13 **(The foreman of the jury complied with the request.)**

14 **THE COURT:** Solicitor, do we need to notate that it's not
15 murder?

16 **MR. BULSA:** Yes, sir, guilty of voluntary manslaughter.

17 **(Off-the-Record Discussion)**

18 **THE COURT:** Can I see the lawyers just for a moment?

19 **(Whereupon, a bench conference was had with both attorneys**
20 **present.)**

21 **THE COURT:** Mr. Foreman, ladies and gentlemen of the jury, as
22 well as our two alternates who are seated in the back of the courtroom, thank
23 you so very much for your service this week. We could not do what we do
24 without you being here.

25 I hope you've learned something. And I don't know, if you've

1 ever served before on a jury, but I certainly hope it's been educational for you
2 and hasn't been a -- and it hasn't been too much of an inconvenience in your
3 personal and professional lives.

4 This ends your jury service for the week. The -- the jury trials for this
5 week are now at an end. We have other work to do this afternoon and some
6 other work to do tomorrow, but it does not require the presence of a jury to do
7 that.

8 So, once again, thank you for your service. This does end your
9 service this week.

10 **(Continued Off-the-Record Comments regarding jury's dismissal.)**

11 **(The jury was excused and exited the courtroom at 12:31 p.m.)**

12 **THE COURT:** Any matters from Defense?

13 **MS. LYALL:** Yes, Your Honor. At this time, I would renew my
14 motion for a directed verdict based on all previous arguments and based on
15 the -- all previous objections.

16 **THE COURT:** Solicitor?

17 **MS. LYALL:** I would also ----

18 **THE COURT:** I'm sorry. Go ahead.

19 **MS. LYALL:** Sorry. I would also make a motion for a new trial
20 based on I don't think there was sufficient evidence -- evidence presented
21 for the crime of voluntary manslaughter.

22 There was no evidence presented that there was malice expressed or
23 implied -- well, I guess for voluntary manslaughter there doesn't have to be.

24 But in this case, what the jury had to find is that it was an
25 unlawful killing of another without malice expressed or implied, but

1 that it was in the sudden heat of passion upon sufficient legal provocation.

2 In this case, what was testified to is that he grabbed him by the ankles,
3 while the other guy was punching him, and that the other guy fell back and hit
4 his head.

5 That is not killing another in heat of passion with legal provocation. I
6 gave examples of what think would be heat of passion based on suff ---
7 sufficient legal provocation.

8 And if — what would have been needed in this case is for him to take
9 his head and hit it against something or do something where he was
10 provoked with heat of passion. In this case, that's not what happened. He
11 grabbed him by the legs to have someone stop punching him and the guy fell
12 back.

13 He doesn't do something out of angry, out of heat of passion, based
14 on legal provocation. That's not what was testified to. And that's not what
15 anyone testified to.

16 Based on that, I would ask for a new trial and basically there was no
17 evidence presented that the jury could have found him guilty of voluntary
18 manslaughter.

19 **THE COURT:** Solicitor?

20 **MR. BULSA:** Your Honor, the jury spoke. They heard all the
21 witnesses and arguments. And the Defense case hinged upon the victim
22 inflicting the first blow, which the jury could easily see as provocation.

23 The Defendant went up to the victim upset about some money. So he
24 clearly could have become enraged as a result of the blow by the victim.

25 So the charge is sufficient. The jury had exam of all the charges

1 plus all the offenses available to them:

2 **THE COURT:** The motion for — renewal of the motions, they are
3 denied again for the same reasons here before enunciated by the Court.

4 The motion for the new trial is denied as well in that there is ample evidence
5 for the jury to support the jury's decision.

6 Anything else?

7 **(Brief Pause)**

8 **MS. LYALL:** No, Your Honor.

9 **THE COURT:** Okay. Anything from the State?

10 **MR. BULSA:** Your Honor, he does have a criminal record. And
11 the victim's wife would like to speak with respect to sentencing.

12 **(Brief Pause)**

13 **THE COURT:** We have a probation matter too and Agent
14 Manigan is on her way I think.

15 **(Brief Pause)**

16 **MS. LYALL:** Your Honor, at the appropriate time, I mean, we
17 would like to speak on his behalf. And we do have testimony of witnesses
18 that would like to speak on his behalf.

19 **THE COURT:** Oh, certainly. I'll give everybody a chance to
20 speak.

21 **(Off-the-Record Comments)**

22 **Sentencing** **12:37 p.m.**

23 **THE COURT:** All right.

24 **MS. LYALL:** Would you like for us to come forward?

25 **THE COURT:** Yes, come around. And we will let the

1 Defense go first. And, then, I'll hear from the State.

2 (The Defendant stepped forward with Ms. Lyall.)

3 THE COURT: Yes, ma'am?

4 MS. LYALL: Your Honor, as you heard in this case, this was a
5 fight. It was a fight that was not started by Mr. Wynn. It was a fight over a
6 small amount of money that was a verbal argument.

7 Mr. Goldsmith took it to the next level and punched Mr. Wynn.
8 And, yes, they did have a small fight, but it was not anything serious
9 according to all of the witnesses.

10 There was not a single injury to either one of them other than the blow
11 that actually killed Mr. Goldsmith, which was caused by him hitting his head
12 on the garbage can.

13 There were no broken bones by either of them. There was no blood
14 on the clothing. This was a simple fight that had a tragic ending.

15 It could not have been something that anyone would have thought
16 happened. People fight every single day. This is not a bloody fight; it was a
17 couple of punches. And he grabbed him to stop him from punching him and
18 he hit his head.

19 It is extremely unfortunate. He is very, very sad and sorry that this
20 man is dead, but it is not something that anyone would have thought would
21 have happened when two people punch each other a couple of times.

22 Mr. Wynn does have a criminal history. But that should not make a big
23 difference in this case. The difference in this case is what happened.

24 An argument does not mean that someone is going to die.

25 A few punches does not mean that someone is going to die.

1 I still think that this case was involuntary manslaughter. I think the
2 appropriate punishment would be five (5) years. We've said that all along.

3 I understand the jury has spoken, and we accept that, but this should
4 not have happened. It did not mean to happen. The coroner — the
5 pathologist testified that it did not happen from punches to the head.

6 He was not the one physically causing this injury to cause the death.
7 He hit his head and he died.

8 He's not taking no -- no blame for this. He was the one there and this
9 death did occur. But I do think that a punishment that actually fits the crime
10 would be appropriate.

11 We're hoping Your Honor would consider something in that range
12 because 30 years is appropriate if he had come to the scene, with a baseball
13 bat or something of that nature, and actually beat this man to death, done
14 something where this man provoked him and he had grabbed an object and
15 actually beat him, 30 years would be appropriate in that case.

16 That is not what happened in this case. And I understand a person is
17 dead, but he should not spend the rest of his life in prison or what will be the
18 rest of his life -- he is a 45-year-old man -- because of a tragic circumstance
19 that happened in this case.

20 You will hear a significant history. It's not great, but it's not for killing
21 other people. Everyone that got up here, the victim has a criminal history.
22 Every witness had a criminal history. This just was not a great situation. But
23 he's the one standing here today unfortunately.

24 But I hope you'll consider what actually happened in this case
25 in sentencing him. And I hope you will consider somewhere around

1 the five- year mark, which would have been involuntary manslaughter.

2 And I hope you will — he -- he can be on probation as long as you
3 want, with as much time hanging over his head as you want, because, then, it
4 will be his choice whether or not to go to prison.

5 And I think he will be able to handle himself out on probation. I
6 understand that there is a probation issue that we have to take care of.

7 We were ready, willing, and able to take care of that, you know,
8 months — a long, long time ago for four years; that's what he had agreed to.
9 He did six months ago.

10 The only reason we did not take care of that, at the time, they wanted
11 to do four years concurrent to whatever we did in this case. The reason we
12 didn't do it is because I didn't want him shipped off to the Department of
13 Corrections.

14 I told him, "You're not taking this plea because, if you get shipped off
15 to the Department of Corrections, I cannot do your case."

16 I have another client charged with murder and he is in the Department
17 of Corrections. And all that's happening in his case is he keeps threatening
18 the bar — he keeps trying to fire me because we're not together working on
19 his case.

20 He stayed in Spartanburg. And we talked to each other all the time.
21 We were able to work on his case. And that's where people need to be when
22 they're charged with serious stuff like this.

23 So I told him, "Don't accept the four years concurrent with your case,
24 stay here and..." — so we continued his violation of probation case.

25 The judge allowed us to do that.

1 But I hope that you will take into consideration that offer that stood, the
2 four years concurrent with whatever sentence he got on this case, because
3 that was what was being offered to him.

4 And the only reason he hasn't taken it up to this point is that I needed
5 for him to stay in Spartanburg County to prepare a very serious case.

6 I would like you to hear from his family that's here, his father Glenn
7 Manning (phonetic) would like to speak to you if he could come forward.

8 **THE COURT:** Absolutely. I'd be happy to.

9 **(Family member stepped forward to address the Court.)**

10 **MR. MANNING:** Yes, Your Honor. May it please the Court?

11 **THE COURT:** Yes, sir. Tell — tell us ---

12 **MR. MANNING:** I'm Glenn Manning. I'm ----

13 **THE COURT:** Yes, sir. Thank you. I'm sorry.

14 **MR. MANNING:** I'm a member of the bar and have been for many,
15 many years. I've — I'm Roger's father. His mother is Shirley.

16 And I've sat here listening intently to the testimony and all the
17 proceedings of this trial. And I also understand, based on my own
18 experience in what the law says, that the jury speaks the truth.

19 I would say this to you, Your Honor, I've tried many cases from simple
20 assault to death penalty cases. I — the Brad Herring (phonetic), that — that
21 was my case, the first murder case I ever tried in my life.

22 Also the Manning case, the death penalty case, that deals with the jury
23 venue (phonetic). I would say this to the Court — and I never sat on a jury in
24 my life, so I don't try to second guess what a jury does.

25 I will state to the Court that, in my opinion, this was purely a

1 classic case of self-defense. If I would put myself in the same position that
2 Roger was in, somebody came and starts beating on me or hitting on me, I
3 would defend myself.

4 And I know the jury has the last word, but in this instance, there was
5 no weapons involved, just plain two men fighting. I don't know what the age
6 of the victim is or was, but I know Roger's age.

7 And I would have done the same thing. I think anyone else would
8 have done the same thing. know that he died from blunt force trauma, which
9 is particular in a fight.

10 Your Honor, I realize what the law says. And I know what the
11 parameters are that you can sentence him based on what the law says. But
12 I would ask you, if you really look at the evidence presented in this case, in
13 my opinion, again — and he's my son, but this is not a case, in my opinion,
14 that he should have been found guilty of anything based on what actually
15 happened.

16 At — at what time does a person have to stand there and just let
17 somebody beat them or hit them and you not defend yourself? Here's a
18 classic example of a man being punished for defending his — his own body
19 beating of injuries. That's what it is; nothing more, nothing less.

20 He had no gun, he had no weapon, he just used his plain — his plain
21 old fists. There were no — no weapons involved on either side. But, if you
22 can't defend yourself, what in the world are we going to do?

23 And I practiced law for 40 years, Your Honor, so I — I've been around
24 the bush. I've been around --- been around the block. But, at the same time,
25 if he were not my son, I would say the same thing about any

1 defendant or any other person I would represent.

2 I don't see -- of course, you have the last word, but I would ask the
3 Court to consider giving him the minimum sentence that you can give him
4 based on the facts of this case; not because he's my child, but based on the
5 facts that were presented in this court.. Thank you, Your Honor.

6 **THE COURT:** Thank you, Mr. Manning.

7 **MS. LYALL:** Your Honor, his mother is here, but I don't think
8 she's able to speak today. She's been supportive of him this entire time.

9 She's been in court today, but I -- I don't think she would be capable
10 of speaking in front of you. But I do want you to know that she and his
11 stepfather are very supportive of him and they've supported him throughout
12 his life and throughout this case and are here for him and will be here for him
13 -- for him after this as well.

14 **THE COURT:** Okay. Thank you. Anything else?

15 **MS. LYALL:** No, Your Honor.

16 **THE COURT:** Okay. Solicitor?

17 **MR. BULSA:** Thank you, Your Honor. First ---

18 **THE COURT:** I'm sorry. Let me -- I'm sorry. I did not give you a
19 chance to speak, sir.

20 **MS. LYALL:** Right.

21 **THE COURT:** I'm sorry.

22 **MR. WYNN:** Thank you.

23 **THE COURT:** You -- you may speak.

24 **MR. WYNN:** Your Honor, it's all -- it's been a -- a bad situation
25 not only for myself but for their family also. And I know -- God knows

1 I know — I don't know exactly the pain that they feel. And there's no question
2 about where I was and why didn't I stay.

3 I'm not going to lie to you; I was scared. I didn't leave him or abandon
4 him.

5 When I came back and saw him there in the truck, I begged — begged
6 her — I begged Kerri to call the police. I begged her to call for an ambulance
7 to come get him.

8 I stayed there and I stayed there. And the more time I stayed there ---
9 and I'm not — I'm not going — I'm not trying to hide nothing from nobody. I
10 didn't — I'm going to tell you, I didn't want to get on the stand because of my
11 record.

12 And I know that they would take that against me; they would have
13 used that against me. I know that's what he was going to do; I know this.

14 But I stayed there with him. And, when I saw him in the condition that
15 he was, this man right here -- I know how everybody feels, but this was a
16 friend of mine.

17 This man helped me; not only me, but everybody in that neighborhood.
18 We had a bad misunderstanding and I said something that ticked him off.
19 And I shouldn't have said what I said.

20 And that's the bottom line. That's how all of this got started because of
21 my mouth, by me saying something to him. And I shouldn't have said it.

22 And I know they're upset me me. I know they've been upset with me.
23 I didn't go out — I didn't -- I didn't — I didn't intend for none of this to happen.
24 I apologize to his wife. I apologize to his family.

25 I've worked with this man. This man has helped me over the

1 years, God as my witness; not only me, there's quite a few people. And it's
2 the people that was sitting up here on the stand yesterday that he has helped
3 in the past also.

4 There's been times when we walked down the street and we didn't
5 have a dollar bill in our doggone pocket and we'd stop — we'd stop him and
6 try to help him do something. And he would reach in his pocket and he would
7 give me five dollars.

8 So for me to start a fight with him about money, that's — that's —
9 that's — that's unheard of, Your Honor. People say, yes, he owed me
10 money, when I was questioned about it, I said something about it. And, yeah,
11 it started because I asked him about the money.

12 That's where the — that's where the disagreement began. But I said
13 something else that — that took him — that — that ticked him off. That's
14 what did it.

15 I wasn't that I went to this man and started something with him
16 because he owed me money. That's been all taken out of proportion.

17 This is — this is tragic — tragic not only to me, not only to their family.
18 This has affected more than one life. It's affected everybody that's involved.

19 I — I — his wife, Mrs. Goldsmith, she don't remember me, but I worked
20 with them a couple times. I worked with her at the Vic Bailey Honda. That's
21 where I know her from. That's the only way I even recognized who she was.

22 She was just — she's — I have nothing bad to say about neither one of
23 them. Till the day that I worked — till the day that I know that I worked for
24 her, she was just as sweet as she could be. She treated me like somebody.

25 Every time they asked me to do something I did exactly what

1 they asked me to do.

2 (Brief Pause)

3 MR. WYNN: I'm — I'm — I'm sorry. I — I — I'll have no trouble
4 throwing myself on the mercy of the Court, Your Honor, and ask you to do in
5 this case — I mean, no matter what you do, you know, it's — it's like I said,
6 it's going to affect my family. It's going to affect my kids and it's going to
7 affect my mother.

8 My mother has been there all my life with me. My mother helped me
9 through all the struggles that I've had. My mother told me a long time ago to
10 tell her the truth about everything no matter what it is and that's the only
11 person I have ever told the truth about everything that I've ever did because I
12 got in trouble one time before because somebody told a lie on me. And she's
13 the only person that helped me out to get the truth out.

14 And, in this case here, yes, with my probation, she asked me to stay.
15 At one time I wanted to sign off so I could get away because of the pressure
16 sitting inside of that cell dealing with other people and their problems.

17 (Brief Pause)

18 MR. WYNN: During the time that I have been there, I have
19 worked in that jail, Your Honor. And here's a letter from — from the people
20 that are at the jail. I've worked ever since — since February of this year
21 around other people, around other inmates, dealing with their problems and
22 trying to help them with their problems. And I've been dealing with my own.

23 You can call Mr. Moore who's — that's one of the supervisors that's
24 over me. And he'll tell you that I've — I've caused him no problems
25 at all. I've caused nobody no problem.

1 I loved this man. I prayed every night ever since this happened. I — I
2 tried to pray for peace for them, for her to be able to some day forgive me, for
3 your family to forgive me.

4 I didn't — I didn't — I didn't want this. I didn't want this right here. I
5 just saw it as a fight when I walked off. When I came back, I saw that he was
6 in bad shape and I — I — I just — I just — I asked Kerri to call — dial 911.

7 Yes, I saw Joyce and him. Everybody that testified, testified to the
8 truth to their ability to what I could understand.

9 All of them had different accounts of how it happened, but each one of
10 them — the time limit was different, but the majority of them told the truth
11 about everything.

12 We both were — it wasn't just me hitting him; he was hitting me. It —
13 it was both ways, Your Honor. And I'm sorry and I apologize to everyone
14 that's involved.

15 (Brief Pause)

16 THE COURT: Anything else, sir?

17 MR. WYNN: (Shake's head negatively.)

18 THE COURT: Thank you.

19 MR. WYNN: No, sir.

20 THE COURT: Thank you, sir. Solicitor?

21 MR. BULSA: First, as to his criminal record, Your Honor,
22 criminal domestic violence in 1990; grand larceny, three counts, 1992;
23 forgery, 1992; possession of marijuana, 1994; burglary second non-violent in
24 1997;

25 Resisting arrest, two counts, 1997; criminal domestic violence,

1 1997; possession of stolen vehicle, 1998.

2 Then, he has a series that he pled guilty to all at once; reckless
3 driving, criminal domestic violence, burglary second non-violent, four counts;
4 petit larceny, three counts; grand larceny, failure to stop, resisting arrest,
5 possession of stolen vehicle. That was all in 1999.

6 Criminal domestic violence third, two counts, in 2004; assault and
7 battery of a high and aggravated nature in 2006; resisting arrest, 2008;
8 failure to stop for a blue light and hit and run in 2008; assault and battery,
9 2008;

10 Two counts of false information to police in 2008; receiving stolen
11 goods, possession of stolen vehicle, failure to stop in 2008; receiving stolen
12 goods, two counts, and a third offense property charge in 2013. I believe
13 he's still on probation for a few of these.

14 Your Honor, he's had revocations in 1996, a parole revocation in 1999.
15 And, then, this will be a violation of whatever probation he was on.

16 **THE COURT:** A parole revocation in ninety — in '96?

17 **MR. BULSA:** Ninety-nine ('99).

18 **THE COURT:** In '99?

19 **MR. BULSA:** On the burglary — on the burglary charge.

20 **THE COURT:** Okay. All right, sir.

21 **MR. BULSA:** And I have — I think Mrs. Goldsmith would like to
22 speak.

23 **(Family member stepped forward to address the Court.)**

24 **MRS. GOLDSMITH:** Your Honor, I stand here today —
25 it's very hard for me to do. I stand here today to represent my

1 husband that for 25 he was my best friend. He was my lover; he was my
2 confident.

3 When this man took his life last year, it turned my life upside down
4 also. I loved my husband dearly. My husband didn't die -- didn't deserve to
5 die the way he died.

6 He helped people. He showed compassion to people. He helped
7 people and gave them opportunities when nobody else would give them
8 opportunities.

9 He helped people when they didn't have a dime in their pocket. He
10 gave them what they needed. And he just ran into somebody who didn't
11 appreciate his help.

12 My husband had a degree in social work. That shows you how much
13 he loved helping the community. And he did not deserved to die like a dog in
14 the street. And I will defend him untill I can't defend him with my last breath.

15 He did not deserve it. And I'm asking you to give him the maximum —
16 the maximum sentence — because my husband deserves justice. Thank
17 you, sir.

18 **THE COURT:** Thank you, ma'am.

19 **(Brief Pause)**

20 **MR. BULSA:** Anyone else want to come?

21 **(Family member stepped forward to address the Court.)**

22 **MR. BULSA:** If you would, state your name for us.

23 **MS. CRYSTAL:** Your Honor, I'm Loretta Smith Bryson (phonetic).
24 I'm Curtis' oldest living sister.

25 On behalf of the family, young man, I will say that we accept

1 your apology. I do realize that it doesn't take but a split second for any of us
2 to do something stupid. We all have done it. Yours just happened to be the
3 nature that it is.

4 I'm grateful for your acknowledging my brother's work because his
5 work actually became a ministry. He had a very interesting life as a young
6 man. He did do something as a young man, but before he turned 20, he
7 went to prison.

8 And the Lord blessed him to have a major turnaround. And so many
9 people gave Curtis so many opportunities in his life. And he wasn't like a lot
10 of people.

11 A lot of people, when they make it big --- because Curtis was really
12 blessed that he really flourished as he came out of prison and went to college
13 and so on and so forth. But he never forgot where he came from.

14 My brother never forgot where he came from just like the man
15 acknowledged. And I appreciate that, young man; I really appreciate that
16 coming from you because it's the truth. That's my true brother's life.

17 We all make mistakes, so I appreciate you telling the Court the life that
18 my brother truly lived because he reached out to any and everybody that he
19 could. He never forgot his humble beginnings. He never forgot that.

20 Yes, he made mistakes like we all do, and I do understand
21 that it doesn't take but one split second for any of us to do what has occurred.

22 And I leave the rest, Judge, in your hands because that's your
23 assignment. But I want to acknowledge I appreciate you giving my brother
24 his due because it's truly his due because that was his ministry and his work
25 and his effort in society.

1 And I bid you God's speed however it works out. But I'm not angry
2 with you. I can't give it that kind of energy.

3 **THE COURT:** Thank you, ma'am.

4 **MR. BULSA:** Anybody else coming?

5 **(Brief Pause)**

6 **THE COURT:** Anything else, Solicitor?

7 **MR. BULSA:** I believe we've got just one more, Your Honor.

8 **THE COURT:** Yes, sir.

9 **MR. BULSA:** Ms. Goldsmith?

10 **(Family member stepped forward to address the Court.)**

11 **THE COURT:** Yes, ma'am. Tell us your name, please?

12 **(Family member becomes emotional.)**

13 **MR. CAMPBELL:** I'm Laura Goldsmith (phonetic). I'm next to the
14 baby of the siblings. So Curtis was my big brother. And I just want him to
15 know that I still hurt because he's not here with us.

16 I'm sorry that I'm here today, but you just don't know what hurt you
17 have inside that you have put on me. That was my brother. He took my --
18 he took my son and he -- he helped my son get a good life when my son
19 ended up going through a little hard bit in prison (phonetic).

20 And my brother took him under his job and got him working out in the
21 field. And my son is doing excellent. My son is 30 years old now.

22 So I owe all of that to my brother. And I just owe that to my brother so
23 much and -- and I don't understand why God had to take him so soon.

24 But I just want you to know, Judge, that I really don't hold any
25 animosity, really I don't. It's just that I still hurt so much for him.

1 And I just want the best judgment that you can give to the man I want
2 the best by (phonetic). I just miss my brother. I miss my brother. Thank you,
3 Judge.

4 **THE COURT:** Yes, ma'am. Thank you.

5 **MR. BULSA:** That's all, Your Honor.

6 **THE COURT:** Okay.

7 (Brief Pause)

8 **PROBATION AGENT:** Your Honor, probation would like to provide
9 you a violation report for violation of supervision.

10 **THE COURT:** Okay.

11 (Documents handed up.)

12 **THE COURT:** Yes, sir, a courtroom citation?

13 **PROBATION AGENT:** The warrant has already been served, Your
14 Honor.

15 **THE COURT:** The warrant is already served?

16 **PROBATION AGENT:** Yes, sir.

17 **MS. LYALL:** We've already gone to court a couple of times as I
18 told you.

19 **THE COURT:** Okay. Let me hear from you, Mr. Probation
20 Agent.

21 **PROBATION AGENT:** Currently, Your Honor, he has a seven-year
22 exposure time. The violations that are indicated in the violation report: Not
23 reporting, changing his address without consent, not paying financial
24 obligations, not going to Alcohol and Drug Abuse Commission as ordered.
25 The agent's recommendation in this case is revocation.

1 **THE COURT:** Recommendation of...?

2 **PROBATION AGENT:** Revocation in full and civil judgement.

3 There is three victims in the case: Spartanburg Dodge, a private individual,
4 and Spartanburg County Sheriff's Office are individuals -- are individuals
5 listed as victims in the case.

6 **(Brief Pause)**

7 **THE COURT:** The -- the guilty verdict itself violates the
8 probation? That is in itself a violation of probation?

9 **PROBATION AGENT:** Yes, sir.

10 **THE COURT:** And do you admit the other allegations contained
11 in the warrant, the probation warrant, the probation citation?

12 **MR. WYNN:** Yes, sir.

13 **MS. LYALL:** Yes, Your Honor.

14 **THE COURT:** Okay. All right. The Court makes a willful finding
15 of viol -- of the other violations previously noted.

16 Sir, I agree with you, a whole lot of lives have been ruined by this, a
17 whole lot of lives; yours, the decedent's family members. I have no magic
18 words for you. I -- I -- I -- I really don't.

19 2014-0313, the sentence of the Court is you be confined to the State
20 Department of Corrections for a period of twenty (20) years. That will be
21 consecutive to the violation of probation sentence. I'll give you credit for the
22 time that you have served.

23 He's revoked in full and they'll run consecutive to each other. Thank
24 you and good luck.

25 **(Off-the-Record Comments)**

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PROBATION AGENT: Do you want a civil judgement with that,

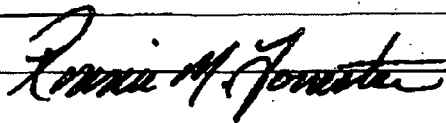
Your Honor, or...?

THE COURT: Yes, sir. That'll be fine.

(Whereupon, the proceeding concluded at 1:03 p.m.)

WITNESSES

City of Spartanburg

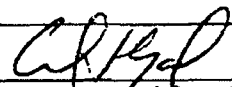


ARREST WARRANT NUMBER

Direct Indictment (2013A4210103239)

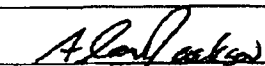
ACTION OF GRAND JURY

True Bill


Foreperson of Grand Jury JAN 22 2014
Date:

VERDICT

Guilty Voluntary Manslaughter


Foreperson of Petit Jury
Date:

DOCKET NO. -

14-GS-42-0313
The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

JAN 27 2014

TERM

THE STATE
vs.

Roderick Germaine Wynn

Indictment for

MURDER

SC Code 16-03-0010

CDR Code 116

Class FEL-EXM

FILED
CLERK OF COURT
2014 JAN 24 AM 10:38
M. HOYE BLACKLEY



STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

JAN 22 2014

At a Court of General Sessions, convened on _____, the
Grand Jurors of Spartanburg County present upon their oath:

MURDER

That Roderick Germaine Wynn did in Spartanburg County on or about August 14, 2013 kill Curtis Edward Goldsmith with malice aforethought, either express or implied, in that he beat the victim, Curtis Edward Goldsmith, about the head and body resulting in the death of the victim, in violation of Section 16-3-0010, Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such
case made and provided.


Deputy Solicitor

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
STATE VS.

Roderick Jermaine Wynn

AKA:

Race: BLACK Sex: M Age: 44

DOB: SS#: [REDACTED]

Address:

City, State, Zip:

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Manslaughter / Voluntary manslaughter

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS4200313

A/W#: 2013A4210103239

Date of Offense: 8/14/2013

S.C. Code § : 16-03-0010; 16-03-0020

CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: 2014 B. B. B. B. 15264 R. B. B. B. USUALL 100383
BULSA, DERRICK SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed — years
and/or to pay a fine of \$ —; provided that upon the service of — days/months/years and/or payment
of \$ —; plus costs and assessments as applicable*; the balance is suspended with probation for —months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: VOP Sentence☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ — plus 20% fee: \$ —

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$ 3.90
TOTAL		\$ 133.90

PTUP

— days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. —May serve W/E beginning —Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ — beginning —\$ — paid to Public Defender FundOther: —☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

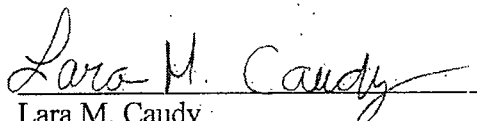
Judge Code:

Sentence Date:

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

July 6, 2015


Lara M. Caudy
Appellate Defender

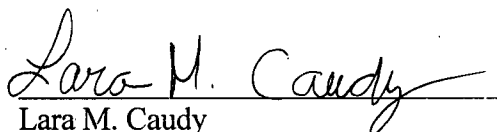
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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July 6, 2015


Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
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ATTORNEY FOR APPELLANT

RECEIVED
JUL 06 2015
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County

R. Keith Kelly, Circuit Court Judge

 ORIGINAL

RECEIVED

JUL 06 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RODERICK JERMAINE WYNN,

APPELLANT

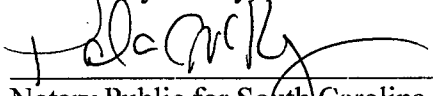
APPELLATE CASE NO. 2014-001887

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Mark R. Farthing, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 6th day of July, 2015.


Cruise Mitchell
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 6th day of July, 2015.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: July 24, 2022