

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LAURENS COUNTY
Frank R. Addy, Circuit Court Judge

THE STATE,

V.

PHILLIP HEATH HOLLINGSWORTH,

RESPONDENT

APPELLANT

APPELLATE CASE NO. 2014-000903

RECORD ON APPEAL

TIFFANY L. BUTLER
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

Attorney for Appellant

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

KAYCIE S. TIMMONS
Assistant Attorney General
S.C. Bar No. 100237
South Carolina Office of Attorney General
P.O. Box 11549
Columbia, SC 29211-1549
(803) 734-0265

DAVID M. STUMBO
Solicitor, Eighth Judicial Circuit
Post Office Box 516
Greenwood, SC 29648-0516
(864) 942-8800

Attorneys for Respondent

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SC Court of Appeals

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STATE OF SOUTH CAROLINA
COUNTY OF LAURENS

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,)
)
PLAINTIFF,)
)
)
-VS-)
)
PHILLIP HOLLINGSWORTH,)
)
DEFENDANT.)
_____)

2012-GS-30-288
2012-GS-30-291

TRANSCRIPT OF RECORD

JANUARY 13, 2014
LAURENS, SOUTH CAROLINA

B E F O R E:

THE HONORABLE FRANK R. ADDY, JR.

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

ATTORNEY FOR PLAINTIFF:

WARREN MOWRY, ASSISTANT SOLICITOR

ATTORNEY FOR DEFENDANT:

CHELSEA MCNEILL, ESQUIRE

TARA T. SCOTT, CVR
CIRCUIT COURT REPORTER

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DEFENSE MOTION

4

CERTIFICATE OF REPORTER

14

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>

(No exhibits were presented during this hearing)

1 THE COURT: Solicitor, what you got?

2 MR. MOWRY: Ms. McNeill and I are presenting a couple
3 of motions on a murder trial that we will be conducting
4 before Your Honor in April now.

5 MS. MCNEILL: May I approach?

6 THE COURT: Sure, please.

7 MS. MCNEILL: These are copies. The originals have
8 been filed.

9 THE COURT: I'm going to take five minutes.

10 (PAUSE)

11 THE COURT: All right. We're on the record, I
12 believe, on Mr. Hollingsworth's case 12-GS-30-288 and 291
13 is what's referenced on the motion. Have y'all had a
14 chance to discuss this before we go forward with this to
15 figure out where we have agreement and where we have
16 issues?

17 MR. MOWRY: I don't believe we're going to have a
18 whole lot of problem here, Your Honor. I think Ms.
19 McNeill just simply wanted me to put on the record a
20 couple of matters and I don't mind doing that.

21 THE COURT: All right. Go right ahead then. We'll
22 start with that and then if you're not satisfied with what
23 you're hearing we'll address those with specificity.

24 MS. MCNEILL: Okay. Judge, before we get started, I
25 do need to go ahead and bring up my Motion to Sequester.

1 witnesses. I've handed up a copy to Your Honor.

2 MR. MOWRY: And I was just about to say I have no
3 opposition to that, Your Honor.

4 THE COURT: Okay.

5 MS. MCNIELL: And that motion I'm asking to be
6 applicable for all pre-trial matters, including today, as
7 well as continuing into the trial of this case which Mr.
8 Mowry and I have discussed, along with Your Honor, that
9 will be set for the April General Sessions term in front
10 of Your Honor.

11 THE COURT: Okay.

12 MS. MCNEILL: So if there are any witnesses.

13 THE COURT: Do we have any witnesses present?

14 MR. MOWRY: No, sir. We have one of the victim's
15 relatives in the courtroom. She's not going to be a
16 witness at trial so...

17 THE COURT: Very good. Okay. Grants of immunity or
18 any other offers, et cetera, to the State's witnesses or
19 anything?

20 MR. MOWRY: If I could give Your Honor a little bit
21 of background.

22 THE COURT: Sure.

23 MR. MOWRY: There's only one witness this would apply
24 to and that would be an individual named Shayla Gaines.
25 Mr. Hollingsworth and Ms. Gaines were apparently living

1 together at the home of the victim in this case, Bill
2 Ardis, and they were also arrested, both arrested, on
3 charges stemming from this particular incident. The
4 arresting officer not only arrested Ms. Gaines for murder
5 but also arrested Mr. Hollingsworth for having kidnaped
6 Ms. Gaines. I questioned him about the inconsistency of
7 having her as a victim and as a co-defendant. Quite
8 frankly, Your Honor, I did not see a whole lot of
9 connection. I have never indicted Ms. Gaines on any
10 charges. The charges are still pending. The warrants are
11 simply because if we find some reason during the course of
12 our investigation to believe that she was more heavily
13 involved than we believe that she was then we will indict
14 her, but as it stands right now we are not going to indict
15 her for anything. She is represented by Bryan Able. Mr.
16 Able and I have talked a great deal. Ms. Gaines and I
17 have talked a great deal. She has never asked for any
18 kind of help or immunity or recommendation or anything,
19 and I've never offered anything, and I wouldn't in this
20 case. I don't believe there is any reason to do so. But
21 at any rate, there is no deal. She has not been granted
22 immunity. It is just simply one of those situations where
23 I don't believe criminal charges apply.

24 THE COURT: Okay. Well, that would seem to be their
25 response with regard to 1 through 8.

1 MS. MCNEILL: Yes, Your Honor. What I'm hearing from
2 the State is that Ms. Shayla Gaines, in Mr. Mowry's
3 opinion, doesn't think any criminal charges do not apply
4 to her, but that he's keeping charges of murder or
5 accessory after the fact to murder, whatever she is
6 charged with, open until after the course of Mr.
7 Hollingsworth's trial is concluded.

8 THE COURT: That sounds to be exactly what I've heard
9 as well.

10 MS. MCNEILL: Okay. Additionally, I am requesting
11 for the criminal record of Ms. Shayla Gaines.

12 MR. MOWRY: I will provide that today.

13 MS. MCNEILL: Okay. For the most updated run,
14 because I know that she was just recently arrested on
15 Thursday evening for providing false information to law
16 enforcement, among other charges.

17 THE COURT: All right. Anticipating what Ms. McNeill
18 will be asking for in the future, you'll need to also
19 provide her with the specifics of the false information
20 charge.

21 MR. MOWRY: Yes, sir. It's my understanding that she
22 was arrested on traffic violations in Greenwood County. I
23 don't know anything beyond that, but I'll dig into that.

24 THE COURT: All right. You'll need to obtain
25 whatever incident report or other data that you can give

1 with regard to that Thursday incident, because we're
2 looking at an April trial date and I know that's what Ms.
3 McNeill is going to be wanting in the interim.

4 MR. MOWRY: And I will tell you that will probably
5 take longer than today, but I will work on that and get
6 that ASAP.

7 MS. MCNEIL: And we're certainly understanding of
8 that.

9 THE COURT: Right. Just communicate with the
10 Solicitor's office over in Greenwood and let them track
11 that down for you. That would be the easiest way to go.

12 MS. MCNEILL: Yes.

13 MR. MOWRY: I will also tell Your Honor Ms. McNeill
14 and I had a discussion about photographs. The victim was
15 shot in the back of the head with a double-barrel shot gun
16 with predictable results and she had asked me about
17 questions about his body in photographs about -- of his
18 body. Clearly the Supreme Court would not allow me to
19 introduce photographs like those into the record. I will
20 be getting descriptions from the officers on the scene as
21 well as the pathologist as far as this is concerned, but I
22 will not attempt to introduce photographs of Mr. Ardis.

23 THE COURT: All right. Are you wanting those
24 photographs for any Brady-type information?

25 MS. MCNEILL: Oh, no, sir. I have the photographs.

1 MR. MOWRY: She has all the SLED CDs.

2 MS. MCNEILL: What I was -- in preparation for
3 today's hearing I spoke with Mr. Mowry in his office. We
4 have been speaking very frequently on this case actually,
5 and I was just making sure that he wasn't going to attempt
6 to introduce those photographs as they are highly
7 prejudicial. Quite frankly, I don't even want to see
8 them.

9 THE COURT: I understand.

10 MS. MCNEILL: So that is what he was letting Your
11 Honor know.

12 THE COURT: Sure.

13 MR. MOWRY: I don't think the Supreme Court would be
14 very happy with me if I did that, Your Honor.

15 THE COURT: I understand. All right. Anything else
16 that we need to address? That seems to take care of the
17 balance of your motions, Ms. McNeill.

18 MS. MCNEILL: Yes, sir. I just want to put on the
19 record I'm confirming with Mr. Mowry right now in front of
20 Your Honor that there are no *Jackson v. Denno* issues. I
21 do have a Miranda form that was signed by Mr.
22 Hollingsworth but I don't have any additional -- any
23 statement whatsoever. It's my understanding he never
24 provided a statement. No statement was ever secured from
25 him and I just will need to clarify that for the record.

1 MR. MOWRY: That's correct, Your Honor. We will not
2 attempt to admit anything because there is nothing.

3 MS. MCNEILL: And then finally, I'm taking this
4 opportunity for the record also to renew Rule 5 and Brady.
5 To my knowledge I do have everything. I was provided the
6 most recent piece of evidence which was a DNA report. I
7 was provided that by Mr. Walter Bentley via email Friday
8 of two weeks ago and I received it actually on Monday of
9 last week. To my knowledge, there is no further
10 outstanding discovery and none will be presented between
11 now and the April trial.

12 MR. MOWRY: The only thing that she is lacking, Your
13 Honor, as are we at this point because it is being
14 compiled, is the certified chain. We will get that to her
15 as quickly as we receive it.

16 MS. MCNEILL: And then finally, I need to confirm for
17 the record -- I have secured two indictments. Indictment
18 number 13-GS-30-0288, *State v. Phillip Heath Hollingsworth*
19 indictment for murder, along with indictment number 13-GS-
20 30-0291, *State v. Phillip Heath Hollingsworth* indictment
21 for possession of a weapon during the commission of a
22 violent crime. I will note that he had also been charged
23 with previously kidnaping, larceny, and one additional
24 possession of a weapon during a violent crime. I need to
25 confirm for the record that the only charges that are

1 being proceeded to trial on are the murder and the
2 possession of a weapon during a violent crime, 13-GS-30-
3 0291 and 0288.

4 MR. MOWRY: That is correct, Your Honor.

5 THE COURT: Okay. So the State does not intend to go
6 forward with the -- or is -- the State will be dismissing
7 kidnaping and the other one or what are y'all doing just
8 holding those back

9 MR. MOWRY: We're gonna hold off on them for the time
10 being but we do not intend to proceed on those. We do not
11 believe that they are necessarily appropriate.

12 MS. MCNEILL: And I also need to confirm that they
13 were true billed by the Grand Jury on February 22, 2013.

14 THE COURT: I imagine that would be a matter of
15 looking at the indictment.

16 MR. MOWRY: That's probably public record, Your Honor

17 THE COURT: Since we still have the issue of the
18 chain outstanding, what I would like to do -- and we're
19 still in a state of flux. I know with the way things
20 kinda operate going forward it would be nice if there were
21 a blanket rule. Since I'm trying this case, I'm just
22 gonna go ahead and establish it, okay? Mr. Mowry, if
23 there's any other evidence out there, 30 days before trial
24 date.

25 MR. MOWRY: Yes, sir.

1 THE COURT: You got to get it to her, okay?

2 MR. MOWRY: Yes, sir.

3 THE COURT: So I would double check. You still owe
4 her the certified chain. It sounds like there's not a lot
5 of fungible items involved in this case, so that perhaps
6 should not present a substantial problem in getting the
7 chain. Double check though with your officers to make
8 sure that there is nothing else out there sitting in
9 somebody's refrigerator back at home or elsewhere.

10 MR. MOWRY: Yes, sir.

11 THE COURT: Or footlocker, or what have you.

12 MR. MOWRY: Quite frankly, that's one reason that we
13 had the DNA snag was because we started back checking on
14 things and found out that the swabs had not been analyzed.
15 They've been sitting back at SLED forever. That's why it
16 took that long to get it done.

17 THE COURT: Sooner or later we're going to have to be
18 in a position where -- it's similar to the civil-type
19 situation. If we don't turn over the evidence in a timely
20 fashion you just don't get to use it.

21 MR. MOWRY: Yes, sir.

22 THE COURT: That's probably what we're going to be
23 moving with at some point in time. Until we get an order
24 in place with regard to this case, 30 days is reasonable.

25 Mr. Mowry: I have no problem with that whatsoever.

1 THE COURT: Very good.

2 MR MOWRY: Yes, sir.

3 MS. MCNEILL: And Judge, I don't believe I have
4 anything further.

5 THE COURT: All right. Very good.

6 MS. MCNEILL: Thank you. I do believe that there was
7 an issue -- beg the court's indulgence.

8 THE COURT: Yes, ma'am.

9 MS MCNEILL: Nothing further, Your Honor.

10 (End of requested transcript of record)

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Certificate of Reporter

I, the undersigned, Tara T. Scott, CVR, Official Court Reporter for the Eighth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Circuit Court for Laurens County, South Carolina, on the 13th day of January, 2014.

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

March 16, 2014

Tara T. Scott

Tara T. Scott, CVR
Circuit Court Reporter

1 State of South Carolina

Court of General Sessions

2 County of Laurens

3
4
5 State of South Carolina)

Transcript of Record

6 vs.)

2013-GS-30-288

7 Phillip Heath Hollingsworth,)

8 Defendant.)

9
10 April 7 - 10, 2014
11 Laurens, South Carolina

12 B E F O R E:

13 The Honorable Frank R. Addy, Jr., Judge; and a jury.
14

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

16 David M. Stumbo, Solicitor
17 O. Warren Mowry, Jr., Deputy Solicitor
Attorneys for the State

18 Chelsea McNeill, Esquire
19 Claude H. "Chip" Howe, III, Esquire
Attorneys for the Defendant
20

21
22
23 Stacy S. Johnson, RPR
Circuit Court Reporter
24
25

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E X H I B I T S				
	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
1				
2				
3	S-1	Photograph	85	
4	S-2	Photograph	85	122
5	S-3	Photograph	85	122
6	S-4	Photograph	85	122
7	S-5	Photograph	85	122
8	S-6	Photograph	85	122
9	S-7	Photograph	85	122
10	S-8	Photograph	85	122
11	S-9	Photograph	85	122
12	S-10	Photograph	85	122
13	S-11	Photograph	85	122
14	S-12	Photograph	85	122
15	S-13	Photograph	85	122
16	S-14	Photograph	85	122
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E X H I B I T S

	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
1				
2				
3	S-24	Photograph	85	122
4	S-25	Photograph	85	122
5	S-26	Photograph	85	122
6	S-27	Photograph	85	122
7	S-28	Photograph	85	122
8	S-29	Photograph	85	122
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1 (The following proceedings were held on
2 April 7, 2014.)

3 **BAILIFF:** Let's all rise. The Honorable Frank R.
4 Addy presiding.

5 **THE COURT:** Have a seat, please. Have a seat,
6 please. All right. Ladies and gentlemen, you were
7 summoned for jury duty this afternoon. I want to begin
8 by introducing myself. My name is Frank Addy. I'm a
9 circuit judge. I reside in Greenwood. Your resident
10 circuit judge is Don Hocker, a good friend of mine. He
11 is currently in Greenwood and I'm over here in Laurens.
12 That's sometimes how they switch things around, but I
13 always love being able to come over here and work here
14 in Laurens County. It's a great place, wonderful
15 people, and I always enjoy it when they assign me here.

16 This is the first week of a two-week term of
17 general sessions court and I will tell you that your
18 jury service will conclude this Friday. We do have
19 another couple of other cases up for trial next week,
20 but if you're selected on the jury on the case that
21 we're gonna pick in just a moment, at the very latest
22 your jury service will conclude on Friday, if not
23 earlier in the week.

24 Those of you are not selected, I anticipate that
25 it would not be necessary for you to come back, so if

1 you're not picked on the jury that we're about to
2 select here in thirty minutes to an hour from now,
3 then your jury service will be done for the week,
4 okay? I just wanted to let y'all know that at the
5 outset. I try to be respectful of jurors' time. I
6 understand the inconvenience that jury services causes
7 to you and I want to apologize for that at the get-go.
8 Again, we're gonna do everything we can to minimize
9 any inconvenience to you and hopefully make this a
10 pleasurable day for those of you who were summoned but
11 not picked and hopefully a good week for those of you
12 are picked.

13 Now, ladies and gentlemen, the first thing
14 that we need to do this morning is to determine your
15 qualification -- or this afternoon, is to determine
16 your qualification and eligibility to serve as jurors.
17 Jury qualification is done in several stages; the first
18 of which is known as the roll call stage.

19 In a moment, your Clerk of Court, Lynn Lancaster,
20 will call the roll of everyone who was summoned for
21 jury duty, and when your name is called what I need you
22 to do is basically give us the information on that small
23 card that was handed to you, okay? It asks for you to
24 restate your name, let us know where you work. If
25 you're unemployed or disabled or retired, let us know

1 what your last job was. If you're married, also give
2 us your spouse's name, please, and let us know where
3 they work. Similarly, if they're retired, disabled or
4 unemployed, let us know what their last job was.

5 For example, if I were summoned for jury duty,
6 when my name was called I would stand up and I would say
7 my name is Frank Addy, I'm a circuit judge employed by
8 the State of South Carolina, I'm married to Kelly Addy,
9 she's an emergency room nurse at Self Regional Hospital.
10 So that's kind of the information that we're gonna need
11 from y'all in just a moment.

12 Now as part of the roll call process, it's
13 necessary that we administer an oath to you so that we
14 can be sure that the information we get is true and
15 accurate. So if you would just stand up where you are
16 and raise your right hand so the Clerk can administer
17 that oath to you.

18 (Whereupon, the jury panel was sworn in.)

19 **THE CLERK:** Thank you.

20 **THE COURT:** All right. Madam Clerk, you may call
21 the roll.

22 **THE CLERK:** Juror Number 144, Brandy L. Adams.

23 **JUROR:** My name is Brandy Adams. I am employed
24 at Charter Communications as a work force technical
25 router and my husband is Jason Adams who is employed at

1 Piedmont Pest Control as a service tech.

2 THE CLERK: Okay. Thank you. Juror.

3 Number 8, Kathy M. Beach.

4 JUROR: What do I say?

5 THE CLERK: If you'll tell us where you work or
6 if you're retired --

7 JUROR: I can't hear.

8 THE CLERK: Can you tell us what you do for a
9 living?

10 JUROR: I'm disabled.

11 THE CLERK: Okay. Are you married?

12 JUROR: Yes.

13 THE CLERK: What does your husband do?

14 JUROR: Jimmy Beach.

15 THE CLERK: What does he do for a living?

16 JUROR: He's disabled.

17 THE CLERK: Okay. Thank you. That's the
18 information we need.

19 MS. MCNEILL: Lynn, can you ask if they ever
20 worked?

21 THE CLERK: Have you ever worked, Ms. Beach?

22 JUROR: I have.

23 THE CLERK: Okay. What type of work?

24 JUROR: I worked at Clinton Center and Brown's
25 Grocery in Joanna.

1 **THE CLERK:** Okay. Thank you very much. You can
2 be seated now. Juror Number 13, Kiandra S. Bluford.

3 **JUROR:** My name is Kiandra Bluford and I work at
4 Clinton Head Start as a teacher assistant.

5 **THE CLERK:** Okay. Thank you. Juror Number 16,
6 Nancy L. Brown.

7 **JUROR:** My name is Nancy Brown. I work for
8 District 55 Schools at E.B. Morse and I'm a computer lab
9 monitor. My husband is Chris Brown and he also works at
10 District 55 at Sanders, seventh grade math.

11 **THE CLERK:** Thank you. Juror Number 18, Bernice
12 Bryson.

13 **JUROR:** My name is Bernice Bryson. I'm retired
14 from Charlotte Hall Veterans Home and my husband is
15 deceased.

16 **THE CLERK:** Okay. Thank you. Juror
17 Number 19, Sarah E. Buckhiester.

18 **JUROR:** My name's Sarah Buckhiester. I
19 work for W.W. Grainger here in Fountain Inn and my
20 husband is Bobby Buckhiester and he works at Fuji Film
21 in Greenville.

22 **THE CLERK:** Thank you. Juror Number 23, Troy D.
23 Calliham.

24 **JUROR:** Troy Calliham. I work at Ascend
25 Materials in Greenwood in maintenance. My wife works

1 at Piedmont Tech here in Laurens as an administrative
2 assistant.

3 **THE CLERK:** Thank you. Juror Number 24, David F.
4 Campbell, III.

5 **JUROR:** I'm David F. Campbell. I work
6 for Lowe's in Simpsonville. My wife's name is Reba
7 Campbell. She works for AAA Supply. She's a showroom
8 manager.

9 **THE CLERK:** Thank you. Juror Number 27, Faith R.
10 Caton.

11 **JUROR:** My name is Faith Caton and I work Burger
12 King.

13 **THE CLERK:** Okay. Thank you. Juror Number 30,
14 Lynn Dale Cook.

15 **JUROR:** My name is Lynn Dale Cook and I work for
16 Celanese Emulsion and my wife is Shirley Cook and she's
17 a med tech at Agape in Laurens.

18 **THE CLERK:** Thank you. Juror Number 31,
19 Ray W. Crisp.

20 **JUROR:** My name is Ray Crisp. I work for SCDOT.
21 I'm not married.

22 **THE CLERK:** Okay. Thank you. Juror Number 32,
23 Kelly B. Crouch.

24 **JUROR:** My name is Kelly Crouch and I work at
25 CCL Label in Clinton as an inspector, and I'm divorced.

1 **THE CLERK:** Thank you. Juror Number 36, Karen B.
2 Davidson.

3 **JUROR:** My name is Karen B. Davidson and I work
4 at home as a home school mom and my husband, James
5 Davidson, works for Shaw Industries in Fountain Inn as
6 a senior project engineer.

7 **THE CLERK:** Thank you. Juror Number 43, Kendall
8 B. Fowler?

9 **JUROR:** I work at Greenwood Fabricating and
10 Painting and I'm a painter. I'm not married.

11 **THE CLERK:** Okay. Thank you. Juror Number 44,
12 Charles Fuller.

13 **JUROR:** Charles Fuller, Junior, and I'm
14 self-employed. I'm a contractor.

15 **THE CLERK:** Okay. Thank you. Juror
16 Number 45, Sharon A. Gibson.

17 **JUROR:** I'm Sharon Gibson and I'm the owner of
18 Treasure Bay Arcade. My husband is Carl Gibson, Junior,
19 and he's the owner of Coin-Operated Video Games and
20 Sweepstakes.

21 **THE CLERK:** Okay. Thank you. Juror
22 Number 46, Tina C. Gilmer.

23 **JUROR:** My name is Tina Gilmer and I work
24 at Wal-Mart Distribution in Laurens. My husband works
25 at Grainger in Fountain Inn as security.

1 **THE CLERK:** Okay. Thank you. Juror
2 Number 52, Sheila L. Harvey.

3 **JUROR:** I'm Sheila Harvey. I work at Milliken
4 here in Laurens as a finance admin and my husband, Ben
5 Harvey, works as an electrician at
6 Milliken in Laurens.

7 **THE CLERK:** Okay. Thank you. Juror Number 53,
8 Lawrence C. -- and you'll have to help me --

9 **JUROR:** I'm Lawrence C. Haug. I work at
10 Greenwood Humane Society as an animal care assistant
11 and my wife, she's retired from Inman Mills, and she
12 worked in textiles.

13 **THE CLERK:** Okay. Thank you. Juror Number 54,
14 Jennifer E. Henderson.

15 **JUROR:** My name is Jennifer Henderson and I work
16 at ACI Industries in Laurens as a manufacturing manager,
17 and I'm not married.

18 **THE CLERK:** Okay. Thank you. Juror Number 57,
19 Terry G. Hughes, Junior.

20 **JUROR:** My name's Terry Hughes. I work at Bosch
21 Rexroth in Fountain Inn. My wife works -- Jennifer
22 Hughes works at Palmetto State Armory in Greenville.

23 **THE CLERK:** Okay. Thank you. Juror Number 59,
24 Fernandez D. Hunter.

25 **JUROR:** My name is Fernandez Hunter. I work at

1 Grainger in Fountain Inn.

2 **THE CLERK:** Okay. Thank you. Juror Number 63,
3 Valencia M. Jefferson.

4 **JUROR:** My name's Valencia Jefferson. I work at
5 Hillcrest Hospital and my husband works at Renfro.

6 **THE CLERK:** Okay. Thank you. Juror Number 68,
7 Xavier L. Johnson.

8 **JUROR:** My name is Xavier Johnson and I'm a
9 full-time student.

10 **THE CLERK:** Okay. Thank you. Juror Number 70,
11 Donald M. King.

12 **JUROR:** I work for Stover Mechanical Services,
13 I'm a field operations manager, and I'm single.

14 **THE CLERK:** Okay. Thank you. Juror Number 71,
15 James F. Knight.

16 **THE COURT:** James Knight?

17 **JUROR:** I work at Hartness International and I'm
18 a mechanic, and I'm not married.

19 **THE CLERK:** Okay. Thank you. Juror Number 74,
20 Wayne E. Luciani.

21 **JUROR:** My name is Wayne Luciani. I work at
22 Wal-Mart Transportation. I'm a parts clerk. My
23 wife is Becky Luciani and she was a teacher for Hickory
24 Tavern.

25 **THE CLERK:** Okay. Thank you. Juror Number 76,

1 Sharon E. Mack.

2 **JUROR:** I'm Sharon Mack. I work at Woven
3 Electronics in Simpsonville and my husband works at
4 Rich's Bakery in Fountain Inn.

5 **THE CLERK:** Okay. Thank you. Anthony McGowan.

6 **JUROR:** My name is Anthony McGowan. I work at
7 the Whitten Center as a teacher. My wife is Katina
8 McGowan. She works for the Board as a coordinator.

9 **THE CLERK:** Okay. Thank you. Juror Number 84,
10 Jackie A. McGowan.

11 **JUROR:** I'm Jackie McGowan. I work at Covidien
12 in Greenwood as a Fed Ex specialist. My husband, Robert
13 McGowan, also works at Covidien in Greenwood as an
14 operator IV.

15 **THE CLERK:** Thank you. Juror Number 87, Debora
16 A. Michael.

17 **JUROR:** I'm Debbie Michael. I work at
18 St. Francis Health System in Greenville at the central
19 business office as a medical biller and I'll be married
20 in two weeks.

21 **THE CLERK:** Okay. Thank you. Juror Number 89,
22 Paul E. Miner.

23 **JUROR:** I'm Paul Miner. I work for the General
24 Electric Company in Greenville at their Greenville
25 Technology Laboratory as a lead test specialist. My

1 wife works at Clinton Dental Care. Her name is Lynn
2 Miner.

3 **THE CLERK:** Juror Number 92, Charles G. Morgan.

4 **JUROR:** I'm Charles G. Morgan, a plant manager at
5 ACI Industries, and my wife is unemployed.

6 **THE CLERK:** Thank you. Juror Number 93, Nicole
7 R. Morris.

8 **JUROR:** I'm Nicole Morris and I'm employed at
9 Wal-Mart as a photo center tech.

10 **THE CLERK:** Okay. Thank you. Juror Number 97,
11 Leland J. Nelson, the Second.

12 **JUROR:** I'm Leland J. Nelson, the Second. I work
13 at Shaw Industries Plant H5 in Clinton. My wife is a
14 stay-at-home mom.

15 **THE CLERK:** Okay. Thank you. Juror Number 99,
16 Megan O. Norris.

17 **JUROR:** My name's Megan Norris. I'm a
18 stay-at-home mom. I last worked at Dunkin' Donuts
19 and my husband, Brad Norris, is a veteran and he last
20 worked at Greenville County.

21 **THE CLERK:** Okay. Thank you. Juror
22 Number 105, Sean R. Phillips.

23 **JUROR:** My name is Sean Phillips. I'm an
24 electrician. My wife, Sandy Phillips, she's an
25 accountant at White Sands Gaming.

1 **THE CLERK:** Okay. Thank you. Juror Number 107,
2 Joseph S. Pulley.

3 **JUROR:** I'm Joseph Pulley. I'm a pharmacist at
4 Fred's Pharmacy in Ware Shoals.

5 **THE CLERK:** Okay. Thank you. Juror Number 108,
6 Joseph A. Putnam.

7 **JUROR:** I'm Joseph Putnam. I work at Faurecia as
8 a tool changer and my wife, Brittany Putnam, works at
9 Palmetto Home Health as a caregiver.

10 **THE CLERK:** Thank you. Juror Number 111, Jasmine
11 S. Richey.

12 **JUROR:** I'm Jasmine Richey and I'm a CNA at Agape
13 Hospice in Fountain Inn.

14 **THE CLERK:** Okay. Thank you. Juror Number 121,
15 Marinda P. Simpson.

16 **JUROR:** I'm Marinda P. Simpson. I'm disabled and
17 my husband is Willie James Simpson and he's disabled.

18 **THE CLERK:** Okay. What type of work -- have you
19 ever worked?

20 **JUROR:** I worked at Clinton Center and he worked
21 for the City of Clinton.

22 **THE CLERK:** Okay. Thank you. Juror Number 123,
23 Windell K. Skipper.

24 **JUROR:** My name's Windell Skipper and I'm retired
25 military. I last worked for the U.S. Postal Service.

1 My wife's retired. She worked for the Housing
2 Authority.

3 **THE CLERK:** Okay. Thank you. Juror Number 124,
4 Alan C. Smith.

5 **JUROR:** I'm Alan C. Smith. I work for Lowe's
6 Home Improvement in Greenwood and my wife's a homemaker.

7 **THE CLERK:** Thank you. Juror Number 125, Jamie
8 M. Smith.

9 **JUROR:** I'm Jamie Smith. I work for Rich
10 Products in Fountain Inn where I'm a production worker.

11 **THE CLERK:** Okay. Thank you. Juror Number 129,
12 Kimberly R. Stephens.

13 **JUROR:** I'm Kim Stephens. I work for Eaton
14 Corporation in Duncan. I'm a modifier and assembler.

15 **THE CLERK:** Okay. Thank you. Juror Number 131,
16 Arthur A. Strickland.

17 **JUROR:** My name's Arthur Strickland. I work
18 at Fort Dearborn Company in Fountain Inn as a first
19 pressman. I also own Strickland Auction Services, LLC.
20 My wife is disabled and she used to work at Avery
21 Dennison as a inspector.

22 **THE CLERK:** Thank you. Juror Number 140,
23 Elizabeth A. Trimbach.

24 **JUROR:** I'm Elizabeth Trimbach. I work for
25 Online Solutions as an energy auditor. My husband works

1 at Securitas as a security guard.

2 **THE CLERK:** Thank you. Juror Number 142, Bea L.
3 Walker.

4 **JUROR:** My name's Bea Walker. I work for RE/MAX
5 Action Realty in Greenwood. I'm a realtor. My husband
6 is self-employed at Jack Walker Heating and Air. He's
7 an HVAC technician.

8 **THE CLERK:** Thank you. Juror Number 148,
9 Benjamin Alan Wood.

10 **JUROR:** I'm Benji Wood. I work at V.C. Summer
11 Nuclear Power Station in Jenkinsville as a welder, and
12 I'm single.

13 **THE CLERK:** Okay. Thank you. Robert F. Woody,
14 Junior.

15 **JUROR:** I'm Robert F. Woody, Junior. I'm
16 employed at Inman Mills in Enoree, South Carolina as a
17 machine operator and I'm divorced.

18 **THE CLERK:** Is there anyone whose name I didn't
19 call? Okay. Thank you.

20 **THE COURT:** All right. Now, ladies and
21 gentlemen, I now have certain questions that I have
22 to ask you in order to determine your qualification
23 and eligibility to serve as jurors. I need you to
24 understand that state law requires that I ask these
25 questions of you and some of these questions might be a

1 little bit personal and you may not feel comfortable
2 answering these questions in open court.

3 Usually the procedure I use is if you need to
4 respond to one of my questions, I'll ask that you stand
5 up and give me that response; however, if standing up
6 and giving that response in open court causes you any
7 embarrassment, that's fine, you don't have to stand
8 after I ask the question, but at the end of the
9 questioning process I'll give you a chance to come
10 down and speak with me privately down here next to my
11 court reporter.

12 I don't want to cause anyone any undue
13 embarrassment, so if any question I ask embarrasses
14 you in any way, shape or form, you don't have to stand
15 up and give me a response. Just make a mental note of
16 that question and remember to come down when I ask you
17 to and we can discuss that privately down here next to
18 my court reporter. But it's absolutely essential we
19 have accurate information about you, so please if you
20 don't feel comfortable giving me the answer in open
21 court, just do remember to come forward and let me know
22 when I ask you to.

23 Now here are the questions regarding
24 qualification to serve as jurors. First of all, is
25 there any member of the jury panel who is not a United

1 States citizen? If so, please stand. No one's
2 standing.

3 Is there any member of the jury panel who is not
4 a resident and citizen of Laurens -- is she having
5 difficulty hearing me.

6 **BAILIFF:** Yes, Your Honor.

7 **THE COURT:** She's having difficulty. Okay. It
8 was Ms. Beach, right? Can you hear me Ms. Beach?

9 **JUROR:** I don't hear well.

10 **THE COURT:** Okay. Can you hear me now?

11 **JUROR:** Yes, sir.

12 **THE COURT:** Can you hear me now?

13 **JUROR:** (Nods head.)

14 **THE COURT:** All right. Very good.

15 Ms. Beach, if you can't hear me, okay, I want you just
16 to raise your hand, all right?

17 **JUROR:** Yes, sir.

18 **THE COURT:** And I'll ask the question again, all
19 right? Is there any member of the jury panel who is not
20 a resident of Laurens County? If so, please stand. No
21 one is standing.

22 Is there any member of the jury panel who is
23 unable to read, write, speak or understand the English
24 language? If so, please stand. No one is standing.

25 Is there any member of the jury panel who has

1 less than a sixth grade education or its equivalent? If
2 so, please stand. No one's standing.

3 Is there any member of the jury panel who is
4 unable because of mental or physical infirmities to
5 render efficient jury service? For example, is there
6 any member of the jury panel who thinks that they may
7 suffer from a physical or a mental problem that might
8 prevent you from rendering efficient jury service this
9 week? If so, please stand. No one's standing.

10 Is there any member of the jury panel who has
11 been convicted by guilty plea or trial in a state
12 or federal court of any crime that carries the possible
13 sentence of more than a year in prison? Now, ladies
14 and gentlemen, I'm not asking whether or not you were
15 actually sent to prison for a year. I'm simply asking
16 if you've been convicted of any crime that carried the
17 possible sentence of more than a year in prison, okay?
18 A year and a day. A good rule of thumb: If you've been
19 on probation, this question might apply to you. So if
20 there's any member of the jury panel who thinks that
21 this question may to them, if so, please stand. No
22 one's standing.

23 Is there any member of the jury panel who is a
24 clerk or deputy clerk of court, constable, sheriff or
25 other commissioned law enforcement officer, probate

1 judge, county commissioner, magistrate or other
2 county officer or is employed within the walls of any
3 courthouse? If so, please stand. No one's standing.

4 Is there any member of the jury panel who has
5 previously served on jury duty in circuit court during
6 this calendar year, 2014? If so, please stand. No
7 one's standing.

8 Is there any member of the jury panel who's
9 previously served as a member of the Laurens County
10 Grand Jury during the past several years? If so, please
11 stand. No one is standing.

12 Now, ladies and gentlemen, we now move to jury
13 exemptions, and state law provides for several
14 exemptions to jury service. The way an exemption works
15 is if an exemption applies to you, you have the right to
16 say judge, thanks for the invitation, but I choose not
17 to serve, okay? It doesn't mean you're disqualified,
18 but it means that you have the right to say I'd rather
19 not serve on a jury.

20 Now the first exemption that we come to deals
21 with those of you who are over the age of 65. If you've
22 reached age 65, I think the State has decided that
23 you've done enough for our state and our country, we're
24 not gonna force you to serve on a jury. At the same
25 time, if you are over the age of 65, we'd love to have

1 you to stay if you're inclined to do so. But if there
2 is any member of the jury panel who is over the age of
3 65 who wants to claim this exemption, please stand now.
4 All right. No one's standing.

5 Another exemption concerns prior jury service.
6 No person is required to serve as a juror more often
7 than once every three calendar years; therefore, if
8 there's any member of the jury panel who has previously
9 been summoned for jury duty in this court during the
10 last three calendar years; 2012, 2013 and, of course,
11 this year, I can exempt you from jury service.

12 So is there any member of the jury panel that has
13 previously served on jury duty during 2012 or 2013 and
14 they want to be exempted? If so, please stand. No
15 one's standing.

16 Persons who have served as grand jurors during
17 the past five years can also be exempt from jury
18 service. Is there any member of the jury panel who has
19 previously served on a grand jury, state or federal,
20 during the last five years who want to claim this
21 exemption? If so, please stand. All right. No one's
22 standing.

23 Now the next exemption deals with those of you
24 who have small children. I need you to listen carefully
25 because this exemption has several parts, all of which

1 have to apply to you for me to exempt you on this basis.
2 I can exempt you from jury service if you have a small
3 child or small children who are under the age of seven,
4 you have principal care, custody and control of that
5 child and you can't make alternate arrangements for the
6 care of that child while performing jury duty.

7 So, again, the child is under the age of seven,
8 you have primary responsibility for taking care of the
9 child and you can't find anyone to baby-sit for you
10 while you're here in court. So if there's any member
11 of the jury panel who thinks that all three of those
12 apply to them, please stand now. All right. No one is
13 standing.

14 All right. The next exemption deals with those
15 of you who are attending school at this time. If
16 this exemption applies to you and you want to claim
17 it, what I can do is transfer your jury service to a
18 term of court that won't conflict with your school
19 responsibilities, probably sometime in June or July of
20 this year.

21 So is there any member of the jury panel
22 who's a full-time student, school teacher or school
23 crossing guard, bus driver or who serves in any other
24 school-related function, who's unable to serve on jury
25 duty this week as a result of that school involvement?

1 If so, please stand. All right. No one's standing.

2 I don't think this one applies, but I'll ask it.

3 Is there any member of the jury panel who works at the
4 Department of Corrections, at a prison, and you want to
5 be exempted? If so, please stand. No one's standing.

6 Is there any juror who performs services for a
7 business, commercial or agricultural enterprise which
8 you are so essential to the operation of the enterprise
9 that if you were required to perform jury duty the
10 enterprise would have to close or stop functioning?

11 Now, ladies and gentlemen, that's a very
12 legalistic way to ask a pretty simple question. What
13 this is getting at is if you've got a business and
14 you're that business's only employee and because you're
15 having to perform work on jury duty here no work is
16 getting done. That's what this is getting at. That's
17 what the exemption is getting at.

18 The example I usually use is if you are a
19 plumber, you work out of your truck off of your cell
20 phone, you have no staff, you have no one to assist you
21 and you basically go from home to home making plumbing
22 calls or business to business making plumbing calls
23 during the course of the day and because you're having
24 to perform jury duty your business is shut, nothing is
25 going on. That's what this is getting at.

1 So if there's any member of the jury panel who
2 thinks that exemption may apply to them, please stand.
3 No one's standing.

4 Is there any -- yes, ma'am. You are
5 Ms. --

6 **THE CLERK:** Walker.

7 **THE COURT:** Walker.

8 **JUROR:** I am a realtor and have a lot going on
9 this week. Would that apply to me?

10 **THE COURT:** You're self-employed with RE/MAX, I
11 think you said, right?

12 **JUROR:** Each office is independently owned and
13 operated.

14 **THE COURT:** Okay. You have your own listings,
15 nobody else --

16 **JUROR:** Yes.

17 **THE COURT:** -- covers your listings for you?

18 **JUROR:** No.

19 **THE COURT:** Okay. This would probably apply to
20 you then, Ms. Walker. Do you want to claim the
21 exemption, ma'am?

22 **JUROR:** I do.

23 **THE COURT:** All right. Very good, ma'am. Thank
24 you. You can have a good day. You're free to go.

25 (Juror excused.)

1 **THE COURT:** That was Juror Number --

2 **THE CLERK:** 142.

3 **THE COURT:** Okay. Anybody else? No one's
4 standing.

5 Is there any juror who's the primary caretaker of
6 a severely disabled person who cannot care for himself
7 or herself or can't be left unattended or is there any
8 juror who's the primary caretaker of someone sixty-five
9 years of age or older? If so, please stand.

10 **JUROR:** I take care of my mother. She's
11 eighty-seven years old.

12 **THE COURT:** Okay. You take care of your mom,
13 Ms. Beach?

14 **JUROR:** Sir?

15 **THE COURT:** You take care of your mother,
16 Ms. Beach?

17 **JUROR:** 24/7. She's been sick for two years now.

18 **THE COURT:** Okay. All right. Ms. Beach, that
19 would apply to you. I'll let you go, okay? You're free
20 to go. Thank you for coming, ma'am. Juror Number 8 is
21 excused.

22 (Juror excused.)

23 **THE COURT:** Anyone else? No one's standing.

24 Now, ladies and gentlemen, that concludes the
25 list of qualifications and exemptions for jury service.

1 It may be that you're qualified to serve and that no
2 exemption applies to you, but that jury service this
3 week constitutes an extreme hardship on you for some
4 particular reason.

5 Now understand I can't permanently excuse an
6 otherwise qualified juror from jury service, but what I
7 can do is under extreme and compelling circumstances and
8 if this is just the worst week possible for you to have
9 been summoned for jury duty, what I can do is transfer
10 you to another term of court at a time which hopefully
11 won't conflict with whatever logistical problem has come
12 up in the last couple of days or weeks.

13 So if you need to speak to me about that, what
14 I'm gonna ask that you do is just form a line right
15 there where the bar starts and one by one you can come
16 forward and speak with me down here about whatever
17 problem or issue has come up and we'll try and work
18 around it.

19 This is also an opportunity for anyone who had
20 any reservation or any hesitation about giving me
21 an answer in court. This is also an opportunity for
22 you to come down and you can tell me the response to my
23 question that you needed to do more privately down here
24 next to my court reporter. So if you need to speak to
25 me, just form a line starting with -- the bailiff will

1 show you where to start and one by one I'll talk to
2 y'all as I need to, okay?

3 **BAILIFF:** Mr. Knight. James Knight.

4 (Whereupon, the following bench conference was
5 held on the record.)

6 **JUROR:** How you doing, sir? James Knight.

7 **THE COURT:** Frank Addy.

8 **JUROR:** Right down the road -- the hall right
9 here I'm being -- going for a divorce on Thursday.

10 **THE COURT:** Thursday. Okay.

11 **JUROR:** And my grandma is in Greenville Memorial
12 with failing heart and kidneys, and my grampa and all my
13 kin, they're gonna give her until Thursday and take her
14 off of life support.

15 **THE COURT:** We're gonna move Mr. Knight to
16 another term of court. I'm not sure when it's gonna be,
17 but it may be a month or two from now, sometime in June,
18 okay? You'll get another summons, all right? Sorry
19 about your grandma. I'm sorry that's going on. Take
20 care, sir. Good to meet you.

21 **JUROR:** Thank you. I'm free to go?

22 **THE COURT:** You're free to go, yes, sir.

23 (The bench conference was concluded.)

24 **THE COURT:** Juror Number 71 is excused.

25 **BAILIFF:** Number 53.

1 (Whereupon, the following bench conference was
2 held on the record.) :

3 **THE COURT:** 53? Mr. Haug, right?

4 **JUROR:** Yes, sir.

5 **THE COURT:** Frank Addy.

6 **JUROR:** I don't know if this applies or not. I'm
7 not trying to -- I actually do want to do this, but I
8 want to make sure what I do is right. In 1979, I was
9 convicted for breach of trust. I got one year probation
10 and restitution, but he never gave me no sentence. I
11 don't know how long it was.

12 **THE COURT:** Okay. Did it carry more than a year,
13 breach of trust?

14 **JUROR:** I don't know that. It was 1979.

15 **THE COURT:** Probably.

16 **MR. MOWRY:** It was ten years.

17 **THE COURT:** Ten year, common law.

18 **MR. STUMBO:** That's what it looks like.

19 **THE COURT:** You haven't been pardoned or
20 anything?

21 **JUROR:** I served my one-year probation and went
22 on living. That was in 1978, '79, somewhere in there.

23 **THE COURT:** Mr. Haug, you're right. You're not
24 eligible to serve, but you can probably get a pardon.
25 They actually are very generous about that.

1 **JUROR:** I'm pretty sure I haven't tried that. I
2 had jury duty in magistrate court a few years ago and I
3 told them and, you know, but I didn't know -- you know
4 what I'm saying, I wanted to check with you before I did
5 something stupid.

6 **THE COURT:** Sure. You're free to go, but you
7 need to check into that, okay? It will be really easy.

8 **JUROR:** I will. Thank you, sir.

9 **THE COURT:** All right. Hey, thanks for what
10 you're doing with the Humane Society.

11 (The bench conference was concluded.)

12 **BAILIFF:** Juror Number 32.

13 (Whereupon, the following bench conference was
14 held on the record.)

15 **THE COURT:** Okay.. Ms. Crouch?

16 **JUROR:** Okay.

17 **THE COURT:** Hey, Frank Addy.

18 **JUROR:** My problem is I have Crohn's disease. I
19 don't know that I will have an episode, but if I do, I
20 have little to no control over things.

21 **THE COURT:** Okay. I understand. Do you have
22 any lead time before an attack happens or is it pretty
23 much --

24 **JUROR:** Sometimes I do, sometimes I don't.

25 **THE COURT:** Okay. If you're worried about it,

1 I'll be more than happy to excuse you if you think
2 there's a possibility it could happen. Do you have
3 flare-ups frequently?

4 **JUROR:** I do, especially when I'm nervous.

5 **THE COURT:** All right. Yeah, have a good day,
6 Ms. Crouch.

7 **JUROR:** I'm sorry.

8 **THE COURT:** No, thank you so much. You take
9 care, all right? I hope you feel better.

10 (The bench conference was concluded.)

11 **THE COURT:** 32's excused.

12 **BAILIFF:** Juror Number 148.

13 (Whereupon, the following bench conference was
14 held on the record.)

15 **JUROR:** I've got a little question. It's a
16 little bit different from what you asked.

17 **THE COURT:** Yes, sir.

18 **JUROR:** I'm good friends with Lieutenant Chris
19 Martin with the Laurens County Sheriff's Department and
20 my uncle's on the county council, so I didn't know if
21 that's --

22 **THE COURT:** No, that won't disqualify you.

23 **JUROR:** Okay. I wanted to make sure.

24 **THE COURT:** I mean, I don't know who the
25 witnesses are in the case that we're gonna try at this

1 point.

2 **JUROR:** I'm just asking the question.

3 **THE COURT:** No, you're good.

4 (The bench conference was concluded.)

5 **THE COURT:** Juror 148 is gonna stay with us.

6 **BAILIFF:** We've got Ms. Simpson.

7 (Whereupon, the following bench conference was
8 held on the record.)

9 **MR. MOWRY:** Your Honor, Mr. Martin is on the
10 witness list.

11 **THE COURT:** We'll deal with it then.

12 **MR. MOWRY:** Yes, sir.

13 **THE COURT:** Ms. Simpson, Frank Addy. How you
14 doing?

15 **JUROR:** Pretty good.

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

17 **JUROR:** I'm not able to sit up here in this jury
18 duty because of the pain in my butt and I have to be
19 going back and forth to the doctor.

20 **THE COURT:** Okay. So it's uncomfortable for you
21 to sit, ma'am?

22 **JUROR:** Yeah.

23 **THE COURT:** Okay. Ms. Simpson, thank you very
24 much for coming. You have a good day, okay, ma'am?

25 **JUROR:** You, too.

1 **THE COURT:** Take care.

2 (The bench conference was concluded.)

3 **THE COURT:** Juror 121 is excused.

4 **BAILIFF:** Juror Number 30, Your Honor.

5 (Whereupon, the following bench conference was
6 held on the record.)

7 **THE COURT:** Mr. Cook, yes, sir. Frank Addy.

8 **JUROR:** I just had a DMV {sic} about thirty years
9 ago and I don't know if that applies to me or not.

10 **THE COURT:** What was it, do you remember?

11 **JUROR:** Domestic violence, first offense.

12 **THE COURT:** Oh, domestic violence. First
13 offense?

14 **JUROR:** Yes, sir.

15 **THE COURT:** You're fine.

16 **JUROR:** Okay.

17 **THE COURT:** Thank you, Mr. Cook.

18 (The bench conference was concluded.)

19 **BAILIFF:** Debbie Michael.

20 (Whereupon, the following bench conference was
21 held on the record.)

22 **THE COURT:** Ms. Michael.

23 **JUROR:** I had called in this morning. I believe
24 I spoke to this lady here in blue.

25 **THE CLERK:** Yes, I know about her situation. She

1 needs to be out of here by 3:30.

2 **JUROR:** Yeah. I have an appointment for my
3 wedding that I could not change for today. I have to
4 be in Greer by five.

5 **THE COURT:** By five. We'll have you out of here
6 by 3:30.

7 **JUROR:** Okay. Thank you.

8 **THE COURT:** I'll try to, okay?

9 (The bench conference was concluded.)

10 **BAILIFF:** Juror Number 150, Your Honor.

11 (Whereupon, the following bench conference was
12 held on the record.)

13 **THE COURT:** 150, Woody. Mr. Woody?

14 **JUROR:** Yes, sir. Robert Woody.

15 **THE COURT:** Yes, sir.

16 **JUROR:** I don't know if I'm qualified to serve
17 on a jury or not. My sister, she's a municipal court
18 judge. Am I qualified?

19 **THE COURT:** Is this a county case that we're
20 gonna try?

21 **MR. MOWRY:** Yes, sir.

22 **THE COURT:** Municipal court is what you said,
23 sir?

24 **JUROR:** Yes, sir.. City of Simpsonville.

25 **THE COURT:** You're fine.

1 (The bench conference was concluded.)

2 **THE COURT:** Mr. Woody is gonna stay with us.

3 **BAILIFF:** Juror Number 45.

4 (Whereupon, the following bench conference was
5 held on the record.)

6 **THE COURT:** Frank Addy. How are you, ma'am?

7 **JUROR:** Good. I'm Sharon Gibson. I have a son
8 that was just convicted on something and I just don't
9 know if I'm gonna be able. I just went to a jury thing
10 with him on January 3rd.

11 **THE COURT:** Okay. I'm sorry. That was here in
12 Laurens or was it somewhere else?

13 **JUROR:** Greenville County, but he is in Laurens
14 County, but it was Greenville County.

15 **THE COURT:** Okay. And you're -- he had a jury
16 trial and you're just kind of concerned about sitting
17 through that or what's exactly your concern?

18 **JUROR:** I just don't know if I would be a good
19 juror because of what he went through. He was in
20 a severe bad accident.

21 **THE COURT:** Okay. So you're feeling like you're
22 not terribly comfortable --

23 **JUROR:** He didn't get --

24 **THE COURT:** -- you're not terribly comfortable
25 with being impartial --

1 **JUROR:** Yeah.

2 **THE COURT:** -- at this moment in your life?

3 **JUROR:** Yeah.

4 **THE COURT:** All right. You don't think you could
5 put that aside, it's just still a little too raw?

6 **JUROR:** Well, a lot raw right now because of
7 what -- if you knew what he went through. I mean, it
8 involved other families and things.

9 **THE COURT:** Sure. Was it a criminal or a civil
10 case, if I could ask?

11 **JUROR:** It was a felony.

12 **THE COURT:** A felony, okay, so it was a criminal
13 case. Would you feel more comfortable serving on a
14 civil jury where there's like automobile cases where
15 there was a wreck and money had to be --

16 **JUROR:** No, nothing to do with a wreck because
17 this was with a wreck.

18 **THE COURT:** Right, but, I mean, like a civil
19 case, whether it be a contract dispute, a car accident.

20 **JUROR:** Well, not a car accident. Just like a
21 civil thing. Because this was a car accident --

22 **THE COURT:** I'm gonna try a medical malpractice
23 in July. I can have you back here for that one. How
24 does that feel for you?

25 **JUROR:** Just something little, small, you know

1 what I'm saying?

2 **THE COURT:** Bring her back in July sometime, all
3 right? June or July. Nothing criminal. We'll transfer
4 you --

5 **JUROR:** This is criminal?

6 **THE COURT:** This is criminal court, yes, ma'am,
7 but we'll transfer you to something that hopefully will
8 be a little more comfortable for you, ma'am, okay?

9 **JUROR:** All right. Thank you.

10 (The bench conference was concluded.)

11 **THE COURT:** Juror Number 45 is gonna be
12 transferred to another term, so she's good to go. What
13 does that leave us with?

14 **THE CLERK:** Forty-three.

15 **THE COURT:** Okay. I do find that the jury panel
16 is qualified. Ladies and gentlemen, what we're gonna do
17 is, and I know that you've been sitting out there --
18 many of y'all have been sitting out there about an hour.
19 We're gonna take a brief five minute break, five,
20 ten minutes, to let you use the facilities and then
21 we'll begin with the selection of the jury on the first
22 case. I know that one juror has to be out of here by
23 3:30, so -- let me speak with counsel up here real quick
24 on that question.

25 (Proceedings held at the bench; not reported.)

1 **THE COURT:** All right. Who was that juror who
2 was getting married in two weeks?

3 **THE CLERK:** Number 87, Ms. Michael.

4 **THE COURT:** Ms. Michael, I know you've got to be
5 out of here by 3:30 and you're getting married in two
6 weeks. Would you like for me just to make -- you've
7 probably got a good bit going on if you're anything like
8 my wife was before she got married. It was somewhat
9 busy for her to put it mildly. I'm glad that's over
10 with. You want me just to transfer you to some other
11 term a couple of months from now or something? Would
12 that be more convenient for you?

13 **JUROR:** I don't mind missing work this week if
14 I'm chosen. It's just I couldn't change this meeting.

15 **THE COURT:** I'll make sure we don't tell the
16 people at St. Francis that. I'm just worried that I
17 might make you late this afternoon. If you're picked on
18 a jury, you may have to reschedule with the wedding
19 planner for sometime later on. Is that okay?

20 **JUROR:** If you need to reschedule me, that's
21 fine.

22 **THE COURT:** Okay. Do you want to just come back
23 some other time and do jury duty or do you want to
24 reschedule with the wedding planner if I make you late?

25 **JUROR:** I can't reschedule now. I don't have my

1 phone.

2 **THE COURT:** We're gonna transfer her. Let's
3 transfer her to sometime after Ms. Michael is no longer
4 Ms. Michael, okay? You'll get another summons, ma'am.
5 You're free to go, okay? I hope you have a great
6 wedding and wonderful life.

7 **JUROR:** Thank you so much.

8 **THE COURT:** You'll get another summons, ma'am.

9 (Juror excused.)

10 **THE COURT:** Okay. The rest of y'all, we'll take
11 about a five, ten minute break. Be back in here at
12 about 3:00, okay, and we'll pick the jury on the first
13 case.

14 (Recess taken.)

15 **BAILIFF:** Let's all rise and come to order,
16 please.

17 **THE COURT:** Thank you. Have a seat, please.
18 All right, Solicitor. If you'll call your next case,
19 please.

20 **MR. STUMBO:** Thank you, Your Honor. If it please
21 the Court, the State calls the case of the State versus
22 Phillip Heath Hollingsworth. This is Indictment Number
23 2013-GS-30-288. This is an indictment for murder, Your
24 Honor. And this indictment was true billed by the
25 Laurens County Grand Jury and the State's ready for

1 trial. If I may approach.

2 **THE COURT:** Please.

3 **MR. MOWRY:** (Handing.)

4 **THE COURT:** Now ladies and gentlemen of the jury
5 panel, we're about to begin the trial of the State of
6 South Carolina versus Phillip Heath Hollingsworth
7 in the case 13-GS-30-288. The indictment, ladies and
8 gentlemen, charges Mr. Hollingsworth with the offense of
9 murder, and I have certain questions that I'm going to
10 need to ask you to determine whether or not you should
11 be selected to serve on this particular case. We will
12 use the same routine as before. If you need to respond
13 to one of my questions, I'll ask that you stand up and
14 give the response.

15 Now, ladies and gentlemen, I'll inform you that
16 an indictment is nothing more than an accusation. It
17 is not in any sense of the word evidence or proof
18 of any of the allegations contained in the indictment.
19 Again, it's just a piece of paper, ladies and gentlemen.
20 It's a method by which a case is brought to this court
21 and it is not in any sense of the word proof of any of
22 the allegations contained in the indictment.

23 Now this indictment alleges, ladies and
24 gentlemen, that Mr. Hollingsworth did in Laurens County
25 on or about the 7th of November, 2013, willfully,

1 feloniously and with malice aforethought, kill Bill
2 Ardis by means of shooting and that Mr. Ardis did die
3 in Laurens County as a proximate result thereof on or
4 about November 7, 2012, in violation of the laws of this
5 State and against the peace and dignity of this State.

6 Now, ladies and gentlemen, the Defendant in this
7 case has pled not guilty and that, of course, puts the
8 burden of proof on the State of South Carolina to prove
9 all the elements of this particular indictment.

10 Now in this case, ladies and gentlemen, the State
11 is going to be represented by Solicitor David Stumbo and
12 Mr. Warren Mowry of the Solicitor's office. Mr. Stumbo,
13 if you'd care to introduce yourself and counsel seated
14 at the table with you, sir.

15 **MR. STUMBO:** Thank you, Judge. As His Honor
16 pointed out, I'm David Stumbo. I'm the elected
17 Solicitor for Laurens County and the rest of the
18 Eighth Circuit, which is Greenwood, Abbeville, Newberry
19 counties. We prosecute felony level criminal offenses
20 that come before law enforcement agencies in court.
21 Deputy Solicitor Warren Mowry is assisting me with this
22 case and he helps run our docket here in Laurens County.
23 To his left is Investigator Walter Bentley, who's an
24 investigator with the Solicitor's office, with my
25 office, and formerly with the Laurens Police Department.

1 Also sitting at the table is Investigator Scott Franklin
2 of the Laurens County Sheriff's Office. He's an
3 investigator with the sheriff's office and the lead
4 investigator in this case. Also in the courtroom
5 Mr. Ken Wiltshire is seated here. He's our victim
6 advocate. He's sitting here with the victim's family.
7 Also Casey Tucker, who's an administrative assistant
8 with my office. She's in and out of the courtroom
9 during the proceedings. Thank you.

10 **THE COURT:** Thank you very much. The Defendant
11 in this case, Mr. Hollingsworth, is being represented by
12 Ms. Chelsea McNeill. Ms. McNeill, if you'd care to
13 introduce yourself, certainly your client, and Mr. Howe
14 to the jury panel, please.

15 **MS. McNEILL:** Thank you, Your Honor. Good
16 afternoon. My name is Chelsea McNeill. I'm a resident
17 here of Laurens County. I'm also a lawyer in the
18 Laurens County Public Defender's Office. Our office
19 covers Laurens, Greenwood, Abbeville and Newberry
20 counties as well, but defending all people accused of
21 crimes. This is my client, Mr. Phillip Heath
22 Hollingsworth, and then I'm also being assisted by
23 Mr. Chip Howe. He's also a resident of Laurens County,
24 in Clinton specifically. Thank you.

25 **THE COURT:** Thank you, Ms. McNeill. First

1 question, ladies and gentlemen, is there any member of
2 the jury panel who is currently being represented by or
3 has previously been represented by any of the attorneys
4 involved in this case, either Mr. Stumbo, Mr. Mowry
5 Ms. McNeill or Mr. Howe? If so, please stand. No one
6 is standing.

7 Is there any member of the jury panel who's
8 related by blood or marriage or has any close business,
9 social or personal ties to the Defendant in this case,
10 Phillip Heath Hollingsworth? If so, please stand. No
11 one is standing.

12 Is there any member of the jury panel who
13 is related by blood or marriage or has any close social,
14 business or personal ties with the decedent in this
15 case, Bill Ardis? If so, please stand. No one's
16 standing.

17 Is there any member of the jury panel -- again,
18 ladies and gentlemen, it's alleged that this incident
19 took place on November 7th of 2012. I'm informed that
20 the incident took place at [REDACTED] in Waterloo,
21 which is close to the Waterloo Grocery. It took place,
22 again, on November 7th of 2012 at approximately 11:30 in
23 the evening, 11:30 PM. Is there any member of the jury
24 panel who has formed or expressed an opinion about the
25 facts in this case or thinks that they may know anything

1 concerning the allegations in this particular case? If
2 so, please stand. No one is standing.

3 I'm going to read a list of potential witnesses
4 in this case, ladies and gentlemen, and, again, these
5 are just possible witnesses. These are people who
6 might testify. When I get done reading the list, what
7 I'm gonna ask is whether you're related by blood or
8 marriage to any of these folks or you have any close
9 business or social or personal dealings with any of
10 these individuals, okay? So listen up as I read these
11 names because I'll need you to be able to respond once
12 I finish reading this list, and it is a long list.
13 Please pay attention to it and listen carefully for any
14 names that might sound familiar that you might know.

15 Here are the possible witnesses in this case.
16 Shayla Gaines. First named spelled S-H-A-Y-L-A.
17 Gaines, G-A-I-N-E-S. Tina Dobbins, Shiree Spearman,
18 Richard Gillcrest, Deputy Devin Hodges, Sergeant John
19 Carter, Terry Burdette, Lieutenant Ben Blackmon. Are
20 these all with the sheriff's department or law
21 enforcement officers?

22 **MR. STUMBO:** Lieutenant Blackmon and Lieutenant
23 Franklin are with the sheriff's office.

24 **THE COURT:** Lieutenant Ben Blackmon and
25 Lieutenant Scott Franklin, both with the Laurens

1 Sheriff's Department.. Al Brown with SLED. Jennifer
2 Stoner with SLED. And SLED's the State Law Enforcement
3 Division. Thomas Darnell with SLED, Amanda Webb with
4 SLED. Jason Nelson, Vicki Cheek, Chad Smith, Mark
5 Stevenson, Dr. Janice Ross. Lieutenant Todd Alexander
6 of the sheriff's department, Lieutenant Keith McIntosh
7 of the sheriff's department, Lieutenant Chris Martin
8 with the sheriff's department, Captain Stephane
9 Williams. Amy Stephens with SLED, Patricia Crooks with
10 SLED, Brandon Williams with SLED, Kathleen Woodward
11 with SLED, Tony Broom of SLED, Tracy McKinnon with SLED.
12 That's called M-C-K-I-N-N-O-N. Nikki Hughes with SLED,
13 Stacey Matthew with SLED, Courtney Smith with SLED,
14 Sheree Brown with SLED. Sheree is spelled S-H-E-R-E-E.
15 Doris Yarbrough of SLED. Illa Simmons with SLED,
16 I-L-L-A Simmons. Whitney Barry with SLED. Lesa
17 Champman with SLED, spelled L-E-S-A. James Green with
18 SLED. Tiffany Hezel, H-E-Z-E-L, with SLED. Hazella
19 Baylor, H-A-Z-E-L-L-A, Baylor with SLED. Alice Shealy
20 with SLED. Dawn Claycomb with SLED. That's spelled
21 C-L-A-Y-C-O-M-B. Michael C. Garrison, Officer W.C.
22 Bishop of the highway patrol, Officer J. Burch with
23 Greenwood County Sheriff's Department, and Officer E.
24 Smith, also with the Greenwood County Sheriff's
25 Department.

1 Is there any member of the jury panel who is
2 related by blood or marriage to any of those potential
3 witnesses or has any close business, social or personal
4 relationship with any of those witnesses? If so, please
5 stand. And -- yes?

6 **JUROR:** It's Buckhiester.

7 **THE COURT:** Ms. Buckhiester. Okay. That's Juror
8 Number 19. Yes, ma'am, which of those do you know?

9 **JUROR:** Chris Martin.

10 **THE COURT:** Chris Martin?

11 **JUROR:** Yes, sir.

12 **THE COURT:** Okay. Lieutenant Chris Martin with
13 the sheriff's department here in Laurens?

14 **JUROR:** Yes, sir.

15 **THE COURT:** How do you know Lieutenant Martin?

16 **JUROR:** He ate lunch at my house yesterday.

17 **THE COURT:** Okay. So you're close friends with
18 Lieutenant Martin?

19 **JUROR:** You could say that.

20 **THE COURT:** Okay, yeah. If he were to testify in
21 this case, Ms. Buckhiester, would you be able to be fair
22 and impartial both to the State and the defense in this
23 case despite that relationship or would it cause you any
24 anxiousness?

25 **JUROR:** It would probably cause me anxiousness.

1 **THE COURT:** Okay. Very good. We'll let you sit
2 this one out then, Ms. Buckhiester. Thank you, ma'am.

3 (Juror excused.)

4 **JUROR:** Chris Martin.

5 **THE COURT:** Yes, sir. And what was your name
6 again, sir?

7 **JUROR:** Ben Wood, 148.

8 **THE COURT:** And I think you told me that down
9 front. You're the one that spoke to me about him as
10 well?

11 **JUROR:** Yes, sir. I rent Chris property and
12 we're good friends.

13 **THE COURT:** So you won't feel comfortable either?

14 **JUROR:** No, I'd rather not.

15 **THE COURT:** Very good. And it's 148,
16 Mr. Wood? Is that your name, sir?

17 **JUROR:** Yes.

18 **THE COURT:** Very good. 148 will not serve.

19 **BAILIFF:** Judge, do you want to go ahead and let
20 him go?

21 **THE COURT:** What's your name, please, ma'am?

22 **JUROR:** Tina Gilmer.

23 **THE COURT:** Mr. Wood? Mr. Wood, stick around
24 for a few minutes, okay? Just have a seat. I'll let
25 everybody go collectively in just a moment as soon as

1 I'm done with this, okay? Your name again? I'm sorry,
2 ma'am.

3 **JUROR:** Tina Gilmer.

4 **THE COURT:** Ms. Gilmer, yes, ma'am, who do you
5 know?

6 **JUROR:** Vicki Cheek.

7 **THE COURT:** And how do you know Ms. Cheek?

8 **JUROR:** She's been a friend of the family a long
9 time.

10 **THE COURT:** Okay. If she were to testify in this
11 case, would that affect your ability to be fair and
12 impartial?

13 **JUROR:** No.

14 **THE COURT:** You're certain of that?

15 **JUROR:** Yes, sir.

16 **THE COURT:** Very good. Ms. Gilmer will serve.
17 Anyone else?

18 **MS. McNEILL:** Judge, may I approach?

19 **THE COURT:** Sure. Come on up.

20 (Proceedings held at the bench; not reported.)

21 **THE COURT:** All right. One point of
22 clarification. Tina Dobbins, that was the second name
23 I called out, her full name is Tina Renee Dobbins and
24 she sometimes -- I'm told she might go by Renee Dobbins,
25 so that's just a point of clarification.

1 Again, is there any member of the jury panel
2 who's related by blood or marriage to any of those
3 possible witnesses or have any close business, personal
4 or social relationships with any of those witnesses?
5 Here's your last chance to stay out. All right. No one
6 is standing.

7 All right. Is there any member of the jury panel
8 who is formerly a member of any law enforcement agency?
9 If so, please stand.

10 And, yes, sir. Your name again, please?

11 **JUROR:** David Campbell.

12 **THE COURT:** Mr. Campbell, and where is it that
13 you worked, sir?

14 **JUROR:** I served with the Simpsonville Police
15 Department, Greenville County Sheriff's Department,
16 and I was a reserve officer with the Laurens County
17 Sheriff's Department.

18 **THE COURT:** All right. Are you still a reserve
19 officer?

20 **JUROR:** No, I am not. I haven't been for
21 probably ten years now.

22 **THE COURT:** All right. So you haven't worked in
23 law enforcement for ten years?

24 **JUROR:** Yes, sir. Maybe a little bit longer.

25 **THE COURT:** All right. And you still don't have

1 arrest powers, correct?

2 **JUROR:** No, sir, I do not.

3 **THE COURT:** Very good. Thank you for that
4 information, sir. You may have a seat.

5 Anyone else? No one's standing.

6 Is there any member of the jury panel who has
7 any member of your close family or has close personal
8 friends who are employed by a law enforcement agency?
9 If so, please stand. And, yes, sir, down front first.
10 What's your name, please?

11 **JUROR:** I'm Fernandez Hunter.

12 **THE COURT:** Mr. Hunter, yes, sir. How does that
13 question apply to you?

14 **JUROR:** My dad's a state trooper in Laurens
15 County.

16 **THE COURT:** All right. Thank you very much for
17 that information, Mr. Hunter. And, yes, ma'am, in the
18 turquoise.

19 **JUROR:** Jennifer Henderson. My sister
20 is a victim's advocate for Laurens County and my
21 brother-in-law is a lieutenant for Laurens County.

22 **THE COURT:** Okay. What's your sister's name?

23 **JUROR:** Tracy Richards.

24 **THE COURT:** Tracy Richards. And she works with
25 the sheriff's department?

1 **JUROR:** The victim's advocate's office here in
2 the courthouse.

3 **THE COURT:** Okay.

4 **JUROR:** My brother-in-law, Lieutenant Richards,
5 works with the Laurens County Sheriff's Office.

6 **THE COURT:** All right. The fact that you have
7 these family members in law enforcement, that wouldn't
8 affect your ability to be fair and impartial, would it?

9 **JUROR:** No, sir.

10 **THE COURT:** All right. Thank you very much.
11 Yes, sir. What's your name, please?

12 **JUROR:** Charles G. Morgan.

13 **THE COURT:** Mr. Morgan, yes, sir.

14 **JUROR:** My son-in-law is a SWAT officer in the
15 Franklin County Sheriff's Department in Franklin County,
16 Ohio.

17 **THE COURT:** Ohio. Okay. Thank you for that
18 information, sir. Yes, sir.

19 **JUROR:** Lynn Cook. My daughter is with the
20 sheriff's department in Laurens.

21 **THE COURT:** Laurens sheriff's department?

22 **JUROR:** Yes, sir.

23 **THE COURT:** Okay. And I don't think I called her
24 name out, did I? I didn't call her name out did I, sir?

25 **JUROR:** No, sir.

1 **THE COURT:** All right. The fact that your
2 daughter works with the same agency that's involved in
3 this case, would that affect your ability to be fair and
4 impartial?

5 **JUROR:** No, sir.

6 **THE COURT:** Okay. Thank you, Mr. Cook. No one
7 else is standing.

8 All right. Is there any member of the jury panel
9 or any close members of your immediate family who are
10 affiliated with any victim's rights organization which
11 promotes law enforcement? These organizations are
12 commonly known as -- or examples of these organizations
13 would be like CAV, Citizens Against Violent Crime, PAR,
14 People Against Rape, and No More Lies and Bruises,
15 organizations like that? Is there any member of the
16 jury panel who belongs to one of those organizations or
17 has a close family member that -- has a close family
18 member that you're aware of who belongs to those
19 organizations? If so, please stand. Or similar
20 organizations. All right. No one's standing.

21 Is there any member of the jury panel who has
22 any particular strongly held opinions, experiences or
23 feelings about the nature of this particular case,
24 namely a homicide, which would make it difficult for
25 you to serve on this particular jury where the Defendant

1 in this case is charged with homicide? Anybody who has
2 any anxiousness or any problems or any strong feelings
3 about the nature of the charge that would keep you from
4 being fair and impartial in this particular case. If
5 so, please stand. Okay. Yes, sir. What's your name
6 again, please?

7 **JUROR:** Terry Hughes.

8 **THE COURT:** Mr. Hughes, and that's Juror Number
9 57. Yes, sir, what's your concern?

10 **JUROR:** My mom and daddy was shot and killed.

11 **THE COURT:** Okay. So this is hitting a little
12 bit too close to home for you?

13 **JUROR:** Oh, yes.

14 **THE COURT:** Mr. Hughes, we're gonna let you sit
15 this one out, okay?

16 **JUROR:** I appreciate it.

17 **THE COURT:** Just stay with us though. Say with
18 us and I'll let you go in a moment. All right. Anyone
19 else need to respond? If so, please stand. Okay. No
20 one's standing.

21 Is there any member of the jury panel who recalls
22 anything -- seeing anything about this on television or
23 in the newspaper or online, anybody who recalls seeing
24 anything about this particular case between November of
25 2012, November 7, 2012, and the present? Anybody who

1 thinks that they may have seen anything about this case
2 or remembers seeing anything specific about this case in
3 the paper or in the media? If so, please stand. No one
4 is standing.

5 Is there any member of the jury panel who worked
6 with the decedent, Billy Ardis, or any close member of
7 his family? If so, please stand. No one is standing.

8 Is there any member of the jury panel or any
9 family members or close personal friends who live close
10 to [REDACTED] in Waterloo or who lived on [REDACTED]
11 [REDACTED] in Waterloo at the time of the incident in
12 November 2012? I'm told that this is close to the
13 Waterloo Grocery, okay? It's that small grocery store
14 that has -- I think it's a red and white awning. I know
15 that there's red in the color, but that's kind of where
16 this location is.

17 Is there any member of the jury panel who lives
18 or has close family members or close personal friends
19 who live close to [REDACTED] If so, please stand.

20 **JUROR:** How close is close?

21 **THE COURT:** Oh --

22 **JUROR:** I mean, I live less than three minutes
23 from Waterloo --

24 **THE COURT:** I know Waterloo is not the biggest
25 town in the world. Do you live on Mercy Lane?

1 **JUROR:** No, I don't, but I live close to the
2 store. Less than a mile, I'd say. Within two miles.

3 **THE COURT:** All right. And what's your name,
4 please, sir?

5 **JUROR:** Joseph Pulley.

6 **THE COURT:** Mr. Pulley. All right. But you
7 don't know anything about this particular case?

8 **JUROR:** Not anything other than what was on the
9 television and stuff.

10 **THE COURT:** All right. Anything that you've seen
11 on television though, would it affect your ability to be
12 fair and impartial or can you set that aside and judge
13 this case solely on the facts that you hear?

14 **JUROR:** Yeah, I don't remember specifics. I just
15 remember seeing --

16 **THE COURT:** You just remember word about it
17 happening?

18 **JUROR:** Yes.

19 **THE COURT:** Okay. But nothing specific though?

20 **JUROR:** No.

21 **THE COURT:** You can be fair and impartial?

22 **JUROR:** I guess so.

23 **THE COURT:** Okay. I have to have you be certain.

24 **JUROR:** Yes.

25 **THE COURT:** You're sure you can?

1 **JUROR:** Yes.

2 **THE COURT:** All right. Very good. Thank you,
3 sir. You can have a seat.

4 Anybody else need to respond to that question or
5 ask me anything about it? If so, please stand. No one
6 is standing.

7 Is there any member of the jury panel who
8 regularly visits the Laurens County Sheriff's Office's
9 Facebook page? If so, please stand. Anybody who
10 regularly or periodically goes on the Laurens sheriff's
11 department's Facebook page?

12 **JUROR:** Yes, sir.

13 **THE COURT:** And, yes, sir, what is your name?

14 **JUROR:** Alan Smith.

15 **THE COURT:** Mr. Smith?

16 **THE CLERK:** Number 124.

17 **THE COURT:** All right. Juror 124.

18 Mr. Smith, you've visited the page? About how often do
19 you visit that page?

20 **JUROR:** Just whenever Mr. Chastain posts
21 something. My wife likes the events.

22 **THE COURT:** I'm having a hard time. Can you
23 speak just a little louder, Mr. Smith?

24 **JUROR:** I visit it whenever Mr. Chastain posts
25 events. My wife likes to see the different events.

1 **THE COURT:** Okay. So like different things that
2 the Sheriff might be doing?

3 **JUROR:** (Nods head.)

4 **THE COURT:** Have you ever -- it's a Facebook
5 page. Have you ever liked anything on the page?

6 **JUROR:** Yes, sir.

7 **THE COURT:** All right. Do you recall ever liking
8 anything about this particular case or that was put on
9 the page about this case? I don't know that anything
10 was, but --

11 **JUROR:** (Shakes head.)

12 **THE COURT:** All right. The fact that you've been
13 to the Sheriff's Facebook page, does that affect your
14 ability to be fair and impartial and give both sides a
15 fair trial?

16 **JUROR:** No.

17 **THE COURT:** All right. It would not affect?

18 **JUROR:** No.

19 **THE COURT:** Okay. Very good, sir. Have a seat,
20 please, Mr. Smith. And, yes, sir. What's your name,
21 please?

22 **JUROR:** Mr. Robert Woody, Junior. Yes, sir,
23 I've been to the Sheriff's page just like when he puts
24 something in there like an invite or something.

25 **THE COURT:** Okay. Have you ever liked anything

1 or commented on anything on his page?

2 **JUROR:** I'm sure I have liked stuff on there, but
3 I don't think I've ever commented on anything.

4 **THE COURT:** Okay. Very good. The fact that
5 you've visited that page, would you that affect your
6 ability to be fair and impartial to both sides in this
7 case?

8 **JUROR:** No, sir, it would not.

9 **THE COURT:** Thank you, sir. You may have a seat.
10 And, yes, ma'am?

11 **JUROR:** I have a question.

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

13 **JUROR:** What did the victim do for a living?

14 **THE COURT:** It was Ardis Roofing. Did he own
15 Ardis Roofing?

16 **MR. STUMBO:** (Nods head.)

17 **JUROR:** He put a roof on my house. It just
18 dawned on me. I'm sorry.

19 **THE COURT:** Okay. And what is your name?

20 **JUROR:** Sheila Harvey.

21 **THE COURT:** Okay. So he put a -- he or his
22 company?

23 **JUROR:** His company. He came out and gave the
24 estimate.

25 **THE COURT:** Okay. How long ago was that?

1 **JUROR:** Probably five years.

2 **THE COURT:** Okay. About five years ago?

3 **JUROR:** Yeah, five or six.

4 **THE COURT:** Did you know Mr. Ardis previous to
5 this?

6 **JUROR:** No.

7 **THE COURT:** And your contact, how long did it
8 take them to put the roof on?

9 **JUROR:** A day.

10 **THE COURT:** And how much contact did you have
11 with him while the process was going on?

12 **JUROR:** Probably a couple of hours when he was
13 out giving the estimate and when we were talking with
14 him, my husband and I.

15 **THE COURT:** Aside from this business relationship
16 then, you've had no other dealings with Mr. Ardis?

17 **JUROR:** No, I haven't.

18 **THE COURT:** Now the fact that you had Mr. Ardis
19 put this roof on your house, would that affect your
20 ability to be fair and impartial, the fact that you
21 interacted with him?

22 **JUROR:** Well, I really -- it may. It may
23 because I really --

24 **THE COURT:** Right. I understand. What's your
25 name again, please? I'm sorry.

1 **JUROR:** Sheila Harvey.

2 **THE COURT:** Ms. Harvey, I'm gonna let you sit
3 this one out, okay?

4 All right. Does anybody need to -- just like
5 Ms. Harvey said, does anybody need to revisit the
6 question of whether or not you may have had any dealings
7 or have known the decedent in this case, Mr. Ardis? If
8 so, please stand. Okay. No one is standing.

9 All right. Is there any member of the jury panel
10 who knows the following individuals? Lisa Barrett,
11 B-A-R-R-E-T-T? And by know, I mean, you know, be
12 friends with or do you have a relationship with where
13 you speak with these people, okay? Not simply know of
14 them, but is there any member of the jury panel who
15 knows these folks: Lisa Barrett, Alex Jennings, Amber
16 Seay, S-E-A-Y, Lisa Harrison Brownlee, Renee Mathis
17 Swann, Brandy Goff Jackson or Kim V. Ardis? If so,
18 please stand.

19 Yes, sir. What's your name, please?

20 **JUROR:** Kendall Fowler, and I know Lisa Barrett.
21 I went to high school with her.

22 **THE COURT:** Okay. How long ago was that,
23 Mr. Fowler?

24 **JUROR:** Four or five years ago. I still talk to
25 her on occasions.

1 **THE COURT:** Okay. Did you ever have discussions
2 with her about this particular case or anything that may
3 have been discussed on those --

4 **JUROR:** No, sir.

5 **THE COURT:** All right. Mr. Fowler, are you on
6 Facebook as well, sir?

7 **JUROR:** Yes, sir.

8 **THE COURT:** You are?

9 **JUROR:** (Nods head.)

10 **THE COURT:** And are you friends with
11 Ms. Barrett on Facebook?

12 **JUROR:** Yeah, on Facebook. I mean, I don't talk
13 to her much anymore.

14 **THE COURT:** Okay. But you don't really recall
15 seeing anything about this?

16 **JUROR:** No.

17 **THE COURT:** Very well. Thank you,
18 Mr. Fowler. Does anybody else need to stand? All
19 right. No one is standing.

20 All right. Is there any member of the jury panel
21 or any of your close friends or close family members
22 ever been employed by Ardis Roofing Company out of
23 Greenwood? Any member of the jury panel have any close
24 friends or family members who were ever employed by
25 Ardis Roofing? If so, please stand. All right. No

1 one's standing.

2 Is there any member of the jury panel who has any
3 deeply held moral or religious convictions which would
4 prohibit you from serving on a jury or sitting in
5 judgment in a case such as this? If so, please stand.
6 No one's standing.

7 Is there any member of the jury panel who knows
8 of any reason whatsoever why you could not give both the
9 State of South Carolina and the Defendant in this case a
10 fair trial? Any reason whatsoever why you're just not
11 comfortable serving on this jury? If so, please stand.
12 All right. No one is standing.

13 Additional voir dire from the State?

14 **MR. STUMBO:** None from the State, Your Honor.

15 **THE COURT:** From the defense?

16 **MS. McNEILL:** No, Your Honor.

17 **THE COURT:** Very good. All right. Now ladies
18 and gentlemen -- strikes are gonna be five and ten and
19 we're gonna pick two alternates probably, one or two --
20 what we're gonna do in a moment is we're gonna select a
21 jury for this particular case, and the way this is done
22 is names are randomly generated by computer. The Clerk
23 will call out the names one by one. When your name is
24 called, or if your name is called, what I need you to do
25 is come forward and stand right down here kind of in

1 front of this table, turn around and face towards the
2 back of the courtroom. At that point in time, the State
3 will have an opportunity to either seat you or excuse
4 you. The defense will have a similar opportunity to
5 either seat you or excuse you, okay?

6 I'll tell you what I tell every jury. If
7 for some reason one of the lawyers ask that you not
8 serve on this case, don't take it personally, okay?
9 Every lawyer has a different way of picking a jury
10 and if you're excused for some reason, it's nothing
11 personal, okay, ladies and gentlemen, so don't get
12 angry at anyone if they ask you to not serve.

13 All right. Ms. Lancaster, if you'll give me a
14 jury, please.

15 **THE CLERK:** Juror Number 108, Joseph A. Putnam.

16 (Whereupon, Joseph A. Putnam, a white male, was
17 called forward.)

18 **THE CLERK:** What says the State?

19 **MR. STUMBO:** Please present Mr. Putnam.

20 **THE CLERK:** What says the defense?

21 **MS. McNEILL:** Please seat Mr. Putnam.

22 **THE CLERK:** Juror Number 123, Windell K. Skipper.

23 (Whereupon, Windell K. Skipper, a white male, was
24 called forward.)

25 **THE CLERK:** What says the State?

1 **MR. STUMBO:** Please present Mr. Skipper.

2 **THE CLERK:** What says the defense?

3 **MS. McNEILL:** Please excuse Mr. Skipper.

4 **THE CLERK:** Juror Number 125, Jamie M. Smith.

5 (Whereupon, Jamie M. Smith, a white female, was
6 called forward.)

7 **THE CLERK:** What says the State?

8 **MR. STUMBO:** Please present Ms. Smith.

9 **THE CLERK:** What says the defense?

10 **MS. McNEILL:** Please seat Ms. Smith.

11 **THE CLERK:** Juror Number 31, Ray W. Crisp.

12 (Whereupon, Ray W. Crisp, a white male, was
13 called forward.)

14 **THE CLERK:** What says the State?

15 **MR. STUMBO:** Please present Mr. Crisp.

16 **THE CLERK:** What says the defense?

17 **MS. McNEILL:** Please excuse Mr. Crisp.

18 **THE CLERK:** Juror Number 44, Charles Fuller.

19 (Whereupon, Charles Fuller, a black male, was
20 called forward.)

21 **THE CLERK:** What says the State?

22 **MR. STUMBO:** Please present Mr. Fuller.

23 **THE CLERK:** What says the defense?

24 **MS. McNEILL:** Please seat Mr. Fuller.

25 **THE CLERK:** Juror Number 18, Bernice Bryson.

1 (Whereupon, Bernice Bryson, a black female, was
2 called forward.)

3 **THE CLERK:** What says the State?

4 **MR. STUMBO:** Please present Ms. Bryson.

5 **THE CLERK:** What says the defense?

6 **MS. McNEILL:** Please seat Ms. Bryson.

7 **THE CLERK:** Juror Number 24, David F. Campbell,
8 the Third.

9 **MS. McNEILL:** I'm sorry, could you repeat that
10 number?

11 **THE CLERK:** 24.

12 (Whereupon, David F. Campbell, the Third, a white
13 male, was called forward.)

14 **THE CLERK:** What says the State?

15 **MR. STUMBO:** Please present Mr. Campbell.

16 **THE CLERK:** What says the defense?

17 **MS. McNEILL:** Please excuse Mr. Campbell.

18 **THE CLERK:** Juror Number 140, Elizabeth A.
19 Trimbach.

20 (Whereupon, Elizabeth A. Trimbach, a white
21 female, was called forward.)

22 **THE CLERK:** What says the State?

23 **MR. STUMBO:** Please present Ms. Trimbach.

24 **THE CLERK:** What says the defense?

25 **MS. McNEILL:** Please present Ms. Trimbach.

1 **THE CLERK:** Juror Number 13, Kiandra S. Bluford.
2 (Whereupon, Kiandra S. Bluford, a black female,
3 was called forward.)

4 **THE CLERK:** What says the State?

5 **MR. STUMBO:** Please excuse Ms. Bluford from the
6 trial.

7 **THE CLERK:** Juror Number 131, Arthur A.
8 Strickland.

9 (Whereupon, Arthur A. Strickland, a white male,
10 was called forward.)

11 **THE CLERK:** What says the State?

12 **MR. STUMBO:** Please present Mr. Strickland.

13 **THE CLERK:** What says the defense?

14 **MS. McNEILL:** I'm sorry, what number is this?

15 **THE COURT:** 131.

16 **THE CLERK:** 131.

17 **MS. McNEILL:** Please present Mr. Strickland.

18 **THE CLERK:** Juror Number 27, Faith R. Caton.

19 (Whereupon, Faith R. Caton, a white female, was
20 called forward.)

21 **THE CLERK:** What says the State?

22 **MR. STUMBO:** Please present Ms. Caton.

23 **THE CLERK:** What says the defense?

24 **MS. McNEILL:** Please present Ms. Caton.

25 **THE CLERK:** Juror Number 59, Fernandez D. Hunter.

1 (Whereupon, Fernandez D. Hunter, a black male,
2 was called forward.)

3 **THE CLERK:** What says the State?

4 **MR. STUMBO:** Please present Mr. Hunter.

5 **THE CLERK:** What says the defense?

6 **MS. McNEILL:** Please present Mr. Hunter.

7 **THE CLERK:** Juror Number 129, Kimberly R.

8 Stephens.

9 (Whereupon, Kimberly R. Stephens, a white female,
10 was called forward.)

11 **THE CLERK:** What says the State?

12 **MR. STUMBO:** Please present Ms. Stephens.

13 **THE CLERK:** What says the defense?

14 **MS. McNEILL:** Please present Ms. Stephens.

15 **THE CLERK:** Juror Number 150, Robert F. Woody,
16 Junior. What says the State?

17 **MR. STUMBO:** Please present Mr. Woody.

18 **THE CLERK:** Number says the defense?

19 **MS. McNEILL:** Please excuse Mr. Woody.

20 **THE CLERK:** Jury Number 97, Leland J. Nelson, the
21 Second.

22 (Whereupon, Leland J. Nelson, a white male, was
23 called forward.)

24 **THE CLERK:** What says the State?

25 **MR. STUMBO:** Please present Mr. Nelson.

1 **THE CLERK:** What says the defense?

2 **MS. McNEILL:** Please excuse the juror for this
3 case. Thank you.

4 **THE CLERK:** Juror Number 144, Brandy L. Adams.
5 (Whereupon, Brandy L. Adams, a white female, was
6 called forward.)

7 **THE CLERK:** What says the State?

8 **MR. STUMBO:** Please present Ms. Adams.

9 **THE CLERK:** What says the defense?

10 **MS. McNEILL:** Please present Ms. Adams.

11 **THE CLERK:** Juror Number 99, Megan O. Norris.
12 (Whereupon, Megan O. Norris, a white female, was
13 called forward.)

14 **THE CLERK:** What says the State?

15 **MR. STUMBO:** Please present Ms. Norris.

16 **THE CLERK:** What says the defense?

17 **MS. McNEILL:** Please excuse Ms. Norris.

18 **THE CLERK:** Jury Number 46, Tina C. Gilmer.
19 (Whereupon, Tina C. Gilmer, a white female, was
20 called forward.)

21 **THE CLERK:** What says the State?

22 **MR. STUMBO:** Please present Ms. Gilmer.

23 **THE CLERK:** What says the defense?

24 **MS. McNEILL:** Please excuse Ms. Gilmer.

25 **THE CLERK:** Juror Number 36, Karen B. Davidson.

1 (Whereupon, Karen B. Davidson, a white female,
2 was called forward.)

3 **THE CLERK:** What says the State?

4 **MR. STUMBO:** Please present Ms. Davis.

5 **THE CLERK:** What says the defense?

6 **MS. McNEILL:** Please excuse Ms. Davis.

7 **THE CLERK:** Juror Number 107, Joseph S. Pulley.

8 (Whereupon, Joseph S. Pulley, a white male, was
9 called forward.)

10 **THE CLERK:** What says the State?

11 **MR. STUMBO:** Please present Mr. Pulley.

12 **THE CLERK:** What says the defense?

13 **MS. McNEILL:** Please excuse Mr. Pulley.

14 **THE CLERK:** Juror Number 23, Troy D. Calliham.

15 (Whereupon, Troy Calliham, a white male, was
16 called forward.)

17 **THE CLERK:** What says the State?

18 **MR. STUMBO:** Please present Mr. Calliham.

19 **THE CLERK:** What says the defense?

20 **MS. McNEILL:** Please seat Mr. Calliham.

21 **THE CLERK:** Juror Number 16, Nancy L. Brown.

22 (Whereupon, Nancy L. Brown, a white female, was
23 called forward.)

24 **THE CLERK:** What says the State?

25 **MR. STUMBO:** Please present Ms. Brown.

1 **THE CLERK:** What says the defense?

2 **MS. McNEILL:** Please seat Ms. Brown.

3 **THE COURT:** And that's twelve. We're gonna do
4 two alternates, if that's acceptable; strikes one and
5 two on each.

6 **THE CLERK:** Juror Number 105, Sean R. Phillips.
7 (Whereupon, Sean R. Phillips, a white male, was
8 called forward.)

9 **THE CLERK:** What says the State?

10 **MR. STUMBO:** I beg the Court's indulgence.

11 **THE COURT:** Yes, sir.

12 **MR. STUMBO:** Please excuse Mr. Phillips from the
13 trial of this case.

14 **THE CLERK:** Juror Number 74, Wayne E. Luciani.
15 (Whereupon, Wayne E. Luciani, a white male, was
16 called forward.)

17 **THE CLERK:** Would the State challenge for cause?

18 **MR. STUMBO:** No, ma'am.

19 **THE CLERK:** What says the defense?

20 **MS. McNEILL:** Please seat Mr. Luciani.

21 **THE CLERK:** Juror Number 84, Jackie A. McGowan.
22 (Whereupon, Jackie A. McGowan, a black female,
23 was called forward.)

24 **THE CLERK:** What says the State?

25 **MR. STUMBO:** Please present Ms. McGowan.

1 **THE CLERK:** What says the defense?

2 **MS. McNEILL:** Please seat Ms. McGowan.

3 **THE COURT:** All right. Any issues concerning
4 selection or composition of the jury from the State?

5 **MR. STUMBO:** None from the State, Your Honor.

6 **THE COURT:** From the defense?

7 **MS. McNEILL:** None, Your Honor.

8 **THE COURT:** Very good. Ladies and gentlemen of
9 the jury, I'm gonna ask that you adjourn for a few
10 moments. What I'm going to do is release the jury panel
11 and talk briefly with the lawyers about what we have on
12 tap for this afternoon. What I anticipate doing is
13 releasing you with some instructions probably in about
14 ten or fifteen minutes, but, if you would, just adjourn
15 to the back. The bailiff will show you where the jury
16 room is. It's important that you don't talk about the
17 case yet. It should be amazingly simple. You know
18 nothing about this case, so there's no point in talking
19 about it, all right? I'll have you back out here in a
20 few minutes.

21 (The jury retires to the jury room.)

22 **THE COURT:** Solicitor, do you anticipate any
23 further need from the jury panel this week, sir?

24 **MR. STUMBO:** This is gonna be our only trial.

25 **THE COURT:** Okay. Very good. Ladies and

1 gentlemen, I'm anticipating, and the Solicitor
2 anticipates and the defense anticipates, that this
3 case will probably take the entire week, so what I'm
4 telling you is that basically your jury service for
5 the week is concluded, so you will be free to go about
6 your normal routine for the rest of the week.

7 I do want to do two things, recognize two people
8 real quick before I dismiss you. And normally I do this
9 at the beginning of jury qualification, but I completely
10 forgot to recognize your Clerk of Court, Lynn Lancaster.
11 She's your popularly elected Clerk of Court and I will
12 tell you that they send circuit judges all over the
13 state, okay? I'm not confined to just Greenwood or
14 Abbeville or Laurens or Newberry. They'll send me to
15 Spartanburg, Anderson. I was in Orangeburg a couple of
16 weeks back, I was in Charleston earlier, or last year,
17 so they send us everywhere. So we get a chance to work
18 with clerks of court throughout the State. There must
19 be something right about Laurens County because you
20 guys did a great job of electing her, okay? She is
21 fantastic, she is on it, and her job is not easy.
22 She's got to deal with child support issues, she's got
23 to deal with so much paperwork it would choke a mule,
24 and she's got to deal with the politics of county
25 government, so y'all should be very happy about having

1 elected her. She does a great job, okay? I can't say
2 that about everywhere I go, but she's good, so keep
3 electing her. That's not a political endorsement in
4 any way, shape or form.

5 The second thing, I always try to make a point of
6 recognizing the gentleman whose portrait is behind me.
7 I don't know if any of you happened to have known Judge
8 Johnson, but he is probably one of the giants of the
9 South Carolina bench and it was my privilege to learn a
10 great deal from him, both as an attorney and as a judge,
11 and he left us way too early, way too soon, but he was a
12 great man who is sorely missed and he's one of Laurens'
13 finest, as is the gentleman whose seat I have, and
14 that's Judge Wyatt Saunders. He was also from Laurens
15 County, and I knew both of those men and both of those
16 men were gentlemen in every sense of the word, and for
17 Laurens to have produced such fine individuals who gave
18 credit to the bench, y'all should be very proud of that.
19 And every time I come in here I feel a little bit
20 nervous or a little bit anxious sitting here with Judge
21 Johnson staring over my shoulder because I was in their
22 seats many, many years and he would always stare down
23 at me, especially if I did something wrong, so it's a
24 privilege to sit where he once sat.

25 With that, I'm not gonna keep you anymore

1 except to say that you now get a three-year
2 get-out-of-jury-service-free card just for coming
3 today, okay? So if you're summoned for common pleas
4 or general sessions court in the next three years,
5 just make a mental note that on April the 7th of 2014
6 you were summoned for jury duty. It should be easy to
7 remember. It's around tax time, okay? So make a mental
8 note around tax time in 2014 you were summoned for
9 general sessions court. Let the Clerk know if you get
10 another summons and she'll automatically excuse you.
11 You won't even have to show up the first day, okay? She
12 can check her records and just let you go. So if you
13 get summoned in the next three years, that's what you
14 need to do if you want to do it. I can't help you with
15 magistrate's court, municipal court or Federal court,
16 okay? You're fair game as far as those are concerned.

17 With that, Solicitor, if you would care to thank
18 the jury panel for coming in and I'll, of course, give
19 Mr. Howe an opportunity to as well. So, Solicitor.

20 **MR. STUMBO:** Thank you, Juge. I won't keep y'all
21 long. Thank you so much for coming in. Without you
22 being here on Monday there's no way we could try cases
23 and try to do justice here in Laurens County, so your
24 role is absolutely critical here as the jury panel here
25 in Laurens County, so thank you for your service today.

1 I know you didn't have a choice on whether to show up or
2 not, but that being said, thank you for being here and
3 thank you for being part of this process to help to make
4 sure that justice is done here.

5 **THE COURT:** Thank you, Solicitor. I've known
6 Mr. Howe for twenty-two years that I've been practicing
7 law and he's taught me a thing or two. I've been on the
8 receiving end of some of his stuff, too, so he's a fine
9 lawyer out of Clinton. Mr. Howe, if you want to thank
10 the jury, feel free to, sir.

11 **MR. HOWE:** Thank you, Judge. Thank y'all. You
12 know, people who get charged with crimes have lawyers
13 whether they've got money or not and it's important that
14 we have jurors that come that want to hear the whole
15 case, and y'all may get an opportunity on down the line,
16 even some of you who were struck, you know, so do that,
17 but I want y'all to keep that in mind because that's a
18 part of the system that's important because the State's
19 got a lot of power so when the defendant gets accused of
20 a crime, they need a jury. Thank you.

21 **THE COURT:** We're not gonna keep you any longer.
22 I hope you have a great week. If you hunt, turkey
23 season just opened, so y'all take care and it will be
24 sunnier tomorrow. I hope I get to see you on down the
25 line. Y'all take care. Thank you very much. If you

1 need an excuse, you can go down the hall to the Clerk's
2 office and they'll give you a juror excuse form.

3 (The remaining jury panel was dismissed.)

4 **THE COURT:** All right. I'm gonna go ahead and
5 bring the jury out and release them for the evening and
6 then we'll move on to whatever housekeeping stuff we've
7 got. Let's have them out, please. I'm not gonna swear
8 them or appoint a foreperson until the morning.

9 (The jury returns to the courtroom.)

10 **BAILIFF:** All present, Your Honor.

11 **THE COURT:** All right. Let the record reflect
12 that the jury is back. Now, ladies and gentlemen,
13 what I'm gonna do is go ahead and release you in a few
14 moments, but I need to give you some instructions before
15 I let you go for the night. I'm gonna ask that you be
16 back in the jury room tomorrow morning at 10:00. I've
17 got another matter at nine -- I've got something at --
18 it's either 9:00 or 9:30, possibly both, so if you'll
19 back in the jury room at 10:00 we'll be in position to
20 proceed with the trial of the case at that time. I'll
21 appoint a foreperson tomorrow and we'll also administer
22 your oath to you as jurors tomorrow morning when you
23 come back, so do try to be on time at 10:00.

24 Now, ladies and gentlemen, just a couple of basic
25 ground rules, and I'll explain the reason for this.

1 Understand that the fourteen of you have been picked as
2 fair and impartial individuals who have no interest in
3 the outcome of this case. You don't know anything about
4 the case and you're gonna learn about the case from the
5 testimony of the witnesses who, one by one, will come
6 into the court and tell you what they observed, okay?

7 Along those lines, it would be a violation of the
8 oath that you're going to take tomorrow morning if you
9 were to perform any sort of independent investigation
10 of any of the allegations in this case, you understand,
11 because -- and here's what I'm getting at, ladies and
12 gentlemen. Obviously we live in an age where a couple
13 of clicks on a computer console and you can pull up
14 anybody's name, you can pull up -- I mean, if you were
15 to Google Frank Addy, you would pull up my name all over
16 the place probably, okay?

17 Your oath tomorrow as jurors will be that you
18 will well and truly try this case based upon the facts
19 and the law as given by the Court. So what I'm telling
20 you is that it would be a violation of your oath if
21 you were to go out tonight and attempt any sort of
22 independent investigation, be that an Internet search,
23 be that going by the location where this incident is
24 alleged to have taken place, anything along those lines.

25 The reason for this admonition, ladies and

1 gentlemen, is very simple. The stuff that's reported in
2 the news media, the stuff that's put online, there's no
3 filter to it, there's no guarantee that it's reliable
4 and the rules of evidence are designed to make sure that
5 you get the best and most reliable information possible,
6 okay? The same doesn't hold true for the media. It
7 simply doesn't. They can report pretty much what they
8 want to report, whether it's accurate or not. So it
9 would be a violation of your oath as jurors to conduct
10 any sort of search online or it would be a violation of
11 your oath as jurors to read about or to seek out any
12 additional information on this case.

13 There have been instances where judges became
14 aware that jurors had violated this rule and had
15 conducted online searches or online investigations of
16 the parties' names, and that's happened in this state a
17 couple of times. Fortunately, it's never happened to
18 me. I never want to be put into the position of having
19 to discipline a juror for willfully disobeying something
20 I tell them not to do, okay? I've never been put in
21 that situation. That's the reason I try and explain
22 this in detail instead of just saying don't go out
23 there and do Internet searches.

24 The reason for this is fundamental. It's
25 fundamental because the Defendant and the State both

1 have a right to a fair trial and I can't let your
2 opinion be influenced by anything other than the
3 evidence in this case, nor should you let it be
4 influenced by anything other than the evidence presented
5 in court, so don't put in me that kind of position of
6 having to decide what to do to you by going out and
7 Goggling something, okay? There's a very, very clear
8 bright line rule on that. Just stay offline for a
9 couple of days. You'll enjoy it. Trust me. I haven't
10 been on Facebook in years and I like it.

11 The other thing is, ladies and gentlemen, I
12 know that your husband, wife, significant other, kids,
13 mother, whoever it is you share a roof with, I know that
14 they know that you have jury duty this week and the
15 first question out of their mouth is gonna be okay, were
16 you selected on a jury. It's perfectly fine to tell
17 them yes, I was picked on a jury, all right? The next
18 question that they're gonna ask you is oh, okay, what
19 kind of case is it. That's when the conversation has
20 to stop, all right?

21 The reason for that, ladies and gentlemen, is,
22 again, your opinion cannot be influenced or your
23 decisions in this case cannot be influenced by anything
24 anybody else says to you no matter how well-meaning they
25 might be, all right? If you tell them about this case

1 or you tell them the parties' names or you tell them
2 what the nature of the charge is, they might jump in
3 with some sort of commentary about something that they
4 know that you didn't know that they knew and that would
5 affect your ability to be fair to both sides.

6 This will be your decision to make. Not your
7 husband's, not your wife's, not your mother's, not your
8 dad's, not your kid's, so it's your decision and yours
9 alone that all twelve of you ultimately will have to
10 pass upon. So don't talk to anybody about the case
11 while the case is going on, and those two rules are
12 gonna stick pretty much throughout the trial of this
13 case.

14 With that, I hope you have a lovely evening. I'm
15 gonna ask, again, that you be back in the jury room at
16 10:00 tomorrow morning. I know that they'll have some
17 coffee there, they may have some snacks, maybe some
18 doughnuts or something, but you may want to grab a
19 little bit of breakfast. We usually take lunch around
20 1:00 and try and finish up around 5:00 or 5:30 at the
21 latest every day, okay?

22 So with that, I'll see you back tomorrow morning
23 at 10:00. I hope you have a pleasant evening, stay dry
24 and be safe. I'll see you in the morning. Thanks. And
25 wear those buttons back, too. They help identify y'all

1 as jurors.

2 (The jury was excused for the day.)

3 **THE COURT:** The jury is out. Solicitor,
4 Ms. McNeill, let's take a few moments and if y'all can
5 look -- I know that there was some photographs that,
6 Solicitor, you were wanting to get marked. Whatever we
7 can go ahead and get marked tonight while the jury is
8 not here, let's go ahead and get those marked. Let
9 Ms. McNeill look at the ones you're seeking to
10 introduce.

11 If there's an issue with the nature of any of
12 those photographs, I'd rather deal with that this
13 evening as opposed to when the actual motion to
14 introduce comes up, so y'all take a look at those and
15 go ahead and get them marked and then we'll come back
16 and go on the record and see where we stand, all right.

17 **MS. MCNEILL:** All right.

18 (Recess taken.)

19 (State's Exhibit Numbers 1 through 38,
20 photographs, were marked for identification.)

21 **THE COURT:** All right. We'll go back on the
22 record in the State versus Mr. Hollingsworth. The
23 Defendant is present with counsel. As part of a
24 housekeeping matters, I'm not sure who my court reporter
25 was back on January 13th, but apparently we did have a

1 Jackson v. Denno hearing and -- yeah, sorry. My notes
2 reflect, that my clerk has e-mailed me, the Jackson v.
3 Denno issues. There was no statement, wanted to --
4 won't attempt to admit a statement, Rule 5 and Brady
5 were renewed, and then the testimony or the issues
6 concerning Ms. Gaines were also addressed, motion to
7 sequester all witnesses was granted, and that's what
8 that hearing reflects.

9 So I just wanted to let this record
10 cross-reference the prior record. And I know that you
11 have a transcript of that and if need be we can always
12 refer to it if there's some question about the Court's
13 previous rulings.

14 **MS. McNEILL:** Yes, Your Honor. And Tara Scott
15 was the court reporter.

16 **THE COURT:** Okay. Thank you very much. Y'all
17 had an opportunity to mark photographs, Solicitor?

18 **MR. STUMBO:** We have, Judge. Just as a follow-up
19 to tidy up the Jackson v. Denno issues, I believe
20 Mr. Mowry indicates in that prior hearing, I was not
21 present at that hearing, that he made representation
22 that there was really no statements that would be sought
23 to be admitted. Mr. Hollingsworth was Mirandized. He
24 did make some statement to the affect to Investigator
25 Franklin, who's here, that Bill was my friend and was

1 very emotional and kind of crying, I think, according to
2 Investigator Franklin, kind of between being upset and
3 angry, kind of the whole whirlpool of emotions.

4 Based on my conversations with Mr. Mowry, I don't
5 know that we would seek to admit that. We maybe need
6 to have Investigator Franklin at least testify as to
7 Miranda issues on the Denno issues. I don't believe
8 there was any live testimony taken in the prior hearing.

9 **THE COURT:** Okay. As an initial matter, does the
10 defense -- would the defense object to testimony that
11 the Defendant said Bill was my friend and that he was
12 crying when he was being talked to? Do y'all object to
13 that?

14 **MS. McNEILL:** I do object to that, Your Honor.

15 **THE COURT:** Okay. Do y'all intend to introduce
16 that?

17 **MR. STUMBO:** I think we will, Your Honor, based
18 on what we've discussed now. I think it's part and
19 parcel to the case. Is it directly incriminating, no,
20 but it does -- it does speak to Investigator Franklin's
21 complete investigation in this case and the fact that he
22 did advise the Defendant of his Miranda rights and that
23 he did waive those rights and give a statement.

24 **THE COURT:** He did or did not waive his rights
25 and give a statement?

1 **MR. STUMBO:** He did waive his rights in writing,
2 Judge.

3 **THE COURT:** Okay. But did he give a statement?

4 **MR. STUMBO:** Just orally. No written statement.

5 **MR. MOWRY:** The statement was Bill was my friend
6 and crying when he said it. That was about the extent
7 of it, Your Honor.

8 **THE COURT:** All right. That was -- is that all
9 he said?

10 **LIEUTENANT FRANKLIN:** No.

11 **THE COURT:** Maybe it would be best if we try to
12 figure out what was said here. Why don't you come on
13 up. I'm gonna put you under oath.

14 **MS. McNEILL:** And, Your Honor, I'm objecting to
15 this and would like to be heard on the record.

16 **THE COURT:** Okay. Well, before we go there,
17 what's the nature of your objection?

18 **MS. McNEILL:** Rule 5, Brady violations, Your
19 Honor. We've already done the Jackson v. Denno hearing.
20 I have the full transcript. Your Honor made a ruling
21 that any discovery given outside of the thirty-day
22 period before trial would be excluded. I was never
23 notified of any of what they're about to say.

24 **MR. MOWRY:** Your Honor, I believe the --

25 **THE COURT:** Let me hear from her first. Go

1 ahead.

2 **MS. McNEILL:** There's no -- no supplemental
3 report that I see that gives this statement. It was
4 always represented to me by the Solicitor's office that
5 there was no statement made by my client. That is even
6 on the record in this transcript in front of Your Honor,
7 so we do object.

8 **THE COURT:** All right. Just so that the evidence
9 can be proffered, let's find out what was said. At
10 the very least we need to make a record and get it
11 proffered. So, if you would, sir, just come on up and
12 I'll put you under oath.

13 **LIEUTENANT FRANKLIN:** Okay.

14 **LIEUTENANT SCOTT FRANKLIN,**
15 having been duly sworn, testified as follows:

16 **DIRECT EXAMINATION**

17 **BY MR. MOWRY:**

18 Q. You are Scott Franklin?

19 A. Yes, sir.

20 Q. And I believe you are a lieutenant with the
21 Laurens County Sheriff's Office; is that right?

22 A. Yes, sir.

23 Q. Were you employed in that capacity back on the
24 7th, going into the 8th, of November of 2012?

25 A. Yes, sir.

1 Q. As an investigator, were you called out in the
2 early morning hours of November 8, 2012, to [REDACTED]
3 [REDACTED] in Waterloo?

4 A. I was.

5 Q. And for what purpose?

6 A. I -- our deputies had received to a call for a
7 welfare check at that location and on arrival they saw
8 Mr. Ardis laying on the floor apparently deceased, at
9 which time they're instructed if they have that kind
10 of scene they call detectives out, and I was notified
11 because I was on call that week.

12 Q. Okay. What was the source of the welfare check
13 call? How did you get that information?

14 A. We got the call from Greenwood County, that they
15 had received a 9-1-1 call in reference to possibly there
16 being an incident at that location, at which time our
17 deputies were dispatched to do the welfare check.

18 Q. And who did the call come from, do you know,
19 originally?

20 A. I believe -- the caller you mean?

21 Q. Yes.

22 A. I think the caller was Renee Dobbins.

23 Q. Tina Renee Dobbins?

24 A. Yes, sir.

25 Q. And was she with Shayla Gaines when she made that

1 call did you later discover?

2 A. I later discovered she was, yes.

3 Q. Did you or other officers speak with Ms. Gaines
4 about this incident?

5 A. At that time?

6 Q. Or -- well, no, sometime after that during that
7 day.

8 A. Yes, sir.

9 Q. And based on what she told you, did you begin a
10 search for Mr. Hollingsworth?

11 A. Yes, sir.

12 Q. When was Mr. Hollingsworth apprehended?

13 A. I think he was -- I don't know the exact time he
14 was arrested in Greenwood County, but he was brought to
15 our office and I think he arrived there sometime around
16 4:40 the next afternoon or something, that day.

17 Q. And when he was brought to your office, what
18 happened?

19 A. He was brought in and -- he was brought in by
20 Captain Williams. We could see him as he was coming
21 through the parking lot. He was yelling and screaming
22 and saying different things and, you know, just being
23 very belligerent from what we could see. As he came
24 into the office, it proceeded from there to get worse;
25 very belligerent, using lots of foul language, cursing

1 us, cursing anybody that was in his eyesight.

2 Q. Okay. Did you notice anything else unusual about
3 his condition?

4 A. He appeared to be highly intoxicated.

5 Q. Okay.

6 A. He smelled, of course, of alcohol and he was
7 acting completely out of -- out of the way you would
8 expect a normal person, you know, to act. Then we
9 brought him into Captain Williams' office and myself,
10 Captain Williams was there in, Lieutenant Martin was in
11 there and I think Lieutenant Shelton was there then, and
12 Mr. Hollingsworth. We finally got him to sit down for a
13 minute, offered him a cup of water, asked him if he was
14 willing to talk to us. He was going on about other
15 things, anything other than what we were talking about,
16 and finally I went and spoke to him and said do you want
17 to talk to me about this incident and do you know what
18 you're here for, at which time, like I said, we offered
19 him water. For some reason he calmed down just enough
20 to sit there for a minute and you could tell he was
21 getting a little bit reflective and I asked him what
22 happened and --

23 Q. Let me ask you this. Prior to going into that,
24 did you advise him of his Miranda warnings?

25 A. I did.

1 Q. How did you go about doing that?

2 A. A basic piece of paper that we use in the
3 sheriff's office; an advisement of rights. He was read
4 his rights, he was asked if he understood his rights and
5 he did sign a waiver of his rights. I believe y'all
6 have a copy of that.

7 MR. MOWRY: I'd ask the court reporter to mark
8 this for identi -- or for a Court's exhibit, Your Honor,
9 for this purpose.

10 THE COURT: All right. That's Court's 1.

11 (Court's Exhibit Number 1, Advisement of Rights,
12 was marked for identification.)

13 BY MR. MOWRY:

14 Q. Let me hand you what's been marked now as Court's
15 Exhibit Number 1 for this hearing. Do you recognize
16 that?

17 A. I do.

18 Q. What is that please, sir?

19 A. It's an advisement of rights with the case number
20 attached with date and time. Also it lists all the
21 warnings that we give the suspect.

22 Q. And whose handwriting is that up at the top?

23 A. That would be mine.

24 Q. Who made the checkmarks here?

25 A. I would have made the checkmarks.

1 Q. Okay. And what did you advise the Defendant in
2 this case?

3 A. Well, as I said, I told him you know what you're
4 here for and why don't you just tell us, just man up and
5 tell us what you did or what happened, and at that time
6 he -- it went on a little bit there with some of the,
7 what I say, crazy talk with the cussing and I don't want
8 to talk to you and then it was -- he got reflective, he
9 got command of himself a little bit, he took a breath
10 and you could tell he was thinking, and it was at that I
11 asked him. I said just tell me what you did and he said
12 -- and that's when he started to begin to cry.

13 Q. Now had you advised him of his rights before
14 that?

15 A. Yes.

16 Q. That's what I wanted to get at. How did you go
17 about advising him of his rights?

18 A. I asked him -- first I asked him if he was
19 willing to talk to us and first it was I don't have
20 anything to say and then I just asked him. I said
21 Phillip, do you want to just tell us why you're here,
22 you know why we want to talk to you and he said yeah,
23 I'll talk to you. So at that time one of the other
24 officers handed me this sheet of paper, I read it word
25 for word what's on it, asked him the questions and gave

1 him his Miranda rights at that time.

2 Q. Okay. Specifically, what did you read?

3 A. Before we -- I asked him any questions, you must
4 understand your rights. You have the right to main
5 silent. Anything you say can be used against you in
6 court. You have the right to talk to a lawyer for
7 advice before we talk to you -- before we ask you
8 any questions and have him or her with you during
9 questioning. If you have no money to pay a lawyer's
10 fee, the court will appoint one to represent you without
11 cost, if you wish. If you decide to answer questions
12 now without a lawyer present, you will still have the
13 right to stop answering at any time. You also have the
14 right to stop answering at any time until you talk to a
15 lawyer. At that time I asked him if he understood his
16 rights, he said that he did, and I --

17 Q. Okay. In your opinion, did he understand them?

18 A. He was listening to me while I was explaining it
19 to him and he appeared to understand what I was saying.

20 Q. Okay.

21 A. Then I asked him if he wanted a lawyer, he said
22 no and I asked him do you want to answer questions now
23 and, of course, he replied yes.

24 Q. And whose signature is that down below?

25 A. He signed there in my presence.

1 Q. All right. After that was completed, what
2 happened?

3 A. At that time basically, again, I said Phillip,
4 do you know why you're here, tell us -- just tell us
5 what -- what you did, be a man and, you know, admit
6 what you did. He -- I -- again, you could tell he
7 became reflective, you could tell he was thinking about
8 something. He kind of even sat back in his chair a
9 little bit like in a slouched position and you could
10 tell that he was -- he was thinking about something and
11 that's when I said Phillip, just tell him what you did,
12 you know, no judgment here, just tell me what you did,
13 and he began to cry.

14 You could see he was tearing up, a tear actually
15 ran down his face and that's when he said I loved Bill,
16 Bill was my friend, and then I said what do you mean,
17 Phillip, and it was almost immediate that, again, he
18 snapped back to his belligerence. He even stood up at
19 one point and the offer that we -- the water that we had
20 offered him earlier -- and he stood up, and I don't know
21 how far at this point you want me to say that he said,
22 but it was more of an F-you type thing, I'm done, and he
23 reached for his water and at that time I thought he was
24 gonna throw his water on me.

25 And we'd actually even given him a cigarette in

1 the office and he put his cigarette out in the water and
2 he reached for the water like he was gonna throw it at
3 me and that's when I stood up and Lieutenant Martin told
4 him to sit back down and it was the whole F-you thing,
5 I'm done, you know, all that, and then it went way into
6 that, and -- to the point we had to sit him down, put
7 the cuffs back, you know, on him and then have him
8 removed.

9 Q. Okay. Let me ask you this. When you advised him
10 of his rights and he wrote his waiver or signed the
11 waiver portion down below --

12 A. Yes, sir.

13 Q. -- was there any kind of force or intimidation
14 used to get him to sign that?

15 A. No.

16 Q. Any kind of threats?

17 A. No.

18 Q. Any kind of promises made to him?

19 A. Absolutely not.

20 Q. Any hope of reward that was held out to get him
21 to sign that waiver?

22 A. No, sir.

23 Q. Okay.

24 MR. MOWRY: Your Honor, I believe that's
25 all I have, and I will tell you also, Your Honor,

1 that this portion is listed in the incident report
2 supplemental that Lieutenant Franklin executed. He
3 entered it 11-21-12. That was part of the initial
4 discovery that was provided to the defense along with
5 the Defendant's waiver of rights.

6 **THE COURT:** May I see the supplemental?

7 **MR. MOWRY:** Yes, sir.

8 **THE COURT:** Maybe Ms. McNeill needs to see it
9 first.

10 **MR. MOWRY:** (Hanging.)

11 **THE COURT:** All right. Mr. Howe, you have some
12 questions?

13 **MR. HOWE:** Yes, sir.

14 **THE COURT:** Go ahead, sir.

15 CROSS-EXAMINATION

16 BY MR. HOWE:

17 Q. Officer Franklin, when did you tell for the first
18 time the Solicitor's office about what our client
19 supposedly said?

20 A. We've met several times, Mr. Howe, and I'm not
21 sure of an exact date when we spoke about that
22 particular conversation.

23 Q. Well, was it -- do you know if it was before or
24 after January 13, 2014, when we were before the Court
25 and the Solicitor's office represented to this Court

1 that our client had not given a statement?

2 A. I wasn't present at that, Mr. Howe.

3 Q. Well, was it before that that you told him
4 about the statement; that you told Mr. Mowry or told
5 Mr. Bentley or told Solicitor Stumbo?

6 A. Chip, I -- I really don't know when it was. I
7 don't have a date in my mind.

8 Q. Come on, man. That would be fairly important
9 because you realize it's not in here anywhere and we're
10 just learning about this now. So when -- do your best.
11 When did you first tell them that?

12 MR. MOWRY: Your Honor, I believe the question
13 has been asked and answered. He's not sure of the date.

14 THE COURT: That specific question has been
15 asked.

16 MR. HOWE: Okay.

17 THE COURT: You can keep going, Mr. Howe,
18 if you want to. Can you tell us, generally speaking,
19 when y'all -- when you relayed it to them? Was it
20 within the last two weeks, four weeks, six weeks, eight
21 weeks, ball park?

22 THE WITNESS: I know that we've met on, again,
23 Your Honor, several occasions. There was a time that
24 we were here that we met in the back room. I'm not sure
25 of the dates of that, so I really can't recall when it

1 was. I don't have the date, but we -- I didn't record
2 any of the dates or times when I spoke with the
3 Solicitor.

4 BY MR. HOWE:

5 Q. Where are the notes that you have from this
6 statement that our client supposedly made?

7 A. It was all documented in the report.

8 Q. Okay. I'm gonna show you what we have because
9 you've testified about a lot of things that he said,
10 and I'm gonna give what's now been represented by the
11 Solicitor's office that this is -- this is notice to us
12 that you made this statement. So I'm gonna tell you to
13 read it over and tell me where you made notes on what he
14 said specifically in there.

15 A. (Witness reviewing document.)

16 MR. HOWE: Judge Addy, just for the record, do
17 you have a copy of that as well?

18 THE COURT: (Indicating.)

19 MR. HOWE: Thank you.

20 A. It's notated that he was brought to the sheriff's
21 office, he appeared to be heavily intoxicated, he was
22 very belligerent and uncooperative with investigators.
23 There was a point at which he did appear to want to be
24 cooperative and at the point that he did sign the
25 Miranda warn -- waiver of Miranda rights; however,

1 shortly after the form was signed he, once again, became
2 belligerent and irate. So, you know, that would be
3 what's -- what's written in the report.

4 Q. Okay. Well, that -- your testimony earlier was
5 it's written in reports. You put everybody on notice,
6 including the Solicitor's office, about these statements
7 that you're very specific on that he made and your
8 testimony is it's right there in the report and we're
9 supposed to get it out of that. Is that your testimony?

10 A. Well, the point was that it had been documented
11 to a point. It was never written down. He never give a
12 written statement.

13 Q. Well, okay. I understand that.

14 A. I never said that he did.

15 Q. Well, I know you never said that he did.

16 A. Yes, sir.

17 Q. You never said that he gave a statement. I know
18 you said that.

19 A. Yes, sir.

20 Q. That's all you've got?

21 A. With me at this time, yes, sir.

22 Q. Well, at this time. What else do you have then?
23 Let's go find it.

24 A. I have my case file, Mr. Howe.

25 Q. Okay. Your case file. Has the Solicitor's

1 office ever asked you let me see your case file so we
2 can go over it so we don't come to court and represent
3 to the Court that there's no statement?

4 A. Yes, sir, we've met about the specifics of my
5 case file.

6 Q. Have you given them a copy?

7 A. Of everything, yes, sir.

8 Q. A copy of everything. So there are gonna be
9 more details in your case file and you've given that to
10 the Solicitor's office. Is that your testimony?

11 A. No, sir, I've given everything that I have to the
12 Solicitor.

13 Q. What else you do you have about this that you can
14 then enlighten all of us on, sir?

15 A. I'm not sure what you're asking me.

16 Q. In your case -- I think I heard your testimony
17 correct that you may have additional information in
18 your case file which is gonna tell us exactly what
19 you're now contending that our client said in the way
20 of a statement.

21 A. I don't have a written statement, Mr. Howe. I've
22 said that.

23 Q. Do you have any notes of specifically what you're
24 telling this Court that our client said?

25 A. I would have to review my file. I didn't bring

1 it with me for this because I wasn't --

2 Q. Okay. But you've given a copy to the Solicitor's
3 office, so they should have the whole file?

4 A. Whatever I have, they have.

5 Q. Okay. Would you take a minute and get with them
6 and get a copy of it, please?

7 **THE COURT:** Go ahead and step down and if there's
8 something in there that you can point to,
9 then --

10 **THE WITNESS:** Yes, I understand.

11 (Witness leaves the witness stand.)

12 **MR. HOWE:** Excuse me. I don't know -- Judge,
13 would you ask him not to be discussing the case and --

14 **MR. MOWRY:** I'm simply saying there's nothing
15 more that I've got in here about this.

16 **THE COURT:** Okay. All right. The State
17 is stipulating then that there is no document in that
18 case file which relates to the statement. Is that the
19 stipulation I'm hearing from the State?

20 **MR. MOWRY:** That is the stipulation, Your Honor.
21 Beyond what is in the supplemental report there, we
22 don't have any other notation.

23 **THE COURT:** All right. I will accept that as a
24 fact in the case then, that there is nothing else in
25 the case file that reflects the statement or that he

1 contemporaneously wrote the statement down.

2 **MR. HOWE:** I will so stipulate as well, Judge.

3 **THE COURT:** Very good.

4 BY MR. HOWE:

5 Q. All right. Now let me ask you, Officer Franklin,
6 we're back to this again. Did you give this information
7 about this verbal statement to the Solicitor's office
8 before January of this year? Because you went -- well,
9 let me ask you a different way. When did you give them
10 your case file?

11 A. Do you remember the date we met? Because they
12 came to my office and that was -- that was after
13 January.

14 **MR. MOWRY:** That was last fall, Your Honor. As
15 far as the specifics on this particular statement, this
16 was a couple of weeks ago when he and I were talking.

17 **MR. HOWE:** A couple of weeks ago is what I'm
18 hearing. Okay. Judge, I'm done with this. I do have a
19 motion.

20 **THE COURT:** Certainly. Thank you, sir. You can
21 step down.

22 (Witness excused.)

23 **MR. STUMBO:** Judge, we would accept Your Honor's
24 ruling on this.

25 **THE COURT:** I understand, Solicitor.

1 **MR. STUMBO:** Your Honor, we've already noted it's
2 not -- it's not the silver bullet. I mean, we just
3 found out about it. We thought we'd get this out in
4 the open on the record in pre-trial, Judge. That's why
5 we've done it. We certainly didn't want this coming out
6 in front of the jury for the first time. We didn't --
7 we don't intend to elicit --

8 **THE COURT:** Yes, the Court probably would have
9 had an issue with that. Mr. Howe, let me hear from you,
10 sir.

11 **MR. HOWE:** As I understand now, this statement is
12 not gonna be introduced, if that's the ruling, and,
13 Judge, I'd like to argue why it shouldn't be. Number
14 one, it was represented to us when we had this hearing
15 that we didn't have a statement.

16 **THE COURT:** Right.

17 **MR. HOWE:** That's why we had the hearing. That's
18 -- that's why we do those things. And then -- and then
19 they've known it for two weeks and now we're learning
20 about it today with a jury coming in tomorrow.

21 **THE COURT:** I understand, and that's why I'm
22 inclined to rule for you. I mean --

23 **MR. STUMBO:** Well, Judge, there's nothing --
24 obviously, as we've said before, this is something that
25 there's a summary in the report that was given over in

1 discovery at the time. Apparently Mr. Mowry argued
2 this motion. That's all he knew about, what was in the
3 report. Investigator Franklin I don't believe testified
4 at the prior hearing, nor was he here.

5 **LIEUTENANT FRANKLIN:** No.

6 **MR. STUMBO:** So at the time Mr. Mowry was going
7 in good faith based on what we had in the file, which
8 was the summary, which Your Honor has before you now. I
9 don't believe there's been any intent of bad faith or
10 trying to hide anything.

11 **THE COURT:** I understand.

12 **MR. STUMBO:** Despite Mr. Howe's glaring at me.
13 Your Honor, I --

14 **MR. HOWE:** I hope the record reflects I am,
15 Judge, because this is very frustrating to learn this
16 right now.

17 **THE COURT:** And I certainly understand.

18 **MR. HOWE:** And I think Mr. Mowry does a pretty
19 good job, too.

20 **THE COURT:** I tend to agree. Here's where we
21 are, gentlemen. If -- just give me one moment, please.

22 **MR. STUMBO:** Judge, I do have one other point for
23 the record just briefly when you're ready.

24 **THE COURT:** Go right ahead then.

25 **MR. STUMBO:** Judge, based on Investigator

1 Franklin's testimony, I would have some concern now that
2 I've heard this on the fact as well -- the fact that
3 it's in the report that he was intoxicated. There were
4 other things going on that were even indicated in the
5 report on his -- the fact that he was going from
6 belligerent to crying, that he clearly seemed to be --
7 based on the report and the testimony here that he was
8 under the influence of alcohol. That may be of some
9 concern as well even going down that road just from our
10 perspective.

11 **THE COURT:** And I understand, and certainly that
12 would be an appropriate concern for the State to have,
13 but the question, correct me if I'm wrong, Mr. Howe, but
14 the question before the Court or what the defense is
15 asking the Court to do is basically rule that per Rule
16 5, Paragraph (a)(1)(A), you were not provided with the
17 statement. Obviously I've had a chance to review the
18 transcript. I'm looking at my notes from the hearing of
19 January 13th. I usually take pretty good notes. This
20 was a very brief hearing. I have Jackson v. Denno
21 issue, and I'm just quoting straight from my notes.
22 Jackson v. Denno issue, no statement, won't attempt to
23 admit a statement, renew Rule 5, Brady period, certified
24 chain, thirty days prior to trial, which references the
25 deadline for any additional evidence to come in.

1 So if I'm correctly stating your motion, you're
2 asking that the Court prohibit the State from alluding
3 to the statement, making any mention of the statement,
4 as well as the incident that -- or the incident or the
5 circumstances under which the statement was offered; is
6 that correct?

7 **MR. HOWE:** That's correct, Judge, and for the
8 following reason just so the record is complete in
9 this matter. Judge, now -- and I ask the Court to rule
10 that it doesn't come in for a violation of Brady and
11 Rule 5 and now that the Solicitor's office has concluded
12 that they really don't want it in and trying to also
13 whitewash it and say that it's because maybe Mr. -- our
14 client was intoxicated, like a statement has never ever
15 been introduced before because somebody was intoxicated,
16 I'd ask the Court to stick to the ruling that we're
17 requesting and rule that it is because of Brady, not
18 because now they're saying we know we're gonna lose, we
19 want to give you a reason.

20 **MR. STUMBO:** This isn't because of Brady, Your
21 Honor. This is nothing exculpatory to his client. It
22 has nothing to do with Brady.

23 **MR. HOWE:** A Rule 5 violation. I didn't state it
24 properly.

25 **THE COURT:** I would consider this to be a Rule 5

1 violation under the rule. The rule states specifically,
2 quote, the substance of any oral statement which the
3 prosecution intends to offer in evidence at the trial
4 made by a defendant, whether before or after arrest, in
5 response to interrogation by any person then known to
6 the defendant to be a prosecution agent.

7 The statement clearly falls within Rule 5. I'll
8 be granting the Defendant's motion, so there's no point
9 in even talking about the conversation that took place
10 between the officer who just testified, Mr. Franklin,
11 and Mr. Hollingsworth, so I don't see any reason to even
12 discuss it.

13 **MR. STUMBO:** And we certainly understand Your
14 Honor's ruling and, quite frankly, we understand it
15 completely. I would ask the Court from this point on
16 in this trial for Your Honor to please ask Mr. Howe to
17 act professional. For him to come that close to me and
18 glare at me, is just -- it's just unprofessional, okay?
19 And I -- I would respectfully ask Your Honor just to
20 keep the boundaries clear here.

21 **THE COURT:** And that's not an unreasonable
22 request. At the same time, Solicitor, I think that
23 you're well aware that we -- part of Mr. Howe's
24 frustration, Solicitor, and if the Court were to get
25 frustrated, this perhaps could cause frustration for

1 the Court, but we've done this before and, particularly
2 here, there have been instances or issues with
3 statements that have come up at the last moment because
4 they were never video'd and they were never audio'd and
5 they were never reduced to writing, and it's happened
6 again. And I know that Laurens is now changing the
7 way they do things. They will videotape statements,
8 they will utilize a, you know, hundred dollar digital
9 recorder so that the statements can actually be captured
10 verbatim, so things have certainly changed since this
11 case was investigated and hopefully changed for the
12 better, and that's where I am leaving it.

13 **MR. STUMBO:** Well, Your Honor, I -- I completely
14 agree that that problem was something that we've
15 revisited time and time again and hopefully we can do
16 something with, but, Your Honor, the constant allegation
17 of bad faith and bad -- ill intent and bad motive,
18 that's different from stating that perhaps things
19 weren't done in the most timely of matters, and that's
20 my biggest objection here to the approach of Mr. Howe.

21 **THE COURT:** I have a general rule for all
22 criminal cases. Evidence either helps the State, hurts
23 the State or does neither. Regardless of which category
24 it falls into, if it helps the State, it's Rule 5; if it
25 hurts the State, it's Brady. If it does neither, then

1 you may as well give it to them because it can't hurt
2 or help you or it means nothing to the case, so it's
3 superfluous. That's where the frustration is coming
4 from. I understand. I'm sure Mr. Howe would not want
5 to alienate any member of the jury by any sort of
6 outburst. I don't think his behavior was that bad,
7 especially in light the fact that this case has been
8 going on for quite a while and now he's just learning
9 about the statement today. I'm letting that sleeping
10 dog lie. We're not going there.

11 **MR. STUMBO:** Well, Your Honor, I completely
12 agree, and I'll leave it at this. We found out about
13 the statement very recently in trial preparation and we
14 wanted to get it out in the open quite frankly.

15 **THE COURT:** At the very least you had to get it
16 out in the open because it was potentially -- like I
17 just said, potentially Brady, potentially Rule 5; maybe
18 it didn't help or hurt you. Obviously you did what you
19 had to do when you became aware of the statement. No
20 argument.

21 **MR. STUMBO:** Thank you, Judge.

22 **THE COURT:** Let's move on to the photographs.
23 Have y'all had a chance to review them? Can we say
24 which ones everyone can agree to and which ones we have
25 issues with, Ms. McNeill?

1 **MS. McNEILL:** Yes.

2 **THE COURT:** And for purposes of the trial going
3 forward, I intend to treat you as lead council,
4 Ms. McNeill, so unless -- I mean, unless I see -- what
5 I'll usually do is if Mr. Howe is gonna take the cross
6 of somebody, if he can just make eye contact with me
7 before that --

8 **MR. HOWE:** Yes, sir.

9 **MS. McNEILL:** That was actually his witness
10 anyway, so.

11 **THE COURT:** Okay. Yeah.

12 **MS. McNEILL:** Your Honor, how do you want me to
13 address this?

14 **THE COURT:** Are they marked?

15 **MR. STUMBO:** They are, Judge.

16 **MS. McNEILL:** They are.

17 **THE COURT:** All right. Which ones do you --
18 which ones are you okay with and which ones do you have
19 issues with?

20 **MS. McNEILL:** I'm okay with all of them except
21 for the following.

22 **THE COURT:** Okay.

23 **MS. McNEILL:** State's Exhibit Number 3, State's
24 Exhibit Number 2, State's Exhibit Number 4, State's
25 Exhibit Number 34, State's Exhibit 35 and State's

1 Exhibit 1 and State's Exhibit 31.

2 **THE COURT:** All right. May I see those?

3 **MS. MCNEILL:** Sure. (Handing.)

4 **THE COURT:** Okay. I've sort of subdivided these
5 into three categories; State's 1 and 31 -- State's 1 is
6 a photograph, I believe, of Mr. Ardis. I assume it's
7 Mr. Ardis; is that correct?

8 **MR. STUMBO:** That's correct.

9 **THE COURT:** State's 31 is a photograph of his
10 driver's license. For what purpose would the State seek
11 to introduce these, Solicitor?

12 **MR. STUMBO:** For the purposes of witnesses being
13 able to identify that to prove who he is, who he was
14 when he was alive.

15 **THE COURT:** Okay.

16 **MR. STUMBO:** I don't think there's anything
17 prejudicial about either one of those photographs.

18 **MR. MOWRY:** And, Your Honor, if I may, just to
19 add, the driver's license was found in the truck
20 that the Defendant and Ms. Gaines took after the --
21 after Mr. Ardis was killed.

22 **THE COURT:** Which would make it relevant how?
23 I'm unfamiliar with --

24 **MR. MOWRY:** Identification of the truck
25 basically, Your Honor.

1 **THE COURT:** All right. But the truck belonged to
2 Mr. Ardis?

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

4 **THE COURT:** All right. Ms. McNeill.

5 **MS. MCNEILL:** Your Honor, they can ID the truck
6 through the license plate of the truck, the registration
7 of the truck. The truck has Ardis Roofing on it. We'll
8 stipulate that that's Bill Ardis's truck. If Your Honor
9 is inclined to let any of those photographs in, the one
10 that is a more personal photo of Bill Ardis, that was
11 literally just shown to me moments ago. I believe that
12 Mr. Stumbo said that he got that photo from the family
13 this morning, so that was not provided to us until just
14 now looking at it, so I do object. If Your Honor is
15 inclined to let one of those in, I would rather it be
16 the driver's license picture, which actually is tied to
17 the case. That other photo has nothing to do with the
18 case whatsoever.

19 **THE COURT:** All right. Again, going back
20 to Rule 5, if the photo that was provided as State's 1
21 was provided this morning, then the Court seems
22 inclined to allow the identification to go forward
23 with State's 31, which would be the driver's license
24 photo. Additionally, the driver's license photo would
25 seem to have more relevance to the issues involved in

1 this particular case, namely the Defendant taking the
2 truck and the truck belonging to Mr. Ardis, so that
3 would be my ruling on that. I don't have a problem if
4 a witness cannot identify Mr. Ardis with 31, State's 1
5 can be used, but it will only be as a Court's exhibit
6 and will not be shown to the jury at any point in time.
7 So if that's necessary because State's 1 is a more
8 recent photo or what have you or the driver's license
9 photo is just bad and doesn't reflect what the decedent
10 looked like at the time of his death, then you can use
11 State's 1 just to identify the decedent as the person
12 who was killed, but not for purposes of showing it to
13 the jury.

14 **MR. STUMBO:** Thank you, Judge.

15 **THE COURT:** The second -- so my ruling on that is
16 31 is in and 1 is not unless there's some problem with a
17 witness. The second set of photographs apparently are
18 depicting the Defendant with his shirt off, a number of
19 tattoos. These are 34 and 35. 35 seems to be focussed
20 on the Defendant's right shoulder just above a cat or a
21 cougar-type tattoo. For what purpose is the State
22 seeking introduction of these? Or what issues does the
23 defense have with these first?

24 **MS. McNEILL:** Your Honor, I'm just gonna state
25 that it's prejudicial. These photographs were taken in

1 the jail with his shirt off, he's clearly in custody,
2 and for those reasons I think it's more prejudicial than
3 probative.

4 **THE COURT:** All right. For what purpose does the
5 State seek introduction of these?

6 **MR. STUMBO:** Your Honor, on his shoulder there
7 is a bruise and what appears to be a -- we've blown the
8 picture up, which has already been marked for ID as
9 State's 38.

10 **THE COURT:** Oh, maybe I -- yeah, that's better.
11 Can I see? Will you hold that up for me.

12 **MR. STUMBO:** On his right shoulder, which would
13 appear to be a bruise, and there's a line that looks
14 like maybe a mark of the butt of the gun. I actually
15 believe that's extraordinarily probative here because of
16 the fact that the victim was shot with a double barrel
17 shotgun, which --

18 **THE COURT:** So it's the State's theory that --
19 that the Defendant held the shotgun to his shoulder and
20 -- what was the calibre of the shotgun?

21 **MR. STUMBO:** 12 gauge, double barrel shotgun.

22 **THE COURT:** -- that caused the bruise on his
23 shoulder?

24 **MR. STUMBO:** Correct, that would be our theory.

25 **THE COURT:** Anything else from the defense on

1 that?

2 **MS. McNEILL:** No, Your Honor. I'm just gonna
3 repeat that it was taken while he was in custody at the
4 jail with his shirt off, multiple tattoos are being
5 shown, so I would just -- and I would like to add my
6 objection to the State's blown up exhibit, which is
7 State's Number 38, to my list of photos to be objected
8 to.

9 **THE COURT:** Okay. I would rule that 35 is not
10 so unduly prejudicial as to warrant its exclusion.
11 The photo that's taken shows the Defendant's back to
12 apparently a corner -- cement blocks painted in the
13 corner. His shirt is off, but it does not indicate
14 that he's cuffed or otherwise in custody. Additionally,
15 it's a little naive to believe that perhaps once he
16 became a suspect he was not, in fact, arrested and
17 charged with this, so to the extent that there might be
18 prejudice, it's minimal, especially in light of the
19 probative value of State's 35, so -- 35 and 34, so I'll
20 allow those into evidence as well as the enlarged
21 photograph.

22 All right. The State's 2, 3 and 4 are apparently
23 photos of the scene. In State's 2, there's a Number 12
24 evidence marker indicating something laying on the
25 couch. What is that, Solicitor?

1 **MR. STUMBO:** It's just a couch pillow, Your
2 Honor. Ultimately we believe the testimony will show
3 that Ms. Gaines, according to her statement, was sitting
4 on the couch when this shooting occurred and the couch
5 is in the room. It's just to show the -- I guess the
6 position of the room basically.

7 **THE COURT:** Okay. So there's not some --

8 **MR. STUMBO:** Well, I'm sorry. You're talking
9 about the marking on the couch? That's the wadding of
10 the shotgun, I'm sorry, in what is marked as State's 2.

11 **THE COURT:** You're talking about the round object
12 that's just above the 12?

13 **MR. STUMBO:** Yes, sir. I thought you were
14 referring to the pillow on the couch.

15 **THE COURT:** No.

16 **MR. STUMBO:** The little round object there is the
17 wadding from the shotgun which was collected.

18 **THE COURT:** All right.

19 **MR. STUMBO:** I'll say the shotgun wadding from
20 the shotgun shell.

21 **THE COURT:** Okay. State's 4 shows presumably
22 the decedent with his back to the camera, his head is
23 -- and his body are sort of facing the coffee table
24 and it looks like a black love seat and a couch. There
25 are three cups on the coffee table that appear to be

1 Styrofoam and it looks like the table cloth on the
2 coffee table may be sustained in blood. The State's
3 purpose in introducing that, Solicitor?

4 **MR. STUMBO:** Well, Your Honor, it's the
5 only picture we put in of the seven hundred and some
6 odd pictures that were taken by the SLED crime scene
7 investigators in this case that actually shows
8 Mr. Ardis's body, where he's laying in the room.
9 Quite frankly, Judge, it's one of the more horrific
10 crime scenes I've ever seen. We have edited out many,
11 many pictures that were given over in discovery that
12 were taken by the SLED agents that show -- would have
13 shown the other angle, would have shown where the
14 gunshot wound was inflicted, so we do believe this is
15 minimizing really the gore that could be very
16 prejudicial to the jury if we put in all the pictures
17 that we had. We did believe that would be the most
18 neutral one we could find.

19 **THE COURT:** Sure. I understand where you're
20 coming from. All right. State's 3, another photo of
21 the couch. This one's from further away. It shows
22 purportedly the wadding from the shotgun, I guess, on
23 the couch again before it's marked with the evidence
24 sticker 12 and also has a partial shot of the coffee
25 table. Same basic thinking?

1 **MR. STUMBO:** Yes, Your Honor. It's just a little
2 bit broader. I think that shows more of where the couch
3 is in relation to the coffee table.

4 **THE COURT:** What's the nature of the defense's
5 objection to this briefly?

6 **MS. McNEILL:** Your Honor -- and Solicitor Stumbo
7 is right. The majority of these pictures, which were
8 addressed, again, in our hearing in front of Your Honor,
9 which are in that transcript, you know, Mr. Mowry
10 stated he knew that he wasn't even going to attempt to
11 introduce the majority of the photos in because they
12 wouldn't be able to come in. What I'm objecting to is
13 the pictures have their family pet in the photos. I do
14 know that there's another photograph out there of
15 Mr. Ardis's body that's laying under the coffee table
16 in that position that you see that doesn't have a pet
17 in the photograph. I would prefer that one. Especially
18 the one that's blown up of the dog that's like kind of
19 close to the exhibit marker. That's the nature of my
20 objection. It's just for an emotional prejudicial
21 value.

22 **THE COURT:** One could argue that it would be
23 beneficial to your client that the dog was permitted to
24 be around a scene such as this. In all candor though, I
25 don't see where the prejudicial effect is so bad as to

1 outweigh the probative value, and at this point in time
2 I'm assuming that there would be some relevance to where
3 the shotgun wadding wound up, and certainly if this is
4 the only photograph that's showing Mr. Ardis. And I
5 have no reason to doubt the Solicitor's representation
6 that the other photographs were more graphic. Obviously
7 this would depict the crime scene, so these will be
8 okay. I'll let these in.

9 **MR. STUMBO:** Thank you, Judge. Is that all the
10 pictures?

11 **THE COURT:** I think so because there were no
12 objections to the other ones, so I'll go ahead and give
13 these back to you. Is there any objection just so that
14 we don't have to go through this? Those I understand,
15 Ms. McNeill, you're objecting to. 2, 3, 4, 34, 35, 1
16 and 31 would certainly be -- and 38. 38. You would
17 have an objection to those. I've sustained your
18 objection to the personal photograph. The others you
19 have no problem with them going ahead and coming into
20 evidence so that we don't have to go through this --

21 **MS. McNEILL:** That's fine, Judge.

22 **THE COURT:** All right. So the exhibits that I
23 just called out, those were subject to your objection.
24 You'll need to contemporaneously object when they seek
25 introduction to those, but the other ones I'm gonna rule

1 that those are in evidence without objection.

2 **MS. McNEILL:** And, Judge, for my information, can
3 you tell me what numbers those were again?

4 **THE COURT:** Sure. I've got 3, 2, 4, 34, 35, 1,
5 31 and 38.

6 **MS. McNEILL:** Thank you.

7 **THE COURT:** 38's the big photograph.

8 **MS. McNEILL:** Right.

9 **THE COURT:** What was the photo of Mr. Ardis, the
10 one with the Carolina ball cap on? Was that Number 1 or
11 38?

12 **MR. MOWRY:** That was Number 1, Your Honor.

13 **THE COURT:** I thought the driver's license was 1.

14 **MR. STUMBO:** No, 1 is the one with the Carolina
15 cap on.

16 **THE COURT:** Okay. So --

17 **MR. MOWRY:** 31 is the driver's license.

18 **THE COURT:** Very good. So the State won't be
19 using 1 absent some witness having trouble using the
20 driver's license for identification purposes. Anything
21 else we need to it address this evening?

22 (State's Exhibit Numbers 2 through 35,
23 photographs, and State's Exhibit Numbers 36 through 38,
24 enlarged photographs, were admitted into evidence.)

25 **MS. McNEILL:** One more from the defense.

1 **THE COURT:** Please.

2 **MS. McNEILL:** First, I wanted to renew my motion
3 to sequester witnesses throughout this trial.

4 **MR. STUMBO:** And, Your Honor, we're fine with
5 that other than lead investigator Franklin, who's here
6 at the table.

7 **THE COURT:** Very good.

8 **MR. STUMBO:** One other issue, Judge, and we would
9 also make a reciprocal motion. I don't think any of the
10 witnesses they had on their list would be here anyway
11 for sequestration.

12 **MS. McNEILL:** That's correct.

13 **MR. STUMBO:** Judge, as you can tell, we talked
14 a little bit about this in chambers, but we had
15 eighteen witness on the end of our witness list that
16 are all clerical-type folks at SLED. We have them
17 under subpoena, Your Honor. We have them on standby.
18 Quite frankly, I think if we call all those witnesses
19 we may shut down the lab at SLED.

20 We do believe under State v. Hatcher and the
21 way the evidence will develop here, we'll complete the
22 chain. We will have the investigators who collected it
23 and ultimately took it to SLED and then the analysts
24 that opened the sealed packages of all of those things
25 for testing, whether it was firearms, fingerprint

1 analysts, DNA analysts, I believe that's it, but we have
2 a number of analysts from SLED that will testify that
3 when they received the packages they were sealed in the
4 condition that they were passed to SLED by the sheriff's
5 office. So we do believe under State v. Hatcher that
6 it's not gonna be necessary to call eighteen of those
7 witnesses. Just so everyone's aware in the courtroom,
8 if we can go that route, Your Honor, we may not be here
9 this weekend or into next week.

10 **THE COURT:** You did provide a chain of custody
11 form of some kind?

12 **MR. STUMBO:** We did provide a certified chain.

13 **THE COURT:** Do y'all have any position on that,
14 the chain with witnesses or --

15 **MS. McNEILL:** Judge, we never discussed this with
16 Solicitor Stumbo about stipulation to the chain, but the
17 defense is certainly in cooperation with that and we
18 definitely will stipulate to the chain.

19 **THE COURT:** Very good. We'll let it be the main
20 witnesses then. You won't need to subpoena the other
21 ones who simply checked it out and took it from Point A
22 to Point B for five minutes.

23 **MS. McNEILL:** Okay.

24 **MR. STUMBO:** Thank you, Judge.

25 **MS. McNEILL:** Your Honor, I just have a couple of

1 more matters.

2 **THE COURT:** Sure.

3 **MS. McNEILL:** I'm making a motion for
4 Mr. Bill Ardis not to be referred to as the victim, I
5 think that's prejudicial, and we would ask the Court
6 to direct everyone involved to refer to him by name,
7 Mr. Ardis or the decedent.

8 **THE COURT:** Does the State have any position on
9 that? Typically, I -- I mean, typically my preference
10 is either alleged victim, decedent or by his proper
11 name. This is a little bit different from the CSC
12 whereby referring to the prosecutrix as a victim, you're
13 presupposing that a crime was committed. In this case,
14 I'm assuming the State can rule out suicide, so it is
15 clearly homicide. I would assume the only issue in this
16 case is who done it, and that's --

17 **MR. STUMBO:** That's correct.

18 **THE COURT:** I mean, assuming it's not suicide,
19 then clearly Mr. Ardis was a victim at someone's hands.

20 **MR. STUMBO:** That would be our position on that.
21 I believe the victim is not overly or unduly
22 prejudicial.

23 **THE COURT:** All right. Well, I mean, am I
24 incorrect, Ms. McNeill?

25 **MS. McNEILL:** No, Your Honor, but I think that

1 assumes that he's the victim of my client, Heath
2 Hollingsworth, before the jury has made that
3 determination. He's a victim of something sure, but
4 not necessarily Heath and that's why I would rather
5 him be referred to as decedent or Mr. Ardis..

6 **THE COURT:** Here's how we'll handled that. I
7 would prefer to see it handled that way; alleged
8 victim, decedent, Mr. Ardis. If it slips out though,
9 it's not gonna be cause for a mistrial, so I'm -- if
10 he's repeatedly referred to as victim, victim, victim,
11 victim, then I'm gonna have an issue with that and
12 might have to cut that off. Clearly he was the victim
13 in this case, so I'm not muzzling anyone and I'm not
14 ruling on that motion at this point in time because it
15 could inadvertently slip out and we don't have all
16 witnesses here. If it does, I don't think it's
17 sufficiently prejudicial to warrant a mistrial unless
18 it just becomes abusive, so y'all know where I stand
19 and that's kind of where we are.

20 Additional motions, Ms. McNeill?

21 **MS. MCNEILL:** I beg the Court's indulgence.

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

23 **MS. MCNEILL:** No further.

24 **THE COURT:** All right. Anything from the State
25 on this?

1 **MR. STUMBO:** Your Honor, I think we're finished,
2 but I know there was an issue raised by Mr. Howe in
3 chambers about Ms. Gaines, the co-defendant, was
4 testifying about she had an arrest at the hands of
5 Trooper Cody Bishop and I just didn't know if we needed
6 to put that on the record at this time. We can do that
7 in the morning.

8 **THE COURT:** No, let me summarize it. We did
9 discuss in chambers the fact that one of the State's
10 testifying witnesses, Ms. Gaines, had been arrested by
11 the highway patrol in Greenwood. At the time of the
12 arrest, I think she was arrested for DUI as well as
13 giving false information to an officer. Mr. Howe told
14 me that basically she had lied about who she was and
15 that she ended up pleading to the DUI, but not the false
16 information, and we discussed this in chambers, and my
17 ruling was that, first, the State didn't really contest
18 that that was what happened. Obviously that's an
19 exchange or a bad act-type of evidence which goes to
20 truth or veracity. There was no dispute that that
21 conversation or that that incident took place between
22 Ms. Gaines and the officer. The Solicitor indicated to
23 me that Ms. Gaines would be saying that yes, it did
24 happen and, yes, she did falsely state her name to the
25 officer. When she testifies, obviously if she admits

1 the impeachment, there's no point in introducing
2 extrinsic evidence of the impeachable exchange, so I'm
3 assuming that that's what Ms. Gaines is going to do.
4 If we wind up with a situation where she denies it,
5 perhaps we'll have to be looking at extrinsic evidence
6 coming in, but I'm very sympathetic to the trooper's
7 vacation plans. He will not be available on Thursday.
8 I'm assuming Ms. Gaines will testify before Thursday?

9 **MR. MOWRY:** She would be the first witness, Your
10 Honor, and I fully expect that she is going to admit the
11 allegations that were made.

12 **THE COURT:** All right. If there's some problem,
13 then I'm gonna let that trooper testify out of order.
14 We'll bring him in here and he can introduce that
15 testimony.

16 **MR. HOWE:** He is under subpoena, Judge, but if we
17 can all help him out, I'm gonna try my best on that.

18 **THE COURT:** We're gonna help him out. The Court
19 will help him out.

20 **MR. HOWE:** Thank you.

21 **THE COURT:** All right. I think that does
22 it for the evening. I'll be here probably about 9:00,
23 9:15, 9:30, somewhere in that range, tomorrow morning.
24 If there's anything pre-trial that we need to discuss
25 that has arisen overnight, that's fine, we can do that;

1 otherwise, we'll hit the ground running at 10:00.

2 Your client, is he out on bond?

3 **MS. McNEILL:** No, Your Honor.

4 **MR. HOWE:** No, sir, he's custody.

5 **THE COURT:** All right. We'll be at ease on this
6 until tomorrow morning.

7 (The proceedings were concluded for April 7,
8 2014.)

9 (The following proceedings were held on April 8,
10 2014.)

11 (State's Exhibit Number 39, 9-1-1 CD, was marked
12 for identification.)

13 **BAILIFF:** Let's all rise. The court will come to
14 order, please.

15 **THE COURT:** Thanks. Y'all can have a seat,
16 please. Okay. We'll go back on the record in the case
17 of the State versus Phillip Heath Hollingsworth. The
18 Defendant is present with counsel. I'm told that the
19 jury is here. Anything before we bring the jury in,
20 gentlemen, ladies?

21 **MR. STUMBO:** Nothing from the State. We're
22 ready, Judge.

23 **MS. McNEILL:** Nothing from the defense.

24 **THE COURT:** Very good. Let's have the jury,
25 please.

1 (The jury enters the courtroom at 10:12 AM.)

2 **BAILIFF:** All jurors present, Your Honor:

3 **THE COURT:** All right. Let the record reflect
4 that the jury is back. Ladies and gentlemen of the
5 jury, I trust that y'all had a pleasant evening last
6 night. And we're resuming with the trial of the State
7 versus Mr. Hollingsworth and the first thing that I need
8 to do this morning is to appoint a foreperson of the
9 jury. Who's Nancy Brown?

10 **JUROR:** (Raises hand.)

11 **THE COURT:** Ms. Brown, I'd like to appoint you
12 the foreperson, if that's okay with you. I'll tell
13 you that it doesn't involve a lot of heavy lifting.
14 Basically you'd be responsible for making sure -- once
15 the jury starts deliberating, making sure everybody has
16 a chance to have their fair say. Obviously your vote
17 would count no more, no less than any other juror's vote
18 and you would basically be the person responsible for
19 giving me the verdict once the trial is concluded. So
20 if that's okay with you, I'd like to appoint you as the
21 foreperson. Is that --

22 **JUROR:** Yes, sir.

23 **THE COURT:** All right. When we break and come
24 back, if you would, you can have a seat right here in
25 this chair that's closest to the end where the lady

1 in the green shirt is sitting. The two alternates,
2 Mr. Luciani and Ms. McGowan, y'all just stay in those
3 seats throughout the trial. The rest of you can feel
4 free to move around as you need to.

5 The acoustics in here are actually very good,
6 so you shouldn't have a problem hearing one of the --
7 hearing the witnesses testify. If you do have a problem
8 hearing the witnesses though, just raise your hand.
9 That will be my cue or the lawyers' cue to ask the
10 witness to repeat the answer or to speak up a little
11 bit, okay?

12 Now, ladies and gentlemen, before we begin the
13 trial, I want to tell you that this case is probably
14 gonna be a little bit different from what you've come
15 to expect from seeing trials depicted on TV or in the
16 movies or reading about them in books. From what you've
17 seen on TV and in popular media, you might think that
18 trials are filled with riveting circumstances and
19 intense drama and that everything is neatly wrapped up
20 in a couple of hours. Sometimes that's the case, but
21 more often than not, 99 percent of the time, trials
22 take a long time and that's because we're engaged in a
23 process here where we're trying to do justice to both
24 sides of this particular case. So understand that
25 this will take probably several days to work through.

1 During the course of the trial, of course, please pay
2 attention to what is being said by the witnesses, by
3 the attorneys and by the Court, and try to keep your
4 thoughts from wandering.

5 I want to thank you at the outset for your
6 willingness to come in here and participate in this
7 process. I'll tell you that this is one of the chief
8 responsibilities of a citizen, to serve on a jury,
9 and to try and have these cases resolved, have these
10 disputes resolved, so thank you very much for your
11 willingness to perform your civic duty and for your
12 patience this week. Again, we'll do everything that we
13 can to minimize the inconvenience to you and hopefully
14 make this at least a somewhat pleasurable week for you.

15 Now with that, I'm gonna ask that you stand up
16 where you are and raise your right hand. The Clerk of
17 Court will administer your oath to you as jurors. Madam
18 Clerk.

19 (The jury was duly sworn by the Clerk of Court at
20 10:15 AM.)

21 **THE COURT:** All right. Now, ladies and
22 gentlemen, what I now say to you is intended to serve
23 as an introduction to the trial of this case and these
24 remarks are not a charge on the law that applies. I'll
25 instruct you on the law that applies at the conclusion

1 of the trial before you retire to deliberate your
2 verdict. Again, this is just an overview of the process
3 that we'll use so that you can better understand going
4 forward what is taking place.

5 Now in this case, ladies and gentlemen,
6 Mr. Hollingsworth is charged with an indictment filed
7 in this court with the offense of murder. I'll explain
8 the elements of that crime to you later. Again, ladies
9 and gentlemen, an indictment is simply the charge by
10 which this case is brought into court and is not in any
11 sense evidence of any of the allegations contained in
12 the indictment. Mr. Hollingsworth has pled not guilty
13 to these charges and the State, therefore, has the
14 burden of proving each and every element of the
15 indictment beyond a reasonable doubt.

16 It will be your duty, ladies and gentlemen, to
17 determine whether the State has met this burden. Your
18 purpose as jurors is to find and determine the facts in
19 this case. If at any time I make any comments on the
20 facts, ladies and gentlemen, you must disregard that
21 comment because the law does not permit me to have any
22 opinion about the facts. This is a matter solely for
23 you to determine. You are determine the facts from the
24 testimony that you hear and the other exhibits and
25 evidence which is introduced in court. It's up to you

1 to determine the inferences which you feel may properly
2 be drawn from the evidence presented. It's especially
3 important that you perform your duty of determining the
4 facts diligently and conscientiously because ordinarily
5 there is no way to correct and erroneous determination
6 of facts by a trial jury.

7 Now, ladies and gentlemen, on the other hand and
8 with equal emphasis, the same law that makes you the
9 judge of the facts in this case makes me the judge of
10 the law. The law as given by the Court is the only law
11 that you may consider. You'll have to accept it and
12 follow it even though you may disagree with it. I can't
13 tell you what the facts are. This is solely for you to
14 determine and you're not permitted to disagree with me
15 about what the law is or what the law should be. Your
16 job will be to take the law as I give it to you, apply
17 it to the facts as you find them to be and thus render a
18 true and just verdict under the oath that you have just
19 taken as jurors.

20 Now, ladies and gentlemen, until I advise you to
21 begin your deliberations, please don't talk about this
22 case with anyone, including your fellow jurors, friends,
23 family members or anyone involved in this case. After
24 the case is submitted to you, you can only discuss it in
25 the jury room in the presence of all twelve of your

1 fellow jurors.

2 Now the lawyers and the parties in this case have
3 been advised that they're not to have contact with you
4 while the trial is going on, okay? So if you happen to
5 see one of them coming or going from the courthouse and
6 they don't even say hello to you or say hi, understand
7 they are not being rude. They're simply following my
8 instructions to have no contact with you while the trial
9 is going on. And the reason for this is very simple,
10 ladies and gentlemen. Sometimes an innocent hello or an
11 innocent hi, how are you doing, if it's seen by the
12 other side it could be interpreted as an effort at jury
13 tampering, so the easiest way to keep that issue from
14 coming up during the trial is just to say all jurors are
15 off limits while the case is going on.

16 Now, ladies and gentlemen, I don't know if
17 there's gonna be any media coverage in this trial while
18 it's going on, but please don't watch any news reports
19 about this case, don't read anything in the paper.
20 Again, this means -- this applies to anything that might
21 be in the paper, on the Internet, radio or TV. You
22 can't consider anything in this case that you may have
23 heard or read about outside of the courtroom whether
24 before or during the trial.

25 Now, ladies and gentlemen, it's important that

1 you keep an open mind in this case and not decide any
2 issue until all the evidence has been presented, the
3 parties have made their closing arguments to you and
4 I've instructed you on the law that applies. It will
5 be your solemn responsibility to determine the guilt or
6 the innocence of the Defendant and your verdict must be
7 based solely on the evidence presented to you in this
8 trial and on the law as I instruct you at the conclusion
9 of the case.

10 Now in just a moment, ladies and gentlemen,
11 the Solicitor will make what's known as his opening
12 statement in which he will explain to you what the
13 issues are or at least what he contends the issues
14 are in this case. The attorney for the Defendant,
15 Ms. McNeill, may also make an opening statement,
16 although she's not required to do so. I tell you that
17 what the lawyers say during their opening statement, of
18 course, is not evidence. It's simply their contention
19 as to what will be proven or will not be proven or their
20 contention as to what the issues may be. Again, the
21 evidence will be presented by the testimony of sworn
22 witnesses from the witness stand as well as exhibits
23 which are introduced in the record.

24 Now, ladies and gentlemen, from time to time
25 during the trial you may hear one of the lawyers say

1 something like Your Honor, we have a matter of law for
2 the Court or, Your Honor, we need to take up an issue of
3 law. Sometimes I might find it necessary during those
4 times to ask that you return to the jury room so that
5 I can take up that issue of law with the attorneys here
6 on the record, and the record is made with my court
7 reporter. The reason that I'm asking you to leave the
8 courtroom, ladies and gentlemen, is that sometimes in
9 ruling on an issue of law it's necessary that I make a
10 comment about what facts have been presented or haven't
11 been present, okay, and I don't want any comment that
12 I make on the facts or about the facts to have any
13 bearing on what you ultimately find those facts to be,
14 so I ask that you leave the courtroom so that I can
15 have a discussion with the lawyers about the case and
16 be certain that what I say doesn't influence what you
17 ultimately find the true facts to be. During those
18 breaks, of course, please don't speculate as to what I
19 might be saying or what my opinion is because legally
20 I'm not allowed to have any opinion about these facts.

21 Ladies and gentlemen, in determining what the
22 true facts are, you must decide whether or not the
23 testimony of witnesses is believable or not. It will
24 be my responsibility to rule as a matter of law as to
25 whether certain testimony's admissible, but once it's

1 admitted whether or not you choose to believe it is
2 solely for you to determine. In deciding whether to
3 believe a witness, you have the right to consider the
4 interest of any witness, the bias of any witness, the
5 prejudice of any witness, the opportunity for the
6 witnesses to have seen the matters and things about
7 which the witness testifies and the way the witness acts
8 on the witness stand. You have the right to consider
9 anything that's in the record in this case that will
10 help you evaluate the testimony of the witnesses. That
11 means it's your duty to pay close attention to them,
12 listen to them, observe them and pay close attention to
13 the lawyers and the Court and try and keep your thoughts
14 from wandering.

15 Now, ladies and gentlemen, at the end of the case
16 after all the testimony, if you've paid attention and
17 you've listened to what has taken place here in the
18 courtroom and you apply the law as I charge you, you'll
19 be in your best position possible to determine what the
20 true facts are and thus render a true and just verdict
21 under the oath that you have just taken.

22 Now in order to preserve everyone's rights, I'll
23 give the attorneys an opportunity to object to anything
24 that I may have said to you in these opening remarks and
25 then we'll proceed with the trial. Any objections from

1 the State?

2 **MR. STUMBO:** None from the State.

3 **THE COURT:** From the defense?

4 **MS. McNEILL:** None.

5 **THE COURT:** All right. Very good. We'll now
6 begin the case. Solicitor, you're recognized for your
7 opening. Mr. Mowry.

8 **MR. MOWRY:** May I have the indictment, please.

9 OPENING STATEMENT

10 **MR. MOWRY:** Thank you. Madam Foreman, ladies
11 and gentlemen of the jury, I was introduced to you
12 yesterday. Let me reintroduce myself, if I may. My
13 name is Warren Mowry. I'm the Deputy Solicitor for
14 Laurens County. Along with my boss, David Stumbo, we
15 will have the honor and the privilege of presenting the
16 case for the State in this matter. Every criminal case
17 that's brought in the State of South Carolina is brought
18 in the name of the People of the State and that's why
19 every case is titled the State versus whomever. In this
20 case, this matter, the case is entitled the State versus
21 Phillip Heath Hollingsworth, and what the State will
22 prove, ladies and gentlemen, through the presentation of
23 its witnesses and the presentation of evidence during
24 the course of this trial is that Mr. Hollingsworth,
25 seated at the end of the defense table, on November

1 the 7th, 2012, murdered Mr. Bill Ardis in Laurens
2 county. We will prove that to you. We will prove it
3 through witnesses, both civilian or lay witnesses, law
4 enforcement witnesses and scientific evidence as well.

5 One of our main witnesses, ladies and gentlemen,
6 I will tell you is a young lady named Shayla Gaines.
7 She will be our first witness. And I will tell you
8 Shayla Gaines has a somewhat checkered past that she
9 will tell you about, but I believe when she testifies,
10 ladies and gentlemen, you will recognize that she is
11 telling you the truth about what happened on the night
12 of November 7, 2012.

13 Every criminal case that's brought in the name of
14 the People of the State of South Carolina, ladies and
15 gentlemen, must be proven by the State. We must prove
16 it beyond a reasonable doubt. Now I've heard that
17 described as a doubt for which there can be given a
18 reason. In other words, we're using the term to define
19 the term. My mother was an English teacher. She would
20 hate hearing that, but that's essentially what it is.
21 Beyond a reasonable doubt means that you are firmly
22 convinced of the truth of something, and I submit to
23 you, ladies and gentlemen, when the State has completed
24 this case, when the evidence has been submitted to you
25 for a decision, you will be firmly convinced of the

1 guilt of that Defendant.

2 Now what I hold in my hand is an indictment. An
3 indictment is simply a charging paper. This is the
4 vehicle by which we have brought Mr. Hollingsworth into
5 court and it does charge him that he committed murder on
6 November the 7th, 2012. What is murder? Murder is an
7 unlawful killing of another human being, of one human
8 being by another, with malice aforethought. Now I'll
9 tell you, ladies and gentlemen, there are some times
10 when one human being legally can kill another.
11 Sometimes one human being is justified in killing
12 another. A soldier in wartime killing the enemy in
13 battle, that's justified. Self-defense. If somebody
14 is invading your home and you're in fear of your life,
15 you can defend yourself even using deadly force.
16 That's justified. But you're not gonna hear of any
17 justification in this case. No excuse. No
18 justification.

19 Ladies and gentlemen, we have to prove not only
20 was a murder committed, we have to prove who done it,
21 and the main question I submit to you that you are gonna
22 have to decide is who done it. That's basically it. I
23 don't believe you'll have any question when this is done
24 that a murder was committed. That Mr. Bill Ardis was,
25 in fact, murdered. The question you have to answer is

1 who did it and, once again, I submit by the time the
2 evidence comes to you and you are deliberating in this
3 case, you will not have any reasonable doubt but that
4 that man murdered Bill Ardis.

5 Now there are three things that I always like to
6 ask a jury to do during the course of this trial -- or
7 in any trial. The first is to listen very carefully to
8 the testimony that comes off this witness stand because,
9 as the Judge told you, it is from this testimony that
10 you are to determine what the facts in this case are.
11 Y'all are the factfinders. Y'all decide what the truth
12 is. That's a big responsibility, but y'all make that
13 determination, okay? Nothing that I say, nothing that
14 Ms. McNeill or Mr. Howe says, nothing that anybody else
15 says is to be considered evidence.. Only the information
16 that comes to you from this witness stand, okay? That's
17 number one.

18 Number two, listen very carefully at the close
19 of the trial when His Honor tells you what the law in
20 this case is because it is from the Judge, from Judge
21 Addy, that you are to make that determination. The law
22 he gives you may not be the law as you think it is.
23 Frankly, it may not be the law as you think it ought to
24 be, but it's the law that you must by your oath take
25 with you back to the jury room when you're rendering

1 your verdict.

2 The third thing I would ask you to do, ladies and
3 gentlemen, each and every one of y'all comes from a
4 different background, different address obviously,
5 different jobs, but each and every one of y'all have at
6 least one thing in common, and that's common sense. I
7 ask you to use that common sense when you're listening
8 to the evidence, when you're determining what the truth
9 is in the case. I ask you to use that common sense
10 when you take the law that the Judge gives you and apply
11 that to the facts that you hear and then I ask you to
12 continue to use that common sense when you're back there
13 in the jury room rendering your verdict.

14 If you do all those three things, ladies and
15 gentlemen, I'm confident that the verdict you come up
16 with will be just, fair and true, and that's all any of
17 us ask. Thank you very much.

18 **THE COURT:** Thank you, Mr. Mowry.
19 Ms. McNeill, you're recognized for your opening, ma'am.

20 **MS. MCNEILL:** Thank you, Your Honor. Good
21 morning. History, science and motive. Those are the
22 trio that I want you to focus on and keep an open mind
23 about throughout this trial. History, science and
24 motive. Mr. Mowry is right. Their main witness has a
25 terribly checkered past. Her name is Shayla Gaines.

1 You're about to hear from her on the stand herself. She
2 has a history of difficulties with the decedent in this
3 case, Mr. Bill Ardis. You're gonna hear about the
4 difficulties that they constantly had throughout the
5 years of their relationship. You're gonna hear about
6 the science in this case. You're gonna hear about DNA,
7 you're gonna hear about gunshot residue, all of those
8 things. The science will tell you that it was Shayla
9 who pulled the trigger and shot that gun that killed
10 Bill Ardis.

11 And the third thing I want you to focus on is
12 motive. Shayla has a motive to lie. She has a motive
13 to lie to law enforcement, she has a motive to lie to
14 the Solicitor's office and she has a motive to lie to
15 you. What's that motive? To keep her own butt out of
16 jail, to throw everything onto Mr. Phillip Heath
17 Hollingsworth. Well, let me tell you something.
18 Phillip Heath Hollingsworth is innocent. He pled not
19 guilty to these charges. He's innocent. Who the real
20 person who should be sitting in that chair today is
21 Shayla Gaines.

22 I want you to keep an open mind to all of the
23 evidence that you're gonna hear, I want you to take your
24 job very seriously. We appreciate you being here today
25 and just remember the trio; history, science and motive.

1 And use your common sense and the evidence will take you
2 to your verdict, which should be not guilty. Thank you.

3 **THE COURT:** Thank you, Ms. McNeill. Call your
4 first witness, please, Mr. Mowry.

5 **MR. MOWRY:** We call Shayla Gaines.

6 SHAYLA GAINES,
7 having been duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. MOWRY:

10 Q. You are Shayla Gaines?

11 A. Yes, sir.

12 Q. Shayla, how old are you right now?

13 A. Twenty-six years old.

14 Q. How old were you back in November of 2012?

15 A. Twenty-four.

16 Q. Okay. Where -- what town do you live in now?

17 A. Honea Path, South Carolina.

18 Q. In November of 2012, where did you live?

19 A. [REDACTED] Waterloo, South Carolina.

20 Q. Whose residence was that in addition to yours?

21 A. That was Bill Ardis's residence. That was his
22 house, mobile home.

23 Q. So you lived in the same house with Bill Ardis;
24 is that right?

25 A. Yes, sir.

1 Q. Okay. Shayla, let me just ask you. You are
2 facing charges in this matter; is that right?

3 A. Yes, sir.

4 Q. And I believe your attorney is Brian Able, who is
5 seated at the doorway in the back of the courtroom; is
6 that right?

7 A. Yes, sir.

8 Q. What charges are you facing in this case?

9 A. Grand larceny and accessory after the fact of
10 murder.

11 Q. Okay. The grand larceny was of Mr. Ardis's
12 truck; is that right?

13 A. Yes, sir.

14 Q. Okay. In order to get you to testify, have there
15 been any kind of deals made for you?

16 A. No, sir, I haven't made any deals.

17 Q. Any kind of promises made?

18 A. No, sir.

19 Q. Any kind of threats made?

20 A. No, sir.

21 Q. Do you have any kind of expectations about your
22 testimony, that it's going to get you some kind of
23 reward out of this?

24 A. No, sir, I still have my charges.

25 Q. Okay. And yet you are here today?

1 A. Yes, sir.

2 Q. What are you here today to do?

3 A. Only to speak the truth.

4 Q. Shayla, let me ask you, [REDACTED] you said
5 was Mr. Bill Ardis's residence; is that right?

6 A. That's correct.

7 Q. Is that in Laurens County?

8 A. It is. Yes, sir.

9 Q. Whereabouts in Laurens is it -- in Laurens
10 County?

11 A. It's in Waterloo right after you cross the
12 Greenwood bridge and it's right up that hill to the
13 right and he lived down a long driveway in a mobile home
14 on Riser Road. I mean --

15 Q. I believe it's right on the lake, isn't it?

16 A. It is. It's actually fifty-two steps straight
17 down to the lake.

18 **THE COURT REPORTER:** I'm sorry, I didn't get that
19 last part.

20 **THE COURT:** Would you repeat that?

21 A. It's actually -- I'm sorry. It's actually
22 fifty-two steps straight down to the lake.

23 Q. From -- from the house?

24 A. Yes, sir.

25 Q. Okay. How long had you lived there by November

1 of 2012?

2 A. I lived with Mr. Ardis for about two years.

3 Q. And what was y'all's relationship?

4 A. He was there for me when no one else was. I
5 mean, my own family wouldn't take me in; he did.

6 Q. Okay. What kind of figure was he to you?

7 A. It was nothing together figure. It was more like
8 a father figure to me.

9 Q. Okay. How old was Mr. Ardis?

10 A. I may be wrong, but I'm thinking sixty-five he
11 might have turned on November 6th.

12 Q. Okay. So his birthday -- his sixty-fifth
13 birthday you're saying was the day before he was killed;
14 is that right?

15 A. November 6th is his birthday. I may be wrong
16 about the age.

17 Q. Okay. But his birthday was the day before he was
18 killed; is that right?

19 A. Yes, sir.

20 Q. Okay. And how long had you lived in the same
21 house with Mr. Ardis?

22 A. I lived there two years on and off.

23 Q. Okay. And was there ever anything physical
24 between you and Mr. Ardis, any kind of physical
25 relationship?

1 A. There was an incident one time.

2 Q. No, I'm talking about -- well, I'll ask you
3 straight out. Any sexual relationship?

4 A. Oh, no. No, sir. Nothing like that ever.

5 Q. Okay. During the time now -- let's go on to --

6 A. Sorry.

7 Q. -- what I think you were about to get into.

8 Were you always on good terms with Bill or did y'all
9 occasionally have some problems?

10 A. We had disagreements. We did.

11 Q. Okay. Did one of these disagreements lead to
12 you being arrested for simple assault basically in
13 November of 2011?

14 A. Yes, sir, I was.

15 Q. Okay. And did you, in fact, plead guilty on that
16 charge --

17 A. Yes, sir.

18 Q. -- in magistrate court?

19 A. Yes, sir.

20 Q. Okay. Who else lived in the house with you and
21 Mr. Ardis?

22 A. It was Bill, me, my son occasionally, and Heath
23 Hollingsworth.

24 Q. Heath Hollingsworth, the Defendant over here, can
25 you describe what he's wearing right now; where he's

1 sitting and what he's wearing?

2 A. He's sitting right there and he's wearing a suit
3 and tie, a white shirt --

4 Q. Okay. And which --

5 A. -- glasses.

6 Q. -- which end of the table? You pointed in that
7 direction, but which end of the table is he sitting at?

8 A. That far end right there.

9 **MR. MOWRY:** Okay. Your Honor, just for the
10 record, she has pointed out the Defendant.

11 **THE COURT:** The record will reflect that the
12 witness has identified Mr. Hollingsworth.

13 BY MR. MOWRY:

14 Q. Shayla, you said that November the 6th had been
15 Bill's birthday; is that right?

16 A. Yes, sir.

17 Q. Had there been a party or anything?

18 A. No, sir.

19 Q. Okay.

20 A. Well -- I'm sorry to interrupt you. They had --
21 at his job they did have a little like cake, but that
22 was at his work.

23 Q. Okay. And what kind of work did he do?

24 A. He owned a roofing company.

25 Q. Okay. So he was the owner of the company itself?

1 A. Yes, sir.

2 Q. Okay. Did Mr. Hollingsworth work for it?

3 A. Yes, sir.

4 Q. Okay. Let me ask you this. How did you come to
5 meet Phillip Heath Hollingsworth?

6 A. Bill Ardis introduced me to him.

7 Q. Okay. Do you recall about when that was?

8 A. Around 2010. (Coughing.) Sorry. Around 2010.

9 Q. Okay. Now let me ask you this.

10 MR. MOWRY: Your Honor, I'm gonna refer to
11 State's Exhibit Number 37..

12 THE COURT: All right.

13 MR. MOWRY: I'm sorry, Your Honor. Has this
14 been introduced at this point or was that just for
15 identification?

16 THE COURT: I think we agreed that they would --
17 when we had the hearing yesterday that we're stipulating
18 these being in evidence. Is that right,
19 Ms. McNeill?

20 MS. MCNEILL: That's correct.

21 THE COURT: All right. It will be in evidence.

22 MR. MOWRY: Very good.

23 BY MR. MOWRY:

24 Q. Let me refer then to what has already been marked
25 as State's Exhibit Number 37. Do you recognize this

1 diagram at all?

2 A. Yes, sir, that's the house.

3 Q. Okay. Describe the layout of the house, if you
4 would.

5 A. It was a mobile home and it also had a deck built
6 onto it and then it had an extra spare bedroom.

7 Q. Where was the extra spare bedroom?

8 A. It was separate from the mobile home and it was
9 on the deck on the back.

10 Q. Okay. Where on the chart is it located?

11 A. Where Number 3 is right there. That's the door,
12 is it? I mean --

13 Q. Is this it right here?

14 A. Yeah.

15 Q. I'm pointing to the left-hand side of the chart
16 as you look at it.

17 A. Yeah, the kitchen -- the only way -- the only way
18 that -- it didn't have a door to go through it from the
19 mobile home. It only had the kitchen window right --

20 Q. So to get to that room, what would you have to
21 do?

22 A. You would have to walk out the door and around or
23 either walk out the den back door on the deck and then
24 to the left would be our room.

25 Q. The den door where I'm pointing and then come to

1 this room?

2 A. Yes, sir.

3 **MR. HOWE:** I'm going over here so I can see.

4 Q. Who lived in that room?

5 A. Mr. Hollingsworth and I lived there.

6 Q. Well, no, in the house. Who lived in this room
7 over here?

8 A. Okay. We lived -- me and Heath stayed in that
9 room and inside the mobile home is what Bill stayed in.

10 Q. Okay. Where was Bill Ardis's room?

11 A. On the very far other end.

12 Q. So this, where I'm pointing, more on the
13 right-hand side, is that right, of the chart?

14 A. Uh-huh.

15 Q. Very good. Thank you.

16 A. Yes, sir. Far right.

17 Q. So you said that Bill Ardis introduced Phillip
18 Heath Hollingsworth to you; is that right?

19 A. Yes, he got us together.

20 Q. How long after you were introduced did y'all
21 start living together?

22 A. When we were introduced.

23 Q. Okay. And you say you lived off and on with him
24 for how long?

25 A. Around two years.

1 Q. Around two years. Okay. Let me ask you also...

2 MR. MOWRY: Your Honor, if I could beg the
3 Court's indulgence for just a moment.

4 THE COURT: Certainly. If you would ask one of
5 the officers to just make sure that that is unloaded and
6 clear.

7 MR. MOWRY: We're taking care of it right now,
8 Your Honor.

9 THE COURT: Very good. Thank you.

10 MR. MOWRY: Your Honor, we put a gunlock
11 on it also. I don't believe this has been marked at
12 this point. If I could ask it to be marked for
13 identification.

14 (State's Exhibit Number 40, a shotgun, was marked
15 for identification.)

16 BY MR. MOWRY:

17 Q. This has now been marked for identification as
18 State's Exhibit Number 40. Shayla, do you recognize
19 this?

20 A. Yes, sir, I do.

21 Q. Okay. What is this, please?

22 A. That's a shotgun.

23 Q. Okay. Had you seen this shotgun before?

24 A. Yes, I have.

25 Q. I've got to figure out which way to point it,

1 Your Honor.

2 THE COURT: That's fine. Or up towards me,
3 whichever.

4 MR. MOWRY: Yes, sir.

5 BY MR. MOWRY:

6 Q. Where had you seen this shotgun before?

7 A. It was in my and Mr. Hollingsworth's room?

8 Q. Okay. Who gave y'all that shotgun?

9 A. Bill gave it to Heath for protection.

10 Q. Okay. Did you ever have occasion to fire this
11 gun?

12 A. I've never fired that gun.

13 Q. Okay. Have you got much experience with guns at
14 all?

15 A. Not much.

16 Q. Okay. Have you ever touched this gun before?

17 A. Yes, sir, I've touched that gun before.

18 Q. What reasons would you touch the gun?

19 A. It stayed in our room and my son come over
20 regularly, so I'd stay at home and clean the house and I
21 did move the gun.

22 Q. Okay. Would you touch it in various places?

23 A. I don't recall a specific place. I'd pick it up
24 and move it behind -- like our bed was catty-cornered at
25 the time and sometimes it would be on Heath's side and

1 sometimes it would be behind our bed.

2 Q. Do you ever recall touching the trigger?

3 A. I don't recall. I mean, the gun was in our room
4 for a long time.

5 Q. Okay. Is it possible you touched the trigger and
6 just --

7 A. It's possible I touched the trigger.

8 Q. Okay. I want you to think about November
9 the 7th. Tell me about the day. What happened that
10 day?

11 A. That day it was raining, on November the 7th.
12 They had left for work that morning and I woke up late,
13 around 1:30 or 2:00.

14 Q. Had you been up before that?

15 A. Yes, sir. I got up every morning when they went
16 to work.

17 Q. Okay. What time would they normally go to work?

18 A. You know, 6:00. 5:30, 6:00 they would get up for
19 work.

20 Q. Okay. And you would get up at the same time?

21 A. I would get up with Mr. Hollingsworth and Bill.

22 Q. Okay. What would you do while you were up?

23 A. Well, I would talk to Mr. Hollingsworth until he
24 went to work. I would go in the kitchen and if they
25 wanted something to eat, I would make them something to

1 to eat before they went to work.

2 Q. Okay.

3 A. And then I would lock the doors when they would
4 leave or cut porch light off. I mean --

5 Q. Okay. When they left that morning, what did you
6 do?

7 A. I probably -- I watched Dog the Bounty Hunter
8 every morning from seven to nine and then I slept late.

9 Q. Okay. You went back to bed after that?

10 A. Yes, sir.

11 Q. Okay. You said you got up around 1:30 in the
12 afternoon. Why did you get up?

13 A. Bill raised the kitchen window and said I had a
14 telephone call.

15 Q. Okay. Were you surprised that he was home at
16 1:30?

17 A. I didn't even know he was home until then.

18 Q. What time did they --

19 A. And then I noticed it was raining.

20 Q. Okay. And did you put two and two together at
21 that point?

22 A. Yes, sir. When it's raining, they won't go to
23 work, and if they don't have any jobs inside, then they
24 would leave.

25 Q. Okay. So they had come home; is that right?

1 A. Yes, sir, they were home.

2 Q. Okay. Did anybody else come to the house that
3 afternoon?

4 A. Bill had left to go back to the office to meet
5 someone and Flossie.

6 Q. Do you know her last name?

7 A. It's Delores's mother. I'm not sure.

8 Q. Okay. But Flossie came to the house?

9 A. Yes, to bring a cake.

10 Q. To bring a cake?

11 A. Uh-huh.

12 Q. A birthday cake?

13 A. Yes, sir.

14 Q. Okay. Did you and Mr. Hollingsworth ask her for
15 a ride?

16 A. Yes, sir.

17 Q. Where did y'all want to go?

18 A. We went to Greenwood.

19 Q. And was there anybody in particular you were
20 wanting to see in Greenwood?

21 A. Well, the phone call was from my daddy, so we
22 went -- we got out of the house and we went to Hayes
23 Street in Greenwood.

24 Q. Hayes Street?

25 A. Yes, sir.

1 Q. And can you give a general idea where that's
2 located?

3 A. That's located -- I believe I'm right, but the
4 north side of town in between CVS and the convenience
5 store and you just go straight like going toward the
6 skating rink and it's the first road or the second to
7 your right.

8 Q. Okay. It's on -- it's just off U.S. 25 heading
9 towards Greenville; isn't that right? Up in that area
10 near the K-Mart store, isn't it?

11 A. Yeah, but -- I'm not good with directions, but --
12 okay. It was on Hayes Street, right -- I mean, at that
13 red light you went straight and you took a right.

14 Q. Okay. There you go.

15 A. I'm not sure about the Greenville part, though.

16 Q. All right. So you went to see your daddy.
17 What's your daddy's name?

18 A. Larry Gaines.

19 Q. What was your purpose in going to see him?

20 A. The purpose was to get out of Bill's house for a
21 little while and to spend some time together and we went
22 and got a ride to Greenwood.

23 Q. Okay. What was going on when y'all got there to
24 Hayes Street?

25 A. Nothing. My daddy was staying with some other

1 man and his girlfriend. Nothing was going on at the
2 time we were there.

3 Q. Okay. What did the Defendant start doing at that
4 time?

5 A. Well, my daddy had started giving him clear
6 liquor.

7 Q. Clear liquor?

8 A. (Nods head.)

9 Q. Okay. What was the effect that it had on
10 Mr. Hollingsworth?

11 A. A bad effect.

12 Q. Okay. Describe what you mean by bad effect.

13 A. A monster. I'd never seen him like that.

14 Q. Okay. How so? What -- give me some details.

15 A. I mean, I can't -- it totally changed him.

16 Q. Okay. Describe what you mean.

17 A. He was slurring and then one minute he promised
18 he wouldn't drink no more and the next minute my dad was
19 giving him more, he was asking for more. He was real --
20 he was -- you know, started like being hateful toward me
21 and accusing me of stuff I didn't do, and I begged my
22 daddy to stop.

23 Q. Okay. At some point while y'all were there that
24 afternoon, did y'all leave the house?

25 A. We did.

1 Q. What was the purpose in leaving the house?

2 A. To go get a box of Sudafed.

3 Q. Get a box of Sudafed? Did somebody have a head
4 cold? What was going on?

5 A. My daddy wanted it.

6 Q. What did he want it for?

7 A. He was gonna cook dope.

8 Q. Cook methamphetamine?

9 A. Yes, sir.

10 Q. And Sudafed is an ingredient to that, isn't it?

11 A. Yes, sir.

12 Q. Okay. Who all went to get the Sudafed?

13 A. Four of us; my daddy, his girlfriend, me and
14 Heath.

15 Q. And where did y'all go to get it?

16 A. We went to K-Mart.

17 Q. And how far roughly was K-Mart away from the
18 house?

19 A. A couple -- about a mile and a half.

20 Q. Okay. What was the Defendant's condition while
21 y'all were going there?

22 A. Going there was handable {verbatim}.

23 Q. Was what-able?

24 A. It was handable. I mean, wasn't it as bad as on
25 the way back.

1 Q. Okay. And who bought the Sudafed?

2 A. Mr. Hollingsworth and my daddy and my daddy had
3 -- yeah, my daddy went in there, too.

4 Q. Okay. So they went into the store. Where did
5 you stay?

6 A. I stayed on the side of the building.

7 Q. Okay. So you waited for them to come out?

8 A. Yes, sir.

9 Q. Okay. And when they came out, what did you
10 decide you were gonna do?

11 A. Me and Heath left my daddy and Nikki, which was
12 his girlfriend at the time, and we started walking back
13 by ourselves.

14 Q. Okay. Why did you leave your father?

15 A. Because I didn't want to walk with him anymore.
16 I mean, I just didn't want to go in the store, so, I
17 mean, me and Heath just walked ahead of them.

18 Q. Okay. As y'all were heading back -- you said
19 that the walk to the K-Mart was better than the walk
20 back. What was different about the walk back?

21 A. His voice changed and it's like he started
22 slurring real bad, he wanted to go. I mean, he was
23 drunk. I mean, the alcohol had hit him and I'd never
24 seen him like that before ever in two years.

25 Q. Okay.

1 A. And it was -- I knew it because he wanted to pee
2 on the -- like near the highway and I told him no, which
3 he didn't, and then not far along was my daddy saying
4 oh, he's fine, he's fine. I said please, daddy, don't
5 give him anymore, please. And, oh, he's fine, he's a
6 man, he's a grown man.

7 Q. Okay. I thought your father had gone on and
8 y'all were coming back.

9 A. No. I mean, we weren't far.

10 Q. I got you. What happened when y'all got back to
11 the house?

12 A. Me and Heath arrived there first, we sat in the
13 living room and talked to the owner of the house. And
14 my daddy arrived just slowly behind us and me and Heath
15 sat in the living room and he was in the bedroom with
16 his girlfriend.

17 Q. Okay. What happened then?

18 A. We were all in the bedroom at that time. After
19 they had got back, you know, we had went in my daddy's
20 bedroom and it was Nikki, which was his girlfriend, me
21 and Heath. And Heath got real kind of possessive like,
22 just -- I don't know the word for it, mouthy towards me
23 a lot and in front of somebody, and I kept telling him
24 to stop and he stopped, and she overheard it and she
25 went and told my daddy.

1 Q. Okay. What happened then?

2 A. My daddy come in there and tried to pick a fight
3 with him and so did the owner of the house.

4 MS. McNEILL: Objection.

5 THE COURT: One second. Do you have an
6 objection?

7 MS. McNEILL: We just -- never mind. Withdrawn.

8 THE COURT: Withdrawn. Go ahead, please,
9 Mr. Mowry.

10 BY MR. MOWRY:

11 Q. So what happened then? You say your father came
12 in. What happened?

13 A. He started fighting with Heath. He started
14 wanting to pick a fight with him.

15 Q. Okay. During that time, did you hear a phone
16 ring, a cell phone ringing?

17 A. Not at the time yet.

18 Q. Okay. What happened then?

19 A. This is in the bedroom, okay, and he walked me
20 into the living room and Heath was in a chair and, you
21 know, my daddy had tried to start with him and that
22 other man with a stick named Samuel, I think, and he was
23 already, you know, drunk and they were trying to jump on
24 him.

25 Q. When you say he, are you talking about Phillip

1 Hollingsworth?

2 A. Mr. Hollingsworth. And they were trying to jump
3 on him. And I didn't realize that he had called Bill,
4 but his phone was on his lap, it was a touchscreen
5 phone. Well, my daddy and Samuel tried to jump on him
6 and I walked -- I mean, I jumped in front of them, I was
7 just trying to get Mr. Hollingsworth out of the house
8 because he was drunk and --

9 Q. Did you hear the phone ring at that point?

10 A. The phone never rang. Heath called -- or
11 somebody must have -- I guess Heath called him or
12 either accidentally dialed Bill's number, but during
13 that whole argument Bill was on the phone and then I
14 heard something and I'm like are you on the phone and I
15 grabbed the phone out of his lap and it was Bill.

16 Q. Okay. What did y'all discuss?

17 A. We didn't discuss anything. I was trying to get
18 Heath out of the house. When I finally got him out of
19 the house, I was on the phone with Bill and I was like
20 you're gonna have to come get him. He said where are we
21 at, I told him where we were at.

22 Q. And did he come on the way?

23 A. Yeah, the phone hung up and Mr. Hollingsworth
24 began to call the police.

25 Q. Okay. What did you do with Mr. Hollingsworth at

1 that point?

2 A. Right after we left the house?

3 Q. Yeah, left the house. Where did y'all go?

4 A. I was trying to get him away from the house.

5 Q. Okay. Where did you go?

6 A. We went -- which they lived at the beginning of
7 the street, so we went to the left, which would take us
8 right back up to CVS and -- you know, CVS and that
9 store, and Bill was already on his way, so we were gonna
10 walk until we met Bill.

11 Q. Okay. Did you, in fact, meet Mr. Ardis?

12 A. Yes, we did.

13 Q. Okay.

14 A. Yes, sir.

15 Q. Did the police arrive at any point? Did you see
16 police officers?

17 A. Yes, the whole time Mr. Hollingsworth was on the
18 phone with the police and finally Bill asked them what
19 do we need to do and he told us that the police want to
20 meet us at that store, so we stopped at the store and me
21 and Mr. Hollingsworth got out of the car and talked to
22 the police.

23 Q. Got out of the car?

24 A. Got out of the truck. I'm sorry.

25 Q. So Mr. Ardis arrived, the police arrived, y'all

1 were gonna get into the truck?

2 A. No, we were in the truck before we met the police
3 and we had to go to the store to meet the police, so me
4 and Mr. Hollingsworth had to get out of the truck and
5 the police car was parked behind the truck, so he went
6 to one side, I went to the other, and we talked to the
7 police.

8 Q. Okay. How was Mr. Hollingsworth acting at that
9 point when the police were there?

10 A. I mean, he was still intoxicated, but he was
11 talking to the officer and I was, too. He was asking
12 me for a cigarette.

13 Q. Mr. Hollingsworth was?

14 A. Yes, sir.

15 Q. Okay. Did the police direct you to do something
16 at that point?

17 A. Yes, sir, they asked me a few questions and they
18 directed me to not be smart with them and then they
19 directed me to give him a cigarette.

20 Q. And then did they tell you to go somewhere?

21 A. Yes, sir. Mr. Ardis got out of the truck and
22 he was like what's going on, I'm ready to go, and the
23 police officers had told him would it be okay if he had
24 took us home instead of locking us up and Mr. Ardis said
25 yes.

1 Q. Okay. And did he, in fact, drive y'all back to
2 [REDACTED] Drive {sic}?

3 A. Yes, sir.

4 Q. What was the Defendant's -- what were his actions
5 while y'all were going back?

6 A. He really didn't say nothing besides asking for a
7 cigarette, but earlier that night at my daddy's he was
8 accusing me of something that hurt my feelings a lot, so
9 I described it to Bill.

10 Q. Okay. You told Mr. Ardis what the Defendant had
11 told you earlier in the evening; is that right?

12 A. What he was accusing me of, yes, sir.

13 Q. What was he accusing you of?

14 A. Of giving Mr. Ardis oral sex when I really went
15 to the bathroom.

16 Q. Okay. Did Mr. Ardis have anything to say about
17 that?

18 A. Yes, sir. He said Heath, how could you do that,
19 we've been friends over thirty years, you know better
20 than that, and Heath denied that he said it.

21 Q. Okay. Was anything else said during the trip
22 back to the house?

23 A. He said that he wasn't gonna have any BS when he
24 got back to the house.

25 Q. Did he talk anything about Mr. Hollingsworth's

1 condition?

2 A. Not in the truck.

3 Q. Okay.

4 A. No, sir.

5 Q. What about when you got back to the house?

6 A. He was -- when we got back to the house, Bill
7 was talking about us both --

8 MS. McNEILL: Objection, Your Honor. This is
9 all hearsay.

10 THE COURT: I mean, do you claim an exception
11 or --

12 MR. MOWRY: No, sir. We'll back it out.

13 THE COURT: Go ahead.

14 BY MR. MOWRY:

15 Q. What was Mr. Ardis's tone towards the Defendant?

16 A. Hateful.

17 Q. Okay. Mr. Ardis was angry?

18 A. Yes, sir.

19 Q. When y'all got back to the house, what had you
20 decided to do?

21 A. Bill had told us no arguing when we got back to
22 the --

23 MS. McNEILL: Objection; hearsay.

24 MR. MOWRY: I'll withdraw that one, Your Honor.

25 THE COURT: Very good. Go ahead.

1 BY MR. MOWRY:

2 Q. What did you decided to do when you got back to
3 the house?

4 A. Stay on the couch and --

5 Q. So you were gonna sleep on the couch. And,
6 again, I'm referring to State's Exhibit Number 37.
7 Where is the couch, please, ma'am?

8 A. Right where 11 and 10 is. It's right behind 12
9 and 13.

10 Q. Okay. This right in here is the couch?

11 A. Yes, sir.

12 Q. So your room was over here and you were gonna
13 sleep in here; is that right?

14 A. Yes, sir.

15 Q. Did you tell Mr. Hollingsworth that?

16 A. Yes, sir.

17 Q. How did he react?

18 A. I'm a little confused because she --

19 Q. How did Mr. Hollingsworth react to you?

20 A. He reacted -- after he -- okay. I'm sorry. I
21 never did this before. After he had heard Bill, you
22 know, talking about us both and talking about him and
23 everything and whatever, he wanted me to come talk to
24 him in our bedroom.

25 Q. When you're talking about him, who wanted you to

1 come? You're talking about the Defendant wanted you to
2 come and talk with him?

3 A. Yes, he asked me would I please come talk to him
4 in the bedroom and I said no.

5 Q. Okay. Where did that conversation take place?

6 A. On the couch in the living room.

7 Q. Okay. Who was in the room when that conversation
8 took place?

9 A. Me, Bill and Heath.

10 Q. Okay. Where was Mr. Ardis?

11 A. Sitting in his blue recliner.

12 Q. Okay. And I believe the recliner is marked
13 Number 14; is that right? Right here.

14 A. Yes, sir.

15 Q. Okay.

16 A. Yes, sir.

17 Q. Where were you?

18 A. I was on 12 at the far end of the couch.

19 Q. So Mr. Ardis was here and you were down here at
20 the far end of the couch; is that right?

21 A. Yes, sir.

22 Q. When the Defendant would come into the room and
23 talk with you, did he sit down anywhere or did he stand
24 there? What was the situation?

25 A. It was very quickly. He come in, sat down on the

1 cushion to my right, which would be that second cushion
2 toward me.

3 Q. The middle cushion?

4 A. Yes. He said please, Shayla, come talk to me and
5 I said no, I'm not -- I don't want to talk, I don't want
6 to argue. He went back out to our room, which was right
7 out the door into our room on the deck, come right back
8 in, asked me again. He sat down beside me and asked me
9 one more time would I please come and talk to him.

10 Q. Okay. About what time of day was this?

11 A. During this part it was after 10:00 PM.

12 Q. Okay. All right. So he'd come in a couple of
13 times and wanted you to come back to y'all's room and
14 talk with him; is that right?

15 A. Yes, sir.

16 Q. You refused?

17 A. Yes, sir. I did not want to argue.

18 Q. Okay. In the meantime, what had you been doing?

19 A. Sitting on the couch and me and Bill were
20 talking.

21 Q. Okay. When -- while y'all were talking, did the
22 Defendant come back into the room?

23 A. Yes, sir. He come back in the last time, the
24 third -- which would make the third time. By this time
25 when he come back I thought it would be like the last

1 time, he'd come right back in and sit down beside me,
2 but this time he come straight through the door and he
3 already had his hand and the gun out.

4 Q. He already had his hand out?

5 A. Yes, sir. And he had a long sleeve shirt on and
6 he shot Bill from right behind the recliner.

7 Q. Do you know what he shot him with?

8 A. That gun (indicating).

9 Q. Okay. You're referring to State's Exhibit 40 for
10 identification; is that right?

11 A. Yeah. Yes, sir, that gun.

12 Q. When he came in -- when Hollingsworth came into
13 the room this last time you just described, did he say
14 anything?

15 A. Not until he did it. He -- immediately he
16 dropped the gun and said I just couldn't take it
17 anymore.

18 Q. Okay. So he just came into the room. How close
19 did he get to Mr. Ardis?

20 A. It was probably only about four feet from the
21 back of the chair to the door anyways (verbatim) and so
22 he just walked right in through the door and he already
23 had his arm stretched out so I couldn't see the gun, and
24 shot him.

25 Q. Okay. What happened to Mr. Ardis -- well, let me

1 ask you this. Describe the shot itself.

2 A. It was really loud. Really, really loud.

3 Q. Okay. What happened to Mr. Ardis after the shot?

4 A. He raised and went like this a little bit
5 (demonstrating) and then fell to his left right in front
6 of the table.

7 Q. All right. I'm gonna refer again to State's
8 Exhibit 37. There is an outline of a body right here.
9 Is this pretty much the way that you remember Mr. Ardis
10 landing?

11 A. Yes, sir.

12 Q. Okay. How did you react when you heard that
13 shot?

14 A. I immediately stood up, looked over the table at
15 him and said oh, my God, oh, my God, oh, my God, what
16 have you did?

17 Q. Okay. Could you see any wounds on Mr. Ardis?

18 A. I seen it everywhere.

19 Q. Okay. What did you see everywhere?

20 A. I heard -- I seen blood and brains and blood
21 splatter and -- everywhere.

22 Q. Okay. What did you do after the shot was fired?

23 A. I immediately had to go to the bathroom because I
24 was about to go to the bathroom on myself.

25 Q. Okay. Did you ask the Defendant to let you go?

1 A. I told him -- I said I've got to go to the
2 bathroom, I've got to go to the bathroom, I've got to go
3 to the bathroom. I said you can come with me.

4 Q. And did he?

5 A. He did.. Yes, sir.

6 Q. Are you okay?

7 A. (Nods head.)

8 Q. How did you go? What route did you take?

9 A. I didn't go around Mr. Ardis. I went from in
10 between the couch and the table --

11 Q. Okay.

12 A. -- behind the recliner and into the kitchen.

13 Q. All right. When you went that route, what had
14 happened to the shotgun? Let me ask you that.

15 A. He -- Heath dropped that shotgun as soon as he
16 did it and it was in a triangle.

17 Q. Okay.. So when it fired -- you're talking about
18 it being in a triangle. You're talking about like this
19 (demonstrating)?

20 A. Uh-huh.

21 Q. And then he dropped it?

22 A. Yeah. Well, when it was laying on the floor, it
23 was in like a triangle and I stepped over it.

24 Q. Okay.

25 **THE COURT:** And the record should reflect that

1 the breach is currently open on the shotgun. It's an
2 over/under is the type of gun.

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

4 BY MR. MOWRY:

5 Q. Shayla, I'm gonna hand you State's Exhibit
6 Number 6, this photograph. Do you recognize what the
7 shotgun is lying on?

8 A. Our dog -- on the dog -- Bill had a dog named
9 Butters and that was her pillow and blanket.

10 Q. Okay. And what is this door right here?

11 A. That's the door that you would take to walk on
12 the deck to get to the room where we were staying in.

13 Q. And what is this tartan fabric right there?

14 A. That's the couch.

15 Q. Okay. Where is the recliner in relation to that?

16 A. It's right there (indicating).

17 Q. Okay. You can kind of see the shadow of it
18 there?

19 A. Uh-huh.

20 Q. Okay.

21 A. Yes, sir.

22 Q. So where did you go once you left the room where
23 Mr. Ardis had been shot?

24 A. First I went to the bathroom.

25 Q. And the bathroom in the house, once again

1 referring to State's Exhibit 37, is where?

2 A. It's right before you get to Bill's room on the
3 other side of the trailer.

4 Q. Okay.

5 A. It's right there. I walked -- you need to walk
6 right there, through there, down the hall, right there.

7 Q. Okay. So you were in need of going to the
8 bathroom; is that right?

9 A. Definitely, yes, sir.

10 Q. And Mr. Hollingsworth came in there with you?

11 A. He went in there with me.

12 Q. Okay. Did you get everything taken care of? I'm
13 not gonna ask you to go into details.

14 A. Yes, sir.

15 Q. When you had gotten fixed up, what happened then?

16 A. We left.

17 Q. Okay. How did you leave?

18 A. We left in Bill's truck.

19 Q. Okay. Did Mr. Hollingsworth have a set of keys
20 of his own?

21 A. No, sir.

22 Q. Where did he get the keys?

23 A. Usually Bill laid them on the table --

24 Q. Okay.

25 A. -- but I don't recall. I didn't see.

1 Q. Okay. Did Mr. Hollingsworth have money with him?

2 A. He had some money.

3 Q. Okay. Do you know where he got it from?

4 A. I imagine Bill because he had bought -- I mean,
5 he had it that day.

6 Q. Okay. Where did Mr. Ardis keep the money?

7 A. Bill kept his money in his pocket.

8 Q. Which pocket?

9 A. I'm not sure which one, left or right. I'm not
10 sure.

11 Q. Was it front or back?

12 A. The front.

13 Q. Front pocket. Okay. Did Mr. Hollingsworth have
14 anything else with him when y'all were leaving?

15 A. A bottle of Crown Royal and a .357.

16 Q. A .357 pistol?

17 A. It was Bill's handgun.

18 Q. Okay. Where had that been located?

19 A. On the table.

20 Q. Okay. So at the table in front of the couch next
21 to the recliner; is that right?

22 A. Yes, sir.

23 Q. So you're testifying Mr. Ardis normally kept his
24 keys there and the gun was there as well?

25 A. Yes, sir. When he got home, he put everything in

1 a line right on the table.

2 Q. Okay. Describe what happened when y'all were
3 going out of the house.

4 A. We walked out the front door, the same we came in
5 with Bill, and we were walking out -- Bill pulls up
6 right to his deck, so we walked out the front door and
7 he come up from behind me.

8 Q. When you say he, you're referring to who?

9 A. Mr. Hollingsworth.

10 Q. Okay. He came right up behind you and what?

11 A. And said here, smell this, this is the bullet
12 that killed him.

13 Q. And what did he do to you at that point?

14 A. He didn't do anything to me. He put it in my
15 face.

16 Q. Okay. What did he put in your face?

17 A. The green bullet. Not on me, but maybe right
18 there (indicating) and I said I don't -- I don't want to
19 see that, get it out of my face.

20 Q. Okay. And what happened then?

21 A. I don't recall which way he threw it, but he got
22 rid of it. I mean, he tossed it.

23 Q. Okay. Where did you think it had gone?

24 A. Either on the ground near where the truck was
25 parked or either in the back of the truck.

1 Q. Okay. What happened then?

2 A. All right. Then he wanted to drive and he was
3 in no shape to drive and so we kind of argued a little.
4 I kind of argued with him into letting me drive.

5 Q. How did you convince him? What did you tell him?

6 A. I told him just to let me drive. He can't drive,
7 he's drunk.

8 Q. Okay. And did he let you drive?

9 A. He did.

10 Q. Okay. Where did he want to go?

11 A. Back to my daddy's.

12 Q. Did you see a problem with that?

13 A. There was a problem with that because he had
14 already called the law on my daddy and they were
15 arresting him.

16 Q. Okay. Did you come up with an alternative plan?

17 A. Yes, sir, I did.

18 Q. What was your plan?

19 A. I went to Tina Dobbins' house.

20 Q. Who is Tina Dobbins?

21 A. She was a friend of mine.

22 Q. Okay. I believe her name is Tina Renee Dobbins.

23 A. Renee. I call her Renee, but her real name is
24 Tina.

25 Q. Right. And she goes by both, doesn't she?

1 A. Well, I ain't never heard her be called Tina.

2 Q. Okay. At any rate, you went to her house. Where
3 is her house?

4 A. It is located at the first trailer to the right
5 on Faith Home Road.

6 Q. Okay. Is that in Laurens County?

7 A. In Greenwood.

8 Q. In Greenwood County. Okay. How far a drive is
9 it from Mercy Drive?

10 A. Probably around ten -- ten minutes,
11 eleven minutes.

12 Q. Okay. Where was the .357 during this time?

13 A. He had the .357.

14 Q. Where?

15 A. It was located in his lap under where his button
16 -- or next to it, like inside it.

17 Q. So it was tucked inside the waistband of his
18 pants?

19 A. Yes, sir.

20 Q. Now let me ask you this, Shayla. You made a
21 statement to police or to law enforcement, Lieutenant
22 Franklin and other officers --

23 A. Yes, sir.

24 Q. -- later on; is that right?

25 A. Yes, sir.

1 Q. Did you include this first trip to Renee
2 Dobbins'?

3 A. No, sir, I left the whole drug thing out.

4 **THE COURT:** Is somebody having difficulty hearing
5 over there?

6 **BAILIFF:** A juror needs a break.

7 **THE COURT:** If we may, let's take a brief five,
8 ten minute break. Don't talk about the case, ladies
9 and gentlemen. Adjourn to the back and take care of
10 whatever you need to take care of, get something to
11 drink, that's fine.

12 All right. We'll be at ease for a few moments.

13 (The jury retires to the jury room.)

14 **THE COURT:** Ma'am, you can step down, but don't
15 discuss your testimony with anyone while we're on break,
16 okay?

17 **THE WITNESS:** Yes, sir.

18 **THE COURT:** Thank you.

19 (Witness leaves the witness stand.)

20 (Recess taken.)

21 (State's Exhibit Number 41, a handgun; Number 42,
22 a shotgun shell; and Number 43, unfired bullets, were
23 marked for identification.)

24 (Witness resumes the witness stand.)

25 **BAILIFF:** Everyone keeps your seat. Come back to

1 order, please.

2 **THE COURT:** All right. We're back on the record.
3 The Defendant is present with counsel. Let's have the
4 jury back, please.

5 **MR. MOWRY:** Your Honor, if I could have just a
6 couple of minutes for just one or two little items.

7 **THE COURT:** Sure.

8 **MR. MOWRY:** We -- first of all, just for the
9 record, we have set up the ELMO, the overhead projector,
10 with the original, I guess you could say, of the crime
11 scene. We've got the big blowup that's Number 37.
12 The diagram that we have on the ELMO is the source of
13 State's Exhibit 37, and in order to avoid having the
14 defense attorneys need to come across the courtroom to
15 see what we're referring to, we decided to put it up on
16 the screen to make it easy.

17 The other thing, we also have three other items
18 that have been marked for identification. There's a
19 shotgun shell, a .357 pistol, and I will put on the
20 record we have put a safety lock in there. The cylinder
21 is open and it cannot be closed with the way the safety
22 lock is. That is State's Exhibit Number 41 for
23 identification, the shotgun shell is 42, and then the
24 bullets from the gun are State's identification -- 43
25 for identification.

1 **THE COURT:** All right.

2 **MR. STUMBO:** And just to clarify for
3 housekeeping, Your Honor, when Mr. Mowry was asking his
4 questions, the pictures, State's 2 to 35, 1 was kept
5 out, and three charts, which would be 36, 37 and 38, are
6 they in at this point?

7 **THE COURT:** My understanding is that there's no
8 dispute about those; that the defense is okay with those
9 exhibits. These that are on the table in front of me
10 are not in evidence at this point; is that correct,
11 Ms. McNeill?

12 **MS. MCNEILL:** That's right.

13 **THE COURT:** All right.

14 **MR. STUMBO:** Just to clarify.

15 **THE COURT:** Right. I think we're good as far as
16 everything is.

17 (The jury returns to the courtroom.)

18 **BAILIFF:** All jurors are present, Your Honor.

19 **THE COURT:** The record should reflect that the
20 jury is back and seated. Madam Forelady, ladies and
21 gentlemen of the jury, just a couple of housekeeping
22 things. If you do need to take a quick break or
23 whatever, just raise your hand like you did before. I
24 apologize. I should have told y'all that ahead of time,
25 but if you feel the need to take a break, let me know by

1 just raising your hand, and we'll do that.

2 Additionally, there are some firearms that are
3 present in the courtroom. I just wanted to assure
4 everyone that the firearms have been inspected by
5 somebody with law enforcement. They are empty, they
6 are not loaded. At no point in time will they ever be
7 loaded and at no point in time will they be pointed at
8 anyone. They'll be kept up and either pointed towards
9 the ceiling while they're being handled or pointed
10 towards the ground, but you do not need to concern
11 yourself with those firearms. They are unloaded and I
12 just didn't want to cause anyone any anxiousness about
13 that particular topic.

14 Ms. Gaines, I'll remind you you're still under
15 oath. Mr. Mowry, you can continue, sir.

16 **MR. MOWRY:** Thank you, Your Honor. And, Your
17 Honor, just for the jury's edification, we have taken
18 the small letter sized chart that we used to blow up
19 State's Exhibit 37 and we have projected it up on the
20 overhead screen and we'll refer to that so that there
21 isn't any logistical problem.

22 **THE COURT:** That's fine. Any time that you need
23 the witness to refer to it, just ask the bailiff to cut
24 the lights and he can cut them off and on as need be.

25 **MR. MOWRY:** Thank you, Your Honor. And,

1 Mr. Bolt, if you wouldn't mind doing that right now.

2 BY MR. MOWRY:

3 Q. Shayla, let's just review for a second. Once
4 again, where were you seated when you were in the room
5 with Bill?

6 A. Number 12, the far end left on the couch.

7 Q. Okay. I'm putting a red dot. Is that where you
8 were?

9 A. Yes, sir.

10 Q. Where was Bill?

11 A. Bill was in the recliner right next to the table.

12 Q. Right there?

13 A. Yes, sir.

14 Q. All right. Where was the dog bed that you've
15 talked about?

16 A. Right where that gun's laying.

17 Q. Okay. Right in here (indicating). And this
18 doorway goes where?

19 A. You go out that door onto the deck and then you
20 turn left and it's another door into the spare bedroom.

21 Q. And am I doing it correctly? I'm doing the red
22 dot here; is that correct?

23 A. Yes, sir.

24 Q. Okay. Now you said that the Defendant went in
25 and out several times -- a couple of times wanting you

1 to come back --

2 A. And talk to him.

3 Q. -- to talk to him. And you refused?

4 A. Yes, sir.

5 Q. And then he came back in a third time?

6 A. Yes, sir.

7 Q. And that's -- and that's when he shot Bill Ardis;
8 is that right?

9 A. Yes, sir.

10 Q. Describe the route once again. You said you went
11 to the bathroom, went towards the bathroom. Describe
12 the route that you had to take.

13 A. Where I was seated at, I stepped -- I stood up
14 and then I walked to the right behind the recliner, into
15 the kitchen, down the hall, and went to the left to the
16 bathroom.

17 Q. Okay. Did you follow the red dots there?

18 A. Uh-huh.

19 Q. Did I do it correctly?

20 A. Yes, sir.

21 Q. Okay. From the time that you left this area
22 until the time you got into the bathroom, did the
23 Defendant say anything to you?

24 A. Right after he dropped the gun and said that he
25 couldn't take it anymore, that's when I had to use the

1 bathroom and, you know, it's blocking me so I was like
2 I've got to go to the bathroom, I've got to go to the
3 bathroom now, you can go with me, and he was like no
4 leaks, Shayla, no leaks, and he went to the bathroom
5 with me.

6 Q. Okay. Did he repeat that phrase later on in the
7 evening?

8 A. You mean -- yeah, he didn't want me to go
9 anywhere or tell anybody.

10 Q. Okay. No leaks?

11 A. Right. Yes, sir.

12 Q. Okay. All right. Shayla, you said at some point
13 the Defendant had money, the keys to Bill's truck and
14 Bill's .357; is that right?

15 A. Yes, sir.

16 Q. Let me show you what's been marked for
17 identification as State's Exhibit 41.

18 **MR. MOWRY:** And, again, Your Honor, the cylinder
19 of this is open and there is a lock in there to prevent
20 it from being closed.

21 Q. Do you recognize that item?

22 A. Yes, sir.

23 Q. What is that, please?

24 A. That's -- that was the gun, the .357, Bill had.

25 Q. This was Bill's .357?

1 A. Yes, sir.

2 Q. Okay. And you said the Defendant had it when
3 y'all left the house?

4 A. Yes, sir.

5 Q. Okay. Which route did y'all take to get out of
6 the house?

7 A. The front door.

8 Q. Okay. So you were in the bathroom. What did you
9 do?

10 A. Walked back -- we went out of the bathroom into
11 the kitchen, down the little step and when we left, we
12 went out the front door.

13 Q. The front door right here. What is this area?

14 A. That's the deck right there.

15 Q. That's the deck right there. Where was the
16 truck?

17 A. Well, you know the deck that you were just
18 pointing at, then there's another deck right there.

19 Q. Right here?

20 A. Yes, and Bill would park as close as he could up
21 to that deck.

22 Q. So the truck was parked along in here; is that
23 right?

24 A. That's right.

25 Q. Okay. You've talked about an incident with a

1 shotgun shell. Do you remember the color of the shotgun
2 shell?

3 A. It was green.

4 Q. Okay. Let me hand you what's been marked as
5 State's Exhibit Number 42 for identification. Does that
6 look familiar to you?

7 A. I mean, it's a green shotgun -- yes, it was a
8 green shotgun shell. I don't know exactly what the one
9 looked like. I mean, I didn't look at it that close,
10 but, yes, it was green.

11 Q. Is that similar as the one you saw?

12 A. Yes, sir.

13 Q. You can't say it's the same one, but it's
14 similar?

15 A. Yes.

16 Q. Okay. And you told the jury before the break
17 that you had asked the Defendant to let you drive; is
18 that right?

19 A. Yes, sir.

20 Q. And he was wanting to go initially to where?

21 A. To my daddy's, Larry Gaines, but I had to
22 reassure him that that wasn't gonna happen because he
23 was already in jail because he called the law on him
24 earlier.

25 Q. Okay. Your father was in jail?

1 A. Right.

2 Q. Okay. So you decided to go to Tina Renee
3 Dobbins' house; is that right --

4 A. That's right.

5 Q. -- in Greenwood County? Did you give Ms. Dobbins
6 any kind of alert or warning that you were coming?

7 A. No. I tried to -- I tried one or two times from
8 Heath's cell phone, but she never answered, so we just
9 went there anyways.

10 Q. All right. About what time of the night did you
11 get there?

12 A. A little after 11 PM.

13 Q. Okay. So you had gotten back from Greenwood the
14 first time a little after 10, 10:30, something like
15 that?

16 A. Yeah, we arrived at the house like a little after
17 10:30.

18 Q. Okay. And then the incident that you described
19 took place and then you drove over to --

20 A. Faith Home Road in Greenwood.

21 Q. All right. And got there about what time?

22 A. A little after eleven.

23 Q. Okay. How did you let Ms. Dobbins know that you
24 were there?

25 A. I beat on the front door.

1 Q. Okay. Did she come to the door?

2 A. Yes, she did.

3 Q. What was your purpose in going there?

4 A. To see if she could get me any pills.

5 Q. What kind of pills were you talking about?

6 A. Any kind of pills.

7 Q. Okay. For what purpose?

8 A. Drugs.

9 Q. Okay. So you wanted some pills why?

10 A. It wasn't just me. I mean, Heath wanted to get
11 the drugs just as well as I did. I couldn't go to my
12 daddy's, so the only person I knew to go to was Tina's.

13 Q. Okay. Did you tell her why you wanted -- or what
14 you were there for?

15 A. She knew what I was there for.

16 Q. Okay.

17 A. I mean, because that's how I know her.

18 Q. Okay.

19 A. She didn't know I was coming.

20 Q. Did she have any pills?

21 A. No, she did not. She said she could make a few
22 phone calls.

23 **MS. O'NEILL:** Objection; hearsay.

24 **THE COURT:** Do you claim an exception or is it
25 not for the truth of the matter asserted or -- is she

1 gonna testify early later?

2 MR. MOWRY: Yes, sir.

3 THE COURT: Overruled.

4 BY MR. MOWRY:

5 Q. Did she, in fact, make some phone calls?

6 A. Yes, sir.

7 Q. When she -- after she had talked on the
8 telephone, did y'all then go anywhere?

9 A. We did.

10 Q. Okay. Before y'all left, did the Defendant give
11 Ms. Dobbins anything?

12 A. We had -- he got it out of his pocket and handed
13 it to me and I handed it to Ms. Dobbins.

14 Q. Okay. Handed what to him -- to her?

15 A. A hundred dollar bill.

16 Q. Okay. So he handed her money?

17 A. He handed it to me and I handed it to her.

18 Q. Okay. Whereabouts did y'all go?

19 A. We went right over no longer than ten,
20 eleven minutes. Me and Heath stayed in the truck. She
21 went in.

22 Q. Okay. All right. Where was the .357 during this
23 time?

24 A. On him in the truck.

25 Q. Okay. Did he still have it tucked in his pants

1 like you described before?

2 A. I'm not sure where it was. I hadn't seen it at
3 that point again.

4 Q. Okay. Did y'all both go into the house at
5 Ms. Dobbins'?

6 A. Both times, yes, sir.

7 Q. Okay. When y'all went in, did y'all -- did he
8 have the gun at that time, the .357?

9 A. I told him not to bring it, but he did.

10 Q. Okay. So he had the gun tucked in his waistband
11 at that time?

12 A. He did.

13 Q. Okay. So you said that Ms. Dobbins went into the
14 house, this other house that y'all drove to?

15 A. It was a trailer, yes, sir.

16 Q. Okay. Went into the other residence. Y'all
17 stayed in the truck?

18 A. Yes, sir.

19 Q. How long was she inside?

20 A. About five -- no longer than ten minutes. It
21 wasn't too long.

22 Q. Okay. Just a few minutes?

23 A. Just run in and run out.

24 Q. All right. When she came back, what did y'all
25 do?

1 A. She got back in the driver's seat because I don't
2 -- we didn't have a license. She drove the truck. We
3 drove back to her house and we did pills.

4 Q. Okay. While y'all were driving back, where were
5 you seated?

6 A. In the middle.

7 Q. Okay. And Mr. Hollingsworth was on the passenger
8 side; is that right?

9 A. That's right.

10 Q. Okay. While you were driving back, did
11 Mr. Hollingsworth do anything with the gun?

12 A. He pulled it out of his pants and she seen it.

13 Q. Okay. Was any remark made at that time?

14 A. He just held it up and she seen it and she said
15 what you --

16 **MS. McNEILL:** Objection; hearsay.

17 **THE COURT:** All right. Are you claiming an
18 exception?

19 **MR. MOWRY:** No exception, no, sir. I'll withdraw
20 that.

21 **THE COURT:** Very good. The answer is struck.

22 BY MR. MOWRY:

23 Q. When you got back to the house, got back to
24 Renee's house, what did y'all do?

25 A. Me and Heath went to the kitchen table and she

1 went back to her room and we did the pills.

2 Q. Okay. When you say you did the pills, what are
3 you talking about? Describe it.

4 A. You have to get a spoon, water and a needle.

5 Q. Okay. A hypodermic?

6 A. Yes. Yes, sir.

7 Q. Okay. So you injected it; is that right?

8 A. Yes, sir.

9 Q. When you -- you put the pill in the spoon --
10 describe it because I -- I just need the education.

11 A. You put the pill in the spoon and you put water
12 on it, mix it up, pull it -- and then use cotton and
13 pull it up.

14 Q. Okay.

15 A. Pull it up means use a needle.

16 Q. And you inject it?

17 A. Yes, sir.

18 Q. Okay. Did Mr. Hollingsworth inject himself?

19 A. Yes, sir.

20 Q. Had you injected yourself beforehand, before he
21 did?

22 A. No. No, sir. I wasn't that quick.

23 Q. Okay. What was his physical reaction after he
24 had injected himself?

25 A. It's -- he immediately put -- he didn't do pain

1 pills very much and he immediately put his head on the
2 table.

3 Q. Okay. Did it appear that he was conscious or
4 not?

5 A. Yeah, he was conscious, but he was just like
6 (demonstrating).

7 Q. Okay. Where was Ms. Dobbins while this was going
8 on?

9 A. Right -- I faced catty-corner. She was on the
10 couch.

11 Q. Okay. So she had left the room, but by this time
12 had returned?

13 A. Yeah, by this time she had come back. She went
14 in the bedroom to do her pill.

15 Q. Okay. Was there any conversation between y'all?

16 A. No conversation at that time. Heath got up to
17 use the bathroom and she could tell -- she was like my
18 best friend. I mean, I was all upset and she knew the
19 truck was outside already and she knew something was up.

20 Q. Okay.

21 A. So I looked at her and I was crying and she said
22 what's wrong and I said (demonstrating). I didn't
23 really whisper it. I just mouthed it.

24 Q. What did you mouth? What words did you mouth?

25 A. Bill's dead.

1 Q. Okay. Did you explain how it happened?

2 A. I said that Heath killed Bill.

3 Q. Okay. Did the Defendant come back in the room
4 pretty quickly after he left?

5 A. Yes, sir, and he was ready to go.

6 Q. All right. He told you he wanted to leave?

7 A. Yes, sir.

8 Q. All right. Where did y'all go when you walked
9 out of the house?

10 A. Back to the truck.

11 Q. You went back to the truck. Did you do anything
12 to be able to go back to the house, back to Tina's
13 house?

14 A. Yes, sir. I grabbed a little bookbag out of the
15 back seat and I was like I'm just gonna go up here and
16 give this her so she can put it in her house and I was
17 -- I'm like I'll be on the porch. I walked up on the
18 porch and she was standing at the door so that way he
19 could see us and at that time she slipped me a phone
20 that was turned off and I slipped it in the back
21 waistband of my pants.

22 Q. She slipped you a phone?

23 A. Uh-huh. Yes, sir.

24 Q. Did she tell you anything?

25 A. Well, I left that out. I'm sorry. While we were

1 up there, she said that --

2 **THE COURT:** Hold on a second, ma'am. Ma'am, hold
3 on second. Do you have an objection?

4 **MS. McNEILL:** Hearsay.

5 **THE COURT:** Do you claim an exception?

6 **MR. MOWRY:** It would be hearsay, Your Honor, but
7 it's present sense impression for the witness at this
8 time.

9 **THE COURT:** What were you asking the witness?

10 **MR. MOWRY:** I asked her if Tina had told -- Renee
11 had told her anything at that time because it -- it
12 relates to what she did later.

13 **THE COURT:** All right. Overruled. You can
14 continue.

15 BY MR. MOWRY:

16 Q. Okay. What did Renee tell you?

17 A. She told me we needed to call the law and I told
18 her no. I said he'll kill you. I said let me get rid
19 of him. Let me get out of here, he'll kill you, and she
20 had already seen the gun.

21 Q. Okay. What did she tell you to do?

22 A. She said get rid of him and if I'm not back in
23 fifteen minutes, if I need her, call her and she'll come
24 get me.

25 Q. Okay. Once that was done, where did you go?

1 A. I went straight out of Renee's, out of Faith
2 Home, took a left, went straight to the One Stop because
3 that's the store Bill always used and I pulled right up
4 to the window beside the ice machine so I could see in
5 the window.

6 Q. And that's -- the store you're talking about
7 is, I guess, at 221 on the way into Greenwood; is that
8 right?

9 A. Right, Coronaca. Yes, sir.

10 Q. And it's a convenience store and then a Subway
11 right next door to it; is that right?

12 A. Yeah, they have a Subway.

13 Q. Okay. Where did you -- you said you went to the
14 store. Describe how you got there -- or what you did
15 when you got there, I should say.

16 A. Where I parked, I parked right near the ice
17 machine, but where the -- not on the Subway side, but
18 right at the convenience store where I could see the
19 clerk.

20 Q. Okay. What was your purpose in going there?

21 A. To try to get away from him.

22 Q. All right. How did you go about doing that?

23 A. I tried, but -- I sent him in the store, but we
24 had a little -- I mean, we -- he wanted me to go in and
25 so we were back and forth, back and forth about it. He

1 tried to get the keys. I'm like no, I'm too upset to go
2 in, I can't go in, you just go in and hurry up. He went
3 in. He went into the store straight to the counter and
4 bought cigarettes and come right back out, so I didn't
5 have time to do anything.

6 Q. Okay. What about the gun, the .357? Was he
7 still carrying it?

8 A. No, I begged him to leave it. I told him to --
9 I was like please leave that gun in the car.

10 Q. Okay. Did you know whether he had?

11 A. No, sir.

12 Q. Okay. Was that one thing you were concerned
13 about?

14 A. Yes, sir.

15 Q. You say he went in bought cigarettes and came
16 back out very quickly?

17 A. Yes, sir.

18 Q. You didn't have time to do anything?

19 A. No, sir.

20 Q. Okay. When he got back to the truck, what did
21 you talk about or what did you do?

22 A. To get me a drink. I told him -- right when he
23 opened the passenger side door, I told him -- I was like
24 did you get me a drink, did you get anything to drink,
25 and he really didn't want to, but he went back in the

1 store and when I seen him go through the store and pull
2 the, you know, drink thing open --

3 Q. So the drink -- the drink rack, I guess, or the
4 drink cooler was on the far side of the store?

5 A. Yeah, the door -- right. I could see him walk
6 back there, I could see him open that door, and I bent
7 down like this to -- just to reach to see if the gun was
8 up under there.

9 Q. Under the seat?

10 A. Uh-huh.

11 Q. And was it?

12 A. Well, I felt it and there was a Crown Royal on
13 that side of the door, a bottle of it, and I spun out
14 there. I mean, I left quickly and didn't look back.

15 Q. Okay. So the keys were still in the truck?

16 A. They were in there. That's why I took off.

17 Q. You felt the gun?

18 A. Uh-huh.

19 Q. So you started up the truck and you got out?

20 A. And hauled -- yes, sir.

21 Q. Where did you go?

22 A. Straight back to Renee's. I grabbed the phone,
23 cut it on and I was almost there by the time it was
24 calling her and I told her that I'm not with him no
25 more, I'm on the way, straight back to her house, and

1 she said okay, hurry up so we can call the law.

2 Q. Okay. When you got back, was there a phone call
3 made to 9-1-1?

4 A. Yes, sir. We had to stand at the front door to
5 actually get a signal.

6 Q. Okay. Who made the phone call?

7 A. She was talking, but I was right beside her.

8 Q. Okay. Did law enforcement arrive at the scene?

9 A. Yes, Greenwood come to her place and, you know,
10 I had to give them the address -- well, I had to give
11 her the address to give them on the 9-1-1 call, Bill's.

12 Q. Okay. You gave them the [REDACTED] address; is
13 that right?

14 A. Yes, sir, because she didn't know that.

15 Q. Okay.

16 A. Yes, sir.

17 Q. And did you stay there for a while?

18 A. I stayed there until the police got there and
19 then they took me with them for questioning.

20 Q. Where did you go first?

21 A. Greenwood County.

22 Q. Okay. Did you talk do Investigator Franklin?

23 A. Not at Greenwood County.

24 Q. Okay. Who did you talk with there from Laurens
25 County, do you remember?

1 A. Scott Franklin.

2 Q. You did talk to Scott Franklin?

3 A. That's at Laurens.

4 Q. Who did you talk to from Laurens County in
5 Greenwood County, anybody? Anybody from the Laurens
6 County Sheriff's Office while you were in Greenwood
7 County.

8 A. I'm confused.

9 Q. You were taken originally -- sorry, that was my
10 fault. You were taken originally you said to --

11 A. By Greenwood police for questioning.

12 Q. Right. In Greenwood?

13 A. Yes, and then when I got done, they took me back
14 to Renee's and Laurens picked me up.

15 Q. Okay. And brought you to the Laurens County
16 Sheriff's Office; is that right?

17 A. Yes, sir.

18 Q. Now when you talked to -- initially to
19 Investigator Franklin and the other deputies from
20 Laurens County, did you tell them the whole story?

21 A. I did not tell them the whole story. The part
22 that I left out was the drug part.

23 Q. You left out going to buy the pills; is that
24 right?

25 A. I left that part out because I didn't want to

1 involve anybody else, but he had told me he wasn't
2 worried about that; that this was bigger than that, and
3 -- and I come clean.

4 Q. Okay. But that was part of the reason you ended
5 up being charged with accessory after the fact; is that
6 right?

7 A. (Nods head.)

8 Q. Is that true?

9 A. Yes, sir.

10 Q. Thank you. Now there's one other incident I
11 wanted to ask you about that took place in January of
12 this year. You got arrested for DUI and DUS, both
13 magistrate court offenses, and you gave false
14 information to the highway patrolman, didn't you?

15 A. Yes, sir, I did.

16 Q. What false information did you give him?

17 A. Another name.

18 Q. Okay. You gave him a false name?

19 A. Yes, sir, I did.

20 Q. Did you plead guilty on any of those charges?

21 A. I pleaded guilty to the DUI and DUS.

22 Q. And what did he do with the false information?

23 A. He threw it out and he expunged it.

24 Q. Okay. So all of those dealings were just between
25 you and the highway patrolman; is that right?

1 A. Yes, sir.

2 Q. Okay. Shayla --

3 A. Yes, sir.

4 Q. -- you said that you had not given the whole
5 story to -- I'm sorry. You said that you hadn't given
6 the whole story initially to Investigator Franklin.

7 A. That's right.

8 Q. Did you give him the whole story later on?

9 A. That same day I did give the whole story.

10 Q. And you didn't give -- you gave false information
11 to the highway patrolman; is that right?

12 A. Yes, sir.

13 Q. But you pled guilty to charges relating to that;
14 is that right?

15 A. Yes, sir, I went to court for that.

16 Q. And you have pled guilty -- or you are guilty of
17 the DUI and the DUS; is that right?

18 A. Yes, I'm guilty of that.

19 Q. Yeah. Are you telling the truth here today?

20 A. Yes, sir.

21 Q. Are you telling the whole truth?

22 A. Yes, sir.

23 **MR. MOWRY:** I beg the Court's indulgence for just
24 one moment, Your Honor.

25 **THE COURT:** Yes, sir.

1 **MR. MOWRY:** That's all I have, Your Honor.

2 **THE COURT:** Ms. McNeill, cross?

3 **MS. McNEILL:** Yes.

4 CROSS-EXAMINATION

5 BY MS. McNEILL:

6 Q. Ms. Gaines, my name is Chelsea McNeill and I am
7 Heath's lawyer. Do you understand that?

8 A. Yes, ma'am.

9 Q. Okay. All right. This is my file that I have on
10 you. You're well aware of how law enforcement works,
11 correct?

12 A. Yes, ma'am.

13 Q. Okay. And you're aware that if you call the law,
14 they come and they do an incident report, right?

15 A. Yes, ma'am.

16 Q. Okay. I want to first go into your relationship
17 with Bill, okay?

18 A. Okay.

19 Q. You had a difficult relationship with him, right?

20 A. Not all the time.

21 Q. Not all the time?

22 A. I mean, we disagreed, but we lived together some
23 two years on and off.

24 Q. Okay. Did he ever kick you out of your house --
25 out of his house?

1 A. Yeah, he told me to get out several times.

2 Q. Okay. And why was that?

3 A. Because I come in at 9:30 and we had a little
4 disagreement and I ended up getting an assault and
5 battery third, simple assault.

6 Q. You had a little disagreement, so you ended up
7 getting charged with assault and battery?

8 A. Well, I come home at 9:30 and he didn't like who
9 I was with, so immediately he was mad and I didn't say
10 anything to him. Long story short, I got charged with
11 an assault and battery.

12 Q. Were there any markings or bruises found on
13 Mr. Ardis by law enforcement?

14 A. I'm not sure. They never questioned me at all.

15 Q. They just arrested you?

16 A. That's right.

17 Q. Okay. And you pled guilty to that charge,
18 correct?

19 A. Yes, sir -- yes, ma'am, because I wasn't paying
20 \$470.

21 Q. Okay. So on one occasion we know Bill Ardis was
22 your victim, correct?

23 A. Yes, ma'am.

24 Q. Okay. And what did you contribute to the
25 household?

1 A. Well, I did -- I waited on him hand and foot.

2 Q. Hand and foot. Can you give me an example?

3 A. Whatever he asked me to do, I did.

4 Q. Such as?

5 A. Such as clean the house, give the dog a bath, if
6 he needed help at work, if he wanted me to ride with
7 him, if he wanted the porch swept off.

8 Q. Okay. What did Bill contribute to the household?

9 A. He contributed everything.

10 Q. What's everything?

11 A. Everything is that was his house and he helped
12 me out and whatever he asked me to do, I helped, which
13 means he contributed to helping my son out, too.

14 Q. Financially?

15 A. Yes, ma'am.

16 Q. Okay. And what did Heath contribute to the
17 household?

18 A. Heath did work around the yard. I mean, he did
19 anything Bill asked, too.

20 Q. Okay.

21 A. And worked for him.

22 Q. Worked for him. So financially you were taken
23 care of, right?

24 A. Yes, ma'am. I mean, obviously he took me in.

25 Q. And then you testified that you wake up late, you

1 sleep late, around 1:00 PM, that sort of thing?

2 A. That day I did, yes, ma'am.

3 Q. Okay. Was that typical for you?

4 A. I mean, they called a hundred times a day, ma'am,
5 so I wasn't -- it ain't like I slept 24/7, ma'am. I had
6 to answer the phone.

7 Q. So Bill and Heath were the financial heads of
8 the household and they took care of you and your son,
9 correct?

10 A. Bill helped me with my son.

11 Q. Heath never --

12 A. And Heath helped me, and Bill did, too.

13 Q. Okay.

14 A. But it's not -- I mean, Heath didn't pay any
15 bills around that house.

16 Q. So it sounds like --

17 A. Bill paid -- Bill did everything.

18 Q. Okay. So is it fair to say that you took and
19 took and took from Bill and you're kind of a user?

20 A. No, ma'am, that's not.

21 Q. That's not true?

22 A. No, because I earned it. I mean, I respect --
23 I have a lot of respect for Bill for taking me in when
24 nobody else would, but it's not like you're saying, no,
25 ma'am.

1 Q. Okay. And in your statements that you gave to
2 law enforcement, you also said that Bill Ardis gave you
3 pills; is that correct?

4 A. Every day and Heath didn't like it.

5 Q. Okay. And what kind of pills would Bill Ardis
6 give you?

7 A. Pain pills.

8 Q. Pain pills. Were they his prescription?

9 A. Some of them.

10 Q. Some of them were his prescription?

11 A. Yes, ma'am.

12 Q. Where else would he get the pills from?

13 A. I don't know, ma'am. I mean, a lot of places.

14 Q. Such as?

15 A. Such as whoever sold them to him. I don't know.
16 I wasn't with Bill all the time. He didn't let me ride
17 with him. He had them sometimes, sometimes he didn't.

18 Q. So your testimony is that sometimes Bill Ardis
19 would buy pills from other people on the street and
20 provide them to you?

21 A. Not just me.

22 Q. Okay.

23 A. Not that -- I'm not saying about Heath. I'm just
24 saying he took them himself.

25 Q. Okay. So he took pills himself and he gave you

1 some of the pain pills, correct?

2 A. Yes, ma'am.

3 Q. All right. And then you took methamphetamine
4 also from your dad, correct?

5 A. Yes, I did occasionally, but it wasn't my drug of
6 choice. Yes, ma'am.

7 Q. It wasn't your drug of choice, but yet you're
8 comfortable enough to inject it; is that correct?

9 A. At that time. I mean, every now and then, yeah,
10 but that's -- I did pain pills more. I was a more -- I
11 did pain pills.

12 Q. But you're also comfortable with needles to
13 inject drugs, correct?

14 A. Not really. I couldn't do it very well, but I
15 did it, yes, ma'am.

16 Q. So you testified that Bill would -- you and Bill
17 would have disagreements at times, right?

18 A. Yes, ma'am. We lived together.

19 Q. Okay. And why exactly would he get mad at you,
20 just because you came in at nine?

21 A. No, that was only the time with the assault and
22 battery.

23 Q. Okay. What other reasons would he get mad at you
24 for?

25 A. You'd have to know Bill. I mean, it wouldn't be

1 like he was mad, but, I mean, Bill, if it -- everybody
2 had disagreements with Bill. They weren't big. They
3 weren't nothing serious.

4 Q. Well, ma'am, I'm not asking you about everybody
5 else's disagreements.

6 A. Okay. My disagreements with Bill?

7 Q. Yes.

8 A. Okay. The only serious disagreement I had with
9 Bill was that one, the assault and battery one, and then
10 we made up about it. Otherwise, we got along fine.

11 Q. Okay. So you had only one disagreement with
12 Bill?

13 A. Yes, ma'am.

14 Q. And it was an isolated incident?

15 A. You might explain it better for me.

16 Q. I'm asking --

17 A. I'm sorry.

18 Q. -- you if you had more than just one single
19 incident where Bill got mad at you?

20 A. In that type of way, yes, ma'am.

21 Q. Okay. In that type of way. Was he irritated
22 with you when you called him from your dad's house or
23 after hanging out with your dad and y'all were on meth
24 and you had to have him come and get you because there
25 was a disagreement going on with Heath?

1 A. Ma'am, I didn't call him, but Heath must have
2 called him, but, yes, ma'am, I talked to him and I asked
3 him to come pick us up.

4 Q. And Bill probably wasn't too pleased about
5 getting involved in that drama, right?

6 A. He was on his way and I'm sure he didn't want to
7 hear it anymore, but that's how Bill was. He helped a
8 lot of people.

9 Q. In your statement, you said that Bill gets
10 jealous of you; is that right?

11 A. Yes, ma'am. That was the first time I hung out,
12 with -- that assault and battery, with anybody that went
13 anywhere.

14 Q. Why would Bill be jealous of you?

15 A. I don't know, ma'am. I don't know myself.

16 Q. In your statement, you said that he didn't like
17 it when you dated other guys; is that correct?

18 A. Well, he didn't like it when I was friends with
19 anybody.

20 Q. Friends with anybody?

21 A. Yes, ma'am.

22 Q. Then why would he hook you up with Heath?

23 A. Well, when I first met Heath, he said that well,
24 here, here's my best friend, he's a working man, you
25 need one of them, but then when me and Heath started

1 dating, it got worse. We couldn't spend any time
2 together.

3 Q. What you do mean it got worse?

4 A. The fighting. Bill was jealous.

5 Q. It was Bill that's jealous?

6 A. Yeah. The only day that he got off was on Sunday
7 and that's the only time I got to spend with Heath,
8 okay? Well, Heath always had the drugs, and that was
9 fine, but I didn't pay any rent there, I had to pull my
10 own weight around there, too, and it caused problems
11 between me and Heath, too.

12 Q. Because Bill was meddling into y'all's
13 relationship?

14 A. Right, because I would go and let down Bill. I
15 mean, wasn't paying any money to live there, you know.

16 Q. Uh-huh. So that was probably stressful for you,
17 right?

18 A. It was very stressful for all of us, I'm sure.

19 Q. Okay. Did Bill make you feel worthless at times?

20 A. Yes, ma'am.

21 Q. He did?

22 A. Sometimes.

23 Q. How so?

24 A. But I didn't take criticism very good, but when
25 he called me a pill head, although he wanted me to get

1 them for him.

2 Q. Wait. He called you a pill head even though he
3 wanted you to get pills for him?

4 A. Yes, ma'am.

5 Q. Okay. What other things would he say to make you
6 feel worthless?

7 A. Really that's the only thing he could throw up
8 in my face and it would be very rare, you know, only at
9 certain times. It wasn't all the time.

10 Q. Do you have custody of your son?

11 A. Not now.

12 Q. Why is that?

13 A. Because I got stopped for driving under
14 suspension, third, and I got stability rights taken
15 away. That's it.

16 Q. Okay. Is that the only time you've ever lost
17 custody of your son?

18 A. Yes, ma'am.

19 Q. So was your -- would your son stay in this house
20 with y'all while y'all were all using drugs?

21 A. No, ma'am. When my son was there, he was taken
22 care of all the time.

23 Q. So no drug use when your son's around?

24 A. No. No, ma'am, my son ain't never seen me do
25 drugs.

1 Q. When is the last time you used?

2 A. To be honest with you, I've used nerve pills.

3 Q. I'm sorry?

4 A. Nerve pills.

5 Q. Okay. What about any hardcore drugs?

6 A. I ain't touched any.

7 Q. Since when?

8 A. Since this happened.

9 Q. Since this happened?

10 A. Uh-huh.

11 Q. Okay. Do you recall an incident Mr. Mowry

12 brought up in January when you were arrested?

13 A. Yes, ma'am.

14 Q. Okay. And you're out on bond, correct?

15 A. Yes, ma'am.

16 Q. Okay. And you do have charges pending in Laurens
17 County; is that correct?

18 A. Yes, ma'am.

19 Q. And what are those charges?

20 A. Accessory after the fact of murder, grand
21 larceny, and then I have a pending one for child neglect
22 that goes back a couple of years now.

23 Q. Okay. Well, let's go into the accessory after
24 the fact of murder. You're facing fifteen years on
25 that; are you not?

1 A. I could be, but I didn't do anything.

2 Q. And five years on the grand larceny, correct?

3 A. No, ma'am.

4 Q. So that's a total of twenty years that you're
5 facing in Laurens County on those two charges alone.

6 A. No, ma'am. I didn't do anything.

7 Q. But that's what you're facing?

8 A. Yes, ma'am.

9 Q. Okay. And it's important that law enforcement
10 believe your story, correct?

11 A. Yes, ma'am.

12 Q. Okay. Because if they didn't believe your story,
13 you could be facing a murder charge; is that correct?

14 A. A murder charge?

15 Q. If they didn't believe your testimony.

16 A. Yes, ma'am.

17 Q. And if you were facing murder, you would be
18 facing thirty to life, correct?

19 A. Yes, ma'am.

20 **MR. MOWRY:** Your Honor, I'm gonna object
21 to this. That is not the province of the jury and
22 Ms. McNeill has gotten into objectionable territory now.

23 **THE COURT:** All right. She's allowed to
24 cross-examine this witness about motive, et cetera.
25 Objection's noted, but overruled. Go ahead.

1 **MS. McNEILL:** Thank you.

2 BY MS. McNEILL:

3 Q. So it's important that your testimony is believed
4 today, correct?

5 A. Yes, ma'am.

6 Q. Okay. And is it your understanding, ma'am, that
7 in exchange for your testimony your charges will be
8 dismissed?

9 A. No, ma'am, I have not been made any pleas -- or
10 any deals. I still have my charges.

11 Q. You still have your charges. Are you hoping they
12 go away?

13 A. Yes, ma'am, I am because I didn't do anything.

14 Q. Okay. So you're hoping that your charges go
15 away?

16 A. Well, they're not gonna go away from me
17 testifying. I'm just testifying to the truth today.

18 Q. Wouldn't you think, ma'am, that your charges
19 should have already been dismissed had you not done
20 anything wrong?

21 A. Yes, ma'am, the whole time I was in jail. I
22 thought about it every day.

23 Q. But yet they're still hanging over your head?

24 A. Yes, ma'am.

25 Q. Which is an incentive for you to testify today?

1 A. No, ma'am.

2 Q. You're just doing it out of the goodness of your
3 heart?

4 A. Yes, ma'am.

5 Q. Do you love Heath?

6 A. I do. I did. I loved both of them.

7 Q. So you lied to police initially about the report,
8 correct, about the incident, the events that happened?

9 A. Using the drugs, yes, ma'am. Just the drug issue
10 because I didn't want to involve anybody else in it.

11 Q. Sure. And also you probably didn't want people
12 to know that you were high, correct?

13 A. No, everybody knew that I got high. No, ma'am.

14 Q. Okay. But you lied to the police initially about
15 the report and then you got caught in that lie, so then
16 you corrected yourself, correct?

17 A. Yes, ma'am, but it wasn't for myself.

18 Q. Okay. You also lied so much so that it caused
19 Heath to be charged with kidnapping; isn't that correct?

20 A. He had a gun the whole time on me. That's not
21 correct.

22 Q. Okay. But that charge is not being prosecuted,
23 correct?

24 A. Okay.

25 Q. Do you think that's because the State doesn't

1 believe you?

2 A. No. It does not matter to me. I know he had a
3 gun on him and I seen him blow somebody's head off. If
4 it goes away, it goes away, but I know I was scared of
5 him and he had a gun and no telling what he was capable
6 of. I already seen one -- one die.

7 Q. Okay. You'd agree with me that if you said
8 something that wasn't true, particularly to law
9 enforcement, you would correct it immediately, right?

10 A. Yes, ma'am.

11 Q. You would agree with that. Then why did you
12 not do that, ma'am, when you were arrested in January
13 for giving false information to law enforcement?

14 A. I did, yes, ma'am. I called them.

15 Q. Immediately?

16 A. No, ma'am, but I did it personally myself and I
17 called Bishop and I talked to him.

18 **MS. MCNEILL:** May I approach?

19 **THE COURT:** Please.

20 Q. Ma'am, this is the incident report from --
21 dated --

22 A. January 8th.

23 Q. -- January 8, 2014, from Greenwood, correct?

24 A. Yes, ma'am.

25 Q. Okay. This is when you were arrested for DUS,

1 DUI and giving false information to law enforcement,
2 right?

3 A. Yes, ma'am.

4 Q. Okay. And you just agreed with me that if you
5 initially misrepresented information to law enforcement
6 that you should immediately correct it, right?

7 A. Yes, ma'am. I corrected it that night.

8 Q. That night. How long did you wait until you
9 corrected it?

10 A. Until they come back upstairs and got me.

11 Q. Until you were caught lying; is that right?

12 A. Yes, ma'am.

13 Q. Is this your signature?

14 A. Yes, ma'am, it is.

15 Q. Okay. What name does it read?

16 A. Joanie M. Rice.

17 Q. That's not your name, is it?

18 A. No, ma'am, it's not.

19 **MR. MOWRY:** Your Honor, I'm gonna have to object
20 at this point. The -- the witness has admitted that she
21 gave false information. Ms. McNeill is simply
22 belaboring the point that's already been admitted.

23 **THE COURT:** She can cross-examine the witness on
24 the specifics of it and the circumstances of it. Your
25 objection's noted. Go ahead, Ms. McNeill.

1 BY MS. McNEILL:

2 Q. And this is your signature?

3 A. Yes, ma'am.

4 Q. And that's not your name, is it?

5 A. No, ma'am.

6 Q. What name is it?

7 A. It's no name. It's a bunch of scratch.

8 Q. What about that?

9 A. A bunch of scratch.

10 Q. Okay. What name are you trying to write out?

11 A. The name up here he wrote out was Joanie, but I
12 wasn't trying to forge nobody's signature.

13 Q. You were just scratching out Joanie's name?

14 A. Yes, ma'am.

15 Q. Okay. So the point is, is that for an hour and
16 a half about you went on allowing that law enforcement
17 officer to believe that you were Joanie Rice; is that
18 correct?

19 A. Yes, ma'am.

20 Q. Okay. And it wasn't until he looked closer at
21 the picture that you had provided to them that he
22 noticed maybe this isn't Joanie Rice?

23 A. No, ma'am. They found my ID in the car when they
24 searched it.

25 Q. They found your ID?

1 A. Yeah. I had my real ID in my car.

2 Q. You just chose to give them the fake one?

3 A. Right, yes, ma'am, I did. And I told -- and I
4 talked to them about it because of this charge right
5 here. I was scared.

6 Q. You know, you were talking about going to K-Mart
7 with your dad and Heath and some other woman, right?

8 A. Nikki. Yes, ma'am.

9 Q. Nikki. Okay. And the purpose to go to K-Mart
10 was to do what?

11 A. My daddy had to go in and get something and to
12 buy Sudafed.

13 Q. To buy Sudafed. What didn't you go to K-Mart?

14 A. Because I'm on trespassing from K-Mart.

15 Q. Why are you on trespass from K-Mart?

16 A. Because I shopped-lifted a couple of years ago.

17 Q. You shop-lifted. So where instead did you go
18 while they went into K-Mart?

19 A. To Walgreen's.

20 Q. To Walgreen's to buy what?

21 A. A box of Sudafed.

22 Q. So you also went to buy Sudafed in order to go
23 make meth; is that correct?

24 A. I wasn't going to make meth.

25 Q. To provide ingredients to make meth; is that

1 correct?

2 A. Yes, that's correct.

3 Q. Okay. You said that you have from time to time
4 moved this gun; is that right?

5 A. Yes, ma'am.

6 **MS. McNEILL:** I beg the Court's indulgence.

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

8 BY MS. McNEILL:

9 Q. Ms. Gaines --

10 A. Yes, ma'am.

11 Q. -- I'm gonna show you this gun. This is the
12 shotgun that killed Mr. Ardis, correct?

13 A. Yes, ma'am.

14 Q. Okay. Do you recognize what a trigger is?

15 A. Yes, ma'am.

16 Q. Okay. Can you point to it for the jury?

17 A. It's right there.

18 Q. Point to it, ma'am.

19 A. (Witness complies.)

20 Q. Okay. And when you handled this gun, you said
21 you'd never shot it before; is that correct?

22 A. I've never shot that gun. You're right.

23 Q. You just moved it from place to place?

24 A. Yes, ma'am.

25 Q. Kind of like how I'm moving it from place to

1 place?

2 A. No, ma'am.

3 Q. Okay. But you moved it?

4 A. Yes, ma'am.

5 Q. Okay. Would it shock you to know that your DNA
6 is on the trigger?

7 A. It should be. I lived with that gun for
8 two years. I moved it when my son come over, but I've
9 never fired that gun.

10 Q. You've never fired it?

11 A. No, ma'am.

12 Q. You just specifically put your finger on the
13 trigger when you moved the thing?

14 A. When my seven-year-old son comes over, I move it
15 out of the way, yes, ma'am, and I don't realize how I
16 pick it up, ma'am. I'm sorry.

17 Q. But the comfortable way for you to pick it up is
18 to put your finger on the trigger; is that right?

19 A. No, ma'am, I've never just picked it up by the
20 trigger.

21 Q. You never have?

22 A. Just by a trigger, no, ma'am. I couldn't do
23 that. That gun's too heavy.

24 Q. What I'm saying is with one arm on one part of
25 the gun and the other finger on the trigger. That's

1 comfortable for you?

2 A. No, ma'am. I've never held it like that.

3 Q. You never have? Would it shock you to know that
4 you had GSR on you, gunshot residue on you?

5 A. It wouldn't shock me. I got a head blowed {sic}
6 off in front of me. I mean, really close. They did the
7 swabs on me.

8 Q. You said that Heath immediately passed out after
9 his drug use when y'all were at Tina Renee Dobbins'
10 house; is that correct?

11 A. I said he put his head down. He was not gone
12 like out of it. He just put his head down.

13 Q. I believe in your statement you stated that he
14 was passed out.

15 A. Okay, passed out, but I don't mean unconscious.

16 Q. Okay. Sleeping though somewhat?

17 A. No, not sleeping. He wasn't -- he just laid his
18 head down. He never hardly did pain pills.

19 Q. And then he went to use the bathroom?

20 A. Yes, ma'am.

21 Q. Why did you not take the opportunity to call
22 police at that time?

23 A. Because he had a gun on him and he would have
24 killed anybody in that house. I'd already seen it
25 happen one time.

1 Q. But you still love it?

2 A. I -- yeah, you know, I love both of them.

3 Q. But you still support Heath; is that correct?

4 A. How am I supporting Heath?

5 Q. How are you supporting Heath? Do you recognize
6 these letters, ma'am?

7 A. When's the last one of them?

8 **MR. MOWRY:** Your Honor, I have --

9 A. When's the last letter?

10 **THE COURT:** Hold on one second, ma'am.

11 **MR. MOWRY:** -- an item to take up outside the
12 presence of the jury.

13 **THE COURT:** Ladies and gentlemen of the jury, I
14 need to take up a brief issue of law with the attorneys.
15 Adjourn to the back, don't talk about the case. I'll
16 have you back out here as soon as I can, okay?

17 (The jury retires to the jury room.)

18 **THE COURT:** All right. The jury is out. Mr.
19 Mowry?

20 **MR. MOWRY:** Your Honor, I have a copy in my hand
21 of a reciprocal Rule 5 that I served on the defense in
22 January of 2013. I listed all of our items that we were
23 giving at that time. I also requested a reciprocal Rule
24 5 and any notice of alibi and insanity. It appears to
25 me that Ms. McNeill is about to go into items that I

1 have never seen before... She has never given me anything
2 in reciprocal discovery and if she is intending to
3 introduce something now, I would say that is a Rule 5
4 violation.

5 **THE COURT:** All right. Well, the -- as
6 far as papers, documents, objects, et cetera, that --
7 my understanding is that that only applies to the
8 defense's case in chief. What -- Ms. McNeill, I'm
9 assuming that you have letters that this witness sent
10 to the Defendant?

11 **MS. MCNEILL:** That's correct, Your Honor.

12 **THE WITNESS:** I --

13 **THE COURT:** And -- just one second, ma'am. Just,
14 please, one second. The letters are for purposes of
15 impeachment, they contain impeaching --

16 **MS. MCNEILL:** That's correct, Your Honor.

17 **THE COURT:** All right.

18 **MR. MOWRY:** And for what purpose is she going to
19 admit that when the Defendant -- the witness is saying
20 that she still loved the Defendant.

21 **THE COURT:** I don't know what's in the letters
22 and -- I have no idea what's in the letters. Would you
23 care to give me just a general overview or --

24 **MR. MOWRY:** That is the problem, Your Honor. We
25 have not seen these before.

1 **THE COURT:** I understand. According to the rule,
2 unless you can point me to a different section, they're
3 entitled -- they're basically required to give you
4 notice of alibi, notice of insanity defense, guilty but
5 mentally ill, as well as any expert tests that they did,
6 books, papers, documents that they intend to introduce
7 in their case in chief. My understanding of the rule
8 is, and it's always been, that evidence which is going
9 to be offered for impeachment purposes during the
10 State's case in chief would not necessarily fall within
11 Rule 5. I'll give you an opportunity to glance at that.
12 Ms. McNeill, what are you intending or how are you
13 planning on using this?

14 **MS. McNEILL:** I mean, I'm agreeing with
15 Your Honor's ruling, this is not in our case in chief,
16 it doesn't go to alibi or anything like that, but simply
17 stated, she just said how is she supporting him. This
18 is how she is supporting him.

19 **THE COURT:** Okay.

20 **MS. McNEILL:** Writing him love letters constantly
21 while he's at the jail, letting him know
22 that she's there for him, she loves him no matter what.

23 **THE COURT:** All right. I -- Mr. Mowry, I
24 -- I don't see where that's objectionable. I don't --
25 I'm not sure what's in there, but I'm gonna give her a

1 little latitude.

2 **MR. MOWRY:** Nor do we, Your Honor, because we
3 have never seen them.

4 **THE COURT:** I understand.

5 **MR. MOWRY:** My point is that she has already made
6 -- I don't know what is being impeached. The witness's
7 testimony is what it is and apparently that's going to
8 go to support that. It's just going to expand it.
9 There's nothing to impeach at this point.

10 **THE COURT:** It sounds like the letters are more
11 corroborative of what she testified to earlier,
12 that she is supporting the Defendant. Do you intend
13 -- and I just want to know going forward if I've got
14 another issue that I need to deal with right now while
15 the jury's out instead of interrupting, but is that the
16 gist of what you have in your possession, letters from
17 her?

18 **MS. McNEILL:** She just testified how am I
19 supporting him. This is how she's supporting him.

20 **THE COURT:** All right. I'll allow you to
21 question the witness about communications that she's had
22 with the Defendant. Unless, Mr. Mowry, you can point me
23 to some part of Rule 5 that requires the disclosure of
24 these items, I just don't see it in the rule.

25 **MR. MOWRY:** Well, be that as it may, Your Honor,

1 where is it impeachment? This is not going to
2 contradict something that the witness has already said.
3 This is merely cumulative.

4 **THE COURT:** And I agree it may be merely
5 cumulative, but she's on cross, she's given latitude.
6 Even if it is cumulative, it's merely cumulative.
7 That's where we are.

8 All right. Let's have the jury back in.
9 (The jury returns to the courtroom.)

10 **BAILIFF:** All present, Your Honor.

11 **THE COURT:** All right. Let the record reflect
12 that the jury is back. We're still with the examination
13 of the first witness. Ms. McNeill, you may proceed,
14 ma'am.

15 BY MS. McNEILL:

16 Q. Shayla, I'm not gonna belabor this point
17 extensively, but these are letters that you've written
18 to Heath?

19 A. Yes, ma'am.

20 Q. Okay. And in these letters, what kinds of things
21 do they say?

22 A. This one is not my writing.

23 Q. Other than that one. What about this one?

24 A. It says I love you. I can't help that I loved
25 him.

1 Q. Uh-huh. And you -- go ahead.

2 A. I'm sorry. I'm sorry to interrupt you. You go
3 ahead.

4 Q. No, you go ahead.

5 A. When's the last one that I wrote? And I have
6 letters that he wrote me, too, that I can bring forward
7 that have more than these do. Go ahead. I'm sorry for
8 interrupting.

9 Q. But in the gist of these, what was the purpose of
10 writing to him?

11 A. You know, when you love somebody, you just can't
12 take it away.

13 Q. Even after they allegedly killed somebody?

14 A. Yeah, I'm mad. I mean, I just can't help I loved
15 him. I mean, it's not there no more. I haven't wrote
16 him recently, have I? Check the dates on them, please.
17 And I'll bring you all my letters that he tried to write
18 me in jail and I got put on lockdown for it.

19 Q. In these letters, don't you say things like I
20 love you, I miss you. At one point you even talk about
21 marrying him.

22 A. Yes, but he does, too.

23 Q. And you talk -- and you sign your name
24 Mrs. Hollingsworth at times; is that not correct?

25 A. He does, too.

1 Q. I'm asking you, ma'am.

2 A. Yes, ma'am. I'm not -- I'm not arguing with you.

3 Q. Is it safe to say that you're writing these
4 letters to let him know how strong your love is so that
5 he will continue to keep his mouth shut that you were
6 the shooter?

7 A. No, ma'am, it's not. And I don't write him
8 anymore, so. You would have no question at all if you
9 go back to the jail calls, on the recordings. You can
10 hear more than just them letters.

11 Q. And you testified that you hadn't used
12 methamphetamine since the night that this happened; is
13 that correct?

14 A. Since all this went down, no. I stay away from
15 it. It's driving me nuts being around it.

16 Q. Okay. In January of 2014, when you were --

17 **MR. MOWRY:** Objection, Your Honor.

18 **THE COURT:** The objection is?

19 **MR. MOWRY:** I can see where she's going on that.
20 If you'd like to have a sidebar rather than having the
21 jury out.

22 **THE COURT:** Y'all approach, please.

23 (Proceedings held at the bench; not reported.)

24 BY MS. McNEILL:

25 Q. When you were arrested back in January of 2014,

1 isn't it true, ma'am, that the arresting officer thought
2 that you were under the influence of methamphetamine,
3 not alcohol?

4 A. No, ma'am. He seen a beer right beside me.

5 Q. Okay. But did he also not ask you if you were
6 under the influence of meth?

7 A. He asked me.

8 Q. Okay. And you were out on bond during this time,
9 right?

10 A. Yes, ma'am.

11 Q. Okay. You were out on bond and during the
12 arrest -- the incident surrounding the arrest, you were
13 riding around with a man who was wearing a bulletproof
14 jacket and toting guns and drugs in the car; is that not
15 correct?

16 A. There were no drugs found in that car.

17 Q. No drugs found in that car? You're sure?

18 A. I mean, I went to jail last. I mean, not on me.

19 Q. Okay. But you were riding around with a man with
20 a bulletproof vest and guns, correct?

21 A. I didn't know he had his daddy's. His daddy is
22 an officer. I did not know that.

23 Q. You didn't know you were riding around with
24 somebody with a bulletproof vest on?

25 A. No, it was under his shirt, ma'am.

1 Q. And the officer even mentioned that's a little
2 ridiculous, didn't he?

3 A. Well, the officer told me about it, yeah, but I
4 did not see it because they had to pull his jacket off.

5 Q. Shayla --

6 A. Yes, ma'am.

7 Q. -- after all of this stuff that you have
8 testified to today, all the lies, all the deceit, would
9 you consider yourself an honest and trustworthy person?

10 A. Today, yes, because I did not kill Bill.

11 Q. But, in general, would you consider yourself an
12 honest and trustworthy person?

13 A. Yes, I am trustworthy.

14 Q. Despite all this stuff that you testified to
15 today?

16 A. Yes.

17 **MS. McNEILL:** All right. Thank you. No further
18 questions.

19 **THE COURT:** Redirect?

20 **MR. MOWRY:** Just a few questions.

21 REDIRECT EXAMINATION

22 BY MR. MOWRY:

23 Q. Shayla --

24 A. Yes, sir.

25 Q. -- in the -- in the late or the evening hours of

1 November the 8th --

2 A. Yes, sir.

3 Q. -- the day after this had happened --

4 A. Yes, sir.

5 Q. -- you gave a statement to Investigator Franklin;
6 is that right?

7 A. Yes, sir.

8 Q. Initially did you talk about the drugs, the
9 pills?

10 A. The first time, no, sir. The second time, I did.

11 Q. How quickly did you correct that?

12 A. Sitting right in front of them.

13 Q. Okay. And is that statement consistent with what
14 you've testified to today?

15 A. Yes, sir.

16 Q. Let me also ask you about this November, 2011
17 incident. That was a year before Bill Ardis was killed;
18 is that right?

19 A. That's right.

20 Q. Most of that year, where did you live?

21 A. On the streets.

22 Q. On which streets?

23 A. Which one, after -- right after the assault and
24 battery?

25 Q. Right after the assault and battery, most of that

1 time where did you live before Bill got killed?

2 A. I lived with him and -- but for a few months I
3 didn't, right after it happened, and then we made up.

4 Q. But you went back with him; is that right?

5 A. Yes, sir.

6 Q. And did you have any troubles between coming back
7 to him and --

8 A. No, sir.

9 Q. -- when he was killed?

10 A. He said he was happy to see me. He missed me.

11 Q. You said you did not kill Bill; is that right?

12 A. That's right.

13 Q. Who killed Bill?

14 A. Heath killed Bill.

15 **MR. MOWRY:** Thank you.

16 **THE COURT:** All right. Thank you, ma'am. You
17 can step down.

18 **THE WITNESS:** Thank you.

19 (Witness excused.)

20 **THE COURT:** Do you have a brief witness at this
21 point, Solicitor?

22 **MR. MOWRY:** No, sir.

23 **THE COURT:** Ladies and gentlemen, we're gonna go
24 ahead and take our lunch break now. I'm gonna ask, if
25 you could, to do your best to try and be back in the

1 jury room at 1:45, and that's about an hour from now. I
2 want to try to move along as quickly as we can on this
3 case and, of course, be respectful of your evenings and
4 afternoon.

5 If you go to lunch with one of your fellow
6 jurors, that's perfectly fine. If you go to lunch with
7 friends, family members, anyone like that, that's fine,
8 too. Just don't talk about the case, okay? That will
9 be a rule that I'll remind you of every time that we
10 take a break, so it's very important that you follow
11 that rule and just not discuss the case with anyone
12 until all the evidence has submitted.

13 With that, have a great lunch and try to be back
14 in the jury room around 1:45, all right? Thank you very
15 much.

16 (The jury was excused for lunch.)

17 **THE COURT:** All right. We'll be at ease on this.

18 **MR. MOWRY:** Thank you, Your Honor.

19 **MR. STUMBO:** What time are we starting back, two?

20 **THE COURT:** About 1:45.

21 **MR. STUMBO:** 1:45.

22 (Whereupon, there was a luncheon recess.)

23 **BAILIFF:** All rise. The Court will come to
24 order.

25 **THE COURT:** Thank you. Be seated, please. Let's

1 go back on the record. The Defendant is present with
2 counsel. The jury is here. Let's have them in please.

3 (The jury returns to the courtroom.)

4 **BAILIFF:** All jurors present, Your Honor.

5 **THE COURT:** All right. Let the record reflect
6 that the jury is back and seated. We're still in the
7 State's case in chief. Mr. Mowry, if you'll call your
8 next witness, please.

9 **MR. MOWRY:** Thank you, Your Honor. We'd call
10 Tina Renee Dobbins.

11 TINA RENEE DOBBINS,
12 having been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. MOWRY:

15 Q. You are Tina Renee Dobbins?

16 A. I am.

17 Q. I believe you go by Renee; is that right?

18 A. Yes, sir.

19 Q. Renee, where do you live?

20 A. [REDACTED] in Greenwood.

21 Q. In Greenwood. Were you living there back on
22 November the 7th of 2012?

23 A. I was.

24 Q. Okay. Do you know Shayla Gaines?

25 A. I do.

1 Q. How well do you know her?

2 A. I've probably known her about maybe ten years or
3 eleven. Something like ten years.

4 Q. Okay. Are y'all friends?

5 A. Acquaintances.

6 Q. Yes, ma'am. Okay. Do you know the Defendant in
7 this case?

8 A. I've met him a few times.

9 Q. Okay. Could you point him out, please?

10 A. Mr. Hollingsworth.

11 Q. Where is he seated?

12 A. Third down.

13 Q. Okay. On the far end of the defense table?

14 A. Yes.

15 **MR. MOWRY:** And, Your Honor, for the record, she
16 has pointed out the Defendant in this case.

17 **THE COURT:** The record will so reflect.

18 BY MR. MOWRY:

19 Q. I don't mean to embarrass you about this, but
20 you've got a prior record; do you not?

21 A. Yes, sir.

22 Q. Let me just run through this. Most of this is
23 magistrate court level; is that right?

24 A. Yes, sir.

25 Q. You've got a malicious damage to property and a

1 petit larceny back in '97?

2 A. I do.

3 Q. You've got a false information to police in 2000?

4 A. Yes, sir.

5 Q. A criminal domestic violence in 2001?

6 A. Yes, sir.

7 Q. Obtaining goods under false pretences in
8 magistrate court in 2005?

9 A. Yes, sir.

10 Q. And then you've got two general sessions cases; a
11 possession of cocaine in 2006 and a criminal domestic
12 violence in 2009; is that right?

13 A. Yes, sir.

14 Q. That's a second offense. Tell me real quickly
15 about the false information to a police officer. How
16 did that come about?

17 A. Me and my fiancé pulled up at a store and I
18 walked in and he proceeded to move the car from the
19 passenger seat and accidentally hit the gas instead of
20 the brake and ran into a truck and the truck hit a van
21 and so I -- I told the police that I was driving the
22 car.

23 Q. What kind of condition was he in when he did
24 that?

25 A. He had been drinking.

1 Q. Okay. And you didn't want him to get arrested;
2 is that right?

3 A. That's right.

4 Q. So instead you got arrested?

5 A. Yes, sir.

6 Q. Let me ask you though about November 7th of 2012.
7 Were you home that night?

8 A. Yes, sir.

9 Q. Off Faith Home Road?

10 A. Yes, sir.

11 Q. About 11:30 that night, did someone come to your
12 house?

13 A. Yes, sir.

14 Q. How did you know that somebody was there?

15 A. I heard someone knocking on the door.

16 Q. Okay. What did you do when you heard the
17 knocking?

18 A. First I just laid there and then they kept
19 knocking, so I got up and went to the door.

20 Q. Were you in bed?

21 A. Yes, sir.

22 Q. When you got to the door, what did you find?

23 A. It was Shayla and Mr. Hollingsworth.

24 Q. Okay. Did you find out later that Shayla had
25 tried to call you?

1 A. Yes, I did.

2 Q. How did you find that out?

3 A. I had checked my phone and it was a -- a missed
4 call on the phone.

5 Q. Okay. So she tried to call you before she got
6 there?

7 A. Yes, sir.

8 Q. Okay. So she and the Defendant were there. Do
9 you know how they got there?

10 A. They were driving Bill's truck.

11 Q. Okay. When you say Bill's truck, who are you
12 talking about?

13 A. Mr. Ardis.

14 Q. Okay. Let me hand you State's Exhibit Number 25
15 and if ask you if you recognize that?

16 A. Yes, this is Bill Ardis's pick-up truck.

17 Q. And this is the truck that Shayla Gaines and
18 Phillip Heath Hollingsworth were in that night?

19 A. Yes, sir.

20 Q. And you drove it yourself a little later on,
21 didn't you?

22 A. Yes, sir.

23 Q. Okay. Did they tell you what they wanted?

24 A. Yes, sir. They wanted some -- some roxies, pain
25 medication.

1 Q. Okay. What -- is there an official name for
2 roxies?

3 A. Roxicodone.

4 Q. Okay. So you say they're pain medication. Do
5 you have a prescription for them?

6 A. Yes, sir.

7 Q. Do you take them yourself?

8 A. Yes, sir.

9 Q. What do you take them for?

10 A. Chronic pain.

11 Q. Okay. You've had some surgeries before, haven't
12 you?

13 A. Yes, sir.

14 Q. Did you offer them any of your pills?

15 A. No, sir.

16 Q. Okay. What did you offer to do?

17 A. I told them that I would make a couple of phone
18 calls.

19 Q. And what were you making the phone calls for?

20 A. To see if I could find anybody that had any.

21 Q. Did you know some sources?

22 A. Yes, sir.

23 Q. And did you make some phone calls?

24 A. Yes, sir.

25 Q. As a result of those phone calls, what did y'all

1 do?

2 A. We ended up going about probably fifteen minutes
3 down the road and buying some and coming back.

4 Q. Okay. Before you left, did the Defendant give
5 you any money?

6 A. Yes, sir.

7 Q. How much money did he give you?

8 A. \$150.

9 Q. And did it go straight from his hand into yours
10 or did it go otherwise?

11 A. No, he -- he handed it to Shayla.

12 Q. Okay. And then she handed it to you?

13 A. Yes, sir.

14 Q. Do you remember how the bills were?

15 A. It was a hundred dollar bill, two twenties and a
16 ten.

17 Q. Okay. But there was a hundred dollar bill in
18 there; is that right?

19 A. Yes, sir.

20 Q. How much are the pills?

21 A. \$30 a piece.

22 Q. So you would get five pills with a hundred and
23 fifty bucks; is that right?

24 A. Yes, sir.

25 Q. Okay. Was that all the money the Defendant had?

1 A. No, sir.

2 Q. How much more did it look like he had?

3 A. Three or four hundred dollars, a little more.

4 Q. Okay. You say you went to a place ten or so
5 minutes away, is that right? Did I hear your
6 testimony --.

7 A. About fifteen minutes or more.

8 Q. Fifteen minutes away. When you got there, what
9 happened?

10 A. Bill -- I mean, excuse me, Heath and Shayla sat
11 in the truck and I went in the house.

12 Q. Okay. And did you buy the pills?

13 A. Yes, sir.

14 Q. Okay. What was y'all's arrangement as far as who
15 got what out of this?

16 A. I was to get two of them and they were to get
17 three.

18 Q. Okay. So you got two pills for setting this up
19 and actually going and buying them?

20 A. Yes, sir.

21 Q. And they got the other three?

22 A. Yes, sir.

23 Q. Okay. What happened then?

24 A. We proceeded to drive back to my house.

25 Q. All right. On the way, did anything unusual

1 happen?

2 A. Heath pulled out a handgun and was talking
3 something about shooting her daddy and them. They had
4 got into it earlier or ripped him off or something
5 earlier that evening.

6 Q. Okay. Let me show you what's been marked as
7 State's Exhibit 41 for identification. Does this look
8 at all familiar?

9 A. It looks like the gun.

10 Q. Okay. It looks like the gun he had?

11 A. (Nods head.)

12 Q. Was there any kind of -- what did you tell him to
13 do when he pulled out the gun?

14 A. I told him to put it up.

15 Q. Okay. And did he?

16 A. He -- I didn't see it anymore after that.

17 Q. Okay. You were concentrating on the road?

18 A. Yeah.

19 Q. Okay. Was there any phrase the Defendant was
20 saying that night that you thought was unusual?

21 A. He had said three or four times no leaks.

22 Q. What was he directing that to?

23 A. I suppose Shayla.

24 Q. Okay. He wasn't saying it to you, was he?

25 A. No, I don't -- I didn't know what he was talking

1 about.

2 Q. Let me ask you this. When Shayla and
3 Mr. Hollingsworth had gotten to your house, how was
4 Shayla's demeanor?

5 A. She seemed nervous. It seemed like something was
6 wrong with her.

7 Q. Okay. How did Mr. Hollingsworth appear?

8 A. He appeared to be tore up. I thought he had been
9 drinking. I didn't know.

10 Q. When you say tore up, do you mean very drunk
11 or --

12 A. Just high. I didn't know what he had been doing.

13 Q. Okay. When you got back to the house, what did
14 y'all do? To your house.

15 A. When we got back to my house, I went into my room
16 and I left them in the kitchen.

17 Q. Okay. What did you go back in the room to do?

18 A. My pills.

19 Q. Describe how you do it.

20 A. I put it in a spoon, took a syringe, put water on
21 it, put some fire to it, drug a piece of cotton in it
22 and pulled it up.

23 Q. Okay. And then you injected it; is that right?

24 A. Yes, sir.

25 Q. Do you know what the Defendant and Shayla were

1 doing while you were in your room?

2 A. They were -- Shayla was pulling up the drug.

3 Q. Okay. Did you come back into the kitchen where
4 they were?

5 A. Yes, sir.

6 Q. What did you see when you got there?

7 A. They were sitting at the kitchen table. The
8 spoon and everything was on the table. She had just --
9 she had just hit him.

10 Q. You mean injected him?

11 A. Yes, injected him and she -- she -- I guess she
12 hadn't pulled hers up because she asked -- he asked me
13 if he could use the restroom and I told him -- I showed
14 him where it was at.

15 Q. Okay. And did he, in fact, do that?

16 A. Yes, sir.

17 Q. Did he nod out at any time when you were in
18 there?

19 A. Yeah, after he come back from the restroom he was
20 sitting down at the table and kept putting his head down
21 and nodding in and out.

22 Q. Okay. How did Shayla seem?

23 A. She was nervous. She was upset about something.
24 She -- she kept getting closer to me because she
25 wanted -- well, let me restart. When he went into the

1 restroom, Shayla looked at me and told me I'm in
2 trouble. By this time he was -- had done used the
3 bathroom and was coming back out, so she didn't say
4 anything else.

5 Q. Okay.

6 A. So -- and then when he come back in there and
7 he sat down and he was nodding in and out, she was
8 pretending like she could not inject herself with the
9 medicine, so she kept getting closer to me. She got
10 close enough to me like I was gonna inject her and she
11 kind of whispered to me that -- that he had shot Bill
12 Ardis.

13 Q. Who had shot Bill Ardis?

14 A. That Heath had shot Bill Ardis.

15 Q. Okay. How did you respond?

16 A. It just kind of froze me for a second. There was
17 a paper and a pen on my table and I -- I wrote down is
18 he dead because I didn't know if I needed to get him an
19 ambulance or what.

20 Q. Okay. What -- how did she respond to you?

21 A. She shook her -- she didn't say nothing, but she
22 shook her head yeah and tears went down her eyes and she
23 wiped them away real quickly.

24 Q. So she nodded her head yes and started crying; is
25 that right?

1 A. Yeah.

2 Q. Okay. What happened then?

3 A. I wrote -- okay, I wrote down is he dead. Then
4 I was trying -- I needed to get them out of my house as
5 quickly as possible, so --

6 Q. Let me ask you this. Was the -- did you see the
7 Defendant carrying the gun in your house?

8 A. No, I didn't see it in the house.

9 Q. Either the first time or this time?

10 A. No.

11 Q. Okay.

12 A. Anyway, I proceeded to get them gone as quickly
13 as I could. They had walked down to the truck. Shayla
14 had asked me if she could leave a basket of clothes
15 there and I told her yeah, that was fine. She come
16 back to the top of the steps and brought the clothes
17 and I handed her a telephone and told her she had
18 fifteen minutes to get away from him, get out and run,
19 call me, whatever she needed to do because I was gonna
20 call the law.

21 Q. Okay. Why were you gonna call the law?

22 A. Because they had just told me -- she had told me
23 he had shot Bill Ardis.

24 Q. Okay. Did you know Bill Ardis?

25 A. Yes.

1 Q. Did they leave?

2 A. Yes.

3 Q. What happened after that?

4 A. It was less than fifteen minutes Shayla called,
5 upset, crying, said she was on her way back to my house.
6 So I -- I waited until she got there and when she got
7 there, I called 9-1-1.

8 Q. Okay. It was Greenwood 9-1-1; is that right?

9 A. Yes, sir.

10 Q. Did the officers arrive at the scene?

11 A. Yes, sir.

12 Q. Did you talk to them?

13 A. Yes, sir.

14 Q. Did you tell them more or less what had happened?

15 A. Yes.

16 Q. Did you leave out the drug part?

17 A. Yes, sir.

18 Q. But you told them -- you told Detective Franklin
19 about that later on; is that right?

20 A. Yes, sir.

21 Q. What was Shayla's demeanor when she came back
22 alone?

23 A. She was very upset, was crying, very nervous;
24 told me that -- I don't know if I can say this. Told me
25 that he --

1 **MR. HOWE:** Objection; hearsay.

2 **THE COURT:** Do you claim an exception?

3 **MR. MOWRY:** The witness has already testified,
4 Your Honor.

5 **THE COURT:** Overruled. Go ahead.

6 A. She told me that he -- that he kept pacing
7 around the house, kept walking in the front door, out
8 the back door, around the house, and Bill's got, you
9 know, a little living room that goes through. They had
10 a bedroom on the back porch to the left and she said
11 that the next thing she knew he come back in the front
12 door and shot him.

13 Q. Okay. How long did it take the police to arrive,
14 the Greenwood law enforcement?

15 A. I really don't remember. I don't think it was
16 that long. It was pretty quick.

17 Q. And was -- to your knowledge, was Laurens County
18 9-1-1 then notified?

19 A. Yes, to my knowledge.

20 Q. Okay. Y'all gave -- y'all gave -- or you and
21 Shayla gave the [REDACTED] Drive address; is that right?

22 A. Yes.

23 **MR. MOWRY:** That's all I have.

24 **THE COURT:** Mr. Howe, cross?

25 **MR. HOWE:** Thank you, Judge.

1 CROSS-EXAMINATION

2 BY MR. HOWE:

3 Q. Ms. Dobbins, you were asked if you were friends
4 with Shayla Gaines and you said acquaintances. You've
5 known her for a while?

6 A. Yes, sir.

7 Q. Not best friends?.

8 A. Not best friends.

9 Q. Didn't consider you were best friends? She
10 didn't consider you, you didn't consider her; is that
11 right?

12 A. That's right.

13 Q. Okay. She knew you because you sold her dope,
14 right?

15 A. I sold her pills a few times.

16 Q. A few times. Those pills that you get from some
17 doctor are Roxicodone, right?

18 A. Yes, sir.

19 Q. Because that's her drug of choice, right?

20 A. Not my -- not my medicine. Other people's.

21 Q. Okay. So you wouldn't sell your medicine to
22 other people, you'd go get -- get it off the street
23 or somewhere and then sell it to her; is that your
24 testimony?

25 A. Yes, sir.

1 Q. Okay. And this is the same type medicine you get
2 for some kind of pain condition, right?

3 A. Yes, sir.

4 Q. And what doctor prescribes that to you?

5 A. Is that relevant?

6 MR. HOWE: Judge, I think the response was is
7 that relevant. I'd ask that you instruct the witness to
8 answer the question, please.

9 THE COURT: Ma'am, you need to answer that
10 question, please.

11 A. Dr. Kimberlin (ph.).

12 Q. Spell that name.

13 A. K-I-R-B-E-R-L-I-N {verbatim}, I guess.

14 Q. You pronounce it Kim-ber-lin?

15 A. Yes.

16 Q. Where's Dr. Kimberlin?

17 A. He's in Greenville.

18 Q. Greenville. Okay. What kind of doctor is
19 Dr. Kimberlin?

20 A. He's just a regular doctor.

21 Q. Just a regular doctor. You live where?

22 A. I live in Greenwood.

23 Q. You live in Greenwood and you go to a regular
24 doctor in Greenville?

25 A. Yes, sir.

1 Q. They don't have any doctors over in Greenwood?

2 A. He was a pain management doctor and then he went
3 back to being a family practice doctor.

4 Q. Okay. When did he start prescribing these
5 Roxicodones to you?

6 A. I've been going there about four years.

7 Q. Okay. So you were going there during that time
8 and he was prescribing Roxicodone?

9 A. Yes, sir.

10 Q. What is your condition that causes you to get
11 pain meds?

12 A. I have had -- I've had three knee surgeries, I've
13 had a major back surgery and I need a neck surgery.

14 Q. All right. And Roxicodone, what does that do to
15 you when you shoot that up?

16 A. It doesn't do anything to me. It helps me with
17 my pain. It takes my pain out.

18 Q. Well, when a doctor prescribes them, how do you
19 take them?

20 A. You take them by mouth.

21 Q. By mouth?

22 A. Yes, sir.

23 Q. Okay. Then when you shoot them up, it gets in
24 your system a lot quicker, doesn't it?

25 A. Faster, yes.

1 Q. It's a lot more powerful, too, isn't it?

2 A. I -- I wouldn't say so, but it could be for other
3 people.

4 Q. It doesn't do anything to you?

5 A. It helps me with my pain. It takes my pain away.

6 Q. Okay. And you could be considered, I guess --
7 I guess you could say you're kind of floating or high,
8 right?

9 A. I'm not.

10 Q. Okay. You're not?

11 A. I can't tell you what other people feel on the
12 medicine.

13 Q. Okay. I see. I understand that. Well, but how
14 -- you just feel like normal?

15 A. I feel -- yes, I feel normal. I'm out of pain.
16 I'm not hurting.

17 Q. And that night that you're talking about, you
18 say you went back to your bedroom and you shot it up,
19 right?

20 A. Yes, sir.

21 Q. Got in your system quicker, right?

22 A. Yes, sir.

23 Q. And she had been over there at your house before
24 and you had helped her get Roxicodones, either your
25 stash that you get from this doctor or you get off the

1 street from other folks, to do it the same way, to shoot
2 it up, right?

3 A. I got it from other people, yeah.

4 Q. And from other people. Okay. And you mentioned
5 the name that night, right?

6 A. Sir?

7 Q. You mentioned a name that night you got it from,
8 right?

9 A. Yes, sir.

10 Q. And what's the name?

11 A. Craig Garrison.

12 Q. Okay. Did you tell the law about Craig Garrison,
13 the Greenwood city -- did the Greenwood Sheriff's
14 Department ever come to you and want to talk about Craig
15 Garrison dealing dope to you that night?

16 A. No, sir.

17 Q. Okay. Did the Greenwood sheriff's office ever
18 come to you and talk about you dealing dope and dealing
19 dope to, according to your testimony, our client as well
20 as Shayla Gaines that night?

21 A. No, sir.

22 Q. But you know as you sit here today that you were
23 dealing dope, weren't you?

24 A. Yes, sir.

25 Q. And you could go to jail for it, too, correct?

1 A. Yes, sir.

2 Q. Right. And that's why you left that part out --

3 A. Yes, sir.

4 Q. -- when you talked with Greenwood?

5 A. It is.

6 Q. And the dealing of the dope happened in Greenwood
7 County, right?

8 A. Yes, it did.

9 Q. So if you had told the Greenwood people, they
10 might have nabbed you and locked you up right then,
11 right?

12 A. Yes, sir.

13 Q. For selling dope, right?

14 A. Yes, sir.

15 Q. Roxycodone, right?

16 A. Yep.

17 Q. And as you said, you didn't want -- you didn't --
18 you didn't want to get arrested, right?

19 A. No, sir.

20 Q. And you -- of course, you were familiar with the
21 law. You testified earlier that when you lied to the
22 police before and gave false information back in
23 Greenwood, you did that so you said your fiancé wouldn't
24 get arrested, right?

25 A. Yes, sir.

1 Q. So you could say whatever you say to either get
2 somebody else -- keep somebody from being arrested or
3 yourself from being arrested? You'll lie to do it,
4 won't you?

5 A. I have.

6 Q. Okay. And Shayla Gaines is just an acquaintance
7 of yours that just buys dope -- just gets dope from you,
8 right?

9 A. Yes, sir.

10 Q. Not your best friend?

11 A. No, sir.

12 Q. Not close to you?

13 A. No, sir.

14 Q. Okay. And so then the only reason she came over
15 there that night wasn't to get help about her situation,
16 it was to go over there and buy dope from you, right,
17 because y'all aren't even that close?

18 A. I'm not sure what -- which one she was trying. I
19 didn't know if she was trying to get away from him or to
20 buy drugs.

21 Q. Well, when you got over there, y'all talked about
22 drugs, right?

23 A. Yes.

24 Q. And you made several phone calls. Who all did
25 you call?

1 A. I made a couple of phone calls.

2 Q. Who did you call?

3 A. I called Mr. Garrison and another number.

4 Q. What's the other number you called?

5 A. I don't remember.

6 Q. You don't remember?

7 A. No.

8 Q. Well, I mean, somebody in your line of whatever
9 you do --

10 A. I mean, I don't remember the number. I know the
11 name.

12 Q. Okay. Well, that's what I'm asking. Who was it?

13 A. We call him Gilligan.

14 Q. What's Gilligan's real name?

15 A. Joe.

16 Q. What's Joe's last name?

17 A. I don't know his last name.

18 Q. But you had his number and that would be on your
19 phone, right?

20 A. Yes.

21 Q. Okay. Has your phone been -- did you turn your
22 phone over to law enforcement?

23 A. No, sir.

24 Q. So this night with all this going on about the
25 phone call from -- you say from Shayla and then these

1 phone calls about dope, nobody ever asked you for your
2 cell phone?

3 A. No, sir.

4 Q. You kept it?

5 A. Yes, sir.

6 Q. And you talked to law enforcement back in
7 November of 2012 when -- when this thing happened,
8 right?

9 A. Yes, sir.

10 Q. Okay. And what phone plan were you on then?

11 A. I believe it was -- what I've got now is just a
12 Straight Talk cell phone.

13 Q. Okay. But nobody -- again, nobody gave you -- I
14 mean, you didn't give anybody your phone?

15 A. No.

16 Q. Okay. Now do you drive?

17 A. Yes, I do.

18 Q. Okay. Do you have an automobile?

19 A. Yes, I do.

20 Q. Did you have one there that night at your place?

21 A. It was tore up.

22 Q. It was tore up. You had an automobile?

23 A. Yes, sir.

24 Q. And you live in an area where there are other
25 homes and all around there, correct?

1 A. Yes, sir.

2 Q. Okay. Now while you were making -- on the phone
3 trying to make a dope deal for your acquaintance, you
4 spent some time doing that and they were just sitting
5 there, right?

6 A. Yes, sir.

7 Q. Okay. And that took some time, didn't it?

8 A. It took a few minutes.

9 Q. A few minutes. Okay. And then when you got
10 ready to go to get the dope, y'all all got in there and
11 went voluntarily, right?

12 A. Yeah, we got in the truck.

13 Q. Nobody forced you to go?

14 A. No.

15 Q. Nobody forced anybody to go?

16 A. No, sir.

17 Q. Okay. Y'all were interested in scoring dope,
18 right?

19 A. Yes, sir.

20 Q. That was the only purpose that you had at that
21 point in time, right?

22 A. Yes, sir.

23 Q. Okay. And then that took a while because it took
24 fifteen minutes and then you had to go inside and talk
25 with whoever you talked to about getting the dope,

1 right?

2 A. Yes, sir.

3 Q. Okay. And then when you returned to your home,
4 you say you went to your bedroom to do dope, right?

5 A. Yes, sir.

6 Q. And did you see them start to do the same thing
7 out there?

8 A. Yes, sir.

9 Q. Okay. So you go in to go through this process.
10 It takes a little while, right?

11 A. Yes, sir.

12 Q. How long -- tell the jury about how long it
13 takes.

14 A. According to who you are, I guess, you know, two
15 or three minutes.

16 Q. Okay. Two to three minutes.

17 A. Two to pull it up. It could take longer to -- to
18 inject yourself.

19 Q. Well, you've got to get it prepared.

20 A. Yeah.

21 Q. That takes time, right?

22 A. Yes, sir.

23 Q. Okay. You've got to get it prepared and then to
24 inject yourself, right?

25 A. Yes, sir.

1 Q. Okay. And that's what -- that's the way you did
2 it and that's the way you testified that you saw Shayla
3 do it to inject our client, right?

4 A. Yes, sir.

5 Q. She injected him, right?

6 A. Yes, sir.

7 Q. And, as you said, he was already tore up when he
8 got there, right?

9 A. Yes, sir.

10 Q. But you saw that happen, right?

11 A. Yes, I did.

12 Q. All right. And then -- and then you say you saw
13 her inject herself, right?

14 A. Yes, sir.

15 Q. In fact, isn't it true she had already injected
16 herself while you were back in the bedroom?

17 A. I can't tell you that. I wasn't in there.

18 Q. Okay. So at some point in time from what I
19 heard you say, something was written down on a piece
20 of paper. Did you give that piece of paper to law
21 enforcement?

22 A. No, sir. I had picked it up and tore it up and
23 throwed {verbatim} it in the trash can.

24 Q. And threw it in the trash can?

25 A. Yes, sir.

1 Q. Okay. And so you threw a piece of paper that
2 this jury could have to look at in the trash can?

3 A. At that moment I wasn't thinking about that.
4 At that moment I was thinking I didn't want him to
5 walk past my table and see I had wrote down he is dead
6 on it.

7 Q. Okay. That's what you were thinking at the time?

8 A. Yes, sir.

9 Q. Okay. Now -- and you indicated also that he went
10 into the bathroom at some point in time and used the
11 bathroom, right?

12 A. Yes, sir.

13 Q. And that's when you got the -- and that's when
14 you said you were communicating with Shayla Gaines,
15 right?

16 A. That's when she first told me that she was in
17 trouble.

18 Q. When he was in the bathroom?

19 A. Yes, sir.

20 Q. Okay. And that took more than just a couple of
21 seconds, didn't it?

22 A. Yeah, it took more than a couple of seconds.

23 Q. To go to the bathroom, right?

24 A. Yes, sir.

25 Q. And during that period nobody tried to leave or

1 -- leave out, did they?

2 A. I didn't know I had a reason to leave my home.

3 Q. Okay. And when you got this note, he's over
4 there about half passed out and you had a chance to
5 leave, too, didn't you?

6 A. I'm probably could have left. I don't know. I
7 didn't know -- the whole reason I gave Shayla the phone
8 in the first place and told her she had fifteen minutes
9 is because I didn't want Shayla to get shot.

10 Q. Okay. I understand what you're saying, but you
11 had time -- y'all both had time to leave while he's
12 passed out and you had time to leave when he was in the
13 bathroom, right?

14 A. He was in and out. I don't know. I couldn't
15 tell you if I had time to leave or not. He could have
16 jumped up any minute and shot me. I don't know.

17 Q. Okay. But you never saw gun in the house, right?

18 A. No, I never seen it in the house.

19 Q. So you didn't know he had a gun in the house?

20 A. I didn't know if he had it on him or not.

21 Q. Okay. And you had neighbors around there, right?

22 A. Yes, sir. My mother and stepfather lived next --
23 next door to me.

24 Q. All right. Now so after this dope buying and
25 doing the dope and shooting it up and all that, then you

1 say that -- that she leaves with him and you don't call
2 9-1-1 at all?

3 A. I gave her fifteen minutes.

4 Q. Okay. Fifteen minutes. You gave -- you gave her
5 fifteen minutes after what you're saying that you were
6 told, fifteen minutes to get away?

7 A. Yeah, I told her to get out of the truck, to run,
8 whatever she needed to do, that I would come pick her
9 up. I would borrow my son's car because he lives with
10 my mother and my stepfather.

11 Q. So you had access to a car that night, right? It
12 wasn't so -- so the fact that your car was tore up, you
13 had transportation, didn't you?

14 A. I could have borrowed my son's car.

15 Q. Okay. So -- and during that time you say while
16 she's out there, based on what she's told you, what
17 she's told you, you don't call the law?

18 A. I do when she comes -- when she gets back.

19 Q. All right. Now, Ms. Dobbins, you remember giving
20 your statement to the law, don't you?

21 A. Yes, sir.

22 Q. Okay. And that was when they took you over to
23 Laurens and you gave your statement, right?

24 A. Yes, sir.

25 Q. All right. You testified earlier that he was

1 talking about shooting Shayla's dad, right?

2 A. Yes, sir.

3 Q. You didn't put that in that statement you gave
4 law enforcement, did you?

5 A. I do not know.

6 Q. Well, do you want to read it?

7 A. That's fine.

8 Q. (Handing.) And by the way, while you're doing
9 that, I'm sure that law enforcement told you to write
10 down everything you knew and everything you remember,
11 right?

12 A. I guess.

13 Q. Take a minute and read that over and tell me if
14 you put that in there anywhere.

15 A. As in me read this? Do you want me to read it
16 out loud or --

17 Q. Yes, ma'am. You read it and you tell me if I'm
18 wrong if it's in there.

19 A. Do you want what you underlined?

20 Q. No, no. I underlined it. You read through there
21 and you tell me if you told the law, Laurens County law,
22 that night about him threatening to kill his -- Shayla's
23 father.

24 A. I can't remember if I told them that or not.

25 Q. Well, you would agree it's not in the statement?

1 A. It's not in the statement.

2 Q. Thank you. The basket of clothes that Shayla
3 brought over, did you tell the law about that?

4 A. No, sir.

5 Q. Did you give them the basket of clothes?

6 A. I can't remember. I think I did tell them about
7 it, but I can't remember if I did or not.

8 Q. That's not in your statement either, is it?

9 A. I don't -- I didn't read the whole statement. I
10 just read what you -- what you underlined.

11 Q. Okay. I'm sorry. I don't want -- this is
12 important now. I don't want you to be reading -- I
13 mean, answering the question if you haven't read it. I
14 want you to have the opportunity to read it over.

15 MR. MOWRY: Your Honor, if it would help matters,
16 we would offer the witness's statement as a State's
17 exhibit.

18 THE COURT: Well, I'll let you do that if you
19 need to or feel like you want to on redirect, but I'm
20 gonna let Mr. Howe handle this the way he prefers to.
21 Go ahead.

22 MR. HOWE: Thank you, Judge.

23 A. It just says that she told me that she had to
24 give me something.

25 Q. Okay.

1 A. I do believe that I did say what she handed me,
2 just like I do believe I said what I said about the gun
3 as far as he pulled it out, but I think they might have
4 wrote it up not all the way.

5 Q. Who might have wrote it up not all the way?

6 A. Whoever typed it up.

7 Q. The law who took the statement?

8 A. Yes, sir. And I can't be positive on that. I'm
9 just saying, you know, to my recollection.

10 Q. Bottom line, Ms. Dobbins, is all you know is what
11 Shayla Gaines, the person who you sell dope to, told
12 you, right?

13 A. Yes, sir.

14 Q. And you've told this jury and this Court that
15 when it's convenient to keep either you out of trouble
16 or a fiancé or maybe a friend that you'll lie if you
17 have to, right?

18 A. I have.

19 **MR. HOWE:** That's all the questions I have of
20 this witness.

21 **THE COURT:** Redirect?

22 **MR. MOWRY:** Your Honor, we would offer the
23 original of her statement into evidence at this time.

24 **THE COURT:** Without objection?

25 **MR. HOWE:** I'm gonna object until we have .

1 somebody authenticate it.

2 **THE COURT:** All right. The investigating officer
3 will be called at a later point in time then?

4 **MR. MOWRY:** Yes, sir.

5 **THE COURT:** Why don't you just authenticate it
6 with her and make sure that that's her handwriting,
7 et cetera, or whatever the case may be, and then we'll
8 move on.

9 REDIRECT EXAMINATION

10 BY MR. MOWRY:

11 Q. Take a look at that (handing). Do you recognize
12 that?

13 A. That's the paper that I signed that the police
14 typed up.

15 Q. Okay. And these are your initials at various
16 places right here?

17 A. Yes, sir.

18 Q. And that's your signature down there at the
19 bottom?

20 A. Yes, sir.

21 Q. Is that the statement you made that night?

22 A. I mean, I didn't read it after he handed it to
23 me. I glazed over it. I suppose so. I guess it was
24 what I said.

25 **MR. MOWRY:** Your Honor, I would ask that this be

1 marked, I should have done this previously, as a State's
2 exhibit.

3 (State's Exhibit Number 44, a statement, was
4 marked for identification.)

5 **THE COURT:** What are we up to?

6 **THE COURT REPORTER:** 44.

7 **MR. HOWE:** As I understand, Your Honor, the
8 officer who took the statement is gonna be called to
9 testify.

10 **THE COURT:** Right. It's not in evidence yet.
11 We'll move it through the officer.

12 BY MR. MOWRY:

13 Q. Renee, I want to ask you a few more questions.
14 Mr. Howe asked you about your phone, that you didn't
15 give your phone to law enforcement that night. Did
16 anybody ask you for it?

17 A. No, sir.

18 Q. Okay. Was there anything on your phone that
19 would have been evidence about who killed Bill Ardis?

20 A. No, sir.

21 Q. Okay. Mr. Howe asked you about couldn't you have
22 escaped a couple of times, couldn't you have left your
23 house and gotten away from Phillip Heath Hollingsworth.
24 When Shayla told you that Heath had killed Bill, that
25 was after you had come back from buying the pills; is

1 that right?

2 A. Yes, sir.

3 Q. That was after you had seen him handling the
4 pistol that you've identified; is that right?

5 A. Yes, sir.

6 Q. Mr. Howe also asked you about whether or not
7 Shayla was your friend, whether you were best friends
8 or not. When she called you from the store or on her
9 way back from the store, how quickly did you call
10 9-1-1?

11 A. As soon as she got back to the house. I waited
12 on her.

13 Q. Okay. When you called 9-1-1, how quickly were
14 law enforcement there?

15 A. They were pretty quick as far as I can remember.

16 Q. A couple of minutes?

17 A. It might be a little longer than that, but it was
18 not long.

19 Q. Okay. And he also asked you about lying to law
20 enforcement and you did that in the 2000 case; is that
21 right?

22 A. Yes, I did.

23 Q. And you admit that you did that?

24 A. Yes, sir.

25 Q. And you pled guilty to that; is that right?

1 A. What case are you talking about, the 2000 case?

2 Q. Right.

3 A. Which is what now? You're confusing me.

4 Q. I'm sorry. False information to police.

5 A. Oh, yes, sir.

6 Q. Okay. Are you telling the truth here?

7 A. Yes, sir.

8 **MR. MOWRY:** I beg the Court's indulgence.

9 **THE COURT:** Yes, sir.

10 **MR. MOWRY:** Thank you. That's all I have, Your
11 Honor.

12 **MR. HOWE:** No recross, Judge.

13 **THE COURT:** Thank you, ma'am. You can step down.

14 (Witness excused.)

15 **THE COURT:** Does any member of the jury need a
16 break at this point? No? All right. Call your next
17 witness.

18 **MR. MOWRY:** And the witness is under subpoena,
19 Your Honor. I'd ask that she be released from it at
20 this time.

21 **THE COURT:** Very good.

22 **MR. STUMBO:** Your Honor, the State would call
23 Shiree Spearman to the stand.

24 **MS. McNEILL:** Judge, may we approach?

25 **THE COURT:** Come on up.

1 (Proceedings held at the bench; not reported.)

2 **THE COURT:** Madam Clerk, swear the witness,
3 please..

4 SHIREE SPEARMAN,
5 having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. STUMBO:

8 Q. Good afternoon, Ms. Spearman.

9 A. Good afternoon.

10 Q. And your first name is Shiree?

11 A. Yes.

12 Q. And that's spelled S-H-I-R-E-E?

13 A. That's correct.

14 Q. Ms. Spearman, where do you currently work?

15 A. I work at MasterCare. A transportation agency
16 for non-emergency medical.

17 Q. Okay. Let me pull this microphone up to you just
18 a little bit here. All right. Say that again.

19 A. I work for MasterCare of South Carolina, a
20 non-emergency medical transportation company.

21 Q. Okay. Is that the one on 72 between Coronaca and
22 Lake Greenwood there on the four-lane road --

23 A. Yes, sir, it is. Yes, sir.

24 Q. And you're a driver for them?

25 A. I am.

1 Q. And I'm gonna take you back to November of 2012,
2 so November about fifteen, sixteen months ago. Where
3 did you work at that time?

4 A. I worked at One Stop store in Coronaca, third
5 shift clerk.

6 Q. Okay. The One Stop store. The one that has a
7 Subway attached to it?

8 A. Yes, sir.

9 Q. It's right on the corner where there used to be a
10 Piggly Wiggly and now it's a Bi-Lo?

11 A. Yes, sir.

12 Q. And you said you worked third shift?

13 A. Yes, sir.

14 Q. Now would that be 12 AM to 8 in the morning?

15 A. No, my shift started at 10:45 until about, I'd
16 say, right around 6 in the morning.

17 Q. Okay. And on the early morning hours, I guess,
18 late -- late hours of November 7th, early morning hours
19 of November 8th, did you work that shift at the One
20 Stop?

21 A. Yes, sir.

22 Q. And you just worked at the front counter, the
23 cash register?

24 A. Well, I did everything there. I was the only
25 third shift person there. I'm the only one that worked

1 third.

2 Q. Okay. So you kind of kept the store clean, made
3 sure things were stocked right, that sort of thing?

4 A. Yes, sir.

5 Q. There in those hours is the store open, can you
6 just walk right in the store?

7 A. No, I lock the doors at midnight and I had a
8 buzzer to press to let people in.

9 Q. Okay. So after 12 you can't just come in the
10 store, you've got to buzz them in from the counter?

11 A. Well, it was a buzzer I wore around my neck or in
12 my pocket. It was a handheld.

13 Q. Okay. So you could see the person that was
14 outside before they came in?

15 A. Yes, sir.

16 Q. Now on that night of November 7th to November 8th
17 that you were working, did you have occasion to see that
18 night the man, Phillip Hollingsworth?

19 A. Yes, sir.

20 Q. Okay. And did you talk to law enforcement later
21 that night about what you had seen? You had some police
22 come to you and ask you some questions?

23 A. Well, I had a Greenwood County sheriff pull up
24 and ask me had I seen him and I told him he had just
25 left, but I didn't know under what circumstance.

1 Q. Okay. And this was a few minutes after he had
2 actually come in the store?

3 A. Maybe a few minutes afterwards. I couldn't give
4 you an exact time limit, but it was after he had left,
5 yes, sir.

6 Q. Was it within thirty minutes, within an hour?

7 A. I would say within an hour. It might have been
8 between thirty and forty-five minutes.

9 Q. Now the person who you saw that night -- I'm
10 gonna show you what's in evidence as State's Exhibit 34
11 and let you look at the individual in that picture and
12 that face. Do you recognize that face?

13 A. Yes, sir.

14 Q. Okay. Who was that?

15 A. Well, to me then it was just a customer, but I
16 later found out it was Mr. Hollingsworth.

17 Q. Okay. But at the time this was the guy that came
18 in the store that night?

19 A. Yes, sir.

20 Q. How many times did he come in the store?

21 A. On my shift that was the first time I recall
22 seeing him.

23 Q. Okay. And did you recognize whether he pulled
24 up in a vehicle with somebody else? Could you see him
25 through the window?

1 A. All I saw was what I thought was a white pick-up
2 truck like pull up into a parking space and, you know,
3 as he got out and approached the door, I buzzed him in,
4 but I don't know if there was anybody in the vehicle.

5 Q. Okay. But you saw a white truck. I'm gonna show
6 you what's in evidence as State's Exhibit 25.

7 A. Yes, sir, something like that.

8 Q. It looked similar to that?

9 A. Yes, sir.

10 Q. A white truck with a rack on the back?

11 A. Yes.

12 Q. And how many times did this individual come into
13 the store? I mean, did he come in just one time, buy
14 something and leave and you didn't see him again?

15 A. He actually came in twice.

16 Q. Okay. Can you describe for the jury what he did
17 the first time?

18 A. Well, he came to the door, I buzzed him in, I
19 spoke, he proceeded to go get what he was purchasing, he
20 brought it to the register, I rung it up, told him to
21 have a nice evening and he left. Then he came back in
22 and I said oh, you forgot something, and he proceeded to
23 go get whatever else it was he was going to get, I rang
24 him up again and I told him to have a good night again
25 and he left, and that was it.

1 Q. So you had to buzz him in again a second time?

2 A. Yes, sir.

3 Q. And how long was that after he had walked out the
4 door?

5 A. It was -- it wasn't long because I was getting
6 ready to walk away from the register when I looked up
7 and saw him coming back and that's when I buzzed him in.

8 Q. Okay. And do you remember where he walked in the
9 store? I mean, did he go to the drink cooler or --

10 A. The drink cooler -- like the cash register is
11 right here. The drink cooler -- well, the beer coolers
12 are back here, the drink coolers run this way around to
13 the fountain area, and he went to the drink coolers.

14 Q. Okay. So he purchased, I think, some drinks that
15 night?

16 A. Yes, sir.

17 Q. And do you remember what he was wearing at all at
18 the time?

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

20 Q. But you remember his face?

21 A. Uh-huh.

22 Q. And you spoke to him twice and interacted with
23 him?

24 A. Yes.

25 Q. Okay. And after he walked out the door, did you

1 ever see him again?

2 A. No, sir.

3 Q. Did you see that white truck?

4 A. No, sir.

5 Q. And you say maybe within the next -- within the
6 hour you spoke with law enforcement and told them what
7 you saw?

8 A. Yes, sir.

9 MR. STUMBO: No further questions of this
10 witness, Your Honor.

11 CROSS-EXAMINATION

12 BY MS. McNEILL:

13 Q. Ma'am, you would agree that Mr. Hollingsworth,
14 the customer that you now know as Mr. Hollingsworth, was
15 in the store for the same amount of time just about both
16 times that he entered the store?

17 A. Yes, ma'am, I would.

18 Q. Okay. And did you see who was driving the truck?

19 A. No, ma'am.

20 Q. So you didn't see who was driving, you just saw
21 the truck?

22 A. I just saw the truck pull up.

23 Q. Okay. And do you recall telling law enforcement
24 that a male subject, possibly Phillip Hollingsworth,
25 came into the store wearing camouflage?

1 A. No, I don't recall saying anything about
2 camouflage.

3 Q. You don't recall telling law enforcement that?

4 A. No.

5 Q. Okay. But you probably would recall if
6 Mr. Hollingsworth was anxious and covered in blood,
7 right?

8 A. Yes, ma'am.

9 Q. And you don't recall that he was anxious or
10 covered in blood, right?

11 A. No, ma'am.

12 **MS. McNEILL:** Okay. Thank you. No further
13 questions.

14 **THE COURT:** Thank you, ma'am. You can step
15 down. No objection to releasing this witness from the
16 defense?

17 **MS. McNEILL:** No, Your Honor.

18 **THE COURT:** Thank you for coming, ma'am. You're
19 free to go.

20 (Witness excused.)

21 **THE COURT:** Call your next witness, please,
22 Solicitor.

23 **MR. STUMBO:** The State would call Richard
24 Gillcrest.

25 (Proceedings held at the bench; not reported.)

1 **THE COURT:** Ladies and gentlemen, I'm gonna take
2 up an issue of law with the attorneys. If you would,
3 just adjourn to the back. Don't talk about the case.
4 I'll let you know when you can. Sir, you can have a
5 seat if you want.

6 (The jury retires to the jury room.)

7 **THE COURT:** All right. The jury is out. At the
8 sidebar a moment ago, the Solicitor informed me that
9 this is the 9-1-1 operator from Greenwood who took the
10 initial call. The defense informed me that they would
11 be making an objection to the introduction of the 9-1-1
12 tape on hearsay grounds. Solicitor, do you want to
13 speak to that?

14 **MR. STUMBO:** Yes, Your Honor. Just under Rule
15 803, Subsection -- Subsection 6, this is a business
16 record of regularly conducted activity or it goes to
17 the 9-1-1 reporting that comes -- or results from a
18 government entity. I believe also Subsection 8 may
19 apply, but I believe that it clearly falls within the
20 exceptions here to the hearsay rule. Generally we have
21 the custodian of the record here, the one who actually
22 took -- as one of the custodians who works for Greenwood
23 County 9-1-1 dispatch, Mr. Gillcrest, he actually was
24 the dispatcher that night, as well who took the call,
25 and so I believe he can more than sufficiently lay a

1 foundation, Judge. It falls clearly within the rules.

2 **THE COURT:** All right. I mean, a recorded call
3 is probably better than somebody testifying about what
4 was said. What's the defense's objection? Because this
5 typically does come in under business records. Can you
6 educate me a little bit better as to what it exactly is
7 that you're having an issue with? I haven't heard the
8 tape obviously.

9 **MS. McNEILL:** Okay. I understand it's Tina
10 Dobbins who's making the statement. Tina Dobbins is
11 saying what Shayla told her. She's calling in saying
12 Shayla told me this to the 9-1-1 operator. It's still
13 an out of court statement used to prove the matter
14 asserted. They did have the opportunity to have her,
15 Tina Renee Dobbins, testify to it, they did not, and,
16 Judge, they're asking -- that's pretty much -- if
17 they're saying that it's a business record, that's also
18 pretty much asking to say a police report is a business
19 record, which clearly it is not, and it would still be
20 a statement within the business record.

21 **THE COURT:** Well, a police report deals
22 with a specific statutory section that prohibits its
23 introduction as opposed to this being an evidentiary
24 rule, but go ahead.

25 **MS. McNEILL:** Right, but that's just still is

1 making it hearsay within hearsay. She isn't being --
2 I'm sorry, the Greenwood 9-1-1 operator isn't being
3 called to testify as a matter of business, they're being
4 called to report an event. The record is the recording.
5 It's the 9-1-1 entering it, but her statement is still
6 hearsay, an out of court statement used to prove the
7 matter asserted, and the crux of the business record
8 exception is that the declarant is under a business duty
9 or obligation to make the statement. That should not
10 apply to a 9-1-1 caller.

11 **THE COURT:** All right. Solicitor, why are you
12 seeking introduction of this tape and how do you respond
13 to their objection?

14 **MR. STUMBO:** Well, it's simply to give context.
15 We've had the witness already testify that she called
16 9-1-1. This corroborates that testimony, first and
17 foremost, and, secondly, it gives the jury some context
18 as to how law enforcement got involved. They get to
19 hear the exact words via a recorded phone call that came
20 in to law enforcement. So, there again, it clearly
21 falls within the exception here. I think the other
22 question is that is there some other reason to object
23 to it? I don't know if I understood Ms. McNeill's
24 objection, but it seems to be that because Ms. Gaines
25 told Ms. Dobbins something that ended up being in this

1 call, which we've already heard from both of those
2 witnesses, and they've already testified to that.
3 Shayla's already testified to the fact that she told
4 Tina that Heath killed Bill. Tina's already testified
5 to the fact that Shayla told me that Heath killed
6 Bill. That's already in the evidence. This simply
7 corroborates it. It gives the jury some context as to
8 the fact that 9-1-1 was called, corroborates that fact
9 and the fact that they showed up.

10 **THE COURT:** All right. Well, I know that
11 subjective conclusions and business records are not
12 typically admissible. Are we dealing with anything
13 along those lines with this recording?

14 **MR. STUMBO:** Subjective conclusions as in?

15 **THE COURT:** Medical records; I think she's
16 lying, I think that -- you know, she came to me
17 reporting of backaches, I have doubts about whether
18 she's really having backaches, I think she's simply
19 med seeking.

20 **MR. STUMBO:** Well, Your Honor, I don't know
21 if there's any conclusion. I mean, we can lay the
22 foundation and play the tape in limine.

23 **THE COURT:** I'm assuming you can -- I'm assuming
24 you can lay the foundation, so why don't you just play
25 the tape so that I can hear what the substance of it is

1 and that might help me a little bit.

2 **MR. STUMBO:** We'd be glad to, Judge.

3 **THE COURT:** Thank you.

4 (Whereupon, the 9-1-1 recording was played in
5 camera for the Court.)

6 **THE COURT:** All right. Well, if anything, it
7 simply -- I tend to agree with the State that if nothing
8 else, it simply provides context for why the police
9 undertook what they did. This type of thing typically
10 comes in as a business record exception and typically
11 there's not an objection to it. I'm not even sure that
12 it's hearsay. It's being introduced to simply explain
13 why the police came out to the location. Both witnesses
14 have testified. Ms. Dobbins testified she made the
15 call. I'll let it in. That's my ruling.

16 Why don't we take five minutes for ourselves and
17 then we'll resume. Is that's okay with everyone? All
18 right. We'll be at ease for about five minutes.

19 (Recess taken.)

20 **THE COURT:** Stay seated everybody. Okay. Let
21 the record reflect that the Defendant is here with
22 counsel. Somebody go get the jury for me, please.

23 (The jury returns to the courtroom.)

24 **BAILIFF:** All present, Your Honor.

25 **THE COURT:** The record should reflect that the

1 jury is back and seated. Sir, if you'll go ahead and --
2 I'm sorry, swear the witness, please.

3 RICHARD GILLCREST,
4 having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. STUMBO:

7 Q. Good afternoon, Mr. Gillcrest.

8 A. Good afternoon.

9 Q. You work for Greenwood County?

10 A. Yes, sir.

11 Q. And what is your role there with Greenwood
12 County?

13 A. I'm a telecommunications officer, which is also a
14 9-1-1 dispatcher.

15 Q. Okay. So you take the calls in when somebody
16 dials 9-1-1?

17 A. That's correct.

18 Q. And when you get an emergency call in, typically
19 after you get that information and hang up from the
20 person who called in, what do you do next?

21 A. Well, we type all the information in. Whatever
22 pertinent information there is we put it into what's
23 called the CAD system. We enter it and we save it and
24 we advise the dispatcher, whoever's dispatching that
25 radio, they have a call and then they, in turn, give

1 the call out to -- say, if it's for the sheriff's
2 department, they'll give it out to the sheriff's
3 department.

4 Q. If they need an ambulance in addition to that, it
5 would go to EMS?

6 A. Right. I would say County EMS, you have a call;
7 advise them they have a call.

8 Q. All right. Did you work in that roll,
9 Mr. Gillcrest, back in November of 2012?

10 A. Yes, sir.

11 Q. Okay. Were you working the night of November 7th
12 to November 8, 2012?

13 A. Yes, sir.

14 **MR. STUMBO:** If I may approach, Your Honor.

15 **THE COURT:** Please.

16 BY MR. STUMBO:

17 Q. I'm gonna show you what's been pre-marked for ID
18 purposes as State's Number 39. Have you listened to the
19 contents of that disk?

20 A. Yes, sir. I heard it and I initialled it.

21 Q. Okay. Those are your initials there on the
22 front, RBG?

23 A. Yes, sir, that's me.

24 Q. Okay. And the contents of this disk, are they a
25 fair and accurate representation of a 9-1-1 call that

1 you had the night of November 7th?

2 A. Yes, sir.

3 Q. And was that a female caller on there that called
4 in?

5 A. Yes, sir, the caller was female.

6 Q. Okay. And what was she reporting?

7 A. She was reporting that there had been a murder.

8 Q. And did you dispatch -- after you hung up the
9 phone with her, did you dispatch deputies out to that
10 location?

11 A. That particular night, I was on County fire
12 radio, so I was taking the call, but as soon as I got
13 the call, I advised the County sheriff's department
14 dispatcher that she had a call and she dispatched the
15 sheriff's department, correct.

16 Q. So you called dispatch and then the county
17 dispatcher sent deputies out to the house?

18 A. Yes, sir. We're all in one room together, yes,
19 sir. I just hollered County, you've got a call, or
20 waved to her.

21 **MR. STUMBO:** Judge, I'd offer State's 39 into
22 evidence and permission to publish to the jury.

23 **THE COURT:** All right. Subject to the earlier
24 objection, you may proceed.

25 **MS. McNEILL:** Thank you.

1 (State's Exhibit Number 39, a 9-1-1 CD, was
2 admitted into evidence.)

3 (Whereupon, the 9-1-1 recording was played for
4 the Court and jury.)

5 **MR. STUMBO:** No further questions of
6 Mr. Gillcrest.

7 **THE COURT:** Cross?

8 **MS. McNEILL:** No questions of this witness.

9 **THE COURT:** Thank you, sir. You can step down.
10 (Witness excused.)

11 **MR. STUMBO:** No objection to --

12 **THE COURT:** No objection to releasing him from
13 his subpoena from the defense?

14 **MS. McNEILL:** No objection.

15 **THE COURT:** You're free to go. Thank you for
16 coming, Mr. Gillcrest. Call your next witness, please.

17 **MR. STUMBO:** Your Honor, the State would call
18 Deputy Devin Hodges to the stand.

19 DEPUTY DEVIN HODGES,
20 having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. STUMBO:

23 Q. Good afternoon, Deputy Hodges. How are you
24 doing?

25 A. All right. How are you, sir?

1 Q. Good. I can tell by the patch on your sleeve
2 that you currently work for Abbeville County Sheriff's
3 Office.

4 A. Yes, sir.

5 Q. And how long have you been with Abbeville County?

6 A. I believe since November this past year.

7 Q. Okay. Before you went over to Abbeville this
8 past year, where did you work?

9 A. Laurens County Sheriff's Office.

10 Q. How long had you been with Laurens County?

11 A. January 4, 2010.

12 Q. So you went through the academy, got certified
13 and all that good stuff?

14 A. Yes, sir.

15 Q. And when you were with Laurens County, did you
16 work the road or did you work somewhere else?

17 A. I worked the road division. Uniformed patrol.

18 Q. And I'm gonna take you to November 7th, the
19 evening of November 7th and the early morning hours of
20 November 8th of 2012. Were you working that night?

21 A. Yes, sir.

22 Q. And did you have occasion to respond out to
23 Waterloo to a dead body?

24 A. Yes, sir.

25 Q. Okay. And do you remember what the location of

1 that address was?

2 A. [REDACTED]

3 Q. Okay. And at the time you went there, was it --
4 what kind of check was this? Was it a welfare check or
5 what sort of thing was it?

6 A. It was more of a well-being check. We got some
7 information that he could have been harmed, so we
8 responded down there to check on him to make sure he
9 was okay and see if he needed assistance from law
10 enforcement or by EMS or something like that.

11 Q. Okay. So did this information come from
12 Greenwood County to your dispatch?

13 A. Yes, sir.

14 Q. And they sent you and who else?

15 A. Deputy Carter.

16 Q. Deputy John Carter?

17 A. Yes, sir.

18 Q. Were y'all working together that night on the
19 same shift?

20 A. Yes, sir, we was.

21 Q. And can you tell me what you did when you first
22 got there to the [REDACTED]

23 A. Well, we pulled into the driveway. [REDACTED]

24 [REDACTED] only has one house on it. It's at the very end.

25 We pulled in the driveway, noticed his truck wasn't

1 there, which usually means he's not there from my past
2 experience with him, but went to the house anyway,
3 looked through the window and that's when we seen
4 Mr. Ardis laying on the ground -- well, on the floor
5 inside the living room.

6 Q. So you saw him in through the window?

7 A. Yes, sir.

8 Q. All right. And he appeared to be deceased?

9 A. Yes, sir.

10 Q. Can you describe what his body looked like?

11 A. From the window, he was -- we could tell he was
12 laying on his stomach and there was blood and all the,
13 you know, brain matter and stuff all over the living
14 room, and so that's how. We put on gloves and --

15 Q. Were you able to see his head?

16 A. Vaguely. I can't recall too well.

17 Q. All right. Now at the time you said you put on
18 gloves. Did you effect entry into the house at that
19 time?

20 A. Yes, sir.

21 Q. Why did you go into the house?

22 A. We wanted to make sure there wasn't anymore
23 victims that may need help or for that matter suspects
24 or anything like that just to make sure the residence
25 was secured.

1 Q. You had to clear the residence to make sure no
2 one was in there?

3 A. Yes, sir.

4 Q. And who did you call next?

5 A. I notified the lieutenant on duty, Lieutenant
6 Higginbotham, that he notify the investigator on call.

7 Q. Okay. And did the investigator respond to that
8 residence?

9 A. Yes, sir.

10 Q. All right. Investigator Scott Franklin who's
11 seated to my right was one of them?

12 A. Yes, sir.

13 Q. And who else?

14 A. Lieutenant Chris Martin.

15 Q. At that time did y'all document anything at the
16 scene? Well, let me back up from that. Did you secure
17 the crime scene?

18 A. We did. We placed up evidence tape along the
19 driveway so nobody else that wasn't supposed to be there
20 could get in.

21 Q. And who all at that time had access or came
22 into the crime scene other than you, Deputy Carter
23 and I think you already said Investigator Martin and
24 Investigator Franklin?

25 A. Obviously the coroner and his assistant,

1 Ms. White, as well as SLED and EMS. I believe it was
2 Simmons was his name, if I'm correct.

3 Q. Okay. I'm gonna show you just a set of
4 photographs, and this is what's already in evidence as
5 State's 2 through 24. I'm just gonna ask you to just
6 briefly look through those. Take your time. Are those
7 pictures of -- do State's 2 through 24 appear to be a
8 fair and accurate representation of this residence, [REDACTED]

9 [REDACTED]
10 A. Yes, sir.

11 Q. And the position of Mr. Ardis's body appears to
12 be how you and Deputy Carter found it that night?

13 A. Yes, sir.

14 Q. Deputy Hodges, [REDACTED] we're talking about
15 Laurens County, correct?

16 A. Yes.

17 Q. And that's right there on the lake on the
18 Waterloo side?

19 A. Yes, sir.

20 MR. STUMBO: I beg the Court's indulgence.

21 THE COURT: Yes, sir.

22 MR. STUMBO: No further questions of Deputy
23 Hodges at this time.

24 THE COURT: Mr. Howe?

25 MR. HOWE: Thank you, Judge.

CROSS-EXAMINATION

BY MR. HOWE:

Q. Officer Hodges, you -- I'm sorry, I didn't get your rank.

A. Deputy.

Q. Deputy. Okay, thanks. I'll call you deputy. You -- you were with, I think, Officer Carter; is that correct?

A. Yes, sir. It was Deputy Carter.

Q. Deputy Carter. Also with the sheriff's department at that time?

A. (Nods head.)

Q. Okay. And y'all later completed, I believe, an incident report; is that right?

A. Yes, sir.

Q. Okay. Have you reviewed that kind of in getting your time frame and stuff like that --

A. Yes, sir.

Q. -- for your testimony today?

A. Uh-huh.

Q. Okay. And I was looking at it and it looks like that y'all got dispatched at 1:48 in the morning, right?

A. Yes, sir.

Q. Okay. And arrived -- because y'all probably had to travel some distance since this is down towards the

1 lake, you were on the road somewhere, but you had to
2 travel a little bit, I guess, to get there?

3 A. Yes, sir. I don't remember where we were at the
4 time.

5 Q. Right. But you got there at 2:06?

6 A. Yes, sir.

7 Q. So fairly quick, eighteen minutes, if my math is
8 right.

9 A. (Nods head.)

10 Q. But -- but the dispatch didn't get that -- you
11 didn't get dispatched until 1:48 and obviously that's
12 not shortly after midnight, is it, sir?

13 A. No, it's an hour and forty-eight minutes after
14 midnight.

15 Q. Okay. All right. And I believe that it was
16 based on information -- and you wrote in your incident
17 report that it was originated from Greenwood dispatch
18 relaying it to Laurens dispatch, correct?

19 A. Yes, sir.

20 Q. Okay. The home that you went to, Mr. Ardis's
21 home, you put in your report you were familiar with it?

22 A. I am.

23 Q. And you knew Mr. Ardis?

24 A. I did.

25 Q. Okay. And you'd been to that home to answer

1 calls before?

2 A. Yes, sir.

3 Q. It would be a fair statement, a number of
4 different type calls?

5 A. Yes, sir.

6 Q. Okay. Some involving him making complaints
7 against others and some -- and maybe even the reverse
8 of that at different times. Is that a fair statement?

9 A. There was a few. I don't remember exactly what
10 they all were.

11 Q. But be that as it may, you were clear that he'd
12 been --

13 A. Yes, I had been out there plenty of times.

14 Q. And when you got there, you could identify
15 Mr. Ardis as the person who was there?

16 A. Absolutely.

17 Q. You could do that fairly quick?

18 A. Absolutely.

19 Q. Yeah. The photographs that have been referred to
20 that you took some time looking at, did you take those?

21 A. I took some preliminary photographs, but I didn't
22 take all those photographs, no, sir.

23 Q. Right. I thought -- I was wanting to make sure
24 of that. Those actually may have been taken by a crime
25 scene fellow, right?

1 A. More than likely.

2 Q. More than likely, but not by you?

3 A. No.

4 Q. But you took some separate ones yourself?

5 A. Yeah, I took just enough for the initial report.

6 Q. All right. And I noticed in the report that
7 you made that you noticed that there was blood splatter
8 in the living room where Mr. Ardis was found, in the
9 kitchen and some -- some in the ceiling area, correct?

10 A. I noticed it was all over the living room. I
11 wasn't specific as far as what went where.

12 Q. Okay. Maybe I was reading that wrong in your
13 report. Would you take a minute and look it over and
14 see if you indicated that it was in the kitchen area as
15 well?

16 A. No, sir. Mine says brain and skull matter went
17 all around the residence. Blood splatter was -- okay.
18 That is correct.

19 Q. And blood splatter was also located all --

20 A. Yes, sir.

21 Q. So you would agree with me now that you put that
22 in your report?

23 A. Yes, sir.

24 Q. And that was a report that you did close in time
25 when this happened because you usually -- just so I

1 understand and the jury understands it, you come back
2 later on and do an incident report and have it typed up
3 for future use and also to be a recorded memory of what
4 occurred and what you did, correct?

5 A. Yes. After we respond to the scene and after
6 it's been cleared, the initial officers can leave and I
7 can go and type up the incident report.

8 Q. And so you would agree then that you did notice
9 blood splatter in the kitchen areas a well?

10 A. Yes, sir.

11 Q. Do you remember enough about the house to know if
12 there was -- the kitchen area was separated by walls and
13 then a doorway from the --

14 A. I don't recall.

15 Q. You don't recall that?

16 A. No.

17 Q. Okay. Did you -- there were markers that were
18 placed in -- in various places in the home?

19 A. Yes, sir.

20 Q. Okay. Markers are for what purpose?

21 A. To basically show points of interest that might
22 be useful in the investigation, whether it be evidence
23 or whatnot.

24 Q. And did you place the markers?

25 A. I did place some, yes, sir.

1 Q. Okay. For instance, I'm showing you what is
2 State's Exhibit Number 2. Take a minute and look at
3 that. Is that one of those type markers you're talking
4 about?

5 A. This is similar. I couldn't tell you if it's
6 mine or the crime scene's. I couldn't tell you.

7 Q. But it's the kind of marker?

8 A. It looks like that.

9 Q. But the purpose of the marker is to --

10 A. Just to point out points of interest that may
11 be useful in the investigation, whether evidence or
12 something along those lines.

13 Q. And you did that initially -- even before the
14 lead investigators from Laurens got there, you did some
15 of that?

16 A. Yes, sir, I did do a little bit.

17 Q. All right. You didn't go over to Greenwood, did
18 you --

19 A. No, sir, I did not.

20 Q. -- to go to -- did Officer Carter go to Greenwood
21 at some point in time?

22 A. Yes, sir, I believe he did.

23 Q. He went to Greenwood and would have had dealings
24 -- did you have any dealings with the Greenwood
25 Sheriff's Department deputies that evening or at any

1 time during this investigation?

2 A. No, sir.

3 Q. You did not?

4 A. I did not.

5 Q. Okay. You -- the report itself though, including
6 -- and I'm gonna show you what was given to us, the
7 supplemental report. Tell us what a supplemental report
8 is.

9 A. Basically a supplemental report is done for any
10 other officer that arrived on the scene. They give
11 their input to what they did or how they went to the
12 scene and what all they were able to do.

13 Q. Okay. Who would have completed that supplemental
14 report?

15 A. Deputy Carter done this one.

16 Q. Okay. Deputy Carter did it?

17 A. Yes, sir.

18 Q. That's our markings on that, but, I mean, you're
19 familiar with that, that Deputy Carter would have done
20 it?

21 A. Yes, sir.

22 Q. Okay. I see it says so right up there in the
23 upper left-hand corner.

24 A. Yes, sir.

25 Q. Because he went to Greenwood, correct?

1 A. He did.

2 Q. All right. And you -- and I think it was your
3 testimony that -- that y'all secured the scene that
4 evening?

5 A. We did.

6 Q. Okay. Did y'all leave -- were there other
7 officers that came from Laurens that remained there
8 afterwards or did you wait until the other officers
9 came?

10 A. Well, I stayed on-scene through the night and
11 part of the morning.

12 Q. Okay.

13 A. Deputy Carter left the scene. I can't remember
14 besides the investigators who came.

15 Q. Were you there when the crime scene persons from
16 SLED were there?

17 A. I believe I was.

18 Q. Have you reviewed the 9-1-1 tapes in this thing?

19 A. No, sir.

20 Q. Do you know for any reason -- were y'all ever
21 asked to go back to check the scene to see if people
22 were coming to try to get Mr. Ardis's medications, his
23 drugs?

24 A. I don't recall any of that.

25 Q. Okay. You've never seen that report from 9-1-1?

1 A. No, sir.

2 Q. Were you asked to go back and check on the --
3 later at any point in time to go back and check on
4 Mr. Ardis's home to see if anybody was there trying to
5 get -- break into the house?

6 A. I believe they put it on some kind of property
7 check for, you know, the days after that just to keep a
8 watch on it.

9 Q. Okay. Right. Okay. But nothing -- nothing that
10 you were aware of about --

11 A. No, sir. No, sir.

12 Q. -- some people trying to -- okay.

13 MR. HOWE: One minute, if I may have, Judge.

14 THE COURT: Yes, sir.

15 BY MR. HOWE:

16 Q. As far as conducting any interviews or anything
17 like that, you did not do that in this particular case,
18 correct?

19 A. No, sir.

20 Q. And you did what you were trained to do, to get
21 there and secure the scene, but you -- and you also were
22 trained to take some photographs?

23 A. Yes, sir. We're there just to make sure the
24 scene is safe.

25 Q. And you would agree with me that whatever you put

1 in the incident report about what you found should have
2 been accurate because it was done close in time to when
3 that occurred?

4 A. That's right.

5 MR. HOWE: Okay. Thank you. That's all I have.

6 MR. STUMBO: Just a couple in redirect, Your
7 Honor.

8 REDIRECT EXAMINATION

9 BY MR. STUMBO:

10 Q. Deputy Hodges, other than these yellow markings
11 as we've observed here, you said you put some markers
12 out inside the house?

13 A. I did.

14 Q. Other than that, did you add anything to this
15 scene, put anything there?

16 A. No, sir. I placed the markers just so I could
17 take some photographs. I didn't touch any evidence, I
18 didn't move anything, I didn't have any hands on that.

19 Q. You didn't disturb anything in the house in any
20 way?

21 A. No, sir.

22 Q. And when were you handed -- when you and Deputy
23 Carter handed this scene over to your investigators and
24 SLED, the crime scene, you handed it over as you found
25 it with the exception of adding these markers; is that

1 correct?

2 A. That's right. That's correct. After the initial
3 photographs were taken and EMS arrived on the scene,
4 then we then exited the residence. We didn't -- you
5 know, we left it as it was in the same condition.

6 Q. And as you -- you, I think, mentioned before that
7 before y'all even went into the house you put gloves on?

8 A. We did. We did.

9 **MR. STUMBO:** No further questions, Your Honor.

10 **MR. HOWE:** No recross.

11 **THE COURT:** Thank you, sir. You can step down.
12 I appreciate you coming. You are free to go.

13 (Witness excused.)

14 **THE COURT:** Call your next witness, please,
15 Solicitor.

16 **MR. MOWRY:** I call Deputy John Carter.

17 DEPUTY JOHN CARTER,

18 having been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. MOWRY:

21 Q. You are John Carter?

22 A. Yes, sir.

23 Q. And I believe you are a deputy with the Laurens
24 County Sheriff's Office; is that right?

25 A. That's right.

1 Q. How long have you been employed as a deputy with
2 Laurens County?

3 A. Since June of 2011.

4 Q. And how long have you been employed in law
5 enforcement in general?

6 A. Since April of 2006.

7 Q. Where did you start out?

8 A. Laurens City Police Department.

9 Q. Okay. And moved over to the County a few years
10 later?

11 A. Yes, sir.

12 Q. Were you employed as a deputy sheriff back on the
13 -- well, the evening of the 7th, going into the 8th of
14 November of 2012?

15 A. Yes, sir.

16 Q. Which shift were you working that day?

17 A. It was Lieutenant Higginbotham's shift.

18 Q. Which ran from what time?

19 A. 6:45 PM to 7:00 AM.

20 Q. All right. A twelve-hour shift going from
21 one day into the next; is that right?

22 A. Yes, sir.

23 Q. Sometime in the early morning hours of
24 November 8th, did you receive a call to go to [REDACTED]

25 [REDACTED] in the Waterloo area in Laurens County?

1 A. I did.

2 Q. Was there another deputy that was also directed
3 to respond to the scene?

4 A. Yes, sir, Devin Hodges.

5 Q. Okay. Did y'all travel together or in separate
6 cars? How did y'all do this?

7 A. Separate vehicles.

8 Q. Okay. Describe the area around Mercy Lane.

9 A. Do you mean the roads leading to you it or --

10 Q. Just the surrounding area. What's that area
11 like?

12 A. If I remember right, the residence itself, it was
13 a small driveway or a small roadway kind of leading down
14 to it, if I remember right, and the driveway itself was
15 a gravel road. When you go down the gravel road, it's
16 kind of -- you know, kind of goes downhill and I believe
17 it may go around a curve and then once you get down to
18 the bottom of it, it's kind of one way in, one way out
19 type of thing. You'd have to go down and turn around to
20 be able to get back out of it and then the residence
21 sits down at the bottom of it and; if I remember right,
22 the lake or a portion of the lake attached to Greenwood
23 Lake was to the right of the residence off in the
24 distance.

25 Q. Right. Okay. A wooded area?

1 A. Yes, sir.

2 Q. Was it fairly sparsely populated or were there
3 some other houses?

4 A. It was nighttime. It didn't appear to be a lot
5 of residences in the area, but I -- prior to that call,
6 I don't remember answering any other calls down there,
7 so I wasn't as familiar with the area.

8 Q. Okay. What was the nature of the call? Why were
9 you dispatched to go there?

10 A. We received a call stating that an individual
11 had contacted the Greenwood County 9-1-1 Center stating
12 that a murder had just occurred at that residence.
13 Myself and Deputy Hodges responded to the residence to
14 do a welfare check to make sure -- you know, to see if
15 anything had happened.

16 Q. When you got there, how did you take a look
17 inside the residence?

18 A. Myself and Deputy Hodges approached the
19 residence, looked inside the door. If I remember right,
20 there was a window near the door and there may have even
21 been some glass in the front of the door, if I remember
22 right. We could see clearly into the residence. There
23 were lights on and whatnot and you could clearly see an
24 individual laying on the floor of the living room and a
25 there was blood everywhere.

1 **MS. McNEILL:** Subject to the previous objection.

2 **MR. MOWRY:** This is State's Exhibit Number 4.

3 **THE COURT:** Are you moving that into evidence at
4 this point or will you be shortly?

5 **MR. MOWRY:** I will now, Your Honor.

6 **THE COURT:** Okay. Go ahead and show it to him.

7 BY MR. MOWRY:

8 Q. This is State's Exhibit Number 4. Do you
9 recognize that?

10 A. Yes, sir.

11 Q. What is that, please, sir?

12 A. This appears to be the living room area. The
13 front door was kind of on this side of the photo and the
14 -- it appears to be the -- the scene of that night.

15 Q. This is -- this is how the body was when you saw
16 it; is that right?

17 A. Yes, sir.

18 **MR. MOWRY:** Your Honor, if it is not previously
19 entered, I would offer this into evidence at this time.
20 I believe it is.

21 **THE COURT:** I think it may be in evidence, but
22 the Defendant's objection is noted. The Court concludes
23 its probative value outweighs the prejudicial effect.
24 It is in evidence at this point.

25 **MR. MOWRY:** Thank you, Your Honor.

1 BY MR. MOWRY:

2 Q. When you saw the body lying on the floor, what
3 did you do?

4 A. Myself and Deputy Hodges immediately put on
5 rubber gloves. He then checked the front door. The
6 front door was unsecured. Myself and Deputy Hodges
7 went into the residence. At that point, it appeared
8 that he was deceased. Once we went inside the house,
9 we made sure -- we cleared the residence and made sure
10 nobody was inside. I believe due to the small size of
11 the residence that I mainly stayed in the kitchen and
12 Deputy Hodges continued clearing the residence to ensure
13 nobody else was inside.

14 Q. Let me ask you this. What led you to the
15 conclusion that the individual on the floor was dead?

16 A. He was unresponsive, part of his -- part of the
17 back of his skull was missing and there was blood
18 everywhere, there was brain matter -- what appeared to be
19 brain matter everywhere and, you know, I just -- based
20 on all that it appeared that he was deceased.

21 Q. Did you know at that time who the individual was?

22 A. I did not. Deputy Hodges informed me sometime
23 during the course of us being out there in this
24 particular residence that the individual was the victim,
25 Mr. Ardis. He had dealt with him on prior occasions.

1 Q. Okay. So describe what clearing a residence is
2 or clearing a building.

3 A. Basically being -- being safe. You know, using
4 officer safety, but going through the residence making
5 sure there's nobody inside for our safety and make sure
6 whomever committed the crime or that no one is possibly
7 still inside the residence.

8 Q. Okay. Let me show you State's Exhibit Number 6,
9 this photograph. Do you recognize that?

10 A. Yes, sir.

11 Q. What is that, please, sir?

12 A. That is the shotgun that we observed inside the
13 residence. Once you enter the front of the residence --
14 the front door of the residence, I believe the living
15 room area, over to the right, once you walk in over to
16 the left side near a doorway going into the kitchen, the
17 shotgun was laying near the wall -- near that wall where
18 the entrance to the kitchen is, it was laying on the
19 floor, and there was also an unspent shotgun shell
20 located nearby.

21 Q. Okay. Was that another reason that y'all were a
22 little concerned; you had a dead body on the floor, you
23 had a shotgun lying there, there may be some assailant?

24 A. Yes, sir.

25 Q. Did you determine that nobody was there?

1 A. Yes, sir.

2 Q. Okay. What was your purpose or function after
3 that?

4 A. We immediately advised the supervisor what was
5 going on, immediately contacted the on-call investigator
6 and the captain of investigations was notified, as well
7 as the sheriff.

8 Q. Okay. And what happened then? What did y'all do
9 then?

10 A. We -- myself and Deputy Hodges got the crime
11 scene tape and marked off -- or taped off the scene.
12 Sometime during that point we did locate a moped in the
13 back. I'm not even sure if that's relevant to the case,
14 but there was a small moped located in the back.

15 Q. When you talk about crime scene tape, are you
16 talking about the yellow tape that says crime scene,
17 don't cross or whatever it might be?

18 A. Yes, sir.

19 Q. And how do y'all determine how much of the area
20 to tape off?

21 A. If it's possible -- basically however many feet
22 that we think may be involved in the case, we go several
23 feet beyond that, you know, whatever -- whatever
24 possible to keep people out of it. The back of the
25 residence we didn't tape off, I don't believe, because

1 there was really no access, there didn't appear to be
2 any residences or anything in back of the residence
3 because of the woods and whatnot, so we mainly -- and
4 the only way to get into the residence, the easiest way
5 would be by vehicle, so we mainly blocked off the front
6 of the residence.

7 Q. Okay. So the whole idea is to try to keep it as
8 secure as possible and make sure that it doesn't get
9 contaminated; isn't that right?

10 A. Correct.

11 Q. All right. Good. Once you had done that, did
12 you get a call to go over to Greenwood County a little
13 later?

14 A. We did. We got information that the female was
15 in Greenwood County and Lieutenant Higginbotham advised
16 me to leave that scene and go to Greenwood.

17 Q. Okay. Did Deputy Carter -- excuse me. Did
18 Deputy Hodges go with you?

19 A. No, sir. Deputy Hodges stayed on-scene with
20 investigators and SLED was also contacted, and I'm not
21 sure if SLED was there yet or not, but Deputy Hodges
22 stayed on-scene with them.

23 Q. Okay. So where did you go after you left
24 [REDACTED]

25 A. I went to this gas station I believe that's at

1 the corner of Highway 72 and Highway --

2 Q. Let me ask you this. Is it a One Stop?

3 A. Yes, sir. It's a One Stop. I can't remember the
4 other highway number.

5 Q. What was your purpose in going there?

6 A. Apparently that was -- that was where the
7 original 9-1-1 call had come from was the One Stop gas
8 station in Greenwood County. I responded over there
9 to try to locate anybody that had called 9-1-1 or to
10 try to find out who -- you know, who may be there or
11 who may have made the call.

12 Q. Okay. Did you talk to any deputies from
13 Greenwood County while you were there?

14 A. I did.

15 Q. Did you talk to the store clerk at all?

16 A. I did.

17 Q. Okay. Did you make a note of what she said in
18 your report?

19 A. Yes, sir. The store clerk stated that they
20 believed that the individual -- a male individual had
21 come into the store wearing camouflage clothing. Do
22 you mind if I review?

23 Q. Not at all.

24 A. Okay. The store clerk stated that a male
25 subject, possibly Phillip Hollingsworth, come into the

1 store at approximately 1:17 AM wearing camouflage.

2 Q. Once you had gotten that information, were you
3 dispatched to somewhere else?

4 A. Actually we -- we spoke with Greenwood County
5 and they had advised that the female had went to -- I
6 believe it's Good Hope Road.

7 Q. Faith Home Road?

8 A. Faith Home Road. I'm sorry.

9 Q. Did you respond there?

10 A. We did, and when we responded there, there was a
11 white truck with the Ardis Roofing insignia located on
12 it.

13 Q. And I'm gonna show you State's Exhibit Number 25.
14 Does that appear to be the truck?

15 A. Yes, sir.

16 Q. Okay.

17 A. That was located in the backyard of the residence
18 I went to.

19 Q. Okay. What did you do about the truck?

20 A. The truck -- I spoke with the Greenwood County
21 deputy who was on-scene and they stated that the truck
22 was locked. He gave me the key to the truck and I
23 contacted the next tow truck on rotation to come get the
24 vehicle and it was later taken to impound.

25 Q. Okay. And I believe that was Burdette Towing; is

1 that right?

2 A. Yes, sir.

3 Q. Did you happen to follow the vehicle?

4 A. I don't recall if any deputy followed the
5 vehicle.

6 Q. Okay. But the whole purpose of it was to take it
7 to the impound lot?

8 A. Yes, sir.

9 Q. In Laurens?

10 A. Yes, sir.

11 Q. Out at the detention center?

12 A. Yes sir.

13 **MR. MOWRY:** I beg the Court's indulgence.

14 **THE COURT:** Yes, sir.

15 BY MR. MOWRY:

16 Q. You said that the truck was locked when you got
17 there. Did you check the doors at all?

18 A. I don't recall if I checked the doors or not.

19 Q. You had the key; is that right?

20 A. Yes, sir.

21 Q. While you were there, did anybody go into the
22 truck?

23 A. No, sir.

24 Q. Were you there when the tow truck driver arrived?

25 A. Yes, sir.

1 Q. Did you watch him, I guess, mount the truck --
2 the vehicle on the back of his tow truck?

3 A. I don't recall whether I was there when the
4 vehicle was loaded onto the truck or not. I believe I
5 was there when the vehicle left with the tow truck, but
6 I was kind of in the -- I went around to the front and
7 was talking to the female that was supposedly at the
8 scene and, you know, I was kind of back and forth.

9 Q. Okay. But in that time, nobody -- did anybody
10 go into that truck between the time you got there and
11 between the time the tow truck arrived?

12 A. No, sir.

13 Q. All right. How did you get the key to the folks
14 back in Laurens?

15 A. Can you -- what you do you mean?

16 Q. You had the key to the truck. How did you get it
17 back to the folks in Laurens after it had been towed?

18 A. I believe it was entered into evidence. The
19 keys, as well as some other items, were entered into
20 evidence.

21 Q. Okay.

22 MR. MOWRY: Thanks, Sergeant Carter. I believe
23 that's all I have. Please answer any of the defense
24 questions.

25 THE WITNESS: Yes, sir.

1 **THE COURT:** Mr. Howe.

2 CROSS-EXAMINATION

3 BY MR. HOWE:

4 Q. Deputy Carter, you would agree that y'all --
5 based on the incident report, y'all arrived at the scene
6 at about 2:06 in the morning, correct, based on the
7 incident report I'm reading?

8 A. Yes, sir.

9 Q. Okay. I've got it. If you need to familiarize
10 yourself with it, I'll bring it over to you.

11 A. Okay.

12 Q. You and Deputy Hodges arrived at about the same
13 time?

14 A. Yes, sir.

15 Q. Probably waited on each other and worked in
16 tandem on this?

17 A. I don't recall if we met up prior to going in
18 together, but we arrived at about the same time, yes,
19 sir.

20 Q. All right. And as you said, when you -- y'all
21 ultimately put on gloves and went in the house, correct?

22 A. Yes, sir.

23 Q. You had never been there before you testified,
24 correct?

25 A. Correct.

1 Q. And the -- any photographs that were taken, did
2 you take them or did Deputy Hodges?

3 A. I don't recall who took the photographs.

4 Q. Any markers that were placed, did you place any
5 markers or did Deputy Hodges?

6 A. Deputy Hodges.

7 Q. And the -- after you -- you didn't take anything
8 into evidence there at the scene, did you? Y'all just
9 -- as you said, y'all put the crime scene tape out, some
10 photographs were made by Deputy Hodges and then you got
11 ordered to go to Greenwood, correct?

12 A. That's correct.

13 Q. All right. And the supplemental report that
14 I'm looking at indicates that you got information from
15 Greenwood County about what -- what the store clerk
16 had observed, correct? That you didn't talk with her
17 directly.

18 A. Can I observe that?

19 Q. Okay, yeah. I'm reading the report. And look
20 at the supplemental report. First off, in the upper
21 left-hand corner, is that your -- is this your report?

22 A. Yes, sir, it is.

23 Q. All right. And I had highlighted that, but did
24 it -- did you talk with the store clerk or was it
25 actually Greenwood deputies that talked to the store

1 clerk?

2 A. I spoke with the Greenwood deputies and then I
3 actually went to the restroom inside the store. If I
4 recall correctly, the store -- they had secured the
5 store, I'm not sure if it was closing or what, but I
6 believe the door was locked and it may have been from
7 the clerk cleaning up. I went inside the store and I
8 asked her at that point, you know, if she had seen
9 anything and she told me the same that the Greenwood
10 deputies had just told me.

11 Q. All right. Did you make any independent notes of
12 that?

13 A. I did not.

14 Q. You indicated that in your conversation -- or
15 Greenwood deputies's conversation with the store clerk
16 that Mr. Hollingsworth was wearing camouflage, right?

17 A. Yes, sir.

18 Q. You recall that and you actually put it in your
19 supplemental report, right?

20 A. Yes, sir.

21 Q. So that came from the store clerk?

22 A. It come from both. I spoke with Greenwood County
23 deputies first and they advised me of that and I went
24 inside to use the restroom and briefly spoke to the
25 clerk and she advised me the same thing that Greenwood

1 county deputies had just advised me of.

2 Q. So the store clerk didn't tell you I don't know
3 what kind of clothing Mr. Hollingsworth was wearing, she
4 described camouflage?

5 A. Yes, sir.

6 Q. All right. Now did y'all -- any of y'all ask for
7 a videotape of the store?

8 A. I don't believe at that time I did. I can't
9 recall whether I did or not.

10 Q. Well, I'm assuming if you did, you would have
11 noted it in your report and you would have gotten an
12 answer as to whether or not there was one, right?

13 A. Yes, sir.

14 Q. Okay. That would have been something logical to
15 do; to say do you have the store tape so we can review
16 it and see what time and see what somebody's wearing?
17 That would have made sense, wouldn't it?

18 A. Yes, sir, it would.

19 Q. Were you ever asked to do it by any of your
20 superiors?

21 A. No, sir. That's another county and we knew the
22 investigators were contacted on the case.

23 Q. Right. I understand it's in another county, but
24 it had to do with this case because that's why you were
25 there, correct?

1 A. Yes, sir, but I was trying to leave there to go
2 to the other residence to possibly locate the female.

3 Q. All right. And later I believe you did return
4 back out to Mercy Lane; is that correct?

5 A. Back out to Mercy Lane?

6 Q. Back out to Mercy Lane in Waterloo.

7 A. Can -- can I read my supplemental? I don't
8 recall.

9 Q. Was it you that returned or was it -- maybe you
10 were writing in here what Lieutenant McIntosh did. I
11 was confused when I read it, so you help me out. About
12 right in there.

13 A. Is it the part that you have circled?

14 Q. Yes. What I'm getting to is there was reference
15 to -- did you have anything to do with getting the purse
16 of Ms. Gaines?

17 A. Yes, sir.

18 Q. Okay. Did you take it into evidence?

19 A. I don't recall about the purse. If I remember
20 right, I gave it to Lieutenant McIntosh, but I'm not --
21 I'm not sure.

22 Q. Okay. But you might have at one point in time
23 taken that purse? Because what I'm getting to there,
24 and just reading your report, you know, it indicates
25 that Ms. Gaines indicated her purse was in the house at

1 Mercy Lane and it may have blood on it, so that would be
2 significant in this case based on what you'd already
3 seen at this -- at Mercy Lane, correct?

4 A. Correct.

5 Q. All right. And be that as it may, either you or
6 Lieutenant McIntosh or somebody took that purse into
7 evidence, correct?

8 A. Correct.

9 Q. Okay. So that purse should be somewhere in
10 evidence, correct?

11 A. I would imagine.

12 Q. Okay. All right. And that would -- and it was
13 important enough for you to note in your report that
14 that was done because it may have blood on it, correct?

15 A. Yes, sir. She said it may have blood on it. I
16 don't recall if it did or not.

17 Q. Right. Okay. And it also indicates that
18 somebody photographed the purse's location and it, too,
19 was collected. Did you make the photograph or did
20 someone else do that?

21 A. I did.

22 Q. All right. As far as the truck is concerned, do
23 you recall the make and model of the truck?

24 A. It was a Ford. I don't recall if it was an F-150
25 or larger. I believe it was probably an F-150, but I'm

1 not sure.

2 Q. Okay. I think we have a photograph of it.

3 **THE COURT:** Right down close to your belt, I
4 think. Is that it, right there on the edge?

5 **MR. HOWE:** Okay. Right there in front of me.

6 BY MR. HOWE:

7 Q. Okay. All right. I'm showing you State's
8 Exhibit 25 we think is in evidence.

9 **THE COURT:** It is.

10 Q. Is that the truck that you --

11 A. Yes, sir.

12 Q. -- helped, you know, get back over to Laurens?

13 A. That was the vehicle that was at the residence in
14 Greenwood County.

15 **MR. HOWE:** Okay. That's all the questions I
16 have. Thank you.

17 **THE COURT:** All right. Thank you, sir. You can
18 step down and you are free to go.

19 (Witness excused.)

20 **THE COURT:** All right. Ladies and gentlemen,
21 we're gonna be finishing up today at 5:00, so we're
22 gonna go ahead and take a five minute break and then
23 we'll proceed with as many witnesses as we can get in
24 within the next hour. My intention tomorrow, just so
25 that you're aware, is to resume at 9:00. If that poses

1 any problem for anyone, I -- you know, all of us have
2 obligations, we're all parents, let me know if that's a
3 problem for you, okay? So go back there, don't talk
4 about the case, take a break and we'll be back in
5 five minutes:

6 (The jury retires to the jury room.)

7 (State's Exhibit Number 45, buccal swabs,
8 and Exhibit 46, a search warrant, were marked for
9 identification.)

10 **BAILIFF:** Let's all rise and come back to order.

11 **THE COURT:** Thanks. Have a seat, y'all. If
12 y'all want to bring your next witness in.

13 (The jury returns to the courtroom.)

14 **BAILIFF:** All present, Your Honor.

15 **THE COURT:** The record will reflect that the jury
16 is back and seated. The Defendant is present with
17 counsel. Solicitor, call your next witness, please.

18 **MR. STUMBO:** Thank you, Your Honor. The State
19 will call Terry Burdette to the stand.

20 TERRY BURDETTE,

21 having been duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. STUMBO:

24 Q. You're Terry Burdette?

25 A. Yes, sir..

1 Q. And what's your occupation?

2 A. I own and operate a salvage yard and a wrecker
3 service in Waterloo.

4 Q. Okay. And what's the name of your business?

5 A. Burdette Auto Sales and Towing.

6 Q. Okay. And as part of your business, do you work
7 with local law enforcement and with the County to tow
8 vehicles?

9 A. Yes, sir.

10 Q. Okay. Did you have an occasion to tow a vehicle
11 for the sheriff's department back in the early morning
12 hours of November 8, 2012?

13 A. Yes, sir.

14 Q. And where did you respond to to pick up that
15 truck?

16 A. It was actually in Greenwood County. Near the
17 Faith Home.

18 Q. Okay. Faith Home Road?

19 A. Yes, sir.

20 Q. Let me show you what's in evidence as State's 25,
21 Mr. Burdette. Do you recognize that?

22 A. Yeah, that's the truck I towed.

23 Q. Okay. With an Ardis Roofing logo on the side?

24 A. Yes, sir.

25 Q. And you say you responded to this location on

1 Faith Home Road to get this vehicle. Where was it when
2 you pulled up?

3 A. It was around behind a mobile home. I couldn't
4 actually see it when I first pulled up.

5 Q. Okay. Did you pull up to locate the vehicle at
6 that time?

7 A. Yeah, after they advised me I could go around
8 back, I backed my truck around back to the front of the
9 vehicle.

10 Q. Okay. Did you talk to any deputies or law
11 enforcement officers?

12 A. I spoke to a couple of them, but, you know, I
13 didn't know what was going on at the time.

14 Q. Okay. There were law enforcement officers there
15 at the house?

16 A. Yeah. Yes, sir.

17 Q. And did you ever go into this vehicle at all?

18 A. No, they told me the doors were locked and I
19 couldn't touch it. I reached under and hooked up and I
20 had to drag it on there with it in park. They wouldn't
21 let me take it out of gear or anything and they had the
22 doors locked on it.

23 Q. Okay. So you never got the key to the vehicle to
24 go inside of it?

25 A. No. No, I never even touched the vehicle other

1 than where I hooked the chain.

2 Q. Okay. So you drug it with the wheels locked up
3 in park?

4 A. Yeah, drug it up there in park, yeah.

5 Q. Did you ever -- you just said you never had the
6 keys, so at no time you went into this vehicle?

7 A. No, sir. The doors were locked on it.

8 Q. Okay. Where did you take the truck?

9 A. I took it to the impound lot over at the -- at
10 the prison, the jail.

11 Q. When you say the jail, you mean over here in
12 Laurens County?

13 A. Yeah, over in Laurens.

14 Q. The Johnson Detention Center?

15 A. Yeah, I brought it to Johnson Detention Center
16 and put it inside the fenced in area.

17 Q. Okay. How did you get it off the truck?

18 A. I had to just unhook and shake it until the back
19 tires got on the ground and then I pulled the truck out
20 from under it.

21 Q. Okay. Because it was still in park and --

22 A. Yeah. Once I got the back tires on the ground,
23 I just drove the truck out and then I let it on down and
24 pulled the bed out from under of it.

25 Q. Okay. During the time that the truck was in your

1 custody on the back of your rollback, from the time you
2 picked it up at Faith Home Road until the time you
3 dropped it off at Johnson Detention Center, did anybody
4 go into that truck?

5 A. No.

6 Q. Okay. And you turned it over at that time and
7 you left it in the detention lot; left it in the custody
8 of the sheriff's department?

9 A. Yeah, there was a deputy there that let me in to
10 unload it and then once I left, the deputy was still
11 there.

12 Q. Okay. Were there any deputies that followed your
13 truck from Point A to Point B?

14 A. I don't remember. I don't remember if any
15 followed me or not. I really don't know.

16 Q. But at that point you turned it over to the
17 impound lot and left it and you never had the key to the
18 truck?

19 A. No, never did.

20 Q. So you didn't turn the key over to somebody?

21 A. No.

22 Q. You just left the truck?

23 A. I just left the truck. They had the keys.

24 Q. You signed it over to them at that time?

25 A. Yeah.

1 **MR. STUMBO:** I beg the Court's indulgence.

2 **THE COURT:** Yes, sir.

3 BY MR. STUMBO:

4 Q. And you haven't seen this truck since the night
5 you left it there in the impound lot?

6 A. I saw it sitting there still when -- I took other
7 vehicles over there and I saw the truck was still in the
8 impound lot.

9 Q. Okay. And this picture in State's 25, does it
10 appear to be in the impound lot in that picture?

11 A. Yeah, it appears to be, yeah.

12 **MR. STUMBO:** No further questions, Your Honor.

13 **THE COURT:** Ms. McNeill.

14 **MS. MCNEILL:** No questions, Your Honor.

15 **THE COURT:** Thank you, sir. You may step down
16 and you are free to go.

17 **THE WITNESS:** Thank you.

18 **THE COURT:** Thank you for coming.

19 (Witness excused.)

20 **THE COURT:** Call your next witness.

21 **MR. MOWRY:** I call Detective Scott Franklin.

22 LIEUTENANT SCOTT FRANKLIN,

23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. MOWRY:

1 Q. You are Scott Franklin?

2 A. Yes, sir.

3 Q. And I believe you are a lieutenant investigator
4 with the Laurens County Sheriff's Office; is that right?

5 A. Yes, sir.

6 Q. How long have you been employed in that capacity,
7 please, sir?

8 A. I've been a detective for the last two years.
9 I've been with the sheriff's office this time since 2008
10 and I was also here from 1991 to 1997.

11 Q. What did you do between '97 and 2008?

12 A. From '97 to '99, I worked for the police
13 department as a road patrolman and from '99 till 2008
14 I was doing private security, things of that nature,
15 private investigation.

16 Q. All right. But you're now back with the
17 sheriff's office and you are essentially a detective;
18 is that right?

19 A. Yes, sir.

20 Q. Were you employed in that capacity back on the
21 7th going to the 8th of November of 2012?

22 A. Yes, sir.

23 Q. During the early morning hours on November 8th,
24 did you get a call to respond to [REDACTED] in
25 Waterloo?

1 A. Yes, sir, I did.

2 Q. What was the nature of the call?

3 A. I was contacted by dispatch to make contact
4 with the on-call supervisor. I think it was Lieutenant
5 Higginbotham. When I made contact with Lieutenant
6 Higginbotham, he briefly advised me what he had; that
7 there was a murder at Mercy Lane, at which time I called
8 Lieutenant Martin, who's my partner, and advised him
9 what I had and we both were en route at that time.

10 Q. When you talk about Detective Martin, is that
11 Chris Martin?

12 A. Yes, sir.

13 Q. Do you have a notation of what time in the
14 morning you arrived?

15 A. Let me see if I do. I don't have the time that I
16 arrived. I just have that I was called to the scene and
17 myself and Lieutenant Martin arrived at the same time.
18 I'm not sure exactly what time it was.

19 Q. Okay. But early morning hours?

20 A. Yes, sir.

21 Q. Still dark?

22 A. Yes, sir.

23 Q. All right. When you got there, who else was
24 there?

25 A. On scene at the time we arrived was -- Lieutenant

1 Higginbotham was there, I think also Deputy Hodges and
2 Deputy Carter.

3 Q. Okay.

4 A. And they briefed us on what they had and
5 introduced us to the scene.

6 Q. All right. Describe the scene.

7 A. It was -- it was shocking. Let me just say that
8 first. There was lots of blood, lots of brain matter,
9 lots of skull fragment. It was -- I've been doing this
10 a lot of years and it was one of the worst, if not the
11 worst, scenes that I've been a part of. I don't mind
12 telling you that. The further we went into the room
13 there where he was laying the more blood and sinew and
14 brain matter and -- yeah, it was -- you were taken aback
15 walking into it.

16 Q. Okay. When you saw this, what is your process?
17 What did you do?

18 A. The scene had already been cleared by the road
19 deputies. They pretty much told us what we had. Myself
20 and Lieutenant Martin did another cursory look around
21 the house basically just to verify what we had been
22 told. At that time, I notified my captain, Captain
23 Williams, and advised him that it was a horrific scene
24 and that we felt we needed SLED to come in with their
25 expertise to do the processing of the scene.

1 Q. Okay. And when you're talking about SLED
2 processing the scene, you're talking about the crime
3 scene unit?

4 A. Yeah, their crime scene unit.

5 Q. So the technicians would come to the scene if you
6 called them?

7 A. Yes, sir.

8 Q. Does Laurens County have its own unit?

9 A. No, sir, we don't.

10 Q. Okay. How do y'all, on a typical scene, collect
11 evidence?

12 A. Typically, if it's lower priority, and I don't
13 mean that anything is less than the other, but if
14 it's not a scene of this magnitude we'll collect
15 fingerprints, pieces of evidence ourselves, but
16 something of this magnitude we'd usually have assistance
17 and have them come in and process because that's where
18 their expertise lies.

19 Q. Okay. Do you recall who the SLED agents were
20 that came to the scene?

21 A. Right off the top of my head, I don't know their
22 names. I'm not familiar with them like some of the
23 other officers are. I think one of them is Scott. I
24 don't know his last name.

25 Q. It might be Al Brown?

1 A. Al Brown, yeah. And he came in. And, of course,
2 there was a time frame between the time that we got
3 there and made the calls to the different officers and
4 then them arriving, but they did arrive a little later
5 on in the evening -- or that night.

6 Q. Okay. When the information came in during the --
7 during the night, into the morning, who did it come
8 through? Did it come through you? Were you the chief
9 investigator on the scene?

10 A. Yes, I was the lead investigator.

11 Q. And did you kind of direct people --

12 A. Yes.

13 Q. -- as to what to do and where to go?

14 A. Yes, sir.

15 Q. You at one point got the word about the location
16 of the vehicle in Greenwood; is that right?

17 A. Yes, sir.

18 Q. Who did you direct to go and deal with that
19 truck?

20 A. We had received information that it was at a
21 residence in Greenwood County. The deputies were
22 en route. I think Sergeant Carter was en route and I
23 called -- personally called Lieutenant McIntosh, who
24 lived in Greenwood County, to respond because I wanted
25 a detective on-scene over there as well.

1 Q. Okay. So he was sent to deal with the truck; is
2 that right?

3 A. He meaning McIntosh?

4 Q. McIntosh.

5 A. Yes, he was sent to deal with the truck and to
6 deal with Ms. Gaines who was still present and whoever
7 else was there at that location.

8 Q. All right. Before SLED got there, were you
9 familiar with their policy, their protocol, as far as
10 processing a house is concerned, getting a search
11 warrant?

12 A. Oh, sure, yeah. Yes. In fact, I knew that
13 that's what they were gonna require because any time
14 we call them they require a search.warrant for any scene
15 and so I already had that process going while I was
16 directing the other traffic, sending McIntosh here and
17 deputies there. I called Lieutenant Blackmon and got
18 him up and had him go ahead to the office and prepare my
19 search warrant for the residence.

20 Q. And you're talking about Ben Blackmon; is that
21 right?

22 A. Yes, sir.

23 Q. When SLED arrived to begin their process, what
24 did you and Lieutenant Martin do?

25 A. Once we notified SLED, we pulled out. The

1 residence was secure. We basically just waited for them
2 to arrive. Once they arrived, we briefed the agents,
3 told them what we had, walked them to the entrance of
4 the residence, showed them the bulk of the crime scene,
5 showed them what evidence was still there and cut them
6 loose to do their thing. We stayed out of that process.
7 We don't interfere with what they do.

8 Q. How long did that take?

9 A. They probably would have started I'm gonna say
10 around 3 AM and I don't think they completed their --
11 their detailed collection until -- I know it was in the
12 daylight hours of the next day. I think we ended up
13 leaving at 4:00 that next afternoon, so sometime right
14 around there, maybe twelve hours later possibly, when
15 they completed and were done, so they were in there a
16 while.

17 Q. Okay. You were there --

18 A. Yes, the entire time.

19 Q. -- for twelve hours or fourteen hours?

20 A. Yes, sir.

21 Q. Okay. Who were y'all looking for with relation
22 to this crime?

23 A. We had gotten the information -- and, of course,
24 I was receiving calls from the other officers. We had
25 gotten information that Heath Hollingsworth was with

1 Shayla or that's who she had dropped off at the store in
2 Greenwood and we immediately put out a BOLO for him.

3 Q. A BOLO being?

4 A. Be-On-The-Lookout to the different agencies in
5 Greenwood to try to find him and pick him up as a person
6 of interest.

7 Q. Okay. What else did you do with regard to this
8 investigation?

9 A. At that time -- well, while we were still at the
10 crime scene or beyond that or any part?

11 Q. Yes, anything -- anything you want to relate to
12 us.

13 A. Sure. We collected -- after SLED was done with
14 their initial scene, what they like to do is they like
15 to walk you through the house after they've completed
16 their investigation, so we did a walkthrough with them,
17 they showed us what they did, asked us if there was
18 anything we could think of for them to do. Of course,
19 I never second guess SLED, but we were satisfied when
20 we left there and we started to locate these people in
21 Greenwood and bring them to the office for interviews.

22 Q. Okay. Which people were you specifically looking
23 for?

24 A. I was looking specifically first off, of course,
25 for Shayla because she's my witness. She was there

1 according to what she had given us initially, so she
2 would have been the first person and then we wanted to
3 talk to whoever she had spoken to outside of that, which
4 would have been Renee or Tina.

5 Q. Tina Renee Dobbins?

6 A. Yes. And had them come to the sheriff's office
7 and give their statements. And, of course, during all
8 this the search is still on-going for Mr. Hollingsworth.

9 Q. Okay. So Mr. Hollingsworth was still at-large?

10 A. Yes, sir.

11 Q. And you had Tina or Renee and Shayla to speak to?

12 A. Yes, sir.

13 Q. Did you, in fact, do that? Did you talk to both
14 of them?

15 A. Yes, sir, I did.

16 Q. About what time of day do you recall talking to
17 them?

18 A. Again, it was a long time in between there from
19 the time of leaving the scene and back to the office. I
20 don't know what time they were brought in specifically,
21 unless I have it in my statement, but she -- Shayla was
22 brought to the sheriff's office by Lieutenant McIntosh
23 from Greenwood County and she was interviewed there at
24 the sheriff's office and it was -- after we had spoken
25 with her for a relatively good period of time, then she

1 was arrested and then that's when McIntosh brought
2 Ms. Dobbins in also to be interviewed.

3 Q. What was your rationale behind arresting Shayla?
4 Explain that, please.

5 A. During the course of our investigation in
6 speaking with Shayla, she had given us -- as she said
7 in her testimony, she had given us conflicting stories
8 of about where she had gone immediately after the
9 incident occurred. During the investigation -- during
10 the interview, she -- we could tell the times didn't
11 match up, which is what caught our attention to there
12 being a problem with where she said she went and the
13 time we started receiving the 9-1-1 call, so the times
14 didn't match up and so when we pressed her on that she
15 eventually gave you up the ghost as far as the drugs
16 go. She just didn't want to tell us that, but I'm not
17 a narcotics agent, I was not interested in the
18 narcotics, it happened in Greenwood County anyway. My
19 concern was Mr. Ardis, what had happened to him, and
20 getting to the bottom of that.

21 Q. You weren't -- you weren't interested in the sale
22 of some pills, you were interested in solving a murder;
23 is that right?

24 A. Yes, absolutely.

25 Q. But that was the basis for her being arrested for

1 accessory after the fact?

2 A. Yes, because the times didn't match up and she
3 didn't -- it was our opinion that she didn't at the time
4 make every effort to contact us to get involved sooner,
5 so that's why she was arrested with accessory after the
6 fact.

7 Q. Okay. Did you also talk to Tina Renee Dobbins?

8 A. Yes, sir, I did.

9 Q. And do you recall about what time you spoke with
10 her?

11 A. It was later that evening. I know it was getting
12 dark. It was already past dark. I'm gonna say -- oh,
13 I have it here. I'm sorry. It's 21:00, which is 9 PM.
14 Lieutenant McIntosh did bring Tina to the sheriff's
15 office where she was brought into the office to speak
16 with us.

17 Q. And did you, in fact, take a statement from her?

18 A. Yes, sir, I did.

19 Q. And I'm gonna hand you what's been marked as
20 State's Exhibit Number 44 for identification. Do you
21 recognize that?

22 A. Yes, sir.

23 Q. What is that, please, sir?

24 A. This is a voluntary statement form that we use in
25 any case where we take a statement. It could be for

1 anything from littering to murder we use this standard
2 form.

3 Q. Okay. And, let's see. Ms. Dobbins said that's
4 her signature. Is your signature on here as well?

5 A. Yes, sir, it is.

6 Q. Where is it?

7 A. It's the second signature next to the witness.

8 Q. So who's that one above it?

9 A. I think that might be Chris.

10 Q. But this is your signature down here below?

11 A. Yes, sir.

12 Q. And you've had this in your possession since the
13 time it was taken?

14 A. Yes, sir.

15 MR. MOWRY: Your Honor, at this time I'd offer
16 this into evidence.

17 THE COURT: Any objection?

18 MR. HOWE: Whose statement is this?

19 THE COURT: This is Ms. Dobbins' statement, I
20 think. The second witness.

21 MR. HOWE: Yes, sir.

22 THE COURT: Without objection?

23 MR. HOWE: No objection.

24 THE COURT: Very good. Without objection, it's
25 in evidence.

1 (State's Exhibit Number 44, a statement, was
2 admitted into evidence.)

3 BY MR. MOWRY:

4 Q. Now, Mr. Franklin, at any time did you get the
5 word that Mr. Hollingsworth had been taken into custody?

6 A. Yes, sir, I did. He was -- let's see, I was
7 notified at around 4:00 PM on the 8th that he had been
8 -- he had been apprehended in Greenwood County and it
9 was about forty minutes later he arrived at our
10 sheriff's office.

11 Q. Okay. So around the time that you were breaking
12 from [REDACTED] he was taken into custody; is that
13 right?

14 A. Yes, sir. Yes, sir.

15 Q. A day or so later, did you -- I guess on the 9th,
16 did you get any word that peaked your interest about
17 Mr. Hollingsworth's body?

18 A. Yes, sir. We had received information that there
19 was a significant bruise on his shoulder on his body and
20 we wanted to take a little bit closer look at that. He
21 had already been arrested and placed in detention, so
22 to do that we -- I prepared -- I had a search warrant
23 prepared to go out to the detention center to observe
24 this bruising and to also obtain DNA.

25 MR. MOWRY: Your Honor, this has been now marked

1 for identification purposes as State's 46.

2 Q. Let me hand you what's been marked for
3 identification purposes as State's 46 and ask you if
4 you recognize that?

5 A. I do.

6 Q. What is that, please, sir?

7 A. This is a search warrant that I had prepared
8 for the collection at the detention center of Mr. --
9 of evidence from Mr. Hollingsworth.

10 Q. And the jury may well know, but explain what a
11 search warrant is.

12 A. A search warrant is basically a legal document
13 that gives you access to obtain evidence that you feel
14 necessary for whatever investigation you're conducting.
15 In this case, it was evidence that needed to be
16 collected from his person, so this one was prepared
17 separately from the search warrant we did for the
18 residence. In other words, we knew there was potential
19 evidence on Mr. Hollingsworth that we needed to collect,
20 there was also DNA that we needed to collect, and this
21 search warrant signed by the magistrate would give us
22 authority to do that.

23 Q. So this gives you legal authority under the
24 Fourth Amendment of the U.S. Constitution; is that
25 right?

1 A. Yes, sir.

2 Q. And this is the search warrant that you obtained?

3 A. Yes, sir.

4 Q. Who did you obtain it from, do you recall?

5 A. Magistrate Tommy Copeland.

6 Q. Okay. What were you looking for?

7 A. As I stated, we had gotten information that there
8 was bruising on Mr. Hollingsworth's body, which, of
9 course, bruising, as you know, changes over time, colors
10 change, stuff like that, so we wanted to collect it as
11 soon as possible once we heard that it was there, let's
12 go look, at which time I prepared the search warrant to
13 go and do that, as well as to collect DNA that we would
14 need for comparison.

15 Q. Okay. And that's what were you searching for; is
16 that right?

17 A. Yes, sir.

18 MR. MOWRY: Your Honor, I would offer this as a
19 State's exhibit at this time.

20 MR. HOWE: No objection.

21 THE COURT: No objection? All right. Without
22 objection, it will be in evidence then. State's 46?

23 MR. MOWRY: 46, yes, sir.

24 (State's Exhibit Number 46, a search warrant, was
25 admitted in evidence.)

1 BY MR. MOWRY:

2 Q. Okay. With the search warrant in hand,
3 Investigator Franklin, what you did do?

4 A. I sent Lieutenant Martin to the detention center
5 to the cell that Mr. Hollingsworth was being housed in.
6 Previous to that there had been -- due to his state of
7 mind, there had been some concern that he may not
8 cooperate --

9 MR. HOWE: Objection, Judge. Matter for
10 the Court.

11 THE COURT: Sustained. Ladies and gentlemen,
12 you're instructed to disregard that last comment. Go
13 ahead.

14 MR. MOWRY: Okay.

15 A. We went into the detention center to collect --
16 myself and Lieutenant Martin went to the detention
17 center to execute the search warrant and for security
18 reasons we had extra assistance there, being Captain
19 Tyson, and he assisted us in the execution, and to
20 collect the DNA we called in the resident nurse at the
21 detention center to come in and do the swabs and also I
22 took the photographs of his body.

23 Q. Okay. I'm gonna hand you what have been marked
24 as State's Exhibits 34 and 35, and ask you if you
25 recognize that?

1 A. Yes, sir.

2 Q. What are those, please, sir?

3 A. These are photographs of Mr. Hollingsworth inside
4 the detention center against the brick wall with his
5 shirt off with the focus being on his upper body, upper
6 torso, specifically his right shoulder.

7 Q. Okay. So 34 would be kind of a broad spectrum
8 shot and then 35 would be much more zoomed in?

9 A. Yes, sir.

10 Q. Is that right?

11 A. Yes, sir.

12 Q. Let me also show you what has been marked as
13 State's Exhibit 38, and ask you if you can identify
14 this?

15 A. Yes, sir. That's the same picture, it's blown
16 up, of the right shoulder, specific to the bruising on
17 the right shoulder.

18 Q. Okay. Point out on here where you saw the
19 bruising.

20 A. If you look, you can see --

21 **MR. HOWE:** If I can have just a minute to --

22 **THE COURT:** Sure. Come on around.

23 **MR. MOWRY:** Sorry. Sorry, Your Honor.

24 **THE COURT:** That's all right.

25 A. If you look here, you can see some discoloration

1 there where there's blood vessels broken, which creates
2 the bruising.

3 **MR. HOWE:** Judge, I'm gonna object to this
4 witness being able to testify to that. I know you can't
5 see it so you don't know what he's saying.

6 **THE COURT:** I've seen it previously. I think
7 that he can testify -- you're at liberty to cross him on
8 how he perceives it, but as far as characterizing it as
9 a bruise, I mean, he's allowed to say this looks like a
10 darker colored area, but I'm not sure he has the medical
11 expertise to explain physiologically how that took
12 place, so that's my ruling on that. You can certainly
13 talk about the picture and what he found interesting.

14 **MR. HOWE:** Thank you, Judge.

15 BY MR. MOWRY:

16 Q. So point out what you found interesting then.

17 A. This discoloration here, which would indicate
18 bruising, in this area right here.

19 Q. Okay. While you were there, you said you had the
20 nurse there for a purpose; is that right?

21 A. Yes, sir, to collect DNA.

22 Q. To collect DNA. How do you go about doing that?

23 A. Just swab inside the mouth, a quick swab, and
24 retrieve the swab and collect it in evidence.

25 Q. Okay. Why did you get the nurse for that?

1 A. That's her job. That's -- she's trained to do
2 that and do it correctly. I'm not a DNA collector, I'm
3 not a lab technician, so I wanted it done right so we
4 could get a good reading, so I had her come do it.

5 Q. You had her come do it. Were you in the room
6 when it was done?

7 A. Yes, myself and Lieutenant Martin and Captain
8 Tyson.

9 Q. How was it accomplished? How did she go about
10 it?

11 A. She did approach him and -- with a swab and
12 swabbed two swabs inside the cheek, covered those, they
13 were placed into a container and then recovered as
14 evidence.

15 Q. Okay. I'm gonna hand you what's been -- oh,
16 sorry, yeah, there it is -- marked as State's Exhibit
17 Number 45 for identification, and ask you if you can
18 identify that?

19 A. Yeah, these -- these are the chain of custody
20 and the collection bags. Myself, Lieutenant Martin and
21 Jason Nelson, who was our evidence custodian at the
22 time, our names are all on those as going from person to
23 person once it was collected.

24 Q. Okay. So it went from the nurse in your sight --

25 A. Yes.

1 Q. -- to Lieutenant Martin in your sight --

2 A. Yes.

3 Q. -- to your hands; is that right?

4 A. Yes.

5 Q. Okay. Lieutenant Franklin, I believe you also
6 signed the arrest warrants. You signed them for Shayla.
7 You also signed them on Phillip Heath Hollingsworth; is
8 that right?

9 A. If you'll give me just a second.

10 Q. I'm sorry. You did not sign those on Phillip
11 Heath Hollingsworth. Pardon me.

12 A. That's what I was checking on. I wanted to be
13 sure...

14 Q. Pardon me.

15 A. I signed the warrants on Shayla and Lieutenant
16 Blackmon signed the warrants on Phillip Heath.

17 Q. Okay.

18 **MR. MOWRY:** I beg the Court's indulgence for just
19 a moment.

20 **THE COURT:** Yes, sir.

21 BY MR. MOWRY:

22 Q. Let me ask you this, Lieutenant. Did you
23 collect, yourself, evidence at the scene at Mercy Drive?

24 A. (Shakes head.)

25 Q. Who was responsible for that?

1 A. That would have been all collected by the agents
2 from SLED, the crime scene techs.

3 Q. Okay. Very good.

4 **MR. MOWRY:** I believe that's all the questions I
5 have. If you'd answer any defense questions.

6 **THE COURT:** Mr. Howe.

7 **MR. HOWE:** It's gonna be a while. Do you want to
8 break?

9 **THE COURT:** All right. Are you comfortable
10 breaking for the night and resuming in the morning,
11 Mr. Howe? Is that okay with you?

12 **MR. HOWE:** To break for the night? No, that's
13 fine.

14 **THE COURT:** No objection from the State?

15 **MR. MOWRY:** (Shakes head.)

16 **THE COURT:** All right. Ladies and gentlemen --
17 sir, you can step down. Tonight you can't talk about
18 your testimony obviously with any of the attorneys for
19 the State or anybody else, so you can step down.

20 (The witness leaves the witness stand.)

21 **THE COURT:** All right. Ladies and gentlemen, it
22 appears that we've reached a good stopping point for the
23 evening. Like I mentioned a moment ago, I'm gonna ask
24 that you be back in the jury room tomorrow morning at
25 9:00 if that doesn't pose any problems for you. If it

1 poses a problem for you, raise your hand for me so that
2 I know.

3 Okay. We'll start tomorrow morning at 9:00. The
4 same admonition goes for this evening as went for last
5 night. Please don't talk about this case with anyone.
6 I was informed that there is or was a reporter here from
7 the local Laurens Advertiser, so if you subscribe to the
8 paper -- I know it's delivered on, I think, Saturdays
9 and Wednesdays, but if you subscribe to the paper and
10 your normal habit is to read it in the morning over a
11 cup of coffee, I'm gonna have to ask that you avoid that
12 tomorrow morning, okay, so please don't read the paper
13 tomorrow in the event that there is a story in there. I
14 don't know. There may or there may not be, but just out
15 of an abundance of caution, please don't look at the
16 paper. They may have been doing a story that's gonna
17 come sometime this weekend.

18 Aside from that, I hope you have a pleasant,
19 restful evening. I'll see you back in the jury room
20 tomorrow morning at 9:00 and we'll resume with the
21 State's case at that particular point in time. Again,
22 wear the badges back. They help identify you as jurors
23 and lets the bailiffs get you to the right place. With
24 that, have a great evening and we'll see you in the
25 morning. Thanks.

1 (The jury was excused for the evening.)

2 **THE COURT:** The jury is out. Solicitor,
3 approximately how many more witnesses? I know that
4 you've eliminated eighteen chain witnesses. How many
5 more do you have?

6 **MR. STUMBO:** It's mostly SLED, Your Honor,
7 tomorrow and the pathologist. We're pretty much done.
8 We just have to get through some other chain witnesses,
9 not internal chain, but others. I'm looking at nine
10 witnesses.

11 **THE COURT:** Okay.

12 **MR. STUMBO:** So nine.

13 **THE COURT:** We've covered eight -- well, we
14 covered seven and a half today, so.

15 **MR. STUMBO:** Right. But they're all analysts and
16 that sort of thing.

17 **MR. MOWRY:** I don't think any of them will be
18 like the first one, Your Honor.

19 **THE COURT:** All right. Who did the autopsy?

20 **MR. STUMBO:** Dr. Ross. Janice Ross.

21 **THE COURT:** You're gonna have him tomorrow, too,
22 then?

23 **MR. STUMBO:** Her.

24 **THE COURT:** I'm sorry.

25 **MR. STUMBO:** Tomorrow afternoon. She's supposed

1 to be here tomorrow afternoon for the duration. If we
2 have to take her out of order, we will, but I hope
3 we're able to get through as much as we can before her.

4 **THE COURT:** Okay. Very good. Mr. Howe, there
5 had been some concerns about the highway patrolman and
6 the second witness that -- the first witness rather,
7 that testified, Ms. Gaines. I think the impeachment was
8 complete. Do y'all need to call him?

9 **MR. HOWE:** We don't anticipate calling him now,
10 Judge.

11 **THE COURT:** Okay. Very good. We'll resume --
12 yes, sir.

13 **MR. HOWE:** Judge, I do have one matter. I don't
14 know if the Court heard me when I objected to the
15 testimony of Officer Franklin about the client being
16 uncooperative and the reason for the search warrant.

17 **THE COURT:** Right.

18 **MR. HOWE:** I'd like to be heard a little further
19 on that. I realize you sustained the objection, but I
20 also had stated, I don't know if it was picked up,
21 matter for the court.

22 **THE COURT:** I thought you said move to strike.

23 **MR. HOWE:** No, matter for the Court, at that
24 time, and I didn't -- I didn't yell it out loud enough.

25 **THE COURT:** My bad.

1 **MR. HOWE:** I do want to be heard on that, Judge.

2 **THE COURT:** Please, go ahead. Go ahead then.

3 **MR. HOWE:** It did cause concern because it's
4 clearly, you know, from one perspective the officer's
5 basically commenting on our client's psyche by saying
6 he's gonna be cooperative or not cooperative in that
7 matter. It certainly raises that implication and, you
8 know, we covered that the other day on that issue and
9 I'm concerned about that and I think the only way I know
10 to protect the record now -- you did what you could do
11 at that point in time. The only thing I know to do is
12 ask for a mistrial because I don't know any other way to
13 remedy it at this point in time, so. It -- certainly
14 the implication is there well, this guy didn't want
15 to talk, didn't want to cooperate in any way.
16 Cooperation in my judgment, you know, in my opinion
17 means everything from talking to letting them take
18 photographs, et cetera, and that was a concern. If the
19 answer had been more specific that he is combative,
20 fighting with them on efforts to get his shirt off or
21 take his picture, that would be one thing or won't open
22 his tongue for them to do the swab, that would be one
23 thing, but leaving it that general it certainly at least
24 raised a red flag with me. And while I understand the
25 Court was proper in sustaining the objection, I'm just

1 concerned that it may have even gone further and, you
2 know, we dealt with that whole statement issue as you
3 know pretrial.

4 **THE COURT:** Okay. The -- and I know that there
5 are four considerations -- four basic considerations
6 for the Court when asked to declare a mistrial. In
7 this case, I think it's the character of the testimony
8 that would cause the Court to decline to grant a
9 mistrial. The issue yesterday that we took up pre-trial
10 centered around primarily Jackson v. Denno and the
11 testimony that was elicited just now obviously there
12 was no reference to an effort to take a statement,
13 therefore, I would tend to disagree with your assessment
14 that the comment could be construed as a -- or the
15 statement that the officer gave could be construed as
16 a comment on the Defendant's right to remain silent
17 because obviously in that context the jury has no
18 information that Miranda was read or anything along
19 those lines.

20 Certainly the Court has some concerns and
21 that's why I was quick to sustain the objection as
22 well as to give a curative instruction. Obviously no
23 evidence has been presented that -- from that witness
24 that he refused to take his shirt off or allow himself
25 to be photographed or was combative at the time that

1 was done. At the same time he did not -- the Defendant
2 did not refuse to open his mouth or give an oral DNA
3 swab. So in light of the testimony as a whole, I can't
4 find that the character of that testimony, that little
5 blip of a statement, was so damning and inappropriate
6 as to warrant the drastic remedy of a mistrial. Your
7 objection, however, is noted, the motion is made, so I
8 think the record is protected.

9 **MR. HOWE:** Thank you, Judge.

10 **THE COURT:** Very good. I'll see y'all back
11 tomorrow morning around nine.

12 **MR. STUMBO:** Thank you, Your Honor.

13 **THE COURT:** Thank you.

14 (State's Exhibit Number 47, unfired shotgun
15 shell; Number 48, shotgun wadding; Number 49, wadding;
16 Number 50, shotgun pellets; Number 51, victim's blood
17 standard; Number 52, Shayla Gaines' swab; Number 53 .357
18 swab; Number 54, latent print card envelope; Number 55,
19 Shayla Gaines' GSR kit; Number 56, victim's GSR kit;
20 Number 57, swab from jeans pocket; and Number 58, swab
21 from trigger face, were marked for identification.)

22 (The proceedings were concluded for April 8,
23 2014.)

24 (The following proceedings were held April 9,
25 2014.)

1 **BAILIFF:** Let's all rise. The Court will come
2 to order.

3 **THE COURT:** All right. I'm informed that the
4 jury is here. Anything before we bring them out from
5 the State?

6 **MR. STUMBO:** Nothing from the State.

7 **THE COURT:** Mr. Howe?

8 **MR. HOWE:** No, sir.

9 **THE COURT:** Let's have the jury, please.

10 (The jury enters the courtroom at 9:15 AM.)

11 **BAILIFF:** All jurors present, Your Honor.

12 **THE COURT:** All right. Let the record reflect
13 that the jury is back and present. Ladies and
14 gentlemen, I thank you for being here on time this
15 morning. I apologize for keeping y'all waiting back
16 there. Judge Hocker, your resident judge, was in the
17 back and I needed to speak with him for a little bit
18 about an upcoming common pleas term about some
19 scheduling issues that we have coming up and because
20 we're always moving around, judges are always moving
21 around, I had to take the opportunity to touch base with
22 him on that term of court, so that's the reason I kept
23 you back there for fifteen minutes. Sorry about that.

24 We're are, of course, still in the State's case
25 in the State versus Hollingsworth. At this point,

1 Solicitor, if you'll call your next witness, please.

2 **MR. STUMBO:** Judge, I believe --

3 **THE COURT:** Or wait. Yes, that's right. We're
4 still on cross. Come on up and have a seat. You're
5 still under oath.

6 (The witness resumes the witness stand.)

7 **THE COURT:** All right. Mr. Howe.

8 **MR. HOWE:** Thank you, Judge.

9 CROSS-EXAMINATION

10 BY MR. HOWE:

11 Q. Officer Franklin, I think you testified yesterday
12 on this case you were the lead -- you are the lead
13 investigator, correct?

14 A. Yes, sir.

15 Q. And you've been that way throughout this case
16 from November 2012 up till now, correct?

17 A. Yes.

18 Q. And that as the lead investigator, I think you
19 testified that all the information kind of flows through
20 you and you directed different members of at least your
21 agency, Laurens County Sheriff's Department, to do
22 different things in this case, right?

23 A. Yes, sir.

24 Q. Okay. And that's why you're sitting out there
25 with -- you're sitting with the prosecutor in the case

1 -- with the prosecutors because you're the lead
2 investigator and you don't have to be sequestered and
3 kept away from hearing testimony of others, correct?

4 A. Yes, sir.

5 Q. All right. And in doing that, I think you
6 testified that when you got there to the Mercy Lane
7 address that you saw that there was a need to go ahead
8 and call in SLED because of the nature of the charge in
9 this case or what you saw, correct?

10 A. That's correct.

11 Q. Being a potential murder case, you wanted to
12 go ahead and call SLED in and you knew from your
13 experience, I believe you testified, that the first
14 thing to do or one of the things that SLED would want
15 would be to get search warrants, correct?

16 A. That's correct.

17 Q. All right. And I think one of them was actually
18 referred to yesterday, but just looking at what was
19 provided to us by the file in this case that the
20 prosecutors have to turn over to us, that you got a
21 search warrant for the actual address on Mercy Lane or
22 Mercy Drive, correct?

23 A. For clarification, I had Lieutenant Blackmon draw
24 up the search warrant.

25 Q. That's right. That's exactly right. In fact,

1 Lieutenant Blackmon got that one -- and I'm reading that
2 he printed the search warrant at 3:44 AM and got it from
3 Judge Lyles at 3:56 AM from what I'm reading. Would
4 that be correct?

5 A. If you'll give me just a second, I can look at
6 mine and confirm that.

7 Q. Yes, sir.

8 A. 3:56 AM?

9 Q. Yes, sir.

10 A. Yes, sir.

11 Q. Okay. And the copy I got, you apparently signed
12 the return, and the return for the jury's benefit is
13 when you go back to the magistrate -- you have to go
14 back to the magistrate and say this is what we obtained
15 from the search warrant, right?

16 A. Yes, sir.

17 Q. And the copy I had wasn't actually taken before
18 the judge, but be that as it may, you got things out of
19 the -- or took an inventory out of the house that's on
20 Mercy Lane, correct?

21 A. Again, for clarification, I prepared the return.
22 SLED actually recovered all the evidence.

23 Q. That's right. That's right. And there was also
24 another search warrant for -- that was obtained from
25 Judge Tommy Copeland on November the 8th issued about

1 2:02 PM for a truck, correct? Excuse me, 2:34 PM for a
2 truck, is that correct, the second search warrant?

3 A. Just one second, sir.

4 Q. Okay. Take your time.

5 A. Yeah, that was also obtained by Lieutenant
6 Blackmon.

7 Q. Okay. And, actually, I think he made the return
8 on that and that was for the truck and anything in the
9 truck, correct?

10 A. That's correct.

11 Q. All right. And then finally I think you
12 testified yesterday that you got a search warrant for
13 our client from Judge Tommy Copeland, and that was on
14 November the 9th, 2:02 PM, and as a result of that you
15 have the photograph -- photograph, including the one
16 that was blown up of our client, that either -- who
17 actually took those photographs?

18 A. I took the photograph.

19 Q. You took the photograph?

20 A. Yes, sir.

21 Q. Okay. It was actually a number of photographs,
22 correct?

23 A. I think the total there was four.

24 Q. All right. And that was the photograph that you
25 blew up that you were referring to yesterday, correct?

1 A. Yes, sir.

2 Q. All right. And you did not obtain any kind of
3 search warrant for the clothes or to get a photograph of
4 Shayla Gaines, did you?

5 A. No, sir.

6 Q. All right, sir. And it's a fair statement that
7 based on your investigation there were two people other
8 than Mr. Ardis at the scene, but you only obtained the
9 photographs and took photographs of Mr. Hollingsworth,
10 our client, correct?

11 A. That's correct.

12 Q. All right. And you testified yesterday about
13 the photograph that y'all had blown up, and I'm gonna
14 show you this and ask you if you recognize this one?

15 A. Yes, sir.

16 Q. Okay. We had that one blown up, not as big as
17 y'all did, but we had it blown up anyway, and I want
18 you to step down and point out to the jury, if you can,
19 if you see any -- any other bruises -- you contend it's
20 a bruise, but point out to the jury this particular
21 photograph, if you could do that, and step down.

22 A. I haven't seen that yet. If I could look at it.

23 Q. Okay. It's one you took though; is it not?

24 A. It appears to be, yes, sir.

25 Q. All right. Now could you step down, and what

1 we'll do if -- so the court reporter can still pick up
2 what's being said, if you can step down and I want you
3 to show the jury, and I'll ask you, first of all, does
4 there not appear to be a pretty significant bruise in
5 this photograph in the left arm, left forearm area?

6 A. There appears to be.

7 Q. Yes, sir. Okay. All right. If you could point
8 that out for the jury so that they can see.

9 A. This area (indicating).

10 Q. Okay. When you talk, you've got to speak up.

11 A. I'm sorry. In this area on the left, in the
12 biceps area.

13 Q. In the biceps area. Okay. All right. And then
14 the right shoulder area, the one that y'all blow up,
15 obviously his right shoulder is still in that photograph
16 as well, correct?

17 A. Correct.

18 Q. Okay. Thank you. You would agree that in this
19 other picture, the one that we showed you, it's hard to
20 see that right bruise, isn't it?

21 A. In the picture you're showing me now?

22 Q. Yes, sir.

23 A. It doesn't appear as -- you can still see a
24 portion, but it doesn't appear as obvious as what's in
25 the ones I saw yesterday.

1 Q. Okay. All right. Now -- and, again, y'all
2 didn't get a search warrant or get one of Shayla Gaines,
3 correct?

4 A. No.

5 Q. Okay. Now you also in the search warrant of our
6 client were asking for his shoes, his clothes -- items
7 of clothing, okay; is that correct?

8 A. Yes, sir.

9 Q. And that would have included -- that would have
10 included any type of clothing he was wearing at the
11 time that he was arrested or y'all would have had an
12 opportunity to try to get any other clothing that he
13 might have, correct?

14 A. Yes, sir.

15 Q. All right. And when -- would you agree that his
16 clothes have never been submitted to the SLED people
17 that are getting ready to testify here later on this
18 morning or sometime today, never been submitted to SLED
19 for any kind of testing; would you agree with that?

20 A. No clothes were collected from this search
21 warrant that you're speaking of right now.

22 Q. All right. And you would agree that -- you've
23 seen those clothes I'm sure because you would agree that
24 they were taken into evidence in November of 2012?

25 A. Are you speaking of the clothes he had on when he

1 was arrested?

2 Q. Yes, sir.

3 A. Those would have been logged in as property at
4 the jail.

5 Q. Okay. Would you agree now that the Solicitor's
6 office has them and they're back there in one of the
7 rooms?

8 A. I haven't seen them.

9 Q. You haven't seen them?

10 A. No, sir.

11 Q. Have you looked at them to see and determine
12 that, in fact, one of the items of clothing was a camo
13 shirt?

14 A. Mr. Howe, I haven't seen them.

15 Q. You haven't seen them. Okay. So we can -- let
16 me ask you if y'all ever took Shayla Gaines' clothes
17 into evidence?

18 A. When she was arrested, her clothes would have
19 been logged in as property at the jail.

20 Q. Okay. But you would also agree with me that
21 very, very recently, very recently, that SLED got ahold
22 of clothes that she had -- that she or somebody for her
23 brought to SLED? You're aware of that as being the
24 investigator in this case and should -- having overall
25 knowledge of the case?

1 A. I was not informed of that.

2 Q. Nobody told you that?

3 A. No, sir.

4 Q. Even though you're the lead investigator, you
5 didn't know that her clothing got tested just recently?

6 A. I have no knowledge of that.

7 Q. Really?

8 A. Yes, sir.

9 Q. Okay. Now there was a mention of her pocketbook.
10 Do you know whether or not the pocketbook was ever taken
11 into evidence?

12 A. That was handled in Greenwood County with other
13 officers and Lieutenant McIntosh. Obviously, I wasn't
14 there because I was at Mercy Lane. So as far as the
15 pocketbook goes, I don't know that it was recovered. I
16 know it was photographed, I believe it's in the incident
17 report, but as far as recovered I can't speak to that.

18 Q. Really? Even though there was mention in that
19 report -- in the report that we were given from Laurens
20 County that that pocketbook may have contained blood,
21 you don't know anything about what happened to the
22 pocketbook, whether or not it was tested by anybody,
23 whether or not it's even in evidence?

24 A. I was not on that particular part of the crime
25 scene, sir. I was in Laurens County on my end of the

1 crime scene on Mercy Lane.

2 Q. Well, I realize that we've got to cross the lake
3 to get from Laurens to Greenwood. I understand that.

4 A. Yes, sir.

5 Q. But something like that would have been kind of
6 important you would now agree, wouldn't you?

7 A. Obviously, I would agree, but, like I said, I
8 had other people doing other things and I'm trying to
9 basically quarterback from Mercy Lane, which is down in
10 the hole in Waterloo and we're out there all night, it's
11 a one-way-in, one-way-out type situation, so what's
12 going on in Greenwood obviously I have no first-hand
13 knowledge or sight of it if I'm not there.

14 Q. Were you quarter-backing McIntosh from Mercy
15 Lane?

16 A. I was working with him on the phone.

17 Q. Okay. So you can't tell us anything -- tell this
18 jury anything about the pocketbook?

19 A. No, sir.

20 Q. Okay. Thank you. Now you indicated yesterday as
21 part of your investigation that Shayla Gaines made some
22 type of a statement, correct?

23 A. That's right.

24 Q. All right. Now what was provided to us -- what
25 was provided to us, and I'll show it to you to refresh

1 your recollection, that statement was actually given
2 to Officer Blackmon, the first statement; is that
3 correct?

4 A. Let me clarify that, Mr. Howe. Mr. Blackmon
5 typed the statement, okay? Of course, obviously typing
6 when he was present, when myself was present and
7 Lieutenant Martin was present at the time she gave the
8 statement initially and at the time the statement was
9 typed.

10 Q. Okay. Let me show you the Advisement of Rights,
11 and that means -- that's giving somebody the right to
12 remain silent and all that kind of stuff, right?

13 A. Yes, sir.

14 Q. That's what it says. Okay. And the date --
15 well, you've got the original. The date of it is what?

16 A. 11-8-2012.

17 Q. And the time that that advisement took place was
18 what?

19 A. 05, it looks like, 10 -- or maybe 16.

20 Q. Okay. 05:10 or 16, that's military time, right?

21 A. 5 AM, 5:10 in the morning.

22 Q. Okay. And at the time that it was signed by
23 Shayla Gaines was what time?

24 A. 5:30.

25 Q. 5:31 I believe it says to be accurate?

1 A. Yes, sir. 5:31.

2 Q. And that was witnessed by McIntosh, right?

3 A. That's correct.

4 Q. And then the statement itself, it says that it
5 was -- M.B. Blackmon apparently was involved in it. I
6 see where he's a witness and McIntosh is a witness,
7 correct?

8 A. Yes, sir.

9 Q. Okay. And whose note is that?

10 A. I don't know if that's Captain -- I can't
11 actually read the signature, so I'm not sure if that's
12 Captain Williams or whose signature it is.

13 Q. Okay. I agree with you. I can't read it either.
14 But Blackmon and McIntosh were listed as the witnesses,
15 correct?

16 A. That's correct.

17 Q. Okay. Now you would agree that that statement
18 was completed at 7:27, correct?

19 A. Yes, sir.

20 Q. And that would be 7:27 AM or PM?

21 A. From the way it's written, it would be AM.

22 Q. AM?

23 A. Yeah.

24 Q. Okay. And, again, it indicates that the
25 statement -- the way I read it, it was given to Officer

1 Blackmon and not to you, but your testimony here today
2 is that you were present during that, correct?

3 A. Yes.

4 Q. Okay. And I've looked at that statement and in
5 that statement there are not any timelines that Shayla
6 Gaines gave y'all at all, were there?

7 A. No, sir.

8 Q. Okay. So there must have been a lot of
9 conversations that are not part of that written
10 statement for you to be able to come in here yesterday
11 and testify the timelines weren't right; would you agree
12 with that?

13 A. I'm sorry, say that again about the timelines not
14 being right.

15 Q. Yeah, I didn't say that too clear and I
16 apologize. There are no timelines in that statement,
17 correct?

18 A. Right.

19 Q. Okay. You testified yesterday, didn't you, that
20 after talking with her -- after she was interviewed that
21 the timelines weren't right, correct?

22 A. Again, I'm not clear. I said the timelines
23 weren't right?

24 Q. Yes, sir. I believe you said that yesterday, did
25 you not, the times didn't match up?

1 A. Oh, I'm sorry. As far as her statement and what
2 she was doing afterwards, yes, you're right. I'm sorry.
3 I wasn't clear.

4 Q. Okay. I didn't say that clearly. I think your
5 words were the times didn't match up.

6 A. Yeah, as far as what she had told us where she
7 had been. You're right.

8 Q. All right. And even though that statement
9 doesn't talk about any times, then there must have been
10 a good bit of conversation then that maybe that's not
11 in that statement where -- where you had discussions
12 about the timelines not working out and that's why you
13 further, as you said, I believe the word was pressed
14 her, and she finally gave up the ghost I think you said
15 yesterday; is that correct?

16 A. What I said was that after speaking with her more
17 and getting more into the conversation and explaining
18 to her that what she had told us after the fact that
19 Mr. Ardis was killed, the times from when she called us
20 to the time, you know, that she was saying it happened,
21 there was a lot of time in between there, and as we
22 pressed her on that she eventually broke down and gave
23 us the information on what had actually happened in the
24 time after.

25 Q. But my point being that since she gave a written

1 statement and didn't mention timelines that we've
2 already covered, there must have been a lot of
3 discussions that were not either recorded or written
4 down in discussions with Shayla Gaines, correct?

5 A. As a matter of fact, the way we did this
6 interview, or any other interviews, we would speak with
7 them, get them to talk to us, they were comfortable with
8 speaking to us, and, you know, take that information and
9 then synopsise it in a written or typed out statement,
10 so, yes, there were conversations.

11 Q. Yeah. Where probably it makes sense in today's
12 world with phones and all the, you know, computers, that
13 could have very easily been video'd, right?

14 A. Could have been.

15 Q. Okay. Y'all would have that capability if you
16 wanted to?

17 A. Sure, we could have.

18 Q. Okay. So that might contain all of the
19 discussions that y'all had with her when you were
20 pressing her to give up the ghost, correct?

21 A. Sure.

22 Q. Okay. But as a result of that, then what we
23 were provided with there was an addition made to her
24 statement where she indicated she remembered the whole
25 deal with going with Tina and getting the Roxicodones

1 and shooting them up, correct?

2 A. That's right. That's correct.

3 Q. And she never mentioned in her statement that she
4 was the one that actually shot up Keith Hollingsworth
5 with Roxicodones even when she later remembered that,
6 did she?

7 A. No, sir.

8 Q. And I noticed that statement or that addition was
9 -- I'm taking from what I heard yesterday, you obtained
10 that?

11 A. It was a joint effort between myself and other
12 investigators. We were all there.

13 Q. And -- and there's no indication what time that
14 was done or who witnessed it from what I've seen?

15 A. It would have been in with the -- because I have
16 mine attached. I don't know what you have there, but I
17 have mine attached. You can see it was completed and
18 witnessed and signed by her.

19 Q. Well, was that the first one or the addition is
20 what I'm confused about because the first -- first
21 statement we were given mentions 7:27 PM -- or AM
22 rather, when it was done. Is it now your testimony that
23 this addition, everything was done at 7:27?

24 A. All I can tell you is that there was an interview
25 that went on for a while and as far as the exact time it

1 was completed, as I sit here right now I can't tell you.
2 We were putting in twenty plus hours at this point.

3 Q. Yes, sir. I understand that. So you can't say.
4 So it could have been that the addition that she made
5 that she remembered after you talked with her, that that
6 was done even later than 7:27 in the morning; isn't that
7 true, sir?

8 A. It's possible, sure.

9 Q. All right. Thank you. Now whatever she said
10 to you or Blackmon or McIntosh or whatever initially
11 was a flat-out lie because she left out important
12 information; isn't that true?

13 A. Well, she had been consistent in what had
14 happened up to the point that she left after
15 Mr. Hollingsworth shot him in the back of the head.

16 Q. I understand.

17 A. Everything she said up to that had been
18 consistent. The only thing she left out was the part
19 of what they did from the time they left there as far
20 as going to see Ms. Dobbins, making calls for the
21 drugs, going and getting the drugs, coming back and
22 shooting the drugs. She left that out.

23 Q. Okay. Right, which was basically a lie, she
24 didn't tell you everything, and when you ask somebody
25 to give a statement, you ask them to tell everything,

1 right?

2 A. That's correct.

3 Q. Okay: So, in other words, you know, what you
4 could have charged her with then was giving false
5 information to a police officer, right, to a law
6 enforcement officer?

7 A. Mr. Howe, she had corrected herself and given
8 that information at a later time. It doesn't hinge
9 immediately on whether or not she lied. We could have
10 continued the investigation, which is what we did.

11 Q. Well, I understand, but then later on though is
12 it not true even though she gave you that information,
13 and corrected it as you say, despite that you came back
14 with a report that we were provided dated November 21st,
15 a supplemental report to the incident report that you
16 authored? You know what I'm talking about?

17 A. Yes, it's dated the 21st. I can --

18 Q. Yes, sir.

19 A. Yes, sir.

20 Q. Okay. And in that one you said because she was
21 untruthful to you, that then you got an accessory after
22 the fact to murder one; isn't that true?

23 A. That's correct, sir.

24 Q. Okay. So maybe you wouldn't have gotten false
25 information because it was corrected, but you went back

1 and charged with her with accessory after the fact of
2 murder, correct?

3 A. Yes, sir.

4 Q. All right. But as a result of that initial
5 statement that you obtained, you also -- on the
6 information she had given, you got a kidnapping warrant
7 against our client, didn't you?

8 A. Yes, sir.

9 Q. Okay. And now you know that kidnapping warrant
10 is going nowhere. You would agree with that based on
11 what you've heard her say and all that, you would agree,
12 correct?

13 A. Yes, sir.

14 Q. But based on information, what she told you and
15 lied to you, you got a warrant for kidnapping, which
16 carries fifteen to life, doesn't it?

17 A. Yes, sir.

18 Q. Okay. And that's now -- as you know, that's
19 going away?

20 A. Yes, sir.

21 Q. Also is going away --

22 (Discussion between defense counsel.)

23 Q. Okay. My co-counsel told me I was wrong. I
24 don't want to mislead you or anybody. Kidnapping is
25 fifteen to thirty, I think.

1 A. Thanks for the clarification.

2 MS. McNEILL: Zero.

3 THE COURT: Zero.

4 Q. Zero to thirty. We're gonna get it straight in
5 a minute, but it's a serious charge. We'd agree with
6 that, right?

7 A. (Nods head.)

8 Q. Okay. Now as the lead investigator in this case,
9 you are also aware, are you not, that the charge against
10 her having to do with the accessory charge after the
11 fact is gonna go away, correct?

12 A. No, sir, it's still standing.

13 Q. It's still standing now, but it's gonna go away.
14 You know that, don't you?

15 A. Mr. Howe, I don't know that. I know that it's
16 still standing. It's still pending.

17 Q. Have you ever discussed that with the Solicitor?

18 A. I have not.

19 Q. You've never been asked to give any input on
20 that?

21 A. I have not.

22 Q. Okay. Now you would agree with me that Tina
23 Dobbins gave a statement to you, Officer Martin and
24 Captain Williams at 7:57 PM on November the 8th,
25 correct?

1 A. Yes, sir.

2 Q. So that would be some twelve hours or so after at
3 least the first statement was completed on Ms. Gaines,
4 correct?

5 A. If I can clarify, I know that it says 7:27 on
6 there hours. This was all evening hours. There was
7 never any morning interviews, so that's just a clerical
8 error as far as the time on the statement. The 7:27, I
9 didn't type that in. It should have been 19:27 because
10 all the interviews were done at night.

11 Q. Wait a second. Now -- and just so we get that
12 straight, which statement are you referring to?

13 A. I'm talking about we interviewed Shayla after
14 Shayla was arrested and taken to jail and then we
15 brought Tina in, so it all occurred in the evening hours
16 of the 8th.

17 Q. Okay. Let me go back and show you. We talked
18 about this earlier about 05:31.

19 A. Yes, sir, and I mentioned that's what it said,
20 but it wasn't 5:30 in the morning. At least when I
21 interviewed her. I know she talked to Lieutenant
22 McIntosh in Greenwood, but I don't know those times.
23 The time she spoke to us was in the evening hours on the
24 8th.

25 Q. Well, what in the heck -- you know, I may be

1 wrong, but I assume that since the Advisement of Rights
2 was given to -- was attached to her statement and it
3 said 05:14 {sic} in military time, that tells me 5:31.

4 A. Yes, sir, but that's the one Lieutenant McIntosh
5 prepared.

6 Q. Okay. Where's the Advisement of Rights then on
7 the one that Tina Dobbins signed with y'all?

8 A. Tina Dobbins?

9 Q. Excuse me. I'm sorry, Ms. Gaines. Ms. Gaines.
10 Would you agree there's only one and that's the one that
11 was done at 5:31 in the morning?

12 A. That's the one I have in front of me and I have
13 pretty much every piece of paper unless Mr. Mowry can
14 find another one. She was still under the Miranda after
15 her warning was given to her at 5:30.

16 Q. In the morning. Okay. So are you telling this
17 jury that it's y'all's practice then that you give
18 somebody Miranda warnings at 5:00 in the morning and you
19 can come back at 7:00 at night and say it's still under
20 that and everything's fine?

21 A. That was -- she had already -- it's in the
22 statement as well, Mr. Howe. It's also -- the warning
23 is on top of the voluntary statement forms that we use.
24 The Miranda warnings are in there as well.

25 Q. I'm hearing you. Is that what you say?

1 A. That's what I said, yes.

2 Q. Okay. So it's your testimony now that Tina
3 Dobbins gave her statement close in time to when Shayla
4 Gaines did?

5 A. Yeah, not long after. I can tell you the time
6 that we completed that.

7 Q. And not twelve hours later?

8 A. No, sir, it wasn't twelve hours later.

9 Q. Because -- I'll let you finish looking.

10 A. If I could, if my counsel has their copy of --

11 Q. Tina's? I can show it to you. I'm sorry. I
12 didn't know that's what you were looking for.

13 A. Yeah, I was just gonna give -- correct me on the
14 time if I was --

15 Q. I'm sorry. I've got it right here. I can get it
16 for you. It says 7:57 PM.

17 A. Yeah.

18 Q. So you're saying that 05:31 means 5:30 --

19 A. Well, it --

20 Q. But if it does mean 5:30, it means Miranda was
21 still good from 5:30 in the morning until 7:57 at night
22 and McIntosh may have given the statement, correct? I
23 mean, may have gotten the statement from her.

24 A. He obviously gave her her Miranda warnings.

25 Q. Okay. Do you have in your file, being the lead

1 investigator in this case, whatever McIntosh got from
2 Tina Dobbins since apparently he interrogated her at
3 5:30 in the morning?

4 A. I do have some handwritten notes he made.

5 Q. Do you?

6 A. Yes, sir.

7 Q. You've got them with you?

8 A. Yes, sir.

9 Q. Okay. I haven't seen those. That's why I --

10 MR. HOWE: Warren, do you --

11 MR. MOWRY: I've got some handwritten notes that
12 Chelsea's seen. It was in my file when she looked
13 through it.

14 MR. HOWE: Okay.

15 MR. MOWRY: This is from --

16 MR. HOWE: I'll have to look at those when I get
17 a chance. You can't say what McIntosh said and when he
18 said it anyway. We'll talk to him later on.

19 BY MR. HOWE:

20 Q. So Tina clearly -- at some point in time after
21 Shayla, Tina clearly came in and said that they had gone
22 and done the roxies, right?

23 A. Not at first. At first she didn't want to admit
24 to that part of it.

25 Q. To y'all. I'm talking about to y'all.

1 A. Yes, sir.

2 Q. Okay.

3 A. Yes, sir, at first she didn't want to admit to
4 going and doing the drugs. She just wanted to say that
5 they showed up and she called the law and that's when
6 we immediately told her that that wasn't -- the times
7 weren't right and she needed to go ahead and just be
8 honest with what happened and she immediately, within
9 seconds, told us exactly what happened as far as going
10 and getting the drugs.

11 Q. Yeah. And all I've got is her written statement
12 which says -- which mentions the drugs, so you're
13 telling me she gave an earlier statement?

14 A. No, sir, not an earlier statement. It's all at
15 the same time. It's when we initially brought her in.
16 And she told you on the stand that she wanted to protect
17 herself --

18 Q. Yeah, I understand.

19 A. -- which people do; but, you know, when we told
20 her we already knew that there was a time discrepancy,
21 she immediately told us.

22 Q. Could you have also told her that we've talked to
23 Shayla now and Shayla says y'all did drugs, so you may
24 as well come forward on that?

25 A. It didn't have to go to that.

1 Q. Okay. Now -- and in your investigation, you were
2 aware that she had also lied to the -- that Tina had
3 lied to the Greenwood deputies?

4 A. I have no knowledge of that.

5 Q. You had no knowledge of that?

6 A. No, sir.

7 Q. So when you heard that yesterday, that was the
8 first time you'd heard that?

9 A. As far as her speaking to Greenwood?

10 Q. Yes, sir.

11 A. Yes, sir.

12 Q. Okay. Y'all have a decent relationship with
13 Greenwood, don't you?

14 A. Sure.

15 Q. Okay. And so if you asked them to get
16 information, they'd give you information, correct?

17 A. That's correct.

18 Q. All right. All you've got to do is cross the
19 river over there and actually they did provide
20 assistance in this case for y'all; is that correct?

21 A. Yes, sir.

22 Q. Okay. Could you have asked Greenwood deputies to
23 get the video from the One-Stop?

24 A. I directed Lieutenant McIntosh to take care of
25 that because he was working the Greenwood side of it.

1 Q. All right. And no store video was ever obtained,
2 correct?

3 A. According to McIntosh, he collected it, but where
4 it went from there -- I never received it.

5 Q. According to McIntosh he collected it?

6 A. Yes, sir.

7 Q. And you don't know where it went?

8 A. I don't know where it is. It's not in my file
9 and it wasn't logged into evidence.

10 Q. As the lead investigator in this case, wouldn't
11 it be important to have that to tie in these time frames
12 and what Mr. Hollingsworth was wearing to match it up
13 with the clothes that y'all later got from him when he
14 was taken into custody?

15 A. Yes, sir.

16 Q. Okay. But we don't know where that is?

17 A. I can't account for it.

18 Q. Have you asked McIntosh where it is?

19 A. Yes, sir.

20 Q. And what did you learn?

21 A. According to Lieutenant McIntosh, he came into
22 the office where there was a meeting going on between
23 investigators and handed it to one of us.

24 Q. Okay. So the jury doesn't have the opportunity
25 to see that?

1 A. Not at this time.

2 Q. Well, when might that happen?

3 A. I can't answer that, Mr. Howe.

4 Q. Okay. You would agree with me that even though,
5 according to you, you don't know whether or not the
6 charges against Shayla have been dismissed because you
7 have not discussed that with the Solicitor's office, you
8 would agree that she's got -- she's got a deal, she's
9 not being tried and prosecuted for murder, right? You
10 would agree with that?

11 A. I would not agree with that, Mr. Howe, and I'm
12 offended that you keep saying that like I have some --
13 some deal struck with her, which I absolutely do not.

14 Q. No, I agree -- I understand your testimony. You
15 agree she's getting a deal because she's not being
16 prosecuted for murder, correct?

17 **MR. MOWRY:** I believe that's been asked and
18 answered, Your Honor.

19 **THE COURT:** All right. I don't think she was
20 ever charged with murder; am I correct?

21 **MR. HOWE:** Exactly.

22 **THE COURT:** Sustained.

23 BY MR. HOWE:

24 Q. You agree you didn't check her for bruises?

25 A. No, sir.

1 Q. You agree you bought her story about kidnapping
2 until you later found out she'd lied to you and then
3 when she lied you, charged her with accessory after the
4 fact of murder, correct?

5 A. That's correct.

6 Q. And now you know that -- you know the kidnapping
7 charge is going away because it was based on a lie that
8 she gave you, correct?

9 A. At the time. These investigations, as you know,
10 is never entirely fully -- you learn what you learn when
11 you go through it.

12 **MR. HOWE:** Okay. Thank you, sir.

13 **THE COURT:** Redirect, Mr. Mowry?

14 **MR. HOWE:** Oh, can I have one more question?

15 **THE COURT:** By all means. Please.

16 BY MR. HOWE:

17 Q. Do you have the height, how tall Shayla Gaines
18 is?

19 A. Give me one second. She's listed on my incident
20 report as five foot one, 125 pounds.

21 **MR. HOWE:** Okay. Thank you.

22 REDIRECT EXAMINATION

23 BY MR. MOWRY:

24 Q. Okay. Just a few questions. You had testified
25 on direct that you got word about a bruise on

1 Mr. Hollingsworth; is that right?

2 A. That's correct, sir.

3 Q. Did you get word about a bruise on Shayla?

4 A. No, sir.

5 Q. Okay. And the information that you had gotten
6 is what led you to get the search warrant; is that
7 correct?

8 A. Right, that's correct, sir. Yes, sir.

9 Q. Mr. Howe asked you about did you get search
10 warrants for Shayla for GSR and DNA. Did you?

11 A. No, sir.

12 Q. Why not?

13 A. There was no reason to at that time. We didn't
14 have any -- any reason to get a search warrant for her
15 or to collect her evidence -- her samples.

16 Q. Because she gave consent to you?

17 A. She gave consent.

18 Q. And you, in fact, obtained it with her consent?

19 A. That's correct. Or Lieutenant McIntosh did.

20 Q. Okay. Y'all did. Let's put it that way.

21 A. Yes, we did.

22 Q. I know y'all -- it's kind of like an octopus;
23 tentacles going out in every direction?

24 A. That's correct.

25 Q. And y'all were up how long?

1 A. Over twenty hours.

2 Q. Okay. Mr. Howe asked you about the pocketbook
3 from Greenwood and you said that that was never logged
4 into evidence?

5 A. As far as I know.

6 Q. What would it have added to the case if her
7 pocket blood had blood on it?

8 A. Just the fact that there was blood on it.

9 Q. Did she admit that she was in the room?

10 A. She absolutely did.

11 Q. What was the condition of the room where
12 Mr. Ardis was murdered?

13 A. As I testified yesterday, it was a horrific
14 scene, blood everywhere you could see.

15 Q. So would it have been a surprise if blood was on
16 her pocketbook?

17 A. Absolutely not.

18 Q. Okay. You stated that she left out the drug part
19 initially; is that right?

20 A. Yes, sir.

21 Q. And that was the basis for the accessory after
22 the fact because she was not giving you the whole truth;
23 is that right?

24 A. Correct.

25 Q. Mr. Howe was referring to it as a lie.

1 A. Correct.

2 Q. What about her statement as to what happened at
3 the scene and what happened at the One Stop and what
4 happened back at Tina Dobbins' residence?

5 A. She never wavered on that from the first
6 interview till her testimony yesterday. It's been down
7 the line.

8 Q. Mr. Howe asked you about the video at the One
9 Stop.

10 A. (Nods head.)

11 Q. What would that have added to the question of who
12 killed Bill Ardis?

13 A. Nothing other than the fact he went in the store.

14 Q. Okay. Did we have testimony from Shayla about
15 that?

16 A. Yes, sir.

17 Q. Did we have testimony from the store clerk about
18 that?

19 A. We did, sir.

20 Q. Was that testimony -- well, I won't ask you that.
21 Never mind.

22 **MR. MOWRY:** I believe that's all I have, Your
23 Honor.

24 **MR. HOWE:** No recross, Judge.

25 **THE COURT:** Thank you. You may step down.

1 (Witness excused.).

2 **THE COURT:** Call your next witness, Solicitor.

3 **MR. MOWRY:** Your Honor, I believe our next
4 witness is gonna be a lengthy one. It might be a good
5 time to --

6 **THE COURT:** We'll go ahead and take a break.
7 Ladies and gentlemen, we're gonna take a break at this
8 moment in time. I actually have five matters that were
9 -- they should be fairly quick. They involve issues of
10 bond that were set for this morning at 9:30. I'm gonna
11 address those real quick, okay? So if you need to take
12 a break and step outside and have a cigarette, feel free
13 to do so. I hope to have you back here in about fifteen
14 to thirty minutes, somewhere in that range. So just
15 relax, don't talk about the case yet. I'll let you know
16 when you can. Thank you.

17 (The jury retires to the courtroom.)

18 (Recess taken.)

19 **MR. MOWRY:** Your Honor, if I could.

20 **THE COURT:** Yes, sir.

21 **MR. MOWRY:** Mr. Howe and I conferred during the
22 break. We had asked about the necessity of putting
23 Ben Blackmon up, who obtained the search warrant for the
24 house, and I believe Mr. Howe -- I'll let him correct me
25 if I'm wrong, but he indicated to me that that was not

1 necessary and that we could go ahead and proceed with
2 the crime scene.

3 **THE COURT:** Is that correct?

4 **MR. HOWE:** That's correct, Judge, and we'll
5 stipulate as to Mr. Brown's qualifications, too.

6 **THE COURT:** All right.

7 (Discussion between defense counsel.)

8 **THE COURT:** All right. You'll stipulate to
9 Mr. Brown's qualifications then?

10 **MR. HOWE:** Yes, sir.

11 **THE COURT:** He's qualified in what field then?

12 **MR. MOWRY:** Crime scene investigation, Your
13 Honor.

14 **THE COURT:** All right. Let's have the jury,
15 please.

16 (The jurors returned to the courtroom.)

17 **BAILIFF:** All jurors are present, Your Honor..

18 **THE COURT:** All right. The record should reflect
19 that the jury is back and seated. The Defendant is
20 seated with counsel. At this point, Mr. Mowry, if
21 you'll call your next witness, sir.

22 **MR. MOWRY:** I call Agent Al Brown.

23 ALMON BROWN,

24 having been duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MR. MOWRY:

2 Q. Mr. Brown, I believe you're an agent with the
3 South Carolina Law Enforcement Division, commonly known
4 as SLED; is that right?

5 A. Yes, sir.

6 Q. What is your capacity with SLED, please, sir?

7 A. I'm assigned to the Crime Scene Unit. My job
8 entails responding to crime scenes as requested by local
9 agencies throughout of state of South Carolina, to
10 document, preserve and collect evidence related to crime
11 scenes.

12 Q. Okay. And how long have you been doing that?

13 A. I've been doing crime scene work anywhere between
14 -- probably ten to thirteen years in both the private
15 and public sectors. I've been with SLED about three
16 years.

17 Q. Okay. About how many crime scenes have you
18 investigated, would you estimate?

19 A. Over the course of my career, anywhere between a
20 hundred plus.

21 Q. Okay. You haven't kept count?

22 A. No, sir.

23 Q. But a lot?

24 A. Yes, sir.

25 Q. Okay. And were you involved in the processing

1 of the crime scene at [REDACTED] Drive in Waterloo,
2 South Carolina, back on November 8th of -- yeah,
3 November 8, 2012?

4 A. Yes, sir, I was.

5 Q. How did you become involved in this matter?

6 A. We received a request from our operations
7 division that the Laurens County Sheriff's Office had a
8 crime scene and they were requesting our assistance to
9 come and process.

10 Q. Where are you based?

11 A. Out of Columbia, South Carolina.

12 Q. All right. And what time did you get that call?

13 A. I believe -- if I may refer to my notes?

14 Q. Of course.

15 A. Our initial call was received at approximately
16 3:45 in the morning.

17 Q. Okay. And what did you do in response to that
18 call?

19 A. When we receive a call, we always make contact
20 with the primary agency. I made telephone contact, I
21 believe, that morning with -- it would have been with
22 either -- Ben Blackmon or Investigator Scott Franklin
23 were the two points of contact. They advised me a
24 rough scenario as far as what they had at the scene.
25 I advised them to move forward to make sure we had a

1 search warrant secured so that at the time I arrived we
2 could move forward with the processing and collection of
3 evidence.

4 Q. And by the time you had arrived, was there a
5 search warrant on hand?

6 A. Yes, sir.

7 Q. Okay. Would you have proceeded without it?

8 A. No, sir.

9 Q. All right. When you got there, what happened?

10 A. When I got there, I noticed that the coroner
11 was already on-scene. The scene was secured with
12 Laurens County Sheriff's Office personnel, including
13 Investigator Franklin, who was on-scene as well. There
14 had been markers placed into the crime scene that I
15 could see from the doorway before we made entry. I
16 was advised that those markers had been placed by the
17 Laurens County Sheriff's Office just to document things.
18 My guess is they went in to clear the house and make
19 sure there was no other danger or other threat.

20 Q. Okay. Would you have gone in the house had it
21 not been cleared?

22 A. No, sir.

23 Q. Okay. What's your process in this function?

24 A. Typically the way the crime scene works is when
25 we get there we want to document all the conditions,

1 including environmental, exterior conditions, as well
2 as interior conditions. We also want to get as much
3 information as we can from the locals, the local agency,
4 the sheriff's department.

5 They try to tell us what information they've
6 received in the investigation at that point and we try
7 just to go in and be unbiased and look at the evidence
8 as far as what we get and if the information we collect
9 from the inside is consistent with information they're
10 given through statements, then obviously they know that
11 they're on the right track, but our job is to go in,
12 document things as they are, preserve the condition
13 through photography or videography, if need be.

14 We also do sketches and we also take photographs
15 overall, close-ups and mid range, as we call them, of
16 various items of evidence. Then we also take detailed
17 notes about what processes we do in there. In some of
18 these processes, we go in and we use chemicals to
19 enhance certain types of evidence, some requires
20 selecting serological or DNA evidence off of items.

21 Q. Serological would be?

22 A. DNA, blood or any bodily fluid that we would
23 collect, so it is a very time-consuming and very
24 methodical process.

25 Q. Okay. So when you got there, did you speak with

1 Lieutenant Franklin about the information he already
2 had?

3 A. Yes, sir, I did.

4 Q. Okay. What sort of information did you receive
5 from him?

6 A. Initially I was given information that a call
7 originated, I believe, in Greenwood County where the --
8 one of the female subjects that lived in the residence,
9 I believe her name was Ms. Gaines, who was residing
10 there, she had made it to a residence in Greenwood, I
11 believe a friend's house, and at that point a welfare
12 check was requested by Laurens County Sheriff's Office
13 to this address in Waterloo. Upon the sheriff's
14 department arriving, their initial observation was they
15 saw a white male who appeared apparently deceased on
16 the living room floor at which point they cleared the
17 residence to make sure there was no other threat and
18 then secured the outside perimeter and requested crime
19 scene response.

20 Q. Okay. After you received that evidence, what
21 steps did you take?

22 A. Once we collect evidence on the scene, we then
23 take that evidence back to our laboratory facility in
24 Columbia. We maintain a State lab that handles various
25 forensic disciplines. Those items are packaged and

1 secured, they're then submitted to the various
2 departments who handle those speciality areas, and
3 that's where it would have gone.

4 Q. Okay. How long did this processing of the crime
5 scene take?

6 A. Well, I believe I arrived on the scene at
7 approximately 5:25 in the morning when we got on the
8 scene and I think -- if I can refer to my notes to see
9 what time we cleared. When we left Laurens, it was 4:48
10 the next afternoon.

11 Q. Okay. So you were on-scene almost twelve hours?

12 A. Yes, sir.

13 Q. Or in Laurens County at least?

14 A. Yes, sir.

15 Q. Now did that include all the time at Mercy Lane
16 or was it split between there and the impound lot at the
17 Laurens County Detention Center?

18 A. The majority of the time was spent at Mercy Lane.
19 We had two additional scenes we were requested at; one
20 was at the Laurens County Sheriff's Office where we
21 stopped to receive a buccal swab or a DNA swab from the
22 subject's mouth and then the next was the impound lot
23 where the victim's vehicle was secured.

24 Q. Okay. And speaking -- well, I'll get to that in
25 a little while. Let's take it in chronological order.

1 You're at Mercy Lane; is that right? Or -- yeah, Mercy
2 Lane.

3 A. Yes, sir.

4 Q. You had gotten information from Lieutenant.
5 Franklin?

6 A. Yes, sir.

7 Q. What's your first step?

8 A. We document the outside conditions, both notes
9 and photography of what we could see, and then we take
10 methodical steps as far as what's gonna be our entry
11 point into the crime scene.

12 Q. Okay. What were the meteorological conditions
13 that night? What was the weather like?

14 A. I remember it was cold, it was dark in that
15 particular area. I believe the temperature was
16 somewhere around 34 degrees upon our arrival and the
17 doorway was open, the side door to this residence which
18 we decided to use as our primary entry, and I believe
19 the internal temperature at that point in time in the
20 residence was approximately 72 degrees.

21 Q. Okay. (Handing.) Now I've given you the laser
22 pointer, I believe; have I not?

23 A. Yes, sir.

24 Q. Mr. Bolt, if you wouldn't mind. If you could
25 look up on the overhead, let me just show you real quick

1 State's Exhibit 37. I'm just gonna get you to identify
2 this, but we'll use the overhead for our purposes. This
3 is what?

4 A. This would appear to be an enlarged version of my
5 final sketch of the crime scene.

6 Q. Okay. So this is just a blowup copy of what's up
7 on the screen right now; is that right?

8 A. That would appear correct.

9 Q. Okay. All right. What was the entrance that you
10 used to go into the house?

11 A. The entrance would have been this doorway here
12 that led into the living room area.

13 Q. Okay. What was the first thing you noticed when
14 you got into the room?

15 A. It was visibly noted there was a large quantity
16 of blood stains or what appeared to be blood stains and
17 also brain issue located throughout that particular
18 room, both on the ceiling, on the floor and the adjacent
19 walls. It was so notable so that some of the stains
20 were still running and some things were still dripping
21 from the ceiling.

22 Q. Okay. Did you notice anything else when you
23 walked into the room?

24 A. I did see there were markers there as reported
25 by Laurens County. The majority of the markers appeared

1 to be identifying bone fragments or blood stains or
2 matter, but also there was a shotgun -- what appeared to
3 be a shotgun behind a chair behind where the victim was
4 located.

5 Q. Can you note on the chart where that was, please?

6 A. Right here. I believe that's Marker 3, I
7 believe.

8 Q. That little line? I'll tell you what I'll do.
9 I'll put this one up at the front somehow so you can
10 refer to that if you need to. Does that help at all?

11 A. Your Honor, do you mind if I stand up?

12 **THE COURT:** Please.

13 **THE WITNESS:** Thank you.

14 BY MR. MOWRY:

15 Q. Okay. Go ahead. I'm sorry.

16 A. This area right here, you can see it in the
17 sketch, is visualized to be a shotgun. If you were
18 closer, you could see it resembles a shotgun and it was
19 Marker 3 that was already marked prior to my arrival.

20 Q. Before I go on, let me ask you -- let me show you
21 these pictures.

22 **THE COURT:** Solicitor, are you able to enlarge
23 that a little -- there you go. Okay. Yes. See if you
24 can make it just a little bit bigger because I think
25 some of the jurors were having to squint a little bit.

1 That's better.

2 **MR. MOWRY:** Excellent.

3 BY MR. MOWRY:

4 Q. Let me hand you State's Exhibits 6, 7 and 8, if
5 you're referring to the shotgun, and ask you if you can
6 identify those?

7 A. Yes, sir.

8 Q. What are those, please, sir?

9 A. These would appear to be duplicates of the crime
10 scene photos that I took indicating Marker 3 along with
11 the condition of the shotgun was in upon my arrival.

12 Q. Okay. And was that the -- that was the condition
13 it was in; is that right?

14 A. Yes, sir.

15 Q. Did you take these photographs?

16 A. It would have been me or my partner that we work
17 the scene with. We always work in tandem, two people,
18 so many times one is taking notes, the other one's using
19 the camera, but it's in tandem, so one hand doesn't act
20 without the other, so to speak.

21 Q. Right. The point is though that you observed all
22 of this; is that right?

23 A. That is correct, sir.

24 Q. Okay. And that was the condition the shotgun was
25 in when you got there?

1 A. Yes, sir.

2 Q. What is the shotgun lying on?

3 A. The shotgun appeared to be lying on a pillow and
4 some blankets.

5 Q. Okay. There has been testimony that that was a
6 dog bed. In your opinion, would that be consistent with
7 what you see there?

8 A. I wouldn't call it a dog bed, but I have an
9 animal and I've made pallets for them, so I'm not saying
10 it could not be used as a dog bed.

11 Q. When you came into the room -- I don't mean to be
12 callus about this, but did you see a source of the blood
13 and the bone fragments and other things you described?

14 A. Yes, sir, I did.

15 Q. What you did see?

16 A. There was a victim lying there who had a very
17 evident traumatic injury to the head.

18 Q. Okay. This is State's Exhibit Number 4.

19 **MR. HOWE:** Yeah.

20 Q. Do you recognize that?

21 A. Yes, sir, I do.

22 Q. Okay. What is that, please, sir?

23 A. That is the condition -- it appears to be a
24 duplicate of a photograph that I was taking of the
25 condition of the victim in the living room upon our

1 arrival.

2 Q. Okay. And would you indicate with the pointer
3 where the body was?

4 A. This black outline here simulating a body, that
5 would have been the area it was located. Again, this is
6 the front door that we were making entry in. This was
7 the location here.

8 Q. You talked about it being a traumatic injury.
9 Can you go into more detail, please, sir?

10 A. I'm gonna take my seat, Your Honor. The injury
11 was notable. There was a large gape, if you will,
12 injury to the head. You could see a substantial amount
13 of red pooling and stains coming from the victim's head
14 area. You could also see adjacent stains on the coffee
15 table, there again, on the walls, ceiling, also on the
16 chair and floor. It was evident -- it appeared these
17 stains radiated out from the proximal area where the
18 victim was at or had been.

19 Q. Okay. Based on your experience and what you
20 noted -- well, let me ask you this. Had you been told
21 where the victim was believed to have been before you
22 began your investigation?

23 A. I believe the coroner that was on the scene
24 speculated, I believe, that the victim may have been in
25 a chair, but at that time I had not seen evidence at the

1 time until I went into the scene to document myself.

2 Q. Okay. Did you see a chair in the room?

3 A. Yes, sir, I did.

4 Q. Can you point to it with the pointer, please,
5 sir?

6 A. Yes, sir. This chair right here.

7 Q. Okay. What kind of chair was that?

8 A. It was a recliner-style chair, brown in color.

9 Q. All right. Where did your investigation go from
10 there?

11 A. Immediately we obviously were focussed on this
12 room. I can tell you through my notes that Laurens
13 County Sheriff's Office had placed Markers 2 through 8.
14 I know the first thing I asked was about Marker 1 and
15 apparently the agent or the unit who put those markers
16 in said they did not have a Marker 1, but what they did
17 indicate were markers 2 through 8, which were either
18 areas where they thought was of initial interest when
19 they went into the house or other items, be it brain
20 matter or bone fragment. I know Marker 8 appeared to
21 be eyeglasses.

22 Q. You said eyeglasses?

23 A. Eyeglasses. They were broken eyeglasses. The
24 other items -- we immediately started noting other
25 evidentiary items and what we did is we did a

1 continuation of their markers. So their markers ended
2 at Marker 8. We went ahead and moved through the
3 residence identifying other areas that we thought would
4 be other evidentiary items and began with Marker 9 and
5 went all the way up to Marker 17 on the interior.

6 Q. Okay. So you went through the rest of the house;
7 is that right?

8 A. Yes, sir, methodically.

9 Q. Was there any other area that led you to believe
10 the injury to the victim had occurred anywhere else than
11 in that room?

12 A. No, sir.

13 Q. Okay.

14 **THE COURT:** Solicitor, not to interrupt, was it
15 your intention to qualify him as an expert?

16 **MR. MOWRY:** I'm sorry, Your Honor.

17 **THE COURT:** I know that the defense stipulated
18 before the jury came out, but the jury --

19 **MR. MOWRY:** I did not intend to do that because I
20 was going on that assumption. My apologies. I would
21 offer him as an expert witness.

22 **THE COURT:** No objection?

23 **MR. HOWE:** No objection, Judge.

24 **THE COURT:** All right. Ladies and gentlemen, we
25 had a discussion before you came out here and that's the

1 reason -- I just wanted -- I wanted you to be aware that
2 the parties have stipulated -- Mr. Howe and Mr. Mowry
3 have stipulated that Agent Brown is an expert in the
4 field of crime scene investigations.

5 And what that means, ladies and gentlemen, is
6 that normally a witness has to testify about something
7 that they saw, heard, smelled, something they observed
8 with one of their five senses, but an exception to this
9 rule exists for expert witnesses or witnesses who are
10 trained in particular fields or areas of expertise. For
11 those witnesses that are known as expert witnesses, they
12 can give opinion testimony. They can also give the
13 basis for their opinion, okay? It doesn't mean though
14 that you have to accept their opinion, but it's evidence
15 for you to use as you feel is appropriate.

16 So, again, Agent Brown in this case has been
17 qualified as an expert or stipulated to be an expert of
18 the field of crime scene investigations, so he can give
19 opinion testimony.

20 Sorry to interrupt, Mr. Mowry. Go ahead, please.

21 **MR. MOWRY:** I apologize, Your Honor, I omitted
22 that from the start. My apologies.

23 **THE COURT:** That's all right.

24 BY MR. MOWRY:

25 Q. Let's go back to this then. So you say you found

1 no other evidence that the injury to the gentleman that
2 was on the floor in State's Exhibit Number 4 had
3 occurred anywhere else but in that room?

4 A. But in that room, that's correct. We also used
5 a chemical enhancement in one of the adjacent rooms.
6 In the kitchen, we used a chemical called leuco crystal
7 violet. It reacts with various blood proteins and it
8 will react if there's been evidence of a cleanup or
9 blood that's been altered in some state or form and
10 we applied that just to make sure that there wasn't
11 evidence in the adjacent room and didn't find anything.

12 Q. Okay. Did you find any evidence that there had
13 been any cleanup of this crime scene or the adjacent
14 rooms?

15 A. No, sir. We found evidence in the kitchen that
16 was consistent with stains travelling from the living
17 room area, but as far as any other altered stains or any
18 other stains suggesting there was any other action or
19 actions with this type of injury from the victim and
20 there was none.

21 Q. Was there an open connection between the room
22 that the body was in and the kitchen?

23 A. Yes, there was.

24 Q. Indicate that with the marker -- or with the
25 pointer, please, sir.

1 A. Both in this area right here in this wall here
2 and part of this wall here there was kind of like an
3 open space. Not a window, per se, but an open area
4 where if you were in the living room you could see into
5 the kitchen area and what was also like a dinette area
6 in the kitchen and the stains that we found in those
7 areas, you know, were consistent with stains that would
8 have travelled from that area through those spaces and
9 then being deposited on surfaces in the kitchen area.

10 Q. And was there a walkway or a doorway between that
11 room and the kitchen?

12 A. There was actually -- right here in this little
13 open area, there was like a step, if I recall, a step
14 up, so you could step up and walk into that area.

15 Q. Got you. You had said that you had been told
16 that the victim was in a chair --

17 A. Correct.

18 Q. -- the person was in a chair. You said that
19 blood was on the walls and on the ceiling?

20 A. Correct.

21 Q. Were they on all the walls? Was blood on all the
22 walls?

23 A. Yes, sir, I believe that would -- I would say the
24 only wall that appeared to be the majority absent of
25 stains would have been this back wall here, but there

1 were still some stains there, they were just not as
2 prevalent as this wall, this wall, this wall and the
3 ceiling above.

4 Q. Okay. So the area behind the chair then would
5 have been more free of the items you have described?

6 A. It was primarily an absence of blood, and that
7 was noted.

8 Q. Okay. All right. Continuing on your overall
9 view of the scene, go ahead and describe it.

10 A. There again, we -- once we had noted -- moving,
11 like I said, methodically we started working our way
12 through the living room area, then went to the kitchen
13 area documenting things that we'd see. Each little
14 number here that you see represents something that we
15 felt as an item of evidence. So as we moved into the
16 kitchen, you can see we have markers 15 and 17 and what
17 appears to be -- I believe that's -- that's just the
18 sink area here. So we have markers 15 and 17 and 16
19 here.

20 Now markers 6 and 7 and 5, those were markers,
21 there again, that had been placed by the sheriff's
22 office prior to our arrival, and those areas appear to
23 be brain or skull fragments that were in those areas.
24 Marker 16 that was right up under this desk here on
25 the floor was a cigarette butt. We had Marker 17 that

1 appeared to be a toothpick laying on the corner of the
2 table here and then we've got Marker 15, which -- I
3 call it the Little Debbie cardboard wrapper.

4 If I may, if you're familiar with Swiss rolls
5 that Little Debbie makes, they come on a little
6 cardboard wrapper or a cardboard thing that the two
7 pastries sit on, and that's what this appeared to be.
8 It appeared to be one of those empty cardboard pieces
9 from one of those packages, and then we did observe a
10 Swiss roll container, if you will, sitting on the
11 kitchen counter.

12 Q. So let me refer you to two photographs, State's
13 Exhibits 15 and 16, with regard to the Swiss rolls. Do
14 you recognize those?

15 A. Yes, sir, I do.

16 Q. Okay. What are those, please, sir?

17 A. State's Exhibit Number 16 would be a duplicate
18 photo of my crime scene photograph indicating Marker 15
19 and the cardboard item that I'm referring to as the
20 Little Debbie white cardboard piece. State's Exhibit
21 Number 15 would be a photograph from the crime scene of
22 the kitchen counter in which you can see a box for
23 Little Debbie Swiss rolls.

24 Q. Okay. When did you do next?

25 A. There again, moving through the house, we began

1 checking the other rooms. We actually moved this way
2 down the hall, checking this bathroom -- or this room
3 here for any evidence, and we also checked the bathroom
4 and then moved our way down to this area, this room
5 here, which appeared to be the victim's bedroom.

6 Q. Okay. Did you find anything of evidentiary value
7 in any of those rooms?

8 A. We didn't find anything of evidentiary value,
9 per se. What I mean by that is there are things that --
10 sometimes you -- non-tangible things that you might see
11 and observe that could be evidence. There's also things
12 that are tangible that you collect as evidence. In this
13 room -- one of the things we noticed in this room, and
14 the majority of this area of the residence, was that it
15 seemed to be fairly tidy; meaning that whoever resided
16 in that particular area kept it neat, kept it clean and
17 kept it organized. This bedroom in particular I can
18 remember the bedsheets -- I noticed that the bedsheets
19 appeared as if one person had been laying in them. The
20 sheets were just pulled slightly back as if one person
21 had gotten out of bed. There was a TV on in that room
22 and the closet was partially open, but even the closet
23 itself was very tidy, the clothes were hanging neatly.
24 The drawers in this room, the clothes were folded nice
25 and neat, so it was somebody that wanted to keep a clean

1 house, and that's what I noticed about this area here on
2 this hall in the house.

3 And in comparison to that is when we moved to
4 this end of the house here, we found that there was
5 another bedroom that was built onto this end of the
6 house here, and unlike the remainder of the house,
7 this room appeared to be very untidy, it was very
8 disorganized, a lot of clothing, a lot of trash and
9 debris, you know, totally different than what you saw
10 from the other parts of the house, and so we -- and
11 in looking at evidence, per se, there again, there's
12 tangible and non-tangible evidence. We documented
13 these things as non-tangible evidence that could or
14 could not play a factor in the investigation.

15 Q. Now you talked about the room over on the
16 left-hand side of the chart.

17 A. Yes, sir.

18 Q. The disorganized area is the way you put it. Did
19 you immediately discover that room?

20 A. No, sir.

21 Q. Why was that?

22 A. The more we kept working the scene, we were
23 getting information that -- initially when we got there
24 we weren't -- it wasn't initially known that the
25 Defendant and the other female subject that was there

1 lived there. We didn't know if they lived there or not
2 and that information was later revealed during the
3 course of the investigation. My concern as I expressed
4 with the sheriff's department investigator on the scene
5 was I saw no evidence of there being a female victim --
6 a female person in that residence based on what we had
7 seen at that point in time.

8 It was then when we went out this back door --
9 and there's a back door right here just past where
10 Marker Number 3 and the shotgun was at, and when we
11 went out this door here, that's when we observed that
12 there was another door that entered this room. It was
13 at that time -- there again, we start back over. You
14 don't know if this room's been secured, you don't know
15 if someone's hiding in there, so we immediately, you
16 know, get guns drawn and prepare to go in in case we
17 encountered anybody. Once we deem it safe to move
18 forward, we start our processes all over again, like
19 documenting and looking for evidence.

20 Q. Okay. But just to make sure the jury
21 understands, why didn't you find that room immediately?
22 Was there one particular reason that you didn't discover
23 it?

24 A. Well, initially when we were observing the
25 evidence, we were under the impression based on the

1 what the sheriff's department had -- you know, we rely
2 a lot on what the locals had done when they got there,
3 so when I get there and the sheriff's deputy told me or
4 the investigator said we cleared the residence, the
5 residence is safe, this is the layout of it, we rely
6 heavily on that and we assume that that's been done.

7 Q. And was there any connecting door between that
8 kitchen area at the bottom of the chart more to the left
9 of center and that room on the extreme left?

10 A. No, there was not. It was just this door here.
11 If you didn't go out this door, which, of course, you
12 know, one of our final things we do is we start -- we
13 want to do a full walk-around of the house to see and
14 when we did the walk-around, that's when, you know, this
15 was noticed and observed.

16 Q. Okay. And that was the tail end of your
17 investigation?

18 A. Yes, that was toward the end of our
19 investigation.

20 Q. All right. You've completed your walk-around
21 of the interior except for the far left. What happens
22 next?

23 A. We documented our findings in there. I don't --
24 I'll refer to my notes if you don't mind.

25 Q. Please do, sir.

1 A. I'm certain that we documented the room, but
2 there was obvious evidence in the room that both the
3 female and the male could be residing or had resided in
4 that particular room. After we go through, we get the
5 opportunity to have the Laurens County Sheriff's Office
6 come in with us and look behind to see if there was
7 anything evidentiary-wise that they felt was prevalent
8 that needed to be collected and at the ending of the
9 time we released the scene, there was none, there was no
10 evidence in that room that was considered prevalent to
11 collect at that particular point.

12 Q. Okay. You had stated earlier that the blood
13 primarily radiated out on the three walls essentially,
14 the one connecting the kitchen, the one connecting the
15 outside where the television is and the one connecting
16 on the upper part of the chart; is that right?

17 A. Yes, sir.

18 Q. Let me hand you three photographs, Number 2, 3
19 and 11, and ask you if you can identify those, please,
20 sir.

21 A. State's Exhibit 2, 3 and 11 are duplicate photos
22 of my crime scene photos that were taken indicating both
23 Marker 12 and also an overall photo prior to a marker
24 being placed on the couch. It would be this couch right
25 here behind the coffee table in the living room.

1 Q. Okay. Did you find any blood or fragments or
2 anything on most of that couch?

3 A. Marker 12 we observed what initially we believed
4 to be a piece of shotgun wadding located at Marker 12.
5 We did notice that there appeared to be somewhat of an
6 absence of blood on this end of the couch, but there was
7 also evidence around this area here that something that
8 was saturated with blood had hit and flowed downward on
9 the couch. There was also at the time we were on the
10 scene, from the time we got there till the time we went
11 to leave, a canine was in this particular area.

12 Q. A dog?

13 A. A dog. And the dog stayed in that position the
14 whole time we were there and there was actually what
15 appeared to be red stains or blood stains on the animal
16 as well.

17 Q. Okay. But you don't know where the dog was at
18 the time of the shooting?

19 A. No, I do not.

20 Q. Okay. But the far end of the couch was basically
21 free of blood, is that what you're saying?

22 A. For the most part from what we could see. There
23 were areas, like I said, adjacent to it near here on the
24 floor and on this wall that had stains, but this end
25 appeared to be mostly an absence of blood along with --

1 the only other area that was similar to that is this
2 area almost directly behind this chair there appeared
3 to be an absence of blood in that area as well.

4 Q. Okay. What else did you observe?

5 A. We did -- we were informed that they believed
6 that the female -- later toward the end, we were advised
7 that they believed the female may have been in the
8 residence at the time and that there was information
9 that she may have gotten sick in the bathroom, so we
10 went to this bathroom, we attempted to retrieve to
11 see if there was any type of evidence of either vomit
12 or fecal matter from getting sick. We did not find
13 any that we could locate. And then we also noticed
14 there were toothbrushes in there with information that
15 maybe somebody had used a toothbrush and had brushed
16 their teeth during this event, so we collected the
17 toothbrushes from that particular bathroom just to kind
18 of be overcautious.

19 Q. Let me ask you this. When you talk about being
20 overcautious, is your philosophy to err on the side of
21 not collecting evidence or the side of collecting
22 evidence in situations like that?

23 A. Typically we err on the side of collecting.

24 Q. Why is that?

25 A. Crime scene as a science in general is highly

1 criticized and thanks to shows like CSI and other shows
2 out there, it's glamorized the field or career, if you
3 will, of crime scene work, so it's under a lot of
4 scrutiny. I think scrutiny is a good thing. I think
5 it keeps you honest of what you're doing, but one factor
6 is you always have to keep involved, and I do this when
7 I teach crime scene to other students, is I tell them
8 you always have to keep -- the human factor is still
9 there. I can never say I've worked a perfect scene and
10 I've never seen anybody, even experts that have had
11 thirty, forty years, work a perfect scene. There's
12 always something you could go back and say well, I
13 probably could have done this better or I probably
14 should have done that, but you do everything you can to
15 the best of your ability at the time to your training
16 level and hope that you got everything you need when
17 you leave there because you only get one shot at it.

18 Q. And hindsight is 20/20, isn't it?

19 A. Yes, sir.

20 Q. Okay. Go ahead with your description of the --
21 of your function at the scene, please, sir.

22 A. Once we documented these areas here, the first
23 thing we did was we started picking up the evidence that
24 we knew needed to be collected that we weren't gonna
25 process at the scene. Those would have been things like

1 the shotgun we would have removed, took any evidence
2 that we needed to get off of that, swabs or anything of
3 that nature, and collect it there at the scene prior to
4 transport just to preserve it so nothing contaminates
5 it during transit.

6 Also there were some items in the kitchen that we
7 observed that we felt needed to be processed for latent
8 prints while we were on the scene. I believe there was
9 a soda bottle as well as the cardboard that was on the
10 floor, and give me a second while I'll refer to my notes
11 here. The cardboard that we're referring to was the
12 Swiss roll board. We wanted to process that. There was
13 also a two-liter Sprite bottle and orange juice bottle
14 from the refrigerator.

15 And you might ask, you know, why does this seem
16 prevalent, and if you remember when I said we marked
17 three areas on this coffee table here, those were cups
18 that were located on the coffee table and in those cups
19 it appeared to be -- one had what appeared to be orange
20 juice and the other appeared to be soda or it could have
21 been water, it was a clear-type liquid, and so initially
22 we took swabs from the rim of those cups because if this
23 comes down to if you had to try to determine who was
24 sitting where or who may have been drinking what or who
25 was there, if you had to pinpoint who was in there and

1 what appeared to be socializing, and so we wanted to try
2 and see if there was any evidence to tie any one of
3 those liquids to those cups. There was also a paper
4 plate located there that it appeared something had been
5 ate off of.

6 Q. Located where? I am sorry.

7 A. I believe it was located on the table here.

8 Q. Okay.

9 A. We processed that as well and then also once we
10 located this door and realized there might have been
11 activity coming in and out of that door, we processed
12 this rear door for prints as well.

13 Q. Okay. Let me hand you what's been marked as
14 State's Exhibit 14, and ask you if you can identify
15 that?

16 A. State's Exhibit 14 is a duplicate photo of my
17 crime scene photos. This is showing the kitchen counter
18 just left of the stove, this side of the refrigerator,
19 which would be on this counter area right in here, and
20 there's a Sprite bottle, also a V8 bottle and a stack
21 of white Styrofoam-style cups.

22 Q. Agent Brown, you talked about CSI a few minutes
23 ago. We're seeing that they can get a fingerprint off
24 anything at any time. Can you talk about latent
25 fingerprints at all and give us -- explain what they

1 are and then how they are left and your ability to find
2 them?

3 A. The basic premise behind latent fingerprints
4 really kind of begins with the history of crime scene
5 investigation. We are all born with fingerprints or
6 what we call palmar surfaces on our hands and our feet.
7 There's more research being done these days. We're
8 getting notice where we can identify people based on lip
9 impressions and also ear impressions. That research is
10 still to come, but I'm sure thirty years from now there
11 will be somebody much younger sitting here talking about
12 that.

13 But these fingerprints, per se, are formed in
14 the womb. When you're pregnant with a child, these
15 fingerprints begin somewhere around -- I believe it's
16 around eight weeks of gestation these fingerprints start
17 forming and once you're born they become stronger the
18 older you get. And we have -- the human body is
19 typically 98 percent water, approximately 98 percent
20 water, so at all times you are transmitting, if you
21 will, or secreting, if you will, oils, waters, on things
22 you touch.

23 If you went and had a cheeseburger or a sausage
24 biscuit in the morning, you're probably gonna secrete
25 possibly more than somebody who drunk a protein shake in

1 the morning just because of things people touch. Well,
2 when you go and touch these items, you transfer. It
3 goes back to a theory known as Locard's principle and
4 Edmond Locard is the one that -- he came up with this;
5 wherever you go, you leave something behind. So right
6 now where you're sitting, there's something where if you
7 left we could come back and find something. It might be
8 a fiber from your clothes or it might be one of your
9 hairs, it might be something you've touched where you're
10 sitting, but essentially everywhere you go in life you
11 are leaving something behind and that's where we have to
12 be trained as scientists to be able to come in and look
13 for those minute things and try to collect as many of
14 those as we can.

15 Fingerprints is one. Most fingerprints that are
16 positive you can't see. Most of them are what we call
17 the latent fingerprint, meaning it's not -- you can also
18 get something that's called a patent fingerprint. If
19 you've ever taken a cupcake and stuck your finger in it,
20 you notice you can see the ridges in it. Sometimes you
21 can take a piece of cheese and put your finger on it and
22 go oh, wait a minute, I can see my fingerprint on that.
23 Those are patent because they're readily visible.

24 In order to see a latent fingerprint, one that's
25 not visible, you usually have to do some type of process

1 and that's where routinely powders have been the most
2 widely used form. We use fingerprint powders to develop
3 those prints, but there are also chemicals and other --
4 depending on different substrates or different surfaces,
5 if you will, you can use a wide variety of chemicals in
6 order to develop prints off of various substances.

7 Q. Okay. You talked about surfaces just a second
8 ago or substances. CSI and the other shows seem to
9 indicate that you can get a fingerprint off of anything.
10 Is that necessarily the case?

11 A. That's not necessarily the case. I have seen
12 -- I'll give you an example, if I may. I have been in
13 a class where we were trying to recover fingerprints
14 off cinderblocks. We had a total of twenty people in
15 the class. All of us rubbed our foreheads to get
16 good greasy oil on it and placed our fingers on a
17 cinderblock. Only one person in that class was able
18 to actually get it to develop. So the answer is you
19 can almost get a fingerprint off anything. The question
20 is, is there a chance of it being readily developed
21 enough where you could pull it for identification or
22 even get a useable print off the type of surface.

23 Q. And when you talk about a useable print, what do
24 you mean?

25 A. From a crime scene standpoint, we look at

1 anything that has ridges. So when I say ridges, if you
2 look at your fingerprint pattern you can clearly see
3 what you have on your skin is known as ridges and
4 furrows. The ridges are the ones that kind of stick up
5 off the skin, the furrows being the grove kind of in
6 between. When you deposit that onto a surface and we
7 come in and put powder on that and we lift that print,
8 if there's any of those ridges we have to consider that
9 from a crime scene standpoint as something that can be
10 identified.

11 Because I am not a latent print expert, but I'm a
12 crime scene expert, and that only allows me to say I see
13 something that appears to be a fingerprint. It's enough
14 that I feel that it could be, so I need somebody to come
15 in that's more advanced with latent print training to be
16 able to say yes, it is or no, it's not.

17 Q. So you were going through the house trying to
18 determine what?

19 A. What events transpired and what evidence --

20 Q. I mean, as far as latent fingerprints are
21 concerned.

22 A. As far as latents, in that case we're just trying
23 to -- at this time with the information we received, we
24 don't know who's been where. We could be pulling prints
25 that could be the victims, he could have touched things,

1 but it's a matter of trying to cover all the bases, if
2 you will, to process anything that we can to try to
3 determine what events transpired, what took place, if
4 we need to go back and try to piece this thing back
5 together.

6 Q. All right. And in summary, any time anybody
7 touches something, do they leave a useable latent
8 fingerprint?

9 A. Not always.

10 Q. All right. Why?

11 A. There are certain times, certain conditions. You
12 actually have -- I believe it's roughly five percent of
13 the population is known as non-secreters and what that
14 means is they don't secrete oils and water, meaning they
15 don't -- most of time will not leave a fingerprint. You
16 also look at conditions. Environmental conditions play
17 a huge factor. If it is extremely cold, your pores
18 tighten up in your body, meaning you are not gonna
19 secrete fluids and oils as you normally would because
20 your body is cold and it's trying to keep all of it in.

21 Juxtaposed to that is the hot summertime and
22 you're gonna be sweating like crazy and you're gonna
23 be secreting really crazy and probably gonna be more
24 likely to leave a print on an item, but usually during
25 the hot, hot summer like we have here in South Carolina,

1 you'll get more smears and smudges because you're
2 sweating too much and when you go to put your fingers
3 down, it actually smears any particular print that would
4 be there.

5 Q. And how does our fingerprints smear? Or how do
6 you -- how do you smear a fingerprint?

7 A. Well, essentially if you -- if you don't
8 press your finger exactly down with just the right
9 circumstances on the right surface, you're not gonna
10 get in the CSI world a perfect fingerprint. If you are
11 sweating really badly and, in general, when we think
12 about when doing your daily housekeeping or your daily
13 activities that you do, when you touch items, you're
14 not touching them with okay, I want to touch this in a
15 manner that I want to be sure I leave a fingerprint.
16 Usually you're touching things just by happenstance.
17 You know, you're turning a doorknob. You're not
18 thinking about oh, I want to leave my fingerprint on
19 the doorknob, so you just turn it. Well, if you've got
20 sweaty hands and you're secreting certain oils and
21 liquids, as you go to make that motion it's going to
22 take whatever print and most likely smear that type of
23 print.

24 Q. And that might render a print un- useable?

25 A. Yes, sir.

1 Q. Okay. So essentially you are looking for areas
2 that would be receptive for fingerprints and then
3 looking for any useable latent fingerprints that might
4 be left behind; is that right?

5 A. Yes, sir.

6 Q. Okay. Did you do that through the house?

7 A. No, sir. We primarily focussed on the area where
8 the victim was at and the area adjacent to the kitchen.

9 Q. Okay.

10 A. The reasoning behind that was I was -- there
11 appeared to be areas -- there again, if you're looking
12 at my sketch, to the right of this residence everything
13 appeared to be tidy, in order and appeared that it had
14 not been disturbed by any other means.

15 Q. We'd like to indicate on the chart exactly where
16 you're talking about, please, sir.

17 A. I'm referring to this area and this area more
18 down this way. There was not any evidence that anything
19 had been disturbed beyond what had probably already
20 existed there. Obviously once we found this door, being
21 the fact that we had the firearm that we believed to
22 have possibly been the weapon that could have been used,
23 you start associating that with being an area, so
24 naturally you want to try and start immediately looking
25 at the things in that area for possible evidence, that

1 door being one, and especially more-so once we found out
2 there was another room where we believed two parties
3 could have been staying that could have been accessing
4 that door as well.

5 This front door here, the reason we didn't
6 focus on that front door is that it was primary covered
7 with blood stains. Also we had activity where law
8 enforcement had gone, as well as the coroner's office
9 had gotten there prior to when we did, so we didn't
10 want to take a chance of messing up something that
11 they've already touched as well with the blood stains
12 on it jeopardizing and taking a chance of messing up
13 evidence that could be there.

14 Q. So even the inside of that doorway that you were
15 just referring to? If you could put the red dot on it,
16 too.

17 A. Right here, sir.

18 Q. You say the inside of that doorway had blood on
19 it?

20 A. Yes. And it was more -- when we got there,
21 this door was actually open. You can see in my photo
22 the door was actually open. What we did as part of
23 documenting the blood stains is we actually pulled this
24 door back to and when you pull this door back to, you've
25 got a better idea of knowing that the door was closed at

1 the time the blood was deposited because stains that
2 were readily visible on the door were more consistent
3 with having been deposited while the door was shut as
4 opposed to it being open. Also there were no stains
5 that were observed out on this walkway area here that
6 would have indicated that the door would have been open.

7 Q. Okay. What did you do next?

8 A. Once we processed these areas, as I mentioned
9 earlier, one of the last things we did was apply the
10 chemical, leuco crystal violet. We did that to the
11 kitchen floor area. We did get a positive reaction from
12 the leuco crystal violet for blood on the stains that
13 were already deposited, but there was no other latent
14 evidence or nonvisible evidence that developed as a
15 result of that.

16 We did a final walkthrough with the Laurens
17 County Sheriff's Office, went through things that were
18 done, made sure they were satisfied with what we had
19 done with the investigation at that point. At one
20 point we went to walk outside, and I can't remember if
21 it was Investigator Scott or another deputy, but they
22 immediately brought my attention to they were getting
23 ready to have to search the water and I didn't know what
24 that was all about. So I said well, enlighten me on
25 what that's about and they said well, we believe --

1 we're getting information that they believe that a --
2 that the Defendant or the suspect in this case had
3 actually taken a cartridge from the firearm that had
4 been fired and had placed it underneath the female
5 subject's nose and then tossed it in the direction of
6 the lake. So we were planning on getting ready to put
7 our waders on and, if necessary, call a dive team and
8 start scouring the lake and hillside and, fortunately, I
9 looked down and there appeared to be the fired cartridge
10 that we were looking for.

11 Q. Was it still nighttime when this happened?

12 A. By the time this occurred, it was daylight.

13 Q. All right. Let me hand you three photographs and
14 one item that has been marked as State's Exhibit 42 for
15 identification. Let me hand you the photographs first,
16 these are State's Exhibit 18, 19 and 20, and ask you if
17 you can identify those?

18 A. State's Exhibit 18, 19 and 20 would appear to
19 be duplicates of my crime scene photos indicating
20 Marker 18 and the fired cartridge case or the expired
21 shotgun shell that was observed on the exterior of the
22 residence.

23 Q. Okay. So the officers -- the deputies from the
24 sheriff's office were talking about scouring the lake
25 and the area around there; is that right?

1 A. Yes, sir.

2 Q. And where did you see the item in the -- in the
3 photographs I've just handed you?

4 A. Well, in this particular area right here was -- a
5 patrol car was parked up in this area of the driveway
6 and along with Investigator Franklin's vehicle and our
7 SLED vehicle, so naturally the human mind works toward
8 the path of least resistance. When you come out of an
9 area, you naturally look at the area and say okay, if my
10 area is blocked here, the mind automatically tells you
11 to go this way. So when I came out of the residence,
12 and I believe I was right in this area here when this
13 information was being delivered to me, I immediately
14 started working my way and started going basically in a
15 methodical search toward the lake and I said I'm just
16 gonna walk a straight path and see what I can find and
17 I happened to step off of the walkway here and when I
18 got to the little gravel area, which was approximately
19 in this area here, there was still gravel, but it was
20 right before you got to the wood line, I happened to
21 look down I said gentlemen, would this be what we're
22 looking for and they all came around and they were as
23 surprised as I was.

24 Q. Okay. Did you have a color of the shell that you
25 were looking for?

1 A. I believe at the time we knew it was a green
2 color based on what we had found in the residence.

3 Q. And let me hand you what's been marked as State's
4 Exhibit 42 for identification, and if ask you if you can
5 identify that?

6 A. Yes, I can. This exhibit appears to be the one I
7 collected from Marker 18. It's got my initials on the
8 seal from where I collected it on that particular date.

9 Q. Okay. And what did you do after you collected
10 that item?

11 A. It would have been placed -- the item would have
12 been collected and placed in a sealed container and
13 then transported back to our lab, logged in as evidence
14 and submitted to the firearms unit so they could do a
15 comparison.

16 Q. Okay. But this is the item that is shown in
17 those three photographs that I talked about?

18 A. Yes, sir.

19 Q. All right. Okay. What happened -- well, let me
20 back it up a little bit. Talk about the -- your process
21 in collecting fingerprints. Let's back up and do that
22 real quick.

23 A. Okay. When we process an area for
24 fingerprints -- in this particular case we used a black
25 powder to process. It's essentially you use a powder

1 and a brush. You apply the powder to the brush and you
2 swirl the brush and you process the items and as you see
3 developed prints come. We have sterile tape or tape
4 that's been unused, or lifters, which we apply to what
5 we see as fingerprints. We then take those and lift
6 them off. We put them on what's called a fingerprint
7 backer card and it's nothing but a cardboard -- like a
8 three by five cardboard shape that one side has got a
9 semigloss to it or Kromekote surface. We apply the
10 fingerprint on the lift tape to that side and then on
11 the back side that's the area that you fill out
12 information and also do a sketch on where you collected
13 the fingerprint from.

14 Q. Okay.

15 **MR. MOWRY:** And, again, Your Honor, if I could
16 get the court reporter to mark these items for
17 identification, please.

18 **THE COURT:** Certainly.

19 (State's Exhibit Numbers 59 through 68, latent
20 fingerprint lifts, were marked for identification.)

21 BY MR. MOWRY:

22 Q. Now, Investigator Brown, I want to refer you
23 first to what have been marked for identification as
24 State's Exhibit 59 through 63. Can you identify those,
25 please, sir?

1 A. Yes, sir. State's Exhibit 59 through 63 are
2 latent lifts that were collected from the crime scene
3 by myself and my assistant, Agent Claycomb, who was
4 with me at the scene working the scene.

5 Q. Okay. And where were those specific ones taken
6 from? Do you have an indication?

7 A. State's Exhibit 59 was a lift that was taken from
8 the Swiss roll box that was on the kitchen counter.
9 State's Exhibit 60 was a lift taken from the two-liter
10 Sprite bottle, which was on the kitchen counter adjacent
11 to the stove and the refrigerator. State's Exhibit 61
12 was another lift taken from that Sprite bottle on the
13 kitchen counter. State's Exhibit 62 was a third lift
14 taken from the Sprite bottle, and State's Exhibit 63 was
15 a fourth lift taken from that Sprite bottle.

16 Q. Thank you. And what did you do with these?

17 A. Those items would have been placed in a
18 container, transported back to SLED laboratory and then
19 submitted for a latent examination to be conducted to
20 compare. One of the things we always do at the end of
21 our testing is we also collect what's known as major
22 case prints from the victims involved. This would mean
23 getting fingerprints as well as palm prints from our
24 victim and so one of the first things we do is we have a
25 latent examiner try to rule out fingerprints that were

1 collected that they're not the victim's prints that we
2 have at the scene and then from that they work towards
3 trying to make an identification on any other subjects
4 that may have been involved from the prints that were
5 lifted.

6 **MR. MOWRY:** Okay. And I'm gonna ask the court
7 reporter to mark those two items for identification.
8 Excuse me, three items.

9 (State's Exhibit Numbers 69, 70 and 71, victim's
10 fingerprints, were marked for identification.)

11 **BY MR. MOWRY:**

12 Q. Let me hand you these items, and ask you if you
13 can identify those?

14 A. Yes, sir. State's Exhibit 69 through 71 would be
15 one set of major case prints collected by myself and SA
16 -- or Special Agent Claycomb from the victim at the
17 crime scene.

18 Q. Okay. And what were done with those?

19 A. These would have been submitted along with the
20 latents that's collected for a latent examination to be
21 prepared.

22 Q. Okay. Do you know, in fact, whether or not a
23 latent examination was done at SLED?

24 A. I believe it was, sir.

25 Q. And do you know which agent conducted it?

1 A. The same with the crime scene, we do a lot of
2 things in tandem from a scientific background and I
3 believe it was Special Agent Darnell and also, I
4 believe, Special Agent Hezel did what's called an auto
5 verification, I believe.

6 Q. Okay. What other processes did you go through at
7 the -- at the scene?

8 A. Obviously prior to taking the fingerprints from
9 the victim, another thing -- because we do have a
10 gunshot involved, we collect what's known as a GSR kit
11 or gunshot residue kit. We obtain one of those from the
12 victim. Obviously we do that prior to any collecting of
13 fingerprints and the reason that's done is by the time
14 you put ink on someone you can contaminate any gunshot
15 residue that may be on it, so the gunshot residue would
16 have been collected prior to taking those particular
17 prints..

18 Q. Can you explain what gunshot residue is?

19 A. Yes. From a layman's terms, it's simply gunshot
20 or shotgun shells, fired bullets, they consist of
21 various components and powders, everything from
22 gunpowder to certain particulates. Lead, barium and
23 antimony are chemical names that are given for the items
24 that are in gunshot residue. These items -- when a guns
25 is fired, whether it be a shotgun or any other type of

1 firearm, these components are expelled from the gun. If
2 you've got a barrel that's been vented, these particles
3 come out the side of the vents as well as the barrel.
4 If you've got a semiautomatic and the slide is thrown
5 back, you get where the cartridge is ejected and you get
6 some residue ejected from those areas as well as the
7 barrel. So they can come out and usually anybody that's
8 been in the proximity of a fired weapon will have some
9 type of gunshot residue on their person to some degree
10 if they've been in the area of a gunshot going off.

11 Q. And that could be whether or not the person fired
12 the gun; is that right?

13 A. It could be, but that's beyond my role of
14 expertise.

15 Q. Very good. Did you, in fact, do a gunshot
16 residue test on Bill Ardis, the victim at the scene?

17 A. It's not a test, it's a kit. A gunshot residue
18 collection kit was collected for examination by one of
19 our experts at our lab.

20 Q. And I'm gonna hand you a plastic bag that has a
21 paper bag inside it that's marked as State's Exhibit 56
22 for identification, and ask you if you recognize that?

23 A. Yes, I do. State's Exhibit 56 is a gunshot
24 residue collection kit. My initial is on the seal and
25 also the sealed exterior packaging at submission -- at

1 the time it's submitted to the lab.

2 Q. Okay. And what kind of lab work ends up being
3 done on this? What section of the SLED laboratory?

4 A. It goes to the trace department.

5 Q. Okay. And what do they do there just in general
6 terms? I'm not asking you for specifics or anything.

7 A. They have a lot more education and a lot more
8 fancy tools to play with than I do, but essentially they
9 can better analyze the components as I went through of
10 what gunshot residue is and how it's concentrated on the
11 surfaces that they were collected from.

12 Q. That's great. Now let me just back up and let's
13 talk about the obvious item for just a second. Item
14 Number 3, the shotgun, you stated at the first that you
15 had seen that item and collected that. Let me hand you
16 what has been marked, pardon me, as State's Exhibit 40
17 for identification, and ask you if you recognize that?

18 A. Yes, sir, I do.

19 Q. What is that, please, sir?

20 A. This would appear to be the Vulcan Arms shotgun
21 that I collected from the crime scene and my initials
22 are engraved on the bottom up here along with T.D.
23 Latimer.

24 Q. Okay. Did you collect that at the scene that
25 day?

1 A. Yes, sir.

2 Q. And was there anything else around the shotgun of
3 interest to you?

4 A. Yes, there was an unfired shotgun shell that was
5 laying beside the shotgun.

6 Q. Okay. Let me hand you what's been marked as
7 State's Exhibit 47 for identification, and ask you if
8 you recognize that?

9 A. Yes, sir. This would appear to be the shot --
10 the unfired shotgun shell that was located beside of the
11 shotgun in Marker 3.

12 Q. Okay.

13 A. It's further contained in a white box with my
14 sealed initials.

15 Q. Let me ask you this while we're on the same
16 object. How does that unfired shotgun shell, which is
17 Number 47, compare with the State's Exhibit Number 42
18 for identification just from eyeballing?

19 A. 42 appeared to be fired and 47 appeared to be
20 unfired.

21 Q. Are they similar?

22 A. Yes, they would appear visually similar.

23 Q. Okay. What did you do with the shotgun after you
24 collected it?

25 A. The shotgun would have been transported back --

1 we would secure it in a box and transport it back to the
2 lab for further processing and examination.

3 Q. And we marked the shotgun itself, but does this
4 appear to be the box that you used to transport it?

5 A. Those are my initials on the SLED seal, so that
6 would have been correct.

7 Q. Okay. Did you do anything else at the scene?

8 A. Give me a second. Let me refer to my notes. The
9 only other thing we would have done at the scene is
10 where I marked up using the scale tape and to take the
11 photographs of the blood stains that were on the walls
12 and adjacent and some swabs that were taken as mentioned
13 earlier from the cups and also as a standard.

14 Q. Okay. Let me ask you this. Let me hand you
15 what's been marked as State's Exhibit Number 58 for
16 identification, and ask you what that is?

17 A. This would have been swabs -- or one swab
18 collected from the trigger face of the shotgun that was
19 collected on the scene.

20 Q. Now how would you describe this shotgun?

21 A. It's a breach-break shotgun, which means that
22 basically you use a lever to break the breach and which
23 you can load -- this is a double barrel, so you could
24 put two shotgun shells in it. It also has two trigger
25 faces, so in this case we would have swabbed -- the

1 foremost trigger face is the one that we swabbed and
2 essentially take the swab out and we apply what we
3 call deionized water. It's a special water that's
4 made in the laboratory that basically cleanses it of
5 impurities. We place that on a sterile swab and we
6 then use the tip and we would focus the area on the
7 trigger face, which is the area you would put the
8 finger on, and we would collect the swab from that.
9 The swab would be then allowed to air dry in a sterile
10 environment and placed in a package similar to this one
11 and sealed and submitted to our DNA department for
12 analysis.

13 Q. All right. Does the fact that you might have
14 found DNA on the -- the item necessarily mean that that
15 was the shooter?

16 **MR. HOWE:** Objection, Judge. I don't think he's
17 qualified to testify to that.

18 **THE COURT:** All right. Solicitor, do you want to
19 speak to that?

20 **MR. MOWRY:** I'll withdraw it, Your Honor. That's
21 fine. We'll get to that later.

22 **THE COURT:** All right. You have another expert,
23 I assume?

24 **MR. MOWRY:** Yes, sir. Yes, sir.

25 **THE COURT:** Sustained.

1 **MR. MOWRY:** We'll deal with that later. That's
2 fine.

3 BY MR. MOWRY:

4 Q. When you're looking for potential DNA, how do you
5 go about choosing what to swab?

6 A. You have to look at the circumstances and also
7 what the item is kind of dictates what you need to do.
8 In certain areas, like when we have a handgun, there's
9 certain areas that you can readily see biological
10 fluids and stuff on them so you know obviously you need
11 to collect something there. In most cases involving
12 a shooting, we typically -- if there is a trigger
13 involved, you always want to try to take a swab from
14 the trigger just because that's an area you can raise
15 a question about, you know, whose hand was on the
16 trigger, so we do that as an area on most of the
17 firearms. We take a swab from the trigger face.

18 Q. Okay. Did you seek DNA in any other locations?

19 A. Give me a second. Let me refer to my notes,
20 please.

21 Q. And I'm talking about at [REDACTED]

22 A. As previously mentioned, there were swabs taken
23 from the cups that were on the coffee table as referred
24 to. There was also a swab from the shotgun -- the
25 breach release, where you release it to break the

1 breach, we took a swab from that area. And then I'm
2 also showing that we took a swab from a spoon that was
3 located in the kitchen sink as well.

4 Q. Okay. Did you take any other?

5 A. At Mercy Drive?

6 Q. Yes, sir.

7 A. Not that I have documented, sir.

8 Q. Let me refer you to the jeans of Mr. Ardis. Did
9 you take any from him there?

10 A. I see that now. I apologize. Yes, there
11 appeared to be -- on the jeans there appeared to be a
12 pocket that appeared to be rifled. When I say rifled,
13 it was not in, it looked like the pockets had been
14 turned inside out. Usually people that are laying
15 deceased don't turn their pockets inside out, so we
16 naturally -- that's what would called a clue and we
17 initially go and try to swab that area to see if there's
18 any potential evidence on that, and so that was done in
19 this particular case.

20 Q. And which pocket was it?

21 A. Let's see here. It was the right -- front right
22 jean pocket.

23 Q. Okay. Let me hand you what has been marked as
24 State's Exhibit Number 12, and ask you what that refers
25 to?

1. A. State's Exhibit Number 12 would be a duplicate of
2 my crime scene photo indicating that front right pocket
3 and in the condition I've just described it.

4 Q. And just so the jury is clear on this, you've
5 said a number of times a duplicate of your crime scene
6 photos.. What kind of photography do you do to do crime
7 scene photos?

8 A. We use -- at this time we were using digital
9 photography.

10 Q. Okay. So you print it off of a disk or your
11 electronic means of preservation?

12 A. That is correct. Yes, sir.

13 Q. Okay. And let me hand you what's been marked as
14 State's Exhibit Number 57 for identification, and ask
15 you if you recognize that?

16 A. Yes, sir. This would appear to be the packaging
17 with two swabs that were collected from the front right
18 blue jeans pocket that was referred to in the previous
19 photo.

20 Q. And did you go through the same process that you
21 had described earlier to seek DNA from that pocket?

22 A. Yes, sir, we did.

23 Q. And explain to the jury why that was of
24 particular interest to you.

25 A. There again, with the type of crime, you have a

1 victim and you have pockets that are turned inside out,
2 you start thinking it could be a robbery, somebody was
3 trying to look for something in that particular pocket.
4 And normally, in general, if you think about it, we
5 don't walk around with our pockets turned inside out or
6 look like they've been rummaged through, so that stuck
7 out as could be evidentiary or evidence that we couldn't
8 see that we might need to try to look at.

9 Q. Okay. I want to hand you a series of photographs
10 that have already been marked as State's exhibits, these
11 are 21, 22, 23 and 24, and ask you if you can identify
12 those?

13 A. Yes, sir, I can.

14 Q. What are those, please, sir?

15 A. Again, these are duplicate photos from my
16 crime scene photos documenting exterior views of the
17 residence.

18 Q. Okay. Mr. Bolt, would you be so kind as to get
19 the lights? Show exactly where those -- what those
20 photographs relate to on the chart, please, sir.

21 A. I'll begin with State's Exhibit 22. State's
22 Exhibit 22 would be a perspective of looking at this
23 side of the residence through this door and this
24 perspective is taken from approximately this area here
25 shooting back this way. State's Exhibit 23 is what I

1 would call a mid range shot and that is taken in the
2 same orientation, but probably about this area here,
3 approximately this area here, and shooting that same
4 doorway. State's Exhibit 21 is going be shooting this
5 same front area, but now I'm shooting it at a more
6 angle, so I'm probably over in this proximity here
7 shooting back this way. I will note that in these
8 photos, State's Exhibit 21, 22 and 23, you can see the
9 environmental conditions at the time. It was dark at
10 that particular time on the exterior. In State's
11 Exhibit 24, this particular photo would have been taken
12 in this area back here and shooting the camera back in
13 this direction toward this doorway. The doorway is open
14 in this particular photo and is shooting back toward
15 this direction. It is noted that the environmental
16 conditions in this particular photo, the sun is
17 obviously out and you can tell that there's actually
18 what we call sun flares or sunspots are striking the
19 camera indicating that the sun's at a particular angle
20 in the sky to the camera, being 90 degrees to the
21 target.

22 Q. So that affected some of the photographic
23 quality; is that right?

24 A. Yes, sir.

25 Q. How many photographs would you estimate that

1 y'all took that night?

2 A. On most scenes I average anywhere myself between
3 six hundred to twelve hundred photographs, so somewhere
4 in that range.

5 Q. Okay. Did you also take a lot of photographs of
6 -- that would have shown the blood and the brain matter
7 and bone fragments and things like that?

8 A. Yes, sir.

9 Q. Okay. Let me hand you these photographs. These
10 have been marked as State's Exhibits 10, 9, 5 and 13,
11 and ask you if you can identify these? And then I'm
12 gonna ask you show where those refer to on the chart.

13 A. State's Exhibits 5, 9 and 10 are going to be in
14 the area of this window here. You can see there's a
15 window documented on my sketch here and there's a little
16 ledge just inside that window. This is what appeared to
17 be a John Deere hat. There's actually damage to the hat
18 and also there was what appeared to be blood stains on
19 the hat and then around where the hat was located in
20 this particular area. State's Exhibit 13 is an eyeglass
21 by itself. What appears to be an optical glass from a
22 set of glasses and it is located behind the TV on the
23 floor in this area here (indicating).

24 Q. Let me also hand you what have been marked as
25 State's Exhibits 48 and 49, and ask you if you can

1 identify those?

2 A. State's Exhibit 48 is a -- what appear to be
3 plastic shotgun wadding that was collected at the scene
4 and it was placed in a sealed container with my
5 initials. And State's Exhibit 49 is what was initially
6 thought to be a piece of shotgun wadding that was marked
7 with Marker 12 on the couch in the living room and was
8 also placed in a box with my initials and sealed.

9 Q. Okay. The plastic wadding, where was that
10 discovered?

11 A. I believe -- if I remember correctly from my
12 notes, I believe it was after we removed the victim they
13 located the plastic wadding under the area where the
14 victim was at.

15 Q. Okay. And let me hand you what has been marked
16 as State's Exhibit Number 11. What is that, please,
17 sir?

18 A. State's Exhibit Number 11 is a duplicate of my
19 crime scene photo with Marker 12 marking the -- marking
20 this area here of the couch where there was a piece of
21 what we believed to be wadding, shotgun wadding.

22 Q. So it was on the middle cushion of the couch; is
23 that right?

24 A. It was right in this area here between the middle
25 and the last cushion.

1 **MR. MOWRY:** Your Honor, at this time I would like
2 to go ahead and publish these pictures to the jury.

3 **THE COURT:** All right. With no objection, you
4 may.

5 **MR. MOWRY:** These are photographs that are
6 already in evidence.

7 **THE COURT:** All right.

8 **MS. McNEILL:** Judge, I just want to put on the
9 record subject to previous objections.

10 **THE COURT:** Subject to the previous objection.
11 I'm assuming that one of the photographs is one of the
12 ones that we were addressing earlier?

13 **MS. McNEILL:** That's correct, Your Honor.

14 **THE COURT:** All right. It will apply to that
15 one.

16 **MS. McNEILL:** Thank you.

17 BY MR. MOWRY:

18 Q. Start with State's Exhibit Number 10, please,
19 sir.

20 A. There in State's Exhibit Number 10 is
21 illustrating Marker 19, which would be the green John
22 Deere hat I was referring to, and that's gonna be on
23 the ledge just inside this area here of the living room.

24 Q. Okay. I'm gonna switch these out. This is
25 State's Exhibit Number 9.

1 A. Can you move it up, please, sir?

2 Q. Oh, I'm sorry.

3 A. State's Exhibit Number 9 is the same area that we
4 were previously referring to. This is without a marker
5 involved. This would have been probably -- most likely
6 we take the photos before we put markers in, so this
7 photo was probably most likely taken first and then a
8 marker was placed to better identify it. It's the same
9 hat that was previously identified in the previous
10 photo.

11 Q. And I see the stuffed pig there or what appears
12 to be a stuffed pig. Where is the hat in relation to
13 that?

14 A. The hat is just to -- from this perspective, left
15 of the pig area.

16 Q. Okay. And then finally State's Exhibit Number 5
17 on this item.

18 A. State's Exhibit Number 5, this is illustrating as
19 we're picking the hat up, illustrating as you can see
20 what appear to be blood stains inside the hat and also
21 the damage to the back area of the hat.

22 Q. Okay. This is State's Exhibit Number 13.

23 A. State's Exhibit Number 13 is the eyeglass that
24 I was referring to, the optical glass from a set of
25 eyeglasses that was located behind the TV set on the

1 floor in this general area.

2 Q. Okay. This is State's Exhibit Number 12.

3 A. State's Exhibit 12 would have been that front
4 right pocket that would have been visible right here on
5 the right side of the victim as it was positioned there.
6 I don't know which other way to illustrate it.

7 Q. Okay. Let me show you this.

8 A. I'm sorry, what exhibit is this, sir?

9 Q. I'm sorry, this is Number -- I should have looked
10 beforehand. Number 4.

11 A. State's Exhibit Number 4, this would have been an
12 illustration or an overall view. If you were standing
13 in this doorway looking into the living room and this
14 one here would have had the camera positioned to take a
15 shot looking back in this general vicinity, so almost a
16 diagonal shot from the entry to the living room from the
17 exterior.

18 Q. And does that show the dog on the couch?

19 A. Yes, sir. There's a dog right here on the couch
20 where it stayed the entire time.

21 Q. Okay. And point out the recliner that we've been
22 talking about.

23 A. This is the recliner in this area here.

24 Q. Okay. This is State's Exhibit Number 6.

25 A. State's Exhibit Number 6, this would be the

1 Marker 3 with the shotgun. You can see just beside the
2 shotgun here is the unfired cartridge or shotgun shell.
3 These were the blankets and what appeared to be a pillow
4 that they were resting on as observed in the crime scene
5 and, again, this area in the sketch would be this area
6 right here.

7 Q. Very good. Number 7.

8 A. Number 7 is just the same Marker 3 with the
9 shotgun. This time I'm taking the shot as if I would
10 be standing in the area of the couch and the back of
11 the recliner, looking down shooting toward the shotgun,
12 looking back toward the wall that separates between the
13 kitchen and the living room.

14 Q. I should have turned it this way; is that right?

15 A. Yes, sir.

16 Q. Number 8.

17 A. Number 8 would be a mid range shot. This would
18 be standing in the living room. I most likely would be
19 standing in this area here and I'm shooting to capture
20 a mid range shot of the location of the shotgun in
21 relation to where the recliner was in the living room
22 area.

23 Q. Okay. This is Number 3.

24 A. State's Exhibit Number 3, this would be an
25 overall view of looking in the living room. I would be

1 positioned roughly in the area beside the recliner here
2 shooting back this direction toward this window and the
3 couch area. Obviously you could still see at this time
4 that the dog is still in the position that it was in
5 upon our initial arrival in that initial shot.

6 Q. Okay. And the item that you suspected at the
7 time was the piece of wadding, was where?

8 A. It would have been approximately in this area
9 here (indicating).

10 Q. Okay. And this is Number 2.

11 A. State's Exhibit Number 2, this would be after we
12 had placed the marker on what was suspected to be the
13 wadding in this area of the couch. That's what we
14 believed to be a piece of the wadding here, the marker
15 is placed there, and you can see the dog is still in the
16 same position. You can also tell environmentally at
17 this time that the sun has risen because this is the
18 light coming in and now striking the back of the couch.

19 Q. Okay. Number 11.

20 A. Number 11 will be a close up of Marker 12 and
21 what was believed to be the shotgun wadding located on
22 the couch.

23 Q. Okay. This is Number 19.

24 A. State's Exhibit Number 19 is what we previously
25 discussed where the fired shotgun cartridge was observed

1 on the exterior of the residence and this would be
2 positioned -- if you were coming out of that front
3 living room door and to the left walking toward the
4 lake just off toward the side of the driveway, it was
5 located in this little gravel area right here.

6 Q. Okay. When you talk about the front living room
7 door, which one are you referring to?

8 A. I'm referring to this door coming in here. That
9 photograph, if you were to come out and follow my
10 pointer, this area, this direction here, it would have
11 been located somewhere over in this area prior to the
12 wood line of the lake.

13 Q. All right, sir. This is Number 18.

14 A. State's Exhibit 18 is, again, observing the
15 Marker 18, which is the fired shotgun cartridge, and
16 this would be taken from a perspective looking back
17 toward the residence from just beyond where the
18 cartridge was located.

19 Q. Okay. And the cartridge, I believe, is that to
20 the left of --

21 A. Yes. Right there, sir.

22 Q. Good. And Number 20.

23 A. State's Exhibit 20 is gonna be a close-up view of
24 Marker 18 and the fired cartridge or shotgun shell.

25 Q. Okay. This is Number 14.

1 A. State's Exhibit 14 is the kitchen counter that's
2 in between the stove and the refrigerator of the kitchen
3 to be indicated in this area right here. This would be
4 the stove on the sketch, this would be the countertop
5 space, this would be indicating the refrigerator.

6 Q. Okay. Number 15.

7 A. 15 would be the kitchen counter that contained
8 the package of the Swiss rolls, the Little Debbie Swiss
9 rolls. That kitchen counter is gonna be, if you're
10 facing the photo, to the right of the stove area. So --
11 you can't see it. You've got to adjust the sketch,
12 please, sir, slightly up. Thank you, sir. That area of
13 the counter would be in this area right in here.

14 Q. Okay. Good. And I believe the last, but not
15 least, Number 16.

16 A. Number 16 is of Marker 15 and this would be with
17 the -- what was believed to be the Swiss Debbie roll
18 cardboard packaging minus the Swiss rolls that was
19 located on the kitchen floor.

20 Q. Okay. Mr. Brown, is there anything else of
21 evidentiary value that you found at the scene?

22 A. Other than the stains that were documented as far
23 as to be consistent with the condition the victim was
24 found in, not that I'm aware of, sir.

25 Q. Okay. About what time did you conclude at

1

2

3

4

[REDACTED]

A. If I could refer to my notes, please, sir. The scene was released at approximately 12:33 in the afternoon.

5

Q. Okay. So y'all were there, what, seven hours?

6

A. Roughly, yes, sir.

7

8

Q. Okay. Was Mr. Ardis's body there the whole time or was it removed at an earlier occasion?

9

A. It was removed by the coroner's office.

10

11

12

Q. Okay. Where did you -- was that the end of your involvement with this or did you have other items to take care of?

13

14

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A. Once I released the scene, there were two additional areas that were requested by Laurens County. There was a female subject at the Laurens County Sheriff's Office that they requested us to go and obtain a buccal swab or a DNA swab, in which we did, and then there was also the victim's vehicle was being held at the Laurens County Sheriff's Office's impound lot and they requested that we go and document it.

21

22

23

Q. Okay. Let me hand you a package that's already been marked as State's Exhibit Number 52, and ask you if you can identify that?

24

25

A. Yes, sir. This is the internal packaging of a sealed envelope with two swabs that were taken --

1 obtained from Shayla Gaines on November 8, 2012.

2 Q. Okay. Who took those swabs?

3 A. I did, sir.

4 Q. Okay. What did you do once the swabs were
5 obtained? What did you do with them?

6 A. They are placed in a sealed container. The
7 brown envelope that you see in the sealed container.
8 They're sealed with SLED evidentiary taped marked
9 with my initials and the date. They would then be
10 transported back to the SLED laboratory where they're
11 further contained in a SLED evidence sealed bag and
12 then submitted -- logged in and submitted to the
13 appropriate department for analysis.

14 Q. And you did that with all of these other various
15 items of evidence that we've talked about as well; is
16 that right?

17 A. Yes, sir, I did.

18 Q. Okay. Where else did you go?

19 A. After that, we responded to the Lexington County
20 Sheriff's Office impound lot.

21 Q. The Laurens County Sheriff's Office?

22 A. Yes, sir.

23 Q. Okay.

24 A. I apologize.

25 Q. Lexington -- that's okay. I know you get around.

1 A. It's been a long night. Laurens County Sheriff's
2 Office. Yes, sir, I went to their impound lot.

3 Q. And what was your purpose in going there?

4 A. They had recovered the victim's vehicle and
5 requested that we go and document and process that
6 vehicle.

7 Q. Okay. Let me hand you what's already been marked
8 as State's Exhibit Number 25, and ask you if you can
9 identify that?

10 A. Yes, sir. They're, again, a duplicate of my
11 photos of the victim's vehicle. This is as it's secured
12 at the Laurens County impound lot.

13 Q. Okay. When you talk about the impound lot, what
14 are you referring to?

15 A. Any area that a sheriff's department uses or
16 any agency uses to secure vehicles, whether it be for
17 evidence of a crime or for just vehicles that have been
18 impounded or secured or seized, I refer to that as an
19 impound lot in my lingo.

20 Q. Okay. So this was the vehicle that you went and
21 processed that day; is that right?

22 A. That is correct, sir.

23 Q. Okay. What else did you do as far as processing
24 was concerned?

25 A. We initially were concerned about who had been in

1 this particular vehicle, so we obtained swabs from the
2 interior of the vehicle and also from the steering wheel
3 and also from the front passenger seat and those --
4 there again, we try to determine who would have
5 possibly been in the vehicle as well. We also had
6 processed the vehicle with fingerprint powder on the
7 exterior surfaces of the doors and other areas that
8 appeared to be conducive to fingerprints to know avail.

9 Q. Okay. Let me hand you what have been marked as
10 State's Exhibits 64 through 68, and ask you if you can
11 identify those?

12 A. State's Exhibits 66, 67 and 68 were latent lifts
13 that were collected from the back door of the residence.
14 The sketch is no longer up there, but it would have been
15 from the back door of the residence.

16 Q. But you found nothing of evidentiary interest
17 at the scene; is that right? I mean, as far as
18 fingerprints are concerned?

19 A. We found two areas that we -- there again, I
20 don't know if the latent examiner was able to identify,
21 but we found two areas that we believed may be some
22 type of fingerprint that was collected. The State's
23 Exhibit 65 here was the exterior driver's side window
24 and then another lift from the interior front passenger
25 door window, which is State's Exhibit 64.

1 Q. Okay. And I meant to ask you with these earlier.
2 These are latent lifts from the back door, the -- the
3 door that goes out on the deck next to the unattached
4 room; is that right?

5 A. Yes, sir.

6 Q. Let me put the crime scene back up there. That's
7 my bad. I meant to get you to talk about those earlier.
8 Show where you got those lifts, please, sir.

9 A. It would have been from this door here.

10 Q. Okay. And these -- 66, 67 and 68 were also
11 submitted for examination?

12 A. That's correct, sir.

13 Q. And then the ones from the truck, 64 and 65, were
14 also submitted for examination?

15 A. Yes, they were.

16 Q. Did you also examine the interior of the truck?

17 A. Yes, sir, I did.

18 Q. Did you require that a search warrant be obtained
19 before you did that?

20 A. Yes, sir, I did.

21 Q. And did you have in hand a search warrant before
22 you proceeded?

23 A. Yes, sir, I did.

24 Q. Okay. How did you get inside the truck?

25 A. We had to actually wait for a deputy from the

1 Laurens County Sheriff's Office to come who had
2 possession of the search warrant and also had the keys
3 to the impound lot. Once he got there and unlocked the
4 gate, we were able to proceed and go forward.

5 Q. Describe how you went about processing the truck
6 then.

7 A. We do everything the same way we do a crime
8 scene. We start by doing a walk-around of the vehicle,
9 we document all sides of the vehicle, the condition the
10 vehicle is in, the tag number, any identification marks,
11 and then we work our way into it. So we -- you know,
12 we'll start doing a methodical search from the top. If
13 we know we're searching for DNA or latent evidence,
14 we'll take caution touching certain areas so that we
15 don't contaminate or mess anything up prior to
16 processing those areas.

17 Q. Okay. What else did you do?

18 A. We located a firearm under the seat of the
19 vehicle.

20 Q. Okay. Let me show you three photographs,
21 Numbers 22 -- 26, I should say, 27 and 28, and ask you
22 if you can identify those?

23 A. In State's Exhibit 26 and 28 and -- I'm sorry.
24 27, 26 and 28 are duplicates of my crime scene photos.
25 In State's Exhibit 26, it's the view looking from the

1 -- if you're standing in the apex of the passenger door.
2 being open looking at the floorboard. And State's
3 Exhibit 27 --

4 Q. Let me just publish that real quickly. Mr. Bolt,
5 please.

6 A. There again, that would be if you were looking --
7 standing in the apex with the passenger side door open
8 focussing on the floorboard area of the passenger side.

9 Q. Was there -- let me ask you, before you proceed.
10 Was there anything of interest in that particular photo?

11 A. I'm not sure, sir, what you're referring to.

12 Q. Is there anything up under the seat that was of
13 interest to you at that time?

14 A. Yes, sir.

15 Q. What you looking at?

16 A. It appeared to be a firearm, some type of firearm
17 or handle of a firearm underneath the seat.

18 Q. Is any part of the firearm visible?

19 A. Yes, sir. You can see part of it, what appears
20 to be the handle, right here.

21 Q. Okay. And did you do a further check?

22 A. Yes, sir, I did. In State's Exhibit 27, there's
23 an illustrative shot looking -- placing the camera
24 essentially in the floorboard shooting back up under
25 the seat and you can better see the firearm and its

1 positioning underneath the front passenger seat.

2 Q. Okay. And what is the other one?

3 A. State's Exhibit 28 would have been after the
4 firearm has been removed from underneath the seat and
5 placed in an evidence gun box prior to having the gun
6 box sealed and just showing the condition of the
7 firearm.

8 Q. Okay. Now I'm gonna hand you an item that has
9 been marked as State's Exhibit 41 for identification,
10 and ask you if you can identify that?

11 A. Yes, sir. This would appear to be the Rossi
12 firearm that was collected from the scene.

13 Q. That's the same one that's been shown in the
14 photographs?

15 A. Yes, sir, it appears so.

16 Q. And what did you do with this firearm after you
17 collected it?

18 A. There was notice that there was some obvious
19 stains on the firearm that appeared to be red stains.
20 We obtained swabs of those particular stains and then
21 the firearm would have been packaged and submitted to
22 firearms for further analysis as well as the swabs would
23 have been further -- packaged and submitted for further
24 examination.

25 Q. Okay. And let me just quickly with relation to

1 that, hand you what's been marked as State's Exhibit 43
2 for identification. What is that, please?

3 A. State's Exhibit 43 would be the fired -- or,
4 excuse, me unfired bullets that were taken from the
5 cylinder of the gun. You can tell these were obviously
6 processed with fingerprint powder. My initials are on
7 there as well, on the bullets, so that was after they
8 were processed for fingerprints.

9 Q. Okay. Was anything of evidentiary value lifted
10 from these bullets?

11 A. Not that I'm aware of, sir.

12 Q. And how many rounds does that cylinder allow?

13 A. It's six or eight. I'm not sure.

14 Q. Let me hand it back to you and see if that would
15 help.

16 A. Yes. Six, a six-shot revolver.

17 Q. And how many shots were there?

18 A. Six unfired bullets.

19 Q. Okay. And, again, that particular weapon was
20 recovered from what part of the truck?

21 A. The front passenger seat of the truck.

22 Q. Under the front passenger seat?

23 A. Under the front passenger seat of the truck.

24 Q. Thank you, Mr. Bolt. You talked about swabbing
25 the red stains on the Rossi .357. Let me hand you

1 what's been marked as State's Exhibit 53, and ask you if
2 you can identify that?

3 A. Yes, sir. This appears to be the two swabs that
4 were obtained from the red stains on the Rossi .357 and
5 then placed in this sealed container with my initials
6 and the date they were collected and then further
7 contained in the evidence package.

8 Q. Okay. And what department in your agency was
9 that submitted to?

10 A. It would have been DNA.

11 Q. Okay. So the DNA goes to DNA, the latent
12 fingerprints you took to your fingerprint department?

13 A. (Nods head.)

14 Q. The shotgun, pistol, the shotgun shells, both the
15 unfired and the fired ones, the unfired .357 rounds, all
16 those went where?

17 A. Firearms.

18 Q. Okay. And the GSR?

19 A. It was handled by the trace department.

20 Q. Okay. Anything I'm leaving out?

21 A. I believe that's it, sir.

22 Q. Okay.

23 A. You did have the wadding here. I'm not sure
24 if --

25 Q. Yeah, I wanted to include those as well.

1 A. And also two swabs here, too, I believe.

2 Q. And I noticed you were looking rather closely at
3 the weapon, the .357. What did you do with it after you
4 had recovered it?

5 A. It was placed into a gun box to be sealed and
6 transported.

7 Q. Okay. Let me hand you this box and ask you if
8 that's the box you transported it in?

9 A. Yes, it would have been. It would have been
10 bolted in the same way after the swab was taken. And
11 the reason I was checking inside is I always look -- I
12 always put powder if I process it for fingerprints and
13 my packaging usually has the powder in the packaging.
14 Our firearms department will clean off weapons, so a
15 lot of times by the time we get to court and look at
16 them you can't see the powder anymore because they've
17 had to do their processing. So after looking at the
18 packaging, seeing the powder in it, yes, this is the
19 correct packaging.

20 Q. But that is the gun you had in this box?

21 A. Yes, sir, that would be the gun.

22 **MR. MOWRY:** I beg the Court's indulgence.

23 **THE COURT:** Yes.

24 BY MR. MOWRY:

25 Q. All right. You described what you did at

1 [REDACTED] you described what you did at the sheriff's
2 offices getting the buccal swab from Ms. Gaines, you
3 described what you did at the truck, the Ardis Roofing
4 truck, at the impound lot. What else did you do in
5 relationship to this case?

6 A. There was -- after concluding with the vehicle,
7 at that particular time they had located the suspect,
8 the male suspect, and I was being told that they were
9 en route to the sheriff's department or the jail at
10 that particular time. They wanted me to obtain
11 photographs of him as well as attempt to take a buccal
12 swab or a DNA swab standard from him as well. I advised
13 that, you know, I would need a search warrant for that
14 or a consent.

15 Q. Okay. About what time of day was it he was --
16 that you received this notification?

17 A. Let me see here. It would have been -- it would
18 have been in the late afternoon probably. It would had
19 to have been after 3:00. We arrived at impound at
20 approximately 2:45, so it would have been sometime after
21 we finished processing that vehicle.

22 Q. Let me ask you this. As far as GSR is
23 concerned -- well, let me ask you. Were you able to
24 accomplish any of those tasks? And I'm not gonna ask
25 you why. I'm just gonna ask you were you able to?

1 A. No, sir, I was not.

2 Q. Okay. As far as GSR is concerned, is there,
3 in your experience, kind of a shelf life on GSR?

4 MR. HOWE: Objection, Your Honor, unless he's
5 qualified to testify.

6 MR. MOWRY: This is for a crime scene, Your
7 Honor.

8 THE COURT: All right. Have you been trained in
9 that area, sir?

10 THE WITNESS: Yes, sir, I have.

11 THE COURT: All right. You're able to give an
12 opinion in that area that's within your expertise as a
13 crime scene technician?

14 THE WITNESS: We have protocols in place in the
15 area of crime scene to know what the period of time is
16 when a collection kit can be obtained or where evidence
17 will not be prevalent after a period of time.

18 THE COURT: Overruled, but noted. Go ahead. You
19 can continue.

20 BY MR. MOWRY:

21 Q. Explain what that protocol is.

22 A. Routine protocol is four to six hours after a
23 shooting incident has taken place you typically don't --
24 are not able to collect a GSR kit and the reason being
25 is they say that the contaminates or the barium, lead

1 and antimony components of GSR had a chance or the time
2 to either evaporate or be wiped off or disappear, if
3 you will, off of the surfaces that they would have been
4 deposited on. The only difference in that is on a
5 deceased individual. If you have a deceased individual,
6 because they are deceased and as long as they haven't
7 been contaminated and they've been preserved and not
8 moved, GSR is more likely to remain on their person for
9 a longer period of time.

10 Q. So you were not able to accomplish any of the
11 tasks that had been requested by the sheriff's office at
12 that point?

13 A. Not at the sheriff's office.

14 Q. Once that was determined, did that end your
15 involvement?

16 A. My involvement didn't end until I got returned
17 and got the evidence stored and submitted at the
18 laboratory.

19 Q. And describe to the jury how you go about doing
20 that.

21 A. Essentially we have crime scene vehicles that
22 are unmarked and secured vehicles where we have secured
23 compartments that we place the evidence in once we
24 collect the packages. We have to transport -- wherever
25 we're at in the state, we transport that evidence back

1 to the State laboratory, which is a several layered
2 security system. Once we go in, we have what we call a
3 temporary storage area for the crime scene where we can
4 put evidence in. A lot of times we may get back at
5 3:00, 4:00 clock in the morning, we've been out there
6 twenty-four or more hours, so a lot of times we will
7 place evidence in the temporary storage. We document
8 that it's our evidence, have the evidence seal placed
9 on the items. No one except for crime scene personnel
10 and laboratory supervisors have access to any of that
11 evidence and it's controlled so that if they do go in
12 there it has to be documented if they go in and do
13 anything to our particular evidence. At that point,
14 sometimes when we get back there, if we have enough
15 time, we'll go ahead and do any processing we need to
16 do if there's any further processing; otherwise, if
17 further packaging is done, we log in any evidence as
18 far as what the items are, what department they need to
19 go to and what exams need to be conducted and at that
20 point the items are -- then on the next normal operating
21 business day they are submitted to the individual
22 departments for their examination to be conducted.

23 Q. Okay. So all of these items that you turned over
24 are sealed up; is that right?

25 A. Yes, sir, they are.

1 Q. And there are people that move them about inside
2 the SLED laboratory; is that right?

3 A. That's correct, sir.

4 Q. Do they ever open them up?

5 A. Only if they're doing the examination or if it's
6 a supervisor where there's an issue where -- if we do
7 quality assurance, so if there's a case where they're
8 going to do a quality check for an audit. We are what's
9 known as an ASCLD-accredited agency, American Society
10 of Crime Lab Directors, so being an ASCLD-accredited
11 agency they can do random audits where they come and
12 check our quality to make sure we are maintaining
13 protocols in doing things. Any of that that's being
14 done, any time one of these packages is touched -- as
15 you may see, they have these bar codes put on them.
16 Once this evidence has been logged in we get these
17 bar codes. Anybody who touches this bar code and takes
18 this item in their possession has to document it and
19 scan it with their own bar code as well as their own
20 identifier in which a chain of custody can print out to
21 show where this has gone once it's been logged into the
22 laboratory all the way to how it got here today.

23 Q. So chain of custody basically is the hands that
24 the item has gone through from the start to the finish?

25 A. That is correct.

1 Q. What is the purpose of maintaining a chain of
2 custody?

3 A. Well, if you don't maintain a chain of custody,
4 then it's subject -- the evidence is subject to having
5 been contaminated or altered or something bad happened
6 to where it has to be disposed of, so to maintain a
7 chain of custody ensures that the evidence from the
8 time it's been collected from a crime scene it's been in
9 that condition or state where it could be examined for
10 any particular evidence all the way to the point of
11 adjudication or court.

12 Q. And all of the items that we've referred to that
13 you've identified today, you -- you turned over sealed,
14 ready to be processed; is that right?

15 A. That is correct, sir.

16 MR. MOWRY: Okay. Thank you, Mr. Brown, that's
17 all the questions I have.

18 THE COURT: All right. Before we do cross, I'm
19 gonna take a brief five-minute break because I've been
20 here for -- y'all might not need one, but I need one,
21 so we're taking five minutes. Don't talk about the
22 case, adjourn to the jury room and we'll have you back
23 out here shortly. Thank you.

24 (The jury retires to the jury room.)

25 THE COURT: We're at ease.

1 (Recess taken.)

2 **BAILIFF:** All rise. Come back to order.

3 **THE COURT:** Thank you. Have a seat, please.

4 We'll go ahead break for lunch and take about an hour.

5 (The jurors return to the courtroom.)

6 **BAILIFF:** All jurors present, Your Honor.

7 **THE COURT:** All right. Let the record reflect
8 that the jury is back and seated. Ladies and gentlemen,
9 upon further reflection, because we're getting so close
10 to the lunch hour, it's probably better to go ahead and
11 take our lunch break. I'm gonna ask, if you could, be
12 back in the jury room at 2:00. That will give you about
13 an hour for lunch once you gather your things and you
14 get to your cars, so be back in the jury room at 2:00
15 and we'll resume with the cross-examination of Agent
16 Brown at that point in time.

17 Again, the same admonishment as yesterday for
18 lunch. Don't talk about the case with anyone you might
19 have lunch with. Y'all take care. I'll see you back at
20 2:00. Thank you much.

21 (Whereupon, a luncheon recess was taken.)

22 **THE COURT:** All right. We're off the record.

23 (Whereupon, a luncheon recess taken.)

24 **BAILIFF:** Let's all rise and come to order,
25 please.

1 **THE COURT:** Thanks. Please have a seat.

2 **MR. MOWRY:** Your Honor, if I could put on the
3 record just a couple of matters.

4 **THE COURT:** Certainly.

5 **MR. MOWRY:** As long as I took this morning, I'm
6 amazed that I missed some things, but there were three
7 photographs that I wanted to get Agent Brown to talk
8 about. Mr. Howe and I have talked about it and he
9 doesn't have any trouble with my reopening direct
10 examination. I think it will take all of two minutes.

11 **THE COURT:** All right.

12 **MR. MOWRY:** The other thing is that Mr. Howe and
13 I've discussed chain to try to shorten the witness list
14 just a little bit. There were two witnesses that were
15 purely chain witnesses; Jason Nelson, Todd Alexander.
16 They transported to and from SLED a certain number of
17 items. Mr. Howe has told me that he doesn't have any
18 trouble with stipulating to the chain.

19 He's also asked me about the Defendant's clothing
20 that is in a box in our office right now. I have no
21 trouble with chain on that if he intends to use it at
22 all. That's fine.

23 And, finally, there is chain -- actually a
24 little bit more than chain. Keith McIntosh, one of
25 the investigators, took the GSR from Shayla Gaines and

1 Mr. Howe has told me, and correct me if I'm wrong, Chip,
2 but you don't have any trouble with us just going ahead
3 and submitting that to the SLED agent. You know, we'll
4 talk about it to the jury, that chain is stipulated to,
5 and ask the analyst about it.

6 **MR. HOWE:** One question about that just to
7 clarify. I'm not changing my position.

8 **MR. MOWRY:** I'm sorry, Your Honor. There's
9 another witness, Vicki Cheek. She is with the coroner's
10 office and she would have been a purely chain witness,
11 picking up stuff from SLED and transporting it back.

12 **MR. HOWE:** Okay. We're good.

13 **THE COURT:** Mr. Howe, you agree to the
14 stipulations and you're okay with that, all that?

15 **MR. HOWE:** Yes, sir.

16 **THE COURT:** Good enough.

17 **MR. MOWRY:** And that will shorten things fairly
18 dramatically, Your Honor.

19 **THE COURT:** Agent, why don't you come on back up
20 here, and let's have the jury back in, please.

21 (The witness resumes the witness stand.)

22 **BAILIFF:** All present, Your Honor.

23 **THE COURT:** All right. The record should reflect
24 that the jury is back and seated. Ladies and gentlemen
25 of the jury, while you were waiting we did a few things;

1 one of which is concerning the chain of custody form.
2 It should actually cut down on the length of this trial
3 somewhat, so we weren't out here just twiddling our
4 thumbs.

5 I hope y'all had a good lunch, but we are
6 resuming with the examination of Agent Brown and the
7 State had a few more questions to ask of the agent
8 before we proceed with cross, so, Mr. Mowry, you may
9 continue.

10 **MR. MOWRY:** Thank you very much, Your Honor.
11 This will take just a couple of minutes.

12 CONTINUED DIRECT EXAMINATION

13 BY MR. MOWRY:

14 Q. Agent Brown, I wanted to ask you a couple of
15 questions regarding photographs you took of the victim's
16 truck at -- Mr. Ardis's truck at the impound lot. I'm
17 gonna hand you what have been marked as State's Exhibits
18 29, 30 and 31, and ask you if you recognize those?

19 A. Yes, sir, I do.

20 Q. What are those, please, sir?

21 A. These are duplicate photos of my crime scene
22 photos of individual items located inside the vehicle.
23 States' Exhibit 29 is what appeared to be in between the
24 seat, a card, an illustration of what appeared to be
25 some type of plastic card, in between one of the seats.

1 Q. Do you recall which one?

2 A. That I do not. There were two cards identified
3 from there. State's Exhibit Number 30 is a South
4 Carolina identification card for Ms. Shayla Jordan
5 Gaines and then there was also a South Carolina
6 driver's license located for a Mr. Bill Ardis, which
7 is illustrated in State's Exhibit 31.

8 Q. Do you recall where that card was located?

9 A. I believe -- Mr. Ardis's driver's license, I
10 believe, was over the sun visor part of the car.

11 Q. Okay. And Mr. Gaines' card?

12 A. In between the seats.

13 Q. Okay. But was it one of the front seats?

14 A. Yes, sir. There was only -- this truck had like
15 a bench seat and a small storage area just behind the
16 bench seat.

17 Q. Okay. And let me just ask you this. Would this
18 be the up and down on that one? I mean, is this the
19 top, if this was a picture frame, and that's the bottom?

20 A. Yes, sir. You can relate -- on the right of the
21 picture, you can see the seatbelt going up that would be
22 like a shoulder restraint.

23 Q. All right. Very good. So I'm gonna show you
24 that picture. This is 29, I'll publish that to the
25 jury, and that is the card you found between the seats?

1 A. Correct.

2 Q. Do you believe that is Ms. Gaines' card?

3 A. I can't be a hundred percent sure. I believe
4 it is. I know we located the two ID's that I spoke of
5 in the vehicle. I believe Mr. Ardis's, if I recall
6 correctly, we did retrieve his driver's license over the
7 sun visor, if I remember correctly, and then there was
8 the card that we found, which would be the other card,
9 Ms. Gaines', would be between the seat.

10 Q. And that is his driver's license; is that right?

11 A. It would appear so.

12 Q. Mr. Ardis's?

13 A. Yes, sir.

14 Q. And this is the identification from the
15 Department of Motor Vehicles for Ms. Gaines?

16 A. That is correct.

17 Q. All right, sir.

18 **MR. MOWRY:** And, Your Honor, I thank you. That
19 is all I have of this witness.

20 **THE COURT:** Mr. Howe.

21 **MR. HOWE:** Thank you.

22 CROSS-EXAMINATION

23 BY MR. HOWE:

24 Q. Agent Brown, first of all, the last thing you
25 showed, that was not a driver's license, it was just an

1 ID card. It even stated it wasn't a driver's license,
2 correct?

3 A. The -- for Ms. Gaines?

4 Q. Yes.

5 A. Correct, it's an ID.

6 Q. You probably know from experience people carry
7 IDs when they don't have a valid driver's license,
8 correct?

9 A. Typically, yes, sir.

10 Q. Yes, sir. And the -- you testified about some
11 knowledge of gunshot residue. In your experience and
12 your protocol, y'all are looking at a time frame of four
13 to six hours, correct?

14 A. Yes, sir.

15 Q. Okay. And you would agree that from 11 PM to
16 about 5 PM is how many hours?

17 A. 11 PM to 5 PM?

18 Q. Excuse me, to 5 AM.

19 A. Four, four and a half, five hours.

20 Q. 11 to 4 is?

21 A. Five hours.

22 Q. Okay. 11 to 5:30?

23 A. Five and a half, six --

24 Q. Six and a half maybe? 11:00 PM to 5:30?

25 A. AM?

1 Q. Yes, sir.

2 A. Six and a half.

3 Q. Six and a half. Thank you. Okay. Hopefully
4 we've got our math right. I appreciate it. Thank you.
5 Now the report that you gave, the actual written report
6 that we were provided a copy of, was dated in -- in
7 March of 2013, correct?

8 A. Yes, sir.

9 Q. Okay. And so that would have been from
10 November 8th of 2012 until November -- excuse me, until
11 March of 2013?

12 A. Yes, sir.

13 Q. The actual date on the report.

14 A. That's when the -- the date it's actually issued,
15 when it's submitted.

16 Q. Right. And even as late as that date, you still
17 were indicating that Marker 12 was shotgun -- was
18 wadding from a fired shotgun, correct?

19 A. What appeared to be, yes, sir.

20 Q. Okay. And then later on I think you learned that
21 it was not?

22 A. Just actually today was the first time I heard
23 that.

24 Q. Okay. Thank you. You learned that today?

25 A. Yes, just this morning.

1 Q. Thank you. The -- you testified that the
2 bathroom -- you went in the bathroom based on
3 information about Ms. Gaines either being sick,
4 et cetera, and you didn't see any indication of
5 anything like that in the bathroom, correct?

6 A. That -- that I could observe readily visible.

7 Q. Okay. But the bathroom did, in fact, contain a
8 sink or something where you could wash your hands,
9 correct?

10 A. Yes, sir.

11 Q. Some type of a toilet, correct?

12 A. Yes, sir.

13 Q. Some type of a tub, correct?

14 A. Yes, sir.

15 Q. Okay. All of those appeared to be in working
16 order, correct?

17 A. Yes, sir.

18 Q. You would also agree that in doing what you do --
19 and by the way, what you do is you basically go and
20 analyze what you think you need to get based on all the
21 information you have and then a lot of it, like the
22 swabs -- the swab for, for instance, the shotgun, that's
23 to turn over to a DNA person, correct?

24 A. Correct.

25 Q. All right. And the fingerprints that you talked

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Laurens County

Frank R. Addy, Circuit Court Judge

THE STATE,

V.

PHILLIP HEATH HOLLINGSWORTH,

APPELLANT

APPELLATE CASE NO. 2014-000903

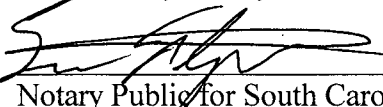
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Donald J. Zelenka, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 17th day of July, 2015.



Cruise Mitchell
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 17th day of July, 2015.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: October 30, 2022.

 ORIGINAL

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RESPONDENT,
SC Court of Appeals